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Administrative Practice and Procedure
Civil Aeronautics Board
Internal Revenue Service
Postal Rate Commission

Air Carriers
Civil Aeronautics Board

Air Pollution Control
Environmental Protection Agency

Animal Drugs
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Commodities Exchanges
Commodity Futures Trading Commission

Employment
Employment and Training Administration

Federal Buildings and Facilities
General Services Administration

Food Additives
Food and Drug Administration

Food Assistance Programs
Food and Nutrition Service

Food Grades and Standards
Agricultural Marketing Service

Handicapped
Architectural and Transportation Barriers Compliance Board

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

FEDERAL HOME LOAN BANK BOARD

12 CFR Parts 552 and 563b

[No. 83-149]

Conversions From Mutual to Stock Form

March 17, 1983.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule; solicitation of comments.

SUMMARY: The Federal Home Loan Bank Board ("Board"), under its authority and as the operating head of the Federal Savings and Loan Insurance Corporation ("FSLIC" or "Corporation"), is amending its regulations governing the conversion to the stock form of mutual institutions the accounts of which are insured by the Corporation ("insured institutions"). The amendments divide the Board's Conversion Regulations, 12 CFR Part 563b, into four subparts. In Subpart A the Board has amended its standard conversion regulations to allow converting insured institutions additional flexibility in structuring their conversions and to decrease the expense and time required for conversion. In addition, the Board is reducing certain restrictions on the operations of converted insured institutions. The Board also has determined to eliminate the test-case restriction on the conversion of insured institutions where the conversion will involve the establishment of a holding company, the acquisition of the converting insured institution by an existing holding company, or the merger of the converting insured institution with an insured stock institution. In Subpart B, the Board for the first time is permitting a converting insured institution to sell a controlling block of its stock to a third party or parties in connection with the conversion, and has specified the rules and procedures applicable to sale-of-control conversions. This option should provide converting institutions with an alternative that could in appropriate circumstances substantially increase both the feasibility of effecting their conversions and the amount of capital to be received thereby. In Subpart C, the Board also for the first time is specifying the qualifications for the rules and procedures applicable to voluntary supervisory stock conversions, in which an insured institution converts to the stock form without the consent of or participation by the mutual members. Finally, in Subpart D, the Board is establishing guidelines for modified conversions undertaken pursuant to Section 121 of the Garn-St Germain Depository Institutions Act of 1982, under which the Board may authorize a state-chartered insured institution, and order a Federally-chartered insured institution, to convert to the stock form without mutual member consent and with restrictions on the rights of mutual members set forth in the Subpart A standard conversion regulations.

The purpose of these regulations are to ease current restrictions on conversions, provide increased flexibility to converting insured institutions and their members, enable converting insured institutions to reduce the time and expense of conversion, and implement the Board's supervisory and modified conversion authority.

DATES: Effective April 11, 1983. Comments must be received by June 13, 1983.

ADDRESS: Send comments to Director, Information Services, Office of the Secretariat, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552.

FOR FURTHER INFORMATION, CONTACT: J. Larry Fleck (202) 377-6413, Deputy Director, Division of Securities and Corporate Analysis, Office of the General Counsel, Federal Home Loan Bank Board, at the above address.

SUPPLEMENTARY INFORMATION:

Subpart A—Standard Conversions

The principal amendments to the Board's current standard conversion regulations are the following: (1) Deletion of the authority of a converting insured institution to adopt a stock option plan for the converted insured institution; (2) addition of a mandatory provision that converting insured institutions shall not knowingly loan funds or otherwise extend credit to any person for the purchase of conversion stock; (3) elimination, on an optional basis, of the separate subscription offering if subscription rights issued in connection with the conversion may be exercised on a priority basis by delivery of order forms to the underwriters or selling group for the public offering or pursuant to any other procedure approved by the Board; (4) reduction of the term of the restriction against repurchases by a converted insured institution of its capital stock from ten years to three years; (5) reduction of the term of the restriction on payment of dividends by a converted institution from ten years to three years; (6) elimination of certain substantive provisions governing the contents of the appraisal of the capital stock of the converting institutions, provided that (a) the converting insured institution files with the Corporation as part of the institution's application all pricing material used by the independent appraiser in connection with the pricing of the capital stock to be issued in the conversion, and (b) the institution files with the Board any additional material with respect to the the pricing of the capital stock as the Board may request; (7) deletion of the requirement that the pricing materials be filed with the application for conversion if the converting insured institution does not intend to commence the subscription offering until after the special meeting of association members; (8) a provision permitting the payment of underwriting commissions or discounts with respect to shares of capital stock sold pursuant to the exercise of subscription rights if the plan of conversion provides for the sale of such stock through the underwriters or selling group; (9) elimination of the test-case restrictions on conversions in connection with the formation of a holding company, the acquisition of the converting institution by an existing holding company, or the merger of the converting institution with an existing insured stock institution; and (10) elimination of the restrictions on the adoption of anti-takeover charter amendments by converted insured institutions.

The Board's last major revisions to the Conversion Regulations were adopted on April 28, 1982, pursuant to Resolution No. 82-311 (47 FR 19672), and on February 10 and February 18, 1983, pursuant to Resolution Nos. 83-74 (48 FR 7432) and 83-91 (48 FR 8429), respectively. These amendments eased unnecessary restrictions to allow converting institutions greater flexibility in structuring their conversions. At that time, the Board perceived that intra-industry acquisitions and corporate reorganizations would benefit individual converting insured institutions and the savings and loan industry. The Board therefore determined to permit on a test-case basis complex, multi-party conversions.

Since the adoption of these amendments, the Board has continued to review its Conversion Regulations to determine what further measures, if any, it could take to further relieve converting insured institutions of unnecessary regulatory burdens and, also, to identify those procedures or rules that have not survived the test of time. The Board believes that it has identified several further instances in which the provisions of the current conversion regulations may be further amended without disturbing the balance reflected in the current regulations between the benefits to an institution of flexibility in structuring its conversion and the rights of the institution's members to participate in the conversion process.

The particular regulations being adopted by the Board are discussed in more detail below.

Stock Option Plans

Current § 563b.3(d)(11) permits a converting insured institution to adopt a stock option plan for the converted insured institution, and specifies the requirements of such a plan. The Board has concluded that a stock option plan is a matter of interest and concern to the stockholders of the converted institution rather than to the mutual members of the converting institution and should not be imposed upon the future stockholders by the mutual members. Therefore, the Board is deleting the current authorization in § 563b.3(d)(11). Converting insured institutions would continue to be required under general disclosure principles to make full disclosure in their proxy statements and offering circulars of any stock option plans that will be proposed to the stockholders following completion of the conversion.

Loan of Funds to Purchase Stock

The Board is adding new § 563b.3(c)(22) to confirm its policy that a converting insured institution is not permitted to knowingly loan funds or otherwise extend any credit to any person for the purpose of purchasing conversion stock.

Subscription Offering

The Board's current regulations permit a converting insured institution to commence its subscription offering and, provided that the subscription offering has commenced, to commence its public offering or direct community offering concurrently with the mailing of the proxy statement to association members. In addition, a converting insured institution may close the subscription offering prior to the meeting of the association members, provided that all offers or sales of conversion stock are conditioned upon the approval of the plan of conversion by the association members. In view of this compressed procedure, which permits converting institutions to have simultaneous subscription and public offerings of the conversion stock, the Board believes that it is no longer necessary for the converting institution to hold a separate subscription offering, provided that appropriate procedures are implemented to ensure that subscribers have the right to acquire conversion stock from the underwriters or selling group on a priority basis. The Board believes that elimination of a separate subscription offering should reduce conversion expenses. The optional subscription procedure will allow a converting institution, if it so desires, to employ the underwriter(s) and selling group for the public offering of any unsubscribed shares to assist in selling shares to members with subscription rights.

Although this option would increase the conversion underwriting commissions and fees since they would be applicable to all shares sold in the conversion, and not just those sold in the public offering phase, it is anticipated that converting institutions will negotiate for substantially lower underwriting commissions and fees for shares sold to members exercising subscription rights compared to those for shares sold to the public, since members are likely to have more loyalty to the institution than unrelated investors, and are more likely to purchase shares of the conversion stock. Accordingly, the Board is adopting new section § 563b.3(d)(12) to provide that, instead of a separate subscription offering, a converting institution may include a provision in its plan of conversion that the conversion shares will be simultaneously offered to subscribers and the public, but that each person entitled to subscription rights will be notified that orders for stock shall first be filled, in the order of priority set forth in § 563b.3, by orders of persons who receive and exercise subscription rights, after which orders for the public will be filled.

In connection with this amendment, the Board is also amending § 563b.7(e) to allow underwriting commissions or discounts with respect to capital stock sold by the underwriters or selling group pursuant to the optional provision of § 563b.3(d)(12). In addition, the Board is amending §§ 563b.3(d) (1), (6), and (7), in order to make them consistent with the intent of the Board when it adopted those provisions on April 28, 1982.

As noted above, § 563b.3(d)(1) permits a converting insured institution to commence the direct community offering or the underwritten public offering concurrently with the mailing to the association members of the proxy statement for the special meeting to consider the plan of conversion. However, the term "concurrently" makes the regulation too restrictive. The Board has no obection to the commencement of the direct community offering, or the underwritten public offering, or both, at any time after the mailing of the proxy statement, and § 563b.3(d)(1) is being amended to clearly permit that procedure. Section 563b.3(d)(1) also is being amended to confirm the permissibility under the current regulations of a direct community offering during a subscription offering or an underwritten public offering. Some converting insured institutions have found it beneficial to offer the conversion stock to current depositors who are not entitled to subscription rights and other members of the public during the subscription offering, and the amendment will make clear that there is no objection to that procedure. Finally, § 563b.3(d) (6) and (7) are being amended to clarify the fact that the written communication provided to voting members and former members entitled to subscription rights to request an offering circular is not required to be actually attached to the proxy statement or notice of conversion but may be mailed separately by the converting insured institution on a date after the mailing of the proxy statement or the notice of conversion.

Restrictions on Stock Repurchases and Dividends

The Board has determined to ease restrictions on stock repurchases and dividends by a converted institution. Current § 563b.3(g)(1) provides that no converted institution shall for a period of ten years repurchase any of its capital stock from any person except in the case of a repurchase, on a *pro rata* basis, pursuant to an offer approved by the Corporation made to all shareholders of the institution, and except for the repurchase of qualifying shares of a director. Similarly, current § 563b.3(g)(3) provides that, without the prior approval of the Corporation, no converted insured institution shall, for a period of ten years after the date of its conversion, declare or pay a cash dividend on, or repurchase any of, its capital stock in an amount in excess of one-half of the greater of the institution's net income or the average of such net income for the current fiscal year and not more than two of the immediately preceding fiscal years.

As a matter of policy and in view of the rapidly changing nature of the thrift business, the Board does not believe it necessary to continue to impose upon converting insured institutions provisions that restrict redemptions or the payment of dividends for such a significant period of time. Therefore, the Board is reducing these restrictions from a ten-year to a three-year period following the date of conversion.

Valuation Requirements

Under the Board's current regulations, a converting institution is required to sell all of its conversion stock at a price equal to the *pro forma* market value of the conversion stock, which is determined on the basis of an independent valuation. Among other things, current § 563b.7(f) requires that extensive detailed pricing materials be prepared by an independent appraiser and filed with the Corporation for its review, often resulting in the preparation and filing of pricing materials with hundreds of pages, most of which provide relatively standard information, and very substantial appraisal fees and expenses.

In light of the experience that the Board has gained as a result of reviewing conversion appraisals, the Board has determined that the current appraisal procedure requires the submission of greater detail and entails greater expense than is required to safeguard the rights of association members and to ensure that the conversion stock will be sold at a price that is fair and equitable to the converting institution and its members. The documentation required under the current appraisal procedure exceeds in detail any documentation generally required or used in the investment banking industry in connection with other initial offerings of stock, which is essentially what a conversion constitutes. In short, the Board believes that it is in a position to review the pricing of future conversions without requiring lengthy and detailed appraisals that in large part merely recount information that is readily available to the Board from internal sources.

Accordingly, the Board is amending § 563b.7(f) to eliminate requirements the Board believes have resulted in appraisals of unnecessary length and detail. As a result of this amendment, the Board expects that future appraisals will be a fraction of their current length and that appraisal fees will be either substantially reduced or, as is the case in other initial public offerings, eliminated since the pricing function in public offerings is generally part of the services provided by the underwriter(s), who is by definition an expert in corporate appraisal, in connection with pricing negotiations with the issuer. Management of a converting insured institution may, of course, continue to retain an appraiser independent of the underwriter(s) if they so desire, but this amendment will permit them to eliminate the substantial expense of a detailed independent appraisal and to rely on the pricing decision reached through negotiations with the underwriter(s) for the institution's public offering, subject to review by the Board. Converting institutions that will not engage an underwriter and will market the unsubscribed shares in a direct community offering will continue to be required to retain for the preparation of the greatly reduced pricing materials an independent appraiser who is experienced and expert in the area of corporate appraisal and acceptable by the Corporation, as required under § 563b.7(f)(1)(i). In addition, it is provided in § 563b.7(f)(3) that the converting institution is required to file any additional pricing material that may be required by the Corporation.

The Board also is amending § 563b.7 (a), (c), and (d), and is making conforming amendments to other regulations, to provide that a converting insured institution is not required to file pricing materials with the Corporation prior to approval of the application, or to provide an estimated subscription price range in the proxy statement, if the institution will not commence its subscription offering before the special meeting of the association members. When an institution does not plan to immediately market its stock, the pricing information in the proxy statement may not bear a significant relationship to the final price established to reflect market reality on the date the stock actually is sold. A converting insured institution which chooses not to secure an appraisal until a decision to market its stock has been made will be required under general disclosure principles to discuss in its proxy statement the methodology that will be used in determining the valuation of the institution.

Holding Company and Merger Conversions

Current § 563b.9 authorizes an insured institution to convert to stock form as part of a transaction in which a holding company is organized to acquire all of the capital stock of the converted institution. Similarly, current § 563b.10 authorizes an insured institution to convert to stock form as part of a transaction in which an existing holding company acquires all of the capital stock of the converted institution or in which the converting institution merges with an existing insured stock institution. However, under the current regulations, applications for approval of these are conversions accepted by the Corporaton on a test-case basis only.

The Board believes that such conversions need no longer be restricted to test cases. Accordingly, the Board is deleting paragraphs (b) and (c) of § 563b.9 and paragraphs (d) and (e) of § 563b.10. In addition, the Board is amending paragraphs (a) of §§ 563b.9 and 563.10 to eliminate provisions that the Board considers to be redundant as a result of the existing requirement that such conversions comply with all provisions of Part 563b, unless clearly inapplicable. Also, the Board is amending § 563b.10(c) to confirm that a merger conversion may be structured as a type of reverse merger, *i.e.*, the merger of a stock institution into a converting mutual institution.

Anti-takeover Provisions

As it did when it adopted the April 28, 1982 amendments to its Conversion Regulations, the Board has reassessed its position regarding the adoption by converted insured institutions of charter provisions that inhibit the acquisition of controlling interests in the stock of those institutions. On the one hand, restrictive stock acquisition or anti-takeover provisions can hamper the free operation of market forces, can lead to reduced investment options and result in

the misallocation of capital resources, can restrict the ability of stockholders to secure the highest return on their investment, and may tend to insulate management from the consequences of inadequate performance. On the other hand, there are legitimate institutional and stock holder concerns that may be advanced by the adoption of such provisions. Moreover, the Board's current practice of prohibiting the adoption of any charter provision regarding the acquisition of the stock of a converted insured institution other than that permitted at § 563b.3(i)(7), which prohibits offers to acquire and acquisitions of over ten percent of the stock of the institution by any person, has the ironic effect of restricting the right of stockholders to propose and adopt lawful governing rules for their institutions. Also, the Board recognizes that anti-takeover provisions rarely deter the determined acquiror, who may almost always depend on stockholders to act in their ultimate economic self-interest.

On balance, the Board believes that it should no longer impose its broad authority in this area. There currently is no federal statutory or regulatory corporate law governing restrictive stock acquisition charter provisions, and the Board does not believe that it necessarily is the best or the only forum for the consideration of the complex public policy and legal issues that, in this particular context, traditionally have been resolved at the state level. The status of the law is very fluid even there, but it is there that decisions which are authoritative will be made.

Therefore, the Board is amending § 563b.3(i)(7) to provide that a converted institution may adopt at any special or annual stockholders meeting any provisions regarding the acquisition of its capital stock that is permitted to be adopted by corporations chartered under the laws of the state in which the principal office of the converted insured institution is located. In addition, the Board is amending the former optional anti-take-over provision for federally-chartered insured institutions at § 552.4(b) to provide that it can be included in a converting institution's charter only so long as it terminates no later than one year after completion of the conversion. Federally-chartered insured institutions which seek to amend their charters to include such provisions shall do so pursuant to the normal charter amendment procedures. The Board expects to require before it approves an application by a federally-chartered insured institution to amend its Charter S to include a restrictive stock acquisition provision the submission by the applicant of an opinion of independent counsel that the charter provision would be lawful under the laws of the state in which its principal office is located.

Miscellaneous, Technical and Conforming Amendments

1. 12 CFR 563b.1 (a) and (c) are revised to reflect that the Board may take action under Part 563b pursuant to its own authority or as the operating head of the Corporation.

2. 12 CFR 563b.3(a) is amended to delete general principles for conversion that are unnecessary to state in view of the Board's detailed regulations governing conversions.

3. 12 CFR 563b.3 (c)(6), (c)(10), and (d)(3) are amended to refer to subscription rights instead of the subscription offering.

4. 12 CFR 563b.3(c)(9) is amended to delete the reference to § 563.8–1(d)(3)(i), which previously had been deleted by the Board from its Insurance Regulations.

5. 12 CFR 563b.3(i)(5)(iii) is amended to provide that the one-year post-conversion prohibition against the offer for or purchase of more than ten percent of the stock of a converted insured institution does not apply to a transaction undertaken pursuant to §§ 563b.9 or 563b.10.

6. 12 CFR 563b.5(b) is amended to provide that the proxy statement must be mailed within ten days after it has been authorized for use by the Corporation, unless an extension is granted in writing by the Corporation. This amendment conforms to a requirement that the Board formerly had imposed as a condition to approval of applications for conversion.

7. 12 CFR 563b.7 (a), (b), (c)(3), (g), (h), (k), and (c)(3) are amended to reflect the fact that it is no longer necessary to hold a separate subscription offering.

8. 12 CFR 563b.7(k) is amended to state that post-effective amendments to subscription offering circulars shall be filed under an amendment to the application for conversion.

9. 12 CFR 563b.8(w)(2) is amended to provide for the delegation of authority to the Board's General Counsel to approve applications for conversions pursuant to §§ 563b.9 and 563b.10.

10. Paragarph (d) of Exhibit 2 of Form AC is deleted to reflect the fact that stock option plans cannot be adopted by the association members in connection with a conversion.

11. Item 7 of Form AC, which requires that an application for conversion set forth the savings account balances of the converting insured institution's management, is deleted since under the amendments adopted by the Board on April 28, 1982, subscription rights are only rarely based on account balances.

12. Exhibit 5 to Form AC is amended to reflect that pricing materials are not required to be filed with the application unless the subscription offering will commence prior to the meeting of association members.

13. Items 8(d), 8(g), and 8(i)(1) of Form PS are amended to reflect the fact that it is no longer necessary to hold a separate subscription offering.

14. Items 8(e) and 8(f) of Form PS are amended to reflect that an appraisal is not required unless the subscription offering is to commence prior to the meeting of association members.

15. Item 8(h)(1) of Form PS is amended to reflect the deletion by the Board on April 28, 1982, of the agreement with the Corporation formerly at § 563b.3(i).

16. Item 12 of Form PS is deleted to reflect the fact that association members cannot adopt a stock option plan in connection with a conversion.

17. Items 2, 5, and 6 of Form OC is amended to reflect the fact that it is no longer necessary to hold a separate subscription offering.

Subpart B—Sale-of-Control Conversions

Since the adoption by the Board in 1974 of the basic structure of the Board's Conversion Regulations, the Board has imposed restrictions on the amount of stock that may be acquired by any one person in connection with a conversion. Current § 563b.3(c) (6)(i) generally limits purchases by any person in the public offering or the direct community offering to an amount of shares not exceeding five percent of the total offering of shares. The same restriction applies to subscribers under § 563b.3(c)(7). Under § 563b.3(d)(5), the plan of conversion may increase this limit to a percentage less than ten percent of the total offering, provided that orders for conversion stock exceeding five percent of the total offering do not exceed in the aggregate ten percent of the total offering. Finally, under paragraph (c)(8) of § 563b.3, the total number of shares which officers and directors of a converting institution and their associates may purchase in the conversion is limited to a percentage which, depending upon the size of the institution, ranges from 25 percent to 35 percent of the total offering.

The effect of these restrictions has been to prevent an insured institution to convert in connection with a transaction in which a person or group of persons acquires control of the institution. The adoption of § 563b.10 has somewhat

eased this restriction, by permitting an insured institution to convert in connection with a transaction in which the institution is acquired by an existing holding company or merged with an existing insured stock institution. However, these provisions limit the potential pool of persons who might make substantial capital investments in converting institutions.

The Board has concluded that, in order (1) to further increase the flexibility of the conversion process, (2) to grant to members of insured mutual institutions rights of corporate governance similar to those of stockholders in a stock corporation, and (3) to substantially increase the potential sources of capital for converting institutions and the capital received by those institutions, it should permit association members, if they so desire, to vote to sell a controlling stock interest in the institution to a third person or persons in connection with a conversion. The Board believes that this option will more fully recognize the equity rights of members of mutual insured institutions, while substantially expanding the potential pool of capital that might be invested in converting institutions by making investment opportunities available to those persons who would make investments only if they could acquire control. The Board believes that this is an especially important objective in view of the substantially increased number and dollar volume of conversions that recently have been and will be competing for public market equity funds. Accordingly, the Board has adopted new Subpart B of its Conversion Regulations to permit a sale-of-control conversion if the conversion is approved by a majority of the outstanding votes of the converting institution and if the sale of control is subjected to a process that is designed to ensure that the institution will receive a significant premium for the sale of that control.

Under the new sale-of-control conversion regulations, any qualified person or persons, including members of management of an insured institution, can make an offer to acquire all or any portion of the stock of the institution upon its conversion for a price equal to the *pro forma* market value of the stock, determined in the manner prescribed for standard conversions under Subpart A, plus a premium to reflect the fair market value of the control represented by such shares. In addition, the sale-of-control conversion regulations subject such an offer to a series of checks and balances that the Board believes will adequately protect the institution and ensure the greatest possible control premium in the event of a sale-of-control conversion.

First, no sale-of-control conversion may be initiated unless an offer has been made to and approved by two-thirds of an insured institution's board of directors. This requirement both protects the institution against inadequate or inappropriate offers and gives the board of directors an opportunity to negotiate for the highest possible control premium. Also, of course, it preserves the absolute right of the board of directors of an insured institution to determine in its sole discretion whether to convert from the mutual to the stock form.

Second, in the event a sale-of-control offer is approved by the board of directors, the institution is required to immediately and widely distribute a press release setting forth the principal terms of the proposed sale-of-control conversion in order to notify any person or persons who might wish to make a competing bid. Thereafter, any and all interested persons may make competing offers to acquire control of the converting institution, provided the offers are approved by the Corporation in the same manner that the original sale-of-control offer had to be approved by the Corporation. Moreover, once a competitive bid has been accepted for filing by the Corporation, management of the converting institution is prohibited from cancelling or otherwise postponing the meeting of associations members originally called to vote on management's proposal. The Board believes that the potential for competing bids will help ensure that offers to acquire control will include appropriately significant control premiums. A sale-of-control conversion should, therefore, increase the amount of equity to be received by the converting institution over the amount that it would have received in a standard conversion.

Third, the sale-of-control conversion regulations contain detailed provisions that are designed to ensure that there is full and fair disclosure to members of the insured institution regarding all material facts relating to each sale-of-control offer and each competing offeror. The sale-of-control conversion regulations also provide a procedure requiring management to distribute competing offers to all members of the converting institution.

Fourth, both the price at which the insured institution's stock is to be sold in the conversion and the control premium must be supported by a fairness opinion that will be approved by the Corporation before approving the application.

Finally, a sale-of-control conversion offer must be approved by a majority of the outstanding votes of the institution after distribution of detailed proxy material to all members of the institution.

The following discussion summarizes in more detail the principal provisions of the Board's new sale-of-control conversion regulations.

Definitions

New § 563b.11 sets forth additional definitions applicable to sale-of-control conversions. Under these definitions, a sale-of-control conversion shall include any conversion of an insured institution from mutual-to-stock form pursuant to a plan of conversion which provides for the acquisition of control of the converting institution by any person. For purposes of new Subpart B, control shall be deemed to exist if any person directly or indirectly, or through one or more subsidiaries, owns, controls, or holds with power to vote, or holds proxies representing, ten percent or more of the voting shares of an insured institution, or controls in any manner the election of the majority of the directors of the institution. However, control shall not exist under the Conversion Regulations as the result of the acquisition of shares of the converting insured institution pursuant to a plan of conversion that complies with the provisions of Subpart A. As a result, management acquisition of shares of a converting insured institution within the limitations set forth in Subpart A shall not be deemed to be the acquisition of control under Subpart B.

For purposes of the sale-of-control conversion regulations, a person who acquires control of the converting institution is deemed to be an acquiring person. In addition, any person together with any associate or group of persons acting in concert for the purpose of acquiring shares of capital stock in connection with the conversion shall be deemed to be an acquiring person for purposes of Subpart B.

Principles Applicable to a Sale-of-Control Conversion

New § 563b.12 sets forth the general principles applicable to a sale-of-control conversion. This section provides that an insured institution may convert to stock form pursuant to Part 563b as part of a transaction in which the converting institution enters into a binding agreement with any person pursuant to which that person will acquire control of the converting institution. In connection

with a sale-of-control conversion, eligible account holders, supplemental eligible account holders, and voting members will receive subscription rights to purchase shares of capital stock not required to be sold pursuant to the agreement with the acquiring person. A sale-of-control conversion is required to comply with all the provisions of Subpart B and, unless clearly inapplicable, all of the requirements of Subpart A of Part 563b.

Additional Requirements for Sale-of-Control Plans of Conversions

Under a plan of conversion providing for the sale of control, the converting institution and the acquiring person must enter into a binding agreement providing for the sale to and purchase by the acquiring person of a specified percentage of the conversion stock (including any percentage from ten percent to one hundred percent) or a specified dollar amount of the conversion stock. If the plan of conversion provides for the sale of a specified percentage of the conversion stock to the acquiring person, the acquiring person shall be obligated to purchase that percentage of the conversion stock at the public offering price, plus a control premium to represent the fair market value of the control being sold. If the plan of conversion provides for the acquisition of a specified dollar amount of the conversion stock, the acquiring person shall be obligated to acquire that amount at the public offering price, plus a specified control premium. The control premium shall be stated as a percentage of the *pro forma* market value of the converting insured institution's capital stock in the absence of sale of control.

In order to permit a converting institution and an acquiring person to enter into a binding agreement with respect to the sale of control, the plan of conversion shall be required to provide that subscription rights, if any, of eligible account holders, supplemental eligible account holders, and voting members shall be subordinated to the rights of the acquiring person to acquire capital stock of the converting institution.

Because of the possibility that the market for the public shares of an insured institution converting in a sale-of-control conversion will be limited, the Board has determined that the sale of the public shares may be made through an underwriter or directly to the community, or in any other manner, subject to the applicant demonstrating the feasibility of the method of sale. In connection with the offering of the public shares, the Board will not impose a condition requiring orders to be filled up to a maximum of two percent of the conversion stock and thereafter on an equal-number-of-shares basis per order or a condition requiring the stock to be offered and sold in a manner that will achieve the widest distribution of the stock. The Board has determined that such conditions would serve little or no purpose in connection with a sale-of-control conversion.

The Board further considers it appropriate to impose restrictions on the purchase of the capital stock of the converted institution by the acquiring person for a period of three years following the conversion. This restriction will prevent an acquiring person from acquiring more than one percent of the outstanding capital stock of the converted institution in any three-month period during such three-year period, except with the prior written approval of the Corporation. This restriction is designed to ensure the integrity of the conversion process and prevent the acquiring person from acquiring additional shares without paying the control premium.

Finally, a sale-of-control plan of conversion is required to provide that no acquiring person shall receive, or be entitled to, subscription rights in connection with the conversion, and no acquiring person shall be permitted to purchase any shares in connection with the conversion other than the shares required to be issued to the acquiring person pursuant to the plan of the conversion. These restrictions are also intended to prevent the acquiring person from acquiring shares of conversion stock without paying the control premium.

Additional Notice Requirements

New § 563b.14 sets forth additional notice requirements for a sale-of-control conversion. Under these provisions, the notice required to be given to the members of a converting institution pursuant to § 563b.4(a) (3) and (4) is required to include information intended to fully apprise the members of certain basic facts with respect to the sale-of-control conversion. These include (1) the name of the acquiring person; (2) a brief description of the business of the acquiring person; (3) a brief description of the terms and conditions of the sale-of-control conversions; (4) a statement that, pursuant to the Board's regulations, and as an alternative to the sale-of-control conversion, the converting institution could seek approval to convert to stock form in a manner that would prohibit the sale of control to any person; and (5) a statement with respect to the obligations of the converting institution to mail proxy statements and proxies or other communications on behalf of any person(s) who may propose a competing offer to acquire control. In addition, the notice will be required to include a statement that the proposed sale-of-control plan of conversion must be approved by at least a majority of the votes eligible to be cast either in person or by proxy by association members at a meeting at which the plan will be submitted for their approval.

Simultaneously with the publication of the notice, the converting insured institution is required to widely disseminate a press release concerning the proposed sale-of-control conversion. The press release must be issued on an "immediately release" or "not held" basis to the principal news source of the financial community and to a newspaper having general circulation in each community in which an office of the insured institution is located. This requirement is intended to ensure that the availability of control of the converting insured institution is made known to persons who might wish to make a competing bid for control of the institution.

Record Date and Notice Requirements in Connection with Sale-of-Control Conversions

Because the Board contemplates that sale-of-control conversions will be subject to competitive bidding, it has been necessary to adopt special record date and notice requirements for the meeting of members called for the purpose of obtaining approval of a sale-of-control conversion. In the event a competing bid is made for a converting institution, the meeting date of members to consider the competing bids is automatically set on a date 70 days from the date notice of the meeting to consider management's sale-of-control plan of conversion is first sent or given to members. Because of this requirement, the Board has adopted new § 563b.15(a) to provide that the record date for determining those persons eligible to vote at any meeting called to consider a sale-of-control plan of conversion shall be not more than 85 days nor less than 70 days prior to the date of such meeting. For the same reason, paragraph (b) of § 563b.15 provides that notice of such meeting shall be given not more than 70 days nor less than 45 days prior to the date of the meeting of each member of the converting insured institution entitled to vote at the meetings.

Sale-of-Control Bids

The Board's sale-of-control conversion regulations contemplate that all sales of control of converting insured institutions will be subject to competitive bidding. Accordingly, new § 563b.16 provides that any person (defined therein as a "proponent") may present a sale-of-control plan of conversion to a vote of the members at any meeting of members of the converting institution called by management of the institution to vote upon any other sale-of-control plan of conversion. Adoption by the members of a sale-of-control plan of conversion will constitute a binding agreement providing for the sale to and purchase by the proponent of a specified percentage of the conversion stock or a specified dollar amount of conversion stock.

Paragraphs (b) and (c) of § 563b.16 set forth the approval and procedural requirements for sale-of-control plans of conversion of proponents, and provide, among other things, that (1) no sale-of-control application for conversion of the proponent shall be accepted for filing by the Corporation unless such application is filed within 20 days of the date that the proxy statement of management of the converting institution is first sent or given to members; (2) a proponent may omit from its application for conversion or proxy statement any information contained in any other application for conversion filed with the Corporation or any other proxy statement which has been or will be furnished to members in connection with the meeting of members to approve the plan of conversion if a reference is made to the particular document containing such information; and (3) on the date a proponent files its application for conversion with the Corporation, the proponent shall hand-deliver a copy of such application to the converting institution at its home office and to any other offeror or proponent.

Paragraph (d) of § 563b.16 implements the requirement that the acceptance for filing by the Corporation of an application for a sale-of-control conversion of any proponent shall automatically extend the date for the holding of the meeting of members called to approve the plan of conversion approved by management of the converting institution to a date 70 days following the date on which notice of such meeting was first given.

New § 563b.17 sets forth the requirements for the inclusion in management's proxy statement of a brief summary of all competing proposals and the mailing by the coverting institution of proxy statements regarding all competing proposals to members of the institution. Paragraph (a) requires management to include a proponent's sale-of-control plan of conversion in its form of proxy if the proponent submits its proposal to the converting institution within 20 days of the date on which the institution's press release concerning management's proposed sale-of-control conversion is first released to the public under § 563b.14(c), provided that prior thereto, the proponent has filed with the Corporation a plan of conversion, a preliminary proxy statement, and a preliminary form of proxy.

The converting insured institution is not required to submit a competing sale-of-control proposal to the vote of the members at the meeting called to consider the plan of conversion unless the proponent or its representative presents the proposal at the meeting and the proponent's plan of conversion has been approved by the Corporation.

Additional Disclosure Requirements

Under new § 563b.16, any proxy solicitation material and any offering circular shall be required to contain certain information which the Board considers to be material to the voting and investment decisions of the converting institution's members. This information is similar to the information required with respect to tender offers for the shares of publicly-held corporations, including: (1) information with respect to the identity and background of the acquiring person; (2) information with respect to past contacts, transactions, or negotiations between the acquiring person and the converting insured institution; (3) information with respect to the source and amount of funds or other consideration to be used by the acquiring person to purchase stock of the converting institution; (4) information with respect to the purpose of the acquisition of control and the plans or proposals of the acquiring person with respect to the converting insured institution; (5) information with respect to the effect of a sale-of-control conversion; (6) information with respect to persons retained, employed or to be compensated by the acquiring person to make solicitations or recommendations in connection with the conversion; (7) certain financial information with respect to the acquiring person; and (8) any other information which is material to a member's decision whether to acquire shares of stock in the conversion or to approve the sale-of-control conversion.

Additional Requirements of Sale-of-Control Applications

Under new § 563b.17, an application for conversion in connection with a sale-of-control conversion shall be required to include certain additional information and documents as exhibits to the Form AC. Most significantly, the applicant is required to submit to the Corporation: (1) a fairness opinion signed by persons independent of the converting insured institution and the acquiring person, experienced and expert in the area of corporate appraisal and acceptable to the Corporation, to the effect that the terms and conditions of the proposed conversion are fair and equitable to the converting institution and to its members; (2) any filings which are required in connection with the sale of control under the Change-in-Control Act or the Savings and Loan Holding Company Act; and (3) information with respect to any competing offers received by the converting insured institution within one year of the filing of the application for conversion which were rejected by the management or the board of directors of the converting institution. The Board believes that in view of the risks presented by sale-of-control conversions, it is essential that the fairness of the transaction be passed upon by experts who are independent of the institution and the acquiring person. In addition, the Board believes that the application for a sale-of-control conversion must be reviewed by the converting insured institution's members in light of all other competing proposals that the institution has received and rejected.

In addition to the foregoing documents, an applicant for approval of a sale-of-control conversion shall be required to file with the Corporation (1) any stock purchase agreement between the converting institution and the acquiring person; (2) any loan agreement under which the acquiring person will fund the purchase of shares of conversion stock; and (3) any document setting forth the terms of any contracts, arrangements, understandings, or relationships between the acquiring person and the converting insured institution.

Subpart C—Voluntary Supervisory Stock Conversions

Pursuant to the authority granted it under Section 5(i) of the Home Owners' Loan Act of 1933 ("HOLA"), 12 U.S.C. 1464(i), and Section 402(j) of the National Housing Act ("NHA"), 12 U.S.C. 1725(j), and consistent with applicable constitutional provisions, the

Board has the power to authorize in certain circumstances the supervisory mutual-to-stock conversion of an insured mutual institution. A supervisory conversion is one in which the association members have no right of approval or participation, and upon completion of which the association members have no continuing legal or beneficial ownership interest in the converted insured institution. The Board's power under Section 5(i) of the HOLA and Section 402(j) of the NHA arises when, at a minimum (1) as to a federally-chartered mutual insured institution, the Board has the power to appoint a receiver for the purpose of liquidation, or, as to a state-chartered mutual insured institution, when the conversion is authorized under state law and the Board would have the power to appoint a receiver for the purpose of liquidation were the institution federally chartered, and (2) upon such liquidation there would be no equity value realizable to the association members.

Section 121 of the Garn-St Germain Depository Institutions Act of 1982, Pub. L. 97-320, 96 Stat. 1493 (October 15, 1982), which amends section 5 of the HOLA by adding paragraph (p), to be codified as 12 U.S.C. 1464(p), affirms the Board's inherent power to authorize supervisory conversions to facilitate the rehabilitation of insured institutions by empowering the Board for a three-year period after enactment of new section 5(p) to preempt federal law and state law and state constitutional provisions to authorize, and in the case of a federally-chartered insured institution to order, the conversion of an insured institution if (1) the institution is in receivership, or (2) the Corporation has contracted to provide assistance to the institution, or (3) the Board has determined that severe financial conditions exist which threaten the stability of the institution and that the conversion is likely to improve the financial condition of the institution.

The Board has approved numerous supervisory conversions (most of which involved the merger of mutual insured institutions into existing stock insured institutions) under its section 5(i) and section 402(j) powers. New section 5(p) of the HOLA increases the Board's authority since action by the Board preempts otherwise applicable state and federal law. In addition, section 5(p) significantly expands the range of the Board's supervisory authority in regard to conversions because the criteria for authorizing a section 5(p) conversion in a supervisory context are much less restrictive than those set forth in the first paragraph above in the discussion of new Subpart C. However, the Board has determined at this time to limit voluntary supervisory conversions under Subpart C to insured institutions that meet the criteria established by the Board for supervisory conversions under sections 5(i) and 402(j), as well as the criteria of section 5(p). When an insured institution does not meet the former criteria, but does meet the latter criteria, it may be qualified for a modified conversion, which is set forth in new Subpart D of Part 563b,or a conversion under § 563b.1.

New Subpart C governs voluntary supervisory stock conversions only, *i.e.*, supervisory conversions which are authorized or ordered by the Board pursuant to a plan of conversion adopted by a majority of the board of directors of the converting insured institution, and which involves the issuance of stock to a third person or persons. The Board will continue to exercise its power to authorize and order non-voluntary supervisory merger conversions and stock conversions on a case-by-case basis.

Qualification for Supervisory Conversion

Under § 563b.23, the Board may authorize, and in the case of a federally-chartered insured institution may order, the supervisory conversion of an insured institution when (1) as to a federally-chartered insured institution, the Board has the power to appoint a receiver for the purpose of liquidation, or, as to a state-chartered insured institution, the Board would have the power to appoint a receiver for the purpose of liquidation were the institution federally-chartered; (2) upon liquidation there would be no equity value realizable by the mutual accountholders; (3) the criteria of section 5(p) of the HOLA are met; and (4) the insured institution would be a viable entity following the supervisory conversion. For the purpose of Subpart C only, an insured institution may be found to be a viable entity following a supervisory stock conversion if the Board determines that its post-conversion net worth (1) would meet regulatory net-worth requirements, and (2) would be reasonably sufficient to cover projected operating losses for a period of not fewer than three years after the date of completion of the supervisory conversion without application of appraised equity capital or net worth certificates.

While the existence of any of the grounds set forth in section 5(d)(6)(A) of the HOLA for the appointment by the Board of a receiver for the purpose of liquidation will satisfy the first qualification standard of § 563b.23, a Board finding of insolvency also would satisfy the first requirement of section 5(p) that severe financial conditions exist which threaten the stability of the institution. The requirement established in § 563b.23(d) that the converted institution be a viable entity following conversion would satisfy the second requirement of section 5(p) that the supervisory conversion would be likely to improve the financial condition of the institution.

Procedure

Section 563b.28(a) provides that an insured institution which seeks approval of a supervisory stock conversion shall file an original and two copies of its supervisory conversion application with the Principal Supervisory Agent ("PSA") of the appropriate Federal Home Loan Bank and one copy with the Board's Office of Examinations and Supervision in Washington, D.C. The PSA or his designee shall conclude whether or not the insured institution meets the qualification standards established in § 563b.23, and the Director of OES or his designee must concur in the conclusions of the PSA.

Section 563b.27 sets forth the minimum filing requirements for a complete supervisory conversion application. Section 563b.28(b) provides that a supervisory stock conversion application that does not meet the filing requirements shall constitute an incomplete application, and requires the PSA to continue to seek another appropriate supervisory resolution of the institution's problems pending the filing of a complete application. These requirements are intended to discourage the filing of incomplete supervisory stock conversion applications by insured institutions for the sole purpose of forestalling supervisory action.

Conditions of Approval and Other Requirements

Under § 563b.27, Board approval of a supervisory stock conversion application will be conditioned upon the completion of the sale of conversion stock within a maximum period of three months after Board approval of the application, or within such additional period as the Board's General Counsel or his designee may for good cause grant; compliance with all requirements of proposed 12 CFR Part 563g, which was issued by the Board for public comment on March 3, 1983, Bd. Res. 83-126 (48 FR 10684; March 14, 1983) or such final regulatory requirements on that subject as may be adopted by the Board; submission of an opinion of independent legal counsel that all applicable state

securities law requirements have been met in connection with the sale of the insured institution's conversion stock; compliance with all applicable laws, rules, and regulations; and satisfaction of any other requirement or condition the Board may impose. Pursuant to § 563b.31, a converted insured institution shall be subject to the dividend and repurchase restrictions of § 563b.3(g)(2)(ii) and (3). Moreover, § 563b.25, requires that the offer and sale of the conversion stock constitute a non-public offering under § 563g.4 of proposed Part 563g.

Treatment of Appraised Equity Capital

Section 563.13 of this Subchapter permits, but does not require, an insured institution to include appraised equity capital as part of its net worth. A decision by an insured institution's board of directors regarding whether to adopt appraised equity capital under § 563.13 is a business judgment that, absent a showing of bad faith, ordinarily will not be questioned by the Board. Accordingly, § 563b.32, provides that the PSA is not required to include appraised equity capital in an insured institution's reserve calculations for the purpose of determining whether the institution qualifies for a supervisory stock conversion if the institution has not itself done so pursuant to § 563.13(c), and provided that the institution's board of directors has adopted and filed a resolution determining not to include appraised equity capital in regulatory net worth.

Treatment of Net Worth Certificates

Section 563b.33 establishes the treatment of net worth certificates ("NWCs") by the PSA in determining whether an insured institution qualifies for a supervisory stock conversion. Section 563b.33 provides that the PSA shall not include NWCs in the institution's regulatory net worth other than outstanding NWCs issued in accordance with Part 572 of this Subchapter or NWCs which the Corporation is committed to purchase from the institution under § 572.1(c) of this Subchapter.

Discretion of the Board

There is no inherent right to a supervisory conversion. An insured institution that meets the criteria for a supervisory conversion is a failed institution, and the Board has the responsibility of taking action with respect to the institution that it determines is in the best interests of the institution, its depositors, the public, and the Corporation. Therefore, it is specifically stated in § 563b.20 that the determination to authorize or order a supervisory conversion shall be in the sole discretion of the Board.

Subpart D—Guidelines for Modified Conversions

As explained above in the discussion of subpart C, section 5(p) of the HOLA authorizes the Board for a period of three years after October 15, 1982, to authorize a state-chartered insured institution and to order a federally-chartered insured institution to convert to the stock form when (1) the insured institution is in receivership; (2) the Corporation has contracted to provide assistance to the insured institution under section 406 of the NHA; or (3) the Board has determined that severe financial conditions exist which threaten the stability of the insured institution and conversion to stock form is likely to improve the financial condition of the institution.

Also as noted above under Subpart C, the Board does not at this time view section 5(p) as an expansion of the authority of the Board to approve supervisory conversions, *i.e.*, conversions undertaken without the consent or participation of the mutual members, except insofar as section 5(p) preempts all provisions of federal law, and the laws and constitution of any state. It is the Board's current position that, at a minimum, section 5(p) also confirms the Board's implicit power under section 5(i) of the HOLA and section 402(j) of the NHA to authorize the elimination and restriction of many of the procedural and substantive rights granted to mutual members under the Board's standard conversion regulations. The power arises when the financial condition of the insured institution is so adverse that it cannot reasonably be expected to be able to convert under the standard conversion regulations. Section 5(p) also expands the Board's implicit power by permitting it to order a federally-chartered insured institution to convert to the stock form on a non-voluntary basis.

In partial implementation of its section 5(p) authority, the Board is adopting under new Subpart D of Part 563b certain guidelines as to qualification for a modified conversion, and certain guidelines that reflect the current views of the Board on the extent to which the procedural and substantive rights of mutual members may be eliminated or restricted in such a conversion.

The Board is not at this time adopting detailed regulations on either the procedures to effectuate modified conversions or the permissible structure of these conversions. The Board's very substantial experience with standard conversions has enabled it to adopt extensive regulations on sale-of-control conversions, and the regulations adopted by the Board for supervisory conversions are the result of an eighteen-month effort on behalf of the Board and its staff to develop supervisory conversion procedures to expedite the supervisory conversion process. Neither the Board nor the savings and loan industry has had experience with section 5(p) conversions, and the development of extensive regulations at this time would only have the effect of discouraging the filing of innovative proposals that the Board may find acceptable. Therefore, what is set forth in Subpart D are guidelines which are being adopted to alert insured institutions and possible acquirers of the availability of modified conversion transactions.

Guidelines for Qualification

An insured institution that is in receivership, which is one of the criteria of section 5(p), qualifies for a supervisory conversion under Subpart C or a supervisory conversion under § 563b.1 rather than a modified conversion under Subpart D. An institution presumptively qualifies for a modified conversion under the guidelines if it has contracted to receive assistance from the Corporation, which is another of the section 5(p) criteria. As to the final section 5(p) criterion, the guidelines indicate that severe financial conditions may exist which threaten the stability of an insured institution for purposes of Subpart D when (1) the institution does not meet its regulatory net-worth requirement; (2) it has had negative net income under generally accepted accounting principles for (i) its last three fiscal quarters if it has more than two percent net worth, (ii) two out of the last three fiscal quarters if it has more than one percent net worth, and (iii) one out of the last three fiscal quarters if it has less than one percent net worth; and (3) it is demonstrated to the satisfaction of the Board (i) that the amount of capital that would be raised by the insured institution in a standard Subpart A conversion would not be sufficient (A) to enable the institution to meet its net-worth requirement, or (B) to reasonably ensure the financial safety and soundness of the insured institution or (ii) that there would not be a reasonable likelihood that the institution could successfully market its stock in a standard conversion.

Elimination and Restriction of Rights of Mutual Members Established in Subpart A

Because section 5(p) specifically gives the Board the power to authorize or order the conversion of an insured institution when the section 5(p) criteria have been met, it is the opinion of the Board that Congress clearly intended that a section 5(p) conversion could be effectuated without a vote of the mutual members. Therefore, in its guidelines the Board provides that an insured institution converting under 5(p) is not required to seek the approval of the institution's members.

The Board retains in its guidelines for Subpart D conversions the requirement that the converting insured institution establish a liquidation account for the benefit of the institution's members pursuant to § 563b.3(f) of this Subpart A.

A section 5(p) conversion may be authorized or ordered by the Board only if the conversion would be likely to improve the financial condition of the converting insured institution. The Board states in its guidelines that an insured institution which seeks to undertake a modified conversion should be prepared to submit to the Board a detailed analysis prepared by an independent investment banking firm or other qualified person that the net capital infusion resulting from the proposed modified conversion would (1) bring the converted institution into net-worth compliance, on the basis of generally accepted accounting principles, and (2) would be reasonably sufficient to ensure the financial safety and soundness of the institution.

Implicit in this guideline is the Board's view that it is not necessary for an insured institution in a modified conversion to offer and sell its stock for its appraised valuation, and, indeed, the Board expects that an insured institution which converts under Subpart D would raise substantially more capital than its appraised valuation. An appraisal will still be required, however, for disclosure purposes in connection with the offer and sale of the conversion stock.

The most difficult issue faced by the Board in the modified conversion area is whether to eliminate or restrict the preemptive right of association members to subscribe for all of the stock of a converting insured institution, as established in the standard conversion regulations of Subpart A. Of course, association members may approve a limitation of or even the elimination of their preemption rights in a sale-of-control conversion under Subpart B. However, unlike a sale-of-control conversion, it is not contemplated in the modified conversion guidelines that association members will be given the opportunity to approve the modified conversion proposal.

The Board at this time has resolved the issue in its guidelines in the following manner. If the converting insured institution proposes to sell its conversion stock to the public, without a sale of control of the institution as defined in Subpart B, the conversion would be subject to all of the provisions of Subpart A, unless they were clearly inapplicable. This guideline would require recognition of the preemptive subscription rights of the association members, and the purchase limitations of Subpart A would be applicable. The Board does not expect, however, because of the grave risks to an insured institution of a failure to complete a conversion, that any institution will seek to undertake a modified conversion through a non-control sale of conversion stock to the public.

Rather than resembling a standard conversion without an appraised valuation, the Board expects that a modified conversion would resemble sale-of-control conversions without competitive bidding. However, because the association members would not be given the opportunity to approve a sale of control of the insured institution, the Board has determined to state in the guidelines that association members shall be given the opportunity to exercise the preemptive right to subscribe for all of the conversion stock prior to the purchase by the proposed controlling person of unsubscribed shares, and to require that the proposed controlling person pay an appropriate control premium for unsubscribed shares.

What the Board contemplates is likely to result under its modified conversion guidelines are what may be termed take-out conversions, where an acquiring person is contractually bound to a converting insured institution to purchase up to one hundred percent of the conversion stock for an established price per share, plus a control premium per share, and any lesser percentage of the conversion stock remaining after the exercise of subscription rights by the association members. Such a take-out commitment could be subject to there being a minimum percentage of stock remaining after the exercise of subscription rights which would be negotiated between the proposed acquiror and the converting insured institution. Such a modified conversion would be subject to all of the provisions of Subparts A and B unless clearly inapplicable.

The Board is aware, of course, that its modified conversion guidelines hardly provide the type of standardized substantive and procedural guidance that makes the ability to market stock the sole issue in standard conversions. The Board also is aware that there are undoubtedly a number of ways to structure modified conversions that the Board has not considered simply because it has not been presented with those alternative proposals. For that reason, the Board will permit Subpart D conversions on a test-case basis; it specifically solicits comments regarding its guidelines, and encourages the filing of proposals for modified conversions.

Delegation

As the Board had provided when it first adopted amendments permitting holding company and merger conversions under its standard conversion regulations, the modified conversion guidelines provide that no application for a modified conversion shall be filed without the prior written consent of the Board, and the Board has delegated to the General Counsel or his designee the authority to grant that consent.

Solicitation of Comments

The Board has determined that the notice and public comment procedure of 5 U.S.C. 552(d) and 12 CFR 508.11, and the 30-day delayed effective date imposed by 5 U.S.C. 552(d) and 12 CFR 508.14 are unnecessary and not in the public interest. The amendments adopted by the Board significantly ease current restrictions, provide increased flexibility to converting insured institutions and their members, enable converting insured institutions to reduce substantially the time and expense of conversion, and implement the Board's supervisory and modified conversion authority. Because of these factors, the Board finds that it is in the public interest for insured institutions which intend to convert to the stock form of organization to be permitted to take immediate advantage of the revised regulations. The Board also finds that it would be impracticable and contrary to the public interest to delay final action or the effective date of these regulations because of the possible market disruption which would ensue to institutions currently considering conversion and to investors and the financial community involved in that process. However, the Board solicits comments on its Conversion Regulations both as to the amendments adopted here and as to any other current provision or provisions of the Conversion

Regulations. Comments will be accepted for a 60-day period following the effective date of the amendments.

Regulatory Flexibility Act Certification

Pursuant to Section 3 of the Regulatory Flexibility Act, Pub. L. No. 96-354, 94 Stat. 1164 (September 19, 1980), the Board certifies that the amendments will not have a significant impact on a substantial number of small entities.

List of Subjects in 12 CFR Parts 552 and 563b

Stock associations, Conversions from mutual to stock form.

Accordingly, the Board hereby amends Part 552, Subchapter C, and Part 563b, Subchapter D, Chapter V of Title 12, Code of Federal Regulations, as set forth below.

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 552—STOCK ASSOCIATIONS

§ 552.4 [Amended.]

1. Amend § 552.4 by removing paragraph (b) and redesignating paragraphs (c) and (d) as paragraphs (b) and (c), respectively.

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 563b—CONVERSIONS FROM MUTUAL TO STOCK FORM

2. Amend § 563b.1 by revising paragraphs (a) and (c)(1), as follows:

§ 563b.1 Scope of part.

(a) *General.* Except as the Board, acting pursuant to its authority or as the operating head of the Corporation, may otherwise determine, the provisions of this part shall exclusively govern the conversion of mutual insured institutions to capital stock institutions, and no mutual insured institution shall convert to the capital stock form without the prior written consent of the Board. The Board may grant a waiver in writing from any requirement of this part for good cause shown.

* * * * *

(c) *Conflicts with State law.* (1) In the event an applicant finds that compliance with any provision of this part would be in conflict with applicable State law, the applicant may file a written request for waiver of compliance with such provision by the Board, acting pursuant to its authority or as the operating head of the Corporation. Such request may be incorporated in the application for conversion; otherwise, the applicant shall file four copies of such request.

* * * * *

3. Add a heading for new Subpart A following § 563b.2, as follows:

Subpart A—Standard Conversions

4. Amend § 563b.3 by: revising paragraphs (a), (c)(6), (c)(9), (c)(10), (d)(1), (d)(3), (d)(6), (d)(7), (g)(1), (g)(3), and (i)(7), removing paragraph (d)(11), redesignating paragraph (d)(12) as (d)(11), and by adding new paragraphs (c)(22) and (d)(12), as follows:

§ 563b.3 General principles for conversions.

(a) *Applicability of Subpart.* The provisions of this Subpart shall govern conversions undertaken pursuant to any other Subpart of this Part unless clearly inapplicable.

* * * * *

(c) *Required provisions in plan of conversion.* * * *

(6) Provide that any shares of the converting insured institution not sold to persons with subscription rights shall be sold either in a public offering through an underwriter or directly by the converting insured institution in a direct community offering, subject to the applicant demonstrating to the Corporation the feasibility of the method of sale and to such conditions as may be provided in the plan of conversion. Such conditions shall include, but not be limited to:

* * * * *

(9) Provide that no officer, director, or their associates shall purchase, without the prior written approval of the Corporation, the capital stock of the converted insured institution except from a broker or dealer registered with the Securities and Exchange Commission, for a period of three years following the conversion. This paragraph (c)(9) shall not apply to negotiated transactions involving more than one percent of the outstanding capital stock of the converted insured institution.

(10) Provide that the sales price of the shares of capital stock to be sold in the conversion shall be a uniform price determined in accordance with § 563b.7 of this Part; and specify the underwriting and/or other marketing arrangements to be made to ensure the sale of all shares not sold to persons with subscription rights.

* * * * *

(22) That the converting insured institution shall not loan funds or otherwise extend credit to any person to purchase the capital stock of the institution.

(d) *Optional provisions in plan of conversion.* * * *

(1) That the converting insured institution may commence the direct community offering or the public offering, or both, concurrently with or at any time during the subscription offering. The subscription offering may be commenced concurrently with or at any time after the mailing to association members pursuant to § 563b.6(c) of this Part of the proxy statement authorized for use by the Corporation. The subscription offering may be closed before the meeting of the association members held to vote on the plan of conversion, provided that the offer and sale of the capital stock shall be conditioned upon the approval of the plan of conversion by the association members as provided in § 563b.6.

* * * * *

(3) That the directors, officers and employees of the converting insured institution shall receive, without payment, nontransferable subscription rights to purchase shares of capital stock, to the extent that shares are available after satisfying the subscriptions of eligible account holders, supplemental eligible account holders, and voting members provided for under paragraphs (c) (2), (4) and (5) of this section, subject to the following conditions:

* * * * *

(6) That the converting insured institution may require association members to return by a reasonable date certain a postage-paid written communication provided by the converting insured institution requesting receipt of a subscription offering circular, or a preliminary or final offering circular in an offering pursuant to paragraph (d)(12) of this section, in order to be entitled to receive an offering circular from the converting insured institution: *Provided*, that the subscription offering or the offering pursuant to paragraph (d)(12) shall not be closed until the expiration of thirty days after the mailing by the converting insured institution to association members of the postage-paid written communication. If the subscription offering or the offering pursuant to paragraph (d)(12) is not commenced within 45 days after the meeting of association members, the converting insured institution that has adopted this optional provision shall transmit no more than 30 days prior to the commencement of the subscription offering or the offering pursuant to paragraph (d)(12) to each association member who had been furnished with proxy soliciting materials, written notice of the commencement of the offering.

which notice shall state that the converting insured institution is not required to furnish an offering circular to an association member unless the association member returns by a reasonable date certain the postage-paid written communication provided by the converting insured institution requesting receipt of an offering circular.

(7) That the converting insured institution may require eligible account holders and supplemental eligible account holders who are not voting members pursuant to § 563b.6(d) of this Part to return by a reasonable date certain a postage-paid written communication provided by the converting insured institution requesting the receipt of a subscription offering circular, or a preliminary or final offering circular in an offering pursuant to paragraph (d)(12) of this section, in order to be entitled to receive an offering circular from the converting insured institution: *Provided,* that the subscription offering or the offering pursuant to paragraph (d)(12) shall not be closed until the expiration of thirty days after the mailing by the converting insured institution to the non-voting eligible account holders and supplemental eligible account holders of the postage-paid written communication. If the subscription offering or the offering pursuant to paragraph (d)(12) is not commenced within 45 days after the meeting of association members, the converting insured institution that has adopted this optional provision shall transmit no more than 30 days prior to the commencement of the subscription offering or the offering pursuant to paragraph (d)(12) to each eligible account holder and supplemental account holder who had been furnished with a notice pursuant to paragraph (d)(12) written notice of the commencement of the offering, which notice shall state that the converting insured institution is not required to furnish an offering circular to a non-voting eligible account holder or supplemental eligible account holder unless the eligible account holder or supplemental eligible account holder returns by a reasonable date certain the postage-paid written communication provided by the converting insured institution requesting receipt of an offering circular.

* * * * *

(12) That, instead of a separate subscription offering, all subscription rights issued in connection with the conversion shall be exercisable by delivery of properly completed and executed order forms to the underwriters or selling group for the public offering or pursuant to any other procedure, subject to the applicant demonstrating to the Corporation the feasibility of the method of exercising such rights and to such conditions as shall be provided in the plan of conversion. Such conditions shall include, but not be limited to, a condition requiring that orders for stock in the public offering or direct community offering shall first be filled, in the order of priority set forth in this section, by orders of persons exercising subscription rights.

* * * * *

(g) *Restrictions on repurchase of stock and payment of dividends.* * * *

(1) No converted insured institution shall for a period of three years repurchase any of its capital stock from any person except in the case of a repurchase, on a *pro rata* basis pursuant to an offer approved by the Corporation, made to all shareholders of such institution and except for the repurchase of qualifying shares of a director.

* * * * *

(3) Without the prior approval of the Corporation, no converted insured institution shall, for a period of three years after the date of its conversion, declare or pay a cash dividend on, or repurchase any of, its capital stock in an amount in excess of one half of the greater of:

* * * * *

(i) *Acquisition of the securities of converting and converted insured institutions.*

* * * * *

(7) *Optional charter provision.* To the extent permitted by applicable Federal or State law, the plan of conversion may provide for the charter of the converted insured institution to state that, for a period of one year following the date of the completion of the conversion, no person shall directly or indirectly offer to acquire or acquire the beneficial ownership of more than ten percent of any class of an equity security of the converted insured institution. At any annual or special meeting of its shareholders, a converted insured institution may adopt any charter provision regarding the acquisition by any person or persons of its equity securities that would be permitted to be adopted by a corporation chartered by the state in which the principal office of the converted insured institution is located: *Provided,* that the institution shall file as part of its charter amendment filing an opinion of counsel independent from the institution that such charter provision is permissible under the law of the applicable state.

* * * * *

5. Amend § 563b.5 by revising paragraph (b), as follows:

§ 563b.5 Solicitation of proxies; proxy statement.

* * * * *

(b) *Use of proxy soliciting material to be authorized.* No proxy soliciting material required to be filed with the Corporation prior to use shall be furnished to association members or otherwise released for distribution until the use of such material has been authorized in writing by the Corporation. Proxy material authorized for use by the Corporation shall be mailed to the association members within ten days of such authorization unless extended by the Corporation in writing.

* * * * *

6. Amend § 563b.7 by revising paragraphs (a) through (f), (g)(1), (g)(2), (g)(4) (i), (vi), (viii), and (ix), (g)(5), (h), (j), (k)(2), (k)(4), and (k)(5), as follows:

§ 563b.7 Pricing and sale of securities.

(a) *General.* No offer to sell securities of an applicant pursuant to a plan of conversion may be made prior to approval by the Corporation of the application for conversion and until the proxy statement has been authorized for use by the Corporation. No sale of securities may be made except by means of a final offering circular which has been declared effective by the Corporation. The provisions of this paragraph shall not apply to preliminary negotiations or agreements between an applicant and any underwriter or among underwriters who are to be in privity of contract with the applicant.

(b) *Distribution of offering materials.* Any preliminary offering circular which has been filed with the Corporation may be distributed in connection with the offering at the same time as or after the proxy statement is mailed to association members pursuant to § 563b.6(c) of this Part. No final offering circular shall be distributed until it has been declared effective by the Corporation. The declaration of effectiveness of the final offering circular by the Corporation shall not extend beyond the maximum time period specified for the completion of the sale of all the capital stock in paragraph (i) of this section, or beyond such period of time as the Corporation shall establish upon a subsequent declaration of effectiveness in the event of the granting of an extension of time under paragraph (k) of this section.

(c) *Estimated price information.* If the offering is to commence prior to the meeting of the association members held to vote on the plan of conversion, the proxy statement authorized for use by the Corporation shall set forth the estimated price range. Any preliminary offering circular shall set forth the estimated price range. The maximum of such price range should normally be no more than 15 percent above the average of the mimimum and maximum of such price range and the minimum should normally be no more than 15 percent below such average. The maximum price used in the price range should normally be no more than $50 per share and the minimum no less than $5 per share.

(d) *Prohibited representations.* The Corporation will review the price information required under this section in determining whether to give approval to applications for conversion when the offering is to commence prior to the meeting of association members, and it will review the information in determining whether to declare a final offering circular effective. No representations may be made in any manner that such price information has been approved by the Corporation or that the shares of capital stock sold pursuant to the plan of conversion have been approved or disapprovd by the Federal Home Loan Bank Board or the Corporation or that the Board or the Corporation has passed upon the accuracy or adequacy of any offering circular covering such shares.

(e) *Underwriting expenses.* Underwriting commissions shall not exceed an amount or percentage per share acceptable to the Corporation. No underwriting commission shall be allowed or paid with respect to shares of capital stock sold in the subscription offering unless the plan of conversion contains the optional provision permitted by § 563b.3(d)(12) of this Part; however, an underwriter may be reimbursed for accountable expenses in connection with the subscription offering where the public offering is so small that reasonable underwriting commissions thereon would not be sufficient to cover total accountable expenses. The term "underwriting commissions" includes underwriting discounts.

(f) *Pricing materials.* (1) In considering the pricing information required under paragraph (c) of this section, the Corporation will apply the following guidelines:

(i) The materials shall be prepared by persons independent of the applicant, experienced and expert in the area of corporate appraisal, and acceptable to the Corporation;

(ii) The materials shall contain a brief summary of data that is sufficient to support the conclusions reached therein; and

(iii) To the extent that the appraisal is based on a capitalization of the pro forma income of the converted insured institution, the materials must indicate the basis for determination of the income to be derived from the proceeds of the sale of stock and demonstrate the appropriateness of the earnings-multiple used, including assumptions made as to future earnings growth. To the extent that the appraisal is based on comparison of the capital stock of the applicant with outstanding capital stock of existing stock institutions, such existing stock institutions must be reasonably comparable to the converting insured institution in terms of such factors as size, market area, competitive conditions, profit history, and expected future earnings.

(2) In addition to the information required in paragraph (f)(1) of this section, the applicant shall submit information demonstrating to the satisfaction of the Corporation the independence and expertise of any person preparing materials under this paragraph. However, a person will not be considered as lacking independence for the reason that such person will participate in effecting a sale of capital stock under the plan of conversion or will receive a fee from the applicant for services rendered in connection with such appraisal.

(3) In addition to the information required in paragraphs (f) (1) and (2) of this section, the applicant shall file with the Corporation such additional information with respect to the pricing of the capital stock of the institution (including, without limitation, the amount of the control premium in a sale-of-control conversion pursuant to Subpart B of this Part) as the Corporation may request, including, without limitation, a full appraisal.

(g) *Order forms for purchase of capital stock.* (1) Promptly after the Corporation has declared effective the offering circular for the subscription offering, the applicant shall distribute order forms for the purchase of shares of capital stock in the offering to all eligible account holders, supplemental eligible account holders, voting members and other persons who may subscribe for shares of capital stock under the plan of conversion. If the converting insured institution shall have adopted in its plan of conversion the optional provisions set forth in § 563b.3(d) (6), (7), or (12) of this Part, the applicant shall deliver order forms to the eligible account holders, supplemental eligible account holders, and voting members who requested receipt of the offering circular.

(2) Each order form shall be accompanied or preceded by the final offering circular for the subscription offering or the public offering, as the case may be, and a set of detailed instructions explaining how to properly complete such order forms.

* * * * *

(4) * * *

(i) Indicate the maximum number of shares that may be purchased pursuant to the subscription rights;

* * * * *

(vi) Indicate the manner of required payment and, if such payment may be made by withdrawal from a certificate of deposit, indicate that such withdrawal may be made without penalty. If payment is to be made by withdrawal from a savings account or certificate of deposit, a box to check should be provided;

* * * * *

(viii) Contain an acknowledgment by the account holder or other person signing the order form that he has received a final offering circular prior to so signing; and

(ix) Indicate the consequences of failing to properly complete and return the order form, including a statement that the subscription rights are nontransferable and will become void at the end of the subscription period. The order form may, and the set of instructions shall, indicate the place or places to which the order forms are to be returned and when the order forms shall be deemed to be received, such as by date and time of actual receipt at the address indicated or by date and time of postmark.

(5) The order form may provide that it may not be modified without the applicant's consent after its receipt as set forth in the order form. If payment is to be made by withdrawal from a savings account or certificate of deposit, the applicant may, but need not, cause such withdrawal to be made upon receipt of the order form. If such withdrawal is made at any time prior to the closing date of the public offering, the applicant shall pay interest to the account holder on the account withdrawn as if such amount had remained in the account from which it was withdrawn until such closing date.

(h) *Withdrawal from certificate accounts.* Notwithstanding any regulatory provision regarding penalties

for early withdrawal from certificate accounts, the applicant may allow payment for capital stock pursuant to the exercise of subscription rights by withdrawal from a certificate account without the assessment of such penalties. In the case of early withdrawal of only a portion of such account, the certificate evidencing such account shall be cancelled if the applicable minimum balance requirement ceases to be met. The remaining balance will earn interest at the passbook rate.

* * * * *

(j) *Interest on subscriptions and direct community offering purchase orders.* The converting insured institution shall pay interest at not less than the passbook rate on all amounts paid in cash or by check or money order to the institution to purchase shares of capital stock in the subscription offering or direct community offering from the date payment is received by the institution until the conversion is completed or terminated.

(k) *Extensions of time to complete public offering or direct community offering; post-effective amendments to subscription offering circular.*

* * * * *

(2) Immediately upon the granting of an extension of time pursuant to paragraph (k)(1) of this section, the converting insured institution shall distribute to each subscriber in the offering and, if applicable, each person who has ordered capital stock in the direct community offering, a post-effective amendment to the offering circular filed under an amendment to the application for conversion and declared effective by the Corporation pursuant to paragraph (k)(4) of this section which shall notify each subscriber and each ordering person of the granting of the extension of time, and of the right of each subscriber and each ordering person to increase, decrease or rescind this subscription (i) at any time prior to 20 days before the end of the extension period, or (ii) at any time prior to the date of the commencement of the public offering or the direct community offering: *Provided*, that if the public offering or the direct community offering is not completed within 20 days after its commencement, all instructions from subscribers and ordering persons to increase, decrease, or rescind their subscriptions or orders received during the 20-day offering period shall be honored by the converting insured institution.

* * * * *

(4) After the expiration of subscription rights, the converting insured institution shall file with and have declared effective by the Corporation a post-effective amendment to the offering circular delivered to subscribers upon the occurrence of any event, circumstance, or change of circumstance which would be material to the investment decision of a subscriber or, if applicable, a person who has ordered capital stock in the direct community offering.

(5) Any post-effective amendment to an offering circular distributed to subscribers in the offering shall be distributed by the converting insured institution immediately after the declaration of effectiveness to each subscriber, and, if applicable, each person who has ordered stock in the direct community offering, and the converting insured institution shall grant to each subscriber and ordering person the right to increase, decrease, or rescind his subscription or order for a period which shall be no less than the greater of ten days from the date of the mailing of the post-effective amendment or the period remaining in an extension of time granted by the Corporation pursuant and subject to the provisions of paragraph (k)(2) of this section.

7. Amend § 563b.8 by revising paragraphs (c)(3) and (w)(2), as follows:

§ 563b.8 Procedural requirements.

* * * * *

(c) *Additional filing requirements.*

* * *

(3) Each offering circular for the offering shall be prepared in compliance with this Part and Form OC. The applicant shall file with the Corporation ten copies of each preliminary offering circular and twenty-five copies of each final offering circular.

* * * * *

(w) *Delegation of authority.* * * *

(2) *Approval of applications for conversion.* The Corporation delegates to the General Counsel or his designee the authority to approve but not to deny applications for conversion pursuant to the standards and restrictions set forth in this Subpart A, and to exercise any other authority of the Corporation under this Subpart A, excepting (i) the authority to waive any provision of this Subpart A pursuant to § 563b.1(a); (ii) the authority to approve other equitable provisions in the plan of conversion under § 563b.3(d)(13); (iii) the authority to approve any application for conversion in regard to which an objection has been filed pursuant to § 563b.4(b)(1); and (iv) the authority to approve or deny an application for approval to offer to acquire or to acquire more than 10 percent of the stock of a converted insured institution under § 563b.3(i)(3). The Board also delegates to the General Counsel or his designee, in connection with the approval of an application for conversion under this Subpart A, the authority to approve but not to deny applications for approval of security forms, charter amendments, and bylaw amendments under § 563.1 of this subchapter, and §§ 544.1, 544.5 and 555.2 of this chapter.

8. Revise § 563b.9 as follows:

§ 563b.9 Conversion of an insured institution in connection with the formation of a holding company.

An insured institution may convert to the stock form pursuant to this Subpart A as part of a transaction in which a holding company is organized to acquire upon issuance all the capital stock of the converted insured institution. In such a transaction eligible account holders, supplemental eligible account holders, and voting members of the converting insured institution shall receive, without payment, nontransferable rights under § 563b.3(c) (2), (4), and (5) of this Part to purchase capital stock of the newly-formed holding company in lieu of capital stock of the converting institution. Unless clearly inapplicable, all of the requirements of this Subpart A shall apply to a conversion under this section.

9. Revise § 563b.10 as follows:

§ 563b.10 Conversion of an insured institution in connection with an acquisition by an existing holding company; conversion of an insured institution through merger with an existing insured stock institution.

(a) *Conversion involving an existing holding company.* An insured institution may convert to the stock form pursuant to this Part 563b as part of a transaction in which an existing holding company acquires upon issuance all the capital stock of the converted insured institution. In such a transaction the eligible account holders, supplemental eligible account holders, and voting members of the converting insured institution shall receive, without payment, nontransferable rights under § 563b.3(c) (2), (4), and (5) of this Part from the holding company to purchase its capital stock in lieu of capital stock of the converting institution. Unless clearly inapplicable, all of the requirements of this Part 563b shall apply to a conversion under this paragraph (a).

(b) *Merger involving the issuance of holding company capital stock.* An insured institution may convert to the stock form pursuant to this Part 563b by merging into an existing insured stock institution which is a wholly-owned

subsidiary of a holding company. In such a transaction the eligible account holders, supplemental eligible account holders, and voting members of the converting insured institution shall receive,, without payment, nontransferable rights under § 563b.3(c) (2), (4), and (5) from the holding company to purcahse its capital stock in lieu of capital stock of the converting insured institution. Unless clearly inapplicable, all of the requirements of this Part 563b shall apply to a conversion under this paragraph (b).

(c) *Merger with an existing insured stock institution.* An insured institution may convert to the stock form by merging with an existing insured stock institution as part of a transaction in which the equity securities of the existing insured stock institutions or the converting insured institutions are issued. In such a transaction in which the existing insured stock institution is the surviving institution, the eligible account holders, supplemental eligible account holders, and voting members of the converting institution shall receive, without payment, nontransferable rights under § 563b.3(c) (2), (4), and (5) from the existing insured stock institution to purchase its capital stock in lieu of capital stock of the converting insured institution. Unless clearly inapplicable, all of the requirements of this Part 563b shall apply to a conversion under this paragraph (c).

10. Amend Form AC which follows § 563b.10 by removing Item 7 and redesignating Items 8 through 10 as Items 7 through 9, respectively; and by revising Exhibit 5; as follows:

Form AC

* * * * *

General Instructions

* * * * *

Exhibits

* * * * *

Exhibit 5. *Valuation Materials.*

Furnish any materials required to be filed by § 563b.7 regarding the valuation of the applicant's capital stock. An applicant is not required to file such materials if the offering of capital stock will not commence before the meeting of association members to vote on the plan of conversion.

11. Amend Form PS which follows Form AC by revising paragraphs (d) through (i)(1) of Item 8; and by removing Item 12 and redesignating Items 13 through 17 as Items 12 through 16, respectively; as follows:

Form PS

* * * * *

Item 8. *Description of the Plan of Conversion.*

* * * * *

(d) With respect to the subscription rights of members, furnish the following information: (1) the formula to be used for determining the subscription rights of account holders to purchase shares pursuant to § 563b.3(c) (2), (4), and (5); (2) any optional provisions included in the plan of conversion pursuant to § 563b.3(d) for the purchase of shares of capital stock, including the purchase priorities, limitation on total purchases, the total number of shares which may be purchased, and the formula for the allocation; (3) the allocation formulas to be used in the event that there is an oversubscription of shares at any time during the sale of stock under the plan of conversion; and (4) the use and timing of the order forms with respect to the exercise of subscription rights.

(e)(1) Set forth on a per-share basis the estimated public offering price range of the shares of capital stock to be sold pursuant to the plan of conversion, except that an estimated price range is not required to be stated if the offering of stock is not to commence until after the meeting of association members to vote on the plan of conversion; (2) state that the offering price will be the pro forma market value of such shares as determined by the institution's management and the underwriters, as the case may be; and (3) state that all of the shares are required to be sold.

(f) Unless the offering of stock is not to commence until after the meeting of association members to vote on the plan of conversion, discuss (1) the earnings per share on a pro forma basis of the capital stock to be sold as of the end of the most recent period covered by the statements of operation required by Item 15(b) (1); and (2) the book value per share on a pro forma basis as of the date of the latest statement of financial condition required by Item 15(a).

Instruction. Earnings and book value per share shall be furnished without giving effect to the estimated net proceeds from the sale of the capital stock, and then after giving effect to such proceeds with all assumptions used clearly stated.

(g) State the proposed commencement and expiration dates of the subscription period and describe any provisions in the plan of conversion related to the timing or extension of the subscription period. Also, state (1) that a maximum subscription price will be set forth in the offering circular used for offering of subscription rights; (2) that the actual subscription price will be the public offering price; (3) that the actual subscription price will not exceed the maximum subscription price shown on the order form; and (4) that any difference between the maximum and actual subscription prices will be refunded unless the subscribers affirmatively elect to have the difference applied to the purchase of additional shares of capital stock.

(h) Furnish the following information: (1) describe to the extent practicable the applicant's present intentions with respect to listing the capital stock on an exchange or otherwise providing a market for the purchase and sale of the capital stock in the future; (2) describe briefly the tax effect of the conversion both to the applicant and to the various classes of account holders receiving nontransferrable subscription rights to purchase capital stock in the conversion; (3) state that the plan of conversion is attached as an exhibit to the proxy statement (or will be made available on request if the summary proxy statement provided for by § 563b.3(d)(14) is being used) and should be consulted for further information.

(i)(1) State whether the plan of conversion provides for unsubscribed capital stock to be offered to the public through underwriters or directly by the converting institution. If such is the case, provide the information to the extent known required by Item 6 of Form OC and indicate the estimated timing of the proposed offering. (2) State whether the plan of conversion provides for the purchase by any person or group of any insignificant residue of shares remaining at the conclusion of the offering.

* * * * *

12. Amend Form OC which follows Form PS by revising Items 2, 5, and 6 (except for the instructions to paragraph (e) of that Item), as follows:

Form OC

* * * * *

Item 2. *Additional Current Information Required.*

Each offering circular shall, as of its respective dates of issuance, include, to the extent available, the following additional current information to the extent that such information is not already included in the proxy statement:

(a) Information with respect to the vote of association members upon the plan of conversion and any other proposals considered at the meeting of members.

(b) Information with respect to any recent material developments in the business or affairs of the applicant.

(c) Information with respect to the trading market that is expected to exist for the capital stock following the conversion.

(d) Information, on the outside front cover page, summarizing the results of any separate subscription offering including the number of shares sold to eligible account holders, voting members and others, the price at which the shares were sold, and the number of unsubscribed shares.

(e) The information required by Items 8(e)(1) and 8(f) of Form PS.

(f) Any other information necessary to make such offering circular current, including full financial statements of the applicant within six months prior to the date of issuance of such offering circular.

* * * * *

Item 5. *Information with Respect to Exercise of Subscription Rights.*

Any offering circular which is required to be delivered to subscribers shall describe all material terms of the offering relating to the exercise of subscription rights to the extent that such description is not already in the proxy statement. Such terms include the expiration date, any subscription agent, method of exercising subscription rights, payment for shares, delivery of stock certificates for shares purchased, maximum subscription price, possible reduction of

subscription price, relationship of subscription price to public offering price, requirement that all unsubscribed shares be sold, and any other material conditions relating to the exercise of subscription rights.

Item 6. *Information with Respect to Public Offering or Direct Community Marketing.*

Each offering circular shall describe the material terms of the plan or plans of distribution for all unsubscribed shares of capital stock to the extent such description is not already in the proxy statement, including the following:

(a) If the shares are to be offered through underwriters, the outside front cover page of both offering circulars shall give the information called for by this paragraph. In the case of the offering circular for any public offering, such information shall be given in substantially the tabular form set forth below. In any other case, the information may be given in narrative form. If the information is not known at the time of the subscription offering, so state and estimate.

	Price to public	Underwriting discounts and commissions	Proceeds to applicant
Per share	$	$	$
Total			

(b) An offering circular for a public offering or direct community marketing, where the plan of conversion does not contain the optional provision permitted by § 563b.3(d)(12), may omit the description relating to the exercise of subscription rights required by Item 5.

(c) If any shares are to be offered through underwriters, the offering circular for the public offering shall state the names of the principal underwriters and the respective amounts underwritten by each. The names of the principal underwriters other than the managing underwriters and the respective amounts to be underwritten may be omitted from the offering circular for the subscription offering, unless the plan of conversion contains the optional provision permitted by § 563b.3(d)(12). Each offering circular shall identify each principal underwriter having a material relationship to the applicant and state the nature of the relationship. Each offering circular shall state briefly the nature of the underwriter's obligation to take the unsubscribed shares.

(d) The offering circular for the public offering shall state briefly the discounts and commissions to be allowed or paid to dealers in connection with the sale of the unsubscribed shares. Such information may be omitted from the offering circular for any subscription offering, unless the plan of conversion contains the optional provision permitted by § 563b.3(d)(12).

(e) If any shares are to be offered through underwriters, the offering circular for the public offering shall identify any principal underwriter that intends to confirm sales to any accounts over which it exercises discretionary authority and include an estimate of the number of shares so intended to be confirmed. Such information may be omitted from the offering circular for any subscription offering.

Instructions.

(1) * * *

(2) * * *

(3) * * *

(f) If any shares are to be sold by the converting insured institution through a direct community marketing, indicate the timing of the offering, the geographical area where the offering will be made, the method to be employed to market the shares, including the frequency and nature of communications or contracts with potential purchasers, any preferences that will be given any such geographical area or class of potential purchasers, and the limitations on purchases by potential purchasers.

13. Add new Subparts B, C, and D to read as set forth below:

Subpart B—Sale-of-Control Conversions

Sec.

563b.11 Definitions.
563b.12 Conversion of an insured institution in connection with a sale of control.
563b.13 Additional requirements for sale-of-control conversions.
563b.14 Additional notice requirements.
563b.15 Record date: notice requirements in sale-of-control conversions.
563b.16 Competing sale-of-control offers.
563b.17 Management's proxy: mailing communications for proponents.
563b.18 Additional disclosure requirements.
563b.19 Additional requirements of sale-of-control applications.

Subpart C—Voluntary Supervisory Stock Conversions

563b.20 Scope of Subpart.
563b.21 Supervisory stock conversions.
563b.22 Authorization of supervisory conversions.
563b.23 Qualification for supervisory conversion.
563b.24 Power to appoint a receiver.
563b.25 No equity value realization upon liquidation.
563b.26 Viability of converted insured institution.
563b.27 Application for supervisory stock conversion.
563b.28 Procedural requirements.
563b.29 Conditions of approval.
563b.30 Sale of conversion stock.
563b.31 Restrictions on payments of dividends.
563b.32 Treatment of appraised equity capital.
563b.33 Treatment of net worth certificates.

Subpart D—Guidelines for Modified Conversions

563b.34 Scope of Subpart.
563b.35 Purpose of Subpart.
563b.36 Guidelines of qualification.
563b.37 Substantive guidelines.
563b.38 Acceptance of test-case applications.

Subpart B—Sale-of-Control Conversions

§ 563b.11 Definitions.

As used in this Subpart B, the following definitions apply unless the context otherwise requires:

(a) *Acquiring person.* An "acquiring person" is a person who acquires control of an insured institution as part of a sale-of-control conversion. Any person, together with any associate or group of persons acting in concert for the purpose of acquiring shares of capital stock in connection with the conversion of an insured institution, shall be deemed to be a "person" for purposes of this Subpart.

(b) *Control.* A person shall be deemed to have "control" of an insured institution if the person directly or indirectly, or through one or more subsidiaries, owns, controls, or holds with power to vote, or holds proxies representing, 10 percent or more of the voting shares of such insured institution, or controls in any manner the election of a majority of the directors of such institution: *Provided,* that control shall not exist as a result of the acquisition of shares of a converting institution pursuant to a plan of conversion that complies with the provisions of § 563b.3 of Subpart A of this Part.

(c) *Public shares.* The term "public shares" means any shares of capital stock of an insured institution, if any, which are issued in a sale-of-control conversion to any person who is not an acquiring person.

(d) *Sale-of-control conversion.* A sale-of-control conversion is any conversion of an insured institution from mutual to stock form pursuant to a plan of conversion which provides for the acquisition of control of the converting institution by any person.

§ 563b.12 Conversion of an insured institution in connection with a sale of control.

As insured institution may convert to stock form pursuant to this Part 563b as part of a transaction in which the converting institution enters into a binding agreement with any person pursuant to which such person will purchase control of the converting institution. In any sale-of-control conversion, eligible account holders, supplemental eligible account holders, and voting members of the converting institution shall receive, without payment, nontransferable rights under § 563b.3(c) (2), (4), and (5) of Subpart A of this Part to purchase shares of capital stock, if any, not required to be sold pursuant to such agreement. A sale-of-

control conversion shall comply with all of the provisions of this Subpart B, and, unless clearly inapplicable, all of the requirements of Subpart A of this Part.

§ 563b.13 Additional requirements for sale-of-control conversions.

The following requirements shall apply to any sale-of-control conversion:

(a) *Additional required provisions in the plan of conversion.* A sale-of-control plan of conversion shall, in addition to containing the applicable provisions required by § 563b.3(c) of this Part:

(1) Provide that the converting insured institution shall issue and sell a specified percentage or specified dollar amount of its capital stock to an acquiring person in connection with the conversion at a price per share equal to the estimated pro forma market value of its capital stock, plus a specified control premium over such price equal to the estimated pro forma market value of the control over the converting insured institution represented by such shares.

(2) Provide that subscription rights, if any, of eligible account holders, supplemental eligible account holders, and voting members shall be subordinated to the rights of any acquiring person to acquire capital stock of the converting insured institution.

(3) Provide that any public shares shall be sold pursuant to the exercise of subscription rights or otherwise either in a public offering through an underwriter(s) or directly by the converting insured institution in a direct community offering or in any other manner, subject to the applicant demonstrating to the Corporation the feasibility of the method of sale and to such conditions as may be provided in the plan of conversion. Such conditions shall include, but not be limited to, the conditions set forth in § 563b.3(c)(5) (i) and (iv) of this Part.

(4) Provide that no acquiring person or affiliate or associate thereof, for a period of three years following the conversion, shall, without the prior written approval of the Corporation, purchase any shares of the capital stock of the converted insured institution if the amount of shares so acquired in any three-month period would exceed one percent of the outstanding shares of capital stock of the converted insured institution.

(5) Provide that all shares of capital stock purchased by an acquiring person or any affiliate thereof shall be subject to the restriction that the shares shall not be sold for a period of not less than one year following the date of purchase.

(6) Provide that, in connection with shares of such capital stock:

(i) Each certificate for such stock shall bear a legend giving appropriate notice of the restriction of paragraph (a)(5) of this section;

(ii) Appropriate instructions shall be issued to the transfer agent for the converted insured institution's capital stock with respect to applicable restrictions on transfer of any such restricted stock; and

(iii) Any shares issued as a stock dividend, stock split, or otherwise with respect to any such restricted stock shall be subject to the same restrictions as may apply to such restricted stock.

(7) Provide that no acquiring person or any affiliate thereof shall receive, or be entitled to, subscription rights in connection with the conversion.

(8) Provide that, in connection with the conversion, no acquiring person shall purchase any shares of the insured institution other than the shares required to be issued to the acquiring person pursuant to the plan of conversion.

(b) *No summary proxy statement.* A sale-of-control plan of conversion may not contain the optional provision contained in § 563b.3(d)(14) of this Part with respect to the use of proxy statements in summary form.

§ 563b.14 Additional notice requirements.

Promptly after the adoption of a plan of conversion providing for the sale of control, the insured institution shall give notice to its members as required by § 563b.4(a) (3) and (4) and as set forth in this section.

(a) *Additional information.* In addition to the information permitted or required to be included in such notice by § 563b.4(a)(4), such notice in the case of a sale-of-control conversion shall include the following information:

(1) The name(s) of the acquiring person;

(2) A brief description of the business(es) of the acquiring person;

(3) A brief description of the terms and conditions of the sale-of-control transaction including (i)(A) the percent of shares proposed to be issued in the conversion to the acquiring person or (B) the amount of consideration that the acquiring person has agreed to pay for shares of the converting institution in the conversion and an estimate of the percent of shares in the conversion which may be acquired for such amount; and (ii) the amount of the control premium to be paid by the acquiring person which shall be stated as a percentage of the offering price of the public shares;

(4) A statement that, pursuant to the Board's regulations and as an alternative to the sale-of-control conversion, the converting insured institution could seek approval to convert to stock form in a manner that would prohibit the sale of control to any person, and that conversion pursuant to such regulations might result in a wider distribution of the converting institution's capital stock and a more active trading market for such stock; and a detailed explanation by management of the converting institution as to the reasons why it favors the proposed sale-of-control conversion; and

(5) A statement of the acts that the converting institution may be requested to perform pursuant to § 563b.17 of this Part with respect to the mailing of proxy statements and proxies or other communications to be furnished with respect to alternative offers to acquire control of the converting insured institution.

(b) The statement permitted by § 563b.4(a)(4)(ii) of this Part with respect to the required approval of members is required to be included in a notice relating to a sale-of-control conversion.

(c) *Additional dissemination.* Simultaneously with the publication of the notice required by § 563b.4(a)(3), the converting institution shall issue a press release containing the information required by this section. Such press release shall be issued on an "immediate release" or "not held" basis to *The Wall Street Journal*, to a newspaper having general circulation in each community in which an office of the insured institution is located, to the news-ticker services operated by Dow Jones & Company, Inc., to Reuters Economic Services and to the news-wire services of the Associated Press and United Press International.

§ 563b.15 Record date; notice requirements in sale-of-control conversions.

(a) *Determining members eligible to vote.* The record date for determining those persons eligible to vote at the meeting called to consider a sale-of-control plan of conversion shall be not more than 85 days nor less than 70 days prior to the date of such meeting, unless State law requires a different voting record date.

(b) *Notice to members.* Notice of the meeting to consider a plan of conversion shall be given by means of the proxy statement of management of the converting institution that has been authorized for use by the Corporation or, in the event of an extension of such meeting date pursuant to § 563b.16(d) of this Part, by means of the notice required by that section. The notice

shall be given not more than 70 days nor less than 45 days prior to the date of the meeting to each member of the converting institution entitled to vote at the meeting, unless State law requires a different notice period.

§ 563b.16 Competing sale-of-control offers.

(a) *General.* Any person (hereinafter the "proponent") may present a sale-of-control plan of conversion (but not any other plan of conversion) to a vote of the members at any meeting of members of the converting insured institution called by management of the converting institution to vote upon any other sale-of-control plan of conversion. Upon approval by at least a majority of the total outstanding votes of the converting insured institution's members, a proponent's plan of conversion shall be adopted by the institution, and shall be binding on the institution and the proponent, unless State law requires approval by a higher percentage for a State-chartered converting insured institution, in which case the higher percentage shall control.

(b) *Approval requirements of proponent's proposals.* No application for a sale-of-control conversion of a proponent shall be approved by the Corporation unless the sale-of-control plan of conversion of the proponent is in accordance with the provisions of § 563b.3 of Subpart A, unless such provision is clearly inapplicable, and this Subpart B.

(c) *Procedural requirements.* The provisions of Subpart A shall apply to any application for conversion concerning a sale-of-control conversion which a proponent proposes to submit to a meeting of members, unless such provision is clearly inapplicable, except that:

(1) No sale-of-control conversion application of a proponent shall be accepted for filing by the Corporation unless it is filed with the Corporation within 20 days of the date that the proxy statement of management of the converting institution giving notice of the meeting called to consider the sale-of-control plan of conversion approved by management of the converting institution is first sent or given to members;

(2) There may be omitted from the application for conversion and the proxy statement of any proponent any information contained in any other application for sale-of-control conversion filed with the Corporation or any other proxy statement which has been or will be furnished to each member solicited in connection with the meeting to approve the sale-of-control plan of conversion if a reference is made to the particular document containing such information;

(3) As soon as practicable on the date the sale-of-control conversion application is accepted for filing by the Corporation, the proponent shall hand-deliver a copy of the application, including all exhibits thereto, to the converting insured institution at its home office, to the person whose sale-of-control plan of conversion was approved by management of the converting institution, and to any other proponent which has given notice pursuant to § 563b.4(a)(3) of this Part, at such proponent's principal executive offices; and

(4) Promptly after receipt of a proponent's sale-of-control conversion application pursuant to paragraph (c)(3) of this section, the converting institution shall give notice to its members regarding proponent's sale-of-control conversion application pursuant to § 563b.14 of this Part.

(d) *Extension of meeting date.* The acceptance for filing by the Corporation of a sale-of-control conversion application of a proponent shall, without further action on the part of the converting insured institution, extend the date for the holding of the meeting of members called to approve the plan of conversion approved by management of the converting institution to a date 70 days following the date on which notice of such meeting is or was first given, unless such date falls on a weekend or legal holiday, in which case such meeting shall be held on the next business day. Unless such date is the date established in a notice of meeting already given or to be given to the converting institution's members, the converting institution shall, after receiving the sale-of-control conversion application of a proponent, promptly give notice, by postcard or other appropriate form, to each member of the converting institution eligible to vote at such meeting of such new meeting date and include the information required by § 563b.14.

(2) Upon acceptance for filing by the Corporation of a proponent's sale-of-control plan of conversion, management of the converting insured institution shall not, without the prior written approval of the Corporation, further extend or cancel or otherwise terminate the meeting of members called to vote upon the sale-of-control plan of conversion approved by management.

§ 563b.17 Management's proxy: mailing communications for proponents.

(a) *Proxy requirements.* If any proponent notifies an insured institution proposing to convert to stock form in a sale-of-control conversion of such proponent's intention to present an alternative sale-of-control plan of conversion at the meeting of members called to vote on the sale-of-control plan of conversion approved by management of the institution, the institution shall identify and provide the information required by § 563b.14 with respect to the proponent's sale-of-control plan of conversion in management's form of proxy and the institution's proxy statement and provide the information required by § 563b.5(d)(1) (iii) and (viii) of this Part. Notwithstanding the foregoing, the converting insured institution shall not be required to include such information regarding proponent's proposal in the management's form of proxy and proxy statement unless the proponent has complied with the requirements of this paragraph.

(1) *Timeliness.* The proponent shall submit his proposal to the converting institution within 20 days of the date on which notice is given to members under § 563b.4(a)(3) of this Part and the converting institution's press release is released to the public under § 563b.14(c) of this Part.

(2) *Prior filing.* Prior to the date on which a proponent's submission is made to the converting insured institution, the proponent shall have filed with the Corporation (i) a plan of conversion; (ii) a preliminary proxy statement; and (iii) a preliminary form of proxy, and shall have delivered to the converting institution a copy of such proponent's conversion application as required by paragraph (c) of this section. The converting insured institution shall not be required to present the proponent's sale-of-control plan of conversion at the meeting called to vote thereon unless the Corporation has given its prior written approval of such plan of conversion.

(3) *Notice and attendance at the meeting.* A proposal may be presented at the meeting either by the proponent or its representative who is qualified under applicable law to present the proposal on the proponent's behalf at the meeting. In the event that the proponent or its representative fails, without good cause, to present the proposal for action at the meeting, the converting institution shall not be required to present such proposal.

(b) *Mailing communications for proponents.* If the management of the converting institution has adopted a sale-of-control plan of conversion, the converting institution shall perform such of the following acts as may be duly

requested in writing with respect to a proponent's sale-of-control plan of conversion by a proponent who will defray the reasonable expenses to be incurred by the converting institution in the performance of the act or acts requested.

(1) The converting institution shall mail or otherwise furnish to such proponent the following information as promptly as practicable after receipt of such request:

(i) A statement of the approximate number of members of the converting institution who have been or are to be solicited on behalf of the management, or any group of such members which the proponent shall designate;

(ii) If the converting insured institution has made or intends to make, through brokers or nominees or other persons, any solicitation of beneficial owners of accounts or deposits, a statement of the approximate number of such beneficial owners, or any group of such owners which the proponent shall designate; and

(iii) An estimate of the cost of mailing a specified proxy statement, form of proxy, or other communication to such members of the converting insured institution.

(2) Copies of any proxy statement, form of proxy, or other communication furnished by the proponent and approved by the Corporation shall be mailed by the converting insured institution to such of the members specified in paragraph (b)(1)(i) of this section as the proponent shall designate. The converting institution shall also mail to each broker, nominee, or other person specified in paragraph (b)(1)(ii) of this section a sufficient number of copies of such proxy statement, form of proxy, or other communication as will enable the broker, nominee, or other person to furnish a copy thereof to each beneficial owner solicited or to be solicited through him.

(3) Any such material which is furnished to the converting institution by the proponent shall be mailed with reasonable promptness by the converting institution after receipt of the material to be mailed, envelopes, or other containers therefor, and postage or payment for postage; provided, however, that such material need not be mailed prior to the first day on which solicitation is made on behalf of management of the converting institution.

(4) Except for information incorporated by reference to management's own proxy statement, form of proxy or other communication, neither management of the converting institution nor the converting institution shall be responsible for such proxy statement, form of proxy or other communication.

(c) In lieu of performing the acts specified above, the converting institution may, at its option, if not prohibited by applicable law, furnish promptly to such proponent a reasonably current list of the names and addresses of such of the members of the converting institution specified in paragraph (b)(1)(i) of this section as the proponent shall designate, and a list of the names and addresses of such of the brokers, nominees or other persons specified in paragraph (b)(1)(ii) of this section as the proponent shall designate together with a statement of the approximate number of beneficial owners solicited or to be solicited through each such broker, nominee or other person, and a schedule of the handling and mailing costs of each such broker, nominee, or other person, if such schedule has been supplied to the converting insured institution. The foregoing information shall be furnished promptly upon the request of the proponent or at daily or other reasonable intervals as it becomes available to the converting insured institution.

§ 563b.18 Additional disclosure requirements.

(a) No solicitation of proxies and no offer or sale of capital stock in connection with a sale-of-control conversion shall be made unless the person so solicited is concurrently furnished or has been previously furnished a proxy statement containing the information required by Form PS and the additional information required by this section, or the person to whom capital stock is so offered or sold is concurrently furnished or has been previously furnished an offering circular containing the information required by Form OC and the additional information required by this section, with the exception of paragraph (b)(5).

(1) *Instruction:* If the acquiring person is a partnership, limited partnership, syndicate or other group, the information called for by paragraphs (b)(1) through (4), inclusive, and (6) of this section ("the cited provisions") shall be given with respect to: (i) each partner of such partnership; (ii) each partner who is denominated as a general partner or who functions as a general partner of such limited partnership; (iii) each member of such syndicate or group; and (iv) each person controlling such partner or member. If the acquiring person is a corporation, or if a person referred to in paragraphs (i), (ii), (iii), or (iv) of this Instruction is a corporation, the information called for by the cited provisions shall be given with respect to: (v) each executive officer and director of such corporation; (vi) each person controlling such corporation; and (vii) each executive officer and director of any corporation ultimately in control of such corporation. A response to the cited provisions is required with respect to the acquiring person and all other persons referred to in this Instruction unless any of the cited provisions specifies to the contrary.

(b) The additional information required to be disclosed in a proxy statement or offering circular used in connection with a sale-of-control conversion shall include the following:

(1) *Identity and background.* If the acquiring person is a corporation, partnership, limited partnership, syndicate or other group of persons, state its name, the state or other place of its organization, the address of its principal office, and the information required by paragraphs (v), (vi), (vii), and (viii) of this paragraph (b)(1). If the acquiring person is a natural person, provide the information required by paragraphs (i) through (viii) of this paragraph (b)(1) with respect to such person(s).

(i) Name;

(ii) Residence or business addresses;

(iii) Present principal occupation or employment and the name, principal business, and address of any corporation or other organization in which such occupation or employment is conducted;

(iv) Material occupations, positions, offices, or employments during the last 5 years, giving the starting and ending dates of each and the name, principal business and address of any business corporation or other organization in which such occupation, position, office, or employment was carried on;

(v) The information required by paragraphs (a) and (c) of Item 101 of Regulation S-K, 17 CFR 229.101, of the Securities and Exchange Commission; and, if such person is a reporting person under the Securities Exchange Act of 1934, a statement that such person files periodic reports, proxy statements, and other information with the Securities and Exchange Commission under such Act relating to its business, financial statements, and other matters, and a statement of the addresses of the Securities and Exchange Commission and of any stock exchange(s) where copies of such periodic reports, proxy statements, and other information may be inspected or obtained;

(vi) Whether or not, during the last 5 years, such person has been convicted

in a criminal proceeding (excluding traffic violations or similar misdemeanors) and, if so, give the dates, nature of conviction, name and location of court, and penalty imposed or other disposition of the case;

(A) *Instruction.* A negative answer to this paragraph is not required.

(vii) Whether or not, during the last five years, such person was a party to a civil proceeding of a judicial or administrative body of competent jurisdiction and as a result of such proceeding was or is subject to a judgment, decree, or final order enjoining future violation of, or prohibiting activities subject to, federal or state securities laws, the Commodity Exchange Act, the Federal Home Loan Bank Act, the Home Owners' Loan Act, or the National Housing Act, or any federal or state banking laws or insurance laws, or finding any violation of such laws or finding any material violation of any other federal, state or foreign laws; and, if so, identify and describe such proceedings and summarize the terms of such judgment, decree, or final order; and

(A) *Instruction:* A negative answer to this paragraph is not required.

(viii) Citizenship(s).

(2) *Past contracts, transactions, or negotiations with the converting institution.*

(i) Briefly state the nature and approximate amount (in dollars) of any transaction, other than those described in paragraph (b)(2)(ii) of this section which has occurred since the commencement of the converting insured institution's third full fiscal year preceding the date of the proxy statement or offering circular, between the acquiring person or any of its affiliates and the converting insured institution or any of its affiliates.

(ii) Describe any contracts, negotiations, or transactions which have occurred since the commencement of the converting insured institution's third full fiscal year preceding the date of the proxy statement or offering circular between the acquiring person or its affiliates and the converting institution or its affiliates concerning a merger, consolidation, or acquisition; an election of directors; or a sale or other transfer of a material amount of assets.

(3) *Source and amount of funds or other consideration.* (i) State the source and the total amount of funds or other consideration for the purchase of the maximum number of shares of capital stock which the acquiring person proposes to acquire.

(ii) If all or any part of such funds or other consideration are, or are expected to be, directly or indirectly, borrowed for the purpose of the acquisition:

(A) Provide a summary of each loan agreement or arrangement containing the identity of the parties, the term, the collateral, the stated and effective interest rates, and other material terms or conditions relative to such loan agreement; and

(B) Briefly describe any plans or arrangements to finance or repay such borrowings, or, if no such plans or arrangements have been made, make a statement to that effect.

(iii) If the source of all or any part of the funds to be used in the acquisition of control is a loan made in the ordinary course of business by a bank or association, the name of such bank or association need not be disclosed if the acquiring person so request in writing and files such request, naming such bank or association, with the Corporation, unless the bank or association is the converting institution or an affiliate of the converting institution.

(4) *Purpose of the acquisition of control and plans or proposals of the acquiring person.* State the purpose or purposes of the sale or acquisition of control. Describe any plans or proposals of the acquiring person or the converting insured institution which relate to or would result in:

(i) An extraordinary corporate transaction, such as a merger, reorganization, or liquidation, involving the converting institution or any of its subsidiaries;

(ii) Failure of the public shareholders to have voting rights or appraisal rights with respect to any such extraordinary corporate transaction;

(iii) A sale or transfer of a material amount of assets of the converting insured institution or any of its subsidiaries;

(iv) Any change in the present board of directors or management of the converting institution and any plans or proposals regarding continued employment or compensation of any of such persons;

(v) Any other material change in the converting insured institution's business;

(vi) Causing the converting insured institution's capital stock to fail to be authorized to be quoted in an interdealer quotation system of a registered national securities association; or

(vii) The capital stock of the converting insured institution becoming eligible for termination of registration pursuant to section 12(g)(4) of the Securities Exchange Act of 1934 after the expiration of the undertaking required by § 563b.3(c)(19)(i) of this Part.

(5) *Effect of sale-of-control conversion.* Briefly describe the effects of a sale-of-control conversion, including the following:

(i) A statement that, pursuant to the Board's regulations and as an alternative to the sale-of-control conversion, the converting insured institution could seek approval to convert to stock form in a manner that would prohibit the sale of control to any person and that conversion pursuant to such regulatons might result in a wider distribution of the converting institution's capital stock and a more active trading market for such capital stock;

(ii) If the proxy statement is to be used by management to solicit proxies, a statement of why management is recommending approval of the sale-of-control conversion;

(iii) A statement that, in connection with a conversion not involving the sale of control, the subscription rights of eligible account holders, supplemental eligible account holders, and voting members would not be subordinated to the rights of the acquiring person to acquire capital stock of the converting institution; and

(iv) A statement that approval of the sale-of-control conversion may result in the converting institution not receiving other offers to acquire control of the converting institution on terms and conditions that might be more favorable to the converting institution and its members.

(6) *Contracts, arrangements, understandings, or relationships with respect to the converting institution's securities.* Describe any contract, arrangement, understanding, or relationship (whether or not legally enforceable) between the acquiring person or its affiliates and any person with respect to any securities of the converting insured institution naming the persons with whom such contracts, arrangements, understandings or relationships have been entered into and giving the material provisions thereof. Include such information for any of such securities that are pledged or otherwise subject to a contingency the occurrence of which would give another person the power to direct the voting or disposition of such securities, except that disclosure of standard default and similar provisions contained in loan agreements need not be included. State whether any of such contracts, arrangements, understandings, or relationships are in violation of § 563b.3(i) of this Part.

(7) *Persons retired, employed, or to be compensated.* Identify all persons and

classes of persons employed, retained, or to be compensated by the acquiring person, or by any person on the acquiring person's behalf, to make solicitations or recommendations in connection with the conversion, and describe briefly the terms of such employment, retainer, or arrangement for compensation.

(8) *Financial statements of the acquiring person.* (i) The following current financial statements shall be provided unless the sale-of-control plan of conversion requires the issuance of all of the capital stock of the converting institution to the acquiring person:

(A) where the acquiring person is other than a natural person, furnish the financial information concerning the acquiring person set forth in paragraph (*1*) of this paragraph (b)(8)(i): *Provided,* that if the acquiring person is controlled by another entity which is not a natural person and has been formed for the purpose of acquiring the shares of capital stock of the converting institution, furnish financial information concerning the controlling entity; and (B) where the acquiring person is a natural person, furnish the financial information set forth in paragraph (*2*) of this paragraph (b)(8)(i).

(*1*) Income statement.

Net sales and operating revenues and other revenues
Income before extraordinary items
Net income
Balance sheet (at end of period):
Workiing capital
Total assets
Total assets less deferred research and development charges and excess cost of assets acquired over book value
Total indebtedness
Shareholders' equity
Per share
Income per common share before extraordinary items
Extraordinary items
Net income per common share (and common share equivalents, if applicable)
Nete income per share on a fully diluted basis

(*2*) Statement of net worth.

(ii) If the acquiring person is not subject to the periodic reporting requirements of the Securities Exchange Act of 1934, the financial statements required by this paragraph need not be audited if such audited financial statements are not available or obtainable without unreasonable cost or expense and a statement is made to that effect disclosing the reasons therefor.

(9) *Additional information.* If material to a decision by a member whether to acquire shares of stock in the conversion, furnish information as to the following:

(i) Any present or proposed contracts, arrangements, understandings, or relationships between the acquiring person or any of its executive officers, directors, controlling persons or subsidiary affiliates or associates and the converting institution or any of its executive officers, directors, affiliates or associates (other than any contract, arrangement or understanding required to be disclosed pursuant to paragraphs (b) (2) and (6) of this section);

(ii) The applicability of anti-trust laws;

(iii) The applicability of Section 407(q) and 408 of the National Housing Act and the regulations promulgated thereunder; and

(iv) Such additional material information, if any, as may be necessary to make the required statement, in light of the circumstances under which they are made, not materially misleading.

§ 563b.19 Additional requirements of sale-of-control application.

In addition to the information required by Form AC, an application for conversion in connection with a sale-of-control conversion shall include the following:

(a) Any stock purchase or other agreement between the converting insured institution and the acquiring person.

(b) Any loan agreement referred to in § 563b.16(b)(3) of this Part;

(c) Any document setting forth the terms of any contracts, arrangements, understandings, or relationships referred to in § 563b.18(b) (2) and (6) of this Part;

(d) All documents in the possession of the converting insured institution which set forth the material terms of any proposal received by the institution within one year preceding the date of the filing of the application for conversion, and thereafter until approval is received from the Corporation, relating to an acquisition of control of the converting insured institution in a conversion subject to this Subpart C which was rejected by management or the board of directors of the institution;

(e) A fairness opinion signed by persons independent of the converting association and the acquiring person, experienced and expert in the area of corporate appraisal and acceptable to the Corporation to the effect that the terms and conditions of the proposed conversion are fair and equitable to the converting insured institution and to its members;

(f) Information demonstrating to the satisfaction of the Corporation the independence and expertise of any person preparing the fairness opinion required by paragraph (e) of this section: *Provided,* that a person will not be considered as lacking independence for the reason that such person will participate in effecting a sale of capital stock under the plan of conversion or will receive a fee from the applicant for services rendered in connection with such opinion;

(g) Any notices which are required to be filed with the Corporation prior to the acquisition of control under § 563.18–2 of this Subchapter; and

(h) Any application for approvals of the Corporation which are required under Part 584 of this Subchapter as a result of the transaction contemplated by the plan of conversion.

Subpart C—Voluntary Supervisory Stock Conversions

§ 563b.20 Scope of subpart.

Except as the Board may otherwise determine, the provisions of this Subpart shall govern the voluntary conversion of mutual insured institutions to capital stock insured institutions. A voluntary supervisory stock conversion is a conversion authorized or ordered by the Board pursuant to a Plan of Conversion adopted by majority vote of the board of directors of the converting insured institution. The determination to authorize or order a supervisory stock conversion shall be in the sole discretion of the Board.

§ 563b.21 Supervisory stock conversions.

A supervisory conversion is the sale of a mutual insured institution's newly-issued capital stock to a third party or parties in a transaction in which the association members have no rights of approval or participation, and no rights to the continuance of any legal or beneficial ownership interest in the converted insured institution.

§ 563b.22 Authorization of supervisory conversions.

The Board will consider authorizing or ordering a supervisory stock conversion if the insured institution files an application containing the information and documents specified in § 563b.27 of this Part, in accordance with the procedures specified in § 563b.28 of this Subpart, and meets the qualification standards specified in § 563b.23 of this Subpart. If the Board authorizes or orders a supervisory stock conversion, the conditions specified in § 563b.29 of this Part must be fulfilled, and the converted insured institution and the

purchaser or purchasers of its conversion stock must comply with the requirements of § 523b.30 of this Part.

§ 563b.23 Qualification for supervisory conversion.

The Board may in its discretion authorize, and in the case of a Federally-chartered insured institution, may in its discretion order, the supervisory stock conversion of an insured institution when: (a) as to a Federally-chartered insured institution, the Board has the power to appoint a receiver for the purpose of liquidation, or, as to a state-chartered insured institution, the Board would have the power to appoint a receiver for the purpose of liquidation were the institution Federally-chartered; (b) upon liquidation, there would be no equity value realizable by the mutual accountholders; (c) the insured institution is in receivership, or the Corporation has contracted to provide assistance to the insured institution under Section 406 of the National Housing Act, or the Board has determined that severe financial conditions exist which threaten the financial condition of the insured institution and that such authorization is likely to improve the financial condition of the insured institution; and (d) the insured institution would be a viable entity under § 563b.26 of this Part following the conversion.

§ 563b.24 Power to appoint a receiver.

(a) The existence of any of the grounds set forth in Section 5(d)(6)(A) of the Home Owners' Loan Act of 1933 for the appointment by the Board of a receiver for the purpose of liquidation shall satisfy the requirement of § 563b.23(a) of this Subpart.

(b) Insolvency may be found to exist under Section 5(d)(6)(A) of the Home Owners' Loan Act of 1933 for the purposes of this Subpart on either a book-value balance-sheet basis or a market-value balance-sheet basis. The finding of insolvency shall be based upon the conclusions of the Principal Supervisory Agent or his designee ("PSA"), with the concurrence of the Director of the Board's Office of Examinations and Supervision or his designee ("Director").

(1) The PSA shall base his conclusion that the insured institution is insolvent on a book-value balance-sheet basis on the insured institution's latest semi-annual report and the most current audited or unaudited financial information dated after the date of the semi-annual report, which shall be provided by the insured institution to the PSA.

(2) If the insured institution is not insolvent on a book-value balance-sheet basis, but is projected to be insolvent on such a basis in less than one year, and such projected insolvency is not reasonably reversible, the PSA may determine whether the insured institution is insolvent on a market-value balance-sheet basis. Interest-rate projections used by the PSA or his designee for the book-value balance-sheet insolvency projection shall be the most recent forecast provided by the Board's Office of Policy and Economic Research. The conclusion of the PSA that the institution is insolvent on a market-value balance-sheet basis must be based upon clearly identified assumptions with supporting justifications, and an insolvency analysis performed by the Quantitative Analysis Division of the Corporation.

§ 563b. 25 No equity value realizable upon liquidation.

The finding that no value would be realizable upon liquidation by the members of the insured institution shall be based upon the conclusion of the PSA with the concurrence of the Director. The conclusion of the PSA shall be based upon a liquidation analysis performed by the Quantitative Analysis Division.

§ 563b.26 Viability of converted insured institution.

(a) An application of an insured institution to convert pursuant to this Subpart may be approved by the Board in its discretion if it finds that the insured institution will be a viable entity following conversion. For the purposes of this Subpart only, a converting insured institution may be deemed a viable entity if it is determined by the Board that the net worth of the insured institution after conversion would meet regulatory requirements and would be reasonably sufficient to absorb projected operating losses for a period of not less than three years after the date of completion of the conversion without the application of appraised equity capital or net worth certificates. The finding of viability shall be based upon the conclusion of the PSA with the concurrence of the Director.

(b) The determination of the PSA regarding the viability of the converting insured institution shall be based upon the most recent interest-rate forecast of the Office of Policy and Economic Research, the application of reasonable assumptions in the analysis of the insured institution's business plan required by § 563b.27(d) of this Part, relevant historical experience, and material tax consequences, if any, of the conversion. If the proposed conversion stock purchaser or purchasers guarantee to maintain the insured institution's net worth in the amount required by § 563.13 of this Subchapter for a period of not less than three years after the date of completion of the conversion, the conclusion of the PSA shall be based upon the projected operating results of the insured institution over a three-year period and the financial capability of the purchaser or purchasers to maintain net-worth compliance.

§ 563b.27 Application for supervisory stock conversion.

An insured institution may apply for Board approval of a supervisory conversion pursuant to this Subpart by filing the following information and documents in accordance with the procedures specified in § 563b.28 of this Subpart:

(a) The plan of conversion ("Plan") adopted by the board of directors of the institution. The Plan shall contain at a minimum the name and address of the insured institution; the names and addresses of the proposed purchasers of conversion stock and their relationship to the insured institution; the title, per-unit par value, number, and per-unit and aggregate offering price of shares of conversion stock to be authorized and issued; the number and percentage of shares of conversion stock to be purchased by each investor; the aggregate number and percentage of shares of conversion stock to be purchased by directors, officers, or their associates (as defined in § 563b.2(a)(4) of this Part); the form of consideration to be paid for the conversion stock; and certified copies of all resolutions of the board of directors relating to the Plan.

(b) A copy of all supervisory stock conversion agreements between the insured institution and the proposed conversion stock purchaser(s).

(c) An opinion of qualified, independent counsel or an independent, certified public accountant regarding the tax consequences to the insured institution arising from the conversion, or an Internal Revenue Service ruling that the transaction qualifies as a tax-free reorganization, unless the proposed conversion stock purchaser(s) guarantee to maintain the insured institution's net worth in the amount required by § 563.13 of this Subchapter for a period of not less than three years from the date of completion of the conversion.

(d) The business plan, which shall contain a description of the proposed operating policies of the insured institution following the conversion, including a statement as to how the

conversion proceeds will be used, and a projection of the insured institution's results of operations for the three-year period following completion of the conversion. The insured institution shall specify the assumptions on which its projections are based.

(e) A savings and loan holding company application as required by § 584.4 of this Chapter or a Change-in-Control Act Notice as required by § 563.18–2 of this Subchapter, if applicable.

(f) The proposed charter and bylaws of the converted insured institution.

(g) The proposed stock certificate form.

(h) A description of all existing and proposed employment contracts.

(i) Resolutions of the board of directors of the institution regarding appraised equity capital as required by § 563b.32 of this Part, if applicable.

(j) All filings required under the securities offering rules of proposed 12 CFR Part 563g (48 FR 10684; March 14, 1983), or such final regulatory requirements on that subject as may be adopted by the Board.

§ 563b.28 Procedural requirements.

(a) *Filing of supervisory conversion application.* An insured institution seeking to convert pursuant to this Subpart shall file an original and two copies of its supervisory conversion application containing the information and documents specified in § 563b.27 of this Part with the PSA and one copy with the Board's Office of Examinations and Supervision, Washington, D.C. The application shall be deemed to be filed on the date received by the PSA, provided that the copy required to be filed with the Office of Examinations and Supervision has been submitted by that date.

(b) *Incomplete application.* An application for supervisory stock conversion that does not contain all of the information and documents specified in § 563b.27 shall constitute an incomplete application, and the PSA shall continue to seek other appropriate supervisory resolutions of the institution's financial condition pending the filing of a complete application.

(c) *Termination or amendment of charter.* (1) Upon Board approval of a plan of supervisory stock conversion of a state-chartered insured institution or a Federally-chartered insured institution which is converting to a state-chartered stock insured institution, the charter of such insured institution shall terminate upon issuance to it of a stock charter under the laws of the state in which its home office is located. If such converting insured institution is a Federally-chartered insured institution, its Federal charter shall be surrendered promptly to the Board for cancellation. An insured institution converting to a state-chartered stock insured institution shall promptly file with the Corporation a copy of the stock charter issued to it. The certificate of insurance of such insured institution shall be surrendered promptly to the Corporation for amendment or cancellation, and the Corporation shall promptly issue an amended or new certificate of insurance to the converted insured institution.

(2) A Federally-chartered mutual insured institution converting to a Federally-chartered stock insured institution shall apply to amend its charter and bylaws to read in the form of charter and bylaws for a Charter S or Charter T institution, whichever is appropriate. The effective date of such amendment shall be stated in the Board's resolution approving the conversion.

(3) The corporate existence of a Federally-chartered mutual insured institution converting to a Federally-chartered stock insured institution shall be deemed to be a continuation of the entity of the institution so converted. In the case of a Federally-chartered or a state-chartered mutual insured institution converting to a state-chartered stock insured institution, unless state law otherwise prescribes, the corporate existence of the converting mutual insured institution shall similarly not terminate and the converted stock insured institution shall be deemed to be a continuation of the entity of the insured institution so converted.

§ 563b.29 Conditions of approval.

Board approval of a supervisory conversion application will be conditioned upon the following: (a) completion of the sale of conversion stock within a maximum of three months after the Board approves the application, or within such additional period as the General Counsel or his designee may for good cause grant; (b) compliance with all filing requirements of proposed 12 CFR Part 563g, or such final regulatory requirements on that subject as may be adopted by the Board; (c) submission of an opinion of independent legal counsel that all applicable state securities law requirements have been met in connection with the sale of the institution's conversion stock; (d) compliance with all applicable laws, rules, and regulations; and (e) satisfaction of any other requirement or condition the Board may impose.

§ 563b.30 Sale of conversion stock.

Each insured institution that converts pursuant to this Subpart shall offer and sell its conversion stock pursuant to the requirements of proposed 12 CFR Part 563g, or such final regulatory requirements on that subject as may be adopted by the Board, and the offering and sale of the conversion stock must constitute a non-public offering under those provisions.

§ 563b.31 Restrictions on payments of dividends.

An insured institution that converts pursuant to this Subpart shall be subject to the conditions set forth in § 563b.3(g)(2)(ii) and (3) of this Part.

§ 563b.32 Treatment of appraised equity capital.

(a) In determining whether an insured institution qualifies for a supervisory conversion pursuant to this Subpart, the PSA shall not include appraised equity capital in the institution's regulatory net worth unless the institution has done so pursuant to § 563b.13(c) of this Subchapter.

(b) No insured institution which excludes appraised equity capital from its regulatory net worth shall convert pursuant to this Subpart unless resolutions of its board of directors containing the following information and evidencing approval thereof have been filed with the PSA:

(1) An estimate of the available amount of appraised equity capital under § 563.13(c) of this subchapter and the grounds on which the estimate is based; and

(2) A determination not to include the estimated available amount of appraised equity capital in the institution's regulatory net worth pursuant to § 563.13(c), if such inclusion would disqualify the institution for conversion pursuant to this Subpart, and the grounds on which the determination is based.

§ 563b.33 Treatment of net worth certificates.

In determining whether an insured institution qualifies for a supervisory conversion pursuant to this Subpart, the PSA shall not include net worth certificates ("NWCs") in the institution's regulatory net worth other than outstanding NWCs issued in accordance with Part 572 of this Subchapter or NWCs which the Corporation is committed to purchase from the institution under § 572.1(c) of this Subchapter.

Subpart D—Guidelines for Modified Conversions

§ 563b.34 Scope of subpart.

This Subpart establishes guidelines for modified conversions from the mutual to stock form authorized or ordered by the Board under Section 5(p) of the Home Owners' Loan Act of 1933. The provisions of this Subpart are not exclusive and the Board may waive or modify any provision in its sole discretion.

§ 563b.35 Purpose of subpart.

The purpose of this Subpart is to give guidance to insured institutions and potential acquirors of the stock of insured institutions regarding the qualification of insured institutions for a modified conversion under this Subpart, and guidance as to the extent to which the Board will permit, by means of a modified conversion, deviance from the substantive and procedural requirements adopted by the Board for standard conversions under Subpart A of this Part. The guidelines are intended to assist insured institutions and potential acquirors of insured institutions to develop proposals for submission to the Board in seeking the Board's approval for the filing of formal applications for modified conversions pursuant to § 563b.38 of this Subpart.

§ 563b.36 Guidelines for qualification.

(a) The Board may, in its discretion, find that an insured institution qualifies for a modified conversion when the following conditions have been met: (1) The insured institution has contracted to receive assistance from the Corporation under section 406 of the National Housing Act; or (2) the Board determines that (i) severe financial difficulties exist which threaten the stability of the insured institution, and (ii) the conversion to stock form is likely to improve the financial condition of the institution.

(b) The Board may, in its discretion, make the finding set forth in paragraph (a)(2)(i) of this section if: (1) the insured institution does not meet its regulatory net-worth requirement; (2) it has had negative net income, under generally accepted accounting principles, for (i) its last three fiscal quarters, if it has more than two percent net worth; (ii) for two of its last three fiscal quarters, if it has more than one percent net worth; or (iii) one of its last three fiscal quarters, if it has less than one percent net worth; (3) it is demonstrated to the Board's satisfaction that (i) the net proceeds of the sale of conversion stock by the insured institution pursuant to an appraised valuation under Subpart A of this Part would not be sufficient to enable the insured institution to meet its net-worth requirement; or (ii) the net proceeds would not be sufficient to reasonably ensure the financial safety and soundness of the insured institution; or (iii) there would not be a reasonable likelihood that the insured institution could market its stock in a conversion undertaken pursuant to Subpart A of this Part.

§ 563b.37 Substantive guidelines.

(a) All of the provisions of Subpart A and Subpart B of this Part shall apply to a conversion undertaken pursuant to this Subpart unless clearly inapplicable.

(b) The Board may order the conversion to the stock form of a Federally-chartered insured institution under this Subpart without the consent of the institution's members or its board of directors.

(c) The Board may authorize the conversion to the stock form of a state-charter insured institution under this Subpart upon the filing of an application approved by resolution of the majority of the board of directors of the institution, but neither the Board nor the institution would be required to secure the prior approval of the institution's members to the conversion.

(d) An insured institution that has converted to the stock form pursuant to this Subpart is required to establish a liquidation account on behalf of the institution's members as required under § 563b.3(f) of this Part.

(e) An insured institution converting under this Subpart is not required to sell its conversion stock for an amount determined pursuant to an independent appraisal as required in Subpart A and Subpart B of this Part.

(f) The Board may, in its discretion, approve an application for conversion pursuant to this Subpart if it is demonstrated to the Board's satisfaction, through a detailed submission prepared by an independent investment banking firm or other qualified person, that the net capital to be received from the sale by the converting insured institution of its capital stock pursuant to this Subpart: (1) would bring the insured institution into regulatory net-worth compliance, on the basis of generally accepted accounting principles, and (2) would be reasonably sufficient to ensure the financial safety and soundness of the insured institution.

(g) The eligible accountholders, the supplemental eligible accountholders, and the voting members of the insured institution converting pursuant to this Subpart shall be granted subscription rights to purchase all of the stock proposed to be issued by the insured institution, in accordance with the rules and regulations of Subpart A of this Part.

§ 563b.38 Acceptance of test-case applications.

(a) The Board will accept applications under this Subpart D on a test-case basis.

(b) No application may be filed under this Subpart D without the prior written approval of the Corporation.

(c) *Delegation of authority.* The Board delegates to the General Counsel or his designee the authority of the Board under this section.

(Secs. 402, 403, 407, Stat. 1256, 1257, 1260, as amended; 12 U.S.C. 1725, 1726, 1730; Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464; Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 83-9409 Filed 4-11-83; 8:45 am]

BILLING CODE 6720-01-M

CIVIL AERONAUTICS BOARD

14 CFR Part 389

[Organization Reg. Amdt. No. 33 to Part 389; Reg. OR-210]

Fees and Charges for Special Services

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB is setting a new fee category on its filing fee schedule. It has found that there are a significant number of requests for exemption from the need to obtain approval for acquisitions of control of air carriers. These requests are primarily for the benefit of the applicant, who should be charged a fee. By setting a fee for this category, the Board will remove the uncertainty from the determination of what fee should be charged.

DATES:

Effective: April 7, 1983.

Adopted: April 12, 1983.

FOR FURTHER INFORMATION CONTACT: Joseph A. Brooks, Office of the General Counsel, 202–673–5442 or Betsy Wolf, Competition Maintenance Division, 202–673–5915, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUPPLEMENTARY INFORMATION: The Board's fees for filing applications and documents that primarily benefit the applicant are set forth in 14 CFR Part 389. The standards by which the Board

set those fees are set forth in OR-204 (48 FR 635, January 6, 1983) and in Docket 30596.

Section 408 of the Federal Aviation Act of 1958, as amended, requires, among other things, prior Board approval of certain acquisitions of control involving U.S. and foreign air carriers. Persons often ask for exemption from that prior approval requirement for transactions that present no novel or material issue of law or fact. The grant of an exemption enables them to proceed with a transaction as quickly as possible, avoiding time-consuming hearings and other government procedures. The Board thus finds that such exemption requests are primarily for the benefit of the applicant.

The application is filed in the Docket Section, processed, and then sent to the Competition Maintenance Division for initial analysis. The time for the initial analysis is 15 staff house. By using the formula developed in OR-204, the Board sets the fee for this application at $371.

Because this amendment only makes a minor change in the Board's fees, setting up a new fee category that amounts to a lowering of costs to the public, the Board finds that notice and public comment are unnecessary. Further, because this rule relieves a burden on those filing a waiver request by reducing the possible fee that could be charged from $1080 to $371, the Board finds good cause to make this rule effective upon publication in the **Federal Register**.

List of Subjects in Part 389

Archives and records.

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 389, *Fees and Charges for Special Services*, as follows:

PART 389—[AMENDED]

1. The authority for Part 389 is:

Authority: Secs. 204, 1002, Pub. L. 85-726, as amended, 72 Stat. 743, 797; 49 U.S.C. 1324, 1502. Act of August 3, 1951, Ch. 376, 65 Stat. 268; 31 U.S.C. 483a.

2. The fee schedule in § 389.25 is amended by adding a category number 47a after number 47 under the title, *Other (U.S. and foreign air carriers)* to read:

§ 389.25 Schedule of processing fees.

* * * * *

Other (U.S. and Foreign Air Carriers)

* * * * *

47 Merger or Acquisition of Control, 1080

—47a Exemption request, 371

* * * * *

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-9619 Filed 4-11-83; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Parts 651 and 654

Preference in Federal Procurement for Labor Surplus Areas Under Executive Orders 12073 and 10582

AGENCY: Employment and Training Administration, Labor.

ACTION: Final rule.

SUMMARY: The Department of Labor is modifying its regulations for classifying labor surplus areas under Executive Order 12073 and areas of substantial unemployment under Executive Order 10582 in order to change the date of the annual listing of labor surplus areas so that the annual listing will be effective on a fiscal-year basis, to delete references to Defense Manpower Policy No. 4A (DMP-4A), and to revise the complaint procedures.

EFFECTIVE DATE: June 1, 1983.

FOR FURTHER INFORMATION CONTACT: Richard C. Gilliland, Director, U.S. Employment Service, 601 D Street, N.W., Washington, D.C. 20213—(202) 376-6289.

SUPPLEMENTARY INFORMATION: The purpose in designating labor surplus areas is to encourage the purchase of goods and services by the Federal Government and the placement of Federal facilities in areas of high unemployment. Under Executive Orders 12073 and 10582, the Secretary of Labor is required to classify labor surplus areas and disseminate this information for the use of all Federal agencies in directing procurement activity and locating new plants or facilities. Employers who agree to perform most of the work in labor surplus areas are eligible for preference in the award of procurement contracts and grants, and the execution of agreements.

The Department of Labor (Department), in this document, amends the regulations for classifying labor surplus areas, to conform the effective date of the annual listing of labor surplus areas to the fiscal year, to delete references to Defense Manpower Policy No. 4A (DMP-4A), and to revise the complaint procedures.

The Department published the proposed amendments for comment on June 1, 1982 (47 FR 23754), with a 30-day comment period. Only one comment was received during this period, recommending that the Department publish the labor surplus areas by zip code. After serious consideration, it was decided not to amend the rule. Zip code boundaries do not coincide with the boundaries of the civil jurisdictions comprising the labor surplus areas.

The current regulations for classifying labor surplus areas in 20 CFR Part 654, Subparts A and B, establish June 1 as the annual date of the eligibility determinations. In order to make the annual listing conform to the fiscal year period, the Department of Labor is amending its regulations to change the annual date of the eligibility determinations to October 1. The amendment simplifies procurement planning by Federal staff and by contractors. The change will become effective October 1, 1983, and will require extending the current listing for four months beyond its scheduled expiration date of May 31, 1983. Under the modifications, the current listing will remain in effect through September 30, 1983, when it will be replaced by the next annual listing of labor surplus areas on October 1, 1983.

Prior to June 23, 1980, the Secretary of Labor had certain duties pursuant to the Federal Emergency Management Agency's Defense Manpower Policy No. 4A (DMP-4A, 32A CFR Part 134, 1979). Effective June 23, 1980, DMP-4A was replaced by DMP-4B in order to recognize Executive Order 12073 and to preserve the mobilization aspects of the labor surplus area program (45 FR 344884, May 23, 1980). Although specific responsibilities had been assigned to the Secretary of Labor under DMP-4A, those responsibilities were not carried over to DMP-4B. Accordingly, the Department of Labor is deleting all references to DMP-4A in its regulations for classifying labor surplus areas.

Section 654.5(b) of the Department's regulations for classifying labor surplus areas indicates that until the end of Fiscal Year 1981, Current Population Survey (CPS) data would be used in classifying civil jurisdictions within those standard metropolitan statistical areas and for central cities for which CPS data were used to determine annual unemployment data prior to January 1, 1978. With the expiration of Fiscal Year 1981, the current § 654.5(b) is being deleted.

Modifications are also being made to § 654.9, concerning the filing of Employment Service-related complaints, in order to reflect the fact that the classification of labor surplus areas no longer involves the Department of

Labor's Regional Offices but is done exclusively in the Department's National Office. As a result, the complaint procedure is being modified to have complaints sent directly to the Assistant Secretary for Employment and Training rather than to a Department of Labor Regional Office. Other minor technical, editorial, and clarifying amendments are made as well.

At the time the proposed rule was published, it was certified, pursuant to 5 U.S.C. 605(b), that the changes would not have significant impact on a substantial number of small entities. The financial and other impact of this regulation is less than specified in Section 1(b) of Executive Order 12291 (46 FR 13193), for designation as a major rule which requires a regulatory impact analysis. Therefore, a regulatory analysis was not prepared for this final rule.

Authority: 41 U.S.C. 10a *et seq.* (29 U.S.C. 49 *et seq.*); E.O. 12073; E.O. 10582, as amended by E.O. 11051 and 12148.

List of Subjects

20 CFR Part 651

Employment, labor.

20 CFR Part 654

Agriculture, Employment, Government procurement, Housing standards, Labor, Migrant labor, Unemployment.

Final Rule

Part 651 and Part 654, Subparts A and B, of Chapter V of Title 20, Code of Federal Regulations are amended as follows:

PART 651—GENERAL PROVISIONS GOVERNING THE FEDERAL-STATE EMPLOYMENT SERVICE SYSTEM

§ 651.9 [Amended]

1. The table of contents for Part 654, Subpart A, in § 651.9, "Consolidated Table of Contents for Parts 651–658," is amended by deleting the reference to "654.2 Description of DMP–4A."; by adding a reference to "654.10 Transition provision."; and by revising the heading for Subpart A to read "Subpart A—Responsibilities Under Executive Order 12073."

PART 654—SPECIAL RESPONSIBILITIES OF THE EMPLOYMENT SERVICE SYSTEM

2. The heading for Subpart A of Part 654 is revised to read as set forth.

Subpart A—Responsibilities Under Executive Order 12073

§ 654.1 [Amended]

3. Section 654.1 is amended by removing from the first sentence therein the phrase "Defense Manpower Policy No. 4A of the Federal Preparedness Agency, General Services Administration (32A CFR Part 134—Preservation of the Mobilization Base Through the Placement of Procurement and Facilities in Labor Surplus Areas (DMP–4A), and".

§ 654.2 [Removed]

4. Section 654.2 is removed.

§ 654.3 [Amended]

5. Section 654.3 is amended by removing from the first sentence therein the word "also."

§ 654.4 [Amended]

6. Section 654.4 is amended as follows:

a. In paragraph (a)(3) the period after the word "above" is removed and "; or" inserted in lieu thereof.

b. In paragraph (a)(4) the period after the parenthetical phrase is removed and "; or" inserted in lieu thereof.

c. In paragraph (c) the words, "for the purpose of Defense Manpower Policy No. 4A" are removed.

d. In paragraph (d) the date "June 1" is removed and the date "October 1" inserted in lieu thereof.

7. Section 654.5 is revised to read as follows:

§ 654.5 Classification of labor surplus areas.

(a) *Basic criteria.* The Assistant Secretary shall classify a civil jurisdiction as a labor surplus area whenever, as determined by the Bureau of Labor Statistics, the average unemployment rate for all civilian workers in the civil jurisdiction for the reference period is (1) 120 percent of the national average unemployment rate for civilian workers or higher for the reference period as determined by the Bureau of Labor Statistics, or (2) 10 percent or higher. No civil jurisdiction shall be classified as a labor surplus area if the average unemployment rate for all civilian workers for the reference period is less than 6.0 percent.

(b) *Criteria for exceptional circumstances.* The Assistant Secretary, upon petition submitted by the appropriate State employment security agency, may classify a civil jurisdiction as a labor surplus area without regard to the unemployment rate for all civilian workers for the reference period, whenever the civil jurisdiction meets or is expected to meet the unemployment tests established under § 654.5(a) as a result of exceptional circumstances. For purposes of this paragraph, "exceptional circumstances" shall mean catastrophic events, such as natural disasters, plant closings, and contract cancellations expected to have a long-term impact on labor market area conditions, discounting temporary or seasonal factors.

§ 654.6 [Amended]

8. Section 654.6 is amended by removing from paragraph (a) the words "and (b)"; and by removing from paragraph (b) the citation "§ 654.5(c)" and inserting in lieu thereof the citation "§ 654.5(b)".

§ 654.7 [Amended]

9. Section 654.7 is amended by inserting at the end thereof the following sentence: "The Assistant Secretary periodically may cause these lists to be published in the **Federal Register**."

§ 654.8 [Amended]

10. Section 654.8 is amended by removing from the introductory language the words "Defense Manpower Policy No. 4A" and inserting in lieu thereof the words "Executive Order 12073".

11. Section 654.9 is revised to read as follows:

§ 654.9 Filing of complaints.

Complaints alleging that the Department of Labor has violated the labor surplus area regulations should be mailed to the Assistant Secretary for Employment and Training, U.S. Department of Labor, Washington, D.C. 20210. Such complaints should include: (a) The allegations of wrongdoing; (b) the date of the incident; and (c) any other relevant information available to the complainant. The Assistant Secretary shall make a determination and respond to the complainant after investigation of the incident. If the complaint is not resolved following this investigation, the Assistant Secretary, at his discretion, may offer, in writing by certified mail, the complainant a hearing before a Department of Labor Administrative Law Judge, provided that the complainant requests such a hearing from the Assistant Secretary within 20 working days of the certified date of receipt of the Assistant Secretary's offer of a hearing.

12. A new § 654.10 is added, to read as follows:

§ 654.10 Transition provisions.

The annual list of labor surplus areas for the period June 1, 1982, through May 31, 1983, shall be extended through September 30, 1983.

13. Section 654.14 is revised to read as follows:

§ 654.14 Filing of complaints.

Complaints arising under Subpart B of this part alleging that the Department of Labor has violated the labor surplus area regulations shall be made pursuant to the procedures set forth at § 654.9 of this part.

Signed at Washington, D.C., this 6th day of April, 1983.

Albert Angrisani,

Assistant Secretary of Labor.

[FR Doc. 83-9431 Filed 4-11-83; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 175 and 178

[Docket No. 82F-0267]

Indirect Food Additives: Adhesive Coatings and Components; Adjuvants, Production Aids, and Sanitizers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of 4-[[4,6-bis(octylthio)-*s*-triazin-yl]amino]-2,6-di-*tert*-butylphenol as a component of adhesives and pressure-sensitive adhesives. This action responds to a petition filed by the Ciba-Geigy Corp.

DATES: Effective April 12, 1983; objections by May 12, 1983.

ADDRESS: Written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Rudolph Harris, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St., SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of October 1, 1982 (47 FR 43425), FDA announced that a food additive petition (FAP 2B3644) had been filed by the Ciba-Geigy Corp., Hawthorne, NY 10532, proposing that §175.105 *Adhesives* (21 CFR 175.105), § 175.125 *Pressure-sensitive adhesives* (21 CFR 175.125), and § 178.2010 *Antioxidants and/or stabilizers for polymers* (21 CFR 178.2010) be amended to provide for the safe use of 4-[[4,6-bis(octylthio)-*s*-triazin-2-y1]amino]2,6-di-*tert*-butylphenol as a component of adhesives and pressure-sensitive adhesives.

FDA has evaluated the data in the petition and other relevant material and concludes that the proposed food additive use is safe and that the regulations should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Bureau of Foods (address above) by appointment with the information contact person listed above. As provided in § 171.1(h)(2) (21 CFR 171.1(h)(2)), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has previously considered the potential environmental effects of this regulation as announced in the notice of filing published in the **Federal Register**. No new information or comments have been received that would alter the agency's previous determination that there is no significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding may be seen in the Dockets Management Branch (address above), between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects

21 CFR Part 175

Adhesives, Food additives, Food packaging.

21 CFR Part 178

Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs.2 01(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelgated to the Bureau of Foods (21 CFR 5.61 as revised February 8, 1983; 48 FR 5251), Parts 175 and 178 are amended as follows:

PART 175—INDIRECT FOOD ADDITIVES: ADHESIVE COATINGS AND COMPONENTS

1. Part 175 is amended:

a. In § 175.105(c)(5) by alphabetically inserting a new item in the list of substances, to read as follows:

§ 175.105 Adhesives.

* * * * *

(c) * * *

(5) * * *

Substance	Limitations
* * * * *	
4-[[4, 6-Bis(octylthio)-*s*-triazin-2-yl]amino]-2,6-di-*tert*-butylphenol (CAS Reg. No. 991-84-4).	
* * * * *	

b. In § 175.125 by adding new paragraph (a)(6) and by revising paragraph (b)(1), to read as follows;

§ 175.125 Pressure-sensitive adhesives.

* * * * *

(a) * * *

(6) 4-[[4, 6-Bis(octylthio)-*s*-triazin-2-yl]amino]-2,6-di-*tert*-butylphenol (CAS Reg. No. 991-84-4) as an antioxidant/stabilizer at a level not to exceed 1.5 percent by weight of the finished pressure-sensitive adhesive.

(b) * * *

(1) Substances listed in paragraph (a)(1), (2), (3), (5), and (6) of this section, and those substances prescribed by paragraph (a)(4) of this section that are not identified in paragraph (b)(2) of this section.

* * * * *

PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

2. Part 178 is amended in § 178.2010(b) by adding the third item in the list of limitations for "4-[[4,6-bis(octylthio)-*s*-triazin-2-y1]amino-2,6-di-*tert*-butylphenol", to read as follows:

§ 178.2010 Antioxidants and/or stabilizers for polymers.

* * * * *

(b) * * *

Substance	Limitations
* * * * *	
4-[[4,6-Bis(octylthio)-*s*-triazin-2-yl]amino]-2,6-di-*tert*-butylphenol (CAS Reg. No. 991-84-4).	For use only: * * * 3. In adhesives complying with § 175.105 of this chapter; and in pressure-sensitive adhesives complying with § 175.125 of this chapter, subject to the limitations noted in that section.
* * * * *	

Any person who will be adversely affected by the foregoing regulation may at any time on or before May 12, 1983, submit to the Dockets Management Branch (address above) written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each

numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective April 12, 1983.

(Secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348))

Dated: April 1, 1983.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 83-9435 Filed 4-11-83 8:45 am]

BILLING CODE 4160-01-M

21 CFR Parts 510 and 524

Ophthalmic and Topical Dosage Form New Animal Drugs Not Subject to Certification; 2-Mercaptobenzothiazole Solution

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Combe, Inc., providing for topical use of 2-mercaptobenzothiazole liquid and spray on dogs as an aid in treating hotspots and moist dermatitis and as first aid for scrapes and abrasions.

EFFECTIVE DATE: April 12, 1983.

FOR FURTHER INFORMATION CONTACT: Bob G. Griffith, Bureau of Veterinary Medicine (HFV-112), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3430.

SUPPLEMENTARY INFORMATION: Combe Inc., 1101 Westchester Ave., White Plains, NY 10604, filed a supplemental NADA (5–236) providing for topical use of Sulfodene Medication for Dogs and Sulfodene Spray Medication for Dogs (2-mercaptobenzothiazole) as an aid in treating hotspots and moist dermatitis and as first aid for scrapes and abrasions. The drug was originally approved April 2, 1943. This supplement provided additional effectiveness data and information. Additional safety information was also provided to comply with the 1962 Amendments to the Federal Food, Drug, and Cosmetic Act, and to support addition of the first aid claim. The firm submitted an adequate and well-controlled field investigation in support of the dermatitis claim and an adequate and well-controlled in vivo laboratory study in support of the first aid indication. The Bureau of Veterinary Medicine has granted a waiver from the requirement of an additional clinical investigation for each of the indications, because each of the studies for the separate claims provides evidence of the drug's effectiveness for the other claim. The supplement is approved and the regulations are amended to codify the approval. In addition, the list of sponsors of approved NADA's is amended to provide for this sponsor.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday. Requests for single copies identified by NADA number, sponsor, product, and date of publication, should be addressed to the Docket Management Branch.

The Bureau of Veterinary Medicine has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement therefore will not be prepared. The Bureau's finding of no significant impact and the evidence supporting this finding, contained in a statement of exemption (pursuant to 21 CFR 25.1(f) (i) (ii) (a) and (g)) may be seen in the Dockets Management Branch (address above).

List of Subjects

21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting and recordkeeping requirements.

21 CFR Part 524

Animal drugs, topical.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Parts 510 and 524 are amended as follows:

PART 510—NEW ANIMAL DRUGS

1. In Part 510, § 510.600 is amended by adding a new sponsor alphabetically to paragraph (c)(1) and numerically to paragraph (c)(2) to read as follows:

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

* * * * *

(c) * * *

(1) * * *

Firm name and address	Drug labeler code
Combe, Inc., 1101 Westchester Ave., White Plains, NY 10604	011509

(2) * * *

Drug labeler code	Firm name and address
011509	Combe, Inc., 1101 Westchester Ave., White Plains, NY 10604

PART 524—OPHTHALMIC AND TOPICAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

2. In Part 524, by adding new § 524.1376 to read as follows:

§ 524.1376 2-Mercaptobenzothiazole solution.

(a) *Specifications.* The drug contains 1.3 percent 2-mercaptobenzothiazole in a suitable solvent.

(b) *Sponsor.* See 011509 in § 510.600(c) of this chapter.

(c) *Conditions of use*—(1) *Amount.* Apply twice daily to affected area.

(2) *Indications for use.* For dogs as an aid in treating moist dermatitis and hotspots and as first aid for scrapes and abrasions.

(3) *Limitations.* Clip hair from affected area before applying. If no improvement is seen within 1 week, consult a veterinarian.

Effective date. April 12, 1983.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: April 1, 1983.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 83-9394 Filed 4-11-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs Not Subject to Certification; Cloprostenol Sodium

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Bayvet Division of Miles Laboratories, Inc., providing for use of cloprostenol sodium injectable in cattle for treatment of certain abnormal genital conditions and in lactating dairy cattle to induce luteolysis for indications currently approved in beef cattle and nonlactating dairy heifers.

EFFECTIVE DATE: April 12, 1983.

FOR FURTHER INFORMATION CONTACT: Adriano R. Gabuten, Bureau of Veterinary Medicine (HFV-135), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4913.

SUPPLEMENTARY INFORMATION: Bayvet Division of Miles Laboratories, Inc., P.O. Box 390, Shawnee Mission, KS 66201, filed supplemental NADA 113-645 for intramuscular use of Estrumate® (cloprostenol sodium) in lactating dairy cattle to induce luteolysis (the functional and morphological regression of the corpus luteum) for terminating unwanted pregnancies and scheduling the estrous cycle to control breeding. The drug is currently approved for intramuscular use in beef cattle and nonlactating dairy heifers to induce luteolysis for the same indications. The supplemental application also seeks approval for use in beef and dairy cattle to treat unobserved (nondetected) estrus, mummified fetuses, and luteal cysts. The supplemental NADA is approved, and the regulations are amended to reflect the approval.

Approval of the application for the use of the drug in lactating dairy cattle required a reevaluation of the human safety data base for the drug because of the expansion of use to a new production class that would involve exposure of people to residues from a new source (milk). But standards prescribed in the agency's "Sensitivity of the Method" document (44 FR 17070; March 20, 1979) were not applied to approval of this supplement. No evidence currently available indicates that the drug and its known or probable metabolites are mutagenic or carcinogenic. The current approval is based on alternative criteria which assure that the product is safe and on factors which justify the equitable treatment of this sponsor who adequately completed drug development testing according to scientific standards existing before March 20, 1979 (48 FR 6361; February 11, 1983).

In addition, in the regulation in 21 CFR 522.460(c)(4) a caution statement contains the term "bronchospasms" rather than the currently required term "bronchiospasms." The regulation is further amended to insert the correct term.

The Bureau of Veterinary Medicine has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement therefore will not be prepared. The Bureau's finding of no significant impact and the evidence supporting this finding, contained in an environmental impact analysis report (pursuant to 21 CFR 25.1(j)), may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

As required by the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of data and information submitted to support approval of this application may be seen in the Dockets Management Branch (see address above).

List of Subjects in 21 CFR Part 522

Animal drugs, Injectable.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 522 is amended in § 522.460 by revising the introductory text of paragraph (c), by revising paragraph (c)(2)(ii), and by changing in paragraph (c)(4) the word "bronchospasm" to read "bronchiospasm", as follows:

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

§ 522.460 Cloprostenol sodium.

* * * * *

(c) *Conditions of use.* For intramuscular use in beef and dairy cattle to induce luteolysis.

(2) * * *

(ii) For terminating unwanted pregnancies from mismatings from 1 week after mating until 5 months after conception, or for treating unobserved (nondetected) estrus, mummified fetus, and luteal cysts.

* * * * *

Effective date. April 12, 1983.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: February 25, 1983.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 83-9433 Filed 4-11-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Bambermycins

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by American Hoechst Corp. requesting waiver of the requirements of section 512(m) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360(m)) to manufacture complete broiler and swine feeds from premixes containing not more than 10 grams of bambermycins per pound.

EFFECTIVE DATE: April 12, 1983.

FOR FURTHER INFORMATION CONTACT: Lonnie W. Luther, Bureau of Veterinary Medicine (HFV-128), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4317.

SUPPLEMENTARY INFORMATION: American Hoechst Corp., Agricultural Division, Route 202-206 North, Somerville, NJ 08876, submitted a supplement to its approved NADA 44-759 requesting waiver of the requirements of section 512(m) of the act for manufacturing complete broiler chicken and swine feeds from premixes containing not more than 10 grams of bambermycins per pound. Approval of the 10-gram per pound bambermycins premix was published in the **Federal Register** of August 28, 1979 (48 FR

50328). Waiver of the requirements of section 512(m) of the act for use of premixes containing 0.4 and 2 grams of bambermycins per pound is currently codified at 21 CFR 558.95. The supplement is approved, and the regulations are amended accordingly.

Bambermycins, as the sole drug, meet the uniform criteria set forth in the 1971 Bureau of Veterinary Medicine memorandum for administrative waiver of the requirements of section 512(m) of the act. The pertinent provisions of the memorandum indicate that the waiver is appropriate if:

1. The feeding of 1.5X to 2X level of the product in the finished feed does not have an impact on the tissue residue picture, i.e., and impact on an existing withdrawal period or tolerance.

2. The product is not a known carcinogen or is not classed with a family of known carcinogens.

3. Appropriate documentation covering animal safety is on file. This will not require additional data since this documentation is by definition a part of the NADA.

4. The margin of safety to the animal and the consumer is such that the product label does not have to contain a statement such as "Use as the sole source of * * *."

5. Data are of file to demonstrate that the product is efficacious over the approved range. This data should generally satisfy current standards for the demonstration of efficacy.

6. Except under special circumstances, the product has been used at least 3 years in the target species without significant complaints related to or associated with it. Applications of this criterion require a review of the available Drug Experience Reports.

The 1971 memorandum explains that waiver of the ministerial requirements of section 512(m) of the act is permitted only for specific efficacy claims or at specific levels of the drug, and that distinct products with corresponding labeling for those claims or levels should exist. This is necessary to cover those premixes that can be made into finished feeds with various concentrations of drug.

The foregoing criteria established in the 1971 memorandum constitute an interim agency policy. In waiving the ministerial requirements of section 512(m) of the act, the agency has not waived the current good manufacturing practice regulations under Part 225 (21 CFR Part 225) for feed mills mixing such feeds.

In the **Federal Register** of January 9, 1981 (46 FR 2456), the agency published a proposal to revise the current procedures and requirements concerning conditions of approval for the manufacture of animal feeds containing new animal drugs. In that proposal (46 FR 2463), the agency announced that it would no longer grant exceptions from the requirement of an approved medicated feed application because the interim policy would be terminated by publication of a regulation establishing a permanent policy. FDA believed at that time that a final rule on the proposed medicated feed regulations could be published within a short time. Because of the length of time that has transpired since publication of the proposal, the agency concluded that it would be unfair to continue denying waivers to those drug sponsors whose products meet the criteria set forth in the 1971 memorandum on the basis that the program is to be restructured in the future. Accordingly, as stated in the **Federal Register** of May 28, 1982 (47 FR 23446), the agency has withdrawn its policy, announced in the January 9, 1982, **Federal Register**, terminating the granting of section 512(m) exemptions based on the 1971 memorandum and has resumed the granting of exemptions on an interim basis.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(b)(22) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Approval of this supplement is an administrative action that did not require new effectiveness or safety data in support of the waiver. Therefore, a freedom of information summary is not required for this action.

List of Subjects in 21 CFR Part 558

Animal feeds, Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 558.95 is amended by revising paragraph (d)(1), to read as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

§ 558.95 Bambermycins

* * * * *

(d) * * *

(1) Premixes containing 0.4, 2, or 10 grams of bambermycins activity per pound used to make complete broiler or swine feeds containing bambermycins as the sole drug and conforming to paragraph (e)(1) or (2) of this section.

* * * * *

Effective date. This amendment is effective April 12, 1983.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: April 5, 1983.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 83-9434 Filed 4-11-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Lincomycin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed for I.M.S., Inc., providing for use of 50-gram-per-pound lincomycin premixes in manufacturing 8- and 20-gram-per-pound premixes. The 8- and 20-gram-per-pound premixes are subsequently incorporated into swine feeds that are used for treatment and/or control of dysentery.

EFFECTIVE DATE: April 12, 1983.

FOR FURTHER INFORMATION CONTACT: Lonnie W. Luther, Bureau of Veterinary Medicine (HFV-128), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4317.

SUPPLEMENTARY INFORMATION: I.M.S., Inc., 13819 Industrial Rd., Omaha, NE 68137, is sponsor of NADA 133-034 filed in its behalf by the Upjohn Co. The NADA provides for use of 50-gram-per-pound lincomycin premixes in manufacturing 8- and 20-gram-per-pound lincomycin intermediate premixes for subsequent incorporation into complete swine feeds. The feeds are used for control and/or treatment of swine dysentery as provided in 21 CFR 558.325(f)(2). Based on the data and information submitted, the NADA is approved and the regulations are amended to reflect the approval.

Approval of this application is based on safety and effectiveness data contained in Upjohn's approved NADA 97-505. Upjohn has authorized use of the data in NADA 97-505 to support approval of this application. This approval does not change the approved use of the drug. Consequently, approval of this NADA poses no increased human risk from exposure to residues of the animal drug, nor does it change the conditions of the drug's safe use in the

target animal species. Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), approval of this NADA has been treated as a Category II supplement which does not require reevaluation of the safety and effectiveness data in the original approval.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 541.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 558.325 is amended by revising paragraph (b)(5) to read as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

§ 558.325 Lincomycin.

* * * * *

(b) * * *

(5) Premix levels of 8- and 20-grams-per-pound have been granted to Nos. 017255, 017790, 043733, and 050639 in § 510.600(c) of this chapter for use as provided in paragraph (f)(2)(i), (ii), and (iii) of this section

* * * * *

Effective date. April 12, 1983

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: March 28, 1983.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 83-9396 Filed 4-11-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 812

[Docket No. 78N-0400]

Protection of Human Subjects; Investigational Device Exemptions; Conforming Amendments

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending its investigational device exemption (IDE) regulations to conform them to other agency regulations. FDA also is reinstating in the regulations certain language that was inadvertently omitted or modified in other rulemaking proceedings on protection of human subjects.

EFFECTIVE DATE: April 12, 1983.

FOR FURTHER INFORMATION CONTACT: Joseph M. Sheehan, National Center for Devices and Radiological Health (HFK–143), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7114.

SUPPLEMENTARY INFORMATION: In the Federal Register of January 27, 1981 (46 FR 8942 and 8958), FDA adopted two final rules on the protection of human subjects of clinical investigations conducted pursuant to requirements for prior submission to FDA or conducted in support of applications for permission to conduct further research or to market products regulated by FDA. One of those final rules amended 21 CFR Part 50 to establish requirements for informed consent of human subjects involved in research activities that fall within FDA's jurisdiction (46 FR 8942). The other final rule established standards governing the composition, operation, and responsibility of any institutional review board (IRB) that reviews research conducted under FDA regulatory requirements (21 CFR Part 56) (46 FR 8958).

In the amendments conforming Part 812 (21 CFR Part 812) to the provisions of Parts 50 and 56, FDA inadvertently failed to conform the definition of "investigator" in § 812.3(i) to the definition of "investigator" in § 50.3(d). FDA is correcting the oversight by amending § 812. 3(i) to make it consistent with the definition of "investigator" in § 50.3(d).

In addition, after FDA issued the final informed consent and IRB rules, the Health Industry Manufacturers Association (HIMA) pointed out to the agency that, in conforming § 812.35(a) to Part 56, FDA had removed the provision that limited the requirement that a sponsor submit IDE supplements for prior IRB and FDA approval to those situations in which a change or deviation from the investigational plan may affect the scientific soundness of the investigation or the rights, safety, or welfare of the subjects in the investigation. As amended in the January 27, 1981, final rule, § 812.35(a) requires the sponsor to file an IDE supplement in support of any change in an investigational plan or protocol. FDA did not intent to amend the threshold conditions in which a sponsor is required to submit to FDA, or to obtain prior approval from FDA of, a change in an investigational plan. Rather, consistent with the IRB final rule, the agency intended to limit the circumstances in which a sponsor is required to obtain prior IRB approval of a change to those in which the change involves the rights, safety, or welfare of subjects. FDA is revising § 812.35(a) and adding a reference to §§ 56.110 and 56.111 to clarify the agency's intent.

HIMA also pointed out the FDA made a similar omission in the conforming amendment to § 812.150(a)(4), regarding the obligations of investigators. The conforming amendment inadvertently changed § 812.150(a)(4) to require that within 48 hours, an investigator notify the reviewing IRB of any deviation from the investigational plan to protect the life or physical well-being of a subject in an emergency and to require prior approval by the sponsor, and in turn by FDA, for such emergency deviation. FDA did not intend to change either the 5-working-day reporting requirement for emergency deviations by an investigator or the threshold conditions for requiring a sponsor to obtain prior approval of nonemergency changes in or deviations from an investigational plan. The agency intended only to limit the circumstances in which prior IRB approval must be obtained to those that involve the rights, safety, or welfare of subjects. Accordingly, this final rule corrects § 812.150(a)(4).

Finally, in conforming § 812.35(b) to the provisions of Parts 50 and 56, the agency inadvertently removed the last two sentences of § 812.35(b). FDA intended only to eliminate any indication that IRB approval is a precondition to FDA approval (see 21 CFR 56.103(a) and 46 FR 8964, comment 45). The agency did not intend to change the other information that must be included in a supplemental application

in the event that a sponsor wishes to add a new facility to an investigation. FDA also did not intend to change the requirement of prior IRB and FDA approval for such an addition.

Consequently, FDA is reinstating the last two sentences of § 812.35(b), except the requirement that certification of IRB approval be included in the supplemental application. However, the sponsor is required to submit such a certification to FDA before it can begin the new aspect of the investigation. FDA also is substituting the word "facility" for "institution" in the section heading and in the last sentence of the section to avoid any misinterpretation of the current IRB regulations which provide for IRB review of all studies and not just those studies conducted on institutionalized subjects as was the case prior to July 27, 1981, the effective date of the IRB final rule.

Because these are merely clarifying amendments that conform the IDE regulations to other agency regulations and that reinstate certain language that was inadvertently omitted in other rulemaking proceedings, notice, public procedure, and delayed effective date are unnecessary in accordance with 5 U.S.C. 553(b)(B) and (d)(3).

List of Subjects in 21 CFR Part 812

Health records, Investigational device exemptions, Medical devices, Medical device research, Reporting requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 520(g), 701(a), 52 Stat. 1055, 90 Stat. 569–571 (21 U.S.C. 360j(g), 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 812 is amended as follows:

PART 812—INVESTIGATIONAL DEVICE EXEMPTIONS

1. In § 812.3 by revising paragraph (i), to read as follows:

§ 812.3 Definitions.

* * * * *

(i) "Investigator" means an individual who actually conducts a clinical investigation, i.e., under whose immediate direction the test article is administered or dispensed to, or used involving, a subject, or, in the event of an investigation conducted by a team of individuals, is the responsible leader of that team.

* * * * *

2. By revising § 812.35, to read as follows:

§ 812.35 Supplemental applications.

(a) *Changes in investigational plan.* A sponsor shall: (1) submit to FDA a supplemental application if the sponsor or an investigator proposes a change in the investigational plan that may affect its scientific soundness or the rights, safety, or welfare of subjects, and (2) obtain FDA approval of any such change, and IRB approval when the change involves the rights, safety, or welfare of subjects (see §§ 56.110 and 56.111), before implementation. These requirements do not apply in the case of a deviation from the investigational plan to protect the life or physical well-being of a subject in an emergency, which deviation shall be reported to FDA within 5 working days after the sponsor learns of it (see § 812.150(a)(4)).

(b) *IRB approval for new facilities.* A sponsor shall submit to FDA a certification of any IRB approval of an investigation or a part of an investigation not included in the IDE application. If the investigation is otherwise unchanged, the supplemental application shall consist of an updating of the information required by § 812.20(b) and a description of any modifications in the investigational plan required by the IRB as a condition of approval. A certification of IRB approval need not be included in the initial submission of the supplemental application, and such certification is not a precondition for agency consideration of the application. Nevertheless, a sponsor may not begin a part of an investigation at a facility until the IRB has approved the investigation, FDA has received the certification of IRB approval, and FDA has approved the supplemental application relating to that part of the investigation (see § 56.103(a)).

3. In § 812.150 by revising paragraph (a)(4), to read as follows:

§ 812.150 Reports.

(a) * * *

(4) *Deviations from the investigational plan.* An investigator shall notify the sponsor and the reviewing IRB (see § 56.108(a) (3) and (4)) of any deviation from the investigational plan to protect the life or physical well-being of a subject in an emergency. Such notice shall be given as soon as possible, but in no event later than 5 working days after the emergency occurred. Except in such an emergency, prior approval by the sponsor is required for changes in or deviations from a plan, and if these changes or deviations may affect the scientific soundness of the plan or the rights, safety, or welfare of human subjects, FDA and IRB in accordance with § 812.35(a) also is required.

* * * * *

Effective date. April 12, 1983.

(Secs. 520(g), 701(a), 52 Stat. 1055, 90 Stat. 569–571 (21 U.S.C. 360j(g), 371 (a)).)

Dated: March 24, 1983.

Mark Novitch,

Deputy Commissioner of Food and Drugs.

[FR Doc. 83-9632 Filed 4-11-83; 8:45 am]

BILLING CODE 4160-01-M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 561

[FAP 2H5352/R541; PH-FRL 2345-4]

Tolerances for Pesticides in Animal Feeds; Chlorpyrifos

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a feed additive regulation to permit the combined residues of the insecticide chlorpyrifos and its metabolite in or on dried sugar beet pulp and sugar beet molasses. This regulation to establish maximum permissible levels for the combined residues of chlorpyrifos in or on the feed commodities was requested, pursuant to a petition, by the Dow Chemical Company.

EFFECTIVE DATE: Effective on April 12, 1983.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A–110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Jay Ellenberger, Product Manager (PM) 12, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 202, CM#2, 1921 Jefferson Highway, Arlington, VA 22202, (703–557–2386).

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the Federal Register of August 18, 1982 (47 FR 36015), that announced that the Dow Chemical Company, PO Box 1706, Midland, MI 48640, had submitted feed additive petition 2H5352 proposing to amend 21 CFR 561.98 by increasing the established tolerances for the combined residues of the insecticide chlorpyrifos [*O,O*-diethyl *O*-(3,5,6-trichloro-2-pyridyl)] phosphorothioate and its metabolite 3,5,6-trichloro-2-pyridinol in or on the feed commodities dried sugar beet pulp from 1.0 part per million (ppm) to 5.0 ppm and sugar beet molasses from 3.0 ppm to 15.0 ppm.

There were no comments received in response to the notice of filing.

The scientific data and other relevant material have been evaluated and are discussed in a related document [PP 2F2684/R540], increasing the established tolerances for sugar beet roots and sugar beet tops, appearing elsewhere in this issue of the **Federal Register.**

The pesticide is considered useful for the purpose for which the regulation is sought. It is concluded that the pesticide may be safely used in the prescribed manner when such use is in accordance with the label and labeling registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, (86 Stat. 973, 89 Stat. 751, U.S.C. 135(a) *et seq.*) and is established as set forth below.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new food or feed additive levels, or conditions for safe use of additives, or raising such food or feed additive levels do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24945).

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 346(c)(1))).

List of Subjects in 21 CFR Part 561

Animal feeds, Pesticides and pests.

Dated: April 6, 1983.

James M. Conlon,

Director, Office of Pesticide Programs.

PART 561—[AMENDED]

Therefore 21 CFR 561.98 is amended by increasing the established tolerances for the commodities dried sugar beet pulp and sugar beet molasses to read as follows:

§ 561.98 Chlorpyrifos.

* * * * *

Feed	Parts per million
* * * * *	
Beets, sugar, pulp (dried)	5.0
Beets, sugar, molasses	15.0
* * * * *	

[FR Doc. 83–9650 Filed 4–11–83; 8:45 am]

BILLING CODE 6560–50–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 601

Statement of Procedural Rules; Miscellaneous Amendments

AGENCY: Internal Revenue Service, Treasury.

ACTION: Amendment of statement of procedural rules.

SUMMARY: This document contains miscellaneous amendments to the statement of procedural rules (SPR). The SPR sets forth the procedural rules of the Internal Revenue Service for all taxes administered by the Service as well as certain rules that apply to the Bureau of Alcohol, Tobacco & Firearms. These amendments update the SPR and make certain changes in the Service's procedure.

DATE: The amendments are effective April 12, 1983.

FOR FURTHER INFORMATION CONTACT: Michel A. Dazé of the Legislation & Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, Attention: CC:LR:T (202–566–3458, not a toll-free number).

SUPPLEMENTARY INFORMATION:

This document contains amendments to the SPR (26 CFR Part 601). The amendments are issued under the authority contained in 5 U.S.C. 301 and 552.

These amendments fall into several categories. A description of the most significant amendments in each category is as follows:

Amendments Reflecting Changes in Procedure

Section 601.105(j)(1) provides that the Service does not reopen any case closed after examination by a district office to make an adjustment unfavorable to the taxpayer, unless specified circumstances exist. This rule is amended to include cases closed after examination by a service center. Section 601.105(j)(2) is amended to provide that the Chief, Examination Division (District Director in streamlined districts), or the Chief, Compliance Division, will approve the reopening of previously examined returns.

Section 601.702(d)(5) is amended to eliminate the requirement that a copy of the abstract and statement for offers covering the liability of $5,000 or more be kept for public inspection at the National Office Freedom of Information Reading Room. The change provides that a copy of the abstract and statement for all accepted offers will be made available for public inspection in the district office (including the Foreign Operations District) having jurisdiction in the area where the taxpayer resides and for exempt organizations, in the key district which has jurisdiction over the particular organization.

Amendments Updating the SPR

Section 601.601(d) is amended to correct the title of the Bulletin Index-Digest System of the Cumulative Bulletins. Section 601.201(r) is amended to reflect that Rev. Proc. 76–34, 1976–2 C.B. 657 (as modified by Rev. Proc. 80–25, 1980–1 C.B. 667), superseded Rev. Proc. 73–7, 1973–13 I.R.B. 33.

Corrective Amendment

A typographical error was made in the 1976 amendments to the Statement of Procedural Rules. Because of this error, two subparagraphs were dropped. This regulation amends § 601.702 by re-adding paragraphs (f) (7) and (8). These paragraphs relate to agreements to pay fees for search and duplication services relating to requests for records, and to the form of payment of those fees.

Executive Order 12291

The Commissioner of Internal Revenue has determined that this rule is not a major rule as defined in Executive Order 12291 and that a Regulatory Impact Analysis is therefore not required.

Drafting Information

The principal author of these amendments to the Statement of Procedural Rules is Michel A. Daźe of the Legislation & Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service participated in developing the amendments both on matters of substance and style.

Lists of Subjects in 26 CFR Part 601

Administrative practice and procedure, Aged, Alcohol and alcoholic beverages, Arms and munitions, Cigars and cigarettes, Claims, Freedom of Information, Taxes.

PART 601—[AMENDED]

Adoption of Amendments to Statement of Procedural Rules

Accordingly, 26 CFR Part 601 is amended as follows:

Paragraph 1. Section 601.105 is amended by removing "Office of International Operations" in paragraph (j)(1) and adding in its place the words

"service center", and by revising the first sentence of paragraph (j)(2) to read as set forth below.

§ 601.105 Examination of returns and claims for refund, credit or abatement: determination of correct tax liability.

* * * * *

(j) *Reopening of Cases Closed After Examination.* * * *

(2) All reopenings are approved by the Chief, Examination Division (District Director in streamlined districts), or by the Chief, Compliance Division, for cases under his/her jurisdiction. * * *

* * * * *

§ 601.201 [Amended]

Par. 2. Paragraph (r)(1) of § 601.201 is amended by removing "Rev. Proc. 73–7, 1973–13 I.R.B: 33" in the first sentence and adding in its place "Rev. Proc. 76–34. 1976–2 C.B. 657, as modified by Rev. Proc. 80–25, 1980–1 C.B. 667".

Par. 3. Section 601.601 is amended as follows:

1. Paragraph (d)(1) is amended by capitalizing the word "bulletin" in the fifth, sixth, seventh and eighth sentences.

2. Paragraph (d)(2)(ii)(*b*) is amended by revising the second sentence to read as set forth below.

3. Paragraph (d)(2)(iii) is amended by removing the second sentence in paragraph (d)(2)(iii)(*f*) and by adding a new sentence after paragraph (d)(2)(iii)(*f*) to read as set forth below.

§ 601.601 Rules and regulations.

* * * * *

(d) *Publication of rules and regulations* * * *

(2) * * *

(ii) * * *

(*b*) * * * The Bulletin Index-Digest System provides a research and reference guide to matters appearing in the Cumulative Bulletins. * * *

(iii) * * *

(*f*) * * * Procedures affecting taxpayers' rights or duties that relate to matters under the jurisdiction of the Service will be published in the Bulletin.

* * * * *

Par. 4. Section 601.702 is amended as follows:

1. Paragraph (d)(5) is revised to read as set forth below.

2. Paragraph (f) is amended by adding at the end thereof new paragraphs (f) (7) and (8) as set forth below.

§ 601.702 Publications and public inspection.

* * * * *

(d) *Rules for Disclosure of Certain Specified Matters.* * * *

(5) *Accepted Offers in Compromise.* A copy of the Abstract and Statement and the attached narrative report for each accepted offer in compromise with respect to any liability for a tax imposed by Title 26 will be made available for inspection and copying in the following locations: (i) except for Exempt Organizations, in the District Office (including the Foreign Operations District) having jurisdiction over the place in which the taxpayer resides and (ii) for Exempt Organizations, in the key District which has jurisdiction over the particular organization.

* * * * *

(f) *Fees for Services.* * * *

(7) *Agreement to pay.* In order to protect the requester from unexpected fees, all requests for records shall state the agreement of the requester (pursuant to paragraph (c)(3)(viii) of this section) to pay the fees determined in accordance with this paragraph or state the amount which the requester has set as an acceptable upper limit he or she is willing to pay to cover such fees. When such fees are estimated by the Internal Revenue Service to exceed that limit, or when the requester has failed to state a limit and the costs are estimated to exceed $50 and the Internal Revenue Service has not then determined to waive or reduce the fees, a notice will be sent to the requester. This notice will:

(i) Inform the requester of the estimated costs;

(ii) Extend an offer to the requester to confer with Internal Revenue Service personnel in an attempt to reformulate the request in a manner which will reduce the fees and still meet the needs of the requester;

(iii) Ask that the requester enter into a contract for the payment of actual costs determined in accordance with this subparagraph, which contract may provide for prepayment of the estimated costs in whole or in part; and

(iv) Inform the requester that the running of the time period, within which the Internal Revenue Service is obliged to make a determination on the request, has been tolled pending a reformulation of the request or the receipt of advance payment or an agreement from the requester to bear the estimated costs.

(8) *Form of payment.* Payment shall be made by check or money order, payable to the order of the Treasury of the United States or the Internal Revenue Service.

* * * * *

These amendments to the statement of procedural rules are issued under the authority contained in 5 U.S.C. 301 and 552.

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 83–9620 Filed 4–11–83; 8:45 am]

BILLING CODE 4830–01–M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 199

[DOD Regulation 6010.8–R, Amdt. No. 20]

Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Certified Nurse Practitioners

AGENCY: Office of the Secretary, DOD.

ACTION: Amendment of final rule.

SUMMARY: This amends DOD 6010.8–R (32 CFR Part 199) which implements the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS). This amendment implements language contained in Department of Defense Appropriation Act, FY 1982, Pub. L. 97–114, which is continued in Department of Defense Appropriation Act, FY 1983, Pub. L. 97–377. This amendment authorizes CHAMPUS payments to certified nurse practitioners who practice independent of physician supervision.

EFFECTIVE DATE: This amendment is retroactive for covered services and supplies provided by certified nurse practitioners on or after October 1, 1981. This amendment is being published in final form, without a Notice of Proposed Rulemaking. However, for a period of 30 days following the date of the publication of this amendment in the **Federal Register**, we will accept public comments and, when appropriate, will revise the amendment. A notice advising of any revisions prompted by public comments will be published in the **Federal Register** no later than 90 days following the end of the comment period. Written public comments must be received on or before May 12, 1983.

FOR FURTHER INFORMATION CONTACT: Charles E. Guidice, Policy Branch, OCHAMPUS, Aurora, Colorado 80045, telephone 303–361–3586.

SUPPLEMENTARY INFORMATION: In FR Doc. 77–7834, appearing in the **Federal Register** on April 4, 1977 (42 FR 17972),

the Office of the Secretary of Defense published its regulation, DOD 6010.8–R, "Implementation of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)," as Part 199 of this title.

The Fiscal Year 1980 Defense Appropriation Act authorized the Department to reimburse nurse practitioners who provide CHAMPUS covered services independent of physician supervision on an experimental basis. The Fiscal Year 1981 Defense Appropriation Act authorized an extension of the study.

The study was initiated on May 1, 1980. During the period ending October 31, 1981, twenty-nine independent certified nurse practitioners served thirty-eight CHAMPUS patients. They submitted fifty-seven claims for services rendered. The limited number of participants was probably the result of State licensure restrictions.

The nurse practitioners provided a variety of services with the limited office visit representing the most commonly billed procedure. Amounts billed by nurse practitioners were generally lower than amounts billed by physicians for comparable services.

The Senate Report on the DOD Appropriation Bill, 1982, states, in part, that "the Committee believes that since (nurse practitioners) are licensed to perform independently at the State level and since they possess a master of arts degree, a nursing degree, and professional certification, there should be no concern about the possible diminution of quality of care."

The Fiscal Year 1982 Defense Appropriation Act directed that the experimental study be terminated and that CHAMPUS provide for the direct reimbursement of certified nurse practitioners.

The Fiscal Year 1983 Defense Appropriation Act continues the recognition of certified nurse practitioners as CHAMPUS-authorized individual professional providers of care.

Regulatory Flexibility Act

Section 604(a) of the Regulatory Flexibility Act of 1980 (Pub. L. 96–345) requires that each Federal agency prepare, and make available for public comment, a regulatory flexibility analysis when the agency issues regulations which would have a significant impact on a substantial number of small entities.

The major impact of these regulations is mandated by Pub. L. 97–114 which recognizes certified nurse practitioners as CHAMPUS-authorized individual professional providers of care. The only flexibility exists in the licensure or certification of the nurse practitioner. The requirements are indicated in these regulations and are applicable uniformly to all affected providers. Although published as a final rule, public comments are solicited which will result in revision of the amendment, when appropriate.

Therefore, the Secretary certifies that the rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 32 CFR Part 199

Health insurance, Military personnel, Handicapped.

Accordingly, 32 CFR, Chapter I, is amended, to read as follows:

PART 199—IMPLEMENTATION OF THE CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES

Section 199.12 is amended by inserting a new paragraph (c)(3)(iii)(*e*) and redesignating the existing paragraph (c)(3)(iii)(*e*) as paragraph (c)(3)(iii)(*f*).

§ 199.12 Authorized providers.

* * * * *

(c) * * *

(3) * * *

(iii) * * *

(e) Certified Nurse Practitioner. (1) Within the scope of applicable licensure or certification requirements, a certified nurse practitioner may provide covered care independent of physician referral and supervision, provided the nurse practitioner:

(*i*) Is a licensed, registered nurse; and

(*ii*) Is specifically licensed or certified as a nurse practitioner by the state in which the care was provided, if the state offers such specific licensure or certification or

(*iii*) Is certified as a nurse practitioner (certified nurse) by a professional organization offering certification in the speciality of practice, if the state does not offer specific licensure or certification for nurse practitioners.

* * * * *

(10 U.S.C. 1079, 1086; 5 U.S.C. 301)

April 7, 1983.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

[FR Doc. 83–9486 Filed 4–11–83; 8:45 am]

BILLING CODE 3810–01–M

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

36 CFR Part 1151

General Statement of Policy; Voting Accessibility Policy

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Statement of policy.

SUMMARY: On March 8, 1983, the Architectural and Transportation Barriers Compliance Board adopted a voting accessibility policy that disabled people are entitled to effective access to voter registration and polling places. With the policy, the Board can then determine how to assist in the development of legislation ensuring effective access for physically handicapped persons to voting places.

EFFECTIVE DATE: This policy statement is effective March 8, 1983.

FOR FURTHER INFORMATION CONTACT: Ms. Laurinda Steele, Office of Policy, Planning, and Program Development, Architectural and Transportation Barriers Compliance Board, 330 C Street, S.W., Room 1010, Washington, D.C. 20202, (202) 245–1801, voice or TDD.

SUPPLEMENTARY INFORMATION: Pursuant to Section 502 of the Rehabilitation Act of 1973, Pub. L. 93–112, as amended, the Architectural and Transportation Barriers Compliance Board (ATBCB) established at its meeting on March 8, 1983, policy on voting accessibility for persons with disabilities. The policy endorses the concept that disabled persons are entitled to access to voter registration and polling places. With the policy, the Board can then determine how to assist in the development of legislation ensuring effective access for physically handicapped persons to voting places.

List of Subjects in 36 CFR Part 1151

Courts, Federal buildings and facilities, Government procurement, Handicapped, Parking, Transportation.

It is the intent of the ATBCB that the words "where appropriate" in the policy statement refer to the needs of handicapped people, as opposed to the facility. That is, where the regular polling places and processes cannot be made accessible, alternative arrangements be made.

Since this is a general statement of policy of the ATBCB, the provisions of the Administrative Procedure Act requiring notice of proposed rulemaking.

opportunity for public participation, and delay in effective date, are inapplicable. 5 U.S.C. 553.

PART 1151—[AMENDED]

Part 1151 is amended by adding § 1151.5 as follows:

§ 1151.5 Voting accessibility policy.

Disabled people are entitled to effective access to voter registration and polling places. The Board encourages States to provide registration and polling facilities that are accessible to physically handicapped persons, including, where appropriate, providing effective supplemental aids and devices for persons with sensory and mobility impairments.

(29 U.S.C. 792; Pub. L. 93-112 as amended by Pub. L. 95-602)

Dated: April 1, 1983.

Wm. Bradford Reynolds,

Chairperson, Architectural and Transportation Barriers Compliance Board.

[FR Doc. 83-9541 Filed 4-11-83; 8:45 am]

BILLING CODE 4000-07-M

POSTAL RATE COMMISSION

39 CFR Part 3001

[Docket No. RM83-5; Order No. 492]

Order of the Commission Amending Rules of Practice and Procedure

Issued: April 4, 1983.

AGENCY: Postal Rate Commission.

ACTION: Final rule.

SUMMARY: Current Commission rules, 39 CFR 3001.20 and 3001.19a require interested persons seeking to participate in Commission proceedings pursuant to 39 U.S.C. 3624(a) to petition the Commission and obtain a Commission ruling granting intervention. This process is time consuming and inefficent, as almost without exception such requests are non-controversial, and granted without objection. Pursuant to 39 U.S.C. 3603, this order amends these rules to grant participant status automatically, subject to reconsideration for good cause shown.

EFFECTIVE DATE: April 12, 1983.

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, Assistant General Counsel, 2000 L Street, N.W., Washington, D.C. 20268 (telephone: 202/254-3836).

SUPPLEMENTARY INFORMATION: The Postal Rate Commission may not issue a Recommended Decision on requests to change postal rates or mail classifications, or on certain complaints against the Postal Service, "until the opportunity for a hearing on the record under sections 556 and 557 of Title 5 has been accorded to the Postal Service, users of the mails, and an Officer of the Commission who shall be required to represent the interests of the general public." 39 U.S.C. 3624(a). Commission rules presently provide that persons who wish to participate in such a proceeding are to petition to become a party or participant. 39 CFR 3001.20; 3001.19a. Interested persons have no status before the Commission pending action on their petition.

This rule changes that procedure. Interested persons will now be able to file a notice of intervention indicating whether they wish full party or limited participator status. The notice of intervention will enable the filing party to participate immediately in Commission proceedings.

This change has two major benefits. First, it will enable the Commission to more effectively utilize its time and develop a more complete record. The Commission is obligated to issue a Recommended Decision within ten months of initiation of rate requests and certain classification proposals with significant rate impact, 39 U.S.C. 3624(c). Commission proceedings are often extremely complex, and it is difficult to develop a complete record and prepare a comprehensive decision within this time frame. Under present rules, interested persons cannot fully participate in developing the record until after a petition for party status has been granted. This rule will encourage interested persons to file a notice of intervention, and begin discovery, at an early date.

The second major benefit of this proposal is its elimination of largely unnecessary procedural steps. It is clear that Title 39 was drafted to encourage the Commission to hear from a broad spectrum of interests. Only under extraordinary circumstances will the Commission have cause to reject a petition for intervention. Under these circumstances, it is more efficient to allow persons wishing to participate to immediately begin to do so, rather than requiring the filing of numerous individual requests, which require formal, albeit virtually automatic, action by the Commission. This amendment preserves the right of any participant to file an opposition to a notice of intervention, and the Commission retains the right to determine that intervenor status is not appropriate should it be convinced that the Act does not contemplate participation by the particular interest in question.

A notice of proposed rulemaking on this matter was published in the **Federal Register** on January 17, 1983, 48 FR 2393, with comments requested on or before February 18, 1983. The United States Postal Service was the only one to file comments in response to the notice of proposed rulemaking. The Postal Service supports the basic thrust of the proposal and offers several suggestions.

First, the Postal Service suggests that the numerical sequence of our rules for intervention would be more logical if rule 20, Formal Interventions, were followed by the rules relating to other types of participation: Rule 19a, Limited Participation by Persons Not Parties, and rule 19b, Informal Expression of Views by Persons Not Parties or Limited Participators (Commenters). We believe that renumbering as the Postal Service suggests is logical, and we will renumber those rules as 20a and 20b, respectively.

Additionally, the Service suggests minor language changes which reflect current Commission practice. It suggests that notices of intervention need to include the position of the petitioner only to the extent that that position is known, and it suggests that petitions list no more than two persons to receive service. Further, it suggests that a pending opposition to intervention should defer the due date for responses to discovery requests filed by an intervenor. Language adopting each of these suggestions is incorporated in the final rule.

The Postal Service also suggests that there is some confusion on the availability of discovery to limited participators. To remedy this, the Postal Service proposes changing the substance of our rules to prevent limited participators from posing discovery requests. We do not believe that this substantive change is warranted. The Service expresses concern with clarifying our rules, not with any past or potential abuse of discovery privileges by limited participants who are not required to respond to inquiries themselves. The existing rule facilitates participation by those with limited resources. Presiding officers have sufficient authority to assure that due process and fair treatment is accorded to all categories of participants. Therefore, rather than reducing the scope of limited participant status, we have inserted language within amended rule 20a(c) to plainly state the present situation that limited participators are not required to respond to discovery requests.

Another substantive Postal Service suggestion is that a person filing a notice

of intervention after the date fixed for such filing should be restricted to intervention as a limited participant, except in extraordinary circumstances, and for good cause shown, when the Commission could authorize intervention as a full participant. Our present practice protects participants by requiring late intervenors to accept all previous procedural and evidentiary rulings, and we see no merit to this suggestion.

Finally, the Postal Service suggests that there is no reason to require notices of intervention to include a statement of whether petitioner requests a hearing. The Act provides that the Commission shall provide the "opportunity for a hearing," 39 U.S.C. 3624(a), and notices of intervention will be a primary tool for establishing whether a hearing is warranted. Therefore, we shall retain language requiring petitioners to state whether a hearing or conference is desired.

List of Subjects in 39 CFR Part 3001

Administrative practice and procedure, Commission proceedings—participant status.

PART 3001—RULES OF PRACTICE AND PROCEDURE

For the reasons set out above, the Commission revises 39 CFR 3001.20 as follows:

§ 3001.20 Formal intervention.

(a) Who may intervene. A notice of intervention will be entertained in those cases that are noticed for a proceeding pursuant to § 3001.17 from any person claiming an interest of such nature that intervention is allowed by the Act, or appropriate to its administration.

(b) Contents. A notice of intervention shall clearly and concisely set forth the nature and extent of the petitioner's interest in the issues to be decided, including the classifications of postal service utilized by the petitioner giving rise to his interest in the proceeding, and to the extent known, the position of the petitioner with regard to the proposed changes in postal rates, fees, classifications, or services, or the subject matter of the complaint, as described in the notice of the proceeding. Such notice shall state whether or not the petitioner requests a hearing or in lieu thereof, a conference, and whether or not the petitioner intends to actively participate in a hearing. Such petition shall also include on page one thereof the name and full mailing address of no more than two persons who are to receive service of any documents relating to such proceeding.

(c) Form and time of filing. Notices of intervention shall be filed no later than the date fixed for such filing in any notice or order with respect to the proceeding issued by the Commission or its Secretary, unless in extraordinary circumstances for good cause shown, the Commission authorizes a late filing. Notices of interventions shall conform to the requirements of §§ 3001.9 to 3001.11 and shall be served on the Postal Service and the complainant in a complaint proceeding pursuant to § 3001.12.

(d) Oppositions. Oppositions to notices of intervention may be filed by any participant in the proceeding no later than 10 days after the notice of intervention is filed. Pending Commission action, an opposition to intervention shall delay on a day-for-day basis, the date for responses to discovery requests filed by that intervenor.

(e) Effect of intervention. A person filing a notice of intervention shall be a party to the proceeding subject, however, to a determination by the Commission, either in response to an opposition, or sua sponte, that party status is not appropriate under the Act. Intervenors are also subject to the right of the Commission or the presiding officer as specified in § 3001.24 to require two or more intervenors having substantially like interests and positions to join together for purposes of service of documents, presenting evidence, making and arguing motions and objections, cross-examining witnesses, filing briefs, and presenting oral arguments to the Commission or presiding officer. No intervention shall be deemed to constitute a decision that the intervening party has such an interest in the proceeding that he would be aggrieved by an ultimate decision by order of the Commission.

Section 3001.19a is redesignated as 3001.20a and revised as follows:

§ 3001.20a Limited participation by persons not parties.

Notwithstanding the provisions of § 3001.20, any person may appear as a limited participator in any case that is noticed for a proceeding pursuant to § 3001.17, in accordance with the following provisions.

(a) Form of intervention. Notices of intervention as a limited participator shall be in writing, shall set forth the nature and extent of the requestor's interest in the proceeding, shall include the name and full mailing address of up to two persons who are to receive service of documents by the Secretary, and shall be served on the Postal Service (and on the complainant in a complaint proceeding) pursuant to § 3001.12. Except where good cause for late filing is shown, notices of intervention as a limited participator shall be filed not later than the date fixed for the filing of notices of intervention pursuant to § 3001.20(c).

(b) Oppositions. Oppositions to notices to intervene as a limited participator may be filed by any participant in the proceeding no later than 10 days after the notice of intervention as a limited participator is filed.

(c) Scope of participation. Subject to the provisions of § 3001.30(f), limited participators may present evidence which is relevant to the issues involved in the proceeding and their testimony shall be subject to cross-examination on the same terms applicable to that of formal participants. Limited participants may file briefs or proposed findings pursuant to §§ 3001.34 and 3001.35, and within 15 days after the release of an intermediate decision, or such other time as may be fixed by the Commission, they may file a written statement of their position on the issues. The Commission or the presiding officer may require limited participators having substantially like interests and positions to join together for any or all of the above purposes. Limited participators are not required to respond to discovery requests under § 3001.25 through § 3001.28; however, limited participators, particularly those making contentions under 39 U.S.C. 3622(b)(4), are advised that failure to provide relevant and material information in support of their claims will be taken into account in determining the weight to be placed on their evidence and arguments.

§ 3001.20b [Redesignated from § 3001.19b]

Section 3001.19b is redesignated as § 3001.20b.

By the Commission.

Cyril J. Pittack,

Acting Secretary.

[FR Doc. 83-0545 Filed 4-11-83; 8:45 am]

BILLING CODE 7715-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 2F2684/R540; PH-FRL 2345-3]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Chlorpyrifos

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for the combined residues of the insecticide chlorpyrifos and its metabolite in or on sugar beet roots and tops. This regulation to establish maximum permissible levels for the combined residues of chlorpyrifos was requested, pursuant to a petition, by the Dow Chemical Company.

EFFECTIVE DATE: Effective on April 12, 1983.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Jay Ellenberger, Product Manager (PM) 12, Office of Pesticide Programs, Environmental Protection Agency, Rm. 202, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-2386).

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the **Federal Register** of June 30, 1982 (47 FR 28451), that announced that the Dow Chemical Company, PO Box 1706, Midland, MI 48640, had submitted pesticide petition 2F2684 to the Agency proposing to amend 40 CFR 180.342 by increasing the established tolerances for the combined residues of the insecticide chlorpyrifos [*O, O*-diethyl *O*-(3,5,6-trichloro-2-pyridyl)] phosphorothioate and its metabolite 3,5,6-trichloro-2-pyridinol in or on the raw agricultural commodities sugar beet roots from 0.2 part per million (ppm) to 1.0 ppm and sugar beet tops from 0.05 ppm to 8.0 ppm.

The Dow Chemical Company subsequently amended the petition (47 FR 41854, September 22, 1982) proposing to revise the currently established tolerances for cattle, meat, fat and mbyp at 2.0 ppm to cattle meat (fat basis) at 2.0 ppm. This request was later withdrawn.

There were no comments received in response to the notices of filing.

The scientific data and other relevant material have been evaluated. The toxicological data considered in support of the tolerances included a 2-year rat feeding/oncogenicity study with a no-observed-effect level (NOEL) of 0.1 milligram (mg)/kilogram (kg) of body weight (bw) per day based on red blood cells (RBC) cholinesterase activity and was negative for oncogenic effects at 30 mg/kg (highest dose tested); a dog feeding study with a NOEL of 0.1 (mg)/(kg) of (bw) day based on RBC cholinesterase activity; a mouse oncogenicity study which was negative at 15 ppm (highest dose); a mouse teratology study which was negative at 25 mg/kg; an acute delayed neurotoxicity study which was negative at 100 mg/kg; and a 3-generation reproduction study which demonstrated a NOEL of 1.0 mg/kg/day. Based on the 2-year chronic rat feeding study with a NOEL of 0.1 mg/kg of bw/day and using a safety factor of 10, the acceptable daily intake (ADI) for humans is 0.01 mg/kg of bw/day.

The metabolism of chlorpyrifos is adequately understood for this use, and an adequate analytical method, gas chromatography, is available for enforcement purposes. No regulatory actions are currently pending against the continued registration of chlorpyrifos, nor are there any other relevant considerations involved in establishing the tolerances. The established tolerances for residues in fat, meat, meat byproducts of livestock and milk are adequate to cover any secondary residues resulting from this use. Because there are no poultry items involved, there will be no secondary residues in poultry tissue and eggs.

Desirable data which are considered lacking from the petition included a 2-generation rat reproduction study and a teratology study in a second species. In a letter dated December 21, 1982, the petitioner indicated that these studies would be submitted to the Agency by June, 1983. The petitioner has agreed to voluntarily delete the use on sugar beets from the label should the studies be found to exceed the risk criteria for unreasonable adverse effects.

A related document [FAP 2H5353/R541], increasing the established tolerances in or on the feed commodities dried sugar beet pulp, and sugar beet molasses; appears elsewhere in this issue of the **Federal Register**.

The pesticide is considered useful for the purpose for which the tolerances are sought. It is concluded that the tolerances would protect the public health and are established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346(a)(e)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: April 6, 1983.

James M. Conlon,

Deputy Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR 180.342 is amended by increasing the established tolerances for the commodities sugar beet roots and tops to read as follows:

§ 180.342 Chlorpyrifos; tolerances for residues.

* * * * *

Commodities	Parts per million
* * * * *	
Beets, sugar, roots	1.0
Beets, sugar, tops	8.0
* * * * *	

(FR Doc. 83-9649 Filed 4-11-83; 8:45 am)

BILLING CODE 6560-50-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-19

[FPMR Amdt. D-61]

Construction and Alteration of Public Buildings; Accommodations for the Physically Handicapped

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: In response to findings of a GAO report, this regulation is amended to change the semiannual reporting of projects to an annual reporting requirement. It also provides for the use of revised GSA Form 2974, Status Report for Federally Funded or Leased

Buildings—Accommodation of Physically Handicapped, which incorporates the reporting aspects of GSA Form 2974A, Accessibility to the Physically Handicapped in Leased Buildings.

EFFECTIVE DATE: April 12, 1983.

FOR FURTHER INFORMATION CONTACT: Mrs. Kathleen Fields, Design Management Division (202–566–0038).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this proposal will not be considered a major rule under Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs or prices; or result in significant adverse effects. The General Services Administration has based all administration decisions underlaying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

List of Subjects in 41 CFR Part 101–19

Federal buildings and facilities, Government property management, and Handicapped.

PART 101–19—[AMENDED]

1. The table of contents for Part 101–19 is amended by revising the heading for § 101–19.4902–2974 as follows:

Sec.
101–19.4902–2974 GSA Form 2974, Status Report for Federally Funded or Leased Buildings—Accommodation of Physically Handicapped.

Subpart 101–19.6—Accommodations for the Physically Handicapped

2. Sections 101–19.607 (a) and (b) are revised to read as follows:

§ 101–19.607 Reporting.

(a) Annually each administering agency shall prepare and submit to the Administrator of General Services reports covering all projects subject to the requirements of this Subpart 101–19.6 for which funds have been appropriated or for which a contract, grant, or loan has been approved (whichever is applicable) and which are still under design or construction, or buildings for which lease contracts have been awarded. Once a project has been reported as being occupied, it need not be included in subsequent reports. Lease projects need to be reported only during the period in which the award was made. All reports should be prepared on GSA Form 2974, Status Report for Federally Funded or Leased Buildings—Accommodation of Physically Handicapped. Interagency reports control number 0031–GSA–AN has been assigned to this report.

(b) The annual reporting period, for purposes of this requirement, ends on the last day of August. Reports will be due on the fifteenth calendar day of the following month. The initial report will cover facilities subject to this reporting requirement during the period from September 1, 1981, through August 31, 1982.

* * * * *

Subpart 101–19.49—Illustrations of Forms

3. Section 101–19.4902(b) is revised to read as follows:

§ 101–19.4902 GSA forms.

* * * * *

(b) Agency field offices may obtain their initial supply of GSA Form 2974, Status Report for Federally Funded or Leased Buildings—Accommodation of Physically Handicapped, November 1981, from General Services Administration (WBRDD), Union and Franklin Streets Annex, Building 11, Alexandria, VA 22314. Agency field offices should submit all future requirements to their Washington headquarters office, which will then forward consolidated annual requirements to General Services Administration (ORA) Washington, D.C. 20405.

4. Section 101–19.4902–2974 is revised as follows:

§ 101–19.4902–2974 GSA Form 2974, Status Report for Federally Funded or Leased Buildings—Accommodation of Physically Handicapped.

Note.—The form illustrated in this § 101–19.4902–2974 is filed with the original document and does not appear in this volume.

§ 101–19.4902–2474A [Removed]

5. Section 101–19.4902–2974A is removed.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: March 12, 1983.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 83–9405 Filed 4–11–83; 8:45 am]

BILLING CODE 6820–23–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

45 CFR Part 205

General Administration—Public Assistance Programs; Quality Control System Review Completion Requirements; Correction

AGENCY: Social Security Administration, HHS.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule which revised the case sampling under the quality control system of the Aid to Families with Dependent Children (AFDC) program. This final rule was published in the October 19, 1982 **Federal Register** (47 FR 46507). The correction applies to § 205.40(b)(2)(iv)(A) of this rule which is found on page 46510 of the October 19, 1982 **Federal Register**. Section 205.40(b)(2)(iv)(A) requires a State agency to prepare a yearly corrective action plan for reducing its error rates based on the active and negative case samples that it reviewed. While this section identified the categories of active cases to be reviewed, the categories of negative cases (i.e., denials and terminations) were inadvertently omitted. Consequently, we are correcting this oversight by including in this section a list of the negative case actions.

FOR FURTHER INFORMATION CONTACT: Sean Hurley, Division of AFDC Quality Control, 330 C Street, S.W., Washington, D.C. 20201, (202) 245–0976.

Dated: April 6, 1983.

Robert F. Sermier,

Deputy Assistant Secretary for Management Analysis and Systems.

PART 205—[AMENDED]

Accordingly, the Department of Health and Human Services, Social Security Administration, is correcting 45 CFR 205.40(b)(2)(iv)(A) to read as follows:

§ 205.40 Quality control system.

* * * * *

(b) * * *
(2) * * *
(iv) * * *

(A) A corrective action plan for reducing error rates for ineligibility, overpayments, underpayments, improper denials and terminations including an error analysis and profiles of error and non-error cases by August 15 of each year based on findings for

both the active case and negative case samples for the preceding April-September and October–March sample periods.

* * * * *

[FR Doc. 83-9555 Filed 4-11-83; 8:45 am]
BILLING CODE 4150-11-M

LEGAL SERVICES CORPORATION

45 CFR Part 1612

Restrictions on Certain Activities; Correction

AGENCY: Legal Services Corporation.

ACTION: Correction to final rule.

SUMMARY: This is a correction of the amendments to Part 1612 of Legal Services Corporation regulations published in the **Federal Register** on March 21, 1983.

FOR FURTHER INFORMATION CONTACT: Alan R. Swendiman, General Counsel, (202) 272–4010.

In FR Doc. 83–7242, appearing at page 11709 in the **Federal Register** of March 21, 1983, the following correction should be made:

On page 11710, paragraph (b)(1) of § 1612.4 is corrected by adding (1) after § 1612.4(a) in the second line of that paragraph.

Dated: April 6, 1983.

Alan R. Swendiman,

General Counsel Legal Services Corporation.

[FR Doc. 83-9520 Filed 4-11-83; 8:45 am]
BILLING CODE 6820-35-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 0

[FCC 83-107]

Amendment of the Commission's Rules concerning the Certification of Documents.

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Federal Communications Commission is amending its rules concerning the certification of documents in order to clarify that the Commission's Gettysburg office has delegated authority to certify those Commission documents located in Gettysburg.

EFFECTIVE DATE: April 1, 1983.

FOR FURTHER INFORMATION CONTACT: Sharon B. Kelley, Office of General Counsel, Federal Communications Commission, Washington, D.C. (202) 632–6990.

List of Subjects in 47 CFR Part 0

Organization and functions (Government agencies).

Order

In the matter of amendment of §§ 0.11 and 0.467 of the Commission's rules.

Adopted: March 28, 1983.
Released: April 1, 1983.

By the Commission.

1. Due to the reorganization of the Private Radio Bureau, a number of official Commission documents are now located in Gettysburg, Pennsylvania. The need frequently arises for certifying these documents as true and correct official records of the Commission. In the interest of administrative efficiency, it is appropriate for the Secretary, as the official custodian of all Commission records, to appoint a deputy for purposes of custody and certification of those Commission documents located in Gettysburg, Pennsylvania.[1] To expedite the routine certification of such documents, we are hereby amending Sections 0.11 and 0.467 of the Commission's Rules.

2. In this connection, the deputy will have the authority to certify either: (1) That a document is a true and correct copy of an official Commission record, or (2) that a diligent search for a specified record has been made, and no such record exists. This authority is restricted to those documents located in the Gettysburg Office.

3. Authority for this amendment is contained in Sections 4 (i) and (j); 5(d)(1) and 303(r) of the Communications Act of 1934, 47 U.S.C. §§ 154(i), (j); 155(d)(1); 303(r). Because this amendment is procedural in nature, the prior notice and comment and effective date provisions of the Administrative Procedure Act do not apply. 5 U.S.C. §§ 553(b), (d).

4. Accordingly, IT IS ORDERED that, effective April 1, 1983, §§ 0.11 and 0.467 of the Commission's Rules, 47 CFR 0.11 and 0.467, are amended, as set forth in the attached Appendix.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082 (47 U.S.C. 154, 303))

[1] Authority for this amendment is contained in Section 5(d)(1) of the Communications Act, 47 U.S.C. § 155(d)(1), which provides that "[w]hen necessary to the proper functioning of the Commission and the prompt and orderly conduct of business, the Commission may, by published rule or order, delegate any of its functions . . . to an individual employee, including functions with respect . . . certifying . . ." *See also* Fed. R. Civ. P 44 which deals with proof of official records and states in pertinent part that "an official . . . may be evidenced . . . by a copy attested by the officer having the legal custody of the record, *or his deputy*, and accompanied by a certificate that such officer has custody" (emphasis added).

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

PART 0—[AMENDED]

47 CFR Part 0 is amended as indicated below.

1. The introductory text of § 0.11 is designated as paragraph (a), present (a)–(l) are redesignated as paragraphs (a)(1)–(a)(12), and a new paragraph (b) added to read as follows:

§ 0.11 Functions of the office.

* * * * *

(b) The Secretary is the official custodian of the Commission's documents and shall have authority to appoint a deputy for purposes of custody and certification of documents located in Gettysburg, Pennsylvania.

2. Section 0.467 is revised to read as follows:

§ 0.467 Certified copies.

Copies of documents which are available or made available, for inspection under §§ 0.451–0.465, will be prepared and certified, under seal, by the Secretary, or for documents located in the Commission's Gettysburg, Pennsylvania Office, by his deputy. Requests shall be in writing, specifying the exact documents, the number of copies desired, and the date on which they will be required. The request shall allow a reasonable time for the preparation and certification of copies. The fee for preparing copies shall be the same as that charged by the general duplicating contractor for the same work under contractual arrangements described in § 0.465(a). The fee for certification shall be $1 for each document.

[FR Doc. 83-9551 Filed 4-11-83; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 1

[FCC 83-108]

Practice and Procedure; Implementation of Pub. L. 97-257; Amendment of Part 1 of the Commission's Rules

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Federal Communications Commission is revising its procedural rules pertaining to forfeiture procedures. The Communications Act of 1934 has been recently amended to dispense with the need to give cable system operators

notice and opportunity to respond before the Commission issues a notice of apparent liability imposing a forfeiture penalty. This amendment to the rules is necessary to bring the forfeiture procedures in agreement with the new statutory provisions.

EFFECTIVE DATE: March 30, 1983.

FOR FURTHER INFORMATION CONTACT: Magalie Floyd, Office of General Counsel, Federal Communications Commission, Washington, D.C. (202) 632-6990.

List of Subjects in 47 CFR Part 1

Administrative practice and procedure.

Order

In the matter of implementation of Pub. L. 97-257; Amendment of § 1.80(d) of the Commission's rules and regulations.

Adopted: March 28, 1983.
Released: March 30, 1983.

By the Commission.

1. The provisions of Section 503(b) of the Communications Act of 1934, as amended, 47 U.S.C. 503(b), authorize the Commission to impose forfeitures on licensees and other holders of Commission authorizations without first, among other measures, issuing a warning and providing the opportunity for comment. Cable system operators are not licensed or authorized by the Commission in the traditional sense.[1] For purposes of Section 503(b), however, the Commission consistently has treated cable system operators in the same manner as licensees and other holders of Commission authorizations.[2]

2. By Pub. L. 97-257, September 13, 1982, the Congress revised Section 503(b)(5) to provide specifically that the Commission may impose forfeitures on cable system operators without first, *inter alia*, issuing a warning and providing the opportunity for comment. Thus, this statute was designed to ratify current Commission practice.

3. *Procedure, § 1.80.* The forfeiture provisions of Section 503(b) of the Act are implemented through § 1.80 of the Commission's Rules, which closely follows the statutory language. Therefore, pursuant to the new statutory provisions, § 1.80 will be amended to make clear that the Commission may impose forfeiture penalties on cable system operators without first, among other measures, issuing a warning and providing the opportunity for comment.

4. The Commission has formulated the amendment described herein to implement, in part, the provisions of Pub. L. 97-257. Therefore, compliance with the notice and comment requirements of the Administrative Procedure Act is unnecessary. 5 U.S.C. 553(b)(B). Further, because this is an amendment of rules relating to agency procedures, compliance with the notice and comment and effective date provisions is not required. 5 U.S.C. §§ 553(b)(B), 553(d).

5. Authority for the action taken herein is contained in Sections 503(b)(5), 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 503(b)(5), 154, 303(r). Accordingly, it is ordered that, March 30, 1983, § 1.80(d) of the Commission's Rules, 47 CFR 1.80(d), is amended, as set forth in the attached appendix.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

PART 1—[AMENDED]

§ 1.80 [Amended]

47 CFR Part 1 is amended by revising the second sentence of § 1.80(d) to read as follows:

* * * * *

(d) * * * However, a forfeiture penalty may be imposed, if such person is engaged in (and the violation relates to) activities for which a license, permit, certificate, or other authorization is required, or if such person is a cable television system operator.

[FR Doc. 83-9554 Filed 4-11-83; 8:45 am]
BILLING CODE 6712-01-M

[1] Cable system operators are required to separately register each system community unit with the Commission.

[2] *See, e.g., Western Arizona CATV,* 49 RR 2d 646 (Cable TV Bureau, 1981.)

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47 CFR Part 13

[FCC 83-97]

Commercial Radio Operators; Incorporation of New Language Relating to Violations Caused, Aided, or Abetted by Commercial Radio Operators

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission is amending Part 13 of its rules to incorporate new language added by Pub. L. 97-259 relating to violations caused, aided or abetted to commercial radio operators. The Commission is taking this action to provide greater visibility to the new prohibition.

EFFECTIVE DATE: March 25, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Lawrence R. Clance, Attorney Advisor, Field Communications Bureau, Federal Communications Commission, Washington, D.C. 20554, (202) 632-7591.

List of Subjects in 47 CFR Part 13

Commercial radio operator's licenses.

Order

In the matter of amendment of Part 13 of the Commission's rules to incorporate new language added by Pub. L. 97-259 relating to violations caused, aided, or abetted by Commercial Radio Operators.

Adopted: March 7, 1983.
Released: March 11, 1983.

By the Commission.

1. On September 13, 1982, Public Law 97-259 amended Section 303(m)(1)(A) of the Communications Act of 1934 authorizing the Commission to suspend the license of any radio operator who has "caused, aided, or abetted the violation of, any Act, treaty, or convention binding on the United States, which the Commission is authorized to administer or any regulation made by the Commission under any such Act, treaty, or convention; . . ." Previously, the Commission could not take administrative action against commercial radio operators who advised, equipped, or otherwise assisted applicants to illegally operate communications facilities.

2. We are adding a rule section to Part 13 which repeats the language in the statute. Doing so provides more visibility to the new prohibition. The Commission previously promulgated similar rules which parallel the other provisions in Section 303(m)(1).[1]

3. Because this rule is in agreement and conformance with the Communications Act of 1934, as amended, we find that prior notice and public procedure are unnecessary. (5 U.S.C. 553(b)(3)(B))

4. Accordingly, IT IS ORDERED, that effective March 25, 1983, Part 13 of Title 47 of the Code of Federal Regulations IS AMENDED, as set forth in the Appendix attached hereto. This action is taken pursuant to Sections 4(i) and 303(r) of

[1] See 47 CFR 13.64, 47 CFR 13.65, 47 CFR 13.66, 47 CFR 13.67, 47 CFR 13.68, 47 CFR 13.69, 47 CFR 13.70.

the Communications Act, as amended. (47 U.S.C. 154(i) and 303(r)).

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

PART 13—[AMENDED]

Part 13 of the Rules and Regulations of the Federal Communications Commission, 47 CFR Part 13, is amended as follows:

A new § 13.62 is added:

§ 13.62 Violations; aiding and abetting.

No licensed commercial radio operator shall violate or cause, aid, or abet the violation of any Act, treaty, or convention binding on the United States, which the Commission is authorized to administer, or any regulation made by the Commission under such Act, treaty, or convention.

[FR Doc. 83-9553 Filed 4-11-83; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1137

[Ex Parte No. 322 (Sub-1)]

Revised Procedures for Divisions of Revenue Cases; Correction

AGENCY: Interstate Commerce Commission.

ACTION: Final rules; correction.

SUMMARY: At 48 FR 12105, March 23, 1983, as corrected at 48 FR 13186, March 30, 1983, the Commission modified its regulations governing the processing of division of revenue proceedings. The correction notice incorrectly changes the section being revised from § 1137.1 to § 1137.5. This notice corrects that number to read § 1137.1.

FOR FURTHER INFORMATION CONTACT: Douglas Galloway, (202) 275-7278.

SUPPLEMENTARY INFORMATION: In the notice of final rules published at 48 FR 12105, corrected at 48 FR 13186, correct the numbers § 1137.5 to read § 1137.1 wherever it appears, including the reference to that section in the amendatory language in the Appendix. The Commission regrets any confusion caused by the previous correction notice.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-9532 Filed 4-11-83; 8:45 am]

BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 48, No. 71
Tuesday, April 12, 1983

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 451

Performance Management System

Correction

In FR Doc. 83–8138, beginning on page 13342 in the issue of Wednesday, March 30, 1983, the last entry in the second column of the table in § 451.205(b)(1) on page 13359 should read, "$2,200 plus .25% of savings over $100,000 up to maximum award of $10,000".

BILLING CODE 1505-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 51

United States Standards for Grades of Tomatoes for Processing

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Agricultural Marketing Service proposes to amend the voluntary United States Standards for Grades of Tomatoes for Processing. Color measurement equipment specified in the current standards is no longer in general use. This amendment would revise the color evaluation section to permit color measurement to be determined by the type of electronic device specified in grower-processor contracts.

DATE: Comments must be received on or before May 12, 1983.

ADDRESS: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in duplicate to the Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250. Comments should reference the date and page number of this issue of the Federal Register and will be made available for public inspection in the Office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: David L. Priester, Fresh Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–5410.

SUPPLEMENTARY INFORMATION:

This rule has been reviewed under USDA procedures and Executive Order 12291 and has been designated as a "non-major" rule. It will not result in an annual effect on the economy of $100 million or more. There will be no major increase in cost or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions. It will not result in significant adverse effects on competition, employment, investments, productivity, innovations, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act, Pub. L. 96–354 (5 U.S.C. 601), because it reflects current marketing practices.

The current U.S. Standards for Grades of Tomatoes for Processing have been in effect since March 1973. These standards were developed to provide the processing industry with inspection procedures for determining the quality of grower deliveries to processors based on two factors: (1) Color measurement by use of a photo-electric instrument (USDA Tomato Colorimeter) or subjective visual color evaluation of individual fruit; and (2) classification of defects. When using the colorimeter, the "Color Evaluation" section of the standards requires that specific procedures be followed for color measurement using only USDA approved equipment.

Since 1973 processors have continued to improve processing equipment and have introduced new manufactured products. This has brought about a need for more flexibility in the type of color measurement equipment than that currently approved for use by the standards.

This proposal would establish basic color measurement requirements with the flexibility necessary to adjust to advances in electronic colorimeter technology and meet the changing needs of the industry. Users of the standards would have the option of using a colorimeter of their choice, without ruling out use of the currently specified instrumentation.

List of Subjects in 7 CFR Part 51

Fresh fruits, Vegetables, and other products (inspection certification and standards).

PART 51—[AMENDED]

Accordingly, the provisions of §§ 51.3310, 51.3311, 51.3312, 51.3313, 51.3314, and 51.3317, U.S. Standards for Grades of Tomatoes for Processing, (7 CFR 38 FR 3390, §§ 51.3310–51.3327) would be amended as follows:

1. Revising § 51.3310 paragraph (a)(1) to read as follows:

§ 51.3310 General.

(a) * * *

(1) Color measurement by use of an electronic colorimeter instrument or subjective visual color evaluation of individual fruit; and,

* * * * *

2. Revising § 51.3311 paragraph (a)(2) (i) and (ii) to read as follows:

§ 51.3311 Category A.

* * * * *

(a) * * *

(2) * * *

(i) Electronic color determination shall be as specified in § 51.3317; or

(ii) Visual color analysis shall be as specified in § 51.3317.

* * * * *

3. Revising § 51.3312 paragraph (a)(2) (i) and (ii) to read as follows:

§ 51.3312 Category B.

* * * * *

(a) * * *

(2) * * *

(i) Electronic color determination shall be as specified in § 51.3317; or

(ii) Visual color analysis shall be as specified in § 51.3317.

* * * * *

4. Revising § 51.3313 paragraph (a)(2) (i) and (ii) to read as follows:

§ 51.3313 Category C.

* * * * *

(a) * * *
(2) * * *

(i) Electronic color determination shall be as specified in § 51.3317; or

(ii) Visual color analysis shall be as specified in § 51.3317.

* * * * *

5. Revising § 51.3314 to read as follows:

§ 51.3314 Culls.

"Culls" are tomatoes which fail to meet the requirements of Category C and, when color evaluation is determined by means of an electronic instrument, includes tomatoes which are completely green.

6. Revising § 51.3317 to read as follows:

§ 51.3317 Color evaluation.

Color may be determined either by an electronic colorimeter or visually.

(a) Electronic color evaluation shall be the color value of a composite raw juice sample. The equipment used in such evaluation shall be properly calibrated, and the type of device and procedures utilized shall be specified in grower-processor contracts. The composite raw juice sample shall be extracted from tomatoes representative of the lot: PROVIDED, that each tomato from which juice is extracted must show a definite change in surface color from green to tannish-yellow, pink, red, or a combination thereof.

(b) Visual analysis requires that each tomato be "fairly well colored" which means that at least two-thirds of the flesh of the tomato has good red color: PROVIDED, that a tomato having flesh of a lighter shade of red shall be considered as "fairly well colored" if a sufficient amount of the flesh has a red color equivalent to that of a tomato with two-thirds good red color.

(Agricultural Marketing Act of 1946. Secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended (7 U.S.C. 1622, 1624))

Done at Washington, D.C. on: March 30, 1983.

Eddie F. Kimbrell,

Deputy Administrator, Commodity Services.

[FR Doc. 83-9624 Filed 4-11-83; 8:45 am]
BILLING CODE 3410-02-M

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7 CFR Part 52

United States Standards for Grades of Canned Sweetpotatoes

AGENCY: Agricultural Marketing Service.

ACTION: Proposed rule.

SUMMARY: The purpose of this proposed rule is to revise the voluntary U.S. Standards for Grades of Canned Sweetpotatoes. The proposed rule was developed by the U.S. Department of Agriculture (USDA) at the request of the canned sweetpotato industry. The proposed rule would: (1) De-emphasize the significance of uniformity of size by basing this factor on the 90 percent, by count, most uniform units; (2) remove the factor of "shape" from "uniformity of size and shape"; (3) establish a style for "whole and pieces"; (4) include pathological or insect injury as part of the definition of blemishes without changing the total of maximum percentages for blemishes declared in the current standards; (5) provide a tolerance for untrimmed tough external fibers; (6) provide a uniform format consistent with other recently revised standards; (7) consolidate into two tables the allowances listing the various quality factors; and (8) incorporate minor editorial changes. The effect of the proposed rule would be to improve the standards and promote orderly and efficient marketing.

DATE: Comments must be received on or before June 13, 1983.

ADDRESS: Interested person are invited to submit written comments concerning this proposal. Comments must be sent in duplicate to the Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250. Comments should reference the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Harold A. Machias, Processed Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202) 447-6247.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA procedures and Executive Order 12291 and has been designated as a "nonmajor" rule. It will not result in an annual effect on the economy of $100 million or more. There will be no major increase in cost or prices to consumers; individual industries; Federal, State, or local government agencies; or geographic regions. It will not result in significant adverse effects on competition, employment, investments, productivity, innovations, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 601), because it reflects current marketing practices.

The USDA received a petition from a member of the canned sweetpotato industry, requesting a revision of the U.S. Standards for Grades of Canned Sweetpotatoes with respect to uniformity of size and shape requirements.

The current U.S. Standards for Grades of Canned Sweetpotatoes, dated August 16, 1972, incorporated fill weight procedures and tables to clarify grading of the quality factors of defect, color, and character, and uniformity of size and shape. In the current standards, determination of uniformity of size and shape is based on comparing the second smallest sweetpotato unit to the largest unit, regardless of the size of the container. This criteria is not always equitable since it is much easier to maintain a controlled ratio when there are only six to eight potato units in a small can as compared to 30 to 40 units in a large can. When processing sweetpotatoes under commercial manufacturing conditions, there will be a greater chance that the large can will fail to meet the criteria than a small can.

In this proposal, determining uniformity of size would be based on the 90 percent, by count, most uniform units to eliminate the bias against the larger container when determining this factor. Also this proposal would remove the factor of "shape" from "uniformity of size and shape" since the relative importance of shape is so slight that it is seldom used in grading and is not significant.

This proposed revision of the voluntary grade standards would establish a style for "whole and pieces" since government purchasing agencies buy this style of canned sweetpotatoes. Although the current standards permit the combination of two or more styles (excluding mashed), they do not specifically establish "whole and pieces" as a designated style. This proposal would establish "whole and pieces" as a style and require that not less than 50 percent of the drained weight of the product would consist of whole sweetpotatoes. Other combinations of two or more styles, excluding mashed, would be considered as "mixed" style.

This proposal would include pathological or insect injury as part of the definition applicable to blemishes. This change permits a slight increase in

the tolerance for this defect (from one percent to two percent) but, considered as a blemish, limits the defect to the total of maximum percentages for blemishes declared in the current standards. Also this proposal provides a tolerance for untrimmed tough external fibers of 15 percent, by count, for each sample unit and 5 percent, by count, for a sample (lot) average in grade A. This tolerance would provide uniformity in grading by being objective (percent by count) instead of subjective (no specific tolerance).

Another proposed change would provide a uniform format consistent with revisions made in other U.S. grade standards. The proposed format has been designed to provide industry personnel and agricultural commodity graders with simpler yet comprehensive standards. The five tables in the current standards would be consolidated into two tables.

List of Subjects in 7 CFR Part 52

Processed fruits and vegetables, Food grades and standards.

PART 52—[AMENDED]

Accordingly, the proposed amendments of Subpart—United States Standards for Grades of Canned Sweetpotatoes (7 CFR 52.2041 through 52.2045 and 52.2050 through 52.2054) would read as follows:

Subpart—United States Standards for Grades of Canned Sweetpotatoes

Sec.

* * * * *

52.2041 Product description.
52.2042 Varietal color types.
52.2043 Styles.
52.2044 Types of pack.
52.2045 Definitions of terms.

* * * * *

52.2050 Recommended sample unit size.
52.2051 Grades.
52.2052 Factors of quality.
52.2053 Requirements for grades.
52.2054 Determining the grade of a lot.

* * * * *

1. The authority citation for Part 52 reads as follows:

Authority: Agricultural Marketing Act of 1946, Secs. 203, 205, 60 Stat. 1087, as amended 1090, as amended (7 U.S.C. 1622, 1624).

2. In Part 52, §§ 52.2041 through 52.2045 are revised to read as follows:

§ 52.2041 Product description.

Canned sweetpotatoes is the product as defined in the Standards of Identity for Certain Other Canned Vegetables (21 CFR 155.200) issued under the Federal Food, Drug, and Cosmetic Act.

§ 52.2042 Varietal color types.

(a) Golden.

(b) Yellow.

(c) Mixed. A combination of golden units and yellow units in a sample unit.

§ 52.2043 Styles.

(a) *Whole* means the canned sweetpotatoes have the appearance of being essentially whole or almost whole in that the units retain the approximate shape of whole sweetpotatoes.

(b) *Halves* or *halved* means the canned sweetpotatoes have been cut longitudinally into approximate halves.

(c) *Sections* means the canned sweetpotatoes have been cut transversely into approximate cylindrical units 5 centimeters (2.0 in) or more in length and the diameter of the unit cannot be more than approximately ⅝ of the length.

(d) *Pieces, cuts,* or *cut* means the canned sweetpotatoes have been randomly cut into portions of varying sizes and shapes.

(e) *Mashed* means the canned sweetpotatoes are wholly comminuted or pureed.

(f) *Whole and pieces* means canned sweetpotatoes consisting of a combination of whole and pieces with not less than 50 percent of the drained weight being whole sweetpotatoes.

(g) *Mixed* means any combination of two or more styles excluding mashed style.

§ 52.2044 Types of pack.

(a) *Regular pack* means the product is packed in a liquid packing medium and applies to all styles except "mashed" style.

(b) *Vacuum pack* means the product is packed under conditions creating a high vacuum in the container, in the absence of a packing medium, and applies to all styles except "mashed" style.

(c) *Solid pack* means the product is packed in the absence of a packing medium and applies to "mashed" style only.

§ 52.2045 Definitions of terms.

As used in these U.S. standards, unless otherwise required by the context, the following terms shall be construed, respectively, to mean:

(a) *Blemishes.* (1) *Insignificant blemished unit* means a unit with slight abnormalities, scars, discolorations, or any other imperfections that may affect the appearance slightly but do not affect the edibility of the unit.

(2) *Materially blemished unit* means any sweetpotato unit that has darkened areas (internal or external) or abnormalities including pathological or insect injury that materially affect the appearance or edibility of the unit.

(3) *Seriously blemished unit* means any sweetpotato unit that has darkened areas (internal or external) or abnormalities including pathological or insect injury that seriously affect the appearance or edibility of the unit.

(b) *Character.* (1) *Good character,* in regular pack and vacuum pack, means the sweetpotato units have a uniformly smooth texture, are practically free from internal tough or coarse fibers, and may be slightly variable in tenderness but hold their apparent original conformation. In solid-pack, *good character* means the mass has a smooth texture and is practically free from tough or coarse fibers.

(2) *Reasonably good character,* in regular pack and vacuum pack, means the sweetpotato units have a reasonably uniform smooth texture, are substantially free from internal tough or coarse fibers, may be variable in tenderness, and may be firm to soft but hold their apparent original conformation. In solid-pack, *reasonably good character* means the mass has a reasonably smooth texture which may be slightly grainy and is substantially free from tough or coarse fibers.

(3) *Poor character* means the sweetpotatoes fail to meet the requirements for reasonably good character.

(c) *Color.* (1) *Good color* means a bright color typical of either yellow or golden variety sweetpotatoes but not both. There may be moderate variations of color throughout the sweetpotato unit(s) or mass but not to the extent that the appearance of the product is more than moderately affected.

(2) *Reasonably good color* means that the color is reasonably bright; that both golden and yellow varieties may be present in any amount and there may be considerable variation of color throughout the sweetpotato unit(s) or mass but not to the extent that the appearance of the product is seriously affected.

(3) *Poor color* means the color fails to meet the requirements for reasonably good color.

(d) *Consistency.* Applies to solid pack only.

(1) *Good consistency* means the sweetpotato mass is sufficiently firm to approximate the general shape of the container with some settling permitted; is not dry, and may show no more than a slight separation of free liquid after 2 minutes.

(2) *Reasonably good consistency* means the sweetpotato mass is sufficiently soft so as not to

approximate the general shape of the container, but not free flowing; may be noticeably dry but not hard or rubbery. There may be moderate separation of free liquid after 2 minutes.

(3) *Poor consistency* means the sweetpotato mass fails to meet the requirements for reasonably good consistency.

(e) *Crumbly,* in all styles other than mashed, means sweetpotato units that fall apart readily due to apparent starchiness or dryness.

(f) *Defects.* (1) *Practically free from defects* means the defects present do not materially affect the appearance or edibility of the product.

(2) *Reasonably free from defects* means the defects present do not seriously affect the appearance or edibility of the product.

(g) *Extraneous vegetable material* (EVM) means harmless plant material such as leaves, stems, or roots.

(h) *Firmness.* (1) *Firm* means sweetpotato units that are slightly grainy and possess a somewhat stiff yet yielding texture.

(2) *Very firm* means sweetpotato units that are noticeably grainy or have a hardened texture similar to an uncooked sweetpotato.

(i) *Flavor and odor.* (1) *Good flavor and odor* means distinctive flavor and odor characteristic of properly processed sweetpotatoes (including the packing medium) that are free from objectionable flavors or odors.

(2) *Reasonably good flavor and odor* means that the processed sweetpotatoes may be lacking in good flavor and odor but are free from objectionable flavors or objectionable odors of any kind.

(3) *Off-flavor and odor* means the processed sweetpotatoes fail the requirements of reasonably good flavor and odor.

(j) *Internal tough or coarse fibers,* in character, mean tough, stringy or fibrous material that is objectionable upon eating.

(k) *Mechanically damaged* means any sweetpotato unit damaged during processing.

(l) *Mushy* means sweetpotato units that have materially or completely disintegrated into small pieces or a puree-like consistency with a pulpy or pasty texture.

(m) *Pathological or insect injury* means damage caused by disease or other similar causes that affect the appearance or edibility of the product.

(n) *Peel* means the outer layer of the sweetpotato that is normally removed during processing.

(o) *Pitted unit* means a sweetpotato unit that has external pock marks to the extent that the appearance of the unit is materially affected.

(p) *Sample unit* size means the amount of product specified to be used in grading. It may be:

(1) The entire contents of a container;

(2) A portion of the contents of a container;

(3) A combination of the contents of 2 or more containers;

(4) A portion of unpacked product.

(q) *Secondary rootlets* means rootlets 2.5 centimeters (1.0 in) or longer.

(r) *Softness.* (1) *Soft* means sweetpotato units that are tender but not approaching disintegration.

(2) *Very soft* means sweetpotato units that show slight to partial disintegration and are soft and yielding.

(s) *Uniformity of size.* (1) *Practically uniform in size* means, of the 90 percent (by count) most uniform units, the largest unit does not exceed the weight of the smallest unit by more than a ratio of 3 to 1.

(2) *Reasonably uniform in size* means, of the 90 percent (by count) most uniform units, the largest unit does not exceed the weight of the smallest unit by more than a ratio of 4 to 1.

(3) *Poor uniformity of size* means the sweetpotato units fail the requirements of reasonably uniform size.

(t) *Untrimmed fibrous ends* mean sweetpotato units that have edible (not tough) external fibers protruding more than 7 millimeters (.28 in).

(u) *Untrimmed tough fibrous ends* means sweetpotato units that have tough inedible external fibers.

3. In Part 52, § 52.2050 through 52.2054 are revised to read as follows:

§ 52.2050 Recommended sample unit size.

The requirements for all factors of quality are based on the following recommended sample unit sizes for the respective styles.

(a) All styles other than mashed—1000 grams (35.3 oz) of drained product or the entire drained contents of a container.

(b) Mashed (Solid-pack)—the entire contents of a container.

§ 52.2051 Grades.

(a) *U.S. Grade A* is the quality of canned sweetpotatoes that meets the applicable requirements of Table III or Table IV and scores not less than 90 points.

(b) *U.S. Grade B* is the quality of canned sweetpotatoes that meets the applicable requirements of Table III or Table IV and scores not less than 80 points.

(c) *Substandard* is the quality of canned sweetpotatoes that fails to meet the requirements for *U.S. Grade B.*

§ 52.2052 Factors of quality.

The grade of canned sweetpotatoes is based on the following quality factors:

(a) Color;

(b) Uniformity of size (regular pack and vacuum pack);

(c) Consistency (solid pack);

(d) Defects;

(e) Character.

§ 52.2053 Requirements for grades.

TABLE III.—VACUUM PACK; REGULAR PACK

	Grade A	Grade B
Color	Good	Reasonably good.[1]
Score	27–30 points	24–26 points
Uniformity of size	Practically uniform [2]	Reasonably uniform.[3]
Score	18–20 points	16–17 points
Defects	Practically free, do not materially affect the appearance or edibility	Reasonably free,[1] do not seriously affect the appearance or edibility
Score	27–30 points	24–26 points.

[1] Cannot be graded above U.S. Grade B, regardless of total score. Sample units with quality factors which fail U.S. Grade B, except uniformity of size, cannot be scored higher than Substandard regardless of the total score.
[2] Can have reasonably uniform size if total score is 90 points or more.
[3] Can have poor uniformity of size if total score is 80 points or more.

	Grade A		Grade B	
	Maximum per sample unit	Maximum sample average	Maximum per sample unit	Maximum sample average
Seriously blemished	5 percent by count or 1 unit (whichever is greater)	2 percent by count	10 percent by count or 2 units (whichever is greater)	4 percent by count.
Total blemished (materially and seriously)	15 percent by count	8 percent by count	30 percent by count	15 percent by count.
Units with secondary rootlets 2.5 cm or longer	15 percent by count	5 percent by count	25 percent by count	10 percent by count.
Extraneous vegetable material	1 piece	1 piece per 3.4 kg (120 ounces)	2 pieces	2 pieces per 3.4 kg (120 ounces).

	Grade A		Grade B	
	Maximum per sample unit	Maximum sample average	Maximum per sample unit	Maximum sample average
Peel per 500 grams	3 cm² (0.5 in²)	2 cm² (0.3 in²)	6 cm² (1 in²)	4 cm² (0.6 in²).
Pitted units	15 percent by count	5 percent by count	100 percent by count	25 percent by count.
Mechanically damaged units	5 percent by count or 1 unit (whichever is greater).	2 percent by count	10 percent by count or 2 units (whichever is greater).	4 percent by count.
Units untrimmed tough fibrous ends	15 percent by count	5 percent by count	25 percent by count	10 percent by count.
Units with untrimmed fibrous ends (edible).	Practically free		Reasonably free	
Character	Good	Good	Reasonably good [1]	
Score	18–20 points		16–17 points	
Very soft	20 percent by count or 2 units (whichever is greater).	10 percent by count	100 percent	100 percent.
Very firm crumbly mushy internal tough or coarse fibers.	10 percent by count or 2 units (whichever is greater).	5 percent by count	20 percent by count or 4 units (whichever is greater).	10 percent by count.
Total score	90–100 points		80–89 points	

[1] Cannot be graded above U.S. Grade B, regardless of total score. Sample units with quality factors which fail U.S. Grade B, except uniformity of size, cannot be scored higher than Substandard regardless of the total score.

TABLE IV.—SOLID-PACK

	Grade A	Grade B
Color	Good	Reasonably good.[1]
Score	27–30 points	24–26 points.
Consistency	Good	Reasonably good.[1]
Score	18–20 points	16–17 points.
Defects	Practically free	Reasonably free.[1]
Score	27–30 points	24–26 points.
Character	Good	Reasonably good.[1]
Score	18–20 points	16–17 points.
Total score	90–100 points	80–89 points.

[1] Cannot be graded above U.S. grade B, regardless of total score. Sample units with quality factors which fail U.S. Grade B cannot be scored higher than Substandard regardless of the total score.

§ 52.2054 Determining the grade of a lot.

The grade of a lot of canned sweetpotatoes covered by these standards is determined by the procedures found in the "Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products" (7 CFR 52.1 through 52.83).

Done at Washington, D.C., on March 30, 1983.

Eddie F. Kimbrell,

Deputy Administrator Commodity Services.

[FR Doc. 83-9622 Filed 4-11-83; 8:45 am]

BILLING CODE 3410-02-M

Food and Nutrition Service

7 CFR Part 226

Child Care Food Program

AGENCY: Food and Nutrition Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Department is amending the Child Care Food Program (CCFP) regulations by (1) revising the CCFP audit requirements to conform to the Department's Uniform Federal Assistance Regulations (7 CFR Part 3015), and (2) outlining the permissible uses of funds available to perform audits in the Program. This action is necessary to conform the CCFP audit requirements with the Uniform Federal Assistance Regulations requirements.

DATE: Comments must be received on or before June 13, 1983 to be assured of consideration in the final rulemaking.

ADDRESS: Comments should be sent to Jordan Benderly, Director, Child Care and Summer Programs Division, Food and Nutrition Service, USDA, Alexandria, Virginia 22302. All written submissions will be available for public viewing in Room 416, 3101 Park Center Drive, Alexandria, Virginia 22302, during regular business hours (8:30 a.m. to 5:00 p.m.) Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Mr. Jordan Benderly or Ms. Beverly Walstrom at the address listed above, or call (703) 756–3888.

SUPPLEMENTARY INFORMATION:

Classification

This proposed action has been reviewed under Executive Order 12291 and has been classified *not major* because it will not have an annual effect on the economy of $100 million, will not cause a major increase in cost or prices for Program participants, individual industries, Federal agencies, State or local government agencies or geographic regions, and will not have a significant economic impact on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or foreign markets.

This proposal has also been reviewed with regard to the requirements of Pub. L. 96–354, the Regulatory Flexibility Act. Pursuant to the review, the Administrator of the Food and Nutrition Service, has certified that this proposed rule does not have a significant economic impact on a substantial number of small entities.

In accordance with the Paperwork Reduction Act of 1980, (44 U.S.C. 3507), the reporting and recordkeeping requirements that are included in this proposed rule will be submitted for approval to the Office of Management and Budget (OMB). They are not effective until OMB approval has been obtained.

Background

The Child Care Food Program (CCFP) is authorized by Section 17 of the National School Lunch Act, which was amended on August 13, 1981, by Pub. L. 97–35, the Omnibus Budget Reconciliation Act of 1981. On November 27, 1981, the Department published final rulemaking on the eligibility of Title XX profit making centers to participate in the CCFP, and on June 25, 1982, the Department published final rulemaking which established new rates for administrative reimbursement for sponsors of family day care homes. The Department published final rulemaking on August 20, 1982, implementing the nondiscretionary amendments to the Act created by Pub. L. 97–35.

At this time, the Department is proposing one amendment to the CCFP regulations. This amendment is necessary to ensure that (1) the CCFP audit requirements are in conformance with 7 CFR Part 3015, the Department's

Uniform Federal Assistance Regulations (46 FR 55636) and (2) Program funds available for the conduct of Program audits are properly utilized.

Audit Requirements

Program regulations have required that the State agency provide for audits of institutions participating in the Child Care Food Program. The audits were to be "conducted at least once every two years for each institution." The regulations contained a provision which permitted organization-wide audits of institutions receiving other Federal funds to be counted toward meeting the requirement.

On November 10, 1981, the Department published a final regulation, the Uniform Federal Assistance Regulations (7 CFR Part 3015) in the **Federal Register** at 46 FR 55636. (The proposed rule was published on July 20, 1981, at 46 FR 37252.) This rule implements OMB Circulars A–102 and A–110, which standardize the administration of grants and cooperative agreements. The rule outlines the principles for determining allowable costs under USDA grants and cooperative agreements as set forth in OMB Circulars A–87, A–21 and A–122. Additionally, the rule establishes uniform audit requirements and policy for State and local governments and Indian Tribal governments that receive Federal assistance from USDA.

This proposal to amend the CCFP regulations is being published in response to the requirements of 7 CFR Part 3015, Subpart I, Audits. The Department is proposing to amend § 226.8 to include the requirement to conduct audits in accordance with 7 CFR Part 3015. Part 3015 requires that, in accordance with OMB Circular A–102, Attachment P, and OMB Circular A–110, recipients and subrecipients of USDA financial assistance must arrange for a financial and compliance audit on at least a biennial basis. Part 3015 also requires that these audits be made on an organization-wide basis, rather than on a grant-by-grant basis. Organization-wide audits are defined in Part 3015 as "an audit which encompasses all financial operations and all funds (regardless of source) of the audited entity, and which will satisfy the needs of all interested parties for audited financial information."

Use of Audit Funds

Section 17 of the National School Lunch Act, as amended, provides funds to be used by State agencies for the purpose of conducting audits of institutions participating in the Program. The amount provided by the Department to each State agency is equal to two percent of the funds used in each State in the CCFP during the second preceding fiscal year. In the past, Program-specific audits were conducted by State agencies for CCFP institutions. Audit funds were utilized by the State agencies for arranging and conducting these audits. However, because of the need to implement the Uniform Federal Assistance Regulations, the Department must give special consideration to how two percent audit monies are used. The Department does not believe that Congress intended Program audit monies to be used to pay for audits that do not cover the CCFP. Furthermore, Section 17(i) of the National School Lunch Act clearly states that the States shall receive funds "for the purpose of conducting audits of participating institutions."

Therefore, it is the Department's interpretation of the statutory provision that two percent audit funds may be utilized in the conduct of organization-wide audits as long as the CCFP is tested in the audit. If for any reason the organization-wide audit does not cover the CCFP, no audit of the CCFP will have been carried out and no money should or could be disbursed by the States to fund the audit. This proposal, therefore, stipulates that State agencies may provide amounts they deem appropriate of two percent audit funds to institutions for organization-wide audits, provided that the audits test the CCFP. States may also continue to use the two percent audit funds for Program-specific audits of institutions in some situations. For example, State agencies may wish to perform Program-specific audits of A–110 nonprofit organizations, for which no Federal agency has been assigned cognizance for audits, and for Title XX proprietary programs which are not covered by the OMB Circular requirements for audits. Organization-wide audits as well as Program-specific audits continue to be counted toward meeting the biennial audit requirement. However, no two percent audit funds may be provided by the State agency to offset the costs of performing organization-wide audits if the CCFP operations of the institution are not tested.

Comments on this proposal should focus on the utilization of two percent audit funds, rather than the implementation of 7 CFR Part 3015, since comments have already been solicited on the Department's Uniform Federal Assistance Regulations and no authority exists for these requirements to be waived in the CCFP.

List of Subjects in 7 CFR Part 226

Day care, Food assistance programs, Grant programs, Health, infants and children, Surplus agricultural commodities.

Accordingly, Part 226 is proposed to be amended as follows:

PART 226—CHILD CARE FOOD PROGRAM

Section 226.8 is amended by: revising paragraphs (a), (b), (c) and (d).

§ 226.8 Audits.

(a) Audits at the State and institution levels shall be conducted at least once every two years in accordance with the Department's Uniform Federal Assistance Regulations (7 CFR Part 3015) regarding organization-wide audits.

(b) The funds provided to the State agency under § 226.4(h) may be used to fund organization-wide audits provided that the organization-wide audit includes tests of the Program.

(c) If no organization-wide audit will be conducted during a two-year period, or the organization-wide audit does not include tests of the Program, funds provided under § 226.4(h) may also be used by the State agency to conduct Program-specific audits of the Program operations of institutions.

(d) Funds provided under § 226.4(h) may only be used during the fiscal year for which those funds are allocated. If funds provided under § 226.4(h) are not sufficient to meet the requirements of this section, the State agency may then use available State administrative expense funds to conduct audits, provided that the State agency is arranging for the audits and has not passed the responsibility down to the institutions.

* * * * *

(Sec. 2, Pub. L. 95–627, 92 Stat. 3603 (42 U.S.C. 1766); Section 10 Pub. L. 89–642, 80 Stat. 889 (42 U.S.C. 1779)).

Dated: April 5, 1983.

Robert E. Leard,

Administrator, Food and Nutrition Service.

[FR Doc. 83–9388 Filed 4–11–83; 8:45 am]

BILLING CODE 3410–30–M

CIVIL AERONAUTICS BOARD

14 CFR Parts 207, 208, 212, 298 and 380

[Econ. Regs., Special Regs. Docket: 40336; EDR-458; SPDR-86]

Charter Trips and Special Services; Terms, Conditions, and Limitations of Certificates To Engage in Charter Air Transportation; Charter Trips by Foreign Air Carriers; Exemption for Air Taxi Operations; Public Charters

Dated: March 24, 1983.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of proposed rulemaking.

SUMMARY: The CAB is proposing new charter rules for direct and indirect air carriers. The proposed rules retain the financial protections of existing rules for direct air carriers while eliminating many other requirements. They retain a security instrument and depository system for indirect air carriers, along with contract rules for public protection. The proposal replaces one made earlier, and is made at the Board's initiative to achieve the most desirable combination of industry flexibility and public protection.

DATES: Comments by: June 13, 1983. Reply comments by: June 28, 1983.

Comments and other relevant information after this date will be considered by the Board only to the extent practicable.

Requests to be put on the Service List by: April 15, 1983.

The Docket Section prepares the Service List and sends it to each person listed, who then serves comments to others on the list.

ADDRESS: Twenty copies of comments should be sent to Docket 40336, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C., as soon as they are received.

FOR FURTHER INFORMATION CONTACT: Richard B. Dyson, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, 202-673-5442.

SUPPLEMENTARY INFORMATION: By EDR-439/SPDR-86, 47 FR 7443, February 19, 1982, the Board proposed to substantially liberalize and simplify its charter rules for both direct carriers and charter operators (indirect air carriers). The proposal sought comments on replacing the current rules with a new registration and bonding requirement for indirect air carriers or, alternatively, keeping some combination of a bonding and escrow requirement and some or all of the requirements designed to protect participants' expectations. The proposal would have eliminated all filing requirements on indirect carriers and the restrictions on eligible groups and dealings between charter operators and air carriers. The objective was to reduce the rules concerning charters to the minimum necessary for public protection.

Comments and reply comments on the Board's proposal were filed by seven direct air carriers, 20 indirect air carriers (charter operators and one group contractor), an association of indirect air carriers, two banks, the Federal Republic of Germany, the States of Hawaii and New York, the Aviation Consumer Action Project, Thomas A Dickerson, and three other individuals. Transamerica filed a motion for expedited action. The issues addressed by the commenters fall into the following categories: (1) Financial security rules applicable to direct carriers; (2) financial security rules applicable to charter operators; (3) "major change" rules and signature requirements for operator-participant contracts; and (4) prospectus or alternative filing requirements for charter operators, including the requirement that the operator have direct carrier commitments for lift before marketing a charter. Each category is discussed separately below.

Direct carrier financial security. Under the current rule, direct carriers must safeguard passenger funds received for charters with either an unlimited bond or a depository escrow arrangement with a bank. In EDR-439, the Board proposed to eliminate this requirement on the ground that there is no longer any basis to distinguish charters from scheduled service in this respect. Carriers operating scheduled flights do not have to be bonded or place passenger funds in escrow.

The public comments were divided. Direct carriers favored the elimination by a 2-to-1 margin but the indirect carriers opposed it by an equal margin. Consumer-oriented commenters also were opposed. The direct carriers that favored continued regulation of themselves considered it necessary to protect consumers. Several commenters noted that the airlines had established a Default Protection Plan to protect passengers in the event that a carrier operating scheduled service went bankrupt. In their view, this undercut the Board's rationale for the proposed elimination of direct carrier financial security requirements.

Indirect carrier financial security. The current rule requires a charter operator to have either a depository escrow arrangement with a security agreement for $200,000 (less if there are fewer than 20 flights in a year), or a "full" security agreement for one, two, or three times the total air price depending on whether there are ground accommodations involved and, if so, the length of the trips. The security agreement may be a surety bond or surety trust agreement in a form prescribed by the Board, or any arrangement with a bank that provides at least equivalent protection. An indirect carrier is allowed to avoid part or all of the rule by substituting the direct carrier's financial security arrangements.

In SPDR-86, the Board proposed to require no more than a $200,000 security agreement for charter operators. Full security and mandatory escrows would be eliminated. In the alternative, the Board proposed to retain the escrow requirement, in addition to or instead of the security agreement. Direct carriers were evently divided on eliminating the charter operator's escrow. Of the indirect carriers, six favord retention of the current bond-and-escrow requirements, five supported the proposed bond-only approach, and six favored a bond-or-escrow rule. Three urged the Board to eliminate all financial security rules for indirect carriers. Consumer-oriented commenters urged retention of the current bond-and-escrow scheme.

Operator-participant contractual relationship. Certain terms of the operator-participant contract are now prescribed in detail. They limit a charter operator's rights to cancel a charter or to disclaim responsibility for "major changes" (changes in dates, cities, prices, or hotels). A detailed notification and remedy scheme is prescribed for major changes when they do occur. A signature requirement prohibits an operator from accepting money for a prospective participant until that person has signed the contract.

The Board proposed to revoke these rules entirely. In the alternative it proposed to retain some or all of them. Direct carriers favored revoking these rules but a large number of charter operators agreed with the consumer-oriented commenters that the current rules should be retained. Those favoring continued regulation considered it necessary to protect consumers and to preserve the reputation of the charter business. Some expressed concern that elimination of the Board's rules would lead to the adoption of stricter or conflicting rules by the States or the Federal Trade Commission.

Propsectus or other filing requirements. Currently, charter operators cannot begin marketing their charters until at least 10 days after filing a detailed propsectus that includes a flight schedule and certifications that the operator has a contract with a direct carrier and has made financial security arrangements to protect passenger payments. Each prospectus can cover up to 1 year of flights. Foreign charter operators must also register once with the Board so that reciprocity concerns can be addressed.

For U.S. operators, the Board proposed to require only a one-time filing with a certification that it has made financial security arrangements. Foreign operators would combine this with their registration, which would not be changed. There would be no 10-day waiting period. Alternatively, the Board proposed to have no identification filing at all for U.S. operators so as to prevent them from misrepresenting the significance of having filed with the government.

Most commenters supported eliminating the prospectus filing, but almost all agreed that a charter operator should be required to have a binding commitment from a direct carrier for aircraft capacity before beginning to sell to the public. Two States objected to having no identification filing. A few commenters supported periodic registration of charter operators, but most preferred the proposed one-time filing.

Since issuing this proposal, events have occurred that have prompted the Board to reconsider its approach. For one, the level of charter activity has been increasing, with an accompanying rise in problems and complaints.

In addition, the Board is impressed by the reluctance of many commenters, particularly the charter operators who would have been expected to benefit the most from the Board's proposal, to support the sharp reduction of rules in this area. There was strong support for the idea that the existing rules protecting charter participants' funds, and their expectations as embodied in the operator-participant contracts, bolster the industry by maintaining public confidence and preventing damaging defaults. In light of these factors, the Board is now proposing a regulatory scheme for charters that retains more of the features of the current rules to protect passengers, while still eliminating unnecessary regulation.

Changes From Earlier Proposal—In General

The Board is proposing here several changes from the earlier proposal. As in the earlier proposal, the charter rules for direct air carriers would be consolidated in one part—14 CFR Part 212. In the broadest terms, the Board is proposing to retain the basic financial protection scheme that now exists with respect to charter operators: a choice between a bond or other security instrument for the whole price of the charter, or a combination of a bond for $10,000 per charter flight up to a maximum of $200,000 plus a depository account with a bank to hold participants' funds until services are rendered.

This proposed regulatory scheme would also retain the current requirements for direct air carriers' financial protection, by security agreement or depository account. It would, like the earlier proposal, eliminate many of the detailed rules governing relations between charter operators and direct air carriers, and any rules restricting the type of groups (such as the "affinity" or "single entity" concepts) to whom charters may be sold.

The proposal highlights banks' and travel agents' obligations under the present rules: that both parties to depository agreements are liable for knowing participation in nonconforming practices, that sales agents are liable for losses caused by failure to remit funds directly to a depository account, and that a direct air carrier must furnish return transportation for all charter participants who have paid for such transportation. It also clears up uncertainties and coverage gaps: that intermediaries such as "wholesalers" must be either conforming indirect air carriers or agents of air carriers, and that a $200,000 security agreement may not be laterally extended to cover more than one indirect air carrier.

In proposing to eliminate the existing provisions of Parts 207, 208, and 212 dealing with affinity-group ("pro rata") and single-entity charters, the Board has no intention of cutting back the current abilities of those types of groups to participate in charters. The proposed definition of "charter passengers" includes the category, "any groups traveling under a single charter contract," to make it clear that they may be carried on any type of service. The change to a system whereby anything not expressly prohibited is allowed would eliminate the need to describe particular types of charter groups. Any such self-formed group, of any description, would be able under the proposal to purchase charter air transportation in three different ways: from the direct air carrier directly, from an indirect air carrier, or from a travel agent. Only in the case of the indirect air carrier would Part 380 come into play, and then only if the direct air carrier was not taking financial responsibility for the participants, thus making it "public charter air transportation."

At the same time that the proposed rules remove any remaining restrictions on the types of participants or groups that may purchase charter air transportation, they would make it clear that charters may be *sold* only by direct air carriers, indirect air carriers, or agents of direct or indirect air carriers. Each of these seller categories provides financial protection. The Board's general assumption is that affinity-group and single-entity chartes are currently sold by direct air carriers or their agents, so that the financial protection provided is essentially unchanged by this proposal.

Figure 1 shows in diagram form the various ways in which charter and scheduled transportation may be sold.

BILLING CODE 6320-01-M

DAC = Direct Air Carrier
IAC = Indirect Air Carrier

DAC = Direct Air Carrier
IAC = Indirect Air Carrier

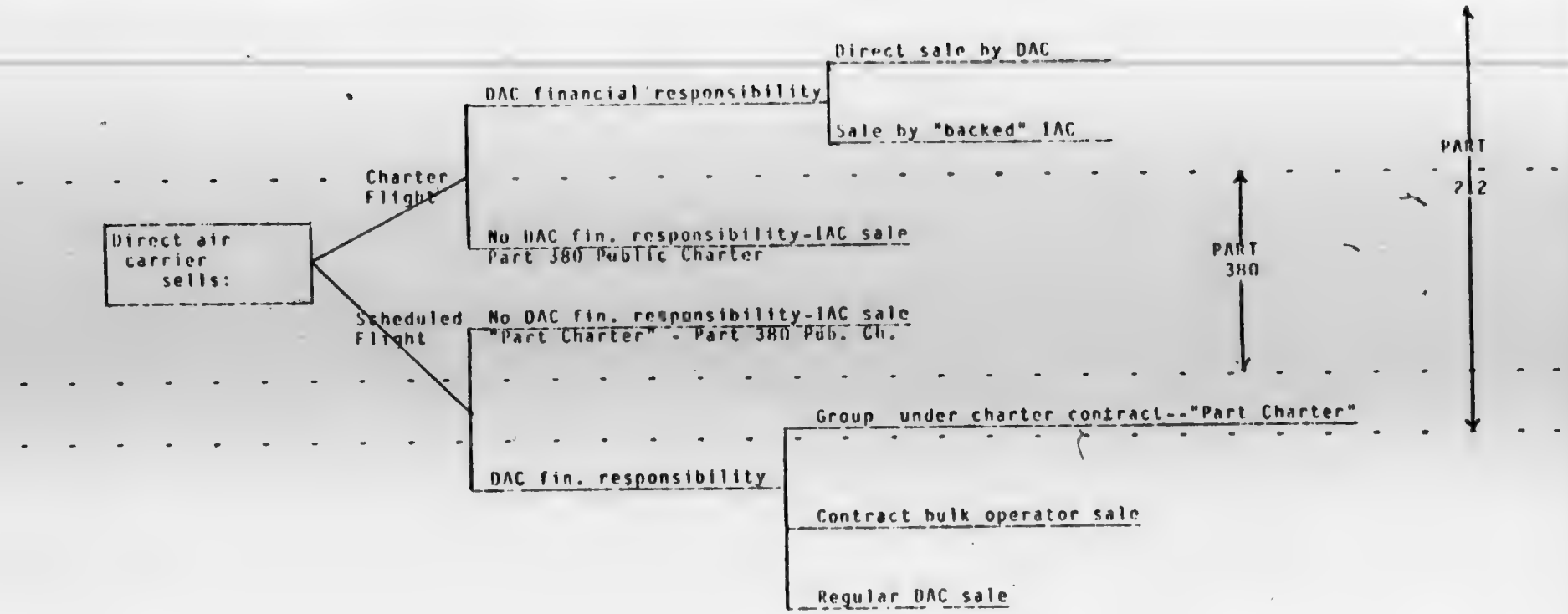

Figure 1

TYPES OF AIR TRANSPORTATION

BILLING CODE 6320-01-C

Direct Air Carrier Requirements—Part 212

General provision. This proposal repeates (§ 212.3) the basic provision of EDR–439, that "certificated carriers and foreign carriers may without limitation operate charter flights, and carry charter passengers or cargo on scheduled or unscheduled flights carrying individually-ticketed or individually-waybilled traffic, subject to the requirements of this chapter and any orders of, or specific conditions imposed by, the Board." As before, the intent of the Board is to provide basic protections for the public, within which framework carriers are free to devise whatever charter arrangements they find desirable. This reverses the current regulatory approach, (14 CFR 207.11, 208.6, 212.3) which limits charters to specific types and prohibits all others.

This proposal would modify the definition in EDR–439 of "charter flight," as "any air transportation other than a flight according to a regular schedule published in a generally distributed scheduled airline guide." The reason for the addition of the schedule-publication criterion is that this proposal, unlike EDR–439, continues the direct carriers' financial protection requirements for charters, so that there will be a sharp difference from scheduled service, especially if a carrier chooses to use a depository account. This proposal continues the exception for nonscheduled flights carrying only individually waybilled cargo by foreign air carriers whose permits authorize only that type of carriage.

Responsibility for return transportation. There have been instances in the recent past where a direct air carrier has questioned whether it must furnish return transportation to passengers, after the charter operator selling the transportation has become insolvent. The question is raised in part because charter operators' contracts with direct carriers often do not coincide with their contracts with participants. Direct carriers evidently often contract by aircraft "rotation," *i.e.*, one out-and-back round trip on successive days. Charter passengers, of course, almost invariably arrange for round trips spanning longer periods of time. If the charter operator defaults on its payments to a direct air carrier, a direct carrier may occasionally attempt to cease all operations on that program, especially if the charter operator failed to specifically contract for the passengers' return, at a time when they are still in the midst of their charter trips at distant points.

The Board has consistently held that a direct air carrier definitely does have such a responsibility to provide such return transportation to charter passengers who are already on their charter trips. There would be little point to the elaborate scheme of financial protection in our charter rules, were it otherwise. The most common danger that the depository account, in particular, is designed to protect against is the use of one participant's funds to pay for the transportation of another—especially of one flying earlier. Such a "forward float" of participants' money poses a great danger that passengers at the end of a program, or of a high travel season, will find themselves with no transportation and no available refunds if sales do not meet the charterer's expectations and the charterer defaults.

To make this responsibility clear, the Board is proposing a new section (§ 212.11) that the direct carrier must furnish return transportation to all passengers who have contracted, with either an indirect or a direct air carrier, for such transportation. Direct and indirect air carriers may contract for "rotations" instead of passenger round trips at their convenience, but when it comes to a question of stranding passengers, there is no question that passengers must receive the transportation for which they have paid. The Board has never sanctioned payment from a depository account on any other basis.

In another proceeding, the Board proposed to deal with the question of stranding passengers by prohibiting direct carriers from including a "force majeure" clause in their contracts with charter operators. EDR–405, 45 FR 46812, July 11, 1980, Docket 37169. That change would prevent direct carriers from exempting themselves from the obligation to return stranded charter passengers in their contracts with charter operators. Such a rule would be unnecessary if the present proposal were enacted, since direct carriers would retain responsibility under the rule to furnish return transportation, regardless either of exculpatory clauses in their charter contract or a disabling event such as a strike. The Board will act in Docket 37169 consistently with the final decision here.

Direct air carrier financial protection options. The proposal retains the present scheme for direct air carriers flying charters, of either an unlimited bond (an equivalent security agreement may be substituted) or a depository agreement with a bank insured by FDIC, FSLIC, or the equivalent. The present system has been in place for many years with few complaints. The new rules would make it even easier for direct air carriers to sell charters directly to the public. Some charters are operated by carriers that are new and/or thinly financed.

The depository agreement provisions are rewritten for simplicity. They require payments to be made by check or money order payable to the bank. The direct carrier must deposit payments allocated to outbound and return flights, and the bank must account separately for each charter flight, defined as a single one-way operation. The funds are to be released only after a flight has been completed. Refunds due are to be made directly to indirect air carriers or to passengers (depending on how the charter was sold) by the bank.

A new section is included stating that participation in nonconforming practices by either the bank or the contracting air carrier will make the other also liable. Any action to withdraw from the agreement must be taken, of course, with a view to protecting the passengers who are its beneficiaries. A party in doubt may receive guidance from the Board's Enforcement Division, Office of General Counsel.

The security instrument provisions are similar to those proposed for indirect air carriers in the previous proposal, SPDR–86. The coverage for direct air carriers must be unlimited overall, but the liability of the securer is limited to the charter price with respect to each participant. The forms would be basically those set forth in the Appendix of the present rules, 14 CFR Parts 207, 208, and 212.

Retailer notice and responsibility. The current provisions concerning the handling of funds by retailers would be retained, although restated. Substantially identical provisions would be included in the indirect air carrier rules. To the extent that the charter was sold by the direct air carrier, that carrier would be required to state conspicuously in its solicitation materials whether it was using a depository account. If it were, the retailer would be required to remit funds in the form of a check or money order made payable to the depository bank, although it could take the initial payment directly, deduct a commission, and make out the remitting check accordingly. Failure to do so would make the remitter liable for any losses caused by failure of the money to be deposited into the account.

Proper forwarding of participants' money into the depository account has always been one of the most important aspects of the protective system. The

only substantive change in this proposal is the requirement of the conspicuous statement of the existence (or not) of a depository account.

Sales through intermediaries. Under the proposed rules, a direct air carrier selling charter transportation through intermediaries would have the option of assuming or not assuming financial responsibility for the passengers' funds. "Assuming financial responsibility" here means seeing that participants who have paid for charter flights are provided either with the transportation or a refund of their money, even if an intermediate seller, i.e., an indirect air carrier, defaults in the interim between payment and departure. If the direct air carrier does not assume this responsibility, that means that the flights are "public charter air transportation" as defined in Part 380, and the intermediate seller must be an indirect air carrier that conforms fully with that part. (This does not affect the direct air carrier's duty to conform to Part 212 for all charter flights with respect to the safeguarding of funds once they are paid to it.)

Thus, the aim of the rules is that in all types of charter sales, the participants' funds are guarded by financial protection provisions—a depository account or a security instrument, or both. To avoid a possible gap in coverage when a direct air carrier sells through an independent intermediary, proposed § 212.16 would deem that carrier to have assumed responsibility unless it has ascertained that the intermediary is an indirect air carrier that has conformed to Part 380. This duty is aided by the requirement of proposed § 380.8(b) that the indirect air carrier give to the direct air carrier a copy of its prospectus, which identifies the type of protection provided and the banks and/or securers involved.

Ground services. Since the Board's mission relates to air transportation, and not travel generally, it has been suggested that the Board should limit its protective coverage to the air transportation portions of charter trips. The Board agrees that it has little intrinsic interest today in overseeing ground services such as hotels, meals, or sightseeing trips, which are furnished identically to travelers regardless of their mode of travel.

The difficulty in disengaging from this area completely arises from the fact that charter operators often offer tour packages in which air transportation and ground transportation are combined with a single price. Since a charter operator typically buys both the air transportation and the ground accommodation "in bulk," if only one retail price is stated for the combination of services the operator is free to allocate the price to the air transportation and the ground services as it pleases. There would be no ready or precise way to know how much of the passenger's payment was paid for air transportation, and hence covered by the financial protection system. To minimize its costs, it might be in a charter operator's interest to understate that portion.

To resolve this problem, the Board proposes to allow ground services to be separated from the protective coverage of these rules, but only if their prices are separately stated in the solicitation materials, and purchasers are free to omit them and deduct those prices from any quoted overall price. This should ensure that the air-only portion of the charter—the part that must be covered by these rules—is fully priced.

Foreign Charter Authorizations. The proposed new rules for foreign charter authorizations would be the same as those proposed in EDR–439. They would require statements of authorizations for long-term wet leases to or by foreign carriers, and for fifth freedom charter flights, part charters, and any other charters by foreign carriers where specifically so ordered by the Board on reciprocity, national security, or other grounds. They would provide procedures for submitting and granting applications for such authorizations.

The existing requirement for prospectus filing by carriers operating foreign-originating charters for foreign charter operators, currently § 380.42, would be retained and, for the sake of consistency, expanded to include U.S. charter operators in Part 212 as § 212.23.

Alaska charters. The proposal contains revised language for the sections (now §§ 207.7 and 208.3(c)) that prohibit the operations of charter flights within the State of Alaska. This is being done to eliminate possible inconsistency between that prohibition and the language of carriers' section 401 certificates authorizing such service. By Show Cause Order 82–12–40, December 9, 1982, the Board proposed to authorize Transamerica Airlines, and any other fit applicant requesting such authority, to operate charter flights within Alaska. The new section will continue the prohibition "unless otherwise specifically authorized by the Board."

Rules for Indirect Air Carriers—Part 380

The Board is hereby proposing to retain in Part 380 substantially the same financial protection system as presently exists, in somewhat simplified form. It calls for either a security instrument covering the whole price of the charter, or a combination of a security instrument for at least $10,000 per flight up to a limit of at least $200,000 plus a depository agreement with a bank for handling charter participants' funds. The protective rules for operator-participant contracts would be largely retained, with some deletions, along with a simplified prospectus-filing requirement, and a requirement that to sell public charters the indirect air carrier must first have a charter contract with a direct air carrier.

Although there was substantial argument on both sides, the Board was impressed with the weight of opinion, especially from the industries directly affected, that the removal of almost all the rules affecting charters, as proposed in EDR–439/SPDR–86, would cause problems that probably would outweigh the benefits. There was a considerable body of opinion that while the financial protection system that has been in place for many years does involve costs, it also returns benefits to the charter industry by providing a modicum of security and stability that maintains the public's confidence. Eliminating most of this system, it was feared, might well lead to some well-publicized defaults and losses that would make charters appear unacceptably risky to much of the traveling public. During the past year there have been several tour operator defaults that would have resulted in larger losses to consumers if it were not for the Board's security and escrow rules.

Part 380 would only apply to situations where the direct air carrier does not accept financial responsibility for protecting the charter participants' funds in the event of default by the indirect air carrier. It would cover transportation sold by independent indirect air carriers on conventional planeload charter flights, or on regularly scheduled flights ("part charters").

Charter prospectus. The basic regulatory mechanism would continue under this proposal to be the charter prospectus, filed with the Board's Special Authorities Division before any selling of charters takes place. The prospectus would contain four basic elements:

1. A joint statement by the indirect air carrier and the direct air carrier that they have a contract to operate the charter flights in question. Unlike the present rule, under this proposal the prospectus would not have to list precise flight dates and itineraries, but only the earliest and latest departure dates—*i.e.*, the inclusive dates covered by the prospectus—along with a list of all the origin and destination points

involved in the contract with the direct air carrier. This would eliminate the need for frequent amendments of the prospectus caused by detail changes in the charter operator's plans.

2. A statement by the indirect air carrier of the type of financial protection that it will use, and if more than one system is used for flights covered by the prospectus, an unambiguous description of the flights covered by each. This may be by flight date, destination, or any other form that leaves no uncertainty as to which system covers which flights.

3. A joint statement by the indirect air carrier and its securer, or each securer if there are more than one, that a security instrument is in effect covering the flights in the prospectus. The rules for security instruments would include a provision that this statement of coverage by the securer will bind the securer to coverage as required by the rules, regardless of any provisions to the contrary in the instrument.

4. If a depository agreement is part of the indirect air carrier's protection system, a joint statement by the indirect air carrier and the depository bank that a depository agreement is in effect covering the charter flights. If more than one bank is involved in the flights covered by the prospectus, a joint statement must be included with each bank, with the flights covered unambiguously identified.

Copies of the prospectus must be furnished by the indirect air carrier to each bank, securer, and direct air carrier involved. Any changes needed to keep the prospectus in conformity with the rules would be filed in the same manner as the original.

Security instrument and depository agreement. The details of the security instrument and depository agreement provisions in the proposed Part 380 are much the same as those discussed above for Part 212 for direct air carriers. There are two additional provisions in the security instrument for indirect air carriers in Part 380. Where an indirect air carrier has a $200,000 bond to cover all its flights, that bond must be limited in its coverage to the charter flights of a single indirect air carrier, defined as either a single corporate or other entity, or a grouping that is wholly owned by a single entity. The reason for this is to correct possible abuses whereby one charter operator's bond is somehow extended to cover the flights of another operator. The $200,000 bond already is minimal coverage for a large operator's charters; the Board had no intent of allowing it to be diluted by having it cover more than one operator's flights. The second provision contained in Part 380 but not 212 is that when the coverage of a $200,000 bond is impaired by a judgment claim against it, the indirect air carrier must discontinue any sales under that bond until it furnished to the Board a new joint statement with a securer that full $200,000 coverage is restored.

The proposed depository agreement provisions are substantially the same as those in proposed Part 212. One additional paragraph in the Part 380 proposal would incorporate a previous interpretation, that the indirect air carrier may if it wishes pay for charter services out of its own funds and leave money in the depository account until the charter is completed, then withdraw the whole amount.

The provision in the current rule (§ 380.34(b)(2)(viii) allowing operators to substitute securities for cash in the escrow account is not included in the proposed rule. Allowing the substitution of securities has tended to weaken passenger protection because their value may suddenly drop. In any event, given the various interest bearing accounts now available from banks, this provision no longer appears to be necessary.

When this proposal was nearing completion, Carefree Vacations, a charter operator, filed a petition for rulemaking in Docket 41279. It noted that the Board first adopted the $200,000 bond requirement in 1971. It argued that, given inflation, this amount was too low and should be doubled. It asked the Board to amend § 380.34(b)(1) to require a charter operator to furnish a bond in an amount of at least $20,000 per flight up to a maximum of $400,000. Transamerica answered arguing that the Board should deny Carefree's petition on the ground that it would increase entry barriers and be inconsistent with deregulation in general and section 401(n)(2) of the Act in particular. In addition, previously, in Docket 40215, the National Air Carrier Association (NACA) had asked the Board to eliminate its bond and escrow rules or, in the alternative, to reduce the required bond to $50,000.

The Board is tentatively inclined to keep the bond at its present level but requests further comments on what the appropriate level should be. The Board is therefore consolidating the Carefree Vacations petition into this rulemaking proceeding.

Multiple enterprises. This proposed provision differs somewhat from the corresponding one in Part 212 for sales through intermediaries. A problem has been encountered in that some indirect air carriers who themselves have conformed to the financial protection requirements of Part 380 may sell charter space through nonagent intermediaries ("wholesalers") whose status under the present rules is not specifically addressed, who may not have conformed to any financial protection requirements, and who therefore pose the risk of loss of purchasers' funds. To counter this, the proposed rules contain a new provision stating that all sales of public charter air transportation must be by the direct air carrier, by an indirect air carrier that has conformed to Part 380, or by an agent of such a direct or indirect air carrier. The section would further state that an indirect air carrier must not sell public charter air transportation through any intermediary other than its own agent, unless it has ascertained that the intermediary is an indirect air carrier that has conformed to Part 380. This provision meshes with the basic provisions of the proposed part that no person may sell such transportation (*i.e.*, flights for which the direct air carrier does not bear financial responsibility to the participants), other than as an agent or a direct carrier, unless it has conformed to Part 380, and places the responsibility on an indirect air carrier to find out about the conformity of its intermediary-buyers.

Charters for particular events. The existing rules have special provisions for "special event charters" and for Super Bowl charters. These are replaced by simpler provisions in the proposal. The point of the special event rules was to allow for a prospectus approval and sales in less than 10 days; this has been permitted by rewording of the prospectus requirement to allow for sales either immediately upon approval or upon the elapsing of 10 days. The Super Bowl rules would be replaced with a broader provision that wherever the main purpose of a charter is attendance at an event, and tickets to it have been purchased as part of the charter, failure to furnish those tickets will require the charter operator to refund the entire charter price, even if transportation has been furnished.

Educational institutions. These proposed rules, like the previous proposal in EDR–439/SPDR–86, do not continue the existing provisions (in effect exemptions) for educational institutions. It appears that with the relaxation of the rules for direct air carriers, under which any groups or institutions may contract with direct air carrier or through travel agents, as well as with indirect air carriers, there is no need or justification for continuing special provisions exempting educational institutions from the requirements for indirect air carriers. If

this creates special problems, any persons affected should describe their situation in detail in their comments.

Operator-participant contract rules. The Board proposes to retain many of the existing rules for operator-participant contracts. The following provisions of the existing rules would be deleted:

Prohibition on specifying alternative flight dates or alternative origin or destination cities (§ 380.31(d)).

Requirements for type size (§ 380.31(e)).

Required space to check for details of trip cancellation, health, or accident insurance (§ 380.31(f)).

Specification of type and capacity of aircraft.

Operator's option plan (§ 380.33a).

In addition, the proposal would delete the provision stating that the operator may condition a refund on the participant's waiving additional remedies. Rather than positively affirming the validity of such conditions, it appears preferable for the Board to take a neutral stance toward them, leaving it to normal legal processes to determine their validity in particular situations.

Although these provisions may have had some usefulness, the Board is of the opinion that they can be dispensed with, as a matter of reducing the number and complexity of charter rules for the future. The Board, and presumably some successor agency, would retain its power to act against unfair or deceptive practices in this as in other areas. The Board specifically invites comments on whether any of the above requirements should be retained, if possible with supporting factual information.

Other provisions. The provisions with respect to ground services and to retailer notice and responsibility are the same as those in Part 212, discussed above. The proposal allows for applications for waiver of the rules to be submitted to the Board's Special Authorities Division. Waivers may be granted on finding that they are in the public interest.

Initial Regulatory Flexibility Analysis

The Regulatory Flexibility Act, Pub. L. 96–354, is designed to ensure that agencies consider flexible approaches to the regulation of small business and other small entities. It requires regulatory flexibility analyses for rules that, if adopted, will have a significant economic impact on a substantial number of small entities.

The analysis is required to describe the need, objectives, legal basis for, and flexible alternatives to the actions proposed here. These requirements are met by the discussion above and in EDR–439/SPDR–86.

In addition, the analysis must include a description of the small entities to which this proposal would apply, the reporting, recordkeeping or other compliance requirements of this proposal, and any other Federal rules that may duplicate, overlap or conflict with it. The proposed rules would relieve restrictions on charter operators, most of which are small businesses, and on direct air carriers, some of which are small businesses. The proposed rules would not impose any additional reporting, recordkeeping, or compliance requirements. There are no other Federal rules that conflict with this proposal.

The Regulatory Flexibility Act also requires agencies to review those of their existing rules that have a significant economic impact on a substantial number of small entities. 5 U.S.C. 610. This rulemaking proceeding constitutes a continuation of that review begun by EDR–439/SPDR–86.

List of Subjects In 14 CFR Parts 207, 208, 212, 298, 380

Advertising, Air carriers, Air taxis, Air transportation—foreign, Antitrust, Charter flights, Consumer protection, Educational study programs, Insurance, Military air transportation, Reporting and recordkeeping requirements, Surety bonds, Travel agents.

Proposed Rule

Accordingly, the Board proposes to amend Title 14 Code of Federal Regulations, as follows:

PARTS 207 AND 208—[REMOVED]

1. Parts 207, *Charter Trips and Special Services,* and 208, *Terms, Conditions, and Limitations of Certificates to Engage in Charter Air Transportation,* would be removed.

2. Part 212, *Charter Trips by Foreign Air Carriers,* would be retitled and revised to read:

PART 212—CHARTER RULES FOR DIRECT AIR CARRIERS

Subpart A—General Provisions

Sec.
212.1 Scope.
212.2 Definitions.
212.3 Charter flights generally.
212.4 Exemptions.
212.5 Charter flights and other special services within the State of Alaska.

Subpart B—Passenger Charters

212.10 Scope of subpart.
212.11 Terms of service.
212.12 Protection of passenger's payments.
212.13 Depository agreement.
212.14 Security instrument.
212.15 Retailer notice and responsibility.
212.16 Sales through intermediaries.
212.17 Ground services.

Subpart C—Foreign Charter Authorization

212.20 Prior authorization requirements.
212.21 Application for authorization.
212.22 Issuance of authorization.
212.23 Foreign-originating charters.

Subpart A—General Provisions

§ 212.1 Scope.

(a) Except as set forth in paragraph (b) of this section, this part applies to all charter flights, and all other flights carrying charter passengers or cargo, in air transportation by certificated carriers or foreign carriers.

(b) This part does not apply to any flights performed by a certificated carrier under Part 298 of this chapter (*Classification and Exemption of Air Taxi Operators*).

§ 212.2 Definitions.

For purposes of this part:

"Bank" means a financial institution insured by the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, or any other Federal agency that in effect guarantees the payment of deposits in the bank.

"Certificated carrier" means an air carrier holding a certificate issued under section 401 of the Act, other than an air carrier classified under § 292.1 of this chapter as an "Alaskan air carrier."

"Charter cargo" means cargo carried on a charter flight, and any cargo for which air transportation has been sold by the direct air carrier other than on an individually waybilled basis.

"Charter flight" means any air transportation other than a flight according to a regular schedule listed in a generally distributed scheduled airline guide or timetable, but does not include a nonscheduled flight carrying only individually waybilled cargo by a foreign air carrier whose permit authorizes only nonscheduled cargo carriage.

"Charter passengers" or "passengers" means: (1) Any persons who travel, or contract to travel, on a charter flight or in "public charter air transportation" as defined in § 380.2 of this chapter, or (2) any groups traveling under a single charter contract.

"Direct carrier" means the certificated carrier or foreign carrier that conducts the flight operation.

"Fifth freedom charter" means a charter flight carrying traffic that originates and terminates in countries other than the carrier's home country,

regardless of whether the flight operates via the home country.

"Flight" means a single, one-way aircraft operation, including intermediate stops, if any.

"Foreign carrier" means a foreign air carrier that holds a permit issued under section 402 of the Act or an exemption authorizing direct foreign air transportation.

"Fourth freedom charter" means a charter flight carrying traffic that terminates in the carrier's home country and originates in another country.

"Indirect air carrier" means a person of either U.S. or foreign citizenship that, directly or through one or more intermediaries, sells passenger air transportation, other than as a direct air carrier or as an agent of an air carrier or foreign air carrier.

"Long-term wet lease" means a lease by which the lessor provides both an aircraft and its crew, which either (a) lasts more than 60 days, or (b) is part of a series of such leases that amounts to a continuing arrangement lasting more than 60 days.

"Third freedom charter" means a charter flight carrying traffic that originates in the carrier's home country and terminates in another country.

§ 212.3 Charter flights generally.

Certificated carriers and foreign carriers may without limitation operate charter flights, and carry charter passengers or cargo on scheduled or non-scheduled flights carrying individually-ticketed or individually-waybilled traffic, subject to the requirements of this chapter and any orders of, or specific conditions imposed by, the Board. However, nothing in this section authorizes a foreign carrier to provide interstate or overseas air transportation.

§ 212.4 Exemptions.

(a) Certificated carriers are hereby exempted from section 401(n)(4) of the Act to the extent necessary to allow them to sell or offer for sale charter flights directly to the public, or through agents, or through any other persons authorized by the Board to make such sales regardless of any control relationship between such persons and the air carriers.

(b) Air carriers and foreign air carriers are hereby exempted from section 403 of the Act with respect to charter flights, except as the Board may specifically order to the contrary.

§ 212.5 Charter flights and other special services within the State of Alaska

Unless specifically authorized by the Board, a certificated carrier shall not perform any charter flight or other special service in interstate commerce within the State of Alaska.

Subpart B—Passenger Charters

§ 212.10 Scope of subpart.

This subpart applies only to passenger charters originating or sold in the United States.

§ 212.11 Terms of service.

(a) For charter air transportation sold by an indirect air carrier, the direct carriers shall require payment of the full charter price, including payment for the return portion of a round trip for any passengers who have contracted for a round trip, before beginning any portion of the air transportation.

(b) For all charter air transportation, the direct carrier shall be responsible for furnishing return transportation for any passengers who have contracted for a round trip, according to the terms of the passengers' contract with the indirect air carrier, if any, or with the direct carrier.

§ 212.12 Protection of passenger's payments.

A direct carrier shall not perform any charter service unless it has in effect, and satisfies all the provisions of, either a depository agreement in accordance with § 212.13, or a security instrument in accordance with § 212.14, covering that charter.

§ 212.13 Depository agreement.

A depository agreement that satisfies the requirements of § 212.12 shall have the following characteristics:

(a) The agreement shall be between the direct carrier and a bank.

(b) The direct carrier shall require all payments for charter transportation, whether sold by an indirect air carrier, the direct carrier, or an agent, to be made by check or money order payable to the bank. A travel agent may accept payment to it by a purchaser, deduct its commission, and then remit the balance to the bank in the form specified above.

(c) The direct carrier shall deposit in or mail to the bank all payments it receives not later than the second business day after the carrier receives them.

(d) At the time of deposit the direct carrier shall allocate all payments to the flights, both outbound and return, for which they were made. The bank shall maintain a separate accounting for each flight.

(e) The bank shall pay over to the direct carrier the deposited funds with respect to a specific flight only after the carrier has certified in writing to the bank that the flight has been completed.

(f) If a charter is canceled, or if a passenger or indirect air carrier withdraws from the charter, the bank shall refund deposited funds directly to the indirect air carrier, if any, or to the passenger in the case of sale by the direct carrier or its agent, upon written notification by the direct carrier of the cancellation or withdrawal. The direct carrier in such cases shall furnish to the bank the names and addresses of the indirect air carriers and passengers to whom the funds should be sent, not later than 7 days after the event giving rise to the refund. If under the terms of the charter contract the direct carrier is entitled to retain a penalty, the bank shall pay over the amount of the penalty to the direct carrier upon its presentation of the relevant contract terms and the notice by the canceling or withdrawing parties.

(g) Either party to the depository agreement shall be liable for losses to the purchasers of air transportation caused by its participation in procedures that do not conform to the agreement and to this part. Such participation shall in addition be a violation of this part. Either party shall be considered to participate in nonconforming procedures if it is aware, or should be aware, that these rules are not being followed by the other party.

§ 212.14 Security instrument.

(a) A security instrument that satisfies the requirements of § 212.12 shall be either—

(1) A bond issued by a company listed in *Best's Key Rating Guide, Property-Casualty* with a general policyholders' rating of "A" or better, in the form set forth in Appendix A.

(2) A surety trust agreement issued by a bank in the form set forth in Appendix B; or

Note.—Under this proposal Appendix A would be substantially the same as Appendix A of the present 14 CFR Part 207, and Appendix B would contain the same substantive provisions, but be in form similar to Appendix E of the present 14 CFR Part 380.

(3) Another instrument (*e.g.*, insurance, letter of credit, or an industry fund) approved by the Board as providing substantially equivalent protection.

(b) The security instrument shall in effect require the securer to pay each purchaser of charter air transportation any amount of money, not to exceed that person's charter price, that is determined by the securer or adjudged by a court of competent jurisdiction to be due from the direct carrier to that person because of failure to refund the

money or provide the transportation for which the money was paid.

(c) A direct carrier security instrument shall not have a coverage limit.

(d) The security instrument shall allow each purchaser of charter air transportation at least 60 days after the termination of a charter to make claims against the direct carrier, or if it is unavailable, against the securer. Termination of a charter means the date of arrival (or in the case of a canceled charter, the intended date of arrival) of the last flight for which the purchaser has contracted.

(e) Any securer that enters into a security agreement with a direct carrier that ostensibly is intended to satisfy the requirements of this part shall be deemed to have agreed to provide the coverage described in this section, notwithstanding any terms of the security instrument that purport to lessen the protection provided. Failure by the securer to make payment as specified by paragraph (b) of this section shall be a violation of this part.

§ 212.15 Retailer notice and responsibility.

(a) In any brochures and other descriptive materials issued by the direct air carrier concerning its charters, a direct carrier shall give conspicuous notice of whether it is using a depository agreement to protect purchasers' funds.

(b) In any case where the direct carrier had indicated that it is using a depository agreement, every person, including a travel agent, selling charter flights for the direct carrier shall ensure that money paid for the charters is remitted in the form of a check or money order made payable to the depository bank. (A travel agent may deduct commissions as specified in § 212.13(b).) Any person that causes the remittance of money in any other form shall be liable to the purchaser of transportation for any losses, up to but not more than the charter price to the purchaser, arising from the failure of the money to be placed in the depository account.

§ 212.16 Sales through intermediaries.

A direct air carrier that sells charter flights through an intermediary (*i.e.*, any person other than a charter passenger) shall be deemed to have assumed financial responsibility to the passengers involved for their charter trips unless it ascertains that the intermediary is an indirect air carrier that has conformed to the requirements of Part 372 or 380 of this chapter.

§ 212.17 Ground services.

Ground services during the period of a charter that are sold by the direct air carrier, or by another person for which the direct air carrier has financial responsibility, may be excluded from the coverage of this part (*i.e.*, not included as part of the charter) only if their prices to the passengers in question are separately stated in the pertinent solicitation materials, and the passengers are free to omit those services and deduct those stated prices from the total price of the charter.

Subpart C—Foreign Charters

§ 212.20 Prior authorization requirements.

(a) A certificated carrier or foreign carrier shall not perform any charter flight, or any scheduled air service flight carrying charter passengers (hereafter "part charter"), for which a statement of authorization is required until one has been granted by the Board.

(b) Certificated carriers shall obtain a statement of authorization for each long-term wet lease to a foreign carrier.

(c) Foreign carriers shall obtain a statement of authorization for each—

(1) Fifth freedom charter flight to or from the United States,

(2) Long-term wet lease to a certificated carrier or foreign carrier,

(3) Charter flight for which the Board specifically requires prior authorization under paragraph (e) or (f) of this section, or

(4) Part charter.

(d) The Board may issue blanket statements of authorization to foreign carriers to conduct fifth freedom charters or part charters. The standards for issuing such blanket authorizations shall be those stated in § 212.22. The Board may revoke any authority granted under this paragraph at any time without hearing.

(e) The Board may at any time, with or without hearing, but with at least 30 days' notice, require a foreign carrier to obtain a statement of authorization before operating any charter flight. In deciding whether to impose such a requirement, the Board will consider (but not be limited to considering) whether the country of the carrier's nationality—

(1) Requires prior approval for third or fourth freedom charter flights by U.S. air carriers,

(2) Has, over the objection of the U.S. Government, denied rights of a U.S. air carrier guaranteed by a bilateral or multilateral agreement, or

(3) Has otherwise impaired, limited, or denied the operating rights of U.S. air carriers, or engaged in unfair, discriminatory, or restrictive practices with respect to air transportation services to, from, through, or over its territory.

(f) The Board, in the interest of national security, may require foreign airline(s) to provide prior notification or to obtain a statement of authorization before operating any charter flight over U.S. territory.

§ 212.21 Application for authorization.

(a) Application for a statement of authorization shall be submitted on CAB Form 433 (Appendix C), except that for part charters or long-term wet leases the application may be in letter form. An application for a long-term wet lease shall describe the purpose and terms of the wet lease agreement. Applications shall be submitted in three copies to the Civil Aeronautics Board, addressed to the Director, Bureau of International Aviation. Upon a showing of good cause, the application may be transmitted by cablegram or telegram or may be made by telephone.

(b) A copy of the application for a long-term wet lease to a certificated carrier or foreign carrier shall also be served on the Federal Aviation Administration, addressed to the Director of Flight Operations, and on each certificated carrier that is authorized to serve the general area in which the proposed transportation is to be performed.

(c) The application shall include documentation to establish the extent to which the foreign country involved deals with U.S. air carriers on the basis of reciprocity for similar flights, if such flights are not subject to a bilateral agreement and—

(1) The Board has not established that the country accords reciprocity,

(2) The Board has found reciprocity defective in the most recent prior approval application involving the country, or

(3) Changes in reciprocity have occurred since the most recent Board finding for the country in question.

(d)(1) Applications shall be filed at least 5 business days before commencement of the proposed flight, except as specified in paragraphs (d)(2), (d)(3), and (d)(4) of this section. Late applications may be considered by the Board upon a showing of good cause for the lateness.

(2) Applications for a part charter or for a long-term wet lease to a certificated carrier or foreign carrier shall be filed at least 45 calendar days before the date of the first proposed flight.

(3) Applications specifically required under § 212.20(e) shall be filed at least 30 calendar days before the proposed flight (10 calendar days for cargo charters), unless otherwise specified by the Board.

(4) Applications required by a Board order under § 212.20(f) shall be filed at least 14 calendar days before the proposed flight, unless otherwise specified by the Board.

(5) Where an application is required by more than one provision of this part and/or order of the Board, only one application need be filed, but it must conform to the earliest applicable filing deadline.

(e)(1) Any party in interest may file with the Director, Bureau of International Aviation, a memorandum supporting or opposing an application. Three copies of each memorandum shall be filed within 7 business days after service of the application, before the date of the proposed flight or whichever is earlier. Memoranda will be considered to the extent practicable; the Board may act on an application without waiting for supporting or opposing memoranda to be filed.

(2) Each memorandum shall set forth the reasons why the application should be granted or denied, accompanied by whatever data, including affidavits, the Board is requested to consider.

(3) A copy of each memorandum shall be served on the certificated carrier or foreign carrier applying for approval.

(f)(1) Unless otherwise ordered by the Board, each application and memorandum filed in response will be available for public inspection at the Regulatory Affairs Division of the Bureau of International Aviation immediately upon filing. Notice of the filing of all applications will be published in the Board's Weekly List of Applications Filed.

(2) Any person objecting to public disclosure of any information in an application or memorandum must state the grounds for the objection in writing. If the Board finds that disclosure of all or part of the information would adversely affect the objecting person, and that the public interest does not require disclosure, it will order that the injurious information be withheld.

§ 212.22 Issuance of authorization.

(a) The Board will issue a statement of authorization if it finds that the proposed charter flight, part charter, or wet lease meets the requirements of this part and that it is in the public interest. Statements of authorization may be conditioned or limited.

(b) In determining the public interest the Board will consider (but not be limited to) the following factors:

(1) The extent to which the authority sought is covered by and consistent with bilateral agreements to which the United States is a party.

(2) The extent to which the carrier's home country (and, in the case of a long-term wet lease, the lessee's home country) deals with United States air carriers on the basis of substantial reciprocity.

(3) Whether the applicant or its agent has previously violated the provisions of this part.

(4) Where the application concerns a long-term wet lease—

(i) Whether the lessor (applicant) or its agent or the lessee (charterer) or its agent has previously violated the provisions of Parts 207, 208, 212 or 218 of this chapter.

(ii) Whether, because of the nature of the arrangement and the benefits involved, the authority sought should be the subject of a bilateral or multilateral agreement.

(iii) To what extent the lessor owns and controls, the lessee, or is owned and controlled by the lessee.

(c) The Board will submit any denial of an authorization specifically required under § 212.20(e) to the President of the United States at least 10 days before the proposed departure. The denial will be subject to stay or disapproval by the President within 10 days after it is submitted. A shorter period for Presidential review may be specified by the Board where the application for authorization is not timely or properly filed. Denial of a late-filed application need not be submitted to the President. For the purposes of this paragraph, an application for a cargo charter will be considered as timely filed only if it is filed at least 30 calendar days before the proposed flight, notwithstanding the 10-day filing requirement for cargo charters in § 212.21(d)(3).

(d) The Board will publish notice of its actions on applications for statements of authorization in the Status of Charter Application attachments to the Weekly List of Applications Filed. Interested persons may upon request obtain copies of letters or endorsed forms advising applicants of action taken on their applications.

§ 212.23 Foreign-originating charters.

At least 45 days before the departure date of a foreign-originating charter or series of charters to be operated by a direct air carrier for an indirect air carrier of passengers, the carrier shall file with the Board (Special Authorities Division, Bureau of Domestic Aviation) a charter prospectus containing the following information:

(a) The name and address of the charter operator;

(b) The proposed date and time of each flight;

(c) The aircraft type to be used for each flight including the number of seats;

(d) The charter price for the aircraft;

(e) The duration of each charter and, if applicable, the tour itinerary, including the names of hotels, and any sightseeing or other arrangements included in the tour; and

(f) The charter price per passenger, and, if the charter trip includes a tour, the tour price per passenger.

PART 298—[AMENDED]

3. In Part 298, *Exemption for Air Taxi Operations*, paragraph (a) of § 298.38 would be revised, as follows:

§ 298.38 Security arrangements for operating Public Charters.

When an air taxi operator performs a Public Charter under Part 380 of this Chapter, either—

(a) The air taxi operator shall meet the bonding or escrow requirements applicable to certificated carriers as set forth in Part 212 of this chapter, or

* * * * *

4. Part 380 would be revised to read:

PART 380—PUBLIC CHARTERS

Subpart A—General Provisions

Sec.

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Subpart B—Registration of Foreign Charter Operators

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Subpart A—General Provisions

§ 380.1 Scope.

(a) This part applies to public charter air transportation of passengers in interstate, overseas, or foreign air commerce.

(a) This part does not, however, apply to air transportation that originates outside the United States.

§ 380.2 Definitions.

For purposes of this part:

"Bank" means a financial institution insured by the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, or any other Federal agency that in effect guarantees the payment of deposits in the bank.

"Charter flight" means any air transportation other than a flight according to a regular schedule listed in a generally distributed scheduled airline guide or timetable, but does not include a nonscheduled flight carrying only individually waybilled cargo by a foreign air carrier whose permit authorizes only nonscheduled cargo carriage.

"Charter passengers" or "passengers" means any persons who travel, or contract to travel, on a charter flight or in "public charter air transportation" as defined in this section.

"Direct air carrier" means the air carrier or foreign air carrier that conducts the flight operation.

"Flight" means a single, one-way aircraft operation, including intermediate stops, if any.

"Indirect air carrier" means a person of either U.S. or foreign citizenship that, directly or through one or more intermediaries, sells passenger air transportation, other than as a direct air carrier or as an agent of an air carrier or foreign air carrier.

"Public charter air transportation" means passenger air transportation that is sold, directly or through one or more intermediaries, by an indirect air carrier, under conditions where the direct air carrier does not, at the time of sale, bear the responsibility for safeguarding the passengers' money (i.e., either refunding it or providing the transportation for which it was paid) in the event of insolvency or malfeasance of a person selling the transportation.

§ 380.3 Basic requirements.

No person shall advertise, offer to sell, sell, accept money for, or operate public charter air transportation as an indirect air carrier until that person—

(a) Has entered into a contract with a direct air carrier to perform the charter(s);

(b) Has obtained a security instrument covering the charter and conforming to §§ 380.4 and 380.5;

(c) Has entered into a depository agreement with a bank in accordance with § 380.6, covering all charters that are to be performed in accordance with § 380.4(b); and

(d) Has submitted to the Board (Special Authorities Division) a charter prospectus, covering the charters, in accordance with § 380.8, and either—

(1) The Board has approved the prospectus, or

(2) 10 days have elapsed since the Board received the prospectus and the Board has not notified the indirect air carrier that it has disapproved the prospectus as a whole or in pertinent part.

§ 380.4 Types of financial protection.

An indirect air carrier selling public charter air transportation shall provide financial protection as described in either paragraph (a) or paragraph (b) of this section:

(a) A security instrument meeting the requirements of § 380.5, with a coverage limit at least equal to the total retail charter price for all passengers covered;

(b) A security instrument meeting the requirements of § 380.5, with a coverage limit of at least $10,000 per flight up to a maximum of at least $200,000, plus a depository agreement conforming to § 380.6.

§ 380.5 Security instrument.

(a) A security instrument that satisfies the requirements of this part shall be either—

(1) A bond issued by a company listed in *Best's Key Rating Guide, Property-Casualty* with a general policyholders' rating of "A" or better, in the form set forth in Appendix A;

(2) A surety trust agreement issued by a bank, in the form set forth in Appendix B; or

Note.—Under this proposal Appendices A and B would be substantially the same as Appendix A and E, respectively, of the present 14 CFR Part 380.

(3) Another instrument (*e.g.*, insurance, letter of credit, or an industry fund) approved by the Board as providing substantially equivalent protection.

(b) The security instrument shall require the securer to pay each purchaser of charter air transportation any amount of money, not to exceed that person's charter price, that is determined by the securer or adjudged by a court of competent jurisdiction to be due from the indirect air carrier to that person because of failure to refund the money or provide the services for which the money was paid.

(c) The security instrument shall allow purchaser of charter air transportation at least 60 days after the termination of a charter to make claims against the indirect air carrier, or if it is unavailable, against the securer. Termination of a charter means the date of arrival (or in the case of a canceled charter, the intended date of arrival) of the last flight for which the purchaser has contracted.

(d) Any securer that files or causes to be filed a statement in accordance with § 380.8)a)(3) shall be deemed to have agreed to provide the coverage described in this section, notwithstanding any terms of the security instrument that purport to lessen the protection provided. Failure by the securer to make payment as specified by paragraph (b) of this section shall be a separate violation of this part as to each affected purchaser.

(e) A security instrument with a maximum overall coverage limit (at least $200,000 under § 380.4(b) shall be limited in its coverage to the charter flights of a single indirect air carrier. For purposes of this part, a single indirect air carrier shall be either a single corporate or other entity, or a grouping that is wholly owned by a single entity.

(f) In the case of a security instrument with a maximum overall coverage limit, whenever any judgment creates a claim against the securer in accordance with this section or the terms of the security instrument, the indirect air carrier shall make no further sales of public charter air transportation until the Board receives a new joint statement from the indirect air carrier and a securer that the full amount of coverage required by this part is in effect.

§ 380.6 Depository agreement.

A depository agreement that satisfies the requirements of this part shall have the following characteristics:

(a) The agreement shall be between the indirect air carrier and a bank. The indirect air carrier shall provide to the bank a copy of its contract with the direct air carrier.

(b) The indirect air carrier shall require all payments for a charter, whether sold by the indirect air carrier or an agent of a direct or indirect air carrier, to be made by check or money order payable to the bank. A travel agent may accept payment to it by a purchaser, deduct its commission, and then remit the balance in the form specified above.

(c) The indirect air carrier shall deposit in or mail to the bank all payments it receives not later than the second business day after it receives them.

(d) At the time of deposit the indirect air carrier shall allocate all payments to the flights, both outbound and return, for which they were made. The bank shall obtain allocation information as needed from the indirect air carrier for any payments that it receives from a source other than the indirect air carrier. The bank shall maintain a separate accounting for each charter flight.

(e) The bank shall make payment to the direct air carrier in accordance with the terms of the contract between the indirect air carrier and the direct air carrier. The bank shall make payment to suppliers of ground services included in the charter, if any, upon presentation by the indirect air carrier of statements by such suppliers of amounts due.

(f) The indirect air carrier may, at its option, pay for air transportation or ground services included in the charter, in whole or in part, from its own funds. In that case, the bank shall reimburse the indirect air carrier from the charter flight account for the amounts expended, upon presentation by the indirect air carrier of statements by suppliers showing the amounts paid, after certification by the direct air carrier that the charter flight in question (in the case of ground service payments, the return charter flight) has been completed.

(g) If a charter flight is canceled, or if a passenger withdraws from a charter, the bank shall refund deposited funds directly to the passenger(s) upon written notification by the indirect air carrier of the cancellation or withdrawal. The indirect air carrier in such cases shall furnish to the bank the names and addresses of the passengers to whom the funds should be sent, not later than 7 days after the event giving rise to the refund. If under the terms of its contract with a passenger the indirect air carrier is entitled to retain a withdrawal penalty, the bank shall pay over the amount of the penalty to the indirect air carrier upon its presentation of the relevant contract terms and the notice by the withdrawing party.

(h) Except as provided in paragraphs (f) and (g) of this section, the bank shall not pay funds from the charter flight account to the indirect air carrier until it has paid any refunds to passengers required by this part and—

(1) If the passenger paid for only one charter flight and no ground services, the direct air carrier certifies that that flight has been completed; or

(2) If the passenger has paid for ground services as part of the charter, or for a return flight, the direct air carrier certifies that the return flight has been completed.

(i) Either party to the depository agreement shall be liable for losses to charter passengers caused by its participation in procedures that do not conform to the agreement and to this part. Such participation shall in addition be a violation of this part. Either party shall be considered to participate in nonconforming procedures if it is aware, or should be aware, that these rules are not being followed by the other party.

§ 380.7 Retailer notice and responsibility.

(a) In any brochures, advertisements, and other descriptive materials concerning its charters, an indirect air carrier shall give conspicuous notice of whether it is using a depository agreement to protect passenger's funds.

(b) In any case where the indirect air carrier has indicated that it is using a depository agreement, every person, including a travel agent, selling charter flights for the indirect air carrier shall ensure that money paid for charters is remitted in the form of a check or money order made payable to the depository bank. (A travel agent may deduct commissions as specified in § 380.6(b).) Any such person that causes the remittance of money in any other form shall be liable to a charter passenger for any losses, up to but not more than the charter price to the passenger, arising from failure of the money to be placed in the depository account. Such liability shall be in addition to any other liabilities to passengers that may exist.

§ 380.8 Charter prospectus.

(a) A charter prospectus that satisfies the requirements of this part shall contain the following:

(1) A joint statement by the indirect air carrier and the direct air carrier that they have a contract to operate the covered charter flights. The statement shall include the earliest and latest departure dates of the covered flights, and all the origin and destination points covered by the contract.

(2) A statement by the indirect air carrier of the type of financial protection, as specified in § 380.4, that it will use to satisfy the requirements of this part. If more than one type of protection is to be used for the covered flights (*e.g.*, different securers, or a depository agreement covering only part of the flights included), the flights to be covered by each type shall be precisely identified. Such identification may be by the time and itinerary of each flight, or inclusive dates of the flights, or any other unambiguous method.

(3) A joint statement by the indirect air carrier and the securer (*i.e.*, the person furnishing the security instrument to satisfy § 380.5) that a security instrument is in effect covering the charter flights. If more than one securer is involved in the flights covered by the prospectus, a joint statement with each securer shall be furnished, identifying precisely the covered flights.

(4) If applicable, a joint statement by the indirect air carrier and a bank that a depository agreement is in effect covering the charter flights. If more than one depository bank is involved in the flights covered by the prospectus, a joint statement with each bank shall be furnished, identifying precisely the covered flights.

(b) The indirect air carrier shall give a copy of the prospectus to each securer, each bank, and each direct air carrier involved in the flights covered by the prospectus.

(c) If any changes are needed to make the prospectus correctly reflect the coverage required by this part, the changes shall be filed with the Board in the same manner and time as specified in § 380.3 for the original prospectus.

(d) Each statement submitted with a prospectus shall include the names and addresses of the parties to it, and shall be signed by an authorized representative of those parties.

§ 380.9 Ground services.

Ground services during the period of a charter that are sold by the indirect air carrier may be excluded from the coverage of this part (*i.e.*, not included as part of the charter) only if their prices to the passengers in question are separately stated in the pertinent solicitation materials, and the passengers are free to omit those services and deduct those stated prices from the total price of the charter.

§ 380.10 Multiple enterprises

Any entity that sells public charter air transportation, either directly to passengers or through intermediaries, shall do so either as the direct air carrier for those flights in conformity with Part 212 of this chapter, an indirect air carrier in conformity with this part, or an agent of such direct air carrier or indirect air carrier. An indirect air carrier shall not sell public charter air transportation through an intermediary other than its agent, unless it ascertains (for example, by checking with the Board's Special Authorities Division) that the intermediary is acting as an indirect air carrier and has conformed to the requirements of this part with respect to that public charter air transportation.

§ 380.11 Charters for particular events.

If the primary purpose of a charter to which this part applies is attendance at a particular event, and admission tickets for the event are bought by passengers as part of the charter package, the indirect air carrier shall refund the total charter price to those passengers if the tickets are not provided, even if transportation is provided.

§ 380.12 Waivers.

A waiver or any of the provisions of this part may be granted by the Board when it is found to be in the public interest. Applications for waivers with supporting information should be submitted to the Board's Special Authorities Division.

§ 380.13 General requirements for operator-passenger contracts.

(a) No money shall be accepted by a charter operator from a prospective passenger unless the passenger has agreed to the conditions of the charter by signing an operator-passenger contract, as described in §380.14. If a member of a group that will travel together pays for the group, that member may sign the contract on behalf of the group.

(b) The contract form may include a space that passengers may check to authorize the charter operator to retain their money while attempting to make other arrangements for them if there is no space available on the flight.

(c) If there is no space available on the flight or specific alternative flights requested by the passenger, the operator shall return all the passenger's money within 7 days after receiving it unless the passenger, in accordance with paragraph (b) of this section, has authorized the operator to retain the payments while the operator attempts to make other arrangements. If the operator retains the payments while attempting to make other arrangements for the passenger, it shall notify the passenger of the fact within 7 days after receiving the payments but in no event later than the departure. For the purpose of the time periods in this paragraph, receipt of money by a travel agent on behalf of a charter operator will not be considered as receipt by the operator.

(d) The contract form shall be designed so as to enable participants to retain a copy of the general terms and conditions after signing it. The specific information supplied by participants (such as choices of dates, cities, or other options) need not be retainable.

§ 380.14 Specific requirements for operator-passenger contracts.

Contracts between charter operators and charter passengers shall state:

(a) The name and complete mailing address of the charter operator;

(b) The name of the direct air carrier, and the dollar amounts of the carrier's liability limitations for passenger's baggage;

(c) The dates of the outbound and return flights;

(d) The origin and destination city of each flight leg;

(e) The tour itinerary, if any, including the name and location of the hotels, length of stay at each, and other ground accommodations and services that are part of the tour;

(f) The amount and schedule of payments;

(g) If a depository agreement as provided in §380.4(b) is used: That all checks and money orders must be made payable to the escrow account at the depository bank (identifying bank) or, when the charter is sold to the passenger by a retail travel agent, checks and money orders may be made payable to the agent, which must in turn make its check payable to the escrow account at the depository bank;

(h) That the charter operator may not cancel the charter less than 10 days before the scheduled departure date, except for circumstances that make it physically impossible to perform the charter;

(i) That if a charter is canceled 10 or more days before the scheduled departure date, the operator will notify the passenger in writing within 7 days after the cancellation, but in any event at least 10 days before the scheduled departure;

(j) That if a charter is canceled less than 10 days before departure (i.e. for circumstances that make it physically impossible to perform the charter), the operator will notify the passenger as soon as possible;

(k) That if the charter is canceled, a refund will be made to the passenger within 14 days after the cancellation;

(l) The right to refunds if the passenger changes plans, including that any passenger who wishes to withdraw will receive a full refund (less any applicable administrative fee, not to exceed $25) upon providing a substitute passenger to the charter operator or its sales agent, or upon being substituted for by a passenger found by the charter operator;

(m) The procedure for obtaining the refunds described in paragraph (l) of this section, including that they will be made within 14 days after the withdrawal or substitution;

(n) The meaning of "major change", as set forth in § 380.15(a);

(o) That if the charter operator knows of a major change 10 or more days before scheduled departure, the operator will notify the passenger of the change within 7 days after first knowing of it, but in any event at least 10 days before scheduled departure;

(p) That if the operator first knows of a major change less than 10 days before scheduled departure, the operator will notify the passenger as soon as possible;

(q) That within 7 days after receiving a pre-departure notification of a major change but in no event later than departure, the passenger may withdraw, and that a full refund will be made to the passenger within 14 days after withdrawing;

(r) That upon a post-departure notification of a major change, the passenger may reject the substituted hotel or the changed date, origin, or destination of a flight leg and be sent, within 14 days after the return date named in the contract, a refund of the portion of the payment allocable to the hotel accommodations or air transportation not provided;

(s) That the passenger's rights and remedies set forth in the contract, including the procedures for major changes, shall be in addition to any other rights or remedies available under applicable law.

(t) The name and address of the surety company or bank issuing the security agreement; and that unless the charter passenger files a claim with the charter operator or, if it is unavailable, with the securer, within 60 days after temination of the charter, the securer shall be released from all liability under the security agreement to that participant. Termination means the date of arrival (or in the case of a canceled charter, the intended date of arrival) of the return flight. If there is no return flight in a passenger's itinerary, termination means the date or intended date of departure of the last flight in the participant's itinerary;

(u) For international flights only: That additional restrictions may be imposed on the flight by the foreign governments, involved, and that if landing rights are denied by a foreign government, the flight will be canceled with a full refund to the participant. This statement need not be included in the contract if: (1) The prospectus includes a certification by the charter operator and the direct air carrier that landing rights have been obtained from all the foreign governments involved, and (2) all the foreign governments involved accept

conformity to this Part for charterworthiness purposes;

(v) That the charter operator is the principal and is responsible to the passengers for all services and accommodations offered in connection with the charter. However, the contract may expressly provide that the charter operator, unless it is negligent, is not responsible for personal injury or property damage caused by any direct air carrier, hotel, or other supplier of services in connection with the charter.

§ 380.15 Major changes in itinerary or price; refunds.

(a) For the purposes of this section, "major change" means any of the following:

(1) A change in the departure or return date shown in the operator-passenger contract, unless the change results from a flight delay. In any event, however, a date change that the operator knows of more than 2 days before the scheduled flight date, and any delay of more than 48 hours, will be considered a major change.

(2) A change in the origin or destination city shown in the operator-passenger contract for any flight leg, unless the change affects only the order in which cities named in a tour package are visited.

(3) A substitution of any hotel that is not named in the operator-passenger contract; and

(4) A price increase to the participant that occurs 10 or more days before departure and results in an aggregate price increase of more than 10 percent.

(b) The charter operator shall not increase the price to any passenger less than 10 days before departure.

(c) The charter operator shall notify all passengers of major changes, as required by the operator-passenger contracts. This notification shall include the passengers' rights to refunds required to be described in the operator-passenger contract.

(d) Except as otherwise specified, notifications and refunds required by this part are considered made at the time they are mailed or sent by an equivalent method.

(e) The charter operator shall make all refunds required to be described in the operator-passenger contract within the time limits set forth in paragraphs (k), (m), (q), and (r) of § 380.14, as applicable.

§ 380.16 Exemptions.

(a) Indirect air carriers are hereby relieved from the following provisions of the Federal Aviation Act, if and so long as they comply with the provisions of this part, and to the extent necessary to enable them to provide public charter air transportation as indirect air carriers:

(1) Section 401.
(2) Section 402.
(3) Section 403.
(4) Section 404(a).
(5) Section 405(b).
(6) Section 407 (b) and (c).
(7) Section 408(a) and section 409, for transactions and relationships to which those sections apply only because of the involvement of operations under this part.

(8) For foreign indirect air carriers that receive interstate or overseas air transportation rights, any other provision of the Act that would otherwise prohibit them from providing interstate or overseas public charter air transportation as indirect air carriers.

(b) The exemptions from section 408(a) and 409 of the Act that are granted to indirect air carriers by paragraph (a)(7) of this section are hereby granted to all other parties to the transaction or relationship.

(c) The Board may withdraw or condition the exemptions granted by this part if any of the following occurs:

(1) The indirect air carrier files a written notice with the Board that it is discontinuing its operations under this part;

(2) A substantial ownership interest is acquired by persons who are not citizens of the same country as the indirect air carrier; or

(3) The Board finds, after notice and an opportunity for responses, that the indirect air carrier has violated the Act or the Board's regulations. With respect to an indirect air carrier of foreign citizenship, the Board will also consider the reciprocity afforded to U.S. indirect air carriers by that indirect air carrier's home country.

§ 380.17 Effect of exemptions on antitrust laws.

The exemptions granted in § 380.16 do not constitute orders, within the meaning of section 414 of the Act, and confer no immunity or relief from the antitrust laws or any other statute except the Act.

Subpart B—Registration of Foreign Charter Operators

§ 380.20 Purpose.

This subpart establishes registration procedures for foreign charter operators intending to engage in public charter air transportation that originates in the United States.

§ 380.21 Operations by foreign charter operators.

(a) Each foreign charter operator shall be registered under this subpart and file a prospectus under § 380.8 before organizing groups for transportation on Public Charters that originate in the United States.

(b) Each foreign charter operator registered under this subpart shall comply with the other provisions of this part directed to charter operators.

§ 380.22 Registration applications.

(a) To be registered under this subpart, a foreign charter operator shall file two copies of an application for registration with the Board's Bureau of International Aviation, Regulatory Affairs Division. The Board will list the names and nationalities of all persons applying fdor registration in its Weekly Summary of Filings.

(b) The application shall be made on Form 300, which can be obtained from the CAB's Publication Services Division, Washington, D.C. 20428.

(c) The applicant shall clearly indicate in its application for registration whether it requests authority to engage in foreign, interstate, and/or overseas air transportation.

§ 380.23 Objections to registration applications.

Any person objecting to the registration application of a foreign charter operator or to a proposed change in the name or ownership of that operator shall file an objection with the Bureau of International Aviation, Regulatory Affairs Division, within 28 days after the Board receives the properly completed registration application.

§ 380.24 Board action on a registration application.

(a) After a registration is received, one of the following actions will be taken.

(1) The application will be approved by the stamping of the effective date of registration on CAB Form 300 and returning the duplicate copy of the form to the operator;

(2) Additional information will be requested from the applicant;

(3) The applicant will be notified that its application will require further analysis or procedures, or is being referred to the Board for formal action;

(4) The registration application will be rejected if it does not comply with the filing requirements of this subpart;

(5) The application will be approved subject to such terms, conditions, or limitations as may be required by the public interest; or

(6) The registration application will be rejected for reasons relating to the failure of effective reciprocity or if the Board finds that it would be in the public interest to do so.

(b) One of the actions described in paragraph (a) of this section will normally be taken within 60 days after the registration application is received. The Board will also consider requests for faster action that include a full explanation of the need for expedited action.

§ 380.25 Notification of change of operations or ownership.

(a) Not later than 30 days before any change in its name or address or before a temporary or permanent cessation of operations, each foreign charter operator registered under this subpart shall notify the Board's Bureau of International Aviation, Regulatory Affairs Division, of the change by resubmitting CAB Form 300.

(b) A foreign charter operator registered under this subpart shall apply for an amendment to that registration not later than 30 days after either of the following events:

(1) A person listed on its existing registration as owning or holding beneficial interest in at least 10 percent of the operator's stock reduces its holding to below 10 percent;

(2) A person not listed on the existing registration as owning or holding beneficial interest in a least 10 percent of the operator's stock becomes an owner or holder of 10 percent or more of that stock.

(c) An application for an amendment shall be made by resubmitting CAB Form 300. The existing registration shall remain valid pending Board action on the amendment.

§ 380.26 Cancellation or conditioning of the registration.

The registration of a foreign charter operator may be canceled or subjected to additional terms, conditions, or limitations if any of the following occur.

(a) The operator files a written notice with the Board that it is discontinuing its charter operations;

(b) A substantial ownership interest is acquired by persons who are not citizens of the same country as the registrant; or

(c) The Board finds, after notice and an opportunity for responses, that it is in the public interest to do so. In making this finding, the Board will consider whether effective reciprocity exists between the United States and the government of the foreign charter operator.

§ 380.27 Waiver of sovereign immunity.

By accepting an approved registration form under this subpart, an operator waives any right it may have to assert any defense of sovereign immunity from suit in any proceeding against it, in any court or other tribunal of the United States, that is based upon a claim arising out of operations by the operator under this part.

§ 380.28 Waivers.

The Board upon application or on its own initiative may waive any of the provisions of this subpart if it finds such action to be in the public interest.

(Secs. 204, 401, 402, 403, 404, 407, 408, 409, 411, 416, Pub. L. 85-726, as amended, 72 Stat. 743, 754, 757, 758, 760, 766, 767, 768, 769, 771, 49 U.S.C. 1324, 1371, 1372, 1373, 1374, 1377, 1378, 1379, 1381, 1386)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-9613 File 4-11-83; 8:45 am]

BILLING CODE 6320-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 1

Notification of State Enforcement Actions Under the Commodity Exchange Act

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed rule.

SUMMARY: The Commodity Futures Trading Commission ("Commission") is proposing to adopt regulations to set forth procedures for a state to notify the Commission of actions which the state intends to bring under Section 6d of the Commodity Exchange Act ("Act"), 7 U.S.C. 13a-2, as amended. Section 6d gives the states statutory standing to bring civil actions in Federal district courts for violations of the Commodity Exchange Act and Commission regulations committed by any person. Establishment of these procedures will assist the states in fulfilling the notification requirements of Section 6d of the Act and will help to assure that the Commission receives timely notice and information, thereby enabling the Commission to effectuate the purposes of Section 6d.

DATE: Comments must be received on or before May 12, 1983.

ADDRESS: Comments should be sent to Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581 Attention: Secretary.

FOR FURTHER INFORMATION CONTACT: Maureen Donley Hoopes, Esquire, Office of General Counsel, Commodity Trading Commission, 2033 K Street, NW., Washington, D.C. 20581 (202) 254-9880.

SUPPLEMENTARY INFORMATION: Sections 6d(1)-(6) of the Act, 7 U.S.C. 13a-2(1)-(6) (Supp. IV 1980), as added by the Futures Trading Act of 1978, Pub. L. 95-405, 92 Stat. 865 (1978), gives the states statutory standing to bring civil actions in federal district courts for violations of the Commodity Exchange Act and Commission regulations committed by any person.[1] In these federal court proceedings, states are able to seek injunctive relief, writs of mandamus, damages on behalf of their residents and other appropriate relief. Sections 6d (1) and (2). Immediately upon instituting an action in federal court a state is required to serve written notice upon the Commission and provide the Commission with a copy of the complaint. The Commission is entitled to intervene as a matter of right or appeal in any action brought by a state. Section 6d(3).[2]

In addition, the Futures Trading Act of 1982, Pub. L. 97-444, 96 Stat. 2294, 2308-09 (1983), adds a new paragraph (8) to Section 6d, which provides that nothing in the Act prevents a state from proceeding in state courts against Commission registrants (other than a floor broker or futures association) for alleged violations of the antifraud provisions of the Act or any of the Commission's antifraud rules, regulations or orders. A state must notify the Commission in writing of its intent to proceed and, as in federal court actions brought under Section 6d(1), furnish to the Commission a copy of its complaint immediately upon instituting any such proceeding and the Commission has the right to intervene and appeal. In addition, the Commission may remove the proceeding to a proper federal district court, and may appear *amicus curiae*. The respondent may also remove the case to federal court.[3]

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[1] However, contract markets, clearinghouses and floor brokers may not be sued in these civil actions brought by the states. Section 6d(1).

[2] Sections 6(d)(3)-(6) set forth certain procedural and definitional provisions related to the state's law enforcement role in federal court. Section 6d(7) of the Act recognizes that a state is permitted to bring an action in state court for violations of any general civil or criminal antifraud statute of that state.

[3] Section 6d(8) specifically provides:

(A) Nothing in this Act shall prohibit an authorized State official from proceeding in a State court against any person registered under this Act (other than a floor broker or registered futures association) for an alleged violation of any antifraud provision of this Act or any antifraud rule, regulation, or order issued pursuant to the Act.

(B) The State shall give the Commission prior written notice of its intent to proceed before instituting a proceeding in State court as described in this subsection and shall furnish the Commission

The Commission is proposing a rule which would specify that all information which states are required to provide the Commission under Section 6d be sent to the Secretary of the Commission at the Commission's Washington Headquarters. This aspect of the rule is intended to assure that all state officials be on notice of the appropriate staff component in the Commission that should receive the information concerning actions under Section 6d.

Under the proposed rule, the notices required by Sections 6d (3) and (8) would contain the names of the parties to the proceeding and the provision of the Act or Commission rule, regulation or order on which the alleged violations will be based. This information will aid the Commission in assessing whether it has any information that will assist the states or whether it should intervene or appear *amicus curiae*. And, in the case of a proposed state court proceeding under Section 6d(8), this information will assist the Commission in deciding whether to express a view on whether or not the state should file the action, or if the case is filed, in deciding whether and how to participate. *See* Sections 6d (3) and (8).

The proposed rule generally would require that a state provide the Commission with written notice of its intent to proceed in a state court under Section 6d(8) five or more days prior to instituting the proceeding. The Commission appreciates that in certain circumstances it may be impracticable to provide the Commission with written notice five or more days prior to instituting a state court proceeding. For example, the state may encounter a situation where a potential defendant is about to abscond with funds or leave the state's jurisdiction. The proposed rule provides that in these situations, the authorized state official telephone the Secretary of the Commission as soon as practicable, and prior to instituting the proceeding in state court, provide the Commission with prior written notice via Telex or other similarly expeditious means of communications.

The Commission wishes to emphasize that a state's failure to comply with the specific requirements of any rules the Commission adopts in this rulemaking proceeding is not intended to confer any rights on any person or to provide a defense to any person subject to an action brought by a state under Section 6d of the Act.

The Commission is particularly interested in comments from state enforcement officials on its proposal and is mailing a copy of this notice to all state attorneys general. The Commission is also interested in comments from other interested persons and encourages comments on any alternative means of communication which might more effectively implement the procedures set forth in Section 6d.[4]

Lists of Subjects in 17 CFR Part 1

Commodity exchanges, Reporting and recordkeeping requirements.

In consideration of the foregoing and pursuant to the authority contained in the Commodity Exchange Act and, in particular, Sections 6d and 8a thereof, 7 U.S.C. 12a and 13a–2, as amended, the Commission hereby proposes to add a new § 1.70 in Chapter I if Title 17 of the Code of Federal Regulations as follows:

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

1. A new § 1.70 is proposed to read as follows:

§ 1.70 Notification of State Enforcement Actions brought under the Commodity Exchange Act.

(a) Immediately upon instituting any proceeding in any federal district court against any person for violation of the Act or any rule, regulation or order thereunder, the authorized state official of the state instituting the proceeding shall submit to the Commission a copy of the compliant filed in the proceeding, together with a written notice which:

(1) Indicates the names of parties to the proceeding;

(2) Indicates the provision of the Act or the rule, regulation order thereunder on which the alleged violations are based.

The complaint and writen notice must be sent by first-class United States mail or personally delivered to the Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581.

(b) Prior to instituting any proceeding in a state court pursuant to the provisions of Section 6d(8) of the Act against any person registered with the Commission for the alleged violation of any antifraud provisions of the Act or any antifraud rule, regulation or order thereunder, the authorized state official of the state intending to institute the proceeding shall submit to the Commission written notice which:

(1) Indicates the names of parties to the proposed proceeding;

(2) Indicates the provision of the Act or the rule, regulation or order thereunder on which the alleged violations will be based.

Except as provided in paragraph (c) of this section, this written notice must be sent by first-class United States mail or personally delivered to the Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581 not less than 5 business days prior to instituting the proceeding in state court.

(c) Where it is impracticable to provide the Commission with written notice within the time period specified in paragraph (b) of this section, the authorized state official must inform the Secretary of the Commission by telephone at (202) 254–6314 as soon as practicable of the state's intent to institute a proceeding in state court and must send written notice via Telex or other similarly expeditious means of written communication to the Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581 (TWX–710–822–9327) prior to instituting the proceeding in state court.

(d) Immediately upon instituting any proceeding in a state court pursuant to the provision of Section 6d(8) of the Act against any person registered with the Commission for alleged violation of any antifraud provisions of the Act or any antifraud rule, regulation or order thereunder, the authorized state official instituting the proceeding shall submit to the Commission a copy of the complaint filed in the proceeding. The copy of the complaint must be sent by first class United States mail or personally delivered to the Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581.

Issued in Washington, D.C. on April 6, 1983, by the Commission.

Jane K. Stuckey,

Secretary to the Commission.

[FR Doc. 83-9476 Filed 4-11-83; 8:45 am]

BILLING CODE 6351-01-M

with a copy of its complaint imediately upon instituting any such proceeding. The Commission shall have the right to (i) intervene in the proceeding and, upon doing so, shall be heard on all matters arising therein, and (ii) file a petition for appeal. The Commission or the defendant may remove such proceeding to the district court of the United States for the proper district by following the procedure for removal otherwise provided by law, except that the petition for removal shall be filed within sixty days after service of the summons and complaint upon the defendant. The Commission shall have the right to appear as amicus curiae in any such proceeding.

[4] Since states are not "small entities" as defined in 5 U.S.C. 601(6), this proposed rule is not subject to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 et seq. (1981).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 4 and 11

[Docket No. RM83-13-000]

Annual Charges for the Use of Government Dams and Other Structures Under Part 1 of the Federal Power Act; Notice of Technical Conference

April 8, 1983.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of Technical Conference.

SUMMARY: On March 31, 1983, the Federal Energy Regulatory Commission issued a Notice of Proposed Rulemaking in Docket No. RM83-13-000 (48 FR 15134, April 7, 1983). The Commission has scheduled a technical conference in connection with this rulemaking for Monday, April 25, 1983, between 10:00 a.m. and 4:00 p.m. in a second floor hearing room at the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

The purpose of the conference will be to permit interested persons to seek clarification from the Commission staff on technical matters contained in the Notice of Proposed Rulemaking. To ensure consideration, all questions should be written and filed with the Commission on or before April 19, 1983. While it is expected that some oral questions will be entertained at the conference, the Commission's staff will give priority to timely-submitted written questions. A transcript of the conference will be made.

DATES: Written questions must be received by the Commission on or before April 19, 1983. The conference will be held April 25, 1983.

ADDRESS: The questions should be submitted to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, and should refer to Technical Conference, Docket No. RM83-13-000. An original and 14 copies must be filed.

FOR FURTHER INFORMATION CONTACT: Bernard B. Chew, Director of Interconnection and Systems Analysis, Office of Electric Power Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 376-9264.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9872 Filed 4-11-83; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 133

[Docket No. 83N-0011]

Whey Cheeses; Advance Notice of Proposed Rulemaking on the Possible Establishment of a Standard of Identity

Correction

In FR Doc. 83-3874 beginning on page 6722 in the issue of the Tuesday, February 15, 1983, make the following corrections:

1. On page 6723, first column, in Codex Standard No. A-7, item 3.3, *Skinned"* should have read *Skimmed"*.

2. In the second column of that page, items 6.1, 6.2, and 6.3, "FAO/WEO" should have "FAO/WHO".

BILLING CODE 1505-01-M

21 CFR Part 347

[Docket No. 78N-0021]

Skin Protectant Dry Products for Over-the-Counter Human Use; Tentative Final Monograph

Correction

In FR Doc. 83-3903 beginning on page 6820 in the issue of Tuesday, February 15, 1983, make the following corrections:

1. On page 6830, third column, third line from the top of the page, "On comment" should have read "One comment".

2. In the same column, 15 lines from the bottom of the page "warning is" should have read "warning in".

BILLING CODE 1505-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR-252-81]

Deductibility of Employee Awards; Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of a change of date of a public hearing on proposed regulations that provide rules governing the deductibility by employers of expenses for awards to employees.

DATE: The public hearing will be held on June 2, 1983, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by May 19, 1983.

ADDRESS: The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, D.C. The outlines should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR-252-81), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Charles Hayden of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, 202-566-3935, not a toll-free call.

SUPPLEMENTARY INFORMATION: By a notice appearing in the **Federal Register** for Friday, March 11, 1983 (48 FR 10376), it was announced, among other things, that a public hearing on proposed regulations relating to deductibility of employee awards would be held on May 3, 1983, beginning at 10:00 a.m. in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, D.C. The proposed regulations were published in the **Federal Register** for Thursday, December 16, 1982 (47 FR 56367).

The date for the public hearing has been changed and it will be held on Tuesday, June 2, 1983.

Outlines of oral comments must be delivered or mailed by May 19, 1983.

In all other respects the details with respect to the hearing remain the same.

By direction of the Commissioner of the Internal Revenue:

George H. Jelly,

Director, Legislation and Regulations Division.

[FR Doc. 83-9630 Filed 4-8-83; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcment

30 CFR Part 931

Public Comment and Opportunity for Public Hearing on Modified Portions of the New Mexico Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule.

SUMMARY: OSM is announcing procedures for the public comment period and for a public hearing on the substantive adequacy of program amendments submitted by New Mexico to satisify three conditions imposed by the Secretary of the Interior on the approval of the New Mexico Permanent Regulatory Program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Additionally, comment is being solicited on New Mexico's request for an extension of the deadline for the State to satisfy one of the Secretary's conditions of approval of the New Mexico program pertaining to the State's bonding regulations.

DATES: Written comments must be received on or before 4:00 p.m. on (May 12, 1983) to be considered in the Secretary's decision on whether the proposed amendments satisfy the conditions.

A public hearing on the proposed modifications has been scheduled for May 4, 1983, at 10 a.m. at the address listed below under "ADDRESSES." Any person interested in making an oral or written presentation at the hearing should contact Mr. Robert Hagen at the address below by April 13, 1983. If no person has contacted Mr. Hagen by this date to express an interest to participate in this hearing, the hearing will not be held. If only one person has so contacted Mr. Hagen, a public meeting, rather than a hearing may be held and the results of the meeting included in the Aministrative Record.

ADDRESS: The public hearing will be held at the State of New Mexico, Energy and Minerals Department, Mining and Minerals Division, Map Room, 525 Camino De Los Marquez, Santa Fe, New Mexico 87501.

Written comments should be mailed or hand-delivered to Mr. Robert Hagen, Field Office Director, Office of Surface Mining Reclamation and Enforcement, 219 Central Avenue, NW, Albuquerque, New Mexico 87102, Telephone: (505) 766-1486.

Copies of the proposed modifications to the New Mexico program, a listing of any scheduled public meetings and all written comments received in response to this notice will be available for review at the OSM Headquarters Office, the OSM Field Office and the Office of the State Regulatory Authority Listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays:

Office of Surface Mining Reclamation and Enforcement, Administrative Record Room, 1100 L Street, NW., Washington, D.C. 20240.

Office of Surface Mining Reclamation and Enforcement, Field Office, 219 Central Avenue, NW., Albuquerque, New Mexico 87102.

Energy and Minerals Department, Division of Mining and Minerals, 525 Camino De Los Marquez, Santa Fe, New Mexico 87501, telephone: (505) 872-5451.

FOR FURTHER INFORMATION CONTACT: Robert Hagen, Field Office Director, Office of Surface Mining, 219 Central Avenue, N.W., Albuquerque, New Mexico 87102, Telephone: (505) 766-1486.

SUPPLEMENTARY INFORMATION: On February 28, 1980, OSM received a proposed regulatory program from the State of New Mexico. On December 31, 1980, following a review of the proposed program as outlined in 30 CFR Part 732, the Secretary approved the proposed program conditioned on the correction of 12 minor deficiencies (45 FR 86459-86490).

In accepting the Secretary's conditional approval, New Mexico agreed to submit provisions to satisfy conditions (a)-(d) and (f)-(l) by July 1, 1981, and a provision to meet condition (e) by February 28, 1982. Subsequently, New Mexico requested that the deadline for the State to meet conditions (a)-(d) and (f)-(l) be extended until February 28, 1982. On October 30, 1981 (46 FR 54070), OSM announced its decision to grant New Mexico's request. In response to a further request by the State in December 1981, the Secretary reexamined conditions (a)-(c) and (e)-(l) in light of proposed and final changes to the Federal permanent program rules. As a result of that reexamination, the Secretary decided to remove conditions (a) and (k), to extend the deadline for the State to meet conditions (b), (c), (f), (g), (i), and (l) to July 31, 1982, and to extend the deadline for the State to meet conditions (e), (h) and (j) to March 15, 1983 (47 FR 23150-23153, May 27, 1982).

On February 28, 1982, New Mexico submitted to OSM a policy statement to satisfy condition (d). Following a review of that material as outlined in 30 CFR 732, the Secretary determined that the amendment submitted by the State satisfied condition (d). Notice of the Secretary's decision to remove that condition was published in the *Federal Register* on May 27, 1982 (47 FR 23153-23155). On July 9, 1982, New Mexico submitted regulatory revisions adopted by the New Mexico Coal Surface Mining Commission on that date to satisfy conditions (b), (c), (f), (g), (i) and (l) following OSM's review of those provisions, the Secretary removed conditions (c), (f), (g) and (i) and extended the deadline for the State to satisfy conditions (b) and (l), until March 15, 1983.

On March 14 and 15, New Mexico submitted program modifications intended to the satisfy conditions (h), (l) and (b). This notice concerns the amendments submitted by New Mexico on that date. A description of the provisions submitted by the State and of the conditions they are intended to satisfy is provided below.

Condition (l)

Condition (l) of the Secretary's approval of the New Mexico program stipulates that the approval found in section 931.10 will terminate on March 15, 1983, unless New Mexico submits to the Secretary by that date, copies of fully implemented regulations for the protection of endanged species in accordance with 30 CFR 786.19 or otherwise amends its program to accomplish the same result.

New Mexico regulation 11-19(o) as initially submitted by New Mexico for the Secretary's approval provided that the regulatory authority shall not approve a permit or a revision to a permit unless the Director finds that the activities "would not affect the continued existence of endangered or threatened species, indigenous to the State, or result in the destruction or adverse modification of their critical habitats contrary to State or Federal Law." As discussed in finding 4(d)(vi) in the December 31 1980 **Federal Register** notice, announcing the Secretary's conditional approval of New Mexico's program (45 FR 86468), the Secretary found that the State's use of the phrase "indigenous to the State" in conjunction with "endangered or threatened

species" limited the protection to only those species that are native and not introduced. The Secretary found that New Mexico's regulation would not provide adequate protection to migratory species or species that merely pass through the State periodically, but do not necessarily establish any form of permanent resident status.

Consequently, as a condition of approval, the Secretary required that New Mexico amend regulation 11–19(o) to be consistent with the federal regulation at 30 CFR 786.19(o) which provides for the protection of migratory and other endangered or threatened species as determined under the Endangered Species Act of 1973.

On July 9, 1982, New Mexico submitted an amended version of State regulation 11–19(o) which included a reference to the Endangered Species Act of 1973 (16 U.S.C. 153 et seq.). However, the Secretary found that the manner in which the new language had been inserted in State regulation 11–19(o) did not broaden the protection to include migratory species.

Because New Mexico submitted material to satisfy this condition on July 9, 1982, which the State, in good faith, believed to be adequate, the Secretary decided to extend the date for New Mexico to satisfy condition (1) to March 15, 1983, in order to allow the State time to draft a further revision to its program to address the deficiency noted above (47 FR 47377).

On March 15, 1983, New Mexico submitted a revision of regulation 11–19(o) which amends the July 9, 1982 version to read as follows:

"11–19 Criteria for permit approval or denial.

(o) The Director has found that the activities would not affect the continued existence of endangered or threatened species, indigenous to the State or any other species protected under the Endangered Species Act of 1973, or result in the destruction or adverse modification of their critical habitats contrary to State or Federal law."

The Secretary solicits comment on whether the above revised version of regulation 11–19(o) is consistent with 30 CFR 786.19 and satisfies condition (1).

Condition (h)

Condition (h) of the Secretary's approval of New Mexico's program stipulates that the approval found in Section 937.10 will terminate on March 15, 1983, unless New Mexico submits to the Secretary by that date copies of fully enacted regulations governing a Small Operators Assistance Program (SOAP) in accordance with 30 CFR 795, or otherwise amends its program to accomplish the same result.

To address this condition, New Mexico submitted on March 15, 1983, regulations amending Rule 80–1 adopted by the New Mexico Coal Surface Mining Commission which provide for a Small Operators Assistance Program. The full text of these regulations is available for public review at the OSM addresses listed above. The Secretary is soliciting comment on wether the regulations submitted by the State are consistent with SMCRA and no less effective than the Federal SOAP rules at 30 CFR 795.

Condition (b)

Condition (b) of the Secretary's approval of New Mexico's program requires that the State provide copies of fully implemented procedural regulations for hearings on petitions to designate lands unsuitable for surface coal mining in accordance with 30 CFR 764.17, or otherwise amends its program to accomplish the same result.

As discussed in finding 4(k)(ii) in the December 31, 1980 **Federal Register** notice, announcing conditional approval of New Mexico's program (45 FR 86474), the Secretary was concerned that the State's requirement that the hearing be adjudicatory conflicted with the provision of 30 CFR 764.17 that the hearing be legislative and fact-finding in nature, without cross-examination of witnesses. OSM acknowledged that the type of "adjudicatory" hearing which has a well-developed tradition in New Mexico regulatory agencies might be consistent with Federal requirements since any person can elect that the hearing, as it involves his or her testimony, be strictly legislative in nature and thus the procedure would not have a chilling effect on the designation petition process. However, because New Mexico's hearing process was not formalized, the Secretary found that he could not determine if the State's approach is consistent with Federal requirements.

On July 9, 1982, New Mexico submitted to OSM an amendment to regulation 4–17(a) which deleted the requirement that the hearing be adjudicatory in nature. However, the State did not add any language to clarify just how the hearing would proceed.

Because the amended regulation submitted by New Mexico on July 9, 1982, did not fully satisfy the condition, the Secretary extended the date for New Mexico to satisfy condition (b) in order to allow the State time to draft further modifications to its program. The date was extended from July 31, 1982 to March 15, 1983 (47 FR 47377, October 26, 1982).

On March 14, 1983, New Mexico submitted a copy of procedures adopted by the Mining and Minerals Division for conducting hearings to consider petitions to declare lands unsuitable for coal surface mining operations under the New Mexico program. The procedures are to be used by the Director of the Division in conducting all unsuitability petition hearings filed with the Division. The Secretary invites comment on whether the procedures submitted by New Mexico are no less effective than the Federal provisions at 30 CFR 764.17 in meeting the purposes of SMCRA.

Condition (j)

The Secretary also solicits comment on the State's request by letter dated March 15, 1983 for an extension of the deadline to satisfy condition (j) pertaining to the State's bonding regulations. The State has requested an extension until four months following promulgation of revisions to the Federal bonding rules in order to allow the State time to draft modifications to its own rules and meet the notice and hearing requirements of it approved program. It is anticipated that revisions to the Federal rules will have a bearing on the changes New Mexico will be required to make to satisfy condition (j). Promulgation of revisions to the Federal rules is expected to occur within approximately six months.

Additional Determinations

1. *National Environmental Policy Act.* The Secretary has determined that pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no Environmental Impact Statement need be prepared on this rulemaking.

2. *Executive Order 12291 and the Regulatory Flexibility Act.* On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, for this action OSM is exempt from the requirement to prepare a Regulatory Impact Analysis and this action does not require regulatory review by OMB.

The Department of the Interior has determined that this rule would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule would not impose any new requirements; rather, it would ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. *Paperwork Reduction Act.* This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 931

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: April 5, 1983.

J. R. Harris,

Director, Office of Surface Mining.

[FR Doc. 83-9648 Filed 4-11-83; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-1-FRL No. 2324-4]

Approval and Promulgation of Implementation Plans: Connecticut; 1982 Ozone and Carbon Monoxide Attainment Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This Notice proposes action on proposed 1982 State Implementation Plan (SIP) revisions for the State of Connecticut which were submitted on June 15, 1982; September 29, 1982; December 10, 1982 and January 7, 1983. The intended effect of these revisions is to control emissions of volatile organic compounds (VOCs) and carbon monoxide in order to attain the ozone and carbon monoxide National Ambient Air Quality Standards (NAAQS) as required under Part D of the Clean Air Act. Public comments on this document are requested and will be considered before taking final actions on these SIP revisions.

DATE: Comments must be received on or before May 12, 1983.

ADDRESSES: Comments may be sent to Harley F. Laing, Director, Air Management Division, JFK Federal Building, Room 2312, Boston, Massachusetts 02203. Copies of the submittal and, EPA's evaluation are available for public inspection during normal business hours at the Environmental Protection Agency, Room 2111, JFK Federal Building, Boston, Massachusetts 02203; and the Connecticut Department of Environmental Protection, State Office Building, Hartford, Connecticut 06115.

FOR FURTHER INFORMATION CONTACT: Susan S. Hager, (617) 223-5130.

SUPPLEMENTARY INFORMATION:

I. Introduction

The Clean Air Act (the Act) requires that states with areas that violate the primary NAAQS submit revisions to their SIPs in 1979 which demonstrate attainment of the NAAQS by December 31, 1982. For states unable to demonstrate attainment of the ozone and carbon monoxide standards by 1982, the Act allows an extension until 1987. In order to receive an extension until 1987, states were required to adopt, as part of their 1979 attainment plans, control strategies considered to be reasonably available at that time and to commit to the submission of additional revisions by July 1, 1982.

Connecticut's 1979 attainment plan included controls on specific stationary sources of VOC's, a commitment to implement an automobile inspection and maintenance program, and various transportation control measures. Connecticut was unable to demonstrate attainment of the ozone and carbon monoxide standards by 1982 and, therefore, the Governor requested an extension until 1987. EPA approved this request on December 23, 1980 (see 45 FR 84769).

EPA policy requires that the SIP revisions due by July 1, 1982 include: a demonstration of attainment by 1987, stationary source control measures, implementation of a vehicle inspection and maintenance program and transportation control measures. These requirements are discussed in detail in a policy document published on January 22, 1981 (see 46 FR 7182).

Connecticut submitted draft 1982 revisions to its ozone and carbon monoxide SIP on June 15, 1982, and September 29, 1982. After reviewing these revisions, EPA notified the State that the revisions did not meet federal requirements and that EPA would propose to disapprove the State submittal. On December 10, 1982 and January 7, 1983 the State submitted additional material intended to correct deficiencies. Before EPA completed its review of the additional material, a Notice of Proposed Rulemaking was published on February 3, 1983 at 48 FR 5054 which proposed disapproval of the Connecticut SIP revisions.

EPA has now reviewed all submittals from the State of Connecticut and finds that the proposed revisions, with exceptions as discussed below, meet EPA requirements for 1982 SIP revisions. EPA is, therefore, publishing this notice which discusses the draft Connecticut 1982 SIP revisions in their entirety. EPA has proposed an approval of elements which fully meet federal requirements; and a qualified approval of those elements which do not fully meet EPA requirements and for which EPA has assurance that Connecticut will correct the deficiencies prior to EPA taking final action. The 1982 SIP contains new and quantifiable emission reductions which will be achieved through reasonably available control technology (RACT) regulations for major sources, vehicle inspection and maintenance, and transportation control measures. The ozone and carbon monoxide modeling analyses demonstrate that Connecticut will attain these standards by December 31, 1987. EPA has prepared a separate technical support document which discusses in detail the State's submittal and its compliance with EPA requirements. Anyone wishing additional information may request a copy of this document from the Regional Office at the above location. The following sections of this Notice summarize EPA's findings and proposed actions.

Our review of the State submittal is divided into three parts:

A. Ozone

- Summary
- Emissions Inventories
- Air Quality Data
- Attainment Demonstration
- Stationary Source Controls
- Inspection and Maintenance
- Transportation Control Measures
- Reasonable Further Progress

B. Carbon Monoxide

- Summary
- Air Quality Data
- Attainment Demonstration and Reasonable Further Progress
- Transportation Control Measures

C. Additional Requirements

- Resources
- Public Participation and Intergovernmental Consultation Documentation

A. Ozone

1. *Summary.* Ozone is formed by complex chemical reactions involving various precursors, primarily consisting of oxides of nitrogen (NO_x) and a class of hydrocarbons called reactive VOCs. Emissions of VOCs are controlled in order to reduce ozone concentrations.

Connecticut is divided into four Air Quality Control Regions, but uses its state boundaries to define the analysis area for ozone. The ozone modeling analysis indicates that a 48% emission reduction will be required to eliminate violations of the ozone standard.

The proposed Connecticut 1982 State Implementation Plan (Connecticut 1982 SIP) combines a mix of strategies—stationary and mobile source—to

achieve the necessary reductions. The State has proposed a SIP which, if approved, would provide in 1987 a 30,000 kg/day reduction of VOCs greater than that needed to achieve ozone standards. This is called an "accommodative" SIP and allows a margin of growth for new sources to construct or for existing sources to expand without being required to obtain a "one for one" offset for their resulting emission increases.

2. *Emissions Inventories.* For the 1982 SIP, states are required to submit comprehensive emissions inventories indicating 1980 and attainment year emission levels from all sources of VOCs and No.

Connecticut submitted inventories for mobile sources and for area sources (those stationary sources too small to be inventoried individually) on September 29, 1982, and for point sources on April 8, 1982. EPA finds that the mobile source inventory meets EPA guidance. However, the State did not submit documentation on how emission figures for point sources were derived. EPA has asked the Department of Environmental Protection (DEP), and DEP has agreed, to provide this documentation with the final SIP submittal.

Within the area source inventory the State may have underestimated emissions in several categories by as much as 14,000 kg/day. If the State accepts EPA's higher estimate of emissions in these categories, the State will still be able to achieve ozone standards by 1987 since the SIP provides a 30,000 kg/day emission reduction greater than necessary to show attainment. However, any increase in projected emissions will have the effect of decreasing the margin of emissions growth the SIP allows for new sources to construct or existing sources to modify. EPA has, therefore, notified the State that the full growth margin proposed in the submitted cannot be accepted until questions on area source emission projections have been resolved.

Proposed Action: EPA is proposing to:

(1) Approve the mobile source inventory,

(2) Approve the area source inventory, provided Connecticut submits additional documentation prior to EPA taking final action, and

(3) Approve the area source inventory with the understanding that EPA can only accept a 16,000 kg/day growth margin until Connecticut resolves questions in those categories of source emissions which EPA believes may be underestimated.

3. *Air Quality Data.* The 1982 plan revisions are to include the best data available at the time of SIP development. The most recent three years of air quality data from the State monitoring network must be reduced, validated and summarized. Connecticut has complied with the requirement to present current ozone-related data. However, as will be discussed in the next section of this notice, it did not use current data for the modeled attainment demonstration.

The highest one-hour concentration of ozone for the years 1978 through 1980 was .30 ppm, or approximately 2½ times the standard, recorded at Stratford, Connecticut in July, 1980. This value, however, does not represent the ozone level which would occur due to emissions solely from sources within Connecticut. Rather, the value reflects peak ozone levels resulting from both emissions generated within the State and emissions being transported from other states into Connecticut. Connecticut is responsibile for controlling sources within the State only to the extent that they would cause violations of the ozone standard and, thus, the highest monitored concentrations will not necessarily be those used to model the attainment demostration.

Proposed action. EPA is proposing to approve the air quality data base.

4. *Attainment Demonstration.* In order to insure consistency in demonstrating attainment by 1987, EPA encouraged each state to use the City-Specific Empirical Kinetic Modeling Approach (EKMA). Connecticut studied the use of City-Specific EKMA, but concluded that the model could not be used in the development of the 1982 SIP revisions. The State objects to City-Specific EKMA because it feels that the contribution of VOCs from the northern New Jersey—Metropolitan New York city area is so great that any measurement of Connecticut-generated VOCs would be unreliable. An additional problem is that the DEP operated a non-conventional hydrocarbon monitor which gave readings far higher than those recorded by other states using conventional monitors (see EPA guidance on monitoring, EPA 450/4–80–011). Since hydrocarbon data are a critical input into City-Specific EKMA, and since the State feels other inputs would also be only estimates of true values, the State has concluded that City-Specific EKMA cannot adequately model Connecticut's ozone levels. In lieu of City-Specific EKMA, the State has used the analysis from the 1979 SIP revisions based on the less refined mode, Standard EKMA, and EPA has concurred in this decision. In cases where a state has not based its 1982 SIP revisions on the most recent data, the SIP must discuss how the more current data could affect the plan. Connecticut has commited to include this information in the final SIP narrative.

The State has also agreed to work with EPA prior to EPA taking final action to resolve questions concerning hydrocarbon monitoring equipment, and once resolved, to collect hydrocarbon and NO_x data necessary for a refined ozone modeling analysis.

As discussed in the submittal, the State looked at violations within its boundaries which were caused by emissions from Connecticut sources. The results of the modeling are as follows:

OZONE SUMMARY TABLE

Nonattainment area	Design* value (ppm)	Receptor location	Percent reduction required	Attainment year
Connecticut—Statewide	0.148	Groton, Ct	48	1987

* The "daily design value" is used to refer to the measured maximum hourly ozone value for the day being modeled. (See "Guidelines for Use of City-Specific EKMA in Preparing Ozone SIP," EPA 450/4–80–027).

Proposed Action: EPA is proposing to approve the attainment demonstration with the understanding that the final submittal will discuss how current data could affect the plan.

5. *Stationary Source Controls.* The Clean Air Act requires states to implement all required stationary source controls as expeditiously as practicable. In order to complete the requirement to adopt all reasonably available control measures, states must include, as part of the 1982 submittal, adopted regulations applying RACT to the following categories of sources: (a) All sources of VOCs covered by a Control Technique Guideline (CTG) and (b) all remaining major stationary sources of VOCs (defined under Section 302(j) of the Act as having more than 100 tons per year (TYP) emissions). EPA requires the submittal to include either legally enforceable measures implementing RACT on these sources, or documentation supporting a determination by the State that the current level of control represents RACT for each of these sources.

(a) Controls on Source Categories Covered by CTGs.

The CTGs are divided into three groups, Group I, Group II and Group III:

(i) Connecticut has adopted, and EPA has approved, controls for all Group I CTG source categories with the exception of solvent metal cleaners. This was a deficiency of the 1979 plan revisions which caused EPA on October 12, 1982 (47 FR 44729) to impose a moratorium on stationary source VOC growth as required by section 110(a)(2)(I) of the Act. The State has adopted revisions to Connecticut Regulation 19–508–20(*l*) which controls solvent metal cleaners. While the proposed revisions corrected most of the noted deficiencies, the regulation still exempts from control requirements for cold cleaners at automobile repair facilities. EPA believes that adequate control can be achieved through a public education program for the use of covers on cold cleaners at automobile repair facilities and requested such a program as part of the final submittal. Connecticut has submitted proposed revisions to the SIP narrative which commit to providing an educational program which EPA is proposing to accept. EPA approval will allow the moratorium on stationary source growth in Connecticut to be lifted.

(ii) In the Group II CTG categories, Connecticut has adopted, and EPA has approved, controls for all but two categories: external floating roof tanks, and gasoline tank trucks. Connecticut has committed to submit RACT regulations for these two source categories according to the following schedule:

Action	Date
Conduct a Public Hearing	Sept. 30, 1983.
Adopt Regulations	Dec. 31, 1983.
Final Compliance for Tank Trucks	May 1, 1984.
Final Compliance for External Floating Roof Tanks.	July 1, 1984

This makes this portion of the SIP approvable.

(iii) For Group III CTG categories, the State is to adopt controls within one year of the January after a CTG for a particular source category is published. The Connecticut 1982 SIP does not make this commitment specific to the Group III CTGs; however, as stated in 40 CFR 52.383, the State is obligated to adopt these controls. At this time, EPA has published one Group III CFR category, petroleum solvent dry cleaners, in September 1982. Thus, Connecticut must adopt controls on this category by January 1984.

Proposed Action: EPA is proposing to:

(1) Approve revisions to Connecticut Regulation 19-508-20(1) and proposed narrative revisions as meeting the requirement to adopt controls on all Group I CTG source categories.

(2) Lift the moritorium on growth of stationary sources of VOCs in Connecticut.

(3) Approve the State commitments for tank trucks and external floating roof tanks with the understanding that:

(a) The State will adopt gasoline tank truck and external floating roof tank regulations for submittal into the SIP,

(b) The adopted regulations will be RACT, and

(c) The programs will start up as expeditiously as possible, but no later than May 1, 1984 for tank trucks, and July 1, 1984 for external floating roof tanks.

(b) The TPY RACT Regulation. Connecticut submitted a generic RACT regulation, Connecticut Regulation 19–508–20(ee), for the control of all VOC sources that emit 100 tons per year (TPY) or more, not currently regulated under existing Connecticut regulations.

This regulation was submitted to fulfill the 1982 SIP policy requirement to control 100 TPY non-CTG sources. Although the regulation, as written, does not establish federally enforceable emission limitations, Connecticut has agreed to revise the narrative portion of the SIP to state that each individual RACT determination made pursuant to the regulation will be submitted to EPA for approval as a Sip revision.

Proposed Action: EPA is proposing to approve Connecticut Regulation 19–508–20(ee) as meeting the requirement to control VOC sources with actual emissions of 100 TPY or more, provided the State submits the necessary changes to the SIP narrative prior to EPA's final action.

6. *Inspection and Maintenance.* All major urban areas needing an extension beyond 1982 for attainment of a standard for ozone or carbon monoxide were required to include vehicle inspection and maintenance as an element of the 1979 SIP revision. Connecticut included inspection and maintenance in its 1979 SIP revision. EPA's evaluation of, and action on, the inspection and maintenance portion of the Connecticut 1979 SIP revision is documented in the December 23, 1980 **Federal Register** (see 45 FR 84769).

As discussed in the January 22, 1981 **Federal Register** on 1982 SIP policy (see 46 FR 7182), states with areas that have inspection and maintenance programs under development, or operational as part of their 1979 SIP revisions, were required to submit only qualitative descriptions of their inspection and maintenance program elements in the 1979 SIP submittal. Unless already submitted and approved as part of a previous SIP submittal, the 1982 SIP revision must include the rules and regulations needed to implement the inspection and maintenance program to achieve the minimum emission reduction requirements and commitments to other program details. EPA will determine the overall adequacy of the critical elements of each inspection and maintenance program and, therefore, the approvability of that portion of the 1982 SIP by comparing those elements to the established inspection and maintenance guidance. Draft rules and regulations and information on all program elements with the exception of quality control, audit and surveillance procedures have been reviewed by EPA and determined to be approvable once they are finalized. While EPA's own estimate of the projected effectiveness of the State's inspection and maintenance program indicates that the emissions reduction will be achieved, the State's draft submittal does not clearly show that this is the case. Therefore, although Connecticut has successfully implemented its program by January 1, 1983, Connecticut must submit the following information in the final plan revisions:

- Department of Motor Vehicle (DMV) and DEP regulations, contracts, and memoranda of understanding necessary to support the inspection and maintenance program,
- Quality control, audit and surveillance procedures for contractor and fleet stations, and
- Support information to show how the emission reductions claimed for the inspection and maintenance program were calculated.

Proposed Action: EPA is proposing to approve the Connecticut inspection and maintenance program provided the above information is submitted and found acceptable prior to EPA taking final action.

7. *Transportation Measures.* State and regional agencies have been involved in the evaluation and recommendation of reasonably available transportation control measures (RACMs) for the Connecticut 1982 SIP in accordance with EPA guidance. As a result, the State has adopted measures such as ride-share programs and traffic flow improvements. A description of the process and procedures for identifying transportation contingency measures where emission shortfalls may occur is also included in the SIP. Connecticut proposes to meet its basic transportation needs (BTN) by

maintaining, and where possible, improving ridesharing and public transportation projects to the extent that State and Federal funds will allow.

While the submittal does commit to an annual reduction of VOC emissions, which accounts for 1425 kg/day in 1987, it does not show the emission reduction attributable to individual RACMs or categories of RACMs as required by EPA policy. Further, the State has not supported the annual target reductions with commitments, schedules of key milestones and, where appropriate, evidence of legal authority. Additionally, EPA believes the submittal does not adequately address the monitoring plan requirements for tracking the effectiveness of adopted RACMs. The submittal also needs clarifications with regard to the plan, program and project level conformity provisions. The State has committed to including these changes.

Proposed Action: EPA is proposing approval of the Transportation Measures portion of the Connecticut submittal with the understanding that the final revisions will: (1) Show emissions attributable to individual RACMs or RACM categories, (2) provide additional information to support the annual emission reduction targets, (3) describe an acceptable monitoring plan, and (4) clarify plan, program and project level conformity provisions.

8. Reasonable Further Progress. The Connecticut 1982 SIP indicates that the State will attain the ozone standard by December 31, 1987. The demonstration is acceptable, although, as discussed above under Section 4, Stationary Source Controls, EPA is only proposing approval of that portion of the growth margin which is based on inventory projections accepted by EPA. An additional 14,000 kg/day of VOCs in years 1982 through 1987 will be accepted by EPA as allowance for growth if the State resolves questions in several area source inventory categories.

Proposed Action: EPA is proposing to approve the Reasonable Further Progress demonstration and the associated growth margin minus 14,000 kg/day as explained above. EPA may approve a larger growth margin if Connecticut resolves questions in several area source inventory categories prior to EPA taking final action.

B. Carbon Monoxide

1. *Summary.* Carbon Monoxide violations are primarily caused by automobile emissions and are generally associated with traffic congestion at the intersection of major roads or in a central business district. At these locations, vehicles may idle for relatively long periods of time. The emissions during this time period are very high and are less diluted. These problem areas are called hotspots. The only violations of the carbon monoxide standards in Connecticut are hotspot violations.

2. *Air Quality Data.* The 1982 plan revisions are to include the best data available at the time of SIP development. The most recent three years of air quality data from the State monitoring network must be reduced, validated and summarized. Connecticut submitted data for each of its nine carbon monoxide monitoring sites for the years 1978–80. The data shows that the highest second high eight-hour violation was 27.5 ppm recorded at Stamford, Connecticut in 1978. The eight-our carbon monoxide standards is 9 ppm which may be exceeded once per year. The second highest exceedence of the standard is, therefore, a violation of the standard and that value is used as the design value, for which a control strategy is developed.

Proposed Action: EPA is proposing to approve the air quality data base.

3. *Attainment Demonstration and Reasonable Further Progress:* In order to determine the extent and serverity of carbon monoxide violations, Connecticut ranked likely hotspot locations using EPA's "Carbon Monoxide Hotspot Screening Guidelines" (EPA–450/3–78–033–035). Additionally, the State has committed analyzing the top-ranked modeled and monitored violations with a more refined dispersion model approved by EPA, Caline 3. The State has committed to complete the analysis by February 28, 1983. Since the refined analysis has not yet been completed, Connecticut's proposed attainment demonstration and Reasonable Further Progress lines were based only on a rollback model. A rollback model assumes changes in ambient levels will be directly proportional to changes in emission levels, and does not consider parameters critical to an accurate assessment of carbon monoxide levels such as meteorology and site geometry. EPA can accept this on an interim basis, but before final approval, Connecticut must submit a carbon monoxide attainment demonstration and Reasonable Further Progress lines which are based on a dispersion model and on current ambient data.

Proposed Action: EPA is proposing to approve the attainment demonstration and Reasonable Further Progress lines based on the understanding that the State will submit a dispersion analysis prior to EPA taking final action.

4. *Transportation Control Measures:* Measures adopted by Connecticut to reduce VOC emissions will also reduce carbon monoxide levels at hotspots. The most of these measures for carbon monoxide reductions are inspection and maintenance, traffic flow improvements, and the right-turn-on-red program. The State will implement site-specific measures if the refined modeling shows that additional measures are needed to attain standards at a particular location.

Proposed Action: EPA has proposed action under "Transportation Measures" of the ozone section of this Notice; no separate action is being proposed.

C Additional Requirements

1. *Resource Commitments.* In order to assure that the control strategies included in the 1982 attainment plan are implemented, EPA has requested that the State show the financial support which will be associated with these actions. In its submittal, the State commits to measures necessary to demonstrate attainment of the ozone and carbon monoxide standards. The State has indicated that the final 1982 SIP submission will discuss the State's commitment to provide the resources needed to implement the measures.

Proposed Action: EPA is proposing to approve this portion of the SIP, with the understanding that the State will provide a commitment to resources prior to EPA taking final action.

2. *Public Participation and Intergovernmental Consultation Documentation.* The State has established a mechanism for ongoing public participation in the development of stationary source and transportation control measures and has implemented a program to promote greater awareness of air quality problems by the public. All of the public participation programs have been developed in accordance with EPA guidelines. However, these programs have been only briefly described in the proposed 1982 SIP revisions. EPA has asked the State to more fully describe its program in the final submittal.

Proposed Action: EPA is proposing to approve this portion of the SIP with the understanding that Connecticut will submit additional information.

II. Summary of Proposed Action

EPA is proposing to approve the Connecticut 1982 State Implementation Plan Revisions for ozone and carbon monoxide, which were submitted in draft on June 15, 1982, September 29, 1982, December 10, 1982 and January 7, 1983. Specifically, EPA is proposing the following actions:

1982 SIP element	Proposed action
A. Ozone	
Emissions Inventory	Qualified Approval.
Air Quality Data	Approval.
Attainment Demonstration	Qualified Approval.
Stationary Source Controls	Qualified Approval.
Inspection and Maintenance Program.	Qualified Approval.
Transportation Control Measures	Qualified Approval.
Reasonable Further Progress	Qualified Approvals.
B Carbon Monoxide	
Air Quality data	Approval.
Attainment Demonstration and RFP	Qualified Approval.
Transportation Control Measures	(No separate action proposed.)
C. Additional Requirements	
Resources	Qualified Approval.
Public Participation and Intergovernmental Consultation Documentation.	Approval.

EPA is soliciting public comments on issues discussed in this notice, and the Notice published on February 3, 1983 or on other relevant matters. These comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting a written document to the EPA address in the **ADDRESSES** section above.

If the State corrects the deficiencies prior to EPA taking final action, EPA approve Connecticut's plan revisions. If the proposed revisions are substantially changed, in areas other than those identified in this notice, EPA will evaluate those changes and may publish a revised NPR. If no substantial changes are made, EPA will issue a notice of final rulemaking on the revisions. The final rulemaking action by EPA will be published only after the SIP revisions have been adopted by Connecticut and submitted to EPA for incorporation into the SIP. Under 5 U.S.C. 605(b), the Administrator has certified that SIP actions do not have a significant economic impact on a substantial number of small entities (see 46 FR 8709).

Under Executive Order 12291, today's action is not "Major." It has been submitted to the Office of Management and Budget (OBM) for review. Any comments from OBM to EPA, and any EPA response, are available for public inspection at the EPA Region I office listed above. The Administrator's decision to approve or disapprove the plan revision will be based on whether it meets the requirements of Sections 110(a)(2)(A)–(K) and 110(a)(3) of the Clean Air Act, as amended, and EPA regulations in 40 CFR Part 51. This revision is being proposed pursuant to Section 110(a) and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410(a) and 7601(a)).

List of Subjects in 40 CFR Part 52

Air Pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations.

Dated: January 19, 1983.

Paul G. Keough,

Acting Regional Administrator, Region I.

[FR Doc. 83-9430 Filed 4-11-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 403

[WH-FRL 2343-7]

Hawaii's Application To Administer the National Pollutant Discharge Elimination System (NPDES) Pretreatment Program

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule; notice of application.

SUMMARY: The State of Hawaii, in a letter from Charles G. Clark, Director of the Hawaii Department of Health, requested approval of the State of Hawaii Pretreatment Program. The State submitted a signed statement of the Hawaii Attorney General that the State of Hawaii has the necessary authority, together with a signed revision to the NPDES Memorandum of Agreement and a description of how the State proposes to operate the program. The U.S. EPA Regional Counsel has reviewed the Attorney General's Statement and has determined that the State of Hawaii has the legal authority to implement an NPDES Pretreatment Program. This notice provides for a comment period on Hawaii's request. Under U.S. EPA regulations the Administrator shall approve or disapprove this request after taking into consideration all comments received.

DATE: To be considered, comments must be received on or before May 12, 1983. Interested persons may also request a public hearing on the State's request. If there is a significant public interest expressed in the comments, U.S. EPA will schedule such a hearing. In the event U.S. EPA determines to hold a public hearing prior notice of the date, time and location of such a hearing will be given. All requests for a public hearing must be submitted on or before the expiration of the comment period.

ADDRESSES: Interested persons should submit comments to the contact person listed below.

FOR FURTHER INFORMATION CONTACT: Linda Powell, Pretreatment Coordinator (W-5-2), U.S. EPA, Region IX, Water Management Division, 215 Fremont Street, San Francisco, California 94105, (415) 974-8311.

SUPPLEMENTARY INFORMATION: On June 26, 1978, the United States Environmental Protection Agency (U.S. EPA) promulgated the General Pretreatment Regulations (40 CFR Part 403). Amendments to the General Pretreatment Regulations were promulgated on January 28, 1981. These regulations, mandated by the Clean Water Act of 1977 (Pub. L. 95-217), govern the control of industrial wastes introduced into Publicly Owned Treatment Works (POTWs), commonly referred to as municipal sewage treatment plants. The objectives of the regulations are to: (1) Prevent introduction of pollutants into POTWs which will interfere with plant operations and/or disposal or use of municipal sludges; (2) prevent introduction of pollutants into POTWs which will pass through treatment works in unacceptable amounts to receiving waters; and, (3) improve the feasibility of recycling and reclaiming municipal and industrial wastewaters and sludges.

The State of Hawaii received NPDES permit authority on November 28, 1974. One of the keystones of the industrial waste control program as set forth in the General Pretreatment Regulations is the establishment of Pretreatment Programs as a supplement to the existing State National Pollutant Discharge Elimination System (NPDES) permit program. In order to be approved, a request for State Pretreatment Program approval must demonstrate that the State has legal authority, procedures, available funding, and qualified personnel to implement a State Pretreatment Program as specified in Section 403.10 of the regulations. Generally, local Pretreatment Programs will be the primary vehicle for administering, applying and enforcing Federal Pretreatment Standards for Industrial users of POTWs. States will be required to apply and enforce Pretreatment Standards directly against industries that discharge to POTWs where local programs are not required or have not been developed.

The Administrator's decision to approve or disapprove the proposed pretreatment program will be based on a determination of whether the proposed program meets the requirements of the Clean Water Act and 40 CFR Part 403 and on the comments received.

The Hawaii submission may be reviewed by the public at the following locations: Director of Environmental

Health, Hawaii State Department of Health, P.O. Box 3378, Honolulu, Hawaii 96801, (808) 548–6410 and at the U.S. EPA office in San Francisco at the address appearing at the beginning of this Notice. Copies of the submittal may also be obtained (at a cost of 20 cents a page) from these offices.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 403

Confidential business information. Reporting and recordkeeping requirements, Waste treatment and disposal, and Water pollution control.

Dated: March 29, 1983.

John Wise,

Acting Regional Administrator, Region IX.

[FR Doc. 83–9625 Filed 4–11–83; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

[CC Docket No. 83–115; ENF–83–5]

Furnishing of Customer Premises Equipment, Enhanced Services and Cellular Communications Services by the Bell Operating Companies; North American Telecommunications Association

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; Extension of comment/reply comment period.

SUMMARY: The Commission has issued an order partially granting parties' motions for extensions of time in which to file comments and reply comments on the Commission's Notice of Proposed Rulemaking which addresses the questions whether, following divestiture, Bell Operating Companies' offering of enhanced services, customer premises equipment or cellular communications services should be subject to structural separation requirements and, if so, whether the degree of separation currently prescribed by Commission Rules should be modified to accommodate the effects of the BOCs' divestiture. The extension of time was granted in order to permit parties the opportunity to thoroughly analyze complex issues.

DATES: Comments by interested parties are due on or before April 25, 1983; reply comments are due on or before May 25, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Paul B. Froyd, Common Carrier Bureau (202) 632–4887.

Order

In the Matter of; Policy and Rules concerning the furnishing of customer premises equipment, enhanced services and cellular communications services by the Bell Operating Companies; CC Docket No. 83–115; North American Telecommunications Association; ENF–83–5; Petition for Declaratory Ruling on the requirements of sale of customer pemises equipment by the Bell Operating Companies (3–29–83; 48 FR 13056).

Adopted: March 31, 1982.
Released: April 1, 1983.

By the Chief, Common Carrier Bureau.

1. On March 18, 1983, Telocator Network of America (Telocator), filed a motion for an extension of time for the filing of comments and reply comments in the above-captioned proceeding until May 2, 1983 and June 2, 1983, respectively. According to the Notice of Proposed Rulemaking (Notice), FCC 83–71, released March 4, 1983, comments are due April 4, 1983 and reply comments are due May 4, 1983. Telocator, the national council of the independent, non-wireline radio common carriers (RCC) industry, argues that the Notice goes to the core of the competitive balance between the wireline and RCC industry, and that 30 days is insufficient time for parties to assist in the development of a sufficient record on this matter.

2. On March 29, 1983, Rolm Corporation (Rolm) filed a motion for an extension of time for the filing of comments until July 5, 1983. Rolm argues that Computer II involves complex issues that were carefully developed over a long period of time and have become more complicated as a result of recent events, particularly the Modified Final Judgment in *U.S. v. American Telephone and Telegraph Co.*, Civ. Nos. 74–1698 and 82–0192, 47 FR 40,392 (D.D.C. 1982). Rolm further argues that at least the basic principles for the MJF's reorganization must be settled and analyzed before parties to this proceeding can comment on the divestiture's likely impact. A March 30, 1983 letter from the Independent Data Communications Manufacturers Association, Inc. supports Rolm's request.

3. On March 30, 1983, the Associated Bell System Companies (BOCs) filed an opposition to an extension of time. The BOCs argue that even under the schedule established by the Notice, a decision could not be expected before June, 1983. They note that if a separate subsidiary structure were required, commencement of BOCs' competitive operations after divestiture on January 1, 1983, would require the filing of capitalization plans on July 1, 1983. In general, the BOCs claim that they must know as soon as possible the conditions under which they may conduct competitive activities after divestiture in order to determine whether and to what extent they will pursue these activities.

4. While commenting parties are entitled to an opportunity to thoroughly explore pertinent issues, the comment period must take into account the need for Commission action in timely fashion so as to enable the BOCs to plan post-divestiture operations. Rolm and Telocator have failed to demonstrate that their requested extensions fairly balance these interests. However, a brief extension of time will not result in an unacceptable delay in the Commission's ability to reach a timely decision.

5. Accordingly, *it is ordered* That, pursuant to Sections 0.291 and 1.46 of the Commission's Rules and Regulations, 47 CFR 0.291, 1.46, the time afforded all interested parties for the filing of comments in the above-captioned proceeding *is extended* to April 25, 1983 and the time for the filing of reply comments *is extended* to May 25, 1983.

Jack D. Smith,

Deputy Chief (Operations), Common Carrier Bureau.

[FR Doc. 83–9552 Filed 4–11–83; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 83–242; RM–4289]

TV Broadcast Stations in Minneapolis-St. Paul, Minnesota; Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of UHF Television Channel 45 to Minneapolis-St. Paul, Minnesota, in response to a petition filed by Millard V. Oakley. The proposed assignment could provide for a seventh commercial television service to Minneapolis.

DATES: Comments must be filed on or before May 12, 1983, and reply comments on or before May 27, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:
Montrose H. Tyree, Mass Media Bureau (202) 634–6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Proposed Rule Making

In the Matter of: Amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations (Minneapolis-St. Paul, Minnesota); MM Docket No. 83–242 RM–4289

Adopted: March 14, 1983.
Released: March 28, 1983.

By the Chief, Policy and Rules Division.

1. The Commission herein considers a petition for rule making filed by Millard V. Oakley ("petitioner") on December 30, 1982, proposing the assignment of UHF Television Channel 45 to Minneapolis, Minnesota. Petitioner stated that he or an entity of which he is a part, will apply for the channel, if assigned.

2. Minneapolis (population 370,951), seat of Hennepin County (population 941,411) [1] is located in southeastern Minnesota; approximately 560 kilometers (350 miles) northwest of Chicago, Illinois. Minneapolis has licensed to it commercial channels: 4 (WCCO–TV), 9 (KMSP–TV), 11 (WTCN–TV), 23 (KTMA–TV), and 29 (WFBT–VT).

3. In support of his proposal, petitioner submitted population data and provided 1981 statistics on consumer spendable income and retail sales for Hennepin County. We believe that the petitioner's proposal warrants consideration. Currently all TV channels licensed to Minneapolis or St. Paul are assigned to the two cities on a hyphenated basis. Therefore, we are proposing this amendment of the TV Table of Assignments in a consistent fashion:

City	Channel No.	
	Present	Proposed
Minneapolis-St. Paul, Minnesota	*2–, 4, 5–, 9+, 11–, *17, 23+, and 29+	*–2, 4, 5–, 9+, 11–, *17, 23–, 29+, and 45

4. Since Minneapolis-St. Paul is located within 400 kilometers (250) miles of the United States-Canadian border, the proposed assignment of Television Channel 45 to Minneapolis-St. Paul, Minnesota, requires coordination with the Canadian government.

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before May 12, 1983, and reply comments on or before May 27, 1983, and are advised to read the Appendix for the proper procedures.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 Fed. Reg. 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Montrose Tyree, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitute an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitute an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1982; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it *is proposed to amend* the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleaddings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b), and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments,

[1] Population figures are taken from the 1980 U.S. Census Advance Reports.

reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-9549 Filed 4-11-83; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-232; RM-4321]

FM Broadcast Stations in Reno, Nevada; Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 272A to Reno, Nevada, in response to a petition filed by Millard V. Oakley. The proposal could provide a fifth FM service to that community.

DATES: Comments must be filed on or before May 12, 1983, and reply comments on or before May 27, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau (202) 634-6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Proposed Rule Making

In the Matter of; Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Reno, Nevada) MM Docket No. 83-323; RM-4321.

Adopted: March 14, 1983.
Released: March 28, 1983.

By the Chief, Policy and Rules Division.

1. A petition for rule making was filed January 3, 1983, by Millard V. Oakley ("petitioner") seeking the assignment of Channel 272A to Reno, Nevada, as its fifth FM assignment. Petitioner submitted information in support of the proposal and expressed his interest in applying for the channel, if assigned. The channel can be assigned in compliance with the minimum distance separation requirements.

2. In view of the fact that the proposed channel could provide a fifth FM service to Reno, the Commission believes that it is appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with respect to the following community:

City	Channel No.	
	Present	Proposed
Reno, Nevada	256, 269, 288, and 295.	238, 272A, 283, 289, and 295.

3. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

4. Interested parties may file comments on or before May 12, 1983, and reply comments on or before May 27, 1983, and are advised to read the Appendix for the proper procedures.

5. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend § 73.202(b), 73.504 and 73.606(b) of the Commission's Rules,* 46 FR 11549, published February 9, 1981.

6. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 635-6530. However, members of the public should note that from the time a *Notice of Proposed Rule Making* is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in the docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed

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comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-9550 Filed 4-11-83; 8:45 am]
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Notices

Federal Register
Vol. 48, No. 71
Tuesday, April 12, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ACTION

Extension of Deadline for Submission of State Office of Voluntary Citizen Participation Grant Application

AGENCY: ACTION.

ACTION: Notice.

SUMMARY: The Final Notice of Guidelines for State Office of Voluntary Citizen Participation (S/OVCP Program Grants) was published in the Federal Register Vol. 45, No. 65 on Wednesday, April 2, 1980. That Notice outlined the substantive programmatic criteria to be consideed in reviewing applications under the S/OVCP Program and included time deadlines to be followed in the application process. This present Notice extends the deadline for submission of grant applications for (S/OVCP) grants in order to expand the base of consideration of potential grantees.

EFFECTIVE DATE: April 12, 1983.

FOR FURTHER INFORMATION CONTACT: Kenneth Priebe, OVL, ACTION, Room M–207, 806 Connecticut Ave., N.W., Washington, D.C. 20525, Telephone Toll-Free (800) 424–8867.

SUPPLEMENTARY INFORMATION: For the reasons set out above, the Final Notice of Guidelines for State Office of Voluntary Citizen Paticipation (S/OVCP Program Grants) 45 FR 21663 are amended as follows:

Applicants for an S/OVCP Program Grant must submit by April 30, 1983, a completed Application for Federal Assistance which itemizes total program costs, including salaries and operating expenses for each period of program operation, and a completed ACTION Form A–1036: Title I, Part C Program Narrative to ACTION, Office of Volunteer Liaison.

Dated in Washington, D.C. on April 7, 1983.

Thomas W. Pauken,

Director, ACTION.

[FR Doc. 83–9828 Filed 4–11–83; 8:45 am]

BILLING CODE 6050–01–M

DEPARTMENT OF AGRICULTURE

Cooperative State Research Service

Subcommittee for Beef and Dairy Cattle Enteric and Digestive Diseases, Mastitis, and Other Diseases and Parasites; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the United States Department of Agriculture announces the following meeting:

Name: Subcommittee for Beef and Dairy Cattle Enteric and Digestive Diseases, Mastitis and Other Diseases and Parasites of the Technical Advisory Committee for Science and Education Research Grants Program.

Date and time: May 17, 18, and 19, 1983. Tuesday—8:30 a.m. to 5:00 p.m.; Wednesday—8:30 a.m. to 5:00 p.m.; Thursday—8:30 a.m. to 5:00 p.m.

Place: Room 6030, South Agriculture Building, United States Department of Agriculture, 14th and Independence Avenue, S.W., Washington, D.C. 20250.

Type of meeting: Closed.

Contact person: Earl J. Splitter, Principal Veterinarian, Cooperative State Research Service, United States Department of Agriculture, Washington, D.C. 20250, Telephone (202) 447–5007.

Purpose of subcommittee: To provide advice and recommendations concerning support for research in the program on Beef and Dairy Cattle Enteric and Digestive Diseases, Mastitis and Other Diseases and Parasites.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Secretary of Agriculture pursuant to provisions of Section 10(d) of Pub. L. 92–463.

C. I. Harris,

Acting Administrator, Cooperative State Research Service.

April 6, 1983.

[FR Doc. 83–9835 Filed 4–11–83; 8:45 am]

BILLING CODE 3410–03–M

Subcommittee for Beef and Dairy Cattle Respiratory Diseases; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the United States Department of Agriculture announces the following meeting:

Name: Subcommittee for Beef and Dairy Cattle Respiratory Diseases of the Technical Advisory Committee for Science and Education Research Grants Program.

Date and time: April 27, 28, and 29, 1983. Wednesday—8:30 a.m. to 5:00 p.m.; Thursday—8:30 a.m. to 5:00 p.m.; Friday—8:30 a.m. to 5:00 p.m.

Place: Room 6038, South Agriculture Building, United States Department of Agriculture, 14th and Independence Avenue, S.W., Washington, D.C. 20250.

Type of meeting: Closed.

Contact person: Howard S. Teague, Principal Nonruminant Nutritionist, Cooperative State Research Service, United States Department Agriculture, Washington, D.C. 20250, Telephone: (202) 447–3847.

Purpose of subcommittee: To provide advice and recommendations concerning support for research in the program on Beef and Dairy Cattle Respiratory Diseases.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the secretary of Agriculture pursuant to provisions of Section 10(d) of Pub. L. 92–463.

C. I. Harris

Acting Administrator, Cooperative State Research Service.

April 6, 1983.

[FR Doc. 83–9836 Filed 4–11–83; 8:45 am]

BILLING CODE 3410–03–M

Subcommittee for Beef and Dairy Cattle Reproductive Diseases; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the United States Department of Agriculture announces the following meeting:

Name: Subcommittee for Beef and Dairy Cattle Reproductive Diseases of the Technical Advisory Committee for Science and Education Research Grants Program.
Date and time: May 11, 12, and 13, 1983, Wednesday—8:30 a.m. to 5:00 p.m.; Thursday—8:30 a.m. to 5:00 p.m.; Friday—8:30 a.m. to 5:00 p.m.
Place: Room 6038, South Agriculture Building, United States Department of Agriculture, 14th and Independence Avenue, S.W., Washington, D.C. 20250.
Type of meeting: Closed
Contact person: Howard S. Teague, Principal Nonruminant Nutritionist, Cooperative State Research Service, United States Department of Agriculture, Washington, D.C. 20250, Telephone: (202) 447–3847.
Purpose of subcommittee: To provide advice and recommendations concerning support for research in the program on Beef and Dairy Cattle Reproductive Diseases.
Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.
Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.
Authority to close meeting: This determination was made by the Secretary of Agriculture pursuant to provisions of Section 10(d) of Pub. L. 92–463.

C. I. Harris,

Acting Administrator, Cooperative State Research Service.

April 5, 1983.

[FR Doc. 83–9637 Filed 4–11–83; 8:45 am]

BILLING CODE 3410–03–M

Subcommittee for Poultry and Horse Diseases; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the United States Department of Agriculture announces the following meeting:

Name: Subcommittee for Poultry and Horse Diseases of the Technical Advisory Committee for Science and Education Research Grants Program.
Date and time: May 4, 5, and 6, 1983, Wednesday—8:30 a.m. to 5:00 p.m.; Thursday—8:30 a.m. to 5:00 p.m.; Friday—8:30 a.m. to 5:00 p.m.
Place: Room 6030, South Agriculture Building, United States Department of Agriculture, 14th and Independence Avenue S.W., Washington, D.C. 20250.
Type of meeting: Closed.
Contact person: Earl J. Splitter, Principal Veterinarian, Cooperative State Research Service, United States Department of Agriculture, Washington, D.C. 20250. Telephone: (202) 447–5007.
Purpose of subcommittee: To provide advice and recommendations concerning support for research in the program on Poultry and Horse Diseases.
Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.
Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.
Authority to close meeting: This determination was made by the Secretary of Agriculture pursuant to provisions of Section 10(d) of Pub. L. 92–463.

C. I. Harris,

Acting Administrator, Cooperative State Research Service.

April 6, 1983.

[FR Doc. 83–9634 Filed 4–11–83; 8:45 am]

BILLING CODE 3410–03–M

Technical Advisory Committee for Science and Education Research Grants Program, Subcommittee for Aquaculture; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the United States Department of Agriculture announces the following meeting:

Name: Subcommittee for Aquaculture of the Technical Advisory Committee for Science and Education Research Grants Program.
Date and time: May 9, 10, and 11, 1983—Monday—8:30 a.m. to 4:30 p.m.; Tuesday—8:30 a.m. to 4:30 p.m., Wednesday—8:30 a.m. to 4:30 p.m.
Place: United States Department of Agriculture, 14th and Independence Avenue, S.W., Room 6032-South Building, Washington, D.C. 20250.
Type of meeting: Closed.
Contact person: Donald J. Bray, Principal Poultry Scientist, Cooperative State Research Service, United States Department of Agriculture, Washington, D.C. 20250, Telephone: (202) 447–3661.
Purpose of subcommittee: To provide advice and recommendations concerning support for research in the program on Aquaculture.
Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.
Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.
Authority to close meeting: This determination was made by the Secretary of Agriculture pursuant to provisions of Section 10(d) of Pub. L. 92–463.

C. I. Harris,

Acting Administrator, Cooperative State Research Service.

April 6, 1983.

[FR Doc. 83–9632 Filed 4–11–83; 8:45 am]

BILLING CODE 3410–03–M

Technical Advisory Committee for Science and Education Research Grants Program, Subcommittee for Swine and Sheep Disease; Meeting

In accordance with the Federal Advisory Committee Act, Public Law 92–463, the United States Department of Agriculture announces the following meeting:

Name: Subcommittee for Swine and Sheep Diseases of the Technical Advisory Committee for Science and Education Research Grants Program.
Date and time: May 10, 11, and 12, 1983, Tuesday—8:30 a.m. to 5:00 p.m.; Wednesday—8:30 a.m. to 5:00 p.m.; Thursday—8:30 a.m. to 5:00 p.m.
Place: Room 6030, South Agriculture Building, United States Department of Agriculture, 14th and Independence Avenue, S.W., Washington, D.C. 20250.
Type of meeting: Closed.
Contact person: Earl J. Splitter, Principal Veterinarian, Cooperative State Research Service, United States Department of Agriculture, Washington, D.C. 20250. Telephone: (202) 447–5007.
Purpose of subcommittee: To provide advice and recommendations concerning support for research in the program on Swine and Sheep Diseases.
Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.
Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.
Authority to close meeting: This determination was made by the Secretary of Agriculture pursuant to provisions of Public Law 92–463.

C. I. Harris,

Acting Administrator, Cooperative State Research Service.

April 6, 1983.

[FR Doc. 83–9633 Filed 4–11–83; 8:45 am]

BILLING CODE 3410–03–M

Forest Service

Mount St. Helens Scientific Advisory Board; Gifford Pinchot National Forest, Vancouver, Washington; Meeting

The Mount St. Helens Scientific Advisory Committee will meet at 9:00 a.m., May 2, 1983, at the Gifford Pinchot National Forest, Forest Supervisor's Office, 500 West 12th Street, Vancouver, Washington 98660, to develop advice and recommendations on:

1. The measures needed to protect and manage the natural and scientific values of the Mount St. Helens Monument.
2. The administration of the Monument with respect to policies, programs, and activities which are specifically intended to retain the natural ecologic and geologic processes and integrity of the Monument.
3. Presentation of the Comprehensive Management Plan for the future.
4. Fish passage on the Green River.
5. Fish stocking in Monument lakes.
6. Appropriate water levels for Spirit Lake.
7. Research activities in the Monument area.
8. Open discussion of topics of interest to the advisory board.

The meeting will be open to the public. Persons who wish to attend should notify Robert D. Tokarczyk, Gifford Pinchot National Forest, Forest Supervisor's Office, 500 West 12th Street, Vancouver, WA 98660, 206–696–7570. Written statements may be filed with the committee before or after the meeting.

Dated: April 6, 1983.

Robert D. Tokarczyk,

Forest Supervisor.

[FR Doc. 83–9525 Filed 4–11–83; 8:45 am]

BILLING CODE 3410–11–M

Soil Conservation Service

West Branch of the Westfield River Watershed, Massachusetts; Deauthorization of Federal Funding

AGENCY: Soil Conservation Service.

ACTION: Notice of deauthorization of Federal funding.

SUMMARY: Pursuant to the Watershed Protection and Flood Prevention Act, Pub. L. 83–566, and the Soil Conservation Service Guidelines (7 CFR 622), the Soil Conservation Service gives notice of the deauthorization of Federal funding for the West Branch of the Westfield River Watershed project, Hampden, Hampshire and Berkshire counties, Massachusetts, effective on March 11, 1983.

FOR FURTHER INFORMATION CONTACT: C. E. Mills, Acting State Conservationist, Soil Conservation Service, 451 West Street, Amherst, Massachusetts 01002, 413–256–0441.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention. Office of Management and Budget Circular No. A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable.)

Dated: April 14, 1983.

C. E. Mills,

Acting State Conservationist.

[FR Doc. 83–9340 Filed 4–11–83; 8:45 am]

BILLING CODE 3410–16–M

Coos County Farm Agriculture Related Pollutant Control RC&D Measure, New Hampshire

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a Finding of No Significant Impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Coos County Farm Agriculture Related Pollutant Control RC&D Measure, Coos County, New Hampshire.

FOR FURTHER INFORMATION CONTACT: Mr. Richard L. Porter, State Conservationist, Soil Conservation Service, Federal Building, Box G, Durham New Hampshire, 03824, telephone 603–868–7581.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Richard L. Porter, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for agriculture related pollutant control. The planned works of improvement include paving a feed lot area to facilitate frequent cleaning of accumulated animal wastes; and, an agriculture waste storage facility to be constructed for manure storage.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency, and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Richard L. Porter.

No administrative action on implementation of the proposal will be initiated until 30 days after the date of this publication in the **Federal Register**.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular No. A–95 regarding State and local Clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: March 24, 1983.

Richard L. Porter,

State Conservationist.

[FR Doc. 83–9544 Filed 4–11–83; 8:45 am]

BILLING CODE 3410–16–M

CIVIL AERONAUTICS BOARD

[Order 83–4–21]

Fitness Determination of Michigan Airways, Inc.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of commuter air carrier fitness determination—order 83–4–2, order to show cause.

SUMMARY: The Board is proposing to find that Michigan Airways, Inc. is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended, and that the aircraft used in this service conform to applicable safety standards. The complete test of this order is available, as noted below.

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than April 26, 1983, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with the Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A to the order.

FOR FURTHER INFORMATION CONTACT: Anne W. Stockvis, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428 (202) 673–5088.

SUPPLEMENTARY INFORMATION: The complete text of Order 83–4–21 is available from the Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 83–4–21 to that address.

By the Civil Aeronautics Board: April 7, 1983.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-9606 Filed 4-11-83; 8:45 am]

BILLING CODE 6320-01-M

[Order 83–4–29, Docket 41246]

Pan American World Airways; Show Cause and Grant of Exemption

AGENCY: Civil Aeronautics Board.

ACTION: Notice of order to show cause and grant of exemption: Order 83–4–29, docket 41246.

SUMMARY: The Board proposes to grant an amendment to the certificate of Pan American World Airways to permit it to operate scheduled air transportation between the United States and Milan, Italy, and Switzerland. The Board is also granting a *pendente lite* exemption to operate New York NY-Milan, Italy, and New York, NY-Zurich, Switzerland.

OBJECTIONS: All interested persons having objections to the Board's tentative findings and conclusions, as described in the order cited above, shall, NO LATER THAN May 3, 1983, file a statement of such objections with the Civil Aeronautics Board (20 copies, addressed to Docket 41246, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428) and mail copies to all affected carriers and the Departments of State and Transportation.

A statement of objections must cite the docket number and must include a summary of testimony, statistical data, or other such supporting evidence.

If no objections are filed, the Board will issue an order which will make final the Board's tentative findings and conclusions and issue the proposed certificate.

To get a copy of the complete order, request it from the C.A.B. Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673–5432. Persons outside the Washington metropolitan area may send a postcard request.

FOR FURTHER INFORMATION: Contact William J. Wagner, (202) 673–5514, Bureau of International Aviation, Civil Aeonautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: April 7, 1983.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-9607 Filed 4-11-83; 8:45 am]

BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

Arkansas Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Arkansas Advisory Committee to the Commission will convene at 8:00a and will end at 6:00p, on May 4, 1983, in Room 2A thru 2E, at the University of Arkansas, Little Rock University Conference Center, Five Statehouse Plaza, Little Rock, Arkansas, 72201. The purpose of this meeting is to conduct a conference and workshop on block grants.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Marcia McIvor, 1229 Lakeridge, Fayetteville, Arkansas, 72701, (501) 442–0600 or the Southwestern Regional Office, Heritage Plaza, 418 South Main, San Antonio, Texas, 78204, (512) 229–557.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C. April 7, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83-9612 Filed 4-11-83; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Full Council Meeting, President's Export Council; Amendment

Agency: International Trade Administration.

Purpose: This notice amends a previous notice (published Tuesday, March 29, 1983, FR 13070) of an open meeting of the President's Export Council from 2:00–4:00 p.m. on April 15, 1983. The following items have been changed:

Place: The meeting will be held at the Hyatt Regency Hotel, Yellowstone Room, 400 New Jersey Ave., NW., Washington, D.C.

Agenda: In addition to items previously published, the agenda will include a vote on resolutions regarding insurance industry trade issues and discussion of recommendations on the renewal of the Export Administration Act, foreign-policy export controls and other export control issues.

Other information contained in the previous notice is still accurate.

Dated: April 7, 1983.

Henry P. Misisco,

Acting Director, Office of Planning & Coordination.

[FR Doc. 83-9605 Filed 4-11-83; 8:45 am]

BILLING CODE 3510-25-M

CONSUMER PRODUCT SAFETY COMMISSION

Meeting of Chronic Hazard Advisory Panel on Asbestos

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of meeting.

SUMMARY: A Chronic Hazard Advisory Panel, established by the Commission to provide advice about the potential chronic hazards presented by asbestos in consumer products, has scheduled a meeting which is open to the public.

DATES: The meeting will begin at 9:00 am on April 15, 1983, and will continue until 5:00 pm. If the Panel does not complete its work on that day, it will meet again on April 16, during the same hours.

ADDRESS: The meeting will be at 5401 Westbard Avenue, Bethesda, Maryland, in room 742 during the morning of April 15, and in room 456 at all other times.

FOR FURTHER INFORMATION CONTACT: Colin B. Church, Directorate for Health Sciences, Consumer Product Safety Commission, Washington, D.C. 20207; (301) 492–6957.

SUPPLEMENTARY INFORMATION: The Chronic Hazard Advisory Panel on Asbestos is a seven-member group which has been established to advise the Commission concerning the potential chronic hazard of cancer associated with the use of consumer products containing asbestos. The Panel, convened in January, 1983, is addressing the concern that the presence of asbestos in consumer products under certain conditions may present a risk of cancer and respiratory disease to consumers.

At its meeting on April 15 the Panel will be reviewing working papers proposed by Panel members which might be incorporated into a "Report to the Commission" which is expected around the end of May, 1983.

Since space is limited, those planning to attend are encouraged to notify Mr. Colin B. Church, Directorate for Health Sciences, Consumer Product Safety Commission, Washigton, D.C. 20207, telephone (301) 492–6957 in advance of the meeting, in case a larger meeting room is needed. It is anticipated that the public will have the opportunity to provide written and oral comments regarding the work of the Panel at a later time which will be announced in the **Federal Register.**

Dated: April 8, 1983.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 83-9739 Filed 4-11-83; 9:49 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Defense Logistics Agency

Privacy Act of 1974; Amendment to the Notice for a System of Records

AGENCY: Defense Logistics Agency, DoD.

ACTION: Amendment to the Notice for a System of Records.

SUMMARY: The Defense Logistics Agency proposes to amend its notice for a system of records subject to the Privacy Act of 1974. The specific changes to the system notice are set forth below followed by the system notice as amended.

DATE: This action will be effective May 12, 1983.

ADDRESS: Send comments to: Director, Defense Manpower Data Center, 300 North Washington Street, Alexandria, VA 22314.

FOR FURTHER INFORMATION CONTACT: Mr. Preston B. Speed, Chief, Administrative Management Branch, HQ Defense Logistics Agency, Cameron Station, Alexandria, VA 22314. Telephone 202/274–6234.

SUPPLEMENTARY INFORMATION: The Defense Logistics Agency system of records subject to the Privacy Act of 1974 as amended, Title 5, U.S.C. 552a, were published at 47 FR 2544, January 18, 1982.

These changes do not require an altered system notice in accordance with 5 U.S.C. 552a(o)).

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

April 6, 1983.

Amendments

S322.10 DLA–LZ

System Name:

Defense Manpower Data Center Data Base

Changes:

System Location:

Delete:

"Back-up locations for processing: Air Force Data Services Center, Room 1D167, The Pentagon, Washington, DC 20330."

"U.S. Army Management Systems Support Agency, Room BD972, The Pentagon, Washington, DC 20310."

"National Military Command Systems Support Center, Room BE–685, The Pentagon, Washington, D.C. 20331."

"Selected historic files are maintained at Air Force Data Services Center, Room 1D–167, The Pentagon, Washington, D.C. pursuant to court order in IBM antitrust case. These files will be withdrawn from current location when legally permissible."

Categories of Individuals Covered by the System:

Add:

"Individuals receiving disability compensation from the Veterans Administration; civilian employees of the Federal Government; dependents of active duty military retirees, selective service registrants."

Categories of Records in the System:

Add:

"Champus claim records, military compensation data, selective service registration data, Veterans Administration disability payment records."

Authority for Maintenance of the System:

Add:

"Public Law 97–252."

Routine Use of Records Maintained in the System, Including Categories of Users and the Purposes of Such Uses:

Add:

"Records of military retirees may be disclosed to agencies of the Federal government or quasi-Federal agencies for purposes of identifying individuals employed in a civilian capacity whose civilian pay must be offset as a result of increases in military retiree pay pursuant to the Budget Reconciliation Act of 1982, Pub. L. 97–252."

Safeguards:

Delete:

"The Air Force Data Services Center, the U.S. Army Management Systems Support Agency, and the National Command Systems Support Center are all TOP SECRET facilities."

System Manager(s) and Address:

Delete:

Delete the word "Chief" and substitute therefor the word "Director."

Notification Procedure:

Delete:

Delete "Deputy Chief; Defense Manpower Data Center, 550 Camino El Estro, Monterey, CA, 93940" and insert "the System Manager."

Records Access Procedures:

Delete:

Delete "Deputy Chief, Defense Manpower Data Center, 550, Camino El Estro, Monterey, CA, 93940" and insert "the System Manager."

Record Source Categories:

Delete:

In the last line delete the phrase "Civil Service Commission: and substitute therefor the phrase "office of Personnel Management."

Add:

"Federal and quasi-Federal agencies, Selective Service System."

S322.10 DLA–LZ

SYSTEM NAME:

Defense Manpower Data Center Data Base.

SYSTEM LOCATION:

Primary location: W.R. Church Computer Center, Navy Postgraduate School, Monterey, CA 93940.

Back-up files maintained at two offices of the Defense Manpower Data Center, 7th Floor, 300 N. Washington St., Alexandria, VA 22314 and 2nd Floor, 550 Camino El Estero, Monterey, CA 93940.

Decentralized segments—military personnel centers of the services; selected civilian contractors with research contracts in manpower area; other Federal agencies.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All officers and enlisted personnel who served on active duty from July 1, 1968 and later, or who have been a member of a reserve component since July 1975; or are retired military; participants in Project 100,000 and Project Transition and the evaluation control groups for these programs; all individuals examined to determine eligibility for military service at an Armed Forces Entrance and Examining Station from July 1, 1970, and later; DoD civilian employees or civilian employees separated since January 1, 1971; all veterans who have utilized Vietnam-era or GI Bill education and training entitlements, who visited a State Employment Service office since July 1, 1971, or who participated in a Department of Labor special training program since July 1, 1971; all individuals who ever participated in an education program sponsored by the U.S. Armed Forces Institute, all individuals who participated in the Armed Forces Vocational Aptitude Testing Programs at the high school level since September 1969 individuals who responded to various paid advertising campaigns seeking enlistment information since July 1, 1973; participants in the Department of Health and Human Services, National Longitudinal Survey, individuals responding to Recruiting Advertisements since January 1978; survivors of retired military personnel who are eligible for or currently receiving disability payments or disability income compensation from the Veterans Administration (VA); surviving spouses of active or retired deceased military personnel; 100% disabled veterans and their survivors; individuals receiving disability compensation from the VA; civilian employees of the Federal government; dependents of active duty military personnel and military retirees selective service registrants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, Service Number, Selective Number, Social Security Account Number, demographic information such as hometown, age, sex, race and educational level; civilian occupational information, military personnel information such as rank, length of service, military occupation; aptitude scores, post-service education, training, and employment information for veterans; participation in various in-service education and training programs; military hospitalization records, CHAMPUS claim records, military compensation data, selective service registration data, VA disability payment records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 136 and Pub. L. 97–252, "Budget Reconciliation Act of 1982".

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The purpose of the system of records as to provide a longitudinal statistical analysis capability for assessing military manpower trends and evaluation programs impacting on military personnel, potential enlistees, and veterans and to provide a single central facility within the Department of Defense for the identification of current and former DoD civilian and military personnel and their conditions of Service.

Defense Manpower Data Center—used to analyze accession patterns and trends, promotion and occupation patterns and trends, loss patterns and trends, qualification rates, effectiveness of recruiting programs, participation in education and training programs, force characteristics, post-service experiences of veterans, evaluation of military special pays and bonuses; evaluation of special programs affecting military personnel; to select sample population for surveys, to provide statistical data to OMB, GAO, the Military Services, DoD civilian contractors, educational institutions and other Federal agencies.

Personnel Research and Personnel Management activities of the Military Services uses are same as those specified above.

Veterans Administration, Management Sciences Staff, Reports and Statistics Service, Office of the Comptroller—used to select sample for surveys asking veterans about the use of veterans benefits and satisfaction with VA services, and to validate eligibility for VA benefits.

Office of Research and Statistics, Social Security Administration—used for statistical analyses of impact of military service and use of GI Bill benfits on long term earning.

DoD Civilian Contractors—used by contractors performing research on manpower problems for statistical analyses.

Aggregate data and/or individual records in the record system may be transferred to other Federal agencies having legitimate use for such information and applying appropriate safeguards to protect data so provided.

Records may be disclosed to the Civil Service Commission concerning pay, benefits, retirement deductions; and other information necessary for the Commission to carry out its Government-wide personnel management functions.

Any record contained in the system of records may be transferred to any other component of the Department of Defense having the need-to-know in the performance of official business.

Name and address information of former military personnel obtained from the Veterans Administration or the Military Department may be released to a number of DoD Components for use in attempting to recruit and reenlist prior service personnel through direct contact methods. These components are as follows: U.S. Army Recruiting Command; U.S. Armed Forces Command; Navy Recruiting Command; Chief of Naval Personnel; Chief of Naval Reserve; U.S. Air Force Recruiting Service; U.S. Air Force Tactical Air Command; Headquarters Air Force Reserve; National Guard Bureau, Headquarters, U.S. Marine Corps; District Directors, U.S. Marine Corps; Commanding General 4th Marine Division; Commanding General, 4th Marine Air Wing; Commandant, U.S. Coast Guard.

Information on the name, rank, social security accounting number, duty station, birth date, retirement date, and retirement annuity may be disclosed to the Department of Health and Human Services or the Department of Education for the following purposes:

To the Department of Education, DOE, for the purpose of identifying individuals who appear to be in default on their guaranteed student loans so as to permit the DOE to take action, where appropriate, to accelerate recoveries of defaulted loans.

To the Bureau of Supplemental Security Income, Social Security Administration, DHHS, in order to verify and adjust as necessary payments made to active and retired military members under the Supplemental Security Income Program.

To the Office of the Inspector General, DHHS, for the purpose of identifying and Investigating DoD employees (military and civilian) who may be improperly receiving funds under the Aid for Families of Dependent Children Program.

To the Office of Child Support Enforcement Department of Health and Human Services, pursuant to Pub. L. 93–647, for the purpose of assisting state child support enforcement offices in locating absent parents in order to establish and/or enforce child support obligations.

To the Director of the Selective Service System for use in wartime or emergency mobilization and for mobilization planning.

To the Veterans Administration for analysis of the costs to the individual of military service connected disabilities.

To disclose information contained in the Defense Manpower Data Center Data Base including the name, social security number, date of birth, sex, annualized salary rate, service computation date, retirement status, rank, military service, unit identification code, duty address or (for military retirees) mailing address of all active, reserve, or retired military personnel to agencies participating in the "Federal Employee Receiving Government Assistance Matching Project conducted by the President's Council on Integrity and Efficiency to help eliminate fraud and abuse in the benefit program administered by agencies within the Federal government and to collect debts and overpayment owed to the Federal government."

Records of military retirees may be disclosed to agencies of the Federal government or quasi-Federal agencies for purposes of identifying individuals employed in a civilian capacity whose civilian pay must be offset as a result of increases in military retiree pay pursuant to the Budget Reconciliation Act of 1982, Pub. L. 97–252.

* * * * *

SAFEGUARDS:

Primary location—at W.R. Church Computer Center, tapes are stored in a locked cage in machine room, which is a controlled access area; tapes can be physically accessed only by computer center personnel and can be mounted for processing only if the appropriate security code is provided.

At back-up locations in Alexandria, VA and Monterey, CA tapes are stored in rooms protected with cypher locks, buildings are locked after hours, and only properly cleared and authorized personnel have access.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Director, Defense Manpower Data Center (DMDC), 550 Camino El Estero, Monterey, CA 93940.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the System Manager.

Written requests for information should contain the full name, Social Security Account Number, date of birth, and current address and telephone number of the individual.

For personal visits, the individual should be able to provide some acceptable identification such as drivers license, or military or other ID card.

RECORD SOURCE CATEGORIES:

The Military Services, the Veterans Administration, the Department of Education, Department of Health and Human Services, from individuals via survey questionnaires, the Department of Labor, the Office of Personnel Management, Federal and quasi-Federal agencies, Selective Service System.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 83–9531 Filed 4–11–83; 8:45 am]

BILLING CODE 3620–01–M

Department of the Navy

Privacy Act of 1974; Amendment of System of Records

AGENCY: Department of the Navy, Defense.

ACTION: Notice of an amendment of a system of records.

SUMMARY: The Department of the Navy proposes to amend one system of records in its inventory of systems of records subject to the Privacy Act of 1974.

DATES: The proposed action will be effective without further notice on May 12, 1983, unless comments are received which would result in a contrary determination.

ADDRESS: Send any comments to the system manager identified in the system notice.

FOR FURTHER INFORMATION CONTACT: Mrs. Gwendolyn R. Aitken, Privacy Act Coordinator, Office of the Chief of Naval Operations (Op–09B1P), Department of the Navy, The Pentagon, Washington, DC 20350, Telephone: (202) 694–2004.

SUPPLEMENTARY INFORMATION: The Department of the Navy systems notices for records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a) Pub. L. 93–579 were published in the **Federal Register** as follows:

FR Doc. 81–674 (47 FR 2574) January 18, 1982
FR Doc. 81–9204 (47 FR 14944) April 7, 1982
FR Doc. 82–9644 (47 FR 15636) April 12, 1982
FR Doc. 82–12593 (47 FR 20018) May 10, 1982
FR Doc. 82–15596 (47 FR 25041) June 9, 1982
FR Doc. 82–23533 (47 FR 37948) August 27, 1982
FR Doc. 82–27420 (47 FR 44134) October 6, 1982
FR Doc. 82–27692 (47 FR 44381) October 7, 1982
FR Doc. 82–28879 (47 FR 46879) October 21, 1982
FR Doc. 82–29834 (47 FR 49067) October 29, 1982
FR Doc. 82–30255 (47 FR 50069) November 4, 1982
FR Doc. 82–32787 (47 FR 54139) December 1, 1982
FR Doc. 83–805 (48 FR 1338) January 12, 1983
FR Doc. 83–1207 (48 FR 2584) January 20, 1983
FR Doc. 83–3098 (48 FR 5291) February 4, 1983
FR Doc. 83–5943 (48 FR 9904) March 9, 1983

This correction does not require an altered system report in accordance with 35 U.S.C. 552a(o).

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

April 7, 1983.

NO3461–2

System name:

POW/MIA Captivity Studies (47 FR 2665) January 18, 1982

Changes:

System location:

Delete the entire entry and substitute with the following: "Naval Aerospace Medical Institute, Special Studies Department (122), Naval Air Station, Pensacola, Florida 32508".

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

In the first line of the second paragraph delete the phrase: "Center for Prisoner of War Studies."

Safeguards:

Delete the entire entry and substitute with the following: "All files in this system are protected by limited, controlled access, locked doors and class 6 security cabinets. Only professional and /or research staff with appropriate security clearances are given access to files".

System manager(s) and address:

Delete the entire entry and substitute with the following: "Head, RPOW Data Analysis Division, Naval Aerospace Medical Institute, Naval Air Station, Pensacola, Florida 32508."

Notification procedures:

Delete the existing address in lines 2–4 and substitute with the following: "Commanding Officer, Naval Aerospace Medical Institute, ATTN: Code 122, Naval Air Station, Pensacola, Florida 32508 * * *"

Record source categories:

In line 4, add the word: "* * * hostages, * * *" after the phrase: "* * * with returned POW's, * * *"

NO3461-2

SYSTEM NAME:

POW/MIA Captivity Studies

SYSTEM LOCATION:

Naval Aerospace Medical Institute, Special Studies Department, Code 122, Naval Air Station, Pensacola, Florida 32508.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Files are converted to group statistics and are used for research into the effects of the captivity experience on the man and his family and for recommending changes in training and improved health care delivery services, as well as for professional publications. Professional Staff, Research Staff, Naval Aerospace Medical Institute, Pensacola, Florida; Research Staff, Brooke Army Medical Center, San Antonio, Texas.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

* * * * *

SAFEGUARDS:

All files in this system are protected by limited, controlled access, locked doors and class 6 security cabinets. Only professional and/or research staff with appropriate security clearances are given access to files.

SYSTEM MANAGER(S) AND ADDRESS:

Head, RPOW Data Anaylsis Division, Naval Aerospace Medical Institute, Naval Air Station, Pensacola, Florida 32508.

NOTIFICATION PROCEDURE:

Write: Commanding Officer, Naval Aerospace Medical Institute, ATTN: Code 122, Naval Air Station, Pensacola, Florida 32508, providing full name, military or civilian status, POW status, security clearance, and service affiliation.

* * * * *

RECORD SOURCE CATEGORIES:

All information contained in files was obtained through personal interviews with returned POW's, hostages, families of POW/MIA/KIA/hostages/civilian POW's, through intelligence debriefings at time of repatriation, newspapers and periodicals, and from materials supplied by the Department of the Army (Office of the Surgeon General and Army Intelligence); Department of the Navy (Naval Medical Command and Naval Intelligence); and Marine Corps Headquarters.

* * * * *

[FR Doc. 83-9651 Filed 4-11-83; 8:45 am]

BILLING CODE 3810-01-M

DELAWARE RIVER BASIN COMMISSION

Commission Meeting and Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, April 20, 1983, beginning at 2:00 p.m. The hearing will be a part of the Commission's regular April business meeting, which is open to the public.

An informal pre-meeting conference among the Commissioners and staff will be open for public observation beginning at 11:00 a.m.

The hearing, meeting and conference will be held in the Goddard Conference Room at the Commission's offices at 25 State Police Drive, West Trenton, New Jersey.

The subjects of the hearing will be as follows:

I. Current Expense and Capital Budgets

A proposed current expense budget for the fiscal year beginning July 1, 1983, in the aggregate amount of $1,933,700, and a capital budget for the same period in the amount of $27,000. Copies of the budget are available from the Commission on request. This hearing continues that of February 23, 1983.

II. Applications for Approval of the Following Projects Pursuant to Article 10.3, Article 11, and/or Section 3.8 of the Compact

A. Holdover Project

1. *Old Craigsville Television Association (D–82–46).* An overhead cable crossing to provide improved television reception for area homes on the East Bank of the Delaware River, near Handsome Eddy, New York. The proposed crossing will extend for a distance of approximately 900 feet from Lumberland Township, Sullivan County, New York, across the Delaware River to Shohola Township, Pike County, Pennsylvania. The crossing will be located approximately three miles downstream from the Town of Barryville, New York, and will be located in the Upper Delaware Wild and Scenic River area. This hearing continues that of February 23, 1983.

B. New Projects

1. *Tamiment Resort & Country Club (D–75–93 CP Revised).* A revised sewage treatment project to serve the Tamiment Resort & Country Club in Lehman Township, Pike County, Pennsylvania. An expanded treatment facility approved on 7/23/75 was never completed. The revised treatment plant is designed to remove 93 percent BOD and 97 percent suspended solids from a sewage flow of up to 250,000 gallons per day (gpd). Treated effluent will discharge to an unnamed tributary to Little Bushkill Creek in Lehman Township, Pike County, Pennsylvania.

2. *Pennsylvania Fish Commission (D–80–32 CP).* A well water supply project at the Fish Commission's Pleasant Mount Fish Cultural Station in Pleasant Mount Township, Wayne County, Pennsylvania. Well Nos. 2 and 3 will provide a combined yield of about 403,000 gpd for augmented supply during spring months, and as backup for an existing well.

3. *City of Lewes Board of Public Works (D–82–29 CP).* A ground water withdrawal project to replace water from a well that has failed. The new well, with other remaining wells, will supply an average of two million gallons per day (mgd) to the Board of Public Works distribution systems in the City of Lewes, Sussex County, Delaware.

4. *City of Wilmington, Department of Public Works (D–82–53 CP).* A proposed new interconnection between the City of Wilmington and the Artesian Water Company water supply systems in New Castle County, Delaware. The interconnection will be located at South Heald Street, about 400 feet south of the Wilmington City boundary, and will permit the City to supply Artesian with up to 1.0 million gallons per day (mgd) of potable water on a sustained basis. The additional water is required to help meet peak demands in the Water Company's service area and to reduce operating times of the Company's wells. The City of Wilmington obtains water supply from the Brandywine Creek and maintains Hoopes Reservoir on Red Clay Creek as a standby source.

5. *Stanley G. Flagg & Co., Inc. (D–83–1).* An industrial waste treatment facility at the applicant's galvanizing and foundry plant in West Pottsgrove Township, Montgomery County, Pennsylvania. The facility will be designed to reduce suspended solids and metals from a waste water flow of approximately 0.281 mgd. Treated effluent will discharge to the Schuylkill River in West Pottsgrove Township, Montgomery County, Pennsylvania.

6. *Borough of Orwigsburg (D–83–10 CP).* A ground water withdrawal to supplement existing supplies from Well Nos. 1 and 2. Ground water from proposed Well No. 3 and Well No. 2 will replace withdrawals from a surface water impoundment which is being phased out of service due to the safety condition of the dam. Well Nos. 1, 2 and 3 are expected to meet the projected demand for several years. The 1990 projected demand is 0.385 mgd. The project is located in the Borough of Orwigsburg, in Schuylkill County, Pennsylvania.

7. *Borough of Quakertown Sewage Treatment Plant (D–83–17 CP).* Interim modifications of an existing sewage treatment plant serving the Quakertown and Richland Boroughs and portions of Richland Township in Bucks County, Pennslyvania. Funding of a plant expansion, approved October 1973, was delayed and the project was never built. The proposed modifications will increase the hydraulic capacity of the treatment plant to 3.0 mgd and reduce the overflow of sewage from surcharged manholes. Discharged waste water will not exceed an average of 30 mg/1 of BOD5 and suspended solids.

Dated: April 5, 1983.

Susan M. Weisman,

Secretary.

[FR Doc. 83–9648 Filed 4–11–83; 8:45 am]

BILLING CODE 6560–01–M

DEPARTMENT OF EDUCATION

National Advisory Council on Adult Education; Meeting

AGENCY: National Advisory Council on Adult Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Advisory Council on Adult Education. This notice also describes the functions of the Council. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act.

DATE: May 2–4, 1983, 9:00 a.m. to 5:00 p.m.

ADDRESS: National Advisory Council on Adult Education, 425 13th St., NW., Suite 323, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Helen Banks, Administrative Assistant, National Advisory Council on Adult Education, 425 13th St., NW., Washington, D.C. 20004 (202/376–8892).

SUPPLEMENTARY INFORMATION: The National Advisory Council on Adult Education is established under Section 313 of the Adult Education Act (20 U.S.C. 1201). The Council is established to:

Advise the Secretary in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including policies and procedures governing the approval of State plans under section 306 and policies to eliminate duplication, and to effectuate the coordination of programs under this title and other programs offering adult education activities and services.

The Council shall review the administration and effectiveness of programs under this title, make recommendations with respect thereto, and make annual reports to the President of its findings and recommendations (including recommendations for changes in this title and other Federal laws relating to adult education activities and services). The President shall transmit each such report to the Congress together with his comments and recommendations.

The meeting of the Council is open to the public. The proposed agenda includes: 1982 Annual Report, Committee on Illiteracy Report, Review of Options on Secretary's Campaign for Adult Literacy, Election of Council Officers.

Records are kept of all Council proceedings, and are available for public inspection at the office of the National Advisory Council on Adult Education, 425 13th St., Suite 323, Washington, D.C., 20004, from the hours of 8:00 a.m. to 4:30 p.m.

Signed at Washington, D.C. on April 7, 1983.

Rick Ventura,

Executive Director, National Advisory Council on Adult Education.

[FR Doc. 83–9611 Filed 4–11–83; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER83–434–000]

Alabama Power Company; Filing

April 6, 1983.

The filing Company submits the following:

Take notice that on March 31, 1983, Alabama Power Company (Alabama) tendered for filing eighteenth Revised Sheet No. 34 to its FERC Electric Tariff, Original Volume No. 1. The purpose of this filing is to give notice that effective May 18, 1983, the load normally served from The City of Dothan's College Street #1, College Street No. 2, Whiddon Street #2 delivery points will be served from the New College Street delivery point. The delivery point will be served at the Company applicable revision to Rate Schedule MUN–1 incorporated in FERC Electric Tariff, Original Volume No. 1 of Alabama.

Copies of the filing were served upon The City of Dothan.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR §§ 385.211, 385.214). All such motions or protests should be filed on or before April 25, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–9480 Filed 4–11–83; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER79–126–007]

Arizona Public Service Company; Order Setting Effective Date of Rates

Issued April 6, 1983.

Arizona Public Service Company (APS) has appealed an order issued by the Director of the Office of Electric Power Regulation. That order established February 7, 1983, the date the order was issued, as the date APS' increased rates to its wholesale customers become effective pursuant to section 206(a) of the Federal Power Act.

We disagree with the Director's order. The effective date of the rate increase authorized by Opinion No. 137 is March 2, 1982, the issuance date of that opinion. See, *Public Service Company of New Mexico,* Opinion No. 133–A, 18 F.E.R.C. ¶61,036 (January 29, 1982), where we ruled that the effective date of rates to section 206 customers was the date of the Commission's decision, not the date the compliance filing was accepted. Opinion No. 137–A, issued September 30, 1982, modified APS' cost of service in two respects.[1] However,

[1] We directed APS to change the methodology it used in calculating its federal income tax liability, including using a 46 percent tax rate rather than 48 percent. We also modified the method for calculating interest expense for income tax purposes.

the rate change occasioned by the modifications is *de minimis*, and we do not believe that minor technical adjustments to the cost of service, which we have found in all other respects to be just and reasonable, should suspend the effectiveness of Opinion No. 137.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9481 Filed 4-11-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-230-000]

Arkansas Louisiana Gas Company, a division of Arkla, Inc.; Request Under Blanket Authorization

April 5, 1983.

Take notice that on March 14, 1983, Arkansas Louisiana Gas Company, a division of Arkla, Inc. (Arkla), P.O. Box 21734, Shreveport, Louisiana 71151, filed in Docket No. CP83-230-000 a request pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that Arkla proposes to construct and operate a tap, town border station, and related appurtenant facilities on its line "AD" under the authorization issued in Docket Nos. CP82-340-000 and CP82-340-001 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Arkla states that the average daily volume to be delivered by the proposed facilities is estimated initially to be aproximately 1,621 Mcf which Arkla further states is *de minimis* when compared with Arkla's 1982 annual and peak day deliveries of 394,607,813 Mcf and 1,827,927 Mcf, respectively. Arkla further states that said volumes would be billed at the retail rates applicable under Arkla's effective rates as filed with the Oklahoma Corporation Commission. It is asserted that such facilities would be used to sell and deliver gas through the Startford, Oklahoma, distribution system. It is estimated that the cost of the construction of the proposed facilities is $28,545.

Any person or the Commission's Staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedure Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9482 Filed 4-11-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-222-000]

Canyon Creek Compression Company; Application

April 5, 1983.

Take notice that on March 9, 1983, Canyon Creek Compression Company (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP83-222-000 an application pursuant to Section 7(c) of the Natural Gas Act for petition for a certificate of public convenience and necessity authorizing the transportation of up to 20,000 Mcf of natural gas per day on behalf of Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (Tennessee), and approval of revised contract demands and revised demand and overrun rates, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that Tennessee has reserves located in the Whitney Canyon Field, Uinta County, Wyoming, which it desires Applicant to transport and compress on its behalf. Applicant states that it has agreed to transport, compress and deliver up to 20,000 Mcf of natural gas per day to Overthrust Pipeline Company for Tennessee pursuant to a service agreement dated January 24, 1983.

Applicant states that it would charge Tennessee a demand rate per month for each Mcf of contract demand and a commodity rate per month for each Mcf compressed. It is asserted that the addition of Tennessee as a transportation customer would alter Applicant's existing contract demand and, therefore, reduce Applicant's existing demand rate (Rate Schedule C) and its existing overrun rate (Rate Schedule I). It is explained that the amount of reduction in the demand rate would be 40.0 cents per Mcf resulting in a new demand rate of $3.38 per Mcf. The overrun rate would be reduced by 1.3 cents per Mcf to obtain a new overrun rate of 11.1 cents per Mcf, it is asserted.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 26, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commision's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9503 Filed 4-11-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-426-000]

Central Illinois Light Company; Filing

April 6, 1983.

The filing Company submits the following:

Take notice that Central Illinois Light Company (CILCO), on March 30, 1983, tendered for filing proposed changes in its rate schedules for service to the Villages of Chatham and Riverton, Illinois and Corn Belt Electric Cooperative. CILCO states that the rate structures proposed for rate schedules MW-3 and REA-3 are the same as those currently in effect except for the price levels which reflect the increase. The proposed changes would increase revenues from jurisdictional sales and

service by $328,817 based on the 12-month period ending December 31, 1981.

CILCO states that the affected customers have agreed to the proposed increases. By agreement of the parties, CILCO requests that the proposed rate for service to the Villages of Chatham and Riverton become effective on August 1, 1983 and for service to Corn Belt Electric Cooperative on August 30, 1983. CILCO, therefore, requests waiver of the Commission's notice requirements.

Copies of the filing were served upon CILCO's affected jurisdictional customers and the Illinois Commerce Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 22, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9482 Filed 4-11-83, 8:45 am]

BILLING CODE 6717-01-M

[Docket No. G-4579-019, et al.]

Cities Service Oil & Gas Corporation; Application for Certificate of Public Convenience and necessity and for Substitution in Related Proceedings

April 5, 1983.

Take notice that on March 1, 1983, Cities Service Oil & Gas Corporation (Applicant) of P.O. Box 300, Tulsa, Oklahoma 74102 filed an application for Certificate of Public Convenience and Necessity for certain sales previously authorized by the Commission under Certificates of Public Convenience and Necessity heretofore issued to Cities Service Company and for substitution of Cities Service Oil & Gas Corporation for Cities Service Company in any other related proceedings. Cities Service Oil & Gas Corporation is filing contemporaneously herewith a Certificate of Adoption and Request for Redesignation of Cities Service Company Rate Schedules listed as in the attached Appendix.

Effective February 1, 1983, Cities Service Company assigned certain of its oil and gas leases to its wholly-owned subsidiary, Cities Service Oil and Gas Corporation.

Any person desiring to be heard or to make any protest with reference to said applications should on or before April 19, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, .214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

APPENDIX

R.S. No. and purchaser	Certificate docket
1 Trunkline Gas Company[1]	G-4579
2 Texas Eastern Transmission Corp.	G-4579.
18 El Paso Natural Gas Company	G-4579.
19 El Paso Natural Gas Company[1]	G-4579.
20 El Paso Natural Gas Company	G-4579.
21 El Paso Natural Gas Company	G-4579.
22 El Paso Natural Gas Company	G-4579.
23 El Paso Natural Gas Company	G-4579
24 El Paso Natural Gas Company	G-4579.
25 El Paso Natural Gas Company	G-4579.
26 El Paso Natural Gas Company	G-4579.
27 El Paso Natural Gas Company	G-4579.
28 El Paso Natural Gas Company	G-4579.
31 El Paso Natural Gas Company	G-4579.
32 Northern Natural Gas Company	G-4579.
38 El Paso Natural Gas Company	G-4579.
39 El Paso Natural Gas Company	G-4579.
40 El Paso Natural Gas Company	G-4579

APPENDIX—Continued

R.S. No. and purchaser	Certificate docket
41 El Paso Natural Gas Company	G-4579.
42 Northwest Central Pipeline Corp	G-4579.
43 El Paso Natural Gas Company	G-4579.
49 United Gas Pipe Line Company	G-4579.
50 Texas Gas Transmission Corp	G-4579.
51 El Paso Natural Gas Company	G-4579.
53 Northern Natural Gas Company	G-4579.
57 El Paso Natural Gas Company	G-4579.
58 El Paso Natural Gas Company	G-4579.
59 El Paso Natural Gas Company	G-4579.
60 El Paso Natural Gas Company	G-4579.
61 El Paso Natural Gas Company	G-4579.
62 El Paso Natural Gas Company	G-4579.
64 El Paso Natural Gas Company	G-4579.
65 El Paso Natural Gas Company	G-4579.
66 El Paso Natural Gas Company	G-4579.
69 Lone Star Gas Company	G-4579.
86 Northwest Central Pipeline Corp	G-4579.
90 Kansas-Nebraska Natural Gas Co., Inc.	G-4579.
91 Colorado Interstate Gas Company.	G-4579.
94 Panhandle Eastern Pipe Line Co.	G-10250
96 Northern Natural Gas Company	G-10611.
97 Panhandle Eastern Pipe Line Co.[1].	G-11755.
98 Northern Natural Gas Company	G-11838 and G-16997.
99 Colorado Interstate Gas Company[1].	G-12149
100 Colorado Interstate Gas Company[1].	G-12150.
104 Panhandle Eastern Pipe Line Co.	G-13658.
105 El Paso Natural Gas Company	G-13450.
106 United Gas Pipe Line Company.	G-14232.
107 Phillips Petroleum Company	G-14532.
108 Kansas-Nebraska Natural Gas Co., Inc.	G-4579.
111 Phillips Petroleum Company	G-14533, G-14525, G-14526, G-14530, G-14524, G-14522, and G-14523.
120 Phillips Petroleum Company	G-14529.
121 Kansas-Nebraska Natural Gas Co., Inc.	G-4579.
123 Panhandle Eastern Pipe Line Co.[1].	G-16191
124 West Texas Gathering Company.	G-14437
125 Colorado Interstate Gas Company.	G-4579.
126 Colorado Interstate Gas Company.	G-4579.
127 Northern Natural Gas Company.	G-17451.
128 Texas Eastern Transmission Corp.	G-18014.
129 Natural Gas Pipeline Co of America.	G-18352
130 El Paso Natural Gas Company	G-18456.
133 Colorado Interstate Gas Company.	G-19549.
134 Trunkline Gas Company	G-19559.
135 El Paso Natural Gas Company	G-4579.
137 Transwestern Pipeline Company	G-18235.
138 Panhandle Eastern Pipe Line Co.	CI60-418.
139 Panhandle Eastern Pipe Line Co.[1]	G-4579
140 Northern Natural Gas Company[1].	CI60-830.
142 Transwestern Pipeline Company	G-18236.
143 Anadarko Production Company	CI61-1055.
146 Colorado Interstate Gas Company	CI61-1123
147 Transwestern Pipeline Company	CI61-1100
148 Panhandle Eastern Pipe Line Co.	CI61-1446.
149 Northwest Central Pipeline Corp	CI61-1490
150 Oklahoma Natural Gas Gathering Corp and Pioneer Gas Products Company	CI61-1664
152 Natural Gas Pipeline Co. of America.	CI62-72

APPENDIX—Continued

R.S. No. and purchaser	Certificate docket
153 Natural Gas Pipeline Co. of America.	CI62-506.
154 Panhandle Eastern Pipe Line Company.	G-4579.
157 Northern Natural Gas Company.	CI62-1240
158 Colorado Interstate Gas Company	CI63-76.
160 Northern Natural Gas Company.	CI63-316.
161 Northwest Central Pipeline Corp.	CI63-365
162 Michigan Wisconsin Pipe Line Co.	CI63-647
163 Natural Gas Pipeline Co. of America.	CI63-709
164 Natural Gas Pipeline Co. of America.	CI63-710
165 Colorado Interstate Gas Company.	CI63-1307
166 Northern Natural Gas Company [1]	G-4579
167 Northern Natural Gas Company [1]	G-4579
168 Northern Natural Gas Company [1]	G-4579
169 Northern Natural Gas Company [1]	G-4579
170 Northern Natural Gas Company [1]	G-4579
171 Northern Natural Gas Company [1]	G-4579.
172 Arkansas Louisiana Gas Company.	CI64-136
173 Valero Interstate Transmission Co.	CI64-211
174 Northern Natural Gas Company.	CI64-482
175 Colorado Interstate Gas Company	CI64-664
176 Columbia Gas Transmission Corp	G-2721
177 El Paso Natural Gas Company	G-4579
180 Tennessee Gas Pipeline Company	G-11046
182 Michigan Wisconsin Pipe Line Co. [1]	G-13228
185 Southern Natural Gas Company	CI60-20.
186 Tennessee Gas Pipeline Company	G-19707
187 Tennessee Gas Pipeline Company.	CI62-135
188 Transcontinental Gas Pipe Line Corp.	G-14355
190 Northern Natural Gas Company.	CI64-752
191 Northern Natural Gas Company.	CI64-773
193 Tennessee Gas Pipeline Company.	CI64-1110
194 Panhandle Eastern Pipe Line Co.	CI65-43
197 Panhandle Eastern Pipe Line Co.	CI65-637
198 Panhandle Eastern Pipe Line Co.	CI65-1204
199 El Paso Natural Gas Company [1]	CI64-1451
200 Northwest Central Pipeline Corp.	G-9792
201 Northern Natural Gas Company	CI61-385
202 Northern Natural Gas Company.	CI64-672
203 El Paso Natural Gas Company	G-3566
205 El Paso Natural Gas Company	G-3567
206 Gas Gathering Corporation [1]	CI66-350
208 Northern Natural Gas Company [1]	CI66-737
210 El Paso Natural Gas Company	CI66-636.
211 Panhandle Eastern Pipe Line Co. [1]	CI66-1154
212 Northern Natural Gas Company.	CI66-1329
213 Transwestern Pipeline Company.	CI61-1332
214 Natural Gas Pipeline Co. of America.	CI65-581
215 United Gas Pipe Line Company [1]	CI67-522

APPENDIX—Continued

R.S. No. and purchaser	Certificate docket
216 Kansas-Nebraska Natural Gas Co., Inc.	G-18297
217 Northern Natural Gas Company	CI67-1566
218 Transwestern Pipeline Company	CI67-930
219 El Paso Natural Gas Company	CI67-865.
220 Texas Eastern Transmission Corp	CI68-311
221 Panhandle Eastern Pipe Line Co	CI68-786
222 Panhandle Eastern Pipe Line Co	CI68-910
223 Pacific Lighting Service Company.	CI68-924
224 Tennessee Gas Pipeline Company.	CI67-864
225 Transwestern Pipeline Company	CI68-1276
226 Panhandle Eastern Pipe Line Co.	CI68-1431
228 Tennessee Gas Pipeline Company	CI69-57
229 Panhandle Eastern Pipe Line Co.	G-4310
230 Panhandle Eastern Pipe Line Co	G-4308
231 Texas Gas Transmission Corp	G-4560.
232 Northwest Central Pipeline Corp	G-7007
233 Kentucky West Virginia Gas Co	G-7008
234 Columbia Gas Transmission Corp	G-7009
235 Columbia Gas Transmission Corp	G-7009
236 MAPCO Gas Transmission Corp	G-7011
237 Kansas-Nebraska Natural Gas Co., Inc	G-7012
238 Northern Natural Gas Company	G-7014
239 Northern Natural Gas Company	G-7015
240 Northern Natural Gas Company	G-7015
241 Colorado Interstate Gas Company.	G-7016
242 Northern Natural Gas Company	G-7017
243 MAPCO Production Company	G-7018
244 Colorado Interstate Gas Company [1]	G-8994
245 Northern Natural Gas Company	G-9864
246 Colorado Interstate Gas Company	G-10802
248 Columbia Gas Transmission Corp.	G-12487
249 Northern Natural Gas Company	G-12508
250 Panhandle Eastern Pipe Line Co	G-14139
252 Panhandle Eastern Pipe Line Co.	G-7005
253 Colorado Interstate Gas Company	G-7006, G-7010
255 Colorado Interstate Gas Company	CI60-169
256 Panhandle Eastern Pipe Line Co	CI61-671
257 Northwest Central Pipeline Corp	G-7013
258 Northwest Central Pipeline Corp	CI61-1074
259 Panhandle Eastern Pipe Line Co	CI61-1489
260 Panhandle Eastern Pipe Line Co	G-7019
261 Consolidated Gas Supply Corp	G-7074
262 Consolidated Gas Supply Corp	G-7075
263 Consolidated Gas Supply Corp	G-7076
264 Consolidated Gas Supply Corp	G-7077
265 Columbia Gas Transmission Corp.	G-7078
267 Columbia Gas Transmission Corp	G-7080
269 Columbia Gas Transmission Corp	G-7081
270 Equitable Gas Company	G-7083
271 Columbia Gas Transmission Corp	G-7084

APPENDIX—Continued

R.S. No. and purchaser	Certificate docket
272 Columbia Gas Transmission Corp	G-7085.
274 Consolidated Gas Supply Corp	G-11120.
276 Columbia Gas Transmission Corp	G-12618
277 Consolidated Gas Supply Corp	G-13074
278 Consolidated Gas Supply Corp	G-14386.
279 Columbia Gas Transmission Corp.	G-11648
280 Consolidated Gas Supply Corp	CI60-139
281 Columbia Gas Transmission Corp [1]	CI62-458
282 Consolidated Gas Supply Corp	CI62-498.
284 Panhandle Eastern Pipe Line Co.	CI63-1226
285 Equitable Gas Company	CI63-1312
286 Texas Gas Transmission Corp	CI63-1317.
287 Panhandle Eastern Pipe Line Co	CI63-1454
288 Northern Natural Gas Company.	CI64-425
292 Columbia Gas Transmission Corp.	CI66-351
293 Consolidated Gas Supply Corp. [1]	CI66-1250
294 Consolidated Gas Supply Corp. [1]	CI67-824
297 Columbia Gas Transmission Corp.	CI68-212
299 Consolidated Gas Supply Corp	CI68-736
300 Consolidated Gas Supply Corp	CI68-891.
302 Michigan Wisconsin Pipe Line Co.	CI68-1322
303 Panhandle Eastern Pipe Line Co	CI69-341
304 Transwestern Pipeline Co	CI69-394
305 Natural Gas Pipeline Co. of America.	CI69-406
307 Panhandle Eastern Pipe Line Co	CI69-951
309 Panhandle Eastern Pipe Line Co	CI69-1049
310 Michigan Wisconsin Pipe Line Co.	CI69-443
311 Michigan Wisconsin Pipe Line Co	CI69-1096
313 Michigan Wisconsin Pipe Line Co	CI69-1236
314 Texas Eastern Transmission Corp	CI69-1235
315 Tennessee Gas Pipeline Company	CI69-1117
316 Northern Natural Gas Company [1]	CI70-80
317 Transwestern Pipeline Company.	CI70-176
318 Consolidated Gas Supply Corp	CI70-129
319 Mountain Fuel Supply Company	CI70-481
320 Tennessee Gas Pipeline Company [1]	CI70-691
321 Tennessee Gas Pipeline Company [1]	CI70-691
322 Tennessee Gas Pipeline Company	CI70-598
323 Tennessee Gas Pipeline Company	CI70-660
324 Montana-Dakota Utilities Company	CI69-168
325 Michigan Wisconsin Pipe Line Co.	CI70-941
326 Michigan Wisconsin Pipe Line Co	CI70-961
327 Columbia Gas Transmission Corp.	CI70-982
329 Michigan Wisconsin Pipe Line Co	CI70-1080
330 Texas Eastern Transmission Corp	CI71-237
331 Tennessee Gas Pipeline Company.	CI70-1006
332 Transcontinental Gas Pipe Line Corp.	CI71-207
333 Columbia Gas Transmission Corp.	CI71-295.
334 Arkansas Louisiana Gas Company.	CI71-324
335 El Paso Natural Gas Company	CI71-435.
337 Consolidated Gas Supply Corp	CI71-492.
338 Phillips Petroleum Company	G-14531, G-14527, G-14258, and G-14521

APPENDIX—Continued

R.S. No. and purchaser	Certificate docket
339 Columbia Gas Transmission Corp.	CI71-559.
344 Northwest Central Pipeline Corp.	CI72-69.
345 Transwestern Pipeline Company[1].	CI72-78.
347 Columbia Gas Transmission Corp.	CI72-160.
349 Arkansas Louisiana Gas Company.	G-2712.
351 Southern Natural Gas Company[1].	G-2712.
352 United Gas Pipe Line Company[1].	G-2712.
353 United Gas Pipe Line Company.	G-2712.
354 United Gas Pipe Line Company.	G-2712.
355 Texas Eastern Transmission Corp.	G-3031.
356 United Gas Pipe Line Company[1].	G-3031.
357 United Gas Pipe Line Company.	G-3031.
358 Mobile Oil Corporation	G-3031.
362 Arkansas Louisiana Gas Company.	G-3031.
363 United Gas Pipe Line Company[1].	G-8712.
364 Tennessee Gas Pipeline Company.	G-8713.
365 Arkansas Louisiana Gas Company[1].	G-2712.
366 Texas Eastern Transmission Corp.	G-9272.
368 Texas Eastern Transmission Corp.[1]	G-9769.
369 United Gas Pipe Line Company.	G-12852.
370 Texas Eastern Transmission Corp.[1].	G-10186.
373 Texas Eastern Transmission Corp.[1].	G-16204.
374 United Gas Pipe Line Company.	G-16563.
375 Texas Eastern Transmission Corp.	G-19716.
376 Tennessee Gas Pipeline Company.	CI80-198.
377 Texas Eastern Transmission Corp.	CI61-1131.
378 United Gas Pipe Line Company[1].	CI61-1681.
379 Arkansas Louisiana Gas Company.	G-2712.
380 Truckline Gas Company	CI72-231.
381 Northern Natural Gas Company.	CI72-433.
382 El Paso Natural Gas Company	CI72-519.
383 Arkansas Louisiana Gas Company.	CI72-600.
384 Transwestern Pipeline Company.	CI72-635.
385 United Gas Pipe Line Company.	CI72-586.
387 United Gas Pipe Line Company.	CI72-725.
388 Panhandle Eastern Pipe Line Co.	CI72-822.
389 Michigan Wisconsin Pipe Line Co.	CI72-840.
390 United Gas Pipe Line Company.	CI61-1094.
391 Consolidated Gas Supply Corp	CI73-118.
392 Michigan Wisconsin Pipe Line Co.	CI73-38.
393 Panhandle Eastern Pipe Line Co.	CI73-117.
394 Consolidated Gas Supply Corp	CI73-206.
396 Tennessee Gas Pipeline Company.	CI73-328.

APPENDIX—Continued

R.S. No. and purchaser	Certificate docket
398 Tennessee Gas Pipeline Company.	CI73-468.
399 Columbia Gas Transmission Corp.	CI73-635.
400 Tennessee Gas Pipeline Company.	CI73-726.
402 Arkansas Louisiana Gas Company.	CI73-913.
406 Transwestern Pipeline Company.	CI74-194.
407 Northern Natural Gas Company.	CI74-435.
408 Panhandle Eastern Pipe Line Co.	CI74-615.
410 Truckline Gas Company	CI75-181.
411 Kansas-Nebraska Natural Gas Co., Inc.	CI75-227.
412 Michigan Wisconsin Pipe Line Co.	CI75-226.
414 United Gas Pipe Line Company.	CI75-327.
415 Tennessee Gas Pipeline Company.	CI75-489.
417 Northern Natural Gas Company.	CI75-539.
418 Texas Gas Transmission Corp	CI75-558.
419 El Paso Natural Gas Company[1].	CI75-605.
420 Transwestern Pipeline Company.	CI75-606.
421 Panhandle Eastern Pipe Line Co.	CI75-624.
423 Panhandle Eastern Pipe Line Co.	CI75-713.
424 Transwestern Pipeline Company.	CI76-38.
425 Truckline Gas Company	CI76-18.
426 Tennessee Gas Pipeline Company.	CI76-58.
427 Northern Natural Gas Company.	CI76-151.
429 Tennessee Gas Pipeline Company.	CI76-220.
430 Tennessee Gas Pipeline Company.	CI76-805.
431 Colorado Interstate Gas Company.	CI76-333.
432 Panhandle Eastern Pipe Line Co.[1].	CI76-334.
433 Transwestern Pipeline Company.	CI76-368.
434 Northern Natural Gas Company.	CI76-381.
435 Colorado Interstate Gas Company.	CI76-600.
436 Tennessee Gas Pipeline Company.	CI76-620.
437 El Paso Natural Gas Company	CI77-16.
438 Panhandle Eastern Pipe Line Co.	CI77-110.
440 Colorado Interstate Gas Company.	CI77-186.
441 Natural Gas Pipeline Co. of America[1].	CI77-99.
442 El Paso Natural Gas Company	CI77-327.
443 Transco Gas Supply Company	CI77-402.
444 Sea Robin Pipeline Company	CI77-421.
445 Natural Gas Pipeline Co. of America.	CI77-174.
446 El Paso Natural Gas Company	CI77-491.
447 El Paso Natural Gas Company	CI77-512.
448 Tennessee Gas Pipeline Company.	CI77-579.
449 Transco Gas Supply Company	CI77-594.
450 Transco Gas Supply Company	CI77-616.
451 El Paso Natural Gas Company	CI77-634.
452 Panhandle Eastern Pipe Line Co.	CI77-673.
453 Michigan Wisconsin Pipe Line Co.	CI77-693.
454 Northern Natural Gas Company.	CI77-822.

APPENDIX—Continued

R.S. No. and purchaser	Certificate docket
455 Michigan Wisconsin Pipe Line Co.	CI77-899.
456 Panhandle Eastern Pipe Line Co.	CI77-770.
457 Michigan Wisconsin Pipe Line Co.	CI78-6.
458 Kansas-Nebraska Natural Gas Co., Inc.	CI78-99.
459 Natural Gas Pipeline Co. of America.	CI78-156.
460 Panhandle Eastern Pipe Line Co.	CI78-211.
462 Michigan Wisconsin Pipe Line Co.	CI78-392.
464 Michigan Wisconsin Pipe Line Co.	CI78-409.
465 Panhandle Eastern Pipe Line Co.	CI78-560.
466 Northern Natural Gas Company.	CI78-564.
467 Northern Natural Gas Company.	CI78-615.
468 Transwestern Pipeline Company.	CI78-672.
469 Michigan Wisconsin Pipe Line Co.	CI78-688.
470 El Paso Natural Gas Company[1].	CI78-588.
471 Panhandle Eastern Pipe Line Co.	CI78-491.
472 El Paso Natural Gas Company	CI78-854.
473 Kansas-Nebraska Natural Gas Co., Inc.	CI78-836.
474 United Gas Pipe Line Company.	CI78-717.
475 Michigan Wisconsin Pipe Line Co.	CI78-1000.
476 Northern Natural Gas Company.	CI78-1048.
478 Northern Natural Gas Company.	CI78-693.
479 Colorado Interstate Gas Company.	CI78-1217.
480 El Paso Natural Gas Company	CI79-426.
481 Michigan Wisconsin Pipe Line Co.	CI79-462.
482 Tennessee Gas Pipeline Company.	CI79-508.
483 Michigan Wisconsin Pipe Line Co.	CI79-470.
486 Panhandle Eastern Pipe Line Co.	CI80-207.
487 Northwest Central Pipeline Corp.	CI75-85.
489 Northern Natural Gas Company.	CI80-310.
490 Michigan Wisconsin Pipe Line Co.	CI80-422.
492 Southern Natural Gas Company.	CI81-5-000.
493 El Paso Natural Gas Company	CI81-31-000.
494 Tennessee Gas Pipeline Company.	CI81-202-000.
495 Transcontinental Gas Pipe Line Corp.	CI81-300-000.
496 Sea Robin Pipeline Company	CI81-353-000.
497 Texas Eastern Transmission Corp.	CI81-44-000.
498 Northwest Central Pipeline Corp.	CI78-210.
499 Truckline Gas Company	CI82-204-000.
500 Truckline Gas Company	CI82-217-000.
501 Northern Natural Gas Company.	CI82-302-000.
502 Texas Eastern Transmission Corp.	CI82-350-000.
503 El Paso Natural Gas Company	CI82-434-000.
Pacific Alaska LNG Associates	CI76-905.
Pacific Alaska LNG Company	CI76-592.

[1] Operator, et al.

[FR Doc. 83-9504 Filed 4-11-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-423-000]

Connecticut Light and Power Company; Filing

April 5, 1983.

The Filing Company submits the following:

Take notice that on March 30, 1983, Connecticut Light and Power Company (CL&P) tendered for filing a proposed rate schedule pertaining to a Sales Agreement with respect to Middletown Unit No. 4 and Montville Unit No. 6 (Sales Agreement) between CL&P and Central Vermont Public Service Corporation (CVPS) dated as of November 1, 1982.

CL&P states that the Sales Agreement provides for a sale to CVPS of a specified percentage of capacity and energy from CL&P's Middletown Unit No. 4 and Montville Unit No. 6 generating units (the Units) during the period November 1, 1982 through February 28, 1983.

CL&P further states that the capacity charge rate for the proposed service is a rate determined on a cost-of-service basis and is determined in accordance with Appendix A of the Sales Agreement.

CL&P indicates that the energy charge is based upon CVPS' portion of the fuel expense applicable to the Units.

CL&P further indicates that the Station Service Energy Charge is the product of CVPS' portion of the total station service energy supplied by CL&P and the average cost rate of oil-fired generation on CL&P's system for the prior month.

The monthly transmission charge rate is equal to one-twelfth of the annual average unit cost of transmission service on the systems of the Northeast Utilities (NU) Companies determined in accordance with Appendix B of the Sales Agreement. The monthly Transmission Charge is determined by the product of (i) the transmission charge rate ($/KW-month), and (ii) the number of kilowatts of winter capability which CVPS is entitled to receive. The Energy Charge is based on CVPS' portion of the applicable fuel expenses of the Units and no special cost-of-service studies were made to derive this charge.

CL&P requests an effective date of November 1, 1982, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were mailed to CVPS, Rutland, Vermont.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rule 211 or 214 of the Commission's Rules of Practice and Procedure (18 CFR §§ 385.211, 385.214). All such motions or protests should be filed on or before April 22, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9505 Filed 4-11-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-421-000]

Consumers Power Company; Tariff Change

April 6, 1983.

The filing Company submits the following:

Take notice that Consumers Power Company (Consumers Power) on March 30, 1983, tendered for filing standard Schedules of Rates Governing Firm and Interruptible Electric Transmission Service, which are proposed to supersede the rates for transmission service contained in Contract Rates FTR and ITR which were issued under authority of the order of the Federal Energy Regulatory Commission dated January 21, 1980 in Case No. ER80-98. Consumers Power states that the superseding Schedules of Rates will continue to make firm and interruptible electric transmission service available to any neighboring utility located in its service area.

Consumers Power states the filed superseding Contract Rate FTR will increase the weekly firm transmission rates from $.222 to $0.34 per kilowatt of billing demand for service at 138 kV or higher voltage, and from $.318 to $.47 per kilowatt of billing demand for service at 46 kV. The filed superseding Contract Rate ITR will increase the weekly interruptible transmission rates from $.172 to $.24 per kilowatt of billing demand for service at 138 kV or higher voltage, and from $.248 to $.33 per kilowatt of billing demand for service at 46 kV. The interruptible transmission rates for transactions of less than one week will be increased from 1.25 to 1.7 mills per kilowatt hour for service at 138 kV or higher voltage, and from 1.7 to 2.3 mills per kilowatt hour for service at 46 kV. Consumers Power requests that the superseding rates for electric transmission service be placed in effect on June 1, 1983.

Consumers Power further states that the increase in electric transmission rates is necessary because of continuing increases experienced in all elements of cost since its initial filing of Contract Rates FTR and ITR over three years ago, and to establish Contract Rates FTR and ITR at levels consistent with the rates it is charging for transmission service as an integral part of its coordination and interchange agreements with several electric utilities.

A copy of the filing was served upon the Michigan Public Service Commission. Consumers Power states that there are presently no customers receiving transmission service under the rate schedules to be superseded by this filing.

Any person desiring to be heard or to make any protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR §§ 385.211, 385.214). All such motions or protests should be filed on or before April 21, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9483 Filed 4-11-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-416-000]

Consumers Power Company; Filing

April 5, 1983.

The filing Company submits the following:

Take notice that on March 28, 1983, Consumers Power Company (Consumers) tendered for filing Supplemental Agreements to each of its Coordinated Operating Agreements with the members of the Municipal and Cooperative Pool (MCP), the City of Lansing and the City of Holland. The filed Supplemental Agreements have the common purpose of adding a new general interruptible transmission service schedule as a party of the respective weekly rate of $0.24 per kilowatt per week and a rate of 1.7 mills per kilowatthour for transmission

service less than one week, and to increase rates for interruptible transmission service in existing Schedules A and B of such Agreements to such rates from a weekly rate of $0.172 per kilowatt per week and a rate of 1.25 mills per kilowatthour for transmission services less than one week.

Consumers states that the new general interruptible transmission service schedule designated "Schedule D" will enable Consumers to provide transmission service the MCP Members, Lansing, and Holland for various bulk power purhases from other utilities within the limits of Consumers' transmission capability.

Consumers requests an effective date of December 27, 1982, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing have been served upon the parties to the Supplemental Agreements and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR §§ 385.211, 385.214). All such motions or protests should be filed on or before April 21, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9506 Filed 4-11-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ST79-16-002]

Delhi Gas Pipeline Corporation; Extention Reports

April 6, 1983.

The companies listed below have filed extension reports pursuant to Section 311 of the National Gas Policy Act of 1978 (NGPA) and Part 284 of the Commission's regulations giving notice of their intention to continue transportation and sales of natural gas for an additional term of up to 2 years. These transactions commenced on a self-implementing basis without case-by-case Commission authorization. The Commission's regulations provide that the transportation or sales may continue for an additional term if the Commission does not act to disapprove or modify the proposed extension during the 90 days preceding the effective date of the requested extension.

The table below lists the names and addresses of each company selling or transporting pursuant to Part 284; the party receiving the gas; the date that the extension report was filed; and the effective date of the extension. A letter "B" in the Part 284 column indicates a transportation by an interstate pipeline which is extended under § 284.105. A letter "C" indicates transportation by an intrastate pipeline extended under § 284.125. A "D" indicates a sale by an intrastate pipeline extended under § 284.146. A "G" indicates a transportation by an interstate pipeline pursuant to § 284.221 which is extended under § 284.105. A "G(HS)" indicates transportation, sales or assignments by a Hinshaw Pipeline pursuant to a blanket certificate issued under Section 284.222 of the Commission's Regulations.

Any person desiring to be heard or to make any protest with reference to said extension report should on or before May 3, 1983 file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR §§ 385.211 or 385.214).

All protest filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants party to a proceeding.

Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

Docket No.	Transporter/seller	Recipient	Date filed	Part 284 subpart	Effective date
ST79-016-002	Delhi Gas Pipeline Corp., Fidelity Union Tower, Dallas, TX 75201	Transwestern Pipeline Co.	3/04/83	D	6/04/83
ST79-109-002	Valero Transmission Co., P.O. Box 500, San Antonio, TX 78292	El Paso Natural Gas Co.	3/09/83	D	6/05/83
ST81-223-001	Valero Transmission Co., P.O. Box 500, San Antonio, TX 78292	Transwestern Pipeline Co.	3/14/83	D	6/13/83
ST81-358-001	Northern Natural Gas Co., 2223 Dodge St., Omaha, NE 68102	Delhi Gas Pipeline Corp.	3/11/83	B	6/08/83
ST81-392-001	Transcontinental Gas Pipe Line Corp., P.O. Box 1396, Houston, TX 77251	Texas Eastern Transmission Corp.	3/01/83	G	7/21/83

These extension reports were filed after the date specified by the Commission's Regulations, and shall be the subject of a further Commission Order.

Note.—The noticing of these filings does not constitute a determination of whether the filings comply with the Commission's Regulations.

[FR Doc. 83-9484 Filed 4-11-83; 8:45 a.m.]

BILLING CODE 6717-01-M

[Docket No. ER80-613-000]

Duke Power Company; Refund Report

April 5, 1983.

The filing Company submits the following:

Take notice that on March 21, 1983, Duke Power Company submitted for filing a refund report pursuant to the Commission's letter order dated February 2, 1983.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before April 15, 1983. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9507 Filed 4-11-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP79-224-004]

El Paso Natural Gas Company; Petition to Amend

April 5, 1983.

Take notice that on March 16, 1983, El Paso Natural Gas Company (Petitioner), P.O. Box 1492, El Paso, Texas, 79978, filed in Docket No. CP79-224-004 a petition to amend the order issued March 26, 1981, in Docket No CP79-224-000, as amended by order issued December 21, 1981, in Docket No. CP79-224-002, so as to conform the meter facility installations authorized in the implementation of the Washington Ranch Storage Project with the meter

facility actually installed, all as more fully set forth in the petition to amend which is on file with the Commission and open to pubic inspection.

Petitioner states that during construction of the Washington Ranch Storage Project, it was determined that dual 16-inch O.D. orifice-type meter runs could measure the anticipated volumes to be injected and withdrawn with the same degree of accuracy as the three 12-inch O.D. and one 6⅝-inch O.D. orifice-type meter runs which were proposed and authorized. It is asserted that since the dual 16-inch O.D. orifice-type meter runs would require less maintenance than those originally proposed and could be installed at a cost savings of approximately $188,967 to Petitioner, such facilities were constructed. Petitioner indicates that such facilities are located in Eddy County, New Mexico. Petitioner, therefore, proposes herein to conform the meter facility installations authorized in Docket No. CP 79-224 to the meter facility actually installed.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 26, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9508 Filed 4-11-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6269-001]

Energenics Systems, Inc.; Surrender of Preliminary Permit

April 5, 1983.

Take notice that Energenics Systems, Inc., ("Energenics"), Permittee for the proposed Chatfield Lake Project No. 6269, requested by petition dated March 18, 1983, that its preliminary permit be surrendered. The preliminary permit was issued on September 28, 1982, and would have expired on March 31, 1984. Energenics has determined that hydroelectric development is infeasible due to a lack of adequate head and flow.

The surrender of the preliminary permit for Project No. 6269 is accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9509 Filed 4-11-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-62-000]

Gas Gathering Corporation; Petition of Gas Gathering Corporation for Waiver of PGA Provisions and for Permission To Charge Rate In Excess of Filed Rate In Order To Implement Lump Sum Passthrough of Retroactive Producer Payment

April 5, 1983.

Take notice that on March 28, 1983, Gas Gathering Corporation (GGC) filed a petition with the Commission for approval to charge and receive from Transcontinental Gas Pipe Line Corporation (Transco) for direct passthrough and payment by GGC to Amoco Production Company (Amoco), a one-time retroactive payment of $263,994.22 applicable to retroactive sums due Amoco by GGC for production from Amoco's Maraist C-1 Well, Section 28 Field, St. Martin Parish, Louisiana. This authorization is sought by GGC because of its inability to pay this sum to Amoco directly and to recover a sum of this magnitude through its Account No. 191 under GGC's PGA provision.

GGC states that effective May 20, 1981, Amoco qualified the Maraist C-1 Well for Section 103 pricing and has demanded retroactive recovery of $263,994.22 from GGC, exclusive of interest, for the period through July 4, 1982. By Order issued August 27, 1982, in Docket No. RP82-93-000, the Commission authorized GGC to refund directly to Transco $714,703.57 which GGC had received from Amoco as a refund representing the difference between Section 102 and Section 109 pricing for production from the subject well during the period August 1, 1980 through October 31, 1981. However, that authorization did not include, and GGC did not at that time request, authorization for subsequent direct payback by Transco (through GGC) to Amoco of any amounts attributable to Amoco's subsequent qualification for prices above those authorized for Section 109 production.

GGC states that the monies received from this one-time charge to Transco of $263,994.22 in excess of GGC's filed rate will be directly passed through to Amoco. This payment will be shown as a simultaneous debit and credit to GGC's Account No. 191 in the month in which the passthrough is made.

GGC requests such waivers of the provisions of its PGA clause, or any other waivers, as are necessary to permit this procedure to be implemented. GGC believes that good cause exists for grant of this waiver, as (1) payment of this amount to Amoco would exacerbate an already serious underrecovery in GGC's Account No. 191 if the normal surcharge procedure is employed; (2) the resultant financial hardship would render GGC unable to earn its allowed rate of return; (3) the cost of carrying this underrecovery balance may exceed the carrying charges allowed by the Commission's regulations; and (4) use of this procedure will avoid Transco's payment of carrying charges on the principal amount of this retroactive payment.

A copy of the filing has been served upon Transco.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before April 15, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9510 Filed 4-11-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-432-000]

GPU Service Corporation; Filing

April 6, 1983.

The filing Company submits the following:

Take notice that on March 31, 1983, GPU Service Corporation (GPU) tendered for filing a letter agreement between GPU as agent for Pennsylvania Electric Company (Pennsylvania) and Atlantic City Electric Company (Atlantic). GPU states that under the agreement Pennsylvania will provide scheduled transmission service for

Atlantic on a weekly basis utilizing its transmission facilities.

GPU requests an effective date of March 28, 1983, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 25, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9485 Filed 4-11-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-223-000; Docket No. CP83-224-000]

Houston Pipe Line Company, Oasis Pipe Line Company; Applications

April 5, 1983.

Take notice that on March 9, 1983, Houston Pipe Line Company (Houston), P.O. Box 1188, Houston, Texas 77001, filed in Docket No. CP83-223-000 and Oasis Pipe Line Company (Oasis), P.O. Box 1188, Houston, Texas 77001, filed in Docket No. CP83-224-000 applications purusant to Section 311(a)(2) of the Natural Gas Policy Act of 1978 and Section 284.127 of the Commission's Regulations for authority to transport natural gas for EL Paso Natural Gas Company (El Paso), all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Houston and Oasis state that they are currently engaged in the transportation of natural gas on behalf of El Paso pursuant to transportation agreements both dated March 29, 1979. It is stated that service under the 1979 agreements commenced June 9, 1979, for an initial term of two years under the self-implementing provisions of Section 284.122(a) of the Commission's Regulations and was extended for a period of two years commencing June 9, 1981, pursuant to Section 284.125 of the Commission's Regulations. In order that the transportation service might be continued on an uninterrupted basis, Houston and Oasis request the Commission to issue orders pursuant to Section 284.127(b) of its Regulations authorizing a continuation of the transportation arrangements for a period of two years commencing June 9, 1983, and ending June 8, 1985.

Houston and Oasis propose to transport up to 50,000 Mcf of gas per day, or such additional daily volumes as their operating conditions would reasonably permit, for El Paso. Houston, it is asserted, would transport El Paso's volumes from a point or points located on Houston's pipeline facilities in Fort Bend, Harris and Waller Counties, Texas, to a point located on Oasis' pipeline facilities near Katy, Waller County, Texas. Oasis states that it would then transport El Paso's gas to the innerconnection of Oasis' and El Paso's pipeline facilities in Pecos County, Texas. It is stated that service would continue to be conducted under the terms and conditions of amendments to the 1979 agreements both dated February 25, 1983.

Houston states that effective June 9, 1983, El Paso would pay Houston 2.0 cents per million Btu for the transportation service Houston performs. Oasis states that effective June 9, 1983, El Paso would pay Oasis 12.39 cents per million Btu for the transportation service Oasis performs.

Any person desiring to be heard or to make any protest with reference to said applications should on or before April 26 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9511 Filed 4-11-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-418-000]

Kansas Power and Light Company; Filing

April 5, 1983.

The filing Company submits the following:

Take notice that on March 29, 1983, Kansas Power and Light Company (KPL) tendered for filing proposed new increased Schedules of Rates and Charges for Wholesale Service-Rural Electric Cooperatives and for Wholesale Service-Municipalities to supersede and replace those rate provisions of KP&L's contract rate schedules presently in effect and on file with the Commission which relate to seventeen (17) wholesale cooperative customers and thirty-eight (38) wholesale municipal customers of KP&L located in the State of Kansas.

KP&L states that the proposed changes would increase revenues from jurisdictional sales and service by $10,854,594 based on the twelve-month period ending June 30, 1984. The changes embodied in the new Schedules of Rates and Charges include revised rates for capacity charges and energy charges.

KP&L further states that under its presently effective rates therefore its rate of return on the allocated cost of service to wholesale cooperative customers is 6.407%. Such rates of return on allocated cost of service to the wholesale full requirements municipal customers is 6.274%, and to the wholesale partial requirements municipal customers is 0.766%. The increased annual revenues would result in rates of return of 11.781% on the cooperative class of wholesale service, 11.776% on the full requirements municipal class of service and 11.793% on the partial requirements municipal class of service based on the twelve-month period ended June 30, 1984.

KP&L requests an efffective date of June 1, 1983.

Copies of the filing were served upon KP&L's seventeen wholesale cooperative customers and thirty-eight wholesale municipal customers and upon the State Corporation Commission of the State of Kansas.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR §§ 385.211, 385.214). All such petitions or protests should be filed on or before April 21, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filling are on file with the

Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9512 Filed 4-11-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-200-003]

Maine Public Service Company; Refund Report

April 5, 1983.

The filing Company submits the following:

Take notice that on October 19, 1982, Maine Public Service Company submitted for filing a refund report pursuant to the Commission's order of September 30, 1982.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before April 15, 1983. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9513 Filed 4-11-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-2-48-000]

Michigan Wisconsin Pipe Line Company; Filing of Motion for Waiver of Filing Date

April 5, 1983.

Take notice that on March 28, 1983, Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) submitted for filing, pursuant to Section 385.212 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, a motion that the Commission waive the previously established date of May 1, 1983, as the previously established effective date for Michigan Wisconsin's next PGA rate change filing under Section 154.38 of the Commission's Regulations under the Natural Gas Act, in order to permit Michigan Wisconsin to temporarily defer the filing of its May 1, 1983 purchased gas adjustment rate change filing pursuant to Section 15 of the General Terms and Conditions of its FERC Gas Tariff, Original Volume No. 1, until June 1, 1983, to be effective July 1, 1983.

Michigan Wisconsin states that it has discussed this filing with all of its resale customers and states that all such customers are in support of this motion.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before April 15, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9514 Filed 4-11-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-68-000]

Natural Gas Pipeline Company of America; Proposed Changes in FERC Gas Tariff

April 5, 1983.

Take notice that on March 31, 1983, Natural Gas Pipeline Company of America (Natural) tendered for filing proposed changes in its FERC Gas Tariff, Third Revised Volume No. 1 and Second Revised Volume No. 2 to become effective May 1, 1983

When compared to the Docket No. RP82-62 rates presently effective on motion, the proposed change in rates shows a revenue decrease of $6.5 million. However, when compared with the pending lower interim settlement rates, the proposed rates indicate a $50 million revenue increase.

In addition to reflecting the variations in operating costs, the proposed sales rates reflect the effect of a 22 Bcf decrease in sales volumes, a modified fixed-variable rate design, and a significant increase in new transportation revenues which serve to shield the sales customers from the full impact of increases in operating expenses.

Also included are tariff provisions to incorporate a transportation cost tracking mechanism and a tariff provision to recover carrying costs associated with variation in payments for undelivered gas costs.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the requirements of Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests must be filed on or before April 15, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9515 Filed 4-11-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-417-000]

Niagara Mohawk Power Corporation; Filing

April 5, 1983.

The filing Company submits the following:

Take notice that Niagara Mohawk Power Corporation (Niagara) on March 29, 1983, tendered for filing a cancellation of Niagara's Rate Schedule FERC No. 118, an agreement between Niagara and the Central Vermont Public Service Corporation (Central Vermont) dated December 1, 1981 which was filed with the Federal Energy Regulatory Commission (FERC) on December 21, 1981.

Niagara states that this cancellation terminates the agreement that provides for the purchase for resale to Central Vermont Public Service Corporation of short term power and associated energy from Ontario Hydro and provides transmission service for the delivery of said short term power and associated energy.

Niagara further states that the terms of the agreement known as Rate Schedule FERC No. 118 expired of its own terms as of December 31, 1981. Niagara is requesting a cancellation date of December 31, 1981.

Copies of the filing were served upon Central Vermont Public Service Corporation and the Public Service Commission of the State of New York.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211

and 214 of the Commission's Rules of Practive and Procedure (18 CFR §§ 385.211, 385.214). All such motions or protests should be filed on or before April 21, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9496 Filed 4-11-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No ER83-419-000]

Niagara Mohawk Power Corporation; Filing

April 5, 1983.

The filing Company submits the following:

Take notice that on March 29, 1983, Niagara Mohawk Power Corporation (Niagara) tendered for filing a cancellation of Niagara's Rate Schedule No. 119, an agreement between Niagara and the Department of Public Service for the State of Vermont (Public Service) dated November 1, 1981 which was filed with the Federal Energy Regulatory Commission (FERC) on January 25, 1982.

Niagara states that this cancellation terminates the agreement that provides for the purchase for resale to the Public Service of short term power and associated energy from Ontario Hydro (Hydro) and provides transmission service for the delivery of said short term power and energy.

Niagara further states that the agreement known as Rate Schedule FERC No. 119 expired of its own terms as of April 30, 1982. Niagara is requesting a cancellation date of April 30, 1982.

Copies of the filing were served upon the Department of Public Service for the State of Vermont and the Public Service Commission of the State of New York.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR §§ 385.211, 385.214). All such motions or protests should be filed on or before April 21, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9516 Filed 4-11-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 287-001]

North Counties Hydro-Electric Company, Hydro-Op One Associates; Application for Transfer of License (Major)

April 5, 1983.

Take notice that North Counties Hydro-Electric Company, Licensee for the Dayton Project, and Hydro-Op One Associates, Inc. have requested that the project license be transferred to Hydro-Op One Associates. The Dayton Project is located on the Fox River in La Salle County, Illinois. The projects installed capacity is 3,680 kilowatts.

Comments, Protests, or Motion to Intervene—Anyone may file comments, a protest, or a motion to intervene in accordance with the requirements of Rules 211 or 214, 18 CFR 385.211 or 385.214, 47 FR 19025–26 (1982). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be filed on or before May 16, 1983.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "MOTION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9497 Filed 4-11-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-500-001]

Northern Natural Gas Company, Division of InterNorth, Inc.; Amendment To Application

April 5, 1983.

Take notice that on March 15, 1983, Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP82-500-001 an amendment to the application filed in Docket No. CP82-500-000 pursuant to Section 7(c) of the Natural Gas Act so as to reflect (1) a realignment of additional volumes of firm entitlement for certain of its market area utility customers; (2) an increase in peak day, non-peak day and annual entitlements for certain of Northern's south-end area customers and (3) the construction and operation of facilities to accommodate the delivery of the proposed volumes herein, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Northern states that subsequent to the date of its original filing further changes in market requirements precipitated by deteriorating economic conditions have caused various market area utility customers to reduce their level of increases in firm entitlement originally proposed in the application. Such reductions in firm entitlement are proposed to be reallocated to those customers seeking additional firm entitlement for the 1983–84 heating season and beyond. It is asserted that the adjustment and realignment of volumes would result in a net decrease of 81 Mcf per day in Northern's authorized sales level to its market area utilities comprised of a 12,225 Mcf per day decrease in contract demand, 4,422 Mcf per day increase in seasonal service demand, 1,913 Mcf per day decrease in peaking service demand, and 9,635 Mcf per day increase in winter period service demand.

In addition, Northern proposes to make certain changes in the firm entitlement of certain of its south-end area customers. More specifically, Northern proposes to eliminate the 4,500 Mcf per day proposed increase in contract demand for High Plains Natural Gas Company (High Plains) under Northern's Rate Schedule X-51. Northern proposes to increase Westar Transmission Company's, a Division of Pioneer Corporation (Westar), summer period firm maximum daily quantity from 60,000 Mcf per day to 100,000 Mcf per day and to increase its firm summer contract quantity from 2,500,000 Mcf to 5,000,000 Mcf under its Rate Schedule X-86. Northern further proposes to

increase the firm entitlement currently sold to Westar under its Rate Schedule X-23 from 1,300 Mcf per day to 1,800 Mcf per day.

As a result of the changes in firm entitlement proposed herein, it is asserted that the facilities for which authorization is requested in the original application must be revised to provide a more economic and efficient means of delivering the gas to the appropriate utility customers. Northern states that the modification of the LeGrand, Iowa, TBS No. 1 and the construction of a new delivery point to High Plains in Canadian, Texas, are no longer needed. Furthermore, Northern asserts that construction of 2.05 miles of 4-inch loopline on the St. Michael branchline and construction of 4.40 miles of 6-inch loopline on the Buffalo branchline are necessary to effectuate delivery of the revised volumes to Northern's customers. As a result Northern is requesting authority to construct and operate four branchline loops and to modify two town border stations to accommodate the proposed deliveries of natural gas to Northern's customers. Northern estimates that such revisions would increase the total project cost to $2,708,441 compared to the originally projected facility cost of $1,985,547.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before April 26, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 384.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9485 Filed 4-11-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-215-000]

Northern Natural Gas Company Division of InterNorth, Inc.; Application

April 6, 1983

Take notice that on March 2, 1983, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP83-215-000 application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transfer of 1,000 Mcf per day of firm natural gas entitlement from Minnegasco Inc. (Minnegasco) to Iowa Public Service Company (IPS), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes herein to transfer 900 Mcf per day of contract demand, 55 Mcf per day of seasonal service and 45 Mcf per day of winter period service from Minnegasco to IPS. The proposed transfer would be made as a result of the acquisition by IPS of the distribution facilities previously owned by Minnegasco and utilized to provide natural gas service to the town of Rock Rapids, Iowa, it is explained.

It is stated that the proposed transfer of firm entitlement would result in a more expedient and efficient means of serving Rock Rapids, Iowa, since the town is located outside of the primary service area of Minnegasco and within the primary service area of IPS.

It is asserted that the subject proposal would have no effect on Applicant's presently authorized level of firm entitlement. Applicant states that there would be no abandoment of service to end-use customers as a result of the proposed transfer of firm entitlement and no additional facilities would be required as a result of the proposed transfer of firm entitlement.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 27, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the National Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9486 Filed 4-11-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-420-000]

Northern States Power Company (Wisconsin); Filing

April 5, 1983.

The filing Company submits the following:

Take notice that on March 29, 1983, Northern States Power Company of Eau Claire, Wisconsin (NSP) tendered for filing proposed changes in its currently effective rate schedules for service to its thirteen wholesale customers.

NSP states that the proposed rate schedule changes are in two Phases (A and B) and will increase revenues from the sales to these customers by (Phase B) $507,505 based on sales for the January 1, 1983 to December 31, 1983 test year. The rate schedule changes include a revised W-1 rate for NSP's thirteen all-requirements municipal customers, a revised PS-1 rate, and a cancellation of the LP-1 rate schedule.

NSP requests effective dates of 60 and 61 days from the date of the filing for the Phase A and Phase B increases, respectively.

Copies of the filing were served upon each customer and upon the Public Service Commission of Wisconsin.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR

§§ 385.211, 385.214). All such petitions or protests should be filed on or before April 21, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9499 Filed 4-11-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-425-000]

Ohio Edison Company; Proposed Tariff Change

April 6, 1983.

The filing Company submits the following:

Take notice that Ohio Edison Company (Ohio Edison) on March 30, 1983, tendered for filing proposed changes in the rate sheets applicable to its partial requirements contracts with twenty municipal wholesale customers taking service pursuant to Ohio Edison's FERC Electric Tariff, Original Volume No. I, and proposed changes in FERC Rate Schedule No. 140 by which wholesale service is provided to the City of Oberlin.

Ohio Edison states that the proposed changes would increase revenues from jurisdictional partial requirements sales and service by $3,500,000 based on the twelve-month period ending December 31, 1983.

Ohio Edison proposes an effective date of June 1, 1983.

Ohio Edison further states that the reason for the proposed increase is that rates for service to its municipal wholesale customers are no longer just and reasonable, being inadequate to provide a basis for attracting capital on reasonable terms and to permit issuance of senior securities as a means of obtaining capital.

According to Ohio Edison, copies of the filing were served on the Company's jurisdictional customers affected by the proposed changes and The Public Utilities Commission of Ohio.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 or 214 of the Commission's Rules of Practice and Procedure (18 CFR §§ 385.211, 385.214). All such motions or protests should be filed on or before April 22, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9487 Filed 4-11-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-431-000]

Pennsylvania Electric Company, Metropolitan Edison Company, Jersey Central & Light Company; Filing

April 6, 1983.

The filing Company submits the following:

Take notice that on March 31, 1983, the GPU Service Corporation (GPU) tendered for filing, on behalf of the above listed utilities, Proposed Revision 9 of Schedule 4.01 to the existing Agreement among them, dated July 21, 1969.

GPU states that Schedule 4.01 defines the installed capacity obligations within GPU and sets forth the weekly rate per kilowatt on which payments shall be based for deficiency of capacity among the GPU System Companies.

GPU further states that revisions to this Schedule is proposed to conform with changes, submitted to the FERC, in the Pennsylvania-New Jersey-Maryland Interconnection Agreement to which the GPU System Companies are signatories.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR §§ 385.211, 385.214). All such motions or protests should be filed on or before April 25, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9488 Filed 4-11-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-433-000]

Rochester Gas and Electric Corporation; Filing

April 6, 1983.

The filing Company submits the following:

Take notice that on March 31, 1983, Rochester Gas and Electric Corporation (RG&E), on March 31, 1983, tendered for filing proposed changes in its Rate Schedule FERC No. 25. The proposed changes would increase revenues for jurisdictional services by $189,688 based upon the 12 month period ending December 31, 1981. Changes in the terms and conditions of service are also proposed, including the obligation to provide firm transmission service to certain customers of the Power Authority of the State of New York (the Authority) located within or contiguous to RG&E's service area, a raise in the per kilowatt of billing demand charge and the elimination of the kilowatt-hour charge, the obligations and payment terms of servicing temporary load increases and of installing and maintaining new supply circuits and ancillary equipment, and limitations on liability for interruptions of service.

RG&E requests an effective date of July 1, 1983.

Copies of the filing were served upon the Authority, RG&E's only customer for this service, and upon the Public Service Commission of the State of New York.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR §§ 385.211, 385.214). All such motions or protests should be filed on or before April 25, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the

Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9489 Filed 4-11-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CS72-1005-000 et al.]

SB Special Investments Holding Company (Salomon Brothers), et al.; Applications for "Small Producer" Certificates [1]

April 5, 1983.

Take notice that each of the Applicants listed herein has filed an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before April 20, 1983 file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

Docket No.	Date filed	Applicant
CS72-1005-000	[1]3/11/83	SB Special Investments Holding Company (Salomon Brothers), One New York Plaza, 42nd Floor, New York, New York 10004
CS83-70-000	3/9/83	Jack H. Smith, P.O. Box 1087, Ardmore, Oklahoma 73401
CS83-71-000	3/11/83	James P. Flanagan, P.O. Box 245, Hooker, Oklahoma 73945
CS83-72-000	3/14/83	Taylor Energy Company, 234 Loyola Bldg., Suite 500, New Orleans, Louisiana 70112.
CS83-73-000	3/14/83	Energy Methods Corporation, 2850 Security Life Bldg., Denver, Colorado 80202.
CS83-74-000	3/21/83	American National Petroluem Company, P.O. Box 42175, Houston, Texas 77242.
CS83-75-000	3/22/83	Arkoma Production Company, 5000 Rogers Avenue, Suite 810, Fort Smith, Arkansas 72903

[1] Letter received dated March 10, 1983, requesting that the Small Producer Certificate of Public Convenience and Necessity Docket No. CS72-1005, originally issued to Salomon Brothers be redesignated to apply to SB Special Investments Holding Company effective October 1, 1982

[FR Doc. 83-9500 Filed 4-11-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-244-000]

Transcontinental Gas Pipe Line Corporation; Application

April 6, 1983.

Take notice that on March 18, 1983, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP83-244-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for the account of The Brooklyn Union Gas Company (Brooklyn Union), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that pursuant to a transportation agreement dated November 22, 1982, as amended February 14, 1983, Applicant proposes to transport on an interruptible basis for Brooklyn Union, an existing resale customer, up to a total aggregate quantity of 10,000 dt equivalent of natural gas per day which Brooklyn Union would purchase from its exploration and production affiliate, Fuel Resources Inc. (Fuel Resources), and from co-producers of Fuel Resources in two geographically separate areas in Barbour, Randolph, and Tucker Counties, West Virginia, and in the Gulf Coast area where Fuel Resources is engaged in a joint venture arrangement which has completions in Mississippi, Louisiana, and onshore and offshore Texas.

Applicant states that the West Virginia gas would be transported by Columbia Gas Transmission Corporation and Columbia Gulf Transmission Company and delivered to Applicant in Terrebonne Parish, Louisiana; and that the Gulf Coast gas would be gathered or transported to Applicant's system by other pipeline companies when such gas is ready for production. Applicant further states that all quantities transported by it would be delivered to Brooklyn Union at existing delivery points to that customer in New York.

For such transportation, Applicant proposes to charge Brooklyn Union its long-haul interruptible transportation rate provided in its Rate Schedule T (Supply Area to Zone 3) on file in its FERC Gas Tariff, Second Revised Volume No. 1, presently 26.4 cents per dt equivalent. Applicant also proposes to retain initially 5.2 percent of the transportation quantities for compressor fuel and line loss make-up also as provided in Rate Schedule T.

Applicant requests flexible authority to attach Fuel Resources' supplies at various locations in its supply area without the necessity of filing a separate certificate application each time a source becomes productive, subject to appropriate reporting requirements.

It is asserted that the subject transportation service would assist Brooklyn Union in its self-help efforts to secure system supplies for distribution to its customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 27, 1983, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9490 Filed 4-11-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-422-000]

Union Electric Company; Filing

April 5, 1983.

The filing Company submits the following:

Take notice that on March 30, 1983, Union Electric Company (Union) tendered for filing a Letter Agreement dated March 14, 1983 between Arkansas Power & Light Company, Missouri Utilities Company, and Union. Union requests an effective date of June 1, 1983.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR §§ 385.211, 385.214). All such motions or protests should be filed on or before April 21, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9491 Filed 4-11-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-428-000]

Utah Power & Light Company; Filing

April 6, 1983.

The filing Company submits the following:

Take notice that on March 31, 1983, Utah Power & Light Company (UP&L) tendered for filing a proposed change in its FERC Electric Tariff, which would increase rates and charges to the City of Manti, Utah, under Rate Schedule RS-2 (closed) by approximately $89,000 per year, based on estimated sales for the year 1983.

UP&L proposes that the higher rates go into effect prospectively on the date when the FERC renders its decision determining just and reasonble rates for Manti.

A copy of the filing was served upon the City of Manti, Utah.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR §§ 385.211, 385.214). All such motions or protests should be filed on or before April 22, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9489 Filed 4-11-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-427-000]

Utah Power & Light Company; Filing

April 6, 1983

The filing Company submits the following:

Take notice that on March 31, 1983, Utah Power & Light Company (UP&L) tendered for filing a proposed change in its FERC Electric Tariff, which would increase rates and charges to firm interstate resale customers in Utah, Idaho and Wyoming in two phases. Based on estimated sales for the year 1983, Phase 1 rates, proposed to become effective May 31, 1983, would increase revenues by $4,244,000; Phase 2 rates, proposed to become effective June 1, 1983, would increase annual revenues by an additional $11,315,000.

Copies of the filing were served upon UP&L's jurisdictional customers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR §§ 385.211, 385.214). All such motions or protests should be filed on or before April 22, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9492 Filed 4-11-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-430-000]

Virginia Electric and Power Company; Filing

April 6, 1983.

The filing Company submits the following:

Take notice that on March 31, 1983, Virginia Electric and Power Company (VEPCO) tendered for filing proposed changes in its electric resale rate schedules presently on file with the Commission which are applicable to Rural Electric Cooperatives and Wholesale Municipalities including North Carolina Eastern Municipal Power Agency. VEPCO has submitted riders that would recover the revenues associated with the inclusion of one-half of construction work in progress in rate base. Based on the test period 12 months ending December 31, 1983 conditions, VEPCO estimates that the proposed changes in resale rates will increase annual revenues from Cooperative Customers by $24.6 million, or 15.2 percent, and from Municipal Customers by $9.6 million, or 16.1 percent. In addition, VEPCO has submitted a proposed increase in the rate for transmission service to North Carolina Eastern Municipal Power Agency.

VEPCO states that the increase in wholesale rates is needed to compensate the Company for the increased costs of doing business and to achieve a reasonable overall rate of return of 11.56 percent.

Copies of the filing were served upon VEPCO's jurisdictional Wholesale Customers, the Virginia State Corporation Commission and the North Carolina Utilities Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR §§ 385.211, 385.214). All such motions or protests should be filed on or before April 25, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9483 Filed 4-11-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-114-000]

Western Massachusetts Electric Company; Order Rejecting Filing

Issued April 6, 1983.

On November 10, 1982, Western Massachusetts Electric Company (WMECO) filed on behalf of the Northeast Utilities Companies (NU Companies)[1] an amendment to the Northeast Utilities Generation and Transmission Agreement (NUG&T)[2] providing for a change in the determination of the common equity component in the cost of service formula contained in the NUG&T. Certificates of concurrence executed by the other NU Companies were also submitted.

WMECO has made this filing pursuant to an order of the Massachusetts Department of Public Utilities (DPU) which, WMECO believes, does not have authority to order such a change to be made in a rate schedule subject to our jurisdiction.[3] Accordingly, WMECO has filed an appeal of the Massachusetts DPU order which is pending in the Massachusetts Supreme Judicial Court. Since WMECO was unable to obtain a stay of the Massachusetts DPU order, it has filed the amendment in order to comply with that commission's directive pending the court's action.

The amendment provides for a change to permit use of a formula to determine existing system weighted cost of common equity utilizing for each of the NU Companies a return on common equity equivalent to that allowed in the most recent rate order of the regulatory authority having principal jurisdiction over the individual company's rates. For each of the NU Companies, the regulatory body having principal jurisdiction over the company's rates is the respective state commission.

WMECO and the other NU Companies propose that the amendment not become effective until the later of two events: (a) this Commission's final action on the rate filing (including action subsequent to judicial review) or (b) a final resolution of WMECO's court appeal of the Massachusetts DPU order.

On December 15, 1983, the DPU filed a notice of intervention and protest in which it stated its opposition to any delay in the effective date of the proposed amendment. The DPU acknowledged that this amendment was filed pursuant to an order of that agency. The order found that such an amendment was in the public interest of the citizens of Massachusetts, as well as the ratepayers of WMECO.

An examination of the DPU order indicates that the DPU believes the NUG&T Agreement carrying charge mechanism has understated the true cost of capital to WMECO. Since WMECO is a net provider of capacity under the agreement, the DPU believes that WMECO has been underpaid for its capital by the other NU subsidiaries. In order to remedy the situation, the Massachusetts DPU has ordered WMECO to file the proposed amendment.

On December 21, 1982, WMECO filed a response to the Massachusetts DPU protest. WMECO does not oppose the DPU's intervention but does not object to its request for immediate review and approval of the amendment. According to WMECO, an effective date earlier than that proposed in the filing would result in complicated refund problems. WMECO further contends that if the Commission orders an earlier effective date, the Commission would be, in effect, deciding the merits of the appeal pending in the Massachusetts courts.

Discussion

The parties are in agreement that this filing was made only because the Massachusetts DPU ordered that it be made. WMECO has clearly stated its opposition to the filed amendment and has challenged the DPU order in the Massachusetts courts. This rate change has, in effect, not been requested by WMECO but, rather, by the Massachusetts DPU.

We are therefore confronted with what we believe to be a question of first impression before this Commission: whether we must or even may accept a rate filing made under protest by a utility at the direction of a state commission.

In answering this question, we must look first at the statutory scheme of the Federal Power Act. In explaining the "substantially identical" [4] provisions of the Natural Gas Act, the Supreme Court stated in *United Gas Pipe Line Co. v. Mobile Gas Corp.*:[5]

> Section 4(d) provides not for the filing of "proposals" but for notice to the Commission of any "change . . . made by" a natural gas company, and *the change is effected, if at all, not by an order of the Commission but solely by virtue of the natural gas company's own action.* If the purported change is one the natural gas company has the power to make, the "change " is completed upon compliance with the notice requirement and the new rate has the same force as any other rate—*it can be set aside only upon being found unlawful by the Commission.* (emphasis added)

From this, the Court concluded that:

> *except as specifically limited by the Act, the rate-making powers of natural gas companies were to be no different from those they would possess in the absence of the Act:* to establish ex parte, *and change at will,* the rates offered to prospective customers; of to fix by contract, and change only by mutual agreement, the rate agreed upon with a particular customer. 350 U.S. at 343 (emphasis added).

Citing this language with approval in *United Gas Co. v. Memphis Gas Division,*[6] the Court concluded:

> United, like the seller of an unregulated commodity, *has the right in the first instance to change its rates as it will,* unless it has undertaken by contract not be do so . . . .

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[1] The operating subsidiaries of Northeast Utilities are Western Massachusetts Electric Company, Connecticut Light & Power Company, Holyoke Water Power Company, and Holyoke Power & Electric Company.

[2] The NUG&T Agreement is a coordination and interchange agreement among the NU Companies which provides for the planning and operation of the bulk power supply system of the NU Companies on a one-system basis.

[3] The Massachusetts DPU also ordered that WMECO alternatively ask for an increase in its common equity return component to 17% if the Commission should deny the request for a variable common equity return rate. WMECO, however, has not made the alternative request in this filing.

[4] *F.P.C. v. Sierra Pacific Power Co.*, 350 U.S. 348, 353 (1956).

[5] 350 U.S. 322 342 (1956).

[6] 358 U.S. 103 (1958).

It seems plain that Congress, in so drafting the statute, was not only expressing its conviction that the public interest requires the protection of consumers from excessive prices for natural gas, *but was also manifesting its concern for the legitimate interests of natural gas companies in whose financial stability the gas-consuming public has a vital stake.* 358 U.S. at 113 (emphasis added).

The statutory scheme of the FPA is therefore designed to balance the interests of utlilities and their ratepayers by permitting the utilities to voluntarily change their jurisdictional rates, subject only to contractual limitations and review by this Commission.

Important consequences clearly follow from this statutory scheme. A permissible rate change filed by a utility (unlike a proposed change in rate by any other party) becomes effective unless it is suspended and until it is found to be unlawful by the Commission. If the Commission takes not action at all, the rate change becomes effective as a matter of law after the statutory notice period has run. Thus, is a real and important way, the utilities continue under the FPA to establish and change their rates, subject only to review by this Commission.

This statutory scheme would clearly be greatly altered if a state commission through its orders could control the timing and content of wholesale rate filings made by utilities. The state commission would in reality be "putting into effect a schedule of prices applying to the sale of electric current in interstate commerce," the very thing found to be outside the state commission's authority by the Supreme Court in *Public Utilities Commission of Rhode Island v. Attleboro Steam & Electric Company.*[7] While this Commission could ultimately determine whether the rate was lawful, the timing and amount of the rate filing would have been determined by the state commission. We would, in effect, be reviewing a rate established by that commission, not by the filing utility. Nevertheless, the filed rate would enjoy all the protections established by the Federal Power Act to preserve the right of utilities to set and change their own rates, subject only to our review. We therefore believe that allowing a state commission to control through its orders the timing and content of jurisdictional rate filing would place a direct burden on interstate commerce, contrary to the commerce clause of the Constitution.

The Supreme Court has said in dictum that this Commission:

. . . has no power to prescribe the rates for retail sales of power companies. Nor, accordingly, would it have power to remedy an alleged discriminatory or anticompetitive relationship between wholesale and retail rates by ordering the company to increase its retail rates. *FPC v. Conway Corp.*, 426 U.S. 271 at 276–277 (1976).

Likewise, we believe that state commissions lack the power to order a utility to increase or decrease its rates which are jurisdictional to this Commission.

We note that even this Commission generally cannot order changes to be filed in jurisdictional rates until after a hearing and a determination of the justness and resonableness of both the existing and the new rates. It would clearly be illogical to conclude that a state commission, which has no jurisdiction over the rates in question, could have greater power to order wholesale rate change filings than the Commission which has been entrusted with wholesale regulation.

Nor would such a scheme be feasible from a practical point of view. If State Commission A orders a change to be made in a wholesale rate filing, presumably because it would benefit the ratepayers in State A, then State Commission B might well retaliate by ordering a counter rate filing that would benefit the ratepayers in State B. The filing utility not only would have lost the right to set its own rates, but also would be placed in the incongruous and practicably infeasible position of advocating competing and contradictory rate changes. It was to protect against such competing local state interests that a Federal Commission was given jurisdiction to protect the national interest in transmission and sales for resale in interstate commerce.

Our conclusion that state commissions may not order a utility to make rate change filings before this Commission is strengthened by the fact that the Congress specifically provided the state commissions with another avenue by which to make known their concern about a utility's wholesale rates. Section 201(a) of the FPA provides that "upon complaint," the Commission may investigate any rates or charges collected by a utility for jurisdictional transmission and sales for resale. 16 U.S.C. 824e(a). Section 306 states clearly that "any person, State, municipality, or State commission" may file such a complaint. 16 U.S.C. 825e. Thus the Congress provided a specific statutory mechanism for state commission input.[8]

Under the FPA, the utilities set rates in the first instance, subject to review by this Commission on its own motion or on complaint by any person, including any state commission. However, the state commission or other complainant must show, and this Commission must find, that the utility's existing rate is unlawful before a rate change can be effected. And if the Commission fails to take any action, the filing of a complaint cannot effect a rate change by operation of law as can a contractually permissible rate filing made by a utility.

We believe that the Massachusetts DPU has impermissibly attempted to alter this statutory scheme by ordering WMECO to file a change in rates desired by the DPU. Under these circumstances, we believe that the filing is improper since the DPU cannot do indirectly that which it clearly cannot do directly, *viz.*, file a change in WMECO's rates which becomes effective unless the Commission finds it unlawful. We shall therefore reject the filing as a legal nullity,[9] made under duress, without prejudice to the proper filing of a complaint by the Massachusetts DPU.

Even if we were to conclude that we could accept the filing without violating either the Commerce Clause or the Federal Power Act, we would not do so for administrative reasons. WMECO has made it clear that it does not support the filing except as ordered to do so by the DPU. If WMECO prevails in its challenge to the DPU order in the Massachusetts courts, therefore, it will undoubtedly withdraw the filing. We do not think that this Commission's scarce resources should be wasted in evaluating a filing and rate change which may well be withdrawn. WMECO has asked for an effective date which, at the earliest, would occur after a final resolution of its court appeal of the Massachusetts DPU order. We believe that such a date is clearly more than 120 days in the future, and, under the circumstances, we would find no good cause to waive the maximum 120 day notice requirement in order to accept the filing.

The Commission orders:

(A) WMECO's filing of a proposed amendment to the NUG&T Agreement between itself and the NU Companies is hereby rejected for the reasons set forth above.

(B) The Secretary shall promptly publish this order in the **Federal Register**.

[7] 273 U.S. 77 (1927).

[8] We would add that under this Commission's regulations and established practice, a state commission, like any other interested party, may also seek to intervene and express its views each time that the utility itself files to effect a change in a rate schedule subject to our jurisdiction.

[9] *Municipal Light Boards of Reading, et al. v. F.P.C.*, 450 F. 2d 1341, 1346 (D.C. Cir. 1971).

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-0000 Filed 4-11-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER83-429-000]

Wisconsin Power and Light Company; Filing

April 6, 1983.

The filing Company submits the following:

Take notice that on March 31, 1983, Wisconsin Power and Light Company (WP&L) tendered for filing proposed changes in its W-2 and W-3 Electric Service tariffs, Wholesale For Resale. The Company has proposed interim changes which would increase revenues from W-2 Customers by $523,000 and increase revenues from W-3 Customers by $672,000 for the period the rates are collected subject to refund based on the 12-month period ending June 30, 1984. In addition, the Company is seeking permanent annual increases in W-2 revenues of $789,000 and $1,977,000 in W-3 revenues based on the same 12-month period ending June 30, 1984.

WP&L states that the proposed rate increase is necessary to meet rising operating costs. By its filing, the Company is requesting that the interim changes become effective on July 1, 1983.

Copies of the filing were served upon the public utility's jurisdictional customers, and the Public Service Commission of Wisconsin.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). All such motions or protests should be filed on or before April 25, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-0000 Filed 4-11-83; 8:45 am]
BILLING CODE 6717-01-M

Allocation Systems Test; Meeting

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: The Department of Energy (DOE) is holding an open public meeting to provide a briefing on DOE planning efforts in connection with United States participation in the International Energy Agency's Fourth Allocation Systems Test (AST-4). Representatives of private sector groups (including U.S. oil companies, National Defense Executive Reserves, consumer interest groups and industrial consumers), of State energy offices (including the National Governors Association and the National Conference of State Legislatures), and of other Federal agencies are expected to attend.

This is not a meeting to carry out the Voluntary Agreement and Plan of Action to Implement the International Energy Program; therefore, the antitrust defense provided by Section 252 of the Energy Policy and Conservation Act, 42 U.S.C. 6272, is not available in respect to this meeting.

DATE AND LOCATION: April 13, 1983 at 9:15 a.m., 1000 Independence Avenue, SW., Washington, D.C. 20585, Room 1E-245.

FOR FURTHER INFORMATION CONTACT: Jan Marfyak, Office of Energy Emergencies, U.S. Department of Energy, Room GH-060, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-4000.

SUPPLEMENTARY INFORMATION: The agenda for the meeting is attached as an appendix.

Issued in Washington, DC, April 11, 1983.

William A. Vaughan,

Assistant Secretary, Environmental Protection, Safety, and Emergency Preparedness.

Preliminary Agenda

AST-4 Orientation Meeting

April 13, 1983.

Room 1E-245, Forrestal

9:15-9:30—Opening Remarks—R. Winkler
9:30-9:45—International Overview—E. Forman
—IEA Background
—IEP Agreement
—IEA Emergency Management Organization
9:45-10:00—AST-4 Overview—R. Diaz
—Emergency Sharing System
—Responsibilities of "Reporting" and "Non-Reporting" Companies
—NESO Responsibilites
10:00-10:30—DOE AST-4 Management Structure—R. Weiner
—Organizational Concept
—Assignment and Responsibilities
10:30-11:00—Test Activities—F. Neilsen
—Sequence of Events
—Test Assumptions
—Timetables for Cycles I and II
—Assessment and Final Report
11:00-11:45—Overview of Role of States and Industry Players—R. Winkler
—Relationship of States to international players
—Role of NDERs
—Participation of public interest groups
—Role of oil consumers
—Role of the Rand Corporation
11:45-1:15—Lunch Break
1:15-3:00—State and Industry Participation—RAND Corp.
—Lessons learned from AST-3
—Adaption of disruption scenarios for states
—Timetables and events for states and industry
—Use of computer simulations and analyses
—State actions and responses
—Test Communications-DIALCOM
—Federal/state/industry coordination
—Participation by public interest groups (e.g., NGA, NCSL, NACo)
—Role of oil consumers
3:00-3:15—Break
3:15-4:15—Discussion of State and industry players' expectations and concerns

Note.—All time periods include Qs & AS and discussion.

[FR Doc. 83-0000 Filed 4-11-83; 11:53 am]
BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-59117B; TSH-FRL 2344-5]

Substituted Methoxy and Ethoxy Esters of Propanamine; Denial of Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's denial of TM-83-23, an application for a test marketing exemption (TME) under section 5(h)(6) of the Toxic Substances Control Act (TSCA).

EFFECTIVE DATE: April 5, 1983.

FOR FURTHER INFORMATION CONTACT: Theodore C. Jones, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-204, 401 M St. SW., Washington, DC. 20460, (202-382-3725).

SUPPLEMENTARY INFORMATION: Section 5(h)(1) of TSCA authorizes EPA to exempt persons from premanufacture notification (PMN) requirements and to permit them to manufacture or import new chemical substances for test marketing purposes if the Agency finds that the manufacture, processing, distribution in commerce, use and disposal of the substances for test

marketing purposes will not present any unreasonable risk of injury to health or the environment. EPA may impose restrictions on test marketing activities.

EPA has not been able to determine that test marketing of the new chemical substance described below, under the conditions set out in the application, will not present any unreasonable risk of injury to health or the environment. The submitter also filed a PMN for this same substance at the same time as the submission of the test market exemption application (TMEA). Moreover, the Agency is not convinced that this is a true TMEA due to the large number of customers. While the Office of Toxic Substances (OTS) has no policy restricting the number of customers for a TMEA, we are currently examining the issue to determine whether an application with such a large number of customers should be declared invalid. Therefore, based on all these factors the application is denied.

TM 83-23.

Date of Receipt: February 4, 1983.

Notice of Receipt: February 18, 1983 (48 FR 7298).

Applicant: Claimed as Confidential Business Information.

Chemical: Substituted methoxy and ethoxy esters of propanamine.

Use: Industrial curing agent.

Production Volume: 400 kg.

Number of Customers: 150.

Worker Exposure: The potential for inhalation exposure during manufacturing and processing operations appears to exist. During manufacturing and processing operations the following worker exposures are expected:

Manufacturing—40 persons, for less than 8 hours/day, for less than 10 days.

Processing (customer evaluation)—300 persons, for less than 8 hours/day, for less than 10 days.

Test Marketing Period: 45 days.

Risk Assessment: Based on test data on a close analog, EPA believes that the TME substance has the potential to cause chronic and subchronic effects (i.e. capillary hemorrhage, chronic bronchitis and bronchikutus). EPA is unable to determine, in the absence of chronic and subchronic test data on the test market substance, whether expected worker exposure levels are low enough to ensure that there will be no unreasonable risks to workers during manufacture and processing operations during the test marketing of this substance.

Public Comments: None.

Dated: April 15, 1983.

Marcia E. Williams,

Acting Office Director, Office of Toxic Substances.

[FR Doc. 83-9631 Filed 4-11-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

[MM Docket No. 83-344, File No. BPCT-820622KE and MM Docket No. 83-345, File No. BPCT-821222]

James A. Bender and Owen Broadcasting Enterprises; Designating Applications for Consolidated Hearing on Stated Issues

Hearing Designation Order

Adopted: March 31, 1983.

Released: April 7, 1983.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has before it the above mutually exclusive applications of James A. Bender (Bender) and Owen Broadcasting Enterprises (Owen) for a new commercial television station to operate on Channel 17, Missoula, Montana.

Owen Broadcasting Enterprises

2. Section 73.682(a)(15) of the Commission's Rules states that the effective radiated power of the aural transmitter shall not be less than 10 percent nor more than 20 percent of the peak radiated power of the visual transmitter. Owen's aural power is 1% of the visual. The applicant will be required to correct this situation by an appropriate amendment within 20 days of the release of this Order.

3. Owen indicates in Section V-C, Item 7, FCC Form 301, that it will use electrical and mechanical beam tilt. Section 73.685(e) and (f) of the Commission's Rules requires that information be submitted to verify the nature of the proposed electrical and mechanical beam tilt. Owen did not submit this information. Accordingly, applicant will be required to submit an appropriate engineering amendment within 20 days of the release of this Order.

4. Section II, Page 2, FCC Form 301, requires that if the applicant is a corporation, the names, addresses and offices held by each officer must be listed. Owen's application shows that Dennis Owen is the sole stockholder, but the office or offices which he holds, if any, have not been disclosed. No other names are listed as officers. The laws of the State of Tennessee,[1] however, appear to require that a corporation have at least two officers (Tenn. Code Ann. § 48-811). Furthermore § 73.3514(a) requires applicants to provide all information called for by FCC Form 301, unless the required information is inapplicable. Accordingly, appropriate issues will be specified to determine the identity and qualifications of the corporate officers and to examine Owen Broadcasting's compliance with § 73.3514(a).

5. Section II, page 4, Question 9, FCC Form 301, inquires whether there are any documents, instruments, contracts or understandings relating to ownership or future ownership rights (including, but not limited to, non-voting stock interests, beneficial stock ownership interests, options, warrants, debentures). Owen answered "yes" to Question 9; however, the particulars were not submitted. Owen will be required to submit the particulars to the presiding Administrative Law Judge within 20 days of the date of the release of this Order.

6. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. Since the applications are mutually exclusive, the Commission is unable to make the statutory finding that their grant will serve the public interest, convenience, and necessity. Therefore, the applications must be designated for hearing in a consolidated proceeding on the issues specified below.

7. Accordingly, it is ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to Owen Broadcasting Enterprises:

a. The number, identity and legal qualifications of the officers of Owen Broadcasting Enterprises;

b. Whether, in light of the evidence adduced pursuant to the foregoing issue, the applicant complied with § 73.3514(a) of the Commission's Rules; and

c. In light of the evidence adduced pursuant to the foregoing issues, the

[1] The application form no longer requires a corporate applicant to disclose its state of incorporation. Because Dennis Owen lives in Tennessee, it has been assumed that the corporation is a Tennessee corporation.

effect of any omissions on the applicant's basic of comparative qualifications.

2. To determine which of the proposals would, on a comparative basis, better serve the public interest.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

8. It is further ordered, That Owen shall submit, pursuant to § 73.682(a)(15) of the Commission's Rules, to the presiding Administrative Law Judge within 20 days after the date of release of this Order, an appropriate engineering amendment to correct the aural effective radiated power.

9. It is further ordered, That, Owen shall submit, pursuant to § 73.685 (e) and (f) of the Commission's Rules, an appropriate engineering amendment to verify the nature of the proposed electrical and mechanical beam tilt within 20 days after the date of release of this Order to the presiding Administrative Law Judge.

10. It is furthur ordered, That Owen Broadcasting Enterprises shall submit the particulars for answering "yes" to Section II, Question 9, FCC Form 301, to the presiding Administrative Law Judge within 20 days after the date of the release of this Order.

11. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

12. It is further ordered, That the applicants herein shall, pursuant to Section 311(A)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Roy J. Stewart,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 83-9445 Filed 4-11-83; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket No. 83-338, File No. BPCT-820928KF; etc.]

Cape Coral Broadcast Production and Management Corp., et al.; Designating Applications for Consolidated Hearing on Stated Issues

Hearing Designation Order

Adopted: March 31, 1983.

Released: April 7, 1983.

In re Applications of Cape Coral Broadcast Production and Management Corporation, Cape Coral, Florida, MM Docket No. 83-338, File No. BPCT-820928KF; Ronald H. Kays, and Peter H. K. Tan, et. al. d/b/a, Florida Family Broadcasting, Ltd., Cape Coral, Florida, MM Docket No. 83-339, File No. BPCT-821103KG; South Jersey Radio, Inc., Cape Coral, Florida, MM Docket No. 83-340, File No. BPCT-821124KF; Harry C. Powell, Jr. d/b/a/, Powell Broadcasting Company, Cape Coral, Florida, MM Docket No. 83-341, File No. BPCT-821124KG; Coastal Telecasting Corporation, Cape Coral, Florida, MM Docket No. 83-342, File No. BPCT-821126KE; and Florida Metro Broadcasting, Inc., Cape Coral, Florida, MM Docket No. 83-343, File No. BPCT-821126KF; For Construction Permit.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications for a new commercial television station to operate on Channel 36, Cape Coral, Florida.[1]

2. No determination has been made that the tower heights and locations proposed by Cape Coral Broadcast Production and Management Corporation, South Jersey Radio, Inc. and Coastal Telecasting Corporation would not each constitute a hazard to air naviation. An appropriate issue will be specified.[2]

3. The effective radiated visual power, antenna height above average terrain and other technical data submitted by Powell Broadcasting Co. indicate that there would be a significant difference in the size of the area and population that it proposes to serve and the size of the areas and populations that the other applicants propose to serve. Consequently, for the purposes of comparison, the areas and populations which would be within the predicted 64 dBu (Grade B) contour, together with the availability of other television service of 64 dBu (Grade B) or greater intensity, will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to any of the applicants.

Cape Coral Broadcast Production and Management Corporation (CCB)

4. CCB's application indicates that construction of the station would constitute a major environmental action within the meaning of Section 1.1305 of the Commission's Rules. The applicant, however, has not submitted an environmental narrative statement which contains all of the information required by Section 1.1311 of the Rules. CCB will, therefore, be required to submit to the presiding Administrative Law Judge, within 20 days of the date of release of this Order, an environmental narrative statement which complies with Section 1.1311 of the Commission's Rules.

5. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. Since the applications are mutually exclusive, the Commission is unable to make the statutory finding that their grant will serve the public interest, convenience, and necessity. Therefore, the applications must be designated for hearing in a consolidated proceeding on the issues specified below.

6. Accordingly, it is ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine, with respect to Cape Coral Broadcast Production and Management Corporation, South Jersey Radio, Inc. and Coastal Telecasting Corporation, whether there is a reasonable possibility that the tower height and location proposed by each would constitute a hazard to air navigation.

2. To determine which of the proposals would, on a comparative basis, best serve the public interest.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

7. It is further ordered, That, Cape Coral Broadcast Production and Management Corporation shall submit

[1] South Jersey Radio, Inc. filed a "Petition for Leave to Amend" on March 18, 1983, accompanied by an amendment updating information concerning a pending application at Brunswick, Georgia. Inasmuch as the information is required by § 1.65 of the Commission's Rules, the petition is hereby granted and the amendment is accepted.

[2] The Commission is not in receipt of the Federal Aviation Administration's studies for Cape Coral Broadcast's tower and South Jersey Radio, Inc.'s tower.

an environmental narrative statement which contains the information required by § 1.1311 of the Rules to the presiding Administrative Law Judge within 20 days after this Order is released.

8. It is further ordered, That the Federal Aviation Administration is made a party respondent to this proceeding with respect to issue 1.

9. It is further ordered, That to avail themselves of the opportunity to be heard, the applicants and the party respondent herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

10. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Roy J. Stewart,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 83-9448 Filed 4-11-83; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket No. 83-316, File No. 26086-CL-P-(9)-82]

Cellular Communications of Cincinnati, Inc., et al.; Designating Applications for Consolidated Hearing on Stated Issues

In re Applications of Cellular Communications of Cincinnati, Inc., Cellular Mobile Systems of Ohio, Inc., Metro Mobile Cts, Richard L. Plessinger d.b.a. Miami Valley Radiotelephone, Midwest Mobilephone Corporation, CC Docket No. 83-316, File No. 26086-CL-P-(9)-82; File No. 26180-CL-P-(6)-82; File No. 26068-CL-P-(7)-82; File No. 26114-CL-P-(4)-82; File No. 26044-CL-P-(7)-82; For a construction permit to establish a cellular system to operate on frequency block A in the Domestic Public Cellular Radio Telecommunications Service to serve the Cincinnati, Ohio-Kentucky-Indiana, Standard Metropolitan Statistical Area.

Memorandum Opinion and Order Designating Applications for Hearing

Adopted March 24, 1983.

Released April 1, 1983.

1. Presently before the Chief, Common Carrier Bureau, acting under delegated authority, are: (a) The captioned applications of Cellular Communications of Cincinnati, Inc. (CCCI), Cellular Mobile Systems of Ohio, Inc. (CMS), Metro Mobile CTS (Metro Mobile), Richard L. Plessinger d/b/a/ Miami Valley Radiotelephone (Miami Valley) and Midwest Mobilephone Corporation (Midwest) to construct cellular radio systems to serve the Cincinnati, OH-KY-IN, Standard Metropolitan Statistical Area (SMSA); and (b) various motions, petitions, pleadings and amendments related to the applications.[1]

2. As discussed below, we find that the petitions fail to raise any substantial and material issues requiring designation for hearing. These applications are electrically mutually exclusive and, accordingly, we are designating them for a comparative hearing in accordance with the Commission's special hearing procedures for cellular radio applications announced in the Commission's *Report and Order* in CC Docket No. 79-318, 86 FCC 2d 469 (1981), *modified*, 89 FCC 2d 58 (1982), *further modified*, 90 FCC 2d 571 (1982). We are also requiring the applications to be amended, as set forth below.

CCCI Application

3. *Financial Qualifications.* Midwest, Metro Mobile and CMS filed petitions to deny CCCI's application. All the petitioners argue that CCCI is not financially qualified. In the application, CCCI estimates its construction costs to be $4,553,000, and its first year operating expenses, excluding interest, to be an additional $1,011,000, totaling $5,564,000. To meet these costs, CCCI relies upon one or more of the following (a) private equity funds from Western Union Telegraph Co. (WJ) and four other investors for approximately $5 million; (b) a letter of credit from Citibank, N.A. for $7,500,000; (c) an equipment financing option from General Electric Credit Corporation (GECC); and (d) an offer by Shearson/American Express (Shearson) to secure sufficient funds to finance the entire project.

4. The petitioners argue that CCCI has underestimated its cost; that the equity investments do not provide adequate assurance that the funds will be available; that Citibank's letter of credit and GECC's equipment financing option do not provide sufficient detail; and that the Shearson letter is a mere offer to raise capital. CMS also argues that CCCI failed to provide sufficient detail concerning its preoperating and first year operating expenses.

5. CCCI responds that it did not include interest expense in its cost projections because the precise mix of equity and debt of its financing is uncertain at this time. In any event, CCCI argues that it has demonstrated more than sufficient funds to cover its financing costs including whatever interest expense may accrue. With respect to its proposed sources of funds, CCCI argues that the petitions point out only technical flaws in its financial arrangements and that its financial showing is unassailable on the merits. CCCI argues that notwithstanding the fact that the Citibank letter did not specify the particular terms of the arrangement, the Citibank letter provides reasonable assurance of the funds, based on pertinent judicial and Commission precedent. CCCI also contends that its private equity placement should be credited for $5 million because each shareholder specified the amount of the commitment and has established its ability to meet the commitment. CCCI further responds that the Shearson letter provides reasonable assurance of those funds because Shearson provided its expert opinion that the necessary funds will be available and because Shearson offered to manage the underwriting.

6. After carefully reviewing the CCCI application and the related pleadings, we conclude that CCCI is financially qualified to construct and operate the proposed facility. CCCI proposes four sources of funds: private equity, Shearson offering, Citibank loan, and GECC equipment lease. Of those sources, we find that CCCI has demonstrated reasonable assurance that the private equity financing and GECC equipment lease will be available. These sums are sufficient to cover the projected construction and operation costs.[2]

7. *Private Equity Funding.* CCCI projects that it will be able to raise approximately $5 million in additional shareholder equity from five investors that are currently investors in its parent, Cellular Communications, Inc. Western Union (WU) will contribute $1.7 million.

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[1] Two applications were also filed requesting the wireline allocation (frequency block B) in this SMSA. The two applicants have filed a settlement agreement for this SMSA. *See* Public Notice, Mimeo 1437, Report No. CL-11, released December 17, 1982. We will consider the wireline allocation in a separate order.

[2] We are not persuaded by Midwest's argument that CCCI's costs are understated. Midwest has not demonstrated that CCCI's costs are unreasonable on their face. *See* Advanced Mobile Phone Service, Inc., *et al.* (*Chicago Order*), 91 FCC 2d 512, 518 (1982).

WU plans to finance its commitment by a loan from Manufacturers Hanover Trust Company and provides a letter from the bank confirming this commitment. The interest rate (prime), and repayment terms are contained in the letter. No collateral is anticipated. Under applicable precedent, this letter is acceptable as reasonable assurance of these funds. *See Multi-State Communications, Inc. v. FCC (Multi-State), 590 F.2d 1117 (D.C. Cir. 1978), cert. denied,* 440 U.S. 959 (1979); *See also Peoples Broadcasting Corporation, et al. (Peoples),* 68 FCC 2d 1569, 1574–75 (1978); *Merrimack Valley Broadcasting, Inc., (Merrimack),* 82 FCC 2d 166, 174–75 (1980). Sidney R Knafel will contribute $317,000 and Susan B. Knafel as custodian for Douglas and Andrew G. Knafel will contribute $318,000. These commitments are both financed by Citibank, N.A., and are in accordance with *Peoples, supra,* and *Merrimack, supra.* Alan Patricof Associates, Inc. (APA) will contribute $1,968,000. APA is a venture capital firm that has been making venture capital investments since 1969. Currently, APA manages two pools of capital: Excelsior Fund and 53rd Street Ventures, Inc. Excelsior Fund is a $25,650,000 venture capital firm; 53rd Street is a Small Business Investment Company with net total assets of $3.0 million. Since the assets of these funds are vastly in excess of the amount committed, we find that CCCI has adequately demonstrated the availability of this equity funding. *See Tel-Page Corporation of Wisconsin (Tel-Page),* 74 FCC 2d 370, 374 (1979), and the cases cited therein. Finally, Venrock Associates will contribute approximately $633,500. Venrock Associates is a venture capital limited partnership formed by the Rockefeller Family, with funds of $20 million available for investment. CCCI provides a letter from Chase Manhattan Bank, N.A., the custodian for this fund, verifying that the $20 million is comprised of Marketable Securities for which there is a ready market. Under applicable precedent, this demonstration is acceptable as reasonable assurance of these funds. *See Tel-Page, supra; Merimack, supra; Peoples, supra.* In summary, CCCI has adequately demonstrated that it will have approximately $5 million available from its private equity funding.

8. *Shearson Offering.* CCCI provides a letter from Shearson which indicates that it will undertable a program to secure $7,500,000 for CCCI's Cincinnati cellular system. The letter indicates that based on its past business dealings with CCCI's principals and its experience in raising capital for public and private firms, Shearson believes that "funds for financing the CCCI system will be available on reasonable and equitable terms." After carefully reviewing the material provided, we cannot credit CCCI with the Shearson Offering. The Shearson letter does not provide any terms or details of the offering, nor does it indicate whether the financing will be a public or private offer, or will be debt or equity. Further, the letter fails to state whether Shearson has any specific experience managing underwritings for CCCI or its principals. Lacking these particulars, the letter does not meet the standards established by the Commission in the *Chicago Order, supra* note 2, at para. 10–12. Accordingly, we find that CCCI did not submit sufficient information for us to determine whether this letter provides reasonable assurance of the funds.

9. *Citibank letter.* CCCI provides a letter from Citibank extending credit for $7,500,000 provided that all Citibank credit criteria are met. The letter indicates that the pricing, the terms, and the amortization schedule will be contingent upon the credit conditions prevailing at the time of the commitment, and that a security interest of the assets of the company will be required. After reviewing the letter of credit from Citibank we conclude that this letter does not provide reasonable assurance of the funds. Although exact details such as interest rates and payment terms are not absolutely required, the applicant must submit sufficient information for the Commission to make its reasonable assurance determination. *See Multi-State, supra.* CCCI admits that the Citibank letter does not specify any of the essential terms of the loan, with the exception of the collateral requirements. Under these circumstances, we cannot conclude that the Citibank loan provides reasonable assurance. *See Advanced Mobile Phone Service, Inc., et al. (Philadelphia Order),* CC Mimeo 1882, released January 21, 1983, at para. 6.[3]

10. *GE Equipment Lease.* CCCI has also obtained an equipment financing lease commitment from GECC, whereby GECC will lease to CCCI the necessary base station and switching equipment for the Cincinnati cellular system for five years, with an option to purchase the equipment at the end of the five year lease term. According to a letter from GECC, which was contained in Exhibit S–11 of the application, the exact terms of the lease are contingent on the credit conditions prevailing at the time of the lease; however, the parties anticipate that the monthly "rental" fee will be $81,638, and that GECC will require a security interest in the assets of CCCI as collateral for the lease. The effect of this transaction on CCCI's cost projections will be to reduce CCCI's capital investment for equipment from $4,553,000 to $612,000 and raise its monthly expenses by $81,638 per month for 24 months.[4] Thus, assuming that CCCI chooses to rely on the GECC equipment financing, it will incur equipment expenses of $1,959,312, in addition to the $1,011,000 in expenses that it has already projected, and $612,000 for other construction costs. CCCI will need, therefore, an estimated $3,582,312 to construct and operate its proposed Cincinnati system.

11. After carefully reviewing the material presented, we conclude that CCCI is financially qualified. The GCCC letter contains sufficient detail to provide reasonable assurance of this equipment financing transaction. The interest rate, repayment terms, and collateral requirements are provided in this letter. CCCI has also demonstrated that it will have approximately $5 million available from its private equity funding to meet the remaining projected expenses of $3,582,312. Accordingly, we conclude that CCCI has sufficient resources available to construct and operate its proposed Cincinnati system.

12. *Extension of OGSA.* CCCI's Cellular Geographic Service Area (OGSA) and several of its 39 dBu contours extend beyond the Cincinnati SMSA. Midwest argues that these extensions are more than *de minimis* and, thus, violate the cellular rules. CCCI responds that its extensions were necessary to cover the northern portion of the Cincinnati SMSA, and it is using directionalized antennas to minimize the extensions.

13. We have carefully reviewed the maps submitted with the application, and we conclude that CCCI's OGSA extensions are *de minimis.* Four of CCCI's sites extend unto the adjacent

[3] CCCI goes to great lengths in asserting that the instant situation is very similar to the facts in *Multi-State.* We disagree. In *Multi-State,* the bank letter contained the general terms of the loan. Although the *Multi-State* letter indicated that these terms were tentative, these terms were explained in great detail. In the instant situation, no terms whatsoever are provided.

[4] We are including 24 months of equipment lease expenses to cover both the period of construction (assumed to be one year) and CCCI's first year of operation. We have not considered the equipment lease expenses after the first year of operation based on our prior decision in Advanced Mobile Phone Service, Inc. *et al.* (Buffalo Order), CC Mimeo 1320, released December 14, 1982, at paras. 16–18, in which the Bureau concluded that it would not be necessary to inquire whether a cellular applicant will be able to operate beyond one year.

SMSA by less than 5%. The Colemain Township site extends 6%, the Florence site extends 8.5%, and Logan Township extends 10% into the adjacent SMSA. These extensions do not go into another central SMSA. While several of the contours do extend into the Hamilton-Middleton SMSA,[5] neither of these cities, itself, is covered by these extensions. Accordingly, it does not appear that CCCI's extensions were designed to cover this market area. Based on the small percentage of overlap and the absence of any evidence of intent to serve a population center in another SMSA, we conclude that CCCI's proposal fully complies with Section 22.903 of the rules. *See Philadelphia Order, supra.*[6]

14. *Eligibility.* Midwest argues that CCCI is ineligible to hold a license for the nonwireline frequencies because it is partially owned by Western Union, which is a specialized common carrier. Midwest contends that specialized common carriers should be considered wireline carriers. This argument is without merit. In *Xerox Corp.*, 90 FCC 2d 547, 550–554 (1982), the Commission examined this issue in connection with a proposed transfer of control of mobile radio facilities of a nonwireline carrier to a specialized common carrier and determined that specialized common carriers are nonwireline carriers.

See also Cellular Mobile Systems of Indiana, Inc., et al. (Indianapolis and Milwaukee Order), FCC 83–70, released March 3, 1983.[7] We conclude therefore that WU's ownership interest in CCCI does not make CCCI ineligible for a nonwireline frequency.[8]

15. *Rates.* Midwest argues that CCCI's proposed rates are non-compensatory. Midwest bases this argument on its earlier contention that CCCI has underestimated its construction and operating costs. We find this argument to be without merit. The rates charged to the public are a state matter, rather than within the jurisdiction of the Commission when the service is intrastate or falls within the local exchange service exemption of Section 221(b) of the Communications Act of 1934, as amended. *See generally Morrison Radio Relay Corp.*, 31 FCC 2d 612 (1971). In addition, as expressed earlier, Midwest has not demonstrated that CCCI's costs are unreasonable on their face. *See* note 2, *supra.*[9]

Metro Mobile Application

16. CMS, Midwest and CCCI filed petitions against the Metro Mobile application. The petitioners argue that Metro Mobile has not demonstrated site availability and is not financially qualified. Midwest also argues that Metro Mobile's CGSA improperly extends beyond the Cincinnati SMSA.

CMS claims that Metro Mobile has not provided its criteria for system expansion and criticizes Metro Mobile's maintenance proposals.[10]

17. *Site Availability.* We find that Metro Mobile has adequately demonstrated site availability. An applicant need not have a binding agreement or absolute assurance of the availability of a proposed site, but rather must show that it has obtained reasonable assurance that its proposed site will be available. *See Alabama Citizens for Responsive Public Television, Inc. (Alabama Citzens)*, 59 FCC 2d 1 (1976). In the application Metro Mobile indicates that it has received a commitment to lease or to negotiate a lease for each of its cell sites. On July 29, 1982, Metro Mobile submitted an amendment containing written evidence of site availability.[11] With the exception of the letter for Site 3, for which a new site was negotiated after the filing date because the original site was lost,[12] each of these letters was executed prior to the June 7, 1982 filing date. Further, none of the petitioners demonstrated that any of Metro Mobile's sites is not available. Based on these circumstances, we find no reason to designate a site availability issue.

18. *Financial Qualifications.* Metro Mobile estimates its construction costs and first year operating expenses for Cincinnati to be $8,355,682. Metro Mobile's aggregate construction costs and operating expenses for its nine top-30 applications (Cincinnati, Miami, Minneapolis, San Diego, Phoenix, Tampa, Denver, Kansas City and Houston) are $99,264,429. To finance these commitments, Metro Mobile relies upon a loan for $115 million from the First National Bank of Chicago (First National). The Bureau examined this financing arrangement in *Cellcom, Inc. et al.*, (*Minneapolis Order*), CC Mimeo 1573, released December 30, 1982, and found that Metro Mobile had demonstrated reasonable assurance of availability of the First National loan to finance its nine cellular applications including the Cincinnati proposal. Accordingly, we find Metro Mobile to be financially qualified to construct and operate its Cincinnati proposal.[13]

19. *CGSA Extension.* Metro Mobile's CGSA extends into the adjacent Hamilton-Middletown, Ohio, SMSA. Midwest alleges that Metro Mobile has not demonstrated that this extension is *de minimis*. Metro Mobile responded that its intrusion into Hamilton is so slight that it is *de minimis per se* and that it has used a highly directionalized antenna aimed away from Hamilton to minimize any interference potential. The staff has evaluated Metro Mobile's engineering analysis and has found that this extension covers less than one square mile. Clearly, this extension,

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[5] Hamilton-Middleton is a secondary SMSA.

[6] Midwest also contends that CCCI has proposed an insufficient number of channels for the proposed grade of service. This allegation has been adequately answered by CCCI.

[7] WU also engages in message telegraph service. However, in the cellular allocation such carriers are considered nonwireline carriers. *Compare* §§ 22.903(b) and 22.501(c) with § 22.501 (i) and (k). *See* also Xerox Corp., *supra*, at 554.

[8] Midwest also argues that CCCI is not legally qualified because it is not yet registred to do business in Indiana, Kentucky or Ohio, and because CCCI committed an error on its application concerning its corporate structure. We will not designate issues concerning these matters based upon the allegations submitted here. CCCI's application error was insubstantial and obvious on its face. Any corporate law problems that were raised are readily correctable. If these states take action or determine that state law has been violated, the Commission will review the relevance of that action at an appropriate time. *See* Advanced Mobile Phone Service, Inc., *et al. (New York City Order)*, CC Mimeo 2418, released February 13, 1982, at para. 33.

[9] Further, assuming identical usage by subscribers, CCCI's proposed monthly charges are *higher* than those of Midwest.

[10] CCCI also criticizes all of the applicants, including Metro Mobile, for failure to file a separate Form 401 application for each cell site and for failure to use a map with the proper scale [1:250,000]. These arguments are frivolous and insubstantial. These applications contain all essential information for all cell sites. Further, to avoid unnecessary duplication, common sense dictates that information common to all locations may be filed on one Form 401 that contains the specific information for each site. In addition, we have examined each of the applicants' maps and we find them to be in the proper scale. These arguments raised by CCCI are trivial and should not have been brought before the Commission.

[11] This amendment was accepted as minor because it did not modify Metro Mobile's proposal, but rather supplied information explaining material already contained in the application.

[12] CCCI also criticizes Metro Mobile's demonstration of site availability because of certain correspondence with the Commission in which Metro Mobile mistakenly identified its lost site as "site 12", rather than "site 3". This argument is frivolous. Metro Mobile's error appears to be typographical in nature, and in no way reflects on Mobile Metro's demonstration of site availability or its technical qualifications. Further, Metro Mobile claims that this error had been clarified prior to the filing of CCCI's protest.

[13] CCCI has also filed a Motion to Strike portions of the reply pleadings of all of the applicants, including Metro Mobile, dealing with financial qualifications. CCCI requests that we not consider arguments contained in the replies which refer to documents, such as additional bank letters, which were attached to these pleadings. We reject this argument. These documents merely provide additional details concerning the financial arrangements of the applicants and do not provide any new sources of funds or modify the financial plans as contained in the application.

which Metro Mobile has justified on a engineering basis, is *de minimis*.

20. *Other Matters.* CMS argues that Metro Mobile has failed to provide a proper showing of its projected method of system expansion, and questions whether Metro Mobile's proposed system will be able to provide adequate assurance of reliable and continuing service. We are not persuaded by these arguments. Metro Mobile's application adequately explains its proposed method for system expansion and the grade of service criteria to be applied (Engineering Exhibits VIII thru X). We find this showing meets the requirements of § 22.913(a)(4) of the rules. We further find that Metro Mobile's service and maintenance proposals meet the basic requirements of our rules. *See* Legal Exhibits 7 and 8 of Metro Mobile's application. These proposals however, may be examined in the comparative portion of this proceeding to the extent they are relevant to the issues designated in para 48, *infra*. See *Minneapolis Order, supra*, at paras. 13–14.

Midwest Application

21. *Financial Qualifications.* CMS, CCCI and Metro Mobile filed petitions against the Midwest application. All petitioners argue that Midwest is not financially qualified. In the application, Midwest estimates the cost to construct and operate the Cincinnati facility to be $5,104,550. Midwest has also applied for cellular service in Indianapolis. Midwest estimates the total costs for its two cellular systems to be $10,073,000.[14] To meet these anticipated costs, Midwest relies upon: (a) a private equity commitment of $4 million ($2.4 million allocated to Cincinnati), from Burr, Egan, Deleage & Company (Burr); (b) a bank loan for $35.5 million ($2 million allocated to Cincinnati) from American Fletcher National Bank (American Fletcher); and (c) first-year revenues of $2,573,000 ($1,227,000 from Cincinnati).

22. The petitioners argue that Midwest has understated its reoperating expenses; that Midwest has overestimated its projected revenues; that the Burr commitment is inconsistent and confusing; that it is not clear whether Burr has sufficient resources to meet its equity commitment; and that it is questionable whether Midwest will be able to meet the conditions contained in the bank letter from American Fletcher.

23. In its reply, Midwest admits that its estimate of expenses should be raised by $403,900 to account for additional preoperating expenses. Midwest argues that its revenue projections should be considered because they are grounded on the extensive experience of its financial advisers and are well-supported; that Burr is one of the nation's largest venture capital firms; and that Burr's assets are vastly in excess of the amount committed. Finally, Midwest explains in detail its various financial transactions with Burr and provides a letter from American Fletcher further explaining its conditions for the bank loan.

24. After carefully reviewing Midwest's financial showing, we conclude that Midwest is financially qualified to construct and operate the proposed facility. First, Midwest has adequately demonstrated reasonable assurance that the loan from American Fletcher will be available. The bank letter, which was provided in Exhibit 7, Attachment E of the application, contains all essential terms, including the interest rate (1¼% above prime), the repayment terms, and the collateral. In addition, Midwest has provided a second bank letter explaining in detail the conditions attached to the loan. Under applicable precedent, this letter is acceptable as reasonable assurance that this bank loan will be available to Midwest. *See Multi-State, supra.*

25. We also conclude that Midwest has adequately demonstrated that the Burr equity commitment will be available. Burr has indicated that it will provide $4 million of equity financing (with $2.4 million allocated to Cincinnati) and has outlined the details and conditions of this funding. The petitioners question whether Burr has sufficient net liquid assets available to meet its commitment. We reject this argument. As explained in para. 7, *supra*, it is well established that a stock subscriber is not required to submit a detailed showing of the liquidity of its assets where those assets are vastly in excess of the amount commited to the applicant. *See Tele-Page, supra.* Burr is a Boston, Massachusetts, venture captial firm that is one of the country's largest venture capital firms. Burr manages six different investment pools, which are valued at over $85 million in total assets and over $60 million in net liquid assets. Thus is is not necessary for Burr to submit a detailed showing demonstrating that it wil be able to meet its $4 million commitment to Midwest. In addition, Midwest has clarified the details of its equity arrangement with Burr. Accordingly, we conclude that Midwest has adequately demonstrated the availability of its equity funding.

26. To summarize, Midwest's cost estimates as revised, indicate it will need $5,508,450 to cover the construction, preoperational, and first-year operating expenses for Cincinnati. However, Midwest has demonstrated funds available of only $4.4 million, comprised of $2.4 million from Burr and $2.0 million from American Fletcher. Thus, Midwest has a shortfall of funds of approximately $1.1 million for Cincinnati. Nonetheless, as discussed in note 12, *supra*, Midwest has entered into a settlement in Indianapolis whereby Midwest will only be required to contribute $1,666,667. It is reasonable to assume that Midwest will have $1.5 million excess of funds from its bank loan and equity funding that were originally intended to finance Midwest's Indianapolis system but will not be necessary. Because the letters from American Fletcher and Burr are framed in terms of Midwest's overall cellular commitments allocated between two proposals, rather than being entirely separate commitments for each city, we conclude that Midwest will be able to obtain sufficient funds to meet its commitments for Cincinnati.[15] Accordingly, we will not designate a financial qualifications issue. However, we direct Midwest to file an amendment with the Administrative Law Judge (ALJ) to confirm that funds from American Fletcher and Burr wil be available for Midwest's Cincinnati system. In the event that such an amendment is not forthcoming, the ALJ is empowered to add a financial qualifications issue.

27. *Service Contour Extensions.* Metro Mobile argues that Midwest's application violates the cellular rules because several of Midwest's service contours extend beyond its proposed OGSA.[16] [17] Midwest responds that its

[14] Subsequent to the filing of the applications for the top-30 markets, the nonwireline applicants in Indianapolis proposed a settlement whereby Cellular Mobile Systems of Indiana, Inc. (CMSI), Westel-Indianapolis Company and Midwest entered into an equal partnership that will prosecute the CMSI application; the Midwest and Westel applications will be withdrawn. The partnership estimates its construction and operating expenses to be $5 million. According to the partnership agreement, Midwest will be required to contribute up to $1,666,667. Consequently, Midwest's financial requirement for its two proposals is $6.7 million, rather than $10 million.

[15] Midwest also relies on first-year revenues to provide additional funds for its cellular proposals. The petitioners dispute the availability of these funds. Because we have found that Midwest has sufficient resources without this revenue projection, we do not reach this question.

[16] Midwest has defined its OGSA to be coterminous with the Cincinnati SMSA.

[17] Metro Mobile argues that Midwest is violating § 22.903(a) and (d) by locating its service contours beyond its OGSA. Neither of these rule sections applies. Section 22.903(a) prohibits OGSA extensions beyond the boundaries of the SMSA except where the extension is *de minimis* and does not go into another central SMSA. While ths sectior

service contour extensions were necessary in order to fully cover the Cincinnati SMSA; that it is not claiming frequency protection or comparative credit for areas outside the SMSA; and that it is prepared to coordinate the use of frequencies with adjacent cellular systems.

28. After reviewing the maps submitted with the application as well as Midwest's explanation for its system design, we conclude that Midwest's proposal is acceptable. Midwest's extensions are as follows: Site 1 (8%); Site 2 (14%); Site 3 (7%); Site 4 (25%); and Site 5 (9%).[18] Sites 2, 3, and 4 extend into non-SMSA areas, and Sites 1 and 5 extend into the Hamilton-Middleton secondary SMSA; however, neither city itself is covered by these cells. Based on an analysis of these factors, it appears that Midwest's extensions were not designed to serve a population center in another SMSA outside the Cincinnati SMSA and, thus, are permissible. With respect to Sites 1, 3 and 5, this conclusion is based on the small percentage of overlap and the fact that these extensions will not cover either Hamilton-Middletown or the other major population centers in this general area. We are allowing the extensions for Sites 2 and 4 because these cell sites extend into a non-SMSA area and the overlap is due to the irregular political boundary line. *See New York City Order, supra,* at para. 17. In addition, Midwest has agreed to coordinate with any adjacent cellular system. Consequently, it is unlikely that these extensions will cause harmful electrical interference or a mutually exclusive situation with adjacent cellular licensees, if there ar any. Accordingly, we will not require Midwest to amend its application. However, Midwest is reminded that areas outside the SMSA are irrelevant for comparative purposes and may not be served in a manner that causes interference to the services of the ultimate licensees in these areas. *See Indianapolis and Milwaukee Order, supra,* at n.4.

29. *Site Availability.* CCCI argues that Midwest failed to demonstrate site availability. Without citing authority, CCCI argues that in order to demonstrate site availability, an applicant must submit a written lease or option to lease. This argument is contrary to established case law. As explained in para. 17, *supra,* an applicant need not have a binding agreement or absolute assurance of the availability of a proposed site, but rather must show that it has obtained reasonable assurance that its proposed site will be available. *Alabama Citizens, supra.* Midwest's submission squarely meets this test.

Miami Valley Application

30. CMS, CCCI, Midwest and Metro Mobile filed petitions against the Miami Valley application. All petitioners argue that Miami Valley is not financially qualified. In addition, the petitioners raise various technical issues.

31. *Financial Qualifications.* In Exhibit 8 of the application, Miami Valley estimates that its proposed system will cost $1,785,300 to construct and $180,000 to operate for one year, for a total of $1,965,300. To finance this proposal, Miami Valley relies upon a bank loan of $3 million from Second National Bank of Hamilton, Ohio (Second National) and its own financial resources, as well as those of a sister corporation, Total Communications, Inc. (TCI).

32. The petitioners argue that the estimated costs are grossly understated and that the letter of credit should not be considered because it fails to outline the essential details of the loan. The petitioners also attack Miami Valley's explanation of its net liquid assets.

33. In its response to the petitions, Miami Valley raises its estimate of constructions costs of $1,832,300 and its estimated expenses to $544,600. Miami argues that these increases are the result of inadvertent errors and unexpected changes in prices and utility rates and, in any event, are easily covered by its bank loan. Miami also argues that certain expenses were not considered because they will be absorbed by Miami Valley's existing operations. Nevertheless, Miami developed a pro-rated estimate of these expenses of $38,600. Miami Valley further contends that its bank letter is sufficient to demonstrate reasonable assurance of the availability of the $3 million loan. However, Miami Valley provides a second letter from Second National which explains in detail the anticipated terms of the loan. Miami Valley also submits a schedule of TCI's marketable securities. Based on the foregoing, Miami Valley claims to have $4,618,280 available to meet anticiapted costs and expenses of $2,415,500.

34. After carefully reviewing Miami Valley's financial showing and the related pleadings, we find Miami Valley to be financially qualified to construct and operate its proposed cellular system. Miami Valley provides a bank letter from Second National indicating extending a $3 million line of credit. This showing has been supplemented by a second letter from Second National which explains that the term of the loan is five years, it has an interest rate of 2% above the prime rate, and it contains a notification provision in accordance with Section 22.917(e) of the Rules. Under applicable precedent Miami Valley has shown reasonable assurance that this loan will be available to it. *See Multi-State, supra.* This $3 million commitment, in conjunction with $1,618,278 in net liquid assets,[19] is more than sufficient resources for Miami Valley to finance its proposed cellular system. We are, however, quite concerned about the apparent unreliability of Miami Valley's initial cost projections. During the course of this proceeding Miami Valley has increased its cost projection by approximately 23%. Such an increase suggests that Miami Valley may not have been careful enough in formulating its initial financial projections. As a result, we admonish Miami Valley to be more careful in the future to ensure the accuracy of its submissions to the Commission.[20]

35. *Site Availability.* CCCI argues that Miami Valley has not demonstrated site availability. CCCI points out minor discrepancies in the leases submitted with the application, and questions whether certain conditions contained in the cases have been fulfilled. We find that Miami Valley has accounted for the minor discrepancies and has cleared up any remaining questions. Thus, under applicable precedent, Miami Valley has provided reasonable assurance demonstrating site availability. *See Alabama Citizens, supra.*

36. *Control Point Monitoring.* Miami Valley's system monitoring proposal calls for staffing its control point on a limited basis,[21] and requests a waiver to

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also requires service contours to be drawn on the map of the OGSA, this requirement does not impose the restriction suggested by Metro Mobile. Likewise, Section 22.903(d) only applies when an existing cellular licensee requests authority to change an already authorized OGSA. It does not apply to applications for new cellular facilities.

[18] The percentages given represent the area outside the SMSA compared to the area of the site generating the extension.

[19] The petitioners did not dispute that Miami Valley has net liquid assets of $813,494 ($814,832 in cash less current liabilities of $1,338). While the petitioners have questioned the valuation of TCI's marketable securities, the attachment to Miami Valley's reply adequately demonstrates their liquidity.

[20] In connection with its argument concerning Miami Valley's financial qualifications, Midwest argues that TCI, rather than Miami Valley, is the real party in interest. However, Miami Valley has explained that TCI is a closely-held corporation of Richard and Clair Plessinger and has informed the Commission that the applicant is Richard L. Plessinger d/b/a Miami Valley Radiotelephone.

[21] Miami Valley proposes to staff the control point from 8:00 a.m. to 5:00 p.m., Monday through Friday.

utilize a remote alarm for the remainder of the time. The CMS petition argues that Miami Valley's proposal does not comply with Section 22.909(a)(2) regarding control point monitoring and that Miami Valley has not justified its requested waiver of the rules.[22] We agree. The Bureau examined this issue in its *Boston Order*[23] and found that waivers of the control point staffing requirements are inappropriate for cellular systems. Accordingly, Miami Valley is directed to file an amendment with the ALJ specifying full-time control point monitoring.[24]

37. *Technical Issues.* The petitioners also raise various technical issues concerning Miami Valley's proposal. CMS questions the adequacy of Miami Valley's showing dealing with the criteria for cell-splitting and its maintenance proposals. Midwest points out several inconsistencies contained in Miami Valley's technical exhibits and questions whether Miami Valley's system will be able to supply the grade of service that it is claiming. We find, however, that Miami Valley has corrected its technical discrepancies and has adequately answered the technical questions raised. In addition, technical questions, such as maintenance proposals or cell-splitting criteria, are issued to be examined in the comparative portion of this proceeding. Accordingly, we will not designate a basic qualifying issue with respect to these matters.

CMS Application

38. CCCI, Metro Mobile and Midwest filed petitions to deny the CMS application. All petitioners argue that CMS is not financially qualified and that CMS' CGSA extends beyond the SMSA more than *de minimis*. Midwest argues that CMS is proposing anti-competitive rates.[25] CCCI and Midwest also raise various technical issues.

39. *Financial Qualifications.* In the application, CMS estimates that it will need $5,467,000 in capital construction, other pre-operating and first year operating expenses for its Cincinnati cellular systems. To cover these costs, CMS relies upon a commitment from its parent, Graphic Scanning Corp. (Graphic), for $6,300,000. In *Advanced Mobile Phone Service, Inc., et al. (Chicago Order)*, FCC 82-452, released November 1, 1982, the Commission found Graphic and its subsidiaries to be financially qualified to construct and operate the 30 cellular systems it proposes, including the Cincinnati system. The petitioners have not raised any substantial and material questions with respect to CMS' Cincinnati application that were not thoroughly considered in the *Chicago Order*. Accordingly, we conclude that no further consideration of this issue is necessary.

40. *Anti-Competitive Rates.* Midwest argues that CMS' application should be dismissed because it proposes rates that are non-compensatory. Midwest acknowledges that the primary authority over rates lies in the state commissions, but argues that where, as here, the rates are unrealistically low, it is incumbent on the Commission to investigate the rates. Midwest concludes: ". . . CMS proposed these rates for the purpose of gaining an advantage in the comparative process for cellular licenses" (Petition at p. 13).

41. CMS responds that it is absurd to argue that CMS would be able to drive the other cellular carrier—the wireline carrier—out of business in the Cincinnati market by use of predatory pricing tactics, if it were selected as the nonwireline carrier. CMS denies that it proposes rates that are unrealistic to gain advantage in the comparative process. Finally, CMS explains that its rates are compensatory; that it will generate a positive cash flow in year three; and that it expects an average annual return on investment for the first five years of approximately 12%.

42. We are not persuaded by Midwest's arguments. As stated previously, when the rates charged to the public for local service are subject to state regulation, the Commission will not review the rates. *See* para. 15, *supra*. While the Commission does have an obligation to consider allegation of anticompetitive pricing, one alleging such pricing tactics bears a very heavy burden. *NR Recording and Communications, Inc.*, Mimeo 33621, Common Carrier Bureau, released July 16, 1980, *review denied*, 87 FCC 2d 480 (1981). Midwest has not met this burden. In fact, Midwest has provided nothing more than speculation to substantiate its claim that CMS' rates are unrealistically low or non-compensatory. As the Commission indicated in the *Report and Order*, rates may be a comparative, not a basic qualifying, factor. 86 FCC 2d at 503. Therefore, Midwest's allegations may be properly raised during the comparative portion of this proceeding.

43. *Extension of CGSA.* CMS' CGSA and several of its service contours extend into the adjacent Hamilton-Middletown SMSA. The petitioners claim that CMS' extensions are more than *de minimis*. CMS responds that Hamilton-Middletown is a natural market lying beyond the Cincinnati SMSA, citing the *Public Notice*, Mimeo 2973, released March 24, 1982; and that it is fully prepared to coordinate frequencies with system operators in adjacent areas to avoid interference. CMS also offers to submit an amendment which directionalizes its cells.

44. We have examined the CMS application, and we conclude that CMS' extensions beyond the Cincinnati SMSA are more than *de minimis*. Approximately 32% of Site OH21003 (Colerain Height) and 20% of Site OH21004 (Lebanon) extend into the adjacent SMSA. These extensions totally cover the cities of Hamilton and Middletown; consequently, it appears that these contours were designed to cover an entirely separate SMSA in addition to the Cincinnati SMSA, rather than being designed to serve a natural market lying just beyond the Cincinnati SMSA. Accordingly, we will require CMS to submit a conforming amendment to the ALJ within 15 days after publication of this order in the **Federal Register**, bringing its CGSA and these two 39 dBu contours into compliance with the rules. The amended cell site applications shall not cover any area not previously covered by the 39 dBu contours of the respective cells. The amendment should consider the effects, if any, that this change may have on other parts of this application. Due to this circumstance, a brief extension of time may be granted at the discretion of the ALJ.

45. *Other technical matters.* Midwest asserts that CMS's application does not adequately describe its system expansion plan. CCCI argues that CMS failed to demonstrate site availability; failed to provide adequate antenna site sketches; and failed to specify a control point. We are not persuaded by these arguments. In Exhibit III, Sections D, E and F, CMS adequately describes its system expansion plan. CMS has also

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[22] Section 22.909(a)(2) of the Rules requires each cellular system to provide operators on duty at the control point during the normal rendition of service.

[23] Advanced Mobile Phone Service, Inc. *et al. (Boston Order)*, CC Mimeo 896, released November 19, 1982.

[24] CCCI also argues that Miami Valley is attempting to locate its control point outside the SMSA in violation of Section 22.909(a)(2). Section 22.909(a)(2) does not require a control point to be located within the SMSA; rather it requires prior Commission approval before an applicant may move its control point outside its CGSA. Section 22.513 of the Rules requires a local message center or foreign exchange line for toll-free dialing for customers within the service area. Miami Valley's proposal meets this requirement.

[25] Midwest also argues that CMS is ineligible for the nonwireline frequencies because it is a specialized common carrier. This same issue was considered in connection with CCCI's application and rejected. *See* para. 14, *supra*.

demonstrated reasonable assurance of site availability. *See Alabama Citizens, supra.* Similarly, CMS' application is in accord with standard Commission practice with regard to antenna site sketches. Finally, we have reviewed CMS' application with regard to control point information. This information was not contained in the Engineering Attachment of Exhibit X, as specified in the application, but rather was contained in Exhibit IV. Accordingly, we find that CMS adequately specified its control point.

Final Observations

46. Section 309 of the Communications Act of 1934, as amended, requires that a petition to deny contain specific allegations of fact sufficient to raise a substantial and material question that a grant of the application would be inconsistent with the public interest. In contrast, the petitions filed in this proceeding, which were quite voluminous, raised for the most part minor, insubstantial issues. The petitions pointed out clerical and typographical errors which were obvious on their face and could have easily been cleared up by communicating with opposing counsel. Some petitions also raised legal arguments which were clearly contrary to established Commission precedent. Though totally without merit, these issues must be addressed by opposing counsel, and analyzed by the staff. The time and energy wasted in this process is contrary to be public interest and in large part defeats the very aim that our expedited cellular procedures seek to achieve. We cannot, and do not wish to, limit counsel's discretion in preparing and presenting their cases; however, we believe it is clear that our processes are not being well served when petitioners raise issues that do not raise substantial and material questions. We are not interested in, nor are we obligated to, consider every minor discrepancy or typographical error contained in an application unless, of course, such errors disclose a *pattern* of carelessness or inadvertence.[26] No such arguments were raised in this proceeding. We hope, therefore, that petitioners in future cellular markets are guided by better judgment coupled with more respect for Commission's processes and what we are tryping to accomplish in these cellular proceedings.

[26] *See* Beaman Advertising, Inc., 1 FCC 2d 28 (Rev. Bd. 1965). We note that even for careless errors to be considered, they must concern relevant matters of major significance. *See also* Folkways Broadcasting Company, 26 FCC 2d 175 (Rev. Bd. 1970).

Conclusions

47. Based on our analysis of the applications and our resolution of the contested issues in this order, we find the applicants to be legally, technically, financially and otherwise qualified to construct and operate their proposed cellular systems. As indicated in our previous discussions, several of the captioned applications do not comply with one or more of the cellular rules. In the *Chicago Order*, at para. 17, the Commission determined that inflexible application of the rules to applications in the 30 largest markets would not be in the public interest. Accordingly, we are requiring these applicants to bring their applications in conformance with the rules as specified in this order. The applicants who filed mutually exclusive applications may address these amendments in their rebuttal cases. We emphasize that the amendments ordered here may not be used to give the applicants a comparative advantage in the hearing proceeding. As the Commission stated in the *Chicago Order*, in markets for which application have not yet been filed, strict conformance with the rules will be required, and absent unusual circumstances, the applicants will not be allowed to amend nonconforming applications.

48. Accordingly, it is ordered, pursuant to Section 309 of the Communications Act of 1934, as amended, that the applications of Cellular Communications of Cincinnati, Inc., Cellular Mobile Systems of Ohio, Inc., Metro Mobile CTS, Richard L. Plessinger d/b/a Miami Valley Radiotelephone, and Midwest Mobilephone Corporation are designated for hearing in a consolidated proceeding upon the following issues:[27]

[27] There are two issues that are not to be considered in the comparative hearing. The first is the financial qualifications of the applicants. Financial ability is a basic rather than a comparative qualification for cellular licensing. Cellular Communications Systems, 86 FCC 2d 469, 501–02 (1981). We have found applicants included in the comparative hearing to be financially qualified. The second issue not to be considered is the qualifications of Cellular Mobile Systems of Ohio, Inc. or its parent Graphic, to the extent that such qualifications may be affected by the issues included in the Commission's order designating certain 35 and 43 MHz paging applications for hearing. A.S.D. Aswer Service, Inc., *et al. (ASD)*, FCC 82–391, released August 24, 1982. Those issues will be thoroughly reviewed in that separate proceeding and should not be reargued in the context of a cellular hearing. The Commission reserves the right to reexamine and reconsider the qualifications of Cellular Mobile Systems of Ohio, Inc. to hold a cellular license should *ASD* be resolved adversely to any of CMS' affiliate or parent companies or to any of their principals. *See Chicago Order*, at n. 19.

(a) To determine on a comparative basis the geographic area and population that each applicant proposes to serve;[28] to determine and compare the relative demand for the services proposed in said areas; and to determine and compare the ability of each applicant's cellular system to accommodate the anticipated demand for both local and roamer service;

(2) To determine on a comparative basis each applicant's proposal for expanding its system capacity in a coordinated manner within its proposed CGSA in order to meet anticipated increasing demand for local and roamer service;[29]

(c) To determine on a comparative basis the nature and extent of the service proposed by each applicant, including each applicant's proposed rates, charges, maintenance, personnel, practices, classifications, regulations and facilities (including switching capabilities); and [30]

(d) To determine, in light of the evidence adduced under the foregoing issues, what disposition of the referenced applications would best serve the public interest, convenience and necessity.

49. It is further ordered, That the Separated Trial Staff (the Hearing Division and other individuals specifically designed) of the Common Carrier Bureau is made a party to the proceeding.[31]

[28] For purposes of comparison, the geographic area that an applicant proposes to serve includes that area within the proposed 39 dBu contours which, in turn, falls within the proposed Cellular Geographic Service Area and the relevant Standard Metropolitan Statistical Area. Consideration should be given to the presence of densely populated regions, highways, and areas likely to have high mobile usage characteristics as well as indications of a substantial public need for the services proposed. *See* 86 FCC 2d at 502.

[29] In making this comparison, preference should be given to designs entailing efficient frequency use, including not only the applicant's plans with regard to cell-splitting and additional channels, but also the degree of frequency reuse the system will be capable of, and the applicant's ability to coordinate the use of channels with adjacent or nearby cellular systems. *See* 86 FCC 2d at 502/03.

[30] *See* 86 FCC 2d at 503 for a discussion of the relative importance of evidence submitted under this issue.

[31] Members of the separated trial staff are non-decision making personnel and they will not participate in decision making or agency review on an *ex parte* basis in this case, either directly or through contact with other Common Carrier personnel. Any investigative or prosecuting functions will be performed by the Separated Trial Staff in connection with its role as a party to the adjudication of these cellular radio applications. All other personnel of the Common Carrier Bureau, unless identified in a subsequent order as required to be separated, are designated as decision-making and they may advise the Commission as to the ultimate disposition of any appeal of an Initial Decision in this proceeding. *See* Communications

50. It is further ordered, That the applicants shall file written notices of appearances under § 22.916(b)(3) of the Commission's Rules within 10 days after publication of the order in the **Federal Register.**

51. It is further ordered, That the hearing shall be held according to the procedures specified in § 22.916 of the Rules, except as otherwise noted here, at a time and place and before an Administrative Law Judge to be specified in a later order.

52. It is further ordered, That exceptions to the initial decision of the Administrative Law Judge under § 1.276 of the Commission's Rules shall be taken directly to the Commission.

53. It is further ordered, That CMS and Miami Valley are directed to file the conforming amendments specified in this order within 15 days after publication of this order in the Federal Register and that all applicants are directed to file rebuttal cases under § 22.916(b)(4) of the Rules within 45 rather than 30 days after publication of this order in the **Federal Register.**

54. If is further ordered, That except to the extent granted in this order, the Petitions to Deny filed by CCCI, CMS, Metro Mobile and Midwest are denied.

55. It is further ordered, That the Motion to Strike filed by CCCI is denied.

56. It is further ordered, That any authorization granted to CMS as a result of the comparative hearing shall be conditioned on, and without prejudice to, reexamination and reconsideration of that company's qualifications to hold a cellular license following a decision in the hearing designated in *A.S.D. Answering Service, Inc., et al.*, FCC 82-391, released August 24, 1982, and shall be specifically conditioned upon the outcome of that proceeding.

57. It is further ordered, That any authorization granted as a result of this proceeding shall be conditioned upon obtaining the appropriate antenna structure clearances.

58. This order is issued under Section 0.291 of the Commission's Rules and *Order Delegating Authority*, 91 FCC 2d 633 (1982), and is effective on its release date. Applications for review under § 1.115 of the Rules may be filed within the time limits specified in this section. See also Rule 1.4(b)(2).

59. The Secretary shall cause a copy of this Order to be published in the **Federal Register.**

Act of 1934 as amended section 409(c) (47 U.S.C. 409(c)); Administrative Procedure Act section 554(d) (5 U.S.C. 554(d)); Section 1.1221 of the Commission's Rules.

Federal Communications Commission.

Gary M. Epstein,

Chief, Common Carrier Bureau.

[FR Doc. 83-9448 Filed 4-11-83; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket No. 83-332, File No. BPH-811027AD, etc.]

Garfield County Broadcasters, et al.; Designating Applications for Consolidated Hearing on Stated Issues

Hearing Designation order

Adopted: March 29, 1983.
Released: April 5, 1983.

In re Applications of Stanley Pratt, Joann Clark, Harriet Shideler, and Robert Gaines d.b.e. Garfield County Broadcasters, Rifle, Colorado, Req: 105.3 MHz, Channel 287C, 100 kW (H&V), -78 feet, MM Docket No. 83-332, File No. BPH-811027AD; Susan K. Hughes, Rifle, Colorado, Req: 105.3 MHz, Channel 287C, 86.34 kW (H&V), 1741 feet, MM Docket No. File No. 83-333, File No. BPH-820524AU; and Ronald L. Bryant and Rosanne Bryant d.b.a. Bryant Communications, Rifle, Colorado, Req: 105.3 MHz, Channel 287C, 100 kW (H&V), -78 feet, MM Docket No. 83-334, File No. BPH-820524AY; For construction permit for a new FM station.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications filed by Stanley Pratt, Joann Clark, Harriet Shideler, and Robert Gaines dba Garfield County Broadcasters, Susan K. Hughes, and Ronald L. Bryant and Rosanne Bryant dba Bryant Communications.

2. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, the areas and populations which would receive FM service of 1 mV/m or greater intensity, together with the availability of other primary aural services in such areas, will be considered under the standard comparative issue for the purpose of determining whether a comparative preference should accrue to any of the applicants.

3. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

4. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communication Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine which of the proposals would, on a comparative basis, best serve the public interest.

2. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

5. It is further ordered, That to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

6. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as requrired by § 73.3594(g) of the Rulles.

Federal Communications Commission.

Larry D. Eads,

Chief, Audio Services Division Mass Media Bureau.

[FR Doc. 83-9447 Filed 4-11-83; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket No. 83-323, File No. BR-820331F9 and MM Docket No. 83-324, File No. BP-820630AN]

Northern Indiana Broadcasters, Inc., and Gonzalez Limited Partnership; for Construction Permit.

Memorandum Opinion and Order

Adopted: March 31, 1983.
Released: April 7, 1983.

In re Application of Northern Indiana Broadcasters, Inc., Michigan City, Indiana, Has: 1420 kHz, 5 kW-U, DA-2, For Renewal of License of Station WIMS, Michigan City, Indiana and Gonzales Limited Partnership, Michigan City, Indiana, Req: 1420 kHz, 5 kW-U, DA-2.

1. The Commission by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has before it for

consideration the application of Northern Indiana Broadcasters, Inc. (NIB) for renewal of license of Station WIMS, Michigan City, Indiana; an application for a construction permit for the WIMS facilities filed by Gonzalez Limited Partnership (GLP); a petition to dismiss the GLP application filed by NIB; and pleadings related thereto. [1]

2. *NIB.* Examination of NIB's application indicates that it is legally, financially and technically qualified to operate as proposed. However, since its application is mutually exclusive with that of GLP, it must be designated for a comparative hearing.

3. *GLP.* In its petition to dismiss, NIB alleges that although GLP states in its application that it is a limited partnership, review of the pertinent records in Indiana reveals that GLP had not complied with Indiana provisions governing the formation of limited partnerships at the time it filed its application. NIB therefore concludes that the GLP application is a legal nullity. In addition, NIB argues that since GLP's limited partnership was not in existence on the last date for the filing of a competing application against Station WIMS (July 1, 1982), GLP's application must be dismissed. However, the standard for determining whether dismissal of an application is appropriate whether the application "is so patently violative of the rules as to make its processing a futile gesture * * *" *K & L Communications, Inc., supra* at 1989. In this regard, we observe that GLP responded to every question on its application and that it supplied all indicated exhibits. Further, review of the GLP application does not reveal any information which indicates that grant of the GLP application would be violative of any Commission rule. Accordingly, we concluded that the GLP application was substantially complete when filed. In addition, we note that on September 14, 1982, GLP apparently complied with Indiana law regarding the formation and registration of limited partnerships when it filed it limited partnership agreement with the County Recorder to LaPorte County, Indiana. [2] Thus, there no longer appears to be any question as to the legal status of GLP as a limited partnership. In view of the foregoing, we shall deny NIB's petition to dismiss. [3]

4. As noted, examination of GLP's application indicates that it is legally, financially and technically qualified to operate as proposed. However, since its application is mutually exclusive with that of NIB, it must be designated for a comparative hearing.

5. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine which of the proposals would, on a comparative basis, better serve the public interest.

2. To determine, in light of the evidence adduced pursuant to the foregoing issue, which of the applications should be granted.

6. It is further ordered, That NIB's petition to dismiss is denied.

7. It is further ordered, That to avail themselves of the opportunity to be heard, the applicants herein shall file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order within 20 days of the mailing of this Order pursuant to § 1.221(c) of the Commission's Rules.

8. It is further ordered, That the applicants herein shall give notice of the hearing pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, either individually or jointly, if feasible and consistent with the Rules, within the time and in the manner prescribed in Rule 73.3594, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Larry D. Eads,

Chief, Audio Services Division Mass Media Bureau.

[FR Doc. 83-9449 Filed 4-11-83; 8:45 am]

BILLING CODE 6712-01-M

[1] In accordance with the policy enunciated in *K & L Communications, Inc.*, 70 FCC 2d 1987, *recon. den.*, 46 RR 356 (1979), NIB's petition to dismiss will be treated as an informal objection.

[2] Although it is readily apparent that GLP's representation in its application to the effect that it was a limited partnership was correct, there is nothing before us which suggests any wrongdoing on the part of GLP.

[3] Since both the courts (*see, e.g. Radio Athens, Inc.* v. *F.C.C.*, 401 F.2d 398 (D.C. Cir. 1968)) and the Commission (*see, e.g., B-Q-A, Incorporated*, 68 FCC 2d 1334 (1978)) have held that defective applications can be amended after the "cut-off" date so long as the application was substantially complete when originally filed and the amendment is not the type which would rerquire the assignment of a new file number, we perceive no reason why we should not accept the submission of the GLP limited partnership agreement *nuc pro tunc* as of the original date of tender of its application.

[MM Docket No. 83-335, File No. BPH-820309AK and MM Docket No. 83-336, File No. BPH-820624AR]

Omni Communications, Inc. and Lee Optical and Associated Companies, Retirement and Pension Fund Trust; for Construction Permit for a New FM Station.

Hearing Designation Order

Adopted: March 29, 1983.
Released: April 7, 1983.

In re Applications of Omni Communications, Inc., Woodward, Oklahoma, Req: 101.1 MHz, Channel 266C, 100 kW (H&V), 1005 feet; and Lee Optical and Associated Companies Retirement and Pension Fund Trust, Mooreland, Oklahoma, Req: 101.1 MHz, Channel 266C 100 kW (H&V), 710 feet.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications filed by Omni Communications, Inc. (Omni) and Lee Optical and Associated Companies Retirement and Pension Fund Trust (Lee Optical).

2. *Lee Optical.* Lee Optical has not submitted an adequate description in narrative form of the planned programming service relating to the issues of public concern facing its proposed service area. See Question 1, Section IV, FCC Form 301 (1982). Accordingly, it will be necessary for the applicant to file an amendment with the presiding Administrative Law Judge.

3. Lee Optical's proposal indicates that it will employ 5 or more fulltime employees. Therefore, it is required to submit the Model EEO Program Form. See Section VI of FCC Form 301 (1982). Although Lee Optical filed the Model EEO Program Form, it was deficient in that the applicant did not complete the answers to elements IV and V (Recruitment and Training). Therefore, it will be necessary for Lee Optical to file an amendment with the presiding Administrative Law Judge.

5. The respective proposals, although for different communities, would serve substantial areas in common. Consequently, in addition to determining, pursuant to Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service, a contingent comparative issue will also be specified.

6. The applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be

designated for hearing in a consolidated proceeding on the issues specified below.

7. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

2. To determine the areas and populations which would receive primary aural service (1 m V/m or greater in the case of FM) from each proposal and the availability of other primary service to such areas and populations.

3. To determine, in light of Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service.

4. To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to Section 307(b), which of the proposals would, on a comparative basis better serve the public interest.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications, if either, should be granted.

8. It is further ordered, That Lee Optical shall file an amendment with the presiding Administrative Law Judge outlining its proposed programming service relating to the issues of public concerns facing its proposed service area within 30 days of the release of this Order.

9. It is further ordered, That Lee Optical shall file an amendment to its Model EEO Program with the presiding Administrative Law Judge within 30 days of the release of this Order.

11. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

12. It is further ordered, That the applicants herein shall, pursuant to Section 311(a) (2) of the Communications Act of 1934, as amended, and § 73.3594(g) of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Audio Service Division, Mass Media Bureau.

Appendix

4. The Commission has not yet received Federal Aviation Administration clearance for the antenna tower proposed by the below listed applicant. Accordingly, it is further ordered, That the following issue is specified:

1. To determine whether there is a reasonable possibility that a hazard to air navigation would occur as a result of the tower height and location proposed by Lee Optical.

10. It is further ordered, That the Federal Aviation Administration is made a party respondent to this proceeding with respect to issue 1.

[FR Doc. 83-9443 Filed 4-11-83; 8:45 am]
BILLING CODE 6712-01-M

[MM Docket No. 83-317, File No. BPCT-820909KK and MM Docket No. 83-318, File No. BPCT-821108KG]

Radio Station WPAY, Inc. d.b.a. Janesville Broadcasting Co.; Designating Applications for Consolidated Hearing on Stated Issues

Hearing Designation Order

Adopted: March 28, 1983.
Released: April 5, 1983.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications of Radio Station WPAY, Inc. (Radio), and Brian Friedman and Kenneth W. Russell d.b.a. Janesville Broadcasting Co. (Janesville) for authority to construct a new commercial television station on Channel 30, Portsmouth, Ohio.

Radio Station WPAY, Inc.

2. Applicants for new broadcast stations are required to give local notice of the filing of their applications, in accordance with § 73.3580 of the Commission's Rules. They must then file proof of publication of such notice or certify that they have or will comply with the public notice requirement. We have no evidence, however, that Radio has done either. If Radio has not already done so, it will be required to file a statement that it has or will comply with the public notice requirement with the Administrative Law Judge within 30 days of the release of this Order.

3. Section 73.636(a)(1) of the Commission's Rules sets out a policy against granting a television construction permit to an applicant with principals who, directly or indirectly, own, operate, or control an AM or FM radio station licensed to the same community as its proposed television station. Note 8 exempts UHF applicants from the blanket prohibition of § 73.636(a)(1) and, instead, requires case-by-case analysis to determine whether common ownership, operation, or control of the station in question would be in the public interest. Radio states that Paul F. Braden, president and 100% stockholder of the applicant, is also president and 100% stockholder of WPAY(AM) and WPAY-FM, Portsmouth, Ohio. Since Radio's proposed Grade A contour would envelop Portsmouth, an issue will be designated to determine whether Mr. Braden's interest in WPAY and WPAY-FM and his interest in the proposed station would be consistent with the public interest.

4. The proposed tower of Radio is located 0.04 miles from the non-directional tower of AM station WPAY, Portsmouth, Ohio. Because of the proximity of the proposed tower to WPAY, any grant of a construction permit to Radio will be conditioned to ensure that WPAY's radiation pattern is not adversely affected by the construction of the proposed station.

Brian Friedman and Kenneth W. Russell d.b.a. Janesville Broadcasting Co.

5. Section 73.682(a)(15) of the Commission's Rules states that the effective radiated power of the aural transmitter shall not be less than 10 percent nor more than 20 percent of the peak radiated power of the visual transmitter. Janesville's aural power is 100% of the visual. The applicant will be required to correct this situation by an appropriate amendment.

6. On February 10, 1983, Janesville filed an amendment to its application stating that the transmitter and tower site proposed may no longer be available. An appropriate issue will be specified.

Conclusion and Order

7. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. Since the applications are mutually exclusive, the Commission is unable to make the statutory finding that their grant will serve the public interest, convenience and necessity. Therefore, the applications must be designated for hearing in a consolidated

proceeding on the issues specified below.

8. Accordingly, it is ordered, That, pursuant to Seciton 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine, with respect to Radio Station WPAY, Inc., whether common ownership, operation or control of station WPAY and WPAY–FM, Portsmouth, Ohio and the proposed television station would be consistent with the public interest.

2. To determine, with respect to Janesville, whether there is reasonable assurance that its specified transmitter site will be available.

3. To determine which of the proposals would, on a comparative basis, better serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

9. It is further ordered, That Radio Station WPAY, Inc. shall file certification with the presiding Administrative Law Judge that it has or will publish local notice of the filing of its application within 30 days after the date of release of this Order.

10. It is further ordered, That any grant of a construction permit to Radio will be subject to the following condition:

Prior to construction of the tower authorized herein, permittee shall notify AM Station WPAY so that that station may commence determining operating power by the indirect method. Permittee shall be responsible for the installation and continued maintenance of detuning apparatus necessary to prevent adverse effects upon the radiation pattern of the AM station. Both prior to construction of the tower and subsequent to the installation of all appurtenances thereon, antenna impedance measurements of the AM station shall be made and sufficient field strength measurements, taken at a minimum of 10 locations along each of eight equally spaced radials, shall be made to establish that the AM radiation pattern is essentially omnidirectional. Prior to or simultaneous with the filing of the application for license to cover this permit, the results of the field strength measurements and the impedance measurements shall be submitted to the Commission in an application for the AM station to return to the direct method of power determination.

11. It is further ordered, That Janesville shall submit, pursuant to § 73.682(a)(15) of the Commission's Rules, to the presiding Administrative Law Judge within 20 days after the date of release of this Order, an appropriate engineering amendment to correct the aural effective radiated power.

12. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this order.

13. It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594, of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Roy J. Stewart,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 83–9450 Filed 4–11–83; 8:45 am]

BILLING CODE 6712–01–M

[MM Docket No. 83–319, File No. BPCT–820902KE; etc.]

Showair, Inc, et al.; Designating Applications for Consolidated Hearing on Stated Issues

In re Applications of Showair, Inc., Manchester, New Hampshire, MM Docket No. 83–319, File No. BPCT–820902KE; Brian Friedman and Kenneth Russell d.b.a. Janesville Broadcasting Co., Manchester, New Hampshire, MM Docket No. 83–320, File No. BPCT–821108KF; and Golden Triangle TV 60, Merrimack, New Hampshire, MM Docket No. 83–321, File No. BPCT–821109KG; for construction permit.

Hearing Designation Order

Adopted: March 30, 1983.
Released: April 5, 1983.

1. The commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications of Showair, Inc. (Showair), Brian Friedman and Kenneth Russell d.b.a. Janesville Broadcasting Co. (Janesville) and Golden Triangle TV 60 [Golden] for authority to construct a new commercial television station on Channel 60, Manchester, New Hampshire.[1]

2. Golden specifies Merrimack as its community of license, while the others propose Manchester. Consequently, it will be necessary to determine, pursuant to Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient, and equitable distribution of broadcast service. Since these proposals would serve substantial areas in common, however, in addition to the Section 307(b) issue, a contingent comparative issue will also be specified.

3. Showair has an application pending for subscription television (STV) authority. However, the STV application will not be considered in this proceeding. This is in keeping with the Commission's policy in regard to mutually exclusive applications for a new station where one contemplates STV operation and the others a conventional facility. *Subscription Television Service*, 85 F.C.C. 2d 631 (1981).

4. Section 73.682(a)(15) of the Commission's Rules states that the effective radiated power of the aural transmitter shall not be less than 10 percent nor more than 20 percent of the peak radiated power of the visual transmitter. Janesville's aural power is 100% of the visual. The applicant will be required to correct this situation by an appropriate amendment.

5. On February 10, 1983, Janesville filed an amendment to its application stating that it no longer had reasonable assurance of the availability of its transmitter site. An appropriate issue will be specified.

6. Golden proposes to operate from a site located within 250 miles of the Canadian border with maximum visual effective radiated power of more than 1000 kilowatts. The proposal poses no interference threat to United States television stations; however, it contravenes an agreement between the United States and Canada which limits the maximum visual ERP of United States television stations located within 250 miles of Canada to 1000 kilowatts. *Agreement Effectuated by Exchange of Notes*, T.I.A.S. 2594 (1952). In the event of a grant of the application, the construction permit shall contain a condition precluding station operation with maximum visual ERP in excess of 1000 kilowatts.

7. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals

[1] Channel 60 is allocated to Manchester, New Hampshire. Merrimack is located within 15 miles of Manchester. Accordingly, under former § 73.607 of the Commission's Rules, Channel 60 is available for use in Merrimack, New Hampshire.

are mutually exclusive, the Commission in unable to make the statutory finding that their grant will serve the public interest, convenience, and necessity. Therefore, the applications must be designated for hearing in a consolidated proceeding on the issues specified below.

8. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine, with respect to Janesville, whether there is reasonable assurance that its specified transmitter site will be available.

2. To determine the areas and populations that would receive Grade B or better service from the proposals and the availability of other Grade B services to such areas and populations.

3. To determine, in light of Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of television service.

4. In the event it is concluded from Issue 3, above, that a choice among applicants should not be based solely on considerations relating to Section 307(b), to determine which proposal would, on a comparative basis, best serve the public interest.

5. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

9. It is further ordered, That Janesville shall submit, pursuant to § 73.682(a)(15) of the Commission's Rules, to the presiding Administrative Law Judge within 20 days after the date of release of this Order, an appropriate engineering amendment to correct the aural effective radiated power.

10. It is further ordered, That in the event of a grant of Golden's application, the construction permit shall contain the following condition:

Subject to the condition that operation with effective radiated visual power in excess of 1000 kW is subject to the consent of Canada.

11. It is further ordered, That to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

12. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Roy J. Stewart,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 83-9444 Filed 4-11-83; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket No. 83-314, File No. 50009-CM-P-81 and CC Docket No. 83-315, File No. 50035-CM-P-81]

Telecommunications Systems, Inc. and Microband Corporation of America, For Construction Permits in the Multipoint Distribution Service for a New Station at Bloomington, Indiana; Designating Applications for Consolidated Hearing on Stated Issues

Memorandum Opinion and Order

Adopted March 24, 1983.
Released April 4, 1983.

1. For consideration are the above-referenced applications.[1] These applications are for construction permits in the Multipoint Distribution Service and they propose operations on Channel 1 at Bloomington, Indiana. The applications are therefore mutually exclusive and, under present procedures, require comparative consideration. There are no petitions to deny or other objections under consideration.[2]

2. Upon review of the captioned applications, we find that these applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.

3. Accordingly, it is hereby ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, 47 U.S.C. 309(e) and Section 0.291 of the Commission's Rules, 47 CFR 0.291, the above-captioned applications are designated for hearing, in a consolidated proceeding, at a time and place to be specified in a subsequent Order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination, the following factors shall be considered: [3]

(a) The relative merits of each proposal with respect to efficient frequency use, particularly with regard to compatibility with co-channel use in nearby cities and adjacent channel use in the same city;

(b) The anticipated quality and reliability of the service proposed, including installation and maintenance programs; and

(c) The comparative cost of each proposal considered in context with the benefits of efficient spectrum utilization and the quality and reliability of service as set forth in issues (a) and (b).

4. It is further ordered, That Telecommunications Systems, Inc., Microband Corporation of America and the Chief, Common Carrier Bureau, are made parties to this proceeding.

5. It is further ordered, That parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of § 1.221 of the Commission's Rules, 47 CFR 1.221.

6. The Secretary shall cause a copy of this Order to be published in the **Federal Register.**

James R. Keegan,

Chief, Domestic Facilities Division, Common Carrier Bureau.

[FR Doc. 83-9451 Filed 4-11-83; 8:45 am]

BILLING CODE 6712-01-M

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[1] On August 18, 1980, Tymshare, Inc. (Tymshare) and Arthur Lipper Corporation (ALC) executed a contract whereby ALC agreed to transfer control of Microband Corporation of America to Tymshare *Transfer of Controls/MDS*, 85 FCC 2d 1023 (1981)

[2] By Memorandum Opinion and Order adopted June 26, 1981 and released July 2, 1981, Mimeo No. 001863, Microband was granted an exemption from the Commission's "cut-off" rules pursuant to § 21.31 of the Rules, 47 CFR 21.31, to preserve the status of its pending mutually exclusive application

[3] Consideration of these factors shall be in light of the Commission's discussion in *Frank K. Spain*, 77 FCC 2d 20 (1980).

Application for Review of Action Taken Pursuant To Delegated Authority

March 4, 1983.

Docket or RM No.	Rule part	Subject	Date received
None	Part 97	Request for rule amendment so as to grant alien amateur radio operators from countries in ITU Regions 1 and 3 operating under FCC reciprocal permits, the authority to transmit on all amateur radio frequencies above 144 MHz. (Filed by Joseph P. Speroni (AH0A)).	2-22-83

Note.—Oppositions to applications for review must be filed within 15 days after publication of this Public Notice in the FEDERAL REGISTER. Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83-9461 Filed 4-11-83; 8:45 am]

BILLING CODE 6712-01-M

Meeting of the Assembly of the Telecommunications Industry Advisory Group

Pursuant to Section 10(a)(2) of The Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Telecommunications Industry Advisory Group's Assembly scheduled to meet on Tuesday, April 26, 1983. The meeting will be held at 9:30 a.m. in Room 856 of the Federal Communications Commission's offices at 1919 M Street, NW., Washington, D.C. The meeting will be open to the public. The agenda is as follows:

I. General Administrative Matters.

II. Proposed Amendment To The By-Laws.

III. Plant Account Model.

IV. Other Business.

V. Presentation of Oral Statements.

VI. Adjournment.

With prior approval of the Group Chairman, Gerald P. Vaughan, oral statements, while not favored or encouraged, may be allowed if time permits and if the Group Chairman determines that an oral presentation is conducive to the effective attainment of Advisory Group objectives. Anyone not a member of the Assembly and wishing to make an oral presentation should contact Stephen T. Duffy, Group Vice-Chairman (202/634-1509), at least five days prior to the meeting date.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83-9454 Filed 4-11-83; 8:45 am]

BILLING CODE 6712-01-M

National Industry Advisory Committee Common Carrier Communications Subcommittee; Change in Meeting Location and Time

Pursuant to the provisions of Pub. L. 92-463, announcement is made of a public meeting of the Common Carrier Communications Subcommittee of the National Industry Advisory Committee (NIAC) to be held Tuesday, April 19, 1983. The Subcommittee will meet at the Ramada Renaissance Hotel located at 1143 New Hampshire Avenue, NW., Washington, D.C. at 9:30 A.M. (This meeting was previously announced as starting one-half hour earlier at a location of the FCC.)

Purpose: To consider emergency communications matters.

Agenda: As follows:

1. Opening remarks by Chairman.
2. Statement of the function and structure of NIAC.
3. Consideration of regulatory implications of the activities of the National Security Telecommunications Advisory Committee (NSTAC).
4. Establishment of an agenda and date for the next meeting of the Common Carrier Communications Subcommittee.
5. Other business.
6. Adjournment.

Any member of the general public may attend or file a written statement with the Committee either before or after the meeting. Any member of the public wishing to make an oral statement must consult with the Committee prior to the meeting. Those desiring more specific information about the meeting may telephone the NIAC Executive Secretary in the FCC Emergency Communications Division at (202) 634-1549.

Williiam J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83-9452 Filed 4-11-83; 8:45 am]

BILLING CODE 6712-01-M

[Report No. 1399]

Petitions for Reconsideration of Actions in Rule Making Proceedings

April 4, 1983.

The following listings of petitions for reconsideration filed in Commission rulemaking proceedings is published pursuant 47 CFR 1.429(e). Oppositions to such petitions for reconsideration must be filed within 15 days after publication of this Public Notice in the **Federal Register.** Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: American Telephone and Telegraph Company. Offer of Facilities to Other Common Carriers. (Docket No. 21499)

Filed by: Bennett Feigenbaum, Robert B. Stechert & Alfred A. Green, Attorneys for American Telephone and Telegraph Company onb 3-17-83. Kenneth Gross, Attorney for Western Union Telegraph Company on 3-25-82.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83-9455 Filed 4-11-83; 8:45 am]

BILLING CODE 6712-01-M

Technical Subgroup of Radio Advisory Committee; Resumes Meeting April 20, 1983

March 12, 1983.

The Technical Subgroup of the Advisory Committee on Radio Broadcasting resumes its continuing meeting Wednesday April 20, 1983 at 10 a.m. in the McCollough Room of the National Association of Broadcasters, 1771 N Street NW., Washington, D.C.

The Subgroup will continue its consideration of recommendations to the Federal Communications Commission concerning matters pertinent to the ongoing U.S.-Canadian discussions on the drafting of a new bilateral AM agreement which, it is expected, will replace the North American Regional Broadcasting Agreement (NARBA).

The Subgroup will also discuss preparations for bilateral discussions which have started with Mexico, looking toward post-Rio revision of the U.S.-Mexican AM Agreement.

The meeting, a continuing one, will be resumed after the April 20, 1983 session at such time and place as is decided at that session. It is open for participation by all interested persons.

For further information, please call the Subgroup Chairman, Mr. Wallace E. Johnson, at (703) 841-0500.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83-9457 Filed 4-11-83; 8:45 am]

BILLING CODE 6712-01-M

Telecommunications Industry Advisory Group Expense Accounts Subcommittee Meetings

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Telecommunications Industry Advisory Group's (TIAG) Expense Accounts Subcommittee

scheduled to meet on Monday, April 25, 1983. The meeting will begin at 9:00 a.m. and will be open to the public. The meeting location is:

Monday, April 25, 1983

GTE Service Corporation, Suite 900, 1120 Connecticut Ave., N.W., Washington, D.C.

The agenda is as follows:
I. General Administrative Matters
II. Discussion of Assignments
III. Other Business
IV. Presentation of Oral Statements
V. Adjournment

With prior approval of Subcommittee Chairman John Howes, oral statements, while not favored or encouraged, may be allowed at the meeting if time permits and if the Chairman determines that an oral presentation is conducive to the effective attainment of Subcommittee objectives. Anyone not a member of the Subcommittee and wishing to make an oral presentation should contact Mr. Howes (212/393-4029) at least five days prior to the meeting date.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83-9458 Filed 4-11-83; 8:45 am]

BILLING CODE 6712-01-M

SES Performance Award Schedule

The Federal Communications Commission scheduled a ceremony to present performance awards to SES members on March 4, 1983. For further information contact Michele C. Cooke, Chief of the Executive Personnel and Development Branch on 653-7291.

William J. Tricarico,

Secretary.

[FR Doc. 83-9459 Filed 4-11-83; 8:45 am]

BILLING CODE 6712-01-M

[Docket Nos. 83-304, Filed Nos. BP-821116AN etc.]

CIMA Broadcasting Limited Partnership; Designating Applications for Consolidated Hearing on Stated Issues

Hearing Designation Order

Adopted: March 23, 1983.

Released: April 4, 1983.

In re applications of CIMA Broadcasting Limited Partnership, Tucson, Arizona, MM Docket No. 83-304, File No. BP-821116AN; Req: 580 kHz, 0.5 kW, 5 kW-LS, DA-N, U; Benito Juarez Sandoval, Tucson, Arizona, MM Docket No. 83-305, File No. BP-821221AO; Req: 580 kHz, 0.5 kW, 5 kW-LS, DA-N, U; Cactus Broadcasting D/B/A KXEW Radio, South Tucson, Arizona, MM Docket No. 83-306, File No. BP-821229AB; Has: 1600 kHz, 1 kW, DA-N, U Req: 580 kHz, 0.5 kW, 5 kW-LS, DA-N, U; El Sol Broadcasting, Inc., Tucson, Arizona, MM Docket No. 83-307, File No. BP-821229AC; Req: 580 kHz, 0.5 kW, 5 kW-LS, DA-N, U; Fiesta Productions, Inc., Tucson, Arizona, MM Docket No. 83-308, File No. BP-821229AD; Req: 580 kHz, 0.5 kW, 5 kW-LS, DA-N U; Elliott-Phelps Broadcasting Limited Partnership, Tucson, Arizona, MM Docket No. 83-309, File No. BP-821229AE, Req: 580 kHz, 0.5 kW, 5 kW-LS, DA-N, U, For Construction Permit

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has before it for consideration the above-captioned mutually exclusive applications for the deleted facilities of section KIKX, Tucson, Arizona.

2. *CIMA Broadcasting Limited Partnership.* Raul B. Gamez, a CIMA general partner and 20% owner, serves, according to the applicant, as a member of the Community Advisory Board of stations KUAT AM-FM-TV, all licensed to the University of Arizona at Tucson. Dr. Frank Felix, a CIMA 3% limited partner, is Assistant Vice President of the University. CIMA also reports. While these positions do not appear on their faces to be interests recognized by our AM multiple ownership rule (§ 73.35 of our Rules), additional information is necessary for a final decision on this score. The applicant is therefore directed to file with the presiding Administrative Law Judge a full description of its principals' relationship with and influence over the operation of the University's stations.

3. *Benito Juarez Sandoval.* The engineering data submitted with Sandoval's proposal (Section V-A of the application form) indicates (a) that the proposed studio will be neither within the boundaries of the community nor at the transmitter site, and (b) that the population within the 1 mV/m contour is neither less than 300 persons nor less than 1.0 percent of the population within the 25 mV/m contour. As the applicant proposes to use the facilities of deleted station KIKX, these responses seem to reflect error rather than intent. Sandoval should clarify his responses in an appropriate filing with the presiding Administrative Law Judge.

4. *Fiesta Productions, Inc.* The applicant acknowledges that its proposed 25 mV/m contour does not encompass Tucson's business district, as required by § 73.24(j) of our Rules, but indicates neither the precise size of the omitted area or the specific reasons why better coverage is unobtainable.[1] In the absence of this information, we cannot determine whether a waiver is necessary and, if so, warranted. The matter must therefore be left to the presiding Administrative Law Judge for ultimate resolution upon a full presentation by Fiesta of all considerations bearing on the issue.

5. No determination has been reached that Fiesta's tower height and location would not constitute a hazard to air navigation. Accordingly, an issue will be specified.

6. As indicated below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding. Further, as different communities are proposed, an issue must be specified to determine pursuant to Section 307(b) of the Communications Act of 1934, as amended, which proposal would best provide a fair, efficient and equitable distribution of radio service. A contingent comparative issue will be specified as well.

7. Accordingly IT IS ORDERED, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine, with respect to Fiesta Productions, Inc., whether there is a reasonable possibility that the tower height and location proposed would constitute a hazard to air navigation.

2. To determine the areas and populations which would receive primary service from each proposal, and the availability of other primary aural service to such areas and populations.

3. To determine, in light of Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient, and equitable distribution of radio service.

4. To determine, in the event it is concluded that a choice among the applicants should not be based solely on considerations relating to Section 307(b), which of the proposals would, on a comparative basis best serve the public interest.

5. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

8. It is further ordered, That CIMA Broadcasting Limited Partnership,

[1] Fiesta is the only applicant not proposing use of KIKX's deleted facilities.

Benito Juarez Sandoval and Fiesta Productions, Inc. SHALL SUBMIT to the presiding Administrative Law Judge the information specified in paragraphs 2, 3 and 4 herein, within 30 days of the release of this order.

9. It is further ordered, That the Federal Aviation Administration is made a party respondent to this proceeding with respect to issue 1.

10. It is further ordered, That to avail themselves of the opportunity to be heard and pursuant to § 1.221(c) of the Commission's Rules the applicants shall within 20 days of the mailing of this order, in person or by attorney, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended and § 73.3594 of the Commission's Rules, the applicants shall give notice of the hearing within the time and in the manner prescribed in such rules, and shall advise the Commission of the publication of such notice as required by § 73.1594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Audio Services Division, Mass Media Bureau

[FR Doc. 83-9460 Filed 4-12-83; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket No. 83-310, File No. BPCT-820914KE and MM Docket No. 83-311, File No. BPCT-821109KH

Great Western Communications Co. and Carnex TV, Inc.; Designating Applications for Consolidation Hearing on Stated Issues

Hearing Designation Order

Adopted: March 22, 1983.

Released: April 4, 1983.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications of Great Western Communications (Great Western) and Carnex TV, Inc. (Carnex) [1] for authority to construct a new commercial television broadcast station on Channel 44, Pensacola, Florida.

2. No determination has been reached that the tower height and location proposed by each of the applicants [2] would not constitute a hazard to air navigation. Accordingly, an issue regarding this matter will be specified.

3. The effective radiated visual power, antenna height above average terrain and other technical data submitted by Great Western indicate that there would be a significant difference in the size of the area and population that it proposes to serve and the size of the area and population that Carnex proposes to serve. Consequently, for the purposes of comparison, the areas and populations which would be within the predicted 64 dBu (Grade B) contour, together with the availability of other television service of 64 dBu (Grade B) or greater intensity, will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to either of the applicants.

4. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. Since the applicants are mutually exclusive, the Commission is unable to make the statutory finding that their grant will serve the public interest, convenience, and necessity. Therefore, the applications must be designated for hearing in a consolidated proceeding on the issues specified below.

5. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applicants are designated for hearing in a consolidated proceeding, before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether there is a reasonable possibility that the tower height and location proposed by each of the applicants would constitute a hazard to air navigation.

2. To determine the areas and populations that would receive Grade B or better service from the proposals and the availability of other Grade B services to such areas and populations.

3. To determine which of the proposals would, on a comparative basis, better serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

6. It is further ordered, That, the Federal Aviation Administration is made a party respondent to this proceeding with respect to issue 1.

7. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and the party respondent herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

8. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Roy J. Stewart,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 83-9459 Filed 4-11-83; 8:45 am]

BILLING CODE 6712-01-M

[Docket Nos. 83-301 etc.]

Natrona Broadcast Co., Inc; et al.; Designating Applications for Consolidated Hearing on Stated Issues

Hearing Designation Order

Adopted: March 18, 1983.

Released: April 4, 1983.

In re applications of Natrona Broadcast Company, Inc., Casper, Wyoming, MM Docket No. 83-301, BPH-810916AI, Req: 103.7 MHz, Channel 279C 59.1 kW, 1929 feet; Goodluck Broadcasting, Inc., Casper, Wyoming, MM Docket No. 83-302, BPH-820330BA, Req: 103.7 MHz, Channel 279C, 100 kW (H&V), 183 feet, Harvey Q. Gregory, Casper, Wyoming, MM Docket No. 83-303, BPH-820524AE, Req: 103.7 MHz, Channel 279C, 57.7 kW, 1929 feet, for construction permit.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications of Natrona Broadcast Company, Inc., Goodluck Broadcasting, Inc. and Harvey Q. Gregory for a new FM station to operate on 103.7 MHz, Channel 279C, in Casper Wyoming.

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[1] A petition for Leave to Amend was filed on behalf of Carnex, on March 1, 1983. The Commission had requested additional information pertaining to Carnex's EEO program. Since the amendment was filed at the Commission's request, it is accepted. Great Western's amendment filed on February 24, 1983 correcting typographical error in its application is accepted for filing.

[2] The Commission is not in receipt of FAA's determination for the tower proposed by each of the applicants.

2. The Federal Aviation Administration has advised the Commission that the facilities proposed by Goodluck Broadcasting, Inc. may result in electronic interference with air navigation. Consequently, it will be necessary to determine whether the proposed facilities will create interference that constitutes a menace to air navigation. Accordingly, an issue regarding this matter will be specified and the FAA made a party to the proceeding with respect to this issue.

3. Data submitted by the applicants indicate that there would be a significant difference in the size of the populations which would receive service from the proposals. Consequently, for the purpose of comparison, the areas and populations which would receive FM service of 1 mV/m or greater intensity, together with the availability of other primary aural services in such areas, will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to any of the applicants.

4. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. Since the proposals are mutually exclusive, however, they must be designated for hearing in a consolidated proceeding on the issues specified below.

5. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether the facilities proposed by Goodluck Broadcasting, Inc. will create interference that constitutes a hazard to air navigation.

2. To determine which of the proposals would, on a comparative basis, best serve the public interest.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

6. It is further ordered, That the Federal Aviation Administration is made a party respondent to this proceeding with respect to Issue 1.

7. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and the party respondent herein shall, pursuant to § 1.221(c) of the Commission's Rules in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

8. It is further ordered, That, the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594(g) of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

9. It is further ordered, That, with respect to Issue 1, both the burden of proceeding with the introduction of evidence and the burden of proof will be on the Federal Aviation Administration.

Federal Communications Commission.

Larry D. Eads,

Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 83-9453 Filed 4-11-83; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Privacy Act of 1974; Proposed New System of Records

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed New System of Records.

SUMMARY: Pursuant to the requirements of the Privacy Act of 1974 (5 U.S.C. 552a), the Federal Emergency Management Agency gives notice of the proposed new system of records, FEMA/SLPS–12, Real Property Acquisition and Relocation File. A new system report has been filed with the Office of Management and Budget, the Speaker of the House of Representatives and the President of the Senate. The Office of Management and Budget has been requested to waive the advance notice requirement.

DATE: The proposed new system of records shall become effective as proposed without further notice 30 days from the date of this publication, unless the waiver is not approved or comments are received on or before that date which would result in a contrary determination. If the waiver is not approved or comments are received within 30 days of this publication which would result in a contrary determination, FEMA will publish such notice at that time. Any interested party may submit written comments regarding this proposal.

ADDRESS: Address comments to the Federal Emergency Management, Attn: Docket Clerk, Office of General Counsel, Room 840, 500 C Street, S.W., Washington, D.C. 20472. Comments received will be available for public inspection at the above address from 9 a.m. to 4 p.m., Monday through Friday (except for legal holidays).

FOR FURTHER INFORMATION CONTACT: Linda Keener, FOIA/Privacy Specialist, at (202) 287–0313.

SUPPLEMENTARY INFORMATION: The proposed system of records is needed to assist the Federal Emergency Management Agency in tracking the status of acquisition and relocation activities of homes in the State of Missouri under the Superfund program. Although the immediate need is to provide for the State of Missouri, it will be also be used for similar acquisitions in the future. Up to this time, a system of records was not required. However, because of vast number of homes involved in the immediate acquisition program for the State of Missouri, it is necessary that files be accessible by name of sellers of property and relocatees in order to provide the most rapid and efficient status to the seller/relocatee on their individual case.

Dated: March 31, 1983.

James L. Holton,

Director, Office of Public Affairs, Federal Emergency Management Agency.

FEMA/SLPS–11

System name: Real Property Acquisition and Relocation File.

Security classification: Unclassified.

System location: The information will be gathered by a contractor for submission to the FEMA Regional Office which services the affected properties being acquired or relocated. The contractor will be subject to the Privacy Act requirements during the contractor's custody of the records. The information which is gathered by the contractor will be provided to the respective FEMA Regional Office. A secondary system will be maintained by the Associate Director, State and Local Programs and Support, Office of Disaster Assistance, Federal Emergency Management Agency, Washington, D.C.

Categories of individuals covered by the system: Individuals whose real property has been or is being acquired by FEMA and/or have been relocated or are being relocated by FEMA.

Categories of records in the system: The file may contain the appraised value of each individual's home; the amount paid to them by FEMA for purchase of their home; the amount of

relocation assistance benefits they receive, if applicable; title information; and socio-economic background of the individual seller or relocatee. The socio-economic information may include size of family, age and sex of family members, income level, level of indebtedness and net worth data. The file may also include deeds, contractual sale documents, and notations of follow-up actions by the individual selling his/her home or by FEMA that have been agreed to in the purchase of the property. Authority for maintenance of the system: Comprehensive Environmental Response Compensation Liability Act of 1980, Executive Order 12316, Uniform Relocation Assistance and Real Property Acquisition Policies Act (42 U.S.C. 4601 et seq.), Section 1362 of the National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), as amended, 42 U.S.C. 4001–4128, Reorganization Plan No. 3 of 1978, and Executive Order 12127.

Purposes: Information is ussed for the purpose of tracking individual properties which qualify for acquisition and/or relocation under the Comprehensive Environment Response Compensation Liability Act of 1980 and/or Section 1362 of the National Flood Insurance Act of 1968, as amended. Routine uses of records maintained in the system, including categories of users and the purpose of such uses: Information may be provided to the affected State or a political subdivision thereof for the purpose of determining the State's or subdivision's eligibility for taking title to the acquired property for recreational and open space resources; to the Environmental Protection Agency for the purpose of verifying the proper eligibility and use of Superfund monies to acquire properties found to be uninhabitable for the population and in connection with legal cases brought under the Superfund; to the Small Business Administration for the purpose of determining the individual/business eligibility for loans and nonduplication of funds; and to the U.S. General Accounting Office, Department of Justice, or a United States Attorney for legal representation in duplication of benefits provided to the individual or legal cases brought by or against FEMA, or in the case of Superfund monies, those brought by or against the Environmental Protection Agency.

Policies and practices for storing, retrieving, accessing, retaining and disposing of records in the system:

Storage: Records are maintained in file folders, on lists and forms, and in computer processible storage media.

Retrievability: By name.

Safeguards: Personnel screening; hardware and software computer security measures. Paper records are retained in a locked container and/or locked room. Records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

Retention and disposal: The file from whom real property has been acquired by FEMA and who have been relocated shall be retained for a period of six years and three months after the end of the fiscal year in which the property was acquired. As deemed appropriate in accordance with the Federal Records Retention Manual, the files will either be destroyed or transferred to the Federal Records Center.

System manager(s) and address: Federal Emergency Management Agency, Associate Director, State and Local Programs and Support, Washington, D.C. 20472.

Notification procedure: Individuals wishing to inquire whether this system of records contain information about them should contact the system manager identified above.

Records access procedure: Same as Notification procedure above.

Contesting record procedure: Individual desiring to contesst or amend information maintained in the system should direct their request to the system manager. Written requests should be clearly marked "Privacy Act Amendment" on the enevelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations ae promulgated in 44 CFR Part 6, published in the Federal Register.

Record source categories: Directly from the individual, the appraisal records, title report, or homeowners report.

[FR Doc. 83-9626 Filed 4-11-83; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL MARITIME COMMISSION

Agreements Filed; East Coast Columbia Conference, et. al.

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and may request a copy of each agreement and the supporting statement at the Washington, D.C. Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10325. Interested parties may submit protests or comments on each agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after the date of the Federal Register in which this notice appears. The requirments for comments and protests are found in § 522.7 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Any person filing a comment or protest with the Commission shall, at the same time, deliver a copy of that document to the person filing the agreement at the address shown below.

Agreement No.: 7590–33.

Title: East Coast Colombia Conference.

Parties: Delta Steamship Lines, Inc., Flota Mercante grancolombiana, S.A., and Lykes Bros, Steamship Co., Inc.

Synopsis: The basic agreement would be amended to require the countersignature of a representative of a member line of the Conference in addition to the signature of the Conference Chairman or Vice Chairman before the security deposit of a member line could be drawn upon.

Filing party: Nathan J. Bayer, Esq., Freehill, Hogan & Mahar, 80 Pine Street, New York, N.Y. 10005.

Agreement No.: 7690–18.

Title: West Coast of South America Northbound Conference.

Parties: Chilean Line, Delta Steamship Lines, Inc., Peruvian State Line, Transnave, and Lykes Bros. Steamship Co., Ltd.

Synopsis: The basic agreement would be amended to require the countersignature of a representative of a member line of the Conference in addition to the signature of the Conference Chariman or Vice Chairman before the security deposit of a member line could be drawn upon.

Filing party: Nathan J. Bayer, Esq., Freehill, Hogan & Mahar, 80 Pine Street, New York, N.Y. 10005.

Agreement No.: 8900–20.

Title: The "8900" Lines Agreement.

Parties: Barber Lines; Hellenic Lines, Ltd.; Moller-Maersk Line, A.P. (J/S); Nedlloyd; Saudi National Shipping Company; Sea-Land Service, Inc.; United Arab Shipping Company SAG; and Waterman Steamship Corporation.

Synopsis: The provisions of the basic agreement would be amended to expressly provide that the member lines may collectively declare rates on specified commodities to be "open," with or without agreed minima or special conditions, and thereafter declare the rates on such commodities to be closed.

Filing party: Sandra L. Richardson, Esq., Billig, Sher & Jones, P.C., Suite 300, 2033 K Street, N.W., Washington, D.C. 20006.

Agreement No.: 10137–7

Title: Barber Blue Sea Line Joint Service.

Parties: Barber Lines A/S of Norway, The Swedish East Asia Company, Ltd. of Sweden and The Blue Sea Line Companies of England.

Synopsis: To extend the effectiveness of the Agreement through September 26, 1988.

Filing agent: Raymond R. Miles, Executive Vice President, Barber Blue Sea Line, 17 Battery Place, New York, New York 10004.

Agreement No.: 10261–12

Title: U.S. South Atlantic/Spanish, Portuguese, Moroccan and Mediterranean Rate Agreement.

Parties: Farrell Lines, Inc.; Hellenic Lines, Ltd.; Italian Line; Lykes Bros. Steamship Co., Inc.; Sea-Land Service, Inc.; and Zim Israel Navigation Co., Ltd.

Synopsis: The basic agreement would be amended to provide comprehensive procedures relating to the administration of expenses associated with the internal operation of the Rate Agreement.

Filing party: Anthony J. Ciccone, Jr., Esq., Billig, Sher & Jones, P.C., Suite 300, 2033 K Street, N.W., Washington, D.C. 20006.

Agreement No.: 10390–2

Title: United States Atlantic & Gulf-Ecuador Freight Conference.

Parties: Delta Steamship Lines, Inc.; Ecuadorian Line and Transnave.

Synopsis: The basic agreement would be amended to require the countersignature of a representative of a member line of the Conference in addition to the signature of the Chairman or Vice Chairman before the security deposit of a member line could be drawn upon.

Filing party: Nathan J. Bayer, Esq., Freehill, Hogan & Mahar, 80 Pine Street, New York, N.Y. 10005.

Agreement No.: 10424–2.

Title: United States Atlantic & Gulf/Jamaica and Hispaniola Steamship Conference.

Parties: Concorde/Nopal Line; Puerto Rico Marine Management, Inc. (PRMSA); Sea-Land Service, Inc., and Trailer Marine Transport/CTMT.

Synopsis: The basis agreement would be amended to expressly provide that the Conference shall establish tariff rules and charges for free time, demurrage and detention.

Filing Party: Nathan J. Bayer, Esq., Freehill, Hogan & Mahar, 80 Pine Street, New York, N.Y. 10005.

Agreement No.: 10424–3.

Title: United States Atlantic & Gulf/Jamaica and Hispaniola Streamship Conference.

Parties: Concorde/Nopal Line; Puerto Rico Marine Management, Inc. (PRMSA); Sea-Land Service, Inc.; Trailer Marine Transport/CTMT.

Synopsis: The basic agreement would be amended to: (1) Enlarge the geographic scope of the conference to include ports in the Commonwealth of Pueto Rico and the U.S. Virgin Islands; (2) increase from two to five the number of rate making sections in the Conference; and (3) establish eligibility for membership and voting in the various rate-making sections.

Filing Party: Nathan J. Bayer, Esq., Feehill, Hogan & Mahar, 80 Pine Street, New York, N.Y. 10005.

Agreement No.: 10471.

Title: Ted L. Rausch Co. of Oregon and Innovative Freighting, Inc., Agency Agreement.

Parties: Ted L. Rausch Co. of Oregon (Rausch)/Innovative Freighting, Inc. (I.F.).

Synopsis: Agreement No. 10471 provides for Rausch to act as agent for I.F., whereby Rausch is to be responsible for all sales, operations and documentation of shipments moving via surface means throughout the world under the ocean bills of lading of I.F.

Filing Party: Mr. D.C. Buffam, Ted L. Rausch Co. of Oregon, 1628 N.W. Everett Street, Portland, Oregon 97209.

Dated: April 7, 1983.

By Order of the Federal Maritime Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 83-9816 Filed 4-11-83; 8:45 am]
BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Company; Proposed De Novo Nonbank Activities; First Interstate Bancorp et al.

The organization identified in this notice has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to the application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment on the application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *First Interstate Bancorp*, Los Angeles, California (investment advisory activities; United States and abroad): To acquire all of the shares of Spoor Behrins Campbell & Young, Inc., New York, New York ("Company") and through it to engage in the following activities: providing portfolio investment advice, and providing general economic information and advice, general economic statistical forecasting services and industry studies, as permitted pursuant to 12 CFR 225.4(a)(5) (iii) and (iv). These activities would be conducted from offices in New York, New York and Los Angeles, California, serving clients throughout the United States and abroad. Comments on this application must be received not later than May 6, 1983.

Board of Governors of the Federal Reserve System, April 6, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-9430 Filed 4-11-83; 8:45 am]

BILLING CODE 6210-01-M

Corporation To Do Business Under Section 25(a) of the Federal Reserve Act; Societe Generale

An application has been submitted for the Board's approval of the organization of a corporation to do business under section 25(a) of the Federal Reserve Act ("Edge Corporation"), to be known as Societe Generale International, Inc., Houston, Texas. Societe Generale International, Inc., would operate as a subsidiary of Societe Generale, Paris, France. The factors that are considered in acting on the application are set forth in § 211.4(a) of the Board's Regulation K (12 CFR 211.4(a)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than May 6, 1983. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identify specifically any questions of fact that are in dispute and summarize the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 6, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-9436 Filed 4-11-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of a Bank Holding Company; St. James Bancorporation, Inc.

The company listed in this notice has applied for the Board's approval under section 3(a)(1)) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1) to become a bank holding company by acquiring voting shares or assets of a bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated. With respect to the application, interested persons may express their views in writing to the address indicated. Any comment on the application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President), 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *St. James Bancorporation, Inc.*, Lutcher, Louisiana; to become a bank holding company by acquiring 100 percent of the voting shares of St. James Bank & Trust Company, Lutcher, Louisiana. Comments on this application must be received not later than May 4, 1983.

Board of Governors of the Federal Reserve System, April 6, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-9437 Filed 4-11-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies; Carolina Mountain Holding Co. et al.

The companies listed in this notice have applied for the board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. **Carolina Mountain Holding Company**, Highlands, North Carolina; to become a bank holding company by acquiring 80 percent of the voting shares of Carolina Mountain Bank, Highlands, North Carolina. Comments on this application must be received not later than April 25, 1983.

2. **Concord National Inc.**, Concord, North Carolina; to become a bank holding company by acquiring 100 percent of the voting shares of The Concord National Bank, Concord, North Carolina. Comments on this application must be received not later than May 5, 1983.

B. Federal Reserve Bank of Minneapolis (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. **Forstrom Bancorporation, Inc.**, Clara City, Minnesota; to become a bank holding company by acquiring 98.5 percent of the voting shares of Citizens State Bank of Clara City, Clara City, Minnesota. Comments on this application must be received not later than May 4, 1983.

C. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. **Yukon Temporary Holding Company**, Yukon, Oklahoma; to become a bank holding company by acquiring at least 80 percent of the voting shares of First Yukon Bankshares, Inc., Yukon, Oklahoma, and its subsidiary First National Bank, Yukon, Oklahoma. Comments on this application must be received not later than May 4, 1983.

D. Federal Reserve Bank of Dallas (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. D'Arbonne Bancshares, Inc., Farmerville, Louisiana; to become a bank holding company by acquiring 80 percent of the voting shares of The D'Arbonne Bank & Trust Company, Farmerville, Louisiana. Comments on this application must be received not later than may 5, 1983.

2. **Security Bancorporation, Inc.**, Temple, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of Texas Bank and Trust of Temple, Temple Texas. Comments on this application must be received not later than May 4, 1983.

Board of Governors of the Federal Reserve System, April 5, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-9472 Filed 4-11-83; 8:45 am]

BILLING CODE 6210-01-M

Proposed Joint Venture With Gooch & Wagstaff, Inc.; Southeast Banking Corporation

Southeast Banking Corporation, Miami, Florida, has applied, pursuant to section 4(c)(8) of the Bank Holding

Company Act (12 U.S.C. 1843(c)(8)) and 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to establish a joint venture through its subsidiary, Southeast Investors Management Corporation, with Gooch & Wagstaff, Lakeland, Florida.

Applicant states that the proposed joint venture would engage *de novo* in investment advisory activities; in particular providing foreign and domestic investors with portfolio investment advice with respect to real property in accordance with § 225.4(a)(5)(iii), 225.4(a)(1) and 225.4(a)(4) of Regulation Y. 12 CFR § 225.4(a)(5)(iii),(1), and (4). These activities would be performed from an office of Applicant's subsidiary in Miami, Florida, and the geographic area to be served is global. The properties with respect to which these activities would be performed would be located primarily in the Southeastern United States and Texas. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C., not later than May 5, 1983.

Board of Governors of the Federal Reserve System, April 5, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-9473 Filed 4-11-83; 8:45 am]

BILLING CODE 6210-01-M

Acquisition of Bank Shares by a Bank Holding Company; Stillwater Holding Co.

The company listed in this notice has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated. With respect to the application, interested persons may express their views in writing to the address indicated. Any comment on the application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President), 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Stillwater Holding Company*, Stillwater, Minnesota; to acquire 97.7 percent of the voting shares or assets of First State Bank of Hugo, Hugo, Minnesota. Comments on this application must be received not later than May 5, 1983.

Board of Governors of the Federal Reserve System, April 5, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-9474 Filed 4-11-83; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed De Novo Nonbank Activities; Citicorp et al.

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration or resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. **Federal Reserve Bank of New York.** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Citicorp*, New York, New York (consumer finance activities; Massachusetts); To establish a *de novo* office of Citicorp Person-to-Person Financial Center, Inc. and a *de novo* office of Citicorp Homeowners, Inc. at a shared location in Burlington, Massachusetts. The activities in which each of the *de novo* offices propose to engage are: the making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and other purposes; the sale of credit related life and accident and health insurance by licensed agents or brokers, as required; the sale of consumer oriented financial management courses; the servicing, for any person, of loans and other extensions of credit; the making, acquiring, and servicing, for its own account and for the account of others, of extensions of credit to individuals secured by liens on residential or non-residential real estate; and the sale of mortgage life and mortgage disability insurance directly related to extensions of mortgage loans. The service area of each of the *de novo* offices would be comprised of the entire State of Massachusetts. Credit related life, accident and health insurance may be written by Family Guardian Life Insurance Company, an affiliate of Citicorp Person-to-Person Financial Center, Inc. and Citicorp Homeowners, Inc. Comments on this application must be received not later than May 5, 1983.

2. *Citicorp*, New York (finance company activities; Georgia, North Carolina and South Carolina): To

expand the activities of an existing office of its subsidiary, Citicorp Acceptance Company, Inc., to include the proposed *de novo* activity of the making of loans to individuals and businesses secured by a lien on mobile homes, modular units or related manufactured housing, together with the real property to which such housing is or will be permanently affixed, such property being used as security for the loans. Such activity would be conducted from an office in Atlanta, Georgia serving the entire States of Georgia, North Carolina and South Carolina. Comments on this application must be received not later than May 5, 1983.

B. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Milford, N.V.*, Oranjestad, Netherlands Antilles, and Ballerton Corporation, Ovideo, Spain (investment advisory activities; Florida, Central and South America, the Caribbean Region): To engage, through their subsidiary, Totalbank Corporation of Florida, Miami, Florida, in the furnishing of general economic information and advice, general economic statistical forecasting services, and industry studies. These activities would be conducted from an office in Miami, Florida, serving the State of Florida, Central and South America, and the Caribbean Region. Comments on this application must be received not later than May 3, 1983.

Board of Governors of the Federal Reserve System, April 5, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-9475 Filed 4-11-83; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Advisory Committees; Notice of Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meetings are announced:

Data Analysis Systems Subcommittee of the Science Advisory Board

Date, time, and place. May 5 and 6, 9 a.m., Conference Room, Bldg. 13, National Center for Toxicological Research, Jefferson, AR.

Type of meeting and contact person. Open public hearing, May 5, 9 a.m. to 10 a.m.; open committee discussion, May 5, 10 a.m. to 4:30 p.m., May 6, 9 a.m. to 2:30 p.m.; Lawrence W. Fishbein, National Center for Toxicological Research (HFT-30), Food and Drug Administration, Jefferson, AR 72079, 501-541-4528.

General function of the committee. To assist the Director, National Center for Toxicological Research, in establishing and implementing as well as advising on research and quality assurance programs that will assist the supporting agencies in fulfilling their regulatory responsibilities. The Board as a whole or under the subcommittee structure provides extra-agency review in ensuring that research and data analysis programs at the National Center for Toxicological Research are scientifically sound and pertinent to toxicological problems.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. The Subcommittee will hear reports and make recommendations on the following agenda items: (1) Overview of Center activities: short-, intermediate-, and long-term projects; (2) pathology overview; (3) biometry—methods development, extrapolation, and experimental design; (4) Office of Scientific Intelligence Report; and (5) toxicological data management systems.

Radiopharmaceutical Drugs Advisory Committee

Date, time, and place. May 6, 9 a.m., Conference Rm. D, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.

Type of meeting and contact person. Open committee discussion, 9 a.m. to 11 a.m.; open public hearing, 11 a.m. to 12 m.; open committee discussion, 1 p.m. to 5 p.m.; Neil Abel, National Center for Drugs and Biologics (HFN-150) Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4260.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of marketed and investigational prescription drugs for use in the practice of nuclear medicine.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. The committee will discuss the status of the investigational new drug regulations rewrite; orphan drug development with regard to the Hatch Amendment; status of limulus amebocyte lysate testing for radiopharmaceuticals; petitions concerning unapproved uses for approved drugs; recommendations for changes in the radiopharmaceutical drugs research committee regulations; preservatives in Technetium Tc 99m labeled kits; expiration time for Technetium Tc 99m Pertechnetate; and international system of units for radiopharmaceuticals.

Arthritis Advisory Committee

Date, time, and place. May 12 and 13, 9 a.m., Conference Rm. E, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.

Type of meeting and contact person. Open public hearing, May 12, 9 a.m. to 10 a.m.; open committee discussion, May 12, 10 a.m. to 4 p.m., May 13, 9 a.m. to 4 p.m.; Dotti Moore, National Center for Drugs and Biologics (HFN-150), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5197.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of marketed and investigational prescription drugs for use in arthritic conditions.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. The committee will discuss statistical guidelines for nonsteroidal anti-inflammatory drugs; comparative efficacy claims for nonsteroidal anti-inflammatory drugs; and adverse reactions among nonsteroidal anti-inflammatory drugs.

Endocrinologic and Metabolic Drugs Advisory Committee

Date, time, and place. May 19 and 20, 9 a.m., Conference Rms. G and H, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.

Type of meeting and executive secretary. Open public hearing, May 19, 9 a.m. to 10 a.m.; open committee

discussion, May 19, 10 a.m. to 5 p.m., May 20, 9 a.m. to 5 p.m.; A. T. Gregoire, National Center for Drugs and Biologics (HFN–130), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–1869.

General function of the committee. The committee reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational prescription drug products for use in treating endocrine and metabolic disorders.

Agenda—Open public hearing. Interested persons who want to present data, information, or views, orally or in writing, on issues pending before the committee should communicate with the committee executive secretary.

Open committee discussion. The committee will discuss: (1) Use of DDAVP (NDA 17–822) in mild hempophilia A and von Willebrands Disease and; (2) Winstrol (NDA 12–685) for osteoporosis and aplastic anemia.

Gastrointestinal Drugs Advisory Committee

Date, time, and place. May 20, 9 a.m., Auditorium, Lister Hill Center, National Library of Medicine, 8600 Rockville Pike, Bethesda, MD.

Type of meeting and contact person. Open public hearing, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 5 p.m.; Joan C. Standaert, National Center for Drugs and Biologics (HFN–110), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4730.

General function of the committee. The committee reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational prescription drug products for use in gastrointestinal disorders.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. The committee will discuss possible labeling changes for Ethrane (enflurane) NDA 17–087, Ohio Medical, based on available data with respect to effects on the liver.

Immunology Device Section of the Immunology and Microbiology Devices Panel

Date, time, and place. May 23, 9 a.m., Rm. 703A–727A, 200 Independence Ave. SW., Washington, DC.

Type of meeting and panel section leader. Open public hearing, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 12 m.; open committee discussion, 1 p.m. to 5 p.m.; Srikrishna Vadlamudi, National Center for Devices and Radiological Health (HFK–440), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7550.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of devices and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the panel section leader before May 6, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss a premarket approval application for alpha-fetoprotein reference preparation.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be requested from the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

Dated: April 6, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-9470 Filed 4-11-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 83F-0087]

Armak Co.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice

SUMMARY: The Food and Drug Administration (FDA) is announcing that Armak Co. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of an anionic polyurethane as a component of paper and paperboard in contact with aqueous and fatty foods.

FOR FURTHER INFORMATION CONTACT: John L. Herrman, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (see 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 8B3370) has been filed by Armak Co., 300 S. Wacker Dr., Chicago, IL 60606, proposing that § 176.170 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 176.170) be amended to provide for the safe use of an anionic polyurethane porduced by reacting the preliminary adduct formed from the reaction of glyceryl monostearate and toluene diisocyanate with a mixture of *N*-methyldiethanolamine and dimethylolpropionic acid.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 1, 1983.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 83-9487 Filed 4-11-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 75N–0184; DESI 597]

Bentyl Syrup With Phenobarbital; Drug Efficacy Study Implementation; Revocation of Temporary Exemption; Proposal To Withdraw Approval of New Drug Application; Opportunity for Hearing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice revokes the temporary exemption that allowed Bentyl Syrup with Phenobarbital to remain on the market beyond the time limit established for the implementation of the Drug Efficacy Study. This notice also reclassifies the drug to lacking substantial evidence of effectiveness, proposes to withdraw approval of the new drug application, and offers an oportunity for hearing on the proposal.

DATES: The revocation of the temporary exemption is effective April 12, 1983; written notice of appearance and request for hearing must be submitted by May 12, 1983; material to support hearing request must be submitted by June 13, 1983.

ADDRESSES: Communications in response to this notice should be identified with Docket No. 75N–0184 and DESI 597 and directed to the appropriate office named below.

Requests for hearing, supporting data and information, reports of other studies, and other comments: Dockets Management Branch (HFA–305) Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

Requests for opinion of the applicability of this notice to a specific product: Division of Drug Labeling Compliance (HFN–310), National Center for Drugs and Biologics, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Susanne O'Shea, National Center for Drugs and Biologics (HFN–8), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–433–3650.

SUPPLEMENTARY INFORMATION: This notice covers the drug product listed below and any identical, similar, or related product (see 21 CFR 310.6) that is not the subject of an approved new drug application (NDA).

NDA 7–961; Bentyl Syrup with Phenobarbital containing dicyclomine hydrochloride 10 mg/5 mL and phenobarbital 15 mg/5 mL; Merrell-Dow Pharmaceuticals, 110 E. Amity Rd., Cincinnati, OH 45215. (NDA 7–961 also covers Bentyl Syrup containing dicyclomine hydrochloride alone. This product will be the subject of a future **Federal Register** notice.)

In a notice published in the **Federal Register** of July 27, 1972 (37 FR 15026), the Food and Drug Administration (FDA) classified Bentyl Syrup with Phenobarbital as possibly effective in the treatment of the irritable bowel syndrome, neurogenic bowel disturbances, infant colic, and as adjunctive therapy in the treatment of peptic ulcer. In a notice published in the **Federal Register** of November 11, 1975 (40 FR 52644), FDA announced that the product could remain on the market pending completion of clinical trials under an exemption from the time limits established in *American Public Health Ass'n* v. *Veneman*, 349 F. Supp. 1311 (D.D.C. 1972); (see also the **Federal Register** of December 14, 1972 (37 FR 26623)). The 1975 notice established time limits for submitting protocols and allowed manufacturers 18 months to complete their studies. In a notice published in the **Federal Register** of June 20, 1978 (43 FR 26490), the deadline for completion of the studies was extended to September 30, 1978. Because ample time has been provided for conducting trials, the exemption is now revoked.

On September 28, 1978, Merrell submitted a medical rationale and data intended to demonstrate the effectiveness of Bentyl Syrup with Phenobarbital in the irritable bowel syndrome (IBS) and infant colic. The National Center for Drugs and Biologics (NCDB; formerly called the Bureau of Drugs) has completed its review of these data and concludes that they do not constitute substantial evidence of effectiveness. A discussion follows.

1. *Irritable bowel syndrome.* Merrell argues that IBS has two inseparable components: gastrointestinal symptoms, and symptoms of anxiety, depression, or other psychoneurotic disorders. Merrell states that because Bentyl (dicyclomine hydrochloride alone) is effective treatment of gastrointestinal symptoms, and phenobarbital is an effective anti-anxiety agent, Bentyl Syrup with Phenobarbital should be available for those patients who require treatment with both ingredients. Merrell submitted copies of 31 literature references intended to establish that symptoms of anxiety or depression are inseparable for gastrointestinal symptoms and that barbiturates (including phenobarbital) are effective in anxiety. The firm relies on data derived from clinical investigations of Bentyl Tablets to establish its effectiveness in gastrointestinal symptoms. Merrell notes further advantages of combination products, e.g. patient convenience, better patient compliance, and economy.

Merrell seems to suggest by this medical rationale that Bentyl Syrup with Phenobarbital could be indicated, not for treatment of gastrointestinal disease alone, but for treatment of two independent conditions, gastrointestinal disease and anxiety, when the two conditions coexist. However, simply combining a drug effective in treating IBS (assuming that Bentyl is effective in IBS) with an effective anti-anxiety agent does not necessarily result in a combination product that meets the criteria of the combination policy (21 CFR 300.50(a)). The combination policy requires that the components be present in a "dosage * * * (amount, frequency, duration) such that the combination is safe and effective for a significant population requiring such concurrent therapy * * *." Accordingly, to meet the combination policy, Merrell must demonstrate the existence of a patient population needing concomitant treatment of two separate disorders, gastrointestinal disease and anxiety (i.e., a physician seeing such a patient without any gastrointestinal disease but with the same degree of anxiety would prescribe phenobarbital in the amount present in Bentyl Syrup with Phenobarbital). In addition, evidence must be presented that the gastrointestinal disease and anxiety arise and disappear more or less simultaneously so that neither drug is given for a condition that is no longer present. In the absence of evidence that Bentyl Syrup with Phenobarbital meets these criteria, factors such as increased patient compliance and convenience cannot be considered true advantages.

The literature references listed below provide some evidence that IBS and some psychological disorders sometimes occur simultaneously.

However, the psychological disorders discussed were often poorly defined. For

example, the Ryle article refers to "nervous" patients; "more or less neurotic" patients were examined in the White article; and the Chaudhary excerpt referred to patients with "obsessional worrying about many trivial problems" and "fear of cancer and other major diseases." None of the excerpts establish that the psychological disorders present along with IBS are of the type and magnitude requiring treatment with 15 mg phenobarbital. In addition, none of the references demonstrate that IBS and anxiety occur at about the same time and are approximately of the same duration. In fact, the Palmer and Liss articles specifically conclude that there is no consistent correlation between IBS and anxiety.

1. Ryle, J. A., "An Address on Chronic Spasmodic Afflictions of the Colon and the Diseases Which They Stimulate," *Lancet*, 2:1115–1119, 1928.

2. White, B. V., and C. M. Jones, "Mucous Colitis: A Delineation of the Syndrome with Certain Observations on its Mechanism and on the Role of Emotional Tension as a Precipitating Factor," *Annals of Internal Medicine*, 14:854–872, 1940.

3. Lumsden, K., et al., "The Irritable Colon Syndrome," *Clinical Radiology*, 14:54–63, 1963.

4. Chaudhary, N. A., and S. C. Truelove, "The Irritable Colon Syndrome," *Quarterly Journal of Medicine*, 31:307–322, 1962.

5. Kasich, A. M., "Management of Emotional Disorders, Anxiety and Depression in Patients with Gastrointestinal Disease," *Current Therapeutic Research*, 7:542–547, 1965.

6. Hill, O. W., and L. Blendis, "Physical and Psychological Evaluation of 'Non-Organic' Abdominal Pain," *Gut*, 8:221–229, 1967.

7. Diamond, S., "Amitriptyline in the Treatment of Gastrointestinal Disorders," *Psychosomatics*, 5:221–224, 1964.

8. Medeloff, A. T., et al., "Comparison of Characteristics of Patients with Ulcerative Colitis and with Irritable Colon in Metropolitan Baltimore, 1960–64," *Gastroenterology*, 54:1257, 1968.

9. Waller, S. L. and J. J. Misiewicz, "Prognosis in the Irritable-Bowel Syndrome," *Lancet*, 2:753–756, October 1969.

10. Hislop, I. G., "Psychological Significance of the Irritable Colon Syndrome," *Gut*, 12:452–457, 1971.

11. Stengel, E., "Pain and the Psychiatrist," *British Journal of Psychiatry*, 111:795–802, 1965.

12. Spear, F. G., "Pain in Psychiatric Patients," *Journal of Psychosomatic Research*, 11:189–193, 1967.

13. Engel, G. L., "The Concept of Psychosomatic Disorder," *Journal of Psychosomatic Research*, 11:3–9, 1967.

14. Palmer, R. L. et al., "Psychological Characteristics of Patients with the Irritable Bowel Syndrome," *Postgraduate Medical Journal*, 50:416–419, 1974.

15. Liss, J. L. et al., "The Irritable Colon Syndrome and Psychiatric Illness," *Diseases of the Nervous System*, 34:151–157, 1973.

16. Young, S. J., et al., "Psychiatric Illness and the Irritable Bowel Syndrome," *Gastroenterology*, 70:162–166, 1976.

Merrell submitted the 11 references listed below to demonstrate the effectiveness of phenobarbital in treating various psychiatric disorders. NCDB acknowledges that phenobarbital alone is effective treatment for certain psychological disorders. However, in the absence of a showing that such psychological disorders exist along with IBS, the effectiveness of phenobarbital in treating the disorders is immaterial. Similarly, whether Bentyl alone is effective is immaterial in the absence of data showing that IBS and psychological disorders co-exist.

17. Wheatley, D., et al., "Phenobarbitone Compared with an Inactive Placebo in Anxiety States. (General Practitioner Clinical Trials)," *Practitioner*, 192:147–151, 1964.

18. Rosner, H., et al., "A Comparative Study of the Effect on Anxiety of Chlorpromazine, Reserpine, Phenobarbital, and a Placebo," *Journal of Nervous and Mental Diseases*, 122:505–512, 1955.

19. Moyer, J. H., et al., "A Comparative Study of Four Tranquilizing Agents, Phenobarbital, and Inert Placebo," *Geriatrics*, 13:153–170, 1958.

20. Beard, W. J., and S. M. Free, Jr., "Two Double-Blind, Controlled Studies Comparing Chlorethate, A New Sedative-Tranquilizer, with Meprobamate and with Phenobarbital," *Journal of Clinical Pharmacology*, 7:41–45, 1967.

21. Wheatley, D., "A Comparative Trial of Imipramine and Phenobarbital in Depressed Patients Seen in General Practice," *Journal of Nervous and Mental Diseases*, 148:542–549, 1969.

22. Downing, R. W., et al., "Orthogonal Factors Vs. Interdependent Variables as Predictors of Drug Treatment Response in Anxious Outpatients," *Psychopharmacologia*, 32:93–111, 1973.

23. Rickels, K., et al., "Amitriptyline Diazepam, and Phenobarbital Sodium in Depressed Outpatients," *Journal of Nervous and Mental Diseases*, 157:442–451, 1973.

24. Rickels, K., and R. W. Downing, "Predicting Relief from Anxiety with Phenobarbital," *Psychosomatics*, 15:30–34, 1974.

25. Rickels, K., et al., "Butabarbital Sodium and Chlordiazepoxide in Anxious Neurotic Outpatients: A Collaborative Controlled Study," *Clinical Pharmacology and Therapeutics*, 11:538–550, 1970.

26. Stotsky, B. A., and J. Borozne, "Butisol Sodium Vs. Librium Among Geriatric and Younger Outpatients and Nursing Home Patients," *Diseases of the Nervous System*, 33:254–267, 1972.

27. Stotsky, B. A., "Sodium Butabarbital for Emotional Disorders and Insomnia," *Diseases of the Nervous System*, 33:798–803, 1972.

Merrell identified four literature references (listed below) that report on the results of clinical trials investigating the use of a variety of anticholinergic/sedative combination products in IBS or other gastrointestinal disease. Gastrointestinal symptoms only, not psychological symptoms, were measured in the studies. Accordingly, the studies cannot demonstrate the effectiveness of anticholinergic sedative combination products in treating concurrent anxiety and IBS. Rather, the studies appear to be based on the assumption that IBS and anxiety are related etiologically, and that relief of any anxiety (there is no indication in Merrell's discussion of these references that any of the patients were in fact anxious) would result in greater relief of the gastrointestinal symptoms. Bentyl Syrup with Phenobarbital was not tested in any of the studies. These studies, therefore, provide no evidence of the effectiveness of Bentyl Syrup with Phenobarbital in treating IBS (21 CFR 314.111(a)(5)(ii)(*b*)).

28. King, J. C., "Anisotropine Methylbromide for Relief of Gastrointestinal Spasm: Double-Blind Crossover Comparison Study with Belladonna Alkaloids and Phenobarbital," *Current Therapeutic Research*, 8:535–541, 1966.

29. Batterman, R. C., et al., "Anisotropine Methylbromide: A New Antispasmodic for Gastrointestinal Disorders," *Current Therapeutic Research*, 5:213–218, 1963.

30. Asher, L. M., "The Choice of Anticholinergic Drugs in the Treatment of Functional Digestive Diseases," *American Journal of Digestive Diseases*, 4:260–275, 1959.

31. Lichstein, J., and J. D. Mayer, "Drug Therapy of the Unstable Bowel (Irritable Colon). A 15-Month Double Blind Clincial Study in 75 Cases of Response to a Prolonged-Acting Bellandonna Alkaloid-Phenobarbital Mixture or Placebo," *Journal of Chronic Diseases*, 9:394–404, 1959.

In addition to the literature references described above, Merrell submitted the results of a clinical trial which investigated the effectiveness of Bentyl with Phenobarbital Tablets in treating IBS. However, the firm submitted no data demonstrating that the data on Bentyl with Phenobarbital Tablets is applicable to Bentyl Syrup with Phenobarbital. Moreover, Merrel acknowledges that the study fails to show that each component makes a significant contribution to the effectiveness of the product (21 CFR 300.50(a)).

2. *Infant colic.* Merrell submitted eight literature references intended to demonstrate the effectiveness of Bentyl Syrup with Phenobarbital in treating infant colic. Three of the references contain only a discussion of the etiology of infant colic. None of the three recommend medication in treating colic and do not constitute evidence of effectiveness derived from adequate and

well-controlled clinical trials (21 CFR 314.111(a)(5)(ii)). In fact, these excerpts support the observation that colic is a benign, self-limiting condition with a tendency toward spontaneous remission and not requiring medical treatment.

1. Brazelton, T. B., "Crying in Infancy," *Pediatrics*, 29:579–588, 1962.

2. Laupers, W. E., "Nutrition and Nutritional Disorders, Nutritional Requirement," *In* "Nelson Textbook of Pediatrics," U. C. Vaughan, R. J. McKay, and W. E. Nelson, editors, W. B. Saunders Co., Philadelphia, 1975, p. 180.

3. Paradise, J. L., "Maternal and Other Factors in the Etiology of Infantile Colic." *Journal of the American Medical Association*, 197(3):123–131, 1966.

The following four references pertain to Bentyl Syrup which contains dicyclomine hydrochloride alone. These references clearly cannot demonstrate the effectiveness of Bentyl Syrup with Phenobarbital (21 CFR 300.50(a)).

4. Guerroro, R. M., et. al., "The Use of Bentyl Hydrochloride in Filipino Children," *The Phillippine Journal of Pediatrics*, 11(2):30–33, April–June 1953.

5. Grunseit, F., "Evaluation of the Efficacy of Dicyclomine Hydrochloride ("Merbentyl") Syrup in the Treatment of Infant Colic," *Current Medical Research and Opinion*, 5:258–261, 1977.

6. Illingworth, R. S., "Evening Colic in Infants; A Double-Blind Trial of Dicyclomine Hydrochloride," *Lancet*, 2:1119–1120, 1959.

7. Pignone, M., and M. L. Fantini, "Dicyclomine Hydrochloride for Vomiting in Nursing Infants," *Clinical Pediatrics* (Bologna), 46: Suppl. 3:313–342, 1964.

Only one reference pertained to Bentyl Syrup with Phenobarbital. There are a number of deficiencies in the study, however, and it does not constitute substantial evidence of effectiveness.

8. Pakula, S. F., "Treatment of Infantile Colic and Related Disorders with a New Antispasmodic," *Postgraduate Medicine*, 11:123–125, 1952.

In this study, 72 infants with colic were administered Bentyl Syrup, and 35 infants were administered placebo, with or without phenobarbital. The author states that of the infants given Bentyl Syrup, 68 percent obtained complete relief in 1 to 5 days; 11 others obtained complete relief with the addition of ¼ gram phenobarbital, increasing the total patients completely relieved to 83 percent. Of the 35 placebo patients, 6 obtained relief and 29 were treatment failures. The author states that this difference is statistically significant.

The reference lacks the details that permit scientific evaluation and is inadequate to demonstrate the effectiveness of Bentyl Syrup with Phenobarbital in treating infant colic. 21 CFR 314.111(a)(5)(ii)(*c*). It cannot be determined whether the study was adequately controlled because no information was provided concerning the number of placebo patients given phenobarbital and, therefore, not placebo patients at all (21 CFR 314.111(a)(5)(ii)(*a*)(4)). Informaton is also lacking on the diagnostic criteria used, measures used to mimimize bias and assure comparability in test and control groups, and an explanation of the methods of observations and recording results (21 CFR 314.111(a)(5)(ii)(*a*)).

Revocation of Exemption/Notice of Opportunity for Hearing.

On the basis of all the data and information available to him, the Director of the National Center for Drugs and Biologics is unaware of any adequate and well-controlled clinical investigation, conducted by experts who are qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111(a)(5) and 300.50(a), that provides substantial evidence of effectiveness of Bentyl Syrup with Phenobarbital.

Ample time for conducting clinical trials has been provided. Therefore, the temporary exemption granted by the November 11, 1975 notice, as amended by the June 20, 1978 notice, is revoked insofar as it pertains to Bentyl Syrup with Phenobarbital.

In addition, notice is given to Merrell-Dow Pharmaceuticals and to all other interested persons that the Director of the National Center for Drugs and Biologics proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 335(e)) withdrawing approval of that portion of NDA 7–961 pertaining to Bentyl Syrup with Phenobarbital, and all amendments and supplements thereto that pertain to that product, on the ground that new information before him with respect to Bentyl Syrup with Phenobarbital, evaluated together with the evidence available to him when the application was approved, shows there is a lack of substantial evidence that the product will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

In addition to Merrel-Dow Pharmaceuticals, this notice of opportunity for hearing applies to all persons who manufacture or distribute a drug product not the subject of an approved new drug application that is identical, related, or similar to Bentyl Syrup with Phenobarbital as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice of opportunity for hearing to determine whether it covers any drug product that the person manufactures or distributes. Such person may request an opinion of the applicability of this notice to a specific drug product by writing to the Division of Drug Labeling Compliance (address given above).

In addition to the found for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in 21 CFR 310.6) e.g., any contention that any such product is not a new drug product because it is generally recognized as safe and effective within the meaning of section 201(p) of the act under the exemption for products marketed before June 25, 1938, contained in section 201(p) of the act, or under section 107(c) of the Drug Amendments of 1962 or for any other reason.

In accordance with section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Parts 310 and 314), the applicant and all other persons subject to this notice under 21 CFR 310.6 are hereby given an opportunity for a hearing to show why approval of the new drug application pertaining to Bentyl Syrup with Phenobarbital should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of the drug product named above and of all identical, related, or similar drug products.

The applicant, or any other person subject to this notice under 21 CFR 310.6 who decides to seek a hearing, shall file (1) on or before May 12, 1983, a written notice of appearance and request for hearing, and (2) on or before June 3, 1983, the data, information, and analyses relied on to justify a hearing, as specified in 21 CFR 314.200. Any other interested persons may submit comments on this notice. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing are contained in 21 CFR 314.200.

The failure of the applicant or any other person subject to this notice under 21 CFR 310.6 to file a timely written notice of appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by the person not

to make use of the opportunity for hearing concerning the action proposed with respect to the product and constitutes a waiver of any contentions concerning the legal status of any such drug product. Any such drug product may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, and denying a hearing.

All submissions in response to this notice must be filed in quintuplicate. The submissions, except for data and information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–1053 as amended (21 U.S.C. 352, 355)) and under authority delegated to the Director of the National Center for Drugs and Biologics (see 21 CFR 5.70 and 5.82 and 47 FR 26913 published in the **Federal Register** of June 22, 1982).

Dated: April 5, 1983.

Harry M. Meyer, Jr.,

Director, National Center for Drugs and Biologics.

[FR Doc. 83-9463 Filed 4-11-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 83F-0084]

Ciba-Geigy Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Ciba-Geigy Corp. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of octadecyl 3, 5-di-*tert*-butyl-4-hydroxyhydrocinnamate as an antioxidant and/or stabilizer in chlorinated isobutylene-isoprene copolymers intended for use in contact with food.

FOR FURTHER INFORMATION CONTACT: Vir Anand, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St., SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348 (b)(5))), notice is given that a petition (FAP 3B3710) has been filed by Ciba-Geigy Corp., Three Skyline Drive, Hawthorne, NY 10532, proposing that the food additive regulations be amended to provide for the safe use of octadecyl 3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate as an antioxidant and/or stabilizer in chlorinated isobutylene-isoprene copolymers complying with § 177.1420(a)(3) (21 CFR 177.1420(a)(3)) intended for use in contact with food.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: April 1, 1983.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 83-9464 Filed 4-11-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 83F-0096]

Ciba-Geigy Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Ciba-Geigy Corp. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of octadecyl 3,5,-di-*tert*-butyl-4-hydroxyhydrocinnamate as an antioxidant and/or stabilizer in rigid acrylic and modified acrylic plastics intended to contact food.

FOR FURTHER INFORMATION CONTACT: Vir Anand, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 3B3714) has been filed by Ciba-Geigy Corp., Three Skyline Drive, Hawthorne, NY 10532, proposing that the food additive regulations be amended to provide for the safe use of octadecyl 3,5,-di-*tert*-butyl-4-hydroxyhydrocinnamate as an antioxidant and/or stabilizer in rigid acrylic and modified acrylic plastics complying with § 177.1010 (21 CFR 177.1010) intended for use in contact with food.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: April 1, 1983.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 83-9468 Filed 4-11-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 83M-0103]

Cilco™, Inc.; Premarket Approval of the Cilco™, AC1-AC5 Anterior Chamber Lens

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application for premarket approval under the Medical Device Amendments of 1976 of the Cilco™ AC1-AC5 Anterior Chamber Lens sponsored by Cilco™, Inc., Huntington, WV. After reviewing the recommendation of the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, FDA notified the sponsor that the application was approved because the device had been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by May 12, 1983.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets

Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Charles H. Kyper, Office of Medical Devices (HFK–402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7445.

SUPPLEMENTARY INFORMATION: On June 26, 1981, Cilco™ Inc., submitted to FDA an application for premarket approval of the Cilco™ AC1–AC5 Anterior Chamber Lens. The application was reviewed by the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, an FDA advisory committee, which recommended approval of the application for the use of this intraocular lens (IOL) for either primary or secondary implantation in patients 60 years of age and older who do not have contraindications to IOL implantation following intracapsular or extracapsular cataract extraction. On March 17, 1983, FDA approved the application by a letter to the sponsor from the Associate Director for Device Evaluation of the Office of Medical Devices.

A summary of the safety and effectiveness data on which FDA's approval is based is on file in the Dockets Management Branch (address above) and is available upon request from that office. A copy of all approved final labeling is available for public inspection at the Office of Medical Devices—contact Charles H. Kyper (HFK–402), address above. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition under section 515(g) of the act (21 U.S.C. 360e(g)) for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and of FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before May 12, 1983, file with the Dockets Management Branch (HFA–305) (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 6, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-9485 Filed 4-11-83; 8:45 am]

BILLING CODE 4160-01-M

Consumer Participation; Notice of Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the following consumer exchange meeting: Nashville District Office, chaired by Hayward E. Mayfield, District Director. The topic to be discussed is: Nutrition Labeling Format Change.

DATE: Friday, April 22, 1983, 2:30 p.m.

ADDRESS: Freed-Hardeman College, Henderson, TN 38340.

FOR FURTHER INFORMATION CONTACT: Jessica A. Parchman, Consumer Affairs Officer, Food and Drug Administration, 297 Plus Park Blvd., Nashville, TN 37217, 615–251–7127.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's District Offices, and to contribute to the agency's policymaking decisions on vital issues.

Dated: April 6, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-9486 Filed 4-11-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 82P–0303]

Downs Surgical, Inc.; Sugita Aneurysm Clip; Panel Recommendation on Petition for Reclassification

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is issuing for public comment the recommendation of the Neurological Device Section of the Respiratory and Nervous System Devices Panel (the Section) that FDA reclassify the Sugita aneurysm clip from class III (premarket approval) into class II (performance standards). The Section made this recommendation after review of a reclassification petition filed by Downs Surgical, Inc. After reviewing the Section recommendation and any public comments received, FDA will approve or deny the reclassification petition by order in the form of a letter to the petitioner. FDA's decision on this reclassification petition will be announced in the **Federal Register**.

DATE: Comments by May 12, 1983.

ADDRESS: Written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: A. Doyle Gantt, National Center for Devices and Radiological Health (HFK–430), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION:

Classification of any medical device in commercial distribution is required by section 513 of the Medical Device Amendments of 1976 (Pub. L. 94–295) (the amendments) to the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360c).

On August 18, 1982, Downs Surgical, Inc., Decatur, GA 30035, submitted to FDA under section 513(f)(2) of the act a reclassification petition for the Sugita aneurysm clip manufactured by Mizuho Ikakogyo Co., Tokyo, Japan. Commercially marketed preamendments aneurysm clips (i.e., aneurysm clips marketed before May 28, 1976, the enactment date of the amendments) have already been classified into class II (21 CFR 882.5200). The postamendments Sugita aneurysm clip is automatically classified into class III under section 513(f)(1) of the act because it is not substantially equivalent to any device that was in commercial distribution

before May 28, 1976, nor is the device substantially equivalent to a device that has been placed in commercial distribution since that date and subsequently reclassified.

Under section 515(a)(2) of the act (21 U.S.C. 360e(a)(22)), before a device that is in class III can be marketed, it must either be reclassified under section 513(f)(2) of the act or have an approved application for premarket approval under section 515 of the act. There is no approved premarket approval application in effect for the Sugita aneurysm clip.

Section 513(f)(2) of the act requires FDA to refer a reclassification petition to the appropriate advisory panel and to receive a recommendation on whether to approve or deny the petition. Accordingly, FDA referred the petition to the Section and the Section reviewed the petition.

To determine the proper classification of the device, the Section considered the criteria specified in section 513(a)(1) of the act. Section 513(a) of the act establishes three classes of devices. Classification is determined by the level of regulatory control needed to provide reasonable assurance of the safety and effectiveness of the devices therein. A class I device is a device for which the "general controls" authorized by or under various sections of the act are sufficient to provide reasonable assurance of the safety and effectiveness of the device. A class II device is a device for which general controls by themselves are insufficient to provide reasonable assurance of the safety and effectiveness of the device, for which there is sufficient information to establish a performance standard to provide such assurance, and for which "it is therefore necessary to establish * * * a performance standard under section 514 to provide reasonable assurance of its safety and effectiveness". A class III device is a device that cannot be classified into class I or class II and that is purported or represented to be for a use in supporting or sustaining human life or for a use which is of substantial importance in preventing impairment of human health, or that presents a potential unreasonable risk of illiness or injury. Premarket approval obtained in accordance with section 515 of the act (21 U.S.C. 360e) is required to provide reasonable assurance of the safety and effectiveness of a class III device.

Section 513(c)(2)(C) provides that classification panels are to recommend that devices intended to be implanted in the human body be classified in class III, unless the panel concludes that class III is not necessary to provide reasonable assurance of the safety and effectiveness of the device and provides reasons for this conclusion (see also 21 CFR 860.93(a)). Section 513(d)(2)(B) (21 U.S.C. 360c(d)(2)(B)) provides that FDA shall classify an implanted device into class III unless such classification is not necessary to provide reasonable assurance of its safety and effectiveness (see also 21 CFR 860.93(b)).

The data on which any reclassification is based are required to consist of "valid scientific evidence," as defined in section 513(a)(3) of the act (21 U.S.C. 360c(a)(3)) and § 860.7(c)(21 CFR 860.7(c)) of the regulations. As specified in § 860.123(a)(6) (21 CFR 860.123(a)(6)), the valid scientific evidence of safety and effectiveness contained in a petition for reclassification must demonstrate (1) that the device should not be classified into its present classification and (2) that the proposed classification will provide reasonable assurance of the safety and effectiveness of the device. For the purposes of reclassification, the valid scientific evidence upon which the agency relies may not be based on trade secret or confidential commercial information obtained by FDA under various sections of the act (see section 520(c) of the act (21 U.S.C. 360j(c)); 21 CFR 860.5(e)), or on the detailed summaries of information respecting the safety and effectiveness of devices for which there are approved applications (see section 520(h)(3) of the act (21 U.S.C. 360j(h)(3))). However, all data and information contained in a filed petition for reclassification under section 513(f) of the act (21 U.S.C. 360c(f)) may be disclosed by the agency, and used as the basis for reclassification of a device from class III into class II (21 CFR 860.5(e)).

On November 4, 1982, the Section recommended that FDA reclassify the petitioner's aneurysm clip into class II; include the petitioner's aneurysm clip in the generic type of device with the preamendments aneurysm clips, and assign a high priority to the application of a performance standard for the generic type of device. (See 21 CFR 860.3(i) for a definition of the term "generic type of device".)

Summary of Reasons for the Recommendation

This Section gave the following summary of reasons in support of its recommendation on reclassification. The Sugita clip, as well as other aneurysm clips, must perform reliably to occlude an intracranial aneurysm without tearing the blood vessel wall, slipping off the aneurysm, or causing long-term adverse effects from bioincompatibility. The Section believes that general controls will not provide sufficient control over these characteristics. Although the Sugita aneurysm clip is an implanted device, the Section believes that premarket approval is not necessary because the Sugita aneurysm clip is constructed of material that has been shown to have suitable properties for an aneurysm clip and because sufficient information exists to establish a performance standard that will provide reasonable assurance of the safety and effectiveness of this device. The Sugita aneurysm clip differs from the preamendments aneurysm clips in that the Sugita aneurysm clip is constructed of Elgiloy ™, a type of cobalt-chromium alloy, while the pre-amendments aneurysm clips are constructed of other types of materials, e.g., stainless steel. The material of which an aneurysm clip is made must be biocompatible and capable of being formed into a spring that will reliably close with a known pressure. On the basis of its review of clinical and in vitro data, the Section believes that Elgiloy ™ is biocompatible because it has a history of successful use as an implantable material in pacemaker electrodes and dental appliances. Further, the data submitted by the petitioner demonstrate that the Elgiloy ™ material used to construct the Sugita aneurysm clip can be used to produce an aneurysm clip that will reliably apply a known pressure to a blood vessel.

Summary of Data Upon Which the Recommendation is Based

The petitioner performed the following tests on eight randomly selected Sugita aneurysm clips to characterize the metallurgical properties of the clip material: a reactivation/passivation test, a pitting potential test, a hardness test, an x-ray diffraction analysis, and an energy dispersive x-ray analysis. The petitioner then compared the results of these tests to results obtained during performance of the same tests on several other aneurysm clips that have been classified into class II and that are currently being marketed in the United States.

The petitioner performed the reactivation/passivation test and pitting potential test to determine the corrosion resistance of the Sugita aneurysm clip material. Scanning electron microscopy observations of the surfaces of the clips revealed minimal surface etching between the grain during the reactivation phase of the reactivation/passivation test. Similarly, the surfaces of the clip showed virtually no changes following the pitting potential test.

Results of this test were compared to results obtained from the same testing on materials used in four other currently marketed clips. The corrosion resistance of the material used in the Sugita aneurysm clip was found to be equal to or greater than the corrosion resistance of the other aneurysm clip materials tested.

The petitioner conducted the hardness test on the Sugita aneurysm clip to determine indirectly the strength and elasticity of the clip material. The results obtained with the Sugita aneurysm clip were compared to results obtained for four other marketed clips tested in an identical manner. The material in the Sugita aneurysm clip was found to have strength and elasticity that were equal to or greater than that of the four other materials tested.

The petitioner conducted the x-ray diffraction analysis to determine the homogeneity of the crystalline structure of the Sugita aneurysm clip material and the amount of residual stresses of the clip material. This information is important in assessing a material's potential resistence to stress corrosion, because differences in the crystal structure between neighboring parts of the same material can create a galvanically active interface. Galvanic action can lead to excessive corrosion, which may be accelerated by the presence of abnormally high internal, residual stresses. Results of this test revealed the presence of a single crystalline structure with normal residual stresses in the material used in the Sugita aneurysm clip. These results were also compared to the results obtained for materials currently used in other marketed aneurysm clips. Based on these results, the sponsor concluded that the stress corrosion resistance of the material used in the Sugita aneurysm clip was equal to or greater than the stress corrosion resistance of other materials currently being used in marketed aneurysm clips.

The petitioner used energy dispersive x-ray analysis to verify the composition of the Sugita aneurysm clip surface at various locations. The surface was found to have the following typical composition: 20 percent chromium, 15 percent nickel, 15 percent iron, 7 percent molybdenum, and 43 percent cobalt. To obtain good corrosion resistance it is important that each component in a multicomponent design be fabricated from a single homogenous alloy of the identical composition.

Corrosion resistance of a metallic implant is an essential property for biocompatibility. The results of the testing described above showed that the Elgiloy" ™ material used in the Sugita aneurysm clip is very resistant to corrosion. Elgiloy" ™ has been successfully used for many years in cardiac pacemaker electrodes and in dental appliances. In addition, Laing (Ref. 1) tested the heat treated version of the material used in the Sugita aneurysm clip and found that it produced a tissue reaction in rabbit muscle which was similar to that produced for other alloys that are commonly implanted in the human body.

The petitioner assessed the interaction between the Sugita aneurysm clip and the Sugita aneurysm clip applier to determine if the applier can alter the metal surface of the clip or leave a deposit of applier material on the clip because abrasion of the protective oxide layer can accelerate corrosion. The design of the clip applier is such that no relative motion occurs between the applier and the clip. In addition, scanning electron microscope (SEM) photographs of the clip after manipulation with the applier verified no surface changes. If metal transfer occurs from the applier to the clip, and the metal deposited is a different composition, then an electronchemical condition referred to as galvanic corrosion could be initiated. Energy x-ray dispersive analysis of the gripping surface of the applier and the clip verified that both materials are identical in composition. The SEM and x-ray data of the applier surface and the clip demonstrated that no material was transferred between the two devices. Therefore, accelerated corrosion due to an applier/clip interaction will not occur.

The petitioner measured the closing force exerted by the Sugita aneurysm clip blade on a total of 160 clips. These data were then compared to closing force measurements performed on five other aneurysm clips currently marketed in the United States. The data showed that the amount, the variability, and the hysteresis of the closing forces produced by the Sugita aneurysm clips are comparable or superior to the closing forces of the other clips that were tested.

The petitioner provided force measurement data obtained after repreated opening and closing for three Sugita aneurysm clips. This testing, which involves opening and closing the clip 100 times, is performed on a sample of randomly selected clips from each lot of clips that are made. Results obtained on the three clips showed that the closing force of each clip degraded much less than 20 percent, which the Section believed was satisfactory.

The petitioner exposed four Sugita aneurysm clips to 20 standard steam sterilization cycles to determine if repeated exposure to heat would degrade the closing force exerted by each clip. The petitioner measured the amount of closing force exerted by each clip before and after the repeated sterilizations. Results showed that repeated sterilization does not degrade the closing force of the clip.

The Sugita aneurysm clip is designed with a waffle type gripping surface to decrease the tendency of the clip to slip from a blood vessel. Sugita, et al., compared the resistance to clip slippage of the Sugita aneurysm clip with the resistance to clip slippage of four other aneurysm clips marketed in the United States (Ref. 2). Dr. Sugita, the clip designer, pulled the clips from the extracranial internal carotid and vertebral arteries of five mongrel dogs. The same tests were conducted to compare resistance to clip slippage using sheets of paper instead of arteries. The amount of force required to pull the Sugita aneurysm clop from the arteries and the sheets of paper was greater than for all but one of the marketed clips tested.

A detailed description of the manufacturing and quality control procedures was provided to demonstrate that it is possible to consistently produce an aneurysm clip with adequate performance characteristics. These procedures include raw material tests and inspections, numerous visual examinations, surface treatment procedures, and 100 percent force testing.

Sugita et al. (Refs. 3 and 4), reported on the clinical use of the Sugita aneurysm clip in a total of 34 intracranial aneurysm cases. Thirty of these patients were treated successfully with no complications. Two patients had residual neurological complications and two patients died. None of the complications or deaths attributed to a failure of the device.

Risks To Health

The Section believes that the risks to health that were identified during classification of the preamendments aneurysm clip (43 FR 55703) are the same as for this device. They are: (a) Slippage of the clip which may result in hemorrhage and death; if the clip does not maintain sufficient pressure, or if the jaw design does not provide sufficient friction, the clip may open or slide off the aneurysm after operation and allow the aneurysm to bleed, (b) cutting of the aneurysm or its parent vessel; in some designs, the "crotch" part of a clip may cut the arterial wall, or a clip having a

sharp edge may accidentally cut the artery, and (c) tissue toxicity; clips containing materials that are not biocompatible may cause an adverse tissue reaction.

Additional Findings

For the purpose of classification, the Section recommended that FDA assign to the device the name and identification used for the preamendments generic type of device aneurysm clip that already has been classified into class II (21 CFR 882.5200). Thus, the panel recommended that the petitioner's device be named the "aneurysm clip" and that it be identified as a device intended to occlude an intracranial aneurysm (a balloon-like sac formed on a blood vessel) to prevent it from bleeding or bursting.

References

The petition, the transcript of the Section meeting, and the following material are on public file in the Dockets Management Branch (address above) where they may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday:

1. Laing, P. G., et al., "Tissue Reaction in Rabbit Muscle Exposed to Metallic Implants," *Journal of Biomedical Materials Research*, 1:135–149, 1967

2. Sugita, K., et al., "Comparative Study of the Pressure of Various Aneurysm Clips," *Journal of Neurosurgery*, 44:423–727, 1976.

3. Sugita, K., et al., "New Angled Fenestrated Clips for Fusiform Vertebral Artery Aneurysms," *Journal of Neurosurgery*, 54:346–350, 1981.

4. Sugita, K., et al., "Microneurosurgery for Aneurysms of the Basilar Artery," *Journal of Neurosurgery*, 51:615–629, 1979.

After considering the economic consequences of approving this reclassification, FDA certifies that this notice requires neither a regulatory impact analysis, as specified in Executive Order 12291, nor a regulatory flexibility analysis, as defined in the Regulatory Flexibility Act (Pub. L. 96–354). Approval of this petition would not have a significant economic impact on a substantial number of small entities. The petitioner, and all future manufacturers of the aneurysm clip, would be relieved of the costs of complying with the premarket approval requirements in section 515 of the act. There are no offsetting costs that the petitioner would incur from reclassification into class II. The magnitude of the economic savings from approval of this petition depends on the extent of premarket approval studies the petitioner would have conducted and the number of future competitors satisfying the same requirements. Neither of these parameters can be reliably calculated to permit quantification of the economic savings. Because of statutory deadlines (section 513(f)(2) of the act) and requirements in the regulations (21 CFR 860.134(b)(5)), FDA is required to publish this notice in the **Federal Register** as soon as practicable. As authorized by section 8(a)(2) of Executive Order 12291, FDA is publishing in the **Federal Register** this notice without clearance of the Director, Office of Management and Budget. As soon as practicable, FDA will notify that office of the publication of this notice.

Interested persons may, on or before May 12, 1983, submit to the Dockets Management Branch (address above) written comments on the recommendation. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the name of the device and the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 5, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. N-83-1216]

Mutual Mortgage Insurance and Rehabilitation Loans; Changes to the Maximum Mortgage Limits for FHA-insured Mortgages Covering Condominiums and One- to Four-family Residences

AGENCY: Office of Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice of revisions to the maximum mortgage limits for "high-cost" areas.

SUMMARY: This notice revises the listing of areas eligible for "high-cost" mortgage limits under HUD's single family insuring authorities by adding certain new areas and updating the existing "high-cost" limits in others. It also republishes a complete listing of all "high-cost" areas, along with their applicable mortgage limits. Mortgage limits are adjusted when the Secretary determines that middle and moderate income persons have limited housing opportunities due to high prevailing housing sales prices, and in the case of Alaska, Guam, and Hawaii to reflect higher prevailing construction costs.

EFFECTIVE DATE: April 12, 1983.

FOR FURTHER INFORMATION CONTACT: John J. Coonts, Director, Single Family Development Division, Department of Housing and Urban Development, Room 9270, 451 Seventh Street, SW., Washington, D.C. 20410, telephone (202) 755–6720. (This is not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The National Housing Act (NHA) (12 U.S.C. 1701–1749) authorizes HUD/FHA to insure mortgages for single family residences. These include one- to four-family residences (see section 203) and one-family units in condominiums (see section 234(c)). The Housing and Community Development Act of 1980 amended the NHA to permit HUD to change the maximum mortgage amounts under these programs to reflect regional differences in the cost of housing. Section 214 of the NHA provides special high-cost limits for Alaska, Guam, and Hawaii.

Section 203 Programs. Section 203 of the NHA is the seminal provision for the insurance of mortgages covering single family residences, and many other NHA sections adopt the basic provisions contained in section 203. Other sections to which this Notice applies include: Section 203(k), loan insurance for rehabilitation of a structure used primarily as a residence; section 213 cooperative housing insurance; section 220, rehabilitation and neighborhood conservation housing; section 222, mortgage insurance for servicemen; section 240, financing purchases for homeowners of the fee simple title to property on which homes are located; section 244, coinsurance; section 245, graduated payment mortgages; and sections 809 and 810, armed services housing mortgage insurance.

Under section 203, the Secretary may increase maximum mortgage limits on an area-by-area basis if the Secretary deems it necessary after considering the extent to which moderate and middle income persons have limited housing opportunities in the area due to high prevailing housing prices.

Section 203 provides that the increase may not exceed the lesser of the following:

A. 133⅓% of $67,500 in the case of a single-family residence; 133⅓% of

$76,000 in the case of a two-family residence; 133⅓% of $92,000 in the case of a three-family residence; 133⅓% of $107,000 in the case of a four-family residence.

or

B. 95% of the median one-family house price in the area, as determined by the Secretary for a one-family residence; 107% of that median for a two-family residence; 130% of that median for a three-family residence; 150% of that median for a four-family residence.

Section 234 Program. Section 234 of the NHA authorizes mortgage insurance for one-family units in condominium projects. Under this section, the Secretary may increase the maximum mortgage amount on an area-by-area basis if the Secretary deems it necessary after considering the extent to which moderate and middle income persons have limited housing opportunities in the area due to high prevailing housing prices.

Section 234 provides that the increase may not exceed the lesser of the following:

A. 111% of $67,500; or

B. 95% of the median one-family house price in the area, as determined by the Secretary.

Section 214 Program. In addition to the "high-cost" limits discussed above, the NHA provides special limits for Alaska, Guam, and Hawaii. Section 214 states that if the Secretary determines that, because of higher prevailing costs, it is not feasible to construct dwellings in those areas within the maximum mortgage limits without sacrificing sound standards of construction, design or livability, the mortgage limits may be increased beyond the statutory "high-cost" area limits indicated above. These limits, however, may not exceed the otherwise applicable amounts by more than one-half.

This Notice

This notice does three things. First, it identifies new "high-cost" areas (and maximum mortgage amounts for those areas) and revised previously published maximum mortgage amounts for existing "high-cost" areas. These amounts are based upon the Federal Housing Commissioner's finding that middle and moderate income persons have limited housing opportunities because of high prevailing housing sales prices in the designated areas.

Second, it publishes new maximum mortgage amounts for condominiums in Alaska, Guam, and Hawaii. These amounts are based upon the Federal Housing Commissioner's finding that, because of high costs prevailing in those jurisdictions, it is not feasible to construct dwellings within otherwise applicable maximum mortgage amounts without sacrificing sound standards of construction, design and livability.

Third, it republishes that entire list of "high-cost" areas and maximum mortgage amounts applicable to the area, including single family and condominium maximum mortgage amounts for Alaska, Guam, and Hawaii.

The statutory NHA mortgage dollars limits are specified in 24 CFR 203.18(a) and 234.27(a). 24 CFR 203.18b(a) and 234.27(b) authorize the Federal Housing Commissioner to raise these statutory mortgage limits and previously published increased amounts by publishing revised dollar limitations in the **Federal Register.** The limits have been increased twice in the past year for designated areas (See 47 FR 917, January 7, 1982; 47 FR 52570, November 22, 1982).

Accordingly, the Commissioner is hereby expanding the list of Section 203(b) and Section 234(c) "high-cost" areas to include the following jurisdictions: Boston, MA SMSA; Wilmington, DE SMSA; Richmond, VA SMSA; Greenville-Spartanburg, SC SMSA; Sarasota, FL SMSA; Tampa-St. Petersburg, FL SMSA; Columbus, OH SMSA; Kansas City, MO SMSA; St. Louis, MO SMSA; Salt Lake City-Ogden, UT SMSA and Portland, OR SMSA; and the State of Connecticut.

The Commissioner is also revising previously published maximum mortgage amounts for the following areas: Bridgeport, CT SMSA; Danbury, CT SMSA; New York and Nassau-Suffolk, NY SMSA; State of New Jersey (northern metro areas); Washington, DC-MD-VA SMSA; Baltimore, MD SMSA; Ft. Lauderdale-Hollywood, FL SMSA; Miami, FL SMSA; West Palm Beach-Boca Raton, FL SMSA; Minneapolis St. Paul, MN SMSA; Chicago, IL SMSA; Detroit, MI SMSA; Cleveland, OH SMSA; Houston, TX SMSA; Austin and San Antonio, TX SMSA; Tulsa, OK SMSA; State of Colorado; Fresno, CA Service Office (metro and non-metro areas); Santa Ana, CA Service Office (non-metro areas); Phoenix, AZ SMSA; Tucson, AZ SMSA; Seattle-Everett, WA SMSA; and the State of Alaska.

Future Changes To Maximum Mortgage Amounts

In cases where interested parties consider that the designated maximum mortgage limits for any area (including areas currently subject to the statutory mortgage limits and not included in this Notice), do not accurately reflect the extent to which moderate and middle income persons have limited housing opportunities because of high prevailing housing sales prices (or in the case of Alaska, Guam or Hawaii, the extent to which high costs make it infeasible to construct dwellings without sacrficing sound standards of construction, design and livability), the parties may submit documented evidence in support of an alternative maximum mortgage limit. Where possible, such documentation should include an estimate of the median home sales price based upon local market sales price data which are representative of home sales (including new and existing construction) for the entire geographic area for which the request for change is made. The data should cover a recent period of at least three months. Separate areawide maximum mortgage amounts are currently published for SMSAs and statewide areas. It should be noted that separate limits have not been approved for individual jurisdictions outside of an SMSA, e.g., a county, or individual town or city. Requests for adjustments to maximum mortgage limits, together with the appropriate documentation, should be submitted to the appropriate HUD field office. The field office will forward the documented request, with the field office's recommendations, to the Commissioner for determination.

Paperwork Reduction Act. The information collection procedures indicated above will be submitted to the Office of Management and Budget (OMB) for approval under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-511). The procedures are not effective until approved by OMB and a follow-up notice indicating effectiveness is published in the **Federal Register.**

Hereafter, Notices will be published from time to time announcing the high-cost area limits for particular jurisdictions, and the complete list of area-wide limits will be updated and republished at least annually.

Accordingly, the Commissioner is hereby publishing the revised dollar limitations as follows:

UPDATING OF FHA SECTION 203(b) AND SECTION 214 AREA-WIDE MORTGAGE LIMITS

Market area designation and local jurisdictions	Mortgage limits			
	1-family	2-family	3-family	4-family
Region I				
HUD FIELD OFFICE: BOSTON AREA OFFICE				
Boston, MA SMSA				
Essex County (part)	$72,700	$81,900	$99,800	$114,900

UPDATING OF FHA SECTION 203(b) AND SECTION 214 AREA-WIDE MORTGAGE LIMITS—Continued

Market area designation and local jurisdictions	Mortgage limits			
	1-family	2-family	3-family	4-family
Beverly city				
Lynn city				
Peabody city				
Salem city				
Boxford town				
Danvers town				
Hamilton town				
Lynnfield town				
Manchester town				
Marble head town				
Middleton town				
Nehant town				
Saugus town				
Swampscott town				
Topsfield town				
Wenham town				
Middlesex County (part):				
Cambridge city				
Everett city				
Malden city				
Medford city				
Melrose city				
Newton city				
Somerville city				
Waltham city				
Woburn city				
Acton town				
Arlington town				
Ashland town				
Bedford town				
Belmont town				
Boxborough town				
Burlington town				
Carlisle town				
Concord town				
Framingham town				
Holliston town				
Lexington town				
Lincoln town				
Natick town				
HUD FIELD OFFICE: BOSTON AREA OFFICE				
Middlesex County (part)	$72,700	$81,900	$99,600	$114,900
North Reading town				
Reading town				
Sherborn town				
Stoneham town				
Sudbury town				
Wakefield town				
Watertown town				
Weyland town				
Weston town				
Wilmington town				
Winchester town				
Norfolk County (part):				
Quincy city				
Bellingham town				
Braintree town				
Brookline town				
Canton town				
Cohasset town				
Dedham town				
Dover town				
Foxborough town				

UPDATING OF FHA SECTION 203(b) AND SECTION 214 AREA-WIDE MORTGAGE LIMITS—Continued

Market area designation and local jurisdictions	Mortgage limits			
	1-family	2-family	3-family	4-family
Franklin town				
Holbrook town				
Medford town				
Medway town				
Millis town				
Milton town				
Needham town				
Norfolk town				
Norwood town				
Randolph town				
Sharon town				
Stoughton town				
Walpole town				
Wellesley town				
Westwood town				
Weymouth town				
Wrentham town				
Plymouth County (part):				
Abington town				
Duxbury town				
Hanover town				
Hanson town				
Hingham town				
Hull town				
Kingston town				
Marshfield town				
Norwell town				
Pembroke town				
Rockland town				
Scituate town				
Suffolk County:				
Boston city				
Chelsea city				
Revere city				
Winthrop town				
HUD FIELD OFFICE: HARTFORD AREA OFFICE				
Bridgeport, CT SMSA				
Fairfield County (part)	$81,900	$92,200	$112,100	$129,300
Bridgeport city				
Shelton city				
Easton town				
Fairfield town				
Monroe town				
Stratford town				
Trumbull town				
New Haven County (part):				
Derby city				
Milford city				
Danbury, CT SMSA				
Fairfield County (part)	$90,000	$101,300	$122,650	$142,650
Danbury city				
Bethel town				
Brookfield town				
New Fairfield town				
Newton town				
Redding town				
Litchfield County (part)				
New Milford town				
Norwalk, CT SMSA				
Fairfield County (part)	$90,000	$101,300	$122,650	$142,650
Norwalk city				
Weston town				
Westport town				
Wilton town				
Stamford, CT SMSA				

UPDATING OF FHA SECTION 203(b) AND SECTION 214 AREA-WIDE MORTGAGE LIMITS—Continued

Market area designation and local jurisdictions	Mortgage limits			
	1-family	2-family	3-family	4-family
Fairfield County (part)	$90,000	$101,300	$122,650	$142,650
Stamford city				
Darien town				
Greenwich town				
New Canaan town				
State of Connecticut—all other metro and non-metro areas	$71,800	$80,900	$96,300	$113,400
Region II				
HUD FIELD OFFICE: NEW YORK AREA OFFICE				
New York and Nassau—Suffolk, NY SMSAS (Combined)				
Bronx County	$90,000	$101,300	$122,650	$142,650
Kings County				
Nassau County				
New York County				
Putnam County				
Queens County				
Richmond County				
Rockland County				
Suffolk County				
Westchester County				
HUD FIELD OFFICE: NEWARK AREA OFFICE				
State of New Jersey—Northern Metro Areas				
Bergen County	$90,000	$101,300	$122,650	$142,650
Essex County				
Hudson County				
Middlesex County				
Monmouth County				
Morris County				
Passaic County				
Somerset County				
Union County				
HUD FIELD OFFICE: CAMDEN SERVICE OFFICE				
Atlantic City, NJ SMSA Atlantic County	$89,000	$100,000	$121,000	$141,000
Trenton, NJ SMSA Mercer County	$68,500	$77,000	$93,500	$108,000
Wilmington, DE-NJ-MD SMSA Salem County, NJ	$70,200	$79,100	$96,100	$110,900
Region III				
HUD FIELD OFFICE: PHILADELPHIA AREA OFFICE				
Wilmington, DE-NJ-MD SMSA New Castle County, DE	$70,200	$79,100	$96,100	$110,900
HUD FIELD OFFICE: WASHINGTON, DC AREA OFFICE				
Washington, DC-MD-VA SMSA District of Columbia	$90,000	$101,300	$122,650	$142,650

UPDATING OF FHA SECTION 203(b) AND SECTION 214 AREA-WIDE MORTGAGE LIMITS—Continued

Market area designation and local jurisdictions	Mortgage limits			
	1-family	2-family	3-family	4-family
Montgomery County, MD				
Prince Georges County, MD				
Alexandria, city, VA				
Fairfax County, VA				
Falls Church city, VA				
Manassas city, VA				
Manassas Park city, VA				
Arlington County, VA				
Loudon County VA				
Prince William County, VA				
HUD FIELD OFFICE: BALTIMORE AREA OFFICE				
Washington, DC-MD-VA SMSA				
Charles County	$90,000	$101,300	$122,650	$142,650
Baltimore, MD SMSA (part)				
Howard County	$82,300	$92,700	$112,700	$130,000
Anne Arundel County				
Baltimore, MD SMSA (part)				
Baltimore city	$74,700	$84,200	$102,300	$118,000
Baltimore County				
Carroll County				
Harford County				
Wilmington, DE-NJ-MD SMSA				
Cecil County, MD	$70,200	$79,100	$96,100	$110,900
HUD FIELD OFFICE: RICHMOND AREA OFFICE				
Richmond, VA SMSA				
Richmond city	$68,300	$76,900	$93,500	$107,900
Charles City County				
Chesterfield County				
Goochland County				
Hanover County				
Henrico County				
New Kent County				
Powhatan County				
Newport News-Hampton and Norfolk VA Beach, Portsmouth, VA SMSA (Combined)				
Chesapeake city,	$76,500	$86,000	$104,500	$120,500
Hampton city				
Newport News city				
Norfolk city				
Poquoson city				
Portsmouth city				
Suffolk city				
Virginia Beach city				
Williamsburg city				
Gloucester County				
James City County				
York County				
Region IV				
HUD FIELD OFFICE: GREENSBORO AREA OFFICE				
Newport News-Hampton and Norfolk-VA Beach, Portsmouth, VA SMSA.				
Currituck County	$76,500	$86,000	$104,500	$120,500
HUD FIELD OFFICE: COLUMBIA AREA OFFICE				
Charleston-North Charleston, SC SMSA				
Berkeley County	$80,500	$90,500	$110,000	$127,500
Charleston County				
Dorchester County				
Greenville-Spartanburg, SC SMSA				
Greenville County	$72,900	$82,100	$99,700	$115,100
Pickens County				
Spartanburg County				
HUD FIELD OFFICE: ATLANTA AREA OFFICE				
Atlanta, GA SMSA				
Butts County	$78,500	$88,500	$107,000	$124,500
Cherokee County				
Clayton County				
Cobb County				
DeKalb County				
Douglas County				
Fayette County				
Forsyth County				
Fulton County				
Gwinnett County				
Henry County				
Newton County				
Paulding County				
Rockdale County				
Walton County				
HUD FIELD OFFICE: BIRMINGHAM AREA OFFICE				
Mobile, AL SMSA				
Baldwin County	$75,000	$84,000	$102,500	$118,000
Mobile County				
Montgomery, AL SMSA				
Autauga County				
Elmore County				
Montgomery County				
HUD FIELD OFFICE: MEMPHIS SERVICE OFFICE				
Memphis, TN-AR-MS SMSA				
Shelby County	$75,000	$84,000	$102,500	$118,000
Tipton County				
HUD FIELD OFFICE: JACKSON AREA OFFICE				
Memphis, TN-AR-MR SMSA				
Desoto County	$75,000	$84,000	$102,500	$118,000
HUD FIELD OFFICE: CORAL GABLES SERVICE OFFICE				
Ft. Lauderdale-Hollywood, FL SMSA: Broward County	$78,700	$88,700	$107,700	$124,200
Miami, FL SMSA: Dade County	$81,800	$92,100	$111,900	$129,100
West Palm Beach-Boca Raton, FL SMSA: Palm Beach County	$79,700	$89,800	$109,100	$125,900
HUD FIELD OFFICE: TAMPA SERVICE OFFICE				
Sarasota, FL SMSA:				
Sarasota County	$76,100	$85,700	$104,100	$120,100
Tampa-St. Petersburgh, FL SMSA				
Hillsborough County	$71,500	$80,500	$97,900	$112,900
Pasco County				
Pinellas County				
Region V				
HUD FIELD OFFICE: MINNEAPOLIS-ST. PAUL AREA OFFICE				
Minneapolis-St. Paul, MN SMSA				
Anoka County	$90,000	$101,300	$122,650	$142,650
Carver County				
Chisago County				
Dakota County				
Hennepin County				
Ramsey County				
Scott County				
Washington County				
Wright County				
St. Cloud, MN SMSA				
Benton County	$68,500	$77,000	$93,500	$108,500
Sherburne County				
Stearns County				
HUD FIELD OFFICE: MILWAUKEE AREA OFFICE				
Minneapolis-St Paul, MN SMSA				
St. Croix County	$90,000	$101,000	$122,650	$142,650
Milwaukee, WI SMSA				
Milwaukee County	$73,500	$83,000	$100,500	$116,500
Ozaukee County				
Washington County				
Waukesha County				
HUD FIELD OFFICE: CHICAGO AREA OFFICE				
Chicago, IL SMSA				
Cook County	$83,600	$94,200	$114,400	$132,000
DuPage County				
Kane County				
Lake County				
McHenry County				
Will County				
St. Louis MO-IL SMSA				
Clinton County, IL	$70,200	$79,100	$96,100	$110,900
Madison County IL				
Monroe County, IL				

UPDATING OF FHA SECTION 203(b) AND SECTION 214 AREA-WIDE MORTGAGE LIMITS—Continued

Market area designation and local jurisdictions	Mortgage limits			
	1-family	2-family	3-family	4-family
St. Clair County, IL				
HUD FIELD OFFICE: DETROIT AREA OFFICE				
Detroit, MI SMSA				
Lapeer County	$75,300	$84,800	$103,000	$118,900
Livingston County				
Macomb County				
Oakland County				
St. Clair County				
Wayne County				
HUD FIELD OFFICE: CLEVELAND SERVICE OFFICE				
Cleveland, OH SMSA				
Cuyahoga County	$75,400	$84,900	$103,100	$119,000
Geauga County				
Lake County				
Medina County				
HUD FIELD OFFICE: COLUMBUS AREA OFFICE				
Columbus, OH SMA				
Delaware County	$81,100	$91,400	$111,000	$128,100
Fairfield County				
Franklin County				
Madison County				
Pickaway County				
Region VI				
HUD FIELD OFFICE: DALLAS AREA OFFICE				
Dallas-Ft. Worth, TX SMSA				
Collin County	$85,000	$95,000	$115,500	$134,500
Dallas County				
Denton County				
Ellis County				
Kaufman County				
Rockway County				
Sherman-Denison, TX SMSA:				
Grayson County	$78,000	$88,000	$106,500	$124,000
HUD FIELD OFFICE FORT WORTH SERVICE OFFICE				
Dallas-FT. Worth, TX SMSA				
Hood County	$85,000	$95,500	$115,500	$134,500
Johnson County				
Parker County				
Tarrant County				
Wise County				
HUD FIELD OFFICE: HOUSTON SERVICE OFFICE				
Houston, TX SMSA				
Brazoria County	$72,900	$82,200	$99,800	$115,200
Ft. Bend County				
Harris County				
Liberty County				
Montgomery County				
Waller County				
HUD FIELD OFFICE: LUBBOCK SERVICE OFFICE				
Amarillo, TX SMSA				
Potter County	$68,500	$77,000	$93,500	$108,500
Randall County				
Lubbock, TX SMSA: Lubbock County	$70,000	$78,500	$95,000	$110,500

UPDATING OF FHA SECTION 203(b) AND SECTION 214 AREA-WIDE MORTGAGE LIMITS—Continued

Market area designation and local jurisdictions	Mortgage limits			
	1-family	2-family	3-family	4-family
Midland, TX SMSA Midland County	$70,000	$78,500	$95,000	$110,500
HUD FIELD OFFICE: SAN ANTONIO AREA OFFICE				
Austin and San Antonio, TX SMSA (combined)				
Bexar County	$77,000	$86,800	$105,400	$121,700
Comal County				
Guadalupe County				
Hays County				
Travis County				
Williamson County				
Corpus Christi, TX SMSA				
Nueces County	$70,000	$78,500	$95,500	$110,500
San Partico County				
HUD FIELD OFFICE: LITTLE ROCK AREA OFFICE				
Memphis, TN-AR-MS SMSA				
Crittenden County	$75,000	$84,000	$102,500	$118,000
HUD FIELD OFFICE: OKLAHOMA CITY AREA OFFICE				
Oklahoma City, OK SMSA				
Canadian County	$68,000	$76,500	$93,000	$108,000
Cleveland County				
McClain County				
Oklahoma County				
Pottawatomie County				
HUD FIELD OFFICE: NEW ORLEANS AREA OFFICE				
Baton Rouge and New Orleans, LA SMSA (Combined)				
Ascension Parish	$76,000	$85,500	$103,500	$120,500
East Baton Rouge Parish				
Jefferson Parish				
Livingston Parish				
Orleans Parish				
St. Bernard Parish				
St. Tammany Parish				
West Baton Rouge Parish				
HUD FIELD OFFICE: SHREVEPORT SERVICE OFFICE				
Shreveport-Bossier, LA SMSA				
Bossier Parish	$75,500	$85,000	$103,300	$119,200
Caddo Parish				
Webster Parish				
HUD FIELD OFFICE: ALBUQUERQUE SERVICE OFFICE				
Albuquerque, NM SMSA				
Bernalillo County	$76,500	$86,000	$104,000	$121,000
Sandoval County				
HUD FIELD OFFICE: TULSA SERVICE OFFICE				
Tulsa, OK SMSA				
Creek County	$82,500	$92,900	$112,900	$130,300

UPDATING OF FHA SECTION 203(b) AND SECTION 214 AREA-WIDE MORTGAGE LIMITS—Continued

Market area designation and local jurisdictions	Mortgage limits			
	1-family	2-family	3-family	4-family
Mayes County				
Osage County				
Rogers County				
Tulsa County				
Wagoner County				
Region VII				
HUD FIELD OFFICE: KANSAS CITY AREA OFFICE				
Kansas City, MO SMSA				
Cass County, MO	$81,600	$91,900	$111,700	$128,900
Clay County, MO				
Jackson County, MO				
Platt County, MO				
Ray County, MO				
Johnson County, KS				
Wyandotte County, KS				
HUD FIELD OFFICE: ST. LOUIS AREA OFFICE				
St. Louis, MO-IL SMSA				
St. Louis City	$70,200	$79,100	$96,100	$110,900
Franklin County				
Jefferson County				
St. Charles County				
St. Louis County				
Region VIII				
HUD FIELD OFFICE: DENVER REGIONAL/AREA OFFICE				
Denver-Boulder, CO SMSA				
Adams County	$76,000	$85,500	$103,500	$120,500
Arapahoe County				
Boulder County				
Denver County				
Douglas County				
Gilpin County				
Jefferson County				
State of Colorado	$71,800	$80,900	$98,300	$113,400
All other metro and nonmetro areas				
State of Wyoming	$75,000	$84,000	$102,500	$118,000
HUD FIELD OFFICE: HELENA SERVICE OFFICE				
State of Montana, SMAS and non-SMSA Areas	$75,500	$84,000	$102,500	$118,000
HUD FIELD OFFICE: SALT LAKE CITY SERVICE OFFICE				
Salt Lake City-Ogden, UT SMSA				
Davis County	$75,000	$84,000	$102,500	$118,000
Salt Lake County				
Tooele County				
Weber County				
Region IX				
HUD FIELD OFFICE: LOS ANGELES AREA OFFICE				
Los Angeles Area Office Metro and Nonmetro Areas				
Los Angeles County	$90,000	$101,300	$122,650	$142,650

Updating of FHA Section 203(b) and Section 214 Area-Wide Mortgage Limits—Continued

Market area designation and local jurisdictions	Mortgage limits			
	1-family	2-family	3-family	4-family
San Luis Obispo County				
Santa Barbara County				
Ventura County				
HUD Field Office: San Francisco Area Office				
San Francisco Area Office Metro and Non-metro areas				
Alameda County	$90,000	$101,300	$122,650	$142,650
Contra Costa County				
Del Norte County				
Humboldt County				
Lake County				
Marin County				
Mendocino County				
Monterey County				
Napa County				
San Benito County				
San Francisco County				
San Mateo County				
Santa Clara County				
Santa Cruz County				
Solano County				
Sonoma County				
HUD Field Office: Fresno Service Office				
Fresno Service Office Metro and Nonmetro Area				
Fresno County	$88,500	$99,700	$121,200	$139,800
Kern County				
Kings County				
Madera County				
Mariposa County				
Merced County				
Stanislaus County				
Tulare County				
HUD Field Office: Sacramento Service Office				
Sacramento Service Office Metro and Nonmetro Areas				
Alpine County	$84,000	$95,000	$115,000	$139,500
Amador County				
Butte County				
Calaveras County				
Colusa County				
El Dorado County				
Glenn County				
Lassen County				
Modoc County				
Nevada County				
Placer County				
Plumas County				
Sacramento County				
San Joaquin County				
Shasta County				
Sierra County				
Siskiyou County				
Sutter County				
Tehama County				
Trinity County				
Tuolumne County				
Yolo County				
Yuba County				
HUD Field Office: San Diego Service Office				
San Diego Service Office Metro and Nonmetro Areas				
Imperial County	$90,000	$101,300	$122,650	$142,650
San Diego County				
HUD Field Office: Santa Ana Service Office				
Santa Ana Service Office Metro Areas	$90,000	$101,300	$122,650	$142,650
Orange County				
Riverside County				
San Bernardino County				
Nonmetro Areas	$75,000	$84,000	$102,500	$118,000
Inyo County				
Mono County				
HUD Field Office: Las Vegas Service Office				
Las Vegas, NV SMSA: Clark County	$90,000	$101,300	$122,650	$142,650
State of Nevada—nonmetro areas				
Lincoln County	$75,000	$84,000	$102,500	$118,000
Nye County (part)				
HUD Field Office: Reno Service Office				
Reno, NV SMSA: Washoe county	$89,500	$101,000	$122,000	$142,000
State of Nevada—nonmetro areas				
Carson City County	$75,000	$84,000	$102,500	$118,000
Churchill County				
Douglas County				
Elko County				
Esmeralda County				
Eureda County				
Humboldt County				
Lander County				
Lyon County				
Mineral County				
Nye County (Part)				
Pershing County				
Storey County				
White Pine County				
HUD Field Office: Phoenix Service Office				
Phoenix, AZ SMSA: Maricopa County	$87,100	$98,100	$119,200	$137,600
HUD Field Office: Tucson Service Office				
Tucson, AZ SMSA: Pima County	$77,000	$86,900	$105,600	$121,800
HUD Field Office: Honolulu Area Office				
State of Hawaii metro and nonmetro area	$135,000	$151,950	$183,975	$213,975
Territory of Guam	$101,250	$114,000	$138,000	$160,500
Region X				
HUD Field Office: Seattle Area Office				
Richland-Kennewick and Yakima, WA SMSAS (Com.)				
Yakima County	$72,000	$81,500	$99,000	$114,000
Seattle-Everett, WA SMAS				
King County	$85,200	$96,000	$116,700	$134,600
Snohomish County				
Tacoma, WA SMSA: Pierce County	$71,000	$80,000	$97,500	$112,500
HUD Field Office: Portland Area Office				
Portland, OR SMSA				
Clackamas County	$81,600	$91,900	$111,800	$128,800
Multnomah County				
Washington County				
Clark County				
HUD Field Office: Anchorage Area Office				
Anchorage, AK SMSA: Anchorage Census Division	$135,000	$151,950	$183,975	$213,975
State of Alaska—All Other Areas	$106,000	$119,400	$145,000	$167,400
HUD Field Office: Spokane Service Office				
Richland-Kennewick and Yakima, WA SMSAS (combined)				
Benton County	$72,000	$81,500	$99,000	$114,000
Franklin County				
Spokane, WA SMSA: Spokane County	$72,000	$81,500	$99,000	$114,000
HUD Field Office: Boise Service Office				
Boise City, ID SMSA: Ada County	$75,000	$84,000	$102,500	$118,000

Updating of FHA Section 234(c) and Section 214 Area-Wide Mortgage Limits

[Condominium units]

Market area designation and local jurisdictions	Mortgage limits (condominium)
Region I	
HUD Field Office: Boston Area Office	
Boston, MA SMSA	
Essex County (part)	$72,700

UPDATING OF FHA SECTION 234(c) AND SECTION 214 AREA-WIDE MORTGAGE LIMITS—Continued

[Condominium units]

Market area designation and local jurisdictions	Mortgage limits (condominium)
Beverly city	
Lynn city	
Peabody city	
Salem city	
Boxford town	
Danvers town	
Hamilton town	
Lynnfield town	
Manchester town	
Marble head town	
Middleton town	
Nahant town	
Saugus town	
Swampscott town	
Topsfield town	
Wenham town	
Middlesex County (part):	
Cambridge city	
Everett city	
Malden city	
Medford city	
Melrose city	
Newton city	
Somerville city	
Waltham city	
Woburn city	
Acton town	
Arlington town	
Ashland town	
Bedford town	
Belmont town	
Boxborough town	
Burlington town	
Carlisle town	
Concord town	
Framingham town	
Holliston town	
Lexington town	
Lincoln town	
Middlesex County (part)	$72,700
Natick town	
North Reading town	
Reading town	
Sherborn town	
Stoneham town	
Sudbury town	
Wakefield town	
Watertown town	
Wayland town	
Weston town	
Wilmington town	
Winchester town	
Norfolk County (part):	
Quincy city	
Bellingham town	
Braintree town	
Brookline town	
Canton town	
Cohasset town	
Dedham town	
Dover town	
Foxborough town	
Franklin town	
Holbrook town	
Medfield town	
Medway town	
Millis town	
Milton town	
Needham town	
Norfolk town	
Norwood town	
Randolph town	
Sharon town	
Stoughton town	

UPDATING OF FHA SECTION 234(c) AND SECTION 214 AREA-WIDE MORTGAGE LIMITS—Continued

[Condominium units]

Market area designation and local jurisdictions	Mortgage limits (condominium)
Walpole town	
Wellesley town	
Westwood town	
Weymouth town	
Wrentham town	
Plymouth County (part)	
Abington town	
Duxbury town	
Hanover town	
Hanson town	
Hingham town	
Hull town	
Kingston town	
Marshfield town	
Norwell town	
Pembroke town	
Rockland town	
Scituate town	
Suffolk County:	
Boston city	
Chelsea city	
Revere city	
Winthrop town	
HUD FIELD OFFICE: HARTFORD AREA OFFICE	
Bridgeport, CT SMSA	
Fairfield County (part)	$74,900
Bridgeport city	
Shelton city	
Easton town	
Fairfield town	
Monroe town	
Stratford town	
Trumbull town	
New Haven County (part)	
Derby city	
Milford city	
Danbury, CT SMSA	
Fairfield County (part)	$74,900
Danbury city	
Bethel town	
Brookfield town	
New Fairfield town	
Newtown town	
Redding town	
Litchfield County (part)	
New Milford town	
Norwalk, CT SMSA	
Fairfield County (part)	$74,900
Norwalk city	
Weston town	
Westport town	
Wilton town	
Stamford, CT SMSA	
Fairfield County (part)	$74,900
Stamford city	
Darien town	
Greenwich town	
New Canaan, town	
State of Connecticut—all other metro and non metro areas	$71,800
Region II	
HUD FIELD OFFICE: NEW YORK AREA OFFICE	
New York and Nassau-Suffolk, NY SMSAS (Combined)	
Bronx County	$74,900
Kings County	
Nassau County	
New York County	
Putnam County	
Queens County	
Richmond County	

UPDATING OF FHA SECTION 234(c) AND SECTION 214 AREA-WIDE MORTGAGE LIMITS—Continued

[Condominium units]

Market area designation and local jurisdictions	Mortgage limits (condominium)
Rockland County	
Suffolk County	
Westchester County	
HUD FIELD OFFICE: NEWARK AREA OFFICE	
State of New Jersey—Northern Metro Areas	
Bergen County	$74,900
Essex County	
Hudson County	
Middlesex County	
Monmouth County	
Morris County	
Passaic County	
Somerset County	
Union County	
HUD FIELD OFFICE: CAMDEN SERVICE OFFICE	
Atlantic City, NJ SMSA: Atlantic County	$74,900
Trenton, NJ SMSA: Mercer County	$68,500
Wilmington, DE-NJ-MD SMSA: Salem County, NJ	$70,200
Region III	
HUD FIELD OFFICE: PHILADELPHIA AREA OFFICE	
Wilmington, DE-NJ-MD SMSA: New Castle County, DE	$70,200
HUD FIELD OFFICE: WASHINGTON, DC AREA OFFICE	
Washington, DC-MD-VA SMSA	
District of Columbia	$74,900
Montgomery County, MD	
Prince Georges County, MD	
Alexandria, city, VA	
Fairfax County, VA	
Falls Church city, VA	
Manassas city, VA	
Manassas Park city, VA	
Arlington County, VA	
Loudoun County, VA	
Prince William County, VA	
HUD FIELD OFFICE: BALTIMORE AREA OFFICE	
Washington, DC-MD-VA SMSA: Charles County	$74,900
Baltimore, MD SMSA (part):	
Howard County	$74,900
Anne Arundel County	
Baltimore, MD SMSA (part):	
Baltimore city	$74,700
Baltimore County	
Carroll County	
Harford County	
Wilmington, DE-NJ-MD SMSA: Cecil County, MD	$74,200
HUD FIELD OFFICE: RICHMOND AREA OFFICE	
Richmond, VA SMSA	
Richmond city	$68,300
Charles City County	
Chesterfield County	
Goochland County	
Hanover County	
Henrico County	
New Kent County	
Powhatan County	
Newport News-Hampton and Norfork-VA Beach, Portsmouth, VA SMSA (Combined)	
Chesapeake city	$74,900

UPDATING OF FHA SECTION 234(c) AND SECTION 214 AREA-WIDE MORTGAGE LIMITS—Continued

[Condominium units]

Market area designation and local jurisdictions	Mortgage limits (condominium)
Hampton city	
Newport News city	
Norfolk city	
Poquoson city	
Portsmouth city	
Suffolk city	
Virginia Beach city	
Williamsburg city	
Gloucester County	
James City County	
York County	
Region IV	
HUD FIELD OFFICE: GREENSBORO AREA OFFICE	
Newport News-Hampton and Norfolk-VA Beach, Portsmouth, VA SMSA: Currituck County	$74,900
HUD FIELD OFFICE: COLUMBIA AREA OFFICE	
Charleston-North Charleston, SC SMSA	
Berkeley County	$74,900
Charleston County	
Dorchester County	
Greenville-Spartanburg, SC SMSA	
Greenville County	$72,900
Pickens County	
Spartanburg County	
HUD FIELD OFFICE: ATLANTA AREA OFFICE	
Atlanta, GA SMSA	
Butts County	$74,900
Cherokee County	
Clayton County	
Cobb County	
DeKalb County	
Douglas County	
Fayette County	
Forsyth County	
Fulton County	
Gwinnett County	
Henry County	
Newton County	
Paulding County	
Rockdale County	
Walton County	
HUD FIELD OFFICE: BIRMINGHAM AREA OFFICE	
Mobile, AL SMSA	
Baldwin County	$74,900
Mobile County	
Montgomery, AL SMSA	$74,900
Autauga County	
Elmore County	
Montgomery County	
HUD FIELD OFFICE: MEMPHIS SERVICE OFFICE	
Memphis, TN-AR-MS SMSA	
Shelby County	$74,900
Tipton County	
HUD FIELD OFFICE: JACKSON AREA OFFICE	
Memphis, TN-AR-MS SMSA: De Soto County	$74,900
HUD FIELD OFFICE: CORAL GABLES SERVICE OFFICE	
Ft. Lauderdale-Hollywood, FL SMSA: Broward County	$74,900
Miami, FL SMSA: Dade County	$74,900
West Palm Beach-Boca Raton, FL SMSA: Palm Beach County	$74,900
HUD FIELD OFFICE: TAMPA SERVICE OFFICE	
Sarasota, FL SMSA: Sarasota County	$74,900
Hillsborough County	$71,500
Pasco County	
Pinellas County	
Region V	
HUD FIELD OFFICE: MINNEAPOLIS-ST. PAUL AREA OFFICE	
Minneapolis-St. Paul, MN SMSA	
Anoka County	$74,900
Carver County	
Chisago County	
Dakota County	
Hennepin County	
Ramsey County	
Scott County	
Washington County	
Wright County	
St. Cloud, MN SMSA	
Benton County	$68,500
Sherburne County	
Stearns County	
HUD FIELD OFFICE: MILWAUKEE AREA OFFICE	
Minneapolis-St. Paul, MN SMSA St. Croix County	$74,900
Milwaukee, WI SMSA	
Milwaukee County	$73,500
Ozaukee County	
Washington County	
Waukesha County	
HUD FIELD OFFICE: CHICAGO AREA OFFICE	
Chicago, IL SMSA	
Cook County	$74,900
DuPage County	
Kane County	
Lake County	
McHenry County	
Will County	
St. Louis, MO-IL SMSA	
Clinton County, IL	$70,200
Madison County, IL	
Monroe County, IL	
St. Clair County, IL	
HUD FIELD OFFICE: DETROIT AREA OFFICE	
Detroit, MI SMSA	
Lapeer County	$74,900
Livingston County	
Macomb County	
Oakland County	
St. Clair County	
Wayne County	
HUD FIELD OFFICE: CLEVELAND SERVICE OFFICE	
Cleveland, OH SMSA	
Cuyahoga County	$74,900
Geauga County	
Lake County	
Medina County	
HUD FIELD OFFICE: COLUMBUS AREA OFFICE	
Columbus, OH SMSA	
Delaware County	$74,900
Fairfield County	
Franklin County	
Madison County	
Pickaway County	
Region VI	
HUD FIELD OFFICE: DALLAS AREA OFFICE	
Dallas-Ft. Worth, TX SMSA	
Collin County	$74,900
Dallas County	
Denton County	
Ellis County	
Kaufman County	
Rockwall County	
Sherman-Denison, TX SMSA: Grayson County	$74,900
HUD FIELD OFFICE: FORT WORTH SERVICE OFFICE	
Dallas-Ft. Worth, TX SMSA	
Hood County	$74,900
Johnson County	
Parker County	
Tarrant County	
Wise County	
HUD FIELD OFFICE: HOUSTON SERVICE OFFICE	
Houston, TX SMSA	
Brazoria County	$72,900
Ft. Bend County	
Harris County	
Liberty County	
Montgomery County	
Waller County	
HUD FIELD OFFICE: LUBBOCK SERVICE OFFICE	
Amarillo, TX SMSA	
Potter County	$55,500
Randall County	
Lubbock, TX SMSA: Lubbock County	$70,000
Midland, TX SMSA: Midland County	$70,000
HUD FIELD OFFICE: SAN ANTONIO AREA OFFICE	
Austin and San Antonio, TX SMSAS (Combined)	
Bexar County	$74,900
Comal County	
Guadalupe County	
Hays County	
Travis County	
Williamson County	
Corpus Christi, TX SMSA	
Nueces County	$70,000
San Patricio County	
HUD FIELD OFFICE: LITTLE ROCK AREA OFFICE	
Memphis, TN-AR-MS SMSA Crittenden County	$74,900
HUD FIELD OFFICE: OKLAHOMA CITY AREA OFFICE	
Oklahoma City, OK SMSA	
Canadian County	$60,000
Cleveland County	
McClain County	
Oklahoma County	
Pottawatomie County	
HUD FIELD OFFICE: NEW ORLEANS AREA OFFICE	
Baton Rouge and New Orleans, LA SMSAS (Combined)	
Ascension Parish	$74,900
East Baton Ruge Parish	
Jefferson Parish	
Livingston Parish	
Orleans Parish	
St Bernard Parish	
St. Tammany Parish	
West Baton Rouge Parish	
HUD FIELD OFFICE: SHREVEPORT SERVICE OFFICE	
Shreveport-Bossier, LA SMSA	
Bossier Parish	$74,900

UPDATING OF FHA SECTION 234(c) AND SECTION 214 AREA-WIDE MORTGAGE LIMITS—Continued

[Condominium units]

Market area designation and local jurisdictions	Mortgage limits (condominium)
Caddo Parish	
Webster Parish	
HUD FIELD OFFICE: ALBUQUERQUE SERVICE OFFICE	
Albuquerque, NM SMSA	
Bernalillo County	$74,900
Sandoval County	
HUD FIELD OFFICE: TULSA SERVICE OFFICE	
Tulsa, OK SMSA	
Creek County	$74,900
Mayes County	
Osage County	
Rogers County	
Tulsa County	
Wagoner County	
Region VII	
HUD FIELD OFFICE: KANSAS CITY AREA OFFICE	
Kansas City, MO–KS SMSA	
Cass County, MO	$74,900
Clay County, MO	
Jackson County, MO	
Platt County, MO	
Ray County, MO	
Johnson County, KS	
Wyandotte County, KS	
HUD FIELD OFFICE: ST LOUIS AREA OFFICE	
St. Louis, MO–IL SMSA	
St. Louis City	$70,200
Franklin County	
Jefferson County	
St. Charles County	
St. Louis County	
Region VIII	
HUD FIELD OFFICE DENVER REGIONAL/AREA OFFICE	
Denver-Boulder CO SMSA	
Adams County	$74,900
Arapahoe County	
Boulder County	
Denver County	
Douglas County	
Gilpin County	
Jefferson County	
State of Colorado	$71,800
All other metro and nonmetro areas	
State of Wyoming	$74,900
HUD FIELD OFFICE HELENA SERVICE OFFICE	
State of Montana, SMSA and non-SMSA Areas	$74,900
HUD FIELD OFFICE: SALT LAKE CITY SERVICE OFFICE	
Salt Lake City-Ogden, UT SMSA	
Davis County	$74,900
Salt Lake County	
Tooele County	
Weber County	
Region IX	
HUD FIELD OFFICE: LOS ANGELES AREA OFFICE	
Los Angeles Area Office Metro and Nonmetro Areas	
Los Angeles County	$74,900

UPDATING OF FHA SECTION 234(c) AND SECTION 214 AREA-WIDE MORTGAGE LIMITS—Continued

[Condominium units]

Market area designation and local jurisdictions	Mortgage limits (condominium)
San Luis Obispo County	
Santa Barbara County	
Ventura County	
HUD FIELD OFFICE: SAN FRANCISCO AREA OFFICE	
San Francisco Area Office Metro and Nonmetro Areas	
Alameda County	$74,900
Contra Costa County	
Del Norte County	
Humboldt County	
Lake County	
Marin County	
Mendocino County	
Monterey County	
Napa County	
San Benito County	
San Francisco County	
San Mateo County	
Santa Clara County	
Santa Cruz County	
Solano County	
Sonoma County	
HUD FIELD OFFICE: FRESNO SERVICE OFFICE	
Fresno Service Office Metro and Nonmetro Areas	
Fresno County	$74,900
Kern County	
Kings County	
Madera County	
Mariposa County	
Merced County	
Stanislaus County	
Tulare County	
HUD FIELD OFFICE: SACRAMENTO SERVICE OFFICE	
Sacramento Service Office Metro and Nonmetro Areas	
Alpine County	$74,900
Amador County	
Butte County	
Calaveras County	
Colusa County	
El Dorado County	
Glenn County	
Lassen County	
Modoc County	
Nevada County	
Placer County	
Plumas County	
Sacramento County	
San Joaquin County	
Shasta County	
Sierra County	
Siskiyou County	
Sutter County	
Tehama County	
Trinity County	
Tuolumne County	
Yolo County	
Yuba County	
HUD FIELD OFFICE: SAN DIEGO SERVICE OFFICE	
San Diego Service Office Metro and Nonmetro Areas	
Imperial County	$74,900
San Diego County	
HUD FIELD OFFICE: SANTA ANA SERVICE OFFICE	
Santa Ana Service office	
Metro Areas	$74,900
Orange County	
Riverside County	
San Bernardino County	
Nonmetro Areas	$74,900

UPDATING OF FHA SECTION 234(c) AND SECTION 214 AREA-WIDE MORTGAGE LIMITS—Continued

[Condominium units]

Market area designation and local jurisdictions	Mortgage limits (condominium)
Inyo County	
Mono County	
HUD FIELD OFFICE: LAS VEGAS SERVICE OFFICE	
Las Vegas, NV SMSA: Clark County	$74,900
State of Nevada—Nonmetro Areas	
Lincoln County	$74,900
Nye County (part)	
HUD FIELD OFFICE: RENO SERVICE OFFICE	
Reno, NV SMSA: Washoe County	$74,900
State of Nevada—Nonmetro Areas	
Carson City County	$74,900
Churchill County	
Douglas County	
Elko County	
Esmeralda County	
Eureka County	
Humboldt County	
Lander County	
Lyon County	
Mineral County	
Nye County (Part)	
Pershing County	
Storey County	
White Pine County	
HUD FIELD OFFICE: PHOENIX SERVICE OFFICE	
Phoenix, AZ SMSA: Mencopa County	$74,900
HUD FIELD OFFICE: TUCSON SERICE OFFICE	
Tucson, AZ SMSA: Pima County	$74,900
HUD FIELD OFFICE: HONOLULU AREA OFFICE	
State of Hawaii metro and nonmentro area	$112,350
Territory of Guam	$101,250
Region X	
HUD FIELD OFFICE: SEATTLE AREA OFFICE	
Richland-Kennewick and Yakima, WA SMSAS (Com) Yakima County	$72,000
Seattle-Everett, WA SMSA	
King County	$74,900
Snohomish County	
Tacoma, WA SMSA: Pierce County	$71,000
HUD FIELD OFFICE PORTLAND AREA OFFICE	
Portland, or SMSA	
Clackamas County	$74,900
Multnomah County	
Washington County	
Clark County	
HUD FIELD OFFICE: ANCHORAGE AREA OFFICE	
Anchorage, AK SMSA: Anchorage Census Division	$112,350
State of Alaska—all Other Areas	106,000
HUD FIELD OFFICE: SPOKANE SERVICE OFFICE	
Richland-Kennewick and Yakima, WA SMSAS (Combined)	
Benton County	$72,000
Franklin County	
Spokane, WA SMSA: Spokane County	72,000
HUD FIELD OFFICE: BOISE SERVICE OFFICE	
Boise City, ID SMSA: Ada County	$74,900

Dated: March 25, 1983.

W. Calvert Brand,

General Deputy Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 83-9315 Filed 4-11-83; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[C-35774]

Classification of Public Lands for State Indemnity Selection; Colorado

Correction

In FR Doc. 83-6141 appearing on page 10132 in the issue of Thursday, March 10, 1983, make the following correction:

On page 10132, middle column, the line reading "70.8 [Amended] should be removed.

BILLING CODE 1505-01-M

[A-18103]

Arizona; Application for Issuance of Disclaimer of Interest to Lands in Arizona

April 4, 1983.

Notice is hereby given that the United States of America, pursuant to the provisions of the Federal Land Policy and Management Act of 1976 (FLPMA), Section 315, 43 U.S.C. 1745(1976), does hereby give notice of its intention to disclaim all interest in the following described property, to-wit:

Gila and Salt River Meridian, Arizona

T. 14 S., R. 15 E.,
Sec. 35.

Beginning at the northeast corner of said Lot 1, from which point the northeast corner of said Section 35 bears S. 89°34'30" E. a distance of 1314.92 feet.

Thence S. 0°10'37" W. along the east line of said Lot 1 a distance of 1509.52 feet to a point of the north meander line of said Pantano Wash. Said point being the true point of beginning;

Thence continue S. 0°10'37" W. a distance of 804.98 feet to a point on said mid-line of Pantano Wash;

Thence N. 52°44'47" W. along said mid-line a distance of 22.88 feet;

Thence N. 48°37'23" W. along said mid-line a distance of 369.39 feet;

Thence N. 19°58'33" W. along said mid-line a distance of 74.18 feet;

Thence N. 41°41'20" W. along said mid-line a distance of 213.52 feet;

Thence N. 63°24'22" W. along said mid-line a distance of 66.44 feet;

Thence N. 49°22'35" W. along said mid-line a distance of 337.04 feet;

Thence N. 22°42'42" W. along said mid-line a distance of 132.70 feet;

Thence N. 40°45'56" W. along said mid-line a distance of 189.31 feet;

Thence N. 40°28'50" W. along said mid-line a distance of 44.18 feet;

Thence N. 48°02'36" W. along said mid-line a distance of 240.01 feet;

Thence N. 40°27'04" W. along said mid-line a distance of 83.65 feet;

Thence N. 51°53'15" W. along said mid-line a distance of 125.46 feet to a point which lies on a prolongation of the west line of said Lot 1;

Thence N. 0°18'17" E. along said prolongated line a distance of 227.56 feet to a point on the north meander line of said Pantano Wash from which point the northwest corner of said Lot 1 lies N. 0°18'17" E. a distance of 759.37 feet;

Thence S. 82°07'12" E. along said north meander line a distance of 64.59 feet;

Thence S. 65°53'57" E. along said line a distance of 244.81 feet;

Thence S. 45°28'00" E. along said line a distance of 72.89 feet;

Thence S. 71°06'14" E. along said line a distance of 264.54 feet;

Thence S. 39°14'35" E. along said line a distance of 331.45 feet;

Thence S. 63°24'21" E. along said line a distance of 575.75 feet to the true point of beginning.

Containing 16.31 acres,

After review of the official records, it is the position of the Bureau of Land Management that all of the land described above is found to lie between the meander line appearing on the official plat and the mid-line of Pantano Wash, which is considered to be non-navigable. Therefore the United States has issued patent to a fractional lot bounded by Pantano Wash.and there are no specific reservations in said patent, there exists no valid United States claim to land which might have been formed by accretion to said lot and there is no valid United States Claim to land within the bed of Pantano Wash in front of said lot.

Any person wishing to submit a protest or comments on the above dis claimer should do so in writing before the expiration of 90 days form the date of publication of this notice. If no protest(s) is received, the disclaimer will become effective on the date set out below.

Disclaimer of title and release of all interest of the United States shall issue on July 5, 1983.

Information concerning this land and the proposed disclaimer may be obtained from and the protest filed with State Director, Bureau of Land Management, 2400 Valley Bank Center, Phoenix, Arizona 85073.

Mario L. Lopez,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 83-9542 Filed 4-11-83; 8:45 am]

BILLING CODE 4310-84-M

California Desert District Advisory Council; Meeting

Notice is hereby given in accordance with Pub. L. 92-463 and 94-579 that the California Desert District Advisory Council to the Bureau of Land Management, U.S. Department of the Interior, will meet formally Thursday, May 19 and Saturday, May 21, 1983, in the International Hotel Resort, International Room, 1800 E. Palm Canyon Drive, Palm Springs, California. The meetings will be held from 10 a.m. to 5 p.m. on Thursday, and from 8 a.m. to 3 p.m. on Saturday.

Target for discussion of the two-day session will be the 1983 Plan Amendment proposals to the California Desert Plan which was adopted in 1980, and final review and recommendations for the Escondido Project. Agenda items also include public comment received on 1982 Desert Plan Amendments, the draft Final Plan for the state-wide trail system for off-highway vehicles, Modoc-Washoe Stewardship Program, the California Desert Ranger Program, land tenure adjustment, and user education and communication on public lands.

A field trip is scheduled for Friday, May 20, which includes a tour of wind energy sites in the San Gorgonio Pass and several small tract lands. Transportation for this trip is provided for staff and Council members only. Public participants are invited to join the tour, but must provide their own transportation and meals.

The meeting is open to the public, with time allotted for public comment after each subject is presented. Statements may be filed in advance to Desert Advisory Council Chairman Clayton A. Record, Jr., Public Affairs Office, 1695 Spruce Street, Riverside, California 92507.

For further information and meeting confirmation contact the California Desert District, 1695 Spruce Street, Riverside, California (714) 351-6383.

Dated: April 4, 1983.

Gerald E. Hillier,

District Manager.

[FR Doc. 83-9547 Filed 4-11-83; 8:45 am]

BILLING CODE 4310-84-M

Nevada; Known Geothermal Resources Area

Pursuant to the authority vested in the Secretary of the Interior by Sec. 21(a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572; 30 U.S.C. 1020), and delegations of authority in 220 Departmental Manual 4.1 H, U.S. Geological Survey Manual 220.2.3,

Conservation Division Supplement (U.S. Geological Survey Manual) 220.2.1 G, and Secretarial Orders 3071 and 3087, the following described lands are hereby revoked as the Wabuska Known Geothermal Resources Area, effective January 28, 1983:

(28) Nevada

Wabuska Known Geothermal Resources Area

Mount Diablo Meridian, Nevada

T. 15 N., R. 25 E.,
Secs. 9 through 17;
Secs. 20 through 24;
Secs. 26 through 29.

The revoked area described contains 11,520 acres, more or less.

The subject lands will be made available to the first qualified applicant under regulations appearing at 43 CFR Part 3210 beginning with the first calendar month following the date of this notice.

Dated: February 16, 1983.

Bill R. Lavelle,

Acting Minerals Manager, Western Region.

[FR Doc. 83-9539 Filed 4-11-83; 8:45 am]

BILLING CODE 4310-84-M

[OR 35951]

Realty Action—Sale; Public Land in Gilliam County, Oregon

The following described land has been identified as suitable for disposal by sale under Section 203 of the Federal Land Policy and Management Act of 1976, (90 Stat. 2743, 43 U.S.C. 1713), at no less than the appraised fair market value shown:

Parcel No. and legal description	Acreage	Value
1. T. 1 S., R. 21 E., Will. Mer., Sec. 10, NE¼NE¼	40	$4,500.00
2. T. 1 S., R. 22 E., Will. Mer., Sec. 29, SE¼NE¼	40	4,400.00

The sale will be held on June 15, 1983, 10:00 a.m. at the Gilliam County Courthouse, 221 South Oregon, Condon, Oregon 97823.

These parcels are difficult and uneconomic to manage as part of the public lands and are not suitable for management by another Federal agency. There are no significant resource values which will be affected by this disposal and the sale of these parcels will allow agricultural development of suitable portions. There is legal access to both parcels. The sale is consistent with the BLM's planning for the land involved and the public interest would be served by offering this land for sale.

The terms and conditions applicable to the sale are:

1. A reservation for road rights-of-way will be incorporated into each patent in conjunction with the Gilliam County road network.

2. A reservation to the United States for ditches and canals constructed by the authority of the United States Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945).

3. A reservation to the United States for all mineral rights (43 U.S.C. 1719).

4. The sale of these lands will be subject to all existing rights.

The above described land will be offered for sale by sealed and oral bids using competitive bidding procedures (43 CFR 2711.3–1). No bid will be accepted for less than the appraised value, and bids for a parcel must include all the land in the parcel. Federal law requires that individuals be 18 years of age or over and U.S. citizens, and corporations be subject to the laws of any State of the United States.

Bids must be made by the principal or his duly qualified agent, by either: (1) Sealed bids mailed or delivered to the Prineville District Office, or (2) oral bids made at the sale. Bids delivered or sent by mail must be received at the Bureau of Land Management, Prineville District Office, P.O. Box 550, Prineville, Oregon 97754, before 4:00 p.m., June 10, 1983, to be considered. Each sealed bid must be accompanied by certified check, postal money order, bank draft, or cashier's check, made payable to the Bureau of Land Management for not less than one-fifth of the amount of each bid. The sealed envelope must be marked in the lower left-hand corner as follows: "Public Sale Bid Parcel No. ———, Serial No. OR 35951. Sale held June 15, 1983."

If two or more envelopes are received containing valid bids of the same amount for the same parcel, the successful bid shall be determined by a drawing. The highest qualifying sealed bid on each parcel will determine the base of the oral bidding conducted the day of the sale. The highest bid price, either sealed or oral, will be the sale price. The successful bidder will be required to pay one-fifth the full sale price immediately at the close of the sale and the remainder within 30 days. Failure to submit the full sale price within 30 days shall cancel sale of the specific parcel and the bidder's deposit will be forfeited. All unsuccessful bids will be returned within 30 days of the sale date.

Any parcel not sold at the public auction will remain available for sale at the Prineville District Office at the appraised fair market value at the time of purchase.

Detailed information concerning the sale, including the planning documents, land report, environmental assessment, and fair market appraisal, is available for review at the Bureau of Land Management, Prineville District Office, at the above address.

For a period of 45 days after the date of issuance of this notice, the public and interested parties may submit comments to the Prineville District Manager, at the above address. Any adverse comments will be evaluated by the State Director who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, the realty action will become the final determination of the Department of Interior.

Dated: April 4, 1983.

Gerald E. Magnuson,

District Manager.

[FR Doc. 83-9540 Filed 4-11-83; 8:45 am]

BILLING CODE 4310-84-M

Geological Survey

Side-Looking Airborne Radar Image Products; Price Change

As a result of a pricing study by the Geological Survey, the prices of mosaic and strip film products from Side-Looking Airborne Radar imagery have been increased to allow for recovery of archiving and reproduction costs as well as reasonable recovery of some acquisition costs. Pricing according to fair market value practices is in agreement with Office of Management and Budget Circular A–25, which states in part, "Where federally owned resources or properties are leased or sold, a fair market value should be obtained."

Effective April 20, 1983, the prices of Side-Looking Airborne Radar image products will be as follows:

Product, scale, and size	Price	
	Print	Film
Mosaics [1] 1:250,000 20" × 24"	$85	$100
Mosaics [1] 1:100,000 20" × 24"	$60	$85
Strip data [2] 1:400,000 5" × 28"	$30	$35

[1] Products are approximately the same physical size as the 1:250,000-scale image products, but they represent only one quarter of the area portrayed on 1:250,000-scale images.
[2] Strip data are continuous images at an approximate scale of 1:400,000. Whole rolls of the strip data, which contain 20–30 strips, are available at a 50-percent reduction in price.

Information on the products, their availability, and sale may be obtained from the following Geological Survey offices:

National Cartographic Information Center, U.S. Geological Survey, 507 National Center, Reston, VA. 22092, (703) 860–6045, (FTS) 928–6045

Eastern Mapping Center, NCIC–E, U.S. Geological Survey, 536 National Center, Reston, Va. 22092, (703) 860–6336, (FTS) 928–6336

Mid-Continent Mapping Center, NCIC–M, U.S. Geological Survey, 1400 Independence Road, Rolla, Mo. 65401, (314) 341–0851, (FTS) 277–0851

Rocky Mountain Mapping Center, NCIC–R, U.S. Geological Survey, Box 25046, Stop 504, Federal Center, Denver, Colo. 80225, (303) 234–2326, (FTS) 234–2326

Western Mapping Center, NCIC–W, U.S. Geological Survey, 345 Middlefield Road, Menlo Park, Calif. 94025, (415) 323–8111, ext. 2427, (FTS) 467–2427

User Services, EROS Data Center, U.S. Geological Survey, Sioux Falls, S. Dak. 57198, (605) 594–6151, (FTS) 784–7151

Dated: April 6, 1983.

R. B. Southard,

Chief, National Mapping Division, Geological Survey.

[FR Doc. 83–9543 Filed 4–11–83; 8:45 am]

BILLING CODE 4310–31–M

Minerals Management Service

Proposed Stipulation for Eastern Gulf of Mexico Outer Continental Shelf Lease Offering (November 1983)

SUMMARY: The Department of the Interior (DOI) and the Department of Defense (DOD) have been conducting consultations regarding joint use of the Eastern Gulf of Mexico. The goal of these consultations is to offer for lease the more than 58-million-acre planning area in such a manner as not to interfere with or to interrupt military defense training and testing missions. The Eastern Gulf is a major site for the Eglin Air Force Base flight training and testing operations. The major concern expressed by the Air Force regarding oil and gas activities in the area is the safety of life and property in this area. Because this is one of the largest and most significant areas used by the military for training and testing, oil and gas activities must be conducted in a manner compatible with such military use. A significant incompatibility could be a scattering of surface structures, i.e., platforms or rigs, throughout the area. In an effort to control the possible incompatibility, the DOI is proposing the following stipulation or Information to Lessees to be included in leases issued in the military impact zone for the lease offering in the Eastern Gulf of Mexico scheduled for November 1983.

* * * * *

Leases issued as a result of this lease offering will contain the following stipulation or Information to Lessees relative to possible interference with or interruption to Department of Defense activities:

The timing of placement and location of surface structures (rigs and platforms) within this area during the exploration state is subject to approval by the Secretary or his authorized officer after review of the lessee's Plans of Exploration. Prior to approval of the plan, the Secretary shall consult with the Commander, Armament Division, Eglin Air Force Base, Florida 32542. Siting of drilling rigs and platforms will not be approved if the result would possibly jeopardize the national defense mission. To avoid a scattering of surface structures throughout the area at any one given time, Plans of Exploration will be approved by the Secretary on a first-come, first-served basis. The intent is to consolidate the surface structures in a contiguous area no larger than 30 miles by 30 miles at any one given time. Therefore, the Plan of Exploration first approved by the Secretary may then become the focal point for approval of other plans. If the rigs that are cited in the plans submitted subsequent to the initial plan would possibly jeopardize military missions, the subsequent Plans of Exploration may be delayed until exploration in the area first approved is completed. This action would be repeated to allow for approval of all exploration plans submitted and would provide for consolidated location of structures or contiguous areas in which exploration can be safely accomplished without interruption to the Defense mission or endangerment of work crews and equipment. If it is in the interest of national security or defense, the lease may be suspended up to the end of its primary term with notification to the lessee by the Secretary. The term of the lease may be extended to cover the period of such suspension.

This proposed stipulation will apply to those tracts leased north of 26°30′N. latitude that lie within the military impact zone. Affected tracts will be designated in the Proposed Notice of Lease Offering.

DATE: Comments on the proposed Defense Stipulation must be received on or before 30 days after publication of this notice.

ADDRESSES: Send comments to—Chief, Offshore Leasing Management Division, Mail Stop 645, Minerals Management Service, U.S. Department of the Interior, 12203 Sunrise Valley Drive, Reston, Virginia 22091.

FOR FURTHER INFORMATION CONTACT: Chris Oynes at (202) 343–6906 or Sandy Seim at (202) 343–5121.

April 7, 1983.

Harold Doley,

Director, Minerals Management Service

[FR Doc. 83–9644 Filed 4–11–83; 8:45 am]

BILLING CODE 4310–MR–M

National Park Service

Availability of Studies and Notice of Public Meeting

The National Park Service has prepared a draft General Management Plan and Environmental Assessment for Piscataway Park. This draft plan has been prepared to direct future management and use of Piscataway Park in a manner that is consistent with its legislative purpose and NPS management objectives.

The draft plan includes: A description of the environment, a description of alternatives, an assessment of the environmental effects and consequences of each alternative.

A public meeting on this issue will be held on Thursday, April 21, 1983 at 7:30 p.m. in the Knights of Columbus Hall (formerly Accokeek Elementary School), Livingston Road, Accokeek, Maryland.

Written comments on the draft plan are invited and will be accepted until June 6, 1983. Written comments should be sent to: Superintendent, National Capital Parks—East, 1900 Anacostia Drive, SE., Washington, D.C. 20020.

Copies of the plans are available for reading at the following locations:

Superintendent, National Capital Parks—East, 1900 Anacostia Drive, SE., Washington, D.C. 20020, telephone (202–472–9227).

National Colonial Farm, Accokeek, Maryland 20607, telephone (301–283–2113).

Alice Ferguson Foundation/Hard Bargain Farm, Accokeek, Maryland 20607, telephone (301–292–5665).

Fort Washington Park, Fort Washington, Maryland 20744, telephone (301–292–2112).

Prince George's County Libraries:

Accokeek Branch, Oxon Hill Branch, Surratts-Clinton Branch.

Prince Charles County Libraries: Indian Head Branch, Bryans Roads Branch.

April 5, 1983.

Lowell Sturgill,

Acting Regional Director, National Capital Region.

[FR Doc. 83-9642 Filed 4-11-83; 8:45 am]

BILLING CODE 4310-70-M

Upper Delaware Citizens Advisory Council; Meeting

AGENCY: National Park Service, Upper Delaware Citizens Advisory Council, Interior.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the date of the forthcoming meeting of the Upper Delaware Citizens Advisory Council. Notice of this meeting is required under the Federal Advisory Committee Act.

DATE: April 22, 1983, 7 p.m.

ADDRESS: Town of Tusten Hall, Narrowsburg, New York.

FOR FURTHER INFORMATION CONTACT: John T. Hutzky, Superintendent, Upper Delaware National Scenic and Recreational River, Drawer C, Narrowsburg, N.Y. 12764–0159 (717) 729–7135.

SUPPLEMENTARY INFORMATION: The Advisory Council was established under section 704(f) of the National Parks and Recreation Act of 1978, Pub. L. 95–625, 16 U.S.C 1274 note, to encourage maximum public involvement in the development and implementation of the plans and programs authorized by the Act. The Council is to meet and report to the Delaware River Basin Commission, the Secretary of the Interior, and the Governors of New York and Pennsylvania in the preparation of a management plan and on programs which relate to land and water use in the Upper Delaware region. The agenda for the meeting will include discussion of Draft Management Plan.

The meeting will be open to the public. Any member of the public may file with the Council a written statement concerning agenda items. The statement should be addressed to the Council c/o Upper Delaware National Scenic and Recreational River, Drawer C, Narrowsburg, N.Y. 12764–0159. Minutes of the meeting will be available for inspection four weeks after the meeting at the permanent headquarters of the Upper Delaware National Scenic and Recreational River, River Road, 1¾ miles north of Narrowsburg, N.Y., Damascus Township, Pennsylvania.

Dated: March 30, 1983.

Don H. Castleberry,

Acting Regional Director, Mid-Atlantic Region.

[FR Doc. 83-9643 Filed 4-11-83; 8:45 am]

BILLING CODE 4310-70-M

Availability of Plan of Operations and Environmental Analysis for the Purpose of Drilling Exploratory Production Wells; Tabco, Inc., Big Thicket National Preserve, Texas

Notice is hereby given in accordance with § 9.52(b) of Title 36 of the Code of Federal Regulations that the National Park Service has received from TABCO, Incorporated, a Plan of Operations for the purpose of drilling exploratory production wells in the Lance Rosier Unit of Big Thicket National Preserve, Texas.

The Plan of Operations and Environmental Analysis are available for public review and comment for a period of 30 days from the publication date of this notice in the Office of the Superintendent, Big Thicket National Preserve, 8185 Eastex Freeway, Beaumont, Texas; the Jefferson County Courthouse, in Beaumont, Texas; and the Southwest Regional Office, National Park Service, 1100 Old Santa Fe Trail, Santa Fe, New Mexico. Copies of the documents are available from the Southwest Regional Office, National Park Service, Post Office Box 728, Santa Fe, New Mexico 87501, and will be sent upon request.

Dated: March 31, 1983.

Jack Neckels,

Acting Regional Director, Southwest Region.

[FR Doc. 83-9640 Filed 4-11-83; 8:45 am]

BILLING CODE 4310-70-M

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before April 1, 1983. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior Washington, DC 20243. Written comments should be submitted by April 27, 1983.

Bruce MacDougal,

Acting Chief of Registration, National Register.

ALABAMA

Lee County

Auburn, *U.S. Post Office*, 144 Tichenor Ave.

GEORGIA

Bibb County

Macon, *Riverside Cemetery*, 1301 Riverside Dr.

Coweta County

Newnan, *Greenville Street-LaGrange Street Historic District*, LaGrange, Ninnons, Greenville, Powell, Reese, Powell, and Buchanan Sts.

Lowndes County

Valdosta, *Converse-Dalton House*, 305 N. Patterson St.

KANSAS

Labette County

Chetopa vicinity, *Harmon Site*,

Montgomery County

Independence, *Booth Hotel*, 201–209 W. Main St.

Sheridan County

Studley vicinity, *Pratt, John Fenton, Ranch*, W of Studley on U.S. 24

KENTUCKY

Greenup County

South Portsmouth vicinity, *Lower Shawneetown*

Kenton County

South Ft. Mitchell, *Shinkle, Amos, Summer Residence*, U.S. 25

Lyon County

Eddyville, *Mamie S. Barrett (towboat)*, Eddy Creek Marina

Madison County

Bighill vicinity, *Indian Fort Mountain*,
Ruthton vicinity, *Bogie Circle*,

Mason County

Mays Lick vicinity, *Fox Farm*,
Minerva, *Bracken Baptist Church, CR 1235*

Meade County

Flaherty vicinity, *Clarkson House*, Clarkson Rd.

Oldham County

Louisville vicinity, *Taylor, Philip R., House*, Shuler Lane

Simpson County

Franklin vicinity, *Sinking Creek Cave System*,

MAINE

Kennebec County

Augusta, *Gannett, Guy P., House*, 184 State St.

Oxford County

Hartford vicinity, *Warren, David, House,* Off ME 140

South Paris, *Stone, Elisha F., House,* Gothic St.

Somerset County

North Anson, *Temples Historic District,* Madison Ave.

York County

Alfred, *Alfred Historic District,* U.S. 202, Kennebunk, and Saco Rds.

Buxton, *Elden's Store,* ME 22

York vicinity, *Breckinridge, Isabella, House,* Off U.S. 1

MASSACHUSETTS

Plymouth County

Rockland, *Rockland Almshouse,* 198 Spring St.

NEW MEXICO

Socorro County

Socorro vicinity, *San Felipe Pueblo Ruin,*

NEW YORK

Monroe County

Rochester, *Eastman Dental Dispensary,* 800 E. Main St.

PENNSYLVANIA

Philadelphia County

Philadelphia, *Equitable Trust Building,* 1405 Locust St.

TEXAS

McLennan County

Waco, *Hippodrome,* 724 Austin Ave.

[FR Doc. 83-9641 Filed 4-11-83; 8:45 am]

BILLING CODE 4310-70-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Research Advisory Committee; Meeting

Pursuant to Executive Order 11769 and the Provisions of Section 10(a) (2), Pub. L. 92–463, Federal Advisory Committee Act, notice is hereby given of the A.I.D. Research Advisory Committee meeting on May 2 and 3, 1983 at the Pan American Health Organization Building, conference Room 'C'. The committee will discuss recently drafted research strategy papers in four A.I.D. program areas; Agriculture, Health, Population and Fuelwood.

The meeting will begin at 9:00 a.m. and adjourn at 5:30 p.m. each day. The meeting is open to the public. Any interested persons may attend, may file written statements with the Committee before or after the meeting, or may present oral statements in accordance with procedures established by the Committee and to the extent the time available for the meeting permits. Dr. Erven J. Long, Coordinator, Research & University Relations, Bureau for Science and Technology, is designated as the A.I.D. representative at the meeting. It is suggested that those desiring more specific information contact Dr. long, 1601 N. Kent Street, Arlington, Virginia 22209 or call area code (703) 235–8929.

Date: March 30, 1983.

Erven J. Long,

A.I.D. Representative, Research Advisory Committee.

[FR Doc. 83-8546 Filed 4-11-83; 8:45 am]

BILLING CODE 6116-01-M

INTERSTATE COMMERCE COMMISSION

[No. MC–F–15048]

Motor Carriers; D & G Trucking Co., Inc.—Purchase Exemption—Shoemaker Trucking Company (Loren Wetzel) (Trustee-in-Bankruptcy)

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: Pursuant to 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior revew and approval under 49 U.S.C. 11343(a), the acquisition by D & G Trucking Co., Inc. (MC–134328) of a portion of the motor carrier operating rights of Shoemaker Trucking Company (MC–138875).

DATES: This exemption is effective on May 12, 1983. Petitions for reconsideration must be filed by May 2, 1983. Petitions for stay must be filed by April 22, 1983.

ADDRESSES: Send pleadings to:

(1) Motor Section, Room 2139 Interstate Commerce Commission, Washington, D.C. 20423, and

(2) Petitioner's representative David E. Wishney, P.O. Box 837, Boise, ID 83701.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood (202) 275–7977.

SUPPLEMENTARY INFORMATION:

For further information, see the decision served in No. MC–F–15048. To purchase a copy of the full decision contact: TS InfoSystems, Inc., Room 2227, 12th and Constitution Ave., NW, Washington, DC 20423; or call (202) 289–4357 in the DC Metropolitan area; or (800) 424–5403 toll-free outside the DC area.

Decided: April 5, 1983.

By the Commission, Division 2, Commissioners Gradison, Taylor, and Sterrett. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-9530 Filed 4-11-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Decision Notice; Finacne Applications

As indicated by the findings below, the Commission has approved the following applications filed underf 49 U.S.C. 10924, 10926, 10931 and 10932.

We find: Each transaction is exempt from section 11343 of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human evironment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1181.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered: The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

Agatha L. Mergenovich,

Secretary.

For the following, please call Team 1 at 202–275–7992.

Volume No. OP1–FC–118

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Parker not participating.)

MC–FC–81322. By decision of April 4, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, Review Board Number 1, approved the transfer to STATEWIDE TRANSFER, INC., of Sunnyside, CA, of Certificate No. MC–125561 and Sub-Nos. 1, 4 and 5 issued July 8, 1964, April 2, 1964, August 15, 1980, and February 25, 1982, respectively, and Sub-Nos. 6 and 7 issued June 17, 1982, respectively to SUNNYSIDE TRANSFER, INC., of Sunnyside, CA, authorizing the transportation (A) over specified regular routes, of general commodities, with exceptions, (1) between Grandview and Sunnyside, WA, over U.S. Hwy 410, restricted to (a) service which is auxiliary to, or supplemental of, rail service of the Union Pacifice Railroad Company, and (b) shipments received from or delivered to the railroad and which have received a prior or subsequent movement by rail, (2) between Yakima and Walla Walla, WA, and (3) between Kennewick and Yakima, WA, and (B) over irregular routes, of (1) general commodities with exceptions, (a) radially, between specified points in WA, restricted against service in Wapato, Toppenish, Yakima and Moxee City, WA, (b) between points in Benton, Franklin and Yakima Counties, WA, on the one hand, and, and, on the other, points in Clackamas, Multnomah and Washington Counties, OR, and (c) between points in Benton and Franklin Counties, WA, and Morrow and Umatilla Counties, OR, and (2) furniture, between Kennewick and Pasco, WA, on the one hand, and, on the other, points in ID, OR and WA. An application for temporary authority has been filed Representative: Jack R. Davis, 1200 IBM Bldg., Seattle, WA 98101.

MC–FC–81355. By decision of April 5, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 1 approved the transfer to P & S TRUCKING COMPANY, INC., Millport, AL, of Permit No. MC–155771, issued February 2, 1982, to P & S TRUCKING, INC., Millport, AL, authorizing the transportation of (1) forest products, (2) lumber and wood products, and (3) pulp, paper and related products, between points in the U.S., under continuing contract(s) with Weyerhaeuser Company, of Columbus, Ms. Representative: Ronald L. Stichweh, 727 Frank Nelson Building, Birmingham, AL 35203.

Volume No. OP1–FC–119

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell. (Member Krock not participating.)

MC–FC–81286. By decision of March 31, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 3 approved the transfer to LTC TRUCKING, INC., Homedale, ID, of Certificate No. MC–153311 (Sub-No. 1) F, issued June 8, 1981, to C & D TRANSPORT, INC., Homedale, ID, authorizing the transportation over irregular routes, of lumber and wood products, and rubber and plastic products, between points in ID, on the one hand, and, on the other, points in the U.S. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701.

For the following, please direct status calls to Team 2 at 202–275–7030.

Volume No. OP2–161

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC–FC–81332. By decision of April 5, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 3 approved the transfer to Western States Energy, Inc., of Salt Lake City, UT, of Permit No. MC–160472, issued June 15, 1982, to Trojan Corporation, of Wolf Lake, IL, authorizing the transportation, of general commodities (except household goods), over irregular routes, between points in the U.S. (except AK and HI), under continuing contract(s) with (a) C–I–L Chemicals, Inc., of Plattsburgh, NY, (b) Cisco Corporation, of Nashville, IL, (c) Familian Sierra Craft, Inc., of Caldwell, ID, (d) International Minerals & Chem., of Des Plaines, IL, (e) Mid West Carbide Corporation, of Koekuk, IA, and (f) Nitrochem Energy Corp., of Rolling Meadows, IL. Representative: Jack L. Schiller, 111–56 76th Dr., Forest Hills, NY, 11375, (212)–263–2078.

Note.—An application for temporary authority has been filed.

For the following, please direct status calls to Team 3 at 202–275–5223.

Volume No. OP3–MCFC–146

Decided: April 1, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC–FC–81213. By decision of April 1, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 1 approved the transfer to RICHARD W. RUPERT AND DONALD H. RUPERT, A PARTNERSHIP, Clarion, PA of Certificate No. MC–123054 and Certificate No. MC–123054 (Sub–Nos. 4, 7, 8, 9, 10, 11, 13, 14, 16, 18, 20, 21, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33 and 34), issued April 28, 1961, August 26, 1965, June 3, 1968, March 6, 1969, March 6, 1970, June 14, 1971, August 24, 1971, August 25, 1975, December 2, 1976, April 14, 1978, August 8, 1979, October 10, 1979, June 15, 1979, May 9, 1980, August 4, 1980, July 21, 1980, June 13, 1980, August 4, 1980, February 13, 1981, March 9, 1981, March 9, 1981, August 3, 1981, April 17, 1981 and April 16, 1982, to R & H CORPORATION, Clarion, PA, authorizing the transporation of *specified commodities*, between specified points in the United States. Representative: William J. Lavelle, Esquire, 2310 Grant Building, Pittsburgh, PA 15219, (412) 471–1800.

MC–FC–81236. By decision of March 31, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, Review Board Number 1 approved the transfer to RICHARD L. STOUT AND DARWIN K. STOUT, d.b.a S & H TRANSPORT, Murray, UT, of all of the authority in Certificates Nos. MC 160244 and MC 160244 Sub 1, both issued July 2, 1982, to RICHARD L. STOUT, d.b.a S & H TRANSPORT, Murray, UT, authorizing the transportation of (1) food and other edible products and byproducts intended for human consumption (except alcoholic beverages and drugs), agricultural limestone and fertilizers, and other soil conditioners, by the owner of the motor vehicle in such vehicle, and (2) for or on behalf of the U.S. Government, general commodities (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI). Representative: Irene Warr, 311 South State St., Suite 280, Salt Lake City, UT 84111.

MC–FC–81281. By decision of April 1, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 1 approved the transfer to CORPORATE COURIER, INC., of Westport, CT, of Certificate No. MC–155405, issued February 1, 1982, to CORPORATE EXPRESS, INC., of Westport, CT, authorizing the transportation of *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. Representative: Stephen Maggiola, 177 State St., Bridgeport, CT 06604.

MC–FC–81292. By decision April 1, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CRF Part 1181, Review Board Number 1 approved the transfer to JOE H. FREEMAN, of Missoula, MT, of Permit No. MC–147155, issued June 19, 1980, to FRANK B. TAGGART, d.b.a. TAGGART SYSTEMS, of Cody, WY, authorizing the transportation of *bentonite*, in bags,

from Greybull, WY, to Long Beach, Oxnard, Bakersfield, Healdsburg, Sacramento, Santa Maria, and Brawley, CA, under continuing contract(s) with Dresser Industries, Inc., of Houston, TX. Representative: William E. Seliski, P.O. Box 8255, Missoula, MT 59807.

For the following, please direct status calls to Team 5 at 202–275–7289.

Volume No. OP5–FC–156

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC–FC–81239. By decision of March 31, 1983 issued under 40 U.S.C. 10926 and the transfer rules at 49 C.F.R. part 1181, Review Board Number 2 approved the transfer to WALLS TRUCKING, INC. of Reynoldsville, PA, of Certificate No. MC–127459 Sub 1 issued June 28, 1966 to ROBERT L. EMERY, of Brookville, PA, authorizing the transportation over irregular routes of coal, from points in Elk and Jefferson Counties, PA to Gowanda, NY, and points in Erie County, NY. An application for temporary authority has been filed. Representative: Nicholas F. Lorenzo, Jr. 224 West Mahoning Street, Punxsutawney, PA 15767.

MC–FC–81296. By decision of March 31, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 2 approved the transfer to GERTSEN INTERSTATE SYSTEMS, INC., of Melrose Park, IL, of Certificate No. 21259 Sub 8X and the underlying Sub 2, and Sub 9 to GERTSEN CARTAGE CO., INC., of Melrose Park, IL, authorizing the transportation of (1) General commodities (except classes A and B explosives), between Chicago, IL, on the one hand, and, on the other, points in IA, IL, IN, KY, MI, MN, MO, NE, OH, TN, and WI, and (2) General commodities (except classes A and B explosives), between Chicago, IL, and points in WI, on the one hand, and, on the other, points in the U.S. (except AK and HI). Representative: Anthony C. Vance, Suite 400, 4801 Massachusetts Ave., N.W., Washington, DC 20016.

MC–FC–81325. By decision of March 3, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 2 approved the transfer to D & J TRANSPORT, INC., of North Andover, MA of Certificate No. MC–95398 (Sub No. 1)X issued November 1, 1982 and its underlying authority set forth in MC–95398 issued March 25, 1959, to WM. B. KENT & SONS, INC., of North Andover, MA, authorizing the transportation of household goods, furniture and fixtures, between points in Essex and Middlesex Counties, MA, on the one hand, and, on the other, points in CT, ME, NH, NJ, NY, RI, and VT. Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108.

[FR Doc. 83-9633 Filed 4-11-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Notice of Proposed Exemptions

AGENCY: Interstate Commerce Commission.

ACTION: Notices of Proposed Exemptions.

SUMMARY: The motor carriers shown below seek exemptions pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property Under 49 U.S.C. 11343,* 367 I.C.C. 113 (1982), 47 FR 53303 (November 24, 1982).

DATE: Comments must be received within 30 days after the date of publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: (202) 275–7977.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

Volume OP2–MCF–160

MC–F–15208. REGAL TRANSPORTATION, INC., Purchase Exemption, Blue Ridge Transportation Company. Regal Transportation, Inc. (Regal) (MC–158129), and in turn, Andrew A. Corrado, who controls Regal, seek an exemption from the requirement under section 11343 of prior regulatory approval for the purchase of a portion of the operating rights of Blue Ridge Transportation Company (MC–159222 part (I)(1)(A)(d)), authorizing, over regular routes, the transportation of general commodities (with exceptions), between Youngstown, OH and Akron, OH. Regal is affiliated with Harshman—Industrial Cartage Co., Inc. (MC–119599). Send comments to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423 and (2) Petitioner's representative: A. Charles Tell, Suite 1800, 100 E. Broad St., Columbus, OH 43215. Comments should refer to No. MC–F–15208.

Decided: April 5, 1983.

Volume OP3–MCF–148

MC–F–15178. D & N ENTERPRISES, INC., Purchase Exemption, Shoemaker Trucking Company (Loren Wetzel, Trustee-in-Bankruptcy). D & N Enterprises, Inc. (No. MC–145467), seeks an exemption from the requirements under section 11343 of prior regulatory approval for the purchase of a portion of the operating rights of Shoemaker Trucking Company (No. MC–138875 (Sub-No. 312)X paragraph 4, [which supersedes No. MC–138875 Sub-No. 1, parts 7 and 12]), authorizing generally the transportation of lumber and wood products and metal products, (1) between points in Ada County, ID, on the one hand, and, on the other, points in 15 specified States, and (2) between points in Los Angeles and Sonoma Counties, CA, and points in Washington County, OR. Send comments to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423 and (2) Petitioner's representative David E. Wishney, P.O. Box 837, Boise ID 83701. Comments should refer to No. MC–F–15178.

Decided: April 6, 1983.

Volume OP4–MCF–210

MC–F–15161. VERNON G. SAWYER,Purchase Exemption, Sawyer Transport, Inc., (Nathan Yorke, Trustee-in-Bankruptcy). Vernon G. Sawyer, an individual, holding authority in No. MC–139843 seeks an exemption from the requirement under section 11343 of prior regulatory approval for acquisition of a portion of the operating rights of Sawyer Transport, Inc., (MC–123407). The pertinent authority provides for the transportation of (1) clay, concrete, glass or stone products, (2) lumber and wood products, pulp, paper and related products, and (3) petroleum, natural gas and their products, between specified counties or country equivalents, on the one hand, and, on the other, points in the coterminous United States. The sought authority corresponds with that portion of Sawyer Transport's operating rights contained in Certificate Nos. MC–123407 (Sub-No. 668)X: paragraphs 2, 19, 25, 45, 51, 65, 77, 79, 87, 93, 98, 101, 103, 107, 113, 116, 120, 141, 148, 158, 161, 164, 166, 172, 180, 182, 193, 197, 203, 214, 221, 224, 227, 229, 10, 20, 27, 59 73, 88, 12, 237, 243, 245, 262, 265, 268, 270, 274, 277, 331, 278, 295, 308, 310, 312, 316, 320, 6, 44, 15, 35, 135, 160, 202, 216, 272, and additional paragraphs 81, 168, 199, 204, 239, 288, 8, and 233 and the involved underlying authority. An application for temporary authority for the pertinent operating rights under 49 U.S.C. 11349 has been

filed and approved. Send comments to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423 and (2) Petitioner's representative, D. Paul Stafford, Winkle, Wells & Stafford, Suite 1125—Frito Lay Tower, P.O. Box 45538, Dallas, TX 75245. Comments should refer to No. MC–F–15161.

Decided: April 6, 1983.

Volume OP5–MCF–155

MC–F–15188. SUN FREIGHTWAYS, INC.,Purchase Exemption, Spector Red Ball, Inc. (Debtor-in-Possession). Sun Freightways, Inc., seeks an exemption from the requirement under section 11343 of prior regulatory approval for its purchase of a portion of the operating rights of Spector Red Ball, Inc., a motor carrier, (i.e., certificates Nos. MC–2229 (Sub-Nos. 81, 87, 88, 102, 104, 105, 110, 141, 179, 182, 197F, 203, 207F, 216F, and 278), which certificates, collectively, authorize the regular-route motor common carrier transportation or general commodities from and to various points and States located primarily west of the Mississippi River). An application for temporary authority has been filed. Send pleadings to: (1) Motor Section, Room 2353, Interstate Commerce Commission, Washington, D.C. 20423 and (2) Petitioner's representative, Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408. Comments should refer to No. MC–F–15188.

Decided: April 4, 1983.

[FR Doc. 83-9527 Filed 4-11-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (fitness-only); Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods).

The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** on December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in the **Federal Register** on November 24, 1982, at 49 FR 53271. For compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E.

These applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please direct status inquiries to Team 1, (202) 275–7992.

Volume No. OP1–116

Decided: April 1, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 160281 (Sub-1), filed March 25, 1983. Applicant: KAREN BUS CO., INC., 132 Lake Ave., Boonton, NJ 07005. Representative: Frank E. Walka (same address as applicant) (201) 263–2885. Transporting *passengers* in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166910, filed March 22, 1983. Applicant: BURNS & SON, Route 2, Box 287, Clovis, NM 88101. Representative: Melvin D. Burns (Same address as applicant) (505) 482–3617. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 167010, filed March 24, 1983. Applicant: GARY STEWART LEE, d.b.a. GARY LEE TRUCKING, 2609 W. 39th ST., Minneapolis, MN 55410. Representative: Gary Stewart Lee (same address as applicant) (612) 927–0995. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

Volume No. OP1–120

Decided: April 5, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 161801, filed March 28, 1983. Applicant: EASTERN BUS COMPANY, INC., 1808 Kennedy Blvd., Jersey City, NJ 07305. Representative: Harold Sacks, 19 West 44th St., New York, NY 10036 (212)–869–0960. Transporting *passengers,* in charter and special operations beginning and ending at New York, NY and Jersey City, NJ, and extending to points in ME, MA, CT, VT, RI, NH, PA, DE, NY, NJ, MD, SC, NC, GA, VA, FL, KY, WV, TN, and DC.

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 167000, filed March 23, 1983. Applicant: KOBUSSEN BUSES, LTD., 2626 Cty. Tk. Q, Route 4, Kaukauna, WI 54130. Representative: Robert M. O'Donnell, 145 W. Wisconsin Ave., Neenah, WI 54956 (414)–722–2828. Transporting *passengers,* in charter and special operations, beginning and ending at points in WI, and extending to points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 167040, filed March 22, 1983. Applicant: M & A VALLEY TRANSPORTATION AND BUS CO., INC., 586 Valley Rd., West Orange, NJ 07052. Representative: James M. Burns, 1365 Main St., Suite 403, Springfield, MA 01103 (413) 781–8205. Transporting *passengers,* in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 167060, filed March 25, 1983. Applicant: FISHER BUS, INC., 260 Pleasant St., Somerset, MA 02726. Representative: David M. Marshall, Sixth Floor, 95 State St., Springfield, MA 01103 (413) 732–1136. Transporting *passengers,* in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately funded charter and special transportation.

For the following, please direct status calls to Team 2 at 202–275–7030.

Volume No. OP2–157

Decided: April 4, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 166932, filed March 10, 1983. Applicant: SUNTREK TOURS LTD., Kanzleistrasse 20, Zurich, Switzerland 8004. Representative: Daniel Hiltebrand, Suite 413, 165 O'Farell St., San Francisco, CA 94102, 415–398–0259. Transporting *passengers,* in special operations, beginning and ending at San Francisco, CA, and extending to points in the U.S.

Note.—Applicant seeks to provide privately-funded special transportation.

MC 146172 (Sub-1), filed March 25, 1983. Applicant: UNIVERSAL COACHES, INC., 3833 Frenchmen St., New Orleans, LA 70122. Representative: Maxwell A. Howell, 2554 Massachusetts Ave. NW., Washington, D.C. 20008, 202 483–8633.Transporting *passengers,* in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 151172 (Sub-1), filed March 28, 1983. Applicant: EXECUTIVE COACH LEASING, INC., 4805 W. 96th St., Indianapolis, IN 46268. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, 317–846–6655.Transporting *passengers,* in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

Volume No. OP2–159

Decided: April 5, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 148412 (Sub-10), filed March 24, 1983. Applicant: GRIBBLE TRUCKING, INC., R.D. 3, Rockwood, PA 15557. Representative: George Gross, Jr., 124 Lammert Dr., Glenshaw, PA 15116, 412–487–6533. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 166833, filed March 15, 1983. Applicant: CONSOLIDATED TRANSPORTATION SYSTEMS, INC., 1700 S. Highland Ave., Baltimore, MD 21224. Representative: Ronald F. Rebbel, 1702 Chatsworth Court, Fallston, MD 21047 (301) 879–0875. Transporting (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), and (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI).

MC 167072 (Sub-1), filed March 28, 1983. Applicant: CARRELL CRANE & HEAVY HAULING, INC., 2015 South 18th St., Yakima, WA 98903. Representative: John P. Carrell (same address as applicant) 509–248–2928. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 167102, filed March 28, 1983. Applicant: E. M. FREIGHT FORWARDERS, INC., Route 11 & Hayford Rd., Champlain, NY 12919. Representative: James Robert Evans, 145 W. Wisconsin Ave., Neenah, WI 54956, 414–722–2848. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 167103, filed March 28, 1983. Applicant: LEBOKI TRUCKING, INC., 11077 North Vancouver Way, P.O. Box 17212, Portland, OR 97217. Representative: Joseph Winter, 29 South LaSalle St., Chicago, IL 60603, 312–263–2306. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

For the following, please direct status calls to Team 3 at 202–275–5223.

Volume No. OP3–142

Decided: April 4, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 95864 (Sub-3), filed March 22, 1983. Applicant: PENN HIGHWAY TRANSIT CO., 825 East Chestnut St., Lancaster, PA 17602. Representative: Thomas W. Meredith, Jr. (same address as applicant) (717) 392–1983. Transporting *passengers,* in charter and special operations, between points in the U.S. (excluding HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 144885 (Sub-2) (A)), filed March 17, 1983. Applicant: JAIRO A. LOPEZ, d.b.a. TRICENTENNIAL LIMO-BUS, 162 Temple St., New Haven, CT 06510. Representative: Jairo A. Lopez, 2 Knox St., West Haven, CT 06516, (203) 562–9555. Transporting *passengers,* in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded special and charter transportation.

MC 144885 (Sub-2 (B)), filed March 17, 1983. Applicant: JAIRO A. LOPEZ, d.b.a. TRICENTENNIAL LIMO-BUS, 162 Temple St., New Haven, CT 06510. Representative: Jairo A. Lopez, 2 Knox St., West Haven, CT 06516, (203) 562–9555. Over *regular routes,* transporting *passengers* (1) Between New Haven, CT,

and (a) La Guardia International Airport, and (b) Kennedy International Airport, New York, NY, over Interstate Hwy 95, and (2) Between New Haven, CT, and Newark International Airport, Newark, NJ.: From New Haven over Interstate Hwy 95 to the George Washington Bridge, at New York, NY, then over U.S. Hwy 46 to the New Jersey Turnpike/Interstate Hwy 95, and then over the New Jersey Turnpike/Interstate Hwy 95 to the Newark International Airport, and return over the same route, serving all intermediate points in (1) (a) and (b), and (2) above.

Note.—Applicant seeks to provide regular-route service only in interstate or foreign commerce.

MC 145845 (Sub-4), filed March 18, 1983. Applicant: RAYMOND W. PAYNE, d.b.a. PAYNE BUS SERVICE, Route 1, Box 122, Beaverdam, VA 23015. Representative: Leonard A. Jaskiewicz, 1730 M St., N.W., Washington, DC 20036, (202) 296–2900. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 146674 (Sub-13), filed March 21, 1983. Applicant: K.I.T. MOTOR EXPRESS, INC., P.O. Box 4004, Louisville, KY 40204. Representative: Robert R. Harris, 1730 M Street, N.W., Washington, DC 20036. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with William A. Knight, d.b.a. Knight Brokers, of Louisville, KY.

MC 159204 (Sub-1), filed March 23, 1983. Applicant: ROBERT LOY, d.b.a. LOY BUS LINES, 4616 Central Ave. Pike, Knoxville, TN 37912. Representative: H. W. Asquith, 809–816 Ban of Knoxville Bldg., Knoxville, TN 37902, (615) 524–4621. Transporting *passengers*, in special and charter operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166904, filed March 16, 1983. Applicant: JAMES DAVID NOFTZ, P.O. Box 428, 789 Madison, Lafayette, OR 97127. Representative: Mervyn Noftz, Rt. 3, Box 3681, Red Bluff, CA 96080, (916) 529–3173. Transporting *food and other edible products and byproducts intended for human consumption* (except alconolic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle between points in the U.S. (except AK and HI).

For the following, please direct status calls to team 4 at 202–275–7669.

Volume. No. OP4–206.

Decided: April 1, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 167077, filed March 25, 1983. Applicant: BUS LEASING, INC., 25530 Schoenherr Rd., Warren, MI 48089. Representative: George Omelencuk, (same address as applicant), (313) 773 1460. Transporting *passengers*, in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

For the following, please direct status calls to Team 5 at 202–275–7289.

Volume. No. OP5–162

Decided: April 1, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 157006 (Sub-1), filed March 23, 1983. Applicant: CAMPTOWN, INC., 869 Frelinghysen Ave. Neward, NJ 07114. Representative: Ronald I. Shapss, 450 Seventh Ave., New York, NY 10123, 212–239–4610. Transporting *passengers*, in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 159209 (Sub-1), filed March 18, 1983. Applicant: POODLE BUS LINES CORP., 1112 Wikiup Drive, Santa Rosa, CA 95401. Representative: Jim Pitzer, 15 South Grady Way, Suite 321, Renton, WA 98055, 206–235–1111. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 165628, filed March 18, 1983. Applicant: EASY RIDER COACH, INC., 1619 Bethleham Pike, Flourtown, PA 19031. Representative: Alan Kahn, 1430 Land Title Building, Philadelphia, PA 19110, 215–561–1030. Transporting *passengers*, in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166849 (B), filed March 17, 1983. Applicant: BERTIS CARLSON TRUCKING, INC., 1480 South Henderson Street, Galesburg, IL 61401. Representative: C. Don Weston, 120 North Dudley Street, Macomb, IL 61455. (309) 833–4473. To operate as a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

Note.—Applicant also seeks authority in MC–166849 (A) published in this same issue.

MC 166879, filed March 17, 1983. Applicant: D. AND E. CHARTER SERVICE, INC., R. R. #2 Box 160–A, Anderson, IN 46011. Representative: John M. Blevins, 205 West 8th Street, Anderson, IN 46016, 317–649–9201. Transporting *passengers*, in charter and special operations, beginning and ending at points in Madison County, IN, and extending to points in the U.S.

Note.—Applicant also seeks to provide privately-funded charter and special transportation.

MC 167009, filed March 24, 1983. Applicant: GREEN RIVER TRANSPORT, INC., Rt. 2, Box 83, Searcy, AR 72143. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112, 817–457–0804. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 167019, filed March 24, 1983. Applicant: CONTINENTAL TRAFFIC SERVICE, INC., 22 North Front St., Memphis, TN 38103. Representative: Fred F. Rushing (same address as applicant), 901–525–0747. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 167048, filed March 24, 1983.Applicant: J. D. ROBINSON d.b.a., INDIAN TRAILS 3 Clarkesville St. Cornelia, GA 30531 Representative: James E. Cornwell, Jr., 628 S. Big A Road, P.O. Box 549 Toccoa, GA 30577, 404–886–9451. Transporting *passengers*, in charter and special operations, beginning and ending at points in Hebersham County, GA and extending to points in the U.S. (except HI).

Note: Applicant seeks to provide privately-funded charter and special transportation.

Volume No. OP5–158

Decided: March 30, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 166758, filed March 14, 1983. Applicant: PENRAY INC., 537 Northern Pkwy., Ridgewood, NJ 07450. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ

08904. 201–572–5551. As a *broker of general commodities* (except household goods), between points in the U.S.

Volume No. OP5–160

Decided: March 31, 1983.
By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 8738 (Sub-1), filed March 23, 1983. Applicant: GREENE COACH COMPANY, INC., 126 Bohannon Ave., Greenville, TN 37743. Representative: H. W. Asquith, 809–816 Bank of Knoxville Bldg., Knoxville, TN 37902. 615–524–4621. Transporting *passengers*, in charter and special operations between points in the U.S. (except HI).

Note: Applicant seeks to provide privately-funded charter and special transportation.

MC 166938, filed March 21, 1983. Applicant: ROBERT P. SMITH, d.b.a. SOS TRANSPORTATION, P.O. Box 2313, 1936 Fairway Dr., Arnold, CA 95223. Representative: Robert Paul Smith, (Same address as applicant), 209–795–3140. Transporting *food and other edible products and by products, intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 166948, filed March 22, 1983. Applicant: LOUIS H. TELLER, d.b.a. TELLER TRUCKING, 2727 Duranes Road NW, Albuquerque, NM 87104. Representative: James C. Ash, 2524 Vermont NE, Albuquerque, NM 87110, 505–298–7511. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 166949, filed March 22, 1983. Applicant: WILLIE HAMM, d.b.a. SUNRISE BUS & TRUCK RENTAL INC., 5519 Kansas Ave., N.W., Washington, DC 20011. Representative: Willie Hamm, (same address as applicant), 202–882–6588. Transporting *passengers*, in charter and special operations, beginning and ending at points in Montgomery and Prince Georges Counties, MD, Arlington and Alexandria Counties, VA and DC and extending to points in the U.S. (except AK and HI).

Note.— Applicant seeks to provide privately-funded charter and special transportation.

MC 166958, filed March 22, 1983. Applicant: MAYERS INC., 116 W. 5th St., S., Melrose, MN 56352. Representative: James B. Hovland, 525 Lumber Exchange Bldg., Minneapolis, MN 55402, 612–340–0808. Transporting *passengers* in charter and special operations, between point in U.S. (except HI).

Note.— Applicant seeks to provide privately-funded charter and special transportation.

MC 166968, filed March 22, 1983. Applicant: INLAND TRANSPORT INTERNATIONAL, INC., 195 Claremont Ave., Suite 212, Long Beach, CA 90803. Representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1200, Washington, DC 20036, 202–785–0024. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 166969, filed March 22, 1983. Applicant: DAVID A. WILSON d.b.a., WILSON & ASSOCIATES, P.O. Box 1265, Mesquite, TX 75149. Representative: David A. Wilson, (same address as applicant), 817–261–1261. As a broker of *general commodities* (except household goods), between points in the U.S. (except AK and HI.)

[FR Doc. 83-9523 Filed 4-11-83; 8:45 am]
BILLING CODE 7035-01-M

[Decision Volume No. OP4–208]

Motor Carriers; Republications of Grants of Operating Rights Authority Prior To Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the Federal Register.

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this Federal Register notice. Such pleading shall address specifically the issue(s) indicated as the purpose for republication. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

Agatha L. Mergenovich,
Secretary.

Note.—Please direct status inquiries to Team 4 at (202) 275–7669.

MC 163137 (Sub-2) (republication) filed December 3, 1982; published in the Federal Register issue of December 20, 1983; and republished this issue. Applicant: CABLE TRUCKING SERVICE, P.O. Box 2204, Highway 69 ByPass South, McAlester, OK 74501. Representative: Lew Gravitt, P.O. Box 53567, Oklahoma City, OK 73152, Phone: 405–524–2268. In a decision, by the Commission, Review Board #1, decided February 28, 1983, and finds that performance by applicant to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes transporting *mercer commodities* between points in Oklahoma, Texas, Louisiana, and Kansas, will serve a useful public purpose responsive to a public demand or need. Applicant is fit, willing and able properly to perform the granted service and to conform to statutory and administrative requirements.

Note.—The purpose of this republication is to broaden Commodity description to Mercer Commodities.

MC 164536 (republication) filed November 3, 1982; published in the Federal Register issue of November 22, 1982; and republished this issue. Applicant: ARNOLD PLAISANT AND THOMAS E. KUTTASY, d.b.a. P AND K EXPRESS, 98 Prelinghuyser, Avenue, Newark, New Jersey 07714. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, New York 10048, 212–466–0220. In a decision, by the Commission, Review Board Number 1, decided March 11, 1983, and finds that performance by Applicant to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except classes A and B explosives and household goods), between points in New Jersey and New York, on the one hand, and, on the other, points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, North Carolina, Virginia, South Carolina, and the District of Columbia, will serve a useful public purpose responsive to a public demand or need. Applicant is fit, willing and able properly to perform the granted service and to conform to statutory and administrative requirements.

Note.—The purpose of this republication is to include "Maryland" in the territorial description.

MC 164816 (republication) filed November 22, 1982; published in the Federal Register issue of December 10, 1982; and republished this issue. Applicant: JAMES HOLSTEIN, d.b.a. JAMES TRANSPORT, 1090 West Street, Hollister, CA 95023. Representative: M. Doug Wood, P.O. Box 5606, 201 West Broadway, N. Little Rock, AR 72119, (501) 376–3700. In a decision, by the Commission, Review Board #2, decided March 16, 1983, and finds that performance by applicant to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over

irregular routes, transporting (1) *metal products;* and (2) *such commodities as are dealt in by dealers of antiques,* between points in California, on the one hand, and, on the other, points in Wisconsin; and (3) *lumber and wood products,* between points in California, on the one hand, and, on the other, points in the United States in and west of Wisconsin, Illinois, Missouri, Arkansas, and Louisiana, will serve a useful public purpose responsive to a public demand or need. Applicant is fit, willing, and able properly to perform the granted service and to conform to statutory and administrative requirements.

Note.—The purpose of this republication is to include "such commodities as are dealt in by dealers of antiques".

[FR Doc. 83-9628 Filed 4-11-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Feight Forwarders; Water Carriers; Household Goods Brokers.

The following applications for motor common or contact carriers of property, water carriage, freight forwarders, and household goods brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the **Federal Register** on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the gounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations.

We make an additional preliminary finding with respect to each of the following types of applications as indicated: common carrier of property—that the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier—that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, and household goods broker—that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contact." Applications filed under 49 U.S.C. 10922(c)(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly noted.

Please direct status inquiries to Team 2, (202) 275-7030.

Volume No. OP2-156

Decided: April 4, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 54202 (Sub-4), filed March 22, 1983. Applicant: V. SENG TEAMING CO., 600 N. Thomas Dr., Bensenville, IL 60106. Representative: Bernard J. Kompare, 180 N. Michigan Ave., Suite 1700, Chicago, IL 60601, 312-263-1600. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in, AL, AR, GA, IA, IL, IN, KS, KY, LA, MI, MN, MO, MS, ND, NE, OH, OK, SD, TN, TX, and WI.

MC 144142 (Sub-1), filed March 18, 1983. Applicant: EBONY MESSENGER SERVICE, INC., 572 South 21st St., Irvington, NJ 07111. Representative: Thomas F. X. Foley, P.O. Box F, Colts Neck, NJ 07722. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in CT, DE, MA, MD, NC, NJ, NY, PA, VA, WV, and DC.

MC 155942 (Sub-1), filed March 21, 1983. Applicant: WILLIAM M. LAWSON, d.b.a OVERLAND CONSTRUCTION SERVICES, 28634 Hamden, Madison Heights, MI 48071. Representative: Robert E. McFarland, 2855 Coolidge, Suite 201A, Troy, MI 48084, 313-649-6650. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), under continuing contract(s) with Floyd Charcoal Company, of Plymouth, MI.

MC 156503 (Sub-1), filed March 17, 1983. Applicant: WILLIAM J. TEMAAT, 615 Parkview, Oakley, KS 67748. Representative: Clyde N. Christey, KS. Credit Union Bldg., 1010 Tyler, Suite

110-L, Topeka, KS 66612, 913-233-9629. Transporting *food and related products*, between Omaha, NE, and Denver, CO.

MC 166682, filed March 7, 1983. Applicant: HAROLD FRAZIER, d.b.a. HAROLD FRAZIER TRUCKING, 877 N.E. Birchwood Drive, Hillsboro, OR 97123. Representative: Harold Frazier (same address as applicant), 503-648-0135. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Cascade West Transportation Brokers, of Lake Oswego, OR.

Vol. No. OP2-158

Decided: April 5, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 152942 (Sub-2), filed March 22, 1983. Applicant: TOGO TRUCKING CO., Route 3, St. Joseph, MO 64505. Representative: James H. Counts, 320 Robidoux Center, St. Joseph, MO 64501, 816-232-8411. Transporting *bricks*, between Kansas City, MO, and points in OK, under continuing contract(s) with Quality Sand and Materials Co., Inc., of Independence, MO.

MC 163232 (Sub-1), filed March 15, 1983. Applicant: VERMONT WILSON LIMITED, 156 Porter Place, Rutland, VT 05701. Representative: John P. Monte, P.O. Box 686, Barre, VT 05641, (802) 476-6671. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of overhead garage doors, bettwen points in the U.S., under continuing contracts with Clopay Corporation, of Ludlow, VT.

MC 165882, filed March 8, 1983. Applicant: EARLE BLEDSOE TRUCKING, 206 Lorraine Ave., Fredericksburg, VA 22401. Representative: Earle L. Bledsoe (same address as applicant) (703) 898-0663. Transporting *coal cinders*, between points in Charles County, MD, on the one hand, and, on the other, Fredericksburg, VA.

MC 166772, filed March 15, 1983. Applicant: S. J. WAITE HORSE TRANSPORTATION, INC., P.O. Box 506, 963 Shirley Manor Rd., Reisterstown, MD 21136. Representative: Sidney Joseph Waite, (same address as applicant) (301) 833-5580. Transporting *horses*, (other than ordinary), equipment, and paraphernalia incidental to the care, transportation, and exhibition of such horses, between points in MD, PA, NJ, NY, DE, OH, VA, WV, and KY.

MC 166882, filed March 15, 1983. Applicant: MARCELL'S GARAGE, Mosler & Bender Ave., Hamilton, OH 45011. Representative: William Marcell Burchfield (same address as applicant) (513) 867-8899. Transporting *motor behicle*, between points in OH, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 166832, filed March 15, 1983. Applicant: R. C. THOMASON, Hwy 41 South, Dalton, GA 30720. Representative: Henry E. Seaton, 1024 Pennsylvania Bldg., 425 13th St., NW., Washington, DC 20423, (202) 347-8862. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of carpeting, between points in GA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 167043, filed March 22, 1983. Applicant: FRED C. MEYERS, d.b.a. F. MEYERS TRUCKING, 208 Crawford, Copper City, MI 49917. Representative: Fred C. Meyers (same address as applicant), 906-337-3354. Transporting *copper scrap and copper oxide*, between points in the U.S. (except AK and HI).

MC 167072, filed March 28, 1983. Applicant: CARRELL CRANE & HEAVY HAULING, INC., 2015 South 18th St., Yakima, WA 98903. Representative: John P. Carrell (same address as applicant), 509-248-2928. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in AZ, CA, CO, ID, MT, NM, NV, OR, TX, UT, WA, and WY.

For the following, please direct stautus calls to Team 1 at 202-275-7992.

Volume No. OP1-115

Decided: April 1, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 112520 (Sub-400), filed February 24, 1983. Applicant: McKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, FL 32302. Representative: Thomas F. Panebianco (same address as applicant) (904) 576-1221. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

MC 126091 (Sub-29), filed March 24, 1983. Applicant: FRALEY & SCHILLING, INC., General Delivery, Rushville, IN. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846-6655. Transporting *metal products and machinery*, between Indianapolis, IN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 159221 (Sub-3), filed March 24, 1983. Applicant: S.K.T., 623 10th St. NE, Minot, ND 58701. Representative: Jack L. Schiller, 111-56 76th Dr., Forest Hills, NY 11375, (212) 263-2078. Transporting *lumber and lumber products*, between points in CA, ID, MT, OR and WA, on the one hand, and, on the other, points in AR, CA, CO, IA, ID, KS, MN, MO, MT, ND, NE, OR, SD, TX, UT, WA, WI and WY.

MC 164521, filed March 23, 1983. Applicant: RING TRUCKING INCORPORATED, 801 Caminito Del Mar, Carlsbad, CA 92008. Representative: Ronald V. Meeks, 2924 North 24th Ave., Phoenix, AZ 85015, (602) 253-2700. Transporting *transportation equipment*, between points in San Diego County, CA, on the one hand, and, on the other, points in the U.S. (except AK, AR, HI, ID, ME, NE, ND and SD).

MC 167050, filed March 25, 1983. Applicant: DONALD A. BARRETT AND MELDON STANDRIDGE, d.b.a. HUNTSVILLE PIGGYBACK TRUCKING SERVICE, 514 Factory St., Huntsville, AL 35803. Representative: Donald A. Barrett (same address as applicant) (205) 883-2238. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in AL, on the one hand, and, on the other, points in GA, MS, TN and AL.

Volume No. OP1-117

Decided: April 5, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 156800 (Sub-7), filed March 3, 1983, and previously noticed in FR issue of March 21, 1983. Applicant: SEABOARD EXPRESS, INC. 565 Plank Rd., Waterbury, CT 06705. Representative: Raymond Talipski, 121 S. Main St., Taylor, PA 18517, (717) 344-8030. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in CT, on the one hand, and, on the other, points in the U.S, (except HI).

Note.—The purpose of this republication is to clarify the territory description.

MC 166851, filed March 25, 1983. Applicant: NICHOLS CONSTRUCTION CORPORATION 2865 Mason Street, P.O. Box 2750, Baton Rouge, LA 70821. Representative: John Schwab, 617 North Blvd., P.O. Box 3036, Baton Rouge, LA 70821, (504) 387-0511. Transporting *construction materials, equipment and supplies, machinery, metal products and those commodities which because of their size and weight require special*

handling or equipment between points in AL, FL, GA, LA, MS, and TX.

Volume No. OP1–121

Decided: April 5, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 61440 (Sub-224), filed March 14, 1983. Applicant: LEE WAY MOTOR FREIGHT, INC., P.O. Box 12750, Oklahoma City, OK 73157. Representative: T. M. Brown (same address as applicant), (405) 840–7579. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Kendavis International, Inc., and it's subsidiaries, of Fort Worth, TX.

MC 61440 (Sub-225), filed March 21, 1983. Applicant: LEE WAY MOTOR FREIGHT, INC., P.O. Box 12750, Oklahoma City, OK 73157. Representative: T. M. Brown (same address as applicant), (405) 840–7579. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with K Mart Corporation, of Troy, MI.

MC 83430 (Sub-21), filed March 31, 1983. Applicant: ONEIDA MOTOR FREIGHT, INC., Commercial Ave., P.O. Box 235, Carlstadt, NJ 07072–0235. Representative: Zoe Ann Pace, 387 Park Ave. South, New York, NY 10016, (212) 532–1800. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 96840 (Sub-3), filed March 28, 1983. Applicant: I. E. MILLER OF EUNICE, INC., P.O. Box 472, Eunice, LA 70535. Representative: C. W. Ferebee, 3910 FM 1960 W., Suite 106, Houston, TX 77068, (713) 537–8156. Transporting (1) *Mercer commodities*, and (2) *earth-drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, or used in, or in connection with: (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between (1) points in TX, OK, AR, LA and MS, on the one hand, and, on the other, points in AL, FL, TN, NM, CO and WY, and (2) points in NM, CO, WY, AL, GA and TN.

MC 96891 (Sub-7), filed March 28, 1983. Applicant: ALLSTATE TRUCKING, INC., Bolack Blvd., P.O. Box 1936, Farmington, NM 87401. Representative: James E. Snead, 215 Lincoln Ave., P.O. Box 2228, Santa Fe, NM 87501, (505) 982–2691. Transporting *frac sand and cement*, between points in NM, AZ, UT, CO and TX.

MC 134820 (Sub-16), filed March 21, 1983. Applicant: R.S. ALBRIGHT, INC., P.O. Box 81025, 833 S. First St., Kent, WA 98108. Representative: James T. Johnson, 1610 IBM Bldg., Seattle, WA 98101, (206) 783–2243. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in WA, on the one hand, and, on the other, points in the U.S. (except HI).

MC 148541 (Sub-4), filed March 23, 1983. Applicant: M.P.I. CORPORATION, R.D. 8, P.O. Box 198, Bridgeton, NJ 08302. Representative: Michael R. Werner, 241 Cedar Lane, Teaneck, NJ 07666, (201) 836–1144. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in NJ, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 151381 (Sub-2), filed March 22, 1983. Applicant: SUNBELT FREIGHT, division of SUNBELT HOLDING CORPORATION, 5520 West Channel Rd., Catoosa, OK 74015. Representative: Fred Rahal, Jr., Suite 305, Reunion Center, 9 East Forth St., Tulsa, OK 74103, (918) 583–9000. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in OK, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 163381, filed March 29, 1983. Applicant: ALABAMA FOOD SERVICE, INC., 315 North McDonough St., Montgomery, AL 36197. Representative: J. Douglas Harris, 200 South Lawrence St., Montgomery, AL 36104, (205) 265–0251. Transporting *petroleum, chemicals and related products*, and *food and related products*, between points in AL, GA and FL, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 163441 (Sub-1), filed March 31, 1983. Applicant: PRESTIGE DELIVERY, INC., Route 8, Box 432, Statesville, NC 28677. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101, (703) 893–4924. Transporting *such commodities* as are dealt in by furniture and department stores, between points in the U.S. (except AK and HI), under continuing contract(s) with Edgar B. Home Furnishing Center, a division of Broyhill, Inc., of Clemmons, NC.

MC 166310, filed March 21, 1983. Applicant: PIONEER EXPRESS, INC., 3359 Cazassa St., P.O. Box 16489, Memphis, TN 38186–0489. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609, (213) 945–2745. Transporting *such commodities* as are dealt in or used by manufacturers of plastic products, between points in Alcorn County, MS and Los Angeles CA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 166890, filed March 18, 1983. Applicant: SNYDER INDUSTRIES, INC., P.O. Box 4583, Lincoln, NE 68504. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501, (402) 476–1144. Transporting *general commodities* (except classes A and B explosives, house goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 166931, filed March 24, 1983. Applicant: GEIST TRUCKING, INC., 1918 4th Ave. N., Lewistown, ID 83501. Representative: Clyde V. Geist, 1020 22nd Ave., Clarkston, WA 99403, (509) 758–2002. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in WA, ID, OR, CA, MT, UT, NV, AZ and NM.

MC 166971, filed March 23, 1983. Applicant: WILLIAM LICKLY, d.b.a. L & L CONTRACT CARRIER, 508 Sycamore, Americus, KS 66835. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite, 110–L, Topeka, KS 66612, (913) 233–9629. Transporting *food and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Yoplait U.S.A., Inc., of Minneapolis, MN.

MC 167091, filed March 28 1983. Applicant: JOHNSON BROS. TRUCKING, INC., 201 5th Ave., SE., Waseca, MN 56093. Representative: Robert N. Maxwell, P.O. Box 2471, Fargo, ND 58108, (701) 237–4223. Transporting *clay, concrete, glass or stone products*, between points in Brown, Blue Earth, Le Sueur, Nicollet, Renville, Sibley, Steele, and Waseca Counties, MN, on the one hand, and, on the other, points in IA and WI.

MC 167121, filed March 28, 1983. Applicant: GRACO CHILDREN'S PRODUCTS, INC., truck division, P.O. Box 100, Pennsylvania Route 23, Elverson, PA 19520. Representative: Jack

Cribbs (same address as applicant), (215) 286–5951. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S., under continuing contract(s) with Evergreen Marine Corporation, of New York, NY.

For the following, please direct status calls to Team 3 at 202–275–5223.

Volume No. OP3–143

Decided: April 4, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 81835 (Sub-12), filed March 21, 1983. Applicant: MONIOWCZAK TRANSIT CO., P.O. Box 235, Escanaba, MI 49829. Representative: William B. Elmer, P.O. Box 801, Traverse City, MI 49685, (616) 941–5313. Transporting *pulp, paper and related products,* between points in the Upper Peninsula of MI, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 139154 (Sub-7), filed March 21, 1983. Applicant: RICHARDS TRANSPORT, LTD., 1155 McKay St., Regina, Saskatchewan, Canada S4N 4X9. Representative: Stephen F. Grinnell, 121 S. Eighth St., 1600 TCF Tower, Minneapolis, MN 55402, (612) 333–1341. Transporting *lumber and wood products,* between the ports of entry on the international boundary line between the United States and Canada, in MN, MT, and ND, on the one hand, and, on the other, points in MN, MT, ND, SD, and WY.

MC 144615 (Sub-2), filed March 21, 1983. Applicant: CARLOS J. STILWELL, d.b.a. STILWELL TRUCK SERVICE, Detroit, IL 62332. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701, (217) 544–5468. Transporting *general commodities* (except classes A and B explosives and household goods), between points in IL and MO, on the one hand, and, on the other, points in AL, AR, CO, GA, IA, IL, IN, KS, KY, LA, MI, MO, MN, MS, NE, OH, OK, PA, TN, TX, and WI.

MC 162005, filed March 21, 1983. Applicant: MORRIS THOMPSON, d.b.a. MORRIS THOMPSON TRUCKING, Box 43, Route No. 3, Tecumseh, OK 74873. Representative: William P. Parker, P.O. Box 54657, Oklahoma City, OK 73154, (405) 424–3301. Transporting *metal products,* between points in OK, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 166905, filed March 21, 1983. Applicant: CHEAM TRANSPORT LTD., P.O. Box 518, Abbotsford, B.C., Canada V2S 5Z5. Representative: Michael D. Duppenthaler 211 S. Washington St., Seattle, Wa 98104, (206) 622–3220. Transporting *clay, concrete or stone products,* between points in the U.S., under continuing contract(s) with Pozzolanic International Ltd. of Vancouver, B.C. Canada and Valley Rite-Mix Ltd. of Abbotsford, B.C., Canada.

MC 166914, filed March 21, 1983. Applicant: DATA SALES CO., 12100 Riverwood Dr., Burnsville, MN 55337. Representative: Andrew R. Clark, 1600 TCF Tower, Minneapolis, MN 55402, (612) 333–1341. Transporting *electronic data processing equipment,* between points in the U.S. (except AK and HI).

MC 166915 filed March 21, 1983. Applicant: G&L MOVING & STORAGE CORP. d.b.a. SOUTH FLORIDA VAN LINE, 231 W. 36th St., Hialeah, FL 33012. Representative: Richard B. Austin 320 Rochester Bldg., 8390 N.W. 53rd St., Miami, FL 33166, (305) 592–0036. Transporting *household goods,* between points in FL, on the one hand, and, on the other, points in AL, AZ, CA, LA, MS, NM, and TX.

Vol. No. OP3–145

Decided: March 18, 1983.

Bu the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 159224 (Sub-1), filed March 1, 1983. Applicant: HENRY'S VAN SERVICE, INC., Route 206, Tabernacle, NJ 08088. Representative: Martin S. Eittin, 905 N. Kings Highway, Cherry Hill, NJ 08034, (609) 667–6440. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S. (except AK and HI).

For the following, please direct status calls to Team 5 at 202–275–7289.

Vol. No. OP5–157

Decided: March 30, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 155118 (Sub-14), filed March 15, 1983. Applicant: T.D.S. TRANSPORTATION, 1700 S. Wolf Rd., Des Plaines, IL 60018. Representative: R.T. Krubeck (same address as applicant.), (312) 298–8800. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with: Toy King Distributors, of Orlando, FL; U.S. Freight Forwarder Co., Inc., Of Memphis, TN; Plastic Sales & Mfg. Co., Inc., of Kansas City, MO; Truck Brokers, Inc., of Bethany, OK; and North States Industries, Inc., of Minneapolis, MN.

MC 156908 (Sub-2), filed March 18, 1983. Applicant: AMTRANS, INC., P.O. Box 04704, Milwaukee, WI 53204. Representative: William P. Dineen, 710 N. Plankinton Ave., Milwaukee, WI 53203, (414) 273–7410. Transporting *containers,* between points in the U.S. (except AK and HI), under continuing contract(s) with manufacturers and distributors of containers.

MC 166368, filed March 22, 1983. Applicant: BROWN CHEMICAL CO., INC., Box 427, Junction Hwys 6 and 61, Imperial, NE 69033. Representative: Lavern R. Holdeman, 1610 South 70th Suite 200, Linclon, NE 68506, 402–488–0985. Transporting *fertilizer and fertilizer ingredients,* between points in Woodward County, OK, on the one hand, and, on the other, points in Chase County, NE.

MC 166808, filed March 18, 1983. Applicant: DUANE WENTZ, d.b.a. D&D MOBILE HOME TRANSPORTING, East 7215 Rutter, Spokane, WA 99206. Representative: Boyd Hartman, 1750–112th Ave., N.E., Suite B–223, Bellevue, WA 98004, 206–453–0312. Transporting *mobile homes,* between points in WA, OR, ID, and MT.

MC 166918, filed March 21, 1983. Applicant: COMPETITIVE HOME DELIVERY SERVICE, INC., d.b.a. COMPETITIVE DELIVERY SERVICE, 15551 Del Amo, Tustin, CA 92680. Representative: Donald R. Hedrick, P.O. Box 4334, Santa Ana, CA 92702, 714–667–8107. Transporting *furniture and fixtures,* between points in Santa Barbara, Ventura, Kern, Los Angeles, Orange, Riverside, San Bernardino, Imperial and San Diego Counties, CA.

MC 166929, filed March 22, 1983. Applicant: LAYNE BROS., INC., 1352 South Dixie, Radcliff, KY 40160. Representative: Herbert D. Liebman 403 West Main Street, P.O. Box 478, Frankfort, KY 40602, 1–502–875–3493. Transporting *mobile homes,* between points in KY, TN, IN, OH, and WV.

MC 166939, filed March 21, 1983. Applicant: DIAMOND TRUCK LEASING CORP., 174 Cabot Street, West Babylon, NY 11704. Representative: Arthur J. Piken, 95–25 Queens Blvd., Rego Park, NY 11374, (212) 275–1000. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between New York, NY, and points in Nassau and Suffolk Counties, NY, on the one hand, and, on the other, points in NY, NJ, PA, DE, MD, OH, ME, NH, VT, MA, CT, RI, and DC.

Volume No. OP5–159

Decided: March 31, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 3328 (Sub-4), filed March 22, 1983. Applicant: A. D. McMULLEN, INC., 640 R State Rd., North Dartmouth, MA 02747. Representative: Lloyd F. Morea (same address as applicant), 617–997–0097.Transporting *furniture and fixtures,* between points in the U.S. (except AK, HI, ID, MT, ND, OR, SD and WY).

MC 123329 (Sub-64), filed March 23, 1983. Applicant: H. M. TRIMBLE & SONS LTD., P.O. Box 3500, Calgary, Alberta, Canada T2P 2P9. Representative: Ray F. Koby, P.O. Box 2567, Great Falls, MT 59403, 406–452–6415. Transporting *commodities in bulk,* between ports of entry on the international boundary line between the U.S. and Canada on the one hand, and, on the other, points in the U.S. (Except HI).

MC 142619 (Sub-8), filed March 21, 1983. Applicant: DASH TRANSPORTATION, INC., P.O. Box 221, Bloomingdale, IL 60108. Representative: Edward J. Kiley, 1730 M St., N.W., Washington, DC 20036, 202–296–2900. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. under continuing contract(s) with Diebold Incorporated of Bedford Park, IL.

MC 147348 (Sub-20), filed March 24, 1983. Applicant: SOUTHWEST FREIGHT DISTRIBUTORS, INC., 1320 Henderson, North Little Rock, AR 72114. Representative: James M. Duckett, 221 W. 2nd, Suite 411, Little Rock, AR 72201, 501–375–3022. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in AR, MO, TN, MS, LA and TX.

MC 161908, filed March 24, 1983. Applicant: MICHAEL A. PONTO d.b.a. PONTO TRANSPORTATION, 571 Julius Dr., Appleton, WI 54911. Representative: William F. Mix, 21A Muzzey St., Lexington, MA 02173, 617–861–7305. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. under continuing contract(s) with JanSport, Inc. of Appleton, WI.

MC 164538 (Sub-1), filed March 23, 1983. Applicant: ASSURANCE TRANSPORTATION, INC., 3813 Crater Lake Hwy., Medford, OR 97501. Representative: Russell P. Engle, (same address as applicant), 503–773–5837. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in the U.S. under continuing contract(s) with R & R Truck Brokers, Inc. of Central Point, OR.

MC 166888, filed March 22, 1983. Applicant: GEORGE C. MILLER d.b.a. GCM TRUCKING, R.D. #1, Box 106, Acme, PA 15610. Representative: Richard A. Kovach, Terry Way & Rte. 981, R.D. #1, Latrobe, PA 15650, 412–537–5535. Transporting *those commodities which because of their size or weight require the use of special handling or equipment,* between points in the U.S. (except AK and HI), under continuing contract(s) with Beckwith Machinery Co. of North Versailles, PA.

Volume No. OP5–161

Decided: April 1, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 41098 (Sub-100), filed March 24, 1983. Applicant: GLOBAL VAN LINES, INC., One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K St., N.W., Washington, DC 20006, 202–833–8884. Transporting *household goods* between points in the U.S. under continuing contract(s) with Combined Insurance Company of America of Northbrook, IL and its affiliates Combined International Corp; Ryan Insurance Group; Rollin, Brudick & Hunter; and Union Fidelity Insurance Co.

MC 145789 (Sub-2), filed March 18, 1983. Applicant: SWOPE BOAT REPAIR AND TRANSIT COMPANY, INC., Route 1, Lexington Road, Winchester, KY 40391. Representative: Herbert D. Liebman, 403 West Main St., P.O. Box 478, Frankfort, KY 40602, 502–875–3493. Transporting *boats* between points in the U.S. (except AK and HI).

MC 152658 (Sub-2), filed March 23, 1983. Applicant: HUCKS PIGGYBACK SERVICE, INC., 610 Atando Ave., Charlotte, NC 28206. Representative: Joseph L. Steinfeld, Jr., 915 Pennsylvania Bldg, 425 13th St., N.W., Washington, D.C. 20004, 202–737–1030. Transporting *general commodities* (except classes A and B explosives, Household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Southern Railway System of Charlotte, NC.

MC 166849 (A), filed March 17, 1983. Applicant: BERTIS CARLSON TRUCKING, INC., 1480 South Henderson Street, Galesburg, IL 61401. Representative: C. Don Weston, 120 North Dudley Street, Macomb, IL 61455, (309) 833–4473. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk, between points in Knox County, IL, Jones and Story Counties, IA, Shelby County, AL, Tulare County, CA, Finney County, KS, Middlesex County, MA, Jackson and Lafayette Counties, MO, Scotland County, NC, Lebanon County, PA, Comal and Caldwell Counties, TX, Wood County, WV, Jefferson County, WI and Huston County, GA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Note.—Applicant also seeks authority in MC–166849 (B) published in this same issue.

MC 167028, filed March 22, 1983. Applicant: PRUITT TRANSFER, INC., P.O. Box 478, Lebanon, OR 97355. Representative: Lawrence V. Smart, Jr., 419 N.W., 23rd Ave., Portland, OR 97210, 503–226–3755. Transporting *general commodities* (except classes A and B explosives, and commodities in bulk), between points in OR, WA, ID, MT, NV, CA and UT.

Volume No. OP5–164

Decided: April 1, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 155139 (Sub-1), filed February 28, 1983. Applicant: KINGS EXPRESS, INC., 600 Dabney Dr., Henderson, NC 27536. Representative: Archie W. Andrews, P.O. Box 1166, Eden, NC 27288, 919–635–4711. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except HI), under continuing contract(s) with Dillard Paper Company of Greensboro, NC; Revco Discount Drug Centers of Twinsburg, OH; and Rose's Stores, Inc., of Henderson, NC.

[FR Doc. 83–9524 Filed 4–11–83; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Antitrust Division

Proposed Consent Judgment; Heileman Brewing Co., Inc.

Pursuant to the Antitrust Procedures and Penalities Act 15 U.S.C. 16, the Antitrust Division publishes below the Comment, together with its Response thereto, which it received on the proposed Consent Judgment filed in *United States v. G. Heileman Brewing Company, Inc.,* Civil No. 82–750 (Latchum) (D. Del.).

Joseph H. Widmar,

Director of Operations.

January 17, 1983.

Anthony Nanni, Esq., Chief, Trial Section, Antitrust Division, Department of Justice, Main Justice Building, Room 3268, Washington, D.C. 20530.

Dear Mr. Nanni: I am writing this letter on behalf of Paul Kalmanovitz as a supplement to our protest filed under the Tunney Act in opposition to the Heileman consent decree. The astonishing events which transpired after filing of the proposed consent decree—described by you as a "soap opera"—make it unthinkable in our view that the Department of Justice should lend itself to supporting the Heileman-Pabst conspiracy to rig the bidding for the Pabst stock and simultaneously to relegate the unsophisticated shareholder to a position vastly inferior to that achieved by the tight coterie of "insiders" known as "arbitrageurs."

We remain astounded that the Heileman-Pabst-Jacobs combine achieved control of Pabst with an offer that was $48,000,000 less than ours (valuing their bonds at $20) or $39,400,000 less (valuing those bonds at their face value of $24). Both the Justice Department and SEC monitored the Pabst take-over contest on a day-to-day, indeed, hour-to-hour basis. In other words, on a realistic valuation, $48,000,000 was left on the table because Jacobs and the half-dozen "arbitrageurs" agreed at the last moment to stay in the Heileman pool precisely because Jacobs conspired with Heilman to bring about that result.

Moreover, the unsophisticated shareholders—who were your special wards—are now subjugated to the $24 back-end bonds, which the "arbitrageurs" valued at no more than $20.

The fact that the small shareholders are forced by this combination to trade potentially valuable Pabst stock for "New Pabst" bonds is itself an injustice of enormous dimensions considering that the whole elaborate scheme was basically to sell valuable assets of Pabst to Heileman at a discount.

All of this was accomplished by:

1. Actual and attempted commercial bribery;
2. Discriminatory pricing on Pabst stock;
3. Out-and-out bid rigging; and
4. Brazen interference with contractual relations.

These charges are clearly and easily provable by the affidavit of Paul Kalmanovitz (attached hereto) and the deposition of Messrs. Cleary (Heileman) and Smith (Pabst). Corroborating evidence can be secured from Mr. Steve Jacobs, attorney for Irwin Jacobs, and Mr. David Beckwith, attorney for Heileman.

We therefore request that the Department of Justice prosecute this conspiracy or, at the very least, withdraw its approval of the proposed consent decree.

This decree, if approved, would place a mantle of respectability and apparent approval by a Court of equity on a very egregious inequity.

We believe your laws are quite sufficient to successfully prosecute this combination. We also believe that Congress might want to examine this unusual case history to provide specific remedial legislation. We are therefore taking the liberty of circulating this letter and proffer of evidence to those congressional leaders directly concerned with securities and antitrust legislation.

This agreement to eliminate a $35 bid for a $29 bid should not go unchallenged. Mr. Kalmanovitz and I have had some experience in observing conspiratorial bidding conduct. We can think of none more aggravated than this contest for Pabst stock, which occurred under the very eyes of the Antitrust Division and SEC, and where the proof is embodied in the written agreement between Heileman and Jacobs dated "as of November 26, 1982." For such unlawful conduct to go unchallenged by public agencies entrusted with law enforcement in the involved areas would lend apparent governmental approval where none was intended. Worse yet, to condone it with knowledge of these facts by granting Heileman a consent decree, in order to conclude the scheme, would be scandalous.

Respectfully,

Joseph L. Alioto.

Declaration of Paul Kalmanovitz

Paul Kalmanovitz files this Declaration in support of Plantiffs' Motion for a Preliminary Injuction

1. On November 26, 1982, Mr. Alioto telephoned and advised us that Heileman had offered us $5,000,000 if we would agree to withdraw the Kalmanovitz-Jabcobs bid of $35 per share in favor of the Hieleman bid of $27.50, and thereafter quite in bidding, I rejected this immediately as a commercial bride to engage in an agreement to eliminate competition for Pabst stock and my attorney, Joseph L. Alioto, advised me that it amounted to a price-fixing conspiracy against Pabst stockholders.

2. Mr. Alioto advised me that Heileman and Pabst secured Jacobs' defection from our joint venture by promising (a) to pay his group $7,500,000 and (b) to sell him Past's Milwaukee office building at a bargain-basement price, both promises conditional only upon Heileman's sucess in winning the bid.

3. The details of this Heileman-Pabst offer are as follows:

(a) *Wednesday, November 24, 1982:*

(1) On Wednesday, November 24, 1982, this Court denied a Heileman-Pabst motion to enjoin our $35 per share offer on the alleged ground that it constituted "market manipulation".

(2) Irwin Jacobs was present in Court when this happened.

(3) Immediately after the session, Mr. Jacobs talked with my attorney, Mr. Alioto, and expressed complete confidence that the Heileman offer for Pabst "was dead; the game is all over".

(4) He then telephoned me about 1:00 pm, Pacific Standard Time, and ecstatically announced, "Congratulations to you and congratulations to me, We've won!"

(5) Then, at 5:30 pm, (p.s.t.) Jacobs called me, apparently distraught, and started to cry that his health was broken, he was losing his friends, he was "throwing in the sponge, I can't take the pressure anymore."

(6) In this conversation, I simply asked, "Did you speak to Cleary (Heileman's President) since we won in Federal Court?" He said "Yes." I then said "You had no business to call Cleary. It was the wrong thing to do. Sleep on it. I will talk to you on Friday when Heileman makes his next move."

(7) When Mr. Alioto returned from Wilmington, he was met at the plane by B. Orsi, my assistant, and expressed complete amazement at Jacobs's turnaround from the confidence he had just before Alioto boarded the plane to return from Wilmington to San Francisco.

(b) *Thursday, November 25, 1982 (Thanksgiving)*

(1) Throughout this day, Alioto, at my request, talked to Jacobs and his lawyer and attempted to persuade Jacobs to continue the bidding with me. Jacobs refused, repeating his inability to take the pressure, "I'm ready to jump out the window."

(c) *Friday, November 26, 1982*

(1) I was advised by Mr. Alioto that at about 7:00 am (p.s.t.), Jacobs called Alioto and said that he worked out a deal with Heileman to pay me $5,000,000 if I would agree to withdraw from bidding. Alioto told Jacobs it would be illegal to do this and that he would so advise me, and suggested in any event that he should call me directly. Alioto called to tell me about the offer; I interrupted promptly and bursquely to reject it as he was telling me it constituted a conspiracy to defraud the shareholeres by withdrawing the $35 bid in favor of a lower Heileman bid.

(2) Jacobs called me at 7:15 am (p.s.t.) shouting, "You must listen to me about Heileman." I replied I didn't want to talk about any deals with Heileman.

(3) Later in the day, both Jacobs' lawyer and Heileman's lawyer confirmed to Alioto that the $5,000,000 was available to me. I reiterated my rejection and said I would stay in the bidding. I also rejected Jacobs' invitation through my attorney, Mr. Alioto, to share with him in a bargain purchase of Pabst's Milwaukee office building, "We could get it for $5,000,000" he said, "and it's worth at least $14,000,000."

(4) The next thing was Jacobs' public announcement that he defected to Heileman in consideration of receiving $7,500,000 for "litigation expenses". Heileman confirmed this in a public filing.

Paul Kalmanovitz.

Joseph L. Alioto adopts this declaration insofar as it details conversations and events to which he is stated to be a party.

Joseph L. Alioto.

The signature of Paul Kalmanovitz was subscribed and sworn to before me this 13th day of December, 1982.

D. D. Miller,

Notary Public—California.

The signature of Joseph L. Alioto was subscribed and sworn to before me this 13th day of December, 1982.

Abigail C. Kolthoff,

Notary Public—California.

U.S. Department of Justice

AVN

60-117-037-22

Washington, D.C. 20530

March 30, 1983.

Joseph L. Alioto, Esquire
Alioto & Alioto
111 Sutter Street, Suite 2100, San Francisco, CA 94104

Re: United States v. G. Heileman Brewing Company, Inc., Civil No. 82-750 (D. Del.)

Dear Mr. Alioto: This letter responds to the written comments of Paul Kalmanovitz opposing the proposed Final Judgment in *United States v. G. Heileman Brewing Company, Inc.*[1] In those comments you state that you write to supplement your protest filed under the Tunney Act in opposition in to the proposed judgment. We understand that you refer to the motion to intervene which was filed on behalf of Mr. Kalmanovitz and two of his companies on January 19, 1983. Our response to that motion was filed with the court in Delaware on March 30, 1983.

Mr. Kalmanovitz alleges, in effect, that the proposed judgment furthers a conspiracy between G. Heileman Brewing Company, Inc. and Irwin Jacobs to obtain control of Pabst Brewing Company. He asks that the Department of Justice prosecute this conspiracy or withdraw its approval of the proposed judgment.

After a careful and complete review, we are satisfied that no action by the Antitrust Division is warranted. The proposed Final Judgment merely ensures that Heileman's control of Pabst will be limited to certain designated assets. Under those conditions, we have concluded that Heileman's tender offer for Pabst does not violate Section 7 of the Clayton Act, 15 U.S.C. § 18. Although allegations of market manipulation and collusion in the purchase and sale of a single issuer's stock may raise questions under the securities laws, we have found no violation of the antitrust laws in this transaction.

We take no positon whether the activities of Heileman, Pabst or Mr. Jacobs are in accord with federal securities laws. Jurisdiction with respect to the tender offer process is vested in the Securities and Exchange Commission. We note that Mr. Kalmanovitz has raised these issues in private actions filed in federal district courts in Delaware and California.[2] In that connection, we also note that on December 22, 1982, Chief Judge Latchum of the U.S. District Court in Wilmington, Delaware, declined to grant Mr. Kalmanovitz's motion for a preliminary injunction against Heileman's tender offer on the same facts alleged in his written comments.

We appreciate receiving Mr. Kalmanovitz's views. Nevertheless, we continue to believe that the proposed judgment ensures that anticompetitive consequences will not flow from the Heileman acquisition and that entry of the judgment in this case is in the public interest.

Sincerely yours,

Anthony V. Nanni,

Chief, Trial Section Antitrust Division.

Attachment:

[FR Doc. 83-9436 Filed 4-11-83; 8:45 am]

BILLING CODE 4410-01-M

[1] Letter of Joseph L. Alioto to Anthony Nanni dated January 17, 1983.

[2] Kalmanovitz v. G. Heileman Brewing Company, Inc., Civil Action No. 82-736 (D. Del.); Kalmanovitz v. G. Heileman Brewing Company, Inc., Civil Action No. C 83-0196 (N.D. Cal.).

DEPARTMENT OF LABOR

Labor Advisory Comittee for Trade Negotiations and Trade Policy; Meeting

Pursuant to the provisions of the Federal Advisory Comittee Act (Pub. L. 92-463 as amended), notice is hereby given of a meeting of the Labor Advisory Committee for Trade Negotiations and Trade Policy.

Date, time and place: May 5, 1983; 2:00 p.m. Rm. N3437 A, B, C & D Frances Perkins, Department of Labor Building, 200 Constitution Avenue NW., Washington, D.C. 20210.

Purpose: To discuss trade negotiations and trade policy of the United States.

This meeting will be closed under the authority of Section 10(d) of the Federal Advisory Committee Act. The Committee will hear and discuss sensitive and confidential matters concerning U.S. Trade negotiations and trade policy.

For further information, contact: Joseph S. Papovich, Executive Secretary, Labor Advisory Committee, Phone: (202) 523-6565.

Dated: April 7, 1983.

Signed at Washinngton, D.C. this 7th day of April 1983.

Robert W. Searby,

Deputy Under Secretary International Affairs.

[FR Doc. 83-9471 Filed 4-11-83; 8:45 am]

BILLING CODE 4510-01-M

Employment and Training Administration

Labor Surplus Area Classifications Under Executive Orders 12073 and 10582; Additions to Annual List of Labor Surplus Areas

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

DATE: The additions to the annual list are effective on April 1, 1983.

SUMMARY: The purpose of this notice is to announce changes to the annual list of labor surplus areas.

FOR FURTHER INFORMATION CONTACT: James W. Higgins, United States Employment Service (Attention: TEEPA), 601 D Street, NW., Washington, D.C. 20213, Telephone: 202-376-6700.

SUPPLEMENTARY INFORMATION: Executive Order 12073 requires executive agencies to emphasize procurement set-asides in labor surplus areas. The Secretary of Labor is responsible under that Order for, classifying and designating areas as labor surplus areas.

Under Executive Order 10582, executive agencies may reject bids or offers of foreign materials in favor of the lowest offer by a domestic supplier, provided that the domestic supplier undertakes to produce substantially all of the materials in areas of substantial unemployment as defined by the Secretary of Labor. The preference given to domestic suppliers under Executive Order 10582 has been modified by Executive Order 12260. Federal Procurement Regulations Temporary Regulation 57 (41 CFR Chapter 1, Appendix), issued by the General Services Administration on January 15, 1981 (46 FR 3519), implements Executive Order 12260. Executive agencies should refer to Temporary Regulation 57 in procurements involving foreign businesses or products in order to assess its impact on the particular procurements.

The Department of Labor's regulations implementing Executive Orders 12073 and 10582 are set forth at 20 CFR Part 654, Subparts A and B. Subpart A requires the Assistant Secretary of Labor to classify jurisdictions as labor surplus areas pursuant to the criteria specified in the regulations and to publish annually a list of labor surplus areas. Pursuant to those regulations, the Assistant Secretary of Labor published the annual list of labor surplus areas on June 4, 1982 (47 FR 24474).

Subpart B of Part 654 states that an area of substantial unemployment for purposes of Executive Order 10582 is any area classified as a labor surplus area under Subpart A. Thus, labor surplus areas under Executive Order 12073 are also areas of substantial unemployment under Executive Order 10582.

The areas described below have been classified by the Assistant Secretary of Labor as labor surplus areas pursuant to 20 CFR 654.5(c) and are added to the annual list of labor surplus areas, effective April 1, 1983. The following additions to the annual list of labor surplus areas are published for the use of all Federal agencies in directing

procurement activities and locating new plants or facilities.

Signed at Washington, D.C., on March 30, 1983.

Albert Angrisani,

Assistant Secretary of Labor.

Additions to the Annual List of Labor Surplus Areas

April 1, 1983.

Labor Surplus Area	*Civil Jurisdiction Included*
Georgia	
McIntosh County	McIntosh County
Illinois	
McHenry County	McHenry County
Louisiana	
Balance of Calcasieu Parish	Calcasieu Parish less Lake Charles City
North Carolina	
Sampson County	Sampson County
Oregon	
Wasco County	Wasco County
Rhode Island	
Woonsocket City	Woonsocket City
Texas	
Camp County	Camp County
Cass County	Cass County
Marion County	Marion County
Morris County	Morris County
Upshur County	Upshur County
Utah	
Ogden City	Ogden City in Weber County
Wisconsin	
Kewaunee County	Kewaunee County
Oneida County	Oneida County

[FR Doc. 83-9477 Filed 4-11-83; 8:45 am]

BILLING CODE 4510-30-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 22, 1983.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 22, 1983.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, N.W. Washington, D.C. 202313.

Signed at Washington, D.C. this 31st day of March 1983.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
ASARCO, Inc., New Market Mine (ICWU)	New Market, TN	3/15/83	3/10/83	TA-W-14, 523	Mine zinc.
ASARCO, Inc., Young Mine, Coy Mine, Immel Mine, & Mill (ICWU).	Mascot, TN	3/15/83	3/10/83	TA-W-14, 524	Mine zinc.
Bethleham Steel Corp., Bethleham Plant, Plant Patrol Department (workers).	Bethleham, PA	3/1/83	2/22/83	TA-W-14, 525	Security guard service.
Brown Shoe Co. (UFCW)	Potosi, MO	3/29/83	3/21/83	TA-W-14, 526	Shoes, dress, ladies.
Erie Mining Co. (USWA)	Hoyt Lakes, MN	3/1/83	2/25/83	TA-W-14, 527	Iron ore pellets.
Ingersoll-Rand Corp., Professional Tool Group, Jamestown Plant (IAMAW).	Jamestown, NY	3/25/83	3/1/83	TA-W-14, 528	Hand tools—adjustable wrenches, pipe wrenches, and certain pliers.
(The) Lake Terminal Railroad (workers)	Lorain, OH	3/25/83	3/15/83	TA-W-14, 529	Transport steel within U.S. Steel plants.
Lear Siegler, Inc., Bogen, Division (International Elec. Radio & Machine Workers).	Paramus, NJ	2/15/83	2/9/83	TA-W-14, 530	Sound systems.
Maryland Shipbuilding & Drydock Co. (Industrial Union of Marine & Shipbuilding Workers).	Baltimore, MD	3/15/83	3/10/83	TA-W-14, 531	Repairs, builds, and converts ocean going vessels.
Birmingham Southern Railroad Company (UTU)	Fairfield, AL	2/16/83	2/7/83	TA-W-14, 532	Transporting of commodities.
General Motors Corp., Warehousing & Distribution Division (UAW).	Louisville, KY	1/14/83	1/11/83	TA-W-14, 533	Automotive hardware parts, assembly.
Houdaille Industries, Strippit Division (CO)	Akron, NY	3/24/83	3/21/83	TA-W-14, 534	Punching machines.
Houdaille Electronics (company)	Clarence, NY	3/24/83	3/21/83	TA-W-14, 535	Numerical controls for punching machines.
Huntington Industries, Inc. (workers)	Huntington, WV	3/22/83	3/17/83	TA-W-14, 536	Dresses and sportswear, ladies.
U.S. Steel Corp., Atlantic City Ore Mine (USWA)	Lander, WY	3/2/83	3/23/83	TA-W-14, 537	Iron ore.
Union Metal Manufacturing Co. Unilectric Division (IUE)	Frankfort, IN	3/23/83	3/17/83	TA-W-14, 538	Wire harnesses, current carrying wiring devices.
W.R. Weaver Company (workers)	El Paso, TX	3/22/83	3/15/83	TA-W-14, 539	Telescopic gun sites.

[FR Doc. 83-9638 Filed 4-11-83; 8:45 am]

BILLING CODE 4510-30-M

Determinations Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period March 28, 1983–April 1, 1983.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-13,510; McIndustries, Inc., Brilliant, AL

TA-W-13,592; Republic Steel Corp., Union Drawn Div., Plant #1, Massillon, OH

TA-W-13,593; Republic Steel Corp., Union Drawn Div., Plant #2, Massillon, OH

TA-W-13,613; Wheeling-Pittsburgh Steel Corp., Martins Ferry, OH

In the following case the investigation revealed that criterion (3) has not been met. Increased imports did not contribute importantly to workers separations at the firm.

TA-W-13,756; CF&I Steel Corp., Sunrise Mine, Hartville, WY

Affirmative Determinations

TA-W-13,652; Sutton Shoe Co., Sutton, WV

A certification was issued in response to a petition received on July 13, 1982 covering all workers separated on or after February 1, 1982 and before July 30, 1982.

TA-W-13,504; General Instrument Corp., Keyboard Business Section, Computer Products Div., Post Falls, ID

A certification was issued covering all workers of the firm separated on or after April 7, 1982.

TA-W-13,750; Chicago Pneumatic Tool Co., Utica, NY

A certification was issued in response to a petition received on August 4, 1982 covering all workers separated on or after January 1, 1982.

TA-W-13,714; Bridon American Corp., Ashley, PA

A certification was issued covering all workers separated on or after January 1, 1982.

TA-W-13,725; Bridon American Corp., Exeter, PA

A certification was issued covering all workers separated on or after January 1, 1982.

TA-W-13,726; Bridon American Corp., Kingston, PA and Wilkes Barre, PA

A certification was issued covering all workers separated on or after January 1, 1982.

TA-W-13,408; Republic Steel Corp., Mahoning Valley District, Youngstown Works, Youngstown, OH

A certification was issued in response to a petition covering all workers producing steel tubular products separated on or after October 1, 1981.

TA-W-13,938; Republic Steel Corp., Mahoning Valley District, Warren Works, Warren, OH and Niles, OH

A certification was issued in response to a petition covering all workers producing steel tubular products separated on or after October 1, 1981.

TA-W-13,520; U.S. Steel Corp., Geneva Works, Provo, UT

A certification was issued in response to a petition received on May 26, 1982 covering all workers separated on or after May 20, 1981.

I hereby certify that the aforementioned determinations were issued during the period March 28, 1983–April 1, 1983. Copies of these determinations are available for inspection in Room 9120, U.S. Department of Labor, 601 D Street, N.W., Washington, D.C. 20213 during normal business hours or will be mailed to persons who write to the above address.

Dated April 5, 1983.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 83-9639 Filed 4-11-83; 8:45 am]

BILLING CODE 4510-30-M

Secretary's Performance Standards for FY 1984 Under Titles II-A and III of the Job Training Partnership Act (JTPA)

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: This notice advises that letters have been sent to each of the Governors relating to Performance Standards for FY 1984. Such action is taken pursuant to Section 106(c) of JTPA.

FOR FURTHER INFORMATION CONTACT: Ms. Kay Albright, Telephone (202) 376-6620.

SUPPLEMENTARY INFORMATION: The information transmitted to the Governors includes the Secretary's performance standards for the initial nine months of JTPA. The seven measures and Secretary's Standards for the initial period for Title II-A are as follows:

Adults

1. *Entered Employment Rate*—Number of adults who entered employment as a percentage of the number of adults who terminated: 58%.

2. *Cost Per Entered Employed*—Total expenditures for adults divided by the number of adults who entered employment: $5,900.

3. *Average Wage at Placement*—Average wage for all adults who entered employment at the time of termination: $4.90.

4. *Welfare Entered Employment Rate*—Number of adult welfare recipients who entered employment at termination as a percentage of the number of adult welfare recipients who terminated: 41%.

Youth

1. *Entered Employment Rate*—Number of youth who entered employment at termination as a percentage of the number of youth who terminated: 41%.

2. *Positive Termination Rate*—Number of youth having a positive termination as a percentage of the number of youth who terminated: 82%.

3. *Cost Per Positive Termination*—Total expenditures for youth divided by the number of youth having a positive termination: $4,900.

The Department will transmit to the Office of Management and Budget (OMB) a proposal relating to the longer term implementation of Section 106 of the Act. The submission to OMB will address: Performance Standards and reporting and recordkeeping requirements, and will be submitted for review under the Paperwork Reduction Act. Notice of submission will be published in the **Federal Register** along with a copy of the document. Inasmuch as this initial notice does not include such reporting and recordkeeping requirements, it need not be submitted to OMB for review.

Dated: April 8, 1983.

Albert Angrisani,

Assistant Secretary of Labor.

[FR Doc. 83-9801 Filed 4-11-83; 9:46 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-83-23-C]

Big Fist Coal Company, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Big Fist Coal Company, Inc., c/o Progressive Training and Research, Star Route, P.O. Box 61, Elkhorn City,

Kentucky 41522 has filed a petition to modify the application of 30 CFR 75–1710 (cabs and canopies) to its No. 3 Mine (I.D. No. 15–11804) located in Pike County, Kentucky. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cabs or canopies be installed on the mine's electric face equipment.

2. The No. 3 Mine is in the Millard coal seam and ranges from 40 to 45 inches in height, with consistent ascending and descending grades, creating dips in the coalbed.

3. Petitioner states that the installation of canopies on the mine's electric face equipment would result in a diminution of safety for the miners affected because the canopies can strike and dislodge the roof support system. The canopies also cause a cramped operator compartment and limit visibility, increasing the chances for an accident.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before May 12, 1983. Copies of the petition are available for inspection at that address.

Dated: March 31, 1983.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 83-9478 Filed 4-11-83; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-83-16-C]

Consolidation Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Consolidation Coal Company, Consol Plaza, Pittsburgh, Pennsylvania 15241 has filed a petition to modify the application of 30 CFR 75.305 (weekly examinations for hazardous conditions) to its Osage No. 3 Mine (I.D. No. 46–01455) located in Monongalia County, West Virginia. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that return air courses be examined in their entirety on a weekly basis.

2. Massive falls have occurred in certain entries which make travel in these entries dangerous and practically impossible. Rehabilitation of these entries would expose miners to extremely hazardous conditions.

3. The ventilation between checkpoints 2 and 8 in the airways included in the petition is only required to maintain a positive flow in these headings and is not required for escapeway facilities.

4. As an alternate method, petitioner proposes to establish and maintain specified checkpoints to measure pressure differential and take air and methane readings on a daily basis. Results of the examinations will be kept in a book at each station and one located on the surface.

5. Petitioner states that the proposed alternate method will provide the same degree of safety for that miners affected as the afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before May 12, 1983. Copies of the petition are available for inspection at that address.

Dated: March 31, 1983.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 83-9479 Filed 4-11-83; 8:45 am]

BILLING CODE 4510-43-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Museum Advisory Panel (Special Exhibitions); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Museum Advisory Panel (Special Exhibitions) to the National Council on the Arts will be held May 2–5, 1983, from 9:00 a.m–5:30 p.m. at the Nancy Hanks Center, 1100 Pennsylvania Avenue, N.W., Washington, D.C., 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of Feburary 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9 (b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C., 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

April 7, 1983.

[FR Doc. 83-9836 Filed 4-11-83; 8:45 am]

BILLING CODE 7537-01-M

Visual Arts Advisory Panel (Artists Nominations Section); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Visual Arts Advisory Panel (Artists Nominations Section) to the National Council on the Arts will be held on May 10, 1983, from 10:00 a.m.–5:00 p.m. at the U.S. Court House, Seattle, WA.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation regarding the selection of artists to be commissioned to create works of art for Federal buildings under construction or renovation. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

April 7, 1983.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 83-9837 Filed 4-11-83; 8:45 am]

BILLING CODE 7537-01-M

Visual Arts Advisory Panel (Artists Nominations Section); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Visual Arts Advisory Panel (Artists Nominations Section) to the National Council on the Arts will be held on April 25, 1983, from 10:00 a.m.—5:00 p.m. in the U.S. Court House, Portland, OR.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation regarding the selection of artists to be commissioned to create works of art for Federal buildings under construction or renovation. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(b) of section 522b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C., 20506, or call (202) 634-6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

April 7, 1983.

[FR Doc. 83-9629 Filed 4-11-83; 8:45 am]

BILLING CODE 7537-01-M

NATIONAL SCIENCE FOUNDATION

Adoption of Statement of Principles Related to the Use and Operation of National Science Foundation-Supported Research Instrumentation and Facilities

AGENCY: National Science Foundation.

ACTION: Notice of Adoption of Statement of Principles Related to the Use and Operation of National Science Foundation-Supported Research Instrumentation and Facilities.

SUMMARY: The National Science Foundation (NSF) has undertaken a review of its policy toward involvement of commercial and industrial firms with research facilities and equipment that the NSF supports. In 1981 an internal NSF task force published two interim committee reports relating to that policy for public comment. **Federal Register,** June 10, 1981 (46 FR 30739). After reviewing comments received, the NSF prepared a Proposed Statement of Principles as NFF policy. That statement was published for public comment in the **Federal Register,** June 4, 1982, and a public meeting was held on July 29, 1982 to hear comments from interested parties. Based on written comments received and opinions expressed at the public meeting, NSF revised the Statement of Principles and proposed to establish a policy based on a statement published for further comment in the **Federal Register** on October 7, 1982 (47 FR 44448). After considering comments received on that proposed statement, the National Science Board adopted a statement of principles on January 21, 1983, which is contained in the NSF Important Notice set out below. Also shown below as an attachment to the Important Notice are the NSF guidelines implementing the NSB's statement of principles.

ADDRESS: National Science Foundation, Office of the General Counsel, Room 501, Washington, DC 20550.

FOR FURTHER INFORMATION CONTACT: Charles H. Herz, General Counsel National Science Foundation.

[Notice No. 91]

Important Notice to Presidents of Universities and Colleges and Heads of Other National Science Foundation Grantee Organizations

March 11, 1983.

Subject: Principles Related to the Use and Operation of National Science Foundation-Supported Research Instrumentation and Facilities.

Over the past several years the National Science Foundation (NSF) has considered the development of a statement of principles and guidelines for the use and operation of NSF-supported research instrumentation and facilities. The following statement on "Principles Related to NSF-Supported Research Instrumentation and Facilities" was unanimously adopted by the National Science Broad at its 241st meeting on January 21, 1983:

The National Science Foundation seeks the maximum productive use of the Nation's scientific instrumentation and research expertise. Ensuring that the highest quality instrumentation, facilities, and sevices are available to scientific users, both academic and industrial, is a key requirement, as are harmonious relations and cooperation between industry and universities. Private research and testing laboratories, as well as university, government, and industrial laboratories, have a contribution to make.

The National Science Board recognizes that there may be circumstances where NSF grantees use NSF-supported research instrumentation to provide services in commerce for a fee, to an extent that such practice (1) detracts from the performance of their obligation under the grant, and/or (2) may have a material and deleterious effect on the success of private companies engaged in the provision of equivalent services. It is contrary to the NSF's intent for grantees to use NSF-supported research instrumentation or facilities to provide services for a fee in direct competition with private companies that provide equivalent services.

The attachment provides additional guidelines in this area.

Edward A. Kapp,

Director.

Guidelines Related to the Use and Operation of National Science Foundation Supported Research Instrumentation and Facilities

Introduction

The National Science Foundation Act of 1950, as amended, directs the National Science Foundation (NSF) "to strengthen scientific research potential" of the Nation. The NSF strives to support and stimulate the creation of new scientific knowledge, to encourage the publication and distribution of the results of research performed under its grants, and to foster the education and training of scientific and engineering personnel. The NSF evaluates its programs in light of their ultimate contribution to national capabilities in science and engineering and their potential benefit to the Nation's citizens and the national economy.

NSF support for scientific and engineering research and for the purchase of research instrumentation and facilities has centered on academic institutions. Under certain conditions support is also provided for research in industry and in non-academic not-for-profit organizations. Collaborative research efforts between academic and industrial researchers are strongly encouraged.

In the past, concerns about use of NSF-supported instrumentation have been raised by several groups.

- University scientists and engineers, asking whether research instrumentation provided to them with NSF support may be used by or for the benefit of commercial firms, and—is such use is approved—under what terms and financial arrangements;
- Industrial scientists and engineers, with interest in using such instrumentation, particularly at major facilities, and in supporting or cooperating with university scientists and engineers doing research that uses the instrumentation;
- Commercial research and service laboratories, concerned that NSF-supported research instrumentation has been used on occasion by university personnel to provide services that compete with commercial firms.
- Commercial research and service laboratories, with interest in being considered by the NSF as providers of instrumentation or services for NSF-supported research or as managers for NSF-supported user facilities.

Access to modern research instrumentation is essential to the health of the Nation's science and engineering enterprise. Such access can be provided by dedicated equipment at a research institution, by common or shared in-house research facilities, or by an outside source on a lease or service basis.

Given the high cost of modern research instrumentation and facilities, it is important

that access be provided in the most efficient manner and that available instrumentation and facilities be as fully utilized as practical. NSF therefore encourages the sharing of instrumentation—both among academic institutions and, when appropriate, among the academic, industrial, and public sectors.

For-profit organizations may wish to use NSF-supported research instrumentation and facilities at academic and non-for-profit institutions. While access to highly specialized capabilities of for-profit organizations may also be sought by academic and not-for-profit institutions, research instrumentation at for-profit institutions usually involves no NSF monies. Despite our preference for sharing of instrumentation, *it is contrary to the NSF's intent for grantees to use NSF-supported research instrumentation or facilities to provide services for a fee in direct competition with private companies that provide equivalent services.*

Guidelines

These guidelines should assist NSF grantees, contractors, and others in matters related to the use and operation of instrumentation and facilities obtained with NSF support. These guidelines are directed to academic and other institutions that receive NSF support, in their relationships with or affecting the for-profit sector of the scientific and engineering community. The guidelines do not apply to research relationships between or among academic institutions, Government-owned facilities or centers, or Federal, state, or local governmental organizations.

1. NSF emphasized research in the academic sector because such research serves the dual NSF mission of supporting fundamental research and educating future scientists and engineers. This means, in many cases, that there are distinct advantages to supporting research instrumentation and facilities sited on the campuses.

2. However, in some cases the research and educational values of having such instrumentation and facilities in the academic environment may be outweighed by cost savings or operating efficiencies that can be achieved by having similar instrumentation or facilities provided or operated by non-academic organizations. This may be particularly true where specialized management and maintenance personnel are required, or where the principal use of an instrument or facility is in standardized testing or measurement that adds little to the educational value of the research experience. At times a non-academic organization may have technical or scientific capabilities superior to those available in academia. Under any of these circumstances, NSF grantees and contractors are encouraged to use services provided by non-academic organizations.

3. Proposals to establish and operate NSF-supported research facilities for fundamental research and educational purposes usually will be considered from all sources: academic, other not-for-profit, and for-profit organizations. In considering such proposals, NSF will give due weight to the relative advantages of the management and technical capabilities of each applicant and to the potential differences in student access and availability for educational purposes that each applicant can provide.

4. NSF-supported instrumentation or facilities may be used by or for the for-profit sector only when such use does not constitute provision of services equivalent to services available on a commercial basis. Equivalent commercial services are considered not available when the instrumentation or facilities to be used in performing them are unique, e.g., no commercial firm willing to provide the services possesses either identical instrument or instruments with essentially equal capabilities. Such uniqueness also may be due to the availability of unique personal or organizational expertise or by the proximity of the instruments in the case of fragile or perishable specimens.

However, even if the facility or instrumentation is unique, it should be recognized that extensive or repeated use by for-profit researchers may compromise the purposes for which the facility or instrumentation was provided. Similarly, a series of individual cases that taken singly would have little or no impact may cumulate to have substantial impact for commercial suppliers of comparable services.

Although each case should be judged individually, some examples may help clarify what is expected:

- Research requiring the use of a synchrotron light source is not presently likely to entail questions of existing commercial capabilities or commercial competition.
- A small firm in the southeast asks a university within a half-day's drive to perform a surface analysis on experimental material. The specimen is fragile or perishable and must be hand carried. The work will require one hour of instrument time. No repeat is expected. The nearest comparable commercial instrumentation is approximately the same distance away. The university should decide to refuse the request of the small company.
- The same conditions prevail, except that the nearest comparable commercial instrumentation is in Michigan. The small firm has checked with available express parcel delivery services, and has concluded that the specimen would be at risk because of its fragility or perishability and must be hand carried. Considering the one hour of instrument time for an analysis that is not expected to be repeated, together with the travel time required to hand carry the sample, the university could decide to provide the requested assistance in this case.

In considering whether equivalent services are available on a commercial basis in the United States, a facility or instrumentation operator should assure that a reasonable search had been conducted for such services in the commercial market. Such a search might include contact by the operator with knowledgeable people in the scientific field involved, vendors of similar testing services, or other researchers. Alternatively, the operator might rely on written statements by the applicant for-profit organization that it had canvassed suppliers of similar services and that it was unable to obtain equivalent services for reasons set forth. The operator might require the applicant to check with a sufficient number of sources and document the unavailability or describe the uniqueness of the facilities to the operator's satisfaction in terms of performance limits, expertise, proximity and perishability, or other legitimate distinguishing features.

5. If no equivalent services are commercially available, then such services may be made available to for-profit users at the option of the holder of the NSF-supported instrumentation or facility at a fee to be negotiated between the holder and the proposed user. In determining appropriate fees consideration should be given to the nature of the research or services; whether the results will be publicly available, or proprietary; and the estimate of the full cost of providing such services.

6. The NSF does not expect questions of uniqueness or approprite fees to be submitted to it for consideration or approval. NSF will not entertain challenges or protests on individual cases. Any disagreements should be handled in accordance with each instrumentation or facility operator's own procedures. Before use of NSF-supported instrumentation or facilities by or on behalf of for-profit organizations, operator institutions should have policies and mechanisms for properly addressing the principles and guidelines contained in this statement with respect to making reasonable judgments on "uniqueness" and "equivalency" and with respect to providing fair and adequate consideration of challenges to such findings.

7. Funds generated by charges for use of unique NSF-supported instrumentation or facilities by for-profit organizations should be used by the institution holding the instrumentation or facilities to offset the cost of services, to support the maintenance or operation of the instruments, or for further research or education in the sciences or engineering unless otherwise provided by the NSF grant.

8. NSF strongly encourages collaborative research efforts between academic and industrial scientists and engineers. Such research is regarded as though it were solely academic for purposes of these guidelines. However, research is regarded as collaborative only if both the academic and industrial researchers have real and substantial personal intellectual involvement in joint planning and conduct of experiments, observations, or the like. Arrangements in which the academic researcher provides little beyond access to university-based instrumentation or facilities are not collaborative research as intended here, nor is private consulting by an academic researcher. NSF recognizes that collaborative research efforts may sometimes involve acquisition of an instrument or a facility using funds provided by a for-profit organization together with funds provided by NSF, under an agreement which provides the for-profit sponsor with special access or other benefits with respect to the instrument or facility. NSF generally encourages such shared funding and does not intend that these

guidelines normally be an impediment to such arrangements. However, where the primary interest of the for-profit sponsor in such an agreement is acquisition of services equivalently available from the commercial sector, these guidelines apply.

[FR Doc. 83-9638 Filed 4-11-83; 8:45 am]
BILLING CODE 7590-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-220]

Niagara Mohawk Power Corporation (Nine Mile Point Nuclear Station Unit No. 1); Order Confirming Licensee Commitments on Post-TMI Related Issues

Correction

In FR Doc. 83-8399 beginning on page 14782 in the issue of Tuesday, April 5, 1983, make the following correction: On page 14783, at the end of Attachment 2 insert

[FR Doc. 83-8399 Filed 4-4-83; 8:45 am]
BILLING CODE 1505-01-M

OFFICE OF PERSONNEL MANAGEMENT

Proposed Issuance of Form For OMB Review

AGENCY: Office of Personnel Management.

ACTION: Notice of proposed issuance of a form submitted to OMB for clearance.

SUMMARY: In accordance with the Paperwork Reduction Act of 1980, this notice announces the proposed issuance of a form which collects information from the public. Optional Form 300, Qualification Analysis and Appraisal of Candidates for Supervisory Positions, is completed by employers and/or co-workers of applicants for supervisory positions throughout the Federal government. The Qualification Standard for Supervisory positions in General Schedule Occupations (GS-15 and below) contained in Handbook X-118, Qualification Standards for White-Collar Positions Under the General Schedule, recommends the use of this form to facilitate the collection of information used in evaluating condidates. For copies of the proposal, call John P. Weld, Agency Clearance Officer, on (202) 632-7720.

DATES: Comments on this proposal should be received within 10 working days from date of this publication.

ADDRESSES: Send or deliver comments to:
John P. Weld, Agency Clearance Officer, U.S. Office of Personnel Management, 1900 E Street, N.W., Room 6869, Washington, D.C. 20415 and
Frank Reeder, Information Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503

FOR FURTHER INFORMATION CONTACT:
John P. Weld, (202) 632-7720.

Office of Personnel Management.
Donald J. Devine,
Director.

[FR Doc. 83-9615 Filed 4-11-83; 8:45 am]
BILLING CODE 6325-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 19652; (SR-Amex-83-3)]

American Stock Exchange, Inc.; Order Approving Proposed Rule Change

April 5, 1983.

The American Stock Exchange, Inc. ("Amex"), 86 Trinity Place, New York, NY 10006, submitted on February 10, 1983, copies of a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b-4 thereunder, to amend Amex Rules 131 and 154 to allow percentage orders to be converted and executed on "zero plus" ticks (for buy orders) and "zero minus" ticks (for sell orders) when the order causing the conversion is at least 5,000 shares.[1]

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission Release (Securities Exchange Act Release No. 19541, February 25, 1983) and by publication in the **Federal Register** (48 FR 9411, March 4, 1983). No comments were received with respect to the proposed rule change.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6 and the rules and the regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 83-8522 Filed 4-11-83; 8:45 am]
BILLING CODE 8010-01-M

[1] The Commission recently has approved an Amex rule change (SR-Amex-82-21) that amended the definition of percentage order in Amex Rule 131 to differentiate between "straight limit," "last sale," and "buy minus—sell plus" percentage orders, and to add commentary to Amex Rule 154 describing the procedures followed by specialists when receiving and executing percentage orders. Securities Exchange Act Release No. 19466, January 28, 1983; 48 FR 5627, February 7, 1983.

[Release No. 19654; SR-NYSE-83-6]

New York Stock Exchange, Inc.; Order Approving Proposed Rule Change

April 5, 1983.

The New York Stock Exchange, Inc. ("NYSE") 11 Wall Street, New York, New York 10005; submitted on February 7, 1983, copies of a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b-4 thereunder, to establish formal criteria which will be used as guidelines by the Exchange's Subcommittee on Floor Facilities ("Subcommittee") for the allocation and reassignment of trading floor booth space. The guidelines for the allocation of floor booth space provide, among other things, that prior to an initial assignment of booth space to a member or member organization, applications are to be submitted to the Subcommittee, which will evaluate the applications in light of certain criteria, which include: (1) Consideration of the type of business (acting as a dealer, regional, retail or institutional firm); (2) the actual or anticipated volume of orders; (3) the amount and type of equipment needed; and (4) the number of operational personnel needed, such as members, order clerks, and two-dollar brokers. The proposed rule change also provides guidelines for the reassignment of booth space including: (1) elimination of the practice of member "sub-leasing" of floor booth space; (2) reallocation of booth space following the merger of two firms; and (3) periodic review of space utilization by Exchange staff in order to provide for full utilization. In addition, the proposed rule change provides that any member who requests an opportunity to personally appear before the Subcommittee in connection with an application for assignment of floor booth space be afforded such opportunity. Any member affected by a proposed reassignment of previously allocated floor space will be specifically invited to appear before the Subcommittee before any action is taken. Thereafter, the affected member has the right to avail himself of the formal Exchange hearing procedures under NYSE Rule 475(a).

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission Release (Securities Exchange Act Release No. 19514, February 18, 1983) and by publication in the **Federal Register** (48 FR 8378, February 28, 1983). No comments were received with respect to the proposed rule filing.

Since the Exchange does not have an unlimited amount of booth space on the floor, it is necessary for the Exchange to devise some method for allocating available space. The Commission veiws the criteria to be used by the Subcommittee in allocating and reassigning floor booth space as a reasonable means to achieving an efficient use of Exhange floor space and facilities. Accordingly, the Commission does not view the proposed criteria or procedures as imposing any burden on competition not necessary or appropriate in furtherance of the Act. In the Commission's view, the proposed criteria for the allocation of floor booth space appear to serve a valid purpose in permitting the Exchange to assign such space based on the specific nature or needs of the member's business. The proposed criteria for the reassignment of booth space, including elimination of member sub-leasing of booth space, also serves a valid purpose in assisting the Exchange in utilizing its limited floor space in an efficient and equitable manner.[1]

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-9610 Filed 4-11-83; 8:45 am]

BILLING CODE 8010-01-M

[1] Exchange members are afforded the opportunity to appear before the Subcommittee in connection with an application for booth space or a proposed Subcommittee reassignment of booth space. Furthermore, procedures under NYSE Rule 475(a) are available to any person with respect to claims of prohibition or limitation to access to Exchange services.

[Release No. 13139; 812-5393]

Raymond Industries Inc; Filing of Application

April 5, 1983.

In the Matter of; RAYMOND INDUSTRIES INC., 217 Smith Street, Middletown, Connecticut 06457; (812-5393) notice of filing of application for an order pursuant to Sections 2(a)(9) and 3(2) of the Act declaring that Applicant is not an investment company, or alternatively, for an order pursuant to Section 6(c) exempting applicant from all provisions of the Act.

Notice is hereby given that Raymond Industries Inc., ("Applicant"), a Connecticut Corporation, filed an application on December 13, 1982, and amendment thereto on March 15, 1983, for an order of the Commission pursuant to Sections 2(a)(9) and 3(b)(2) of the Investment Company act of 1940 ("act"), declaring Applicant is primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding or trading in securities, either directly or through majority-owned subsidiaries or through controlled companies conducting similar types of businesses, or, in the alternative, pursuant to Section 6(c) of the Act, exempting Applicant from all of the provisions of the Act and any rule regulation thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The application states that Applicant is the parent company of three consolidated subsidiaries that produce electromechanical and electronic devices and torquing equipment (Raymond Engineering Inc.), heating products (Safeway Products Inc.) and time recording equipment and telephone system components (rapidprint Inc.). Applicant states that it also participates in the oilfield services industry through its 24.6% equity interest in Teleco, which provides measurement-while-drilling services to drillers of oil and gas wells.

According to the application, Applicant was founded in 1938 to provide contract research and development services (principally machine design and electromechanical product design) for industrial clients. Applicant states that it was incorporated in Connecticut in 1943 under the name Raymond Engineering Laboratory, Incorporated. Applicant states that, during World War II, it produced sophisticated safing, arming and fuzing devices for use in a variety of weapons systems for the U.S. military. Applicant asserts that it continues (through Raymond Engineering Inc.) to be a major supplier of these devices today.

Applicant states that, in July of 1969, it acquired Safeway Products Inc. ("Safeway") and Rapidprint Inc. ("rapidprint"), thereby adding product lines that were not principally dependent on the military market. Applicant further states that, in 1970, Applicant, then known as "Raymond Precision Industries Inc.", reorganized into a holding company by transferring its traditional precision electromechanical and electronics business to a newly created subsidiary, Raymond Engineering Inc. ("REI").

The application states that, in 1972, Applicant and Societe Nationale Elf Aquitaine ("SNEA"), a major French oil company, organized Teleco Oil field Services Inc. ("Teleco"), a Delaware corporation, to pool the technology and development work each had been doing independently in the area of a process known as measurement-while-drilling. Applicant states that, initially, it owned 51% of Teleco's voting stock and SNEA owned the balance. Applicant states that Teleco effected an $11,000,000 primary public offering of its common stock in April of 1979, and that, after the public offering, Applicant owned 35.6% of Teleco's common stock and SNEA owned 33.9%. Applicant states that its ownership position in Teleco has been further reduced by an exchange offer made by Applicant in 1980 involving Teleco common stock owned by Applicant, and by a public offering and related private sale of Teleco common stock by Teleco in 1981. Applicant represents that it presently owns approximately 24.6% of Teleco's outstanding common stock and SNEA owns approximately 33.7%.

Applicant states that, immediately prior to Teleco's initial public offering, Applicant and SNEA entered into a voting agreement under which they have the power to elect all of Teleco's directors. Applicant states that the voting agreement obligates each party to vote against any amendments to the charter or by-laws of Teleco, unless both agree to vote in favor thereof. Applicant states that, in addition, the agreement provides that immediately prior to any transfer of Teleco Stock by Applicant or SNEA, the effect of which would be to reduce their combined ownership to 50% or less, they both will, upon request of either, vote in favor of a charter amendment requiring cumulative voting for the election of directors. Applicant states that the voting agreement continues in effect until

April, 1989, so long as each party owns at least 10% of Teleco's outstanding common stock. The application states that Applicant and SNEA each has a right of first refusal to purchase the other's shares of Teleco stock (except for certain shares acquired by SNEA in 1981) prior to the transfer thereof. Applicant states that the by-laws of Teleco contain provisions that require that certain significant matters be approved by a supermajority of all the directors. Applicant states that, in addition, because Teleco's authorized common stock is only slightly greater than the amount outstanding, the issuance of a significant number of shares require an amendment to Teleco's charter which, under the voting agreement between Applicant and SNEA, cannot be done without Applicant's consent. Applicant states that, although not required by any agreement with SNEA, the Chairman of Applicant, George Raymond, continues to serve as Chairman of Teleco.

Applicant states that, in order to avoid a forced sale of its assets (in particular, REI) at an inopportune time, Applicant decided to convert REI into a publicly held company. Applicant asserts that by creating a public market for its REI stock, if Applicant were forced to liquidate, it would be able to distribute its remaining shares of REI stock upon liquidation, while assuring its shareholders liquidity for such shares. Applicant states that, on December 14, 1982, Applicant sold 475,000 of its REI shares to the public at a price of $15.75 per share. Applicant states that, following the offering, and a simultaneous issuance of 9,916 shares of REI common stock to REI employees under its Restricted Stock Plan, Applicant owned 690,000 shares (53.9%) of the 1,279,916 shares of outstanding REI common stock. Applicant represents that it continues to own 100% of the stock of Safeway and Rapidprint.

Applicant submits that, as a result of its holdings of Teleco common stock, Applicant falls within the definition of an investment company pursuant to Section 3(a)(3) of the Act. Applicant represents that REI historically has accounted for the majority of Applicant's sales, operating assets and (disregarding the noncash benefit of Applicant's equity in Teleco's earnings) earnings. Applicant states that it is not comfortable that, following REI's public offereing (after which REI is no longer a wholly owned subsidiary), it can be held to be primarily engaged in businesses other than that of investing, reinvesting, owning, holding or trading in securities through Safeway and Rapidprint, its remaining wholly owned subsidiaries, alone.

Section 3(b)(2) of the Act, however, excepts from the definition of an investment company any issuer which the Commission, upon application by such issuer, finds and by order declares to be primarily engaged in a business or businesses other than of investing, reinvesting, owning, holding, or trading in securities either directly or (A) through majority-owned subsidiaries or (B) through controlled companies conducting similar types of businesses. Applicant requests that the Commission issue an order under Section 3(b)(2) of the Act finding and declaring that it is primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding or trading in securities through (A) its majority-owned subsidiaries and (B) through a controlled company and also requests that the Commission issue an order under Section 2(a))9) of tha Act finding that Applicant controls Teleco.

Applicant states that, since its founding, it has been engaged in sophisticated electronic and electromechanical engineering and development.

Applicant represents that, even though as it grew its corporate structure became more complicated, it has never been other than an operating company concerned with the management and development of its subsidiaries. Applicant represents that it has never professed a policy of being other than engaged in the businesses of its subsidiaries, including Teleco.

Applicant states that its officers are primarily operating and financial personnel, most of them with engineering backgrounds. Applicant represents that its officers have historically devoted their full time to the management of the operations of Applicant and its subsidiaries, and none are engaged in securities trading or portfolio management (other than customary cash management activities). Applicant represents that its board of directors has historically devoted its attention principally to the activities, needs, and problems of Applicant's subsidiaries. Applicant states that directors' meetings typically include reviews of the operations and plans of Applicant's consolidated subsidaries and reports on Teleco. Applicant further states that the compensation of the officers of Applicant and its subsidiaries (including REI until its public offering) are determined by the compensation committee of Applicant's board. Applicant represents that it takes an active role in the management of Teleco through its representations on the board of directors and the committees of Teleco. Applicant states that its three representatives on Teleco's seven-man board include Applicant's President and the President of Safeway.

The application states the Applicant's assets consist principally of its investments in REI, Teleco and its wholly owned subsidiaries. According to the application, the bid price of Teleco's common stock was $14.50 per share on December 31, 1982, giving a market value for Applicant's 2,030,114 shares of Teleco stock of approximately $29,437,000. Applicant states that, using the December 31, 1982 last bid price for REI shares of $15.50, Applicant's REI shares had a market value on December 31, 1982 of $10,695,000. The application states that the other assets of Applicant (including cash items) are its investments in its wholly-owned subsidiaries, miscellaneous office equipment, furniture, automobiles and other assets. The application states that, on a market value basis, Applicant's total unconsolidated assets (exclusive of cash items) on December 31, 1982 were approximately $47,391,000. The application further states that Teleco shares represented approximately 62% of its total unconsolidatd assets (exclusive of cash items) on December 31, 1982.

Applicant states that its consolidated net earnings for the year ended December 31, 1982 were $5,365,000. Applicant states that, of this amount, $1,454,000 (27%) represented Applicant's equity in Teleco's net earnings. Applicant states that earnings for the year ended December 31, 1982 benefited from a net gain of $1,763,000 realized upon the sale of Applicant's REI shares. Applicant further states that the balance of consolidated net earnings in both years was provided almost entirely from the sales of Applicant's three consolidated subsidiaries, with REI accounting for the largest share. According to the application, for the year ended December 31, 1982, REI represented 66.6% of Applicant's sales and 88% of Applicant's operating profit. Applicant maintains that, even after the sale of REI shares by Applicant, REI will represent by far the single most significant contributor to Applicant's income.

The application states that Applicant has, since December 31, 1982, invested the proceeds of the REI sales plus additional funds in an $8,000,000 portfolio of high-yield securities, the

income from which will be used for operating expenses and other cash needs. Applicant asserts that this portfolio is expected to generate approximately $850,000 of annual pre-tax income. Applicant states that, in addition, Teleco has paid its first dividend, in an amount of $101,000. Applicant asserts that if these amounts had been received in 1982, income from investment securities would still have represented less than 20% of its pre-tax earnings (excluding equity in Teleco's earnings). Applicant represents that, until recently, it has derived no cash income from Teleco, and it anticipates that its Teleco dividends in the next few years will not be material to its overall income.

Section 6(c) of the Act provides, in part, that the Commission may upon application, conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities of transactions, from any of the provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicant requests that the order be made retroactive to February 10, 1983, the day before the expiration of the 60-day period that commenced upon the filing by Applicant of its original application during which Applicant was exempt from all of the provisions of the Act as provided by Section 3(b)(2), so that Applicant is exempt as provided in such order commencing on that date.

Notice is further given that any interested person wishing to request a hearing on the application may, not later then April 29, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-9609 Filed 4-11-83; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 34-19644; File No. S7-966]

Program for Allocation of Regulatory Responsibilities Pursuant to Rule 17d-2

AGENCY: Securities and Exchange Commission.

ACTION: Notice of filing of Amex/CBOE/MSE/NASD/NYSE/PSE/Phlx options plan.

SUMMARY: Six national securities exchanges and the National Association of Securities Dealers, Inc. ("SROs") have filed a plan with the Securities and Exchange Commission which would allocate regulatory responsibility for certain options-related sales practice matters to one of the designated SRO's which is a participant in the plan with respect to a broker or dealer which is a member of more than one SRO. The plan would reduce regulatory duplication relative to options-related sales practice matters for a large number of firms currently members of two or more of the SRO's and would represent a more effective and efficient utilization of the available resources of each participating SRO.

DATE: Comments must be received on or before May 16, 1983.

ADDRESS: Persons wishing to submit written views, data and comments should file six (6) copies thereof with George A.Fitzsimmons, Secretary, Securities and Exchange Commission, 450 5th Street, NW., Washington D.C. 20549. All comments should refer to File No. S7-966. Copies of the submission and of all written comments will be available for public inspection at the Commission's Public Reference Room, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: James Moody at (202) 272-7375 or Elizabeth S. York at (202) 272-2377, Division of Market Regulation, Securities and Exchange Commission, 450 5th Street, NW., Washington, D.C 20549.

SUPPLEMENTARY INFORMATION: Pursuant to Rule 17d-2(c) of the Securities and Exchange Act of 1934 (the "Act"), 17 CFR 240.17d-2(c), the Securities and Exchange Commission (the "Commission") is publishing notice that the American Stock exchange, Inc. ("Amex"), the Chicago Board Options Exchange, Inc. ("CBOE"), the Midwest Stock Exchange, Inc. ("MSE"), the National Association of Securities Dealers, Inc, ("NASD") the New York Stock Exchange, Inc. ("NYSE"), the Pacific Stock Exchange Inc. ("PSE"), and the Philadelphia Stock Exchange, Inc. ("Phlx") have filed with the Commission a plan for the allocation of regulatory responsibilities pursuant to Rule 17d-2.

I. Introduction

Section 19(g)(1) of the Act, among other things, requires every national securities exchange and registered securities association ("SRO") to examine for and enforce compliance by its members and persons associated with its members with the Act, the rules and regulations thereunder and the SROs own rules unless relieved of this responsibility under Section 17(d) or 19(g)(2) of the Act. For a broker or dealer that belongs to more than one SRO ("dual member"), this statutory obligation could result in a pattern of multiple examinations by each SRO, creating unnecessary regulatory duplication and added expenses for a firm and the industry.

Section 17(d)(1) of the Act was intended, in part, to eliminate overlaps and gaps in the regulatory pattern.[1] With respect to a dual member, Section 17(d)(1) authorizes the Commission, by rule or order, to relieve an SRO of the responsibility to receive regulatory reports, to examine for and enforce compliance with applicable statutes, rules and regulations, or to perform other specified regulatory functions.

Rule 17d-1 under the Act, 17 CFR 240.17d-1, was adopted by the Commission on April 20, 1976. The rule authorizes the Commission to name a single SRO as the designated examining authority ("DEA") to examine dual members for compliance with the Act and Commission and SROs rules and regulations relating to financial responsibility. Once an SRO has been named a dual member's DEA, all other SROs to which the dual member belongs are relieved on the responsibility to examine the firm for compliance with financial responsibility rules.

On its face, Rule 17d-1 deals with financial responsibility compliance and no other aspect of SRO's responsibilities. Thus, every SRO continues to be obligated, whether or not it is the DEA, to examine a dual member for compliance with its own rules and provisions of the Act and rules

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[1] Securities Acts Amendments of 1975, Report of the Senate Committee on Banking, Housing, and Urban Affairs to Accompany S. 249. S. Rep. No. 94-75, 94th Cong., 1st Sess. 32 (1975).

and regulations thereunder governing matters other than financial responsibility. Such matters include options-related sales practice matters.

On October 28, 1976, the Commission adopted Rule 17d-2 under the Act, 17 CFR 240.17d-2.[2] The rule permits SROs to join in proposing plans for allocating the regulatory responsibilities imposed by the Act with respect to dual members. Rule 17d–2(c) provides that the Commission will publish notice of the filing of the proposed plan and provide an opportunity for comment on the plan. Commission approval of a plan filed pursuant ot Rule 17d–2 relieves an SRO of those regulatory responsibilities allocated by the plan to another SRO.

II. The Proposed Plan

The proposed plan [3] filed by the SROs is intended to reduce regulatory duplication for a large number of firms currently members of two or more SROs by allocating regulatory responsibility for certain options-related sales practice matters to one designated SRO. A brief description of the general operation of the plan follows.

Under the plan, the SRO to whom a firm is designated will be responsible for conducting options-related sales practice examinations and investigating options-related customer complaints and terminations for cause of associated persons during the time that the firm is designated to the SRO. After approval of the plan, any other SRO of which the firm is a member will accordingly be relieved of such responsibility during the period the firm is assigned to another SRO. The responsible SRO will be known as the firm's Designated Options Examining Authority" (the "DOEA").[4]

A. Examinations and Disciplinary Proceedings

The DOEA will be responsible for examining for compliance by a firm with the provisions of applicable federal securities laws and the rules and regulations thereunder, its own rules and the rules of any SRO of which a firm is a member. The DOEA will have enforcement responsibility with respect to apparent violations of applicable federal securities laws and the rules and regulations thereunder, the DOEA's rules and the rules of any participating SRO which are comparable to a federal and/or DOEA rule. Violation of such rules will be enforced and disciplinary action taken by the DOEA.[5] However, enforcement responsibility and disciplinary action for violations relating to transactions executed on the floor of, and to unique rules of, a non-DOEA will remain that of the relevant SRO.

B. Procedures for Furnishing Examination Results

Reports on the results of examinations of firms subject to the plan (*i.e.*, firms which are members of two or more participating SROs) will be made in the following manner.

Apparent violations of a serious nature involving the floor of a non-DOEA participating SRO will be communicated to that SRO as soon as the problem has been identified by the DOEA.

A report of all examinations completed will be made by the DOEA to all participating SROs of which a firm is a member. This report will include the name of the firm examined and the examination results. If an examination results in the taking of formal disciplinary action by the DOEA, a copy of the dispositive document will be forwarded routinely to all participating SROs of which a firm is a member.

Apparent violations of unique rules will be forwarded to the relevant SRO as soon as the examination report has been reviewed by an appropriate staff supervisory person of the DOEA.

Should the DOEA staff believe that an examination reveals a situation that may affect the ability of a firm to continue its public options business, all participating SROs of which the firm is a member will be notified promptly.

C. Access to Examination Reports

All examination reports relating to firms subject to the plan will be available for review, at any time, by all participating SROs of which the firm is a member.

D. Customer Complaints and Termination for Cause

Participating SROs are required to give the DOEA copies of all customer complaints not uniquely related to a non-DOEA's market, as well as terminations for cause of registered personnel received by them relative to a firm for which the SRO is not the DOEA.

E. Special Situations

The parties have agreed to share information relative to potential violations of rules for which they have joint compliance responsibility, *i.e.*, not options sales practice related such as capping or pegging on the floors of one or more of the SROs, and will cooperate with each other in conducting examinations of or promptly providing relevant data related to such potential violations when requested to do so. Responsibility for the disciplinary process arising out of conduct central to or uniquely related to the market of a participating SRO, which is not the DOEA, will be handled by the non-DOEA SRO unless it chooses to allow the DOEA to handle such process.

F. The Allocation Procedure

In order to administer the allocation of responsibility, the SROs are proposing in this plan the formation of an Options Self-Regulatory Council ("Council") composed of representatives from each of the participating SROs. The Council will periodically reallocate firms subject to the plan, *i.e.*, there will be some form of DOEA rotation among the SROs for firms which they have in common. The Council will reallocate the firms subject to the plan at least once every two years, but no sooner than one year following the prior general reallocation. Four factors will be considered when reallocating firms subject to the plan. They are:

1. Parity; [6]

2. Appointment as DOEA of common members will be rotated among those SROs which seek appointment as such;

3. If conditions warrant, an SRO may be continued as DOEA for one or more firms; and

4. If an SRO to which a common member belongs has not served as DOEA and requests to do so, such must be done, unless there are two or more SROs who qualify. If so, the Council will choose the DOEA.

III. Request for Comment

In order to assist the Commission in determining whether to approve this plan and relieve those SROs which are not the DOEA as to a common member of regulatory responsibility with respect to the matters allocated to the DOEA, interested persons are invited to submit written data, views and comments concerning the proposed plan on or before May 16, 1983.

Dated: April 1, 1983.

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[2] Securities Exchange Act Release No. 12935 (October 28, 1976), 41 FR 49093 (November 8, 1976).

[3] Unless otherwise indicated all of the responsibilities referred to in the release discussing the plan pertain to "option-related" sales practice activity.

[4] Under the plan, only the Amex, CBOE, NASD and NYSE are DOEAs.

[5] Such actions include Formal Complaints, Formal Charges or Letters of Admission, Waiver and Consent.

[6] Parity means that, to the extent feasible, each SRO shall, after the reallocation process, be the DOEA for the same number of firms as it was prior to such reallocation.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-9008 Filed 4-11-83; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 09/09-0301]

HMS Capital, Ltd.; Application for a License to Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 611 *et seq*), has been filed by HMS Capital, Ltd., 1500 Newell Avenue, Suite 1020, Walnut Creek, California 94596 with the Small Business Administration (SBA), pursuant to 13 CFR 107.102 (1982).

The officers, directors and stockholders of the applicant are as follows:

Michael C. Hone, President, 99 Eucalyptus Road, Berkeley, California 94705.

Susan Hone, Vice President, and Secretary, 3 Tanglewood Road, Berkeley, California 94705.

Richard Pospisill, Director, 16530 Stevens Canyon, Cupertino, California.

William R. Shapiro, Director, 3746—21st Street, San Francisco, California 94114.

Jerome M. Paros, 1509 NE 69th Street, Redmond, Washington 98052.

The Applicant, a California corporation, with its principal place of business at 1500 Newell Avenue, Suite 702, Walnut Creek, California 94596, will begin operations with $510,000 paid-in capital and paid-in surplus.

The applicant will conduct its activities principally in the State of California.

Matters involved in SBA's consideration of the application include the general business reputation and character of proposed managers, and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Notice is hereby given that any person may, not later than 15 days from the date of publication of this Notice, submit written comments to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this notice will be published in a newspaper of general circulation in Walnut Creek, California.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.

Dated: April 1, 1983.

Edwin T. Holloway,

Associate Administrator for Finance and Investment.

[FR Doc. 83-9442 Filed 4-11-83; 8:45 am]

BILLING CODE 8025-01-M

Region I—Advisory Council; Public Meeting

The Small Business Administration Region I Advisory Council, located in the geographical area of Concord, will hold a public meeting at 10:00 a.m., Tuesday, May 3, 1983, in the Federal Building, 55 Pleasant Street, Concord, New Hampshire, Room 304, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Bert Teague, District Director, U.S. Small Business Administration, 55 Pleasant Street, Concord, New Hampshire 03301, (603) 224-4041.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.

April 5, 1983.

[FR Doc. 83-9441 Filed 4-11-83; 8:45 am]

BILLING CODE 8025-01-M

Region III—Advisory Council; Public Meeting

The Small Business Administration Region III Advisory Council, located in the geographical area of Towson, will hold a public meeting at the Sheraton Inn Frederick, 5400 Sheraton Drive, I-270 at Maryland Route 85, Frederick, Maryland on May 16 and 17, 1983, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call J. Arnold Feldman, District Director, U.S. Small Business Administration, 8600 La Salle Road, 630 Oxford Building, Towson, Maryland 21204, (301) 962-2054.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.

April 5, 1983.

[FR Doc. 83-9440 Filed 4-11-83; 8:45 am]

BILLING CODE 8025-01-M

[License No. 03/03-0138]

TDH Capital Corp.; Notice of License Surrender

Notice is hereby given that TDH Capital Corporation, Two Radnor Corporate Center, Radnor, Pennsylvania 19087, has surrendered its license to operate as a small business investment company under the Small Business Investment Act of 1958, as amended (the Act). TDH Capital Corporation was licensed by the Small Business Administration on December 22, 1978.

Under the authority vested by the Act and pursuant to the Regulations promulgated thereunder, the surrender of the license was accepted on March 31, 1983, and accordingly, all rights, privileges, and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: April 6, 1983.

Edwin T. Holloway,

Associate Administrator for Finance and Investment.

[FR Doc. 83-9646 Filed 4-11-83; 8:45 am]

BILLING CODE 8025-01-M

Region IV Advisory Council Meeting; Public Meeting

The Small Business Administration Region IV Advisory Council, located in the geographical area of Jackson, will hold a public meeting at 9:00 a.m., on Thursday, May 19, 1983, at the Research & Development Center, Room 130, Educational Complex, 3825 Ridgewood Road, Jackson, Mississippi, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Thomas M. Short, Acting District Director, U.S. Small Business Administration, 322 Federal Building, 100 West Capitol Street, Jackson, Mississippi 39269, (601) 960-4363.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.

April 6, 1983.

[FR Doc. 83-9647 Filed 4-11-83; 8:45 am]

BILLING CODE 8025-01-M

VETERANS ADMINISTRATION

Agency Form Under OMB Review

AGENCY: Veterans Administration.

ACTION: Notice.

SUMMARY: The Veterans Administration has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). This document consists of an extended form. The entry contains the following information: (1) The department or staff office issuing the form; (2) The title of the form; (3) The agency form number, if applicable; (4) How often the form must be filled out; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to fill out the form; and (8) An indication of whether section 3504(H) of P.L. 96–511 applies.

ADDRESSES: Copies of the proposed form and supporting documents may be obtained from Patricia Viers, Agency Clearance Officer (004A2), Veterans Administration, 810 Vermont Avenue, NW, Washington DC, (202) 389–2146. Comments and questions about the items on this list should be directed to the VA's OMB Desk Officer, Joseph Lackey, Office of Management and Budget, 726 Jackson Place, NW, Washington, DC 20503, (202) 395–7316.

DATES: Comments on the form should be directed to the OMB Desk Officer within 60 days of this notice.

Dated: April 1, 1983.

By direction of the Administrator.

Dominick Onorato

Associate Deputy Administrator for Information Resources Management.

Extension

(1) Office of Construction
(2) Architect-Engineer Fee Proposal
(3) VA Form 08–6298
(4) When requested by the Office of Construction
(5) Architect-Engineer Firms
(6) 200
(7) 4 hours
(8) Section 3504(H) of Pub. L. 96–511 does not apply.

FR Doc. 83–9817 Filed 4–11–83; 8:45 am]
BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 71
Tuesday, April 12, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL ENERGY REGULATORY COMMISSION

April 6, 1983.

TIME AND DATE: 10 a.m., April 13, 1983.

PLACE: Room 9306, 825 North Capitol Street, N.E., Washington, D.C. 20426

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary, telephone (202) 357-8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevent to the items on the agenda; however, all public documents may be examined in the division of public information.

Consent Power Agenda—768th Meeting, April 13, 1983, (10 a.m.)

CAP-1. Project No. 2811-002, Public Utility District No. 1 of Klickitat County, Washington
CAP-2. Project No. 2888-003, City of Redding, California
CAP-3. Project No. 6944-001, Douglas Water Power Co.
CAP-4. Project No. 3415-002, Southeastern Renewable Resources, Inc., and the Town of Grafton, West Virginia; Project No. 3972-000, Energenics Systems, Inc.; Project No. 4151-001, City of Bedford, et al.
CAP-5. Project No. 3417-004, Southeastern Renewable Resources, Inc., and the Town of Grafton, West Virginia; Project No. 3476-001, Noah Corp.; Project No. 4067-001, City of Bedford, et al.; Project No. 4239-001, City of Philippi, West Virginia; Project No. 4255-001, Taylor County Commission and the Town of Flemington, West Virginia
CAP-6. Project No. 6307-002, Lawrence J. McMurtrey
CAP-7. Project No. 6097-002, Douglas Pegar; Project No. 6628-000, Waterfall Electric Co.
CAP-8. Project No. 6167-002, Ronald Rulofson
CAP-9. Project No. 5906-002, North Canal Waterworks
CAP-10. Project No. 6156-002, Milton and Morris Zack; Project No. 6885-001, Richard Moss
CAP-11. Project No. 2157-013, et al., Public Utility District No. 1 of Snohomish County and City of Everett, Washington
CAP-12. Docket No. HB55-74-1-001, Puget Sound Power & Light Co.
CAP-13. Docket No. ER81-620-001, Public Service Co. of New Hampshire
CAP-14. Docket No. ER82-769-002, Minnesota Power & Light Co.
CAP-15. Docket Nos. ER82-774-003, ER83-209-001 and ER83-227-001, Tapoco, Inc.; Docket Nos. ER82-829-001 and ER83-219-001, Nantahala Power & Light Co.
CAP-16. Docket Nos. ER83-348-000, ER83-349-000, ER83-350-000, ER82-412-000, and ER80-250-000, et al., Kansas Gas & Electric Co.
CAP-17. Docket No. ER83-342-000, Vermont Electric Power Co., Inc.; Docket No. ER83-343-000, Vermont Yankee Nuclear Power Co.
CAP-18. Docket Nos. ER83-333-000 and ER83-351-000, Dayton Power & Light Co.
CAP-19. Docket No. ER81-450-000, Union Electric Co.
CAP-20. Docket No. ER81-141-000, Potomac Edison Co.
CAP-21. Docket Nos. ER81-764-000 and 002, Minnesota Power & Light Co.
CAP-22. Docket No. EL83-11-000, Virginia Electric & Power Co.

Consent Miscellaneous Agenda

CAM-1. Docket No. RM79-76-131 (Oklahoma—4), High-cost gas produced from tight formations
CAM-2. Docket No. RM79-76-143 (Texas—20 addition), High-cost gas produced from tight formations
CAM-3. Docket No. RM79-76-144 (Texas—25), High-cost gas produced from tight formations
CAM-4. Docket No. RM79-76-145 (Texas—26), High-cost gas produced from tight formations
CAM-5. Docket No. RM79-76-146 (Nebraska—1 addition), High-cost gas produced from tight formations
CAM-6. Docket Nos. RM79-76-146 (Texas—22 addition) and RM79-76-157 (Texas—22 addition II), High-cost gas produced from tight formations
CAM-7. Docket No. RM79-76-155 (Utah—7), High-cost gas produced from tight formations
CAM-8. Docket No. RM79-76-157 (Texas—7 addition II), High-cost gas produced from tight formations
CAM-9. Docket No. RA82-29-000, Dunigan Operating Co.
CAM-10. Docket No. R079-7-001, Propane Gas & Appliance Co; Docket No. RO81-20-001, L.E. Jones Production Co.; Docket No. RO81-61-001, Dalton J. Woods
CAM-11. Docket No. RO80-10-001, Getty Oil Co.

Consent Gas Agenda

CAG-1. Docket No. TA83-1-22-000 (PGA83-1, IPR83-1 and AP83-1), Consolidated Gas Supply Corp.
CAG-2. Docket No. TA83-1-5-003, Midwestern Gas Transmission Co.
CAG-3. Docket No. TA83-1-21-002, (PGA83-2, IPR83-1 and AP83-1), Columbia Gas Transmission Corp.
CAG-4. Omitted
CAG-5. Docket No. RP83-47-002, Tennessee Gas Pipe Line Co., a Division of Tenneco, Inc.
CAG-6. Docket Nos. RP74-41-022, 023 and 024 (remand), Texas Eastern Transmission Corp.
CAG-7. Docket No. RP82-55-000, Transcontinental Gas Pipe Line Corp.
CAG-8. Docket No. RP81-009, United Gas Pipe Line Co.
CAG-9. Docket No. RP73-43-005 (PGA79-1 and TT79-2), Mid Louisiana Gas Co.
CAG-10. Docket Nos. OR79-1-000, 017 and 018, Williams Pipe Line Co.
CAG-11. Docket Nos. OR78-1-011 and 014, Trans Alaska Pipeline System.
CAG-12. Docket No. IS83-27-001, Exxon Pipe Line Co.
CAG-13. Docket Nos. IS80-14-000 and IS81-115-000, et al., American Petrofina Pipe Line Co., et al.
CAG-14. Docket Nos. IS82-173-000 and

OR78-1-000, et al., Amerada Hess Pipeline Corp.
CAG-15. Docket No. ST83-83-000, South Texas Gathering Co.
CAG-16. Docket No. ST82-319-001, Tennessee Gas Pipeline Co., a Division of Tenneco Inc.
CAG-17. Docket No. ST83-114-000, Seagull Shoreline System.
CAG-18. Docket No. ST81-43-001, Rocky Mountain Natural Gas Co., Inc.
CAG-19. Docket No. TC81-6-000, Texas Gas Transmission Corp.
CAG-20. Docket No. CP83-138-000, Northwest Pipeline Corp.
CAG-21. Docket No. CP81-58-000, Colorado Interstate Gas Co.
CAG-22. Docket Nos. CP74-138-006, 007, 008 and 009, et al., Truckline LNG Co., et al.
CAG-23. Docket No. CP82-107-002, Tennessee Gas Pipeline Co., a Division of Tenneco Inc.
CAG-24. Docket No. CP82-366-001, Kansas-Nebraska Natural Gas Co., Inc.
CAG-25. Docket No. CP82-499-001, Tennessee Gas Pipeline Co., a Division of Tenneco Inc., Columbia Gulf Transmission Co. and United Gas Pipe Line Co.
CAG-26. Docket Nos. CP83-14-000, 001, 002, 003 and 004, Northern Natural Gas Co., Division of Internorth, Inc.
CAG-27. Docket No. CP76-362-004, et al., Texas Eastern Transmission Corp.
CAG-28. Docket No. CP83-171-000, Arkansas Louisiana Gas Co.
CAG-29. Docket No. CP83-161-000, Lone Star Gas Co., a Division of Enserch Corp.
CAG-30. Docket No. CP78-467-001, Columbia Gas Transmission Corp.; Docket No. CP79-14-002, Texas Eastern Transmission Corp. and Consolidated Gas Supply Corp.
CAG-31. Docket No. CP77-358-004, Texas Eastern Transmission Corp.
CAG-32. Docket Nos. RI74-188-014 and RI75-21-009, Independent Oil & Gas Association of West Virginia.

I. Licensed Project Matters

P-1. Project No. 344-001, Southern California Edison Co.
P-2. Project No. 6775-00, Winchester Water Control District and Elektra Power Corp.

II. Electric Rate Matters

ER-1. Docket No. ER78-417-00, Kentucky Utilities Co.
ER-2. Docket No. EF80-2011-001 (remand), U.S. Department of Energy, Bonneville Power Administration
ER-3. Docket Nos. EF81-2011-000 and EF82-2011-001, U.S. Department of Energy—Bonneville Power Administration

Miscellaneous Agenda

M-1. Reserved
M-2. Reserved
M-3. Docket No. RM81-29-000, Sales and Transportation by Interstate Pipelines and Distributors
M-4. Docket No. RM80-47-002, et al., regulations implementing Section 110 of the Natural Gas Policy of 1978, and establishing policy under the Natural Gas Act
M-5. Docket No. RM80-47-004, et al., regulations implementing Section 110 of the Natural Gas Policy of 1978, and establishing policy under the Natural Gas Act
M-6. Docket No. GP83-7-000, Amoco Production Co.
M-7. Omitted
M-8. Docket No. GP81-43-000, MCOR Oil & Gas Corp.

Gas Agenda

I. Pipeline Rate Matters

RP-1. Docket Nos. RP79-10-002 and RP80-134-007, Great Lakes Gas Transmission Co.
RP-2. Omitted
RP-3. Docket No. RP80-106-000, Trunkline Gas Co.

II. Producer Matters

CI-1. Reserved

III. Pipeline Certificate Matters

CP-1. Docket No. CP77-459-002, Midwestern Gas Transmission Co.; Docket No. CP77-520-004, Tennessee Gas Pipeline Co., a Division of Tenneco Inc.
CP-2. Docket No. CP83-157-000, Trunkline Gas Co. and Panhandle Eastern Pipe Line Co.

Kenneth F. Plumb,

Secretary.

[S-508-83 Filed 4-6-83; 10:42 am]

BILLING CODE 6717-01-M

2

POSTAL SERVICE

(Board of Governors)

Vote To Close Meeting

At its meeting of April 5, 1983, the Board of Governors of the United States Postal Service unanimously voted to close to public observation its meeting scheduled for May 2, 1983. The meeting will consist of a discussion of Postal Service strategic planning.

The Board is of the opinion that public access to this discussion would be likely to disclose information that will become involved in future rate litigation.

Accordingly, the Board of Governors has determined that, pursuant to section 552b(c)(3) of title 5, United States Code, and section 7.3(c) of title 39, Code of Federal Regulations, this meeting is exempt from the open meeting requirement of the Government in the Sunshine Act (5 U.S.C. 552b(b)), because it is likely to disclose information in connection with proceedings under chapter 36 of title 39 (having to do with postal ratemaking, mail classification, and changes in postal services), which is specifically exempted from disclosure by section 410(c)(4) of title 39, United States Code. The Board determined further that, pursuant to section 552b(c)(10) of title 5 and section 7.3(j) of title 39, Code of Federal Regulations, the discussion is exempt because it is likely to specifically concern the participation of the Postal Service in a civil action or proceeding or the litigation of a particular case involving a determination on the record after opportunity for a hearing. The Board further determined that the public interest does not rquire that the Board's discussion of this matter be open to the public.

In accordance with section 552b(f)(1) of title 5, United States Code, and section 7.6(a) of title 39, Code of Federal Regulations, the General Counsel of the United States Postal Service has certified that in his opinion the meeting to be closed may properly be closed to public observation, purusant to sections 552b(c)(3), and (10) of title 5 and section 410(c)(4) of title 39, United States Code, and sections 7.3 (c) and (j) of title 39, Code of Federal Regulations.

Louis A. Cox,

Secretary.

[S507-83 Filed 4-7-83; 4:41 pm]

BILLING CODE 7710-12-M

3

SECURITIES AND EXCHANGE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: To be Published.

STATUS: Open meeting.

PLACE: 450 5th Street NW., Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Monday, April 4, 1983.

CHANGES IN THE MEETING: Additional item. The following additional item will

be considered at an open meeting scheduled for Thursday, April 14, 1983, at 10 a.m. in Room 1C30:

Consideration of whether to issue a rule proposal for amendments to the portions of the Industry Guides for Statistical Disclosures by Bank Holding Companies relating to disclosures about nonperforming loans and certain foreign loans. For further information, please contact Marc D. Oken at (202) 272–2157.

Commissioner Evans, as duty officer, determined that Commission business required the above change and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any matters have been added, deleted or postponed, please contact: Jerry Marlatt at (202) 272–2092.

April 7, 1983.

[S–506–83 Filed 4–7–83; 4:05 pm]

BILLING CODE 8010–01–M

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federal register

Tuesday
April 12, 1983

Part II

Department of the Interior

Minerals Management Service

Outer Continental Shelf, Central Gulf of Mexico; Oil and Gas Lease Offering (May 1983)

4310-MR

UNITED STATES
DEPARTMENT OF THE INTERIOR
MINERALS MANAGEMENT SERVICE

Outer Continental Shelf, Central Gulf of Mexico
Oil and Gas Lease Offering (May 1983)

1. Authority. This Notice is published pursuant to the Outer Continental Shelf (OCS) Lands Act of 1953 (43 U.S.C. 1331-1343), as amended (92 Stat. 629), and the regulations issued thereunder (30 CFR Part 256, formerly 43 CFR Part 3300; see the Federal Register at 47 FR 47006, October 22, 1982). A revision of those regulations appeared in the Federal Register of June 16, 1982, at 47 FR 25967 and 26031.

2. Filing of Bids. Sealed bids will be received by the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Boulevard, Metairie, Louisiana 70002. Bids may be delivered in person to the above address until the Bid Submission Deadline at 10:00 a.m., c.s.t., May 24, 1983. Bids will not be accepted on May 25, 1983, the day of Bid Opening. Delivery by mail should be addressed to P.O. Box 7944, Metairie, Louisiana 70010, and must be received by the Bid Submission Deadline. Bids received by the Regional Manager later than the time and date specified above will be returned unopened to the bidders. Bids may not be modified unless written modification is received by the Regional Manager prior to 10:00 a.m., c.s.t., May 24, 1983. Bids may not be withdrawn unless written withdrawal is received by the Regional Manager prior to 8:30 a.m., c.s.t., May 25, 1983. Bid Opening Time will be 9 a.m., c.s.t., May 25, 1983, at the Louisiana Superdome, Gate "C", Hyatt Ramp Level, Rooms 3, 4, and 5, 1500 Poydras St., New Orleans, Louisiana. All bids must be submitted and will be considered in accordance with applicable regulations, including 30 CFR Part 256. The list of restricted joint bidders which applies to this offering appears in this issue of the Federal Register immediately following this Notice.

3. Method of Bidding. Tract numbers will not be used. A separate bid in a sealed envelope, labeled "Sealed Bid for Oil and Gas Lease (insert offering name, map number(s) and name(s) (if applicable), and block number(s)), not to be opened until 9:00 a.m., c.s.t., May 25, 1983," must be submitted for each block or prescribed bidding unit bid upon. For example, a block would be identified as follows: "Central Gulf of Mexico (May 1983), NH 16-10, Mississippi Canyon, Block 1009." For those blocks which must be bid on together as a bidding unit (see paragraph 12, below), all block numbers of blocks comprising the bidding unit must appear in the label on the sealed envelope. A suggested bid form appears in 30 CFR Part 256, Appendix A. In addition, the total amount bid must be in whole dollar amounts (no cents). Bidders must submit with each bid one-fifth of the cash bonus in cash or by cashier's check, bank draft, or certified check, payable to the order of the Minerals Management Service. No bid for less than all of the unleased portions of a block or bidding unit will be considered. Bidders are advised to use the description "All the Unleased Federal Portion" for those blocks having only aliquot portions currently available for leasing. Partnerships also need to submit or have on file a list of signatories authorized to bind the partnership. All documents must be executed in conformance with signatory authorizations on file. Bidders submitting joint bids must state on the bid form the proportionate interest of each participating bidder in percent to a maximum of five decimal places after the decimal point, e.g., 50.12345 percent. Other documents may be required of bidders under 30 CFR 256.46. Bidders are warned against violation of 18 U.S.C. 1860 prohibiting unlawful combination or intimidation of bidders.

4. Bidding Systems. All bids submitted at this offering must provide for a cash bonus in the amount of $150 or more per acre or fraction thereof. All leases awarded for this offering will provide for a yearly rental payment of $3 per acre or fraction thereof. The bidding systems to be utilized for this offering apply to blocks or bidding units as shown on the map entitled "Central Gulf of Mexico Lease Offering, May 1983, Stipulations, Lease Terms, and Bidding Systems, Final" available from the Gulf of Mexico OCS Regional Office. Specific requirements of the various systems are as follows:

(a) Bonus Bidding With a Fixed Sliding Scale Royalty. Bids on blocks or bidding units offered under this system must be submitted on a cash bonus basis with the percent royalty due in amount or value of production fixed according to the sliding scale formula described below. This formula fixes the percent royalty at a level determined by the value of lease production during each calendar quarter. For purposes of determining the royalty percent due on production during a quarter, the value of production during the quarter will be adjusted for inflation as described below. The determination of the value of the production on which royalty is due will be made pursuant to 30 CFR 250.64.

The fixed sliding scale formula operates as follows:

The fixed sliding scale formula operates as follows:

When the quarterly value of production, adjusted for inflation, is less than or equal to $20.873434 million, a royalty of 12.50000 percent in amount or value of production will be due on the unadjusted value or amount of production. When the adjusted quarterly value of production is equal to or greater than $20.873435 million, but less than or equal to $37,740.050000 million, the royalty percent due on the unadjusted value or amount of production is given by:

$$Rj = b[Ln\ (Vj/S)]$$

where Rj = the percent royalty that is due and payable on the unadjusted amount or value of all production in quarter j

b = 7.0

Ln = natural logarithm

Vj = the value of production in quarter j, adjusted for inflation, in millions of dollars

S = 3.5

When the adjusted quarterly value of production is equal to or greater than $37,740.060000 million, a royalty of 65.00000 percent in amount or value of production will be due on the unadjusted quarterly value of production. Thus, in no instance will the quarterly royalty due exceed 65.00000 percent in amount or value of quarterly production.

In determining the quarterly percent royalty due, Rj, the calculation will be carried to five decimal places (for example, 18.56224 percent).

This calculation will incorporate the adjusted quarterly value of production, Vj, in millions of dollars, rounded to the sixth digit, i.e., the nearest dollar; for example, $49.625834 million.

The form of the sliding scale royalty schedule is illustrated in Figure 1. Note that the effective quarterly royalty rate depends upon the inflation adjusted quarterly value of production. However, this rate is applied to the unadjusted quarterly value of production to determine the royalty payments due.

In adjusting the quarterly value of production for use in calculating the percent royalty due on production during the quarter, the actual value of production will be adjusted to account for the effects of inflation by dividing the actual value of production by the following inflation adjustment factor. The inflation adjustment factor used will be the ratio of the GNP fixed weighted price index for the calendar quarter preceding the quarter of

Figure 1
Form of the Sliding Scale Royalty Schedule

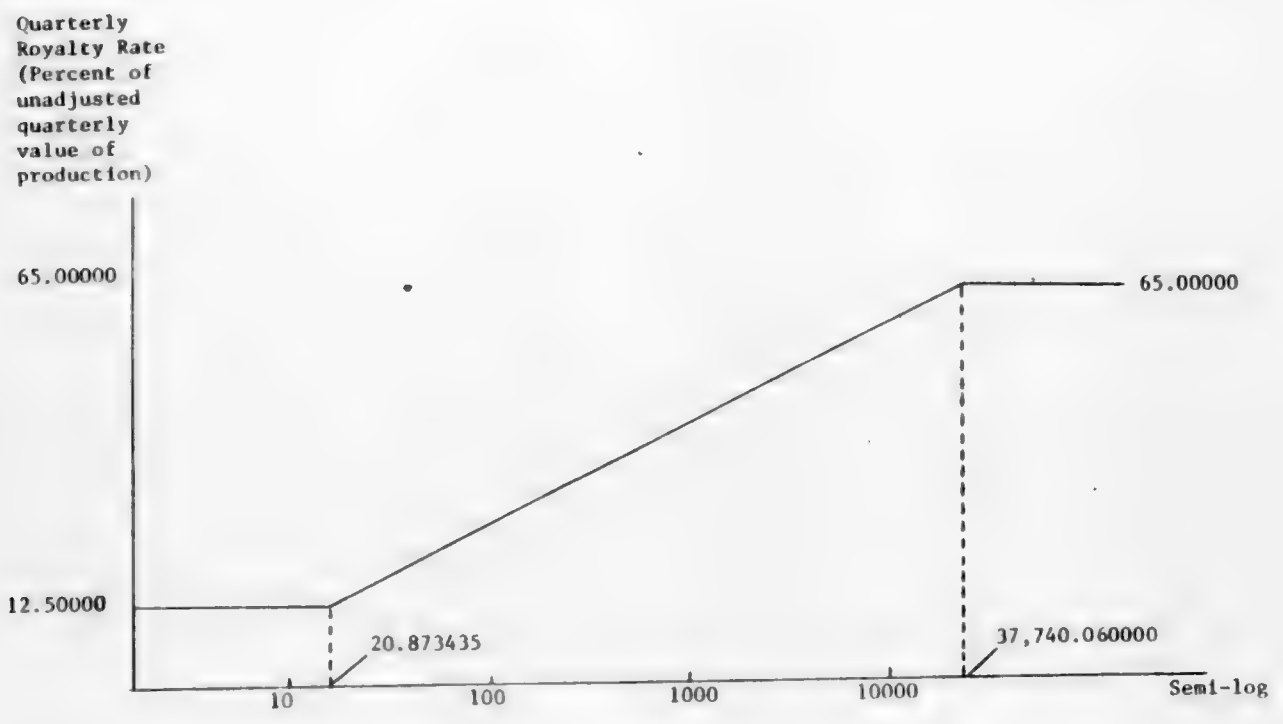

TABLE 1. HYPOTHETICAL QUARTERLY ROYALTY CALCULATIONS

(A) Actual Value of Quarterly Production (Millions of Dollars)	(B) GNP Fixed Weighted Price Index	(C) Inflation Factor[1]	(D) Adjusted Value of Quarterly Production[2] (Vj, Millions of $)	(E) Percent Royalty Rate (Rj)	(F) Royalty Payment[3] (Millions of Dollars)
10.000000	200.0	4/3	7.500000	12.50000	1.25000
30.000000	200.0	4/3	22.500000	13.02527	3.90758
90.000000	200.0	4/3	67.500000	20.71555	18.64400
270.000000	200.0	4/3	202.500000	28.40584	76.69577
810.000000	200.0	4/3	607.500000	36.09612	292.37857
10.000000	250.0	5/3	6.000000	12.50000	1.25000
30.000000	250.0	5/3	18.000000	12.50000	3.75000
90.000000	250.0	5/3	54.000000	19.15355	17.23820
270.000000	250.0	5/3	162.000000	26.84383	72.47834
810.000000	250.0	5/3	486.000000	34.53412	279.72637

1 Column (B) divided by 150.0 (assumed value of GNP fixed weighted price index at time leases are issued).

2 Column (A) divided by Inflation Factor.

3 Column (A) times Column (E) divided by 100. All values are rounded for display purposes only.

6. Bid Opening. Bids will be opened starting at the Bid Opening Time, stated in paragraph 2 above. The opening of the bids is for the sole purpose

production to the value of that index for the quarter preceding the issuance of the lease. The GNP fixed weighted price index is published monthly in the

production to the value of that index for the quarter preceding the issuance of the lease. The GNP fixed weighted price index is published monthly in the Survey of Current Business by the Bureau of Economic Analysis, U.S. Department of Commerce. The percent royalty will be due and payable on the actual amount or value of production as determined pursuant to 30 CFR 250.64. The timing of procedures for inflation adjustments and determinations of the royalty due will be specified at a later date. Table 1 provides hypothetical examples of quarterly royalty calculations using the sliding scale formula just described under two different values for the quarterly price index. All leases awarded under this system will provide for a minimum royalty of $3 per acre or fraction thereof.

(b) Bonus Bidding with a 12 1/2 Percent Royalty. Bids on the blocks or bidding units offered under this system must be submitted on a cash bonus basis with a fixed royalty of 12 1/2 percent. All leases awarded under this system will provide for a minimum royalty payment of $3 per acre or fraction thereof.

(c) Bonus Bidding with a 16 2/3 Percent Royalty. Bids on the blocks or bidding units offered under this system must be submitted on a cash bonus basis with a fixed royalty of 16 2/3 percent. All leases awarded under this system will provide for a minimum royalty payment of $3 per acre or fraction thereof.

(d) Bonus Bidding with a Fixed Net Profit Share. Bids on blocks or bidding units offered under this system must be submitted on a cash bonus basis with the fixed net profit share rate and the capital recovery factor indicated on the map entitled "Central Gulf of Mexico Lease Offering, May 1983, Stipulations, Lease Terms and Bidding Systems, Final" as applicable to the block(s) bid upon. The net profit share payment shall be calculated according to regulations currently codified in 30 CFR 261 (formerly 10 CFR 390--originally promulgated by the Department of Energy, 45 FR 36784; see the Federal Register of January 11, 1983, at 48 FR 1181).

5. Equal Opportunity. Each bidder must have submitted by the Bid Submission Deadline, stated in paragraph 2 above, the certification required by 41 CFR 60-1.7(b) and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, on the Compliance Report Certification Form, Form 1140-8 (June 1982) and the Affirmative Action Representation Form, Form 1140-7 (June 1982). See Item 14, "Information to Bidders."

6. Bid Opening. Bids will be opened starting at the Bid Opening Time, stated in paragraph 2 above. The opening of the bids is for the sole purpose of publicly announcing bids received, and no bids will be accepted or rejected at that time. If the Department is prohibited for any reason (including the number of bids submitted) from opening and announcing any bid before midnight, on the day specified in Bid Opening Time, stated in paragraph 2 above, the Regional Manager will make a determination that: either such a bid will be returned unopened to the bidder as soon thereafter as possible; or that such a bid will be opened and announced on the following day at a time and location to be announced at the original Bid Opening site.

7. Deposit of Payment. Any cash, cashier's checks, certified checks, or bank drafts submitted with a bid may be deposited by the Government in a suspense account in the U.S. Treasury during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bid on behalf of the United States.

8. Withdrawal of Blocks. The United States reserves the right to withdraw any block from this offering prior to issuance of a written acceptance of a bid for the block.

9. Acceptance, Rejection or Return of Bids. The United States reserves the right to reject any and all bids. In any case, no bid will be accepted and no lease for any block or bidding unit will be awarded to any bidder unless:

(a) the bidder has complied with all requirements of this notice and applicable regulations;

(b) the bid is the highest valid bid; and

(c) the amount of the bid has been determined to be adequate by the authorized officer.

No bonus bid will be considered for acceptance unless it provides for a cash bonus in the amount of $150 or more per acre or fraction thereof. Any bid submitted which does not conform to the requirements of this Notice, the OCS Lands Act, as amended, or applicable regulations, may be returned to the person submitting that bid by the Regional Manager and not considered for acceptance.

10. Successful Bidders. Each person who has submitted a bid accepted by the authorized officer will be required to execute copies of the lease specified below, pay the balance of the cash bonus together with the first year's annual rental, and satisfy the bonding requirements of 30 CFR 256 Subpart I within the time provided in 30 CFR 256.47, as amended. A modification of payments procedures for successful bidders appeared in the latest revision of the regulations discussed in paragraph 1 above. The changes do not apply to the submission of the one-fifth bonus with bids, described in paragraph 3 above.

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11. Leasing Maps/Official Protraction Diagrams. Blocks or bidding units offered for lease may be located on the following Leasing Maps/Official Protraction Diagrams which may be purchased from the Gulf of Mexico OCS Regional Office:

(a) Outer Continental Shelf Leasing Maps - Louisiana Nos. 1 through 12. This is a set of 27 maps which sells for $17.

(b) Outer Continental Shelf Official Protraction Diagrams:

NH 16-4 Mobile
NH 16-7 Viosca Knoll
NH 15-12 Ewing Bank
NH 16-10 Mississippi Canyon
NG 15-3 Green Canyon
NG 16-1
NG 15-6 Walker Ridge
NG 16-4
These sell for $2 each.

12. Description of the Areas Offered for Bids.

(a) Acreages of the following types of blocks offered for bid appear on the documents indicated. Acreages of full blocks and partial blocks occurring at the meeting of map borders appear on Leasing Maps and Official Protraction Diagrams (see paragraph 11 above). Acreages of split blocks on the Federal/State boundary appear on the set of drawings entitled "Split Blocks - Central Gulf of Mexico," available from the Gulf of Mexico OCS Regional Office (see paragraph 14 below). Where part of any of the above full, partial or split blocks is under lease (as indicated in (c) below), the acreage available for leasing at this offering is listed in the document entitled "Central Gulf of Mexico Lease Offering (May 1983), Open Acreages for Blocks with Aliquots Under Lease," available from the Gulf of Mexico OCS Regional Office.

(b) In several instances, two or more blocks have been joined together into bidding units totaling less than 5,760 acres. Any bid submitted for a bidding unit having more than one block must be for all of the unleased Federal acreage within all of the blocks in that bidding unit. The list of those bidding units and the total acreage of each one appear on the map entitled "Central Gulf of Mexico Lease Offering, May 1983, Stipulations, Lease Terms and Bidding Systems, Final" available from the Gulf of Mexico OCS Regional Office.

(c) The areas offered for leasing include all those blocks shown on the OCS Leasing Maps and Official Protraction Diagrams listed in paragraph 11 (a) and (b), except for those blocks or parts of blocks described as follows:

(1) Central Gulf of Mexico Leased Lands (NOT available for bidding at this offering):

DESCRIPTIONS OF BLOCKS LISTED REPRESENT ALL FEDERAL ACREAGE LEASED UNLESS OTHERWISE NOTED

Sabine Pass	West Cameron (continued)	West Cameron (continued)	West Cameron West Addition (continued)	West Cameron, South Addition (continued)	West Cameron, South Addition (continued)
3					
5	81	204			
6	83	205	331	609	617
7	90	206	332	610	618
8	91	211	333	613	619
9	92	212	342	618	620
10	94	214	343	619	622
11	95	215	352	622	623
12	96	216	359	623	624
13	97	222	363	625	625
14	101	228	369	628	630
15	102	229	370	630	631
16	106	235	374	631	633
	107	236	375	632	636
West Cameron	109	237	379	633	637
	110	238	380	634	638
17	111	239	392	635	639
18-	112	240	395	636	642
(SW¼)	113	247	405	637	643
20	115	248	406	638	645
21	116	249	409	640	646
(E½, SW¼SW¼,	117	250	425	641	648
22	125	252	426	642	
26	131	258	427	643	East Cameron
27	132	261	428	647	
28	135	264	431	648	1
(N½ NW¼NW¼	136	268	432	649	9-
Zone 2)	137	266	436	651	(E½SW¼,
40	143	277	437	652	SE¼ Zone 2)
41	144	279	443	653	10
42	145	280		669	14-
45	146	281	West Cameron,	662	(N½ NW¼SW¼
46	147	282	South Addition	663	SW¼SW¼)
41 (E½)	148	283		664	18
42	149	284	446	665	23
44-	150		447	669	24
(NW¼NW¼)	153	West Cameron,	459	670	25
45	165	West Addition	463	671	26
47	166		464	673	29
48	167	157	470	674	30
49	170	161	472	675	31
53	171	164	473	676	32
54	172	287	476	686	33
55	173	290	479	687	34
56 (NW¼)	176	291	480	693	35
58	177	293	486	694	36
59	180	294	487	695	39
62	181	295	489	697	40
63	182 (N½)	296	490	698	42
67	192	300	491	705	43
68	193	305	492	706	44
69	194 (S½)	311	493	708	45
69	197	312	494	709	46
69 (N½)	198	313	495	710	47
70	199	317	498	712	48
71	201	318	504	713	49
72	202	320	507 (NE¼)	715	50
79	203	330	508	716	51

Central Gulf of Mexico Leased Lands (NOT available for bidding at this offering), continued:

East Cameron	East Cameron South Addition	Vermilion (continued)	Vermilion (continued)	Vermilion South Addition	S. Marsh Island, North Addition
52	1	1	1	1	1
53	2	2	2	2	2
54	3	3	3	3	3

Central Gulf of Mexico Leased Lands (NOT available for bidding at this offering), continued:

East Cameron (continued)

56
57
58
63
64
65
66
67
71
72
76
81
82
83 (NW¼)
88
89
90
94
96
97
104
105
106
118
119 (N½)
125
129
130
131
142
160 (E½)
194—
(E½E½SE¼)
195 (S½)
204—
(N½N½)
213
215
220
222
229
231
232

East Cameron, South Addition

237
239
240
245
249
254
255
257
258
259
260
261
262
263
264

East Cameron South Addition (continued)

265
267
270
272
273
278
280
281
286
294
321
322
323
330
331
334
335
336
338
339
340
347
348
349
351
352
353
354
359
365
370
371

Vermilion

17
21
22
23
24
25
26
27
28
30
31
33
34
35
36
37
38
39
40
42
43
44
45
46 (N½)
47
50

Vermilion (continued)

51
52
54
56
57
58
59
60
61
64
65
66
67
69
71
72
73
75
76
77
78
79
83
84
86
91
100
101 (S½)
102
103
104
114
115
118
119
120
122
124
131
144
145
146
147
152
153
155
156
159
161
164—
(E½NE¼SW¼;
NE¼SE¼SW¼;
S½NE¼SE¼;
W½SE¼,
SE¼SE¼)
166
167
170
171
175
178—
(W½NW¼NW¼;

Vermilion (continued)

178 (cont'd)
SW¼NW¼;
N½NW¼SW¼)
179
182
190
191
197
201
202
213
214
215
217—
(SW¼;
W½W½SE¼)
218—
(E½SE¼;
E½NW¼SE¼;
NE¼SW¼SE¼)
221
222
225—
(E½NE¼;
NE¼SE¼)
226
228
241
242
245
246
247
248
250
251

Vermilion South Addition

253
255
256
257
258
260
261
262
263
264
265
267
268
271
273
276
277
280
282
287
288
289
292

Vermilion South Addition (continued)

295
296
297
302
303
306
310
311
313
315
318
320
321
325
326
329
330
331
332
336
337
338
339
340
348
350
369
370
372
375
380
381
386
392
397
407

S. Marsh Island, North Addition

207
208
209
210
211
212
213
214
215
216
217
218
219
220
221—
(Landward of
lease 0310
stip. line)
222
223
224

S. Marsh Island, North Addition (continued)

225
226
227
228
229
230—
(Landward of
lease 0310
stip. line)
231
232
234
235
236
237
238
239
240
241—
(Landward of
lease 0310
stip. line)
242
243
244
245
246
249
250
252
253—
(Landward of
lease 0310
stip. line)
255
256
257
260
261
264
265
268
269
273
274
280
281
282
287
288

S. Marsh Island

6
7
8
9
10
11
16
22

Central Gulf of Mexico Leased Lands (NOT available for bidding at this offering), continued:

S. Marsh Island (continued)

23
27
29
33
41
48
49
50
51
57
58
60
61
65
66
67
69

S. Marsh Island, South Addition

72
73
75
76
78
90
95
96
97
98
99
105
106
107
108
109
112
113
114
115
116
118
119
120
122
123
124
125
127
128
130
131
132
133
136
137
139
141
142
143

S. Marsh Island, South Addition (continued)

144
146
149
150
155
156
157
160
161
162
172
173
174
175
176

Eugene Island

9
10
19—
(W½;W½SE¼;
W½E½SE¼—Seaward of the 1975 decree line)
20
21
22
23
24
25
26
27
29
30
32
33
38
39
41
42
43
44
45
46
47
49
50
51
52
53
56
57
58
62
63
64
65 (E½)
71
72

Eugene Island (continued)

74
76
77
79
80
84
88
89
90
92
93 (E½)
95
99
100
105
106
107
108
113A
116
119
120
125
126
128
128A
129
129A
133
135
136
142
146
147
151
152
154
156
158
159
160
164
174
175
176
181
182
188
189
190
191
193
196
198
199
204
205
206
208
214—
(W½W½E½; W½)

Eugene Island (continued)

215
217
218
219
220
221
222
223
224
227
230
231
232
234
235
237
240
243
247 (S½)
251
252
253—
(W½SW¼NW¼)
254 (S½)
255 (S½)
256
257
258
259
260 (SE¼)
261
266

Eugene Island South Addition

267
269
272
273
274
275
276
278
279
284
285
286
287—
(S½; S½N½)
289
292
293
294
295
296
297
298
299
300
301 (S½)
303
305
306
307
308

Eugene Island South Addition (continued)

309
311
312
313
314
315
316
320
321
322
327
329
330
331
332
333
337
338
339
341
342
343
345
348
349
351
352
353
354
360
361
363
364
365
367
372
374
375
377
380
384
385
392
393
396

Ship Shoal

13
14
15
25—
(Seaward of
Zone 2)
26 (SE¼)
27
28
29
30
31

Ship Shoal (continued)

32
33
34
35
37
50
55
61
62
63
64 (W½)
68
69
71 (W½)
72
73
78
81
84
86
87 (N½)
91
93
94—
(S½NE¼; SE¼
Zone 3)
99
102
108
112
113
114
115
117 (N½)
118
119
120 (E½)
128
130
133
134
135
136
145
146
148
149
150
154
156
157
158
164
167
168
169
170
176
177
181
182

Central Gulf of Mexico Leased Lands (NOT available for bidding at this offering), continued:

Ship Shoal (continued)	Ship Shoal, South Addition (continued)	South Timbalier (continued)	South Pelto (continued)	Grand Isle, South Addition	West Delta (continued)
183		148	8	90	91
186	319	151	9	91	92
188	320	152	10	93	93
189	321	156	11	94	94
198	322	160	12	96	95
199	323	161	13	96	96
204	332	162	15		99
205	343	163	18	West Delta	100
206	356	164	19 (W½)		102
207		165	20	21—	103
208	South Timbalier	166	21	(S½N½S½;	104
209		169	23	S½S½)	105
210	11	170	24	22 (E½)	107
211	16	171	25	23	109
214	21	172		24	
215	22	178	Bay Marchand	26	West Delta,
216	23	175		27	South Addition
217	24	176	2	28	
218	26	177	3	29	117
219	27—	182		30	118
222	(N½; N½S½)	183	Grand Isle	31	132
223	28	184		32	133
224	29	185	16	34	134
225 (N½)	31	186	17	35	137
229	34	188 (NW¼)	18	36 (NE¼)	138
230	35	189	19	40	148
232	36	190	20	41	147
233	37	192	21	42	148
	38	195	22	43	152
Ship Shoal, South Addition	47	196	23	44	
	48	200	26	45	South Pass
	50	203	29 (N½)	46	
237	51—	209	30	47	6
238	(Seaward of Zone 3)		32	50	17
239	52	South Timbalier, South Addition	33	57—	27
240	53		34	(SW¼SW¼)	28
241	54		37	58	35
242	55	217	38	61	36
246	59	220	39	62	37
247	59	225	40	63	38
248	60	228	41	67	42
249	66	251	42	68 (S½)	43
250	67	263	43	69	44
251	68	264	44 (N½)	70	45
252	69	266	45	71	46
253	70	270	46	72	48
259	71	274	47	73	49
266	72	284	48	74	50
269	75	287	49	75	51
270	76	292	51	76	54
271	77	292	52	79	55—
272	86	297	53 (W½)	80 (N½;	(Seaward of 1965
274	87	298	54	N½S½;	Decree Line)
278	128	299	63	SW¼SW¼)	56
290	129	300	75	82	57
291—	130	301	76	86	58
(N½; SE¼)	131	314	84	87 (S½)	59
292	133		78 (SW¼)	88	60
293	134	South Pelto	81 (NW¼)	89	61
295	135		82 (NE¼)	90	
296	146	1	83		
302	147	2	85		

Central Gulf of Mexico Leased Lands (NOT available for bidding at this offering), continued:

South Pass, South & East Addition	Main Pass (continued)	Main Pass, South & East Addition (continued)	Viosca Knoll	Mississippi Canyon (continued)
62	95		24	
64	96	268	68	326
65	100	273	204	328
66—	102	277	249	354
(Seaward of 1965	103	278	250	355
Decree Line)	104—	288	251	397
67	(NW¼; N½SW¼)	289	294	398
69	106—	290	295	399
70	(N½N½;	293	813	441
73	N½S½N½,	296	814	485
75	SE¼SE¼NE¼;	298	815	487
77	E½E½SE¼)	299	816	663
78	107—	300	817	707
83	(NW¼NE¼NE¼,	301	863	751
89	NE¼NW¼NE¼,	302	864	
93	W½W½E½, W½)	304	899	Green Canyon
94	108	305	900	
	110	306	907	18
Main Pass	111	308	908	19
	112	310	942	62
6	113—	311	967	63
7—	(E½E½NE¼,	312		89
(N½; N½S½,	E½NE¼SE¼)	313	Ewing Bank	90
Seaward of 1975	114			91
Decree Line)	115	Breton Sound	304	97
18 (S½)	116		305	98
19	117	39	306	104
27	118	40	349	105
28	120	41	350	133
29	121	42	438	134
30	122	53	482	135
37	125	54	525	136
38	126	55	526	137
39	127 (N½)	56	528	138
40	129		872	139
41	129	Chandeleur		140
42	132		Mississippi Canyon	142
43—	133	17		148
(N½, W½NE¼SW¼,	140	25	20	179
NW¼SW¼)	141	32	21	180
44—	142		28	181
(SE¼NE¼;	144	Mobile	63	182
NE¼SE¼)	145		64	183
55	148	778	148	184
56	149	779	149	192
57	150	821	150	428
58 (N½)	151	822	151	471
59—	152—	823	192	472
(Portion Landward	(Seaward of 1965	824	193	
of Zone 3 Line)	Decree Line)	827	194	NG 16-1
60	153	861	195	
64		862	198	Open
68	Main Pass, South	864	267	
72	& East Addition	866	268	Walker Ridge
73		867	280	
74	160	868	281	Open
77	235	870	282	
78	236	905	309	NG 16-4
86	237	906	310	
87	253	908	311	Open
91	254	909	312	
92	266		324	

(1) Although currently unleased and shown on the OCS Official Protraction Diagram Mobile NH 16-4 (Approved October 10, 1972; Revised December 21, 1977), no bids will be accepted on the following blocks

13. Lease Terms and Stipulations.

(a) Leases resulting from this offering will have initial terms

(i) Although currently unleased and shown on the OCS Official Protraction Diagram Mobile NH 16-4 (Approved October 10, 1972; Revised December 21, 1977), no bids will be accepted on the following blocks

Mobile—Blocks	629 through 633
	671 through 679
	681
	686 through 688
	718 through 720
	722
	729 through 732
	765 through 768
	809 through 816
	818 through 820
	825
	860

13. Lease Terms and Stipulations.

(a) Leases resulting from this offering will have initial terms as shown on the map entitled "Central Gulf of Mexico Lease Offering, May 1983, Stipulations, Lease Terms, and Bidding Systems, Final" and will be on Form MMS-2005 (August 1982) (formerly Form 3300-1). Copies of the map and forms are available from the Gulf of Mexico OCS Regional Office.

(b) For leases resulting from this offering for blocks offered on a cash bonus basis with a fixed net profit share, Form MMS-2005 will be amended as follows:

Sec. 4 Rentals. The phrase "which commences prior to a discovery in paying quantities of oil or gas on the leased area" is hereby deleted and replaced by "which commences prior to the date the first net profit share payment becomes due."

Sec. 5 Minimum Royalty. Hereby deleted.

Sec. 6 Royalty on Production. Hereby replaced by Net Profit Share. The lessee agrees to pay a net profit share rate of ___ percent with a ___ capital recovery factor, calculated pursuant to 30 CFR 261.

(c) For leases resulting from this offering for blocks offered on a cash bonus basis with a fixed sliding scale royalty, Form MMS-2005, will be amended as follows:

Sec. 6 Royalty on Production. The lessee agrees to pay the lessor a royalty of that percent in amount or value of production from the leased area as determined by the sliding scale royalty formula as follows. When the quarterly value of production, adjusted for inflation, is less than or equal to $20.873434 million, a royalty of 12.50000 percent in amount or value of production will be due on the unadjusted value or amount of production. When the adjusted quarterly value of production is equal to or greater than $20.873435 million, but less than or equal to $37,740.050000 million, the royalty percent due on the unadjusted value or amount of production is given by

$$Rj = b\,[Ln\,(Vj/S)]$$

where

Rj = the percent royalty that is due and payable on the unadjusted amount or value of production in quarter j

b = 7.0

Ln = natural logarithm

Vj = the value of production in quarter j, adjusted for inflation, in millions of dollars

S = 3.5

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When the adjusted quarterly value of production is equal to or greater than $37,740.060000 million, a royalty of 65.00000 percent in amount or value of production will be due on the unadjusted quarterly value of production. Thus, in no instance will the quarterly royalty due exceed 65.00000 percent in amount or value of quarterly production.

In determining the quarterly percent royalty due, Rj, the calculation will be carried to five decimal places (for example, 18.56224 percent). This calculation will incorporate the adjusted quarterly value of production, Vj, in millions of dollars, rounded to the sixth digit, i.e., to the nearest dollar (for example, 49.625834 millions of dollars). Gas of all kinds (except helium) is subject to royalty. The lessor shall determine whether production royalty shall be paid in amount or value.

(d) The applicability of Stipulation Nos. 1 through 4 that will be included in leases resulting from this offering is as shown on the map entitled "Central Gulf of Mexico Lease Offering, May 1983, Stipulations, Lease Terms, and Bidding Systems, Final" available from the Gulf of Mexico OCS Regional Office. In all stipulations, the term RM refers to the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service.

Stipulation No. 1

If the RM has reason to believe that a site, structure, or object of historical or archeological significance, hereinafter referred to as "cultural resource," may exist in the leased area and gives the lessee written notice that the lessor is enforcing the provisions of this stipulation, the lessee shall, upon receipt of such notice, comply with the following requirements:

(1) Prior to any drilling activity or the construction or placement of any structure for exploration or development on the lease, including but not limited to, well drilling and pipeline and platform placement, hereinafter in this stipulation referred to as "operation," the lessee shall conduct remote sensing surveys and/or prepare a report, as specified by the RM, to determine the potential existence of any cultural resource that may be affected by such operation. All data produced, as well as other pertinent natural and cultural environmental data, shall be examined by an archeologist and geophysicist to determine if indicators are present suggesting the existence of a cultural resource that may be adversely affected by any lease operation. A report of such surveys and assessments prepared by an archeologist and geophysicist shall be submitted by the lessee to the RM.

(2) If such cultural resource indicators are present, the lessee shall: (a) locate the site of the lease operation so as not to affect adversely the identified location; or (b) establish to the satisfaction of the RM, on the basis of further archeological investigation conducted by an archeologist and geophysicist using such survey equipment and techniques as deemed necessary by the RM, either that such operation will not adversely affect the location identified or that the potential cultural resource suggested by the occurrence of the indicators does not exist.

(3) A report of the latter investigation prepared by the archeologist and geophysicist shall be submitted to the RM for review. Should the RM determine that the existence of a cultural resource which may be adversely affected by such operation is sufficiently established to warrant protection, the lessee shall take no action that may result in an adverse effect on such cultural resource until the RM has given direction as to its protection.

In addition, the lessee agrees that if any cultural resource should be discovered during the conduct of any operation on the leased area, he shall report immediately such findings to the RM and make every reasonable effort to protect the cultural resource until the RM gives directions as to its protection.

Stipulation No. 2

(In the Central Gulf of Mexico, Biological Stipulation No. 2 will be included in leases located in the areas so indicated. The high relief banks with their appropriate no activity isobath are as follows:

Bank Name	Isobath (meters)
18 Fathom Lump	85
Bouma Bank	85
Rezak Bank	85
Sidner Bank	85
Sonnier Bank	55
Sackett Bank	85
Ewing Bank	85
Diaphus Bank	85
Alderdice Bank	80
Parker Bank	85
Fishnet Bank	76
Jakkula Bank	85
Sweet Bank[1]	85
28 Fathom Bank	85
29 Fathom Bank	64
Bright Bank	85
Geyer Bank[2]	85
MacNeil Bank[2]	82

[1] Sweet Bank will contain only the first sentence of Stipulation No. 2.

[2] Western Gulf of Mexico bank with portion of "3 Mile Zone" in Central Gulf of Mexico.)

No structures, drilling rigs, or pipelines will be allowed within the listed isobath of the Banks listed above.

Operations within the area shown as "1 Mile Zone" shall be restricted by shunting all drill cuttings and drilling fluids to the bottom through a downpipe that terminates an appropriate distance, but no more than ten

For the purpose of this stipulation, "live bottom areas" are defined as those areas which contain biological assemblages consisting of such sessile invertebrates as sea fans, sea whips, hydroids, anemones, ascidians, sponges,

Operations within the area shown as "1 Mile Zone" shall be restricted by shunting all drill cuttings and drilling fluids to the bottom through a downpipe that terminates an appropriate distance, but no more than ten meters, from the bottom.

Operations within the area shown as "3 Mile Zone" shall be restricted as specified in either (1) or (2) below at the option of the lessee.

(1) All drill cuttings and drilling fluids must be disposed of by shunting the material to the bottom through a downpipe that terminates an appropriate distance, but no more than ten meters, from the bottom.

(2) The operator (lessee) shall submit a monitoring plan. The monitoring plan will be designed to assess the effects of oil and gas exploration and development operations on the biotic communities of the nearby banks.

The monitoring program shall indicate that the monitoring investigations will be conducted by qualified, independent scientific personnel and that these personnel and all required equipment will be available at the time of operations. The monitoring team will submit its findings to the Regional Manager (RM) on a schedule established by the RM, or immediately in case of imminent danger to the biota of the bank resulting directly from drilling or other operations. If it is decided that surface disposal of drilling fluids or cuttings presents no danger to the bank, no further monitoring of that particular well or platform will be required. If, however, the monitoring program indicates that the biota of the bank are being harmed, or if there is a great likelihood that operation of that particular well or platform may cause harm to the biota of the bank, the RM shall require shunting as specified in (1) above or other appropriate operational restrictions.

Stipulation No. 3

(In the Central Gulf of Mexico, Biological Stipulation No. 3 will be included in leases located in the areas so indicated.)

Prior to any drilling activity or the construction or placement of any structure for exploration or development on this lease, including but not limited to well drilling and pipeline and platform placement, the lessee will submit to the Regional Manager (RM) a bathymetry map, prepared utilizing remote sensing and/or other survey techniques. This map will include interpretations for the presence of live bottom areas within a minimum of 1,820 m radius of a proposed exploration or production activity site.

For the purpose of this stipulation, "live bottom areas" are defined as those areas which contain biological assemblages consisting of such sessile invertebrates as sea fans, sea whips, hydroids, anemones, ascidians, sponges, bryozoans, seagrasses, or corals living upon and attached to naturally occurring hard or rocky formations with rough, broken, or smooth topography; or whose lithotope favors the accumulation of turtles, fishes, and other fauna.

If it is determined that the remote sensing data indicate the presence of hard or live bottom areas, the lessee will also submit to the RM photo-documentation of the sea bottom near proposed exploratory drilling sites or proposed platform locations.

If it is determined that live bottom areas might be adversely impacted by the proposed activities, then the RM will require the lessee to undertake any measure deemed economically, environmentally, and technically feasible to protect live bottom areas. These measures may include but are not limited to the following:

(a) the relocation of operations to avoid live bottom areas;

(b) the shunting of all drilling fluids and cuttings in such a manner as to avoid live bottom areas;

(c) the transportation of drilling fluids and cuttings to approved disposal sites;

(d) the monitoring of live bottom areas to assess the adequacy of any mitigation measures taken and the impact of lessee initiated activities.

Stipulation No. 4

(The following stipulation is required of the lessee for operations within each warning area:

Warning Areas Command Headquarters
Central Planning Area

Warning Areas	Warning Areas Command Headquarters
W-155	Naval Air Training Command Training Wing Six Naval Air Station Pensacola, Florida
W-453	Air National Guard Training Site Gulfport, Mississippi
W-92	Naval Air Station New Orleans, Louisiana)

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Hold Harmless

Whether compensation for such damage or injury might be due under a theory of strict or absolute liability or otherwise, the lessee assumes all risks of damage or injury to persons or property, which occur in, on, or above the Outer Continental Shelf, to any persons or to any property of any person or persons who are agents, employees, or invitees of the lessee, its agents, independent contractors, or subcontractors doing business with the lessee in connection with any activities being performed by the lessee in, on, or above the Outer Continental Shelf, if such injury or damage to such person or property occurs by reason of the activities of any Agency of the U.S. Government, its contractors or subcontractors, or any of their officers, agents or employees, being conducted as a part of, or in connection with the programs and activities of the command headquarters listed in the table above.

Nothwithstanding any limitation of the lessee's liability in section 14 of the lease, the lessee assumes this risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of its officers, agents, or employees. The lessee further agrees to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the lessee, and to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the agents, employees, or invitees of the lessee, its agents, or any independent contractors or subcontractors doing business with the lessee in connection with the programs and activities of the aforementioned military installation, whether the same be caused in whole or in part by the negligence or fault of the United States, its contractors, or subcontractors, or any of its officers, agents, or employees and whether such claims might be sustained under a theory of strict or absolute liability or otherwise.

Electromagnetic Emissions

The lessee agrees to control his own electromagnetic emissions and those of his agents, employees, invitees, independent contractors or subcontractors emanating from individual designated defense warning areas in accordance with requirements specified by the commander of the command headquarters listed in the above table to the degree necessary to prevent damage to, or unacceptable interference with, Department of Defense flight, testing or operational activities, conducted within individual designated warning areas. Necessary monitoring control, and coordination with the lessee, his agents, employees, invitees, independant contractors or subcontractors, will be effected by the commander of the appropriate onshore military installation conducting operations in the particular warning area; provided, however, that control of such electromagnetic emission shall in no instance prohibit all manner of electromagnetic communication during any period of time between a lessee, its agents, employees, invitees, independent contractors or subcontractors and onshore facilities.

Operational

The lessee, when operating or causing to be operated on its behalf, boat or aircraft traffic into the individual designated warning areas shall enter into an agreement with the commander of the individual command headquarters listed in the above table, on utilizing an individual designated warning area prior to commencing such traffic. Such an agreement will provide for positive control of boats and aircraft operating into the warning areas at all times.

Stipulation No. 5.

(To be included only in the leases resulting from this offering with the sliding scale royalty bidding system, as indicated on the map entitled "Central Gulf of Mexico Lease Offering, May 1983, Stipulations, Lease Terms and Bidding Systems, Final.")

(a) The royalty rate on production from this lease is subject to consideration for reduction under the same authority that applies to all other oil and gas leases on the Outer Continental Shelf (30 CFR 250.21). The Director, Minerals Management Service, may grant a reduction for only one year at a time and reduction of royalty rates will not be approved unless production has been under way for 1 year or more.

(b) Although the royalty rate specified in section 6(a) of this lease or as subsequently modified in accordance with applicable regulations and stipulations is applicable to all production under this lease, not more than 16 2/3 percent of the production from the lease area may be taken as royalty in amount, except as provided in section 15(d) of this lease; the royalty on any portion of the production from the lease in excess of 16 2/3 percent may only be taken in value of the production from the lease.

Stipulation No. 6.

(To be included only in the leases resulting from this offering under the net profit share bidding system, as indicated on the map entitled "Central Gulf of Mexico Lease Offering, May 1983, Stipulations, Lease Terms, and Bidding Systems, Final.")

The net profit share payment specified in section 6 of this lease may be satisfied in whole or in part by the lessor taking production in amount rather than in value. However, not more than 16 2/3 percent of the production from the lease area may be taken as a net profit share payment in amount, except as provided in section 15(d) of this lease; additional net profit share payments shall be calculated to include the value of such production in excess of 16 2/3 percent.

14. Information to Bidders.

(a) There is available from the Gulf of Mexico OCS Regional Office a set of drawings entitled "Split Blocks - Central Gulf of Mexico," depicting the State-Federal boundary, including the acreage on the Federal side of the line. For complete information on any of the subjects mentioned in this Notice, including copies of the various documents identified as available from the Gulf of Mexico OCS Regional Office, prospective bidders should contact the Regional Supervisor for Leasing, Environment and Studies, at the address stated in paragraph 2, either in writing or by phone (504) 837-4720.

(b) Operations on some of the blocks offered for lease may be restricted by designation of fairways, precautionary zones, anchorages, safety zones, or traffic separation schemes established by the Coast Guard pursuant to the Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.), as amended; or in connection with the Louisiana Offshore Oil Port (LOOP), for

blocks 57 and 59, Grand Isle area. Corps of Engineers permits are required for construction of any artificial islands, installations, and other devices permanently or temporarily attached to the seabed located on the OCS in

15. OCS Orders. Operations on all leases resulting from this offering will be conducted in accordance with the provisions of all Gulf of Mexico OCS Orders, as of their effective dates, and any other applicable OCS Order as it becomes effective.

blocks 57 and 59, Grand Isle area. Corps of Engineers permits are required for construction of any artificial islands, installations, and other devices permanently or temporarily attached to the seabed located on the OCS in accordance with section 4 (e) of the OCS Lands Act, as amended.

(c) Bidders are advised that the Departments of the Interior and Transportation have entered into a Memorandum of Understanding, dated May 6, 1976, concerning the design, installation, operation, and maintenance of offshore pipelines. Bidders should consult both Departments for regulations applicable to offshore pipelines.

(d) Bidders are advised that in accordance with section 16 of each lease offered at this offering, the lessor may require a lessee to operate under a unit, pooling, or drilling agreement. and that the lessor will give particular consideration to requiring unitization in instances where one or more reservoirs underlie two or more leases with either a different royalty rate, a royalty rate based on a sliding scale, or a net profit share payment.

(e) For those blocks identified as having lease terms with an initial period of more than 5 years, bidders are advised that pursuant to 30 CFR 250.34-1(a)(3), the lessee shall submit to MMS either an exploration plan, where required, or a general statement of exploration intention prior to the end of the ninth lease year.

(f) Revisions of Department of Labor regulations on affirmative action requirements for Government contractors (including lessees) have been deferred, pending review of those regulations (see Federal Register of August 25, 1981, at 46 FR 42865 and 42968). Should those changes become effective at any time before the issuance of leases resulting from this offering, section 18 of the lease form, Form MMS-2005 (August 1982), would be deleted from leases resulting from this offering. In addition, existing stocks of the affirmative action forms described in paragraph 5 of this Notice contain language that would be superseded by the revised regulations at 41 CFR 60-1.5(a)(1) and 60-1.7(a)(1). Pending the issuance of revised versions of Forms 1140-7 and 1140-8, submission of Form 1140-7 (June 1982) and Form 1140-8 (June 1982) will not invalidate an otherwise acceptable bid, and the revised regulations' requirements will be deemed to be part of the existing affirmative action forms.

(g) Bidders are cautioned as to the existence of two inactive ordnance disposal areas in the Mississippi Canyon area, shown on the map entitled "Central Gulf of Mexico Lease Offering, May 1983, Stipulations, Lease Terms, and Bidding Systems, Final." These areas were used to dispose of ordnance of unknown composition and quantity. The westernmost area has not been used for over 15 years. Water depths in this area range from 185 to 675 meters. The easternmost area was last used for ordnance disposal in 1970. Water depths in this area range from 750 to 1,525 meters. Bottom sediments in both areas are generally soft, consisting of silty clays. Exploration and development activities in these areas require precautions commensurate with the potential hazards.

15. OCS Orders. Operations on all leases resulting from this offering will be conducted in accordance with the provisions of all Gulf of Mexico OCS Orders, as of their effective dates, and any other applicable OCS Order as it becomes effective.

16. OCS Bid Adequacy Procedures. The following system of OCS bid adequacy procedures will be used for this offering. The system is composed of two phases. Phase 1 includes market-oriented evaluation criteria for accepting some bids on blocks or bidding units and determining what other bids will receive further evaluation in Phase 2 according to the traditional bid adequacy procedures. Phase 2 utilizes an independent Government evaluation and the traditional bid adequacy rules based upon the Mean Range of Values (MROV), Discounted Mean Range of Values (DMROV), and Geometric Average Evaluation of the Tract (GAEOT) (a tract being a block or bidding unit).

Phase 1

Phase 1 is composed of criteria designed to partition blocks or bidding units receiving bids into three general categories:

- Those receiving bids which MMS has identified as being non-prospective blocks;
- Those where opportunities for strategic underbidding, information asymmetry, collusion, and other noncompetitive practices might most likely occur and where the Government has the most detailed and reliable data; and
- Those where the competitive market forces can be relied upon to assure fair market value.

It has been determined that the following four Phase 1 criteria will be applied:

1. High bids on all blocks or bidding units classified by MMS as being either development or drainage will be referred directly for further evaluation using the traditional criteria.
2. All legal high bids for blocks or bidding units judged by MMS to be not located on a viable prospect will be accepted.
3. After screening for anomalously low bids through application of the "one-eighth rule," 1/ legal high bids will be accepted for prospective wildcat and proven blocks or bidding units receiving three or more bids and more than the average number of bids for prospective blocks or bidding units bid upon in the offering, i.e., whichever is more.

1/ Anomalously low bids will not be included in the bid number; e.g., if the lowest bid on a block or bidding unit is less than 1/8th of the next lowest bid, the lowest bid will not be included in the number of bids. This rule can exclude no more than one bid for a given block or bidding unit.

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4. After adjusting for anomalously low bids through application of the "one-eighth rule," all legal high bids will be accepted for prospective wildcat and proven blocks or bidding units where the geometric average bonus bid for the block or bidding unit is in the upper 50th percentile for prospective wildcat and proven blocks or bidding units receiving bids.

Phase 1 will be conducted block-by-block or bidding unit-by-bidding unit, and it is expected that Phase 1 should be completed within 3 days of the Bid Opening.

Phase 2

All prospective wildcat and proven blocks or bidding units which are not accepted as a result of the application of the Phase 1 criteria and all drainage and development blocks or bidding units will receive further evaluation via the traditional bid adequacy procedures currently in effect, i.e., high bids will be compared to the MROV, DMROV, and CAFOT. While it is expected that most analyses would be undertaken based upon data available at the time of the offering, additional geological and geophysical analyses, including additional mapping, can be undertaken post-offering at the discretion of the Regional Manager.

The bid adequacy recommendations developed in Phase 2 should be completed within 3 weeks of the offering.

Since the inception of the OCS leasing program, the Department has continually sought to improve upon techniques which determine bid adequacy. Much of the best information regarding the fair market value of a block or bidding unit is that which is available through observing the market for leases. The above procedures are designed to make better use of that information.

APR 4 1983

Director, Minerals Management Service
Harold Doley

Approved:

James G. Watt

Secretary of the Interior
James G. Watt

APR 6 1983

Date

[FR Doc. 83-9426 Filed 4-11-83; 8:45 am]
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DEPARTMENT OF THE INTERIOR

Minerals Management Service

Notice on Outer Continental Shelf Oil and Gas Lease Offerings; List of Restricted Joint Bidders

This notice supersedes the List of Restricted Joint Bidders published in the Federal Register on October 6, 1982, at 47 FR 44166. Pursuant to the authority vested in the Director of the Minerals Management Service by the joint bidding provisions of 30 CFR 256.41, each entity within one of the following groups shall be restricted from bidding with any entity in any other of the following groups at Outer Continental Shelf Oil and Gas Lease Offerings to be held during the bidding period of May 1, 1983, through October 31, 1983.

Group I: Chevron U.S.A. Inc.; Standard Oil Company of California.

Group II: Exxon Corporation.

Group III: Mobil Oil Corporation; Mobil Oil Exploration & Producing Southeast Inc.; Mobil Producing Texas & New Mexico Inc.

Group IV: MTS Limited Partnership (Mesa Petroleum Co., Texaco Inc., and Sequoia Petroleum); Texaco Inc.

Group V: Shell Offshore Inc.; Shell Oil Company.

Director, Minerals Management Service

4-4-83
Date

Harold Certified to be a true copy of the original

Brunelle Camcho
Notary Public

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UNITED STATES
DEPARTMENT OF THE INTERIOR
Minerals Management Service
Outer Continental Shelf
Central Gulf of Mexico

Notice of Leasing Systems, Lease Offering (May 1983)

Section 8(a)(8) (43 U.S.C. 1337 (a)(8)) of the Outer Continental Shelf Lands Act (OCSLA), as amended, requires that, at least 30 days before any lease offering, a notice be submitted to the Congress and published in the Federal Register:

(A) identifying the bidding systems to be used and the reasons for such use; and
(B) designating the tracts to be offered under each bidding system and the reasons for such designation.

This notice is published pursuant to these requirements.

(A) Bidding systems to be used. In Outer Continental Shelf (OCS) Central Gulf of Mexico Lease Offering (May 1983), blocks will be offered under the following four bidding systems as authorized by section 8(a)(1) (43 U.S.C. 1337 (a) (1)): (1) bonus bidding with a fixed net profit share, (2) bonus bidding with a fixed sliding scale royalty, (3) bonus bidding with a fixed 12 1/2 percent royalty, and (4) bonus bidding with a fixed 16 2/3 percent royalty.

(1) Bonus Bidding with a Fixed Net Profit Share. This system is authorized by section (8)(a)(1)(D) of the OCSLA, as amended. The fixed net profit share system has been used in 12 previous OCS sales or lease offerings. Bids on blocks or bidding units under this system must be submitted on a cash bonus basis with the fixed net profit share rate and the capital recovery factor as indicated for the specific blocks on the map entitled "Central Gulf of Mexico Lease Offering (May 1983)--Stipulations, Lease Terms and Bidding Systems, Final." The net profit share parameters are the same as those specified for previously leased adjacent blocks using this system in the lease offering area. The blocks offered under this system in this lease offering are adjacent to and may share common structures with previously leased net profit share blocks. Use of this system will assist in the administration and possible unitization of this lease offering's net profit share blocks with adjacent blocks previously leased under this system. The profit share system may promote the more complete development of fields when compared to a royalty system as the Government shares more of the risk and the lessee's incremental costs are lower in the presence of capital recovery.

(2) Bonus Bidding with a Sliding Scale Royalty. This system is authorized by section (8)(a)(1)(C) of the OCSLA, as amended. The sliding scale is designed to establish higher royalty rates for larger reservoirs with higher production rates. As such, the expected bonus is reduced compared to a fixed one-sixth royalty system. This may improve competition for leases, and also tends to reduce the likelihood of production losses that could result if higher royalty rates are set by other means, such as royalty bidding, prior to reservoir delineation and production. The fixed sliding scale formula provided for the Central Gulf of Mexico Lease Offering (May 1983) is based on an expected range of costs and wellhead prices for this area.

The fixed sliding scale formula operates in the following way:

When the quarterly value of production, adjusted for inflation, is less than or equal to $20.873435 million, a royalty of 12.50000 percent in amount or value of production will be due on the unadjusted value or amount of production. When the adjusted quarterly value of production is equal to or greater than $20.873435 million, but less than or equal to $37740.050000 million, the royalty percent due on the unadjusted value or amount of production is given by:

$$Rj = b\,[\ln (Vj/S)]$$

where

Rj = the percent royalty that is due and payable on the unadjusted amount or value of all production in quarter j

b = 7.0

ln = natural logarithm

Vj = the value of production in quarter j, adjusted for inflation, in millions of dollars

S = 3.50

When the adjusted quarterly value of production is equal to or greater than $37740.060000 million, a royalty of 65.00000 percent in amount or value of production will be due on the unadjusted quarterly value of production. Thus, in no instance will the quarterly royalty due exceed 65.00000 percent in amount or value of quarterly production.

In adjusting the quarterly value of production for use in calculating the percent royalty due on production during the quarter, the actual value of production will be adjusted to account for the effects of inflation by dividing the actual value of production by the following inflation adjustment factor. The inflation adjustment factor used will be the ratio of the GNP fixed weighted price index for the calendar quarter preceding the quarter of production to the value of that index for the quarter preceding the issuance of the lease. The GNP fixed weighted price index is published monthly in the Survey of Current Business by the Bureau of Economic Analysis, U.S. Department of Commerce. The percent royalty will be due and payable on the actual amount or value of production as determined pursuant to 30 CFR 250.64.

(3) Bonus Bidding with a 12 1/2 Percent Royalty. This system is authorized by section (8)(a)(1)(A) of the OCSLA, as amended. This system has been chosen for certain deeper water blocks proposed for the Central Gulf of Mexico Lease Offering (May 1983) because these blocks are expected to require substantially higher exploration, development, and production costs, as well as longer times before initial production, in comparison to shallow water tracts. Department of the Interior analyses indicate that the minimum economically developable discovery on a block in such high cost areas under a 12 1/2 percent royalty system would be less than for the same blocks under a 16 2/3 percent royalty system. As a result, more tracts may

minimum economically developable discovery on a block in such high cost areas under a 12 1/2 percent royalty system would be less than for the same blocks under a 16 2/3 percent royalty system. As a result, more tracts may be explored and developed. In addition, the lower royalty rate system is expected to yield more rapid production and higher economic profits. It is not anticipated, however, that the larger cash bonus bid associated with a lower royalty rate will significantly reduce competition, since the higher costs for exploration and development are the primary constraints to competition.

(4) Bonus Bidding with a 16 2/3 Percent Royalty. This system is authorized by section (8)(a)(1)(A) of the OCSLA, as amended. This system has been used extensively since the passage of the OCSLA in 1953 and imposes greater risks on the lessee than systems with higher contingency payments, but may yield more rewards if a commercial field is discovered. The relatively high front-end payments required may encourage rapid exploration.

(B) Designation of Blocks. The selection of blocks to be offered under the four systems was based on the following factors:

(1) Lease terms on adjacent, previously leased blocks were considered in order to reduce administrative costs and barriers to unitization, and to enhance orderly development of each field.
(2) Generally, blocks in deep water were selected for 1/8 royalty based on the favorable performance of this system in these high cost areas.

The specific blocks to be offered under each system are as shown on the map entitled "Central Gulf of Mexico Lease Offering (May 1983)--Stipulations, Lease Terms and Bidding Systems, Final," available from the Gulf of Mexico OCS Regional Office. The systems used for this offering are as described in paragraph (A), Bidding systems to be used.

Director, Minerals Management Service
Harold Doley

Approved: APR 6 1983

James G. Watt
Secretary of the Interior
James G. Watt

Certified to be a true copy of the original

Certifying Officer

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federal register

Tuesday
April 12, 1983

Part III

Department of Labor

Wage and Hour Division

Interim Migrant and Seasonal Agricultural Worker Protection Regulations; Final Rule

DEPARTMENT OF LABOR

Wage and Hour Division

29 CFR Part 500

Interim Migrant and Seasonal Agricultural Worker Protection Regulations

AGENCY: Wage and Hour Division, Labor.

ACTION: Interim regulations with request for comments.

SUMMARY: This document provides interim regulations for the implementation of the recently enacted Migrant and Seasonal Agricultural Worker Protection Act (Pub. L. 97–470) 29 U.S.C. 1801 *et seq.*, which becomes effective on April 14, 1983. The Act directs the establishment of rules and regulations for the issuance of certificates of registration for persons engaging in farm labor contracting activities. It also requires the issuance of regulations ensuring the establishment of protections for migrant and seasonal agricultural workers by persons utilizing the services of such workers. The Department has had frequent consultations with interested groups in preparing these regulations and has obtained their comments on the issues involved.

DATES: These regulations become effective on April 14, 1983. They will remain in effect not longer than 120 days thereafter (August 12, 1983) unless withdrawn, extended or superseded by another issuance. Comments (in triplicate) must be received by May 12, 1983.

ADDRESS: Submit comments (in triplicate) to Mr. William M. Otter, Administrator, Wage and Hour Division, U.S. Department of Labor, Room S–3502, 200 Constitution Avenue, NW., Washington, D.C. 20210, (202) 523–8305.

FOR FURTHER INFORMATION CONTACT: Mr. William M. Otter, Administrator, Wage and Hour Division, U.S. Department of Labor, Room S–3502, 200 Constitution Avenue, NW., Washington, D.C. 20210, (202) 523–8305.

SUPPLEMENTARY INFORMATION:

Background

On January 14, 1983, the Migrant and Seasonal Agricultural Worker Protection Act—Pub. L. 97–470, 29 U.S.C. 1801 *et seq.* (MSPA)—was signed into law to improve Federal protection of migrant and seasonal agricultural workers. This new law was the culmination of 18 months of cooperative efforts by the Department of Labor, key members of Congressional committees and their staffs, major agricultural employer organizations, the AFL–CIO and the Migrant Legal Action Program to bring about needed reform in this area. The Administration's bill, which was the result of these efforts, was transmitted to the Congress by Secretary of Labor Raymond J. Donovan on September 1, 1982. The bill passed without substantive change and was signed into law by President Reagan on January 14, 1983. The new law replaces the Farm Labor Contractor Registration Act of 1963, as amended (FLCRA), which it will repeal on April 14, 1983.

Summary of Rule

The regulations are divided into six subparts. Subparts A through E contain the substantive regulations relating to farm labor contractors, agricultural employers and agricultural associations. Subpart F sets forth the rules of practice for administrative hearings and discusses the procedures for challenging a proposed administrative action relating to violations as well as the collection and recovery of civil money penalty assessments.

Subpart A sets forth the purpose and scope of the Act, the transition provisions and effective date, the definitions and exemptions and other general provisions. Special attention should be given to §§ 500.20 and 500.30 of Subpart A, which contain the definitions and exemptions which the Department will apply in administering the Act.

Section 500.20 contains the definitions to be used in the regulations. Generally, these definitions and exemptions are drawn directly from the statute. Additional definitions and some clarifying language are provided, however, in order to facilitate the public's understanding of how the law will be administered and to take account of legislative history pertaining to the law.

While not repeating in this Preamble all the definitions, it is important to understand that several employment related definitions are adopted from the Fair Labor Standards Act (FLSA), which is the federal minimum wage law.

Specifically, § 500.20(h) defines the terms "employ", "employer" and "employee" as having the same meanings that such terms have under the Fair Labor Standards Act (FLSA). Section 500.20(h) also discusses the concept of "joint employment" which is applicable under the Act by reason of the adoption of "employ" from the FLSA.

The "joint employment" principle under the FLSA provides that an individual may stand in the position of an employee to two or more employers, (e.g., a farm labor contractor and another agricultural employer) at the same time. Under the "joint employment" principle, all of the joint employers of an individual worker are equally responsible for assuring compliance with the appropriate provisions of the Act. The existence of a joint employment situation and the sharing of these responsibilities does not mean, however, that an agricultural employer or agricultural association becomes a farm labor contractor and therefore responsible for meeting the special requirements of the Act and these regulations pertaining to farm labor contractors. Nor does it mean that such an employer becomes responsible for meeting requirements under the Act which are applicable to transportation provided to a migrant or seasonal agricultural worker by a farm labor contractor; responsibilities for transportation are established separately in the transportation provisions of these regulations.

Section 500.30 lists the persons who are not subject to the Act. Although clarifying language is added at certain points, this list is taken directly from the Act and incorporates the statutory language. It includes:

(1) Individuals who engage in farm labor contracting activity on behalf of farms, processing establishments, seed conditioning establishments, canneries, gins, packing sheds, or nurseries, which are owned or operated exclusively by the individuals or their immediate family members; (2) persons, other than farm labor contractors, for whom the man-days exemption for agricultural labor provided under section 13(a)(6)(A) of the Fair Labor Standards Act of 1938 is applicable; (3) common carriers; (4) labor organizations; (5) nonprofit charitable organizations and public or private nonprofit educational institutions; (6) persons who are engaged solely in local farm labor contracting activity; (7) custom combine, hay harvesting or sheep shearing operations; (8) custom poultry harvesting, breeding, debeaking, desexing, or health service operations; (9) persons who supply full-time students or other individuals to detassel, rogue, or otherwise engage in the production of seed and to engage in related and incidental agricultural employment, and the persons to whom such students or other individuals are supplied; (10) persons who supply full-time students or other individuals to string or harvest shade grown tobacco and to engage in related and incidental agricultural employment, and the

persons to whom such students or other individuals are supplied; and (11) employees of any of these exempt persons in (3) through (10) when performing farm labor contracting activities exclusively for such persons.

Based on rules and interpretations under the FLSA, the small business exemption applies to persons who are also exempt under the FLSA man-days rule. Thus, the small business exemption in MSPA applies to an agricultural employer who did not, during any calendar quarter of the preceding calendar year, use more than 500 man-days of agricultural labor.

Special attention should also be given to certain other sections of Subpart A. Section 500.3 sets forth April 14, 1983 as the effective date of the Act and indicates that, as provided in the statute, the Farm Labor Contractor Registration Act will be simultaneously repealed on that date.

As will be noted in the discussion of the registration requirements contained in Subpart B, certificates which are in effect under FLCRA on April 14, 1983 will be continued in effect for the remainder of calendar year 1983. Actions which are pending on April 14, 1983, to deny a certificate under FLCRA will be continued through to final determination. As provided in Subpart F, determinations to assess civil money penalties and requests which are pending for hearings related to civil money penalties under FLCRA on April 14, 1983, will also continue through to final determination.

Subpart B sets forth the registration and related requirements of the Act for farm labor contractors, as well as certain special obligations and prohibitions which the Act imposes on them. These provisions under MSPA are essentially the same as their predecessor provisions under FLCRA. The one major difference is that under MSPA, certificates will not all expire on the same date [December 31 of each calendar year].

In addition to requiring farm labor contractors to register, the Act imposes other special obligations and prohibitions on them. It prohibits farm labor contractors from recruiting, hiring, employing or using an alien not lawfully admitted for permanent residence in the United States or authorized by the Attorney General to accept employment. Sections 500.58 and 500.59 of Subpart B indicate that engagement of such illegal aliens is a violation of the Act and set out the documentation which a contractor may rely upon in determining whether a prospective employee is a citizen of the United States or is lawfully authorized to work in the United States. The documentation prescribed as acceptable evidence is the same documentation which the Department prescribed for purposes of the illegal alien provision of FLCRA. A contractor can demonstrate good faith reliance on such documentation by executing a written affirmation that he relied on a particular document listed.

Other special statutory obligations imposed on farm labor contractors are set out in proposed § 500.60. These obligations, which apply both to the farm labor contractors and their employees, require farm labor contractors to (1) provide to agricultural employers or associations and to other farm labor contractors to whom they furnish agricultural workers copies of all records which they are required under the Act to retain on such workers; (2) obtain and make available to every worker they furnish, at the place of employment, a written statement of the terms and conditions of employment; (3) abide by agreements they have made with agricultural employers or agricultural associations pertaining to any contracting activity or worker protection under the Act; and (4) retain all payroll records which they make on workers for three years.

Subparts C and D set out the worker protection standards provided under the Act and the obligations of farm labor contractors, agricultural employers and agricultural associations for providing those protections to migrant and seasonal agricultural workers.

Subpart C sets forth the standards and obligations for disclosure of employment and housing information and for recordkeeping. It also sets forth several general obligations provided in the Act for the protection of migrant and seasonal agricultural workers. Subpart D sets forth the standards and obligations for vehicle safety and insurance, and housing safety and health.

Subpart C begins by setting forth the general statutory obligations referred to above. These are contained in § 500.71 through 500.73. Section 500.71 states that the Act prohibits any person from utilizing the services of a farm labor contractor to supply agricultural workers without first taking reasonable steps to ascertain that the contractor possesses a certificate of registration from the Department of Labor authorizing the activity for which the contractor is to be utilized. The regulations state that in making the determination about the contractor's status, the person may rely upon a contractor's possession of a certificate which is valid on its face or may confirm the contractor's status through a central registry of all registered contractors maintained by the Department of Labor.

Subpart C also provides that each farm labor contractor, agricultural employer and agricultural association which recruits any *migrant* agricultural worker must ascertain and disclose to the worker, in writing, *at the time of recruitment*, the following information: (1) The place of employment; (2) the wage rates to be paid; (3) the crops and kinds of activities on which the worker may be employed; (4) the period of employment; (5) the transportation, housing, and any other employee benefits (such as workers' compensation and unemployment insurance) to be provided, if any, and any costs to be charged for each of them; (6) the existence of any strike or other concerted work stoppage, slowdown, or interruption of operations by employees at the place of employment; and (7) the existence of any arrangements with any owner or agent of any establishment in the area of employment under which the farm labor contractor, the agricultural employer, or the agricultural association is to receive a commission or any other benefit resulting from any sales by such establishment to the workers.

Each farm labor contractor, agricultural employer and agricultural association which recruits any *seasonal* agricultural worker must disclose the same information to such worker as they are required to disclose to a migrant agricultrual worker. However, disclosure to a seasonal worker is upon request by the worker *at the time an offer of employment is made.* If, however, the seasonal agricultural worker is recruited through a day-haul operation for employment in canning, packing, ginning, seed conditioning or related research, or processing operations, the employment information must be disclosed to the worker in writing at the time of recruitment. Disclosure is not dependent on a request by the worker in this case.

Each farm labor contractor, agricultural employer and agricultural association which provides housing to any migrant agricultural worker must also disclose, either by posting it in a conspicuous place at the site of the housing or by presenting it to the migrant agricultural worker in the form of a written statement, the terms and conditions of occupancy of the housing. The information to be disclosed includes: (1) The name and address of the farm labor contractor, agricultural employer or agricultural association providing the housing; (2) the name and address of the individual in charge of the housing; (3) the mailing address and

phone number of the housing facility; (4) who may live at the housing facility; (5) the charges to be made for housing; (6) the meals to be provided and the charges to be made for them; (7) the charges for utilities; and (8) any other charges or conditions of occupancy.

Each farm labor contractor, agricultural employer and agricultural association which employs any migrant or seasonal agricultural worker must post and maintain at the place of employment a poster, which will be available from the Department of Labor, outlining the rights and protections of workers under the Act, and must also, upon request of any worker, provide a written statement of the conditions of employment to such worker. Under the Act and these regulations, workers have the right to request information on the conditions of employment at any time during the period of employment. In a joint employment situation, each employer is responsible for assuring the posting of the MSPA poster and for assuring the provision of written statements on the conditions of employment. Needless duplication of effort is not required in this regard by such joint employers.

A farm labor contractor, agricultural employer or agricultural association who provides housing to any migrant agricultural worker must either post the occupancy terms and conditions or provide each worker a written statement of them.

Each farm labor contactor, agricultural employer and agricultural association which is required to disclose employment and housing information must ascertain and provide full and accurate information to the worker. Moreover, all written disclosures of information must be in English or, as necessary and reasonable, in Spanish or another language common to the worker. As set out in the statute and the regulations, it is a violation of the Act to knowingly provide false and misleading information to a worker. Optional forms will be available from the Department of Labor which may be used for making any written disclosures to workers.

Sections 500.80 and 500.81 of Subpart C set forth the wage payment and payroll recordkeeping requirements of the Act. Each farm labor contractor, agricultural employer and agricultural association which employs any migrant or seasonal agricultural worker must make and keep specified payroll records. All payroll records must be maintained and preserved by the farm labor contractor, agricultural employer or agricultural association for at least three years.

In addition to making and keeping such payroll records, the farm labor contractor, agricultural employer or agricultural association must provide each migrant and seasonal agricultural worker with an itemized written statement of the information in the payroll records when the worker is paid. Optional forms will be available from the Department of Labor which may be used to make these itemized written statements to workers. As set out in the regulations, workers must be paid their wages when due, but in no event less often than every two weeks (or semi-monthly).

Subpart D sets out the standards for transportation safety and insurance. Under these provisions, each farm labor contractor, agricultural employer and agricultural association which uses, or causes to be used any vehicle to transport a migrant or seasonal agricultural worker is required to ensure that such vehicle conforms to vehicle safety standards prescribed by the Secretary of Labor and with other applicable Federal and State safety standards. An insurance policy or liability bond must also be in effect which insures against liability for damage to persons or property arising from the use of such vehicle to transport migrant or seasonal agricultural workers. The Department is particularly interested in receiving comments on the sections dealing with insurance.

All transportation of migrant and seasonal agricultural workers, both on the farm and on the road, with the exception of certain limited exclusions (pertaining to agricultural machinery, family transportation and bona fide carpool arrangements) is covered by the vehicle safety standards set out in these regulations.

Pursuant to section 401(b)(2)(D) of the Act, the standards prescribed under section 204(a)(3a) of the Interstate Commerce Act (49 U.S.C. 304(a)(3a)), relating to the transportation of migrant workers, are deemed to be standards prescribed by the Secretary, except to the extent that the Secretary has specifically prescribed standards.

After consulting with the Department of Transportation (DOT), the Department of Labor is promulgating in these regulations new vehicle safety standards to protect the health and safety of workers who are transported in passenger automobiles and station wagons, regardless of distance, and in vehicles other than passenger automobiles and station wagons which are used only for transportation of a migrant or seasonal agricultural worker for a distance of 75 miles or less. These standards are set out in § 500.105 of Subpart D.

The DOT standards prescribed under the Interstate Commerce Act will apply to any vehicle, other than a passenger automobile or station wagon, which is used to transport any migrant or seasonal agricultural worker for any trip of a distance greater than 75 miles. The DOT standards will also apply to the transportation for any distance of any migrant or seasonal agricultural worker by means of a day-haul operation using any motor vehicle other than a passenger automobile or station wagon. When the use or intended use of a vehicle makes it subject to these DOT standards, the vehicle will be subject to the DOT standards so long as the vehicle is used for transportation subject to the Act and these regulations.

In formulating the standards set forth in § 500.105, the Department consulted with DOT and examined State vehicle safety inspection standards and practices. Pursuant to the Act, the Department considered the following, among other factors, in formulating the standards: (1) The type of vehicle used, (2) the passenger capacity of the vehicle, (3) the distance which such workers will be carried in the vehicle, (4) the type of roads and highways on which such workers will be carried in the vehicle, and (5) the extent to which a proposed standard would cause an undue burden on agricultural employers, agricultural associations, or farm labor contractors.

The Department of Labor standards set out minimum safety requirements for various parts and systems of the vehicles. Generally, the parts and systems are the same as those which are normally covered under the motor vehicle safety inspection programs at the State level, e.g. lights, brakes, tires, steering, exhaust system, fuel system, etc.

As provided in the Act, the regulations indicate that a farm labor contractor, agricultural employer and agricultural association must ensure that each driver of a vehicle used to transport a migrant or seasonal agricultural worker has a currently valid motor vehicle operator's permit or license, as provided by applicable State law, to operate the vehicle. The regulations also provide that the Department will consider the presence of a current State vehicle inspection sticker as prima facie evidence that the safety standards have been met. The posession of such a sticker will not, however, relieve the responsibility for maintaining the vehicle in compliance with the safety standards which are

applicable under the Act and the regulations.

Subpart D, §§ 500.120 through 500.128, contains the transportation insurance requirements established by the Act. Pursuant to these insurance requirements, a farm labor contractor, agricultural employer and agricultural association must insure against liability for damages to persons or property arising from the operation of a motor vehicle in transporting a migrant or seasonal agricultural worker by either obtaining a vehicle liability insurance policy, including a liability endorsement, or by executing a liability bond in lieu of such insurance policy. These provisions are identical to the predecessor provisions in FLCRA.

Unlike FLCRA, however, MSPA provides an offset when workers' compensation coverage has been provided. Under these provisions, a farm labor contractor, agricultural employer or agricultural association who is the employer of a migrant or seasonal agricultural worker for purposes of a State workers' compensation law and who provides workers' compensation coverage for such worker in the case of bodily injury or death as provided in such State law may offset such insurance protection against the insurance otherwise required under the Act. Thus, no vehicle or other liability insurance policy (or liability bond in lieu of such insurance) will be required of such employer, if a worker is transported only under circumstances for which there is coverage under such State law. A vehicle or other liability insurance policy (or liability bond) will be required of the employer for circumstances under which coverage for the transportation of such worker is not provided under such State law. The regulations state further that where a State workers' compensation law is applicable and coverage is provided for a migrant or seasonal agricultural worker by the employer, the workers' compensation benefits are the exclusive remedy for loss under this Act in the case of bodily injury or death. Such an employer may evidence the issuance of workers' compensation insurance by obtaining and making available to the Department, upon request, a workers' compensation coverage policy of insurance.

Where workers' compensation protection is applicable, such employer must obtain vehicle or other liability insurance which covers the transportation of passengers who are not employees and of workers whose transportation by the employer is not covered by the workers' compensation insurance policy. The purchase of this insurance may be evidenced by obtaining and making available, upon request, to the Department of Labor a vehicle or other liability certificate of insurance covering transportation of all non-employee passengers and of workers whose transportation by the employer is not covered by workers' compensation insurance. In the absence of this certificate, the Department will, here again, look to the actual policy in determining compliance.

State workers' compensation laws, however, do not insure employers against liability for damage to property. Therefore, the regulations provide that an employer who provides workers' compensation insurance which protects a worker in the event of bodily injury or death while the worker is being transported must also obtain motor carrier or other appropriate insurance providing a minimum of at least $50,000 for loss or damage in any one accident to the property of others (excluding cargo) or evidence of a general liability insurance policy providing this same protection. The employer may evidence the purchase of this insurance by obtaining and making available to the Department of Labor a vehicle or other liability certificate of insurance showing that such property damage insurance has been purchased. In the absence of such certificate, the Department will look to the actual policy of insurance in its enforcement efforts.

Subpart D, §§ 500.130 through 500.135, sets out the housing safety and health requirements. Under the Act, each person who owns or controls a facility or real property which is used as housing for any migrant agricultural worker must ensure that the facility or real property complies with all substantive Federal and State safety and health standards applicable to such housing.

The regulations state that a farm labor contractor, agricultural employer, agricultural association or any other person is considered an "owner" of a housing facility of real property if such person has a legal or equitable interest in such facility or real property. Under the regulations a farm labor contractor, agricultural employer, agricultural association or any other person is in "control" of a housing facility or real property, regardless of the location of such facility, if such person is in charge of or has the power or authority to oversee, manage, superintend or administer the housing facility or real property either personally or through an authorized agent or employee, irrespective of whether compensation is paid for engaging in any of the aforesaid capacities. Under these provisions, all persons who own or control the housing are jointly responsible for it.

With certain limited exceptions set forth in § 500.131, all migrant housing must meet either the substantive standards established by the Occupational Safety and Health Administration at 29 CFR Part 1910 or the substantive standards established by Employment Training Administration at 20 CFR Part 654. In addition, all covered housing must meet substantive State safety and health standards.

The regulations indicate that substantive standards include, but are not limited to, those that provide fire prevention, an adequate and sanitary supply of water, well maintained plumbing, structurally sound construction and effective maintenance of buildings, provision of adequate heat as weather conditions require, and reasonable protections of inhabitants from rodents and insects. Technical or procedural violations of safety and health standards are not considered to be "substantive."

As provided in the Act, the regulations state that housing may not be occupied by any migrant agricultural worker unless either a State or local health authority or other appropriate agency, including a Federal agency, has certified that the housing meets applicable health and safety standards. They provide further that prior to the of the housing by the migrant agricultural worker, the person who owns or controls the housing shall ensure that a copy of the certification of occupancy provided by the appropriate agency is posted at the site of the housing. The certificate must be retained by such person for a period of three years and made available for inspection by the Department of Labor.

The regulations provide that should the person who owns or controls the housing request an inspection of the housing by the appropriate agency at least 45 days prior to the date on which it is to be occupied by any migrant agricultural worker and the agency has failed to complete an inspection, the housing may be occupied. The regulations state, however, that neither the failure of the agency to complete its inspection nor the posting of the certificate following such an inspection will relieve the person who owns or controls such housing from the duty to provide safe and healthy housing. Such person will be responsible, once housing is occupied, for supervising and continually maintaining the housing to ensure that it remains in compliance

with the housing safety and health standards.

Subpart E sets forth the enforcement authority of the Secretary of Labor under the Act. It also sets forth the authority and procedures for the Secretary to enter into agreements with Federal and State agencies for their cooperation in administration and enforcement of the Act. It provides, as well, for the establishment of a central registry of registered farm labor contractor and their employees by the Department of Labor.

Subpart F establishes the procedures and rules of practice necessary for administrative enforcement of the Act. Under the Act, any person who is denied a Certificate of Registration by the Department of Labor or against whom a civil money penalty is assessed for violation of the Act is entitled to an administrative hearing. This subpart sets out detailed procedures and rules for such administrative hearings. As noted previously, for transition purposes, Subpart F provides that determinations to assess civil money penalties and requests which are pending for hearings related to civil money penalties under FLCRA will continue through to final determination in accordance with the FLCRA regulations.

Publication as an Interim Regulation; Request for Comments

The Department has determined that the public interest requires the immediate issuance of these regulations in order to assure a smooth implementation of MSPA. Specifically, the Act requires the Secretary to issue transportation regulations. If the DOL has not promulgated regulations by the effective date, the Act provides for application of DOT regulations. DOT regulations, however, were designed for vehicles engaged in long distance transportation of migrants and were not intended for shorter trips, nor for passenger automobiles and station wagons. A substantial portion of the transportation of migrant and seasonal agricultural workers would thus not be subject to appropriate standards if these regulations are not immediately effective.

Additionally, the Act directs the Secretary in accordance with regulations to issue certificates of registration authorizing persons to engage in farm labor contracting activities, prior to their so engaging. Failure to obtain and possess such a certificate, or utilization of a person who does not possess such a certificate, is a violation and subjects both the contractor and the agricultural community to penalties and damages. Since the registration process needs regulations, failure to issue them results in a potential for widespread violations by growers and other agricultural employers because individuals authorized to perform needed services would not be available.

The failure to have these regulations in place on the effective date of the Act (April 14, 1983) will lead to unnecessary, unwarranted and costly vulnerability of the agricultural community to private lawsuits which are authorized under the Act. Technical violations such as this under FLCRA have in the past resulted in substantial monetary awards in private litigation.

Accordingly, the Department finds good cause, pursuant to 5 U.S.C. 553(b)(3)(B) and 553(d)(3), that prior notice and public comment are contrary to the public interest. However, interested members of the public are invited to submit comments on this regulation within thirty (30) days, to Mr. William M. Otter, Administrator, Wage and Hour Division, U.S. Department of Labor, Room S–3502, 200 Constitution Avenue, NW., Washington, D.C. 20210. All material received in response to this invitation will be available for public inspection during normal business hours in Room S–3030 at that address.

Following evaluation of the comments received, a final regulation, modified as necessary, will be published.

This interim regulation will be effective for not more than 120 days (August 12, 1983), unless extended by appropriate **Federal Register** notice.

Effective Date

Because immediate issuance of this interim regulation is required by the public interest in having a smooth implementation of MSPA, it shall become effective April 14, 1983 instead of thirty days after publication. This determination is made pursuant to 5 U.S.C. 553(d)(3).

Executive Order 12291; Regulatory Flexibility Act

The Department has determined that this notice is not a major rule under Executive Order 12291. The interim rule implements the Migrant and Seasonal Agricultural Worker Protection Act, which is designed to improve the delivery of Federal protections for agricultural workers and which adds no new types of protections for these workers. Rather, the Act and these regulations streamline procedures adopted under the Farm Labor Contractor Registration Act (FLCRA) and reduce certain burdens imposed on agricultural employers and associations under FLCRA. For this reason, the Department believes that the regulation will result in some lower cost to the agricultural sector of the economy. However, the Department believes that it is unlikely that its overall economic impact will be significant. Consequently, the Department certifies, under the Regulatory Flexibility Act, that this rule will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (Pub. L. 96–511), the reporting or recordkeeping provisions that are included in these regulations have been submitted for review to the Office of Management and Budget (OMB).

As noted in § 500.1(i), OMB has assigned control numbers to the information collection requirements in this part.

Appendix

Editorial Note.—The Department presents forms in the Appendix which satisfy certain disclosure and recordkeeping aspects of the Act and the regulations. These forms, however, will not appear in the Code of Federal Regulations.

Appendix A—Migrant and Seasonal Agricultural Worker Protection Act Poster, WH–1376.
Appendix B—Worker Information, WH–516.
Appendix C—Housing Terms and Conditions, WH–521.
Appendix D—Wage Statement, WH–501 (English, Spanish).

List of Subjects in 29 CFR Part 500

Administrative practice and procedure,

Administrative practice and procedure, Agriculture, Aliens, Farmers, Health, Housing, Housing standards, Immigration, Insurance, Investigations, Migrant labor, Motor carriers, Motor vehicle safety, Occupational safety and health, Penalties, Reporting requirements, Seasonable agricultural workers, Transportation, Wages, Manpower training programs, Labor, Safety.

For the reasons set out in the preamble, Chapter V of Title 29 of the Code of Federal Regulations is amended

by adding Part 500 to read as set forth below.

Signed at Washington, D.C. this 4th day of April, 1983.

Raymond J. Donovan,

Secretary of Labor.

Robert B. Collyer,

Deputy Under Secretary.

William M. Otter,

Administrator, Wage and Hour Division.

PART 500—MIGRANT AND SEASONAL AGRICULTURAL WORKER PROTECTION

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Authority: Pub. L. 97–470, 96 Stat. 2583 (29 U.S.C. 1801–1872); Secretary's Order No. 5–83, 48 FR ; and Employment Standards' Order No. 83–1, 48 FR .

Subpart A—General Provisions

§ 500.0 Introduction.

The Migrant and Seasonal Agricultural Worker Protection Act (MSPA), hereinafter referred to as MSPA or the Act, repeals and replaces the Farm Labor Contractor Registration Act of 1963, as amended, hereinafter referred to as FLCRA or the Farm Labor Contractor Registration Act. Prior judgments and final orders obtained under FLCRA continue in effect as stated in section 500.4.

§ 500.1 Purpose and scope.

(a) Congress stated, in enacting the Migrant and Seasonal Agricultural Worker Protection Act that "[I]t is the purpose of this Act to remove the restraints on commerce caused by activities detrimental to migrant and seasonal agricultural workers; to require farm labor contractors to register under this Act; and to assure necessary protections for migrant and seasonal agricultural workers, agricultural associations, and agricultural employers." It authorized the Secretary to issue such rules and regulations as are necessary to carry out the Act consistent with the requirements of Chapter 5 of Title 5, United States Code.

(b) These regulations implement this purpose and policy. The regulations contained in this part are issued in accordance with section 511 of the Act and establish the rules and regulations necessary to carry out the Act.

(c) Any farm labor contractor, as defined in the Act, is required to obtain a Certificate of Registration issued pursuant to the Act from the Department of Labor or from a State agency authorized to issue such certificates on behalf of the Department of Labor. Such a farm labor contractor must ensure that any individual whom he employs to perform any farm labor contracting activities also obtains a Certificate of Registration. The farm labor contractor is responsible, as well, for any violation of the Act or these regulations by any such employee whether or not the employee obtains a certificate. In addition to registering, farm labor contractors must comply with all other applicable provisions of the Act when they recruit, solicit, hire, employ, furnish, transport or, in the case of migrant agricultural workers, house.

(d) Agricultural employers and agricultural associations which are subject to the Act must comply with all of the worker protections which are applicable under the Act to migrant or seasonal agricultural workers whom they recruit, solicit, hire, employ, furnish, transport or, in the case of migrant agricultural workers, house. The obligations will vary, depending on the types of activities affecting migrant or seasonal agricultural workers. Agricultural employers and agricultural associations and their employees need not obtain Certificates of Registration in order to engage in these activities, even if the workers they obtain are utilized by other persons or on the premises of another.

(e) The Act empowers the Secretary of Labor to enforce the Act, conduct investigations, issue subpenas and, in the case of designated violations of the Act, impose sanctions. As provided in the Act, the Secretary is empowered, among other things, to impose an assessment and to collect a civil money penalty of not more than $1,000 for each violation, to seek a temporary or permanent restraining order in a United States District Court, and to seek the imposition of criminal penalties on persons who willfully and knowingly violate the Act or any regulation under the Act. In accordance with the Act and with these regulations, the Secretary may refuse to issue or to renew, or may suspend or revoke a certificate or registration issued to a farm labor contractor or to a person who engages in farm labor contracting as an employee of a farm labor contractor.

(f) The facilities and services of the U.S. Employment Service, including State agencies, authorized by the Wagner-Peyser Act may be denied to any person found by a final determination by an appropriate enforcement agency to have violated any employment-related laws including MSPA and notification of this final determination has been provided to the Job Service by that enforcement agency. See 20 CFR 658.501(a)(4). The facilities and services of the U.S. Employment Service shall be restored immediately upon correction of any such violation.

(g) Subparts A through E set forth the substantive regulations relating to farm labor contractors, agricultural employers and agricultural associations. These subparts cover the applicability of the Act, registration requirements applicable to farm labor contractors, the obligations of persons who hold Certificates of Registration, the worker protections which must be complied with by all who are subject to the Act, and the enforcement authority of the Secretary.

(h) Subpart F sets forth the rules of practice for administrative hearings relating to actions involving Certificates of Registration. It also outlines the procedure to be followed for filing a challenge to a proposed administrative action relating to violations and summarizes the methods provided for collection and recovery of a civil money penalty.

(i)(1) The Act requires that farm labor contractors obtain a certificate of registration from the Department of Labor prior to engaging in farm labor contracting activities. The Act also requires registration by individuals who will perform farm labor contracting

activities for a farm labor contractor. Form WH–510 and WH–512 are the applications used to obtain Farm Labor Contractor and Farm Labor Contractor Employee Certificates of Registration. These forms have been approved by the Office of Management and Budget (OMB) under control numbers 1215–0038 (WH–510) and 1215–0037 (WH–512). Forms WH–514 and WH–514a are used when applying for transportation authorization to furnish proof of compliance with vehicle safety requirements. These forms have been jointly cleared by OMB under control number 1215–0036.

(2) The Act further requires disclosure to migrant and seasonal agricultural workers regarding wages, hours and other working conditions and housing when provided to migrant workers. The Department of Labor has developed optional forms for use in making the required disclosure. OMB has approved the following: Worker Information (WH–516) 1215–0145 and Housing Terms and Conditions (WH–521) 1215–0146.

(3) The Act also requires that farm labor contractors, agricultural employers and agricultural associations make, keep, preserve and disclose certain payroll records. Forms WH–501 and WH–501a (Spanish version) are provided to assist in carrying out this requirement. In addition, farm labor contractors who are applying for housing authorization must submit information which identifies the housing to be used along with proof of compliance with housing safety and health requirements. There has been no form developed for this purpose. The Act further requires disclosure by the insurance industry of certain information pertaining to cancellation of vehicle liability insurance policies. The requirements concerning recordkeeping, housing and insurance have been cleared by OMB under control number 1215–0148.

(4) The act provides that no farm labor contractor shall knowingly employ or utilize the services of aliens not lawfully admitted for permanent residence or who have not been authorized by the Attorney General to accept employment. Form WH–509 is an optional form which may be used to self-certify that the applicant is a citizen of the U.S. This form has been cleared by OMB under control number 1215–0091.

§ 500.2 Compliance with State laws and regulations.

The Act and these regulations are intended to supplement State law; compliance with the Act or these regulations shall not excuse any individual from compliance with appropriate State law or regulation.

§ 500.3 Effective date of the Act; transition period; repeal of the Farm Labor Contractor Registration Act.

(a) The provisions of the Migrant and Seasonal Agricultural Worker Protection Act are effective on April 14, 1983 and are codified in 29 U.S.C. 1801 *et seq.*

(b) The Migrant and Seasonal Agricultural Worker Protection Act repeals the Farm Labor Contractor Registration Act of 1963, as amended, (7 U.S.C. 2041, *et seq.)* effective April 14, 1983.

(c) Violations of the Farm Labor Contractor Registration Act occurring prior to April 14, 1983, may be pursued by the Department of Labor after that date.

§ 500.4 Effect of prior judgments and final orders obtained under the Farm Labor Contractor Registration Act.

The Secretary may refuse to issue or to renew, or may suspend or revoke, a Certificate of Registration under the Act, if the applicant or holder has failed to pay any court judgment obtained by the Secretary or any other person under the Farm Labor Contractor Registration Act, or has failed to comply with any final order issued by the Secretary under the Farm Labor Contractor Registration Act. The Secretary may deny a Certificate of Registration under the Act to any farm labor contractor who has a judgment outstanding against him, or is subject to a final order assessing a civil money penalty which has not been paid.

§ 500.5 Filing of applications, notices and documents.

Unless otherwise prescribed herein, all applications, notices and other documents required or permitted to be filed by these regulations shall be filed in accordance with the provisions of Subpart F of the regulations.

§ 500.6 Accuracy of information, statements and data.

Information, statements and data submitted in compliance with provisions of the Act or these regulations are subject to Title 18, section 1001, of the United States Code, which provides:

Section 1001. Statements or entries generally.

Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both.

§ 500.7 Investigation authority of the Secretary.

(a) The Secretary, either pursuant to a complaint or otherwise, shall, as may be appropriate, investigate and, in connection therewith, enter and inspect such places (including housing and vehicles) and such records (and make transcriptions thereof), question such persons and gather such information as he deems necessary to determine compliance with the Act, or these regulations.

(b) The Secretary may issue subpenas requiring the attendance and testimony of witnesses or the production of any evidence in connection with such investigations. The Secretary may administer oaths, examine witnesses, and receive evidence. For the purpose of any hearing or investigation provided for in the Act, the Authority contained in sections 9 and 10 of the Federal Trade Commission Act (15 U.S.C. 49, 50), relating to the attendance of witnesses and the production of books, papers, and documents, shall be available to the Secretary. The Secretary shall conduct investigations in a manner which protects the confidentiality of any complainant or other party who provides information to the Secretary in good faith.

(c) Any person may report a violation of the Act or these regulations to the Secretary by advising any local office of the Employment Service of the various States, or any office of the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, or any other authorized representative of the Administrator. The office or person receiving such a report shall refer it to the appropriate office of the Wage and Hour Division, Employment Standards Administration for the region or area in which the reported violation is alleged to have occurred.

(d) In case of disobedience to a subpena, the Secretary may invoke the aid of a United States District Court which is authorized to issue an order requiring the person or business organization to obey such subpena.

§ 500.8 Prohibition on interference with Department of Labor officials.

It is a violation of section 512(c) of the Act for any person to unlawfully resist, oppose, impede, intimidate, or interfere with any official of the Department of Labor assigned to perform an investigation, inspection, or law enforcement function pursuant to the Act during the performance of such

duties. (Other Federal statutes which prohibit persons from interfering with a Federal officer in the course of official duties are found at 18 U.S.C. 111 and 18 U.S.C. 1114.)

§ 500.9 Discrimination prohibited.

(a) It is a violation of the Act for any person to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any manner discriminate against any migrant or seasonal agricultural worker because such worker has, with just cause—

(1) Filed a complaint with reference to the Act with the Secretary of Labor; or

(2) Instituted or caused to be instituted any proceeding under or related to the Act; or

(3) Testified or is about to testify in any proceeding under or related to the Act; or

(4) Exercised or asserted on behalf of himself or others any right or protection afforded by the Act.

(b) A migrant or seasonal agricultural worker who believes, with just cause, that he has been discriminated against by any person in violation of this secion may, within 180 days after such violation occurs, file a complaint with the Secretary alleging such discrimination.

§ 500.10 Waiver of rights prohibited.

Any agreement by an employee purporting to waive or modify any rights inuring to said person under the Act or these regulations shall be void as contrary to public policy, except that a waiver of modification of rights or obligations hereunder in favor of the Secretary shall be valid for purposes of enforcement of the provisions of the Act of these regulations. This does not prevent agreements to settle private litigation.

§ 500.20 Definitions.

For purposes of this part:

(a) "Administrator" means the Administrator of the Wage and Hour Division, Employment Standards Administration, United States Department of Labor, and such authorized representatives as may be designated by the Administrator to perform any of the functions of the Administrator under this part.

(b) "Administrative Law Judge" means a person appointed as provided in Title 5 U.S.C. and qualified to preside at hearings under 5 U.S.C. 557. "Chief Administrative Law Judge" means the Chief Administrative Law Judge, United States Department of Labor, Washington, D.C. 20210.

(c) "Agricultural association" means any nonprofit or cooperative association of farmers, growers, or ranchers, incorporated or qualified under applicable State law, which recruits, solicits, hires, employs, furnishes, or transports any migrant or seasonal agricultural worker.

(d) "Agricultural employer" means any person who owns or operates a farm, ranch, processing establishment, cannery, gin, packing shed or nursery, or who produces or conditions seed, and who either recruits, solicits, hires, employs, furnishes, or transports any migrant or seasonal agricultural worker. "Produces seed" means the planting, cultivation, growing and harvesting of seeds of agricultural or horticultural commodities. "Conditions seed" means the in-plant work done after seed production including the drying and aerating of seed.

(e) "Agricultural employment" means employment in any service or activity included within the provisions of section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)), or section 3121(g) of the Internal Revenue Code of 1954 (26 U.S.C. 3121(g)) and the handling, planting, drying, packing, packaging, processing, freezing, or grading prior to delivery for storage of any agricultural or horticultural commodity in its unmanufactured state.

(f) "Convicted" means that a final judgment of guilty has been rendered by a court of competent jurisdiction from which no opportunity for appeal remains.

(g) "Day-haul operation" means the assembly of workers at a pick-up point waiting to be hired and employed, transportation of such workers to agricultural employment, and the return of such workers to a drop-off point on the same day. This term does not include transportation provided by an employer for individuals who are already employees at the time they are picked up nor does it include carpooling arrangements by such employees which are not directed by the employer, farm labor contractor or agent thereof.

(h) (1) The term "employ" has the meaning given such term under section 3(g) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(g)) for the purposes of implementing the requirements of that Act. As so defined, "employ" includes to suffer or permit to work.

(2) The term "employer" is given its meanings as found in the Fair Labor Standards Act. "Employer" under Section 3(d) of that Act includes any person acting directly or indirectly in the interest of an employer in relation to an employee.

(3) The term "employee" is also given its meaning as found in the Fair Labor Standards Act. "Employee" under Section 3(e) of that Act means any individual employed by an employer.

(4) The definition of the term "employ" includes the "joint employment" principles applicable under the Fair Labor Standards Act. "Joint employment" under the Fair Labor Standards Act is "joint employment" under the MSPA.

(i) The term "joint employment" means a condition in which a single individual stands in the relation of an employee to two or more persons at the same time. A determination of whether the employment is to be considered joint employment depends upon all the facts in the particular case. If the facts establish that two or more persons are completely disassociated with respect to the employment of a particular employee, a "joint employment" situation does not exist.

(ii) Questions will often arise under the Act as to whether individuals employed by a farm labor contractor are also jointly employed by another person engaged in agriculture (including any person defined in the Act as an agricultural employer or an agricultural association). Such joint employment relationships are common in agriculture and have often been addressed by the Federal courts. See *Hodgson* v. *Okada*, 472 F. 2d 965, *Hodgson* v. *Griffin and Brand*, 471 F. 2d 235, *Mitchell* v. *Hertzke*, 234 F. 2d 183, *United States* v. *Rosenwasser*, 323 U.S. 360, *Rutherford Food Corporation* v. *Walling*, 331 U.S. 722, 67 S. Ct. 1473, *Real* v. *Driscoll Strawberry Associates, Inc.*, 603 F. 2d 748, *Mednick* v. *Albert Enterprises, Inc.*, 508 F. 2d 297, and *Usery* v. *Pilgrim Equipment Company, Inc.*, 527 F. 2d 1308. In determining whether such a joint employment relation exists the courts have cited the broad definition of "employ" in the Fair Labor Standards Act which "includes to suffer or permit to work". The factors considered significant by the courts in these cases and to be used as guidance by the Secretary, include, but are not limited to, the following:

(A) The nature and degree of control of the workers;

(B) The degree of supervision, direct or indirect, of the work;

(C) The power to determine the pay rates or the methods of payment of the workers;

(D) The right, directly or indirectly, to hire, fire, or modify the employment conditions of the workers;

(E) Preparation of payroll and the payment of wages.

(i) "Farm labor contracting activity" means recruiting, soliciting, hiring, employing, furnishing, or transporting any migrant or seasonal agricultural worker.

(j) "Farm labor contractor" means any person—other than an agricultural employer, an agricultural association, or an employee of an agricultural employer or agricultural association—who, for any money or other valuable consideration paid or promised to be paid, performs any farm labor contracting activity.

(k) "Farm Labor Contractor Certificate of Registration" or "Certificate of Registration" means the certificate issued by the Administrator which permits a farm labor contractor to engage in farm labor contracting activities.

(l) "Farm labor contractor employee" who is required to obtain a Certificate of Registration as an employee of a farm labor contractor means a person who performs farm labor contracting activity solely on behalf of a farm labor contractor holding a valid Certificate of Registration and is not an independent farm labor contractor who would be required to register under the Act in his own right.

(m) "Farm Labor Contractor Employee Certificate" or "Farm Labor Contractor Employee Certificate of Registration" or "Employee Certificate" means the certificate issued by the Administrator to an employee of a farm labor contractor authorizing the performance of farm labor contracting activities solely on behalf of such farm labor contractor and not as an independent farm labor contractor who would be required to register in his own right.

(n) "Illegal alien" means any person who is not lawfully admitted for permanent residence in the United States or who has not been authorized by the Attorney General to accept employment in the United States.

(o) "Immediate family" includes only—

(1) A spouse;

(2) Children, stepchildren, and foster children;

(3) Parents, stepparents, and foster parents; and

(4) Brothers and sisters

(p) "Migrant agricultural worker" means an individual who is employed in agricultural employment of a seasonal or other temporary nature, and who is required to be absent overnight from his permanent place of residence.

(1) "Migrant agricultural worker" does not include—

(i) Any immediate family member of an agricultural employer or a farm labor contractor; or

(ii) Any temporary nonimmigrant alien who is authorized to work in agricultural employment in the United States under sections 101(a)(15)(H)(ii) and 214(c) of the Immigration and Nationality Act.

(2) "Permanent place of residence", with respect to an individual, means a domicile or permanent home. Permanent place of residence does not include seasonal or temporary housing such as a labor camp. The term "permanent place of residence" for any nonimmigrant alien is that individual's country of origin.

(q) "Person" means any individual, partnership, association, joint stock company, trust, cooperative, or corporation.

(r) "Seasonal agricultural worker" means an individual who is employed in agricultural employment of a seasonal or other temporary nature and is not required to be absent overnight from his permanent place of residence—

(1) When employed on a farm or ranch performing field work related to planting, cultivating, or harvesting operations; or

(2) When employed in canning, packing, ginning, seed conditioning or related research, or processing operations, and transported, or caused to be transported, to or from the place of employment by means of a day-haul operation.

(i) "Seasonal agricultural worker" does not include—

(A) any migrant agricultural worker;

(B) any immediate family member of an agricultural employer or a farm labor contractor; or

(C) any temporary nonimmigrant alien who is authorized to work in agricultural employment in the United States under sections 101(a)(15)(H)(ii) and 214(c) of the Immigration and Nationality Act.

(ii) "Field work related to planting, cultivating or harvesting operations" includes all farming operations on a farm or ranch which are normally required to plant, harvest or produce agricultural or horticultural commodities, including the production of a commodity which normally occurs in the fields of a farm or ranch as opposed to those activities which generally occur in a processing plant or packing shed. A worker engaged in the placing of commodities in a container in the field and on-field loading of trucks and similar transports is included. Nursery, mushroom and similar workers engaged in such field work activities are intended to be covered. An individual operating a machine, such as a picker, or tractor is not included when performing such activity.

(iii) "On a seasonal or other temporary basis" means:

(A) Labor is performed on a seasonal basis where, ordinarily, the employment pertains to or is of the kind exclusively performed at certain seasons or periods of the year and which, from its nature, may not be continuous or carried on throughout the year. A worker who moves from one seasonal activity to another, while employed in agriculture or performing agricultural labor, is employed on a seasonal basis even though he may continue to be employed during a major portion of the year.

(B) A worker is employed on "other temporary basis" where he is employed for a limited time only or his performance is contemplated for a particular piece of work, usually of short duration. Generally, employment, which is contemplated to continue indefinitely, is not temporary.

(iv) "On a seasonal or other temporary basis" does not include the employment of any foreman or other supervisory employee who is employed by a specific agricultural employer or agricultural association essentially on a year round basis.

(v) "On a seasonal or other temporary basis" does not include the employment of any worker who is living at his permanent place of residence, when that worker is employed by a specific agricultural employer or agricultural association on essentially a year round basis to perform a variety of tasks for his employer and is not primarily employed to do field work.

(s) "Secretary" means the Secretary of Labor or the Secretary's authorized representative.

(t)(1) "Solicitor of Labor" means the Solicitor, United States Department of Labor, and includes attorneys designated by the Solicitor to perform functions of the Solicitor under these regulations.

(2) "Associate Solicitor for Fair Labor Standards" means the Associate Solicitor, who, among other duties, is in charge of litigation for the Migrant and Seasonal Agricultural Worker Protection Act (MSPA), Office of the Solicitor, U.S. Department of Labor, Washington, D.C. 20210.

(3) "Regional Solicitors" means the attorneys in charge of the various regional offices of the Office of the Solicitor.

(u) "State" means any of the States of the United States, the District of Columbia, the Virgin Islands, the Commonwealth of Puerto Rico, and Guam. "State agency" means a State agency vested with all powers necessary to cooperate with the U.S.

Department of Labor for purposes of entering into agreements to carry out the Act as provided in section 513 thereof.

(v) "Temporary nonimmigrant alien" means a person who has a residence in a foreign country which he does not intend to abandon and who comes temporarily to the United States, with approval of the Attorney General, to perform temporary service or labor.

(w) The "Wagner-Peyser Act" is the Act of June 6, 1933 (48 Stat. 113; codified in 29 U.S.C. 49 *et seq.*), providing, inter alia, for the establishment of the U.S. Employment Service. "Employment Service of the various States" means a State agency vested with all powers necessary to cooperate with the U.S. Employment Service under the Wagner-Peyser Act.

Applicability of the Act Exemptions

§ 500.30 Persons not subject to the Act.

(a) *Family business exemption.* Any individual who engages in a farm labor contracting activity on behalf of a farm, processing establishment, seed conditioning establishment, cannery, gin, packing shed, or nursery, which is owned or operated exclusively by such individual or an immediate family member of such individual, if such activities are performed only for such operation and exclusively by such individual or an immediate family member, but without regard to whether such individual has incorporated or otherwise organized for business purposes.

(b) *Small business exemption.* Any person, other than a farm labor contractor, for whom the man-days exemption for agricultural labor provided under section 13(a)(6)(A) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(a)(6)(A)) is applicable. That exemption applies to an agricultural employer who did not, during any calendar quarter of the preceding calendar year, use more man-days of agricultural labor than the limit specified under that statute.

(1) Currently the limit for exemption is 500 man-days.

(2) A "man-day" means any day during which an employee performs agricultural labor for not less than one (1) hour. Agricultural labor performed by an employer's parent, spouse, child, or other member of his immediate family, i.e., step-children, foster children, step-parents and foster parents, brothers, and sisters is not counted as man-days.

(3) The man-days of agricultural labor rendered in a joint employment relationship are counted toward the man-days of such labor of each employer for purposes of the man-day test of this exemption.

(c) *Common carriers.* Any common carrier which would be a farm labor contractor solely because the carrier is engaged in the farm labor contracting activity of transporting any migrant or seasonal agricultural worker. A "common carrier" by motor vehicle is one which holds itself out to the general public to engage in transportation of passengers for hire, whether over regular or irregular routes, and which holds a valid certificate of authorization for such purposes from an appropriate local, State or Federal agency.

(d) *Labor organizations.* Any labor organization, as defined in section 2(5) of the Labor Management Relations Act (29 U.S.C. 152(5)) (without regard to the exclusion of agricultural employees in that Act) or as defined under applicable State labor relations law.

(e) *Nonprofit charitable organizations.* Any nonprofit charitable organization or public or private nonprofit educational institution.

(f) *Local short-term contracting activity.* Any person who engages in any farm labor contracting activity solely within a twenty-five mile intrastate radius of such person's permanent place of residence and for not more than thirteen weeks per year.

(1) "Twenty-five mile intrastate radius" as used in section 4(a)(3)(D) of the Act means that engagement in a farm labor contracting activity may not go beyond a twenty-five mile intrastate geographical radius. One this limit is transcended, the exemption no longer applies and the person becomes subject to the requirements of the Act. If, for example, a person solicits workers from a distance greater than twenty-five miles from his permanent residence or from across a State line, then the person has engaged in a named activity outside of the permitted scope and is subject to the requirements of the Act. A person who uses lines of communication (such as U.S. Mail, telephone, or advertising) to recruit, solicit, hire, or furnish workers over a distance greater than twenty-five miles from his permanent residence or from across a State line for agricultural employment is also engaged in a named activity beyond the specified limit of the exemption and is subject to the Act. In the case of a corporation its permanent place of residence for these purposes shall be a single designated location.

(2) "For not more than thirteen weeks per year" as used in section 4(a)(3)(D) of the Act means that farm labor contracting activities may not be engaged in for more than thirteen weeks in a year. This does not mean, however, that persons who engage in intrastate and short-range farm labor contracting activities are exempt for the first thirteen weeks of their farm labor contracting activities each year. The number of weeks of contracting activity during the prior year is also a factor. When the limit of weeks for the exemption is exceeded in a calendar year, the person is subject immediately to the Act and is also subject to the Act in the next calendar year and in each subsequent year unless in the preceding year the tests of section 4(a)(3)(D) are met.

(g) *Custom combine.* Any custom combine, hay harvesting, or sheep shearing operation. "Custom combine, hay harvesting, and sheep shearing operation" means the agricultural services and activities involved in combining grain, harvesting hay and shearing sheep which are provided to a farmer on a contract basis by a person who provides the necessary equipment and labor and who specializes on providing such services and activities.

(h) *Custom poultry operations.* Any custom poultry harvesting, breeding, debeaking, desexing, or health service operation, provided the employees of the operation are not regularly required to be away from their permanent place of residence other than during their normal working hours.

(i) *Seed production exemption.* (1) Any person whose principal occupation or business is not agricultural employment, when supplying full-time students or other individuals whose principal occupation is not agricultural employment to detassel, rogue, or otherwise engage in the production of seed and to engage in related and incidental agricultural employment, unless such full-time students or other individuals are required to be away from their permanent place of residence overnight or there are individuals under eighteen years of age who are providing transportation on behalf of such person.

(2) Any person to the extent he is supplied with students or other individuals for agricultural employment in accordance with paragraph (i)(1) of this section by a person who is exempt thereunder.

(j) *Shade grown tobacco.* (1) Any person whose principal occupation or business is not agricultural employment, when supplying full-time students or other individuals whose principal occupation is not agricultural employment to string or harvest shade grown tobacco and to engage in related and incidental agricultural employment, unless there are individuals under

eighteen years of age who are providing transportation on behalf of such person.

(2) Any person to the extent he is supplied with students or other individuals for agricultural employment is accordance with paragraph (j)(1) of this section by a person who is exempt thereunder.

(k) *Employees of exempt employers.* Any employee of any person described in paragraphs (c) through (j) of this section when performing farm labor contracting activities exclusively for such person.

Subpart B—Registration of Farm Labor Contractors and Employees of Farm Labor Contractors Engaged in Farm Labor Contracting Activities

Registration Requirements; General

§ 500.40 Registration in general.

Any person who desires to engage in any activity as a farm labor contractor, as defined in the Act and these regulations, and is not exempt, is required first to obtain a Certificate of Registration authorizing each such activity. Any employee of a registered farm labor contractor who performs farm labor contracting activities solely on behalf of such contractor, and who is not an independent contractor, must obtain a Farm Labor Contractor Employee Certificate of Registration authorizing each such activity. The employee's certificate must show the name of the farm labor contractor for whom the activities are to be performed. The contractor whose name appears on the employee's certificate must hold a valid Certificate of Registration covering the entire period shown on the employee's certificate.

§ 500.41 Farm labor contractor is responsible for actions of his farm labor contractor employee.

(a) A farm labor contractor is responsible for assuring that every employee who is performing farm labor contracting activities on behalf of such contractor has obtained either a Farm Labor Contractor Employee Certificate of Registration or a Certificate of Registration as an independent farm labor contractor, as required by the Act and these regulations, prior to such employee's engagement in any activity enumerated in section 3(6) of the Act. The farm labor contractor is responsible for any violations of the Act or these regulations committed by his employee, whether or not the employee has registered as required by the Act.

(b) A Farm Labor Contractor Employee Certificate of Registration is valid only during the period in which the holder is an employee of the registered farm labor contractor named on the Farm Labor Contractor Employee Certificate. If prior to the expiration of the Employee Certificate, the holder, through a change in employment, should become an employee of a different registered farm labor contractor, a replacement Employee Certificate which names the new employer may be obtained by submitting to the regional office that issued the original employee certificate or to any regional office of the Wage and Hour Division, Employment Standards Administration, a written statement that includes the date of the change in employment status and the name, the permanent place of residence and certificate registration number of the new employer. Any such change should be reported immediately.

§ 500.42 Certificate of Registration to be carried and exhibited.

Each registered farm labor contractor and registered farm labor contractor employee shall carry at all times while engaging in farm labor contracting activities, a Certificate of Registration or a Farm Labor Contractor Employee Certificate as appropriate and, upon request, shall exhibit that certificate to representatives of the U.S. Department of Labor and State Employment Service Agencies and to all persons with whom he intends to deal as a farm labor contractor or farm labor contractor employee.

§ 500.43 Effect of failure to produce certificate.

The facilities and the services authorized by the Wagner-Peyser Act shall be denied to any farm labor contractor upon refusal or failure to produce, when asked, a Certificate of Registration. Services shall be provided upon presentation of a valid Certificate of Registration.

Applications and Renewal of Farm Labor Contractor and Farm Labor Contractor Employee Certificates

§ 500.44 Form of application.

An application for issuance or renewal of a Farm Labor Contractor Certificate of Registration or Farm Labor Contractor Employee Certificate shall be made on forms designated by the Secretary.

§ 500.45 Contents of application.

The application shall set forth the information required thereon which shall include the following:

(a) A declaration, subscribed and sworn to by the applicant, stating the applicant's permanent place of residence, the farm labor contracting activities for which the certificate is requested, and the address to which official documents should be mailed;

(b) A statement identifying each vehicle to be used to transport any migrant or seasonal agricultural worker and, if the vehicle is or will be owned or controlled by the applicant, documentation showing that the applicant for a Farm Labor Contractor Certificate of Registration is in compliance with the requirements of section 401 of the Act with respect to each such vehicle;

(c) A statement identifying each facility or real property to be used to house any migrant agricultural worker and, if the facility or real property is or will be owned or controlled by the applicant, documentation showing that the applicant for a Farm Labor Contractor Certificate of Registration is in compliance with section 203 of the Act with respect to each such facility or real property;

(d) A set of fingerprints of the applicant on Form FD 258 as prescribed by the U.S. Department of Justice;

(e) A declaration, subscribed and sworn to by the applicant, consenting to the designation by a court of the Secretary as an agent available to accept service of summons in any action against the applicant, if the applicant has left the jurisdiction in which the action is commenced or otherwise has become unavailable to accept service; and

(f) Such other relevant information as the Secretary may require.

§ 500.46 Filing an application.

Registration under the Act is required whether or not licensing or registration is required under State law.

§ 500.47 Place for filing application.

Application forms may be filed in any State Employment Service Office or in any office of the Wage and Hour Division, U.S. Department of Labor.

Action on Application

§ 500.48 Issuance of certificate.

The Administrator or authorized representative shall:

(a) Review each application received and determine whether such application is complete and properly executed;

(b) When appropriate, notify the applicant in writing of any incompleteness or error in the application and return the application for correction and completion;

(c) Determine, after appropriate investigation, whether the applicant has complied with the requirements of the Act and these regulations, and if appropriate, issue a Certificate of

Registration or a Farm Labor Contractor Employee Certificate of Registration authorizing the performance of one or more activities permitted under the Act:

(d) Authorize the activity of transporting a migrant or seasonal agricultural worker only upon receipt of (1) a statement in the manner prescribed by the Secretary identifying each vehicle to be used, or caused to be used, by the applicant for the transportation of any migrant or seasonal agricultural worker during the period for which registration is sought; (2) written proof that every such vehicle which is under the applicant's ownership or control, is in compliance with the vehicle safety requirements of the Act and these regulations; and (3) written proof that every such vehicle is in compliance with the insurance requirements of the Act and these regulations;

(e) Authorize the activity of driving a vehicle to transport a migrant or seasonal agricultural worker only upon receipt of (1) a doctor's certificate on the prescribed form, with an initial application for a Certificate of Registration or a Farm Labor Contractor Employee Certificate, and, when applying for a renewal, a new completed doctor's certificate if the previous doctor's certificate is more than three years old; and (2) evidence of a valid and appropriate license, as provided by State law, to operate the vehicle; and

(f) Authorize the activity of housing a migrant agricultural worker only upon receipt of (1) a statement identifying each facility or real property to be used for housing a migrant agricultural worker during the period for which registration is sought; and (2) if the facility or real property is or will be owned or controlled by the applicant, written proof that the facility or real property complies with the applicable Federal and State standards of health and safety. Such written proof may be either a certification issued by a State or local health authority or other appropriate agency, or a copy of a written request for the inspection of a facility or real property made to the appropriate State or local agency at least forty-five days prior to the date on which the facility or real property is to be occupied by migrant agricultural workers, dated and signed by the applicant or other person who owns or controls the facility or real property. If housing authorization is issued based on a written request for inspection and the housing facility or real property is subsequently inspected and does not meet the appropriate standards, the housing authorization is null and void. Should the required written proof for housing authorization be unavailable at the time of filing an application, the applicant must attest in writing that the applicant will not house any migrant agricultural worker in any facility or real property owned or controlled by the applicant, until such applicant shall have submitted all necessary written proof and obtained a Farm Labor Contractor Certificate of Registration showing that housing in the facility or real property is authorized by the Secretary of Labor. In such event, if otherwise eligible, the applicant will be issued a Certificate of Registration without a housing authorization. This certificate may be amended to include an authorization to house at such time as the required proof is forthcoming.

§ 500.50 Duration of certificate.

(a) Initial certificates of farm labor contractors and farm labor contractor employees.

(1) An initial certificate issued under the Act and these regulations shall expire twelve months from the date of issuance unless earlier suspended or revoked.

(2) Certificates applied for during the period beginning April 14, 1983, and ending November 30, 1983, may be issued for a period of up to twenty-four months for the purpose of an orderly transition to registration under the Act.

(3) Certificates issued to employees of farm labor contractors shall expire at the suspension, revocation or expiration of the farm labor contractor's Certificate of Registration under which such employee was authorized.

(b) Certificate renewal of farm labor contractors and farm labor contractor employees.

(1) A certificate issued under the Act and these regulations may be temporarily extended by the filing of an application with the Secretary at least thirty days prior to its expiration date. The authority to operate pursuant to a valid certificate under the Act and these regulations shall continue until the renewal application has been finally determined by the Secretary.

(2) A certificate issued under the Act and these regulations may be renewed by the Secretary for additional twelve-month periods or for periods in excess of twelve months but not in excess of twenty-four months.

(3) Eligibility for renewals of certificates under the Act and these regulations shall be limited to those farm labor contractors and farm labor contractor employees who have not been cited during the preceding five years for a violation of the Act or any regulation under the Act, or the Farm Labor Contractor Registration Act or any regulation under such Act.

(c) Continuation of certain FLCRA certificates.

(1) Certificates issued under FLCRA, and in effect on April 14, 1983, that are valid for the services performed under FLCRA, will be continued in effect and be accepted as authorization to perform like services under the Act and these regulations for the remainder of calendar year 1983. Such certificates will be subject to the Act and these regulations with respect to determinations to suspend, revoke or refuse renewal.

(2) Actions pending related to the suspension, revocation, or refusal to issue or renew FLCRA certificates shall continue through to a final determination. Any such certificate which is considered to be in effect under Title 29 CFR 40.21 pending a final determination, will be considered valid under MSPA, provided application for a certificate under MSPA is made no later than November 30, 1983.

§ 500.51 Refusal to issue or to renew, or suspension or revocation of certificate.

The Secretary may suspend or revoke or refuse to issue or to renew a Certificate of Registration (including a Farm Labor Contractor Employee Certificate) if the applicant or holder:

(a) Has knowingly made any misrepresentation in the application for such certificate;

(b) Is not the real party in interest in the application or Certificate of Registration and the real party in interest is a person who has been refused issuance or renewal of a certificate, has had a certificate suspended or revoked, or does not qualify under this section for a certificate;

(c) Has failed to comply with the Act or these regulations;

(d) Has failed to pay any court judgment obtained by the Secretary or any other person under the Act or these regulations or under the Farm Labor Contractor Registration Act of 1963 or any regulation under such Act;

(e) Has failed to comply with any final order issued by the Secretary as a result of a violation of the Act or these regulations or a violation of the Farm Labor Contractor Registration Act of 1963 or any regulation under such Act;

(f) Has been convicted within the preceding five years—

(1) Of any crime under State or Federal law relating to gambling, or to the sale, distribution or possession of alcoholic beverages, in connection with

or incident to any farm labor contracting activities, or

(2) Of any felony under State or Federal law involving robbery, bribery, extortion, embezzlement, grand larceny, burglary, arson, violation of narcotics laws, murder, rape, assault with intent to kill, assault which inflicts grievous bodily injury, prostitution, peonage, or smuggling or harboring individuals who have entered the United States illegally.

§ 500.52 Right to hearing.

Any applicant or holder who desires an administrative hearing on the determination to refuse to issue or to renew, or to suspend or to revoke, a Certificate of Registration or a Farm Labor Contractor Employee Certificate of Registration, shall make a request in accordance with § 500.212, no later than thirty (30) days after service of the notice referred to in § 500.210.

§ 500.53 Nontransfer of certificate.

A Certificate of Registration may not be transferred or assigned.

§ 500.54 Change of address.

During the period for which the Certificate of Registration or Employee Certificate is in effect, each farm labor contractor or farm labor contractor employee shall provide to the Secretary, within thirty (30) days, a notice of each change of permanent place of residence in accordance with § 500.215.

§ 500.55 Changes to or amendments of certificate authority.

(a) During the period for which the Certificate or Registration is in effect, a farm labor contractor must apply to the Secretary to amend the Certificate of Registration whenever he intends to:

(1) Engage in another farm labor contracting activity;

(2) Use, or cause be used, another vehicle than that covered by the certificate to transport any migrant or seasonal agricultural worker, or

(3) Use, or cause to be used, another real property or facility to house any migrant agricultural worker than that covered by the certificate.

(b) Whenever another vehicle or housing facility or real property is or will be owned, operated, or controlled by the farm labor contractor, the farm labor contractor must submit the appropriate information to obtain transportation, driving or housing authorization, as applicable, as described in § 500.48, within 10 days after the contractor obtains or learns of the intended use of such vehicle or housing facility or real property.

(c) Notwithstanding submission of the appropriate information, the farm labor contractor must comply with all applicable motor safety, insurance, and housing safety and health provisions of the Act and these regulations. With regard to housing, the farm labor contractor must submit the appropriate housing documentation as well as comply with the housing safety and health provisions of the Act and these regulations, prior to occupancy by a migrant agricultural worker.

§ 500.56 Replacement of Certificate of Registration or Farm Labor Contractor Employee Certificate.

If a Certificate of Registration or a Farm Labor Contractor Employee Certificate is lost or destroyed, a duplicate certificate may be obtained by the submission to the regional office that issued it or to any regional office of the Wage and Hour Division, Employment Standards Administration, of a written statement explaining its loss or destruction, indicating where the original application was filed and requesting that a duplicate be issued.

Prohibition Against Employing Illegal Aliens

§ 500.58 Prohibition against recruiting, hiring, employing, or using an alien not lawfully admitted for permanent residence or authorized by Attorney General to accept employment.

It is a violation of the Act for a farm labor contractor to recruit, hire, employ, or use, with knowledge, the services of any individual who is an alien not lawfully admitted for permanent residence or who has not been authorized by the Attorney General to accept employment.

§ 500.59 Good faith reliance on documents.

A farm labor contractor will be considered in compliance with the prohibition against recruiting, hiring, employing or using the services of an illegal alien if the contractor can demonstrate that he relied in good faith on documentation, prescribed by the Secretary of Labor, attesting to a prospective employee's status as a United States citizen or as an individual lawfully authorized to work in the United States and the contractor had no reason to believe that the prospective employee was an illegal alien. Good faith reliance by the contractor on documentation prescribed by the Secretary of Labor will be deemed met by a written affirmation that the contractor relied on any of the following:

(a) Acceptable evidence of United States citizenship—

(1) Birth certificate.

(2) Certificate of citizenship.

(3) Certificate of naturalization.

(4) U.S. identification card (INS—Form I–179 or I–197).

(5) Passport issued by United States identifying person as citizen of United States.

(6) Consular report of birth (State Department Form FS–240).

(7) Baptismal certificate under seal of a church or other religious body which practices infant baptism showing the individual's date and place of birth within the United States, its territories or possessions.

(8) A document under seal of a religious body which does not practice infant baptism showing the individual's date and place of birth within the United States, its territories or possessions.

(9) Tribal enrollment card in an American Indian tribe recognized by the Bureau of Indian Affairs.

(10) Other written advice from the Immigration and Naturalization Service (INS) attesting that such person is a citizen of the United States.

(11) A copy of a declaration, signed by the applicant under penalty of prosecution for violation of Title 18 U.S.C. 1001, and witnessed by the signature of the appropriate official of the Employment Service, affixed in the presence of the applicant, filed with the United States Employment Service or any of its affiliated offices, attesting that such person is a citizen of the United States, was born at the place stated and on the date set forth thereon, and reciting the following additional information:

(i) Social Security number of such person (voluntary) and,

(ii) Names and addresses of three adult citizens of the United States who can be contacted to verify declarant's citizenship.

(12) A certificate issued by the Department of Labor, Bureau of Employment Security, Commonwealth of Puerto Rico which attests that, based upon examination of any of the documents prescribed by paragraphs (a) (1) through (11) of this section, the individual named and identified by the picture on that certificate was born within the United States (including its territories and possessions) at the place and on the date specified thereon and which sets forth such individual's home address (street and number, city, State, zip code) and Social Security number.

(b) INS—Form I–151 or I–551, Alien Registration Receipt Card, which is proof that the alien has been lawfully admitted to the United States for permanent residence. It is a wallet-sized laminated card, bearing a photograph of the alien and contains information

concering his alien registration number, date of admission as an immigrant, birth date and sex.

(c) INS—Form I-94 (with or without a passport)—

(1) INS—Form I-94 bearing an employment authorization consisting of the words "Employment Authorized."

(2) INS—Form I-94 bearing the designation of H-2, as endorsed on the front or back of the form, authorizing a person to engage only in agricultural employment during the period of such persons's authorized stay in the United States.

(d) Any other written advice from the Immigration and Naturalization Service (INS) that such person is an alien authorized by INS to accept such employment in agriculture in the United States.

(e) United States Armed Forces Discharge Papers.

Additional Obligations of Farm Labor Contractors and Farm Labor Contractor Employeres

§ 500.60 Farm labor contractors' recruitment, contractual and general obligations.

The Act imposes certain specific recruitment, contractual and general obligations on farm labor contractors and farm labor contractor employees. The contractor is responsible for any violations under the Act committed by his employee. Each of the following obligations apply to both farm labor contractors and farm labor contractor employees.

(a) Each farm labor contractor shall provide to any other farm labor contractor and to any agricultural employer and agricultural association to which such farm labor contractor has furnished any migrant or seasonal agricultural worker, copies of all records which such farm labor contractor is required to retain for each worker furnished or supplied. The recipient of these records shall keep them for a period of three years.

(b) Each farm labor contractor, without regard to any other provisions of this Act, shall obtain at each place of employment and make available for inspection to every worker he furnishes for employment, a written statement of the conditions of such employment as described in sections 201(b) and 301(b) of the Act and § 500.75 and 500.76 of these regulations. As with the written disclosure statements under §§ 500.76 and 500.77, these statements must be provided to the workers in English or, as necessary and reasonable, in Spanish or another language common to migrant or seasonal agricultural workers who are not fluent in English.

(c)(1) No farm labor contractor shall violate, without justification, the terms of any written agreements made with an agricultural employer or an agricultural association pertaining to any contracting activity or worker protection under the Act. Normally, "without justification" would not include situations in which failure to comply with the terms of any working arrangements was directly attributable to Acts of God, due to conditions beyond the control of the person or to conditions which he could not reasonably foresee.

(2) Written agreements do not relieve a farm labor contractor of any responsibility that such contractor would otherwise have under the Act and these regulations.

(d) All payroll records made by the farm labor contractor must be retained by him for a period of three years.

§ 500.61 Farm labor contractors must comply with all worker protections and all other statutory provisions.

Every farm labor contractor must comply with all of the provisions of Titles I through V of the Act and all of the subparts of these regulations, unless subject to a specific statutory exemption. In addition to complying with all of the standards stated in Subparts A and B of these regulations, every farm labor contractor must comply with each provision stated in Subpart C and the motor vehicle safety and insurance and housing standards stated in Subpart D.

§ 500.62 Obligations of a person holding a valid Farm Labor Contractor Employee Certificate of Registration.

Any person holding a valid Farm Labor Contractor Employee Certificate of Registration in accordance with the Act and these regulations is required to comply with the Act and these regulations to the same extent as if said person had been required to obtain a Certificate of Registration in such person's own name as a farm labor contractor.

Subpart C—Worker Protections

General

§ 500.70 Scope of worker protections.

(a) The Act provides protections for migrant and seasonal agricultural workers irrespective of whether they are employed by a farm labor contractor, an agricultural employer or an agricultural association, or, in the case of joint employment situations, by more than one of these persons. The Act's provisions include standards relating to vehicle safety, housing safety and health, disclosure of wages, hours and other conditions of employment, and recordkeeping. When any person not otherwise exempt from the Act recruits, solicits, hires, employs, furnishes or transports workers, that person is required to comply with the applicable protective provisions of the Act. In addition, any person not specifically exempt from coverage of the Act (irrespective of whether that person is an agricultural employer, an agricultural association or farm labor contractor) who owns or controls a facility or real property which is used as housing for any migrant agricultural workers must ensure that the facility or real property complies with all substantive Federal and State safety and health standards applicable to that type of housing.

(b) Joint employment under the Fair Labor Standards Act, which establishes responsibility for the maintenance of payroll records, payment of wages and posting of notices under that law, is joint employment under MSPA for establishing responsibility for the maintenance of records, payment of wages and the posting of required posters under MSPA. In such joint employment situations the responsibility for assuring these MSPA protections may be carried out by one of the joint employers. While under a joint employment relationship all joint employers are equally responsible for assuring that the appropriate protections are provided, the creation of such a joint employment relationship does not also require unnecessary duplication of effort as, for example, in relation to the posting of posters (see §§ 500.75(e) and 500.76(e)) or the provision of an itemized written statement of the worker's pay (see § 500.80(d)). Failure to provide protections coming within the joint employment relationship, however, will result in all joint employers being responsible for that failure.

(c) Responsibility for compliance with the motor vehicle safety and insurance provisions of section 401 of the Act and §§ 500.100 through 500.128 of these regulations is imposed upon the person or persons using or causing to be used, any vehicle for transportation of migrant or seasonal agricultural workers. As stated in these regulations, the transportation safety provisions do not include certain car pooling arrangements. Additionally, these regulations do not impose responsibility on an agricultural employer or agricultural association for a farm labor contractor's failure to adhere to the safety provisions provided in these regulations when the farm labor contractor is providing the vehicles and

directing their use. However, when an agricultural employer or agricultural association specifically directs a farm labor contractor to use the contractor's vehicle to carry out a task for the agricultural employer or agricultural association, such direction constitutes causing the vehicle to be used and the agricultural employer or agricultural association is jointly responsible with the farm labor contractor for assuring that the vehicle meets the insurance, and safety and health, provisions of these regulations. In all cases a person using a farm labor contractor is required to take reasonable steps to determine that the vehicle used by the farm labor contractor is authorized to be used for transportation as prescribed in Section 402 of the Act and § 500.71 of these regulations.

(d) Responsibility for compliance with the housing safety and health provisions of section 203 of the Act and §§ 500.130 through 500.135 of these regulations is imposed upon the person (or persons) who owns or controls a facility or real property used as housing for migrant agricultural workers. Any agricultural employer or agricultural association which has a farm labor contractor operate housing which it owns or controls is responsible, as well as the farm labor contractor, for insuring compliance with the housing safety and health provisions of these regulations. When the owner or operator of the housing is not an agricultural employer, agricultural association or farm labor contractor, the owner is responsible for that housing meeting the safety and health provisions under the Act and these regulations. This is subject to the exclusion stated in § 500.131 of these regulations which provides that the housing safety and health requirements do not apply to any person who, in the ordinary course of that person's business, regularly provides housing on a commercial basis to the general public and who provides housing to any migrant agricultural worker of the same character and on the same or comparable terms and conditions as provided to the general public.

§ 500.71 Utilization of only registered farm labor contractors.

The Act prohibits any person from utilizing the services of a farm labor contractor to supply migrant or seasonal agricultural workers without first taking reasonable steps to determine that the farm labor contractor possesses a valid Certificate of Registration, issued pursuant to the Act, which authorizes the activity for which the contractor is to be utilized. This prohibition also applies to a farm labor contractor who wishes to utilize the services of another farm labor contractor. In making the determination about a contractor's registration status, a person may rely upon the contractor's possession of a Certificate of Registration which on its face is valid and which authorizes the activity for which the contractor is utilized. A person has the alternative to confirm the contractor's registration through the central registry maintained by the United States Department of Labor.

§ 500.72 Agreements with workers.

(a) The Act prohibits farm labor contractors, agricultural employers and agricultural associations from violating, without justification, the terms of any working arrangements they have made with migrant or seasonal agricultural workers. Normally, "without justification" would not include situations in which failure to comply with the terms of any working arrangements was directly attributable to acts of God, due to conditions beyond the control of the person or to conditions which he could not reasonably foresee.

(b) Written agreements do not relieve any person of any responsibility that the person would otherwise have under the Act of these regulations.

§ 500.73 Required purchase of goods or services solely from any person prohibited.

The Act prohibits a farm labor contractor, agricultural employer or agricultural association from requiring a migrant or seasonal agricultural worker to purchase goods or services solely from such farm labor contractor, agricultural employer, or agricultural association, or any other person acting as an agent for any person subject to this prohibition.

Recruiting, Hiring and Providing Information to Migrant Agricultural Workers

§ 500.75 Disclosure of information.

(a) Where disclosure is required, Department of Labor optional forms may be used to satisfy the requirements of disclosure under the Act.

(b) Each farm labor contractor, agricultural employer, and agricultural association which recruits any migrant agricultural worker shall ascertain to the best of his ability and disclose, in writing to the extent that he has obtained such information, to such worker at the time of recruitment, the following information:

(1) The place of employment;

(2) The wage rates (including piece rates) to be paid;

(3) The crops and kinds of activities on which the worker may be employed;

(4) The period of employment;

(5) The transportation, housing, and any other employee benefits to be provided, if any, and any costs to be charged for each of them;

(6) Worker's compensation and unemployment insurance;

(7) The existence of any strike or other concerted work stoppage, slowdown, or interruption of operations by employees at the place of employment; and

(8) The existence of any arrangements with any owner or agent of any establishment in the area of employment under which the farm labor contractor, the agricultural employer, or the agricultural association is to receive a commission or any other benefit resulting from any sales by such establishment to the workers.

(c) Each farm labor contractor, agricultural employer and agricultural association which employs any migrant agricultural worker shall post (and maintain) in a conspicuous place at the place of employment a poster provided by the Secretary of Labor, which sets out the rights and protections for workers required under the Act.

(d) The employer (other than a farm labor contractor) of any migrant agricultural worker, shall provide at the place of employment on request of the worker, a written statement of the conditions of employment. A farm labor contractor shall provide such information in accordance with § 500.60(b) of these regulations.

(e) In a joint employment situation, each employer is equally responsible for displaying and maintaining the poster and for responding to worker requests for written statements of the conditions of employment which are made during the course of employment. This joint responsibility, however, does not require needless duplication, such as would occur if each employer posted the same poster or provided the same written statement with respect to the same employment conditions. Failure to provide the protection required by a joint employment relationship, however, will result in all joint employers being responsible for that failure.

(f) Each farm labor contractor, agricultural employer and agricultural association which provides housing for any migrant agricultural worker shall post in a conspicuous place (at the site of the housing) or present in the form of a written statement to the worker the following information on the terms and conditions of occupancy of such housing, if any:

(1) The name and address of the farm labor contractor, agricultural employer

or agricultural association providing the housing;

(2) The name and address of the individual in charge of the housing;

(3) The mailing address and phone number where persons living in the housing facility may be reached;

(4) Who may live at the housing facility;

(5) The charges to be made for housing;

(6) The meals to be provided and the charges to be made for them

(7) The charges for utilities; and

(8) Any other charges or conditions of occupancy.

(g) If the terms and conditions of occupancy are posted, the poster shall be displayed and maintained during the entire period of occupancy. If the terms and conditions of occupancy are disclosed to the worker through a statement (rather than through a posting), such statement shall be provided to the worker prior to occupancy. Department of Labor optional forms may be used to satisfy this requirement.

Hiring and Providing Information to Seasonal Agricultural Workers

§ 500.76 Disclosure of information.

(a) Where disclosure is required, Department of Labor optional forms may be used to satisfy the requirements of disclosure under the Act.

(b) Each farm labor contractor, agricultural employer and agricultural association, which recruits any seasonal agricultural worker for employment on a farm or ranch to perform field work related to planting, cultivating or harvesting operations, shall ascertain and, upon request, disclose in writing the following information to such worker when an offer of employment is made:

(1) The place of employment;

(2) The wage rates (including piece rates) to be paid;

(3) The crops and kinds of activities on which the worker may be employed;

(4) The period of employment;

(5) The transportation and any other employee benefits to be provided, if any, and any costs to be charged for each of them;

(6) Worker's compensation and unemployment insurance;

(7) The existence of any strike or other concerted work stoppage, slowdown, or interruption of operations by employees at the place of employment; and

(8) The existence of any arrangements with any owner or agent of any establishment in the area of employment under which the farm labor contractor, the agricultural employer, or the agricultural association is to receive a commission or any other benefit resulting from any sales by such establishment to the workers.

(c) Each farm labor contractor, agricultural employer and agricultural association which recruits any seasonal agricultural worker for employment through the use of day-haul operation in canning, packing, ginning, seed conditioning or related research, or processing operations, shall ascertain and disclose in writing to the worker at the time of recruitment the information on employment conditions set out in paragraph (b) of this section.

(d) (1) Each farm labor contractor, agricultural employer and agricultural association which employs any seasonal agricultural worker shall post (and maintain) at the place of employment in a conspicuous place readily accessable to the worker a poster provided by the Secretary of Labor which sets out the rights and protections for such worker required under the Act.

(2) Such employer shall provide, on request of the worker, a written statement of the information described in paragraph (b) of this section.

(e) In a joint employment situation, each employer is equally responsible for displaying and maintaining the poster and for responding to worker requests for written statements of the conditions of employment which are made during the course of employment. This joint responsibility, however, does not require needless duplication, such as would occur if each empoyer posted the same poster or provided the same written statement with respect to the same employment conditions.

Employment Information Furnished

§ 500.77 Accuracy of information furnished.

No farm labor contractor, agricultural employer or agricultural association shall knowingly provide false or misleading information on the terms, conditions or existence of agricultural employment and housing required to be disclosed by the Act and these regulations to any migrant or seasonal agricultural worker.

§ 500.78 Information in foreign language.

Each farm labor contractor, agricultural employer and agricultural association shall make all required written disclosures to the worker, including the written disclosures of the terms and conditions of occupancy of housing to be provided to any migrant worker, in English or, as necessary and reasonable, in Spanish or another language common to migrant or seasonal agricultural workers who are not fluent or literate in English. The Department of Labor shall make forms available in English, Spanish, Haitian-Creol and other languages, as necessary, which may be used in providing workers with such information.

Wages and Payroll Standards

§ 500.80 Payroll records required.

(a) Each farm labor contractor, agricultural employer and agricultural association which employs any migrant or seasonal agricultural worker shall make and keep the following records with respect to each worker including the name, permanent address, and Social Security number:

(1) The basis on which wages, are paid;

(2) The number of piecework units earned, if paid on a piecework basis;

(3) The number of hours worked;

(4) The total pay period earnings;

(5) The specific sums withheld and the purpose of each sum withheld; and

(6) The net pay.

(b) Each farm labor contractor, agricultural employer and agricultural association which employs any migrant or seasonal agricultural worker shall preserve all payroll records with respect to each such worker for a period of three years.

(c) In any situation in which a joint employment relationship does not exist the farm labor contractor furnishing any migrant or seasonal agricultural worker to any person must furnish such person a copy of all payroll records required under paragraph (a) of this section which he has made regarding such workers for that place of employment. The person receiving such records shall maintain them for a period of three years.

(d) In addition to making records of this payroll information, the farm labor contractor, agricultural employer and agricultural association shall provide each migrant or seasonal agricultural worker employed with an itemized written statement of this information at the time of payment for each pay period which must be no less often than every two weeks (or semi-monthly). Such statement shall also include the employer's name, address, and employer indentification number assigned by the Internal Revenue Service. This responsibility does not require needless duplication such as would occur if each provided the worker with a written itemized statement for the same work.

§ 500.81 Payment of wages when due.

Each farm labor contractor, agricultural employer and agricultural

association which employs any migrant or seasonal agricultural worker must pay the wages owed such worker when due. In meeting this responsibility, the farm labor contractor, agricultural employer and agricultural association shall pay the worker no less often than every two weeks (or semi-monthly).

Subpart D—Motor Vehicle Safety and Insurance for Transportation of Migrant and Seasonal Agricultural Workers, Housing Safety and Health for Migrant Workers

Motor Vehicle Safety

§ 500.100 Transportation vehicle safety standards.

(a) Each farm labor contractor, agricultural employer and agricultural association which uses, or causes to be used, any vehicle to transport a migrant or seasonal agricultural worker shall ensure that such vehicle conforms to vehicle safety standards prescribed by the Secretary of Labor under the Act and with other applicable Federal and State safety standards. Each farm labor contractor, agricultural employer and agricultural association shall also ensure that each driver of any such vehicle has a currently valid motor vehicle operator's permit or license, as provided by applicable State law, to operate the vehicle.

(b) The term "uses or causes to be used" as set forth in paragraph (a) of this section does not include carpooling arrangements made by the workers themselves, using one of the workers' own vehicles. However, carpooling does not include any transportation arrangement in which a farm labor contractor participates or which is directed by an agricultural employer or an agricultural association.

(c) All transportation of migrant and seasonal agricultural workers, whether on the farm or on the road, shall be subject to the vehicle safety standards and the insurance requirements of the Act, except for activities under the circumstances set out in § 500.103.

§ 500.101 Interstate Commerce Act standards.

Except as specifically provided in § 500.102, pursuant to Section 401(b)(2)(D) of the Act, the standards prescribed under Section 204(a)(3a) of the Interstate Commerce Act (49 U.S.C. 304(a)(3a)) shall apply, without regard to the mileage and boundary limitations contained therein, to any vehicle used or caused to be used by any farm labor contractor, agricultural employer or agricultural association to transport any migrant or seasonal agricultural worker; and any violation thereof shall be considered a violation of the Act.

§ 500.102 Applicability of Secretary's standards.

(a) Any passenger automobile or station wagon used or caused to be used by any farm labor contractor, agricultural employer or agricultural association to transport any migrant or seasonal agricultural worker shall meet the vehicle safety standards prescribed in § 500.105.

(b) Any vehicle, other than a passenger automobile or station wagon, used or caused to be used by any farm labor contractor, agricultural employer or agricultural association to transport any migrant or seasonal agricultural worker pursuant to a day-haul operation shall be subject to the safety standards prescribed under section 204(a)(3a) of the Interstate Commerce Act, without regard to the mileage and boundary line limitations contained therein.

(c) Any vehicle, other than a passenger automobile or station wagon, which has been or is being used or caused to be used for any trip of a distance greater than 75 miles by a farm labor contractor, agricultural employer or agricultural association to transport any migrant or seasonal agricultural worker, shall be subject to the safety standards prescribed under section 204 (a)(3a) of the Interstate Commerce Act, without regard to the mileage and boundary line limitations contained therein. One trip may have numerous intermediate stops.

(d) Any vehicle, other than a passenger automobile or station wagon, used or caused to be used by any farm labor contractor, agricultural employer of agricultural association to transport any migrant or seasonal agricultural worker in any manner not addressed by paragraphs (a), (b), or (c) of this section shall meet the vehicle safety standards prescribed in § 500.105.

(e) The use or intended use of a vehicle, other than a passenger automobile or station wagon, for transportation of the type identified in § 500.102(b) or § 500.102(c) will make the vehicle subject to the standards prescribed under section 204(a)(3a) of the Interstate Commerce Act, without regard to the mileage and boundary line limitations contained therein, so long as the vehicle is used for transportation subject to the Act and these regulations.

(f) Any pickup truck when transporting passengers only within the cab shall be treated as a station wagon.

(g) Pursuant to section 401(b)(2)(C) of the Act, standards prescribed by the Secretary shall be in addition to, and shall not supersede nor modify, any standard prescribed under part II of the Interstate Commerce Act of 1949 (49 U.S.C. 301 *et seq.).*

§ 550.103 Activities not subject to vehicle safety standards.

(a) *Agricultural machinery and equipment excluded.* Vehicle safety standards or insurance requirements issued under the Act and these regulations do not apply to the transportation of any seasonal or migrant agricultural worker on a tractor, combine, harvester, picker, other similar machinery and equipment while such worker is actually engaged in the planting, cultivating, or harvesting of any agricultural commodity or the care of livestock or poultry. This exclusion applies only to workers carrying out these activities on such machinery and equipment or being engaged in transportation incidental thereto. The exclusion does include the use of such machinery for the transportation of any worker under any other circumstances.

(b) *Exclusion for immediate family transporting family members.* The standards of this subpart do not apply to an individual migrant or seasonal agricultural worker when the only other occupants of that individual's vehicle consist of his immediate family members.

(c) Vehicle safety standards or insurance requirements of the Act and these regulations do not apply to carpooling arrangements made by the workers themselves, using one of the workers' own vehicles and not directed by an agricultural employer or agricultural association. Carpooling, however, does not include any transportation arrangement in which a farm labor contractor participates.

§ 500.104 Transportation subject to Department of Labor standards.

In developing the regulations in § 500.105, the Secretary has considered among other factors: (a) the type of vehicle used, (b) the passenger capacity of the vehicle, (c) the distance which such workers will be carried in the vehicle, (d) the type of roads and highways on which such workers will be carried in the vehicle, and (e) the extent to which a proposed standard would cause an undue burden on agricultural employers, agricultural associations, or farm labor contractors.

§ 500.105 Department of labor standards for passenger automobiles and station wagons and transportation of seventy-five miles or less.

Passenger automobiles and station wagons and other vehicles used only for transportation as provided in

§ 500.102(a) and 500.102(b) shall comply with the following vehicle safety standards:

(a) *External Lights:* Head lights, tail lights, stop lights, back-up lights, turn signals and hazard warning lights shall be operable.

(b) *Brakes:* Every vehicle shall be equipped with operable brakes for stopping and holding on an incline. Brake systems shall be free of leaks.

(c) *Tires:* Tires shall have at least 2/32 inch tread depth, and have no cracks/defects in the sidewall.

(d) *Steering:* The steering wheel and associated mechanism shall be maintained so as to safely and accurately turn the vehicles.

(e) *Horn:* Vehicles shall have an operable air or electric horn.

(f) *Mirrors:* Mirrors shall provide the driver full vision of the sides and to the rear of the vehicle.

(g) *Windshields/Windshield Wipers:* Windshields and windows may not have cracks or opaque obstructions which obscure vision. Vehicles shall be equipped with windshield wipers that are operational to allow the operator full frontal vision in all weather conditions.

(h) *Fuel System:* Fuel lines and the fuel tank shall be free of leaks. The tank shall be fitted with a cap to securely cover the filling opening.

(i) *Exhaust System:* The exhaust system shall discharge carbon monoxide away from the passenger compartment and be free of leaks beneath the passenger compartment.

(j) *Ventilation:* Windows will be operational to allow fresh air to the occupants of the vehicle.

(k) *Safe Loading:* Vehicles will not be driven when loaded beyond the manufacturer's gross vehicle weight rating.

(l) *Seats:* Seats: A seat securely fastened to the vehicle will be provided for each occupant or rider in, or on, any vehicle, except that transportation which is primarily on private farm roads will be excused from this requirement provided the total distance traveled does not exceed ten (10) miles, and so long as the trip begins and ends on a farm owned or operated by the same employer.

(m) *Handles and Latches:* Door handles and latches shall be provided and maintained to allow exiting capability for vehicle occupants.

(n) *Passenger compartment:* Floor and sides of any part of the vehicle to be occupied by passengers must be free of openings, rusted areas or other defects which are likely to result in injury to passengers.

§ 500.106 Proof of compliance with vehicle safety standards.

Prime facie evidence that safety standards have been met will be shown by the presence of a current State vehicle inspection sticker. Such sticker will not, however, relieve the farm labor contractor, agricultural employer or agricultural association from responsibility for maintaining the vehicle in accordance with § 500.101 through 500.105, as applicable.

Insurance

§ 500.120 Insurance policy or liability bond is required for each vehicle used to transport any migrant or seasonal agricultural worker.

A farm labor contractor, agricultural employer or agricultural association shall not transport any migrant or seasonal agricultural worker or his property in any vehicle such contractor, employer or association owns, operates, controls, or causes to be operated unless he has an insurance policy or liability bond in effect which insures against liability for damage to persons or property arising from the ownership, operation, or causing to be operated of such vehicle. Generally, the owner or lessor of the vehicle will be responsible for providing the required insurance. The insurance requirements do not apply to vehicles involved in carpooling arrangements made by the workers themselves, using one of the workers' own vehicles. However, carpooling does not include any transportation arrangement in which a farm labor contractor participates.

§ 500.121 Level of insurance required.

(a) Except to the extent that other arrangements pursuant to section 500.124 of this part have been approved by the Secretary, or that workers' compensation insurance is applicable as discussed in § 500.122, a farm labor contractor, agricultural employer or agricultural association shall, in order to meet the insurance requirements in § 500.120, obtain a vehicle liability insurance policy, including a liability endorsement, which provides insurance in an amount not less than the amount applicable to vehicles used in the transportation of passengers under the Interstate Commerce Act and regulations promulgated thereto.

(b) The amounts of insurance required under paragraph (a) of this section currently are as follows:

INSURANCE REQUIRED FOR PASSENGER EQUIPMENT

	12 or less passengers	More than 12 passengers
Limit for bodily injuries to or death of one (1) person	$100,000	$100,000
Limit for bodily injuries to or death of all persons injured or killed in any one (1) accident (subject to a maximum of $100,000 for bodily injuries to or death of one (1) person	300,000	500,000
Limit for loss or damage in any one (1) accident to property of others (excluding cargo)	50,000	50,000

(c) The insurance to be obtained under paragraph (a) of this section shall be issued by an insurance carrier licensed or otherwise authorized to do business in the State in which the insurance is obtained.

(d) An agricultural employer or agricultural association may evidence the purchase of liability insurance which covers the workers while being transported, as required under paragraph (a) by obtaining and making available upon request to the Department of Labor a completed liability certificate of insurance showing that the passenger hazard is included. A farm labor contractor must obtain such a certificate and provide a copy to the Administrator when applying for authorization to transport migrant or seasonal agricultural workers.

(e) With respect to an agricultural employer or agricultural association, in the absence of the insurance certificate referred to under paragraph (d) of this section, the Department of Labor will look to the actual policy of insurance in determining compliance with the insurance requirements.

§ 500.122 Adjustments in insurance requirements when workers' compensation coverage is provided under State law.

(a) If a farm labor contractor, agricultural employer or agricultural association referred to in § 500.120 is the employer of a migrant or seasonal agricultural worker for purposes of a State workers' compensation law and such employer provides workers' compensation coverage for such worker in the case of bodily injury or death as provided by such State law, the following adjustments in the insurance requirements relating to having an insurance policy or liability bond apply:

(1) No vehicle liability insurance policy or liability bond shall be required of the employer, if such worker is transported only under circumstances for which there is coverage under such State law.

(2) A liability insurance policy or liability bond shall be required of the employer for circumstances under which coverage for the transportation of such worker is not provided under such State law.

(b) Where a State workers' compensation law is applicable and coverage is provided for a migrant or seasonal agricultural worker by the employer, the workers' compensation benefits are the exclusive remedy for loss under this Act in the case of bodily injury or death.

(c) A farm labor contractor, agricultural employer or agricultural association who is the employer of a migrant or seasonal agricultural worker may evidence the issuance of workers' compensation insurance and passenger insurance under paragraphs (a) and (b) of this section respectively by obtaining and making available upon request to the Department of Labor:

(1) A workers' compensation coverage policy of insurance, and

(2) A liability certificate of insurance covering transportation of all passengers who are not employees and of workers whose transportation by the employer is not covered by workers' compensation insurance.

(d) In the absence of the insurance certificate referred to under paragraph (c)(2) of this section, the Department of Labor will look to the actual policy of insurance in determining compliance with the Act and these regulations.

§ 500.123 Property damage insurance required.

(a) When a person who is an employer of a migrant or seasonal agricultural worker provides workers' compensation insurance which protects such worker in the event of bodily injury or death while the worker is being transported, such person must also obtain insurance providing a minimum of $50,000 for loss or damage in any one accident to the property of others (excluding cargo), or evidence of a general liability insurance policy that provides the same protection.

(b) Such person may evidence the purchase of motor carrier insurance or other appropriate insurance providing such property damage protection by obtaining and making available upon request to the Department of Labor a vehicle or other liability certificate of insurance showing that such person has obtained the property damage insurance required under paragraph (a) of this section.

(c) In the absence of the insurance certificate referred to in paragraph (b) of this section, the Department of Labor will look to the actual policy of insurance in determining compliance with paragraph (a) of this section.

§ 500.124 Liability bond in lieu of insurance policy.

Financial responsibility in lieu of insurance may be evidenced by a liability bond executed as the "principal" by the person who will be transporting a migrant or seasonal agricultural worker, together with a third party identified in the instrument as the "surety", to assure payment of any liability up to $500,000 for damages to persons or property arising out of such person's ownership of, operation of, or causing to be operated any vehicle for the transportation of such worker in connection with the person's business, activities, or operations. The "surety" shall be one which appears on the list contained in Treasury Department Circular 570, or which has been approved by the Secretary under the Employee Retirement Income Security Act of 1974 (Pub. L. 93–406). Treasury Department Circular 570 may be obtained from the U.S. Treasury Department, Audit Staff, Bureau of Government Financial Operations, Washington, D.C. 20226.

§ 500.125 Qualifications and eligibility of insurance carrier or surety.

A policy of insurance or surety bond does not satisfy the financial responsibility of requirements of the Act and these regulations unless the insurer or surety furnishing the policy or bond to any farm labor contractor, agricultural employer or agricultural association is:

(a) Legally authorized to issue such policies or bonds in the State in which the transportation occurs; or

(b) Legally authorized to issue such policies or bonds in the State in which the farm labor contractor, agricultural employer or agricultural association has its principal place of business or permanent residence and is willing to designate a person upon whom process, issued by or under the authority of any court having jurisdiction of the subject matter, may be served in any proceeding at law or equity brought in any State in which the transportation occurs; or

(c) Legally authorized to issue such policies or bonds in any State of the United States and eligible as an excess or surplus lines insurer in any State in which business is written and is willing to designate a person upon whom process, issued by or under the authority of any court having jurisdiction of the subject matter, may be served in any proceeding at law or equity brought in any State in which the transportation occurs.

§ 500.126 Duration of insurance or liability bond.

Any insurance policy or liability bond which is obtained pursuant to the Act shall provide the required coverage for the full period during which the person shall be engaged in transporting any migrant or seasonal agricultural worker within the meaning of the Act.

§ 500.127 Limitations on cancellation of insurance or liability bond of registered farm labor contractors.

Any insurance policy or liability bond obtained by a farm labor contractor who is required to register with the Department of Labor shall provide that it shall not be cancelled, rescinded, or suspended, nor become void for any reason whatsoever during such period in which the insurance or liability bond is required by the Act to be effective, except upon the expiration of the term for which it is written; or unless the parties desiring to cancel shall have first given thirty (30) days notice to the Administrator. The notice will include a statement setting forth the reason for cancellation, rescission, suspension, or any other termination of such policy or bond. The notice shall be in writing and forwarded via certified or registered mail, addressed to the Administrator of the Wage and Hour Division, U.S. Department of Labor, Washington, D.C. 20210. Said thirty (30) days notice shall commence to run from the date notice is actually received by the Administrator.

§ 500.128 Cancellation of insurance policy or liability bond not relief from insurance requirements.

Cancellation, rescission, suspension, or any other termination of any insurance policy or liability bond required by the Act does not relieve a person who transports or causes to be transported any migrant or seasonal agricultural worker in any vehicle under his ownership or control of the responsibility to comply with the insurance requirements specified in §§ 500.121, 500.122 and 500.123.

Housing Safety and Health

§ 500.130 Application and scope of safety and health requirement.

(a) Each person who owns or controls a facility or real property which is used as housing for any migrant agricultural worker must ensure that the facility or real property complies with all substantive Federal and State safety and health standards applicable to such housing. If more than one person is involved in providing the housing for any migrant agricultural worker (for example, when an agricultural employer

owns it and a farm labor contractor operates it), both persons are responsible for ensuring that the facility or real property meets the applicable Federal and State housing standards.

(b) A farm labor contractor, agricultural employer, agricultural association or other person is deemed an "owner" of a housing facility or real property if said person has a legal or equitable interest in such facility or real property.

(c) A farm labor contractor, agricultural employer, agricultural association or other person is in "control" of a housing facility or real property, regardless of the location of such facility, if said person is in charge of or has the power or authority to oversee, manage, superintend or administer the housing facility or real property either personally or through an authorized agent or employee, irrespective of whether compensation is paid for engaging in any of the aforesaid capacities.

(d) The Occupational Safety and Health Administration (OSHA) is the agency of the U.S. Department of Labor which administers the Occupational Safety and Health Act (29 U.S.C. 651 *et seq.*) which provides for the establishment of safety and health standards generally.

(e) The Employment and Training Administration (ETA) is the agency of the U.S. Department of Labor which administers the U.S. Employment Service pursuant to the Wagner-Peyser Act (29 U.S.C. 49 *et seq.*) including the interstate clearance order system.

§ 500.131 Exclusion from housing safety and health requirement.

The housing safety and health requirements do not apply to any person who, in the ordinary course of that person's business, regularly provides housing on a commercial basis to the general public and who provides housing to any migrant agricultural worker of the same character and on the same or comparable terms and conditions as provided to the general public.

§ 500.132 Applicable Federal standards: ETA and OSHA housing standards.

(a) For the purpose of these regulations the applicable Federal housing standards are the standards promulgated by the Employment and Training Administration, at 20 CFR 654.404 *et seq.* and the standards promulgated by the Occupational Safety and Health Administration, at 29 CFR 1910.142. Except as provided in § 500.131, all migrant housing is subject to either the ETA standards or the OSHA standards, as follows:

(1) A person who owns or controls a facility or real property to be used for housing any migrant agricultural worker, the construction of which was begun on or after April 3, 1980, and which was not under a contract for construction as of March 4, 1980, shall comply with the substantive Federal safety and health standards promulgated by OSHA at 29 CFR 1910.142. These OSHA standards are enforceable under MSPA, irrespective of whether housing is, at any particular point in time, subject to inspection under the Occupational Safety and Health Act.

(2) A person who owns or controls a facility or real property to be used for housing any migrant agricultural worker which was completed or under construction prior to April 3, 1980, or which was under a contract for construction prior to March 4, 1980, may elect to either comply with the substantive Federal safety and health standards promulgated by OSHA at 29 CFR 1910.142 or the standards promulgated by ETA at 20 CFR 654.404 *et seq.* The ETA standards were established to provide housing requirements for migrant housing used by an employer obtaining migrant workers through the U.S. Employment Service. The owner or operator of such housing may continue to rely on those standards, rather than ODHA standards, even if the housing is not currently being provided pursuant to a USES job placement program.

§ 500.133 Substantive Federal and State safety and health standards defined.

Substantive safety and health standards include, but are not limited to, those that provide fire prevention, an adequate and sanitary supply of water, well maintained plumbing, structurally sound construction of buildings, effective maintenance of those buildings, provision of adequate heat as weather conditions require, and reasonable protections for inhabitants from insects and rodents. Substantive housing standards do not include technical or procedural violations of safety and health standards; nor do they include any de minimus violation of a substantive standard that presents no reasonable likelihood of risk to the safety or health of a housed worker.

§ 500.134 Compliance with State standards.

Compliance with the substantive Federal housing safety and health standards shall not excuse noncompliance with applicable substantive State housing safety and health standards.

§ 500.135 Certificate of housing inspection.

(a) Except as provided in paragraph (c) of this section, a facility or real property to be used for housing a migrant agricultural worker shall not be occupied by any migrant agricultural worker unless either a State or local health authority or other appropriate agency, including a Federal agency, has certified that the facility or real property meets applicable safety and health standards.

(b) Except as provided in paragraph (c) of this section, the person who owns or controls a facility or real property shall not permit it to be occupied by any migrant agricultural worker unless a copy of a certificate of occupancy from the State, local or Federal agency which conducted the housing safety and health inspection is posted at the site of the facility or real property. The original of such certificate of occupancy shall be retained by such person for three years and made available for inspection in accordance with section 512 of the Act.

(c) If a request for an inspection of a facility or real property is made to the appropriate State, local or Federal agency at least forty-five (45) days prior to the date on which it is to be occupied by a migrant agricultural worker but the agency has not conducted an inspection by such date, the facility or property may be occupied by migrant agricultural workers.

(d) Receipt and posting of a certificate of occupancy as provided under paragraph (b) of this section, or the failure of an agency to inspect a facility or property within the forty-five (45) day time period, shall not relieve the person who owns or controls a facility or property from the responsibility of ensuring that such facility or property meets the applicable State and Federal safety and health standards. Once such facility or property is occupied, such person shall supervise and continually maintain such facility or property so as to ensure that it remains in compliance with the applicable safety and health standards.

Subpart E—Enforcement

§ 500.140 General.

Whenever the Secretary believes that the Act or these regulations have been violated he shall take such action and institute such proceedings as he deems appropriate, including (but not limited to) the following:

(a) Recommend to the Attorney General the institution of criminal proceedings against any person who willfully and knowingly violates the Act or these regulations;

(b) Recommend to the Attorney General the institution of criminal proceedings against any farm labor contractor who recruits, hires, employs, or uses, with knowledge, the services of any illegal alien, as defined in §500.20(n) of these regulations, if such farm labor contractor has:

(1) Been refused issuance or renewal of, or has failed to obtain, a Cerificate of Registration, or

(2) Is a farm labor contractor whose certificate has been suspended or revoked;

(c) Petition any appropriate District Court of the United States for temporary or permanent injunctive relief to prohibit violation of the Act or these regulations by any person;

(d) Assess a civil money penalty against any person for any violation of the Act or these regulations;

(e) Refer any unpaid civil money penalty which has become a final and unappealable order of the Secretary or a final judgment of a court in favor of the Secretary to the Attorney General for recovery;

(f) Revoke or suspend or refuse to issue or renew any Certificate of Registration authorized by the Act or these regulations;

(g) Deny the facilities and services afforded by the Wagner-Peyser Act to any farm labor contractor who refuses or fails to produce, when asked, a valid Certificate of registration;

(h) Institute action in any appropriate United States District Court against any person who, contrary to the provisions of section 505(a) of the Act, discriminates against any migrant or seasonal agricultural worker.

§ 500.141 Concurrent actions.

The taking of any one of the actions referred to in § 500.140 shall not be a bar to the concurrent taking of any other action authorized by the Act and these regulations.

§ 500.142 Representation of the Secretary.

(a) Except as provided in section 518(a) of Title 28, U.S. Code, relating to litigation before the Supreme Court, the Solicitor of Labor may appear for and represent the Secretary in any civil litigation brought under the Act; but all such litigation shall be subject to the direction and control of the Attorney General.

(b) The Solicitor of Labor, through the authorized representatives identified in § 500.231, shall represent the Secretary in all administrative hearings under the Act and these regulations.

§ 500.143 Civil money penalty assessment.

(a) A civil money penalty may be assessed for each violation of the Act or these regulations.

(b) In determining the amount of penalty to be assessed for any violation of the Act or these regulations the Secretary shall consider the type of violation committed and other relevant factors, including but not limited to the following:

(1) Previous history of violation or violations, of this Act and the Farm Labor Contractor Registration Act.

(2) The number of workers affected by the violation or violations.

(3) The gravity of the violation or violations.

(4) Efforts made in good faith to comply with the Act.

(5) Explanation of person charged with the violation or violations.

(6) Commitment to future compliance taking into account the public health, interest or safety and whether the person has previously violated the Act.

(7) The extent to which the violator achieved a financial gain due to the violation, or the potential financial loss or potential injury to the workers.

§ 500.144 Civil money penalties—payment and collection.

Where the assessment is directed in a final order by the Secetary or in a final judgment issued by a United States District Court, the amount of the penalty is immediately due and payable to the United States Department of Labor. The person assessed such penalty shall remit promptly the amount thereof, as finally determined, to the Secretary by certified check or by money order, made payable to the order of "Wage and Hour Division, Labor." The remittance shall be delivered or mailed either to the Administrator, in Washington, D.C., or to the Wage and Hour Division Regional Office for the area in which the violations occurred.

§ 500.145 Registration determinations.

Section 500.51 set forth the standards under which the Secretary may refuse to issue or to renew, or may suspend or revoke, a Certificate of Registration (including a Farm Labor Contractor Employee Certificate or Registration).

§ 500.146 Continuation of matters involving violations of FLCRA.

(a) Any matter involving the revocation, suspension, or refusal to renew a Certification of Registration issued under FLCRA and any matter involving the refusal to issue a certificate authorized under FLCRA shall continue through final administrative determination in accordance with the provisions of FLCRA and the regulations issued thereunder.

(b) Any matter involving the assessment of a civil money penalty for a violation of FLCRA will continue through final administrative determination in accordance with the provisions of FLCRA and the regulations issued thereunder.

(c) The rules of practice for implementation of administrative enforcement for violations of FLCRA referred to the Office of the Chief Administrative Labor Judge on or after April 14, 1983, shall be the rules of practice provided in §§ 500.220 through 500.262 and the official record shall be maintained in accordance with §§ 500.270 and 500.271 of these regulations.

(d) The rules of practice for implementation of administrative enforcement for violations of FLCRA referred to the office of the Chief Administrative Law Judge prior to April 14, 1983 shall be the rules of practice provided in 29 CFR 40.201 through 40.262.

Agreements With Federal and State Agencies

§ 500.155 Authority.

Section 513 of the Act authorizes the Secretary to enter into agreements with Federal and State agencies (a) to use their facilities and services, (b) to delegate (subject to subsection 513(b) of the Act) to Federal and State agencies such authority (other than rulemaking) as he determines may be useful in carrying out the purposes of the Act, and (c) to allocate or transfer funds to, or otherwise pay or reimburse, such agencies for expenses incurred pursuant to paragraphs (a) or (b) of this section.

§ 500.156 Scope of agreements with Federal agencies.

Every agreement between the Secretary and any other Federal agency under the authority referred to in § 500.155 of this Part shall contain terms and conditions mutually agreeable to both parties, and shall contain such delegation of authority as the Secretary deems useful.

§ 500.157 Scope of agreements with State agencies.

(a) Every agreement between the Secretary and any State agency under the authority referred to in § 500.155 of this Part shall be in writing.

(b) Any delegation to a State agency by the Secretary under such authority shall be made pursuant to approval of a written State plan submitted in accordance with § 500.159 which shall (1) include a description of each function to be performed, the method of performing each such function; and the resources to be devoted to the performance of each such function; (2) provide assurances satisfactory to the Secretary that the State agency will comply with its description under paragraph (b)(1) of this section and that the State agency's performance of the delegated functions will be at least comparable to the performance of such functions by the Department of Labor; and (3) contain a certification of the Attorney General of such State, or, if the Attorney General is not authorized to make such a statement, the State official who is so authorized, that an agreement pursuant to such State plan is valid under the laws of that State.

§ 500.158 Functions delegatable.

The Secretary may delegate to the State such functions as he deems useful including the

(a) Receipt, handling and processing of applications for certificates of registration;

(b) Issuance of certificates of registration;

(c) Conduct of various investigations; and

(d) Enforcement of the Act.

§ 500.159 Submission of plan.

(a) Any State agency desiring to enter into an agreement pursuant to section 513 of the Act shall submit a State plan in such form and in such detail as the Secretary shall direct.

(b) Each such plan shall include, at least, the following:

(1) The delegation sought;

(2) The State authority for performing such delegated functions;

(3) A description of the manner in which the State intends to carry out such functions; and

(4) The estimated cost of carrying out such functions.

§ 500.160 Approved State plans.

(a) The Secretary, in accordance with the authority referred to in § 500.155 of this Part has delegated the following functions to the States listed herein below:

State	Function
None	

(b) Every State agreement entered into pursuant to the authority referred to in § 500.155 of this Part shall be available for public inspection and copying in accordance with 29 CFR Part 70.

§ 500.161 Audits.

The Secretary shall conduct audits as he deems necessary of the State plans, but on not less than an annual basis.

§ 500.162 Reports.

The Secretary shall require such reports as he deems necessary of activities conducted pursuant to State plans, but on not less than an annual basis.

Central Public Registry

§ 500.170 Establishment of registry.

The Administrator shall establish a central public registry of all persons issued a Certificate of Registration or a Farm Labor Contractor Employee Certificate. The central public registry shall be available at the Regional Offices of the Wage and Hour Division and its National Office in Washington, D.C. Information filed therein shall be made available upon request. Requests for information contained in the registry may be directed by mail to the Administrator, Wage and Hour Division, Attn: MSPA, U.S. Department of Labor, Washington, D.C. 20210. Alternatively, requests for registry information may be made by telephone by calling 1–800–368–1008, a toll-free number, during the hours of 8:15 a.m. to 4:45 p.m., Eastern time, on week days. Telephone requests within the Washington, D.C. metropolitan area may be made by calling 647–1016.

Subpart F—Administrative Proceedings

General

§ 500.200 Establishment of procedures and rules of practice.

This subpart codifies and establishes the procedures and rules of practice necessary for the administrative enforcement of the Act.

§ 500.201 Applicability of procedures and rules.

(a) The procedures and rules contained herein prescribe the administrative process necessary for a determination:

(1) To suspend or revoke, or to refuse to issue or renew, a Certificate of Registration authorized under the Act and these regulations; and

(2) To impose an assessment of civil money penalties for violations of the Act or of these regulations.

(b) The procedures and rules contained herein specify the administrative responsibility under section 102(5) of the Act with regard to a designation by a court of the Secretary as an agent of an applicant for a certificate of registration in any action against such applicant, if said applicant has left the jurisdiction in which the action is commenced or otherwise has become unavailable to accept service.

Procedures Relating to Hearing

§ 500.210 Written notice of determination required.

(a) Whenever the Secretary determines to suspend or revoke, or to refuse to issue or renew, a Certificate of Registration, the applicant for or the holder of such certificate shall be notified in writing of such determination.

(1) In cases involving a determination relating to a Certificate of Registration applied for by, or issued to, a farm labor contractor, written notice shall also be given to every applicant for or holder of a Certificate of Registration as an employee of such contractor.

(2) In cases involving a determination relating to a Farm Labor Contractor Employee Certificate of Registration, written notice shall also be given to the farm labor contractor of such applicant or certificate holder.

(b) Whenever the Secretary determines to assess a civil money penalty for a violation of the Act or these regulations, the person against whom such penalty is assessed shall be notified in writing of such determination.

§ 500.211 Contents of notice.

The notice required by § 500.210 shall:

(a) Set forth the determination of the Secretary and the reason or reasons therefor.

(b) Set forth, in the case of civil money penalty assessment:

(1) A description of each violation; and

(2) The amount assessed for each violation.

(c) Set forth the right to request a hearing on such determination.

(d) Inform any affected person or persons that in the absence of a timely request for a hearing, the determination of the Secretary shall become final and unappealable.

(e) Set forth the time and method for requesting a hearing, and the procedures relating thereto, as set forth in § 500.212.

§ 500.212 Request for hearing.

(a) Any person desiring to request an administrative hearing on a determination referred to in § 500.210 shall make such request in writing to the Administrator of the Wage and Hour

Division, Employment Standards Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210, no later than thirty (30) days after the service of the notice referred to in § 500.210

(b) No particular form is prescribed for any request for hearing permitted by this part. However, any such request shall:

(1) Be typewritten or legibly written;

(2) Specify the issue or issues stated in the notice of determination giving rise to such request;

(3) State the specific reason or reasons why the person requesting the hearing believes such determination is in error;

(4) Be signed by the person making the request or by an authorized representative of such person; and

(5) Include the address at which such person or authorized representative desires to receive further communications relating thereto.

(c) The request for such hearing shall be delivered in person or by mail to the Administrator at the above address, within the time set forth in paragraph (a) of this section. For the affected person's protection, if the request is by mail, it should be by certified mail.

(d) Civil money penalties under FLCRA shall be treated as follows:

(1) Determinations to assess civil money penalties for violations of FLCRA made prior to April 14, 1983 shall continue until a final administrative determination shall have been made in accordance with 29 CFR Part 40.

(2) Determinations to assess civil money penalties for violations of FLCRA arising prior to April 14, 1983, made on or after April 14, 1983, shall continue until a final administrative determination shall have been made in accordance with these regulations.

Procedures Relating to Substituted Service

§ 500.215 Change of address.

(a) Pursuant to section 105(1) of the Act, every holder of a Certificate of Registration shall notify the Secretary within thirty (30) days of each change of permanent place of residence.

(b) The notification required in paragraph (a) of this section shall be in writing, by certified mail and addressed to the Administrator, Wage and Hour Division, Employment Standards Administration, 200 Constitution Avenue, NW., Washington, D.C. 20210.

(c) Such change of address shall be deemed effective upon receipt by the Administrator, unless a later date is specified in the notice.

§ 500.216 Substituted service.

(a) Pursuant to section 102(5) of the Act, the Secretary, when so designated by a court, shall accept service of summons in any action arising under the Act or these regulations against any applicant for or any holder of a certificate of registration who has left the jurisdiction in which such action is commenced or otherwise has become unavailable to accept such service.

(b) Acceptance of service of summons referred to in paragraph (a) of this section shall be under such terms and conditions as are set by the court in its designation of the Secretary for the purpose of section 102(5) of the Act.

(c) To be effective, such service shall be made by delivery personally or by certified mail, either to be Administrator of the Wage and Hour Division in Washington, D.C., or to the Administrator's authorized representative located in the area in which the action has been commenced.

§ 500.217 Responsibility of Secretary for service.

Upon receipt of any substituted service, as described in § 500.216, the same shall be forwarded by certified mail to the permanent address furnished by the person for whom service is accepted. Such mailing shall complete the Secretary's responsibility in connection with the substituted service requirement of the Act.

Rules of Practice; General

§ 500.220 Commencement of proceeding.

Each administrative proceeding permitted under the Act and these regulations shall be commenced upon receipt of a timely request for hearing filed in accordance with § 500.212.

§ 500.221 Designation of record.

Except as provided in paragraph (c) of this section:

(a) Each administrative proceeding instituted under the Act and these regulations shall be identified of record by a number preceded by the year and the letters "MSPA" and followed by one or more of the following designations:

(1) Proceedings involving the "refusal to issue or to renew, or to suspend or to revoke Certificate of Registration" shall be designated as "R".

(2) Proceedings involving the "assessment of civil money penalties" shall be designated as "P".

(3) Proceedings involving both Certificate of Registration and assessment of civil money penalties shall be designated as "R and P".

(b) The number, letter(s), and designation assigned to each such proceeding shall be clearly displayed on each pleading, motion, brief, or other formal document filed and docketed of record.

(c) Each administrative proceeding involving violations of FLCRA prior to April 14, 1983 and filed with the Office of the Chief Administrative Law Judge on or after April 14, 1983, shall be identified of record by a number preceded by the year and the letters "FLCRA–MSPA" and followed by one or more of the letter designations provided in paragraphs (a)(1) through (a)(3) of this section, i.e., (*year*) –FLCRA–MSPA–(#)–(R and/or P).

§ 500.222 Caption of proceeding.

(a) Each administrative proceeding instituted under the Act and these regulations shall be captioned in the name of the person requesting such hearing, and shall be styled as follows:

In The Matter of ——, Defendant.

(b) For the purposes of such administrative proceeding the "Secretary of Labor" shall be identified as plaintiff and the person requesting such hearing shall be named as defendant.

Referral for Hearing

§ 500.223 Referral to Administrative Law Judge.

(a) Upon receipt of a timely request for a hearing filed pursuant to and in accordance with § 500.212, the Secretary, by the Associate Solicitor for the Division of Fair Labor Standards or by the Regional Solicitor for the Region in which the action arose, shall, by Order of Reference, promptly refer an authenticated copy of the notice of administrative determination complained of, and the original or a duplicate copy of the request for hearing signed by the person requesting such hearing or by the authorized representative of such person, to the Chief Administrative Law Judge, for a determination in an administrative proceeding as provided herein. The notice of administrative determination and request for hearing shall be filed of record in the Office of the Chief Administrative Law Judge and shall, respectively, be given the effect of a complaint and answer thereto for purposes of the administrative proceeding, subject to any amendment as may be permitted under these regulations.

(b) A copy of the Order of Reference, together with a copy of these regulations, shall be served by counsel for the Secretary upon the person requesting the hearing, in the manner provided in § 500.226.

(c) The Chief Administrative Law Judge, upon receipt of the Order of Reference, shall promptly designate an Administrative Law Judge to conduct the proceeding, which shall be in accordance with section 554 of Title 5, United States Code, and these regulations.

§ 500.224 Notice of docketing.

The Chief Administrative Law Judge shall promptly notify the parties of the docketing of each matter.

§ 500.225 Supplemental pleadings.

If, upon review of the notice of administrative determination or the request for a hearing thereon, it appears to either party that such document, as originally drafted, requires supplementation in order to clarify the issues for a hearing thereon, an amended notice of administrative determination may be filed by the Secretary or an amended response thereto may be filed by the respondent, as the case may be. Such supplemental pleading shall be filed with the Chief Administrative Law Judge, with proof of service upon the opposing party, at least ten (10) days prior to the date set for hearing or for a prehearing conference, unless the time for filing such document is extended by the Administrative Law Judge before whom the matter is pending. If an amended notice of administrative determination is filed by the Secretary, the respondent shall be entitled to file with the Chief Administrative Law Judge an amended response in reply within five (5) days after service upon the respondent of such amended notice; but no such amended response is required.

Service of Pleadings and Documents

§ 500.226 Service of documents—manner of service.

(a) *Farm labor contractors, applicants or certificate holders.* Any pleading, notice or other document, required by the Act or these regulations to be filed or served on any farm labor contractor or certificate holders or applicant therefor shall be filed or served either personally or by certified mail to the last known address of such person which shall be the address designated either on such applicant's or holder's most recent application, or on any subsequent communication to the Administrator. Filing or service is complete upon mailing or upon personal service.

(b) *Agricultural employers, agricultural association and parties other than those referred to in paragraph (a) of this section.* Any pleading, notice or other document required by the Act or these regulations to be filed or served on any agricultural employer, agricultural association or any party other than those referred to in paragraph (a) of this section shall be filed or served either personally upon such person or by certified mail to the last known address of such person. Service shall be complete upon receipt by the addressee or his agent or employee.

(c) *General.* (1) When any party is represented by an attorney, service shall be made upon the attorney.

(2) *Additional time for service by mail.* Whenever a party to any proceeding under this part has a right or is required to take any action within a prescribed period after the service of a pleading, notice, or other document upon such party, and service of the pleading, notice, or document is completed by mailing it, five (5) days shall be added to the prescribed period.

§ 500.227 Service upon the Department of Labor—number of copies.

An original and three copies of all pleadings and other documents required for any administrative proceeding provided herein shall be filed with the Department of Labor. The original thereof shall be sent to the Chief Administrative Law Judge, a copy to the Administrative Law Judge assigned to the proceeding, a copy to the Associate Solicitor, Division of Fair Labor Standards, Office of the Solicitor, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210, and a copy to the Attorney representing the Department in the proceeding.

§ 500.228 Proof of service.

The filing of a certificate of service by the person serving the pleading or other document by personal delivery or by mail, setting forth the manner of service, shall be proof thereof.

§ 500.229 Computation of time.

(a) Saturdays, Sundays, and Federal legal holidays shall be included in computing the time allowed for filing any pleading, notice, or document under these regulations, but when the filing time expires on such a day, the period shall be extended to include the next following day which is not a Saturday, Sunday, or a Federal legal holiday.

(b) In computing any period of time prescribed or permitted by these regulations, the day of the act, event, notice, or default from which the designated period of time begins to run shall not be included.

Procedures Before Administrative Law Judge, Generally

§ 500.230 Authority of Administrative Law Judge.

(a) *General powers.* In any proceeding under this part, the Administrative Law Judge shall have all powers necessary to the conduct of fair and impartial hearings, including the following:

(1) To administer oaths and affirmations;

(2) To issue subpenas upon proper application as provided in § 500.234;

(3) To rule upon offers of proof and receive relevant evidence;

(4) To take or cause to be taken depositions and to determine their scope;

(5) To regulate the course of the hearing and the conduct of the parties and their counsel therein;

(6) To hold conferences for the settlement or simplification of the issues by consent of the parties;

(7) To consider and rule upon procedural requests;

(8) To make and file decisions in conformity with this part;

(9) To take any action authorized by these regulations or the Administrative Procedure Act;

(10) To take any action authorized by the Rules of Civil Procedure for the United States District Courts, issued and from time to time amended pursuant to 28 U.S.C. 2072, as deemed necessary and appropriate, unless otherwise prescribed herein.

(b) *Consultation.* The Administrative Law Judge shall not consult any person or party on any fact in issue without notice and an opportunity for all parties to participate.

(c) *Disqualification.* (1) When an Administrative Law Judge deems himself/herself disqualified to preside in a particular proceeding, such judge shall withdraw therefrom by notice on the record, directed to the Chief Administrative Law Judge. (2) Whenever any party shall deem the Administrative Law Judge disqualified to preside in a particular proceeding, that party shall file with the Chief Administrative Law Judge a motion to disqualify and remove such Administrative Law Judge therefrom. The motion shall be supported by an affidavit setting forth the alleged grounds for disqualification. The Chief Administrative Law Judge shall rule upon the motion, and such ruling shall be final. (3) In the event of disqualification of the Administrative Law Judge as provided in paragraph (c)(1) or (c)(2) of this section, the Chief Administrative Law Judge shall refer the

matter to another Administrative Law Judge for further proceedings.

§ 500.231 Appearances; representation of parties.

The Associate Solicitor, Division of Fair Labor Standards, and other counsel, as designated, shall represent the Secretary in any proceeding under these regulations. Respondents shall have the right to appear by or with counsel of their choice, who shall qualify for such representation as provided in 5 U.S.C. 500(b). If not represented by counsel, respondents may appear in person or through authorized agents and may submit necessary documents with their own signatures.

§ 500.232 Pleadings allowed.

All matters other than the notice of administrative determination and request for a hearing shall be presented by motion.

§ 500.233 Motions and requests.

Motions or requests shall be in writing, filed with the designated Administrative Law Judge, and copies served upon the other parties to the proceedings, except that motions or requests made during the course of any hearing or appearance before the Administrative Law Judge shall be filed with such judge or shall be stated orally and made part of the transcript. Each motion or request shall state the particular order, ruling or action desired and the grounds therefor. The Administrative Law Judge is authorized to rule upon all motions or requests, filed or made prior to the filing of the judge's decision as provided in § 500.261.

§ 500.234 Subpenas.

All applications for subpenas ad testificandum and subpenas duces tecum shall be made in writing to the Administrative Law Judge. Applications for subpenas duces tecum shall be reasonable in scope and shall specify as precisely as possible the documents to be produced and their general relevancy.

§ 500.235 Witnesses and fees.

(a) The Administrative Law Judge, either at the request of the parties or upon the judge's own motion, may request persons to appear and testify as witnesses, where such action is deemed necessary to serve the purposes of the hearing.

(b) Witnesses subpenaed by any party or by the Administrative Law Judge shall be paid the same fees and mileage as are paid for like services in the District Courts of the United States. The witness fees and mileage shall be paid by the party at whose instance the witnesses appear.

§ 500.236 Depositions.

(a) *When, how, and by whom taken.* For good cause shown, the testimony of any witness may be taken orally or upon written questions before any person designated by the Administrative Law Judge and having power to administer oaths.

(b) *Application.* Any party desiring to take the deposition of a witness shall make application in writing to the Chief Administrative Law Judge or the Administrative Law Judge assigned to the case, setting forth the reasons why such deposition should be taken; the time and place it is to be taken; the name and address of the person before whom the deposition is to be taken; the name and address of each witness from whom a deposition is to be taken; and the subject matter concerning which each such witness is expected to testify.

(c) *Notice.* Such notice as the Administrative Law Judge shall order shall be given for the taking of a deposition, but this shall not be less than five (5) days' written notice when the deposition is to be taken within the United States and not less than twenty (20) days' written notice when the deposition is to be taken elsewhere.

(d) *Taking and receiving in evidence.* Each witness testifying upon deposition shall be sworn, and the adverse party shall have the right to cross examine. The questions propounded and the answers thereto, together with all objections made, shall be reduced to writing, read by or to, and subscribed by the witness, and certified by the person administering the oath. Thereafter, such officer shall seal the deposition, with two copies thereof, in an envelope and mail the same by certified mail to the Administrative Law Judge. Subject to such objections to the questions and answers as were noted at the time of taking the deposition and which would have been valid if the witness were personally present and testifying, such deposition may be read and offered in evidence by the party taking it as against any party who was present or represented at the taking of the deposition or who had due notice thereof. No part of a deposition shall be admitted in evidence unless there is a showing that the reasons for the taking of the deposition in the first instance exist at the time of hearing.

§ 500.237 Prehearing conferences.

(a) Upon motion of either party, or when deemed appropriate by the Administrative Law Judge, the Judge may direct the parties or their authorized representatives to meet with the Judge for a conference to consider:

(1) Simplification or clarification of the issues;

(2) Necessity or desirability of amendments to pleadings for purposes of clarification, simplification, or limitation of the issues;

(3) Stipulations, admissions of fact, and admissions of contents and authenticity of documents;

(4) Limitation of the number of witnesses, including expert witnesses; and

(5) Such other matters as may tend to expedite the disposition of the proceeding.

(b) The Administrative Law Judge shall when appropriate issue a prehearing order showing the matters disposed of by order and by agreement in such pretrial conferences. The subsequent course of the proceeding shall be controlled by such order.

§ 500.238 Consent findings and order.

(a) *General.* At any time after the commencement of a proceeding under this part, but prior to the reception of evidence in any such proceeding, a party may move to defer the receipt of any evidence for a reasonable time to permit negotiation of an agreement containing consent findings and an order disposing of the whole or any part of the proceeding. The allowance of such deferment and the duration thereof shall be at the discretion of the Administrative Law Judge, after consideration of the nature of the proceeding, the requirements of the public interest, the representations of the parties, and the probability of an agreement being reached which will result in a just disposition of the issues involved.

(b) *Content.* Any agreement containing consent findings and an order disposing of a proceeding or any part thereof shall also provide:

(1) That the order shall have the same force and effect as an order made after full hearing;

(2) That the entire record on which any order may be based shall consist solely of the notice of administrative determination (or amended notice, if one is filed), and the agreement;

(3) A waiver of any further procedural steps before the Administrative Law Judge; and

(4) A waiver of any right to challenge or contest the validity of the findings and order entered into in accordance with the agreement.

(c) *Submission.* On or before the expiration of the time granted for negotiations, the parties or their

authorized representatives or their counsel may:

(1) Submit the proposed agreement for consideration by the Administrative Law Judge; or

(2) Inform the Administrative Law Judge that agreement cannot be reached.

(d) *Disposition.* In the event an agreement containing consent findings and an order is submitted within the time allowed therefor, the Administrative Law Judge, within thirty (30) days thereafter, shall, if satisfied with its form and substance, accept such agreement by issuing a decision based upon the agreed findings.

Hearings

§ 500.250 Hearing procedures generally.

(a) Pursuant to notice given as provided in § 500.224, the designated Administrative Law Judge shall hold such hearings, as provided in this part, as are necessary for determination of the issue or issues submitted for decision, exercising the powers set forth in § 500.230 and conducting the proceeding in accordance with the provisions of 5 U.S.C. 554. Except as may be determined otherwise by the Administrative Law Judge, counsel for the Secretary shall proceed first at the hearing. The hearing shall be open to the public unless otherwise ordered by the Administrative Law Judge.

(b) For good cause shown, the Administrative Law Judge may permit any interested person to intervene at a hearing. A petition to intervene shall be in writing and shall state briefly and with particularity the petitioner's relationship to and interest in the matters involved in the proceedings and the nature of presentation to be made.

(c) If any party requesting a hearing, after being properly served with notice of the hearing, should fail to appear at the hearing, such failure shall constitute a withdrawal of the request for a hearing and the administrative determination at issue shall be affirmed. In such event the Administrative Law Judge shall make such a decision and issue such an order therein. However, a failure to appear at a hearing shall not be deemed to be a waiver of the right to be served with a copy of the decision and order of the Administrative Law Judge.

(d) Contemptuous conduct at any hearing shall be grounds for exclusion from the hearing.

§ 500.251 Evidence at the hearing.

(a) *In general.* The testimony of witnesses shall be upon oath or affirmation administered by the Administrative Law Judge and shall be subject to such cross-examination as may be required for a full and true disclosure of the facts. The Administrative Law Judge shall exclude evidence which is immaterial, irrelevant, or unduly repetitious.

(b) *Objections.* A party who objects to the admission or rejection of any evidence or to the limitation of the scope of any examination or cross-examination or the failure to limit such scope, shall state briefly the grounds for such objection. Rulings on all objections shall appear in the record. A formal exception to an adverse ruling is not required.

(c) *Failure or refusal of witness to appear or to answer.* The failure or refusal of a witness to appear at any hearing or to answer any question which has been ruled to be proper shall be grounds for action provided in sections 49 and 50 of Title 15, United States Code, pursuant to the provisions of section 512 of the Act, and, at the discretion of the Administrative Law Judge, for striking out all or part of the testimony which may have been given by such witness.

§ 500.252 Official notice.

Official notice may be taken of any material fact, not appearing in evidence in the record, which is among the traditional matters of judicial notice or which concerns matters as to which the Department, by reason of its functions, is presumed to be expert: Provided, That the parties shall be given adequate notice, at the hearing or by reference in the Administrative Law Judge's decision of the matters so noticed, and shall be given adequate opportunity to show the contrary.

§ 500.253 Transcripts.

Hearings shall be stenographically reported.

Post-Hearing Procedures

§ 500.261 Proposal by the parties.

At the conclusion of the hearing, the Administrative Law Judge shall, upon request, afford any party a reasonable opportunity, not less than fifteen (15) days, to file with such Judge proposed findings of fact, conclusions of law, and a proposed order together with a supporting brief. There may be included statements of the reasons for any such proposed findings of fact, conclusions of law, and the proposed order, including a reference to the portions of the record and to the authorities relied upon in support of each proposal. Such proposals shall be accompanied by a certification that service of the proposals has been made upon all other parties.

§ 500.262 Decision and Order of Administrative Law Judge.

(a) The Administrative Law Judge shall prepare, as promptly as practicable after the expiration of the time set for filing proposed findings and related papers provided for in § 500.261, a decision on the issues referred by the Secretary.

(b) The decision of the Administrative Law Judge shall be limited to a determination whether the respondent has violated the Act or these regulations, and the appropriateness of the remedy or remedies imposed by the Secretary. The Administrative Law Judge shall not render determinations on the legality of a regulatory provision or the constitutionality of a statutory provision.

(c) The decision of the Administrative Law Judge shall include a statement of findings and conclusions, with reasons and basis therefor, upon each material issue presented on the record. The decision shall also include an appropriate order which may be to affirm, deny, reverse, or modify, in whole or in part, the determination of the Secretary. The reason or reasons for such order shall be stated in the decision.

(d) The Administrative Law Judge shall transmit to the Chief Administrative Law Judge the entire record including the decision. The Chief Administrative Law Judge shall serve copies of the decision on each of the parties.

(e) The decision when served shall constitute the final order of the Secretary unless the Secretary, pursuant to section 103(b)(2) or section 503(b)(2) of the Act, modifies or vacates the decision and order of the Administrative Law Judge.

(f) Except as provided in §§ 500.263 through 500.268, the administrative remedies available to the parties under the Act will be exhausted upon service of the decision of the Administrative Law Judge.

Modification or Vacation of Order of Administrative Law Judge

§ 500.263 Authority of the Secretary.

Whenever the Secretary believes that the Decision and Order of the Administrative Law Judge is inconsistent with a policy or precedent established by the Department of Labor, or whenever the Secretary believes that a Decision and Order encompasses determinations not within the scope of the authority of the Administrative Law Judge, he may modify or vacate such Decision and Order, pursuant to the

authority contained in section 103(b)(2) or section 503(b)(2) of the Act.

§ 500.264 Implementation by the Secretary.

(a) The Secretary shall implement this authority by the issuance of a Notice of Intent to Modify or Vacate the Decision and Order in question.

(b) The Notice of Intent shall be issued within thirty (30) days after the Decision and Order in question.

(c) Service of the Notice of Intent shall be made upon each party to the proceeding pursuant to § 500.226 hereof, and upon the Chief Administrative Law Judge.

§ 500.265 Responsibility of the Office of Administrative Law Judges.

Upon receipt of the Secretary's Notice of Intent to Modify or Vacate a Decision and Order of an Administrative Law Judge the Chief Administrative Law Judge shall, within fifteen (15) days, index, certify and forward a copy of the complete hearing record to the Secretary.

§ 500.266 Additional information, if required.

Where the Secretary issues a Notice of Intent to Modify or Vacate such Decision and Order, the Secretary shall, after review of the hearing record, notify each party of:

(a) The issue or issues raised;

(b) The form in which submission shall be made (i.e., briefs, oral argument, etc.); and the time within which such presentation shall be submitted.

§ 500.267 Final decision of the Secretary.

(a) The Secretary's final decision shall be issued and forwarded to the Chief Administrative Law Judge for service upon the parties to such proceeding. Such service shall be made in accordance with paragraph (b) of this section.

(b) Upon receipt of an Order of the Secretary modifying or vacating the Decision and Order of an Administrative Law Judge, the Chief Administrative Law Judge shall substitute such Order for the Decision and Order of the Administrative Law Judge and serve same upon each party to the proceeding.

§ 500.268 Stay pending decision of the Secretary.

In the event a respondent has filed a notice of appeal of the Administrative Law Judge's Decision and Order in a United States District Court prior to receipt of the Secretary's Notice of Intent the Secretary shall seek a stay of proceedings in such United States District Court.

Record

§ 500.270 Retention of official record.

The official record of every completed administrative hearing provided by these regulations shall be maintained and filed under the custody and control of the Chief Administrative Law Judge.

§ 500.271 Certification of official record.

Upon receipt of timely notice of appeal to a United States District Court pursuant to section 103(c) or 503(c) of the Act, the Chief Administrative Law Judge shall promptly certify and file with the appropriate United States District Court, a full, true, and correct copy of the entire record, including the transcript of proceedings.

Appendix

Editorial Note.—The Department hereby presents forms which satisfy certain disclosure and recordkeeping aspects of the Act and the regulations. These forms, however, will not appear in the Code of Federal Regulations.

Appendix A—Migrant and Seasonal Agricultural Worker Protection Act Poster, WH–1376.
Appendix B—Worker Information, WH–516.
Appendix C—Housing Terms and Conditions, WH–521.
Appendix D—Wage Statement, WH–501 (English, Spanish).

BILLING CODE 4510-27-M

APPENDIX A

MIGRANT AND SEASONAL AGRICULTURAL WORKER PROTECTION ACT

This federal law requires agricultural employers, agricultural associations, farm labor contractors and their employees to observe certain labor standards when employing migrant and seasonal farmworkers unless specific exemptions apply. Further, farm labor contractors are required to register with the U.S. Department of Labor.

MIGRANTS AND SEASONAL FARMWORKERS HAVE THESE RIGHTS

--To receive accurate information about the prospective employment
--To receive this information in writing and in English, Spanish, or other languages, as appropriate
--To have the terms of the working arrangement upheld
--To have farm labor contractors show proof of registration at the time of recruitment
--To be paid wages when due
--To receive itemized, written statements of earnings for each pay period
--To purchase goods from the source of their choice
--To be transported in vehicles which are properly insured and operated by licensed drivers, and which meet federal and state safety standards
--For migrant farmworkers who are provided housing
  •To be housed in property which meets federal and state safety and health standards
  •To have the housing information presented to them in writing at the time of recruitment
  •To have posted in a conspicuous place at the housing site or presented to them a statement of the terms and conditions of occupancy, if any

Workers who believe their rights under the act have been violated may file complaints with the department's Wage and Hour Division or may file suit directly in federal district court. The law prohibits employers from discriminating against workers who file complaints, testify or in any way exercise their rights on their own behalf or on behalf of others. Complaints of such discrimination must be filed with the division within 180 days of the alleged event.

For further information, get in touch with the nearest office of the Wage and Hour Division, listed in most telephone directories under U.S. Government, Department of Labor.

U.S. Department of Labor
Employment Standards Administration
Wage and Hour Division

The law requires employers to display this poster where employees can readily see it.

LEY DE PROTECCION DE TRABAJADORES MIGRANTES Y TEMPORALES EN LA AGRICULTURA

Esta ley federal exige que los patrones agrícolas, las asociaciones agrícolas, los contratistas de mano de obra agrícola (o troqueros), y sus empleados cumplan con ciertas normas laborales cuando ocupan a los trabajadores migrantes y temporales en la agricultura, a menos que se apliquen excepciones específicas. Los contratistas, o troqueros, tienen además la obligación de registrarse con el Departamento del Trabajo.

LOS TRABAJADORES MIGRANTES Y TEMPORALES EN LA AGRICULTURA TIENEN LOS DERECHOS SIGUIENTES

--Conocer los detalles exactos del empleo futuro
--Recibir estos datos por escrito en inglés, en español, o en otro idioma que sea apropiado
--Cumplimiento de todas las condiciones de trabajo como fueron presentadas cuando se les hizo la oferta de trabajo
--Al ser reclutados para un trabajo, ver una prueba de que el contratista se haya registrado con el Departamento del Trabajo
--Cobrar el salario en la fecha fijada
--Recibir cada día de pago un recibo indicando el salario y la razón de cualquier deducción
--Comprar mercancías al comerciante que ellos escojan
--Ser transportados en vehículos que tengan seguros adecuados y que hayan pasado las inspecciones federales y estatales de seguridad, y conducidos por choferes que tengan permisos de manejar
--Las garantías para los trabajadores migrantes a quienes se les proporcionen viviendas o alojamiento
  • Viviendas que satisfarcen los requisitos federales y estatales de seguridad y de sanidad
  • Al ser reclutados, recibir por escrito informes sobre las viviendas y su costo
  • Al ser reclutados, recibir de su patrón un aviso escrito explicando las condiciones de ocupación de la vivienda, y que tal aviso esté también colocado en un lugar visible de la vivienda

Los trabajadores que crean haber sufrido una violación de sus derechos pueden presentar sus quejas a la División de Salarios y Horas o pueden presentar una demanda directamente a los tribunales federales. La ley prohibe cualquier discriminación o sanción hacia los trabajadores que presenten tales quejas, que hagan declaraciones, o que reclamen de cualquier manera sus derechos, sea a beneficio de sí mismos o a beneficio de otros. Hay que presentar las quejas de discriminación o de sanción a la división dentro de 180 días del suceso.

En caso de que se necesite más información, comuníquense con la oficina de la División de Salarios y Horas más cercana, que aparece en la mayoría de los directorios telefónicos bajo el título U.S. Government, Department of Labor.

Departamento del Trabajo de los EE.UU.
Administración de Normas de Empleo
División de Salarios y Horas

La ley exige que los patrones fijen este aviso en un lugar donde puedan verlo fácilmente los trabajadores.

APPENDIX B

MIGRANT AND SEASONAL AGRICULTURAL WORKER PROTECTION ACT

WORKER INFORMATION

1. Place of employment

_____

_____

_____

2. Period of employment

From _____ To _____

3. Wage rates to be paid

Hourly $ _____

Piece rate $ _____ unit _____

4. Crops and kinds of activities

_____

_____

5. Transportation and other benefits, if any

Transportation _____ charges _____

_____ _____

Unemployment compensation insurance provided ☐ Yes ☐ No
Worker's compensation insurance provided ☐ Yes ☐ No

Other benefits _____ charges _____

6. For migrant workers who will be housed, the kind of housing available and cost, if any

_____ charges _____

_____ _____

7. List any strike, work stoppage, slowdown, or interruption of operation by employees at the place where the workers will be employed (if there are no strikes, etc., enter "None")

_____

8. List any arrangements which have been made with establishment owners or agents for the payment of a commission or other benefits for sales made to the workers (if there are no such arrangements, enter "None")

_____

_____

_____

Name of person providing this information

The Migrant and Seasonal Agricultural Worker Protection Act requires the disclosure in writing of the foregoing information to migrant and day-haul workers upon recruitment, and to seasonal workers other than day-haul workers upon request when an offer of employment is made. This optional form may be used to provide the required information.

Thereafter, any migrant or seasonal worker has the right to have, upon request, a written statement provided to him by his employer of the information described above. The optional form may also be used for this second requirement.

U.S. Department of Labor
Employment Standards Administration
Wage and Hour Division

Form WH-516 (Apr. 1983)

LA LEY DE PROTECCION DE TRABAJADORES MIGRANTES Y TEMPORALES EN LA AGRICULTURA

INFORMACION PARA LOS TRABAJADORES

1. Lugar de empleo

_____

_____

_____

2. Período de empleo

Desde el _____ Hasta el _____

3. Base de pago

Por hora $ _____

Por contrato $ _____ por _____

4. Clases de cultivos y de trabajo

_____

_____

5. Transportación y cualquier beneficio adicional que sea proporcionado

Transportación _____

Costo al trabajador _____

Beneficios adicionales _____

Costo al trabajador _____

Se provee seguro de trabajo bajo la ley de impuestos de desempleo.
☐ sí ☐ no
Se provee seguro de compensación de trabajo. ☐ sí ☐ no

6. Para los trabajadores a quienes se les proporcionen viviendas, la clase de viviendas y cualquier costa

_____ Costo al _____

_____ trabajador _____

7. Indique si hay una huelga, un paro de trabajo, una huelga intermitente, o una interrupción del trabajo efectuada por trabajadores en el lugar donde van a trabajar (si no hay ninguna huelga, etc., escriba "Ninguna")

_____

_____

8. Indique si el patrón tiene acuerdos con comerciantes o agentes de los cuales recibe una comisión u otro beneficio por las compras que los trabajadores hagen (si no existe tal acuerdo, escriba "Ninguno")

_____

_____

_____

Nombre de la persona que proporciona esta información

La Ley Protección de Trabajadores Migrantes y Temporales en la Agricultura exige que reciban estos datos por escrito al ser reclutados los trabajadores migrantes y los que se reúnen diariamente en algún lugar para ser reclutados, ocupados, y transportados al lugar de empleo. La ley también les concede a los trabajadores temporales el derecho de pedir esta información cuando se les haga una oferta de trabajo. El patrón puede utilizar esta forma para proporcionar los informes necesarios.

De ahí en adelante los trabajadores migrantes y temporales tienen derecho de pedirle a su patrón que les dé una declaración escrita persentando todos los datos a los cuales se refiere más arriba. El patrón puede utilizar esta forma también para este segundo propósito.

Departamento del Trabajo de los EE. UU.
Administración de Normas de Empleo
División de Salarios y Horas

APPENDIX C

HOUSING TERMS AND CONDITIONS

Important Notice to Migrant Agricultural Worker: The Migrant and Seasonal Agricultural Worker Protection Act requires the furnishing of the following information.

1. This housing is provided by

   Name _____

   Address _____

   _____

2. Individual(s) in charge

   Name _____

   Address _____

   _____

   Phone _____

3. Mailing address of housing facility

   Address _____

   _____
   City & state/Zip code

   Phone _____

4. Conditions of occupancy

Who may live in housing facility
Charges made for housing (if none, so state)
Meals provided (if none, so state)
Charges for utilities (if none, so state)
Other charges, if any
Other conditions of occupancy

Important Notice to Farm Labor Contractor, Agricultural Employer, or Agricultural Association:

This form may be used for the disclosure required by section 201(c) of the act. It must be posted in a conspicuous place or presented to each worker in English, Spanish, or another language, as appropriate.

APPENDIX D (English)

CONDICIONES DE OCUPACION DE LA VIVIENDA

Aviso Importante Para el Trabajador Migrante en la Agricultura: La Ley de Protección de Trabajadores Migrantes y Temporales en la Agricultura exige que Ud. conozca los informes siguientes.

1. Dueño de la vivienda (casa, apartamento, etc.)

   Nombre _____

   Dirección _____

   _____

2. Persona encargada de la vivienda

   Nombre _____

   Dirección _____

   _____

   Teléfono _____

3. Dirección de la vivienda

   Número y calle _____

   _____
   Ciudad y estado/número ZIP

   Teléfono _____

4. Condiciones de ocupación

Personas que pueden ocupar la vivienda
Renta por semana: $___ por mes: $___ (si no se cobra, escriba "Ningún costo al trabajador")
Comida (si no proporciona comida, escriba "Ninguna comida")
Costo de la comida (si no hay, escriba "Ningún costo al trabajador")
Costo de la luz, el agua, el gas, etc. (si no hay, escriba "Ningún costo al trabajador)
Cualquier otro costo
Otras condiciones de ocupación

Aviso Importante Para el Contratista de Mano de Obra Agrícola (el Troquero), el Patrón, o la Asociación Agrícola:

Puede utilizar esta forma para darles a los trabajadores migrantes los informes que exige la sección 201(c) de la ley. Tiene que exhibirlo en un lugar donde puedan verlo fácilmente los trabajadores o presentarle una copia a cada trabajador, y tiene que usar el inglés, el español, u otro idioma que sea apropiado.

U.S. Department of Labor
Employment Standards Administration
Wage and Hour Division

Departamento del Trabajo de los EE. UU.
Administración de Normas de Empleo
División de Salarios y Horas

Form WH-521 (Apr. 1983)

APPENDIX D (English)

Employee _____ Social Security No. _____

Address _____

Workweek Ending (Month, day, year)

Day/Date	Sun/	Mon/	Tues/	Wed/	Thurs/	Fri/	Sat/
Starting Time							
Quitting Time							
Hours Worked							
Crop/Task Units Done							
Rate of Pay (Hourly or Piece Rate)							
Daily Pay							

Total Hours Worked in Week

Total Gross Pay

Itemized Deductions	
FICA	
Federal Tax	
State Tax	
Rent	
Food	
Transportation	
Other	
Other	
Total Deductions	
Net Pay (Amount Due Employee)	Date Paid:

Employer _____

Address _____

Social Security Employer I.D. No. _____

Note: Properly filled out, this form will satisfy the requirements of sections 201(d) (2) and 301(c) (2) of the Migrant and Seasonal Agricultural Worker Protection Act. The act requires farm labor contractors, agricultural employers and agricultural associations to make, keep and preserve records for three years of the above information. Each worker must be given an itemized statement of this information covering each pay period. This is an optional form which may be used to comply with the Act.

Instructions are on the reverse.

Form WH-501 (April 1983)

INSTRUCTIONS

IDENTIFYING INFORMATION: Employee —Enter employee's full name and social security number. Address — Enter employee's permanent address. Employer and Address — Enter name of the employer making the payment and the permanent address of the employer. The employer may preprint his name and address.

PAYROLL INFORMATION: Workweek Ending — Enter the month, day and year on which the employee's payroll workweek ends. Day/Date — Enter the calendar date of the day worked. Starting Time — Quitting Time — Enter the time work started and ended each day. Hours Worked —Enter the total time actually worked each day. Subtract bona fide meal periods. Crop/Task — Units Done — Enter the kind of work (such as picking oranges per bin). Enter the number of units produced if the employee is paid on a piece work or task basis. Rate of Pay — Enter the hourly or piece rate of pay. Daily Pay — Enter the amount of the daily pay computed at the hourly and/or piece rate.

WEEKLY TOTALS: Total Hours Worked in Week — Total the daily hours worked and enter the total. Total Gross Pay — Total the daily pay and enter the total.

ITEMIZED DEDUCTIONS: FICA (Social Security) — Enter amount withheld. Federal Tax — Enter the amount of Federal tax withheld. State tax withheld. Rent, Food, Transportation and Other — Enter deductions, if made, for each. Identify the purpose of "other" deductions. Total Deductions — Enter total deductions in right column and then transfer to left. Subtract total deductions from Total Gross Pay — Enter the result as Net Pay (Amount Due Employee). Enter date worker is paid.

APPENDIX D (Spanish)

Trabajador _____ Número del Seguro Social _____

Dirección _____

Fin de la semana trabajada (mes, día, año)

Día/fecha	domingo/	lunes/	martes/	miércoles/	jueves/	viernes/	sábado/	Total de horas trabajadas en la semana	Deducciones	
Hora de comenzar									Impuesto del Seguro Social	
Hora de terminar									Impuesto federal	
Horas trabajadas									Impuesto estatal	
Cultivo/trabajo Unidades terminadas								Salario bruto	Renta	
									Comida	
									Transportación	
Base de pago (por hora o por contrato)									Otra deducción	
Salario diario									Otra deducción	
									Total de deducciones	
									Salario neto (Cantidad debida al trabajador)	Día de pago

Patrón _____

Dirección _____

Número de identidad del patrón para el Seguro Social _____

Aviso: Al llenar correctamente esta forma, el patrón satisface los requisitos de las secciones 201(d) (2) y 301(c) (2) de la Ley de Protección de Trabajadores Migrantes y Temporales en la Agricultura. Esta ley exige que los contratistas de mano de obe agrícola (los troqueros), los patrones agrícolas, y las asociaciones agrícolas lleven libros o cuentas que contengan los datos citados anteriormente, y que los preserven por tres años. Cada día de pago el patrón tiene que darles a los trabajadores un recibo que indique el método de determinar el salario y la razón de cualquier deducción. Se puede utilizar esta forma para cumplir con la ley.

Instrucciones: Véase al dorso.

WH-881a

INSTRUCCIONES

IDENTIDAD: Trabajador y su dirección — Anote el nombre y apellido del trabajador, su número de Seguro Social, y su domicilio permanente. Patrón y su dirección — Anote el nombre del patrón quien les paga a los trabajadores, su domicilio permanente, y su número de identidad para el Seguro Social. El patrón puede imprimir por anticipado su nombre, su dirección, y su número de identidad.

REMUNERACION DEL TRABAJADOR: Fin de la semana trabajada — Anote el mes, el día, y el año en que termina la semana de trabajo. Día/fecha — Anote la fecha del día de trabajo. Hora de comenzar y hora de terminar — Para cada día, anote la hora de comenzar el trabajo y la hora de terminarlo. Horas trabajadas — Anote el total de horas trabajadas cada día. Puede excluir el tiempo verdaderamente concedido para las comidas. Cultivo/trabajo y unidades terminadas —Anote la clase de trabajo (por ejemplo, el piscar naranjas en canastas, cajas, etc.). Si le paga por contrato al trabajador, anote el número de unidades de trabajo terminadas. Base de pago — Anote el salario por hora o por contrato. Salario diario — Anote el salario diario que se calcula a base del salario por hora, del salario por contrato, o de ambos.

TOTALES PARA LA SEMANA: Total de horas trabajadas en la semana — Sume las horas trabajadas cada día y anote el total. Salario bruto — Sume los salario diarios y anote el total.

DEDUCCIONES: Impuesto del Seguro Social — Anote la cantidad deducida. Impuesto federal — Anote la cantidad deducida. Impuesto estatal — Anote la cantidad deducida. Renta, comida, transportación, y otra deducción — Anote cualquier deducción de estas categorías. Identifique la clase de la "otra deducción." Total de deducciones — Anote el total de deducciones en la columna de la derecha y luego en la columna de la izquierda. Reste el total de las deducciones al salario bruto, y anote el resto como el salario neto. Anote la fecha en que se lo paga al trabajador como el día de pago.

[FR Doc. 83-9093 Filed 4-11-83; 8:45 am]
BILLING CODE 4510-27-C

federal register

Tuesday
April 12, 1983

Part IV

Department of Energy

Federal Energy Regulatory Commission

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

[FR Doc. 83-9003 Filed 4-11-83; 8:45 am]
BILLING CODE 4510-27-C

como el día de pago.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: April 6, 1983.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register**.

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487–4808, 5285 Port Royal Rd., Springfield, Va 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
- 102–2: New well (2.5 Mile rule)
- 102–3: New well (1000 Ft rule)
- 102–4: New onshore reservoir
- 102–5: New reservoir on old OCS lease

Section 107–DP: 15,000 feet or deeper
- 107–GB: Geopressured brine
- 107–CS: Coal Seams
- 107–DV: Devonian Shale
- 107–PE: Production enhancement
- 107–TF: New tight formation
- 107–RT: Recompletion tight formation

Section 108: Stripper well
- 108–SA: Seasonally affected
- 108–ER: Enhanced recovery
- 108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

BILLING CODE 6717-01-M

NOTICE OF DETERMINATIONS — VOLUME 865

ISSUED APRIL 6, 1983

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
KANSAS CORPORATION COMMISSION									
-ROBERT F WHITE				RECEIVED:	01/16/81	JA: KS			
8151047	K-78-0390	1505500000		108		GRUB UNIT #1	HUGOTON GAS FIELD	12.0	NORTHERN NATURAL
MISSISSIPPI OIL & GAS BOARD									
-KERN & BROOKS OIL OPERATIONS INC				RECEIVED:	03/10/83	JA: MS			
8327204	121-82-17	2306320353		102-2	103	HARRELL-SMITH #1-11	FAYETTE	480.0	LOCUST RIDGE GAS
-PRUET PRODUCTION CO				RECEIVED	03/10/83	JA: MS			
8327213	79-82-128	2312720073		102-4	103	KEYES 1-6 #1	MAGEE	127.0	UNITED GAS PIPE L
8327214	71-82-128	2312720055		102-4	103	VYRON HOMACK 1-3 WELL #1	MAGEE	36.5	UNITED GAS PIPE L
-ROBERT W REA JR				RECEIVED	03/10/83	JA: MS			
8327207	114-82-34	2306100000		108		WILSON #1	SHARON	20.5	TRANSCONTINENTAL
-SHELL OIL CO				RECEIVED	03/10/83	JA: MS			
8327201	108-82-533	23113201 30		102-4		HUTTO #3	OLIVE	40.0	
8327205	119-82-533	23113201 27		102-4		HUTTO #4	OLIVE	40.0	
8327216	116-82-533	23113201 28		102-4		HUTTO #5	OLIVE	40.0	
8327206	118-82-533	23113201 32		102-4		PATTERSON #2	OLIVE	40.0	
8327202	107-82-533	23113201 26		102-4		PATTERSON #3	OLIVE	40.0	
8327200	109-82-533	23113201 34		102-4		PATTERSON #4	OLIVE	40.0	
8327208	115-82-533	23113201 39		102-4		PATTERSON #5	OLIVE	40.0	
-SUN EXPLORATION & PRODUCTION CO				RECEIVED	03/10/83	JA: MS			
8327203	105-82-467	2309120132		107-DP		MORGAN HEIRS UNIT #1	EAST MORGANTOWN	0.0	TENNESSEE GAS PIP
-TRANSCONTINENTAL OIL CORPORATION				RECEIVED	03/10/83	JA: MS			
8327215	56-82-372	2312720077		102-2	103	GUY BERRY 36-5 WELL #1	OAK GROVE	0.0	SYSTEM FUELS INC
8327199	85-82-372	2312720080		102-2	103	JAMES TERRY 25-13 #1	OAK GROVE	0.0	SYSTEM FUELS INC
-UNION OIL COMPANY OF CALIF				RECEIVED:	03/10/83	JA: MS			
8327212	110-82-515	2314920012		102-2	103	BILLY R BROWN 20-11 #1	OAK RIDGE	1148.0	
8327211	111-82-515	2314920017		102-2	103	FERRIS FARMS 19-7 #1	OAK RIDGE	693.0	
8327210	112-82-515	2314920023		102-2	103	FRIED ABRAHAM 30-7 #1	OAK RIDGE	91.0	
8327209	113-82-515	2314920014		102-2	103	J S TERRY 17-10 #1	OAK RIDGE	750.0	
OHIO DEPARTMENT OF NATURAL RESOURCES									
-ALLEN M ANDERSON				RECEIVED:	03/08/83	JA: OH			
8326947		3416727013		103		A L LAMP #1	WARREN	10.0	
8326948		3416737301		103		DENNIS NOLAND #1	WARREN	0.0	
-ALTHEIRS OIL INC				RECEIVED:	03/08/83	JA: OH			
8326949		3412724617		107-TF		ALTHEIRS #7	SALT LICK TOWNSHIP	5.0	NICOFIBERS INC
-ATLAS ENERGY GROUP INC				RECEIVED:	03/08/83	JA: OH			
8326950		3413322341		107-TF		E EVERITT #1	DEERFIELD	11.0	EAST OHIO GAS CO
8326951		3413322362		107-TF		FOLK #1	ATWATER	18.0	EAST OHIO GAS CO
8326952		3415521619		102-2	107-TF	J MILLER #1	BROOKFIELD	0.0	COLUMBIA GAS TRAN
-ATWOOD RESOURCES INC				RECEIVED:	03/08/83	JA: OH			
8326953		3415723783		103	107-TF	STRINGER-BEACH #1	NEW PHILADELPHIA	36.0	EAST OHIO GAS CO
-B-J INC				RECEIVED:	03/08/83	JA: OH			
8326958		3408924432	D	103	107-TF	G E WILLEY #1	HICKMAN	18.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8326959		3408924433	D	103	107-TF	G E WILLEY #2	FALLSBURG	8.0	COLUMBIA GAS TRAN
8326960		3408924434	D	103	107-TF	G E WILLEY #3	FALLSBURY	18.0	COLUMBIA GAS TRAN
8326961		3408924435	D	103	107-TF	G E WILLEY #4	FALLSBURY	18.0	COLUMBIA GAS TRAN
-BELDEN & BLAKE & CO 80				RECEIVED:	03/08/83	JA: OH			
8326955		3416120167		103		JESSIE M BOWERS - 5-341268	UNION	36.5	
8326954		3416120140		103		O D KNERR #3 - 34-1232	UNION	36.5	
-BERMAN J SHAFER				RECEIVED:	03/08/83	JA: OH			
8326956		3416923341		103		NOVA-HERSHBERGER #2	EAST UNION	7.5	COLUMBIA GAS TRAN
-BILL BLAIR INCORPORATED				RECEIVED:	03/08/83	JA: OH			
8326957		3402920751		107-RT		LEE #1	HOMEWORTH	6.0	COLUMBIA GAS TRAN
-BLACK RUN DEVELOPMENT CO				RECEIVED:	03/08/83	JA: OH			
8326962		3411926469		107-TF		TYSON-KING #1	LICKING	7.3	NATIONAL GAS & OI
-CA D' ORA INC				RECEIVED:	03/08/83	JA: OH			
8326963		3416727393		103		M LANGILL #1	WATERFORD	8.8	
-CALLANDER & KIMBREL INC				RECEIVED:	03/08/83	JA: OH			
8326964		3403124518		107-TF		BOWERS #1	COPPERSDALE	5.0	
-CENTRAL ENERGY CO INC				RECEIVED:	03/08/83	JA: OH			
8326965		3408924572		103		WEEKLEY #1	SOUTH NEWARK	2.0	NATIONAL GAS & OI
-CLINTON OIL CO				RECEIVED:	03/08/83	JA: OH			
8327013		3415723804		103	107-TF	HOLMES LIMESTONE CO #2-758	MILL	10.0	
8327012		3411926058		103	107-TF	WILLIAM LAKE #1-679	HIGHLAND	10.0	
-DAVID SHAFER OIL PRODUCERS INC				RECEIVED:	03/08/83	JA: OH			
8326967		3415321313		103		SCHNAGER #1	RICHFIELD	7.5	EAST OHIO GAS CO
8326966		3415321303		103		STONER LAND CO UNIT #2	BATH	7.5	EAST OHIO GAS CO
-DERBY OIL & GAS CORP				RECEIVED:	03/08/83	JA: OH			
8326968		3412725813		103		SPROAT #2	JACKSON	12.0	FORAKER GAS CO
-DISCOVERY OIL LTD				RECEIVED:	03/08/83	JA: OH			
8326969		3410323195		107-TF		DONALD M HOGE #1	LODI	20.0	
-EDUARD H EVERETT CO				RECEIVED:	03/08/83	JA: OH			
8327014		3411926309	D	107-TF		E HOLT/P MORAN #1	JACKSON	18.3	NATIONAL GAS & OI
-ENERGEX OIL & GAS CORP				RECEIVED:	03/08/83	JA: OH			
8326979		3416320525		103	107-TF	RHEINSCHELD #1	SWAN TOWNSHIP	75.0	COLUMBIA GAS TRAN
-ENERGY DEVELOPMENT CORP				RECEIVED:	03/08/83	JA: OH			
8326980		3415123297		108		MALAVITE WELL #1		20.0	COLUMBIA GAS TRAN
-GILBERT OIL CO				RECEIVED:	03/08/83	JA: OH			
8326981		3413322929		103	107-TF	STAMI #1	MANTUA	0.0	YANKEE RESOURCES
-GREENLAND PARTNERSHIP 82-1				RECEIVED:	03/08/83	JA: OH			
8326983		3412725614		107-TF		CONN #2	FULTONHAM	0.0	COLUMBIA GAS TRAN
-GREENLAND 1980-1				RECEIVED:	03/08/83	JA: OH			
8326982		3411925557		107-TF		IRWIN #2	RICH HILL	7.5	COLUMBIA GAS TRAN
-HAUGHT INC				RECEIVED:	03/08/83	JA: OH			
8326984B		3416724899	D	107-TF		CHARLES E BERGA #1	GRANDVIEW DISTRICT	15.0	COLUMBIA GAS TRAN
8326984A		3416724899		103		CHARLES E BERGA #1	GRANDVIEW DISTRICT	15.0	COLUMBIA GAS TRAN
-KRAMER EXPLORATION CO				RECEIVED:	03/08/83	JA: OH			
8326985		3410521902		107-TF		CARPER #1	BEDFORD	1.0	COLUMBIA GAS TRAN
8326936		3410521938		107-TF		CARPER #3	BEDFORD	1.0	COLUMBIA GAS TRAN
-L & M PETROLEUM INC				RECEIVED:	03/08/83	JA: OH			
8326994		3412725719		103		INES BELL #1	MONDAY CREEK	10.0	
-LANDPROVEST INC				RECEIVED:	03/08/83	JA: OH			
8326987		3405923402		107-TF		BENDER #1A-	BLOOMFIELD	20.0	
-LANGASCO DRILLING CO				RECEIVED:	03/03/83	JA: OH			
8326988		3402920927		107-TF		RUSSELL KIKO #2	BUTLER	45.0	COLUMBIA GAS TRAN
-LBJ DRILLING DBA JEFF MORAN				RECEIVED:	03/08/83	JA: OH			
8326989		3408924521		103		INA V KLINGLER #1	EDEN	50.0	
-LEONARD SKEGGS				RECEIVED:	03/08/83	JA: OH			
8326990A		3408520228		103		LOCUST FARMS #1	KIRTLAND	28.6	
8326990B		3408520228	D	107-RT		LOCUST FARMS #1	KIRTLAND	28.6	
8326991A		3408520249		103		LOCUST FARMS #2	KIRTLAND	22.4	
8326991B		3408520249	D	107-RT		LOCUST FARMS #2	KIRTLAND	22.4	
8326992B		3408520251	D	107-RT		LOCUST FARMS #3	KIRTLAND	57.7	
8326992A		3408520251		103		LOCUST FARMS #3	KIRTLAND	57.7	
8326993B		3408520283	D	107-RT		LOCUST FARMS #4	KIRTLAND	31.2	
8326993A		3408520283		103		LOCUST FARMS #4	KIRTLAND	31.2	
-LOMAK PETROLEUM INC				RECEIVED:	03/08/83	JA: OH			
8326995		3401921522		107-TF		J SCOTT #1	PERRY	24.0	
-MCCLAIN OIL CO				RECEIVED:	03/08/83	JA: OH			
8326997		3408924615		103		COYLE #1	MADISON	7.0	NATIONAL GAS & OI
8326996		3408924602		103		PARROTT #1	FRANKLIN	3.5	NATIONAL GAS & OI
-MERIDIAN DRILLING & EQUIPMENT INC				RECEIVED:	03/08/83	JA: OH			
8326999		3412725775		103		MERIDIAN-COOPERIDER #1	HOPEWELL	15.0	NATIONAL GAS & OI
8326998		3408924522		103		MERIDIAN-SHAW #1	MADISON	15.0	NATIONAL GAS & OI
-NEW FRONTIER EXPLORATION INC				RECEIVED:	03/08/83	JA: OH			
8327002		3415123796		103	107-TF	DONALD ROHR #5	WASHINGTON	18.0	YANKEE RESOURCES
8327001		3415123625		103	107-TF	FREED-HAIDET UNIT #1	WASHINGTON	18.0	YANKEE RESOURCES
8327000		3412122918		103	107-TF	MURL PICKENPAUGH #1	SHARON	20.0	YANKEE RESOURCES
-OHIO OIL & GAS CO				RECEIVED:	03/08/83	JA: OH			
8327003		3415522219		107-TF		CONSUMER #10	HARTFORD	20.0	COLUMBIA GAS TRAN
-OXFORD OIL CO				RECEIVED:	03/08/83	JA: OH			
8327015		3412725739		103		WILLIAM BASHORE #1	THORN	10.0	
-RELIANCE ENERGY				RECEIVED:	03/08/83	JA: OH			
8326973		3408322343		108		CHARLES ELLIOTT #1		0.0	COLUMBIA GAS TRAN
8326975		3408322417		108		CHARLES ELLIOTT #2		0.0	COLUMBIA GAS TRAN
8326976		3408322542		108		CHARLES ELLIOTT #3		0.0	COLUMBIA GAS TRAN
8326977		3408322544		108		CHARLES ELLIOTT #4		0.0	COLUMBIA GAS TRAN
8326978		3408322548		108		CHARLES ELLIOTT #5		0.0	COLUMBIA GAS TRAN
8326972		3411522293		103		EARNEST & ALICE BARNHART #1	CENTER	1.2	REDMAN INDUSTRIAL
8326970		3408322209		108		GERALD EIAMA #1		0.0	COLUMBIA GAS TRAN
8326971		3408322214		108		GERALD EIAMA #2		0.0	COLUMBIA GAS TRAN
8326974		3408322382		108		GERALD EIAMA #3		0.0	COLUMBIA GAS TRAN
-RESERVE EXPLORATION CO				RECEIVED:	03/08/83	JA: OH			
8327004		3416727299		107-TF		LUCIAN SMITH #1	MACKSBURG	100.0	FREDRICK PETROLEU
-RICHARD W ULLMAN				RECEIVED:	03/08/83	JA: OH			
8327006		3411523050		107-TF		COOK #4	CHESTERHILL	21.0	COLUMBIA GAS TRAN
8327005		3411523038		107-TF		COOK #5	CHESTERHILL	18.0	COLUMBIA GAS TRAN
-ROVI RESOURCES CORP				RECEIVED:	03/08/83	JA: OH			
8327007		3411521808		107-RT		KNOX #1	MORGAN	11.0	TENNESSEE GAS PIP
8327008		3411521811		107-RT		NEEDHAM #1	MORGAN	11.0	TENNESSEE GAS PIP
8327010		3411924581		107-RT		OHIO POWER 36	BLUE ROCK	11.0	COLUMBIA GAS TRAN
8327009		3411522949		107-RT		RICHARDSON #2	BLOOM	11.0	COLUMBIA GAS TRAN
-S S S ENERGY CO				RECEIVED:	03/08/83	JA: OH			
8327011		3410322692		103	107-TF	STATON/STEPFIELD #1	WADSWORTH	0.0	
-TOWNER PETROLEUM CO				RECEIVED:	03/08/83	JA: OH			
8327018		3405923397		103	107-TF	BOND C #2	LONDONDERRY	27.0	TENNESSEE GAS PIP
8327016		3405923333		103	107-TF	GRAY R /BRUBAKER R #1	LONDONDERRY	27.0	TENNESSEE GAS PIP

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8327019		3405923427		103	107-TF	GUNN R #2	JEFFERSON	27.0	TENNESSEE GAS PIP
8327017		3405923355		103	107-TF	LAWRENCE P #1	LONDONDERRY	27.0	TENNESSEE GAS PIP
-TRUMBULL RESOURCES				RECEIVED:	03/08/83	JA: OH			
8327020		3415522270		103	107-TF	SIMON #4	VIENNA	39.0	
8327021		3415522271		103	107-TF	SIMON #5	VIENNA	39.0	
-WAYNE W WATSON				RECEIVED:	03/08/83	JA: OH			
8327022		3412725621		107-TF		REAM #6	MONDAY CREEK	0.0	COLUMBIA GAS TRAN
-WILLIAM N TIPKA				RECEIVED:	03/08/83	JA: OH			
8327024		3410323116		107-TF		MILLER-CHURCH-BARNES #1	WADSWORTH	12.0	EAST OHIO GAS CO
8327023		3410323088		107-TF		MOSS-LEWIS-CHURCH #1	WADSWORTH	3.0	EAST OHIO GAS CO
-WITCO CHEMICAL CORP				RECEIVED:	03/08/83	JA: OH			
8327032		3408923547		108		BLANCHE M MONTGOMERY #1-A		1.5	BOWERSTON SHALE C
8327033		3408923598		108		BLANCHE MONTGOMERY #2-A		1.5	BOWERSTON SHALE C
8327034		3408923306		108		CHESTER FLOWERS #1		1.5	NATIONAL GAS & OI
8327025		3408922778		108		HENRY H SHEPARD #1		1.5	NEWZANE GAS CO
8327026		3408922857		108		HENRY H SHEPARD #2		1.5	NEWZANE GAS CO
8327031		3408923436		108		HENRY H SHEPARD #3		1.5	NEWZANE GAS CO
8327035		3412724833		108		HOCKING VALLEY PRODUCTS CO #2031		1.5	PARAMOUNT TRANSMI
8327030		3408923071		108		L C GIFFEN #2		1.5	NATIONAL GAS & OI
8327027		3408922929		108		WILLIAM GIFFEN #1		1.5	NATIONAL GAS & OI
8327028		3408923056		108		WILLIAM GIFFEN #2		1.5	NATIONAL GAS & OI
8327029		3408923069		108		WILLIAM GIFFEN #3		1.5	NATIONAL GAS & OI
-ZENITH OIL & GAS INC				RECEIVED:	03/08/83	JA: OH			
8327036		3411926496		107-TF		BURRIER #6	NASHPORT	1.0	NATIONAL GAS & OI
**********									
OKLAHOMA CORPORATION COMMISSION									
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-AN-SON CORPORATION				RECEIVED:	03/11/83	JA: OK			
8327146	20558	3501121730		102-2		BIXLER #1-14	N E HYDRO	750.0	DELHI GAS PIPELIN
-ANADARKO LAND & EXPLORATION CO				RECEIVED:	03/11/83	JA: OK			
8327140	20541	3504722855		103		BOEPPLE #1-27	GARBER	55.0	CHAMPLIN PETROLEU
8327141	20542	3504723070		103		CRITES #1-34	WEST GARBER	273.0	CHAMPLIN PETROLEU
-ANADARKO PRODUCTION COMPANY				RECEIVED:	03/09/83	JA: OK			
8327044	19177	3500722197		102-4		KING "E" #1	EAST LORENA	91.0	PANHANDLE EASTERN
-ANDOVER OIL COMPANY				RECEIVED:	03/09/83	JA: OK			
8327041	19127	3501722110		102-2	103	NICHOLSON #16-1		90.0	PHILLIPS PETROLEU
-APACHE CORPORATION				RECEIVED:	03/09/83	JA: OK			
8327042	19151	3500920502		102-3		KIRK 1-A		560.0	EL PASO NATURAL G
-ARKOMA GAS CO				RECEIVED:	03/11/83	JA: OK			
8327147	20565	3512120918		103		BE ANN PUCKETT 1-32	WEST SCIPIO	32.0	ARKANSAS LOUISIAN
-B & J DEVELOPERS INC				RECEIVED:	03/11/83	JA: OK			
8327151	16816	3514722404		103		NICHOLSON #1	WILDCAT	182.5	BARON PIPELINE IN
-B J HOWELL				RECEIVED:	03/11/83	JA: OK			
8327148	20563	3506321635		103		BOYD #2	SHADY GROVE	0.0	HILL TOP INVESTME
-BROCK HYDROCARBONS INC				RECEIVED:	03/10/83	JA: OK			
8327076	17989	3515321136		102-2	103	COOPER #1-13		0.0	INTER NORTH INC
-BUFORD WILLIAMS				RECEIVED:	03/10/83	JA: OK			
8327085	19344	3514321981		102-2		SHEEHAN #1		0.0	DIAMOND 'S' GAS I
-C E DINSMORE				RECEIVED:	03/11/83	JA: OK			
8327163	20414	3500300000		108		GLENN DAGUE #1 00464	RINGWOOD	8.9	UNION TEXAS PETRO
-CHEROKEE RESOURCE MANAGEMENT				RECEIVED:	03/10/83	JA: OK			
8327065	20483	3508121768		103		EVANS #6	SOUTH STROUD PRUE	23.0	SWAB CORP
-CHEYENNE EXPLORATION INC				RECEIVED:	03/09/83	JA: OK			
8327061	18164	3500320971		103		BROOKS #1	RINGWOOD	0.0	UNION TEXAS PETRO
-CITIES SERVICE COMPANY				RECEIVED:	03/10/83	JA: OK			
8327088	20512	3505121107		103		SPARKS G #1	BRADLEY	49.5	TRANSOK PIPE LINE
-CLARK RESOURCES INC				RECEIVED:	03/10/83	JA: OK			
8327075	18212	3507323544		102-4		KLINNERT 10-1 (VIOLA)	SOONER TREND	200.0	CITIES SERVICE GA
8327089	20501	3509322573		103		STRECKER 18-1	SOONER TREND	205.0	PHILLIPS PETROLEU
-CONOCO INC				RECEIVED:	03/09/83	JA: OK			
8327046	19335	3514920203		102-2		HUCKABY "10" #2	SENTINEL	365.0	PRODUCERS GAS CO
-DAVIS OIL COMPANY				RECEIVED:	03/09/83	JA: OK			
8327043	19168	3504722990		102-2		ALFRED #1	HILLSDALE	0.0	PANHANDLE EASTERN
-DLB ENERGY CORP				RECEIVED:	03/11/83	JA: OK			
8327168	20086	3507323650		103		FELTA #33-1	SOONER TREND	0.0	PHILLIPS PETROLEU
-DOME PETROLEUM CORP				RECEIVED:	03/09/83	JA: OK			
8327051	20423	3504921895		103		COOK #3-6	S E FOSTER	4.0	SOHIO PETROLEUM C
-DOWNEY OIL CO				RECEIVED:	03/11/83	JA: OK			
8327156	19363	3508321966		102-2		MARIAN #1	SW FAIR OAK	0.0	BUCKEYE NATURAL G
-ECC OIL CO				RECEIVED:	03/11/83	JA: OK			
8327159	19476	3514721032		108		GREENWOOD #2A SE/4 17-25N-14E	OGLESBY GAS FIELD	20.0	OKAN GAS CO
8327158	19475	3514721271		108		SNOW #1 C NW/4 NW/4 17-25N-14E	OGLESBY GAS FIELD	0.0	OKAN GAS CO
-ENSERCH EXPLORATION INC				RECEIVED:	03/09/83	JA: OK			
8327038	17065	3508772071		103		LIBERTY NATIONAL BANK & TRUST #1	BLANCHARD FIELD	0.0	LONE STAR GAS CO
8327047	19509	3514920331		103		MARY C PRICE #1	BURNS FLAT	600.0	NATURAL GAS PIPEL
8327062	18339	3508720772		103		T W PEARCY #1-31	BLANCHARD	250.0	LONE STAR GAS CO
-ENSERCH EXPLORATION INC				RECEIVED:	03/11/83	JA: OK			
8327152	17640	3508720737		103		T W PEARCY #1	BLANCHARD	0.0	LONE STAR GAS CO
-F HOWARD WALSH JR				RECEIVED:	03/10/83	JA: OK			
8327078	20555	3505121348		103		HIBBERT #1		37.0	TRANSOK PIPE LINE
8327077	20556	3505121309		103		WALTERS #1		55.0	TRANSOK PIPE LINE
-GEORGE E FEARS				RECEIVED:	03/09/83	JA: OK			
8327052	20424	3508329798		103		ACTON #2		0.0	EASON OIL CO
-GEORGE L LONG				RECEIVED:	03/10/83	JA: OK			
8327066	20470	3505320861		103		J C FEIST 05320861	WAKITA TREND	108.0	SUN EXPLORATION &
-HARPER OIL COMPANY				RECEIVED:	03/10/83	JA: OK			
8327080	20517	3507321231		108		FLORINE #2	SOONER TREND	14.0	PHILLIPS PETROLEU
-HELMERICH & PAYNE INC				RECEIVED:	03/09/83	JA: OK			
8327045	19323	3512920266		102-2		BOGGES #1	S W HERRING	110.0	MICHIGAN WISCONSI
-HOLD OIL CORP				RECEIVED:	03/10/83	JA: OK			
8327070	19327	3506120421		102-2		AUBREY PRINCE #1-1	UN-NAMED	40.0	ARKANSAS LOUISIAN
8327083	19375	3506102499		102-2		HOLD OIL CORP QUINE DUTSCH #1	BROOKEN	185.0	ARKANSAS LOUISIAN
8327071	19326	3506120423		102-2		JERL PRINCE #1-1	UN-NAMED	70.0	ARKANSAS LOUISIAN
-HOLD OIL CORP				RECEIVED:	03/11/83	JA: OK			
8327136	20525	3512120881		103		A C BROWN #1	NORTH CANADIAN	150.0	ARKANSAS LOUISIAN
-JAMES C MEADE				RECEIVED:	03/11/83	JA: OK			
8327161	20248	3507920125		108		EBERLY & MEADE WOOD #1	CARTERSVILLE	17.0	AMCOLE ENERGY COR
-JOHN A TAYLOR				RECEIVED:	03/10/83	JA: OK			
8327074	19041	3508720638		102-4		MCMURRAY #1	S FREENY	0.0	SUN EXPLORATION &
-LADD PETROLEUM CORPORATION				RECEIVED:	03/11/83	JA: OK			
8327143	20551	3504322493		103		MCDANIEL #4	SEILING NE	301.1	DELHI PIPE LINE C
-LOBAR OIL CO INC				RECEIVED:	03/11/83	JA: OK			
8327157	19364	3503920412		102-2		SUSANNA #1		0.0	
-LONG ROYALTY CO				RECEIVED:	03/10/83	JA: OK			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8327067	20429	3501700000		103		BEROUSEK #2	MUSTANG	0.0	
-MAJOR OIL CORP				RECEIVED:	03/10/83	JA: OK			
8327068	20427	3500321007		103		GING #1-9	GOULTRY	75.0	PANHANDLE EASTERN
-MEEK OIL PRODUCTION CO INC				RECEIVED:	03/09/83	JA: OK			
8327040	17711	3510720954		102-4		FISHER 3-A		0.0	SWAB CORP
-MOBIL OIL CORP				RECEIVED:	03/09/83	JA: OK			
8327049	20256	3501900000		108		DEESE-GRAHAM UT 2311 SWARTZ #11	SHO VEL TUM	4.9	OKLAHOMA NATURAL
-MURCHISON OIL & GAS INC				RECEIVED:	03/09/83	JA: OK			
8327050	20257	3500320998		103		REDMAN #1	MILLS PROSPECT	18.0	PANHANDLE EASTERN
-OIL LIFT INC				RECEIVED:	03/10/83	JA: OK			
8327084	19346	3510525790		102-2		HILL #1-29 (API 10525790)		14.6	PELICAN PIPELINE
-OLD DOMINION OIL CORP				RECEIVED:	03/11/83	JA: OK			
8327139	20540	3503920666		103		GOODWIN #1	SOUTHEAST ANTHON	197.2	ARKANSAS LOUISIAN
-OUACHITA EXPLORATION INC				RECEIVED:	03/11/83	JA: OK			
8327134	20519	3503120629		103		MORFORD #2	EAST LAWTON	180.0	ARKANSAS LOUISIAN
-PETRO-LEWIS CORPORATION				RECEIVED:	03/11/83	JA: OK			
8327149	20566	3507323664		103		HARRISON 9-1	SOONER TREND	180.0	CITIES SERVICE GA
8327154	18548	3507300000		108		MARIE 2-1	LOYAL S W	11.0	PARTNERSHIP PROPE
8327153	18546	3507300000		108		MESIS 26-1	DOVER-HENNESSEY	4.2	EASON OIL CO
8327155	18549	3507300000		108		PRIVOTT 8-1	LOYAL S W (E OMEGA)	5.3	PARTNERSHIP PROPE
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	03/11/83	JA: OK			
8327137	20526	3501722123		103		MANSFIELD B #1	WEST OKARCHE	74.0	
-PRIME ENERGY CO				RECEIVED:	03/09/83	JA: OK			
8327055	20466	3508121474		103		CAMP #10-2	SW MT VERNON	175.0	SUN GAS CO
-RICKS EXPLORATION CO				RECEIVED:	03/10/83	JA: OK			
8327087	20515	3504321427		103		SNYDER 24-A	SNYDER	185.0	OKLAHOMA GAS & EL
-RICKS EXPLORATION CO				RECEIVED:	03/11/83	JA: OK			
8327133	20514	3501121738		103		MEYER #18-B	ACRE	93.0	OKLAHOMA GAS & EL
-ROBERT COLE				RECEIVED:	03/11/83	JA: OK			
8327142		3505320851		103		ARLEEN #1		36.0	MIGHT SERVICE CO
-ROGER S ELLER				RECEIVED:	03/11/83	JA: OK			
8327150	20573	3511123978		103		WITHROW-A #1A	HENRYETTA	0.0	PHILLIPS PETROLEU
-SABINE CORP				RECEIVED:	03/10/83	JA: OK			
8327082	20111	3512900000		108		STATE #2-13	PUTNAM	0.0	PANHANDLE EASTERN
-SABINE PRODUCTION COMPANY				RECEIVED:	03/11/83	JA: OK			
8327144	20552	3512920664		102-2	103	BOGGES #2-29		0.0	EL PASO NATURAL G
-SAMSON RESOURCES COMPANY				RECEIVED:	03/11/83	JA: OK			
8327132	20492	3502520527		103		BRISSELL #1	KEYES	113.6	COLORADO INTERSTA
-SCOGGINS PETROLEUM CORP				RECEIVED:	03/11/83	JA: OK			
8327135	20524	3511123491		103		ROOT #1	N E BEGGS	55.0	PHILLIPS PETROLEU
-SENECA OIL COMPANY				RECEIVED:	03/10/83	JA: OK			
8327073	19175	3509322537		102-2		ELWELL #1-30		403.3	PANHANDLE EASTERN
-SHAR-ALAN OIL CO				RECEIVED:	03/09/83	JA: OK			
8327056	23306	3515321405		103		FRANCIS BUTTEL #2-14	CEDERDALE N E	0.0	MICHIGAN WISCONSI
-SHAR-ALAN OIL CO				RECEIVED:	03/10/83	JA: OK			
8327069	19974	3515321368		103		M K ROBERTS #1-36	NORTHWEST CEDARDALE	0.0	MICHIGAN WISCONSI
-STEVE JERNIGAN INC				RECEIVED:	03/09/83	JA: OK			
8327060	16969	3501722272		102-2		RUBY ROYCE #1	CONCHO	0.0	PHILLIPS PETROLEU
-TENNECO OIL COMPANY				RECEIVED:	03/09/83	JA: OK			
8327054	20436	3510321783		103		SOUTH LONE CLEVELAND SAND UNIT #75	SOUTH LONE ELM	1.0	AMINOIL U S A INC
8327048	19584	3507335714		108		STELLA OWENS 1-26	SOONER TREND	6.0	EXXON OIL CO U S
-TEXACO INC				RECEIVED:	03/10/83	JA: OK			
8327063	20498	3505300000		108		EMMA SMITH #1	CHEROKITA TREND	0.0	SUN GAS CO
-TRANS-WESTERN EXPLORATION INC				RECEIVED:	03/09/83	JA: OK			
8327057	23311	3514920297		107-DP		KLAUSE #1-21	WILDCAT	135.0	
8327059	23313	3514920291		107-DP		MOSER 1-11	WILDCAT	78.0	
8327058	23312	3514920308		107-DP		STEHR #1-15	(WILDCAT)	365.0	
-TRIGG DRILLING COMPANY INC				RECEIVED:	03/11/83	JA: OK			
8327145	20557	3500920524		102-2	103	MCCANDLESS #1		175.0	
-TXO PRODUCTION CORP				RECEIVED:	03/10/83	JA: OK			
8327072	19176	3506120515		102-2	103	DAVIS-FEDERAL #1	BROOKEN	476.0	UNITED GAS PIPE L
8327081	20322	3507720209		108		PARSONS "A" #1		168.0	ARKANSAS LOUISIAN
8327086	18983	3509120345		102-2	103	TED JOHNSON #1	S E CHOCOTAH	263.0	COLUMBIA GAS TRAN
-UNION TEXAS PETROLEUM				RECEIVED:	03/09/83	JA: OK			
8327037	16803	3509322476		103		J WILSON #2	HODGE AREA	182.5	PANHANDLE EASTERN
8327039	17682	3500320985		103		P W HERTZLER 'C' #2	HODGE AREA	109.5	PANHANDLE EASTERN
-UNIT DRILLING & EXPLORATION CO				RECEIVED:	03/10/83	JA: OK			
8327064	20496	3507961413		108		JOHNSON #1	KINTA	0.0	ARKANSAS LOUISIAN
-VIERSEN & COCHRAN				RECEIVED:	03/11/83	JA: OK			
8327138	20539	3509322568		103		BARNARD #2-10	N W OKEENE	180.0	PHILLIPS PETROLEU
-WESTHEIMER-NEUSTADT CORP				RECEIVED:	03/09/83	JA: OK			
8327053	20425	3501922526		103		ARNOLD #1	WEST HEWITT	30.0	
-WHITMAR EXPLORATION CO				RECEIVED:	03/10/83	JA: OK			
8327079	20353	3508720761		103		ELMER CLINK #1-14	WILDCAT	0.0	WARREN PETROLEUM
-WOOD & LOCKER INC				RECEIVED:	03/11/83	JA: OK			
8327162	20276	3504321519		103		DROKE #2	COTTAGE GROVE	8.0	HYDROCARBON SERVI
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PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES									
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-ADOBE OIL & GAS CORPORATION				RECEIVED:	03/10/83	JA: PA			
8327090	19298	3733214698		103		ROBERT KLINE #1	PIKE	24.0	CONSOLIDATED GAS
-ALMA M SINN				RECEIVED:	03/10/83	JA: PA			
8327126	19170	3712900000		108		GROZNIK #1		6.6	PEOPLES NATURAL G
-ANGERMAN ASSOCIATES INC				RECEIVED:	03/10/83	JA: PA			
8327094	19169	3706326548		103		GEO & EDITH M BURTICK #1-IND-26548	W PENNA-UPPER DEVONIA	35.0	PEOPLES NATURAL G
8327092	19156	3706326708		103		JOHN K CRIBBS #3 - IND-26708	W PENNA-UPPER DEVONIA	50.0	PEOPLES NATURAL G
8327093	19158	3712900000		103		LEE M KIRCHNER #1 - WES-21941	W PENNA-UPPER DEVONIA	18.0	PEOPLES NATURAL G
-CHARLES L VALONE				RECEIVED:	03/10/83	JA: PA			
8327130	19264	3704920551		108		VALONE #4	NORTH EAST	4.0	NATIONAL FUEL GAS
8327131	19266	3704920643		108		VALONE #5A	NORTH EAST	9.0	NATIONAL FUEL GAS
-E & W DEVELOPMENT CO				RECEIVED:	03/10/83	JA: PA			
8327095	19238	3706327265		103		CLAUSON 2-75	BLAIRSVILLE	27.0	T W PHILLIPS GAS
-ENERGY GAS & OIL CORP				RECEIVED:	03/10/83	JA: PA			
8327096	17803	3700521138		103		ROBERT PATRICK #1 SER NO 110	GOHENVILLE/SCRUBGRASS	18.5	PEOPLES NATURAL G
-ENERGY PRODUCTION CO				RECEIVED:	03/10/83	JA: PA			
8327097	19183	3706326761		103		BETHLEHEM MINES #1	NOLO MOUNTAIN	33.0	T W PHILLIPS GAS
8327098	19184	3706327143		103		DEYARMIN #1	NOLO MOUNTAIN	64.0	T W PHILLIPS GAS
8327100	19186	3706300000		103		LACARTE ENTERPRISES #19	NOLO MOUNTAIN	61.0	T W PHILLIPS GAS
8327099	19185	3706300000		103		LACARTE ENTERPRISES #7	NOLO MOUNTAIN	23.0	T W PHILLIPS GAS
-FAIRMAN DRILLING CO				RECEIVED:	03/10/83	JA: PA			
8327102	19306	3712920344		108		FRANK LITVIK #1 UNIT #2 F-88	NEW ALEXANDRIA	12.0	PEOPLES NATURAL G
8327101	19215	3703321513		102-2		JOHN DVORCHAK #1 F-3717	CHERRY TREE	10.0	COLUMBIA GAS TRAN
-FOX OIL & GAS INC				RECEIVED:	03/10/83	JA: PA			
8327104	19173	3706326861		103		MARY K FRANTZ #1 277	MONTGOMERY TOWNSHIP	25.5	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8327103	14141	3706326764		102-2		SCHROTH #5	CHERRYHILL TOWNSHIP	25.5	COLUMBIA GAS TRAN
-J & J ENTERPRISES INC				RECEIVED:	03/10/83	JA: PA			
8327105	18968	3706327228		103		TIMBERLAKE FAMILY CAMPING ASSOC 55A	NORTH MAHONING	0.0	CONSOLIDATED GAS
-JAMES F SCOTT				RECEIVED:	03/10/83	JA: PA			
8327125	18893	3706327258		103		DALE STARTZELL #3 PS-419	CANOE	41.0	CONSOLIDATED GAS
-KEPCO INC				RECEIVED:	03/10/83	JA: PA			
8327106	19307	3705921763		102-A		E V BUNNER NO 4 (PK-1)	GARRARDS FORT	31.0	NEW JERSEY NATURA
-KEYSTATE INC				RECEIVED:	03/10/83	JA: PA			
8327107	19216	3706300000		103		READE/STINEMAN #1	ROCHESTER MILLS	36.0	T W PHILLIPS GAS
8327108	19217	3706300000		103		READE/STINEMAN #2	ROCHESTER MILLS	12.0	T W PHILLIPS GAS
-KEYSTONE ENERGY OIL & GAS PRODUCTIO				RECEIVED:	03/10/83	JA: PA			
8327109	19305	3706327030		103		HOGUE #2	MARVIN HOGUE	41.1	PEOPLES NATURAL G
-KRIEBEL WELLS #2				RECEIVED:	03/10/83	JA: PA			
8327114	19288	3706327189		103		ADAMSON #1	ROCHESTER MILLS	21.0	
8327110	19130	3706327291		103		MAURER #1	CHERRYHILL	18.0	
8327113	19244	3700321514		103		REIRDON #2	BIG RUN	20.0	
8327111	19201	3703321515		103		REIRDON #3	BIG RUN	19.0	
8327112	19243	3706327336		103		RELLICK #2	CREEKSIDE	0.0	
-LOYALHANNA DRILLING PROGRAM				RECEIVED:	03/10/83	JA: PA			
8327115	18695	3712921713		108		BEZICH #2	LOYALHANNA	10.0	T W PHILLIPS GAS
8327116	18696	3712921740		108		MEISSNER #1	BELL	10.0	T W PHILLIPS GAS
8327117	18698	3712921714		108		STEELE #2	LOYALHANNA	3.0	T W PHILLIPS GAS
-MERIDIAN EXPLORATION CORP				RECEIVED:	03/10/83	JA: PA			
8327118	19280	3703921833		102-2		BLYSTONE/JUBER #648-1	ROCKDALE	30.0	NATIONAL FUEL GAS
8327119	19281	3703921833		107-TF		BLYSTONE/JUBER #648-1	ROCKDALE	30.0	NATIONAL FUEL GAS
-NORTHWEST NATURAL GAS CO				RECEIVED:	03/10/83	JA: PA			
8327121	18854	3703921661		107-TF		MICHAEL W MEDVED #1	BEAVER CENTER	0.0	NATIONAL FUEL GAS
8327120	18855	3703921661		103		MICHAEL W MEDVED #1	BEAVER CENTER	0.0	NATIONAL FUEL GAS
-PETROBANK OPERATING CO				RECEIVED:	03/10/83	JA: PA			
8327122	19272	3706326635		102-2		CLARK ESTATES #11	MONTGOMERY	78.3	COLUMBIA GAS TRAN
8327123	19274	3706325829		102-2		CLARK ESTATES #8	MONTGOMERY	30.0	COLUMBIA GAS TRAN
-S T JOINT VENTURE - #1-B				RECEIVED:	03/10/83	JA: PA			
8327124	19166	3703321468		103		HARTFIELD #1	PENN	25.0	CONSOLIDATED GAS
-SNYDER BROTHERS INC				RECEIVED:	03/10/83	JA: PA			
8327091	19302	3706522683		103		JOHN P BELL #1	BELL TWP	10.0	T W PHILLIPS GAS
8327127	19237	3706522684		103		JOHN P BELL #2	BELL TWP	10.0	T W PHILLIPS GAS
-UNION DRILLING INC				RECEIVED:	03/10/83	JA: PA			
8327128	19284	3706326164		102-2		HARVEY BROWN #3 0641	CHERRYHILL TOWNSHIP	0.0	COLUMBIA GAS TRAN
8327129	19286	3706326227		102-2		RONALD CRAMER #1 0747	CHERRYHILL TOWNSHIP	0.0	COLUMBIA GAS TRAN
**********									
** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, DENVER,CO									
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-ALTA ENERGY CORP				RECEIVED:	03/10/83	JA: CO 1			
8327198	CD0613-82A	0507708524		103	107-TF	ALTA 23-1	SHIRE GULCH	0.0	NORTHWEST PIPELIN
8327197	CD0613-82B	0507708524		103	107-TF	ALTA 23-1	SHIRE GULCH	200.0	NORTHWEST PIPELIN
-AMERICAN RESOURCES MANAGEMENT CORPO				RECEIVED:	03/10/83	JA: CO 1			
8327183	CD 0503-82	0504506010		108		S C #11-1	SOLDIER CANYON	34.9	NORTHWEST PIPELIN
-ARCO OIL AND GAS COMPANY				RECEIVED:	03/10/83	JA: CO 1			
8327192	CD0615-82	0506706638		107-TF		SOUTHERN UTE 22-3 32-8 (TF)	IGNACIO BLANCO	107.0	WESTERN SLOPE GAS
-BEREN CORPORATION				RECEIVED:	03/10/83	JA: CO 1			
8327193	CD0614-82	0512310771		103		GOVERNMENT #4-27	SOONER FIELD	25.0	KANSAS-NEBRASKA N
-GREENSTREET LLOYD M				RECEIVED:	03/10/83	JA: CO 1			
8327165	CD 0579-82PB	0506705806		108-PB		UTE "A" #3 (88195)	IGNACIO BLANCO	0.0	NORTHWEST PIPELIN
-KENAI OIL AND GAS INC				RECEIVED:	03/10/83	JA: CO 1			
8327188	CD 0497-82	0504506301		103	107-TF	FEDERAL D-31-7-95-S	RULISON	0.0	
-LADD PETROLEUM CORPORATION				RECEIVED:	03/10/83	JA: CO 1			
8327185	CD 0001-83PB	0506705573		108-PB		LONG MOUNTAIN #1-27	MESA VERDE	0.0	EL PASO NATURAL G
-NORTHWEST EXPLORATION COMPANY				RECEIVED:	03/10/83	JA: CO 1			
8327170	CD 0346-82	0510308066		108-PB		PHILADELPHIA CREEK #18	MANCOS B	0.0	NORTHWEST PIPELIN
8327168	CD 0019-83PB	0510308224		108-PB		PHILADELPHIA CREEK 12X	PHILADELPHIA CREEK	0.0	NORTHWEST PIPELIN
8327169	CD 0020-83PB	0510308065		108-PB		PHILADELPHIA CREEK #17	MANCOS B	0.0	NORTHWEST PIPELIN
-NORTHWEST PIPELINE CORPORATION				RECEIVED:	03/10/83	JA: CO 1			
8327166	CD 0017-83PB	0506705635		108-PB		BONDAD 34-10 #7	IGNACIO BLANCO MESAVE	0.0	NORTHWEST PIPELIN
8327167	CD 0018-83PB	0506705111		108-PB		NORTHWEST CEDAR HILLS 32-10 #13	IGNACIO BLANCO MESAVE	0.0	NORTHWEST PIPELIN
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	03/10/83	JA: CO 1			
8327186	CD 0574-82	0510308676		107-TF		SAGE BRUSH HILLS II #11-2-99	CORRAL CREEK (MANCOS	153.0	INTER NORTH INC
-TETON ENERGY CO INC				RECEIVED:	03/10/83	JA: CO 1			
8327189	CD0618-82	0507708431		102-2		ROAN CREEK FEDERAL 26-3	COON HOLLOW	18.5	NORTHWEST PIPELIN
8327191	CD0612-82	0507708432		102-2		ROAN CREEK FEDERAL 26-4	COON HOLLOW	152.0	NORTHWEST PIPELIN
8327190	CD0617-82	0507708420		102-2		ROAN CREEK FEDERAL 35-2	COON HOLLOW	555.5	NORTHWEST PIPELIN
-WALTER S FEES JR				RECEIVED:	03/10/83	JA: CO 1			
8327196	CD0554-82	0507708506		102-3		FEDERAL #2-24-81	WILDCAT	0.0	WESTERN SLOPE GAS
8327164	CD 0553-82	0507708505		102-3		HUNTERS CANYON UNIT #3	HUNTERS CANYON	0.0	WESTERN SLOPE GAS
-WILLIAM PERLMAN				RECEIVED:	03/10/83	JA: CO 1			
8327181	CD 0600-82	0506706530		103	107-TF	SOUTHERN UTE #1-22	IGNACIO BLANCO	0.0	EL PASO NATURAL G
8327182	CD 0601-82	0506706529		103	107-TF	SOUTHERN UTE #1-27	IGNACIO BLANCO	0.0	EL PASO NATURAL G
8327180	CD 0602-82	0506706527		103	107-TF	SOUTHERN UTE #1-32	IGANCIO BLANCO	0.0	EL PASO NATURAL G
-COASTAL OIL & GAS CORP				RECEIVED:	03/10/83	JA: UT 1			
8327184	UD 0616-82	4304731139		103	107-TF	NBU 200-7	NATURAL BUTTES UNIT	0.0	COLORADO INTERSTA
-ENSERCH EXPLORATION INC				RECEIVED:	03/10/83	JA: UT 1			
8327187	UD 0289-82	4304700000		103	107-TF	FLAT MESA FEDERAL #2-7	BONANZA	0.0	NATURAL GAS PIPEL
-J C THOMPSON				RECEIVED:	03/10/83	JA: UT 1			
8327195	UD0611-82	4301930375		108		FEDERAL 104 #1	BULL CANYON	0.0	NATURAL GAS PIPEL
-MAPCO PRODUCTION COMPANY				RECEIVED:	03/10/83	JA: UT 1			
8327173	UD 0524-82	4304731046		103	107-TF	RBU 1-10E	RIVER BEND	0.0	PACIFIC GAS & ELE
8327175	UD 0520-82	4304730926		103	107-TF	RBU 1-14E	RIVER BEND	0.0	PACIFIC GAS & ELE
8327171	UD 0526-82	4304730915		103	107-TF	RBU 1-15E	RIVER BEND	0.0	PACIFIC GAS & ELE
8327176	UD 0519-82	4304730927		103	107-TF	RBU 1-22E	RIVER BEND	0.0	PACIFIC GAS & ELE
8327177	UD 0518-82	4304730970		103	107-TF	RBU 1-23E	RIVER BEND	0.0	PACIFIC GAS & ELE
8327174	UD 0521-82	4304730759		103	107-TF	RBU 11-24E	RIVER BEND	0.0	PACIFIC GAS & ELE
8327178	UD 0517-82	4304730971		103	107-TF	RBU 4-19F	RIVER BEND	0.0	PACIFIC GAS & ELE
8327172	UD 0525-82	4304730762		103	107-TF	RBU 6-20F	RIVER BEND	0.0	PACIFIC GAS & ELE
-TENNECO OIL COMPANY				RECEIVED:	03/10/83	JA: UT 1			
8327179	UD 0599-82	4301930779		103		TOC/TXO/POGO/USA 15-9	BRYSON CANYON	100.0	SOUTHWEST GAS COR
-TXO PRODUCTION CORP				RECEIVED:	03/10/83	JA: UT 1			
8327194	UD 0619-82	4301931009		103		VALENTINE FEDERAL #3	SAN ARROYO	46.0	NORTHWEST PIPELIN

[FR Doc. 83-9617 Filed 4-11-83; 8:45 am]

BILLING CODE 6717-01-C

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: April 6, 1983.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capital St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register**.

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487–4808, 5285 Port Royal Rd, Springfield, Va 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 Mile rule)
102–3: New well (1000 Ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal Seams
107–DV: Devonian Shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

BILLING CODE 6717-01-M

NOTICE OF DETERMINATIONS VOLUME 866
ISSUED APRIL 6, 1983

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
LOUISIANA OFFICE OF CONSERVATION									
-ROBERSON WELL SERVICE				RECEIVED:	03/14/83	JA: LA			
8327464	82-1041	1711123527		103		UNION PRODUCING CO #4	MONROE	14.0	PETRO LEWIS CORP
MICHIGAN DEPARTMENT OF NATURAL RESOURCES									
-REEF PETROLEUM CORP				RECEIVED:	03/11/83	JA: MI			
8327425		2102500000		102-4		MULL #1-32	CONVIS "32"	0.0	
NEBRASKA OIL & GAS CONSERVATION COMMISSION									
-MARATHON OIL COMPANY				RECEIVED:	03/14/83	JA: NB			
8327463		2603322156		103		RIPPE "B" WELL #6	HUNTSMAN	6.0	KANSAS NEBRASKA N
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS									
-BUFFION OIL & GAS INC				RECEIVED:	03/11/83	JA: NM			
8327427		3002500000		102-4		EIDSON #1	TOWNSEND	274.0	GAS CO OF NEW MEX
-EL PASO NATURAL GAS COMPANY				RECEIVED:	03/11/83	JA: NM			
8327426		3004520874		108		HUERFANO UNIT #227	BASIN - DAKOTA	9.0	EL PASO NATURAL G
-KENAI OIL AND GAS INC				RECEIVED:	03/11/83	JA: NM			
8327428		3004524190		102-2		NEW MEXICO STATE #2	NAGEEZI	0.0	GAS CO OF NEW MEX
NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION									
-AMERICAN PENN ENERGY INC				RECEIVED:	03/14/83	JA: NY			
8327507	2606	3102915430		107-TF		D V VALENTINE #1 (1445)	BRANT	10.0	NATIONAL FUEL GAS
-BEREA OIL AND GAS CORPORATION				RECEIVED:	03/11/83	JA: NY			
8327371	3523	3101316879		107-TF		ENGSTROM #1	STEBBINS CORNERS	10.0	COLUMBIA GAS TRAN
8327408	3197	3101316704		107-TF		GROSS UNIT #1	GERRY	15.0	COLUMBIA GAS TRAN
8327372	3521	3101317058		107-TF		J BYLER UNIT #1	STEBBINS CORNERS	11.0	COLUMBIA GAS TRAN
8327367	3536	3101317030		107-TF		M CADY #1	STEBBINS CORNERS	10.0	COLUMBIA GAS TRAN
8327369	3534	3101317031		107-TF		MCCRAY UNIT #1	STEBBINS CORNERS	10.0	COLUMBIA GAS TRAN
8327370	3525	3101316432		107-TF		N & E REED UNIT #7	RIPLEY-MINA	12.0	COLUMBIA GAS TRAN
8327409	3686	3101317011		107-TF		R S MILLER #6	WILDCAT	12.0	COLUMBIA GAS TRAN
-BOUNTY OIL & GAS INC				RECEIVED:	03/11/83	JA: NY			
8327362	3672	3101317024		107-TF		PFLEEGER #1	BUSTI	0.0	COLUMBIA GAS TRAN
8327361	3199	3101317036		107-TF		POLLOCK UNIT #1	WILDCAT	0.0	NATIONAL FUEL GAS
-CHAUTAUQUA ENERGY INC				RECEIVED:	03/11/83	JA: NY			
8327345	4907	3101318040		103		ISSLER #2	SHERMAN	12.0	COLUMBIA GAS TRAN
8327344	4904	3101318040		107-TF		ISSLER #2	SHERMAN	12.0	COLUMBIA GAS TRAN
8327343	4905	3101314848		103		PETERSON #1	SHERMAN	12.0	COLUMBIA GAS TRAN
8327342	4906	3101314848		107-TF		PETERSON #1	SHERMAN	12.0	COLUMBIA GAS TRAN
-CUMBERLAND OIL CORP				RECEIVED:	03/11/83	JA: NY			
8327403	3949	3101316837		107-TF		LUSTIG #1	VILLENOVA	20.0	TENNESSEE GAS PIP
-DORAN & ASSOCIATES INC				RECEIVED:	03/11/83	JA: NY			
8327389	3833	3101317064		107-TF		A BUTTON UNIT #1 KV-16	CARROLL	30.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8327334	3766	3101316210		107-TF		D FRITTON #1 KV-35	CARROLL	30.0	COLUMBIA GAS TRAN
8327410	3697	3101316033		107-TF		D LUNDMARK #1-A KA-93	CARROLL	30.0	COLUMBIA GAS TRAN
8327354	4230	3100916993		107-TF		D PAYNE #1 KA-112	CONEWANGO	30.0	COLUMBIA GAS TRAN
8327352	4238	3100917278		107-TF		D PAYNE #2 KX-17	CONEWANGO	30.0	COLUMBIA GAS TRAN
8327350	4233	3100917199		107-TF		D SCHULTZ #2 KX-6	CONEWANGO	30.0	COLUMBIA GAS TRAN
8327412	3696	3101317645		107-TF		D SISSON UNIT #1 KV-34	CARROLL	30.0	COLUMBIA GAS TRAN
8327377	3275	3100916882		107-TF		DONALD BEAVER #1 KA-111	RANDOLPH	30.0	COLUMBIA GAS TRAN
8327336	3830	3101317663		107-TF		E DERRY #1 KV-18	CARROLL	30.0	COLUMBIA GAS TRAN
8327363	3579	3101316398		107-TF		E FEATHERSTONE #1 KA-98	CARROLL	30.0	COLUMBIA GAS TRAN
8327388	3832	3101316252		107-TF		ECKSTROM UNIT #1 KA-95	CARROLL	30.0	COLUMBIA GAS TRAN
8327365	3556	3101316078		107-TF		G BUTTON #1 KA-109	CARROLL	30.0	COLUMBIA GAS TRAN
8327364	3580	3101315944		107-TF		G JOHNSON UNIT #1 KA-89	CARROLL	30.0	COLUMBIA GAS TRAN
8327359	3495	3101315968		107-TF		G SKINNER #1 K-V-27	CARROLL	30.0	COLUMBIA GAS TRAN
8327335	3765	3101316230		107-TF		H TODD ADAMS #1 KV-28	FRENCH CREEK	30.0	COLUMBIA GAS TRAN
8327353	4159	3101317701		107-TF		HOITINK UNIT #1 KA-149	CARROLL	30.0	COLUMBIA GAS TRAN
8327420	3497	3101315967		107-TF		I WALKER #1 K-A-96	CARROLL	30.0	COLUMBIA GAS TRAN
8327413	3629	3101317063		107-TF		M ANDERSON #1 KV-15	CARROLL	30.0	COLUMBIA GAS TRAN
8327338	3831	3101315981		107-TF		M PERCY #1 KV-36	CONEWANGO	30.0	COLUMBIA GAS TRAN
8327351	4235	3100917647		107-TF		ORR KINNEY #1 KX-19	CARROLL	30.0	COLUMBIA GAS TRAN
8327411	3695	3101315966		107-TF		R JOHNSON #1 KA-91	CARROLL	30.0	COLUMBIA GAS TRAN
8327358	3496	3101315947		107-TF		R MINOR #1 K-A-97	CONEWANGO	30.0	COLUMBIA GAS TRAN
8327419	3274	3100916304		107-TF		RAYMOND HADLEY #2 KA-115	CARROLL	30.0	COLUMBIA GAS TRAN
8327422	3499	3101317066		107-TF		SWANSON UNIT #1 K-V-17	CARROLL	30.0	COLUMBIA GAS TRAN
8327366	3555	3101315977		107-TF		W NELSON #1 KA-90	CARROLL	30.0	COLUMBIA GAS TRAN
8327421	3498	3101315978		107-TF		W FENTON #1 K-A-100	CARROLL	30.0	COLUMBIA GAS TRAN
8327332	3630	3101315935		107-TF		WAITE UNIT #1 KA-94			
-ENVIROGAS INC				RECEIVED:	03/11/83	JA: NY	STEBBINS CORNERS	18.0	COLUMBIA GAS TRAN
8327376	2344	3101315777		107-TF		NYS REFORESTATION AREA 3/ #3			
-EYE PETROLEUM ASSOCIATES				RECEIVED:	03/11/83	JA: NY	LAKE SHORE	12.0	NATIONAL FUEL GAS
8327340	4910	3102918112		103		BOASBERG #1	LAKE SHORE	12.0	NATIONAL FUEL GAS
8327341	4909	3102918111		103		EMIKE #1			
-HUGOTON PETROLEUM INC				RECEIVED:	03/11/83	JA: NY	STEBBINS CORNERS	15.0	COLUMBIA GAS TRAN
8327396	3915	3101316951		107-TF		COUNTY PARCEL 14 WELL #1	STEBBINS CORNERS	15.0	COLUMBIA GAS TRAN
8327397	3913	3101316948		107-TF		PATTON #1			
-KEYSTONE ENERGY OIL & GAS PRODUCTIO				RECEIVED:	03/11/83	JA: NY	SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
8327348	4934	3100916928		103		VANETTEN #2			
-NATIONAL FUEL GAS SUPPLY CORP				RECEIVED:	03/11/83	JA: NY			
8327264	3300	3100913372		108		ACKLEY #1705	TOWN OF PERSIA	2.3	GENERAL SYSTEM PU
8327331	3417	3100360364		108		ADAMS #2133	TOWN OF ALMA	7.2	GENERAL SYSTEM PU
8327292	3418	3100360365		108		ADAMS #2134	TOWN OF ALMA	7.2	GENERAL SYSTEM PU
8327231	3224	3102914761		108		ANDRES #1175	TOWN OF NORTH COLLINS	1.8	GENERAL SYSTEM PU
8327243	3442	3102903013		108		ASMUS FARM #1891	TOWN OF ALDEN	0.3	GENERAL SYSTEM PU
8327267	3296	3100913363		108		AVERILL #1687	TOWN OF PERSIA	2.3	GENERAL SYSTEM PU
8327269	3294	3100913365		108		AVERILL #1689	TOWN OF PERSIA	2.3	GENERAL SYSTEM PU
8327222	3401	3102960316		108		BECKER #993	TOWN OF ORCHARD PARK	2.3	GENERAL SYSTEM PU
8327242	3435	3103703092		108		BEECHY FARM #1872	DARIEN	0.7	GENERAL SYSTEM PU
8327219	3408	3102932270		103		BLAIR #1283	TOWN OF LANCASTER	1.2	GENERAL SYSTEM PU
8327233	3222	3102909050		108		BOARDWAY #1148	TOWN OF NORTH COLLINS	1.3	GENERAL SYSTEM PU
8327232	3223	3102914760		108		BOARDWAY #1173	TOWN OF NORTH COLLINS	0.4	GENERAL SYSTEM PU
8327287	3340	3101302744		108		BRITZ FARM #1999	TOWN OF SHERIDAN	3.7	GENERAL SYSTEM PU
8327322	3402	3102908155		108		BUERGER #997-I	TOWN OF HAMBURG	8.2	GENERAL SYSTEM PU
8327323	3407	3102960317		108		BUFFALO SAND & GRAVEL #1280-I	TOWN OF PORTERVILLE	12.7	GENERAL SYSTEM PU
8327290	3343	3101360335		108		CHEKALSKI #2016	TOWN OF SHERIDAN	5.2	GENERAL SYSTEM PU
8327307	3349	3101303168		108		CIVILETTE #2023	TOWN OF POMFRET	2.6	GENERAL SYSTEM PU
8327297	3423	3100360352		108		CRITTENDEN #2110	TOWN OF ALMA	7.2	GENERAL SYSTEM PU
8327312	3367	3102908232		108		DAMBACH #700-I	TOWN OF HAMBURG	4.1	GENERAL SYSTEM PU
8327259	3305	3100913361		108		DEAN #1700	TOWN OF DAYTON	2.3	GENERAL SYSTEM PU
8327223	3318	3102903024		108		DENZ FARM #1815	TOWN OF ALDEN	0.3	GENERAL SYSTEM PU
8327300	3426	3100360358		108		DICKERSON #2121	TOWN OF ALMA	7.2	GENERAL SYSTEM PU
8327301	3427	3100360359		108		DICKERSON #2122	TOWN OF ALMA	7.2	GENERAL SYSTEM PU
8327302	3428	3100360360		108		DICKERSON #2123	TOWN OF ALMA	7.2	GENERAL SYSTEM PU
8327308	3350	3101301479		108		DRAGGETT #2025	TOWN OF POMFRET	6.9	GENERAL SYSTEM PU
8327282	3334	3100360340		108		E C & F CO FARM #2086	TOWN OF ALMA	7.2	GENERAL SYSTEM PU
8327283	3335	3100360341		108		E G & F CO #2087	TOWN OF ALMA	7.2	GENERAL SYSTEM PU
8327304	3430	3100360361		108		E G & F CO #2126	TOWN OF ALMA	7.2	GENERAL SYSTEM PU
8327329	3415	3100360362		108		E G & F CO #2127	TOWN OF ALMA	7.2	GENERAL SYSTEM PU
8327281	3333	3100360339		108		E G & F CO FARM #2085	TOWN OF ALMA	7.2	GENERAL SYSTEM PU
8327254	3321	3103729330		108		EDWARDS #1801	TOWN OF PEMBROKE	1.0	GENERAL SYSTEM PU
8327315	3440	3101302727		108		EMIKE #1879	TOWN OF HANOVER	1.6	GENERAL SYSTEM PU
8327273	3324	3106960338		108		EVERGREEN #2052	TOWN OF BRISTOL	1.4	GENERAL SYSTEM PU
8327237	3433	3101302769		108		FEINAN FARM #1870	SHERIDAN	0.9	GENERAL SYSTEM PU
8327303	3429	3100360368		108		FOLAND #2125	TOWN OF ALMA	7.2	GENERAL SYSTEM PU
8327311	3358	3102960313		108		GOLDSMITH #248	TOWN OF BRANT	7.9	GENERAL SYSTEM PU
8327262	3302	3100914502		108		GOODEMOTE #1703	TOWN OF PERSIA	2.3	GENERAL SYSTEM PU
8327249	3309	3103703047		108		HALE FARM #1863	DARIEN	1.4	GENERAL SYSTEM PU
8327320	3392	3101360331		108		HALL #1947	TOWN OF POMFRET	3.8	GENERAL SYSTEM PU
8327274	3325	3101303172		108		HALLQUIST #2036	TOWN OF POMFRET	5.6	GENERAL SYSTEM PU
8327227	3385	3102903033		108		HALM FARM #1919	TOWN OF ALDEN	1.3	GENERAL SYSTEM PU
8327318	3320	3102904360		108		HANCHER #1791	TOWN OF COLDEN	7.2	GENERAL SYSTEM PU
8327319	3369	3100905375		103		HEBNER #2376-I	TOWN OF ALMA	3.2	GENERAL SYSTEM PU
8327221	3322	3102960325		103		HEININGER #1856	TOWN OF LANCASTER	1.0	GENERAL SYSTEM PU
8327305	3432	3103703098		108		HIGGINS #1865	TOWN OF DARIEN	2.0	GENERAL SYSTEM PU
8327240	3437	3103760327		108		HILLS #1874	TOWN OF DARIEN	1.0	GENERAL SYSTEM PU
8327241	3438	3103702935		108		HINT #1876	TOWN OF PEMBROKE	0.9	GENERAL SYSTEM PU
8327235	3405	3102914516		108		HYDE #1163	TOWN OF NORTH COLLINS	0.7	GENERAL SYSTEM PU
8327270	3293	3100914501		108		INMAN #1690	TOWN OF PERSIA	2.3	GENERAL SYSTEM PU
8327271	3292	3100913366		108		INMAN #1692	TOWN OF PERSIA	2.3	GENERAL SYSTEM PU
8327261	3303	3100913390		108		JENKS #1702	TOWN OF PERSIA	2.3	GENERAL SYSTEM PU
8327326	3413	3100913410		108		KEWLEY #1686	TOWN OF PERSIA	2.3	GENERAL SYSTEM PU
8327217	3316	3102903163		108		KLAHER FARM #1831	NEWSTEAD	0.3	GENERAL SYSTEM PU
8327272	3286	3100913373		108		KOELZOW #1706	TOWN OF PERSIA	2.3	GENERAL SYSTEM PU
8327230	3225	3102914764		108		KOHN #1182	TOWN OF NORTH COLLINS	6.0	GENERAL SYSTEM PU
8327228	3227	3102914766		108		KOHN #1186	TOWN OF NORTH COLLINS	2.4	GENERAL SYSTEM PU
8327324	3409	3102960318		108		KRULL #1364	TOWN OF BRANT	7.9	GENERAL SYSTEM PU
8327238	3434	3101302826		108		LASECKI FARM #1871	SHERIDAN	0.4	GENERAL SYSTEM PU
8327266	3297	3100913391		108		LIPINSKI #1528	TOWN OF PERSIA	2.3	GENERAL SYSTEM PU
8327284	3336	3100360342		108		MACKEN #2088	TOWN OF ALMA	7.2	GENERAL SYSTEM PU
8327275	3327	3100360344		108		MACKEN #2091	TOWN OF ALMA	7.2	GENERAL SYSTEM PU
8327276	3329	3100360345		108		MACKEN #2093	TOWN OF ALMA	7.2	GENERAL SYSTEM PU
8327251	3311	3101360324		108		MACKOWIAK FARM #1846	SHERIDAN	1.2	GENERAL SYSTEM PU
8327291	3344	3101360334		108		MAGGIO FARM #2003	ARKWRIGHT	3.1	GENERAL SYSTEM PU
8327244	3443	3101360329		108		MANGANO FARM #1895	HANOVER	8.8	GENERAL SYSTEM PU
8327246	3445	3106900666		108		MARROW #1905	TOWN OF BLOOMFIELD	1.0	GENERAL SYSTEM PU
8327296	3422	3101349860		108		MCGRAW #2369	TOWN OF POMFRET	10.4	GENERAL SYSTEM PU

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8327220	3319	3102403050		108		MEYERS FARM #1805	TOWN OF ALDEN	1.2	GENERAL SYSTEM PU
8327263	3301	3100913371		108		MILKS #1704	TOWN OF PERSIA	2.3	GENERAL SYSTEM PU
8327265	3299	3100913368		108		MILLER #1694	TOWN OF PERSIA	2.3	GENERAL SYSTEM PU
8327279	3331	3100360349		108		MOORE #2104	TOWN OF ALMA	7.2	GENERAL SYSTEM PU
8327280	3332	3100360350		108		MOORE #2105	TOWN OF ALMA	7.2	GENERAL SYSTEM PU
8327285	3337	3100360351		108		MOORE #2109	TOWN OF ALMA	7.2	GENERAL SYSTEM PU
8327294	3420	3102904757		108		MORGANO #2362	TOWN OF BRANT	10.6	GENERAL SYSTEM PU
8327256	3308	3100913358		108		MOTT #1697	TOWN OF DAYTON	2.3	GENERAL SYSTEM PU
8327218	3397	3102960322		108		NOTARO #1969	TOWN OF BRANT	2.6	GENERAL SYSTEM PU
8327224	3317	3102903054		108		NUWER FARM #1822	TOWN OF ALDEN	0.7	GENERAL SYSTEM PU
8327286	3338	3100360346		108		O'DONNELL #2095	TOWN OF ALMA	7.2	GENERAL SYSTEM PU
8327277	3329	3100360347		108		O'DONNELL #2096	TOWN OF ALMA	7.2	GENERAL SYSTEM PU
8327278	3330	3100360348		108		O'DONNELL #2101	TOWN OF ALMA	7.2	GENERAL SYSTEM PU
8327316	3441	3101302860		108		PACE #1885	TOWN OF SHERIDAN	1.7	GENERAL SYSTEM PU
8327225	3315	3102903056		108		PAUTLER FARM #1837	TOWN OF ALDEN	0.7	GENERAL SYSTEM PU
8327310	3352	3101301480		108		PERKINS #2027	TOWN OF POMFRET	7.5	GENERAL SYSTEM PU
8327293	3419	3101305267		108		PIROWSKI #2374	TOWN OF PORTLAND	9.8	GENERAL SYSTEM PU
8327247	3446	3110105288		108		POTTER #SC-419	TOWN OF TUSCARORA	3.5	GENERAL SYSTEM PU
8327250	3310	3101302840		108		RANSON FARM #1860	SHERIDAN	5.3	GENERAL SYSTEM PU
8327314	3384	3103702187		108		RAYMOND #1915	TOWN OF PAVILION	0.1	GENERAL SYSTEM PU
8327321	3394	3102960315		108		REIBLE #764	TOWN OF WEST SENECA	5.2	GENERAL SYSTEM PU
8327239	3436	3103703101		108		REYHOLDS #1873	TOWN OF DARIEN	0.6	GENERAL SYSTEM PU
8327226	3312	3102903058		108		RHINEHART #1843	TOWN OF ALDEN	1.0	GENERAL SYSTEM PU
8327257	3307	3100913359		108		SAEGER #1698	TOWN OF DAYTON	2.3	GENERAL SYSTEM PU
8327258	3306	3100913360		108		SAEGER #1699	TOWN OF DAYTON	2.3	GENERAL SYSTEM PU
8327309	3351	3101303175		108		SALHOFF #2026	TOWN OF POMFRET	1.8	GENERAL SYSTEM PU
8327253	3323	3103729320		108		SCHWARTZ #1835	TOWN OF PEMBROKE	0.3	GENERAL SYSTEM PU
8327234	3404	3102913492		108		SHERMAN #1160	TOWN OF COLLINS	0.5	GENERAL SYSTEM PU
8327260	3304	3100913362		108		SIGLER #1701	TOWN OF DAYTON	2.3	GENERAL SYSTEM PU
8327252	3399	3103760333		108		SMITH FARM #1972	DARIEN	1.4	GENERAL SYSTEM PU
8327245	3444	3102903063		108		ST GEORGE FARM #1983	TOWN OF ALDEN	0.6	GENERAL SYSTEM PU
8327236	3406	3102914525		108		STEARNS #1170	TOWN OF NORTH COLLINS	0.3	GENERAL SYSTEM PU
8327330	3416	3100360363		108		STEBBINS #2131	TOWN OF ALMA	7.2	GENERAL SYSTEM PU
8327317	3390	3103702199		108		SWEETING #1989	TOWN OF STAFFORD	1.7	GENERAL SYSTEM PU
8327313	3439	3101360328		108		THOMAS #1878	TOWN OF HANOVER	2.6	GENERAL SYSTEM PU
8327295	3421	3102904855		108		VACCO #2365-I	TOWN OF HAMBURG	4.6	GENERAL SYSTEM PU
8327298	3424	3100360354		108		VAN FLEET #2112	TOWN OF ALMA	7.2	GENERAL SYSTEM PU
8327299	3425	3100360355		108		VAN FLEET #2113	TOWN OF ALMA	7.2	GENERAL SYSTEM PU
8327306	3348	3101360336		108		VERTON #2028	TOWN OF ARKWRIGHT	1.7	GENERAL SYSTEM PU
8327255	3368	3102903713		108		WAHL #616-I	TOWN OF PORTERVILLE	9.7	GENERAL SYSTEM PU
8327288	3341	3101302854		108		WALKOWSKI #2005	TOWN OF SHERIDAN	5.2	GENERAL SYSTEM PU
8327248	3410	3102960319		108		WARNER #1391	TOWN OF NORTH COLLINS	1.1	GENERAL SYSTEM PU
8327229	3226	3102914765		108		WEBER #1184	TOWN OF NORTH COLLINS	1.1	GENERAL SYSTEM PU
— 8327325	3411	3102960320		108		WEBER #1511	TOWN OF WALES	1.3	GENERAL SYSTEM PU
8327268	3295	3100913364		108		WELLS #1688	TOWN OF PERSIA	2.3	GENERAL SYSTEM PU
8327328	3414	3102904182		108		ZIMMER #1790	TOWN OF COLDEN	7.2	GENERAL SYSTEM PU
8327289	3342	3101302126		108		ZOLNOSKI #2009	TOWN OF SHERIDAN	5.2	GENERAL SYSTEM PU
-NATIONAL FUEL GAS SUPPLY CORP				RECEIVED:	03/14/83	JA: NY			
8327499	3386	3106960330		108		ABBEY #1924	TOWN OF RICHMOND	1.3	GENERAL SYSTEM PU
8327492	3313	3101360323		108		ADAMCZAK FARM #1841	SHERIDAN	1.3	GENERAL SYSTEM PU
8327496	3395	3101301194		108		ALDRICH FARM #1958	TOWN OF SHERIDAN	3.6	GENERAL SYSTEM PU
— 8327505	3354	3102960314		108		BOARDWAY #691	TOWN OF NORTH COLLINS	1.2	GENERAL SYSTEM PU
8327476	3287	3102913338		108		BRANT #1784	TOWN OF COLDEN	1.9	GENERAL SYSTEM PU
8327484	3356	3102903473		108		BROOKS #432	TOWN OF COLLINS	2.5	GENERAL SYSTEM PU
8327472	3291	3102913467		108		BROOKS #659	TOWN OF COLLINS	0.4	GENERAL SYSTEM PU
8327468	3364	3102908193		108		BUTLER #40	TOWN OF ORCHARD PARK	0.9	GENERAL SYSTEM PU
8327471	3298	3102914908		108		CARBONE #1245	TOWN OF N COLLINS	0.5	GENERAL SYSTEM PU
8327502	3431	3103760326		108		COBLENTZ FARM #1864	DARIEN	0.9	GENERAL SYSTEM PU
8327480	3193	3102900000		108		CURRY FARM #46	TOWN OF EVANS	0.6	GENERAL SYSTEM PU
8327493	3400	3101302859		108		DEERING FARM #1975	TOWN OF SHERIDAN	2.7	GENERAL SYSTEM PU
8327497	3388	3101302740		108		FRACASSO FARM #1941	TOWN OF SHERIDAN	1.1	GENERAL SYSTEM PU
8327482	3191	3102900000		108		FURMAN FARM #1774	TOWN OF COLDEN	1.6	GENERAL SYSTEM PU
8327466	3360	3102901611		108		GOODELL #204	TOWN OF NORTH COLLINS	3.5	GENERAL SYSTEM PU
8327500	3326	3106960337		108		GRISWOLD #2034	TOWN OF BRISTOL	6.5	GENERAL SYSTEM PU
8327501	3314	3103760322		108		GRUDZIEN FARM #1838	PEMBROKE	0.3	GENERAL SYSTEM PU
8327483	3194	3102900000		108		HEISSER FARM #1363	TOWN OF HAMBURG	3.8	GENERAL SYSTEM PU
8327498	3393	3101302136		108		KACZOR FARM #1950	TOWN OF SHERIDAN	3.1	GENERAL SYSTEM PU
8327470	3366	3102901692		108		LANGENDORFER #127	TOWN OF ELMA	3.9	GENERAL SYSTEM PU
8327481	3192	3102900000		108		LAUGHLIN FARM #1824	TOWN OF ALDEN	1.3	GENERAL SYSTEM PU
8327495	3396	3101302829		108		MATESEVAK FARM #1966	TOWN OF SHERIDAN	5.7	GENERAL SYSTEM PU
8327504	3353	3101302785		108		MCINTYRE FARM #1990	TOWN OF SHERIDAN	0.9	GENERAL SYSTEM PU
8327491	3339	3101302139		108		METZGER FARM #1995	TOWN OF SHERIDAN	1.6	GENERAL SYSTEM PU
8327479	3283	3103714514		108		MILLIGAN #2020	TOWN OF PAVILION	0.9	GENERAL SYSTEM PU
8327494	3398	3101302796		108		MINER FARM #1971	TOWN OF SHERIDAN	2.4	GENERAL SYSTEM PU
8327503	3403	3103760369		108		MOONEY #1893	TOWN OF BETHANY	0.1	GENERAL SYSTEM PU
8327477	3285	3102913466		108		OTTENBACKER #651	TOWN OF COLLINS	1.6	GENERAL SYSTEM PU
8327475	3288	3103714515		108		PESTLE #1993	TOWN OF PAVILIAN	1.5	GENERAL SYSTEM PU
8327467	3363	3102908195		108		SOWLE #16	TOWN OF HAMBURG	2.5	GENERAL SYSTEM PU
8327478	3284	3102913341		108		SPENCER #1775	TOWN OF COLDEN	0.9	GENERAL SYSTEM PU
8327486	3387	3101302937		108		SPURR FARM #1980	ARKWRIGHT	1.6	GENERAL SYSTEM PU
8327485	3357	3102914506		108		STEARNS #265	TOWN OF NORTH COLLINS	2.0	GENERAL SYSTEM PU
8327488	3345	3101301469		108		STEFFAN FARM #2008	ARKWRIGHT	8.2	GENERAL SYSTEM PU
8327474	3289	3102914508		108		STEPHAN #308	TOWN OF LANCASTER	4.4	GENERAL SYSTEM PU
8327490	3347	3101301472		108		SZYDLO FARM #2019	ARKWRIGHT	0.4	GENERAL SYSTEM PU
8327487	3389	3101301526		108		VANARSDALE FARM #1984	ARKWRIGHT	1.4	GENERAL SYSTEM PU
8327489	3346	3101301477		108		VELLONE FARM #2012	ARKWRIGHT	0.8	GENERAL SYSTEM PU
8327469	3365	3102903357		108		VOGEL #124	TOWN OF WEST SENECA	5.2	GENERAL SYSTEM PU
8327506	3355	3102907237		108		WAGNER #443	TOWN OF NORTH COLLINS	0.6	GENERAL SYSTEM PU
8327473	3290	3103714516		108		WILSON #1982	TOWN OF PAVILION	2.0	GENERAL SYSTEM PU
-NRM PETROLEUM CORPORATION				RECEIVED:	03/11/83	JA: NY			
8327384	3850	3100916786		107-TF		ANDREWS #1	RANDOLPH	0.0	COLUMBIA GAS TRAN
8327378	3854	3100916874		107-TF		ARCHER "A" #2	RANDOLPH	0.0	COLUMBIA GAS TRAN
8327387	3844	3100916941		107-TF		BROWN A #1	RANDOLPH	0.0	COLUMBIA GAS TRAN
8327381	3847	3100916990		107-TF		ECCLES #1	RANDOLPH	0.0	COLUMBIA GAS TRAN
8327398	3839	3100916940		107-TF		FLEISHMAN #1	RANDOLPH	0.0	COLUMBIA GAS TRAN
— 8327402	3843	3100916722		107-TF		FOY #1	RANDOLPH	0.0	COLUMBIA GAS TRAN
8327386	3852	3100916723		107-TF		MEADE #1	RANDOLPH	0.0	COLUMBIA GAS TRAN
8327380	3846	3100916724		107-TF		O'NEILL #1	RANDOLPH	0.0	COLUMBIA GAS TRAN
8327415	3109	3100916233		107-TF		ORMAND #1	RANDOLPH	0.0	COLUMBIA GAS TRAN
8327399	3840	3100916725		107-TF		ORMAND #1	RANDOLPH	0.0	COLUMBIA GAS TRAN
8327400	3841	3100916336		107-TF		SANDBERG #1	RANDOLPH	0.0	COLUMBIA GAS TRAN
8327382	3848	3100916264		107-TF		SENN #1	RANDOLPH	0.0	COLUMBIA GAS TRAN
8327379	3845	3100916810		107-TF		SENN #2	RANDOLPH	0.0	COLUMBIA GAS TRAN
— 8327357	3111	3100916341		107-TF		SHIELDS-BISSELL UNIT #1	RANDOLPH	0.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8327383	3849	3100916842		107-TF		SMITH "B" #2	RANDOLPH	0.0	COLUMBIA GAS TRAN
8327407	3118	3100916247		107-TF		SMITH-WAITE UNIT "A" #1	RANDOLPH	0.0	COLUMBIA GAS TRAN
8327333	3853	3100916390		107-TF		STONE #1	RANDOLPH	0.0	COLUMBIA GAS TRAN
8327401	3842	3100916785		107-TF		VAN CUREN #1	RANDOLPH	0.0	COLUMBIA GAS TRAN
8327414	3112	3100916379		107-TF		WISKER #1	RANDOLPH	0.0	COLUMBIA GAS TRAN
8327385	3851	3100916987		107-TF		WAGNER #1			
				RECEIVED:	03/14/83	JA: NY			
-P & S DRILLING INC									
8327465	3565	3102913722	D	107-TF		DASB #1	MARILLA	2.4	NATIONAL FUEL GAS
				RECEIVED:	03/11/83	JA: NY			
-R H HENLEY & P G MURPHY									
8327349	4923	3102914325		103		H M FOUNDATIONS INC #1	AKRON	0.0	NATIONAL FUEL GAS
				RECEIVED:	03/11/83	JA: NY			
-RESOURCE EXPLORATION INC									
8327347	4915	3101312362		103		CAVE #1	STEBBINS CORNERS	18.0	COLUMBIA GAS TRAN
8327346	4914	3101312362		107-TF		T CAVE #1	STEBBINS CORNERS	18.0	COLUMBIA GAS TRAN
				RECEIVED:	03/11/83	JA: NY			
-SEIS-EX GEOPHYSICAL LTD									
8327373	3164	3101317126		107-TF		SEIS-EX LANGLESS #1	WILDCAT	30.0	COLUMBIA GAS TRAN
				RECEIVED:	03/11/83	JA: NY			
-TRAHAN PETROLEUM INC									
8327391	3975	3100917155		107-TF		BEAVER #1 31-009-17155	WILDCAT	36.0	COLUMBIA GAS TRAN
8327392	3979	3101315751		107-TF		CLEMENTE NY #28 31-013-15751	LEON	36.0	COLUMBIA GAS TRAN
8327360	3509	3100917197		107-TF		COHEN #4 31-009-17197	WILDCAT	36.0	COLUMBIA GAS TRAN
8327356	4258	3101317696		107-TF		DELARA #1 31-013-17696	CHERRY CREEK	36.0	COLUMBIA GAS TRAN
8327355	4257	3101317154		107-TF		GLEASON #1 31-013-17154	CHERRY CREEK	36.0	COLUMBIA GAS TRAN
8327393	3973	3101312497		107-TF		HESS NY #48 31-013-12497	CHERRY CREEK	36.0	COLUMBIA GAS TRAN
8327368	2253	3101316254		107-TF		J & H DAVIS #1 31-013-16254	ELLINGTON	36.0	COLUMBIA GAS TRAN
8327395	3971	3101317153		107-TF		MELBY #1 31-013-17153	CHERRY CREEK	36.0	COLUMBIA GAS TRAN
8327398	4256	3101317783		107-TF		NEWCOMB #2 31-013-17783	CHERRY CREEK	36.0	COLUMBIA GAS TRAN
8327416	3514	3101312515		107-TF		SCHIMEK NY 44 31-013-12515	CHERRY CREEK	36.0	COLUMBIA GAS TRAN
8327394	3969	3101317173		107-TF		SCHULZ #2 31-013-17173	ELLINGTON	36.0	COLUMBIA GAS TRAN
				RECEIVED:	03/11/83	JA: NY			
-UNION DRILLING INC									
8327327	3260	3100916891		107-TF		EUGENE SPAULDING #1 NY-0009	RANDOLPH TOWN	0.0	COLUMBIA GAS TRAN
8327375	3262	3101316445		107-TF		FRANK B MARSH #1 NY-0004	POLAND TOWN	0.0	COLUMBIA GAS TRAN
8327374	3261	3100917054		107-TF		HARRY U WALTERS #1 NY-0001	RANDOLPH TOWN	0.0	COLUMBIA GAS TRAN
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-UNIVERSAL RESOURCES HOLDINGS INC									
8327417	3158	3101316834		107-TF		BENEDICT #2	GERRY	20.0	COLUMBIA GAS TRAN
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-URBAN-SNOW GAS CO INC									
8327404	3519	3101105000		102-4		J L RIPLEY - #1	BLUE TAIL ROOSTER	0.0	TENNESSEE GAS PIP
8327406	3518	3101111129		102-4		JOHN JOSHANSKI - UNIT #9	JOHN JOSHANSKI	0.0	TENNESSEE GAS PIP
8327405	3517	3101106780		102-4		ROBERT COLE - #1	BLUE TAIL ROOSTER	0.0	TENNESSEE GAS PIP
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-US ENERGY DEVELOPMENT CORP									
8327339	4928	3101317850		103		KOWALSKI #1	GERRY	20.0	COLUMBIA GAS TRAN
8327337	4929	3101317050		107-TF		KOWALSKI #1	GERRY	20.0	COLUMBIA GAS TRAN
8327418	3147	3101316290		107-TF		ZAHN #1	GERRY	20.0	COLUMBIA GAS TRAN
********** PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES **********									
-VICTORY DEVELOPMENT CO									
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8327424	19175	3702120186		103		DEFENSE & EMERGENCY POLICE #3	SUSQUEHANNA	36.0	COLUMBIA GAS TRAN
********** UTAH DIVISION OF OIL,GAS, & MINING **********									
-ODEGARD RESOURCES INC									
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8327423	K-146-2	4301921220		107-TF		STATE 16-9	WILDCAT	350.0	
********** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, CASPER,WY **********									
-AMINOIL USA INC									
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8327438	M 382-2	2508321587		102-4		FEDERAL #1-2	RIDGELAWN FIELD	75.0	MONTANA DAKOTA UT
-FALCON-COLORADO EXPLORATION INC									
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8327430	W 253-2	2507121720		103		MILLER 1-25	SWANSON CREEK	10.0	MONTANA-DAKOTA UT
-JERRY CHAMBERS EXPLORATION CO									
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8327444	ND 309-2	3300700780		102-2		BLACKTAIL FEDERAL #2-28	ELKHORN RANCH	1.0	NORTHERN GAS PROD
-KOCH INDUSTRIES INC									
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8327434	ND 296-2	3300700624		102-2		FEDERAL #13-22	WILDCAT	70.0	MONTANA-DAKOTA UT
-NUCORP ENERGY INC									
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8327456	ND 322-2	3300700768		102-2		FEDERAL #31-1	ELKHORN RANCH	11.0	KOCH HYDROCARBON
8327437	ND 300-2	3300700725		102-2		FEDERAL 7-1	ELKHORN RANCH	30.0	KOCH HYDROCARBON
-TENNECO OIL COMPANY									
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8327446	ND 311-2	3300700793		102-2		HAMILTON USA #4-29	ELKHORN RANCH	45.0	MONTANA-DAKOTA UT
-BELCO PETROLEUM CORPORATION									
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8327429	W 209-2	4903520624		102-4		C 76-25	C-56 AREA (KMV)	0.0	NORTHWEST PIPELIN
8327461	W 327-2	4903520662		103		S 32-33	MESAVERDE	0.0	NORTHWEST PIPELIN
8327447	W 312-2	4902320489		107-TF		STEAD CANYON UNIT 8-11	STEAD CANYON UNIT	0.0	NORTHWEST PIPELIN
-CHAMPLIN PETROLEUM COMPANY									
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8327432	W 292-2	4903721971		103		CPC ARCH UNIT 110	PATRICK DRAW	12.0	COLORADO INTERSTA
8327445	W 310-2	4903721859		107-TF		CPC FEDERAL 1-6 #1	BRUFF	1020.0	MOUNTAIN FUEL SUP
8327433	W 293-2	4903721359		103		CPC FEDERAL 1-6 #1	BRUFF	1020.0	MOUNTAIN FUEL SUP
-CHEVRON U S A INC									
				RECEIVED:	03/11/83	JA: WY 5			
8327431	W 291-2	4904120338		102-2		PAINTER RESERVOIR UNIT 44-6A	EAST PAINTER	1277.5	
-CIG EXPLORATION INC									
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8327460	W 326-2	4901321028		103		LONG BUTTE - FEDERAL #4 (3-38-91)	LONG BUTTE-CODY	734.0	COLORADO INTERSTA
-ENERGY RESERVES GROUP INC									
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8327462	W 328-2	4903721637		107-TF		NICKEY UNIT #2-24	WILDCAT	91.4	COLORADO INTERSTA
-HPC INC									
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8327435	W 297-2	4904521558		103		BRODA FEDERAL #2	WILDCAT	12.0	PHILLIPS PETROLEU
8327453	W 318-2	4903721537		107-TF		GREAT DIVIDE UNIT #5	HAY RESERVOIR	794.4	PANHANDLE EASTERN
8327454	W 319-2	4903721626		107-TF		GREAT DIVIDE UNIT #7	GREAT DIVIDE UNIT ARE	545.0	PANHANDLE EASTERN
8327451	W 316-2	4903721677		107-TF		GREAT DIVIDE UNIT #8	GREAT DIVIDE	150.0	PANHANDLE EASTERN
8327452	W 317-2	4903721791		107-TF		GREAT DIVIDE UNIT #9	GREAT DIVIDE	3.4	PANHANDLE EASTERN
8327448	W 313-2	4900720476		107-TF		PORTER FEDERAL #1	WILDCAT	56.0	COLORADO INTERSTA
8327449	W 314-2	4903721685		107-TF		TRITON UNIT #2	TRITON	440.0	PANHANDLE EASTERN
8327450	W 315-2	4903721860		107-TF		TRITON UNIT #6	TRITON	400.0	PANHANDLE EASTERN
-MARATHON OIL COMPANY									
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8327440	W 304-2	4902921041		103		TEXAS SONNERS #22 (EMBAR AND TENSL)	OREGON BASIN	2.7	COLORADO INTERSTA
-MONSANTO COMPANY									
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8327436	W 299-2	4901321161		107-DP		QUINCY #2-34	BATTLE BUTTE UNIT	1149.0	COLORADO INTERSTA
-PHILLIPS PETROLEUM COMPANY									
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8327442	W 307-2	4900526583		102-2		THUNDER CREEK FED FF #1	SCHOOL CREEK	43.0	PANHANDLE EASTERN
8327443	W 308-2	4900526297		102-3		THUNDER CREEK FED K#4	SCHOOL CREEK	20.8	PANHANDLE EASTERN
8327441	W 306-2	4900526569		102-2		THUNDER CREEK FEDERAL R#4	SCHOOL CREEK	28.4	PANHANDLE EASTERN
-SNYDER OIL CO									
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8327458	W 324-2	4900720738		107-TF		CIGE FEDERAL 1A-20-14-92 LEWIS COMP	ROBBERS GULCH	300.0	COLORADO INTERSTA
8327459	W 325-2	4900720700		107-TF		CIGE FEDERAL 1A-30-14-92 LEWIS COMP	ROBBERS GULCH	128.0	NORTHWEST PIPELIN
8327457	W323-2	4900720779		107-TF		MARATHON FEDERAL 1A-13-14-93 LEWIS	ROBBERS GULCH	350.0	NORTHWEST PIPELIN
-W A MONCRIEF JR									
				RECEIVED:	03/11/83	JA: WY 5			
8327439	W 303-2	4901320968		107-DP		STEFFEN HILL UNIT #21-1	LYSITE	103.3	MICHIGAN WISCONSI
-WOODS PETROLEUM CORPORATION									
				RECEIVED:	03/11/83	JA: WY 5			
8327455	W 320-2	4900526374		103		PINE TREE UNIT 29-38	PINE TREE	1.0	WESTERN GAS PROCE

[FR Doc. 83-9618 Filed 4-11-83; 8:45 am]

BILLING CODE 6717-01-C

federal register

Tuesday
April 12, 1983

Part V

Department of the Treasury

Comptroller of the Currency

National Bank Lending Limits

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Parts 3, 6, 7, and 32

[Docket No. 83-16]

National Bank Lending Limits

AGENCY: Comptroller of the Currency, Treasury.

ACTION: Final rule with request for comments.

SUMMARY: The Office of the Comptroller of the Currency is adopting final amendments to its regulations and interpretive rulings regarding national bank lending limits. The final rules implement amendments to R.S. 5200 (12 U.S.C. 84) made by Congress in Section 401(a) of Pub. L. 97-320 (Oct. 15, 1982). The regulations were published for comment on December 21, 1982 (47 FR 56862). The regulations generally: (1) Define terms used in the statute; (2) set forth rules under which national banks may make loans to single borrowers of up to an additional 10 percent of their capital and surplus when such loans are fully secured by "readily marketable collateral"; (3) set forth rules for combining loans to separate persons for purposes of the lending limits; (4) clarify the Office's interpretation of the applicability of the exceptions to the lending limits; (5) establish transitional rules for loans made prior to the regulation's effective dates; and (6) incorporate miscellaneous interpretations of the lending limit provisions.

DATES: The effective date of the amendments to the following provisions is April 14, 1983:

12 CFR Part 3
12 CFR Part 6
12 CFR Part 7:
Sections 7.1110 through 7.1120
Section 7.1125(a)
Sections 7.1130 through 7.1310(b)
Sections 7.1500 through 7.1630
12 CFR Part 32:
Sections 32.1 through 32.4
Sections 32.6 through 32.7
Sections 32.102 through 32.111.

The effective date of the amendments to the following provisions is June 14, 1983:

12 CFR Part 7:
Section 7.1125 (b) through (c).
Sections 7.1310(c) through 7.1330
12 CFR Part 32:
Section 32.5
Section 32.101

Comments on § 32.5 are specifically requested and must be received by May 12, 1983.

ADDRESS: Comments should be sent to Docket No. 82-25, Communications Division, 3rd Floor, Office of the Comptroller of the Currency, 490 L'Enfant Plaza, SW., Washington, D.C. 20219, Attention: C. Christine Jones. Telephone (202) 447-1800. Comments will be available for inspection and photocopying.

FOR FURTHER INFORMATION CONTACT: Carol M. Beaumier, Manager, International Examinations ((202) 447-1747); Howard J. Finkelstein, Attorney, Legal Advisory Services Division ((202) 447-1880); Claire Owen, National Bank Examiner, Commercial Examinations ((202) 447-1164). These are not toll free numbers.

SUPPLEMENTARY INFORMATION: Section 401(a) of Pub. L. 97-320 (Oct. 15, 1982) made a number of substantive changes to R.S. 5200 (12 U.S.C. 84), including the following:

(a) The lending limit generally applicable to national banks was changed from 10 percent of capital and surplus to 15 percent.

(b) A new exception to the lending limits was created which allows national banks to lend an additional 10 percent of their capital and surplus to one borrower if such loan is fully secured by "readily marketable collateral having a market value, as determined by reliable and continuously available price quotations, at least equal to the amount of the funds outstanding * * *"

(c) The term "loan and extension of credit" was substituted for "obligation" and the term was defined for the first time.

(d) The term "person" was defined for the first time. Explicitly included in the definition were sovereign governments, their agencies, subdivisions, and instrumentalities.

(e) The statute's fourteen exceptions were modified and simplified; some were eliminated.

(f) An additional exception was added governing loans or extensions of credit secured by deposits in the lending bank.

(g) Rules regarding combining loans to individual borrowers were eliminated from the statute. Instead, the Comptroller was explicitly empowered to make rules in this area.

(h) The Comptroller was granted authority to determine when a commitment by a national bank to advance funds is to be considered a loan or extension of credit subject to the lending limits and to "prescribe rules and regulations to administer and carry out the purposes of [Section 84], including rules or regulations to define or further define terms used in [Section 84] and to establish limits or requirements other than those specified in [Section 84] for particular classes or categories of loans or extensions of credit."

Due to the amendment of the statute, it was necessary for the Comptroller both to amend the Office's existing regulations under Section 84 and to promulgate new regulations to implement the purposes of the statute. Proposed regulations were published for comment on December 21, 1982 (47 FR 56862). The original comment period was extended for an additional 14 days, until February 18, 1983 (48 FR 4479). On March 8, 1983, the comment period was reopened for an additional 14 days, until March 22, 1983 (48 FR 9659).

There were 202 comments on the proposed regulations. The majority came from national banks and their representatives. The comments covered a wide range of issues. The Office has carefully reviewed all comments and has adopted a number of recommendations in the final regulation.

Since the revised Section 84 will become effective on April 14, 1983, it is necessary for the regulation to have an effective date of April 14, 1983. *See* 5 U.S.C. 553(d)(3).

An explanation of each of the changes to the regulations made by the final amendments and a discussion of the comments received are set forth below.

1. Section 32.1—Authority, purpose, and scope

a. *Loans by foreign subsidiaries.* In the Notice of Proposed Rulemaking, the Office stated that it was considering a provision in the regulations which would have provided that the limitations of Section 84 are applicable to loans made by a national bank's foreign subsidiaries and Edge Act Corporations. Such an application would merely elaborate upon the Federal Reserve Board's Regulation K, which already requires the liabilities of any one person to a majority-owned foreign bank or Edge Act Corporation subsidiary to be combined with liabilities of the same person to the member bank. Restating the Regulation K requirement in Section 84 would have clearly necessitated applying combination rules to the loans of foreign subsidiaries and Edge Act Corporations.

Eleven comments were received regarding this issue. One comment favored applying the Section 84 lending limits to all national bank subsidiaries; ten comments specifically opposed the application of lending limits to foreign bank subsidiaries. These comments basically argued that imposition of the

lending limits on foreign subsidiaries would put the banks at a competitive disadvantage in the foreign markets.

The Office has considered the comments and believes that from a prudential standpoint, loans of foreign subsidiaries should be combined with those of the parent bank. However, the Office decided that application of Section 84 to these institutions would be inappropriate at this time and that further study is warranted.

b. *Loans by domestic operating subsidiaries.* A number of commenters requested that the Office explicitly clarify its long-held position (see 12 CFR 7.7376(d)(2) (1982)) that loans by a national bank's domestic operating subsidiaries are to be consolidated with loans by the bank for purposes of Section 84. The first sentence of revised § 32.1(c) now makes this clear.

c. *Loans to affiliates.* Eight comment letters raised an issue not explicitly mentioned in the Notice of Proposed Rulemaking. The commenters questioned whether the Section 84 lending limits apply to loans by national banks to their "affiliates," as that term is defined in Section 23A of the Federal Reserve Act (12 U.S.C. 371c). In the past, the Office has held that Sections 84 and 23A are both applicable to loans to national bank affiliates. The comment letters, however, noted that the legislative history of Section 410 of the Garn-St Germain Depository Institutions Act indicates a Congressional intent that Section 23A, rather than Section 84, should be the primary law governing loans to bank affiliates.

The Office has examined the legislative history of section 410 and is unable to conclude that Congress intended to preempt Section 84 with regard to affiliate lending. The Office is satisfied, however, that the current Section 23A, as amended, provides an adequate framework for regulation of loans to affiliates and that application of Section 84 to these loans at this time is unnecessary. The final regulations reflect this view.

2. Section 32.2—Definitions

a. *"Loans and extensions of credit."* The proposed definition followed the statute's general definition. Comment was specifically requested "on whether the definition * * * should be expanded and on whether various transactions should be dealt with specifically."

Eighteen comments dealt with proposed § 32.2(a). Twelve comments favored the proposed definition and did not advocate a listing of specific transactions which constituted "loans and extensions of credit." However, eleven commenters believed that the proposed definition should be clarified; generally, the commenters suggested that certain transactions should be excluded from the definition of "loans and extensions of credit." Among the transactions specified in the letters were: interbank deposits and other interbank funding mechanisms; purchase money mortgages for bank-owned real estate; commercial letters of credit; and third-party pledges where recourse is limited to the pledged collateral. Most of these transactions are the subject of interpretive letters written by the Office over the years.

The Office agrees with the majority of the comments that detailed descriptions of individual transactions need not be included in the definition. If dealt with at all in the regulation, it is believed that these transactions should be the subject of Interpretations, However, the Office will defer any new Interpretations to a later date. Letter rulings regarding specific types of transactions written by the Office under the pre-1983 statute will continue to remain in effect.

The Office also added a provision to the definition which specifically incorporates its previous positions concerning the obligations of makers and endorsers arising from the discounting of commercial paper.

b. *"Person."* Two commenters were received on the proposed definition of "person," which parallels the statutory definition. One commenter suggested that the definition specifically include not-for-profit corporations. The Office has incorporated this suggestion in the final regulation.

Another commenter suggested that the definitional section be expanded to include the rules for combining loans to separate borrowers. The Office, however, believes that the combination rules are best dealt with in a separate section.

c. *"Contractual commitment to advance funds"—fee paid commitments.* The Notice of Proposed Rulemaking specifically solicited comments on the question of whether "fee paid commitments to lend or undisbursed loan funds [should] be considered loans or extensions of credit * * *." The Office received 37 comments addressing this issue, 27 of which advocated the position reflected in the proposed regulation, *i.e.*, that commitments and undisbursed loan funds should not be subject to the lending limits until disbursed.

Almost all of the commenters agreed that national banks should monitor the amount of their commitments to one borrower carefully in order that a violation not result when a commitment is drawn upon. Some commenters felt that including commitments within a bank's lending limit would act as a more effective constraint on the banks. The majority of commenters, however, argued that bank internal controls to monitor disbursements of committed loans were an effective constraint.

The Office has decided for the present time to retain the provision in the proposed regulations under which undisbursed loan funds and commitments are not considered loans for lending limit purposes. Banks should, however, institute adequate internal procedures to monitor commitments and to insure that disbursals of funds pursuant to commitments do not exceed the lending limits at any time.

d. *"Contractual commitment to advance funds"—other issues.* A number of commenters objected to the inclusion of various specific types of transactions within the definition of "contractual commitment to advance funds." Four comments raised the problem of guarantees by national banks of the liabilities of wholly-owned foreign subsidiary banks or Edge Act Corporations. These commenters were concerned because the guarantees at issue are often a prerequisite to the establishment of the foreign subsidiary or the transaction of international business. Inasmuch as the Office has decided at this time not to apply Section 84's lending limits to loans by a national bank to its affiliates (as defined in 12 U.S.C. 371c), operating subsidiaries, and Edge Act and Agreement Corporations, these guarantees will not be subject to Section 84.

A number of commenters suggested that commercial letters of credit be expressly exempted from the definition of "contractual commitment to advance funds." Traditionally, commercial letters of credit have not been included as loans within a national bank's lending limit. Section 32.2(d) now clarifies that commercial letters of credit are not considered "loans and extensions of credit" when issued.

A number of commenters objected to the fact that, under the proposed regulations, "steamship guarantees," or other similar instruments, would be considered loans for lending limit purposes. Steamship guarantees, also known as "steamship indemnities," "shipside bonds," and "bill of lading guarantees," are instruments issued to carriers of merchandise holding the carriers harmless for damages resulting from release of goods to an importer without the presentment of proper or complete documents of title. In response to these comments, the Office has taken the phrase "letters of indemnity" out of

the proposed definition of "contractual commitment to advance funds." It should be noted, however, that should the bank be forced to make payments under the letter of indemnity, such payments, when made, would be included as loans to the bank's customer.

3. Section 32.3—General limitation

There were no comments on this section and it has been adopted as proposed.

4. Section 32.4—Additional general limitation: Loans fully secured by readily marketable collateral

Forty-four comments were received on this section. The comments were largely consistent in opposing the perceived restrictiveness of the proposal. Specifically, the letters received objected to the 15 percent margin and the monitoring requirements. Several letters suggested that the required margin should be smaller or that the margin should be left to the bank's discretion. Commenters also suggested that the period for curing a collateral shortfall be extended beyond five business days. Some respondents pointed out that, under some circumstances, it will be impossible to sell the collateral; they felt this possibility should be clearly addressed in the regulation. Others also suggested that given a "good faith" effort to comply, a violation of law should not result.

The final regulation adopts the recommendation that the size of the collateral margin be left to the bank's discretion. In addition, the final regulation does not prescribe any specific requirements for monitoring collateral value other than requiring that each bank adopt adequate procedures to ensure sufficient collateral coverage. After much consideration and discussion, however, the Office has decided to retain the provision in the proposed regulation under which failure to "cure" a collateral shortfall within five business days would result in a violation of law. It is the Office's opinion that the acceptable types of collateral share characteristics which should, barring extreme circumstances, allow for their sale within five business days. Furthermore, the statutory language indicates a clear Congressional intent that loans based on this subsection be fully secured at all times. The five business day grace period in the regulation will assist banks in administering loans under this subsection.

The final regulation also incorporates the suggestion of one commenter who noted that it was inappropriate to require price quotations to be based on "bid and ask prices," since this requirement would bar stocks traded on the major stock exchanges. The "bid and ask" language has, therefore, been amended to "quotations based on actual transactions on an auction or a similarly available daily bid and ask price market."

Several letters responded to the Office's request in the Notice of Proposed Rulemaking for comments suggesting other types of collateral which met the characteristics outlined for this exception. Of the suggestions offered, the Office believes the following additional items meet the standards outlined in the Notice: commercial paper, bankers' acceptances, bullion, and money market and mutual funds which issue shares in which banks may perfect a security interest. Accordingly, the final regulation has been amended to include these types of collateral. Banks should be aware that other existing laws may affect the ability of a bank or borrower to take full advantage of this additional 10 percent authority. Two such laws are Section 11(m) of the Federal Reserve Act (12 U.S.C. 248(m)) and the Federal Reserve Board's Regulation U (12 CFR Part 221).

5. Section 32.5—Combining loans to separate borrowers

a. *General.* Proposed § 32.5 generated more comment letters than any other section of the proposed regulation. Approximately 135 persons or organizations, including approximately 100 banks and holding companies, commented on various aspects of the proposal; most of the commenters were opposed to the proposed rules for combining loans. Before discussing the individual segments of the proposal and the final rules, a number of general comments are in order.

First, some commenters argued that the Comptroller lacked the authority, under the amended Section 84, to promulgate regulations under which loans would be combined on a *per se* basis. These commenters argued that Section 84(d)(2), which grants the Office "authority to determine when *a loan* putatively made to a person shall * * * be attributed to another person" (emphasis added), was intended to allow the Office to combine individual loans at individual banks during the examination process but not to mandate combination by regulation. The Office rejects these arguments. Nothing in the legislative history of amended Section 84 indicates that Congress intended such a radical revision of the manner in which the combination rules have operated for more than a century. The interpretation of Section 84(d)(2) urged by these commenters would, in addition, create a situation wholly undesirable for both bankers and the Office. That is, if combination of loans were to be done only on a *post hoc* basis, bankers would have little, if any, certainty as to how to operate to avoid violations of Section 84 and the attendant possibility of directors' liability. The Office, in turn, would find itself faced with an endless stream of requests for opinion letters from bankers wishing to operate cautiously; examiners would be equally overburdened in their attempts to judge each set of circumstances on its facts. The Office, therefore, agrees with the large majority of commenters that some *per se* combination rules are necessary and were within the intent of Congress.

A large number of commenters seemed to have misinterpreted the goals of the Office in promulgating the proposed combination rules. These commenters seemed to feel that the Office was deliberately reversing the "deregulatory" trend of the Garn-St Germain Act, by, in effect, constricting the lending powers of national banks. The Office believes that the reason for much of the harsh criticism found in the comment letters is that many bankers were unaware of prior Office policy in many areas. As was noted in the Notice of Proposed Rulemaking, the law regarding combining loans to separate borrowers, which has evolved through administrative practice and interpretive letters, had, over the years, been inconsistently applied and become overly complicated. The proposed regulations attempted to correct this condition by setting forth clear rules which were internally consistent and were logical from both a legal and financial perspective.

The Office also disagrees with those commenters who argued that the proposed regulations would have deprived national banks of the benefit of the increased lending limits conferred on them by the Garn-St Germain Act. The proposed rules were admittedly stricter than those in place prior to the Act. However, based on its examining experience, the Office believes that the proposed regulations would only have had an impact on a small minority of banks. On the other hand, the increase in the lending limits from 10 percent to 15 percent (and, in some cases, to 25 percent) will have a beneficial effect on the lending ability of all national banks.

It should also be noted that the Office believes that developing meaningful rules for combining loans to separate but related borrowers is an important

aspect of its bank supervision function. Historically, there has been a direct correlation between problem banks and concentrations of loans to related entities. In a significant number of cases, these concentrations were structured so as to come within various loopholes in the law for combining loans to separate borrowers. The final regulations represent an attempt to eliminate many of these loopholes while at the same time accommodating the needs of prudent lenders who might be unnecessarily constrained by overly harsh rules.

Finally, the Office appreciates the serious nature of the comments on the proposed regulations, especially those comments which argued that the proposed regulations would have had a significant adverse impact on banks. The Office also appreciates the fact that the final rules might significantly alter the day-to-day planning functions of bank officials. The Office has taken these concerns into account and has made significant revisions in the final rules. In addition, the Office has postponed the effective date of the combination rules for 60 days. During the 60-day period, the Office will give further consideration to the final rules, especially insofar as they might impact on bank operations. To assist the Office in this process, the Office invites bankers' comments on the impact the final rule will have on bank operations. Specifically, the Office would appreciate comments which present concrete factual data concerning the impact of the final rules.

b. *"Common enterprise."* Comments from approximately 45 banks and 10 other organizations were received on the proposed paragraph defining "common enterprise." Despite the Office's statement in the Notice of Proposed Rulemaking that "the defined characteristics of common enterprise will not be applied rigidly," a majority of the commenters on this paragraph read the proposed tests literally and went on to show how the rules could be applied to situations where combination would be clearly unwarranted. A number of commenters noted that the overbreadth which characterized the proposed paragraph would put an enormous administrative burden on banks that wished to operate cautiously. These commenters noted that, under the proposed tests, they would be forced to inspect the financial records of wholly unrelated borrowers to see whether one of the tests had been met.

The Office appreciates the concerns of these commenters. While the proposed rules were meant to be applied flexibly, they might, had they been adopted, have had an adverse effect on loan officers and directors due to their phraseology. The Office has, therefore, substantially modified the language of the "common enterprise" tests in the final regulation. In so modifying the tests, the Office has attempted to: (i) Set forth rules which are easily understood and applied; (ii) provide banks with some assurance that the rules will not be applied to situations where common sense dictates that loans to separate borrowers need not be combined; and (iii) provide some flexibility to cover situations which do not meet the strict language of the regulation. As was noted in the Notice of Proposed Rulemaking, the Office over the years has issued numerous opinion letters on whether particular loans met the "common enterprise" tests. No set of rules could possibly cover all of these situations. The final regulations, however, do attempt to codify previously stated positions taken by the Office on situations which recur with some degree of frequency.

The "common enterprise" tests, as adopted, first set forth the generally applicable principle that the evaluation of whether a "common enterprise" exists will depend upon the facts and circumstances of individual cases. In other words, loans to separate borrowers may be required to be combined even in cases which do not meet every detail of the *per se* rules set forth in (ii)–(iv) § 32.5(a)(2)(ii)–(iv).

The first *per se* rule (§ 32.5(a)(2)(ii)) deals with loans or extensions of credit for which the bank is relying on a common source of repayment. This is a traditional test and, as set forth in the proposed regulation, was commented upon favorably.

The second *per se* rule (§ 32.5(a)(2)(iii)) deals with legal entities which are related through common ownership or management ("control") and which have a demonstrated financial interdependence. (§ 32.5(a)(2)(v) sets forth an extensive definition of "control.") Although this subparagraph should be read flexibly to cover all interdependent entities, a "rule of thumb" has been provided under which a "common enterprise" will be deemed to exist. Under the regulation, loans to two or more entities related through common control will be combined when an entity derives more than half of its gross receipts or expenditures from transactions with the other, related, entities. "Gross receipts and expenditures," it should be noted, includes gross revenues and expenses, contributions to capital, dividends, intercompany loans, etc.

The Office believes that the test provided in § 32.5(a)(2)(iii) (along with the definition of "control" in § 32.5(a)(2)(v)) provides a realistic perspective for the evaluation of the credit risk of lending to related legal entities. Under the test, loans to corporations (and other entities) forming a segment of a vertically integrated business will be combined. This is a logical result, since, generally, the financial stability of one such entity will be inextricably linked to the financial stability of the others.

Of course, the 50 percent dependency test of § 32.5(a)(2)(iii) will not be applied to entities otherwise unrelated to one another. Thus, if an independent manufacturer happens to sell all of its output to one retailing chain, and the two entities are not commonly controlled, loans to each need not be combined under this test. Conversely, loans to commonly controlled entities which engage in separate lines of business will not be combined under the "common enterprise" rules where each business has attained a demonstrated degree of self-sufficiency. These clarifications were adopted in response to suggestions in the comments.

The third *per se* rule (§ 32.5(a)(2)(iv)) addresses situations which arise with some degree of frequency, *i.e.*, a bank extends loans to a group of otherwise unrelated persons for the purpose of the group's acquisition of a business enterprise. The Office has, in the past, combined these loans on the theory that the credit risk of each loan is one and the same. This position is codified in the final regulation. It should be pointed out, however, that loans to these persons made for other purposes need not be combined under the "common enterprise" rule.

c. *Loans to corporations.* The proposed regulations incorporated two major changes from prior law in this area. First, under the proposal, loans to an individual were to be combined with loans to all corporations in which that individual owned a controlling interest. Second, loans to all subsidiaries of a "person" (including both corporations and other legal entities), were to be combined with one another even if the "parent" was not borrowing from the bank.

Each of these two changes generated a relatively large number of comments. Approximately 50 comments addressed each proposed change. Most argued that implementation of the changes would disrupt existing relationships between banks and their most valued customers. Many argued that the proposal, by virtue of its sweeping nature, ignored

the fact that many corporations were totally self-sufficient and therefore represented wholly different credit risks from their parents and/or sister subsidiaries. A number of the banks that commented argued that adoption of the proposal would put them at a competitive disadvantage to their state-chartered competitors. Other commenters argued that there ought to be no *per se* rules; instead they urged that the "means and purpose" tests be the sole combining criteria for all loans.

The Office has given thorough consideration to these comments and has taken a fresh look at the question of combining loans in the corporate area. The final regulation reflects the Office's opinion that, while there are related risks in lending to commonly controlled corporations and their controlling entities, those risks can be effectively dealt with, for the most part, by application of the "common enterprise" rules, as adopted. The final regulation also reflects the Office's continued use of the "means and purpose" tests as the criteria for combining loans to foreign governments, their agencies, and instrumentalities. However, the Office believes that those tests would be difficult to apply to all other loans because they are less homogeneous than sovereign loans. In addition, the imposition of such tests for all loans would impose substantial new paperwork burdens. Therefore the Office believes it necessary to adopt some *per se* rules. The final regulation does allow affiliated persons which are financially independent to have separate limits under the rules for combining loans to corporations. Of course, depending on the facts, combination may be required under the "common enterprise," partnership, or other combining rules. Banks lending to commonly controlled corporations and their controlling entities should, therefore, institute procedures to ensure that the entities are not part of a "common enterprise" or partnership or otherwise connected in a manner requiring combination.

In addition, however, the Office's experience indicates that, at least to a certain extent, the risks of lending to more than one member of a "corporate group" exceed the risks involved in lending to totally unrelated corporations. This is because of the fact that, even if the commonly owned corporations are self-sufficient and there are few intra-corporate transactions, there is a tendency, when one corporation faces financial difficulties, for its parent or sister corporations to come to its assistance. In these situations, the risks of lending to one member of a corporate group tend to resemble more closely the risks of lending to one entity. In light of this, the Office has exercised its authority under subsection (d)(1) of the revised Section 84 to set an aggregate limitation of 50 per cent of a bank's capital on loans to a corporate group (which includes an individual and all controlled corporations). Such limitation, it is expected, will serve to effectuate both of the stated purposes of Section 84: diversification of credit risk and availability of credit to all segments of the community. This change from the *per se* rules of the proposed regulation is responsive to the concerns of many commenters that the combination rules in the corporate area were unduly restrictive.

The 50 per cent limitation, the Office believes, will provide banks with a great deal of flexibility in their lending practices. Banks should exercise caution in approaching this limit. The Office reserves the right to take action against banks whose safety and soundness is being compromised by large concentrations of loans to related corporations.

d. *Loans to partnerships, joint ventures, and associations.* Approximately 40 commenters addressed proposed § 32.5(c). Many of the commenters perceived a change in the law in instances when, in fact, the proposed regulation reflected existing Office policy. The majority of the comments received on this subsection objected to the combination of loans to partnerships with loans to all partners thereof. Many of the commenters simply stated that the proposed partnership rules were overly harsh but did not specify which portion of the rules were being objected to.

The Office has undertaken a thorough reevaluation of the rules governing loans to partnerships. It has redrafted the proposed rule based upon the single premise that partnership loans are unique since, under the law, each partner in a general partnership is jointly and severally liable for all liabilities of the partnership. The final regulation reflects this premise by stating that any loan to a partnership will be considered, separately, a loan to each member of the partnership for lending limit purposes. This will be true even where the partner is not borrowing from the bank.

Thus, assuming that a bank's lending limit is $100,000, it may extend $50,000 of credit each to A and B, who are general partners in the partnership AB, and it may also loan $50,000 to AB. This is because AB's loans will be attributed individually to both A and B. If, however, B is also a member of partnership BC, which desires to borrow $50,000 from the bank, the bank would be unable to make that loan to BC, since both AB's $50,000 loan and BC's $50,000 loan if made, would be attributed to B, who already has a $50,000 personal loan.

A number of commenters argued that the partnership debt should be attributed to the partners only to the extent of their ownership share in the partnership. Thus, using the previous example, if A and B each owned 50 per cent of the partnership, only $25,000 of the partnership debt would be attributed to both A and B. The Office believes that this suggestion does not reflect the reality of partnership law and practice, as discussed above, and has therefore not adopted it.

Some commenters suggested that loans to partnerships need not be attributed to partners where the bank has agreed to seek recourse only to the partnership assets and not to the partners individually. This suggestion was not adopted, primarily because the Office believes it would provide banks with an incentive to make "nonrecourse" loans in cases where to do so would be imprudent. Past experience with a similar limited liability concept concerning loans that was in effect for a period during the 1960s showed this to be true.

A number of commenters suggested that the Office expand its proposed rule under which limited partners are not governed by the *per se* combination rules of § 32.5(c) to include members of joint ventures or associations whose potential liability resembles that of a limited partner. The Office has adopted this suggestion.

e. *Loans to foreign governments, their agencies, and instrumentalities.* A number of commenters asked that the Office reaffirm its position that loans to government-owned corporations are to be governed by the rules applicable to sovereign loans. Section 32.5(d) of the regulation adopts verbatim the language of the present 12 CFR 7.1330.

6. Section 32.6—Exceptions to the lending limits

a. *Discount of commercial or business paper.* Four comments addressed this subsection. Two comments suggested that a provision be added which would allow the Comptroller to approve, from time to time, insurance provided by international trade organizations other than the Export-Import Bank or Foreign Credit Insurance Association as a

substitute for the full recourse endorsement of the owner of commercial paper in export transactions. The Office would be willing to consider such applications in particular cases.

One commenter asked that the Office clarify the question of whether certain specific products qualify under this exception as "commodities." Over the years, the Office has written numerous interpretive letters addressing questions of whether specific types of goods qualifed as "commodities" under this exception. The Office believes it would be impractical to deal with each instance specifically in a regulation.

One commenter suggested reinstating the provision that commercial or business paper issued in connection with commodity export transactions may meet the requirements of this exception if it bears the nonrecourse endorsement of the owner and is covered by appropriate insurance. This suggestion was adopted.

The Office has also clarified the regulation to state that any renewal or extension of overdue commercial or business paper will be treated in the same manner as the overdue paper itself and will not qualify for the exception.

b. *Bankers' acceptances.* Two comments were received on this exception. Both addressed an ambiguity created by a parenthetical statement in the final sentence of the proposed subsection dealing with participations. The parenthetical statement has therefore been eliminated.

c. *Loans secured by bills of lading or warehouse receipts covering readily marketable staples.* The one comment received on this subsection suggested two additions to § 32.6(c)(6). One suggestion was that the regulation make clear that, although a warehouse receipt must entitle the bank to "immediate possession" of the collateral, the exception is still applicable when state law requires a brief notice period or imposes other procedural requirements before disposal of the collateral. The other suggestion was that "similar documents" be defined to include any documents meeting the Uniform Commercial Code definition of "document of title." Both suggestions have been incorporated in the final regulation.

d. *Loans secured by U.S. obligations.* Six comments addressed that portion of the proposed regulation under which loans secured by United States obligations would be excepted from the lending limits only to the extent that the loans were secured by the current market value of such obligations. The previous regulation had permitted such obligations to be valued at either par or face value. Four commenters opposed this change; two commenters felt if the regulation continued to require valuation at market value, then that valuation need only be made at the inception of the loan.

While the Office recognizes that the full face or par value of United States obligations will eventually be realized, seriously depreciated obligations might require a long holding period in order to realize the principal amount of the loan. Since this exception allows unlimited lending based on the nature of the collateral, the Office believes that the collateral should provide full market value coverage for the loan, to the extent the exception is applicable. Therefore, this provision has been retained as proposed.

Along the same lines, it would not be prudent to allow unlimited loans to one entity based on the market value of the collateral only at inception. The collateral must provide full coverage at all times; thus, only that portion of the loan covered by the market value of United States obligations at any one time is eligible for this exception. Any amount of the loan in excess of the market value of the collateral will be subject to the general 15 per cent limitation. If a borrower has already borrowed 15 per cent of the bank's capital under the general limitation, and the market value of the collateral for a loan under this exception declines, the loan will be treated as a violation of law if it is not brought into conformance within five business days.

e. *Loans to or guaranteed by a federal agency.* The proposed regulation restated the Office's previous interpretation of this exception. Two commenters pointed out, however, that the statute had revised this exception so that a 60-day period in which a guarantee must be honored was no longer required. As with the previous exception governing United States government obligations, the Office believes that unlimited lending based on a secondary source of repayment, such as a guarantee or collateral, would require that the repayment source be both creditworthy and liquid. Therefore, the Office has retained the 60-day requirement for payment on the guarantee since this requirement will ensure that the protection afforded by the guarantee is liquid.

f. *Loans secured by segregated deposit accounts.* The revised statute added an exception for loans secured by segregated deposit accounts in the lending bank. The proposed regulation allowed any type of deposit to be used under this exception, but required deposits denominated in a currency other than that of the loan to be revalued at least monthly. It also outlined certain steps which must be taken within five business days in order to maintain conformance with this exception.

Three commenters suggested that other types of collateral, such as negotiable certificates of deposit and gold and silver accounts, be included under this exception. However, the Office believes that those types of collateral are beyond the scope of the statute.

Four commenters found the five-day period for bringing loans into conformity too rigid. The Office believes that a loan must be fully covered by the dollar value of an assigned deposit before it can be eligible for this exception. However, the Office has reconsidered the proposed regulation and has concluded that the steps a bank must take to effectuate conformance need not be specified by regulation. Therefore, the amount of a loan covered by the dollar value of an assigned deposit will be eligible for this exception; any amount in excess of the dollar value of the deposit will be subject to the general 15 per cent limitation. If a borrower has already borrowed 15 per cent of the bank's capital under the general limitation, and the dollar value of the deposit collateralizing a loan made under this exception declines due to currency fluctuations, the loan will be treated as a violation of law if it is not brought into conformance within five business days. This provision is not to be interpreted as authority for national banks to accept deposits denominated in foreign currencies. Any such authority must be found elsewhere.

The final regulation also clarifies the fact that a security interest must be taken in the deposit in order to qualify for the exception; a bank may not merely rely on the right of set-off against the deposit in the event of nonpayment.

g. *Loans to financial institutions with the approval of the Comptroller.* The exception in amended Section 84(c)(7) is a continuation of exception 9 to the previous Section 84. As the legislative history of that exception makes clear, the exception was only to be applicable to loans to other banks, approved by the Comptroller, when such banks were in danger of failing. The old exception, as well as the amended one, was not intended to cover other types of interbank funding. The two commenters on proposed § 32.6(g) apparently were unaware of the limited purposes of the exception. The final regulation, therefore, provides a more accurate

description of the purposes of the exception.

h. *Discount of installment consumer paper.* Seven comments addressed proposed § 32.6(h). A number of commenters noted that former Interpretive Rulings 7.1110 and 7.1115, 12 CFR 7.1110 and 7.1115, had been transferred to this subsection. They urged that those rulings—which dealt with the purchase of third-party paper—should be applicable not only to the purchase of installment consumer paper but to all other types of paper as well. The commenters correctly pointed out that those rulings also apply to purchases of paper other than third-party installment consumer paper. The paragraph has been transferred to the Interpretations section of the final regulation and will now continue to apply to purchases of all types of third-party paper.

One commenter noted that the amended Section 84 did not change the percentage of a bank's capital available to one borrower arising from the discount of consumer paper, *i.e.*, 25 per cent of a bank's capital, and urged that the Office increase the percentage limitation under this exception. The Office recognizes that, under certain conditions, a higher percentage of capital invested in the discount of dealer paper might not damage a particular bank's safety or soundness. However, there seems to be no compelling reason to alter Congress's judgment in this matter at this point in time.

Two commenters addressed the fact that in order for a discount of installment consumer paper to be considered a loan to the maker of the paper rather than the seller, the bank must, *inter alia*, make certain certifications through "an officer designated by the Board of Directors * * *." The commenters urged that this provision, which had been carried over from the former Interpretive Ruling, be amended so as to allow the certifying officer to be designated by a bank's Chairman or Chief Executive Officer pursuant to authorization by the bank's Board of Directors. The final regulation incorporates this suggestion.

One commenter addressed the other requirement for treating discounts of installment consumer paper as a loan to the maker rather than to the seller, *i.e.*, that the bank, through its "files or the knowledge of its officers" affirm the maker's creditworthiness. The commenter noted that basing the exception on "the knowledge of its officers," as opposed to relying on written documentation contained in files, only "encourages sloppy banking practices." The Office agrees with the commenter and has amended the provision accordingly in the final regulations.

i. *Loans secured by livestock or dairy cattle.* Four comments were received on the subsection dealing with these exceptions. Two urged that the provision requiring inspection reports "annually" be changed to "every twelve months." This suggestion was adopted. One comment suggested that the term "recorded chattel mortgage" be updated in conformance with language in the Uniform Commercial Code. The final regulation adopts this suggestion and allows any lien representing a perfected security interest under state law. Another commenter suggested that an additional appraisal requirement be imposed at the time additional advances are made against the same livestock. While it may be prudent to obtain an updated appraisal when certain advances are made, the Office feels it may be burdensome to require a new appraisal each time advances are made. It is felt that a new appraisal every twelve months is sufficient in most instances.

j. *Loans to Student Loan Marketing Association.* No comments were received on this subsection, and the subsection has been adopted as proposed.

7. Transitional rules

a. *Loans in violation prior to the effective dates of Part 32.* The proposed regulation provided that loans by national banks which were in violation of Section 84 prior to April 14, 1983, would remain in violation until paid in full regardless of whether the loans were within the increased lending limits. Four commenters opposed this provision, while two supported it.

The Office, in the past, has consistently adopted an enforcement policy under which loans which violated the lending limit at their inception were considered to remain in violation until the loans were paid in full. This has been true even in cases where the loans became conforming before being fully paid. This position is one that is supported by case law. The Office believes that it is a prudent policy and has continued it in the final regulations.

Both the proposed and the final regulation provide that additional advances may be made to a person who already has loans outstanding which violate Section 84, if such additional loans are legal when made. The final regulation, however, adds that additional advances may not be used to "cure" the original illegal loans.

b. *Loans made prior to the effective dates of Part 32.* The proposed regulation provided that loans made prior to April 14, 1983, which were legal when made, would not be considered illegal if they did not conform with the new regulations. Instead, it was provided that "every effort should be made to bring the loans * * * into conformity * * *." Sixteen commenters suggested that the term "every effort" was overly vague and that bankers would have a difficult time determining whether they had complied with this provision.

While the Office intended that "every effort" should occur when the loans could legally be reduced, *i.e.*, at maturity, and if the borrower was financially able to reduce the debt, it is recognized that the subsection, as written, might be unclear to some. Therefore, the subsection has been clarified to provide specific time periods during which loans, renewals, and extensions may remain in a nonconforming status without constituting a violation of the final regulation.

c. *Commitments and additional advances.* The proposed regulation provided that additional advances could not be made after April 14, 1983, if they were not in conformance with the new rules, even if a commitment to lend had been entered into prior to April 14, 1983. This provision was consistent with the Office's traditional position that generally only advances—rather than mere commitments to lend—trigger the lending limit statute. Thus, if a bank's capital declines between the time a conforming commitment is made and the time an advance is made, some action, such as a participation, must be arranged to the extent that the advances will exceed the bank's lending limit at the later date. The proposed regulation, therefore, reflected this longstanding policy.

Thirty-four comments addressed this portion of the proposed regulation; most read into the provision a suggestion by the Office that prior commitments ought to be breached. Twenty-five commenters suggested that commitments made prior to April 14, 1983 (and legal when entered into), should be grandfathered; another six commenters suggested that a phase-in period be specified.

The final regulation has been amended, in response to these comments, to allow all legally binding commitments to be honored according to their terms. However, advances under renewals or extensions of such commitments must be in conformity with the rules set forth in the final regulation. Advances under such

renewals or extensions which are not in conformance with the final regulation will be considered violations of law. These rules will apply to unwritten commitments as well, where the bank has an understanding with the borrower that the bank will make advances. However, banks making advances under such commitments must be able to document, in some fashion, the fact that the commitment was legally binding on the bank. For example, seasonal loans to a farmer may be made for 30-day periods, for interest sensitivity purposes, with the understanding that these notes will be renewed through the crop season. This understanding between the bank and the borrower would not necessarily be in writing, but file documentation should make clear the bank's intent to continue the funding through the crop season. In addition, these short-term notes would be considered as part of a longer-term commitment and treatment of these loans would be guided by the terms of the commitment rather than the individual note terms.

8. *Interpretations*

a. *Obligations of accommodation parties.* Six comments were received on proposed Interpretation 32.101. Most of the comments objected to the fact that, under the Interpretation, a guarantor's liability was to be considered a loan if one of the "common enterprise" tests was satisfied. The commenters seemed to believe that this represented a change from present law, under which a guarantee is considered a loan only if the guarantor "receive[s] any of the proceeds of the loan * * *." Most of the commenters' concern, however, focused on the substance of the "common enterprise" tests as formulated in the proposed regulations.

After considering the comments, the Office has decided to adopt the Interpretation as proposed. It should be noted that most of the commenters seem to have been unaware that the phrase "receive the proceeds of the loan" in the existing Interpretive Ruling had been interpreted broadly by the Office to include cases where the guarantor received an indirect benefit from the loan. Therefore, the Interpretation, as adopted, will not substantially alter current Office policy in this area. This is especially so in light of the modification of the "common enterprise" test, as discussed above.

b. *Sale of Federal funds.* Three commenters objected to the fact that, under the proposed Interpretation, the sale of "term" Federal funds would be considered a loan subject to the lending limits. These commenters seemed to be unaware that this position was adopted by the Office in 1978. *See* Banking Circular 112. The Office believes that the position adopted in 1978 is a reasonable one: the purchase of term Federal funds is, in substance, closer to a borrowing transaction than to a deposit. The Interpretation, therefore, has been adopted as proposed in this respect.

The Office has added a new subsection clarifying the meaning of a sale of funds "under a continuing contract," in response to the request of a commenter who asked for such clarification.

c. *Purchase of securities subject to repurchase agreement.* One commenter requested that the Office alter its existing policy and exempt purchases of "Type II" securities subject to repurchase agreements from coverage under the lending limits. The Office, after considering the matter, has decided not to amend this Interpretation, primarily because, as an industry practice, the subject transactions have traditionally been regarded as loans to the seller.

Another commenter requested that the Office codify its position that the purchase of securities (other than "Type I" securities) subject to a repurchase agreement constitutes a loan to the seller of such securities rather than to the underlying obligor of the securities. An additional subsection has been added to Interpretation 32.103 to make this rule clear.

d. *Standby letters of credit.* Twelve comments addressed proposed Interpretation 32.104. Six of the commenters asked the Office to clarify its position regarding whether a bank that sells participations in its standby letters of credit has thereby relieved itself of that portion of the letter of credit participated for purposes of the lending limits. Interpretation 32.107, as adopted, does clarify the Office's treatment of participations in standby letters of credit.

Six comments noted the fact that the proposal retained the Office's position, adopted in 1974, that standby letters of credit are not subject to any of the exceptions to Section 84 and urged the Office to reconsider this position. In response to these comments, the Office has reconsidered its position and has, in the final regulation, eliminated the Interpretation regarding standby letters of credit. Instead, the definition of standby letters of credit has been transferred to the definitional section. Under the final regulation, a standby letter of credit will be treated in the same manner as a loan for lending limit purposes and will be subject to all of the exceptions to Section 84.

e. *Overdrafts.* Eleven comments were received regarding the proposed Interpretation dealing with overdrafts. All of the comments suggested that certain exceptions be made from the general rule that overdrafts constitute loans for lending limit purposes. Some suggested that "inadvertent" overdrafts not be considered loans, a rule which the Office believes would be impossible to administer. The same holds true for the suggestion by some commenters that only "significant" overdrafts be considered loans. Most of the commenters were concerned with the possible directors' liability involved. It should be noted, however, that, if the overdraft is paid by the customer, any violation created by the overdraft would immediately be cured.

Some commenters suggested that the Office create an exception for "daylight" overdrafts. While the Office recognizes that "daylight" overdrafts are a common occurrence, there is a high level of concern about the amount of exposure involved. The final regulation incorporates, for the time being, an exception for "daylight" overdrafts. In the meantime, the Office intends to study the matter further. Banks should recognize the risks involved in "daylight" overdrafts and should implement proper controls.

f. *Loans charged off in whole or in part.* Three comments addressed proposed Interpretation 32.106; all suggested further criteria that should allow charged-off loans to no longer be considered loans for lending limit purposes. Specifically, it was suggested that loans which are unenforceable due to the expiration of the statute of limitations, judicial decision, or regulatory order should no longer be considered loans to the borrower. The Office has followed these suggestions by adding to the final regulation the phrase "no longer legally enforceable for other reasons." Banks should be cautious in taking advantage of this new standard. At a minimum, banks should obtain an opinion of counsel indicating that the loan is no longer legally enforceable.

g. *Sale of loan participations.* Ten commenters addressed proposed Interpretation 32.107. Most indicated that the Interpretation, as proposed, seemed confusing. The Office has, therefore, amended the final regulation so as to clarify its position that, while "LIFO" participations can effectively "relieve" a bank of a loan for lending limit purposes, any participation, to be effective for 12 U.S.C. 84 purposes, must call for a *bona fide* sharing of risk in the

event of default. In addition, a sentence has been added to make it clear that the rules generally applicable to participations also apply to participations in standby letters of credit.

h. *Interest or discount on loans.* The proposed Interpretation added a new provision to the current ruling under which past due interest would be considered a loan. Six commenters objected to this change, noting that past due interest does not represent bank funds which have been loaned out at risk. The Office, upon reconsideration, agrees with this reasoning and, accordingly, has amended the Interpretation as adopted.

i. *Loans to or guaranteed by general obligations of a State or political subdivision.* No comments were received on this Interpretation and it has been adopted as proposed.

j. *Loans to industrial development authorities.* One commenter suggested that this Interpretation be amended to provide for transactions where a loan or installment sale, rather than a lease, is involved. The commenter also recommended new cirteria to be used for this Interpretation's exemption. The Office believes there may be some merit in the commenter's suggestions but that they require further study. The proposed Interpretation, has, therefore, been adopted.

k. *Separate limitations for 12 U.S.C. 24 and 12 U.S.C. 84.* No comments were received on proposed Interpretation 32.111 and it has been adopted as proposed.

l. *Other matters.* Five commenters suggested that the Office adopt additional Interpretations, most of which would codify positions taken by the Office in interpretive letters. The comments addressed: nonrecourse equipment leasing; loans collateralized by a third-party letter of credit; and repurchases of participations. The Office would, before publishing Interpretations in these areas, like to take the opportunity to study them further. Therefore, they have not been included in the final regulations.

9. *Special studies*

a. *Regulatory Impact Analysis.* Pursuant to Section 3(g)(1) of Executive Order 12291 of February 17, 1981, it has been determined that the regulations do not constitute a "major rule" within the meaning of section 1(b) of the Executive Order. The amendment would not have an effect on the economy of $100 million or more, would not affect costs or prices for consumers, individual industries, government agencies, or geographic regions, and would not have adverse effects on competition, employment, investment, productivity, or on the ability of United States based industries to compete with foreign based enterprises in domestic or export markets.

Section 8(a)(2) of Executive Order 12291 provides, in relevant part, that the Order shall not apply to "[a]ny regulation for which consideration * * * under the terms of this Order would conflict with deadlines imposed by statute, *provided that*, any such regulation shall be reported to the Director together with a brief explanation of the conflict, [and] the agency shall publish in the **Federal Register** a statement of the reason why it is impracticable for the agency to follow the procedures of this Order with respect to such rule * * *." The effective date of the revised Section 84 is April 14, 1983. It is important to the banking industry that the regulation implementing Section 84 be in place by April 14, 1983. It is also important that the banking industry have as much time as possible to adjust to the new rules. Banks are currently involved in negotiations with customers for loans that will close after April 14, 1983. Such loans will be subject to the new rules and banks must have knowledge of those rules as quickly as possible so that negotiations can proceed in an orderly manner. The only practical way to maximize the banks' lead time is to publish the regulation as far in advance of its effective date as possible.

The Office's ability to publish the rule any earlier was reduced by twice extending the comment period for the Notice of Proposed Rulemaking to insure full opportunity for interested parties to make their views known.

Except for an important exception addressed below, it would be impractical to delay the effective date of the regulation. A delayed effective date would give uncertain status to the many new terms and provisions contained in 12 U.S.C. 84—terms and provisions that become effective April 14, 1983. That uncertain status would create substantial confusion among banks that would be alleviated only when the rules went into effect.

The exception noted immediately above relates to the proposed rules for combining loans to separate borrowers for lending limit purposes. The Office is delaying the effective date of those rules for 60 days. During this time the Office will accept public comments on their effect. The combination rules were the subject of many comments and the rules in the final regulation have been revised from those proposed earlier. The Office has solicited more information on the extent to which the rules in this document address concerns expressed during the earlier comment periods.

b. *Regulatory Flexibility Act Analysis.* Pursuant to Section 605(b) of the Regulatory Flexibility Act (Pub. L. No. 96-354, 5 U.S.C. 601 *et seq.*), the Secretary of the Treasury has certified that the regulation will not have a significant economic impact on a substantial number of small entities.

List of Subjects

12 CFR Parts 3, 6 and 32

National banks, Lending limits.

12 CFR Part 7

National banks, Management and ownership rights, Other powers.

Accordingly, pursuant to authority under 12 U.S.C. 84 and 93a, the Comptroller of the Currency hereby amends Title 12 of the Code of Federal Regulations by removing and reserving Parts 3 and 6, amending Part 7, and adding a new Part 32 as follows:

PART 3—[REMOVED AND RESERVED]

1. By removing and reserving Part 3 in its entirety.

PART 6—[REMOVED AND RESERVED]

2. By removing and reserving Part 6 in its entirety.

PART 7—INTERPRETIVE RULINGS

3. The authority for Part 7 is:

Authority: R.S. 324 *et seq.*, as amended; 12 U.S.C. 1 *et seq.*

4. By removing §§ 7.1110 through and including 7.1630.

§§ 7.1110 through 7.1630 [Removed]

5. By adding a new Part 32 to read as follows:

PART 32—LENDING LIMITS

Sec.

32.1 Authority, purpose, scope, and recordkeeping.
32.2 Definitions.
32.3 General limitation.
32.4 Additional general limitation: loans fully secured by readily marketable collateral.
32.5 Combining loans to separate borrowers.
32.6 Exceptions to the lending limits.
32.7 Transitional rules.

Interpretations

32.101 Obligations of accommodation parties.
32.102 Sale of Federal funds.
32.103 Purchase of securities subject to repurchase agreement.
32.104 Purchase of third-party paper.

Sec.

32.105 Overdrafts.
32.106 Loans charged off in whole or in part.
32.107 Sale of loan participations.
32.108 Interest or discount on loans.
32.109 Loans to or guaranteed by general obligations of a State or political subdivision.
32.110 Loans to industrial development authorities.
32.111 Separate limitations for 12 U.S.C. 84 and 12 U.S.C. 24.

Authority: 12 U.S.C. 1 *et seq.*; 12 U.S.C. 84; and 12 U.S.C. 93a.

§ 32.1 Authority, purpose, scope, and recordkeeping.

(a) *Authority.* This Part is issued pursuant to authority granted in 12 U.S.C. 1 *et seq.*; *12* U.S.C. 84 and 12 U.S.C. 93a.

(b) *Purpose.* R.S. 5200 (12 U.S.C. 84) is intended to prevent one individual, or a relatively small group, from borrowing an unduly large amount of the bank's funds. It is also intended to safeguard the bank's depositors by spreading the loans among a relatively large number of persons engaged in different lines of business.

(c) *Scope.* This Part applies to all loans and extensions of credit made by national banks and their domestic operating subsidiaries. This Part does not apply to loans made by a national bank to its affiliates (as that term is defined in subsection (b)(1) of Section 23A of the Federal Reserve Act (12 U.S.C. 371c(b)(1))), operating subsidiaries, and Edge Act or Agreement Corporation subsidiaries.

(d) *Recordkeeping.* Recordkeeping required in § 32.5(d) of this Part bears OMB No. 1557–0147 with the expiration date of January 31, 1986.

§ 32.2 Definitions.

For purposes of this part:

(a) "Loans and extensions of credit" means any direct or indirect advance of funds (including obligations of makers and endorsers arising from the discounting of commercial paper) to a person made on the basis of any obligation of that person to repay the funds, or repayable from specific property pledged by or on behalf of a person. "Loans and extensions of credit" also includes a "contractual commitment to advance funds" as that term is defined in this section.

(b) "Person" means an individual; sole proprietorship; partnership; joint venture; association; trust; estate; business trust; corporation; not-for-profit corporation; sovereign government or agency, instrumentality, or political subdivision thereof; or any similar entity or organization.

(c) "Unimpaired capital and unimpaired surplus" is equivalent to the term "capital and surplus" and has the meaning set forth in 12 CFR 7.1100.

(d) "Contractual commitment to advance funds" means (1) an obligation on the part of the bank to make payments (directly or indirectly) to a designated third party contingent upon a default by the bank's customer in the performance of an obligation under the terms of that customer's contract with the third party or (2) an obligation to guarantee or stand as surety for the benefit of a third party. The term includes, but is not limited to, standby letters of credit (as defined in paragraph (e) of this section), guarantees, puts, and other similar arrangements. For purposes of this Part, undisbursed loan funds and loan commitments not yet drawn upon which are not equivalent to a contractual commitment to advance funds as defined herein are not considered a "contractual commitment to advance funds." The definition also does not include commercial letters of credit and similar instruments where the issuing bank expects the beneficiary to draw upon the issuer, which do not "guarantee" payment of a money obligation, and which do not provide for payment in the event of default by the account party.

(e) A "standby letter of credit" is any letter of credit, or similar arrangement, however named or described, which represents an obligation to the beneficiary on the part of the issuer (1) to repay money borrowed by or advanced to or for the account of the account party, or (2) to make payment on account of any indebtedness undertaken by the account party, or (3) to make payment on account of any default by the account party in the performance of an obligation.

§ 32.3 General limitation.

12 U.S.C. 84(a)(1) provides:

> The total loans and extensions of credit by a national banking association to a person outstanding at one time and not fully secured, as determined in a manner consistent with paragraph (2) of this subsection, by collateral having a market value at least equal to the amount of the loan or extension of credit shall not exceed 15 per centum of the unimpaired capital and unimpaired surplus of the association.

§ 32.4 Additional general limitation: loans fully secured by readily marketable collateral.

(a) *Law.* 12 U.S.C. 84(a)(2) provides:

> The total loans and extensions of credit by a national banking association to a person outstanding at one time and fully secured by readily marketable collateral having a market value, as determined by reliable and continuously available price quotations, at least equal to the amount of the funds outstanding shall not exceed 10 per centum of the unimpaired capital and unimpaired surplus of the association. This limitation shall be separate from and in addition to the limitation contained in paragraph (1) of this subsection.

(b) *Compliance with Section 84(a)(2).* Each loan or extension of credit based on the foregoing limitation shall be secured by readily marketable collateral having a current market value of at least 100 percent of the amount of the loan or extension of credit at all times. "Current market value" means the bid or closing price listed for an item in a regularly published listing or an electronic reporting service.

(c) For purposes of this Part, "readily marketable collateral" means financial instruments and bullion which are salable under ordinary circumstances with reasonable promptness at a fair market value determined by quotations based on actual transactions on an auction or a similarly available daily bid and ask price market. "Financial instruments" include stocks, notes, bonds, and debentures traded on a national securities exchange, "OTC margin stocks" (as defined in Regulation U of the Federal Reserve Board), commercial paper, negotiable certificates of deposit, bankers' acceptances, and shares in money market and mutual funds of the type which issue shares in which banks may perfect a security interest.

(d) Each bank must institute adequate procedures to ensure that the collateral value fully secures the outstanding loan at all times.

(e) Financial instruments may be denominated in foreign currencies which are freely convertible to U.S. dollars. If collateral is denominated and payable in a currency other than that of the loan or extension of credit which it secures, the bank's procedures must require that the collateral be revalued at least monthly, using appropriate foreign exchange rates, in addition to being repriced at current market value.

(f) If collateral values fall below 100 percent of the outstanding loan, to the extent that the loan is no longer in conformance with this section and exceeds the general 15 percent limitation, the loan must be brought into conformance within five business days, except where judicial proceedings, regulatory actions, or other extraordinary occurrences prevent the bank from taking action.

§ 32.5 Combining loans to separate borrowers.

(a)(1) *General rule.* Loans or extensions of credit to one person will

be attributed to other persons, for purposes of this Part, when (i) the proceeds of the loans or extensions of credit are to be used for the direct benefit of the other person or persons or (ii) a "common enterprise" is deemed to exist between the persons.

(2) *"Common enterprise."*

(i) Whether two or more persons are engaged in a "common enterprise" will depend upon a realistic evaluation of the facts and circumstances of particular transactions.

(ii) Where the expected source of repayment for each loan or extension of credit is the same for each person, a "common enterprise" will be deemed to exist and the loans or extensions of credit must be combined.

(iii) Where loans or extensions of credit are made to persons who are related through common control, including where one person is controlled by another person, a "common enterprise" will be deemed to exist if the persons are engaged in interdependent businesses or there is substantial financial interdependence among them. A "common enterprise" will be deemed to exist when 50 percent or more of one person's gross receipts or gross expenditures (on an annual basis) are derived from transactions with one or more persons related through common control (as defined in paragraph (a)(2)(v) of this section). Gross receipts and expenditures include gross revenues/expenses, intercompany loans, dividends, capital contributions, and similar receipts or payments.

(iv) A "common enterprise" will also be deemed to exist when separate persons borrow from a bank for the purpose of acquiring a business enterprise of which those persons will own more than 50 percent of the voting securities.

(v) For the purposes of paragraph (a)(2)(iii) of this section, "control" shall be presumed to exist when:

(A) One or more persons acting in concert directly or indirectly own, control, or have power to vote 25 percent or more of any class of voting securities of another person; or

(B) One or more persons acting in concert control, in any manner, the election of a majority of the directors, trustees, or other persons exercising similar functions of another person; or

(C) Any other circumstances exist which indicate that one or more persons acting in concert directly or indirectly exercise a controlling influence over the management or policies of another person.

(b) *Loans to corporations.* (1) For purposes of this paragraph, a corporation is a "subsidiary" of any person which owns or beneficially owns more than 50 percent of the voting stock of the corporation. Such ownership need not be direct. Thus, if A owns more than 50 percent of the voting stock of Corporation X which, in turn, owns more than 50 percent of the voting stock of Corporation Y, Corporation Y would be considered a subsidiary of both A and of Corporation X.

(2) Loans or extensions of credit to a person and its subsidiary or to subsidiaries of one person need not be combined where the bank has determined that the person and subsidiaries involved are not engaged in a "common enterprise" as that term is defined in paragraph (a) of this section.

(3) Notwithstanding paragraph (b)(2) of this section, loans or extensions of credit by a national bank to a "corporate group" may not exceed 50 percent of the bank's unimpaired capital and unimpaired surplus. This aggregate limitation applies only to loans made pursuant to Sections 84 (a)(1) and (a)(2). A "corporate group" includes a person and all of its subsidiaries.

(c) *Loans to partnerships, joint ventures, and associations.* (1) Loans or extensions of credit to a partnership, joint venture, or association shall, for purposes of this Part, be considered loans or extensions of credit to each member of such partnership, joint venture, or association.

(2) Loans or extensions of credit to members of a partnership, joint venture, or association shall, for purpose of this Part, be attributed to the partnership, joint venture, or association where one or more of the tests set forth in paragraph (a) of this section is satisfied. The tests set forth in paragraph (a) of this section shall be deemed to be satisfied when loans or extensions of credit are made to members of a partnership, joint venture, or association for the purpose of purchasing an interest in such partnership, joint venture, or association.

(3) The rule set forth in paragraph (c)(1) of this subsection is not applicable to limited partners in limited partnerships or to members of joint ventures or associations if such partners or members, by the terms of the partnership or membership agreement, are not to be held liable for the debts or actions of the partnership, joint venture, or association. However, the rules set forth in paragraph (a) of this section are applicable to such partners or members.

(d) *Loans to foreign governments, their agencies, and instrumentalities.* (1) Notwithstanding paragraphs (a), (b), and (c) of this section, loans or extensions of credit to foreign governments, their agencies, and instrumentalities will be combined with one another under Section 84 only if they fail to meet either of the following tests at the time the loan or extension of credit is made:

(i) The borrower has resources or revenue of its own sufficient over time to service its debt obligations ("means" test);

(ii) The purpose of the loan or extension of credit is consistent with the purposes of the borrower's general business ("purpose" test).

(2) In order to show that the "means" and "purpose" tests have been satisfied, a bank shall, at a minimum, assemble and retain in its files the following items:

(i) A statement (accompanied by supporting documentation) describing the legal status and the degree of financial and operational autonomy of the borrowing entity.

(ii) Financial statements for the borrowing entity for a minimum of three years prior to the date the loan or extension of credit was made or for each year less than three that the borrowing entity has been in existence.

(iii) Financial statements for each year the loan or extension of credit is outstanding.

(iv) The bank's assessments of the borrower's means of servicing the loan or extension of credit, including specific reasons in support of that assessment. The assessment shall include an analysis of the borrower's financial history, its present and projected economic and financial performance, and the significance of any financial support provided to the borrower by third parties, including the borrower's central government. If the government's support exceeds the borrower's annual revenues from other sources, it will be presumed that the "means" test has not been satisfied. No such presumption will be made, however, because of a guarantee by the central government of the borrower's debt.

(v) A loan agreement or other written statement from the borrower which clearly describes the purpose of the loan or extension of credit. The written representation will ordinarily constitute sufficient evidence that the "purpose" test has been satisfied. However, when, at the time the funds are disbursed, the bank knows or has reason to know of other information suggesting that the borrower will use the proceeds in a manner inconsistent with the written representation, it may not, without further inquiry, accept the representation.

§ 32.6 Exceptions to the lending limits.

(a) *Discount of commercial or business paper.*

(1) *Law.* 12 U.S.C. 84(c)(1) provides:

> Loans or extensions of credit arising from the discount of commercial or business paper evidencing an obligation to the person negotiating it with recourse shall not be subject to any limitation based on capital and surplus.

(2) This exception applies to negotiable paper given in payment of the purchase price of commodities in domestic or export transactions purchased for resale or to be used in connection with the fabrication of a product, or to be used for any other business purpose which may reasonably be expected to provide funds for payment of the paper. Loans or extensions of credit arising from the discount of paper of the kind described in this paragraph must bear the full recourse endorsement of the owner. However, loans or extensions of credit arising from the discount of such paper in export transactions may be endorsed by such owner without recourse or with limited recourse, or may be accompanied by a separate agreement for limited recourse; provided, that if transferred without full recourse, the paper must be supported by an assignment of appropriate insurance covering the political, credit, and transfer risks applicable to the paper. Insurance provided by the Export-Import Bank or the Foreign Credit Insurance Association is considered appropriate for this purpose. Loans or extensions of credit based on this exception are not subject to any limitation.

(3) Since the reason for the unlimited credit under this exception is that the paper arises from the sale of a commodity which may reasonably be expected to provide funds for payment of the paper, failure to pay either principal or interest when due removes the reason for unlimited credit. Therefore, although the line of credit to the maker or endorser should not be classified as excessive by reason of such default, the paper on which the default has occurred must thereafter be taken into consideration in determining whether additional loans or extensions of credit may be made within the limits of 12 U.S.C. 84. The same principles of disqualification from the exception applies to any renewal or extension of either the entire loan or an installment thereof.

(b) *Bankers' acceptances.* (1) *Law.* 12 U.S.C. 84(c)(2) provides:

> The purchase of bankers' acceptances of the kind described in section 13 of the Federal Reserve Act and issued by other banks shall not be subject to any limitation based on capital and surplus.

(2) This exception permits the purchase by a national bank without limitation of bankers' acceptances created by other banks, provided that such acceptances are of the kind described in 12 U.S.C. 372 and 373 (eligible acceptances). Acceptances other than those described in Sections 372 and 373 must be included within the purchasing bank's lending limit to each acceptor bank.

(3) The limits under which a national bank may itself accept drafts eligible for rediscount are contained in Sections 372 and 373. These limits are distinct from the limits under Section 84. Acceptances by a national bank of "ineligible" drafts, *i.e.*, time drafts which do not meet the requirements for discount with a Federal Reserve bank, are subject to the limitations of Section 84.

(4) During any period within which a national bank holds its own acceptances, eligible or ineligible, having given value therefor, the amount given is considered, for purposes of this Part, to be a loan or extension of credit to the customer for whom the acceptance was made and is subject to the lending limits. To the extent that a loan or extension of credit created by discounting the acceptance is covered by a bona fide participation agreement, the discounting bank need only consider that portion of the discounted acceptance which it retains as being subject to the limitations of section 84.

(c) *Loans secured by bills of lading or warehouse receipts covering readily marketable staples.* (1) *Law.* 12 U.S.C. 84(c)(3) provides:

> Loans and extensions of credit secured by bills of lading, warehouse receipts, or similar documents transferring or securing title to readily marketable staples shall be subject to a limitation of 35 per centum of capital and surplus in addition to the general limitations if the market value of the staples securing each additional loan or extension of credit at all times equals or exceeds 115 per centum of the outstanding amount of such loan or extension of credit. The staples shall be fully covered by insurance whenever it is customary to insure such staples.

(2) This exception allows a national bank to make loans or extensions of credit to one person in an amount equal to 35 per cent of its capital and surplus in addition to the general 15 per cent permitted by Section 84(a)(1) and in addition to the 10 per cent permitted by Section 84(a)(2), provided the collateral requirements of Section 84(a)(2) are met.

(3) A readily marketable staple means an article of commerce, agriculture, or industry of such uses as to make it the subject of dealings in a ready market with sufficiently frequent price quotations as to make (i) the price easily and definitely ascertainable, and (ii) the staple itself easy to realize upon sale at any time at a price which would not involve any considerable sacrifice from the amount at which it is valued as collateral. Staples eligible for this exception must be nonperishable, may be refrigerated or frozen, and must be fully covered by insurance when such insurance is customary. This exception is intended to apply primarily to basic commodities, such as wheat and other grains, cotton, wool, and basic metals such as tin, copper, lead, and the like. Whether a commodity is readily marketable depends upon existing conditions and it is possible that a commodity that qualifies at one time may cease to qualify at a later date. Fabricated commodities which do not constitute standardized interchangeable units and do not possess uniformly broad marketability do not qualify as readily marketable collateral.

(4) Commodities sometimes fail to qualify as nonperishable because of the manner in which they are handled or stored during the life of the loan or extension of credit. Accordingly, the question as to whether a staple is nonperishable must be determined on a case-by-case basis.

(5) This exception is applicable to a loan or extension of credit arising from a single transaction or secured by the same staples for (i) not more than 10 months if secured by nonperishable staples; and (ii) not more than six months if secured by refrigerated or frozen staples.

(6) The important characteristic of warehouse receipts, order bills of lading, or other similar documents is that the holder of such documents has control of the commodity and can obtain immediate possession. (However, the existence of brief notice periods, or similar procedural requirements under state law, for the disposal of the collateral will not affect the eligibility of instruments for this exception.) Only documents with these characteristics are eligible security for loans under this exception. In the event of default on a loan secured by such documents, the bank must be in a position to sell the underlying commodity and promptly transfer title and possession to the purchaser, thus being able to protect itself without extended litigation. Generally, documents qualifying as "documents of title" under the Uniform Commercial Code are "similar documents" qualifying for this exception.

(7) Field warehouse receipts are an acceptable form of collateral when they are issued by a duly bonded and licensed grain elevator or warehouse having exclusive possession and control of the commodities even though the grain elevator or warehouse is maintained on the commodity owner's premise.

(8) Warehouse receipts issued by the borrower-owner which is a grain elevator or warehouse company, duly-bonded and licensed and regularly inspected by state or federal authorities, may be considered eligible collateral under this exception only when the receipts are registered with an independent registrar whose consent is required before the commodities can be withdrawn from the warehouse.

(d) *Loans secured by U.S. obligations.* (1) *Law.* 12 U.S.C. 84(c)(4) provides:

> Loans or extensions of credit secured by bonds, notes, certificates of indebtedness, or Treasury bills of the United States or by other such obligations fully guaranteed as to principal and interest by the United States shall not be subject to any limitation based on capital and surplus.

(2) This exception applies only to the extent that loans or extensions of credit are fully secured by the current market value of obligations of the United States or guaranteed by the United States.

(3) If the market value of the collateral declines to the extent that the loan is no longer in conformance with this exception and exceeds the general 15 per cent limitation, the loan must be brought into conformance within five business days.

(e) *Loans to or guaranteed by a federal agency.* (1) *Law.* 12 U.S.C. 84(c)(5) provides:

> Loans or extensions of credit to or secured by unconditional takeout commitments or guarantees of any department, agency, bureau, board, commission, or establishment of the United States or any corporation wholly owned directly or indirectly by the United States shall not be subject to any limitation based on capital and surplus.

(2) This exception may apply to only that portion of a loan or extension of credit that is covered by a federal guarantee or commitment.

(3) For purposes of this exception, the commitment or guarantee must be payable in cash or its equivalent within sixty days after demand for payment is made.

(4) A guarantee or commitment is unconditional if the protection afforded the bank is not substantially diminished or impaired in the case of loss resulting from factors beyond the bank's control. Protection against loss is not materially diminished or impaired by procedural requirements, such as an agreement to take over only in the event of default, including default over a specific period of time, a requirement that notification of default be given within a specific period after its occurrence, or a requirement of good faith on the part of the bank.

(f) *Loans secured by segregated deposit accounts.* (1) *Law.* 12 U.S.C. 84(c)(6) provides:

> Loans or extensions of credit secured by a segregated deposit account in the lending bank shall not be subject to any limitation based on capital and surplus.

(2) The bank must ensure that a security interest has been perfected in the deposit, including the assignment of a specifically identified deposit and any other actions required by state law.

(3) Deposit accounts which may qualify for this exception include deposits in any form generally recognized as deposits. In the case of a deposit eligible for withdrawal prior to the maturity of the secured loan, the bank must establish internal procedures which will prevent the release of the security.

(4) A deposit which is denominated and payable in a currency other than that of the loan or extension of credit which it secures may be eligible for this exception if it is freely convertible to U.S. dollars. The deposit must be revalued at least monthly, using appropriate foreign exchange rates, to ensure that the loan or extension of credit remains fully secured. This exception applies to only that portion of the loan or extension of credit that is covered by the U.S. dollar value of the deposit. If the U.S. dollar value of the deposit falls to the extent that the loan is in nonconformance with this exception and exceeds the general 15 per cent limitation, the loan must be brought into conformance within five business days, except where judicial proceedings, regulatory actions, or other extraordinary occurrences prevent the bank from taking such action. This exception is not authority for national banks to take deposits denominated in foreign currencies.

(g) *Loans to financial institutions with the approval of the Comptroller.* (1) *Law.* 12 U.S.C. 84(c)(7) provides:

> Loans or extensions of credit to any financial institution or to any receiver, conservator, superintendent of banks, or other agent in charge of the business and property of such financial institution, when such loans or extensions of credit are approved by the Comptroller of the Currency, shall not be subject to any limitation based on capital and surplus.

(2) This exception is intended to apply only in emergency situations where a national bank is called upon to provide assistance to another financial institution.

(3) For purposes of this paragraph (g), "financial institution" means a commercial bank, savings bank, trust company, savings and loan association, or credit union.

(h) *Discount of installment consumer paper.* (1) *Law.* 12 U.S.C. 84(c)(8) provides:

> (A) Loans and extensions of credit arising from the discount of negotiable or nonnegotiable installment consumer paper which carries a full recourse endorsement or unconditional guarantee by the person transferring the paper shall be subject under this section to a maximum limitation equal to 25 per centum of such capital and surplus, notwithstanding the collateral requirements set forth in subsection (a)(2).
>
> (B) If the bank's files or the knowledge of its officers of the financial condition of each maker of such consumer paper is reasonably adequate, and an officer of the bank designated for that purpose by the board of directors of the bank certifies in writing that the bank is relying primarily upon the responsibility of each maker for payment of such loans or extensions of credit and not upon any full or partial recourse endorsement or guarantee by the transferor, the limitations of this section as to the loans or extensions of credit of each such maker shall be the sole applicable loan limitations.

(2) This exception allows a national bank to discount negotiable or nonnegotiable installment consumer paper of one person in an amount equal to 10 percent of its capital and surplus (in addition to the 15 percent permitted by Section 84(a)(1)) if the paper carries a full recourse endorsement or unconditional guarantee by the seller transferring such paper. The unconditional guarantee may be in the form of a repurchase agreement or a separate guarantee agreement. A condition reasonably within the power of the bank to perform, such as the repossession of collateral, will not be considered to make conditional an otherwise unconditional agreement.

(3) For purposes of this paragraph (h), "consumer" means the user of any products, commodities, goods, or services, whether leased or purchased, and does not include any person who purchases products or commodities for the purpose of resale or for fabrication into goods for sale.

(4) For purposes of this paragraph (h), "consumer paper" includes paper relating to automobiles, mobile homes, residences, office equipment, household items, tuition fees, insurance premium fees, and similar consumer items. Also included is paper covering the lease (where the bank is not the owner or

lessor) or purchase of equipment for use in manufacturing, farming, construction, or excavation.

(5) Under certain circumstances, installment consumer paper which otherwise meets the requirements of this exception will be considered a loan or extension of credit to the maker of the paper rather than the seller of the paper. Specifically, where (i) through the bank's files it has been determined that the financial condition of each maker is reasonably adequate to repay the loan or extension of credit, and (ii) an officer designated by the bank's Chairman or Chief Executive Officer pursuant to authorization by the Board of Directors certifies in writing that the bank is relying primarily upon the maker to repay the loan or extension of credit, the loan or extention of credit is subject only to the lending limits of the maker of the paper. Where paper is purchased in substantial quantities, the records, evaluation, and certification may be in such form as is appropriate for the class and quantity of paper involved.

(i) *Loans secured by livestock or dairy cattle.*—(1) *Loans secured by livestock.* (i) *Law.* 12 U.S.C. 84(c)(9)(A) provides:

> Loans and extensions of credit secured by shipping documents or instruments transferring or securing title covering livestock or giving a lien on livestock when the market value of the livestock securing the obligation is not at any time less than 115 per centum of the face amount of the note covered, shall be subject under this section, notwithstanding the collateral requirements set forth in subsection (a)(2), to a maximum limitation equal to 25 per centum of such capital and surplus.

(ii) This exception allows a national bank to make loans or extensions of credit to one person in an amount equal to 10 percent of its capital and surplus (in addition to the 15 percent permitted by Section 84(a)(1)), if the loans or extensions of credit are secured by livestock having a market value at least equal to 115 percent of the outstanding loan balance at all times. The loans or extensions of credit may be secured by shipping documents or other instruments which transfer title to, secure title to, or give a first lien on livestock. "Livestock" includes dairy and beef cattle, hogs, sheep, goats, horses, mules, poultry, and fish, whether or not held for resale. To support compliance with this exception, the bank must maintain in its files an inspection and appraisal report on the livestock pledged. The inspection and appraisal report should be performed at least every 12 months, or more frequently as deemed prudent.

(iii) Under the laws of certain states, a persons furnishing pasturage under a grazing contract may have a lien on the livestock for the amount due for pasturage. If the lien which is based on pasturage furnished by the lienor prior to the making of the loan (A) is assigned to the bank by a recordable instrument and (B) is protected against being defeated by some other lien or claim, by payment to a person other than the bank, or otherwise, it would qualify under this exception provided the amount of such perfected lien is at least equal to the amount of the loan and the value of the livestock is at no time less than 115 percent of the loan. Where the amount due under the grazing contract is dependent upon future performance thereunder, the resulting lien has merely prospective value and does not meet the requirements of the exception.

(2) *Loans secured by dairy cattle.* (i) *Law.* 12 U.S.C. 84(c)(9)(B) provides:

> Loans and extensions of credit which arise from the discount by dealers in dairy cattle of paper given in payment for dairy cattle, which paper carries a full recourse endorsement or unconditional guarantee of the seller, and which are secured by the cattle being sold, shall be subject under this section, notwithstanding the collateral requirements set forth in subsection (a)(2), to a limitation of 25 per centum of such capital and surplus.

(ii) This exception allows a national bank to discount paper of one person given in payment for dairy cattle in an amount equal to 10 percent of its capital and surplus (in addition to the 15 percent permitted by Section 84(a)(1)). The discounted paper must carry the full recourse endorsement or unconditional guarantee of the seller and the dairy cattle must secure the debt. Liens on the cattle may be in any form which allows the bank to maintain a perfected security interest in the cattle under applicable state law.

(3) The exception for loans and extensions of credit secured by livestock is separate and apart from the exception for loans and extensions of credit created by the discount of paper for the purchase of dairy cattle. Therefore, a national bank may make loans or extensions of credit to one person secured by each type of collateral in an amount equal to 10 percent of its capital and surplus (in addition to the 15 percent permitted under Section 84(a)(1)).

(j) *Loans to Student Loan Marketing Association.* 12 U.S.C. 84(c)(10) provides:

> Loans or extensions of credit to the Student Loan Marketing Association shall not be subject to any limitation based on capital and surplus.

§ 32.7 Transitional rules.

(a) Loans or extensions of credit which were in violation of 12 U.S.C. 84 prior to the relevant effective dates of this part will be considered to remain in violation of Section 84 and subject to actions under 12 U.S.C. 93 and 1818, and other appropriate laws after those dates until they are paid in full, regardless of whether the loans or extensions of credit conform to the rules established in this part. Renewals or extensions of such loans or extensions of credit will also be considered violations of law.

(b) A national bank which has outstanding loans or extensions of credit to a person in violation of Section 84 as of the relevant effective dates of this part may make additional advances to such person after those dates if the additional advances are permitted under this part. The additional advances, however, may not be used directly or indirectly to repay any outstanding illegal loans or extensions of credit.

(c) Loans or extensions of credit which were in conformance with Section 84 prior to the relevant effective dates of this part but are not in conformance with the rules established in this part will not be considered to be violations of law during the existing contract terms of such loans or extensions of credit. Renewals or extensions of such loans or extensions of credit which are not in conformance with the rules set forth in this part may be made on or after the effective dates of this part; however, all loans or extensions of credit made under such renewals or extensions must conform with the rules set forth in this part no later than January 1, 1985.

(d) If a national bank, prior to the relevant effective dates of this part, entered into a legally binding commitment to advance funds on or after those dates, and such commitment was in conformance with Section 84, advances under such commitment may be made notwithstanding the fact that such advances are not in conformance with this part. The bank must, however, demonstrate that the commitment represents a legal obligation to fund, either by a written agreement or through file documentation. Advances under renewals or extensions of such commitments must conform to this part if the renewal or extension of the commitment is made on or after the relevant effective dates of this part.

Interpretations

§ 32.101 Obligations of accommodation parties.

The liability of a drawer, endorser, or guarantor who does not receive any of the proceeds, or the benefit of the proceeds, of the loan or extension of credit is not a loan or extension of credit to such person for purposes of this part unless one of the tests set forth in 12 CFR 32.5(a)(1) is satisfied.

§ 32.102 Sale of Federal funds.

(a) *Definition.* "Sale of Federal funds" means, for purposes of this Section, any transaction among depository insitutions involving the transfer of immediately available funds resulting from credits to deposit balances at Federal Reserve banks or from credits to new or existing deposit balances due from a correspondent depository institution.

(b) Sales of Federal funds with a maturity of one business day or under a continuing contract are not "loans and extensions of credit" for purposes of this Part. However, sales of Federal funds with a maturity of more than one business day are subject to the lending limits.

(c) A "continuing contract" refers to an agreement that remains in effect for more than one business day but has no specified maturity and requires no advance notice for termination.

§ 32.103 Purchase of securities subject to repurchase agreement.

(a) The purchase of "Type I securities," as defined in 12 CFR 1.3(c), subject to an agreement that the seller will repurchase at the end of a stated period is not a "loan or extension of credit" for purposes of this Part.

(b) The purchase of other types of securities subject to an agreement that the seller will repurchase at the end of a stated period is regarded as a loan from the purchasing bank to the seller and not as an obligation of the underlying obligor of the security.

§ 32.104 Purchase of third-party paper.

Where a bank purchases third-party paper subject to an agreement that the seller will repurchase the paper upon default or at the end of a stated period after default, the seller's obligation to repurchase is subject to 12 U.S.C. 84 and is measured by the total unpaid balance of the paper owned by the bank less any applicable dealer reserves. Where the seller's obligation to repurchase is limited, the seller's total loans or extensions of credit, for the purpose of 12 U.S.C. 84 are measured by the total amount of paper the seller may ultimately be obligated to repurchase. Where no more than an agreed percentage of the purchase price is retained by the bank and credited to a reserve to be held as a form of collateral security, but the bank has no direct or indirect recourse to the seller, the loans or extensions of credit do not constitute loans or extensions of credit to the seller subject to the limitations of Section 84.

§ 32.105 Overdrafts.

Overdrafts, whether or not prearranged, are "loans and extensions of credit" for purposes of this part. This rule does not apply to "intra-day" or "daylight" overdrafts.

§ 32.106 Loans charged off in whole or in part.

The lending limits apply to all existing loans or extensions of credit to a person by the bank, including loans or extensions of credit which have been charged off on the books of the bank in whole or in part. Loans or extensions of credit which have become unenforceable by reason of discharge in bankruptcy or are no longer legally enforceable for other reasons are not "loans and extensions of credit" for purposes of this part.

§ 32.107 Sale of loan participations.

(a) When a bank sells a participation in a loan or extension of credit, including the discount of a bank's own acceptance, that portion of the loan that is sold on a nonrecourse basis will not be applied to the bank's lending limits. In order to remove a loan or extension of credit from a bank's lending limit, a participation must result in a pro rata sharing of credit risk proportionate to the respective interests of the originating and participating lenders. This is so even where the participation agreement provides that repayment must be applied first to the shares sold. In that case, the pro rata sharing may only be accomplished if the agreement also provides that, in case of a default or comparable event defined in the agreement, participants shall share in all subsequent repayments and collections in proportion to the percentage of participation at the time of the occurrence of the event.

(b) The provisions of the above paragraph apply to all "loans and extensions of credit," as defined in § 32.2(a) of this Part, including "contractual commitment(s) to advance funds," as defined in § 32.2(d) of this Part.

§ 32.108 Interest or discount on loans.

The lending limits do not apply to the portion of a loan or extension of credit that represents accrued or discounted interest.

§ 32.109 Loans to or guaranteed by general obligations of a State or political subdivision.

(a) A loan or extension of credit to a bank customer which is guaranteed or fully secured by a "general obligation" of any State or political subdivision thereof, within the meaning of 12 CFR 1.3(g), is not considered an obligation of the customer for purposes of 12 U.S.C. 84. The lending bank should obtain the opinion of competent counsel that the guarantee or collateral is a valid and enforceable obligation of the public body.

(b) A loan or extension of credit to a State or political subdivision thereof is not subject to any limitation based on capital or surplus if the loan or extension of credit constitutes a "general obligation" of the State or political subdivision within the meaning of 12 CFR 1.3(g). The lending bank should obtain the opinion of competent counsel that the loan or extension of credit is a valid and enforceable obligation of the borrower.

§ 32.110 Loans to industrial development authorities.

A loan or extension of credit to an industrual development authority or similar public entity created for the purpose of constructing and leasing a plant facility, including a health care facility, to an industrial occupant is not a loan or extension of credit to the authority for the purposes of 12 U.S.C. 84 if: (a) The bank relies on the credit of the industrial occupant in making the loan; (b) the authority's liability with respect to the loan is limited solely to whatever interest it has in the particular facility; (c) the authority's interest is assigned to the bank as security for the loan or a promissory note from the lessee to the bank provides a higher order of security than the assignment of a lease; and (d) the industrial occupant's lease rentals are assigned and paid directly to the bank. A loan or extension of credit meeting the above criteria will be deemed a loan or extension of credit to the lessee and will be combined with other obligations of the lessee for purposes of Section 84.

§ 32.111 Separate limitations for 12 U.S.C. 24 and 12 U.S.C. 84.

The lending limits prescribed by 12 U.S.C. 84 are separate and distinct from the investment limits prescribed by 12 U.S.C. 24. Accordingly, a national bank may make loans or extensions of credit to one borrower up to the full amount permitted by 12 U.S.C. 84 and also hold eligible investment securities of the same obligor up to the full amount

permitted by 12 U.S.C. 24. In order for a security to be an "investment security" it must be eligible for investment by a national bank in accordance with the standards set forth in 12 CFR Part 1.

Dated: April 1, 1983.

H. Joe Selby,

Acting Comptroller of the Currency.

[FR Doc. 83-9734 Filed 4-11-83; 8:45 am]

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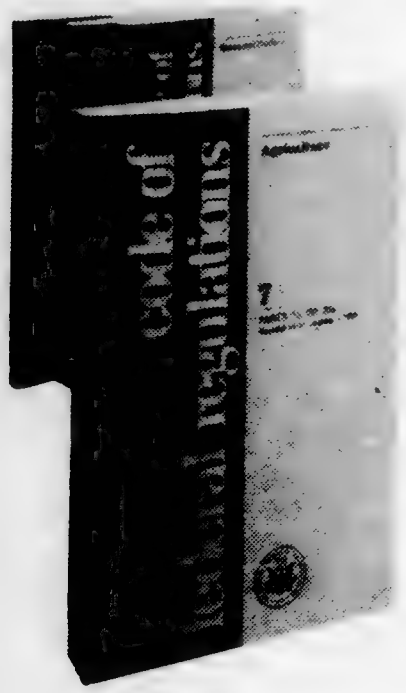

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Federal Register
Vol. 48, No. 72
Wednesday, April 13, 1983

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Title 3—

The President

Proclamation 5047 of April 11, 1983

National Arthritis Month, 1983

By the President of the United States of America

A Proclamation

Arthritis, the oldest known group of chronic diseases, is still the Nation's greatest crippler. At least 35 million Americans—about one in seven—have some form of arthritis.

The total cost of arthritis must be counted not only in terms of socioeconomic losses, but also in terms of human suffering and disability. Uncontrolled arthritis has major negative social, psychological, and economic impacts not only on the patients who suffer from arthritis, but also on their families and on our society in general.

We have learned a great deal through research, but as yet these disorders are not fully understood and are not adequately controllable. We must meet the critical need for new research ideas and productive research studies upon which advances in the area of arthritis treatment and prevention can be based. Our goal continues to be the eventual elimination of arthritis as a cause of human suffering and economic burden to our Nation.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, in accordance with Senate Joint Resolution 32, do hereby proclaim the month of May 1983 as National Arthritis Month. I urge the people of the United States and educational, philanthropic, scientific, medical and health care organizations, and professionals to support appropriate efforts to discover the causes and cures of all forms of arthritis and to alleviate the suffering of victims of these disorders.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of April, in the year of our Lord nineteen hundred eighty-three, and of the Independence of the United States of America the two hundred and seventh.

Ronald Reagan

[FR Doc. 83-9964
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DEPART

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7 CFR P

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Rules and Regulations

Federal Register
Vol. 48, No. 72
Wednesday, April 13, 1983

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 419

Barley Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Interim rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) hereby revises and reissues the Barley Crop Insurance Regulations (7 CFR Part 419) effective for the 1984 and succeeding crop years by: (1) Changing the policy to make it easier to read and understand; (2) eliminating the reduction in production guarantee for unharvested acreage; (3) eliminating the substitute crop provision; (4) adding a 60-day claim for indemnity provision; (5) clarifying the provision determining production to count when small grains are growing with other planted or volunteer crops; (6) adding a section regarding appraisals immediately following the end of the insurance period for unharvested acreage; (7) changing the cancellation and termination for indebtedness dates; (8) revising the unit definition to provide for unit determination when the acreage report is filed; (9) adding a section concerning descriptive headings; and (10) making format and language corrections for purposes of clarification.

DATES: Effective: April 13, 1983.
Comment date: Written comments, data, and opinions on this rule must be submitted not later than June 13, 1983, to be sure of consideration.

ADDRESS: Written comments on this interim rule should be sent to the Office of the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 447–3325.

The Impact Statement describing the options considered in developing this rule and the impact of implementing each option is available upon request from Peter F. Cole.

SUPPLEMENTARY INFORMATION: Information collection requirements contained in the regulations to which this rule applies (7 CFR Part 419) have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Nos. 0563–0003 and 0563–0007.

This action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1512–1 (June 11, 1981). This action constitutes a review as to the need, currency, clarity, and effectiveness of these regulations under the provisions of Secretary's Memorandum No. 1512–1 (June 11, 1981). The sunset review date established for these regulations is February 1, 1987.

Merritt W. Sprague, Manager, FCIC, has determined that (1) this action is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), (2) this action does not increase the Federal paperwork burden for individuals, small businesses, and other persons, and (3) this action conforms to the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and other applicable law.

The title and number of the Federal Assistance Program to which this rule applies are: Title—Crop Insurance; Number 10.450.

This action will not have a significant impact specifically upon area and community development; therefore, review as established in Executive Order No. 12372 (July 14, 1982) was not used to assure that units of local government are informed of this action.

It has also been determined that this action is exempt from the provisions of the Regulatory Flexibility Act; therefore, no Regulatory Flexibility Analysis was prepared.

Merritt W. Sprague, Manager, FCIC, has determined that an emergency situation exists which warrants publication of this rule without providing public comment prior to its publication because the regulations, and any amendments thereto, must be placed on file in the service office by not later than 15 days prior to the cancellation date of April 15. There would not be sufficient time to provide a comment period and comply with the regulations with respect to placing these regulations on file by April 1. Public comment is solicited for 60 days after publication of this rule. The rule will be scheduled for review so that any amendment made necessary may be published in the **Federal Register** as quickly as possible thereafter.

Any written comments made pursuant to this interim rule will be available for public inspection in the Office of the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., during regular business hours, Monday through Friday.

List of Subjects in 7 CFR Part 419

Crop insurance, Barley.

Interim Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby revises and reissues the Barley Crop Insurance Regulations (7 CFR Part 419), effective for the 1984 and succeeding crop years, to read as follows:

PART 419—BARLEY CROP INSURANCE

Subpart—Regulations for the 1984 and Succeeding Crop Years

Sec.
419.1 Availability of barley crop insurance.
419.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.
419.3 [Reserved.]
419.4 Creditors.
419.5 Good faith reliance on misrepresentation.
419.6 The contract.
419.7 The application and policy.
Appendix A—Counties designated for barley crop insurance

Authority: Secs. 506, 516, Pub. L. 75–430, 52 Stat. 72, 77 as amended (7 U.S.C. 1506, 1516).

§ 419.1 Availability of Barley Insurance.

Insurance shall be offered under the provisions of this subpart on barley in counties within limits prescribed by, and in accordance with the provisions of the Federal Crop Insurance Act, as

amended. The counties shall be designated by the Manager of the Corporation from those approved by the Board of Directors of the Corporation. Before insurance is offered in any county, there shall be published by appendix to this part the names of the counties in which barley insurance will be offered.

§ 419.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.

(a) The Manager shall establish premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed for barley which shall be shown on the county actuarial table on file in the service office and may be changed from year to year.

(b) At the time the application for insurance is made, the applicant shall elect a coverage level and price at which indemnities shall be computed from among those levels and prices shown on the actuarial table for the crop year.

§ 419.3 [Reserved]

§ 419.4 Creditors.

An interest of a person in an insured crop existing by virture of a lien, mortgage, garnishment, levy, execution, bankruptcy, or an involuntary transfer shall not entitle the holder of the interest to any benefit under the contract except as provided in the policy.

§ 419.5 Good faith reliance on misrepresentation.

Notwithstanding any other provision of the barley insurance contract, whenever (a) an insured person under a contract of crop insurance entered into under these regulations, as a result of a misrepresentation or other erroneous action or advice by an agent or employee of the Corporation, (1) is indebted to the Corporation for additional premiums, or (2) has suffered a loss to a crop which is not insured, or for which the insured person is not entitled to an indemnity because of failure to comply with the terms of the insurance contract, but which the insured person believes to be insured, or believed the terms of the insurance contract to have been complied with or waived, and (b) the Board of Directors of the Corporation, or the Manager in cases involving not more than $100,000 finds (1) that an agent or employee of the Corporation did in fact make such misrepresentation or take other erroneous action or give erroneous advice, (2) that said insured persons relied thereon in good faith and (3) that to require the payment of the additional premiums or to deny such insured's entitlement to the indemnity would not be fair and equitable, such insured person shall be granted relief the same as if otherwise entitled thereto.

§ 419.6 The contract.

(a) The insurance contract shall become effective upon the acceptance by the Corporation of a duly executed application for insurance. The contract shall cover the barley crop as provided in the policy. The contract shall consist of the application, the policy, and the provisions of the county actuarial table. Any changes made in the contract shall not affect its continuity from year to year. The forms referred to in the contract are available at the service office.

§ 419.7 The application and policy.

(a) Application for insurance on a form prescribed by the Corporation may be made by any person to cover such person's insurable share in the barley crop as landlord, owner-operator, or tenant. The application shall be submitted to the Corporation at the service office on or before the applicable closing date for the county on file in the service office.

(b) The Corporation may discontinue the acceptance of applications in any county upon its determination that the insurance risk involved is excessive, and also, for the same reason, to reject any individual application. The Manager of the Corporation is authorized in any crop year to extend the closing date for submitting applications or contract changes in any county, by placing the extending date on file in the service office in the county and publishing a notice in the **Federal Register** upon the Manager's determination that no selectivity will result during the period of such extension: *Provided, however,* That if adverse conditions should develop during such period, the Corporation will immediately discontinue the acceptance of applications.

(c) Barley contracts in effect for the 1983 crop year are amended by the substitution of the 1984 contract and are continuous unless terminated in accordance with their terms. A new application is not required by these regulations for the 1984 crop year.

(d) The application for the 1984 and succeeding crop years is found at Subpart D of Part 400—General Administrative Regulations (7 CFR 400.37, 400.38; first published at 48 FR 1023, January 10, 1983) and may be amended from time to time for subsequent crop years. The provisions of the Barley Insurance Policy for the 1984 and succeeding crop years, are as follows:

Department of Agriculture—Federal Crop Insurance Corporation

Barley

Crop Insurance Policy

(This is a continuous contract. Refer to Section 15.) AGREEMENT TO INSURE: We shall provide the insurance described in this policy in return for the permium and your compliance with all applicable provisions. Throughout this policy "you" and "your" refer to the insured shown on the accepted Application and "we," "us" and "our" refer to the Federal Crop Insurance Corporation.

Terms and Conditions

1. Causes of Loss.

a. The insurance provided is against unavoidable loss of production resulting from adverse weathe conditions, fire, insects, plant disease, wildlife, earthquake, or volcanic eruption occurring within the insurance period, unless those causes are excepted, excluded, or limited by the actuarial table or section 9b(6).

b. We shall not insure against any cause of loss of production due to:
   (1) the neglect or malfeasance of you, any member of your household, your tenants or employees;
   (2) the failure to follow recognized good barley farming practices;
   (3) damage resulting from the impoundment of water by any governmental, public or private dam or reservoir project; or
   (4) any cause not specified in section 1a as an insured loss.

2. Crop, Acreage, and Share Insured.

a. The crop insured shall be barley which is planted for harvest as grain, which is grown on insured acreage, and for which we provide a guarantee and premium rate on the actuarial table. A mixture of barley with either oats or wheat or both planted for harvest as grain may also be insured if provided for on the actuarial table. The production from such mixture shall be considered as barley on a weight basis.

b. The acreage insured for each crop year shall be that acreage planted to barley on insurable acreage as provided for on the actuarial table and in which you have a share, as reported by you or as determined by us, whichever we shall elect.

c. The insured share shall be your share as landlord, owner-operator, or tenant in the insured barley at the time of planting.

d. We do not insure any acreage:
   (1) where the farming practices carried out are not in accordance with the farming practices for which the premium rates have been established;
   (2) which is irrigated and an irrigated practice is not provided for on the actuarial table unless you elect to insure the acreage as nonirrigated by reporting it as insurable under section 3;
   (3) which is destroyed and we determine it is practical to replant to barley and such acreage was not replanted;

(4) initially planted after the final planting date contained in the actuarial table, unless you agree to coverage reduction by execution of a "Late Planting Option Agreement."
(5) of volunteer barley;
(6) planted to a type or variety of barley not established as adapted to the area or excluded on the actuarial table; or
(7) planted with another crop except as provided in section 2a.

e. Where insurance is provided for an irrigated practice:
(1) you shall report as irrigated only the acreage for which you have adequate facilities and water to carry out a good barley irrigation practice at the time of planting; and
(2) any loss of production caused by failure to carry out a good barley irrigation practice, except failure of the water supply from an unavoidable cause occurring after the beginning of planting, shall be considered as due to an uninsured cause. The failure or breakdown of irrigation equipment or facilities shall not be considered as a failure of the water supply from an unavoidable cause.

f. Acreage which is planted for the development or production of hybrid seed or for experimental purposes is not insured unless we agree in writing to insure such acreage.

g. We may limit the insured acreage to any acreage limitation established under any Act of Congress, if we advise you of the limit prior to planting.

3. Report of Acreage, Share, and Practice.

You shall report on our form:
a. all the acreage of barley in the county in which you have a share;
b. the practice, if applicable; and
c. your share at the time of planting.

You shall designate separately any acreage that is not insurable. You shall report if you do not have a share in any barley planted in the county. This report shall be submitted annually on or before the reporting date established in the actuarial table. If you do not submit this report by the reporting date, we may elect to determine by unit the insured acreage, share, and practice or we may deny liability on any unit. Any report submitted by you may be revised only upon our approval.

4. Production Guarantees, Coverage Levels, and Prices for Computing Indemnities.

a. The production guarantees, coverage levels, and prices for computing indemnities shall be contained in the actuarial table.

b. You may change the coverage level and price election on or before the closing date contained in the actuarial table for submitting applications for the crop year.

5. Annual Premium.

a. The annual premium is earned and payable at the time of planting. The amount is computed by multiplying the production guarantee times the price election, times the premium rate, times the insured acreage, times your share at the time of planting, times the applicable premium adjustment percentage shown in the following table.

PERCENTAGE ADJUSTMENTS FOR FAVORABLE CONTINUOUS INSURANCE EXPERIENCE[1]

	Numbers of years continuous experience through previous Year															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15 or more
	Percentage adjustment factor for current crop year															
Loss ratio[2] through previous crop year																
.00–.20	100	95	95	90	90	85	80	75	70	70	65	65	60	60	55	50
.21–.40	100	100	95	95	90	90	90	85	80	80	75	75	70	70	65	60
.41–.60	100	100	95	95	95	95	95	90	90	90	85	85	80	80	75	70
.61–.80	100	100	95	95	95	95	95	95	90	90	90	90	85	85	85	80
.81–1.09	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

PERCENTAGE ADJUSTMENTS FOR UNFAVORABLE INSURANCE EXPERIENCE[1]

	Numbers of loss years through previous year[3]															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	Percentage adjustment factor for current crop year															
Loss ratio[2] through previous crop year																
1.10–1.19	100	100	100	102	104	106	108	110	112	114	116	118	120	122	124	126
1.20–1.39	100	100	100	104	108	112	116	120	124	128	132	136	140	144	148	152
1.40–1.69	100	100	100	108	116	124	132	140	148	156	164	172	180	188	196	204
1.70–1.99	100	100	100	112	122	132	142	152	162	172	182	192	202	212	222	232
2.00–2.49	100	100	100	116	128	140	152	164	176	188	200	212	224	236	248	260
2.50–3.24	100	100	100	120	134	148	162	176	190	204	218	232	246	260	274	288
3.25–3.99	100	100	105	124	140	156	172	188	204	220	236	252	268	284	300	300
4.00–4.99	100	100	110	128	146	164	182	200	218	236	254	272	290	300	300	300
5.00–5.99	100	100	115	132	152	172	192	212	232	252	272	292	300	300	300	300
6.00–Up	100	100	120	136	156	180	202	224	246	268	290	300	300	300	300	300

[1] For premium adjustment purposes, only the years during which premiums were earned shall be considered.
[2] Loss Ratio means the ratio of indemnity(ies) paid to premium(s) earned.
[3] Only the most recent 15 crop years shall be used to determine the number of "Loss Years". (A crop year is determined to be a "Loss Year" when the amount of indemnity for the year exceeds the premium for the year.)

b. Interest shall accrue at the rate of one and one-half percent (1½%) simple interest per calendar month, or any part thereof, on any unpaid premium balance starting on the first day of the month following the first premium billing date.

c. Any premium adjustment applicable to the contract shall be transferred to:
(1) the contract of your estate or surviving spouse in case of your death;
(2) the contract of the person who succeeds you if such person had previously participated in the farming operation; or
(3) your contract if you stop farming in one county and start farming in another county.

d. If participation is not continuous, any premium shall be computed on the basis of previous unfavorable insurance experience

but no premium reduction under section 5a shall be applicable.

6. Deductions for Debt.

Any unpaid amount due us may be deducted from any indemnity payable to you or from any loan or payment due you under any Act of Congress or program administered by the United States Department of Agriculture or its Agencies, unless prohibited by law.

7. Insurance Period.

a. Insurance attaches when the barley is planted except that in counties with an April 15 cancellation/termination date, insurance on fall planted barley shall attach April 16 following planting provided we determine there is an adequate stand on this date to produce a normal crop.

b. Insurance ends at the earliest of:
(1) total destruction of the barley;
(2) combining, threshing or removal from the field;
(3) final adjustment of a loss; or
(4) the date shown below of the calendar year in which the barley is normally harvested:
(a) Alaska, September 10; and
(b) All other states, October 31.

8. Notice of Damage or Loss.

a. In case of damage or probable loss:
(1) You must give us written notice if:
(a) during the period before harvest, the barley on any unit is damaged and you decide not to further care for or harvest any part of it;
(b) you want to consent to put the acreage to another use; or
(c) after consent to put acreage to another use is given, additional damage occurs.
Insured acreage may not be put to another use until we have appraised the barley and given written consent. We shall not consent to another use until it is too late to replant. You must notify us when such acreage is put to another use.
(2) You must give us notice at least 15 days before the beginning of harvest if you anticipate a loss on any unit.
(3) If probable loss is later determined, immediate notice shall be given and:
(a) all residue on the unit shall be left intact for a period of 7 days from the date harvest is completed unless earlier released by us; or
(b) a representative sample of the unharvested barley at least 10 feet wide and the entire length of the field shall be left intact for a period of 15 days from the date of notice, unless we give you written consent to harvest the sample.
(4) In addition to the notices required by this section, if you are going to claim an indemnity on any unit, we must be given notice not later than 30 days after the earliest of:
(a) total destruction of the barley on the unit;
(b) harvest of the unit; or
(c) the calendar date for the end of the insurance period.

b. You must be given written consent by us before you destroy any of the barley which is not to be harvested.

c. We may reject any claim for indemnity if any of the requirements of this section or section 9 are not complied with.

9. Claim for Indemnity.

a. Any claim for indemnity on a unit shall be submitted to us on our prescribed form not later than 60 days after the earliest of:
(1) total destruction of the barley on the unit;
(2) harvest of the unit; or
(3) the calendar date for the end of the insurance period.

b. We shall not pay any indemnity unless you:
(1) establish the total production of barley on the unit and that any loss of production has been directly caused by one or more of the insured causes during the insurance period; and
(2) furnish all information we require concerning the loss.

c. The indemnity shall be determined on each unit by:
(1) multiplying the insured acreage by the production guarantee;
(2) subtracting therefrom the total production of barley to be counted under section 9d;
(3) multiplying the remainder by the price election; and
(4) multiplying this result by your share.
If the information reported by you results in a lower premium than the actual premium determined to be due the indemnity shall be reduced proportionately.

d. The total production to be counted for a unit shall include all harvested and appraised production.
(1) Mature barley production:
(a) which otherwise is not eligible for quality adjustment and which grades No. 4 or better shall be reduced .12 percent for each .1 percentage point of moisture in excess of 14.5 percent; or
(b) which, due to insurable causes, does not grade No. 4 or better, or is graded smutty, garlicky, or ergoty, in accordance with the Official United States Grain Standards, shall be adjusted by:
(i) dividing the value per bushel of such barley, as determined by us, by the price per bushel of U.S. No. 2 barley; and
(ii) multiplying the result by the number of bushels of such barley.
The applicable price for No. 2 barley shall be the local market price on the earlier of the day the loss is adjusted or the day such barley was sold.
(2) Any mature production from other crops growing in the barley shall be counted as barley on a weight basis.
(3) Appraised production to be counted shall include:
(a) unharvested production on harvested acreage and potential production lost due to uninsured causes and failure to follow recognized good barley farming practices;
(b) not less than the guarantee for any acreage which is abandoned or put to another use without our prior written consent or damaged solely by an uninsured cause;
(c) any appraised production on unharvested acreage.
(4) Any appraisal we have made on insured acreage for which we have given written consent to be put to another use shall be considered production unless such acreage:
(a) is not put to another use before harvest of barley becomes general in the county;
(b) is harvested; or
(c) is further damaged by an insured cause before the acreage is put to another use.
(5) We may determine the amount of production of any unharvested barley on the basis of field appraisals immediately after the end of the insurance period.
(6) When you have elected to exclude hail and fire as insured causes of loss and the barley is damaged by hail or fire, appraisals shall be made in accordance with the terms of Form FCI–78, "Request to Exclude Hail and Fire."
(7) The production of units commingled shall be allocated to such units in proportion to the liability on the harvested acreage of each unit.

e. You shall not abandon any insured acreage to us.

f. You cannot bring suit or action against us unless you have complied with all policy provisions. If a claim is denied, you may sue us in the United States District Court under the provisions of 7 U.S.C. 1508(c). You must bring suit within 12 months of the date notice of denial is mailed to and received by you.

g. We shall pay the loss within 30 days after we reach agreement with you or entry of a final judgment. In no event shall we be liable for interest or damages in connection with any claim for indemnity, whether we approve or disapprove such claim.

h. If you die, disappear, or are judicially declared incompetent, or if you are an entity other than an individual and such entity is dissolved after the barley is planted for any crop year, any indemnity shall be paid to the person(s) we determine to be beneficially entitled thereto.

i. If you have other fire insurance and fire damage occurs during the insurance period and you have not elected to exclude fire insurance from this policy, we shall be liable for loss due to fire only for the smaller of:
(1) the amount of indemnity determined pursuant to this contract without regard to any other insurance; or
(2) the amount determined by us by which the loss from fire exceeds the indemnity paid or payable under such other insurance. For the purposes of this section, the amount of loss from fire shall be the difference between the fair market value of the production on the unit before the fire and after the fire, as determined by us.

10. Concealment or Fraud.

We may void the contract on all crops insured without affecting your liability for premiums or waiving any right, including the right to collect any amount due us if, at any time, you have concealed or misrepresented any material fact or committed any fraud relating to the contract, and such voidance shall be effective as of the beginning of the crop year with respect to which such act or omission occurred.

11. Transfer of Right to Indemnity on Insured Share.

If you transfer any part of your share during the crop year, you may transfer your right to an indemnity. The transfer must be on our form and approved by us. We may collect the premium from either you or your transferee or both. The transferee shall have all your rights and responsibilities under the contract.

12. Assignment of Indemnity.

You may only assign to another party the right to an indemnity for the crop year on our prescribed form and with our approval. The assignee shall have the right to submit the loss notices and forms required by the contract.

13. Subrogation. (Recovery of loss from a third party).

Because you may be able to recover all or a part of your loss from someone other than us, you must do all you can to preserve any such rights. If we pay you for your loss then your right of recovery shall belong to us. If we recover more than we paid you plus our expenses, the excess shall be paid to you.

14. Records and Access to Farm.

You shall keep for two years after the time of loss, records of the harvesting, storage, shipments, sale or other disposition of all barley produced on each unit including separate records showing the same information for production from any uninsured acreage. Any persons designated by us shall have access to such records and the farm for purposes related to the contract.

15. Life of Contract: Cancellation and Termination.

a. This contract shall be in effect for the crop year specified on the application and may not be canceled for such crop year. Thereafter, the contract shall continue in force for each succeeding crop year unless canceled or terminated as provided for in this section.

b. This contract may be canceled by either you or us for any succeeding crop year by giving written notice on or before the cancellation date preceding such crop year.

c. This contract shall terminate as to any crop year if any amount due us on this or any other contract with you is not paid on or before the termination date preceding such crop year for the contract on which the amount is due. The date of payment of the amount due:

(1) if deducted from an indemnity claim shall be the date you sign such claim; or

(2) if deducted from payment under another program administered by the United States Department of Agriculture shall be the date such payment was approved.

d. Following are the cancellation and termination dates:

State and county	Cancellation and termination for indebtedness dates
Kit Carson, Lincoln, Elbert, El Paso, Pueblo, Las Animas Counties, Colorado and all Colorado counties lying south and east thereof; Kansas; New Mexico except Taos County; Oklahoma and Texas.	August 31.
Louisiana, Arkansas, Missouri, Illinois, Indiana, Ohio, Pennsylvania, New York, Massachusetts and all States lying south and east thereof.	September 30.
Arizona, California, Clark and Nye Counties, Nevada..	October 31.
All other Colorado counties; all other Nevada counties; Taos County, New Mexico and all other States.	April 15.

e. If you die or are judicially declared incompetent, or if you are an entity other than an individual and such entity is dissolved, the contract shall terminate as of the date of death, judicial declaration, or dissolution. *However,* if such event occurs after insurance attaches for any crop year, the contract shall continue in force through the crop year and terminate at the end thereof. Death of a partner in a partnership shall dissolve the partnership unless the written partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the persons shall dissolve the joint entity.

f. The contract shall terminate if no premium is earned for five consecutive years.

16. Contract Changes.

We may change any terms and provisions of the contract from year to year. If your price election at which indemnities are computed is no longer offered, the actuarial table shall provide the price election which you shall be deemed to have elected. All contract changes shall be available at your service office by the December 31 preceeding the cancellation date in those counties with an April 15 cancellation date and by May 31 proceeding the cancellation date for all other counties. Acceptance of any changes shall be conclusively presumed in the absence of any notice from you to cancel the contract.

17. Meaning of Terms.

For the purposes of barley crop insurance:

a. "Actuarial table" means the forms and related material for the crop year approved by us which are available for public inspection in your service office, and which show the production guarantees, coverage levels, premium rates, prices for computing indemnities, practices where applicable, insurable and uninsurable acreage, and related information regarding barley insurance in the county.

b. "County" means the county shown on the application and any additional lands located in a local producing area bordering on the county, as shown on the actuarial table.

c. "Crop year" means the period within which the barley is normally grown and shall be designated by the calendar year in which the barley is normally harvested.

d. "Harvest" means the severance of mature barley from the land by combining or for threshing.

e. "Insurable acreage" means the land we classify as insurable and show as insurable on the actuarial table.

f. "Insured" means the person who submitted the application accepted by us.

g. "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

h. "Service office" means the office servicing your contract as shown on the application for insurance or such other approved office as may be selected by you or designated by us.

i. "Tenant" means a person who rents land from another person for a share of the barley or a share of the proceeds therefrom.

j. "Unit" means all insurable acreage of barley in the county on the date of planting for the crop year:

(1) in which you have a 100 percent share; or

(2) which is owned by one entity and operated by another entity on a share basis.

Land rented for cash, a fixed commodity payment, or any consideration other than a share in the barley on such land shall be considered as owned by the lessee. Land which would otherwise be one unit may be divided according to applicable guidelines on file in your service office or by written agreement between us and you. We shall determine units as herein defined when the acreage is reported. Errors in reporting such units may be corrected by us to conform to applicable guidelines when adjusting a loss and we may consider any acreage and share of and reported by or for your spouse or child or any member of your household to be your bona fide share or the bona fide share of any other person having an interest therein.

18. Descriptive Headings.

The descriptive headings of the various policy terms and conditions are formulated for convenience only and are not intended to affect the construction or meaning of any of the provisions of the contract.

Appendix A—Counties Designated for Barley Crop Insurance—7 CFR Part 419

In accordance with the provisions of 7 CFR 419.1, the following counties are designated for barley crop insurance:

Alabama

All counties

Alaska

All counties

Arizona

Cochise
Graham
Maricopa
Mohave
Navajo
Pima
Pinal
Yuma

Arkansas

All counties

California

Alameda
Amador
Butte
Colusa
Contra Costa
Fresno
Glenn
Imperial
Kern
Kings
Lake
Lassen

Los Angeles
Madera
Mendocino
Merced
Modoc
Monterey
Orange
Plumas
Riverside
Sacramento
San Benito
San Bernardino
San Diego
San Joaquin
San Luis Obispo
San Mateo
Santa Barbara
Santa Clara
Shasta
Siskiyou
Solano
Sonoma
Stanislaus
Sutter
Tehama
Tulare
Ventura
Yolo
Yuba

Colorado

Adams
Alamosa
Arapahoe
Archuleta
Baca
Bent
Boulder
Cheyenne
Conejos
Costilla
Crowley
Custer
Delta
Dolores
Douglas
Eagle
Elbert
El Paso
Fremont
Garfield
Huerfano
Jefferson
Kiowa
Kit Carson
La Plata
Larimer
Las Animas
Lincoln
Logan
Mesa
Moffatt
Montezuma
Montrose
Morgan
Otero
Ouray
Phillips
Pitkin
Prowers
Pueblo
Rio Blanco
Rio Grande
Routt
Saguache
San Miguel
Sedgwick
Washington
Weld
Yuma

Connecticut

Litchfield

Delaware

All counties

Georgia

Baker
Banks
Bibb
Brooks
Burke
Carroll
Cherokee
Coffee
Coweta
Crawford
Crisp
Dooly
Elbert
Emanuel
Forsyth
Franklin
Fulton
Glascock
Gordon
Gwinnett
Habersham
Hall
Haralson
Hart
Heard
Henry
Houston
Jackson
Jefferson
Jenkins
Johnson
Lamar
Lee
Lincoln
McDuffie
Macon
Madison
Marion
Meriwether
Mitchell
Morgan
Murray
Newton
Oglethorpe
Peach
Pike
Pulaski
Rabun
Richmond
Schley
Spalding
Sumter
Taylor
Upson
Walker
Walton
Warren
Washington
Webster
Wheeler
White
Wilcox
Wilkes
Wilkinson

Idaho

All counties except
Shoshone

Illinois

All counties

Indiana

All counties

Iowa

All counties

Kansas

All counties

Kentucky

All counties except:
Bell
Elliott
Harlan
Lawrence
Leslie
Letcher
Martin
Perry
Pike

Louisiana

All parishes

Maine

Aroostook
Penobscot

Maryland

All counties

Massachusetts

Berkshire
Franklin

Michigan

All counties

Minnesota

All counties

Mississippi

All counties

Missouri

All counties

Montana

All counties

Nebraska

Antelope
Banner
Boone
Box Butte
Boyd
Brown
Buffalo
Burt
Butler
Cass
Cedar
Chase
Cherry
Cheyenne
Clay
Colfax
Cuming
Custer
Dakota
Dawes
Dawson
Deuel
Dixon
Dodge
Douglas
Dundy
Franklin
Frontier
Gage
Garden
Garfield
Greeley
Harlan
Hayes
Hitchcock
Holt
Howard
Jefferson
Johnson
Keith
Keyapaha
Kimball
Knox
Lancaster
Lincoln
Logan
Madison
Merrick
Morrill
Nance
Nuckolls
Pawnee
Perkins
Pierce
Platte
Redwillow
Richardson
Rock
Saline
Sarpy
Saunders
Scotts Bluff
Seward
Sheridan
Sherman
Sioux
Stanton
Thurston
Valley
Washington
Wayne
Webster
York

Nevada

All counties

New Jersey

All counties except:
Bergen
Essex
Hudson
Passaic
Union

New Mexico

All counties except:
Grant
Harding
Lincoln
McKinley
Sandoval
Santa Fe

New York

Allegany
Broome
Cattaraugus
Cayuga
Chautauqua
Chemung
Columbia
Cortland
Delaware
Dutchess
Erie
Essex
Franklin
Genesee
Herkimer
Jefferson
Lewis
Livingston
Madison
Monroe
Montgomery
Niagara
Oneida
Onondaga
Ontario
Orleans
Oswego
Otsego
St. Lawrence
Saratoga
Schenectady
Schoharie
Schuyler
Seneca
Steuben
Suffolk
Sullivan
Tioga
Tompkins
Washington
Wayne
Wyoming
Yates

North Carolina

All counties except:
Ashe
Avery
Cherokee
Clay
Dare
Graham
Haywood
Jackson
Macon
Mitchell
Swain
Transylvania
Watauga
Yancey

North Dakota

All counties

Ohio

All counties

Oklahoma

Alfalfa
Atoka
Beaver
Beckham
Blaine
Caddo
Canadian
Cimarron
Cleveland
Coal
Comanche
Cotton
Custer
Delaware
Dewey
Ellis
Garfield
Garvin
Grady
Greer
Harmon
Harper
Jackson
Kay

Kingfisher
Kiowa
Lincoln
Logan
McClain
McCurtain
Major
Marshall
Murray
Muskogee
Noble
Nowata
Okfuskee
Oklahoma
Osage
Pawnee
Payne
Pittsburg
Pottawatomie
Roger Mills
Rogers
Stephens
Texas
Tillman
Wagoner
Washington
Washita
Woods
Woodward

Oregon

All counties except:
Clatsop
Coos
Curry
Hood River
Lincoln
Tillamook

Pennsylvania

All counties except:
Forest
Lackawanna
Philadelphia
Pike
Wayne

South Carolina

All counties except:
Barnwell
Beaufort
Charleston
Fairfield
Georgetown
Hampton
Horry
Jasper
McCormick
Marion
Williamsburg

South Dakota

All counties except:
Armstrong
Washabaugh
Washington

Tennessee

All counties

Texas

Archer
Armstrong
Atascosa
Bailey
Bandera
Baylor
Bell
Bexar
Blanco
Borden
Bosque
Briscoe
Brown
Burnet
Callahan
Carson
Castro
Clay
Coke
Coleman
Collin
Collingsworth
Comal
Comanche
Concho
Cooke
Coryell
Cottle
Crosby
Culberson
Dallam
Dallas
Deaf Smith
Denton
Dickens
Donley
Eastland
Ector
Ellis
El Paso
Erath
Falls
Fannin
Fisher
Floyd
Frio
Gillespie
Glasscock
Gray
Grimes
Guadalupe
Hale
Hamilton
Hansford
Hardeman
Hartley
Haskell
Hill
Hood
Howard
Hudspeth
Hutchinson
Irion
Jack
Johnson
Jones
Kaufman
Kendall
Kerr
Kimble
Knox
Lamar
Lamb
Lampasas
La Salle
Lee
Lipscomb
Lubbock
Lynn
McCulloch
Mason
Medina
Menard
Milam
Mills
Mitchell
Montahue
Moore
Morris
Nolan
Ochiltree
Oldham
Palo Pinto
Parker
Parmer
Pecos
Potter
Randall
Reeves
Runnels
San Saba
Schleicher
Scurry
Shackelford
Shelby
Sherman
Stephens
Sterling
Stonewall
Sutton
Swisher
Taylor
Terry
Throckmorton
Tom Green
Uvalde
Ward
Wheeler
Wichita
Wilbarger
Wise
Yoakum
Young

Utah

All counties except
Daggett

Vermont

All counties

Virginia

All counties except
Arlington

Washington

All counties except
Jefferson

West Virginia

Barbour
Berkeley
Brooke
Cabell
Fayette
Grant
Greenbrier
Hampshire
Hancock
Hardy
Harrison
Jackson
Jefferson
Marshall
Mason
Mineral
Monroe
Morgan
Nicholas
Ohio
Pendleton
Pleasants
Pocahontas
Preston
Putnam
Randolph
Ritchie
Summers
Tucker
Wood

Wisconsin

All counties

Wyoming

All counties except
Sublette and Teton.

Done in Washington, D.C., on February 23, 1983.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Dated: April 5, 1983.

Approved by:

Merritt W. Sprague,

Manager.

[FR Doc. 83-9706 Filed 4-12-83; 8:45 am]

BILLING CODE 3410-08-M

7 CFR Part 427

Oat Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) hereby revises and reissues the Oat Crop Insurance Regulations (7 CFR Part 427) effective for the 1984 and succeeding crop years by: (1) Changing the policy to make it easier to read and understand; (2) eliminating the reduction in production guarantee for unharvested acreage; (3) eliminating the substitute crop provision; (4) adding a 60-day claim for indemnity provision; (5) clarifying the provision determining production to count when small grains are growing with other planted or volunteer crops; (6) adding a section regarding appraisals immediately following the end of the insurance period for unharvested acreage; (7) changing the cancellation and termination for indebtness dates; (8) revising the unit definition to provide for unit determination when the acreage report is filed; (9) adding a section concerning descriptive headings; and (10) making format and language corrections for purposes of clarification.

DATE: Effective April 13, 1983. Written comments, data, and opinions on this rule, must be submitted not later than June 13, 1983, to be sure of consideration.

ADDRESS: Written comments on this interim rule should be sent to the Office of the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 447–3325.

The Impact Statement describing the options considered in developing this rule and the impact of implementing each option is available upon request from Peter F. Cole.

SUPPLEMENTARY INFORMATION: Information collection requirements contained in the regulations to which this rule applies (7 CFR Part 427) have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Nos. 0563–0003 and 0563–0007.

This action has been reviewed under USDA procedures established in

Secretary's Memorandum No. 1512–1 (June 11, 1981).

Merritt W. Sprague, Manager, FCIC, has determined that: That action also constitutes a review as to the need, currency, clarity, and effectiveness of these regulations under the provisions of Secretary's Memorandum No. 1512–1. The sunset review date established for these regulations is February 1, 1987: (1) This action is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), (2) this action does not increase the Federal paperwork burden for individuals, small businesses, and other persons, and (3) this action conforms to the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and other applicable law.

The title and number of the Federal Assistance Program to which this rule applies are: Title—Crop Insurance; Number 10.450.

This action will not have a significant impact specifically upon area and community development; therefore, review as established in Executive Order No. 12372 (July 14, 1982) was not used to assure that units of local government are informed of this action.

It has also been determined that this action is exempt from the provisions of the Regulatory Flexibility Act; therefore, no Regulatory Flexibility Analysis was prepared.

Merritt W. Sprague, Manager, FCIC, has determined that an emergency situation exists which warrants publication of this rule without providing a period public comment prior to its publication because the regulations, and any amendments thereto, must be placed on file in the service office not later than 15 days prior to the cancellation date of April 15 in order to be effective for the crop year. There would not be sufficient time to permit a public comment period and comply with the regulations with respect to placing these regulations on file by April 1. Public comment is solicited for 60 days after publication of this rule in the **Federal Register**. The rule will be scheduled for review so that any amendment made necessary by public comment may be published in the **Federal Register** as quickly as possible thereafter.

Any written comments made pursuant to this interim rule will be available for public inspection in the Office of the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., during regular business hours, Monday through Friday.

List of Subjects in 7 CFR Part 427

Crop insurance, Oats.

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1601 *et seq.*), the Federal Crop Insurance Corporation hereby revises and reissues the Oat Crop Insurance Regulations (7 CFR Part 427), effective for the 1984 and succeeding crop years, to read as follows:

PART 427—OAT CROP INSURANCE

Subpart—Regulations for the 1984 and Succeeding Crop Years

Sec.

427.1 Availability of oat crop insurance.
427.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.
427.3 [Reserved].
427.4 Creditors.
427.5 Good faith reliance on misrepresentation.
427.6 The contract.
427.7 The application and policy.
Appendix A, Counties designated for oat crop insurance.

Authority: Secs. 506, 516, Pub. L. 75–430, 52 Stat. 72, 77 as amended (7 U.S.C. 1506, 1516).

Subpart—Regulations for the 1984 and Succeeding Crop Years

§ 427.1 Availability of oat crop insurance.

Insurance shall be offered under the provisions of this subpart on oats in counties within limits prescribed by, and in accordance with the provisions of the Federal Crop Insurance Act, as amended. The counties shall be designated by the Manager of the Corporation from those approved by the Board of Directors of the Corporation. Before insurance is offered in any county, there shall be published by appendix to this part the names of the counties in which oat insurance will be offered.

§ 427.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.

(a) The Manager shall establish premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed for oats which shall be shown on the county actuarial table on file in the service office and may be changed from year to year.

(b) At the time the application for insurance is made, the applicant shall elect a coverage level and price at which indemnities shall be computed from among those levels and prices shown on the actuarial table for the crop year.

§ 427.3 [Reserved]

§ 427.4 Creditors.

An interest of a person in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, or an involuntary transfer shall not entitle the holder of the interest to any benefit under the contract except as provided in the policy.

§ 427.5 Good faith reliance on misrepresentation.

Notwithstanding any other provision of the oat insurance contract, whenever (a) an insured person under a contract of crop insurance entered into under these regulations, as a result of a misrepresentation or other erroneous action or advice by an agent or employee of the Corporation, (1) is indebted to the Corporation for additional premiums, or (2) has suffered a loss to a crop which is not insured, or for which the insured person is not entitled to an indemnity because of failure to comply with the terms of the insurance contract, but which the insured person believes to be insured, or believed the terms of the insurance contract to have been complied with or waived, and (b) the Board of Directors of the Corporation, or the Manager in cases involving not more than $100,000 finds (1) that an agent or employee of the Corporation did in fact make such misrepresentation or take other erroneous action or give erroneous advice, (2) that said insured persons relied thereon in good faith and (3) that to require the payment of the additional premiums or to deny such insured's entitlement to the indemnity would not be fair and equitable, such insured person shall be granted relief the same as if otherwise entitled thereto.

§ 427.6 The contract.

(a) The insurance contract shall become effective upon the acceptance by the Corporation of a duly executed application for insurance. The contract shall cover the wheat crop as provided in the policy. The contract shall consist of the application, the policy, and the provisions of the county actuarial table. Any changes made in the contract shall not affect its continuity from year to year. The forms referred to in the contract are available at the service office.

§ 427.7 The application and policy.

(a) Application for insurance on a form prescribed by the Corporation may be made by any person to cover such person's insurable share in the oat crop as landlord, owner-operator or tenant. The application shall be submitted to

the Corporation at the service office, on or before the applicable closing date for the county on file in the service office.

(b) The Corporation may discontinue the acceptance of applications in any county upon its determination that the insurance risk involved is excessive, and also, for the same reason, to reject any individual application. The Manager of the Corporation is authorized in any crop year to extend the closing date for submitting applications or contract changes in any county, by placing the extended date on file in the service office in the county and publishing a notice in the Federal Register upon the Manager's determination that no selectivity will result during the period of such extension: *Provided, however,* That if adverse conditions should develop during such period, the Corporation will immediately discontinue the acceptance of applications.

(c) Oats contracts in effect for the 1983 crop year are amended by the substitution of the 1984 contract and are continuous unless terminated in accordance with their terms. A new application is not required by these regulations for the 1984 crop year.

(d) The application for the 1984 and succeeding crop years is found at Subpart D of Part 400—General Administrative Regulations (7 CFR 400.37, § 400.38; first published at 48 FR 1023, January 10, 1983) and may be amended from time to time for subsequent crop years. The provisions of the Oat Insurance Policy for the 1984 and succeeding crop years, are as follows:

Department of Agriculture—Federal Corp Insurance Corporation

Oat—Crop Insurance Policy

[This is a continuous contract. Refer to Section 15]

Agreement to insure: We shall provide the insurance described in this policy in return for the premium and your compliance with all applicable provisions.

Throughout this policy "you" and "your" refer to the insured shown on the accepted Application and "we," "us" and "our" refer to the Federal Crop Insurance Corporation.

Terms and Conditions

1. Causes of Loss

a. The insurance provided is against unavoidable loss of production resulting from adverse weather conditions, fire, insects, plant disease, wildlife, earthquake, or volcanic eruption occurring within the insurance period, unless those causes are excepted, excluded, or limited by the actuarial table or section 9d(6).

b. We shall not insure against any cause of loss of production due to:

(1) The neglect or malfeasance of you, any member of your household, your tenants or employees;

(2) The failure to follow recognized good oat farming practices;

(3) Damage resulting from the impoundment of water by any governmental, public or private dam or reservoir project; or

(4) Any cause not specified in section 1a as an insured loss.

2. Crop, Acreage, and Share Insured

a. The crop insured shall be either oats or grain mixtures (in which oats are the predominant grain) which are planted for harvest as either grain, silage or hay and which are grown on insured acreage and for which we provide a guarantee and premium rate on the actuarial table.

b. The acreage insured for each crop year shall be that acreage planted to oats on insurable acreage as provided for on the actuarial table and in which you have a share, as reported by you or as determined by us, whichever we shall elect.

c. The insured share shall be your share as landlord, owner-operator, or tenant in the insured oats at the time of planting.

d. We do not insure any acreage:

(1) Planted with flax or vetch;

(2) Where the farming practices carried out are not in accordance with the farming practices for which the premium rates have been established;

(3) Which is irrigated and an irrigated practice is not provided for on the actuarial table unless you elect to insure the acreage as nonirrigated by reporting it as insurable under section 3;

(4) Which is destroyed and we determine it is practical to replant to oats and such acreage was not replanted;

(5) Initially planted after the final planting date contained in the actuarial table, unless you execute an option form agreeing to coverage reduction;

(6) Of volunteer oats; or

(7) Planted to a type or variety of oats not established as adapted to the area or excluded on the actuarial table.

e. Where insurance is provided for an irrigated practice:

(1) You shall report as irrigated only the acreage for which you have adequate facilities and water to carry out a good oat irrigation practice at the time of planting; and

(2) Any loss of production caused by failure to carry out a good oat irrigation practice, except failure of the water supply from an unavoidable cause occurring after the beginning of planting, shall be considered as due to an uninsured cause. The failure or breakdown of irrigation equipment or facilities shall not be considered as a failure of the water supply from an unavoidable cause.

f. Acreage which is planted for the development or production of hybrid seed or for experimental purposes is not insured unless we agree in writing to insure such acreage.

g. We may limit the insured acreage to any acreage limitation established under any Act of Congress, if we advise you of the limit prior to planting.

3. Report of Acreage, Share, and Practice

You shall report on our form:

a. All the acreage of oats in the county in which you have a share;

b. The practice where applicable; and

c. Your share at the time of planting.

You shall designate separately any acreage that is not insurable. You shall report if you do not have a share in any oats planted in the county. This report shall be submitted annually on or before the reporting date established in the actuarial table. If you do not submit this report by the reporting date, we may elect to determine by unit the insured acreage, share, and practice or we may deny liability on any unit. Any report submitted by you may be revised only upon our approval.

4. Production Guarantees, Coverage Levels, and Prices for Computing Indemnities

a. The production guarantees, coverage levels, and prices for computing indemnities shall be contained in the actuarial table.

b. You may change the coverage level and price election on or before the closing date contained in the actuarial table, for submitting applications for the crop year.

5. Annual Premium

a. The annual premium is earned and payable at the time of planting. The amount is computed by multiplying the production guarantee times the price election, times the premium rate, times the insured acreage, times your share at the time of planting, times the applicable premium adjustment percentage shown in the following table.

PERCENTAGE ADJUSTMENTS FOR FAVORABLE CONTINUOUS INSURANCE EXPERIENCE[1]

	Number of years continuous experience through previous year															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15 or more
	Percentage adjustment factor for current crop year															
Loss ratio[2] through previous crop year																
00-20	100	95	95	90	90	85	80	75	70	70	65	65	60	60	55	50
21-40	100	100	95	95	90	90	90	85	80	80	75	75	70	70	65	60

PERCENTAGE ADJUSTMENTS FOR FAVORABLE CONTINUOUS INSURANCE EXPERIENCE [1]—Continued

	Number of years continuous experience through previous year															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15 or more
.41-.60	100	100	95	95	95	95	95	90	90	90	85	85	80	80	75	70
.61-.80	100	100	95	95	95	95	95	95	90	90	90	90	85	85	85	80
.81-1.00	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

PERCENTAGE ADJUSTMENTS FOR UNFAVORABLE INSURANCE EXPERIENCE [1]

	Number of loss years through previous year [3] year															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	Percentage adjustment factor for current crop year															
Loss ratio [2] through previous crop year																
1.10-1.19	100	100	100	102	104	106	108	110	112	114	116	118	120	122	124	126
1.20-1.39	100	100	100	104	108	112	116	120	124	128	132	136	140	144	148	152
1.40-1.69	100	100	100	108	116	124	132	140	148	156	164	172	180	188	196	204
1.70-1.99	100	100	100	112	122	132	142	152	162	172	182	192	202	212	222	232
2.00-2.49	100	100	100	116	128	140	152	164	176	188	200	212	224	236	248	260
2.50-3.24	100	100	100	120	134	148	162	176	190	204	218	232	246	260	274	288
3.25-3.99	100	100	105	124	140	156	172	188	204	220	236	252	268	284	300	300
4.00-4.99	100	100	110	128	146	164	182	200	218	236	254	272	290	300	300	300
5.00-5.99	100	100	115	132	152	172	192	212	232	252	272	292	300	300	300	300
6.00-Up	100	100	120	136	158	180	202	224	246	268	290	300	300	300	300	300

[1] For premium adjustment purposes, only the years during which premiums were earned shall be considered.
[2] Loss Ratio means the ratio of indemnity(ies) paid to premium(s) earned.
[3] Only the most recent 15 crop years shall be used to determine the number of "Loss Years". (A crop year is determined to be a "Loss Year" when the amount of indemnity for the year exceeds the premium for the year.)

b. Interest shall accrue at the rate of one and one-half percent (1½%) simple interest per calendar month, or any part thereof, on any unpaid premium balance starting on the first day of the month following the first premium billing date.

c. Any premium adjustment applicable to the contract shall be tranferred to:

(1) The contract of your estate or surviving spouse in case of your death;

(2) The contract of the person who succeeds you if such person had previously participated in the farming operation; or

(3) Your contract if you stop farming in one county and start farming in another county.

d. If participation is not continous, any premium shall be computed on the basis of previous unfavorable insurance experience but no premium reduction under section 5a shall be applicable.

6. Deductions for Debt

Any unpaid amount due us may be deducted from any indemnity payable to you or from any loan or payment due you under any Act of Congress or program administered by the United States Department of Agriculture or its Agencies, unless prohibited by law.

7. Insurance Period

a. Insurance attaches when the oats are planted except that in counties with an April 15 cancellation/termination date, insurance on fall planted oats shall attach April 16 following planting provided we determine there is an adequate stand on this date to produce a normal crop.

b. Insurance ends at the earliest of:

(1) Total destruction of the oats;

(2) Combining, threshing, harvesting for silage or hay, or removal from the field;

(3) Final adjustment of a loss; or

(4) October 31 of the calendar year in which oats are normally harvested.

8. Notice of Damage or Loss

a. In case of damage or probable loss:

(1) you must give us written notice if:

(a) During the period before harvest, the oats on any unit are damaged and you decide not to further care for or harvest any part of them;

(b) You want our consent to put the acreage to another use;

(c) You want to harvest the oats for silage or hay. After such notice is given, we shall appraise the potential grain production. *However*, if we are unable to do so before harvest, you may harvest the crop provided representative samples as we direct are left for appraisal purposes; or

(d) After consent to put acreage to another use is given, additional damage occurs.

Insured acreage may not be put to another use until we have appraised the oats and given written consent. We shall not consent to another use until it is too late to replant. You must notify us when such acreage is put to another use.

(2) You must give us notice at least 15 days before the beginning of harvest if you anticipate a loss on any unit.

(3) If probable loss is later determined, immediate notice shall be given and:

(a) All residue on the unit shall be left intact for a period of 7 days from the date harvest is completed unless earlier released; or by us

(b) A representative sample of the unharvested oats at least 10 feet wide and the entire length of the field shall be left intact for a period of 15 days from the date of notice, unless we give you written consent to harvest the sample.

(4) In addition to the notices required by this section, if you are going to claim an indemnity on any unit, we must be given notice not later than 30 days after the earliest of:

(a) Total destruction of the oats on the unit;

(b) Harvest of the unit; or

(c) The calendar date for the end of the insurance period.

b. You must be given written consent by us before you destroy any of the oats which are not to be harvested.

c. We may reject any claim for indemnity if any of the requirements of this section or section 9 are not complied with.

9. Claim for Indemnity

a. Any claim for indemnity on a unit shall be submitted to us on our prescribed form not later than 60 days after the earliest of:

(1) Total destruction of the oats on the unit;

(2) Harvest of the unit; or

(3) The calendar date for the end of the insurance period.

b. We shall not pay any indemnity unless you:

(1) Establish the total production of oats on the unit and that any loss of production has been directly caused by one or more of the insured causes during the insurance period; and

(2) Furnish all information we require concerning the loss.

c. The indemnity shall be determined on each unit by:

(1) Multiplying the insured acreage by the production guarantee;

(2) Subtracting therefrom the total production of oats to be counted under section 9d;

(3) Multiplying the remainder by the price election; and

(4) Multiplying this result by your share.

If the information reported by you results in a lower premium than the actual premium

determined to be due the indemnity shall be reduced proportionately.

d. The total production to be counted for a unit shall include all harvested and appraised production.

(1) Mature oat production:

(a) Which otherwise is not eligible for quality adjustment and which grades No. 4 or better shall be reduced .12 percent for each .1 percentage point of moisture in excess of 14.0 percent; or

(b) Which, due to insurable causes, does not grade No. 4 or better, or is graded smutty, garlicky, or ergoty, in accordance with the Official United States Grain Standards, shall be adjusted by:

(i) Dividing the value per bushel of such oats, as determined by us, by the price per bushel of U.S. No. 2 oats; and

(ii) Multiplying the result by the number of bushels of such oats.

The applicable price for No. 2 oats shall be the local market price on the earlier of the day the loss is adjusted or the day such oats were sold.

(2) Any mature production from other crops growing in the oats shall be counted as oats on a weight basis.

(3) Appraised production to be counted shall include:

(a) Unharvested production on harvested acreage and potential production lost due to uninsured causes and failure to follow recognized good oat farming practices;

(b) Not less than the guarantee for any acreage which is abandoned or put to another use without our prior written consent or damaged solely by an uninsured cause;

(c) Any appraised production on unharvested acreage.

(4) Any appraisal we have made on insured acreage for which we have given written consent to be put to another use shall be considered production unless such acreage:

(a) Is not put to another use before harvest of oats becomes general in the county;

(b) Is harvested; or

(c) Is further damaged by an insured cause before the acreage is put to another use.

(5) We may determine the amount of production of any unharvested oats on the basis of field appraisals immediately after the end of the insurance period.

(6) When you have elected to exclude hail and fire as insured causes of loss and the oats are damaged by hail or fire, appraisals shall be made in accordance with the terms of Form FCI–78, "Request to exclude Hail and Fire."

(7) The production of units commingled shall be allocated to such units in proportion to the liability on the harvested acreage of each unit.

e. You shall not abandon any insured oat acreage to us.

f. You cannot bring suit or action against us unless you have complied with all policy provisions. If a claim is denied, you may sue us in the United States District Court under the provisions of 7 U.S.C. 1508(c). You must bring suit within 12 months of the date notice of denial is mailed to and received by you.

g. We shall pay the loss within 30 days after we reach agreement with you, or entry of a final judgment. In no event shall we be liable for interest or damages in connection with any claim for indemnity, whether we approve or disapprove such claim.

h. If you die, disappear, or are judicially declared incompetent, or if you are an entity other than an individual and such entity is dissolved after the oats are planted for any crop year, any indemnity shall be paid to the person(s) we determine to be beneficially entitled thereto.

i. If you have other fire insurance and fire damage occurs during the insurance period and you have not elected to exclude fire insurance from this policy, we shall be liable for loss due to fire only for the smaller of:

(1) The amount of indemnity determined pursuant to this contract without regard to any other insurance: or

(2) The amount determined by us by which the loss from fire exceeds the indemnity paid or payable under such other insurance. For the purposes of this section, the amount of loss from fire shall be the difference between the fair market value of the production on the unit before the fire and after the fire, as determined by us.

10. Concealment or Fraud

We may void the contract on all crops insured without affecting your liability for premiums or waiving any right, including the right to collect any amount due us if, at any time, you have concealed or misrepresented any material fact or committed any fraud relating to the contract, and such voidance shall be effective as of the beginning of the crop year with respect to which such act or omission occurred.

11. Transfer of Right To Indemnity on Insured Share

If you transfer any part of your share during the crop year, you may transfer your right to an indemnity. The transfer must be on our form and approved by us. We may collect the premium from either you or your transferee or both. The transferee shall have all rights and responsibilities under the contract.

12. Assignment of Indemnity

You may only assign to another party the right to an indemnity for the crop year on our prescribed form and with our approval. The assignee shall have the right to submit the loss notices and forms required by the contract.

13. Subrogation (Recovery of loss from a third party)

Because you may be able to recover all or a part of your loss from someone other than us, you must do all you can to preserve any such rights. If we pay you for your loss then your right of recovery shall belong to us. If we recover more than we paid you plus our expenses, the excess shall be paid to you.

14. Records and Access to Farm

You shall keep for two years after the time of loss, records of the harvesting, storage, shipments, sale or other disposition of all oats produced on each unit including separate records showing the same information for production from any uninsured acreage. Any persons designated by us shall have access to such records and the farm for purposes related to the contract.

15. Life of Contract: Cancellation and Termination

a. This contract shall be in effect for the crop year specified on the application and may not be canceled for such crop year. Thereafter, the contract shall continue in force for each succeeding crop year unless canceled or terminated as provide for in this section.

b. This contract may be canceled by either you or us for any succeeding crop year by giving written notice on or before the cancellation date preceding such crop year.

c. This contract shall terminate as to any crop year if any amount due us on this or any other contract with you is not paid on or before the termination date preceding such crop year for the contract on which the amount is due. The date of payment of the amount due:

(1) If deducted from an indemnity claim shall be the date you sign such claim; or

(2) If deducted from payment under another program administered by the United States Department of Agriculture shall be the date such payment was approved.

d. The cancellation and termination dates are:

State and county	Cancellation and termination for indebtedness date
New Mexico except Taos County, Oklahoma, and Texas.	August 31
Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee.	September 30
Arizona; California except Del Norte, Humboldt, Lassen, Modoc, Plumas, Shasta, Siskiyou and Trinity Counties.	October 31
Del Norte, Humboldt, Lassen, Modoc, Plumas, Shasta, Siskiyou and Trinity Counties, California; Taos County, New Mexico and all other states.	April 15

e. If you die or are judicially declared incompetent, or if you are an entity other than an individual and such entity is dissolved, the contract shall terminate as of the date of death, judicial declaration, or dissolution. *However,* if such event occurs after insurance attaches for any crop year, the contract shall continue in force through the crop year and terminate at the end thereof. Death of a partner in a partnership shall dissolve the partnership unless the written partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the persons shall dissolve the joint entity.

f. The contract shall terminate if no premium is earned for five consecutive years.

16. Contract Changes

We may change any terms and provisions of the contract from year to year. If your price election at which indemnities are computed is no longer offered, the actuarial table shall provide the price election which you shall be deemed to have elected. All contract changes shall be available at your service office by December 31 preceding the cancellation date in those counties with an April 15 cancellation date and by the May 31

preceding the cancellation date for all other counties. Acceptance of any changes shall be conclusively presumed in the absence of any notice from you to cancel the contract.

17. Meaning of Terms

For the purposes of oat crop insurance:

a. "Actuarial table" means the forms and related material for the crop year approved by us which are available for public inspection in your service office, and which show the production guarantees, coverage levels, premium rates, prices for computing indemnities, practices where applicable, insurable and uninsurable acreage, and related information regarding oat insurance in the county.

b. "County" means the county shown on the application and any additional land located in a local producing area bordering on the county, as shown on the actuarial table.

c. "Crop year" means the period within which the oats are normally grown and shall be designated by the calendar year in which the oats are normally harvested.

d. "Harvest" means the severance of mature oats from the land by combining or for threshing, hay or silage.

e. "Insurable acreage" means the land we classify as insurable and show as insurable on the actuarial table.

f. "Insured" means the person who submitted the application accepted by us.

g. "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

h. "Service office" means the office servicing your contract as shown on the application for insurance or such other approved office as may be selected by you or designated by us.

i. "Tenant" means a person who rents land from another person for a share of the oats or a share of the proceeds therefrom.

j. "Unit" means all insurable acreage of oats in the county on the date of planting for the crop year:

(1) In which you have a 100 percent share; or

(2) Which is owned by one entity and operated by another entity on a share basis.

Land rented for cash, a fixed commodity payment, or any consideration other than a share in the oats on such land shall be considered as owned by the lessee. Land which would otherwise be one unit may be divided according to applicable guidelines on file in your service office or by written agreement between us and you. We shall determine units as herein defined when the acreage is reported. Errors in reporting such units may be corrected by us to conform to applicable guidelines when adjusting a loss and we may consider any acreage and share of and reported by or for your spouse or child or any member of your household to be the your bona fide share or the bona fide share of any other person having an interest therein.

18. Descriptive Headings

The descriptive headings of the various policy terms and conditions are formulated for convenience only and are not intended to affect the construction or meaning of any of the provisions of the contract.

Appendix A

Counties Designated for Oat Crop Insurance—7 CFR Part 427

In accordance with the provisions of 7 CFR 427.1, the following counties are designated for oat crop insurance:

Alabama

Baldwin

Arkansas

Arkansas

California

Modoc
Siskiyou

Colorado

Alamosa

Idaho

Kootenai

Illinois

Boone
Bureau
Carroll
De Kalb
Henry
Jo Daviess
Kane
Knox
LaSalle
Lee
McHenry
Mercer
Ogle
Stephenson
Warren
Whiteside
Will
Winnebago

Iowa

(All counties)

Kansas

Dickinson
Marion

Michigan

Allegan
Alpena
Barry
Calhoun
Clinton
Eaton
Genesee
Huron
Ionia
Isabella
Jackson
Kent
Lapeer
Lenawee
St. Clair
Sanilac
Shiawassee
Tuscola
Washtenaw

Minnesota

All counties except:

Aitkin
Carlton
Cook
Itasca
Koochiching
Lake
Ramsey
St. Louis

Montana

Hill
Judith Basin
Phillips
Richland
Roosevelt
Valley

Nebraska

Antelope
Boone
Boyd
Burt
Butler
Cedar
Colfax
Cuming
Dakota
Dawes
Dixon
Gage
Holt
Knox
Madison
Pierce
Platte
Saunders
Sheridan
Stanton
Thurston
Washington
Wayne

New York

Allegany
Cattaraugus
Cayuga
Erie
Genesee
Herkimer
Jefferson
Livingston
Madison
Monroe
Montgomery
Niagara
Oneida
Onondaga
Ontario
Orleans
Otsego
Seneca
Steuben
Tompkins
Wayne
Wyoming
Yates

North Carolina

Rowan

North Dakota

(All counties)

Ohio

Allen
Ashland
Ashtabula
Auglaize
Carroll
Columbiana
Coshocton
Crawford
Drake
Defiance
Hardin
Holmes
Huron
Knox
Logan
Lorain
Mahoning
Medina
Mercer
Paulding
Portage
Putnam
Richland
Seneca
Shelby
Stark
Trumbull
Van Wert
Wayne
Wood

Oregon

Klamath
Marion
Polk
Yamhill

Pennsylvania

Armstrong
Bedford
Berks
Bradford
Butler
Cambria
Centre
Chester
Clarion
Columbia
Crawford
Cumberland
Dauphin
Erie
Franklin
Indiana
Juniata
Lawrence
Lebanon
Lehigh
Lycoming
Mercer

Northumberland	Tioga
Perry	Union
Schuylkill	Washington
Snyder	Westmoreland
Somerset	York

South Carolina

Sumter

South Dakota

All counties except:

Custer	Shannon
Fall River	Washabaugh
Jones	Washington

Texas

Archer	Hamilton
Bell	Hill
Bexar	Hunt
Bosque	Johnson
Brown	Kaufman
Coleman	Lamar
Collin	Limestone
Concho	McCulloch
Cooke	McLennan
Coryell	Medina
Dallas	Runnels
Denton	San Saba
Erath	Tarrant
Falls	Taylor
Gillespie	Uvalde

Washington

Spokane — Stevens

Wisconsin

All counties except:

Ashland	Menominee
Bayfield	Milwaukee
Douglas	Oneida
Florence	Price
Forest	Sawyer
Iron	Vilas
Lincoln	

Wyoming

Cook

Done in Washington, D.C., on February 23, 1983.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Date: April 5, 1983.

Approved by: Merritt W. Sprague,

Manager.

[FR Doc. 83-9890 Filed 4-12-83; 8:45 am]

BILLING CODE 3410-08-M

7 CFR Part 443

Hybrid Seed Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Interim rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) proposes to issue a Part 443 in Chapter IV of Title 7 of the Code of Federal Regulations prescribing procedures for insuring hybrid seed grown under contract to a processor. The intended effect of this rule is to be responsive to producers growing hyrid seed under contract who have expressed a desire for crop insurance protection. This rule is promulgated under the authority contained in the Federal Crop Insurance Act, as amended.

DATES:

Effective Date: April 13, 1983.

Comment Date: Written comments on this interim rule must be submitted not later than June 13, 1983, to be sure of consideration.

ADDRESS: Written comments on this interim rule should be sent to the Office of the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 445-3325.

The Impact Statement describing the options considered in developing this interim rule and the impact of implementing each option are available upon request from Peter F. Cole.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1512-1 (June 11, 1981).

Information collection requirements contained in these regulations (7 CFR Part 443) have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Nos. 0563-0003 and 0563-0007.

Merritt W. Sprague, Manager, FCIC, has determined that (1) this action is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), (2) this action does not increase the Federal paperwork burden for individuals, small businesses, and other persons, and (3) this action conforms to the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and other applicable law.

The title and number of the Federal Assistance Program to which this interim rule applies are: Title—Crop Insurance; Number 10.450.

This action will not have a significant impact specifically upon area and community development; therefore, review as established in Executive Order No. 12372 (July 14, 1982), was not used to assure that units of local government are informed of this action.

It has been determined that this action is exempt from the provisions of the Regulatory Flexibility Act; therefore, no Regulatory Impact Statement was prepared.

It has also been determined that this action constitutes a review as to the need, currency, clarity, and effectiveness of these regulations under the provisions of Secretary's Memorandum No. 1712-1 (June 11, 1981). The sunset review date established for these regulations is December 1, 1987.

In the past, crop insurance protection has not been available to growers producing hybrid seed under contract to a processor. Such crops are exposed to similar hazards as other crops insured by FCIC. Following several meetings with producers, FCIC determined that a program of crop insurance protection was necessary. The Board of Directors of FCIC, responding to requests for such an insurance program, authorized the Manager of FCIC to develop a hybrid seed crop insurance program on November 15, 1982. The regulations contained in this interim rule are to become effective for the 1983 and succeeding crop years in certain counties where commercial seed is grown under contract to a seed company. The hybrid seed crop insurance program will offer protection against crop damage or loss due to hail, wind, and other adverse weather conditions, fire, insects, plant disease, wildlife, or earthquake.

Merritt W. Sprague, Manager, FCIC, has determined that an emergency situation exists which warrants publication of this rule without public comment because the provisions of 7 CFR 443 require that the regulations, or any amendments thereto, must be placed on file in the service office not later than 15 days prior to the cancellation date to be effective for the 1983 crop year. There would not be sufficient time to provide a normal public comment period and still comply with the provisions of the regulations with respect to placing such regulations on file 15 days prior to the cancellation date. The Federal Crop Insurance Corporation is soliciting public comment on this rule for 60 days after the date of publication and will schedule this rule for review so that any amendments made necessary as a result of public comment may be published in the **Federal Register** as quickly as possible.

All written comments made pursuant to this rule will be available for public inspection in the Office of the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250, during regular business hours, Monday through Friday.

Under the provisions of 7 CFR § 443.7(b) of the regulations contained herein, the Manager, FCIC, has determined that the sales closing date for accepting applications for hybrid seed crop insurance shall be April 30, effective for the 1983 crop year only.

List of Subjects in 7 CFR Part 443

Crop insurance, Hybrid seed.

Interim Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby issues a new part in Chapter IV of Title 7 of the Code of Federal Regulations to be known as 7 CFR Part 443 Hybrid Seed Crop Insurance Regulations, effective for the 1983 and succeeding crop years, to read as follows:

PART 443—HYBRID SEED CROP INSURANCE REGULATIONS

Subpart—Regulations for the 1983 and succeeding crop years

Sec.

443.1 Availability of hybrid seed insurance.
443.2 Premium rates, production guarantees, coverage levels, and amounts of insurance.
443.3 Reserved.
443.4 Creditors.
443.5 Good faith reliance on misrepresentation.
443.6 The contract.
443.5 The application and policy.
Appendix A to Part 443—Counties designated for Hybrid Seed Crop Insurance.

Authority: Secs. 506, 516, Pub. L. 75–430, 52 Stat. 72, 77, as amended (7 U.S.C. 1506, 1516).

§ 443.1 Availability of hybrid seed insurance.

Insurance shall be offered under the provisions of this subpart on hybrid seed in counties within limits prescribed by, and in accordance with the provisions of the Federal Crop Insurance Act, as amended. The counties shall be designated by the Manager of the Corporation from those approved by the Board of Directors of the Corporation. Before insurance is offered in any county, there shall be published by appendix to this part the names of the counties in which hybrid seed insurance shall be offered.

§ 443.2 Premium rates, production guarantees, coverage levels, and amounts of insurance.

(a) The Manager shall establish premium rates, production guarantees, coverage levels, and amounts of insurance for hybrid seed which shall be shown on the county actuarial table on file in the service office for the county and may be changed from year to year.

(b) At the time the application for insurance is made, the applicant shall elect an amount of insurance per acre and a coverage level from among those levels and amounts shown on the actuarial table for the crop year.

§ 443.3 [Reserved]

§ 443.4 Creditors.

An interest of a person in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, or an involuntary transfer shall not entitle the holder of the interest to any benefit under the contract except as provided in the policy.

§ 443.5 Good faith reliance on misrepresentation.

Notwithstanding any other provision of the hybrid seed insurance contract, whenever:

(a) An insured person under a contract of crop insurance entered into under these regulations, as a result of a misrepresentation or other erroneous action or advice by an agent or employee of the Corporation (1) is indebted to the Corporation for additional premiums, or (2) has suffered a loss to a crop which is not insured or for which the insured person is not entitled to an indemnity because of failure to comply with the terms of the insurance contract, but which the insured person believed to be insured, or believed the terms of the insurance contract to have been complied with or waived, and

(b) The Board of Directors of the Corporation, or the Manager in cases involving not more than $100,000.00, finds (1) that an agent or employee of the Corporation did in fact make such misrepresentation or take other erroneous action or give erroneous advice, (2) that said insured person relied thereon in good faith, and (3) that to require the payment of the additional premiums or to deny such insured's entitlement to the indemnity would not be fair and equitable, such insured person shall be granted relief the same as if otherwise entitled thereof.

§ 443.6 The contract.

The insurance contract shall become effective upon the acceptance by the Corporation of a duly executed application for insurance on a form prescribed by the Corporation. The contract shall cover the hybrid seed crop as as provided in the policy. The contract shall consist of the application, the policy, the appendix, and the county actuarial table. Any changes made in the contract shall not affect its continuity from year to year. Copies of forms referred to in the contract are available at the service office for the county.

§ 443.7 The application and policy.

(a) Application for insurance on a form prescribed by the Corporation may be made by any person to cover such person's share in the hybrid seed crop as landlord, owner-operator, or tenant. The application shall be submitted to the Corporation at the service office on or before the applicable closing date for the county on file in the service office.

(b) The Corporation may discontinue the acceptance of applications in any county upon its determination that the insurance risk is excessive, and also, for the same reason, may reject any individual application. The Manager of the Corporation is authorized in any crop year to extend the closing date for submitting applications or contract changes in any county, by placing the extended date on file in the service office for the county and publishing a notice in the **Federal Register** upon the Manager's determination that no adverse selectivity will result during the period of such extension. However, if adverse conditions should develop during such period, the Corporation will immediately discontinue the acceptance of applications.

(c) In accordance with the provisions governing changes in the contract contained in policies issued under FCIC regulations for the 1983 and succeeding crop years, a contract in the form provided for in this subpart will come into effect as a continuation of a hybrid seed contract issued under such prior regulations, without the filing of a new application.

(d) The application for the 1983 and succeeding crop years is found at Subpart D of Part 400—General Administrative Regulations, (7 CFR 400.37; 400.38, first published at 48 FR 1023, Janurary 10, 1983) and may be amended from time to time for subsequent crop years. The provisions of the Hybrid Seed Insurance Policy are as follows:

Hybrid Seed Crop Insurance Policy

(This is a continuous contract. Refer to Section 15)

Agreement to insure: We shall provide the insurance described in this policy in return for the premium and compliance with all applicable provisions.

Throughout this policy "you" and "your" refer to the insured shown on the accepted Application and "we," "us" and "our" refer to the Federal Crop Insurance Corporation.

Terms and Conditions

1. Causes of Loss

a. The insurance provided is against unavoidable loss of production resulting from hail, wind and other adverse weather conditions, fire, insects, plant disease, wildlife, earthquake or volcanic eruption occurring within the insurance period, unless those causes are excepted, excluded or limited by the actuarial table or section 9e(4).

b. We shall not insure against any cause of loss of production due to:

(1) the use of unadapted, incompatible or other genetically deficient male or female seed;

(2) the neglect or malfeasance of you, any member of your household, your tenants or employees;

(3) the failure to follow recognized good farming practices, or the grower provisions of the seed contract;

(4) damage resulting from the impoundment of water by any governmental, public or private dam or reservoir project;

(5) damage resulting from frost or freeze after October 20 of the crop year;

(6) any cause not specified in subsection 1a as an insured loss.

2. Crop, Acreage and Share Insured

a. The crop insured shall be any type of female seed ("crop");

(1) which is planted for harvest, and for which the production is intended for sale on a commercial basis as seed to produce a type of the crop for grain or silage;

(2) which is grown under contract executed with a seed company prior to planting;

(3) which is grown on insured acreage; and

(4) for which we provide an amount of insurance and premium rate on the actuarial table.

b. An instrument in the form of a "lease" under which the insured grower retains control of the acreage on which the insured crop is grown and which provides for delivery of the crop under certain conditions and at a stipulated price(s) shall, for the purpose of this contract, be treated as a contract under which the insured has the share in the crop.

c. The acreage insured for each crop year shall be that acreage planted to the crop on insurable acreage as provided for on the actuarial table and in which you have a share as reported by you or as determined by us whichever we shall elect.

d. The insured share shall be your share as landlord, owner-operator, or tenant in the insured crop at the time of planting.

e. We do not insure any acreage:

(1) which is destroyed and we determine it is practical to replant to the crop and such acreage was not replanted;

(2) where the farming practices carried our are not in accordance with the farming practices for which the premium rates have been established;

(3) which is irrigated and an irrigated practice is not provided for on the actuarial table unless your elect to insure the acreage as nonirrigated by reporting it as insurable under section 3;

(4) initially planted after the final planting date contained in the actuarial table;

(5) of a volunteer crop type;

(6) planted to a type or variety of the crop not established as adapted to the area or indicated as noninsurable on the actuarial table;

(7) planted with another type of crop;

(8) occupied by rows planted with a mixture of female and male seed;

(9) planted and occupied by the male plants; or

(10) planted for experimental purposes as we determine.

f. Where insurance is provided for an irrigated practice:

(1) you shall report as irrigated only the acreage for which you have adequate facilities and water to carry out a good crop irrigation practice at time of planting; and

(2) any loss of production caused by failure to carry out a good crop irrigation practice, except failure of the water supply from an unavoidable cause occurring after the beginning of planting, shall be considered as due to an uninsured cause.

g. We may limit the insured acreage to any acreage limitations established under any Act of Congress, if we advise you of the limit prior to the planting.

3. Report of Acreage, Share, and Where Applicable, Practice

You shall report on our form:

a. All the acreage of the crop planted in the county in which you have a share;

b. the farming practice; and

c. your share at the time of planting.

You shall designate separately any acreage that is not insurable. You shall report if you do not have a share in any acreage of the insured crop in the county. This report shall be submitted annually before the reporting date established in the actuarial table. We shall have the right to determine all indemnities on the basis of information you have submitted on this report. If you do not submit this report by the reporting date, we may elect to determine by unit the insured acreage, share, and practice or we may deny liability on any unit. Any report submitted by you may be revised only upon our approval.

4. Production Guarantees, Coverage Levels and Amounts of Insurance

a. The amounts of insurance and coverage levels shall be contained in the actuarial table.

b. Your production guarantee per acre by type shall be 50, 65 or 75 percent of the average yield per acre for each variety grown on the unit by you. The yields for the 5-year period immediately preceding the current crop year will be used as the base period. If less than 5 years of yield records are available for any variety, the average yield per acre shall be that established by us. Where more than one variety is grown on a unit, the unit guarantee shall be the combination of the guarantees of each variety grown.

c. You may change the coverage levels and the amounts of insurance before the closing date for submitting applications for the crop year.

5. Annual Premium

a. The annual premium is earned and payable at the time of planting. The amount is computed by multiplying the amount of insurance times the premium rate, times the insured acreage, times your share at the time of planting, times the applicable premium adjustment percentage shown in the following table.

PERCENTAGE ADJUSTMENTS FOR FAVORABLE CONTINUOUS INSURANCE EXPERIENCE [1]

	Numbers of Years Continuous Experience Through Previous Year															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15 or more
	Percentage Adjustment Factor For Current Crop Year															
Loss ratio [2] through previous crop year																
.00–.20	100	95	95	90	90	85	80	75	70	70	65	65	60	60	55	50
.21–.40	100	100	95	95	90	90	90	85	80	80	75	75	70	70	65	60
.41–.60	100	100	95	95	95	95	95	90	90	90	85	85	80	80	75	70
.61–.80	100	100	95	95	95	95	95	95	90	90	90	90	85	85	85	80
.81–1.09	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

PERCENTAGE ADJUSTMENTS FOR UNFAVORABLE INSURANCE EXPERIENCE [1]

Loss ratio [2] through previous crop year	Numbers of Loss Years Through Previous Year [3]															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	Percentage Adjustment Factor For Current Crop Year															
1.10–1.19	100	100	100	102	104	106	108	110	112	114	116	118	120	122	124	126
1.20–1.39	100	100	100	104	108	112	116	120	124	128	132	136	140	144	148	152
1.40–1.69	100	100	100	108	116	124	132	140	148	156	164	172	180	188	196	204
1.70–1.99	100	100	100	112	122	132	142	152	162	172	182	192	202	212	222	232
2.00–2.49	100	100	100	116	128	140	152	164	176	188	200	212	224	236	248	260
2.50–3.24	100	100	100	120	134	148	162	176	190	204	218	232	246	260	274	288
3.25–3.99	100	100	105	124	140	156	172	188	204	220	236	252	268	284	300	300
4.00–4.99	100	100	110	128	146	164	182	200	218	236	254	272	290	300	300	300
5.00–5.99	100	100	115	132	152	172	192	212	232	252	272	292	300	300	300	300
6.00–Up	100	100	120	136	158	180	202	224	246	268	290	300	300	300	300	300

[1] For premium adjustment purposes, only the years during which premiums were earned shall be considered.
[2] Loss Ratio means the ratio of indemnity(ies) paid to premium(s) earned.
[3] Only the most recent 15 crop years shall be used to determine the number of "Loss Years". (A crop year is determined to be a "Loss Year" when the amount of indemnity for the year exceeds the premium for the year.)

b. Interest shall accrue at the rate of one and one-half percent (1½%) simple interest per calendar month, or any part thereof, on any unpaid premium balance starting on the first day of the month following the first premium billing date.

c. Any premium adjustment applicable to the contract shall be transferred to:

(1) the contract of your estate or surviving spouse in case of your death;

(2) the contract of the person who succeeds you if such person had previously participated in the farming operation; or

(3) your contract if you stop farming in one county and start farming in another county.

d. If participation is not continuous, any premium shall be computed on the basis of previous unfavorable insurance experience but no premium reduction under section 5a shall be applicable.

6. Deductions for Debt

Any unpaid amount due us may be deducted from any indemnity payable to you or from any loan or payment due you under any Act of Congress or program administered by the United States Department of Agriculture or its agencies, unless prohibited by law.

7. Insurance Period

Insurance attaches when both the male and female plant seed are planted and terminates at the earliest of:

(a) total destruction of the crop;
(b) combining, threshing or picking;
(c) Final adjustment of a loss; or
(d) October 31.

8. Notice of Damage or Loss

a. In case of damage or probable loss:

(1) You must give us written notice promptly if:

(a) during the period before harvest, the crop on any unit is damaged and you decide not to further care for it or harvest any part of it;

(b) you want our consent to put the acreage to another use; or

(c) after consent to put acreage to another use is given and additional damage occurs.

Insured acreage may not be put to another use until we have appraised the crop and given written consent. We shall not consent to another use until it is too late to replant. You must notify us when such acreage has been put to another use;

(2) You must give us notice at least 15 days before the beginning of harvest if you anticipate a loss on any unit.

(3) If probable loss is later determined, immediate notice shall be given and:

(a) all residue on the unit shall be left intact for a period of 7 days from the date harvest is completed unless earlier released in writing by us; or

(b) a representative sample of the unharvested crop at least ten feet wide and the entire length of the field shall be left intact for a period of 15 days from the date of notice, unless we give you written consent to harvest the sample.

(4) In addition to the notices required by this section, if you are going to claim an indemnity on any unit we must be given notice not later than 30 days after the earliest of:

(a) total destruction of the crop on the unit;
(b) harvest of the unit; or
(c) the calendar date for the end of the insurance period.

b. You must be given written consent by us before you destroy any of the crop which is not to be harvested.

c. We may reject any claim for indemnity if any of the requirements of this section or section 9 are not complied with.

9. Claim for Indemnity

a. Any claim for indemnity on a unit shall be submitted to us on our prescribed form not later than 60 days after the earliest of:

(1) total destruction of the crop on the unit;
(2) harvest of the unit; or
(3) the calendar date for the end of insurance period.

b. We shall not pay any indemnity unless you:

(1) establish the total production of the crop on the unit and that any loss of production has been directly caused by one or more of the insured causes during the insurance period; and

(2) furnish all information we require concerning the loss.

c. The indemnity shall be determined on each unit by:

(1) multiplying the insured acreage by the amount of insurance per acre;

(2) subtracting from the result obtained in (1) the dollar amount obtained by multiplying the total production to be counted by the price. The price will be determined by dividing the amount of insurance per acre by the applicable production guarantee per acre, or if the production is rejected as commercial seed due to insurable causes, by multiplying the bushels or pounds whichever is applicable by the local market price for the generic crop as determined by us on the earlier of the date the loss is adjusted or the date the crop is sold; and

(3) multiplyng this result by your share.

If the information reported by you results in a lower premium than the actual premium determined to be due, the indemnity shall be reduced proportionately.

d. The total production to be counted for a unit shall include all harvested and appraised production.

The production of units which are commingled shall be allocated to such units in proportion to the liability on the harvested acreage of each unit.

(1) Appraised production to be counted shall include:

(a) unharvested production on harvested acreage and potential production lost due to uninsured causes and failure to follow recognized good farming practices;

(b) not less than your guarantee for any acreage which is abandoned or put to another use without our prior written consent or damaged solely by an uninsured cause;

(c) any appraised production on unharvested acreage.

(2) Any appraisal we have made on insured acreage and given written consent to be put to another use shall be considered as production unless such acreage:

(a) is not put to another use before harvest of the crop becomes general in the county;

(b) is harvested; or

(c) is further damaged by an insured cause before the acreage is put to another use.

(3) We may determine the amount of production of any unharvested acreage of the

crop on the basis of field appraisals immediately after the end of the insurance period.

(4) When you have elected to exclude hail and fire as insured causes of loss and the crop is damaged by hail or fire, appraisals shall be made in accordance with the terms of Form FCI–78, "Request to Exclude Hail and Fire."

e. You shall not abandon any insured crop acreage to us.

f. You cannot bring suit or action against us unless you have complied with all policy provisions. If a claim is denied, you may sue us in the United States District Court under the provisions of 7 U.S.C. 1508(c). You must bring suit within 12 months of the date notice of denial is mailed to and received by you.

g. We shall pay the loss within 30 days after we reach agreement with you or entry of a final judgment. In no event shall we be liable for interest or damages in connection with any claim for indemnity, whether we approve or disapprove such claim.

H. If you die, disappear, or are judicially declared incompetent, or if you are an entity other than an individual and such entity is dissolved after the crop is planted for any crop year, any indemnity shall be paid to the person(s) we determine to be beneficially entitled thereto.

I. If you have other fire insurance and fire damage occurs during the insurance period and have not elected to exclude fire from the policy, we shall be liable for loss due to fire only for the smaller of:

(1) the amount of indemnity determined pursuant to this contract without regard to any other insurance, or

(2) the amount as determined by us by which the loss from fire exceeds the indemnity paid or payable under such other insurance. For the purpose of this section, the amount of loss from fire shall be the difference between the fair market value of the production on the unit before the fire and after the fire, as determined by us.

10. Concealment or Fraud

We may void the contract on all crop types insured without affecting your liability for premiums or waiving any right, including the right to collect any amount due to us if, at any time, you have concealed or misrepresented any material fact or committed any fraud relating to the contract, and such voidance shall be effective as of the beginning of the crop year.

11. Transfer of Right To Indemnity on Insured Share

If you transfer any part of your share during the crop year, you may transfer the right to an indemnity on the transferred part. The transfer must be on our form and approved by us. We may collect the premium from either you or your transferee or both. The transferee shall have all rights and responsibilities under the contract.

12. Assignment of Indemnity

You may only assign to another party your right to an indemnity for the crop year on our prescribed form and with our approval. The assignee shall have the right to submit the loss notices and forms required by the contract.

13. Subrogation. (Recovery of loss from a third party)

Because you may be able to recover all or a part of your loss from someone other than us, you must do all you can to preserve any such rights. If we pay you for your loss then your right of recovery shall belong to us. If we recover more than we paid you plus our expenses, the excess shall be paid to you.

14. Records and Access to Farm

You shall keep for two years after the time of loss, records of the harvest, storage, shipment, sale or other disposition of all of the crop produced on each unit including separate records showing the same information for production for any uninsured acreage. Any persons designated by us shall have access to such records and the farm for purposes related to the contract.

15. Life of Contract: Cancellation and Termination

a. This contract shall be in effect for the crop year specified on the application and may not be canceled for such crop year. Thereafter, the contract shall continue in force for each succeeding crop year unless canceled or terminated as provided for in this section.

b. This contract may be canceled by either you or us for any succeeding crop year by giving written notice to the other on or before the cancellation date preceding such crop year.

c. This contract shall terminate as to any crop year if any past due amount due us on this or any other contract with you is not paid on or before the termination date for the policy on which the amount is due. The date of payment of the amount due:

(1) if deducted from an indemnity claim shall be the date you sign such claim, or

(2) if deducted from payment under another program administered by U.S. Department of Agriculture shall be the date such payment was approved.

d. The cancellation date for 1984 and subsequent crop years is April 15, the termination for indebtedness date is April 15.

e. If you die or are judicially declared incompetent, or the insured entity is other than an individual and such entity is dissolved, the contract shall terminate as of the date of death, judicial declaration, or dissolution. If such event occurs after insurance attaches, the contract shall continue in force through the crop year and terminate at the end thereof. Death of a partner in a partnership shall dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the persons shall dissolve the joint entity.

f. The contract shall terminate if no premium is earned for five consecutive years.

16. Contract Changes

We may change any terms and provisions of the contract from year to year. If your price election at which indemnities are computed is no longer offered, the actuarial table shall provide the amount of insurance which you shall be deemed to have elected. All contract changes shall be available at your service office by the January 1 preceding the cancellation date for the crop year for which the changes are to become effective. Acceptance of any changes shall be conclusively presumed in the absence of any notice from you to cancel the contract.

17. Meaning of Terms

For the purpose of hybrid seed crop insurance:

(a) "Actuarial table" means the forms and related material for the crop year approved by us which are available for public inspection in your service office, and which show the coverage levels, premium rates, amounts of insurance, practices where applicable, insurable and uninsurable acreage, and related information regarding hybrid seed insurance in the county.

(b) "County" means the county shown on the application and any additional land located in a local producing area bordering on the county, as shown on the actuarial table.

(c) "Crop year" means the period within which the crop is normally grown and shall be designated by the calendar year in which the crop is normally harvested.

(d) "Female plant" means the plants grown for the purpose of producing commercial seed.

(e) "Harvest" means the severance of the crop from the land by combining or threshing or removing the grain from the stalk either by hand or machine.

(f) "Insurable acreage" means the land classified as insurable by us and shown as such on the actuarial table.

(g) "Insured" means the person who submitted the application accepted by us.

(h) "Local Producing Area" means a portion of a county where insurable crops are grown and which borders on a county with a crop insurance program.

(i) "Male plant" means the plants grown for the purpose of shedding pollen on female plants.

(j) "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(k) "Service office" means the office servicing your contract as shown on the application for insurance or such other approved office as may be selected by you or designated by us.

(l) "Tenant" means a person who rents land from another person for a share of the crop or a share of the proceeds therefrom.

(m) "Unit" means all insurable acreage of any one of the crop types referred to on our actuarial table, located on contiguous land in the county on the date of planting the crop year (1) in which you have a 100 percent share or (2) which is owned by one entity and operated by another entity on a share basis. Land rented for cash, a fixed commodity payment, or any consideration other than a share in the crop on such land shall be considered as owned by the lessee. Land which would otherwise be one unit may be divided according to applicable guidelines on file in your service office or by written

agreement between us and you. We shall determine units as herein defined when the acreage is reported. Errors in reporting such units may be corrected by us to conform to applicable guidelines when adjusting a loss and we may consider any acreage and share of or reported by or for your spouse or child or any member of your household to be your bona fide share or the bona fide share of any other person having an interest therein.

18. Descriptive Headings

The descriptive headings of the various policy terms and conditions are formulated for convenience only and are not intended to affect the construction or meaning of any of the provisions of the contract.

Appendix A

Counties Designated for Hybrid Seed Crop Insurance—7 CFR Part 443

The following counties are designated for Hybrid Seed Crop Insurance under the provisions of 7 CFR § 443.1

Illinois

Adams	Lee
Boone	Livingston
Brown	Logan
Bureau	McDonough
Calhoun	McHenry
Carroll	McLean
Cass	Macon
Champaign	Macoupin
Christian	Marshall
Clark	Mason
Coles	Menard
Cook	Mercer
Cumberland	Montgomery
De Kalb	Morgan
De Witt	Moultrie
Douglas	Ogle
Du Page	Peoria
Edgar	Piatt
Ford	Pike
Fulton	Putnam
Greene	Rock Island
Grundy	Sangamon
Hancock	Schuyler
Henderson	Scott
Henry	Shelby
Iroquois	Stark
Jersey	Stephenson
Jo Daviess	Tazewell
Kane	Vermilion
Kankakee	Warren
Kendall	Whiteside
Knox	Will
Lake	Winnebago
La Salle	Woodford

Done in Washington, D.C., on March 28, 1983.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Approved by:

Merritt W. Sprague,

Manager.

Dated: March 28, 1983.

[FR Doc. 83-8808 Filed 4-12-83; 8:45 am]

BILLING CODE 3410-08-M

Agricultural Marketing Service

7 CFR Part 908

[Valencia Orange Reg. 305]

Valencia Oranges Grown in Arizona and Designated Part of California; Minimum Size Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim rule with request for comments.

SUMMARY: This regulation requires fresh California-Arizona Valencia oranges shipped from the production area to be of a size not smaller than 2.32 inches in diameter for the period April 22, 1983 through July 28, 1983. Such action is necessary to promote orderly marketing of suitable sizes of fresh Valencia oranges in the interest of producers and consumers.

DATES: April 22, 1983, through July 28, 1983; comments which are received by May 23, 1983 will be considered prior to issuance of a final rule to become effective July 29, 1983.

ADDRESS: Send two copies of comments to the Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA procedures and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. This action is designed to promote orderly marketing of the California-Arizona Valencia orange crop for the benefit of producers and will not substantially affect costs for the directly regulated handlers.

This regulation is issued under the marketing agreement and Order No. 908 (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendation and information submitted by the Valencia Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the Act.

Under the terms of the regulation size requirements would be effective April 22, 1983 through July 28, 1983. The final regulation will be effective for the period July 29, 1983 through December 29, 1983.

The committee met on March 29, 1983, to consider crop and market conditions and other factors affecting the need for regulation and recommended that Valencia oranges shipped from the production area be limited to sizes not smaller than 2.32 inches in diameter during the period April 22, 1983 through July 28, 1983.

The 1982–83 season crop of Valencias is currently estimated at 60,800 carlots, compared to 35,100 carlots utilized during the past season. The committee reports that demand in regulated fresh channels is expected to require about 35 percent of this volume. The remaining 65 percent would be available for utilization in export and processing outlets. The committee indicates that volume and size composition of the crop of Valencias are such that more than ample supplies of the more desirable larger sizes will be available to satisfy the demand in regulated channels. The committee also reports that when more than ample supplies of larger sizes are available for shipment, disposition of the sizes which would be eliminated by this regulation can be accomplished only at a substantial price discount and this tends to depress the market for all sizes. Valencia oranges failing to meet such requirements could be shipped to fresh export markets, left on trees to attain further growth, or utilized in processing. In those circumstances, elimination of sizes smaller than those specified is appropriate in the interest of producers and consumers.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared purposes of the Act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. Handlers have been apprised of such provisions and the effective date.

List of Subjects in 7 CFR Part 908

Marketing agreements and orders, California, Arizona, Oranges (Valencia).

PART 908—[AMENDED]

Therefore, § 908.605 is added to read as follows (§ 908.605 expires July 28, 1983, and will not be published in the annual code of Federal Regulations):

§ 908.605 Valencia Orange Regulation 305.

(a) During the period April 22, 1983, through July 28, 1983, no handler shall handle any Valencia oranges grown in the production area which are of a size smaller than 2.32 inches in diameter: *Provided,* that not to exceed five percent, by count, of the oranges in any container may measure smaller than 2.32 inches in diameter.

(b) As used in this section, "handler", "handle" and "production area" mean the same as defined in the marketing order. Diameter shall mean the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit.

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674))

Dated: April 8, 1983.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 83-9680 Filed 4-12-83; 8:45 am]

BILLING CODE 3410-02-M

Farmers Home Administration

7 CFR Part 1945

Emergency Loans; Clarification of Method of Determining Occurrence of a Natural Disaster

AGENCY: Farmers Home Administration, USDA.

ACTION: Interim final rule.

SUMMARY: The Farmers Home Administration (FmHA) amends its Emergency (EM) loan regulations to clarify the method the Secretary of Agriculture uses to determine that a natural disaster has occurred. This action is taken in response to questions that have been raised as to whether existing regulations comply with a statutory change. The intended effect of this action is to (1) more closely track the statute, (2) more clearly reflect the practices followed in making EM loans available to victims of natural disasters, and (3) more clearly define what constitutes a natural disaster.

DATES: Interim rule effective April 13, 1983. This interim rule is subject to revision following a comment period of 30 days from the date of publication. It is applicable to all disasters which may be considered under the time periods specified herein and for which an affirmative or negative natural disaster determination has not previously been made; provided that no consideration will be given to any potential disaster occurring prior to January 1, 1982.

ADDRESSES: Submit written comments in duplicate to Carl Opstad, Chief, Directives, Management Branch, Farmers Home Administration, USDA, Room 6346–S, Washington D.C. 20250, telephone 202–382–9725. All written comments made pursuant to this notice will be available for public inspection during regular work hours at the above address.

FOR FURTHER INFORMATION CONTACT: Wilbert Campbell, Acting Chief, Loan Processing Branch, Emergency Division, Farmers Home Administration, USDA, Room 5344–S, Washington, D.C. 20250, Telephone 202–382–1652.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Secretary's Memorandum 1512–1 which implements Executive Order 12291 and has been determined to be nonmajor, because there is no substantial change from practices under existing rules and no annual effect on the economy of $100 million or more; or a major increase in cost or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Information collection requirements contained in this regulation (Sections 1945.19(c), 1945.20(b), 1945.20(c), 1945.20(d), 1945.20(e), and 1945.25(b)) have been approved by the Office of Management and Budget under the provisions of 44 U.S.C. § 3501 *et seq.* and have been assigned OMB No. 0575–0054.

The statute, 7 U.S.C. 1961(a), as amended, states:

> The Secretary shall make and insure loans under this Subchapter only to the extent and in such amounts as provided in advance in appropriation Acts to (1) established farmers, ranchers, or persons engaged in aquaculture, who are citizens of the United States, and (2) farm cooperatives or private domestic corporations or partnerships in which a majority interest is held by members, stockholders, or partners who are citizens of the United States if the cooperative, corporation, or partnership is engaged primarily in farming, ranching, or aquaculture, where the Secretary finds that the applicants' farming, ranching, or aquaculture operations have been substantially affected by a natural disaster in the United States or by a major disaster or emergency designated by the President under the Disaster Relief Act of 1974: *Provided,* That they have experience and resources necessary to assure a reasonable prospect for successful operation with the assistance of such loan and are not able to obtain sufficient credit elsewhere.

The existing regulation defines a natural disaster, in § 1945.6(b)(2) in terms of a weather event alone, without reference to the consequences of such event. Section 1945.20 provides criteria under which the Secretary makes such loans available in a county in which unusual and adverse weather conditions have substantially affected agriculture. A county is substantially affected when there is a production loss of at least a 30 percent reduction in the normal year's dollar value of all cash crops produced in the county. Physical loss EM loans are available when physical farm property, if not repaired or replaced, would make it impossible for farmers to continue to operate their farms on a sound basis (§ 1945.6(f)). The Administrator may make or authorize the State Director to make EM loans available on the same basis if fewer than 10 percent of the farmers in a county are affected. There is also a provision for reconsideration after a request for designation of a county has been rejected by the Secretary. The Administrator may then make loans available if (1) 10 percent, or more, of the farmers in the county have qualifying losses, and (2) adequate credit from other sources is not available. The Secretary may also, at the Administrator's request, make an exception to the substantial loss requirement if (1) there are unusual and extenuating circumstances in that farmers producing only a single crop have disaster-related qualifying losses, (2) such farmers cannot obtain credit from other sources, and (3) such farmers constitute 10 percent or more of the farmers in the county.

The changes made by this interim rule recognize that a determination that a natural disaster has occurred includes consideration of both (1) the adverse weather event and (2) the nature and extent of losses sustained by farmers as a result of the event. When unusual and adverse weather conditions or natural phenomena result in qualifying physical property losses, the Administrator immediately makes EM loans available. In case of production losses, the Secretary's decision on whether a natural disaster has occurred is based on adverse and unusual weather conditions or natural phenomena that result in production losses of either (1) at least 30 percent of the normal year's dollar value of all crops countywide; (2) at least 30 percent of the normal year's

dollar value of a single farming enterprise, countywide; or (3) significant production losses, or other extenuating circumstances, taking into consideration the nature and extent of production losses, the number of farmers with qualifying losses, whether such farmers can expect financial aid from other lenders, whether there will be undue hardship for a limited segment of farmers in the county, or due to damages to particular crops, and whether other Federal or State benefit programs will lessen any undue hardship.

On January 10, 1983, the Comptroller General issued an opinion (B–197765) and discussed the statutory changes made by Public Law No. 95–334 and its legislative history. The Comptroller General concluded that the FmHA had not changed its EM procedure to comport with the statutory changes. By proposed rule, September 8, 1982, 47 FR 39532, FmHA proposed changes in its EM regulation. The final rule was published January 11, 1983, 48 FR 1176–81. This coincided with the release of the Comptroller General's opinion and was not discussed in it.

After reviewing the Comptroller General's opinion, FmHA determined that it would be in the public interest to further amend the regulation to clarify the method by which the Secretary determines that a natural disaster has occurred. The revisions maintain key elements of the previous rule; more clearly define what constitutes a natural disaster; provide a more rapid basis for dealing with certain physical property losses; and focus such decisionmaking as is necessary in two officials, the Secretary and the FmHA Administrator, on the basis that this will also expedite natural disaster determinations.

This regulation is published as an interim rule with request for comments. FmHA will consider comments received and will issue a final rule.

Pursuant to the rule making provisions in 5 U.S.C. 553, it is found upon good cause that notice and public procedure with respect to this interim action are impracticable, unnecessary and contrary to the public interest; and good cause is found for making this interim action effective less than 30 days after publication of this document in the **Federal Register**, and to have the changes take immediate effect to avoid the application of different rules to disasters on which no decisions have yet been made. However, it has been determined to be in the public interest to receive comments for 30 days after publication of this action.

The changes include an accelerated method for making the natural disaster determination where substantial physical property losses are involved and also modify the current delegation of authority to the Administrator of FmHA to make certain determinations.

For the above reasons, FmHA has determined this action to be an emergency.

The Catalog of Federal Domestic Assistance number for emergency loans is 10.404.

This action does not directly affect any FmHA programs or projects that are subject to A–95 clearinghouse review.

This document has been reviewed in accordance with 7 CFR Part 1901, Subpart G, "Environmental Impact Statement". It is the determination of FmHA that this action does not constitute a major Federal action significantly affecting the quality of the human environment and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91–190, an Environmental Impact Statement is not required.

Need for Governmental Action

FmHA has determined that the methods of making natural disaster decisions should be revised to more clearly conform with statutory language. Clarification is provided through restated criteria as to what constitutes a natural disaster and how the determination is made.

Major Alternative Actions Considered Are as Follows

Alternative No. 1. Continue with present practice of designating counties as disaster areas as the trigger to the availability of EM loans. This alternative is subject to the criticism that requests for designations by the Secretary and authorizations by FmHA do not completely comport with the changes made by the Agricultural Credit Adjustment Act of 1978 (Pub. L. 95–334) which removed a mandatory requirement that an area designation process be used to determine where EM loans should be made available.

Alternative No. 2. Amend the regulation to more closely track the statutory language that EM loans are to be made to farmers who are substantially affected by a natural disaster. This alternative includes expanding and clarifying the criteria to be used by the Secretary in defining a natural disaster. The administrator's role in this process will be to make EM physical property loans available more quickly to farmers suffering severe physical property losses caused by unusual and adverse weather conditions. EM loans will also be made available to farmers who have been substantially affected by a natural disaster where the Secretary of Agriculture determines that the unusual and adverse weather conditions have resulted in severe, specified production losses. The Secretary will make such determinations of severe, specified production losses only after receiving a request of a Governor or Indian Tribal Council.

The Agency selects Alternative No. 2.

The following Sections of Part 1945, Subpart A, are amended as follows:

1. Section 1945.2 is revised to clarify the purpose of this Subpart.

2. Section 1945.6 is revised to define an applicant, a potential disaster, normal year's dollar value, and to redefine the types of disasters. The definition of a natural disaster provides the criteria by which the Secretary determines whether a natural disaster has occurred within a county. A natural disaster is defined as unusual and adverse weather conditions or other natural phenomena that have substantially affected farmers by causing severe physical property or severe production losses within a county.

3. Section 1945.6(c)(3)(ii) is added to describe how the FmHA Administrator will determine whether unusual and adverse weather conditions have caused such severe physical property losses so as to constitute a natural disaster.

4. Section 1945.6(c)(3)(iii) is added to describe how the Secretary of Agriculture will determine whether the unusual and adverse weather conditions have caused such severe production losses as to constitute a natural disaster. A natural disaster will be determined to have occurred when there has been at least a 30 percent reduction of the normal year's dollar value of all crops countywide, or a 30 percent reduction of the normal year's dollar value of crops which constitute a single enterprise countywide, or when in the Secretary' descretion farmers have suffered severe production losses based on consideration of a number of factors involving the nature and extent of losses, hardship, and unusual and extenuating circumstances. A determination by the Secretary under these provisions that a natural disaster has occurred will also make loans available for severe physical property losses if there are farmers with qualifying losses which have not been acted on pursuant to a decision by the Administrator.

5. Section 1945.6(f) has been redesignated to paragraph (h) and revised to establish criteria for determining whether an applicant has

been substantially affected by a disaster, as defined in this section.

6. Section 1945.18 introductory paragraph has been revised to remove the reference to "natural" disasters and, instead, make reference to "potential" disasters.

7. Section 1945.19 is revised to delete references to "natural" disasters. This section is retitled "Reporting potential disasters and initial actions." Also, the word "natural" appearing before "disaster" in paragraph (c) is replaced with the word "potential."

8. Section 1945.19(c) (1) through (8) are revised. Paragraph (1) is revised to show that a State Director will report physical losses caused by a potential disaster to the FmHA Administrator who will, upon receipt of such report, make a determination that a natural disaster has occurred and make EM physical loss loans immediately available to assist one or more farmers suffering qualifying physical losses.

9. Section 1945.19(c) (6) through (8) are revised to further clarify the actions to be taken in connection with inquiries at the county, State and National Offices concerning the availability of EM loans, and application procedures.

10. In § 1945.20, the introductory paragraph is revised for clarification and refers to when EM physical loss loans are made available by the Administrator. Paragraphs (a) and (b) of this section are revised to make editorial changes and to refer in paragraph (b) to "potential" disasters, in lieu of "natural" disasters, as reported, and to set forth the criteria used by the Secretary in determining whether a natural disaster has occurred.

11. In § 1945.20, paragraphs (c) through (h) are revised and redesignated to paragraphs (c) through (f). Accordingly, paragraph (c) states the Administrator's responsibility for making EM loans available to one or more eligible farmers based on severe physical losses resulting from unusual and adverse weather conditions; paragraph (d) shows the relationship between Administrator's notification and Secretary's determination; paragraph (e) provides for the extension of termination dates for continuing disaster conditions; and paragraph (f) states the time limitations involved in all such actions.

12. Section 1945.21 is retitled "Reporting and coordination requirements" and paragraph (a), (b), and (c) are revised to remove references to "deciaration/designation/ authorization" and to make certain other editorial changes.

13. Section 1945.25(b)(2) is revised to insert "unusual and adverse weather condition or natural phenomenon" in lieu of the words "natural disaster".

14. Section 1945.30(b)(1) is revised to make an editorial change.

List of Subjects in 7 CFR Part 1945

Agriculture, Disaster assistance, Intergovernmental relations.

PART 1945—EMERGENCY

Accordingly, Part 1945, Subpart A of Chapter XVIII, Title 7, Code of Federal Regulations, is amended as follows:

Subpart A—Disaster Assistance—General

(Applies to all disasters which may be considered under the time periods specified herein and for which an affirmative or negative natural disaster determination has not previously been made; provided that no consideration will be given to any potential disaster occurring prior to January 1, 1982)

1. Section 1945.2 is revised to read as follows:

§ 1945.2 Purpose.

This Subpart explains the types of disasters which will result in eligibility of a farmer for Farmers Home Administration (FmHA) emergency (EM) loans, and, with respect to natural disasters which are the responsibility of the Secretary of Agriculture, the factors used in making a natural disaster determination; the relationship between FmHA and the Federal Emergency Management Agency (FEMA); the method for establishing and using Emergency Loan Support Teams (ELST); and Emergency Loan Assessment Teams (ELAT); the training of FmHA personnel; and disaster related public information functions. The natural disaster determinations/notifications made under this Subpart do not apply to any program other than the FmHA EM loan program. FmHA's policy is to make EM loans to any otherwise qualified applicant without regard to race, color, religion, sex, national origin, marital status, age, or physical/mental handicap (provided the applicant can execute a legal contract).

2. Section 1945.6 is revised to read as follows:

§ 1945.6 Definitions.

(a) *Applicant.* The person or entity carrying on the farming operation at the time of the disaster and requesting EM loan assistance from FmHA.

(b) *County.* A local administrative subdivision of a State or a similar political subdivision of the United States.

(c) *Disasters..*EM loans will be made available to any farmer whose operation has been substantially affected by a natural disaster, as determined by the Secretary of Agriculture or the FmHA Administrator, or by a major disaster or emergency declared by the President, and who meets the requirements of Subpart D of this Part.

(1) *Major disaster.* Any disaster in any part of the United States which, in the determination of the President, causes damage of sufficient severity and magnitude to warrant unusual assistance above and beyond normal emergency services available from State and Federal Governments. Major disaster assistance makes all Federal disaster programs available automatically, and is intended to supplement the efforts and available resources to States, local governments and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused by disasters.

(2) *Presidential emergency.* Any disaster in any part of the United States which is of such magnitude that the President makes a declaration requiring certain Federal emergency programs to be implemented as a supplement to State and local efforts as a means of saving lives and protecting property, preserving public health and safety, and/or lessening the threat or a more servere disaster.

(3) *Natural disaster.* A disaster in any part of the United States in which unusual and adverse weather conditions or other natural phenomena have caused severe physical property losses and/or severe production losses within a county. Except where otherwise specified, the use of the term "county" or "similar political subdivision" is for administrative purposes only.

(i) Unusual and adverse weather conditions or natural phenomena include such things as:

(A) A major single natural occurrence or event such as a blizzard, cyclone, earthquake, hurricane or tornado.

(B) A single storm, or series of storms, accompanied by serere hail, excessive rain, heavy snow, ice and/or high wind.

(C) An electrical storm.

(D) A severe weather pattern over a period of time which, due to excessive rainfall, unusual lack of rainfall, or high or low temperatures, causes flooding, substantial water damage, drought or freezing; which results in the spreading and flourishing of insects or pests, or in plant or animal diseases spreading into epidemic proportions; or prevents the control of fire, however caused.

(ii) Severe *physical* property losses are those which the Administrator determines prior to a natural disaster determination by the Secretary, to be severe, and to have caused extensive damage to or destruction of, physical farm property including farmland (except sheet erosion); structures on the land such as buildings, fences, dams,

etc.; machinery, equipment, and tools; livestock; livestock products; poultry; poultry products; growing crops (see § 1945.163(b)(12) of Subpart D or Part 1945 of this Chapter); harvested crops, and supplies, which, if not repaired or replaced, would make it impossible for farmers affected by unusual and adverse weather conditions to continue operating their farms on a sound basis.

(iii) Severe *production* losses within a county are either those in which:

(A) The Secretary determines that there has been a reduction countywide of at least 30 percent of the normal year's dollar value of all crops, including hay and pasture, and the crops could not be replanted or replaced with a substitute crop; or

(B) The Secretary determined that there has been a 30 percent loss countywide in the normal year's dollar value of a single enterprise (as defined in § 1945.154(a)(15)(i) of Subpart D of Part 1945 of this Chapter); or

(C) The Secretary, exercising discretion, may determine that, although the conditions set forth in subsections (A) and (B) above have not been met, the unusual and adverse weather conditions or natural phenomena have resulted in such significant production losses, or have produced such extenuating circumstances as to warrant a finding that a natural disaster has occurred. In making this determination, the Secretary may request the Administrator to provide for his consideration such factors as: (1) The nature and extent of production losses; (2) the number of farmers who sustained qualifying production losses; (3) the number of farmers in (2) that other lenders in the county indicate they will not be in position to finance; (4) whether the losses will cause undue hardship to a certain segment of farmers in the county; (5) whether damage to particular crops has resulted in undue hardship; (6) whether other Federal and/or State benefit programs which are being made available due to the same disaster will consequently lessen undue hardship and the demand for EM loans; and (7) any other factors considered relevant. The Secretary will consider the information referred to in § 1945.6(h) of this Subpart in deciding whether a natural disaster has occurred.

(4) *Potential disaster.* Unusual and adverse weather conditions or natural phenomenon that have caused physical and/or production losses but which have not yet been examined by the Secretary or Administrator for consideration of a natural disaster determination.

(d) *Farmers.* Individuals, cooperatives, corporations or partnerships who are farmers, ranchers or aquaculture operators.

(e) *Incidence period.* The specific date or dates during which a disaster occurred.

(f) *National Office.* The Director, Emergency Division.

(g) *Normal year's dollar value.* The normal year's dollar value will be determined by establishing a normal year yield and price. Normal year yield will be the average yield of the 5 years immediately preceding the disaster year for each cash crop, including hay and pasture grown in the county. The price will be the average commodity prices for the 36 months immediately preceding the disaster year for each crop. Yields and prices used to establish the value of normal year production will be obtained from the Statistical Reporting Service (SRS). In cases where crops produced and/or prices are not available from SRS, the information will be obtained from other reliable sources. Yields used to establish the disaster year's production will be obtained from Damage Assessment Reports (DAR) which are prepared by the USDA County and State Emergency Boards. Prices used to establish the value of disaster year production will be the same as used to establish normal year values.

(h) *Substantially affected.* A farmer applicant has been substantially affected when there has been a disaster as defined in subsection (c) of this section, and the applicant has qualifying physical and/or production losses, as defined in § 1945.154 (a) (29) and (30) of Subpart D of Part 1945 of this Chapter.

(i) *Termination date.* The date specified in a disaster declaration/determination/notification which establishes the final date after which EM loan applications can no longer be accepted. For both physical and production losses, the termination date will be 6 months from the date of the disaster declaration/determination/notification.

(j) *United States or State.* Each of the several States, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

3. Section 1945.18 is amended by revising the introductory paragraph to read as follows:

§ 1945.18 United States Department of Agriculture (USDA) Emergency Boards.

There is a USDA Emergency Board established by the Secretary to serve every State and every county in the United States. The Boards are responsible for reporting the occurrence of and assessing the damage caused by potential disasters as required to ensure that the Department's disaster programs are implemented where needed; to coordinate the Department's emergency disaster programs with those of other Federal Departments and Agencies; and to provide personnel, as needed and requested by FEMA, to help staff disaster assistance centers in major disaster areas.

* * * * *

4. Section 1945.19 and the title are revised to read as follows:

§ 1945.19 Reporting potential disasters and initial actions.

(a) *Purpose.* The purpose of reporting potential disasters is to provide a systematic procedure for rapid reporting of the occurrence and extent of damage and loss caused by such event, which may result in a natural disaster determination.

(b) *Responsibility for assessing and reporting disasters.* USDA SEBs and CEBs representing their member agencies are best qualified at the State and County levels to accomplish the assessment of agricultural production losses resulting from a potential disaster. These Boards are charged with the responsibility of reporting the occurrence of and assessing the damage caused by disasters and will perform this responsibility under policies and procedures as set forth in the EOH.

(c) *Actions to be taken.* Immediately after the occurrence of a potential disaster:

(1) The FmHA County Supervisor will report to the State Director who will report to the Administrator that there has been a potential disaster with severe physical property losses to one or more farmers. *This report must be made to the Administrator within 3 months after the disaster(s) occurs. Upon receiving the report, the Administrator will make EM loans available to any individual with a qualifying physical loss. This approval shall be limited to physical losses only.* Notices that EM loans are available will identify the county in which the unusual and adverse weather condition, or natural phenomenon, has occurred.

(2) The FmHA County Supervisor will report to the CEB chairperson, as specified in the EOH, all substantial physical property loss, damage or injury and severe production losses that have occurred in the County Office area. The County Supervisor will assist the CEB in preparing the 24 hour report required in paragraph (c)(3) of this section. If the CEB has not completed its 24 hour report within two workdays after a potential

disaster, the County Supervisor will report to the State Director on Form FmHA 1945–27, "Report of Natural Disaster." In urgent situations, the report may be made by telephone, followed by the CEB report or Form FmHA 1945–27. Either of these reports will be based on information obtained from personal knowledge and from farmers, agricultural and community leaders, and from any other personally contacted reliable source(s). The County Supervisor will convey to the CEB chairperson all information pertaining to the potential disaster and provide the chairperson with a copy of Form FmHA 1945–27, if prepared.

(3) The CEB will report the potential disaster, in accordance with the EOH, to:

(i) The SEB; and

(ii) Appropriate county government representative(s).

(4) The SEB will provide copies of the CEB report to:

(i) The USDA Washington Offices of ASCS, FmHA and the Office of Intergovernmental Affairs; and

(ii) The State Governor's Emergency Coordinator and the State Department of Agriculture.

(5) The FmHA State Director will inform the National Office of each potential disaster as soon as possible and forward to the National Office a copy of the CEB report or Form FmHA 1945–27, with any attachments, and supplemented with the State Director's comments and recommendations. The State Director must include a statement as to the number of farmers, ranchers, and aquaculture operators affected by the potential disaster. In urgent situations, the State Director will report to the National Office, Emergency Division, by telephone, and immediately thereafter send a written report to the National Office, Emergency Division. The State Director will continue to notify the SEB chairperson of any additional information received concerning the potential disaster.

(6) When inquiries are received from persons affected by a potential disaster, they will be provided the following information:

(i) By the County Offices:

(A) The kind of assistance that will be available if the President declares a major disaster of emergency, or if the Secretary determines that a natural disaster has occurred.

(B) Whether or not physical property loss EM loans are available.

(C) That applications for EM loans may be filed for future processing if such loans are made available, or may be filed at a later date after the necessary determinations have been made.

(D) Whether regular FmHA farm loan assistance is available.

(ii) State Offices, or the National Office, will furnish the same information as the County Office, or will refer the person to the appropriate County Office.

(7) When inquiries are received from a Governor, a County Governing Body or Indian Tribal Council concerning a disaster, they will be informed of the procedure for making EM loans available.

(8) The actions required in paragraph (b) of this section will be taken even if the Governor of a State has requested the President to declare a county(ies) a major disaster or Presidential emergency area.

5. Section 1945.20 is amended by revising the introductory paragraph and paragraphs (a)(1)(i), (a)(3), (a)(3)(iii), and (b), (c), (d), (e), (f), and removing paragraphs (g) and (h) to read as follows:

§ 1945.20 Making EM loans available.

EM loans will be made available to applicants having qualifying severe physical and/or production losses within a county named by FEMA as eligible for Federal assistance under a major disaster or emergency declaration by the President or under a natural disaster determination by the Secretary of Agriculture pursuant to § 1945.6 (c)(3)(iii) of this Subpart, and to applicants having qualifying severe physical property losses when, prior to action by the President or the Secretary, the FmHA Administrator has determined (pursuant to § 1945.6(c)(3)(ii) of this Subpart) that such losses have occurred as a result of a natural disaster. Any determination made by the Secretary or the Administrator pursuant to this regulation may be revised or reversed upon the receipt of new facts which establish that a change is warranted. FmHA's policy is to make loans to any otherwise qualified applicant.

(a) * * *

(1) * * *

(i) Notify the State Director and the Director of the Finance Office by telephone and confirm by electronic message. The notification will contain:

* * * * *

(3) The County Supervisor will immediately upon receiving notification that the county(ies) has been declared a disaster area:

* * * * *

(iii) Arrange and conduct meetings with local agricultural lenders and agricultural leaders within 10 working days after the disaster declaration date to explain the purpose and the assistance available under the EM loan program; and

* * * * *

(b) *Determination by the Secretary of Agriculture.* When a potential disaster has substantially affected farmers, causing qualifying severe losses, and it is requested by a Governor or Indian Tribal Council that there be a determination that a natural disaster has occurred, *the Secretary will acknowledge the request in writing and consider whether a determination should be made if the Secretary receives such request in writing within three months of the last day of the occurrence of such potential disaster.* The Governor or Indian Tribal Council should send a copy of the request to the FmHA State Director. When the Secretary finds based on the material received pursuant to this Subpart that the conditions of § 1945.6(c)(3)(iii) (A) or (B) of this Subpart have been met, it shall be announced that a natural disaster has occurred. Also, if on finding that the conditions of § 1945.6(c)(3)(iii)(C) of this Subpart so warrant, the Secretary may determine that a natural disaster has occurred.

(1) Upon receipt of the Governor's request through the Secretary's Office, the FmHA National Office will immediately take the following actions:

(i) Notify the State Director by telephone of the Governor's request.

(ii) Obtain an immediate report from the State Director on whether there have been severe physical property losses within any county.

(iii) Obtain a report from the State Director on production losses.

(2) The State Director will immediately:

(i) Notify the SEB chairperson that a Damage Assessment Report (DAR) is needed in accordance with the EOH for the requested county(ies); and

(ii) Advise the National Office on whether qualifying physical property losses have occurred.

(iii) Review each DAR, as soon as it is available, and forward it to the National Office with written comments on the extent of probable qualifying production losses, and other factors which are recommended for consideration by the Secretary in making determinations under § 1945.6(c)(3) of this Subpart. He should also furnish any additional supportive information not contained in the DAR.

(iv) Upon receipt of the Administrator's request for a survey, in connection with a request by the Secretary for information concerning § 1945.6(c)(iii)(C), will expeditiously

gather and compile the information requested and submit it to the Administrator with a recommendation. The survey will be conducted in a manner jointly agreed upon by the Administrator and the State Director.

(3) The National Office will then immediately use the State Director's report to analyze and verify losses reported in the DAR along with the State Director's comments and promptly forward a written report to the Secretary along with supporting information for his use in making a decision on the requested determination.

(4) The Secretary will:

(i) Review the results of the survey and determine whether a natural disaster has occurred. When the Secretary determines that a natural disaster has occurred, the Administrator will be directed to make EM loans available in the county(ies) named by the Secretary. The Administrator will advise the State Director by electronic message of the Secretary's decision. Such notice will not be given until the Secretary responds to a request from a Governor or Indian Tribal Council for a determination concerning the same or similar disaster.

(ii) When the Secretary finds that a natural disaster has occurred, the Governor or Indian Tribal Council and other concerned officials will be notified, and the following actions will be taken:

(A) The National Office will immediately pursue the same course of action as described in paragraph (a)(1) of this section, except the disaster determination number will be coded S and 3 numbers (Example S141).

(B) The State Director will immediately pursue the same course of action as described in paragraph (a)(2) of this section.

(C) The County Supervisor will immediately pursue the same course of action as described in paragraph (a)(3) of this section.

(iii) When the Secretary determines that the conditions in § 1945.6(c)(3)(iii) (A) or (B) of this Subpart have *not* been met, and decides to consider other factors in accordance with § 1945.6 (c)(3)(iii)(C) of this Subpart, the Secretary will request the Administrator to provide additional information for consideration. The Administrator, upon receipt of such a request from the Secretary, will ask the State Director to survey farmers and lending institutions in the county. The survey will focus on such factors as:

(A) The nature and extent of production losses.

(B) The number of farmers who have sustained qualifying production losses;

(C) The number of farmers in (B) that other lenders in the county indicate they will not be in position to finance;

(D) Whether the losses will cause undue hardship to a certain segment of farmers in the county;

(E) Whether damage to particular crops has resulted in undue hardship;

(F) Whether other Federal and/or State benefit programs which are being made available due to the same disaster will consequently lessen undue hardship and the demand for EM loans; and

(G) Any other factors considered relevant.

(iv) If the Secretary finds that the conditions of § 1945.6(c)(3)(iii) (A) or (B) of this Subpart have *not* been met, and decides that the conditions do not warrant a natural disaster finding under subsection (c)(3)(iii)(C) of this Subpart, the Governor or Indian Tribal Council and other concerned officials will be notified of this and the reasons for the Secretary's conclusions.

(c) *Notification by the FmHA Administrator.* When the Administrator determines that an unusual and adverse weather condition or natural phenomenon has substantially affected farmers, causing qualifying severe *physical losses,* the Administrator will make EM physical loss loans available in the county(ies) identified and notify the State Director by electronic message.

(1) The Administrator, upon notifying the State Director that EM physical loss loans are to be made available, will issue the following:

(i) The Administrator's notification number (Example: N181);

(ii) The incidence period for the natural disaster; and

(iii) The termination date for accepting applications.

(2) The State Director upon receiving written notification by electronic message from the Administrator will notify:

(i) Appropriate County Supervisor(s) to commence processing EM loan applications in appropriate county(ies);

(ii) The SEB chairperson; and

(iii) The new media with appropriate announcements.

(3) The Administrator will notify the Office of the Secretary of Agriculture of any action taken concerning *physical* property losses. The National Office will also provide the same information to the appropriate Governor or Indian Tribal Council, and to other concerned officials at their request.

(4) Upon notification from the State Director that EM loans are available in a county, the County Supervisor will pursue the course of action described in § 1945.20(a)(3) of this Subpart.

(d) *Relationship between Administrator's notification and Secretary's determination.* If both Administrator and the Secretary make natural disaster conclusions affecting the same county:

(1) When the Administrator has made physical loss loans available pursuant to § 1945.6 (c)(3)(ii), and the Secretary later makes production loss loans available pursuant to § 1945.6 (c)(3)(iii) on the basis of the same unusual and adverse weather condition or natural phenomenon, such physical and production losses will be considered to be caused by a single natural disaster. Any physical loss loans made pursuant to the Administrator's earlier notification will be included in the amount available to an applicant as prescribed in § 1945.163(d) of Subpart D of Part 1945 of this Chapter.

(2) When a series of unusual and adverse weather conditions or natural phenomena occur in a county within the same crop year, and it is not possible for the Secretary to assess the damages in order to determine whether the conditions in § 1945.6 (c)(3)(iii) have been met until the end of such series or the crop year, a determination that a natural disaster has occurred shall be treated for both physical property and production losses to be due to a single natural disaster. Any physical loss loans made pursuant to the Administrator's earlier notification will be included in the amount available to an applicant as prescribed in § 1945.163(d) of Subpart D of Part 1945 of this Chapter.

(e) *Extension of termination dates for continuing disaster conditions.* When a natural disaster continues beyond the date on which an Administrator's notification or Secretary's determination is made, and when there are continuing losses or damages caused by that disaster, the Administrator will extend the incidence period and the termination date for such specified period as the Administrator finds appropriate, but not in excess of 60 days. The following actions will be taken to obtain an extension:

(1) The County Supervisor will advise the State Director of the conditions for which an extension is requested.

(2) The State Director will make a recommendation to the Administrator on whether an extension should be granted; and

(3) The Administrator will, if the request is granted:

(i) Amend the initial notification/determination (using the same number) by establishing a new incidence period and termination date; and

(ii) Notify the State Director by electronic message.

(f) *Limitations.* When actions are authorized by the Secretary or the Administrator under paragraphs (b) or (c) of this section, such actions will ordinarily be completed within six months after the beginning date of the incidence period of a reported disaster, except when the actions required in paragraph (b)(2) cause a delay beyond the six months period, in which event the actions must be completed within nine months of the beginning date of the incidence period. The Secretary may extend this limitation up to twelve months from the beginning date of the incidence period if there were other exceptional causes for the delay.

6. Section 1945.21 is amended by revising the title and paragraphs (a), (a)(1), (a)(2)(i), (a)(2)(ii), (b)(1)(i), (b)(1)(ii), (b)(2), and (c)(1) to read as follows:

§ 1945.21 Reporting and coordination requirements.

(a) *By the National Office.* The Administrator or a designee will:

(1) Submit weekly reports to the following, informing them of the past week's disaster actions taken by FmHA. If no actions are taken in any particular week, negative reports will be made:

* * * * *

(2) * * *

(i) The date of the declaration/determination/notification;

(ii) The name(s) of any county(ies) in which EM loans are available;

* * * * *

(b) * * *

(1) * * *

(i) Name(s) of any county(ies) in which EM loans are available;

(ii) Date of the declaration/determination/notification;

* * * * *

(2) Notify the States ASCS Executive Director of the authority to make EM loans and promptly have a meeting to review and implement the provisions of the Memorandum of Understanding between ASCS and FmHA on Disaster Assistance, Exhibit C of Subpart D of Part 1945 of this Chapter, to arrive at a mutual understanding as to how ASCS disaster program benefits are to be handled in conjunction with the processing of FmHA EM actual loss loans so that duplication of benefits for the same losses are not received by disaster victims;

* * * * *

(c) * * *

(1) Notify the County ASCS Executive Director of the declaration/determination/notification and have a meeting to review and implement the provisions of the Memorandum of Understanding between ASCS and FmHA on Disaster Assistance, Exhibit C of Subpart D of Part 1945 of this Chapter, to arrive at a mutual understanding as to how ASCS disaster program benefits and other information in ASCS's records will be made available and used in processing EM actual loss loans. Also the County Supervisor will request that information regarding the availability of EM loans be placed in the ASCS's news letter;

* * * * *

7. Section 1945.25 is amended by revising paragraph (b)(2) to read as follows:

§ 1945.25 Relationship between FmHA and FEMA.

* * * * *

(b) * * *

(2) If the FEMA makes a request for information from FmHA on losses and damages caused by an unusual and adverse weather condition or natural phenomenon, the FEMA representative will be advised to contact the SEB Chairperson. The EOH provides that the SEB will request the CEB to prepare the DAR. State Directors and County Supervisors should cooperate with SEB and CEB Chairpersons in preparing the DARs.

* * * * *

§ 1945.30 [Amended]

8. In § 1945.30, paragraph (b)(1) is amended by removing the word "available" and ending the first sentence after the word "loans".

(7 U.S.C. 1989; 7 CFR 2.23; 7 CFR 2.70)

Dated: March 24, 1983.

Frank W. Naylor, Jr.,

Under Secretary for Small Community and Rural Development.

[FR Doc. 83-9658 Filed 4-12-83; 8:45 am]

BILLING CODE 3410-07-M

Food Safety and Inspection Service

9 CFR Parts 327 and 381

[Docket No. 82-009F]

Importation of Meat and Poultry Products; Final Provisions

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: On August 19, 1982, the Food Safety and Inspection Service (FSIS) published an immediately effective emergency interim rule to decrease the likelihood that adulterated or misbranded meat and poultry products will enter into United States' commerce. The interim final concerned, among other things, stricter controls on the movement and sale of "refused entry" product and the marking of imported product by inspectors. FSIS's action was prompted by information received from the Department of Agriculture's Office of the Inspector General revealing that product that had been "refused entry" at United States' ports because it was adulterated or misbranded, in some cases, entered into United States' domestic commerce for human food purposes. FSIS solicited comments on the interim rule and has considered all comments received. FSIS has determined that the interim rule, with minor modifications, shall be made a final rule.

EFFECTIVE DATE: May 13, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Grace Clark, Director, Foreign Programs Division, International Programs, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-7610.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The Agency has made a determination that this final rule is not a major rule under Executive Order 12291. It will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This final rule will produce some additional handling, storage, interest, and possible inspection costs through the elimination of stamping the product as "inspected and passed" prior to actual inspection (prestamping). It is estimated that eliminating prestamping will result in approximately a $29 million annual cost for industry. However, it is anticipated that these costs will decrease as new technological, operational, and management procedures are developed by industry and the Government to expedite the handling and inspection of imported meat. It is anticipated that these costs will not result in any significant increase in the price of meat or poultry to consumers. The additional safeguards for public health and against economic fraud should directly benefit consumers and improve the

marketability of imported product, offsetting much of the estimated costs.

Effect on Small Entities

The Administrator, FSIS, has determined that this final rule will not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act, Pub. L. 96–354 (5 U.S.C. 601). The portion of the estimated costs of the rule applicable to small entities would be largely offset by improved marketability of the product and is outweighed by the legal necessity to protect consumers from adulterated or misbranded imported product. Any burden or costs to salvage operators due to the limits placed on transfer of title of refused entry product should be ameliorated by the fact that such persons can perform the same service as agents of the affected owner or consignee.

Background

On August 19, 1982, FSIS published in the **Federal Register** (47 FR 36109) an interim rule, effective immediately, establishing new procedures for handling imported product to decrease the likelihood that "refused entry" meat and poultry product will enter into United States' commerce. FSIS had received information from the Department of Agriculture's Office of the Inspector General revealing that some product that has been "refused entry" at United States' ports because it was adulterated on misbranded, had entered into United States' domestic commerce for human food purposes. This information demonstrated the need for stricter controls over "refused entry" product and raised serious concerns about the adequacy of the measures to control "refused entry" product in the United States at that time.

Among the actions taken in the interim rule were prohibitions on:

(1) The application of the "U.S. Inspected and Passed" markings on meat and poultry products prior to final import inspection (prestamping);

(2) The subdivision of lots of "refused entry" products into smaller lots for separate disposition;

(3) The movement of "refused entry" product between ports without the provision of specific data to program officers;

(4) The movement of any "refused entry product" within the United States except under seal; and

(5) The sale of "refused entry" product, except to a foreign consignee for direct and immediate exportation.

The interim rule also increased the time limit that owners or consignees have to dispose of "refused entry" product from 30 days to 45 days, while restricting the circumstances for which extension of time can be granted.

Comments on Interim Rule

FSIS received 13 comments in response to the interim rule—6 from industry associations, 4 from importers/exporters, 1 from a farm organization, 1 from a farmer, and 1 from an insurance company. Three commenters fully supported the interim rule and one commenter expressed general opposition to the importation of meats. The following is a discussion of the issues raised by the commenters and FSIS' response to each:

1. *Prohibition of the sale of "refused entry" product except to foreign consignees.*

Comment: Seven commenters voiced their opposition to the requirement prohibiting the transfer of legal titles of "refused entry" products. The bases for such opposition included:

(1) Some segments of industry handling "refused entry" products may be forced out of business;

(2) Complications would develop concerning insurance coverage of "refused entry" product;

(3) Importers are not versed in export markets;

(4) A monopoly would be created and inhibit competitive bidding; and

(5) FSIS should be concerned with the actual movement of product rather than the concept of legal title.

Response: The Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*) and the Poultry Products Inspection Act (21 U.S.C. 451 *et seq.*) place the burden of destroying or exporting "refused entry" product on the consignee. Those statutes prohibit generally the sale of adulterated, misbranded, or uninspected products in commerce. This prohibition does not apply to "refused entry" products that are destroyed for human use or sold directly to a foreign consignee. The transfer of legal title of "refused entry" products within the United States other than in this manner constitutes the sale of adulterated or misbranded products in violation of those provisions. Sale of "refused entry" products in the United States has in numerous instances in the past impaired FSIS's ability to control these products and to assure that they are not used for human food purposes in the United States. Therefore, FSIS concludes that prohibition of the transfer of legal title of "refused entry" product, as provided for in the interim rule, should be retained in the final rule. This will not preclude other persons or firms from representing the owner or consignee as agents in exporting "refused entry" products. Firms presently handling "refused entry" product for exporters should be able to continue to do so without having legal title to the product. Similarly, insurers need not take title to "refused entry" meat or poultry product to ascertain the net loss due to such product being refused entry.

2. *The 45-day limitation for disposition of U.S. "refused entry" products.*

Comment: Two commenters stated that 45 days are not adequate for disposing of "refused entry" product and recommended that FSIS allow up to at least 60 days.

Response: FSIS believes that 45 days is a sufficient time period. Since the August 19, 1982, publication of the interim rule establishing the 45-day limitation, FSIS has received no persuasive justification for granting extensions beyond the 45 days. FSIS has determined, therefore, that it will retain the 45-day limitation. The Administrator, FSIS, will grant extensions only when extreme circumstances warrant it; *e.g.*, a dock workers' strike or an unforeseeable vessel delay.

3. *Prohibition of subdivision of U.S. "refused entry" products.*

Comment: Two commenters opposed the prohibition of subdividing the "refused entry" product for export. One of the commenters contended that such prohibition prior to export is unreasonable since the foreign markets for such product are often small ones. The other commenter believed that the prohibition would not allow unsound product to be removed from the "refused entry" lot and destroyed prior to exporting the remaining lot.

Response: In order to maintain adequate control over the disposition of a complete lot, FSIS cannot allow the subdivision of products for separate disposition. In the past, lots could be subdivided at separate times to various consignees and FSIS was unable to identify whether the entire "refused entry" lot had been shipped outside the United States or otherwise properly disposed of. Nonetheless, FSIS believes that damaged or otherwise unsound product may and should be removed from the "refused entry" lot and destroyed prior to exportation. Therefore, FSIS has clarified this final rule to permit removal of unsound product from the "refused entry" lot for destruction prior to exportation.

4. *Prestamping prohibition.*

Comment: One commenter stated that the prohibition of prestamping imported meat and poultry prior to actual

inspection causes needless delays and expenses.

Response: FSIS had in the past permitted, under certain circumstances, the "U.S. Inspected and Passed" shield to be placed upon imported product prior to its receiving full inspection. The shield had to be obliterated if the product did not ultimately pass inspection. This practice, however, reduced FSIS's ability to control product and offered additional opportunity for product that was found to be adulterated or misbranded to enter into United States' commerce. Therefore, the practice of prestamping imported product was discontinued on March 29, 1982, through MPI Bulletin 82–12.[1]

As discussed previously, FSIS is aware of the additional costs to industry resulting from prohibiting the prestamping of product. However, as also previously discussed, FSIS believes that new technological, operational, and management procedures can and are being developed to expedite the handling of imported product for inspection and reduce these costs.

Miscellaneous Amendments

The final rule does not amend the last sentence of § 327.10(c) of the Federal meat inspection regulations as contained in the interim rule. That section states that affected consignments will be identified as "U.S. Refused Entry." The last sentence currently provides that consignments may be marked as well if the area supervisor deems it appropriate. The interim rule revision unintentionally implied that marking of all refused entry consignments is required in addition to or instead of normal identification, which is usually by label or placard. After reconsideration, FSIS has determined the change to that paragraph is not warranted and has deleted it from the final regulation. Consignments of "refused entry" product will continue to be identified as they are now, and marking the individual product containers in each such consignment as "U.S. Refused Entry" will still be at the discretion of the area supervisor.

Minor revisions have also been made for clarity purposes in the amendments to §§ 327.13 and 381.202.

Final Rule

After careful consideration of the comments received on the interim rule, the Administrator has determined that the interim rule should be published as permanent regulations as set forth below.

List of Subjects

9 CFR Part 327

Meat inspection, Imported products.

9 CFR Part 381

Poultry products inspection, Imported products.

PART 327—[AMENDED]

1. The authority citation for Part 327 reads as follows:

Authority: 34 Stat. 1260, 79 Stat. 903, as amended, 81 Stat. 584, 84 Stat. 91, 438; 21 U.S.C. 71 *et seq.*, 601 *et seq.*, 33 U.S.C. 1254.

2. Section 327.10 of the Federal meat inspection regulations (CFR 327.10) is amended by adding a new sentence after the first sentence of paragraph (b) to read as follows:

§ 327.10 Samples; inspection of consignments; refusal of entry; marking.

* * * * *

(b) * * *. Such inspection legend shall be placed upon the containers only after completion of official import inspection and product acceptance. * * *

* * * * *

3. Section 327.13 of the Federal meat inspection regulations (9 CFR 327.13) is amended by revising paragraph (a) and the last sentence of paragraph (b) to read as follows:

§ 327.13 Foreign products offered for importation; reporting of findings to Customs; handling of articles refused entry.

(a)(1) Program inspectors shall report their findings as to any product which has been inspected in accordance with this Part, to the Director of Customs at the original port of entry where the same is offered for clearance through Customs inspection.

(2) When product has been identified as "U.S. refused entry, " the inspector shall request the Director of Customs to refuse admission to such product and to direct that it be exported by the owner or consignee within the time specified in this section, unless the owner or consignee, within the specified time, causes it to be destroyed by disposing of it under the supervision of a Program employee so that the product can no longer be used as human food, or by converting it to animal food uses, if permitted by the Food and Drug Administration. The owner or consignee of the refused entry product shall not transfer legal title to such product, except to a foreign consignee for direct and immediate exportation, or to an end user, e.g., an animal food manufacturer or a renderer, for destruction for human food purposes. "Refused entry" product must be delivered to and used by the manufacturer or renderer within the 45-day time limit. Even if such title is illegally transferred, the subsequent purchaser will still be required to export the product or have it destroyed as specified in the notice under paragraph (a)(5) of this section.

(3) No lot of product which has been refused entry may be subdivided during disposition pursuant to paragraph (a)(2) of this section, except that removal and destruction of any damaged or otherwise unsound product from a lot destined for reexportation is permitted under supervision of USDA prior to exportation. Additionally, such refused entry lot may not be shipped for export from any port other than that through which the product came into the United States, without the expressed consent of the Administrator based on full information concerning the product's disposition, including the name of the vessel and the date of export. For the purposes of this paragraph, the term "lot" shall refer to that product indentified on MP Form 410 in the original request for inspection for importation pursuant to § 327.5.

(4) Product which has been refused entry solely because of misbranding, in lieu of exportation or destruction pursuant to paragraph (a)(2) of this section, may be brought into compliance with the requirements of this Part, under supervision of an authorized representative of the Administrator.

(5) The owner or consignee shall have 45 days after notice is given by FSIS to the Director of Customs at the original port of entry to take the action required in paragraph (a)(2) of this section for "refused entry" product. Extension beyond the 45-day period may be granted by the Administrator when extreme circumstances warrant it; e.g., a dock workers' strike or an unforeseeable vessel delay.

(6) If the owner or consignee fails to take the required action within the time specified under paragraph (a)(5) of this section, the Department will take such action as may be necessary to effectuate its order to have the product destroyed for human food purposes. The Department shall seek court costs and fees, storage, and proper expense in the appropriate legal forum.

(b) * * *. All such product shall be returned in cars, trucks, or other means of conveyance, or in corded containers sealed with the official import meat seal of the Department.

* * * * *

[1] Copies of MPI Bulletin 82–12 are available from the Regulations Office, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250.

PART 381—[AMENDED]

4. The authority citation for Part 381 reads as follows:

Authority: Section 14 of the Poultry Products Inspection Act, as amended by the Wholesome Poultry Products Act (21 U.S.C. 451 *et seq.*); the Talmadge-Aiken Act of September 28, 1962 (7 U.S.C. 450); and subsection 21(b) of the Federal Water Pollution Control Act, as amended by Pub. L. 91–224 and by other laws (33 U.S.C. 1254).

5. Section 381.202 of the poultry products inspection regulations (9 CFR 381.202) is amended by revising paragraph (a) to read as follows:

§ 381.202 Poultry products offered for entry; reporting of findings to Customs; handling of articles refused entry.

(a)(1) Program inspectors shall report their findings as to any product which has been inspected in accordance with this Part, to the Director of Customs at the original port of entry.

(2) When product has been identified as "U.S. refused entry," the inspector shall request the Director of Customs to refuse admission to such product and to direct that it be exported by the owner or consignee within the time specified in this section, unless the owner or consignee, within the specified time, causes it to be destroyed by disposing of it under the supervision of a Program employee so that the product can no longer be used as human food, or by converting it to animal food uses, if permitted by the Food and Drug Administration. The owner or consignee of the refused entry product shall not transfer legal title to such product, except to a foreign consignee for direct and immediate exportation, or an end user, e.g., an animal food manufacturer or a renderer, for destruction for human food purposes. "Refused entry" product must be delivered to and used by the manufacturer or renderer within the 45-day time limit. Even if such title is illegally transferred, the subsequent purchaser will still be required to export the product or have it destroyed as specified in the notice under paragraph (a)(4) of this section.

(3) No lot of product which has been refused entry may be subdivided during disposition pursuant to paragraph (a)(2) of this section, except that removal and destruction of any damaged or otherwise unsound product from a lot destined for reexportation is permitted under supervision of USDA prior to exportation. Additionally, such refused entry lot may not be shipped for export from any port other than that through which the product came into the United States without the expressed consent of the Administrator, based on full information concerning the product's disposition, including the name of the vessel and the date of export. For the purposes of this paragraph, the term "lot" shall refer to that product identified on MP Form 410 in the original request for inspection for importation pursuant to § 381.198.

(4) The owner or consignee shall have 45 days after notice is given by FSIS to the Director of Customs at the original port of entry to take the action required in paragraph (a)(2) of this section for "refused entry" product. Extension beyond the 45-day period may be granted by the Administrator when extreme circumstances warrant it; e.g., a dock workers' strike or an unforeseeable vessel delay.

(5) If the owner or consignee fails to take the required action within the time specified under paragraph (a)(4) of this section, the Department will take such actions as may be necessary to effectuate its order to have the product destroyed for human food purposes. The Department shall seek court costs and fees, storage, and proper expenses in the appropriate forum.

* * * * *

6. Section 381.204 of the poultry products inspection regulations (9 CFR 381.204) is amended by adding a new sentence after the first sentence to read as follows:

§ 381.204 Marking of poultry products offered for entry.

* * *. Such inspection legend shall be placed upon such products only after completion of official import inspection and product acceptance. * * *.

Done at Washington, D.C., on: March 30, 1983.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 83-9705 Filed 4-12-83; 8:45 am]

BILLING CODE 3410-DM-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 3

Introducing Brokers and Associated Persons of Introducing Brokers; Notice and Procedures for "No-Action" Position

AGENCY: Commodity Futures Trading Commission.

ACTION: Rule related notice; procedures for obtaining no-action position for introducing brokers and associated persons of introducing brokers.

SUMMARY: The Commodity Futures Trading Commission ("Commission") is publishing a letter it has transmitted to all registered futures commission merchants ("FCMs"). In that letter, the Commission advised those FCMs that in light of recent amendments to the registration requirements administered by the Commission under the Commodity Exchange Act, each FCM and agent of an FCM must determine whether those agents are to continue in business as introducing brokers on and after the May 11, 1983 effective date of the statutory amendments. That letter establishes procedures by which such an agent may obtain a "no-action" position from the Commission until it is registered under the Act as an introducing broker and by which associated persons ("APs") of an FCM who are presently employed by an agent may "transfer" their registrations to the agent which is applying for registration as an introducing broker. The Commission is publishing that letter in the Federal Register to provide affected persons additional notice of those procedures and to advise other interested members of the public of the requirements being established by the Commission.

FOR FURTHER INFORMATION CONTACT: Kenneth M. Rosenzweig, Assistant Chief Counsel, or Robert P. Shiner, Assistant Director, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street N.W., Washington, D.C. 20581. Telephone: (202) 254–8955 or 254–9703, respectively.

SUPPLEMENTARY INFORMATION: The Futures Trading Act of 1982 has amended the Commodity Exchange Act to eliminate the formerly unregistered statutory category of "agents" of futures commission merchants and to require such an "agent" to register with the Commission either as an introducing broker or, in the case of an individual, as an AP of a futures commission merchant. The Futures Trading Act of 1982 also extends the requirements that govern the registration of associated persons so that individuals who were formerly associated with a futures commission merchant through an agent must now either become associated with an introducing broker or remain associated with the "sponsoring" futures commission merchant. *See* Futures Trading Act of 1982, Pub. L. No. 97–444, §§ 201, 207, 212, 96 Stat. 2297, 2302, 2303–04.

The Commission has recently proposed rules which, when adopted, would govern the registration of introducing brokers and their associated

persons. 48 FR 14933 (April 6, 1983). The Commission recognizes, however, that these individuals and firms will not be able to become registered pursuant to rules adopted by the Commission prior to the May 11, 1983 statutory deadline. The Commission has therefore sent the following letter to all registered futures commission merchants to advise those FCMs and their agents of procedures adopted by the Commission which, if complied with in every respect, will allow an agent and the APs employed by that agent to continue in business as an intoducing broker and as APs of an FCM or as APs of an introducing broker, respectively.

The procedures specified in the letter reprinted below will allow introducing brokers and their associated persons to continue in business until such time as the Commission adopts appropriate regulations and the applications for registration that would otherwise have to be filed pursuant to those regulations can be processed. The Commission therefore finds that notice and public comment on these procedures is impracticable. For the same reasons, the Commission finds that these procedures should be made effective immediately. Finally, to the extent that these procedures conflict with a statement of policy recently published by the Commission in the **Federal Register** (48 FR 11926 (March 11, 1983)), that policy statement is superseded by these procedures and should be given no further force or effect.

The text of the letter sent by the Commission to all registered futures commission merchants on April 7, 1983 is set forth below. Although the attachments to that letter are not being reprinted in this **Federal Register** notice, they are available to interested persons from the National Futures Association at the address set forth in that letter or from the Commission's Registration Unit at the address provided earlier in this notice.

List of Subjects in 17 CFR Part 3

Associated persons of introducing brokers, Introducing brokers.

Issued in Washington, D.C. on April 7, 1983, by the Commission.

Jean A. Webb,

Deputy Secretary of the Commission.

April 7, 1983.

Re: *Registration of Introducing Brokers and Associated Persons of Introducing Brokers*

Dear Futures Commission Merchant: As you may know, recently-enacted legislation will make certain significant changes in the registration requirements administered by the Commodity Futures Trading Commission ("Commission") under the Commodity Exchange Act ("Act"). Specifically, the Futures Trading Act of 1982[1] has amended the Act to eliminate the formerly unregistered category of "agents" of futures commission merchants ("FCMs") and to require those "agents" to be registered with the Commission either as an "introducing broker"[2] or as an associated person ("AP") of a futures commission merchant (in the case of an individual). The Futures Trading Act of 1982 also extends the requirements that govern the registration of associated persons so that individuals who were formerly associated with a futures commission merchant through an "agent" must now either become associated with an introducing broker or remain associated with the "sponsoring" futures commission merchant.[3]

These new registration requirements will become effective on May 11, 1983 [4] and, absent appropriate relief, it would be unlawful for any person to engage in business either as an introducing broker [5] or as an AP of an introducing broker [6] unless that person was properly registered under the Act on and after that date. The Commission recognizes, however, that these individuals and firms will not be able to become registered pursuant to rules adopted by the Commission prior to that statutory deadline. The Commission is, therefore, making available procedures which will allow those persons who, on the date of this letter, are either listed with the Commission as an "agent" of an FCM or who are registered as an AP of an FCM to continue in business on and after May 11, 1983 even though they have not been registered under the Act as introducing brokers or as APs of introducing brokers.[7] An agent or AP of an FCM who intends to do business as an introducing broker or as an AP of an introducing broker *must* comply with the procedures specified in this letter if that person is to engage in business in either of these new capacities prior to the time the Commission makes effective appropriate regulations and the necessary applications for registration are processed and approved.

Specifically, the Commission will not take enforcement action against any introducing broker or associated person of an introducing broker based solely on the failure of such a person to be registered as such if the procedures specified below are complied with in every respect. The Commission wishes to emphasize, however, that registration as an introducing broker or as an AP of an introducing broker is *not* required for any individual who, while presently associated with an FCM through an agent, remains associated solely with a futures commission merchant as an associated person. Thus, in those cases where the "agent" of an FCM is an individual registered as an AP of an FCM, registration as an introducing broker will not be required if, on and after May 11, 1983, that individual remains associated with the same futures commission merchant as an AP. Similarly, because "agents" will cease to exist as a statutory registration classification on May 11, 1983, APs who were formerly associated with an FCM through an agent and who do not wish to become associated with the introducing broker can remain APs of the FCM.[8]

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[1] Pub. L. No. 97-444, 96 Stat. 2294 (January 11, 1983).

[2] The Futures Trading Act of 1982 defines the term "introducing broker" to mean: any person, except an individual who elects to be and is registered as an associated person of a futures commission merchant, engaged in soliciting or in accepting orders for the purchase or sale of any commodity for future delivery on or subject to the rules of any contract market who does not accept any money, securities, or property (or extend credit in lieu thereof) to margin, guarantee, or secure any trades or contracts that result or may result therefrom. *Id.*, Section 201, 96 Stat. 2297.

[3] *Id.*, Section 212, 96 Stat. 2303-04. Furthermore, certain individuals associated with commodity trading advisors ("CTAs") and commodity pool operators ("CPOs") will be required to register as associated persons. A separate letter is being transmitted to all registered CTAs and CPOs to advise them of these latter requirements.

[4] *Id.*, Section 239, 96 Stat. 2327. On April 6, 1983, the Commission published proposed regulations in the *Federal Register* which would establish registration, minimum financial, recordkeeping, and other regulatory requirements for introducing brokers, their APs, and the APs of CTAs and CPOs. 48 Fed. Reg. 14933.

[5] *Id.*, Section 207, 96 Stat. 2302, *amending* Section 4d of the Commodity Exchange Act, 7 U.S.C. § 6d (1976 & Supp. V 1981).

[6] Section 4k(1) of the Act, as amended, specifies that:

It shall be unlawful for any person to be associated with . . . an introducing broker as a partner, officer, employee, or agent (or any person occupying a similar status or performing similar functions), in any capacity that involves (i) the solicitation or acceptance of customers' orders (other than in a clerical capacity) or (ii) the supervision of any person or persons so engaged, unless such person is registered with the Commission under this Act as an associated person . . . of such introducing broker. . . . It shall be unlawful for . . . [an] introducing broker to permit such a person to become or remain associated with the . . . introducing broker in any such capacity if such . . . introducing broker knew or should have known that such person was not so registered. . . . Any individual who is registered as a floor broker, futures commission merchant, or introducing broker (and such registration is not suspended or revoked) need not also register under this subsection.

Futures Trading Act of 1982, Section 212, 96 Stat. 2303-04.

[7] An individual who has applied for AP registration on or before the date of this letter will be allowed to engage in business as an AP of an introducing broker only after his application for AP registration has been granted unless an FCM has applied for and received a "no-action" position for that AP pursuant to procedures previously adopted by the Commission. *See* 47 Fed. Reg. 53764 (November 29, 1982) (commodities/securities APs); 48 Fed. Reg. 4709 (February 2, 1983) ("commodities-only" APs).

By comparison, persons who are not now registered as APs (or for whom no application has been filed as of the date of this letter) will not be allowed to associate with an introducing broker under this "no-action" position but will have to apply in accordance with final regulations. Similarly, a person who is not presently an agent of an FCM will not qualify for the "no-action" position described herein and, as a practical matter, will not be able to apply for registration as an introducing broker until appropriate regulations have become effective.

[8] Any associated person who has registered under the "sponsorship" of a futures commission merchant

You should be aware that the Commission has recently approved rules of the National Futures Association ("NFA") which, in effect, allow any futures commission merchant and its associated persons to solicit and accept orders for commodity option transactions, regardless of whether or not the FCM is a member of the contract market on which the option is traded, if that FCM is a member of NFA. This action by the Commission does not, however, extend to introducing brokers and their associated persons, who are not permitted to engage in option transactions on behalf of the public and who may be compensated for only those option transactions which occurred prior to May 11, 1983. In addition, associated persons who terminate their association with an FCM to become associated with an introducing broker will not be allowed to continue to solicit or accept orders from option customers or to supervise any person or persons so engaged [9] and an AP who elects to "transfer" to an introducing broker will not be permitted to remain associated with an FCM.

Each FCM and each agent of an FCM should therefore carefully determine whether the APs associated with that FCM through an agent are to remain associated with that FCM or whether they are to become APs of an introducing broker.[10] The Commission is transmitting under separate cover a listing of each FCM's agent and associated persons. Each futures commission merchant should review that listing to determine which of those agents and APs intend to continue in business as introducing brokers and as APs of introducing borkers rather than as APs of a futures commission merchant.

In those cases where an agent must register as an introducing broker (or where an individual AP elects to register as an introducing broker), the agent must complete two copies of the Form 7–R which has been enclosed for this purpose.[11] The Form 7–Rs must be accompanied by a Form 8–R and a fingerprint card for each principal of the applicant for registration as an introducing broker who does not have a current Form 8–R on file with the Commission.[12]

The Commission has authorized the National Futures Association to perform the registration processing functions associated with this "no-action" position that would otherwise be performed by the Commission for introducing brokers and their APs.[13] Although introducing brokers and their APs will be registered with the Commission, NFA will process the applications for registration and related materials submitted by those persons. The Form 7–Rs, and any Form 8–Rs and fingerprint cards submitted on behalf of a principal,[14] should therefore be submitted to, and must be *received* by, NFA not later than May 11, 1983, at the following address: National Futures Association, Attention: Steven L. Fuller, Director of Registration, 200 West Madison Street, Chicago, Illinois 60606.

The FCM and each of its agents must also provide a listing of the associated persons employed by those agents who are to become APs of the agent. Specifically, on or before May 11, 1983, the FCM and the applicant must provide NFA with a list, signed by both the agent and the FCM, specifying each AP whose registration is to be "transferred" from the FCM to the agent which is applying for registration as an introducing broker. That list must be in the form specified in the supplement to this letter and must contain the Certification specified therein. Alternatively, the FCM and the applicant for registration as an introducing broker may return the pertinent portion of the computer-generated listing which has been provided by the Commission *if the Certification is attached to that listing.* (In the latter case, the FCM and the agent must clearly indicate any changes or corrections to that listing, including the deletion of any APs whose registration is not to be transferred to the introducing broker.) An AP who is no longer sponsored by an FCM and whose registration is "transferred" to an introducing broker will thereafter be registered as an associated person of that introducing broker as long as he remains associated with the introducing broker and the introducing broker will be fully responsible for the conduct of that AP as if the AP had been registered under the "sponsorship" of the introducing broker.

If an agent does not apply for registration as an introducing broker in the form and manner specified above, the FCM must either: (1) Notify the Commission of the termination of the agency relationship and of the association with the FCM of any APs employed by the agent (including, where the agent was an individual, the agent himself);[15] or (2) include all APs formerly employed by the agent (and, if appropriate, the agent himself) in an existing or newly-designated branch office of the FCM.[16] If an FCM elects to continue its agents and the APs who were employed by those agents in its branch offices, the FCM must return to NFA, not later than May 11, 1983, a copy of the computer-generated listing supplied by the Commission which clearly indicates which APs are to be included in the FCM's network of branch offices, the branch office manager (or designated supervisor), and address of each such branch office.

Persons who are contemplating applying for registration as an introducing broker should be aware that the Commission has proposed to require introducing brokers to establish and maintain a minimum adjusted net capital of $50,000 (or $25,000 if the applicant introducing broker is a member of a self-regulatory organization such as a contract market or the National Futures Association). The Commission has further proposed to require introducing brokers to maintain their adjusted net capital at 150% of those minimum dollar amounts (*i.e.*, $75,000, or $37,500 if the applicant is a member of a self-regulatory organization) if the applicant is to avoid filing the monthly reports on Form 1–FR that would otherwise be required under the Commission's financial "early warning" system.

The Commission is enclosing a sample Form 1–FR, the basic financial reporting form for FCMs which the Commission contemplates will be adapted for use by introducing brokers. Although the Form 1–FR should *not* be completed and filed at this time, an applicant for registration as an introducing broker who files the Forms 7–R and 8–R to benefit from the Commission's "no-action" position *will* be required to file two copies of a Form 1–FR, certified by an independent public accountant, not later than 90 days after the Commission adopts minimum financial requirements for introducing brokers.[17]

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in accordance with the procedures set forth in Commission regulation 3.12 (17 CFR 3.12 (1982)) will generally remain registered as such until he ceases to be associated with the sponsoring futures commission merchant. 17 CFR 3.12(b) (1982). (An AP who was registered prior to July 1, 1982 under the provisions of now-repealed Commission regulation 1.10b (17 CFR 1.10b (1981)) and whose registration has not yet expired may continue to act as such and remain associated with an FCM until his current registration expires. 17 CFR 3.12(a) (1982). Any such associated person would, of course, be required to re-register as an associated person under the "sponsorship" provisions of regulation § 3.12 at or prior to the time his current registration expires.)

[9] 17 CFR 33.3(b) (1982), *as amended by* 47 FR 56998, 57016–17 (December 22, 1982).

[10] As noted above, an "agent" who is an individual and who is registered as an AP of a futures commission merchant need not register as an introducing broker if that "agent" remains associated with an FCM in the same manner as any other associated person.

[11] Because the Commission's registration Forms have not yet been formally revised to reflect the recent statutory changes, applicants for registration as introducing brokers should carefully follow the supplemental instructions attached to the Forms.

[12] For these purposes, the term "principal" is defined to mean:

(1) Any person including, but not limited to, a sole proprietor, general partner, officer, director, branch office manager or designated supervisor, or person occupying a similar status or performing similar functions, having the power, directly or indirectly, through agreement or otherwise, to exercise a controlling influence over activities of introducing brokers; (2) any holder of more than ten percent of the outstanding shares of any class of stock; or (3) any person who has contributed more than ten percent of the capital.

Compare 17 CFR 3.1(a).

[13] *See* Futures Trading Act of 1982, Pub. L. No. 97–444, section 224(6), 96 Stat. 2315.

[14] Principals may use fingerprint cards supplied by either the Commission or NFA.

[15] 17 CFR 3.31 (a), (c) (1982).

[16] Any such branch office would, of course, be required to do business in the name of the FCM. Similarly, the APs in that branch office would be employees of the FCM rather than employees of the agent.

[17] The Commission anticipates that it will adopt final regulations in May 1983. Thus, an introducing broker would be required to file the certified Form 1–FR no later than sometime in August 1983. (The precise date will be specified by the Commission at the time it adopts those final regulations.)

The Commission contemplates that, as is the case with applicants for FCM registration, each person who files an application for registration as an introducing broker, must file either: (1) Two copies of a Form 1–FR certified by an independent public accountant as of a date not more than 45 days prior to the date on which such report is filed, or (2) two copies of an uncertified Form 1–FR as of a date not more than 45 days prior to the date on which such report is filed *and* two copies of a Form 1–FR certified by an independent public accountant as of a date not more than one year prior to the date on which such report is filed. Each such person would also be required to include with that financial report a statement describing the source of his current

The Commission will publish in the **Federal Register** a list of all applicants who qualify for a "no-action" position with respect to their registration as introducing brokers. Any introducing broker who would like immediate confirmation of its application must enclose an extra copy of the letter covering its submission to NFA as well as a pre-addressed, postage-paid envelope for this purpose. NFA will return a time-stamped copy of that letter but, in view of existing resource limitations, will not provide any other notice of an individual's or firm's qualification for a "no-action" position.

As indicated above, an AP whose registration is not transferred to an introducing broker will remain an associated person of the FCM. Neither the Commission nor NFA will accept any additions to the "transfer list" after it is filed; an introducing broker may not, therefore, hire new associated persons prior to the time it is formally registered as an introducing broker. By comparison, FCMs and introducing brokers will continue to be required to report the termination of the association of an AP with the FCM or introducing broker, respectively. (The Commission will, however, deem a properly-completed "transfer" list to satisfy an FCM's obligation to notify the Commission of the termination of an AP or agent.)

To recapitulate, the Commission will not take action solely to enforce the requirements of sections 4d and 4k(1) of the Act, as amended, where—

With respect to introducing brokers:

(1) The applicant for registration as an introducing broker was listed by an FCM as its agent as of the date of this letter;

(2) Two copies of a Form 7–R (as modified by the instructions attached to that Form) are completed by the applicant for registration as an introducing broker and received by the National Futures Association at the address specified above not later than May 11, 1983; and

(3) The Form 7–Rs are accompanied by a Form 8–R (as modified by the instructions attached thereto) and a fingerprint card for each principal of the introducing broker who does not have a current Form 8–R on file with the Commission.

With respect to associated persons of introducing brokers:

(1) Each associated person to be "transferred" to the introducing broker was either registered or had an application for registration as an associated person pending with the Commission as of the date of this letter; and

(2) The applicant for registration as an introducing broker and the futures commission merchant specify those APs, if any, whose registration is to be "transferred" to the introducing broker in the form and manner indicated in this letter.

The Commission's "no-action" position will terminate automatically if an applicant for registration as an introducing broker fails to file two copies of the certified Form 1–FR within ninety days after the Commission adopts final regulations setting forth minimum capital and related reporting requirements for introducing brokers or if the Form 1–FR does not adequately demonstrate compliance with those requirements. Furthermore, the Commission's "no-action" position may be terminated by notice from the Commission's Division of Trading and Markets or from the National Futures Association. Finally, the "no-action" will terminate upon the introducing broker's registration under the Act.

The Commission requests that you promptly confer with each of your agents to determine whether the agent will apply for the "no-action" position described above and, if so, that you make available to the agent copies of the enclosed Forms 7–R, 8–R, and 1–R. If you have any questions regarding these procedures, or if you need additional copies of those Forms or of the fingerprint card, please contact Steven L. Fuller, Director of Registration, National Futures Association, 200 West Madison Street, Chicago, Illinois 60606 ((312) 781–1410).

Sincerely,

Jean A. Webb,

Deputy Secretary of the Commission.

Associated Persons Whose Registration Is To Be Transferred From the Futures Commission Merchant to the Applicant for Registration as an Introducing Broker

Name, CFTC ID Number [1]*, Registration Expiration Date* [2]

Certification:

The undersigned Futures Commission Merchant and applicant for registration as an Introducing Broker ("Applicant") agree to transfer the registration of each of the associated persons specified herein from that Futures Commission Merchant to Applicant. Applicant acknowledges: (1) That each such associated person will thereafter remain registered as an associated person of Applicant as though the associated person had been registered as an associated person of Applicant in accordance with the provisions of 17 CFR 3.12; (2) that Applicant will diligently supervise each such associated person with a view to preventing violations of the Commodity Exchange Act and the rules, regulations, and orders thereunder; and (3) Applicant acknowledges that it is fully responsible for the conduct of each such associated person as though the associated person had been registered as an associated person of Applicant in accordance with the provisions of 17 CFR 3.12.

For the Futures Commission Merchant:

Signature and Date

For the Applicant:

Signature and Date

Print Name and Title (Corporate Officer, General Partner, or Sole Proprietor)

Print Name and Title (Corporate Officer, General Partner, or Sole Proprietor)

Attach Continuation Sheet if Necessary

[FR Doc. 83–9680 Filed 4–12–83; 8:45 am]

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assets and representing that his capital has been contributed for the purpose of operating his business as an introducing broker and will continue to be used for that purpose.

[1] Provide social security number if CFTC identification number is not indicated on computer-generated listing supplied by the Commission.

[2] "99/99/99" indicates that AP has been registered in accordance with the "sponsorship" provisions of 17 CFR 3.12 and will remain registered as an AP until association with the Futures Commission Merchant or Applicant is terminated. *See* 17 CFR 3.12(b).

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 561

[FAP 6H5143/R551; PH-FRL 2344–6]

Tolerances for Pesticides in Animal Feeds Administered by the Environmental Protection Agency; Butachlor

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a feed additive regulation to permit residues of the herbicide butachlor in or on rice bran and hulls in connection with an experimental use permit involving the application of butachlor in the growing of rice. This regulation to permit marketing of the commodities while further data are being collected on the herbicide was requested, pursuant to a petition, by the Monsanto Agricultural Products Company.

EFFECTIVE DATE: April 13, 1983.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A–110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Robert Taylor, Product Manager (PM) 25, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency Rm. 245, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–1800).

SUPPLEMENTARY INFORMATION: EPA issued a regulation published in the **Federal Register** of March 3, 1981 (46 FR 14889) that established a feed additive regulation permitting residues of the herbicide butachlor (*N*-(butoxymethyl)-2-chloro-2′, 6′-diethylacetamilide) in or on rice bran at 0.5 part per million (ppm) and rice hulls at 1.0 ppm in connection with an experimental use permit involving the application of the herbicide in the growing of rice.

This regulation is being extended to April 23, 1984 to permit the continued testing, obtain additional data on butachlor, and to permit the continued marketing of commodities.

The scientific data reported and other relevant material have been evaluated and it has been determined that the pesticide may be safely used in accordance with the provisions of the experimental use permit (524–EUP–30) that was concurrently extended under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended.

The pesticide is considered useful for the purpose for which the regulation is sought. It is concluded that the pesticide may be safely used in the prescribed manner when such use is in accordance with the label and labeling registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, (86 Stat. 973, 89 Stat. 751, U.S.C. 135(a) *et seq*) and is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new food or feed additive levels, or conditions for safe use of additives, or raising such food or feed additive levels do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24945). (Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 346(c)(1))).

List of Subjects in 21 CFR Part 561

Animal feeds, Pesticides and pests.

Dated: April 1, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 561—[AMENDED]

Therefore, 21 CFR 561.55 is revised to read as follows:

§ 561.55 Butachlor.

(a) [Reserved]

(b) Residues of the herbicide butachlor (*N*-(butoxymethyl)-2-chloro-2′, 6′-diethylacetanilide) may be present in the following feeds only as a result of the application of the herbicide to the growing agricultural commodity in an experimental use program. Residues not in excess of these tolerances remaining after expiration of this experimental use permit will not be considered actionable if the herbicide has been legally applied during the term of, and in accordance with, the provisions of the experimental use permit.

Feeds	Parts per million	Expiration date
Rice bran	0.5	Apr. 24, 1984
Rice hulls	1.0	Apr. 24, 1984

[FR Doc. 83–9740 Filed 4–12–83; 8:45 am]

BILLING CODE 6560–50–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Part 15

[Docket No. R–83–1091]

Release or Denial of Classified Material

AGENCY: Office of the Secretary, HUD.

ACTION: Final rule.

SUMMARY: This final rule amends the regulation governing release or denial of classified material by HUD to change the reference to Executive Order 12065, which has been superseded by Executive Order 12356.

EFFECTIVE DATE: May 16, 1983.

FOR FURTHER INFORMATION CONTACT: John C. Martin, Assistant Inspector General for Investigation, Office of Inspector General, Room 8274, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410, (202) 755–6390. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On April 2, 1982, President Reagan signed Executive Order 12356, National Security Information, effective August 1, 1982. This Executive Order, which superseded Executive Order 12065 on the same subject, made a number of changes designed to enhance the ability of the Executive Branch to protect against unauthorized or premature disclosure of classified material without increasing the quantity of such material.

The HUD regulation governing release or denial of classified material, found at 24 CFR 15.81, contains a reference to the superseded Executive Order. This final rule amends § 15.81(a)(4) so that the reference will be to the current Executive Order rather than to the superseded one.

Since this amendment merely updates the regulation to make the reference to the Executive Order current, the Secretary has determined that it is unnecessary to provide an opportunity for public comment on this amendment and that good cause exists for publishing this amendment as a final rule.

The HUD action taken by adoption of this rule is categorically excluded by 24 CFR 50.21(a)(7) from the procedural requirements for environmental clearances set forth in 24 CFR Part 50. Accordingly, no environmental finding has been prepared for this rule.

This rule does not constitute a "major rule" as that term is defined in section 1(b) of Executive Order 12291 on Federal Regulations issued by the President on February 17, 1981. Analysis of the rule indicates that it does not (1) have an annual effect on the economy of $100,000,000 or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Pursuant to the provisions of 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities.

This rule does not change any program listed in the Catalog of Federal Domestic Assistance.

This rule is not listed in the Department's Semiannual Agenda of Regulations published on October 28, 1982 (47 FR 48422) pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

List of Subjects in 24 CFR Part 15

Classified information, Freedom of Information.

PART 15—[AMENDED]

Accordingly, 24 CFR Part 15 is amended by revising paragraph (a)(4) of § 15.81 to read as follows:

§ 15.81 Authority for release or denial of classified material.

(a) * * *

(4) Whenever it is necessary, by either the original classification authority or HUD to deny the declassification and release, in whole or part, of the requested information, the requester shall be notified, in accordance with Executive Order 12356, of:

(i) The reason for the denial,

(ii) The requesters' right to appeal the denial, and

(iii) The name, title, and address of the appellate authority

(5 U.S.C. 552; sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d)).

Dated: April 5, 1983.

Samuel R. Pierce, Jr.,

Secretary of Housing and Urban Development.

[FR Doc. 83-9662 Filed 4-12-83; 8:45 am]

BILLING CODE 4210-01-M

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 207, 213, 221, 232, 241, 242, 244, and 885

[Docket No. R-83-1090]

Amendments to Multifamily Mortgage Insurance and Section 202 Direct Loan Programs; Insured Advances and Loan Disbursements for Building Components Stored Off-Site

AGENCY: Office of Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Final rule.

SUMMARY: HUD is revising its regulations covering insured and direct loans advances for building components stored off-site to eliminate unnecessary requirements, simplify requirements and reduce the cost of construction. Principal changes cover the elimination of bonded warehouse requirements, the increase of the dollar amount of components covered by insured advances, and the deletion of specific agreement provisions to be used between the general contractor and the manufacturer of the insured components. These changes affect various multifamily insurance and direct loan programs.

EFFECTIVE DATE: May 16, 1983.

FOR FURTHER INFORMATION CONTACT: James L. Hamernick, Director, Office of Multifamily Housing Development, Room 6128, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410 (202) 755-5720 (this is not a toll free number).

SUPPLEMENTARY INFORMATION: Section 525(2) of the Housing and Community Development Act of 1974 authorizes the Secretary to insure mortgage proceeds for building components stored off-site. On February 8, 1979, HUD issued implementing regulations in the form of an interim rule. (44 FR 8194.) This interim rule made indentical amendments to the following regulations: Multifamily Housing Mortgage Insurance (§ 207.19a); Cooperative Housing Mortgage Insurance (§ 213.27a); Low Cost and Moderate Income Mortgage Insurance(§ 221.541a); Nursing Home and Intermediate Care Facilities Mortgage Insurance (§ 232.57); Supplementary Financing for Insured Project Mortgages (§ 241.41); Mortgage Insurance for Hospitals (§ 242.54); and Mortgage Insurance for Group Practice Facilities (Title XI) (§ 244.68). The regulations established storage requirements, allocation of responsibilities for transportation, storage and insurance of off-site building components, and limitations on advances insured. HUD issued nearly identical provisions as an Interim Rule on May 15, 1980, to cover the Section 202 housing for the elderly or handicapped program (45 FR 31990).

Regulations governing the insurance or making of advances for components stored off-site are identical for all of the above referenced programs. The principal requirement is the use of either a bonded warehouse if the compontents are stored away from the production site or a bonded warehouseman if the components are stored at the factory production site. In either case the components have to be readily identifcable and segregated from components stored for use in other than the project.

The regulations specify responsibilities for transportation and storage between the general contractor and the manufacturer depending upon whether the components are in transit to the storage area, in storage, or in transit from the storage area to the construction site. The regulations also place limits on the use of insured or direct loan advances. Insured or direct loan advances are to be limited to components (1) certified by the mortgagor's architect that they comply with HUD-approved contract plans and specifications, (2) scheduled to be incorporated into the project no more than six months from date of the insured advance, and (3) that at any moment in time, do not exceed 25 percent of the total estimated construction costs of the insured project.

Under the multifamily insurance and direct loan programs, the mortgagor is to obtain a bill of sale for the components, provide the mortgagee with a security agreement, and file a financing statement in accordance with the Uniform Commercial Code. The mortgagee in turn is to warrant to HUD that the security instruments represent a first lien on the building components covered by the insurance. Under the elderly and handicapped program, the mortgagor provides HUD as mortgagee with the security agreement.

Two comments were received in response to the insured, multifamily interim rule. Both supported the purposes of the regulation, but suggested specific changes. The Prestressed Concrete Institute ("PCI") recommended that the bonded warehouseman requirement created unwarranted costs by creating an additional, unnecessary party to the construction process. A far simpler means of reducing risk of loss or damage, according to PCI, would be by use of a certificate of insurance. The Associated General Contractors of America ("AGC") took the same position on bonded warehouses. AGC also pointed to the protections afforded by HUD performance bond requirements. Thus, use of a bonded warehouse was redundant, adding unnecessary cost. AGC also recommended that the off-site provisions be extended to cover materials as well as components. Finally, AGC proposed elimination of the six month requirement. This provision restricts making advances for components more than six months before their scheduled use, and thus limits the ability of the contractor to make purchases at the most advantageous price.

No comments were received in response to the Section 202 interim rule. HUD considers, however, the above two comments to be relevant for review of this interim rule because it is identical in substance to the multifamily insurance interim rule.

HUD has reconsidered the bonded warehouse requirement in light of the purposes to be served by such a provision and the experiences of selected State housing finance agencies which allow advances for materials stored off-site. There is no statutory requirement for a bonded warehouse requirement. This requirement, instead, reflected a concern by HUD that components be safely stored prior to construction and that the Department be protected against losses arising from insurance claims due to theft, damage or

other loss to the components while stored off-site.

HUD's concerns are already covered by existing insurance requirements. The general contractor continues to be responsible for adequate insurance against loss from theft, vandalism, fire, or insurable natural causes while components are in storage or transit. The components are to be insured in the name of the mortgagor, mortgagee, and general contractor. See paragraph 5–2, HUD Handbook 4470.3, Insurance of Advances for Components Stored Off-Site (9/80). HUD intends to change the Handbook to include the Commissioner—Federal Housing Administration as a named beneficiary.

The Department concludes that this concern is also adequately addressed by the assurance of completion requirements of §§ 207.19, 213.27, 221.542, 232.56, 241.140, 242.61, 244.95 and 885.415. In general, the mortgagor contracts that the project will be completed in accordance with the HUD-approved plans and specifications and assures the mortgagee that sufficient funds are available to complete the project at the stated contract amount. Assurances may take the form of a personal indemnity agreement, corporate surety bonds for payment and performance or a completion assurance agreement secured by a cash deposit. An additional bonded warehouse requirement is redundant of these contractual provisions. HUD recognizes that some of its construction documents do not adequately address components stored off-site. Until HUD revises all its construction documents, construction contracts and the building loan agreement may be amended by appropriate addenda to cover, consistent with the regulation, the storage of components off-site.

The experience of States that insure advances for components stored off-site show that a bonded warehouse requirement is unnecessary. HUD looked at the State home finance agency experiences in New Jersey and Pennsylvania. These agencies allow for insured advances. They only require that such advances be made subject to (1) passage of title in the components to the owner, (2) inspection of the components to verify the quantities involved, (3) insurance to protect against damage or loss, listing as beneficiaries the lending institution and the government authority, and (4) an appropriate filing of a financing statement under the Uniform Commercial Code. Both agencies report complete satisfaction with these requirements. HUD regulations presently require and will continue to require a bill of sale, security agreement, and financing statement.

The Department finds that the requirements of a bonded warehouse or bonded warehouseman are onerous and have impeded the use of off-site storage under HUD insured and direct loan programs. It is impractical to store components in a bonded warehouse because of their bulk and weight, and because the costs of shipping, handling and storage are excessive. In addition, the costs of such storage are not off-set by any appreciable benefits. Therefore, HUD is deleting the requirement for bonded warehouse or warehouseman.

HUD defined insured advances to cover aggregate costs which included costs of storage and freight to the construction site. HUD is altering this policy to limit insured advances to cover only the "invoiced value"—the actual value—of the components. The aim is to pay advances for completed work. Thus, payment for components, after title has passed to the contractor or mortgagor, as the case may be, justifies advances when the components are stored off-site. However, the performance of storage and transportation functions are not completed until the components are delivered to the construction site. Proper time for payment for these other items, therefore, is after delivery of the components to the construction site. This changes in policy will necessitate change to paragraph 6–9 of Handbook 4470.3.

AGC's recommendation that the off-site storage provisions be extended to materials cannot be implemented. Section 525(2) of the Housing and Community Development Act of 1974 solely authorizes the Secretary to insure mortgage proceeds for building *components* stored off-site. Extension of the provision to materials would require statutory change. HUD does not consider such extension warranted given the easy availability of most materials.

The regulatory provisions pertaining to the responsibilities of the manufacturer for securing insurance and covering transportation costs, has been deleted. The general contractor is responsible to the owner for the cost of delivery and insurance of components. By holding the general contractor responsible for these items, the government's interest is protected. Therefore, it is unnecessary to specify how the general contractor should procure components. How the general contractor elects to allocate these cost responsibilities through subcontractors or directly to manufacturers will vary depending upon the particular circumstances of each project.

Several revisions have been made that cover the requirements for advances. The six month limitation is unnecessary and therefore is deleted. AGC had argued that the six-month limitation would prevent certain purchases at advantageous prices. While this situation may be true under some circumstances, the original intent of the six month limitation was otherwise—to avoid prolonged storage of components which could result in deterioration of the components prior to their incorporation into the project. The government is already protected against such eventualities either through insurance, performance bonds or through the underlying contractual requirement that the building comply with the HUD-approved contract plans and specifications. Experience with conventional construction is that off-site storage is inevitably for a shorter period of time.

As to AGC's advantageous price argument, HUD agrees that contractors should not be restrained from making purchases more than six-months in advance where the costs (to include all indirect costs—insurance, construction loan interest costs, etc.) are advantageous to the mortgagor. Of course, advances for components stored off-site should not be made if it is reasonable to expect that components would deteriorate during the storage period—a consideration based upon the type of components involved, the type of physical storage, and time period before use in the project. Nor should insurances of advances be issued where the accumulation of indirect costs, particularly interest costs, would not be off-set by savings in component costs.

Some projects have a significant proportion of their costs in components. This is primarily the case when modular construction is used. The regulations, however, limit the use of insured or direct loan advances never to exceed, at any moment in time, 25 percent of the total estimated construction cost. This provision is amended to increase the value of insurable or direct loan advances to 50 percent. To assure adequate protection, no insurance of components stored off-site can be made in the absence of a payment and performance bond. To incur advances in excess of 25 percent, the contractor would have to obtain a 100 percent payment and performance bond.

The regulations limit the insurance and making of advances for components by requiring that the total cost of development using such advances not

exceed the total development cost under conventional construction. This provision is redundant since there are statutory limits on the cost of insurable projects and regulatory cost limits under the Section 202 program. A HUD-approved contract must comply with the statutory limits, and thus it automatically complies with the above subprovision. Therefore, the provision is unnecessary and is deleted.

This rule is listed at 47 FR 48447 as item H–20–78 in the Department's Semi-Annual Agenda of Regulations published on October 28, 1982, pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

This rule does not constitute a "major rule" as that term is defined in section 1(b) of the Executive Order of Federal Regulation issued by the President on February 17, 1981. Analysis of the rule indicates that it does not (1) have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50 which implement Section 102(2)(C) of the National Environment Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during regular hours in the Office of the Rules Docket Clerk, Office of General Counsel, Room 10278, 415 Seventh Street, SW., Washington, D.C. 20410.

Pursuant to 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the Undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities. The rule expands the methods of off-site storage of components that are covered by insured or direct loan advances. The change will not alter the composition of general contractors or component manufacturers doing business in HUD insured or direct loan programs.

The following numbers, 14.103 through 14.167, identify the programs as listed in the Catalog of Federal Domestic Assistance, affected by this regulation change.

List of Subjects

24 CFR Part 207

Mortgage insurance, Rental housing, Mobile home parks.

24 CFR Part 213

Mortgage insurance, Cooperatives.

24 CFR Part 221

Condominiums, Low and moderate income housing, Mortgage insurance, Displaced families, Single family housing, Projects, Cooperatives.

24 CFR Part 232

Fire prevention, Health facilities, Loan programs—health, Loan programs—housing and community development, Mortgage insurance, Nursing homes, Intermediate care facilities.

24 CFR Part 241

Energy conservation, Mortgage insurance, Solar energy, Projects.

24 CFR Part 242

Hospitals, Mortgage insurance.

24 CFR Part 244

Health facilities, Mortgage insurance.

24 CFR Part 885

Aged, Grant programs—housing and community development, Handicapped, Loan programs—housing and community development, Low and moderate income housing.

Accordingly, 24 CFR Parts 207, 213, 221, 232, 241, 242, 244 and 885 are amended as follows:

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

1. Section 207.19a is amended by removing paragraph (d)(6) and by revising paragraphs (b)(1), (c), (d)(3) and (d)(4) to read as follows:

§ 207.19a Insured advances for building components stored off-site.

* * * * *

(b) *Storage.* (1) An insured advance may be made for up to 90 percent of the invoice value (to exclude costs of transportation and storage) of the building components stored off-site if the components are stored at a location approved by the mortgagee and the Commissioner.

* * * * *

(c) *Responsibility for transportation, storage and insurance of off-site building components.* The general contractor of the insured mortgaged property shall have the responsibility for (1) insuring the components in the name of the mortgagor while in transit and storage; and (2) delivering or contracting for the delivery of the components to the storage area and to the construction site, including payment of freight.

(d) * * *

(3) Advances may be made only for components stored off-site in a quantity required to permit uninterrupted installation at the site.

(4) At no time shall the invoice value of building components being stored off-site, for which advances have been insured, represent more than 25 percent of the total estimated construction costs for the insured mortgaged project as specified in the construction contract. Notwithstanding the preceding sentence and other regulatory requirements that set bonding requirements, the percentage of total estimated construction costs insured by advances under this section may exceed 25 percent but not 50 percent if the mortgagor furnishes assurance of completion in the form of a corporate surety bond for the payment and performance each in the amount of 100 percent of the amount of the construction contract. In no event will insurance of components stored off-site be made in the absence of a payment and performance bond.

* * * * *

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

1. Section 213.27a is amended by removing paragraph (d)(6) and by revising paragraphs (b)(1), (c), (d)(3) and (d)(4) to read as follows:

§ 213.27a Insured advances for building components stored off-site.

* * * * *

(b) *Storage.* (1) An insured advance may be made for up to 90 percent of the invoice value (to exclude costs of transportation and storage) of the building components stored off-site if the components are stored at a location approved by the mortgagee and the Commissioner.

* * * * *

(c) *Responsibility for transportation, storage and insurance of off-site building components.* The general contractor of the insured mortgaged property shall have the responsibility for (1) insuring the components in the name of the mortgagor while in transit and storage; and (2) delivering or contracting for the delivery of the components to the storage area and to the construction site, including payment of freight.

(d) * * *

(3) Advances may be made only for components stored off-site in a quantity

required to permit uninterrupted installation at the site.

(4) At no time shall the invoice value of building components being stored off-site, for which advances have been insured, represent more than 25 percent of the total estimated construction costs for the insured mortgaged project as specified in the construction contract. Notwithstanding the preceding sentence and other regulatory requirements that set bonding requirements, the percentage of total estimated construction costs insured by advances under this section may exceed 25 percent but not 50 percent if the mortgagor furnishes assurance of completion in the form of a corporate surety bond for the payment and performance each in the amount of 100 percent of the amount of the construction contract. In no event will insurance of components stored off-site be made in the absence of a payment and performance bond.

* * * * *

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

1. Section 221.541a is amended by removing paragraph (d)(6) and by revising paragraphs (b)(1), (c), (d)(3) and (d)(4) to read as follows:

§ 221.541a Insured advances for building components stored off-site.

* * * * *

(b) *Storage.* (1) An insured advance may be made for up to 90 percent of the invoice value (to exclude costs of transportation and storage) of the building components stored off-site if the components are stored at a location approved by the mortgagee and the Commissioner.

* * * * *

(c) *Responsibility for transportation, storage and insurance of off-site building components.* The general contractor of the insured mortgaged properly shall have the responsibility for (1) insuring the components in the name of the mortgagor while in transit and storage; and (2) delivering or contracting for the delivery of the components to the storage area and to the construction site, including payment of freight.

(d) * * *

(3) Advances may be made only for components stored off-site in a quantity required to permit uninterrupted installation at the site.

(4) At no time shall the invoice value of building components being stored off-site, for which advances have been insured, represent more than 25 percent of the total estimated construction costs for the insured mortgaged project as specified in the construction contract. Notwithstanding the preceding sentence and other regulatory requirements that set bonding requirements, the percentage of total estimated construction costs insured by advances under this section may exceed 25 percent but not 50 percent if the mortgagor furnishes assurance of completion in the form of a corporate surety bond for the payment and performance each in the amount of 100 percent of the amount of the construction contract. In no event will insurance of components stored off-site be made in the absence of a payment and performance bond.

* * * * *

PART 232—NURSING HOMES AND INTERMEDIATE CARE FACILITIES MORTGAGE INSURANCE

1. Section 232.57 is amended by removing paragraph (d)(6) and by revising paragraphs (b)(1), (c), (d)(3) and (d)(4) to read as follows:

§ 232.57 Insured advances for building components stored off-site.

* * * * *

(b) *Storage.* (1) An insured advance may be made for up to 90 percent of the invoice value (to exclude costs of transportation and storage) of the building components stored off-site if the components are stored at a location approved by the mortgagee and the Commissioner.

* * * * *

(c) *Responsibility for transportation, storage and insurance of off-site building components.* The general contractor of the insured mortgaged property shall have the responsibility for (1) insuring the components in the name of the mortgagor while in transit and storage; and (2) delivering or contracting for the delivery of the components to the storage area and to the construction site, including payment of freight.

(d) * * *

(3) Advances may be made only for components stored off-site in a quantity required to permit uninterrupted installation at the site.

(4) At no time shall the invoice value of building components being stored off-site, for which advances have been insured, represent more than 25 percent of the total estimated construction costs for the insured mortgaged project as specified in the construction contract. Notwithstanding the preceding sentence and other regulatory requirements that set bonding requirements, the percentage of total estimated construction costs insured by advances under this section may exceed 25 percent but not 50 percent if the mortgagor furnishes assurance of completion in the form of a corporate surety bond for the payment and performance each in the amount of 100 percent of the amount of the construction contract. In no event will insurance of components stored off-site be made in the absence of a payment and performance bond.

* * * * *

PART 241—SUPPLEMENTARY FINANCING FOR INSURED PROJECT MORTGAGES

1. Section 241.41 is amended by removing paragraph (d)(6) and by revising paragraphs (b)(1), (c), (d)(3), and (d)(4) to read as follows:

§ 241.41 Insured advances for building components stored off-site.

* * * * *

(b) *Storage.* (1) An insured advance may be made for up to 90 percent of the invoice value (to exclude costs of transportation and storage) of the building components stored off-site if the components are stored at a location approved by the mortgagee and the Commissioner.

* * * * *

(c) *Responsibility for transportation, storage and insurance of off-site building components.* The general contractor of the insured mortgaged property shall have the responsibility for (1) insuring the components in the name of the mortgagor while in transit and storage; and (2) delivering or contracting for the delivery of the components to the storage area and to the construction site, including payment of freight.

(d) * * *

(3) Advances may be made only for components stored off-site in a quantity required to permit uninterrupted installation at the site.

(4) At no time shall the invoice value of building components being stored off-site, for which advances have been insured, represent more than 25 percent of the total estimated construction costs for the insured mortgaged project as specified in the construction contract. Notwithstanding the preceding sentence and other regulatory requirements that set bonding requirements, the percentage of total estimated construction costs insured by advances under this section may exceed 25 percent but not 50 percent if the mortgagor furnishes assurance of completion in the form of a corporate surety bond for the payment and performance each in the amount of 100

percent of the amount of the construction contract. In no event will insurance of components stored off-site be made in the absence of a payment and performance bond.

* * * * *

PART 242—MORTGAGE INSURANCE FOR HOSPITALS

1. Section 242.54 is amended by removing paragraph (d)(6) and by revising paragraphs (b)(1), (c), (d)(3) and (d)(4) to read as follows:

§ 242.54 Insured advances for building components stored off-site.

* * * * *

(b) *Storage.* (1) An insured advance may be made for up to 90 percent of the invoice value (to exclude costs of transportation and storage) of the building components stored off-site if the components are stored at a location approved by the mortgagee and the Commissioner.

* * * * *

(c) *Responsibility for transportation, storage and insurance of off-site building components.* The general contractor of the insured mortgaged property shall have the responsibility for (1) insuring the components in the name of the mortgagor while in transit and storage; and (2) delivering or contracting for the delivery of the components to the storage area and to the construction site, including payment of freight.

(d) * * *

(3) Advances may be made only for components stored off-site in a quantity required to permit uninterrupted installation at the site.

(4) At no time shall the invoice value of building components being stored off-site, for which advances have been insured, represent more than 50 percent of the total estimated construction costs for the insured mortgaged project as specified in the construction contract. Notwithstanding the preceding sentence and other regulatory requirements that set bonding requirements, the percentage of total estimated construction costs insured by advances under this section may exceed 25 percent but not 50 percent if the mortgagor furnishes assurance of completion in the form of a corporate surety bond for the payment and performance each in the amount of 100 percent of the amount of the construction contract. In no event will insurance of components stored off-site be made in the absence of a payment and performance bond.

* * * * *

PART 244—MORTGAGE INSURANCE FOR GROUP PRACTICE FACILITIES (TITLE XI)

1. Section 244.68 is amended by removing paragraph (d)(6) and by revising paragraphs (b)(1), (c), (d)(3) and (d)(4) to read as follows:

§ 244.68 Insured advances for building components stored offsite.

* * * * *

(b) *Storage.* (1) An insured advance may be made for up to 90 percent of the invoice value (to exclude costs of transportation and storage) of the building components stored off-site if the components are stored at a location approved by the mortgagee and the Commissioner.

* * * * *

(c) *Responsibility for transportation, storage and insurance of off-site building components.* The general contractor of the insured mortgaged property shall have the responsibility for (1) insuring the components in the name of the mortgagor while in transit and storage; and (2) delivering or contracting for the delivery of the components to the storage area and to the construction site, including payment of freight.

(d) * * *

(3) Advances may be made only for components stored off-site in a quantity required to permit uninterrupted installation at the site.

(4) At no time shall the invoice value of building components being stored off-site, for which advances have been insured, represent more than 25 percent of the total estimated construction costs for the insured mortgaged project as specified in the construction contract. Notwithstanding the preceding sentence and other regulatory requirements that set bonding requirements, the percentage of total estimated construction costs insured by advances under this section may exceed 25 percent but not 50 percent if the mortgagor furnishes assurance of completion in the form of a corporate surety bond for the payment and performance each in the amount of 100 percent of the amount of the construction contract. In no event will insurance of components stored off-site be made in the absence of a payment and performance bond.

* * * * *

PART 885—LOANS FOR HOUSING FOR THE ELDERLY OR HANDICAPPED

1. Section 885.420 is amended by removing paragraph (d)(3)(vi) and by revising paragraphs (d)(1)(i), (d)(2), (d)(3)(iii), and (d)(3)(iv) to read as follows:

§ 885.420 Loan disbursement procedures.

* * * * *

(d) * * *

(1) *Storage.* (i) A loan disbursement may be made for up to 90 percent of the invoice value (to exclude costs of transportation and storage) of the building components stored off-site if the components are stored at a location approved by HUD.

* * * * *

(2) *Responsibility for transportation, storage and insurance of off-site building components.* The general contractor of the project shall have the responsibility for (i) insuring the components in the name of the Borrower while in transit and storage; and (ii) delivering or contracting for the delivery of the components to the storage area and to the construction site, including payment of freight.

(3) * * *

(iii) Loan disbursements may be made only for components stored off-site in a quantity required to permit uninterrupted installation at the site.

(iv) At no time shall the invoice value of building components being stored off-site, for which advances have been insured, represent more than 25 percent of the total estimated construction costs for the insured mortgaged project as specified in the construction contract. Notwithstanding the preceding sentence and other regulatory requirements that set bonding requirements, the percentage of total estimated construction costs insured by advances under this section may exceed 25 percent but not 50 percent if the mortgagor furnishes assurance of completion in the form of a corporate surety bond for the payment and performance each in the amount of 100 percent of the amount of the construction contract. In no event will insurance of components stored off-site be made in the absence of a payment and performance bond.

* * * * *

(Sec. 525, National Housing Act; 12 U.S.C. 1735f–3; Sec. 7(d), Dept. of HUD Act, 42 U.S.C. 3535(d))

Dated: April 5, 1983.

Philip Abrams,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 83-9661 Filed 4-12-83; 8:45 am]

BILLING CODE 4210-27-M

24 CFR Part 219

[Docket No. R-83-1034]

Flexible Subsidy Program

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Final rule.

SUMMARY: This rule allows the Secretary to include in the amount of flexible subsidy assistance to a troubled low or moderate income project an amount to implement a plan to upgrade the project to meet cost effective energy efficiency standards prescribed by the Secretary. This action makes final the interim rule implementing section 329C(1) of the Housing and Community Development Amendments of 1981, which was published for effect on November 16, 1982 (47 FR 51564).

EFFECTIVE DATE: May 16, 1983.

FOR FURTHER INFORMATION CONTACT: James J. Tahash, Director, Program Planning Division, Office of Multifamily Housing Management and Occupancy, Department of Housing and Urban Development, Washington, D.C. 20410, (202) 755-5654. This is not a toll free number.

SUPPLEMENTARY INFORMATION: The flexible subsidy program is authorized by Section 201 of the Housing and Commodity Development [HCD] Amendments of 1978. The flexible subsidy provides assistance to restore or maintain the financial soundness, to assist in the improvement of management and to maintain the low- to moderate-income character of certain troubled multifamily housing projects. Section 201 is incorporated, and implemented, by Part 219 of the Department's regulations.

Section 201(f)(1) of the statute and § 219.120 of the regulations prescribe uses for which flexible subsidy may be provided. Section 329C(1) of the HCD Amendments of 1981 amended section 201(f)(1) to authorize the Secretary to include in the meet flexible subsidy an amount necessary to upgrade the project to cost-effective energy efficiency standards prescribed by the Secretary. On November 16, 1982, the Department published an interim rule which implemented this change.

The Department received only one comment. The commenter wanted the rule revised to allow flexible subsidy assistance to be used for substantial rehabilitation for troubled low or moderate income projects.

The rule has not changed to reflect the comment because, in the Department's view, flexible subsidy assistance was never intended to pay for substantial rehabiliation of projects eligible for such assistance.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969. The finding is available for public inspection during regular business hours in the Office the Rules Docket Clerk, Room 10278, 451 Seventh Street, S.W., Washington, D.C. 20410.

This rule does not constitute a "major rule" as that term is defined in Section 1(b) of Executive Order 12291 on Federal Regulation issued by the President on February 17, 1981. Analysis of the rule indicates that it does not: (1) Have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, state or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises in domestic or export markets.

This rule is not listed in the Department's Semiannual Agenda of Regulations published on October 28, 1982 (47 FR 48422) pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

The Catalog of Federal Domestic Assistance program number and title are 14.164, Operating Assistance for Troubled Multifamily Housing Projects.

Pursuant to 5 U.S.C. 605(b) (the Regulatory Flexibility Act, the Undersigned hereby certifies that this rule does not have a substantial number of small entities. This rule merely expands the uses for which flexible subsidy may be provided.

List of Subjects in 24 CFR Part 219

Grant programs—housing and community development, Low and moderate income housing, Rent subsidies.

Accordingly, the interim rule published at 47 FR 51564 on November 16, 1982 is adopted as final without change.

Authority: Sec. 201(g), Housing and Community Development Amendments of 1978 (12 U.S.C. 1715z-1a(g); sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)).

Dated: April 5, 1983.

Philip Abrams,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 83-9663 Filed 4-12-83; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF DEFENSE

Department of the Air Force

32 CFR Part 952

Requesting AFOSI Investigations and Safeguarding, Handling, and Releasing Information from AFOSI Reports

AGENCY: Department of the Air Force, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Air Force is amending its regulations by removing Part 952, Requesting AFOSI Investigations and Safeguarding, Handling, and Releasing Information from AFOSI Reports, of Chapter VII, Title 32. The source document, Air Force Regulation (AFR) 124-4 has been revised. It is intended for internal guidance and has no applicability to the general public. This action is a result of departmental review in an effort to insure that only regulations which substantially affect the public are maintained in the Air Force portion of the Code of Federal Regulations.

EFFECTIVE DATE: April 13, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Kennedy, HQ Air Force Office of Special Investigations, XPP, Bolling AFB, DC 20332, telephone (202) 767-5849.

SUPPLEMENTARY INFORMATION:

List of Subjects in 32 CFR Part 952

Classified information, Investigations.

PART 952—[REMOVED]

Accordingly, 32 CFR is amended by removing Part 952.
(10 U.S.C. 8012)

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 83-9677 Filed 4-12-83; 8:45 am]

BILLING CODE 3910-01-M

POSTAL RATE COMMISSION

[Docket No. RM83-3; Order No. 493]

39 CFR Part 3001

Order of the Commission Amending Rules of Practice and Procedure

April 6, 1983.

AGENCY: Postal Rate Commission.

ACTION: Final rule.

SUMMARY: The Postal Rate Commission, pursuant to 39 U.S.C. 3603, adopts a change in its rules of practice. The Commission changes rule 31a(c) so that notice will be provided in cases of release of *in camera* information to government agencies. It also provides that such notice may be waived in extraordinary circumstances for good cause.

ADDRESSES: Comments and other correspondence relating to this Final Rule should be sent to David F. Harris, Secretary of the Commission, 2000 L Street, NW., Washington, D.C. 20268 (telephone: 202/254–3880).

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, Assistant General Council, 2000 L Street, NW., Washington, D.C. 20268 (telephone: 202/254–3836).

EFFECTIVE DATE: April 13, 1983.

SUPPLEMENTARY INFORMATION: On December 21, 1982, the Commission issued a Notice of Proposed Rulemaking [1] which proposed a change in rule 31a(c) so that there would be greater protections in instances of release of *in camera* information to government agencies. That Notice was prompted by suggestions from the Postal Service in response to Docket No. RM83–1, regarding rule 42a. The Postal Service had argued that the last line of rule 31a(c) should be deleted.

In its Notice, the Commission solicited comments on its proposed rule, by January 31, 1983. The Postal Service was the only party which filed comments.[2] In those comments, the Service reiterated that the last line of rule 31a(c) should be deleted. It also stated that everything after the first sentence should be deleted. As support for its arguments, the Postal Service stated:

> [G]overnment agencies have played adversarial roles in recent Commission dockets and in court activity following Commission cases. There is no legitimate reason why any government agency which chooses to play such a role or which may in the future choose to do so should have access to information that is unavailable to other parties.
>
> Comments at 2.

We agree with the Service to the extent that those in an adversarial role would not warrant the "extraordinary circumstances" waiver. Similarly, if the Postal Service were involved in litigation with a government agency, we would find it difficult to interpret an application for *in camera* documents as one showing "good cause". The rule is definitely not intended to accord greater rights, in litigation, to government agency parties than to other parties. We feel the rule adequately protects the parties, while still allowing a certain amount of flexibility with respect to the government's other potential needs in the extraordinary circumstances contemplated.

List of Subjects in 39 CFR Part 3001

Administrative practice and procedure.

PART 3001—RULES OF PRACTICE AND PROCEDURE

§ 3001.31a [Amended]

Accordingly, under the authority of 39 U.S.C. 3603, and for the reasons set out above, we hereby amend Title 39 of the Code of Federal Regulations, Part 3001, by revising § 3001.31a(c) to read as follows:

* * * * *

(c) Release of *in camera* information. *In camera* documents and testimony shall constitute a part of the confidential records of the Commission and shall be subject to the provisions of § 3001.42 of this chapter. However, the Commission, on its own motion or pursuant to a request, may make *in camera* documents and testimony available for inspection, copying, or use by any other governmental agency. The Commission shall, in such circumstances, give reasonable notice of the impending disclosure to the affected party. However, such notice may be waived in extraordinary circumstances for good cause.

* * * * *

By the Commission.

David F. Harris,

Secretary.

[FR Doc. 83–9679 Filed 4–12–83; 8:45 am]

BILLING CODE 7715–01–M

[1] Published at 47 FR 57514, December 27, 1982.

[2] Comments of the United States Postal Service on Postal Rate Commission Proposed Rulemaking, January 25, 1983.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 3F2798/R550; PH–FRL 2341–1]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Nomate—Blockaide (^{TM}), Boll Weevil Aggregation Stimulant

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes an exemption from the requirement of a tolerance of residues for the insect pheromone Nomate Blockaide containing Grandlure, Z-2-iso-propenyl-1-methylcyclobutane ethanol, Z-3, 3-Dimethyl-1$^{\beta}$,-cyclohexane ethanol, Z-3, 3-Dimethyl-Δ^1-cyclohexane ethanol E-3, 3-Dimethyl-Δ^1-cyclohexane ethanol), and plant volatiles combination; Cyclic Dexadiene, Cyclic Decene, Cyclic Pentadecatriene and Decatriene when used on cotton as a cotton boll weevil aggregation stimulant. The regulation eliminates the need to establish a maximum permissible level for residues of this "Biorational" pesticide.

This regulation to eliminate the need to establish a maximum permissible level for residues of the pheromone—plant volatiles combination was requested by Albany International, Controlled Release Division, 110 A Street, Needham, MA 02194.

EFFECTIVE DATE: Effective on April 13, 1983.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A–110), Environmental Protection Agency, Rm. 3708, 401 M St., SW. Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Franklin D. R. Gee, Product Manager (PM) 17, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 207, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–2690).

SUPPLEMENTARY INFORMATION: EPA issued a notice in the Federal Register (48 FR 11161, March 16, 1983) which announced that Albany International, Controlled Release Division, 110 A Street, Needham Heights, MA 02194, had filed a pesticide petition (3F2798) with the EPA. This petition proposed that an exemption from the requirement of a tolerance be established for residues of the biological insecticide (pheromone) Nomate Blockaide, containing the active ingredients: Cyclic Dexadiene; Cyclic Decene; Cyclic Pentadecatriene; Decatriene; Z-2-iso-propenyl-1-methylcyclobutane ethanol, Z-3, 3-Dimethyl-1$^{\beta}$,-cyclohexane ethanol, Z-3, 3-Dimethyl-Δ^1-cyclohexane ethanol E-3, 3-Dimethyl-Δ^1-cyclohexane ethanol), when applied to cotton. No comments were received in response to this notice of filing.

This product is a combination of the boll-weevil pheromone Grandlure (which has been previously registered for use on cotton) containing the active ingredients: Z-2-iso-propenyl-1-methylcyclobutane ethanol, Z-3, 3-

Dimethyl-1[6],-cyclohexane ethanol, Z-3, 3-Dimethyl-Δ^1-cyclohexane ethanol E-3, 3-Dimethyl-Δ^1-cyclohexane ethanol and a mixture of naturally occurring plant volatiles containing the active ingredients: Cyclic Dexadiene; Cyclic Decene; Cyclic Pentadecatriene and Decatriene applied in very small hollow synthetic fibers. The pheromone acts as a sex attractant which disrupts mating of the cotton boll-weevil. Additionally, the plant volatile acts as an olfactory efficacy enhancer for this product. The recommended aerial application rate of Nomate—Blockaide is 2 g/acre designed to be released over a 21-day period at 0.024 mg/m²/day. The product will be used as an adjuvant to enhance the efficiency and effectiveness of conventional insecticide treatments traditionally used for boll-weevil control by causing the weevils to aggregate in designated areas. Boll-weevils naturally migrate from overwintering places first to edges of cotton fields. Once on the edges of the cotton fields, male boll-weevils release an aggregation pheromone which attracts additional males and females. The product will be applied to edges of cotton fields and functions by slowing releasing synthetic boll-weevil pheromone and synthetic cotton plant volatiles.

1. Exemption from the requirement for tolerances on raw agricultural commodities and registration of Nomate Blockaide on a conditional basis is toxicologically supported:

(a) The pheromone portion of Nomate Blockaide (Grandlure) was previously registered for use on cotton.

(b) The four plant volatile chemicals used in Nomate Blockaide are synthetic replicas of plant volatiles that occur naturally in cotton plants, and have been registered under 21 CFR as synthetic flavoring substances and adjuvants that may be used in human food.

(c) The hexane and polyoxymethylene copolymer synthetic fibers in Nomate Blockaide are cleared for use as inert materials in pesticides.

(d) Nomate Blockaide will be released on treated sites at the rate of 0.024 mg (24 micrograms) per square meter per day, which is equivalent to 1 microgram per square meter per hour. It is highly unlikely that humans or animals would be exposed to Nomate Blockaide.

(e) A lack of demonstrable toxicity and near non-existent potential for exposure to Nomate Blockaide indicates that its use to aid in boll-weevil control would not result in hazards to public health.

Due to the small quantity of product being used, and its rather rapid dissipation into the environment, the acceptable daily intake (ADI) and maximum permissible intake (MPI) considerations are not relevant to this petition.

The data submitted or referenced in this petition and other relevant material have been evaluated. The toxicological data considered in support of the exemption from the requirement of a tolerance included:

1. A Primary Eye Irritation of Plant Volatiles—in Rabbits.

2. An Acute Inhalation Toxicity of Vapor Emitted From a Blend of Plant Volatiles, Rats.

3. Acute Inhalation Toxicity of Vapor Emitted from Grandlure, Rats.

The above tests did not show any deleterious effects that would indicate a cause for alarm by the use of this product. However, additional data has been requested. The following is a list of studies to be submitted within 18 months after Conditional Registration:

A. *On Plant Volatile Chemicals*
(a) Ames Mutagenicity Assay
(b) Cellular Immune Response Studies
B. *Grandlure (boll-weevil pheromone)*
(a) Ames Mutagenicity Assay
(b) Cellular Immune Response Studies

Nomate Blockaide is considered useful for the purpose for which the exemption from the requirement of a tolerance is sought. It is concluded that a tolerance for Nomate Blockaide is not necessary to protect the public health. Therefore, 40 CFR Part 180 is amended as set forth below.

The Agency is currently in the process of promulgating proposed guidelines for registration of biorational pesticides (i.e., biochemical and microbial pest control agents). These guidelines would establish the standards for testing and the requirements for data submissions to support the registration of biorational pesticides. The Agency expects that the proposed guidelines will be published as final in the **Federal Register** in late spring of 1983.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950). Effective on: April 13, 1983.

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pests and pesticides.

(Sec. 408(d)(2), 68 Stat. 512 (21 U.S.C. 346a(d)(2)))

Dated: March 16, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR Part 180 is amended by adding a new § 180.1080 to read as follows:

§180.1080 Plant volatiles and pheromone; exemptions from the requirement of a tolerance.

An exemption from the requirement of a tolerance is established for residues of the plant volatiles Cyclic Dexadiene, Cyclic Decene, Cyclic Pentadecatriene, and Decatriene and the pheromone *Z*-2-iso-propenyl-1-methylcyclobutane ethanol, *Z*-3, 3-Dimethyl-1,beta-cyclohexane ethanol, *Z*-3, 3-Dimethyl-delta[1], cyclohexane ethanal, and E-3, 3-Dimethyl-delta[1], cyclohexane ethanal combination when applied to cotton in hollow synthetic fibers.

[FR Doc. 83-9085 Filed 4-12-83; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 405

Medicare Program; Limitations on Payment for Services Furnished to Employed Aged and Their Spouses

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Final rule with comment period.

SUMMARY: These regulations set forth policies and procedures under which Medicare payment will be made for health care items or services furnished

to employed individuals age 65 through 69 and their spouses age 65 through 69, who are covered under an employer group health plan. These regulations implement section 116(b) of Pub. L. 97–248, the Tax Equity and Fiscal Responsibility Act of 1982. The purpose of these provisions is to make Medicare benefits secondary to benefits payable under an employer group health plan for services furnished to employed individuals and their spouses age 65 through 69.

EFFECTIVE DATE: Services furnished on or after: January 1, 1983. Although these regulations are being published as final regulations for reasons described in the Supplementary Information section, comments may be submitted by June 13, 1983.

ADDRESS: Address comments in writing to: Administrator, Health Care Financing Administration, Department of Health and Human Services, ATTENTION: BPP–235–FC, P.O. Box 17073, Baltimore, Maryland 21235.

In commenting, please refer to file code BPP–235–FC.

If you prefer, you may deliver your comments to Room 309–G Hubert H. Humphrey Building, 200 Independence Ave., SW., Washington, D.C., or to Room 132, East High Rise Building, 6325 Security Boulevard, Baltimore, Maryland 21207.

Comments will be available for public inspection as they are received, beginning approximately three weeks after publication, in Room 309–G of the Department's offices at 200 Independence Ave., SW., Washington, D.C. 20201, on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (202–245–7890).

FOR FURTHER INFORMATION CONTACT: Herbert Pollock (301) 594–4978.

SUPPLEMENTARY INFORMATION:

I. Background

Since the inception of the Medicare program, a clear relationship has existed between Medicare and other third party payers of health care services. Except in certain instances specified in Section 1862(b) of the Social Security Act, Medicare has been the primary payer for all covered items and services furnished to beneficiaries with dual coverage with other payers considered supplemental or secondary.

One exception to this rule concerns health care related items and services covered under workers' compensation, for which Medicare payments are excluded (*see* section 1862(b)(1) of the Social Security Act and 42 CFR 405.316). The other exceptions relate to items and services for which payment has been made or can reasonably be expected to be made under automobile medical, no fault or any liability insurance (section 953 of the Omnibus Reconciliation Act of 1980 (Pub. L. 96–499), which amended section 1862(b)(1) of the Social Security Act), and items and services furnished to end-stage renal disease beneficiaries who are also covered under an employer group health plan during a specified period of up to 12 months (section 2146 of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35), which added section 1862(b)(2)). The regulations now being adopted implement a fourth statutory exception to the rule that Medicare is the primary payer in a dual payer situation. (*See* section 1862(b)(3) of the Act.)

II. Related Federal Legislation

The Federal Age Discrimination in Employment Act of 1967 (ADEA), 29 U.S.C. 621, prohibits employment discrimination on the basis of age for workers between the ages of 40 and 70. Before the enactment of the Tax Equity and Fiscal Responsibility Act of 1982 (Pub. L. 97–248), the Department of Labor (DOL) and subsequently the Equal Employment Opportunity Commission (EEOC) permitted employers to take into account those benefits provided by Medicare when providing health insurance benefits for employees beween the ages of 65 and 70. At that time Medicare was the primary payer for health care related items and services and an employer plan was permitted to reduce its benefits to the extent that benefits were payable by Medicare. An interpretative bulletin, now enforced by the EEOC, permitted employer group health plans either to (1) "carve-out" those health insurance benefits provided by Medicare or (2) supplement Medicare with benefits for services which Medicare was not expected to pay. Under the "supplemental" approach, an employer's insurance generally covered those services, such as prescription drugs, expenses and Medicare deductibles and coinsurances, which were specifically not paid by Medicare. Under either approach, however, the DOL interpretative bulletin required that the combined health insurance benefits from Medicare and the employer group health plans available to employees between the ages of 65 and 70 be at least as favorable as those benefits available to younger employees. *See* 29 CFR § 860.120(f)(1)(ii)(A). The interpretative bulletin further provided that if the employer's regular plan required no employee contribution or an amount less than that required for Part B coverage under Medicare, the employer would have to pay or contribute toward the Part B premium payment so as to make the total benefits available no less favorable for employees 65 and over than for workers under 65. *See* 29 CFR § 860.120(f)(1)(ii)(B).

III. New Legislation

Section 116(a) of Pub. L. 97–248, the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA), amended section 4 of the ADEA. Effective January 1, 1983, employers of 20 or more employees are required to offer those employees age 65 through 69 the same group health plan coverage and under the same conditions as are offered to employees under age 65.

Section 116(b) of Pub. L. 97–248 added section 1862(b)(3) to the Act to make Medicare benefits secondary to benefits payable under employer group health plans for employees age 65 through 69 and their spouses age 65 through 69. This provision applies to items and services furnished on or after January 1, 1983. Although it applies only to individuals entitled to Part A of Medicare, it is applicable to items and services covered under both Parts A and B of Medicare. The new provision does not apply to individuals who are only entitled to Part B. Also, it does not apply to individuals age 65 through 69 who are entitled to Medicare (or who would be so entitled upon filing an application) on the basis of end-stage renal disease (ESRD). A separate provision (Section 1862(b)(2) of the Act, as enacted by section 2146 of Pub. L. 97–35) that applies to ESRD beneficiaries is the subject of a separate regulation.

Under the new section 1862(b)(3), all Medicare payments to or on behalf of employees age 65 through 69 and their spouses age 65 through 69 must either be secondary benefits or payments conditioned on reimbursement to the appropriate trust fund (the Hospital Insurance Trust Fund or the Supplementary Medical Insurance Trust Fund) when notice or other information is received that payment has been made under an employer group health plan. HCFA is authorized to waive recovery of an individual claim if it determines that the probability of recovery or the amount involved does not warrant pursuit of the claim.

HCFA has worked closely with EEOC in developing these regulations which implement the change in the Medicare law. The EEOC, in turn has worked closely with HCFA in developing regulatios to implement the ADEA changes. The EEOC regulations are being published separately.

IV. Overview

In summary, the amendments to the Medicare regulations would provide that for services furnished on or after January 1, 1983:

- Medicare benefits are secondary to benefits payable by employer group health plans in the case of employed beneficiaries age 65 through 69 and their spouses age 65 through 69.
- This provision applies only to group health plans of employers which employ 20 or more employees. The Congressional reports which accompanied this legislation specified this requirement to avoid adversely impacting small business.
- Since the Federal government is an employer for purposes of this provision, the Federal Employees Health Benefits Program will be primary payer and Medicare will be secondary payer in the case of individuals entitled to benefits under both programs.
- This provision applies to services furnished by physicians, suppliers, institutional providers and health maintenance organizations.
- Only employed beneficiaries and their spouses who are entitled to Part A of Medicare (hospital insurance benefits) are affected. The spouse may be entitled to Part A on his or her own social security earnings record or the employed individual's earnings record. The spouse is affected only if covered under the employed individual's employer group health plan. Beneficiaries who are eligible for Medicare under the ESRD and disability provisions are not subject to this provision.
- An employed Medicare beneficiary or the beneficiary's spouse age 65 through 69 who declines the employer's group health plan retains Medicare as the primary payer for covered services.
- Where payment by an employer group health plan is less than the amount of the charge, Medicare pays the remainder of the charge (without regard to the Medicare or employer plan deductible or co-insurance) subject to the following limits:

—The Medicare payment may not exceed the amount which would be payable by Medicare if the services were not covered by the employer group health plan.

—In the case of services reimbursed by Medicare on a reasonable cost or other cost-related basis, Medicare pays the Medicare reasonable cost or cost-related reimbursement rate (or, if lower, the customary charge) or the amount determined under section 1886(b) of the Social Security Act, minus the higher of the amount paid by the employer plan or the applicable Medicare deductible or coinsurance amounts.

—In the case of services reimbursed by Medicare on a reasonable charge basis, Medicare pays the higher of: The Medicare reasonable charge or other amount which would be payable under Medicare minus the amount paid by the employer plan, or (in the case of unassigned claims) the employer plan's allowable charge minus the amount paid by the employer plan. (This formula differs from the one used under the provision which makes Medicare secondary to employer group health plans for up to one year in the case of ESRD beneficiaries (Section 1862(b)(2) of the Act). The different formulas reflect differences between the statutory language used in the two provisions.)

V. Issues

The legislative provisions we are implementing are relatively detailed and precise, allowing minimal discretion. There are, however, three issues that require clarification. The first concerns an ambiguous reference in the law pertaining to the applicability of these provisions to persons in the months they become age 65 and 70. Another concerns the practice of some health plans of specifying that they provide benefits secondary to medicare. The third relates to the scope of the amendment.

The basic considerations in addressing these issues are discussed below:

Issue: Whether the period in which medicare is secondary includes the month of attainment of age 65 and the month in which the individual attains age 70.

Clause (i) of section 1862(b)(3)(A) of the law is ambiguous regarding the beginning and the end of the period in which medicare is secondary. The clause states that medicare is secondary during the period individuals are over 64 but under 70, or apparently from date of attainment of age 65 up to but not including the date of attainment of age 70. However, it also incorporates by reference clause (iii). The latter in turn states that clause (i) applies to the period beginning with the month of entitlement to part A and ending with the month in which the individual attains the age of 70. Since clause (iii) is unambiguous and is incorporated into clause (i), we view clause (iii) as a clarification of clause (i) and therefore a definitive basis for determining both the beginning and end of the period during which medicare is secondary.

Accordingly, the changes made by these regulations apply to items and services furnished to individuals from the month of attainment of age 65 (or the month of entitlement to Part A if later) through the month in which the individual attains age 70.

Issue: Whether medicare benefits would be secondary even if the employer health plan states that its benefits are secondary to medicare.

The legislative history of the medicare and ADEA amendments indicates that it was the intent of Congress that employer group health plans provide the primary coverage where individuals are dually entitled to benefits under an employer group health plan and under medicare. The Report of the Senate Committee on Finance that accompanied the Tax Equity and Fiscal Responsibility Act of 1982, H.R. 4961 (S. Rep. No. 97–494, July 12, 1982) explicity states the Congressional intent on page 17:

> Employers must offer these benefits as primary to benefits under medicare for employees (and their spouses) aged 65 and over, but under age 70.

Since the amendment to the Medicare law is clearly aimed at making Medicare secondary to employer group health plans, the provision would have little if any application or cost-saving effect if interpreted to mean that Medicare would continue paying primary benefits if the employer health plan provided benefits which only supplemented Medicare.

Senator Robert Dole, Chairman of the Senate Committee on Finance, remarked as follows regarding the ADEA provision (Congressional Record-Senate, August 19, 1982 at page 10902):

> • • • employers would be prevented from offering a health insurance plan or option designed to circumvent this provision by inducing employees to reject the coverage offered other employees—those under 65. The clear intent of this provision, however, is to continue to allow employers to offer limited coverage for those health care services wholly uncovered by Medicare: outpatient prescription drugs for example.

Since plans with benefits secondary to Medicare would circumvent the provision that Medicare be the secondary payer, employers would not be permitted to offer such plans as alternatives. Therefore, these regulations provide that Medicare will not pay primary benefits for otherwise covered services even though the employer plan states that its benefits are secondary to Medicare or otherwise excludes or limits its payment to Medicare beneficiaries.

Issue: To what employers does the amendment to section 1862(B) of the Social Security Act apply.

As amended by TEFRA, Section 1862(b) makes primary to Medicare any group health plan, as defined in section 162(i)(2) of the Internal Revenue Code, covering a Medicare beneficiary age 65 through 69 by reason of employment. No limitation is specified in the Act with respect to the type of employer. Accordingly, we conclude that the priority provisions apply to all employers, including the Federal government, entities that are not subject to the Federal Age Discrimination in Employment Act, and entities that are not subject to taxation under the Internal Revenue Code (since the Code definition of a group health plan is simply incorporated by reference).

Under the Federal Age Discrimination in Employment Act, as amended by TEFRA, all employers, as defined in that Act, are required to offer a group health plan to employees age 65 through 69 under the same conditions as younger employees. Under that Act, an employer is defined as a person employing 20 or more individuals. Smaller employers are therefore exempt from the TEFRA requirement to offer a group health plan to employees age 65 through 69. Such employers may, however, offer such a plan voluntarily.

One possible interpretation of section 1862(b) is that the group health plan of a small employer, if voluntarily offered to employees age 65 through 69, would be primary to Medicare. We have not adopted that interpretation, however, since the Senate Committee report on this provision seens clearly to reflect the intent not to apply the Medicare priority provisions to employers having fewer than 20 employees. (S. Rep. No. 97–494, 97th Cong., 2d Sess., Vol. 1 at pp. 16–17.) The regulations therefore exempt group health plans offered by employers with fewer than 20 employees.

VI. Provisions of the Regulations

We are adding new §§ 405.340 through 405.344 to Subpart C of Title 42, which addresses the Medicare exclusions. The new §405.340 will specify that the policies and procedures in §§ 405.341 through 405.344 apply to employed Medicare beneficiaries age 65 through 69 and their spouses age 65 through 69 who are covered under an employer group health plan where the employer has 20 or more employees. This section will define "employer group health plan" as a plan that is of, or contributed to by, an employer, and provides health care benefits directly or through other methods such as insurance or reimbursement to current or former employees or to current or former employees and members of their families. This is the definition contained in Section 162(i)(2) of the Internal Revenue Code and is incorporated into this amendment by statutory reference. This section will specify that "secondary" when used to refer to Medicare payments, means that Medicare payments can be made only to the extent that payment has not been made and cannot reasonably be expected to be made by one or more employer group health plans under which the Medicare beneficiary is covered. The term "age 65 through age 69" is defined to include the months of attainment of age 65 and age 70. This section defines "employer" as including, in addition to individuals and organizations engaged in trade or business, other entities exempt from income tax such as religious, charitable, and educational institutions, the governments of the United States, the individual States, the Territories, Puerto Rico, the Virgin Islands, Guam and the District of Columbia, and the agencies, instrumentalities and political subdivisions of these governments. HCFA may refer cases of apparent noncompliance with the ADEA to the EEOC.

A new § 405.341 provides that effective for services furnished in months after December 1982 Medicare benefits (under Parts A and B) are secondary to benefits payable under an employer group health plan during any month in which an individual who is entitled to Part A of Medicare is age 65 through age 69, and is not entitled and could not upon filing an application become entitled to Medicare on the basis of end stage renal disease and is either: (1) Employed and covered by an employer group health plan; or (2) the spouse age 65 through age 69 of such an individual who is covered by the individual's employer group health plan. Further, § 405.341 provides assurance that if an individual is not covered under an employer group health plan for any reason, including the individual's refusal to accept the plan offered by the employer, Medicare benefits remain primary. However, payment would not be made if the employer plan states that its benefits are secondary to Medicare's or otherwise excludes or limits its payments to Medicare beneficiaries.

A new § 405.342 repeats the methodology for computing the amounts of Medicare secondary payments contained in the legislation and gives examples. It also specifies that if Medicare pays secondary benefits, the beneficiary will be charged with utilization of Part A benefits only to the extent that Medicare paid for services; and provides that expenses which would serve to meet the beneficiary's Part A or Part B deductible if Medicare were primary payer, will be credited to the deductible even if they are reimbursed by the employer plan.

Section 405.343 specifies that a provider or facility, which is reimbursed by Medicare on a cost or cost-related basis, may not charge a beneficiary or any other party for Medicare covered services if the provider or facility has been paid by an employer plan an amount which equals or exceeds any applicable Medicare deductible or coinsurance amount. This provision precludes providers from collecting from beneficiaries any difference between the Medicare reasonable cost and the actual charges.

Last, § 405.344 permits the Medicare program to make conditional payments where the employer plan has denied benefits in whole or in part for any reason. If HCFA pays conditional benefits, it has the right to bring an action against the employer plan to recover those payments and the beneficiary must cooperate in the action.

In order to facilitate recovery of conditional Medicare payments, this section provides for recovery either directly from the insurer or through the claimant. Accordingly, if a claimant receives payment from an insurer for services for which Medicare paid, the claimant would be required to refund the Medicare payment. If for any reason payment is not made by the employer plan, HCFA may institute its own action against the insurer. At its discretion, HCFA could require a beneficiary who is to receive a conditional payment to authorize HCFA to pursue the beneficiary's rights if the beneficiary fails to do so.

VII. Impact Analysis

A. Executive Order 12291

Section 116(b) of Pub. L. 97–248, the Tax Equity and Fiscal Responsibility Act of 1982, makes Medicare payments secondary to benefits payable under an employer group health plan for services furnished to employed individuals and their spouses age 65 through 69. Based on these provisions, our actuary estimates savings to the Medicare program of $175 million in FY 1983 and $315 million in FY 1984. These estimates assume that Medicare will become the secondary payer for about 375,000 beneficiaries for whom Medicare is now the primary payer. Although this change will result in an annual economic effect of over $100 million, we have determined that the estimated effect is the result of section 116 and not of these

regulations, which merely implement the statutory provision. Therefore, a regulatory impact analysis is not required under Executive Order 12291.

B. Regulatory Flexibility Analysis

The Secretary certifies under 5 U.S.C. 605(b), enacted by the Regulatory Flexibility Act (Pub. L. 96-354), that this final rule will not result in a significant economic impact on a substantial number of small entities. Congress excluded certain small entities from the requirements of this amendment. Employers with fewer than 20 employees will not be affected by this amendment nor by these regulations.

We cannot determine the number of small entities with twenty or more employees that will be affected by this amendment. However, any impact would be a result of the statutory provisions and not of these regulations, which merely implement it. Therefore, a regulatory flexibility analysis is not required.

Waiver of Proposed Rulemaking and Prospective Effective Date

We are publishing these regulations in final form because the legislative provisions we are implementing are relatively detailed and precise and allow minimal discretion to the Secretary. We have identified the only issues that require clarification and have provided an explanation of our interpretation and why it is reasonable. Further, we are waiving notice and comment under the "good cause" provision of the Administrative Procedure Act (5 U.S.C. 551-553) because the lack of Secretarial discretion, when combined with potential cost savings to the Federal government, make it impractical to proceed with notice and comment.

We also find that the same considerations discussed above provide good cause to dispense with the usual 30-day delayed effective date. Therefore, this regulation is effective with respect to items and services furnished on or after January 1, 1983. However, we will accept any comments mailed within the specified period and will make any changes in the regulation we believe necessary as a result of the comments.

Because of the large number of comments we receive, we cannot acknowledge or respond to them individually. However, if we publish changes in the regulations as a result of comments, we will respond to them in the preamble of that document.

VIII. List of Subjects in 42 CFR Part 405

Administrative practice and procedure, Certification of compliance, Clinics, Contracts (Agreements), End-Stage Renal Disease (ESRD), Health care, Health facilities, Health maintenance organizations (HMO), Health professions, Health suppliers, Home health agencies, Hospitals, Inpatients, Kidney diseases, Laboratories, Medicare, Nursing homes, Onsite surveys, Outpatient providers, Reporting requirements, Rural areas, X-rays.

42 CFR Part 405, Subpart C is amended as set forth below:

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

1. The authority citation for Part 405, Subpart C, reads as follows:

Authority: Sec. 1102, 1842, 1862, 1870 and 1871 of the Social Security Act (42 U.S.C. 1302, 1395u, 1395y, 1395gg, and 1395hh).

2. The table of contents is amended to reflect the insertion of an undesignated centered heading and the addition of new §§ 405.340 through 405.344 as follows:

Subpart C—Exclusions, Recovery of Overpayment, Liability of a Certifying Officer and Suspension of Payment

* * * * *

Limitations on Payment for Services Furnished to Employed Aged and Their Spouses

Sec.

405.340 General Provisions
405.341 Medicare Benefits Secondary to Employer Group Health Plans—General rules.
405.342 Limits on Medicare Secondary Payment
405.343 Limitation on Right of Provider to Charge a Beneficary
405.344 Conditional Payment and Recovery of Payments

* * * * *

3. An undesignated center heading and new §§ 405.340 through 405.344 are added to read as follows:

Limitations on Payment for Services Furnished to Employed Aged and Their Spouses

§ 405.340 General Provisions.

(a) *Applicability.* The provisions of this section and of §§ 405.341 through 405.344 implement section 1862(b)(3) of the Social Security Act. They set forth policies and procedures for payment of benefits for services furnished to employed Medicare beneficiaries age 65 through 69 and their spouses age 65 through 69 who are covered under employer group health plans of employers which employ 20 or more employees. These provisions are applicable to services furnished on or after January 1, 1983.

(b) *Definitions.* For purposes of this section, and §§ 405.341 through 405.344, the following definitions apply—

(1) "Employer group health plan" or "employer plan" means any group health plan that—

(i) Is of, or contributed to by, an employer of 20 or more employees; and

(ii) Provides medical care, directly or through other methods such as insurance or reimbursement, to current or former employees, or to current or former employees and their families.

(2) "Secondary", when used to characterize Medicare payments, means that Medicare benefits are payable to the extent that payment has not been made or cannot reasonably be expected to be made by one or more employer group health plans under which the Medicare beneficiary is covered.

(3) "Age 65 through 69" means a period beginning with the first day of the month in which an individual attains age 65 and ending with the last day of the month in which the individual attains age 70. An individual attains a particular age on the day preceding his or her birthday.

(4) "Employer" means, in addition to individuals and organizations engaged in a trade or business, other entities exempt from income tax such as religious, charitable, and educational institutions, the governments of the United States, the individual States, the Territories, Puerto Rico, the Virgin Islands, Guam and the District of Columbia, and the agencies, instrumentalities and political subdivisions of these governments.

(c) *Referral of cases to Equal Employment Opportunity Commission (EEOC).*

HCFA will refer cases of apparent noncompliance with the requirements of the ADEA to the EEOC.

§ 405.341 Medicare Benefits Secondary to Employer Group Health Plans—General rules.

(a) Effective for services furnished in months after December 1982, Medicare benefits (Parts A and B) are secondary to benefits payable by an employer group health plan for any month in which an individual age 65 through 69:

(1) Is entitled to Part A of Medicare; and

(2) Is not entitled (and could not upon filing an application become entiled) to Medicare on the basis of end-stage renal disease as provided in § 405.104; and

(3) Is either

(i) Employed and covered by reason of such employment by an employer group health plan that meets the definition in § 405.340(b)(1); or

(ii) The spouse age 65 through 69 of such an employed individual who is covered by reason of that individual's employment by an employer group health plan. The spouse may be entitled to Part A of Medicare on the basis of the employed individual's social security record or the spouse's own social security record.

(b) Medicare will pay primary benefits for Medicare covered services, if an individual is not covered under an employer group health plan for any reason, including refusal to accept the plan offered by the employer.

(c) Where the conditions specified in paragraph (a) of this section are met, Medicare will:

(1) Not pay primary benefits for otherwise covered services even though the employer plan states that its benefits are secondary to Medicare's or otherwise excludes or limits its payments to Medicare beneficiaries.

(2) Pay primary benefits for Medicare covered services that are not covered by the employer plan; and

(3) Make secondary payments under Parts A and B of Medicare within the limits specified in § 405.342 to supplement the primary benefits paid by the employer plan if that plan pays only a portion of the charge for the services.

§ 405.342 Limits on Medicare Secondary Payment.

(a) *Services reimbursed by Medicare on a reasonable charge basis.* The Medicare secondary payment will be the lowest of the following:

(1) The actual charge by the supplier minus the amount paid by the employer plan.

(2) The amount that Medicare would pay if the services were not covered by the employer plan.

(3) The higher of the Medicare reasonable charge or other amount which would be payable under Medicare (without regard to any applicable Medicare deductible or co-insurance amounts) or the employer plan's allowable charge (without regard to any deductible or co-insurance imposed by the plan) minus the amount actually paid by the employer plan.

(4) If the claim is filed under an assignment, the Medicare reasonable charge, minus the amount paid by the employer plan. (If the beneficiary does not assign the claim but files for direct payment, this limit does not apply.)

Example: An individual received treatment from a physician for which the physician charged $175. As primary payer, an employer plan allowed $150 of the charge and paid 80 percent of this amount or $120. The Medicare reasonable charge for this treatment is $125. The individual's Part B deductible had been met. As secondary payer, Medicare pays the lowest of the following amounts:

(a) Excess of actual charge minus the employer plan's payment: $175−120=$55.

(b) Amount Medicare would pay if the services were not covered by employer plan: .80×$125=$100.

(c) Employer plan's allowable charge without regard to coinsurance imposed by the employer plan (since that amount is higher than the Medicare reasonable charge in this case) minus amount paid by employer plan: $150−120=$30.

(d) If the physician accepted Medicare assignment, the Medicare reasonable charge minus the amount paid by employer plan: $125−120=$5. (This limit does not apply if the claim is not assigned.)

(b) *Services reimbursed by Medicare on a reasonable cost or other cost related basis.* The Medicare secondary payment will be the lesser of—

(1) The Provider's reasonable cost or cost-related rate (or, if lower, the customary charge) or the amount determined under Section 1886(b) of the Social Security Act minus any applicable Medicare deductible or coinsurance amounts; or

(2) The provider's reasonable cost or cost-related rate (or, if lower, the customary charge) or the amount determined under section 1886(b) of the Social Security Act, minus the amount paid by the employer plan.

Example: (1) A hospital furnished 7 days of inpatient hospital care in 1983 to a Medicare beneficiary whose employer group health plan was primary payer. The provider's charges for Medicare covered services totalled $2200. The employer plan paid $1760. No part of the Medicare inpatient hospital deductible of $304 had been met. Medicare reimburses this hospital on a reasonable cost basis, and pays individual claims on the basis of the estimated reasonable cost, in this case $2100. Medicare uses the estimated reasonable cost in calculating the secondary payment at the time it processes the bill. However, the final Medicare payment amount for all services furnished by the provider is determined at the end-of-year cost settlement.

As secondary payer, Medicare pays the lower of the following amounts:

(a) The hospital's estimated reasonable cost minus the Medicare inpatient hospital deductible: $2100–304=$1796.

(b) The hospital's estimated reasonable cost minus the employer plan's payment: $2100–1760=$340. The $304 deductible was satisfied by the employer plan so that the beneficiary incurred no out of pocket costs.

Thus, when Medicare is secondary, the hospital payment made by both the employer and Medicare on behalf of the employee is $2100. For this example, if the employee had rejected the employer plan, resulting in Medicare becoming the primary plan, the hospital payment made on behalf of the employee would be $1,796.

Example: (2) A hospital furnished 1 day of inpatient hospital care in 1983 to a Medicare beneficiary whose employer group health plan was primary payer. The provider's charges for Medicare covered services totalled $750. The employer plan paid $250. No part of the Medicare inpatient hospital deductible had been met previously, but the employer plan's payment is credited toward that deductible. Medicare's estimated reasonable cost (see Example 1 above) is $650 in this case.

As secondary payer, Medicare pays the lower of the following amounts:

(a) The hospital's estimated reasonable cost minus the Medicare deductible: $650–304=$346.

(b) The hospital's estimated reasonable cost minus the employer plan's payment: $650–250=$400.

The hospital may bill the beneficiary the $54 in unreimbursed hospital costs. ($650 minus the $250 employer plan payment and minus the $346 Medicare payment =$54.) This fully discharges the beneficiary's deductible obligation.

Thus, when Medicare is the secondary payer, the hospital payment made by both the employer plan and Medicare on behalf of the employee is $596. For this example, if the employee had rejected the employer plan, resulting in Medicare becoming the primary plan, the hospital payment made on behalf of the employee would be $346.

(c) *Effect of secondary payments on Part A utilization.* If Medicare pays secondary benefits, the beneficiary will be charged with utilization of Medicare benefits only to the extent that Medicare paid for the services.

(d) *Crediting expenses toward deductibles.* Expenses that would serve to meet the beneficiary's Part A or Part B deductibles if Medicare were primary payer, will be credited to the deductibles even if the expenses are reimbursed by the employer group health plan.

§ 405.343 Limitation on Right of Provider to Charge a Beneficiary.

A provider of services or any other facility which is reimbursed by Medicare on a cost-related basis may not charge a beneficiary or any other party for Medicare covered services, except as provided in § 405.461, if the provider or facility has been paid by an employer plan an amount which equals or exceeds any applicable Medicare deductible or coinsurance amount.

§ 405.344 Conditional Payment and Recovery of Payments.

(a) Where the conditions specified in § 405.341(a) are met, conditional Medicare payment may be made when the claimant (beneficiary, provider, or supplier) has filed a claim under the employer plan, but the claim is denied in

whole or in part by the employer plan for any reason.

(b) If a conditional Medicare payment is made, the following rules apply:

(1) The claimant must reimburse Medicare up to the amount it paid if the claimant subsequently receives payment from the employer plan.

(2) If, for any reason, payment is not received from the plan, HCFA may—

(i) Bring an action against the employer or the plan as appropriate, and the beneficiary must cooperate in HCFA's action; and

(ii) Refer the case to the EEOC in accordance with section 405.340(c).

(c) HCFA may, as a prerequisite for the conditional payment, require the beneficiary to authorize it to pursue the beneficiary's rights against the employer or the plan if the beneficiary does not, and to promise to cooperate in HCFA's action.

(d) HCFA may waive recovery action if the probability of recovery or the amount involved does not warrant pursuit of the claim.

(Catalog of Federal Domestic Assistance Program No. 13.733, Medicare-Hospital Insurance; and No. 13.774, Medicare-Supplementary Medical Insurance)

Dated: December 2, 1982.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

Approved: December 23, 1982.

Richard S. Schweiker,

Secretary.

[FR Doc. 83-9244 Filed 4-7-83; 8:45 am]

BILLING CODE 4120-03-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6367

[NM-55270]

New Mexico; Public Land Order No. 6363; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order will correct an error in the Heading, Summary and Supplementary paragraphs of Public Land Order No. 6363 of January 15, 1983, which cites Caddo and Delaware Tribes instead of the Wichita and Affiliated Bands of Indians (Caddo Indian Tribe of Oklahoma and Delaware Tribe of Western Oklahoma).

EFFECTIVE DATE: April 13, 1983.

FOR FURTHER INFORMATION CONTACT: Delores L. Vigil, New Mexico State Office 801-524-4245.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is hereby ordered as follows:

Public Land Order No. 6363 of January 15, 1983, in **Federal Register** Vol. 48, No. 49 appearing at page 10319 in the issue of March 11, 1983, is corrected as follows:

The Heading, Summary and Supplementary paragraphs which read "Caddo and Delaware Tribes; Oklahoma" is hereby corrected to read "The Wichita and Affiliated Bands of Indians (Caddo Indian Tribe of Oklahoma and Delaware Tribe of Western Oklahoma)."

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, University Club Building, 136 East Temple, Salt Lake City, Utah 84111.

April 5, 1983.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 83-9730 Filed 4-12-83; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

[Docket No. FEMA-6506]

Changes in Special Flood Hazard Areas Under the National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Interim rule.

SUMMARY: This rule lists those communities where modification of the base (100-year) flood elevations is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified base (100-year) elevations for new buildings and their contents and for second layer insurance on existing buildings and their contents.

DATES: These modified elevations are concurrently in effect and amend the Flood Insurance Rate Map (FIRM) in effect prior to this determination.

From the date of the second publication of notice of these changes in a prominent local newspaper, any person has ninety (90) days in which he can request through the community that the Associate Director, State and Local Programs and Support reconsider the changes. These modified elevations may be changed during the 90-day period.

ADDRESSES: The modified base (100-year) flood elevation determinations are available for inspection at the office of the Chief Executive Officer of the community, listed in the fourth column of the table.

Send comments to that address also.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

SUPPLEMENTARY INFORMATION: The numerous changes made in the base (100-year) flood elevations on the Flood Insurance Rate Map(s) make it administratively infeasible to publish in this notice all of the modified base (100-year) flood elevations contained on the map. However, this rule includes the address of the Chief Executive Officer of the community where the modified base (100-year) flood elevation determinations are available for inspection.

Any request for reconsideration must be based on knowledge of changed conditions, or new scientific or technical data.

These modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR 65.4.

For rating purposes, the revised community number is listed and must be used for all new policies and renewals.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations, together with the flood plain management measures required by § 60.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time, enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities.

The changes in the base (100-year) flood elevations listed below are in accordance with 44 CFR 65.4.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 65

Flood insurance, Flood plains.

The change in base flood elevations and zone designations in the area known as New Orleans East, are as follows:

In the area generally bounded by Interstate 10 to the Northwest; Paris Road, the Maxent Levee north of Village de L'Est, and U.S. Route 90 to the Southwest and South; and the Maxent Lagoon Interim Levee to the East; locally known as New Orleans East, Drainage Area 1, Subbasin I, the base flood elevation has been revised from 5.0 feet National Geodetic Vertical Datum (NGVD) to −0.8 foot NGVD, with a required storage volume of 4,083 acre-feet, and the zone designation has been revised from Zone A12 to Zone A1.

In the area generally bounded by U.S. Route 90 to the North, the New Orleans East Back Levee to the West and South, and the Maxent Lagoon Interim Levee to the East, locally known as New Orleans East, Drainage Area 1, Subbasin II, the base flood elevation has been revised from 5.0 feet NGVD to −0.7 foot NGVD, with a required storage volume of 1,804 acre-feet, and the zone designation has been revised from Zone A12 to Zone A1.

In the area generally bounded by the New Orleans East Lakefront Levee to the North, Paris Road is to the West, Interstate 10 to the South, and the New Orleans East Southpoint to Gulf Intracoastal Waterway Levee to the East, locally known as New Orleans East, Drainage Area 2, Subbasin VI, the base flood elevation has been revised from 6.5 feet NGVD to 2.4 feet NGVD with a required storage volume of 5,791 acre-feet, and the zone designation has been revised from Zone A11 to Zone A4.

In the area generally bounded by Interstate 10 to the North, the Maxent Lagoon Interim Levee to the West, U.S. Route 90 to the South, and the New Orleans East Southpoint Gulf Intracoastal Waterway Levee to the East, locally known as New Orleans East, Drainage Area 3, Subbasin VII, the base flood elevation has been revised from 5.0 feet NGVD to 2.4 feet NGVD with a required storage volume of 12,530 acre-feet, and the zone designation has been revised from Zone A9 to Zone A4.

In the area generally bounded by U.S. Route 90 to the North, the Maxent Lagoon Interim Levee to the West, the New Orleans East Back Levee to the South, and the New Orleans East Southpoint to Gulf Intracoastal Waterway Levee to the East, locally known as New Orleans East, Drainage Area 3, Subbasins VIII A and VIII B, the base flood elevation has been revised from 5.0 feet NGVD to 3.4 feet NGVD, with a required combined storage volume of 12,740 acre-feet, and the zone designation has been revised from Zone A9 to Zone A4.

State and county	Location	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	New community No.
Louisiana: Orleans Parish		*The Times Picayune*, Mar. 16, and Mar. 23, 1983.	Honorable Ernest N. Morial, City Hall, Room 9-W, 1300 Perdido Street, New Orleans, LA 70112.	Feb. 25, 1983, Letter of Map Revision.	225203C.

(National Flood Insurance Act of 1968 (Title XIII, Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: March 23, 1983.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 83-9710 Filed 4-12-83; 8:45 am]

BILLING CODE 6718-01-M

44 CFR Part 70

[Docket No. FEMA-5008]

Letter of Map Amendment for City of Glendale, Arizona, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final Rule; Map Correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Glendale, Arizona. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Glendale, Arizona, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: April 13, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda,

Maryland 20817, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(a):

Map No. 040045, Panels 0006C and 0007C, published on October 6, 1980, in 45 FR 66116, indicates that the existing structures located on Lots 275 through 281, Westree Unit 1, Phase 4, Glendale, Arizona, as recorded in Book 208, page 22 of records, in the Office of the Recorder, Maricopa County, Arizona, are located within the Special Flood Hazard Area.

Map No. 040045, Panels 0006C and 0007C are hereby corrected to reflect that the existing structures located on the above-mentioned lots are not within the Special Flood Hazard Area identified on October 6, 1980. These structures are in Zone B.

Pursuant to the Provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated Special Flood Hazard Areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: March 18, 1983.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 83-9728 Filed 4-13-83; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for City of Mesa, Arizona, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule; map correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Mesa, Arizona. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Mesa, Arizona, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: April 13, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20817, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(a):

Map No. 040048, Panel 0020B, published on October 6, 1980, in 45 FR 66116, indicates that the existing structures located on Lots 71 through 85 and 87 through 89 of Hohokam Trails Unit Two, being a 24.431-acre tract of land located in the Southwest Quarter of Section 11, Township 1 North, Range 5 East, Gila and Salt River Base and Meridian, Mesa, Arizona, and being a portion of the Deed recorded as Instrument No. 417006 in Docket 15721, pages 1155 and 1156, in the Office of the Recorder, Maricopa County, Arizona, are located within the Special Flood Hazard Area.

Map No. 040048, Panel 0020B is hereby corrected to reflect that the existing structures located on the above-mentioned lots are not within the Special Flood Hazard Area identified on October 6, 1980. These structures are in Zone B.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated Special Flood Hazard Areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: March 18, 1983.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 83-9727 Filed 4-12-83; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for Sacramento County, California, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule; map correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Sacramento County, California. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Sacramento County, California, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes

the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: April 13, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20817, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(a):

Map No. 060262, Panel 0340B, published on October 6, 1980, in 45 FR 66118, indicates that any structures located on Lots 78 through 82, 83A, 83B, 84A, 84B, 85 through 93, 94A, 94B, 95, 96, 97A, 97B, 98 through 106, 107A, 107B, 108 through 111, Lot A, and portions of Lots B and C of Casa Grande South-Unit No. 2, Sacramento County, California, recorded in Book 148 of Maps, Map No. 8, as Recorder's Certificate No. 192442, in the Office of the Recorder of Sacramento County, California, are located within the Special Flood Hazard Area.

Map No. 060262, Panel 0340B is hereby corrected to reflect that any structures located on Lots 78 through 82, 83A, 83B, 84A, 84B, 85 through 93, 94A, 94B, 95, 96, 97A, 97B, 98 through 106, 107A, 107B, 108 through 111, and Lot A are not within the Special Flood Hazard Area identified on October 6, 1980. These structures would be in Zone C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated Special Flood Hazard Areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Exective Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: March 22, 1983.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 83-9735 Filed 4-12-83; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA–5909]

Letter of Map Amendment for City of Pittsburg, California, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule; map correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Pittsburg, California. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Pittsburg, California, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: April 13, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20817, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(a):

Map No. 060033, Panel 0004B, published on October 6, 1980, in 45 FR 66118, indicates that the existing structure located on that property located in the City of Pittsburg, recorded as Parcel D of the Parcel Map filed in Book 8 of Parcel Maps, at page 49, in the Office of the County Recorder of Contra Costa County, California, is located within the Special Flood Hazard Area.

Map No. 060033, Panel 0004B is hereby corrected to reflect that the existing structure located on the above-mentioned lot is not within the Special Flood Hazard Area identified on October 6, 1980. This structure is in Zone C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated Special Flood Hazard Areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: March 22, 1983.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 83-9726 Filed 4-12-83; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-6493]

Letter of Map Amendment for Nevada County, California, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule; map correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Nevada County, California. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Nevada County, California, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: April 13, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20817, Telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(a):

Map No. 060210, Panel 0583B, published on February 17, 1983, in 48 FR 6985, indicates that the existing structures located on the proposed Penn Valley Plaza, located on a 2.2-acre± tract of land in the North half of the Southeast Quarter of Section 34, Township 16 North, Range 7 East, M.D.B.&M., Nevada County, California, and being Parcels One and Two of the Deed recorded as Instrument No. 23144, in Volume 1062, pages 9 through 11, in the Office of the Recorder, Nevada County, California, is located within the Special Flood Hazard Area.

Map No. 060210, Panel 0583B is hereby corrected to reflect that the proposed Buildings A through C are not within the Special Flood Hazard Area identified on February 17, 1983. These structures are in Zone B.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated Special Flood Hazard Areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: March 22, 1983.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 83-9722 Filed 4-12-83; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5906]

Letter of Map Amendment for City of Santa Clara, California Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule; map correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Santa Clara, California. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Santa Clara, California, that cetain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquistion purposes.

EFFECTIVE DATE: April 13, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287-0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O Box 34294, Bethesda, Maryland 20817, Telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(a):

Map No. 060350, Panel 0003C, published on October 7, 1980, in 45 FR 66455, indicates that the existing structure located on Lot 41, "Tract No. 5057 Mission Glen", filed for record on May 9, 1972 in Book 300 of Maps, pages 48 and 49, Records of Santa Clara County, California, is located within the Special Flood Hazard Area.

Map No. 060350, Panel 0003C is hereby corrected to reflect that the existing structure located on the above-mentioned lot is not within the Special

Flood Hazard Area identified on October 7, 1980. This structure is in Zone C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated Special Flood Hazard Areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: March 18, 1983.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 83-9724 Filed 4-12-83; 8:45 am]

BILLING CODE 6718-03-M

[Docket No. FEMA-5909]

44 CFR Part 70

Letter of Map Amendment for Unincorporated Areas of Hillsborough County, Florida, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule; map correction.

SUMMARY: The Federal Emergency Management Agency published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Hillsborough County, Florida. It has been determined by the Association Director, State and Local Programs and Support after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Hillsborough County, Florida, that a certain structure is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject structure is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: April 13, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda Maryland 20034, Phone Toll Free (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(a):

Map Number 120112, Panel 0205B, published on October 6, 1980 in 45 FR 66059, indicates that Lot 49, Block 5, Unit No. 2 of Avila Subdivision, Hillsborough County, Florida, as recorded in Plat Book 50, Page 22 of the Public Records of Hillsborough County, Florida is located within the Special Flood Hazard Area.

Map Number 120112, Panel 0205B is hereby corrected to reflect that the existing structure located on Lot 49, Block 5, of the above-mentioned property is not within the Special Flood Hazard Area identified on June 18, 1980. This structure is in Zone C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: March 22, 1983.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 83-9721 Filed 4-12-83; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5833]

Letter of Map Amendment for City of Minnetonka, Minnesota, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule; map correction.

SUMMARY: The Federal Emergency Management Agency published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Minnetonka, Minnesota. It has been determined by the Associate Director, State and Local Programs and Support after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Minnetonka, Minnesota, that certain property is within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is within the Special Flood Hazard Area, adds the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: April 13, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that

no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone Toll Free (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(a):

Map number 270173, Panel 0004B, published on December 22, 1980, in 45 FR 84066, indicates that Lots 3 through 6 in Block 1 of the property known as Minnetonka Woods Townhomes, located in Section 29, Township 117, Range 22, Minnetonka, Hennepin County, Minnesota, recorded as 381, Document Number 1483467, Page 621089, in the Office of Registrar of Titles, Hennepin County, Minnesota is not located within the Special Flood Hazard Area.

Map Number 270173, Panel 0004B, is hereby corrected to reflect that the above-mentioned property is located within the Special Flood Hazard Area identified on May 19, 1981.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated, will not have a significant economic impact on a subtantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: March 18, 1983.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 83-9723 Filed 4-12-83; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for City of Sikeston, Missouri, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final Rule; Map Correction

SUMMARY: The Federal Emergency Management Agency published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Sikeston, Missouri. It has been determined by the Associate Director, State and Local Programs and Support after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Sikeston, Missouri, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: April 13, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472; (202) 287–0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition Federal of Federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone Toll Free (800) 638–6620

The map amendments listed below are in accordance with § 70.7(a):

Map Number 295270B, Panel H&I—04, published on October 6, 1980 in 45 FR 66016, indicates that Block 1, consisting of Lots 1 through 10; Block 2, consisting of Lots 1 through 6; Block 3, consisting of Lots 1 through 20; Block 4, consisting of Lots 1 through 10; Block 5, consisting of Lots 1 through 18; and Block 6, consisting of Lots 1 through 4, of a 21.22 acre tract known as Cole's Subdivision to the City of Sikeston, Missouri, as recorded in Plat Book 14, Page 1, in the Office of Recorder, Scott County, Missouri, are located within the Special Flood Hazard Area.

Map Number 295270B, Panel H&I–04 is hereby corrected to reflect that the above-mentioned lots are not within the Special Flood Hazard Area identified on April 29, 1977. These lots, and the existing structures located on them, are in Zone C.

Pursuant to the provisions of 5 U.S.C. 605 (b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: March 22, 1983.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 83-9719 Filed 4-12-83; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-5952]

Letter of Map Amendment for Town of Henrietta, New York, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final Rule; Map correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included

the Town of Henrietta, New York. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the Town of Henrietta, New York, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for the property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: December 15, 1980.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20272, (202) 287–0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(a):

Map Number FIRM 360419, Panel Number 0005C, published on December 15, 1980, in FR Volume 45 No. 242, page 82260, indicates that Lot 4, Township 12, Range 7, as described in Deed Book Libers 4666 and 4359, pages 220 and 281, of the Monroe County Clerk's office, is located within the Special Flood Hazard Area.

Map Number FIRM 360419, Panel Number 0005C, is hereby corrected to reflect that existing structure located at 1387 Brighton-Henrietta Town Line Road of the above-mentioned property is not within the Special Flood Hazard Area identified on November 5, 1980. This structure is in Zone C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: March 22, 1983.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 83-9718 Filed 4-12-83: 8:45 am]

BILLING CODE 6718-03-M

[Docket No. FEMA-5923]

44 CFR Part 70

Letter of Map Amendment for City of Las Vegas, Nevada, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule; map correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying special Flood Hazard Areas have been published. This list included the City of Las Vegas, Nevada. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Las Vegas, Nevada, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: April 13, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287–0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20817, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with 70.7(a):

Map No. 325276, Panel 0025B, published on October 21, 1980, in 45 FR 69451, indicates that the existing structures located on Lots 21 through 28, Block 1, and Lots 13 through 18, Block 2, of The Village at Washington, Las Vegas, Nevada, recorded as Document No. 1530678 in Book 28, page 9 of Plats, Book No. 1571 of Official Records, in the Office of the Recorder, Clark County, Nevada, are located within the Special Flood Hazard Area.

Map No. 325276, Panel 0025B is hereby corrected to reflect that the existing structures located on the above-mentioned lots are not within the Special Flood Hazard Area identified on October 21, 1980. These structures are in Zone B.

Pursuant to the provisions of 5 U.S.C 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated Special Flood Hazard Areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C 4001–4128; Executive Order 12127, 44

FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: March 18, 1983.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 83-0720 Filed 4-12-83; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5923]

Letter of Map Amendment for City of Las Vegas, Nevada, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule, map correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Las Vegas, Nevada. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Las Vegas, Nevada, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: April 13, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction of acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638-8620.

The map amendments listed below are in accordance with § 70.7(a):

Map No. 325276, Panel 0020B, published on October 21, 1980, in 45 FR 69451, indicates that any structures located on Lots 10 through 14 of Block 1 and Lots 1 through 34 of Block 2 in the Fox Hills Subdivision, recorded as Grant Deed Numbers 136560 and 510714, in Official Records Book Numbers 167 and 542, respectively, in the Office of the Recorder of Clark County, Nevada, are located within the Special Flood Hazard Area.

Map No. 325276, Panel 0020B is hereby corrected to reflect that any structures located on the above-mentioned lots are not within the Special Flood Hazard Area identified on October 21, 1980. These structures would be in Zone C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated Special Flood Hazard Areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: March 22, 1983.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 83-0717 Filed 4-12-83; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for Borough of Briar Creek, Pennsylvania, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final Rule, Map Correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the Borough of Briar Creek, Pennsylvania. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the Borough of Briar Creek, Pennsylvania, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: October 6, 1980.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Md. 20034, Telephone: (800) 638-8620.

The map amendments listed below are in accordance with § 70.7(a):

Map Number FIRM 420340, Panel Number 0005B, published on October 6, 1980, in FR Volume 45 No. 195, page 66040, indicates that the property described in Deed Book Volume 164, page 86, Deed Book Volume 167, page 354, and Deed Book Volume 287, page 13, is located within the Special Flood Hazard Area.

Map Number FIRM 420340, Panel Number 0005B, is hereby corrected to reflect that the following structures of the above-mentioned property are not

within the Special Flood Hazard Area identified on August 15, 1979.

1. The brick residence located on the property described in Deed Book Volume 287, page 13.

2. The two and one-half story frame dwelling, the frame storage building and greenhouses 1, 2, 3, 6–13. All of the above structures are located on the property described in Deed Book Volume 164, page 86, and Deed Book Volume 167, page 354.

These structures are in Zone B and are illustrated on the drawing entitled "Plan Showing Area to be Removed from Floodway Fringe," as prepared by Charles B. Webb, P.E.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: March 22, 1983.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 83-9715 Filed 4-12-83; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for City of Tulsa, Tulsa, Osage, and Rogers Counties, Oklahoma; Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule, map correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Tulsa, Tulsa, Osage, and Rogers Counties, Oklahoma. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Tulsa, Tulsa, Osage, and Rogers Counties, Oklahoma, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: October 6, 1982.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(a):

Map Number FIRM 405381, Panel Numbers 0090E and 0095E, published on October 6, 1982, in FR Volume 45, No. 195, page 66095, indicates that the subdivision of Woodland Glen Fourth, as recorded in Plat Number 4221 of the City of Tulsa, Tulsa, Osage, and Rogers Counties, Oklahoma, is located within the Special Flood Hazard Area.

Map Number FIRM 405381, Panel Numbers 0090E and 0095E, are hereby corrected to reflect that existing structures located on Lot 1, Block 1; and Lot 2, Lots 9 through 14, Lots 18 through 20, Lot 22, Lot 23, Block 12 of the above-mentioned property are not within the Special Flood Hazard Area identified on October 15, 1982. These structures are in Zone B.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, is promulgated, will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: March 22, 1983.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 83-9716 Filed 4-12-83; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-6480]

Letter of Map Amendment for City of Memphis, Tennessee, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule, map correction.

SUMMARY: The Federal Emergency Management Agency published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Memphis, Tennessee. It has been determined by the Associate Director, State and Local Programs and Support after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Memphis, Tennessee, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: April 13, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone Toll Free (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(a):

Map Number 470177, Panel 0060B, published on January 7, 1983, in 48 FR 795, indicates that Lots 53 and 54, and Lots 77 through 114 of the property known as Phase II, Greenlodge Townhomes, City of Memphis, Shelby County, Tennessee, as recorded in Plat Book 83, Page 14, in the Office of the Register of Deeds of Shelby County, Tennessee, are located within the Special Flood Hazard Area.

Map Number 470177, Panel 0060B is hereby corrected to reflect that Lots 53 and 54, Lots 77 through 99, and Lots 110 through 114 of the above-mentioned property are not within the Special Flood Hazard Area indentified on December 1, 1982. Lots 53 and 54, Lots 77 through 96, and Lots 110 through 114 are located in Zone C. Lots 97, 98 and 99 are located partially in Zone B and in Zone C.

Map Number 407177, Panel 0060B is also corrected to reflect that the existing structures located on Lots 100 through 109 of the above-mentioned property are not within the Special Flood Hazard Area identified on December 1, 1982. These structures are in Zone C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: March 22, 1983.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 83-9713 Filed 4-12-83; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-6173]

Letter of Map Amendment for City of Austin, Texas, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule, map correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Austin, Texas. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Austin, Texas, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: October 26, 1981.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premiun paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(a):

Map Number FIRM 480624, Panel Number 0065B, published on October 26, 1981, in FR Volume 46 No. 206, page 52113, indicates that Lot 6, Block A and Lots 27–30, Block B, Lakewood Subdivision, City of Austin, Texas, as described in Deed Book Volume 4373, page 384, of the Land Records for the City of Austin, Texas, are located within the Special Flood Hazard Area.

Map Number FIRM 480624, Panel Number 0065B, is hereby corrected to reflect that existing structures located at the above-mentioned properties are not within the Special Flood Hazard Area identified on September 2, 1981. These structures are in Zone C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: March 22, 1983.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 83-9714 Filed 4-12-83; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for City of Bedford, Texas, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule, map correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Bedford, Texas. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Bedford, Texas, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: July 18, 1977.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(a):

Map Number FIRM H&I 480585, Panel Number 0001A, published on October 6, 1980, in FR Volume 45 No. 195, page 66097, indicates that Lots 1-4, Block G, Woodfield Addition, as described in Deed Book Volume 388, page 50, of the Land Records for Tarrant County, Texas, are located within the Special Flood Hazard Area.

Map Number FIRM H&I 480585, Panel Number 0001A, is hereby corrected to reflect that existing structures located at Lots 1-4, Block G, Woodfield Addition, of the above-mentioned properties are not within the Special Flood Hazard Area identified on July 18, 1977. These structures are in Zone C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: March 14, 1983.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 83-9711 Filed 4-12-83 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for Unincorporated Area of Ozaukee County, Wisconsin, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule, map correction.

SUMMARY: The Federal Emergency Management Agency published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list includes Ozaukee County, Wisconsin. It has been determined by the Associate Director, State and Local Programs and Support after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Ozaukee County, Wisconsin, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: April 13, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone Toll Free (800) 638-6620.

The map amendment listed below are in accordance with § 70.7(a):

Map Number 550310, Panel 0025C, published on October 6, 1980, in 45 FR 66089, indicates that Lot 1 and Lot 2, Block 11 of Foster's Third Plat, Ozaukee County, Wisconsin, recorded as Document No. 308248, Record Volume 429, Page 723, and in Deed Volume 13, Pages 163 and 164, in the Office of the Register of Deeds, Ozaukee County, Wisconsin are located within the Special Flood Hazard Area.

Map Number 550310, Panel 0025C is hereby corrected to reflect that Lot 1 and Lot 2 of the above-mentioned property are not within the Special

Flood Hazard Area identified on May 16, 1977. These lots are in Zone C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: March 22, 1983.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 83-0712 Filed 4-12-83 8:45 am]

BILLING CODE 6718-03-M

Proposed Rules

Federal Register
Vol. 48, No. 72
Wednesday, April 13, 1983

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 29

U.S. Types 11–14, Flue-Cured Tobacco Official Standard Grades

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: It is proposed that the Official Standard Grades for Flue-Cured Tobacco, U.S. Types 11–14, grown in the States of Virginia, North Carolina, South Carolina, Georgia, and Florida, be amended to: (1) Delete certain grades determined to be no longer necessary; (2) add certain grades which will more accurately describe tobacco as it is presently prepared for market; and (3) combine certain color factors to reflect noticeable deviations from colors contained in the current official standards. These revisions, based on recommendations from various segments of the flue-cured industry and the Department's continuous review and evaluation of the current grade standards, are proposed to more accurately describe tobacco as it is presently prepared for market.

DATE: Written comments must be received by May 16, 1983.

ADDRESSES: Send written comments to Lioniel S. Edwards, Director, Tobacco Division, Agricultural Marketing Service, United States Department of Agriculture, Room 502 Annex Building, Washington, D.C. 20250. Comments will be available for public inspection at this location during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Lioniel S. Edwards, Director, Tobacco Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–2567.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Department is considering a modification of the Official Standard Grades for Flue-Cured Tobacco, U.S. Types 11–14, pursuant to authority contained in the Tobacco Inspection Act of 1935, as amended (49 Stat. 731; 7 U.S.C. 511 *et seq.*). Previous revisions or modifications to the standard grades for flue-cured tobacco were made in 1956, 1958, 1959, 1963, 1968, 1976, 1977, and 1982.

Representatives of all segments of the tobacco industry recommended to the Department modifications of current flue-cured standards to incorporate descriptive factors to accommodate the grading of qualities of tobacco which have surfaced on the auction market in the last few seasons.

In 1978, the Department amended the tobacco price support regulations by changing the planted acreage limitation prescribed as a condition of price support eligibility for flue-cured tobacco producers. This amendment, popularly referred to as the Four Leaf Program, increased the acreage limitation by 10 percent for producers who agree not to harvest the 4 lower-stalk leaves. This program has enabled producers to increase their production of upper stalk tobacco by discarding the lower-stalk tobacco which consists of primings and lugs. However, by removing the 4 lower-stalk leaves, the remaining lower leaves (cutters) bend downward and come in contact with the soil. These leaves usually ripen prematurely, are flimsy and have a pale color intensity, thereby, taking on characteristics of the primings group. Producers participating in the Four Leaf Program have voiced dissatisfaction at receiving on their first marketing a primings grade on the cutters. Producers have emphasized that the primary reason for removing the 4 bottom leaves is to rid the plant of the primings. The current standards prevent lower-stalk cutter marketings from being graded in any group other than primings.

Therefore, the Department proposes to establish grades C5LP and C5FP in an effort to provide factors to describe the prematurely ripe and pale-colored tobacco from the cutters group which have taken on the characteristics of the primings group.

Extremely wet weather conditions persisted during the 1982 marketing season. When heavy rains occur during early growth, the root system of the tobacco plant does not attain deep soil penetration necessary for plant development. Sufficient water at ground level results in the root system remaining relatively close to the top of the ground. This lack of proper root development causes the leaf to be thin. Excessive rainfall then leaches the oil out of the leaf, and a whitish-lemon color is produced in the lugs and cutters groups. When this situation exists, the Department is faced with the problem of describing an underdeveloped, colorless leaf for which no specific grade standard applies under the present standards.

The Department proposes to establish grades X4LL for the lugs, and C4LL for the cutters to more accurately describe the whitish-lemon color produced during wet growing seasons. The color-combination of "whitish-lemon (LL)" is proposed as a new definition in the regulations.

Numerous problems are encountered by federal inspectors in describing old crop tobacco which has been stored on the farm and is carried over for sale from previous crop years. While the tobacco is in storage, its moisture content fluctuates with changes in the percentage of relative humidity. During this process of absorbing and dissipating moisture, the color becomes darker than the normal colors defined in the current standards.

The Department proposes to establish grades B4DK, B5DK, and B6DK to more accurately describe the darker colors of tobacco both from previous crop years and that tobacco which has been marketed over the past few years. The color "dark red variegated (DK)" is proposed as a new definition to the regulations.

Currently, X3S is the only standard grade describing slick tobacco in the lugs group. Studies and observations at various market sites have shown that the composition of marketings contains a considerable amount of tobacco that is of lower quality than the X3S and could be described more accurately as 4th quality slick lugs. Therefore, a new grade X4S is proposed to be established to describe 4th quality slick lugs.

Current standards describe variegated lemon tobacco but provide no grade to describe the variegated orange side in the cutters group. This color has become more distinct in recent years and the Department proposes to establish the grade C4KF to more accurately describe this variegated orange color found primarily in the cutters group.

The Department further proposes that grades B4R, H1F, H2F, M4F, M5F, M4KR, M4KM, M5KM, M4GK, and M5GK, be deleted. The grades, H1F, M4F, M4KR, and M5GK, were not marketed at all in 1982. In those remaining grades proposed for deletion—B4R, H2F, M5F, M4KM, M5KM, and M4GK—an average of less than one-hundredths of one percent was marketed in 1982. Therefore, the proposal to delete said grades is based on the fact that the volume of tobacco classified in these grades has diminished to the extent that retention of these grades is clearly unwarranted.

This proposed rule has been reviewed under USDA procedures established to implement Executive Order 12291 and the Secretary's Memorandum 1512-1 and has been determined to be a "nonmajor" rule because it does not meet any of the criteria established for major rules under the executive order. Initial reviews of the regulations contained in 7 CFR Part 29, for need, currency, clarity, and effectiveness has been completed.

Additionally, in conformance with the provisions of Pub. L. 96-354, Regulatory Flexibility Act, full consideration has been given to the potential economic impact upon small business. Tobacco warehousemen and producers fall within the confines of "small business" as defined in the Regulatory Flexibility Act. A number of firms which are affected by these adopted regulations do not meet the definition of small business either because of their individual size or because of their dominant position in one or more marketing areas. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will have no adverse economic impact upon all entities, small or large, and will in no way affect the normal competition in the market place.

William T. Manley, Acting Director, Tobacco Division, Agricultural Marketing Service, has determined that an emergency situation exists which warrants less than a 60-day comment period on this proposal because all segments of the industry must be informed of any changes affecting the marketing process prior to the opening of the marketing season. Therefore, a 30-day comment period will be provided on this proposal.

List of Subjects in 7 CFR Part 29

Administrative practices and procedure, Tobacco.

PART 29—TOBACCO INSPECTION

Accordingly, the Department hereby proposes to amend the regulations under the Tobacco Inspection Act contained in 7 CFR Part 29, Subpart C, as follows:

1. Section 29.1007 is revised to read as follows:

§ 29.1007 Color symbols.

As applied to flue-cured tobacco, color symbols are L—lemon, F—orange, FR—orange red, R—red, V—greenish, K—variegated, KR—variegated red or scorched, G—green, GR—green red, GK—green variegated (may be scorched), GG—gray green, KL—variegated lemon, KF—variegated orange, KV—variegated greenish, KM—variegated (scorched) mixed, DK—dark red variegated, and LL—whitish-lemon.

2. Section 29.1008 is revised to read as follows:

§ 29.1008 Combination symbols.

A color or group symbol used with another symbol to form the third factor of a grademark to denote a particular side or characteristic of the tobacco. As applied to flue-cured tobacco, the combination symbols are XL—lug side, PO—oxidized primings, XO—oxidized lugs or cutters, BO—oxidized leaf or smoking leaf, GL—thin-bodied nondescript, GF—medium-bodied nondescript, LP—lemon (primings side), and FP—orange (primings side).

§ 29.1025 [Amended]

3. Section 29.1025 is amended to remove from therein the words, "Mixed (M)."

§ 29.1034 [Removed]

4. Section 29.1034, Mixed group (M), is removed in its entirety.

§§ 29.1013 through 29.1033 [Redesignated as §§ 29.1014 through 29.1034]

5. Current §§ 29.1013 through 29.1033 are redesignated as §§ 29.1014 through 29.1034, respectively, to maintain alphabetical sequence.

6. Section 29.1013 is added to read as follows:

§ 29.1013 Dark red variegated (DK).

A dark brownish-red discoloration which usually results from excessive sunbaking during the growing process or from storing cured tobacco over extended periods of time. Any leaf of which 20 percent or more of its surface is dark brownish-red may be described as dark red variegated.

§ 29.1079 [Redesignated as § 29.1080]

7. Current § 29.1079 is redesignated as § 29.1080 to maintain alphabetical sequence of the definitions contained in 7 CFR Part 29.

8. A new § 29.1079 is added to read as follows:

§ 29.1079 Whitish-lemon (LL).

A whitish-yellow color which usually results during wet growing seasons when rain leaches or washes out the yellow color from the leaf. Any leaf of which 20 percent or more of its leaf surface has whitish-yellow color may be described as whitish-lemon.

§ 29.1121

[Amended]

9. Amend § 29.1121 by including the word ' "DK," ' after ' "KF," ' Amended § 29.1121 should read " . . . the color symbol "K," "KL," "KF," "DK," or "KV."

§ 29.1162 [Amended]

10. Section 29.1162 Leaf (B Group) is amended by removing the part entitled "B4R—Fair Quality Red Leaf" and the paragraph directly thereunder.

§ 29.1162 is further amended to add three new grades following the paragraph under the heading "B6KF—Poor Quality Variegated Orange Leaf" to read as follows:

B4DK—Fair Quality Dark Red Variegated Leaf

Unripe, close leaf structure, heavy, normal width. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

B5DK—Low Quality Dark Red Variegated Leaf

Unripe, tight leaf structure, heavy, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

B6DK—Poor Quality Dark Red Variegated Leaf

Unripe, tight leaf structure, heavy, stringy. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste

§ 29.1163 [Amended]

11. § 29.1163 is amended by removing the heading "H1F—Choice Quality Orange Smoking Leaf," and the heading "H2F—Fine Quality Orange Smoking Leaf," and the paragraphs immediately thereunder.

12.a. Section 29.1164 is amended to add a new grade following the paragraph under the heading "C5F—Low Quality Orange Cutters," to read as follows:

C4LL—Fair Quality Whitish-Lemon Cutters

Ripe, open leaf structure, thin, lean in oil, normal width, 16 inches or over in length. Uniformity, 70 percent; injury tolerance, 20 percent, of which not over 5 percent may be waste.

b. Section 29.1164 is further amended to add a new grade following the paragraph under the heading "C4KL—Fair Quality Variegated Lemon Cutters" to read as follows:

C4KF—Fair Quality Variegated Orange Cutters

Unripe, close leaf structure, medium body, normal width, 16 inches or over in length. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

c. Section 29.1164 is further amended to add two new grades following the paragraph under the heading "C4GK—Fair Quality Green Variegated Cutters" to read as follows:

C5LP—Low Quality Lemon Cutters (Primings Side)

Prematurely ripe, open leaf structure, thin, lean in oil, pale color intensity, normal width, 16 inches or over in length. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

C5FP—Low Quality Orange Cutters (Primings Side)

Prematurely ripe, open leaf structue, medium body, lean in oil, pale color intensity, normal width, 16 inches or over in length. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

13.a. Section 29.1165 Lugs (X Group) is amended to add a new grade following the paragraph under the heading "X5F—Low Quality Orange Lugs," to read as follows:

X4LL—Fair Quality Whitish-Lemon Lugs

Ripe, open leaf structure, thin, lean in oil. Uniformity, 70 percent; tolerance, 30 percent waste.

b. Section 29.1165 is further amended to add a new grade following the paragraph under the heading "X3S—Good Quality Slick Lugs," to read as follows:

X4S—Fair Quality Slick Lugs

Unripe, close leaf structure, medium body. Uniformity, 70 percent; tolerance, 30 percent waste.

§ 29.1167 [Removed and reserved]

14. Section 29.1167 is removed in its entirety and noted as "[Reserved]."

15. Section 29.1181 is amended to reflect the above-proposed additions and removals. For purposes of clarity, the entire section has been reprinted and is to be considered revised, as follows:

§ 29.1181 Summary of standard grades.

2 Grades of Wrappers

A1L	A1F

23 Grades of Leaf

B1L	B1F	B1FR		
B2L	B2F	B2FR		
B3L	B3F	B3FR		B3K
B4L	B4F	B4FR		B4K
B5L	B5F	B5FR	B5R	B5K
B6L	B6F	B6FR		B6K

14 Grades of Smoking Leaf

H3L	H3F		
H4L	H4F	H4FR	H4K
H5L	H5F	H5FR	H5K
H6L	H6F	H6FR	H6K

10 Grades of Cutters

C1L	C1F
C2L	C2F
C3L	C3F
C4L	C4F
C5L	C5F

10 Grades of Lugs

X1L	X1F
X2L	X2F
X3L	X3F
X4L	X4F
X5L	X5F

8 Grades of Primings

P2L	P2F
P3L	P3F
P4L	P4F
P5L	P5F

6 Grades of Greenish

B3V		X3V
B4V	C4V	X4V
B5V		

19 Grades of Variegated

B3KL	B3KF							
B4KL	B4KF	B4DK	B4KV	C4KL	C4KF	X4KL	X4KF	X4KV
B5KL	B5KF	B5DK	B5KV					
B6KL	B6KF	B6DK	B6KV					

15 Grades of Green

B4G		B4GK		C4G	C4GK	X4G	X4GK	P4G
B5G	B5GR	B5GK	B5GG			X5G		P5G
B6G		B6GK						

7 Grades of Variegated Mixed

B3KM		X3KM
B4KM	C4KM	X4KM
B5KM		
B6KM		

6 Grades of Variegated Red or Scorched

B3KR		X3KR
B4KR	C4KR	X4KR
B5KR		

6 Grades of Slick

B3S		X3S
B4S	C4S	X4S
B6S		

2 Grades of Whitish-Lemon

X4LL	C4LL

2 Grades of Cutters (Primings Side)

C5LP	C5FP

13 Grades of Nondescript

N1L	N1KV	N1GG
N1XL	N1GL	N1PO
N1K	N1GF	N1XO
N1R	N1GR	N1BO
		N2

1 Grade of Scrap

S

Special factors "U" (unsound) and "W" (doubtful-keeping order) may be applied to all grades. The special factors "dirt" or "sand" may be applied to any grade in the Primings group, including first qualtiy Nondescript from the Primings group. Tobacco not covered by the standard grades is designated "No-G," "No-G-F," or "No-G-Nested."

§ 29.1125 [Amended]

16. Section 29.1225 is amended as follows:

1. Paragraph under the heading "Groups": Remove the words "M–Mixed Group."

a. Paragraph under the heading "Color Symbols": Add at the end thereof the words "DK—Dark red variegated, LL—Whitish-lemon."

c. Paragraph under the heading "Combination Symbols": Add at the end thereof the words "LP—Lemon (primings side). FP—Orange (primings side)."

Dated: April 8, 1983.

C. W. McMillan,

Assistant Secretary Marketing and Inspection Services.

[FR Doc. 83-9653 Filed 4-12-83; 8:45 am]

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Federal Crop Insurance Corporation

7 CFR Part 440

Texas Citrus Tree Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: The Federal Crop Insurance Corporation herewith issues a new Part 400 in Title 7 of the Code of Federal Regulations to be known as the Texas

Citrus Tree Insurance Regulations (7 CFR Part 440). The intended effect of this rule is to issue regulations for the purpose of prescribing procedures for insuring citrus trees in certain counties in Texas, effective with the 1984 crop year.

DATE: Written comments, data, and opinions on this proposed rule must be submitted not later than May 13, 1983, to be sure of consideration.

ADDRESS: Written comments on this proposed rule should be sent to the Office of the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 447–3325.

The Impact Statement describing the options considered in developing this proposed rule and the impact of implementing each option is available upon request from Peter F. Cole.

SUPPLEMENTARY INFORMATION: Information collection requirements contained in these regulations (7 CFR Part 440) have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Nos. 0563–0003 and 0563–0007.

This action also constitutes a review as to the need, currency, clarity, and effectiveness of these regulations under the provisions of Secretary's Memorandum No. 1512–1. The sunset review date established for these regulations is January 1, 1988.

This action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1512–1 (June 11, 1981).

Merritt W. Sprague, Manager, FCIC, has determined that (1) this action is not a major rule as defined in Executive Order No. 12291 (February 17, 1981), (2) this action does not increase the Federal paperwork burden for individuals, small businesses, and other persons, and (3) this action conforms to the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and other applicable law.

The title and number of the Federal Assistance Program to which these regulations apply are: Title—Crop Insurance; Number 10.450.

This action will not have a significant impact specifically upon areas and community development; therefore, review as established in Executive Order No. 12372 (July 14, 1982) was not used to assure that units of local government are informed of this action.

It has also been determined that this action is exempt from the provisions of the Regulatory Flexibility Act; therefore, no Regulatory Impact Statement was prepared.

Background

Under the authority of Section 508 of the Federal Crop Insurance Act, as amended (7 U.S.C. 1508), the Federal Crop Insurance Corporation proposes to offer citrus tree insurance in selected counties in South Texas on an experimental basis in response to growers requests for such insurance. The causes of loss insured against are: freeze, excess moisture, hail, fire, hurricane or tornado which damage or destroy citrus trees. The insurance will be applicable on insurable citrus trees of the following types: Type I, Early and Midseason Oranges; Type II, Late Oranges, including Temples; Type III, Grapefruit Trees, except Star Ruby Trees; and, Type IV, Star Ruby Grapefruit Trees.

Merritt W. Sprague, Manager, FCIC, has determined that good cause exists for publication of these regulations as a notice of proposed rulemaking with less than the normal 60-day period comment because these regulations are new for crop year 1984 and there are no present insureds to be affected by these regulations. According to the provisions of Section 16 of the Texas Citrus Tree insurance policy contained herein, these regulations, or any amendments thereto, shall be placed on file in the service office by May 1. Public comment on these proposed regulations are solicited for 30 days after the date of publication in the **Federal Register**. Any written comments on this proposed rule should be sent to the Office of the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250. All written comments made pursuant to this proposed rule will be available for public inspection in the Office of the Manager during regular business hours, Monday through Friday.

List of Subjects in 7 CFR Part 440

Crop insurance, Texas citrus trees.

Proposed Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation proposes to issue a new Part 440 in Chapter IV of Title 7 of the Code of Federal Regulations effective for the 1984 and succeeding crop years, to be known as 7 CFR Part 440—Texas Citrus Tree Insurance, to read as follows:

PART 440—TEXAS CITRUS TREE INSURANCE REGULATIONS

Subpart: Regulations for the 1984 and Succeeding Crop Years

Sec.

440.1 Availability of Texas citrus tree insurance.
440.2 Premium rates, covered levels, amounts of insurance, and prices at which indemnities shall be computed.
440.3 [Reserved.]
440.4 Creditors.
440.5 Good faith reliance on misrepresentation.
440.6 The contract.
440.7 The application and policy.
Appendix A—Counties designated for Texas Citrus Tree Insurance.

Authority: Secs. 506, 516, Pub. L. 75–430, 52 Stat. 72, 77, as amended (7 U.S.C. 1506, 1516).

§ 440.1 Availability of Texas citrus tree insurance.

Insurance shall be offered under the provisions of this subpart on citrus trees in counties within limits prescribed by and in accordance with the provisions of the Federal Crop Insurance Act, as amended. The counties shall be designated by the Manager of the Corporation from those approved by the Board of Directors of the Corporation. Before insurance is offered in any county, there shall be published by appendix to this part the names of the counties in which citrus tree insurance will be offered.

§ 440.2 Premium rates, coverage levels, amounts of insurance, and prices at which indemnities shall be computed.

(a) The Manager shall establish premium rates, coverage levels, amounts of insurance, and prices at which indemnities shall be computed for citrus trees which shall be shown on the county actuarial table on file in the service office and may be changed from year to year.

(b) At the time the application for insurance is made, the applicant shall elect a coverage level, amounts of insurance, and price at which indemnities shall be computed from among those shown on the actuarial table for the crop year.

§ 440.3 [Reserved]

§ 440.4 Creditors.

An interest of a person in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, or an involuntary transfer shall not entitle the holder of the interest to any benefits under the contract except as provided in the policy.

§ 440.5 Good faith reliance on misrepresentation.

Notwithstanding any other provision of the Texas Citrus Tree Insurance contract, whenever (a) an insured person under a contract of crop insurance entered into under these regulations, as a result of a misrepresentation or other erroneous action or advice by an agent or employee of the Corporation, (1) is indebted to the Corporation for additional premiums, or (2) has suffered a loss to a crop which is not insured or for which the insured person is not entitled to an indemnity because of failure to comply with the terms of the insurance contract, but which the insured person believed to be insured, or believed the terms of the insurance contract to have been complied with or waived, and (b) the Board of Directors of the Corporation, or the Manager in cases involving not more than $100,000, finds (1) that an agent or employee of the Corporation did in fact make such misrepresentation or take other erroneous action or give erroneous advice, (2) that said insured person relied thereon in good faith, and (3) that to require that payment of the additional premiums or to deny such insured's entitlement to the indemnity would not be fair and equitable, such insured person shall be granted relief the same as if otherwise entitled thereto.

§ 440.6 The contract.

The insurance contract shall become effective upon the acceptance by the Corporation of a duly executed application for insurance on a form prescribed by the Corporation. The contract shall cover the citrus trees as provided in the policy. The contract shall consist of the application, the policy, the appendix, and the county acturial table. Any changes made in the contract shall not affect its continuity from year to year. Copies of forms referred to in the contract are available at the service office.

§ 440.7 The application and policy.

(a) Application for insurance on a form prescribed by the Corporation may be made by any person to cover such person's insurable share in the citrus trees as landlord, owner-operator, or tenant. The application shall be submitted to the Corporation at the service office on or before the applicable closing date for the county on file in the service office.

(b) The Corporation may discontinue the acceptance of applications in any county upon its determination that the insurance risk is excessive, and also, for the same reason, may reject any individual application. The Manager of the Corporation is authorized in any crop year to extend the closing date for submitting applications or contract changes in any county, by placing the extended date on file in the service office in the county and publishing a notice in the **Federal Register** upon the Manager's determination that no adverse selectivity will result during the period of such extension. However, if adverse conditions should develop during such period, the Corporation will immediately discontinue the acceptance of applications.

(c) In accordance with the provisions governing changes in the contract contained in policies issued under FCIC regulations for the 1984 and succeeding crop years, a contract in the form provided for under this subpart will come into effect as a continuation of a citrus tree insurance contract issued under such prior regulations, without the filing of a new application.

(d) The application for the 1984 and succeeding crop years is found at Subpart D of Part 400—General Administrative Regulations (7 CFR 400.37, 400.38), first published at 48 FR 1023, January 10, 1983, and may be amended from time to time for subsequent crop years. The provisions of the Texas Citrus Tree Insurance Policy for the 1984 and succeeding crop years are as follows:

DEPARTMENT OF AGRICULTURE

FEDERAL CROP INSURANCE CORPORATION

TEXAS CITRUS TREE CROP INSURANCE POLICY

(This is a continuous contract. Refer to Section 15.)

AGREEMENT TO INSURE: We shall provide the insurance described in this policy in return for the premium and your compliance with all applicable provisions.

Throughout this policy "you" and "your" refer to the insured shown on the accepted application and "we," "us" and "our" refer to the Federal Crop Insurance Corporation.

TERMS AND CONDITIONS

1. CAUSES OF LOSS.

a. The insurance provided is against unavoidable damage to citrus trees resulting from freeze, excess moisture, hail, fire, hurricane or tornado occurring within the insurance period, unless those causes are excepted, excluded, or limited by the actuarial table or section 9f.

b. We shall not insure against any cause of loss or damage, as determined by us, to the citrus trees due to:

(1) The neglect or malfeasance of you, any member of your household, your tenants or employees;

(2) The failure to follow recognized good grove management practices;

(3) Any cause not specified in section 1a as an insured loss.

2. CROP, ACREAGE, AND SHARE INSURED.

a. The crop insured shall be any of the following insurable citrus tree types (hereafter called trees) elected by you:

Type I, Early and Midseason Orange Trees;

Type II, Late Orange (including Temples) Trees;

Type III, Grapefruit Trees except Star Ruby Trees;

Type IV, Star Ruby Grapefruit Trees;

which are set out for the purpose of harvesting citrus as fresh fruit and/or juice and which are located on insured acreage, and for which we provided an amount of insurance and premium rate of the actuarial table.

b. The acreage insured for each crop year shall be that acreage of trees located on insurable acreage as provided for on the actuarial table and in which you have a share, as reported by you or as determined by us, whichever we shall elect.

c. The insured share shall be your share as landlord or owner-operator in the insured citrus trees at the time insurance attaches.

d. We do not insure any acreage:

(1) For the crop year the application for insurance is filed until the acreage has been inspected by us and considered acceptable by us;

(2) Where grove management practices carried out are not in accordance with those practices for which premium rates have been established;

(3) Maintained or set out for experimental purposes; or

(4) In any established grove which we determine does not have the potential to produce at least 70% of the area average yield for the type and age. This provision may be waived by writtten agreement between you and us.

e. Where insurance is provided for an irrigated practice:

(1) You shall report as irrigated only the acreage for which you have adequate facilities and water to carry out a good tree irrigation practice at the time insurance attaches; and

(2) Any loss of trees caused by failure to carry out a good tree irrigation practice, except failure of the water supply from an unavoidable cause occurring after insurance attaches for the crop year shall be considered as due to an uninsured cause. The failure or breakdown of irrigation equipment or facilities shall not be considered as a failure of the water supply from an unavoidable cause.

f. We may limit the insured acreage to any acreage limitation established under any Act of Congress, if we advise you of the limit prior to planting.

g. We may (1) on any acreage which was not insured the previous crop year, exclude acreage from insurance, or (2) limit the amount of insurance.

3. REPORT OF ACREAGE, SHARE, NUMBER, TYPE, AGE OF TREES, AND PRACTICE.

You shall report on our form:

a. All the acreage of trees in the county in which you have a share;

b. The practice;

c. Your share at the time insurance attaches; and

d. The type, number of trees, and

(1) Date of original set out; or

(2) Date of replacement and/or dehorning, if more than 10 percent of the trees on any unit have been replaced or dehorned in the previous five years; and

e. Within 72 hours; the acreage, type, number of trees, and the date set out is completed for any insurable acreage of trees set out after June 1 of the crop year, if you elect to insure such acreage during the crop year.

You shall designate separately any acreage that is not insurable. You shall report if you do not have a share in any trees located in the county. This report shall be submitted annually on or before the July 1 reporting date. We shall have the right to determine all indemnities on the basis of information you have submitted on this report. If you do not submit this report by the reporting date, we may elect to determine by unit the insured acreage, share, and practice or we may deny liability on any unit. Any report submitted by you may be revised only upon our approval.

4. COVERAGE LEVELS AND AMOUNTS OF INSURANCE.

a. The coverage levels and amounts of insurance shall be contained in the actuarial table.

b. You may change the coverage level and amount of insurance on or before the closing date contained in the actuarial table for submitting applications for the crop year.

c. The amount of insurance shall be reduced for any acreage which has not reached the fourth growing season after being set out or fifth year following dehorning by multiplying the amount of insurance by:

(1) 25 percent the year of set out or the year following dehorning;

(2) 40 percent the first growing season after being set out or the second year following dehorning;

(3) 60 percent the second growing season after being set out or the third year following dehorning; or

(4) 75 percent the third growing season after being set out or the fourth year following dehorning.

d. The amount of insurance shall be reduced proportionately for any unit on which the stand is less than 90 percent, of the original planting pattern.

5. ANNUAL PREMIUM.

a. The annual premium is earned and payable on the date insurance attaches. The amount is computed by multiplying the amount of insurance per acre times the premium rate, times the insured acreage, times your share at the time insurance attaches.

b. Interest shall accrue at the rate of one and one-half percent (1½%) simple interest per calendar month, or any part thereof, on any unpaid premium balance starting on the first day of the month following the first premium billing date.

6. DEDUCTIONS FOR DEBT

Any unpaid amount due us may be deducted from any indemnity payable to you or from any loan or payment due you under any Act of Congress or program administered by the United States Department of Agriculture or its Agencies, unless prohibited by law.

7. INSURANCE PERIOD.

a. Insurance attaches on insured acreage on June 1 for each crop year except that for the first crop year and notwithstanding section 2d(1):

(1) If the application is accepted by us after June 1, the insurance against hurricane and freeze shall attach the tenth day after the application is executed by you; and

(2) If any insurable acreage is set out after June 1, insurance shall attach on the date set out is completed for the unit if the acreage is reported within 72 hours after the date of completion; except insurance against hurricane and freeze shall attach the tenth day after you report such acreage.

b. The insurance period ends at the earlier of:

(1) May 31 of the following year; or

(2) The total destruction of the insured trees.

8. NOTICE OF DAMAGE OR LOSS.

a. In case of damage or probable loss:

(1) You must give us written notice of:

(a) The date(s) of damage; and

(b) The cause(s) of damage.

b. You must not claim an indemnity on any unit, unless we inspect all insured acreage and damaged trees before pruning, dehorning or replacement. We may grant a written waiver of this requirement.

c. We may reject any claim for indemnity if any of the requirements of this section or section 9 are not complied with.

9. CLAIM FOR INDEMNITY.

a. Any claim for indemnity on a unit shall be submitted to us on our prescribed form not later than 60 days after the earliest of:

(1) Total destruction of the trees on the unit; or

(2) The calendar date for the end of the insurance period.

b. We shall not pay any indemnity unless you:

(1) Furnish records concerning all trees on the unit;

(2) Establish that the damage to the trees was directly caused by one or more of the insured causes during the insurance period; and

(3) Furnish all information we require concerning the loss.

c. The indemnity shall be determined on each unit by:

(1) Multiplying the number of insured acres in the unit by the amount(s) of insurance;

(2) Multiplying this result by the applicable percent of loss. (The applicable percent of loss is determined by subtracting from the actual percent of damage determined by us in accordance with section 9e, the following applicable amount;

(a) 25 percent (for coverage level 3) and dividing the result by 75 percent;

(b) 35 percent (for coverage level 2) and dividing the result 65 percent; or

(c) 50 percent (for coverage level 1) and dividing the result by 50 percent); and

(3) Multiplying this result by your share.

d. If the information reported by you results in:

(1) A lower premium than the actual premium determined by us, the indemnity shall be reduced proportionately; or

(2) A lower amount of liability than the actual amount of liability determined by us, we may reduce the indemnity proportionately.

e. The total amount of indemnity shall be determined by us and shall include both tree damage and/or trees destroyed due to an insurable cause.

(1) The percent of damage to count for each tree, resulting from insurable cause shall be:

(a) Determined by dividing the number of scaffold limbs damaged by the total number scafford limbs before damage occurred, as determined by us. (A scafford limb is considered damaged if damage occurs in the area defined as a circle around the trunk of the tree with a radius equal to one-fourth (¼) of the height of the tree). Any tree with a percent of damage in excess of 80 percent shall be counted as 100 percent damaged; or

(b) During the crop year of set out as follows:

(i) 100 percent if the trees are killed back to the root stock;

(ii) 90 percent if less than 12 inches of wood above the bud union is alive; or

(iii) No damage shall be considered if more than 12 inches of wood above the bud union is alive.

(2) Any percentage of damage caused by uninsured causes, as determined by us, shall not be included in the percent of damage.

f. When you have elected to exclude hail and fire as insured causes of loss and the crop is damaged by hail or fire, appraisals for uninsured causes shall be made in accordance with the terms of Form FCI–78 "Request to Exclude Hail and Fire."

g. You shall not abandon any insured tree acreage to us.

h. You cannot bring suit or action against us unless you have complied with all policy provisions. If a claim is denied, you may sue us in the United States District Court under the provisions of 7 U.S.C. 1508(c). You must bring suit within 12 months of the date notice of denial is mailed to and received by you.

i. We shall pay the loss within 30 days after we reach agreement with you or entry of a final judgment. In no event shall we be liable for interest or damages in connection with any claim for indemnity, whether we approve or disapprove such claim.

j. If you die, disappear, or are judicially declared incompetent, or if you are an entity other than an individual and such entity is dissolved after insurance attaches for any crop year, any indemnity shall be paid to the person(s) we determine to be beneficially entitled thereto.

k. If you have other fire insurance and fire damage occurs during the insurance period and you have not elected to exclude fire insurance from this policy, we shall be liable for loss due to fire only for the smaller of:

(1) The amount of indemnity determined pursuant to this contract without regard to any other insurance; or

(2) The amount determined by us by which the loss from fire exceeds the indemnity paid or payable under such other insurance. For the purposes of this section, the amount of

loss from fire shall be the difference between the fair market value of the production on the unit before the fire and after the fire, as determined by us.

10. CONCEALMENT OR FRAUD.

We may void the contract on all crops insured without affecting your liability for premiums or waiving any right, including the right to collect any amount due us if, at any time, you have concealed or misrepresented any material fact or committed any fraud relating to the contract, and such voidance shall be effective as of the beginning of the crop year with respect to which such act or omission occurred.

11. TRANSFER OF RIGHT TO INDEMNITY ON INSURED SHARE.

If you transfer any part of your share during the crop year, you may transfer your right to an indemnity. The transfer must be on our form and approved by us. We may collect the premium from either you or your transferee or both. The transferee shall have all rights and responsibilities under the contract.

12. ASSIGNMENT OF INDEMNITY.

You may only assign to another party your right to an indemnity for the crop year on our prescribed form and with our approval. The assignee shall have the right to submit the loss notices and forms required by the contract.

13. SUBROGATION. (Recovery of loss from a third party.)

Because you may be able to recover all or a part of your loss from someone other than us, you must do all you can to preserve any such rights. If we pay you for your loss then your right of recovery shall belong to us. If we recover more than we paid you plus our expenses, the excess shall be paid to you.

14. RECORDS AND ACCESS TO GROVE.

You shall keep for two years after the time of loss, records of the trees destroyed and/or damaged on each unit including separate records showing the same information for any uninsured acreage. Any persons designated by us shall have access to such records and the grove for purposes related to the contract.

15. LIFE OF CONTRACT: CANCELLATION AND TERMINATION.

a. This contract shall be in effect for the crop year specified on the application and may not be canceled for such crop year. Thereafter, the contract shall continue in force for each succeeding crop year unless canceled or terminated as provided for in this section.

b. This contract may be canceled by either you or us for any succeeding crop year by giving written notice on or before the cancellation date preceding such crop year.

c. This contract shall terminate as to any crop year if any amount due us on this or any other contract with you is not paid on or before the termination date preceding such crop year for the contract on which the amount is due. The date of payment of the amount due:

(1) If deducted from an indemnity claim shall be the date you sign such claim; or

(2) If deducted from payment under another program administered by the United States Department of Agriculture shall be the date such payment was approved.

d. The cancellation and termination dates are May 31.

e. If you die or are judicially declared incompetent, or if you are an entity other than an individual and such entity is dissolved, the contract shall terminate as of the date of death, judicial declaration, or dissolution. *However,* if such event occurs after insurance attaches for any crop year, the contract shall continue in force through the crop year and terminate at the end thereof. Death of a partner in a partnership shall dissolve the partnership unless the written partnership agreement provides otherwise. If two or more persons having a joint interest and insured jointly, death of one of the persons shall dissolve the joint entity.

f. The contract shall terminate if no premium is earned for five consecutive years.

16. CONTRACT CHANGES.

We may change any terms and provisions of the contract from year to year. If your amount of insurance at which indemnities are computed is no longer offered, the actuarial table shall provide the amount of insurance which you shall be deemed to have elected. All contract changes shall be available at your service office by May 15 preceding the crop year for which they are to become effective.

Acceptance of any changes shall be conclusively presumed in the absence of any notice from you to cancel the contract.

17. MEANING OF TERMS.

For the purposes of Texas citrus tree crop insurance:

a. "Actuarial table" means the forms and related material for the crop year approved by us which are available for public inspection in your service office, and which show the amounts of insurance, coverage levels, premium rates, practices where applicable, insurable and uninsurable acreage, and related information regarding citrus tree insurance in the county.

b. "Contiguous and" means land which is touching at any point, except land which is separated by only a public or private right-of-way shall be considered contiguous.

c. "County" means the county shown on the application and any additional land located in a local producing area bordering on the county, as shown on the actuarial table.

d. "Crop year" means the period beginning June 1 and extending through May 31 of the following year and shall be designated by the calendar year in which the insurance period ends.

e. "Dehorning" means the cutting back of each scaffold limb to a length that is no longer than ¼ the height of the tree.

f. "Destroyed" means trees which are damaged to the extent that we determine that replacement is required.

g. "Insurable acreage" means the land we classify as insurable and show as insurable on the actuarial table.

h. "Insured" means the person (owner or owners) who submitted the application accepted by us.

i. "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

j. "Saffold limb" means a limb attached directly to the trunk.

k. "Service office" means the office servicing your contract as shown on the application for insurance or such other approved office as may be selected by your or designated by us.

l. "Set out" means the transplanting of trees from the nursery to the grove.

m. "Unit" means all insurable acreage in the county of any one of the tree types referred to in section 2, located on contiguous land on the date insurance attaches for the crop year:

(1) in which you have a 100 percent share, or

(2) on which you are a joint-owner.

Land which would otherwise be one unit may be divided according to applicable guidelines on file in your service office or by written agreement between us and you. We shall determine units as herein defined when the acreage is reported. Errors in reporting such units may be corrected by us to conform to applicable guidelines when adjusting a loss and we may consider any acreage and share of and reported by or for your spouse or child or any member of your household to be your bona fide share of the bona fide share any other person having an interest therein.

18. DECRIPTIVE HEADINGS.

The descriptive headings of the various policy terms and conditions are formulated for convenience only and are not intended to affect the construction or meaning of any of the provisions of the contract.

Appendix A—Counties Designated for Texas Citrus Tree Insurance—7 CFR Part 440

In accordance with the provisions of 7 CFR 440.1, the following Texas counties are designated for tree insurance: Cameron, Hidalgo, Willacy.

Approved by the Board of Directors on February 23, 1983.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Approved by:

Merritt W. Sprague,

Manager.

Date: April 5, 1983.

[FR Doc. 83-9729 Filed 4-12-83; 8:45 am]

BILLING CODE 3410-08-M

Food Safety and Inspection Service

9 CFR Part 319

[Docket No. 82-012P]

Definitions and Standards of Identity or Composition for Miscellaneous Pork Products and Miscellaneous Beef Products

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend the Federal meat inspection regulations by adding a standard of identity or composition for products commonly known as "ground pork," "chopped pork" or "pork burgers." The rule also proposes to adopt a standard for "pork patties." Consistent with the traditional meaning of the term "pork," the proposed standards would provide a definition of the term "pork." The proposed ground pork standard closely resembles the standards established for ground beef and hamburger and should serve to insure the continued marketing of product in line with consumer expectations. The proposed standard for pork patties closely resembles the standard established for beef patties. In addition, this proposed rule would, consistent with the customary usage of the term "beef" and in accordance with Agency policy, amend the miscellaneous beef products section of the regulations to emphasize and clarify that the use of the term "beef" is permissible only when describing meat that is skeletal in origin or derived from the diaphragm or esophagus of cattle and may not be used to describe meat that is derived, in whole or in part, from the tongue or the heart. Finally, the proposed rule would amend the limitations with respect to the use of mechanically separated (species) and mechanically separated (species) for processing so as to prohibit the use of such in ground pork, chopped pork or pork burgers.

DATE: Comments must be received on or before June 13, 1983.

ADDRESS: Written comments to: Regulations Office, Attn: Annie Johnson, FSIS Hearing Clerk, Room 2637, South Agriculture Building, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250. (See also "Comments" under Supplementary Information.)

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Hibbert, Director, Standards and Labeling Division, Meat and Poultry Inspection Technical Services, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-6042.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

. The Agency has made an initial determination that this proposed rule is not a major rule under Exective Order 12291. It will not result in an annual effect on the economy of $100 million or more. There will be no major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographical regions, and it will not have any significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. The amendment to the beef products section of the regulations merely codifies the traditional interpretation of the term "beef" by describing the anatomical origin of beef and will not alter practices as carried out in the past. Additionally, most ground pork processors already voluntarily observe the requirements specified in the proposed ground pork standard and the requirements of the proposed definition of "pork" are also being oberved. Further, there are no "ground pork," "chopped pork" or "pork burgers" being produced commercially with mechanically separated (species) or mechanically separated (species) for processing as an ingredient, and the standard for "pork patties" is expected to encompass all such products being produced.

Effect on Small Entities

The Administrator, Food Safety and Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 601). If promulgated, it is anticipated that the economic impact of a standard for ground pork on small entities would be minimal since the requirements of the standard and definition for pork being proposed are currently being observed by most ground pork processors. Additionally, there are currently no "ground pork", "chopped pork" or "pork burgers" being produced commercially with mechanically separated species or mechancially separated (species) for processing. Therefore, the prohibition of this potential ingredient should not have any effect on small processors. The amendment adding a standard for "pork patties" should not have a detrimental impact upon any processors currently producing such products as the standard would encompass all such products currently being produced. The amendment to the beef products section of the regulation merely incorporates current Agency policy and should not have a siginficant impact on any entity subject to the jurisdiction of the Agency.

Comments

Interested persons are invited to submit comments concerning this proposal. Written comments must be sent in duplicate to the Regulations Office. Comments should bear reference to the docket number appearing in the heading of this document. All comments submitted pursuant to this proposal will be made available for public inspection in the Regulations Office between 9:00 a.m. and 4:00 p.m., Monday through Friday.

Background

Section 7 of the Federal Meat Inspection Act (FMIA) (21 U.S.C. 607) provides that the Secretary may prescribe definitions and standards of identity or composition for meat and meat food products when it has been determined that such action is necessary for the protection of the public. Generally, the Food Safety and Inspection Service (Agency) establishes definitions and standards for meat or meat food products when a product becomes popular and consumers have developed expectations that wherever or whenever they purchase the product, it will have certain characteristics. Standards for various meat food products are codified in Part 319 of the Federal meat inspection regulations (9 CFR 319.1 *et seq.*).

Over 200 federally inspected establishments process and sell products labeled as "ground pork." While some of these products are intended for either institutional or retail sale, other ground pork products are used by some establishments for further processing. Such products may be in bulk, roll, or patty form, and they may be refrigerated or frozen. The fat content may vary, and seasonings may or may not be added.

The Agency has received a petition from the National Pork Producers Council requesting that a standard for ground pork be adopted. The petitioner expressed concern that variations in the quality of ground pork products on the market might cause a negative consumer response to ground pork, especially if some of the products offered for sale contained high levels of fat. The petitioner suggested that a standard resembling the existing standards for other ground meat products (e.g., ground beef and hamburger) would help maintain the quality and consistency of ground pork products and would help prevent the introduction of ground pork products with excessively high fat content to the market.

The Agency has determined that there is merit to this petition. This determination is based on the knowledge that commercial sales of ground pork are increasing and that consumers have legitimate expectations concerning the attributes of ground meat products. Therefore, a standard for

ground pork and similar products is being proposed to ensure that products labeled as ground pork or represented under similar names will have certain characteristics whenever and wherever they are sold and will compositionally resemble other ground meats.

The Agency has also determined that it is appropriate to propose a standard for "pork patties" at this time. Like other ground pork products, commercial sales of pork patties are increasing and because pork patties resemble ground pork and pork burgers in appearance and composition, standards establishing the compositional requirements of such products would benefit both consumers and processors.

Finally, with respect to ground pork products, the Agency believes it is also desirable to propose a change in the mechanically separated (species) regulations so as to prohibit the use of mechanically separated (species) and mechanically separated (species) for processing in ground pork, chopped pork or pork burger. Mechanically separated (species) and mechanically separated (species) for processing is prohibited in ground beef and hamburgers (9 CFR 319.6(d)). A similar prohibition seems appropriate for ground pork products so as to meet consumers' legitimate expectations of ground meat products.

The Agency has also received a petition from the Western States Meat Association requesting that the Agency clarify the standards for "ground beef," "chopped beef" and "hamburger" by designating the anatomical origin of the meat that may be used as beef in such products. The petitioner correctly notes that the Agency has established a policy, based on traditional notions of the term "beef", that only meat from cattle which is skeletal in origin or derived from the esophagus or diaphragm may be used as beef in the preparation of products such as ground beef, chopped beef or hamburger, and that, under this policy, heart and tongue meat are permissible ingredients in these products. However, since this policy is not a regulation and is not incorporated in the beef products standard (9 CFR 319.15), the petitioner contends that any action that may be brought to enforce the policy may be hampered. In the opinion of the petitioner this is an impediment to the effective enforcement of the Act that harms the market for firms complying with the guidelines expressed in the Agency policy and impairs consumers' reasonable expectations of meat food products.

The petitioner's contentions were recently supported by representatives of the State of Utah responsible for directing the State meat inspection program with respect to meat products produced solely for distribution within that State. Like the petitioner, they suggest that the Agency's policy concerning the anatomical origin of meat described as beef should be incorporated in the regulations. The representatives of the State of Utah believe that such action would assist them in the effective administration of their meat inspection program and would help assure that inaccurately labeled products do not reach the consumers.

The term "meat" is defined in the Federal meat inspection regulations as:

> The part of the muscle of any cattle, sheep, swine, or goats, which is skeletal or which is found in the tongue, in the diaphragm, in the heart, or in the esophagus, with or without the accompanying and overlying fat, and the portions of bone, skin, sinew, nerve, and blood vessels which normally accompany the muscle tissue and which are not separated from it in the process of dressing . . . (9 CFR 301.2 (tt)).

The term "meat" is also subject to the following provision:

> * * * "meat" and the names of particular kinds of meat, such as beef, veal, mutton, lamb, and pork, shall not be used in such a manner as to be false or misleading (9 CFR 317.8(b)(12)).

Although not expressly defined in the FMIA or the meat inspection regulations, historically, the terms "beef," "veal," "mutton," "lamb," "pork" and "goat" have been permitted to describe only meat of skeletal origin or meat derived from the diaphragm or the esophagus. These terms have not been permitted to describe meat consisting, in whole or in part, of meat derived from the tongue or heart. When heart or tongue meat is a permissible ingredient in a product, it must be listed as an ingredient separate and distinct from beef, veal, mutton, lamb, pork, or goat.

The prohibition against the use of tongue or heart meat as beef in ground beef, chopped beef, or hamburger was recently affirmed in the Standards and Labeling Division's Policy Memo 027 dated June 15, 1981, which states, in part, that heart meat and tongue meat have never been considered as beef or permitted to be declared as beef on labels and are not expected ingredients in chopped beef, ground beef, or hamburger. This policy memorandum has been distributed to official establishments, trade associations and other representatives of such official establishments.

The Agency recognizes the enforcement problem that may exist as a result of the regulations not fully reflecting the current Agency policy concerning the anatomical origins of beef. Therefore, the Agency concurs with the petitioner that effective enforcement of this policy could be hampered in some cases by the lack of regulatory provisions on what may or may not be included as beef in ground beef, chopped beef or hamburger. Accordingly, the Agency is proposing to amend the miscellaneous beef products section of the regulations to expressly clarify that only meat of skeletal origin or derived from the diaphragm or esophagus may be labeled as beef in ground beef, chopped beef, hamburger or other beef products.

For the reasons discussed above, similar provisions concerning the anatomical origin of "pork" are also being proposed in conjunction with the proposal to establish a standard for ground pork, chopped pork, pork burgers and other ground or chopped pork products.

Proposal

A standard is proposed for ground pork, chopped pork, pork burgers and other ground or chopped pork products (9 CFR 319.29). Under the proposed standard, such pork products would contain ground or chopped fresh and/or frozen pork with or without the addition of pork fat and/or seasoning, and could not contain more than 30 percent fat, or added water, binders, extenders and phosphates. These compositional requirements are consistent with requirements for similar ground meat products set forth in the Federal meat inspection regulations (9 CFR 319.15(a)) or established by Agency policy. These similar products include ground beef, chopped beef, hamburger, ground meat, chopped veal, and ground or chopped lamb. It appears appropriate and consistent with consumers' expectations that similar restrictions should apply to ground pork.

If adopted, the standard for ground pork would be comparable to the well known standards for other ground meat products. This standard would serve to prevent unfair competition and would result in ground pork products of composition similar to ground beef products. The proposed standard would also be helpful to State and local authorities as it would provide a guideline which could be used by such authorities in the administration of their meat inspection activities.

A standard is also being proposed for pork patties. Under the proposed standard, pork patties would consist of chopped fresh and/or frozen pork with or without the addition of pork fat as

such and/or seasonings. Binders or extenders, mechanically separated (species) used in accordance with § 319.6 of the meat inspection regulations (9 CFR 319.6), and/or partially defatted pork fatty tissue may be used without added water or with added water only in amounts such that the product's characteristics are essentially that of a meat pattie. These compositional requirements are consistent with requirements for other meat pattie products set out in the Federal meat inspection regulation (9 CFR 319.15(c)) or established by Agency policy. It appears appropriate and consistent with consumers' expectations that similar requirements should apply to pork patties.

This proposed rule would also add a new paragraph to the miscellaneous pork products section of the regulations (9 CFR 319.29) incorporating an Agency policy concerning the anatomical origin of meat included in the term "pork." The revision would adopt the definition which has historically been applied and will not result in any changes in product composition from what has been expected and found in the past.

Limitations on the use of mechanically separated (species) in ground pork, chopped pork, or pork burgers would also be established by this proposed rule. These limitations would be similar to those currently in effect for ground beef or hamburger (9 CFR 319.6(d)) and will help assure that consumers' expectation of ground meat products including ground pork and pork burgers are met.

Finally, the proposed rule would, if adopted, add a new paragraph to the miscellaneous beef product section of the regulations (9 CFR 319.15) by incorporating the Agency policy concerning the anatomical origin of meat described by the term "beef." This revision would adopt the definition which has historically been applied and will not result in any changes in product composition from what has been expected and found in the past.

List of Subjects in ACFR Part 319

Meat inspection, Standards of identity or composition.

PART 319—[AMENDED]

Accordingly, it is proposed to amend the Federal meat inspection regulations as follows:

1. The authority citation for Part 319 reads as follows:

Authority: 34 Stat. 1260, 79 Stat. 903, as amended, 81 Stat. 584, 84 Stat. 91, 438; 21 U.S.C. 71 *et seq.*, 601 *et seq.*, 33 U.S.C. 1254.

2. Section 319.6 (9 CFR 319.6) would be amended by revising paragraph (d) to read as follows:

§ 319.6 Limitations with respect to use of Mechanically Separated Species.

* * * * *

(d) Mechanically Separated (Species) and Mechanically Separated (Species) for processing described in § 319.5 shall not be used in baby, junior, or toddler foods, ground beef, hamburger, fabricated steaks (§ 319.15(a), (b) and (d)), ground pork, chopped pork, pork burgers (§ 319.29(a)), barbecued meats (319.80), roast beef-parboiled and steam roasted (§ 319.81), corned (cured) beef cuts (§§ 319.100–319.103), certain cured pork products (§§ 319.104(a)–(e) and 319.106), tripe with milk (§ 319.308), lima beans with ham and similar products (§ 319.310), beef with gravy and gravy with beef (§ 319.313), and meat pies (§ 319.500).

3. Section 319.15 (9 CFR 319.15) would be amended by adding a new paragraph (f) to read as follows:

§ 319.15 Miscellaneous beef products.

* * * * *

(f) *Beef.* Beef is meat derived from cattle which is skeletal or which is found in the diaphragm or in the esophagus and does not include heart meat or tongue meat.

4. Section 319.29 (9 CFR 319.29) would be amended by redesignating the present paragraph (a) as (c) and by adding new paragraphs (a), (b) and (d) to read as follows:

§ 319.29 Miscellaneous pork products.

(a) *Ground pork, chopped pork, pork burgers.* "Ground Pork", "Chopped Pork", or "Pork Burgers" shall consist of ground or chopped fresh and/or frozen pork, with or without the addition of pork fat as such and/or seasoning, shall not contain more than 30 percent fat, and shall not contain added water, binders, extenders, or phosphates.

(b) *Pork patties.* "Port Patties" shall consist of chopped fresh and/or frozen pork with or without the addition of pork fat as such and/or seasonings. Binders or extenders, mechanically separated (species) used in accordance with § 319.6, and/or partially defatted pork fatty tissue may be used without added water or with added water only in amounts such that the products characteristics are essentially that of a meat pattie.

* * * * *

(d) *Pork.* Pork is meat derived from swine which skeletal or which is found in the diaphragm or esophagus and does not include heart meat or tongue meat.

* * * * *

Done at Washington, D.C., on April 11, 1983.

Donald L. Houston,

Administrator, Food and Safety and Inspection Service.

[FR Doc. 83-9813 Filed 4-13-83; 8:45 am]

BILLING CODE 3410-DM-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFT Part 1

[EE-3-81]

Affiliated Service Groups; Proposed Rulemaking

Correction

In FR Doc. 83-5045, beginning on page 8293, in the issue of Monday, February 28, 1983, on page 8206, in the second column, in § 1.414(m)-1 (c), in the seventh line, "section 414(m)(a)(A)." Should read "section 414(m)(2)(A)."

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 934

Permanent State Regulatory Program of North Dakota; Consideration of Modification of Deadline

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule.

SUMMARY: OSM is considering modifying the deadline for North Dakota to meet two of the conditions of approval of its State permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Based on a request of the State, the Secretary is proposing to extend the deadline for the State to resolve the conditions until July 1, 1985.

DATE: Comments must be received by May 13, 1983, at the address below, no later than 5:00 p.m.

ADDRESS: Written comments must be mailed or hand-delivered to Mr. William Thomas, Field Office Director, Office of Surface Mining Reclamation and Enforcement, Frederal Building, P.O. Box 1420, Mills, Wyoming 82644.

FOR FURTHER INFORMATION CONTACT: Mr. Arthur Abbs, Chief, Division of State Program Assistance, Office of Surface Mining, 1951 Constitution

Avenue NW., Washington, D.C. 20240, (202) 343–5351.

SUPPLEMENTARY INFORMATION: Under 30 CFR 732.13(i), the Secretary may conditionally approve a State permanent regulatory program which contains minor deficiencies where the deficiencies are of such a size and nature as to render no part of the program incomplete, the State is actively proceeding with steps to correct the deficiencies and the State agrees to correct the deficiencies according to a schedule set in the notice of conditional approval. The correction of each deficiency is a condition of the approval. The conditional approval terminates if the conditions are not met according to the schedule. The dates are established in consultation with the State based on its regulatory and administrative schedules.

The North Dakota program was conditionally approved on December 15, 1980 (45 FR 82241–82248). The Secretary's approval was conditioned on the State's correction of 13 minor deficiencies in its program by July 1, 1981. That deadline was later extended, upon the State's request, to January 1, 1983 (46 FR 54070–54071). The Secretary granted a further extension of the deadline for conditions (e) and (m) to July 1, 1983 (47 FR 42347–42348, September 27, 1982 and 48 FR 5902, February 9, 1983).

On March 2, 1983, North Dakota advised the Director of the defeat of Senate Bills 2151 and 2155 by the North Dakota Legislative Assembly. These proposed bills were intended to address conditions (e) and (m) of the Secretary's approval of the State program.

The Public Service Commission (PSC) advised OSM that as a result of the legislature's action, the State would be unable to meet the July 1, 1983, deadline to satisfy the two conditions. In a letter dated March 21, 1983, the State requested a two-year extension of the July 1, 1983, deadline for meeting conditions, (e) and (m).

To satisfy these two conditions, North Dakota must adopt statutory changes. The next opportunity for the State to enact such modifictions is the 1985 biannual legislative session.

Condition "e"

Condition "e" stipulates that North Dakota must adopt provisions consistent with sections 507 and 510 of SMCRA and 30 CFR 786.17, 786.19, 778.13 and 778.14 as those sections pertain to a permit applicant's outstanding violations in any State. The Federal standards prohibit issuance of a permit to any person with an outstanding violation or pattern of violations in any State. North Dakota's program prohibits issuance of a permit to an operator with any outstanding violations in North Dakota. It does not, however, prohibit issuance of a permit to an operator with outstanding violations in States other than North Dakota.

Condition "m"

This condition stipulates that North Dakota must enact provisions revising the date for establishment of valid existing rights to be consistent with section 522(e) of SMCRA. Under the Act and OSM's regulations, surface coal mining operations are prohibited in certain areas unless the operator had established "valid existing rights" to mine in one of those areas by August 3, 1977. North Dakota's program establishes July 1, 1979, as the date for establishment of valid existing rights whereas the Federal definition sets August 3, 1977, as the date.

In its March 21, 1983, letter to the Director requesting an extension of the deadline for meeting conditions (e) and (m), PSC acknowledged that North Dakota does not currently have statutory authority to enforce the requirements of SMCRA and the Federal regulations as they pertain to valid existing rights acquired between August 3, 1977 and July 1, 1979, and the permit requirements relating to a permittee's operations in States other than North Dakota. Accordingly, to ensure that no person is deprived of any right guaranteed under SMCRA, the State requested that OSM enforce these requirements until the State amends its program to include standards consistent with the Federal requirements. The State indicated that the Commission would furnish to OSM all data and information to enable it to properly enforce these requirements.

Copies of the State's letter of request and the above cited **Federal Register** notices are available for public review during regular business hours at the location listed above under **"ADDRESS."**

In accordance with the State's request, OSM is proposing to grant North Dakota an extension to satisfy conditions (e) and (m) until July 1, 1985, following the next legislative session. Comment is solicited on this proposed extension.

In addition, in view of North Dakota's lack of statutory authority to enforce the standards which are the subject of conditions (e) and (m), OSM is considering measures to ensure that these standards are upheld in the State until such time as North Dakota amends its program and satisfies conditions (e) and (m). OSM seeks comment on what measures would be appropriate to ensure that permits are not issued by PSC in violation of the standards of SMCRA and the Federal regulations which stipulate (1) that mining shall not be conducted in prohibited areas unless an operator has established "valid existing rights" to mine prior to August 3, 1977 and (2) that a permit shall not be issued to an operator with outstanding violations or a pattern of violations in *any* State.

Additional Determinations

1. *Compliance with the National Environmental Policy Act:* The Secretary has determined that, pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, for this action OSM is exempt from the requirement to prepare a Regulatory Impact Analysis and this action does not require regulatory review by OMB.

The Department of the Interior has determined that this rule would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule would not impose any new requirements; rather, it would ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. *Paperwork Reduction Act.* This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 942

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: April 8, 1983.

J. R. Harris,

Director, Office of Surface Mining.

[FR Doc. 83-9789 Filed 4-12-83; 8:45 am]

BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 2E2730/P290; PH FRL 2340-7]

O,O-Diethyl S-[2-(Ethylthio)Ethyl] Phosphorodithioate; Proposed Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that a tolerance be established for the combined residues of the insecticide *O,O*-diethyl *S*-[2-(ethylthio)ethyl] phosphorodithioate; and its cholinesterase-inhibiting metabolites, calculated as demeton, in or on the raw agricultural commodity asparagus. The proposed regulation to establish a maximum permissible level for residues of the insecticide in or on the commodity was requested in a petition submitted by the Interregional Research Project No. 4 (IR-4).

DATE: Comments must be received on or before May 13, 1983.

ADDRESS: Written comments to: Emergency Response Section, Process Coordination Branch, Registration Division (TS-767C), Environmental Protection Agency, Rm. 716B, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs (703-557-1192) at the above address.

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition 2E2730 to EPA on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of California, Idaho, Oregon and Washington.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for the combined residues of the insecticide *O,O*-diethyl *S*-[2-(ethylthio)ethyl] phosphorodithioate and its cholinesterase-inhibiting metabolites in or on the raw agricultural commodity asparagus at 0.1 part per million (ppm).

The data submitted in the petition and other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought. The toxicological data considered in support of the proposed tolerance included a 16-week subacute rat feeding study with a no-observed-effect level (NOEL) for cholinesterase inhibition (ChE) at 1 ppm (0.050 mg/kg/day); a 12-week subacute dog feeding study with a NOEL for ChE at 1 ppm (0.025 mg/kg/day); a dominant lethal mutagenicity study in mice with no observed mutagenicity at 5 mg/kg (highest dose tested); a supplementary 2-year rat feeding/oncogenicity study with a NOEL for ChE at 1 ppm and an undetermined NOEL for systemic toxicity; and a 2-year dog feeding study (minimum) with a NOEL for ChE of 1 ppm and a NOEL for systemic toxicity at greater than 2 ppm (highest dose tested). Studies considered desirable but lacking are a 2-year chronic rat feeding/oncogenicity study, a mouse oncogenicity study, a three-generation rat reproduction study, two teratology studies, additional mutagenicity studies, and a delayed neurotoxicity study in chickens.

The provisional acceptable daily intake (PADI), based on the chronic dog feeding study (ChE NOEL of 0.025 mg/kg/day) and using a 10-fold safety factor, is calculated to be 0.0025 mg/kg of body weight (bw)/day. The maximum permitted intake (MPI) for a 60-kg human is calculated to be 0.1500 mg/day. The theoretical maximum residue contribution (TMRC) from existing tolerances for a 1.5-kg daily diet is calculated to be 0.2544 mg/day; the current action will increase the TMRC by 0.0002 mg/day (0.08 percent) and will utilize an additional 0.14 percent of the PADI. The tolerance that will be established by this proposed rule is considered to pose a negligible incremental dietary risk since dietary exposure will not be significantly increased.

The nature of the residues is adequately understood and an adequate analytical method, gas chromatography, is available for enforcement purposes. Since there are no animal feed items involved, there will be no secondary residues in meat, milk, poultry, or eggs. There are presently no actions pending against the continued registration of this chemical.

Based on the above information considered by the Agency the tolerance established by amending 40 CFR 180.183 would protect the public health. It is proposed, therefore, that the tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this notice in the **Federal Register** that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number [PP 2E2730/P290]. All written comments filed in response to this petition will be available in the Emergency Response Section, Registration Division, at the address given above from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: March 29, 1983.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, it is proposed that 40 CFR 180.183 be revised to read as follows:

§ 180.183 O,O-Diethyl S-[2-(ethylthio)ethyl] phosphorodithioate; tolerances for residues.

Tolerances are established for residues of the insecticide *0,0*-diethyl *S*-[2-(ethylthio)ethyl] phosphorodithioate and its cholinesterase-inhibiting metabolites, calculated as demeton, in or on the following raw agricultural commodities:

Commodities	Parts per million
Alfalfa, fresh	5.0
Alfalfa, hay	12.0
Asparagus	0.1
Barley, fodder, green	5.0
Barley, grain	0.75
Barley, straw	5.0
Beans, dry	0.75
Beans, lima	0.75

Commodities	Parts per million
Beans, snap	0.75
Beans, vines	5.0
Beets, sugar, roots	0.5
Beets, sugar, tops	2.0
Broccoli	0.75
Brussels sprouts	0.75
Cabbage	0.75
Cauliflower	0.75
Clover, fresh	5.0
Clover, hay	12.0
Coffee beans	0.3
Corn, field, fodder	5.0
Corn, field, forage	5.0
Corn, grain	0.3
Corn, pop	0.3
Corn, pop, fodder	5.0
Corn, pop, forage	5.0
Corn, sweet, fodder	5.0
Corn, sweet, forage	5.0
Corn, sweet, grain (K+CWHR)	0.3
Cottonseed	0.75
Hops	0.5
Lettuce	0.75
Oats, fodder, green	5.0
Oats, grain	0.75
Oats, straw	5.0
Peanuts	0.75
Peanuts, hay	5.0
Peanuts, hulls	0.3
Peas	0.75
Peas, vines	5.0
Pecans	0.75
Peppers	0.1
Pineapples	0.75
Pineapples, foliage	5.0
Potatoes	0.75
Rice	0.75
Rice, straw	5.0
Sorghum, fodder	5.0
Sorghum, forage	5.0
Sorghum, grain	0.75
Soybeans	0.1
Soybeans, forage	0.25
Soybeans, hay	0.25
Spinach	0.75
Sugarcane	0.3
Tomatoes	0.75
Wheat, fodder, green	5.0
Wheat, grain	0.3
Wheat, straw	5.0

[FR Doc. 83-9067 Filed 4-12-83; 8:45 am]
BILLING CODE 6560-50-M

Notices

Federal Register
Vol. 48, No. 72
Wednesday, April 13, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forms Under Review by Office of Management and Budget

April 8, 1983.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) An indication of whether section 3504(h) of P.L. 96–511 applies; (9) Name and telephone number of the agency contact person.

Comments and questions about the items in the listings should be directed to the agency person named at the end of each entry. If you anticipate commenting on a form but find that preparation time will prevent you from submitting comments promptly, you should advise the agency person of your intent as early as possible.

Copies of the proposed forms and supporting documents may be obtained from: Marshall L. Dantzler, Acting Statistical Clearance Officer, (202) 447–6201.

Revised

•Food and Nutrition Service
Food Stamp Mail Issuance Report
FNS–259
Quarterly
State or local governments: 10,060 responses; 3,139 hours; not applicable under 3504(h)
Peggy Hickman (703) 756–3454
•Agricultural Stabilization and Conservation Service
CFR 1421 Grain Warehouse Standards
CCC–24, CCC–24–1, CCC–25, CCC–25–1, CCC–25–1 Supplement, CCC–25–2, CCC–26, CCC–26–1, CCC–26–1 Supplement, CCC–26–2
On occasion
Businesses or other institutions: 19,000 responses: 15,637 hours; not applicable under 3504(h)
Barry Klein (202) 447–7911
•Food and Nutrition Service
Agreement Between Sponsor and USDA Summer Food Service Program and Data Information Sheet and Part 225FNS–80 FNS–418
Nonrecurring
Businesses or other institutions: 7,871 responses; 50,982 hours; not applicable under 3504(h)
Norma Ball (703) 756–3888

Extension

•Food and Nutrition Service
7 CFR 225—Summer Food Service Program—Recordkeeping
Nonrecurring
Businesses or other institutions: 316,204 responses; 27,355 hours; not applicable under 3504(h)
Norma Ball (703) 756–3888

Reinstatement

•Farmers Home Administration
7 CFR 1980–B Guaranteed Farmer Program Loans
FmHA 449–11,449–12
On occasion
Individuals, state or local governments, farms, businesses: 9,420 responses; 17,520 hours; not applicable under 3504(h)
Ron Thelen (202) 475–4002

Marshall L. Dantzler,
Acting Statistical Clearance Officer.

[FR Doc. 83–9688 Filed 4–12–83; 8:45 am]
BILLING CODE 3410–01–M

CIVIL AERONAUTICS BOARD

Institution of Scheduled Airline Traffic Office; Show Cause Proceedings

AGENCY: Civil Aeronautics Board.

ACTION: Approval of Agreements CAB 19994, A–45, A–46, A47, A–48 (Dockets 40712, 40718, 40754, 40755) but without antiturst immunity and subject to conditions; Institution of Scheduled Airline Traffic Office (SATO) Agreements Show-Cause Proceeding, (Docket 41416), Order 83–4–32.

SUMMARY: The board is approving four agreements among members of the Air Traffic Conference of American (ATC) to amend the Scheduled Airline Traffic Office (SATO) Agreement, CAB 19994 A–45–48 (ATC Resolution 5.53), but without antitrust immunity and subject to the conditions that Article VII B(1) and C of Agreement CAB 19994, A–45 (Docket 40712) be deleted and that non-member/non-concurring carriers be permitted to attend and participate in local SATO committee meetings as observers. The Board is also reexamining the approval and grant of antitrust immunity for the entire SATO program, established by ATC Resolutions 5.53, 5.54, and 5.58. It is tentatively maintaining approval for Resolutions 5.53 and 5.54 but withdrawing immunity, and it is tentatively disapproving Resolution 5.58. The Board is instituting the SATO Agreements Show-Cause Proceeding, directing interested persons to show cause why its tentative conclusions should not be made final.

DATES: Objections to the issuance of an order making final the proposed findings and conclusions shall be filed in Docket 41416 by May 31, 1983. Answers to the objections shall be filed by June 29, 1983.

ADDRESSES: Documents should be filed in Docket 41416, Docket Section, Room 714, Civil Aeronautics Board, Washington, D.C. 20428.

CONTACT:
Susan L. Blankenheimer, Legal Affairs, Competition Maintenance Division, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, phone (202) 673–5345.

The complete text of Order 83–4–32 is available from the Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request to the above address.

By the Civil Aeronautics Board, April 7, 1983.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-9758 Filed 4-12-83; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Office of the Secretary

Agency Forms Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of the Census
Title: Monthly Retail Trade Report Random Digit Dialing Feasibility
Form Numbers: Agency—B-676A, B-676B; OMB—N/A
Type of request: New
Burden: 10,000 respondents; 273 reporting hours
Needs and uses: This study is to explore the feasibility of replacing the area frame supplement to the Monthly Retail Trade Report with a supplement derived via random-digit dialing techniques.
Affected Public: All residences and nonresidences reachable by telephone
Frequency: Nonrecurring
Respondent's Obligation: Voluntary
OMB Desk Officer: Tim Sprehe, 395-4814

Agency: Bureau of the Census
Title: 1983 Report of Organization
Form Numbers: Agency—NC-9901 and NC-9907; OMB—N/A
Type of Request: New
Burden: 56,000 respondents; 55,298 reporting hours
Needs and Uses: This survey is needed to update and maintain the Standard Statistical Establishment List (SSEL). The SSEL provides (1) a standard basis for assigning industrial clasification codes of establishments engaged in all areas of economic activity, (2) a single universe for the selection and maintenance of statistical samples of establishments, legal entities, or enterprises, and (3) a benchmark data base from which sample estimates can be developed more accurately and efficiently.
Affected Public: Businesses or other institutions (except farms)
Frequency: Annually
Respondent's Obligation: Mandatory
OMB Desk Officer: Tim Sprehe, 395-4814

Agency: National Oceanic and Atmospheric Administration
Title: Fisheries Loan Fund
Form Numbers: Agency—N/A; OMB—N/A
Type of Request: New
Burden: 200 respondents; 200 reporting hours
Needs and Uses: Information will be used to determine eligibility for Federal benefits.
Affected Public: Fishing vessel owners
Frequency: Nonrecurring
Respondent's Obligation: Required to obtain or retain benefit
OMB Desk Officer: Ken Allen, 395-3785

Copies of the above information collection proposals can be obtained by calling or writing DOC Clearance Officer, Edward Michals (202) 377-4217, Department of Commerce, Room 6622, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Written comments and recommendations for the proposed information collections should be sent to the respective OMB Desk Officer, Room 3235, New Executive Office Building, Washington, D.C. 20503.

Edward Michals,

Departmental Clearance Officer.

[FR Doc. 83-9786 Filed 4-12-83; 8:45 am]

BILLING CODE 3510-CW-M

International Trade Administration

[Case No. 643]

Robert Almori, et al.; Order Temporarily Denying Export Privileges

In the matter of: Robert Almori aka Mathurin Almori, 80-82 Rue St. Dominique, 75008 Paris, France; COTRICOM, Orly Fret 661, 94393 Orly Airport, CEDEX, France, and 90 Rue La Fayette, 75009 Paris, France; Jean Didat c/o COTRICOM, Orly Fret 661, 94393 Orly Airport CEDEX, France; Michel Daniel d'Ormigny, 22202 North 84th Place Scottsdale, Arizona 85255; Marcel Goldfarb, aka Marcel Le Fevre, aka Gerard Le Fevre, 71 Avenue du Commandant Baree, Paris, France, and c/o FARB et CIE, 4 Boulevard Voltaire, Paris, France; Hedera Establishment, Casa Postale 748, 1201 Geneva, Switzerland, and Postfach 46, 9490 Vaduz, Liechtenstein; Felix-Constantine S. Popovitch, 138 Allee de la Pointe Genete 91190 Gif-Sur Yvette, France, and Technica Ltd., 14415 North 73rd Street Scottsdale, Arizona 85260.

The Department of Commerce (the "Department"), pursuant to the provisions of Section 388.19 of the Export Administration Regulations (currently codified at 15 CFR 388, *et seq.* (1982)) (the "Regulations"), has petitioned the Hearing Commissioner for an order temporarily denying all export privileges to Technica Ltd., Scottsdale, Arizona; Robert Almori, aka Mathurin Almori, aka Bernard Almori, ("Almori"); Cotricom, Paris, France; Jean Didat ("Didat"); Michel Daniel d'Ormigny ("d' Ormigny"); Marcel Goldfarb, aka Marcel Le Fevre, aka Gerard le Fevre, ("Goldfarb"); Hedera Establishment, Geneva, Switzerland and Vaduz, Liechtenstein; and Felix-Constantine S. Popovitch ("Popovitch") (hereinafter collectively referred to as "respondents").

The Department states that respondents are under investigation by the Department's Office of Export Enforcement. The Department states further that its investigation to date has revealed: (i) That d'Ormigny has made unlicensed shipments of U.S.-origin high technology goods through the U.S. firm Technica Ltd., to Didat's firm Cotricom for the account of Popovitch's firm, Hedera Establishment; (ii) that attempts by d'Ormigny and Almori to make similar exports through the U.S. firm Techica Ltd. have occurred: (iii) that goods already exported to Almori in France have been reexported to proscribed destinations without authorization from the Office of Export Administration; (iv) that Goldfarb has admitted to presenting false information to OEA at the behest of Almori; and (v) that the individuals named above may attempt future exports and reexports contrary to the Regulations unless appropriate action is taken to preclude such attempts.

Based upon the showing made by the Department, I find that an order temporarily denying all export privileges to respondents is required in the public interest to facilitate enforcement of the Export Administration Act of 1979 (50 U.S.C. app. 2401, *et seq.* (Supp. IV 1980)), as amended by the Export Administration Amendments Act of 1981, Pub. L. 97-145 (1981) (the Act) and the Regulations and to permit completion of the Department's investigation.

Anyone who is now or may in the future be dealing with the above-named respondents or any related party in transactions that in any way involve U.S.-origin commodities or technical data is specifically alerted to the provisions set forth in Paragraph IV below.

Accordingly, it is hereby ordered:

I. All outstanding validated export licenses in which respondents or any related party appear or participate, in any manner or capacity, are hereby revoked and shall be returned forthwith

to the Office of Export Administration for cancellation.

II. The respondents, their successors or assignees, officers, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or that are otherwise subject to the Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity, (a) as a party or as a representative of a party to a validated export license application, (b) in the preparation or filing of any export license application or reexport authorization, or of any document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of, in whole or in part, any commodities or technical data exported from the United States, or to be exported, and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their agents and employees and to any successors. After notice and opportunity for comment, such denial may also be made applicable to any person, firm, corporation, or business organization with which respondents are now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of export trade or related services. The business organizations now known to be owned by or affiliated with d'Ormigny, and/or Almori, and which are accordingly subject to the provisions of this order, are:

Interco-Technica Ltd., 14415 North 73rd Street, Scottsdale, Arizona 85260
Interco-Energia Inc., 14415 North 73rd Street, Scottsdale, Arizona 85260
United Equipment Resources Ltd., 14415 North 73rd Street, Scottsdale, Arizona 85260
U.S. Energy Resources Ltd., 14415 North 73rd Street, Scottsdale, Arizona 85260
Teletrans Industries Inc., 14415 North 73rd Street, Scottsdale, Arizona 85260
and
Technica, S.A., 80–82 Rue St. Dominique, 75009 Paris, France.

IV. No person, firm, corporation, partnership or other business organization, whether in the United States or elswhere, without prior disclosure to and specific authorization from the Office of Export Administration, shall, with respect to U.S.-origin commodities and technical data, do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondents or any related party, or whereby the respondents or any related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any export, reexport, transshipment, or diversion of any commodity or technical data exported in whole or in part, or to be exported by, to, or for any respondent or any related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any export, reexport, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

V. In accordance with the provisions of § 388.19(b) of the Regulations, the respondents or any related party may move at any time to vacate or modify this temporary denial order by filing with the Hearing Commissioner, International Trade Administration, U.S. Department of Commerce, Room 6716, 14th and Constitution Avenue, N.W., Washington, D.C. 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested, shall be held before the Hearing Commissioner at the earliest convenient date. In accordance with the provisions of § 388.22 of the Regulations, any respondents or any related party may appeal to the Assistant Secretary for Trade Administration, U.S. Department of Commerce, Room 3898–B, 14th and Constitution Avenue, N.W., Washington, D.C. 20230, a decision upholding an order temporarily denying export privileges.

VI. This order is effective immediately. It remains in effect until the final disposition of any administrative or judicial proceeding or proceedings initiated against the respondents as a result of the ongoing investigation. A copy of this order and Parts 387 and 388 of the Regulations shall be served upon the respondents and the above-named related parties.

Dated: April 5, 1983.

Thomas W. Hoya,

Hearing Commissioner.

[FR Doc. 83-9864 Filed 4-12-83; 8:45 am]

BILLING CODE 3510-25-M

Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles; University of Chicago et al.

The following is a consolidated decision on applications for duty-free entry of scientific articles published pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR 301 as amended by 47 FR 32517).

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Decision: Applications Denied. Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles for such purposes as the foreign articles are intended to be used are not being manufactured in the United States.

Reasons: The requirements for the resubmission of applications that have been denied without prejudice to resubmission are contained in Section 301.5(e) of the regulations. Each of the applicants has failed to resubmit its application within the specified time period. Pursuant to Subsection 301.5(e)(4), this failure shall result in a denial of the application.

In accordance with Section 301.5(f), notice of these decisions is forwarded to the **Federal Register** for publication.

Docket No. 82–00180. Applicant: University of Chicago, Operator of Agronne National Laboratory, 9700 South Cass Avenue, Argonne, IL 60439. Instrument: Gas Chromatograph Mass Spectrometer, Model MS–25. Date of Denial Without Prejudice to Resubmission: January 11, 1983.

Docket No. 82–00257. Applicant: Baylor College of Medicine, 1200 Moursund Avenue, Houston, TX 77030. Instrument: Nuclear Magnetic Resonance Imager. Date of Denial Without Prejudice to Resubmission: December 23, 1982.

Docket No. 82–00294. Applicant: York Hospital, 1001 S. George Street, York, PA 17405. Instrument: Therasim 750 Universal Simulator. Date of Denial

Without Prejudice to Resubmission: January 11, 1983.

Docket No. 82-00306. Applicant: University of Colorado, Department of Physics, Campus Box 390, Boulder, CO 80309. Instrument: Excimer Laser, Model TE-431T with Optics Set, Model 503 FX/503RX. Date of Denial Without Prejudice to Resubmission: January 11, 1983.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-9736 Filed 4-12-83; 8:45 am]

BILLING CODE 3510-25-M

Guidelines for the Issuance of Export Trade Certificates of Review

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of guidelines.

SUMMARY: These guidelines are issued under Title III of the Export Trading Company Act of 1982, Pub. L. 97-290. The guidelines discuss the eligibility requirements, certification standards and analytical approach which the Departments of Commerce and Justice will utilize in determining whether to issue an export trade certificate of review. The holder of a certificate and its members will have specific protections from liability under Federal and State antitrust laws. Potential applicants can refer to these guidelines for assistance in determining whether to apply for a certificate.

Comments

Interested persons are invited to submit written comments at any time, with five copies, to: Office of the Assistant General Counsel for Export Trading Companies, Department of Commerce, Room 5882, Washington, D.C. 20230.

Comments should refer to this notice by the title "Guidelines for the Issuance of Export Trade Certificates of Review."

FOR FURTHER INFORMATION CONTACT: Eleanor Roberts Lewis, Assistant General Counsel for Export Trading Companies, U.S. Department of Commerce, Washington, D.C. 20230, (202) 377-0937 or (202) 377-4772. These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: These initial guidelines are intended to assist persons who may apply for an export trade certificate of review under Title III of the Export Trading Company Act of 1982. The Commerce Department welcomes comments on these guidelines at any time. The Departments of Commerce and Justice plan to make revisions and additions to these guidelines (including the addition of specific examples) as they gain more experience with the certification process.

I. Introduction

Under Title III of the Export Trading Company Act, "Export Trade Certificates of Review," the Commerce Department, with the concurrence of the Justice Department, is issuing these quidelines "[t]o promote greater certainty regarding the application of the antitrust laws to export trade."[1] In order to assist firms in planning their organizational structure and export operations, these guidelines set forth the purpose of the certification procedure, the protection conferred by the certificate of review, the persons and conduct eligible for certification, the eligibility standards which will be considered and the analytical approach which the Commerce and Justice Departments will apply in determining whether to certify specific types of proposed conduct. These guidelines set forth the kinds of considerations that will be taken into account in determining whether or not to issue a certificate.

The Export Trading Company Act of 1982[2] ("the ETCA" or "the Act") is intended to increase U.S. exports of goods and services primarily by removing two impediments: (1) restrictions on bank investment and certain export financing, and (2) the uncertainty regarding the application of U.S. antitrust laws. To remove these impediments, the ETCA makes several changes to applicable banking and antitrust laws. These changes are reflected in four titles, which, for the most part, are independent of each other. Title I establishes in the Department of Commerce an office to promote the formation of export trade associations and export trading companies ("ETCs"). By providing a full range of export services, an ETC can function as a one-stop export intermediary for U.S. producers of goods and services. Title II permits eligible banking entities to acquire, subject to certain limitations, up to 100 percent of the stock of an ETC. It also reduces certain restrictions on export financing. Title III provides for a certification process which enables businesses engaged in export trade to determine in advance whether their proposed export conduct will have specific protection from liability under Federal and State antitrust laws. And Title IV clarifies how the Sherman and Federal Trade Commission Acts apply to export commerce.

Many, and perhaps most, export activities are currently permissible under U.S. antitrust laws. But members of the American business community have long expressed uncertainty about the application of U.S. antitrust laws to their export conduct. The purpose of the Act is to encourage U.S. exports, particularly by small and medium-sized firms, by minimizing any antitrust uncertainty about proposed export conduct. The Act reduces the uncertainty by establishing a procedure which permits persons engaged in export trade to receive a certificate that sets the limits of their antitrust liability before they engage in such conduct.

II. Protection Conferred by Certification

Under the procedures set forth in the implementing regulations,[3] the Commerce Department will issue to an applicant a certificate or an amendment to the certificate if it determines and the Justice Department concurs that the proposed conduct meets the four eligibility standards in section 303(a) of the Act.[4] A certificate of review protects its holder and the members identified in it from civil and criminal liability under Federal and state antitrust laws for conduct specified in the certificate and carried out during its effective period in compliance with its terms and conditions. However, any person who has been injured by the certified conduct may bring a civil action for injunctive relief and actual damages for such conduct that does not comply with the four eligibility standards.[5] Such a

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[1] Pub. L. No. 97-290, Title III section 307, 96 Stat. 1244 (to be codified at 15 U.S.C. 4017). Section 311(b) of the Act defines "antitrust laws" as "the antitrust laws, as such term is defined in the first section of the Clayton Act (15 U.S.C. 12), and section 5 of the Federal Trade Commission Act (15 U.S.C. 45) (to the extent that section 5 prohibits unfair methods of competition), and any State antitrust or unfair competition law."

For a discussion of the application of U.S. antitrust laws to foreign commerce, see Antitrust Division, U.S. Department of Justice, *Antitrust Guide for International Operations* (1977) [hereinafter *"Guide."*]; J. Atwood & K. Brewster, *Antitrust and American Business Abroad* 2d ed. 1981 and Supplement); W. Fugate, *Foreign Commerce and the Antitrust Laws* (1982); B. Hawk, *United States, Common Market and International Antitrust: A Comparative Guide* (1979 and Supplement).

[2] Pub. L. No. 97-290, 96 Stat. 1233-1247.

[3] 48 FR 10696 (March 11, 1983) (to be codified at 15 CFR Part 325).

[4] Pub. L. No. 97-290, section 303(a), 96 Stat. 1241 (to be codified at 15 U.S.C. 4013(a)).

[5] Id. section 306(b)(1)-(4), 96 Stat. 1243 (to be codified at 15 U.S.C. 4016(b)(1)-(4). The Justice Department may also bring an action against the certificate holder to enjoin conduct threatening clear and irreparable harm to the national interest. (*Id.* section 306(b)(5)).

cause of action could arise if the certificate had been incorrectly issued through misapplication of the four eligibility standards or if certified conduct no longer meets the standards because of changed circumstances.

There are, however, significant limitations on these private suits. First, there is a presumption that the certified conduct does comply with the eligibility standards. Second, any such private suit would have to be commenced within two years of the date that the injured party has notice of the failure to comply and in no event later than four years from the date the cause of action occurs. Finally, if the certificate holder prevails, he recovers the cost of defending against the suit, including reasonable attorneys fees. One benefit of these limitations should be to deter frivolous private lawsuits.

The certificate provides no protection if it was obtained by fraud because it is void from the beginning. Also, the certificate provides no protection for persons not identified in it or for conduct outside its scope. In any private antitrust action alleging that the certificate holder's conduct is not within the scope of the certificate, an issue before the court will be whether that allegation is correct. Finally, applicants should be aware that other nations have competition laws with which they must comply. The certificate does not confer immunity from foreign competition laws.

III. Persons Eligible for Certification

The Act permits any "person" [6] engaged in export trade to apply for a certificate. This is unlike Title II of the ETCA, the "Bank Export Services Act," which applies only to an "export trading company." [7] For example, under Title III's definition of "person," a single U.S. company may apply for a certificate even though its export trade is only a small part of its business operations and it would not qualify as an ETC under Title II. In addition, U.S. subsidiaries of foreign companies are eligible to apply for the protection of a certificate. Finally, foreign companies may also receive the protection of a certificate as members [8] of an applicant U.S. trading entity.

IV. Conduct Eligible for Certification

Certificates of review may be issued with respect to export trade, export trade activities and methods of operation, as those terms are defined in the Act. The agencies will ordinarily determine, as a threshold matter, whether the proposed conduct falls within these definitions before considering whether the conduct meets the eligibility standards of section 303(a) of the Act. Conduct that constitutes export trade, export trade activities or methods of operation is eligible for certification and will be reviewed for its consistency with those standards. Conduct that does not constitute export trade, export trade activities or methods of operation is not eligible for certification.

A. Export Trade

The Act defines "export trade" as:

> trade or commerce in goods, wares, merchandise, or services exported, or in the course of being exported, from the United States or any territory thereof to any foreign nation.

This definition is similar to that contained in the Webb-Pomerene Act, 15 U.S.C. 61–65. It differs, however, in its inclusion of exports of services,[9] which are not protected by the Webb-Pomerene Act. And, unlike the Bank Export Services Act, the Act does not require that the goods or services to be exported be produced in the United States.

Conduct may constitute export trade, and therefore be eligible for certification, even if the goods or services are not actually exported by the applicant or its members, as long as the goods or services involved are "in the course of being exported." For example, the sale of a product within the United States, if the product is to be exported, may in some circumstances constitute "export trade." However, the production in the United States of goods will not oridinarily be considered as "export trade," even if the goods produced are destined for export. Nothing in the Act prevents an export venture from engaging in manufacturing activities or any other activities such as import or domestic trade. Such activities would not, however, be eligible for certification, and would remain subject to the antitrust laws.

B. Export Trade Activities and Methods of Operations

The Act defines "export trade activities" as "activities or agreements in the course of export trade." "Methods of operation" are defined as "any method by which a person conducts or proposes to conduct export trade." Proposed activities, agreements or methods of conducting business will be eligible for certification if they fall within these definitions. Whether proposed conduct is best characterized as an export trade activity or method of operation is not important for eligibility purposes, provided the proposed conduct comes within the purview of the one or the other.

Export trade activities may include services that are provided exclusively to facilitate the export of goods or services. Examples might include the sale and shipment of goods or services abroad, advertising in the export market, international market research, product research and design, joint trade promotion, financing, communication and processing of foreign orders, and negotiating export contracts with foreign buyers.

Agreements in the course of export trade might include agreements among the members on the allocation of export quotas, agreements to pool products for export shipment, agreements setting prices, terms and conditions of sale in foreign markets, and distributorship with foreign distributors.[10]

The applicant's methods of operation might include such mechanisms as using exclusive or non-exclusive foreign distributors, selling on consignment, and

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[6] Section 311(5) of the Act defines "person" as "an individual who is a resident of the United States; a partnership that is created under and exists pursuant to the laws of any State or of the United States; a State or local government entity; a corporation, whether organized as a profit or nonprofit corporation, that is created under and exists pursuant to the laws of any State or of the United States; or any association or combination, by contract or other arrangement, between or among such persons."

[7] Section 203(3)(F) of the Bank Export Services Act defines "export trading company" as "a company which does business under the laws of the United States or any State, which is exclusively engaged in activities related to international trade, and which is organized and operated principally for purposes of exporting goods or services produced in the United States or for purposes of facilitating the exportation of goods or services produced in the United States by unaffiliated persons by providing one or more export trade services."

[8] Section 325.2(k) of the implementing regulations defines "member" as "with respect to an applicant, a partner, shareholder or participant who is seeking protection under the certificate. This applies to partners in partnerships or joint ventures; shareholders of corporations; or participants in associations, cooperatives, or other forms of profit or nonprofit organizations or combinations, by contract or other arrangement."

[9] Section 311(2) of the Act defines "services" as: "intangible economic output, including, but not limited to—

(A) Business, repair, and amusement services,

(B) Management, legal, engineering, architectural, and other professional services, and

(C) Financial, insurance, transportation, informational and any other data-based services, and communication services."

Patent, trademark, know-how and technology licenses are considered to be intangible economic output. Therefore, such licenses to persons located in other countries are within the definition of "export trade" and will be eligible for certification.

[10] Where an applicant seeks certification of an agreement involving non-members, however, only the applicant and members listed on the certificate may receive the protection from antitrust liability afforded by the Act.

using a resale price maintenance program for its foreign sales. Methods of operation eligible for certification might also include the organizational and managerial aspects of the export venture, such as the manner in which overseas prices will be established, the role members will play in the management decisions of the venture, the manner in which business information will be disclosed to or exchanged between members and/or non-members, and restrictions on the activities of members in export markets or on their withdrawal from the export venture.

While, as general matter, certification is not available for overseas investment activities, investments that are integral to the export of goods or services may in some circumstances be eligible for certification. For example, investment in warehouse facilities overseas to store exported products until transferred to the foreign purchaser would ordinarily be eligible for certification. Similarly, although the production or manufacture of products ordinarily would not be eligible for certification, minor product or packaging modification activities necessary to insure compatibility of the product with the requirements of the foreign market could be considered an export trade activity eligible for certification.

V. Certification Standards

Proposed export trade, export trade activities and methods of operation may be certified if the applicant establishes that such conduct will—

(1) Result in neither a substantial lessening of competition or restraint of trade within the United States nor a substantial restraint of the export trade of any competitor of the applicant,

(2) Not unreasonably enhance, stabilize, or depress prices within the United States of the goods, wares, merchandise, or services of the class exported by the applicant,

(3) Not constitute unfair methods of competition against competitors engaged in the export of goods, wares, merchandise, or services of the class exported by the applicant, and

(4) Not include any act that may reasonably be expected to result in the sale for consumption or resale within the United States of the goods, wares, merchandise, or services exported by the applicant.

These certification standards are intended to encompass the substantive law of antitrust as modified by the Webb-Pomerene Act.[11] The antitrust laws fulfill an important purpose in protecting American consumers and other American exporters from anticompetitive restraints. Where the only anticompetitive effects of the conduct are in foreign markets, a certificate may be issued. However, where proposed conduct will have a substantial anticompetitive impact on trade or commerce in the U.S., or on the export opportunities of other U.S. exporters, a certificate will not be issued.

A. The First Standard—Substantial Lessening of Competition or Restraint of Trade

Under this standard, conduct will be certified unless it has a substantial anticompetitive impact in the domestic market or on U.S. export competitors.[12] The agencies will carefully evaluate the likelihood that proposed export conduct will facilitate collusion in the domestic market, or otherwise have a substantial anticompetitive impact, before a certificate is issued. For example, if the exhange of price, output, or other sensitive information in the course of export trade will result in a substantial lessening of competition in the domestic market, that method of operation will not be certified.

To determine whether the proposed conduct will comply with this standard, the analysis will in most instances look to the overall purpose and effect of the activities on competition and whether that impact is unreasonably restrictive of competitive conditions.[13] When making this determination, the agencies will balance the likely pro-competitive and anticompetitive effects of the proposed action within each relevant market. If the net impact of the restraint will not be to substantially lessen competition, it will be certified.

An evaluation of the likely anticompetitive effects of proposed conduct in the domestic market may require an analysis of the market structure in the United States for the goods and services to which the proposed conduct will apply. The likelihood and severity of such effects may depend on the concentration of the relevant market(s), the ease of new entry and the market power of the applicant and its members. In determining the market power of the applicant and members, the aggregate market shares of each, as well as market shares of their parents, subsidiaries and affiliates, will be considered. Ordinarily, the proposed conduct will be more closely scrutinized for possible anticompetitive impact when these markets are highly concentrated or when the participants in the proposed conduct have a large market share than when neither of these factors is present.

B. The Second Standard—Unreasonable Price Effects

The second standard requires the agencies to analyze the likely effect upon domestic prices of the proposed export trade, export trade activities and methods of operation. Proposed conduct will meet this standard if it will not have the foreseeable consequences of unreasonably enhancing, stabilizing or depressing prices in the Unites States.

Under this standard, an effect on domestic prices resulting from export sales which lessen domestic supply and which are a legitimate response to demand in foreign markets will in itself not constitute an unreasonable effect on domestic prices. On the other hand, an increase in domestic prices that results from anticompetitive behavior directed at the domestic market will be unreasonable. For example, where the purpose of proposed conduct is to manipulate domestic prices directly, or indirectly through the manipulation of domestic supplies, certification will be denied.

C. The Third Standard—Unfair Methods of Competition

Under this standard, proposed conduct that unreasonably restrains the trade of U.S. export competitors will not be certified. While this language is similar to that contained in section 5 of the Federal Trade Commission Act,[14] this standard is narrower on its face than that of the Federal Trade Commission Act. The policies and purposes underlying the Export Trading Company Act are different from the Federal Trade Commission Act. In light of this, the judicial decisions interpreting section 5 of the Federal Trade Commission Act, while illustrative, have only limited precedential significance.

An example of conduct that might not meet this standard is the deliberate and unreasonable restriction of domestic export competitors from their source of supply. On the other hand, the fact that export sales by the applicant or its members would displace sales of other U.S. exporters would not be grounds in itself for denying certification.

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[11] *See* Conference Report, H.R. Rep. No. 924, 97th Cong. 2nd Sess. 28 (October 1, 1982); S. Rep. No. 27, 97th Cong. 1st Sess. 20–21 (1981).

[12] *See United States v. Minnesota Mining and Mfg. Co.*, 92 F. Supp. 947, 965 (D. Mass. 1950).

[13] *See National Society of Professional Engineers v. United States*, 435 U.S. 679, 687–692 (1978).

[14] 15 U.S.C. 45.

D. The Fourth Standard—Resales in the United States

The fourth standard seeks to ensure that the anticompetitive effects, if any, of proposed export conduct does not have a domestic impact through the export and subsequent re-import of the goods or services back into the United States. It is intended to ensure that the antitrust protection afforded by the Act will not be given for conduct which, while ostensibly involving exports, has a significant impact in the domestic market.

Under this standard, the agencies will look at whether the applicant reasonably expects the exported goods or services to re-enter the United States for sale or consumption within the United States, and if so, whether such sale or consumption within the U.S. may have a significant domestic impact. The exportation of products or services that are incorporated into finished products overseas or which are in any significant manner transformed in their character, and then exported back into the United States would not ordinarily be denied certification under this standard.

Dated: April 8, 1983.

Malcolm Baldrige,

Secretary of Commerce.

[FR Doc. 83-9659 Filed 4-12-83; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

[Modification No. 1 to Permit No. 400]

Taking and Importing of Marine Mammals

Notice is hereby given that pursuant to the provisions of § 216.33(d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), and § 222.25 of the Regulations Governing Endangered Species Permits (50 CFR Part 222), Scientific Research Permit No. 400 issued to Bolt Beranek and Newman Inc., 10 Moulton Street, Cambridge, Massachusetts 02238, is modified to include air gun sources in addition to the noise sources authorized.

Accordingly, Section B–1 is deleted and replaced by: "1. The research shall be conducted by the means, in the areas and for the purposes set forth in the application and documents submitted in modification."

This modification becomes effective upon publication in the **Federal Register**.

The Permit as modified and documentation pertaining to the modification are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

R. B. Brumsted,

Acting Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 83-9798 Filed 4-12-83; 8:45 am]

BILLING CODE 3510-22-M

COMMODITY FUTURES TRADING COMMISSION

Introducing Brokers and Associated Persons of Introducing Brokers; Authorization of National Futures Association To Perform Limited Commission Registration Functions

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice and Order Authorizing National Futures Association to perform a limited portion of the Commission's registration functions applicable to introducing brokers and associated persons of introducing brokers.

SUMMARY: In order to facilitate application of a Commission no-action position concerning the required registration of introducing brokers and associated persons of introducing brokers by May 11, 1983, and to assist the Commission in processing applications for registration in such categories following the adoption of Commission rules, the Commission is authorizing the National Futures Association to receive and process materials submitted to it in accordance with procedures established by the Commission to administer its no-action position and to commence processing new applications for registration as an introducing broker or an associated person of an introducing broker.

FOR FURTHER INFORMATION CONTACT: Linda Kurjan, Assistant Director, Division of Trading and Markets, 2033 K Street, N.W., Washington, D.C. 20581. Telephone: (202) 254–8955.

SUPPLEMENTARY INFORMATION: The Commission today announced interim procedures to facilitate compliance by introducing brokers (IBs) and associated persons (APs) of introducing brokers with the registration requirements of the Commodity Exchange Act (the "Act"), as recently added by the Futures Trading Act of 1982. Those procedures include Commission announcement of certain conditions which may be met by IBs and APs to qualify for a Commission no-action position concerning the applicability of the Act's new registration requirements on May 11, 1983. In addition, the Commission has published notice of proposed rules which would govern the qualification of, and procedures for, registration of IBs and their APs upon adoption (48 FR 14933 (April 6, 1983)).

By letter dated April 6, 1983, the National Futures Association has requested that the Commission authorize it to commence receiving and processing applications for the IB and IB/AP registration categories in accordance with the no-action procedures established by the Commission, thereby qualifying appropriate persons to rely upon the Commission's no-action position until such time as the Commission adopts final rules governing these required registrants. NFA also has requested that, upon the Commission's adoption of final rules governing IBs and their APs, it be authorized to commence processing new applications for registration in these two categories.

In this regard, NFA has represented that it will comply with the procedures adopted by the commission to administer the extension of the Commission's no-action position to qualified applicants, and also to comply with such rules as the Commission may adopt to govern the procedures for application to become registered as an IB or AP thereof. NFA also has indicated that it intends to submit for Commission approval specific rules which, in accordance with applicable Commission requirements, would establish NFA procedures for processing IB and IB/AP registration applications, apply fitness standards to prospective registrants and adopt procedures to assure compliance with such standards, and establish notice and review procedures concerning denial of or other adverse action on registration applications.[1]

[1] The Commission previously has approved Article III, Section 1 of the NFA Articles of Incorporation, which provides that one of the fundamental purposes of NFA is "facilitating the allocation of increased Commission resources to contract market designations, approval of contract market rules, registration of industry professionals and other duties of the Commission affecting the growth of the commodity futures industry and the public's ability to avail itself of the industry's expanding services." The Commission anticipates that, upon adoption of Commission rules governing the application procedures and qualifications of applicants for registration as IBs or APs thereof, NFA will submit rules for Commission approval which would establish necessary application, qualification and review procedures for the Commission to consider authorizing NFA to grant or deny IB and IB/AP registration applications.

In light of NFA's request for Commission authorization to assume responsibility for those portions of the Commission's registration functions, its representations concerning procedures to be followed in administering those functions, and the opportunity for the Commission to implement these functions in an efficient, cost effective manner, the Commission has determined, in accordance with its authority under section 8a(10) of the Act, as added by § 224 of the Futures Trading Act of 1982, to authorize NFA to perform the limited registration functions associated with processing "no-action" requests submitted by or on behalf of IBs and APs of IBs and processing applications for registration and related materials submitted in connection therewith.

Issued by the Commission on April 7, 1983, in Washington, D.C.

Jean A. Webb,

Deputy Secretary of the Commission.

[FR Doc. 88-9657 Filed 4-12-83; 8:45 am]

BILLING CODE 6351-01-M

CONSUMER PRODUCT SAFETY COMMISSION

Proposed Collection of Information

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1981 (44 U.S.C. 3501 *et seq.*), the Consumer Product Safety Commission has submitted to the Office of Management and Budget a request for extension of approval, through April 30, 1986, of information collection requirements in a regulation applicable to full-size baby cribs. The regulation, published at 16 CFR Part 1500.18(a)(13) and Part 1508, is intended to reduce or eliminate unreasonable risks of death or injury to children from mechanical hazards. The regulation bans from sale and distribution full-size cribs that fail to meet established criteria and requires certain labeling, under provisions of the Federal Hazardous Substances Act (15 U.S.C. 1261 *et seq.*). Additionally, § 1508.10 of this regulation requires manufacturers and importers of the cribs subject to its provisions to make and maintain records of sale, distribution, inspections, and tests, for 3 years after production or importation of each lot or other identifying unit of full-size baby cribs.

Information about the Proposed Collection of Information.

Agency address: Consumer Product Safety Commission, 1111 18th Street, NW., Washington, D.C. 20207.

Title of information collection: Full-size baby cribs, 16 CFR 1500.18(a)(13) and Part 1508.

Type of request: Extension of approval.

Frequency of collection: Varies depending upon volume of products manufactured, imported, tested, or sold.

General description of respondents: Manufacturers and importers of full-size baby cribs.

Estimated number of respondents: 33.

Estimated average number of hours per response: 4 for records and 8 for tests.

Comments: Comments on this proposed collection of information should be addressed to Gwen Pla, Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503, telephone: (202) 395-7313, not later than April 28, 1983. Copies of the proposed collection of information are available from Francine Shacter, Office of Budget and Program Implementation, Consumer Product Safety Commission, Washington, D.C. 20207, telephone: (301) 492-6529.

This is not a proposal to which 44 U.S.C. 3504(h) is applicable.

Dated: April 7, 1983.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 83-9731 Filed 4-12-83; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board Summer Study Panel on Aircraft Survivability in NATO; Notice of Advisory Committee Meeting

The Defense Science Board 1983 Summer Study Panel on Aircraft Survivability in NATO will meet in closed session 9–10 May 1983 in the Pentagon, Arlington, Virginia.

The Mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

At the meeting on 9–10 May 1983, the Panel will examine the threat to tactical aircraft in the air and on the ground and assess the major sources of their attrition and sortie rate degradation.

In accordance with Section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92–463, as amended (5 U.S.C. App. I, (1976)), it has been determined that this DSB Task Foce meeting concerns matters listed in 5 U.S.C. 552b(c) (1) (1976), and that accordingly these meetings will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Service, Department of Defense.

April 8, 1983.

[FR Doc. 83-9761 Filed 4-12-83; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board Summer Study Panel on Conventional Munitions; Notice of Advisory Committee Meeting

The Defense Science Board 1983 Summer Study Panel on Conventional Munitions will meet in closed session on 12–13 May 1983 in the Pentagon, Arlington, Virginia.

The Mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

At the meeting on 12–13 May 1983, the Panel will consider the opportunities to improve our conventional weapons capability and the degree to which our current R&D program is exploiting these opportunities.

In accordance with Section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92–463, as amended (5 U.S.C. App. I, (1976)), it has been determined that this DSB Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly these meetings will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Service, Department of Defense.

April 8, 1983.

[FR Doc. 83-9762 Filed 4-12-83; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board Summer Study Panel on Joint Service Acquisition Programs; Notice of Advisory Committee Meeting

The Defense Science Board 1983 Summer Study Panel on Joint Service Acquisition Programs will meet in closed session on 5–6 May 1983 in the Pentagon, Arlington, Virginia.

The Mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

At the meeting on 5–6 May 1983, the Panel will examine past and present joint Service programs and the factors which contributed to their success or failure.

In accordance with Section 10(d) of the Federal Advisory Committee Act, Pub. L. 92–463, as amended (5 U.S.C. App. I, (1976)), it has been determined that this DSB Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly these meetings will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer. Washington Headquarters Service. Department of Defense.

April 8, 1983.

[FR Doc. 83-9760 Filed 4-12-83; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Office of Energy Research

University Programs Panel, Energy Research Advisory Board; Meeting

Notice is hereby given of the following meeting:

Name: University Programs Panel of the Energy Research Advisory Board (ERAB). ERAB is a Committee constituted under the Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770).

Date and time: April 29, 1983 from 9 a.m. to 5 p.m.

Place: Department of Energy Room 8E–089, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585.

Contact: Joan Snodderly, Energy Research Advisory Board, Department of Energy, Forrestal Building, ER–6, 1000 Independence Avenue SW., Washington, DC 20585, Telephone: 202/252–8933.

Purpose of the Parent Board

To advise the Department of Energy on the overall research and development conducted in DOE and to provide long-range guidance in these areas to the Department.

Tentative Agenda

- Briefing on NSF programs
- Briefing on DOE defense R&D performed by universities
- Discussion of draft report

Public Participation

The meeting is open to the public. Written statements may be filed with the Panel either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Joan Snodderly at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. The Chairperson of the Panel is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts

Available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between 8:00 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC on April 7, 1983.

Ira M. Adler,

Deputy Director for Management, Office of Energy Research.

[FR Doc. 83-9757 Filed 4-12-83; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Cases Filed; Week of March 18 through March 25, 1983

During the Week of March 18 through March 25, 1983, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy. A Submission inadvertently omitted from an earlier list has also been included.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be

aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

April 6, 1983.

George B. Breznay,

Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of Mar. 18 through Mar. 25, 1983]

Date	Name and location of applicant	Case No.	Type of submission
Mar. 9, 1983	Mira Oil Company, Inc., Washington, D.C	HRD-0118	Motion for Discovery. If granted: Discovery would be granted to Mira Oil Company in connection with the State of Objections submitted in response to the Proposed Remedial Order issued to Mira (Case No. HRO-0113).
Mar 18, 1983	Husky Oil Company/Exxon Company, U.S.A., Cities Service Company, Gulf Oil Corporation, Washington, D.C.	HEJ-0038	Protective order. If granted: Exxon Company, U.S.A., Cibes Service Company and Gulf Oil Corporation would enter into a Protective Order with Husky Oil Company regarding the release of proprietary information to Exxon, Cibes Service and Gulf in connection with the year end review of entitlements exception relief granted to Husky (Case No. BEX-0210).
Mar 21, 1983	Economic Regulatory Administration/United Petroleum Distributors, Inc., Washington, D.C.	HRW-0006	Remedial order finalization. If granted: A Proposed Remedial Order issued to United Petroleum Distributors, Inc. on December 22, 1982, would be issued as a final Remedial Order.
Do	Edward T. Cotham, Jr., Houston, Texas	HFA-0127	Appeal of an information request denial. If granted: The March 8, 1983, Freedom of Information Request Denial issued by the Office of Special Counsel would be rescinded and Edward T. Cotham, Jr. would receive access to a "Memorandum of Understanding" between the DOE and the Standard Oil Company (Indiana) concerning the applicability of that firm's Consent Order to the resolution of the *In Re the Department of Energy Stripper Well Exemption Litigation* case.
Do	Tierra Engineering Consultants, Santa Fe, New Mexico	HFA-0126	Appeal of an information request denial. If granted: The Freedom of Information Request Denial issued by the DOE Albuquerque Operations Office would be rescinded and Tierra Engineering Consultants would receive access to score sheets used in the selection of contracts No. AC-96, AC-97 and TA-39.
Mar 22, 1983	Andrew Douglas Churchman, Santa Fe, New Mexico	HFA-0128	Appeal of an information request denial. If granted: The February 17, 1983, Freedom of Information Request Denial issued by the DOE Albuquerque Operations Office would be rescinded and Andrew Douglas Churchman would receive access to opm investigative reports, which were deleted from the responsive documents.
Do	Atlantic Richfield Company/Economic Regulatory Administration, Los Angeles, California.	HRJ-0039	Motion for protective order. If granted: Atlantic Richfield Company would enter into a Protective order with the Economic Regulatory Administration regarding the release of proprietary information to Atlantic Richfield in connection with the Proposed Remedial Order issued to Atlantic Richfield (Case No. BRO-1243).
Do	Transcontinental Oil Corporation, Shreveport, LA	HEE-0062	Exception from the reporting requirements. If granted: Transcontinental Oil Corporation would not be required to file form EIA-23 "Annual Survey of Domestic Oil and Gas Reserves" for 1982.
Mar. 23, 1983	Anita Goldwasser, San Jose, California	HFA-0129	Appeal of an information request denial. If granted: The February 10, 1983, Freedom of Information Request Denial issued by the DOE Chicago Operations Office would be rescinded and Anita Goldwasser would receive access to medical records pertaining to her late husband, Samuel R. Goldwasser.
Do	Ashland Oil, Inc., Washington, D.C	HFA-0130	Appeal of an information request denial. If granted: The February 4, 1983, Freedom of Information Request Denial issued by the DOE Director of the Office of Fuels Programs would be rescinded and Ashland Oil, Inc. would receive access to documents pertaining to the Emergency Petroleum Allocation Act of 1973, the Entitlements Program and the Tertiary Incentive Program.
Do	Exxon Company, U.S.A., Washington, D.C	HED-0119	Motion for discovery. If granted: Discovery would be granted to Exxon Company, U.S.A. in connection with the Statement of Objections submitted in response to the Proposed Decision and Order issued to Husky Oil Company (Case No. BEX-0210).
Do	Department of the Interior, Washington, D.C	HEE-0063	Exception from the certification rules. If granted: The Department of the Interior would receive an exception from certain certification requirements applicable to first sellers of crude oil set forth in 10 CFR Part 212, with respect to its sales of onshore and offshore crude oil.
Mar 24, 1983	Cities Service Company, Tulsa, Oklahoma	HEH-0016	Request for evidentiary hearing. If granted: An evidentiary hearing would be convened in connection with the Statement of Objections submitted by Cibes Service Company in response to the Proposed Decision and Order issued to Husky Oil Company (Case No. BEX-0210).
Mar. 25, 1983	Economic Regulatory Administration/Camden Arco, San Francisco, California.	HRW-0007	Rededial order finalization. If granted: A Proposed Remedial Order issued to Camden Arco on March 31, 1981, would be issued as a final Remedial Order.
Do	Economic Regulatory Administration/Fakhoury Service Center, San Francisco, California.	HRW-0009	Remedial order finalization. If granted: A Proposed Remedial Order issued to Fakhoury Service Center on April 22, 1981, would be issued as a final Remedial Order.
Do	Economic Regulatory Administration/J & C Shell Service, San Francisco, California.	HRW-0008	Remedial order finalization. If granted: A Proposed Remedial Order issued to J & C Shell Service on May 29, 1981, would be issued as a final Remedial Order.
Do	SKE, Inc., Norman, Oklahoma	HFA-0131	Appeal of an information request denial. If granted: The February 23, 1983, Freedom of Information Request Denial issued by the DOE Albuquerque Operations Office would be rescinded and SKE, Inc. would receive access to a May 12, 1982, memorandum of a site visit and the DOE review of cost information submitted by SRL, Inc. in regard to DOE Grant No. DE-FG46-31AF92501.

REFUND APPLICATIONS RECEIVED WEEK OF MARCH 18 TO MARCH 25, 1983

Date	Name of refund proceeding/name of refund applicant	Case No.
Mar. 25, 1983	Sid Richardson/ Loup City Propane.	RF26-2
Mar. 21, 1983	Amoco Refund Applications.	RF21-4560 through RF21-5236

[FR Doc. 83-9751 Filed 4-12-83; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Decisions and Orders; Week of March 7 Through March 11, 1983

During the week of March 7 through March 11, 1983 the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeals

Mobil Oil Corporation, 3/9/83; HFA-0119

Mobil Oil Corporation (Mobil) filed an Appeal from a determination that had been issued to the firm pursuant to the Freedom of Information Act (FOIA) by the Deputy Director for Legal Analysis of the DOE's Office of Hearings and Appeals (the Deputy Director). In that determination, the Deputy Director had advised the firm that the material sought was available in specified files in OHA's Public Docket Room. In its Appeal, Mobil claimed that the agency should more specifically identify the material sought. The DOE found that documents available in a Public Reading Room are not an appropriate subject for an FOIA request. Since all of the documents are available in the OHA's Public Docket Room, the Deputy Director's determination went beyond any obligation under the FOIA. The DOE concluded that there is certainly no obligation for the agency to perform research for the firm into publicly available information. Accordingly, the Appeal was dismissed.

Skelly and Loy, 3/7/83; HFA-0117

On February 4, 1983, Skelly and Loy filed an Appeal from a partial denial by the Inspector General of a Request for Information which the firm had submitted under the Freedom of Information Act (the FOIA). In considering the Appeal, the DOE found that the search conducted by the Inspector General was adequate and that Skelly and Loy had been provided with the only responsive document. The DOE further noted that the Inspector General had agreed to release certain information that originally was withheld pursuant to 5 U.S.C. § 552(b)(5). Accordingly, the Appeal was granted in part.

Requests for Exception

Asamera Oil (U.S.) Inc., 3/9/83; BEE-1491

Asamera Oil (U.S.) Inc. (Asamera) filed an Application for Exception from the provisions of 10 C.F.R. § 211.67 in which the firm sought to receive additional entitlement benefits to equalize its crude oil costs with those of other domestic refiners. In considering the request, the DOE found the deterioration in Asamera's financial position in 1980 was largely attributable to the firm's reliance upon high cost uncontrolled crude oil. The DOE noted that the Entitlements Program was intended to provide the economic equivalent of access to price-controlled crude oil. Since Asamera had actual access to price-controlled crude oil at less than the national average rate, the DOE determined that exception relief was appropriate to place Asamera in the same financial position it would have been in, if it had been actually allocated price-controlled crude oil. Relief was therefore approved for the period May through December, 1980 in the amount of $1,300,109.

Rogers Fuels, Inc., 3/9/83; HEE-0054

Rogers Fuels, Inc. filed an Application for Exception in which the firm sought to be relieved of the requirement to file Form EIA-9A, No. 2 Distillate Price Monitoring Report. In considering the request, the DOE found that the firm failed to provide reasons which justify relieving it of the responsibility to file Form EIA-9A. Accordingly, exception relief was denied. The important issue discussed in the Decision and Order is whether the death of the owner of the firm justified exception relief in view of the fact that the firm had been relieved of the obligation to file Form EIA-9A for an earlier period of time on the basis of the illness then being experienced by the firm's owner.

Economic Regulatory Administration/Texaco Inc., 3/7/83; HRS-0021, HRS-0029, HRS-0030.

Economic Regulatory Administration and Texaco Inc. filed Joint Requests for Stay of Proceedings pending the Office of Hearings and Appeals. The parties asserted that they had made substantial progress toward resolving the issues in the three proceedings and that they expected the negotiations to be successful. They therefore requested an indefinite "postponement" of the proceedings. The DOE determined that the parties failed to

meet the criteria for a stay set forth at 10 C.F.R. § 205.125(b). The DOE found that public policy factors do not favor the approval of the stay because there is not certainly that the negotiations will be successful. It was also noted that the filing of submissions required under 10 C.F.R. Part 205, Subpart O was complete in all three cases and that the requests were designed to suspend any future decision-making by OHA which might in turn require some action by the parties. The DOE therefore stated that to the extent that a deadline is established in an OHA determination, the parties would be allowed to submit reasonable requests for extensions of time to comply with that deadline. Accordingly, the joint Request for Stay was denied.

Refund Applications

Standard Oil Company (Indiana)/Akin Oil Company, Inc., et al., 3/10/83; RF21–145 et al.

On December 23, 1982, the Office of Hearings and Appeals issued a Decision and Order implementing special refund procedures for the distribution of a $72,000,408 fund obtained by the DOE through a consent order with the Standard Oil Company (Indiana) (Amoco). *Office of Special Counsel,* 10 DOE ¶ 85,048 (1982). On March 10, 1983 the DOE issued a Decision and Order concerning 223 Applications for Refund filed by resellers of Amoco middle distillates. All of these firms elected to apply for a refund based upon the presumption of injury and the formulae outlined in the December 23 Decision. In considering these applications, the DOE concluded that each of the 223 applicants should receive a refund based upon the total volume of their Amoco middle distillate purchases. The refunds granted in this proceeding totaled $150,526.

Standard Oil Company (Indiana)/Camp's Standard et al., 3/9/83; RF21–1935 et al.

On December 23, 1982, the Office of Hearings and Appeals issued a Decision and Order implementing special refund procedures for the distribution of a $72,000,408 fund obtained by the DOE through a consent order with the Standard Oil Company (Indiana) (Amoco). *Office of Special Counsel,* 10 DOE ¶ 85,048 (1982). On March 9, 1983 the DOE issued a Decision and Order concerning 168 Applications for Refund filed by retailers of Amoco motor gasoline. All of these firms elected to apply for a refund based upon the presumption of injury and the formulae outlined in the December 23 Decision. In considering these applications, the DOE concluded that each of the 168 applicants should receive a refund based upon the total volume of their Amoco motor gasoline purchases. The refunds granted in this proceeding totaled $179,802.

Standard Oil Company (Indiana)/Gray's Amoco Service et al., 3/10/83; RF21–1856 et al.

On December 23, 1982, the Office of Hearings and Appeals issued a Decision and Order implementing special refund procedures for the distribution of a $72,000,408 fund obtained by the DOE through a consent order with the Standard Oil Company (Indiana) (Amoco). *Office of Special Counsel,* 10 DOE ¶ 85,048 (1982). On March 10, 1983 the DOE issued a Decision and Order concerning 131 Applications for Refund filed by retailers of Amoco motor gasoline. All of these firms elected to apply for a refund based upon the presumption of injury and the formulae outlined in the December 23 Decision. In considering these applications, the DOE concluded that each of the 131 applicants should receive a refund based upon the total volume of their Amoco motor gasoline purchases. The refunds granted in this proceeding totaled $131,889.

Standard Oil Company (Indiana)/William Hawck et al., 3/11/83; RF21–2700 et al.

On December 23, 1982, the Office of Hearings and Appeals issued a Decision and Order implementing special refund procedures for the distribution of a $72,000,048 fund obtained by the DOE through a consent order with the Standard Oil Company (Indiana) (Amoco). *Office of Special Counsel,* 10 DOE ¶ 85,048 (1982). On March 11, 1983 the DOE issued a Decision and Order concerning 145 Applications for Refund filed by retailers of Amoco motor gasoline. All of these firms elected to apply for a refund based upon the presumption of injury and the formulae outlined in the December 23 Decision. In considering these applications, the DOE concluded that each of the 145 applicants should receive a refund based upon the total volume of their Amoco motor gasoline purchases. The refunds granted in this proceeding totaled $140,208.

Standard Oil Company (Indiana)/J.L.G. Standard et al., 3/7/83; RF21–2222 et al.

On December 23, 1982, the Office of Hearings and Appeals issued a Decision and Order implementing special refund procedures for the distribution of a $72,000,408 fund obtained by the DOE through a consent order with the Standard Oil Company (Indiana) (Amoco). *Office of Special Counsel,* 10 DOE ¶ 85,048 (1982). On March 7, 1983 the DOE issued a Decision and Order concerning 122 Applications for Refund filed by retailers of Amoco motor gasoline. All of these firms elected to apply for a refund based upon the presumption of injury and the formulae outlined in the December 23 Decision. In considering these applications, the DOE concluded that each of the 122 applicants should receive a refund based upon the total volume of their Amoco motor gasoline purchases. The refunds granted in this proceeding totaled $140,747.

Dismissals

The following submissions were dismissed:

Name and Case No.

Marie A. Asner, RF21–2095; Phillip C. Barus, RF21–1665; Rudolph J. Burich, RF21–2074; Stephen Chelap, RF21–1979; B. C. Degreeff, RF21–2564; John H. Douglas, RF21–0953; Joe Felice, Jr., RF21–1656; Lester Fisher, RF21–0036; Brian J. Foley, RF21–972; Katherine Foster, RF21–2306; John Hainline, Jr., RF21–1657; Mary A. Hillstrom, RF21–1054; George A. Hunicke, RF21–0947; Murray Isquith, RF21–1025; Thomas Kee, RF21–0976; Dorthy K. Kosmal, RF21–2113; Dennis Kunhart, RF21–0077; Patricia Kunhard, RF21–0078; Steve Kunhart, RF21–0076; F. E. Lowenstein, RF21–2108; Mary Malloy, RF21–0959; Richard O. Matson, RF21–2050; George Montgomery, RF21–1556; Max M. Mulcahy, RF21–0956; Joseph Pavelish, RF21–0974; Charles Phillips, RF21–0123; Herman S. Pihl, RF21–2086; Harry A. Ratka, RF21–1042; Charles Richards, RF21–2219; George E. Riede, RF21–0049, Martin E. Schneider, RF21–2415; A. Schultz, RF21–0996; A. F. Schultz, RF21–3003; Mildred Silvester, RF21–1662; Don M. Sloan, RF21–2993; Frances Stann, RF21–1114; Lee E. Strickler, RF21–1492; Tegeler's Standard Service, RF21–2491; The Pulaski Enterprise, RF21–1114; Phillip Thompson, RF21–2112; Frank Vazzara, RF21–1557; Thomas C. Vecchio, RF21–0736; Fred Vocca, RF21–0960; Gerhardt E. J. Voss, RF21–1112; Larry K. Warren, RF21–0877; May L. Wetherall, RF21–2169; Mr. & Mrs. John White, RF21–1852; Max L. Whitman, RF21–1789; Woolenwear Company, RF21–2237.

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room 1111, New Post Office Building, 12th and Pennsylvania Ave., N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines,* a commercially published loose leaf reporter system.

April 5, 1983.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 83–9752 Filed 4–12–83; 8:45 am]

BILLING CODE 6450–01–M

Office of the Secretary

National Petroleum Council, Costs and Economics Task Group of the Committee on Enhanced Oil Recovery; Meeting

Notice is hereby given that the Costs and Economics Task Group of the Committee on Enhanced Oil Recovery will meet in April 1983. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Enhanced Oil Recovery will investigate the technical and economic aspects of increasing the Nation's petroleum production through enhanced oil recovery. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location and agenda of the Costs and Economics Task Group meeting follows:

The Costs and Economics Task Group will hold its fifth meeting on Friday, April 22, 1983, starting at 9:00 a.m., in Conference Center Six of the Hyatt Hotel—Los Angeles Airport, 6225 West Century Boulevard, Los Angeles, California.

The tentative agenda for the Costs and Economics Task Group meeting follows:

1. Opening remarks by the Chairman and Government Cochairman.
2. Review progress of Task Group study assignments.
3. Discuss any other matters pertinent to the overall assignment from the Secretary of Energy.

The meeting is open to the public. The Chairman of the Costs and Economics Task Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Costs and Economics Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform G. J. Parker, Office of Oil, Gas, and Shale Technology, Fossil Energy, 301/353–3032, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E–190, DOE Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on April 6, 1983.

Donald L. Bauer,

Principal Deputy Assistant Secretary for Fossil Energy.

[FR Doc. 83-9753 Filed 4-12-83; 8:45 am]

BILLING CODE 6450-01-M

National Petroleum Council, Coordinating Subcommittee of the Committee on Enhanced Oil Recovery; Meeting

Notice is hereby given that the Coordinating Subcommittee of the NPC Committee on Enhanced Oil Recovery will meet in April 1983. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Enhanced Oil Recovery will investigate the technical and economic aspects of increasing the Nation's petroleum production through enhanced oil recovery. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location, and agenda of the Coordinating Subcommittee meeting follows:

The Coordinating Subcommittee will hold its seventh meeting on Tuesday, April 26, 1983, starting at 8:00 a.m., in the Pavilion Room of the Rio Bravo Resort, 11200 Lake Ming Road, Bakersfield, California.

The tentative agenda for the Coordinating Subcommittee meeting follows:

1. Opening remarks by the Chairman and Government Cochairman.
2. Discuss study assignments.
3. Review task group study assignments.
4. Discuss any other matters pertinent to the overall assignment from the Secretary of Energy.

The meeting is open to the public. The Chairman of the Coordinating Subcommittee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Coordinating Subcommittee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Gerald J. Parker, Office of Oil, Gas and Shale Technology, Fossil Energy, 301/353–2918, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E–190, DOE Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on April 6, 1983.

Donald L. Bauer,

Principal Deputy Assistant Secretary for Fossil Energy.

[FR Doc. 83-9755 Filed 4-12-83; 8:45 am]

BILLING CODE 6450-01-M

National Petroleum Council, Thermal Task Group of the Committee on Enhanced Oil Recovery; Meeting

Notice is hereby given that the Thermal Task Group of the Committee on Enhanced Oil Recovery will meet in April 1983. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Enhanced Oil Recovery will investigate the technical and economic aspects of increasing the Nation's petroleum production through enhanced oil recovery. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location, and agenda of the Thermal Task Group meeting follows:

The Thermal Task Group will hold its fifth meeting on Monday, April 25, 1983, starting at 8:30 a.m., in the Division Conference Room, Getty Oil Company, 5329 Office Centre Court, Bakersfield, California.

The tenative agenda for the Thermal Task Group meeting follows:

1. Opening remarks by the Chairman and Government Cochairman.
2. Review progress of Task Group study assignments.
3. Discuss any other matters pertinent to the overall assignment from Secretary of Energy.

The meeting is open to the public. The Chairman of the Thermal Task Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Thermal Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform G. J. Parker, Office of Oil, Gas and Shale Technology, Fossil Energy, 301/353–3032, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E–190, DOE Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on April 6, 1983.

Donald L. Bauer,

Principal Deputy Assistant Secretary for Fossil Energy.

[FR Doc. 83-9754 Filed 4-12-83; 8:45 am]

BILLING CODE 6450-01-M

Nuclear Waste Policy Act of 1982; Public Hearings on Proposed Nomination of Sites in Salt Deposits for Detailed Site Characterization, Recommendations on Issues To Be Addressed in the Environmental Assessments and Site Characterization Plans

AGENCY: Department of Energy.

ACTION: Notice of public hearing and solicitation of comments.

SUMMARY: The U.S. Department of Energy has identified potentially acceptable sites in salt deposits for a high-level radioactive waste repository and now announces public hearings on the proposed nomination of these sites for site characterization studies pursuant to Section 113 of the Nuclear Waste Policy Act of 1982 (Pub. L. 97–425). These sites are: the Richton and Cypress Creek salt domes in Mississippi, the Vacherie salt dome in Louisiana, one or more sites in Deaf Smith and Swisher Counties in the Texas Panhandle, and sites in Davis and Lavender Canyons in southeastern Utah. The Department has decided to propose for nomination and conduct pre-nomination hearings in the vicinity of sites previsously identified as potentially acceptable in order to provide maximum opportunity for public comments to influence the nomination process. A site in basalt in Washington and one in tuff in Nevada have already been proposed for nomination. The basis for the final nomination of any site will be documented in an Environmental Assessment. The EA will reflect the pre-nomination hearing comments and include an evaluation as to whether the site is suitable for site characterization under the final siting guidelines prepared pursuant to Section 112 of the Act. The Department intends to nominate at least five sites and subsequently to recommend three of the nominated sites to the President in the fall of 1983. A site Characterization Plan will be developed if a site is approved by the President as a candidate site. A major objective of the site characterization activity will be the acquisition of geologic information necessary for the evaluation of the suitability of the sites for a repository. Site characterization activities at all candidate sites must be completed within the next four years to support a Departmental recommendation to the President and subsequent Presidential recommendation of a site for a repository to the Congress by March 31, 1987. This notice establishes the hearing dates and locations, and a public comment period to solicit: (1) Comments on the proposed nominations, (2) recommendations with respect to issues that should be included in Environmental Assessments supporting the nomination of each site, and (3) recommendations with respect to issues to be addressed in the Site Characterization Plan.

DATES AND ADDRESSES: The Hearings are scheduled for:

1. April 28, 1983, 4:00 to 10:00 p.m., Richton High School, Richton, Mississippi.
2. April 29, 1983, 2:00 p.m. to 9:00 p.m., Woolfolk State Office Building, 501 North West Street, Jackson, Mississippi.
3. May 3, 1983, 7:00 p.m. to 11:00 p.m., Monticello High School Auditorium, Monticello, Utah.
4. May 4, 1983, 2:00 to 9:00 p.m., Hotel Utah, Salt Lake City, Utah.
5. May 10, 1983, 2:00 p.m. to 9:00 p.m., Civic Center Auditorium, Minden, Louisiana.
6. May 12, 1983, 2:00 p.m. to 4:00 p.m., Auditorium, Jefferson Davis Campus, Gulf Coast Community College, Gulf Port, Mississippi.
7. Texas (to be determined).

Written requests to schedule time for oral presentation are due by five calendar days before the hearing in question. Written comments on issues being addressed in the hearing are due by May 18, 1983.

FOR FURTHER INFORMATION CONTACT: For requests to speak at the hearing, and for further information contact: J. O. Neff, U.S. Department of Energy, NWTS Program Office, 505 King Avenue, Columbus, Ohio 43201, Telephone: (614) 424–5916.

Written comments should be submitted to: J. O. Neff, U.S. Department of Energy, NWTS Program Office, 505 King Avenue, Columbus, Ohio 43201. Telephone: (614) 424–5916.

SUPPLEMENTAL INFORMATION:

Public Hearings

Hearings will be conducted by the Department of Energy in Richton, Mississippi on April 28, 1983; Jackson, Mississippi on April 29, 1983; Monticello, Utah on May 3, 1983; Salt Lake City, Utah on May 4, 1983; Minden, Louisiana on May 10, 1983; and Gulf Port, Mississippi, on May 12, 1983. The dates and locations for the Texas hearings will be provided in a future Federal Register Notice. The purpose of these hearings is to inform the public of the activities and considerations that led to these proposed nominations and to receive comments. To support site nominations, the Department of Energy will develop Environmental Assessments that address site characterization activities. Pub. L. 97–425, Section 112(b)(1)(E), identifies issues that must be addressed by the Environmental Assessment.[1] An additional purpose of the Hearings is to solicit and receive recommendations with respect to specific issues that should be addressed in the aforementioned Environmental Assessment and also specific issues that should be addressed in any Site Characterization Plan which would subsequently be issued, if and when the location is approved by the President as a candidate site for site characterization. Also, the Department intends to provide the public and the States an opportunity to review and comment on a draft of the Environmental Assessments prior to their being finalized to support the site nominations.

Presentations

Parties interested in providing oral presentations at the Hearing may request time not to exceed ten minutes for the purpose of delivering that presentation. A typewritten copy of the presentation is requested and should be delivered to the presiding officer before being presented at the Hearing. Requests for scheduled presentation must be written and mailed or delivered so as to be received at the address noted above no later than five calendar days before the hearing in question. A person scheduled to appear at the hearing will be notified by DOE of his or her participation. Requests to speak should include a telephone number where the person can be reached up to the day of the hearing.

Individuals who do not make advance requests to speak at the Hearing may register to speak with the presiding officer prior to the start of the Hearing. An opportunity to speak will be provided to these individuals if time permits. However, time for these unscheduled presentations will be limited, depending on the number of requests received and time available.

Written Comments

Parties may also submit written comments on the proposed nomination; the issues to be addressed in the Environmental Assessment; and the issues to be addressed in any Site Characterization Plan. These comments will be added to the Hearing transcript

[1] Pursuant to Section 112a, proposed general guidelines for the recommendation of sites for repositories were published in the **Federal Register** on February 7, 1983 (48 FR 5670).

and constitute the official departmental record of the Hearing. Written comments should be mailed to reach the address noted above by May 18, 1983.

Conduct of Hearing

DOE reserves the right to arrange the schedule of presentations to be heard and to establish additional procedures governing the conduct of the Hearing. Questions may be asked only by those conducting the Hearing. Cross examination of persons presenting statements will not be permitted. Any further procedural rules needed for the proper conduct of the Hearing will be announced by the presiding officer.

Transcripts of the Hearing will be made, and the entire record of the Hearing, including the transcripts, will be retained by DOE and made available for inspection at public libraries in the vicinity of the proposed site, at the public document room, DOE Public Reading Room, Room 1E–190, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585. Any person may purchase a copy of the transcript of the Hearing from the reporter so identified by the presiding officer.

Additional copies of the complete transcripts will also be available at the public document centers noted below:

Albuquerque Operations Office, National Atomic Museum, Kirkland Air Force Base East, Albuquerque, New Mexico;
Idaho Operations Office, 550 Second Street, Idaho Falls, Idaho;
Nevada Operations Office, 2753 South Highland Drive, Las Vegas, Nevada;
Oak Ridge Operations Office, Federal Building, Oak Ridge, Tennessee;
Richland Operations Office, Federal Building, Richland, Washington;
San Francisco Operations Office, Wells Fargo Building, 1333 Broadway, Oakland, California;
Savannah River Operations Office, Savannah River Plant, Aiken, South Carolina.

For the Department of Energy, April 7, 1983.

Donald Paul Hodel,

Secretary of Energy.

[FR Doc. 83–9756 Filed 4–12–83; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[PF–315; PH–FRL 2342–1]

Certain Companies; Pesticide and Food Additive Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received pesticide and food additive petitions, relating to the establishment, correction, and/or withdrawal of tolerances for residues of certain pesticide chemicals in or on certain commodities.

ADDRESS: Written comments to: Production Manager (PM) 12, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Written comments may be submitted while the petitions are pending before the Agency. The comments are to be identified by the document control number (PF–315) and the petition number. All written comments filed in response to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: Jay Ellenberger, 703–557–2386.

SUPPLEMENTARY INFORMATION: EPA gives notice that the Agency has received the following pesticide and food additive petitions relating to the establishment, correction, and/or withdrawal of tolerances for residues of certain pesticide chemicals in or on certain commodities in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues, where required, is given in each petition.

I. Initial Filing

FAP 3H5387. Shell Oil Co., 1025 Connecticut Ave., NW., Washington, D.C. 20036. Proposes to amend 21 CFR 193.236 by establishing a tolerance for residues of the insecticide hexakis (2-methyl-2-phenylpropyl) distannoxane in or on the commodity dried prunes at 20.0 parts per million (ppm).

II. Amendment

PP 5F1547. Mobay Chemical Corp., P.O. Box 4913, Hawthorn Rd., Kansas City, MO 64120. EPA issued a notice, published in the **Federal Register** of August 11, 1982 (47 FR 34852), that announced that Mobay Chemical Corp., filed pesticide petition 5F1547 proposing the establishment of tolerances for residues of the insecticide *O,O*-dimethyl *S*-[(4-oxo-1,2,3-benzotriazin-3(4*H*)-yl)methyl] phosphorodithioate in or on the comodities corn fodder and forage at 5 ppm and field corn grain at 0.1 ppm, which was subsequently amended increasing the level for corn grain to 0.3 ppm and establishing a tolerance for corn grain, pop at 0.3 ppm and increasing the levels for corn fodder and forage to 10.0 ppm.

The petition was further amended by proposing a tolerance for eggs at 0.05 ppm. The proposed analytical method for determining residues is by gas chromatographic procedure with a thermionic detector for phosphorus.

(Sec. 408(d)(1), 68 Stat. 512, (7 U.S.C. 136); 409(b)(5), 72 Stat. 1786, (21 U.S.C. 348))

Dated: March 29, 1983.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 83–9004 Filed 4–12–83; 8:45 am]

BILLING CODE 6560–50–M

[OPP–180620; PH–FRL 2341–5]

Pesticides; Emergency Exemptions; Alabama Department of Agriculture and Industry, et al.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted specific exemptions for the control of various pests in the States listed below. Also listed are four crisis exemptions initiated by four States.

DATES: See each specific and crisis exemption for its effective dates.

FOR FURTHER INFORMATION CONTACT: See each specific and crisis exemption for the name of the contact person. The following information applies to all contact people: Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 716, CM No. 2, 1921 Jefferson Davis Highway, Arlington, VA 22202; (703–557–1192).

SUPPLEMENTARY INFORMATION: EPA has granted specific exemptions to the:

1. Alabama Department of Agriculture and Industry for the use of benomyl on wheat to control powdery mildew; February 25, 1983 to May 30, 1983. EPA completed a rebuttable presumption against registration (RPAR) on this chemical; the final determination was published in the **Federal Register** of October 20, 1982 (47 FR 46747). (Jim Tompkins)

2. California Department of Food and Agriculture for the use of paraquat on dry beans (including mung beans) as a desiccant; March 7, 1983 to December 31, 1983. (Gene Asbury)

3. California Department of Food and Agriculture for the use of Metalaxyl on broccoli, cauliflower, and crucifers grown for seed to control downy mildew; February 24, 1983 to December 23, 1983. California had initiated a crisis exemption for this use. (Libby Welch)

4. California Department of Food and Agriculture for the use of metalaxyl on green onions to control downy mildew; February 24, 1983 to December 30, 1983. California had initiated a crisis exemption for this use. (Libby Welch)

5. California Department of Food and Agriculture for the use of triadimefon on grapes to control powdery mildew; February 9, 1983 to December 31, 1983. EPA registered this use on January 25, 1983, but California requires a mandatory 45-day public posting of proposed pesticide registrations prior to State registration. (Gene Asbury)

6. California Department of Food and Agriculture for the use of metalaxyl on hops to control downy mildew; February 15, 1983 to January 1, 1984. (Jim Tompkins)

7. Connecticut Department of Environmental Protection for the use of azimethiphos in layer poultry houses to control flies; February 10, 1983 to December 31, 1983. (Jim Tompkins)

8. Florida Department of Agriculture and Consumer Service for the use of azimethiphos in poultry houses to control flies; February 24, 1983 to December 31, 1983. (Jim Tompkins)

9. Maryland Department of Agriculture for the use of formetanate hydrocholoride on strawberries to control two-spotted spider mites; March 7, 1983 to November 30, 1983. (Jim Tompkins)

10. Maryland Department of Agriculture for the use of acephate on non-bell peppers to control European corn borers; March 10, 1983 to October 1, 1983. (Gene Asbury)

11. Michigan Department of Agriculture for the use of oxyflurofen on dry bulb onions to control broadleaf weeds; March 4, 1983 to August 31, 1983. EPA completed a rebuttable presumption against registration (RPAR) on this chemical; the final determination was published in the **Federal Register** of June 23, 1982 (47 FR-27118). (Jim Tompkins)

12. Michigan Department of Agriculture for the use of acephate on non-bell peppers to control European corn borers; February 24, 1983 to October 1, 1983. (Jim Tompkins)

13. Michigan Department of Agriculture for the use of metolachlor on cole crops (broccoli, Brussels sprouts, cabbage, and cauliflower) to control weeds; February 17, 1983 to July 31, 1983. (Gene Asbury)

14. Nebraska Deparment of Agriculture for the use of azimethiphos in poultry houses to control flies; February 24, 1983 to December 31, 1983. (Jim Tompkins)

15. New Jersey Department of Environmental Protection for the use of acephate on non-bell peppers to control European corn borers; March 7, 1983 to October 1, 1983. (Gene Asbury)

16. New Jersey Department of Environmental Protection for the use of azinphosmethyl on carrots to control carrot weevils; March 4, 1983 to July 31, 1983. (Gene Asbury)

17. New York Department of Environmental Conservation for the use of fenamiphos on apple trees (bearing) to control nematodes; February 15, 1983 to May 31, 1983. (Gene Asbury)

18. New York Department of Environmental Conservation for the use of azinphosmethyl on carrots to control carrot weevils; February 16, 1983 to September 30, 1983. (Gene Asbury)

19. North Carolina Department of Agriculture for the use of captafol on strawberries to control anthracnose; May 1, 1983 to September 30, 1983. (Libby Welch)

20. Oregon Department of Agriculture for the use of azimethiphos in layer poultry houses to control flies at the Oregon State University Poultry Research Facility; February 10, 1983 to July 30, 1983. (Jim Tompkins)

21. Oregon Department of Agriculture for the use of chlorothalonil on wheat to control *Septoria* glume blotch; March 8, 1983 to July 31, 1983. (Gene Asbury)

22. Pennsylvania Department of Agriculture for the use of mevinphos on watercress to control aphids; March 10, 1983 to October 31, 1983. (Jim Tompkins)

23. Tennessee Department of Agriculture for the use of captafol on strawberries to control anthracnose; May 1, 1983 to September 30, 1983. (Libby Welch)

24. Washington Department of Agriculture for the use of methomyl on caneberries to control spotted cutworms, obliquebanded leafrollers, and the orange tortrix; March 7, 1983 to September 30, 1983. (Jim Tompkins)

25. Washington Department of Agriculture for the use of metalaxyl on raspberries to control root rot; February 25, 1983 to November 30, 1983. (Jim Tompkins)

26. West Virginia Department of Agriculture for the use of fenamifos on apple trees (bearing) to contol nematodes (American dagger); February 4, 1983 to April 30, 1983. (Gene Asbury)

Crisis exemptions were initiated by the:

1. Arkansas State Plant Board on February 7, 1983, for the use of temephos on the Sulfur River to control buffalo gnats (black fly). The program ended on February 12, 1983. (Gene Asbury)

2. California Department of Food and Agriculture on February 17, 1983, for the use of triforine on almonds to control brown rot. Since it was anticipated that this program would be needed for more than 15 days, California has requested a specific exemption to continue it. The need for this program is expected to last until March 15, 1983. (Libby Welch)

3. New Mexico Department of Agriculture on February 11, 1983, for the use of oryzalin on alfalfa to control foxtail grass. Since it was anticipated that this program would be needed for more than 15 days, New Mexico has requested a specific exemption to continue it. The need for this program is expected to last until April 1, 1983. (Libby Welch)

4. Texas Department of Agriculture on February 12, 1983, for the use of temephos on the Sulfur River to control buffalo gnats (black fly). The program ended on February 12, 1983. (Gene Asbury)

(Sec. 18, as amended, 92 Stat. 819 (7 U.S.C. 136))

Dated: March 28, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

[FR Doc. 83-9078 Filed 4-12-83; 8:45 am]

BILLING CODE 6560-50-M

[OPP-30226; PH-FRL 2341-6]

Certain Companies; Applications to Register Pesticide Products Containing New Active Ingredients

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces receipt of applications to register pesticide products containing active ingredients not included in any previously registered pesticide products pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

DATE: Comments by May 13, 1983.

ADDRESS: Written comments, identified by the document control number (OPP-30226) and the file symbol, should be submitted to: Product Manager (PM), Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: The product manager at the telephone number cited.

SUPPLEMENTARY INFORMATION: EPA received applications as follows to register pesticide products containing active ingredients not included in any previously registered pesticide products pursuant to the provisions of section 2(c)(4) of FIFRA. Notice of receipt of these applications does not imply a

decision by the Agency on the applications.

Applications Received

1. File Symbol: 3240–GA. Applicant: Bell Laboratories, Inc., Madison, WI 53704. Product name: Ouintox 11 Rat and Mouse Bait. Rodenticide. Active ingredient: 1-Alpha-hydroxycholecalciferol .001%. Proposed classification/Use: General. For use in and around buildings. (Product Manager (PM) 16-William Miller, (703–557–2600)).

2. File Symbol: 39541–EE. Applicant: Montedison USA, Inc., 1114 Avenue of the Americas, New York, NY 10036. Product name: Technical Galden Fungicide. Fungicide. Active ingredient: *N*-(2,6-Dimethylphenyl)-*N*-(phenylacetyl)-DL-alanine methyl ester 94–96%. Proposed classification/Use: General. For formulating use only. (PM 21-Henry Jacoby, (703–557–1900)).

3. File Symbol: 100–AUG. Applicant: Ciba-Geigy Corp., PO Box 18300, Greensboro, NC 27419. Product Name: CGA–12223 4E Insecticide. Insecticide. Active ingredient: *O*-(5-Chloro-1-[methylethyl]-1*H*-1,2,4-triazol-3-yl) *O,O*-diethyl phosphorothioate 46.8%. Proposed classification/Use: General. For the control of insects on turf. (PM 16-William Miller, (703–557–2600)).

4. File Symbol: 33753–R. Applicant: The Boots Co., PLC. Nottingham, NG2 3AA, U.K. Product name: Bronopol-Boots. Disinfectant. Active ingredient: 2-Bromo-2-nitro-1,3-propanediol 98%. Proposed classification/use: General. A technical product for formulating biocides. (PM 31-John Lee, 703–557–3663).

Notice of approval or denial of an application to register a pesticide product will be announced in the **Federal Register**. Except for such material protected by section 10 of FIFRA, the test data and other scientific information deemed relevant to the registration decision may be available after approval under the provisions of the Freedom of Information Act. The procedure for requesting such data will be given in the **Federal Register** if an application is approved.

Comments received within the specified time period will be considered before a final decision is made; comments received after the time specified will be considered only to the extent possible without delaying processing of the application.

Written comments filed pursuant to this notice, will be available in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays. It is suggested that persons interested in reviewing the application file, telephone the product manager's office to ensure that the file is available on the date of intended visit.

(Sec. 3(c)(4) of FIFRA, as amended)

Dated: March 30, 1983.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 83-9083 Filed 4-12-83; 8:45 am]

BILLING CODE 6560-50-M

[SAB–FRL 2344–3]

Science Advisory Board; High-Level Radioactive Waste Disposal Subcommittee; Open Meeting

Under Pub. L. 92–463, notice is hereby given that a two-day meeting of the High-Level Radioactive Waste Disposal Subcommittee of the Science Advisory Board will be held in Conference Room 2117, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C., on May 2–3, 1983. The meeting will begin at 9:00 a.m. and last until 5:00 p.m. each day.

The purpose of the meeting will be to continue the review of the scientific and technical basis of the Agency's proposed rules for the management and disposal of high-level radioactive wastes. The members of the Subcommittee, and the principal issues for the Subcommittee's consideration, were announced in the **Federal Register**, Wednesday, January 5, 1983, page 509.

The agenda for the meeting, which is the fourth in a series of meetings on the proposed rules, will include review of the geochemistry/ground water transport aspect of the proposed rules, briefings by Agency personnel on various risk-assessment methods in use in the Agency, and discussions on limiting disposal options to depositories located in geologic media.

The meeting is open to the public. Any member of the public wishing to attend or obtain further information about the meeting should contact Harry C. Torno, Executive Secretary, at (202) 382–2552, or Terry F. Yosie, Staff Director, Science Advisory Board, at (202) 382–4126. Public comment will be accepted at the meeting. Written comment will be accepted in any form, and there will be opportunity for brief oral statements. Anyone wishing to make such comment must contact Mr. Torno prior to April 25, 1983, in order to be placed on the agenda.

Dated: April 6, 1983.

Terry F. Yosie,

Staff Director, Science Advisory Board.

[FR Doc. 83-9738 Filed 4-12-83; 8:45 am]

BILLING CODE 6560-50-M

[OPP–00164; PH–FRL 2344–7]

State FIFRA Issues Research and Evaluation Group Working Committees; Open Meetings

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: There will be a two-day meeting of the Working Committee on Registration and Classification of the State FIFRA Issues Research and Evaluation Group (SFIREG) and a two-day meeting of the SFIREG Working Committee on Enforcement and Certification to discuss various aspects of pesticides. The meetings will be open to the public.

DATES: The Working Committee on Registration and Classification will meet on Tuesday and Wednesday, May 3 and 4, 1983. The Working Committee on Enforcement and Certification will meet on Thursday and Friday, May 5 and 6, 1983. The meetings of both committees will start at 8:30 a.m. each day.

ADDRESS: Both meetings will be held at: Hilton Plaza Inn, 45th and Main Sts., Kansas City, MO 64111, (816–753–7400).

FOR FURTHER INFORMATION CONTACT: Philip H. Gray, Jr., Office of Pesticide Programs (TS–766C), Environmental Protection Agency, Rm. 1115B, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–7096).

SUPPLEMENTARY INFORMATION: The meeting of the Working Committee on Registration and Classification will be concerned with the following topics:

1. Label Improvement Program—storage and disposal statement.
2. Use of termiticides at less than label rate.
3. EPA review process for section 24(c) registrations.
4. Use of vetgetable oil as a diluent in LV/ULV applications.
5. Status of the Pesticide Incident Monitoring System.
6. Issuance of tolerances based on geographically limited data.
7. Classification of small size containers of methyl bromide.
8. Release of pesticide registration data to the States.
9. The National Forest Products Association's (NFPA) proposed policy for the use of pesticides in forest nurseries and seed orchards under section 2(ee).
10. Other topics as appropriate.

The meeting of the Working Committee on Enforcement and Certification will be concerned with the following topics:

1. Termiticides—air sampling and possible tolerances.
2. Child-resistant packaging regulation and enforcement.
3. Combatting adverse publicity given to pesticides.
4. Development of a tracking system for State referrals to EPA.
5. Development of a system to inform the States and EPA when enforcement actions are taken.
6. Acceptable exposure limits for workers in areas where fumigants have been used.
7. National advertising of section 18 and 24(c) registrations.
8. Response to the Pesticide Users Advisory Committee working paper on certification.
9. NFPA's proposed policy for the use of pesticides in forest nurseries and seed orchards under FIFRA section 2(ee).
10. Priority to be given to marketplace surveillance by States.
11. The determination of environmental results measurements from enforcement programs.
12. Priority setting for enforcement needs.
13. Verbal claims concerning pesticidal use for non-registered products.
14. Modification of PTSED FIFRA Compliance Program Policy No. 12.2 "Closed Application Systems" to permit State discretion in taking enforcement action.
15. Other topics as appropriate.

Dated: April 4, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

[FR Doc. 83-9741 Filed 4-12-83; 8:45 am]

BILLING CODE 6560-50-M

[PF-320; PH-FRL 2344-8]

Certain Companies; Pesticide and Feed Additive Petitions; FMC Corp. et al.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received pesticide and feed additive petitions relating to the establishment of tolerances for residues of certain pesticide chemicals in or on certain commodities.

ADDRESS: Written comments to the product manager (PM) cited in each specific petition at the address below: Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Written comments may be submitted while the petitions are pending before the Agency. The comments are to be identified by the document control number [PF-320] and the petition number. All written comments filed in response to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each petition at the telephone number provided.

SUPPLEMENTARY INFORMATION: EPA gives notice that the Agency has received the following pesticide and feed additive petitions relating to the establishment of tolerances for residues of certain pesticide chemicals in or on certain commodities in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues, where required, is given in each petition.

Initial filing

1. *PP 3F2824, PP 3F2825.* FMC Corp., 2000 Market St., Philadelphia, PA 19103. Proposes amending 40 CFR Part 180 by establishing tolerances for residues of the insecticide (±) cyano (3-phenoxyphenyl)methyl (±) *cis/trans* 3-(2,2-dichloroethenyl)-2,2 dimethylocyclopropanecarboxylate in or on the raw agricultural commodities lettuce at 4.0 parts per million (ppm) (PP 3F2824) and tomatoes at 0.6 ppm (PP 3F2825). The proposed analytical method for determining residues is gas chromatography. (PM-17, Franklin Gee, 703-2690).

2. *FAP 3H5386.* FMC Corp. Proposes amending 21 CFR Part 561 by establishing a regulation permitting residues of the insecticide (±) cyano (3-phenoxyphenyl) methyl (±) *cis/trans* 3-(2,2-dichloroethenyl)-2,2 dimethylcyclopropanecarboxylate in or on dry tomato pomace at 36.0 ppm. (PM-17, Franklin Gee, 703-557-2690).

3. *PP 3F2846.* E. I. du Pont de Nemours and Company, Wilmington, DE 19898. Proposes amending 40 CFR 180.396 by establishing tolerances for the combined residues of the herbicide hexazinone [3-cylohexyl-6-(dimethylamino)-1-methyl-1,3,5-triazine-2,4, (1*H*,3*H*)-dione] and its metabolites (calculated as hexazinone) in or on the raw agricultural commodities pineapple (whole fruit) at 0.5 ppm and pineapple forage at 5 ppm. The proposed analytical method for determining residues is nitrogen selective gas chromatography. (PM-23, Richard Mountfort, 703-557-1830).

(Sec. 408(d)(1), 68 Stat. 512, (7 U.S.C. 136); 409(b)(5), 72 Stat. 1786, (21 U.S.C. 348))

Dated: April 5, 1983.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 83-9739 Filed 4-12-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-674-DR]

Illinois; Amendment to Notice of Major-Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the Notice of a major disaster for the State of Illinois (FEMA-674-DR), dated December 13, 1982, and related determinations.

DATE: April 5, 1983.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287-0501.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Illinois dated December 13, 1982, is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of December 13, 1982.

For Public Assistance:
Marquette High School in La Salle County.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance. Billing Code 6718-02)

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 83-9674 Filed 4-12-83; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL HOME LOAN BANK BOARD

Senior Executive Service; Performance Awards; Schedule for Awarding Bonuses

In accordance with the Office of Personnel Management directive dated July 21, 1980, the Federal Home Loan Bank Board hereby gives notice that SES bonuses will be awarded on or after April 29, 1983.

FOR FURTHER INFORMATION CONTACT: Doris H. McGhee, Director of Personnel,

Federal Home Loan Bank Board, (202) 377–6050.

J. J. Finn,

Secretary to the Board, Federal Home Loan Bank Board.

[FR Doc. 83-9688 Filed 4-12-83; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

[Docket No. 83-21; Agreement No. 5700-29]

Modification of New York Freight Bureau; Order of Investigation and Hearing

Agreement No. 5700–29 was filed for approval pursuant to section 15 of the Shipping Act, 1916 (46 U.S.C. 814), on August 24, 1981. Agreement No. 5700–29 would modify the New York Freight Bureau (NYFB) [1] conference agreement by extending the scope of the basic agreement to include inland points or ports in the United States via Atlantic and Gulf Coast ports.[2] In addition, Agreement No. 5700–29 would extend NYFB's ratemaking authority to include through and joint rates, but would allow the individual members to file their own intermodal tariffs until the Conference files an intermdal tariff or tariffs publishing joint or through water-rail and/or truck rates.[3]

Because Agreement No. 5700–29 would extend ratemaking authority, it must be justified under the *Svenska* standard.[4] Specific guidelines for determining whether requested intermodal authority is justified under *Svenska* are set forth in *U.S. Atlantic & Gulf/Australia—New Zealand Conference (Agreement No. 6200–20—Intermodal Authority)*, 21 S.R.R. 89 (1981).

The Commission conditionally disapproved the Agreement by Order issued November 18, 1982, because Proponents had not demonstrated that the proposed intermodal authority was necessary to meet a serious transportation need or that it would provide important public benefits not now available through the intermodal services provided by the individual carriers. The Commission ordered Agreement No. 5700–29 disapproved effective January 21, 1983, unless on or before January 20, 1983, one or more of the member lines of NYFB filed with the Commission's Secretary a request for further hearing. The Commission also ordered that any request for further hearing be accompanied by a detailed recital of the facts that Proponents intended to prove, a description of the evidence intended to be used to prove such facts, and an explanation why the facts Proponents intended to prove would support approval of the agreement.

On January 20, 1983, Proponents filed a "Request for Further Hearing" which set forth a detailed recital of the facts which Proponents contend that they will prove in a further hearing. These contentions, if established by probative evidence, would appear to be sufficient to support approval of the Agreement under the guidelines set forth in *Agreement No. 6200–20, supra.*

Therefore it is ordered, That pursuant to sections 15 and 22 of the Shipping Act, 1916 (46 U.S.C. 814 and 821) an investigation and hearing is instituted to determine if Agreement No. 5700–29 should be approved, disapproved or modified;

It is further ordered, That the parties listed in Appendix A attached hereto are designated as Proponents in this proceeding;

It is further ordered, That pursuant to Rule 42 of the Commission Rules of Practice and Procedure (46 CFR 502.42), the Commission's Bureau of Hearing Counsel shall be a party to this proceeding;

It is further ordered, That this matter is assigned to an Administrative Law Judge for public hearing and decision at a date and place to be hereafter determined by the Administrative Law Judge. This hearing shall include oral testimony and cross-examination in the discretion of the Presiding Officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents, or that the nature of the matters in issue otherwise requires an oral hearing and cross-examination for the development of an adequate record;

It is further ordered, That Proponents shall submit two copies of their direct case to the Secretary of the Commission, and one copy to each of the parties to this proceeding, on or before a date to be determined by the Administrative Law Judge;

It is further ordered, That discovery shall be in accordance with the procedures set forth in Rule 201 of the Commission's Rules of Practice and Procedure (46 CFR 502.201), but shall not commence until the receipt by the Commission of Proponents' direct case on or before a date to be determined by the Administrative Law Judge;

It is further ordered, That after completion of such discovery, all parties shall have an opportunity to submit written rebuttal testimony in accordance with a procedural schedule to be established by the Administrative Law Judge;

It is further ordered, That persons other than those already parties to this proceeding who desire to be parties to this proceeding and to participate herein shall file a petition for leave to intervene pursuant to Rule 72 of the Commission's Rules of Practice and Procedure (46 CFR 502.72);

It is further ordered, That notice of this Order be published in the **Federal Register**, and a copy thereof be served upon all parties named herein;

It is further ordered, That hearings in this proceeding shall commence no more than six months from the date of publication of this Order in the **Federal Register**; and

It is further ordered, That, all documents submitted by any party in this proceeding be filed in accordance with Rule 118 of the Commission's Rules of Practice and Procedure (46 CFR 502.118), as well as being mailed directly to all parties of record.

By the Commission.

Francis C. Hurney,

Secretary.

Appendix A

1. New York Freight Bureau
2. Japan Line, Ltd.
3. Mitsui OSK Lines, Ltd.
4. Nippon Yusen Kaisha
5. Yamashita-Shinnihon S.S. Co., Ltd.

[FR Doc. 83-9655 Filed 4-12-83; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Federal Open Market Committee; Domestic Policy Directive of February 8–9, 1983

In accordance with § 217.5 of its rules regarding availability of information, there is set forth below the Committee's Domestic Policy Directive issued at its meeting held on February 8–9, 1983.[1]

The following domestic policy directive was issued to the Federal Reserve Bank of New York:

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[1] NYFB IS A CONFERENCE CONSISTING OF Japan Line, Ltd.; Mitsui OSK Lines, Ltd.; Nippon Yusen Kaisha; and Yamashita-Shinnihon S.S. Co., Ltd.

[2] NYFB's basic agreement covers the all-water trade from Hong Kong, Macao and Taiwan to United States Atlantic and Gulf ports. However, the members presently provide direct all-water service only to Atlantic Coast ports.

[3] NYFB previously possessed intermodal authority but allowed it to lapse without ever having implemented it.

[4] *Federal Maritime Commission v. Aktiebolaget Svenska Amerika Linien*, 390 U.S. 238 (1968).

[1] The Record of Policy Actions of the Committee for the meeting of February 8–9, 1983, is filed as part of the original document. Copies are available upon request to The Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

The Federal Open Market Committee seeks to foster monetary and financial conditions that will help to reduce inflation further, promote a resumption of growth in output on a sustainable basis, and contribute to a sustainable pattern of international transactions. In establishing growth ranges for monetary and credit aggregates for 1983 in furtherance of these objectives, the Committee recognized that the relationships between such ranges and ultimate economic goals have been less predictable over the past year; that the current impact of new deposit accounts on growth rates of monetay aggregates cannot be determined with a high degree of confidence; and that the availability of interest on large portions of transaction accounts, declining inflation, and lower market rates of interest may be reflected in some changes in the historical trends in velocity. A substantial shift of funds into M2 from market instruments, including large certificates of deposit not included in M2, in association with the extraordinarily rapid build-up of money market deposit accounts has distorted growth in that aggregate during the current quarter.

In establishing growth ranges for the aggregates for 1983 against this background, the Committee felt that growth in M2 might be more appropriately measured after the period of highly aggressive marketing of money market deposit accounts has subsided. The Committee also felt that a somewhat wider range was appropriate for monitoring M1. Those growth ranges will be reviewed in the spring and altered, if appropriate, in the light of evidence at that time.

The information reviewed at this meeting indicates that real GNP declined in the fourth quarter because of a sharp reduction in business inventories. Final sales increased appreciably, and the rise in prices remained much less rapid than in 1981. Retail sales and housing activity have strengthened in recent months, but business fixed investment has weakened further. Nonfarm payroll employment rose in January, after an extended period of declines, and the civilian unemployment rate fell 0.4 percentage point to 10.4 percent. In recent months the advance in the index of average hourly earnings has slowed further.

The weighted average value of the dollar against major foreign currencies depreciated moderately further from mid-December to mid-January, but a subsequent appreciation has more than offset that decline. In the fourth quarter the U.S. merchandise trade deficit was close to the relatively high third-quarter rate.

Growth of M2 surged to an extraordinary pace in January, apparently reflecting shifts of funds into recently authorized money market deposit accounts. Growth of M3 accelerated, following very slow expansion in December. Growth of M1 remained rapid in January, although it was down appreciably from the average pace in other recent months. Market interest rates on U.S. Treasury obligations have risen somewhat since the latter part of December, while rates on most private market instruments are about unchanged to slightly higher. Mortgage rates have declined further.

With these understandings, the Committee established the following growth ranges: for the period from February–March of 1983 to the fourth quarter of 1983, 7 to 10 percent at an annual rate for M2, taking into account the probability of some residual shifting into that aggregate from non-M2 sources; and for the period from the fourth quarter of 1982 to the fourth quarter of 1983, 6½ to 9½ percent for M3, which appears to be less distorted by the new accounts. For the same period a tentative range of 4 to 8 percent has been established for M1, assuming that Super Now accounts draw only modest amounts of funds from sources outside M1 and assuming that the authority to pay interest on transaction balances is not extended beyond presently eligible accounts. An associated range of growth for total domestic nonfinancial debt has been estimated at 8½ to 11½ percent.

In implementing monetary policy, the Committee agreed that substantial weight would be placed on behavior of the broader monetary aggregrates, expecting that current distortions in M2 from the initial adjustment to the new deposit accounts will abate. The behavior of M1 will be monitored, with the degree of weight placed on that aggregate over time dependent on evidence that velocity characteristics are resuming more predictable patterns. Debt expansion, while not directly targeted, will be evaluated in judging responses to the monetary aggregates. The Committee understood that policy impelementation would involve continuing appraisal of the relationships between the various measures of money and credit and nominal GNP, including evaluation of conditions in domestic credit and foreign exchange markets.

For the more immediate future, the Committee seeks to maintain the existing degree of restraint on reserve positions. Lesser restraint would be acceptable in the context of appreciable slowing of growth in the monetary aggregates to or below the paths implied by the long-term ranges, taking account of the distortions relating to the introduction of new accounts. The Chairman may call for Committee consultation if it appears to the Manager for Domestic Operations that pursuit of the monetary objectives and related reserve paths during the period before the next meeting is likely to be associated with a federal funds rate persistently outside a range of 6 to 10 percent.

By order of the Federal Open Market Committee, April 5, 1983.

Stephen H. Axilrod,

Secretary.

[FR Doc. 83-9665 Filed 4-12-83; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Commission Determination Re Barclay Cigarettes; Amendment of Report of "Tar," Nicotine, and Carbon Monoxide Content of 208 Varieties of Cigarettes; Request for Comment on Possible Testing Modifications

AGENCY: Federal Trade Commission.

ACTION: Announcement of Commission Determination, Amendment of Past Report, and Request for Comment on Possible Testing Modifications.

SUMMARY: This document announces the Commission's determination that the present FTC testing methodology does not assess accurately Barclay cigarettes and requests comment on possible testing modifications. In accordance with this determination the Commission is amending its March, 1983 *Report of "Tar," Nicotine and Carbon Monoxide of the Smoke of 208 Varieties of Cigarettes*, 48 FR 13268 (March 30, 1983).

ADDRESS: Comments should be filed in Room 130, Federal Trade Commission, 6th & Pennsylvania Avenue, NW., Washington, D.C. 20580, no later than June 30, 1983.

FOR FURTHER INFORMATION CONTACT: Judith P. Wilkenfeld, Federal Trade Commission, Bureau of Consumer Protection, (202) 724–1499, Washington, D.C. 20580.

SUPPLEMENTRY INFORMATION: In June, 1981 the Federal Trade Commission initiated an inquiry to examine allegations that its current "tar," nicotine, and carbon monoxide testing methodology, with the specifications as set forth in the Commission's announcements of July 31, 1967, 32 FR 11178, and January 18, 1979, 44 FR 3777,

does not assess accurately Barclay cigarettes.

The Commission's inquiry has been assisted by extensive comments and scientific studies submitted by Lorillard, R.J. Reynolds and Philip Morris, as well as Brown and Williamson, the manufacturer of Barclay cigarettes. The Commission also utilized three independent consultants to review the information submitted by these companies and make recommendations to the Commission and its staff. The consultants' reports were subsequently circulated to the companies for further comment.

Based on the information developed during the inquiry, the Commission has determined that its present testing methodology for "tar," nicotine, and carbon monoxide does not measure accurately Barclay cigarettes. The Commission has therefore determined it will not accept test results based on the current FTC method as substantiation for claims made about the "tar," nicotine, and carbon monoxide content of all varieties of Barclay cigarettes.

Without a new testing methodology, precise statements as to the appropriate "tar", nicotine, and carbon monoxide rankings for Barclay cigrettes are not possible. Independent estimates by the Commission's consultants for Barclay 80's and 85's, which are ranked by the present method as 1 mg. "tar" cigarettes, range from 3 to 7 mg. "tar." Similarly, the relative delivery of nicotine and carbon monoxide of these products is greater than suggested by the present FTC tests.

The Commission is therefore amending its March, 1983 *Report of "Tar," Nicotine and Carbon Monoxide of the Smoke of 208 Varieties of Cigarettes*, 48 FR 13268, by appending copies of this Notice to the Report. By this action, the Commission does not mean to imply that Brown and Williamson, the manufacturer of Barclay cigarettes, has violated any provision of the Federal Trade Commission Act for its past use and reliance on the FTC method to assess "tar", nicotine, and carbon monoxide levels. Unless and until the Commission adopts a new testing methodology that is able to measure Barclay cigarettes accurately, however, future reports will not include test results for these cigarettes.

The Commission has further determined that there is a significant likelihood that the current testing method does not assess accurately Brown and Williamson's Kool Ultra and Kool Ultra 100's each of which uses the Actron filter design used in Barclay cigarettes. The Commission is today requesting comment on the following limited issues: (1) Are Kool Ultra and Kool Ultra 100's assessed accurately by the current FTC method? (2) If not, how should these products be assessed?

The Commission wishes to reiterate that its "tar", nicotine, and carbon monoxide data are for comparative purposes only. How much "tar", nicotine, and carbon monoxide a particular cigarette delivers depends on the way it is smoked. "Tar", nicotine, and carbon monoxide delivery per cigarette will increase if the cigarette is inhaled more deeply, or puffed more frequently, by the smoker. If consumers who switch to lower yield cigarettes change their smoking pattern, for example, by smoking more cigarettes per day, they may receive a greater yield than suggested by the FTC test results.

All ventilated filter cigarettes pose a special problem. Many "lower tar" cigarettes achieve lower yields in part by use of a ventilated filter. Perforated holes or vents on the filter allow air to mix with the smoke during puffing, thus diluting the smoke and decreasing the yield. If the holes or vents are blocked, however, delivery will increase. Consumers will only achieve the relative "tar", nicotine, and carbon monoxide yields suggested by FTC tests for ventilated filter cigarettes if they avoid blocking the holes or vents on the filter with their lips or fingers while smoking the cigarettes.

If consumers avoid blocking ventilation holes, cigarettes smoked in the same fashion will yield "tar", nicotine, and carbon monoxide in general accordance with their relative FTC rankings. The Barclay filter, however, poses a unique problem. Reduced ventilation when smoking Barclay apparently occurs inevitably and cannot be avoided by informed consumers except by use of a cigarette holder. Therefore, the Commission is taking this action to correct the "tar", nicotine, and carbon monoxide figures for Barclay cigarettes previously disclosed in the FTC's 1983 Report.

Based on the evidence obtained in this inquiry, the Commission decided in June 1982 to solicit comments on proposals to modify its testing machine so that the relative yields of all cigarettes, including Barclay, may be assessed accurately. The Commission prepared a statement that shows how it determined that it needed to explore possible testing modifications. The Commission's statement and the underlying evidence are now under seal by a court order. Several members of the cigarette industry who participated in the investigation had access to the evidence prior to the imposition of the seal. The statement and the evidence, if available, would be helpful to those parties who did not participate in the investigation in preparing informed comment in response to this notice. The Commission does not know whether or when the court order sealing the evidence will be lifted. Therefore, to avoid further delay, the Commission has decided to seek public comment now rather than waiting to see if the seal will be lifted.

The Commission is seeking comments on each of the following proposed holders for its testing machine:

(A) The MK II "Filtrona" holder, manufactured by Cigarette Components Ltd. of London and sold in the United States by American Filtrona Corp., Richmond, Virginia. This holder increases the pressure on the filter, thereby reducing air flow through the channels on the Barclay-type filter.

(B) A modified version of the Cambridge holder currently used on the machine, containing a ring of foam rubber so as to abut the mouth end of the cigarette and block the exit channels on the Barclay-type filter.

(C) A cigarette holder designed so that one or more of the ventilation channels on the Barclay filter are blocked.

Each of these holders is intended to simulate the reduction in ventilation that occurs when humans smoke Barclay. The Commission has not yet determined whether any of these modifications are technically feasible and practicable, or whether some other modification will insure that all cigarettes, including Barclay can be ranked accurately.

The Commission also is requesting comments on the following specific questions and any other issues relevant to possible modifications of its testing methodology given the Commission's determinations regarding Barclay:

(1) Which of the proposed modifications, or what other modification, would yield the most appropriate test results for all cigarettes, given the Commission's finding in this matter and the consultants' estimates of Barclay's tar delivery?

(2) How quickly and easily, and at what cost, could the Commission implement each of the proposed modifications, or any other proposed modifications?

(3) Regarding proposal (C), which would more appropriately rank Barclay cigarettes—for example, a holder blocking two channels or one blocking three channels?

(4) Does the current FTC method accurately assess the relative "tar," nicotine, and carbon monoxide of Kool Ultra and Kool Ultra 100's each of which utilizes the Actron filter utilized in

Barclay? If not, how should these products be assessed?

(5) Given the Commission's findings, what action other than modification of the testing methodology, if any, is appropriate?

(6) Would there be unintended consequences from modifying the cigarette testing method and/or machine? What effect might modification have upon possible innovation in the cigarette design?

(7) Should the Commission further examine the implications for its testing program of the issues raised by compensatory smoking behavior, including hole blocking, when consumers smoke lower "tar" cigarettes? What is the evidence that smokers use higher "tar" cigarettes differently than lower "tar" cigarettes? What is the evidence regarding the extent of hole blocking by smokers of different ventilated filter cigarettes? How does behaviorally reduced air dilution affect the relative rankings of various brands? Are there problems regarding compensatory smoking behavior which are significant enough to warrant further exploration of changes in the method, beyond those necessitated by the Commission's findings concerning Barclay? What lines of inquiry would generate the most useful information if such an examination is undertaken? For example, should the Commission explore a system of categories or "bands" of "tar" content rather than specific numerical estimates? Also, should consumers be advised that the cigarettes' actual "tar" delivery depends on how it is smoked?

In addition to responses to these questions, the Commission will carefully consider any additional research, such as studies of blood cotinine in smokers and air dilution in ventilated filter cigarettes, or other relevant information bearing on the appropriate relative rankings of these products.

By direction of the Commission.

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 83-9899 Filed 4-12-83; 8:45 am]

BILLING CODE 6750-01-M

GENERAL SERVICES ADMINISTRATION

[GSA Bulletin FPMR D-195]

Public Buildings and Space; Agency Space Reduction Plan

March 28, 1983.

1. *Purpose.* This bulletin establishes the format, the data required, and the completion date for Agency Space Reduction Plans, as well as the first interim space reduction target as required by FPMR Temporary Regulation D-68, submission of space plans.

2. *Expiration date.* This bulletin expires June 30, 1983.

3. *Background.* Pursuant to the President's goal of reducing the size and cost of Government and to ensure more efficient use of space and facilities assigned to Federal agencies, FPMR Temporary Regulation D-68, was issued revising the policy and procedures governing the assignment and utilization of GSA controlled space.

FPMR 101-17.303 requires Federal agencies to develop an annual agency-wide space plan that will achieve significant reductions in GSA controlled space; when fully implemented achieve the objective of a Government-wide office space utilization rate of 135 square feet per person. GSA is responsible for establishing interim targets, approving each agency's space plan and reporting on implementation progress. This bulletin specifies the first interim target, the plan's format, and completion date.

4. *Scope.* Each Agency Space Reduction Plan must cover the entire inventory of space assigned to the agency by GSA. The plan must include a narrative summary addressing future projections of space requirements, personnel forecasts, and target office space utilization rates. Future requirements should be addressed by region and by geographic areas within the United States. Reductions and expansions of activities should be supported by planned programmatic changes or projected demographic movement. Specific goals related to organizational components of the agency should be included as applicable. Where formal Space Allocation Standards exist between GSA and the responding agency, the narrative summary should discuss the agency's intentions with respect to early reexamination of those standards in order to improve office space utilization rates.

The Agency Space Reduction Plan must also be assignment-specific; that is, it must contain a plan for all current assignments as well as space under request indicating what actions the agency plans in terms of reductions, realignments, relocations, etc. GSA will provide data on all current assignments (see paragraph 7 below) as assistance to agencies in developing their assignment-specific plans. In order to maximize savings to the Government, Agency Plans should reflect emphasis on reductions in leased space consistent with the expiration of current lease terms and early reductions in large assignments in Government-owned space. Assignment-specific plans must be submitted to GSA by returning the completed data sheets, or a reduced copy thereof, as discussed in paragraph 7.

5. *Interim target for agency space plans.* The first interim space reduction target for agencies housed in GSA controlled space is the achievement of either a minimum 10 percent reduction in their current office space utilization rate or a rate of 135 square feet per person by the end of Fiscal Year 1984. This target shall be applied to a baseline consisting of the total of all agency space assignments classified as "office space" by GSA unless the assignment is mainly for purposes other than general office activities. Examples of this type of space may include office space in warehouses, clinics, laboratories, training facilities, border stations, and the like. The justification for, and the cumulative impact of, these space assignments for purposes other than office activities must be addressed in the narrative portion of the plan and the individual assignments must be identified on a case-by-case basis. This latter requirement shall be accomplished by annotating the data sheets provided by GSA and by subtracting the total amount of such space from the agency's total office space to arrive at the baseline for space reduction. Achievement of the 135 square foot utilization rate or a *minimum* 10 percent reduction from the baseline of office space is required.

6. *Plan approval criteria.* Consistent with the objective of maximizing savings to the Government and the interim target of reducing the office space utilization rate by 10 percent by the end of FY 84, the following criteria will be used in approving Agency Space Reduction Plans.

a. Immediate reductions wherever possible with minimal alterations.

b. Initial emphasis on reductions in Government-owned space so as to provide space for relocation of activities currently housed in leased space.

c. Continued occupancy at expiring leased locations should be at the 135 square foot rate objective, unless otherwise justified.

d. Requests for space at new locations or expansion of existing assignments should conform to the 135 square foot objective.

e. Implementation time frames for planned reductions should be reasonable.

f. Phased or multiple reductions at individual assignments must be held to a minimum.

g. Where applicable, a commitment for early review and revision of any formal Space Allocation Standard that is not consistent with the objective to achieve a Government-wide office utilization rate of 135 square feet per person. In any case, this review should be completed no later than the end of the first quarter of FY 1984.

7. *Space Reduction Plan data sheets.* In order to assist agencies in preparing their assignment-specific reduction plans GSA is providing data sheets on each agency assignment. The data sheets are arranged in order of the 30 largest GSA planning communities followed by assignments in all other locations listed by region, State and city. These data sheets establish the assignment-specific planning format and they can be obtained from the GSA Public Buildings Service, Space Management Division, FTS 566–1875. Attachment A contains instructions for completing the assignment-specific portion of the Agency Space Reduction Plan.

8. *Desk Officer.* GSA agency liaison desk officers are available to assist agencies in their space reduction plans. Identification of the desk assignments can be obtained by contacting the Space Management Division, FTS 566–1875.

9. *Completion date.* Agency Space Reduction Plans are to be submitted to GSA no later than May 15, 1983.

Charles W. Sampson,

Acting Commissioner, Public Buildings Service.

Agency Space Reduction Plan

Format and Instructions for Developing Assignment Specific Plans

Overview. The detailed assignment-specific portion of the Agency Space Reduction Plan shall be completed using the space reduction plan data sheets provided by GSA. A sample data sheet is Attachment B. The data sheets have been assembled in three sections. The first section requires agencies to specify their reduction plans, location by location, first within the top 30 GSA planning communities followed by all other locations by region, State and city for all current assignments. GSA will provide data on all of the current assignments as well as current request data pertaining to each assignment, if applicable. The current assignment data will be listed according to leased locations by day of lease expiration and according to Government-owned assignments by size of office space assignment.

An assignment summary page will be included for each planning community. These summary pages will list current assignment data and each agency will be required to state how much space it will require after implementation of the reduction plan for the planning community in question.

The second part of the detailed space plan format requires agencies to examine new space requests that are not associated with any existing assignment and to specify what their plans are relative to those requests. (All other types of space requests; e.g., expansion at an existing location or a continuing requirement, will be covered in the first section.) These new space requests (which GSA refers to as Type A) will be listed, first, by those SMSA's which corresponds to the planning communities in Section 1, followed by all other locations by region, city and State. Additional Type A space requests not listed should be inserted by the responding agency, as appropriate.

The third section of the detailed space plan is a single page summary. It requires each agency to compare all current assignment data with all assignment data after all reduction plans have been implemented. This will enable GSA to ensure that all reduction plans reflect accomplishment of the interim objective of reducing the average utilization rate by 10 percent.

Detailed Instructions for Reduction Plan Data Sheets

Section I, Current Assignments in Major Planning Communities and Other Locations

Section I of the detailed portion of the Agency Space Reduction Plan requires agencies to specify their planned reductions at leased locations within the top 30 GSA planning communities. A list of the GSA planning communities is attached as Attachment C. After all leased locations are listed, assignments in Government-owned locations will be listed. The data included in Section I will be grouped into three headings: Current assignment data, proposed changes, and finally, the Agency Space Plan data. Data for the first two groupings will be provided by GSA. The third category, Agency Space Plan, must, of course, be completed by the occupant agency. Please note that outside parking is not included in the data provided by GSA, nor requested of agencies as part of their reduction plan. Following the listings for the major planning communities, similar listings for all other locations will be given. A description of the data by element number follows:

Current Assignment Data will be provided in Elements 1A through 3C.

Element 1A: Assignment location: Location of the assignment by building name, street address, and city.

Element 1B through 1D: Agency bureau, bureau code, and activity housed will be listed respectively.

Element 1E: The GSA assignment number.

Element 1F: The GSA building number.

Element 2A: The GSA lease number.

Element 2B: The GSA lease expiration date.

Element 2C: The GSA lease termination date.

Element 2D: The number of renewal options, if any, remaining on the lease.

Element 2E: The number of years in each renewal option.

Note.—For Government-owned locations there will be no printout for elements 2A through 2E.

Element 3A: Assigned space by type; i.e., office, storage, special.

Note.—Errors in square footage should be corrected by "x-ing" out the printed figures and inserting the correct figures below. Major discrepancies should be coordinated with the appropriate GSA regional office. All changes in square footage must be supported by a completed GSA Form 2972 Agency Request for Adjustment FBF SLUC Billing. This form can be completed and submitted subsequently to the submission of the Agency Space Reduction Plan. Forms should be submitted to the appropriate GSA regional office following normal procedures.

Element 3B: Personnel housed by type of space; i.e., office, storage, special.

Note.—If the personnel data are not accurate, the printed data should be "x-ed" out and the correct numbers inserted below the "x-ed" out figures. This update of the personnel figures in current assignments will take the place of GSA's annual census. The personnel definition to be used in determinig the number of personnel housed is that as found in section 101–17.003–12 of Temporary Regulation D–68, i.e., the peak number of persons to be housed in a given space assignement for which a work station must be provided. In addition to permanent Federal personnel, this may include temporaries, part time, seasonal, and contractual employees that connot share existing workstations as well as budgeted vacancies. Double and triple shift personnel are not to be included. if two employees share one workstation, only one employee is counted under personnel housed.

Element 3C: The current office space utilization rate.

Data on proposed changes, if any, will be provided for each assignment as follows:

Elements 4A through 4C: Space requested, if any, by type: i.e., office, storage, special.

Element 4D: Office personnel associated with the spce request.

Element 4E: The office utilization rate for the space request.

Element 4F: The type of space action requested; i.e.,

Expansion—new location
Expansion—same location
Continuing Requirement
Relocation
Reduction
New Construction/Renovation
Alteration

Element 4G: The GAS space request number.

Note.—When there are no proposed changes for the existing assignment, the printout will state that there are no requested space changes now in our records.

Agency Space Plan data will be required for the following elements as they pertain to the current assignment. All entries must be legible and dark enough to be reproduced. *Do not use blue ink or pencil in entering data.* Data inserted in 8A through 8J should reflect the total requirement for the activity in question. Do not insert just the amount to be reduced or increased, etc.

Elements 8A through 8C: In these blanks, the responding agency should insert the amount of space required for the subject assignment by type of space; i.e., office, storage, special.

Elements 8A through 8F: In these blanks, the responding agency should insert the amount of personnel to be housed in each type of space as indicated.

Element 8G: Insert the office utilization rate based on the plan for the particular assignment.

Element 8H: Indicate by inserting "yes" or "no" as to whether the plan reflects a relocation or collocation of this assignment. Please note, even if the space request data reflects a relocation action, please reaffirm that by responding to 8H appropriately. Also, Please provide any comments that might be helpful to GSA with respect to where, for example, the assignment should be housed after relocation, if known.

Element 8I: Insert the fiscal year and quarter you plan to submit the Standard Form 81, Request for Space, to confirm the space plan for this assignment. If already submitted, insert actual quarter and final fiscal year the SF81 was submitted to GSA. If no SF81 is required insert "2/83" to reflect the second quarter of Fy 83.

Element 8J: Insert the implementation date desired for accomplishment of the agency plan. If no change in current assignment data is planned insert "2/83"; i.e., the second quarter of FY 83.

Element 9A: Insert in the space provided comments that will assist GAS in implementing the space reduction plan for the particular assignment in question. Also as applicable, provide the justification referenced in par. 5 of this bulletin that supports an exemption for space used primarily for non-office activities.

Note.—After each planning community, summary data is requested. GSA is providing all current assignment data within the community, the responding agency must insert the "plan" data. However, the Plan data must incorporate all new space action requests as contained in Section II of the plan. See below.

Section II, Requests for New Space Not Related to an Existing Assignment

Section II is concerned with current and future space requests that are not associated with any existing assignment. GSA will provide the basic space request data for each agency in its data base, first by major SMSA, followed by all other locations. The responding agency will insert the appropriate data in the spaces provided to reflect its plan with respect to that new space request. A description of each data element in this portion of the space plan follows below. Please note that the location, i.e., city and State will appear at the top of the printout.

Element 1A: The agency bureau code will be provided.

Element 1B: The GSA space reqest number will be provided.Elements 2A through 2C: The type and amount of space requested will be provided.

Elements 2D through 2F: The personnel to be housed in each type of space will be provided.

Note.—Currently our space request file only provides for office personnel, it is planned to expand this capability to accommodate all personnel.

Element 2G: The office utilization rate of the space request will be provided. If zero office personnel is listed, the utilization rate will be listed as zero.

Elements 3A through 3C: The responding agency must insert the type and amount of space it plans to obtain for this community.

Elements 3D through 3F: The responding agency must insert the number of personnel housed by type of space; i.e., office, storage, or special.

Element 3C: The responding agency must insert the planned office utilization rate for this new space.

Element 4A: The responding agency must submit the date for which the SF81 is to be submitted to formally notify GSA of the change in the space request. If there are no planned changes in the space data provided by GSA, repeat the data listed and state the date of the SF81 already submitted by quarter and fiscal year.

Element 4B: The responding agency must insert the target implementation date for this space action.

Element 5A: The responding agency should provide any comments that will assist GSA in satisfying this request. All comments must be typed or printed. *Do not use blue ink or pencil.* Also, as applicable, provide the justification referenced in par. 5 of this bulletin that supports an exemption for space used primarily for non-office activities.

Note.—If the responding agency is aware of future requests for new space that are not listed in the plan format, the agency must include them by listing the city and State and provide the data as required in elements 1A and 3A through 5A as well as any comments, as appropriate.

Section III, Summary Data

Section III of the detailed Agency Space Reduction Plan requires summary data on the amount of space to be occupied and the overall utilization rate for the agency. GSA will provide current assignment data. The responding agency must insert the summary data for the space plan assuming full implementation of all planned space actions contained in parts I and II. Entry blanks provided for projected SLUC rates may be disregarded. For convenience purposes, this summary page has been placed at the beginning of the data sheets package.

BILLING CODE 6820-23-M

BILLING CODE 6820-23-C

GENERAL SERVICES ADMINISTRATION
PUBLIC BUILDINGS SERVICE
OFFICE OF SPACE MANAGEMENT

THE AGENCY SPACE PLAN FOR DEPARTMENT OF AGRICULTURE

IN THE PLANNING COMMUNITY OF OTHER SPACE - REGION 01

DATE OF THIS PRINTOUT 02/03/83

1A ASSIGNMENT LOCATION: PROFESSIONAL BLDG, 402 LONGHILL RD, GROTON, CT
1B BUREAU NAME ANIMAL & PLANT HEALTH INSPECTION SERVICE
1C BUREAU CODE 1234
1D ACTIVITY
1E ASSIGNMENT NUMBER ACT43378
1F BUILDING NUMBER CT3218ZZ

2A LEASE NUMBER LCT03287 2B LEASE EXPIRATION DATE 11/30/83 2C LEASE TERMINATION DATE 11/30/81
2D RENEWAL OPTIONS REMAINING: 0
2E NUMBER OF YEARS IN EACH RENEWAL OPTION: 0

CURRENT ASSIGNMENT DATA	3A ASSIGNED SPACE BY TYPE OFFICE	STORAGE	SPECIAL	3B PERSONNEL HOUSED BY SPACE TYPE OFFICE	STORAGE	SPECIAL
	526	0	90	3	0	0

3C OFFICE SPACE UTILIZATION RATE 175

PROPOSED CHANGES FOR THIS ASSIGNMENT PER GSA FILES	SPACE REQUESTED BY TYPE OFFICE	STORAGE	SPECIAL	OFFICE PERSONNEL	OFFICE UTILIZATION RATE	TYPE OF SPACE ACTION REQUESTED	SPACE REQUEST NUMBER
	4A 500	4B 0	4C 0	4D 3	4E 167	4F RELOCATION	4G RCT83190

PLEASED ENTER DATA FOR YOUR SPACE PLAN FOR THIS ASSIGN.	SPACE PLAN BY TYPE OFFICE	STORAGE	SPECIAL	PERSONNEL TO BE HOUSED OFFICE	STORAGE	SPECIAL	OFF. UTILIZATION RATE	RELOCATION/ COLLOCATION (YES/NO)	DATE SF81 SUBMITTED	IMP DATE
	8A	8B.....	8C.....	8D.....	8E.....	8F.....	8G.....	8H.....	8I....	8J....

9A COMMENTS: PLEASE PROVIDE GSA WITH ANY COMMENT OR OTHER INFORMATION RELATIVE TO YOUR ASSIGNMENT THAT WOULD ASSIST GSA IN IMPLEMENTATION.

UMI
VOL 48 ISS 72 APR 13 1983

March 28, 1983

GSA Major Planning Communities

Boston
New York
Newark
Puerto Rico
Philadelphia
Pittsburgh
Baltimore
Norfork-Virginia Beach-Portsmouth
Atlanta
Birmingham
Miami
Chicago
Detroit
Minneapolis-St. Paul
Kansas City
Omaha
St. Louis
Dallas-Ft. Worth
Houston
Albuquerque
New Orleans-Metairie
Boulder-Denver
Salt Lake City
San Francisco-Oakland
Los Angeles-Orange Countries [1]
Phoenix
Seattle [2]
Portland
Anchorage
Washington, DC

[FR Doc. 83-9869 Filed 4-12-83; 11:25 am]
BILLING CODE 6820-23-M

Office of the Administrator

Advisory Board; Meeting

Notice is hereby given that the GSA Advisory Board's Subcommittee on Contracting will meet on April 18, 1983, from 10:00 a.m. to 4:00 p.m., in Room 328 of the John W. McCormack Federal Post Office/Courthouse, located on Post Office Square, Boston, Massachusetts. This session will be open to the public and will be devoted to a discussion and review of the subcommittee's efforts to assist GSA in improving its internal contracting policy formulation process, develop plans to increase the use of automated technology in procurement, and to review progress in enhancing the professionalism of the agency's contracting workforce.

Less than fifteen (15) days notice of this meeting is being provided due to scheduling difficulties.

For further information on room location or other details, contact Roger C. Dierman, Deputy Associate Administrator, on (202) 523-1141.

Charles S. Davis III,

Associate Administrator.

[FR Doc. 83-9868 Filed 4-12-83; 8:45 am]
BILLING CODE 6820-25-M

[1] In the reduction plan data sheets the assignments for the Los Angeles Planning community are listed under the heading "Seattle-Puget Sound Area." We regret this error.

[2] Data sheets for the assignments in the Seattle planning community are listed under the heading "Seattle Get-Sound Area." We regret this error.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N-83-1226]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed infromation collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESS: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410, telephone (202) 755-5310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposal should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirement is described as follows:

Submission of Proposed Information Collection to OMB

Proposal: Annual Housing Survey—National Sample
Office: Housing
Form number: AHS-1, AHS-2 and AHS-394(CC)
Frequency of submission: Biennially
Affected public: Individuals or Households
Estimated burden hours: 38,423
Status: Revision
Contact: Duane T. McGough, HUD, (202) 755-5060, Robert Neal, OMB, (202) 395-7316

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: March 25, 1983.

Judith L. Tardy,

Assistant Secretary for Administration.

[FR Doc. 83-9864 Filed 4-12-83; 8:45 am]
BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Intent To Prepare an Environmental Impact Statement and Notice of Public Scoping Meetings for Proposed Marina Project on Swinomish Indian Reservation, Washington

AGENCY: Bureau of Indian Affairs, Department of the Interior.

ACTION: Notice of meeting.

SUMMARY: This notice advises the public that the Bureau of Indian Affairs intends to have prepared and to issue an Environmental Impact Statement (EIS) on a lease (25 CFR Part 162) of part of the Swinomish Indian Reservation in Washington for use as a marina. This notice is being published as required by the National Environmental Policy Act (NEPA) regulations (40 CFR 1501-7) to obtain information and comments from other agencies and the public on the scope of issues to be addressed in the EIS. Participation in this scoping process by all interested parties is solicited. Public scoping meetings will be held.

DATE: Two public scoping meetings will be held on May 10, 1983 at the Community Service Building, 1656 Reservation Road, Swinomish Tribal Community, LaConner, Washington. These meetings will commence at 2:00 p.m. and 7:00 p.m.

ADDRESS: Comments should be addressed to: Area Director, Bureau of Indian Affairs, Portland Area Office, P.O. Box 3785, Portland, Oregon, 97208.

FOR FURTHER INFORMATION CONTACT: Bob Taylor, Environmental Coordinator, Bureau of Indian Affairs, Portland Area Office, P.O. Box 3785, Portland, Oregon 97208, Telephone Number: (503) 231–2208; FTS 429–2208.

SUPPLEMENTARY INFORMATION: The Swinomish Tribe proposes to negotiate a lease agreement providing for the use of approximately 132 acres of reservation lands as a marina and complementary shore facilities. The Tribe's purpose in proposing this project is to diversify from the existing limited economic base of fish processing and retail business and provide additional economic development opportunity for the Tribe. Review and approval of the negotiated lease agreement by the Bureau of Indian Affairs will be required.

The proposed project, located on the Reservations' Industrial Port District will involve the dredging and disposal of approximately 50 acres of tidelands for the development of a 1,000 slip marina, and the construction of upland complementary shore facilities. The upland portion of the proposed project includes approximately 35 acres of previously filled wetlands.

The proposed project site is under Federal Trust ownership status. The 132 acre site lies on the westerly shores of the Swinomish Channel, directly north of State Highway 20. The site abuts Marches Point to the west. Padilla Bay National Estuarine Sanctuary, established by NOAA in 1982, is separated from the site by the Swinomish Channel, a navigational waterway maintained through periodic dredging operations by the U.S. Army Corps of Engineers.

The entire proposed project is located in an area of the Swinomish Reservation that is zoned Industrial. A portion of the site was developed as an Industrial Port District Under the Economic Development Administration's Industrial Development Project in 1974. Phase III of that development called for filling all remaining tribal lands south of the Burlington Northern tracks. Those remaining tribal lands consist of a tidal basin of approximately 26 acres which will be used as the dredge spoils site. The property is currently vacant.

The site is crossed by the Burlington Northern Railroad, the Anacortes water transmission pipeline, and a Puget Power transmission line.

The environmental review of this proposed project will be conducted in accordance with the requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4371 et seq.), Council on Environmental Quality regulations (40 CFR Parts 1500–1508), and the Department of the Interior procedures (516 DM 1–6) for compliance with those regulations. We estimate that a draft EIS will be made available to the public about October 1983.

The meeting site can be reached by crossing the Rainbow Bridge at LaConner and proceeding past Snee-oosh Road one-half block on right.

In accordance with the Council on Environmental Quality Regulations for implementing procedural provisions of the National Environmental Policy Act (40 CFR 1501.7, 1506.6), the purpose of the meetings will be to determine the scope of issues to be addressed in the EIS and to identify significant issues related to the proposed action. Comments may be presented orally or in writing at the public scoping meetings Written comments to supplement or in lieu of oral presentations should be received by May 9, 1983 to be included in the scoping record.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

Dated: April 6, 1983

Kenneth Smith,

Assistant Secretary—Indian Affairs

[FR Doc. 83-9656 Filed 4-12-83; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

California, Resource Management Plan/Environmental Impact Statement

April 5, 1983.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability of Draft Resource Management Plan/ Environmental Impact Statement.

SUMMARY: Pursuant to Section 202(f) of the Federal Land Policy and Management Act of 1976 and Section 102(c) of the National Environmental Policy Act of 1969, a Draft Resource Management Plan/Environmental Impact Statement (RMP/EIS) has been prepared for the Alturas Resource Area. The Alturas Resource Area, Susanville District, contains approximately 407,300 acres of public land located in Northeastern California, including Modoc County and the Northern portion of Lassen County. The Draft RMP/EIS examines five management plan alternatives: Maximized production; balanced use; maximized protection (including no grazing); present management (no-action); and the preferred alternative.

SUPPLEMENTARY INFORMATION:

Public Participation

Copies of the Draft RMP/EIS are available from the Alturas Resource Area Office: P.O. Box 771, Centerville Road, Alturas, California 96101, phone (916) 233–4666 and the Susanville District Office: P.O. Box 1090, 705 Hall Street, Susanville, California 96130, phone (916) 257–5381.

Written comments on the Draft RMP/ EIS should be submitted between April 15 and July 15 (90 day comment period) to Richard Drehobl, Area Manager, Bureau of Land Management, P.O. Box 771, Alturas, California 96101.

All comments concerning the adequacy of the Draft RMP/EIS will be considered in the preparation of the final RMP/EIS for the Alturas Resource Area.

FOR FURTHER INFORMATION CONTACT: Richard Drehobl, Alturas Area Manager, (916) 233–4666.

Bruce P. Conrad,

Acting State Director.

[FR Doc. 83-9675 Filed 4-12-83; 8:45 am]

BILLING CODE 4310-84-M

California; Filing of Plat of Survey

April 1, 1983.

1. This plat of survey of the following described land will be officially filed in the California State Office, Sacramento, California immediately:

San Bernardino Meridian, California

T. 10 N., R. 1 E.

2. This supplemental plat of section 22, T. 10 N., R. 1 E., San Bernardino Meridian, was accepted March 11, 1983.

3. The plat will immediately become the basic record for describing the land for all authorized purposes. The plat has been placed in the open files and is available to the public for information only.

4. This survey was executed to meet certain administrative needs of this Bureau.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage

Way, Room E–2841, Sacramento, California 95825.

Herman J. Lyttge,

Chief, Records and Information Section.

[FR Doc. 83–9684 Filed 4–12–83; 8:45 am]

BILLING CODE 4310–84–M

[Group 764]

California; Notice of Filing of Plat of Survey

April, 1, 1983.

1. This plat of survey of the following described land will be officially filed in the California State Office, Sacramento, California immediately:

Mount Diablo Meridian, California

T 44 N., R. 9 W.

2. This plat, respresenting the dependent resurvey of a portion of the north boundary, a portion of the subdivisional lines, and Mineral Survey No. 3450, and the survey of the subdivision of section 3, T. 44 N., R. 9 W., Mount Diablo Meridian, Under Group No. 764, California, was accepted March 14, 1983.

3. The plat will immediately become the basic record for describing the land for all authorized purposes. The plat has been placed in the open files and is available to the public for informaiton only.

4. This survey was executed to meet certain administative needs of this Bureau.

5. All inquiries relating to this land should be sent to the California State office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E–2841, Sacramento, California, 95825.

Herman J. Lyttge,

Chief, Records and Information Section.

[FR Doc. 83–9685 Filed 4–12–83; 8:45 am]

BILLING CODE 4310–84–M

Lakeview District Advisory Council; Meeting

Notice is hereby given in accordance with Pub. L. 94–579 and 43 CFR 1780 that a meeting of the Lakeview District Advisory Council will be held on May 12, 1983. The meeting will begin at 8:00 a.m. at the Lakeview District Office at 1000 So. Ninth St., Lakeview, Oregon.

The agenda for the meeting will include:

1. Organization and role of the District Advisory Council.
2. Asset Management/DLE's.
3. Range Program Summary (RPS) Updated.

Field tour to discuss:

4. Wilderness.
5. State Land Exchange.
6. Range Management Topics.

Interested persons may make oral statements before the Council or file written statements for the Council's consideration.

Summary minutes of the Council Meeting will be maintained in the District Office and available for public inspection (during regular business hours) within 30 days following the meeting.

Dated: April 4, 1983.

Richard A. Gerity,

District Manager.

[FR Doc. 83–9678 Filed 4–12–83; 8:45 am]

BILLING CODE 4310–84–M

[W–84561]

Wyoming; Invitation for Coal Exploration License, Wyodak Resources Development Corporation

April 1, 1983.

Wyodak Resources Development Corporation hereby invites all interested parties to participate on a pro rata cost sharing basis in its coal exploration program concerning federally owned coal underlying the following described land in Campbell County, Wyoming:

6th Principal Meridian, Wyoming

T. 49 N., R. 71 W.,
Sec. 2: NW¼;
Sec. 3: E½NE¼, NE¼SE¼;

6th Principal Meridian

T. 50 N., R. 71 W.,
Sec. 35: SW¼
Containing 440.00 acres.

All of the coal in the above lands consists of unleased Federal coal within the Powder River Basin Known Recoverable Coal Resource Area. The purpose of the exploration program is to determine the quantity of coal available as well as other coal resource data.

A detailed description of the proposed drilling program is available for review during normal business hours in the following offices (under serial number W–84561): The Bureau of Land Management, 2515 Warren Avenue, P.O. Box 1828, Cheyenne, Wyoming 82001; and the Bureau of Land Management, 951 Rancho Road, Casper, Wyoming 82601.

This notice of invitation will be published in this newspaper once each week for two consecutive weeks beginning the week of April 18, 1983, and in the **Federal Register**. Any party electing to participate in this exploration program must send written notice to both The Bureau of Land Management and Wyodak Resources Development Corporation no later than 30 days after publication of this invitation in the **Federal Register**. The written notice should be sent to the following addresses: Wyodak Resources Development Corporation, 625 Ninth Street, P.O. Box 1400, Rapid City, South Dakota 57709; and the Bureau of Land Management, Wyoming State Office, Branch of Solid Minerals, P.O. Box 1828, Cheyenne, Wyoming 82001.

The foregoing notice is published in the **Federal Register** pursuant to Title 43, Code of Federal Regulations, § 3410.2–1(c)(1).

Judith A. Moffitt,

Acting Chief, Branch of Solid Minerals.

[FR Doc. 83–9681 Filed 4–12–83; 8:45 am]

BILLING CODE 4310–84–M

[W–84562]

Wyoming; Invitation for Coal Exploration License, Northwestern Resources Company

April 1, 1983.

Northwestern Resources Company hereby invites all interested parties to participate on a pro rata cost sharing basis in its coal exploration program concerning federally owned coal underlying the following described land in Hot Springs County, Wyoming:

6th Principal Meridian

T. 44 N., R. 95 W.,
Sec. 5, SW¼, W½SE¼;
Sec. 6, Lots 6, 7, E½SW¼, SE¼;
Sec. 7, Lots 1, 2, W½NE¼, E½NW¼, SE¼;
Sec. 8, NE¼, N½NW¼, SE¼NW¼, S½;
Sec. 9, NW¼NW¼, S½NW¼, SW¼.

6th Principal Meridian

T. 44 N., R. 96 W.,
Sec. 1: Lots 1, 2, S½NE¼, SE¼.
Containing 2,138.85 acres.

All of the coal in the above lands consists of unleased Federal coal. The purpose of the exploration program is to determine the quantity and quality of the coal within the boundaries of the application area.

A detailed description of the proposed drilling program is available for review during normal business hours in the following offices (under serial number W–84562): The Bureau of Land Management, 2515 Warren Avenue, P.O. Box 1828, Cheyenne, Wyoming 82001; and the Bureau of Land Management, 1700 Robertson Avenue, P.O. Box 119, Worland, Wyoming 82401.

This notice of invitation will be published in this newspaper once each week for two consecutive weeks beginning the week of April 18, 1983, and in the **Federal Register**. Any party

electing to participate in this exploration program must send written notice to both the Bureau of Land Management and Northwestern Resources Company no later than 30 days after publication of this invitation in the **Federal Register**. The written notice should be sent to the following addresses: Northwestern Resources Company, c/o Thomas L. Loberg, P.O. Box 1899, Billings, Montana 59103; and The Bureau of Land Management, Wyoming State Office, Branch of Solid Minerals, P.O. Box 1828, Cheyenne, Wyoming 82001.

The foregoing notice is published in the **Federal Register** pursuant to Title 43, Code of Federal Regulations, §3410.2–1(c)(1).

Judith A. Moffitt,

Acting Chief, Branch of Solid Minerals.

[FR Doc. 83-9682 Filed 4-12-83; 8:45 am]

BILLING CODE 4310-84-M

[I-17736]

Realty Action; Competitive Sale of Public Land in Bear Lake County, Idaho

The following described land has been examined, and through the development of land use decisions based on public input, it has been determined that the sale of this tract is consistent with Section 203(a) of the Federal Land Policy and Management Act of 1976. The land will be offered for sale at public auction for no less than the appraised fair market value indicated below. Both sealed and oral bids will be accepted.

Tract No. 1, 80 Acres, $17,400 Value.
T. 16 S., R. 45 E., B.M.,
Sec. 11: E½SE¼.

The above aggregates 80 acres.

Upon publication of this Notice in the **Federal Register**, the land described above will be segregated from all forms of appropriation under the public land laws, including the mining laws, but excepting the mineral leasing laws, for a period of two years, or until the lands are sold. The segregative effect may otherwise be terminated by the Authorized Officer by publication of a termination notice in the **Federal Register** prior to the expiration of the two-year period.

The lands will be subject to the following reservations when patented:

1. Ditches and Canals.
2. Mineral Reservation.
3. Subject to All Existing Rights.

DATE: The public auction will be held on June 14, 1983 at 1:30 p.m.

ADDRESS: The public auction will be held at the Sheriff's Building, Commissioners Annex, 50 N. Main, Paris, Idaho. Additional information concerning these lands, terms and conditions of the sale and bidding instructions may be obtained from Marvin R. Bagley, Area Manager, at the Soda Springs Resource Area Office, 490 East 2nd South, Soda Springs, Idaho or by calling (208) 547–2161 during office hours.

SUPPLEMENTARY INFORMATION: For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager regarding the proposed action. Any adverse comments will be evaluated by the District Manager who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Department of the Interior.

FOR FURTHER INFORMATION CONTACT: O'dell Frandsen, District Manager, Bureau of Land Management, 940 Lincoln Road, Idaho Falls, Idaho 83401.

Dated: April 4, 1983.

O'dell A. Frandsen,

District Manager.

[FR Doc. 83-9683 Filed 4-12-83; 8:45 am]

BILLING CODE 4310-84-M

Bureau of Reclamation

Tualatin Project, Second Phase, Oregon; Intent To Prepare a Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior intends to prepare a draft environmental statement (ES) on the Tualatin Project, Second Phase, located on the Tualatin River in northwestern Oregon. The draft ES will be integrated with a planning report which will present actions purposed for the unit.

A feasibility study, authorized by Public Law 89–561, has investigated the potential for a multipurpose water and related land resource development. The key features of the plan would be a dam and reservoir on the Tualatin River upstream from the town of Gaston.

Implementation of the plan would provided: (1) Additional municipal and industrial water supplies; (2) increased streamflows to improve water quality in the Tualatin River; (3) a wide variety of recreation opportunities associated with the reservoir and Tualatin River; (4) water for irrigation of lands along the Tualatin River; (5) a reduction of flood damages on the Tualatin River; and (6) fish and wildlife measures.

The recommended plan is based on construction of a dam and 110,000 acre-foot reservoir at the Mount Richmond site, about 2 miles west of Gaston. The alternative plan would move the dam downstream about 1¾ miles to the Gaston site. Both the recommended plan and the alternative plan would meet the same level of needs. Development at either site would essentially inundate the town of Cherry Grove. The reasons for selecting the Mount Richmond site for the recommended plan include fewer total areas inundated, less cropland and pasture inundated, fewer archeological sites affected and fewer miles of free-flowing river lost. In addition, anadromous and resident fishery costs would be less at the recommended site, hydropower generation potential would be greater, and the reservoir resident fishing would be better.

There have been several opportunities to date for public input into the investigation and identification of potential environmental effect. A multidisciplinary public and agency team evaluated the effects of the alternative plans. In addition, the Bureau of Reclamation and other participating agencies have met numerous times with local officials and groups to discuss the project proposal. The Regional Director's field draft report on the project was released for public review in April 1980. This report included a discussion on anticipated environmental impacts and proposed mitigation measures. Comments and suggestions from the public have been used in completing the feasibility investigation.

Because of the extensive input, review, and comment received from interested agencies and individuals, on formal scoping session is planned.

Interested public entities and individuals may still obtain information on the project and provide input to the draft ES. The integrated report/draft ES is expected to be available for review and comment by July 1983.

The contact person for this draft ES is Mr. Robert A. Adair, Environmental Specialist, Bureau of Reclamation, Box 043, 550 West Fort Street, Boise, Idaho 83724, telephone (208) 334–1209.

Dated: April 7, 1983.

Robert N. Broadbent,

Commissioner.

[FR Doc. 83-9704 Filed 4-12-83; 8:45 am]

BILLING CODE 4310-09-M

Minerals Management Service

Alaska Outer Continental Shelf; Availability of a Final Environmental Impact Statement for a Proposed Sand and Gravel Lease Offering in the Diapir Field Region of the Beaufort Sea

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Minerals Management Service has prepared a final environmental impact statement (EIS) relating to a proposed Outer Continental Shelf (OCS) Sand and Gravel Lease Offering in the Diapir Field, off the northern coast of Alaska.

Single copies of the draft EIS can be obtained from the Regional Manager, Alaska OCS Region, P.O. Box 1159, Anchorage, Alaska 99510.

Copies of the draft EIS will also be made available for inspection in the following public libraries: Alaska Federation of Natives, Suite 304, 1577 O Street, Anchorage, AK 99501; Anchor Point Public Library, Anchor Point, AK 99556; Department of the Interior Resources Library, Box 36, 701 C Street, Anchorage, AK 99513; Cordova Public Library, Box 472, Cordova, AK 99574; Kenai Community Library, Box 157, Kenai, AK 99611; Elim Learning Center, Elim, AK 99739; Haines Public Library, P.O. Box 36, Haines, AK 99827; North Star Borough Library, Fairbanks, AK 99701; University of Alaska, Institute of Social and Economic Research Library, Fairbanks, AK 99801; Homer Public Library, Box 356, Homer, AK 99603; Z. J. Loussac Public Library, 427 F Street, Anchorage, AK 99801; Juneau Memorial Library, 114 W. 4th Street, Juneau, AK 99824; Alaska State Library, Documents Librarian, Pouch G, Juneau AK 99811; Ketchikan Public Library, 629 Dock Street, Ketchikan, AK 99901; Department of Defense, Army Corps of Engineers Library, P.O. Box 7002, Anchorage, AK 99501; Kodiak Public Library, P.O. Box 985, Kodiak, AK 99615; Metlakatla Extension Center, Metlakatla, AK 99926; Department of the Interior, Bureau of Mines Library, AF–F.O. Center, P.O. Box 550, Juneau, AK 99802; Petersburg Extension Center, Box 289, Petersburg, AK 99833; Seldovia Public Library, Drawer D, Seldovia, AK 99663; Seward Community Library, Box 537, Seward AK 99664; University of Alaska Juneau Library, P.O. Box 1447, Juneau, AK 91447; Sitka Community Library, Box 1090, Sitka, AK 99835; Douglas Public Library, Box 429, Douglas, AK 99824; University of Alaska Anchorage Library, 3211 Providence Drive, Anchorage, AK 99504; University of Alaska Elmer E. Rasmusson Library, Fairbanks, AK 99701; Wrangell Extension Center, Box 651, Wrangell, AK 99929.

Harold Doley,

Director, Minerals Management Service.

Bruce Blanchard,

Director, Environmental Project Review.

[FR Doc. 83–9735 Filed 4–12–83; 8:45 am]

BILLING CODE 4310–MR–M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–143]

Amorphous Metal Alloys and Amorphous Metal Articles; Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. section 1337 and 19 U.S.C. section 1337a.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on March 11, 1983, under section 337 of the Tariff Act of 1930, 19 U.S.C. section 1337, and under 19 U.S.C. section 1337a, on behalf of Allied Corporation, Park Avenue and Columbia Road, Morristown, New Jersey 07960. The complaint alleges unfair methods of competition and unfair acts in the importation of certain amorphous metal alloys and amorphous metal articles into the United States, or in their sale, by reason of alleged (a) infringement of at least claims 1, 3 and 4 of U.S. Letter's Patent No. 3,856,513; (b) infringement of at least claims 1 and 2 of U.S. Letters Patent No. 4,331,739; and (c) infringement of at least claims 1, 2, 3, 5, 8 and 12 of U.S. Letters Patent No. 4,221,257. The complaint further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

The complainant requests the Commission to institute an investigation and, after a full investigation, to issue a permanent exclusion order and a permanent cease and desist order.

Authority: The authority for instutition of this investigation is contained in section 337 of the Tariff Act of 1930 and in § 210.12 of the Commission's Rules of Practice and Procedure (19 CFR 210.12).

Scope of Investigation

Having considered the complaint, the U.S. International Trade Commission, on April 6, 1983, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, an investigation be instituted to determine whether there is a violation of subsection (a) of section 337 in the unlawful importation of certain amorphous metal alloys and amorphous metal articles into the United States, or in their sale, by reason of alleged (a) infringement of the claims of U.S. Letters Patent No. 3,856,513; (b) infringement of the claims of U.S. Letters Patent No. 4,331,739; and (c) infringement of the claims of U.S. Letters Patent No. 4,221,257, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—Allied Corporation, Park Avenue and Columbia Road, Morristown, N.J. 07960.

(b) The respondents are the following companies, alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

TDK Electronics, Co., Ltd., 13–1, 1 Chome, Nichonbashi, Chuo-ku, Tokyo 103, Japan

Vacuumschmelze GmbH, Gruener Weg 37, D–6450 Hanau 1, West Germany

Hitachi, Ltd., New Marunouchi Bldg., 5–1, 1-chome, Marunouchi, Chiyoda-ku, Tokyo, Japan

Hitachi Metals, Ltd., Kishinoto Bldg., 2–1, Marunochi 2-chome, Chiyoda-ku, Tokyo, Japan

TDK Electronics Co., Ltd., 12 Harbor Park Drive, Port Washington, N.Y. 11050

M H & W International Corporation, 14 Leighton Place, Mahwah, N.J. 07430

Siemens Corporation, 186 Wood Ave. South, Iselin, N.J. 08830

Hitachi Metals International, Ltd., 1 Red Oak Lane, White Plains, N.Y. 10604

Hitachi Magnetics Corporation, Neff Road, Edmore, MI 48829

(c) Lynn Levine, Esq., Unfair Import Investigations Division, U.S. International Trade Commission, 701 E Street NW., Room 124, Washington, D.C. 20436, shall be the Commission investigative attorney, a party to this investigation; and

(3) For the investigation so instituted, Donald K. Duvall, Chief Administrative Law Judge, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, shall designate the presiding officer.

Responses must be submitted by the named respondents in accordance with § 210.21 of the Commission's Rules of Practice and Procedure (19 CFR

§ 210.21). Pursuant to §§ 201.16(d) and 210.21(a) of the rules, such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting a response will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the presiding officer and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings.

The complaint, except for any confidential information contained therein, is avaiable for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Room 156, Washington, D.C. 20436, telephone 202–523–0471.

FOR FURTHER INFORMATION CONTACT: Lynn Levine, Esq., Unfair Import Investigations Division, U.S. International Trade Commission, telephone 202–523–0419.

By order of the Commission.

Issued: April 7, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-9787 Filed 4-12-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731-TA-130 (Preliminary)]

Chloropicrin From the People's Republic of China

AGENCY: United States International Trade Commission.

ACTION: Institution of a preliminary antidumping investigation and scheduling of a conference to be held in connection with the investigation.

EFFECTIVE DATE: April 6, 1983.

SUMMARY: The United States International Trade Commission hereby gives notice of the institution of a preliminary antidumping investigation under section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from the People's Republic of China of chloropicrin, provided for in items 408.16, 408.29, or 425.52 of the Tariff Schedules of the United States, which is alleged to be sold in the United States at less than fair value.

FOR FURTHER INFORMATION CONTACT: Mr. George Deyman, Office of Investigations, U.S. International Trade Commission, 701 E Street, NW., Washington, D.C. 20436, telephone 202–523–0481.

SUPPLEMENTARY INFORMATION:

Background

This investigation is being instituted in response to a petition filed on April 6, 1983, on behalf of LCP Chemicals and Plastics, Inc. and Niklor Chemical Co., Inc., U.S. producers of chloropicrin. The Commission must make its determination in the investigation within 45 days after the date of the filing of the petition, or by May 23, 1983 (19 CFR 207.17).

Participation

Persons wishing to participate in this investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided for in § 201.11 of the Commission's Rules of Practice and Procedure (19 CFR 201.11) not later than seven (7) days after the publication of this notice in the **Federal Register**. Any entry of appearance filed after this date will be referred to the Chairman, who shall determine whether to accept the late entry for good cause shown by the person desiring to file the notice.

Service of documents

The Secretary will compile a service list from the entries of appearance filed in the investigation. Any party submitting a document in connection with the investigation shall, in addition to complying with § 201.8 of the Commission's rules (19 CFR 201.8), serve a copy of the nonconfidential version of each such document on all other parties to the investigation. Such service shall conform with the requirements set forth in § 201.16(b) of the rules (19 CFR 201.16(b), as amended by 47 FR 33682, Aug. 4, 1982).

In addition to the foregoing, each document filed with the Commission in the course of this investigation must include a certificate of service setting forth the manner and date of such service. This certificate will be deemed proof of service of the document. Documents not accompanied by a certification of service will not be accepted by the Secretary.

Written submissions.—Any person may submit to the Commission on or before May 2, 1983, a written statement of information pertinent to the subject matter of this investigation (19 CFR 207.15). A signed original and fourteen (14) copies of such statements must be submitted (19 CFR 201.8).

Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately, and each sheet must be clearly marked at the top "Confidential Business Data." Confidential submissions must conform with the requirements of § 201.6 of the Commission's rules (19 CFR 201.6) All written submissions, except for confidential business data, will be available for public inspection.

Conference

The Director of Operations of the Commission has scheduled a conference in connection with this investigation for 9:30 a.m., on April 28, 1983, at the U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. Parties wishing to participate in the conference should contact the staff investigator, Mr. George Deyman (202–523–0481), not later than April 26, 1983, to arrange for their appearance. Parties in support of the imposition of antidumping duties in the investigation and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference.

Public inspection

A copy of the petition and all written submissions, except for confidential business data, will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E. Street, NW., Washington, D.C.

For further information concerning the conduct of this investigation and rules of general application, consult the Commission's Rules of Practice and Procedure , part 207, subparts A and B (19 CFR Part 207, as amended by 47 FR 33682, Aug. 4, 1982), and part 201 subparts A thorugh E (19 CFR part 201, as amended by 47 FR 33682, Aug. 4, 1982). Further information concerning the conduct of the conference will be provided by Mr. Deyman.

This notice is published pursuant to § 207.12 of the Commission's rules (19 CFR 207.12).

Issued: April 8, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-9771 Filed 4-12-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-144]

Direct Current Brushless Axial Flow Fans; Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. section 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on March 11, 1983, under section 337 of the Tariff Act of 1930 (19 U.S.C. section 1337), on behalf of Papst Mechatronic Corporation, Aquidneck Industrial Park, Middletown, Rhode Island 02840. The complaint alleges unfair methods of competition and unfair acts in the importation of certain direct current brushless axial flow fans into the United States, or in their sale, by reason of alleged (a) infringement of claims 1, 2 and 33 of U.S. Letters Pateant No. 4,371,817; (b) infringement of claims 1, 12 and 70 of U.S. Letters Patent No. 4,322,666; and (c) infringement of claims 16 and 17 of U.S. Letters Patent No. 4,030,005. The complaint further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to prevent the establishment of an efficiently and economically operated industry in the United States.

The complainant requests the Commission to institute an investigation and, after a full investigation, to issue both a permanent exclusion order and a permanent cease and desist order.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930 and in § 210.12 of the Commission's Rules of Practice and Procedure (19 C.F.R. 210.12)

Scope of Investigation

Having considered the complaint, the U.S. International Trade Commission, on April 6, 1983, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, an investigation be instituted to determine whether there is a violation of subsection (a) of section 337 in the unlawful importation of certain direct current brushless axial flow fans into the United States, or in their sale, by reason of alleged (a) infringement of the claims of U.S. Letters Patent No. 4,371,817; (b) infringement of the claims of U.S. Letters Patent No. 4,322,666; and (c) infringement of the claims of U.S. Letters Patent No. 4,030,005, the effect or tendency of which is to prevent the establishment of an efficiently and economically operated domestic industry in the United States.

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is Papst Mechatronic Corp., Aquidneck Industrial Park, Middletown, Rhode Island 02840.

(b) The respondents are the following compaines, alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Matsushita Electric Industrial Co., Ltd., Daito, Osaka, Japan.

Matsushita Electric Electric Corp. of America, 1 Panasonic Way, Secaucus, New Jersey 07094.

(c) Harold Brandt, Esq., Unfair Import Investigations Division, U.S. International Trade Commission, 701 E Street NW., Room 16, Washington, D.C. 20436, shall be the Commission investigative attorney, a party to this investigation; and

(3) For the investigation so instituted, Donald K. Duvall, Chief Administrative Law Judge, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, shall designate the presiding officer.

Responses must be submitted by the named respondents in accordance with § 210.21 of the Commission's Rules of Practice and Procedure (19 CFR § 210.21). Pursuant to §§ 201.16(d) and 210.21(a) of the rules, such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting a response will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the presiding officer and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings.

The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Room 156, Washington, D.C. 20436, telephone 202-523-0471.

FOR FURTHER INFORMATION CONTACT: Harold Brandt, Esq., Unfair Import Investigations Division, U.S. International Trade Commission, telephone 202-523-0498.

By order of the Commission.

Issued: April 8, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-9772 Filed 4-12-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-142]

Electronic Chromatogram Analyzers and Components Thereof; Order

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge Janet D. Saxon as Presiding Officer in this investigation.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the **Federal Register.**

Issued: April 5, 1983.

Donald K. Duvall,

Chief Administrative Law Judge.

[FR Doc. 83-9769 Filed 4-12-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-132]

Hand-Operated, Gas-Operated, Welding, Cutting, and Heating Equipment and Component Parts Thereof; Denial of Motion to Designate Investigation "More Complicated"

AGENCY: U.S. International Trade Commission.

ACTION: Denial of joint motion to designate investigation "more complicated" pursuant to 19 U.S.C. 1337(b)(1).

Authority: The authority for the Commission's disposition of this matter is contained in 19 U.S.C. 1337(b)(1) and in § 210.15 of the Commission's Rules of Practice and Procedure (19 CFR 210.15).

SUPPLEMENTARY INFORMATION: This investigation was instituted on September 29, 1982, and concerns certain hand-operated, gas-operated, welding, cutting, and heating equipment and component parts thereof. At the time of institution, complainant Victor Equipment Co. requested that the Commission conduct an expedited temporary relief proceeding. 47 FR 44172 (Oct. 6, 1982).

The temporary relief hearing commenced on December 14, 1982. On February 7, 1982, the presiding officer ("ALJ") issued an initial determination

denying temporary relief. The initial determination was appealed to the Commission and is currently under review.

On March 17, 1983, the Commission investigative attorney moved that the investigation be designated "more complicated" pursuant to 19 U.S.C. 1337(b)(1). Complainant Victor supported the motion, while respondents opposed it. On March 18, 1982, the ALJ issued a recommendation that the motion be granted and the investigation designated "more complicated" (Order No. 28).

Copies of the Commission's Action and Order and all other non-confidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT: Warren H. Maruyama, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–0375.

By order of the Commission.

Issued: April 6, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-9768 Filed 4-12-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-129]

Limited-Charge Cell Culture Microcarriers; Decision Not To Review Initial Determination

AGENCY: U.S. International Trade Commission.

ACTION: Notice is hereby given that the Commission has determined not to review the presiding officer's initial determination (Order No. 28) amending the notice of investigation in the above-referenced investigation.

Authority: The authority for the Commission's disposition of this matter is contained in section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and in §§ 210.53(c) and 210.53(h) of the Commission's Rules of Practice and Procedure (47 FR 25134, June 10, 1982 and 48 FR 9242, March 4, 1983; to be codified at 10 CFR 210.53(c) and (h)).

SUPPLEMENTARY INFORMATION: On March 14, 1983, the presiding officer issued an initial determination granting the joint motion of complainants and respondents to amend the notice of investigation in the above-captioned investigation. Under § 210.54(a) of the Commission's rules the deadline for filing petitions for review expired on March 28, 1983. No petitions were filed.

Copies of the presiding officer's initial determination and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT: Wayne W. Herrington, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–0480.

By order of the Commission.

Issued: April 8, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-9766 Filed 4-12-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigations Nos. 701-TA-187 (Final) and 731-TA-100 (Final)]

Tool Steels From Brazil and the Federal Republic of Germany; Continuation of Final Countervailing Duty Investigation

AGENCY: United States International Trade Commission.

ACTION: Continuation of final countervailing duty investigation concerning tool steels from Brazil and scheduling of a joint hearing to be held in conjunction with final investigation of certain tool steels from the Federal Republic of Germany.

EFFECTIVE DATE: March 22, 1983.

SUMMARY: On March 21, 1983, the United States Department of Commerce suspended its countervailing duty investigation concerning certain tool steels from Brazil (48 FR 11731). The basis for the suspension was an agreement by the Government of Brazil to offset completely the amount of net subsidy determined by Commerce to exist with respect to the subject products. Accordingly, pursuant to section 704(f)(1)(B) of the Tariff Act of 1930 (19 U.S.C. 1671c(f)(1)(B)), the United States International Trade Commission suspended its countervailing duty investigation on certain tool steels from Brazil. On March 22, 1983, however, a request to continue the investigation was filed by counsel for the petitioners pursuant to section 704(g)(2) of the Tariff Act (19 U.S.C. 1671(g)(2)). Accordingly, the Commission hereby gives notice of the continuation of investigation No. 701–TA–187 (Final), Certain Tool Steels from Brazil.

On March 30, 1983, the Commission announced in the **Federal Register** (48 FR 13278) that is was postponing the hearing scheduled for investigation No. 731–TA–100 (Final), Certain Tool Steels from the Federal Republic of Germany. The revised schedule for this investigation, which is identical to the schedule for 701–TA–187 (Final), Certain Tool Steels from Brazil, is set forth below.

SUPPLEMENTARY INFORMATION:

Background. On January 3, 1983, Commerce preliminarily determined that certain benefits which constitute subsidies within the meaning of the countervailing duty law are being provided to manufacturers, producers, or exporters in Brazil of tool steel. On March 14, 1983, a suspension agreement was signed by the Government of Brazil. Commerce and the Commission subsequently suspended their respective investigations of the subject merchandise from Brazil. On January 12, 1983, Commerce preliminarily determined that tool steel from the Federal Republic of Germany is being sold, or is likely to be sold in the United States at less than fair value. On February 18, 1983, Commerce announced the postponement of its final determination with respect to tool steels from the Federal Republic of Germany. The Commission subsequently postponed its joint hearing scheduled for these investigations.

Revised Hearing Schedule.—The Commission will hold a joint hearing for investigations Nos. 701–TA–187 (Final) and 731–TA–100 (Final), Certain Tool Steels from Brazil and from the Federal Republic of Germany, beginning at 10 a.m. on June 7, 1983, at the U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on May 20, 1983. All persons desiring to appear at the hearing and make oral presentations should file prehearing briefs (not later than June 1) and attend a prehearing conference to be held at 10 a.m. on May 25, 1983 in room 117 of the U.S. International Commission Building. Posthearing briefs and written statements should be filed on or before June 17, 1983. Commerce has advised the Commission that it will make its final determinations in these investigations by May 27, 1983. The Commission would then be required to make its final injury determinations within 45 days of this date, or July 11, 1983.

This notice amends the investigation schedules set forth in the Commission

notices of January 26, 1983 (48 FR 3665) and February 2, 1983 (48 FR 4744).

FOR FURTHER INFORMATION CONTACT: Mr. Stephen P. Miller (202–523–305), Office of Investigations, U.S. International Trade Commission.

By order of the Commission.

Issued: April 4, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83–9770 Filed 4–12–83; 8:45 am]

BILLING CODE 7020–02–M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Finance Applications; Decision Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1181.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

Agatha L. Mergenovich,

Secretary.

For the following, please direct status calls to Team 2 at 202–275–7030.

Volume No. OP2–163

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC–FC–81233, by decision of April 6, 1983, issued under 49 U.S.C. 10926, and the transfer rules at 49 CFR 1181, Review Board Number 1 approved the transfer to Montgomery Trucking Inc., Muskogee, OK, of Permit Number MC–143593 and Subs 1, 2, and 3, issued October 17, 1978, March 6, 1981, December 9, 1980, and June 30, 1981, respectively, to Rota-Cone Oilfield Operating Co., Muskogee, OK, authorizing the transportation of (1) paper and paper products, and materials, supplies and equipment used in the manufacture and distribution of paper and paper products (except commodities in bulk), (a) between the facilities of Hoerner Waldorf-Champion International Corporation located at Sand Springs and Oklahoma City, OK, on the one hand, and, on the other, points in AR, KS, MO, and TX, under continuing contract(s) with Hoerner Waldorf-Champion International Corporation, (b) from the facilities of Container Corporation of America, at Muskogee, OK, to points in AR, KS, and MO, under continuing contract(s) with Container Corporation of America, of Fort Worth, TX, and (c) from points in KS, MO, OK, and TX, to the facilities of Champion International Corporation, at or near Ft. Smith, AR, under continuing contract(s) with Champion International Corporation, of Hamilton, OH, and (2) such commodities as are dealt in or used by manufacturers and distributors of pulp, paper and related products and lumber and wood products, between points in the U.S., under continuing contract(s) with Champion International Corporation, of Stamford, CT. Representative: William P. Parker, P.O. Box 54657, Oklahoma City, OK, 73154.

For the following, please direct status calls to Team 5 at 202–275–7289.

Volume No. OP5–FC–170

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC–FC–81345, by decision of April 5, 1983, issued under 49 U.S.C. 10926, and the transfer rules at 49 CFR 1181, Review Board Number 1 approved the transfer to DAN H. BLAKENEY, doing business as D. RYAN TRUCKING, Monroe, LA of Certificate No. MC–155769 Sub 1, issued August 2, 1982, to A.G.S. TRANSPORT, INC., Miramar, FL, authorizing the transportation of rubber and plastic products between points in U.S. (except AK and HI). Representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza (P.O. Box 22628), Jackson, MS 39205.

[FR Doc. 83–9695 Filed 4–12–83; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Proposed Exemptions

AGENCY: Interstate Commerce Commission.

ACTION: Notices of proposed exemptions.

SUMMARY: The motor carriers shown below seek exemptions pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property Under 49 U.S.C. 11343*, 367 I.C.C. 113 (1982), 47 FR 53303 (November 24, 1982).

DATES: Comments must be received within 30 days after the date of publications in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275–7977.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

Volume No. OP3–MCF–151

Decided: April 7, 1983.

MARVIN E. YATES, doing business as MARVIN YATES TRUCKING COMPANY—purchase exemption—Shoemaker Trucking Company (Loren Wetzel, Trustee-in-Bankruptcy). MC–F–15180, Marvin E. Yates (Yates) (MC–135328) and Shoemaker Trucking Company (Shoemaker) (MC–138875) seek an exemption from the requirement of prior regulatory approval for the purchase by Yates of a portion of Shoemaker's authority (Sub-No. 312X[20] and the underlying Sub-No. 290[F]), which authorizes the transportation of machinery, and those commodities which because of their size and weight require the use of special handling or equipment and metal products, between points in Oregon, Idaho, and that part of Washington east of the Cascade Mountains. Send comments to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423, and (2) Petitioner's representative: Mr. David E.

Wishney, P.O. Box 837, Boise, ID 83701. Comment should refer to MC–F–15180.

Volume No. OP4–209

Decided: April 5, 1983.

THOMAS F. NEWCOMER—Control Exemption—PAYNE TRANSPORTATION, INC. MC–F–15206. Thomas F. Newcomer, an individual, seeks an exemption from the requirements under 49 U.S.C. 11343(e) for his continuance in control through ownership of stock of Payne Transportation, Inc. a motor common carrier operating under No. MC–129387 and Sub–Nos. 8, 9, 10, 11, 12, 14, 15, 16, 18, 21, 107, 114, 119X, 120X, 121X, and 122. Newcomer is now a director and President of Bell Transport Company, a motor contract carrier under No. Mc–133154, in which he holds 349.375 of 699.5 shares of common stock issued and outstanding. He proposes to control Payne through the purchase of all issued and outstanding stock, and upon completion of the purchase, Newcomer would function as President, Treasurer and Director of Payne. Send comments to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423, and (2) Petitioner's representative: Milton W. Flack, 8484 Wilshire Blvd., Suite 840, Beverly Hills, CA 90211. Comments should refer to MC–F–15206.

Volume No. OP4–211

Decided: April 6, 1983.

PHANTOM FREIGHTERS, INC.—Purchase exemption—SMITH MOTOR XPRESS, INC. MC–F–15218. Phantom Freighters, Inc. (No. MC–165681), seeks an exemption from the requirements under section 11343 of prior regulatory approval for the purchase of a portion of the operating rights of Smithway Motor Xpress, Inc. (No. MC–138627), authorizing the irregular-route, motor common carrier transportation of (1) foodstuffs, between points in Webster County, IA, on the one hand, and, on the other, points in the U.S., (2) clay, concrete, glass or stone products, and building materials, between points in IA, OH, and PA, on the one hand, and, on the other, points in 12 specified States, (3) general commodities (with an exception), between points in Polk County, IA, on the one hand, and, on the other, points in the U.S., and (4) metal products and building materials, between points in 19 specified States, on the one hand, and, on the other, points in the U.S. Send comments to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423, and (2) Petitioner's representative: Arlyn L. Westergren, Suite 201, 9202 West Dodge Rd., Omaha, NE 68114. Comments should refer to No. MC–F–15218.

[FR Doc 83–9899 Filed 4–12–83; 8:45 am]

BILLING CODE 7035–01–M

[No. 39142]

Motor Carriers; Horizon Transport, Inc.; Petition for Exemption From Tariff Filing Requirements

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Horizon Transport, Inc., a motor contract carrier, has requested an exemption from the tariff filing requirements of 49 U.S.C. 10702, 10761, and 10762. The sought relief is provisionally granted for future as well as existing contracts.

DATES: Comments are due April 28, 1983. The sought relief will become final May 13, 1983, unless the Commission issues a further decison withdrawing this relief.

ADDRESS: Send an original and 15 copies of comments to: Room 2139, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Robin Williams, (202) 275–7697, or Howell I. Sporn, (202) 275–7691.

SUPPLEMENTARY INFORMATION: Section 10702(b) of the Interstate Commerce Act requires contract carriers to file with the Commission actual and minimum rates for the transportation they provide. Section 10761 prohibits transportation without a tariff on file with the Commission, and section 10762 sets forth general tariff requirements including authority to file only minimum rates. Each of these sections authorizes the Commission to grant exemptions to contract carriers when relief is consistent with the public interest and the transportation policy of section 10101. 49 U.S.C. 10702(b), 10761(b), and 10762(f).

Petitioner holds a single permit (No. MC–150927F) which authorizes the transportation of building materials and contractor's equipment, lumber and forest products, feed and fertilizer, and baling twine, between points in the United States, under contract with one shipper. Petitioner describes itself as a wholly-owned subsidiary of the contracting shipper and, under its contract carrier authority, exclusively hauls products of the parent company.

We see no reason to deny this carrier the savings to be realized from a tariff filing exemption.[1] It appears that exemption of this carrier from the requirements that it file tariffs covering its contract operations is consistent with the public interest and the transportation policy of 49 U.S.C. 10101.

We further conclude that an exemption is justified for future contracts and services. Previously we consistently denied exemptions for future contracts and services. We found that because the terms and scope of those contracts are unknown, any exemption of future contracts could only be based on general findings about the continuing need for contract filing requirements for any contract carrier. However, after weighing the advantages and disadvantages to the parties involved and to the public, we conclude that the exemption of this carrier from the requirement that if file tariffs governing its future contract operations, is warranted.[2] The requirement that a contract carrier file a separate exemption request for each new contract is unduly burdensome and time-consuming for both the carrier and the Commission. We also recognize that, for this carrier and its contract shippers, the savings to be realized from a tariff filing exemption for future contracts will be just as real and just as important as those realized from an exemption for existing contracts. Moreover, allowing this contract carrier to participate more freely in the marketplace is in the public interest and is consistent with the national transportation policy.

We provisionally grant petitoner exemption from the contract carrier tariff filing requirements for future as well as existing contracts. If we receive timely filed adverse comments, we will issue a further decision addressing them and deciding whether this provisional approval ought to be withdrawn or permitted to become final.

This action does not significantly affect either the quality of the human environment or conservation of energy resources. However, comments may be submitted on these issues.

Authority: 49 U.S.C. 10702(b), 10761(b), and 10762(f).

Decided: April 4, 1983.

By the Commission, Division 1, Commissioners Andre, Taylor, and Sterrett. Commissioner Taylor is assigned to this

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[1] A proceeding to investigate the exemption of motor contract carriers on an industry-wide basis has been instituted in Ex Parte No. MC–165, *Exemption of Motor Contract Carriers from Tariff Filing Requirements*, 47 FR 57303 (December 23, 1982).

[2] See No. 38983, *Red & Tan Tours—Petition for Exemption from Tariff Filing Requirements*, decided February 24, 1983.

Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-9693 Filed 4-12-83; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30116]

Motor Carriers; Southeastern Wisconsin Transportation Corp.; Exemption, Issuance of Notes

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission has exempted the issuance of securities by the Southeastern Wisconsin Transportation Corporation in the amount of $150,000.

DATES: This exemption will become effective on May 13, 1983. Petitions to stay must be filed by April 25, 1983, and petitions for reconsideration must be filed by May 3, 1983.

ADDRESSES: Send pleadings referring to Finance Docket No. 30116 to: (1) Rail Section, Room 5349, Interstate Commerce Commission, Washington, DC 20423. (2) Petitioner's representative: Francis G. McKenna, Suite 707, 1000 Connecticut Ave. N.W., Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write T.S. InfoSystems, Inc., Room 2227, Interstate Commission, Washington, DC 20423, or call 289-4357 (D.C. metropolitan area) or toll free (800) 424-5403.

Decided: April 7, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-9692 Filed 4-12-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decision; Decision-Notice

90-Day Intrastate Motor Common Carriers of Passengers. The following applications, filed on or after November 19, 1982, are governed by Part 1168 of the Commission's Rules of Practice. See 49 CFR Part 1168, published in the **Federal Register** on November 24, 1982, at 47 FR 53275. For compliance procedures, see 49 CFR 1168.6 and 49 U.S.C. 10922(c)(2)(E).

Persons wishing to oppose an application must follow the rules under 49 CFR Part 1168. In addition to fitness grounds, applications may be opposed on the grounds that the transportation to be authorized would directly compete with a commuter bus operation and would have a significant adverse effect on all commuter bus service in the area in which the competing service will be performed. Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 25 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 30 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are filed under 49 U.S.C. 10922(c)(2)(A) for authority to operate as a motor common carrier of passengers in intrastate commerce on a route over which applicant has interstate, regular-route authority on November 19, 1982.

For the following, please direct status calls to Team 1 at 202-275-7992.

Volume No. OP1-124

Decided: April 7, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Fortier not participating.)

MC 149081 (Sub-5), filed March 28, 1983. Applicant: SUBURBAN TRAILS, INC., 750 Somerset Street, New Brunsick, NJ 08901. Representative: Michael J. Mazano, 99 Kinderkamack Road, Westwood, NJ 07675; (201) 666-5111. Applicant seeks authority in intrastate commerce to conduct service at all intermediate points on routes in No. MC-149081 and MC-149081 (Sub-Nos. 1 and 2), as follows: (a) In No. MC-149081 (Sub-No. 2), over all of the routes in their entirety which traverse New Jersey, (b) in No. MC-149081, over all the routes in their entirety in parts (2), (3), and (4) therein which traverse New Jersey and, in part (1), between the New York-New Jersey state line and the New Jersey-Pennsylvania state line, and (c) in No. MC-149081 (Sub-No. 1), over all of the routes in their entirety in parts (2), (3), and (4) therein whch traverse New Jersey and, in part (1) between Plainsboro, NJ and the New Jersey-New York state line.

For the following, please direct status calls to Team 5 at 202-275-7289.

Volume No. OP5-169

Decided: April 5, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 57298 (Sub-14), filed March 22, 1983. Applicant: TRAILWAYS TEXAS, INC., 1500 Jackson St., Dallas, TX 75201. Representative: George W. Hanthorn, (same address as applicant.) Dallas, TX 75201; (214) 655-7937. Applicant seeks authority in intrastate commerce to conduct service at all intermediate points on the route in MC-57298 (Sub 11) as follows: Over U.S. Hwy 90, between San Antonio and Del Rio, TX.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-9698 Filed 4-12-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (fitness-only); Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods). The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** on December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in the **Federal Register** on November 24, 1982, at 49 FR 53271. For compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E.

These applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representatives of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please direct status inquiries to Team 1, (202) 275–7992.

Volume No. OP1–122

Decided: April 6, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 167001, filed March 24, 1983. Applicant: DSL TRANSPORTATION SERVICES, INC., 1035 Watsoncenter Rd., Carson, CA 90745. Representative: Allen Julian (same address as applicant) (213) 518–5300. As a *broker*, of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 167080, filed March 28, 1983. Applicant: RAM TRANS, 11460 W. 44th Ave., Suite No. 1, Wheat Ridge, CO 80033. Representative: Robert H. Fulton (same address as applicant), (303) 422–9328. As a *broker* of *general commodites* (except household goods), between points in the U.S. (except AK and HI).

MC 167101, Filed March 29, 1983. Applicant: M.H.T. TRANSPORTATION, INC., 90—33 209th St., Queens Village, NY 11428. Representative: Morton E. Kiel, Two World Trade Center, Suite 1832, New York, NY 10048; (212) 466–0220. Transporting *passengers*, in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 167110, filed March 28, 1983. Applicant: TRANSMAN CORPORATION, 4780 S. 131st St., Suite 32, Omaha, NE 68137. Representative: Alwyn C. Dodge, 12723 Izard Street, Omaha, NE 68154; (402) 493–9059. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 167141, filed March 29, 1983. Applicant: DILLARDS BUS LINE INC., Route 4, Box 337, Christiansburg, VA 24073. Representative: Clifford O. Dillard (same address as applicant) (703) 382–6703. Transporting *passengers*, in charter and special operations, beginning and ending at points in VA, SC, NC, GA, TN and WV, and extending to points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 167160, filed March 30, 1983. Applicant: JAMES N. WEATHERLEY d.b.a. B and W BROKERAGE CO., 1301 Mosswood Lane, Irving, TX 75061. Representative: James N. Weatherley (same address as applicant) (1–214) 579–8867. As a *broker* of *general commodities* (except household goods), between points in the U.S.

For the following, please direct status calls to Team 4 at 202–275–7669.

Volume No. OP4–213

Decided: April 6, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 163646, filed March 29, 1983. Applicant: JOHN C. WILLIAMS AND RONI L. WILLIAMS, d.b.a. B & H TRANSPORTATION COMPANY, 222 E. Redwood Ave., Fort Bragg, CA 95437. Representative: John C. Williams, P.O. Box 399, Fort Bragg, CA 95437 (707) 964–9574. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 167157, filed March 29, 1983. Applicant: HOYT SHEPSTON & SCIARONI, INC., d.b.a. HOYT SHEPSTON, INC., 30 Hotaling Place,

San Francisco, CA 94111. Representative: Silvio L. Scocca (same address as applicant) (415) 392–1794. As a *broker of general commodities* (except household goods), between points in the U.S.

For the following, please direct status calls to Team 5 at 202–275–7289.

Volume No. OP5–167

Decided: April 4, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 166959, filed March 22, 1983. Applicant: WILFRED F. DREHER, 12799 Co. RD. O, Stratton, CO 80836. Representative: Wilfred F. Dreher (same address as applicant) 303–362–4364. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners,* by the owner of the motor vehicle, in such vehicle, between points in the U.S. (except AK and HI).

MC 166998, filed March 24, 1983. Applicant: QUIK TRUK, INC., 1528 N. 12th Avenue, West Bend, WI 53095. Representative: Charles E. Dye, Swan Lake Village, Saddle Ridge #832, Portage, WI 53901; (608) 742–3579. To operate as a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 167008, filed March 24, 1983. Applicant: CHARLES JOYCE, Box 203, Canalou, MO 63828. Representative: Billy R. Reid, 1721 Carl St., Fort Worth, TX 76103; (817) 332–4718. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs) *agricultural limestone and fertilizers, and other soil conditioners,* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

Volume No. OP5–172

Decided: April 5, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 529 (Sub-9), filed March 28, 1983. Applicant: WINFIELD BUS SERVICE, INC., 1421 Olive St., Winfield, KS 67156. Representative: B. E. Ross (same address as applicant) 316–221–4670. Transporting *passengers* in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 2389 (Sub–5), filed March 24, 1983. Applicant: SIERRA NEVADA STAGE LINES, INC., 655 South Stanford Way, Sparks, NV 89431. Representative: J. B. Laramore (same address as applicant) (702) 359–1750. Transporting *passengers,* in special and charter operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded special and charter transportation.

MC 54589 (Sub-11), filed March 23, 1983. Applicant: VIKING LINE, INC., Rt. 8, Box 284, Joplin, MO 64801. Representative: Maxwell A. Howell, 2554 Massachusetts Ave., N.W., Washington, DC 20008; 202–483–8633. Transporting *passengers* in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 65398 (Sub-6), filed March 15, 1983. Applicant: MT. EPHRAIM STORAGE COMPANY, 101 Washington Ave., Gloucester City, NJ 08030. Representative: Joseph F. Hughes (same address as applicant.) (609) 742–0101. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds between points in the U.S. (except AK and HI).

MC 112108 (Sub-7), filed March 25, 1983. Applicant: LEPRECHAUN LINES, INC., Route 32, Box 2628, Newburgh, NY 12550. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101; (703) 893–3050. Transporting *passengers,* in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 167058, filed March 25, 1983. Applicant: AERO CORPORATION, 1998 West Harrisburg Pike, Middletown, PA 17055. Representative: Christian V. Graf, 407 N. Front St., Harrisburg, PA 17101; (717) 236–9318. Transporting *passengers,* in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 167059, filed March 25, 1983. Applicant: RIISKA'S INC., 942 Main St., Winsted, CT 06098. Representative: James M. Burns, 1365 Main St., Suite 403, Springfield, MA 01103; (413) 781–8205. Transporting *passengers,* in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 167069, filed March 28, 1983. Applicant: ASSOCIATED TRANSMODAL SERVICES, INC., 1314 Texas Ave., Houston, TX 77002. Representative: Donald G. Watts (same address as applicant) 713–222–8461. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 167078, filed March 28, 1983. Applicant: JOHN R. CONWAY d.b.a. BOB CONWAY ENTERPRISES, 2416 N. Marine Drive, Portland, OR 97217. Representative: John R. Conway (same address as applicant.) (503) 286–9565. To operate a *broker* of *general commodities* (except household goods), between points in the U.S.

[FR Doc. 83–0701 Filed 4–12–83; 8:45 am]
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Motor Carriers; Permanent Authority Decision; Decision-Notice

Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water Carriers; Household Goods Brokers. The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the **Federal Register** on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of applications may have been modified

prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations.

We make an additional preliminary finding with respect to each of the following types of applications as indicated: common carrier of property—that the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier—that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, and household goods broker—that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Applications filed under 49 U.S.C. 10922(c)(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly noted.

Please direct status inquiries to Team 2, (202) 275–7030.

Volume No. OP2–164

Decided: April 6, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Fortier not participating.)

MC 66562 (Sub-2347), filed March 18, 1983. Applicant: ARIEL EXPRESS COMPANY, INC., P.O. Box 631, Wilmington, DE 19899. Representative: Robert B. Walker, 915 Pennsylvania Bldg., 425 13th St. NW., Washington, DC 20004; 202–737–1030. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S.

MC 104832 (Sub-17) (Correction), filed February 15, 1983, published in the **Federal Register** issue March 15, 1983, and republished, as corrected, this issue. Applicant: HOLMAN TRANSFER COMPANY, 49 S.E. Clay, Portland, OR 97214. Representative: Lawrence V. Smart, Jr., 419 NW 23rd Ave., Portland, OR 97210; (503) 226–3755. Transporting *food and related products,* between points in OR, WA, and CA, under continuing contract(s) with Keebler Co., of Elmhurst, IL.

Note: The purpose of this republication is to insert the name of the contracted carrier which was inadvertently omitted.

MC 124692 (Sub-378), filed March 7, 1983. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, MT 59806. Representative: James B. Hovland, 525 Lumber Exchange Bldg., Ten South 5th St., Minneapolis, MN 55402; 612–340–0808. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk) (1) between points in MS, AL, GA, FL, SC, NC, VA, MD, DE, NJ, NY, CT, RI, MA, NH, VT, and ME, and (2) between points in MS, AL, GA, FL, SC, NC, VA, MD, DE, NJ, NY, CT, RI, MA, NH, VT, and ME, on the one hand and, on the other, those points in the U.S. in and west of PA, WV, KY, TN, AR, and LA (except HI).

MC 145113 (Sub-4), filed March 22, 1983. Applicant: PLANTATION FOODS, INCORPORATED, 3130 Gholson, P.O. Box 887, Waco, TX 7603. Representative: Nelson M. Davidson, Jr., P.O. Box 1148, Austin, TX 78767; 512–472–8800. Transporting *food and related products,* between points in the U.S. (except AK and HI).

MC 158622 (Sub-2), filed March 29, 1983. Applicant: LEONARD N. CRUSE, d.b.a. LEONARD CRUSE TRUCKING, 4403 Stone St., Billings, MT 59101. Representative: Leonard N. Cruse (same address as applicant) 406–259–5321. Transporting *bulk commodities,* between points in MN, ND, SD, MT, WY, UT, ID, and WA.

MC 164452 (Sub-1) filed Mar 21, 1983. Applicant: CASSIDY'S EXPRESS, 5240 Comly St., Philadelphia, PA 19135. Representative: Brian L. Troiano, 918–16th St. NW., Washington, DC 20006; 202–785–3700. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Mecklenburg County, NC, DE MD, NJ, NY, PA, VA, and DC.

MC 166372, filed February 22, 1983. Applicant: RICHARD K. SCHEFFERS, 11610 Duggan Rd., Central Point, OR 97502. Representative: Richard K. Scheffers (same address as applicant) 503–855–1629. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in the U.S., under continuing contract(s) with R & R Truck Brokers, Inc., of Medford, OR.

MC 167073, filed March 28, 1983. Applicant: FLYNN'S CONSTRUCTION, INC., RR 1 Box 774, North Windham, ME 04062. Representative: Beth Dobson, P.O. Box 586, Two Canal Plaza, Portland, ME 04112; 207–774–4000. Transporting *construction and logging equipment,* between points in CT, MA, ME, NH, NY, RI, and VT, under continuing contract(s) with (a) N. A. Burkitt, Inc., of Scarborough, ME, (b) Eastern Tractor & Equipment Company, of Portland, ME, (c) Chadwick Baross, Inc., of Westbrook, ME, (d) Jordan Milton Machinery, Inc., of Portland, ME, and (e) Carrier Corporation, of Gorham, ME.

MC 167122, filed March 29, 1983. Applicant: QUAKER BROKERAGE, LTD., 11 Denton Place, Farmingdale, NY 11735. Representative: Thomas A. Stanco, 81 Landau Ave., Elmont, NY 11003; 516–775–6755. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under

continuing contracts(s) with Colonial Wire & Cable, Co, Inc., of Hauppauge, NY, and (b) I.C.C. Industries, Inc., of New York, NY, and its Subsidiaries.

For the following, please direct status calls to Team 1 at 202–275–7992.

Volume No. OP1–123

Decided: April 6, 1983.

By the Commission Review Board No. 1, members Parker, Chandler, and fortier.

MC 47171 (Sub-231), filed March 29, 1983. Applicant: COOPER MOTOR LINES, INC., P.O. Box 2820, Greenville, SC 29602. Representative: Harris G. Andrews (same address as applicant) (803) 879–2101. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S (except AK and HI), under continuing contract(s) with Mercantile Stores Company, Inc., of New York, NY.

MC 94201 (Sub-206), filed March 28, 1983. Applicant: BOWMAN TRANSPORTATION, INC., P.O. Box 17744, Atlanta, GA 30316. Representative: Gerald D. Colvin, Jr., 601–09 Frank Nelson Bldg., Brimingham, AL 35203; (205) 251–2881. Transporting *general commodites* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with The Quaker Oats Company, of Chicago, IL.

MC 103051 (Sub-495), filed March 21, 1983. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Ave., N., Nashville, TN 37209. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114; (216) 556–5639. Transporting *general commodites* (except classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with Columbia Nitrogen Corporation, and Nipro, Inc., both of Augusta, GA.

MC 110561 (Sub-13), filed March 29, 1983. Applicant: G & H MOTOR FREIGHT LINES, INC., 118 S.E. Jackson St., Greenfield, IA 50849. Representative: James F. Crosby, 7363 Pacific St., Suite 210B, Omaha, NE 68114; (402) 397–9900. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in IL, IN, IA, KS, MO, MN, NE, ND, SD, and WI.

MC 111941 (Sub-47), filed March 21, 1983. Applicant: PIERCETON TRUCKING COMPANY, INC., P.O. Box 233, Laketon, IN 46943. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204; (317) 638–1301. Transporting *general commodites* (except classes A and B explosives and household goods), between points in the U.S. (except HI).

MC 121101 (Sub-5), filed March 28, 1983. Applicant: FORGE VILLAGE TRANSPORTATION CO., INC., 179 Boston Road, P.O. Box 29, Southboro, MA 01772. Representative: Burton M. Pike, P.O. Box 719, Brookline, MA 02146; (617) 739–0300. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KY, LA, MA, MD, ME, MI, MN, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, UT, VA, WI and WV. Condition: Issuance of a certificate in this proceeding is subject to the coincidental cancellation, at applicant's written request of its certificate or registration in No. MC–121101 Sub 1.

MC 121211 (Sub-2), filed March 28, 1983. Applicant: O'ROURKE CARTAGE CO., Butler Drive, Chicago, IL 60633. Representative: Stephen H. Loeb, Suite 4, 2777 Finley Road, Downers Grove, IL 60515; (312) 953–0330. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between Chicago, IL, on the one hand, and, on the the other, points in the U.S. (except AK and HI).

MC 128850 (Sub-4), filed March 28, 1983. Applicant: M & M TRANSPORT, INC., 170 State Highway 508, P.O. Box 1446, Chehalis, WA 98532. Representative: Steve Blankensh (same address as applicant) (206) 262–9581. Transporting *general commodities* (except classes A and B explosives and household goods), between points in AZ, CA, CO, ID, MT, NM, NV, OR, TX, UT, WA, and WY.

MC 140620 (Sub-19), filed March 28, 1983. Applicant: A & R TRANSPORT, INC., 2996 N. Illinois 71, R.R. #3, Ottawa, IL 61350. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602; (312) 726–6525. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with Chemical Interchange Co., of St. Louis, MO.

MC 142330 (Sub-16), filed March 31, 1983. Applicant: PONY EXPRESS COURIER CORP., P.O. Box 4313, Atlanta, GA 30320. Representative: Francis J. Mulcahy (same address as applicant) (404) 256–0540. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 149000 (Sub-4), filed March 28, 1983. Applicant: ESTATE OF JOE R. JARBOE, MARK CARSON, LOUIS ABRAHAM, JR., d.b.a. JARBOE SALES CO., 6929 East Reading Place, Drawer J. Admiral Station, Tulsa, OK 74112. Representative: Wilburn L. Williamson, Suite 107, 50 Classen Center, 5101 North Classen Blvd., Oklahoma City, OK 73118; (405) 848–7946. Transporting *plastic and plastic products*, between Tulsa, OK, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 152060 (Sub-2), filed March 29, 1983. Applicant: JACK FROST d.b.a. JACK FROST TRUCKING, 6501 Fiesta St., P.O. Box 12765, El Paso, TX 79913. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609; (213) 945–2745. Transporting *textile mill products, and waste and scrap materials*, between points in El Paso County, TX, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 154640 (Sub-3), filed March 29, 1983. Applicant: THE SMITHFIELD PACKING COMPANY INCORPORATED, P.O. Box 447, Smithfield, VA 23430. Representative: Frank L. Willard, Suite #1001, First & Merchants National Bank Bldg., Norfolk, VA 23510; (804) 627–0070. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Giant Food, Inc., of Washington, D.C.

MC 157290, filed March 24, 1983. Applicant: A–1 TRUCKING & RIGGING, INC., 2121 South U.S. 1, P.O. Box 691, Rockledge, FL 32955. Representative: Ella M. Beyel (same address as applicant) (305) 632–3262. Transporting (1) *armored vehicles, parts and accessories* for armored vehicles, (2) *aluminum extrusions, aluminum tubing and scrap aluminum*, (3) *pumps and pump parts*, (4) *printing press equipment*, and (5) *crane boom sections and crane parts*, between points in the U.S. (except AK and HI), under continuing contract(s) in (1) above, with Cadillac Gage Company, Division of Excello Corporation, of Warren, WI, in (2) above, with Norsk Hydro Aluminum, of Rockledge, FL, in (3) above, with Allis-Chalmers Corporation, of Grant, FL, in (4) above, with Northeast Industries, of Los Angeles, CA, and in (5) above, with A–1 Crane Service, Inc., of Rockledge, FL.

MC 160670 (Sub-1), filed March 28, 1983. Applicant: HILL'S ENTERPRISES OF SOUTHWESTERN MICHIGAN, INC., 6447 Niles Road, St. Joseph, MI 49085. Representative: Richard O. Hill (same address as applicant) (616) 429–

8035. Transporting *containers and container ends,* between points in MI, OH, TN, PA, NY, IL, IN and NJ, under continuing contract(s) with Allstate Can Co., of Clifton, NJ.

MC 161211 (Sub-1), filed March 30, 1983. Applicant: KIDD & COMPANY, INC., 308 North Martin Street, Ligonier, IN 46767. Representative: Charles W. Kidd (same address as applicant) (219) 894–3131. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

MC 161601 (Sub-1), filed March 28, 1983. Applicant: PENN FREIGHTWAYS, INC., 24 Brooklane Drive, P.O. Box 426, Harrison City, PA 15636. Representative: Arthur J. Diskin, 402 Law and Finance Bldg., Pittsburgh, PA 15219; (412) 281–9494. Transporting (1) *electrical equipment and fixtures,* between Pittsburgh, PA, on the one hand, and, on the other, points in MD, PA, WV, VA, NJ, OH, KY, DE and NY, and (2) *metal products,* between Pittsburgh, PA, on the one hand, and, on the other, points in NY, under continuing contract(s) with Cardel Sales, Inc., of Pittsburgh, PA in (1) above, and Door Specialties, Inc., of Buffalo, NY in (2) above.

MC 165531, filed March 28, 1983. Applicant: ATOMIC INTERPROVINCIAL TRANSPORT (EASTERN) LTD., 2070 Logan Ave., P.O. Box 1045, Winnipeg, Manitoba, Canada R3C 2x6. Representative: Daniel W. Krane, P.O. Box E, Shiremanstown, PA 17011; (717) 761–0520. Transporting *general commodities* (except classes A and B and explosives, household goods and commodities in bulk), between ports of entry on the international boundary line between the U.S. and Canada in MI, MN, MT, ND AND NY, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 166470, filed February 24, 1983, and previously noticed in **Federal Register** issue of March 24, 1983. Applicant: PENN-JERSEY INDUSTRIES, INC., P.O. Box 207, Mt. Bethel, PA 18343. Representative: Raymond Talipski, 121 S. Main St., Taylor, PA 18517; (717) 344–6030. Transporting *construction materials and equipment,* between points in CT, NY, PA, NJ, DE, MD, OH, MA, RI, VT and NH.

Note.—This republication clarifies the commodity description.

MC 166850, filed March 29, 1983. Applicant: ASH HAULERS, INC., 1 Innwood Circle, Suite 217, Little Rock, AR 72211. Representative: Thomas B. Staley, 1550 Tower Bldg., Little Rock, AR 72201, (501) 375–9151. Transporting *fly ash and bottom ash,* between points in the U.S., under continuing contract(s) with Chem-Ash, Inc., of Little Rock, AR.

MC 166920, filed March 21, 1983. Applicant: DANIEL BENOIT FAIRFIELD d.b.a. D. FAIRFIELD TRANSPORTATION, 1611 Bellevue St., Val d'Or, Quebec, Canada J9P 5H6. Representative: Roland Potvin, P.O. Box 5000, Val d'Or, Quebec, Canada J9P 5G6; (819) 825–6550. Transporting *particle board and pressed wood,* between the ports of entry on the international boundary line between the U.S. and Canada at points in MI, NH, NY, and VT, on the one hand, and, on the other, points in CT, DE, IL, IN, ME, MD, MA, MI, NH, NJ, NY, OH, PA, RI, and Vt.

MC 166921, filed March 21, 1983. Applicant: RALPH A. WILLSON, R.R. #1, Box 123, Burlington, IA 52601. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309; (515) 244–2329. Transporting *nonmetallic minerals, and clay, concrete, glass and stone products,* between points in IA, IL, and MO.

MC 167061, filed March 24, 1983. Applicant: GOLD SEAL TRANSPORTATION, INC., 2700 1st Ave., North, Birmingham, AL 35203. Representative: Donald B. Sweeney, Jr., P.O. Box 2366, Birmingham, AL 35201; (205) 254–3880. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between those points in and east of ND, SD, NE, KS, OK, and TX.

MC 167070, filed March 28, 1983. Applicant: PLANT PRODUCTS & SUPPLY CO. d.b.a. PP&S TRUCKING, P.O. Box 85001, San Diego, CA 92138. Representative: Richard T. Akanewich (same address as applicant) (619) 236–1115. Transporting *general commodities* (except Classes A and B explosives, household goods and commodities in bulk), between points in the U.S., under continuing contract(s) with San Diego Shippers Association, of San Diego, CA.

MC 167071, filed March 30, 1983. Applicant: CHARLES POGUE TRUCKING, INC., P.O. Box 669, Jonesboro, LA 71251. Representative: Charles Pogue (same address as applicant) (318) 628–3156. Transporting (1) *lumber and wood products,* and (2) *forest products,* between points in the U.S., under continuing contract(s) with Crown Zellerbach Corporation, of Bogalusa, LA.

MC 167090, filed March 29, 1983. Applicant: BURKE TRANSPORT CORPORATION, 1125 N. Main St., Hutchinson, KS 67501. Representative: Milton W. Flack, 8484 Wilshire Blvd., #840, Beverly Hills, CA 90211; (213) 655–3573. Transporting *such commodities* as are dealt in or used by manufacturers, distributors and dealers of liquefied petroleum gas and anhydrous ammonia, between points in the U.S. (except AK and HI). Condition: To the extent that this certificate authorizes the transportation of liquefied petroleum gas, it shall expire 5 years from date of issuance.

MC 167120, filed March 28, 1983. Applicant: FAIRMONT COUNTRY CLUB DAIRY, INC., 3805 Van Brunt Blvd., Kansas City, MO 64128. Representative: Patrick K. McMonigle, 1221 Baltimore Ave., Suite 600, Kansas City, MO 65105–1961; (816) 221–1464. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in MO and KS, on the one hand, and, on the other, points in TX, OK, AR, MO, KS, NE, IA and MN.

MC 167130, filed March 28, 1983. Applicant: KEHE ENTERPRISES, INC., 1125 Carnegie, Rolling Meadows, IL 60008. Representative: Carl L. Steiner, 135 South LaSalle Street, Chicago, IL 60603; (312) 236–9375. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in IL, IN, IA, MI, MN, OH and WI.

For the following, please direct status calls to Team 4 at 202–275–7669.

Volume No. OP4–212

Decided: April 6, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 160727,, filed March 29, 1983. Applicant: DENNIS E. MOEN, Box 475, Baudette, MN 56623. Representative: Dennis E. Moen, (same address as applicant) (218) 634–2471. Transporting *Building materials, metal products, farm supplies,* and *machinery,* between points in Lake Of The Woods and Roseau Counties, MN, on the one hand, and, on the other, points in IL, IN, IA, MI, MN, MO, NE, ND, OH, SD, and WI.

MC 164747 (Sub-1), filed March 29, 1983. Applicant: RON J. NEIWOHNER and GERI S. NIEWOHNER d.b.a. MIDNIGHT EXPRESS, 1811 Maple Dr., Huron, SC 57350. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114; (402) 397–7033. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in ND, SD, MN, IA, and NE, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 165966, filed March 29, 1983. Applicant: R&S TRUCK BROKERS, INC., 136 S. Main St., Ithaca, MI 48847. Representative: Jack L. Schiller, 111–56 76th Dr., Forest Hills, NY 11375; (212) 263–2078. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 167076, filed March 30, 1983. Applicant: M. C. TRANSIT, INC., 129 Joyce Circle, Mead, NE 68901. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. Transporting *food and related products,* between points in IL, IA, MN, NE and WI, on the one hand, and, on the other, points in CA.

MC 167146, filed March 31, 1983. Applicant: TRANSSIERRA TRUCKING, 4904 Ampere Dr., Reno, NV 89502. Representative: Robert G. Harrison, 4299 James Dr., Carson City, NV 89701, (702) 882–5649. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in NV, CA, AZ, NM, WA, OR, ID, WY, CO, and UT.

For the following, please direct status calls to Teams 5 at 202–275–7289.

Volume No. OP5–166

Decided: April 4, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 128868 (Sub-9), filed March 14, 1983. Applicant: TEXAS CONSTRUCTION SERVICE COMPANY OF AUSTIN, 2905 Howard Lane, Round Rock, TX 78664. Representative: Thomas F. Sedberry, 2600 Austin National Bank Tower, Austin, TX 78701; (512) 472–8355. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

MC 139139 (Sub-4), filed March 24, 1983. Applicant: LESTER GRAY, P.O. Box 372, Bemidji, MN 56601. Representative: Richard P. Anderson, Federal Square, 112 Roberts Street, P.O. Box 2581; Fargo, ND 58108; (701) 235–3300. Transporting (1) *lumber and wood products,* between points in Beltrami and Hubbard Counties, MN, on the one hand, and, on the other, points in the U.S. (except AK and HI); and (2) *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in MN, on and north of MN Hwy. 210, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 149188 (Sub-2), filed March 18, 1983. Applicant: INTERCOASTAL CONTAINER SERVICE CORP., P.O. Box 1770, Orange TX 77630. Representative: Doyle G. Owens, P.O. Box 7735, Beaumont, TX 77706; (713) 898–8086. Transporting *general commodities* (except classes A and B explosives and household goods), between points in TX, LA, AR, OK, MS, AL, FL, TN, SC, GA, and NC.

MC 158419 (Sub-10), filed March 24, 1983. Applicant: ON TIME FREIGHT SYSTEMS, INC., 14031 "L" St., Omaha, NE 68137. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114; (402) 397–7033. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 161908 (Sub-1), filed March 24, 1983. Applicant: MICHAEL A. PONTO d.b.a. PONTO TRANSPORTATION, 571 Julius Drive, Appleton, WI 54911. Representative: William F. Mix, 21A Muzzey Street, Lexington, MA 02173; (617) 861–7305. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between Fond Du Lac, WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 166149 (Sub-21,), filed March 21, 1983. Applicant: WORTH INDUSTRIAL EQUIPMENT, INC., 206 East Mill St., Butler, MO 64730. Representative: Arthur J. Cerra, 2100 CharterBank Center P.O. Box 19251, Kansas City, MO 64141; (816) 842–8600. Transporting (1) *machinery,* between points in MO, on the one hand, and, on the other, points in the U.S. (except AK and HI), (2) meat, *meat products and meat by-products and articles distributed by meat packinghouses,* between points in the U.S. (except AK and HI), (3) *paint and related products* and *containers,* between points in AL, AZ, AR, CA, CO, DE, FL, GA, IL, IN, KY, LA, MI, MN, MO, MS, NE, NJ, NM, NY, OH, OK, OR, PA, TN, TX, UT, VA, WA, WI, and WY, (4) *general commodities* (except classes A and B explosives, and household goods), between Kansas City, MO, on the one hand, and, on the other, points in AL, AZ, AR, CA, CO, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MI, MN, MS, MO, NE, NJ, NY, NC, ND, OH, OK, PA, TN, TX, SD, VA, WA, WV, WI, and WY, and (5) *waste or scrap materials not identified by Industry Producting, metal products, and clay, concrete, glass or stone products,* between points in AR, IA, KS, MO, NE, and OK.

MC 167038, filed March 23, 1983. Applicant: S AND Q TRUCK AND TRACTOR SERVICE, INC., P.O. Box 477, R.R. #1, Odin, IL 62870. Representative: Edward D. McNamara, Jr., Leslieann G. Maxey, 907 South Fourth St., P.O. Box 5039, Springfield, IL 62705; (217) 528–8476. Transporting *concrete pipe and related products,* between points in Marion County, IL, on the one hand, and, on the other, points in MO, under continuing contract(s) with Egyptian Concrete Company, of Salem, IL.

Volume No. OP5–171

Decided: April 5, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 1239 (Sub-14), filed March 25, 1983. Applicant: PONY TRUCKING, INC., 501 State Route 7, Steubenville, OH 43952. Representative: Maxwell A. Howell, 2554 Mass Ave., N.W., Washington, DC 20008; (202) 483–8633. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in the U.S. under continuing contract(s) with Manville Corporation, of Denver CO, Chicago Fire Brick Company, of Chicago, IL, and Wellsville Fire Brick Company, of Wellsville, MO.

MC 28599 (Sub-10), filed March 24, 1983. Applicant: DEVINE & SON TRUCKING CO., 2700 Rice Ave., P.O. Box 217, West Sacramento, CA 95691. Representative: Robert F. Sutton (same address as applicant 916–371–4430. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in CA and NV.

MC 34209 (Sub-8), filed March 28, 1983. Applicant: BILL ROGERS TRUCKING COMPANY, INC., 2100 West 83rd St., Odessa, TX 79762. Representative: James R. Boyd, 1000 Perry Brooks Bldg., Austin, TX 78701; 512–476–8066. Transporting (1) *Mercer commodities,* (2) *machinery,* and (3) *those commodities which because of their size or weight require the use of special handling or equipment,* between points in CO, LA, MN, MS, ND, NM, OK, SD, TX and WY.

MC 41098 (Sub-101), filed March 28, 1983. Applicant: GLOBAL VAN LINES, INC., One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K St., N.W., Washington, DC 20006; 202–833–8884. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. under continuing contract(s) with Philips

Medical Systems, Inc. of Shelton, CT and its affiliate Philips Ultrasound, Inc. of Santa Ana, CA.

MC 144008 (Sub-8), filed March 25, 1983. Applicant: STORE TRANSFER & DELIVERY SERVICE INC., 12 Ferris Lane, Poughkeepsie, NY 12601. Representative: Ronald I. Shapss, 450 Seventh Ave., New York, NY 10123; (212) 239–4610. Transporting *wearing apparel,* between points in the U.S. (except AK and HI), under continuing contract(s) with Stone Mfg. Co. d.b.a. S Mart Stores, of Greenville, SC.

MC 161669 (Sub-2), filed March 24, 1983. Applicant: DIXIE DRAYAGE SERVICE, INC., 680 Industrial Pkway., Saraland, AL 36571. Representative: George M. Boles, 629 Frank Nelson Bldg., Birmingham, AL 35203; 205–251–6602. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in AL, GA, FL, MS and LA.

MC 163269 (Sub-1), filed March 28, 1983. Applicant: TEXAS LOUISIANA CARTAGE, INC., 669 Good Acre, Pineville, LA 71360. Representative: Earl T. Templeton (same address as applicant) 318–640–9666. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), (1) between points in TX and LA, and (2) between Alexandria, LA on the one hand, and, on the other, Jackson, MS and Memphis, TN.

MC 163519 (Sub-1), filed March 25, 1983. Applicant: AVONDALE TRUCKING CO., INC., Avondale Avenue, Sylacauga, AL 35150. Representative: Calvin R. Turner, Jr., P.O. Box 517, Evergreen, AL 36401; (205) 578–3212. Transporting (1) *chemicals and related products,* between points in the U.S.(except AK and HI), under continuing contract(s) with Burris Chemical, Inc., of Charleston, SC, and (2) *packaging materials,* between points in the U.S. (except AK and HI), under continuing contract(s) with Fulton Enterprises, Inc., of Birmingham, AL.

MC 164578 (Sub-2), filed March 28, 1983. Applicant: TRUCK CONTROL SERVICE, INC. 7017 N 56th Ave. Glendale, AZ 85301. Representative: Phil B. Hammond 3003 N. Central, Suite 2201 Phoenix, AZ 85012; 602–266–2224. Transporting *cocoa and related products,* between points in the U.S. under continuing contract(s) with Guittard Chocolate company of Burlingame, CA.

MC 166919, filed March 21, 1983. Applicant: BILLY R. BRAKEFIELD d.b.a. BILL'S MOTOR CO. 500 W. Rosa St. Rayville, LA 71269. Representative: Billy R. Reid, 1721 Carl St., Fort Worth, TX 76103; 817–332–4718. Transporting (1) *motorcycles,* (2) *recreational and garden vehicles,* and (3) *equipment and supplies* for the commodities in (1) and (2) above, between points in AR, LA, MS, and TX.

MC 166928, filed March 22, 1983. Applicant: GOLD STAR TRUCKING, INC., P.O. Box 1705, Valdosta, GA 31603–1705. Representative: M. L. Jones (same address as applicant.) (912) 242–3729. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 167079, filed March 28, 1983. Applicant: JOHN EDWARD MAXCY d.b.a. MAXCY TRUCKING, Route 1, Bryan, OH 43506. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215; (614) 228–1541. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Fulton, Henry, and Williams Counties, OH, on the one hand, and, on the other, points in the U.S. (except AK and HI).

[FR Doc. 83-9702 Filed 4-12-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register.**

An original and one copy of petition for leave to intervene must be filed with the Commission within 30 days after the date of this **Federal Register** notice addressing specifically the issue(s) indicated as the purpose for republication.

Agatha L. Mergenovich,

Secretary.

Volume No. OP3–152

Decided: April 7, 1983.

MC 119774 (Sub-116) (Republication) filed August 11, 1981, published in the **Federal Register** issue of September 2, 1981, and republished this issue. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, TX 75662. Representative: Bernard H. English, 6270 Firth Road, Fort Worth, TX 76116, (817) 731–8431. A Decision of the Entire Commission, decided March 10, 1983, and served March 17, 1983 finds that the performance by applicant of the service described herein to operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting general commodities (except classes A and B explosives), between points in the United States; that applicant is fit, willing, and able properly to perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is to remove the facilities restriction and to show full nationwide authorization for the transportation of general commodities has been warranted.

Volume No. OP5–165

MC—163528 (Republication), filed October 4, 1982, published in the **Federal Register** issue of November 1, 1982, and republished this issue. Applicant: QUARRY TRANSPORT CO., INC., 11 S 22 Madison Street, Hinsdale, IL 60521. Representative: Albert A. Andrin, Suite 3520, 180 North LaSalle Street, Chicago, IL 60601. An Order of the Commission, Review Board 3, decided February 23, 1983, and served March 3, 1983, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *commodities in bulk* between points in Illinois, Indiana, Michigan, Missouri, Iowa, and Wisconsin, and (2) *waste or scrap materials not identified by industry producing,* between points in Illinois, Indiana, and Michigan, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate the applicant's actual grant of authority.

[FR Doc. 83-9697 Filed 4-12-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

The following restriction removal applications, are governed by 49 CFR Part 1165. Part 1165 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747 and redesignated at 47 FR 49590, November 1, 1982.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1165.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminary, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with the criteria set forth in 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

Agatha L. Mergenovich,

Secretary.

Please Direct Status Inquiries to Team 2, at (202) 275-7030

Volume No. OP2-162

Decided: April 6, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 143193 (Sub-3X), filed March 28, 1983. Applicant: GORDON POCH COMPANY, INC., Route 1, Hwy 33, Horicon, WI 53032. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719, 608-273-1003. Sub 1: (1) broaden (a) ethyl alcohol to chemicals and related products, and (b) brewer's yeast to food and related products; (2) broaden Juneau, WI to Dodge County, WI; (3) broaden one-way irregular routes to radial authority; (4) remove bulk; and (5) remove tank vehicle restriction.

For the following, please direct status calls to Team 5 at 202-275-7289.

Volume No. OP5-168

Decided: April 5, 1983.

By the Commission, Review Board No. 5, Members Krock, Joyce, and Dowell.

MC 125119 (Sub-1)X, filed March 23, 1983. Applicant: TRI-STATE TRUCKNG, INC., 421 Leader Street, Marion, OH 43302. Representative: William Q. Keenan, 7 Corporate Park Drive, White Plains, NY 10604, (914) 694-1414. Lead permit: broaden to (1) "chemicals and related products," from liquid fertilizer, in bulk, in tank vehicles; and (2) expand the territorial description to "between points in the United States" (except Alaska and Hawaii), under continuing contract(s) with named shippers.

Volume No. OP5-163

Decided: April 1, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 114028 (Sub-54)X, filed March 7, 1983. Applicant: ROWLEY INTERSTATE TRANSPORTATION COMPANY, INC., 2010 Kerper Blvd., Dubuque, IA 52001. Representative: Carl L. Steiner, 135 South LaSalle St., Chicago, IL 60603, 312-236-9375. Lead and Subs 1, 4, 9, 10, 11, 17, 19, 20, 21, 22, 23, 25, and 31: (1) broaden to "food and related products" from fresh and cured meats, meat and meat products, and by-products, articles distributed by meat packing houses, pigskins, agricultural commodities (exempt) when transported in mixed loads with bananas, and foodstuffs, in lead and Subs 1, 4, 9, 10, 11, 19, 20, 21, 22, and 23 broaden cities or facilities to county wide authority: Denison, IA (Crawford County), Dubuque, IA (Dubuque County), LeMars, IA (Plymounth, County), Wichita, KS (Sedgwick County), Mankato, KS (Jewell County), Wilmington, DE (Newcastle County), Reno and Rouseville, PA (Venango County), Detroit, MI (Wayne, Macomb, Monroe, Oakland, and Washenaw Counties), Clifton, NJ (Passaic County), Frisco, PA (Beaver County), Pittsburgh (Beaver, Allegheny, Butler, Westmoreland, Fayette and Washington Counties), Bucksport, ME (Hancock County), (3) remove facilities restrictions, (4) remove "in containers, in bulk, in drums, in tank cars, hides and inedible skins and pieces thereof", (5) broaden: in Subs 14, 26, 33, 34, 35 and 36, from charcoal to "petroleum and natural gas and their products", paper and paper products to "pulp, paper and related products", water treatment chemicals to "chemicals and related products", silicon and ferro maganese to "metal and metal products" (6) remove restriction "shipments having an immediately prior movement by water", and originating at or destined to restrictions, and (7) broaden one way authority to radial authority.

[FR Doc. 83-9886 Filed 4-12-83; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier; Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicted, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F-253

The following applications were filed in Region I: Send protests to Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 621 (Sub-1-1TA), filed March 29, 1983. Applicant: PAUL ARPIN VAN LINES, INC., West Warwick Industrial Park, Box 1302, East Greenwich, RI 02818-0998. Representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, DC 20006. *Household goods* between points in CA and AZ, on the one hand, and, on the other, points in the U.S. (except AK, HI and MT). Supporting shipper(s): American World Forwarders, Inc., 4411 E. 119 Street, Grandview, MO 64030; Cartwright International Van Lines, Inc., 11919 Cartwright Ave., Grandview, MO 64030; Arpin-World Forwarding Corp., P.O. Box 1302, E. Greenwich, RI 02818; and TEK Forwarding, Inc., P.O. Box 1304, E. Greenwich, RI 02818.

MC 166951 (Sub-1-1TA), filed March 23, 1983. Applicant: ANDREW'S XPRESS, INC., 508 E. 36th Street,

Paterson, NJ 07504. Representative: Jack L. Schiller, 111–56 76th Drive, Forest Hills, NY 11375. *Aluminum and fabricated aluminum and steel and fabricated steel* between the facilities of National Steel Centers—Division of National Steel, Inc. located at Boonton, NJ, on the one hand, and, on the other, points in CT, MA, NY and PA. Supporting shipper: National Steel Service Centers-Division of National Steel, Inc., 1 Century Drive, Parsippany, NJ 07054.

MC 167097 (Sub-1–1TA), filed March 29, 1983. Applicant: AUTO PLACEMENT CENTER, INC., 180 Amaral Street, East Providence, RI 02915. Representative: Charles R. Reilly, 391 Davisville Road, North Kingstone, RI 02852. *Vehicles and accessories, damaged, recovered, and/or repossessed (except vehicles requiring transportation from the scene of accidents)* between East Providence, RI, Salem, NH, and Albany, NY, and points in CT, MA, ME, NH, NJ, NY, PA, RI, and VT. Supporting shipper(s): There are twelve statements in support of this application which may be examined at the I.C.C. Regional Office in Boston, MA.

MC 134806 (Sub-1–58TA), filed March 23, 1983. Applicant: B–D–R TRANSPORT, INC., Vernon Drive, P.O. Box 1277, Brattleboro, VT 05301. Representative: Edward T. Love, 4401 East West Highway, Suite 404, Bethesda, MD 20814. *Contract carrier:* irregular routes: *General commodities (except commodities in bulk, household goods and Class A and B explosives),* between Los Angeles and San Francisco, CA, and points in their Commercial Zones, on the one hand, and, on the other, points in CT, MA, ME, NH, RI and VT, under continuing contract(s) with National Carrier Service, Anaheim, CA. Supporting shipper: National Carrier Service, 2000 Santa Cruz Street, Anaheim, CA 92805.

MC 134806 (Sub-1–59TA), filed March 25, 1983. Applicant: B–D–R TRANSPORT, INC., Vernon Drive, P.O. Box 1277, Brattleboro, VT 05301. Representative: Edward T. Love, 4401 East West Highway, Suite 404, Bethesda, MD 20814. *Contract carrier:* irregular routes: *Canoes* between Waitsfield, VT, on the one hand, and, on the other, points in CA, Denver and Grand Junction, CO, Salt Lake City, UT, and Cheyenne, WY, under continuing contract(s) with Mad River Canoe, Inc., Waitsfield, VT. Supporting shipper: Mad River Canoe, Inc., P.O. Box 610, Waitsfield, VT 05673.

MC 166884 (Sub-1–1TA), filed March 29, 1983. Applicant: J & J SERVICE CO., INC., 35 Dublin Lane, Cherry Hill, NJ 08003. Representative: Edward D. Sheehan, Esq., DuBois, Sheehan, Hamilton & DuBois, 511 Cooper Street, Camden, NJ 08102. *Passengers* between points in NJ, PA, NY, DE, MD, VA and DC. Supporting shipper: SAI Group, Inc., 900 Dudley Avenue, Cherry Hill, NJ.

MC 143127 (Sub-1–33TA), filed March 29, 1983. Applicant: K. J. TRANSPORTATION, INC., 6070 Collett Road, Victor, NY 14564. Representative: Catherine Jablonski (same as above). *General commodities (except Classes A and B explosives; Household Goods; Commodities in bulk, and Hazardous wastes)* between points in the U.S. (except AK and HI) originating at or destined to the facilities of Arcata Graphics Co., Norwalk, CT. Supporting shipper: Arcata Graphics Co., 101 Merritt 7, Norwalk, CT 06852.

MC 147101 (Sub-1–2TA), filed March 24, 1983. Applicant: LDF, INC., 30 Enterprise Avenue, Secaucus, NJ 07094. Representative: Carla T. Novak, 1101 31st Street, Downers Grove, IL 60515. *Contract carrier:* irregular routes: *Such commodities as are dealt in or used by retail department stores,* from Charlotte, NC to Jersey City, NJ, under continuing contract(s) with Macy's New York, Inc., New York, NY. Supporting shipper: Macy's New York, Inc., 151 W. 34th Street, New York, NY 10001.

MC 1940 (Sub-1–2TA), filed March 24, 1983. Applicant: TRAILWAYS OF NEW ENGLAND, INC., 625 8th Avenue, New York, NY 10018. Representative: George W. Hanthorn, 1500 Jackson Street, Dallas, TX 75201. *Common carrier:* regular routes: *Passengers* between (a) Worcester, MA and Haverhill, MA: (1) from Worcester over MA Hwy 12 to West Boylston, MA, then over MA Hwy 110 to jct MA Hwy 2A, then over MA Hwy 2A to Ayer, then return over MA Hwy 2A to jct MA Hwy 110, then over MA Hwy 110 via Lowell to Haverhill, MA and return over the same route, serving all intermediate points; (2) from Worcester over Interstate Hwy 290 to jct Interstate Hwy 495, then over Interstate Hwy 495 to Haverhill and return over the same route, serving all intermediate points; and (b) between Worcester, MA and Fitchburg, MA, from Worcester over MA Hwy 12 to Fitchburg and return over the same route, serving all intermediate points; and (c) between West Boylston, MA and Ayer, MA, from West Boylston over MA Hwy 12 to jct. Interstate Hwy 190, then over Interstate Hwy 190 to MA Hwy 2, then over MA Hwy 2 to jct MA Hwy 12, then over MA Hwy 12 to Fitchburg, then over MA Hwy 2A to Ayer. Applicant assumed feeder route service upon termination of service by existing carrier.

MC 167098 (Sub-1–1TA), filed March 29, 1983. Applicant: FIDELE TREMBLAY, INC., 29 St. Alphonse Street, Luceville, Quebec, CD GOK 1EO. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. *Contract carrier:* irregular routes: *Lumber and wood products,* between points in the U.S. (except AK and HI), under continuing contract(s) with Lulumco, Inc., Luceville, Quebec, CD. Supporting shipper: Lulumco, Inc., Luceville, Quebec, CD.

MC 167096 (Sub-1–1TA), filed March 29, 1983. Applicant: WARNER VANDERHEUEL, d.b.a. WARNER TRANSPORT, 76 Niehaus Avenue, Little Ferry, NJ 07643. Representative: Hughan R. H. Smith, 26 Kenwood Place, Lawrence, MA 01841. *Contract carrier:* irregular routes: *Printed matter, paper and paper products,* between points in MA, NY and NJ, on the one hand, and, on the other, points in MA, CT, ME, NH, NJ, RI, VT, DE, MD, OH, PA, DE, DC, WV, VA, NC, SC, GA, FL, AL, TN, MO, LA, TX, OK, AR, KY, KS, IL, IN, WI, IA, MN, and MI, under continuing contract(s) with Grinnell Lithograph Co., Inc., Islip, NY; Mobile Steam Cleaners, Little Ferry, NJ; Fineat Warehouse, Inc., Wilmington, MA. Supporting shipper(s): Grinnell Lithograph Co., Inc., 265 Moffitt Blvd., Islip, NY 11751; Mobile Steam Cleaners, 100 Mehrhof Road, Little Ferry, NJ 07643; Fineat Warehouse, Inc., 841 Woburn Street, Wilmington, MA 01887.

MC 109887 (Sub-1–2TA), filed March 29, 1983. Applicant: WEST END MOVING & STORAGE CO., INC., 241 Pine Street, P.O. Box 3374, Bridgeport, CT 06605. Representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, DC 20006. *Contract carrier:* irregular routes: *General commodities (except classes A and B explosives, household goods, and commodities in bulk)* between points in the U.S. under continuing contract(s) with Philips Medical Systems, Inc. of Shelton, CT. Supporting shipper: Philips Medical Systems, Inc., 710 Bridgeport Ave., Shelton, CT 06484.

The following applications were filed in Region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St., Rm. 620, Philadelphia, PA 19106.

MC 167047 (Sub-II–1TA), filed March 25, 1983. Applicant: BIG LAKE TRANSPORT, INC. OF VA., 6th & Byrd St., Richmond, VA 23219. Representative: Paul D. Collins, 7761 Lakeforest Drive, Richmond, VA 23235. Contract, irregular: (1) *Newsprint, groundwood paper, scrap and waste paper, paper cores, and materials,*

supplies, and equipment used in the manufacture, sale and distribution of paper and paper products, between points in Hanover County, VA, on the one hand, and, on the other, points in FL, GA, OH; and Chicago, Des Plaines and Highland, IL; Sylacauga, AL; Indianapolis, IN; Royal Oaks, MI; Frankfort, KY: and Knoxville, TN, under continuing contract(s) with Bear Island Paper Co., Greenwich, CT; (2) *Printing materials, books, and materials, supplies and equipment used in the manufacture, sale and distribution of printing material and books,* between Richmond, VA, on the one hand, and, on the other, Denver, CO; Addison, IL; Baltimore, MD; Brooklyn and New York, NY; Raleigh, NC; and Nashville, TN, under continuing contract(s) with W.M. Brown & Sons, Inc., Richmond, VA; (3) • *Paper honeycomb, expanded and not expanded,* between Farmville, NC, on the one hand, and, on the other, points in AL, FL, GA, TN; and Edwardsburg, MI, under continuing contract(s) with Hexagon Honeycomb Corp., Farmville, NC; (4) *Food, Foodstuffs, cookies, crackers, snack foods, dust, meal, advertising materials, bakery goods, packaging material, yeast, prepared animal feeds, and materials, supplies and equipment used in the manufacture, sale and distribution thereof,* between (A) Henrico County, VA (Sandston, VA), on the one hand, and, on the other, points in CA, FL, TX; and Las Vegas and Reno, NV; Portland, OR; Seattle, WA; and (B) between Houston, TX, on the one hand, and, on the other, points in CA, FL, and LA, under continuing contract(s) with Nabisco Brands, Inc., Parsippany, NJ. (5) *Twine and wrapping paper,* between Newport News, VA, on the one hand, and, on the other, Florence, AL; Gardena and Pico Rivera, CA; Carmel, IN; Shreveport, LA; Grand Rapids, OH: and Osceola, WI, under continuing contract(s) with Plymkraft Corp., Newport News, VA; (6) *Shopping carts, and materials, supplies and equipment used in the manufacture, sale and distribution of shopping carts,* between Richmond, VA, on the one hand, and, on the other, points in CT, FL, MA, NJ, NY; and, Baltimore, MD; Mckeesport and Pittsburgh, PA; Alexandria and New Orleans, LA; Chicago, Forest Park and Niles, IL; and Houston, TX, under continuing contract(s) with Rehrig International, Richmond, VA; (7) *Teabags, instant tea, coffee, and materials, supplies, and equipment used in the manufacture, sale and distribution thereof,* between Virginia Beach, VA, on the one hand, and, on the other, points in AL, FL, OH; and Los Angeles and San Francisco, CA; Morrow and Savannah, GA; Phoenix, AZ; Chicago, IL; Jackson, MS; Kansas City, KS; Sparks, NV; Arlington, TX; Greenville, SC; Lansing, MI; Charlotte, NC; Omaha, NE; Salisbury, NC; Sheboygan, WI; and Knoxville, TN, under continuing contract(s) with Teapack Co., Inc., Virginia Beach, VA. There are seven supporting shippers' statements attached to this application which may be examined at the Phila. Regional Office.

MC 119420 (Sub-II–2TA), filed March 8, 1983. Applicant: FRED FAIRALL CONSTRUCTION CO., 801 West First St., Uhrichsville, OH 44683. Representative: John L. Alden, 1396 West Fifth Ave., Columbus, OH 43212. *Clay products;* (1) from Tuscarawas County, OH to points in NC and NJ. and (2) From Wake County, NC to points in Macomb, Monroe, Livingston, Oakland, St. Clair, Sanilac, Washtenaw, and Wayne Counties, MI for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Superior Clay Corp., P.O. Box 352, Uhrichsville, OH 44683; The Belden Brick Sales Co., 14305 Livernois Ave., Detroit, MI 48238. Application was originally published in the **Federal Register** 3/30/83. The purpose of the republication is the county Macomb was misspelled.

MC 148412 (Sub-II–7TA), filed March 29, 1983. Applicant: GRIBBLE TRUCKING, INC., R.D. 3, Rockwood, PA 15557. Representative: George Gross, Jr., 124 Lammert Dr., Glenshaw, PA 15116. *General commodities (except Classes A & B explosives, and household goods as defined by the Commission),* between points in the U.S. (except AK & HI), for 270 days. Supporting shipper(s): There are twenty-eight support statements attached to this application which may be examined at the Phila. Regional office.

Docket MC 167034 (Sub-II–2TA), filed March 25, 1983. Applicant: JA-MARC TRANSPORT, INC., 2117 Knollwood Dr., Findlay, OH 45840. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 432125. *Flour,* in bulk, from Cheswick PA to points in MD, OH and WV for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Archer Daniels Midland Co., Inc., 4550 W. 109th St., Shawnee Mission, KS 66207.

MC 107012 (Sub-II–280TA) filed April 1, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Margaret S. Vegeler (same as applicant). Contract, irregular: *General commodities* (except classes A & B explosives, and commodities in bulk) points in the United States under continuing contract(s) with Triad Systems Corp. of Sunnyvale, CA for 270 days. An underlying ETA seeks 120 days authority. Supporting Shipper: Triad Systems Corp., 1252 Orleans Drive, Sunnyvale, CA 94086.

MC 107012 (Sub-II–279TA), filed March 28, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Margaret S. Vegeler (same as applicant). Contract, irregular: *General commodities* (except classes A & B explosives, and commodities in bulk) between points in the United States under continuing contract(s) with Corvus Systems of San Jose, CA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Corvus Systems, 2029 O'Toole Avenue, San Jose, CA 95131.

MC 167086 (Sub-II–1TA), filed March 29, 1983. Applicant: SEA TRANS, INC., 4405 Putnam Circle, Virginia Beach, VA 23462. Representative: Paul D. Collins, 7761 Lakeforest Drive, Richmond, VA 23235. *General commodities (except classes A and B explosives, household goods, and commodities in bulk)* (1) between Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, and Virginia Beach, VA; and (2) between points named in (1), on the one hand, and, on the other, points in VA, having a prior or subsequent movement by water. An underlying ETA seeks 120 days authority. Supporting shippers: Associated Container Transport (ACT), 212 E. Main St., Norfolk, VA; Sea-Land Service, Inc., 1800 Seaboard Ave., Portsmouth, VA 23705.

MC 110683 (Sub-II–20TA), filed March 29, 1983. Applicant: SMITH'S TRANSFER CORPORATION, P.O. Box 1000, Staunton, VA 24401. Representative: HARRY J. JORDAN, 1090 Vermont Ave., NW, Washington, D.C. 20005. Contract, irregular: *General commodities (except household goods as defined by the Commission, commodities in bulk and Classes A and B explosives);* between points in the U.S. (except AK and HI), under continuing contract(s) with Hills Department Stores. Supporting Shipper(s): Hills Department Stores, 15 Dan Road, Canton, MA 02021.

MC 158923 (Sub-II–5TA), filed March 25, 1983. Applicant: JOHN R. VALENTINO TRUCKING, R.D. #2, Box 9B, Cochranville, PA 19330. Representative: John R. Valentino (same address as applicant). *Pulpboard and related paper products* between points

in NJ, NY, PA, MD, DC, OH, IN, MI, CT, RI, MA, ME and IL. An underlying ETA seeks 120 days. Applicant intends to tack this authority with its authority in MC–158923. Supporting shipper(s): Dopaco, Inc., Boot Rd. & Chestnut St., Downingtown, PA 19335.

The following applications were filed in Region 4: Send protests to: ICC, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 147136 (Sub-4–1TA), filed March 25, 1983. Applicant: INDIVIDUAL TRANSPORT, INC., R.R. #1, Patriot, IN 47038. Representative: Jerry B. Sellman, 50 W. Broad Street, Columbus, OH 43215. *Wooden ladders and ladder parts*, between Carroll County, KY, on the one hand, and, on the other, Washoe County, NV, and between Washoe County, NV, on the one hand, and, on the other, Los Angeles and San Francisco, CA. An underlying ETA seeks authority for 180 days. Supporting shipper: Rich Ladder Company, P.O. Box 120, Carrollton, KY 41008.

MC 164843 (Sub-4–1TA), filed March 23, 1983. Applicant: PONDEROSA SYSTEMS, INC., 4803 N. Cliff Ave., P.O. Box 417, Sioux Falls, SD 57101. Representative: Warren Luke (same address as applicant), 1–605–334–1100. *Precast concrete products*, from Sioux Falls, SD to Minneapolis/St. Paul, MN, restricted to traffic orginating at Gage Brothers Concrete Products, Inc. An underlying ETA seeks 120 days. Supporting shipper: Gage Brothers Concrete Products, Inc., 4301 W. 12th Street, Sioux Falls, SD 57106.

MC 156069 (Sub-4–7TA), filed March 23, 1983. Applicant: TRANSITALL SERVICES, INC., Two North Riverside Plaza, Suite 1402, Chicago, IL 60603. Representative: Anthony E. Young, Ltd., 29 South LaSalle Street, Suite 350, Chicago, IL 60603. Contract irregular *Malt beverages and materials used in the manufacture and distribution of malt beverages* between Milwaukee, WI, on the one hand, and, on the other, Traverse City, MI, under continuing contracts with Jack & Bill Wicksall Distributors, Inc. of Traverse City, MI. Supporting shipper: Jack & Bill Wicksall Distributors, Inc., 2325 Sybrandt Road, Traverse City, MI.

MC 167021 (Sub-4–1TA), filed March 24, 1983. Applicant: MAGLINE INC., 503 South Mercer St., Pincomming, MI 48650. Representative: Jimmy C. Hall, Sr. (same as applicant). Common; Regular (*Loading Ramps*) from Standish, MI to Bayonne, NJ. An ETA for 120 days has been filed concurrently. Supporting shipper: Commander, Military Traffic Management Command, Washington, D.C. 20315 and Defense Contract Administration Services Management Area Detroit—DCRO–GTCT, 477 Michigan Ave., Detroit, MI 48226.

MC 139205 (Sub-4–1TA), filed March 28, 1983. Applicant: DOLPHIN CARTAGE, INC., 5274 S. Archer Ave., Chicago, IL 60632. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602. Contract; irregular *(1) Containers, paper and paper articles; and (2) materials, equipment and supplies used in the manufacture of containers, paper and paper articles* (except commodities in bulk), between Chicago, IL, on the one hand, and, on the other, points in IN, MI and WI, under continuing contract with Owens-Illinois, Chicago, IL. Supporting shipper: Owens-Illinois, 440 E. 138th Street, Chicago, IL 60627.

MC 163305 (Sub-4–2TA), filed March 28, 1983. Applicant: TONKA TRANSPORTATION, INC., 4144 Shoreline Boulevard, Spring Park, MN 55384. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Suite 307, Edina, MN 55424. Contract; Irregular: *Such commodities as are dealt in or used by manufacturers and distributors of metal and plastic toys and ceramic crafts*, between points in the U.S. under continuing contracts(s) with Tonka Toys, Inc. Supporting shipper: Tonka Toys, 5300 Shoreline Boulevard, Mound, MN 55364.

MC 166994 (Sub-4–1TA), filed March 24, 1983. Applicant: TUSCOLA AND SAGINAW BAY RAILWAY COMPANY, INC., 538 E. Huron Avenue, Vassar, MI 48768. Representative: Wesley W. Hoffman, 530 W. Ionia, Suite C, Lansing, MI 48933. Contract irregular *Hazardous Materials in bulk* between points in the U.S. (except AK and HI) under continuing contract with T and T Chemical of Michigan, Inc., 4773 Lorraine Road, Saginaw, MI, 48604.

MC 108449 (Sub-4–7TA), filed March 28, 1983. Applicant: INDIANHEAD TRUCK LINE, INC., P.O. Box 43355, St. Paul, MN 55164. Representative: W. A. Myllenbeck, P.O. Box 43355, St. Paul, MN 55164. *General Commodities*, (except household goods and Class A and B explosives) from Chicago, IL to points in AZ, CA, ID, LA, NM, NV, OR, UT, and WA. Supporting shippers: There are seven (7) shippers.

MC 112223 (Sub-4–13TA), filed March 28, 1983. Applicant: QUICKIE TRANSPORT COMPANY, 1700 New Brighton Blvd., Minneapolis, MN 55413. Representative: Earl Hacking, 1700 New Brighton Blvd, Minneapolis, MN 55413. *Sandblast Abrasive*, in bulk, in pneumatic vehicles, from Lawtey, FL, to St. Cloud, MN, restricted to traffic for DCI, Inc. Supporting shipper: DCI Incorporated, 600 North 54th Ave., St. Cloud, MN 56302.

MC 113855 (Sub-4–11TA), filed March 28, 1983. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road S.E., Rochester, MN 55903. Representative: Leonard L. Bennett, 2450 Marion Road S.E., Rochester, MN 55903. Contract; Irregular. *General commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except HI), under a continuing contract(s) with FMC Corporation. Supporting shipper: FMC Corporation, 200 East Randolph Drive, Chicago, IL 60601.

MC 149095 (Sub-4–1TA), filed March 28, 1983. Applicant: EAGLE EXPEDITING, INC., 5215 N. Grand River, P.O. Box 15103, Lansing, MI 48901. Representative: Robert E. McFarland, 2855 Coolidge, Ste. 201A, Troy, MI 48084. *Motor vehicle parts, and materials, equipment and supplies used in the manufacture and production of motor vehicles* between the facilities of American Motors Corporation at Evart, MI, Detroit, MI, Milwaukee, WI, Kenosha, WI, South Bend, IN, and Toledo, OH, on the one hand, and, on the other, points in MI, OH, IN, IL, and WI. An underlying ETA seeks 120 days authority. Supporting Shipper: American Motors Corporation, 1425 Plymouth Rd., Detroit, MI 48232.

MC 140820 (Sub-4–5TA), filed March 28, 1983. Applicant: A & R TRANSPORT, INC., 2996 N. Illinois 71, R.R. #3, Ottawa, IL 61350. Representative: James R. Madler, 120 W. Madison Street, Chicago, IL 60602. Contract; irregular. *General commodities* (except Classes A and B explosives and household goods) between points in the United States, under a continuing contract with Chemical Interchange Co., St. Louis, MO. Supporting shipper: Chemical Interchange Co. Suite 1104, 11 S. Meramec, Clayton, MO 63105.

MC 159384 (Sub-4–1TA), filed March 28, 1983. Applicant: DAVID KURK, INC., P.O. Box 112, Eitzen, MN 55931. Representative: Stephen F. Grinnell, 1600 TCF Tower, 121 South Eighth Street, Minneapolis, MN 55402. *Fertilizer*, from East Dubuque, Garner and Mason City, IA; Glenwood, Minneapolis, Pine Bend, Sleepy Eye and Vernon Center, MN to points in IA, MN, and WI. Supporting shippers are Northeast Farm Service Co. of Decorah, IA and Minn-Chem, Inc. of Sanborn, MN.

MC 165905 (Sub-4–2TA), filed March 25, 1983. Applicant: R & R TRUCKING, LTD., 207 South Union Street, Loyal, WI

54446. Representative: Richard A Westley, 4506 Regent Street, Suite 100, P.O. Box 5086, Madison, WI 53705–0086. Contract; Irregular. *Salt* (except in bulk), from Akron, OH and St. Clair, MI to Loyal, WI under continuing contract(s) with Smith Feed Service, Inc., of Loyal, WI. An underlying ETA seeks 120 day authority. Supporting shipper: Smith Feed Service, Inc., 213 East Mill Street, Loyal, WI 54446.

MC 125853 (Sub-4–2TA), filed March 24, 1983. Applicant: TOWNE AIR FREIGHT, INC., 4135 West Progress Drive, South Bend, IN 46628. Representative: Andrew K. Light, 1301 Merchants Plaza, Indianapolis, IN 46204. Contract, irregular: *Iron oxide NOI,* in bags, from Valparaiso, IN to Chicago, IL and its commercial zone. RESTRICTED to continuing contracts with Pfizer Inc., 4901 Evans Avenue, Valparaiso, IN 46383.

Agatha L. Mergenovich,

Secretary.

FR Doc. 83-9700 Filed 4-12-83; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387]

Exemptions for Contract Tariffs

AGENCY: Interstate Commerce Commission.

ACTION: Notices of provisional exemptions.

SUMMARY: Provisional exemptions are granted under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e), and the below-listed contract tariffs may become effective on one day's notice. These exemptions may be revoked if protests are filed.

DATES: Protests are due within 15 days of publication in the **Federal Register.**

ADDRESS: An original and 6 copies should be mailed to: Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Douglas Galloway (202) 275–7278.

SUPPLEMENTARY INFORMATION: The 30-day notice requirement is not necessary in these instances to carry out the transportation policy of 49 U.S.C. 10101a or to protect shippers from abuse of market power; moreover, the transaction is of limited scope. Therefore, we find that the exemption requests meet the requirements of 49 U.S.C. 10505(a) and are granted subject to the following conditions:

These grants neither shall be construed to mean that the Commission has approved the contracts for purposes of 49 U.S.C. 10713(e) nor that the Commission is deprived of jurisdiction to institute a proceeding on its own initiative or on complaint, to review these contracts and to determine their lawfulness.

Sub-No.	Name of railroad, contract No. and specifics	Review Board [1]	Decided date
891	Norfolk and Western Railway Co., ICC-NW-C-6015, (Bituminous coal) via Port of Lamberts Point, VA	1	4-6-83
892	Norfolk and Western Railway Co., ICC-NW-C-0010, Supplement 2, (Iron or steel bars)	2	4-6-83
893	The Baltimore and Ohio Railroad Co., ICC-BO-C-0023, (Copper)	3	4-6-83
894	Norfolk and Western Railway Co., ICC-NW-C-0055, (Grain and soybeans)	1	4-6-83

[1] Review Board No. 1, Members Parker, Chandler, and Fortier; Review Board No. 2, Members Carleton, Williams, and Ewing; Review Board No. 3, Members Krock, Joyce, and Dowell.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505)

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-9529 Filed 4-12-83; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-39 (Sub-No. 3)]

Rail Carriers: St. Louis Southwestern Railway Co. and St. Louis Southwestern Railway Co. of Texas; Abandonment; in Cherokee and Angelina Counties, TX; Findings

The Commission has issued a certificate authorizing the St. Louis Southwestern Railway Company and the St. Louis Southwestern Railway Company of Texas to abandon the 40.13 mile rail line between Rusk (milepost 594.00) and Keltys (milepost 634.13) in Cherokee and Angelina Counties, TX. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicants, with copies to Mr. Louis E. Gitomer, Room 5417, Interstate Commerce Commission, Washington, DC. 20423, no later than 10 days from publication of this Notice. Any offer previously made must be remade within this 10 days.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-9694 Filed 4-12-83; 8:45 am]

BILLING CODE 7035-01-M

[Order No. P-50]

Rail Carriers; Passenger Train Operation; Western Pacific Railroad Co.

It appearing, that the National Railroad Passenger Corporation (Amtrak) has established through passenger train service between Seattle, Washington and Los Angeles, California. The operation of these trains requires the use of tracks and other facilities of Southern Pacific Transportation company (SP). A portion of the SP tracks at Gibson, California, are temporarily out of service because of a derailment. An alternative route is available via the Western Pacific Railroad Company between Sacramento and Bieber, California.

It is the opinion of the Commission that the use of such alternate route is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered

(a) Pursuant to the authority vested in me by order of the Commission decided April 29, 1982, and of the authority vested in the Commission by Section 402(c) of the Rail Passenger Service Act of 1970 (45 U.S.C. 562(c)), the Western Pacific Railroad Company (WP), is directed to operate trains of the National Railroad Passenger Corporation (Amtrak) between a connection with Southern Pacific Transportation Company (SP) at Sacramento, California and Bieber, California.

(b) In executing the provisions of this order, the common carriers involved shall proceed even though no agreements or arrangements now exist between them with reference to the compensation terms and conditions applicable to said transportation. The compensation terms and conditions shall be, during the time this order remains in force, those which are voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, the compensation terms and conditions shall be as hereafter fixed by the Commission upon

petition of any or all of the said carriers in accordance with pertinent authority conferred upon it by the Interstate Commerce Act and by the Rail Passenger Service Act of 1970, as amended.

(c) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign commerce.

(d) *Effective date.* This order shall become effective at 8:15 p.m., March 27, 1983.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., March 28, 1983, unless otherwise modified, amended, or vacated by order of this Commission.

This order shall be served upon the Western Pacific Railroad Company and upon the National Railroad Passenger Corporation (Amtrak), and a a copy of this order shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 27, 1983.

Interstate Commerce Commission.

John H. O'Brien,

Agent.

[FR Doc. 83-9691 Filed 4-12-83; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Office of the Attorney General

Proposed Consent Order in Action Alleging Violations of State and Federal Regulations Applicable to the Transportation, Storage, and Disposal of Hazardous Wastes

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on March 31, 1983, a proposed consent order in *United States* v. *Monochem, Inc., et al.*, Civil Action No. 8-81-64, was lodged with the United States District Court for the Southern District of Texas, Brownsville Division. The proposed consent order provides for injunctive relief and a monetary penalty with respect to alleged violations of State and federal regulations applicable to the storage of hazardous waste by a commercial warehouse facility located in Hidalgo, Texas.

The Department of Justice will receive, for thirty (30) days from the date of publication of this notice, written comments relating to the proposed order. Comments should be addressed to F. Henry Habicht, Acting Assistant Attorney General, Land and Natural Resources Division, U.S. Department of Justice, Washington, D.C. 20530, and refer to *United States* v. *Monochem, Inc., et al.*, D.J. Ref. 90-7-1-194.

The proposed consent order may be examined at the Office of the United States Attorney, Room 1200, United States Courthouse, 515 Rusk Street, Houston, Texas 77002; at the Region VI Office of the Environmental Protection Agency, Office of Regional Counsel, 28th Floor, 1201 Elm Street, Dallas, Texas 75270; and at the Environmental Enforcement Section, Land and Natural Resources Division, U.S. Department of Justice (Room 1515), Ninth Street and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed consent order may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division, U.S. Department of Justice.

F. Henry Habicht II,

Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 83-9797 Filed 4-12-83; 8:45 am]

BILLING CODE 4410-01-M

National Institute of Justice

Summer Research Fellowship Program for 1983; Notice of Solicitation

The National Institute of Justice announces a competitive research solicitation entitled, Summer Research Fellowship Program for 1983. It is anticipated that approximately $50,000 will be allocated for the program with awards averaging $10,000. Funding recommendations will be made to the Director of the National Institute of Justice by a Peer Review Panel. To be eligible for consideration, proposals must be received by Monday, May 2, 1983.

Copies of this solicitation can be obtained by writing Joel Garner, National Institute of Justice, Office of Research and Evaluation Methods, 633 Indiana Avenue, N.W., Washington, D.C. 20531, or by calling him at (202) 724-8265.

James K. Stewart,

Director

[FR Doc. 83-9666 Filed 4-12-83; 8:45 am]

BILLING CODE 4410-18-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Music Advisory Panel (Opera-Musical Theater Challenge/Advancement; Meetings

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), as amended, notice is hereby given that a meeting of the Music Advisory Panel (Opera-Musical Theater Challenge/Advancement) to the National Council on the Arts will be held on April 29-30, 1983, from 9:00 a.m.-5:30 p.m., at the Nancy Hanks Center, 1100 Pennsylvania Avenue, N.W., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C., 20506 or call (202) 634-6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

April 5, 1983.

[FR Doc. 83-9676 Filed 4-12-83; 8:45 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-313]

Arkansas Power & Light Co., Notice of Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 74 to Facility Operating License No. DPR-51, issued to Arkansas Power and Light Company (the licensee), which revised the Technical Specifications (TSs) for operation of Arkansas Nuclear One, Unit No. 1 (ANO-1) located in Pope County, Arkansas. The amendment is effective as of the date of issuance.

The amendment revises the TSs to allow the Acoustic Emission method for the inservice volumetric examination of the reactor coolant pump flywheels.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior Public notice of this amendment was not required

since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4), an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see: (1) The licensee's application for amendment dated February 22, 1979, as supplemented August 18, November 30, and December 23, 1982, and February 15, 1983, (2) Amendment No. 74 to License No. DPR–51, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Arkansas Tech University, Russellville, Arkansas. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 4th day of April 1983.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch #4, Division of Licensing.

[FR Doc. 83-9773 Filed 4-12-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50–237]

Commonwealth Edison Co.; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 75 to Provisional Operating License No. DPR–19, issued to Commonwealth Edison Company (the licensee), which revised the License and Technical Specifications for operation of the Dresden Nuclear Power Station, Unit 2 (the facility), located in Grundy County, Illinois. The amendment is effective as of the date of issuance.

The amendment approves changes to the License and Technical Specifications to support Cycle 9 operation of the facility using reload fuel supplied by, and the associated analyses performed by the Exxon Nuclear Company. The amendment also modifies technical specifications to: (1) Allow full-time operation utilizing hydrogen addition to the primary coolant; (2) change the floor drain leakage detection program; (3) change the pressure setpoints for three safety relief valves; and (4) allow removal of a safety-related snubber in order to maximize the efficiency of the pipe support system.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this action was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see: (1) The applications for amendment dated December 21, 1982, February 1 and 7, and March 24, 1983 as supplemented by letters dated February 24, and March 10, 11, 18, and 31, 1983, (2) Amendment No. 75 to License No. DPR–19, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, Washington, D.C. 20555 and at the Morris Public Library, 604 Liberty Street, Morris, Illinois. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 7th day of April 1983.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 83-9774 Filed 4-12-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50–213, 50–245 and 50–336]

Connecticut Yankee Atomic Power Co.; Northeast Nuclear Energy Company, et. al.; Issuance of Amendments to Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 55 to Facility Operating License No. DPR–61 issued to Connecticut Yankee Atomic Power Company for the Haddam Neck Plant and Amendment Nos. 90 and 84 to Provisional Operating License No. DPR–21 and Facility Operating License No. DPR–65, respectively, issued to The Connecticut Light and Power Company, The Hartford Electric Light Company, Western Massachusetts Electric Company and Northeast Nuclear Energy Company for the Millstone Nuclear Power Station, Units 1 and 2. The amendments revise the licenses for operation for the facilities. Haddam Neck is located in Middlesex County, Connecticut and Millstone Station is located in the Town of Waterford, Connecticut. The amendments are effective as of their date of issuance. However, the approved plans are to be implemented within 30 days of the date of issuance.

The amendments add license conditions to include the Commission-approved Safeguards Contingency Plan as a part of the licenses.

The licensees' filings, which have been handled by the Commission as applications, comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made apppropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since these amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

The Connecticut Yankee's filing dated March 31, 1982 and a revision thereto dated November 24, 1982, and the filing by Northeast Nuclear Energy Company dated June 2, 1982, consist of Safeguards Information and are being protected from unauthorized disclosure pursuant to 10 CFR 73.21.

For further details with respect to these actions, see: (1) Amendment No. 55 to License No. DPR–61 and Amendment Nos. 90 and 84 to License Nos. DPR–21 and DPR–65, respectively and (2) the Commission's related letter of transmittal dated April 5, 1983. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, the Russell Library, 119 Broad Street, Middletown, Connecticut 16457 and at the Waterford

Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut. A copy of items (1) and (2) may be obtained upon request to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 5th day of April 1983.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 83-9775 Filed 4-12-83; 8:45 am]

BILLING CODE 7590-01-M

Documents Containing Reporting or Recordkeeping Requirements: Office of Management and Budget Review

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of the Office of Management and Budget Review of information collection.

SUMMARY: The Nuclear Regulatory Commission has recently submitted to the Office of Management and Budget (OMB) the following information collection requirements for reclearance under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

1. Type of submission: Reclearance.

2. The title of the information collection: NRC Form 4, Occupational External Radiation Exposure History.

3. The form number if applicable: NRC-4.

4. How often the collection is required: On occasion.

5. Who will be required or asked to report: NRC Licensees.

6. An estimate of the number of responses: 37,200.

7. An estimate of the total number of hours needed annually to complete the requirement or request: 37,200.

8. An indication of whether Section 3504(h), Pub. L. 96-511 applies: Not applicable.

9. Abstract: 10 CFR Part 20 establishes standards for protection against radiation hazards for all NRC Licensees. NRC Form 4 is used to keep records of the occupational exposure of individuals to ensure that the accumulated exposure does not exceed regulatory limits.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 1717 H Street N.W., Washington, D.C. 20555.

Comments and questions should be directed to the OMB reviewer Jefferson B. Hill, (202) 395-7340.

NRC Clearance Officer is R. Stephen Scott, (301) 492-8585.

Dated at Bethesda, Maryland this 6th day of April 1983.

For the Nuclear Regulatory Commission.

Patricia G. Norry,

Director, Office of Administration.

[FR Doc. 83-9764 Filed 4-12-83; 8:45 am]

BILLING CODE 7590-01-M

Documents Containing Reporting or Recordkeeping Requirements: Office of Management and Budget Review

AGENCY: Nuclear Regulatory Commission..

ACTION: Notice of the Office of Management and Budget review of information collection.

SUMMARY: The Nuclear Regulatory Commission has recently submitted to the Office of Management and Budget (OMB) the following information collection requirements for reclearance under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

1. Type of submission: Revision.

2. The title of the information collection: 10 CFR 70.32(e) "Changes in Physical Security Plans; Licensees Possessing or Using Special Nuclear Material of Moderate and Low Strategic Significance."

3. The form number if applicable: NA.

4. How often the collection is required: On occasion.

5. Who will be required or asked to report: NRC Licensees.

6. An estimate of the number of responses: 57.

7. An estimate of the total number of hours needed annually to complete the requirement or request: 57.

8. An indication of whether Section 3504(h), Pub. L. 96-511 applies: Not applicable.

9. Abstract: The final rule would allow licensees possessing special nuclear material of low and moderate strategic significance to make minor changes to their physical security plans without having to file a license amendment.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 1717 H Street NW., Washington, D.C. 20555.

Comments and questions should be directed to the OMB reviewer, Jefferson B. Hill, (202) 395-7340.

NRC Clearance Officer is R. Stephen Scott, (301) 492-8585.

Dated at Bethesda, Maryland, this 6th day of April 1983.

For the Nuclear Regulatory Commission.

Patricia G. Norry,

Director, Office of Administration.

[FR Doc. 83-9765 Filed 4-12-83; 8:45 am]

BILLING CODE 7590-01-M

Documents Containing Reporting or Recordkeeping Requirements: Office of Management and Budget Review

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of the Office of Management and Budget review of information collection.

SUMMARY: The Nuclear Regulatory Commission has recently submitted to the Office of Management and Budget (OMB) the following information collection requirements for reclearance under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

1. Type of submission: Reclearance.

2. The title of the information collection: NRC Form 5, Current Occupational External Radiation Exposure.

3. The form number if applicable: NRC Form 5.

4. How often the collection is required: On occasion.

5. Who will be required or asked to report: NRC Licensees.

6. An estimate of the number of responses: 4,060,000.

7. An estimate of the total number of hours needed annually to complete the requirement or request: 676,667.

8. An indication of whether Section 3504(h), Pub. L. 96-511 applies: Not applicable.

9. Abstract: 10 CFR Part 20 establishes standards and protection against radiation hazards for all NRC Licensees. Section 20.401 requires each Licensee to maintain records showing the radiation exposure of all individuals for whom personnel monitoring is required. These records are kept on NRC Form 5.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 1717 H Street N.W., Washington, D.C. 20555.

Comments and questions should be directed to the OMB reviewer Jefferson B. Hill, (202) 395-7340.

NRC Clearance Officer is R. Stephen Scott, (301) 492-8585.

Dated at Bethesda, Maryland this 6th day of April 1983.

For the Nuclear Regulatory Commission.

Patricia G. Norry,

Director, Office of Administration.

[FR Doc. 83-9766 Filed 4-12-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-334]

Duquesne Light Co.; Ohio Edison Co.; Pennsylvania Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 67 to Facility Operating License No. DPR-66 issued to Duquesne Light Company, Ohio Edison Company, and Pennsylvania Power Company (the licensees), which revised Technical Specifications for operation of the Beaver Valley Power Station, Unit No. 1 (the facility) located in Beaver County, Pennsylvania. The amendment is effective as of the date of issuance.

The amendment changes the Technical Specifications on the membership and responsibilities of the Onsite Safety Committee and Offsite Review Committee.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see: (1) The application for amendment dated December 6, 1982, (2) Amendment No. 67 to License No. DPR-66 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 4th day of April 1983.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 83-9778 Filed 4-12-83; 8:45 am]

BILLING CODE 7590-01-M

[ASLBP Docket No. 82-468-01 OL; (NRC Docket Nos. 50-458-OL, 50-459-OL)]

Gulf States Utilities Co., et al. (River Bend Station, Units 1 and 2); Prehearing Conference Order

April 5, 1983.

Pursuant to 10 CFR § 2.751a, and the telephone request of counsel for the State of Louisiana concerning the prehearing conference date, his oral representation that none of the parties objected to a change in the date, and upon consideration of the entire record in this matter, it is this 5th day of April, 1983, Ordered:

1. That the prehearing conference shall commence at 9:30 a.m. on Tuesday, June 7, 1983 in Courtroom 801 of the State District Court, 19th Judicial District, Governmental Bldg., 222 St. Louis Street, Baton Rouge, LA 70801, and continue from day to day until completed;

2. That limited appearances will not be entertained at that time but will be scheduled to take place at a future date; and

3. That, in addition to the matters prescribed in section 2.751a, the parties indicated shall be prepared to discuss and, where appropriate, stipulate the following matters:

a. The Staff shall be prepared to state as precisely as possible the dates when the Safety Evaluation Report and its first supplement and the Final Environmental Statement will issue, identifying in some detail what subject matter may be missing from, or incomplete in those documents at the time of issuance;

b. Applicant shall be prepared to report on the status of Unit 2 and its relationship to this proceeding;

c. Intervenors and the State of Louisiana shall consult and prepare to state the extent to which their respective contentions can and should be consolidated;

d. The nature, extent, and timing of any discovery that may become necessary; and

e. The date when any or all of such matters as may be at issue would be ripe for hearing.

The service list is the most current and shall be used by all parties.

For the Board.

B. Paul Cotter, Jr.,

Administrative Judge.

[FR Doc. 83-9777 Filed 4-12-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-331]

Iowa Electric Light and Power Company, et al.; Notice of Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No 85 to Facility Operating License No. DPR-49 issued to Iowa Electric Light and Power Company, Central Iowa Power Cooperative, and Corn Belt Power Cooperative, which revises the Technical Specifications for operation of the Duane Arnold Energy Center, located in Linn County, Iowa. The amendment is effective as of the date of issuance.

This change to the Technical Specifications allows the licensee to change the trip level setting requirements for the residual heat removal and core spray pump discharge pressure interlock.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see: (1) The application for amendment dated November 18, 1982, (2) Amendment No. 85 to License No. DPR-49, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Cedar Rapids Public Library, 426 Third Avenue, SE., Cedar Rapids, Iowa 52401. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington,

D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 1st day of April 1983.

For the Nuclear Regulatory Commission.

Domenic B. Vassallo,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 83-9778 Filed 4-12-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-331]

Iowa Electric Light and Power Company, et al.; Notice of Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 86 to Facility Operating License No. DPR-49 issued to Iowa Electric Light and Power Company, Central Iowa Power Cooperative, and Corn Belt Power Cooperative, which revises the Technical Specifications for operation of the Duane Arnold Energy Center, located in Linn County, Iowa. The amendment is effective as of its date of issuance.

This change to the Technical Specifications establishes revised vessel level setpoints that are consistent with a new common instrument zero level.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see: (1) The application for amendment dated December 13, 1982, (2) Amendment No. 86 to License No. DPR-49, and (3) the Commission's related Safety Evalution. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Cedar Rapids Public Library, 426 Third Avenue, S.E., Cedar Rapids, Iowa 52401. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 1st day of April 1983.

For the Nuclear Regulatory Commission.

Domenic B. Vassallo,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 83-9779 Filed 4-12-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-410]

Niagara Mohawk Power Corp.; Rochester Gas & Electric Corp.; Central Hudson Gas & Electric Corp.; New York State Electric & Gas Corp.; Long Island Lighting Co.; Notice of Receipt of Antitrust Information

The captioned applicants have submitted antitrust information in conjunction with their application for an operating license for a boiling water nuclear reactor known as Nine Mile Point Nuclear Station, Unit 2, located on the southeast shore of Lake Ontario, Oswego County, New York. The data submitted contains antitrust information for review pursuant to NRC Regulatory Guide 9.3 necessary to determine whether there have been any significant changes since the completion of the antitrust review at the construction permit stage.

On completion of the staff's antitrust review, the Director of Nuclear Reactor Regulation will issue an initial finding as to whether there have been "significant changes" under section 105c(2) of the Atomic Energy Act. A copy of this finding will be published in the **Federal Register** and will be sent to the Washington, D.C. and local public document rooms and to those persons providing comments or information in response to this notice. If the initial finding concludes that there have not been any significant changes, requests for reevaluation may be submitted for a period of 30 days after the date of the **Federal Register** notice. The results of any reevaluation that is requested will also be published in the **Federal Register** and copies sent to the Washington, D.C. and local public document rooms.

A copy of the general information portion of the application for an operating license and the antitrust information submitted is available for public examination and copying for a fee at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20555, and at the local public document room at the Penfield Library, State University College at Oswego, Oswego, New York 13126.

Any person who desires additional information regarding the matter covered by this notice or who wishes to have his views considered with respect to significant changes related to antitrust matters which have occurred in the applicants' activities since the construction permit antitrust review should submit such request for information or views to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Section Leader, Antitrust and Economic Analysis Section, Site Analysis Branch, Office of Nuclear Reactor Regulation, on or before May 18, 1983.

Dated at Bethesda, Maryland this 6th day of April 1983.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Licensing Branch No. 2, Division of Licensing.

[FR Doc. 83-9780 Filed 4-12-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-259/260/296]

Tennessee Valley Authority; Notice of Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) is issued Amendment Nos. 87, 84 and 58 to Facility Operating License Nos. DPR-33, DPR-52 and DPR-68 issued to the Tennessee Valley Authority (the licensee), which revised Technical Specifications for operation of the Browns Ferry Nuclear Plant, Units, 1, 2 and 3. The amendments are effective as of the date of issuance.

The amendments delete the Appendix B Environmental Technical Specifications (ETS) which pertain to non-radiological water quality-related requirements, as required by the Federal Water Pollution Control Act Amendments of 1972.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of the amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendments is a ministerial action required as a matter

of law and will not result in any significant environmental impact and pursuant to 10 CFR 51.5(d)(4), an environmental impact statement, or negative declaration and environmental impact appraisal, need not be prepared in connection with issuance of the amendments.

For further details with respect to this action, see: (1) The application for amendments dated February 11, 1983, (2) Amendment Nos. 87, 84, and 58 to Facility Operating License Nos. DPR–33, DPR–52, and DPR–68 and (3) the Commission's letter to the licensee dated March 11, 1983. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Athens Public Library, South and Forrest, Athens, Alabama. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated: at Bethesda, Maryland, this 11th day of March 1983.

For the Nuclear Regulatory Commission.

Domenic B. Vassallo,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 83–9781 Filed 4–12–83; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–271]

Vermont Yankee Nuclear Power Corp.; Notice of Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 76 to Facility Operating License No. DPR–28, issued to Vermont Yankee Nuclear Power Corporation which revised Technical Specifications for operation of the Vermont Yankee Nuclear Power Station (the facility) located near Vernon, Vermont. The amendment is effective as of its date of issuance.

The amendment modifies the Technical Specifications with respect to limiting conditions of operation and surveillance requirements for the scram discharge system and the analog trip system.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) The application for amendment dated January 10, 1983, (2) Amendment No. 76 to License No. DPR–28, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H. Street, N.W., Washington, D.C. and at the Brooks Memorial Library, 224 Main Street, Brattleboro, Vermont 05301. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 28th day of March 1983.

For the Nuclear Regulatory Commission.

Domenic B. Vassallo,

Chief, Operating Reactors Branch #2, Division of Licensing.

[FR Doc. 83–9782 Filed 4–12–83; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–271]

Vermont Yankee Nuclear Power Corp.; Notice of Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 77 to Facility Operating License No. DPR–28, issued to Vermont Yankee Nuclear Power Corporation which revised Technical Specifications for operation of the Vermont Yankee Nuclear Power Station (the facility) located near Vernon, Vermont. The amendment is effective as of its date of issuance.

The amendment modifies the Technical Specifications pertaining to spiral unloading and reloading of the reactor core.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significance hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) and environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) The application for amendment dated February 22, 1982 (2) Amendment No. 77 to License No. DPR–28, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Brooks Memorial Library, 224 Main Street, Brattleboro, Vermont 05301. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 28th day of March 1983.

For the Nuclear Regulatory Commission.

Domenic B. Vassallo,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 83–9783 Filed 4–12–83; 8:45 am]

BILLING CODE 7590–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 13146; (812–5289)]

CIMCO Money Market Trust; Filing of Application

Notice is hereby given that CIMCO Money Market Trust ("Applicant), Heritage Way, Waverly, Iowa 50677, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on August 23, 1982, and an amendment thereto on March 14, 1983, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder, to the extend necessary to permit Applicant to compute its net asset value per share, using the amortized cost method of valuing portfolio securities. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act and

rules thereunder for the text of the provisions from which Applicant seeks to be exempted.

Applicant states that it is a no-load, "money market" fund organized as a business trust under Massachusetts law. Applicant states that Century Investment Management Co., a wholly-owned subsidiary of Lutheran Mutual Life Insurance Company, serves as its investment adviser. Applicant states that its investment objective is to attain the highest current income consistent with the preservation of capital and the maintenance of liquidity. Applicant states that it will pursue its objective by investing in instruments that mature within twelve months from the date of purchase, including, but not limited to, the following: (1) Obligations issued by or guaranteed as to principal and interest either by the United States Government or its agencies or instrumentalities; (2) certificates of deposit, time deposits, bankers' acceptances and obligations of savings institutions, issued by banks regulated by the United States Government; (3) securities of foreign branches of United States banks and foreign securities payable in United States dollars; (4) commercial paper that is rated (at the time of purchase) at least A–1 by Standard and Poor's Corporation or Prime–1 by Moody's Investors Services, Inc., or, if not rated, then issued by a company having an outstanding debt issue rated at least "AA" by such services; (5) short-term corporate obligations rated at least "AA" by Standard and Poor's Corporation or Moody's Investors Services, Inc.; and (6) repurchase agreements with respect to its portfolio securities. Applicant represents that it will not invest in a repurchase agreement maturing in more than seven days if any such investment, together with other illiquid securities held by Applicant, would exceed 10% of Applicant's total assets.

Applicant represents that the maturities of it portfolio securities will be determined in accordance with the procedures set forth in Proposed Rule 2a–7 (Investment Company Act Release No. 12206, February 1, 1982) or, if that rule should ultimately be adopted, in accordance with the procedures set forth in the rule, as adopted. Applicant further represents that, when it enters into a reverse repurchase or firm commitment agreement, it will maintain in a segregated account, from the date it enters into such agreement, liquid assets equal in value to the amount due on the settlement date under the agreement, in accordance with Investment Company Act Release No. 10666 (April 18, 1979).

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act or any rules or regulations thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In support of the relief requested, Applicant states that in order to attract and retain investors, it must maintain a stable net asset value and a constant and steady flow of investment income. Applicant believes that it can provide these qualities by valuing its assets on the basis of amortized cost. Applicant states that, given the nature of its policies and operations, there will normally be a relatively negligible discrepancy between the market value and the amortized cost value of its portfolio securities. Applicant represents that its board of trustees has determined in good faith that, absent unusal or extraordinary circumstances, the amortized cost value reprsents fair value of its portfolio securities and that the amortized cost method of valuation is appropriate and preferable for the Applicant.

Applicant has agreed that the following conditions may be imposed in any order of the Commission granting the exemptive relief requested:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, Applicant's board of trustees undertakes—as a particular responsibility withn its overall duty of care owed to Applicant's share-holders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objectives, to stabilize Applicant's net asset value per share, as computed for the purposes of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by the board of trustees shall be the following:

a. Review by the board of trustees, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of Applicant's net asset value per share as determined by using available market quotations from the $1.00 amortized cost price per share, and maintenance of records of such review. To fulfill this condition, Applicant states that it intends to use actual quotations or estimates of market value reflecting current market conditions chosen by its board of trustees in the exercise of its discretion to be appropriate indicators of value, which may include *inter alia*, (i) quotations or estimates of market value for individual portfolio instruments, or (ii) values obtained from yield data relating to classes of money market instruments published by reputable sources.

b. The board of trustees will promptly consider what action, if any, should be taken, in the event such deviation from Applicant's $1.00 amortized cost price per share exceeds 1/2 of 1 percent.

c. Where the board of trustees believes that the extent of any deviation from Applicant's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which action may include: redeeming shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten Applicant's average portfolio maturity; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days. In fulfilling this condition, if the disposition of a portfolio instrument results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant states that it will invest its available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

4. Applicant will record, maintain and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above, and will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the board of trustees' considerations and actions taken in connection with the

discharge of its responsibilities, as set forth above, to be included in the minutes of the board of trustees' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act as though such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar-denominated instruments which the board of trustees determines present minimal credit risks, and which are of "high quality" as determined by any major rating service or, in the case of any instrument that is not rated, are of comparable quality as determined by the board of trustees.

6. Applicant will include in each quarterly report, as an attachment to Form N–1Q, a statement as to whether any action pursuant to condition 2 (c) above was taken during the preceding fiscal quarter, and, if any action was taken, Applicant will describe the nature and circumstances of such action.

Applicant asserts that, in light of the foregoing, the exemption requested is appropriate in the public interest and consistent with the protection of investors, and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than May 2, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83–9791 Filed 4–12–83; 8:45 am]

BILLING CODE 8010–01–M

Cincinnati Stock Exchange; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

April 7, 1983.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the following stocks:

Hercules Incorporated
Common Stock, No Par Value (File No. 7–6558)
Northwest Industries Inc.
Common Stock, No Par Value (File No. 7–6559)
Tesoro Petroleum Corporation
Common Stock, $0.16 2/3 Par Value (File No. 7–6560)
Texas International Company
Common Stock, $0.10 Par Value (File No. 7–6561)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before April 28, 1983 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83–9794 Filed 4–12–83; 8:45 am]

BILLING CODE 8010–01–M

[File No. 22–12304]

The Dow Chemical Co., and Union Carbide Corp.; Application and Opportunity for Hearing

April 7, 1983.

Notice is hereby given that The Dow Chemical Company, a Delaware corporation ("Dow") and Union Carbide Corporation, a New York corporation ("Carbide"), have filed a joint application pursuant to clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939, as amended (the "Act"), for a finding by the Securities and Exchange Commission (the "Commission") that the trusteeships of Citibank, N.A., a national banking association ("Citibank"), under four existing indentures of Dow and one existing indenture of Carbide, all five indentures being qualified under the Act (the "Five Qualified Indentures") and the trusteeship by Citibank under a proposed Trust Agreement to be dated on or after March 1, 1983 and to be entered into between the DCS Capital Corporation (the "Company") and Citibank, Trustee (the "New Indenture" or the "Trust Agreement", the Five Qualified Indentures and the New Indenture being referred to collectively as the "Indentures"), are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Citibank from acting as Trustee under the Five Qualified Indentures.

Dow and Carbide allege that:

1. Pursuant to the New Indenture, the Company proposes to issue its short-term promissory notes (the "Promissory Notes") to purchasers. The proceeds of the sale of these Promissory Notes will in turn be loaned to an affiliated Delaware general partnership, DCS Capital Partnership (the "Partnership") pursuant to a Financing Agreement to be dated on or after March 1, 1983 between the Company and the Partnership (the "Financing Agreement"). The proceeds of the loan from the Company will be used by the Partnership to facilitiate the construction of an ethylene plant in Joffre, Alberta.

The Partnership will be composed of three partners, Prentiss Glycol Company ("PGC"), a wholly-owned subsidiary of Carbide, Dofinco, Inc. ("Dofinco"), a wholly-owned subsidiary of Dow and Scotlene, Inc., ("Scotlene"), a wholly-owned subsidiary of Shell Canada Limited, a Canadian corporation ("Shell Canada"). Dow and Carbide, as the respective parents of Dofinco and PGC, will each have certain ultimate obligations to provide funds in the event that other funds available to the Partnership are insufficient to pay certain indebtedness of the Partnership.

2. Dow had outstanding on February 1, 1983 the following described securities issued under the following indentures, each of which was qualified under the Act in connection with the registration under the Securities Act of 1933 of the securities issued thereunder, the file

number of each Registration statement being set forth in parentheses below:

(a) $100,000,000 4.35% Debentures due September 15, 1988, under Indenture dated as of September 15, 1963, between Dow and Citibank, Trustee (File No. 2-21682);

(b) $150,000,000 8.875% Debentures due May 1, 2000 under Indenture dated as of May 1, 1979 between Dow and Citibank, Trustee (File No. 2-38607);

(c) $100,000,000 7.625% Debentures due July 1, 2003, under Indenture dated as of July 1, 1973, between Dow and Citibank, Trustee (File No. 2-48318).

(d) $300,000,000 8.65% Debentures due February 15, 2008, under Indenture dated February 15, 1978, between Dow and Citibank, Trustee (File No. 2-60717).

3. Carbide had outstanding on February 1, 1983, $200,000,000 7.5% Debentures due December 15, 2006, under Indenture dated December 15, 1976 between Carbide and Citibank, Trustee.

4. The securities issued under each of the indentures listed in paragraphs 2 and 3 are wholly unsecured.

5. On or after March 1, 1983, Citibank, as Trustee, plans to enter into the Trust Agreement with the Company, pursuant to which the Company intends to issue Promissory Notes. Since it is intended that the Promissory Notes will be exempt securities under Section 3(a)(3) of the 1934 Act, no qualification of the Trust Agreement will be sought under the Act.

6. As stated in paragraph 1 above, the Company will lend the proceeds of the sale of its Promissory Notes to the Partnership, and pursuant to the Financing Agreement the Partnership will issue its partnership note (the "Partnership Note") in a principal amount equal to the principal amount of the Promissory Notes outstanding from time to time. The Partnership Note will be pledged to Citibank as Trustee under the trust Agreement as security for the Promissory Notes.

7. In order to facilitate the construction of an ethylene plant at Joffre, Alberta, to be owned and operated by The Alberta Gas Ethylene Company Ltd., an Alberta corporation ("AGEC"), the Partnership intends to make loans from time to time to AGEC pursuant to a Loan Agreement to be dated on or after March 1, 1983 (the "Loan Agreement") between AGEC and the Partnership, such loans to be evidenced by one or more notes issued to the Partnership by AGEC (the "AGEC Notes").

8. In order to provide credit support for the Partnership, PGC, Dofinco and Scotlene as partners in the Partnership will enter into a Cash Deficiency Agreement, to be dated on or after March 1, 1983 (the "Cash Agreement"), with the Partnership, whereby PGC, Dofinco and Scotlene will agree severally to make certain deficiency payments, in amounts as determined therein, in the event that other funds available to the Partnership are insufficient to pay amounts due under the Parntership Note or certain other indebtedness of the Partnership. In addition, the Partnership will enter into three separate Guarantee Agreements, each to be dated on or after March 1, 1983 (the "Guarantee Agreements"), with each of Dow, Carbide and Shell Canada as the respective parent corporations of Dofinco, PGC and Scotlene. Pursuant to the Guarantee Agreements, Dow, Carbide and Shell Canada will agree to guarantee the obligations of their respective subsidiaries under the Cash Deficiency Agreement.

9. The payment obligations contained in the Guarantee Agreements are unsecured general obligations of the respective corporations. Pursuant to a Consent, Assignment and Agreement, to be dated on or after March 1, 1983 (the "Consent"), the Partnership will pledge and assign to Citibank as Trustee, as security for payment on the Partnership Note, certain of its rights under the Cash Deficiency Agreement and the Guarantee Agreements. As parties to the Consent, PGC, Dofinco and Scotlene will consent to such pledge and assignment.

10. Under Section 7.08 of the 1963, 1970, 1973, and 1978 Dow Indentures (the "Dow Indentures"), Citibank shall not be deemed to have a conflicting interest by reason of being a trustee under another indenture under which any other securities of Dow are outstanding if Dow shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that the trusteeships under the four Dow Indentures and such other indenture are not so likely to involve a material conflict of interest as to disqualify Citibank from acting as trustee under one of such indentures.

11. A similar provision is contained in Section 7.08 of the 1976 Carbide Indenture with respect to trusteeships held by Citibank under other indentures relating to securities where Carbide is the obligor.

12. Dow alleges that no default has existed at any time under the Dow Indentures. Similarly, Carbide alleges that no default has at any time existed under the 1976 Carbide Indenture. The respective obligations of Dow and Carbide in connection with the securities issued under such Indentures and, pursuant to their respective Guarantee Agreements in connection with the Partnership Note are wholly unsecured and rank *pari passu* with their respective obligations under the Five Qulaified Indentures.

13. The Dow Indentures all include sinking fund provisions as well as covenants relating to limitations on liens and sale and lease-back arrangements. Additionally, all of the Dow Indentures contain covenants to secure the debentures in the event that certain liens are incurred or in certain events relating to the merger or consolidation of Dow. The 1976 Carbide Indenture contains similar provisions as to a sinking fund, covenants of limitations on liens and sale and lease-back arrangements and the obligation of Carbide to secure the debentures in the event that certain liens are incurred or in certain events relating to the merger or consolidation of Carbide. The Cash Deficiency Agreement and the Guarantee Agreements include no comparable covenants.

14. The respective obligations of (a) Dow under the Dow Indentures and under the Guarantee Agreement to which Dow is a party and (b) Carbide under the 1976 Carbide Indenture and under the Guarantee Agreement to which Carbide is a party are all wholly unsecured and rank *pari passu* and are therefore not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Citibank from acting as Trustee under any of such Indentures.

Dow and Carbide have each waived notice of hearing and any and all rights to specify procedures under Rule 8 (b) of the Commission's Rules of Practice with respect to the application.

Notice is further given that any interested person may, not later than April 30, 1983, request in writing that a hearing be held on such matter, stating the nature of his interest, the reason for such request, and the issues of law or fact raised by such application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after such date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-9708 Filed 4-12-83; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 13150; (812-5481)]

Federal Life Insurance Company (Mutual), Federal Life Variable Annuity account A, Federal Life Variable Annuity Account C; and Fed Mutual Financial Services, Inc.; Application for an Order

April 7, 1983.

Notice is hereby given that Federal Life Insurance Company ("Federal Life") Federal Life Variable Annuity Account A ("Variable Account A") and Federal Life Variable Annuity Account C ("Variable Account C") separate accounts of Federal Life registered under the Investment Company Act of 1940 ("Act") as a single unit investment trust, and FED Mutual Financial Services, Inc. ("FED Mutual"), 3750 West Deerfield Road, Riverwoods, Illinois 60015, (collectively, "Applicants"), filed an application on March 8, 1983, and an amendment thereto on April 5, 1983 for an order amending a prior order pursuant to Section 11 of the Act for approval of the terms of certain offers of exchange and pursuant to Section 6(c) of the Act for exemption from the provisions of Sections 2(a)(32), 2(a)(35), 22(c), 26(a), 27(c)(1), 27(c)(2) and 27(d) of the Act and Rule 22c-1 thereunder to the extent necessary to permit the transactions described in the application. All interested persons are referred to the application and amendment on file with the Commission for a statement of the facts and representations contained therein, which are summarized below, and are referred to the Act and the rules thereunder for a statement of the relevant provisions.

Federal Life established Variable Account C to fund group variable annuity contracts ("Contracts"). Variable Account C consists of two account divisions, each investing in the shares of one of two portfolios of Federal Life Money Market Fund, Inc.

Applicants received an order of the Commission on September 1, 1982 (Investment Company Act Release No. 12624), pursuant to Section 6(c) of the Act, including Variable Account C in the exemptive relief from various provisions of the Act previously accorded Federal Life, FED Mutual, and Variable Account A and, pursuant to Section 11 of the Act, approving the terms of certain offers of exchange. Applicants now seek an order of the Commission amending the prior orders to the extent necessary to establish three new account divisions in Variable Account C to invest in the shares of Portfolio of Bond Fund Shares, Inc., Portfolio of Equity Fund Shares, Inc., and Portfolio of Mutual Fund Shares, Inc., ("Portfolio Funds"), respectively, and to amend the terms of the Contracts. Applicants state that the amended Contracts provide for: (i) The deduction of premium taxes; (ii) the deduction of a contingent deferred sales charge of 1.5% of an aggregate amount withdrawn exceeding 10% of the contract value determined as of the beginning of the contract year; (iii) the deduction of an annual administrative fee of $25 at the end of each contract year; (iv) the assessment of a mortality, expense and distribution expense risk charge ("risk charge") at the rate of .95% annually; and (v) transfers of contract value among account divisions at relative net asset values, subject to certain conditions.

Relief Requested

Applicants request an exemption from Sections 2(a)(32), 2(a)(35), 22(c), 26(a), 27(c)(1), 27(c)(2), and 27(d) of the Act and Rule 22c-1 thereunder to the extent necessary or appropriate to allow Federal Life to recoup the expenses of distributing the amended Contracts from the contingent deferred sales charge on specified surrenders.

Applicants request an exemption from Sections 26(a) and 27(c)(2): (i) to allow Variable Account C, in connection with the three new account divisions, to act as custodian of its assets and to hold those assets not in trust; (ii) to allow Variable Account C to accept "book shares" issued by the Portfolio Funds in open account in lieu of actual share certificates; (iii) to allow Federal Life to deduct the risk charge from Variable Account C; (iv) to permit Federal Life to deduct a flat annual administrative fee of $25 per participant to reimburse it for bookkeeping and other administrative services performed by Federal Life which normally be performed by the custodian or trustee; and (v) to allow Federal Life to deduct premium taxes, if applicable, from premium payments allocated to Variable Account C.

In support of their requests, Applicants represent, among other things, that: (i) The contingent deferred sales charge will not under any circumstances exceed 1.5% of the total amount of premium payments made by a contract owner; (ii) to the best of Applicant's knowledge and belief, the annual administrative fee is the actual cost of providing those services and Applicants do not expect to profit from such fee; (iii) the risk charge is reasonable in relation to the risks assumed by Federal Life under the Contracts, consistent with the protection of investors insofar as it is designed to be competitive while not exposing Federal Life to undue risk of loss, and falls within the range of similar charges imposed upon competitive variable annuity products. Applicants state that the latter representation is based on their analysis of publicly available information about similar industry practices, taking into consideration such factors as current charge levels and the existence of expense charge guarantees and guaranteed annuity rates. Applicants further represent that Federal Life will maintain a memorandum at its Home Office, available to the Commission, setting forth in detail the products analyzed in the course of, and the methodology and results of, Federal Life's comparative survey. Federal Life also represents that it has determined that the use of the asset charge for distribution expenses has a reasonable likelihood of benefiting Variable Account C and its contract owners, and that a memorandum setting forth the basis for this representation will be maintained at Federal Life's Home Office and will be available to the Commission. Finally, Applicants represent that as a condition for obtaining relief, Variable Account C will only invest in funds which undertake to have a board of directors with a disinterested majority formulate and approve any plan under Rule 12b-1 to finance distribution expenses.

Section 6(c) of the Act provides, in pertinent part, that the Commission may exempt any person of the Act or its Rules and Regulations if and to the extent necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants also request approval pursuant to Sections 11(a) and 11(c) of the Act to permit Variable Account C participants to transfer part or all of their contract value in any account division to one or more other account divisions.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than April 29, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington,

D.C. 20549. A copy of the request should be served personally or by mail upon Applicants at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon it own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-9790 Filed 4-12-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19659; SR-MSE-83-1]

Midwest Stock Exchange, Inc.; Order Approving Proposed Rule Change

April 7, 1983.

The Midwest Stock Exchange, Incorporated ("MSE"), 120 LaSalle Street, Chicago, Illinois 60603, submitted on February 7, 1983, copies of a proposed rule change pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b-4 thereunder, to amend Article XXX, Rule 15 of the MSE rules to require that claims for transaction reports be made within five business days of: (i) the original trade date if the claim involves an erroneous comparison, or (ii) the date an order should have been executed if the claim involves the omission of a report. The existing MSE rules permit such claims to be filed within 10 business days.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission Release (Securities Exchange Act Release No. 19537 (February 24, 1983)) and by publication in the **Federal Register** (48 FR 9116, March 3, 1983). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of section 6, and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulations, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-9795 Filed 4-12-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19656; File No. SR-OCC-83-6]

Options Clearing Corporation ("OCC"); Filing and Immediate Effectiveness of Proposed Rule Change

April 6, 1983.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on March 25, 1983, OCC filed with the Securities and Exhange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change would amend OCC's foreign currency settlement procedures to allow OCC to pay settlement money in respect of foreign currency that has been delivered to OCC's foreign correspondent bank either: (i) To the delivering clearing member or (ii) if the delivering clearing member so authorizes, directly to a bank designated by the delivering clearing member and approved by OCC.

The purpose of the proposed rule change is to alleviate financing problems that a number of smaller capitalized clearing members are experiencing under OCC's current foreign currency exercise settlement procedures. Because OCC acts as a conduit in facilitating foreign currency exercise settlement, a delivering clearing member must deliver the underlying currency to OCC prior to receiving settlement funds.[1] As a practical matter, smaller capitalized clearing members must finance foreign currency delivery by obtaining a "loan" of the currency from a bank. In its filing, OCC stated that the current OCC settlement rule, which provides that OCC will pay the aggregate exercise price to delivering clearing members, does not provide the "lending" bank with adequate assurance that delivering clearing members will pay them the exercise price they receive in settlement.

The proposed rule change is intended to obviate this problem by enabling clearing members to authorize OCC to pay the aggregate exercise price directly to the delivering member's foreign currency bank. In its filing, OCC stated that the banks have indicated to OCC that this would be a satisfactory way to resolve their concern and therefore would make them more amenable to participating in foreign currency settlement for smaller clearing members.

OCC believes that the proposed rule change is consistent with the Act because it facilitates the participation of all clearing members in trading foreign currency options. In addition, OCC stated that the proposed rule change will not effect OCC's ability to safeguard securities and funds which are in its custody or control or for which it is responsible.

The foregoing change has become effective, pursuant to Section 19(b)(3)(A) of the Act and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments concerning the submission within 21 days after the date of pubication in the **Federal Register.** Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Reference should be made to File No. SR-OCC-83-6.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in

[1] OCC's foreign currency exercise settlement procedures consist of three steps. First, prior to the opening of business on the day before settlement date, clearing members with receive obligations must pay OCC the aggregate exercise price for all foreign currency option contracts due to settle the following day. Second, on the exercise settlement date, clearing memers with delivery obligations must direct delivery of the underlying foreign currency from their respective foreign correspondent bank account to OCC's foreign correspondent bank account. Third, after the first two steps are successfully completed and OCC receives notice from its correspondent bank that the specific foreign currency has been delivered, OCC will pay the delivering member the aggregate exercise price and concurrently cause OCC's foreign correspondent bank to deliver the foreign currency to the account of the receiving clearing member at that member's foreign correspondent bank.

accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, D.C.

Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-9792 Filed 4-12-83; 8:45 am]

BILLING CODE 8010-01-M

SUSQUEHANNA RIVER BASIN COMMISSION

Public Hearing; Proposed Comprehensive Plan Addition—Clover Creek Watershed Plan

The Susquehanna River Basin Commission (SRBC) will hold a public hearing to receive comments from citizens, government agencies and others on the proposed addition of the Clover Creek Watershed Plan to its *Comprehensive Plan for Management and Development of the Water Resources of the Susquehanna River Basin.* The hearing has been scheduled for Thursday, May 12, 1983 at the Commission headquarters building, 1721 N. Front St., Harrisburg, Pa. following the regular meeting of the Commission which begins at 9:00 a.m.

The Susquehanna River Basin Compact, Pub. L. 91–575, 84 Stat. 1509 et seq., requires the Commission to maintain a Comprehensive Plan for the immediate and long-range use, management and development of the water and related resources of the basin. Initially adopted in December 1973, the Plan provides a basinwide strategy to guide the Commission and others in the management, use and conservation of the basin's resources. The Plan is also used to evaluate proposed water resurce developments that the Commission must, by law, approve. Federal agencies must exercise their powers in a manner that does not substantially conflict with the Comprehensive Plan.

Clover Creek is a tributary of the Frankstown Branch of the Juniata River and covers a watershed area of 33,280 acres in Blair County Pa. The Clover Creek Watershed Plan is a U.S. Soil Conservation Service (SCS) land treatment project, sponsored by the Blair Conservation District, which incudes measures to reduce erosion and sediment on agricultural land, soil nutrient losses, sediment and nutrient loading of streams and agricultural pollutants from livestock wastes.

Total project cost is estimated to be about $1,853,800 of which $1,279,400 is to be borne by Pub. L. 83–566 funds and $574,400 by project sponsors and landowers.

At its regular meeting on March 31, 1983, the Commission agreed to consider the project for adoption into the SRBC Comprehensive Plan. Adoption into the Comprehensive Plan will affirm the project's compliance with the goals and objectives of the Comprehensive Plan, thus clearing the way for project implementation by the Federal Government and local sponsors.

The May 12th hearing will be informal in nature. Interested parties are invited to attend the hearing and to participate by making oral or written statements presenting their data, views and comments on the proposed addition. Those wishing to personally appear to present their views are urged to notify the Commission in advance that they desire to do so. However, any person who wishes to be heard will be given opportunity to be heard, whether or not they have given such notice. After the hearing, the Commission will evaluate all relevant material and decide whether to adopt the project into the Comprehensive Plan.

Further background information on the Clover Creek Watershed Plan is available at the offices of the Susquehanna River Basin Commission, 1721 N. Front St., Harrisburg, Pa. 17102, (717) 238–0423, during regular business hours. Additional information may also be obtained through the Soil Conservation Service, P.O. Box 985, Federal Square Station, 228 Walnut St., Harrisburg, Pa. 17108, (717) 782–4453.

Dated: April 15, 1983.

Robert J. Bielo,

Executive Director.

[FR Doc. 83-9687 Filed 4-12-83; 8:45 am]

BILLING CODE 7040-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

National Motor Carrier Advisory Committee; Meeting

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of public meeting.

SUMMARY: The FHWA announces that the Section 19 Study Subcommittee of the National Motor Carrier Advisory Committee will hold a meeting on April 13, 1983, beginning at 9:00 a.m., in Des Moines, Iowa, at the Marriott Hotel, 700 Grand Street. The meeting is open to the public.

The agenda for the meeting will be a discussion of proposals for achieving uniformity in State commercial motor vehicle regulation.

FOR FURTHER INFORMATION CONTACT: Mr. James J. Stapleton, Executive Director, National Motor Carrier Advisory Committee, Federal Highway Administration, HCC–20, Room 4224, 400 Seventh Street, SW., Washington, D.C. 20590, (202) 426–0824. Office hours are from 7:45 a.m. to 4:15 p.m. e.t., Monday through Friday.

Issued on: April 6, 1983.

L. P. Lamm,

Deputy Federal Highway Administrator, Federal Highway Administration.

[FR Doc. 83-9519 Filed 4-12-83; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

[Docket No. 83–15]

Policy Statement Regarding Non-Bank Bank Approvals

AGENCY: Comptroller of the Currency, Treasury.

ACTION: Policy Statement on Non-bank Bank Approvals.

SUMMARY: The Bank Holding Company Act defines a bank as an institution which both accepts demand deposits and makes commercial loans. If an institution does not offer one of these services, it is not subject to the Act. Recently there has been an increasing interest in the chartering of such limited purpose institutions, which are commonly referred to as "non-bank banks." This trend involves questions of public policy which Congress has begun to explore and debate. The Office of the Comptroller of the Currency ("Office") believes that free and open debate on these public policy questions will be encouraged by the absence of the pressure of market place innovations at the national level which could outpace Congressional deliberations. Therefore, the Office is announcing a moratorium on approvals on non-bank banks. The moratorium will run to January 1, 1984.

The moratorium does not apply to those applications for non-bank banks that were accepted by the Office for filing before April 6, 1983. The Office will continue to accept new applications for non-bank banks, but will not issue

decisions on those applications while the moratorium is in effect. In addition, the Office will accept and decide applications for (1) National banks whose acquisition by a bank holding company across state lines is authorized by state law under the terms of the Douglas Amendment to the Bank Holding Company Act (12 U.S.C. 1842(d)); and (2) most national trust banks (*see* 12 CFR 5.22). However, the moratorium will cover decisions on applications for national trust banks by organizers who act as the investment advisors to open-end investment companies.

EFFECTIVE DATE: April 6, 1983.

FOR FURTHER INFORMATION CONTACT: Ford Barrett, Assistant Chief Counsel (202) 447–1896; or Alan Priest, Attorney (202) 447–1880; Comptroller of the Currency, 490 L'Enfant Plaza East SW., Washington, D.C. 20219.

Authority: 12 U.S.C. 1 *et seq.*

Policy Statement Regarding Non-Bank Bank Approvals

Over the past year, several institutions have sought to expand their retail financial services by establishing banks that do not make commercial loans. These limited purpose institutions (so-called "non-bank banks") have afforded financial service providers an opportunity to expand their consumer service activities in compliance with the federal banking laws.

The delivery of financial services today is more costly and less efficient because of the restrictions on banks' product lines and geographic locations. In an earlier era of regulated interest rates, banks built brick and mortar delivery systems with high fixed costs to gather low-cost deposits. Today, in an era of deregulated interest rates, those costs may not be supportable by limited product lines. Technology may be quickly making banks' brick and mortar delivery systems obsolete.

Congress has recognized the significance of these and other structural changes that have already occurred and will continue to occur. Congress has begun hearings on the Glass-Steagall Act, which restricts banks' products, and the McFadden Act and Douglas Amendment to the Bank Holding Company Act, which limit banks' ability to expand geographically. In addition, the Administration will soon resubmit its proposal to expand the powers of bank holding companies.

In light of the hearings, the Office believes that a moratorium on non-bank banks at this time will help foster free and open debate on these important policy issues by reducing the pressure of escalating marketplace innovations at the national level that could outpace Congressional deliberations. Therefore, the Office is announcing a moratorium on the approval of new applications for non-bank banks. The moratorium will run to January 1, 1984.

The moratorium does not apply to those applications for non-bank banks that were accepted for filing before April 6, 1983. The Office will continue to accept new applications for non-bank banks, but will not issue decisions on those applications while the moratorium is in effect. In addition, the Office will accept and decide applications for (1) National banks whose acquisition by a bank holding company across state lines is authorized under state law under the terms of the Douglas Amendment to the Bank Holding Company Act (12 U.S.C. 1842(d)); and (2) most national trust banks (*see* 12 CFR 5.22). However, the moratorium will cover decisions on applications for national trust banks by organizers who act as the investment advisors to open-end investment companies.

The moratorium has not been imposed on those applications which were accepted for filing before April 6, 1983, because the Office has determined that such a policy would be unfair to the applicants involved. The moratorium has been applied to new national trust bank applications by organizers who advise open-end investment companies, but not to other national trust bank applications, because the former applications involve issues in the current public debate while the latter applications do not.

The moratorium has been adopted for reasons of public policy. The office reaffirms that all non-bank bank charters issued by it to date have been in full compliance with all applicable laws. The Office believes they also represent good public policy. The moratorium has been imposed because the Office recognizes that important, broad policy issues are raised by the charters, as well as other marketplace innovations, that the Congress may wish to debate. During the moratorium, the Office looks forward to working with Congress to examine the full range of changes in the financial services industry, including changes in the thrift industry, changes in state law that affect geographic and product restrictions for state chartered banks, and technological developments that make new financial products and delivery systems possible.

Dated: April 7, 1983.

C. T. Conover,

Comptroller of the Currency.

[FR Doc. 83-9703 Filed 4-12-83; 8:45 am]

BILLING CODE 4810-33-M

VETERANS ADMINISTRATION

Privacy Act of 1974, Amendment of Systems Notices; Change Other Than Routine Use Statements

Notice is hereby given that the Veterans Administration is revising the paragraph pertaining to categories of individuals in the system, in the system of records entitled: Compensation, Pension, Education and Rehabilitation Records—VA (58 VA 21/22/28) as set forth on page 372 of the **Federal Register** of January 5, 1982. The above named paragraph of the systems notice is being rewritten to add two categories of records to the existing list. Currently, there is no mention in the "categories of individuals covered by the system" of individuals discharged under dishonorable conditions, nor is there any mention of those persons whose character of discharge was other than honorable and the VA determined that service was dishonorable for VA benefit purposes. Finally, there is no mention of individuals (other than spouses or dependents) who have erroneously or improperly filed a claim and who are, therefore, not entitled to title 38 benefits, and who do not have any military service. Category number 13 is being added to provide notice to the public that records are maintained in this system on all these individuals. Also, as a result of P.L. 96–342, claimants will begin training under the section 901 and section 903 programs of that Act. Category number 14 is being added to notify the public that records are maintained in this system on such individuals.

The Privacy Act of 1974, 5 U.S.C. 552a(e), requires agencies to inform the public of any changes to their system of records. However, since these changes do not alter the uses of the information in the system of records, public comment is not required. The changes are effective May 13, 1983.

Dated: April 7, 1983.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

In the system identified as 58 VA 21/22/28, "Compensation, Pension, Education and Rehabilitation Records—VA," appearing at page 372 of the **Federal Register** of January 5, 1982, the system notice is revised as follows:

58 VA 21/22/28

SYSTEM NAME:

Compensation, Pension, Education and Rehabilitation Records—VA.

* * * * *

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The following categories of individuals will be covered by this system.

1. Veterans who have applied for compensation for service-connected disability under 38 U.S.C. Chapter 11.

2. Veterans who have applied for nonservice-connected disability, under 38 U.S.C. Chapter 23.

3. Veterans entitled to burial benefits under 38 U.S.C. Chapter 15.

4. Surviving spouses and children who have claimed pension based on nonservice-connected death of a veteran under 38 U.S.C. Chapter 15.

5. Surviving spouses and children who have claimed pension based on service-connected death of a veteran under 38 U.S.C. Chapter 11.

6. Surviving spouses and children who have claimed dependency and indemnity compensation for service-connected death of a veteran under 38 U.S.C. Chapter 13.

7. Parents who have applied for death compensation based on service-connected death of a veteran under 38 U.S.C. Chapter 11.

8. Parents who have applied for dependency and indemnity compensation for service-connected death of a veteran under 38 U.S.C. Chapter 13.

9. Veterans who have applied for VA educational benefits under 38 U.S.C. Chapter 31, 32, and 34.

10. Spouses, surviving spouses and children of veterans who have applied for VA educational benefits under 38 U.S.C. Chapter 35.

11. Servicemembers who have applied for educational benefits under 38 U.S.C. Chapter 34 and 35.

12. Servicemembers who have contributed money from their military pay to the post-Vietnam Era veterans Educational Account under 38 U.S.C. Chapter 32.

13. Individuals who have applied for title 38 benefits but who do not meet the requirements under title 38 to receive such benefits.

14. Veterans, servicemembers, spouses, surviving spouses and dependent children who have applied for benefits under the Educational Assistance Test program under sections 901 and 903 of Pub. L. 96-342.

[FR Doc. 83-9732 Filed 4-12-83; 8:45 am]

BILLING CODE 8320-01-M

Special Medical Advisory Group; Meeting

The Veterans Administration gives notice under Pub. L. 92-463 that a meeting of the Special Medical Advisory Group will be held in the Administrator's Conference Room at the Veterans Administration Central Office, 810 Vermont Avenue, NW., Washington, DC, on May 18 and 19, 1983. The purpose of the Special Medical Advisory Group is to advise the Administrator and the Chief Medical Director relative to the care and treatment of disabled veterans, and other matters pertinent to the Veterans Administration's Department of Medicine and Surgery.

The sessions will convene at 8:30 a.m. both days. These sessions will be open to the public up to the seating capacity of the room. Because this capacity is limited, it will be necessary for those wishing to attend to contact Mrs. Von Hudson, Program Assistant, Office of the Chief Medical Director, Veterans Administration Central Office (phone 202/389-2298) prior to May 6, 1983.

Dated: April 5, 1983.

By direction of the Administrator.

Rosa Maria Fontanez,

Committee Management Officer.

[FR Doc. 83-9750 Filed 4-12-83; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 72
Wednesday, April 13, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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1

CIVIL AERONAUTICS BOARD

Notice of additions to the April 7, 1983 meeting.

TIME AND DATE: 9:30 a.m. April 7, 1983.
PLACE: Room 1027 (Open), Room 1012 (Closed), 1825 Connecticut Avenue, NW., Washington, D.C. 20428.
SUBJECT:

25. Discussion on Peru. (BIA)
26. Discussion on Canada. (BIA)

STATUS: Closed.
PERSON TO CONTACT: Phyllis T. Kaylor, The Secretary (202) 673–5068.

2

FEDERAL DEPOSIT INSURANCE CORPORATION.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, April 18, 1983, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors, pursuant to sections 552b(c)(2), (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii) of Title 5, United States Code, to consider the following matters:

SUMMARY AGENDA: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Recommendations regarding the Corporation's assistance agreements with insured banks pursuant to section 13(c) of the Federal Deposit Insurance Act.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c) (6), (c) (8), and (c) (9) (A) (ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c) (6), (c) (8), and (c) (9) (A) (ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda

Application for consent to merge and establish branches:

The Community Savings Bank, Rochester, New York, an insured mutual savings bank, for consent to merge, under its charter and with the title "Rochester's Community Savings Bank," with Rochester Savings Bank, Rochester, New York, and to establish the nineteen offices of Rochester Savings Bank as branches of the resultant bank.

Application for consent to exercise limited trust powers:

The Bowery Savings Bank, New York City (Manhattan), New York.

Applications pursuant to section 19 of the Federal Deposit Insurance Act for consent to service of a person convicted of an offense involving dishonesty or a breach of a trust as a director, officer, or employee of an insured bank:

Names of persons and of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c) (8), and (c) (9) (A) (ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c) (8), and (c)(9) (A) (ii)).

Request for relief from adjustment for violations of Regulation Z:

Name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8) and (c)(9)(A)(ii)).

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550–17th Street, N.W., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: April 11, 1983.
Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.

[S–517–83 Filed 4–11–83; 12:04 pm]
BILLING CODE 6714–01–M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 11:05 a.m. on Wednesday, April 6, 1983, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider a recommendation regarding the granting of assistance, under section 13(c)(2) of the Federal Deposit Insurance Act, to United Southern Bank of Nashville, Nashville, Tennessee.

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C. T. Conover (Comptroller of the Currency), that Corporation Business required its consideration of the matter on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a closed meeting pursuant to

subsections (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii)).

Dated: April 8, 1983.
Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.

[S-518-83 Filed 4-11-83; 12:06 pm]
BILLING CODE 6714-01-M

4

FEDERAL DEPOSIT INSURANCE CORPORATION.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, April 18, 1983, to consider the following matters:

SUMMARY AGENDA:

No substantive discussion of the following items is anticipated. These matter will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Application for Federal deposit insurance for a state-licensed United States branch of a foreign bank:

Hongkong and Shanghai Banking Corporation, Hong Kong, for Federal deposit insurance of deposits received at and recorded for the account of its state-licensed branch to be located at 36–54 Main Street, Flushing, New York.

Applications for consent to merge and establish branches:

Home Bank, Signal Hill, California, an insured State Nonmember bank, for consent to merge, under its charter and title, with Bank of Manhattan, Manhattan Beach, California, and to establish the sole office of Bank of Manhattan as a branch of the resultant bank.

Branch Banking and Trust Company, Wilson, North Carolina, an insured State Nonmember bank, for consent to merge, under its charter and title, with City National Bank, Charlotte, North Carolina, and to establish the five offices of City National Bank as branches of the resultant bank.

Farmers Bank and Trust Company of Hanover, Hanover, Pennsylvania, an insured State Nonmember bank, for consent to merge, under its charter and title, with The First National Bank of Fairfield, Fairfield, Pennsylvania, and to establish the three offices of The First National Bank of Fairfield as branches of the resultant bank.

Application for consent to merge, establish one branch and exercise limited trust powers:

Springfield Institution for Savings, Springfield, Massachusetts, an insured State mutual savings bank, for consent to merge, under its charter and title, with Nonotuck Savings Bank, Northampton, Massachusetts, to establish the sole office of Nonotuck Savings Bank as a branch of the resultant bank, and to exercise limited trust powers.

Applications for consent to purchase assets and assume liabilities and for consent to establish one branch:

Iowa Trust & Savings Bank, Oskaloosa, Iowa, an insured State nonmember bank, for consent to purchase the assets of and assume the liability to pay deposits made in First State Bank of What Cheer, What Cheer, Iowa, and to establish the sole office of First State Bank of What Cheer as a branch of the Iowa Trust & Savings Bank.

American Marine Bank, Winslow, Washington, an insured State nonmember bank, for consent to purchase the assets of and assume the liability to pay deposits made in the Third and Marion Branch of Seattle-First National Bank, Seattle, Washington, and to establish that office as a branch of American Marine Bank.

Application for consent to convert into a non-FDIC insured institution:

Jamaica Savings Bank, New York City (Jamaica), New York.

Request for an extension of time to establish a branch:

St. Joseph Bank and Trust Company, South Bend, Indiana, South Bend, Indiana, for an extension of time within which to establish a branch at 401 Lincoln Way West, Mishawaka, Indiana.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 45,655–L: Banco Credito y Ahorro Ponceno, Ponce, Puerto Rico.

Case No. 45,658–NR: United States National Bank, San Diego, California.

Memorandum and Resolution re: The First National Bank in Humboldt, Humboldt, Iowa.

Recommendations with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities:

Gable & Gotwals, Tulsa, Oklahoma, in connection with the receivership of Penn Square Bank, National Association, Oklahoma City, Oklahoma.

Schall, Boudreau & Gore, San Diego, California, in connection with the liquidation of Pacific Coast Bank, San Diego, California (two memorandums).

Reports of committees and officers:

Minutes of actions approved by the standing committees of the Corporation pursuant to authority delegated by the Board of Directors.

Reports of the Division of Bank Supervision with respect to applications or requests approved by the Director or Associate Director of the Division and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Reports of the Director, Office of Corporate Audits and Internal Investigations:

Audit Report re: Assessment Audit Activities, dated November 30, 1982.

Audit Report re: Project Review of the Remote Entry Examination Processing System—Interim Audit Report #2, dated March 16, 1983.

Discussion Agenda:

No matters scheduled

The meeting will be held in the Board Room on the sixth Floor of the FDIC Building located at 550–17th Street, N.W., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: April 11, 1983.
Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.

[S-519-83 Filed 4-11-83; 12:06 pm]
BILLING CODE 6714-01-M

5

FEDERAL MARITIME COMMISSION

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: April 8, 1983, 48 FR 15362.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: April 13, 1983, 9:00 A.M.

CHANGE IN THE MEETING: Addition of the following item to the closed session:

3. United States of America v. Federal Maritime Commission, D.C. Circuit No. 80–1251.

[S-510-83 Filed 4-8-83; 4:23 pm]
BILLING CODE 6730-01-M

6

FEDERAL RESERVE SYSTEM (BOARD OF GOVERNORS)

TIME AND DATE: 10:00 a.m., Monday, April 18, 1983.

PLACE: Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Proposal to reduce requirements for reporting of deposits by small depository institutions. (Proposed earlier for public comment; Docket No. R-0459.)
2. Any items carried forward from a previously announced meeting.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452-3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Dated: April 8, 1983.

James McAfee,

Associate Secretary of the Board.

[S-514-83 Filed 4-11-83; 11:29 am]

BILLING CODE 6210-01-M

7

FEDERAL RESERVE SYSTEM (BOARD OF GOVERNORS)

TIME AND DATE: Approximately 10:30 a.m., Monday, April 18, 1983, following a recess at the conclusion of the open meeting.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed acquisition of high-speed currency processing equipment within the Federal Reserve System.
2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
3. Proposed acquisition of computers within the Federal Reserve System. (This item was originally announced for a meeting on April 13, 1983.)
4. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Dated: April 8, 1983.

James McAfee,

Associate Secretary of the Board.

[S-515-83 Filed 4-11-83; 11:30 am]

BILLING CODE 6210-01-M

8

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE.

TIME: 9:00 a.m. to 5:00 p.m., 9:00 a.m. to 4:00 p.m.

DATE: April 20 and 21, 1983, respectively.

PLACE: Hyatt Regency Washington Capitol Hill Yellowstone Room.

STATUS: Open.

MATTERS TO BE DISCUSSED: Opening Remarks, Chairman; Chairman's Report; Approval of Agenda; Approval of November 22-23, 1982, Minutes; Executive Director's Report; Status Reports on FY 1983 Programs; Task Force Report—Library and Information Services to Cultural Minorities; Videotape—Joint Congressional Hearing on Information Needs of Rural America; Task Force Report—Community Information and Referral Services; Old Business; New Business—School Media Center Corcerns, Preliminary Discussion of FY 1985 Programs; Task Force Report—The Role of the Special Library in Nationwide Networks and Cooperatives; Stephen D. Bryen, Deputy Assistant Secretary of Defense, International Economic, Trade and Security Policy on Reciprocity and Technology Transfer.

CONTACT PERSON FOR MORE INFORMATION: Toni Carbo Bearman, Executive Director.

Dated: April 8, 1983.

Toni Carbo Bearman,

NCLIS Executive Director

[S-521-83 Filed 4-11-83; 12:24 pm]

BILLING CODE 7527-01-M

9

NATIONAL COMMISSION ON STUDENT FINANCIAL ASSISTANCE

DATE: April 25 and 26, 1983.

PLACE: Room 311, Cannon H.O.B., Washington, D.C.

TIME: April 25, 1:00 p.m. to 5:00 p.m., April 26, 10:00 a.m. to 1:00 p.m.

PURPOSE: The Washington hearing will focus on alternative loan programs. In particular, supplemental options for the existing programs, tax incentives and alternatives that would replace the existing system.

FOR FURTHER INFORMATION CONTACT: Donna M. Lumia, Public Hearings Coordinator (202) 724-2914.

Submitted the 8th day of April, 1983.

Richard T. Jerue,

Chief Executive Officer.

[S-522-83 Filed 4-11-83; 2:32 pm]

BILLING CODE 6820-BC-M

10

NATIONAL LABOR RELATIONS BOARD

TIME AND DATE: 9 a.m., Wednesday April 13, 1983.

PLACE: Board Conference Room, Sixth Floor, 1717 Pennsylvania Avenue, NW.

STATUS: Closed to public observation pursuant to 5 U.S.C. Section 552b(c)(2) (internal personnel rules and practices) and (c)(6) (personal information where disclosure would constitute a clearly unwarranted invasion of personal privacy).

MATTERS TO BE CONSIDERED: To consider candidates for Regional Director, Region 24, Puerto Rico, and other personnel matters.

CONTACT PERSON FOR MORE INFORMATION: John C. Truesdale, Executive Secretary, Washington, D.C. 20570, telephone: (202) 254-9430.

Dated: Washington, D.C., April 8, 1983.

By direction of the Board.

John C. Truesdale,

Executive Secretary, National Labor Relations Board.

[S-511-83 Filed 4-8-83; 4:26 pm]

BILLING CODE 7545-01-M

11

NATIONAL LABOR RELATIONS BOARD.

ACTION: Notice.

SUMMARY: Notice is hereby given of the schedule for awarding Senior Executive Service bonuses.

FOR FURTHER INFORMATION CONTACT: Ernest Russell, Director of Administration, National Labor Relations Board, 717 Pennsylvania Avenue, NW., Washington, D.C. 20570, (202) 254-9200.

SUPPLEMENTARY INFORMATION: Office of Personnel Management guidelines require that each agency publish a notice in the **Federal Register** of the agency's schedule for awarding Senior Executive Service bonuses at least 14 days prior to the date on which the awards will be paid.

Schedule for Awarding Senior Executive Service Bonuses: The National Labor Relations Board intends to award Senior Executive Service bonuses for the performance rating cycle of January 1, 1982 through December 31, 1982, with payouts scheduled by September 30, 1983.

Dated: Washington, D.C., April 8, 1983.

By direction of the Board.

John C. Truesdale

Executive Secretary, National Labor Relations Board.

[S-512-83 Filed 4-8-83; 4:26 p.m.]

BILLING CODE 7445-01-M

12

NATIONAL TRANSPORTATION SAFETY BOARD.

[NM-83-9]

TIME AND DATE: 9 a.m., Tuesday, April 19, 1983.

PLACE: NTSB Board Room, 800 Independence Ave. SW., Washington, D.C. 20594.

STATUS: The first two items will be open to the public; the third item will be closed under Exemption 10 of the Government in the Sunshine Act.

MATTERS TO BE CONSIDERED:

1. *Railroad Incident Report:* Fire on Amtrak Train No. 11, The Coast Starlight, Gibson, California, June 23, 1983, and *Recommendations* to the National Railroad Passenger Corporation (Amtrak) and the Federal Railroad Administration.
2. *Notice of Proposed Rulemaking* to amend 49 CFR Part 821, The Board's Rules of Practice in Air Safety Proceedings.
3. *Opinion and Order:* Administrator v. Golden Eagle Air Service, Inc., Docket SE–5589; disposition of the Administrator's appeal.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming, (202) 382–6525.

Dated: April 8, 1983.

[S–513–83 Filed 4–8–83; 5:06 pm]

BILLING CODE 4910–58–M

13

NUCLEAR REGULATORY COMMISSION.

DATE: Week of April 11, 1983.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open and Closed.

MATTERS TO BE DISCUSSED:

Monday, April 11

10:00 a.m.

Discussion/Possible Vote on Proposed Response to Union of Concerned Scientists Petition for Rulemaking on Emergency Planning (Closed—Ex. 10).

Thursday, April 14

9:30 a.m.

Discussion/Possible Vote on Restart of Salem Units 1 and 2 (Public Meeting)

11:00 a.m.

Discussion of Management-Organization and Internal Personnel Matters (Closed—Ex. 2 & 6)

2:00 p.m.

Discussion of Regulatory Reform Task Force—Administrative Proposals—Backfit Rule (Public Meeting)

3:30 p.m.

Affirmation/Discussion and Vote (Public Meeting)

a. Waste Confidence Order (Tentative)

b. Rule on Extended Spent Fuel Storage (Tentative)

c. Final Rulemaking Concerning Licensed Operator Staffing at Nuclear Power Units and Draft Policy Statement on Shift Crew Qualifications

d. Proposed Response to Union of Concerned Scientists Petition for Rulemaking on Emergency Planning (Tentative)

Friday, April 15

2:00 p.m.

Discussion of Steps to Decision in TMI–1 Restart Proceeding (Open/Portions Closed—Ex. 10).

ADDITIONAL INFORMATION:

On March 30 the Commission voted 5–0 to hold Affirmation of Indian Point Order; Regulations to Implement Public Law 97–415; and Sua Sponte Review of Order in Commanche Peak, held that day.

Briefing on Systems Interaction scheduled for March 31, *postponed.*

On April 1 the Commission voted 4–0 (Commissioner Gilinsky not present) to hold Affirmation of Commanche Peak Order and NFS–Erwin Order, held that day.

Briefing on Shoreham scheduled for March 30 *moved* to April 5.

On April 6, Affirmation of Proposed Response to Union of Concerned Scientists Petition for Rulemaking on Emergency Planning was held part open and part closed.

On April 6 the Commission voted 4–0 (Commissioner Gilinsky not present), to hold discussion of Possible Enforcement Action and Related Investigation, to be held April 8.

Hearing on NFS–Erwin scheduled for April 7 was *cancelled.*

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

Walter Magee,

Office of the Secretary.

[S–509–83 Filed 4–8–83; 4:23 pm]

BILLING CODE 7590–01–M

14

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL (NORTHWEST POWER PLANNING COUNCIL)

ACTION: Meeting notice.

STATUS: Open.

TIME AND DATE: April 12–13; 1983, 9:00 a.m.

PLACE: Council Central Office, 700 S.W. Taylor, Suite 200, Portland, Oregon

MATTERS TO BE CONSIDERED:

- Discussion of Comments Relating to the Draft Energy Plan.
- Council Business.

FOR FURTHER INFORMATION CONTACT: Ms. Bess Wong (503) 222–5161. The Council determined, by recorded vote on April 7, 1983, that agency business requires a meeting on April 12–13, 1983, even though it is not practicable to provide seven (7) days notice of the meeting.

Edward Sheets,

Executive Director.

[S–510–83 Filed 4–11–83; 11:50 am]

BILLING CODE 6055–00–M

15

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of April 18, 1983, at 450 5th Street, N.W., Washington, D.C.

A closed meeting will be held on Tuesday, April 19, 1983, at 10:00 a.m. An open meeting will be held on Wednesday, April 20, 1983, at 10:00 a.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b (c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10).

Commissioner Evans, as duty officer, voted to consider the items listed for the closed meeting in closed session.

The subject matter of the closed meeting scheduled for Tuesday, April 19, 1983, at 10:00 a.m. will be:

Formal order of investigation.

Institution of injunctive actions.

Litigation matter.

Institution of administrative proceedings of an enforcement nature.

Settlement of injunctive action.

The subject matter of the open meeting scheduled for Wednesday, April 20, 1983, at 10:00 a.m. will be:

1. Consideration of whether to grant the application of James V. Kimsey to become associated with Asset Management International, Inc., in a propietary capacity. For further information, please contact Mary Binno at (202) 272–2318.

2. Consideration of whether to (i) issue a letter granting the Pacific Stock Exchange, Inc. an exemption from Rule

11Ac1–1 ("Quote Rule") under the Securities Exchange Act of 1934, and (ii) delegate to the Director of the Division of Market Regulation the authority to grant exemptions from the Quote Rule to exchanges and national securities associations. For further information, please contact William W. Uchimoto at (202) 272–2409.

3. Consideration of whether to propose for public comment Rule 22d–6 under the Investment Company Act of 1940 which would permit investment companies issuing redeemable securities, principal underwriters of such securities, and dealers therein to establish variations including negotiation in the sales loads on such securities under certain conditions. For further information, please contact Jeffrey S. Puretz at (202) 272–3036.

4. Consideration of whether to adopt technical amendments relating to various rules, forms and schedules under the Securities Act of 1933 and the Securities Exchange Act of 1934. For further information, please contact V. Gerard Comizio at (202) 272–2589.

5. Consideration of whether to publish for comment proposed Rule 158 under the Securities Act of 1933, which would define the terms "earning statement", "made generally available to its security holders" and "effective date of the registration statement" for purposes of the last paragraph of section 11(a) of the Securities Act. For further information, please contact Steven L. Molinari at (202) 272–2589.

6. Consideration of whether to propose for public comment Rule 3a12–8 under the Securities Exchange Act of 1934 ("Act") designating certain foreign government debt instruments as exempted securities under the Act solely for purposes of the trading of futures contracts covering such instruments. For further information, please contact Kevin Fogarty at (202) 272–2416.

7. Consideration of whether to issue a notice on an application filed by ML Venture Partners I, L. P. ("Partnership"), a limited partnership registered with the Commission as a business development company, and Merrill Lynch Venture Capital Co., L. P. ("Managing General Partner"), a registered investment adviser which serves as managing general partner of the Partnership, requesting an order pursuant to Section 206A of the investment Advisers Act of 1940 exempting them from the provisions of Section 205(1) thereof to permit the Managing General Partner to receive, under certain circumstances, a performance fee on the basis of unrealized capital gains upon the Partnership's portfolio securities. For further information, please contact Brian Kaplowitz at (202) 272–2028.

At times changes in commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Diane Klinke at (202) 272–2014.

Dated: April 8, 1983.

[S–520–83 Filed 4–11–83; 12:09 pm]

BILLING CODE 8010–01–M

federal register

Wednesday
April 13, 1983

Part II

Nuclear Regulatory Commission

Proposed Commission Policy Statement on Severe Accidents and Related Views on Nuclear Reactor Regulation

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

Proposed Commission Policy Statement on Severe Accidents and Related Views on Nuclear Reactor Regulation

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of proposed Commission Policy Statement.

SUMMARY: This proposed Policy Statement summarizes the changes in rules, policies, and regulatory practices that constitute the NRC approach for severe accident rulemaking. The new approach as presented in the Policy Statement would, for all classes of existing or proposed nuclear power plants, replace unfocused, long-term generic rulemaking with: (1) Severe accident rulemakings designed to certify future standard plant designs and (2) regulatory decisions based on generic evaluations and decisions regarding all existing or proposed plants for which the standard plant rulemaking would not apply. The Policy Statement is presented in proposed form to provide all affected nuclear power plant licensees and applicants and other interested persons an opportunity to comment.

DATES: Submit comments by July 9, 1983. Comments received after that date will be considered if its is practical to do so, but assurance of consideration cannot be given except as to comments received on or before this date.

ADDRESSES: Submit comments, suggestions, or recommendations to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Copies of comments received may be examined in the NRC Public Documents Room, 1717 H Street NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Roger J. Mattson, Director, Division of Systems Integration, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone (301) 492–7373.

SUPPLEMENTARY INFORMATION: The U.S. Nuclear Regulatory Commission published "The Advanced Notice of Rulemaking" in the **Federal Register** on October 2, 1980 [45 FR 65474]. In that notice, the Commission indicated that a long-term rulemaking effort was being initiated that would establish policy, goals, and requirements relating to core-melt accidents greater than the present design basis accident and invited public comment on proposals for treating severe accident issues. This Policy Statement summarizes the changes in rules, policies, and regulatory practices that constitute the NRC approach for severe accident rulemaking. The new approach would, for all classes of reactors, replace an unfocused, long-term generic rulemaking effort with severe accident rulemakings designed to certify specific standard plant design applications and with regulatory decisions based on generic evaluations and decisions regarding other classes of operating plants, plants under construction or proposed plants. It is expected that this approach would fully resolve the severe accident safety issues in the course of these rulemakings on specific standard plant designs and regulatory decisions on other classes of existing or future plants which may, or may not, include rulemaking. The Policy Statement proposes that final decisions on severe accident considerations for operating plants and plants under construction be accomplished in parallel with the standard plant reviews.

Proposed Commission Policy Statement on Severe Accidents and Related Views on Nuclear Reactor Regulation

I. Introduction: History and Purpose of the Policy Statement
II. Proposed Policy on Safety Goals
III. Use of Probabilistic Risk Assesment in Severe Accident Decisionmaking
IV. Lessons Learned from Three Mile Island
V. Standard Review Plan
VI. Standardization Policy
VII. Further Research on Severe Accidents
VIII. Treatment of Severe Accidents in Ongoing Licensing Proceedings
IX. Present Views on Other Safety Issues and Efforts in Progress
X. Implementation Guidelines for Severe Accident Policy

I. Introduction: History and Purpose of the Policy Statement

The Nuclear Regulatory Commission mandated a series of changes in design and operation of nuclear power plants as a response to deficiencies revealed by the accident at Three Mile Island (TMI). The changes began with the operating Babcock and Wilcox plants and then the other operating plants. Later, the Commission set requirements for plants whose operating license (OL) review had been interrupted by the attention paid to operating plants. Still later, a separate set of requirements was developed for plants whose construction permit (CP) review had been interrupted. This last set of requirements, embodied in the Construction Permit/Manufacturing License Rule (hereinafter, the CP Rule) was published in effective form on January 15, 1982 (47 FR 2286).

In this Policy Statement, the Commission describes its policy and requirements for new CP applications and reactivated CP applications, and the Commission reiterates and discusses its present requirements with respect to accidents more severe than design basis accidents. We connect all of these requirements to our "Proposed Policy Statement on Safety Goals for Nuclear Power Plants" (48 FR 10772, March 14, 1983); to our standardization rules; and to other policy guidance under development such as siting policy. Although gascooled or other types of advanced reactors may be proposed in the future, they have not been considered in the development of this policy statement. Some of the policy points would apply to such plants; others would not.

As part of the Commission's response to TMI, an Action Plan (NUREG–0660, May 1980) was issued. Section II.B of that plan deals with the siting of plants and the requirements for coping with severe accidents. Consistent with that plan, the Commission has already issued one final and one proposed interim rule concerning hydrogen control issues in degraded core cooling (46 FR 58484, December 2, 1981, and 46 FR 62281, December 23, 1981). The concept of a generic rulemaking to reach final decisions on severe accidents also took form in the TMI Action Plan, Task II.B.8, "Rulemaking Proceeding on Degraded Core Accidents." This plan envisioned a long-term rulemaking extending beyond 1982 to establish policy, goals, and requirements related to accidents involving core damage greater than the present design basis for all classes of reactors: those operating, under construction, proposed for construction, or proposed as new standard plant designs. The task also included the interim step of an Advanced Notice of Rulemaking, issued on October 2, 1980 (45 FR 65474).

The presently proposed Policy Statement replaces this advanced notice of rulemaking. It represents a change from the envisioned plan for long-term rulemaking covering all classes of nuclear power plants in that the focus of rulemaking would, if adopted, be reduced to only one class of plants, namely, those proposed as new standard plants designs. However, the proposed Policy Statement provides the current views of the Commission on the process for arriving at severe accident decisions for operating plants, those under construction, or proposed for

construction for which standard plant rulemaking would not apply.

For the reasons discussed below, the Commission believes that nuclear power plants of modern designs (such as those proposed in CP applications docketed after the promulgation of the Standard Review Plan or now under consideration by U.S. vendors for future sales) can be shown to be acceptable for severe accident concerns if they meet the requirements of the CP Rule; if they achieve a technical resolution of Unresolved Safety Issues; and if they are adequately responsive to insights afforded by probabilistic risk assessments. This conclusion embodies due consideration of the Commission's Policy Statement on safety goals. It permits plants of modern design to be sited at locations with demographic and other safety-related characteristics that conform to our siting regulations and guidance. Further discussion of siting policy revision is found in Section IX of this Policy Statement.

As discussed below, our policy for the consideration of severe accidents contains nine interelated components: (1) Policy Statement on safety goals; (2) use of probabilistic risk analysis in severe accident decision making; (3) lessons learned from TMI; (4) the Standard Review Plan; (5) standardization policy; (6) further research on severe accidents; (7) treatment of sever accidents in ongoing licensing proceedings; (8) present views on other safety issues and efforts in progress; and (9) implementation of severe accident policy.

In accordance with the activities, views, and policy developments discussed in this Policy Statement, the Commission believes that it is possible to begin reviews of specific standard plant design applications with an expectation of fully resolving the severe accident questions in the course of the review. This belief is predicated on the availability of results from ongoing NRC, Industry Degraded Core Rulemaking (IDCOR), and vendor research; and insights from the Zion, Indian Point, and other risk assessments. The review of standard designs for future CPs provides incentive to industry to address severe accident phenomena. These reviews and ongoing research will also provide information needed for final decisions on severe accident considerations for operating plants and plants under construction. We expect to reach those final decisions within the next several years.

A three-step process will be used for severe accident decisions for plants in operation, under construction, or other classes of plants proposed for construction for which standard plant rulemaking would not apply. First, quantitative risk assessment techniques will be used to estimate the relative importance of potential nuclear power plant accident sequences or other features where sufficient data exists to make comparisons.

We do not plan for additional probabilistic risk assessments (PRAs) to be generated for this purpose. The existing ensemble of available PRAs (presently about 13 in number), will be normalized by updating of accident likelihood predictions and by recalculations of accident consequences using revised source terms currently being evaluated by the NRC staff. This approach will provide better understanding of the design features and site characteristics that are more favorable or less favorable to various risk contributions relative to the plants in the ensemble. Second, a range of possible design and operational changes to improve accident prevention and consequence mitigation capabilities will be studied to determine the costs and safety benefits of backfitting them to plants in operation or under construction. Finally, using engineering and policy judgment, supplemented by probabilistic risk assessment where apppropriate, decisions will be made on whether reductions in severe accident risk are necessary. If reductions are necessary, our research should tell us how best to achieve them, whether by accident prevention or consequence mitigation, or by what balance of the two. We will also be able to decide whether the costs for various safety improvements are justified. Particular attention will be paid in these studies to areas of plant safety and safeguards where quantitative risk assessment techniques provide no guidance, or at best guidance of great uncertainty. Examples are resistance to sabotage or to massive external events such as earthquakes.

Our current general licensing policy and outline of future activities and schedules for severe accidents are treated in more detail below. Especially important for decisions on operating plants and plants under construction is their connection with severe accident research as described below.

II. Policy on Safety Goals

The Commission published a policy statement on safety goals for the operation of nuclear power plants in the **Federal Register** on March 14, 1983 [48 FR 10772]. The policy statement contains qualitative safety goals and quantitative design objectives which are intended to be consistent with the qualitative goals. The Commission also announced the start of a two-year period of evaluation for the policy statement in March, 1983. During the evaluation period, the qualitative safety goals and quantitative design objectives will not be used in the licensing process or be interpreted as requiring the performance of probabilistic risk assessments by applicants or licensees (see Part III). Rather, the NRC will continue to use conformance to regulatory requirements as the exclusive licensing basis for plants. Use of the policy statement during the evaluation period will be limited to uses such as examining proposed and existing regulatory requirements, establishing research priorities (see Part VII), resolving generic issues (see Parts IX, X), and defining the relative importance of issues as they arise. At the conclusion of the evaluation period, the Commission will consider if any revisions are necessary before the issuance of a final policy statement and a plan for its implementation.

III. Use of Probabilistic Risk Assessment in Severe Accident Decisionmaking

Probabilistic risk assessment is a process that can be used to supplement the current deterministic approach for reviewing design and operation of a nuclear power plant. It provides an integrated assessment of the relative importance of potential accident sequences and helps identify the weaknesses in plant design and operation that contribute to the most importance accident sequences. Many PRAs of U.S. nuclear power plants have been made since two plants were analyzed and reported in the Reactor Safety Study (WASH–1400). These PRAs include risk assessments done under the NRC's Reactor Safety Study Methodology Application Program (RSSMAP) and the Interim Reliability Evaluation Program (IREP), as well as a number of industry studies (Big Rock Point, Limerick, Zion, and Indian Point).

A continuation of IREP has been designated the National Reliability Evaluation Program (NREP). In the future, NREP may be implemented on other operating plants within the United States, individually or in groups, using a standard methodology emanating from IREP or the NRC and industry forum on PRA procedures sponsored by the Institutes of Electrical and Electronics Engineers (IEEE) and the American Nuclear Society (ANS).

Thus far, the PRAs of nuclear power plants have varied in scope, depth, and quality; but, taken as a whole, they indicate measurable growth in the

constructive use of the techniques of PRA to develop supplements to current regulatory practice. They lead us to conclude that PRA improves our unstanding of the severe accident sequences to which plants are most vulnerable and therefore of the dominant constituents of the risk posed by specific plants. In sum, considering the experience with risk assessments thus far made, we conclude that the cost-effectiveness of risk reduction measures can be studied through PRA. Although there are limitations due to the many uncertainties associated with the use of PRA, the Commission considers it to be a valuable adjunct to the established regulatory process and NRC's reactor safety regulations in 10 CFR, Chapter I.

Some of the previous risk assessments have identified new equipment that, if added, and specific plant features that, if modified, have a high potential for risk reduction. Such features typically involve details of system design and operation and not the more fundamental and costly aspects of design. Some examples of details of system design and operation are discussed in Sections VIII and IX of this Policy Statement.

It is our judgment that the utility of PRA can be improved if it is integrated with the design process. To take advantage of this improved use of PRA, the Commission will require the performance of a PRA that is as complete as practical for any standardized design to be referenced in future CP applications. The purpose of these PRAs is twofold: to encourage the development of an effective reliability and risk management program beginning at the design stage and to determine if there should be additional regulatory requirements imposed because of insight gained from the PRA before issuance of a license referencing that design. We believe that such studies can help to identify design features that would lessen the likelihood of degraded-core-cooling events (accident prevention), arrest the extent of damage by successful interdiction of a degraded-core-cooling event (accident management), or lessen the ensuing consequences of a core meltdown (consequence mitigation). We expect that PRA can help to illuminate those design requirements that are practical and that can make a significant, cost-effectiveness contribution to risk reduction. Our regulations already require for near-term CPs that PRA be factored into the design process shortly after CP issuance. Thus, our policy for new CP applications referencing standardized designs is simply to require that the PRA and associated reliability engineering programs be performed earlier in both the design and regulatory processes than is now the case. The specifics our standardization policy are discussed more fully in Section VI of this Policy Statement.

We emphasize that PRA is only one of several tools to be used in making backfit decisions for plants already licensed and in developing safety rulemaking for future standardized designs. We also caution that although we intend to encourage broad uses of the PRA methodology in regulatory decisionmaking—including severe accident analysis in operating nuclear power plants—we do not expect to develop widespread requirements for compliance with any numerical safety goal design objectives that might be approved for individual licensing reviews until refinements in PRA methodology make it more appropriate for this purpose. Some discussions of provisional numerical guidelines and PRA methodology will emerge in certain licensing hearings where PRAs have been required (e.g., OL applications for plants in high population density sites and new CP applications).

IV. Lessons Learned From Three Mile Island

The lessons learned from TMI have been applied to operating plants, plants in operating license review, and plants now undergoing construction permit review. The lessons are summarized as licensing requirements for operating plants and plants under construction in "Clarification of TMI Action Plan Requirements" (NUREG–0737, November 1980). The Commission's policy for pending CP applicants is that they comply with the CP Rule (47 FR 2286, January 15, 1982). It is our policy that future CP applications or reactivations of CP applications previously docketed also comply with the CP Rule.

Since effective implementation of the actions summarized in NUREG–0737 and the CP Rule have significantly upgraded nuclear power plant safety, a deliberate approach to decisionmaking is described in Section X of this Policy Statement.

V. Standard Review Plan

On March 18, 1982, the Commission announced the issuance of a rule (47 FR 11651) that requires future applicants for operating licenses, construction permits, manufacturing licenses, the preliminary or final design approvals for standard plants to identify and evaluate differences from the acceptance criteria of the applicable revision of the Standard Review Plan (SRP) as part of the technical information to be submitted as part of an application. The SRP was originally issued in 1975 with the most recent revision being issued in September 1981 (NUREG–0800).

The SRP describes acceptance bases and criteria for conclusions which are presented in a staff Safety Evaluation Report (SER). Although conformance with the SRP is not a regulatory requirement, the acceptance criteria of the SRP provide for greater stability in the licensing process and, in a growing number of areas, also provide quantitative guidance for ensuring safe performance of a plant. The lessons learned from TMI have also been incorporated into the SRP. Accordingly, the strengthening of the SRP and procedures for its application reduce the urgency for final decisions on severe accidents for plants under construction. Moreover, SRPs provide a useful fiducial for considering new safety requirements for the next generation of plants. Hence, staff review against the SRP is an important part of the network of assurance needed on the acceptability of new plants.

VI. Standardization Policy

On August 31, 1978, the Commission issued a policy statement, "Statement on Standardization of Nuclear Power Plants," that expanded on the standardization concept for nuclear plants and described specific policy changes being made to improve the usefulness of the Commission's standardization program (43 FR 38954). That policy statement, among other things, defines the effective time periods for design approvals under each of the four standardization concepts: (i) The reference system concept; (ii) the duplicate plant concept; (iii) the manufacturing license concept; and (iv) the replicate plant concept.

The Commission reiterates its support for standardization. To this end, holders of, and applicants for, Preliminary or Final Design Approvals should modify their applications to take into account the guidance of this Policy Statement if the design approvals are to be used in future CP applications. The requirements to be met are enumerated in Section X of this Policy Statement. We expect to complete our reviews within a year or two such applications. In the interim until a severe accident review is completed and a new design approval is granted, a standard design with an approval granted pursuant to present Commission regulations must be updated in order to be referenced in new or reactivated CP applications by

showing that it meets the new CP Rule, and an application must be filed for a severe accident review pursuant to the requirements of Section X, below.

When reviewed by the staff and approved in rulemaking, the Commission expects that the approval of the standardized designs for referencing in future CP applications would be binding on both the staff and applicants for a period of ten years unless significant new safety information becomes available. Design changes considered in response to this new information would be reviewed to ensure that risk reduction is cost-effective before initiating further rulemaking to incorporate the changes. Regulatory or national standards issued subsequent to the approval of a standardized design (e.g., later editions of the ASME Code) may be proposed by applicant and used when agreed to by the staff in lieu of or in addition to those referenced if commercial practice makes it desirable.

Ten-year referenceability of approved designs appears to be a reasonable choice in view of the long lead times experienced in the past five to ten years in effecting significant design improvements; further, it is a time span consistent with practical use of standardized designs.

The Commission intends that approval of standard designs in accordance with Section X, below, be accomplished by rulemaking in accordance with 10 CFR Part 50, Appendix O, Section 7. Applicants seeking this course will be given priority over applicants for new custom plant approvals in the assignment of staff review resources.

The Commission acknowledges the importance of having final design information. This may require essentially an FDA-level of design detail for the nuclear steam supply system (NSSS) and for a substantial portion of the balance-of-plant (BOP) equipment before successful completion of a PRA for a standardized plant. It may be possible to compensate for lack of design detail by providing appropriate interface performance specifications. To conserve resources in the conduct of licensing reviews, the Commission will give priority, at the time of docketing, to standard plant applications for which a substantial portion of the NSSS and BOP design has been completed.[1]

[1]See previous Commission policy statement (43 FR 38954, August 31, 1978) with respect to antitrust aspects involved in the standardization approach.

Standardization policy will be more effective in achieving its objectives when coupled with regulatory reform initiatives for amending NRC regulations to provide for early and separate approvals of sites; for early and separate approvals of standardized nuclear power plant designs, including the balance of plant to the extent practicable; and for one-step licensing in cases using standardized whole-plant designs.

VII. Further Research on Severe Accidents

The Commission is conducting a research program on severe accidents. This program complements the IDCOR program of industry (see below) and it includes studies on the following:

- Probabilistic risk assessment methods, including those treating external events;
- Common-cause accident contributors;
- System interactions, including analysis of systems transients involving core damage;
- Accident management, including guidelines for recovery from a core-damaging event;
- Phenomenological research on fuel and fission product behavior of damaged cores and containment response to severe loadings;
- Human factors;
- Applications research on behavior of existing systems and components in the severe accident environment;
- Fission product release and transport; and
- Safety-cost tradeoff analysis of changes in hardware.

Among other things, the research is intended to reduce the substantial uncertainty in the risk calculations that would be used in implementing our safety policy. A basic problem to be addressed by the research program is that the uncertainty in the "front end" of PRAs (the likelihood of various accident sequences) is currently believed to be optimistically biased due to (a) possible lack of completeness in identifying all possible scenarios and describing their event sequences and (b) difficulties in identifying and modeling common-cause failures. However, the "back end" (consequence estimation) of risk assessment, is currently believed to be conservatively biased because of two basic assumptions. First, the partial failure of core cooling is usually assumed to result in total core melt. Second, recent research (see NUREG-0772) indicates that radioactive releases in dominant accident sequences are likely to be substantially lower than predictions based on the conservative assumptions in current licensing requirements or the assumptions in WASH-1400. These conservatisms concern the plateout of fission products in the primary system and the fallout of airborne radionuclides inside containments. These biases interfere with the usefulness of PRA for weighing the relative merits of different design or operating features. Research is needed to reduce the interference.

Our research program on severe accidents has two distinct phases. The first phase (scheduled for completion in early 1984) is designed to answer the necessary technical questions before final regulatory decisions on severe accidents are made. The objectives of Phase I (see Draft NUREG-0900, "Nuclear Plant Severe Accident Research Plan") are to provide the following:

- An improved methodology for probabilistic risk assessment plus a significant extension of the data base for severe accident assessment;
- Data for a better estimate of the radiological source term used to assess accident consequences; and
- A technical basis for regulatory decisions to add or modify principal design features and operating guides and procedures of existing plants with respect to their ability to prevent and mitigate severe accidents.

In Phase II (to be completed by the end of calendar year 1985), the objectives of the program are to complete development of the data base, to further improve PRA methodology and its applications, and to confirm and render more precise the bases for regulatory decisions and guidance. Of particular importance to rulemaking on standard plant designs for future applications is that the first phase of severe accident research will enable a more precise appraisal of specific design and operational refinements, especially from the standpoint of cost-effectiveness or risk/net benefit criteria. This will serve to indicate whether further reduction of risk is justifiable. In addition, better understanding of the dominant severe accident sequences and of the magnitude of radioactive releases in the first phase of the research is expected to lead to substantial improvements in emergency preparedness and procedures.

The Commission also notes a substantial commitment of industry resources for severe accident evaluation under the Industry Degraded Core Rulemaking (IDCOR) Program (see "IDCOR Program Plan," November 1981, Technology for Energy Corporation, Knoxville, Tennessee), to be completed

by mid-1983. In support of the IDCOR Program, the Nuclear Power Division of the Electric Power Research Institute has scheduled a number of important projects under its Degraded System Technology Program. The Commission feels it is prerequisite to the objectives and schedules set forth in this Policy Statement on Severe Accidents that the IDCOR Program continue on its present course and schedule.

We do not expect our present views on severe accident considerations to change substantially as a result of ongoing NRC-sponsored or industry research with respect to the fundamentals of the present designs and their general adherence to our safety policy. However, it is possible—though not necessarily likely for any or all classes of nuclear power plants reactors—that new information will demonstrate the desirability of certain lesser changes such as improved reliability of some engineered safety features and addition of filtered vents to some types of containment and design features that would reduce the risk from sabotage and earthquakes. Also, we expect research results to permit further risk reduction by identifying worthwhile refinements in the design of operating nuclear plants or their operating practices rather than indicating major redesign needs. The research will also help to develop more accurate probabilistic risk assessment methods for use in regulatory desision-making and to provide greater assurance of adequate protection of public health and safety.

VIII. Treatment of Severe Accidents in Ongoing Licensing Proceedings

The Commission has considered the question of whether additional regulations should be issued at this time to require more capability to mitigate the consequences of severe accidents in operating plants and plants under construction. Although, as noted above there are large programs presently ongoing that will provide information related to this question, they have not yet produced significant new insights into consequence mitigation features sufficient to support further regulatory changes, nor have they yet shown a clear need to add such features.

There are presently two rules, one final and one proposed, on hydrogen control and related matters (46 Fr 58484, December 2, 1981, and 46 Fr 62281, December 23, 1981). These rules are intended to provide reasonable assurance, pending generic resolution, that the risk of degraded-core accidents for plants designed in accordance with current regulatory requirements is acceptable. Accordingly, individual licensing proceedings are not appropriate forums for a broad examination of the Commission's regulatory requirements relating to control and mitigation of accidents more severe than the design basis. Similarly, notwithstanding the Class 9 accidents review requirements for environmental hearings of the Commission's Statement of Interim Policy on "Nuclear Power Plant Accident Considerations Under the National Environmental policy Act of 1969" (45 FR 40101, June 13, 1980), the capability of current designs or procedures (or alternatives thereto) to control or mitigate severe accidents should not be addressed in case-related safety hearings. Likewise, our new rule for pending construction permits (47 FR 2286, January 15, 1981) is sufficient for licensing of that class of plant insofar as severe accident management or consequence mitigation is concerned.

The ongoing programs of severe accident study and research described in Section VII of this Policy Statement will provide new information. The Commission will ensure that these programs are closely coordinated and will concentrate on specific analyses and experiments needed for operating plants and plants under construction and on new standardized designs for future construction permit applications. The research will be designed to furnish information for regulatory decisions regarding features for accident prevention and management as well as consequence mitigation. The research will also improve our understanding of plant response to severe accidents so that their characteristics can be implanted into operator training and procedures. The intent is to obtain sufficient information in about two years to complete policy development and decisionmaking on severe accidents for all classes of plants. Confirmatory research may extend another several years.

In this regard, the Commission notes that much of the work to be done by the staff and its contractors as part of the Severe Accident Research Plan can be applied to light-water reactors either yet to be designed or to reactors now in operation. In some cases, the value of a change may be realized on either old or new designs. Examples of this would be changes in operator training or procedures for severe accidents and the addition of hydrogen ignition systems. In other cases, the cost of design variations could only be justified for new designs. Examples would be variations in the construction material of the containment basemat or variations in the ultimate strength of containment (See Section IX of this Policy Statement).

As described in Section VII, information on the potential for degraded-core accidents (to the extent allowed by the existing data base) is being assembled and assessed under the Industry Degraded Core Rulemaking Program. This effort is directed solely toward the current generation of operating plants. Thus, there are concurrent interests of NRC and IDCOR in assessing costs and relative benefits of potential changes in design and operations for operating plants. Accordingly, we expect that our staff will meet periodically with IDCOR staff to review progress, assess the safety significance of new information, and ensure that, to the extent feasible, the programs of study are closely coordinated and complementary.

Moreover, we expect the staff and the industry to interact periodically with the ACRS on severe accident research matters applicable to plants in operation or under construction or applicable to standard designs under review for construction permit applications. The staff should exchange views intially with the ACRS to agree on a tabulation of the fundamental severe accident questions and on the approach to answering these questions for the various classes of plants operating or planned. As the programs progress in NRC and industry, the ACRS will be asked to review progress and offer suggestions for change where needed to answer these fundamental questions.

The Commission will conduct an annual review of severe accident research to determine progress and to ascertain whether any substantial and significant new information has been developed that would require additional rules for severe accident protection features for operating plants and plants under construction. The Commission expects to conduct this annual review twice (the first time in the Spring of 1983 and the second, one year later), finally resolving this matter for operating plants and plants under construction by mid-1984.

IX. Present Views on Other Safety Issues and Efforts In Progress

A. Striking a Balance Between Accident Prevention and Consequence Mitigation.

The general thrust of Item II.B.8 of the TMI Action Plan (NUREG–0660) was for NRC and the nuclear industry to give further consideration to severe accidents beyond the design basis and, more specifically, to explore means to decrease the probability as well as

mitigate the consequences of such accidents. By using this approach the Commission seeks to strengthen its defense-in-depth policy by striking a new balance between accident prevention and consequence mitigation in controlling the risk of nuclear power plant accidents.

Preventive measures to reduce the probability of severe accidents have been at the heart of reactor safety regulations for many years—for example, most of the General Design Criteria of 10 CFR Part 50, Appendix A. Since the accident at TMI, there has been increased recognition that one of the most important systems in providing assurance of core-melt prevention following transients is a reliable decay heat removal system (DHRS). This had led NRC to approve shutdown decay heat removal requirements as an unresolved saftey issue (Task A–45).

The objective of this task is to develop a comprehensive and consistent set of shutdown cooling requirements for existing and future LWRs, including the study of alternative means of shutdown decay heat removal and of diverse "dedicated" systems for this purpose. This effort is supported by numerous research tasks. It is our hope that this will result in establishing technical performance criteria for decay heat removal systems.

However, the General Design Criteria also require that there be containment systems to control the effects of severe accidents. This is a form of consequence mitigation. Consideration of specific consequence mitigative measures for the dominant core-melt accident sequences in a new ingredient in reactor safety, and further clarification of the current policy and direction of Commission thinking on this subject for new CPs is provided below.

B. Containment Strength

In exploring the need for additional design or operational features in the next generation of plants to mitigate the consequences of core-melt accidents, the Commission will emphasize actions that improve understanding of containment building failure characteristics and design features or emergency actions that decrease the likelihood of containment building failures. The Commission has learned in its licensing activities and studies since the accident at TMI that some containments are better than others for mitigating core-melt consequences. Although not specifically designed to accommodate the hostile environments resulting from severe accidents, they can contain a large fraction of the radiological inventory from a spectrum of severe accidents. For example, large, dry containments may be sufficiently capable of mitigating the consequences of a wide spectrum of core-melt accidents; hence, further requirements may be unnecessary or, at most, upgrading current requirements to gain limited improvements of their existing capability may be necessary. The Commission expects that these matters will continue to be subjects for study (e.g., in the NRC research program and in further plant-specific studies such as the Zion and Indian Point probabilistic risk assessments).

Through an intergrated systems analysis it may be possible to demonstrate that other containment types exhibit a functional containment capability equivalent to that of large, dry containments. Although containment strength is an important feature to be considered in such an analysis, credits should also be given to the inherent energy and radionuclide absorption capabilities of the various designs as well as other design features that limit or control combustible gases.

A major difficulty in assessing systems behavior under the transient conditions of a core melt is the state of knowledge of the performance of containment and other consequence mitigation technologies. Probabilistic risk assessment appears to be fairly well developed for large, dry containment types, and the staff expects that comparable knowledge will be available soon for other containment types (Ice-Condenser and Mark I, II, and III).

It is clear that core-melt accident evaluations and containment failure evaluations should continue to be performed for a representative sample of operating plants and plants under construction and for all future plant designs. These studies should improve our understanding of the containment loading and failure characteristics for the various classes of facilities. The analyses should be as realistic as possible and should include, where appropriate, dynamic and static loadings from combustion of hydrogen and other combustibles, static pressure and temperature loadings from steam and non-condensibles, basemat penetration by core-melt materials, and effects of aerosols on engineered safety features. Following the outcome of severe accident research, a decision will be made whether to establish performance criteria for containment systems.

In addition to energy absorption capabilities mentioned above, several features that may decrease the chances of containment failure for some accidents in some containment designs are listed in Item II.B.8 of the TMI Action Plan, namely:

- Filtered venting of containment;
- Core-retention devices; and
- Hydrogen control features.

The NRC has been studying these and other mitigation features and is now in a position to give the following preliminary guidance about them for the designers of plants for new construction permit applications.

C. Filtered-Vented Containment Systems

In future CP applications for both pressurized water reactors (PWRs) and boiling water reactors (BWRs), filtered-vented containment systems, or a variation of such systems, should be provided if these yield a cost-effective reduction in risk. Some recent information indicates these systems may not be cost-effective for large, dry containments while other studies indicate these may be of value for some pressure suppression containments such as the MK III design of General Electric, or if the risk is dominated by large seismic events. GE has also considered a wet-well vent for its standardized Mark III design. These preliminary conclusions need to be addressed and final conclusions reached for new designs before they are applied to future plants.

D. Core-Retention Devices

Over the past several years, studies (such as NUREG–0650) of large, dry containment buildings indicate that classical core-retention devices are probably not cost-effective in reducing the release of radioactive materials to the atmosphere. Post-accident flooding of the reactor cavity may be all that is necessary to establish a coolable debris bed and prevent basemat penetration. However, unique basemat designs and unique or undesirable liquid-pathway characteristics [2] should be carefully weighed in future CP applications before deciding that this concept can be dismissed. Also, the materials of construction in the basemat can reduce or eliminated aerosols, combustibles (hydrogen and carbon monoxide), and non-condensibles arising from melted core and concrete interactions. Such gases and aerosols could contribute to the overpressurization threat to containment building integrity and should be considered in an integrated evaluation of the adequacy of containment performance.

[2] For example, a core-retention device is required on the floating nuclear plant because of liquid pathway issues.

E. Hydrogen Control Systems

The Commission intends to require hydrogen control systems to deal with degraded-core accidents for all dry containments, ice condenser containments, and the Mark I, II, and III containments. The requirements for plants in operation or under construction are contained in two rules (one final and one proposed) on "Interim Requirements Related to Hydrogen Control" (46 FR 58484, December 2, 1981, and 46 FR 62281, December 23, 1981). Somewhat more stringent requirements have been set forth in the CP rule. Our existing requirements for hydrogen control systems are based on a presumption that core cooling would be restored following a severe accident and that the reactor vessel and primary heat-transport systems would maintain their integrity. The cost-effectiveness of combustible gas control systems for even more sever accidents (i.e., accidents proceeding with core melt and vessel melt-through and large combustible gas releases) should be examined for future CP applications.

F. Reliable Containment Heat Removal

The staff is studying the need for more reliable subsystems for containment heat removal (in addition to systems normally provided in the past) as possible alternatives to filtered venting for prevention of gradual over-pressurization failure of the containment building. The cost-effectiveness of this alternative should be considered in the design of plants for new CP applications. In addition to a reduction of probability of gradual over-pressurization failure, the effective design of containment heat removal subsystems may also reduce the source term for the release of radioactive materials to the environment. Research tasks directed to these alternatives could provide information useful to the cost-effectiveness analysis of alternatives and possibly in establishing technical performance criteria if these subsystems prove cost-effective. Applicants for standard design approvals or construction permits should give special consideration to reliability of decay heat removal systems as a margin of conservatism to allow for the limitations of risk assessment methods for extraordinary events such as earthquakes and sabotage.

G. Other Consequence Mitigation Measures

There are other issues listed in Item II.B.8 of NUREG-0660 that the Commission believes have minimal value for improved safety and, therefore, need not be considered further; namely, effects of severe accidents at multi-unit sites and post-accident recovery plans. One item deserving consideration, however is the location outside containment of systems that could become highly radioactive following a severe accident. This item is not a policy question, but it is a matter of good engineering practice. The Commission expects that designers and applicants for future plants will show that these systems have been located to facilitate human access and to enhance their long-term, post-accident control and maintenance.

In general, core-melt consequence mitigation design features and procedures should be evaluated on as realistic a basis as possible. Considering the low probability of core-melt accidents, the Commission does not intend to require the use of conservative design criteria and analysis methods of the sort that have been applied to engineered safety features (safety-related equipment) required by NRC regulations for design basic accidents. Nonetheless, it is important to note that there may be more extreme design conditions for these mitigation system that might compromise safety-related systems. For example, if post-accident inerting is being considered for hydrogen control following a severe accident, then the inadvertent inserting of the containment building should not violate requirements appropriate for a design basis accident (i.e., service level A for steel containment buildings, including the effects of buckling). It is also important that attendant risks be taken into account in considering design and operational improvements for core-melt mitigation. Attendant risks introduced by new systems (e.g., inadvertent operation of a system for filtered venting of containment) are an important consideration.

H. External Events, Human Errors, and Sabotage

Another class of issues is the relation to severe accident considerations of sabotage and external events such as floods, winds, and earthquakes, as well as other accident initiators that are difficult to quantify, including multiple human errors and design errors. The Commission has addressed external events and operator errors in its "Policy Statement on Safety Goals for the Operation of Nuclear Power Plants" (48 FR 10772, March 14, 1983) within the context of the plan to evaluate the safety goal policy statement. Although the Commission has explicitly excluded sabotage from the safety goal policy statement, the Commission recognizes the merit of providing guidance on plant design that inhibit sabotage.

Pending decision on the final content of the safety goal policy statement, the Commission expects that applicants for standard design approvals will adddress these issues in their Safety Analysis Reports. Along with external events and human errors, these reviews will include design considerations to inhibit sabotage. Special attention should be paid to the potentially conflicting design objectives that may arise from safety and sabotage considerations. Applicants for standard design approvals or construction permits are to give specific consideration of plant design features that would decrease the probability of damage from sabotage.

In addressing potential accident initiators (including earthquakes, sabotage, and multiple human errors) where empirical data are limited and residual uncertainty is large, the use of conceptual modeling and scenario assumptions in Safety Analysis Reports will be helpful. They should be based on the best qualified judgments of experts, either in the form of subjective numerical probability estimates or qualitative assessments of initiating events and casual linkages in accident sequences. In addition to this design analysis approach for new plants, the Commission's continuing practice of conservatism and use of the defense-in-depth concept for the design basis required by current regulations are intended to provide the requisite margin of protection for accident initiators of these kinds.

I. Siting Policy

Appropriate site selection can hold significant implications for reducing the contribution to overall risk of severe nuclear accidents from external event initiators such as earthquakes, floods, and tornadoes. Moreover, site characteristics such as meteorology and terrain have significant influence on the distribution and dispersal of any accidental releases of radioactive materials. Also, the population distribution in the vicinity of the site affects the magnitude and location of potential consequences from radiation releases.

Current siting regulations are set forth in 10 CFR Part 100, and siting guidance is given in Regulatory Guide 4.7, "General Site Suitability Criteria for Nuclear Power Stations." Siting policy and planning guidance for further improvements are set forth in "U.S. Nuclear Regulatory Commission Policy and Planning Guidance, 1982" (NUREG-

0885, Issue 1, January 1982, page 10) as follows:

Policy

Siting criteria for nuclear power plants and other major nuclear facilties need improvement. The staff has been working to prepare in the very near term modified regulations concerning the siting of nuclear power plants. The Commission has decided to better define its safety objectives and better characterize the radioactive source term before proceeding with new siting regulations.

Any new siting rule will be consistent with new radioactive source term information for severe accidents that are expected to be available in mid-1983. A program plan for issuing a siting rule that is consistent with the Commission's reassessment of the source term for radioactive material releases and the Commission's future policy on safety goals will be developed following completion of these actions. Based on staff work to date, the new siting rule is expected to apply to future sites only and to be a refinement of present siting guidance rather than a drastic revision of it.

X. Implementation Guidelines for Severe Accident Policy

Pending final resolution of current NRC initiatives regarding legislative and administrative regulatory reforms, as well as safety goals and their implementation plans, the Commission sets the following conditions for standard designs for reference in future CP applications or in any reactivations of previously docketed CP applications:

(1) Demonstration of compliance with current Commission regulations,

(2) Completion of a Probabilistic Risk Assessment before standard design approval through rulemaking. The applicant will be required to install those design features for prevention, management, or mitigation of severe accidents that are considered in light of Section IX above and shown to be cost-effective in the course of rulemaking for standard design approval;

(3) Completion of a staff review of the standard design with a conclusion of safety acceptability; the review will be based upon the updated version of the Standard Review Plan (NUREG–0800) and 10 CFR 50.34(g) that requires applicants to evaluate differences from the Standard Review Plan (see 47 FR 11651, March 18, 1982, and 47 FR 15569, April 12, 1982):

(4) Consideration of all applicable Unresolved Safety Issues; and

(5) Adherence to the requirements coming from the experience at TMI and set forth in the CP Rule 10 CFR 50.34(f) (47 FR 2286, January 15, 1982).

Regarding the last item, the CP Rule applied initially to a narrow group of CP applications. However, the Commission intends that the CP Rule become a minimum requirement for new plants and, in due course, intends to modify the regulations to that effect. For those CP applications and reactivations of previously docketed CP applications meeting the guidelines above, the Commission expects that no additional fundamental design requirements relating to severe accidents will be issued, unless new safety information shows an unacceptably wide departure from the safety goals and numerical guidelines that may be issued by the Commission.

The only exception to the conditions listed above is that, between now and completion of a review of a standard plant design for severe accident considerations, the Commission will grant CPs, under its previous standardization policy, to applicants for plants referencing a standard design approval supplemented by a showing of conformance to the CP Rule, under the conditions cited in Section VI, "Standardization Policy," above. Regulatory decisions affecting operating plants and plants under construction, regarding any safety requirements being imposed on plants of new design, will be made only after due consideration of the safety-cost tradeoff criteria and available new research information on severe accidents.

List of Subjects in 10 CFR Part 50

Antitrust, Classified information, Fire prevention, Intergovernmental relations, Nuclear power plants and reactors, Penalty, Radiation protection, Reactor siting criteria, Reporting and recordkeeping requirements.

The authority for this document is:

(Sec. 161, Pub. L. 83–703, 68 Stat. 948, as amended (42 U.S.C. 2201))

Commissioner Gilinsky's separate views and Commissioner Asselstine's additional views are attached.

Dated at Washington, D.C., this 8th day of April, 1983.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

Additional Views of Commissioner Asselstine Agreeing in Part and Dissenting in Part

Summary

I support the *concept* embodied in the Commission's proposed policy statement of replacing the broad, open-ended generic rulemaking on severe accidents, as contained in Task II. B. 8 of the TMI Action Plan, with more specific, focused and near-term efforts to consider severe accident issues for various categories of existing and future nuclear power plants. In particular, I believe that the Commission's proposed policy statement provides a much-improved framework for addressing severe accidents through the Commission's consideration of standardized nuclear power plant designs that might be referenced in any future nuclear power plant construction permit applications. I therefore support in general these elements of the Commission's proposed policy statement.

However, I do *not* believe that the Commission's proposed policy statement adequately defines the process for deciding what changes, if any, in the current generation of nuclear power plants (the 79 plants now holding operating licenses and the 59 plants presently under construction) are needed to take into account severe accidents (i.e., accidents beyond those considered in the current design basis accident approach such as core-melt accidents). In marked contrast to the detailed rulemaking process established for standardized designs for *future* plants, the Commission's proposed policy statement provides, for the 138 plants now in operation or under construction, only the general outlines of an internal NRC review process for severe accident issues in place of the Commission's previous decision to conduct a generic rulemaking. Moreover, I believe that the Commission's policy statement reaches certain judgments on the likely outcome of the Commission's evaluations of severe accidents for future as well as existing plants that are unjustified on the basis of information now before the Commission. For these reasons, as discussed in greater detail below, I cannot support either the approach taken in the proposed policy statement for resolving severe accident questions for *existing* plants or the judgments in the proposed policy statement on the likely outcome of the Commission's evaluations of severe accidents. In at least these respects, I reach the same conclusion as did our Advisory Committee on Reactor Safeguards—that the Commission's proposed policy statement is "seriously flawed."

Discussion

One of the more significant lessons learned from the Three Mile Island accident was that severe accidents—

that is, accidents involving serious disruption or melting of the reactor core—can in fact occur, and with greater likelihood than was generally thought previously to be the case. Indeed, prior to the Three Mile Island accident, it was thought that such accidents were so unlikely as to be virtually incredible. For this reason, the Commission's regulations defined such accidents as being beyond the "design basis" for nuclear power plants, and they effectively precluded in the licensing process consideration of issues relating to a plant's ability to withstand such accidents.

Following the Three Mile Island accident, the Commission announced its intent to conduct a long-term, generic rulemaking effort (including the possibility of a hearing) that was intended to establish requirements relating to core-melt accidents (Task II. B. 8 of the TMI Action Plan). An advance notice of proposed rulemaking on this subject was published on October 2, 1980 (45 FR 65474). The Commission's proposed policy statement being issued today would replace this largely unfocused, long-term generic rulemaking effort with two new approaches: one for new standardized plant design (that may serve as the design basis for as-yet-unordered future plants) and a second for the 138 existing plants with operating licenses and construction permits.

For standardized designs, the Commission's proposed policy statement defines in considerable detail the process to be used to resolve severe accident considerations. This process calls for a rulemaking proceeding to certify the acceptability of the design. Since the Commission has recently submitted legislation to the Congress that would require the use of hybrid hearing procedures for the approval of standardized plant designs, I would expect the Commission to employ these or other adjudicatory procedures in these proceedings. The proposed policy statement further specifies that this rulemaking proceedings must include a severe accident review. This review must, in turn, address a number of specific severe accident issues described in detail in section IX of the proposed policy statement. Finally, the proposed policy statement specifies that the design must meet the requirements of the Commission's Construction Permit rule, must achieve a technical resolution of the Unresolved Safety Issues and must be adequately responsive to insights afforded by probabilistic risk assessments.

Taken together, I believe that these elements of the Commission's proposed policy statement provide a much-improved framework for considering severe accidents in standardized designs for future plants. However, even this framework poses certain practical difficulties. For example, the proposed policy statement predicts completion of the severe accident reviews for standardized designs within two years. This time period may not be sufficient to conclude ongoing generic programs to address certain of the more complex Unresolved Safety Issues, such as shutdown decay heat removal. Yet these generic programs may be essential to determine whether a technical resolution of the Unresolved Safety Issues has been achieved in the proposed new designs. The approach also entails some reliance on the use of probabilistic risk assessment techniques which may not be sufficiently matured within the next year or two to resolve severe accident issues. Thus, it may not be possible to conclude these severe accident reviews for standardized designs within the rather optimistic time schedule contemplated in the proposed policy statement.

Nevertheless, on balance, I believe that the proposed policy statement sets forth an acceptable overall approach to addressing severe accident considerations for standardized designs for future plants.

The approach taken by the policy statement for *existing* plants is an entirely different matter. In marked contrast to the approach taken for standardized designs, the policy statement specifies only a process for "regulatory decisions" for existing plants that "may, or may not, include rulemaking." Thus, for existing plants, the Commission may well rely on internal judgments that could remain untested by the types of administrative procedures that will be employed for standardized designs. Moreover, although the policy statement calls for the study of "a range of possible design and operational changes to improve accident prevention and consequence mitigation capabilities" for existing plants, these changes are not identified in the statement.

I would have treated the 138 plants in much the same manner as standardized designs. That is, I would have defined more clearly the process and procedures to be used to evaluate severe accidents, and the severe accident issues that must be considered, for existing plants. Specifically, I would have incorporated a list of severe accident design and procedural changes that should be considered for existing plants. Upon completion of the staff's evaluation of these possible changes based upon our ongoing severe accident research programs and those of the industry (within one to two years), I would have commenced a rulemaking proceeding using hybrid hearing procedures to assess the adequacy of the conclusions reached and to determine whether additional changes might be needed to address severe accident considerations for various categories of existing plants. I believe that such a process would have provided a necessary means both for testing the adequacy of the staff's judgments and for assuring public involvement in our decisionmaking on severe accident issues.

My second concern regarding the Commission's proposed policy statement relates to certain judgments in the statement about the likely outcome of the Commission's evaluations of severe accidents for future and existing plants. Each of these judgments purports to be a judgment by the Commission. In each case, I do not believe that the Commission now has before it sufficient information to support these judgments.

Specifically, the proposed policy statement contains four judgments on the likely outcome of the Commission's severe accident evaluations that I believe are unsupported. First, according to the statement, the Commission believes that nuclear power plants of modern designs can be shown to be acceptable for severe accident concerns if they meet the requirements of the CP rule, if they achieve a technical resolution of the Unresolved Safety Issues and if they are adequately responsive to insights afforded by probabilistic risk assessments. Second, according to the statement, the existing group of about 13 probabilistic risk assessments for specific plants will provide a satisfactory basis for developing insights on severe accident considerations for all existing nuclear power plants. Third, according to the statement, the Commission does not expect its present views on severe accident considerations to change substantially as a result of ongoing NRC-sponsored or industry research with respect to the fundamentals of present plant designs and their general adherence to NRC safety policy. Finally, according to the statement, the Commission expects that no additional fundamental design requirements relating to severe accidents will be issued unless the Commission adopts for use safety goals and numerical guidelines, and new information shows

an "unacceptably wide departure" from them.

I want to emphasize that my concern with these judgments is not that they will eventually be found to be unwarranted. It could well be that the Commission's ongoing severe accident research program (at a funding level of about $50 million per year) will over the next year or two provide the necessary support for these judgments. That comprehensive and complex research program has been underway since as early as 1980 and the Commission has yet to have its first briefing on the overall results obtained thus far.

Information to support these judgments may also become available as a result of the industry's IDCOR program, but again, the Commission has yet to receive any results of that effort. Much of the same is also true for the NRC staff's ongoing effort to review and evaluate the adequacy of the existing plant-specific probabilistic risk assessments. Again, the Commission has yet to see any concrete results from this effort. In the absence of this type of information, I simply do not see a basis for the Commission to reach these judgments on the likely outcome of the severe accident evaluations. For this reason, I would have deleted these judgments from the proposed policy statement.

Commissioner Gilinsky's Separate Views on the Severe Accident Policy

I share Commissioner Asselstine's concerns and those of the Commission's Advisory Committee on Reactor Safeguards over the application of this policy. I share especially the ACRS's strong reservations about the overemphasis in this policy statement on use of "probabilistic risk assessment" in design decisions dealing with protection against severe accidents. In view of the lack of reliability data and the uncertainties in calculational techniques, reactor safety must continue to depend on time-tested engineering principles. Particularly important in this context are redundant and diverse means of protection against, and mitigation of, reactor core damage. The Commission should now be giving additional guidance on what it will require in these areas.

I find it surprising and disappointing that after all this time, despite the large research programs we conduct, and the extensive expertise and experience of our staff, we have not yet—in the words of this policy statement—"produced significant new insights into consequence mitigation features sufficient to support further regulatory changes * * *".

In a sense, this increases the importance of public comments on this policy, for it appears that conceptual improvements in reactor safety will have to come from outside this agency.

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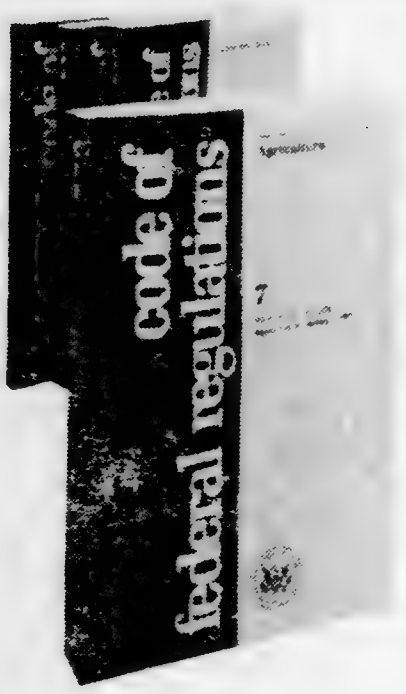

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Federal Register
Vol. 48, No. 73
Thursday, April 14, 1983

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Reg. 574]

Navel Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period April 15–April 21, 1983. Such action is needed to provide for orderly marketing of fresh navel oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: April 15, 1983.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202–447–5975.

SUPPLEMENTARY INFORMATION:

Findings

This rule has been reviewed under USDA procedures and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. This action is designed to promote orderly marketing of the California-Arizona navel orange crop for the benefit of producers and will not substantially affect costs for the directly regulated handlers.

This regulation is issued under the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendation and information submitted by the Navel Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the Act.

This action is consistent with the marketing policy for 1982–83. The marketing policy was recommended by the committee following discussion at a public meeting on September 21, 1982. The committee met again publicly on April 11, 1983 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navel oranges deemed advisable to be handled during the specified week. The committee reports the demand for navel oranges is lower than last week.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the Act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared policy of the Act to make this regulatory provision effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 907

Marketing agreement and orders, California, Arizona, Oranges (navel).

PART 907—[AMENDED]

1. Section 907.874 is added as follows:

§ 907.874 Navel orange regulation 574.

The quantities of navel oranges grown in California and Arizona which may be handled during the period April 15, 1983 through April 21, 1983, are established as follows:

(1) District 1: 1,600,000 cartons;
(2) District 2: Unlimited cartons;
(3) District 3: Unlimited cartons;
(4) District 4: Unlimited cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 12, 1983.

D. S. Kuryloski,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 83–10188 Filed 4–13–83; 11:42 am]
BILLING CODE 3410–02–M

7 CFR Parts 925 and 944

[California Desert Grape Reg. 3; Table Grape Import Reg. 1]

Grapes Grown in a Designated Area of Southeastern California, and Table Grapes Imported into the United States

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule establishes minimum requirements for table grapes grown in southeastern California and for table grapes imported into the United States, except for the Emperor, Calmeria, Almeria, and Ribier varieties which are not grown in the production area in southeastern California. Such grapes are required to meet the minimum grade and size requirements for U.S. No. 1 Table grade, as defined in the United States Standards for Grades of Table Grapes (European or Vinifera Type), and minimum maturity standards as defined in the Administrative Code of California. For table grapes grown in southeastern California additional requirements are effective, including container and pack, container marking, and packing holidays. These actions are needed to assure the shipment of ample supplies of table grapes of acceptable quality and to promote orderly marketing in the interests of producers and consumers.

DATES: Effective May 1, 1983, through August 15, 1983. The Director of the **Federal Register** approves the incorporation by reference of certain publications in 7 CFR 925.302 and 944.501 effective May 1, 1983 through August 15, 1983.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291, and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. This action is designed to promote orderly marketing of the California desert grape crop and of imported table grapes for the benefit of producers and consumers, and will not substantially affect costs for the persons directly regulated.

California Desert Grape Regulation 3 is issued under the marketing agreement and Order No. 925 (7 CFR Part 925), regulating the handling of table grapes grown in a designated area of southeastern California. This marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Table Grape Import Regulation 1 is issued under Section 8e (7 U.S.C. 608e–1) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). Section 8e requires that when specified commodities, including table grapes, are regulated under a Federal marketing order, imports of that commodity must meet the same or comparable grade, size, quality, or maturity requirements as those in effect for the domestically produced commodity.

It is hereby found that this final rule will tend to effectuate the declared policy of the Act.

The California Desert Grape Administrative Committee has recommended grade, size, maturity, container, pack, and other requirements for table grapes grown in southeastern California, to be effective for the period May 1–August 15, 1983. A proposed rule relative to regulation of such grapes was published February 23, 1983, in the **Federal Register** (48 FR 7581), providing for comments through March 25, 1983. A proposed rule relative to regulation of imported table grapes was published March 8, 1983, in the **Federal Register** (48 FR 9657), providing for comments through March 23, 1983.

Exceptions were filed by the Imported Winter Grape Association, San Francisco, California, regarding both proposals. The Association represents importers and distributors of grapes grown in Chile. The exception would change the effective date of the regulations from May 1, 1983, to June 1, 1983. The Association maintains that sales of California desert grapes on May 1 are generally not substantial and the grape import regulation effective on that same date would result in unnecessary regulation of end-of-season shipments of Chilean grapes.

An exception was also filed by the Chilean Ambassador requesting that the effective date of the import regulation be changed to May 15, 1983. The exception indicated that the May 1 effective date would seriously affect imports of Chilean grapes.

The California Desert Grape Administrative Committee has projected that shipments of grapes regulated under the Federal marketing order will begin on or about May 1, 1983. Moreover, even if substantial shipments do not develop by May 1, there would exist a good possibility for some shippers to harvest immature grapes and ship them prior to May 15 in order to take advantage of the early season high prices. This could negate the effectiveness of the entire seasonal regulation since the desert grape season is relatively short. The intent of the domestic regulation is to prevent the shipment of immature grapes that could destroy product quality image. Since Chilean grapes that would arrive in May are end-of-season grapes, there should not be any problem meeting minimum requirements. Accordingly, it is found that the effective date of the domestic and import regulation should be set at May 1 and the exceptions are denied.

The exception filed by the Imported Winter Grape Association requests that the final import grape regulation be variety specific and contain exemptions for Emperor, Calmeria, Almeria, and Ribier. The proposed and final import grape regulations specifically exempt Emperor, Calmeria, Almeria and Ribier varieties, as these varieties are not grown in the production area. It is impracticable to prescribe specific varieties of grapes in the regulations as minor varieties may not be identified and would be unregulated.

California Desert Grape Regulation 3 requires shipments of table grapes grown in southeastern California to meet the minimum grade and size requirements of U.S. No. 1 Table Grade as specified in the United States Standards for Grades of Table Grapes (European or Vinifera Type.) In addition, such grapes will also be required to meet the minimum maturity requirements for table grapes as specified in the California Administrative Code. Table Grape Import Regulation 1 requires table grapes imported into the United States to meet these same minimum grade, size, and maturity requirements. Table grapes of the Emperor, Calmeria, Almeria, and Ribier varieties are specifically exempted from both the domestic and import regulations because they are not grown in the production area covered by Marketing Order 925.

California Desert Grape Regulation 3 also establishes certain container and pack requirements as well as container marking requirements in order to standardize packing practices. Container and packing requirements are specified in the regulation and in the California Administrative Code. Experimental containers approved by the committee may also be used. A minimum of 22 pounds of grapes must be packed in each of the authorized containers, except for certain packs and experimental containers. Containers must bear the minimum net weight of the grapes in the container, the name of the grape variety, the name of the shipper, and the lot stamp inspection number on the outside of the container. Such requirements are designed to facilitate identification of shipments and promote orderly marketing of these grapes. Packing holidays on Saturdays and Sundays and certain holidays during the regulation period are also established and are designed to prevent an accumulation of excessive supplies of table grapes at distribution points during periods of reduced demand or market inactivity. The regulation exempts "organically-grown" table grapes from the minimum individual berry size requirement, while table grapes for processing are exempt from regulation, if certain conditions and safeguards are met.

It is found that it is impracticable and contrary to the public interest to postpone the effective date of these regulations until 30 days after publication in the **Federal Register** (5 U.S.C. 553), and good cause exists for making these regulatory provisions effective as specified in that: (1) The regulatory provisions of these regulations must become effective by May 1, 1983, in order to effectuate the declared policy of the Act; (2) the regulatory requirements in the final rule are the same as those in the proposed rules published in the **Federal Register**, including the effective period; and (3) the import requirements for table grapes are mandatory under section 8e of the Act, and the required 3 days notice is provided.

List of Subjects

7 CFR Part 925

Marketing agreement and orders, Grapes, California, Incorporation by reference.

7 CFR Part 944

Fruits, Import regulations, Grapes, Incorporation by reference.

Therefore, new §§ 925.302 and 944.501 are added, and § 944.400 is amended by revising the title and paragraph (a) thereof, to read as follows: (Sections 925.302 and 944.501 expire August 15, 1983, and will not be published in the annual Code of Federal Regulations).

PART 925—[AMENDED]

§ 925.302 California Desert Grape Regulation 3.

During the period May 1, 1983, through August 15, 1983, no person shall handle any variety of grapes, except Emperor, Calmeria, Almeria, and Ribier varieties unless such grapes meet the following requirements: *Provided,* That no person shall pack any such grapes on any Saturday or Sunday, or on May 30 or July 4, 1983, unless approved in accordance with paragraph (e)—

(a) *Grade, size, and maturity.* Such grapes shall meet the minimum grade and size requirements specified in § 51.884 for U.S. No. 1 Table Grade, as set forth in the U.S. Standards for Grades of Table Grapes (European or vinifera type, 7 CFR 51.880 through 51.912), and minimum maturity standards in accordance with applicable sampling and testing procedures specified in sections 1436.3 through 1436.17 of the Administrative Code of California (Title 3).

(b) *Container and Pack.* (1) Such grapes shall be packed in one of the following containers, which are new and clean, and which otherwise meet the requirements of sections 1359 (a), (b), (d), 1380.19, 1436.35, 1436.37, 1436.38 and 1436.40 of the Administrative Code of California (Title 3):

(i) Sawdust pack with inside dimensions of 7¾×14^{15}⁄$_{16}$×18⅝ inches, specified as container 28;

(ii) Polystyrene lug with inside dimensions of 6¾×12½×15⅝ inches, specified as container 38J;

(iii) Standard grape lug with dimensions in inches of 4½ to 8½ (inside) × 13½ to 14½ (outside) × 16⅝ to 17⅞ (outside); specified as container 38K;

(iv) Polystyrene lug with inside dimensions of 6¼ or 8¼×11½×18⅝ inches, specified as container 38Q;

(v) Grape lug with dimensions in inches of 4 to 7 inches (inside) × 15⅝ (outside) × 19^{11}⁄$_{16}$ (outside), specified as container 38R;

(vi) Such other types and sizes of containers as may be approved by the committee for experimental or research purposes.

(2) The minimum net weight of grapes in any such containers, except for containers containing grapes packed in sawdust, cork, excelsior or similar packing material, and experimental containers, shall be 22 pounds based on the average net weight of grapes in a representative sample of containers.

(3) Such containers of grapes shall be plainly marked with the minimum net weight of grapes contained therein (with numbers and letters at least one-fourth inch in height), the name of the variety of the grapes and the name of the shipper.

(4) Such containers of grapes shall be plainly marked with the lot stamp number corresponding to the lot inspection conducted by an authorized inspector, except that such requirement shall not apply to containers in the center tier of a lot palletized in a 3 box by a 3 box pallet configuration.

(c) *Organically grown grapes.* Organically grown grapes (defined to mean grapes which have been grown for market as natural grapes by performing all the normal cultural practices, but not using any inorganic fertilizers or agricultural chemicals including insecticides, herbicides, and growth regulators, except sulfur) need not meet the minimum individual berry size requirements of this section if the following conditions and safeguards are met: (1) The handler of such grapes has registered and certified with the committee on a date specified by the committee the location of the vineyard, the acreage and variety of grapes, and such other information as may be needed by the committee to carry out these provisions; (2) each container of organically grown grapes bears the words "organically grown" on one outside end of the container in plain letters in addition to requirements specified under paragraph (b)(3) of this section.

(d) *By-product grapes.* The handling of grapes for processing (raisins, crushing and other by-products) is exempt from requirements specified in paragraphs (a), (b), and (c) of this section if the committee determines that the person handling such grapes has secured the appropriate permit or order from the County Agricultural Commissioner, and the by-product plant or packing plant to which the grapes are shipped has adequate facilities for commercial processing, grading, packing, or manufacturing of by-products for resale.

(e) *Suspension of packing holidays.* Upon approval of the Committee, the prohibition against packing grapes on any Saturday or Sunday, or on May 30 or July 4, 1983, may be modified or suspended to permit the handling of grapes provided such handling complies with procedures and safeguards specified by the committee.

(f) Certain maturity, container, and pack requirements cited in this regulation are specified in the Administrative Code of California (Title 3), and are incorporated by reference. Copies of such requirements are available from William J. Doyle, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250. Telephone 202–447–5975. They are also available for inspection at the office of the Federal Register Information Center, Room 8301, 1100 L Street, NW., Washington, D.C. 20408. This incorporation by reference was approved by the Director of the Federal Register on March 29, 1983. These materials are incorporated as they exist on the date of the approval and a notice of any change in these materials will be published in the Federal Register.

PART 944—[AMENDED]

§ 944.501 Table Grape Import Regulation 1.

(a) *Applicability to imports.* Pursuant to section 8e of the Act and Part 944—Fruits; Import Regulations, during the period May 1, 1983, through August 15, 1983, the importation into the United States of any variety of vinifera species table grapes, except Emperor, Calmeria, Almeria, and Ribier varieties, is prohibited unless such grapes meet the minimum grade and size requirements specified in § 51.884 for U.S. No. 1 Table Grade, as set forth in the U.S. Standards for Grades of Table Grapes (European or Vinifera Type, 7 CFR 51.880–51.912), and minimum maturity standards in accordance with applicable sampling and testing procedures specified in §§ 1436.3–1436.17 of the administrative Code of California (Title 3).

Such minimum maturity standards are incorporated by reference, copies of which are available from William J. Doyle, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975. They are also available for inspection at the office of the Federal Register Information Center, Room 8301, 1100 L Street, NW., Washington, D.C. 20408. This incorporation by reference was approved by the Director of the Federal Register on March 29, 1983. These materials are incorporated as they exist

on the date of approval and a notice of any change in these materials will be published in the **Federal Register**.

(b) The Federal or Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, is designated as the governmental inspection service for certifying the grade, size, quality, and maturity of table grapes that are imported into the United States. Inspection by the Federal or Federal-State Inspection Service with evidence thereof in the form of an official inspection certificate, issued by the respective service, applicable to the particular shipment of table grapes, is required on all imports. The inspection and certification services will be available upon application in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 51) and in accordance with the Procedure for Requesting Inspection and Designating the Agencies to Perform Required Inspection and Certification (7 CFR Part 944.400).

(c) The term "importation" means release from custody of the United States Customs Service.

(d) Any lot or portion thereof which fails to meet the import requirements may be reconditioned or exported. Any failed lot which is not exported shall be disposed of under the supervision of the Federal or Federal-State Inspection Service with the costs of certifying the disposal of said lot borne by the importer.

(e) It is determined that imports of table grapes, during the effective time of this regulation, are in most direct competition with table grapes grown in southeastern California, under M.O. 925 (7 CFR part 925). The grade, size, quality and maturity requirements of this section are the same as those applicable to table grapes grown in southeastern California.

§ 944.400 Designated inspection services and procedure for obtaining inspection and certification of imported avocados, grapefruit, limes, oranges, and table grapes regulated under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended.

(a) The Federal or Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, is hereby designated as the governmental inspection service for the purpose of certifying the grade, size, quality, and maturity of avocados, grapefruit, limes, oranges and table grapes that are imported into the United States. Inspection by the Federal or Federal-State Inspection Service with appropriate evidence thereof in the form of an official inspection certificate, issued by the respective service, applicable to the particular shipment of the specified fruit, is required on all imports. Such inspection and certification services will be available upon application in accordance with the Regulations Governing Inspection, Certification and Standards for Fresh Fruits, Vegetables, and Other Products (7 CFR part 51) but, since inspectors are not located in the immediate vicinity of some of the small ports of entry, such as those in southern California, importers of avocados, grapefruit, limes, oranges, and table grapes should make arrangements for inspection, through the applicable one of the following offices, at least the specified number of days prior to the time when the fruit will be imported:

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 11, 1983.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 83-9932 Filed 4-13-83; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 1139

Milk in the Lake Mead Marketing Area; Order Suspending Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rule.

SUMMARY: This action continues through July 1983 a previous suspension of certain provisions of the Lake Mead Federal milk order. The suspension removes the limit on the amount of milk not needed for fluid (bottling) use that may be moved directly from farms to nonpool manufacturing plants and still be priced under the order. The continuation of the earlier suspension for December 1982 through March 1983 was requested by a cooperative association to assure the efficient disposition of milk not needed for fluid use and still maintain producer status under the order for its dairy farmer members regularly associated with the market. Based on available information concerning the market's current supply conditions, continuation of the suspension is necessary to accommodate the efficient and orderly disposition of reserve milk supplies that are available to the market.

EFFECTIVE DATE: April 15, 1983.

FOR FURTHER INFORMATION CONTACT: Maurice M. Martin, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–7183.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding:

Proposed Suspension: Issued March 18, 1983; published March 24, 1983 (48 FR 12388).

This action has been reviewed under USDA procedures established to implement Executive Order 12291 and has been classified as a "non-major" action.

It has been determined that the need for suspending certain provisions of the order on an emergency basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require that this document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication in the **Federal Register**. However, this would not permit the issuance of the suspension in time to include April 1983 in the suspension period. The initial request for this action was received on March 9, 1983. A notice of proposed suspension was issued on March 18, 1983, inviting interested parties to comment on the proposed action by March 31, 1983.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action would not have a significant economic impact on a substantial number of small entities. This action lessens the regulatory impact of the order on certain milk handlers and would tend to ensure that dairy farmers will continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and of the order regulating the handling of milk in the Lake Mead marketing area.

Notice of proposed rulemaking was published in the **Federal Register** (48 FR 12388) concerning a proposed suspension of certain provisions of the order. Interested parties were afforded opportunity to file data, views, and arguments thereon. No opposing views were received.

After considering all relevant material, including the proposal in the notice, and other available information, it is hereby found and determined that

for the months of April 1983 through July 1983 the following provisions of the order do not tend to effectuate the declared policy of the Act:

1. In § 1139.13(d)(2), the sentence "The total quantity of milk so diverted may not exceed 30 percent in the months of March through July and 20 percent in other months of the producer milk which the association causes to be delivered to pool plants during the month".

2. In § 1139.13(d)(3), the sentence "The total quantity of milk so diverted may not exceed 30 percent in the months of March through July and 20 percent in other months of the milk received at such pool plants from producers and for which the operator of such plant is the handler during the month".

Statement of Consideration

This action continues through July 1983 a similar suspension that has been in effect since April 1982 (47 FR 17036, 47 FR 38496, 47 FR 55201). The suspension removes the limit on the amount of producer milk that a cooperative association or other handlers may divert from pool plants to nonpool plants. The order now provides that a cooperative association may divert up to 30 percent of its total member milk received at all pool plants or diverted therefrom during the months of March through July and 20 percent during all other months. Similarly, the operator of a pool plant may divert up to 30 percent of its receipts of producer milk (for which the operator of such plant is the handler during the month) during the months of March through July and 20 percent during all other months.

A continuation of the suspension was requested by the Lake Mead Cooperative Association, which supplies a substantial part of the market's fluid milk needs and handles most of the market's reserve milk supplies. The basis for the cooperative's request is a continuing imbalance between the market's fluid milk requirements and the milk supplies available from producers. The same marketing conditions that prompted the previous suspension request are expected to prevail for the immediate future.

The cooperative stated that milk production continues to be heavy without a corresponding increase in sales to fluid milk outlets. Consequently, the cooperative expects its reserve milk supplies during the next few months to exceed the quantity of producer milk that may be diverted to nonpool manufacturing plants under the order's present diversion limitations. Unless the suspension is continued, the cooperative asserts that some of the milk of its member producers who have regularly supplied the fluid market would have to be moved uneconomically first to pool plants and then to nonpool manufacturing plants in order to continue producer status for such milk.

The cooperative association requested continuation of the current suspension until a more permanent regulatory solution to the supply-demand imbalance in the market could be formulated based on the record of a public hearing. The cooperative association has filed proposed amendments to the order that would accommodate present marketing conditions. It is expected that a hearing will be held in the near future on these as well as other proposals to amend the order.

Based on available information concerning the market's current supply conditions, a continuation of the suspension for the months of April through July 1983 is warranted, as it will accommodate the pooling and efficient handling of the proponent cooperative's reserve milk supplies pending a hearing at which proposals to amend the diversion provisions may be considered. In the absence of continuing the suspension, costly and inefficient movements of producer milk would have to be made solely for the purpose of pooling the milk of dairy farmers who have been regularly associated with the market. Continuation of the suspension for the next several months will provide the necessary flexibility in the handling of the market's reserve milk supplies and thus prevent uneconomic movements of some milk through pool plants merely for the purpose of qualifying it for producer milk status under the order.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) The suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that the most efficient method of handling milk not needed for the fluid market is by direct movements from producers' farms to manufacturing outlets. This suspension allows for such economic movements of milk while the dairy farmers involved retain producer status;

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to comment. No opposing views were received.

Therefore, good cause exists for making this order effective upon publication in the **Federal Register.**

List of Subjects in 7 CFR Part 1139

Milk marketing orders, Milk, Dairy products.

It is therefore ordered, That the aforesaid provisions in § 1139.(d)(2) and (3) of the order are hereby suspended for April 1983 through July 1983.

(Secs 1–19, 48 Stat. 31, as amended, 7 U. S. C. 601–674)

Effective date: April 14, 1983.

Signed at Washington, D.C., on April 8, 1983.

C. W. McMillan,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 83-9621 Filed 4-13-83; 8:45 am]

BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service

9 CFR Part 82

[Docket No. 83-047]

Exotic Newcastle Disease; Areas Quarantined

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document quarantines a portion of Sonoma County and a portion of Santa Clara County in California because of the existence of exotic Newcastle disease. Exotic Newcastle disease was confirmed in such portions of Sonoma County and Santa Clara County on April 5, 1983. Therefore, in order to prevent the dissemination of exotic Newcastle disease, it is necessary to take this action.

EFFECTIVE DATE: April 11, 1983.

FOR FURTHER INFORMATION CONTACT: W. W. Buisch, Chief, National Emergency Field Operations, Emergency Programs, Veterinary Services, USDA, Federal Building, Room 748, Hyattsville, MD 20782, 301–436–8073.

SUPPLEMENTARY INFORMATION: Exotic Newcastle disease is a communicable viral disease affecting all species of poultry and birds. This disease was diagnosed on a premises in Sonoma County and a premises in Santa Clara County on April 5, 1983.

This document on an emergency basis amends 9 CFR Part 82 by quarantining those portions of Sonoma County and Santa Clara County, California, where the disease was diagnosed. Therefore, the restrictions pertaining to the

interstate movement of poultry, mynah, and psittacine birds, and birds of all other species under any form of confinement, and their carcasses and parts thereof, and certain other articles, from the areas quarantined, as contained in 9 CFR Part 82, as amended, will apply to the quarantined areas.

Executive Order 12291 and Emergency Action

This final action has been reviewed in accordance with Executive Order 12291 and has been determined to be not a "major rule." The Department has determined that this rule will have an annual effect on the economy of less that $100 million; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not have any significant adverse effects on competition, employment, investment, productivity, or innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For this rulemaking action, the Office of Management and Budget has waived their review process required by Executive Order 12291.

Dr. E. C. Sharman, Assistant Deputy Administrator, Animal Health Programs, APHIS, VS, USDA, has determined that the emergency nature of this interim rule warrants publication without opportunity for public comment. This amendment is necessary to prevent the interstate spread of exotic Newcastle disease, a communicable disease of poultry and birds, and must be made effective immediately to accomplish its purpose in the public interest.

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this final rule are impracticable and contrary to the public interest and good cause is found for making this final rule effective less than 30 days after publication of this document in the **Federal Register**.

Certification Under the Regulatory Flexibility Act

James O. Lee, Jr., Acting Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because the quarantine imposed due to the existence of exotic Newcastle disease affects only two premises.

List of Subjects in 9 CFR Part 82

Animal diseases, Poultry and Poultry Products, Quarantine, Transportation, Exotic Newcastle disease.

PART 82—[AMENDED]

Accordingly, 9 CFR Part 82 is amended as follows:

In § 82.3 new paragraph (c)(2) is added to read:

§ 82.3 Imposition and removal of quarantine.

* * * * *

(c) * * *

(2) *California.* (i) The premises of Mendocino Bird Farm, 5355 Hall Road, Santa Rosa, Sonoma County.

(ii) The premises at 229 East St. Johns Street, San Jose, Santa Clara County.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; (21 U.S.C. 111–113, 115, 117, 120, 123–126, 134b, 134f); 7 CFR 2.17, 2.51, 371.2(d))

Done at Washington, D.C., this 11th day of April, 1983.

K. R. Hook,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 83-9807 Filed 4-13-83; 8:45 am]

BILLING CODE 3410-34-M

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 30, 40, and 70

Regional Licensing Program; Further Implementation

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The NRC is amending its regulations concerning the domestic licensing of source, byproduct, and special nuclear material (hereafter referred to as nuclear materials) to provide information about the expansion of NRC's decentralized licensing program. The amendment expands the program for materials licensees from Region I and III to include Regions II, IV, and V. Publication of the amendment is to inform present or prospective licensees of current NRC practice and organization.

EFFECTIVE DATE: April 1, 1983.

FOR FURTHER INFORMATION CONTACT: Vandy L. Miller, Chief, Material Licensing Branch.

ADDRESS: Division of Fuel Cycle and Material Safety, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone: (301) 427–4002.

SUPPLEMENTARY INFORMATION: On May 27, 1982, the Nuclear Regulatory Commission (NRC) amended its rules on the domestic licensing of nuclear materials to decentralize part of its licensing program (47 CFR 23138). The NRC is again amending its regulations concerning the domestic licensing of materials to expand decentralization of the licensing program. The revised provisions in §§ 30.6, 40.5, and 70.5 specify that inquiries concerning NRC regulations in 10 CFR Parts 30, 33, 35, 40, and 70, and applications for certain types of licenses, license renewals, and revisions be sent to the appropriate regional office, rather than NRC headquarters offices. These amendments do not apply to Agreement States and Federal facilities, but do apply to all other licensees and applicants in non-Agreement States and the District of Columbia. Delegations of authoriy to the Regional Administrators are contained in NRC Manual Chapter 0128. The changes to §§ 30.6, 40.5, and 70.5 are nonsubstantive amendments. The revised sections indicate the type of licensing authority delegated to Regional Administrators and the addresses for NRC regional offices. Since these are minor procedural amendments, the notice and comment procedures of the Administrative Procedure Act (5 U.S.C. 553) do not apply.

Paperwork Reduction Act Statement

This final rule contains no new requirement for recordkeeping, reporting, application, or any other type of information collection and, therefore, is not subject to the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501, et seq.).

List of Subjects in 10 CFR Parts 30, 40, and 70

Nuclear power plants, Nuclear materials.

Under the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 552 and 553, the following amendments to 10 CFR Parts 30, 40, and 70 are published as a document subject to codification.

The authority citation for this document is:

Authority: Sec. 161, Pub. L. 83–703, 68 Stat. 948, as amended (42 U.S.C. 2201); Sec. 201, Pub. L. 93–438, 88 Stat. 1242, as amended (42 U.S.C. 5841).

PART 30—RULES OF GENERAL APPLICABILITY TO DOMESTIC LICENSING OF BYPRODUCT MATERIAL

1. Section 30.6 is revised to read as follows:

§ 30.6 Communications.

(a) Unless otherwise specified or covered under the regional licensing program as provided in paragraph (b) of this section, any communication or report concerning the regulations in Parts 30 through 35 of this chapter and any application filed under these regulations may be submitted to the Commission as follows:

(1) By mail addressed to: Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(2) By delivery in person to the Commission's offices to the Director, Office of Nuclear Material Safety and Safeguards at:

(i) 1717 H Street, N.W., Washington, D.C.; or

(ii) 7915 Eastern Avenue, Willste Building, Silver Spring, Maryland.

(b) The Commission has delegated to the five Regional Administrators licensing authority for selected parts of its decentralized licensing program for nuclear materials as described in paragraph (b)(1) of this section. Any communication, report, or application covered under this licensing program must be submitted as specified in paragraph (b)(2) of this section.

(1) The delegated licensing program includes authority to issue, renew, amend, cancel, modify, suspend, and revoke licenses for nuclear materials issued pursuant to 10 CFR Parts 30, 33, 35, 40, and 70 to all persons (except Federal agencies) for academic, medical, and industrial uses, with the following exceptions:

(i) Irradiators.

(ii) Cardiac pacemakers.

(iii) Medical teletherapy units.

(iv) Well logging.

(v) Manufacturing or distribution of nuclear materials or products containing nuclear materials.

(vi) Activities in the fuel cycle and special nuclear material in quantities sufficient to constitute a critical mass in any room or area. This exception does not apply to license modifications relating to termination of special nuclear material licenses that authorize possession of larger quantities when the case is referred for action from NRC's headquarters to the Regional Administrators.

(vii) Health and safety design review of sealed sources and devices, and approval, for licensing purposes, of sealed sources and devices.

(viii) Industrial radiography.

(ix) Commercial nuclear laundries.

(x) Processing for extraction of other elements (zirconium, halfnium, or rare earths).

(xi) Commercial low-level waste receipt and/or packaging.

(2) *Submissions.* (i) *Region I.* With the exception of Federal facilities, the regional licensing program involves the following Region I non-Agreement States and the District of Columbia: Connecticut, Delaware, Maine, Massachusetts, New Jersey, Pennsylvania, and Vermont. All inquiries, communications, and applications for a new license or an amendment or renewal of an existing license specified in paragraph (b)(1) of this section must be sent to: U.S. Nuclear Regulatory Commission, Region I, Nuclear Material Section B, 631 Park Avenue, King of Prussia, Pennsylvania 19406.

(ii) *Region II.* With the exception of Federal facilities, the regional licensing program involves the following Region II non-Agreement States and territories: Virginia, West Virginia, Puerto Rico, and the Virgin Islands. All inquiries, communications, and applications for a new license or an amendment or renewal of an existing license specified in paragraph (b)(1) of this section must be sent to: U.S. Nuclear Regulatory Commission, Region II, Material Radiation Protection Section, 101 Marietta Street, Suite 2900, Atlanta, Georgia 30303.

(iii) *Region III.* With the exception of Federal facilities, the regional licensing program involves the following Region III non-Agreement States: Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin. All inquiries, communications, and applications for a new license or an amendment or renewal of an existing license specified in paragraph (b)(1) of this section must be sent to: U.S. Nuclear Regulatory Commission, Region III, Material Licensing Section, 799 Roosevelt Road, Glen Ellyn, Illinois 60137.

(iv) *Region IV.* With the exception of Federal facilities, the regional licensing program involves the following Region IV non-Agreement States: Montana, Oklahoma, South Dakota, Utah, and Wyoming. All inquires, communications, and applications for a new license or an amendment or renewal of an existing license specified in paragraph (b)(1) of this section must be sent to: U.S. Nuclear Regulatory Commission, Region IV, Material Radiation Protection Section, 611 Ryan Plaza Drive, Suite 1000, Arlington, Texas 76011.

(v) *Region V.* With the exception of Federal facilities, the regional licensing program involves the following Region V non-Agreement States and a territory: Alaska, Hawaii, and Guam. All inquiries, communications, and applications for a new license or an amendment or renewal of an existing license specified in paragraph (b)(1) of this section must be sent to: U.S. Nuclear Regulatory Commission, Region V, Material Radiation Protection Section, 1450 Maria Lane, Suite 210, Walnut Creek, California 94596.

PART 40—DOMESTIC LICENSING OF SOURCE MATERIAL

2. Section 40.5 is revised to read as follows:

§ 40.5 Communications.

(a) Unless otherwise specified or covered under the regional licensing program as provided in paragraph (b) of this section, any communication or report concerning the regulations in this part and any application filed under these regulations may be submitted to the Commission as follows:

(1) By mail addressed to: Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(2) By delivery in person to the Commission's offices to the Director, Office of Nuclear Material Safety and Safeguards at:

(i) 1717 H Street, N.W., Washington, D.C.; or

(ii) 7915 Eastern Avenue, Willste Building, Silver Spring, Maryland.

(b) The Commission has delegated to the five Regional Administrators licensing authority for selected parts of its regional licensing program for nuclear materials as described in paragraph (b)(1) of this section. Any communication, report, or application covered under this licensing program must be submitted as specified in paragraph (b)(2) of this section.

(1) The delegated licensing program includes authority to issue, renew, amend, cancel, modify, suspend, and revoke licenses for nuclear materials issued pursuant to 10 CFR Parts 30, 33, 35, 40 and 70 to all persons (except Federal agencies) for academic, medical, and industrial uses, with the following exceptions:

(i) Irradiators.

(ii) Cardiac pacemakers.

(iii) Medical teletherapy units.

(iv) Well logging.

(v) Manufacturing or distribution of nuclear materials or products containing nuclear materials.

(vi) Activities in the fuel cycle and special nuclear material in quantities sufficient to constitute a critical mass in any room or area. This exception does not apply to license modifications relating to termination of special nuclear material licenses that authorize possession of larger quantities when the case is referred for action from NRC's headquarters to the Regional Administrators.

(vii) Health and safety design review of sealed sources and devices, and approval, for licensing purposes, of sealed sources and devices.

(viii) Industrial radiography.

(ix) Commercial nuclear laundries.

(x) Processing for extraction of other elements (zirconium, halfnium, or rare earths).

(xi) Commercial low-level waste receipt and/or packaging.

(2) *Submissions.* (i) *Region I.* With the exception of Federal facilities, the regional licensing program involves the following Region I non-Agreement States and the District of Columbia: Connecticut, Delaware, Maine, Massachusetts, New Jersey, Pennsylvania, and Vermont. All inquiries, communications, and applications for a new license or an amendment or renewal of an existing license specified in paragraph (b)(1) of this section must be sent to: U.S. Nuclear Regulatory Commission, Region I, Nuclear Material Section B, 631 Park Avenue, King of Prussia, Pennsylvania 19406.

(ii) *Region II.* With the exception of Federal facilities, the regional licensing program involves the following Region II non-Agreement States and territories: Virginia, West Virginia, Puerto Rico, and the Virgin Islands. All inquiries, communications, and applications for a new license or an amendment or renewal of an existing license specified in paragraph (b)(1) of this section must be sent to: U.S. Nuclear Regulatory Commission, Region II, Material Radiation Protection Section, 101 Marietta Street, Suite 2900, Atlanta, Georgia 30303.

(iii) *Region III.* With the exception of Federal facilities, the regional licensing program involves the following Region III non-Agreement States: Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin. All inquiries, communications and applications for a new license or an amendment or renewal of an existing license specified in paragraph (b)(1) of this section must be sent to: U.S. Nuclear Regulatory Commission, Region III, Material Licensing Section, 799 Roosevelt Road, Glen Ellyn, Illinois 60137.

(iv) *Region IV.* With the exception of Federal facilities, the regional licensing program involves the following Region IV non-Agreement States: Montana, Oklahoma, South Dakota, Utah, and Wyoming. All inquiries, communications, and applications for a new license or an amendment or renewal of an existing license specified in paragraph (b)(1) of this section must be sent to: U.S. Nuclear Regulatory Commission, Region IV, Material Radiation Protection Section, 611 Ryan Plaza Drive, Suite 1000, Arlington, Texas 76011.

(v) *Region V.* With the exception of Federal facilities, the regional licensing program involves the following Region V non-Agreement States and a territory: Alaska, Hawaii, and Guam. All inquiries, communications and applications for a new license or an amendment or renewal of an existing license specified in paragraph (b)(1) of this section must be sent to: U.S. Nuclear Regulatory Commission, Region V, Material Radiation Protection Section, 1450 Maria Lane, Suite 210, Walnut Creek, California 94596.

PART 70—DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL

3. Section 70.5 is revised to read as follows:

§ 70.5 Communications.

(a) Unless otherwise specified or covered under the regional licensing program as provided in paragraph (b) of this section, any communication or report concerning the regulations in this part and any application filed under these regulations may be submitted to the Commission as follows:

(1) By mail addressed to: Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C.20555.

(2) By delivery in person to the Commission's offices to the Director, Office of Nuclear Material Safety and Safeguards at:

(i) 1717 H Street, N.W., Washington, D.C.; or

(ii) 7915 Eastern Avenue, Willste Building, Silver Spring, Maryland.

(b) The Commission has delegated to the five Regional Administrators licensing authority for selected parts of its regional licensing program for nuclear materials as described in paragraph (b)(1) of this section. Any communication, report, or application covered under this licensing program must be submitted as specified in paragraph (b)(2) of this section.

(1) The delegated licensing program includes authority to issue, renew, amend, cancel, modify, suspend, and revoke licenses for nuclear materials issued pursuant to 10 CFR Parts 30, 33, 35, 40 and 70 to all persons (except Federal agencies) for academic, medical, and industrial uses, with the following exceptions:

(i) Irradiators.

(ii) Cardiac pacemakers.

(iii) Medical teletherapy units.

(iv) Well logging.

(v) Manufacturing or distribution of nuclear materials or products containing nuclear materials.

(vi) Activities in the fuel cycle and special nuclear material in quantities sufficient to constitute a critical mass in any room or area. This exception does not apply to license modifications relating to termination of special nuclear material licenses that authorize possession of larger quantities when the case is referred for action from NRC's headquarters to the Regional Administrators.

(vii) Health and safety design review of sealed sources and devices, and approval, for licensing purposes, of sealed sources and devices.

(viii) Industrial radiography.

(ix) Commercial nuclear laundries.

(x) Processing for extraction of other elements (zirconium, halfnium, or rare earths).

(xi) Commercial low-level waste receipt and/or packaging.

(2) *Submissions.* (i) *Region I.* With the exception of Federal facilities, the regional licensing program involves the following Region I non-Agreement States and the District of Columbia: Connecticut, Delaware, Maine, Massachusetts, New Jersey, Pennsylvania, and Vermont. All inquiries, communications, and applications for a new license or an amendment or renewal of an existing license specified in paragraph (b)(1) of this section must be sent to: U.S. Nuclear Regulatory Commission, Region I, Nuclear Material Section B, 631 Park Avenue, King of Prussia, Pennsylvania 19406.

(ii) *Region II.* With the exception of Federal facilities, the regional licensing

program involves the following Region II non-Agreement States and territories: Virginia, West Virginia, Puerto Rico, and the Virgin Islands. All inquiries, communications, and applications for a new license or an amendment or renewal of an existing license specified in paragraph (b)(1) of this section must be sent to: U.S. Nuclear Regulatory Commission, Region II, Material Radiation Protection Section, 101 Marietta Street, Suite 2900, Atlanta, Georgia 30303.

(iii) *Region III.* With the exception of Federal facilities, the regional licensing program involves the following Region III non-Agreement States: Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin. All inquiries, communications, and applications for a new license or an amendment or renewal of an existing license specified in paragraph (b)(1) of this section must be sent to: U.S. Nuclear Regulatory Commission, Region III, Material Licensing Section, 799 Roosevelt Road, Glen Ellyn, Illinois 60137.

(iv) *Region IV.* With the exception of Federal facilities, the regional licensing program involves the following Region IV non-Agreement States: Montana, Oklahoma, South Dakota, Utah, and Wyoming. All inquiries, communications, and applications for a new license or an amendment or renewal of an existing license specified in paragraph (b)(1) of this section must be sent to: U.S. Nuclear Regulatory Commission, Region IV, Material Radiation Protection Section, 611 Ryan Plaza Drive, Suite 1000, Arlington, Texas 76011.

(v) *Region V.* With the exception of Federal facilities, the regional licensing program involves the following Region V non-Agreement States and a territory: Alaska, Hawaii, and Guam. All inquiries, communications, and applications for a new license or an amendment or renewal of an existing license specified in paragraph (b)(1) of this section must be sent to: U.S. Nuclear Regulatory Commission, Region V, Material Radiation Protection Section, 1450 Maria Lane, Suite 210, Walnut Creek, California 94596.

Dated at Bethesda, Md., this 31st day of March 1983.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 83-9025 Filed 4-13-83; 8:45 am,

BILLING CODE 7590-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 83-CE-36-AD; Amdt. 39-4626]

Airworthiness Directives; Aeronautica Macchi S.p.A. Model AL60 and AL60-B Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to Aeronautica Macchi S.p.A. Model AL60 and AL60-B airplanes which requires visual inspection of the engine mount structure front left hand (L.H.) brace for dents caused by possible contact with the engine exhaust manifold and pipe, and repair if necessary. Repeated contact by an improperly located exhaust pipe attach collar can dent the engine mount front L.H. strut and weaken it seriously. This AD will assure inspection and repair of the engine mount dents due to contact with engine exhaust system and relocation of the exhaust system to preclude damage to the engine mount structure.

DATES: Effective Date: April 14, 1983. Compliance: As prescribed in the body of the AD.

ADDRESSES: Aeronautica Macchi S.p.A. Service Bulletin No. SB-L-0005, Revision 1, dated September 26, 1978, applicable to this AD may be obtained from Aeronautica Macchi S.p.A., Via Sanvito Silvestro, 80, 21100 Varese, Italy. A copy of this information is also contained in the Rules Docket, FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. A. Astorga, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium, Telephone 513.38.30; or Mr. Larry Werth, Foreign FAR-23 Section, ACE-109, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-6932.

SUPPLEMENTARY INFORMATION: Aeronautica Macchi S.p.A. has determined that a condition may exist wherein an improperly installed exhaust pipe can vibrate against the front L.H. brace of the engine mount and dent it enough to create a hazard on its Model AL60 and AL60-B airplanes. As a result, Aeronautica Macchi S.p.A. has issued Aer Macchi Service Bulletin No. SB-L-0005, Revision 1, dated September 26, 1978, which recommends visual inspection of the engine mount front L.H. brace for dents produced by possible contact with the exhaust pipe/manifold connecting collar, and repair if necessary. The Registro Aeronautico Italiano (RAI) who has responsibility and authority to maintain the continuing airworthiness of these airplanes in Italy has classified this Service Bulletin and the actions recommended therein by the manufacturer as mandatory to assure the continued airworthiness of the affected airplanes. On airplanes operated under Italian registration, this action has the same effect as an AD on airplanes certified for operation in the United States. The FAA relies upon the certification of the RAI combined with FAA review of pertinent documentation in finding compliance of the design of these airplanes with the applicable United States airworthiness requirements and the airworthiness and conformity of products of this design certificated for operation in the United States.

The FAA has examined the available information related to the issuance of Aer Macchi Service Bulletin No. SB-L-0005, Revision 1, dated September 26, 1978, and the mandatory classification of this Service Bulletin by the RAI.

Based on the foregoing, the FAA has determined that the condition addressed by this Service Bulletin is an unsafe condition that may exist on other products of the same type design certificated for operation in the United States. Therefore, an AD is being issued requiring visual inspection of the engine mount front L.H. brace for dents caused by contact with engine exhaust system and repair, if necessary, in accordance with Aer Macchi Service Bulletin No. SB-L-0005 on Aeronautica Macchi Model AL60 andAL60-B airplanes. Because an emergency condition exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and contrary to the public interest, and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new AD.

AERONAUTICA MACCHI S.P.A.: Applies to Model AL60 and AL60-B airplanes certificated in any category.

Compliance: Required as indicated, unless already accomplished.

To preclude failure of the engine mount structure, accomplish the following:

(a) Within the next 100 hours time-in-service and thereafter at intervals not to exceed 100 hours time-in-service, visually inspect the front left-hand brace of the engine mount for dents as specified in Aer Macchi Service Bulletin No. SB-L-0005, Revision 1, dated September 26, 1978; herein referred to as the Service Bulletin.

(1) If no dents are found in the front left hand brace of the engine mount during accomplishment of the visual inspection in accordance with paragraph (a) of this AD, return aircraft to service.

(2) If dents of a depth less than 0.5mm are found in the front left hand brace of the engine mount during accomplishment of the visual inspection in accordance with paragraph (a) of this AD, before further flight, reposition attaching collar of the exhaust ducts as high as possible to obtain clearance between the attaching collar and the left hand brace of the engine mount and return aircraft to service.

(3) If dents of a depth of 0.5mm or greater are found in the front left hand brace of the engine mount during accomplishment of the visual inspection in accordance with paragraph (a) of this AD, before further flight, repair in accordance with instructions provided in the "Description and Instruction Data" section of the Service Bulletin, reposition attaching collar of the exhaust ducts as high as possible to obtain clearance between the attaching collar and the left hand brace of the engine mount and return aircraft to service.

(b) Repair those aircraft which have previously been modified in accordance with the instructions contained in Aer Macchi Service Bulletin No. AL80/12 dated November 23, 1984, within the next 1200 hours time-in-service of the modification, in accordance with paragraph (a)(3) of this AD.

(c) Operators who have not kept records of hours time-in-service of the engine mounting structure must substitute airplane hours time-in-service in lieu thereof.

(d) Aircraft may be flown in accordance with Federal Aviation Regulation 21.197 to a location where this AD can be accomplished.

(e) An equivalent method of compliance with this AD, if used, must be approved by the Manager, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium.

This amendment becomes effective on April 14, 1983.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.89 of the Federal Aviation Regulations (14 CFR Sec. 11.89)).

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the Rules Docket under the caption "**ADDRESSES**" at the location identified.

Issued in Kansas City, Missouri, on March 29, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83-9743 Filed 4-13-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 83-NM-21-AD; Amdt. 39-4629]

Airworthiness Directives; McDonnell Douglas Model DC-9 and Military C-9 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This document amends an existing Airworthiness Directive (AD) applicable to McDonnell Douglas Model DC-9 and Military C-9 series airplanes which requires inspection, rework and/or replacement, if necessary, of the forward galley service doors, to prevent crack growth. This amendment provides for use of a method outlined in the manufacturer's service bulletins (which were not available when the AD was originally issued) for the inspection/rework and replacement of forward galley service doors, and also provides termination action. This amendment provides an alternate means of compliance, and imposes no additional burden on any person.

DATE: Effective April 20, 1983. Compliance schedule as prescribed in the body of the AD, unless already accomplished.

ADDRESSES: The applicable service information may be obtained from: McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1-750 (54-60). This information also may be examined at FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or 4344 Donald Douglas Drive, Long Beach, California.

FOR FURTHER INFORMATION CONTACT: Michael N. Asahara, Sr., Aerospace Engineer, Airframe Branch, ANM-120L, FAA, Northwest Mountain Region, Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808, telephone (213) 548-2824.

SUPPLEMENTARY INFORMATION: Airworthiness Directive AD 81-10-10, Amendment 39-4116 (46 FR 27096, dated 5/18/81), applicable to McDonnell Douglas Model DC-9 series airplanes, requires inspection, rework and replacement, if necessary, of the forward galley service doors. After issuance of Amendment 39-4116, McDonnell Douglas issued DC-9 Service Bulletins 52-125, dated August 11, 1981, and 52-127, dated January 10, 1983, providing additional instructions for the inspection/rework and replacement of forward galley service door. Service Bulletins 52-125 and 52-127, provide for terminating action.

Since this amendment is clarifying in nature and provides an alternate means of compliance, it has no adverse economic impact, and imposes no additional burden on any person, notice and public procedures hereon are unnecessary and the amendment may be made effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending AD81-10-10, Amendment 39-4116 (46 FR 27096, dated May 18, 1981), by revising paragraphs A, B and C to read as follows:

A. Within the next 30 days after the effective date of this amendment, unless accomplished within the last 3,100 landings, perform an operational check of the door, and a visual inspection for general condition of door, pan and seals, door stops, and set screws. If corrective actions are deemed necessary, accomplish rework and/or replacement per operator's approved maintenance program.

Note.—Removal of seals and liner not required to perform this inspection.

B. In accordance with the schedule below, perform a close visual inspection of the door pan, forward and aft ends of horizontal beams (frames), including the bend radius along the upper and lower flanges, tee fittings and clips, or inspect in accordance with McDonnell Douglas DC-9 Service Bulletins 52-125 dated August 11, 1981, or 52-127 dated January 10, 1983, as applicable.

Note.—Removal of seals is not required to perform this inspection.

1. Initial visual inspection schedule (unless accomplished within the last 3,100 landings):

Accumulated landings (on effective date of this AD)	Initial inspection (from effective date of this AD) (landings)
12,000 to 14,499	4,000
15,000 to 19,999	2,500
20,000 to 24,999	1,800
25,000 and over	000

Note.—If the total number of landings cannot be determined for a particular door, for the purpose of this AD it must be assumed the door has 25,000 or more landings.

2. Repeat the inspections specified in paragraph B.1., above, at intervals not to exceed 4,000 landings from the last inspection until terminating action specified in paragraph C., below, is accomplished.

3. For airplanes with less than 12,000 landings on the effective date of this AD, inspect in accordance with paragraph B., above, before the accumulation of 16,000 landings.

4. If no cracks are found, continue repetitive inspections per paragraph B.2., above, until terminating actions specified in paragraph C.1., below, is accomplished.

5. If cracks are found, install applicable repairs on cracked pan and/or beams and accomplish repetitive inspections per paragraph B.2., above, until terminating action specified in paragraph C.2., below, is accomplished. For Part Numbers 5910084–(* * *) and 5910583–(* * *), with cracks which exceed the limits defined in Douglas Service Rework Drawing 5939988 or 3060167, respectively, the affected beam(s) must be replaced with new like beam(s) prior to installing preventative repairs.

Note.—* * * denotes any configuration.)"

6. Previous accomplishment of preventative repairs, required by this AD, which are outlined in McDonnell Douglas Service Rework Drawing 5939988, may be considered as equivalent methods for complying with the requirements of this AD.

C. Terminating Action: The following constitutes terminating action for this AD:

1. For aircraft found to be crack free, accomplish the applicable preventative repair per Paragraph 2, Accomplishment Instructions specified in McDonnell Douglas DC–9 Service Bulletins 52–125 dated August 11, 1982, or 52–127 dated January 10, 1983, or later revisions approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

2. For aircraft found to have cracks, accomplish the applicable repairs and inspections and install preventative repairs per Paragraph 2, Accomplishment Instructions specified in McDonnell Douglas DC–9 Service Bulletins 52–125 dated August 11, 1982, or 52–127 dated January 10, 1983, or later revisions approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region."

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1–750 (54–60). These documents also may be examined at FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California.

This Amendment becomes effective April 20, 1983.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The Federal Aviation Administration has determined that this document involves an amendment that provides an alternate means of compliance, and does not impose any additional burden on any person. Therefore: (1) It is not major under Executive Order 12291 (46 FR 13193; February 19, 1981) and (2) it is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Because its anticipated impact is so minimal, it does not warrant preparation of a regulatory evaluation. I certify that it will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act because it is relieving in nature, and because it involves few, if any, small entities.

Issued in Seattle, Washington on March 31, 1983.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 83-9742 Filed 4-13-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 83-NM-26-AD; Amdt. 39-4630]

Airworthiness Directives; Boeing Model 767 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This Amendment adds a new Airworthiness Directive (AD) which requires that the drain valves in the forward and aft cargo compartments of certain Boeing 767 aircraft be inspected to ensure that valve closure occurs when the airplane is pressurized. One airplane was found to have interference between the drain housing and valve components resulting in the valve failing to seal. The leakage resulting from an improper seal will compromise the fire protection system in the affected compartment, by allowing fire extinguishing agent to escape at a high rate.

DATE: Effective April 25, 1983.

ADDRESSES: The service bulletin specified in this Airworthiness Directive may be obtained from The Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. This information may also be examined at the FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Robert C. McCracken, Systems & Equipment Branch, ANM–130S, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington, telephone (206) 767–2500. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: During an inflight test of the cargo compartment fire protection system at Boeing, the fire extinguishing agent escaped through a drain hole that had a drain valve stuck in the open position. The extinguishing agent concentration decayed at a significantly greater rate than was demonstrated during airplane certification testing. An inspection of the open valve showed that the drain housing was interfering with the spring and valve travel due to incorrect installation. Airplanes affected by this AD may also have drain valves that were incorrectly installed. This action is necessary to locate any sticking drain valves and to correct the valve installation, if necessary, to prevent the potential loss of extinguishing agent and preserve the integrity of the cargo compartment fire protection system.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this Amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

Boeing: Applies to Boeing Model 767 Airplanes VA006–VA012, VA302–VA306, VA501–VA503, VA701–VA702, VA801–VA802, and VA805. To prevent degradation of cargo compartment fire protection system effectiveness, accomplish the following, unless already accomplished.

A. Within 30 days after the effective date of this AD, inspect all forward and aft cargo

compartment drain valves and rework, if necessary, in accordance with Boeing Service Bulletin 767-51-1 dated January 14, 1983, or later FAA approved revision.

B. Aircraft may be operated after the 30 day compliance period if the inspection has not been completed, provided no cargo is carried in the affected cargo compartments.

C. Alternate means of compliance which provide an equivalent level of safety may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

D. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

All persons affected by this directive who have not already received the above specified Service Bulletin from the manufacturer may obtain copies upon request to The Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124, or it may also be examined at FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

This Amendment becomes effective April 25, 1983.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation or analysis is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "**FOR FURTHER INFORMATION CONTACT.**"

Issued in Seattle, Washington on April 5, 1983.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 83-9862 Filed 4-13-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 83-NM-16-AD; Amdt. 39-4631]

Airworthiness Directives; De Havilland Aircraft of Canada Model DHC-7 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive (AD) applicable to De Havilland Aircraft of Canada Model DHC-7 airplanes which requires periodic functional checks of the ground spoilers until a prescribed modification is incorporated. An incident was reported where, prior to takeoff, the ground spoilers were extend without the caution light indicating any abnormality. This condition will result in loss of lift.

DATES: Effective April 25, 1983.

ADDRESSES: The service bulletin specified in this airworthiness directive may be obtained upon request to De Havilland Aircraft of Canada, Ltd., Garrat Blvd., Downsview, Ontario M3K 1Y5, Canada, or may be examined at the address shown below.

FOR FURTHER INFORMATION CONTACT: Mr. Sulmo Mariano, Foreign Aricraft Certification Branch, ANM-150S, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington, telephone (206) 767-2530. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: The Canadian Department of Transport (DOT) has classified De Havilland of Canada, Ltd., Alert Service Bulletin No. A7-27-46 as mandatory. In a recent incident, ground spoilers were extended prior to takeoff. This condition was caused by both ground spoiler selector solenoid valves failing in the open position holding the spoilers in the extended position. An investigation determined that "O" ring debris from the No. 1 hydraulic system pressure manifold had jammed the spool of each valve in mid stroke, blocking off the return port. Due to both spools jamming in the same position, the caution light did not indicate any abnormality since it only shows a problem when a difference in position exists between the valves. The service bulletin prescribed repetitive inspections on the ground spoiler control system until Modification No. 7/2294 or 7/2796 is incorporated.

This airplane model is manufactured in Canada and type certificated in the United States under the provisions of Section 21.29 of the Federal Aviation Regulations and the applicable airworthiness bilateral agreement.

Since this condition is likely to exist or develop on airplanes of this model registered in the United States, the FAA has determined that an AD is necessary which would require periodic functional checks on the ground spoiler control system until Modification No. 7/2294 or 7/2296 is incorporated on all De Havilland Aricraft of Canada Model DHC-7 Airplanes.

Further, since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

De Havilland Aircraft of Canada: Applies to all Model DHC-7 airplanes, certificated in all categories. To detect failure of the ground spoiler selector valves accomplish the following, unless already accomplished:

1. Perform a functional check on the ground spoiler control system within the next 15 hours or seven days time in service, whichever occurs first, after the effective date of this AD, in accordance with the Accomplishment Instructions of De Havilland Aircraft of Canada Alert Service Bulletin No. A7-27-46, Revision A, Dated November 19, 1982.

2. If the check described shows incorrect indications, operate the airplane in accordance with the Aircraft Flight Manual Minimum Equipment List Supplement No. 4 until corrective modification is accomplished.

3. Repeat the functional check at intervals not greater than 15 hours or seven days time in service, whichever occurs first, until Modification No. 7/2294 or No. 7/2296 is corporated.

4. Terminating action to this AD is achieved by incorporating Modification No. 7/2294 or No. 7/2296.

5. Alternate means of compliance which provide an equivalent level of safety may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

6. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment or inspections and/or modifications required by this AD.

This amendment becomes effective April 25, 1983.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is

not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a singificant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation or analysis is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION."

Issued in Seattle, Washington on April 5, 1983.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 83-9691 Filed 4-13-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 83-AWA-1]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Alteration of VOR Federal Airways, Amarillo, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action revokes certain alternate VOR Airways and renumbers other alternate segments in the Amarillo, TX, area. This eliminates the assignment of alternate airway segments for the affected airways and supports the FAA's commitment to the International Civil Aviation Organization (ICAO) to phase out alternate airway descriptions in the National Airspace System.

EFFECTIVE DATE: June 9, 1983.

FOR FURTHER INFORMATION CONTACT: Bill Hill, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

History

On February 7, 1983 (48 FR 5572), the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to revoke certain alternate VOR Federal Airways and renumber others in the Amarillo, TX, area. This action is consistent with the FAA's commitment to ICAO to phase out alternate airways, either by renumbering or revoking, throughout the National Airspace System. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections to the proposal were received. This amendment is the same as that proposed in the notice. Section 71.123 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3A dated January 3, 1983.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations revokes and renumbers certain alternate airways between Amarillo, TX, and Texico, NM, Sayre, OK, and Dalhart, TX.

List of Subjects 14 CFR Part 71

VOR Federal Airways.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 G.m.t., June 9, 1983, as follows:

V-81 [Amended]

By deleting the words "including a west alternate via INT Amarillo 301° and Dalhart 157° radials;"

V-140 [Amended]

By deleting the words "via Sayre, OK, including a N alternate via INT Amarillo 072° and Sayre 288° radials;" and substituting for them the words "via Sayre, OK;"

V-440 [Amended]

By deleting the words "From Sayre, OK, via" and substituting for them the words "From Amarillo, TX, via INT Amarillo 072° and Sayre, OK, 288°; Sayre;"

V-288 [Amended]

By deleting the words "INT Texico 021° and Amarillo, TX, 252° radials; Amarillo, including a south alternate from Texico to Amarillo via INT Texico 044° and Amarillo 252° radials;" and substituting for them the words "INT Texico 044° and Amarillo, TX, 252° radials; Amarillo;"

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on April 7, 1983.

John W. Baier,

Acting Manager, Airspace—Rules and Aeronautical Information Division.

[FR Doc. 83-9747 Filed 4-13-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 83-AWA-7]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Amendment to Continental Control Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This action adds Restricted Areas R-3202D and R-2930 to the Continental Control Area and deletes Restricted Areas R-5504 and R-2602 from the Continental Control Area.

DATES: Effective date April 14, 1983. Comments must be received on or before May 30, 1983.

ADDRESSES: Send comments on the rule in triplicate to: Director, FAA, Great Lakes Region, Attention: Manager, Air Traffic Division, Docket No. 83-AWA-7, Federal Aviation Administration, 2300 East Devon, Des Plaines, IL 60018.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Boyd Archer, Airspace Regulations and Obstructions Branch (AAT-230), Airspace-Rules and Aeronautical Information Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

Although this action is in the form of a final rule, which involves adding and deleting restricted areas to/from the Continental Control Area and was not preceded by notice and public

procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the rule that might suggest the need to modify the rule.

The Rule

The purpose of this amendment to § 71.151 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to add Restricted Areas R-3202D, Saylor Creek, ID, and R-2930, Cape Kennedy, FL, to the Continental Control Area. These restricted areas were established in Airspace Dockets 82-ANM-3 and 82-ANM-6 respectively, published October 28, 1982. Addition of these areas was inadvertently not included in the Continental Control Area when published. Additionally, this amendment deletes Restricted Areas R-5504, Wilmington, OH, and R-2602, Ft. Carson, CO, from the Continental Control Area. These areas were previously revoked and subsequent deletion from Continental Control Areas was not accomplished. Section 71.151 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3A dated January 3, 1983.

Under the circumstances presented, the FAA concludes that notice or public procedure under 5 U.S.C. 553(b) is unnecessary and that good cause exists for making this amendment effective in less than 30 days after its publication in the **Federal Register.**

List of Subjects in 14 CFR Part 71

Continental Control Area.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.151 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 G.m.t., April 14, 1983, as follows:

1. R-2602 Ft. Carson, CO [Revoked]
2. R-2930 Cape Kennedy, FL [Added]
3. R-3202D Saylor Creek, ID [Added]
4. R-5504 Wilmington, OH [Revoked]

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on April 6, 1983.

B. Keith Potts,

Manager, Airspace—Rules and Aeronautical Information Division.

[FR Doc. 83-9740 Filed 4-13-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR PART 71

[Airspace Docket No. 83-ASO-16]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, And Reporting Points; Alteration of Control Zone, Sumter, South Carolina

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment alters the Sumter, South Carolina, control zone by realigning and reducing the size of the arrival extensions. Instrument approach procedures at Shaw Air Force Base are predicated, in part, upon the Shaw TACAN. The Air Force has relocated the TACAN from an off-airport location to a new site located on the airport. This relocation requires a realignment of instrument approach procedure final approach courses and permits a reduction in the size of the control zone arrival extension.

DATES: Effective Date: 0901 G.m.t., June 9, 1983.

Comments must be received on or before May 9, 1983.

ADDRESSES: Send comments on the rule in triplicate to: Federal Aviation Administration, Manager, Airspace and Procedures Branch, ASO-530, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

The official docket may be examined in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, telephone: (404) 763-7646.

FOR FURTHER INFORMATION CONTACT: Donald Ross, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7646.

SUPPLEMENTARY INFORMATION:

Request for Comments of the Rule

Although this action is in the form of a final rule, which involves realignment and reduction in size of control zone arrival extensions and was not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rule making proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspect of the rule that might suggest the need to modify the rule.

The Rule

The purpose of this amendment to § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to alter the Sumter, South Carolina, control zone by realigning and reducing the size of arrival extensions associated with instrument approach procedures at Shaw AFB. The Air Force has relocated the Shaw TACAN to a new on-airport site which resulted in changes to instrument approach procedures. The changes necessitate a realignment of control zone arrival extensions and permit a reduction in the size of the extensions. Section 71.171 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3A dated January 3, 1983. Under the circumstances presented, the FAA concludes that there is a need to alter the control zone so that it is properly aligned to accommodate instrument approach procedures and to ensure that the size of the arrival extensions are not excessive. The changes are so minor and nonsubstantive I find that notice or public procedure under 5 U.S.C. 553(b) is unnecessary.

List of Subjects in 14 CFR Part 71

Aviation safety, Airspace, Control zone.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) (as amended) is further amended, effective 0901 G.m.t., June 9, 1983, as follows:

Sumter, SC—Revised

Within a 5-mile radius of Shaw AFB (Lat. 33°58'15"N., Long. 80°28'19"W.); within 1.5 miles each side of Shaw TACAN 037° and 217° radials, extending from the 5-mile radius zone to 7 miles northeast and southwest of the TACAN.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "major rule" under Executive Order 12291: (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in East Point, Georgia, on April 1, 1983.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 83-9618 4-13; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 83-ASO-14]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Alteration of Control Zone and Transition Area, Kinston, North Carolina

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment alters the Kinston, North Carolina, control zone and transition area by revising the geographical coordinates of the airport and the name of the airport. The coordinates and airport name are improperly listed in the descriptions and this amendment will correct the deficiencies so that the descriptions are technically correct. No change in airspace is intended by this action.

DATES:

Effective date: 0901 G.m.t., June 9, 1983.

Comments must be received on or before May 9, 1983.

ADDRESSES: Send comments on the rule in triplicate to: Federal Aviation Administration, Manager, Airspace and Procedures Branch, ASO-530, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

The official docket may be examined in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, telephone: (404) 763-7646.

FOR FURTHER INFORMATION CONTACT: Donald Ross, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7646.

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

Although this action is in the form of a final rule, which involves technical revisions to the description of the control zone and transition area and was not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the rule that might suggest the need to modify the rule.

The Rule

The purpose of this amendment to § 71.171 and § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to revise the geographical coordinates of Stallings Field and to revise the name of the airport upon which controlled airspace is predicated. The coordinates and airport name contained in the present descriptions are improper. Sections 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations were republished in Advisory Circular AC 70-3A dated January 3, 1983. Under the circumstances presented, the FAA concludes that there is a need to list the proper geographical coordinates of the airport and to revise the name Stallings Field to Eastern Regional Jetport at Stallings Field so that the description of the control zone and transition area will be technically correct. The changes are so minor and nonsubstantive I find that notice or public procedure under 5 U.S.C. 553(b) is unnecessary.

List of Subjects in 14 CFR Part 71

Aviation safety, Airspace, Control zone, Transition area.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.171 and § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) (as amended) are further amended, effective 0901 G.m.t., June 9, 1983, as follows:

Kinston, NC—Revised

By amending 71.171 in the description of the Kinston, NC, control zone by deleting the words, "Stallings Field (lat. 35°19'36" N., long. 77°37'02" W.)", and substituting for them the words, "Eastern Regional Jetport at Stallings Field (Lat. 35°19'36" N., Long. 77°37'01" W.)."

By amending 71.181 in the description of the Kinston, NC, transition area by deleting the words, "Stallings Field (lat. 35°19'36" N., long. 77°37'02" W.)", and substituting for them the words "Eastern Regional Jetport at Stallings Field (Lat. 35°19'36" N., Long. 77°37'01" W.)."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in East Point, Georgia, on March 29, 1983.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 83-9630 Filed 4-13-83; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 83-ASW-5]

Alteration of Transition Area and Designation of Control Zone: Houma, LA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will alter the transition area and designate a control zone at Houma, LA. The intended effect of the amendment is to provide adequate controlled airspace for aircraft executing standard instrument approach procedures (SIAP's) to the Houma-Terrebonne Airport. This amendment is necessary since the FAA will commission an airport traffic control tower (ATCT) at Houma-Terrebonne and the airport will meet the requirements for the establishment of controlled airspace to the surface. In addition, the RNAV approaches to Runways 17 and 35 require 700-foot transition area extensions to the north and south.

EFFECTIVE DATE: June 9, 1983.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101, telephone (817) 877-2630.

SUPPLEMENTARY INFORMATION:

History

On February 10, 1983, a notice of proposed rulemaking was published in the **Federal Register** (48 FR 6125) stating that the Federal Aviation Administration proposed to alter the Houma, LA, transition area and designate a control zone. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received without objections. Except for editorial changes, this amendment is that proposed in the notice.

List of Subjects in 14 CFR Part 71

Control zones, Transition Areas, Aviation safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, by the Administrator, Subpart G of Part 71, § 71.181 and Subpart F of Part 71, § 71.171, of the Federal Aviation Regulations (14 CFR Part 71) as republished in Advisory Circular AC 70-3A dated January 3, 1983, are amended, effective 0901 G.m.t., June 9, 1983, as follows:

Subpart F § 71.171:

Houma, LA [New]

Within a 5-mile radius of the Houma-Terrebonne Airport (latitude 29°34'03" N., longitude 90°39'37" W.); and within 2 miles each side of the 123° radial of the Tibby VORTAC extending from the 5-mile radius area to the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice of Airmen. The effective dates and times will thereafter be continuously published in the Airport/Facility Directory.

Subpart G § 71.181:

Houma, LA [Revised]

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Houma-Terrebonne Airport (latitude 29°34'03"N., longitude 90°39'37"W.); and within 2 miles each side of the 123° radial of the Tibby VORTAC extending from the 6.5-mile radius area to the VORTAC; and within 4.5 miles each side of a 360° bearing from the airport extending from the 6.5-mile radius area to 13 miles north of the airport; and within 4.5 miles each side of a 180° bearing from the airport extending from the 6.5-mile radius area to 9 miles south of the airport.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Fort Worth, TX, on April 4, 1983.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 83-9802 Filed 4-13-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 83-ASW-3]

Designation of Transition Area and Alteration of Control Zone: Wink, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will designate a transition area and alter the control zone at Wink, TX. The intended effect of the amendment is to provide adequate controlled airspace for aircraft executing standard instrument approach procedures (SIAP's) to the Winkler County Airport. This amendment is necessary since a review of the designated airspace revealed that no 700-foot transition area existed, and the control zone is improperly described and inadequate for the protection of aircraft.

EFFECTIVE DATE: June 9, 1983.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101, telephone (817) 877-2630.

SUPPLEMENTARY INFORMATION:

History

On February 7, 1983, a notice of proposed rulemaking was published in the **Federal Register** (48 FR 5571) stating that the Federal Aviation Administration proposed to designate the Wink, TX, transition area and alter the control zone. The docket number was inadvertently printed as 83-ASW-33 instead of the correct number 83-ASW-3. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received without objections. Except for editorial changes, this amendment is that proposed in the notice.

List of Subjects in 14 CFR Part 71

Control zones, Transition areas, Aviation safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, by the Administrator, Subpart G of Part 71, § 71.181 and Subpart F of Part 71, § 71.171, of the Federal Aviation Regulations (14 CFR Part 71) as republished in Advisory Circular AC 70-3A dated January 3, 1983, are amended, effective 0901 G.m.t., June 9, 1983, as follows:

Subpart G 71.181:

Wink, TX [New]

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Winkler County Airport (latitude 31°46'45" N., longitude 103°12'15" W.).

Subpart F 71.171:

Wink, TX [Revised]

Within a 5-mile radius of the Winkler County Airport (latitude 31°46'45"N., longitude 103°12'15"W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airport/Facility Directory.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Fort Worth, TX, on April 4, 1983.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 83-9803 Filed 4-13-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 83-ASW-7]

Designation of Transition Area; Port O'Connor, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will designate a transition area at Port O'Connor, TX. The intended effect of the amendment is to provide controlled airspace for helicopters executing a new point-in-space instrument approach procedure to the Petroleum Helicopters, Inc., (PHI) Heliport. This amendment is necessary since a new point-in-space helicopter approach procedure will exist to the PHI Heliport located approximately 3 miles west of Port O'Connor, TX.

EFFECTIVE DATE: June 9, 1983.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101, telephone (817) 877-2630.

SUPPLEMENTARY INFORMATION:

History

On February 10, 1983, a notice of proposed rulemaking was published in the **Federal Register** (48 FR 6127) stating that the Federal Aviation Administration proposed to designate the Port O'Connor, TX, transition area. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. No comments were received. Except for editorial changes, this amendment is that proposed in the notice.

List of Subjects in 14 CFR Part 71

Control zones and/or transition areas, Aviation safety.

Adoption of the Amendment

PART 71—[AMENDED]

Accordingly, pursuant to the authority delegated to me, by the Administrator, Subpart G of Part 71, § 71.181, of the Federal Aviation Regulations (14 CFR Part 71) as republished in Advisory Circular AC 70-3A dated January 3, 1983, is amended, effective 0901 GMT, June 9, 1983, as follows:

Port O'Connor, TX—New

That airspace extending upward from 700 feet above the surface 2.5 miles each side of the Palacios VORTAC (latitude 28°45'51" N., longitude 96°18'21" W.) 208° radial extending from 18 miles to 25 miles southwest of the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Fort Worth, TX, on April 4, 1983.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 83-9854 Filed 4-13-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 95

[Docket No. 23596; Amdt. No. 95-310]

IFR Altitudes; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts miscellaneous amendments to the required IFR (instrument flight rule) altitudes and changeover points for certain Federal airways, jet routes, or direct routes for which a minimum or maximum en route authorized IFR altitude is prescribed. These regulatory actions are needed because of changes occurring in the National Airspace System. These changes are designed to provide for the safe and efficient use of the navigable airspace under instrument conditions in the affected areas.

EFFECTIVE DATE: April 14, 1983.

FOR FURTHER INFORMATION CONTACT: Donald K. Funai, Flight Procedures and Airspace Branch (AFO-730), Aircraft Programs Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 95 of the Federal Aviation Regulations (14 CFR Part 95) prescribes new, amended, suspended, or revoked IFR altitudes governing the operation of all aircraft in IFR flight over a specified route or any portion of that route, as well as the changeover points (COPs) for Federal airways, jet routes, or direct routes as prescribed in Part 95. The specified IFR altitudes, when used in conjunction with the prescribed changeover points for those routes, ensure navigation aid coverage that is adequate for safe flight operations and free of frequency interference.

The reasons and circumstances which create the need for this amendment involve matters of flight safety, operational efficiency in the National Airspace System, and are related to published aeronautical charts that are essential to the user and provides for the safe and efficient use of the navigable airspace. In addition, those various reasons or circumstances require making this amendment effective before the next scheduled charting and publication date of the flight information to assure its timely availability to the user. The effective date of this amendment reflects those considerations. In view of the close and immediate relationship between these

regulatory changes and safety in air commerce, I find that notice and public procedure before adopting this amendment is unnecessary, impracticable, or contrary to the public interest and that good cause exists for making the amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 95

Aircraft, Airspace.

Adoption of the Amendment

Accordingly and pursuant to the authority delegated to me by the Administrator, Part 95 of the Federal Aviation Regulations (14 CFR Part 95) is amended as follows effective at 0901 GMT, April 14, 1983. (Secs. 307 and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1510); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.49(b)(3))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. The FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C. on April 5, 1983.

John M. Howard,

Manager, Aircraft Programs Division.

BILLING CODE 4910-13-M

FROM	TO	MEA
§95.6026 VOR FEDERAL AIRWAY 26 IS AMENDED TO DELETE		
§95.6044 VOR FEDERAL AIRWAY 44 IS AMENDED TO READ IN PART		

FROM	TO	MEA
§95.6006 VOR FEDERAL AIRWAY 6—Continued		
§95.1001 DIRECT ROUTES-U.S. IS ADDED TO READ		

FROM	TO	MEA
§95.1001 DIRECT ROUTES—U.S.		
IS ADDED TO READ		
SAN ANGELO, TX VORTAC VIA SJT VORTAC 073 & BWD VOR 224	BROWNWOOD, TX VOR	4500
IS AMENDED TO READ IN PART		
BROWNWOOD, TX VOR	WACO, TX VORTAC	5000
FORT STOCKTON, TX VORTAC	SAN ANGELO, TX VORTAC	7000
GRAND ISLAND, NE VORTAC	LINCOLN, NE VORTAC	*4000
*2900 - MOCA		MAA-35000
RICH MOUNTAIN, OK VORTAC	HOT SPRINGS, AR VOR	4000
SAN ANGELO, TX VORTAC	ROCKSPRINGS, TX VORTAC	4200
SAN ANGELO, TX VORTAC	BROWNWOOD, TX VOR	3500
IS AMENDED TO DELETE		
BROWNWOOD, TX VOR	ACTON, TX VORTAC	*3700
*3000 - MOCA		
BROWNWOOD, TX VOR	MILLSAP, TX VORTAC	3500
OZMOS, TX FIX	SAN ANGELO, TX VORTAC	*7000
*4000 - MOCA		
REDIE, AR FIX	LITTLE ROCK, AR VORTAC	3300
SULPH, AR FIX	REDIE, AR FIX	2500
§95.6001 VOR FEDERAL AIRWAY 1		
IS AMENDED TO READ IN PART		
NORFOLK, VA VORTAC	CAPE CHARLES, VA VORTAC	*2000
*1200 - MOCA		
§95.6003 VOR FEDERAL AIRWAY 3		
IS AMENDED TO READ IN PART		
LINDEN, VA VORTAC	SHAWNEE, VA VORTAC	*4500
*3900 - MOCA		
IS AMENDED TO DELETE		
BISCAYNE BAY, FL VORTAC VIA E ALTER	PALM BEACH, FL VORTAC VIA E ALTER.	2000
§95.6006 VOR FEDERAL AIRWAY 6		
IS AMENDED TO READ IN PART		
OAKLAND, CA VORTAC VIA S ALTER	*SALAD, CA FIX VIA S ALTER	4000
*4700 - MCA SALAD FIX, NE BND		

FROM	TO	MEA
§95.6006 VOR FEDERAL AIRWAY 6—Continued		
IS AMENDED TO DELETE		
WATERVILLE, OH VORTAC VIA S ALTER	DRYER, OH VORTAC VIA S ALTER	2700
DRYER, OH VORTAC VIA N ALTER.	YOUNGSTOWN, OH VORTAC VIA N ALTER.	3000
§95.6007 VOR FEDERAL AIRWAY 7		
IS AMENDED TO DELETE		
CHICAGO HEIGHTS, IL VORTAC VIA E ALTER	BRAIK, IL FIX VIA E ALTER	2500
STORY, IL FIX VIA E ALTER.	TALOR, WI FIX VIA E ALTER	*3000
*1700 - MOCA		
§95.6008 VOR FEDERAL AIRWAY 8		
IS AMENDED TO READ IN PART		
BELLAIRE, OH VORTAC	GALLS, PA FIX	*3600
*3100 - MOCA		
§95.6012 VOR FEDERAL AIRWAY 12		
IS AMENDED TO READ IN PART		
MIROR, KS FIX	WICHITA, KS VORTAC	3500
WICHITA, KS VORTAC	DECOR, KS FIX	3500
HARRISBURG, PA VORTAC	EAST TEXAS, PA VORTAC	*3000
*2300 - MOCA		
§95.6013 VOR FEDERAL AIRWAY 13		
IS AMENDED TO READ IN PART		
BARUM, MN FIX	DULUTH, MN VORTAC	3000
§95.6014 VOR FEDERAL AIRWAY 14		
IS AMENDED TO DELETE		
DRYER, OH VORTAC VIA N ALTER	FAILS, OH FIX VIA N ALTER	2500
FAILS, OH FIX VIA N ALTER	ERIE, PA VORTAC VIA N ALTER	2700
§95.6023 VOR FEDERAL AIRWAY 23		
IS AMENDED TO READ IN PART		
VOLTA, CA FIX VIA W ALTER	STOCKTON, CA VORTAC VIA W ALTER	3000
TALEM, OR FIX	*MEDFORD, OR VORTAC NW BND	8000
	SE BND	11000
*7500 - MCA MEDFORD VORTAC, SE BND		

FROM	TO	MEA
§95.6026 VOR FEDERAL AIRWAY 26		
IS AMENDED TO DELETE		
LANSING, MI VORTAC VIA N ALTER.	CHEMS, MI FIX VIA N ALTER.	2900
CHEMS, MI FIX VIA N ALTER.	SALEM, MI VORTAC VIA N ALTER	2800
§95.6028 VOR FEDERAL AIRWAY 28		
IS AMENDED TO READ IN PART		
OAKLAND, CA VORTAC	*SALAD, CA FIX	4000
*4700 - MCA SALAD FIX, NE BND		
§95.6035 VOR FEDERAL AIRWAY 35		
IS AMENDED TO DELETE		
BISCAYNE BAY, FL VORTAC VIA W ALTER	FAMIN, FL FIX VIA W ALTER	2000
FAMIN, FL FIX VIA W ALTER.	*VEGIE, FL FIX VIA W ALTER	**5000
*3100 - MRA		
**1500 - MOCA		
VEGIE, FL FIX VIA W ALTER	DEEDS, FL FIX VIA W ALTER	2000
§95.6037 VOR FEDERAL AIRWAY 37		
IS AMENDED TO READ IN PART		
ELKINS, WV VORTAC	CLARKSBURG, WV VOR	*5000
*4400 - MOCA		
§95.6039 VOR FEDERAL AIRWAY 39		
IS AMENDED TO READ IN PART		
LINDEN, VA VORTAC	SHAWNEE, VA VORTAC	*5000
*3900 - MOCA		
LANCASTER, PA VORTAC	BOYER, PA FIX	*2900
*2200 - MOCA		
VAPER, MA FIX	GARDNER, MA VORTAC	*3500
*2900 - MOCA		
§95.6043 VOR FEDERAL AIRWAY 43		
IS AMENDED TO READ IN PART		
ERIE, PA VORTAC	BROTO, NY FIX	*3000
*2300 - MOCA		
BROTO, NY FIX	U.S. CANADIAN BORDER	*3500
*1200 - MOCA		
IS AMENDED TO DELETE		
TIVERTON, OH VORTAC VIA W ALTER	AKRON, OH VOR/DME VIA W ALTER	3000
AKRON, OH VOR/DME	YOUNGSTOWN, OH VORTAC	
VIA W ALTER	VIA W ALTER.	3000

FROM	TO	MEA
§95.6044 VOR FEDERAL AIRWAY 44		
IS AMENDED TO READ IN PART		
MORGANTOWN, WV VORTAC	MARTINSBURG, WV VORTAC	*5000
*4100 - MOCA		
DATED, MD FIX	BALTIMORE, MD VORTAC	*2100
*1900 - MOCA		
KENTON, DE VORTAC	ATLANTIC CITY, NJ VORTAC	*1800
*1100 - MOCA		
§95.6045 VOR FEDERAL AIRWAY 45		
IS AMENDED TO READ IN PART		
BLUEFIELD, WV VORTAC	CHARLESTON, WV VORTAC	*6000
*5000 - MOCA		
VARYS, OH FIX	WATERVILLE, OH VORTAC	*4000
*2300 - MOCA		
§95.6047 VOR FEDERAL AIRWAY 47		
IS AMENDED TO DELETE		
ROSEWOOD, OH VORTAC VIA W ALTER.	BUTYN, OH FIX VIA W ALTER.	3000
BUTYN, OH FIX VIA W ALTER.	FINDLAY, OH VORTAC VIA W ALTER.	2800
§95.6050 VOR FEDERAL AIRWAY 50		
IS AMENDED TO DELETE		
INDIANAPOLIS, IN VORTAC VIA N ALTER	MUNCIE, IN VOR VIA N ALTER.	2900
MUNCIE, IN VOR VIA N ALTER.	DAYTON, OH VORTAC VIA N ALTER.	2800
§95.6051 VOR FEDERAL AIRWAY 51		
IS AMENDED TO DELETE		
BISCAYNE BAY, FL VORTAC VIA E ALTER.	FORT LAUDERDALE, FL VOR/DME VIA E ALTER	2000
FORT LAUDERDALE, FL VOR/DME VIA E ALTER	ARKES, FL FIX VIA E ALTER	2000
ARKES, FL FIX VIA E ALTER	PAHOKEE, FL VORTAC VIA E ALTER	1500
§95.6052 VOR FEDERAL AIRWAY 52		

FROM	TO	MEA
§95.6052 VOR FEDERAL AIRWAY 52—Continued		
IS AMENDED TO READ IN PART		
TROY, IL VORTAC	CRATS, IL FIX	2600
§95.6055 VOR FEDERAL AIRWAY 55		
IS AMENDED TO READ IN PART		
BOOKS, OH FIX	FORT WAYNE, IN VORTAC	2600
§95.6058 VOR FEDERAL AIRWAY 58		
IS AMENDED TO READ IN PART		
EARED, PA FIX *4000 - MOCA	PHILIPSBURG, PA VORTAC	*6000
LAKE HENRY, PA VORTAC *3000 - MOCA	KINGSTON, NY VORTAC	*4000
HARTFORD, CT VORTAC *1900 - MOCA	SALEM, CT FIX	*2600
SALEM, CT FIX *3000 - MRA **1500 - MOCA	*WHACH, CT FIX	**2300
§95.6059 VOR FEDERAL AIRWAY 59		
IS AMENDED TO READ IN PART		
BECKLEY, WV VORTAC *4000 - MRA **4300 - MOCA	*ITALY, WV FIX	**5000
§95.6063 VOR FEDERAL AIRWAY 63		
IS AMENDED TO READ IN PART		
WAUSAU, WI VORTAC	RHINELANDER, WI VORTAC	3600
§95.6072 VOR FEDERAL AIRWAY 72		
IS AMENDED TO READ IN PART		
CENTRALIA, IL VORTAC	BIBLE GROVE, IL VORTAC	2600
EXALL, PA FIX *3400 - MOCA	ELMIRA, NY VORTAC	*4000
ALBANY, NY VORTAC *3000 - MOCA	CAMBRIDGE, NY VORTAC	*4000
CAMBRIDGE, NY VORTAC *5000 - MCA JAMMA FIX, W BND **5400 - MOCA	*JAMMA, VT FIX	**6000
§95.6073 VOR FEDERAL AIRWAY 73		
IS AMENDED TO READ IN PART		
WICHITA, KS VORTAC	HUTCHINSON, KS VORTAC	3500
§95.6077 VOR FEDERAL AIRWAY 77		
IS AMENDED TO READ IN PART		
PIONEER, OK VORTAC	WICHITA, KS VORTAC	3500
WICHITA, KS VORTAC	ZANIE, KS FIX	3500
§95.6090 VOR FEDERAL AIRWAY 90		
IS AMENDED TO READ IN PART		
LITCHFIELD, MI VORTAC	U.S. CANADIAN BORDER	3000
§95.6091 VOR FEDERAL AIRWAY 91		
IS AMENDED TO READ IN PART		
CALVERTON, NY VORTAC *1500 - MOCA	SEAMO, CT FIX	*2300
GROUP, NY FIX *1700 - MOCA	ALBANY, NY VORTAC	*2300
WEIGH, VT FIX	BURLINGTON, VT VORTAC	3000
PLATTSBURGH, NY VORTAC *1500 - MOCA	U.S. CANADIAN BORDER	*2500
§95.6093 VOR FEDERAL AIRWAY 93		
IS AMENDED TO READ IN PART		
JARET, MD FIX *2000 - MOCA	LANCASTER, PA VORTAC	*3000
LANCASTER, PA VORTAC *2500 - MOCA	HAILS, PA FIX	*3400
HAILS, PA FIX *3300 - MOCA	FREBE, PA FIX	*4000
FREBE, PA FIX	WILKES-BARRE, PA VORTAC	4000
CHESTER, MA VORTAC	KEENE, NH VORTAC	3500
CONCORD, NH VORTAC *2400 - MOCA	KENNEBUNK, ME VORTAC	*3000
KENNEBUNK, ME VORTAC *1600 - MOCA	BRUNSWICK (NAVY), ME VORTAC	*3000
BRUNSWICK (NAVY), ME VORTAC *1600 - MOCA	RAZZR, ME FIX	*3000
BANGOR, ME VORTAC	PRINCETON, ME VOR/DME	3000
§95.6097 VOR FEDERAL AIRWAY 97		
IS AMENDED TO READ IN PART		
MIAMI, FL VORTAC *1300 - MOCA	HAMME, FL FIX	*4000
HAMME, FL FIX *1200 - MOCA	WINCO, FL FIX	*2000
§95.6099 VOR FEDERAL AIRWAY 99		
IS AMENDED TO READ IN PART		
BRIDGEPORT, CT VOR *2000 - MOCA	WALLI, CT FIX	*2600
§95.6103 VOR FEDERAL AIRWAY 103		
IS ADDED TO READ		
GREENSBORO, NC VORTAC	MAYOS, NC FIX	2500
MAYOS, NC FIX *3500 - MOCA	HENBY, VA FIX	*4000
HENBY, VA FIX *4400 - MOCA	TABER, VA FIX	*5000
TABER, VA FIX	ROANOKE, VA VORTAC	5600
ROANOKE, VA VORTAC	COVEY, VA FIX	5300
COVEY, VA FIX *6000 - MRA	*NATTS, VA FIX	5500
NATTS, VA FIX	VELLI, WV FIX	7000
VELLI, WV FIX *6400 - MOCA	ELKINS, WV VORTAC	*7000
ELKINS, WV VORTAC *4400 - MOCA	CLARKSBURG, WV VOR	*5000
CLARKSBURG, WV VOR	BURGS, WV FIX	3700
BURGS, WV FIX	BELLAIRE, OH VORTAC	3400
BELLAIRE, OH VORTAC *3000 - MOCA	ATWOO, OH FIX	*6000
ATWOO, OH FIX	AKRON, OH VOR/DME	3000
AKRON, OH VOR/DME	CRIBS, OH FIX	3000
CRIBS, OH FIX *1700 - MOCA	U.S. CANADIAN BORDER	*3500
U.S. CANADIAN BORDER *2200 - MOCA	SALEM, MI VORTAC	*2800
SALEM, MI VORTAC	CHEMS, MI FIX	2800
CHEMS, MI FIX	LANSING, MI VORTAC	2900
§95.6104 VOR FEDERAL AIRWAY 104		
IS AMENDED TO READ IN PART		
MASSENA, NY VORTAC *2600 - MOCA	MALAE, NY FIX	*3500
MONTPELIER, VT VOR *5600 - MOCA	BERLIN, NH VOR/DME	*7000
BERLIN, NH VOR/DME *5300 - MOCA	ANSYN, ME FIX	*6500
ANSYN, ME FIX *2800 - MOCA	BANGOR, ME VORTAC	*4000
§95.6106 VOR FEDERAL AIRWAY 106		
IS AMENDED TO READ IN PART		
JOHNSTOWN, PA VORTAC *4300 - MOCA	HUDON, PA FIX	*5000
HUDON, PA FIX *3900 - MOCA	RASHE, PA FIX	*5500
MANCHESTER, NH VORTAC *2100 - MOCA	KENNEBUNK, ME VORTAC	*2600
§95.6109 VOR FEDERAL AIRWAY 109		
IS AMENDED TO READ IN PART		
VOLTA, CA FIX	STOCKTON, CA VORTAC	3000
ALTAM, CA FIX *4700 - MCA SALAD FIX, NE BND	*SALAD, CA FIX	5000
§95.6111 VOR FEDERAL AIRWAY 111		
IS AMENDED TO READ IN PART		
PATTY, CA FIX *1500 - MOCA	MODESTO, CA VOR/DME	*3000
§95.6113 VOR FEDERAL AIRWAY 113		
IS AMENDED TO READ IN PART		
VOLTA, CA FIX	STOCKTON, CA VORTAC	3000
SPOOK, CA FIX	STALK, NV FIX	13000
ROBUD, NV FIX	SOD HOUSE, NV VORTAC	10000
§95.6115 VOR FEDERAL AIRWAY 115		
IS AMENDED TO READ IN PART		
WHIRL, WV FIX *3000 - MOCA	CHARLESTON, WV VORTAC	*4000
TIDIOUTE, PA VORTAC *3400 - MOCA	JAMESTOWN, NY VOR/DME	*4000
JAMESTOWN, NY VOR/DME	LANGS, NY FIX	3700
§95.6116 VOR FEDERAL AIRWAY 116		
IS AMENDED TO READ IN PART		
BLURS, OH FIX *1800 - MOCA	ERIE, PA VORTAC	*2300
§95.6119 VOR FEDERAL AIRWAY 119		
IS AMENDED TO READ IN PART		
BURGS, WV FIX *3100 - MOCA	GALLS, PA FIX	*3700
OTOWN, PA FIX *4400 - MOCA	INDIAN HEAD, PA VORTAC	*5000
WELLSVILLE, NY VORTAC *3800 - MOCA	BURST, NY FIX	*4500
§95.6128 VOR FEDERAL AIRWAY 128		
IS AMENDED TO READ IN PART		
SWIFT, WV FIX *4300 - MOCA	BITES, WV FIX	*5000
BITES, WV FIX *8000 - MRA **5200 - MOCA	*HAWKI, WV FIX	**5000
HAWKI, WV FIX *6400 - MOCA	LURAY, VA FIX	*7000

FROM	TO	MEA
§95.6130 VOR FEDERAL AIRWAY 130		
IS AMENDED TO READ IN PART		
§95.6140 VOR FEDERAL AIRWAY 140—Continued		
KENYA, WV FIX	BLUEFIELD, WV VORTAC	5600
§95.6157 VOR FEDERAL AIRWAY 157—Continued		
VEGIE, FL FIX	SERPA, FL FIX	
§95.6234 VOR FEDERAL AIRWAY 234		
IS AMENDED TO READ IN PART		

FROM	TO	MEA
§95.6130 VOR FEDERAL AIRWAY 130 IS AMENDED TO READ IN PART		
ALBANY, NY VORTAC *6000 - MRA *6000 - MCA CANAN FIX, NW BND **3200 - MOCA	*CANAN, NY FIX	**6000
MOLDS, MA FIX *3300 - MOCA	COBOL, CT FIX	*4000
NORWICH, CT VORTAC *1800 - MOCA	WACKY, RI FIX	*2300
WACKY, RI FIX *1400 - MOCA	FALMA, MA FIX	*2100
FALMA, MA FIX *1300 - MOCA	MARTHAS VINEYARD, MA VOR	*2000
§95.6132 VOR FEDERAL AIRWAY 132 IS AMENDED TO READ IN PART		
DISKS, KS FIX *5000 - MRA **3300 - MOCA	*STEAL, KS FIX	**5000
§95.6133 VOR FEDERAL AIRWAY 133 IS AMENDED TO READ IN PART		
STOVE, VA FIX *7200 - MRA **6200 - MOCA	*KENYA, WV FIX	**7200
§95.6139 VOR FEDERAL AIRWAY 139 IS AMENDED TO READ IN PART		
SUNNS, NC FIX	NORFOLK, VA VORTAC	2000
NORFOLK, VA VORTAC *1200 - MOCA	CAPE CHARLES, VA VORTAC	*2000
CAPE CHARLES, VA VORTAC *1500 - MOCA	SNOW HILL, MD VORTAC	*2000
CHUMR, NY FIX *3000 - MRA **1200 - MOCA	*WHACH, CT FIX	**4000
WACKY, RI FIX *1700 - MOCA	PROVIDENCE, RI VORTAC	*2300
WHITMAN, MA VOR/DME *2500 - MCA TONNI FIX, N BND **1400 - MOCA	*TONNI, MA FIX	**2000
TONNI, MA FIX *1300 - MOCA	SEEDY, NH FIX	*2500
SEEDY, NH FIX *1800 - MOCA	KENNEBUNK, ME VORTAC	*2500
§95.6140 VOR FEDERAL AIRWAY 140 IS AMENDED TO READ IN PART		
STACY, VA FIX *7200 - MRA **4600 - MOCA	*KENYA, WV FIX	**5600

FROM	TO	MEA
§95.6140 VOR FEDERAL AIRWAY 140—Continued		
KENYA, WV FIX	BLUEFIELD, WV VORTAC	5600
§95.6141 VOR FEDERAL AIRWAY 141 IS AMENDED TO READ IN PART		
NANTUCKET, MA VORTAC	CRACO, MA FIX	1800
HYANNIS, MA VORTAC *1500 - MOCA	BOSTON, MA VORTAC	*2000
MANCHESTER, NH VORTAC *2000 - MOCA	CONCORD, NH VORTAC	*2900
CONCORD, NH VORTAC *6400 - MOCA	LEBANON, NH VOR/DME	*5000
RUCKY, VT FIX	GREEK, VT FIX	6000
RIGID, NY FIX *5300 - MOCA	BUGSY, NY FIX	*6000
BUGSY, NY FIX *4000 - MOCA	MASSENA, NY VORTAC	*5000
§95.6143 VOR FEDERAL AIRWAY 143 IS AMENDED TO READ IN PART		
ELLON, VA FIX *6000 - MCA CLYFF FIX, N BND **4400 - MOCA	*CLYFF, VA FIX	**5000
DELRO, PA FIX	LANCASTER, PA VORTAC	3000
§95.6146 VOR FEDERAL AIRWAY 146 IS AMENDED TO READ IN PART		
PUTNAM, CT VORTAC	FOSTY, RI FIX	2500
FOSTY, RI FIX	PROVIDENCE, RI VORTAC	2400
MARTHAS VINEYARD, MA VOR	NANTUCKET, MA VORTAC	2000
§95.6148 VOR FEDERAL AIRWAY 148 IS AMENDED TO READ IN PART		
HAYWARD, WI VOR/DME *3100 - MOCA	IRONWOOD, MI VORTAC	*5000
§95.6157 VOR FEDERAL AIRWAY 157 IS AMENDED TO READ IN PART		
MIAMI, FL VORTAC *1300 - MOCA	HAMME, FL FIX	*4000
HAMME, FL FIX *1200 - MOCA	WINCO, FL FIX	*2000
IS AMENDED TO DELETE		
FAMIN, FL FIX VIA W ALTER *3100 - MRA **1500 - MOCA	*VEGIE, FL FIX VIA W ALTER	**5000

FROM	TO	MEA
§95.6157 VOR FEDERAL AIRWAY 157—Continued		
VEGIE, FL FIX VIA W ALTER *1500 - MOCA	SERPA, FL FIX VIA W ALTER	*3100
SERPA, FL FIX VIA W ALTER *1200 - MOCA	SWAGS, FL FIX VIA W ALTER	*2000
SWAGS, FL FIX VIA W ALTER *1300 - MOCA	LA BELLE, FL VORTAC VIA W ALTER	*2000
LA BELLE, FL VORTAC VIA E ALTER	LAKELAND, FL VORTAC VIA E ALTER	2000
§95.6159 VOR FEDERAL AIRWAY 159 IS AMENDED TO READ IN PART		
FORT LAUDERDALE, FL VOR/DME *1400 - MOCA	ARKES, FL FIX	*2000
ARKES, FL FIX *1300 - MOCA	NITNY, FL FIX	*3000
NITNY, FL FIX	VERO BEACH, FL VORTAC	2000
§95.6167 VOR FEDERAL AIRWAY 167 IS AMENDED TO READ IN PART		
HANCOCK, NY VORTAC *3000 - MOCA	KINGSTON, NY VORTAC	*4000
§95.6181 VOR FEDERAL AIRWAY 181 IS AMENDED TO READ IN PART		
KENAR, NE FIX NORFOLK, NE VOR	NORFOLK, NE VOR YANKTON, SD VOR	3500 3700
§95.6192 VOR FEDERAL AIRWAY 192 IS AMENDED BY ADDING		
INDIANAPOLIS, IN VORTAC MUNCIE, IN VOR	MUNCIE, IN VOR DAYTON, OH VORTAC	2900 2800
§95.6214 VOR FEDERAL AIRWAY 214 IS AMENDED TO READ IN PART		
GALLS, PA FIX *2800 - MOCA	OTOWN, PA FIX	*3700
OTOWN, PA FIX *4400 - MOCA	INDIAN HEAD, PA VORTAC	*5000
§95.6228 VOR FEDERAL AIRWAY 228 IS AMENDED TO DELETE		
NORTHBROOK, IL VORTAC VIA N ALTER *1900 - MOCA	MUSKY, MI FIX VIA N ALTER	*2500
MUSKY, MI FIX VIA N ALTER	SOUTH BEND, IN VORTAC VIA N ALTER	2600

FROM	TO	MEA
§95.6234 VOR FEDERAL AIRWAY 234 IS AMENDED TO READ IN PART		
BYWAY, KS FIX *3600 - MOCA	GABIE, KS FIX	*4300
§95.6244 VOR FEDERAL AIRWAY 244 IS AMENDED TO READ IN PART		
OAKLAND, CA VORTAC *4700 - MCA SALAD FIX, NE BND	*SALAD, CA FIX	4000
§95.6261 VOR FEDERAL AIRWAY 261 IS AMENDED TO READ IN PART		
WICHITA, KS VORTAC *3500 - MOCA	CHARI, KS FIX	*5000
§95.6267 VOR FEDERAL AIRWAY 267 IS AMENDED TO READ IN PART		
PAHOKEE, FL VORTAC *1400 - MOCA	BAIRN, FL FIX	*2000
IS AMENDED TO DELETE		
BISCAYNE BAY, FL VORTAC VIA E ALTER *1600 - MOCA	GREMM, FL FIX VIA E ALTER	*5000
GREMM, FL FIX VIA E ALTER.	JENKS, FL FIX VIA E ALTER	2000
JENKS, FL FIX VIA E ALTER	PALM BEACH, FL VORTAC VIA E ALTER.	2500
PALM BEACH, FL VORTAC VIA E ALTER	SHEDS, FL FIX VIA E ALTER	2000
SHEDS, FL FIX VIA E ALTER. *1500 - MOCA	BAIRN, FL FIX VIA E ALTER.	*6000
BAIRN, FL FIX VIA E ALTER.	ORLANDO, FL VORTAC VIA E ALTER	2000
§95.6268 VOR FEDERAL AIRWAY 268 IS AMENDED TO READ IN PART		
KENTON, DE VORTAC *1100 - MOCA	LEEAH, NJ FIX	*1800
§95.6295 VOR FEDERAL AIRWAY 295		

FROM	TO	MEA
§95.6295 VOR FEDERAL AIRWAY 295—Continued		
IS AMENDED TO READ IN PART		
ORLANDO, FL VORTAC	OCALA, FL VORTAC	2000
§95.6300 VOR FEDERAL AIRWAY 300		
IS AMENDED TO READ IN PART		
THUNDER BAY, CANADA VORTAC *2400 - MOCA	SRADE, MI FIX	#*9000
#MEA IS ESTABLISHED WITH A GAP IN NAVIGATION SIGNAL COVERAGE		
§95.6308 VOR FEDERAL AIRWAY 308		
IS AMENDED TO READ IN PART		
SEA ISLE, NJ VORTAC *2000 - MOCA	BRIGS, NJ FIX	*2500
§95.6443 VOR FEDERAL AIRWAY 443		
IS AMENDED TO DELETE		
TIVERTON, OH VORTAC VIA E ALTER	DRYER, OH VORTAC VIA E ALTER	3000
§95.6446 VOR FEDERAL AIRWAY 446		
IS AMENDED TO READ IN PART		
TROY, IL VORTAC	SAMSVILLE, IL VORTAC	2600
§95.6451 VOR FEDERAL AIRWAY 451		
IS AMENDED TO READ IN PART		
TONNI, MA FIX *1300 - MOCA	SEEDY, NH FIX	*2500
§95.6463 VOR FEDERAL AIRWAY 463		
IS AMENDED TO READ IN PART		
JUDAA, GA FIX *5000 - MRA	*AWSON, GA FIX	5000
§95.6487 VOR FEDERAL AIRWAY 487		
IS AMENDED TO READ IN PART		
WEIGH, VT FIX	BURLINGTON, VT VORTAC	3000
§95.6489 VOR FEDERAL AIRWAY 489		
IS AMENDED TO READ IN PART		
GROUP, NY FIX *1700 - MOCA	ALBANY, NY VORTAC	*2300

FROM	TO	MEA
§95.6492 VOR FEDERAL AIRWAY 492		
IS AMENDED TO READ IN PART		
LA BELLE, FL VORTAC *1400 - MOCA	PAHOKEE, FL VORTAC	*2000
PAHOKEE, FL VORTAC *1400 - MOCA	PALM BEACH, FL VORTAC	*2000
IS AMENDED TO DELETE		
LA BELLE, FL VORTAC VIA N ALTER *3000 - MRA **1300 - MOCA	*HOMEY, FL FIX VIA N ALTER	**2000
HOMEY, FL FIX VIA N ALTER *1100 - MOCA	SHERM, FL FIX VIA N ALTER	*3000
SHERM, FL FIX VIA N ALTER	PALM BEACH, FL VORTAC VIA N ALTER	1600
§95.6502 VOR FEDERAL AIRWAY 502		
IS AMENDED TO READ IN PART		
DISKS, KS FIX *5000 - MRA **3300 - MOCA	*STEAL, KS FIX	**5000
§95.6503 VOR FEDERAL AIRWAY 503		
IS ADDED TO READ		
CEDAR RAPIDS, IA VORTAC *3600 - MOCA	ROCHESTER, MN VOR/DME	*4500
§95.6522 VOR FEDERAL AIRWAY 522		
IS AMENDED BY ADDING		
DRYER, OH VORTAC	FALLS, OH FIX	2500
FALLS, OH FIX	ERIE, PA VORTAC	2700
ERIE, PA VORTAC	DUNKIRK, NY VORTAC	3000
§95.6523 VOR FEDERAL AIRWAY 523		
IS ADDED TO READ		
APPLETON, OH VORTAC	TIVERTON, OH VORTAC	3000
TIVERTON, OH VORTAC	AKRON, OH VOR/DME	3000
AKRON, OH VOR/DME	YOUNGSTOWN, OH VORTAC	3000
YOUNGSTOWN, OH VORTAC	ERIE, PA VORTAC	3000

FROM	TO	MEA
§95.6525 VOR FEDERAL AIRWAY 525		
IS ADDED TO READ		
APPLETON, OH VORTAC	TIVERTON, OH VORTAC	3000
TIVERTON, OH VORTAC	DRYER, OH VORTAC	3000
§95.6526 VOR FEDERAL AIRWAY 526		
IS ADDED TO READ		
NORTHBROOK, IL VORTAC *1900 - MOCA	MUSKY, MI FIX	*2500
WATERVILLE, OH VORTAC	DRYER, OH VORTAC	2700
DRYER, OH VORTAC	YOUNGSTOWN, OH VORTAC	3000
YOUNGSTOWN, OH VORTAC	MERCY, PA FIX	3000
MERCY, PA FIX	CLARION, PA VORTAC	3600
§95.6529 VOR FEDERAL AIRWAY 529		
IS ADDED TO READ		
BISCAYNE BAY, FL VORTAC	FAMIN, FL FIX	2000
FAMIN, FL FIX	SWAGS, FL FIX	*5000
*1500 - MOCA		
SWAGS, FL FIX *1400 - MOCA	LA BELLE, FL VORTAC	*2000

FROM	TO	MEA
§95.6531 VOR FEDERAL AIRWAY 531		
IS ADDED TO READ		
PALM BEACH, FL VORTAC	SHEDS, FL FIX	2000
SHEDS, FL FIX	BAIRN, FL FIX	*6000
*1500 - MOCA		
BAIRN, FL FIX	ORLANDO, FL VORTAC	2000
§95.6532 VOR FEDERAL AIRWAY 532		
IS AMENDED TO READ IN PART		
PIONEER, OK VORTAC	WICHITA, KS VORTAC	3500
WICHITA, KS VORTAC	WAIVE, KS FIX	3500

FROM	TO	MEA	MAA
§95.7012 JET ROUTE NO. 12			
IS AMENDED BY ADDING			
ROCHESTER, MN VOR/DME	DULUTH, MN VOR/DME	18000	

2. By amending Sub-part D as follows:

§95.8003 VOR FEDERAL AIRWAYS CHANGEOVER POINTS

FROM	TO	MEA	MAA
§95.7012 JET ROUTE NO. 12			
	IS AMENDED BY ADDING		
SEATTLE, WA VORTAC	EPHRATA, WA VORTAC	18000	45000
EPHRATA, WA VORTAC	MC CALL, ID VORTAC	18000	45000
MC CALL, ID VORTAC	TWIN FALLS, ID VORTAC	18000	45000
TWIN FALLS, ID VORTAC	SALT LAKE CITY, UT VORTAC	18000	45000
§95.7055 JET ROUTE NO. 55			
	IS AMENDED BY ADDING		
MIAMI, FL VORTAC	INPIN, FL FIX	18000	45000
INPIN, FL FIX	JACKSONVILLE, FL VORTAC	24000	45000
§95.7075 JET ROUTE NO. 75			
	IS AMENDED TO READ IN PART		
FORT MYERS, FL VORTAC	TAYLOR, FL VORTAC	18000	45000
§95.7085 JET ROUTE NO. 85			
	IS AMENDED TO READ IN PART		
MIAMI, FL VORTAC	GAINESVILLE, FL VORTAC	18000	45000
GAINESVILLE, FL VORTAC	TAYLOR, FL VORTAC	18000	45000
§95.7143 JET ROUTE NO. 143			
	IS AMENDED BY ADDING		
POINT REYES, CA VORTAC	ROSEBURG, OR VOR	#26000	45000
#MEA IS ESTABLISHED WITH A GAP IN NAVIGATION SIGNAL COVERAGE.			
ROSEBURG, OR VOR	EUGENE, OR VORTAC	18000	45000
§95.7511 JET ROUTE NO. 511			
	IS AMENDED TO READ IN PART		
ENCOR, AK FIX	DILLINGHAM, AK VORTAC	18000	45000
§95.7562 JET ROUTE NO. 562			
	IS ADDED TO READ		
DICKINSON, ND VORTAC	BRANDON, CANADA VORTAC	18000	45000

2. By amending Sub-part D as follows:

§95.8003 VOR FEDERAL AIRWAYS CHANGEOVER POINTS

AIRWAY SEGMENT		CHANGEOVER POINTS	
FROM	TO	DISTANCE	FROM
	V-39		
	IS AMENDED TO READ IN PART		
SOUTH BOSTON, VA VORTAC	GORDONSVILLE, VA VORTAC	48	SOUTH BOSTON
	V-111		
	IS AMENDED BY ADDING		
BIG SUR, CA VORTAC	SALINAS, CA VORTAC	21	BIG SUR
	V-128		
	IS AMENDED BY ADDING		
YORK, KY VORTAC	CHARLESTON, WV VORTAC	29	YORK
	V-143		
	IS AMENDED BY ADDING		
LANCASTER, PA VORTAC	POTTSTOWN, PA VORTAC	15	LANCASTER

[FR Doc. 83-9534 Filed 4-13-83; 8:45 am]
BILLING CODE 4910-13-C

CIVIL AERONAUTICS BOARD

14 CFR Part 389

Waiver of Filing—Fee Requirements

AGENCY: Civil Aeronautics Board.

ACTION: Waiver of filing—fee requirements.

SUMMARY: Following requests on behalf of certain foreign carriers, the Director, Bureau of International Aviation, acting under delegated authority, has waived the requirements of Part 389 of the Board's Organization Regulations to the extent necessary to relieve the carriers of Singapore (designated airline(s) only; by letter dated 3/17/83), Belgium (by letter dated 3/28/83), Chile (by letter dated 3/30/83), New Zealand (by letter dated 3/30/83), Thailand (by letter dated 4/5/83), Argentina (by letter dated 4/7/83), and Spain (by letter dated 4/8/83), from paying the filing fees set forth in § 389.25. Each action was effective immediately on the date of the letter and the filing of a petition for review will not alter its effectiveness.

FOR FURTHER INFORMATION CONTACT: Allen Brown, Regulatory Affairs Division, Bureau of International Aviation, Civil Aeronautics Board; (202) 673–5134.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-9949 Filed 4-13-83; 8:45 am]

BILLING CODE 6320-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket 8899]

Sterling Drug, Inc., et al.; Correction

AGENCY: Federal Trade Commission.

ACTION: Correction.

SUMMARY: This document corrects a Commission document previously published in the **Federal Register** on Wednesday, April 6, 1983. Chairman James C. Miller III's Separate Statement was inadvertently omitted.

DATE: The correction is effective upon publication.

FOR FURTHER INFORMATION CONTACT: FTC/PC, Connie Vecellio, Washington, D.C. 20580. (202) 376–3465.

SUPPLEMENTARY INFORMATION: In FR Doc. 83–9016, appearing in the **Federal Register** issue for Wednesday, April 6, 1983, 48 FR 14891, the Separate Statement of Chairman James C. Miller III was omitted. The Separate Statement reads as follows:

Separate Statement of Chairman James C. Miller III, in the Matter of Sterling Drug, Inc.

I concur in the Commission's unanimous decision to modify the existing order in this matter and require a reasonable basis for Sterling's advertising claims for Lysol. Sterling will now be permitted to make truthful claims, subject to proper substantiation, that environmental surfaces can play a significant role in transmitting colds and that using a household disinfectant may reduce the incidence or prevent the spread of colds.

Stering has presented to the Commission a significant amount of new scientific evidence on how cold viruses are spread. This evidence represents a change in the facts underlying the original order and forms the justification for the current modification. In 1974, when the Commission issued the original order, the prevailing view in the scientific community was that airborne germs and viruses were the primary cause of colds. Accordingly, the Commission prohibited any claims that environmental surfaces play a significant role in transmitting colds, and that using household disinfectants such as Lysol can help prevent colds.

Sterling's detailed petition indicates that, contrary to the Commission's premise in bringing this case, there is a substantial body of reputable scientific evidence indicating that environmental surfaces play a significant role in spreading colds. Indeed, at least two of the three experts on whom the Commission relied in bringing the case now support Sterling's position. Morever, no one disputes that Lysol effectively cleans environmental surfaces. Although Sterling's evidence does not show, nor have they claimed, that spraying Lysol absolutely prevents colds, this should not preclude Sterling from making properly qualified, substantiated efficacy claims.

In moving from a total prohibition of certain claims to allowing those for which there is a reasonable basis, I believe the Commission is recognizing that Sterling currently has a reasonable basis for making some advertising claims concerning the product's effectiveness. If a majority of the Commission did not agree with this, it would have been more appropriate to deny the order modification. Of course, the Commission has not seen any specific advertising claims and we will scrutinize any Sterling claim to be certain it is substantiated.

As with most medical and many other types of claims, absolute certainty is not feasible. The proper role of the Federal Trade Commission is not to ban all claims unless they can be shown to be true beyond a shadow of a doubt,[1] but to weigh the costs and benefits of allowing or banning the dissemination of information about which some uncertainty may exist. Here, if the Commission allows claims for which there is a reasonable basis and they are later determined to be false, consumers are injured only to the extent of the cost of their Lysol purchases.[2] If the Commission bans the claims and they turn out to be *true*, consumers will be prevented from learning of an effective method to reduce the incidence and spread of colds, America's most prevalent disease.

Sterling has made a strong showing that its theory of how colds are spread is valid, and that the Commission's theory in bringing this case is not. Sterling has also provided evidence that Lysol kills cold viruses. Therefore, Sterling should be permitted to make adequately substantiated claims at least on these two points. Prohibiting such claims, as Commissioner Pertschuk apparently prefers (although he supported the change) would not strengthen the advertrising susbstantiation doctrine. It would instead deprive consumers of valuable, truthful information.

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 83-9890 Filed 4-13-83; 8:45 am]

BILLING CODE 6750-01-M

[1] As the Commission indicated in *Pfizer*, 81 F.T.C. 23, 64 (1972), the amount of testing necessary to support a claim depends on the circumstances, including the type of claims, the cost of obtaining the supporting evidence, and the possible consequences of a false claim. Particularly given Commissioner Pertschuk's description of the testing procedure here, obtaining empirical evidence of absolute proof of efficacy would be far more costly than the attendant risks and benefits warrant.

[2] Because the product has other values, the expenditures will not be totally wasted for many consumers.

16 CFR Part 13

[Docket No. 8792]

Golden Tabs Pharmaceutical Co., Inc.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Modifying order.

SUMMARY: This order reopens the proceeding and modifies the Commission's order issued on March 16, 1970 (35 FR 5809), by allowing respondent to disclose, clearly and conspicuously any place in the advertisement, that there are conditions and obligations attendant upon acceptance of free or nominally priced offers. The modified order also reflects the company's new name and deletes from the order the name of the company's founder, Michael Posen.

DATES: Final Order issued March 16, 1970. Modifying Order issued March 17, 1983.

FOR FURTHER INFORMATION CONTACT: FTC/PC, Robert Barton, Washington, D.C. 20580. (202) 376–2894.

SUPPLEMENTARY INFORMATION: In the Matter of Golden Tabs Pharmaceutical Co., Inc., a corporation. Codification

appearing at 35 FR 5809 remains unchanged.

List of Subjects in 16 CFR Part 13

Advertising, Trade practices.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

In the matter of Golden Tabs Pharmaceutical Co., Inc., a corporation; Docket No. 8792; Order Reopening the Proceeding and Modifying Cease and Desist Order.

On November 17, 1982 Golden Tabs Pharmaceutical Co., Inc., respondent in the above-captioned matter, filed a petition pursuant to Rule 2.51 of the Commission's Rules of Practice to reopen the proceeding and modify the order entered therein.

The order, which was entered in 1970, covers "Golden 50 Tabulets" or any food, drug, device or cosmetic. The complaint, which was issued on July 17, 1969, alleged, among other things, that respondent had represented in advertisements that Golden 50 Tabulets would be sent free to persons responding to respondents' advertisements and that persons answering said advertisements will be under no obligation to purchase additionl supplies of respondents' products. In truth and in fact, the Hearing Examiner found that the 30 day supply of respondents' product was not free for the reason that the offer was an inseparable part of a plan under which respondents, after the receipt of the 30 day supply by those who accepted the offer, shipped additional monthly supplies of the product and attempted to collect the price for these shipments. Furthermore, the Examiner found that persons answering the ads are under an obligation to purchase additional supplies or to notify respondents to cancel further shipments. After sending the 30 day supply, respondents shipped additional supplies each month, mailed statements requesting payment and threatened visits by company representatives in an attempt to collect payment. The Examiner also found that in many cases even if persons notified respondents that they did not wish additional supplies to be sent, respondents continued to ship supplies of said product to those persons and attempted to collect the price.

The Examiner issued an order, which, among other things, prohibited respondent in paragraph 1(b) of the order from representing that "any product is offered free or under any other terms when the offer is used as a means of enrolling those who accept the offer in a plan whereby additional supplies of the product are shipped at an additional charge unless all of the conditions of the plan are disclosed clearly and conspicuously and within close proximity to the 'free' or other offer." The respondents did not appeal from the initial decision and the Commission thereafter adopted the decision and order.

Petitioner now seeks to modify one provision of that order, by adding a provision to paragraph 1(b) of the order which would permit respondent to have the option of clearly and conspicuously disclosing, when the free or other offer is made, that there are obligations attendant upon acceptance of the free or nominally priced offer and then clearly and conspicuously disclosing the complete terms of the offer elsewhere. Thus, the alternative language would not require that respondent disclose all the conditions "within close proximity to the free or other offer" as is now mandated.

While the Commission supports petitioner's proposed revisions to the order, the Commission has, without objection from petitioner, added a proviso to that portion of paragraph 1(b)(2) which would permit respondent to disclose the complete terms of the offer elsewhere in the advertisement. As revised herein, where respondent exercises this option and also includes in the advertisement a coupon, signature space or other means by which a consumer is intended to accept the offer, it is required to disclose the complete terms of the offer on or in close proximity to the coupon or other space provided.

The alternative language, as revised, should be sufficient to ensure that consumers are aware of their obligations in accepting the free or other offer. Not only would respondent be required by the modified order to disclose clearly and conspicuously and within close proximity to the offer that there are other conditions that a consumer assumes upon accepting the offer, but the respondent must clearly and conspicuously set forth on a coupon or other offer acceptance form included in the advertisement or, if no such form is provided, elsewhere in the advertisement the complete details, conditions, and obligations. Thus, assuming that the proper language is used, a consumer can be expected to be aware of the obligations attendant upon acceptance of the offer.

In its petition at page 8, respondents suggests that the modified order would be satisfied by placing, clearly, conspicuously, and within close proximity to the offer, such terms as "with membership", "with club membership", "when you join", "when you rejoin", "see details of plan in enrollment coupon", "see details of offer below", "see details inside", and other similar terms which clearly convey to the consumer a further obligation upon acceptance of the offer. Respondent should be advised that, in granting the petition, the Commission does not agree that all of the above terms would constitute satisfactory compliance with the modified order. In particular, in the Commission's view, the terms "see details inside" or "see details of offer below," even if placed "clearly, conspicuously and in close proximity" to the offer, are too imprecise to adequately inform consumers that there are further *obligations* attendant upon acceptance of the offer.

With the above noted order revision and compliance caveat, the Commission has decided to grant the petition. Moreover, having been informed by staff that the petitioner has no objection, the Commission also has made two other changes in the order. Because respondent Michael Posen has died, the Commission has deleted his name from the order, and it has changed the name of the corporate respondent, from Golden Fifty Pharmaceutical Co., Inc. to Golden Tabs Pharmaceutical Co., Inc.

It is therefore ordered that the proceeding is hereby reopened and the Decision and Order issued July 17, 1969, in Docket No. 8792 is hereby modified to read as follows:

Order

It is ordered, That respondent Golden Tabs Pharmaceutical Co., Inc., a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the preparation designated "Golden 50 Tabulets," or any food, drug, device or cosmetic do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing the dissemination of, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which:

(a) Represents directly or by implication that respondent is a manufacturer of vitamin and/or mineral preparations or maintains laboratory facilities concened with the formulation, testing or performance of vitamin and/or mineral preparations.

(b) Represents directly or by implication that any product is offered free or under any other terms when the offer is used as a means of enrolling

those who accept the offer in a plan whereby additional supplies of the product are shipped at an additional charge unless all of the conditions of the plan are disclosed clearly and conspicuously and within close proximity to the "free" or other offer,

or, alternatively,

represents directly or by implication that any product is offered free or under any other terms when the offer is used as a means of enrolling those who accept the offer in a plan whereby additional supplies of the product are shipped at an additional charge unless (1) respondent discloses clearly, conspicuously, and within close proximity to the free or other offer that there is a further obligation upon the consumer upon acceptance of the offer, and (2) respondent also discloses clearly and conspicuously elsewhere in the advertisement the complete details, conditions, and obligations attendant upon acceptance of the offer, provided further that, if the advertisement includes a coupon, signature space, or other designated means by which the consumer is intended to accept the offer, respondent discloses clearly and conspicuously on or in close proximity to the coupon or other space provided for acceptance of the offer the complete details, conditions and obligations attendent upon acceptance of the offer, but such complete disclosure need not appear more than once in the advertisement, including the coupon.

(c) Represents directly or by implication that an offer is made without "further obligation," or with "no risk," or words of similar import denoting or implying the absence of any obligation on the part of the recipient of such offer when in fact there is an obligation incurred by the recipient.

(d) Represents directly or by implication that an offer is made to only a limited customer group or for only a limited period of time when no such limitations are imposed by respondents.

(e) Represents directly or by implication that such products are guaranteed unless the nature and extent of the guarantee, the identity of the guarantor and the manner in which said guarantor will perform thereunder are clearly and conspicuously disclosed therewith.

(f) Represents directly or indirectly that any product or combination of products identified, described or specified, directly or by implication, is being offered for sale, as a "gift" or otherwise, unless such offer does contain the items as specified, described or otherwise identified.

(g) Represents directly or indirectly that any product or combination of products which are offered for sale, "free," as a "gift," or otherwise is or are of regular commercial size when such product or products are of "trial," "sample," or otherwise less than regular commercial size.

2. Disseminating, or causing to be disseminated, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of respondent's products in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations or misrepresentations prohibited by Paragraph 1 hereof.

It is further ordered, That respondent and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of "Golden 50 Tabulets" or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Shipping or sending any merchandise to any person without the prior authorization or prior consent of the person to whom such merchandise is sent and attempting, or causing to attempt, the collection of the price thereof.

2. Shipping or sending any merchandise to any person and attempting, or causing to attempt, the collection of the price thereof when a notification of refusal of such merchandise, or a notification of cancellation for any further shipments of merchandise, has been sent by such persons and received by respondent.

It is further ordered, That respondent notify the commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That respondent shall, within sixty (60) days after service of this modified order upon it, file with the commission a report in writing, signed by respondent, setting forth in detail the manner and form of its compliance with the order to cease and desist.

It is further ordered, That the foregoing modification shall become effective upon service of this Order.

Issued: March 17, 1983.

By direction of the Commission.

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 83-0992 Filed 4-13-83; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 1 and 4

[Docket No. RM81-15-000]

Revisions to Certain Regulations Governing Applications for Preliminary Permit and License for Water Power Projects

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order granting rehearing in part and denying rehearing in part.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is issuing an order that grants in part and denies in part a petition for rehearing of a final rule that clarifies and streamlines the requirements for certain hydroelectric project applications.

For reasons detailed in the rehearing order, the Commission largely denies the petitioner's request for modification of the final rule. The Commission grants rehearing to clarify that: (1) the Commission will not change the date of acceptance of a permit application when a state or a municipality amends its preliminary permit application under § 4.33(g)(4) to make its plans as well adapted as plans of an applicant that is not a state or a municipality; (2) the Commission will not change the date of acceptance of a license application when a preliminary permittee amends its license application under § 4.33(h)(2) to make its plans as well adapted as plans of another applicant; and (3) a municipal charter may be acceptable evidence of municipal competence to engage in the electric power business.

EFFECTIVE DATE: The clarifications made in 18 CFR 4.35 and 4.81 will be effective May 16, 1983.

FOR FURTHER INFORMATION CONTACT: Joseph H. Long, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 357-8033.

SUPPLEMENTARY INFORMATION: In the matter of revisions to certain regulations governing applications for preliminary permit and license for water power projects; Docket No. RM81-15-000,

Order No. 183–A; order granting rehearing in part and denying rehearing in part.

Issued April 8, 1983.

I. Introduction

On October 29, 1981, the Federal Energy Regulatory Commission (Commission) isued a final rule revising regulations that govern applications for preliminary permits and licenses for water power projects under Part I of the Federal Power Act (Act).[1] On November 30, 1981, the law firm of Spiegel and McDiarmid (Spiegel) filed a timely petition for rehearing. On December 30, 1981, the Commission granted the Spiegel petition solely for purpose of further consideration.

II. Background

As noted in its preamble, the final rule is designed to expedite further the licensing of water power projects by clarifying and streamlining some Commission procedures by: (1) Automatically granting (with some exceptions) timely uncontested petitions to intervene in preliminary permit application proceedings [§§ 385.214(c)(2) and 4.31(h)]; (2) reminding applicants for a permit or a license to include as a co-applicant any entity having or intending to obtain and maintain any proprietary or other interest necessary to construct, operate, or maintain the water power project [§ 4.30(d)]; (3) eliminating, for certain kinds of water power projects at existing dams, notices of intent to submit competing preliminary permit applications and allowing 90 days for competitors to file [§ 4.33 (a) and (b)]; (4) deleting reference to the ability of respective applicants to carry out the proposed plans of development for those cases where a municipality or a state and a private entity compete for a preliminary permit or a license [§ 4.33(g) (3) and (4)]; (5) requiring a municipal applicant for a preliminary permit or a license to submit as part of its application appropriate evidence that it is legally competent under applicable local law to engage in the business of developing, transmitting, utilizing, or distributing power [§§ 4.33(i), 4.51(a)(5)(i) and 4.81(a)(4)]; and (6) adding a new provision to indicate that after an application for a preliminary permit or a license is filed with the Commission, the submittal of a amendment to that application that changes the status or identity of the applicant or materially amends the proposed plans of development will result in its treatment as a new application and a change in the date of its acceptance for filing to the date of the filing of the amendment [§ 4.35].

III. Issues on Rehearing

The petitioner raises a number of arguments on rehearing. Most of these arguments were considered by the Commission in promulgating the final rule, and the Commission believes that no purpose in served by further discussion of many of these issues. These include petitioner's contention, which is now moot, that there are administrative difficulties with the automatic intervention provisions,[2] the objection that the elimination of notices of intent to submit preliminary permit applications for certain water power projects will burden the Commission and competing applicants, and the objection to using "project" and not "project works" in § 4.33(a), which the Commission has previously addressed.[3] There remain a few issues that merit some additional clarification, including minor changes to the regulations.

A. Identity of Applicants with Rights in Proposed Projects [§ 4.30(d)]

Section 4.30(d) states that any entity "which has or intends to obtain, and will maintain, any proprietary right necessary to construct, operate, or maintain a water power project for which an application for a preliminary permit or license is filed, should be identified as an applicant in such documents."[4] The petitioner argues that this new provision provides that any owner of project-related land that the applicant expects to purchase or condemn should be listed as an applicant. The Commission finds this to be a misreading of § 4.30(d). That section provides that entities that have and would maintain any proprietary right in the project after it is licensed should be listed as applicants. An owner of any property that the applicant intends to obtain by purchase or condemnation clearly would not *maintain* any proprietary right necessary to construct, operate, or maintain that applicant's project and, therefore, should not be listed as an applicant under § 4.30(d).

Petitioner's recommendation that the Commission guard against hidden hybrid applications by requiring identification of all persons with property related to a proposed project and submittal of "copies of all proposed or executed contracts and agreements with any other entity relating to the control or use of any proposed project," is not adopted. There are questions about the usefulness of such a requirement, particularly in the case of preliminary permit applications. The Commission does not wish, in any event, to establish a filing requirement of the sort recommended by the petitioner at this late stage of this proceeding. This information is currently obtainable by the Commission in those few cases where it is needed.

B. Substantiation of Competence as a Municipality Under State Law [§§ 4.51(a)(5)(i) and 4.81(a)(4)]

In the final rule, §§ 4.51(a)(5)(i) and 4.81(a)(4) are amended to require a municipality to submit as part of its application evidence of competency under state law to develop, transmit, utilize or distribute power. Petitioner believes these provisions will result in a municipality being automatically treated as a non-public entity if the application is deficient in this respect. As the preamble clearly states, this is not the case. "If a municipality fails to submit evidence of competence, this fact will be included in the Commission's assessment of any application deficiencies and, if the cumulative deficiencies do not warrant rejection of the application, the municipality will be granted the usual time to submit the needed information before the priority status obtained by filing is lost." 46 FR 55246. Petitioner's argument nothwithstanding, failure to provide the necessary substantiation on this point will be part of the Commission's

[1] Final Rule, "Revisions to Certain Regulations Governing Applications for Preliminary Permit and License for Water Power Projects," (Docket No. RM81–15–000) issued October 29, 1981, 46 Fed. Reg. 55,245 (November 9, 1981), FERC Stat. and Reg. Preambles (1977–1981) ¶30,305.

[2] On April 28, 1982, the Commission issued Order No. 225, which revised and reorganized its Rules of Practice and Procedure (47 FR 19014, May 3, 1982). That final rule replaced the automatic intervention provision in Order No. 183 applicable only to preliminary permit proceedings with a provision (§ 385.214(c)) making automatic intervention possible, with certain limitations, in all Commission proceedings. Rule 214 is based on the Commission's belief that intervention by notice serves the interests that both the Commission and prospective participants have in efficient administration.

[3] Final Rule, "Amendments to Regulations Governing Case-by-Case Exemption From All or Part of Part I of the Federal Power Act for Small Hydroelecric Power Projects With an Installed Capacity of 5 Megawatts or Less," (Docket No. RM82–2–000) issued August 27, 1982, 47 FR 38506 (September 1, 1982) at 38511.

[4] The preamble to the final rule explains that "§ 4.30(d) is added to remind applicants that any person possessing or intending to acquire such proprietary interests and to maintain them when the proposed project is operational should be a coapplicant for a permit or a license. When, at the licensing stage, the Commission accounts for all interests in a project, the license applicant(s) must be determined to control all the interests essential to managing the development. If other persons in fact have or share those interests, the applicant risks loss of whatever priorities it may have established." 46 FR 55246.

consideration of whether the application is deficient.

Petitioner also notes that § 4.51(a)(5)(i) specifies that municipal charters may be acceptable evidence of competency to engage in the power business, but that § 4.81(a)(4) does not.[5] The Commission considers a municipal charter to be acceptable evidence under the term "appropriate legal authority" in § 4.81(a)(4). Therefore, in order to eliminate any possible misunderstanding, the Commission is clarifying § 4.81(a)(4) to specify that a municipal charter may be acceptable evidence of municipal competency.

C. Changing Filing Dates of Applications When Material Amendments are Made (§ 4.35)

Under new § 4.35, a material amendment to a pending preliminary permit or license application results in the application being assigned a new filing date as a new application, conceivably at the expense of priority in time. Although the Commission has previously addressed petitioner's objections to this provision [6]—*i.e.*, that it impedes the licensing process, fails to remedy the situation it was intended to remedy, and retards the fullest and best development of hydropower resources—two contentions do warrant discussion.

The petitioner argues that the regulation is contrary to section 7(a) of the Federal Power Act (Act) because it does not allow a state or a municipality the right to upgrade its application *at any time*. Section 7(a) states that, in considering permit applications and license applications where no permit has been issued, the Commission must give preference to applications by states and municipalities, "provided the plans for the same are deemed by the Commission equally well adapted, or shall *within a reasonable time to be fixed by the Commission* be made equally well adapted, to conserve and utilize in the public interest the water resources of the region * * *." (emphasis added). The Commission does not agree that the Act provides an unlimited right to amend. However, the Act does afford a state or a municipality a "reasonable time" to make its plans equally well adapted in response to a competitor's plans, presumably to preserve the importance of the preference clause while ensuring optimal development.

Section 4.35 of the Commission's regulations is not intended to curtail this right and cannot be used as a means of assigning a new filing date if an amendment is designed to make a preference applicant's plans "equally well adapted" as the plans of a competing applicant. When the Commission notifies the state or municipality that its plans are inferior, it will fix a reasonable period of time for the state or municipality to amend its plans to make them equally well adapted.[7] In such cases, § 4.35 would not apply and the original filing date would be retained. The practice of not applying the provisions of § 4.35 to amendments such as these is not clear on the face of that section. The Commission is, therefore, amending § 4.35 to clarify this point.[8]

For the foregoing reasons, the Commission orders that: The Application for Rehearing by the law firm of Spiegel and McDiarmid is denied in part and is granted in part, to the extent of the clarifications set forth below.

(Federal Power Act, as amended, 16 U.S.C. 792–828c (1976); Department of Energy Organization Act, 42 U.S.C. 7101–7352 (Supp. IV 1980); E.O. No. 12009, 3 CFR Part 142 (1978); 5 U.S.C. 553 (Supp. IV 1980))

List of Subjects in 18 CFR Part 4

Electric power.

In consideration of the foregoing, Part 4, Chapter 1 of Title 18, Code of Federal Regulations, is amended as set forth below, effective May 16, 1983.

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 4—[AMENDED]

1. In § 4.35, paragraph (a) is revised to read as follows:

§ 4.35 Amendment of application; date of acceptance.

(a) *General rule.* (1) Except as provided in subparagraph (a)(2), if an applicant amends its filed license or preliminary permit application in order to change the status or identity of the applicant or materially amend the proposed plans of development, the Commission will change the date of acceptance of the application under § 4.31(e) to the date on which the amendment is filed with the Commission and consider the amended application as a new filing for the purposes of disposing of competing applications under § 4.33 and reissuing public notice of the application under § 4.31(c)(2).

(2) *Exceptions.* This section does not apply to:

(i) Any corrections of deficiencies made pursuant to § 4.31(d)(1);

(ii) Any amendments made pursuant to § 4.33(g)(4) by a state or a municipality to amend its proposed plans of development to make them as well adapted as the proposed plans of an applicant that is not a state or a municipality;

(iii) Any amendments made pursuant to § 4.33(h)(2) by a priority applicant to amend its proposed plans of development to make them as well adopted as the proposed plans of an applicant that is not a priority applicant.

* * * * *

2. In § 4.81, paragraph (a)(4) is revised to read as follows:

§ 4.81 Contents of application.

* * * * *

(a) *Initial statement:* * * *

(4) [Name of applicant] is a [citizen, association of citizens, domestic corporation, municipality, or state, as appropriate]. [If the applicant is a municipality, the applicant must submit copies of applicable state or local laws or a municipal charter or, if such laws or documents are not clear, any other appropriate legal authority, evidencing that the municipality is competent under such laws to engage in the business of developing, transmitting, utilizing, or distributing power].

* * * * *

[FR Doc. 83-9861 Filed 4-13-83; 8:45 am]

BILLING CODE 6717-01-M

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18 CFR Parts 4, 16, 131 and 375

[Docket No. RM81-10-000]

Application for License for Minor Water Power Projects and Major Water Projects 5 Megawatts or Less

Issued: April 8, 1983.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order denying rehearing.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is issuing an order that denies a petition for rehearing of the final rule that expands the applicability of the so-called "short-form" license application to include both minor water power projects and major water power projects of 5 megawatts or less. For reasons detailed in the rehearing order, the Commission denies the petitioner's request for modification of the final rule.

[5] Sections 4.41(a)(5)(i) and 4.61(b)(6)(i) also specify that municipal charters are evidence of competency to engage in the power business.

[6] 46 FR 55249.

[7] *See* Section 4.33(g)(4). *See also* Arkansas Valley Electric Cooperative, *et al.* 13 FERC ¶ 61,048, October 20, 1980.

[8] This dicussion applies equally to a permittee that submits an acceptable application for license within the permit period. *See* § 4.33(h)(2).

EFFECTIVE DATE: April 8, 1983.

FOR FURTHER INFORMATION CONTACT: Joseph H. Long, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, (202) 357-8033.

SUPPLEMENTARY INFORMATION:

In the matter of application for license for minor water power projects and major water power projects 5 megawatts or less, Docket No. RM81-10-000, Order No. 185-A; order denying rehearing.

Issued April 8, 1983.

I. Introduction

On November 6, 1981, the Federal Energy Regulatory Commission (Commission) issued a final rule which, among other things, expands the applicability of the so-called "short-form" application to include both minor water power projects and major water power projects of 5 megawatts (MW) or less.[1] This rule was designed in general to simplify and expedite hydropower development by easing the burden of preparing license applications and by assisting the Commission in more rapid processing of applications.

On December 7, 1981, the Municipals filed a timely petition for rehearing.[2] On January 6, 1982, the Commission granted rehearing of the Municipals' petition solely for the purpose of further consideration.

II. Background

Prior to the final rule in this docket, short-form license applications could be filed under §§ 4.60 and 4.61 only for minor water power projects of 1.5 MW or less installed capacity. In the final rule, the Commission expanded the applicability of §§ 4.60 and 4.61 to also include applications for initial or new licenses for major water power projects of 5 MW or less installed capacity. The Commission thereby greatly reduced the amount of information required from a license applicant for a water power project with an installed capacity of between 1.5 MW and 5 MW.[3]

The final rule has been designed to ensure that the Commission can still meet its responsibilities under the Federal Power Act even though license applicants for smaller, major water power projects could now use the short-form application.

III. Issues Raised by Municipals

The Municipals raise three issues on rehearing of this rule. First, the Municipals argue that license applicants for major water power projects of 5 MW or less should be required to state "the measure of control or ownership exercised by the applicant in any other organization or over applicant by any other organization * * *."[4] Second, the Municipals assert that § 4.61 should require a license applicant for such a project to submit a "statement of the applicant's plans, if any, for future development of the project or of any other existing or proposed water power project on the stream or other body of water, indicating the approximate location and estimated installed capacity of the proposed developments."[5] Third, the Municipals argue that § 4.61(a)(3) is not sufficiently clear that maintenance and repair work is permitted on an existing dam at the proposed project site to the extent necessary to protect lives or preserve the structural integrity of the dam.[6]

In expanding the applicability of §§ 4.60 and 4.61 to include license applications for major water power projects with 5 MW or less installed capacity, the Commission excluded information that was not needed at all or that was needed only infrequently. This reduction in required information relieves both an undue filing burden on applicants and an administrative burden on the Commission. The information desired by the Municipals, that on "control" and on "future plans of development," has not been sufficiently useful in the past to warrant a generic requirement on all prospective licensees. In the unusual case where the Commission believes that this type of information is necessary to determine whether to issue a license, the Commission can and will request such information on a case-by-case basis.[7]

With respect to the Municipals' third argument on rehearing, the Commission believes that the final rule and its preamble clearly state the Commission's position, *i.e.*, forbidding prelicense work on proposed project works but allowing limited emergency work on an existing dam that would be part of a proposed project.[8] The Commission does not interpret § 4.61(a)(3) to prohibit such work, and the preamble of the final rule adequately explains the meaning of § 4.61(a)(3).

For the foregoing reasons, the Commission orders that: That Application for Rehearing by the Massachusetts Municipal Wholesale Electric Company and the Cities and Towns of Bedford, Blackstone, Culpeper, Danville, Elkton, Franklin, Front Royal, Harrisonburg, Manassas, Martinsville, Radford, Richlands, Salem and Wakefield, Virginia is denied.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9962 Filed 4-13-83; 8:45 am]

BILLING CODE 6717-01-M

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[1] Docket No. RM81-10-000, Order No. 185, issued Nov. 6, 1981, 46 FR 55,944 (Nov. 13, 1981); FERC Stat. and Reg. Preambles (1977-1981) ¶ 30,309. The provisions of the final rule are codified primarily in 18 CFR 4.60 and 4.61.

[2] "Application For Rehearing On Behalf of The Massachusetts Municipal Wholesale Electric Company and The Cities and Towns of Bedford, Blackstone, Culpeper, Danville, Elkton, Franklin, Front Royal, Harrisonburg, Manasses, Martinsville, Radford, Richlands, Salem and Wakefield, Virginia" ("Municipals' Application"). The petitioners are referred to collectively as the "Municipals."

[3] The Commission and its predecessor, the Federal Power Commission, have maintained a distinction between "major" and "minor" projects based on section 10(i) of the Federal Power Act (Act). That provision permits waiver of some provisions or requirements of the Act for projects with not more than 2000 horsepower, or 1.5 MW, of installed capacity. Such a waiver is manifested in the kinds of conditions contained in licenses for projects above ["major"] and below ["minor"] the 1.5 MW demarcation. *See* 18 CFR 2.9. The construction and operation of minor projects under less stringent license conditions than major projects will continue unchanged by this rule. However, this rule allows license application procedures for minor projects to apply (with the exception of an Exhibit E for unconstructed projects) to major projects with an installed capacity of 5 MW or less.

[4] Municipals' Application, at 1. Former § 131.2(4) required all prospective licensees to provide this statement in their license applications. Section 131.2 was revoked in Docket No. RM80-39, Order No. 184, issued Nov. 6, 1981, 46 FR 55,926, (Nov. 13, 1981). Accordingly, this aspect of the Municipals' rehearing petition is not within the scope of this rulemaking.

[5] Municipals' Application, at 2 and 3. This information is required in the license application for a proposed project with installed capacity of more than 5 MW. *See* § 4.51(c)(4).

[6] Municipals' Application, at 2 and 3.

[7] *See, e.g.*, section 9(c) of the Federal Power Act, 16 U.S.C. 802(c).

[8] The preamble states that prelicense work "should be undertaken only to the extent necessary to protect lives or preserve the structural integrity of the dam." The preamble also makes it clear that the project works described in an application should not be changed substantially while the Commission reviews an applicant's proposal. 46 FR, at 55,946.

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18 CFR Part 271

[Order No. 286; Docket No. RM79-76-141 (Texas-24)]

High-Cost Gas Produced From Tight Formations; Texas

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions

which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.203). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the Railroad Commission of Texas that the Garza Sand be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: This rule is effective May 16, 1983.

FOR FURTHER INFORMATION CONTACT: Steven Ross, (202) 357–8571, or Walter Lawson, (202) 357–8556.

SUPPLEMENTARY INFORMATION:

Issued: April 7, 1983.

The Federal Energy Regulatory Commission (Commission) hereby amends § 271.703(d) of its regulations to include the Garza Sand, underlying land in Duval County, Texas, as a designated tight formation, eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by the Director, Office of Pipeline and Producer Regulation, issued October 28, 1982 (47 FR 49852, November 3, 1982),[1] based on a recommendation by the Railroad Commission of Texas (Texas), in accordance with § 271.703, that the Garza Sand be designated as a tight formation.

Evidence submitted by Texas supports the assertion that the Garza Sand meets the guidelines contained in § 271.703(c)(2). the Commission adopts the Texas recommendation.

This amendment shall become effective thirty days after publication in the **Federal Register**.

List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

(Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432; Administrative Procedure Act, 5 U.S.C. 553)

In consideration of the foregoing, Part 271 of Subchapter H, Chapter I, Code of Federal Regulations, is amended as set forth below.

[1] No comments or requests for a public hearing were received by the Commission in this docket.

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 271—[AMENDED]

Section 271.703 is amended by adding paragraph (d)(122) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.*

* * * * *

(122) *Garza Sand in Texas.* RM79–76–141 (Texas-24).

(i) *Delineation of Formation.* The Garza Sand is found in Duval County in Texas. The designated area is located approximately 3 miles west of the city of Concepcion, Texas, in Railroad Commission District 4 and includes portions of the following surveys: Andres Garcia Heirs Survey, Abstract 657; Santos Flores Survey, Abstract 475; R. Ramirez Survey, Abstract 475; and Marcello Ynojosa Survey, Abstract 628.

(ii) *Depth.* The top of the Garza Sand ranges from a measured depth of −6,700 feet to approximately −7,400 feet subsea.

[FR Doc. 83-9867 Filed 4-13-83; 8:45 am]

BILLING CODE 6717-01-M

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18 CFR Part 271

[Order No. 287; Docket No. RM79–76–147 (Texas-3 Addition II Amendment)]

High-Cost Gas Produced From Tight Formations; Texas

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determined that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.203). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the Railroad Commission of Texas that the Credo, East (Cisco, Upper) Field Formation, designated as a tight formation in Docket No. RM79–76 (Texas-3 Addition II), be amended.

EFFECTIVE DATE: This rule is effective May 16, 1983.

FOR FURTHER INFORMATION CONTACT: Steven Ross, (202) 357–8571, or Walter Lawson, (202) 357– 8556.

SUPPLEMENTARY INFORMATION:

Issued: April 7, 1983.

The Federal Energy Regulatory Commission (Commission) hereby amends § 271.703(d) of its regulations to include an additional area of the Credo, East (Cisco, Upper) Field Formation, underlying lands in Sterling County, Texas, as a designated tight formation, eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by the Director, Office of Pipeline and Producer Regulation, issued November 18, 1982. FR 53033, November 24, 1982),[1] based on an amended recommendation by the Railroad Commission of Texas (Texas) in accordance with § 271.703, that the additional area of the Credo, East (Cisco, Upper) Field Formation be designated as a tight formation.

The Commission previously adopted Texas' original recommendation that the Credo, East (Cisco, Upper) Field Formation be designated as a tight formation.[2] However, in the text of its original recommendation, Texas inadvertently omitted eleven sections of land from the recommended area, and thus such land was not included in the area designated in Order No. 239. Texas subsequently submitted an amended recommendation, in this docket, for the Credo, East (Cisco, Upper) Field Formation to include those areas omitted from the original recommedation.

Evidence submitted by Texas supports the assertion that the addition area of the Credo, East (Cisco, Upper) Field Formation meets the guidelines contained in § 271.703(c)(2). The Commission adopts the Texas amended recommendations.

This amendment shall become effective thirty days after publication in the **Federal Register.**

List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

(Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432; Administrative Procedure Act, 5 U.S.C. 553)

[1] Comments were invited on the proposed rule and one comment supporting the amended recommendation was received. No party requested a public hearing and no hearing was held.

[2] *See*, Order No. 239, Docket No. RM79–76 (Texas-3 Addition II), issued June 23, 1982 (47 FR 28366, June 30, 1982).

In consideration of the foregoing, Part 271 of Subchapter H, Chapter I, Code of Federal Regulations, is amended as set forth below.

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 271—[AMENDED]

Section 271.703 is amended by revising paragraph (d)(12)(ii)(A) to read as follows:

§ 271.703 [Amended]

* * * * *

(d) *Tight formations.* * * *

(12) *The Cisco Sandstone Formation in Texas.* RM79–76 (Texas-3).

* * * * *

(ii) *The Credo, East (Cisco, Upper) Field.*

(A) *Delineation of formation.* The Upper Cisco Formation is located in the northwestern corner of Sterling County, in west Texas, Railroad Commission District 8, and includes Sections 149, 150, 151, 170, 171, 172, 177, 178, 179, 198 through 207 and 226 through 230 of Block 29, W&NW RR Co. Survey; Sections 1 through 6 and 15 through 18 of Block 30, W&NW RR Co. Survey; Sections 1 through 5, 5½, 5¾, 6(A–1013), 6(A–1269, A–1293 and A–1305), 7 through 10, 10½, and 11 through 13 of Block 31, TWP. 4–S, T&P RR Co. Survey; Section 2 of Lily Roberts Survey; Sections 1, 2 and 4 of J. G. Soulard, Survey; Sections 5 through 8, and 18 of Block 14, SP & RR Co. Survey; Sections 1 through 36 of Block 23, H & TC RR Co. Survey; and Sections 46 through 50, 95 through 101, 127, 182, and 207 of Block 17, SP & RR Co. Survey.

* * * * *

[FR Doc. 83–9868 Filed 4–13–83; 8:45 am]

BILLING CODE 6717–01–M

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18 CFR Part 271

[Order No. 288; Docket No. RM79–76–149 (Texas-3 Addition IV)]

High-Cost Gas Produced From Tight Formations; Texas

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.203). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the Railroad Commission of Texas that an additional area of the Cisco-Canyon Formations be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: This rule is effective May 16, 1983.

FOR FURTHER INFORMATION CONTACT: Steven Ross, (202) 357–8571, or Walter Lawson, (202) 357–8556.

SUPPLEMENTARY INFORMATION:

Issued: April 7, 1983.

The Federal Energy Regulatory Commission (Commission) hereby amends § 271.703(d) of its regulations to include an additional area of the Cisco-Canyon Formations, underlying lands in Glasscock, Reagan, and Sterling Counties, Texas, as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by the Director, Office of Pipeline and Producer Regulation, issued December 16, 1982 (47 FR 57058) (December 22, 1982),[1] based on a recommendation by the Railroad Commission of Texas (Texas) in accordance with § 271.703, that the additional area of the Cisco-Canyon Formations be designated as a tight formation.

Evidence submitted by Texas [2] supports the assertion that the additional area of the Cisco-Canyon Formations meets the guidelines contained in § 271.703(c)(2). The Commission adopts the Texas recommendation.

This amendment shall become effective thirty days after publication in the Federal Register.

List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

(Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.;* Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432; Administrative Procedure Act, 5 U.S.C. 553)

In consideration of the foregoing, Part 271 of Subchapter H, Chapter I, Code of Federal Regulations, is amended as set forth below.

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 271—[AMENDED]

Section 271.703 is amended by revising paragraph (d)(12)(iii)(A) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* * * *

(12) *Cisco Sandstone Formation in Texas.* RM79–76–149 (Texas-3 Addition IV).

* * * * *

(iii) *The Cisco-Canyon Formation.* (A) *Delineation of formation.* The Cisco-Canyon Formations are found in the area of the Conger, S.W. (Penn) Field in Glasscock, Reagan and Sterling Counties, Texas, Railroad Commission Districts 7C and 8. The area includes the following sections: T. & P. RR. Co. Block 33, T–5–S, Sections 34, 36, and W½ of 38; T. & P. RR. Co. Block 32, T–5–S, Sections 40, 41, 42 and 46; T. & P. RR. Co. Block 2, Sections 44, 50, 62, 70, 90, 100, 118, 128, 146, 155 and 156; G. C. & S. F. RR., Sections 1 and 3; C. T. & M. C. RR., Section 2; E. L. & RR., Sections 3 and 4; W. R. Barton, Section 4; S. H. Birdwell, Section 17; Brooks & Burleson, Sections 1 and 2; D. L. Carver, Section 4; T. B. Wilson, Section 2; and approximately the south half of H. T. Tweedle, Section 2 (I. W. Terry Fee).

* * * * *

[FR Doc. 83–9869 Filed 4–13–83; 8:45 am]

BILLING CODE 6717–01–M

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18 CFR Part 271

[Docket No. RM79–76–098 (Montana—1)]

High-Cost Gas Produced From Tight Formations; Order Remanding Recommendation to Jurisdictional Agency

Issued April 7, 1983.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order remanding recommendation to jurisdictional agency.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain

[1] Comments were invited on the proposed rule and one comment supporting the recommendation was received. No party requested a public hearing and no hearing was held.

[2] The calculations for permeability and flow rates submitted by Texas are based on median values, rather than average values. However, using the data submitted by Texas in support of its recommendation, the Commission has determined that the arithmetic average values for permeability and flow rates for the subject formation also satisfy the Commission's guidelines in § 271.703(c)(2).

types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.203). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This order remands to the State of Montana Board of Oil and Gas Conservation (Montana) its recommendation that the Bowdoin, Greenhorn, and Phillips Formations each be designated as a tight formation under § 271.703(d), and requests that Montana provide additional information and resubmit its recommendation.

DATE: This order is issued April 7, 1983.

FOR FURTHER INFORMATION CONTACT: Steven Ross, (202) 357–8571 or Victor Zabel (202) 357–8616.

SUPPLEMENTARY INFORMATION:

Order Remanding Jurisdictional Agency Recommendation for Tight Formation Designation

Issued April 7, 1983.

In the matter of high-cost gas produced from tight formations; Docket No. RM79–76–096, (Montana—1).

I. Background

On January 29, 1982, the Federal Energy Regulatory Commission (Commission) received a recommendation pursuant to § 271.703 of the Commission's regulations (18 CFR 271.703), from the State of Montana Board of Oil and Gas Conservation (Montana), that the Bowdoin, Greenhorn, and Phillips Formations located in Phillips and Valley Counties, Montana, each be designated as a tight formation. The recommendation was proposed in a Notice of Proposed Rulemaking by the Director, Office of Pipeline and Producer Regulation (Director), issued June 1, 1982 (47 FR 24342, June 4, 1982). Inasmuch as approximately 70% of the recommended area underlies Federal land and is under the jurisdiction of the United States Department of the Interior, Minerals Management Service (MMS), MMS reviewed the recommendation. By letter dated February 24, 1982, MMS informed the Commission that it did not appprove Montana's recommendation, stating that the production of gas from the subject formations presented neither extraordinary risk nor cost. By a letter to the Commission dated March 26, 1982, MMS reversed its position, and concurred with Montana's recommendation.[1]

In response to the June 1, 1982 Notice of Proposed Rulemaking, the Commission received several comments and requests for a public hearing. A public hearing concerning Montana's recommendation was held at the Commission on August 20, 1982. For purposes of this Order, those who responsed to the Notice of Proposed Rulemaking or testified at the public hearing, and urged the Commission to deny Montana's recommendation, will be described collectively as the "opposing commenters."[2]

The opposing commenters argued that gas produced from the subject area was not high-cost natural gas, and that the production of such gas did not involve extraordinary risks or costs. These commenters pointed to the fact that numerous applications for infill drilling in adjacent areas have been received by Montana subsequent to its recommendation to the Commission regarding the subject formation. Applications for infill drilling arguably indicate that the area can be economically developed absent the tight formation incentive price.

The opposing commenters also stated that Montana's recommendation failed to meet the Commission's guidelines. In support of this allegation, these commenters stated that excessive net pay thicknesses were used for the calculations of average permeability in the recommendation, which resulted in lower permeability calculations. The opposing commenters also argued that drill-stem tests of dry holes were included in the recommendation, which also lowers the permeability and flow rate values.

The accuracy of the production rates submitted to Montana was also questioned. One opposing commenter argued that Petroleum Corporation of America (PCA), a company which supplied data to Montana in the proceedings which Montana held on the subject formations, excluded drill-stem tests which yielded high permeabilities, while including tests with zero production rates. These zero production rates submitted by PCA were alleged by the opposing commenters to be from plugged and abandoned wells that were never put on production, in contravention of the requirement in § 271.703(c)(2)(i)(B) that information be included in the recommendation concerning the stabilized production rates of wells *completed for production*. This opposing commenter also noted that information on the Petroleum Information Service cards regarding production rates for various wells in the recommended area, differed from that submitted to Montana. Finally, one opposing commenter asserted that there was no evidence in the record to indicate that the flow rates submitted were made under stabilized conditions, as is required in § 271.703(c)(2)(i)(B).

The opposing commenters also addressed the propriety of actions taken by MMS in this docket. In its February 24, 1982 letter, MMS stated that it believed that the applicant seeking the tight formation designation from Montana, as well as its expert witnesses, employed excessive manipulation of the data to establish permeability values and prestimulation flow rates. MDU alleges that MMS' March 26, 1982 letter, in which it reversed its position, was written after MMS made post-hearing contacts with persons who had filed the applications seeking the subject tight formation recommendations. MDU further claims that those opposing the application had no knowledge of these post-hearing contacts, and thus had no opportunity to counter the off-the-record arguments, cross-examine the witnesses, or consider any of the information presented during these contacts.

On June 30, 1982, an attorney for PCA stated the February 24, 1982 analysis by MMS was an inaccurate review of the tight formation application. Such inaccuracy was said to result from the consideration by MMS of wells that were not within the recommended area. According to PCA, the March 26, 1982 letter reflected a more thorough investigation of the application. In a letter dated August 12, 1982, Mr. Harold L. Doley, Jr., of MMS, reiterated his agreement with the conclusion submitted to the Commission in the March 26, 1982 letter.[3] The opposing

[1] On April 22, 1982, the Commission received a letter from Montana-Dakota Utilities Co. (MDU) protesting the actions of MMS. On April 26, 1982, the Commission received a similar letter from the Montana Public Service Commission (MPSC), which requested that the Commission investigate the circumstances behind the MMS March 26, 1982 letter. The Commission was subsequently notified on May 11, 1982, by Senator Max Baucus, that the matter raised by MDU and MPSC had been forwarded to the United States Comptroller General. The GAO report on MMS involvement in the subject tight formation recommendation has yet to be released.

[2] Those commenters opposing Montana's recommendation are Montana-Dakota Utilities Co., Montana Public Service Commission, and Southern California Gas Company with Pacific Lighting Gas Supply Company. A comment in support of Montana's recommendation was filed by Petroleum Corporation of America.

[3] Mr. Doley further added that MMS "strongly opposes and rejects the rationale that drilling of

commenters requested that the Commission consider only the February 24, 1982 letter opposing the tight formation recommendation, and desregard MMS' March 26, 1982 letter.

II. Discussion

In support of this recommendation, and in response to issues raised by the opposing commenters, the Commission has received six separate sets of data regarding the permeability and flow rate values for the recommended area. Three sets of data were sent to the Commission by Montana in the original application. On July 19, 1982, the Commission received a letter from Dr. James W. Crafton, a witness for PCA at the hearing before Montana. Dr. Crafton submitted new pre-stimulation production rate averages, as well as new *in situ* permeability averages for the subject formations. Dr. Crafton defended the analysis employed, stating that it is especially suited for the recommended area.

At the August 20, 1982 public hearing, PCA presented a fifth set of averages for *in situ* permeability and pre-stimulation production rates. Finally, the Commission received a letter from PCA's attorney on September 7, 1982, in which he submitted further revised data and stated that the Montana order excluded more land than had been voted on at the Montana hearing. By letter received by the Commission on September 17, 1982, Montana concluded that the acreage description in its order was correct.

Under the tight formation program, as detailed in Order No. 99,[4] tight formation recommendations submitted to the Commission by the various jurisdictional agencies are approved under the Commission's rulemaking authority. The Commission is not limited by the evidence in the record presented to it by the jurisdictional agency and the various commenters, and accordingly is free to request or to develop any additional evidence which it deems necessary in order for it to issue a rule in a tight formation designation proceeding.

Review of Montana's recommendation, as it presently stands, reveals that there are six sets of data for permeability averages and production rates and that there are problems attendant with each set. The first five sets included data on wells which were not within the recommended area. The accuracy of all of the data submitted has been challenged by the opposing commenters. It has also been alleged that the incentive price is not necessary to encourage production of this gas, and that the numerous applications for infill drilling orders for the recommended area indicate that the gas can be developed absent the incentive price. Moreover, it is also apparent that PCA, up to the time of the public hearing convened by this Commission, was unaware of the delineation of the acreage that had actually been recommended by Montana. Further, there are allegations of improper actions by MMS, as well as an ongoing investigation into these allegations by the GAO. Due to these problems, the Commission believes that it would be premature and inappropriate to take action in this docket based on the current state of the record. Montana and the interested parties should evaluate the problems raised regarding the accuracy and persuasiveness of the evidence submitted, as well as the other problems raised in this proceeding. Should Montana decide to resubmit its recommendation, it should include with that recommendation any new evidence that addresses the issues that have been raised in this docket.

III. The Commission Orders

Based on the above, the Commission hereby remands to the State of Montana Board of Oil and Gas Conservation its recommendation that the Bowdoin, Greenhorn, and Phillips Formations be designated as a tight formation so that Montana may obtain additional information and resubmit its recommendation, in accordance with the Commission's regulations in § 271.703 in accordance with the above discussion.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9849 Filed 4-13-83; 8:45 am]

BILLING CODE 6717-01-M

these shallow formations (average depth of which is 2,000 feet) and production of natural gas from them, would engender conditions that would present extraordinary risks or costs to the applicant."

[4] Docket No. RM79-76, issued August 22, 1980, FERC Statutes and Regulations Preambles 1977-1981, ¶30,183.

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18 CFR Part 294

[Docket No. RM79-52-000]

Interim Procedures for Shortages of Electric Energy and Capacity Under Section 206 of the Public Utility Regulatory Policies Act of 1978

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Extension of interim rule.

SUMMARY: The Federal Energy Regulatory Commission amends its rules to extend, through a period ending April 30, 1984, the interim rule implementing reporting procedures for shortages of electric energy and capacity, under section 206 of the Public Utility Regulatory Policies Act of 1978. Under the rule, each public utility now serving firm power wholesale customers must report to the Commission, the utility's customers, and appropriate State authorities, any shortages of electric energy or capacity anticipated to occur prior to April 30, 1984. Also, the rule requires each public utility to report any modifications of its plans for accommodating shortages which may occur before April 30, 1984.

EFFECTIVE DATE: May 1, 1983.

FOR FURTHER INFORMATION CONTACT: Bernard B. Chew, Office of Electric Power Regulation, 825 North Capitol Street NE., Room 504RB, Washington, D.C. 20426 (202) 376-9264; Kenneth J. Malloy, Rulemaking and Legislative Analysis Section, Office of General Counsel, 825 North Capitol Street NE., Room 8602-A, D.C. 20426 (202) 357-8033.

SUPPLEMENTARY INFORMATION:

Extension of Interim Rule

Issued: April 8, 1983.

The Federal Energy Regulatory Commission (Commission) is amending § 294.101 of its regulations (18 CFR 294.101 (1982)), which is an interim rule that requires electric utilities to report to the Commission anticipated shortages of electric energy and capacity as required by section 206 of the Public Utility Regulatory Policies Act of 1978 (PURPA). The amendment extends the effectiveness of the rule through April 30, 1984.

I. Discussion

Section 206 of PURPA amended the Federal Power Act by adding a new subsection (g) to section 202, under which the Commission is directed to require, by rule, that each public utility (1) provide prompt notice to the Commission and the appropriate state regulatory authority of any anticipated shortages of electric energy or capacity which would affect the utility's capability of serving its wholesale customers, (2) prepare and submit to the Commission and to any appropriate state regulatory authority contingency plans that would outline what circumstances might give rise to such shortages, and (3) accommodate such shortages while giving due consideration to the public health, safety, and welfare, and assuring that all persons served directly and indirectly are treated

without undue prejudice or disadvantage.

On June 15, 1979, the Commission issued, on an interim basis, 18 CFR 294.101 to implement section 206 of PURPA.[1] The Commission also issued a Notice of Inquiry requesting comments on various issues relating to the implementation of section 206 of PURPA.[2]

The Commission initially required public utilities serving firm power wholesale customers to submit a plan indicating how the utility would accommodate any shortages of electric energy or capacity affecting its firm power customers (accommodation plan), that might occur prior to September 30, 1979. 18 CFR 294.101(b)(1982). The accommodation plans were filed in 1979. The Commission currently requires all utilities to file amendments made prior to April 30, 1983, to the accommodation plans filed in 1979.

Paragraph (c) of the interim rule requires each utility to report immediately any shortage of electric energy or capacity that the utility anticipates will occur. In that report the utility must provide the Commission with certain information, including information regarding any procedures for accommodating a particular shortage, if they differ from the procedures set out in the utility's statement submitted pursuant to paragraph (b) of the interim rule.

II. Amendment to Interim Rule

Prior to this amendment, paragraph (a) defined "anticipated shortages of electric capacity or energy" as those situations which would result in shortages "anticipated to occur prior to April 30, 1983."[3] This amendment will extend the definition to cover shortages anticipated to occur prior to April 30, 1984, so that the Commission will be advised of any anticipated shortages which may occur during the coming year. Accordingly, the Commission is amending the interim rule.

Additionally, the interim rule is amended to extend to April 30, 1984, the requirement of paragraph (c) that a utility file a supplemental statement setting forth changes in the contingency plan on file with the Commission. A utility need not file a statement of its plan to accommodate shortages prior to April 30, 1984, if that plan does not vary from that set out in the statement already filed pursuant to paragraph (b).

III. Effective Date

Since the Commission is required by statute to have rules in effect regarding the continuance of electric service, good cause exists under 5 U.S.C. 553(b) to make this amendment effective on May 1, 1983, and to do so without prior notice and comment.

(Public Utility Regulatory Policies Act of 1978, Pub. L. 95-617, 92 Stat. 3117 (1978); Federal Power Act, 16 U.S.C. 792-828c (1976 & Supp. IV 1980))

List of Subjects in 18 CFR Part 294

Electric utilities, Reporting requirements.

In consideration of the foregoing, Part 294 of Chapter I, Title 18 of the Code of Federal Regulations, is amended as set forth below.

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 294—[AMENDED]

§ 294.101 [Amended]

In § 294.101, paragraphs (a)(1), (a)(2), and (b)(4) are amended by removing the date "1983" each time it appears and inserting in its place, the date "1984".

[FR Doc. 83-9965 Filed 4-13-83; 8:45 am]

BILLING CODE 6717-01-M

[1] Interim Regulations, 18 CFR 294.101 (1979), Docket No. RM79-52 (issued June 15, 1979), 44 FR 37,500 (June 27, 1979).

[2] Inquiry Implementing Section 206 of the Public Utility Regulatory Policies Act of 1978, Continuance of Service, Docket No. RM79-52, (issued April 22, 1980), 45 FR 28,162 (April 28, 1980). The Commission staff is reviewing the comments received in order to determine whether there are additional appropriate means of implementing section 206 of PURPA.

[3] This date was initially September 30, 1979, but was extended to April 30, 1980, by Interim Regulations, Docket No. RM79-52 (issued Oct. 23, 1979), 44 FR 61,953 (Oct. 29, 1979). It was extended to April 30, 1981, by Amendment to Extend Interim Regulations, Docket No. RM79-52 (issued April 1, 1980), 45 FR 23,684 (April 8, 1980), to April 30, 1982, by Amendment to Extend Interim Regulations, Docket No. RM79-52 (issued April 23, 1981), 46 FR 24,550 (May 1, 1981), and to April 30, 1983, by Amendment to Extend Interim Regulations, Docket No. RM79-52 (issued May 5, 1982), 47 FR 20,296 (May 12, 1982).

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 947

Surface Mining and Reclamation Operations Under a Federal Program for Washington

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Postponement of Effective Date and Extension of Comment Period on the Interim Federal Program for Washington.

SUMMARY: The Office of Surface Mining (OSM) is announcing the postponement of the effective date and the extension of the comment period for the interim final Federal program to regulate surface coal mining and reclamation operations in the State of Washington. This action is taken in response to the comments received.

DATES: The effective date is postponed until May 13, 1983 and written comments will be accepted until 5:00 p.m. April 28, 1983, at the address below.

ADDRESSES: Written comments must be mailed to: Administrative Record Room (R & I-21), Office of Surface Mining, Wyoming Field Office, P.O. Box 1420, Mills, Wyoming 82644

or hand delivered to:

Office of Surface Mining, Wyoming Field Office, Freden Building, 935 Pendell Boulevard, Mills, Wyoming 82644

FOR FURTHER INFORMATION CONTACT: James M. Kress, Branch of Regulatory Programs, Office of Surface Mining, U.S. Department of the Interior, 1951 Constitution Avenue, NW., Room 204, Washington, D.C. 20240, Telephone: (202) 343-5866.

SUPPLEMENTARY INFORMATION: On February 24, 1983, the Office of Surface Mining published an interim final Federal program for Washington in the **Federal Register** to regulate coal exploration and surface coal mining and reclamation operations on non-Federal and non-Indian lands in that State. 48 FR 7870, February 24, 1983. At that time, OSM announced that the effective date of the program would be April 25, 1983, and that comments would be accepted until April 14, 1983, on whether the pending revisions to OSM's permanent program rules made it necessary or desirable for OSM to modify the Washington Federal program, since the Washington Federal program cross-references those rules.

In response to public comment, OSM is now postponing the effective date of the Washington Federal program until May 13, 1983, and extending the comment period until April 28, 1983.

Because public hearings were held for the proposed Washington Federal program, none will be scheduled during this comment period. However, persons wishing to meet with OSM officials should contact the person listed above under **"FOR FURTHER INFORMATION CONTACT"** in order to schedule such a meeting.

Dated: April 11, 1983.

William B. Schmidt,

Assistant Director, Program Operations and Inspection, Office of Surface Mining.

[FR Doc. 83-9945 Filed 4-13-83; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 92

[CGD 78-079a]

St. Marys River Vessel Traffic Service

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is presently developing a final rule for St. Marys River Vessel Traffic Service (VTS). One purpose of the rulemaking is to delete several sections of the existing anchorage and navigation regulations for the St. Marys River which conflict with the Inland Navigation Rules. Because the Inland Navigation Rules came into effect on the Great Lakes on March 1, 1983 and the St. Marys River VTS regulations have yet to be issued, immediate action is required to eliminate existing conflicts. To that end, this docket has been split in two parts. This action, CGD 78-079a, removes sections of the existing anchorage and navigation regulations for the St. Marys River which conflict with the Inland Navigation Rules. A second action, CGD 78-079b, will deal with the remainder of the regulations discussed in the Notice of Proposed Rulemaking.

EFFECTIVE DATE: April 14, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Edward J. LaRue Jr., Project Manager, Office of Marine Environment and Systems, (202) 426-4958, between the hours of 8 a.m. and 4 p.m. Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: On January 5, 1981, the Coast Guard published a Notice of Proposed Rulemaking for St. Marys River VTS regulations (46 FR 946). Publication of the final rule was expected to predate the effective date of the statutory Inland Navigation Rules on the Great Lakes. This would have allowed the Coast Guard to remove several sections from the existing anchorage and navigation regulations for the St. Marys River (33 CFR Part 92) before they were superseded by parts of the Inland Navigation Rules. Because some questions concerning the proposed VTS regulations (mostly in the area of communication rules) have yet to be resolved, the entire final rule is not ready for publication. Therefore, the Coast Guard is dividing the rulemaking into two parts. This action, CGD 78-079a, removes the six sections of 33 CFR Part 92 which are in conflict with the Inland Navigation Rules. It is effective immediately. A separate action, CGD 78-079b, will contain the remainder of the regulations discussed in the Notice of Proposed Rulemaking and will be published at a later date.

Discussion

Section 92.39 of Title 33, Code of Federal Regulations, is deleted because Rule 27 of the Inland Navigation Rules (33 U.S.C. 2027) prescribes the visual signals for a vessel engaged in dredging or underwater operations, when restricted in her ability to manuever.

Section 92.41 is deleted because Rule 30 (33 U.S.C. 2030) prescribes the visual signals for a vessel aground.

Section 92.43 is deleted because Rule 35 (33 U.S.C. 2035) prescribes the sound signals for a vessel aground.

Section 92.45 is deleted because Rule 34 (33 U.S.C. 2034) prescribes the signals for vessels nearing a bend.

Section 92.63 is delete because Rules 9, 13, and 34 (33 U.S.C. 2009, 2013, 2034) prescribe the requirements for narrow channels, overtaking, and sound signals for overtaking, respectively.

Section 92.81 is deleted because Rule 18 (33 U.S.C. 2018) outlines responsibilities between vessels.

The deletion of the above sections was discussed in the Notice of Proposed Rulemaking. Although several comments were received, none addressed any of the six sections to be deleted. Recently, however, the Coast Guard received inquiries about whether the above sections, or the Inland Navigation Rules which conflict with those sections, take precedence. In order to avoid confusion, the Coast Guard is deleting the conflicting regulations immediately, before the navigation season is in full swing.

Regulatory Evaluation

This action has been reviewed under the provisions of Executive Order 12291 and under DOT Order 2100.5, dated May 5, 1980, and has been determined to be non-major and non-significant. This document deletes several sections of regulations which have been superseded by statute. No additional requirements are imposed on the public as a result of this rulemaking. For these reasons, in accordance with section 605(b) of the Regulatory Flexibility Act [94 Stat. 1164], it is certified that this rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 92

Anchorage grounds, Navigation (water), Waterways.

PART 92—[AMENDED]

In consideration of the foregoing, Part 92 of Title 33 of the Code of Federal Regulations is amended as follows:

§§ 92.39, 92.41, 92.43, 92.45, 92.63 and 92.81 [Removed]

1. Sections 92.39, 92.41, 92.43, 92.45, 92.63, and 92.81 are removed.

(Secs. 1-3, 29 Stat. 54-55, as amended. sec. 6 (b)(1), 80 Stat. 937; 33 U.S.C. 474, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b))

Dated: March 30, 1983.

B. F. Hollingsworth,

Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc. 83-9955 Filed 4-13-83; 8:45 a.m.]

BILLING CODE 4910-14-M

46 CFR Part 150

[CGD 82-100a]

Compatibility of Cargoes; Consolidation of Requirements

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: 46 CFR Part 150 contains requirements for compatible stowage of bulk liquid hazardous materials on tank vessels. This final rule updates the Compatibility of Cargoes Table found in Part 150 by adding additional cargoes approved for carriage since the final rule was published on October 23, 1980 (45 FR 70262).

EFFECTIVE DATE: April 14, 1983.

FOR FURTHER INFORMATION CONTACT: Joseph J. Jakabcin, Telephone 202-426-6262.

SUPPLEMENTARY INFORMATION: On November 15, 1982 (47 FR 51427), the Coast Guard published a notice of proposed rule-making. Interested persons were given a deadline of December 30, 1982 for submission of written comments. A public hearing was to be scheduled if requested by anyone raising a genuine issue. No request for a public hearing has been received. However, comments received called attention to several commodities which had been approved for bulk carriage but were not included in the notice of proposed rule-making. These commodities will be included in a forthcoming notice of proposed rule-making. It should be noted that the compatibility chart, its authorized exceptions and companion tables, listing chemicals alphabetically and by group,

will be updated periodically as the Coast Guard approves new chemical cargoes for carriage.

The addition of commodities to the table in Part 150 neither authorizes nor prohibits the carriage of a particular cargo. Authorized cargoes are listed in 46 CFR 151.01–10. The regulations in Part 150 simply identify those cargoes which are not compatible and prescribe minimum standards for keeping incompatible cargoes separated while being carried. Thus the rules in this part have only minimal economic impact.

Several changes are made to correct typographical errors of no substantive effect.

Regulatory Evaluation

These regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. In addition, these regulations are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification Analysis and Review of Regulations (DOT Order 2100.5 of 5–22–80). For the reasons set forth above, these rules have only a minimal impact; therefore, a full regulatory evaluation has not been prepared.

Regulatory Flexibility Evaluation

These regulations primarily involve tankbarge fleets owned and operated by major corporations. Accordingly, it is certified that under the Regulatory Flexibility Act this rule will not, if promulgated, have a substantial economic impact on a significant number of small entities.

List of Subjects in 46 CFR Part 150

Hazardous materials transportation.

Accordingly, Part 150 of Title 46 of the Code of Federal Regulations is amended as follows:

PART 150—COMPATIBILITY OF CARGOES

1. By adding the following in alphabetical order in Table I:

Acetophenone....18
Acetyl Tibutyl Citrate....34
Acrylamide Solution....10
Alcohols (Mixed)....20
Alkyl Phthalates (n-)....34
(2-Aminoethoxy) Ethanol, 2-....8
Ammonium Polyphosphate....43
Ammonium Sulfate Solution (20% or less)....43
Behenyl Alcohol....20
Butyl Heptyl Ketone (iso-)....18
Butyl Methacrylate, Decyl Methacrylate, Cetyl Eicosyl Methacrylate Mixture....14
Calcium Bromide Solution....43
Calcium Chloride Solutions....43
Carbon Black Base....33
Cashew Nut Shell Oil (untreated)....4
Chloronitrobenzene, 2-See Nitrochlorobenzene, ortho-
Chlorotoluene (m-, o-, p-)....36
Choline Chloride Solutions....20
Cresylic Acid....21
Cyclopentadiene Polymers....30
Cyclopentadiene, Styrene, Benzene Mixture....30
Diammonium Salt of Zinc Ethylene Diamine Tetraacetic Acid Solution....43
Dichloroisopropyl Ether....36
Dichlorophenol, 2,4-....21
Dichloropropane/1,3-Dichloropropene Mixture....15
Dichloropropionic Acid, 2,2-....4
Diethyl Sulfate....34
Diethylene Glycol Monophenyl Ether....40
Diglycidyl Ether of Bisphenol A....41
Diisononyl Phthalate....34
Diisooctyl Phthalate....34
Diisopropyl Benzene....32
Diisopropyl Napthalene....32
Dimethyl Acetamide....10
Dimethylcyclohexylamine....7
Dimethyloctanoic Acid, 2,2-....4
Dimethyl Phthalate....34
Dimethyl Polysiloxane....34
Dimethylpropane-1-3-Diol, 2,2-....20
Dipentene....30
Dipropylamine....7
Dipropylene Glycol Dibenzoate....34
Dodecylamine, Tetradsecylamine Mixture....7
Dodecyl Diphenyl Oxide Disulfonate Solution....43
Dodecyl Pentadecyl Methacrylate....14
Epoxy Resin....18
Ethyl-6-Methyl-n-(1-Methyl-2-Methoxy Ethyl) Aniline,2-....9
Ethylbutylamine(n-)....7
Ethylene Glycol Monoisopropyl Ether....40
Ethylene Glycol Phenyl Ether....40
Ethylidene Norbornene....30
Ethyl Hexylamine....7
Ethylhexioc Acid, 2-....4
Fatty Acid Amides....33
Formaldehyde, Methanol Mixtures....19
Glutaraldehyde Solution....19
Glyceryl Triacetate....34
Glycidyl Ester of Versatic Acid....34
Glycols, Resins, and Solvents Mixture....33
Heptanoic Acid(n-)....4
Heptene, 1....30
Herbicide ($C_{13}H_{20}NO_2Cl$)....33
Hydrofluorosilicic Acid....1
Kaolin Clay Slurry....43
Lignin Liquor (Calcium Ligno-Sulfonate, Water Solution)....43
Magnesium Nonyl Phenol Sulfide....33
Maleic Anhydride....11
Maleic Anhydride Copolymer....33
Methacrylic Acid....4
Methoxy Triglycol....40
Methyl Acetoacetate....34
Methylamine Solutions....7
Methyl iso-Amyl Ketone....18
Methyl-6-Ethyl Aniline, 2-....9
Methyl Heptyl Ketone....18
Methyl-2-Hydroxy-3-Butyne, 2-....20
Methyl Naphthalene....32
Methylolureas (20% Free Formaldehyde)....19
Methyl Pyridine, 2....9
Methyl Pyridine,3....9
Methyl Pyrrolidone (N-)....9
Methyl tert-Butyl Ether....41
Molassas....20
Naphtha, Cracking Fraction....33
Napthenic Acid....4
Nitrochlorobenzene, ortho-....42
Nonyl Phenol Sulfide....33
Octadecene-1....30
Octadecenoamide (Oleamide)....10
Oils, Aliphatic....33
Oils, Oiticia....34
Oils, Seal....34
Oils, Soapstock....34
Oils, Tung....34
Oils, White (Mineral)....33
Oils, Edible, Babassu....34
Oils, Edible, Coconut, Methyl Ester....34
Oils, Edible, Corn....34
Oils, Edible, Cotton Seed Fatty Acid....34
Oils, Edible, Rapeseed....34
Oils, Edible, Rice Bran....34
Oils, Edible, Soybean (epoxidized)....40
Oils, Edible, Sunflower Seed....34
Oleic Acid....4
Pentenenitrile (crude), 3-....37
Pentadiene, 1,3-....30
Pinene....30
Polyethylene Polyamines....7
Polyvinylbenzyltrimethyl Ammonium Chloride Solution....43
Pseudocumene (1,2,4-Trimethylbenzene)....32
Propionitrile....37
Rum....20
Sewage Sludge....43
Sodium Borohydride Solution (15% or less)/Sodium Hydroxide Solution....5
Sodium Carbonate Solutions....5
Sodium Cyanide Solution (30% or less)....5
Sodium Dimethyl Naphthalene Sulfonate, Aq. Solution....34
Sodium Hypochlorite Solution (15% or less)....5
Sodium Polyacrylate Solution....43
Sodium Silicate Solution....43
Stearic Acid....4
Tall Oil, Fatty Acid....34
Tallow Fatty Acid....34
Tallow Nitrile....37
Toluenediamine....9
Toluidine (ortho-)....9
Triarylphosphate....34
Tributyl Phosphate....34
Trichloroethane, 1,1,1-....36
Trichloro-1-2-2-Trifluoroethane, 1,1,2-....36
Tridecane....34
Triethylene Glycol Butyl Ether Mixture....40
Triethylene Glycol Ether Mixture....40
Triethyl Phosphate....34
Triisooctyl Trimellitate....34
Trimethyl Benzene, 1,2,4....32
Trimethyl Pentanediol-1-3-Diisobutyrate, 2,2,4-....34
Trimethyl-3-Pentanol-1-Isobutyrate, 2,2,4-....34
Tripropylene....30
Vinyl Acetate, Fumarate Copolymer....34
Vinyl Neodecanate....13
Zinc Bromide, Calcium Bromide Solution....43

2. In footnote 1, immediately following Table I, by changing G–MHM–3/TP to G–MTH–3

3. By adding the following entries in alphabetical order, under the headings indicated, in Table II:

1. *Non-Oxidizing Mineral Acids:*
Hydrofluorosilicic Acid
4. *Organic Acids:*
Cashew Nut Shell Oil (untreated)
Dichloropropionic Acid, 2,2-
Dimethyloctanoic Acid, 2,2-
Ethylhexoic Acid, 2-
Heptanoic Acid (n-)
Methacrylic Acid
Napthenic Acid
Oleic Acid
Stearic Acid
5. *Caustics:*
Sodium Borohydride Solution (15% or less)/
Sodium Hydroxide Solution
Sodium Carbonate Solutions
Sodium Cyanide Solution (30% or less)
Sodium Hypochlorite Solution (15% or less)
7. *Aliphatic Amines:*
Dimethylcyclohexylamine
Dipropylamine
Dodecylamine, Tetradecylamine Mixture
Ethylbutylamine (n-)
Ethyl Hexylamine
Methylamine Solutions
Polyethylene Polyamines
8. *Alkanolamines:* (2-Aminoethoxy) Ethanol, 2-
9. *Aromatic Amines:*
Ethyl-6-Methyl-n-(1-Methyl-2-Methoxy Ethyl) Aniline, 2-
Methyl-6-Ethyl Aniline, 2-
Methyl Pyridine, 2
Methyl Pyridine, 3
Methyl Pyrrolidone (N-)
Toluenediamine
Toluidine (ortho-)
10. *Amides:*
Acrylamide Solution
Dimethyl Acetamide
Octadecenoamide (Oleamide)
11. *Organic Anhydrides:* Maleic Anhydride
13. *Vinyl Acetate:* Vinyl Neodecanate
14. *Acrylates:*
Butyl Methacrylate, Decyl Methacrylate, Cetyl Eicosyl Methacrylate Mixture
Dodecyl Pentadecyl Methacrylate
15. *Substituted Allyls:* Dichloropropane/1,3-Dichloropropene Mixture
18. *Ketones:*
Acetophenone
Butyl Heptyl Ketone (iso-)
Epoxy Resin
Methyl iso-Amyl Ketone
Methyl Heptyl Ketone
19. *Aledhydes:*
Formaldehyde, Methanol Mixtures
Glutaraldehyde Solution
Methylorlureas (20% free Formaldehyde)
20. *Alcohols, Glycols:*
Alcohols (Mixed)
Behenyl Alcohol
Choline Chloride Solutions
Dimethylpropane-1-3-Diol, 2,2-
Methyl-2-Hydroxy-3-Butyne, 2-
Molassas
Rum
21. *Phenols and Cresols:*
Cresylic Acid
Dichlorophenol, 2,4-
30. *Olefins:*
Cyclopentadiene Polymers
Cyclopentadiene, Styrene, Benzene Mixture
Dipentene
Ethylidene Norbornene
Heptene, 1-
Octadecene-1
Pentadiene, 1,3-
Pinene
Tripropylene
32. *Aromatic Hydrocarbons:*
Diisopropyl Benzene
Diisopropyl Napthalene
Methyl Naphthalene
Pseudocumene (1,2,4-Trimethylbenzene)
Trimethyl Benzene, 1,2,4-
33. *Misc. Hydrocarbon Mixtures:*
Carbon Black Base
Fatty Acid Amides
Glycols, Resins, and Solvents Mixture
Herbicide ($C_{15}H_{22}NO_2C1$)
Magnesium Nonyl Phenol Sulfide
Maleic Anhydride Copolymer
Naphtha, Cracking Fraction
Nonyl Phenol Sulfide
Oils, Aliphatic
Oils, White (Mineral)
34. *Esters:*
Acetyl Tributyl Citrate
Alkyl Phthalates (n-)
Diethyl Sulfate
Diisononyl Phthalate
Diisooctyl Phthalate
Dimethyl Phthalate
Dimethyl Polysiloxane
Dipropylene Glycol Dibenzoate
Glyceryl Triacetate
Glycidyl Ester of Varsatic Acid
Methyl Acetoacetate
Oils, Oiticia
Oils, Seal
Oils, Soapstock
Oils, Tung
Oils, Edible, Babassu
Oils, Edible, Coconut, Methyl Ester
Oils, Edible, Corn
Oils, Edible, Cotton Seed Fatty Acid
Oils, Edible, Rapeseed
Oils, Edible, Rice Bran
Oils, Edible, Sunflower Seed
Sodium Dimethyl Naphthalene Sulfonate, Aq. Solution
Tall Oil, Fatty Acid
Tallow Fatty Acid
Triarylphosphate
Tributyl Phosphate
Tridecane
Triethyl Phosphate
Trilsooctyl Trimellitate
Trimethyl Pentanediol-1-3-Diisobutyrate, 2,2,4-
Trimethyl-3-Pertanol-1-Isobutyrate, 2,2,4-
Vinyl Acetate, Fumarate Copolymer
36. *Halogenated Hydrocarbons:*
Chlorotoluene (m-, o-, p-)
Dichloroisopropyl Ether
Trichloroethane, 1,1,1-
Trichloro-1-2-2-Trifluoroethane, 1,1,2-
37. *Nitriles:*
Pentenenitrile (crude), 3-
Propionitrile
Tallow Nitrile
40. *Glycol Ethers:*
Diethylene Glycol Monophenyl Ether
Ethylene Glycol Monoisopropyl Ether
Ethylene Glycol Phenyl Ether
Methoxy Triglycol
Oils, Edible, Soybean (epoxidized)
Triethylene Glycol Butyl Ether Mixture
Triethylene Glycol Ether Mixture
41. *Ethers:*
Diglycidyl Ether of Bisphenol A
Methyl tert-Butyl Ether
42. *Nitrocompounds:* Nitrochlorobenzene, ortho-
43. *Miscellaneous Water Solutions*
Ammonium Polyphosphate
Ammonium Sulfate Solution (20% or less)
Calcium Bromide Solution
Calcium Chloride Solutions
Diammonium Salt of Zinc Ethylene Diamine Tetraacetic Acid Solution
Dodecyl Diphenyl Oxide Disulfonate Solution
Kaolin Clay Slurry
Lignin Liquor (Calcium Ligno-Sulfonate, Water Solution)
Polyvinylbenzyltrimethyl Ammonium Chloride Solution
Sewage Sludge
Sodium Polyacrylate Solution
Sodium Silicate Solution
Zinc Bromide, Calcium Bromide Solution

Dated: March 25, 1983.

Clyde T. Lusk, Jr.,

Rear Admiral, Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc. 83-9853 Filed 4-13-83; 8:45 am]
BILLING CODE 4910-14-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 82-718; RM-4182]

FM Broadcast Stations in Farmington, New Mexico; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns a third FM channel to Farmington, New Mexico, in response to a petition filed by San Juan Broadcasting Corp.

DATE: Effective June 6, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau, (202) 634–6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Report and Order (Proceeding Terminated)

In the matter of; amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Farmington, New Mexico), BC Docket

No. 82-718, RM-4182.

Adopted: March 23, 1983.

Released: April 6, 1983.

By the Chief, Policy and Rules Division.

1. The Commission herein considers the Notice of Proposed Rule Making, 47 FR 49420, published November 1, 1982, proposing to assign Channel 271 to Farmington, New Mexico, as its third FM assignment. The Notice was issued in response to a petition filed by San Juan Broadcasting Corporation [1] ("petitioner"). Petitioner filed comments in support of the proposal. No oppositions were received.

2. We are satisfied that the public interest would be served by the proposed assignment, which could provide Farmington with its third FM service. The channel can by assigned in compliance with the minimum distance separation requirements.

3. Accordingly, pursuant to the authority contained in §§ 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered, That effective June 6, 1983, the FM Table of Assignments, § 73.202(b) of the Rules, is amended with respect to the following community.

City	Channel No.
Farmington, New Mexico	225, 245, and 271.

4. *It is further ordered,* That this proceeding is *terminated.*

5. For further information concerning this proceeding, contact Montrose H. Tyree, Mass Media Bureau, (202) 634-6530.

[1] San Juan Broadcasting Corporation is the licensee of Station KKBK(AM), Aztec, New Mexico.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-9618 Filed 4-13-83; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 82-717; RM-4185]

FM Broadcast Stations in Winters, Texas

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns Channel 240A to Winters, Texas, in response to a petition filed by Soho Broadcasting. The assignment could provide for a first FM broadcast station at Winters.

DATE: Effective June 6, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau, (203) 634-6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Report and Order (Proceeding Terminated)

Adopted: March 23, 1983.

Released: April 6, 1983.

By the Chief, Policy and Rules Division.

In the Matter of; Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Winters, Texas) BC Docket 82-717, RM-4185.

1. The Commission has under consideration the *Notice of Proposed Rule Making,* 47 FR 49423, published November 1, 1982, proposing the assignment of Channel 240A to Winters, Texas, as its first FM assignment. The *Notice* was issued in response to a petition filed by Soho Broadcasting ("petitioner"). Supporting comments were filed by the petitioner, restating its interest in the channel.

2. In view of the fact that the proposed assignment could provide a first FM station at Winters, Texas, the Commission believes that the public interest would be served by assigning Channel 240A to that community. The channel can be assigned in compliance with the minimum distance separation requirements. Mexican concurrence has been obtained in the assignment of Channel 240A at Winters, Texas.

3. Accordingly, pursuant to the authority contained in §§ 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, *it is ordered,* That effective June 6, 1983, the FM Table of Assignments, § 73.202(b) of the Rules, is amended with respect to the following community:

City	Channel No.
Winters, Texas	240A

4. *It is further ordered,* That this proceeding *is terminated.*

5. For further information concerning this proceeding, contact Montrose H. Tyree, Mass Media Bureau, (202) 634-6530.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-9617 Filed 4-13-83; 8:45 am]

BILLING CODE 6712-01-M

Proposed Rules

Federal Register
Vol. 48, No. 73
Thursday, April 14, 1983

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81-ANE-16]

Airworthiness Directives; General Electric Company CF6-45 and CF6-50 Series Model Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes a new Airworthiness Directive (AD) which would require the replacement of certain titanium high pressure compressor (HPC) parts found on CF6-45 and CF6-50 series engines. High vibration, mechanical failures of HPC blades, or rotor unbalance, causing severe rubbing of titanium HPC components has resulted in engine fires.

DATES: Comments on the proposed rule must be received on or before May 28, 1983. Proposed effective date July 28, 1983.

ADDRESS: Send comments on the proposed rule in duplicate to the Federal Aviation Administration, Office of the Regional Counsel, New England Region, Attn: Rules Docket No. 81-ANE-16, 12 New England Executive Park, Burlington, Massachusetts 01803.

The applicable service bulletins and Commercial Engine Service Memorandums may be obtained from General Electric Company, Neumann Way, Cincinnati, Ohio 45215.

Copies of the service bulletins and Commercial Engine Service Memorandums are contained in the above Rules Docket.

FOR FURTHER INFORMATION CONTACT: Arthur W. Nelson, Transport Engine Section, ANE-141, Engine Certification Branch, New England Region, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (617) 273-7347.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Information on the economic, environmental, and energy impact that might result because of adoption of the proposed rule is requested. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons and may be examined weekdays, except Federal holidays, between 8:00 a.m. and 4:30 p.m. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

Prior Regulatory History

A proposal to amend Part 39 of the Federal Aviation Regulations (14 CFR Part 39) by adding a new AD applicable to General Electric Company CF6-45 and CF6-50 series model turbofan engines was published in the **Federal Register** on October 5, 1981 (46 FR 48941). A minor correction to the proposed AD was published in the **Federal Register** on November 9, 1981 (46 FR 55273). There had been 33 titanium fires in CF6-50 engines. Testing and analysis have shown that the substitution of steel HPC components for titanium in critical areas has eliminated titanium fires. It was the intent of the proposed AD to require the replacement of the titanium forward HPC case, the inlet and first and second stage vanes, and the stages 6-9 blades with steel parts. Configuration changes were also simultaneously required on the titanium 3-9 spool and stages 3-5 blades.

Interested persons were invited to participate in this rulemaking by submitting written comments on the proposal to the FAA. Five comments were received in response to the Notice of Proposed Rulemaking (NPRM). Two commentators noted the error in the initial publication of the NPRM in paragraph (c) where Service Bulletin 72-550 was inadvertently referenced rather than 72-551. This was corrected in the November 9, 1981, publication of the **Federal Register.** One commentator also noted that the General Electric Service Bulletins which were referenced specified revision numbers and corresponding dates. It was indicated that these revisions did not substantially alter the technical content of the bulletins and that engines which were upgraded in accordance with earlier revisions were in agreement with the requirements.

Two commentators also pointed out that the listing of specific part numbers in the AD would be unduly restrictive since all of the alternate part numbers were not included. It was also noted that in some cases part numbers are not tracked, and it would require disassembling an upgraded engine to prove compliance. Control is adequately maintained by recording the accomplishment of the service bulletin.

The FAA has reviewed the service bulletin revisions and agrees that the technical content has not changed to date. It is also agreed that adequate control of compliance is achieved by verifying accomplishment of the bulletins without listing all of the part changes. Accordingly, this NPRM references only the numbers of the approved service bulletins.

One commentator, while disputing the need for an AD, also pointed out that the majority of the titanium fires were caused by component failures within the HPC. This is correct, and that cause has been added to the list in the summary section of this NPRM. As to the requirement for an AD, it has been determined that this is an uncontained failure of the engine, and despite the fact that no secondary nacelle fires have resulted, there is a high risk of one if flammable fluids were present for any reason. Therefore, mandatory compliance with the engine upgrade program is deemed to be necessary.

Three commentators stated that the compliance date of December 31, 1982, would be difficult to achieve for some operators without excessive expense, based on the present plans for kit deliveries and scheduled engine

removals during 1982. A date of December 31, 1983, was recommended. The FAA notes that the airline industry has voluntarily retrofitted more than 97% of the applicable engines to the steel compressor configuration described by the General Electric Service Bulletins. The FAA has determined that AD action is necessary to ensure that the remaining engines are retrofitted. In consideration of the above, the compliance date has been revised to the requested December 31, 1983.

The FAA has given careful consideration to the comments which were received and has determined that sufficient evidence exists in the public interest of aviation safety to continue rulemaking action. Because of the time interval since the issuance of the orginal NPRM and because of the adjusted compliance date proposed, the FAA has decided to again issue an NPRM on the proposed rule.

Approximately 25 engines are affected by this AD, and the cost impact is estimated to be $11,500,000. For this reason, the proposed rule is not considered to be major under the criteria of Executive Order 12291. Few, if any, small entities within the meaning of the Regulatory Flexibility Act would be affected, since the rule affects only operators of B747, DC-10, and A300 aircraft in which the CF6-45, -50 engines are installed, none of which are believed to be small entities.

List of Subject in 14 CFR Part 39

Engine, Aircraft, Aviation safety.

The Proposed Amendment

Accordingly, the FAA proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new AD:

General Electric Company: Applies to CF6-45 and CF6-50 series model turbofan engines. Compliance is required prior to December 31, 1983 (unless already accomplished). To prevent the possibility of uncontained titanium fires, accomplish the following:

(a) Replace compressor stator assembly including the compressor case and stage 6 stator vanes in acordance with FAA approved General Electric CF6 and CF6-50 Service Bulletin 72-549.

(b) Replace compressor inlet stator vanes and stage 1 and 2 stator vanes in accordance with FAA approved General Electric CF6-45 and CF6-50 Service Bulletin 72-550.

(c) Replace compressor blades, stages 3 through 9, and the stage 3-9 spool in accordance with FAA approved General Electric CF6-45 and CF6-50 Service Bulletin 72-551.

Note.—The FAA has requested Federal Register approval to incorporate by reference Service Bulletins 72-549, 72-550, and 72-551.

The manufacturer's specifications and procedures identified and described in this notice may be obtained upon request to General Electric Company, Neumann Way, Cincinnati, Ohio 45215. These documents may also be examined at the FAA, New England Region, 12 New England Executive Park, Burlington, Massachusetts. A historical file on this AD is maintained by the FAA, New England Region Office, Burlington, Massachusetts.

Upon request of the operator, an FAA Maintenance Inspector, subject to prior approval of the Manager, Aircraft Certification Division, FAA, New England Region, may adjust the compliance date specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C 1655(c)); 14 CFR 11.85)

Note.—Based upon an assessment of the economic impact of this proposed AD, as discussed more fully in the section entitled "**SUPPLEMENTARY INFORMATION**", I certify that this action (1) is not a "Major Rule" under Executive Order 12291; (2) is not a "Significant Rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the evaluation for this action is contained in the Regulatory Docket. A copy of it may be obtained by contacting the person identified under caption "**FOR FURTHER INFORMATION CONTACT.**"

Issued in Burlington, Massachusetts, on March 18, 1983.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 83-9814 Filed 4-13-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 83-ASO-17]

Proposed Alteration of Transition Area, Beaufort, South Carolina

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to increase the size of the Beaufort, South Carolina, transition area to accommodate Instrument Flight Rule (IRF) operations at Beaufort County Airport. This action will lower the base of the additional controlled airspace from 1,200 to 700 feet above the surface. An Instrument approach procedure, based on the Beaufort Airport Surveillance Radar system, is being developed to serve the airport and the additional controlled airspace is required for protection of IFR aeronautical activities.

DATES: Comments must be received on or before: May 15, 1983.

ADDRESSES: Send comments on the proposal in triplicate to:

Federal Aviation Administration, Attn: Manager, Airspace and Procedures Branch, ASO-530, P.O. Box 20636, Atlanta Georgia 30320.

The official docket may be examined in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, telephone: (404) 763-7646.

FOR FURTHER INFORMATION CONTACT: Donald Ross, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7646.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parites are invited to participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No.——." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal

Aviation Administration, Manager, Airspace and Procedures Branch (ASO–530), Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the Beaufort, South Carolina, transition area. This action will provide controlled airspace for aircraft executing a new instrument approach procedure to Beaufort County Airport. If the proposed alteration of the transition area is found acceptable, the operating status of the airport will be changed from VFR to IFR. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70–3A dated January 3, 1983.

List of Subjects in 14 CFR Part 71

Aviation safety, Airspace, Transition area.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

Beaufort MCAS, SC—Revised

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Beaufort MCAS (Lat. 32°28'53" N., Long. 80°43'10" W.); within 5 miles each side of Beaufort TACAN 037° radial extending from the 8.5-mile radius area to 9 miles northeast of the TACAN; within a 6-mile radius of Beaufort County Airport (Lat. 32°24'45" N., Long. 80°38'00" W.), excluding that portion that coincides with the Hilton Head transition area.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in East Point, Georgia, March 28, 1983.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 83-9535 Filed 4-13-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 83–ASO–13]

Proposed Alteration of Transition Area, Liberty, North Carolina

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to increase the size of the Liberty, North Carolina, transition area to accommodate Instrument Flight Rule (IFR) operations at May Airport. This action will lower the base of the additional controlled airspace from 1,200 to 700 feet above the surface. An instrument approach procedure, based on the Liberty VORTAC facility, is being developed to serve the airport and additional controlled airspace is required for protection of IFR operations.

DATES: Comments must be received on or before: May 10, 1983.

ADDRESSES: Send comments on the proposal in triplicate to:

Federal Aviation Administration, Attn: Manager, Airspace and Procedures Branch, ASO–530, P.O. Box 20636, Atlanta, Georgia 30320

The official docket may be examined in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, telephone: (404) 763–7646.

FOR FURTHER INFORMATION CONTACT: Donald Ross, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763–7646.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. ——." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Manager, Airspace and Procedures Branch (ASO–530), Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the Liberty, North Carolina, transition area. This action will provide controlled airspace for aircraft executing a new instrument approach procedure to May Airport. If the proposed alteration of the transition area is found acceptable, the operating status of the airport will be changed from VFR to IFR. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70–3A dated January 3, 1983.

List of Subjects in 14 CFR Part 71

Aviation safety, Airspace, Transition area.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

Liberty, NC—Amended

By adding after the words "the VOR" the following: "; within a 6-mile radius of May Airport (Lat. 35°59'55" N., Long. 79°41'20" W.)."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in East Point, Georgia, on March 30, 1983.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 83-9537 Filed 4-13-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 83-AWA-4]

Correction to VOR Federal Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to Notice of Proposed Rulemaking

SUMMARY: This action corrects the descriptions of V-72 and V-447 as published in the **Federal Register** on March 17, 1983, by terminating Federal Airway V-72 at Lebanon, NH, and realigning V-447 to include Cambridge, NY, in the description.

DATE: Comments must be received on or before May 2, 1983.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA, New England Region, Attention: Manager, Air Traffic Division, Docket No. 83-AWA-4, Federal Aviation Administration, 12 New England Executive Park, Burlington, MA 01803.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT-230), Airspace-Rules and Aeronautical Information Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

History

Federal Register Document 83-6535 (83-AWA-4), published on March 17, 1983, proposed to realign several airways in the vicinity of Montpelier, VT, because the Montpelier VORTAC will be relocated. However, VOR Federal Airways V-72 and V-447 were not described correctly and this action corrects these mistakes.

Availability Of NPRM's

Any person may obtain a copy of this Correction to Notice of Proposed Rulemaking (NPRM) by submitting a request to the Fedral Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this Correction. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

List of Subjects in 14 CFR Part 71

VOR airways.

Correction to The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, **Federal Register** Document 83-6535, as published in the **Federal Register** on March 17, 1983, (48 FR 11285) is corrected by deleting the paragraphs under V-72 and V-447 and substituting the following:

V-72 [Amended].

By deleting all the words after "Lebanon, NH."

V-447 [Amended].

By deleting the words "From Cambridge, NY, Montpelier, VT; INT Montpelier 020° and Sherbrooke, PQ, Canada. 217° radials; Sherbrooke." and substituting the words "From Cambridge, NY, via INT Cambridge 025°T(039°M) and Montpelier 221°T(236°M) radials; Montpelier; to Sherbrooke, PQ, Canada."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on April 6, 1983.

John W. Baier

Acting Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 83-9448 Filed 4-13-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 82-AWP-21]

Proposed Alteration of VOR Federal Airway

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposal would realign VOR Federal Airway V-460 from Poggi, CA, to Julian, CA, via an east dogleg. The realignment would give additional flexibility to controllers for maneuvering traffic proceeding inbound from the north into the San Diego, CA, and Miramar, CA, airport terminal areas. This action would improve traffic flow, reduce delays, and increase safety.

DATE: Comments must be received on or before May 30, 1983.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA, Western-Pacific Region, Attention: Manager, Air Traffic Division, Docket No. 82-AWP-21, Federal Aviation Administration, 15000 Aviation Boulevard, P.O. Box 92007, Worldway Postal Center, Los Angeles, CA 90009.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is

located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffice Division.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT-230), Airspace-Rules and Aeronautical Information Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 82-AWP-21." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to realign V-460 from Poggi, CA, to Julian, CA, via an east dogleg. This realignment will allow controllers to route some departure/arrival aircraft via an east bypass route thereby avoiding excessive crossing traffic in the San Diego, CA, and Miramar NAS, CA, terminal areas. This action would improve traffic flow, increase safety, and reduce controller workload. Section 71.123 of part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3A dated January 3, 1983.

List of Subjects in 14 CFR Part 71

VOR Federal airways.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

V-460 [Revised]

From Poggi, CA via Mission Bay, CA; INT Mission Bay 090°T(076°M) and Julian, CA, 184°T(170°M) radials; Julian; to Blythe, CA.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" and DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant perparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgatyed, will not have significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on April 7, 1983.

John W. Baier,

Acting Manager, Airspace—Rules and Aeronautical Information Division.

[FR Doc. 83-9748 Filed 4-13-83; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 83-ASW-15]

Proposed Alteration of Transition Area and Control Zone: San Angelo, TX.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Aviation Administration proposes to alter the transition area and control zone at San Angelo, TX. The intended effect of the proposed action is to provide adequate controlled airspace for aircraft executing standard instrument approach procedures (SIAP's) to Mathis Field. This action is necessary since a review of the designated controlled airspace revealed that the airspace is not properly described and the extensions southwest of the airport are not required.

DATES: Comments must be received on or before May 16, 1983.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8 a.m. and 4:30 p.m. The FAA Rules Docket is located in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, TX.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch, ASW-535, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101; telephone: (817) 877-2630.

SUPPLEMENTARY INFORMATION:

History

Federal Aviation Regulation Part 71, Subpart G § 71.181 and Subpart F § 71.171 as republished in Advisory Circular AC 70-3A dated January 3, 1983, contains the description of transition areas and control zones designated to provide controlled airspace for the benefit of aircraft conducting instrument flight rules (IFR) activity. Alteration of the transition area and control zone at San Angelo, TX, will necessitate an amendment to these subparts. This amendment will be required at San Angelo, TX, since a review of the airspace revealed that some additional airspace is needed to the northeast, and transition area and

control zone extensions southwest of the airport can be eliminated for the protection of aircraft executing SIAP's.

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. (Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposals.) Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 83–ASW–15." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Manager, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101, or by calling (817) 877–2630. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should contact the office listed above.

List of Subjects in 14 CFR Part 71

Control zones, Transition areas, Aviation safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend §§ 71.181 and 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

Subpart F § 71.171

San Angelo, TX [Revised]

Within a 5.5-mile radius of Mathis Field (latitude 31°21'30" N, longitude 100°29'45" W.) and within 2 miles each side of the San Angelo VORTAC 065° radial extending from the 5.5-mile radius area to 8 miles northeast of the VORTAC; and within 2 miles each side of the San Angelo ILS localizer northeast course extending from the 5.5-mile radius area to 8 miles northeast of the San Angelo VORTAC 314° radial.

Subpart G § 71.181

San Angelo, TX [Revised]

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Mathis Field (latitude 31°21'30" N., longitude 100°29'45" W.), and within 2 miles each side of the San Angelo VORTAC 065° radial extending from the 8-mile radius area to 10.5 miles northeast of the VORTAC; and within 2 miles each side of the San Angelo ILS localizer northeast course extending from the 8-mlie radius area to 10.5 miles northeast of the San Angelo VORTAC 314° radial.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Fort Worth, TX, on April 5, 1983

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 83-9804 Filed 4-13-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 83–ASW–14]

Alteration of Transition Area and Control Zone: Texarkana, AR

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Aviation Administration proposes to alter the transition area and control zone at Texarkana, AR. The intended effect of the proposed action is to provide adequate controlled airspace for aircraft executing standard instrument approach procedures (SIAP's) to the Texarkana Muni-Webb Field. This action is necessary since a review of the designated controlled airspace indicates that the transition area should be increased for large aircraft and the control zone does not require the extension to the VORTAC.

DATES: Comments must be received on or before May 16, 1983.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8 a.m. and 4:30 p.m. The FAA Rules Docket is located in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, TX.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stepenson, Airspace and Procedures Branch, ASW–535, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101; telephone: (817) 877–2630.

SUPPLEMENTARY INFORMATION:

History

Federal Aviation Regulation Part 71, Subpart G 71.181 and F 71.171 as republished in Advisory Circular AC 70–3A dated January 3, 1983, contains the description of transition areas and control zones designated to provide controlled airspace for the benefit of aircraft conducting instrument flight rules (IFR) activity. Alteration of the transition area and control zone at Texarkana, AR, will ncessitate an amendment to these subparts. This amendment will be required at Texarkana, AR, since a review of the designated controlled airspace indicates the transition area needs to be enlarged and the control zone does not require the extension to the northwest.

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. (Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposals.)

Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their coments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 83–ASW–14." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Manager, Airspace and Procedaures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101, or by calling (817) 877–2630, Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should contact the office listed above.

List of Subjects in 14 CFR Part 71

Control zones and/or transition areas, Aviation safety.

Proposed Amendment

PART 71—[AMENDED]

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend §§ 71.181 and 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

Subpart F 71.171

Texarkana, AR Revised

Within a 5-mile radius of the Texarkana Muni-Webb Field (latitude 33°27'13"N., longitude 93°59'27"W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airport/Facility Directory.

Subpart G 71.181

Texarkana, AR Revised

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Texarkana Muni-Webb Field (latitude 33°27'13"N., longitude 93°59'27"W.).

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C 1655(c)); and 14 CFR 11.61(c))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that wil only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Fort Worth, TX, on April 4, 1983.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 83–9853 Filed 4–13–83; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 83–ASW–20]

Designation of Transition Area; El Reno, OK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Aviation Administration proposes to designate a transition area at El Reno, OK. The intended effect of the proposed action is to provide controlled airspace for aircraft executing a new instrument approach procedure to the Mustang Field Airport. This action is necessary since a new NDB and associated instrument approach procedure are being established at El Reno, OK. Coincident with this action, the airport will be changed from visual flight rules (VFR) to instrument flight rules (IFR).

DATES: Comments must be received on or before May 16, 1983.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8 a.m. and 4:30 p.m. The FAA Rules Docket is located in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, TX.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch, ASW–535, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101; telephone: (817) 877–2630.

SUPPLEMENTARY INFORMATION:

History

Federal Aviation Regulation Part 71, Subpart G 71.181 as republished in Advisory Circular AC 70–3A dated January 3, 1983, contains the description of transition areas designated to provide controlled airspace for the benefit of aircraft conducting instrument flight rules (IFR) activity. Designation of the Transition area at El Reno, OK, will necessitate an amendment to this subpart. This amendment will be required at El Reno, OK, since there is a proposed new IFR procedure to the Mustang Field Airport.

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. (Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposals.) Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 83–ASW–20." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Manager, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101, or by calling (817) 877-2630. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should contact the office listed above.

List of Subjects in 14 CFR Part 71

Control zones and/or transition areas, Aviation safety.

Proposed Amendment

PART 71—[AMENDED]

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend § 71.161 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

El Reno, OK New

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Mustang Field Airport (latitude 35°28'17" N., longitude 98°00'31" W.) and within 3 miles each side of the 169° bearing from the El Reno NDB (latitude 35°28'43" N., longitude 98°00'31" W.) extending from the 6.5-mile radius area to 8.5 miles south of the NDB.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Exective Order 12291; (2) is not a "significant rule" under DOT Regulatory policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Fort Worth, TX, on April 5, 1983.

F. E. Whitfield,

Acting Director Southwest Region.

[FR Doc. 83-9605 Filed 4-13-83; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM82-32-000]

Limitation on Incentive Prices for High-Cost Gas to Commodity Values; Public Hearing

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of Public Hearing.

SUMMARY: On February 10, 1983, the Federal Energy Regulatory Commission issued a Notice of Proposed Rulemaking (48 FR 7469, February 22, 1983) proposing to modify the maximum lawful price of high-cost gas designated by the Commission under section 107(c)(5) of the Natural Gas Policy Act of 1978 (NGPA), to ensure that the ceiling prices do not go above the commodity value of gas. Pursuant to requests from interested persons, a public hearing will be held.

DATE: The public hearing will be held on Monday, May 16, 1983 at 10:00 a.m. Requests to participate and the amount of time requested should be directed to the Secretary no later than May 6, 1983.

ADDRESSES: The hearing will be held at: Hearing Room A, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

Requests to participate and questions regarding participation should be directed to: The Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Fred A Wolgel, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, (202) 357-8033.

SUPPLEMENTARY INFORMATION: On February 10, 1983, the Commission issued a Notice of Proposed Rulemaking (48 FR 7,469, February 22, 1983) proposing to modify the maximum lawful price of high-cost gas designated by the commission under section 107(c)(5) of the Natural Gas Policy Act of 1978 (NGPA), to ensure that the ceiling prices do not go above the commodity value of gas.

Specifically, the Commission proposed to establish a ceiling price for this gas at the lesser of (1) an imputed commodity value based on the price of alternative fuels, or (2) the incentive ceiling price which would otherwise apply to that gas. The Commission has received requests for a public hearing wherein interested persons would have the opportunity to make oral presentations of their views on the proposed rule. Pursuant to these requests, the Commission is scheduling a public hearing.

The hearing will be held on Monday, May 16, 1983, at 10:00 a.m. at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, Hearing Room A.

The hearing will not be of a judicial or evidentiary type. There will be no cross-examination of persons presenting statements. However, the panel may question such persons and any interested person may submit questions to the presiding officer to be asked of persons making statements. The presiding officer will determine whether the question is relevant and whether the time limitations permit it to be presented. Any further procedural rules will be announced by the presiding officer at the hearing. Transcripts of the hearing will be available in the public file for this proceeding, Docket No. RM82-32-000, in the Commission's Office of Public Information, and may be ordered from that office.

Requests to participate in the hearings should be submitted by May 6, 1983, to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Requests should indicate who the speaker will be, what organization is represented, and the amount of time required for oral presentation. Persons participating at the hearing should, if possible, bring 50 copies of their testimony to the hearing. A list of the participants in the hearing will be available in the Commission's Office of Public Information and at Hearing Room A on the morning the hearing is convened.

Dated: April 11, 1983.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9606 Filed 4-13-83; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[EE-140-82]

Top-Heavy Plans

Correction

In FR Doc. 83-6629 beginning on page 10868 in the issue of Tuesday, March 15,

1983, make the following corrections to § 1.416–1:

1. In item *T–10*, in the 20th line from the top of the third column of page 10870, "group of employees" should have read "group of employers".

2. In item *T–25*, in the 16th line from the bottom of the first column of page 10873, "401(a)(1)(B)(ii)" should have read "401(a)(10)(B)(ii)".

3. In item *M–8*, in the 23rd line from the bottom of the first column of 10876, "section 410(a)(5)" should have read "section 401(a)(5)".

BILLING CODE 1505-01-M

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26 CFR Part 1

[LR–170–82]

Treatment of the Credit for Tax Withheld on Interest, Dividends, and Patronage Dividends Earned by an Estate or Trust

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document provides proposed regulations with respect to the treatment of the credit for tax withheld on interest, dividends, and patronage dividends received by an estate or trust. Changes to the applicable tax law were made by the Tax Equity and Fiscal Responsibility Act of 1982. These regulations affect estates, trusts, and their beneficiaries and provide them with the guidance needed to comply with the law.

DATES: Written comments and requests to speak at the public hearing must be delivered or mailed by June 13, 1983. The amendments are proposed to be effective with respect to interest, dividends, and patronage dividends paid or credited after June 30, 1983.

ADDRESS: Send comments and requests to speak at the public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR–170–82), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Cynthia L. Clark of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202–566–3828), not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed regulations relating to the treatment of the credit for tax withheld on interest, dividends, and patronage dividends received by an estate or trust under section 643(d) of the Internal Revenue Code of 1954 (Code), as added by section 302(b)(1) of the Tax Equity and Fiscal Responsibility Act of 1982 (Pub. L. 97–248, 96 Stat. 586). These proposed regulations are to be issued under the authority contained in sections 643(d) 7805 of the Internal Revenue Code of 1954 (96 Stat. 586, 26 U.S.C. 643(d); 68 Stat. 917, 26 U.S.C. 7805).

Section 301 of the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) requires, in general, that there be deducted and withheld on each payment of interest, dividends, or patronage dividends, a tax equal to 10 percent of the amount of the payment. Section 302(a) of TEFRA amends section 31 of the Code to provide that the amount of tax withheld on interest, dividends, and patronage dividends will be allowed to the recipient of the interest, etc., as a credit against the recipient's income tax.

Section 302(b)(1) of TEFRA amends section 643 by adding a new subsection (d). Section 643(d) provides that the credit for tax withheld on interest, dividends, and patronage dividends received by an estate or trust is allocated between the estate or trust and its beneficiaries on the basis of their respective shares of interest, dividends, and patronage dividends. Section 643(d) also provides that the amount of the credit allocated to the beneficiaries is treated as an amount paid to the beneficiaries and as an amount deductible by the estate or trust.

Defined Income Beneficiary

Under § 1.643(e)–2(a) of the proposed regulations, the credit for tax withheld is allocated to a defined income beneficiary in an amount equal to the additional amount the beneficiary would have received if the income required to be distributed had been distributed and if there had been no withholding. The term "defined income beneficiary" means a beneficiary entitled under the terms of the governing instrument to all or a fractional or percentage share of income currently. Beneficiaries entitled to a fixed dollar amount are not defined income beneficiaries, and no part of the credit for tax withheld is allocated to them. A beneficiary entitled to the greater (or lesser) of a fixed amount or all or a portion of income currently is treated as a defined income beneficiary in those years in which the beneficiary is entitled to a portion (or all) of the current income, and not to the fixed amount.

Discretionary Beneficiaries

In the case of a discretionary beneficiary, the credit for tax withheld is allocated to the beneficiary under § 1.643 (e)-2 (b) in an amount equal to the tax withheld multiplied by a fraction. In general, the numerator of the fraction is the amount of the distribution to the beneficiary, and the denominator of the fraction is a distributable net income minus tax withheld. If the estate or trust has defined income beneficiaries and discretionary beneficiaries, the credit is first allocated to the defined income beneficiaries. To accomplish this, the credit for the tax withheld is reduced by the portion of the credit allocated to the defined income beneficiaries. In addition, the denominator of the fraction is reduced by the amount of the income allocated to the defined income beneficiaries. If the sum of the distributions to discretionary beneficiaries exceeds distributable net income minus the tax withheld (as reduced for distyributions to defined income beneficiaries), the credit for the tax withheld is allocated on the basis of an alternative fraction. The numerator of this alternative fraction is the amount of the distribution to the discretionary beneficiary, and the denominator is the sum of all distributions to discretionary beneficiaries.

Charitable and NRA Beneficiaries

In general, charitable beneficiaries and beneficiaries who are nonresident alien individuals (NRAs) are treated like other beneficiaries. Thus, the credit for tax withheld is allocated to a charitable or NRA beneficiary under § 1.643 (e)–2 (a) or (b), and the beneficiary files a claim for credit or refund of the tax. If, however, the charitable or NRA beneficiary does not wish to file a claim for credit or refund, it may under § 1.643 (e)–4 elect to cede its share of the credit for tax withheld to the estate or trust, which will then file the claim on its own behalf. The charitable or NRA beneficiary may make the election after entering into an agreement with the estate or trust that the estate or trust will distribute to the beneficiary, at a time such that the amount is considered a distribution within the taxable year of the estate or trust that would reduce distributable net income under section 651 or 661, the same amount the estate or trust would have paid had there been no withholding. The charitable or NRA beneficiary makes the election to cede its share of the credit for tax withheld by filing a certificate with an estate on or before the last day of the taxable year of the estate or with a trust on or before the date that is 65 days after the last day of the taxable year of the trust, stating that the beneficiary is ceding its

share of the credit under section 31 (b) to the estate or trust.

Comments Invited on Specific Issues

The Internal Revenue Service invites comments on a number of specific issues raised by the allocation of the credit for tax withheld on interest, dividends, and patronage dividends earned by an estate or trust. Under proposed § 1.643 (e)–4, a charitable or NRA beneficiary may elect to cede its share of the credit to the estate or trust, upon agreement by the estate or trust to pay the beneficiary, at a time such that the amount is considered a distribution within the taxable year of the estate or trust that would reduce distributable net income under section 651 or 661, the amount that would have been paid had there been no withholding. The Service is interested in receiving comments on this procedure and on alternatives such as allowing the estate or trust to defer paying the beneficary an amount equal to the ceded credit until the estate or trust has obtained a refund of the credit ceded to it by the charitable beneficiary, requiring the credit to be allocated to a charitable or NRA beneficiary on the basis of estate or trust income allocated to the beneficiary, and requiring the credit that otherwise would be allocated to the charitable or NRA beneficiary to be allocated to the estate or trust rather than the charitable or NRA beneficiary.

Proposed § 1.643 (e)–2 (a) prescribes a mandatory allocation of the credit to defined income beneficiaries on the basis of their share of the estate's or trust's income, and proposed § 1.643 (e)–2 (b) prescribes a mandatory allocation of the credit to discretionary beneficiaries using certain formulae. The Service is interested in receiving comments on the mandatory allocations required by proposed §§ 1.643 (e)–2 (a) and (b). In addition, the Service would like comments on whether a rule similar to § 1.643 (e)–4, allowing charitable and NRA beneficiaries to cede their share of the credit to the estate or trust, would be appropriate for defined income beneficiaries and discretionary beneficiaries.

Under proposed § 1.643(e)–2(a)(1), none of the credit is allocated to an annuitant. The Service would like comments on proposed § 1.643((e)–2(a)(1) and on whether part of the credit should be allocated to an annuitant based on the annuitant's share of estate or trust income.

Proposed § 1.671–5 provides that in the case of a grantor trust, the credit is to be allocated to the person who would have received the amount of income represented by the credit had there been no withholding. The Service would like comments on proposed § 1.671–5 and on whether the credit should be allocated to the grantor rather than to the beneficiaries, at the election of the grantor.

The Service would like comments on whether the credit should be treated as an item of property, so that the trustee could allocate the credit among the estate or trust and its beneficiaries as provided by the governing instrument. Under this approach, the ceding rules of § 1.643(e)–4 and the allocation rules of § 1.643(e)–2 would be unnecessary.

The Service is particularly interested in any problems under state law that may exist with respect to any of these methods.

Comments; Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably seven copies) to the Commissioner of Internal Revenue. All comments will be available for inspection and copying. A public hearing has been scheduled and will be held on June 21, 1983. Notice of the time and place of the hearing appears in the proposed rules section of this issues of the **Federal Register**.

Special Analyses

The Commissioner of Internal Revenue has determined that this proposed rule is not a major rule as defined in Executive Order 12291. Accordingly, a Regulatory Impact Analysis is not required. The Internal Revenue Service has concluded that although this document is a notice of propose rulemaking that solicits public comment, the regulations proposed herein are interpretative and the notice and public procedure requirements of 5 U.S.C. 553 do not apply. Accordingly, no Regulatory Flexibility Analysis is required for this rule.

Drafting Information

The principal author of this regulation is Cynthia L. Clark of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

List of Subjects in 26 CFR 1.641—1.692–1

Income taxes, Estate, Trusts and trustees, Beneficiaries.

Proposed Amendments to the Regulations

The proposed amendments to 26 CFR Part 1 are as follows.

PART 1—[AMENDED]

Paragraph 1. The following new §§ 1.643(e)–1 through 1.643(e)–4 are added immediately after § 1.643(d)–2.

§ 1.643(e)–1 Coordination with withholding on interest and dividends.

Under section 3451, relating to income tax collected at source, a tax of 10 percent is withheld from certain payments of interest, dividends, and patronage dividends. Under section 31(b), a credit is allowed for the tax withheld. Section 643(b) provides, in general, that subchapter J of the Code is to be applied with respect to payments subject to withholding by—

(a) Allocating between the estate or trust and its beneficiaries any credit allowable under section 31(b), relating to tax withheld on interest, dividends, and patronage dividends, on the basis of their respective shares of interest, dividends, and patronage dividends taken into account under subchapter J.

(b) Treating each beneficiary to whom the credit is allocated as if an amount equal to the allocable portion of the credit had been paid to the beneficiary by the estate or trust, and

(c) Allowing the estate or the trust a deduction in an amount equal to the portion of the credit allocated to the beneficiaries.

§ 1.643 (e)–2 Allocation of the credit under section 31(b).

(a) *Defined income beneficiaries and annuitants*—(1) *In general.* In the case of a defined income beneficiary, the credit under section 31(b) will be allocated to the beneficiary in an amount equal to the additional amount the beneficiary would have received if the income required to be distributed to the beneficiary had been distributed and if there had been no withholding. The term "defined income beneficiary" means a beneficiary entitled under the terms of the governing instrument to a current distribution of all or a fractional or percentage share of the income of the estate or trust for its taxable year, including all or a fractional or percentage share of income in excess of a fixed dollar amount. A beneficiary entitled to a distribution of a fixed dollar amount for a taxable year will be treated as an annuitant and not as a defined income beneficiary, for that year, with respect to amounts paid in satisfaction of the right to receive a fixed amount. No portion of the credit will be allocated to a beneficiary to the extent that the beneficiary is treated as an annuitant. Thus, for example, a beneficiary entitled to a distribution of a fixed amount payable out of income or

corpus will be treated as an annuitant and not as a defined income beneficiary, even if the amount is paid out of income. Similarly, a beneficiary entitled to a bequest of an amount equal to the federal estate tax credit available to a decedent's estate will be treated as an annuitant and not as a defined income beneficiary. Beneficiaries entitled to the greater (or lesser) of a fixed amount or all or a portion of income of the estate or trust for its taxable year will be treated as defined income beneficiaries with respect to amounts paid to them in those years in which the distribution they are entitled to receive is not the fixed amount. A beneficiary entitled to a distribution of an amount equal to a fixed percentage of the value of trust property, determined annually, is annuitant and not a defined income beneficiary, and no portion of the credit is allocated to the beneficiary. A beneficiary possessing the right to withdraw all or a fraction of trust principal is not a defined income beneficiary, even though the beneficiary is taxable on the income of the trust under section 678. As to the allocation of the credit in the case of grantors and others taxed as the owner of a trust, see § 1.671–5.

(2) *Examples.* The provisions of paragraph (a)(1) of this section may be illustrated by the following examples.

Example (1). Under the terms of the governing instrument, trust T is required to distribute all its income currently to A. In 1984, T earns $20,000 of interest, on which tax of $2,000 is withheld under section 3451. T has trust accounting income and distributable net income of $20,000. T distributes $18,000 to A. Because A is entitled, under the terms of the governing instrument, to all the trust income currently, A is a defined income beneficiary. Thus, the credit will be allocated to A in proportion to the income of the trust required to be distributed to A currently. Accordingly, the entire credit ($2,000) is allocated to A.

Example (2). Assume the same facts as in example (1) and in addition that T has $3,000 of expense allocable to income. As a result, T's trust accounting income and distributable net income are both $17,000. T has $15,000 cash remaining from current income available for distribution (interest less expense and tax withheld). T distributes $17,000 to A. The entire credit ($2,000) is allocated to A.

Example (3). Under the terms of the governing instrument, trust T is required to distribute one-fourth of its income currently to A and three-fourths of its income currently to B. In 1984, T earns $20,000 of interest, on which tax of $2,000 is withheld. T's trust accounting income and distributable net income are both $20,000. T distributes $4,500 to A and $13,500 to B. Because A and B are entitled to fractional share of trust income currently, both A and B are definied income beneficiaries. Thus, the credit will be allocated between A and B in proportion to their respective shares of current income. Accordingly, one-fourth of the credit ($500) is allocated to A and three-fourths ($1,500) is allocated to B.

Example (4). Under the terms of the governing instrument, the trustee of Z trust is required to pay a $10,000 per year or all the income of the trust for the year, whichever is greater. In 1984, Z has the following items of income and expense: $15,000 interest, $5,000 rental income, and $3,000 expenses allocable to income. Z has trust accounting income and distributable net income of $17,000 and $15,000 cash remaining from current income available for distribution. The trustee pays A $15,500. In 1984, A is treated as a defined income beneficiary because A is entitled to all the trust income for the year rather than the fixed amount of $10,000. Thus, the entire credit is allocated to A. Had trust accounting income been less than $10,000, A would have been treated as an annuitant; as a result, none of the credit would be allocated to A, and the entire credit would have been allocated to Z under § 1.643(e)–2(b)(3)(iv).

Example (5). Under the terms of the governing instrument, the trustee of Y trust is required to pay A $10,000 per year or all the income of the trust for the year, whichever is less. In 1984, Y has the following items of income and expense: $8,000 interest, $5,000 rental income, and $3,500 expense allocable to income. Y has trust accounting income and distributable net income of $9,500 and $8,700 cash remaining from current income available for distribution. The trustee pays A $8,700. In 1984, A is treated as a defined income beneficiary, and the entire credit is allocated to A. Had trust accounting income for 1984 been more than $10,000, A would have been treated as an annuitant for the year. As a result, none of the credit would be allocated to A, and the entire credit would have been allocated to Y under § 1.643(e)–2)(b)(3)(iv).

(b) *Other beneficiaries*—(1)(i) *In general.* In the case of a discretionary beneficiary (as defined in paragraph (b)(3)(i) of this section), the credit under section 31(b) will be allocated to the beneficiary in an amount equal to the tax withheld (as defined in paragraph (b)(3)(ii) of this section) multiplied by a fraction.

(ii) *Fraction.* Except as provided in (b)(2)(ii) of this section, the numerator of the fraction is the amount of the distribution to the beneficiary (as defined in paragraph (b)(3)(iii) of this section), and the denominator of the fraction is distributable net income for the taxable year minus tax withheld (as defined in paragraph (b)(3)(ii)).

(2) *Adjustments*—(i) *Defined income beneficiaries and discretionary beneficiaries.* If the trust has defined income beneficiaries as well as discretionary beneficiaries, the credit is allocated first to the defined income beneficiaries and the remaining credit is allocated to the discretionary beneficiaries. In that case, the credit shall be allocated to the discretionary beneficiaries by reducing the tax withheld (but not the tax withheld in the denominator of the fraction) by the amount of the credit allocated to the defined income beneficiaries, and the distributable net income taken into account in the denominator of the fraction shall be reduced by the amount of trust income allocable to the defined income beneficiaries.

(ii) *Distributions greater than denominator.* If the sum of the distributions to discretionary beneficiaries exceeds distributable net income minus tax withheld reduced by the income allocable to the defined income beneficiaries, the numerator of the fraction is the amount of the distribution to the discretionary beneficiary, and the denominator of the fraction is the sum of the amounts of all distributions to discretionary beneficiaries. If the trust has defined income beneficiaries as well as discretionary beneficiaries, then the amount of the credit to be allocated shall be determined by reducing the tax withheld by the amount of the credit allocated to the defined income beneficiaries.

(3) *Definitions.* For the purposes of this section—

(i) The term "discretionary beneficiary" means, for any taxable year, a beneficiary to whom an amount is properly paid, credited, or required to be distributed to the extent the distribution to the beneficiary for the taxable year is not described in parapraph (a)(1) of this section.

(ii) The term "tax withheld" means for any taxable year, the tax withheld under section 3451 with respect to interest, dividends, and patronage dividends received by an estate or trust during the year.

(iii) The term distribution to a discretionary beneficiary" means, for any taxable year, the amounts distributed to the beneficiary during the taxable year, including amounts treated as paid during the taxable year under section 663(b), but not including any distributions that are treated as made to a defined income beneficiary or an annuitant.

(4) *Special rules*—(i) In applying paragraph (b) of this section, an amount distributed to an annuitant (as defined in paragraph (a)(1) of this section) in satisfaction of the right to receive a fixed amount will not reduce the denominator of the fraction (distributable net income minus tax withheld).

(ii) The amount of the credit allocable to a beneficiary under paragraph

(b)(2)(ii) of this section shall not exceed an amount equal to one-ninth of the distribution to that beneficiary.

(iii) Any portion of the credit that is not allocated to the beneficiaries under paragraphs (a) and (b) of this section will be allocated to the estate or trust.

(iv) Distributions to a beneficiary shall be taken into account only to the extent that the distribution enters into the allocation of distributable net income.

(5) *Examples.* The provisions of paragraphs (b) (1) through (b) (3) of this section may be illustrated by the following examples:

Example (1). Under the terms of the governing instrument, the income of trust T is to be distributed to A in the trustee's discretion. Any income not distributed is to be accumulated. In 1984, T has the following items of income and expense: $20,000 interest, $3,000 rental income, and $3,000 expense allocable to income. T has trust accounting income and distributable net income of $20,000. T has $18,000 of cash remaining from current income available for distribution ($20,000 trust accounting income minus $2,000 tax withheld). The trustee distributes $10,000 to A in 1984. A is neither a defined income beneficiary nor an annuitant. Therefore, the amount of the credit allocable to A must be determined under the provisions of § 1.643 (e)-2(b)(1). Accordingly, $1,111 of the credit is allocated to A, computed as follows:

$$\frac{\text{\$10,000 distribution to A}}{\text{\$18,000 DNI less tax withheld}} \times \text{\$2,000 tax} = \text{\$1,111 withheld}$$

The balance of the credit ($889) is allocated to T.

Example (2). Under the terms of the governing instrument of X trust, $4,000 is payable to A each year from income of corpus, and any remaining income may be paid to B or accumulated in the trustee's discretion. In 1984, X has the following items of income and expense: $20,000 interest, $3,000 rental income, and $3,000 expense. X's trust accounting income and distributable net income are $20,000. X has $18,000 cash remaining from current income available for distribution ($20,000 trust accounting income less $2,000 tax withheld). In 1984, the trustee distributes $4,000 to A and $6,000 to B. None of the credit is allocable to be A, because A is an annuitant.

B is neither a defined income beneficiary nor an annuitant. Thus, the amount of the credit allocable to B is determined under § 1.643 (e)-2(b)(1). Accordingly, $667 of the credit is allocable to B, determined as follows:

$$\frac{\text{\$6,000 payment to B}}{\text{\$18,000 DNI less tax withheld}} \times \text{\$2,000 tax withheld} = \text{\$667}$$

In determining the amount of the credit allocable to B, the denominator of the fraction is not reduced by the $4,000 annuity paid to A since A is not a defined income beneficiary. The balance of the credit, $1,333, is allocated to X.

Example (3). Under the terms of trust X, the income may be paid to A in the trustee's discretion. Any income not paid to A must be paid to B. In 1984, X earns $20,000 of interest, on which $2,000 of tax is withheld. X has trust accounting income and distributable net income of $20,000. X has $18,000 cash remaining from current income available for distribution (interest less tax withheld). The trustee pays $12,000 to A and $6,000 to B. Neither A nor B is a defined income beneficiary or an annuitant. Thus, the amount of the credit allocable to A and B is determined under § 1.643(e)-2(b). Accordingly, $1,333 is allocated to A, and $667 is allocated to B, determined as follows:

$$\frac{\text{\$12,000 payment to A}}{\text{\$18,000 DNI less tax withheld}} \times \text{\$2,000 tax} = \text{\$1,333 withheld}$$

$$\frac{\text{\$6,000 payment to B}}{\text{\$18,000 DNI less tax withheld}} \times \text{\$2,000 tax} = \text{\$667 withheld}$$

Example (4). Under the terms of trust Y, the trustee may distribute income and principal to A and B in the trustee's discretion. Any income not distributed will be accumulated. In 1984, Y has the following items of income and expense: $20,000 interest, $3,000 rental income, and $3,000 expense. Y has trust accounting income and distributable net income of $20,000. Y has $18,000 cash remaining from current income available for distribution (trust accounting income less tax withheld). In 1984, the trustee distributes $10,000 to A and B 9,000 to B. A and B are neither defined income beneficiaries nor annuitants, and the sum of the amounts distributed to A and B ($19,000) exceeds distributable net income less tax withheld ($18,000). Thus, the amount of the credit allocable to A and B is determined under § 1.643(e)-2(b)(2). Accordingly, $1,053 is allocated to A, and $947 is allocated to B, determined as follows:

Beneficiary A

$$\frac{\text{\$10,000 payment to A}}{\text{\$19,000 total payments}} \times \text{\$2,000 tax withheld} = \text{\$1,053}$$

Beneficiary B

$$\frac{\text{\$9,000 payment to B}}{\text{\$19,000 total payments}} \times \text{\$2,000 tax withheld} = \text{\$947.}$$

Example (5). Under the terms of the governing instrument of Z trust, $5,000 is payable to A annually from income and, to the extent income is insufficient, from principal. Any remaining income is payable to B. In 1984, Z has the following items of income and expense: $5,000 interest, $6,000 rental income, $1,000 trustee's commissions allocable to income, and $5,000 real estate expenses allocable to income. Z's trust accounting income and distributable net income are $5,000. Z has $4,500 cash remaining from current income available for distribution (trust accounting income less tax withheld). The trustee pays A $5,000. After the payment to A, no income remains to be distributed to B. Because A is an annuitant, none of the credit is allocated to A. B is a defined income beneficiary. Thus, the credit is allocated to B in an amount equal to the amount of trust income B would have received had there been no withholding. However, even if no tax had been withheld, B would not have received any income because trust income for 1984 equals the amount of the annuity payable to A. Consequently, none of the credit is allocated to B. Thus, the entire credit is allocated to Z.

Example (6). Assume the same facts as in example (5) except that $300 of the trustee's commission is allocable to principal. Z's trust accounting income is $5,300 and Z's distributable net income is $5,000. Z has $4,800 cash remaining from current income available for distribution (trust accounting income less $500 tax withheld). The trustee pays B nothing. Because A is an annuitant, no portion of the credit is allocable to A. B is a

defined income beneficiary. Had there been no withholding, B would have received $300, the amount of income that would have remained after the distribution to A. Thus, B is entitled to a credit of $300. The balance of the credit ($200) is allocated to Z.

Example (7). Assume the same facts as in example (5) except that $500 of the trustee's commission is allocable to income and $500 is allocable to principal. Z's trust accounting income is $5,500, and Z's distributable net income is $5,000. Z has $5,000 cash remaining from current income available for distribution ($5,500 trust accounting income less $500 tax withheld). The trustee pays $5,000 to A and nothing to B. Because A is an annuitant, no portion of the credit is allocable to A. B is a defined income beneficiary. Had there been no withholding, B would have received $500, the amount of income that would have been left after the distribution to A. Thus, B is entitled to a credit of $500.

Example (8). Assume the same facts as in example (7) except that any remaining income may be paid to B or accumulated in the trustee's discretion. The trustee pays B $300. Because A is an annuitant, none of the credit is allocable to A. B is not a defined income beneficiary or an annuitant. Accordingly, the credit is allocated to B under § 1.643(e)–2(b)(1), as follows:

$$\frac{\text{\$300 payment to B}}{\text{4,500 DNI less tax withheld (See 1.643(e)–2(b)(4)(i))}} \times \text{\$500 tax withheld} = \text{\$33}$$

The balance of the credit ($467) is allocated to Z.

Example (9). Under the terms of the governing instrument, Z trust is required to pay 25 percent of the trust income currently to A. The trustee may pay the remaining income to B or accumulate it in the trustee's discretion. In 1984, Z has the following items of income and expense: $25,000 interest, $10,000 rental income and expense: $25,000 interest, $10,000 rental income, and $5,500 expenses allocable to income. Z has trust accounting income and distributable net income of $29,500. Z has $27,000 case remaining from current income available for distribution ($29,500 trust accounting income less $2,500 tax withheld). The trustee pays $6,750 to A, $5,000 to B, and accumulates the rest of the income. A is a defined income beneficiary entitled to 25 percent of the trust income. Therefore, $625 of the credit is allocated to A (25 percent × $2,500). B is not a defined income beneficiary or an annuitant. Therefore, $463 of the credit is allocated to B under § 1.643(e)–2(b)(1), computed as follows:

$$\frac{\text{\$5,000 payment to B}}{\text{\$20,250 (DNI less tax withheld and amount paid to A)}} \times \text{\$1,875 tax withheld less credit allocated to A}$$

The balance of the credit, $912, is allocated to Z.

Example (10). Under the terms of the governing instrument, 25 percent of the income of T trust is payable to A. The balance of the income may be paid to B and C or accumulated in the trustee's discretion. The instrument also provides that $10,000 is payable to D out of principal when D reaches 25. In 1984, D reaches age 25, and T has the following items of income and expense: $25,000 interest, $10,000 rental income, and $5,500 expense allocable to income. T has trust accounting income and distributable net income of $29,500. In 1984, the trustee distributes $6,750 (25 percent × $27,000, trust accounting income less tax withheld) to A, $10,000 to B, $15,000 to C, and $10,000 to D. The credit for tax withheld ($2,500) is allocated as follows:

Beneficiary A

Beneficiary A is a defined income beneficiary entitled to 25 percent of the trust's income. Accordingly, 25 percent of the credit ($625) is allocated to A.

Beneficiaries B and C

Beneficiaries B and C are not defined income beneficiaries. Because the sum of the payments to discretionary beneficiaries B and C ($25,000) exceeds distributable net income reduced by the sum of tax withheld and the payment to A, a defined income beneficiary, the amount of the credit allocable to B and C is determined under § 1.643(e)–2(b)(2). (Because D is entitled to a fixed amount, $10,000, D is considered an annuitant, and the payment to D is not taken into account.) Thus, $750 is allocated to B, and $1,125 is allocated to C, as follows:

$$\frac{\text{\$10,000 payment to B}}{\text{\$25,000 total payment to B and C}} \times \text{\$1,875 (tax withheld less credit allocated to A}$$

$$\frac{\text{\$15,000 payment to C}}{\text{\$25,000 total payment to B and C}} \times \text{\$1,875 (tax withheld less credit allocated to A}$$

None of the credit is allocated to D because D is an annuitant.

(c) *Taxable year of allocation.* If a beneficiary has a different taxable year from the taxable year of the estate or trust, the year in which the credit is allocated to the beneficiary is the year the income to which the credit is attributable is includable in the beneficiary's income under § 1.652(c)–1, in the case of a beneficiary of a simple trust, or § 1.662(c)–1, in the case of a beneficiary of an estate or complex trust.

§ 1.643 (e)-3 Inclusion and deduction of the allocable portion of the credit under section 31 (b).

The portion of the credit allocated to a beneficiary of an estate or trust under § 1.643 (e)-2 is a deemed distribution to the beneficiary. The deemed distribution to the beneficiary. The deemed distribution will have the same character in the hands of the beneficiary as the income giving rise to the credit. The amount of the deemed distribution included in the beneficiary's income is limited by the amount of the estate's or trust's distributable net income as provided under section 652 (a) and 662 (a). See Subpart D (section 665 and following), part I, subchapter J, chapter 1 of the Code for rules relating to treatment of excess distributions by trusts. An estate or trust is allowed a deduction for the deemed distribution. However, the deduction is limited by the amount of the estate's or trust's distributable net income as provided under sections 651 (b) and 661 (a).

§ 1.643 (e)-4 Special rule for charitable and nonresident alien individual beneficiaries.

(a) *In general.* In general, the credit under section 31 (b) is allocated to a charitable beneficiary or a beneficiary that is a nonresident alien individual (such beneficiaries being called "qualified beneficiaries" for purposes of this section) according to the provisions of paragraph (a) and (b) of § 1.643 (e)-2, and the beneficiary files for a refund or credit of its allocable share of the tax withheld in the same manner as any other beneficiary. However, if a qualified beneficiary elects, it may cede the portion of the credit allocable to it under § 1.643 (e)-2 (a) or (b) to the estate or trust, thereby entitling the estate or trust to file for credit or refund of the tax withheld. A qualified beneficiary must make the election pursuant to an agreement by the estate or trust to distribute to the beneficiary the amount the estate or trust would have distributed in the absence of withholding; the agreement must provide that the distribution will be made at a time such that the amount is considered a distribution within the taxable year of the estate of trust to which the credit relates that will reduce distributable net income under section 651 or 661. A qualified beneficiary makes the election by filing a certificate with an estate or trust on or before the due date (including extensions) of the tax return of the estate or trust for the year to which the election relates. In the case of a charitable beneficiary, the certificate must be signed by an officer, director, employee, member, or other person authorized to sign a return for the charity, and must include the following information: the name of the charity, the taxable year of the estate or trust to which the credit relates, a statement that the beneficiary is an organization meeting the requirements of paragraph (b)(1) of this section, and a statement that the charity is giving up to the estate or trust the charity's allocable share of the credit under section 31(b). In the case of a nonresident alien

individual beneficiary, the certificate must be signed by the beneficiary and must include the following information: the beneficiary's name, the address of the principal residence of the beneficiary, the taxable year of the estate of trust to which the credit relates, a statement that the beneficiary meets the requirements of paragraph (b)(2) of this section, and a statement that the beneficiary is giving up to the estate or trust the beneficiary's allocable share of the credit under section 31(b). The election is binding for the current and all subsequent taxable years until the qualified beneficiary files a certificate revoking the election with the estate or trust at least 30 days before the close of the taxable year of the estate or trust in which the revocation occurs. In general, the election may be revoked only with the consent of the estate or trust. However, an election must be revoked by the beneficiary within 30 days after the beneficiary ceases to satisfy the requirements of paragraph (b)(1) or (b)(2) of this section, as the case may be; in such a case, the consent of the estate or trust to the revocation of the election is not required. The revocation of an election by a beneficiary that has ceased to be a qualified beneficiary shall be effective on the first day of the taxable year of the estate or trust following the year of the estate's or trust's receipt of the revocation of the election. An election is revoked by delivery of a certificate to the trustee stating that the election under this section is revoked. The estate or trust must keep a copy of the certificate making or revoking the election.

(b) *Definitions.* For the purposes of this section—

(1) The terms "charitable beneficiary" and "charity" mean an organization exempt from tax under section 501 (a).

(2) The term "nonresident alien individual" means a nonresident alien individual who at no time during the taxable year is engaged in a trade or business in the United States and who does not have an election under section 6013 (g), relating to election to treat non-resident alien individual as resident of the United States, in effect.

(c) *Examples.* The provisions of paragraph (a) of this section may be illustrated by the following examples:

Example (1). Under the terms of the trust instruments, 50 percent of the income of trust T is required to be distributed currently to Z, a charitable organization described in section 501 (a). In 1984, T earns $10,000 interest, on which tax of $1,000 is withheld. T has trust accounting income and distributable net income of $10,000. T has $9,000 cash remaining from current income available for distribution (trust accounting income less tax withheld). T distributes $4,500 to Z. Under § 1.643 (e)–2 (a), Z is a defined income beneficiary and is entitled to one-half of the credit for tax withheld ($500). Z may file a claim for credit or refund of the tax.

Example (2). Assume the same facts as in example (1) except that Z files a statement with T, electing to cede its share of the credit to T under § 1.643(e)–4(a). In exchange, T agrees to distribute to Z the income that Z would have received had there been no withholding. Thus, T distributes $5,000 to Z in 1984. T is entitled to file a claim for credit or refund to the entire amount of the tax withheld.

Example (3). Under the terms of the trust instrument, the income of trust T may be paid to Y, a charitable organization described in section 501(a) and individual A or accumulated, in the trustee's discretion. In 1984, T earns $20,000 interest, on which tax of $2,000 is withheld. The trusee wants to pay Y $5,000 and A nothing. Y has not filed an election to cede the credit to T under § 1.643(e)–4(a). Recognizing that a distribution of income to Y will result in an allocation of a portion of the trust's credit under section 31(b) to Y, the trustee calculates the amount of the distribution so that the total of the distribution and the credit to Y will equal $5,000. Accordingly, the trustee distributes $4,500 to Y and allocates $500 of the credit to Y.

Example (4). Assume the same facts as in example (3), except that Y elects to cede its share of the credit to T under § 1.643(e)–4(a). Thus, the trustee is able to compute the amount of the distribution to Y without taking into account any allocation of the credit under section 31(b) to Y. Accordingly, the trustee distributes $5,000 to Y, recognizing that none of the credit will be allocated to Y.

Example (5). Under the trust instrument, $5,000 per year is payable to charity Z out of income or corpus of trust T. Z is an annuitant, and no portion of the credit under section 31(b) is allocable to Z. Thus, an election by Z to cede any part of the credit to T under § 1.643(e)–4(a) has no effect.

Example (6). Under the terms of the governing instrument, all the income of estate Z, which reports income using a calendar year, may be paid to A, a nonresident alien individual, or to B. In 1984, Z earns $10,000 of interest, on which tax of $1,000 is withheld. Z distributes $9,000 to A and nothing to B. Under § 1.643(e)–2(b)(1), A is entitled to the entire credit. A may make an election to cede A's share of the credit to Z pursuant to an agreement with Z that Z will make distributions to A in the amount it would have distributed in the absence of withholding. However, in order for the election to be effective for the estate's year ending December 31, 1984, A must make the election pursuant to an agreement that Z will pay to A the amount A would have received in the absence of withholding (an additional $1,000) on or before December 31, 1984. A may not make an election under an agreement that would permit payment of the $1,000 after December 31, 1984, because after that date, the $1,000 Z would have to pay A would not be treated as a distribution made in 1984. If, however, Z were a trust the election could be made under an agreement allowing the payment to be made on or before 65 days after December 31, 1984, because the payment of the $1,000 within 65 days after the close of Z's taxable year would be treated under section 663(b) as an amount distributed in 1984.

Par. 2. The following new § 1.671–5 is added immediately after § 1.671–4.

§ 1.671–5 Coordination with the section 31(b) credit.

In the case of a trust described in subpart E (section 671 through 679, relating to grantors and others treated as substantial owners), the credit under section 31(b) for tax withheld on interest, dividends, and patronage dividends is treated as an item of trust accounting income and is allocated in accordance with the allocation of trust accounting income. Thus, the credit will be allocated to the person who would have received the amount of income represented by the credit had there been no withholding. The portion of the credit under section 31(b) allocated to a beneficiary of a grantor trust is not included in the beneficiary's income to the extent the interest, dividends, and patronage dividends giving rise to the credit are included in the income of the grantor or another person under subpart E. In addition, the trust is not allowed a deduction for the amount of the credit allocated to the beneficiary to the extent the interest, dividends, and patronage dividends giving rise to the credit are included in the income of the grantor or another person under subpart E.

Roscoe L. Egger, Jr.,
Commissioner of Internal Revenue.

[FR Doc. 83–9940 Filed 4–11–83; 4:51 pm]
BILLING CODE 4830–01–M

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26 CFR Part 1

[LR–170–82]

Treatment of Credit for Tax Withheld on Interest, Dividends and Patronage Dividends Earned by an Estate or Trust; Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations relating to the treatment of credit for tax withheld on interest,

dividends and patronage dividends earned by an estate or trust.

DATES: The public hearing will be held on June 21, 1983, beginning at 10:00 a.m. Outlines or oral comments must be delivered or mailed by June 7, 1983.

ADDRESS: the public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 111 Constitution Avenue, NW., Washington, D.C. the requests to speak and outlines of oral comments should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR-170-82), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Charles Hayden of the Legislation and Regulations Division, Office of Chief Counsel, NW., Washington, D.C. 20224, 202-566-3935, not a toll free call.

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under section 643(d) of the Internal Revenue Code of 1954. The proposed regulations appear in the Proposed rules Section of this issue of the **Federal Register** (see FR Doc. 83-9940).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and who also desire to present oral comments at the hearing on the proposed regulations should submit not later than June 7, 1983, an outline of the oral comments to be delivered at the hearing and the time they wish to devote to each subject.

Each speaker will be limited to 10 minutes for an oral presentation exclusive of the time consumed by questions from the panel for the government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

By direction of the Commissioner of Internal Revenue.

George H. Jelly,

Director, Legislation and Regulations Division.

[FR Doc. 83-9941 Filed 4-11-83; 4:51 pm]

BILLING CODE 4830-01-M

26 CFR Part 1

[LR-100-78]

Creditability of Foreign Taxes; Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations relating to the creditability of foreign taxes.

DATE: The public hearing will be held on June 23, 1983, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by June 9, 1983.

ADDRESS: The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, D.C. The requests to speak and outlines of oral comments should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR-100-78), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Charles Hayden of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, 202-566-3935, not a toll-free call.

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under sections 901 and 903 of the Internal Revenue Code of 1954. The proposed regulations appeared in the **Federal Register** for Tuesday, April 5, 1983 (48 FR 14641).

The rules of § 601.601 (a) (3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and who also desire to present oral comments at the hearing on the proposed regulations should submit not later than June 9, 1983, an outline of the oral comments to be presented at the hearing and the time they wish to devote to each subject.

Each speaker will be limited to 10 minutes for an oral presentation exclusive of the time consumed by questions from the panel for the government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

By direction of the Commissioner of Internal Revenue.

George H. Jelly,

Director, Legislation and Regulations Division.

[FR Doc. 83-9942 Filed 4-13-83; 8:45 am]

BILLING CODE 4830-01-M

26 CFR Part 51

[LR-227-81]

Definition of Removed From the Premises; Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations concerning the definition of "removed from the premises" for purposes of the windfall profit tax.

DATES: The public hearing will be held on June 28, 1983, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by June 14, 1983.

ADDRESS: The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, D.C. The requests to speak and outlines of oral comments should be submitted to the Commission of Internal Revenue, Attn: CC:LR:T (LR-227-81), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Charles Hayden of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202-566-3935, not a toll-free call.

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under section 4996 of the Internal Revenue Code of 1954. The proposed regulations appeared in the **Federal Register** for Friday, January 14, 1983 (48 FR 1763).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and who also desire to present oral comments at the hearing on the proposed regulations should submit not later than June 14, 1983 an outline of the oral comments to

be presented at the hearing and the time they wish to devote to each subject.

Each speaker will be limited to 10 minutes for an oral presentation exclusive of the time consumed by questions from the panel for the government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

By direction of the Commissioner of Internal Revenue.

George H. Jelly,

Director, Legislation and Regulations Division.

[FR Doc. 83-9929 Filed 4-13-83; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 164

[CGD 77-196]

Confined or Congested Waters

AGENCY: U.S. Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: The Navigation Safety Regulations prescribe certain operating requirements for vessels navigating in "confined or congested waters". Since "confined or congested waters" have not yet been designated, those rules have not been implemented. A list of proposed confined or congested waters was published in the **Federal Register** on April 16, 1979. As a result of comments on that proposal, and in keeping with the Administration's goal of reducing Federal regulations, the Coast Guard is now proposing to delete the requirements for vessels operating in confined or congested waters.

DATES: Comments must be received on or before May 31, 1983.

ADDRESSES: Comments referencing CGD 77-196 should be submitted to Commandant (G-CMC/44), U.S. Coast Guard, Washington, D.C. 20593. Comments may be delivered to and will be available for inspection or copying from 8:00 a.m. to 4:00 p.m. at the Marine Safety Council (G-CMC/44), Room 4402, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C., (202) 426-1477.

FOR FURTHER INFORMATION CONTACT: Mr. Tom Falvey, U.S. Coast Guard Headquarters, (202) 426-4958.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting written data, views, or arguments. Written comments should include the docket number (CGD 77-196), the name and address of the person submitting the comments, and give the reasons for the comment.

All comments received before expiration of the comment period will be considered before final action is taken on this proposal. No public hearings are contemplated, but one or more may be held, if requested by anyone raising a genuine issue.

Drafting Information

The principal persons involved in drafting this proposal are Mr. Tom Falvey, Project Manager, Office of Marine Environment and Systems, and Michael N. Mervin, Project Counsel, Office of Chief Counsel.

Discussion of Proposed Amendments

Section 164.15, Navigation underway: Confined and congested waters, of Title 33 of the Code of Federal Regulations was published on January 31, 1977, (42 FR 5956-5961). This section requires for self-propelled vessels of 1600 or more gross tons the following:

In the confined and congested waters described in § 164.16, the master or person in charge of each vessel underway shall ensure that—

(a) Propulsion machinery can respond immediately through its full operating range;

(b) The engine room, including the main engine control station even if it is not in the engine room, is manned to operate the propulsion machinery as required by paragraph (a) of this section;

(c) Persons are available to rapidly anchor the vessel in an emergency; and

(d) The automatic pilot device is not in use.

Section 164.16, List of confined or congested waters, was reserved when § 164.15 was published. On April 16, 1979, the initial list of confined or congested waters was published as a notice of proposed rulemaking in the **Federal Register** at 44 FR 22886. An analysis of the comments received in response to the proposed list and a review of the requirements of § 164.15 indicate that the benefits of the regulation would not outweigh the burdens of implementation.

No two areas that were proposed to be classified "confined or congested waters" are alike. The variation between many of the areas is extreme. Not only does the physical layout vary between areas, but the weather, currents, and type and density of vessel traffic varies within a given area.

Section 164.15 does not have the flexibility to deal efficiently with the many different conditions. For example, although § 164.15 requires that persons must be ready to rapidly anchor the vessel in an emergency, the water in some confined or congested areas is too deep to anchor. As time passes, traffic volume in some designated areas may decline, thereby making the area relatively less congested. The § 164.15 requirements would no longer be appropriate for such areas. On the other hand, areas *not* designated may become more congested or relatively more confined, and yet masters, relying on the published list of confined or congested waters, may forego taking needed precautions in those areas. There would be a continuing burden on the Coast Guard to maintain the list current, and a corresponding burden on the mariner to keep informed of the current list. The publications and charts required by existing regulations are considered adequate to draw the master's attention to the hazards in a particular area.

There have been several developments since the regulations were published.

The Coast Guard may establish special operating requirements for local areas. A regulated navigation area (RNA) may be established where it is felt that special regulations reflecting local conditions and tailored to meet a specific need are necessary. RNA's may be proposed by any individual to a Captain of the Port or District Commander.

The Standards of Training, Certification, and Watchkeeping, 1978, are about to be ratified by the international community. This convention, developed by the International Maritime Organization (IMO), provides guidance to Masters in keeping a navigational and engineering watch. It also provides standards for certification of ship's officers by the vessel's flag state.

The first set of amendments to the International Convention of Safety of Life at Sea, 1974, (SOLAS '74) has been completed and is now under consideration by IMO member states. Among other items, these amendments provide for: additional shipboard navigation equipment; restrictions in the use of automatic pilot in certain waters; a requirement for additional steering gear power units to be in operation in restricted waters; and specific steering gear drills and tests (several of these

items are to be the subject of a future rulemaking). Although these amendments would not be implemented before September 1984, mariners are aware of their content and may be following them as guides for prudent seamanship.

The Inland Navigational Rules Act of 1980 became effective in December, 1981. These rules, based on the International Regulations for Preventing Collisions at Sea, 1972, mandate certain behavior in narrow channels, during periods of restricted visibility, and in other high risk situations.

It is up to the master to assimilate all of these inputs and then decide what action is appropriate. If the vessel is operating in an area that could be classified as confined or congested waters, in most cases the actions listed in § 164.15 will be among the precautions taken. The Coast Guard believes that there is no demonstrable need to mandate those precautions by a regulation applicable to an extensive, but limited, list of designated "confined or congested" water.

Evaluation and Certification

This regulation proposes to eliminate a set of requirements that has never been implemented. This regulation has been evaluated under Executive Order 12291 and DOT Order 2100.5 of May 22, 1980, "Policies and Procedures for the Simplification, Analysis and Review of Regulations", and has been determined to be neither major nor significant. The economic inpact of this proposed regulation has been determined to be minimal, therefore, a full regulatory evaluation has been prepared. If the requirements had been implemented, some additional expense, in the form of overtime payments to existing crew members, may have been incurred. These would be insignificant in relation to normal vessel operating expenses, even in an extreme case for an individual vessel. For these reasons, in accordance with section 605(b) of the Regulatory Flexibility Act (94 Stat. 1164), it is certified that this rule would not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 164

Navigation (water), Waterways.

PART 164—[AMENDED]

§§164.15 and 164.16 [Removed]

In consideration of the foregoing, it is proposed that Part 164 of title 33 of the Code of Federal Regulations be amended by removing §§164.15 and 164.16.

(Sec. 12, 92 Stat. 1477 (33 U.S.C. 1231); 49 CFR 1.46(n)(4))

Dated: March 24, 1983.

R. L. Brown,

Acting Chief, Office of Marine Environment and Systems.

[FR Doc. 83-9964 Filed 4-13-83; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 145

[W-3-FRL 2345-8]

West Virginia Department of Natural Resources; Underground Injection Control; Primacy Application

AGENCY: Environmental Protection Agency.

ACTION: Notice of public comment period and of public hearing.

SUMMARY: The purpose of this notice is to announce that: (1) The Environmental Protection Agency (EPA) has received complete applications from the State of West Virginia requesting primary enforcement responsibility for the Underground Injection Control (UIC) Program; (2) the applications are now available for inspection and copying; (3) public comments are requested; and (4) a public hearing will be held.

The proposed comment period will provide EPA the breadth of information and public opinion necessary to approve, disapprove, or approve in part and disapprove in part the Section 1422 application of the West Virginia Department of Natural Resources (WVDNR) to regulate Classes I, III, IV, and V injection wells and the Section 1425 WVDNR application to regulate Class II injection wells in cooperation with the West Virginia Oil and Gas Conservation Commission.

DATES: Requests to present oral testimony should be filed by May 17, 1983. The Public Hearing will be held on May 24, 1983 at 7:00 p.m. and will continue until 9:00 p.m. or the end of the testimony. Written comments must be received by May 31, 1983. EPA reserves the right to cancel the hearing should there be no significant public interest. Those informing EPA of their intention to testify will be notified of the cancellation.

ADDRESSES: Comments and requests to testify should be mailed to S. Stephen Platt, (3WM42), Environmental Protection Agency, Region III, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106. Copies of the application and pertinent material are available between 9:00 a.m. and 4:00 p.m., Monday through Friday at the following locations:

Environmental Protection Agency, Region III, Water Supply Branch, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106, PH: (215) 597-9000

West Virginia Department of Natural Resources, Division of Water Resources, 1201 Greenbrier Street, East, Charleston, West Virginia 25311, PH: (304) 345-5935

Oil and Gas Conservation Commission, 1613 Washington Street, East, Charleston, West Virginia 25311, PH: (304) 345-3092

The hearing will be held in the Division of Water Resources Conference Room at 1201 Greenbrier Street, East, Charleston, West Virginia.

FOR FURTHER INFORMATION CONTACT: S. Stephen Platt, (3WM42), Environmental Protection Agency, Region III, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106. PH: (215) 597-9017. Comments should also be sent to this address.

SUPPLEMENTARY INFORMATION: The Underground Injection Control (UIC) program seeks to protect as "underground sources of drinking water" (USDWs) all aquifers capable of yielding a significant amount of water containing less than 10,000 mg/1 of total dissolved solids. At present, the State of West Virginia has 7 Class I wells, 319 Class II wells, 17 Class III wells, and no known Class IV wells. The latest inventory identified 169 Class V wells. Class V wells will be studied to assess whether further regulatory measures are required. In the meantime, Class V wells will be regulated under existing State procedures. The State of West Virginia does not intend to exempt any aquifers at this time.

The terms listed below comprise a complete listing of the thesaurus terms associated with 40 CFR Part 145, which sets forth the requirements for a State requesting the authority to operate its own permit program of which the Underground Injection Control program is a part. These terms may not all apply to this particular notice.

List of Subjects in 40 CFR Part 145

Hazardous materials, Indians—Lands, Reporting and recordkeeping requirements, Waste treatment and disposal, Water pollution control, Water supply, Intergovernmental relations, Penalties, Confidential business information.

These applications from the West Virginia Department of Natural Resources are for the regulation of all injection wells in the State. The applications include a description of the

State Underground Injection Control Program, copies of all applicable statutes and rules, a statement of legal authority and a proposed memorandum of agreement between the West Virginia Department of Natural Resources and Region III office of the Environmental Protection Agency.

Dated: April 4, 1983.

Rebecca W. Hanmer,

Acting Assistant Administrator for Water.

[FR Doc. 83-9946 Filed 4-13-83; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 469

[W-4—FRL 2346-7]

Electrical and Electronic Components (Phase II)

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule; public hearing.

SUMMARY: Notice is hereby given of a hearing open to the public to discuss and receive comments on pretreatment standards recently proposed in the **Federal Register.** This hearing will be to elicit additional comments on the regulations proposed on March 9, 1983 (48 FR 10012). The comments will be used to further assist the Agency in finalizing technically sound and cost effective final regulations.

DATES: The public hearing has been scheduled for May 4, 1983.

ADDRESS: The public hearing will be held at the following address: Skyline Inn, South Capitol and I Streets, S.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Marvin B. Rubin, Project Officer for Public Participation, Effluent Guidelines Division (WH-552), Environmental Protection Agency, 401 M. St., S.W., Washington, D.C. 20460, Telephone 202-382-7113.

SUPPLEMENTARY INFORMATION: This public hearing is being held for the Electrical and Electronic Components (Phase II) point source category in accordance with Section 307(b) of the Clean Water Act, 33 U.S.C. 1317(b). Registration for the hearing will be held from 8:30 to 9:00 a.m. The hearing will start at 9:00 a.m. Following the registration period there will be a brief presentation by an EPA official on the development of these pretreatment standards. Opportunity will also be given throughout each session for the audience to submit written questions to the Presiding Officer. These questions will be addressed during a question and answer session at the conclusion of the oral testimony presentations for each category. Official transcripts will be available upon request.

Dated: April 8, 1983.

Rebecca W. Hanmer,

Acting Assistant Administrator for Water.

[FR Doc. 83-9947 Filed 4-13-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-6449]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule: Revision.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the unincorporated areas of Plaquemines Parish, Louisiana.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in 47 FR 52475 on November 22, 1982 and in the *Plaquemines Gazette* on October 29, and November 5, 1982 and hence supersedes those previously published rules.

DATES: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for inspection at Commissioner Kirby's Office, Plaquemines Parish Courthouse, Point A La Hache, Louisiana 70083.

Send comments to: Commissioner Michael Kirby, Plaquemines Parish President, Parish Courthouse, Point A La Hache, Louisiana 70083.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472. (202) 287-0230.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in Plaquemines Parish in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR 67.4(A).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under Section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the floodplain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts floodplain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the floodplain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

The proposed base (100-year) flood elevations are:

State	City/town/county	Source of flooding	Location	(#)Depth in feet above ground. *Elevation in feet (NGVD)
Louisiana	Unincorporated areas of Plaquemines Parish	Runoff Ponding	Approximately 1,000' north of the intersection of State Highway 39 and the Lorez Canal.	*2.0
			Approximately 100' northeast of the Olie Canal Pumping station.	*1.5
			Confluence of Agusta Canal with Barriere Bayou	*−1.0
			Approximately 4,000' west of Sarah along Sarah Canal	*1.5
			About 3,000' northwest of the Belle Chasse State School.	*1.0
			Intersection of State Road 3017 and the New Orleans and Lower Coast Railroad.	*−2.0
		Gulf of Mexico	Along east levee of the Mississippi River and State Highway 39, approximately 1,500 feet east of Woodlawn School.	*3.0
			Along east levee of the Mississippi River and State Highway 39 at Bertrandville Cemetery.	*3.0
			Just south of State Highway 39 at Braithwaite Park Airfield.	*5.5
			Along State Highway 23 at Boothville	*13.0
			Along State Highway 23 at Triumph	*14.0
			Along west levee of the Mississippi River and State Highway 23 at the Sunrise High School.	*14.0
			Just northwest of the bridge over the Doullut Canal at State Highway 23.	*14.0
			At Socola Canal and State Highway 23	*13.0
			At State Highway 23 and the Shell Road that leads to the Ferry Landing at West Point La La Hache.	*7.0
			Just south of the Mississippi west levee at Point Celeste.	*5.0
			Just west of Wilkinson Canal at Timber Canal	*0.0
			Entire Shoreline of Little Lake Batole	*20.0
			Confluence of Bayou Dulac and Pipeline Canal near Bay Sansbois.	*17.0
			Entire Shoreline of Carencro Bay	*19.0
			Along State Highway 23 at Venice	*13.5
			South of Port Sulpher at State Highway 23	*13.5
		Mississippi River	North of Port Sulpher at Mississippi River Mile 42	*14
			South of Ostrica Lock at Mississippi River Mile 25	*14
			North of Venice at Mississippi River Mile 11	*13

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 40014128); Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: March 15, 1983.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 83-9707 Filed 4-13-83; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA-6505]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed modified base (100-year) flood elevations shown on your community's preliminary Revised Flood Insurance Rate Map. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). The proposed base flood elevations modify the base flood elevations shown on your community's presently effective Flood Insurance Rate Map.

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the proposed determinations of modified base (100-year) flood elevations, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however,

impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

The proposed modified base flood elevations for selected locations are:

PROPOSED MODIFIED BASE FLOOD ELEVATIONS

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in Feet (NGVD)	
				Existing	Modified
California	Dublin (city), Alameda County	Line J1	Center of intersection of Ironwood Drive and Irving Way		*340
		Line J2	At confluence with Line J1		*332
		Line J3	25 feet upstream from center of Donohue Drive		*348
		Chabot Canal	50 feet upstream from center of Scarlett Court		*329
Maps available for inspection at City Hall, 6500 Dublin Boulevard, Dublin, California.					
Send comments to Honorable Peter Snyder, 6500 Dublin Boulevard, Suite 100, Dublin, California 94568.					
Colorado	City of Loveland (Larimer County)	Big Thompson River	100 feet upstream of centerline of Colorado and Southern Pacific Railroad.	*4,947	*4,946
			Intersection of South Taft Avenue and West 1st Street	(1)	*4,965
Maps available for inspection at the Office of the City Clerk, 410 East Fifth Street, Loveland, Colorado 80537.					
Send comments to the Honorable Raymond Reeb, Mayor, 410 East Fifth Street, Loveland, Colorado 80537.					
Oregon	City of Gresham, Multnomah County	Fairview Creek	Centerline of Stark Street	*243	*243
		Johnson Creek	50 feet downstream from the centerline of Liberty Avenue.	*321	*321
Maps available for inspection at City Hall, 1333 N.W. Eastman Avenue, Gresham, Oregon 97030.					
Send comments to Honorable Al Myers, Mayor, 1333 N.W. Eastman Avenue, Gresham, Oregon 97030.					
Pennsylvania	Center, township, Indiana County	Two Lick Creek	Downstream corporate limits	*981	*984
			Approximately 3,900' above downstream corporate limits.	*985	*987
Maps available for inspection at the Township Offices, R.D. 2, Neal Road, Homer City, Pennsylvania.					
Send comments to Honorable Ronald Vargo, Chairman of the Center Board of Supervisors, Township of Center, Box 293, R.D 2, Neal Road, Homer City, Pennsylvania 15748.					
Pennsylvania	Homer City, borough, Indiana County	Two Lick Creek	Downstream corporate limits	*1,004	*1,005
			Confluence with Yellow Creek	*1,012	*1,015
			Upstream State Route 56	*1,015	*1,019
			Upstream corporate limits	*1,017	*1,020
		Yellow Creek	Upstream State Route 56	*1,017	*1,023
			Approximately 300' downstream of upstream corporate limits.	*1,020	*1,024
Maps available for inspection at the Borough Office, 30 East Wiley Street, Homer City, Pennsylvania.					
Send comments to Honorable Anthony T. Lenzo, Borough Manager of Homer City, 30 East Wiley Street, Homer City, Pennsylvania 15748.					
Utah	City of Provo (Utah County)	Rock Canyon	1,000 feet northeast of the intersection of 2320 N Street and 1200 E Street.	#1	#1
Maps available for inspection at Provo City Offices, 351 West Center Street, Provo, Utah 84603.					
Send comments to Honorable James Ferguson, Mayor, 351 West Center Street, P.O. Box 1849, Provo, Utah 84603.					
Washington	Chelan County (unincorporated areas)	Alluvial fan flooding from Dry Gulch.	Intersection of Circle Street and Okanogan Avenue	(2)	#1
		Alluvial fan flooding from No. 1 Canyon.	Intersection of 5th Street and S. Western Avenue	#1	#1
		Alluvial fan flooding from No. 2 Canyon.	Intersection of S. Western Avenue and Cherry Street	#2	#1
			Intersection of Red Apple Road and No. 2 Canyon Road.	#2	#2
Maps available for inspection at the Planning Office, Courthouse Annex, 415 Washington Street, Wenatchee, Washington 98801					
Send comments to Mr. John Wall, Chairman, Board of Commissioners, Chelan County Courthouse, Wenatchee, Washington 98801					
Washington	Wenatchee (city) (Chelan County)	Alluvial fan flooding from Dry Gulch, No. 1 and No. 2 Canyons.	Intersection of Castlerock Avenue and Pearl Street	#1	#1
Maps available for inspection at the Community Development Office, P.O. Box 519, Wenatchee, Washington 98801.					
Send comments to Jim Lynch, Mayor, P.O. Box 519, Wenatchee, Washington 98801.					

[1] Area outside of base flood.
[2] Area of minimal flooding.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968) as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director.

Issued: March 24, 1983.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 83-9708 Filed 4-13-83; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-5470]

National Flood Insurance Program; Proposed Flood Elevation Determinations; Correction

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations previously published at 47 CFR 57069 on December 22, 1982. This correction notice provides a more accurate representation of the Flood Insurance Study and Flood Insurance Rate Map for the Borough of Seaside Heights, Ocean County, New Jersey.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Borough of Seaside Heights, Ocean County, New Jersey, previously published at 47 FR 57069 on December 22, 1982, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a).

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under Section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has not economic impact.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

The following location descriptions have been amended to read as follows: The remainder of the Notice of Proposed Base Flood Elevations remains unchanged.

Source of flooding	Location	*Elevation in feet, national geodetic vertical datum
Barnegat Bay.	Shoreline north of Sheridan Avenue (extended).	*8
	Shoreline south of Sheridan Avenue (extended).	*7

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 40014128); Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: March 23, 1983.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 83-9709 Filed 4-13-83; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 111 and 151

[CGD 82-096]

Unmanned Barges Carrying Certain Bulk Dangerous Cargoes

AGENCY: Coast Guard, DOT

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to revise the rules for unmanned barges carrying certain bulk dangerous cargoes. The proposed rule corrects and adds electrical hazard class and group ratings to the list of cargoes. The proposed rule also corrects certain spelling errors. Finally, the provisions of Subchapter J, Electrical Engineering Regulations, are being modified to include barges carrying inorganic acids.

DATE: Comments must be received on or before May 31, 1983.

ADDRESS: Comments should be submitted to Commandant (G-CMC/44) (CGD 82-096), U.S. Coast Guard, Washington, D.C. 20593. The comments will be available for examination and copying between 8 a.m. and 4 p.m., Monday through Friday, except holidays at the Marine Safety Council (G-CMC/44), Room 4402, Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593. Comments may also be hand delivered to this office.

FOR FURTHER INFORMATION CONTACT: Joseph J. Jakabcin, U.S. Coast Guard Headquarters, Telephone 202-426-6262.

SUPPLEMENTARY INFORMATION: The public is invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Comments should include names and addresses, identify this notice as CGD 82-096 and the specific section of the proposal to which the comments apply, and give reasons for the comments. If the acknowledgement of receipt of a comment is desired, a self-addressed postcard should be enclosed. The proposal may be changed in light of comments received. All comments received will be considered before final action is taken on this proposal. No public hearing is planned, but one will be held if requested by anyone raising a genuine issue.

Drafting Information

The principal persons involved in drafting this document are Mr. Joseph J. Jakabcin, Office of Merchant Marine Safety, and Mr. Michael N. Mervin, Office of the Chief Counsel.

Discussion of the Proposed Regulations: The proposed rule would make changes to Table 151.05, Summary of Minimum Requirements. Specifically, many entries under the columns "Electrical hazard class-group" are now blank, incomplete, or incorrect. The proposed rule would modify these entries by listing the correct class and group, including, where appropriate, "NA" to indicate that the electrical rating is "Not Applicable". These ratings were developed from criteria established by the Coast Guard sponsored Electrical Hazards Panel of the Committee on Hazardous Materials,

Division of Chemistry and Chemical Technology, National Research Council, National Academy of Sciences. These criteria are in the public docket and are available for review by interested parties. The current edition of the National Electrical Code uses the National Academy of Sciences' criteria for establishing ratings and lists some of the same chemicals as in Part 151. To prevent conflict with Subchapter J, Electrical Engineering regulations, 46 CFR 110–113, provisions in Subpart 111.105, which apply to inorganic acid tankships, will be extended to include inorganic acid barges. Finally, the proposed rule corrects the spelling of six cargo names in Table 151.05.

Regulatory Evaluation

The addition of the approximately 61 electrical hazard class and group ratings updates and codifies existing Coast Guard policies. We believe there will be only a minimal economic burden on U.S. flag barges. In fact, since several ratings are to be reduced, there will be savings for new barges in some cases. About 1,080 barges are certified for the carriage of cargoes whose ratings are affected. We estimate that 90 percent of these existing barges carrying hazardous materials have no electrical equipment located in hazardous areas. This change, therefore would have no economic effect on those barges. These regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. In addition, these regulations are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification Analysis and Review of Regulations (DOT Order 2100.5 of 5–22–80).

Regulatory Flexibility Evaluation

These regulations primarily involve tankbarge fleets owned and operated by major corporations. Accordingly, it is certified that under the Regulatory Flexibility Act this rule will not, if promulgated, have a substantial economic impact on a significant number of small entities.

Comments on Specific Sections

Section 111.105–9 Explosion-proof equipment. Section 111.105–9(c) refers to tankships. To prevent conflict between provisions in Parts 111 and 151, the words "on a tankship" are deleted. This broadens coverage to include barges carrying inorganic acids.

Section 111.105–31 Flammable or combustible cargo with a flashpoint below 60 degrees C (140 degrees F), liquid sulfur carriers, and inorganic acid tankships. To prevent conflict between provisions in Parts 111 and 151 for barges carrying inorganic acids the title is changed to read "Flammable or combustible cargo with a flashpoint below 60 degrees C (140 degrees F), liquid sulfur, and inorganic acid carriers." Also, for the same reason, Sections 111.105–31 (a) and (1) should be extended to cover barges carrying inorganic acids.

Table 151.05 Summary of Minimum Requirements. Sixty-four electrical hazard class and group ratings in Table 151.05 need updating and correction. The rating for one cargo will be revised to I–A, twelve to I–B, nine to I–C, nineteen cargoes to I–D, and twenty-three cargoes to NA (Not Applicable). The requirements are either more lenient than those in the present Table 151.05 or are being established for the first time where Table 151.05 entries are missing or incomplete. Footnote 1, a reference to Group ratings, is no longer needed, and is to be reserved.

There are currently no electrical hazard ratings for inorganic acids aboard barges. Since inorganic acids often generate hydrogen gas when they attack metals, the Coast Guard assigned the rating of I–B to hydrochloric acid and other inorganic acids as a result of its reevaluation of the potential for hydrogen generation associated with the carriage of inorganic acids. The accumulation of hydrogen gas in deck areas is not considered a major problem due to its high rate of diffusion, low density and relatively slow rate of generation. Of major concern, however, is the possibility of acid leaking into a void or other enclosed space where hydrogen could be generated in hazardous concentrations. To permit electrical equipment in these spaces, it is necessary to require that such electrical equipment be safe in an atmosphere containing hydrogen. Therefore, the Coast Guard is modifying Sections 111 and 151 to permit electrical equipment rated I–B in spaces adjacent to tanks containing inorganic acids.

In Table 151.05, a few chemical names are misspelled. These are being corrected.

List of Subjects

46 CFR Part 111

Vessels.

46 CFR Part 151

Hazardous materials, Barges.

In consideration of the foregoing, it is proposed to amend Chapter I of Title 46, Code of Federal Regulations as follows:

PART 111—ELECTRICAL SYSTEMS—GENERAL REQUIREMENTS

1. By revising § 111.105–9(c) to read as follows:

§ 111.105–9 Explosion-proof equipment.

* * * * *

(c) In a Group B atmosphere, if the cargo is an inorganic acid.

2. By revising the heading and paragraph (1) of § 111.105–31 to read as follows:

§ 111.105–31 Flammable or combustible cargo with a flashpoint below 60 degrees C (140 degrees F), liquid sulfur, and inorganic acid carriers.

* * * * *

(1) Weather locations. A location in the weather, except on an inorganic acid carrier, must have only explosion-proof electrical equipment, purged and pressurized equipment, and through runs of armored or MI type cable if it is—

* * * * *

PART 151—UNMANNED BARGES CARRYING CERTAIN BULK DANGEROUS CARGOES

3. By amending Table 151.05, Summary of Minimum Requirements column entries under "Cargo name", replacing the old cargo names with the new cargo names, to read as follows:

Old	New
N-butyl acrylate	n-Butyl acrylate.
Isobutyl acrylate	iso-Butyl acrylate.
Butyraldehyde, (N)	n-Butyraldehyde.
Isobutyraldehyde	iso-Butyraldehyde.
Carbon bisulfide	Carbon disulfide.
2-Ethyl, 3-Propyl Acrolein	2-Ethyl-3-propyl acrolein.

4. By amending the Table 151.05 column entry under "Electrical hazard" to read "I–A" for "Carbon disulfide."

5. By amending the Table 151.05 column entry under "Electrical hazard" to read "I–B" for the following cargoes:

Chlorosulfonic acid
Hydrochloric acid
Hydrochloric acid, spent (15% or less)
Hydrofluoric acid
Hydrofluorosilicic acid (25% or less)
Hydrogen chloride
Hydrogen fluoride
Nitric acid (70% or less)
Oleum
Phosphoric acid
Sulfuric acid
Sulfuric acid, spent

6. By amending the Table 151.05 column entry under "Electrical hazard" to read "I–C" for the following cargoes:

Allyl alcohol
n-Butyraldehyde
iso-Butyraldehyde
Crotonaldehyde
Epichlorohydrin

2-Ethyl-3-propyl acrolein
Formaldehyde Solution 37–50%
Furfural
Morpholine

7. By amending the Table 151.05 column entry under "Electrical hazard" to read "I–D" for the following cargoes:

Acetic acid
Acetic anhydride
Ammonium hydroxide, not to exceed 28%
n-Butyl acrylate
iso-Butyl acrylate
Camphor oil (light)
Chlorobenzene
Chlorohydrins (crude)
Dichloropropane
Ethyl acrylate
Ethyl chloride
Ethylene diamine
Ethylene dichloride
Formic acid
Isoprene
Methyl acrylate
Motorfuel antiknock compounds
Propionic acid
Vinylidene chloride inhibited

8. By amending the Table 151.05 column entry under "Electrical hazard" to read "NA" for the following cargoes:

Acetone cyanohydrin
Adiponitrile
Aminoethyl ethanolamine
Aniline
Carbolic oil
Carbon tetrachloride
Caustic potash solution
Caustic soda solution
Chlorine
Chloroform
Cresols
Dichlorodifluoromethane
Diethanolamine
Diethylenetriamine
Diisopropanolamine
Ethylene cyanohydrin
Monochlorodifluromethane
Monoethanolamine
Monoisopropanolamine
Phenol
Phosphorous, elemental
Triethanolamine
Triethylene tetramine

9. By removing and reserving Footnote 1 to Table 151.05.

Footnotes:

[1] (Reserved.)

* * * * *

(46 U.S.C. 391a, 49 U.S.C. 1655, 49 CFR 1.46(t))

Dated: March 25, 1983.

Clyde T. Lusk, Jr.,

Rear Admiral, U.S. Coast Guard,

Chief, Office of Merchant Marine Safety.

[FR Doc. 83-9052 Filed 4-13-83; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 83-356; RM-4373]

FM Broadcast Stations in Minot, North Dakota; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes a fifth FM assignment to Minot, North Dakota, in response to a petition filed by Robert Gallaher.

DATES: Comments must be filed on or before May 23, 1983, and reply comments on or before June 7, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau, (202) 634–6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Notice of Proposed Rule Making

In the matter of amendment of § 73.202(b), Table of Assignments, Minot, North Dakota, MM Docket No. 83–356, RM–4373.

Adopted: March 23, 1983.

Released: April 8, 1983.

By the Chief, Policy and Rules Division:

1. The Commission herein considers a petition for rule making filed by Robert Gallaher ("petitioner"), proposing the assignment of Channel 292A to Minot, North Dakota, as its fifth FM assignment. Petitioner stated that he or an entity of which he is a part will apply for the channel, if assigned. The channel can be assigned in full compliance with the minimum spacing requirements of § 73.207 of the Rules.

2. Since Minot, North Dakota, is within 230 kilometers (200 miles) of the U.S. Canadian border, the proposed assignment requires coordination with the Canadian Government.

3. In view of the fact that the proposal could provide a fifth FM service to Minot, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Rules, as follows:

City	Channel No.	
	Present	Proposed
Minot, N. Dak.	229, 246, 260, 287	229, 246, 260, 287, and 292A.

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before May 23, 1983, and reply comments on or before June 7, 1983, and are advised to read the appendix for the proper procedures.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making To Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules,* 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Montrose H. Tyree, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignements. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments official filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule*

Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 83-9806 Filed 4-13-83; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-357; RM-4379]

Radio Broadcast Services; FM Broadcast Stations in Killington, Vermont

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign Class B FM Channel 287 to Killington, Vermont, as requested by First VT Women's Broadcasters. The proposal could provide a first local broadcast service.

DATES: Comments must be filed on or before May 23, 1983, and reply comments must be filed on or before June 7, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Philip Cross, Mass Media Bureau, (202) 632-5414.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Notice of Proposed Rule Making.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Killington, Vermont)

MM Docket No. 83-357, RM-4379

Adopted: March 23, 1983.
Released: April 8, 1983.
By the Chief, Policy and Rules Division:

1. A petition for rule making was filed on February 7, 1983, by First VT Women's Broadcasters ("VT") to assign Class B FM Channel 287 to Killington, Vermont. VT states that it will apply for authorization to operate a station on the channel, if it is assigned.

2. VT seeks a Class B channel assignment. Class B stations are licensed in Zone I of the United States. However, Killington, is located in Zone II which is reserved for Class C assignments. Class C stations are authorized to operate with higher maximum power than Class B stations and have greater mileage separation requirements. Pursuant to § 73.211(c) of our Rules, the Zone in which a station is located is determined by the transmitter site, rather than the community of license. A transmitter site in Zone I which meets all spacing requirements for Channel 287, as a Class B assignment, may be located 11.5 miles south of Killington. However, VT proposes a transmitter site near the radio tower of station WRUT, Rutland, Vermont, in Zone II.

3. VT indicates that it will locate its transmitter in Zone I or seek a waiver of our Rules to operate a Class B station in Zone II. In so doing, it states that it will accept a grant of any construction permit on the condition that it maintains Class B facilities. On the basis that VT will either conform its station to the requirements of § 73.211(c) or seek a waiver thereof, the Commission believes that VT's proposal warrants consideration. Accordingly, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) as follows:

City	Channel No.	
	Present	Proposed
Killington, Vermont		287

Canadian concurrence is required.

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before May 23, 1983, and reply comments on or before June 7, 1983, and are advised to read the Appendix for the proper procedures.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Philip S. Cross, Mass Media Bureau, (202) 632-5414.

However, members of the public should note that from the time a *Notice of Proposed Rule Making* is issued until the matter is no longer subject to Commission consideration, or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(1), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein, If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 83-9809 Filed 4-13-83; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 83-354; RM-4290]

Television Broadcast Stations in San Luis Obispo, California; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of UHF television Channel 33 to San Luis Obispo, California, in response to a petition filed by William V. Johnson. The proposed assignment would provide for a second commercial television service to San Luis Obispo.

DATES: Comments must be filed on or before May 23, 1983, and reply comments on or before June 7, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau (202) 634-6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Notice of Proposed Rule Making

In the matter of Amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations (San Luis Obispo, California), MM Docket No. 83-354, RM-4290.

Adopted: March 23 1983.

Released: April 8, 1983.

By the Chief, Policy and Rules Division:

1. William V. Johnson ("petitioner") on December 30, 1982, submitted a petition for rule making requesting the assignment of UHF television Channel 33 to San Luis Obispo, California, as a second commercial television assignment. Petitioner stated that he or an entity of which he is a part, will apply for the channel, if assigned.

2. San Luis Obispo (population 34,252),[1] seat of San Luis Obispo County (population 155,345), is located approximately 260 kilometers (160 miles) northwest of Los Angeles. San Luis Obispo is presently assigned commercial Channel 6 and noncommercial educational Channel *15.

3. In support of his request, petitioner submitted 1981 population data. Petitioner also submitted 1981 statistics for San Luis Obispo County regarding total and per household spendable income and retail sales.[2]

4. We believe tht the petitioner's proposal warrants consideration. The proposal meets all spacing requirements and could provide for a second commercial television station at San Luis Obispo. Comments are invited on the proposal to amend the Television Table of Assignments, with regard to the following community:

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[1] Population figures are from U.S. Census 1900 Advance Report.

[2] Information was extracted from the *Standard Rate and Data Service, Inc.* of Skokie, Illinois.

City	Channel No.	
	Present	Proposed
San Luis Obispo, Calif.	6+, *15+	6+, 15+, 33

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. Note: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before May 23, 1983, and reply comments on or before June 7, 1983, and are advised to read the Appendix for the proper procedures.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification That Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making To Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Montrose H. Tyree, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 83-9811 Filed 4-13-83; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 83-355; RM-4305]

Television Broadcast Stations in Fort Worth, Texas; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign UHF Television Channel 52 to Fort Worth, Texas, in response to a petition filed by Dennis H. Owen. The assignment could provide Fort Worth with its fourth commercial television allocation.

DATES: Comments must be filed on or before May 23, 1983 and reply comments on or before June 7, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Mass Media Bureau, (202) 634–6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Notice of Proposed Rule Making

In the matter of Amendment of § 73606(b), Table of Assignments, Television Broadcast Stations (Fort Worth, Texas), MM Docket No. 83–355, RM–4305.

Adopted: March 23, 1983.

Released: April 8, 1983.

By the Chief, Policy and Rules Division:

1. A petition for rule making was filed January 6, 1983, by Dennis H. Owen ("Petitioner") seeking the assignment of UHF television Channel 43 to Fort Worth, Texas, as that community's fourth commercial television allocation. Petitioner indicates that he, or an entity

of which he is a part, will apply for the channel, if assigned.

2. Fort Worth (population 385,141),[1] the seat of Tarrant County (population 860,880), is located in northeast Texas approximately 50 kilometers (28 miles) west of Dallas. At the present time, Fort Worth is served by commercial television Stations KXAS (TV) (Channel 5+), KTVT (TV) (Channel 11−), KTXA (TV) (Channel 21−), and noncommercial educational Channel *31, for which applications are pending.

3. According to information supplied by petitioner, Fort Worth's economic base should be sufficient to support the proposed television assignment.

4. A Channel 43 assignment to Fort Worth would be short-spaced to the proposed assignment of Channel 58 to Dallas, Texas, in BC Docket No. 82–834 (RM–4202), since that proposal requires a minimum distance separation of 75 miles between UHF assignments that are 15 channels apart. However, a staff engineering study reveals that Channel 52 can be assigned to Fort Worth with a carrier offset, in lieu of Channel 43. The offset is necessary to comply with the requirements of § 73.610(b) of the Commission's Rules which, in this instance, requires a separation of 175 miles to co-channel Station KSBI (TV) in Oklahoma City, Oklahoma.

5. In view of the foregoing and the fact that the proposed television assignment would provide a fourth commercial television broadcast service to Fort Worth, Texas, the Commission believes it appropriate to propose amending the Television Table of Assignments, § 73.606(b) of the Commission's Rules, as follows:

City	Channel No.	
	Present	Proposed
Fort Worth, Texas.	5+, 11−, 21−, and *31+.	5+, 11−, 21−, *31+, and 52+.

6. The Commission's authority to institute rule making proceedings, showing required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before May 23, 1983, and reply comments on or before June 7, 1983, and are advised to read the Appendix for the proper procedures.

[1] Population figures are extracted from the 1980 U.S. Census, Advance Reports.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Nancy V. Joyner, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the TV Table of Assignments § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expect to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference

Room at its headquarters, 1919 M Street, N.W., Washington, D.C.,

[FR Doc. 83-9810 Filed 4-13-83; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-350; RM-4354]

FM Broadcast Stations in Port St. Joe, Florida; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action herein proposes the substitution of Class C FM Channel 233 for Channel 228A at Port St. Joe, Florida, and modification of the Class A license for Station WGCV(FM), in response to a petition filed by Brown Broadcasting of Florida, Inc. The assignment could provide Port St. Joe with a first Class C FM station.

DATES: Comments must be filed on or before May 23, 1983, and reply comments on or before June 7, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Adopted: March 23, 1983.
Released: April 8, 1983.

In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Port St. Joe, Florida), MM Docket No. 83-350, RM-4354.

By the Chief, Policy and Rules Division:

1. A petition for rule making was filed January 19, 1983, by Brown Broadcasting of Florida, Inc. ("petitioner"), licensee of FM Station WGCV [1] (Channel 228A) in Port St. Joe, Florida, seeking the substitution of Class C Channel 233 for Channel 228A and modification of its license to specify operation on the Class C channel. The channel can be assigned consistent with the minimum mileage separation requirements of § 73.207(a) of the Commission's Rules.

2. In justification of its proposal, petitioner states that the improved facilities will enable it to substantially expand its service area.

3. In response to petitioner's request, we shall propose the substitution of channels at Port St. Joe and the modification of Station WGCV's license to specify operation on Channel 233 in lieu of Channel 228A. However, in conformity with Commission policy, as expressed in *Cheyenne, Wyoming*, 62 FCC 2d 63 (1976), should another interest in the assignment be expressed, the proposed modification could not be made and the channel, if assigned, would be open to competing applications.

4. An *Order to Show Cause* to the petitioner is not required since consent to the modification of its license is indicated by its request for the Class C channel.

5. In consideration of the above, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, as follows:

City	Channel No.	
	Present	Proposed
Port St. Joe, Fla	228A	233

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: a showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before May 23, 1983, and reply comments on or before June 7, 1983, and are advised to read the Appendix for the proper procedures.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making To Amend § § 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Nancy V. Joyner, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comments which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § § 0.61, 0.204(b) and 0.283 of the Commission's Rules, *it is proposed to amend* the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later

[1] Petitioner advises that it recently became the licensee of Station WGCV (as well as WJOE(AM) in Port St. Joe), by the Commission's approval of an assignment of license therefor (File Nos. BAPL-821028GN and BAPLH-821028GO), and now desires to improve its FM facility.

than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.145 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions § 1.420 of the Commission's Rules and Regulations, and original and four copies of all comments, reply comments, pleading, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-9615 Filed 4-13-83; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 83-351; RM-4361]

FM Broadcast Stations in Albion, Nebraska; Proposed Changes in Table of Assignments.

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes a first FM assignment to Albion, Nebraska, in response to a petition filed by Emanuel W. Skala.

DATES: Comments must be filed on or before May 23, 1983, and reply comments on or before June 7, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Adopted: March 23, 1983.
Released: April 8, 1983.

In the Matter of; Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Albion, Nebraska) MM Docket No. 83-351, RM-4361.

By the Chief, Policy and Rules Division:

1. Emanuel W. Skala ("petitioner") on January 24, 1983, submitted a petition for rule making which seeks the assignment of Channel 224A to Albion, Nebraska, as its first FM assignment. Petitioner stated that he would apply for the channel, if assigned. The channel can be assigned in compliance with the provisions of § 73.207 of the Rules.

2. The petitioner submitted population, economic and community data in an effort to demonstrate a need for the requested assignment. However, in view of the action taken in *Revision of FM Policies and Procedures*, 90 F.C.C. 2d 88 (1982), these issues are no longer relevant to this type of proceeding.

3. In view of the fact that the proposal could provide a first local broadcast service to Albion, comments are invited on the proposal to amend the FM Table of Assignments, § 73.202(b) of the Rules, as it pertains to the following community:

City	Channel No.	
	Present	Proposed
Albion, Nebraska		224A

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. Note: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before May 23, 1983, and reply comments on or before June 7, 1983, and are advised to read the Appendix for the proper procedures.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification That Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making To Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Montrose H. Tyree, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, *it is proposed to amend the* FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the

consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW, Washington, D.C.

[FR Doc. 83-9814 Filed 4-13-83; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-353; RM-4341]

TV Broadcast Stations in Ashland, Ky. Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes a third television assignment to Ashland, Kentucky, in response to a petition filed by Stanley G. Emert.

DATES: Comments must be filed on or before May 23, 1983, and reply comments on or before June 7, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Adopted: March 23, 1983.

Released: April 8, 1983.

In the matter of: Amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations (Ashland, Kentucky), MM Docket No. 83-353, RM-4342.

By the Chief, Policy and Rules Division:

1. Stanley G. Emert ("petitioner"), submitted a petition for rule making on January 11, 1983, requesting the assignment of UHF Television Channel 50 to Ashland, Kentucky, as a second commercial television channel. Petitioner stated that he, or an entity of which he is a part, will apply for the channel, is assigned.

2. Ashland (population 27,064),[1] in Boyd County (population 55,513), is located in eastern Kentucky, approximately 180 kilometers (112 miles) southeast of Cincinnati, Ohio. Ashland is presently assigned commercial Channel 61 and noncommercial educational Channel *25.

3. We believe that the petitioner's proposal warrants consideration. The proposed assignment meets all spacing requirements and could provide for a second commercial television station at Ashland. Comments are invited on the proposal to amend the Television Table of Assignments, with regard to the following community.

City	Channel No.	
	Present	Proposed
Ashland, Ky	*25 -, 61 +	*25 -, 50 -, 61 +

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by a reference herein.

NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before May 23, 1983, and reply comments on or before June 7, 1983, and are advised to read the Appendix for the proper procedures.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making To Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Montrose H. Tyree, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a *Notice of Proposed Rule Making* is issued until the matter is no longer subject to Commission consideration or court review, all *Ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, *it is proposed to amend* the TV Table of

Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporated by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice,* they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-9812 Filed 4-13-83; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 83-352; RM-4304]

TV Broadcast Stations in Tyler, Texas; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign UHF Television Channel 57 to Tyler, Texas, as its fourth television assignment, in response to a petition filed by Dennis H. Owen.

DATE: Comments must be filed on or before May 23, 1983, and reply comments on or before June 7, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Proposed Rule Making

Adopted: March 23, 1983.
Released: April 8, 1983.

In the matter of; Amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations (Tyler, Texas) MM Docket No. 83-352, RM-4304.

By the Chief, Policy and Rules Division:

1. The Commission herein considers a petition for rule making filed January 6, 1983, by Dennis H. Owen ("petitioner") seeking the assignment of UHF television Channel 57 to Tyler, Texas, as its fourth television assignment.

2. Tyler (population 70,508),[1] seat of Smith County (population 128,366) is located in northeastern Texas, approximately 145 Kilometers (91 miles) southeast of Dallas.

3. Petitioner has submitted information in support of his request and expressed his interest in applying for the channel, if assigned. The channel can be assigned in compliance with the minimum distance separation requirements and other technical criteria.

4. In view of the fact that Tyler could receive a fourth local television service, the Commission finds that it would be in the public interest to seek comments on the proposal to amend the Television Table of Assignments (§ 73.606(b) of the Commission's Rules) for the following community:

City	Channel No.	
	Present	Proposed
Tyler, Texas	7,14+, *38	7,14+ *38, and 57.

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. Note: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before May 23, 1983, and reply comments on or before June 7, 1983, and are advised to read the Appendix for the proper procedures.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification That Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making To Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules,* 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning

[1] Population figures are taken from the 1980 U.S. Census Advance Report.

other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, *it is proposed to amend* the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW, Washington, D.C.

[FR Doc. 83-9016 Filed 4-13-83; 8:45 am]
BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 191

[Docket OPS-49; Notice 5]

Transportation of Natural and Other Gas by Pipeline; Annual Reports and Incident Reports

Correction

In FR Doc. 83-8231, beginning on page 13450 in the issue of Thursday, March 31, 1983, the following changes should be made:

1. On page 13453, second column, the second line of § 191.5(a)(5) should read, "meet the criteria of subparagraphs (1),".

2. On page 13454, first column, the third line of § 191.9(c) should read, "respect to master meter systems or LNG".

3. On page 13454, second column, the last line of § 191.17(b) should read, "gathering lines or LNG facilities."

4. On page 13461, first column, the fourth line of the fourth paragraph should read, "the instructions, please write or call the".

5. On page 13465, first column, the seventh line of paragraph "4." should read, "Gas by Pipeline: Annual Reports and Incident Reports.' Each".

6. On page 13465, second column, the seventh from last line of the second column should read, " 'Cathodically protected' applies to both 'bare' ".

BILLING CODE 1505-01-M

Notices

Federal Register
Vol. 48, No. 73
Thursday, April 14, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

CIVIL AERONAUTICS BOARD

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q of the Board's Procedural Regulations; Week Ended: April 8, 1983

Permits (See 14 CFR 302.1701 et seq.)

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings. (See 14 CFR 302.1701 et seq.)

Date filed	Docket No.	Description
Apr 4, 1983	41048	Northeast Imperial Airlines, Inc., c/o Barry B. Feiner, 605 Third Avenue, New York, New York 10016. Amendment to the Application of Northeast Imperial Airlines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, supplying information in accordance with 14 CFR 204.5. Answers may be filed by May 2, 1983.
Apr 6, 1983	41414	Northern Air Lines, Inc., c/o Lucinda Awerkamp, Awerkamp and McClain, 701 Broadway, Quincy, Illinois 62301. Application of Northern Air Lines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests a certificate of public convenience and necessity authorizing it to engage in scheduled air transportation of persons, property and mail as follows: Between and among the terminal point Detroit, Michigan, and the following alternate terminal points: Boston, MA; Chicago, IL; Cleveland, OH; Milwaukee, WI; Newark, NJ; St. Louis, MO; and Washington, DC. Conforming Applications, Motions to Modify Scope and Answers may be filed by May 4, 1983.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 83-9904 Filed 4-13-83; 8:45 am]
BILLING CODE 6320-01-M

Order Establishing Standard Foreign Fare Level

The International Air Transportation Competition Act (IATCA), Pub. L. 96-192, requires that the Board establish a Standard Foreign Fare Level (SFFL) by adjusting the SFFL base periodically by percentage changes in actual operating costs per available seat-mile. The SFFL thus computed becomes the benchmark for measuring the statutory nonsuspend zone similar to the zone of reasonableness established by the Airline Deregulation Act and set forth in sec. 1002(d) of the Federal Aviation Act of 1958, as amended. Order 80-2-69 established the first interim SFFL and subsequent Order 83-2-27 established the currently effective two-month SFFL applicable through March 31, 1983.

Since the Board's authority to regulate interstate and overseas fares was sunset effective January 1, 1983, we will no longer publish a Standard Industry Fare Level (SIFL). Thus, the use of a published SIFL for a U.S./Canada/Mexico fare index is no longer an option. We have developed a SFFL index for U.S.-Canada fares based upon the cost experience of the U.S. carriers which provide service in the U.S.-Canada markets. A similar adjustment is not necessary for U.S.-Mexico fares since costs for such service are already reported in the Latin American entity.

In establishing the SFFL for the two-month period starting April 1, 1983 we have projected nonfuel costs based on the year ended September 30, 1982 and have determined fuel prices on the basis of experienced monthly fuel cost levels and reported weekly fuel cost trends.

By Order 83-4-47 fares may be increased by the following adjustment factors over the October 1, 1979, level:

Atlantic	1.1347
Latin America	1.2698
Pacific	1.2354
Canada	1.2999

Copies of the Board's order are available from the C.A.B. Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request.

For Further Information Contact: Julien R. Schrenk, (202) 673–5298.

By the Civil Aeronautics Board: April 8, 1983.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-9910 Filed 4-13-83; 8:45 am]

BILLING CODE 6320-01-M

[Order 83–4–56]

Aeronaves del Peru, S.A.; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of order to show cause: Order 83–4–56.

SUMMARY: The Board proposes to renew the foreign air carrier permits of Aeronaves del Peru, S.A. and Compania de Aviacion "Faucett," S.A., but to suspend the exercise of the authority granted by these permits until the Government of Peru fulfills its obligations under the U.S.-Peru Air Transport Services Agreement to permit Challenge Air Transport, Inc. to provide scheduled all-cargo service to Lima, Iquitos, and Talara, Peru.

Objections: All interested persons have objections to the Board's tentative findings and conclusions, as described in the order cited above, shall, no later than April 18, 1983, file a statement of such objections with the Civil Aeronautics Board (20 copies, addressed to Docket 26637, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428) and mail copies to all affected carriers and the Departments of State and Transportation.

A statement of objections must cite the docket number and must include a summary of testimony, statistical data, or other such supporting evidence.

If no objections are filed, the Board will issue an order which will make final the Board's tentative findings and conclusions and renew and suspend the proposed permits.

To get a copy of the complete order, request it from the C.A.B. Distribution Section, Room 100, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673–5432. Persons outside the Washington metropolitan area may send a postcard request.

FOR FURTHER INFORMATION CONTACT: Jeffrey B. Gaynes, (202) 673–5035, Bureau of International Aviation, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: April 11, 1983.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-9905 Filed 4-13-83; 8:45 am]

BILLING CODE 6320-01-M

[Docket 41320]

Classic Air, Inc.; Fitness Investigation; Hearing

Notice is hereby given that a hearing in the above-entitled proceeding is assigned to be held on April 27, 1983, at 10:00 a.m. (local time), Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C. before the undersigned administrative law judge.

Dated at Washington, D.C., April 8, 1983.

Ronnie A. Yoder,

Administrative Law Judge.

[FR Doc. 83-9906 Filed 4-13-83; 8:45 am]

BILLING CODE 6320-01-M

[Docket 41165]

Vacation Air, Inc.; Fitness Investigation; Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on April 25, 1983, at 10:00 a.m. (local time), Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., April 8, 1983.

Ronnie A. Yoder,

Administrative Law Judge.

[FR Doc. 83-9907 Filed 4-13-83; 8:45 am]

BILLING CODE 6320-01-M

[Docket No. 41320]

Classic Air, Inc.; Hearing

Notice is hereby given that a hearing in the above-entitled proceeding is assigned to be held on April 27, 1983, at 10:00 a.m. (local time), Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C. before the undersigned administrative law judge.

Dated at Washington, D.C., April 8, 1983.

Ronnie A. Yoder,

Administrative Law Judge.

[FR Doc. 83-9908 Filed 4-13-83; 8:45 am]

BILLING CODE 6320-01-M

[Docket No. 41644]

Frontier Flying Service Fitness Investigation; Cancellation of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter scheduled to be held on April 12, 1983, is hereby cancelled.

Dated at Washington, D.C., April 11, 1983.

John M. Vittone,

Administrative Law Judge.

[FR Doc. 83-9911 Filed 4-13-83; 8:45 am]

BILLING CODE 6320-01-M

[Docket No. 41165]

Vacation Air, Inc.; Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on April 25, 1983, at 10:00 a.m. (local time), Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., April 8, 1983.

Ronnie A. Yoder,

Administrative Law Judge.

[FR Doc. 83-9909 Filed 4-13-83; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Bureau of the Census

Estimates of the Voting Age Population for 1982

In accordance with the requirements of the Federal Election Campaign Act Amendments of 1976, 2 U.S.C. 441a(e), notice is hereby given that the estimates of the voting age population for July 1, 1982, for each state, the District of Columbia, the Commonwealth of Puerto Rico, and the Territories of Guam and the Virgin Islands are as shown in the following table.

These estimates have been certified to the Federal Election Commission.

Malcolm Baldrige,

Secretary of Commerce.

ESTIMATES OF THE POPULATION OF VOTING AGE FOR STATES AND SELECTED OUTLYING AREAS: JULY 1, 1982

[In thousands]

Area	Population 18 and over
United States	166,769
Alabama	2,812
Alaska	297
Arizona	2,049
Arkansas	1,642
California	16,239

ESTIMATES OF THE POPULATION OF VOTING AGE FOR STATES AND SELECTED OUTLYING AREAS: JULY 1, 1982—Continued

[In thousands]

Area	Population 18 and over
Colorado	2,219
Connecticut	2,370
Delaware	443
District of Columbia	494
Florida	7,987
Georgia	4,011
Hawaii	716
Idaho	655
Illinois	8,310
Indiana	3,926
Iowa	2,109
Kansas	1,761
Kentucky	2,625
Louisiana	3,020
Maine	824
Maryland	3,154
Massachusetts	4,366
Michigan	6,530
Minnesota	2,993
Mississippi	1,752
Missouri	3,829
Montana	570
Nebraska	1,145
Nevada	651
New Hampshire	697
New Jersey	5,534
New Mexico	937
New York	13,151
North Carolina	4,402
North Dakota	477
Ohio	7,818
Oklahoma	2,296
Oregon	1,936
Pennsylvania	8,876
Rhode Island	725
South Carolina	2,278
South Dakota	490
Tennessee	3,390
Texas	10,751
Utah	974
Vermont	376
Virginia	4,053
Washington	3,105
West Virginia	1,406
Wisconsin	3,451
Wyoming	347
Outlying Areas	
Puerto Rico	2,036
Guam	67
Virgin Islands	58

[FR Doc. 83-9895 Filed 4-13-83; 8:45 am]

BILLING CODE 3510-07-M

International Trade Administration

[A-588-091]

Certain Electric Motors From Japan; Final Results of Administration Review of Antidumping Duty Order

Correction

In FR Doc. 83-8751 beginning on page 14719 in the issue of Tuesday, April 5, 1983, make the following correction:

On page 14722, middle column, in the table, the time period for Yaskawa and Hitachi now reading "April 1, 1980 to November 30, 1981" should have read "April 1, 1980 to November 30, 1980".

BILLING CODE 1505-01-M

National Bureau of Standards

National Voluntary Laboratory Accreditation Program (NVLAP)

AGENCY: National Bureau of Standards, Commerce.

ACTION: Withdrawal of preliminary finding of need to accredit laboratories that test window and and door products.

SUMMARY: In a notice published in the **Federal Register** on August 24, 1982 (47 FR 36875–36878) the National Bureau of Standards (NBS) requested public comments on its preliminary finding that there is a need to accredit laboratories that test window and door products. The comments received objected to the establishment of that laboratory accreditation program (LAP) which has led NBS to the conclusion that the preliminary finding of need should be withdrawn. Accordingly, NBS hereby announces the withdrawal of the Preliminary Finding of Need to Accredit Laboratories that Test Window and Door Products.

FOR FURTHER INFORMATION CONTACT: John W. Locke, Manager, Laboratory Accreditation, National Bureau of Standards, TECH B141, Washington, D.C. 20234 (301) 921–3431.

SUPPLEMENTARY INFORMATION:

Background

On January 21, 1982, the Department of Commerce published in the **Federal Register** (47 FR 3025–3026) for public comment a request from the Department of Housing and Urban Development (HUD), under the provisions of 15 CFR Part 7b, to establish a Laboratory Accreditation Program (LAP) for laboratories that test window and door products. Public comments received by HUD led it to the conclusion that the request should be withdrawn so that other interested parties could act as proponents of the proposed program. The notice announcing HUD's withdrawal decision was published in the **Federal Register** on May 28, 1982 (47 FR 23509–23510).

Following the decision by HUD to withdraw its request for the Window and Door LAP, The Associated Laboratories, Inc., Dallas, Texas, under the NVLAP procedures 15 CFR Part 7a, requested that NBS make a preliminary finding that there is a need to accredit laboratories that test window and door products.

On August 24, 1982, NBS published an announcement in the **Federal Register** (47 FR 36875–36878) of a preliminary finding of need to accredit laboratories that test window and door products and invited public comments over a 60-day period. That notice also established a 15-day period, to request an informal public hearing. No requests were received for a public hearing. A total of 19 written statements were filed in response to the preliminary finding of need. The written statements are available for inspection and copying in the Department of Commerce (DOC) Central Reference and Records Inspection Facility (CRRIF), Room 6622, Herbert C. Hoover Building (HCHB)(Main Commerce), 14th Street between E Street and Constitution Avenue, N.W., Washington, D.C. 20234. These written comments have been analyzed and considered. The result of this analysis is a document entitled, "Summary and Analysis of Comments on the Preliminary Finding of Need to Accredit Laboratories that Test Window and Door Products." (Summary and Analysis Document). That document, which lists the members of the public who provided written comments, is also available for inspection and copying at HCHB'S CRRIF mentioned above.

A summary of the analysis of the comments and the recommendation is presented below.

Summary of Analysis of Comments

Six respondents indicated support for the LAP, and eleven respondents objected to the establishment of the program.

One of the respondents to the NBS notice is the Architectural Aluminum Manufacturers Association. AAMA is a national trade association which represents approximately 260 firms engaged in the manufacture and sale of architectural aluminum building components and related products. AAMA presently sponsors a product certification program for aluminum prime windows, sliding doors and aluminum combination storm windows and doors. The 1982 AAMA Certification Program Directory lists 4 Administrators/Validators and 17 approved testing laboratories which conduct product testing for the 260 fims.

Under the product certification program the 4 Administrators/Validators are required to conduct periodic in-plant inspections to assure that the testing is performed in accordance with the ANSI/AAMA test procedures.

The ANSI/AAMA test procedures used in the certification program cover the following product categories:

1. Aluminum prime windows, sliding doors and aluminum combination storm windows and doors.

2. Primary windows and sliding glass doors required by the Federal Mobile

Home Construction and Safety Standard.

3. Swinging exterior passage doors required by the Federal Mobile Home Construction and Safety Standard.

AAMA submitted the following comment on the NVLAP proposed LAP: "AAMA, upon review feels that the best interests of the window and door industry and consumers would be best served by an independent, uniform laboratory accreditation system established and run by the private sector. AAMA has the in-house expertise to establish the procedures, criteria and organization to sponsor a laboratory accreditation program for window and door products."

The objectors, while opposed to the establishment of a program under NVLAP for accrediting laboratories that test window and doors did endorse the proposed establishment of a laboratory accreditation program in the private sector operated by AAMA in support of its product certification program for window and door products.

AAMA's representation of a large majority of the manufacturers of aluminum building products which are tested by the AAMA approved testing laboratories would leave little or no testing laboratories to enroll in a NVLAP accreditation program for laboratories that test window and door products. Therefore, initiation of the NVLAP LAP would be impractical and uneconomical.

The comments of all of the respondents are summarized in the "Summary and Analysis Document".

Conclusion

Based upon the decision of AAMA to establish a private industry sponsored laboratory accreditation program for laboratories that test window and door products and the views of the other objectors, NBS hereby announces the withdrawal of the preliminary finding of need to accredit laboratories that test window and door products.

Dated: April 8, 1983.

Ernest Ambler,

Director, National Bureau of Standards.

[FR Doc. 83-9804 Filed 4-13-83; 8:45 am]

BILLING CODE 3510-13-M

[Docket No. 30124-17]

Revision to Federal Information Processing Standard 63, Operational Specifications for Variable Block Rotating Mass Storage Subsystems

Under the provisions of Pub. L. 89-306 (79 Stat. 1127; 40 U.S.C. 759(f)) and Executive Order 11717 (38 FR 12315, dated May 11, 1973), the Secretary of Commerce (Secretary) is authorized to establish uniform Federal automatic data processing standards. On May 28, 1982, notice of a proposed revision to Federal Information Processing Standard (FIPS) 63 was published in the **Federal Register** (47 FR 23510) for public comment and sent to Federal agencies for comment. This notice proposed to remove the three device class specifications contained in FIPS 63 from that standard and to maintain those device class specifications as a separate report which will not be a part of the standard. Interested parties were invited to submit written comments concerning the proposed revised standard to the National Bureau of Standards (NBS).

The written comments submitted by interested parties and other material available to the Department relevant to this proposed revision were reviewed by NBS. On the basis of this review, NBS recommended to the Secretary his approval of the revised standard as a FIPS, and prepared a detailed justification document for the Secretary's review in support of that recommendation. The purpose of this notice is to announce that the Secretary has approved this revised standard as a FIPS, and that the standard shall be published as FIPS publication 63-1. The original version of this standard became effective June 23, 1980, and the provisions from it which this revision retains continue in effect from that date. The changes made by this revision become effective April 14, 1983.

The detailed justification document which was presented to the Secretary, and which includes an analysis of the written comments received, is part of the public record and is available for inspection and copying in the Department's Central Reference and Records Inspection Facility, Room 6622, Main Commerce Building, 14th Street between Constitution Avenue and E Street, NW., Washington, D.C. 20230.

The original standard, FIPS 63, was approved by the Secretary on August 16, 1979 (44 FR 50078-50080) and was the subject of corrections and revisions announced in the **Federal Register** on August 31, 1979 (44 FR 51294), December 3, 1979 (44 FR 69317), and November 26, 1980 (45 FR 78746). This revised standard supersedes FIPS 63 in its entirety, including its subsequent corrections and revisions.

The approved FIPS contains two portions: (1) An announcement portion which provides information concerning the applicability, implementation, and maintenance of the standard and (2) a specifications portion which deals with the technical requirement of the standard. Only the announcement portion of the standard is provided in this notice. Additional operational specifications are available in a separate report entitled, *Additional Operational Specifications for Variable Block Rotating Mass Storage Devices.*

Interested parties may purchase either paper or microfiche copies of this revised standard, including the technical specifications portion, from the National Technical Information Service (NTIS). The additional operational specifications are also available from NTIS. Specific ordering information from NTIS for this revised standard is set out in the Where to Obtain Copies section of the announcement portion of the standard.

Persons desiring further information about this revised standard may contact Mr. William Burr, Center for Computer Systems Engineering, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234, (301) 921-3723.

Dated: April 8, 1983.

Ernest Ambler,

Director.

Federal Information Processing Standards Publication 63-1

(Date)

Announcing the Standard for Operational Specifications for Variable Block Rotating Mass Storage Subsystems

Federal Information Processing Standards Publications are issued by the National Bureau of Standards pursuant to section 111(f)(2) of the Federal Property and Administrative Services Act of 1949, as amended, Public Law 89-306 (79 Stat. 1127), Executive Order 11717 (38 FR 12315, dated May 11, 1973) and Part 6 of Title 15 Code of Federal Regulations (CFR).

Name of Standard. Operational Specifications for Variable Block Rotating Mass Storage Subsystems (FIPS PUB 63-1).

Category of Standard. Hardware Standard, Interface.

Explanation. This standard defines the peripheral device dependent operational interface specifications for connecting variable block rotating mass storage equipment as a part of automatic data processing (ADP) systems. It is to be used together with FIPS PUB 60,* I/O Channel Interface and FIPS PUB 61,* Channel Level Power Control Interface. This standard, together with these two referenced standards, provides for full plug-to-plug interchangeability of rotating mass storage equipment as a part of ADP systems. Alternatives to this standard are being prepared and will be issued from time to time

* Reference to FIPS PUB 60 and FIPS PUB 61 is intended to indicate the most recent revision of those publications designated respectively as FIPS PUB 60-1, 60-2, * * *, and FIPS PUB 61-1, 61-2, * * *

as FIPS PUBS. Their applicability provisions will indicate that they are alternatives to this standard, and as they are issued any of them may be used in place of this standard in appropriate applications.

The Government's intent in employing this standard prescribing Operational Specifications for Variable Block Rotating Mass Storage Subsystems is to reduce the cost of satisfying its data processing requirements through increasing its available alternative sources of supply for computer systems components at the time of initial system acquisition, as well as in system replacement augmentation and in system component replacement. This standard is also expected to lead to improved reutilization of system components.

When acquiring ADP systems and system components, Federal agencies shall cite this standard in specifying the interface for connecting variable block rotating mass storage peripheral equipment as a part of ADP systems.

Approving Authority. Secretary of Commerce.

Maintenance Agency. Department of Commerce, National Bureau of Standards (Institute for Computer Sciences and Technology).

Cross Index. Operational Specifications for Variable Block Rotating Mass Storage Subsystems. Additional operational specifications are available in a separate report entitled, *Additional Operational Specifications for Variable Block Rotating Mass Storage Devices*, which provides track format definition and specifies the sense information format and content for particular classes of variable block rotating mass storage devices.

Applicability. This standard is applicable to the acquisition of all rotating mass storage equipment whenever the use of Federal Information Processing Standard I/O Channel Interface (FIPS PUB 60) is required unless a FIPS PUB having an applicability provision stating that it is an alternative to this standard is appropriate to the application and the equipment conforms to that FIPS PUB.

Verfication of the correct operation of all interfaces that are required to confrom to this standard shall, through demonstration or other means acceptable to the Government, be provided prior to the acceptance of all applicable ADP equipment.

Specifications. Affixed.

Copies of the technical specifications section of the standard will be available from the National Technical Information Service as described in the Where to Obtain Copies section below.

Implementation. The original version of this standard became effective June 23, 1980, and the provisions from it which this revision retains continue in effect from that date. The changes made by this revision become effective April 14, 1983.

All applicable equipment ordered on or after the effective date, or procurement actions for which solicitation documents have not been issued by that date, must conform to the provisions of this standard unless a waiver has been granted in accordance with the procedure described elsewhere in this publication.

Regulations concerning the specific use of this standard in Federal procurement will be issued by the General Services Administration to be a part of the Federal Property Management Regulations.

This revised standard shall be reviewed by NBS within three years after its date of issue, taking into account technological trends and other factors, to determine whether the standard should be affirmed, revised, or withdrawn.

Waivers. Heads of agencies desiring a waiver from the requirements stated in this publication, so as to acquire ADP equipment that does not conform to this standard, shall submit a request for such a waiver to the Secretary of Commerce for review and approval. Approval will be granted if, in the judgment of the Secretary based on all available information, including that provided in the waiver request, a major adverse economic or operational impact would occur through conformance with this standard.

A request for waiver shall include: (1) A description of the existing or planned ADP system for which the waiver is being requested, (2) a description of the system configuration, identifying those items for which the waiver is being requested, and including a description of planned expansion of the system configuration at any time during its life cycle, and (3) a justification for the waiver, including a description and discussion of the major adverse economic or operational impact that would result through conformance to this standard as compared to the alternative for which the waiver is requested.

The request for waiver shall be submitted to the Secretary of Commerce, Washington, D.C. 20230, and labeled as a Request for Waiver to a Federal Information Processing Standard. Waiver requests will normally be processed within 45 days of receipt by the Secretary. No action shall be taken to issue solicitation documents or to order equipment for which this standard is applicable and which does not conform to this standard prior to receipt of a waiver approval response from the Secretary.

Where to Obtain Copies. Either paper or microfiche copies of this Federal Information Processing Standard, including the technical specifications, may be purchased from the National Technical Information Service (NTIS) by ordering Federal Information Processing Standard Publication 63–1 (FIPS–PUB–63–1), Operational Specifications for Variable Block Rotating Mass Storage Subsystems. The supplement to FIPS PUB 63 entitled *Additional Operational Specifications for Variable Block Rotating Mass Storage Devices* may also be obtained from NTIS. Ordering information, including prices and delivery alternatives, may be obtained by contacting the National Technical Information Service (NTIS), U.S. Department of Commerce, Springfield, VA 22161, telephone: (703) 487–4650.

[FR Doc. 83-9870 Filed 4-13-83; 8:45 am]

BILLING CODE 3510-CN-M

National Oceanic and Atmospheric Administration

Mid-Atlantic Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTION: Notice.

SUMMARY: The Mid-Atlantic Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94–265, as amended), will meet to discuss the Surf Clam/Ocean Quahog Fishery Management Plan (FMP), Atlantic Mackerel, Squid and Butterfish FMP, status of other FMP's, as well as discuss other fishery management and administrative matters.

DATE: The public meetings will convene on Wednesday, May 11, 1983, at approximately noon, and will adjourn at approximately 5 p.m., on Thursday, May 12, 1983.. The meetings may be lengthened or shortened depending upon progress on the agenda.

ADDRESS: The public meetings will take place at the Golden Eagle Inn, Beach Drive, Cape May, New Jersey.

FOR FURTHER INFORMATION CONTACT: Mid-Atlantic Fishery Management Council; Room 2115—Federal Building, 300 South New Street, Dover, Delaware 19901, Telephone: (302) 674–2331.

Dated: April 11, 1983.

Richard B. Stone,

Acting Chief, Operations Coordination Group, National Marine Fisheries Service.

[FR Doc. 83-9857 Filed 4-13-83; 8:45 am]

BILLING CODE 3510-22-M

Pacific Fishery Management Council's Anchovy Plan Development Team, Anchovy Subpanel and Scientific and Statistical Committee Anchovy Subcommittee; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTION: Notice.

SUMMARY: The Pacific Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94–265, as amended), has established an Anchovy Plan Development Team, an Anchovy Subpanel, and an Anchovy Subcommittee of its Scientific and Statistical Committee. These three groups will hold separate public meetings to discuss a draft proposed amendment to the Northern Anchovy Fishery Management Plan. The draft proposed agenda would change current methods for annually estimating the

anchovy spawning biomass and deriving optimum yield and harvest quotas based on the biomass estimate. Information developed at these meetings will enable the groups to formulate recommendations to the Council and Scientific and Statistical Committee Anchovy Subcommittee preparatory to releasing the proposal for review. Members of the public will be permitted to submit oral or written statements regarding matters on the agenda.

DATES: The separate public meetings will be held as follows:

1. Anchovy Subpanel—Monday, May 5, 1983, convening at approximately 10 a.m., in the Main Conference Room, Room 2032, Federal Customs Building, 300 South Ferry Street, Terminal Island, California;
2. Anchovy Plan Development Team—Friday, May 6, 1983, Convening at approximately 8 a.m. in the auditiorium of the Southwest Fisheries Center, National Marine Fisheries Service, 8604 La Jolla Shores Drive, La Jolla, California; and,
3. Scientific and Statistical Committee Anchovy Subcommittee—Wednesday, May 4, 1983, Convening at approximately 9 a.m., in the auditorium of the Southwest Fisheries Center, National Marine Fisheries Service, 8604 La Jolla Shores Drive La Jolla, California.

FOR FURTHER INFORMATION CONTACT: Pacific Fishery Management Council, 526 S.W. Mill Street, Portland, Oregon 97201, Telephone: (503) 221–6352.

Dated: April 1, 1983.

Richard B. Stone,

Acting Chief, Operation Coordination Group, National Marine Fisheries Service.

[FR Doc. 83-9060 Filed 4-13-83; 8:45 am]

BILLING CODE 3510-22-M

Pacific Fishery Management Council's Groundfish Management Team; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTION: Notice.

SUMMARY: The Pacific Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94–265, as amended), has established a Groundfish Management Team. The Team will address a number of groundfish issues which may require amendment to the Pacific Coast Groundfish Plan. These include gear marking and vessel identification requirements, an expanded area for joint venture processing; modification of the requirement to cease directed fishing for sablefish when 95% of the optimum yield is reached; trip limit provisions for Pacific ocean perch; the beginning date for the fishing year for fisheries covered by the plan; the removal of jack mackerel from the multi-species grouping; the addition of other rockfish species to the plan; review of status of stock reports; and other groundfish matters of importance to the Council. Members of the public will be permitted to submit oral or written statements regarding these matters. A public comment period is scheduled for 4 p.m., each day.

DATES: The public meetings will convene on Tuesday, April 26, 1983, and continue through to April 28, 1983, convening at approximately 8 a.m., and adjourning at approximately 5 p.m. each day.

ADDRESS: The public meetings will take place at the National Marine Fisheries Service, Southwest Fisheries Center, Tiburon Laboratory, 3150 Paradise Drive, Tiburon, California.

FOR FURTHER INFORMATION CONTACT: Pacific Fishery Management Council, 526 S.W. Mill Street, Portland, Oregon 97201, telephone: (503) 221–6352.

Dated: April 11, 1983.

Richard B. Stone,

Acting Chief, Operations Coordination Group, National Marine Fisheries Service.

[FR Doc. 83-9059 Filed 4-13-83; 8:45 am]

BILLING CODE 3510-22-M

South Atlantic Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTION: Notice.

SUMMARY: The South Atlantic Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94–265, as amended), will meet to report on comments received during the Swordfish Fishery Management Plan (FMP) and Bluefish FMP public hearings; discuss the status of the Billfish FMP, review other FMP activities, as well as discuss other fishery management and administrative matters, as necessary.

DATES: The public meetings will convene on Monday, May 23, 1983, at approximately 1:30 p.m., and will adjourn on Thursday, May 26, 1983, at approximately noon.

ADDRESS: The public meetings will take place at the Holiday Inn, Kill Devil Hills, (Nags Head), North Carolina.

FOR FURTHER INFORMATION CONTACT: South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, South Carolina 29407, telephone: (803) 571–4366.

Dated: April 11, 1983.

Richard B. Stone,

Acting Chief Operations Coordination Group, National Marine Fisheries Service.

[FR Doc. 83-9058 Filed 4-13-83; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board Task Force on Fire Support for Amphibious Warfare; Advisory Committee Meeting

The Defense Science Board Task Force of Fire Support for Amphibious Warfare will meet in close session on May 26-27, 1983 in the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

At the meeting on May 26–27, 1983 the Task Force will consider the basic requirements for fire support during amphibious warfare operations.

In accordance with Section 10(d) of the Federal Advisory Committee Act, Pub. L. 92–463, as amended (5 U.S.C. App. I, (1976)), it has been determined that this DSB Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly these meetings will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Service, Department of Defense.

April 11, 1983.

[FR Doc. 83-9061 Filed 4-13-83; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board Task Force on Long Endurance Aircraft; Advisory Committee Meeting

The Defense Science Board Task Force on Long Endurance Aircraft will meet in closed session on May 6, 1983 in the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

At the meeting on May 6, 1983, the Task Force will consider the current long endurance aircraft programs.

In accordance with Section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92-463, as amended (5 U.S.C. App. I, (1976)), it has been determined that this DSB Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly these meetings will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Service, Department of Defense.

April 11, 1983.

[FR Doc. 83-9050 Filed 4-13-83; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[ERA Docket No. 83-CERT-007]

Stone Container Corp.; Application for Certification of the Use of Natural Gas To Displace Fuel Oil

Stone Container Corporation (Stone), 50 East Sixth Street, Franklin, Ohio 45005, filed an application on March 7, 1983 with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its paper mill facility in Franklin, Ohio, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Natural Gas Division Docket Room, RG-43, Room GA-007, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, Stone indicates that the volume of natural gas for which it request certification is approximately 360,000 Mcf per year. This volume is estimated to displace the use of approximately 2, 470,000 gallons (58,860 barrels) of No. 6 fuel oil (1.0 percent sulfur) per year.

The eligible seller is Ohio Gas Marketing Corporation, 3933 Price Road, Newark, Ohio 43055. The gas will be transported by Columbia Gas Transmission Corporation, P.O. Box 1273, 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25325; and by Cincinnati Gas and Electric Company, 139 East Fourth Street, Cincinnati, Ohio, a local distribution company.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Natural Gas Division, RG-43, Room GA-007, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, Attention: Paula A. Daigneault, within ten (10) calendar days of the date of publication of this notice in the **Federal Register.**

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to Stone and any person filing comments and will be published in the **Federal Register.**

Issued in Washington, D.C., on April 8, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-9819 Filed 4-13-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83-CERT-006]

United states Steel Corp.; Application for Certification of the Use of Natural Gas To Displace Fuel Oil

United States Steel Corporation (USS), 600 Grant Street, Pittsburgh, Pennsylvania 15230, filed an application on March 7, 1983 with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its steel manufacturing facility in Lorain, Ohio, and at its chemical plant in Haverhill, Ohio, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Natural Gas Division Docket Room, RG-43, Room GA-007, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, USS indicates that the volume of natural gas for which it requests certification is approximately 10.285 billion cubic feet (6.807 Bcf at the Lorain facility and 3.478 Bcf the Haverhill plant). This volume is estimated to displace the use of approximately 716,000 barrels of No. 6 fuel oil (1.53 percent sulfur) and approximately 16,979,000 gallons (404,262 barrels) of No. 2 fuel oil (0.50 percent sulfur) at the Lorain plant per year. At the Haverhill facility this volume is estimated to displace the use of approximately 535,000 barrels on No. 6 fuel oil (0.3 percent sulfur) and 797,000 gallons (18,976 barrels) of No. 2 fuel oil (0.5 sulfur) per year.

The eligible seller is Energy Buyers Service Corporation, P.O. Box 19832, Houston, Texas 77224. The gas will be transported by Columbia Gas Transmission Corporation, 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25325; Tennessee Gas Transmission, Inc., P.O. Box 254, Houston, Texas 77001; and Panhandle Eastern Pipeline Company, P.O. Box 1642, Houston, Texas 77001. Local distributors will be Columbia Gas of Ohio, 99 North Front Street, Columbus, Ohio 43215, and East Ohio Gas Company, P.O. Box 5759, Cleveland, Ohio 44101.

In order to provide the public with as much opportunity to participate this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Natural Gas Division, RG-43, Room GA-007, Forrestal Building, 1000 Independence Avenue, SW., Washington, D. C. 20585, Attention: Paula A Daigneault, within ten (10) calendar days of the date of publication of this notice in the **Federal Register.**

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to USS and any person filing comments and will be published in the **Federal Register.**

Issued in Washington, D.C., on April 8, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc 83-9820 Filed 4-13-83; 8:45 a.m.]

BILLING CODE 6450-01-M

Energy Information Administration

Agency Forms Under Review by the Office of Management and Budget

AGENCY: Energy Information Administration, DOE.

ACTION: Notice of submission of request for clearance to the Office of Management and Budget.

SUMMARY: Under provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), Department of Energy (DOE) notices of proposed collections under review will be published in the **Federal Register** on the Thursday of the week following their submission to the Office of Management and Budget (OMB). Following this notice is a list of the DOE proposals sent to OMB for approval since Thursday, March 31, 1983. The listing does not contain information collection requirements contained in regulations which are to be submitted under 3504(h) of the Paperwork Reduction Act.

Each entry contains the following information and is listed by the DOE sponsoring office: (1) The form number; (2) Form title; (3) Type of request, e.g., new, revision, or extension; (4) Frequency of collection; (5) Response obligation, i.e., mandatory, voluntary; or required to obtain or retain benefit; (6) Type of respondent; (7) An estimate of the number of respondents; (8) Annual respondent burden, i.e., an estimate of the total number of hours needed to fill out the form; and (9) A brief abstract describing the proposed collection.

DATES: Last notice published Thursday, March 31, 1983.

FOR FURTHER INFORMATION CONTACT:

John Gross, Director, Forms Clearance and Burden Control Division, Energy Information Administration, M.S. 1H-023, Forrestal Building, 1000 Independence Ave., NW., Washington, DC 20585, (202) 252-2308

Jefferson B. Hill, Department of Energy Desk Officer, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503, (202) 395-7340

Vartkes Broussalian, Federal Energy Regulatory Commission Desk Officer, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503, (202) 395-3087

SUPPLEMENTARY INFORMATION: Copies of proposed collections and supporting documents may be obtained from Mr. Gross. Comments and questions about the items on this list should be directed to the OMB reviewer; comments should also be provided Mr. Gross. If you anticipate commenting on a form, but find that time to prepare these comments will prevent you from submitting comments promptly, you should advise the OMB reviewer of your intent as early as possible.

Issued in Washington, D.C., April 4, 1983.

Yvonne M. Bishop,

Director, Statistical Standards, Energy Information Administration.

DOE FORMS UNDER REVIEW BY OMB

Form No.	Form title	Type of request	Response frequency	Response obligation	Respondent description	Estimated number of respondents	Annual respondent burden	Abstract
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
EIA-14	Refiners' Monthly Cost Report	Revision	Month	Mandatory	Petroleum Refiners.	170	4,836	Data are used by the Energy Information Administration as inputs to various forecasting models. Data are published in the "Short Term Energy Outlook," and the Monthly Energy Review." Aggregated data are used by the Department of Commerce in calculating the real GNP.
FERC-525	Financial Audits	Extension	On Occasion	Mandatory	Electric Utilities, Natural Gas Pipeline companies and Oil pipeline companies.	81	4,860	Audits enable FERC to exercise surveillance over compliance with the Uniform System of Accounts and related regulations. Data are used to ensure and establish actual legitimate original costs and enable FERC to meet its responsibilities in establishing just and reasonable rates. Data are also used in rate proceedings and in formal investigations.

[FR Doc. 83-9862 Filed 4-13-83; 8:45 am]

BILLING CODE 6450-01-M

Office of Energy Research

Energy Research Advisory Board; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: Energy Research Advisory Board (ERAB).

Date and Time: May 5-6, 1983—9:00 a.m.-5:00 p.m.

Place: U.S. Department of Energy, 1000 Independence Avenue, SW., Room 8E-089, Washington, DC 20585.

Contact: Joan Snodderly, U.S. Department of Energy, Office of Energy Research (ER-6), 1000 Independence Avenue, SW., Washington, DC 20585, Telephone: 202/252-8933.

Purpose of the Board: To advise the Department of Energy on the overall research and development conducted in DOE and to provide long-range guidance in these areas to the Department.

Tentative Agenda: Briefings and discussions of:

- DOE Budget Update
- Industrial Energy R&D
- Panel Progress Reports
- Magnetic Fusion Energy
- Public Comment (10 minute rule)

Public Participation: The meeting is open to the public. Written statements may be filed with the Board either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Joan Snodderly at the address or telephone number listed above. Requests must be received five days prior to the meeting and

reasonable provision will be made to include the presentation on the agenda. The Chairperson of the Board is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts: Available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC on April 11, 1983.

Howard H. Raiken,

Deputy Advisory Committee Management Officer.

[FR Doc. 83-9894 Filed 4-13-83; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. TA83-2-21-000 (PGA83-3)]

Columbia Gas Transmission Corp.; Proposed Changes In FERC Gas Tariff

April 7, 1983.

Take notice that Columbia Gas Transmission Corporation (Columbia) on April 5, 1983, tendered for filing proposed changes to its FERC Gas Tariff, Original Volume No. 1, as follows:

Eighty-seventh Revised Sheet No. 16
Twenty-ninth Revised Sheet No. 64

The enclosed tariff sheets, reflecting reduced rates applicable to sales rate schedules, bear an issue date of April 5, 1983 and an effective date of April 1, 1983.

Columbia states that the instant special PGA filing reflects a reduction of $83,330,095, or 25.97 cents per Dth, for the period April 1, 1983 through August 31, 1983. This reduction effectively eliminates, as of April 1, 1983, the impact of Columbia's March 1, 1983 PGA increase, and, in fact, results in a commodity rate which is 5.61 cents per Dth below that which was reflected in Columbia's March 1, 1983 PGA filing. These reductions are the result of (1) Reduced purchases from certain Southwest producers as the result of Columbia's declaration of force majeure effective April 1, 1983 under its contracts with such suppliers, (2) revised schedules for anticipated reductions in purchases from certain producers selling gas priced under multiple NGPA categories as the result of Columbia's notification to such producers that they may not reduce their deliveries of less expensive gas by more, on a proportionate basis, than their deliveries of more expensive categories of gas during periods when Columbia is reducing its purchases of gas below full deliverability and (3) a repricing of certain of Columbia's high-cost gas purchases to a lower level which is equivalent on a Btu basis to 110% of the price of No. 2 fuel oil.

Columbia respectfully requests that the Commission grant any waivers as it may deem necessary for the acceptance of this filing.

Copies of the filing were served upon the Company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, Union Center Plaza Building, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before April 18, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of Columbia's filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc 83-9841 Filed 4-13-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-13-004]

El Paso Natural Gas Co.; Notice of Tariff Filing

April 7, 1983.

Take notice that on April 4, 1983, El Paso Natural Gas Company ("El Paso") tendered for filing and acceptance, pursuant to Part 154 of the Federal Energy Regulatory Commission ("Commission") Regulations Under the Natural Gas Act, the following revised tariff sheets to its FERC Gas Tariff, Original Volume No. 1:

Fourth Revised Sheet No. 89
Fourth Revised Sheet No. 90
Third Revised Sheet No. 91
Second Revised Sheet No. 91–A
First Revised Sheet No. 91–B
Second Revised Sheet No. 91–C
Second Revised Sheet No. 91–D
Second Revised Sheet No. 91–E
First Revised Sheet No. 91–F
Second Revised Sheet No. 91–G
First Revised Sheet No. 91–H
First Revised Sheet No. 91–I

On October 27, 1982, El Paso filed revised tariff sheets to its Original Volume No. 1 Tariff which, when accepted and made effective by the Commission, would have replaced the two forms of service agreement (Form A and Form B) presently included therein with a new, single form of service agreement. By order issued November 26, 1982 at Docket No. RP83–13–000, the Commission, among other things, accepted El Paso's filing and suspended its effectiveness until April 15, 1983, subject to alteration or deletion of terms not found to be just and reasonable. Thereafter, by order issued February 18, 1983 at Docket Nos. RP83–13–001 and RP83–13–002, the Commission modified its November 26, 1982 order to further condition acceptance of the new Form upon El Paso's retention of Forms A and B until all executed service agreements patterned after those forms have expired. El Paso states that the tendered revised tariff sheets, which are submitted in substitition for those filed October 27, 1982 in the instant proceeding, reflect new pagination which will serve to include the new Form in its Original Volume No. 1 Tariff while retaining Forms A an B therein, in compliance with the condition set forth in the Commission's February 18, 1983 order.

El Paso requests that the Commission grant any and all waivers which may be necessary to permit the tendered revised tariff sheets to be substituted for those filed on October 27, 1982 and that such tendered tariff sheets be permitted to become effective on April 15, 1983 subject to alteration or deletion, as provided for in the Commission's order issued November 26, 1982, as amended.

El Paso states that copies of the instant filing have been served upon all parties of record in Docket Nos. RP82–33–000, RP83–6–000 and RP83–13–000 and, otherwise, upon all interstate pipeline system customers of El Paso and interested state regulatory commissions.

Any person desiring to be heard or to make a protest with reference to said tariff filing should, on or before April 18, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C., 20426, a motion to intervene or a protest in accordance with the requirements of Rule 214 or Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). Protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make any protestants parties to the proceeding. Any person wishing to become a party to a

proceeding must file a motion to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9842 Filed 4-13-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-2-34-001 (PGA, IP)]

Florida Gas Transmission Co.; Revised Tariff Filing

April 7, 1983.

Take notice that on April 4, 1983, Florida Gas Transmission Company (FGT) filed pursuant to Section 154.38 of the Commission's Regulations (18 CFR 154.38) its biannual purchase gas adjustment (PGA) filing with a proposed effective date of April 1, 1983. By letter order dated March 31, 1983, the Commission conditionally accepted FGT's filing, but directed it to file tariff sheets conforming to the rates in effect, as applicable to FGT, on its supplier, Southern Natural Gas Company's system. The revised tariff filing is composed of:

Original Volume No. 1

Substitute Revised Sheet No. 3-A
Substitute Revised Sheet No. 3-B

Original Volume No. 2

Substitute 20th Revised Sheet No. 128

Listed below is a table summarizing the effect of the Commission's letter order on FGT's jurisdictional rates to be effective April 1, 1983.

FGT JURISDICTIONAL RATES EFFECTIVE APR. 1, 1983

(In cents)

	As adjusted	As originally filed	Difference
Rate Schedule G (/ Therm)	33.204	33.242	(.038)
Rate Schedule I (/Therm)	32.404	32.442	(.038)
Rate Schedule T-3 (/ Therm)	43.68	43.69	(.01)

FGT states that a copy of its filing has been served on all customers receiving gas under its FERC Gas Tariff, Original Volume Nos. 1 and 2 and interested state commissions and is being posted.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, before April 18, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9843 Filed 4-13-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-435-000]

Central Maine Power Co.; Filing

April 8, 1983.

The filing Company submits the following:

Take notice that Central Maine Power Company (CMP) on March 31, 1983, tendered for filing an initial rate for transmission service to be provided to Commonwealth Electric Company by CMP over its Pool Transmission Facilities system.

CMP states that the rate applicable to the provision of transmission service is $7.83 per kW per year determined pursuant to the formula contained in Attachment 2, filed by CMP and pursuant to the formula in said rate will be updated annually as provided therein.

CMP requests an effective date of April 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing were served upon Commonwealth Electric Company, the Maine Public Utilities Commission and the Massachusetts Department of Public Utilities.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 or 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 26, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9829 Filed 4-13-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-437-000]

Commonwealth Edison, Co.; Filing

April 8, 1983.

The filing Company submits the following:

Take notice that on March 31, 1983, Commonwealth Edison Company (Commonwealth) tendered for filing proposed changes in its FERC Electric Service Tariff Rate 78 and Riders 7 and 8. The proposed changes would increase revenues from jurisdictional sales and service by $8,619,900 based on the 12 month period ending December 31, 1983.

Commonwealth requests an efective date of March 31, 1983.

Copies of the filing were served upon the customers affected by the filing and the Illinois Commerce Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 26, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9830 Filed 4-13-83; 8:45 am]

[Docket No. ER83-440-000]

Connecticut Light and Power Co.; Filing

April 8, 1983.

The filing Company submits the following:

Take notice that on April 1, 1983, the Connecticut Light and Power Company (CL&P) tendered for filing as an initial rate schedule an agreement (the Agreement) between CL&P, Western Massachusetts Electric Company (WEMCO), and together with CL&P, the

NU Companies) and Niagra Mohawk Power Corporation (Niagra). The Agreement, dated as of July 1, 1982, provides for the NU Companies to sell to Niagra excess energy from the systems of the Northeast Utilities Companies (system enereg) that may be available on a daily basis (a transaction). CL&P states that the timing of transactions cannot be accurately estimated but that the NU Companies would offer to sell such system energy to Niagra only when it was economic to do so. Niagra would only accept such offer it it was economical to do so.

CL&P states that Niagara will pay an energy reserevation charge to the NU Companies for each transaction in an amount equal to the megawatthours of system energy reserved for Niagara by the NU Companies during a transaction multiplied by the energy reservation charge rate negotiated prior to each transaction. Niagara will pay any energy charge to the NU Companies for each transaction in an amount equal to the megawatthours delivered by the NU Companies during such transaction times an energy charge rate. The energy charge rate is based on the heat rate, and the replacement fuel price of the generating unit(s) which the NU Companies determine to be available to provide energy at the time of a transaction.

CL&P requests an effective date of July 1, 1982, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing have been served upon WEMCO and Niagara.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR Sections 385.211, 385.214). All such motions or protests should be filed or or before April 26, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9831 Filed 4-13-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-448-000]

Connecticut Light and Power Co.; Filing

April 8, 1983.

The filing Company submits the following:

Take notice that on April 4, 1983, the Connecticut Light and Power Company (CL&P) tendered for filing as an intitial rate schedule and agreement (the Agreement) between CL&P Western Massachusetts Electric Company (WMECO, and together with CL&P, the NU Companies) and Taunton Municipal Lighting Plant (Taunton). The Agreement, dated as of December 13, 1982 provides for the NU Companies to sell to Taunton excess power from the system of the NU Companies ("system power") that may be available on a daily or weekly basis (a transaction). CL&P states that the timing of transactions cannot be accurately estimated but that the NU Companies would offer to sell such system power to Taunton only when it was economic for them to do so. Taunton would accept such an offer only if it was economic for Taunton to do so.

CL&P states that Taunton will pay a capacity charge to the NU Companies for each transaction in an amount equal to the kilowatthours of system capacity utilized by the NU Companies to supply system power to Taunton during a transaction, times a rate negotiated between the parties prior to each transaction, not to exced $0.0175 per kilowatthour. Taunton will also pay any energy charge to the NU Companies for each transaction in an amount equal to the kilowatthours provided by the NU Companies during such transaction times an energy charge rate. The energy charge rate is based on the heat rate and the replacement fuel price of the generating unit(s) which the NU Companies determine to be available to provide power at the time a transaction is agreed to by the parties.

CL&P requests an effective date of December 13, 1982, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing have been mailed to WMECO and Taunton.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 27, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9832 Filed 4-13-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES83-37-000]

Gulf States Utilities Co.; Application

April 8, 1983.

Take notice that on March 30, 1983, Gulf States Utilities Company filed an application seeking an order disclaiming jurisdiction under Section 204(a) of the Federal Power Act or an order authorizing the Applicant under Section 204(a) of the Federal Power Act to enter into a lease transaction of the River Bend Simulator and Training Center.

Any person desiring to be heard or to make any protest with reference to the said application should on or before April 22, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9833 Filed 4-13-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES83-38-000]

Idaho Power Co.; Application

April 8, 1983.

Take notice that on April 1, 1983, Idaho Power Company (Applicant) filed an application with the Federal Energy Regulatory Commission, pursuant to Section 204 of the Federal Power Act, seeking an Order authorizing the issuance and sale of up to 1,000,000 shares of Common Stock, par value of $5 per share, pursuant to the Applicant's Employee Stock Ownership Plan.

Any person desiring to be heard or to make any protest with reference to said application, should, on or before April 21, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions or protests in accordance with requirements of Commission's Rules of Practice and

Procedure (18 CFR 385.211 or 385.214). The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9834 Filed 4-13-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-438-000]

Montana Power Co.; Filing

April 8, 1983.

The filing Company submits the following:

Take notice that the Montana Power Company (Montana) on March 31, 1983, tendered for filing its proposed Rate Schedule REC-83 applicable for sales to Big Horn County Electric Cooperative, Inc. (currently served under FERC Rate Schedule No. 40, Supplement No. 5), and Central Montana Generation & Transmission Cooperative, Inc. (currently served under FERC Rate Schedule No. 39, Supplement No. 10).

Montana states that based on the test year ending December 31, 1981, proposed Rate Schedule REC-83 would have provided it with increased revenues of $999,999 from sales to Big Horn and Central Montana. Montana further states that the rate increase has become necessary as a result of increasing cost being incurred in providing service to these customers.

Montana has proposed that rate Schedule REC-83 become effective with meter readings on or after June 1, 1983. However, in accordance with a Settlement Agreement entered in FERC Docket No. ER81-282-000, the Company has requested that the Commission suspend the effectiveness of the proposed rates for one month, effective with meter readings on or after July 1, 1983.

Copies of the filing were served upon Big Horn and Central Montana and upon the Montana Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 26, 1983. Protest will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9835 Filed 4-13-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. G-5716-009, et al.]

Northern Natural Gas Producing Company, et al.; Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

April 8, 1983.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before April 22, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiciton conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft.³	Pressure base
G-5716-009, D, Mar. 21, 1983	Northern Natural Gas Producing Company, Nine Greenway Plaza, Suite 2700, Houston, Texas 77046.	Northern Natural Gas Company, West Panhandle Field, Carson and Gray Counties, Texas	(1)	
G-5716-010, D, Mar. 25, 1983	do	Northern Natural Gas, Company West Panhandle Field, Gray County, Texas.	(2)	
G-7193-004, D, Mar. 17, 1983	Union Oil Company of California, Union-Oil Center, Box 7600, Los Angeles, California 90051	Montana-Dakota Utilities Company, Worland Field, Big Horn & Washakie Counties, Wyoming	(3)	
G-7642-005, D, Mar. 21, 1983	Mobil Oil Corporation, Nine Greenway Plaza, Suite 2700, Houston, Texas 77046	Northern Natural Gas Company, Hugoton Field, Stevens and Morton Counties, Kansas	(4)	
G-15700-003, D, Mar. 17, 1983	Shell Offshore Inc., One Shell Plaza, P.O. Box 2463, Houston, Texas 77001	Tennessee Gas Pipeline Company, Eugene Island Block 18 Field, St. Mary Parish, Louisiana	(5)	
G-17337-001, D, Mar. 18, 1983	Mobil Oil Exploration & Producing, Southeast Inc., Nine Greenway Plaza, Suite 2700, Houston, Texas 77046.	Texas Gas Transmission Corporation, West Cameron Block 33, Offshore Cameron Parish, Louisiana.	(6)	
CI65-114-000, D, Mar. 21, 1983	do	Northern Natural Gas Company, North East Dover Field, Beaver and Ellis Counties, Oklahoma.	(7)	
CI65-164-000, D, Mar. 21, 1983	Sun Exploration and Production Company, formerly Sun Oil Company, P.O. Box 20, Dallas, Texas 75221	Texas Eastern Transmission Corporation, Wharco-Schilling Area, Wharton and Colorado Counties, Texas.	(8)	

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
CI68-1302-000, D, Mar. 21, 1983	Conoco Inc., P.O. Box 2197, Houston, Texas 77252	Michigan Wisconsin Pipe Line Company, OCS Lease No. 0790, Offshore Louisiana.	(5)	
CI73-336-000, D, Mar. 23, 1983	Tenneco Oil Company, P.O. Box 2511, Houston, Texas 77001.	Tennessee Gas Pipeline Company, East Cameron Block 271, *et al.*, Offshore Louisiana.	(16)	
CI83-174-000 (CI61-660), B, Mar. 21, 1983.	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, Post Office Box 2819, Dallas, Texas 75221.	Texas Gas Transmission Corp., Terryville-Ruston Area, Lincoln Parish, Louisiana.	(12)	
CI83-175-000 (G-4996), B, Mar. 21, 1983.	Shell Oil Company, One Shell Plaza, P.O. Box 2463, Houston, Texas 77001.	Natural Gas Pipeline Company of America, Clayton Field, Live Oak County, Texas.	(13)	
CI83-176-000 (G-10212), B, Mar. 21, 1983.	....do....	Florida Gas Transmission Company, Lockridge Field, Brazoria County, Texas.	(13)	
CI83-177-000 (G-7389), B, Mar. 21, 1983.	Mobil Producing Texas & New Mexico Inc., Nine Greenway Plaza, Suite 2700, Houston, Texas 77046.	El Paso Natural Gas Company, Sprayberry Field, (Wrage-Hendrickson), Glasscock County, Texas.	(14)	
CI83-180-000, A, Mar. 24, 1983	Chevron U.S.A. Inc., P.O. Box 7309, San Francisco, California 94120.	Aminoil USA, Inc., Platform "Edith", Offshore, Huntington Beach, California.	(15)	14.73
CI83-181-000, B, Mar. 25, 1983	Kansas Petroleum Inc., 200 East First Street, Suite 100, Wichita, Kansas 67202.	Northwest Central Pipeline Corporation (Formerly Cities Service Gas Company), Boggs Field, Barber County, Kansas.	(10)	
CI77-307-002, D, Mar. 28, 1983	Gulf Oil Corporation, P.O. Box 2100, Houston, Texas 77252.	Northwest Central Pipeline Corp., Alper Tonkawa Field, Hemphill County, Texas.	(17)	
G-7110-001, D, Mar. 28, 1983	Mobil Oil Exploration & Producing, Southeast Inc., Nine Greenway Plaza, Suite 2700, Houston, Texas 77046.	Texas Gas Transmission Corp., Maxie Field, Acadia Parish, Louisiana.	(18)	
G-11742-007, D, Mar. 28, 1983	....do....	Northwest Central Pipeline Corporation, Hugoton Field, Grant and Kearny Counties, Kansas.	(9)	

[1]Lease dated September 20, 1939 (T-37599) between Rose Duncan *et al.*, lessors and Northern Natural Gas Company, lessee, was assigned to Hoyt Hudspith on October 4, 1982, but effective as of July 15, 1982.

[2]On January 26, 1983, but effective as of December 4, 1982, Northern Natural Gas Producing Company assigned this lease (-3214) to Sidwell Oil and Gas Inc.

[3]Filing an Application to Partially Abandon Service for a Limited Period of Time to permit Union to use that portion of residue gas which the buyer has informed Union that it is no longer able to purchase at the present time.

[4]To release gas for irrigation fuel.

[5]At the Demand of the Louisiana State Mineral Board, Shell Offshore Inc. surrendered some 374.84 acres in Block 1666 rather than undertaking additional drilling on that acreage.

[6]Release of Oil, Gas and Mineral Lease dated May 21, 1973 wherein TransOcean Oil, Inc. (predecessor to MOEPSI) relinquished all of its rights, title and interest in State Lease No. 3532 unto the State of Louisiana.

[7]By assignment of Oil and Gas Lease, effective December 3, 1982, Mobil assigned to Crown Central Petroleum Co. all of its right, title and interest in and to that certain producing acreage fully described in said partial assignment of Oil and Gas Lease.

[8]Sun released all rights to economically recoverable reserves had been depleted.

[9]Farmout to Texoma Production Company.

[10]Insufficient reserves for development.

[11]Not used.

[12]Hattbe Price Gas Unit Well #1 was plugged and abandoned December 12, 1973. All the leases within the unit are past primary term and no other production exists on subject unit.

[13]Property sold to Sage Energy Company.

[14]The Wrage-Hendrickson Lease was not assigned to MPTM since the lease was surrendered prior to the TransOcean acquisition. TransOcean's regulatory files indicates no filing was made for abandonment of service in Docket No. G-7389.

[15]Applicant is filing under Gas purchase Contract dated January 1, 1983.

[16]In order to negotiate a sale with another purchaser, and thus provide continuity of recovery, Seller needs to abandon service under the subject contract otherwise, Seller's lease is in jeopardy.

[17]Contract amended to delete gas well and casinghead gas from depths below 15,000 feet underlying Sections 59 and 78 in Block 41, HT&C R.R. Survey, Hemphill County, Texas.

[18]By Assignment dated as of January 18, 1980, TransOcean assigned to Hassie Hunt Exploration Company and William Exploration Company 72% of its right, title and interest in and to that certain producing acreage.

Filing Code: A—Initial Service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total Succession. F—Partial Succession.

[FR Doc. 83-9836 Filed 4-13-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER83-424-000]

Pacific Power & Light Co.; Notice of Filing

April 8, 1983.

The filing Company submits the following:

Take notice that Pacific Power & Light Company (Pacific) on March 30, 1983, tendered for filing an application for an increase in rates for service to:

Proposed supplement No.	Customers	Existing FERC/FPC rate schedules	Proposed tariff service schedule
4	Town of Torrington, Wyo	126	PPL-4.
1	Montana-Dakota Utilities, Co	FERC Docket No. ER83-395-000	PPL-4.
4	City of Powell, Wyo	119	PPL-5.
4	Town of Deaver, Wyo	121	PPL-5.
3	Svilar Light & Power, Inc.	202	PPL-5.
2	Town of Basin, Wyo	222	PPL-5.

The proposed changes would increase revenues from jurisdictional sales and service by $2,246,581 based on the 12-month period ending Dcember 31, 1981.

Pacific states that the proposed changes have been filed to partially recover the cost of Pacific's investment, operating expenses and capital costs. Pacific requests an effective date of June 1, 1983.

Copies of the filing were served upon Public Service Commission, of the State of Wyoming.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 26, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9837 Filed 4-13-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. TA83-2-49-000]

Montana-Dakota Utilities Co.; Purchased Gas Cost Adjustment Filing

April 7, 1983

Take notice that on March 31, 1983, Montana-Dakota Utilities Company (MDU) submitted for filing as part of its FERC Gas Tariff the following tariff sheets:

Original Volume No. 4

Twenty-third Revised Sheet No. 3A
First Revised Sheet No. 3B

First revised Volume No. 2

Eighteenth Revised Sheet No. 10
First Revised Sheet No. 10A

The proposed effective date of MDU's PGA filing is May 1, 1983.

MDU states that this tariff filing is being made pursuant to the Purchased Gas Cost Adjustment Provisions of its FERC Gas Tariff. The proposed changes include a gas cost adjustment increase of 54.397 cents per Mcf to Rate Schedules G–1, PR–1, and I–1, and X–1. In addition, MDU proposes a surcharge adjustment of 23.072 cents per Mcf applicable to Rate Schedules G–1, PR–1, and I–1. MDU is also filing, concurrently herewith, a petition for adjustment under 502(c) of the Natural Gas Policy Act of 1978 for relief from the incremental pricing supplement required to be part of this PGA filing by §§ 282.502 and 282.602(d) of the Commission's regulations.

Rate Schedule X–4 shows an increased gas cost adjustment of 70.626 cents per Mcf and a surcharge adjustment of 77.267 cents per Mcf. The proposed changes are supported by exhibits attached to the filing.

In addition, MDU states that, pursuant to an order issued by the Commission on February 19, 1982, in Docket No. CP81–316–000, MDU was authorized to commence off-system sales to Colorado Interstate Gas Company (CIG) and MIGC, Inc. under MDU's Rate Schedules X–5 and X–6, respectively. Eighteenth Revised Sheet No. 10 reflects a gas cost adjustment of 25.945 cents per Mcf for the sales to CIG under Rate Schedule X–5.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such Petition or protests should be filed on or before April 18, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9845 Filed 4-13-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-2-29-000]

Transcontinental Gas Pipe Line Corp.; Tariff Filing

April 7, 1983.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing on March 30, 1983 Twenty-Sixth Revised Sheet No. 12, Twenty-Sixth Revised Sheet No. 15 and Ninth Revised Sheet No. 16 to Second Revised Volume No. 1, and Thirty-Second Revised Sheet No. 121 to Original Volume No. 2 of Transco's FERC Gas Tariff. These tariff sheets, which are proposed to be effective May 1, 1983, reflect a net increase of 21.8¢ per dekatherm (dt) in the commodity or delivery charge of Transco's CD, G, OG, E, PS and S–2 rate schedules, a net increase of 22.0¢ per dt in the commodity charge under the ACQ rate schedule, and a net decrease of 0.2¢ per dt in the delivery charge of the X–20 rate schedule.

Transco states that these changes have been computed in accordance with applicable tracking provisions contained in the General Terms and Conditions of its FERC Gas Tariff, Second Revised Volume No. 1. The tracking rate change under Transco's PGA clause amounts to an increase 22.0¢ per dt in the commodity or delivery charge in its CD, G, OG, E, PS, S–2 and ACQ rate schedules. This increase is comprised of a 4.8¢ per dt decrease in the Deferred Adjustment offset by a 26.8¢ per dt increase in the current gas cost adjustment. The decrease in the Deferred Adjustment represents the difference between the currently effective positive Deferred Adjustment of 19.3¢ per dt and the proposed positive Deferred Adjustment of 14.5¢ per dt required to eliminate, over the six-month period commencing May 1, 1983, the debit balanced of $53,009,565 accumulated in Transco's Unrecovered Purchased Gas Cost Account at February 28, 1983. Transco further states that its tracking rate change to reflect curtailment credits is a decrease of 0.2¢ per dt in the commodity or delivery charge under its CD, G, OG, E, PS, S–2 and X–20 rate schedules. This decrease represents the difference between the currently effecitve positive unit adjustment of 0.1¢ per dt and the proposed negative unit adjustment of 0.1¢ per dt, and is designed to eliminate, over the six-month period beginning May 1, 1983, the estimated credit balance in the Deferred Account as of April 30, 1983 in accordance with Section 20 of the General Terms and Conditions of Second Revised Volume No. 1 of Transco's FERC Gas Tariff.

The Company states that copies of the filing are being mailed to each of its jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rule 211 or 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before April 18, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9846 Filed 4-13-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA-83-1-50-000]

Valley Gas Transmission, Inc.; Purchased Gas Cost Adjustment Filing

April 7, 1983.

Valley Gas Transmission, Inc. ("Valley"), on March 31, 1983 submitted for filing as part of its FERC Gas Tariff. Original Volume No. 1, its proposed "Twenty-Fourth Revised Sheet No. 2A". The proposed effective date is May 1, 1983.

Valley states that this tariff sheet is filed pursuant to its currently effective Purchased Gas Cost Adjustment Provision. The proposed changes involve Valley's "Current Surcharge Adjustment" and "Current Gas Cost Adjustment." The adjustments are supported by computations attached to the filing.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission,

825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before April 18, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of the filing are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary

[FR Doc. 83-9647 Filed 4-13-83; 8:45 am]

BILLING CODE 6717-01-M

Office of the Secretary

Voluntary Agreement and Plan of Action To Implement the International Energy Program; Meeting

In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation aCt (42 U.S.C. 6272), the following meeting notice is provided:

A meeting of the Industry Working Party (IWP) of the International Energy Agency (IEA) will be held on April 21 and 22, 1983, at the offices of the IEA, 2 Rue Andre Pascal, Paris 16, France, beginning at 9:00 a.m. on April 21. This meeting is being held in order to permit attendance by representatives of the IWP at a meeting of the IEA Standing Group on the Oil Market (SOM) which is being held in Paris on those dates.

The agenda for the meeting is under the control of the SOM. It is expected that the following agenda will be followed:

1. Adoption of provisional agenda.
2. Today's oil market:
   a. End March oil market assessment;
   b. April update; and
   c. Status report on publication of oil market assessment.
3. Review of the Financial Information System:
   a. IWP report; and
   b. Secretariat note.
4. Medium-term issues:
   a. The futures market;
   b. Oil price analysis; and
   c. Structural *vs.* cyclical change and oil demand.
5. Product price controls' effect on oil demand:
   a. Secretariat note.
6. Consultation with oil companies:
   a. Mobil presentation, April 21, 3:00 p.m.; and
   b. Petrofina presentation, April 22, 10:00 a.m.
7. Other business.
8. Date of next meeting.

Representatives of the IWP will be present during discussion of Item 3.

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act, this meeting will not be open to the public.

Issued in Washington, D.C., April 8, 1983.

Craig S. Bamberger

Assistant General Counsel, International Trade and Emergency Preparedness.

[FR Doc. 83-9661 Filed 4-13-83; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. EL82-21-000]

Sacramento Municipal Utility District v. Pacific Gas & Electric Co., et al.; Order Interpreting Contract, Granting Motion for Summary Disposition, and Granting Requests for Declaratory and Other Relief

Issued: April 8, 1983.

On July 30, 1982, the Sacramento Municipal Utility District (SMUD), pursuant to section 306 of the Federal Power Act,[1] submitted a complaint against Pacific Gas and Electric Company (PG&E), Southern California Edison Company (SCE), and San Diego Gas and Electric Company (SDG&E) (collectively referred to as the "Companies") which alleges that the Companies have wrongfully refused to provide SMUD with transmission service over the Pacific Northwest Intertie (Intertie). SMUD requests an order declaring its right to receive up to 200 MW of firm transmission service over the Intertie pursuant to its contract with the Companies, and an order requiring that the Companies provide such service.

I. Background

The instant dispute involves the provisions of SMUD's contract with the Companies for transmission service over the Pacific Northwest Intertie.[2] Some brief background regarding the construction of the Intertie and the execution of SMUD's contract with the Companies may be helpful.

The Intertie is a series of extra-high-voltage (EHV) transmission lines connecting the Pacific Northwest with the Pacific Southwest. At the time the contracts for construction of the Intertie were signed in 1967, the Department of Interior, which supervised much of the planning of the Intertie, described the project as follows:[3]

> The Intertie package is composed of * * * major extra high voltage transmission lines * * * and attendant lines of lesser voltages that will form a huge grid capable of moving * * * power north or south according to seasonal diversities and peak demands.
>
> The Intertie lines will interconnect the predominantly hydropower-based Pacific Northwest, which has a peak load of about 15,000,000 kilowatts, with the predominantly thermal power-based Pacific Southwest, with a peak load of about 20,000,000 kilowatts. The Intertie involves the coordinated planning and operation of more than 50 utilities representing every segment of the electric utility industry.

Throughout years of debate prior to construction of the Intertie, a central question was whether greater benefits would be derived from a federally owned and operated intertie or a system built with significant private sector involvement.[4] Thus, when the Congress appropriated funds to the Bonneville Power Administration in 1963 to initiate federal construction of EHV transmission lines connecting federal hydro-electric projects in the Pacific Northwest and Pacific Southwest, it included the following caveat:[5]

> [c]onstruction shall not begin unless the Secretary of the Interior finds, after good faith negotiations with utilities and other entities interested in constructing any portion of the lines involved, that their proposals will

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[1] 49 Stat. 856, 16 U.S.C. 825(e).

[2] SMUD is a municipal utility district engaged in the generation and distribution of electric power to retail customers within its boundaries, which encompass most of the County of Sacramento, and a small portion of the County of Placer, in California.

The Companies are investor-owned utilities which operate electric generation, transmission, and distribution systems in California. PG&E serves northern and central California, SCE serves central and southern California, and SDG&E serves primarily the City of San Diego and its surrounding area.

[3] Department of Interior, News Release (July 31, 1967).

[4] *See, e.g.*, Hearings on the Pacific Northwest Intertie before the Subcomm. on Irrigation and Reclamation of the Senate Committee on Interior and Insular Affairs, 86th Cong. 1st Sess. (April 8 and 9, 1959); Hearings on the Pacific Northwest Intertie before the Subcomm. on Irrigation and Reclamation of the Senate Committee on Interior and Insular Affairs, 86 Cong. 2nd Sess. (May 5, 1960); Hearings before the Subcomm. on Public Works of the House Committee on Appropriations, 88th Cong. 1st Sess., pt. 3 (June 3, 1963), pt. 4 (June 11, 1963); H.R. Rep. No. 590 to accompany Bill No. S. 1007, 88th Cong. 1st Sess. (July 25, 1963); Hearings before the Subcomm. on Public Works of the Senate Committee on Appropriations, 88th Cong. 2nd Sess. at 817-1138 (July 1 and 2, 1964).

[5] *See* Senate Report No. 746, 88th Cong. 1st Sess. 40 (December 5, 1963). The language in the Senate report regarding the Intertie was adopted by the Conference Committee Report, House of Representatives Report No. 1027, 88th Cong. 1st Sess. 24 (December 11, 1963).

not result in benefits to the national interest at least equal to those to be derived from Federal construction * * *.

To implement this Congressional directive, the Department of Interior entered into negotiations with non-federal entities regarding construction of an intertie, and developed a "federal yardstick proposal" by which to judge non-federal proposals.[6] PG&E, SCE, and SDG&E, acting collectively as the California Power Pool, submitted one of ten proposals received by the Department of Interior to construct portions of an intertie.[7] The Companies' original proposal, as well as revised proposals, included a commitment to provide transmission service over the intertie to various state and municipal entities in California, including SMUD.[8]

In June of 1964, the Department of Interior recommended an intertie plan which included the proposal submitted by the Companies,[9] and shortly thereafter Congress appropriated money to initiate the plan.[10] SMUD's contract with the Companies for transmission service over the Intertie was one of a number of contracts signed in 1967 as part of the Intertie package.

Under the contract (Article 9), the Companies agreed to provide SMUD: (1) up to 200 MW of firm transmission service (400 MW for the period April 1, 1971 through March 31, 1976) to transmit power and energy to or from any Pacific Northwest entity; and (2) interruptible transmission service for up to 225 million kWh of Northwest dump energy during any 12-month period. To change reservations of firm transmission service, the contract provides that SMUD must give the Companies five years advance notice (Article 10a), and further provides that SMUD may not request an increase in firm service after any previous decrease in such service (Article 10d).[11] However, the latter restriction, referred to as the "anti-yo-yo clause," provides a specific exception for changes required to accommodate changes in SMUD's allotment of Canadian Entitlement Power (CEP), that is, power from Northwest entities acquired pursuant to various Canadian Entitlement Exchange Agreements. The instant dispute focuses primarily on the operation of the anti-yo-yo clause.

II. The Dispute

In its complaint,[12] SMUD alleges that it has attempted to schedule transmission service over the Intertie in accordance with the terms of the contract, but has been refused service by the Companies. SMUD asserts that the refusal violates the parties' contract, commitments made by the Companies to the federal government as conditions to their ownership of portions of the Intertie, and license conditions imposed on PG&E in connection with the Stanislaus Nuclear Project, Unit 1.

Specifically, SMUD states that in accordance with the contract it gave the Companies initial notice and subsequent notices of transmission service to be used for the importation of CEP. However, in 1970, SMUD states that it was notified by its Northwest suppliers that its share of CEP would be totally withdrawn, and shortly thereafter notified the Companies that it would decrease its service under the contract to zero to accommodate the withdrawal. According to SMUD, in 1973 it attempted to schedule service for 1978 to transmit power purchased from the Bonneville Power Administration (non-CEP), but was advised by the Companies that its requested increase in service after a previous decrease in service violated the anti-yo-yo provision of the contract. Accordingly, SMUD was refused service.

SMUD states that it immediately disputed the Companies' interpretation of the contract contending that its requested increase in service after a previous decrease was specifically excepted from the anti-yo-yo provision because the decrease was made to accommodate a change in SMUD's allocation of CEP. The Companies maintained their position that SMUD is not entitled to the requested transmission service, and thus SMUD has filed its complaint before this Commission.

The Companies individually filed answers to SMUD's complaint which deny that their refusal to provide transmission service to SMUD is in any way wrongful. The Companies' principle argument is that the anti-yo-yo clause of Article 10d prohibits any increase in transmission service after any decrease in service, unless the increase is for the purpose of transmitting CEP. Therefore, the Companies argue that SMUD's requested increase in service (after a previous decrease) for the purpose of transmitting power from the Bonneville Power Administration is prohibited under Article 10d. According to the Companies, SMUD could have retained its reservation of Intertie capacity after its CEP allocation was withdrawn only by continuing to request and pay for such reservations.

A slightly different interpretation of Article 10d, which has been referred to as the "minor variations theory," is advanced by SDG&E and to some extent by PG&E. According to this theory, the CEP exception to the anti-yo-yo clause was intended to provide for minor variations in the approximate range of five to fifteen megawatts in SMUD's CEP allocation, but not to any major drop or subsequent rise in SMUD's Intertie reservation. SDG&E states that the parties' failure to foresee SMUD's eventual circumstances and limit the CEP exception accordingly, was a mutual mistake of fact justifying reformation of the contract.

The Companies also offer an argument unrelated to SMUD's use of CEP. The Companies point out that subsequent to its 1973 request to reserve 100 MW for 1978 to transmit power purchased from Bonneville Power Administration, SMUD, by letter dated September 17, 1975, sought to postpone its 100 MW reservation until 1980. Similar postponements were requested in 1976 and 1977, with the result that SMUD ultimately sought to commence its service on June 1, 1982.[13] The Companies contend that the requested postponements constituted *de facto* decreases in service which were followed by requested increases in service in violation of Article 10d.

Finally, the Companies argue that SMUD has waited too long to bring its complaint and, therefore, is barred from relief under the doctrine of laches. The Companies request that the Commission

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[6] *See* Department of Interior, *Report to the House and Senate Appropriations Committees on the Pacific Northwest Pacific Southwest Intertie* (June, 1964), (hereinafter "Department of Interior Report"). The federal yardstick proposal included, *inter alia:*

9. Willingness to share capacity equitably as between the Federal power marketing agencies and non-Federal utilities and agencies.

10. Terms of long-term wheeling contracts with the Government, which should be as nearly equivalent as practicable to Government ownership of the lines.

11. Availability of unused capacity in lines to utility systems desiring to use such capacity for exchanges and other purposes related to most efficient and economical use of energy sources. (DOI Report at 2).

[7] *See* Department of Interior Report at 4–8.

[8] *See* Department of Interior Report at 7.

[9] *See* Department of Interior Report at 19–31.

[10] *See* Senate Report No. 1326, 88th Cong. 2nd Sess. 33 (August 5, 1964). Hearings regarding the Department of Interior report were conducted by the Subcommittee on Public Works of the Senate Appropriations Committee, 88th Cong. 2nd Sess. at 817–1138 (July 1 and 2, 1964).

[11] The pertinent language of Article 10d is quoted at p. 8 *infra.*

[12] Notice of SMUD's complaint was published in the Federal Register with comments due on or before September 13, 1982. An extension of the time to file comments was later granted until September 30, 1982.

[13] The pleadings indicate that SMUD tendered a check for $28,000 as payment for the June, 1982 reservation. That check was returned to SMUD on the grounds that SMUD had relinquished its right to the requested service.

either: (1) Dismiss the complaint, or (2) issue a declaratory order stating that SMUD is not entitled to any amount of Intertie capacity.

On November 22, 1982, SMUD submitted a motion for summary disposition. In its motion, SMUD reviews each of the arguments advanced by the Companies and concludes that they are refuted by the plain, clear language of the contract, as well as by extrinsic evidence of the parties' intent. Accordingly, SMUD argues that the Commission should rule in its favor as a matter of law.

The Companies jointly filed a response to SMUD's motion on January 21, 1983,[14] identifying three issues which the Companies contend are material issues of fact precluding summary disposition. Specifically, the Companies state that material issues exist with respect to: (1) The effect under the contract of SMUD's reduction of its transmission service to zero in 1975; (2) the effect under the contract of SMUD's postponement of service notices; and (3) whether SMUD had reserved transmission service for *non-CEP* prior to its reduction of service to zero in 1975. In this pleading, the Companies allege for the first time that SMUD, in fact, previously received transmission service over the Intertie for power other than CEP. In addition, the companies state that they have not yet had an opportunity to conduct discovery, and thus summary disposition at this stage of the proceeding would be inappropriate.

On, February 14, 1983, SMUD filed a further response to the Companies which was accompanied by a motion for leave to file such a pleading. SMUD's pleading states that each of the issues raised by the Companies presents a question of law which should be disposed of on the pleadings in SMUD's favor. In addition, the pleading acknowledges that SMUD had taken service for non-CEP prior to reducing its service to zero, but states that under the terms of the contract its prior non-CEP service does not jeopardize its right to future transmission service.

On March 1, 1983, the Companies filed a response opposing acceptance of SMUD's latest pleading. The Companies state that SMUD's pleading is an attempt to alter its position and should be rejected as an unauthorized answer under the Commission's regulations.

[14] In response to a request filed by SCE on behalf of the Companies on December 1, 1982, the time to respond to the motion for summary disposition was extended to January 21, 1983.

III. Discussion

Article 10d of the parties' contract provides in pertinent part that:

> (d) Sacramento shall not, with respect to the amount of transmission service to be made available in any month under Article 9(a) and (b), be entitled to . . . an increase in such amount after any previous decrease in such amount of service. The limitations contained in this paragraph shall not apply to changes required to accommodate changes in amounts of Canadian Entitlement Power assigned by Northwest Entities to Sacramento pursuant to the provisions of the Canadian Assignment Agreement.

Article 10d prohibits a "yo-yoing" up and down of SMUD's transmission reservations, according to the Companies, to assure efficient planning of Intertie capacity. However, Article 10d excepts CEP transactions from this limitation for the purpose, according to SCE, of providing SMUD "flexibility in dealing with the uncertainty of the annual variations in the amounts of CEP to be made available to SMUD." (SCE, Answer to Complaint at 5).

Examining SMUD's conduct under Article 10d, we find that by notice given on March 26, 1971, SMUD reduced its service to zero for 1975 upon the withdrawal of its entire share of CEP, and by notice in 1973, SMUD requested an increase in service to transmit power of the Bonneville Power Administration for 1978. Thus, the pivotal issue in this proceeding is whether SMUD's requested increase in service is prohibitied by the anti-yo-yo clause because it followed a prior decrease in service, or whether SMUD's fluctuation in service is protected by the CEP exception of Article 10d. Assuming for the moment that prior to its reduction of service to zero in 1975 SMUD had reserved service under Article 9(a) and (b) *only* for CEP, we think it clear that SMUD is protected in this matter from operation of the anti-yo-yo clause.

To reach this conclusion, we need only look at SMUD's actions in light of the plain, clear language of the contract. It is evident that SMUD's 1971 notice to reduce its transmission service to zero was made for the reason that its allocation of CEP was withdrawn. Accordingly, so long as no non-CEP transmission had previously been provided to SMUD, its 1971 notice of a decrease in service was a change required exclusively to accommodate a change in SMUD's allotment of CEP and, as such, it falls squarely within the protection of the CEP exception of Article 10d. When SMUD sought to initiate service in 1973 for non-CEP, this action could be construed as an increase after a decrease only because of the prior reduction in CEP service which, as we have noted, is a protected transaction. Therefore, we find the SMUD's conduct would not trigger the anti-yo-yo clause but, rather, would be protected by the CEP exception of Article 10d.

The Companies' interpretations of Article 10d seek to impose restrictions on SMUD which are absent from the contract and which are inconsistent with its express terms. The Companies' principal argument is that under Article 10d, SMUD was not entitled to increase its service to transmit non-CEP after its prior reduction in service. The Companies contend that SMUD's decision to decrease service following the withdrawal of its CEP allotment was totally voluntary, and that SMUD should have continued paying for service, whether it used it or not, in order to maintain its right to future transmission service over the Intertie.

This argument must fail for two reasons. First, it is apparent that Article 10d recognizes the volatile and uncertain nature of SMUD's allocation of CEP by insulating CEP transactions from the prohibition against "yo-yoing" of service. It would be inconsistent with the clear language of Article 10d to suggest, as the Companies do, that SMUD could suffer a complete forfeiture of its right to transmission service over the Intertie as a result of a decrease in service made solely to accommodate a change in its allocation of CEP. This result is exactly what the CEP exception of Article 10d protects against.

Second, the Companies' assertion the SMUD was required to continue paying for service after its CEP allotment was withdrawn (but before any non-CEP reservation was made) in order to maintain any future right to service is simply unsupported in the contract. Although SMUD was obligated under Article 13a to pay for firm service reserved under Article 9(a) and (b), nothing in the contract required SMUD to continue payments after its CEP allotment was withdrawn, in the absence of any firm reservations, simply to maintain its right to make future reservations. Indeed, the Companies do not cite any section of the contract which embodies this requirement. Rather, they state that the parties' intent is reflected in the following passage of an October 7, 1965 letter from SMUD's general counsel to PG&E's counsel (*See* Exhibit H of SMUD's complaint):

> 4. At the time SMUD's allocation of CEP plus Pacific's allocation of CEP is reduced to less than the 200 mw guaranteed SMUD due to reductions made pursuant to the Assignment Agreement, SMUD may choose

to retain the full 200 mw, or any lesser amount, of transmission capacity by continuing payments therefor.

This passage, however, provides no help for the Companies. As explained by SMUD, the passage refers not to SMUD's reservation of capacity for CEP under Article 9,[15] but rather to certain purchases by SMUD of the Companies' allocation of CEP under Article 17 of the contract. Consequently, the limitation of Article 10d, by its own terms,[16] does not apply. Upon analysis, we find SMUD's reading of the quoted passage to be reasonable and consistent with other provisions of the contract, and we find the Companies' interpretation to be unsupported and inconsistent with express terms of the contract.[17]

Likewise, the Companies' "minor variations" theory, *i.e.*, that Article 10d sought to provide for only minor fluctuations in SMUD's allotment of CEP, is unsupported by and inconsistent with the express language of the contract. The Companies acknowledge that the language of the Article 10d exception is not limited to minor variation in SMUD's allotment of CEP, but state that the absence of such a restriction is a mutual mistake of fact justifying reformation of the contract. We disagree. Given its clear, ordinary meaning, Article 10d expressly excepts SMUD's reduction of service to zero upon withdrawal of its allotment of CEP from operation of the anti-yo-yo provision. We find no reason to modify the express language of the contract. Moreover, we note from the Companies' pleadings that at the time they entered into the contract they recognized that SMUD's allotment of CEP would eventually be withdrawn.[18] Thus, the Companies could have specifically provided for this circumstance in the contract had they so desired. For these reasons, we find that the CEP exception of Article 10d should be applied in accordance with its clear, express terms, and that the Companies' "minor variations" theory must be rejected.

We now turn to the Companies' argument, labeled by SMUD the "*de facto* decrease" theory, which suggests that SMUD's 1975, 1976, and 1977 letters requesting postponements in its non-CEP transmission service were *de facto* decreases in service which violate the anti-yo-yo provision of Article 10d. Without reaching the question of whether the requested postponements were *de facto* decreases in service, we find for two reasons that the letters do not preclude SMUD from receiving transmission service over the Intertie.

The first reason that the requested postponements cannot prejudice SMUD is that they were never given effect by the Companies. Indeed, the Companies contend that there was never a reservation of non-CEP in 1973 which SMUD could have sought to postpone. This point was explained by SDG&E in its answer to SMUD's complaint (at 8) as follows:

> SMUD made its first formal written request for the subject intertie capacity in May, 1973. Informal denials by and on behalf of the other parties followed, and a formal written denial was submitted to SMUD in April 1976. (note omitted).

The "formal written denial" cited by SDG&E was a response by PG&G to SMUD's 1975 request for postponement of its non-CEP service. Although the PG&E letter states that SMUD's request "is noted," it does so without prejudice to the Companies' position that SMUD is not entitled to any transmission service in the first instance.

Further evidence of the fact that the Companies declined to give the postponements effect is the simple fact that the Companies refused to provide service on June 1, 1982, the date that it would have been due had the postponements been made effective.[19] It is apparent that SMUD's request for service was not postponed by the Companies but rather, it was totally rejected by the Companies.

The Companies cannot have it both ways. They cannot be heard to say, on the one hand, that SMUD's requests were effective to postpone or reduce its reservations of transmission service, but on the other hand, contend that the requests were ineffective to create such reservations. The Companies rejected SMUD's requests to reserve or change its reservations of transmission service over the Intertie, and will not now be allowed to raise those requests as evidence of a decrease in reservations by SMUD.

The second reason that the requested postponements can not be construed as prejudicing SMUD is that by their own terms the requests were not to be made effective if they would be deemed decreases in service for purposes of Article 10d. Each request stated that:

> This alteration is subject to the condition that this change in dates is not to be deemed a "decrease in [the] amount of service" as that phrase is used in the first sentence of Article 10(d) of the aforesaid contract.

By making the alteration subject to the stated condition, SMUD chose to forego the alteration in the event that it would be deemed to trigger Article 10d and preclude any future transmission service. Give the Companies' stated interpretation of SMUD's action, the alteration, by its own terms, was made ineffective.

The Companies' final argument is that SMUD is barred from a remedy by the doctrine of laches. The Companies contend that SMUD was notified that the Companies would not provide service in 1973, and that SMUD impermissibly waited until July 30, 1982 to commence its action. We do not agree. SMUD has alleged a claim against the Companies in the nature of a continuing violation and has not requested any damages for past wrongdoing. Rather, SMUD has requested a declaration concerning its present rights under the contract and an order granting prospective relief. Furthermore, while SMUD perhaps should have anticipated the events that would follow and could have sought interpretive relief as early as 1973, it experienced no actual harm until the desired service was withheld in 1982. Under these circumstances, whether or not we would otherwise find it appropriate to apply the doctrine of laches, we do not believe that the doctrine is properly invoked in this case.

Having disposed of each of the arguments advanced in the Companies' answers to SMUD's complaint, we shall now consider whether summary disposition is appropriate as requested by SMUD. As we have noted previously, the Companies allege that three material issues of fact preclude summary disposition. However, two of the issues identified by the Companies, *i.e.*, the effect of SMUD's reduction of service to zero in 1975, and the effect of SMUD's postponement of service notices, are not questions of fact, but rather are questions of law which turn on the interpretation of contract terms. Moreover, these two questions have been discussed and disposed of previously in this order and, consequently, they do not stand in the way of summary disposition.

The only salient fact raised by the Companies concerns their contention that in 1971 and 1972 SMUD took

[15] Article 10d specifically states that it applies only to transmission service made available under Article 9 (a) and (b).

[16] *See id.*

[17] *See* Articles 9, 10, and 13.

[18] *See*, SCE, Answer to Complaint at 6; SDG&E, Answer to Complaint at 5; Response to Motion for Summary Disposition at 18.

[19] Letter by H.P. Braun to William C. Walbridge, included in Exhibit J to SMUD's complaint. The letter provides in pertinent part that:

> This is in response to [SMUD's] check for transmission service for June 1982. . . [n]one of the California Companies agrees with Sacramento's claim that Sacramento has the right to such service. Therefore, I am returning Sacramento Municipal Utility District's check * * *.

transmission service under Article 9 (a) and (b) for non-CEP prior to reducing its service to zero in 1975. We note that this contention, which is raised for the first time in the Companies' response to SMUD's motion for summary disposition, directly contradicts the position taken in an earlier Company pleading. In its answer to SMUD's complaint (at 2), SDG&E states that it is an undisputed fact that through March 1975 SMUD used Intertie capacity "solely" to import CEP.

The Companies' latest allegation is relevant in light of our prior analysis of SMUD's rights under the contract. As we note at page 8, *supra*, our conclusion that SMUD is protected from operation of the anti-yo-yo clause is based on the assumption that SMUD did not reserve service for non-CEP entitlements under Article 9 (a) and (b) prior to reducing its service reservation to zero in 1975. If, however, SMUD had previously reserved service under Article 9 (a) and (b) for non-CEP, then its reduction of service to zero might not have been solely the result of its withdrawal of CEP and, consequently, its subsequent request to increase service to transmit power from the Bonneville Power Administration may be prohibited by the anti-yo-yo clause.

In its February 14, 1983 reply to the Companies, SMUD states that it does not dispute the underlying facts regarding its service for non-CEP; however, it does dispute the consequences of such service under the contract. Specifically, SMUD concedes that it took service for non-CEP in 1971 and 1972 and further acknowledges that such service made use of capacity which was reserved under Article 9 (a) and (b). However, SMUD states that the service, which was used to transmit interruptible Northwest dump energy,[30] did not result in an increase or decrease in its reservations under Article 9 (a) and (b), but merely made use of otherwise unutilized CEP capacity reservations which were previously made. Moreover, SMUD states that Article 13 of the contract, a billing provision, contemplates such purchases of Northwest dump energy and reflects the understanding that such transactions do not change the amount of service reserved under Article 9 (a) and (b).

[30] SMUD states that it used excess CEP capacity to transmit Northwest dump energy in 1971 and 1972 as follows:

March, 1971, 11,906,940 kWh
April, 1971, 9,901,440 kWh
May, 1971, 12,010,080 kWh
June, 1971, 630,300 kWh
March, 1972, 8,239,740 kWh
May, 1972, 20,121,850 kWh

Article 13 provides in pertinent part that:

> Sacramento shall compensate the Companies * * * (b) For transmission of Northwest Dump Energy, using service in *in excess* of that made available under Article 9 (a) and (b) and Article 17(b), at a charge of $0.0005 per kilowatt-hour delivered at Tesla Substation. (Emphasis added).

SMUD points out that Article 13b provides for a $0.0005 per kWh charge for the transmission of Northwest dump energy "in excess" of that made available under Article 9 (a) and (b), but contains no charge for such service made pursuant to Article 9 (a) and (b). According to SMUD, this reflects the fact that the transmission of Northwest dump energy pursuant to Article 9 (a) and (b) makes use of surplus capacity previously reserved and paid for. Therefore, SMUD concludes that its use of excess CEP capacity in 1971 and 1972 to transmit Northwest dump energy did not result in an increase or decrease in its reservations under Article 9 (a) and (b), and consequently did not violate the anti-yo-yo provision of Article 10d.

We concur with SMUD's interpretation of the relevant contract provisions and agree that SMUD's service for Northwest dump energy has not prejudiced its right to future transmission service over the Intertie. Reading Articles 9, 10, and 13 together, it appears clear that the use of excess capacity under Article 9 (a) and (b) to transmit interruptible Northwest dump energy is significant primarily for billing purposes, and that the scheduling of such service does not affect the level of SMUD's reservations under Article 9 (a) and (b). Accordingly, we find that SMUD's use of excess CEP capacity in 1971 and 1972 to transmit Northwest dump energy did not result in increases and decreases in service which would violate the anti-yo-yo provision of Article 10d.[31]

Having reached this conclusion, we find that there are no outstanding issues of fact or law which preclude granting SMUD's motion for summary disposition. Moreover, in the absence of any factual questions to be decided there is no need for additional time to conduct discovery as requested by the Companies.

[31] This conclusion is supported by the fact that SMUD's use of excess CEP capacity reserved under Article 9 (a) and (b) to transmit Northwest dump energy included a number of increases in service after previous decreases in service which, apparently, the Companies have never contended violate Article 10d. *See* note 20, *supra*. Moreover, it also appears that the Companies did not deem changes in SMUD's schedule of service for Northwest dump energy to require five years prior notice which is applicable to Article 9 (a) and (b) reservations, pursuant to Article 10a.

Based on the foregoing, we shall deny the Companies' request to dismiss the complaint, and grant SMUD's motion for summary disposition and requests for declaratory and other relief. In addition, SMUD's motion to accept its pleading of February 14, 1983, will be granted. Since we shall grant the requested relief on the basis of SMUD's contract claim, we shall not at this time address, or express any opinion on the questions of whether SMUD's requested relief may be supported by its claim that the Companies have violated commitments made to the federal government as conditions to their ownership of portions of the Intertie, or its claim that PG&E has violated requirements imposed in connection with the Stanislaus Nuclear Project, Unit 1.

The Commission orders:

(A) The Companies' request to dismiss the complaint is hereby denied.

(B) It is hereby declared that pursuant to its contract with the Companies dated August 1, 1967, SMUD is entitled to receive up to 200 MW of transmission service over the Intertie EHV lines at rates specified in the contract, and further, it ordered that the Companies shall provide SMUD such transmission service in accordance with the provisions of the contract as interpreted in the body of this order.

(C) SMUD's motion for summary disposition is hereby granted as provided in the body of this order.

(D) SMUD's motion to accept its pleading of February 14, 1983 is hereby granted.

(E) Docket No. EL82–21–000 is hereby terminated.

(F) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9636 Filed 4-13-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. TA8-1-6-005]

Sea Robin Pipeline Co.; Revised Tariff Filing

April 8, 1983.

Take notice that on March 31, 1983, Sea Robin Pipeline Company (Sea Robin), pursuant to Paragraph III. B. 18 of the Stipulation and Agreement approved by Commission Order dated January 28, 1983 in *Sea Robin Pipeline Company*, Docket No. TA83-1-6 and *Pennzoil Producing Company, et al.*, Docket Nos. CI77-702-000, *et al.* and pursuant to Paragraph C of that January

28, 1983 Commission Order, submitted for filing Thirty-third Revised Sheet No. 4 to Sea Robin's FFRC Gas Tariff, First Revised Volume No. 1.

The Stipulation and Agreement, among other things, requires Sea Robin to make certain payments to Pennzoil Producing Company (as successor to Pennzoil Louisiana and Texas Offshore, Inc.) and Pennzoil Oil & Gas, Inc. and authorizes Sea Robin to adjust its rates to track such payments.

Sea Robin states that a copy of the transmittal letter, the revised tariff sheets and detailed computations in support of the filing are being mailed to all of United's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211,385.214). All such petitions or protests should be filed on or before April 18, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9839 Filed 4-13-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-1-11-002]

United Gas Pipe Line Co.; Revised Tariff Filing

April 8, 1983.

Take notice that on March 31, 1983, United Gas Pipe Line Company (United), pursuant to Paragraph III. B. 18 of the Stipulation and Agreement approved by Commission Order dated January 28, 1983 in *United Gas Pipe Line Company*, Docket No. TA83-1-11 and *Pennzoil Producing Company, et. al.*, Docket Nos. CI77-702-000, *et al.* and pursuant to Paragraph C of that January 28, 1983 Commission Order, submitted for filing Sixty-first Revised Sheet No. 4 to United's FERC Gas Tariff, First Revised Volume No. 1.

The Stipulation and Agreement, among other things, requires United to make certain payments to Pennzoil Producing Company (as successor to Pennzoil Louisiana and Texas Offshore, Inc.) and Pennzoil Oil & Gas, Inc. and authorizes United to adjust its rates to track such payments.

United states that a copy of the transmittal letter, the revised tariff sheets and detailed computations in support of the filing are being mailed to all of United's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before April 18, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9840 Filed 4-13-83; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[W-4-FRL 2346-3]

Designation of Volusia-Floridan Aquifer as Sole Source Aquifer

AGENCY: Environmental Protection Agency.

ACTION: Notice of public hearing.

SUMMARY: A petition has been received by the United States Environmental Protection Agency (EPA) requesting determination that the Volusia-Floridan Aquifer System is the sole or principal drinking water source for Volusia County and that contamination of this source would create a significant hazard to public health.

DATE: The public hearing will be held on Wednesday, May 11, 1983 from 9:30 am to 12:00 noon and 7:00 pm to 9:00 pm.

ADDRESS: The public hearing will be held in the City Hall Council Chambers, 301 South Ridgewood Avenue, Daytona Beach, Florida.

FOR FURTHER INFORMATION CONTACT: Curtis F. Fehn, Chief, Groundwater Section, Water Supply Branch, EPA, Region IV, 345 Courtland Street, NE., Atlanta, Georgia 30365; 404/881-3866.

SUPPLEMENTARY INFORMATION: Section 1424(e) of the Safe Drinking water Act provides that should EPA determine that the Volusia-Floridan Aquifer is a sole source aquifer, from the date of such determination, no commitment for Federal financial assistance (through grants, contracts, loan guarantees, etc.) may be entered into for any project which EPA determines may contaminate the aquifer through a recharge zone so as to create a significant hazard to public health. To aid in determination, EPA will hold a public hearing as stated above. Persons who intend to make statements at this hearing are urged to give notice of their intent by telephone or letter at least five (5) days before the hearing is scheduled. If possible, a written copy of the statement should be submitted at the time it is presented for inclusion in the record.

Dated: March 31, 1983.

Charles R. Jeter,

Regional Administrator.

[FR Doc. 83-9956 Filed 4-13-83; 8:45 am]

BILLING CODE 6560-50-M

[SA FRL 23476]

Science Advisory Board; Research Outlook Review Subcommittee; Open Meeting

Under Pub. L. 92-463, notice is hereby given that a one-day meeting of the Research Outlook Review Subcommittee will be held on May 2, 1983 in Conference Room 2117, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. The meeting will begin at 9:00 a.m., and the estimated time of adjournment is 4:30 p.m.

The purpose of the meeting is to enable the Subcommittee to provide its advice and comment to the Agency on a number of draft research strategy documents, which will be used in the preparation of the *Research Outlook 1984*, which is EPA's annual update of its five-year research and development plan. The subcommittee will also be briefed on the budget strategy process

and its relationship to the research strategy process.

The meeting is open to the public. Any member of the public wishing to attend or obtain information should contact Dr. Terry F. Yosie, Staff Director, Science Advisory Board, by close of business on April 28, 1983. The telephone number is (202) 382–4126.

Dated: April 11,, 1983.

Harry C. Torno,

Acting Staff Director, Science Advisory Board.

[FR Doc. 83–9937 Filed 4–13–83; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period:

Transaction	Waiting period terminated effective
(1) Henry J. Block's proposed acquisition of all voting securities of Queen City Savings and Loan Association	Oct. 28, 1982.
(2) HealthWest Foundation's proposed acquisition of all assets of La Palma Medical Development	Oct. 28, 1982.
(3) Thomas E. Nevis and Samuel A. Nevis' proposed acquisition of all voting securities of Pacific International Rice Mills, Inc	Oct. 28, 1982.
(4) Jones International, Ltd.'s proposed acquisition of certain assets of Oak Industries Inc	Oct. 28, 1982.
(5) Western Union Corporation's proposed acquisition of all voting securities of E. F. Johnson Company	Oct. 28, 1952.
(6) United Telecommunications, Inc.'s proposed acquisition of all voting securities of Aero-Flow Dynamics, Inc	Oct. 28, 1952.
(7) Northwestern Mutual Life Insurance Company's proposed acquisition of all assets of The Standard of America Financial Corporation and all voting securities of Standard of America Life Insurance Company.	Oct. 28, 1982.
(8) Macfield Texturing, Inc.'s proposed acquisition of all voting securities of E. T. Holding, Inc	Oct. 28, 1982.
(9) Control Data Corporation's proposed acquisition of all voting securities of Central Savings Association	Oct. 28, 1982.
(10) Corporate Property Investor's proposed acquisition of all assets of Aurora Mall Associates	Oct. 29, 1982.
(11) Masco Corporation's proposed acquisition of all voting securities of Marvel Metal Products Company	Nov. 2, 1982.
(12) Transamerica Corporation's proposed acquisition of voting securities of Fred S. James & Company, Inc	Nov. 15, 1982.
(13) Beneficial Corporation's proposed acquisition of certain voting securities of IntraWest Financial Corporation	Nov. 5, 1982.
(14) Tosco Corporation's proposed acquisition of all voting securities of AZL Resources, Inc	Nov. 4, 1982.
(15) Tosco Corporation's proposed acquisition of certain voting securities of AZL Resources, Inc	Nov. 4, 1982.
(16) Gulf & Western Industries, Inc.'s proposed acquisition of certain voting securities of Hammermill Paper Company	Nov. 8, 1982.
(17) Royal Insurance PLC's proposed acquisition of all voting securities of Milbank Mutual Insurance Company	Nov. 8, 1982.
(18) Combined International Corporation's proposed acquisition of all voting securities of Rollins Burdick Hunter Company	Nov. 9, 1982.
(19) Transamerica Corporation's proposed acquisition of voting securities of Fred S. James & Company, Inc	Nov. 15, 1982.
(20) Transaction Number 83–0140 Southmark Corporation's proposed acquisition of all voting securities of American National Corporation	Mar. 17, 1983.
(21) Transaction Number 83–0146 The Firestone Tire and Rubber Company's proposed acquisition of certain assets of J. C. Penney Company, Inc	Mar. 17, 1983.
(22) Transaction Number 83–0164 John Mowlem & Company's PLC proposed acquisition of all voting securities of Buchler, Ltd., Adolph I. Buchler, Inc., (Mrs. Mignon B. Albrecht, UPE).	Mar. 21, 1983.
(23) Transaction Number 83–0180 VMS Realty Partners' proposed acquisition of all voting securities of Hotel Park Sheraton, Incorporated (International Telephone and Telegraph Corporation, UPE).	Mar. 31, 1983.
(24) Circle K. Corporation proposed acquisition of certain voting securities of Nucorp Energy, Inc	Jan. 11, 1982.
(25) MNC Resources, Incorporated's proposed acquisition of all voting securities of the Swift Group, Inc	Jan. 18, 1982.
(26) Edward J. DeBartolo and Edward J. DeBartolo, Junior's proposed acquisition of certain voting securities of DeBartolo, Inc	Jan. 22, 1982.
(27) Norfolk and Western Railway's proposed acquisition of certain voting securities of Piedmont Aviation, Inc	Jan. 22, 1982.
(28) Sealed Power Corporation's proposed acquisition of all voting securities of Kent—Moore Corporation	Jan. 25, 1982.
(29) Philbro Corporation's proposed acquisition of all assets of Pinkert Steel Company	Feb. 8, 1982.
(30) Esam M. Khasboggs proposed acquisition of all voting securities of Finn Moller (Oasis Petroleum) and USA Petroleum Corp	Mar. 4, 1982.
(31) Companies Generale d' Electricite's proposed acquisition of certain assets of Gould, Inc	Apr. 22, 1982.
(32) Industrial National Corporation acquisition of certain assets of Manufacturers National Corporation	Apr. 22, 1982.
(33) Oglethorpe Power Corporation's proposed acquisition of certain assets of Southern Company	June 10, 1982.
(34) South Caroline Electric and Gas Company's proposed acquisition of all voting securities of Carolina Energies, Inc	Apr. 21, 1982.
(35) Johnson and Johnson proposed acquisition of all voting securities of "A" Company, Inc. from Cooper Laboratories, Inc	Apr. 16, 1982.
(36) Mrs. Paul's Kitchens, Incorporated's with respect to the proposed acquisition by Campbell's Soup Company of certain assets of Mrs. Pauls Kitchen, Inc	Apr. 30, 1982.
(37) Carmel Trust's proposed acquisition of all voting securities of Wiebold Stores, Inc	May 13, 1982.
(38) John Fabick Tractor Company's proposed acquisition of all voting securities of Nagle-Hart, Inc	May 13, 1982.
(39) C. A. Cavendes Sociadad Financieras proposed acquisition of certain voting securities of Florida National Bank, Inc	June 9, 1982.
(40) Mid-Smith Bottling Companies' proposed acquisition of the voting securities of Mid-South Beverage, Inc	June 2, 1982.
(41) Zurn Industries Incorporated's proposed acquisition of the voting securities of National Energy Production Corporation	May 28, 1982.
(42) Paul W. Lowder's proposed acquisition of all assets of the Sahara Hotel and Casino	July 1, 1982.
(43) Federated Department Stores Incorporated's proposed acquisition of voting securites of Twin Fair Distribution Incorporated	June 8, 1982.
(44) Wolsely-Hughes plc's proposed acquisition of the voting securities of Ferguson Enterprise, Incorporated	June 1, 1982.
(45) BOC Group plc's proposed acquisition of all voting securities of Chem-Sub, Inc	June 11, 1982.
(46) Valero Energy Corporation's proposed acquisition of all voting securites of Wil Gas Company	July 1, 1982.
(47) Texas Eastern Corporation's proposed acquisition of all voting securities of The Halcon SD Group, Inc	July 1, 1982.
(48) Societe Generale de Surveillance Holding S.A.'s proposed acquisition of certain voting securities of United States Testing Company, Inc	Aug. 5, 1982.
(49) Transaction Number 83–0170, Security Financial Corporation's proposed acquisition of voting securities of Land Resources Corporation, (United National Corporation)	Apr. 5, 1983.
(50) Transaction Number 83–0213, Ames Department Stores, Inc.'s proposed acquisition of all voting securites of KDT Industries, Inc	Apr. 5, 1983.
(51) Transaction Number 83–0207, Alexander & Baldwin Incorporated's proposed acquisition of certain voting securities of Pacific Resources, Incorporated	Apr. 4, 1983.
(52) Transaction Number 83–0171, Minerals and Resources Corporation's proposed acquisition of voting securities of Plateau Holdings, Inc., (Hudson Bay Mining and Smelting Company, Ltd., UPE).	Apr. 4, 1983.
(53) Transaction Number 83–0190, Mobil Corporation's proposed acquisition of all certain assets of Colgate-Palmolive Company	Mar. 25, 1983.
(54) Transaction Number 83–0166, Bally Manufacturing Corporation's proposed acquisition of all voting securities of Health & Tennis Corporation of America	Mar. 28, 1983.
(55) Transaction Number 83–0156, Emerson Electric Company's proposed acquisition of assets of Southwest Truck Body Company	Mar. 24, 1983.
(56) Transaction Number 83–0191, Aachener and Muenchener Beteiligungs-Aktiengesellschaft's proposed acquisition of certain voting securities of Academy Insurance Group, Inc.	Mar. 24, 1983.
(57) Transaction Number 83–0196, Exco International's p.l.c. proposed acquisition of all voting securities of NAP Holdings U.K. Limited	Mar. 24, 1983.
(58) Transaction Number 83–0181, United States Lines, Incorporated's proposed acquisition of assets of Farrell Lines, Incorporated	Mar. 24, 1983.
(59) Transaction Number 83–0182, Eager Beaver, Incorporated's proposed acquisition of all assets of The McCulloch Division, (The Black and Decker Manufacturing, Company, UPE).	Mar. 24, 1983.
(60) Transaction Number 83–0192, Universal Health Services, Incorporated's proposed acquisition of all voting securities of Qualicare Incorporated	Mar. 31, 1983.
(61) Transaction Number 83–0162, Donald L. Bren's proposed acquisition of all voting securities of The Irvine Company	Mar. 31, 1983.

Transaction	Waiting period terminated effective
(62) Transaction Number 83-0167, Health Group, Inc.'s (George P. Van, UPE) proposed acquisition of assets of Donald R. Dizney, (United Hospitals, Inc., UPE)	Mar. 31, 1983.
(63) Transaction Number 83-0159, James River Corporation's proposed acquisition of certain assets of the Marathon Pulp Division of American Can Company	Mar. 31, 1983.
(64) Transaction Number 83-0202, Hamilton Brothers Petroleum Corporation's proposed acquisition of all voting securities of Hamilton Brothers Oil Company, (Frederic C. Hamilton, UPE).	Apr. 1, 1983.
(65) Transaction Number 83-0203, Hamilton Brother Petroleum Corporation's proposed acquisition of all voting securities of Hamilton Brothers Oil Company, (Volvo North America, Corporation, UPE).	Apr. 1, 1983
(66) Transaction Number 83-0204, Intermark, Incorporated's proposed acquisition of certain voting securities of Pier 1, Imports Incorporated	Apr. 1, 1983.
(67) Transaction Number 83-0209, Leon Hess Corporation's proposed acquisition of certain voting securities of VGS Corporation	Apr 1, 1983
(68) Transaction Number 83-0210, Robert M. Hearin's proposed acquisition of certain voting securities of VGS Corporation	Apr. 1, 1983.
(69) Transaction Number 83-0199, Exco International's p.l.c. proposed acquisition of voting securities of Unital International, Inc	Apr. 1, 1983

FOR FURTHER INFORMATION CONTACT: Patricia A. Foster, Compliance Specialist, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3894.

By direction of the Commission.

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 83-9803 Filed 4-13-83; 8:45 am]

BILLING CODE 6750-01-M

"Tar", Nicotine and Carbon Monoxide Content of the Smoke of 208 Varieties of Cigarettes

AGENCY: Federal Trade Commission.

ACTION: Correction.

SUMMARY: This document corrects a Commission document previously published in the **Federal Register** on Wednesday, March 30, 1983.

DATE: The correction is effective upon publication.

FOR FURTHER INFORMATION CONTACT: FTC/PAL, Harold C. Pillsbury, Washington, D.C. 20580, (202) 523-3559.

SUPPLEMENTARY INFORMATION: In FR Doc. 83-7982, appearing in the **Federal Register** issue for Wednesday, March 30, 1983, 48 FR 13268, on page 13270 the twentieth (20th) line of the chart on the left should read:

Brand	Type	Tar (mg/cig)	Nicotine (mg/cig)	Carbon monoxide (mg/cig)
Cambridge	king size, filter, hard pack	<0.5	<0.05	<0.5

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 83-9801 Filed 4-13-83; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

Medicaid Program; Hearing; Reconsideration of Effective Date of a Maryland State Plan Amendment

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of hearing.

SUMMARY: This notice announces an administrative hearing on June 1, 1983 in Philadelphia, Pennsylvania to reconsider the effective date of Maryland State Plan Amendment 83-10.

Closing date: Request to participate in the hearing as a party must be received by 15 days after publication.

FOR FURTHER INFORMATION CONTACT: Docket Clerk, Bureau of Eligibility, Reimbursement and Coverage, 365 East High Rise, 6325 Security Boulevard, Baltimore, Maryland 21207, telephone: (301) 594-8261.

SUPPLEMENTARY INFORMATION: This notice announces an administrative hearing to reconsider the effective date of a Maryland State Plan Amendment.

Section 1116 of the Social Security Act and 45 CFR Parts 201 and 213 establish Department procedures that provide an administrative hearing for reconsideration for States dissatisfied with a determination on a State plan or plan amendment. HCFA is required to publish a copy of the notice to a State Medicaid agency that informs the agency of the time and place of the hearing and the issues to be considered. (If we subsequently notify the agency of additional issues which will be considered at the hearing, we will also publish that notice.)

Any individual or group that wants to participate in the hearing as a party must petition the Hearing Officer within 15 days after publication of this notice, in accordance with additional requirements contained in 45 CFR 213.15(b)(2). Any interested person or organization that wants to participate as amicus curiae must petition the Hearing Officer before the hearing begins, in accordance with additional requirements contained in 45 CFR 213.15(c)(1).

If the hearing is later rescheduled, the Hearing Officer will notify all participants.

The issue in this matter relates to the effective date established on a State plan amendment dealing with the elimination of copayments on prescription drugs. Regulations at 45 CFR 201.3(g) require that the effective date of such a State plan amendment may be no earlier than the first day of the calendar quarter in which an approvable plan amendment is submitted. The Maryland plan amendment was received on January 10, 1983 and thus, an effective date of January 1, 1983 was established. The State, however, requested an effective date of October 1, 1982.

Maryland has requested reconsideration of the January 1, 1983, effective date on the basis that it took the necessary steps to ensure compliance with the changes required by the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA), and

made these changes effective with the implementation of the law, i.e., October 1, 1982. It is the State's position that the statutory requirement carries greater weight than the regulatory requirement governing effective dates of plan amendments and therefore requested an effective date of October 1, 1982.

In addition, the State points out that it did not receive until January 13, 1983, the Medicaid Action Transmittal (No. 82–28) which included preprinted State plan pages to update its plan in conformance with the copayment requirements of TEFRA. The State further claims that since these preprinted pages were not required to be submitted to the HCFA Regional Office until March 10, 1983, this indicates that the requirement for timely submission of this State plan amendment was waived.

The notice to Maryland announcing an administrative hearing to reconsider the effective date of its State plan amendment reads as follows:

Ms. Adele Wilzack, Assistant Secretary for Medical Care Programs
Department of Health and Mental Hygiene, 201 West Preston Street, Baltimore, Maryland 21201

Dear Ms. Wilzack: This is in reply to your letter to Mr. Everett Bryant, Regional Administrator, Health Care Financing Administration (HCFA) Region III, requesting reconsideration of the effective date of Maryland State Plan Amendment 83–10. This amendment which pertains to elimination of copayment requirements on prescription drugs for Medicaid recipients was approved on February 16, 1983 with an effective date of January 1, 1983.

You have requested reconsideration of the effective date on the basis that the State took the necessary steps to ensure compliance of its State plan with the changes required by the Tax Equity and Fiscal Responsibility Act of 1982, and made these changes effective with the implementation of the law, i.e., October 1, 1982.

In addition, you have claimed that the State did not receive Medicaid preprinted State plan pages until January 13, 1983. Further, you have stated that these preprint pages were not required to be submitted to HCFA until March 10, 1983, suggesting that the requirement for timely submission of this State plan amendment had been waived.

I am scheduling a hearing on your request to be held on June 1, 1983, at 10:00 a.m. in the Third Floor Conference Room, 3535 Market Street, Philadelphia, Pennsylvania 19104. If this date is not acceptable, we would be glad to set another date that is mutually agreeable to the parties.

I am designating Mr. Lawrence Ageloff as the presiding officer. If these arrangements present any problems, please contact the Docket Clerk. In order to facilitate any communication which may be necessary between the parties to the hearing, please notify the Docket Clerk of the names of the individuals who will represent the State at the hearing. The Docket Clerk can be reached on (301) 594–8261.

Sincerely yours,
Carolyne K. Davis, Ph.D.

(Sec. 1116 of the Social Security Act (42 U.S.C. 1316))

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program)

Dated: April 8, 1983.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

[FR Doc. 83–9936 Filed 4–13–83; 8:45 am]

BILLING CODE 4120–03–M

National Institutes of Health

Division of Research Grants; Meetings

Pursuant to Pub. L. 92–463, notice is hereby given of the meetings of the following study sections for April through June 1983, and the individuals from whom summaries of meetings and rosters of committee members may be obtained.

These meetings will be open to the public to discuss administrative details relating to study section business for approximately one hour at the beginning of the first session of the first day of the meeting. Attendance by the public will be limited to space available. These meetings will be closed thereafter in accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, United States Code and Section 10(d) of Pub. L. 92–463, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Grants Inquiries Office, Division of Research Grants, Westwood Building, National Institutes of Health, Bethesda, Maryland 20205, telephone 301–496–7441 will furnish summaries of the meetings and rosters of committee members. Substantive program information may be obtained from each executive secretary whose name, room number, and telephone number are listed below each study section. Since it is necessary to schedule study section meetings months in advance, it is suggested that anyone planning to attend a meeting contact the executive secretary to confirm the exact date, time and location. All times are A.M. unless otherwise specified.

Study section	April–June 1983 meetings	Time	Location
Behavioral and Neurosciences—1 Dr. Bertie Woolf, Rm. A23, Tel. 301–496–7286	May 26–27	8:30	Holiday Inn, Georgetown, DC.
Behavioral and Neurosciences—2 Dr. Bertie Woolf, Rm. A25, Tel. 301–496–7286	May 16	8:30	Holiday Inn, Bethesda, MD.
Behavioral and Neurosciences—3 Dr. Bertie Woolf, Rm. A23, Tel. 301–496–7286	May 13	8:30	Holiday Inn, Bethesda, MD.
Behavioral and Neurosciences—4 Dr. Bertie Woolf, Rm. A23, Tel. 301–496–7286	May 13	2:00 p.m.	Holiday Inn, Bethesda, MD.
Behavioral and Neurosciences—5 Dr. Bertie Woolf, Rm. A25, Tel. 301–496–7286	May 20	8:30	Holiday Inn, Bethesda, MD.
Biomedical Sciences—1 Ms. Joan D. Fredericks, Rm. A10, Tel. 301–496–1067	May 23–25	8:30	Holiday Inn, Georgetown, DC.
Biomedical Sciences—2 Dr. Charles Baker, Rm. A10, Tel. 301–496–7150	May 24–25	8:00	Ramada Inn, Bethesda, MD.
Biomedical Sciences—3 Ms. Joan D. Fredericks, Rm. A10, Tel. 301–496–1067	June 16–18	8:30	Holiday Inn, Georgetown, DC.
Biomedical Sciences—4 Dr. Charles Baker, Rm. A10, Tel. 301–496–7150	May 19–20	8:00	Ramada Inn, Bethesda, MD.
Clinical Sciences—1 Dr. Lynwood Jones, Rm. A19, Tel. 301–496–7510	May 11–12	8:30	Holiday Inn, Georgetown, DC.
Clinical Sciences—2 Dr. Bernice Lipkin, Rm. A19, Tel. 301–496–7477	May 16–17	8:30	Highland Hotel, Washington, DC.
Clinical Sciences—3 Dr. Lynwood Jones, Rm. A19, Tel. 301–496–7510	May 5–6	8:30	Holiday Inn, Georgetown, DC.
Clinical Sciences—4 Dr. Bernice Lipkin, Rm. A19, Tel. 301–496–7477	Apr. 29	8:30	Highland Hotel, Washington, DC.

(Catalog of Federal Domestic Assistance Program Nos. 13.306, 13.333, 13.337, 13.393–13.396, 13.837–13.844, 13.846–13.878, 13.892, 13.893, National Institutes of Health, HHS)

Dated: April 7, 1983.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 83–9978 Filed 4–13–83; 8:45 am]

BILLING CODE 4140–01–M

Division of Research Grants; Safety and Occupational Health Study Section; Meeting

Pursuant to Pub. L. 92–463, a meeting of the Safety and Occupational Health Study Section, National Institute for Occupational Safety and Health, in conjunction with the Division of Research Grants, will be held on April 22–23 and April 25–28, 1983, at the Colonial Manor Motel, 11410 Rockville Pike, Rockville, Maryland 20852. This notice is being published late due to the recent reorganization of NIOSH which included the transfer of their extramural research grant review function to the Division of Research Grants, NIH.

This meeting will be open to the public on April 25 from approximately 9:00 a.m. to noon, to discuss program policies and issues. Attendance by the public is limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, United States Code, and Section 10(d) of Pub. L. 92–463, the meeting of the Study Section will be closed to the public all day on April 22 and 23 and from noon on April 25 to adjournment on April 28 for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Grants Inquiries Office, Division of Research Grants, Westwood Building, National Institutes of Health, Bethesda, Maryland 20205, telephone (301) 496–7441, will furnish summaries of the meetings and rosters of committee members.

Dr. John Beisler, Executive Secretary of the Study Section, Westwood Building, Room 3A10, National Institutes of Health, Bethesda, Maryland 20205, telephone (301) 496–7071, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.262, Occupational Safety and Health Research Grants, National Institutes of Health, HHS)

Dated: April 6, 1983.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 83–9979 Filed 4–13–83; 8:45 am]

BILLING CODE 4140–01–M

Public Health Service

Announcement to Extend the Deadline Date for Receipt of Competitive Grant Applications for Family Planning Nurse Practitioner Training Projects

AGENCY: Office of the Assistant Secretary for Health, HHS.

ACTION: Notice.

SUMMARY: The Office of Population Affairs, Office of Family Planning amends the previously announced deadline date published in the **Federal Register**, Vol. 48, No. 51, Tuesday, March 15, 1983—Notices pp. 10925 and 10926. The extended date for completed applications to be postmarked or received is by the close of business May 16, 1983.

(Catalog of Federal Domestic Assistance Number 13.260)

Dated: April 6, 1983.

Marjory E. Mecklenburg,

Deputy Assistance Secretary for Population Affairs.

[FR Doc. 83–9939 Filed 4–13–83; 8:45 am]

BILLING CODE 4160–17–M

Announcement To Extend the Deadline for Applications for Family Planning General Training Projects

AGENCY: Office of the Assistant Secretary for Health, HHS.

ACTION: Notice.

SUMMARY: The Office of Population Affairs, Office of Family Planning amends the previously announced deadline date published in the **Federal Register**, Vol. 48, No. 51, Tuesday, March 15, 1983—Notices pp. 10924 and 10925. The extended date for completed applications to be postmarked or received is by the close of business May 16, 1983.

(Catalog of Federal Domestic Assistance Number 13.260)

Dated: April 6, 1983.

Marjory E. Mecklenburg,

Deputy Assistance Secretary for Population Affairs.

[FR Doc. 83–9938 Filed 4–13–83; 8:45 am]

BILLING CODE 4160–17–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Availability of Coal Resource Information on Public Lands in Sweetwater and Uinta Counties, Wyoming

Notice is hereby given that Geological Survey of Wyoming Open-File Report 83–1 entitled "Geophysical logs, lithologic descriptions, and coal analyses from coal test holes drilled in 1982 in the Salt Wells and Kemmerer areas, Sweetwater and Uinta Counties, Wyoming" is now available to the public. The drilling, completed in August, 1982, in support of the Federal Coal Management Program, provides geologic information necessary to evaluate and classify coal resources on lands in the public domain. The program was sponsored by the U.S. Department of Energy, Laramie Energy Technology Center, under Grant Number DE–AS20–81LC10855 in cooperation with the U.S. Department of Interior, Minerals Management Service.

Forty-one coal test holes were drilled in the Salt Wells area, Sweetwater County, Wyoming, and ten coal test holes were drilled in the Kemmerer area, Uinta County, Wyoming. Both areas are located in southwestern Wyoming; the Salt Wells area is located in the Rock Springs Coal Field about 20 miles southeast of the town of Rock Springs on the southeastern flank of the Rock Springs uplift, and the Kemmerer area is located about 13 miles northeast of the town of Evanston in the southern part of the Kemmerer Coal Field.

The Salt Wells area test holes, located in Township 14 North, Ranges 102 and 103 West; Township 15 North, Range 102 West; Township 16 North, Ranges 101 and 102 West; and Township 17 North, Range 101 West, Sixth Principal Meridian, Wyoming, were designed to investigate coal beds in the Paleocene Fort Union Formation and the Upper Cretaceous Almond Formation. The Kemmerer area test holes, located in Township 16 North, Range 118 West, Sixth Principal Meridian, Wyoming, were designed to investigate coal beds in the Upper Cretaceous Adaville Formation.

The 130-page report is available for reproduction from the Bureau of Land Management, 100 East "B" Street, Room B–005, Casper, Wyoming 82601, (307) 261–5421. The report is available for public review at the Geological Survey of Wyoming on the campus of the University of Wyoming in Laramie. (307) 742–2054 or 766–2286.

Dwayne E. Hull,

Acting State Director.

[FR Doc. 83–9878 Filed 4–13–83; 8:45 am]

BILLING CODE 4310–84–M

Arizona Strip District Advisory Council; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: The first meeting of the newly appointed Arizona Strip District Advisory Council will be held Wednesday, May 11, 1983 at 8:00 a.m. Primary topics will be an overview of the Bureau and presentation of on-going District programs.

DATE: May 11, 1983.

ADDRESS: Hilton Inn, 1450 South Indian Hills Drive, St. George, Utah 84770.

FOR FURTHER INFORMATION CONTACT: G. William Lamb, District Manager, 196 East Tabernacle, St. George, Utah 84770 (801/673–3545).

SUPPLEMENTARY INFORMATION: The agenda will also include a briefing of the BLM organization and mission, advisory council responsibility, presentation of district programs, and discussion of resource issues. Comments from the public will be received from 3:00 to 4:00 p.m.

G. William Lamb,

Arizona Strip District Manager.

[FR Doc. 83–9673 Filed 4–13–83; 8:45 am]

BILLING CODE 4310–84–M

Bureau Form Submitted for Review

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Bureau clearance officer and the Office of Management and Budget reviewing official, Mr. Jeffrey Hill, at 202–395–7340.

Title: 43 CFR Part 9210, Wildlife Prevention Permit.

Bureau Form Number: 9210–51.

Frequency: Whenever permittees apply.

Description of Respondents: Persons wanting to enter public lands during a wildlife prevention closure.

Annual Responses: 2,000.

Annual Burden Hours: 167.

Bureau clearance officer (alternate): Linda Gibbs 202–653–8853.

Arnold E. Petty,

Acting Associate Director.

April 8, 1983.

[FR Doc. 83 9679 Filed 4–13–83; 8:45 am]

BILLING CODE 4310–84–M

California Desert District Grazing Advisory Board; Meeting

Notice is hereby given in accordance with Pub. L. 94–579, Title IV, Section 403, that a public meeting of the California Desert District Grazing Advisory Board will be held Wednesday, May 18, 1983 from 10 a.m. to 4:30 p.m. at the International Hotel Resort, 1800 E. Palm Canyon Drive, Palm Springs, California 92262.

The agenda for the meeting will include:

—Otay Grazing Environmental Inpact Statement
—Unauthorized Grazing Usage
—Modoc/Washoe Rangeland Stewardship
—Allotment Management Plan's Update
—Range Improvement Project Work
—Plan Amendments to the California Desert Plan
—Cooperative Management Agreements

The meeting is open to the public, with time allotted for public comment after each subject has been presented

Summary minutes of the meeting will be maintained in the California Desert District and will be available for public inspection during regular business hours within 30 days following the meeting.

For further information and meeting confirmation, contact the California Desert District, 1695 Spruce Street, Riverside, California 92507 (714) 351–6398.

Dated: April 5, 1983.

Gerald E. Hillier,

District Manager

[FR Doc. 83–9672 Filed 4–13–83; 8:45 am]

BILLING CODE 4310–84–M

[CA 13451]

California; Realty Action Non-Competitive Sale of Public Land in El Dorado County

The following described land has been examined and identified as suitable for disposal by sale under Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750, 43 U.S.C. 1713), at no less than the appraised fair market value ($20,350):

Mount Diablo Meridian, California

T. 12 N., R. 10 E., Sec. 2,
E½NE¼SE¼SW¼NW¼ & SE¼SE¼ SW¼NW¼.

Containing 3.51 acres more or less.

The above described land, comprising 3.51 acres, is being offered by direct, noncompetitive sale to Gene R. Leader at current fair market value. Leader is the owner of the adjoining tract and improvements on the sale parcel.

Mr. Leader was advised of the potential trespass in 1980 and a recent survey showed his house was partially on public land. Mr. Leader's septic field, an unauthorized dump and access road is also located on public land. Disposal by direct sale to Mr. Leader will legalize his occupancy of the land, protect his equity investment in improvements on the land and resolve a complicated trespass situation.

The lands are classified for multiple use management under the Act of September 19, 1964; however, in light of the above the classification for the sale parcel has been reviewed and lifted. The sale is consistent with the Bureau's planning and disposal would best serve the public interest. The land will not be offered for sale for at least 60 days after the publication of this notice. Upon notification of the sale date, the purchaser will be given 30 days to pay the full appraised market value.

The terms and conditions applicable to the sale are:

1. A right-of-way for ditches and canals will be reserved to the United States (43 U.S.C. 945).

2. All minerals in the land will be reserved to the United States (43 U.S.C. 1719).

3. Federal law required that the purchaser be a U.S. citizen or, in the case of a corporation, subject to the laws of any State of the U.S.

Detailed information concerning the sale, including the land report and environmental assessment report are available for review at the Bakersfield District Office at the above address. For a period of 45 days from the date of publication of this notice, interested parties may submit comments to the State Director, California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825. Any adverse comments will be evaluated by the State Director who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become a final determination.

Robert D. Rheiner, Jr.,

District Manager.

[FR Doc. 83–9674 Filed 4–13–83; 8:45 am]

BILLING CODE 4310–84–M

[M57659]

Direct Sale of Public Land; Montana

AGENCY: Bureau of Land Management, Butte District Office, Interior.

ACTION: Notice of Realty Action M57659; direct sale of public land in Jefferson County.

SUMMARY: The following described lands have been examined and identified as suitable for disposal by sale pursuant to Section 203 of the Federal Land Policy and Management Act of 1976, 43 U.S.C 1713 (1976), at no less than the fair market value.

Principal Meridian Montana

T9N, R2W, Section 9, E½E½SW¼, NW¼SE¼SE¼
Section 15, Lot 5

The areas described aggregate 26.77 acres. The land will be offered by direct sale to William and Cincoona Foster.

The subject land is located in extreme northern Jefferson County in the foothills at the southern end of the Helena Valley. Lands in this area are primarily agricultural in nature. The subject tracts are isolated tracts of 20 and 6.77 acres completely surrounded by the private land of William and Cincoona Foster. There is no legal public access the either tract.

The 20-acre tract in Section 9 is currently cultivated by the Fosters. The primary purpose of this sale is to authorize the existing use to insure future agricultural production on the tract. The 6.77-acre tract in Section 15 is a small rocky hilltop with little resource value.

There has not been any active management of these tracts by the Bureau in the past and a land report has determined that they are not needed for any future management programs. Disposal of these tracts will not result in the loss of any significant public values but will allow continued agricultural use.

The proposed sale is consistent with the Bureau's planning system, and the Jefferson County Commissioners have been notified on the sale. A statewide press release has been issued describing the sale. This notice of realty action provides additional opportunity for public comment and review.

Terms and conditions

The terms and conditions applicable to this sale are as follows:

1. All minerals will be reserved to the United States together with the right to explore, prospect for, mine, and remove same under applicable law and regulations;

2. A right-of-way for ditches or canals will be reserved to the United States in accordance with 43 U.S.C 945;

3. The sale of these lands will be subject to all valid existing rights and reservations of record.

DATE: For a period of 45 days, from the date of this notice, interested parties may submit comments ot the Butte District Manager, Bureau of Land Management, P.O. Box 3388, Butte, Montana 59702. Any adverse comments will be evaluated by the BLM Montana State Director, who may vacate or modify this realty action and issue a final determination of the Department of Interior. In the absence of any action by the State Director, this realty action will become a final determination of the Department of Interior.

FOR FURTHER INFORMATION CONTACT: Information related to the sale, including planning documents, environmental assessment, and the record of public discussions is available for review at the Butte District Office, 106 North Parkmont, Butte, Montana.

Dated: April 8, 1983.

Jack A. McIntosh,

District Manager.

[FR Doc. 83-9876 Filed 4-13-83; 8:45 am]

BILLING CODE 4310-84-M

[N-36653]

Nevada; Issuance of Land Exchange Conveyance; Exchange of Public and Private Lands in Elko County

April 7, 1983.

The United States issued an exchange conveyance document to the City of Elko for the following described lands under Section 206 of the Federal Land Policy and Management Act of 1976:

Mount Diablo Meridian, Nevada

T. 34 N., R. 55 E.,
Sec. 22, SE¼SW¼NE¼, SE¼NE¼.
T. 34 N., R. 55 E.,
Sec. 15, a tract of land in the SW¼SE¼, SE¼SW¼;
Sec. 22, a tract of land in the NW¼NE¼, NE¼NW¼; more particularly described as follows:

"Beginning at a point 85.00 feet left of the centerline of the Railroad Corridor (Project No. RR-130) (1) at City Engineer's station "W" 466+13.70 P.O.C. said point of beginning being further described as bearing S. 81°33'40" W. a distance 3,048.80 feet from the NE corner of said Section 22; Thence N. 37°18'33" W. a distance of 274.49 feet to a point; Thence N. 57°37'27" E. a distance of 187.69 feet to a point; Thence N. 37°18'33" W. a distance of 183.00 feet to a point; Thence N. 57°35'27" E. a distance of 185.25 feet to a point; Thence N. 37°18'33" W. a distance of 100.00 feet to a point; Thence N. 57°35'27" E. a distance of 150.92 feet to a point; Thence S. 37°18'33" E. a distance of 100.00 feet to a point; Thence N. 57°35'27" E. a distance of 50.00 feet to a point; Thence N. 37°18'33" W. a distance of 100 feet to a point; Thence N. 57°34'40" E. a distance of 49.99 feet to a point; Thence S. 37°18'34" E. a distance of 455.86 feet to a point; Thence S. 41°03'26" W. a distance of 443.95 feet to a point; Thence S. 37°59'37" E. a distance of 21.58 feet to a point; Thence S. 37°59'34" E. a distance of 146.01 feet to a point; Thence S. 59°26'27" W. a distance of 190.05 feet to a point; Thence N. 37°18'33" W. a distance of 186.41 feet to a point of beginning."

Comprising 56.64 acres of public land.

In exchange for these lands, the United States acquired the following described lands from the City of Elko:

A parcel of land within the S½NW¼ of Section 1, T. 34 N., R. 55 E., MDM, Elko County, Nevada, and more particularly described as follows: Beginning at the point of intersection of the east-west quarter-section line of said Section 1 and the newly adopted southerly right-of-way line of former U.S. Highway 40 (now 40 feet southeasterly from centerline of said highway), as Corner No. 1, from which point the West quarter-section corner of said Section 1 bears S. 89°08'02" W. 576.09 feet, thence along said new right-of-way, from a tangent bearing N. 38°31'09" E. on a curve to the right, with a radius of 9960 feet, through a central angle of 0°38'59" an arc distance of 112.95 feet, to Corner No. 2, thence continuing along said new right-of-way N. 39°10'08" E. 474.25 feet to Corner No. 3, thence N. 89°08'02" E. 849.20 feet to Corner No. 4, thence S. 0°51'58" E. 450.00 feet to Corner No. 5, a point on the east-west quarter-section line of said Section 1, thence along said line S. 39°08'02" W. 1226.43 feet to Corner No. 1, the point of beginning.

Comprising 10.7 acres of private lands.

The purpose of this exchange was to acquire the non-federal lands for a new BLM office site in an area of the City of Elko acceptable to that municipality and to provide additional lands for the orderly expansion of the City of Elko. The needs of the local people will be met by providing lands for economic and community expansion. The public interest will be served through construction of a new BLM office complex which will consolidate three existing facilities into one single administrative site. The exchange was consistent with the Bureau's planning for the lands involved and is acceptable to local government officials.

The values of the Federal public land and the non-Federal land in the exchange were appraised equally at $214,500.

Wm. J. Malencik,

Deputy State Director, Operations.

[FR Doc. 83-9875 Filed 4-13-83; 8:45 am]

BILLING CODE 4310-84-M

Land Use Analysis and Proposed Realty Action

This notice issued pursuant to 43 CFR Parts 1600 and 2700, invites public review and comment on preliminary issues and planning criteria to be used in evaluating a proposal to offer for public sale certain public lands located in Cheyenne and Yuma Counties, Colorado.

The proposed planning action involves preparation of an environmental assessment utilizing input received from the public. The environmental assessment to be issued on or about May 25, 1983, will be prepared in accordance with 40 CFR Part 1500 and will include a determination of the proposed action's consistancy with the policies and programs of local, state and other federal agencies. A decision statement will then be issued by the District Manager with the concurrence of the State Director allowing a thirty day protest period (43 CFR 1601.6–1).

The public lands being considered for public sale are:

County, township and range	Section	Acres
Cheyenne:		
16S., 47W., 6th PM	2, lot 5	76.70
16S., 45W., 6th PM	4, lot 12	65.23
16S., 45W., 6th PM	22, lots 5 and 6	79.13
16S., 45W., 6th PM	28, lots 5 and 6	78.90
Cheyenne County total	299.96	
Yuma:		
5S., 5W., 6th PM	27, lots 12 and 13	79.74
5S., 5W., 6th PM	31, lot 14	40.00
5S., 5W., 6th PM	32, SW¼NE¼	40.00
5S., 5W., 6th PM	32, SW¼SW¼	40.00
Yuma County total	199.74	

If found suitable, these lands will be offered for public sale at fair market value with all minerals reserved to the United States.

Preliminary issues identified include: economics of continued management as part of the public lands, rights of permittees and leasees, interests of adjoining landowners, and consistancy with the plans and programs of other government entities.

Planning criteria to be used in evaluating the proposal are:

1. Public lands may be offered for public sale when such lands, because of location or other characteristics, are difficult and uneconomic to manage and are not suitable for management by another Federal, state or local public entity.

2. Disposal will serve important public objectives which outweigh public objectives and values which would be served by maintaining such lands in Federal ownership.

The interdisciplinary team performing the land use analysis/environmental assessment represent the following disciplines: Realty, Wildlife, Geology, Hydrology, Cultural Resources, Recreation and Economics.

Public participation will be obtained by a public comment period initiated by this notice. Comments received on or before May 18, 1983 will be considered.

Comments or requests for further information should be addressed to: Frank Young, Area Manager, 10200 W. 44th Avenue, Wheatridge, Colorado 80033; phone (303) 234–4988.

Copies of the environmental assessment will be available for review at the Northeast Resource Area office listed above, and at the Canon City District Office, 3080 East Main Street, Canon City, Colorado 81212.

Supplementary information: This proposed action results from, and is consistant with, issues and criteria developed with public participation for the Northeast Resource Management Plan, initiated in March 1981. The Resource Management Plan is scheduled for completion in 1984. The planning process as it applies to the lands described herein, is being expedited to improve management efficiency and to be responsive to expressions of public interest.

Melvin D. Clausen,

District Manager.

[FR Doc. 83–9877 Filed 4–13–83; 8:45 am]

BILLING CODE 4310–84–M

Las Cruces District Advisory Council; Meeting

AGENCY: Bureau of Land Management, Las Cruces District, Interior.

ACTION: Notice of meeting.

SUMMARY: Agenda.

DATE: May 5, 1983, 9:30 am.

ADDRESS: Lordsburg Civic Center, 313 East 4th Street, Lordsburg, New Mexico.

FOR FURTHER INFORMATION CONTACT: Daniel C. B. Rathbun, District Manager Las Cruces District, Bureau of Land Management, P.O. Box 1420, Las Cruces, New Mexico 88004. Phone: (505) 524–8551.

SUPPLEMENTARY INFORMATION:

Agenda

1. Approval of minutes.
2. Comments of Las Cruces/Lordsburg Draft Management Framework Plan Amendment/Environmental Assessment.
3. Comments on nine Wilderness Study Areas in the Las Cruces District.
4. Review and update on Asset Management.
5. Adjourn.

The meeting will be open to the public and interested persons may make oral statements to the Board during an allotted time period beginning at 2 p.m. and lasting for at least one-half hour. The District Manager may establish a time for oral statements depending on the number of persons wishing to make statements. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 317 North Main Street (P.O. Box 1420), Las Cruces, New Mexico 88004 by May 4, 1983.

Daniel C. B. Rathbun,

District Manager.

April 8, 1983.

[FR Doc. 83–9880 Filed 4–13–83; 8:45 am]

BILLING CODE 4310–84–M

Montana; Land Resource Management; Filing of Plat of Survey

AGENCY: Bureau of Land Management, Montana State Office, Interior.

ACTION: Notice of filing of plat of survey.

SUMMARY: A plat of survey of the lands described below accepted March 8, 1983, will be officially filed in the Montana State Office effective 8 a.m. on June 1, 1983.

Principal Meridian, Montana

T. 8 N., R. 17 W.
Homestead Entry Survey No. 1240
Tract 37

The plat represents a dependent resurvey of a portion of HES 1240 and the survey of Tract 37 in unsurveyed T. 8 N., R. 17 W., Principal Meridian, Montana. The area described is in Granite County.

This survey was executed at the request of the U.S. Forest Service for the purpose of identifying the selected land in an exchange between the U.S. and private individuals.

Inquiries concerning these lands should be addressed to the Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107.

Effective Date: June 1, 1983.

Dated: April 1, 1983.

Delores M. Heser,

Chief, Branch of Records.

[FR Doc. 83–9823 Filed 4–13–83; 8:45 am]

BILLING CODE 4310–84–M

Montana; Land Resource Management; Suspension of Filing of Plat of Survey

AGENCY: Bureau of Land Management, Montana State Office, Interior.

ACTION: Notice of suspension of filing of plat of survey.

SUMMARY: Official filing of plat for Township 7 South, Range 35 East, Principal Meridian, Montana, has been suspended. Subsequent to the Federal Register notice published February 18, 1983, page 7319, an official protest was received by the Montana State Office on March 23, 1983.

The plat of survey of T. 7 S., R. 35 E., Principal Meridian, Montana, will

remain in the open file. This plat will not be officially filed until the day after all protest(s) have been dismissed or accepted and become final or appeals from dismissal affirmed.

Inquiries concerning these lands should be addressed to the Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107.

Dated: April 1, 1983.

Delores M. Heser,

Chief, Branch of Records.

[FR Doc. 83-9824 Filed 4-13-83; 8:45 am]

BILLING CODE 4310-84-M

[W-84549]

Wyoming; Invitation for Coal Exploration License, Anaconda Minerals Company

Anaconda Minerals Company hereby invites all interested parties to participate on a pro rata cost sharing basis in its coal exploration program concerning federally owned coal underlying the following described land in Campbell County, Wyoming:

T.43 N., R. 70 W., 6th Prin Mer.
Sec. 6: Lots 1, 2, 3, 4, 5, 6, 7 S½NE¼, SE¼NW¼, E½SW¼, SE¼
Sec. 7: E½NE¼, NE¼NW¼, N½NE¼SE¼
T. 43 N., R. 71 W., 6th Prin Mer.
Sec. 1: Lots 1, 2, 3, 4, S½N½, N½S½, SE¼, SE¼

Containing 1,279.32 acreas.

All of the coal in the above lands consists of unleased Federal coal within the Powder River Basin known recoverable coal resource area. The purpose of the exploration program is the determine the quality and quantity of the coal within the boundaries of the above described area.

A detailed description of the proposed drilling program is available for review during normal business hours in the following offices (under serial number W-84549): Bureau of Land Management, 2515 Warren Avenue, P.O. Box 1828, Cheyenne, Wyoming 82001; The Bureau of Land Management, 951 Rancho Road, Casper, Wyoming 82601; and The U.S. Forest Service, Thunder Basin National Grassland, 809 South Ninth Street, Douglas, Wyoming 82633.

This notice of invitation will be published in this newspaper once each week for two consecutive weeks beginning the week of April 25, 1983, and in the **Federal Register**. Any party electing to participate in this exploration program must send written notice to both the Bureau of Land Management and Anaconda Minerals Company no later than 30 days after publication of this invitation in the **Federal Register**. The written notice should be sent to the following addresses: Anaconda Minerals Company, Attention Jane H. Martin, P.O. Box 5300, Denver, Colorado 80217, and The Bureau of Land Management, Wyoming State Office, Branch of Solid Minerals, P.O. Box 1828, Cheyenne, Wyoming 82001.

The foregoing is published in the **Federal Register** pursuant to Title 43 Code of Federal Regulations, § 3410.2-1(c)(1).

J. Stan McKee,

Acting Chief, Branch of Solid Minerals

[FR Doc. 83-9825 Filed 4-13-83; 8:45 am]

BILLING CODE 4310-84-M

[OR-29129 (WASH)]

Washington; Lease/Sale of Public Lands in San Juan County

The following described land has been examined and identified as suitable for public recreation and is hereby classified for lease and/or sale under the Recreation and Public Purposes Act of June 14, 1926, as amended (43 U.S.C. 869 *et seq.*)

Willamette Meridian

T. 35 N., R. 4 W.,
Sec. 23, Lots 3 & 4 (less approximately 1 acre in Lot 3, as described in Coast Guard map No. 66.7301) containing 38.1 acres, more or less.

The land is chiefly valuable for public recreation purposes, by virtue of its present use as a public park. The land will be leased, with an option to purchase, to the Washington State Parks and Recreation Commission. The lease will serve the important public objective of providing additional land for the State's recreational and public purpose projects. The lease will be issued subject to a 20 foot wide right-of-way reservation (OR 35125) granted to the Coast Guard, which also provides for unobstructed visibility for the Coast Guard, lighthouse. The land is an isolated tract, not essential to any BLM program. The land is not of national significance and this action will have no significant impact on the environment. The action is consistant with BLM policy and with State and local planning and zoning.

Classification of the land under the Recreation and Public Purposes Act (R&PP Act), segregates them from all appropriation, including locations under the mining laws, except as to applications under the mineral leasing laws and applications under the R&PP Act.

For a period of 30 days, interested parties may submit comments to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208. Any adverse comments will be evaluated by the State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

Roger W. Burwell,

District Manager.

[FR Doc. 83-9826 Filed 4-13-83; 8:45 am]

BILLING CODE 4310-84-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP82-80-008]

Michigan Wisconsin Pipe Line Co.; Notice Of Proposed Change In FERC Gas Tariff

April 7, 1983.

Take notice that on March 31, 1983, Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) tendered for filing Eighteenth Revised Sheet No. 7 to its F.E.R.C. Gas Tariff, Original Volume No. 1, to be effective May 1, 1983.

Michigan Wisconsin states that this filing is being made in accordance with Article IV, paragraph 3e of the Stipulation and Agreement submitted by Michigan Wisconsin on October 25, 1982 in Docket Nos. RP81-61 and RP82-80, which was approved by the Commission on February 10, 1983.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 or the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before April 18, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceedings. Any party wishing to become a party to the proceeding must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9844 Filed 4-13-83; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

San Luis Unit, California; Intent To Prepare a Draft Supplemental Environmental Statement

In compliance with Section 102(2)(C) of the National Environmental Policy

Act of 1969, the Department of the Interior, Bureau of Reclamation, proposes to prepare a draft supplemental environmental statement (ES) on the San Luis Unit of the Central Valley Project, and the Delta-Mendota Canal service area, California. The draft supplemental ES will be integrated with a planning report which will present actions proposed for the unit.

The proposed actions are to: (1) Amend the existing water service contract with Westlands Water District to increase the long-term commitment of water from the San Luis Unit; (2) complete construction of water distribution systems for Westlands Water District; (3) complete the San Luis Drain with sufficient capacity to provide drainage service to all problem areas along the drain alinement, including the entire San Luis Unit and Delta-Mendota Canal service areas (includes construction of interim drainage evaporation ponds, emergency storage, and regulating reservoirs along the drain alinement, and construction of drainage effluent treatment facilities); and (4) complete construction of Westlands Water District drainage collector systems.

For the action on the water service contract, alternatives to be considered are a modified contract, conservation, and no action. The alternative to construction of water distribution systems is no action. Alternatives to completing the San Luis Drain are in-valley evaporation, desalinization, and no action. For both the in-valley evaporation and desalinization alternatives, methods of salt disposal will be developed. A no-action alternative will be considered for completion of construction of Westlands Water District drainage collector systems.

During the last 5 years, considerable input has been received from interested agencies and individuals. Although no scoping sessions are planned at this time, input to the draft supplemental ES will still be accepted. The draft supplemental ES is expected to be completed and available for review and comment by May 1984.

Information on the project may be obtained from the following individual: Roderick M. Hall, Office of Environmental Quality, Bureau of Reclamation, 2800 Cottage Way, Sacramento, CA 95825 telephone: (916) 484–4792.

Dated: April 7, 1983.

R. N. Broadbent,

Commissioner.

[FR Doc. 83–9800 Filed 4–13–83; 8:45 am]

BILLING CODE 4310–09–M

Upper John Day Project, Oregon; Intent To Prepare a Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior intends to prepare a draft environmental statement (ES) on the potential Upper John Day Project in eastern Oregon. The draft ES will be integrated with a planning report which will present the recommended plan as well as alternative plans for the project.

In a study, authorized by Pub. L. 92–199, the Bureau of Reclamation is investigating potential water resource development in the John Day River Basin to augment streamflow. Rehabilitation of the stream system to enhance diminishing runs of salmon and steelhead is a primary objective of the study. Habitat restoration appears to be possible through flow augmentation resulting from water releases from new headwaters storage facilities, restoration of streambank vegation, and streambank protection. Headwater storage also could supply water for irrigation purposes and make additional areas available for water-related recreation.

In the study, water needs have been documented and several headwater storage sites have been identifed. A preliminary planning report in which those findings are discussed was reviewed by the public, and on the basis of that review and study results, a preferred storage site—the Phipps Meadow site on the upper Middle Fork of the John Day River—was selected for detailed evaluation. Detailed engineering, economic, environmental, and social evaluations of storage development at the Phipps Meadow site now are underway.

In the draft planning report/ES, Reclamation will address construction of a dam and reservoir at the Phipps Meadow site, enhancement of streamside vegetation along the Middle Fork of the John Day River from the damsite downstream for about 20 miles, development of recreation facilities at the reservoir, and provision of irrigation water supplies in the vicinity of Monument, Oregon, located about 65 river-miles downstream of the dam. The draft report/ES presently is scheduled to be filed during the fall of 1984.

Several public meetings have been held throughout the Upper John Day River Basin in the past 2 years to discuss study goals and objectives and to solicit public comments and concerns. In view of the opportunity provided by those meetings and participation by the public, no specific scoping meeting is being scheduled for the draft report/ES. However, the proposed project will be the subject of future public meetings. Questions concerning environmental issues and other matters will be invited and encouraged in those sessions.

To further assure that the full range of issues related to this proposal are identified and discussed in the document, comments and suggestions are invited. Anyone with suggestions relating to significant environmental issues in the area under study should contact Robert A. Adair, Environmental Specialist, Bureau of Reclamation, Pacific Northwest Region, Box 043–550, West Fort Street, Boise, Idaho 83724, telephone (208) 334–1209.

Dated: April 8, 1983.

Robert N. Broadbent,

Commissioner.

[FR Doc. 83–9828 Filed 4–13–83; 8:45 am]

BILLING CODE 4310–09–M

Fish and Wildlife Service

Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora; Fourth Regular Meeting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: The Service publishes the United States negotiating positions for the fourth regular meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

FOR FURTHER INFORMATION CONTACT: Richard Robinson, Acting Chief, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, D.C. 20240. Telephone: 703/235–2418.

SUPPLEMENTARY INFORMATION:

Background

In accordance with § 23.35 of 50 CFR Part 23, Subpart D, the Service's rules providing for public participation in the development of negotiating positions for meetings of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (hereinafter referred to as CITES or the

Convention), the Service publishes the United States negotiating positions for the fourth regular meeting of the Conference of the Parties to the Convention ("the meeting") to be held in Gaborone, Botswana, April 19 through April 30, 1983.

The Service published its proposed negotiating positions for most of the matters to be addressed at the meeting in the **Federal Register** of February 7, 1983 (48 FR 5605). The notice also set forth summaries of six additional issues. No summaries of proposed negotiating positions were published for these six issues because the Service had not received information concerning them in sufficient time to develop them for the notice. However, information and comments were received on these in writing and at a public meeting conducted by the Service (February 15, 1983). Pursuant to § 23.38(a) of the rules, and due to the lack of time necessary to develop proposed negotiating positions on the issues in accordance with the rules, the Director, by this notice suspends the applicability of §§ 23.32, 23.33, 23.34 and 23.36 as they relate to these additional issues and the circumstances associated therewith.

What follows is a summary of the negotiating positions on the items of the provisional agenda and the additional issues, a summary of information and comments received in response to the notice of February 7, 1983, and a summary of the bases for the negotiating positions which include, if necessary, responses to information and comments received. In the interests of time and economy, where there has been no change in the proposed negotiating position for a particular agenda item, it will be so stated meaning that the proposed negotiating position as published in the notice of February 7, 1983, has been adopted. If information and comments for a particular agenda item were received by the Service in accordance with the notice of February 7, 1983, they will be summarized in the "Information and Comments" element associated with the agenda item. If the basis for a proposed negotiating position has changed, while the proposed negotiating position has been adopted without change, the new basis for the negotiating position will be stated. Where no elements of a particular agenda item have changed, the words "No change" will appear after the number and title of the agenda item. Numbers and titles used in this notice correspond to those used in the February 7, 1983, notice. If necessary, one should consult the notices of August 5, 1982, (47 FR 34043) and September 27, 1982, (47 FR 42465) to understand the issues and the notice of February 7, 1983, to understand the proposed negotiating positions and their bases.

Negotiating Positions (Summaries)

I. Opening Ceremony by the Authorities (no change).

II. Welcoming Addresses (no change).

III. Establishment of the Credentials Committee (no change).

Information and Comments: One commenter agreed with the proposed negotiating position for this item.

IV. Adoption of Agenda and Working Programme (no change).

Information and Comments: One commenter agreed.

V. Report of the Credentials Committee (no change).

Information and Comments: One commenter agreed.

VI. Adoption of Rules of Procedure (no change).

Information and Comments: Two commenters agreed. A third recommended that the position should expressly advocate that the chairman of committee sessions and working groups have discretionary authority to permit observer participation.

Basis of Proposed Negotiating Position: No change except that there is not sufficient information to show need for making explicit in the rules of procedure or elsewhere a requirement that only committee and working group chairmen should have sole authority to permit observer participation in committee and working group meetings.

VII. Admission of Observers.

Proposed Negotiating Position: (no change).

Information and Comments: Two commenters agreed. A third agreed, provided the requirements for observer status were expanded to include, in the alternative, persons knowledgeable in trade and customs matters "* * * for it is the legitimate impact on these activities which in large measure implements CITES."

Basis of Proposed Negotiating Position: No change except that Article XI limits observer status to any body or agency technically qualified in protection, conservation, or management of wild fauna and flora. This would not exclude those agencies or bodies also knowledgeable in trade matters. Numerous technically qualified trade associations have obtained observer status for previous meetings of the Conference of the Parties and certainly many persons knowledgeable in customs matters have also attended as delegates or observers.

VIII. Report and Recommendations of the Standing Committee.

1. Report by Chairman (no change).

2. Revision of the Membership of the Standing Committee (no change).

3. Payment of Travel Expenses for Standing Committee Members (no change).

4. Election of New Members of the Standing Committee (no change).

IX. Report of the Secretariat (no change).

Information and Comments: Two commenters agreed.

X. Financing of the Secretariat and of meetings of the Conference of the Parties.

Negotiating Position: The United States supports the small increase in staff proposed in the budget for 1984–85 and can acquiesce in the inflationary increase which the budget also reflects. The United States will attempt to negotiate certain reductions related mainly to exchange rates.

Information and Comments: Two commenters agreed.

Basis of Negotiating Position: The proposed negotiating position was drafted before receipt of the proposed budget. Increase in the Secretariat's workload related to an increase in the number of Parties to CITES (1978–44, 1984–90 projected) and in the formation of the Technical Expert Committee and Identification Manual Committee and other activities, has led to the Secretariat proposal to increase authorized staff by one professional and one secretary, to four professionals and three secretaries.

1. Transfer of responsibilities (for the administration of the Trust Fund for the Convention) (no change).

2. Headquarters Matters (no change).

XI. Relationship with other International Agreements and Organizations (no change).

XII. Committee Reports and Recommendations.

1. Technical Expert Committee.

Negotiating Position (no change).

Information and Comments: One commenter opposed restructuring the Technical Expert Committee because limiting the membership to 6 countries would prevent many Parties from participating and voting in TEC meetings, and because the United States should preserve its ability to attend any CITES meeting.

Basis of Negotiating Position: No change except that the United States ability to attend restructured TEC meetings when not a member would not be lost, since it could attend as an observer. The United States has attended Standing Committee meetings (regionally structured) on the same basis.

2. Identification Manual Committee (no change).

Information and Comments: One commenter agreed.

3. Nomenclature Committee (no change).

Information and Comments: One commenter suggested that the Nomenclature Committee should prepare a list of names and synonyms of species that are traded on the appendices to CITES.

Basis of Negotiating Position: Other organizations are more appropriate to produce a list of species traded. The Nomenclature Commitee lacks trade data and is occupied in the production of complete nomenclatorial references for use of the Parties.

XIII. Interpretation and Implementation of the Convention.

1. Report of the Technical Expert Committee on national reports under Article VIII, paragraph 7, of the Convention.

Negotiating Position: No change except that the TEC should also consider trade volume that appear to be unusually high.

Information and Comments: One commenter indicated that some species may be able to sustain "high volumes of trade" and if this term was improperly defined, Article XIII action could be initiated for emotional rather than scientific considerations. Another commenter suggested consideration of species traded in violation of exporting countries' laws. A third, suggested a new agenda item to consider problems of trade in sea turtles.

Basis of Negotiating Position: The position stated above recognizes that high trade volume *may* indicate that the species is being over exploited.

Trade in violation of exporting countries' laws is an appropriate subject for TEC consideration. It is possible that some of the species whose trade the United States has recommended for TEC examination were traded illegally. Country consultations and Secretariat inquiries also deal with illegal trade quite frequently. The United States believes that species subject to high volumes of trade require priority consideration.

The Service has submitted information on sea turtle trade provided by the commenter to the Chairman of TEC for consideration at the meeting.

2. Review and Harmonization of Annual Reports.

Negotiating Position: None necessary since this item was deleted from the provisional agenda.

3. Effects of Reservations.

Negotiating Position: No change except that the United States supports a recommendation that Parties reserving to an "onlisting" of a species or to a species upon accession should maintain and communicate statistical records on trade in the species concerned as part of their annual reports.

Information and Comments: One commenter agreed with the proposed position and also recommended that the United States actively discourage the taking of reservations which undermine CITES effectiveness in controlling trade.

Another commenter asserted that a species listing based on insufficient information would constitute a conflict with United States law (CITES) and would be sufficient grounds for taking a reservation.

A third commenter urged that the United States support a proposal that would have reserving Parties in all cases consider reservations to Appendix I listings as Appendix II species, because Appendix I items could be illegally exported from a Party to a reserving Party (considering the species as not controlled by CITES) thus totally depriving those specimens of protection.

A fourth commenter urged that the United States seriously consider taking reservations on listings with inadequate data and listings of domestic species over United States objection.

Basis of Proposed Negotiating Position: Trade statistics are important to the effective implementations of CITES. Parties reserving to "onlistings" or to species on accession will still have to issue comparable documentation when trading the reserved species with nonreserving Parties. Processing of data from such documentation could easily fit into their data systems for species for which they have not taken reservations.

It would be inconsistent for the United States to actively discourage reservations while maintaining that it could take reservations for the reasons stated in the proposed negotiating position. The United States position is to urge reserving Parties to consider the underlying reasons for their reservations and to consider withdrawing them.

The United States would consider insufficiency of the basis for an amendment to the CITES species appendices as possible grounds for taking a reservation to that species.

The taking of a reservation is a serious matter. As stated in our proposed negotiating position, generally the United States will not take a reservation as to species listings. One cannot deny that a reservation may have an unfavorable impact on a species. Where the reserving Party is importing specimens illegally exported from a nonreserving Party, the remedy lies by ensuring that the nonreserving Party performs in accordance with its treaty obligations.

The United States would consider taking a reservation if a domestic species was listed over United States objection.

4. Parts and derivatives from nonrecognizing States (no change).

Information and Comments: Two commenters agreed. A third agreed and suggested that acceptance of non-Party documents from nonrecognizing Parties be limited to Appendix II species, because commercial trade in Appendix I species may be detrimental to wild populations.

Basis of Negotiating Position: No change except that the recognizing importing Party would still have to issue an Appendix I import permit. Such permits should not be issued if the specimen to be imported was to be used for primarily commercial purposes.

5. Parts and Derivatives of plants and Appendix III animals (no change).

Information and Comments: One commenter agreed. Another supported full implementation of Conf. 2.18 and agreed with the proposed position so far as it furthers the objectives of Conf. 2.18.

Basis of Negotiating Position: One important distinction between Conf. 2.18 and the United States position is that Conf. 2.18 presumes that readily recognizable parts and derivatives of all Appendices II and III plants and Appendix III animals should be controlled, whereas the United States position would have the Parties examine those species (and other taxa) to determine whether broad coverage of parts and derivatives is necessary.

6. Trade in African Elephant ivory (no change).

Information and Comments: Three commenters agreed with the proposed negotiating position

7. Trade in souvenirs.

Negotiating Position: No change except to urge that exporting Parties examine their souvenir trade and require permits where necessary.

Information and Comments: Two commenters agreed with most of the proposed negotiating position. They recommended that Parties also comply with permit requirements, notify the country of origin when large volumes of Appendix I items are seized, explain import controls to tourists and take stricter domestic measures when the country of origin feels that the souvenir trade in Appendix II species is having detrimental effects on wild populations.

Another commenter supported adoption of the draft TEC resolution incorporating the above commenters' recommendations and another

recommendation that would in effect eliminate the Article VII exemption for personal effects.

A fourth commenter agreed with the proposed negotiating position.

Basis of Negotiating Position: Conf. 2.6 calls on a Party to apply stricter domestic measures where it deems that an Appendix II species is being traded in a manner detrimental to the survival of the species. That part of the TEC resolution which would result in the application of stricter domestic measures to trade whether or not such trade is deemed to be detrimental would result in unnecessary and burdensome regulations.

That portion of the TEC resolution which calls on Parties to comply fully with the requirements of Articles III and IV with respect to souvenirs and in particular vigorously control the export and import of Appendix I specimens is, in effect, a restatement of Conf. 3.9, paragraph (a)(i) which calls on the Parties to "* * * ensure strict compliance and control in respect to all mechanisms and provisions of the Convention relating to the regulation of trade in animal and plant species listed in Appendix II, and of all provisions ensuring protection against illegal traffic. * * *"

If trade of a particular species is detrimental, Conf. 2.6 already calls on the Parties to consult with the appropriate Management Authorities, and use Article XIII to call upon the assistance of the Secretariat. Further, Conf. 2.6, call for Party-to-Party communication if such trade is illegal. In addition, Conf. 3.9 calls on the Parties to "* * * inform each other on all circumstances and facts likely to be relevant as regards illegal traffic and also on control measures with an aim to eradicating such traffic.* * *" The United States negotiating position calls on the proponents of the TEC resolution to provide TEC with trade and biological data for consideration of any souvenir trade problems pursuant to Conf. 2.6 and Conf. 3.5.

8. Return of illegally traded specimens.

Negotiating Position: No change except that the United States supports a recommendation that proceeds from the sale of confiscated Appendix II parts and derivatives be used for enforcement (and administrative) purposes and that knowing violators should not benefit from disposal of the specimen, and should pay the reasonable costs of confiscation, custody and (or) return to the country of export of live specimens (where it would be practical and beneficial to the species to do so).

Information and Comments: One commenter agreed with the proposed negotiating position.

Basis of Negotiating Position: Funding for national and international administration of CITES is inadequate. Where domestic law allows, proceeds from the sale of Appendix II parts and derivatives would be a helpful supplements. Under United States law, proceeds must be used to pay all proper expenses of forfeiture and sale (including confiscation, maintenance of custody and advertising for the sale). Any remainder must go to the Treasury. If violators could benefit from disposal, the deterrent effect of controls on illegal trade would be diminished.

The Endangered Species Act allows the charging of reasonable fees for expenses connected with the transfer, board or handling of fish or wildlife or plants.

The TEC resolution was not received in sufficient time to enable publication of a proposed negotiating position addressing it specifically. Some of the resolution incorporates ideas advanced by the Service in a paper submitted to TEC and such ideas were the subject of the proposed negotiating position. Pursuant to § 23.38(a), and due to lack of time to develop this negotiating position fully in accordance with the rules for public participation, the Director, by this notice, suspends §§ 23.33, 23.34, and 23.36 in relation to this issue and the circumstances associated therewith.

9. Time validity of export permits and re-export certificates (no change).

Information and Comments: One commenter agreed.

10. Exemptions under Article VII of the Convention.

Negotiating Position: No change except that the Parties should consider whether or not continuation of the Secretariat's survey of Article VII problems is worthwhile. TEC should consider this matter at the Botswana meeting.

Problems associated with Article VII are best dealt with as they arise.

The United States opposes consideration of the adoption of the use of phytosanitary certificates by the Conference of the Parties until such time as the Food and Agriculture Organization of the United Nations approves of such use. The United States would support a resolution requesting that the Secretariat consult with FAO in order to obtain such approval.

The United States supports development of an exemption (being proposed by the Chairman of TEC) from the recommendation that parental breeding stock must be "capable of reliably producing second-generation offspring (see Conf. 2.12) for certain species that take many years to mature.

Information and Comments: One commenter agreed with the proposed negotiating position. Another urged that the United States oppose the adoption of the phytosanitary certificate until it includes all necessary CITES information. Another supported use of phytosanitary certificates, but only if they state that certification means that the shipment meets CITES standards for classification as artificially propagated.

One commenter urged that the Conf. 2.12 definition of bred in captivity be adhered to and that standards contained therein not be weakened.

Two commenter opposed that part of the proposed negotiating position which stated that the date to be used for determining when the provisions of the Convention applied to a specimen was the later of two events: entry into force of the first listing of the species in question and entry into force of the Convention for the Party determining whether to grant the "pre-Convention" exemption. The commenter asserted that only the date of entry into force of the first listing of the species in question shold be considered the date the Convention applied to any specimen of the species in question, because the "two events test" would "* * * encourage stockpiling of listed species by non-Party nations in advance of joing CITES. Upon accession to CITES the stockpiled specimens could be traded as "pre-Convention specimens under the exemption * * *."

Basis of Proposed Negotiating Position: Only nine countries have responded to the Secretariat's Article VII survey. The survey was requested by the Conference of the Parties at San Jose (1979). As it stands, it would be of little value in addressing Article VII problems.

Adoption of a resolution by the CITES Conference of the Parties sanctioning the use of the FAO phytosanitary certificate without FAO approval could harm relations between the two organizations and open the way for unauthorized uses of CITES documents.

Operations attempting to breed in captivity species that take many years to mature are encountering economic difficulties due to the long time needed to reliably produce second generation offspring. The proposed long maturing species exception would allow temporary relief for these operations from the Conf. 2.12 definition of bred in captivity. It has criteria which would provide for the protection of wild populations.

Stockpiling of specimens is a possible unfavorable consequence of that part of the negotiating position concerning when provisions of the Convention "applied to that specimen." Greater incentive for countries to join CITES and denial of the use of the pre-Convention exemption by non-Parties are possible favorable consequences.

The Service did not receive sufficient information from which to develop proposed negotiating positions for the proposals on use of the phytosanitary certificate for artificially propagated plants and on the long maturing species exception until after publication of the February 7, 1983, notice. Therefore, in accordance with § 23.38(a) of the rules for public participation, etc., and due to the lack of time that would be necessary to develop this negotiating position with public participation in accordance with such rules, the Director, by this notice, suspends the applicability of §§ 23.32, 23.33, 23.34 and 23.36 as they relate to this issue and the circumstances associated therewith.

11. Specimens in transit.

Negotiating Position: No change except that the resolution should recognize other reasons for interruption of transit in addition to other than those associated with arrangements between consignor and consignee.

Information and Comments: One commenter agreed.

Basis of Proposed Negotiating Position: Interruptions of transit may occur for such valid reasons as transportation delays, health of the specimen, compliance with local laws protecting agriculture, human health, etc.

12. Guidelines for transport (no change).

Information and Comments: One commenter agreed. Another agreed while restating a preference for adoption of certain proposed amendments summarized in the February 7, 1983, notice.

13. Animals stressed during transport (no change).

Information and Comments: One commenter agreed.

14. Control of captive breeding and artificially propagating operations in Appendix I species.

Negotiating Position: The United States supports adoption of a proposed resolution drafted by the Secretariat recommending that the Parties provide information on commercial captive breeding and artificial propagation operations, that the Secretariat compile a registry of such operations based on information provided by Parties and on information obtained from an IUCN/Wildlife Trade Monitoring Unit survey, and that Parties reject documentation covering specimens from unregistered operations (if such documentation relies upon the exemption provided by Article VII, paragraph 4). The United States supports this proposal for a register, provided it does not diminish the authority of each Party to determine eligibility for the exemption.

Information and Comments: Two commenters agreed with the proposed negotiating position. A third cautioned that great care should be exercised in the preparation of a register, presumably because operations trading wild animals and plants as artificially produced could more easily avoid CITES controls by being registered.

Basis of Negotiating Position: No proposed negotiating position was set forth in the February 7, 1983, notice because the Secretariat's proposal had not then been received. The proposal could be interpreted to give the Secretariat authority to determine which operations in Party countries are eligible for registration. The Secretariat in conversation with a Service representative agreed that such was not the case. (However, such authority would be the case for operations in non-Party countries. This would be similar to the Secretariat's authority to register non-Party scientific institutions for the Article VII, paragraph 6 exemption (see Conf. 2.14).)

XIV. Consideration of proposals relating to the appendices.

1. Ten Year Review of Appendices (no change).

Information and Comments: One commenter agreed.

2. Reverse listing concept for the appendices (no change).

Information and Comments: Two commenters agreed.

XV. Consideration of Proposals for Amendment of Appendices I and II.

This item was not a substantive subject of the February 7, 1983, notice. Separate notices concerning this item were published in the **Federal Register.**

XVI. Conclusion of the Meeting.

1. Determination of the time and venue of the next regular meeting of the Conference of the Parties (no change).

2. Closing remarks (no change).

Additional Issues

1. Regulation of trade in Appendix II wildlife.

Negotiating Position: The United States prefers the use of TEC to remedy excessive trade in Appendix II wildlife (see Conf. 3.5). The United States has submitted a paper to TEC for circulation at the Botswana meeting requesting that TEC consider high volumes of trade in certain species (see negotiating position for item XIII.1, above).

Information and Comments: One commenter agreed with the Australian proposal. Another agreed with the Australian proposal and in addition suggested that TEC publish a list of projects relating to the status of species so that they could be considered for external funding.

Basis of Negotiating Position: The United States believes that exporting countries should have an opportunity to consider the data indicating high volumes of trade, and to any guidance TEC may provide and to respond to them before the Parties consider adopting a procedure like the Australian proposal. The Australian proposal would subject exporting countries to management programs recommended by a committee composed of Party and nongovernmental organizations.

2. Interpretation of "prepared and shipped," "living specimen," and "cruel treatment."

Negotiating Position: The United States, while sharing the concern that animals should be treated humanely, believes that the method of capture and subsequent killing of a controlled animal is not within the scope of the Parties' duty to so prepare and ship for export or re-export any living specimen as to minimize risk of injury, etc.

Information and Comments: One commenter agreed with the Gambian proposal.

Basis of Negotiating Position: Capture of an animal is related to the Management Authority determination of whether or not the animal was obtained in contravention of the laws of the State of export for the protection of fauna and flora and not to a Management Authority and finding concerning humane transport. Intentional killing of an animal associated with the commercial process is not relevant to the finding concerning humane preparation and shipment of living animals.

3. Regulation of zoos and similar institutions.

Negotiating Position: The Parties should only consider the most serious problems associated with zoos and similar institutions instead of setting standards and ranking zoos and public and private animal parks on a worldwide basis.

Information and Comments: Five commenters concurred with the negotiating position stated above. One favored the proposal but recognized that compiling of a ranked list would be a "massive undertaking." This commenter suggested that the Secretariat could

consult with competent national organizations expert in evaluating zoological institutions.

Basis of Negotiating Position: The proposal itself states that the problems it addresses are not major ones. Given the limited resources of the Secretariat and of the Parties, it seems that the Parties should only address the most serious problems. TEC should consider this issue in Botswana.

4. Identification of mammals hairs.

Negotiating Position: Support development of any techniques to identify mammal hairs.

Information and Comments: One commenter stated concurrence with Additional Issue Number 4.

Basis of Negotiating Position: Lack of capability to identify species of wildlife reduces enforcement capabilities.

5. Procedure for proposal of amendments.

Negotiating Position: The United States supports adoption of a resolution recommending that if a Party wishes to be assured that an appendix amendment will be considered by the Conference of the Parties it should make its own proposal rather than risk having the proposing Party withdraw the amendment.

Information and Comments: Two commenters agreed with the position stated above. One of them suggested that information provided in the withdrawn proposal should be combined with the data in the proposal that was not withdrawn so that the Parties could have more data on which to base their decision.

Basis of Negotiating Position: It is believed that implicit in the right to propose amendments to the appendices is the right to withdraw them.

Information accompanying a proposed amendment to Appendix I or II is not a part of the proposal and, like any other information, may be considered by the Parties even if the proposal it is associated with is withdrawn. Conf. 2.17 states that proposals "* * * must be accompanied by a memorandum [containing the information] written by the proponent with a view to its submission to the Parties at the same time as the proposal * * *."

6. Proposed amendment to allow accession of regional economic integration organizations. (Position still being developed.)

Information and Comments: One commenter favored accession of the European Community to CITES.

This notice was prepared by Arthur Lazarowitz, Federal Wildlife Permit Office.

Dated: April 11, 1983.

Robert A. Jantzen,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 83-10004 Filed 4-13-83; 8:45 am]

BILLING CODE 4310-55-M

Marine Mammals; Receipt of Application for Permit

Notice is hereby given that an applicant has applied in due form for a permit to take sea otters as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the regulations governing the taking and importing of Marine Mammals (50 CFR Part 18).

1. Applicant: Carle Foundation, 611 West Park Street, Urbana, IL 61801.

2. Type of permit: Marine Mammal-Scientific Research.

3. Name and number of animals: Polar bear (*Ursus maritimus*), approximately 300 blood samples/year.

4. Type of Activity: Import blood samples.

5. Location of Activity: Canada.

6. Period of Activity: until January 30, 1985.

The purpose of this application is to allow the import of blood samples to be analyzed for urea, creatinine, carnitine and other substances felt to be essential for survival under the extreme conditions imposed upon the polar bears.

Concurrent with the publication of this notice in the **Federal Register** the Federal Wildlife Permit Office is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

The application as been assigned file number PRT 2-9221. Written data or views, requests for copies of the complete application, or requests for a public hearing on this application should be submitted to the Director, U.S. Fish and Wildlife Service (WPO), P.O. Box 3654, Arlington, VA 22203, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Director.

All statements contained in his notice are summaries of those of the applicant and do not necessarily reflect the views of the United States Fish and Wildlife Service.

Documents submitted in connection with the above application are available for review during normal business hours in Room 601, 1000 North Glebe Road, Arlington, Virginia.

Dated: April 8, 1983.

Larry LaRochelle,

Acting Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 83-9033 Filed 4-13-83; 8:45 am]

BILLING CODE 4310-55-M

Minerals Management Service

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Conoco, Inc.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Conoco Inc. has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 4894, Block 67, West Delta Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: April 6, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-9071 Filed 4-13-83; 8:45 am]

BILLING CODE 4310-MR-M

Office of the Secretary

Nevada; Amendment of Wilderness Inventory Decisions

AGENCY: Office of the Secretary, Interior.

ACTION: Amendment of wilderness inventory decisions.

SUMMARY: This notice amends previous wilderness inventory decisions by the Bureau of Land Management for lands administered by the Nevada State Office of the Bureau of Land Management, eliminating all or part of 14 wilderness study areas (WSA). The total area eliminated from WSA status under Section 603 of the Federal Land Policy and Management Act of 1976 (FLPMA) is 160,142 acres.

EFFECTIVE DATE: April 14, 1983.

FOR FURTHER INFORMATION CONTACT: Nevada State Director, Bureau of Land Management, 300 Booth Street, Post Office Box 12000, Reno, Nevada 89520, telephone (702) 784–5748.

SUPPLEMENTARY INFORMATION:

Amendment of Wilderness Inventory Decisions

This notice completes the action necessary with respect to Bureau of Land Management (BLM) wilderness study areas administered by the BLM Nevada State Office to bring the BLM wilderness review into compliance with recent decisions of the Interior Board of Land Appeals. Previous action on this subject was published in the **Federal Register** on December 30, 1982 (47 FR 58372).

Section 1. Areas Under 5,000 Acres. The following area is deleted from wilderness study area status, effective upon publication of this decision in the **Federal Register**; it was improperly identified as a wilderness study area under Section 603 of FLPMA:

WSA Name: Carson-Iceberg
Number: NV–030–532
Acreage: 550
County: Mono (California)

Section 2. Split-Estate Lands. A. The lands listed as "split-estate" in Table 1 are deleted from wilderness study area status, effective upon publication of this decision in the **Federal Register**. These are lands that were improperly identified for wilderness study under Section 603 of FLPMA. They consist of scattered tracts where the Federal Government owns the surface but where the subsurface mineral estate is nonfederally owned (referred to hereafter as split estate). In the wilderness study areas listed in Table 1, only the indicated acreage of split-estate lands is eliminated from wilderness study; the remainder of the WSA remains under wilderness study, and the boundary of the WSA has not been changed. The deletions do not affect the BLM's previously adopted conclusions as to the presence of wilderness characteristics.

B. The boundary of the wilderness study area listed in Table 2 is modified, effective upon publication of this decision in the **Federal Register**, to delete split-estate lands. Only the indicated acreage is eliminated from wilderness study. The remainder of the WSA remains under wilderness study, and the boundary change does not affect the BLM's previously adopted conclusions as to the presence of wilderness characteristics in the remaining WSA.

Section 3. Contiguous Areas. The areas listed in Table 3 are deleted from the status of wilderness study areas, effective upon publication of this decision in the **Federal Register**. These are lands that were improperly identified for wilderness study under Section 603 of FLPMA. These areas were found not to have wilderness characteristics by themselves.

Section 4. Management of Deleted Lands. All lands administered by the Nevada State Office of the BLM which are deleted from wilderness study status by this decision in Section 1 and in Tables 1, 2 and 3, and by the decision issued on December 30, 1982 (47 FR 58372), are hereby released from management restrictions to protect their wilderness suitability. These lands, totaling 172,505 acres, will be managed for the full range of multiple uses other than wilderness and in conformance with existing land use plans and regulations for those areas.

This is a final decision of the Department of the Interior and is not subject to appeal under 43 CFR Part 4.

Garrey E. Carruthers,
Assistant Secretary.
April 11, 1983.

TABLE 1.—MODIFIED WILDERNESS STUDY AREAS—SPLIT ESTATE DELETED

WSA Name	Number	Old WSA acreage	Acres split-estate	Revised WSA acreage	County
High Rock Lake	NV–020–007	62,396	494	61,902	Humboldt.
South Egans	NV–040–168	96,996	80	96,916	White Pine/Lincoln/Nye
Total (2 areas)			574		

TABLE 2.—MODIFIED WILDERNESS STUDY AREAS—BOUNDARY CHANGED TO DELETE SPLIT ESTATE

WSA Name	Number	Old WSA acreage	Acres split-estate	Revised WSA acreage	County
Parsnip Peak	NV–040–206	88,175	68	88,107	Lincoln

TABLE 3.—ELIMINATED WILDERNESS STUDY AREAS—CONTIGUOUS AREAS WITHOUT WILDERNESS CHARACTERISTICS

WSA Name	Number	WSA acreage	County
Granite Springs	NV–040–086	23,327	White Pine
Fish and Wildlife No. 1	NV–050–201	8,991	Lincoln/Clark
Fish and Wildlife No. 2	NV–050–216	16,516	Clark
Fish and Wildlife No. 3	NV–050–217	22,002	Clark
Lime Canyon	NV–050–231	30,747	Clark
Million Hills	NV–050–233	9,599	Clark
Garnet Buttes	NV–050–235	11,100	Clark
Quail Spring	NV–050–411	12,225	Clark
El Dorado	NV–050–423	11,069	Clark
Ireteba Peaks	NV–050–436	13,374	Clark
Total (10 areas)		158,950	

[FR Doc. 83–9896 Filed 4–13–83; 8:45 am]
BILLING CODE 4310–84–M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Decision Notice; Finance Applications

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1181.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

Agatha L. Mergenovich,

Secretary.

Please direct status inquiries to Team 1, (202) 275-7992.

Volume No. OP1-FC-130

By the Commission, Review Board No. 1 Members Parker, Chandler, and Fortier (Member Fortier not participating.)

MC-FC-81248. By decision of April 6, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board 1 approved the transfer to LOBO, INC., Albuquerque, NM, of Certificate No. MC-147551 (Sub-No. 2), issued February 10, 1981, and Permit No. MC-147551 (Sub-No. 3), issued June 30, 1982, to EL SYD, INC., Albuquerque, NM, authorizing the transportation over irregular routes of such commodities as are dealt in or used by distributors of beer, wine and alcholic beverages, between points in the U.S., under continuing contract(s) with New Mexico Beverage Company, and Richard Distributing Company, both of Albuquerque, NM, and corn starch (except in bulk), from Minnitt, TX, to points in CA. Transferee is a carrier holding authority under No. MC-153551. Representative: James C. Ash, 2524 Vermont NE, Albuquerque, NM 87110.

MC-FC-81288. By decision of April 7, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 1 approved the transfer to WADE TRANSIT CORPORATION, Spartanburg, SC, of Certificate No. MC-155140, issued December 21, 1981, to PIEDMONT CARTAGE, INC., of Greenville, SC, authorizing the transportation of commodities in bulk, between points in SC, NC, GA, TN and AL. An application for temporary authority has been filed. Representative: David L. Dorrity, P.O. Box 8717, Greenville, SC 29604 (803) 268-4557.

Volume No. OP1-FC-131

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC-FC-81169. By decision of April 6, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 2 approved the transfer to LAPADULA EQUIPMENT CORPORATION, Cedarhurst, NY, of Certificate No. MC-159960, issued December 22, 1981 to LAPADULA & VILLANI, INCORPORATED, Cedarhurst, NY, authorizing transportation over irregular routes, or (1) interior woodwork, machinery, and building materials, between New York, NY, on the one hand, and, on the other, points within 60 miles of Columbus Circle, New York, NY, in Connecticut, New Jersey, and New York, (2) general commodities, with exceptions, between points in Union County, NJ, on the one hand, and, on the other, New York, NY, and (3) machinery, pipe, and pipe fittings, between points in Union County, NJ, on the hand, and, on the other, points in Connecticut, Maryland, Massachusetts, New York, Pennsylvania, and Rhode Island. Transferee is not a carrier. Representative: John L. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528

For the following, please direct status calls to Team 3 at 202-275-5223.

Volume No. OP3-MCFC-153

Decided: April 7, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC-FC-81290. By decision of April 7, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 2 approved the transfer to ROBERT J. SCHAEFFER, Geneva, OH, of the entire authority in Certificate No. MC 9045 Sub 1, issued June 6, 1944, to THE GENEVA TRANSFER COMPANY, Geneva, OH, authorizing the transportation of household goods as defined by the Commission, between points in Ashtabula and Lake Counties, OH, on the one hand, and, on the other, points in PA, NY, and MI. Representative: Charlene Schaeffer, 333 North Eagle St., Geneva, OH 44041.

MC-FC-81333. By decision of April 7, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 2 approved the transfer to H.T. L. INC., d.b.a. HUNTER TRUCK LINE, of Council Bluffs, IA, of Certificate No. MC-105774 Sub 14, issued November 27, 1981, to JOHNSON TRUCK LINE, INC., of Osborne, KS, authorizing the transportation of *such commodities* as are dealt in by producers of copper and copper products, between the facilities of Kennecott Minerals Company, in AZ, NV, NM, and UT, on the one hand, and, on the other, points in the U.S. Representative: James F. Crosby, 7363 Pacific St., Suite 210B, Omaha, NE 68114.

Volume No. OP3-MCFC-154

Decided: April 5, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC-FC-81177. By decision of April 5, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 1 approved the transfer to ROYAL CREST DISTRIBUTORS, INC., Clayton, OH 45315, of Certificate No. MC-149164 Sub 6, and Permit No. MC-149164 Sub 7, issued December 24, 1981, respectively, to GENE'S INC., Brookville, OH 45309, authorizing the transportation generally of (1) *foodstuffs* (except in bulk) generally throughout the Midwest and portions of the Southwest, and (2) *dairy products and ice cream* throughout the same general territory, under contract(s) with the Kroger Co., of Cincinnati, OH. Applicant's Representative: Paul F.

Beery, 275 E. State St., Columbus, OH 43215. (614) 228–8575.

[FR Doc. 83–9857 Filed 4–13–83; 8:45 am]
BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water Carriers; Household Goods Brokers. The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the **Federal Register** on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations.

We make an additional preliminary finding with respect to each of the following types of applications as indicated: common carrier of property—that the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier—that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, and household goods broker—that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Applications filed under 49 U.S.C. 10922(c)(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly.

Please direct status inquiries to Team One at (202) 275–7992.

Volume No. OP1–126

Decided: April 6, 1983.

By the Commission, Review Board No. 1. Members Parker, Chandler, and Fortier.

MC 166960, filed March 22, 1983. Applicant: RANGER TRANSFLEET, INC., 2050 Kings Rd., Jacksonville, FL 33203. Representative: John C. Bradley, Suite 1301, 1600 Wilson Blvd., Arlington, VA 22209, (703) 522–0900, transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

Note.—This application is directly related to petition for exemption, docketed MC–F–15217, published in this same **Federal Register** issue.

Volume No. OP1–128

Decided: April 7, 1983.

By the Commission, Review Board No. 1. Members Parker, Chandler, and Fortier. (Member Fortier not participating.)

MC 166750, filed March 11, 1983. Applicant: A WORLD WIDE MOVING, INC., 5801 Rolling Rd., West Springfield, VA 22152. Representative: Marshall Kragen, 1919 Pennsylvania Ave., NW., Suite 300, Washington, DC 20006, (202) 466–3778. Transporting *household goods and furniture and fixtures,* between points in the U.S. (except AK and HI). Condition: Within 30 days of this publication, applicant must submit, in writing, a plan of action to avoid unlawful control under 49 U.S.C. 11323(a), or the application will be dismissed.

Note.—This application is directly related to MC–F–15198, continuance in control, published in the same **Federal Register** issue.

Volume No. OP1–133

Decided: April 7, 1983.

By the Commission, Review Board No. 1. Members Parker, Chandler, and Fortier. (Member Fortier not participating.)

MC 541 (Sub-12), filed April 4, 1983. Applicant: THE NEW BRITAIN TRANSPORTATION CO., d.b.a. N.B.T. TOURS, 257 Woodlawn Rd., P.O. Box 1346, Berlin, CT 06037. Representative: L. C. Major, Jr., Suite 304, Overlook Bldg., 6121 Lincolnia Rd., P.O. Box 11278, Alexandria, VA 22312, (703) 750–1112. Over regular routes transporting *passengers* between Stamford, CT and New York, NY over Interstate Hwy 95, serving all intermediate points.

Note.—Applicant seeks to provide regular route service in interstate or foreign commerce.

MC 40600 (Sub-7), filed April 4, 1983. Applicant: THE HATHAWAY

TRANSFER, INCORPORATED, 910 S. Belmont St., P.O. Box 518, Bellaire, OH 43906. Representative: F. James Hathaway, P.O. Box 518, Bellaire, OH 43906, (614) 676–3840. Transporting *food and related products*, between points in Belmont County, OH, on the one hand, and, on the other, points in Monongalia, Marion, Harrison, Barbour, Wetzel, Taylor, Tyler, and Preston Counties, WV.

MC 60430 (Sub-39), filed April 4, 1983. Applicant: FRIEDMAN'S EXPRESS, INC., P.O. Box 480, Wilkes-Barre, PA 18703. Representative: Maxwell A. Howell, 2554 Mass. Ave., N.W., Washington, DC 20008, (202) 483–8633. Tranporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in NJ, NY, PA, DE, MA, CT, RI, MD and DC, on the one hand, and, on the other, points in WA, OR, CA, NV, UT and AZ.

MC 80730 (Sub-9), filed April 1, 1983. Applicant: MAGNOLIA TRANSPORTATION CO., INC., 5121 Oates Road, P.O. Box 24458. Representative: Lester R. Gutman, 1919 Pennsylvania Avenue, NW., Suite 500, Washington, DC 20006, (202) 828–5017. Transporting *machinery, metal products, building materials, and those commodities which because of their size or weight require the use of special handling or equipment*, between points in the U.S. (except AK and HI).

MC 142080 (Sub-24), filed April 1, 1983. Applicant: LITE TRANSPORT, INC., 480 Neponset St., Canton, MA 02021. Representative: Frederick T. O'Sullivan, P.O. Box 2184, Peabody, MA 01960, (617) 535–5430. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 142080 (Sub-25), filed April 4, 1983. Applicant: LITE TRANSPORT, INC., 480 Neponset St., Canton, MA 02021. Representative: Frederick T. O'Sullivan, P.O. Box 2184, Peabody, MA 01960, (617) 535–5430. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Seacoast Shippers' Association, Inc., of Allston, MA.

MC 149081 (Sub-4), filed March 28, 1983. Applicant: SUBURBAN TRAILS, INC., 750 Somerset St., New Brunswick, NJ 08901. Representative: Michael J. Marzano, 99 Kinderkamack Rd., Westwood, NJ 07675, (201) 666–5111. Over regular routes transporting *passengers*, (1) between Trenton, NJ and New Brunswick, NJ; from Trenton, NJ over U.S. Hwy 206 to junction NJ Hwy 27 in the Borough of Princeton, NJ, then over NJ Hwy 27 to New Brunswick, NJ, and return over the same route, (2) between junction U.S. Hwy 1 and Mercer County Hwy 571 in West Windsor Township, NJ and junction Mercer County Hwy 571 and NJ Hwy 27 in the Borough of Princeton, NJ; from junction U.S. Hwy 1 and Mercer County Hwy 571 in West Windsor Township, NJ over Mercer County Hwy 571 (Washington Rd) to junction NJ Hwy 27 in the Borough of Princeton, NJ, and return over the same route; (3) between junction NJ Hwy 27 and Finnegan Lane at or near the South Brunswick Township, NJ-Franklin Township, NJ boundary line and junction Finnegan Lane and U.S. Hwy 1 at or near the South Brunswick Township, NJ-North Brunswick Township, NJ boundary line; from junction NJ Hwy 27 and Finnegan Lane at or near the South Brunswick Township, NJ-Franklin Township, NJ boundary line over Finnegan Lane to junction U.S. Hwy 1 at or near the South Brunswick Township, NJ-North Brunswick Township, NJ boundary line, and return over the same route; (4) between junction NJ Hwy 33 and access roads to Interstate Hwy 95 at Interchange No. 8 in East Windsor Township, NJ and Trenton, NJ; from junction NJ Hwy 33 and access roads to Interstate Hwy 95 at Interchange No. 8 in East Windsor Township, NJ over such access roads to Interstate Hwy 95, then over Interstate Hwy 95 to access roads at Interstate Hwy 95 Interchange No. 7A in Washington Township, NJ, then over such access roads to junction Interstate Hwy 195, then over Interstate Hwy 195 to Trenton, NJ, and return over the same route; (5) between junction Interstate Hwy 195 and South Broad St. in Hamilton Township, NJ and Trenton, NJ over South Broad St., (6) between South Brunswick Township, NJ and East Brunwick, NJ; from junction Middlesex County Hwy 535 and NJ Hwy 32 in South Brunswick Township, NJ over Middlesex County Hwy 535 to access roads to NJ Hwy 18 in East Brunswick, then over such access roads to NJ Hwy 18 in East-Brunswick, NJ, and return over the same route, (7) between Monroe Township, NJ and East Brunswick, NJ; from junction NJ Hwy 32 and Applegarth Rd in Monroe Township, NJ over NJ Hwy 32 to junction East Railroad Ave in Jamesburg, NJ, then over East Railroad Ave to junction Stockton Ave, then over Stockton Ave to junction Lincoln Ave, then over Lincoln Ave to junction Helmetta Rd, then over Helmetta Rd to junction Main St at or near the Monroe Township, NJ-Helmetta, NJ boundary line, then over Main St to junction Old Bridge-New Brunswick Turnpike in East Brunswick, NJ, then over Old Bridge-New Brunswick Turnpike to junction access roads to NJ Hwy 18 near the junction of Main St. and Old Bridge-New Brunswick Turnpike, then over NJ Hwy 18 access roads to NJ Hwy 18, then over NJ Hwy 18 to junction access roads to Interstate Hwy 95 at Interchange No. 9 in East Brunswick, NJ, then over such access roads to Interstate 95, and return over the same route except operating directly from NJ Hwy 18 to Main St. via connecting access road in East Brunswick, NJ, (8) between points in East Brunswick, NJ; from the East Brunswick Transportation and Commerce Center in East Brunswick, NJ over Tices Lane to junction NJ Hwy 18 in East Brunswick, NJ, (9) between points in East Brunswick, NJ; from junction NJ Hwy 18 and access roads to Interstate Hwy 95 in East Brunswick, NJ over NJ Hwy 18 to junction Old Bridge Turnpike, then over Old Bridge Turnpike to the East Brunswick Transportation and Commerce Center in East Brunswick, NJ, and return over the same routes, and (10) serving all intermediate points in (1) thru (9) above.

Note.—Applicant intends to tack the authority in this proceeding with its existing authority.

Note.—Applicant seeks to provide regular route service in intrastate commerce under 49 U.S.C. 10922(c)(2)(b).

MC 153400 (Sub-1), filed April 4, 1983. Applicant: C.S.I. TRUCKING, INC., 15430 58th Avenue North, Stillwater, MN 55082. Representative: Philip W. Getts, 930 Lumber Exchange, 10 South Fifth Street, Minneapolis, MN 55402, (612) 339–7633. Transporting *fertilizer and fertilizer compounds*, (a) between ports of entry on the international boundary line between the Untied States and Canada in ND and MN, on the one hand, and, on the other, points in IA, MN, ND, SD, and WI, and (b) between points in IA, MN, ND, SD and WI.

MC 156011 (Sub-1), filed March 31, 1983. Applicant: VICTOR R. CRANE, JR., d.b.a. MANATOR, 3920 Serenity Hills Dr., Vacaville, CA 95688. Representative: Ara H. Shirinian, 100 Pine St., No. 2550,. San Francisco, CA 94111, (707) 448–3356. Transporting *general commodities*, (except classes A and B explosives, household goods and commodities in bulk), between points in CA.

MC 159680 (Sub-2), filed April 1, 1983. Applicant: CAMP TRUCKING INCORPORATED, 1408 West Main Street, Forest City, NC 28043.

Representative: Lee Camp (same address as applicant), (704) 248–1921. Transporting *general commodities,* (except classes A and B explosives, and household goods), between points in the U.S. (except AK and HI).

MC 165321 filed April 1, 1983. Applicant: LARRY RICE, d.b.a. LARRY RICE TRUCKING, Rte. 1, Box 6757, Grayson, KY 41143. Representative: Jack L. Schiller, 111–56 76th Dr., Forest Hills, NY 11375, (212)–263–2078. Transporting *general commodities,* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Can-Do Stoker, Inc., of Grayson, KY.

MC 167111, filed March 28, 1983. Applicant: C. R. CLARK TRUCKMEN, INC., 115 Wygant Rd., Horseheads, NY 14845. Representative: Jack L. Schiller, 111–56 76th Dr., Forest Hills, NY 11375, (212) 263–2078. Transporting *general commodities,* (except classes A and B explosives, household goods and commodities in bulk), (1) between points in NY, on the one hand, and, on the other, points in the U.S. (except AK and HI), and (2) between points in PA, on the one hand, and, on the other, points in DE, IN, MD, NJ, and TN.

MC 167171, filed April 1, 1983. Applicant: E & K TRUCKING COMPANY, Quarry Rd., West Stockbridge, MA 01266. Representative: Raymond A. Richards, 35 Curtice Pk., Webster, NY 14580, (716) 265–9510. Transporting *Commodities in bulk,* between points in CT, ME, MA, NH, NY, RI, and VT.

MC 167181 filed April 1, 1983. Applicant: VANGUARD TRANSPORTATION, INC., 1721 Thorne Road, Tacoma, WA 98421. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101, (703) 839–3050. Transporting *general commodities* (except classes A and B explosives), between points in AK, AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA, and WY.

MC 167200, filed April 4, 1983. Applicant: E. L. LAWSON TRUCKING, INC., 135 Guildhall Rd., Rochester, NY 14623. Representative: Ronald J. Axelrod, 2425 Clover St., Rochester, NY 14618, (716)–271–4470. Transporting *Transportation equipment,* between points in the U.S. (except AK and HI), under continuing contract(s) with General Motors Corporation (Rochester Products Division), of Rochester, NY.

MC 167210, filed April 4, 1983. Applicant: RONNIE CHANDLER, d.b.a. CHANDLER TRUCKING, Rt. 1, Box 193 D, Mason, TN 38049. Representative: Ronnie Chandler (same address as applicant), (901) 476–2034. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in AL, AR, CA, CO, DE, FL, GA, ID, IL, IN, IA, KS, KY, LA, MD, MI, MS, MO, NE, NV, NM, NY, NC, OH, OR, PA, SC, TN, TX, UT, VA, WV, WI, and WY.

For the following, please direct status calls to Team 4 at 202–275–7669.

Volume No. OP4–214

Decided: April 7, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 28956 (Sub-27), filed March 28, 1983. Applicant: McKAY'S TRUCK LINE, INC., P.O. Box 634, Albany, OR 97321. Representative: Lawrence V. Smart, Jr., 419 NW 23rd Ave., Portland, OR 97210, (503) 226–3755. Transporting *pulp, paper and related products,* between points in OR, WA, CA, and ID.

MC 109887 (Sub-4), filed March 28, 1983. Applicant: WEST END MOVING & STORAGE CO., INC., 241 Pine St., P.O. Box 3374, Bridgeport, CT 06605. Representative: Alan F. Wohlstetter, 1700 K St., NW., Washington, DC 20006, (202) 833–8884. Transporting *general commodities* (except classes A and B explosives, houshold goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with Philips Medical Systems, Inc., of Shelton, CT, and its affiliate Philips Ultrasound, Inc., of Santa Ana, CA.

MC 119766 (Sub-2), filed March 29, 1983. Applicant: NATIONAL OIL & SUPPLY CO., d.b.a. ELLIS TRANSPORT, 2345 ½ W. Kearney, Springfield, MO 65803. Representative: Bruce McCurry, 910 Plaza Towers, Springfield, MO 65804, (417) 883–7311. Transporting (1) *petroleum natural gas, and their products,* and (2) *liquid animal feed,* between points in AR, CO, IA, IL, KS, LA, MO, NE, OK, TN, and TX.

MC 149377 (Sub-2), filed March 28, 1983. Applicant: WARRENVILLE CARTAGE CO., 5500 W. 47th St., Chicago, IL 60638. Representative: Wilmer B. Hill 366 Executive Bldg., 1030 Fifteenth St., NW, Washington, DC 20005, (202) 296–5188. Transporting (1) *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in IL, on the one hand, and, on the other, points in the U.S. (except AK and HI), and (2) *food and related products,* between points in CA, on the one hand, and, on the other, points in U.S. (except AK and HI).

Volume No. OP4–216

Decided: April 7, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 118746 (Sub-7), filed March 25, 1983. Applicant: CULLMAN BANANA SUPPLY TRUCKING CORPORATION, Rt. #2, Box 41, Hanceville, AL 35077. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72702, (501) 521–8121. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), under continuing contract(s) with Charles McAlpin Brokerage, Inc., of Decatur, AL.

MC 120357 (Sub-3), filed April 1, 1983. Applicant: E & P TRUCK COMPANY, INC., 112200 Upriver Rd., Corpus Christi, TX 78410. Representative: James R. Boyd, 1000 Perry Brooks Bldg., Austin, TX 78701, (512) 476–8066. Transporting *Mercer commodities, machinery,* and *commodities which because of their size or weight require the use of special handling or equipment,* between points in CO, LA, MN, MS, ND, NM, OK, SD, TX, and WY.

MC 151807 (Sub-4), filed April 1, 1983. Applicant: FWC, INC., Rt. 2, Box 123, Rustburg, VA 24588. Representative: Frank B. Hand, Jr., Rt. 1, Box 145–G, Berryville, VA 22611 (703) 662–0927. Transporting *furniture and fixtures,* between points in VA and NC, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 151866 (Sub-6), filed March 28, 1983. Applicant: R. L. JONES & SONS, INC., 4900 E. 12th St., Kansas City, MO 64127. Representative: Tom B. Kretsinger, 20 E. Franklin, Liberty, MO 64068, (816) 718–6000. Transporting *cosmetics and toilet preparations,* between points in the U.S., under continuing contract(s) with Blankinship Distributing, Inc., of Kansas City, MO.

MC 151927 (Sub-2), filed March 29, 1983. Applicant: COLORADO & EASTERN, INC., 4839 W. 128th Place, Alsip, IL 60658. Representative: J. H. McGuire (same address as applicant), (312) 385–6850. Transporting (1) *food and related products,* between points in WI, on the one hand, and, on the other, points in the U.S. (except AK and HI), and (2) *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in AR, IL, IN, IA, MI, MN, MO, OH, KY, TN and WI.

MC 156707 (Sub-3), filed April 1, 1983. Applicant: MWK TRANSPORT CO., INC., 5401 W. Donges Bay Rd., Mequon, WI 53092. Representative: Michael J. Wyngaard, 150 E. Gilman St., Madison, WI 53703, (608) 256–7444. Transporting *general commodities* (except classes A and B explosives, household goods and

commodities in bulk), between points in the U.S. (except AK and HI).

MC 157416 (Sub-4), filed March 28, 1983. Applicant: BURGESS TRANSPORTATION COMPANY, INC., Route 2, Box 336, Ashford, AL 36312. Representative: Stephen T. Etheredge, P.O. Box 1193, Dothan, AL 36302, (205) 793–3377. Transporting *such commodities* as are dealt in or used by grocery and food business houses, between points in NE, OK, NM, KS, and CO, on the one hand, and, on the other, points in LA, MS, AL, GA, FL, TN, KY, NC, SC and AR.

MC 165437, filed March 31, 1983. Applicant: DAVE R., TIMOTHY D., AND THOMAS C. JOHANNING, d.b.a. DAVE R. JOHANNING & SONS, R.R. 4, Box 125, Park Rapids, MN 56470. Representative: Robert N. Maxwell, P.O. Box 2471, Fargo, ND 58108, (701) 237–4223. Transporting *building materials*, between points in MN and ND, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 166367, filed March 28, 1983. Applicant: ROBERT AMBLER, Rt. 2, Box 122, Burleson, TX 76028. Representative: A. William Brackett, 623 S. Henderson, 2nd Floor, Fort Worth, TX 76104, (817) 332–4415. Transporting *trailers*, between points in the U.S. (except AK and HI), under continuing contract(s) with Komfort Industries, Inc., of Burleson, TX, and its subsidiaries.

Mc 166376, filed April 1, 1983. Applicant: MICHAEL C. HARMON, d.b.a. HARMON TRUCKING, P.O. Box 2055, 500 East Blvd., Rapid City, SD 57701. Representative: Stephen F. Grinnell, 121 South 8th St., 1600 TCF Tower, Minneapolis, MN 55402, (612) 333–1341. Transporting *food and related products*, between points in IL, IA, KS, MN, MO, NE, ND, SD, and WI.

MC 167126, filed March 29, 1983. Applicant: VICTOR A. ALLMON, 3521 28th St. Lewiston, ID 83501. Representative: Victor A. Allmon (same address as applicant), (208) 743–4287. (A) Transporting *machinery, construction materials, and those commodities which because of their size or weight require special handling and equipment*, between those points in the U.S. on and west of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the International Boundary line between the U.S. and Canda, and points in IL and KY. (B) Transporting, for or on behalf of the United States Government, *general commodities (*except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between those points in the U.S. on and west of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the International Boundary line between the U.S. and Canada, and points in IL and KY.

Note.—Because this application includes issues of Public Convenience and Necessity, as well as Fitness Only, it will be published in two (2) volumes of this **Federal Register** issue. Part A will be published in Vol. #216. Part B will be published in Vol. #217.

MC 167127, filed March 30, 1983. Applicant: RAIDER REFRIGERATED TRANSPORT, INC., P.O. Box 27, Mebane, NC 27302. Representative: Archie W. Andrews, P.O. Box 1166, Eden, NC 27288, (919) 635–4711. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Nutrition Pak, Inc., of Mebane, NC.

MC 167136, filed March 28, 1983. Applicant: BELMONT TRANS., INC., 15 Chelsea St., East Boston, MA 02128. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hills, MA 02181 (617) 235–5571. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of confectioneries, between points in the U.S., under continuing contract(s) with Deran Confectionery-Borden, Inc., of Cambridge, MA.

[FR Doc. 83-9859 Filed 4-13-83; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (fitnessonly); Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods). The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** on December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in the **Federal Register** on November 24, 1982, at 49 FR 53271. For compliance procedures, see 49 CFR 1160.86, at 49 FR 53271. For compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E.

These applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings.

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new

entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Please direct status inquires to Team Three at (202) 275–5223.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Volume No. OP3–149

Decided: April 7, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 147084 (Sub-3), filed March 24, 1983. Applicant: CANDLEBROOK DELIVERY SERVICE, INC., P.O. Box 461, King of Prussia, PA 19406. Representative: Raymond A. Thistle, Jr., Five Cottman Ct., 426 Cottman St., Jenkintown, PA 19046, (215) 576–0131. Transporting *Shipments* Weighing 100 pounds or less, if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 165405, filed March 24, 1983. Applicant: CONTINENTAL MBS COACHES, INC., 22 Public Square, P.O. Box 1075, Columbia, TN 38401 Representative: Ronald McCarthy (same address as applicant), (615) 381–1244. Transporting *passengers,* in charter operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately funded charter transportation.

MC 166975, filed March 22, 1983. Applicant: CARNESI ENTERPRISES CO., INC., 350 Coney Island Ave., Brooklyn, NY 11218. Representative: Ronald I. Shapss, 450 Seventh Ave., New York, NY 10123, (212) 239–4610. Transporting *passengers,* in special and charter operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 167045, filed March 22, 1983. Applicant: C. B. TRUAX TRUCK BROKERAGE, Route 1. Box 77, Warfordsburg, PA 17267. Representative: Edward N. Button, 635 Oak Hill Ave., Hagerstown, MD 21740, (301) 739–4860. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 167054, filed March 25, 1983. Applicant: WARREN-MERRITT ENTERPRISES, INC., 114 Indiana St., Hot Springs, AR 71901. Representative: James M. Duckett, 221 W. 2nd St., Suite 411, Little Rock, AR 72201, (501) 375–3022. Transporting *passengers,* in special and charter operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately funded charter and special transportation.

For the following, please direct status calls to Team 1 at 202–275–7992.

Volume No. OP1–132

Decided: April 7, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Fortier not participating.)

MC 115581 (Sub-6), filed March 31, 1983. Applicant: THE CONNECTICUT COMPANY, 2909 Main St., Hartford, CT 06120. Representative: John E. Silliman, 101 Pearl St., P.O. Box 3197, Hartford, CT 06103, (203) 549–4500. Transporting *passengers,* in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately finded charter and special transportation.

MC 142630 (Sub-7), filed March 28, 1983. Applicant: FUGAZY EXPRESS, INC., 767 3rd Ave., New York, NY 10017. Representative: Arthur Wagner, 342 Madison Ave., New York, NY 10173. Transporting *passengers and their baggage,* in charter and special operations, beginning and ending at Atlantic City, NJ, and extending to points in NJ and NY, under continuing contract(s) with Adamar of New Jersey, Inc., of Atlantic City, NJ.

MC 151790 (Sub-2), filed April 4, 1983. Applicant: FLEXIBLE FLYER TRANSIT CO., INC., 2010 S. Beltline Blvd., Columbia, SC 29202. Representative: Timothy C. Ross (same address as applicant), (803) 799–7190. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 162370, filed March 29, 1983. Applicant: INTERNATIONAL FUNWAY CLUB, 2025 Caspian Ave., Long Beach, CA 90810. Representative: D. Michael Trainotti, 555 E. Ocean Blvd., #716 Long Beach, CA 90802, (213) 590–8621. Transporting *passengers,* in charter and special operations, beginning and ending at points in Los Angeles County, CA and extending to Las Vegas, Reno, Carson City, and points in Washoe and Douglas Counties, NV, points in El Dorado and Placer Counties, CA, points in Coconino and Mohave Counties, AZ, and Salt Lake City, UT.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 167180, filed March 31, 1983. Applicant: RICHARD F. DAVIS, d.b.a. DAVCON, INC., 3931 Oberlin Ct., Tucker, GA 30084. Representative: Richard F. Davis (same address as applicant), (404) 938–4812. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC–167190, filed March 31, 1983. Applicant: VIRGIL L. LUKKEN, d.b.a. VIRGIL L. LUKKEN TRUCKING, 450 Sandy Bend Rd., Castle Rock, WA 98611. Representative: Charles E. Dye, Swan Lake Village, Saddle Ridge #832, Portage, WI 53901, (608)–742–3579. Transporting *food and other edible products and by-products intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners,* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 16791, filed April 1, 1983. Applicant: FUN TOURS, 4407–57th St., Lubbock, TX 79414. Representative: John W. McDaniel (same address as applicant), (806) 797–2084. Transporting *passengers,* in charter and special operations, beginning and ending at points in Lubbock County, TX, and extending to points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 167211, filed April 4, 1983. Applicant: HARBOR BAY WAREHOUSE CO., INC., 104 Harbor Drive, Jersey City, NJ 07305. Representative: A. David Millner, P.O. Box Y, 7 Becker Farm Road, Roseland, NJ 07068, (201) 992–2200. As a *broker* of *general commodities* (except household goods), between points in the U.S.

For the following, please direct status calls to Team 4 at 202–275–7669.

Volume No. OP4–215

Decided: April 7, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 2677 (Sub-3), filed March 29, 1983. Applicant: JAMES S. EDGELL, Box 71, Centuria, WI 54824. Representative: James S. Edgell (same address as applicant), (715) 646–2314. Transporting *passengers*, in charter and special operations, beginning and ending at points in MN and WI, and extending to points in the U.S. (except AK and HI).

Note—Applicant seeks to provide privately-funded charter and special transportation.

MC 41257 (Sub-17), filed March 28, 1983. Applicant: NORTH STAR LINE, INC., 341 Elsworth, SW, Grand Rapids, MI 49503. Representative: William B. Elmer, P.O. Box 801, Traverse City, MI 49685, (616) 941–5313.Transporting *passengers*, in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

Volume No. OP4–217

Decided: April 7, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 121016 (Sub-4), filed April 1, 1983. Applicant: ENGLANDER COACH LINES INC., 148 American Legion Dr., P.O. Box 631, North Adams, MA 01247. Representative: William C. Gay (same address as applicant), (413) 662–2016. Transporting *passengers*, in special operations, beginning and ending at points in Berkshire and Franklin Counties, MA, and extending to points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded special transportation.

MC 157317 (Sub-1), filed March 30, 1983. Applicant: THE GRAY LINE, INC., 420 Taylor St., San Francisco, CA 94102. Representative: L. C. Major, Jr., 6121 Lincolnia Rd., Suite 304 Overlook Bldg., P.O. Box 11278, Alexandria, VA 22312, (703) 750–1112. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

NOTE.—Applicant seeks to provide privately-funded charter and special transportation.

MC 162986 (Sub-4), filed March 28, 1983. Applicant: TRIPLE "S" LEASING, INC., P.O. Box 266, Vincennes, IN 47591. Representative: Don R. Smith, 806 Emison Ave., Vincennes, IN 47591, (812) 882–3109. Transporting *shipments weighing 100 pounds or less* transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI). As a *broker of general commodities* (except household goods), between points in the U.S.

MC 166946, filed March 31, 1983. Applicant: PAUL E. BITTING, d.b.a. TRANSPORTATION SERVICES, 10 Bellview Rd., Marysville, PA 17053. Representative: Jack L. Schiller, 111–56 76th Dr., Forest Hills, NY 11375, (212) 263–2078. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 167106, filed March 29, 1983. Applicant: THOMAS BEALS CARR, 401 E. 33rd St., Charlotte, NC 28205. Representative: Thomas Beals Car (same address as applicant), (704) 374–1515. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 167126, filed March 29, 1983. Applicant: VICTOR A. ALLMON, 3521 28th St., Lewiston, ID 83501. Representative: Victor A. Allmon (same address as applicant), (208) 743–4287. (A) Transporting *machinery, construction materials, and those commodities which because of their size or weight require special handling and equipment*, between those points in the U.S. on and west of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the International Boundary line between the U.S. and Canada, and points in IL and KY. (B) Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between those points in the U.S. on the west of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the International Boundary line between the U.S. and Canada, and points in IL and KY.

Note.— Because this application includes issues of Public Convenience and Necessity, and well as Fitness Only, it will be published in two (2) volumes of this **Federal Register** issue. Part A will be published in Vol. #216. Part B will be published in Vol. #217.

MC 167147, filed March 30, 1983. Applicant: LARRY RUFUS WOOK, Rt. #3, Box 559, King George, VA 22485. Representative: Larry Rufus Wood (same address as applicant), (703) 775–5822. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 167156, filed March 31, 1983. Applicant: RAYMOND R. WOODROME, 21302 Tophill Dr., Spring, TX 77379. Representative: Raymond R. Woodrome (same address as applicant), (713) 353–5659. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 167176, filed April 1, 1983. Applicant: JACK. L MITCHELL, d.b.a. MITCHELL TRUCKING, 1221 North Olive, Wellington, KS 67152. Representative: John E. Jandera, P.O. Box 1979, Topeka, KS 66601, (913) 234–0565. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

[FR Doc. 83-9660 Filed 4-13-83; 8:45 am]
BILLING CODE 7035-01-M

[Ex Parte No. MC–43]

Motor Carriers; Lease and Interchange of Vehicles by Motor Carriers

Decided: April 6, 1983.

American Pacific Express, Inc. (Certificate No. MC–155070), Schneider Transport, Inc. (Certificate No. MC–51146 and Permit No. MC–151110), Schneider Tank Lines, Inc. (Certificate No. 110988), Distribution Service Systems, Inc. (Certificate No. MC–118159), WNI, Inc. (Certificate No. 141871), Trans-National Truck, Inc. (Certificate No. MC–133655), Contract Distribution Systems, Inc. (Certificate No. MC–151138, and Permit No. MC–144232), National Bulk Transport, Inc. (Certificate No. 143594) and National Transportation Systems, Inc. (Certificate No. MC–149145) petition for waiver of Subpart B (except for Paragraph (b) of Section 1057.11) of the *Lease and Interchange of Vehicles* regulations (49 CFR Part 1057).

We find:

Petitioners are commonly controlled and administer a common safety program.

Granting the Petition will permit more efficient and economical operations.

There is no public policy consideration or goal which overrides petitioners' goal of reducing energy consumption and other costs.

A denial of the Petition offers no protection to the public and would prevent greater efficiency, fuel economy, and costs savings.

It is ordered:

American Pacific Express, Inc. (Certificate No. MC–155070), Schneider Transport, Inc. (Certificate No. MC–51146 and Permit No. MC–155070), Schneider Tank Lines, Inc. (Certificate No. 110988), Distribution Service Systems, Inc. (Certificate No. MC–118159), WNI, Inc. (Certificate No. 141871), Trans-National Truck, Inc. (Certificate No. MC–133655), Contract Distribution Systems, Inc. (Certificate No. MC–151138, and Permit No. MC–144232), National Bulk Transport, Inc. (Certificate No. 143594) and National Transportation Systems, Inc. (Certificate No. MC–149145), for waiver of Subpart B except Paragraph (b) of § 1057.11 is granted solely with respect to equipment leased among the petitioners, provided petitioners or their authorized representatives agree in writing that control and responsibility for the operation of the equipment shall be that of the lessee from time possession is taken by lessee and the receipt required under § 1057.11(b) is given to the lessor until possession is returned to the lessor and the receipt given to the lessee or given to another authorized carrier in an interchange of equipment.

The waiver granted in this decision does not affect the application of the leasing regulations to a lease between an owner-operator and the lessor carrier.

By the Motor Carrier Leasing Board, Board Members J. Warren McFarland, Bernard Gaillard, and John H. O'Brien.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–9855 Filed 4–13–83; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Proposed Exemptions

AGENCY: Interstate Commerce Commission.

ACTION: Notices of proposed exemptions.

SUMMARY: The motor carriers shown below seek exemptions pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property Under 49 U.S.C. 11443*, 367 I.C.C. 113 (1982), 47 FR 53303 (November 24, 1982).

DATES: Comments must be received within 30 days after the date of publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275–7977.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contracting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

Volume No. OP1–125

Decided: April 6, 1983.

Ryder Transportation, Inc.—Continuance-in-Control-Exemption—Ranger Transfleet, Inc.

MC–F–15217, Ryder Transportation, Inc. (RTI) seeks an exemption from the requirement under section 11343 of prior regulatory approval for continuance in control of Ranger Transfleet, Inc. RTI, a non-Carrier holding company is controlled by IU Transportation Services, Inc. (IUTS), and in turn by IU International Corp. (IU). IU controls Ligon Specialized Hauler, Inc. (MC–167225). IU Controls through Special Carriers, Inc., (a holding company), Gemini Trucking, Inc. (MC–150939), Pioneer Trucking, Inc. (MC–1517070), and Customized Transportation, Inc. (MC–152620). IU also controls through IUTS, Ryder Truck Lines, Inc. (RYDER) (MC–2900), Independent Freightway, Inc. (MC–161864), and Pacific Intermountain Express Co. (PIE) (MC–730). PIE also controls Vanguard Contract Carriers, Inc. (MC–157596). RYDER also controls Ryder Truck Lines, Ltd. (MC–154915), RTL Holdings, Inc. (MC–130636), and holds a voting trust certificate for the shares of Ryder Forwarding, Inc. (FF–341). Ranger Transfleet, Inc. has filed a directly related application docketed MC–16690, published in this same **Federal Register** issue.

Send comments to:

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423
and
(2) Petitioner's representative: John C. Bradley, Suite 1301, 1600 Wilson Blvd., Arlington, VA 22209.

Comments should refer to No. MC–F–15217.

Volume No. OP1–127

Decided: April 7, 1983.

IVL Corporation, Continuance, in Control Exemption, A World Wide Moving, Inc., Interstate Van Lines, Inc., and Ace Van & Storage, Inc.

MC–F–15198. IVL Corporation seeks an exemption from the requirement under section 11343 of prior regulatory approval for its continuance in control of A World Wide Moving, Inc., Interstate Van Lines, Inc., and Ace Van & Storage, Inc. Applicant (a non-carrier holding company) also controls Interstate International, Inc. (a regulated freight forwarder) which results in an unlawful common control, in violation of 49 U.S.C. 11323(a).

Applicant's representative has submitted a plan whereby he proposes to transfer ownership of Interstate International from itself to Interstate Van Lines, Inc. so that Interstate Van Lines, Inc. will control Interstate International. This would not avoid the violation of 49 U.S.C. 11323(a) because IVL would still be in a position to control Interstate International through its control of Interstate Van Lines, Inc.

Applicant must submit in writing within 30 days of this publication a plan of action to avoid unlawful control under 49 U.S.C. 11212(a), or the petition for exemption will be dismissed.

Send comments to:

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423, and

(2) Petitioner's representative: Marshall Kragen, 1919 Pennsylvania Ave., N.W., Suite 300, Washington, DC 20006.

Comments should refer to No. MC–F–15198.

Volume No. OP1–129

Decided: April 8, 1983.

Robert H. Shepard and John A. Pellman—Continuance in Control Exemption—Military Pack and Crate, Inc., Bob Shepard Enterprises, Inc., d.b.a. Ace Van & Storage Company, Escondido Storage Co., and Mission Van & Storage Company, Inc.

MC–F–15211. Robert H. Shepard and John A. Pellman, who jointly control MPCI, seek an exemption from the requirement under section 11343 of prior regulatory approval for their continuance in control of Military Pack and Crate, Inc. (No. MC–163141), Bob Shepard Enterprises, Inc. doing business

as Ace Van & Storage Company (No. MC–138200), Escondido Storage Co. (No. MC–135211), and Mission Van & Storage Company, Inc. (No. MC–126340).

Send comments to:

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423; and

(2) Petitioner's representative: Hayden J. Trubitt, 701 B Street, Suite 2100, San Diego, CA 92101–8197.

Comments should refer to No. MC–F–15211.

Volume No. OP2–165

Decided: April 8, 1983.

Armored Transport, Inc.—Continuance in Control Exemption—Continental Security Guards, Inc. and Armored Transport of Nevada, Inc.

MC–F–15170. Armored Transport, Inc. (ATI) (MC–11702), and in turn its sole stockholder, Robert G. Irvin, seek an exemption from the requirement of prior regulatory approval for their continuance in control of ATI's subsidiaries, Armored Transport of Nevada, Inc. (MC–139096 and MC–142621) and Continental Security Guards, Inc. (MC–164107) when the latter institutes operations as an interstate carrier.

Send comments to:

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423, and

(2) Petitioners' representative: John C. Russell, 1545 Wilshire Boulevard, Suite 606, Los Angeles, CA 90017.

Comments should refer to No. MC–F–15170.

Volume No. OP2–166

Decided: April 8, 1983.

MC–F–15213. Seigles Express, Inc. (MC–54200), and in turn, Walter Riley who controls Seigles Express, Inc., seek an exemption from the requirement under Section 11343 of prior regulatory approval for its continuance in control of G.O.D., Inc. (MC–166962).

Send comments to:

(1) Motor Section, Team 2, Room 2379, Interstate Commerce Commission, Washington, DC 20423, and

(2) Petitioners' representative: Ronald N. Cobert, Joseph Michael Roberts, 1730 M Street, NW, Ste. 501, Washington, DC 20036.

Comments should refer to No. MC–F–15213.

Volume No. OP3–MCF–155

Decided: April 8, 1983.

Ed Wolfe Trucking, Inc.—Purchase Exemption—Shoemaker Trucking Company (Loren Wetzel, Trustee-in-Bankruptcy).

MC–F–15205. El Wolfe Trucking, Inc. (Wolfe (MC–145480) seeks an exemption from the requirements under section 11343 of prior regulatory approval for its purchase of that portion of the operating rights of Shoemaker Trucking Company (Shoemaker) found in paragraphs (1), (7), (8), (21) and (31) of Certificate No. MC–138875 (Sub-No. 312)X, namely (a) *building materials and lumber and lumber and wood products* between points in Oregon, Washington and those in that part of Idaho south of the northern boundary of Idaho County, on the one hand, and, on the other, points in Utah and Colorado, (b) *building material, lumber and wood products and metal products* between points in Oregon and Washington, on the one hand, and, on the other, points in Utah, (c) *metal products* between points in Clackamas, Washington and Multnomah Counties, OR, on the one hand, and, on the other, points in those parts of Washington and Oregon east of the Cascade Mountains, (d) *building materials and such commodities* as are dealt in or used by manufacturers of transportation equipment between points in Michigan, California, and Ohio, on the one hand, and, on the other, points in Oregon and Washington, and (e) *chemicals and related products* between points in Wyoming, and on the one hand, and, on the other, points in Oregon and Washington.

In addition, Wolfe seeks to purchase the underlying certificates in No. MC–138875 (Sub-Nos. 37, 194F, 289F, 150F, 160F, and 155F).

Send comments to:

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423, and

(2) Petitioner's Representative: Philip G. Skofstad, 529 SE Grand Ave., Portland, OR 97214.

Comments should refer to No. MC–F–15205.

[FR Doc. 83–9858 Filed 4–13–83; 8:45 am]

BILLING CODE 7035–01–M

[No. 39136 et al.[1]]

Motor Carriers; State Freight, Inc.—Petition for Exemption From Tariff Filing Requirements

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Two motor contract carriers have each requested exemption from the tariff filing requirements of 49 U.S.C. 10702, 10761, and 10762. The sought relief is provisionally granted for future as well as existing contracts.

DATES: Comments are due on April 29, 1983. The sought relief will become final on May 16, 1983, unless in response to timely-filed adverse comments, the Commission issues a further decision withdrawing this relief.

ADDRESS: Send an original and 15 copies of comments to: Room 2139, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:

Robin Williams, (202) 275–7697

or

Howell I. Sporn, (202) 275–7691

SUPPLEMENTARY INFORMATION: Section 10702(b) of the Interstate Commerce Act requires contract carriers to file with the Commission actual and minimum rates for the transportation they provide. Section 10761 prohibits transportation without a tariff on file with the Commission, and section 10762 sets forth general tariff requirements including authority to file only minimum rates. Each of these sections authorizes the Commission to grant exemptions to contract carriers when relief is consistent with the public interest and the transportation policy of section 10101. 49 U.S.C. 10702(b), 10761(b), and 10762(f).

The two motor contract carriers identified in the footnote filed petitions requesting exemptions under the three exemption provisions mentioned above. As the issues presented and the relief sought by these petitioners are substantially similar, we are consolidating them for notice purposes.

The petitioners hold, collectively, contract carrier permits MC–110525 (Sub-Nos. 1324 and 1324) and MC–121288 (Sub-No. 3) authorizing transportation of general commodities and malt beverages for several shippers. The petitioners argue, generally, that the tariff filing requirement is costly and represents an undue burden on their ability to meet continually changing market demands and diverse requirements of the shipping public. They assert that they are interested in avoiding unnecessary expenses, delays and burdens which hamper their efforts to provide economical and efficient service. They also argue that the Motor Carrier Act of 1980 encourages the Commission to remove obstacles which

[1] This proceeding embraces two separate petitions for exemption filed by State Freight, Inc., No. 39136, and Chemical Leaman Tank Lines, Inc, No. 38987 (Sub-No. 1).

keep contract carriers from realizing their full potential.

One petitioner, Chemical Leaman Tank Lines, Inc., requests that the exemptions sought apply to both existing and future contracts, and states that it will provide interested parties, upon a written request, with copies of its rates. It also holds contract authority under Sub-No. 1323, for which it already has obtained an exemmption from tariff filing in No. 38967.

We see no reason to deny these carriers the savings to be realized from a tariff filing exemption.[2] It appears that exemptions of these carriers from the requirements that they file tariffs covering their contract operations is consistent with the public interest and the transportation policy of 49 U.S.C. 10101.

We further conclude that an exemption is justified for future contracts and services. Previously we consistently denied exemptions for future contracts and services. We found that because the terms and scope of those contracts are unknown, any exemption of future contracts could only be based on general findings about the continuing need for contract filing requirements for any contract carrier. However, after weighing the advantages and disadvantages to the parties involved and to the public, we conclude that the exemption of these carriers from the requirement that they file tariffs governing their future contract operations, is warranted.[3] The requirement that a contract carrier file a separate exemption request for each new contract is unduly burdensome and time-consuming for both the carrier and the Commission. We also recognize that, for these carriers and their contract shippers, the savings to be realized from a tariff filing exemption for future contracts will be just as real and just as important as those realized from an exemption for existing contracts. Moreover, allowing these contract carriers to participate more freely in the marketplace is in the public interest and is consistent with the national transportation policy.

We provisionally grant petitioners exemption from the contract carrier tariff filing requirements for future as well as existing contracts. If we receive timely filed adverse comments, we will issue a further decision addressing them and deciding whether this provisional approval ought to be withdrawn or permitted to become final.

This action does not significantly affect either the quality of the human environment or conservation of energy resources. However, comments may be submitted on these issues.

(49 U.S.C. 10702(b), 10761(b), and 10762(f))

Decided: April 4, 1983.

By the Commission, Division 1, Commissioners Andre, Taylor, and Sterrett. Commissioner Taylor concurred in part and dissented in part. He would have granted the exemptions only for present contracts.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-9856 Filed 4-13-83; 8:45 am]

BILLING CODE 7035-01-M

[2] A proceeding to investigate the exemption of motor contract carriers on an industry-wide basis has been instituted in Ex Parte No. 165, *Exemption of Motor Contract Carriers from Tariff Filing Requirements*, 47 FR 57303 (December 23, 1982).

[3] See No. 38983, Red & Tan Tours—*Petition for Exemption from the Tariff Filing Requirements* (not printed), decided February 24, 1983.

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances, Registration, Abbott Laboratories

By Notice dated December 22,, 1982, and published in the **Federal Register** on January 6, 1983, (48 FR 757), Abbott Laboratories, 14th and Sheridan Road, Attention: Customer Service D-345, North Chicago, Illinois 60064, made applicaton to the Drug Enforcement Administration to be registered as a bulk manufacturer of Pentobarbital (2270), a basic class of controlled substance listed in Schedule II.

No comments or objections have been received. Therefore, pursuant to Section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and Title 21, Code of Federal Regulations, § 1301.54.(e), the Deputy Assistant Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic class of controlled substance listed above is granted.

Dated April 5, 1983.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control Drug Enforcement Administration.

[FR Doc. 83-9885 Filed 4-13-83; 8:45 am]

BILLING CODE 4410-09-M

Manufacturer of Controlled Substances, Registration; Aerojet Strategic Propulsion Co.

By Notice dated November 30, 1982, and published in the **Federal Register** on December 8, 1982, (47 FR 55349), Aeroject Strategic Propulsion Company, Highway 50 At Hazel Avenue, P.O. Box 15699C, Sacramento, California 95813, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of Tetrahydrocannabinols (7370), a basic class of controlled substance listed in Schedule I.

No comments or objections have been received. Therefore, pursuant to Section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and Title 21, Code of Federal Regulations, § 1301.54(e), the Deputy Assistant Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic class of controlled substance listed above is granted.

Dated: April 6, 1983.

Gene R. Haislip

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 83-9884 Filed 4-13-83; 8:45 am]

BILLING CODE 4410-09-M

Manufacturer of Controlled Substances, Registration; Arenol Chemical Corp.

By Notice dated October 21, 1982, and published in the **Federal Register** on October 28, 1982, (47 FR 47948), Arenol Chemical Corporation, 40-33 23rd Street, Long Island City, New York 11101, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Amphetamine (1100)	II.
Methamphetamine (1105)	II.

No comments or objections have been received. Therefore, pursuant to Section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and Title 21, Code of Federal Regulations, § 1301.54(e), the Deputy Assistant Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed above is granted.

Dated: April 6, 1983.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 83-9886 Filed 4-13-83; 8:45 am]

BILLING CODE 4410-09-M

[Docket No. 83-4]

Cobblestone Pharmacy; Clinton, Mississippi; Hearing

Notice is hereby given that on December 15, 1982, the Drug Enforcement Administration, Department of Justice, issued to Cobblestone Pharmacy an Order To Show Cause as to why the Drug Enforcement Administration should not deny its application, executed on March 22, 1982 for registration as a retail pharmacy under 21 U.S.C. 823(f).

Thirty days having elapsed since the said Order To Show Cause was received by Respondent and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 9:30 a.m. on Tuesday, April 26, 1983 in Courtroom No. 2, Hinds County Courthouse, Pascagoula Street, Jackson, Mississippi.

Dated: April 6, 1983.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 83-9883 Filed 4-13-83; 8:45 am]

BILLING CODE 4410-09-M

Manufacturer of Controlled Substances, Registration; Johnson Matthey, Inc.

By Notice dated November 4, 1982, and published in the **Federal Register** on November 12, 1982, (47 FR 51242), Johnson Matthey, Inc., 1401 King Road, West Chester, Pennsylvania 19380, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of Fentanyl Citrate (9811), a basic class of controlled substance listed in Schedule II.

No comments or objections have been received. Therefore, pursuant to Section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and Title 21, Code of Federal Regulations, § 1301.54(e), the Deputy Assistant Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic class of controlled substance listed above is granted.

Dated: April 6, 1983.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 83-9887 Filed 4-13-83; 8:45 am]

BILLING CODE 4410-09-M

Revocations of Registrations; Lawson & Sons Pharmacy and Fenwick Pharmacy

On January 7, 1983, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, (DEA) directed Orders to Show Cause to revoke DEA Certificate of Registration AL1440798, issued to Lawson & Sons Pharmacy, 3415 Hamilton Street, Hyattsville, Maryland 20782; and Certificates of Registration AF5542712 and AF1440774 issued to Fenwick Pharmacy, 14310 Coastal Highway, Ocean City, Maryland 21842. The statutory predicate under 21 U.S.C. 824(a) for the proposed revocation was the conviction on March 26, 1982, in the United States District Court for the District of Maryland, of Alfred M. Lawson, the former owner of the Respondent pharmacies of felony convictions relating to controlled substances. Respondents, through counsel, waived their opportunity for a hearing in this matter and submitted written statements regarding their position on the matters of fact and law involved pursuant to 21 CFR 1304.54(c). The Acting Administrator has considered this well written statement in determining the course of action to follow in this matter.

The Acting Administrator finds that Alfred M. Lawson was convicted of one count of conspiracy in violation of 21 U.S.C. 846, and 18 counts of distribution of controlled substances and in aiding and abetting their distribution, in violation of 21 U.S.C. 841(a)(1) and 18 U.S.C. 2. The Acting Administrator further finds that the United States Court of Appeals for the Fourth Circuit affirmed Lawson's conviction in *United States* v. *Lawson*, 682 F.2d 480 (4th Cir. 1982) and the Supreme Court denied certiorari on November 8, 1982.

Based upon an examination of portions of the trial transcript and facts set out in the opinion of the Circuit Court, the Acting Administrator finds that as early as 1973 one Ronald Vance Smith brought large numbers of Preludin prescriptions written by a Washington, D.C. physician for persons other than Smith to the Hyattsville store. These prescriptions were filled primarily by Thomas Lane, the managing pharmacist at the Hyattsville store. Smith stopped bringing the Preludin prescriptions there after drug wholesalers agreed to a moratorium of distribution of Preludin in the Washington, D.C. area. In 1976, Smith began to bring Preludin and Tuinal prescriptions to Fenwick Pharmacy in Ocean City, a resort community on Maryland's eastern shore. All of these prescriptions were written by Dr. Lynn Possinger, a Philadelphia osteopath. Possinger testified that Smith, using the name "Richard Vance", first visited him in late 1974 or early 1975. Possinger wrote prescriptions in fictitious names for Smith, selecting names at random from the Philadelphia telephone directory. Possinger sold Smith prescriptions for $10 to $15 each and wrote Smith 10 to 15 prescriptions a day. In late 1976, Smith began to submit his bogus prescriptions at Fenwick Pharmacy. In a five month period Smith bought 495 fictitious Preludin and 250 fictitious Tuinal prescriptions written by Dr. Possinger to Fenwick Pharmacy. Lawson telephoned Possinger a few times to verify the prescriptions. He also telephoned the Federal Task Force in Philadelphia to see if Possinger was a legitimate physician. Lawson was informed that Dr. Possinger had a poor reputation and that Lawson should be guided by his conscience in deciding whether or not to fill the prescriptions.

The Acting Administrator finds that Smith would drop off the prescriptions of Lawson to fill. Since Fenwick Pharmacy did not stock sufficient quantities of these controlled substances to fill the prescriptions immediately, Lawson would order Tuinal and Preludin from wholesalers and fill the prescriptions when the drugs arrived. During this time the Drug Enforcement Administration began an investigation of Fenwick Pharmacy due to the large quantities of controlled substances the pharmacy was purchasing. Lawson indicated to DEA Diversion Investigators that all of Possinger's patients were coming Ocean City, several hours from Philadelphia, to get their Preludin. He did not mention that Possinger was running a "diet clinic" in Philadelphia. Nor did he mention Ronald Smith. He also told DEA Investigators that he verified each new patient with Possinger, when in fact Lawson only telephoned Philadelphia four times during this time period, and one of those telephone calls following his conversation with DEA investigators. After receiving two grand jury subpoenas for Dr. Possinger's prescriptions, Lawson stopped filling them at Fenwick Pharmacy.

The Acting Administrator finds that in late 1977, Smith began to bring prescriptions for Dilaudid, a Schedule II narcotic, to the Lawson & Sons Pharmacy in Hyattsville, Maryland, a suburb of Washington, D.C. These prescriptions were written by Marshall D. Nickerson, Jr., M.D., a Washington, D.C. physician. The Acting Administrator recently denied Dr. Nickerson's application for a DEA

Certificate of Registration; see 48 FR 3893 (January 27, 1983). The Administrator of DEA also revoked a DEA Certificate of Registration issued earlier to Dr. Nickerson, based on his controlled substance related felony convictions in the District of Columbia. See 45 FR 72310 (October 31, 1980). The Acting Administrator finds that while Thomas Lane filled the vast majority of the prescriptions written by Dr. Nickerson at Lawson's Pharmacy, Alfred Lawson also filled some of them. The same procedure applied as with the Tuinal and Preludin prescriptions in Ocean City. Smith would drop off the prescriptions, the Dilaudid would be ordered from the wholesaler, and Smith would return to pick up the controlled substances when they arrived.

The Acting Administrator finds, as did the jury and the Court of Appeals, that on one occasion Lawson was in the Hyattsville store when Smith came in and they greeted one another. Smith left without presenting any prescriptions or picking up any controlled substances and Lawson did not caution Lane about him. On another occasion, Lawson came into the Hyattsville store and handed Lane a bulging envelope like the ones he normally delivered prescriptions in, saying he had had a visit from "Ron". Lawson also filled a number of Nickerson's Dilaudid prescriptions in the Ocean City store. In the fall of 1978, Lane contacted the Metropolitan Police Department and learned that Dr. Nickerson was under investigation, yet he still filled the Nickerson Dilaudid prescriptions.

The Maryland State Police conducted an investigation of the Hyattsville store. On one occasion the police observed Ronald Smith enter the store and leave with a brown paper bag which the troopers later observed to contain pharmaceutical stock bottles of Dilaudid. On another occasion troopers observed Smith enter the store and obtain a brown paper bag from Lane. The troopers arrested Smith and found 1,000 Dilaudid tablets in four stock bottles in the bag. Lane was arrested later that evening. Eventually, the state charges were dropped in deference to the Federal prosecution.

At trial, a professor of pharmacy testified as an expert for the Government. He concluded that each of the Dilaudid prescriptions written by Dr. Nickerson and each of the Tuinal and Preludin prescriptions written by Dr. Possinger were bogus. Following trial, Lawson was convicted of one count of conspiracy, seven counts of distributing Preludin and Tuinal out of Fenwick Pharmacy and eleven counts of distributing Dilaudid out of Lawson & Sons Pharmacy. Shortly after the jury's verdict, Thomas Lane, who was also convicted, committed suicide.

The Acting Administrator has considered Respondent's submission in this matter. Respondents admit that Thomas Lane was obviously engaged in knowing criminal activity; they contend here, as they have throughout, that Lawson exercised proper pharmacy practice but that his judgment eventually proved wrong. The submission includes an affidavit from Helen Lawson, the wife of Alfred Lawson, who is now the full owner of Fenwick Pharmacy and fifty percent owner of Lawson & Sons Pharmacy. She states that she is an active and knowledgeable officer of each of the corporations and has come to understand the operation of the pharmacies. She states that she has great trust in the two pharmacists she has hired to run these pharmacies and that her husband has withdrawn from involvement in the pharmacies and that only in the Hyattsville store is he "aware of the amount of narcotics orders and nature of prescriptions being filled." She states that he has also worked part time in the Ocean City store, An affidavit from Bennett A. Friedman, the managing pharmacist at the Hyattsville store, also states that before he was incarcerated Mr. Lawson "check[ed] through our class II files." The affidavit of Robert J. Roissier, managing pharmacist at Fenwick Pharmacy, states that he understands that Mrs. Lawson will discourage Mr. Lawson from entering the store when he returns to Ocean City.

Despite the affidavits of Mr. Friedman and Mr. Roissier, the Acting Administrator cannot conclude that the public interest would be served by the continued registration of these pharmacies. The Acting Administrator is disturbed that Mr. Lawson was permitted access to the Schedule II files at the Hyattsville store. Similarly, the Acting Administrator is disturbed to find that Alfred Lawson executed seven DEA official order forms for Schedule II substances at the Ocean City location from May 22, 1982 to July 25, 1982, including one order form with no date. According to his affidavit, Mr. Roissier is the only person at Fenwick Pharmacy authorized to order narcotic drugs and he and Mrs. Lawson have decided to stock only a very minimal supply of Schedule II drugs. The Acting Administrator questions how long that policy would continue when Mr. Lawson returns from incarceration. While Mrs. Lawson has always had some administrative duties in the store, she is not a trained pharmacist and relies on the advice of the managing pharmacists at both stores. In light of Mr. Lawson's past activities, the Acting Administrator cannot conclude that he will not attempt to exert some form of control over one or both of the pharmacies.

DEA has consistently maintained that the registration of a corporate registrant may be revoked upon a finding that a natural person who was an owner, officer or key employee, who had some responsibility for the operation of the registrant's business, has been convicted of a felony offense relating to controlled substances. See *Arenstein v. California State Board of Pharmacy*, 265 Cal. App. 179, 71 Cal. Rptr. 357 (1968). DEA has consistently followed this principle, see: *Leonard S. Cohen t/a Senate Drug Store*, Dk. 72–5, 38 FR 9522 (1973); *River Forest Pharmacy*, Dk. 73–6, 38 FR 27417 (1973); *Afro-American Pharmacy, Inc.*, Dk. 73–10, 38 FR 27534 (1973); *Norman Bridge Drug Company, Inc.*, Dk. 74–22, 41 FR 3108 (1976); *Lynnfield Drug, Inc.*, Dk. 76–6, 42 FR 8435 (1977); *A. G. Pharmacy, Inc., d/b/a Berson Pharmacy*, Dk. 79–12, 45 FR 6868 (1980); *S&S Pharmacy, Inc.*, [no docket number], 46 FR 13052 (1981); *Big–T Pharmacy, Inc.*, Dk. 80–34, 47 FR 51830 (1980). Respondents admit in their submission that there was obvious intentional abuse of the DEA registration at Lawson & Sons Pharmacy. The Acting Administrator concludes that there was similar intentional abuse of the DEA registration at Fenwick Pharmacy.

Upon consideration of the record in this matter, including Respondent's submission, it is the decision of the Acting Administrator to revoke the Certificates of Registration issued to Lawson & Sons Pharmacy and Fenwick Pharmacy and deny any pending applications for renewal of those registrations. Accordingly, under the authority vested in the Attorney General by Section 304 of the Controlled Substances Act, as redelegated to the Acting Administrator of the Drug Enforecment Administration, the Acting Administrator hereby orders that DEA Certificate of Registration AL1440798, previously issued to Lawson & Sons Pharmacy, and Certificates of Registration AF5542712 and AF1440774 issued to Fenwick Pharmacy, are hereby revoked effective May 16, 1983.

Dated April 6, 1983.

John C. Lawn,

Acting Administrotor.

[FR Doc 83-9868 Filed 4-13-83; 8:45 am]

BILLING CODE 4410-09-M

Manufacturer of Controlled Substances; Registration; Mallinckrodt, Inc.

By Notice dated October 5, 1982, and published in the **Federal Register** on October 14, 1982, [47 FR 45999], Mallinckrodt, Inc., Department CB, Mallinckrodt and Second Streets, St. Louis, Missouri 63147, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Codeine (9050)	II
Diprenorphine (9058)	II
Etorphine Hydrochlonde (9059)	II
Dihydrocodeine (9120)	II
Oxycodone (9143)	II
Diphenoxylate (9170)	II
Hydrocodone (9193)	II
Methadone (9250)	II
Methadone-Intermediate (9254)	II
Morphine (9300)	II
Thebaine (9333)	II
Opium Extracts (9610)	II
Opium Fluid Extracts (9620)	II
Tincture of Opium (9630)	II
Powdered Opium (9639)	II
Granulated Opium (9640)	II
Oxymorphone (9652)	II
Noroxymorphone (9668)	II

No comments or objections have been received. Therefore, pursuant to Section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and Title 21, Code of Federal Regulations, § 1301.54(e), the Deputy Assistant Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed above is granted.

Dated: April 1, 1983.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 83-9867 Filed 4-13-83; 8:45 am]

BILLING CODE 4410-09-M

Revocation of Registrations; Matacumbe Pharmacy; Bell Wholesale Drugs, Inc.

On February 7, 1983, the Acting Administrator of the Drug Enforcement Administration [DEA] directed to Bell Wholesale Drugs, Inc., 883 West 27th Street, Hialeah, Florida 33010, and Matacumbe Pharmacy, 2960 N.W. 17th Avenue, Miami, Florida 33125 [Respondents], Orders to Show Cause proposing to revoke the Respondents' DEA registrations. Matacumbe Pharmacy is registered under the Controlled Substances Act as a retail pharmacy and is the holder of DEA Certificate of Registration AM1478266. Bell Wholesale Drugs, Inc., is registered as a distributor of controlled substances and is the holder of DEA Certificate of Registration PB0197889.

Simultaneously, citing his preliminary finding of imminent danger to the public health and safety, the Acting Administrator ordered the immediate suspension of the Respondents' registrations pending a final determination in these proceedings. The Orders to Show Cause were served upon the Respondents on February 9, 1983. On that date, the immediate suspensions were also executed. Pursuant to Title 21, United States Code, 824(f), all controlled substances possessed by the Respondents pursuant to their suspended registrations were placed under seal and were removed for safekeeping.

The Respondents were given thirty days to request a hearing or to otherwise respond to the issues raised by the Orders to Show Cause. More than thirty days have passed since those orders were served and the Drug Enforcement Administration has received no communication whatever from either of the two Respondents. Accordingly, pursuant to the provisions of Title 21, Code of Federal Regulations §§ 1301.54(d) and 1301.54(e), the Respondents have waived their opportunity for a hearing in this matter and the Acting Administrator hereby issues his Final Order, based upon the following findings of fact and conclusions of law.

The Acting Administrator finds that on January 7, 1983, in the United States District Court for the Central District of Illinois, Carlos Gonzales, President and owner of the two Respondents, was convicted of conspiracy to import marihuana in violation of Title 21, United States Code, 846. This is a felony offense relating to a controlled substance within the meaning and intent of Title 21, United States Code, 824(a)(2). Accordingly, the Acting Administrator concludes that there is a statutory basis for the revocation of the Respondents' DEA registrations.

Additionally, the Acting Administrator finds that during the period from January 1, 1981 through January 27, 1983, Matacumbe Pharmacy purchased at least 902,000 dosage units of Empirim Compound No. 4 and at least 899,000 dosage units of Doriden tablets, both Schedule III controlled substances, and could not account for the distribution of such as required by law and DEA regulations. During the period from January 1, 1982 through January 27, 1983, Bell Wholesale Drugs, Inc., purchased approximately 423,000 dosage units of Empirim Compound No. 4 and approximately 424,000 dosage units of Doriden, and could not account for the distribution of such as required by law and DEA regulations. These drugs are heavily abused in combination and are in great demand in the illicit traffic. The Doriden tablets contain glutethimide, a hypnotic, and the Empirim Compound tablets contain codeine, a narcotic analgesic. The combination is known variously by abusers as "loads," "hits" or "Fours and Dors." Fatalities among abusers of this combination are not uncommon. Since the Respondents have apparently chosen to waive their opportunity for a hearing in which they might have been able to provide some explanation for these incredibly large shortages, the Acting Administrator must conclude that the Respondents' registrations were used to acquire large quantities of controlled substances which were subsequently diverted into the illicit traffic.

Having concluded that there is a statutory basis for the revocation of the Respondents' DEA registrations and having further found that the Respondents' registrations were used to facilitate diversion on a large scale, the Acting Administrator concludes that these registrations must be revoked. Accordingly, pursuant to the authority vested in the Attorney General by Title 21, United States Code, 824, and redelegated to the Acting Administrator of the Drug Enforcement Administration, the Acting Administrator hereby orders that DEA Certificates of Registration AM1478266 and PB0197889 be, and they hereby are, revoked.

In light of the immense quantities and the extremely dangerous nature of the drugs diverted through the subject registrants and taking into consideration all of the facts and circumstances herein, the revocation of these registrations shall be effective immediately.

Dated: April 14, 1983.

Francis M. Mullen, Jr.,

Acting Administrator.

[FR Doc. 83-9869 Filed 4-13-83; 8:45 am]

BILLING CODE 4410-09-M

[Docket No. 83-6]

Michael M. Motamed, M.D.; Rubidoux, California; Hearing

Notice is hereby given that on January 28, 1983, the Drug Enforcement Administration, Department of Justice, issued to Michael M. Motamed, M.D., an Order To Show Cause as to why the Drug Enforcement Administration should not revoke his DEA Certificate of Registration, AM1607437.

Thirty days having elapsed since the said Order To Show Cause was received by Respondent and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 9:30 a.m. on Thursday, April 28, 1983 in the U.S. Customs Courtroom, 8th Floor, 300 N. Los Angeles Street, Los Angeles, California.

Dated: April 6, 1983.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 83-9882 Filed 4-13-83; 8:45 am]

BILLING CODE 4410-09-M

NATIONAL TRANSPORTATION SAFETY BOARD

Accident Reports; Safety Recommendations and Responses; Availability

Recommendations to:

Federal Aviation Administration: Mar. 31: A-83-12: Review the design criteria for the aluminum hydraulic lines in Cessna Model 404 airplanes to determine that the fatigue limit of the tubing, the prescribed installation bend radii, and the cyclic loads do not result in an unacceptable margin of safety as to fatigue and failure of the hydraulic lines; if the margin of safety is not adequate, require that the hydraulic lines: (1) Be inspected at appropriate intervals by a method that will reveal cracks in the lines, or (2) be replaced at a specified service life or time that will forestall fatigue failure of the lines. *Apr. 5: A-83-31:* Issue an Airworthiness Directive requiring an immediate inspection of the tailpipe muffler/diffuser assemblies which are incorporated on certain models of Piper Seneca PA-34-200 airplanes for evidence of deterioration. If warping, buckling, burning, or cracks exist, the affected assembly should be replaced. *A-83-32:* Conduct an engineering evaluation of the Piper Seneca Model PA-34-200 tailpipe muffler/diffuser assembly to determine whether accelerated inspection intervals, muffler life limits, or related design improvements are warranted.

Note.—Single copies of these recommendation letters are available on written request to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594. Please include the recommendation number(s) in your request. Copies of recent recommendation letters are free of charge while supplies last. Recommendations that must be photocopied will be billed at a cost of 20 cents per page ($2 minimum charge).

Recommendation Responses from:

Aviation.—*Federal Aviation Administration: Mar. 21: A-82-150:* The Reeve Aleutian Airways, Inc., YS-11 checklist and operations manual have been changed to include added emphasis on the in-flight use of fuel heat during approach and landings. Changes to the operations manual now provide the flight crew with sufficent information to decide when the fuel heat should be used in flight. *A-82-151:* Requested on Jan. 17, 1983, that the Japan Aviation Bureau confirm that the markings on the catch and exit handles of the Nihon YS-11 were in accordance with applicable airworthiness regulations. *Mar. 21: A-81-36:* Airworthiness Directive (AD) 80-22-15 has been superseded by AD 81-25-05 regarding lift strut forks on certain Piper aircraft. Believes that an adequate safety level can be achieved with AD 82-25-05 without requiring the replacement of all forks in service. *A-81-37:* Piper is now identifying the forks it manufactures with the Piper logo stamped at the fork end of the part to indicate the new parts. These forks also carry a new part number. *A-81-38,* which recommended specifying that required inspections of lift strut forks on certain Piper aircraft be performed only by manufacturers authorized to fabricate these forks or by other designated central inspection facilities having the requisite facilities and expertise: Believes that the inspections required by AD 81-25-05 are not complex and are not beyond the capability of the authorized inspection agencies. *Mar. 21: CY-70-42, Part 4:* Any attempt to initiate regulatory action concerning aircraft crashworthiness without the proper substantive technical data base would be unsuccessful. Completion of research activities concerning crash pulse definition and computer-generated modeling techniques are imminent. These programs can provide necessary and sufficient data to formulate design standards and initiate rulemaking action as appropriate. *A-77-70,* which recommended amending 14 CFR 23.785 to require installation of approved shoulder harnesses at all seat locations as outlined in NPRM 73-1: Data from an FAA benefit-cost analysis regarding general aviation shoulder harnesses will be evaluated in concert with applicable forthcoming General Aviation Manufacturers Association recommendations resulting from their shoulder harness installation program, the Transportation Systems Center "Small Airplane Stall Speed Study" committee recommendations, and the safety recommendations under discussion. *A-80-125:* A similar scheme to that proposed for retrofitting certain aircraft with shoulder harnesses has been addressed in the FAA's benefit-cost analysis. This recommendation will be evaluated in concert with recommendation A-77-70. *A-80-126,* which recommended that the FAA develop, in coordination with airframe manufacturers, detailed, approved installation instructions for installing shoulder harnesses at each seat location in current models and types of general aviation aircraft in which shoulder harness attachment points were not provided as standard equipment: These retrofit schemes are also addressed in the benefit-cost analysis in order to quantify their merits. Design functions are the responsibility of the aircraft type-certificate holder or owner.

A-80-127: A similar scheme to that proposed for retrofitting certain aircraft with shoulder harnesses has been addressed in the FAA's benefit-cost analysis. This recommendation will be evaluated in concert with recommendation A-77-70. *A-80-128,* which recommended the extension of all newly established occupant protection provisions of 14 CFR Part 23 to all newly manufacturered general aviation aircraft: Does not believe that in the absence of a clearly defined unsafe condition that arbitrary retroactive application of newly defined occupant protection or other regulatory provisions is appropriate or in compliance with Executive Order 12291. Retrofit schemes are typically very costly, with little identifiable benefit. *A-80-129,* which recommended revising 14 CFR 23.785(j) to incorporate performance standards and test criteria to insure that an acceptable level of occupant safety is achieved through cabin "delethalization": The general scope of the recommendation is too broad. Envisions that advisory material such as that suggested normally would be developed in the FAA's general aviation on crash dynamics program to supplement any defined regulatory actions. *A-80-130,* which recommended revising current standards for seat and restraint systems to incorporate needed crashworthiness improvements identified in FAA Research Project reports: Concurs with the intent of recommendation, but, without specific information concerning the needed crashworthiness improvements and desired regulatory changes, can take no definitive actions. *A-80-131,* which recommended establishing standards for the dynamic testing of occupant protection devices required in general aviation aircraft: It appears as if the Safety Board is recommending dynamic testing of all the immediate components in the cockpit/cabin environment without sufficient rationale and/or justification to support such a position. Compliance with such a recommendation would be an enormous undertaking well beyond the scope of any envisoned engineering and development programs and contrary to the philosophies of FAA's recent Regulation by Objectives initiatives.

Highway—*Governor of Texas: Mar. 25: H-82-18:* Would support a bill raising the minimum legal drinking age in Texas.

Governor of Minnesota: Mar. 11: H-82-18: Acknowledging receipt of information concerning raising the minimum legal drinking age in Minnesota.

Governor of New York: Mar. 21: H-82-18: New York State recently raised the purchase age for alcoholic beverages to 19. Until the impact of this new law on highway safety is determined, the governor will not be in a position to recommend any further increase in the age limit.

American Association of State Colleges and Universities: Mar. 14: H–83–5 and –6: Printed an article on the accident involving University of Virginia students in Lynchburg, Virginia, on Oct. 6, 1982, and the recommendations mady by the Board. Agrees that the recommendations concerning student transportation should be put into force on every campus.

Railroad—*Association of American Railroads: Mar. 11: R–83–28 and –29:* Senior officers of the carriers and the employee unions have met to discuss alcohol abuse on the railroads. While it was not possible to reach agreement on the use of specific testing devices, a certification procedure modeled on the Southern Pacific program has been submitted to the Federal Railroad Administration for consideration. *Mar. 21: R–83–27:* Has informed members of the circumstances of the accident in Emerson, Iowa, on Jun. 15, 1982, and informed them of the Board's recommendation that railroads adopt a system of professionally gathered and evaluated meteorological information to better assure timely knowledge of climatic conditions that may affect the safe operation of train movements. *Mar. 29: R–83–7:* Informed its members of the circumstances of the accident in Thermal, California, on Jan. 7, 1982. Will be able to set the frequency of rail inspection more appropriately after completion of a cooperative study of performance standards, which include rail fatigue defects, being made by the Federal Railroad Administration, the American Railway Engineering Association, the AAR Engineering Division, and the AAR Research and Test Department. *R–83–8:* Will request companies to evaluate their programs concerning the documentation of hazardous materials carried on freight trains and emergency response information for those commodities, and to strengthen their programs as necessary. *R–83–9:* The AAR's Bureau of Explosives, Intermodal Committee, Station and Terminal Steering Committee, and Research and Test Department are working on assignments related to the problem of accurate information on waybills for trailer-on-flat-car and container-on-flat-car shipments containing hazardous materials.

Burlington Northern Railroads: Mar. 17: R–83–19: Expanded method of collecting meteorological data to include utilizing the services of the National Oceanic and Atmospheric Administration. Has started a program of strategically locating weather monitors. *R–83–20,* which recommended a review of the training provided to employees to enable them to better assess climatic threats to safe train movements: All BN rules provide adequate action or procedures to be followed during severe weather conditions. Appropriate rules have been and will continue to be reviewed with each craft to ensure a greater level of awareness and compliance.

Marine—*U.S. Coast Guard: Mar. 14: M–82–20,* which recommended the institution of Vessel Traffic Service (VTS) flow control of ferry and large vessel traffic crossing the Seattle Harbor, pier 52 ferry lanes during periods of restricted visibility: Does not concur with recommendation. The Puget Sound VTS provides information on vessel movements within Seattle Harbor at all times. With this information available, in addition to the master's own observations, vessels would normally be able to arrange passing agreements with no further aid from the VTS. *M–82–21:* Will work with the Washington State Ferries and the National Oceanic and Atmospheric Administration to delineate the standard ferry routes and have them published on Puget Sound charts. For temporary routes, a Notice to Mariners will be published to inform the users of Puget Sound of any changes to these routes. *M–82–22:* Initiated a district by district evaluation of the manner in which the Navigation Safety Regulations have been applied to ferries. *M–82–23,* which recommended revising the Navigation Safety Regulations, 33 CFR Part 164, relative to gyrocompasses, vessel maneuvering characteristic data, chart use, and radar contact plotting, so that ferry passengers are afforded an equivalent amount of safety regardless of the ferries' gross tonnage: Does not concur with recommendation. The application of the regulations to the Washington State Ferries is appropriate to the type and limited scope of the operation. Revising the navigation equipment requirements, which are based on internationally developed standards which have been supported by the United States, is not justified based on two isolated casualties.

Governor of the Virgin Islands: Mar. 13: M–80–115: Virgin Islands Fire Service has adopted a contingency plan for all types of emergency operations, including fires on ships that are docked. Hopefully, the plan will be expanded to include vessels at anchor in the harbor when a fire/rescue boat is acquired. *M–80–116:* Two officers of "Chief" rank have attended the Marine Firefighting and Emergency Training Course of Texas A&M University, and other supervisors will be attending the same course.

American Bureau of Shipping: Mar. 16: M–83–36: Some of the comments raised in the recommendation concerning revising stability criteria contained in the Rules for Building and Classing Mobile Offshore Drilling Units are presently under review by ABS's Special Committee—Mobile Offshore Drilling Units.

Ocean Drilling & Exploration Company: Mar. 10: M–83–24 through –33. Acknowledging receipt of recommendations resulting from the Board's investigation of the capsizing and sinking of the U.S. mobile offshore drilling unit OCEAN RANGER in the Atlantic Ocean on Feb. 15, 1982.

Federal Emergency Management Agency Mar. 22: M–80–117: Provided training through its National Fire Academy to the Chief of the Virgin Islands Fire Department in emergency planning. Is considering the short-term assignment of one of its training staff experienced in harbor fire prevention and control to the Virgin Islands. Has received no communication from the U.S. Coast Guard concerning any joint effort in the revision of the Virgin Islands contingency plan.

Pipeline—*Wisconsin Natural Gas: Mar. 4: P–76–85:* Has revised Construction Standards to require that underground facilities be located and marked prior to construction.

National LP-Gas Association: Mar. 24. P–82–45 and –46: Advised its members of the accident that occurred in Dublin, Georgia, on Sept. 7, 1982, and reemphasized the importance of using proper procedures for cutting into gas mains under pressure.

Intermodal—*National Association of Regulatory Utility Commissioners: Mar. 16: I–82–5:* Surveyed its members to determine the status of current State policies regarding regulations concerning the storage of hazardous materials on or near railroad rights-of-way.

Note.—Single copies of these response letters are available on written request to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594. Please include respondent's name, date of letter, and recommendation number(s) in your request. The photocopies will be billed at a cost of 20 cents per page ($2 minimum charge).

H. Ray Smith, Jr.,

Federal Register Liaison Officer.

April 7, 1983.

[FR Doc. 83–9645 Filed 4–13–83; 8:45 am]

BILLING CODE 4910–58–M

NUCLEAR REGULATORY COMMISSION

[Dockets Nos. 50–313 and 50–368]

Arkansas Power & Light Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 75 and 42 to Facility Operating License Nos. DPR–51 and NPF–6, issued to Arkansas Power & Light Company (the licensee), which revised the Technical Specifications for operation of Arkansas Nuclear One, Units Nos. 1 and 2 (the facilities), located in Pope County, Arkansas. The amendments are effective as of the date of issuance.

The amendments modify the Technical Specifications to clarify the operability status of equipment with the timely completion of the surveillance requirements for that equipment.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of the amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendments will not result in any significant environmental impact and that pursuant to 10 CFR

51.5(d)(4), and environmental impact statement or negative declaration and environmental impact apprasial need not be prepared in connection with issuance of the amendments.

For further details with respect to this action, see (1) the application for amendments dated May 28, 1982, as modified January 14, 1983, (2) Amendments Nos. 75 and 42 to Facility Operating License Nos. DPR–51 and NPF–6, and (3) the Commission's related Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. 20555 and at the Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 4th day of April 1983.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 83–9912 Filed 4–13–83; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–289]

Metropolitan Edison Co. et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 84 to Facility Operating License No. DPR–50, issued to Metropolitan Edison Company, Jersey Central Power and Light Company, Pennsylvania Electric Company, and GPU Nuclear Corporation (the licensees), which revised the Technical Specifications (TSs) for operation of the Three Mile Island Nuclear Station, Unit No. 1 (the facility) located in Dauphin County, Pennsylvania. The amendment is effective as of its date of issuance.

The amendment revises Emergency Plan and Security Plan TS audit frequencies to coincide with the Code of Federal Regulations, and invokes a requirement for plant staff overtime procedures.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated January 31, 1983, (2) Amendment No. 84 to License No. DPR–50, and (3) the Commission's letter to GPU Nuclear Corporation dated April 4, 1983. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 4th day of April 1983.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 83–9914 Filed 4–13–83; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–282 and 50–306]

Northern States Power Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 64 and 58 to Facility Operating License Nos. DPR–42 and DPR–60 issued to Northern States Power Company (the licensee), which revised Technical Specifications for operation of Prairie Island Nuclear Generating Plant, Unit Nos. 1 and 2 (the facilities) located in Goodhue County, Minnesota. The amendments are effective as of the date of issuance.

The amendments revise the Administrative Control section of the Technical Specifications (TS) 6.1 concerned with procedural requirements for limited overtime that reflects the NCR guidance in Generic Letter 82–12 (June 5, 1982) and the revised NUREG–0737 Item I.A.1.3.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter 1, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) The application for amendments dated January 14, 1983, (2) Amendment Nos. 64 and 58 to License Nos. DPR–42 and DPR–60, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Environmental Conservation Library, 300 Nicollet Mall, Minneapolis, Minnesota 55401. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Divison of Licensing.

Dated at Bethesda, Md., this 6th day of April 1983.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 83–9915 Filed 4–13–83; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–285]

Omaha Public Power District; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 71 to Facility Operating License No. DPR–40 issued to Omaha Public Power District (the licensee), which revised the Technical Specifications for operation of the Fort Calhoun Station, Unit No. 1, located in Washington County, Nebraska.

The amendment is effective as of its date of issuance.The amendment permanently revises the minimum

temperature requirement for secondary system pressure testing.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated January 3, 1983, (2) Amendment No. 71 to License No. DPR-40 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, and at the W. Dale Clark Library, 215 South 15th Street, Omaha, Nebraska 68102. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 1st day of April 1983.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 83-9916 Filed 4-13-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-389]

St. Lucie Plant, Unit 2; Florida Power & Light Co., et al.; Issuance of Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission), has issued Facility Operating License No. NPF-16, (License) to Forida Power & Light Company, Orlando Utilities Commission of the City of Orlando and Florida Municipal Power Agency (licensees). This License authorizes operation of the St. Lucie Plant, Unit 2 (facility) at reactor core power levels not in excess of 2560 megawatts thermal in accordance with the provisions of the License, the Technical Specifications and the Environmental Protection Plan. However, the License contains a condition currently limiting operation to five percent of full power (128 megawatts thermal). Authorization to operate at greater than five percent power will require specific Commission approval.

St. Lucie Plant, Unit 2 is a pressurized water reactor located at the licensees' site on Hutchinson Island in St. Lucie County, Florida approximately 34 miles north-northeast of the city of West Palm Beach. The License is effective as of the date of issuance and shall expire at midnight on April 6, 2023.

The application for the license complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the License. Prior public notice of the overall action involving the proposed issuance of an operating license was published in the **Federal Register** on March 9, 1981 (46 FR 15831).

The Commission has determined that the issuance of this license will not result in any environmental impacts other than those evaluated in the Final Environmental Statement since the activity authorized by the license is encompassed by the overall action evaluated in the Final Environmental Statement.

For further details with respect to this action, see (1) Facility Operating License No. NPF-16, with Technical Specifications (NUREG-0949) and Environmental Protection Plan; (2) the report of the Advisory Committee on Reactor Safeguards dated November 17, 1981; (3) the Commission's Safety Evaluation Report dated October 1981; Supplement No. 1 dated December 1981; Supplement No. 2 dated September 1982; Supplement No. 3 dated April 1983; (4) the Final Safety Analysis Report and amendments thereto; (5) the Environmental Report and supplements thereto; (6) the Draft Environmental Statement dated October 1981; (7) the Final Environmental Statement dated April 1982; and (8) the assessment of the effect of license duration on matters discussed in the Final Environmental Statement for St. Lucie Plant, Unit 2.

These documents are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and the Indian River Community College Library, 3209 Virginia Avenue, Ft. Pierce, Florida 33450. A copy of Facility Operating License No. NPF-16 may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing. Copies of the Safety Evaluation Report and its Supplements 1 through 3 (NUREG-0843) and the Final Environmental Statement (NUREG-0842) may be purchased at current rates from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161, and through the NRC GPO sales program by writing the U.S. Nuclear Regulatory Commission, Attention: Sales Manager, Washington, D.C. 20555. GPO deposit holders can call 301-492-9530.

Dated at Bethesda, Md., the 6th day of April 1983.

For the Nuclear Regulatory Commission.

George W. Knighton,

Chief, Licensing Branch No. 3, Division of Licensing.

[FR Doc. 83-9913 Filed 4-13-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-259]

Tennessee Valley Authority (Browns Ferry Nuclear Plant, Unit 1); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

The Tennessee Valley Authority (the licensee) is the holder of Facility Operating License No. DPR-33 which authorizes the operation of the Browns Ferry Nuclear Plant, Unit 1 (the facility) at steady-state power levels not in excess of 3293 megawatts thermal. The facility is a boiling water reactor (BWR) located at the licensee's site in Limestone County, Alabama.

II

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set

forth in NUREG–0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or after July 1, 1981. On March 17, 1982, a letter (Generic Letter 82–05) was sent to all licensees of operating power reactors for those items that were scheduled to be implemented from July 1, 1981 through March 1, 1982. Subsequently, on May 5, 1982, a letter (Generic Letter 82–10) was also sent to all licensees of operating power reactors for those items that were scheduled for implementation after March 1, 1982. These letters are hereby incorporated by reference. In these letters each licensee was requested to furnish within 30 days pursuant to 10 CFR 50.54(f) the following information for items which the staff had proposed for completion on or after July 1, 1981:

(1) For applicable items that have been completed, confirmation of completion and the date of completion. (2) For items that have not been completed, a specific schedule for implementation, which the licensee committed to meet, and (3) Justification for delay, demonstration of need for the proposed schedule, and a description of the interim compensatory measures being taken.

III

The licensee responded to Generic Letter 82–05 by letter dated April 14, 1982. By letters dated May 13, 1982 and February 1, 1983, we requested additional information on TVA's responses. TVA submitted revised responses to Generic Letter 82–05 by letters dated June 17, June 28 and July 15, 1982 and January 14 and February 28, 1983. The licensee responded to Generic Letter 82–10 by letter dated June 24, 1982. In these submittals, the licensee confirmed that some of the items identified in the Generic Letters had been completed, took technical exception to one item, and made firm commitments to complete the remainder. The attached Tables summarizing the licensee's schedular commitments or status were developed by the staff from the Generic Letters and the licensee-provided information.

Generic Letters 82–05 and 82–10 applied to 16 and 10 items, respectively, for BWRs with jet pumps. Of the 10 items listed in Generic Letter 82–10, six items are not included in this Order. Item I.A.1.3.2 is part of a separate rulemaking; Items I.C.1, III.A.1.2 (2 items), and III.A.2.2 will be handled separately following Commission actions that would proceed as a result of its consideration of SECY 82–111, as amended; and Item II.K.3.30 and II.K.3.31 (1 item) is not required until one year after staff approval of the generic model and staff review of these models has not been completed.

Thirteen of the 20 items addressed in this Order are considered by the licensee to be completed or to require no modifications. The licensee is taking technical exception to one item, II.K.3.22, that will be addressed in a separate action. On item II.B.3, TVA has completed the post-accident sampling facility. However, the tie-in of the sample lines inside the reactor vessel and the waste/flush lines to the torus are scheduled for future refueling outages. Since the staff is still evaluating TVA's design and program, this item will also be addressed in a separate action. These two items—II.B.3 and II.K.3.22—are therefore not included in this Order.

The staff's evaluation of the licensee's delays for the remaining five items is provided herein:

II.F.1 Post-Accident Monitoring (5 items)

Three items, II.F.1.3, II.F.1.4 and II.F.1.5 are scheduled to be installed during the next refueling outage on each unit. For Unit 1, the next refueling is scheduled to start March 18, 1983 and be completed by July 18, 1983. The delay in installation has been the result of late delivery schedules in materials and vendor-supplied equipment. Two items, II.F.1.1 and II.F.1.2, will be completed (including readout in the control room) prior to startup in Cycle 7 (about February 1985). The delay is primarily the result of the long time spent by TVA in designing a customized monitoring system. This approach was abandoned in June 1982 and purchase of commercially available equipment initiated. Based on scheduled delivery of materials and components, installation will begin in June 1984 and be completed by December 31, 1984. The effluent monitors currently installed at Browns Ferry perform the functions required by II.F.1.1 and II.F.1.2, but with a smaller range than required by NUREG–0737. Also, TVA has the capability for monitoring through use of grab samples.

We find, based on the above evaluation, that: (1) the licensee has taken corrective actions regarding the delays and has made a responsible effort to implement the NUREG–0737 requirements noted; (2) there is good cause for the delays; and (3) as noted above, interim compensatory measures have been provided.

In view of the foregoing, I have determined that these modifications and actions are required in the interest of public health and safety and, therefore, the licensee's commitment should be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, and 161o of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, *it is hereby ordered effective immediately that the licensee shall:*

Implement and maintain the specific items described in the Attachments to this Order in the manner described in the licensee's submittals noted in Section III herein no later than the dates in the Attachments.

V

The licensee may request a hearing on this Order within 20 days of the date of publication of this Order in the **Federal Register**. A request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

A copy shall also be sent to the Executive Legal Director at the same address. *A request for hearing shall not stay the immediate effectiveness of this order.*

If a hearing is requested by the licensee, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the licensee should comply with the requirements set forth in Section IV of this Order. This Order is effective upon issuance.

Dated at Bethesda, Md., this 25th day of March 1983.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

ATTACHMENT 1.—LICENSEE'S COMMITMENTS ON APPLICABLE NUREG-0737 ITEMS FROM GENERIC LETTER 82-05

Item	Title	NUREG-0737 schedule	Requirement	Licensee's completion schedule (or status)
I.A.3.1	Simulator Exams	Oct. 1,1981	Include simulator exams in licensing examinations	Complete.
II.B.2	Plant Shielding	Jan. 1, 1982	Modify facility to provide access to vital areas under accident conditions.	Do.
II.B.3	Post-Accident [1] Sampling	do	Install upgraded post-accident sampling capability	To be addressed inseparate action.
II.B.4	Training for Mitigating Core Damage.	Oct. 1, 1981	Complete training program	Complete.
II.E.4.2	Containment Isolation Dependability.	July 1, 1981	Part 5—lower containment pressure setpoint to level compatible w/normal operation.	Do.
		do	Part 7—isolate purge & vent valves on radiation signal	Do
II.F.1	Accident Monitoring	Jan. 1, 1982	(1) Install noble gas effluent monitors with control room instrumentation.	Prior to start-up in Cycle 7 (2/85).
		do	(2) Provide capability for effluent monitoring of iodine with control room instrumentation.	Do.
		do	(3) Install incontainment radiation-levels monitors	Prior to start-up in Cycle 6 (7/83).
II.F.1		Jan. 1, 1982	(4) Provide continuous indication of containment pressure.	Do.
		do	(5) Provide continuous indication of containment water level.	Do.
		do	(6) Provide continuous indication oh hydrogen concentration in containment.	Complete.
II.K.3.15	Isolation of HPCI & RCIC Modification.	July 1, 1981	Modify pipe break detection logic to prevent inadvertent isolation.	Do.
II.K.3.22	RCIC Suction [1]	Jan. 1, 1982	Modify design of RCIC suction to provide automatic transfer to torus.	Technical Exception.
II.K.3.24	Space Cooling for HPCI/RCIC	do	Confirm the adequacy of space cooling for HPCI/RCIC	Complete
II.K.3.27	Common reference level	July 1, 1981	Provide common reference level for vessel level instrumentation.	Do.

[1] Not Part of Confirmatory Order.

ATTACHMENT 2.—LICENSEE'S COMMITMENTS ON APPLICABLE NUREG-0737 ITEMS FROM GENERIC LETTER 82-10

Item	Title	NUREG-0737	Requirement	Licensee's completion schedule (or status)
I.A.1.3.1	Limit Overtime	Oct. 1, 1982 per Gen. Ltr. 82-12 dtd June 15, 1982.	Revise adminstrative procedures to limit overtime in accordance w/NRC Policy Statement issued by Generic Ltr. No. 82-12, dtd June 15, 1982.	Complete.
I.A.1.3.2	Minimum Shift [1] Crew	To be superseded by Proposed Rule.	To be addressed in the Final Rule on Licensed Operator Staffing at Nuclear Power Units.	To be addressed when Final Rule is issued.
I.C.1	Revise Emergency [1] Procedures	Superseded by SECY 82-111	Reference SECY 82-111, Requirements for Emergency Response Capability.	To be determined.
II.D.1.2	RV and SV Test Programs	July 1, 1982	Submit plant specific reports on relief and safety valve program.	Complete.
II.K.3.18	ADS Actuation	Sept. 30, 1982	Submit revised position on need for modifications	Do.
II.K.3.30 & 31	SBLOCA Analysis [1]	1 yr. after staff approval of model.	Submit plant specific analyses	To be determined following staff approval of model.
III.A.1.2	Staffing Levels [1] for Emergency Situations.	Superseded by SECY 82-111	Reference SECY 82-111, Requirements for Emergency Response Capability.	To be determined.
III.A.1.2	Upgrade Emergency [1] Support Facilities.	do	Reference SECY 82-111, Requirements for Emergency Response Capability.	Do.
III.A.2.2	Meteorological [1] Data	do	do	Do.
III.D.3.4	Control Room Habitability	To be Determined by licensee	Modify facility as identified by licensee study	Complete.

[1] Not Part of Confirmatory Order.

[FR Doc. 83-9917 Filed 4-13-83; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-260]

Tennessee Valley Authority, (Browns Ferry Nuclear Plant, Unit 2); Order Confirming Licensee Commitments On Post-TMI Related Issues

I

The Tennessee Valley Authority (the licensee) is the holder of facility Operating License No. DPR-52 which authorizes the operation of the Browns Ferry Nuclear Plant, Unit 2 (the facility) at steady-state power levels not in excess of 3293 megawatts thermal. The facility is a boiling water reactor (BWR) located at the licensee's site in Limestone County, Alabama.

II

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or after July 1, 1981. On March 17, 1982, a letter (Generic Letter 82-05) was sent to all licensees of operating power reactors for those items that were scheduled to be implemented from July 1, 1981 through March 1, 1982. Subsequently, on May 5, 1982, a letter (Generic Letter 82-10) was also sent to all licensees of operating power reactors for those items that were scheduled for implementation after March 1, 1982. These letters are hereby

incorporated by reference. In these letters each licensee was requested to furnish within 30 days pursuant to 10 CFR 50.54(f) the following information for items which the staff had proposed for completion on or after July 1, 1981:

(1) For applicable items that have been completed, confirmation of completion and the date of completion, (2) For items that have not been completed, a specific schedule for implementation, which the licensee committed to meet, and (3) justification for delay, demonstration of need for the proposed schedule, and a description of the interim compensatory measures being taken.

III

The licensee responded to Generic Letter 82–05 by letter dated April 14, 1982. By letters dated May 13, 1982 and February 1, 1983 we requested additional information on TVA's responses. TVA submitted revised responses to Generic Letter 82–05 by letters dated June 17, June 28 and July 15, 1982 and January 14 and February 28, 1983. The licensee responded to Generic Letter 82–10 by letter dated June 24, 1982. In these submittals, the licensee confirmed that some of the items identified in the Generic Letters had been completed, took technical exception to one item, and made firm commitments to complete the remainder. The attached Tables summarizing the licensee's schedular commitments or status were developed by the staff from the Generic Letters and the licensee-provided information.

Generic Letters 82–05 and 82–10 applied to 16 and 10 items, respectively, for BWRs with jet pumps. Of the 10 items listed in Generic Letter 82–10, six items are not included in this Order. Item I.A.1.3.2 is part of a separate rulemaking; Items I.C.1, III.A.1.2 (2 items), and III.A.2.2 will be handled separately following Commission actions that would proceed as a result of its consideration of SECY 82–111, as amended; and Item II.K.3.30 and II.K.3.31 (one item) is not required until one year after staff approval of the generic model and staff review of these models has not been completed.

Thirteen of the 20 items addressed in this Order are considered by the licensee to be completed or to require no modifications. The licensee is taking technical exception to one item, II.K.3.22, that will be addressed in a separate action.

On item II.B.3, TVA has completed the post-accident sampling facility. However, the tie-in of the sample lines inside the reactor vessel and the waste/flush lines to the torus are scheduled for future refueling outages. Since the staff is still evaluating TVA's design and program, this item will also be addressed in a separate action. These two items—II.B.3 and II.K.3.22—are therefore not included in this Order.

The staff's evaluation of the licensee's delays for the remaining five items is provided herein:

II.F.1 Post-Accident Monitoring (5 items)

Three items, II.F.1.3, II.F.1.4 and II.F.1.5 are scheduled to be installed during the next refueling outage on each unit. For Unit 2, the next refueling is scheduled to start in April 1984 and be completed by September 1984. The delay in installation has been the result of late delivery schedules in materials and vendor-supplied equipment. For two items, II.F.1.1 and II.F.1.2, installation of the monitoring instrumentation and associated equipment will be completed by December 1984. This instrumentation will have local readout capability. Providing readout in the control room can only be accomplished during an outage. TVA will be providing control room readout for these two monitors during the Unit 2 outage scheduled to start in February 1986; the control room instrumentation will be installed prior to startup in Cycle 7 (about July 1986). The delay is primarily the result of the long time spent by TVA in designing a customized monitoring system. This approach was abandoned in June 1982 and purchase of commercially available equipment initiated. Based on scheduled delivery of materials and components, installation will begin in June 1984 and be completed by December 31, 1984. The effluent monitors currently installed at Browns Ferry perform the functions required by II.F.1.1 and II.F.1.2, but with a smaller range than required by NUREG–0737. Also, TVA has the capability for monitoring through use of grab samples.

We find, based on the above evaluation, that: (1) the licensee has taken corrective actions regarding the delays and has made a responsible effort to implement the NUREG–0737 requirements noted; (2) there is good cause for the delays; and (3) as noted above, interim compensatory measures have been provided.

In view of the foregoing, I have determined that these modifications and actions are required in the interest of public health and safety and, therefore, the licensee's commitment should be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, and 161o of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, *it is hereby ordered effective immediately that the licensee shall:*

Implement and maintain the specific items described in the Attachments to this Order in the manner described in the licensee's submittals noted in Section III herein no later than the dates in the Attachments.

V

The licensee may request a hearing on this Order within 20 days of the date of publication of this Order in the **Federal Register**. A request for a hearing shall be addressed to the Director, Office of Nuclear Regulations, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

A copy shall be sent to the Executive Legal Director at the same address. *A request for hearing shall not stay the immediate effectiveness of this order.*

If a hearing is requested by the licensee, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the licensee should comply with the requirements set forth in Section IV of this Order. This Order is effective upon issuance.

Dated at Bethesda, Maryland, this 25th day of March 1983.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

ATTACHMENT 1.—LICENSEE'S COMMITMENTS ON APPLICABLE NUREG–0737 ITEMS FROM GENERIC LETTER 82–05

Item	Title	NUREG–0737 schedule	Requirement	Licensee's completion schedule (or status)
I.A.3.1	Simulator Exams	Oct. 1, 1981	Include simulator exams in licensing examinations	Complete.
II.B.2	Plant Shielding	Jan. 1, 1982	Modify facility to provide access to vital areas under accident conditions.	Do.

ATTACHMENT 1.—LICENSEE'S COMMITMENTS ON APPLICABLE NUREG-0737 ITEMS FROM GENERIC LETTER 82-05—Continued

Item	Title	NUREG-0737 schedule	Requirement	Licensee's completion schedule (or status)
II B.3	Post-Accident Sampling [1]	do	Install upgraded post-accident sampling capability	To be addressed in separate action.
II B.4	Training for Mitigating Core Damage.	Oct. 1, 1981	Complete training program	Complete.
II E.4.2	Containment Isolation Dependability	July 1, 1981	Part 5—lower containment pressure setpoint to level compatible w/normal operation.	Do.
		do	Part 7—isolate purge and vent valves on radiation signal.	Do.
II F.1	Accident Monitoring	Jan. 1, 1982	(1) Install noble gas effluent monitors with local readout capability	Dec. 31, 1984.
			Install control room instrumentation	Prior to start-up in Cycle 7 (July 1986).
		do	(2) Provide capability for effluent monitoring of iodine with local readout capability	Dec. 31, 1984.
			Install control room instrumentation	Prior to start-up in Cycle 7 (July 1986).
		do	(3) Install incontainment radiation-level monitors	Prior to start-up in Cycle 6 (Sept 1984).
		do	(4) Provide continuous indication of containment pressure.	Do.
		do	(5) Provide continuous indication of containment water level.	Do.
		do	(6) Provide continuous indication of hydrogen concentration in containment.	Complete.
II K.3.15	Isolation of HPCI and RCIC Modification.	July 1, 1981	Modify pipe break detection logic to prevent inadvertent isolation.	Do.
II K.3.22	RCIC Suction [1]	Jan. 1, 1982	Modify design of RCIC suction to provide automatic transfer to torus	Technical exception.
II K.3.24	Space Cooling for HPCI/RCIC	do	Confirm the adequacy of space cooling for HPCI/RCIC	Complete.
II K.3.27	Common reference level	July 1, 1981	Provide common reference level for vessel level instrumentation	Do.

[1] Not part of confirmatory order

ATTACHMENT 2 —LICENSEE'S COMMITMENTS ON APPLICABLE NUREG-0737 ITEMS FROM GENERIC LETTER 82-10

Item	Title	NUREG-0737	Requirement	Licensee's completion schedule (or status)
I.A.1.3.1	Limit Overtime	Oct. 1, 1982 per Gen. Ltr. 82-12 dtd June 15, 1982	Revise administrative procedures to limit overtime in accordance w/NRC policy statement issued by Generic Ltr. No. 82-12, dtd June 15, 1982.	Complete.
I.A.1.3.2	Minimum Shift Crew	To be superseded by proposed rule	To be addressed in the final rule on licensed operator staffing at nuclear power units.	To be addressed when final rule is issued.
I.C.1	Revise Emergency [1] Procedures	Superseded by SECY 82-111	Reference SECY 82-111, requirements for emergency response capability.	To be determined
II.D.1.2	RV and SV Test Programs	July 1, 1982	Submit plant specific reports on relief and safety valve program	Complete.
II.K.3.18	ADS Actuation	Sept. 30, 1982	Submit revised position on need for modifications	Do
II.K.3.30	SBLOCA Analysis [1] and 31	1 yr. after staff approval of model.	Submit plant specific analyses	To be determined following staff approval of model.
III.A.1.2	Staffing Levels [1] for Emergency Situations	Superseded by SECY 82-111	Reference SECY 82-111, requirements for emergency response capability.	To be determined.
III.A.1.2	Upgrade Emergency [1] Support Facilities	Superseded by SECY 82-111	Reference SECY 82-111, requirements for emergency response capability.	Do.
III.A.2.2	Meteorological [1] Data	Superseded by SECY 82-111	Reference SECY 82-111, requirements for emergency response capability.	Do.
III.D.3.4	Control Room Habitability	To be determined by licensee	Modify facility as identified by licensee study	Complete

[1] Not part of confirmatory order.

[FR Doc. 83-9918 Filed 4-13-83; 8:45 am]
BILLING CODE 7590-01-M

Docket No. 50-296]

Tennessee Valley Authority (Browns Ferry Nuclear Plant, Unit 3); Order Confirming Licensee Commitments On Post-TMI Related Issues

I

The Tennessee Valley Authority (the Licensee) is the holder of Facility Operating License No. DPR-68 which authorizes the operation of the Browns Ferry Nuclear Plant, Unit 3 (the facility) at steady-state power levels not in excess of 3293 megawatts thermal. The facility is a boiling water reactor (BWR) located at the licensee's site in Limestone County, Alabama.

II

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or after July 1, 1981. On March 17, 1982, a letter (Generic Letter 82-05) was sent to all licensees of operating power reactors for those items that were scheduled to be implemented from July 1, 1981 through March 1, 1982. Subsequently, on May 5, 1982, a letter (Generic Letter 82-10) was also sent to all licensees of operating power reactors for those items that were

scheduled for implementation after March 1, 1982. These letters are hereby incorporated by reference. In these letters each licensee was requested to furnish within 30 days pursuant to 10 CFR 50.54(f) the following information for items which the staff had proposed for completion on or after July 1, 1981:

(1) For applicable items that have been completed, confirmation of completion and the date of completion, (2) For items that have not been completed, a specific schedule for implementation, which the licensee committed to meet, and (3) Justification for delay, demonstration of need for the proposed schedule, and a description of the interim compensatory measures being taken.

III

The licensee responded to Generic Letter 82–05 by letter dated April 14, 1982. By letters dated May 13, 1982 and February 1, 1983, we requested additional information on TVA's responses. TVA submitted revised responses to Generic Letter 82–05 by letters dated June 17, June 28 and July 15, 1982 and January 14 and February 28, 1983. The licensee responded to Generic Letter 82–10 by letter dated June 24, 1982. In these submittals, the licensee confirmed that some of the items identified in the Generic Letters had been completed, took technical exception to one item, and made firm commitments to complete the remainder. The attached Tables summarizing the licensee's schedular commitments or status were developed by the staff from the Generic Letters and the licensee-provided information.

Generic Letters 82–05 and 82–10 applied to 16 and 10 items, respectively, for BWRs with jet pumps. Of the 10 items listed in Generic Letter 82–10, six items are not included in this Order. Item I.A.1.3.2 is part of a separate rulemaking; Items I.C.1, III.A.1.2 (2 items), and III.A.2.2 will be handled separately following Commission actions that would proceed as a result of its consideration of SECY 82–111, as amended; and Item II.K.3.30 and II.K.3.31 (one item) is not required until one year after staff approval of the generic model and staff review of these models has not been completed.

Thirteen of the 20 items addressed in this Order are considered by the licensee to be completed or to require no modifications. The licensee is taking technical exception to one item, II.K.3.22, that will be addressed in a separate action.

On item II.B.3, TVA has completed the post-accident sampling facility. However, the tie-in of the sample lines inside the reactor vessel and the waste/flush lines to the torus are scheduled for future refueling outages. Since the staff is still evaluating TVA's design and program, this item will also be addressed in a separate action. These two items—II.B.3 and II.K.3.22—are therefore not included in this Order.

The staff's evaluation of the licensee's delays for the remaining five items is provided herein:

II.F.1 Post-Accident Monitoring (5 items)

Three items, II.F.1.3 II.F.1.4 II.F.1.5 are scheduled to be installed during the next refueling outage on each unit. For Unit 3, the next refueling is scheduled to start August 1, 1983 and be completed by November 28, 1983. The delay in installation has been the result of late delivery schedules in materials and vendor-supplied equipment. For two items, II.F.1.1 and II.F.1.2, installation of the monitoring instrumentation and associated equipment will be complete by December 1984. This instrumentation will have local readout capability. Providing readout in the control room can only be accomplished during an outage. TVA will be providing control room readout for these two monitors during the Unit 3 outage scheduled to Start in March 1985; the control room instrumentation will be installed prior to startup in Cycle 7 (about August 1985). The delay in primarily the result of the long time spent by TVA in designing a customized monitoring system. This approach was abandoned in June 1982 and purchase of commercially available equipment initiated. Based on scheduled delivery of materials and components, installation will begin in June 1984 and be completed by December 31, 1984. The effluent monitors currently installed at Browns Ferry perform the functions required by II.F.1.1 and II.F.1.2, but with a smaller range than required by NUREG–0737. Also, TVA has the capability for monitoring through use of grab samples.

We find, based on the above evaluation, that: (1) the licensee has taken corrective actions regarding the delays and has made a responsible effort to implement the NUREG–0737 requirements noted; (2) there is good cause for the delays; and (3) as noted above, interim compensatory measures have been provided.

In view of the foregoing, I have determined that these modifications and actions are required in the interest of public health and safety and, therefore, the licensee's commitment should be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, and 161o of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, *it is hereby ordered effective immediately that the licensee shall:*

Implement and maintain the specific items described in the Attachments to this Order in the manner described in the licensee's submittals noted in Section III herein no later than the dates in the Attachments.

V

The licensee may request a hearing on this Order within 20 days of the date of publication of this Order in the **Federal Register**. A request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

A copy shall also be sent to the Executive Legal Director at the same address. *A request for hearing shall not stay the immediate effectiveness of this order.*

If a hearing is requested by the licensee, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the licensee should comply with the requirements set forth in Section IV of this Order. This Order is effective upon issuance.

Dated at Bethesda, Md., this 25th day of March 1983.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

ATTACHMENT 1.—LICENSEE'S COMMITMENTS ON APPLICABLE NUREG–0737ITEMS FROM GENERIC LETTER 82–05

Item	Title	NUREG–0737 schedule	Requirement	Licensee's completion schedule (or status)
I.A.3.1	Simulator Exams	Oct. 1, 1981	Include simulator exams in licensing examinations	Complete.
II.B.2	Plant Shielding	Jan. 1, 1982	Modify facility to provide access to vital areas under accident conditions.	Do.

ATTACHMENT 1.—LICENSEE'S COMMITMENTS ON APPLICABLE NUREG-0737ITEMS FROM GENERIC LETTER 82-05—Continued

Item	Title	NUREG-0737 schedule	Requirement	Licensee's completion schedule (or status)
II.B.3	Post-Accident Sampling	do	Install upgraded post-accident sampling capability	To be addressed in separate action.
II.B.4	Training for Mitigating Core Damage	Oct. 1, 1981	Complete training program	Complete.
II.E.4.2	Containment Isolation, Dependability	July 1, 1981	Part 5—lower containment pressure setpoint to level compatible w/normal operation	Do.
		do	Part 7—isolate purge and vent valves on radiation signal.	Do
II.F.1	Accident Monitoring	Jan. 1, 1982	(1) Install noble gas effluent monitors with local readout capability	Dec. 31, 1984
			Install control room instrumentation	Prior to start-up in Cycle 7 (8/85).
		do	(2) Provide capability for effluent monitoring of iodine with local readout capability	Dec. 31, 1984.
			Install control room instrumentation	Prior to start-up in Cycle 7 (8/85).
		do	(3) Install incontainment radiation level monitors	Prior to start-up in Cycle 6 (12/83).
		do	(4) Provide continuous indication of containment pressure.	Prior to start-up in Cycle 6 (12/83)
		do	(5) Provide continuous indication of containment water level.	Prior to start-up in Cycle 6 (12/83)
		do	(6) Provide continuous indication of hydrogen concentration in containment.	Complete.
II.K.3.15	Isolation of HPCI & RCIC Modification	July 1, 1981	Modify pipe break detection logic to prevent inadvertent isolation	Do.
II.K.3.22	RCIC Suction	Jan. 1, 1982	Modify design of RCIC suction to provide automatic transfer to torus.	Technical Exception
II.K.3.24	Space Cooling for HPCI/RCIC	do	Confirm the adequacy of space cooling for HPCI/RCIC	Complete.
II.K.3.27	Common reference level	July 1, 1981	Provide common reference level for vessel level instrumentation	Do

Not Part of Confirmatory Order

ATTACHMENT 2.—LICENSEE'S COMMITMENTS ON APPLICABLE NUREG-0737 ITEMS FROM GENERIC LETTER 82-10

Item	Title	NUREG-0737	Requirement	Licensee's completion schedule (or status)
I.A.1.3.1	Limit Overtime	Oct. 1, 1982, per Gen. Ltr. 82-12 dated June 15, 1982	Revise administrative procedures to limit overtime in accordance w/NRC Policy Statement issued by Generic Ltr. No. 82-12, dated June 15, 1982	Complete
I.A.1.3.2	Minimum Shift Crew	To be superseded by Proposed Rule.	To be addressed in the Final Rule on Licensed Operator Staffing at Nuclear Power Units.	To be addressed when Final Rule is issued
I.C.1	Revise Emergency Procedures	Superseded by SECY 82-111	Reference SECY 82-111, Requirements for Emergency Response Capability	To be determined
II.D.1.2	RV and SV Test Programs	July 1, 1982	Submit plant specific reports on relief and safety valve program	Complete
II.K.3.18	ADS Actuation	Aug. 30, 1982	Submit revised position on need for modifications	Do
II.K.3.30 and 31	SBLOCA Analysis	1 yr after staff approval of model	Submit plant specific analyses	To be determined following staff approval of model
III.A.1.2	Staffing Levels for Emergency Situations	Superseded by SECY 82-111	Reference SECY 82-111 Requirements for Emergency Response Capability	To be determined
III.A.1.2	Upgrade Emergency Support Facilities	Superseded by SECY 82-111	Reference SECY 82-111, Requirements for Emergency Response Capability	Do
III.A.2.2	Meteorological Data	Superseded by SECY 82-111	Reference SECY 82-111, Requirements for Emergency Response Capability	Do
III.D.3.4	Control Room Habitability	To be Determined by licensee	Modify facility as identified by licensee study	Complete

Not Part of Confirmatory Order

[FR Doc. 83-9919 Filed 8-13-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-266 and 50-301]

Wisconsin Electric Power Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 70 and 75 to Facility Operating License Nos. DPR-24 and DPR-27 issued to Wisconsin Electric Power Co. (the licensee), which revised Technical Specifications for operation of Point Beach Nuclear Plant. Unit Nos. 1 and 2 (the facilities) located in the Town of Two Creeks, Manitowoc County, Wisconsin. The amendments are effective as of the date of issuance.

The amendments modify the requirements for periodic leakage rate testing of the containment air lock doors.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact

appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated October 21, 1982, (2) Amendment Nos. 70 and 75 to License Nos. DPR–24 and DPR–27, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, and at the Joseph Mann Library, 1516 16th Street, Two Rivers, Wisconsin 54241. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 1st day of April, 1983.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Brance #3, Division of Licensing.

[FR Doc. 83–9920 Filed 4–13–83; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–266 and 50–301]

Wisconsin Electric Power Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has, pursuant to the Initial Decision of its Atomic Safety and Licensing Board (ASLB) dated February 4, 1983 (ASLBP No. 81–464–05 LA), issued Amendment Nos. 71 and 76 to Facility Operating License Nos. DPR–24, and DPR–27 issued to Wisconsin Electric Power Company (the licensee), which revised Technical Specifications (TS) for operation of Point Beach Nuclear Plant Unit Nos. 1 and 2 (the facilities) located in the Town of Two Creeks, Manitowoc County, Wisconsin. The amendments are effective as of the date of issuance.

The amendments to the TS allow repair of degraded steam generator tubes by sleeving which would otherwise be required to be plugged and removed from service; establish limits for primary coolant iodine concentration and surveillance frequency; and establish a plugging limit for sleeved tubes of 40% nominal sleeve wall thickness.

The Initial Decision is subject to review by an Atomic Safety and Licensing Appeal Board prior to its becoming final. Any decision or action taken by an Atomic Safety and Licensing Appeal Board in connection with the Initial Decision may be reviewed by the Commission.

The amendments comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with this action was published in the Federal Register on August 7, 1981 (46 FR 40359). A Petition to Intervene was filed on July 20, 1981 as amended by letter dated August 31, 1981 by Wisconsin's Environmental Decade. Hearings were held in Milwaukee, Wisconsin on November 17 and 18, 1982 with limited appearances held in the town of Two Rivers, Wisconsin on the evening of November 17, 1982. The Board issued its Initial Decision on February 4, 1983 and ruled that the NRC staff was authorized to issue the amendments.

The Commission has determined that the issuance of the amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendments.

For futher details with respect to this action, see (1) The application for amendments dated July 2, 1981 as amended March 9, 1983, (2) the Initial Decision of the Atomic Safety and Licensing Board dated February 4, 1983, (3) Amendment Nos. 71 and 76 to Facility Operating Licenses No. DPR–24 and DPR–27, and (4) the Commission's letter to the licensee dated April 4, 1983. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and at the Joseph Mann Library, 1516 16th Street, Two Rivers, Wisconsin 54241. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 4th day of April, 1983.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch #3, Division of Licensing.

[FR Doc. 83–9921 Filed 4–13–83; 8:45 am]

BILLING CODE 7590–01–M

Draft Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued for public comment a draft of a new guide planned for its Regulatory Guide Series together with a draft of the associated value/impact statement. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The draft guide, temporarily identified by its task number, IC 127–5 (which should be mentioned in all correspondence concerning this draft guide), is entitled "Criteria for Programmable Digital Computer Systems Software in Safety Systems of Nuclear Power Generating Stations" and is intended for Division 1, "Power Reactors." It is being developed to describe a method acceptable to the NRC staff for complying with the Commission's regulations for promoting high functional reliability for safety systems using programmable digital computer systems in nuclear power generating stations. This method is applicable to designing software, implementing software, and validating computer systems. This guide, with certain modifications, endorses ANSI/IEEE-ANS-7–4.3.2–1982, "Application Criteria for Programmable Digital Computer Systems in Safety Systems of Nuclear Power Generating Stations."

This draft guide and the associated value/impact statement are being issued to involve the public in the early stages of the development of a regulatory position in this area. They have not received complete staff review and do not represent an official NRC staff position.

As in the case of all draft regulatory guides, public comments are being solicited on both the guide itself and the draft value/impact statement. Comments on the draft value/impact statement should be accompanied by supporting data. In addition, the NRC staff is seeking specific comments on alternative quality assurance program proposals presented in a letter that accompanies this draft guide. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Attention: Docketing and Service Branch, by June 10, 1983.

Although a time limit is given for comments on these drafts, comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of draft guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone request cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 7th day of April 1983.

For the Nuclear Regulatory Commission.

Karl R. Goller,

Director, Division of Facility Operations, Office of Nuclear Regulatory Research.

[FR Doc. 83-9922 Filed 4-13-83; 8:45 am]

BILLING CODE 7590-01-M

[Project WM-10]

Basalt Waste Isolation Project; Availability; Draft Site Characterization Analysis

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of availability.

SUMMARY: The Nuclear Regulatory Commission (NRC) has published a Draft Site Characterization Analysis (DSCA) of the U.S. Department of Energy's Site Characterization Report for the Basalt Waste Isolation Project, a potential high-level waste repository site on the Hanford Reservation in the State of Washington.

ADDRESSES: A single copy of the DSCA (NUREG-0960) is available free upon written request to the extent of supply from the GPO Sales Program, Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 492-9530. The DSCA is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and the Local Public Document Room, Richland Public Library, Swift and Northgate Streets, Richland, Washington 99352.

FOR FURTHER INFORMATION CONTACT: Mr. Robert E. Browning, Acting Director, Division of Waste Management, Nuclear Regulatory Commission, Washington, DC 20555, Telephone (301) 427-4200.

SUPPLEMENTARY INFORMATION: On November 12, 1982, the U.S. Department of Energy (DOE) submitted to the Nuclear Regulatory Commission (NRC) the DOE's Site Characterization Report (SCR) for the Basalt Waste Isolation Project (BWIP), designated as NRC Project WM-10. The BWIP SCR was submitted under the provisions of NRC's procedural rule, 10 CFR Part 60, Section 60.11.

While NRC staff was analyzing the BWIP SCR, the Nuclear Waste Policy Act (NWPA) of 1982, Pub. L. 97-425, was enacted into law. Under Section 113(b)(1) of that Act, DOE is required to submit to NRC, the host state, and any affected Indian tribe on whose reservation a candidate site is located for review and comment: (1) A general plan for site characterization activities to be conducted at such candidate site; (2) a description of the possible waste form or package; and (3) a conceptual repository design that takes into account likely site-specific requirements. The site characterization plan (SCP) required by the Act is similar, but not identical, to the SCR described in NRC's procedural rule, 10 CFR Part 60, § 60.11.

We understand that DOE intends to submit to NRC later this year an SCP and related documents specified in the Act for BWIP. We also understand that these documents will supersede the November 1982 BWIP SCR and will provide information not included in the November 1982 BWIP SCR.

Upon receipt later this year, NRC will review the BWIP SCP. The NRC is also looking at the impact of the NWPA on NRC's procedural rule. However, pending any change to NRC's procedural rule, we intend to provide NRC staff's draft analysis of the BWIP SCP for public review and comment prior to publication of a final analysis by NRC staff. Since the NRC staff has completed its review of the November 1982 BWIP SCR, we are publishing our draft analysis of that document now in order to provide DOE and all other interested parties with our views on the proposed site characterization program identified in the BWIP SCR.

Dated at Silver Spring, Maryland, this 31st day of March 1983.

For the Nuclear Regulatory Commission.

Robert E. Browning,

Acting Director, Division of Waste Management.

[FR Doc. 83-9923 Filed 4-13-83; 8:45 am]

BILLING CODE 7590-01-M

Ad Hoc Committee for Review of Nuclear Reactor Licensing Reform Proposals; Renewal and Meeting Notice

The Nuclear Regulatory Commission announces the renewal of the Ad Hoc Committee for Review of Nuclear Reactor Licensing Reform Proposals. It has been determined that renewal of this advisory committee is necessary and in the public interest in connection with the performance of duties relating to the domestic nuclear reactor licensing process. The purpose of the extension is to provide the Committee additional time for submission of advice and recommendations on specific rulemaking and administrative proposals generated by the NRC staff, including the NRC's Regulatory Reform Task Force, on methods to overhaul the licensing process. The charter which continues the Ad Hoc Committee through December 31, 1983 has been filed with the appropriate Congressional committee and the Library of Congress.

The next meeting of the Committee will take place at 9:30 a.m. on May 5, 1983 at the office of Shaw, Pittman, Potts and Trowbridge, South Building, 9th Floor Lobby, 1800 M Street, NW., Washington, D.C. The meeting will be open for public observation. A transcript of the meeting will be made available for public inspection and copying at NRC's Public Document Room, 1717 H St., NW., Washington, D.C.

Further information on the Committee may be obtained from Mr. Rothschild, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. (Telephone: 202/634-1465).

Dated at Washington, D.C., this 11th day of April 1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83-9924 Filed 4-13-83; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 22904; (70-6854)]

American Electric Power Service Corp. and American Electric Power Company, Inc., Proposed Issuance of Fixed Rate Notes by Service Company; Guaranty by Holding Company

April 7, 1983.

American Electric Power Company, Inc. ("American"), a registered holding company, and its service company subsidiary, American Electric Power Service Corporation ("Services"), 180 East Broad Street, Columbus, Ohio 43215, has filed with this Commission an application-declaration and an amendment thereto pursuant to Sections 6(a), 7, and 12 of the Public Utility Holding Company Act of 1935 ("Act") and Rules 42(b)(2) and 50(a)(2) promulgated thereunder.

In accordance with a Commission order dated December 3, 1982 (HCAR No. 22756), Services has issued $15 million of unsecured notes to Chase Manhattan Bank, N.A. ("Chase"). Such notes either (1) mature May 1, 1985 and bear interest at the prime rate or (2) mature one, two, three or six months after issuance and bear interest at ½ of 1% above the applicable London Interbank Offering ("LIBO") Rate. Currently, all such borrowings by Services are evidenced by a LIBO Rate note dated March 10, 1983, that matures April 11, 1983, and bears interest to maturity at 9.5625%. On March 17, 1983, the announced Prime Rate at Chase was 10½%.

In order to refinance those borrowings, Services seeks authorization to issue up to $15 million principal amount of unsecured, fixed rate notes to banks from time to time through March 31, 1984. The notes will mature on a date not less than two nor more than ten years from date of issuance. No compensating balances or commitment fees will be required. Each such note will bear interest not greater than 200 basis points over the then applicable prime rate payable by Services to Chase under the existing loan agreement as of the date upon which a definite agreement is executed, but in no event greater than 14% per annum.

The proposed agreement will provide that in the event a note is paid prior to maturity, Services will be required to pay a fee to the lending bank calculated to reimburse the bank for interest lost, if any, as a result of the prepayment. All proceeds from these borrowings will be applied to retire the outstanding notes issued to Chase.

Services states that it believes that funds at a fixed rate at or near the applicable prime rate are currently available on loans having maturities of up to but not exceeding, two years. Rates quoted to Services on loans having longer maturities have generally been in the range of up to 200 basis points higher than the prime rate. Services believes that it will be of long-term benefit to the company and its customers to refund its outstanding variable rate notes, in whole or in part, with the proceeds of fixed rate notes having longer maturities, even though such long-term notes may bear a fixed rate of interest higher than current short-term rates at the time of such borrowings.

In order to induce banks to enter into an agreement for such borrowings, American proposes to unconditionally guarantee the principal and interest on such notes issued by Services.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by April 29, 1983, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarant at the address specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 83-9863 Filed 4-13-83; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 19664; (SR-NYSE-83-7)]

Self-Regulatory Organizations; New York Stock Exchange, Inc.; Order Approving Proposed Rule Change

April 8, 1983.

The New York Stock Exchange, Inc. ("NYSE") 11 Wall Street, New York, NY 10005, submitted on February 15, 1983, copies of a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b-4 thereunder, containing the changes made in March 1982 to the NYSE Specialist Performance Evaluation Questionnaire ("SPEQ"). The SPEQ is distributed quarterly to NYSE floor brokers who are asked to rate and provide comments on the performance of specialist units with whom they deal most frequently. A specialist unit's scores on the SPEQ are used by the Exchange both for the allocation of stocks to specialist units and in reallocation proceedings pursuant to NYSE Rule 103A.[1]

The principal changes to the SPEQ consist of: (1) Reducing the number of questions from 8 to 5, and eliminating a separate question pertaining to the specialist's negative obligation;[2] (2) rewording the questions; (3) giving equal weight to the 5 new questions;[3] (4) expanding the five-point rating scale to seven points;[4] and (5) adding an additional blank page to the questionnaire to allow brokers to provide additional comments on individual stocks and specialists.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission Release (Securities Exchange Act Release No. 19532, February 23, 1983) and by

[1] For a more complete discussion of the Exchange's allocation procedures, see File No. SR-NYSE-83-10, noticed in Securities Exchange Act Release No. 19626, March 23, 1983; 48 FR 14103, April 1, 1983 (the "March Release"). For a more complete discussion of the Exchange's pilot reallocation procedures under Rule 103A, see Securities Exchange Act Release No. 19436, January 17, 1983; 48 FR 3063, January 24, 1983 (order approving extension of Rule 103 through June 30, 1983) (the "June Release").

[2] The present SPEQ includes five separate questions relating, respectively, to the specialist's dealer function, agency function, ability in maintaining the auction market, communication function and administrative function. The previous eight-question SPEQ included separate questions relating to continuity, depth, the specialist's affirmative and negative obligations, crowd leadership, performance of administrative duties, and staffing.

[3] The questions on the previous SPEQ were not equally weighted, so that the questions concerning the specialist unit's performance as dealer accounted for 51% of the unit's overall grade, and questions relating to administrative duties and staffing accounted for a total of 10% of the overall grade. In contrast, on the revised SPEQ only one question concerns the unit's performance as dealer and accounts for ony 20% of the specialist unit's overall grade, the same as each of the questions relating to administrative duties and staffing.

[4] Prior to March 1982, specialists were rated on a five-point scale, with Rule 103A establishing a 3.0 overall grade standard for minimum acceptable specialist performance. The changeover to a seven-point scale resulted in an effective lowering of the standard for minimum acceptable performance, and necessitated the change to a 4.50 standard approved by the Commission on March 1, 1983 (Securities Exchange Act Release No. 19558, March 1, 1983; 48 FR 9721, March 8, 1983).

publication in the **Federal Register** (48 FR 8879, March 2, 1983). No Comments were received with respect to the proposed rule change.

The Commission recognizes that the revised SPEQ, in adding more space for specific broker comment, attempts to place greater emphasis on performance by individual specialists in individual stocks, and the Commission encourages the Exchange to continue its efforts in this direction. [5] The Commission is concerned, however, that the elimination of a separate question pertaining to the specialist's negative obligaton, the reduction in the weight accorded the specialist's performance as dealer, and the concomitant increased emphasis given to a specialist's administrative tasks may reduce the utility of the SPEQ in evaluating the most critical elements of specialist performance. In that connection, the Commission must assure itself that the SPEQ is adequate to evaluate the specialist's performance of his essential functions in order for the Commission to approve Exchange procedures under Rule 103A on a permanent basis.

The NYSE has previously announced it has embarked upon a major study of its specialist system; this study will include, among other things, review of the Exchange's methods of specialist performance evaluation. Accordingly, while the Commission requests comments concerning the adequacy of the SPEQ as the basis for a permanent reallocation system it believes that it is appropriate for the Exchange to retain the revised SPEQ on an interim basis in the context of Exchange allocation and Rule 103A reallocation procedures pending completion of the portions of the Exchange's study dealing with these aspects of the NYSE specialist system. [6]

[5] The Commission has previously recommended to the Exchange that the SPEQ should be revised to provide for ratings and comments with respect to specialist performance in individual securities. See letter from Douglas Scarff, Director Division of Market Regulation, to John J. Phelan, Jr., President, NYSE, dated November 11, 1981. At present, the NYSE has procedures under Rule 103A by which a supplemental questionnaire may be issued with respect to a specialist unit in the context of a reallocation proceeding, following a specified period of substandard performance on the SPEQ. The Commission has requested the Exchange to use the regular, quarterly SPEQ, and not the supplemental questionnaire, to gather information necessary to identify specific stocks in which specialist performance is substandard in order to expedite proceedings under Rule 103A. While the NYSE has not agreed to elimination of supplemental questionnaire procudures under Rule 103A, the Commission believes that the addition to the SPEQ form of space to comment on individual specialist performance in individual stocks is a useful initiative.

[6] The Commission has previously indicated that it expects completion of these portions of the NYSE specialist study sometime prior to June 30, 1983, the current expiration date of NYSE's Rule 103A. See the January and March Releases.

On this basis, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of Section 6, and the rules and the regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission by the Division of Market Regulation pursuant to delegated authority

George A. Fitzsimmons,

Secretary

[FR Doc. 83-9935 Filed 4-13-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-19658; File No. SR-PHLX 83-4]

Self-Regulatory Organizations; Proposed Rule Change By Philadelphia Stock Exchange, Inc.; Increase of Position and Exercise Limits

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), Notice is hereby given that on April 4, 1983, the Philadelphia Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Philadelphia Stock Exchange, Inc. ("PHLX" or "the Exchange") proposes to amend Exchange Rules 1000 and 1001 regarding position and exercise limits, as set forth below.

Italics indicates material proposed to be added. Brackets [ ] indicate material proposed to be deleted.

Rule 1001. Position Limits.

Except with the prior written approval of the Exchange in each instance, no member or member organization shall effect, for any account in which such member or member organization has an interest or for the account of any partner, officer, director or employee thereof or for the account of any customer, an opening transaction (whether on the Exchange or on another Participating Exchange) in an option contract of any class of options dealt in on the Exchange if the member or member organization has reason to believe that, as a result of such transaction, the member or member organization or partner, officer, director or employee thereof or customer would, acting alone or in concert with others, directly or indirectly, hold or control or be obligated with respect to an aggregate position of more than [2,000] *2,500 or 4,000* put or call options on the same side of the market relating to the same underlying security, *which limit is determined in accordance with commentary .05,* in the case of options on a stock, or more than 10,000 put or call option contracts on the same side of the market relating to the same underlying foreign currency, in the case of options on a foreign currency, or such other number of option contracts as may be fixed from time to time by the Exchange as the position limit for one or more classes or series.

* * * Commentary

.01 through .04—no change.

.05 The position limit shall be 4,000 contracts for options:

(i) on an underlying stock which had trading volume of at least 20,000,000 shares during the most recent six-month trading period; or

(ii) on an underlying stock which had trading volume of at least 15,000,000 shares during the most recent six-month trading period and has at least 60,000,000 shares currently outstanding.

The position limit shall be 2,500 contracts for all other options.

The Exchange will review the volume and outstanding share information of all underlying stocks every six months to determine which limit shall apply. The 4,000 limit will be effective on the date set by the Exchange, while any change from a 4,000 to 2,500 limit will take effect after the last expiration then trading, unless the requirement for a 4,000 limit is met at the time of an intervening six-month review.

Rule 1002. Exercise Limits.

Except with the prior approval of the Exchange in each instance, no member or member organization shall exercise, for any account in which such member or member organization has an interest or for the account of any partner, officer, director or employee thereof or for the account of any customer, a long position in any option contract of a class of options dealt in on the Exchange if as a result thereof such member or member organization, or partner, officer, director or employee thereof or customer, acting alone or in concert with others, directly or indirectly, has or will have exercised within any five (5) consecutive business days aggregate long positions in that

particular class of options in excess of [2,000] *the number of* options covering the same options class (put or call) *as set forth as in the position limit in Rule 1000,* in the case of options on a stock, or in excess of 10,000 options covering the same option class (put or call), in the case of options on a foreign currency, without regard to the exchange on which the options were purchased.

* * * Commentary

.01 through .03—no change.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change

The purpose of the proposed rule change is to increase position and exercise limits for stock options in order to add to market depth and liquidity.

Position and exercise limit rules were originally adopted by option exchanges in order to minimize the manipultive potential which could result from the accumulation of large options positions. In 1978, the Special Study of the Options Market ("Study") recognized a number of significant problems which resulted from the position limit rule restrictions, including the inability of large portfolio managers to utilize options as a vehicle to properly balance a portfolio's risk and potential reward. The Study recommended that existing Exchange rules, which limited the size of options positions held by market participants, be reviewed and that their relaxation or elimination be considered. As a result of re-examination of position limits, as suggested in that Study, the Exchange proposed rule changes which were adopted in October 1980 to raise position and exercise limits from 1,000 to 2,000 contracts. In view of the increased use of the options markets and the experience gained during the two years since the position limits were increased in 1980, the Exchange believes that it is appropriate at this time to again increase position and exercise limits.

In its 1980 release approving position and exercise limit increases, the Commission made the following statements (Release No. 34–17237) that the Exchange believes also apply to the current proposal to increase limits:

* * * there is substantial reason to believe that the current ceiling serves to constrict significantly the options activities of certain market professionals and institutions, possibly to the detriment of market depth and liquidity. In addition, the Commission believes that the surveillance capabilities of the options exchanges with respect to large options positions should minimize the possibility of manipulation. Finally, the Commission believes that the information and experience gained from approval of the proposed modification will enhance the ability of the options exchanges and the Commission to responsibly propose and effectively evaluate possible further modification * * *

It should be noted that position limits cannot be justified as a protection against financial exposure. While unhedged larger positions do entail larger financial risks, position limits are cumbersome and ineffective mechanisms for limiting those risks. Rather, those rules which have been designed specifically to limit risk exposure should be used for this purpose, namely, suitability, margin and net capital rules.

The change from 2,000 to 2,500 option contracts is minimal, especially in view of the Exchange's experience to date with the 2,000-contract limit. The change from 2,000 to 4,000 option contracts involves standards that are a protection against possible manipulation. These standards insure that only option contracts having an underlying stock that has either very high trading volume or high trading volume and a high number of shares outstanding will receive the higher limit. The standards means that the options and stocks involved are ignificantly less susceptible to manipulation. To be eligible for the 4,000-contract limit, either the most recent six-month trading volume of the underlying stock must have totalled at least 20,000,000 shares; or the most recent six-month trading volume of the underlying stock must have totalled at least 15,000,000 shares and the underlying stock must have at least 60,000,000 shares currently outstanding.

Every six months, the Exchange will review the status of underlying stocks to determine which limit should apply. Two new lists shall be published and distributed to all members, member firms and Registered Options Principals. The 4,000 limit will be effective on the date set by the Exchange, which date will allow time for appropriate notice to be given. Any change from a 4,000 to 2,500 limit will take effect after the last expiration then trading, unless the requirement for a 4,000 limit is met at the time of the intervening six-month review.

The basis for this proposed rule change is Section 6(b)(5) of the Securities Exchange Act of 1934 ("Act") in that the proposed change would increase market depth and liquidity, which is in the public interest, while continuing to protect investors from manipulative activity.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposed rule change will not impose a burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or others

No written comments were solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5

U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section. copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: April 7, 1983.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-9034 Filed 4-13-83; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Presidential Advisory Committee on Small and Minority Business Ownership; Public Meeting

The Presidential Advisory Committee on Small and Minority Business Ownership, located in Washington, D.C. will hold a public meeting at 1:30 p.m. until 5:00 p.m. Friday, April 15, 1983, at the U.S. Small Business Administration, 1441 L Street, NW., 2nd Floor Conference Room, Washington, D.C. 20416, to discuss such business as may be presented by the Committee members. The meeting will be open to the interested public, however, space is limited.

Persons wishing to present written statements should notify Mr. Milton Wilson, Jr., Chief, Capital Ownership Development Branch, Small Business Administration, 1441 L Street, NW., Room 317, 20416, (202) 653-6526, in writing or by telephone no later than April 14, 1983.

Jean M. Nowak,

Acting Director, Office of Advisory Council.

[FR Doc. 83-9043 Filed 4-13-83; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 83-024]

Acceptance of Plan Review, Inspections and Examinations by the American Bureau of Shipping (ABS)

AGENCY: Coast Guard, DOT.

ACTION: Notice of public comment period.

SUMMARY: The Coast Guard is requesting comments from the marine industry concerning the implementation of plan review, inspection and examination procedures that have been recently delegated by the Coast Guard to the American Bureau of Shipping.

DATE: Comments must be submitted prior to 1 June 1983.

ADDRESS: Comments may be mailed to Commandant (G-CMC/44), U.S. Coast Guard Heardquarters, Washington, D.C. 20593.

FOR FURTHER INFORMATION CONTACT: Commander John DeLeonardis (202-426-2190).

Discussion: During the last two years the Coast Guard and the American Bureau of Shipping (ABS) have reached agreement in several areas where there was preceived duplication of effort particularly with regard to plan review and inspection of classed vessels. Two Memoranda of Understanting (MOU's) have been finalized by both organizations which outline Coast Guard acceptance of ABS performance of certain functions on behalf of the Coast Guard.

One MOU, approved on April 27, 1982, and published at 47 FR 25235 pertains to ABS plan review and inspection during construction of new U.S. flag vessels which are to be certificated by the Coast Guard and classed by ABS. Navigation and Vessel Inspection Circular (NVC) 10-82 implements this MOU and provides guidance and technical details necessary to efficiently make the transition under terms of the MOU.

The other MOU, approved on February 1, 1982 and published at 47 FR 13947 allows ABS to perform certain admeasurement services which were formerly provided exclusively by the Coast Guard. Navigation and Vessel Inspection Circular (NVC) 1-82 implements this MOU and provides for Coast Guard acceptance of ABS admeasurement certificates based upon the admeasurement regulations in Title 46 CFR and Title 35 CFR (Panama Canal Tonnage Certificates).

The goals of these agreements and implementing instructions generally are to:

- Reduce confusion within industry
- Reduce needless duplication of effort and time associated with plan approval
- Reduce industry costs and time associated with new vessel inspections
- Reduce Coast Guard costs and provide better utilization of limited inspection resources

In order to assess the relative merit of the new procedures and to report to Congress concerning the implementation of both MOU's the Coast Guard needs information from those in industry directly impacted. Industry's views and response based upon experience with the new procedures are solicited.

Dated: April 6, 1983.

Clyde T. Lusk, Jr.,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc. 83-9003 Filed 4-13-83; 8:45 am]

BILLING CODE 4910-14-M

[CGD83-022]

Lower Mississippi River Waterway Safety Advisory Committee; Establishment

Summary: The Secretary of Transportation has approved the establishment of the Lower Mississippi River Waterway Safety Advisory Committee. The Secretary has also approved the charter for this committee. The purpose of this committee is to furnish consultation, local expertise, and advice on a wide range of matters regarding all facets of navigation safety. It will assist in the evaluation, and where appropriate, the implementation of the recommendations of the Lower Mississippi River Safety Study. It will address such issues as anchorages, communications, traffic control, barge fleeting and other topics on navigation safety in the Lower Mississippi River area as required by the Coast Guard.

For further information contact: Captain D. L. Smith, Executive Director, Lower Mississippi River Waterway Safety Advisory Committee, Marine Safety Division, Eighth Coast Guard District, Room 1341, Hale Boggs Federal Building, 500 Camp Street, New Orleans, LA 70130. Phone (504) 589-6901.

This notice is issued under authority of the Federal Advisory Committee Act, Pub. L. 92-463, 5 U.S.C. App. 1.

Dated: April 7, 1983.

V. W. Driggers,

Captain, U.S. Coast Guard, Acting Chief, Office of Boating, Public and Consumer Affairs.

[Fr Doc. 83-9002 Filed 4-13-83; 8:45 am]

BILLING CODE 4910-14-M

Federal Aviation Administration

Airframe Policy and Program Review for Small Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Draft airframe policy and program review and request for comments.

SUMMARY: The draft Airframe Policy and Program Review Agenda Items Document identifies those policies and Advisory Circulars which have been affected by rule changes or modifications and identifies areas in which new policy and Advisory Circulars need to be developed. Rule changes will not be addressed in this review. A public meeting is to be held in Wichita, Kansas, on June 8–9, 1983, to allow all interested parties to verbally present their written comments regarding the draft Airframe Policy and Program Review Agenda Items Document.

DATE: Commenters must identify file subject: "Airframe Policy and Program Review" and written comments must be received on or before June 8, 1983.

ADDRESS: Send all comments on the draft Airframe Policy and Program Review to: Federal Aviation Administration, ATTN: Regulations and Policy Office (ACE–110), 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph W. Burress, Aerospace Engineer Regulations and Policy Office ACE–110), Aircraft Certification Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106. Commercial telephone (816) 374–6941 or FTS 758–6941.

SUPPLEMENTARY INFORMATION: Any person may obtain a copy of this draft Airframe Policy and Program Review Agenda Items Document by writing to: Federal Aviation Administration, Aircraft Certification Division, Regulations and Policy Office (ACE–110), 601 East 12th Street, Kansas City, Missouri 64106.

Comments Invited: Interested parties are invited to submit comments on the draft Airframe Policy and Program Review Agenda Items Document regarding Federal Aviation Administration's recommendations or submit alternate proposals. A public meeting will be held by the Federal Aviation Administration at the Holiday Inn Plaza Downtown, 250 West Douglas, Wichita, Kansas on June 8 and 9, 1983, starting at 8:30 a.m., for the purpose of allowing interested parties to verbally deliver their written comments. The draft Airframe Policy and Program Review Agenda Items Document and comments received may be inspected at the offices of the Regulations and Policy Office (ACE–110), Room 1656, Federal Office Building, 601 East 12th Street, Kansas City, Missouri, between the hours of 7:30 a.m. and 4:00 p.m. on weekdays, except Federal holidays.

Issued in Kansas City, Missouri, April 4, 1983.

Murray E. Smith,

Director, Central Region.

[FR Doc. 83–9621 Filed 4–13–83; 8:45 am]

BILLING CODE 4910–13–M

Radio Technical Commission for Aeronautics (RTCA) Special Committee 149—Airborne Distance Measuring Equipment (DME); Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I) notice is hereby given of a meeting RTCA Special Committee 149 on Airborne Distance Measuring Equipment (DME) to be held on May 4–6, 1983 in the RTCA Conference Room, One McPherson Square, 1425 K Street, Suite 500, N.W., Washington, D.C. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of the Third Meeting Held on February 16–18, 1983; (3) Report on Coordination with the European Organization for Civil Aviation Electronics (EUROCAE) Working Group 25; (4) Report on Coordination with RTCA Special Committee 151 (Airborne MLS Area Navigation Equipment); (5) Discussion on the Effects of Scanning on DME Ground Station Loading; (6) Review Task Assignments From Second Meeting; (7) Review Fourth Draft of Committee Report on Minimum Operational Performance Standards for Airborne Distance Measuring Equipment; and (8) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, One McPherson Square, 1425 K Street, N.W., Suite 500, Washington, D.C. 20005; (202) 682–0266. Any member of the public may present a written statement of the committee at any time.

Issued in Washington, D.C., on April 4, 1983.

Karl F. Bierach,

Designated Officer.

[FR Doc. 83–9623 Filed 4–13–83; 8:45 am]

BILLING CODE 4910–13–M

Federal Highway Administration

Environmental Impact Statement; Santa Clara County, California

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed transportation project in Santa Clara County, California.

FOR FURTHER INFORMATION CONTACT: D. L. Eyres, District Engineer, Federal Highway Administration, P.O. Box 1915, Sacramento, California, 95809, telephone (916) 440–3541, or R. C. Chioino, Study Manager, State of California, Department of Transportation, P.O. Box 7310, San Francisco, California, 94120, telephone (415) 557–1318.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the California Department of Transportation, will prepare a draft environmental impact statement covering alternative transportation development proposals in the corridor of adopted State Highway Route 85 in Santa Clara County between Route 87 in San Jose and Stevens Creek Boulevard in Cupertino, a length of 14 miles. Transportation improvement is needed in this area to relieve existing and anticipated traffic congestion on highways and streets in the corridor.

Alternatives to be considered, in addition to doing nothing, include construction of a freeway, expressway, bus and carpool facility light rail transit, and combinations thereof. Use of a parallel branch rail line for passenger service will be considered.

The Urban Mass Transit Administration has been requested to participate in this study as a co-lead or responsible agency, but has made no decision regarding its participation at this time.

Public information open houses to gather scoping information were held April 6, 1983, at Rolling Hills Jr. High School, 1585 More Avenue, Campbell, and April 12, 1983, at Branham High School, 1570 Branham Lane, San Jose. Additional meetings for scoping purposes will be scheduled with interested agencies and parties as early as appropriate or as requested; interested agencies and parties who are not already participating in this study are urged to advise the contact persons listed above of their interest.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The provisions of OMB Circular No. A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program)

Issued on: April 6, 1983.

D. L. Eyres,

District Engineer Sacramento, California.

[FR Doc. 83-9822 Filed 4-13-83; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Number: 150-39]

Creation of the Sacramento, the San Jose, and the Laguna Niguel, California Internal Revenue District

March 28, 1983.

Under the authority given to the President to establish Internal Revenue Districts by Section 7621 of the Internal Revenue Code, as amended, and vested in me a Secretary of the Treasury by Executive Order 10289, approved September 17, 1951, as made applicable to the Internal Revenue Code of 1954 by Executive Order 10574, approved November 5, 1954, and persuant to the authority vested in me by 31 U.S.C. 321, 96 Stat. 877 at 880, September 13, 1982 (formerly Reorganization Plan No. 26 of 1950), and Reorganization Plan No. 1 of 1952 as made applicable to the Internal Revenue Code of 1954 by Section 7804(a) of such code and Executive Order 10574, it is ordered that:

The Los Angeles and San Francisco Internal Revenue Districts be modified as specified below; and

There be established the Sacramento Internal Revenue District, the San Jose Internal Revenue District, and the Laguna Niguel Internal Revenue District with the jurisdictions described below.

1. *Los Angeles District.* Shall include the County of Los Angeles, except for that portion serviced by the Carson post of duty, in the State of California, with the headquarters office located in Los Angeles, California. (The Carson post of duty services the area of Los Angeles County which is generally bordered by the Artesia Freeway on the north, the Pacific Ocean on the west and south, and the Orange County line on the east, and includes in total the following 1982 zip code areas: 90254, 90274, 90277, 90278, 90501, 90502, 90503, 90504, 90505, 90701, 90706, 90710, 90712, 90713, 90715, 90716, 90717, 90731, 90732, 90744, 90745, 90746, 90747, 90802, 90803, 90804, 90805, 90806, 90807, 90808, 90810, 90813, 90814, 90815, and 90840.)

2. *Laguna Niguel District.* Shall include the Counties of Imperial, Orange, Riverside, San Bernardino, San Diego, and that portion of Los Angeles County serviced by the Carson post of duty, in the State of California, with the headquarters office located in Laguna Niguel, California. (The Carson post of duty services the area of Los Angeles County which is generally bordered by the Artesia Freeway on the north, the Pacific Ocean on the west and south, and the Orange County line on the east, and includes in total the following 1982 zip code areas: 90254, 90274, 90277, 90278, 90501, 90502, 90503, 90504, 90505, 90701, 90706, 90710, 90712, 90713, 90715, 90716, 90717, 90731, 90732, 90744, 90745, 90746, 90747, 90802, 90803, 90804, 90805, 90806, 90807, 90808, 90810, 90813, 90814, 90815, and 90840.)

3. *San Jose District.* Shall include the Counties of Fresno, Inyo, Kern, Kings, Madera, Mariposa, Merced, Mono, Monterey, San Benito, San Luis Obispo, Santa Barbara, Santa Clara, Santa Cruz, Stanislaus, Tulare, Tuolumne, and Ventura, in the State of California, with the headquarters office located in San Jose, California.

4. *Sacramento District.* Shall include the Counties of Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Glenn, Humboldt, Lake, Lassen, Marin, Mendocino, Modoc, Napa, Nevada, Placer, Plumas, Sacramento, San Joaquin, Shasta, Sierra, Siskiyou, Solano, Sonoma, Sutter, Tehama, Trinity, Yolo, and Yuba in the State of California, with the headquarters office located in Sacramento, California.

5. *San Francisco District.* Shall include the counties of Alameda, San Francisco and San Meteo, in the State of California, with the headquarters office located in San Francisco, California.

6. *Internal Revenue Districts.* Each District established by this Order pursuant to Section 7621 of the Internal Revenue Code of 1954, as amended, shall be known as an Internal Revenue District and shall be identified by the name of the city or subdivision thereof, in which the headquarters office is located.

7. *District Director of Internal Revenue.* The title of each District Office shall bear the title "District Director of Internal Revenue" identified by the name of the city or subdivision thereof, in which the headquarters office is located.

8. *Effect on Prior Treasury Department Orders.* Treasury Department Order 150-39, dated June 22, 1955, is superseded and in Treasury Department Order No. 150-20, dated November 21, 1952, paragraphs 4(a) and 4(b) are superseded.

9. *Implementation.* The provisions of paragraphs numbered 1-4 of this Order shall be implemented upon such date as the Commissioner of Internal Revenue may determine. Effective immediately, the Commissioner of Internal Revenue is authorized to effect, at appropriate times and in an orderly manner, such transfers of functions, personnel, positions, equipment, and funds as may be necessary to implement the provisions of this Order.

Donald T. Regan,

Secretary.

[FR Doc. 83-9944 Filed 4-13-83; 8:45 am]

BILLING CODE 4810-25-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 73
Thursday, April 14, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 6:40 p.m. on Friday, April 8, 1983, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to: (1) Receive bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in The Ina State Bank, Ina, Illinois, which was closed by the Illinois Commissioner of Banks and Trust Companies on April 8, 1983; (2) accept the bid for the transaction submitted by First Bank and Trust Co., Mount Vernon, Mount Vernon, Illinois; (3) approve the application of First Bank and Trust Co., Mount Vernon, Mount Vernon, Illinois, for consent to purchase certain assets of and to assume the liability to pay deposits made in The Ina State Bank, Ina, Illinois, and to establish the offices of The Ina State Bank as facilities of the resultant bank; and (4) provide such financial assistance, pursuant to section 13(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(2)), as was necessary to facilitate the purchase and assumption transaction.

At the same meeting, the Board of Directors considered certain personnel matters.

At the same meeting, the Board of Directors: (1) Received bids for the purchase of certain assets of an the assumption of the liability to pay deposits made in Bank of San Marino, San Marino, California, which was closed by the Acting Superintendent of Banks for the State of California on April 8, 1983; (2) accepted the bid for the transaction submitted by Trans American National Bank, Monterey Park, California; and (3) provided such financial assistance, pursuant to section 13(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(2)), as was necessary to effect the purchase and assumption transaction.

In calling the Meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C. T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(2), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: April 11, 1983.

Federal Deposit Insurance Corporation

Hoyle L. Robinson,

Executive Secretary.

[S–524–83 Filed 4–12–83; 11:21 am]

BILLING CODE 6714–01–M

2

FEDERAL ELECTION COMMISSION

"Federal Register" No. 481

DATE AND TIME: Tuesday, April 12, 1983, 10 a.m.

CHANGE IN MEETING: This meeting will be continued on *Wednesday, April 13, 1983 at 2 p.m. and Thursday, April 14, 1983 following the open meeting,* if necessary, to conclude the agenda of April 12, 1983.

* * * * *

DATE AND TIME: Tuesday, April 19, 1983, 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Compliance. Personnel. Litigation. Audits.

* * * * *

DATE AND TIME: Thursday, April 21, 1983, 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C. (fifth floor).

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings
Correction and approval of minutes
Eligibility reports for candidates to receive Presidential primary matching payments:
Draft AO 1983–8: Jan W. Baran, on behalf of the National Republican Senatorial Committee
Candidate's use of property in which spouse has an interest (18 CFR Parts 100, 110, and 9003)
Finance Committee report
Revised non-filer procedures: Directive 1
Routine Administrative matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Information Officer, telephone: 202–523–4065.

Marjorie W. Emmons,

Secretary of the Commission.

[S–525–83 Filed 4–12–83; 3:41 pm]

BILLING CODE 6715–01–M

3

FEDERAL MARITIME COMMISSION

TIME AND DATE: 9 a.m., April 20, 1983.

PLACE: Hearing Room One, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Agreement No. 9474–8: Modification of the Thailand/Pacific Freight Conference Agreement to add interior United States point intermodal authority.
2. Classification of Controlled Carriers Pursuant to the Shipping Act, 1916—Pharaonic Shipping Co., SAE.
3. Docket No. 76–63: Filing of Agreements by Common Carriers and Other Persons Subject to the Shipping Act, 1916—Petitions for Reconsideration.

Portions closed to the public:

1. Dart Containerline Co., Ltd. v. Federal Maritime Commission, No. 82–1403, U.S. Court of Appeals for the District of Columbia Circuit.
2. U.K./U.S.A. Gulf Westbound Rate Agreement and Continental/U.S. Gulf Freight Association v. Federal Maritime Commission D.C. Cir. No. 81–1604—Order on Remand
3. Docket No. 81–64, Midland Pacific Shipping Co., Inc.—I.O.F.F. Lic. No. 1229. Leyden Shipping Corp.—I.O.F.F. Lic. No. 829 Person & Weidhorn, Inc.—I.O.F.F. Lic. No. 122—Discussion of the record.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523–5725.

[S–528–83 Filed 4–12–83; 3:54 pm]

BILLING CODE 6730–01–M

4

PAROLE COMMISSION

TIME AND DATE: 9 a.m. to 10:30 a.m., Thursday, April 21, 1983.

PLACE: Room 420–F, One North Park Building, 5550 Friendship Boulevard, Chevy Chase, Maryland 20815.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Appeals to the Commission of approximately 8 cases decided by the National Commissioners pursuant to a reference under 28 CFR 2.17 and appealed pursuant to 28 CFR 2.27. These are all cases originally heard by examiner panels wherein inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION: Linda Wines Marble, Chief Case Analyst, National Appeals Board, United States Parole Commission, (301) 492–5987.

[S–526–83 Filed 4–12–83; 3:43 pm]

BILLING CODE 4410–01–M

5

PAROLE COMMISSION

TIME AND DATES: 10:30 a.m.–5:30 p.m., Thursday, April 21, 1983 and 9 a.m.–5:30 p.m., Friday, April 22, 1983.

PLACE: Room 420–F, One North Park Building, 5550 Friendship Boulevard, Chevy Chase, Maryland 20815.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Approval of minutes of open meeting of January 26 through January 28, 1983.
2. Reports from the Chairman, Vice Chairman, Commissioners, General Counsel, Director of Research, Case Operations, and Administrative Section.

Presentation: *The Dangerous Offender* by Mr. John Conrad, Visiting Fellow at the National Institute of Justice.

4. Prison Population Trends.
5. Referral of Cases to the Pardon Attorney.
6. Pre-Review Procedure.
7. Proposed Parole Commission implementation of the Victim and Witness Protection and Assistance Act of 1982 (Pub. L. 97–291).
8. Rewarding prisoners for Cooperation with law enforcement authorities.
9. Proposed revision of the rescission guidelines.
10. Counting prior convictions for minor offenses.
11. Proposed new or amended Severity Ratings.
12. Expediting Revocation procedures through use of a combined preliminary interview/revocation hearing.
13. Training Aid for rating offense Severity.
14. State Cases with Superior Program Achievement.
15. Simplification of certain rules:
(a) Refusal to Sign parole Certificate;
(b) Narcotic Addict Rehabilitation Act Recertification;
(c) Elimination of repetitive or obsolete Language.
16. Supplemental Warrant Applications after the full-term date.

CONSENT AGENDA: The following consent agenda items, only if previously requested to be opened for discussion at the meeting on or before April 15, 1983:

17. Procedures Manual Revisions effected by Rules and Procedures Memorandum 83/1.
18. Procedures Manual Revisions effected by Rules and Procedures Memorandum 83/2.
19. Training Aid 83–001.
20. Training Aid 83–002.

CONTACT PERSON FOR MORE INFORMATION: Mr. Peter B. Hoffman, Director of Research, United States Parole Commission, (301) 492–5980.

[S–527–83 Filed 4–12–83; 3:44 pm]

BILLING CODE 4410–01–M

federal register

Thursday
April 14, 1983

Part II

Department of Transportation

Federal Aviation Administration

Designated Airworthiness Representatives and Advisory Circular

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 183

[Docket No. 23140; Amdt. No. 183-8]

Designated Airworthiness Representatives

AGENCY: Federal Aviation Administration (FAA), DOT

ACTION: Final rule.

SUMMARY: This amendment to Part 183 of the Federal Aviation Regulations (FAR) establishes the Designated Airworthiness Representative (DAR) as a new category of person appointed, under Section 314 of the Federal Aviation Act of 1958 (FA Act), to act as a representative of the Administrator in performing certain certification functions under Title VI of the FA Act. The amendment expands the FAA designee program into new areas of delegation not previously provided in Part 183. The expanded delegations are necessary to deal with the proliferation of requests for FAA examination, inspection, and testing services necessary to the issuance of certificates, and the issuance of certificates, under Title VI of the FA Act. This amendment will enable the FAA to use its fiscal and human resources in a more effective manner to meet safety objectives. In addition, the amendment will ease the burden of regulation on the public by expediting accomplishment of required demonstrations of compliance with applicable airworthiness standards and will reduce or eliminate delays in obtaining required certifications.

EFFECTIVE DATE: May 16, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Sandy DeLucia, Aircraft Manufacturing Division (AWS-200), Office of Airworthiness, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-8361.

SUPPLEMENTARY INFORMATION:

Background

Section 314 of the FA Act permits the Secretary of Transportation to delegate to any properly qualified private person any work, business, or function respecting: (1) The examination, inspection, and testing necessary to issue certificates under Title VI of the FA Act, and (2) the issuance of such certificates under Title VI of the FA Act, subject to regulations, supervision, and review as he may prescribe. These certificates include but are not limited to: type certificates; supplemental type certificates; production certificates; airworthiness certificates; export approvals and certificates; components certifications; airman certificates; air carrier/operator's certificates; and air agency certificates. Approved production inspection system authorizations and technical standard order authorizations also come within the purview of Title VI of the Act.

Private persons selected to act as designees are Representatives of the Administrator as described in Part 183 of the Federal Aviation Regulations. This "designee system" has been used extensively within the FAA for over 20 years and has been highly successful. For example, there are now approximately 850 private persons with delegated authority to function as Designated Manufacturing Inspection Representatives (DMIR's) of the Administrator, augmenting a workforce of approximately 140 FAA manufacturing inspectors. DMIR's conduct numerous inspections and certifications on behalf of the FAA, enabling the FAA to meet its safety objectives with a minimal number of FAA manufacturing inspectors. A DMIR authorization, however, is limited to the facilities of the manufacturer by whom the DMIR is employed. Part 183 also provides for the appointment of Designated Aircraft Maintenance Inspectors (DAMI's) with a delegation of authority limited to only one function. The FAA, therefore, finds it necessary to expand the designee program to respond to the many requests for FAA examination, inspection, and testing services relating to certification functions that were not within the very limited scope of designations previously authorized by Part 183. Viewed in the context of increased foreign and domestic demand for FAA inspection and certification services, Part 183 did not provide the FAA with sufficient flexibility to fully utilize its statutory authority to delegate examination, inspection, and testing functions regarding issuing Title VI certificates.

On May 27, 1982, the FAA issued Notice of Proposed Rulemaking (NPRM) No. 82-9 (47 FR 27472; June 24, 1982). The notice proposed to establish DAR's as a new category of persons appointed under Section 314 of the FA Act to serve as Representatives of the Administrator in performing certain certification functions.

Information collection requirements contained in this regulation (§ 183.11) have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-511) and have been assigned OMB control number 2120-0035.

Discussion

Although no present need has been established to expand delegations in the area of engineering, as opposed to maintenance and manufacturing, this amendment provides for such expansion should the need arise. The expanded delegations go beyond those previously contained in Part 183, yet remain within those authorized by Section 314 of the FA Act, an approach which is consistent with the goal of reducing costs by streamlining the operations of the Government. This amendment also eases the burden of regulation on the aviation community by expediting the accomplishment of demonstrations of compliance required before the issuance of requested certifications. It will reduce delays commonly experienced by modifiers during supplemental type certification programs due to unavailability of FAA personnel, and thus expedite introducing new products. Delays encountered by persons attempting to return aircraft to service following maintenance/alterations also will be minimized.

By providing for the appointment of qualified persons as DAR's to perform functions not previously authorized in Part 183, the FAA can safely and efficiently increase the productivity of its staff in areas most affecting safety. Those areas in which DAR's may be utilized in the immediate future include: issuing export approvals and export certificates of airworthiness; conducting conformity inspections for modification programs; issuing airworthiness certificates for aircraft; and certifying components produced under bilateral airworthiness agreements.

Delegation of specific functions may be authorized for limited periods of time in accordance with national policy developed by the Director of Airworthiness and may be withdrawn by the appointing authority at any time and for any reason deemed appropriate.

Since every examination, inspection, and testing function delegated to DAR's under the amendment cannot presently be envisioned, it is not possible to specify by regulation all areas in which a DAR may serve consistent with the stated objectives of the amendment. Accordingly, those functions which may be delegated by the Director of Airworthiness are described in an advisory circular (AC) which is being published concurrently with this amendment and which will be available from the U.S. Department of Transportation, Publication Section (M-

442.32) Washington, D.C. 20590. The FAA intends to revise and republish the advisory circular to seek public comment each time it is proposed to add or delete an authorized function. Additional areas of delegation will be selected and authorized by the Director of Airworthiness based on recommendations from other FAA elements and the aviation community.

Consistent with other delegations already provided for in Part 183, this amendment does not mandate the use of DAR's. The election to use such representatives is left entirely to the discretion of the certificate applicant. Also, as with other designees, DAR's may charge the applicant a fee for their services, and DAR's will be subject to FAA surveillance with regard to monitoring and supervising their delegated tasks. It should be noted that the FAA will not reimburse any designee appointed under Part 183 for any expense incurred by the designee in performing authorized functions.

Discussion of Comments

A total of 28 individuals and associations submitted comments on the proposal. Fourteen commenters concur with the proposal as written. Twelve commenters concur but include comments. Two commenters support the DAR program concept and intent but indicate that certain areas should be further defined or clarified. Most commenters fully support the proposed DAR amendment, indicating that it will fill a vital need and have positive economic advantages for both the public and the FAA, with no adverse impact on safety. Many of the comments submitted in response to the NPRM also contain recommendations or take issue with certain aspects of the proposed DAR advisory circular (AC). Accordingly, comments relating to both the NPRM and the proposed AC are discussed in the following paragraphs.

Qualification Criteria

Several commenters indicate a need to publish the qualification criteria to be employed by the FAA for selecting and appointing DAR's. Accordingly, these criteria have been incorporated in an Appendix of the DAR AC. This information will also be made readily available for review at FAA offices identified in the AC.

Several commenters submitted recommendations relative to basic qualification criteria for use in the DAR selection process. These recommendations have been taken into consideration in formulating the criteria.

Expansion or Clarification of Functions

A number of commenters request that the FAA consider further expansion of delegated functions beyond those addressed by the proposed AC. Several commenters also request clarification relative to those functions for which designations may be authorized.

The additional functions requested include: Issuance or amendment of air agency, repairman, and school certificates; issuance of experimental certificates for amateur-built aircraft; revision of maintenance/operations specifications; field approval and return to service via FAA Form 337; determination of compliance with quality control systems; and issuance of special flight permits, provisional airworthiness certificates, and special flight authorizations.

After a thorough evaluation, it has been determined that authorized functions can be expanded to include the issuance of certain special flight permits and experimental certificates for amateur-built aircraft. However, a rapid expansion of delegated functions might severely curtail the FAA's ability to adequately monitor and control this program. Therefore, other than the two aforementioned functions, the FAA does not plan to expand DAR authorization to include any other functions until sufficient experience is gained to ensure safety will not be derogated.

With respect to clarifying delegated functions authorized by the Director of Airworthiness, the AC is revised to identify more explicitly those functions, including the specific types of airworthiness certificates and export approvals which may be issued in the areas of maintenance and manufacturing.

Training Requirements

Several commenters state a need to establish training criteria for newly appointed DAR's. The FAA agrees that this is necessary and will provide certain training for all DAR's. This training will normally be accomplished by the FAA office which has responsibility for monitoring and supervising a DAR's activity. Training will be provided upon appointment and on an ongoing basis, as necessary.

The FAA also has initiated action to develop an optional training course to be given at the FAA Academy at Oklahoma City. The cost of this course will be borne by the FAA on behalf of DAR's electing to participate. Each DAR desiring to take the course will be expected to pay for his/her expenses and transportation.

It should be noted that DAR training will be limited to familiarization with FAA administrative procedures (for example, processing forms, etc.). Training in technical areas will not be provided since the FAA will require that a DAR applicant have the necessary technical expertise as a prerequisite to appointment.

Monitoring and Supervision

Three commenters ask how DAR activities will be monitored and supervised. Consistent with other designee categories, all DAR's will be monitored and supervised as appropriate for the particular authorized functions. This would include: Review of all official forms initiated by a DAR; random post-audit inspections of products which have been certificated by DAR; accompanying a DAR during the inspection of a product to ensure that satisfactory techniques, methods, and procedures are being used; etc. This normally will be accomplished in accordance with FAA internal directives by the FAA office that issues the designation.

Procedural Aspects

Several commenters indicate a need to publish certain procedural aspects, including: scope of authority; training methods; FAA methods of auditing DAR activities; extent of DAR utilization; manner in which DAR's will coordinate with FAA; various FAA forms to be used; and DAR supervision criteria.

Consistent with other categories of designees, DAR procedural matters will be distributed through FAA directives and provided to DAR's as appropriate, and also will be available for review by interested persons at any FAA Aircraft Certification or Flight Standards office.

Miscellaneous Comments

One commenter indicates that the proposed AC could by interpreted as requiring an applicant for DAR appointment to possess credentials in all three disciplines; that is, manufacturing, maintenance, and engineering. It is the FAA's intent that an applicant for DAR appointment would only be expected to have the experience and qualifications appropriate to the particular function for which authorization is sought. For example, if a person is seeking appointment as a DAR only for the purpose of conducting conformity inspections, that person's qualifications could be limited to those necessary to perform that particular task.

A commenter expresses concern that eligibility requirements may be such that only former FAA employees would be

appointed as DAR's. The commenter believes it is imperative to have a proper mix of former FAA employees and industry persons selected as DAR's. The FAA expects a number of former FAA employees to apply for, and be issued, DAR authorizations. However, experience with other categories of designees, such as Designated Engineering Representatives (DER's), has shown that the majority of appointees are from industry. Many DMIR's and persons having FAA Inspection Authorizations are qualified to perform certain of the authorized DAR functions.

One commenter believes that a dual DMIR/DAR appointment would be advantageous since the DMIR authorization could be used for production purposes and the DAR authorization could be used for conformity certifications on components being produced under bilateral airworthiness agreements (a function which cannot be authorized for a DMIR under current regulations). The commenter, however, believes that such a dual appointment might create certain procedural problems. The FAA does, in fact, envision dual appointments such as DMIR/DAR, and DER/DAR, and does not anticipate procedural problems.

One commenter asks whether DAR's will be appointed to meet FAA or industry needs or desires. While there will be no requirement to substantiate the need for DAR appointment as a prerequisite for appointment, the FAA fully expects that those persons appointed as DAR's will be reasonably active in performing authorized functions. Lack of activity for an extended period of time would be cause for terminating a DAR appointment, since administrative costs associated with continuing an inactive appointment could not be justified, and continued currency of experience and familiarity with FAA regulations and government/industry practices and policies could no longer be assured.

Two commenters express concern that the acronym "DAR" may be confused with the DAR (Design Approval Representative) used by the Canadian civil air authorities. The FAA does not believe this will present a problem, except perhaps in those areas which involve Canadian products. In these and other instances where the acronym could be confused, the FAA would suggest using "FAA" as a prefix; that is, "FAA–DAR."

One commenter questions how DAR fees are to be determined. Fees should be negotiated between the DAR and the user of the DAR's services. Although the FAA has statutory authority to prescribe maximum fees which may be charged by designees, the FAA has not found it necessary to do so with other designee programs.

One commenter questions whether or not the FAA will provide liability insurance for DAR's while acting on the FAA's behalf. As with other categories of designees, the FAA will not provide such insurance coverage.

Another commenter questions whether the DAR, the DAR's employer, or the FAA could be held liable for a DAR's actions. Like any other person, a DAR can be held legally accountable and liable for negligent conduct. Similarly, if a DAR has been negligent in his/her capacity as an employee, the employer may also be held accountable and potentially liable. The United States has consistently taken the position that Representatives of the Administrator are not employees of the FAA. Therefore, the FAA neither provides for their legal defense nor considers itself to be liable for a designee's negligent conduct.

Several comments were received concerning the limitations of authority for a DAR. The FAA will issue a certificate of authority to each DAR which will limit the DAR's authority to those functions for which the DAR has been determined qualified. Limitations also may be prescribed within each authorized function, where deemed appropriate. For example, a DAR may be authorized to issue standard airworthiness certificates limited to small aircraft only. Another example would be authority to issue export approvals limited to small rotorcraft only. Such limitations would be based the qualifications and expertise of the particular DAR.

One commenter suggests that the proposal places heavy emphasis on manufacturing, but does not extend into the area of maintenance. Although the proposal may have been perceived in this manner, there was no intent to place greater emphasis on manufacturing over maintenance. In the interest of clarification, the AC will categorize the maintenance and manufacturing functions. The commenter also questions if the FAA plans to convert other FAA designee categories to DAR's. The FAA has no such plan at this time.

One commenter recommends that no geographical limitations be placed on a DAR's activity. Generally, the FAA will limit a DAR to functions within the geographical area of the appointing FAA office to ensure monitoring and supervising capability. However, DAR may perform those functions outside of this area when authorized by the appointing FAA office. If a DAR elects to relocate to another geographical area, the FAA monitoring and supervisory task will be transferred to the appropriate FAA office in that area.

Two commenters suggest that it would be in their own interest and that of the FAA to appoint DAR's for service in Europe, Africa, and the Middle East. They argue that this would result in savings to the FAA, which is often pressed to carry out its overseas mission with limited manpower, and would preclude costly delays in obtaining required FAA certifications and approvals. The FAA does not object to appointing DAR's in foreign countries, although the FAA might not have the necessary resources to monitor and supervise their activities. Accordingly, the FAA will consider appointing DAR's in a foreign country only when it is determined that there would be no undue burden on the FAA in administering the particular program. This would not prevent appointing DAR's to travel to foreign countries to issue airworthiness certificates/tags and export approvals on aircraft and related products.

A commenter questions whether a DAR employed by a particular individual would be on call to FAA to respond to requests for services from other persons, facilities, or locations. The FAA does not require any DAR to be on call to provide services to any person or organization. The use of such representatives is at the discretion of the applicant seeking required certification or approval. One commenter asks whether a DAR's authority would be confined to activity on behalf of his/her employer, unless self-employed. Unlike a DMIR designation, the FAA would not confine a DAR's activity to the DAR's employer.

One commenter recommends that the FAA ensure that safety will not be compromised by inadequate monitoring of the DAR program. The commenter suggests that the FAA establish controls to ensure accountability and to detect and correct instances in which safety considerations may tend to be affected by inherent conflict of interest pressures under which a DAR might be forced to operate. The FAA recognizes the need to provide for adequate controls in monitoring this program. Accordingly, consistent with other designee categories, the FAA will establish internal procedures to ensure that the DAR program will be properly directed toward the FAA's safety objectives.

One commenter asks whether DAR appointments will be of individual persons or of organizations. The FAA

envisions the majority of DAR appointees will be individuals. Since the term "person" is defined in Federal Aviation Regulations, Part 1, to include an individual, firm, partnership, corporation, company, association and joint-stock association, such organizations may be considered for appointment as DAR's. In these instances, the organization would be required to submit, along with its application for DAR authorization, the names, signatures, titles, and qualifications of those persons who would actually perform the authorized functions. Addtionally, such an organization must also submit a procedure, acceptable to the FAA, which positively ensures that only such appropriately qualified persons perform authorized functions. It should be noted that the FAA will hold the organization responsible for complying with the conditions of the DAR appointment, with any necessary corrective actions to be directed at the organization.

Economic Evaluation

Benefits

Economic benefits of the DAR program will be derived from cost savings or improved efficiency. Applicants for certification services will benefit primarily through reductions in costly delays in obtaining certifications required to conduct aviation-oriented enterprises. FAA monitoring and supervision of the DAR program will ensure that the present level of aviation safety will not be diminished. In fact, safety will be enhanced because FAA personnel relieved from tasks accomplished by DAR's will be able to redirect their efforts to other areas affecting safety.

Comments relating to economic benefits indicate that there would be industry cost savings from improved efficiency and reduction of delays in obtaining certifications. One commenter relates that he had to ferry a B–707 to the United States from Singapore to obtain an airworthiness certificate, an example of an expense which could be eliminated by this amendment. Other commenters cite difficulty in arranging FAA aircraft inspections in a timely manner, and expect that the rule will alleviate this problem. After the close of the comment period, the FAA received a letter from a U.S. aircraft modifier indicating that delays in delivering an aircraft located in West Germany, because of the FAA's inability to support a proposed modification program schedule, will create a financial burden of approximately $2,500 per day to the aircraft owner. Such problems could also be alleviated by the rule.

Clearly the DAR program will be of benefit in reducing government costs by permitting certain FAA functions to be undertaken by qualified private persons or organizations.

Based on the high degree of interest and the urgent need for DAR's as expressed by commenters and the numerous inquiries received concerning DAR appointments, the FAA anticipates that the DAR program will be as well received by the aviation public and industry as have been other categories of designees.

Costs

No costs need be incurred by any applicant requiring FAA certification services since the use of a DAR to obtain FAA certification is optional. The FAA will continue to issue required certifications, in accordance with existing practice and policy. Therefore, an applicant determines, at his/her option, when the use of a DAR would prove economically advantageous. None of the comments from industry indicate that this rule will impose additional costs. Those that do address the economic factors indicate that cost savings will result.

There is no cost to the applicant for DAR authorization approval.

The cost of the DAR program to the FAA will be negligible. Although there are selection, training, and orientation costs associated with initiating the program, these are more than offset since DAR's will perform tasks that would otherwise be performed by the FAA.

Regulatory Flexibility Determination

The FAA has determined this rule will not have a significant economic impact on a substantial number of small entities, even though it authorizes fees to be charged for certification services.

This determination is based on the FAA's experience with other designees permitted to charge for their services. Generally, fees have been such that any business or person could afford the services of a designee without being placed at a competitive disadvantage. Additionally, small entities requiring certification services need not engage DAR's, but may continue to request the services of FAA personnel, which will be provided consistent with existing practice and policy.

List of Subjects in 14 CFR Part 183

Airmen, Air safety, Safety, Aviation safety, Air transportation, Aircraft.

The Amendment

Accordingly, Part 183 of the Federal Aviation Regulations (14 CFR Part 183) is amended as follows, effective May 16, 1983.

PART 183—REPRESENTATIVES OF THE ADMINISTRATOR

1. By amending § 183.11 by adding a new paragraph (e) to read as follows:

§ 183.11 Selection.

* * * * *

(e) The Director of Airworthiness, or the Director's designee, may select Designated Airworthiness Representatives from qualified persons who apply by a letter accompanied by a "Statement of Qualifications of Designated Airworthiness Representative."

(Approved by the Office of Management and Budget under OMB control number 2120–0035)

2. By amending § 183.13 by adding a new paragraph (c) to read as follows:

§ 183.13 Certification.

* * * * *

(c) A "Certificate of Authority," stating the specific functions which the person concerned is authorized to perform and stating an expiration date, is issued to each Designated Airworthiness Representative, along with a "Certificate of Designation" for display purposes.

3. By amending § 183.15 by amending paragraphs (a) and (b) by removing the words "under paragraph (c)" and by inserting, in their place, the words "under paragraph (d)"; by redesignating paragraph (c) as (d); and by adding a new paragraph (c) to read as follows:

§ 183.15 Duration of certificates.

* * * * *

(c) Unless sooner terminated under paragraph (d) of this section, a designation as a Designated Airworthiness Representative is effective until the expiration date shown on the Certificate of Authority.

* * * * *

4. By adding a new § 183.33 to read as follows:

§ 183.33 Designated Airworthiness Representative.

A Designated Airworthiness Representative (DAR) may, within limits prescribed by and under the general supervision of the Administrator, do the following:

(a) Perform examination, inspection, and testing services necessary to the issuance of certificates, including

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issuing certificates, in the areas of maintenance, manufacturing, and engineering as may be authorized by the Director of Airworthiness.

(b) Charge a fee for his or her services.

(c) Perform authorized functions at any authorized location.

(Secs. 313(a), 314, 601, 603, 605, and 1102, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1355, 1421, 1423, 1425, and 1502); Sec.6(c) Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—This rule establishes a procedure for designating persons to perform certain certification functions previously conducted only by FAA employees, thereby reducing or eliminating certain delays in obtaining required certifications. Further, this document involves a rulemaking action which: (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparing a regulatory evaluation because the costly changes associated with the designation procedures are minimal. In addition, I certify that, under the criteria of the Regulatory Flexibility Act, the amendments will not have a significant economic impact on a substantial number of small entities since it will minimally ease the burden of regulatory compliance by reducing certain delays on obtaining required certifications.

Issued in Washington, D.C., on February 14, 1983.

J. Lynn Helms,

Administrator.

[FR Doc. 83-9744 Filed 4-13-83; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[AC 183-33]

Advisory Circular for Designated Airworthiness Respresentatives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final.

SUMMARY: This advisory circular (AC) will be used as the vehicle to identify examination, inspection, and testing services related to certification functions in the areas of maintenance, manufacturing, and engineering, which may be delegated to Designated Airworthiness Representatives (DAR's), as may be authorized by the Director of Airworthiness.

EFFECTIVE DATE: May 16, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Sandy DeLucia, Aircraft Manufacturing Division (AWS-200), Office of Airworthiness, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone (202) 426-8361.

SUPPLEMENTARY INFORMATION:

Discussion of the Advisory Circular

The FAA has amended Part 183 of the Federal Aviation Regulations (published elsewhere in this issue). This amendment provides for the establishment of Designated Airworthiness Representatives (DAR's) as a new category of persons appointed, under Section 314 of the Federal Aviation Act (FA Act) of 1958, to act as representatives of the Administrator in performing certain certification functions under Title VI of the FA Act. This amendment to Part 183 enables the FAA to expand its designee program into new areas of delegation not previously provided for in Part 183. The expanded delegations are necessary since the delegations previously authorized by Part 183 constrained the FAA's ability to deal with the proliferation of requests for FAA examination, inspection, and testing services incident to the issuance of certificates under Title VI of the FA Act. This amendment now enables FAA to use its fiscal and human resources in a more effective manner to meet safety objectives. In addition, the amendment will ease the burden of regulation on the public by expediting accomplishment of required demonstrations of compliance with applicable airworthiness standards and will, therefore, reduce or eliminate certain delays in obtaining required certifications.

As provided, delegation of specific functions may be authorized for limited periods of time in accordance with national policy developed by the Director of Airworthiness, and may be withdrawn by the appointing authority at any time, and for any reason deemed appropriate.

Since each examination, inspection, and testing function which may be delegated to DAR's under the amendment cannot be envisioned, it was not possible to specify, by regulation, all areas where a DAR's services may be used consistent with the stated objectives of the amendments. Accordingly, this AC contains those specific functions which may be delegated in the immediate future. The FAA intends to revise and republish this AC to seek public comment each time revisions are proposed to add or delete any authorized function. Proposed new areas of delegation will be selected and authorized by the Director of Airworthiness based on recommendations from other FAA elements and the aviation community. This procedure will expedite the notification process each time a designated function is to be added or deleted. Consistent with the President's goal of streamlining the regulatory process to eliminate unnecessary requirements, the use of this AC to list specific functions appropriate for delegation to DAR's will provide the FAA with the regulatory flexibility to utilize the DAR program in the most effective and innovative manner.

Discussion of Comments

A total of six individuals and association submitted comments on the proposed AC (47 FR 27475, June 24, 1982). Two commenters concur with the proposal as written. Three commenters concur but also included comments. One commenter supports the DAR program concept but indicates that certain areas should be further defined or clarified. The comments submitted in response to the proposed AC closely parallel those submitted in response to the proposed amendment to Part 183. Accordingly, the FAA discussion of comments relating to both the Notice of Proposed Rulemaking and the proposed AC is contained in the preamble to the amendment to Part 183 (published elsewhere in this issue). Based on the public comments relating to the AC, the AC has been revised to clarify the following areas:

1. Qualification criteria.
2. Training.
3. Specific functions within maintenance, manufacturing, and engineering which may be delegated by the Director of Airworthiness.
4. Monitoring and Supervision.
5. Limits of Authority.
6. Appointing Authority.

The Advisory Circular

In accordance with the above, the FAA publishes AC 183-33, Designated Airworthiness Representatives, as follows.

M. C. Beard,

Director of Airworthiness.

Issued in Washington, D.C., on February 14, 1983.

Advisory Circular

Subject:

Date: February 14, 1983. AC No: 183-33.

Initiated by: AWS-200. Change:

Designated Airworthiness Representatives

1. *Purpose.* This advisory circular (AC) contains information and guidance concerning the selection and appointment of Designated Airworthiness Representatives (DAR's) and identifies the specific functions which may be delegated to DAR's as authorized by the Director of Airworthiness. This AC is effective on the day the amendment to FAR 183 to include DAR's becomes effective.

2. *Related Federal Aviation Regulations (FAR).* FAR's Part 21, Part 43, and Part 183.

3. *Background.*

a. The Federal Aviation Administration (FAA) has amended Part 183 of the FAR to provide for the establishment of DAR's as a new category of person appointed, under Section 314 of the Federal Aviation Act (FA Act) of 1958, to act as a representative of the Adminstrator in performing certain certification functions in the areas of maintenance, manufacturing, and engineering. This was deemed necessary due to the proliferation of requests for FAA examination, inspection, and testing services necessary to the issuance of certificates, including the issuance of certificates under Title VI of the FA Act.

b. Since each examination, inspection, and testing function which may be authorized by the Director of Airworthiness could not be envisioned, it was not possible to specify, in amended Part 183, all areas where a DAR's services may be used consistent with the objectives of the amended rule. Therefore, this AC will be used as a vehicle to identify and describe the specific functions which may be authorized. The FAA will republish this AC for notice and comment each time revisions are proposed to add or delete any authorized functions.

4. *Eligibility.* Any qualified person may be authorized to represent the FAA as a DAR for the purpose of performing certain examination, inspection and testing services relative to certification functions, in the areas of maintenance, manufacturing, and engineering as may be authorized by the

Director of Airworthiness, and published in this AC.

5. *Qualification Criteria.* The qualification criteria to be used to determine eligibility for appointment as a DAR is contained in Appendix 1. Essentially, the same basic qualifications that are used by the FAA for appointing FAA engineers and inspectors, Designated Manufacturing Inspection Representatives (DMIR's) and Designated Engineering Representatives (DER's), etc., as appropriate, for the particular function for which DAR authorization is being sought, will be employed in the selection and appointment of DAR's.

6. *Application.*

a. Any qualified person may apply for appointment as a DAR. Applications for appointment must be initiated by a letter to the Aircraft Certification Division (for manufacturing and engineering functions), or to the Flight Standards Division (for maintenance functions), located in the geographical area in which the applicant resides or has his/her primary place of business (Addresses of appointing offices are identified in Appendix 2). The application letter must be accompanied by a Statement of Qualifications (for Designated Airworthiness Representative), FAA Form 8110-14 completed in duplicate by the applicant.

b. Applications submitted by individual applicants must be accompanied by three letters attesting to the applicants, integrity and technical qualifications IN PERFORMING SIMILAR FUNCTIONS ON PRODUCTS OF SIMILAR TYPE AND COMPLEXITY TO THOSE FOR WHICH AUTHORIZATION IS BEING SOUGHT. At least one or more of the letters must be from an FAA office, with whom the applicant has had a working relationship. The other letters should be from aviation industry organizations such as a repair station, manufacturer, or air carrier.

c. Applications submitted by an organization must include the names, signatures, titles, and qualifications of those persons who will perform the authorized functions along with a procedure, acceptable to the FAA, which positively ensures that only such appropriately qualified persons will perform the authorized functions.

d. All applicants for DAR appointment will be subjected to a personal interview by the Aircraft Certification Division or Flight Standards Division, as appropriate, prior to appointment.

e. Additional information concerning DAR selection, appointment and qualification criteria may be obtained from any FAA office identified in Appendix 2.

7. *Selection and Appointment.*

a. The appointing office will evaluate the applicant's qualifications, conduct a personal interview, and check personal references as appropriate, prior to appointment.

b. Upon a satisfactory determination, the appointing office will prepare a Certificate of Authority, FAA Form 8430-9. Authorized functions will be stated on the front of this certificate. However, when space limitations preclude the listing of all authorized functions, the Certificate of Authority may reference a letter that identifies the DAR's limits of authority in more detail. The reverse side of the certificate will be endorsed by personnel from the assigned managing office who will personally present the certificate to the DAR. In most cases, it will be necessary to limit the delegated authority of the DAR to specific functions commensurate with the applicant's knowledge and experience. For example:

(1) In the case of individuals, the authorization will be limited to products or similar type and complexity for which the applicant has been determined qualified; or,

(2) In the case of an organization:

(a) Repair stations will be limited to products for which they hold appropriate ratings;

(b) Air carriers will be limited to aircraft covered by their operating certificate;

(c) Manufacturers will be limited (except in the case of components, reference paragraph 14a(9)) to products under the provisions of their particular FAA production approval.

c. The applicant's letter will be acknowledged by the appointing office. This acknowledgement will advise the applicant as to whether or not he/she has been appointed, or the reasons why the delegation of authority has been denied.

d. A Certificate of Designation, FAA Form 8000-5, suitable for framing and display, will be prepared by the appointing FAA Office and presented to the new designee by personnel from the assigned managing office.

8. *Duration of Certificates.* Unless otherwise terminated, appointments will be effective for a period not to exceed one (1) year and may be renewed annually at the discretion of the appointing office. It should be noted that a DAR appointment may be terminated for any reason, INCLUDING A LACK OF SUFFICIENT ACTIVITY TO WARRANT CONTINUANCE OF THE DESIGNATION.

9. *Training.*

a. The FAA will provide training for all DAR's upon appointment and on an ongoing basis, as necessary. This training will normally be accomplished by the FAA managing office. A DAR may, at his/her option, also attend a course to be given at the FAA Academy at Oklahoma City, Oklahoma, when available. Each DAR desiring to take the course will be expected to pay for his/her expenses and transportation.

b. DAR training will be limited to familiarization with FAA administrative procedures. Training in technical areas will not be provided, since the FAA will require that a DAR applicant have the necessary technical expertise and knowledge of the FAR's as prerequisites to appointment.

10. *Monitoring and Supervision.* All DAR's will be subjected to monitoring and supervision as appropriate for the particular authorized functions. This will normally be accomplished by the managing office in accordance with FAA internal directives.

11. *Limits of Authority.* The Certificate of Authority, and supplemental documents, presented to each DAR will identify all authorized functions. These functions will be limited to those for which the DAR has been determined qualified.

12. *Appointing Office.* The Director of Airworthiness has delegated the authority to select and appoint DAR's to: the Managers of Aircraft Certification Divisions regarding authorization to perform engineering or manufacturing functions, and to the Managers of Flight Standards Divisions regarding authorization to perform maintenance functions.

13. *Managing Office.* The managing office is the FAA Field Office assigned responsibility by the appointing office for managing a particular DAR's activity. All DAR authorized functions must be accomplished within the geographical boundaries of the managing office unless otherwise authorized by that office. In those instances where a DAR obtains authorization to perform authorized functions in another geographical area, the managing office will retain the responsibility for monitoring and supervising the DAR's activity.

14. *Authorized Functions.* The Director of Airworthiness hereby determines that the following functions may be delegated to a DAR (following a determination by the Director, or the Director's designee, that the DAR is qualified to perform the particular function).

a. *Manufacturing Functions.* In the area of manufacturing, a DAR may, within limits prescribed by, and under the general supervision of the Administrator, be authorized to perform the following functions in accordance with existing FAA procedures, policies, practices, and pertinent FAR's:

(1) Issue original standard airworthiness certificates for U.S.-registered aircraft;

(2) Issue experimental certificates, for the purpose of showing compliance with regulations, for U.S.-registered aircraft which have undergone changes to the type design and require flight test, prior to the issuance/reissuance of a standard airworthiness certificate;

(3) Issue original restricted airworthiness certificates for U.S.-registered restricted category aircraft, located in the U.S. only;

(4) Issue original experimental certificates for U.S.-registered amateur-built aircraft, located in the U.S. only;

(5) Issue special flight permits for U.S.-registered aircraft for the purposes outlined in FAR 21.197(a)(1) through (5);

(6) Issue original export airworthiness approvals for Class I products (i.e., aircraft, aircraft engines, or propellers), in accordance with the provisions of Part 21, Subpart L, of the FAR's;

(7) Issue original export airworthiness approvals for Class II products (i.e., major components of a Class I product), that are manufactured and located in the United States, in accordance with the provisions of Part 21, Subpart L, of the FAR's;

(8) Conduct conformity inspections and certify that prototype or test articles, parts, or installations, including complete aircraft, to be used for FAA design evaluation purposes, (e.g., type certification or supplemental type certification programs), conform to the design being evaluated; or

(9) Conduct conformity inspections and certify that components manufactured in the U.S. for foreign product manufacturers conform to the design, test, and quality requirements notified to the FAA by the civil

air authority of the country in which the product manufacturer is located.

b. *Maintenance Functions.* In the area of maintenance, a DAR may, within limits prescribed by, and under the general supervision of the Administrator, be authorized to perform the following functions in accordance with existing FAA procedures, policies, practices, and pertinent FAR's:

(1) Issue recurrent standard airworthiness certificates for U.S.-registered aircraft;

(2) Issue recurrent restricted airworthiness certificates for U.S.-registered restricted category aircraft, located in the U.S. only;

(3) Issue recurrent experimental certificates for U.S.-registered amateur-built aircraft, located in the U.S. only;

(4) Issue special flight permits for U.S.-registered aircraft for the purposes outlined in FAR 21.197(a)(1), and (2);

(5) Issue recurrent export airworthiness approvals for Class I products (i.e., aircraft, aircraft engines, or propellers), in accordance with the provisions of Part 21, Subpart L, of the FAR's;

(6) Issue recurrent export airworthiness approvals for Class II products (i.e., major components of a Class I product), that are manufactured and located in the United States, in accordance with the provisions of Part 21, Subpart L, of the FAR's; or,

(7) Issue airworthiness approval tags for U.S.-manufactured spare parts for aircraft, aircraft engines, propellers, materials, parts, or appliances upon a determination that such products have remained in, or have been returned to, their FAA approved design configuration, and are in a condition for safe operation.

c. *Engineering Functions.* (Reserved. No present need has been established to authorize delegations in the area of engineering beyond those presently authorized under the Designated Engineering Representative (DER) program.)

M. C. Beard,

Director of Airworthiness.

Appendix 1. Qualification Criteria

1. *General Qualifications.* In view of the diverse certification functions (i.e., areas of maintenance, manufacturing, and engineering) which may be delegated under FAR 183.33, the FAA must ensure that DAR applicants are appropriately qualified for each requested function. Accordingly, to qualify for an appointment as a DAR, all applicants must meet the general qualifications listed below in addition to having the specialized experience specified in paragraphs 2 and 3, as appropriate, for the particular function for which authorization is being sought:

a. Current and through working knowledge of the FAR's and related material;

b. Current technical knowledge and experience commensurate with that required for the particular function;

c. Unquestionable integrity, cooperative attitude, and the ability to exercise sound judgment;

d. The ability to maintain the highest degree of objectivity while performing authorized functions on behalf of the FAA, consistent with FAA regulations, statutes, and safety goals, notwithstanding any influence to the contrary; and

e. At least two (2) years of satisfactory experience in working with the FAA in connection with the type of work to be covered in the designation.

2. *Specialized Experience Required for Manufacturing Functions.* In the area of manufacturing, FAA Manufacturing Inspectors are responsible for making original (i.e., the first issuance of an airworthiness certificate/approval or export airworthiness approval) determinations that an aircraft or related product conforms to its FAA approved type design configuration and is in a condition for safe operation; or, as appropriate, the original determination that an aircraft or related product meets pertinent FAR requirements (e.g. amateur-built aircraft). Accordingly, in the area of manufacturing, in addition to the general qualifications specified in paragraph 1, a DAR applicant must have the following specialized experience for each particular function for which authorization is being sought:

a. *Issuance of Original Airworthiness Certificates on U.S.-Registered Aircraft.* (Reference Advisory Circular 183–33, paragraph 14a(1) through (5)). To qualify for authorization to perform this particular function, a DAR applicant must have the following experience:

(1) Five years of experinece as an FAA Manufacturing Inspector or Designated Manufacturing Inspection Representative (DMIR) involved in the actual issuance of original airworthiness certificates on AIRCRAFT OF SIMILAR TYPE AND COMPLEXITY to those for which authorization is being sought; or

(2) In the case of an organization, as the holder of an FAA Production Certificate (PC), or Approved Production Inspection System (APIS) having a person(s) in its employ with five years of experience similar to that specified in paragraph 2a(1).

b. *Issuance of Original Export Airworthiness Approvals for Class I Products (i.e., Aircraft, Aircraft Engines, or Propellers).* (Reference Advisory Circular 183–33, paragraph 14a(6)). To qualify for authorization to perform this particular function, an DAR applicant must have the following experience.

(1) Five years of experience as an FAA Manufacturing Inspector or DMIR involved in the actual issuance of original export airworthiness approvals on Class I Products OF SIMILAR TYPE AND COMPLEXITY to those for which authorization is being sought; or

(2) In the case of an organization, as the holder of an FAA PC, or APIS having a person(s) in its employ with five years of experience similar to that specified in paragraph 2b(1).

c. *Issuance of Original Export Airworthiness Approvals for Class II Products (i.e., Major Components of a Class I Product), that are Manufactured and Located in the United States.* (Reference Advisory Circular 183–33, paragraph 14a(7)). To qualify for authorization to perform this particular function, a DAR applicant must have the following experience:

(1) Three years of experience as an FAA Manufacturing Inspector or DMIR involved in the actual issuance of original export airworthiness approvals on Class II Products OF SIMILAR TYPE AND COMPLEXITY to those for which authorization is being sought; or

(2) Show evidence of three years of experience with quality control methods and techniques which demostrates the applicant's ability to determine that Class II Products (OF SIMILAR TYPE AND COMPLEXITY to those for which authorization is being sought) submitted for original export airworthiness approval meet FAR 21, Subpart L, and any other applicable FAR's; and meet the special/additional requirements of the importing country. This experience should include:

(a) First article, in process, and final assembly inspection;

(b) Quality assurance provisions of special processes, e.g., heat treating, brazing, welding, carburizing, plating, etc.;

(c) Destructive and nondestructive inspection;

(d) Manufacturing processes;

(e) Airworthiness assurance (Reference Order 8120.2A, paragraph 183);

(f) Developing/implementing quality control systems/procedures;

(g) Testing procedures; and

(h) Use of FAA approved design data.

(3) In the case of an organization, as the holder of an FAA production approval (i.e., PC, APIS Technical Standard Order Authorization (TSOA), or FAA-Parts Manufacturer Approval (FAA–PMA)) having a person(s) in its employ with three years experience similar to that specified in paragraph 2c(1) or (2).

d. *Conduct Conformity Inspections and Certify Conformity of Prototype or Test Articles, Parts, or Installations, Including Completed Aircraft.* (Reference Advisory Circular 183–33, paragraph 14a(8)). To qualify for authorization to perform this particular function, DAR applicant must have the following experience:

(1) Five years of experience as an FAA Manufacturing Inspector or DMIR involved in making actual determinations that prototype or test articles, parts, or installations, including completed aircraft (OF SIMILAR TYPE AND COMPLEXITY to those for which authorization is being sought) were in conformity to the design being evaluated by the FAA; or

(2) Show evidence of five years experience with quality control methods and techniques which demonstrates the applicant's ability to determine that prototype or test articles, parts, or installations, including completed aircraft (OF SIMILAR TYPE AND COMPLEXITY to those for which authorization is being sought), to be used for FAA design evaluation, conform to the design being evaluated. This experience should include:

(a) First article, in process, and final assembly inspection;

(b) Quality assurance provisions of special processes, e.g., heat treating, brazing, welding, carburizing, plating, etc.;

(c) Destructive and nondestructive inspection;

(d) Manufacturing processes;

(e) Airworthiness assurance (Reference Order 8120.2A, paragraph 183);

(f) Developing/implementing quality control systems/procedures;

(g) Testing procedures; and

(h) Use of FAA approved design data.

(3) In the case of an organization, as the holder of an FAA production approval (i.e., PC, APIS, TSOA, or FAA–PMA) having a person(s) in its employ with five years experience similar to that specified in paragraph 2d(1) or (2).

e. *Conduct Conformity Inspections and Certify Conformity of Components Manufactured in the United States for Foreign Product Manufacturers.* (Reference Advisory Circular 183–33, paragraph 14a(9)). To qualify for authorization to perform this particular function, a DAR applicant must have the following experience:

(1) Three years of experience as an FAA Manufacturing Inspector involved in making actual determinations that components (OF SIMILAR TYPE AND COMPLEXITY to those for which authorization is being sought) manufactured in the U.S. for foreign product manufacturers were in confirmity with the design, test, and quality requirements notified to the FAA by the civil air authority of the country in which the product manufacturer is located; or

(2) Show evidence of three years experience with quality control methods and techniques on components (OF SIMILAR TYPE AND COMPLEXITY to those for which authorization is being sought) which demonstrates the applicant's ability to determine conformance to the pertinent design, test, and quality requirements. This experience should include:

(a) First article, in process, and final assembly inspection;

(b) Quality assurance provisions of special processes, e.g., heat treating, brazing, welding, carburizing, plating, etc.;

(c) Destructive and nondestructive inspection;

(d) Manufacturing processes;

(e) Airworthiness assurance (Reference Order 8120.2A, paragraph 183);

(f) Developing/implementing quality control systems/procedures;

(g) Testing procedures; and

(h) Use of FAA approved design data.

(3) In the case of an organization, as the holder of an FAA production approval (i.e., PC, APIS, TSOA, or FAA–PMA) having a person(s) in its employ with three years experience similar to that specified in paragraph 2e(1) or (2).

3. *Specialized Experience Required for Maintenance Functions.* In the area of maintenance, FAA Airworthness Inspectors are responsible for making recurrent (i.e., the issuance, subsequent to the original, of an airworthiness certificate/approval or export airworthiness approval) determinations that an aircraft or related product has remained in or has been returned to its FAA approved type design configuration and is in a condition for safe operation; or, as appropriate, the recurrent determination that an aircraft or related product continues to meet pertinent FAR requirements (e.g. amateur-built aircraft). Accordingly, in the area of maintenance, in addition to the general qualifications specified in paragraph 1, a DAR applicant must have the following specialized experience for each particular function for which authorization is being sought:

a. *Issuance or Recurrent Airworthiness Certificates on U.S.-Registered Aircraft.* (Reference Advisory Circular 183–33, paragraph 14b(1) through (4)). To qualify for authorization to perform this particular function, a DAR applicant must have the following experience:

(1) five years of experience as:

(a) An FAA Airworthiness Inspector involved in the actual issuance of recurrent airworthiness certificates on AIRCRAFT OF SIMILAR TYPE AND COMPLEXITY to those for which authorization is being sought; or

(b) A person having responsibility for managing airworthiness certification programs leading to the issuance of airworthiness certificates and/or the release of aircraft to service (e.g. Chief Inspector or Director of Maintenance at an FAA approved repair station, or at the facility of the holder of an air carrier or commercial operators certificate). This person must demonstrate the ability to determine that aircraft (OF SIMILAR TYPE AND COMPLEXITY to those for which authorization is being sought) submitted for recurrent certification have remained in or have been returned to their FAA approved design configuration; or, as appropriate, the recurrent determination that an aircraft meets pertinent FAR requirements; or

(c) The experience as outlined in paragraph 2a(1).

(2) In the case of an organization:

(a) As the holder of a repair station certificate, under FAR 145, with appropriate ratings, having a person(s) in its employ with five years experience similar to that specified in paragraph 3a(1) (a) through (c); or

(b) Any air carrier operating certificate holder with an FAA approved Continuous Airworthiness Maintenance Program (CAMP), having a person(s) in its employ with five years experience similar to that specified in paragraph 3a(1) (a) through (c); or

(c) A manufacturer as defined in paragraph 2a(2).

b. *Issuance of Recurrent Export Airworthiness Approvals for Class I Products (i.e., Aircraft, Aircraft Engines, or Propellers).* (Reference Advisory Circular 183–33, paragraph 14b(5)). To qualify for authorization to perform this particular function, a DAR applicant must have the following experience:

(1) Five years of experience as:

(a) An FAA Airworthiness Inspector involved in the actual issuance of recurrent export airworthiness approvals for Class I Products OF SIMILAR TYPE AND COMPLEXITY to those for which authorization is being sought; or

(b) A person having responsibility for managing export airworthiness approval programs leading to the issuance of export airworthiness approvals for Class I Products (e.g., Chief Inspector or Director of Maintenance at an FAA approved repair station, or at the facility of the holder of an air carrier or commercial operators certificate). This person must demonstrate the ability to determine that Class I Products (OF SIMILAR TYPE AND COMPLEXITY to those for which authorization is being sought) submitted for recurrent export airworthiness approval meet FAR 21, Subpart L, and any other applicable FAR's; and meet the special/additional requirements of the importing country; or

(c) The experience outlined in paragaraph 2b(1).

(2) In the case of an organization:

(a) As the holder of a repair station certificate, under FAR 145, with appropriate ratings, having a person(s) in its employ with five years experience similar to that specified in paragraph 3b(1) (a) through (c); or

(b) Any air carrier operating certificate holder with an FAA approved CAMP, having a person(s) in its employ with five years experience similar to that specified in paragraph 3b(1) (a) through (c); or

(c) A manufacturer as defined in paragraph 2b(2).

c. *Issuance of Recurrent Export Airworthiness Approvals for Class II Products (i.e., Major Components of a Class I Product), that are Manufactured and Located in the United States.* (Reference Advisory Circular 183–33, paragraph 14b(6)). To qualify for authorization to perform this particular function, a DAR applicant must have the following experience:

(1) Three years of experience as:

(a) An FAA Airworthiness Inspector involved in the actual issuance of recurrent export airworthiness approvals on Class II Products OF SIMILAR TYPE AND COMPLEXITY to those for which authorization is being sought; or

(b) The holder of an IA, Mechanic Certificate with airframe and powerplant ratings, or a repairman's certificate (e.g. avionics, instruments, etc.) who can demonstrate the ability to determine that Class II Products (OF SIMILAR TYPE AND COMPLEXITY to those for which authorization is being sought) submitted for recurrent export airworthiness approval meet FAR 21, Subpart L, and other applicable FAR's; and meet the special/additional requirements of the importing country; or

(c) The experience as outlined in paragraph 2c(1) or (2).

(2) In the case of an organization:

(a) As the holder of a repair station certificate, under FAR 145, with appropriate ratings, having a person(s) in its employ with three years of experience similar to that specified in paragraph 3c(1) (a) through (c); or

(b) Any air carrier operating certificate holder with an FAA approved CAMP, having a person(s) in its employ with three years of experience similar to that specified in paragraph 3c(1) (a) through (c); or

(c) A manufacturer as defined in paragraph 2c(3).

d. *Issuance of Airworthiness Approval Tags for U.S.-Manufactured Spare Parts for Aircraft, Aircraft Engines, Propellers, or Appliances.* (Reference Advisory Circular 183–33, paragraph 14b(7). To qualify for authorization to perform this particular function, a DAR applicant must have the following experience:

(1) Five years of experience as:

(a) An FAA Airworthiness Inspector involved in the actual issuance of airworthiness approval tags for spare parts for aircraft, aircraft engines, propellers, or appliances (OF SIMILAR TYPE AND COMPLEXITY to those for which authorization is being sought); or

(b) The holder of an IA, Mechanic Certificate with airframe and powerplant ratings, or a repairman's certificate (e.g. avionics, instruments, etc.) who can demonstrate the ability to determine that U.S.-manufactured spare parts for aircraft, including aircraft engines, propellers, materials, parts, or appliances, (OF SIMILAR TYPE AND COMPLEXITY to those for which authorization is being sought) submitted for airworthiness approval tags have remained in or have been returned to their FAA approved design configuration; are in a condition for safe operation; and meet any other applicable FAR's; or

(c) The experience as outlined in paragraph 2b(1); or

(2) In the case of an organization:

(a) As the holder of a repair station certificate, under FAR 145, with appropriate ratings, having a person(s) in its employ with five years of experience as specified in paragraph 3d(1) (a) through (c); or

(b) Any air carrier operating certificate holder with an FAA approved CAMP, having a person(s) in its employ with five years of experience similar to that specified in paragraph 3d(1) (a) through (c); or

(c) A manufacturer as defined in paragraph 2b(2).

4. *Specialized Experience Required for Engineering Functions.* No present need has been established to authorize delegations in the area of engineering beyond those presently authorized under the Designated Engineering Representative (DER) program. Therefore, specialized experience requirements for this discipline will not be developed until such need has been established.

Appendix 2. Selecting and Appointing Offices

The FAA offices responsible for selecting and appointing DAR's are as listed below. Information concerning DAR selection, appointment and qualification criteria may be obtained from the offices listed below or from any FAA Aircraft Certification Office (ACO), Manufacturing Inspection District Office (MIDO), Manufacturing Inspection Satellite Office (MISO), Flight Standards District Offices (FSDO), General Aviation District Office (GADO) or Air Carrier District, Office (ACDO).

a. *Manufacturing and Engineering Functions.* Applications for DAR appointment in the areas of manufacturing and engineering must be submitted to the Aircraft Certification Division listed below that is located in the geographical area in which the applicant resides or has his/her primary place of business.

(1) Aircraft Certification Division, ANE-100, 12 New England Executive Park, Burlington, Massachusetts 01803, (617) 273-7328.

(2) Aircraft Certification Division, ACE-100, 601 East 12th Street, Kansas City, Missouri 64106, (816) 374-6937.

(3) Aircraft Certification Division, ASW-100, 4400 Blue Mound Road, P.O. Box 1689, Fort Worth, Texas 76101, (817) 624-4512.

(4) Aircraft Certification Division, ANM-100, 17900 Pacific Highway South, Seattle, Washington 98168, (206) 764-7047.

b. *Maintenance Functions.* Applications for DAR appointment in the area of maintenance must be submitted to the Flights Standards Division listed below that is located in the geographical area in which the applicant resides or has his/her primary place of business.

(1) Flight Standards Division, AAL-200, Anchorage Federal Office Building and Courthouse, 701 C Street, Box 14, Anchorage, Alaska 99513, (907) 271-5514.

(2) Flight Standards Division, ACE-200, 601 East 12th Street, Kansas City, Missouri 64106, (816) 374-5003.

(3) Flight Standards Division, AEA-200, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, (213) 917-1124.

(4) Flight Standards Staff, AEU-200, 15 Rue de la Loi, 1040 Brussels, Belgium, 513.38.30 Extension 2225, Autovo 793-2720.

(5) Flight Standards Division, AGL-200, 2300 East Devon Avenue, Des Plains, Illinois 60018, (312) 694-7252.

(6) Flight Standards Division, ANE-200, 12 New England Executive Park, P.O. Box 510, Burlington, Massachusetts 01803, (617) 273-7341.

(7) Flight Standards Division, ANM-200, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, (206) 264-7040.

(8) Flight Standards Division, ASO-200, 3400 Norman Berry Drive, East Point, Georgia 30344, P.O. Box 20636, Atlanta, Georgia 30320, (404) 763-7401.

(9) Flight Standards Division, AWP-200, 15000 Aviation Boulevard, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009, (213) 536-6251.

(10) Flight Standards Division, ASW-200, 4400 Blue Mound Road, P.O. Box 1689, Fort Worth, Texas 76101, (817) 624-4911, Extension 500.

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Part III

Department of Transportation

Research and Special Programs Administration

Specifications for Railroad Tank Cars Used To Transport Hazardous Materials; Notice of Proposed Rulemaking

DEPARTMENT OF TRANSPORTATION
Research and Special Programs Administration

49 CFR Part 173 and 179

[Docket No. HM-175; Notice No. 83-1]

Specifications for Railroad Tank Cars Used To Transport Hazardous Materials

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes changes in the construction and maintenance standards for railroad tank cars used to transport hazardous materials. References to various specification tank cars are to DOT specifications. The proposed changes are as follows:

(1) After December 31, 1986, specification 105 tank cars built before September 1, 1981, that have a capacity exceeding 18,500 U.S. gallons and are carrying a flammable gas, anhydrous ammonia or ethylene oxide would have to be equipped with lower half tank head protection (such as a head shield);

(2) After December 31, 1986, specification 105 tank cars built before September 1, 1981 that have a capacity exceeding 18,500 U.S. gallons and are carrying a flammable gas or ethylene oxide would have to be equipped with: (a) High temperature thermal insulation; and (b) safety relief valves sized according to the requirements for specification 112 and 114 tank cars; and

(3) After December 31, 1986, specification 111 tank cars that have a capacity exceeding 18,500 U.S. gallons and are carrying flammable gas or ethylene oxide would have to be equipped with: (a) Lower half tank head protection; (b) high temperature thermal insulation; and (c) safety relief valves sized according to the requirements for specification 112 and 114 tank cars.

In brief, the proposed rule would require that specifically identified hazardous materials being transported in existing large capacity specification 105 and 111 tank cars have the same added tank head and thermal safety systems that are now required on newly built specification 105 tank cars (HM-174) and on all specification 112 and 114 tank cars (HM-144) when carrying those same commodities.

DATE: Comments must be received on or before June 7, 1983.

ADDRESS: Comments should be addressed to the Dockets Branch, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590. Comments should identify the docket number and notice number and be submitted, if possible, in five copies. The Dockets Branch is located in Room 8426 of the Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590. Public dockets may be reviewed between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday, except public holidays.

FOR FURTHER INFORMATION CONTACT: Philip Olekszyk, Office of Safety, Federal Railroad Administration, Washington, D.C. 20590, (202) 426-0897.

SUPPLEMENTARY INFORMATION: At the time DOT commenced its review of specifications for pressure tank cars in the early 1970's, there had been a number of serious railroad accidents involving rail transportation of flammable compressed gases, toxic compressed gases and other hazardous materials. Most of these accidents involved uninsulated pressure tank cars of large capacity (over 18,500 U.S. gallons) built to specification 112 and 114.

Since the specification 112 and 114 tank car shipments of hazardous material were determined to present a more serious threat to public safety, MTB and the Federal Railroad Administration (FRA) assigned first priority to improving the construction and maintenance standards applicable to those cars. It was further decided that after these specification 112 and 114 tank cars had been structurally upgraded, the MTB and FRA would then consider a revision of the standards applicable to the specification 105 tank cars.

Accordingly, on September 15, 1977, MTB published a final rule in Docket HM-144 (42 FR 46306). In summary, the rule requires that:

1. Existing and newly built specification 112 and 114 tank cars used to transport flammable gases such as propane, vinyl chloride and butane have both thermal protection (large capacity safety relief valves and high temperature thermal insulation) and tank head protection (such as a head shield);

2. Existing and newly built specification 112 and 114 tank cars used to transport anhydrous ammonia have tank head protection; and

3. All specification 112 and 114 tank cars be equipped with special couplers designed to resist coupler vertical disengagements (self couplers).

After the upgrading of specification 112 and 114 tank cars was substantially completed, MTB initiated rulemaking for specification 105 tank cars. On January 26, 1981, MTB published a final rule in Docket HM-174 (46 FR 8005) affecting new construction of specification 105 tank cars. That final rule also includes a shelf coupler requirement applicable to all specification tank cars. The rule requires that:

(1) Specification 105 tank cars built before March 1, 1981, be retrofitted over a one-year period ending on February 28, 1982, with a coupler vertical restraint system equivalent to that required on specification 112 and 114 tank cars;

(2) All other specification tank cars built before March 1, 1981, be equipped with a coupler vertical restraint system equivalent to that required on specification 112 and 114 tank cars over a four-year period ending on February 28, 1985;

(3) After February 28, 1981, newly built specification 105 tank cars be equipped with a coupler vertical restraint system equivalent to that required on specification 112 and 114 tank cars;

(4) After August 31, 1981, newly built specification 105 tank cars transporting flammable gases, anhydrous ammonia and ethylene oxide be equipped with a tank head puncture resistance system equivalent to that required on certain specification 112 and 114 tank cars (S, T, and J cars);

(5) After August 31, 1981, newly built specification 105 tank cars transporting flammable gases and ethylene oxide be equipped with high temperature thermal insulation equivalent to that required on certain specification 112 and 114 tank cars (T and J cars); and

(6) After August 31, 1981, newly built specification 105 tank cars transporting flammable gases and ethylene oxide be equipped with safety relief valves sized according to the requirements for specification 112 and 114 tank cars.

On July 21, 1980, the same day the notice of proposed rulemaking in Docket HM-174 was issued, MTB also issued an advance notice of proposed rulemaking (ANPRM) in Docket HM-175 (45 FR 48668). That notice sought additional information to allow an evaluation of the need, means, and cost to extend the specified puncture and thermal protection levels of specification 112 and 114 tank cars to:

1. Existing specification 105 tank cars used to transport the same hazardous materials permitted in specification 112 and 114 tank cars;

2. Existing specification 105 tank cars used to transport other hazardous materials such as ethylene oxide, butadiene, poisons, and combustible and flammable liquids or solids; and

3. All other new and existing specification tank cars used to transport the same hazardous materials permitted

in specification 105 tank cars, *e.g.*, specification 111 tank cars.

Comments received in response to the ANPRM and the substantial body of information developed in Dockets HM–144 and HM–174 have been considered in developing the rule proposed in this notice. In all, thirty-eight comments to the ANPRM were submitted to MTB. The depth of coverage in response to the eighteen questions posed by MTB ranged from one or two-page documents limited to a single concern, general observations, or a blanket endorsement of some other commenter's submittal, to documents of more than forty pages covering each of the major issue areas.

Question #1: Accident Data

In the ANPRM, MTB requested details of accidents involving a broad range of hazardous materials according to specification tank car and designated subgroup tank car design characteristics. The tank car subgroup designs were specified in the ANPRM.

Ten responses contained some accident data. Most of the comments were directed at individual commodities or limited movements. One commenter supplied detailed accident data on all major hazardous material rail accidents since 1958. Other commenters supplied accident data on particular hazardous materials or tank car fleet basis. Although the great majority of tank cars included in these data carried flammable gases or anhydrous ammonia, other hazardous materials also were mentioned. These other hazardous materials included ethylene oxide, chlorine, motor fuel anti-knock compound, nitrogen fertilizer solution, refrigerants/dispersants/fluorocarbons, carbon dioxide, sulfur dioxide, ethyl ether, metallic sodium, anhydrous hydrofluoric acid, benzene, acrolein, hydrogen sulfide, vinyl acetate, flammable liquids, propylene oxide, and anhydrous hydrochloric acid. The comments received in this area did not contradict or significantly add to MTB's own data base.

Question #2: Existing Protection Levels

The MTB requested comments on how the levels of head and thermal protection should be ascertained for the various subgroups of existing specification 105 tank cars. Specifically, MTB asked if a point value system reflecting each type and thickness of material should be established.

Most commenters either directly stated or inferred that the levels of needed protection cannot be established for other hazardous materials in the same way as for flammable gases. They contend that safety requirements should be based on the characteristics of the hazardous material being transported and the risks inherent in its transportation by rail. Some commenters noted that the Railway Progress Institute (RPI), the Association of American Railroads (AAR), and FRA were conducting scale model testing and that specific methodologies should await final test results. Several commenters stated that full scale testing was needed to determine the degree of protection provided to such hazardous materials by various specification tank car designs. One commenter recommended that objective engineering formulas from FRA test data be developed to relate the physical and thermal characteristics of the head/tank material, insulation material, jacket material, and tank design.

Overall, MTB did not receive any analyses or approaches to evaluate the levels of puncture and termal protection that the various specification 105 tank cars now possess. The commenters tended to avoid this question on the grounds that it was not feasible, without additional testing, to determine the levels of protection now provided by the various specification 105 tank car designs.

Question #3: Identification and Marking

The MTB requested information on the processes that might be employed to identify and mark each car in the fleet according to the level of head and thermal protection if possesses.

Most commenters answered this question in the same way as for Question #16 on stenciling. They recommend that the current stenciling methods and the alphanumeric system to identify particular car/commodity/protection for specification 112/114 and new specification 105 tank cars be extended to all specification 105 tank cars.

Question #4: Commodity Specific Protection

The MTB solicited comments on whether a different level of thermal and head protection is needed for hazardous materials other than those carried in specification 112 and 114 tank cars. For those hazardous materials which may need different levels of protection, MTB also requested information on what the levels should be and the reasons for the protection level selected. In addition, MTB asked for suggestions on how cars carrying these hazardous materials should be identified and marked.

The commenters who responded to this question believed that hazardous materials should be evaluated individually, with many requiring different or lesser levels of protection than required for the hazardous materials addressed in HM–144. Several commenters offered specific examples of hazardous materials that warrant special protection consideration. Several commenters felt that the existing requirements are already in proportion to protection needs; *e.g.*, the authorized tank car is often required to be constructed to a higher strength specification than the vapor pressure of the hazardous material at ambient temperature warrants.

Commenters generally restricted their opinions to products and car types with which they were directly associated. A variety of reasons were offered in support of various positions.

Two commenters noted that there has never been an incident involving loss of product from a tank car transporting metallic sodium and the metallic sodium is shipped at low vapor pressure. Therefore, they conclude that there is no need for head and thermal protection of tank cars used to transport metallic sodium.

One commenter felt that there might be a justification for a heavier head jacket for cars carrying pyrophorics. The same commenter claimed that there was no justification for retrofit of motor fuel anti-knock compound cars because the disaster potential was much less than for some of the other hazardous materials transported in specification 105 tank cars.

Several commenters identified flammable gases, ethylene oxide, chlorine, and certain poisons as commodities that may be candidates for additional protection. One commenter believed that flammable liquids and combustible liquids have characteristics that do not require the same protection level as do flammable or poisonous gases.

Another commenter cited ethylene oxide, chlorine, and acrolein as hazardous materials that may need additional protection. This commenter believed that the HM–144 thermal protection requirement would not be appropriate for chlorine and acrolein. It was noted that the HM–144 requirement is designed to prevent tank steel from exceeding 800°F for a specific time during exposure to torch or pool fires, whereas chlorine reacts with steel at about 500°F and acrolein polymerizes at about 400°F. Another commenter noted the steel-chlorine reaction problems and suggested that future testing should be directed at producing high temperature insulating systems to improve the thermal resistant performance of chlorine cars. This commenter noted

that, for chlorine cars, there have been more shell punctures than head punctures. Therefore, the commenter concluded that if a thicker tank head or jacket is necessary, then consideration should be given to requiring thicker material for the entire tank. One commenter identified chlorine, vinyl chloride, and isobutylene as the most viable hazardous materials for tank car retrofitting. Another commenter pointed to ethylene oxide cars as the cars most needing retrofit.

No consistent or rigorous criteria for ranking hazardous material in order of the need for additional protection levels evolved from the comments submitted.

Question #5: Accuracy of MTB Estimates

The MTB included in the ANPRM a table of car groupings and estimated protection levels to stimulate comments. It is entitled, "Summary of Estimated Protection Provided by Broad 105 Car Classification Sub-Groupings." Comments on the applicability and accuracy of the table were solicited.

No in-depth analyses or detailed comments pertaining to the table were supplied by the commenters. Several commenters felt that the table represented a reasonable breakdown of the specification 105 tank car fleet. Some suggested that the breakdown of the specification 105 tank car fleet in the table be compared with the results of a study being done by Dynatrend for FRA and/or with the results of Phase 17 of the RPI/AAR Tank Car Project. A more detailed breakdown of the specification 105 car fleet (*e.g.*, hazardous material, by car size, and by car accident history) was recommended by others. Most commenters, however, only addressed the number of cars in each subgroup, not the estimated protection levels of the subgroups.

The commenters generally felt that the two columns offered by the MTB on the estimated status of the tank head and thermal protection of the subgroups were subjective. Many stated that additional testing was needed to quantify the existing levels of head and thermal protection by car design. One commenter felt that the table was misleading for anhydrous ammonia since the table indicates that specification 105 anhydrous ammonia cars have significantly less thermal protection than HM–144 requirements, even though high temperature thermal protection is not required in HM–144 for specification 112 and 114 tank cars used to carry anhydrous ammonia.

Question #6: Fleet Characteristics

The MTB asked that tank car owners and users provide breakdowns of specification 105 tank cars owned or used according to appropriate sub-groupings and characteristics in the table published in the ANPRM.

The limited data submitted did not permit MTB to compile a more accurate or comprehensive characterization of the specification 105 tank car fleet.

Question #7: Retirement, Displacement, Retrofit Considerations

The MTB requested that tank car owners estimate how many specification 105 tank cars would be retired, displaced, or retrofitted if HM–144 performance levels were mandated for the entire specification 105 tank car fleet.

Generally, it appears that the responses to this question were made from varying assumptions as to what the final rule requirements would be. Hence, it is impossible to draw any firm conclusions on the number of cars that would be displaced, retired, or retrofitted if a retrofit requirement for the entire 105 tank car fleet was established.

Question #8: Reasons and Consequences of Retirement or Displacement of Tank Cars

Comments were requested about the reasons for and economic consequences of the retirement of certain cars in lieu of retrofitting. Comments were also requested about the reasons for and the economic consequences of changing car usage rather than retrofitting. The MTB further requested that commenters provide specific information on the age and size of cars which would be considered as strong candidates for retirement or for a change in usage.

Most commenters answered this question in a way which suggested that actual "real world" decisions would have to await a clearer expression of regulatory intent. Various rather general individual opinions were advanced. One commenter stated that cars 28 years or older would be retired because the retrofit cost could not be fuly depreciated over the remaining life of those cars. Another commenter stated that cars listed in the ANPRM Table as subgroup C (LPG) would either be scrapped, or converted to a non-pressure class if a demand for other use could be found for those cars. Another commenter identified small tank cars (approximately 11,000 gallon size) as being strong candidates for a change in usage or retirement.

Question #9: New Car Procurements

Comments were requested on the effect that tank car retirement or usage changes would have on new car procurements.

Most comments were not detailed or specific. It was difficult to determine a consistent or overall direction of the replies. Some commenters stated that all of the retired/dispalced cars would be replaced, while one said that none of the retired/displaced cars would be replaced.

The MTB did not obtain new information from the comments which significantly aided in estimating the impact that the regulatory changes would have on new car procurements.

Question #10: Technical Feasibility of Retrofitting

Assessments of the technical feasibility of retrofitting specification 105 cars were solicited by MTB.

Most of the commenters who responded to this question did not advance technical doubts as to the feasibility of accomplishing the potential retrofit. There were strong opinions that it was not economically practical (because of high costs) to retrofit tank cars by replacing existing valves with larger safety valves. There were also general objections to a retrofit based on the belief that an unretrofitted specification 105 tank car is safer than the unretrofitted specification 112 and 114 tank cars built prior to HM–144.

Even though no significant retrofit obstacles were identified, several commenters observed that because of the growth in diameter of tanks, insulation thickness was restricted by clearance dimensions along railroad rights-of-way. Other commenters considered retrofitting as feasible from a purely technical aspect, but thought that additional testing would be necessary to resolve certain design questions. Several commenters expressed uncertainties concerning the length of time that external coatings applied to specification 105 car jackets could be expected to meet high temperature thermal protection requirements without losing mechanical integrity in severe raiload operational environments.

Question #11: Retrofit Cost Estimates

The MTB requested estimates of the prospective costs of retrofitting given types of specification 105 tank cars. The MTB asked that commenters specify the subgroup and relevant car characteristics (*e.g.*, capacity) upon which their estimates were based; that the specific cost elements be isolated; and that the type of protection system

be identified. In addition, cost estimates for out-of-service time and other cost factors were requested.

The nature and the amount of the estimates supplied by the commenters varied over a wide range. In some cases, it was not clear what cost elements were embraced by the totals.

Question #12: Retrofit Priorities and Timeframes

The ANPRM solicited comments concerning what retrofit priorities and timeframes might be reasonable, and the basis for the priorities and timeframes advocated.

Several of the commenters, while registering doubts about the justification of a retrofit, stated that any retrofit priority should be based on the characteristics of the hazardous materials, with the timeframe related to the need for retrofit, the number of cars affected, and the availability of shop space. One commenter recommended that the retrofit priorities should be based upon the Environmental Protection Agency's Hazardous Substances Categories, and that the number of cars known to be in each of these priority categories would then provide a basis for arriving at reasonable retrofit timeframes. Several commenters believed that retrofit priorities should be based on the characteristics of the hazardous material and car size while one commenter believed that retrofit priorities should be based upon a reconciliation of the level of hazard inherent in the hazardous material and the degree of protection already existing in the cars used. Several commenters suggested priority be given to the HM–144 commodities (flammable gases and anhydrous ammonia).

Question #13: Safety Relief Valves

The MTB asked for comments on the adequacy of current safety relief valves and the extent to which relief valves or discs can be modified on existing cars.

The large majority of commenters felt that a requirement should not be imposed that would mandate replacement of existing valves with larger ones. Although one commenter believed that larger safety valves are of benefit and recommended continued use wherever feasible, many other commenters expressed the opinion that the relief valves currently used on specification 105 tank cars are adequate. The only commenter who discussed directly the feasibility of modifying relief valves or discs stated that existing relief valves on specification 105 tank cars cannot be modified to obtain a larger capacity.

The primary concern of the commenters is the large cost that would be involved if installation of a large capacity safety valve requires cutting a larger hole in the tank. However, the commenters did not indicate the number of cars which would require the cutting of a larger hole.

Question #14: Peculiar Problems or Impacts

The MTB requested information on problems or impacts unique to a commenter's situation, including whether the owner or shipper was a small business.

The general flavor of the comments was that those small businesses owning or operating only a few cars would tend to suffer the most if a comprehensive retrofit were to be required. As in answers to several other questions, commenters seemed to be concerned that an arbitrary requirement might be imposed which would be expensive to comply with and provide little real direct benefits in return.

Question #15: Proof of Performance Levels

The MTB requested opinions on the methods or processes that should be utilized to determine the degree to which given tank head or thermal protection systems meet or exceed a specified performance level.

Several commenters favored complete full-scale testing to prove the effectiveness of proposals in new areas. One commenter suggested that both full-scale puncture and drop hammer tests be performed for systems not previously tested. Several commenters endorsed the FRA thermal test program which was then underway as a step in the right direction.

Question #16: Stenciling

The MTB asked for comments on the requirements, procedures and methods that might be utilized in stenciling or labeling the tank cars.

Most commenters felt that current methods for tank car stenciling could be easily augmented to advise the shippers of the degree of protection provided by specific car types.

Question #17: Reporting Needs

The MTB asked for comments on the reporting requirements for monitoring the progress of any mandated retrofit program.

Most commenters stated that if a reporting requirement is considered necessary then a system similar to that used for HM–144 should be adopted. Several commenters recommended a quarterly reporting schedule, while others recommended a semi-annual report schedule. One commenter suggested that industry should submit to DOT a timetable to monitor progress on a quarterly basis and that DOT should require reports by exception, *i.e.*, from only those who are not meeting the submitted schedule.

Question #18: Operational Substitutes

The MTB asked for comments on operational changes that might be instituted in lieu of retrofitting and still provide acceptable protection levels.

Several commenters suggested that DOT should await recommendations of the Systems Safety Analysis Group of the Inter-industry Task Group. Other commenters suggested that a rule, similar to FRA Emergency Order No. 5, should be adopted. Several commenters believed that operational changes are a more costly solution, especially since they are recurring costs, and should not be required.

Discussion

The MTB and FRA have examined the comments received in respect to actual accident trends, previous regulatory actions, testing results, technical evaluations, traffic statistics and other pertinent information in the possession of MTB and FRA. As a part of this examination, several options were developed and evaluated. A comprehensive benefit-cost analysis was employed to assess the relative merits of each major option.

The provisions of this NPRM are discussed in relationship to each of the three areas of consideration listed in the ANPRM.

The first area addressed in the ANPRM was the issue of extending the specified puncture and thermal protection levels of specification 112 and 114 tank cars (HM–144) to existing specification 105 tank cars that transport the same commodities as specification 112 and 114 tank cars.

In assessing the advisability of regulatory action in this area, the MTB and FRA note that:

(a) Any specification 112 tank car, 114 tank car, or 105 tank car built after August 31, 1981 must have a specified puncture protection level, thermal protection level and safety valve sizing as appropriate, when used to transport flammable gases and the toxic non-flammable gas, anhydrous ammonia.

(b) The safety improvement effectiveness of these protection requirements has been established through operating experience;

(c) Almost all of the flammable gas and anhydrous ammonia rail movement

volume in specification 105 tank cars is carried in newer cars having capacities in excess of 18,500 gallons;

(d) Other than having jacketed ambient temperature insulation, the basic design of the large capacity specification 105 tank cars is essentially similar to the specification 112 and 114 tank cars prior to being retrofitted in accordance with HM–144;

(e) Requiring retrofit of the safety valves on existing large capacity (over 18,500 U.S. gallons) specification 105 tank cars will not require cutting a larger hole in the tank since these cars have a manway cover with an 18 inch diameter; and

(f) The benefit-cost ratio for the retrofit of these large specification 105 tank cars (numbering about 3,000) is positive.

The FRA has determined that the retrofit of specification 105 tank cars would be cost beneficial, provided that the retrofit requirement is limited to those cars having capacities exceeding 18,500 U.S. gallons and used to transport those hazardous materials that historically have an unfavorable accident history and disaster potential (*i.e.*, LPG, ethylene oxide, and anhydrous ammonia). The retrofit proposed in this NPRM requires protection systems that are identical or substantially similar to those that have been extremely successful when applied to other tank cars transporting these commodities. The selection of large capacity specification 105 tank cars for retrofitting is consistent with the previous tank car retrofit rulemaking (HM–144) since the specification 112 and 114 tank cars previously required to be retrofitted were large capacity cars.

A large capacity safety valve is proposed because the combination of thermal insulation and larger safety valve provides the best level of safety. The large safety valve minimizes the product left in the tank at the point of tank failure and provides additional benefits in the case where the car is overturned and must vent liquid as well as vapor.

The cost involved in requiring a large capacity safety valve, as was required in HM–144 and HM–174, is not excessive since MTB and FRA are proposing a rule limited to tank cars with a volume over 18,500 gallons. The MTB and FRA believe that most, if not all, of these cars already have a manway of at least 18 inches in diameter, *i.e.*, large enough to be equipped with the large capacity valve. Thus, no changes in the tank structure, would be necessary. At most, a new manway cover plate will be necessary.

For those tank cars with a manway cover having a major dimension or diameter of less than 18 inches, MTB and FRA have proposed an alternative system that would allow the use of additional thermal protection in conjunction with existing safety valves. With this system, there should be no liquid remaining in the tank car at the moment of failure in those incidents in which the tank car remains upright. Under this option, there could be situations where the tank car pressures slightly exceed the pressures prescribed in § 179.100–15 and § 179.102–11; however, the pressures would not exceed the tank test pressure. A technical analysis explaining the safety validity of this option, and the consistency of the option with safety criteria established in HM–144, is in the docket.

The MTB and FRA are interested in determining the number of tank cars, if any, that have a manway cover with a major dimension or diameter of less than 18 inches. Therefore, it is requested that tank car owners who have cars with a manway cover having a major dimension or diameter of less than 18 inches provide the following information in their comments to the docket:

(a) The reporting marks(s) of the car(s);

(b) the manway cover diameter or major dimension, layout, and arrangement, including the location of all valves and fittings;

(c) a description of the existing insulation system on the tank car; and

(d) a list of all hazardous materials that are transported in the particular car(s).

At the present time and with the information available, MTB and FRA do not believe a rule requiring a retrofit of existing specification 105 tank cars having capacities less than 18,500 gallons carrying the identified hazardous materials is warranted on a cost/benefit basis. Many of these cars are nearing the end of their service life. Hence, the cost of retrofit might not be recovered in the remaining tank car life. More importantly, these smaller capacity cars have a lower utilization rate, reducing their exposure to potential accident situations. Finally, their smaller capacity presents a smaller safety risk should they be involved in an accident.

The second area of consideration for potential rulemaking listed in the ANPRM was to extend the specified puncture and thermal protection levels of specification 112 and 114 tank cars (HM–144) to existing specification 105 tank cars that transport other hazardous materials such as ethylene oxide, butadiene, poisons, and combustible and flammable liquids or solids.

Beyond some general mention of certain hazardous materials, the commenters did not support the extension of thermal and puncture requirements as applied to flammable and toxic poisons to "other" hazardous materials carried in existing specification 105 tank cars. The MTB and FRA have reviewed the safety record and the threats posed by all of the hazardous materials carried in specification 105 tank cars. Using the same rationale as was used in the final rule in HM–174, the MTB and FRA believe that the characteristics and threats posed by ethylene oxide are so close to materials classes as flammable gas that the same retrofit requirements should be adopted for tank cars used to transport this material. The expected benefits are the same as those identified for flammable gases.

The FRA is unable to justify similar retrofit requirements for specification 105 tank cars carrying other hazardous materials. This is true even though hazardous materials such as chlorine, acrolein, and motor fuel anti-knock compounds have properties that pose a high risk in accidents. However, these hazardous materials differ from flammable gases in that the identical level of thermal protection may not provide the same duration to failure or alleviate the potential catastrophic consequences to the same degree. Moreover, these hazardous materials are often carried in cars with different and better relative protection levels than tank cars authorized for flammable gases.

In regard to thermal protection, the more dangerous of the other hazardous materials undergo rapid decomposition or polymerization at elevated temperature, but neither the failure mechanisms nor countermeasures are as yet adequately tested or understood. For example, in the case of chlorine, it has not been determined that there have been any accident consequences that would definitely have been avoided if high temperature thermal protection identical to that required for flammable gases had been in place. Moreover, unlike flammable gases, a thermally induced rupture of a chlorine car would not increase the fire or continue a chain reaction spread of fire engulfment.

The MTB and FRA also considered increased puncture resistance for existing cars carrying hazardous materials such as chlorine, motor fuel anti-knock compound, and sulfur dioxide. The MTB and FRA are not convinced that an increased puncture

resistance requirement is justified based on accident experience and the current protection levels built into the cars authorized to transport these materials. The primary basis for this view is the fact that these hazardous materials are required to be shipped in tank cars with pressure ratings in excess of that needed to contain these products. Therefore, these cars already have some increased degree of built-in puncture resistance. Although this tank head puncture resistance may not be equivalent to HM–144/HM–174 performance levels, the safety record of these cars is such that MTB and FRA cannot now justify their retrofit or redesign to achieve an incremental amount of additional protection. It should also be noted that all specification 105 tank cars carrying hazardous materials are now required to have shelf couplers (per HM–174), which diminishes the probability of coupler-inflicted tank punctures.

With the exception of ethylene oxide, MTB did not find sufficient threats to safety, nor cost-benefit justification, for proposing an extension of thermal and head protection for tank cars to materials other than those addressed in dockets HM–144 and HM–174.

The final area of consideration identified in the ANPRM suggested that there may be safety benefits in regulatory action to extend the specified puncture and thermal protection levels of the specification 112 and 114 tank cars (HM–144) to other new and existing specification tank cars that carry the same hazardous materials as specification 105 tank cars, *e.g.*, certain specification 111 tank cars.

The MTB and FRA have examined the hazardous materials transported in both specification 105 tank cars and specification 111 tank cars. There are approximately 300 specification 111A100W4 tank cars that are authorized to move flammable gases and ethylene oxide, the hazardous materials determined by MTB and FRA to warrant additional protection. The size of this fleet will not increase, because on October 9, 1981 the Association of American Railroads (AAR) specified that:

(a) After October 1, 1981, no specification 111A100W4 tank cars may be newly built for or converted to ethylene oxide service. Existing specification 111A100W4 tank cars in ethylene oxide service must comply with the coupler restraint requirements of 49 CFR § 179.105–6 by March 31, 1982; and

(b) After October 1, 1981, each class 105 tank car converted to ethylene oxide service must comply with Class 105J coupler restraint, head shield and thermal protection requirements for new construction.

However, for the same reasons as previously stated with respect to the large (over 18,500 U.S. gallons) specification 105 tank cars, MTB and FRA believe that the retrofit of the large specification 111 tank cars carrying ethylene oxide and flammable gases is cost beneficial.

In order to be consistent with the AAR actions and avoid unnecessary complexity, the proposed rule does not authorize any newly constructed specification 111 tank cars for ethylene oxide or flammable gas service. New construction of specification 111 tank cars is not needed since specification 105 tank cars may be constructed to carry these commodities.

Section-By-Section Analysis

Section 173.124 Ethylene oxide.

It is proposed to amend paragraph (a)(5) of § 173.124 to require that each specification 105 tank car built before September 1, 1981, with a capacity in excess of 18,500 U.S. gallons, shall conform to specification 105J when transporting ethylene oxide after December 31, 1986. (Specification 105 tank cars built after August 31, 1981 are currently required to conform to specification 105J when transporting ethylene oxide.) Requiring a specification 105J tank car would mean that existing specification 105 tank cars would have to be retrofitted with high temperature thermal protection, tank head protection, and large safety valves by December 31, 1986 if they are to continue in ethylene oxide service.

It is also proposed to amend paragraph (a)(5) to require that each specification 111 tank car, with a capacity in excess of 18,500 U.S. gallons, conform to specification 111J when transporting ethylene oxide after December 31, 1986. Thus, each existing specification 111 tank car would have to be retrofitted with high temperature thermal protection, tank head protection, and large safety valves by December 31, 1986 in order to continue to carry ethylene oxide.

Section 173.314 Requirements for compressed gases in tank cars.

It is proposed to amend this section to require that existing DOT specification 105 tank cars (those built prior to September 1, 1981) used to transport anhydrous ammonia, and with a capacity exceeding 18,500 U.S. gallons capacity, be retrofitted by December 31, 1986 with lower tank head protection, *i.e.*, conform to specification 105S. It is further proposed that existing specification 105 tank cars with a capacity exceeding 18,500 U.S. gallons, used to transport flammable gases, be retrofitted with thermal protection, head protection, and large safety valves by December 31, 1986, *i.e.*, conform to specification 105J. It is also proposed to require that each specification 111 tank car with a capacity exceeding 18,500 U.S. gallons, used to transport flammable gases, shall conform to specification 111J.

Section 179.102–12 Ethylene oxide.

It is proposed to amend this section to require that existing specification 105 tank cars (built prior to September 1, 1981 and with a capacity exceeding 18,500 gallons) used to transport ethylene oxide be retrofitted with high temperature thermal protection, tank head protection, and large safety valves by December 31, 1986 if they are to continue in ethylene oxide service.

Section 179.105–7 Safety relief valves.

It is proposed to add a new paragraph (c) which would allow the use of smaller safety valves if the thermal protection exceeds the minimum thermal protection required in § 179.105–4.

Section 179.106–1 General.

It is proposed to amend this section by requiring that existing specification 105 tank cars manufactured to the specifications of the Canadian Transport Commission conform to the same standards prescribed for DOT specification 105 tank cars.

Section 179.106–3 Previously built cars.

It is proposed to amend this section by establishing performance requirements for specification 105S and 105J tank cars build before September 1, 1981. The proposed requirements for the 105S and the 105J tank cars in this section are identical to the requirements in § 179.106–2 for new cars.

Section 179.200–27 Alternative requirements for tank head puncture resistance systems.

It is proposed to add this section to clarify that specification 111 tank cars may utilize a head shield as prescribed in § 179.100–23 instead of meeting the puncture resistance requirements in § 179.105–5.

Section 179.202–18 Ethylene oxide.

It is proposed to add a new paragraph (a) (10) in § 179.202–18 to require that each specification 111 tank car used after Decembeer 31, 1986 for the

transportation of ethylene oxide, with a capacity exceeding 18,500 U.S. gallons, conform to class 111J.

Section 179.203 Special requirements for specification 111 tank cars.

It is proposed to add a new section setting out special requirements for specification 111 tank cars that is parallel to § 179.106 for specification 105 tank cars.

Economic Impact

MTB has determined this proposed rule is not a "major rule" under the terms of Executive Order 12291, but it is "significant" under DOT procedures (44 FR 11034). A regulatory evaluation and environmental assessment is available in the Docket at the address shown above. Based on the comments received in response to the ANPRM and the information contained in the regulatory evaluation, I certify that this proposal will not have a significant economic impact on a substantial number of small entities under the provisions of the Regulatory Flexibility Act.

List of Subjects in 49 CFR Parts 173 and 179

Railroad safety, Hazardous materials transportation.

In consideration of the foregoing proposed rule, Parts 173 and 179 of Title 49 Code of Federal Regulations would be amended as follows:

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

1. In § 173.124, paragraph (a) (5) would be amended by adding paragraph (iii) and (iv) to read as follows:

§ 173.124 Ethylene oxide.

(a) * * *

(5) * * *

(iii) After December 31, 1986, each specification 105 tank car built before September 1, 1981, and with a water capacity (shell full volume, including manways) exceeding 18,500 U.S. gallons, used for the transportation of ethylene oxide, shall conform to specification 105J.

(iv) After December 31, 1986, each specification 111 tank car with a water capacity (shell full volume, including manways) exceeding 18,500 U.S. gallons, used for the transportation of ethylene oxide, shall conform to DOT specification 111J.

* * * * *

2. In § 173.314, notes 23 and 24 to the table in paragraph (c) would be revised to read as follows:

§ 173.314 Requirements for compressed gases in tank cars.

* * * * *

(c) * * *

Note 23.—Each specification 105 tank car built after August 31, 1981, shall conform to class DOT–105J. After December 31, 1986, each specification 105 tank car build before September 1, 1981, and with a water capacity (shell full volume, including manways) exceeding 18,500 U.S. gallons shall conform to class DOT–105J. After December 31, 1986, each specification 111 tank car with a water capacity (shell full volume, including manways) exceeding 18,500 U.S. gallons shall conform to class DOT–111J.

Note 24.—Each specification 105 tank car build after August 31, 1981, shall conform to class DOT–105S. After December 31, 1986, each specification 105 tank car build before September 1, 1981, and with a water capacity (shell full volume including manways) exceeding 18,500 U.S gallons, shall conform to class DOT–105S

* * * * *

PART 179—SPECIFICATIONS FOR TANK CARS

3. In § 179.102–12, paragraph (a) (10) would be added to read as follows:

§ 179.102–12 Ethylene oxide.

(a) * * *

(10) After December 31, 1986, each tank built before September 1, 1981, and with a water capacity (shell full volume, including manways) exceeding 18,500 U.S. gallons, used for the transportation of ethylene oxide, shall conform to class DOT–105J.

4. In § 179.105–7, paragraph (c) would be added to read as follows:

§ 179.105–7 Safety relief valves.

* * * * *

(c) Notwithstanding paragraph (a) of this section, § 179.100–15, and § 179.102–11, the relieving or discharge capacity of a specification 105 or 111 tank car built before (the effective date of the final rule) and with a manway cover having a dimension or diameter of less than 18 inches may be calculated in accordance with the formula prescribed in AAR Specifications for Tank Cars, Section A 8.02, of Appendix A applicable to compressed gases in insulated tanks, if—

(1) The tank car is equipped with a thermal protection system in accordance with § 179.105–4; and

(2) in all of the three consecutive simulation pool fire tests required by paragraph (d) of § 179.105–4, none of the thermocouples on the uninsulated side of the steel plate indicates a plate temperature in excess of 540°F.

5. In § 179.106–1, paragraph (e) would be added to read as follows:

§ 179.106–1 General.

* * * * *

(e) Notwithstanding the provisions of § 173.8 of this subchapter, no specification 105 tank car manufactured before September 1, 1981 to specifications promulgated by the Canadian Transport Commission and with a water capacity (shell full volume, including manways) exceeding 18,500 U.S. gallons, may be used after December 31, 1986 to transport hazardous materials unless it is equipped in accordance with § 179.106–3.

6. Section 179.106–3 would be revised to read as follows:

§ 179.106–3 Previously built cars.

(a) Each specification 105A tank car built before March 1, 1981, shall be equipped with a coupler restraint system that meets the requirements of § 179.105–6.

(b) Each specification 105S tank car built before September 1, 1981, shall be equipped with:

(1) A coupler restraint system that meets the requirements of § 179.105–6; and

(2) A tank head puncture resistance system that meets the requirements of § 179.105–5.

(c) Each specification 105J tank car built before September 1, 1981, shall be equipped with:

(1) A coupler restraint system that meets the requirements of § 179.105–6;

(2) A thermal protection stystem that meets the requirements of § 179.105–4;

(3) A safety relief valve that meets the requirements of § 179.105–7; and

(4) A tank head puncture resistance system that meets the requirements of § 179.105–5.

7. Section § 179.200–27 would be added to read as follows:

§ 179.200–27 Alternative requirements for tank head puncture resistance systems.

Tank cars required to have puncture resistance systems in accordance with § 179.105–5 may, as an alternative, be equipped with a head shield, at the end of each car in accordance with a head shield at the end of each car in accordance with the requirements of § 179.100–23.

8. In § 179.202–18, paragraph (a)(10) would be added to read as follows:

§ 179.202–18 Ethylene oxide.

(a) * * *

(10) After December 31, 1986, each tank built with a water capacity (shell full volume, including manways) exceeding 18,500 U.S. gallons shall conform to class DOT–111J.

9. Section 179.203 would be added to read as follows:

§ 179.203 Special requirements for specification 111 tank cars.

§ 179.203–1 General.

(a) In addition to the requirements of this section, each tank car built under specification 111 shall meet the applicable requirements of §§179.200, 179.201, and 179.202.

(b) Notwithstanding the provisions of §§ 179.3, 179.4, and 179.6, AAR approval is not required for changes in or additions to specification 111 tank cars in order to comply with this section.

(c) Notwithstanding the provisions of § 173.8 of this subchapter, no specification 111 tank car manufactured to specifications promulgated by the Canadian Transport Commission may be used after February 28, 1985, to transport hazardous materials in the United States unless it is equipped with a coupler vertical restraint system that meets the requirements of § 179.105–6.

(d) Notwithstanding the provisions of § 173.8 of this subchapter, no specification 111 tank car manufactured before October 1, 1981 to specifications promulgated by the Canadian Transport Commission and with a water capacity (shell full volume, including manways) exceeding 18,500 U.S. gallons, may be used after December 31, 1986 to transport flammable gases or ethylene oxide unless it is equipped in accordance with § 179.203–2.

§ 179.203–2 Previously built cars.

(a) Each specification 111J tank car built before (the effective date of the final rule) shall be equipped with:

(1) A coupler vertical restraint system that meets the requirements of §179.105–6;

(2) A thermal protection system that meets the requirements of § 179.105–4;

(3) A safety relief valve that meets the requirements of § 179.105–7; and

(4) A tank head puncture resistance system that meets the requirements of § 179.105–5.

§ 179.203–3 Stenciling.

Each specification 111 tank car built before (the effective date of the final rule) that is equipped as prescribed in § 179.203–2(a) shall be stenciled by having the letter "J" substituted for the letter "A" in the specification marking.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53, Appendix A to Part 1 and paragraph (a)(4) of Appendix A to Part 106)

Issued in Washington, D.C. on March 30, 1983.

Alan I. Roberts,

Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 83–9737 Filed 4–13–83; 8:45 am]

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Part IV

Department of Transportation

Office of the Secretary

Acquisition for Federal and Federally-Assisted Programs

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 25

[OST Docket No. 79; Notice No. 83-11]

Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970; Acquisition for Federal and Federally-Assisted Programs

AGENCY: Department of Transportation, Office of the Secretary.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed regulation would establish uniform cost-effective policies and procedures governing the implementation of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act (42 U.S.C. 4601) for all programs within the Department of Transportation (DOT). The DOT is publishing this proposed regulation at the request of the Office of Management and Budget (OMB). Upon issuance, these regulations will serve as the basis for a uniform regulation issued by each Federal agency covered by the Act.

DATES: Comments must be received by the Department on or before May 31, 1983.

ADDRESSES: Comments should be submitted to Docket Clerk, OST Docket No. 79, Department of Transportation, 400 7th Street, SW., Room 10241, Washington, D.C., 20590. Commentors wishing to have their submissions acknowledged should include a stamped, self-addressed postcard with their comments. Comments will be available for review at the above address from 9:00 a.m. to 3:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Mr. Wayne Kennedy, Director, Office of Right-of-Way (202-426-0342); Mr. Reid Alsop, Office of the Chief Counsel (202-426-0800); Ms. Martha Schwendeman Curin, Office of Economics, OST, (202-426-4492); or Ms. Lynne Adams-Whitaker, Office of General Counsel (202-426-4723); Federal Highway Administration, 400 7th Street, SW., Washington, D.C. 20590. Office hours Monday through Friday from 7:45 a.m. to 4:15 p.m., ET.

SUPPLEMENTARY INFORMATION: To promote the uniform and effective administration of Federal and Federally-assisted relocation assistance and real property acquisition, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 authorizes and directs the heads of Federal agencies to consult together on the establishment of regulations and procedures for the administration of such programs.

In May 1982, the office of Management and Budget formed a Uniform Act Interagency Regulatory Review Working Group to review existing Federal agency regulations which implement the Uniform Act, and to develop recommendations for uniform regulations to be issued by each covered agency to implement the Act. This was done in response to concerns expressed by States and local governments through the President's Task Force on Regulatory Relief. This effort was also influenced by a report from the Comptorller General to the Congress dated March 6, 1978, entitled *Changes Needed in the Relocation Act to Achieve More Uniform Treatment of Persons Displaced by Federal Programs.*

In this report, the Comptroller General indicated that "* * * GAO found an inconsistent, inequitable, and confusing array of differing formats, terminologies, and guidelines in 13 Federal agencies' regulations resulting in people being treated differently when displaced by these agencies." Among the several recommendations made is one for a single set of Federal regulations to implement the Uniform Act.

Legislative proposals subsequently introduced in the Congress have called for a single Government-Wide Uniform Act regulation to improve consistency of treatment of affected property owners and displaced persons, and to ease existing administrative burdens. The most recent is S. 2363 which passed the Senate during the 97th Session of Congress (see Senate Report 97-487). None of the proposals, however, has been enacted into law.

In addition to the Working Group, the OMB also established a policy-level Interagency Regulatory Review Steering Group. The Steering Group and the Working Group, both chaired by OMB, included representatives from the Department of Housing and Urban Development, Department of Transportation, Department of Interior, and Department of the Army (Corps of Engineers), and the Environmental Protection Agency served on the Working Group.

The Working Group found that there are 21 separate Federal regulations (including those of the Postal Service, and the Navajo and Hopi Indian Relocation Commission) implementing the Uniform Act currently in the Code of Federal Regulations. The differences in these regulations have resulted in inconsistencies and inequities in the treatment of affected property owners and displaced persons, as well as costly and unnecessary administrative burdens on States and local governments.

Following its review of the Working Group's recommendations, the policy-level Steering Group recommended that this proposed regulation be published for public comment by a single agency, the Department of Transportation is doing so at the request of the Office of Management and Budget. The final regulation will serve as the DOT regulation implementing the Uniform Act. Following issuance of the final DOT regulation, all other Federal agencies charged with implementing the Act (identified later in this discussion) will be requested to review and analyze their own regulations based on the DOT regulation and make appropriate changes through notice and comment rulemaking.

At the present time, the responsibility to coordinate the implementation of the Uniform Act, and to chair the Relocation Assistance Implementation Committee (RAIC) established in 1971 is vested in the General Services Administration by the President's memorandum of September 6, 1973. Government-wide regulations to implement the Uniform Act, were issued by the General Services Administration, at 41 CFR 101-6.1. However, the RAIC has not been active in recent years, and OMB is providing the leadership for this current effort in connection with the President's Task Force and Regulatory Relief.

A description of significant features of the proposed regulation follows. As previously stated, it is intended that this regulation will first be promulgated as a DOT regulation, and eventually serve as a model for all other affected agencies. Comments submitted will be reviewed by the Interagency Working Group under the leadership of OMB. The ultimate goal is to eliminate the present inconsistencies in the treatment of persons whose property is acquired for a Federal or a Federally-assisted project and persons displaced for such a project and treat all such persons equally. This proposed regulation would be applicable to both direct Federal programs and projects and to Federally-assisted programs and projects undertaken by State and local government. The proposed regulation would also simplify existing policies and procedures, and reduce costs, and the administrative burdens presently imposed on State and local government agencies which must now carry out the Uniform Act requirements under the 21 separate regulations of different Federal agencies. Furthermore, this proposed rule would increase the latitude of State and local

government agencies in carrying out the policies set forth in the Uniform Act.

Scope of Acquisition Regulations

Sections 25.101(a) and (b) indicate the scope of the real property acquisition policies and procedures at Subpart B. The Uniform Act and the regulations at Subpart B apply to the acquisition of real property by a State, city, or other State agency for a Federally-assisted program or project. In such cases, it does not matter whether the Federal financial assistance was used to fund the acquisition of the property. The acquisition of real property includes the acquisition of a life estate, a long-term lease, as easement, or other less-than-fee interest in real property. However, this Subpart does not apply to voluntary acquisition not under the threat of eminent domain, where the owner is informed in advance that the property would not be acquired if an amicable agreement is not reached.

Section 25.101(c) provides that, for projects carried out by States and State agencies with Federal financial assistance, §§ 1125.102, 25.103, 25.104, and 25.105 of the regulations would apply to the extent practicable under the laws of the applicable State. Exceptions to compliance would be addressed in the agency's assurances of compliance made pursuant to Section 305 of the Uniform Act and §§25.3(a) of this proposed rule.

Offer of Just Compensation

Section 25.102(d) would require an agency to establish and promptly offer the full amount it believes to be just compensation for property. The offer must be in writing and may not be less than the amount of the agency's approved appraisal. The offer may exceed the amount of the approved appraisal if, in the judgment of agency officials, the higher offer reflects just compensation for the property.

Administrative Settlements

Section 25.102(i) addresses those situations where an agency should consider a compromise settlement with the owner as an alternative to instituting condemnation action. Judicial resolution of a value question is time-consuming and expensive for both the property owner and the agency. It should be reserved for matters of substance and importance, such as when the dollar differences are substantial or an important principle or precedent is involved in order to minimize litigation costs and to limit court caseloads. Nonjudicial settlements are advocated when it is reasonable, prudent, and in the public interest to do so. Administrative settlements require a written justification.

It is intended that administrative settlements be negotiated, reviewed, and approved by program officials. Appraisers, including review appraisers, must not be requested to adjust their fair market value estimates for the purpose of justifying a settlement. Such a change by an appraiser would invalidate the appraisal process.

Uneconomic Remnants

Section 25.102(k) would govern the acquisition of uneconomic remnants. An uneconomic remnant is "a remaining part of property in which the owner is left with an interest that the agency determines has little or no utility or value to the owner." If a remainder has either little utility *or* little value to an owner, it must be considered an uneconomic remnant and the agency must offer to purchase it. Thus, the agency would assume the risk of financial loss from a sale of a remnant to a third party.

Rent to Former Occupant After Acquisition

Under § 25.102(m), the rental rate charged to a former owner or tenant for the use of property between the date of acquisition and the date of displacement would not exceed either the fair rental value to a short-term occupier, or the market rent, whichever is less. Short-term rental rates are often higher than longer term rates. It is the intent of the Congress that former tenants and owners be protected from excessive and possibly coercive rental rates.

Appraisal Standards

Section 25.103(b) sets forth certain nationally recognized standards for the appraisal of complex or high value properties to be acquired for a project subject to the Uniform Act. However, since it is intended that the content of an appraisal be commensurate with the complexity of the appraisal assignment, agencies would be permitted to follow lesser standards in the appraisal of low value properties which do not involve complex valuation requirements. This flexible standard is expected to reduce appraisal costs for agencies while ensuring that the rights of property owners to receive just compensation are fully protected. Since most acquisitions are rather straight forward appraisal problems, this approach would provide flexibility to the acquiring agencies to use less detailed appraisals on the bulk of their acquisitions, and assure a consistently high standard for the expensive and difficult cases.

Section 25.103(b)(3) would permit an agency to base its determinations of just compensation on appraisals which do not include value estimates through the "cost approach" or "income approach" if sufficient comparable sales are available to justify a valuation estimate solely on the basis of the "market data approach." This provision should also produce measurable cost savings for agencies.

Section 25.103(f) would prohibit anyone from serving as the agency's appraiser of a property in which the person has a direct or indirect interest that would in any way conflict with his or her performance of the appraisal. No agency appraiser may represent the agency or the owner in the negotiation of the acquisition price to be paid for the property.

Donations

Section 25.103 permits an agency to accept a donation of real property after informing the owner of his or her right to receive just compensation. If the owner wished to be informed of the value of the property, based on an appraisal, the agency would be required to comply before it could proceed with the acquisition.

Comparable Replacement Dwelling

Section 25.10(c) would require that a comparable replacement dwelling be "functionally equivalent" to the displacement dwelling. This means that, while the replacement dwelling need not be identical to the displacement dwelling in terms of the amenities it provides, it should be generally the same in order to be comparable.

Financial Means Test

Section 205(c)(3) of the Uniform Act precludes the displacement of any person from a dwelling until at least one comparable replacement dwelling has been made available to the person. In order to assure successful relocation, Section 205(c)(3) of the Act also requires that a comparable replacement dwelling must be within a person's financial means.

Section 25.10(c)(6) sets forth a proposed test for determining whether a replacement dwelling is within a person's financial means. Since this test is one of the most significant policy issues to be resolved in establishing a model regulation, special attention is invited to this proposal.

The financial means test proposed at § 25.10(c)(6) reflects a view that the monthly housing cost of a person after displacement should not exceed the amount the person paid prior to

displacement. This view is sometimes referred to as the "make whole" standard.

Under this proposal, a replacement dwelling purchased by a 180-day homeowner would be considered to be within the homeowner's financial means if he or she was reimbursed for: (1) The entire increase, if any, between the price paid for the displacement dwelling and the purchase price of a replacement dwelling (as described at § 25.401(c)), (2) the present worth of any increased mortgage interest costs (as described at § 25.401(d)), and (3) any incidental expenses incurred in purchasing a replacement dwelling (as described at § 25.401(e)).

A replacement dwelling for a person who rents shall be considered to be within his or her financial means if the monthly rent at the replacement dwelling does not exceed the monthly rent at the displacement dwelling. Of course, if the cost of any utility services is included in either rent, an appropriate adjustment must be made to ensure that like circumstances are compared.

As described earlier, if available replacement dwellings are too costly to be within a person's financial means, the displacing agency may not require the person to move unless it provides additional assistance that will bring the cost of appropriate replacement housing within the person's financial means. Such additional assistance may be provided through implementation of the last resort housing provisions at Subpart G of this rule.

Initiation of Negotiations

Unless otherwise specified by regulation, the term "initiation of negotiations" (defined at § 25.10(j)) means the delivery of the initial written offer by the agency to the owner of real property to purchase the property for the amount determined to be just compensation. The "initiation of negotiations" is a very significant action because it triggers relocation eligibility for the occupants of the property. Therefore, to ensure fair treatment of those affected, the "initiation of negotiations" for a person who moves after the agency issues its notice of intent to acquire the real property, but before it delivers the initial purchase offer, has been defined to be the person's actual move from the property.

Relocation Analysis

Section 25.202 requires the agency to develop a "relocation analysis." Relocation analysis refers to the process by which the displacing agency identifies a project's anticipated relocation needs (for replacement housing, relocation payments, assistance to displaced persons) and develops a program to satisfy those needs. This process is not intended to be an additional requirement for displacing agencies, but it is viewed as a necessary part of an effective system of good project management. Federal funding agencies will not review an agency's relocation analysis as a prerequisite to approving a project. However, the relocation analysis should be in sufficient depth to assure that comparable replacement dwellings will be available to all displaced persons. This analysis would provide the data on which the displacing agency's assurances of compliance are based.

Notice of Relocation Eligibility

The notice of relocation eligibility described at § 25.203 serves two distinct functions. First, it informs particular persons that they will be displaced by a Federal or Federally-assisted project. Second, it provides those persons with information about their rights and the assistance available to them in connection with their displacement as well as about the conditions they must satisfy in order to receive that assistance. This notice is not a notice to vacate by a designated date, however, after the initiation of negotiations, persons who have received a notice of relocation eligibility are eligible for relocation assistance as specified under this Part.

Availability of Comparable Replacement Dwellings Before Displacement

Section 25.204 of the proposed rule implements the requirement at section 205(c)(3) of the Uniform Act that no person shall be required to move permanently from his or her dwelling, unless at least one comparable replacement dwelling has been made available to the person. Whenever possible, a reasonable choice of comparable replacement dwellings shall be offered to the person.

This requirement implements the most basic principle of the Uniform Act. It can be waived only under certain emergency conditions. Reasonable safeguards to ensure appropriate assistance to any person required to make an emergency move are set forth at §25.204(c).

Relocation Assistance Advisory Services

Section 25.205 explains the services a displacing agency must make available to assist persons displaced by a Federal or Federally-assisted project. Relocation assistance advisory services are often crucial to a successful move. Displacing agencies are expected to provide those services which are necessary to accomplish that end. This includes services directly related to the move (e.g., housing referrals or transportation assistance) and less directly related services such as social service referrals.

One of the services a displacing agency must provide is inspection of the replacement dwelling. It is perferable that the inspection be done before the displaced person visits the dwelling, especially when the agency has referred the displaced person to the dwelling. However, this sometimes is not possible. In those instances, a displaced person might choose a replacement dwelling which was not decent, safe, and sanitary and, therefore, inadvertently lose his eligibility for a replacement housing payment. To avoid this outcome, a displacing agency must remain in close contact with persons it expects to displace and must inform those persons that they cannot receive a replacement housing payment unless their replacement dwelling is decent, safe, and sanitary.

Ninety-Day Notice

The requirement for a 90-day notice (see § 25.206) is frequently misunderstood. Even though this notice often is combined with a notice to vacate, a 90-day notice is not itself a notice to vacate. On the contrary, it protects persons who are expected to be displaced by assuring them that the earliest date by which they might have to move is at least 90 days away.

Section 25.206 provides additional protections to persons to be displaced. For example, the 90-day notice may not be issued by the agency until these persons have received a notice of relocation eligibility providing information about their rights, benefits, and responsibilities under this Part. Most importantly, the 90-day notice may not be issued until the displacing agency has made available to each person expected to be displaced at least one comparable replacement dwelling. Thus, no one will receive a 90-day notice unless a comparable replacement dwelling is available to the person and he or she has 90 days to find an alternate replacement dwelling.

Relocation Payments Not Considered as Income

Relocation payments under the Act either provide compensation for costs imposed on persons by a Federal or Federally-assisted project or assist such persons to relocate to decent, safe, and sanitary housing. For this reason, as described at § 25.209, relocation

payments shall not be considered as income for the purpose of other Federal law. Thus, Federal, State, or local governments may not count such payments when making eligibility determinations concerning Social Security, welfare payments, food stamps, or any other Federal law. Similarly, relocation payments are not considered as income under the Internal Revenue Code.

Moving and Related Expenses

Sections 25.301 and 25.303 describe the moving and related expenses for which a person is entitled to reimbursement if the person elects to submit a claim for the actual cost of his or her move. As an alternative certain persons may choose to submit a claim for a fixed payment under § 25.302 and § 25.304 rather than a claim for actual reasonable expenses.

Attention is invited to two policies which have in the past been a source of Federal agency differences in the interpretation of the Uniform Act. One of these policies is set forth at § 25.303(a)(11) and is sometimes referred to as the "substitute equipment" rule. Under this policy a person owning a business may choose not to relocate an item of personal property, but rather replace it at the replacement site with a substitute item that performs a comparable function, and be compensated accordingly. In such a case, compensation will be based on the cost of the substitute item, minus any proceeds from the sale of the replaced item. However, in no case may the person be paid an amount greater than it would have cost to move and reinstall the replaced item.

The second moving expense policy to which attention is invited has often been referred to as the "physical change" rule. Under that policy a displacing agency was sometimes required to reimburse a business for the cost of adding space or restructuring available space at the replacement location of the business in order to accommodate machinery and equipment to be moved from the displacement location. Under the proposed rule, a business would not be eligible for reimbursement of such expenses.

Section 25.303(a)(12) describes those expenses incurred by a businessperson in searching for a replacement location which may be reimbursed by the agency. Federal agencies currently limit these payments to $500. The proposed rule would raise this limit to $1,000 per displacement in order to reflect the increased cost of hotel/motel accommodations, transportation, food, and other items.

Section 25.304 contains requirements for fixed moving expense payments for businesses and farm operations. These payments may be made in place of payments for actual expenses, but they involve special requirements. One of these requirements is that a business or nonprofit organization must suffer a substantial loss of its existing patronage. The term "existing patronage" often is a source of confusion. For purposes of these regulations, it means the actual, specific clientele of a business or a nonprofit organization. If a substantial number of the clientele is unlikely to patronize the business or nonprofit organization at the new location, the requirement is met—without regard to whether new clients will replace them. Businesses and nonprofit organizations are assumed to meet this requirement unless the agency demonstrates otherwise.

Replacement Housing Payments for 180-day Homeowners

Section 25.401(a) clarifies he occupancy requirement for 180-day homeowners. In order to be eligible for a replacement housing payment for 180-day homeowner-occupants, a displaced person must have occupied a displacement dwelling for the 180 days immediately before the initiation of negotiations. While most Federal displacing agencies have followed this policy, their regulations often did not explicitly state that the occupancy period had to be the 180 days immediately preceding the initiation of negotiations.

If a displaced person does not meet the occupancy requirement explained above solely due to circumstances such as a hospital stay, military reserve duty, or other temporary absence from his dwelling, he shall be considered to be in "constructive occupancy" of his dwelling and, therefore, to meet the 180-day requirement.

Rental Assistance Payments

Section 25.402(b) describes the method for computing rental assistance payments under Section 204(1) of the Uniform Act. The formula is designed to provide a person with the cash assistance that will enable him or her to afford to pay the rent and utility costs at a replacement dwelling for a 4-year period. The level of cash assistance needed each month would be the greater of the following amounts:

(1) The amount obtained by substracting the monthly housing cost at the displacement dwelling from the monthly housing cost at a replacement dwelling.

(2) The amount obtained by subtracting 30 percent of the person's income from the monthly housing cost at a replacement dwelling.

Thus, a tenant who is paying less than 30 percent of his or her gross income for rent and utilities at the displacement dwelling would receive a payment based on the difference between the monthly cost for rent and utilities at the displacement dwelling and the monthly cost for rent and estimated utility charges at a replacement dwelling.

For a tenant who is paying more than 30 percent of his or her gross income for rent and utilities at the displacement dwelling, the payment would be based on the difference between 30 percent of his or her gross monthly income and the monthly cost for rent and estimated utility charges at a replacement dwelling. This aspect of the formula assures a reasonable level of assistance to low and moderate income persons who have been paying a disproportionately large share of their income for rent and utilities at their displacement dwellings.

Under the formula, the person's monthly level of need is multiplied by 48 and that amount, or $4,000, whichever is less, is paid to the person in a lump sum, unless the agency determines that the payment should be made in installments. (A determination to make a payment in installments may only be made on a case-by-case basis for good cause.)

The formula for computing rental assistance payments is a very significant feature of the proposed rule. At present most rental assistance payments are computed under a formula similar to the one at § 25.402(b) of the proposed rule (although monthly housing cost is now compared with 25 percent of the displaced person's income, rather than 30 percent). It has been suggested, however, that the payment formula should be simplified by excluding any consideration of the person's income (i.e., basing payments solely on the "make whole" standard). Another proposal would retain the basic formula at § 25.402(b) but exclude consideration of utility costs. Since either of these alternatives would be a significant change, reader comments as to the most appropriate payment formula is encouraged.

Additional Rules Governing Replacement Housing Payments

Section 25.403(a)(1) indicates that a displacing agency may adjust the asking price of a comparable replacement dwelling for purposes of determining the probable selling price, to be used in

determining the amount of a replacement housing payment. In many cases, the asking price does not reflect the market value of a dwelling, but rather represents the seller's bargaining position for purposes of negotiation. When this is the case, the agency may make an adjustment if it determines that such action is appropriate. The agency shall document the basis for these determinations.

Section 25.403(a)(2) states "If the site of the comparable replacement dwelling lacks a major attribute of the displacement dwelling site * * * the value of such attribute shall be subtracted from the purchase price of the displacement dwelling for purposes of computing the payment." Since the major component of the replacement housing payment is determined by the difference between the prices of a replacement dwelling and the displacement dwelling, it is important that the agency compare like dwellings. Subtracting the value of major displacement dwelling attributes which a comparable replacement dwelling lacks is designed to make the dwellings as "alike" as possible.

Mobile Homes

Subpart F sets forth requirements governing the provision of moving expenses and replacement housing payments for a person displaced from a mobile home or a moble home site. Eligibility for a replacement housing payment is based on the length of time a person owned or rented the mobile home and occupied it on the displacement site.

The present rules of Federal agencies differ as to the policies to be applied when a displaced mobile home occupant owned the displacement mobile home but rented the displacement site, or rented the displacement mobile home but owned the displacement site. Differences also arise with respect to a displaced person who purchases a replacement mobile home but rents the replacement site, or rents a replacement mobile home but purchases the site. Under the proposed rule such a person would be eligible to receive a replacement housing payment that combines a payment for the mobile home with a payment for the mobile home site. Each such payment would be computed under the applicable section(s) § 25.401 and/or § 25.402). However, the total replacement housing payment to a person would not exceed the maximum payment (either $15,000 or $4,000) permitted under the section that governs the computation for the dwelling.

For example, if a person rented the displacement mobile home and occupied it on a site he or she owned for more than 180 days prior to the initiation of negotiations and, after displacement, the person rented a replacement mobile home on a site which he or she purchased, the person may be eligible for a rental assistance payment computed under § 25.402(b) to help rent the mobile home and a 180-day homeowner payment computed under § 25.401 to help purchase the replacement mobile home site. However, the maximum total replacement housing payment in this case would be $4,000, since the person rented the replacement mobile home and $4,000 is the ceiling on rental assistance payments.

The proposed rule at Subpart F would provide fair, equitable, and uniform relocation assistance to all eligible displaced mobile home occupants.

Last Resort Housing

Subpart G sets forth policies and procedures that maximize the flexibility of displacing agencies seeking to provide housing of last resort (Section 206 of the Uniform Act).

To provide displacing agencies with full authority to design and implement last resort housing measures according to their own needs, Subpart G would remove all unnecessary existing requirements.

It would remove the present requirement that an agency must, in every case where it contemplates the possible need for last resort housing, conduct an inventory of housing in the locality, analyze the housing inventory data, and prepare a lengthy replacement housing plan.

The proposed rule would also eliminate the requirement that a displacing agency must establish an advisory committee to consult with, advise, and assist the displacing agency in its development of a replacement housing plan in any case where 26 or more units of last resort replacement housing are needed.

In addition, the proposed rule would remove the explicit direction that a replacement housing plan under the last resort housing procedure must be submitted for review to HUD or the Farmers Home Administration (FmHA) and must be submitted to the Regional and State Clearinghouses.

Regulations Affected

It is anticipated that existing Uniform Act Government-wide regulations, including the General Services Administration guidelines at 41 CFR Part 101–6, as well as the Department of Housing and Urban Development Government-wide regulation at 24 CFR Part 43 (issued and made applicable Government-wide pursuant to a January 4, 1971, Presidential memorandum, and concerning last resort housing and seed money loans) those of the following Federal agencies will be reviewed and analyzed in the context of these DOT model regulations.

7 CFR Part 21 (Department of Agriculture)
24 CFR Part 15 (Department of Education)
45 CFR Part 15 (Department of Health and Human Services)
24 CFR Part 42 (Department of Housing and Urban Development)
41 CFR Part 114–50 (Department of Interior)
41 CFR Part 128–18.5001 *et seq.* (Department of Justice)
29 CFR Part 12 (Department of Labor)
49 CFR Part 25 (Department of Transportation)
32 CFR Part 641 (Department of Army)
32 CFR Part 742 (Department of Navy)
7 CFR Part 652 (Soil Conservation Service)
13 CFR Part 310 (Economic Development Administration)
15 CFR Part 916 (National Oceanic and Atmospheric Administration)
23 CFR Part 712 and 740 (Federal Highway Administration)
40 CFR Part 4 (Environmental Protection Agency)
41 CFR Part 101–18 (General Services Administration)
38 CFR Part 25 (Veterans Administration)
39 CFR Part 777 (Postal Service)
18 CFR Part 1306 (Tennessee Valley Authority)
36 CFR Part 904 (Pennsylvania Avenue Development Corporation)

Regulatory Evaluation

Initially the adoption of this proposed rule would result in relatively insignificant costs and benefits since it would only involve the revision of DOT's existing relocation regulation. However, after the proposed regulation is adopted by other affected Federal agencies, there would be significant benefits to State and local governments that undertake Federally-assisted projects since they would no longer have to follow differing Federal regulations in implementing the Uniform Act. The only cost that affected State and local governments would incur would be the slight cost of adjusting their operating procedures to comply with a single Federal regulation that would apply on all Federally-assisted projects.

The benefits to State and local governments would result from the anticipated simplification of the Federal regulatory scheme and the consequent reductions in administrative costs. It has not been possible to accurately estimate the total cost savings that this will produce for the many affected State and local governmental agencies, however, representative agencies and organizations of affected agencies have clearly indicated that adoption of a single Federal regulation would result in some reduction in their administrative costs.

The Department has determined that this NPRM does not constitute a major rule under the criteria of Executive Order 12291. It will have no significant economic impacts. It will merely simplify and clarify current Department of Transportation regulations that implement the Uniform Act, and will eventually, when adopted by other agencies operating under the Uniform Act, reduce administrative costs and burdens on State and local governmental agencies that must comply with the Uniform Act on Federally assisted projects.

Under the criteria of the Regulatory Flexibility Act, it is certified that this action, if promulgated, will not have a significant economic impact on a substantial number of small entities, since there will be no significant effect on the relocation benefits provided to businesses, as the provisions of the Uniform Act which require those benefits have not been changed, and the economic impact on State and local agencies that are subject to the Uniform Act is not expected to be significant. The primary impact on such agencies would be the eventual elimination of current administrative burdens caused by differing or conflicting Federal regulations that implement the Uniform Act. As Federal agencies eliminate separate regulations implementing the Uniform Act and adopt a single Government-wide, such burdens will be reduced.

It does not impose information collection or reporting requirements beyond those contained in the current regulation. It is not considered a significant rule under the Department's Regulatory Policies and Procedures. Comments are specifically requested on the impact of this proposed rule on small entities and on the estimated costs of the proposed regulation.

List of Subparts in 49 CFR Part 25

Transportation, Relocation and real property acquisition.

Issued at Washington, D.C., on April 8, 1983.

Elizabeth Hanford Dole,

Secretary of Transportation.

For the reasons set forth in the preamble, the Department of Transportation proposes to amend Part 25 of Title 49, Code of Federal Regulations to read as follows:

PART 25—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION FOR FEDERAL AND FEDERALLY-ASSISTED PROGRAMS

Subpart A—General

Sec.

25.1 Purpose.
25.2 No duplication of payments.
25.3 Assurances, monitoring and corrective action.
25.4 Manner of notices.
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25.6 Federal agency waiver of regulations.
25.7 Compliance with other laws and regulations.
25.8 Recordkeeping and reports.
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Subpart B—Real Property Acquisition

25.101 Applicability of acquisition requirements.
25.102 Basic acquisition policies.
25.103 Criteria for appraisals.
25.104 Review of appraisals.
25.105 Acquisition of tenant-owned improvements.
25.106 Expenses incidental to transfer of title to the Agency.
25.107 Certain litigation expenses.
25.108 Donations.

Subpart C—General Relocation Requirements

25.201 Purpose and applicability.
25.202 Relocation analysis.
25.203 Notice of relocation eligibility.
25.204 Availability of comparable replacement dwellings prior to displacement.
25.205 Relocation assistance advisory services.
25.206 Ninety-day notice.
25.207 Eviction for cause.
25.208 General requirements—claims for relocation payments.
25.209 Relocation payments not considered as income.

Subpart D—Payments for Moving and Related Expenses

25.301 Payment for actual reasonable moving and related expenses—residential moves.
25.302 Fixed payment for moving expenses—residential moves.
25.303 Payment for actual reasonable moving and related expenses—nonresidential moves.
25.304 Fixed payment for moving expenses—nonresidential moves.
25.305 Ineligible moving and related expenses.

Subpart E—Replacement Housing Payments

25.401 Replacement housing payments for 180-day homeowner-occupants.
25.402 Replacement housing payments for 90-day occupants.
25.403 Additional rules governing replacement housing payments.

Subpart F—Mobile Homes

25.501 Applicability.
25.502 Moving and related expenses—mobile homes.
25.503 Replacement housing payments for 180-day mobile home owner-occupants.
25.504 Replacement housing payments for 90-day mobile home occupants.
25.505 Additional rules governing relocation payments to mobile home occupants.

Subpart G—Last Resort Housing

25.601 Applicability.
25.602 Methods of providing replacement housing.

Authority—Sec. 213, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91–646, 84 Stat. 1894 (42 U.S.C. 4601).

Subpart A—General

§ 25.1 Purpose.

The purpose of these regulations is to promulgate rules to implement the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et. seq.), in accordance with the following objectives—

(a) To ensure that owners of real property to be acquired for Federal and federally-assisted projects are treated fairly and consistently, to encourage and expedite acquisition by agreements with such owners, to minimize litigation and relieve congestion in the courts, and to promote public confidence in Federal and federally-assisted land acquisition programs; and

(b) To ensure that persons displaced as a result of federal or Federally-assisted projects are treated fairly, consistently, and equitably so that such persons will not suffer disproportionate injuries as a result of projects designed for the benefit of the public as a whole.

§ 25.2 No duplication of payments.

No person shall receive any compensation under these regulations that would have substantially the same purpose or effect as compensation which the person receives under the State law of eminent domain and which is part of the cost of the project.

§ 25.3 Assurances, monitoring and corrective action

(a) *General.* Before a Federal agency may approve any grant to, or contract or

agreement with, a State agency under which Federal financial assistance will be made available for a project which results in real property acquisition or displacement that is subject to the Uniform Act, it must obtain appropriate assurances from the State agency that it will comply with the Uniform Act. The Federal agency will monitor compliance with these regulations and the State agency shall take whatever corrective action is necessary to comply with these regulations. The Federal agency may also apply sanctions in accordance with applicable program regulations.

(b) *Prevention of Fraud, Waste, and Mismanagement.* The Agency shall take appropriate measures to carry out these regulations in a manner that minimizes fraud, waste, and mismanagement. For example, to the extent practicable, functions shall be separated to ensure that the same person does not compute, approve, and deliver a payment to a claimant.

§ 25.4 Manner of notices.

Each notice which the Agency is required to provide to a property owner or occupant under these regulations shall be personally served and documented in Agency files or sent by certified or registered first-class mail, return receipt requested. Each notice shall be written in plain understandable language. Persons who are unable to read and understand the notice must be provided with appropriate translation and counseling. Each notice shall indicate the name and telephone number of a person who may be contacted for answers to questions or other needed help.

§ 25.5 Administration of jointly funded projects.

Whenever two or more Federal agencies provide financial assistance to an Agency or Agencies to carry out functionally or geographically related activities which will result in the acquisition of property or the displacement of a person, the heads of the Federal agencies may by agreement designate one such agency as the cognizant Federal agency, for the purpose of implementing the Uniform Act. At a minimum, the agreement shall set forth the federally-assisted activities which are subject to its terms and cite any policies and procedures, in addition to these regulations, that are applicable to the activities under the agreement. Under the agreement, the cognizant Federal agency shall assure compliance with the provisions of the Uniform Act and these regulations for the project. All assisted activities under the agreement shall be deemed a project for the purposes of these regulations.

§ 25.6 Federal agency waiver of regulations.

The Federal agency financing the project may waive any provision in this part that is not required by law when it is determined that the waiver does not reduce any assistance or protections available to an owner or displaced person under this part. A request for a waiver shall be justified on a case-by-case basis.

§ 25.7 Compliance with other laws and regulations.

The implementation of these regulations shall be in compliance with the following, including any implementing regulations—

(a) Section I of the Civil Rights Act of 1966 (42 U.S.C. 1982 et seq.).

(b) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

(c) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.).

(d) The National Environmental Policy Act of 1969 (42 U.S.C. 4321–4347).

(e) Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 790 et seq.).

(f) Executive Order 12250—Leadership and Coordination of Non-Discrimination Laws.

(g) Executive Order 11063—Equal Opportunity and Housing.

(h) Executive Order 11246—Equal Employment Opportunity.

(i) Executive Order 11625—Minority Business Enterprise.

§ 25.8 Recordkeeping and reports.

(a) *Records.* The Agency shall maintain a separate file for each acquisition of real property and each person displaced. These records shall be sufficient to demonstrate compliance with these regulations and shall be retained for at least three years after each owner of the property and each person displaced from the property have received the final payment to which they are entitled under these regulations.

(b) *Confidentiality of Records.* Records maintained by an Agency in accordance with these regulations are confidential and are not to be treated as public information, unless applicable law provides otherwise.

(c) *Reports.* The Agency may be required to submit periodic reports of its real property acquisition and displacement activities under these regulations to the appropriate Federal agency.

§ 25.9 Appeals.

(a) *General.* The Agency shall establish a process for the prompt review of appeals in accordance with the requirements of applicable law and these regulations.

(b) *Actions which may be appealed.* A person may file an appeal with the Agency in any case in which the person believes that the Agency has—(1) Failed to properly determine the person's eligibility for, or the amount of, a payment required under § 25.106 or § 25.107 or a relocation payment required under these regulations. A person may also appeal the refusal of the Agency to waive the time limit for filing a claim or the one-year purchase and occupancy requirement at § 25.402(a)(3); or (2) Failed to provide the person a reasonable opportunity to relocate to a comparable replacement dwelling or to properly inspect the replacement dwelling.

(c) *Time limit for initiating appeal.* The Agency may set a reasonable time limit for a person to file an appeal. For an appeal under paragraph (b)(1) of this section, the time limit shall be not less than 180 days after the person receives notification of the Agency's determination on the person's claim or its refusal to waive the applicable time limit. For an appeal under paragraph (b)(2) of this section, the time limit shall not be less than 180 days after the date of displacement.

(d) *Right to representation.* A person has a right to be represented by legal counsel and to be accompanied by an advisor, attorney or other representative in any personal appearance in connection with his or her appeal, but solely at the person's own expense.

(e) *Review of files by person making appeal.* The Agency shall permit a person to inspect and copy all materials pertinent to his or her appeal, except materials which are confidential. The Agency may, however, impose reasonable conditions on the person's right to inspect, consistent with applicable laws.

(f) *Construction of rules and regulations.* In deciding appeals, it is intended that applicable rules and regulations be applied in a manner that best fulfills the objective of providing "fair and equitable treatment" so that displaced persons do "not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole."

(g) *Oral appeal.* If a person asks to make an oral appeal, the person shall be given the opportunity to present the appeal orally to an appropriate Agency official within 15 days from the date of

his request. The Agency shall prepare a summary of the matters discussed in the oral presentation and include it as part of its case file. If the Agency does not grant the full relief requested by the person, it shall so notify the person promptly in writing and state that the person has a right to file a written appeal.

(h) *Written appeal.* A person may file a written appeal to the Agency, whether or not he or she has made a prior oral appeal. The written appeal shall be considered by the Agency, regardless of form.

(i) *Scope of review of appeal.* In deciding an appeal, the Agency shall consider—

(1) All applicable regulations;

(2) All pertinent justification and other material submitted by the person; and

(3) All material upon which the Agency based the determination being appealed and any other available information that is needed to ensure a fair and full review of the appeal.

(j) *Request for additional time.* If, after filing an appeal, a person makes a reasonable request for additional time to gather and prepare information for a supplemental written appeal, the person must be granted a reasonable amount of additional time.

(k) *Determination and notification after appeal.* Promptly after receipt of all information submitted by a person in support of the appeal, the Agency shall make a written determination on the appeal and furnish the person a copy. If any payment or other relief to the person is granted, the notification shall include a brief statement on how this will be provided. If the full relief requested is not granted, the notification shall include the factual and legal basis upon which the decision is based, including any appropriate explanation, along with a statement of the person's right to seek judicial review.

(l) *Assistance to person making appeal.* If a person is unable to prepare a written appeal, the Agency shall offer the person appropriate assistance or notify him or her of other available sources of assistance.

(m) *Agency official to hear appeal.* The Agency official hearing an oral appeal or conducting the review of a written appeal shall be either the head of the Agency or his or her authorized designee. However, the official shall not be an official directly involved in the action appealed or a subordinate to such an official.

(n) *Judicial review.* Nothing in these regulations shall in any way preclude or limit a person from seeking judicial review of his or her appeal on its merits after exhaustion of such administrative remedies as are available to the person under this Section.

(o) *Federally-assisted State administered programs.* Whenever a project is carried out by an Agency provided Federal financial assistance under a program administered by a State, the State may establish the procedures governing appeals. These procedures may provide for the Agency to hear the appeal and, if the person is dissatisfied with the Agency's determination on the appeal, for the State to review the appeal.

§ 25.10 Definitions.

(a) *Agency.* The term "Agency" means the Federal agency, State or State agency which acquires the real property (see § 25.101) or displaces a person (see § 25.10(e)).

(b) *Business.* The term "business" means any lawful activity, except a farm operation, that is—

(1) Conducted primarily for the purchase, sale, lease and/or rental of personal and/or real property, and/or for the manufacture, processing, and/or marketing of products, commodities, and/or any other personal property; or

(2) Conducted primarily for the sale of services to the public; or

(3) a Solely for the purpose of § 25.303 of these regulations, conducted primarily for outdoor advertising display purposes, when the display(s) must be moved as a result of the project; or

(4) Conducted by a nonprofit organization that has established its nonprofit status under applicable Federal or State law.

(c) *Comparable replacement dwelling.* The term "comparable replacement dwelling" means a dwelling which meets or exceeds the following minimum requirements—

(1) Decent, safe, and sanitary as described in § 25.10(d).

(2) Functionally equivalent to the displacement dwelling with living space adequate to accommodate the displaced person.

(3) In an area that is not subject to unreasonable adverse environmental conditions; is not generally less desirable than the location of the displaced person's dwelling with respect to public utilities, commercial and public facilities; and is reasonably accessible to the person's place of employment.

(4) On a site that is typical in size for residential development with normal site improvements including customary landscaping, but not including special improvements such as outbuildings, fences, swimming pools, and greenhouses. (See also § 25.403(a)(2).)

(5) Currently available to the displaced person.

(6) Within the financial means of the displaced person.

(i) A replacement dwelling purchased by a 180-day homeowner is considered to be within the homeowner's financial means if the homeowner is paid the full price differential as described at § 25.401(c), all increased mortgage interest cost as described at § 25.401(d), and all incidental expenses as described at §25.401(e).

(ii) A replacement dwelling rented by a displaced person is considered to be within his or her financial means if the monthly rent at the replacement dwelling does not exceed the monthly rent at the displacement dwelling, after taking into account any rental assistance which the person receives under these regulations. If the cost of any utility services is included in either rent, an appropriate adjustment must be made to ensure that like circumstances are compared. For a person who paid little or no rent before displacement, the market rent of the displacement dwelling shall be used when computing costs.

(d) *Decent, safe, and sanitary dwelling.* The term "decent, safe, and sanitary dwelling" means a dwelling which meets applicable housing and occupancy codes. However, if any of the following standards are not met by an applicable code, such following standard shall apply, unless waived for good cause by the Federal agency funding the project. The dwelling shall—

(1) Be structurally sound, weathertight and in good repair.

(2) Contain a safe electrical wiring system adequate for lighting and other electrical devices.

(3) Contain a heating system capable of sustaining a healthful temperature for a displaced person of approximately 70 degrees, except in those areas where local climatic conditions do not require such a system.

(4) Be adequate in size with respect to the number of rooms and area of living space needed to accommodate the displaced person. There shall be a separate, well-lighted and ventilated bathroom that provides privacy to the user and contains a sink and bathtub or shower stall and a toilet, all in good working order and properly connected to appropriate sources of water and to a sewage drainage system. In the case of a housekeeping dwelling, there shall be a kitchen area that contains a fully usable sink, properly connected to potable hot and cold water and to a sewage drainage system, and adequate space and utility service connections for a stove and refrigerator.

(5) Contains unobstructed egress to safe open space at ground level. If the replacement dwelling unit is on the second story or above, two unobstructed means of egress are required.

(6) For a displaced person who is handicapped, be free of any barriers which would preclude reasonable ingress, egress, or use of the dwelling by the person.

(e) *Displaced person.* (1) *General.* The term "displaced person" means any person (defined at § 25.19(k)) who moves from the real property or moves his personal property from the real property—

(i) As a result of the Agency's acquisition of such real property in whole or in part for the project. (This includes any person who moved from the real property as a result of the initiation of negotiations as described at § 25.10(j)); or

(ii) As a result of the written order from the acquiring Agency to vacate such real property for the project; or

(iii) As a result of the Agency's acquisition of, or written order to vacate other real property on which the person conducts a business, farm operation, or nonprofit organization, for the project. However, eligibility as a displaced person under this paragraph (1)(iii) applies only for purposes of obtaining relocation assistance advisory services (described at § 25.205) and moving expenses under § 25.303).

(2) *Persons not displaced.* The following is a nonexclusive listing of persons who do not qualify as a displaced person under these regulations.

(i) A person who moves before the initiation of negotiations; or

(ii) A person who initially enters into occupancy of the property after the date of its acquisition for the project; or

(iii) A person who is not required to relocate permanently as a direct result of the project. Such determination shall be made by the Agency in accordance with any guidelines established by the Federal agency providing financial assistance for the project; or

(iv) A person who, after receiving a notice of relocation eligibility (described at § 25.203) is notified in writing that he or she will not be displaced for the project. Such notice shall not be issued unless the person has not moved and the Agency agrees to reimburse the person for any expenses incurred to satisfy any binding contractual relocation obligations entered into after the effective date of the notice of relocation eligibility; or

(v) An owner-occupant who voluntarily sells his or her property as described at § 25.101(a)) after being informed in writing that if a mutually satisfactory agreement of sale cannot be reached, the Agency will not acquire the property. In such cases, however, any resulting displacement of a tenant is subject to these regulations; or

(vi) A person who retains use and occupancy of the real property for life following its acquisition by the Agency; or

(vii) A person who retains use and occupancy of the real property for a fixed term after its acquisition by the Department of Interior under Pub. L. 93–447 or Pub. L. 93–303; or

(viii) A person who is required to temporarily vacate the premises in order to permit fumigation or other code enforcement work which does not exceed five calendar days.

(f) *Dwelling.* The term "dwelling" means the place of permanent or customary and usual residence of a person according to local custom or law, including a single family house, a single family unit in a two-family, multi-family, or multi-purpose property, a unit of a condominium or cooperative housing project, a non-housekeeping unit, a mobile home, or any other residential unit.

(g) *Farm operation.* The term "farm operation" means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

(h) *Federal agency.* The term "Federal Agency" means any department, agency, or instrumentality in the executive branch of the Government, any wholly owned Government corporation, and the Architect of the Capitol, the Federal Reserve Bank and branches thereof.

(i) *Federal financial assistance.* The term "Federal financial assistance" means any Federal grant, loan, or contribution, except a Federal guarantee or insurance.

(j) *Initiation of negotiations.* The term "initiation of negotiations" means the delivery of the initial written offer by the Agency to the owner or the owner's representative to purchase real property for the project for the amount determined to be just compensation, unless applicable Federal program regulations specify a different action to serve this purpose. However, in any case where a person moves after the Agency issues a notice of its intent to acquire the real property, but before delivery of the intitial written purchase offer, the "initiation of negotiations" means the person's move from the property.

(k) *Person.* The term "person" means any individual, family, partnership, corporation, or association.

(l) *Salvage value.* The term "salvage value" means the probable sale price of an item, if offered for sale on the condition that it will be removed from the property at the buyer's expense, allowing a reasonable period of time to find a person buying with knowledge of the uses and purposes for which it is adaptable and capable of being used, including separate use of serviceable components and scrap when there is no reasonable prospect of sale except on that basis.

(m) *State.* The term "State" means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, the trust territories of the Pacific Islands, or a political subdivision of any of these jurisdictions.

(n) *State agency.* The term "State agency" means any department, agency or instrumentality of a State, or of a political subdivision of a State, or of two or more States, or of two or more political subdivisions of a State or States.

(o) *Tenant.* The term "tenant" means a person who has the temporary use and occupancy of real property owned by another.

(p) *Unform Act.* The term "Uniform Act" means the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

(84 Stat. 1894; 42 U.S.C 4601 et seq.; Pub. L. 91–646).

Subpart B—Real Property Acquisition

§ 25.101 Applicability of acquisition requirements.

(a) *General.* The requirements of this Subpart apply to any Agency acquisition of real property (including any less-than-full-fee interest) for a Federal or federally-assisted project carried out under the threat of eminent domain. In those instances where the Agency has authority to acquire property free of the threat of eminent domain, the requirements outlined in this Subpart will not apply if the owner is informed in advance that the transaction must be on a voluntary basis and that if a mutually satisfactory agreement cannot be reached, the Agency will not acquire the property.

(b) *Less-than-full-fee interest in real property.* The requirements of this Subpart apply to acquisition of a life estate, or life use, acquisition by

leasing/easement where the lease/easement term, including option(s) for extension, is 50 years or more, and to any other acquisition for a project of a less-than-full-fee interest including easements.

(c) *Federal-assisted projects.* For federally-assisted projects the provisions of §§ 25.102, 25.103, 25.104, and 25.105 are applicable to the extent practicable under State law.

§ 25.102 Basic acquisition policies.

(a) *Expeditious acquisition.* The Agency shall make every reasonable effort to acquire the real property expeditiously by negotiation.

(b) *Notice to owner.* As soon as feasible, the owner shall be notified in writing of the Agency's interest in acquiring the real property and the basic protections provided to the owner by law and these regulations (see also 90-day notice requirement at § 25.206).

(c) *Appraisal and invitation to owner.* Before the initiation of negotiations the real property shall be appraised and the owner or the owner's designated representative shall be given an opportunity to accompany the appraiser during the appraiser's inspection of property.

(d) *Establishment of offer of just compensation.* Before the initiation of negotiations, the Agency shall establish an amount which it believes is just compensation for the real property. The amount shall not be less than the approved appraisal of the fair market value, including damages or benefits to the remaining property (see also § 25.104). Promptly thereafter the Agency shall make a written offer to the owner to acquire the property for the full amount believed to be just compensation.

(e) *Summary statement.* Along with the initial written purchase offer, the owner shall be given a written statement of the basis for the offer of just compensation, which shall include:

(1) A statement of the amount offered as just compensation. (In the case of a partial acquisition, the compensation for the real property to be acquired and the compensation for damages to the remaining real property shall be separately stated.)

(2) A description and location identification of the real property and the interest in the real property to be acquired.

(3) An identification of the buildings, structures, and other improvements (including removable building equipment and trade fixtures) which are considered to be part of the real property for which the offer of just compensation is made. (Where appropriate, the statement shall identify any separately held ownership interest in the property (e.g., a tenant-owned improvement) and indicate that such interest is not covered by the offer.)

(f) *Basic negotiation procedures.* The Agency shall make reasonable efforts to contact the owner or the owner's representative and (1) discuss its offer to purchase the property including the basis for the offer of just compensation, and (2) explain its acquisition policies and procedures including its payment of incidental expenses in accordance with § 25.106. The owner shall be given reasonable opportunity to consider the offer and present material which the owner believes is relevant to determining the value of the property and to suggest modification in the proposed terms and conditions of the purchase, and the Agency shall consider the owner's presentation.

(g) *Updating offer of just compensation.* If the information presented by the owner or a material change in the character or condition of the property indicates the need for new appraisal information, or if a significant delay has occurred since the time of the appraisal(s) of the property, the Agency shall have the appraisal(s) updated or obtain a new appraisal(s). If the latest appraisal information indicates that a change in the purchase offer is warranted, the Agency shall promptly reestablish just compensation and offer that amount to the owner in writing.

(h) *Coercive action.* The Agency shall not advance the time of condemnation, or defer negotiations or condemnation or the deposit of funds with the court, or take any other coercive action, in order to induce an agreement on the price to be paid for the property.

(i) *Administrative settlement.* The purchase price for the property may exceed the amount offered as just compensation when reasonable efforts to negotiate on that amount have failed and an authorized Agency official approves such administrative settlement as being reasonable, prudent, and in the public interest. A written justification shall be prepared which indicates that available information (e.g., appraisals, recent court awards, estimated trial costs, and valuation problems) support such a settlement.

(j) *Payment before taking possession.* Before requiring the owner to surrender possession of the real property, the Agency shall (1) pay the agreed purchase price to the owner, or (2) in the case of a condemnation, deposit with the court, for the benefit of the owner, an amount not less than the agencies approved appraisal of the fair market value of such property, or the amount of the award of compensation in the condemnation proceeding for the property.

(k) *Uneconomic remnant.* If the acquisition of only a portion of a property would leave the owner with an uneconomic remnant, the Agency shall offer to acquire the uneconomic remnant along with the portion of the property needed for the project. An uneconomic remnant is a remaining part of the property in which the owner is left with an interest that the Agency determines has little or no utility or value to the owner.

(l) *Inverse condemnation.* If the Agency intends to acquire any interest in real property by exercise of the power of eminent domain, it shall institute formal condemnation proceedings and not intentionally make it necessary for the owner to institute legal proceedings to prove the fact of the taking of the real property.

(m) *Fair rental.* The amount charged a former owner or tenant for the use of the real property between the date of acquisition and the date of displacement for the project shall not exceed the fair rental value for a short-term occupier or the market rent, whichever is less.

§ 25.103 Criteria for appraisals.

(a) *Definition of appraisal.* An appraisal is a written statement independently prepared by a qualified appraiser setting forth an opinion of value of an adequately described property as of a specific date, supported by the presentation and analysis of relevant market information.

(b) *Standards of appraisal.* The format and level of documentation for an appraisal are dependent on the complexity of the appraisal problem. The Agency shall develop minimum standards for appraisals of those acquisitions which, by virtue of their low value or simplicity, do not require the in-depth analysis necessary in a standard appraisal. A standard appraisal shall be prepared for all other acquisitions. A standard appraisal shall reflect nationally recognized appraisal standards including, to the extent appropriate, the Uniform Appraisal Standards for Federal Land Acquisition. As a minimum, it shall contain the following items:

(1) The purpose and/or the function of the appraisal, a definition of the estate being appraised, and a statement of the assumptions and limiting conditions affecting the appraisal.

(2) An adequate description of the physical characteristics of the property being appraised (and in the case of a partial acquisition, an adequate

description of the remaining property), a statement of the known and observed encumbrances, if any, title information, location, zoning, present use, an analysis of highest and best use, and a 5-year sales history of the property.

(3) All relevant approaches to value. However, when there is sufficient market data, the appraisal may be limited to the market approach. If more than one approach is utilized, there shall be an analysis and correlation of the approaches to value including an explanation of the final conclusion of value that is sufficient to support the appraiser's opinion(s) of value.

(4) A description of comparable sales, including a description of any items that affect the validity of the sale or indicated value such as parties to the transaction and source and method of buyer financing.

(5) A breakdown of land and improvement values and, for a partial acquisition, a statement of the value of the real property to be acquired and of damages and benefits, if any, to the remaining real property.

(6) The effective date of valuation, date of appraisal, signature, and certificate of appraiser.

(c) *Influence of projects on just compensation.* To the extent permitted by applicable law, the appraiser shall disregard any decrease or increase in the fair market value of the real property, prior to the date of valuation, caused by the project for which the property is to be acquired, or by the likelihood that the property would be acquired for the project, other than that due to physical deterioration within the reasonable control of the owner.

(d) *Owner retention of improvements.* If the owner of a real property improvement is permitted to retain it for removal from the project site, the amount determined to be just compensation for the interest in real property to be acquired from the owner shall not be less than the amount determined by subtracting the salvage value of the improvements the owner retains for off-site removal from the amount determined to be just compensation for the owner's entire interest in the real property.

(e) *Qualifications of appraisers.* The Agency shall establish criteria for determining the minimum qualifications of appraisers, including review appraisers. Appraiser qualifications shall be consistent with the level of difficulty of the appraisal assignment. The Agency shall review the experience, education, training, and other qualifications of appraisers, including review appraisers, and utilize only those determined to be qualified.

(f) *Conflict of interest.* No appraiser shall have any interest, direct or indirect, in the real property which is being appraised for the Agency that would in any way conflict with the preparation of the appraisal. No Agency appraiser shall act as a negotiator for the Agency or the owner in the acquisition of real property which the appraiser has appraised in connection with the project. Compensation for making an appraisal shall not be based on the amount of the valuation.

§ 25.104 Review of appraisals.

The Agency shall have an appraisal review process and, as a minimum:

(a) A qualified reviewing appraiser shall examine all appraisals to assure that they meet Agency appraisal requirements and shall, prior to acceptance, seek correction or revision of those which do not.

(b) If the reviewing appraiser is unable to approve or recommend approval of an appraisal as adequate support for compensation, the reviewing appraiser may develop appraisal documentation in accordance with § 25.103 to support an approved or recommended value if it is determined that it is not practical to obtain additional appraisals.

(c) The review appraiser's recommended or approved value of the property shall be set forth in a signed written report which identifies the appraisal reports reviewed and explains the basis for such recommendation. Any damages or benefits to any remaining property shall also be identified in the report.

§ 25.105 Acquisition of tenant-owned improvement.

(a) *Acquisition of improvements.* When acquiring any interest in real property, the Agency shall acquire at least an equal interest in all buildings, structures, or other improvements located upon the real property to be acquired which it requires to be removed or which it determines will be adversely affected by the use to which such real property will be put. This shall include any improvement of a tenant-owner who has the right or obligation to remove the improvement at the expiration of the lease term.

(b) *Improvements considered to be real property.* Any building, structure, or other improvement which would be considered to be real property if owned by the owner of the real property on which it is located shall be considered to be a real property improvement for purposes of this Subpart.

(c) *Appraisal and establishment of just compensation for tenant-owned improvements.* Just compensation for a tenant-owned improvement is the amount which the improvement contributes to the fair market value of the whole property or its salvage value, whichever is greater. (Salvage value is defined at § 25.10(1)).

(d) *Special conditions.* No payment shall be made to a tenant-owner for any real property improvement unless—

(1) The tenant-owner, in consideration for the payment, assigns, transfers, and releases to the Agency all of the tenant-owner's right, title, and interest in the improvement;

(2) The owner of the real property on which the improvement is located disclaims all interest in the improvement; and

(3) The payment does not result in the duplication of any compensation otherwise authorized by law.

(e) *Alternative payment.* Nothing in this Subpart shall be construed to deprive the tenant-owner of any rights to reject payment under this Subpart and to obtain payment for such property interests in accordance with other applicable law.

§ 25.106 Expenses incidental to transfer of title to the Agency.

The owner shall be reimbursed for all reasonable expenses the owner necessarily incurred for—

(a) Recording fees, transfer taxes, documentary stamps, evidence of title, boundary surveys, legal descriptions of the real property, and similar expenses incidental to conveying the real property to the Agency. However, the Agency is not required to pay costs solely required to perfect the owner's title to the real property;

(b) Penalty costs and other charges for prepayment of any preexisting recorded mortgage entered into in good faith encumbering the real property; and

(c) The pro rata portion of any prepaid real property taxes, which are allocable to the period after the Agency obtains title to the property or effective possession of it, whichever is earlier.

Whenever feasible, the Agency shall pay these costs directly and avoid the need for an owner to pay any such costs and then seek reimbursement from the Agency.

§ 25.107 Certain litigation expenses.

The owner of the real property shall be reimbursed for any reasonable expenses, including reasonable attorney, appraisal and engineering fees, which the owner actually incurred because of a condemnation proceeding, if—

(a) The final judgment of the court is that the Agency cannot acquire the real property by condemnation; or

(b) The condemnation proceeding is abandoned by the Agency other than under an agreed-upon settlement; or

(c) The court having jurisdiction renders a judgment in favor of the owner in an inverse condemnation proceeding or the Agency effects a settlement of such proceeding.

§ 25.106 Donations.

Nothing in these regulations shall prevent a person, after being informed of the right to receive just compensation, from making a gift or donation of real property or any part thereof, or any interest therein, or of any compensation paid therefor, to the Agency.

Subpart C—General Relocation Requirements

§ 25.201 Purpose and applicability.

This Subpart prescribes general requirements governing the provision of relocation payments and other relocation assistance under the regulations in this part. These requirements apply to the relocation of any displaced person as defined at § 25.10(e).

§ 25.202 Relocation analysis.

At an early stage in the planning of a project, and in any event prior to commencing any actions which will cause displacements, a relocation analysis shall be developed by the Agency to assist it in the recognition and successful resolution of those problems associated with the displacement of individuals, families, and businesses in order to minimize adverse impacts on displaced persons and to expedite project advancement and completion. This analysis will not be subject to prior Federal approval, but it must be documented in the Agency's file and be in sufficient depth to assure that comparable replacement dwellings will be available to displaced persons.

§ 25.203 Notice of relocation eligibility.

As soon as feasible, a written notice of relocation eligibility and/or informational brochure shall be issued to each person to be displaced (see definition of displaced person at § 25.10(e)). Eligibility shall begin on the date of the initiation of negotiations. The notice and/or an informational brochure shall—

(a) Inform the person that he or she will be displaced for the project and generally describe the relocation payment(s) for which the person may be eligible, the basic conditions of eligibility, and the procedures for obtaining the payment(s).

(b) Indicate that the person will be given reasonable relocation advisory services, including housing referrals, help in filing payment claim(s), and other necessary assistance to help the person successfully relocate.

(c) Inform any person to be displaced from a dwelling that he/she cannot be required to move permanently, unless at least one comparable replacement dwelling has been made available to the displaced person.

(d) Describe the person's right to appeal the Agency's determination as to eligibility for, or the amount of, any relocation payment for which the person is eligible and the suitability of any replacement housing which has been offered.

§ 25.204 Availability of comparable replacement dwellings prior to displacement.

(a) *General.* No person to be displaced shall be required to move permanently from his or her dwelling, unless at least one comparable replacement dwelling (defined at § 25.10(c)) has been made available to the person. Where possible, three or more comparable replacement dwellings shall be made available. A comparable replacement dwelling will be considered to have been made available to a person, if—

(1) The person is informed of its location;

(2) The person has sufficient time to negotiate and enter into a purchase agreement or lease for the property; and

(3) Subject to reasonable safeguards, the person is assured of receiving the relocation assistance and acquisition compensation to which the person is entitled in sufficient time to complete the purchase or lease of the property.

(b) *Circumstances permitting waiver.* The Federal agency funding the project may grant a waiver of the policy in paragraph (a) of this section in any case where it is demonstrated that a person must move because of—

(1) A major disaster as defined in Section 102(c) of the Disaster Relief Act of 1974 (42 U.S.C. 5121); or

(2) A Presidentially declared national emergency; or

(3) Another emergency which requires immediate vacation of the real property, such as when continued occupancy of the displacement dwelling constitutes a substantial danger to the health or safety of the occupants or the public.

(c) *Basic conditions of emergency move.* Whenever a person is required to relocate for a temporary period because of an emergency as described in paragraph (b) of this section, the Agency shall—

(1) Take whatever steps are necessary to assure that the affected person is temporarily relocated to a decent, safe, and sanitary dwelling;

(2) Pay actual reasonable out-of-pocket moving expenses and any reasonable increases in monthly housing costs incurred in connection with the temporary relocation;

(3) As soon as feasible, make available to the displaced person at least one comparable replacement dwelling. (For purposes of filing a claim and meeting the eligibility requirements for a relocation payment, the date of displacement is the date the person moves from the temporarily occupied dwelling.)

§ 25.205 Relocation assistance advisory services.

(a) *General.* The Agency shall carry out a relocation assistance advisory program which satisfies the requirements of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.), and Executive Order 11063 (27 FR 11527), and offers the services described in paragraph (b) of this section. If the Agency determines that a person occupying property adjacent to the real property aquired for the project is caused substantial economic injury because of such acquisition, it may offer the services to such person.

(b) *Services to be provided.* The Advisory program shall include such measures, facilities, and servcies as may be necessary or appropriate in order to—

(1) Personally interview each person to be displaced, determine the person's relocation needs and preferences, and explain the relocation payments and other assistance for which the person may be eligible, the related eligibility requirements, and the procedures for obtaining such assistance.

(2) Provide current and continuing information on the availability, purchase prices, and rental costs of comparable replacement dwellings. Explain that the person cannot be required to move unless at least one comparable replacement dwelling is made available as set forth in § 25.204(a).

(i) The Agency shall inform the person to be displaced of the specific comparable replacement dwelling, and the price or rent, to be used as the basis for establishing the upper limit of the replacement housing payment (see § 25.403(a)), and the basis of those determinations.

(ii) Where feasible, housing shall be inspected prior to being made available to assure that it meets applicable standards (see § 25.10(c) and § 25.10(d)). If such an inspection is not made, the person to be displaced shall be notified that a replacement housing payment may not be made unless the replacement dwelling is subsequenty inspected and determined to be decent, safe, and sanitary.

(iii) In addition to making comparable replacement dwellings available, whenever possible, minority persons shall be given reasonable opportunities to relocate to decent, safe, and sanitary replacement dwellings, not located in an area of minority concentration, that are within their financial means. This policy, however, does not require an Agency to provide a person a larger payment than is necessary to enable the person to relocate to a comparable replacement dwelling.

(iv) Displaced persons, especially the elderly and handicapped, shall be offered transportation to inspect housing to which they are referred.

(3) Provide current and continuing information on the availability, purchase prices, and rental costs of comparable and suitable commercial and farm properties and locations. Assist any person displaced from a business or farm operation to obtain and become established in a suitable replacement location.

(4) Minimize hardships to persons in adjusting to relocation by providing counseling, advice as to other sources of assistance that may be available and such other help as may be appropriate.

(5) Supply persons to be displaced with appropriate information concerning Federal and State housing programs, disaster loan and other programs administered by the Small Business Administration, and other Federal and State programs offering assistance to persons to be displaced.

(c) *Coordination of relocation activities.* Relocation activities shall be coordinated with project work and other displacement causing activities to ensure that, to the extent feasible, persons displaced receive consistent treatment and duplication of functions is minimized.

§ 25.206 Ninety-day notice.

(a) *General.* No lawful occupant shall be required to move without at least 90 day's advance written notice of the earliest date by which the property must be vacated. The 90-day notice might include a specific date by which the property must be vacated or include a statement indicating that the occupant will be given a further written notice indicating, at least 30 days in advance, the specific date by which he or she must vacate.

(b) *Timing of notice.* A 90-day notice shall not be given before the notice of relocation eligibility is issued. Also, at least one comparable replacement dwelling must be made available to a person occupying a dwelling before the person can be issued a 90-day notice.

(c) *Urgent need.* In unusual circumstances, an occupant may be required to vacate the property on less than 90 days's advance notice if the Agency determines that a 90-day notice is impracticable, such as when the person's continued occupancy of the property would constitute a substantial danger to the person's health or safety. A copy of the Agency's determination shall be included in the application case file.

§ 25.207 Eviction for cause.

Eviction for cause is permissible only as a last resort and must conform to applicable State and local law. Any person who has lawfully occupied the real proprty, but who is later evicted for cause on or after the effective date of the notice of relocation eligibility, retains the right to the relocation payments and other assistance set forth in these regulations. (For example, an otherwise eligible person who is evicted for failure to pay his or her rent remains eligible for relocation assistance.) However, the date of the eviction establishes the date of the person's displacement.

§ 25.208 General requirements—claim for relocation payments.

(a) *Documentation.* Any claim for a relocation payment shall be supported by such documentation as may be reasonably required to demonstrate expenses incurred, such as bills, certified prices, appraisals or other evidence of such expenses. A displaced person must be provided whatever assistance is necessary to complete and file any required claim for payment.

(b) *Expeditious payments.* The Agency shall review claims in an expeditious manner. The claimant shall be promptly notified as to any additional documentation that is required to support the claim. Payment for a claim shall be made as soon as feasible following receipt of sufficient documentation to support the claim.

(c) *Advance payments.* If a person demonstrates the need for an advance relocation payment in order to avoid or reduce a hardship, the Agency shall issue the payment, subject to such safeguards as are appropriate to ensure that the objective of the payment is accomplished.

(d) *Time for filing.* All claims for a relocation payment shall be filed with the Agency within 18 months after the move is completed, unless this time period is waived by the Agency.

(e) *Multiple occupants of one displacement dwelling.* If two or more occupants of the displacement dwelling move to separate replacement dwellings, each occupant is entitled to a reasonable prorated share, as determined by the Agency, of any relocation payments that would have been made if the occupants moved together to a comparable replacement dwelling. However, if the Agency determines that two or more persons hold separate tenancies (and/or ownerships), each such person has a separate entitlement to relocation payments.

(f) *Direct payment of claim.* The Agency shall not withhold any part of a relocation payment to a displaced person to satisfy an obligation to the Agency or any other creditor. The full amount of a relocation payment shall be made payable to the eligible claimant, unless the claimant designates in writing that a specific amount shall be paid to another party.

(g) *Notice of denial of claim.* If the Agency disapproves all or part of a payment claimed or refuses to consider the claim on its merits because of untimely filing or other grounds, it shall promptly notify the claimant in writing of its determination, the basis for its determination, and the procedures for appealing that determination.

§ 25.209 Relocation payments not considered as income.

No relocation payment received by a displaced person under these regulations shall be considered as income for the purpose of the Internal Revenue Code of 1954, or for the purposes of determining the eligibility or the extent of eligibility of any person for assistance under the Social Security Act or any other Federal law.

Subpart D—Payment For Moving and Related Expenses

§ 25.301 Payment for actual reasonable moving and related expenses—residential moves.

Any displaced owner-occupant or tenant of a dwelling, who qualifies as a displaced person (defined at § 25.10(e)), is entitled to reimbursement of his or her actual moving and related expenses, as the Agency determines to be reasonable and necessary, including expenses for—

(a) Transportation of the displaced person and personal property. Transportation costs for a distance beyond 50 miles are not eligible, unless the Agency determines that relocation beyond 50 miles is justified.

(b) Packing, crating, unpacking, and uncrating of the personal property.

(c) Disconnecting, dismantling, removing, reassembling and reinstalling relocated household applicances, and other personal property.

(d) Storage of the personal property, generally not to exceed 12 months, and generally not on property owned by the displaced person.

(e) Insurance for the replacement value of the personal property in connection with the move and necessary storage.

(f) The reasonable replacement value of property lost, stolen or damaged in the process of moving (not through the fault or negligence of the displaced person, his or her agent or employee), where insurance covering such loss, theft or damage is not reasonably available.

(g) Other moving-related expenses that are not listed as ineligible under § 25.305, as the Agency determines to be reasonable and necessary (such as the cost of obtaining bids).

§25.302 Fixed payment for moving expenses—residential moves.

Any person displaced from a dwelling, or a seasonal residence, is entitled to receive a fixed payment in lieu of a payment for actual moving and related expenses under § 25.301, that consists of—

(a) A moving expense allowance not to exceed $300 which shall be determined in accordance with the approved Agency schedule applicable to the displacement; and

(b) A dislocation allowance of $200.

§25.303 Payment for actual reasonable moving and related expenses—nonresidential moves.

(a) *Eligible costs.* Any displaced business, or farm operation which qualifies as a displaced person (defined at § 25.10(e)), is entitled to payment for such actual moving and related expenses, as the Agency determines to be reasonable and necessary, including expenses for—

(1) Transportation of the personal property. Transportation costs for a distance beyond 50 miles are not eligible, unless the Agency determines that relocation beyond 50 miles is justified.

(2) Packing, crating, unpacking, and uncrating the personal property.

(3) Disconnecting, dismantling, removing, reassembling and installing relocated machinery, equipment, and other personal property and substitute personal property (described at § 25.303(c)). This includes connection to utilities available nearby. It also includes modifications necessary to adapt the personal property to the replacement structure or site or to the utilities or to adapt the utilities to the personal property. (Expenses for providing utilities from the right-of-way to the building or improvement are excluded.)

(4) Storage of the personal property, generally not to exceed 12 months, and generally not on property owned by the displaced person.

(5) Insurance for the replacement value of the personal property in connection with the move and necessary storage.

(6) Any license, permit or certification required of the displaced person at the replacement location. However, the payment may be based on the remaining useful life of the existing license, permit or certification.

(7) The reasonable replacement value of property lost, stolen or damaged in the process of moving (not through the fault or negligence of the displaced person, his or her agent or employee), where insurance covering such loss, theft or damage is not reasonably available.

(8) Professional services necessary for (i) planning the move of the personal property, (ii) moving the personal property, or (iii) installing the relocated personal property at the replacement location.

(9) Relettering signs and replacing stationery on hand at the time of displacement that is made obsolete as a result of the move.

(10) Actual direct loss of tangible personal property incurred as a result of moving or discontinuing the business or farm operation. The payment shall consist of the reasonable costs incurred in attempting to sell the item plus the lesser of—

(i) The fair market value of the item for continued use at the displacement site, less the proceeds from its sale. (To be eligible for payment, the claimant must make a good faith effort to sell the personal property, unless the Agency determines that such effort is not necessary. When payment for property loss is claimed for goods held for sale, the fair market value shall be based on the cost of the goods to the business, not the potential selling price); or

(ii) The estimated cost of moving the item, but with no allowance for storage. (If the business or farm operation is discontinued, the estimated cost shall be based on a moving distance of 50 miles).

(11) Purchase of substitute personal property. If an item of personal property, which is used as part of a business or farm operation, is not moved but is promptly replaced with a substitute item that performs a comparable function at the replacement site, the displaced person is entitled to payment of the lesser of—

(i) The cost of the substitute item, including installation cost at the replacement site, minus any proceeds from the sale or trade-in of the replaced item; or

(ii) The estimated cost of moving and reinstalling the replaced item, based on the lowest acceptable bid or estimate obtained by the Agency for eligible moving and related expenses, but with no allowance for storage.

(12) *Searching for a replacement location.* A displaced business or farm operation is entitled to reimbursement for actual expenses, not to exceed $1,000, as the Agency determines to be reasonable, which are incurred in searching for a replacement location, including—

(i) Transportation.

(ii) Meals and lodging away from home.

(iii) Time spent searching, based on reasonable salary or earnings.

(iv) Fees paid to a real estate agent or broker to locate a replacement site.

(13) Other moving-related expenses that are not listed as ineligible under § 25.305, as the Agency determines to be reasonable and necessary (such as the cost of obtaining bids).

(b) *Notification and inspection.* The following requirements apply to payments under this section.

(1) As soon as possible after the initiation of negotiations, the Agency shall inform the displaced person, in writing, of the requirements of subparagraphs (2) and (3) of this paragraph.

(2) The displaced person must provide the Agency reasonable advance written notice of the approximate date of the start of the move or disposition of the personal property and a list of the items to be moved. However, the Agency may waive this notice requirement after documenting its file accordingly.

(3) The displaced person must permit the Agency to make reasonable and timely inspections of the personal property at both the displacement and replacement sites and to monitor the move.

(c) *Self-move.* If the displaced person elects to take full responsibility for all or a part of the move of the business, farm

operation, or nonprofit organization, the Agency may approve a payment for the person's moving expenses in an amount not to exceed the lowest acceptable bid or estimate obtained by the Agency, or prepared by a qualified staff person, without submission of any additional documentation of moving expenses actually incurred in the move.

(d) *Transfer of ownership.* To be eligible for a payment under paragraph (a) or (c) of this section, the claimant shall, in accordance with applicable law, transfer to Agency ownership of the personal property that has not been sold or traded in.

(e) *Advertising sign.* The amount of payment for direct loss of an advertising sign, which is personal property, shall be the lesser of—

(1) The depreciated reproduction cost of the sign as determined by the Agency, less the proceeds from its sale; or

(2) The estimated cost of moving the sign, but with no allowance for storage.

§ 25.304 Fixed payment for moving expenses—nonresidential moves.

(a) *Business.* Any displaced business (other than an outdoor advertising display business (described at § 25.10(b)(3)) or a nonprofit organization (see § 25.304(d)) is eligible for a fixed payment in lieu of a payment for actual moving and related expenses, in an amount equal to its average annual net earnings as computed in accordance with paragraph (e) of this section, but not less than $2,500 nor more than $10,000, if the Agency determines that—

(1) The business cannot be relocated without a substantial loss of its existing patronage (clientele). A business is assumed to meet this test, unless the Agency demonstrates that it will not suffer a substantial loss of its existing patronage;

(2) The business is not part of a commercial enterprise having another establishment, which is not being acquired by the Agency, and which is under the same ownership and engaged in the same or similar business activities. For purposes of this rule, a remaining business facility that did not contribute materially to the income of the displaced person during the two taxable years prior to displacement shall not be considered "another establishment"; and

(3) The business contributed materially to the income of the displaced person during the two taxable years prior to displacement. However, the Agency may waive this test for good cause.

(b) *Determining number of businesses acquired.* In determining whether two or more legal entities, all of which have been acquired, constitute a single business, which is entitled to only one fixed payment, all pertinent factors shall be considered, including the extent to which—

(1) The same premises and equipment are shared;

(2) Substantially identical or interrelated business functions are carried out and business and financial affairs are commingled;

(3) The entities are held out to the public, and to those customarily dealing with them, as one business; and

(4) The same person or closely related persons own, control or manage the affairs of the entities.

(c) *Farm operation.* Any displaced farm operation (defined at §§ 25.19(g)) may choose a fixed payment in lieu of a payment for actual moving and related expenses in an amount equal to its average annual net earnings as computed in accordance with paragraph (e) of this section, but not less than $2,500 nor more than $10,000. In the case of a partial acquisition of land which was a farm operation before the acquisition, the fixed payment shall be made only if the Agency determines that—

(1) The acquisition of part of the land caused the operator to be displaced from the farm operation on the remaining land; or

(2) The partial acquisition caused a substantial change in the nature of the farm operation.

(d) *Nonprofit organization.* Any displaced nonprofit organization may choose a fixed payment in lieu of a payment for actual moving and related expenses, in an amount or $2,500, if the Agency determines that it—

(1) Cannot be relocated without a substantial loss of existing patronage (membership and clientele). A nonprofit organization is assumed to meet this test, unless the Agency demonstrates otherwise; and

(2) Is not part of an enterprise having at least one other establishment engaged in the same or similar activity which is not being acquired by the Agency.

(e) *Average net earnings or business of farm.* The average annual net earnings of a business or farm operation are one-half of its net earnings before Federal, State and local income taxes, during the two taxable years immediately prior to the taxable years in which it was displaced. If the business or farm was not in operation for the full two taxable years prior to displacement, net earnings shall be based on the actual period of operation on the displacement site, projected to an annual rate. Also, average annual net earnings may be based upon a different period of time when the Agency determines it to be more equitable. Net earnings include any compensation obtained from the business or farm operation by its owner, the owner's spouse, and dependents. The displaced person shall furnish the Agency proof of net earnings through income tax returns, certified financial statement or other reasonable evidence which the Agency determines is satisfactory.

§ 25.305 Ineligible moving and related expenses.

A displaced person is not entitled to payment for—

(a) The cost of moving any structure or other real property improvement in which the displaced person reserved ownership. (However, this rule does not preclude the computation under § 25.401(c)(4); or

(b) Interest on a loan to cover moving expenses; or

(c) Loss of goodwill; or

(d) Loss of profits; or

(e) Loss of trained employees; or

(f) Any additional expense of a business, farm or nonprofit organization incurred because of operating in a new location; or

(g) Personal injury; or

(h) Any legal legal fee or other cost for preparing a claim for a relocation payment or for representaing the claimant before the Agency; or

(i) Expenses for searching for a replacement dwelling.

Subpart E—Replacement Housing Payments

§ 25.401 Replacement housing payments for 180-day homeowner-occupants.

(a) *Eligibility.* A displaced person is eligible for the replacement housing payment for a 180-day homeowner-occupant if the person—

(1) Has actually owned and occupied the displacement dwelling for not less than 180 days immediately prior to the initiation of negotiations; and

(2) Purchases and occupies a decent, safe, and sanitary replacement dwelling within one year after the later of—

(i) The date the person receives final payment for the displacement dwelling or, in the case of condemnation, the required amount is deposited in the court, or

(ii) The date the person moves from the displacement dwelling.

(b) *Amount of total payment.* The total replacement housing payment for an eligible 180-day homeowner-occupant is an amount, not to exceed $15,000, which is the combined sum of—

(1) The amount, if any, by which the cost of a replacement dwelling exceeds the acquistion price of the displacement dwelling, as determined in accordance with paragraph (c) of this section (Price differential);

(2) The amount, if any, necessary to compensate the displaced person for any increased interest costs and other debt service costs to be incurred in connection with the mortgage(s) on the replacement dwelling, as determined in accordance with paragraph (d) of this section (Increased mortgage interest costs); and

(3) The amount of the reasonable expenses, as determined in accordance with paragraph (e) of this section (Incidental expenses), that are incidental to the purchase of the replacement dwelling.

(c) *Price differential.* (1) *Determination of price differential.* The price differential to be paid under paragraph (b)(1) of this section is the amount, if any, which must be added to the acquistion price of the displacement dwelling to provide a total amount equal to the lesser of—

(i) The reasonable cost of a comparable replacement dwelling as determined in accordance with § 25.403(a).

(ii) The purchase price of the decent, safe, and sanitary replacement dwelling actually purchased and occupied by the displaced person.

(2) *Mixed-use and multifamily properties acquired.* If the displacement dwelling was part of a property that contained another dwelling unit and/or space used for nonresidential purposes, only that portion of the acquisition payment which is actually attributable to the displacement dwelling shall be considered its sale price when computing the price differential.

(3) *Disaster-related insurance proceeds.* To the extent necessary to avoid duplicate compensation, the amount of any insurance proceeds received by a person in connection with a disaster related loss to the displacement dwelling shall be included in the sale price of the displacement dwelling when computing the price differential.

(4) *Owner retention of displacement dwelling.* If the owner retains ownership of his or her dwelling, moves it from the displacement site, and reoccupies it on a replacement site (see also § 25.103(d), Owner retention of improvements), the purchase price of the replacement dwelling shall be considered to be the sum of —

(i) The moving expenses and the cost of restoration to a condition comparable to that prior to the move;

(ii) The costs, if any, incurred to make the unit a decent, safe, and sanitary replacement dwelling (defined at § 25.10(d)); and

(iii) The cost of the replacement site, not to exceed the cost of an available suitable replacement site, unless the claimant did not own the displacement site and there is a reasonable opportunity for the claimant to rent a suitable replacement site.

(d) *Increased mortgage interest costs.* The amount to be paid for increased mortgage interest costs under § 25.401(b) is the sum of the present value of any increase in interest costs resulting because the interest rate on the mortgage financing on the replacement dwelling exceeds that on the displacement dwelling plus other debt service costs, all computed on the basis of the following rule—

(1) The payment shall only be based on bona fide mortgages that were a valid lien on the displacement dwelling for at least 180 days prior to the intitation of negotiations. All such mortgages on the displacement dwelling shall be used to compute the payment;

(2) The payment shall be based on the unpaid mortgage balance on the displacement dwelling or the new mortgage amount, whichever is less;

(3) The payment shall be based on the remaining term of the mortgage on the displacement dwelling or the actual term of the new mortgage, whichever is shorter;

(4) The interest charge on the new mortgage shall not exceed the prevailing interest rate currently charged by mortgage lending institutions in the area in which replacement dwelling is located;

(5) The present value of the increased cost shall be computed at the prevailing interest rate paid on savings deposits by commercial banks in the area in which the replacement dwelling is located; and

(6) Purchaser's points and origination fees, but not seller's points, shall be paid to the extent (i) they are not paid as incidental expenses, (ii) they do not exceed rates normal to similar real estate transactions in the area, and (iii) the Agency determines them to be necessary. The computation of such points and fees shall be based on the unpaid mortgage balance on the displacement dwelling or the new mortgage amount, whichever is less.

(e) *Incidental expenses.* The incidental expenses to be paid under paragraph (b)(3) of this section or § 25.402(c)(1) are those reasonable costs actually incurred by the displaced person incident to the purchase of a replacement dwelling, including—

(1) Legal, closing, and related costs, including those for title search and insurance, preparing conveyance instruments, notary fees, preparing surveys and plats, and recording fees.

(2) Lender, FHA or VA appraisal fees.

(3) FHA or VA application fee.

(4) Certification of structural soundness when required by the lender.

(5) Credit report.

(6) Owner's and mortgagee's evidence or assurance of title.

(7) Escrow agent's fee.

(8) State revenue or documentary stamps, sales or transfer taxes (not to exceed the costs for a comparable replacement dwelling).

(9) Such other costs as the Agency determines to be incidental to the purchase.

§ 25.402 Replacement housing payment for 90-day occupants.

(a) *Eligibility.* A tenant or owner-occupant displaced from a dwelling is entitled to a payment not to exceed $4,000 for rental assistance, as computed in accordance with paragraph (b) of this section, or downpayment assistance, as computed in accordance with paragraph (c) of this section, if such displaced person—

(1) Has actually and lawfully occupied the displacement dwelling for at least 90 days immediately prior to the initiation of negotiations;

(2) Is not eligible to receive a replacement housing payment for a 180-day homeowner-occupant under § 25.401; and

(3) Has rented, or purchased, and occupied a decent, safe, and sanitary replacement dwelling within one year after—

(i) In the case of a tenant, the date he or she moves from the displacement dwelling; or

(ii) In the case of an owner-occupant, the later of—

(A) The date he or she receives final payment for the displacement dwelling, or, in the case of condemnation, the date the required amount is deposited in the court; or

(B) The date he or she moves from the displacement dwelling.

However, the Agency may extend this one-year period for good cause.

(b) *Rental assistance payment.*(1) *Amount of payment.* An eligible displaced person who rents the replacement dwelling is entitled to a payment up to, but not to exceed, $4,000 for rental assistance. Such payment shall be 48 times the amount, if any, obtained by subtracting the base monthly housing cost for the displacement dwelling, as determined in

accordance with paragraph (b)(2) of this section, from the lesser of—

(i) The monthly rent and utility charges (one-twelfth of the estimated reasonable annual charges for heat, hot water, lighting, water and sewer) for a comparable replacement dwelling; or

(ii) The monthly rent and utility charges for the decent, safe, and sanitary replacement dwelling actually occupied by the displaced person

(2) *Base monthly housing cost.* The base monthly housing cost for the displacement dwelling is the lesser of—

(i) The average monthly cost for rent and utilities for a reasonable period prior to displacement, as determined by the Agency. For an owner-occupant or person who pays only a nominal rent, the average monthly cost for rent shall be the fair market rent; or

(ii) Thirty (30) percent of gross household income (the gross monthly income of the head of the household, his or her spouse, and any other members of the household who are over 18 years of age).

(3) *Manner of disbursement.* The payment under this section shall be disbursed in a lump sum amount unless the Agency determines on a case-by-case basis, for good cause, that the payment should be made in installments.

(c) *Downpayment assistance payment.* (1) *Amount of payment.* An eligible displaced person who purchases the replacement dwelling is entitled to a payment for downpayment assistance up to, but not to exceed, $4,000. Such payment shall be the full amount of the first, $2,000 of the required downpayment and incidental expenses computed under § 25.401(e) plus one-half of any amount required over $2,000. However, the total payment by the Agency shall not exceed $4,000.

(2) *Required downpayment.* For purposes of this section, the term "required downpayment" means the downpayment ordinarily required to obtain conventional loan financing for the decent, safe, and sanitary dwelling actually purchased and occupied. However, if the downpayment actually required of a displaced person for the purchase of the replacement dwelling exceeds the amount ordinarily required, the amount of the "required downpayment" shall be the amount which the Agency determines is necessary for the downpayment.

(3) *Application of payment.* The full amount of the replacement housing payment for downpayment assistance must be applied to the purchase price of the replacement dwelling and related incidental expenses.

§ 25.403 Additional rules governing replacement housing payments.

(a) *Determining cost of comparable replacement dwelling.* The upper limit of a replacement housing payment shall be based on the actual cost of a representative comparable replacement dwelling (defined at § 25.10(c)) which has actually been offered to the person to be displaced.

(1) If available, at least three representative comparable replacement dwellings shall be examined and the payment computed on the basis of the dwelling most nearly representative of, and equal to or better than, the displacement dwelling. An adjustment shall be made to the asking price of any dwelling, if such an adjustment is considered appropriate by the Agency, e.g., local market conditions. An obviously overpriced dwelling may be ignored.

(2) If the site of the comparable replacement dwelling lacks a major attribute of the displacement dwelling site, e.g., it is significantly smaller or does not contain a swimming pool, the value of such attribute shall be subtracted from the purchase price of the displacement dwelling for purposes of computing the payment.

(3) To the extent feasible, comparable replacement dwellings shall be selected from the neighborhood in which the displacement dwelling was located or in nearby neighborhoods where housing costs are generally the same or higher.

(b) *Inspection of replacement dwelling.* Before making a replacement housing payment or releasing a payment from escrow, the Agency or its designated representative shall inspect the replacement dwelling and determine whether it is a decent, safe, and sanitary dwelling as defined at § 25.10(d).

(c) *Owner of displacement dwelling.* A displaced person is considered to have met the requirement to own a displacement dwelling if the person holds any of the following interests in real property acquired for the project:

(1) Fee title, a life estate, a 99-year lease, or a lease, including any options for extension, with at least 50 years to run from the date of acquisition; or

(2) An interest in a cooperative housing project which includes the right to occupy a dwelling; or

(3) A contract to purchase any of the interests or estates described in subparagraphs (1) or (2) of this paragraph; or

(4) Any interest which in the judgment of the Agency warrants consideration as ownership.

(d) *Purchase of replacement dwelling.* A displaced person is considered to have met the requirement to purchase a replacement dwelling, if the person—

(1) Purchases a dwelling; or

(2) Purchases and rehabilitates a substandard dwelling; or

(3) Relocates a dwelling which he or she owns or purchases; or

(4) Constructs a dwelling on a site he or she owns or purchases; or

(5) Contracts for the purchase or construction of a dwelling on a site provided by a builder or on a site the person owns or purchases.

(e) *Delay in occupancy after purchase of replacement dwelling.* If the displaced person initially occupies the replacement dwelling after the date by which occupancy is required, but the delay beyond such date is caused by reasons beyond the person's control, the occupancy requirement shall be considered to be satisfied.

(f) *Presidentially declared disaster.* No person shall be denied eligibility for a replacement housing payment solely because he or she is unable, because of a major disaster as determined by the President, to meet the occupancy requirements set forth in the regulations in this part.

(g) *Conversion of payment.* A 180-day owner-occupant who initially rents a replacement dwelling and receives a rental assistance payment under § 25.402(b) is eligible to receive a payment under § 25.401 if he or she meets the eligibility criteria described at § 25.401(a), including purchase and occupancy within the prescribed one-year period. Any portion of the rental assistance payment that has been disbursed shall be deducted from the payment computed under § 25.401.

(h) *Payment after death.* A replacement housing payment is personal to the displaced person and upon his or her death the undisbursed portion of any such payment shall not be paid to the heirs or assigns, except that—

(1) The amount attributable to the displaced person's actual occupancy of the replacement housing shall be paid;

(2) The full payment shall be disbursed in any case in which a member of a displaced family dies and the other family members continue to occupy the replacement dwelling selected in accordance with these regulations; and

(3) Any portion of a replacement housing payment necessary to satisfy the legal obligation of an estate in connection with the selection of a replacement dwelling by or on behalf of a deceased person shall be disbursed to the estate.

Subpart F—Mobile Homes

§ 25.501 Applicability.

This Subpart describes the requirements governing the provision of relocation payments for a person displaced from a mobile home or mobile home site who meets the basic eligibility requirements of these regulations. Except as modified by this Subpart, such a displaced person is entitled to a moving expense payment in accordance with Subpart D and a replacement housing payment in accordance with Subpart E to the same extent and subject to the same requirements as persons displaced from conventional dwellings.

§ 25.502 Moving and related expenses—mobile homes.

(a) *General.* A tenant or owner-occupant displaced from a mobile home or mobile home site is entitled to a payment for the cost of moving his or her personal property on an actual cost basis in accordance with § 25.302 or, as an alternative, on the basis of a fixed payment under § 25.302 as described in the applicable Agency schedule.

(1) If a displaced mobile homeowner files a claim for actual moving expenses for moving the mobile home to a replacement site, the reasonable cost of disassembly, moving and reassembly of any attached appurtenances (such as porches, decks, skirting and awnings) which were not acquired, anchoring of the unit and utility "hook-up" charges are reimbursable.

(2) If the mobile home is not acquired but the owner obtains a replacement housing payment under one of the circumstances described at § 25.503(c), the owner is not eligible for payment of moving expenses under Subpart D for moving the mobile home.

(b) *Mobile home part entrance fee.* A displaced mobile home occupant, who elects to obtain a moving expense payment on an actual cost basis in accordance with § 25.301, is entitled to payment for the reasonable entrance fee that the person must pay in order to relocate to a mobile home park. However, no part of an entrance fee (such as a security deposit) which is returnable to the person shall be paid.

§ 25.503 Replacement housing payment for 180-day mobile home owner-occupants.

A displaced owner-occupant of a moble home is entitled to a replacement housing payment not to exceed $15,000 under § 25.401 if—

(a) The person both owned the displacement mobile home and occupied it on the displacement site for at least 180 days immediately prior to the initiation negotiations.

(b) The person meets the other basic eligibility requirements at §25.401(a); and

(c) The Agency acquires the mobile home as real property, *or* the mobile home is not acquired by the Agency but the person is displaced because the mobile home—

(1) Is not decent, safe, and sanitary; or

(2) Cannot be moved without substantial damage or unreasonable cost; or

(3) Cannot be moved because there is no available comparable replacement site; or

(4) Cannot be moved because it does not meet mobile home park entrance requirements.

(When the mobile home is not actually acquired, the acquisition price of the displacement dwelling used for the purpose of computing the price differential amount (described at § 25.401(c)) shall include the salvage value or trade-in value of the mobile home, whichever is higher.)

§ 25.504 Replacement housing payments for 90-day mobile home occupants.

A displaced occupant of a mobile home is eligible for a replacement housing payment, not to exceed $4,000, under §25.402 if—

(a) The person actually occupied the displacement mobile home on the displacement site for at least 90 days immediately prior to the initiation of negotiations;

(b) The person meets the other basic eligibility requirements at § 25.402(A); and

(c) The Agency acquired the mobile home as real property, *or* the mobile home is not acquired by the Agency but the person is displaced from the mobile home because of one of the circumstances described at § 25.503(c).

§25.505 Additional rules governing relocation payments to mobile home occupants.

(a) *Persons with both an ownership and tenant interest.* A displaced mobile home occupant may have owned the displacement mobile home and rented the site or have rented the displacement mobile home and owned the site. Also, a person may elect to purchase a replacement mobile home and rent a replacement site, or rent a replacement mobile home and purchase a replacement site. In such case, the total replacement housing payment shall consist of a payment for dwelling and a payment for a site, each computed under the applicable section in Subpart E. However, the total replacement housing payment to a person shall not exceed the maximum payment (either $15,000 or $4,000) permitted under the section that governs the computation for the dwelling.

(b) *Comparable replacement dwelling.* When computing the amount of a replacement housing payment for a person displaced from a mobile home, the cost of a comparable replacement dwelling is the reasonable cost of a comparable replacement mobile home. This applies whether the displaced person's replacement dwelling is another mobile home or a conventional home. However, if a comparable replacement mobile home is not available, the replacement housing payment shall be computed on the basis of the reasonable cost of a comparable conventional dwelling.

(c) *"Initiation of negotiations."* If the mobile home is not actually acquired, but the occupant is considered displaced under these regulations, the "initiation of negotiations" shall be the date of the initiation of negotiations to acquire the land or, if the land is not acquired, the date prescribed by the Agency. The date prescribed by the Agency shall not be later than its notice to vacate the property.

(d) *Mobile home pad.* A "comparable replacement site" shall include a mobile home pad if the displacement site has a mobile home pad or applicable housing codes require a pad.

(e) *Person moves mobile home.* If the owner is reimbursed for the cost of moving the mobile home under these regulations, he or she is not eligible to receive a replacement housing payment to assist in purchasing or renting a replacement mobile home. The person may, however, be eligible for assistance in purchasing or renting a replacement site.

(f) *Partial acquisition of mobile home park.* The acquisition of a portion of a mobile home park property may leave a remaining part of the property that is not adequate to continue the operation of the park. If the Agency determines that a mobile home occupant located in the remaining part of the property is required to move, such an occupant shall be considered displaced by the project and entitled to the relocation payments and other assistance in these regulations.

Subpart G—Last Resort Housing

§ 25.601 Applicability.

(a) *Basic determination to provide last resort housing.* Under these regulations a person cannot be required to move from his or her dwelling unless

at least one comparable replacement dwelling is made available to the person. In some cases, a replacement housing payment under Subpart E is not sufficient to provide such housing and additional measures may be needed. Therefore, an Agency is authorized to take additional measures whenever it determines that, unless it does so, there is a reasonable likelihood that the project will not be able to proceed to completion in a timely manner because no comparable replacement dwelling will be available on a timely basis to a person to be displaced. The agency's obligation to ensure that a comparable replacement dwelling is available shall be met when such a dwelling, or assistance necessary to provide such a dwelling, is offered under the provisions of this Subpart.

(b) *Basic rights of persons to be displaced.* The provisions of this Subpart do not deprive any displaced person of any rights the person may have under the Uniform Act or any implementing regulations. The Agency shall not require any displaced person, without the person's written consent, to accept a dwelling provided by the Agency under the procedures in this Subpart in lieu of any acquisition payment or any relocation payment for which the person may otherwise be eligible. A 180-day homeowner-occupant who is eligible for a payment under § 25.401 is entitled to a reasonable opportunity to purchase a comparable replacement dwelling.

§ 25.602 Methods of providing replacement housing.

Agencies shall have broad latitude in implementing this Subpart, but implementation shall be on a reasonable cost basis. The methods of providing last resort housing include, but are not limited to:

(a) Rehabilitation of and/or additions to, an existing replacement dwelling;

(b) The construction of a new replacement dwelling;

(c) The provision of a direct loan, which requires regular amortization or deferred repayment. The loan may be unsecured or secured by the real property. The loan may bear interest or be interest free.

(d) A replacement housing payment in excess of the limits set forth in § 25.401 or § 25.402. (A rental assistance subsidy under this Subpart may be provided in installments);

(e) The relocation and, if necessary, rehabilitiation of a replacement dwelling;

(f) The purchase of land and/or a replacement dwelling by the displacing agency and subsequent sale or lease to, or exchange with, a displaced person; and/or

(g) The removal of barriers to the handicapped.

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federal register

Thursday
April 14, 1983

Part V

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

Surface Mining and Reclamation Operations Under a Federal Program; Idaho

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 912

Surface Mining and Reclamation Operations Under a Federal Program for Idaho

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Final rule.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) of the Department of the Interior promulgates a Federal program for regulation of coal exploration and surface coal mining and reclamation operations on non-Federal and non-Indian lands in Idaho. This includes surface effects of underground coal mining. This program is necessary in order to regulate surface coal mining activities in the absence of a State program.

DATE: Effective date, May 16, 1983.

ADDRESSES: Documents in the Administrative Record are available for public review and copying during regular business hours at the Office of Surface Mining, Wyoming Field Office, 935 Pendell Blvd., Room 07, Mills, Wyoming 82644, or the Administrative Record Room, Office of Surface Mining, 1100 L Street, NW., Washington, D.C. Copies of the proposed and final rule may also be obtained by mail from the Office of Surface Mining, Wyoming Field Office, P.O. Box 1420, Mills, Wyoming 82644, or from the Office of Surface Mining, Administrative Record, 1951 Constitution Avenue, NW., Washington, DC 20240. Copies of the proposed and final rule may also be obtained at either location.

FOR FURTHER INFORMATION CONTACT: James M. Kress, Office of Surface Mining, Branch of Regulatory Programs, Room 222, 1951 Constitution Avenue, NW., Washington, D.C. 20240, telephone: (202) 343–5866, or Gene Filer, Office of Surface Mining, Wyoming Field Office, P.O. Box 1420, Mills, WY 82644, telephone (307) 328–5778.

SUPPLEMENTARY INFORMATION:

Availability of Copies

Copies of the proposed program are available for inspection and may be obtained at the OSM offices listed above under "**ADDRESSES.**"

Background

Under Section 504(a) of the Surface Mining Control and Reclamation Act of 1977 (the Act), Pub. L. 95–87, 30 U.S.C. 1201 *et seq.*, the Secretary of the Interior (the Secretary) is required to promulgate a Federal program within 34 months after passage of the Act if a State fails to submit a program to assume responsibility for regulating surface mining activities, fails to resubmit a program within 60 days of disapproval, or fails at any time to implement, enforce, or maintain an approved State program. The time for submitting State programs was extended by seven months to March 3, 1980, as the result of litigation, *In re: Permanent Surface Mining Regulation Litigation*, 13 Envir. Rep. Cas. 1447 (July 25, 1979). The date for the required implementation of a Federal program in any State which did not submit a program to obtain primary regulatory responsibility has passed.

Once a decision has been made that a Federal program is necessary for a State, the Secretary must make several determinations before promulgating a program. Section 504(a) of the Act requires that, in implementing a Federal program, the Secretary must take into consideration the nature of the State's terrain, climate, biological, chemical, and other relevant physical conditions. This requirement is also found in the regulations for Federal programs, 30 CFR 736.22(a)(1). The Act (Section 505(b)) and the regulations (Section 736.23(b)) also provide that if a State has more stringent land use and environmental laws or regulations, they shall not be construed to be inconsistent with the Act or the Secretary's regulations. The Secretary believes that the requirements of Section 505(b) can best be met by identifying State laws and regulations which impose more stringent environmental controls and listing them in this Federal program. If the State's laws or regulations establish more stringent standards than those of the Act or the Secretary's regulations, or if the State regulates or protects an aspect of the environment which neither the Act nor the Secretary's regulations protect, OSM would then specifically preserve those State Standards in the Federal program. However, by identifying more stringent State environmental controls in a Federal program, OSM would not be assuming any responsibility for enforcing such State laws. That would be left to the State.

Also, in promulgating a program for a State, Section 504(g) specifies that any State statutes or regulations which regulate surface mining and reclamation operations are to be identified by the Secretary and will be superseded and preempted to the extent that they interfere with the achievement of the purposes and requirements of the Act and Federal program. This provision is reinforced by Section 505(a) of the Act which states that only inconsistent State laws shall be superseded by the Federal program. Thus, State statutes and rules regulating the same activities as those covered by the Federal law and regulations and which do not provide as much protection as do the Federal law and regulations are considered to interfere with achievement of the purposes of the Act. Accordingly, they must be identified and preempted by OSM.

Federal programs are based on the Secretary's permanent program regulations. 30 CFR Subchapters A, F, G, J, K, L, and M. The permanent program regulations implement the procedures and performance standards of the Act. They form the benchmark for State programs. In order for a State to have a program approved by the Secretary, Section 503(a)(7) requires that the State's rules and regulations be consistent with the Secretary's regulations.

Pursuant to Section 504(a), the Secretary becomes the regulatory authority when a Federal program is implemented for a State. The permanent program regulations contain references to "the regulatory authority" and to "the State regulatory authority," both of which mean the Secretary when a Federal program is involved. Section 701(22) of the Act. The Secretary has delegated all authority for surface coal mining activities to the Director of the Office of Surface Mining (the Director), who is the official responsible for implementing the Washington Federal program.

The parts of the permanent program regulations that must be included in a Federal program are listed in the regulations, 30 CFR 736.22(b). They include general requirements and definitions (Parts 700 and 701), the exemption for coal extraction incident to government-financed highway or other construction (Part 707), the designation of lands unsuitable for surface mining (Parts 780, 761, 762 and 765), permits and permit applications (Subchapter G), reclamation bonding (Subchapter J), performance standards (Subchapter K), inspection and enforcement (Parts 842, 843 and 845), and blaster training and certification (Subchapter M). In addition, the provisions in the permanent regulations on protection of employees (Subchapter P) and restrictions on financial interests (Part 706) are applicable to Federal employees who, in the instance of a Federal program, are directly enforcing the Act.

The rules for the permanent program are found in 30 CFR Parts 700–707 and 730–865. Part 705 was published October 20, 1977 (42 FR 56060). Parts 795 and 865 (originally Part 830) were published December 13, 1977 (42 FR 62639). The other permanent program regulations were published at 44 FR 15323–15463 (March 13, 1979). Subchapter M was published on December 12, 1980 (45 FR 82098). Corrections were published at 44 FR 15485 (March 14, 1979); 44 FR 53507–53509 (September 14, 1979); 44 FR 66195 (November 19, 1979); 45 FR 26001 (April 16, 1980); 45 FR 37818 (June 5, 1980); and 45 FR 47424 (July 15, 1980). Amendments to the rules have been published at 44 FR 60969 (October 22, 1979) as corrected at 44 FR 75143 (December 19, 1979); at 44 FR 77440–77445 (December 31, 1979); 45 FR 2626–2629 (January 11, 1980); 45 FR 25998–26001 (April 16, 1980); 45 FR 33926–33927 (May 20, 1980); 45 FR 39446–39447 (June 10, 1980); 45 FR 52306–52324 (August 6, 1980); 45 FR 52375 (August 7, 1980); 45 FR 58780–58786 (September 4, 1980); and 45 FR 76932 (November 20, 1980); 46 FR 37232 (July 17, 1981); 46 FR 41702 (August 17, 1981); 46 FR 47720 (September 29, 1981); 46 FR 53376 (October 28, 1981); 46 FR 59934 (December 7, 1981); 47 FR 32942 (July 30, 1982); 47 FR 33481 (August 2, 1982); 47 FR 35620 (August 16, 1982); 47 FR 38486 (August 31, 1982); 47 FR 44942 (October 12, 1982); 47 FR 47212 (October 22, 1982); 47 FR 51316 (November 13, 1982); 48 FR 1166 (January 10, 1983); 48 FR 2286 (January 18, 1983); and 48 FR 9199 (March 3, 1983).

Representatives of industry, two States and several environmental groups challenged the permanent regulatory program in the U.S. District Court for the District of Columbia. These suits were consolidated and heard in a single lawsuit entitled *In Re: Permanent Surface Mining Regulation Litigation* (Civil Action No. 79–1144). In response to the arguments raised in the challenges, the Secretary voluntarily suspended several permanent program regulations. These suspensions were announced in the **Federal Register** on November 27, 1979 (44 FR 67942); December 31, 1979 (44 FR 77447–77454); January 30, 1980 (45 FR 6913); and August 4, 1980 (45 FR 51547–51550). In two opinions the court remanded certain other regulations which had been challenged in the lawsuit. These opinions were issued on February 26, 1980, and May 16, 1980. Many of the issues decided by the District Court were appealed to the Court of Appeals for the District of Columbia Circuit. *In Re: Permanent Surface Mining Regulation Litigation*, Nos. 80–1810, 80–1811, 80–1812, 80–1813 and 80–1823. The appeals were remanded to the District Court for the District of Columbia on February 1, 1983, in order for the issues to be reconsidered in light of revision of the permanent program rules discussed below.

Idaho Federal Program

On July 12, 1982, the Office of Surface Mining proposed a Federal program to regulate coal exploration and surface coal mining in Idaho. 47 FR 30214. The proposed public hearing in the State was cancelled. OSM is promulgating a final Federal regulatory program because there are coal deposits located on non-Federal and non-Indian lands which can be economically extracted, and the State has failed to submit a regulatory program for approval.

As mentioned above, when promulgating a Federal program for a State, OSM is required by Section 504(a) of the Act to take into consideration the nature of the terrain, climate, biological, chemical, and other relevant physical conditions of that State. OSM reviewed Idaho's laws and regulations to determine whether they suggest that special provisions may be necessary or appropriate based on special terrain or other physical conditions in the State. OSM believes that there are Idaho statutes which, in certain circumstances, impose stricter environmental controls than are provided under the Act or the Federal regulations. Those statutes are listed in § 912.700(e).

Pursuant to Section 504(a), the Secretary becomes the regulatory authority when a Federal program is implemented for a State. OSM's permanent program regulations contain references to "the regulatory authority" and to "the State regulatory authority," both of which mean the Secretary when a Federal program for a State is involved. Section 701(22) of the Act. The Secretary has delegated all authority for regulating surface coal mining, activities to the Director of the Office of Surface Mining, and the promulgation of this Federal program for Idaho does not change that delegation.

Explanation of Cross-Referencing

To take advantage of the results which revision of the permanent program regulations will achieve, OSM has developed and promulgated this Federal program in the following manner. Rather than repeating the full text of the permanent regulations, there is instead only a cross-reference to the appropriate permanent program regulations. For example, criteria for the designation of lands unsuitable for surface coal mining are provided by making the criteria in 30 CFR Part 762 applicable to this program (see § 912.762).

One effect of the cross-referencing to the permanent program regulations is that as the permanent program regulations are revised, this Federal program will be similarly revised. Over time, all of the permanent program regulations will be reviewed and many will be revised. No separate rulemaking will be undertaken or necessary for revision of this program, however, unless OSM determines that special conditions are present which necessitate different rules for Idaho. In any case, the promulgation of this cross-referencing Federal program would not result in any modification of the substance of OSM's permanent program rules.

In the general notice of intent to promulgate Federal programs of May 16, 1980 (45 FR 32228), it was stated that each Federal program would be specific to the particular State and would implement the permanent program procedures and environmental protection provisions of the Act (45 FR at 32229). However, except for changes to incorporate more stringent State environmental protection standards and to list other State laws requiring permits for which coordination is required, OSM believes that few changes are needed in the permanent program regulations for any particular State for which a Federal program must be promulgated.

A notice concerning both the proposed and final permanent program rules appeared on July 13, 1982, in connection with the availability of a draft supplemental environmental impact statement on the permanent program rules. 47 FR 30266–67. It advised the public that any change in a permanent program rule would also result in a corresponding change in this program, absent special conditions. The statement invited comments on necessary modifications to accommodate unique or unusual aspects of surface mining in any Federal program State so that the Federal program for such a State could be tailored as necessary.

Several provisions of the permanent program regulations are already applicable to all Federal programs because they were fully promulgated for application to all regulatory programs and, therefore, need not be cross-referenced here. Those provisions are 30 CFR Chapter VII, Subchapter P—Protection of Employees; Part 706—Restrictions on Financial Interests of Federal Employees; and Part 769—Petition Process for Designation of Federal Lands Unsuitable for Surface

Coal Mining. 30 CFR Part 764—Designating Lands Unsuitable for Surface Coal Mining has been included in this program by a cross-reference under § 912.764, to provide a petition process on non-Federal lands in Idaho. Also, Part 760 has not been included because its provisions do not provide any substantive requirements. Instead, they impose requirements on the Secretary and his delegates which need not be incorporated in each Federal program. Part 765 was also not included because it is directly applicable to a Federal program State without being incorporated or cross-referenced.

With regard to bonding regulations (Subchapter J), only Part 800 is cross-referenced because OSM has proposed to revise Subchapter J to include just one part, Part 800. 46 FR 45082 (September 9, 1981). Should the Idaho Federal program become effective before the final rule notice revising the bonding regulations appears, and the bonding rules not be revised by the time a permit under this Federal program is to be issued, as a condition of issuance of that permit the applicant will be required to abide by the then-effective bonding rules until such rules are superseded.

Content and Organization of the Program

The content and organization of the Idaho Federal program generally follow the permanent program regulations. However, as discussed above, instead of the full text appearing, each section of the Idaho Federal program includes only a reference to the pertinent permanent program regulations.

Sections 912.700 (e) and (f), respectively, list State statutes that are more stringent than and those that are inconsistent with the Act. Where specific provisions are needed for Idaho that are different from the permanent program regulations, a separate statement has been added to the appropriate section of this Federal program.

To fulfill the Secretary's obligation under Section 504(a) of the Act to take into consideration the nature of the terrain, climate, biological, chemical, and other relevant physical conditions of each State, Idaho laws were reviewed. OSM believes there are Idaho statutes which, in certain circumstances, impose stricter environmental controls than are provided for under the Act or the Federal regulations. The Idaho laws which OSM has identified as setting more stringent land use and environmental controls for surface mining are listed in § 912.700(e), and are summarized as follows:

(a) Idaho Code Section 47–1503(20) defines "operator" to include those who engage in surface mining or exploration operations. This definition of operator is broader than that contained in OSM's regulation, 30 CFR 701.5.

(b) Idaho Code Section 47–1509(c) requires every operator who conducts exploration or surface mining operations which disturb less than two acres to return the land to the approximate original contour whenever possible. Section 528(2) of the Act exempts from OSM regulation those surface mining operations affecting two acres or less.

(c) Idaho Code Section 47–1513(c) provides for the assessment against an operator, in certain circumstances, of a civil penalty in the amount of the anticipated cost of reclamation; 30 CFR Part 843 contains no such provision.

(d) Idaho Code Section 47–1513 (f) and (g) provide for the assessment of civil penalties in the amount of $100 to $1,000 per day, in addition to bond forfeiture, in certain circumstances; 30 CFR 843 and 845 contain no such provision.

(e) Idaho Code Sections 47–1301—47–1324 and Rules 1 through 20 promulgated thereunder regulate the practice of dredge mining, which is not specifically addressed by the Federal Act.

(f) Idaho Code Section 18–4301 provides that interference with ditches, canals, or reservoirs used for several purposes, including mining, is punishable as a misdemeanor. Neither the Act nor permanent regulations contain such a provision.

(g) Idaho Code Section 18–7019 provides for criminal sanctions for willful or malicious interference with structures used to conduct water for mining and other purposes. Neither the Act nor permanent regulations contain such a provision.

(h) Idaho Code Section 42–1713 requires a fee to be paid by each owner of a dam, reservoir, or mine tailing impoundment structure. 30 CFR 816.49, 816.91–93, 817.49 and 817.91–.93 do not require payment of such a fee.

(i) Idaho Code Section 42–1718 (Supp.) provides that the State costs and expenses of work done to render a dam, impounding structure, or its appurtenance facility safe, shall be recoverable by the State from the owner. 30 CFR 816.49, 816 .91–.93, 817.49, and 817 .91–93 contain no such provision.

In accordance with 30 CFR 736.23, OSM believes that the Idaho statute and rules listed in Section 912.700(f) of this Federal program interfere with the achievement of the goals and purposes of the Act, and the permanent program rules thereunder. Thus, OSM is preempting the following Idaho statute and rules insofar as they apply to coal mining on the effective date of this Federal program except as they pertain to operations affecting two acres or less, or which otherwise are not regulated by the Surface Mining Control and Reclamation Act:

Idaho Surface Mining Act, Sections 47–1501—47–1528, as amended, and all regulations thereunder. However, Sections 47–1503(20), 47–1509(c), 97–1513(c), and 47–1513 (f) and (g), and all regulations issued thereunder, as specified in Section 912.700(e) of this Federal program, are not preempted and superseded, as they have been found to be more stringent than the Act and permanent program rules. By superseding the State's Surface Mining Act, OSM becomes the permitting authority for surface coal mining and exploration under the program promulgated here.

The Idaho Surface Mining Act represents the main body of Idaho law relating to mined land reclamation and to the exploration or surface mining of minerals. Although Idaho requires, to a limited extent, the reclamation of surface mined lands, review of the above Idaho statute and rules indicates that they are not consistent with the Act or the premanent program rules, and that they interfere with the achievement of the goals and purposes expressed in the Act insofar as they pertain to coal. Thus, the Idaho statute and rules described above will no longer be applicable to the regulation of coal exploration or to surface coal mining and reclamation in Idaho, except as they pertain to operations affecting two acres or less or which otherwise are not regulated by the Surface Mining Control and Reclamation Act. Their applicability to the mining of minerals other than coal is not affected by this action.

OSM had proposed to preempt a number of Idaho laws. See proposed § 912.700(f) (2)–(3), 47 FR 30218–30219. However, it is OSM's policy not to supersede State laws unless absolutely necessary. Further review of those State laws has led OSM to conclude that they would not necessarily interfere with achievement of the purposes and goals of the program and need not be superseded; therefore, they are not being preempted in this final rule notice.

To coordinate the Federal program permitting process under the Act with the permitting requirements imposed by other Federal statutes and by Idaho, § 912.700(b) of the Idaho Federal program identifies the various permits, statutes, and rules which may, expressly or by implication, impact on surface coal mining and reclamation and coal exploration. The pertinent permits, statutes, and rules follow:

(a) Idaho Code Sections 47–1317, 47–1318, 47–1319, and 47–1317 (Supp.), provide for the permitting of dredge mining operations.

(b) Idaho Code Section 39–101 *et seq.* (Supp.), Environmental Protection and Health Act of 1972, and regulations promulgated thereunder, address issuance and regulation of pollution source permits.

(c) Idaho Code Section 47–704 addresses the leases of mineral rights on State lands.

Coordination of these permitting requirements under State law with the issuance of a surface mining permit by OSM is achieved under § 912.700(b) by stipulating that no person may conduct exploration or mining, except with the applicable State permits.

OSM has removed Part 850 from the permanent program rules. To ensure that blaster training and certification is preserved in States with Federal programs, OSM will promulgate standards for blaster training and certification at a later date.

Copies of the Idaho Surface Mining Act, as amended, and the other Idaho statutes referred to herein are in the administrative record, and are available for review at the place listed above under *"ADDRESSES."*

Disposition of Comments

Comments on the proposed Idaho Federal program were received solely from the Office of the Attorney General, State of Idaho.

1. The Attorney General commented that §§ 912.770 and 912.776, concerning coal exploration, may be construed to inhibit or prevent exploration for minerals other than coal.

The Surface Mining Control and Reclamation Act of 1977 and regulations promulgated thereunder regulate only "surface coal mining operations," as defined in Section 701(28) of the Act. Thus, neither §§ 912.770 and 912.776 nor the other provisions of the Idaho Federal program apply to mining of, or exploration for, minerals other than coal.

2. The Attorney General additionally expressed concern that proposed §§ 912.761, 912.762, and 912.764, which implement Section 522 of the Act, could preclude coal leasing on State trust lands.

Section 522 of the Act establishes a procedure under which citizens may petition to designate areas unsuitable for all or certain types of coal mining, thereby enabling the State and Federal governments to respond to conflicts which could arise between coal mining and other uses of the land. Under certain circumstances, surface coal mining operations on specific State trust lands could be prohibited if such lands are covered by the Congressionally mandated prohibitions described in § 912.761, or if these lands are designated as unsuitable for surface mining pursuant to § 912.764. Idaho agencies will have the opportunity to participate in the consideration of any petition submitted under § 912.764.

3. The Attorney General further commented that the preemption of Title 47, Chapter 7 of the Idaho Code would preclude the State from exercising remedies of injunction, cancellation of State leases, etc., in the event of exploration or coal mining on State trust lands without a bond or lease.

As noted in Comment 4 and OSM's response to it, Idaho Code Sections 47–701, 47–702, 47–703, and 47–718 (1981 Session Laws), which cover regulation of coal leasing on State trust lands, will not be preempted or superseded by this Federal program. The State will therefore not be prevented from exercising its available enforcement remedies under Chapter 7 of Title 47 concerning coal leasing on State trust lands. All requirements of Idaho law applicable to coal leasing on State trust lands will be preserved by this Federal program.

4. The Attorney General commented that proposed § 912.700(f)(5), which would have preempted Idaho Code Sections 47–701, 47–702, 47–703, and 47–718 (1981 Session Laws), would have prevented the State from using these enforcement mechanisms in the regulation of coal leasing on State trust lands. The Attorney General suggested that the State of Idaho should retain concurrent jurisdiction over coal leasing on State trust lands.

OSM agrees and has deleted § 912.700(f)(5) from the final rule.

Section 504(g) of the Act specifies that any State statutes or regulations which regulate surface coal mining and reclamation operations subject to the Act shall be superseded and preempted by the Federal program to the extent that they interfere with the achievement of the purposes and requirements of the Act and the Federal program. Proposed § 912.700(f)(5) stated that, except for application to surface coal mining operations affecting two acres or less, Idaho Code Section 47–701, 47–702, 47–703, and 47–718 (1981 Session Laws) would be preempted and superseded, except Sections 47–703A, 47–718(1)(b), and 47–718(3). The preamble indicated that this preemption was necessary because Chapter 345 was less stringent than the Act and the permanent program rules thereunder, and would therefore interfere with the achievement of the purposes and goals of the Federal Act and program. OSM now believes the enforcement measures in 47–718 would not so interfere. The underlying State laws, of which enforcement is now preserved, Sections 47–701, 47–702, and 47–703, have not been superseded because they pertain to the legal rights of persons exploring for coal on State lands and not to the manner in which exploration is conducted.

OSM has also revised its earlier determination in Section 912.700(e)(11) that Idaho Code Section 47–718(3) was more stringent than Section 518 of the Act in providing for the assessment of a civil penalty. As pointed out in the comments, Idaho Code Section 47–701 *et seq.*, regulates the administration of coal leasing on State trust lands. It is not necessary to make a determination as to the stringency of Idaho Code Section 47–718(3) because State jurisdiction over coal leasing on State trust lands is not affected by this Federal program. Therefore, proposed Section 912.700(e)(11) has been deleted.

Further, OSM believes that preemption of Idaho Code Sections 47–701, 47–702, 47–703, and 47–718 (1981 Session Laws) would unnecessarily interfere with the State's administration of coal leasing on such lands. Therefore, these sections have not been preempted or superseded, nor are State responsibilities under them affected by, the promulgation of this Federal program. However, any coal exploration or surface coal mining operations would be subject to regulation under the Federal program.

OMB Review

The recordkeeping and reporting requirements of the proposed rule are the same as those of the permanent program regulations, which have been approved by the Office of Management and Budget under 44 U.S.C. Section 3507. Although this rule contains information and recordkeeping requirements, OSM anticipates less than ten respondents. Under the Paperwork Reduction Act and the Federal Reports Act, clearance of information collection forms is required only if ten or more respondents are expected. If in the future the number of respondents appears to be increasing, the proper forms, if they differ from those already approved, will be submitted to the Office of Management and Budget with accompanying notices in the **Federal Register**, in accordance with the requirements of 44 U.S.C. Chapter 35.

Other Information

The information collection requirement(s) contained in §§ 912.764, 912.770 912.771, 912.795, and 912.800 do not require approval by the Office of Management and Budget under 44 U.S.C. 3507, because there are fewer than ten respondents annually.

The Department of the Interior has determined that this document is not a major rule under E.O. 12291 and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.)*

The reasons underlying this determination are as follows:

This Federal program would not result in significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or foreign markets; nor would it increase costs or prices for consumers, individual industries, Federal, State, or local governmental agencies or geographic regions. We further certify that there will be no significant demographic effects, direct costs, indirect costs, nonquantifiable costs, competitive effects, enforcement costs, or aggregate effects on small entities.

The Office of Surface Mining Reclamation and Enforcement has determined that this rule is categorically excluded from compliance with the National Environmental Policy Act in accordance with 40 CFR 1507.3.

Subjects Affected by Rulemaking

In accordance with the **Federal Register** rule at 1 CFR 18.20, which requires an identification of topics affected by a rule, OSM has identified the following subjects:

List of Subjects in 30 CFR Part 912

Coal mining, Intergovernmental relations, Surface mining, Underground mining, Reporting requirements.

Drafting Information

These regulations were drafted by William Larkin, Office of the Solicitor, and James M. Kress, Branch of Regulatory Programs, Office of Surface Mining.

Dated: March 21, 1983.

Daniel N. Miller, Jr.,

Assistant Secretary, Energy and Minerals.

Part 912 is added to 30 CFR Chapter VII to read as follows:

PART 912—IDAHO

Sec.

912.700 Idaho Federal Program.
912.701 General.
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Authority: Pub. L. 95–87, The Surface Mining Control and Reclamation Act of 1977. 30 U.S.C. 1201 *et seq.*, 91 Stat. 445.

§ 912.700 Idaho Federal Program.

(a) This part contains all rules that are applicable to surface coal mining operations in Idaho which have been adopted under the Surface Mining Control and Reclamation Act of 1977.

(b) The rules in this part cross-reference pertinent parts of the permanent program regulations in this chapter. The full text of a rule is in the permanent program rule cited under the relevant section of the Idaho Federal program.

(c) The rules in this part apply to all surface coal mining operations in Idaho conducted on non-Federal and non-Indian lands. The rules in Subchapter D of this chapter apply to operations on Federal lands in Idaho.

(d) The information collection requirements contained §§ 921.764, 921.770, 921.771, 921.795, and 921.800 part do not require approval by the Office of Management and Budget under 44 U.S.C. 3507 because there are fewer than ten respondents annually.

(e) The following provisions of Idaho laws provide, where applicable, for more stringent environmental control and regulation of surface coal mining operations than do the provisions of the Act and the regulations in this chapter. Therefore, pursuant to Section 505(b) of the Act, they shall not be construed to be inconsistent with the Act.

(1) Idaho Code Section 47–1503(20) pertaining to the definition of "operator."

(2) Idaho Code Section 47–1509(c) regarding reclamation of disturbed land of less than 2 acres.

(3) Idaho Code Section 47–1513(c) providing for assessment of anticipated costs of reclamation against an operator.

(4) Idaho Code Sections 47–1513 (f) and (g) providing for assessment of civil penalties in addition to bond forfeiture.

(5) Idaho Code Sections 47–1301 *et seq.* and Rules 1 through 20 promulgated thereunder pertaining to regulation of dredge mining.

(6) Idaho Code Sections 18–4301 and 18–7019 providing for punishment for interference with water sources used in mining operations.

(7) Idaho Code Section 42–1713 requiring a fee to be paid by each owner of a dam, reservoir or mine tailing impoundment structure.

(8) Idaho Code Section 42–1718 (Supp.) providing for assessment against an operator for costs incurred in correction deficiencies in dams and impoundment structures.

(f) The following Idaho statute and regulations interfere with the achievement of the purposes and goals of the Act. Therefore, in accordance with Section 504(g) of the Act, they are preempted and superseded with respect to surface coal mining and reclamation, except as they apply to surface coal mining operations affecting two acres or less, or which otherwise are not regulated by the Surface Mining Control and Reclamation Act:

The Idaho Surface Mining Act, Idaho Code Sections 47–1501—47–1524, as amended, and all regulations issued thereunder (with the exception of Sections 47–1503(20), 47–1509(c), 47–1513(c), and 47–1513 (f) and (g), and all regulations issued thereunder).

§ 912.701 General.

Sections 700.5, 700.11, 700.12, 700.13, 700.14, 700.15 and Part 701 of this chapter shall apply to surface coal mining and reclamation operations in Idaho.

§ 912.707 Exemption for coal extraction incident to Government-financed highway or other construction.

Part 707 of this chapter, Exemption for Coal Extraction Incident to Government-Financed Highway or Other Construction, shall apply to surface coal mining and reclamation operations.

§ 912.761 Areas designated unsuitable for surface coal mining by act of Congress.

Part 761 of this chapter, Areas Designated by Act of Congress, shall apply to surface coal mining and reclamation operations.

§ 912.762 Criteria for designating areas as unsuitable for surface coal mining operations.

Part 762 of this chapter, Criteria for Designating Areas Unsuitable for Surface Coal Mining Operations, shall apply to surface mining and reclamation operations.

§ 912.764 Process for designating areas unsuitable for surface coal mining operations.

Part 764 of this chapter, State Processes for Designating Areas Unsuitable for Surface Coal Mining Operations, pertaining to petitioning, initial processing, hearing requirements, decisions, data base and inventory systems, public information, and regulatory responsibilities shall apply to surface coal mining and reclamation operations.

§ 912.770 General requirements for permits and exploration procedures.

(a) Part 770 of this chapter, General Requirements for Permit Systems Under State Programs, shall apply to surface coal mining, reclamation, and exploration operations.

(b) Where applicable, no person shall conduct surface coal exploration operations which result in the removal of more than 250 tons in one location, or surface coal mining operations without permits issued and/or certificates required by the State of Idaho, pursuant to Idaho Code Sections 47–704, 47–1317, 47–1318, 47–1319, 47–1317 (Supp.), and 39–101 *et seq.* (Supp.).

§ 912.771 General requirements for permits and permit applications.

(a) Part 771 of this chapter, General Requirements for Permits and Permit Applications, shall apply to any person who makes application for a permit to conduct surface coal mining and reclamation operations.

(b) A person who wishes to conduct new surface coal mining and reclamation operations or who wishes a revision of his permit shall file a complete application at least 12 months prior to the date upon which permit issuance or revision is desired, and shall pay to the Secretary a permit fee in accordance with § 736.25 of this chapter.

§ 912.776 General requirements for coal exploration.

(a) Part 776 of this chapter, General Requirements for Coal Exploration, shall apply to any person who conducts or seeks to conduct coal exploration operations.

(b) The Office shall make every effort to act on an exploration application within 60 days of receipt or such longer time as may be reasonable under the circumstances. If additional time is needed, OSM shall notify the applicant that the application is being reviewed, but more time is necessary to complete such review, setting forth the reasons and the additional time that is needed.

§ 912.778 Surface mining permit applications—minimum requirements for legal, financial, compliance and related information.

Part 778 of this chapter, Surface Mining Permit Applications—Minimum Requirements for Legal, Financial, Compliance, and Related Information, shall apply to any person who makes application for a permit to conduct surface coal mining and reclamation operations.

§ 912.779 Surface mining permit applications—minimum requirements for information on environmental resources.

Part 779 of this chapter, Surface Mining Permit Applications—Minimum Requirements for Information on Environmental Resources, shall apply to any person who makes application to conduct surface coal mining and reclamation operations.

§ 912.780 Surface mining permit applications—minimum requirements for reclamation and operation plan.

Part 780 of this chapter, Surface Mining Permit Applications—Minimum Requirements for Reclamation and Operation Plan, shall apply to any person who makes application to conduct surface coal mining and reclamation operations.

§ 912.782 Underground mining permit applications—minimum requirements for legal, financial, compliance, and related information.

Part 782 of this chapter, Underground Mining Permit Applications—Minimum requirements for Legal, Financial, Compliance, and Related Information, shall apply to any person who makes application for a permit to conduct underground coal mining operations.

§ 912.783 Underground mining permit applications—minimum requirements for information on environmental resources.

Part 783 of this chapter, Underground Mining Permit Applications—Minimum Requirements for Information on Environmental Resources, shall apply to any person who submits an application to conduct underground coal mining operations.

§ 912.784 Underground mining permit applications—minimum requirements for reclamation and operation plan.

Part 784 of this chapter, Underground Mining Permit Applications—Minimum Requirements for Reclamation and Operation Plan, shall apply to any person who makes application to conduct underground coal mining.

§ 912.785 Requirements for permits for special categories of mining.

Part 785 of this chapter, Requirements for Permits for Special Categories of Mining, shall apply to each person who makes application for a permit to conduct certain categories of surface coal mining and reclamation operations as specified therein.

§ 912.786 Review, public participation, and approval or disapproval of permit applications and permit terms and conditions.

Part 786 of this chapter, Review, Public Participation, and Approval or Disapproval of Permit Applications and Permit Terms and Conditions, shall apply to the review of applications made by any person for surface coal mining and reclamation operations.

§ 912.787 Administrative and judicial review of decisions on permit applications.

Decisions on permit applications shall be subject to administrative and judicial review in accordance with Part 787 of this chapter and Sections 520, 525, and 526 of the Act.

§ 912.788 Permit reviews, revisions, and renewals, and transfer, sale, and assignment of rights granted under permits.

Part 788 of this chapter, Permit Reviews, Revisions, and Renewals, and Transfer, Sale, and Assignment of Rights Granted Under Permits, shall apply to review, revision, and renewal of permits for surface coal mine operations, and to transfer, sale, and assignment of rights granted under permits.

§ 912.795 Small operator assistance.

Part 795 of this chapter, Small Operator Assistance, shall apply to any person making application for assistance under the small operator assistance program.

§ 912.800 General requirements for bonding of surface coal mining and reclamation operations.

Part 800 of this chapter, General Requirements for Bonding of Surface Coal Mining and Reclamation Operations Under Regulatory Programs, shall apply to all surface coal mining and reclamation operations.

§ 912.815 Performance standards—coal exploration.

Part 815 of this chapter, Permanent Program Performance Standards—Coal Exploration, shall apply to any person conducting coal exploration operations.

§ 912.816 Performance standards—surface mining activities.

Part 816 of this chapter, Permanent Program Performance Standards—Surface Mining Activities, shall apply to any person who conducts surface coal mining and reclamation operations.

§ 912.817 Performance standards—underground mining activities.

Part 817 of this chapter, Permanent Program Performance Standards—Underground Mining Activities, shall apply to any person who conducts underground coal mining operations.

§ 912.818 Special performance standards—concurrent surface and underground mining.

Part 818 of this chapter, Special Permanent Program Performance Standards—Concurrent Surface and Underground Mining, shall apply to any person who conducts combined surface and underground coal mining operations.

§ 912.819 Special performance standards—auger mining.

Part 819 of this chapter, Special Permanent Program Performance Standards—Auger Mining, shall apply to any person who conducts surface coal mining operations which include auger mining.

§ 912.822 Special performance standards—operations in alluvial valley floors.

Part 822 of this chapter, Special Permanent Program Performance Standards—Operations in Alluvial Valley Floors, shall apply to any person who conducts surface coal mining and reclamation operations on alluvial valley floors.

§ 912.823 Special performance standards—operations on prime farmland.

Part 823 of this chapter, Special Permanent Program Performance Standards—Operations on Prime Farmland, shall apply to any person who conducts surface coal mining and reclamation operations on prime farmlands.

§ 912.824 Special performance standards—mountaintop removal.

Part 824 of this chapter, Special Permanent Program Performance Standards—Mountaintop Removal, shall apply to any person who conducts surface coal mining operations constituting mountaintop removal mining.

§ 912.826 Special performance standards—operations on steep slopes.

Part 826 of this chapter, Special Permanent Program Performance Standards—Operations on Steep Slopes, shall apply to any person who conducts surface coal mining and reclamation operations on steep slopes.

§ 912.827 Special performance standards—coal processing plants and support facilities not located at or near the minesite or not within the permit area for a mine.

Part 827 of this chapter, Special Permanent Program Performance Standards—Coal Processing plants and Support Facilities Not Located at or Near the Minesite or Not Within the Permit Area for a Mine, shall apply to any person who conducts surface coal mining and reclamation operations which includes the operation of coal processing plants and support facilities not located at or near the minesite or not within the permit area for a mine.

§ 912.828 Special performance standards—In Situ processing.

Part 828 of this chapter, Special Permanent Program Performance Standards—In Situ Processing, shall apply to any person who conducts in situ processing activities.

§ 912.842 Federal inspections.

(a) Part 842 of this chapter, Federal Inspections, shall apply to all exploration and surface coal mining and reclamation operations.

(b) The Secretary will furnish a copy of each inspection report regarding inspections conducted pursuant to this section to the Office of the Idaho Attorney General upon request.

§ 912.843 Federal enforcement.

(a) Part 843 of this chapter, Federal Enforcement, shall apply when enforcement action is required for violations on surface coal mining and reclamation operations.

(b) The Office will furnish a copy of each enforcement action and order to show cause issued pursuant to this section to the Office of the Idaho Attorney General upon request.

§ 912.845 Civil penalties.

Part 845 of this chapter, Civil Penalties, shall apply when civil penalties are assessed for violations on surface coal mining and reclamation operations.

[FR Doc. 83-9788 Filed 4-13-83; 8:45 am]

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

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Presidential Documents

Title 3—

The President

Proclamation 5048 of April 14, 1983

Modification of Proclamation No. 4991 Regarding Suspension of the Application of TSUS Column 1 Rates of Duty to Products of Poland

By the President of the United States of America

A Proclamation

By Proclamation No. 4991 of October 27, 1982, the President suspended the application of the rates of duty provided for in column 1 of the Tariff Schedules of the United States (TSUS) to products of Poland. Proclamation No. 4991 is effective with respect to articles exported on and after November 1, 1982.

Taking into account the factors cited in Proclamation No. 4991 and in order to alleviate unnecessary hardships to United States companies that entered into contracts before the decision to suspend most-favored-nation treatment for products of Poland was announced, I find it appropriate to amend Proclamation No. 4991 to permit articles that are exported to a consignee in the United States before June 30, 1983, pursuant to written and binding contracts to purchase executed on or before October 9, 1982, to enter at the column 1 rate of duty.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes of the United States including, but not limited to, the Trade Expansion Act of 1962, and the Trade Act of 1974, as amended, do proclaim that paragraph 3 of Proclamation No. 4991 of October 27, 1982, is hereby amended to read as follows:

"(3) This Proclamation shall take effect with respect to articles exported on and after November 1, 1982, other than articles exported prior to June 30, 1983, to a consignee in the United States pursuant to a written and binding contract to purchase which was executed on or before October 9, 1982, provided that a copy of such contract is presented to the United States Customs Service on or before May 31, 1983 and the importer or consignee in the United States certifies that the articles are exported pursuant to that contract."

IN WITNESS WHEREOF, I have hereunto set my hand this 14th day of April, in the year of our Lord nineteen hundred and eighty-three, and of the Independence of the United States of America the two hundred and seventh.

Ronald Reagan

[FR Doc. 83-10311
Filed 4-14-83; 11:52 am]
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Presidential Documents

Proclamation 5049 of April 14, 1983

American Indian Day, 1983

By the President of the United States of America

A Proclamation

The story of the Indian in America is a record of endurance, of survival, of adaptation and creativity in the face of overwhelming obstacles. It is a record of enormous contributions to this country—to its art and culture, its strength and spirit, its sense of history, and its sense of purpose.

When European settlers began to develop colonies in North America, they entered into treaties with sovereign Indian nations. Our new Nation continued to enter into treaties with Indian tribes on a government-to-government basis. Throughout our history, despite periods of conflict and shifting national policies in Indian affairs, the government-to-government relationship between the United States and Indian tribes has endured. The Constitution, treaties, laws, and court decisions have consistently recognized a unique political relationship between Indian tribes and the United States.

In 1970, President Nixon announced a national policy of self-determination for Indian tribes. At the heart of the new policy was a commitment by the Federal government to foster and encourage tribal self-government.

As set forth in the message on Indian policy of January 24, 1983, this Administration honors the commitment made in 1970 to strengthen tribal governments and lessen Federal control over tribal government affairs. To further the principle of self-government, we will encourage the political and economic development of the tribes by eliminating excessive Federal regulation and government intervention, which in the past have stifled local decision-making, thwarted Indian control of Indian resources, and promoted dependence rather than self-sufficiency.

In promoting effective self-government and a more favorable environment for the development of healthy reservation economies, we will take a flexible approach which recognizes the diversity among tribes and the right of each tribe to set its own priorities and goals. The tribes, not the Federal government, will chart the path of their own development. In support of this policy, the Federal government will faithfully fulfill its responsibility for the physical and financial resources it holds in trust for the tribes and their members.

In recognition of the unique status and contribution of the American Indian peoples to our Nation, the Congress of the United States, by House Joint Resolution 459 (P.L. 97–445), has authorized and requested the President to issue a proclamation designating May 13, 1983 as "American Indian Day."

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim May 13, 1983 as American Indian Day. I invite

the people of the United States to observe this day with appropriate ceremonies and deeds and to reaffirm their dedication to the ideals which our first Americans subscribe.

IN WITNESS WHEREOF, I have hereunto set my hand this 14th day of April, in the year of our Lord nineteen hundred and eighty-three, and of the Independence of the United States of America the two hundred and seventh.

Ronald Reagan

[FR Doc. 83-10312
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Rules and Regulations

Federal Register
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Friday, April 15, 1983

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 330

Recruitment, Selection, and Placement (General)

AGENCY: Office of Personnel Management.

ACTION: Interim rulemaking, with comments requested.

SUMMARY: The Office of Personnel Management (OPM) is issuing interim regulations to provide for placement assistance for persons previously employed as National Guard Technicians who are eligible and applying for or receiving an annuity by reason of a disability that disqualifies them from membership in the National Guard or from holding the military grade required as a condition of their National Guard employment. This action is necessary to implement a portion of the Omnibus Budget Reconciliation Act of 1982.

DATES: Effective: April 15, 1983. Comments must be received on or before June 14, 1983.

ADDRESS: Written comments may be sent to Richard B. Post, Associate Director, Staffing Group, U.S. Office of Personnel Management, 1900 E Street, NW., Washington, D.C. 20415, or delivered to Room 6F08, 1900 E Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: William Bohling, 202-632-6000.

SUPPLEMENTARY INFORMATION: Section 302(a) of Pub. L. 97-253, the Omnibus Budget Reconciliation Act of 1982, which will be codified as 5 U.S.C. 8337(h), provides: (1) That a National Guard Technician who is required as a condition of employment to be a member of the National Guard or to hold a certain military grade may be eligible for disability retirement based on a disability that disqualifies the individual from membership in the National Guard or from holding the required military grade; and (2) that any individual applying for or receiving an annuity under this provision "shall, in accordance with regulations prescribed by the Office, be considered by any agency of the Government before any vacant position in the agency is filled if—(A) the position is located within the commuting area of the individual's former position; (B) the individual is qualified to serve in such position as determined by the head of the agency; and (C) the position is at the same grade or equivalent level as the position from which the individual was separated." The law further stipulates that a National Guard Technician may retire under 5 U.S.C. 8337(h), and receive placement consideration consistent with Section 302(a) provisions, only if he/she has *not* been found to be disabled under 8337(a) of 5 U.S.C.

On October 1 1982, at 47 FR 43634, OPM published an interim regulation with a 60-day comment period establishing a new Schedule A appointing authority in the excepted service covering positions filled by National Guard Technicians who are eligible for or receiving an annuity based on a disability that disqualifies them from National Guard membership or from holding a military grade required by their technician employment. Since National Guard Technicians are appointed under 32 U.S.C. 709(a), which confers no status or eligibility for movement to other positions, a special appointing authority was needed to permit their placement in other agencies. Schedule A appointing authority, under which agencies determine qualifications for their positions, was appropriate in view of the language of the Reconciliation Act.

OPM has now determined that it would be beneficial to the proper adminstration of this provision of the Reconciliation Act to also issue regulations specifying the nature of the placement assistance to be provided to National Guard Technicians. OPM has further determined that the intent of this provision of the Act, i.e., controlling retirement outlays by providing realistic opportunities for alternative civilian employment in lieu of disability retirement, can be satisfied by providing National Guard Technicians with priority consideration, without time limit, for any vacant position in the competitive service that agencies plan to fill through an external hire and to any vacant position in the excepted service for which agencies request recruiting assistance. Implementation of this regulation would not, therefore, interfere with an agency's authority to fill vacant positions through internal selections.

OPM did consider the option of requiring agencies to inform the Office of all vacancies, in both the competitive and excepted service, and prohibiting promotions, reassignments, and outside hires to any vacancies for which qualified disabled National Guard Technicians were available. This option had, however, two major drawbacks which suggested that it would not be consistent with congressional intent: (1) It would have created an inequity by granting excepted National Guard Technicians who become eligible for disability retirement greater benefits than are available to other Federal employees in the competitive service who become eligible for disability retirement. (Competitive service employees are eligible only for referral to vacancies which agencies plan to fill by external hiring.) (2) In cases where agencies are freezing outside hiring in efforts to avoid reductions in force, absolute priority would not result in placement of disabled National Guard Technicians. It would merely limit the agencies' flexibility in assigning employees so as to accomplish necessary work with reduced staff. We believe that the number of additional placements which might result from wider referrals would be insufficient to offset the loss of productivity and efficiency in those agencies which cannot take on additional employees and that such an approach exceeds the intent of the Reconciliation Act.

The Director finds that good cause exists to waive the general notice of proposed rulemaking and to make this amendment effective in less than 30 days. The regulation is being made effective immediately because it is needed to implement 5 U.S.C. 8337(h), which became effective on October 1, 1982.

E.O. 12291, Federal Regulation

OPM has determined that this is not a major rule as defined under Section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because it pertains solely to conditions for appointment of certain employees by Federal agencies.

Lists of Subjects in 5 CFR Part 330

Government employees.

Office of Personnel Management.

Donald J. Devine,

Director.

Accordingly, the Office of Personnel Management is amending 5 CFR Part 330 by adding Subpart H to read as follows:

PART 330—RECRUITMENT, SELECTION, AND PLACEMENT (GENERAL)

Subpart H—Placement Assistance for National Guard Technicians Who Become Entitled to a Disability Annuity

Sec.

330.801 Coverage.
330.802 OPM assistance.
330.803 Priority referral.
330.804 Department of Defense responsibility for placement assistance.
330.805 Duration of eligibility for assistance.

Authority: 5 U.S.C. 3301, 3302, 8337(L).

Subpart H—Placement Assistance for National Guard Technicians Who Become Entitled to a Disability Annuity

§ 330.801 Coverage.

This subpart applies to current or former National Guard Technicians who—

(a) Are or were separated from such positions on or after December 31, 1979, because of a medical disability that disqualified them from membership in the National Guard or from holding the military grade required for such employment;

(b) Have not been found by OPM to be disabled under subchapter III of chapter 83 of title 5, United States Code, section 8337(a);

(c) Have applied for or are receiving an annuity under the provisions of subchapter III of chapter 83 of title 5, United States Code, section 8337(h); and,

(d) Are not eligible for assistance under Subpart C of this part.

§ 330.802 OPM assistance.

An employee covered by this subpart is subject to mandatory enrollment in OPM's placement assistance program. Such an employee shall receive priority consideration for vacant positions in the Federal Government in accordance with procedures described through the Federal Personnel Manual system.

§ 330.803 Priority referral.

(a) An employee covered by this subpart shall be referred, both by OPM and agencies with delegated examining authority, and considered by any agency of the Government for any vacant position at GS–15 and below or the equivalent whenever—

(1) An agency plans to seek or is seeking the names of qualified candidates from a register or registers of competitive eligibles maintained by OPM or agencies with delegated examining authority;

(2) The position is expected to last more than one year;

(3) The position is located within the commuting area of the employee's former National Guard Technician position;

(4) The position is at the same grade or equivalent level as the National Guard Technician position from which the employee was separated; and,

(5) The employee is qualified for the vacant position as determined by the head of the agency or his/her designee.

In addition, OPM and agencies with delegated examining authority will refer the names of employees covered by this subpart whenever an agency requests recruiting assistance for positions in the excepted service.

(b) When an agency selects an individual referred under this subpart, it will generally employ him or her under authority of Part 213, Subpart C, § 213.3102(j) of the excepted service or other appropriate excepted service appointing authorities.

§ 330.804 Department of Defense responsibility for placement assistance.

(a) The Department of Defense shall, as the Government agency employing National Guard Technicians and in accordance with its own personnel management policies and practices, ensure that employees covered by this subpart receive appropriate consideration for vacant positions within the military departments and defense agencies for which the head of that department or agency, or his/her designee, determines that the individual is qualified, which is in the same commuting area and which is at the same grade or equivalent level as the National Guard Technician position from which the employee was separated.

(b) The Department of Defense will be notified by OPM whenever a National Guard Technician who was separated on or after December 31, 1979, and before October 1, 1982, from such a position because of a medical disability that disqualified him/her from membership in the National Guard or from holding the military grade required for such employment has filed a timely application for disability annuity under 5 U.S.C. 8337(h). The department shall, in turn take steps to provide appropriate internal placement consideration to such individuals beginning on the day following the date that such notification from OPM has been received by the department. Further, the department or its appropriate component will be responsible for enrolling such individuals into OPM's placement assistance program as soon as is reasonably possible, with the expectation that, in most cases, enrollment can be made within 30 calendar days following the date that the department has been notified by OPM that a timely application for a disability annuity under 5 U.S.C. 8337(h) has been filed by the former National Guard Technician.

(c) For National Guard Technicians who are separated on or after October 1, 1982, because of a medical disability that disqualified him/her from membership in the National Guard or from holding the military grade required for such employment, internal Department of Defense placement consideration shall begin as soon as the determination has been made by the department or its appropriate component that the technician is no longer qualified for membership in the National Guard and shall continue after the date of actual separation from the National Guard Technician position in accordance with paragraph (a) of this section. The Department of Defense or its appropriate component will also be responsible for enrolling such individuals into OPM's placement assistance program as soon as is reasonably possible, with the exception that, in most cases, enrollment can be made within 15 calendar days following the actual date of separation from the National Guard Technician position.

§ 330.805 Duration of eligibility for assistance.

(a) An employee covered by this subpart is eligible for OPM placement assistance without time limit. Eligibility will, however, be terminated upon—

(1) His/her reemployment by a Federal department or agency in a nontemporary position;

(2) His/her declination of any position in the Government for which he/she has been found qualified by the head of the agency or his/her designee, and which is at the same grade or equivalent level, in the same commuting area and with at least the same tenure and work

schedule as the former National Guard Technician position;

(3) His/her restoration to earning capacity as determined by OPM pursuant to the terms of section 8337 of title 5, United States Code; or,

(4) Any other circumstance which terminates his/her eligibility for an annuity under section 8337(h)(1) of title 5, United States Code.

(b) When an agency appoints a former National Guard Technician who has applied for or is receiving an annuity under section 8337(h) of title 5, United States Code, *or* when an agency makes an offer of a position which conforms to the requirements of paragraph (a)(2) of this section and the offer is declined, the agency shall notify OPM of such an appointment or declination in accordance with instructions published through the Federal Personnel Manual system. This notification shall include the date of the appointment or declination and, if an appointment, the title, pay plan, series, grade, and rate of pay of the position.

[FR Doc. 83-9968 Filed 4-14-83; 8:45 am]
BILLING CODE 6325-01-M

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5 CFR Part 890

Federal Employees Health Benefits Program

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: These regulations call for the simultaneous submission of Federal Employees Health Benefit (FEHB) carriers' benefit and rate proposals. The regulations will permit an assessment of the impact of benefit and rate proposals on both the Government and enrollees in a more timely and orderly fashion than is possible with the present FEHB contract negotiation cycle.

EFFECTIVE DATE: May 16, 1983.

FOR FURTHER INFORMATION CONTACT: Mary Ann Mercer, 202-254-0574.

SUPPLEMENTARY INFORMATION: On February 22, 1983, the Office of Personnel Management published proposed rules in the **Federal Register** (48 FR 7460-7461, 48 FR 7478-7479) with a request for comments from interested parties before publication as final regulations. Respondents included 29 of the 132 carriers participating in the FEHB Program, one non-participating carrier, two Federal agencies, and one individual in the private sector. The responses were generally in favor of the simultaneous submission of benefit and rate proposals, but were mixed with regard to the due date of May 31. The comments focused on two primary concerns:

OPM's Discretion To Request Benefit and Rate Proposals

Several commentors felt that the Director of OPM should not be given discretion to request rate proposals because the Director's decision not to request rate proposals in a particular year could require rates that are too low or too high for the benefits, given fluctuations in inflation, utilization, and insured populations. Such concerns are unnecessary: The FEHB statute itself requires that rates "reasonably and equitably reflect the cost of the benefits provided." Any use of the discretion provided by these regulations will necessarily require preservation of the relationship between rates and benefits. Some community rated plans expressed concern that, since they meet their expenses through uniformly and equally applied community rates, the integrity of community rating could not be maintained if a plan were prevented from applying a necessary rate increase to the Federal group. Again, we would reassure the carriers that the statutory mandate that rates reflect the cost of the benefits provided will govern any use of OPM's discretion.

Date of Final Rate Submission

Carriers stated that the final rate submission date should not be moved forward from July 31 to May 31. They argue that under existing regulations carriers base rate estimates, in part, on paid claims and utilization experience from the beginning of the most recent contract year through June. Final rate proposals have been due July 31 and five or six months of experience were available to draw on for the rate estimates. Under the new regulations, approximately four months' experience (January through April) for the current contract year will be available prior to the May 31 filing date. This paid claims experience, however, would be based in part on claims for services that were incurred the previous year. Therefore, the data submitted from the previous contract year may not be representative of current utilization since it would not fully reflect the most current benefits and most recent open season enrollment changes. Due to this limited current experience, the carriers have suggested that they will be forced to build an additional margin into the proposed rates to account for unexpected increases in claims. This margin, according to the carriers, would result in higher premiums.

As we have already observed, there is a statutory relationship between premium levels and the cost of benefits provided. OPM will work within the statutory scheme. Our regulations are merely intended to enhance the fiscal integrity of the Program by providing sufficient time to analyze benefit and rate proposals to ensure that rates are adequate and acceptable to employees and the Government.

While we recognize that the claims and utilization experience cutoff date will occur two months earlier than it did under the previous regulations, the proposed rates will still be negotiated by OPM and the carrier, and the established premium rate will require OPM's consideration and final approval, as has been the procedure in the past. OPM will, as in the past, carefully evaluate proposals to ensure that the rates established are reasonable and equitable for the benefits offered, given inflation and utilization experience.

Miscellaneous Issues

One carrier recommended that an extension of the May 31 date for submission of benefit and rate proposals be applicable to all plans. It is not the intention of the regulations to extend the May 31 deadline for benefit and rate proposals on a plan-by-plan basis. In the event that the Director determines an extension for submission is in the interest of the Program, the extension would apply to all participating plans.

A concern expressed by one community rated carrier is that the change in date of submission of final rate proposals to May 31 will affect its other lines of business. Community rated plans gear some of their other contract negotiations to the FEHB Program negotiation process. Carriers that do so generally establish their per capita hospital and physician fees prior to FEHB Program negotiations and use the information in establishing their proposed rates for the FEHBP. Under the new regulations, some carriers will not have completed their negotiations with hospitals and doctors prior to May 31, so that their per capita hospital and physician fees will not be finally established. OPM recognizes that there may be conflicts experienced by some community rated carriers during this initial year of adjustment, and will take this into account in its 1984 negotiations.

One carrier commented that the term "comprehensive medical plans" was omitted from the Title 41 regulations and believed this omission results in a conflict with the regulatory provisions

that currently admit only comprehensive medical plans into the Program. Since statutory provisions govern the types of plans which will be accepted into the FEHB Program at any given time, we do not agree that a conflict exists. Furthermore, omission of the term "comprehensive medical plans" from the regulations provides flexibility to OPM in the event the Program is opened to other types of plans through future legislation.

One carrier offered that issuance of the regulations would have a significant economic impact on health maintenance organizations because submission of final rate proposals on May 31 rather than July 31 "would increase the risk of rate decisions that resulted in adverse financial consequences." This assertion assumes rates submitted will be inaccurate because they are submitted earlier. While it is true that there will be less experience at the time the rates are proposed, OPM will make its evaluations and will negotiate based on all information available at the time of its decision. The new regulations begin the process at an earlier date, but they do not conclude it earlier. Consequently, there will be no impact on rates in the long run.

E.O. 12291, Federal Regulation

OPM has determined that this is not a major rule as defined under Section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that, within the scope of the Regulatory Flexibility Act, this regulation will not have a significant economic impact on a substantial number of small entities because the regulations simply rearrange the timeframe in which health benefit carriers must submit information.

List of Subjects in 5 CFR Part 890

Administrative practice and procedure, Claims, Government employees, Health insurance, Retirement.

Office of Personnel Management.

Donald J. Devine,

Director.

Accordingly, OPM is amending 5 CFR Part 890 as follows:

PART 890—FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

1. In § 890.203, the last sentence of paragraph (a)(1) is removed and two sentences are inserted in its place:

§ 890.203 Application for approval of, and proposal of amendments to, health benefit plans.

(a)(1) * * * Participation of an approved plan becomes effective on the first day of the contract period which is: (i) At least nine months after OPM receives the application, and (ii) at least seven months after OPM receives benefit and rate proposals and all evidence to demonstrate that the plan has met all requirements for approval. At any time, OPM may make a counter-proposal or propose changes on its own motion.

* * * * *

2. In § 890.203, paragraph (b) is revised to read as follows:

§ 890.203 Application for approval of, and proposal of amendments to, health benefits plans.

* * * * *

(b) Changes in rates and benefits for approved health benefits plans shall be considered at the discretion of the Director of OPM. If the Director of OPM determines that it is beneficial to enrollees and the Federal Employees Health Benefits Program to invite health plan benefit and/or rate changes for a given contract period, a "call letter" shall be issued to the carrier approximately 9 months prior to the expiration of the current contract period. Any proposal for change shall be in writing, specifically describe the change proposed, and be signed by an authorized official of the carrier. OPM will review any requested proposal for change and will notify the carrier of its decision to accept or reject the change. OPM may make a counter proposal or at any time propose changes on its own motion. Benefits changes and rate proposals, when requested by OPM, shall be submitted not less than 7 months before the expiration of the then current contract period, unless the Director of OPM determines that a later date is acceptable. The negotiation period shall begin approximately 7 months before the expiration of the current contract period, and OPM shall seek to complete all benefit and rate negotiations no later than 3 months preceding the contract period to which they will apply.

(5 U.S.C. 8913)

[FR Doc. 83-9888 Filed 4-14-83; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 407]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period April 17–23, 1983. Such action is needed to provide for orderly marketing of fresh lemons for the period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: April 17, 1983.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291, and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. This action is designed to promote orderly marketing of the California-Arizona lemon crop for the benefit of producers, and will not substantially affect costs for the directly regulated handlers.

This final rule is issued under Marketing Order No. 910, as amended (7 CFR Part 910; 47 FR 50196), regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1982–83. The marketing policy was recommended by the committee following discussion at a public meeting on July 6, 1982. The committee met again publicly on April 11, 1983, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during

the specified week. The committee reports the demand for lemons is good.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the Federal Register (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared purposes of the act.

Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, Lemons.

PART 910—[AMENDED]

Section 910.707 is added as follows:

§ 910.707 Lemon regulation 497.

The quantity of lemons grown in California and Arizona which may be handled during the period April 17, 1983, through April 23, 1983, is established at 280,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 13, 1983.

D. S. Kuryloski,

Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 83-10313 Filed 4-14-83; 11:58 am]

BILLING CODE 3410-02-M

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7 CFR Parts 1004, 1007, 1011, and 1046

[Milk Order Nos. 7, 4, 11, and 46; Docket Nos. AO-366-A20, et al.]

Milk in Georgia and Certain Other Marketing Areas; Order Amending Orders

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

7 CFR Part	Marketing area	AO numbers
1007	Georgia	AO-366-A20
1004	Middle Atlantic	AO-160-A60
1011	Tennessee Valley	AO-251-A25
1046	Louisville-Lexington-Evansville	AO-123-A51

SUMMARY: This action adopts on an emergency basis amendments to the Georgia, Middle Atlantic, Tennessee Valley, and Louisville-Lexington-Evansville orders. The order changes will provide handlers with limited transportation credits from the marketwide pool for certain Class II and Class III milk transferred or diverted to unusually distant outlets for surplus disposal. The changes, which will apply only through June 30, 1983, were considered at a public hearing held on March 1, 1983, in Atlanta, Georgia. The order changes were requested by a cooperative association that represents dairy farmers who supply milk to the markets.

The changes are necessary to reflect current marketing conditions and to insure that all producers in the affected markets share more equitably in the cost of disposing of unusually large supplies of surplus milk that are expected this spring. Marketing conditions are such that prompt amendatory action is required. For this reason, a recommended decision and the opportunity to file exceptions thereto were omitted. Cooperative associations in each market representing more than two-thirds of the producers have approved the issuance of the amended orders.

EFFECTIVE DATE: April 15, 1983.

FOR FURTHER INFORMATION CONTACT: Richard A. Glandt, Marketing Specialist, Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250, (202/447-4829).

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Notice of Hearing: Issued February 15, 1983; published February 22, 1983 (48 FR 7461).

Emergency Final Decision: Issued March 30, 1983; published April 5, 1983 (48 FR 14604).

Findings and Determinations

The findings and determinations hereinafter set forth supplement those that were made when the Georgia, Middle Atlantic, Tennessee Valley, and Louisville-Lexington-Evansville orders were first issued and when they were amended. The previous findings and determinations are hereby ratified and confirmed, except they may conflict with those set forth herein.

The following findings are hereby made with respect to each of the aforesaid tentative marketing agreements and orders:

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the respective marketing areas.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulate the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending each of the aforesaid orders effective upon publication in the Federal Register. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of this order are known to handlers. The decision of the Assistant Secretary containing all amendment provisions of this order was issued March 30, 1983 (48 FR 14604). The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending each of the aforesaid orders effective upon publication in the Federal Register and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the Federal Register. (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551–559).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations

specified in Sec. 8c (9) of the Act) of more than 50 percent of the milk, which is marketed within each of the specified marketing areas, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending each of the specified orders, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the respective orders as hereby amended; and

(3) The issuance of the order amending each of the specified orders is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

List of Subjects in 7 CFR Parts 1004, 1007, 1011, and 1046

Milk marketing orders, Milk, Dairy products.

Order Relative to Handling

It is therefore ordered, That on and after the effective date hereof, the handling of milk in each of the specified marketing areas shall be in conformity to and in compliance with the terms and conditions of each of the aforesaid orders, as amended, and as hereby further amended, as follows:

PART 1007—MILK IN THE GEORGIA MARKETING AREA

In § 1007.60, paragraph (g) is revised to read as follows:

§ 1007.60 Handler's value of milk for computing uniform price.

* * * * *

(g) With respect to milk marketed on and after the effective date hereof through June 1983, subtract the amount obtained by multiplying the pounds of bulk fluid milk products that were transferred or diverted from a pool plant to a nonpool plant and classified as Class II or Class III milk pursuant to § 1007.42(b)(3) or § 1007.42(d)(2) by a rate for each truckload of milk so moved that is equal to 3.6 cents per hundredweight for each 10 miles or fraction thereof that the nonpool plant is located more than 350 miles (as determined by the market administrator) from the nearest of the following locations: the city hall in Atlanta, Georgia; the city hall in Augusta, Georgia; the transferor plant; or for diversions, the pool plant of last receipt for the major portion of the milk on the load or the courthouse of the county where the major portion of the milk so diverted was produced. No credit shall apply to the total quantity of milk so moved to a given nonpool plant by a handler during the month if any portion of the milk is assigned to Class I.

PART 1004—MILK IN THE MIDDLE ATLANTIC MARKETING AREA

In § 1004.60, paragraph (f) is revised to read as follows:

§ 1004.60 Pool obligation of each pool handler.

* * * * *

(f) With respect to milk marketed on and after the effective date hereof through June 1983, subtract the amount obtained by multiplying the pounds of bulk fluid milk products that were transferred or diverted from a pool plant to a nonpool plant and classified as Class II milk pursuant to § 1004.42(d) or § 1004.42(e)(3) by a rate for each truckload of milk so moved that is equal to 3.6 cents per hundredweight for each 10 miles or fraction thereof that the nonpool plant is located more than 200 miles (as determined by the market administrator) from the nearest of the following locations: the city hall in Philadelphia, Pennsylvania; the zero milestone in Washington, D.C.; the city hall in Baltimore, Maryland; the transferor plant; or, for diversions, the pool plant of last receipt for the major portion of the milk on the load or the courthouse of the county where the major portion of the milk so diverted was produced. No credit shall apply to the total quantity of milk so moved to a given nonpool plant by a handler during the month if any portion of the milk is assigned to Class I.

PART 1011—MILK IN THE TENNESSEE VALLEY MARKETING AREA

In § 1011.60, paragraph (g) is revised to read as follows:

§ 1011.60 Handler's value of milk for computing uniform price.

* * * * *

(g) With respect to milk marketed on and after the effective date hereof through June 1983, subtract the amount obtained by multiplying the pounds of bulk fluid milk products that were transferred or diverted from a pool plant to a nonpool plant and classified as Class II or Class III milk pursuant to § 1011.42(b)(3) or § 1011.42(d)(2) by a rate for each truckload of milk so moved that is equal to 3.6 cents per hundredweight for each 10 miles or fraction thereof that the nonpool plant is located more than 350 miles (as determined by the market administrator) from the nearest of the following locations: the city hall in Bristol, Tennessee; the city hall in Knoxville, Tennessee; the city hall in Chattanooga, Tennessee; the transferor plant; or, for diversions, the pool plant of last receipt for the major portion of the milk on the load or the courthouse of the county where the major portion of the milk so diverted was produced. No credit shall apply to the total quantity of milk so moved to a given nonpool plant by a handler during the month if any portion of the milk is assigned to Class I.

PART 1046—MILK IN THE LOUISVILLE-LEXINGTON-EVANSVILLE MARKETING AREA

In § 1046.60, paragraph (g) is added to read as follows:

§ 1046.60 Handler's value of milk for computing uniform price.

* * * * *

(g) With respect to milk marketed on and after the effective date hereof through June 1983, subtract the amount obtained by multiplying the pounds of bulk fluid milk products that were transferred or diverted from a pool plant to a nonpool plant and classified as Class II or Class III milk pursuant to § 1046.42(b)(3) or § 1046.42(d)(2) by a rate for each truckload of milk so moved that is equal to 3.6 cents per hundredweight for each 10 miles or fraction thereof that the nonpool plant is located more than 250 miles (as determined by the market administrator) from the nearest of the following locations: the city hall in Louisville, Kentucky; the city hall in Lexington, Kentucky; the city hall in Evansville, Indiana; the transferor plant; or, for diversions, the pool plant of last receipt for the major portion of the milk on the load or the courthouse of the county where the major portion of the milk so diverted was produced. No credit shall apply to the total quantity of milk so moved to a given nonpool plant by a handler during the month if any portion of the milk is assigned to Class I.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: April 15, 1983.

Signed at Washington, D.C., on April 11, 1983.

John Ford,

Deputy Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 83-10001 Filed 4-14-83; 8:45 am]

BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service

9 CFR Part 54

[Docket No. 83-032]

Animals Destroyed Because of Scrapie; Interim Rule

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: This document on an emergency basis amends the regulations authorizing the payment of indemnities for sheep and goats destroyed because of scrapie to provide for indemnity only for animals diagnosed as having scrapie and for certain animals related by blood to animals diagnosed as having scrapie. These amendments are necessary to allow for indemnity only for animals that present a substantial risk of being infected with scrapie in order to utilize scrapie indemnity funds more effectively.

DATES: Effective: April 15, 1983.

Comments should be submitted on or before June 14, 1983.

ADDRESS: Written comments should be submitted to T. O. Gessel, Director, Regulatory Coordination Staff, APHIS, USDA, Room 728, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Written comments received may be inspected at Room 728 of the Federal Building, 8 a.m. to 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Dr. Jack R. Pitcher, Special Diseases Staff, Veterinary Services, APHIS, USDA, Room 824, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8231.

SUPPLEMENTARY INFORMATION:

Background

This document, on an emergency basis, amends the "Animals Destroyed Because of Scrapie" regulations in 9 CFR Part 54 (referred to below as the regulations) which authorize the payment of indemnity for sheep and goats destroyed because of scrapie.

Scrapie is a fatal disease of sheep and goats, affecting the nervous system. It is necessary to destroy certain animals in order to prevent the spread of the disease since there is no treatment for the disease. Also, there is no known diagnostic test for confirming scrapie in the live animal. Microscopic examination of the brain tissue is necessary for confirmation of the disease. Scrapie develops slowly; animals may carry the disease agent for 18 to 42 months before symptoms of the disease appear. When symptoms do appear, they allow a preliminary clinical diagnosis of scrapie. These symptoms include nervousness, slight muscular tremors, lack of luster in the wool, and itching.

Prior to the effective date of this document, the regulations provided for indemnity of sheep and goats determined to be "affected animals" or "exposed animals." Under the regulations an "affected animal" is defined as:

> An animal for which a diagnosis of scrapie has been made by a Veterinary Services representative or State representative.

Previously, the regulations also defined an "exposed animal" as:

> An animal, other than an affected animal, which is either in an infected or source flock, or which has been:
>
> (1) Held, pastured, or penned with an infected flock at any time since the birth or introducton of the affected animal into such flock, or
>
> (2) Held, pastured, or penned with a source flock at any time since the birth or introduction of an affected animal into such flock, or
>
> (3) Female progeny of an affected female animal and her first generation male progeny, or
>
> (4) The dam of an affected animal and the dam's first generation progeny, or
>
> (5) The first generation progeny of an exposed female animal moved from an infected flock or source flock, or
>
> (6) The first generation progeny of an affected male animal.

Further, the regulations previously defined the terms "flocks," "infected flock," and "source flock" as follows:

> *Flock.* A group of animals maintained on common ground, or two or more groups of animals under common ownership or supervision, and geographically separated, but which have an interchange of animals.
>
> *Infected flock.* A flock in which an affected animal has been found by a Veterinary Services representative or a State representative.
>
> *Source Flock.* A flock from which an animal was moved and within 18 months of the date of the movement the animal showed clinical evidence of scrapie, or from which two or more animals were moved and subsequent to the movement the animals showed clinical evidence of scrapie.

Sufficient funds are not available to allow for indemnity of all animals that were designated as "affected animals" and "exposed animals." Under these circumstances, the regulations are amended to restructure the program to provide for indemnity only for "affected animals" and other animals which present a substantial risk of being infected with scrapie.

The main means by which scrapie is spread is from parent to offspring, principally through the dam. An infected female exposes her offspring at birth and immediately after birth. The risk of spread to offspring through an infected male is less, attributable in part to the fact that under customary flock management practices a sire seldom, if ever, has contact with his offspring. While it is possible that scrapie can be transmitted by exposure from animal to animal other than from parent to offspring, that risk is relatively minimal. Consistent with these findings, the regulations are amended to allow for indemnity payments only for "affected animals" and certain bloodline animals.

Based on departmental experience, it has been determined that, in addition to "affected animals," the following bloodline animals are the only animals that present a substantial risk of being infected with scrapie:

(1) The dam of an infected animal and the dam's first generation progeny,

(2) The maternal granddam of an affected animal,

(3) The first generation progeny of an affected animal, and

(4) All succeeding generations of female progeny from female progeny of an affected female animal.

The regulations previously allowed for the payment of indemnity for "affected animals" and for all of these categories of bloodline animals other than the maternal granddam of an affected animal. Accordingly, since it has been determined that the maternal granddam of an affected animal also presents a substantial risk of being infected with scrapie, the regulations are amended to allow for indemnity for the maternal granddam of an affected animal in addition to "affected animals" and the other classes of bloodline animals.

Under the previous program most of the animals for which indemnity was paid presented only a minimal risk of spreading scrapie and were in one of the following four categories:

(1) In an infected or source flock,

(2) Held, pastured, or penned with an infected flock at any time since the birth or introduction of the affected animal into such flock,

(3) Held, pastured, or penned with a source flock at any time since the birth or introduction of an affected animal into such flock, or

(4) The first generation progeny of an exposed female animal moved from an infected flock or source flock.

This document deletes these four categories of exposed animals from the list of animals eligible for indemnity payments. It appears that this will substantially reduce indemnity costs

without significantly reducing the effectiveness of the scrapie eradication program. Further, if the indemnity funds were distributed in accordance with the previous program, the funds would be quickly exhausted with payments mostly for the four categories of exposed animals referred to above which pose only a minimal risk of being infected with scrapie.

This document also amends the regulations by making nonsubstantive changes for purposes of clarity.

Emergency Action

Dr. John K. Atwell, Deputy Administrator of the Animal and Plant Health Inspection Service for Veterinary Services, has determined that an emergency situation exists which warrants publications of this interim rule without prior opportunity for public comment. Immediate action is necessary to allow for indemnity only for animals that present a substantial risk of being infected with scrapie in order to utilize scrapie indemnity funds more effectively.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedures with respect to this interim rule are impracticable and contrary to the public interest and good cause is found for making this interim rule effective less than 30 days after publication of this document in the **Federal Register**. Comments have been solicited for 60 days after publication of this document and a final document discussing comments received and any amendments required will be published in the **Federal Register** as soon as possible.

Executive Order 12291

This interim rule is issued in conformance with Executive Order 12291, and has been determined to be not a "major rule." Based on information compiled by the Department, it has been determined that this rule will not have a significant effect on the economy; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and will not have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Also, the emergency nature of this action makes it impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this interim rule.

Regulatory Flexibility Act

The emergency situation discussed above makes compliance with section 603 and timely compliance with section 604 of the Regulatory Flexibility Act impracticable. Since this action may have a significant economic impact on a substantial number of small entities, the Final Regulatory Impact Analysis, if required, will address the issues required in section 604 of the Regulatory Flexibility Act.

List of Subjects in 9 CFR Part 54

Animal diseases, Goats, Indemnity payments, Sheep, Scrapie.

PART 54—ANIMALS DESTROYED BECAUSE OF SCRAPIE

Under the circumstances referred to above, 9 CFR Part 54 is amended as follows:

§ 54.1 [Amended]

1. Paragraphs (j), (l), (m), and (n) of § 54.1 are removed and the remaining terms are rearranged alphabetically without identifying letters.

2. In § 54.1, a definition of "bloodline animal" is added in alphabetical order to read as follows:

Bloodline animal. The dam of an affected animal and the dam's first generation progeny, the maternal granddam of an affected animal, the first generation progeny of an affected animal, and all succeeding generations of female progeny from female progeny of an affected female animal.

§ 54.3 [Amended]

3. In the first sentence of paragraph (a) of § 54.3, the word "exposed" is removed and the word "bloodline" is inserted in lieu thereof.

§ 54.7 [Amended]

4. In paragraph (a) of § 54.7, the word "exposed" is removed and the word "bloodline" is inserted in lieu thereof.

5. In paragraph (b) of § 54.7, the word "exposed" is removed and the word "bloodline" is inserted in lieu thereof.

§ 54.8 [Amended]

6. In paragraph (a) of § 54.8, the word "exposed" is removed and the word "bloodline" is inserted in lieu thereof.

(Sec 2, 32 Stat. 792, as amended, sec. 3, 23 Stat. 32, as amended, sec. 11, 58 Stat. 734, as amended; 21 U.S.C. 111, 114, 114a, 7 CFR 2.17, 2.51, 371.2(d))

Done at Washington, D.C., this 12th day of April 1983.

William E. Ketter,

Acting Deputy Administrator, Veterinary Service.

[FR Doc. 83-10175 Filed 4-14-83; 8:45 am]

BILLING CODE 3410-34-M

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9 CFR Part 92

[Docket No. 83-023]

Ports of Importation for Animals and Birds

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule; Correction.

SUMMARY: This document amends the reference to "§ 92.3(e)" in 9 CFR 92.2(c)(3) to "§ 92.3(f)." This is a correction which is necessary to reflect the fact that § 92.3(e) has been redesignated as § 92.3(f).

EFFECTIVE DATE: April 15, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. S. S. Richeson, Chief Staff Veterinarian, Import/Export Animals and Products, VS, APHIS, USDA, Room 846, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8170.

SUPPLEMENTARY INFORMATION:

Background

On February 22, 1980, a final rule was published in the **Federal Register** (45 FR 11796-11797) amending the regulations in 9 CFR 92.3 concerning ports of importation for animals and birds. Section 92.3(e) titled "Special ports for pet birds" was redesignated as § 92.3(f) and a new § 92.3(e) titled "Limited ports" was added. However, when these amendments were made the reference in § 92.2(c)(3) to § 92.3(e) was not changed to reflect the new designation. Therefore; the reference to § 92.3(e) in § 92.2(c)(3) is corrected to read: § 92.3(f).

Done at Washington, D.C., this 12th day of April 1983.

William E. Ketter,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 83-10150 Filed 4-14-83; 8:45 am]

BILLING CODE 3410-34-M

FEDERAL ELECTION COMMISSION

11 CFR Parts 106, 9031, 9032, 9033, 9034, 9035, 9036, 9037, 9038, and 9039

[Notice 1983–8]

Presidential Primary Matching Fund

Correction

In FR Doc. 83–8636 appearing on page 14347 in the issue of Monday, April 4, 1983, the date "April 14, 1983" which appears under "**SUMMARY**", "**EFFECTIVE DATE**", and "**ANNOUNCEMENT OF EFFECTIVE DATE**" should read "April 4, 1983."

BILLING CODE 1505-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 522

[No. 83–224]

Internal Processing—Schedule for Election of Federal Home Loan Bank Directors

Dated: April 8, 1983.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: The Federal Home Loan Bank Board is amending its regulations governing the procedure for electing directors to the boards of the Federal Home Loan Banks to prescribe earlier dates for completion of various steps involved in the election process. The Board believes that such changes would promote administrative efficiency in the internal processing of election materials and would provide newly elected directors with sufficient opportunity to become more familiar with the Federal Home Loan Bank System before assuming their official roles.

EFFECTIVE DATE: April 15, 1983.

FOR FURTHER INFORMATION CONTACT: K. Diane Boyle (202–377–6720), Program Analysis Development Division Director, Office of District Banks, or Deborah C. Jenkins (202–377–6464), Attorney, Office of General Counsel, Federal Home Loan Bank Board, 1700 G St., N.W., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: Section 7(d) of the Federal Home Loan Bank Act ("Bank Act"), 12 U.S.C. 1427(d), authorizes the Federal Home Loan Bank Board ("Board") to promulgate regulations for the nomination and election of directors to the boards of the Federal Home Loan Banks ("Banks"). Pursuant to this authority, the Board adopted §§ 522.24, 522.25, and 522.26 of the Federal Home Loan Bank System Regulations ("Bank System Regulations"), 12 CFR 522.24–522.26, to prescribe a comprehensive procedure for the election of directors of the Banks. Under this procedure, the Bank election process begins by May 31, the final date for submission of member capital stock reports by the Banks, and culminates on December 15, when the Board declares the results of the election.

The Board has determined to amend §§ 522.24, 522.25 and 522.26 of the Bank System Regulations to prescribe earlier dates for completion of various steps involved in electing directors to the boards of the Banks so that the election process will begin on April 15 and will conclude on November 15. None of the various steps have been eliminated or changed, nor has the time period allowed for completion of various tasks been reduced substantially. The Board believes that such changes are desirable and necessary to promote administrative efficiency in the internal processing of election materials, to enable the Board to designate earlier persons to serve as Chairman and Vice-Chairman of the boards of the Banks, fulfilling its statutory responsibility under section 7(g) of the Bank Act, and most importantly, to provide newly elected directors sufficient opportunity to become familiar with and knowledgeable about the operations of the Banks before assuming responsibility for management of the Banks on January 1.

Because the amendments pertain to internal Board procedures for processing election materials and because it is in the public interest to provide prompt action on such matters, the Board finds that observance of the notice and comment procedures prescribed by 5 U.S.C. 553(b) and 12 CFR 508.12, and delay of the effective date pursuant to 5 U.S.C. 553(d) and 12 CFR 508.14 are unnecessary and contrary to the public interest.

List of Subjects in 12 CFR Part 522

Federal Home Loan Banks, Organization.

Accordingly, the Board hereby amends Part 522 of Subchapter B, Chapter V of Title 12, *Code of Federal Regulations*, as set forth below.

SUBCHAPTER B—REGULATIONS FOR THE FEDERAL HOME LOAN BANK SYSTEM

Revise §§ 522.24, 522.25, and 522.26 as follows:

PART 522—ORGANIZATION OF THE BANKS

Sec.

* * * * *

522.24 Report of stock investment.
522.25 Designation and nomination of elective directorship.
522.26 Election of directors.

* * * * *

§ 522.24 Report of stock investment.

Each Bank shall, by April 15 of each year, report to the Board, on prescribed forms, the number of shares of Bank stock each of its members was required to hold at the end of the preceding calendar year. Such number shall be conclusive for purposes of election of directors.

§ 522.25 Designation and nomination of elective directorship.

(a) By June 15 of each year, the Board will: (1) Notify each member of the number of elective directorships designated for the state in which the member is located; and (2) notify each member in each state for which an elective directorship is to be filled of its right to nominate an eligible person(s) therefor, and provide each such member the following:

(i) A list of members located in its state;

(ii) A current list of directors of the Bank of which it is a member, containing the name of each director, the name and address of the member institution with which he is affiliated, and the expiration date of his term; and

(iii) The nominating certificate.

(b) Each member in each state entitled under these regulations to participate in the election of directors may by resolution of its governing body nominate or authorize one of its directors or officers to nominate a qualified person for each directorship to be filled in its state. The nominating certificate must be received in the Board's Office of District Banks by July 15.

(c) A letter will be sent to each nominee by August 5 informing him of his nomination. However, no such letter will be sent to any nominee: (1) Then serving as an elective director whose term does not expire until after the close of the calendar year during which the election is being held; (2) holding an appointive directorship unless the Office of District Banks has received from him, before July 15, notice of his intention to be a candidate for a directorship; or (3) determined by the Board to be ineligible under section 7(d) of the Act. With such letter will be sent a list of nominees and a questionnaire. The completed

questionnaire must be received in the Office of District Banks by August 20 in order for the nominee to have his name placed on the election ballot. A nominee shall be eligible for election only if his name is so placed on the ballot.

(d) Notwithstanding other provisions of this section, if at any time when nominations are required, the members of a Bank hold less than $1 million of the capital stock of the Bank, the Board will, in accordance with section 7(h) of the Act, appoint a director(s) to fill the place(s) for which nominations are required.

(e) In any Federal Home Loan Bank district that comprises five or more states, the Board may increase the elective directorships to a number not exceeding thirteen. The designations and nomination of all elective directorships shall be undertaken in the manner set forth in this section.

§ 522.26 Election of directors.

(a) By September 25, the Board will mail to each member in each state for which an elective directorship is to be filled a set of ballot materials in a form prescribed by the Board's Office of District Banks. The ballot will contain in alphabetical order the name of each candidate eligible to represent the members located in such state having complied with the provisions of § 522.25 of this Part, the name and address of the member institution with which each candidate is affiliated, the candidate's title in the member institution, and the number of votes the member may cast, as determined under the provisions of paragraph (b) of this section.

(b) The number of votes each member may cast shall equal the number of shares of stock in the Bank required by the Act to be held by such member at the end of the calendar year preceding the election, except that: (1) A member that is the result of a merger or consolidation, occurring in the year of election, of two or more member institutions within the same state and Federal Home Loan Bank district, may cast votes equal to the total number of shares of stock that the merged or consolidated institutions comprising it were required to hold as of the end of the calendar year preceding the election, and (2) no member may cast votes in excess of the average number of such shares required by the Act to be held at the end of such calendar year by members in such state.

(c) Each member entitled to receive a ballot may, by resolution of its governing body, cast its votes or authorize one of its directors or officers to cast its votes for each of as many candidates as there are directorships to be filled. The ballot materials shall be sent to the Office of District Banks and must be received by October 25. No ballot may be changed after it is delivered to the Office of District Banks, which will preserve all ballots until the end of the next calendar year. Election ballots will not be opened until after 5 p.m., e.s.t., October 25. Only ballots executed on forms supplied by the Board will be considered.

(d) By November 15 the Board will declare elected the candidate receiving the highest number of votes cast, and where two or more directorships are to be filled from the ballot, the Board will declare elected each candidate receiving the next succeeding highest number of votes until the number of candidates declared elected equals the number of directorships to be filled. If required by a tied vote, the Board will declare elected one of the candidates whose votes are tied.

(e) The Board will record the results of the election in its minutes and notify the directors elected. The Board will furnish each member such results, including the name and address of the institution with which he is affiliated and his title therein, the number of votes he received, the number of members eligible to cast votes for the directorship(s), and the total eligible votes all such members were entitled to cast.

(f) In any date specified in §§ 522.24 through 522.26 occurs on a Saturday, Sunday, or holiday, the next business day shall be included in the time allowed. No nominating certificate, questionnaire, or ballot shall be considered unless received in the Office of District Banks by the date specified.

(Secs. 6, 7, 17, 47 Stat. 728, 729, 736, as amended (12 U.S.C. 1426, 1427, 1437); Sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); Secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended (12 U.S.C. 1725, 1726, 1730); Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board

J. J. Finn,

Secretary.

[FR Doc. 83-10098 Filed 4-14-83; 8:45am]

BILLING CODE 6720-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 369

Restrictive Trade Practices or Boycotts

AGENCY: International Trade Administration, Commerce.

ACTION: Interpretation.

SUMMARY: The Department wishes to clarify the application of its antiboycott regulations to situations involving the shipment of goods to a boycotting country by United States persons when the goods are denied entry for boycott-related reasons.

EFFECTIVE DATE: April 15, 1983.

FOR FURTHER INFORMATION CONTACT: Howard N. Fenton, Director, Compliance Policy Division, Office of Antiboycott Compliance, U.S. Department of Commerce (202/377-2381).

SUPPLEMENTARY INFORMATION: The antiboycott regulations prohibit boycott-based refusals to do business. 15 CFR 369.2(a) provides that:

> No United States person may: refuse, knowingly agree to refuse, require any other person to refuse or knowingly agree to require any other person to refuse to do business with or in a boycotted country, with any business concern organized under the laws of a boycotted country, with any national or resident of a boycotted country, or with any other person, when such refusal is pursuant to an agreement with the boycotting country, a requirement of the boycotting country, or a request from or on behalf of the boycotting country.

Over the past five years the Office of Antiboycott Compliance has provided its position informally on the application of this provision to situations involving the refusal by a boycotting country to permit the entry of goods supplied by a United States person for boycott-related reasons. The Office is now providing that position in written form as another interpretation of the antiboycott regulations.

List of Subjects in 15 CFR Part 369

Boycotts, Foreign trade, Reporting requirements, Restrictive trade practices, Trade practices.

Interpretation

The principal author of this interpretation is Brian C. Murphy, Office of Antiboycott Compliance.

PART 369—APPENDIX [SUPPLEMENT 7—ADDED]

The following appendix is added to Part 369 as Supplement 7:

Supplement 7—Appendix—Interpretation

Prohibited Refusal To Do Business

When a boycotting country rejects for boycott-related reasons a shipment of goods sold by a United States person, the United States person selling the goods may return them to its inventory or may re-ship them to other markets (the United States person may *not* return them to the original supplier and demand restitution). The U.S. person may

then make a non-boycott based selection of another supplier and provide the goods necessary to meet its obligations to the boycotting customer in that particular transaction without violating § 369.2(a) of the Regulations.

If the United States person receives another order from the same boycotting country for similar goods, the Department has determined that a boycott-based refusal by a United States person to ship goods from the supplier whose goods were previously rejected would constitute a prohibited refusal to do business under § 369.2(a) of the antiboycott regulations. The Department will presume that filling such an order with alternative goods is evidence of the persons' refusal to deal with the original supplier.

The Department recognizes the limitations this places on future transactions with a boycotting country once a shjipment of goods has been rejected. Because of this, the Department wishes to point out that, when faced with a boycotting country's refusal to permit entry of the particular goods, a United States person may state its obligation to abide by the requirements of United States law and indicate its readiness to comply with the unilateral and specific selection of goods by the boycotting country in accordance with § 369.3(c) of the antiboycott regulations. That Section provides, in pertinent part, as follows:

A United States person may comply or agree to comply in the normal course of business with the unilateral and specific selection by a boycotting country * * * of * * * specific goods, * * * provided that * * * with respect to goods, the items, the normal course of business, are identifiable as to their source or origin at the time of their entry into the boycotting country by (a) uniqueness of design or appearance or (b) trademark, trade name, or other identification normally on the items themselves, including their packaging.

The United States person may also provide certain services in advance of the unilateral selection by the boycotting country, such as the compilation of lists of qualified suppliers, so long as such services are customary to the type of business the United States person is engaged in, and the services rendered are completely non-exclusionary in character (i.e., the list of qualified suppliers would have to include the supplier whose goods had previously been rejected by the boycotting country, if they were fully qualified). See § 369.2(a)(6) for a discussion of the requirements for the provision of these services.

The Department wishes to emphasize that the unilateral selection exception in § 369.3(c) will be construed narrowly, and that all its requirements and conditions must be met, including the following:

—Discretion for the selection must be exercised by a boycotting country, or by a national or resident of a boycotting country;

—The selection must be stated in the affirmative specifying a particular supplier of goods;

—While a permissible selection may be boycott based, if the United States person knows or has reason to know that the purpose of the selection is to effect discrimination against any United States person on the basis of race, religion, sex, or national origin, the person may not comply under any circumstances.

The Department cautions United States persons confronted with the problem or concern over the boycott based rejection of goods shipped to a boycotting country that the adoption of devices such as "risk of loss" clauses, or conditions that make the supplier financially liable if his or her goods are rejected by the boycotting country for boycott reasons are presumed by the Department to be evasion of the statute and regulations, and as such are prohibited by § 369.4 of the antiboycott regulations, unless adopted prior to January 18, 1978. See § 369.4(d).

Dated: April 11, 1983.

William V. Skidmore,

Director, Office of Antiboycott Compliance.

[FR Doc. 83-10083 Filed 4-14-83; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 178

[Docket No. 82F-0364]

Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of tris(2,4-di-*tert*-butylphenyl) phosphite as an antioxidant and/or thermal stabilizer for polycarbonate resins by removing the current temperature limitations. This action responds to a petition filed by Ciba-Geigy Corp.

DATES: Effective April 15, 1983. Objections by May 16, 1983.

ADDRESS: Written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Julius Smith, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of December 28, 1982 (47 FR 57774), FDA announced that a petition (FAP 2B3664) had been filed by Ciba-Geigy Corp., Three Skyline Dr., Hawthorne, NY 10532, proposing that the food additive regulations be amended to provide for the safe use of tris(2,4-di-*tert*-butylphenyl) phosphite as an antioxidant and/or thermal stabilizer for polycarbonate resins.

FDA has evaluated data in the petition and other relevant material and concludes that the proposed food additive use is safe and that the regulations should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Bureau of Foods (address above) by appointment with the contact person listed above. As provided in § 171.1(h)(2), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has previously considered the potential environmental effects of this regulation as announced in the notice of filing published in the **Federal Register**. No new information or comments have been received that would alter the agency's previous determination that there is no significant impact on the human environment and that an environmental impact statement is not required.

List of Subjects in 21 CFR Part 178

Food additives, Food packaging, Sanitizing solutions.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Foods (21 CFR 5.61 as revised February 4, 1983; 48 FR 5251), Part 178 is amended in § 178.2010(b) by revising the entry for "Tris(2,4-di-*tert*-butylphenyl) phosphite" under limitation 3 to read as follows:

PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

§ 178.2010 Antioxidants and/or stabilizers for polymers.

* * * * *

(b) * * *

Substances	Limitations
* * * * *	
Tris(2,4-di-*tert*-butylphenyl) phosphite (CAS Reg. No. 31570-04-4).	* * * 3. At levels not to exceed 0.3 percent by weight of polycarbonate resins complying with § 177.1580 of this chapter.
* * * * *	

Any person who will be adversely affected by the foregoing regulation may at any time on or before May 16, 1983 submit to the Dockets Management Branch (address above) written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective April 15, 1983.

(Secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348))

Dated: April 1, 1983.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 83-10038 Filed 4-14-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs Not Subject to Certification; Dexamethasone Injection

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Rachelle Laboratories, Inc., providing for safe and effective use of a dexamethasone injection in dogs, cats, and horses for its rapid adrenal glucocorticoid and anti-inflammatory effect.

EFFECTIVE DATE: April 15, 1983.

FOR FURTHER INFORMATION CONTACT: Sandra K. Woods, Bureau of Veterinary Medicine (HFV–114), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3420.

SUPPLEMENTARY INFORMATION: Rachelle Laboratories, Inc., 700 Henry Ford Ave., P.O. Box 2029, Long Beach, CA 90801, filed NADA 130–660 providing for intravenous use of Dexachel, a solution containing 2 milligrams of dexamethasone per milliliter, in dogs, cats, and horses. The drug is used for its rapid adrenal glucocorticoid and/or anti-inflammatory effect.

The formulation of this product is identical to that of Schering Corporation's Azium (dexamethasone sterile injection), which was reviewed by the National Academy of Sciences/National Research Council (NAS/NRC) and found effective as an anti-inflammatory agent in dogs, cats, horses, and cattle; approval of this drug is codified in 21 CFR 522.540. NADA 130–660 is approved on the basis of its being identical to the approved, NAS/NRC reviewed product. Section 522.540 provides that because the conditions of use have been NAS/NRC reviewed and found effective, applications for these uses need not include certain effectiveness data as specified by 21 CFR 514.111. The product is an intravenous solution; therefore, the requirement for bioequivalency data is waived under 21 CFR 320.22(b)(1). The product is approved on the basis of generic equivalency, and the regulation is amended to reflect the approval.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 522

Animal drugs, Injectable.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 522 is amended in § 522.540 by adding new paragraph (d)(2)(iii) to read as follows:

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

§ 522.540 Dexamethasone injection.

* * * * *

(d) * * *

(2) * * *

(iii) No. 000196 for intravenous use of 2.0 milligrams dexamethasone injection.

* * * * *

Effective date. April 15, 1983.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: April 5, 1983.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 83-9806 Filed 4-14-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs Not Subject to Certification; Diprenorphine Hydrochloride Injection/Etorphine Hydrochloride Injection

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations concerning new animal drug applications (NADA's) for use of diprenorphine hydrochloride injection and etorphine hydrochloride injection to provide for a revised labeling statement. Supplemental NADA's, filed by American Cyanamid Co. and Lemmon Co., provide for the change.

EFFECTIVE DATE: April 15, 1983.

FOR FURTHER INFORMATION CONTACT: Bob G. Griffith, Bureau of Veterinary Medicine (HFV–112), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3420.

SUPPLEMENTARY INFORMATION: American Cyanamid Co., Berdan Ave., Wayne, NJ 07470, is sponsor of NADA 47–870, and Lemmon Co., Sellersville, PA 18960, is sponsor of NADA 95–017, both providing for use of diprenorphine hydrochloride injection (21 CFR 522.723) and etorphine hydrochloride injection (21 CFR 522.883). The drugs are used respectively for reversing the effects of etorphine hydrochloride and for immobilization of wild or exotic animals. Both firms filed supplements to their NADA's to provide revised labeling stating that the drugs are for

use in wild or exotic animals only, not for use in domestic food-producing animals, and not for use 30 days before, or during, the hunting season in free-ranging wild animals that might be used for food. The supplements are approved and the regulations are amended to reflect the approval.

Approval of these supplements does not require new safety or effectiveness data in support of the approval. Therefore, freedom of information summaries are not required.

List of Subjects in 21 CFR Part 522

Animal drugs, injectable.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 522 is amended as follows:

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

1. In § 522.723, by revising paragraph (d)(3) to read as follows:

§ 522.723 Diprenorphine hydrochloride injection.

* * * * *

(d) * * *

(3) For use in wild or exotic animals only. Do not use in domestic food-producing animals. Do not use 30 days before, or during, the hunting season in free-ranging wild animals that might be used for food.

* * * * *

2. In § 522.883, by revising paragraph (d)(4) to read as follows:

§ 522.883 Etorphine hydrochloride injection.

* * * * *

(d) * * *

(4) For use in wild or exotic animals only. Do not use in domestic food-producing animals. Do not use 30 days before, or during, the hunting season in free-ranging wild animals that might be used for food.

* * * * *

Effective date. April 15, 1983.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: April 8, 1983.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 83-10009 Filed 4-14-83; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs Not Subject to Certification; Euthanasia Solution

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Syntex Agribusiness, Inc., providing for use of a euthanasia solution to induce rapid, humane, painless euthanasia of dogs.

EFFECTIVE DATE: April 15, 1983.

FOR FURTHER INFORMATION CONTACT: Bob G. Griffith, Bureau of Veterinary Medicine (HFV-112), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3430.

SUPPLEMENTARY INFORMATION: Syntex Agribusiness, Inc., 3401 Hillview Ave., Palo Alto, CA 94304, is sponsor of NADA 128-967 providing for intravenous use of Repose Euthanasia Solution containing 400 milligrams (mg) of secobarbital sodium and 25 mg of dibucaine hydrochloride per milliliter for the rapid, humane, and painless euthanasia of dogs. The sponsor submitted studies establishing effectiveness and safety (humane and painless euthanasia) of the drug, including studies that demonstrate that the drug meets the requirements of the Bureau of Veterinary Medicine's combination drug policy. The NADA is approved and the regulations are amended accordingly.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement therefore will not be prepared. The Bureau's finding of no significant impact and the evidence supporting this finding, contained in an environmental assessment (pursuant to 21 CFR 25.31, proposed December 11, 1979; 44 FR 71742) may be seen in the Dockets Management Branch (address above).

List of Subjects in 21 CFR Part 522

Animal drugs, injectable.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 522.900 is amended by adding new paragraph (c) to read as follows:

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

§ 522.900 Euthanasia solution.

* * * * *

(c)(1) *Specifications.* Each milliliter of nonsterile, aqueous solution contains 400 milligrams of secobarbital sodium and 25 milligrams of dibucaine hydrochloride.

(2) *Sponsor.* See 000033 in § 510.600(c) of this chapter.

(3) Conditions of use—(i) *Indications for use.* To induce rapid, humane, painless euthanasia of dogs.

(ii) *Amount.* For dogs, 1 milliliter for each 10 pounds of body weight.

(iii) *Limitations.* For intravenous injection. Do not use for therapeutic purposes. Do not use in animals intended for food. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. April 15, 1983.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: April 5, 1983.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 83-9807 Filed 4-14-83; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 7894]

Income Tax; Taxable Years Beginning After December 31, 1953; Special Periods of Limitation With Respect to Partnership Items of Federally Registered Partnerships

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations relating to the special periods of limitation for assessing a deficiency, and for filing a claim for credit or refund of any overpayment, attributable to a partnership item of a federally registered partnership. The regulations would provide the necessary guidance to the public to comply with the law.

DATE: These regulations are effective for partnership items arising in partnership taxable years beginning after December 31, 1978 and before September 4, 1982.

FOR FURTHER INFORMATION CONTACT: Donald W. Stevenson of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington , D.C. 20224 (Attention: CC:LR:T) (202–566–3297).

SUPPLEMENTARY INFORMATION:

Background

On January 14, 1983, proposed amendments to the Regulations on Procedure and Administration (26 CFR Part 301) under section 6501 (o) and 6511 (g) of the Internal Revenue Code of 1954 (as they read before the enactment of the Tax Equity and Fiscal Responsiblity Act of 1982 were published in the **Federal Register** (48 FR 1764). These amendments were proposed to conform the regulations to amendments made to the Code by section 212 of the Revenue Act of 1978 (92 Stat. 2818) and section 102 (a) (2) (A) and (B) of the Technical Corrections Act of 1979 (94 Stat. 208), effective for partnership taxable years beginning after December 31, 1978. For partnership taxable years beginning after September 3, 1982, section 402 (c) (5) and (7) of the Tax Equity and Fiscal Responsibility Act of 1982 (96 Stat. 667) further amended Code sections 6501 (o) and 6511 (g) and removed the special provisions for federally registered partnership. Thus, the amendments are effective for partnership items arising in partnership taxable years beginning after December 31, 1978 and before September 4, 1982.

No written comments were received in response to the proposed regulations, and no speakers appeared at the public hearing held on March 23, 1983. Therefore, the proposed amendments are adopted without change by this Treasury decision.

This Treasury decision is issued under the authority contained in section 6501 (o) (as it read before the enactment of the Tax Equity and Fiscal Responsibility Act of 1982) and 7805 of the Internal Revenue Code of 1954 (92 Stat. 2818, 26 U.S.C. 6501 (o); 68A Stat. 917, 26 U.S.C. 7805).

Regulatory Flexibility Act

No general notice of proposed rulemaking is required by 5 U.S.C. 553 (b) for interpretative regulations. Accordingly, the Regulatory Flexibility Act does not apply and no Regulatory Flexibility Analysis is required for this rule.

Non-Applicability of Executive Order 12291

The Treasury Department has determined that this regulation is not subject to review under Executive Order 12291 or the Treasury and OMB implementation of the Order dated April 28, 1982.

Drafting Information

The principal author of these regulations is Donald W. Stevenson of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

Adoption of Amendments to the Regulations

Accordingly, the proposed amendments to the Regulations on Procedure and Administration (26 CFR Part 301) under sections 6501 (o) and 6511 (g), as published in the **Federal Register** on January 14, 1983 (48 FR 1764), are hereby adopted without change as set forth below.

Approved: April 8, 1983.

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

John E. Chapoton,

Assistant Secretary of the Treasury.

48 FR 1764 Jan. 14, 1983

List of Subjects in 26 CFR Part 301

Administrative practice and procedure, Bankruptcy, Courts, Crime, Employment taxes, Estate taxes, Excise taxes, Gift taxes, Income taxes, Investigations, Law enforcement, Partnership item, Penalties, Pensions, Statistics, Taxes, Disclosure of information, and Filing requirements.

PART 301—[AMENDED]

The amendments to 26 CFR Part 301 are as follows:

Paragraph 1. New §§ 301.6501(o)–2 and 301.6501(o)–3 are added to read as follows:

§ 301.6501(o)–2 Special rules for partnership items of federally registered partnerships.

(a) *In general.* In the case of any tax imposed by subtitle A with respect to any person, the period for assessing a deficiency attributable to any partnership item of a federally registered partnership shall not expire before the later of—

(1) The date which is 4 years after the date on which the return of the federally registered partnership for the partnership taxable year in which the item arose is filed (or, if later, the date prescribed for filing the return), or

(2) If the name or address of the person against whom the assessment is sought does not appear on the return of the federally registered partnership, the date which is 1 year after the date on which a satisfactory identifying statement is furnished in writing to the director of the service center with which the partnership return is filed. A satisfactory identifying statement is a written statement providing the name, address, and taxpayer identification number of both the partner and the partnership. The statement shall note the partnership taxable year for which the statement is furnished.

(b) *"Pass through" entity as partner.* In the case of a partnership having a "pass through" entity (*i.e.*, partnership, electing small business corporation (as defined in section 1371(b)), trust, estate, or nominee) as a partner, the 1 year period described in paragraph (a)(2) of this section shall not begin with respect to the person to be assessed until the chain of ownership linking the taxpayer with the federally registered partnership in which the item originally arose is fully disclosed.

Example. Partnership U, a federally registered partnership, has two partners, Partnerships W and X. The partners of W are A and B, who are individuals, and T, a trust whose beneficiaries are individuals C and D. The partners of X are E, an individual, and Partnership Y whose partners are individuals F, G, and H. U and X properly disclose the identity of their partners. W, however, discloses the identity of only A and B, and Y discloses the identity of only F and G. The period of limitation described in paragraph (a) of this section for items attributable to U does not expire with respect to T, C, D, and H until one year after the chain of ownership linking these taxpayers with U is fully disclosed.

(c) *Federally registered partnership—*(1) *In general.* With respect to any partnership taxable year, a federally registered partnership is any partnership—

(i) Interests in which have been offered for sale at any time during the taxable year or a prior taxable year in an offering required to be registered with the Securities and Exchange Commission, or

(ii) Which, at any time during the taxable year or a prior taxable year, was subject to the annual reporting requirements of the Securities and Exchange Commission which relate to the protection of investors in the partnership.

For purposes of the preceding sentence an interest is "offered for sale" when it is the subject of an "offer for sale" as that term is used in section 2 of the Securities Act of 1933 (15 U.S.C. 77b).

(2) *Certain reporting requirements not taken into account.* A requirement to file reports with the Securities and Exchange Commission for any purpose other than to protect investors does not cause the partnership to be treated as a federally registered partnership. For example, a brokerage firm organized as a partnership is not a federally registered partnership merely because it files reports required by the Commission for regulatory purposes.

(d) *Extension by agreement—*(1) *In general.* Any general partner of a federally registered partnership (or any other person authorized by the partnership) may, prior to the expiration of the limitation period described in paragraph (a) of this section, extend the period for assessing a deficiency attributable to a partnership item for any period of time agreed upon in writing. The extension shall become effective when the agreement has been executed by the district director or the service center director and shall be binding on all persons whose liability for tax imposed by subtitle A is affected in whole or in part by partnership items flowing from the partnership.

(2) Authorization of other persons. The partnership may authorize persons other than the general partners to extend the period of limitation for assessing a deficiency attributable to a partnership item. This authorization shall be in writing, shall clearly identify the person being authorized and the action being authorized, and shall be signed by all the general partners. The authorization shall become effective when filed with the district director and shall remain in effect until a written revocation signed as provided in the preceding sentence is filed.

(3) Removing authority of general partners. A partnership wishing to deny to some or all of the general partners the authority to execute an agreement extending the period of limitation for assessment may do so by submitting a written statement to that effect. The statement shall either identify the partners exclusively authorized to execute such an agreement or declare that one or more named partners or all partners lack the authority to execute such an agreement. The statement shall be signed by all the general partners. The statement shall become effective when filed with the district director and shall remain in effect until a statement revoking or superseding it and signed as provided in the preceding sentence is filed.

(e) Special period of limitation with respect to carryback of net operating loss, capital, loss, etc. The provisions of section 6501(o) must also be taken into account in applying the various special periods of limitation prescribed in sections 6501 (h), (i) and (j). Thus, to the extent that a carryback is attributable to a partnership item of a federally registered partnership, the period for assessing a deficiency attributable to that carryback shall not expire before the date determined under paragraph (a) of this section with respect to the partnership taxable year in which the item arose.

(f) Otherwise applicable limitation period. The special provisions of section 6501(o) and this section do not terminate any otherwise applicable period for assessing a deficiency. Thus, the fact that more than 4 years have elapsed since the filing of the partnership return for the year in issue does not prevent assessment against a partner, based on partnership items if an otherwise applicable period of limitation for the partner has not yet expired

Example. Partnership V files its return for the taxable year ending December 31, 1980, on April 15, 1981. A, a partner in Partnership V, agrees to extend the assessment period for A's taxable year ending December 31, 1980, until September 30, 1985. The partnership does not agree to any extension under section 6501(o)(3) so that the period for assessing a deficiency attributable to partnership items could expire on April 15, 1985. A deficiency may be assessed against A for 1980 at any time prior to October 1, 1985, even if that deficiency is based on partnership items.

(g) *Effective date.* This section and § 301.6501(o)–3 are effective generally for partnership items arising in partnership taxable years beginning after December 31, 1978 and before September 4, 1982. This section shall not apply, however, to any partnership taxable year with respect to which the amendments made to Code section 6501(o) by section 402 of the Tax Equity and Fiscal Responsibility Act of 1982 are effective. See section 407(a)(3) of that Act.

§ 301.6501(o)–3 Partnership items.

(a) *Partnership item defined.* For purposes of section 6501(o) (as it read before the enactment of the Tax Equity and Fiscal Responsibility Act of 1982), § 301.6501(o)–2, and § 301.6511(g)–1, the term "partnership item" means—

(1) Any item required to be taken into account for the partnership taxable year under any provision of subchapter K of chapter 1 of the Code, to the extent that the item is designated in paragraph (b) of this section as more appropriately determined at the partnership level than at the partner level, and

(2) Any other item to the extent affected by an item described in paragraph (b) of this section.

The items described in paragraph (a)(2) of this section include items related to the partnership (for example, a partner's basis in the partnership interest) as well as more general items whose computation may be affected by changes to items described in paragraph (b) of this section (for example, adjusted gross income, self-employment tax, income averaging, medical deduction, and charitable contribution deduction).

(b) *Items more appropriately determined at the partnership level.* The following items which are required to be taken into account for the taxable year of a partnership under subchapter K of chapter 1 of the Code are more appropriately determined at the partnership level than at the partner level:

(1) The partnership aggregate and each partner's share of each of the following:

(i) Items of income, gain, loss, deduction, or credit of the partnership;

(ii) Expenditures by the partnership not deductible in computing its taxable income (for example, foreign taxes and charitable contributions);

(iii) Items of the partnership which may be tax preference items under section 57(a) for any partner;

(iv) Income of the partnership exempt from tax;

(v) Partnership liabilities (including determinations with respect to the amount of the liabilities, whether the liabilities are nonrecourse, and changes from the preceding taxable year); and

(vi) Other amounts with respect to partnership investments, transactions, and operations necessary to enable partners to compute—

(A) The credit provided by section 38;

(B) Recapture under section 47 of the credit provided by section 38,

(C) Their amounts at risk in any activity to which section 465 applies, and

(D) The depletion allowance under section 613A with respect to oil and gas wells;

(2) Guaranteed payments;

(3) Optional adjustments to the basis of partnership property pursuant to an election under section 754 (including necessary preliminary determinations, such as the determination of a transferee partner's basis in a partnership interest); and

(4) To the extent that the determination can be made from determinations that are necessary at the partnership level with respect to an amount, the character of an amount, or the percentage interest of a partner in the partnership for purposes of the partnership books and records or for purposes of furnishing information to a partner—

(i) Contributions to the partnership;

(ii) Distributions from the partnership;

(iii) Amounts to be taken into account by a partner dealing with the partnership in a transaction to which section 707(a) applies (including the application of section 707(b));

(iv) The application to the distributee partner of section 751(b); and

(v) The application to the transferor partner of section 751(a).

(c) *Illustrations.* This paragraph (c) illustrates the provisions of paragraph (b)(4) of this section. The factors enumerated are not exhaustive; there may be additional partnership-level determinations with respect to a determination listed in paragraph (b)(4) of this section.

(1) *Contributions.* For purposes of its books and records, or for purposes of furnishing information to a partner, the partnership needs to determine:

(i) The character of an amount received from a partner (for example, whether it is a contribution, a loan, or a repayment of a loan);

(ii) The amount of money contributed by a partner;

(iii) The applicability of the investment company rules of section 721(b) with respect to a contribution; and

(iv) The basis to the partnership of contributed property. To the extent that a determination with respect to a contribution can be made from these and similar partnership-level determinations, therefore, the determination is more appropriately made at the partnership level. To the extent that that determination requires other information, however, that determination is more appropriately made at the partner level. For example, it may be necessary to determine whether the contribution of the property causes recapture from the contributing partner of the credit provided under section 38 in certain circumstances in which that determination is irrelevant to the partnership.

(2) *Distribution.* For purposes of its books and records, or for purposes of furnishing information to a partner, the partnership needs to determine:

(i) The charter of an amount transferred to a partner (for example, whether it is a distribution, a loan, or a repayment of a loan);

(ii) The amount of money distributed to a partner;

(iii) The adjusted basis to the partnership of distributed property; and

(iv) The character of partnership property (for example, whether an item is inventory or a capital asset). To the extent that a determination with respect to a distribution can be made from these and similar partnership-level determinations, therefore, the determination is more appropriately made at the partnership level. To the extent that that determination requires other information, however, that determination is more appropriately made at the partnership level. Such other information would include certain factors used in determining the partner's basis for the partnership interest, such as the amount that the partner paid to acquire the partnership interest from a transferor partner if that transfer was not covered by an election under section 754.

(3) *Transactions to which section 707(a) applies.* For purposes of its books and records, the partnership needs to determine:

(i) The amount transferred from the partnership to a partner or from a partner to the partnership in any transaction to which section 707(a) applies;

(ii) The character of such an amount (for example, whether or not it is a loan; in the case of amounts paid over time for the purchase of an asset, what portion is interest); and

(iii) The percentage of the capital interests and profits interests in the partnership owned by each partner. To the extent that a determination with respect to a transaction to which section 707(a) applies can be made from these and similar partnership-level determinations, therefore, that determination is more appropriately made at the partnership level. To the extent that the determination requires other information, however, that determination is more appropriately made at the partner level. Examples of such other information are the cost to the partner of goods sold to the partnership and the extent to which the partner may be treated under section 267(c) as the constructive owner of a capital or profits interest actually owned by another.

(4) *Application of section 751.* For purposes of its books and records, or for purposes of furnishing information to a partner for use in applying section 751, the partnership needs to determine:

(i) The fair market value and adjusted basis of the partnership's—

(A) Unrealized receivables (within the meaning of section 751(c)),

(B) Substantially appreciated inventory (within the meaning of section 751(d)), and

(C) Other property;

(ii) A partner's share of each of the classes of assets described in paragraph (c)(3)(i) of this section; and

(iii) Whether a distribution to a partner is a disproportionate distribution subject to section 751(b).

To the extent that a determination with respect to the application of section 751 can be made from these and similar partnership-level determinations, therefore, that determination is more appropriately made at the partnership level. To the extent that the determination requires other information, however, that determination is more appropriately made at the partner level. An example of such other information is the amount realized by a partner on the sale of a partnership interest.

Par. 2. A new § 301.6511(g)–1 is added to read as follows:

§ 301.6511(g)–1 Special rule for partnership items of federally registered partnerships.

(a) *In general.* In the case of any tax imposed by subtitle A with respect to any person, the period for filing a claim for credit or refund of any overpayment attributable to any partnership item of a federally registered partnership shall not expire before the later of—

(1) The date which is 4 years after the date prescribed by law (including extensions thereof) for filing the partnership return for the partnership taxable year in which the item arose, or

(2) If the taxpayer or a general partner or a person authorized to act on behalf of the partnership, as provided in § 301.6501(o)–2(d), consents to extend the period for assessing a deficiency attributable to the partnership item before the date specified in paragraph

(a)(1) of this section, the date 6 months after the expiration of the extension.

(b) *Limits on amount of credit or refund not applicable.* In the case of a claim for credit or refund of any income tax overpayment attributable to any partnership item of a federally registered partnership, the limitations provided in section 6511(b) (2) and (c) shall not apply if the claim is filed within the period described in paragraph (a) of this section.

(c) *Special periods of limitation with respect to carryback of net operating loss, capital loss, etc.* The provisions of section 6511(g) must also be taken into account in applying the various special periods of limitation prescribed in section 6511(d). Thus, to the extent that a carryback is attributable to a partnership item of a federally registered partnership, the period for filing a claim for credit or refund of an overpayment attributable to that carryback shall not expire before the date determined under paragraph (a) of this section with respect to the partnership taxable year in which the item arose.

(d) *Definitions.* For purposes of this section, the terms "partnership item" and "federally registered partnership" have the same meaning as such terms have when used in section 6501(o), § 301.6501(o)–2(c), and § 301.6501(o)–3.

(e) *Effective date.* The provisions of this section are effective generally for partnership items arising in partnership taxable years beginning after December 31, 1978 and before September 4, 1982. This section shall not apply, however, to any partnership taxable year with respect to which the amendments made to Code section 6511(g) by section 402 of the Tax Equity and Fiscal Responsibility Act of 1982 are effective. See section 407(a)(3) of that Act.

[FR Doc. 83–10046 Filed 4–14–83; 8:45 am]
BILLING CODE 4830–01–M

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[T.D. ATF–131; Reference Notice No. 431]

Arroyo Seco Viticultural Area

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: Final rule, Treasury decision.

SUMMARY: This final rule establishes an American viticultural area in Monterey County, California, known as "Arroyo Seco." The establishment of viticultural areas and the use of viticultural area names in wine labeling and advertising will allow wineries to designate the specific grape-growing area where their wines come from, and will help consumers to identify the wine they purchase.

EFFECTIVE DATE: May 16, 1983.

FOR FURTHER INFORMATION CONTACT: Charles N. Bacon, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226, Telephone: 202–566–7626.

SUPPLEMENTARY INFORMATION:

Background

ATF regulations in 27 CFR Part 4 allow the establishment of definite viticultural areas. These regulations also allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements. Section 9.11, Title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features. Approved American viticultural areas are listed in 27 CFR Part 9.

Section 4.25a(e)(2) outlines the procedures for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area.

ATF was petitioned by the Arroyo Seco Winegrowers and Vintners, an association composed of grapegrowers and vintners with vineyards in the Arroyo Seco area, to establish a viticultural area within Monterey County, California known as "Arroyo Seco." In response to their petition, ATF published a notice of proposed rulemaking, Notice No. 431, in the **Federal Register** on November 3, 1982 [47 FR 49860] proposing the establishment of the Arroyo Seco viticultural area.

General Description of Arroyo Seco

The Arroyo Seco viticultural area is a triangular shaped area adjacent to the Arroyo Seco Creek which flows into the Salinas River near Soledad. The total area comprising the Arroyo Seco viticultural area is 28.5 square miles or 18,240 acres. Within the area there are about 8,500 acres of vineyards and two bonded wineries.

Supporting Evidence

Name. Arroyo Seco is the name given to a land grant and rancho existing in the vicinity of the viticultural area. Arroyo Seco, meaning "dry-creek" is the name of the creek flowing through the viticultural area. Vineyards were first planted in this area in 1962 by Mirassou Sales, a San Jose Winery. In 1963, Wente Brothers of Livermore, California, planted vineyards along the Arroyo Seco Creek which are known as Wente's Arroyo Seco Vineyards. Since 1963, many other vineyards have been planted in this region and Arroyo Seco has been used in numerous magazines, newspapers, and wine publications in describing wines from this region.

Geographical features. Topography distinguishes the Arroyo Seco viticultural area from surrounding areas. This area consists of sloping bench land surrounding the Arroyo Seco Creek. The highest elevations of over 600′ occur to the west on the Sierra de Salinas, foothills of the Santa Lucas Mountains. A ridgeline of between 500′ and 300′ in elevation separates Arroyo Seco from areas immediately to the south. From these elevations, the area slopes gradually downward to the lowest points of 180′ elevation on the north along the Arroyo Seco Creek, and 220′ elevation on the west along the Salinas River. It is this sloping bench land high above the Salinas River which provides adequate drainage and freedom from frost for area vineyards.

Climate. The climate of the Arroyo Seco area is unique in amount of rainfall, temperature range, and the variability of the winds.

The major climatic influences are the Pacific Ocean and Monterey Bay. To the west, the Santa Lucas Mountains block damaging Pacific rains from the area. Winds off Monterey Bay, however, blow down the Salinas River, cooling the valley and providing a moderate climate. The cooling effects of the wind make the northern Salinas Valley quite cold. Gonzales is classified as Region I on the scale developed by Winkler and Amerine to measure degree days, with 2350 degree days. In the Arroyo Seco area, the climate is considered Region II. Soledad, to the immediate north, registers 2880 degree days while Wente's Arroyo Seco Vineyards average between 1875 and 2250 degree days. The cooling effect of the wind diminishes further south. King City averages 3150 degree days, placing it in Region III while San Miguel is classified as Region IV. The growing season is approximately 245 days.

Rainfall is sparse in the Arroyo Seco viticultural area. Soledad averages just 9.5 inches per year, less than received to the north where Salinas averages 13.7 inches and Gonzales 12.3 inches per year. Because of the sparse rainfall, all vineyards within the Arroyo Seco region irrigate, using water from Arroyo Seco Creek rather than from the Salinas River.

Soils. The soils in the Arroyo Seco area consist of a series of gravelly and

fine sandy loams well suited to the cultivation of grapes. The viticultural area is an alluvial fan formed by well drained soils with slopes ranging from 0 to 9 percent. Principal soil series include Mocho, Lockwood, Arroyo Seco, Rincon, Elder, and Chular. The prominent soils, Chular and Arroyo Seco, are coarse sandy loams derived from decomposed granite washed down from the Gavilan Mountains. These soils are gravelly and low in lime content similar to the vineyards in the Medoc and Graves districts of Bordeaux, and to the better vineyards in the Palatinate.

Viticultural history. Wine grapes were first planted in the vicinity of Arroyo Seco between 1830 and 1840 at the nearby Mission Soledad. Winegrowing, however, never became important in Monterey County because it was considered a "poor area" for viticulture. Strong winds off Monterey Bay and the arid climate of the Salinas River Valley deterred the planting of wine grapes. During Prohibition, only 400 acres of vineyards survived in Monterey County, and this acreage was halved in the years following Repeal.

It was not until the early 1960's that vineyards were planted in the Arroyo Seco region. Three wineries, Paul Masson, Wente Brothers, and Mirassou, feeling the effects of urbanization in Santa Clara and Alameda Counties, began searching for new areas in California in which to plant vineyards. These wineries noted the conclusion of a report prepared by professors Maynard Amerine and A. J. Winkler of the University of California. Their report concluded that Monterey County contained Region I and II climatic areas and was suited to the growing of premium quality grapes.

Acting on the recommendations contained within the Amerine-Winkler report, Paul Masson and Mirassou planted vineyards between Soledad and Greenfield in 1962, and in 1963 Wente Bros. planted vineyards along the Arroyo Seco Creek west of Greenfield. The first wines were produced from Arroyo Seco grapes in 1966.

Since 1962, nearly 8,500 acres of premium varietal grapes have been planted in the Arroyo Seco viticultural area including Pinot Blanc, Riesling, Gewurztraminer, Chardonnay, Gamay, Cabernet Sauvignon, Petit Sirah, and Sauvignon Blanc.

No Comments Received

The notice of proposed rulemaking, Notice No. 431, contained a 45 day comment period. No comments were received during this comment period. Based on the information contained in the petition, the Arroyo Seco viticultural area is established as proposed.

The exact boundaries of the Arroyo Seco viticultural area are described in the regulatory text of § 9.59, and are unchanged from those proposed.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this final rule because it will not have a significant economic impact on a substantial number of small entities. This rule will allow the petitioner and other persons to use an appellation of origin, "Arroyo Seco," on wine labels and in wine advertising. This final rule is not expected to have significant secondary or incidental effects on a substantial number of small entities, or impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

Accordingly, it is hereby certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that this final rule will not have a significant economic impact on a substantial number of small entities.

Compliance With Executive Order 12291

It has been determined that this final rule is not a "major rule" within the meaning of Executive Order 12291 of February 17, 1981, because it will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Drafting Information

The principal author of this final rule is Charles N. Bacon, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 9

Administrative practice and procedure, Consumer protection, Viticultural areas, Wine.

Authority and Issuance

Accordingly, under the authority contained in 27 U.S.C. 205, the Director is amending 27 CFR Part 9 as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The table of sections in 27 CFR Part 9 is amended by adding § 9.59. As amended, the table of sections reads as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *

9.59 Arroyo Seco.

* * * * *

Par. 2. Subpart C is amended by adding § 9.59. As added, § 9.59 reads as follows:

§ 9.59 Arroyo Seco.

(a) *Name.* The name of the viticultural area described in this section is "Arroyo Seco."

(b) *Approved maps.* The appropriate maps for determining the boundaries of the Arroyo Seco viticultural area are four U.S.G.S. quadrangle maps. They are entitled:

(1) "Greenfield, California," 7.5 minute series, edition of 1956;

(2) "Paraiso Springs, California," 7.5 minute series, edition of 1956;

(3) "Soledad, California," 7.5 minute series, edition of 1955; and

(4) "Sycamore Flat, California," 7.5 minute series, edition of 1956 (photoinspected 1972).

(c) *Boundaries.* The Arroyo Seco viticultural area is located in Monterey County, California. The beginning point is found on the "Sycamore Flat" U.S.G.S. map at the junction of Arroyo Seco Road and the Carmel Valley Road (indicated as the Jamesburg Road on the map).

(1) Then east following Arroyo Seco Road to the southwest corner of Section 22, T. 19 S., R. 5 E.

(2) Then east following the southern boundaries of Sections 22, 23, 24, 19, and 20 to the southeastern corner of Section 20, T. 19 S., R. 6 E.

(3) Then northeast in a straight line for approximately 1.3 miles to the summit of Pettits Peak.

(4) Then northeast in a straight line for approximately 1.8 miles to the point where the 400' contour line intersects the northern boundary of Section 14, T. 19 S., R. 6 E.

(5) Then east following the 400' contour line to a point immediately west of the Reservoir within the Posa de los Ositos Land Grant.

(6) Then following the ridge line in a northeasterly direction for approximately 7.5 miles to U.S. Highway 101 at the intersection of Underwood Road.

(7) Then east following Underwood Road to its intersection with the Posa de los Ositos Land Grant.

(8) Then north following the boundary of the Posa de los Ositos Land Grant to the west bank of the Salinas River.

(9) Then northwest following the west bank of the Salinas River to the southern boundary of Section 17, T. 18 S., R. 7 E.

(10) Then due west for approximately 2.0 miles following the southern boundary of Section 17, and continuing to U.S. Highway 101.

(11) Then following U.S. Highway 101 in a northwesterly direction to its intersection with Paraiso Road.

(12) Then south following Paraiso Road to the intersection with Clark Road.

(13) Then south in a straight line for approximately 1.8 miles to the northeast corner of Section 5, T. 19 S., R. 6 E.

(14) Then due south following the eastern boundaries of Sections 5, 8, and 17, to Arroyo Seco Road.

(15) Then southwest in a straight line for approximately 1.0 mile to Bench Mark 673.

(16) Then west in a straight line for approximately 1.8 miles to Bench Mark 649.

(17) Then northwest in a straight line for approximately 0.2 mile to the northeast corner of Section 23, T. 19 S., R. 5 E.

(18) Then west following the northern boundaries of Section 23 and 22 to the northwest corner of Section 22, T. 19 S., R. 5 E.

(19) Then south in a straight line for approximately 1.0 mile to the point of beginning.

Signed: March 21, 1983.

Stephen E. Higgins,

Acting Director.

Approved: March 31, 1983.

David Q. Bates,

Deputy Assistant Secretary (Operations).

[FR Doc. 83-10112 Filed 4-14-83; 8:45 am]

BILLING CODE 4810-31-M

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27 CFR Part 9

[T.D. ATF-130; Reference Notice No. 400]

Cole Ranch Viticultural Area

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury.

ACTION: Final rule, Treasury decision.

SUMMARY: This final rule establishes a viticultural area in Mendocino County, California, named "Cole Ranch." The Bureau of Alcohol, Tobacco and Firearms (ATF) believes that the establishment of "Cole Ranch" as a viticultural area and its subsequent use as an appellation of origin on wine labels and in wine advertisements will allow wineries to better designate, and help consumers to better identify, the wines from this distinctive grape-growing area.

EFFECTIVE DATE: May 16, 1983.

FOR FURTHER INFORMATION CONTACT: Steve Simon at (202) 566-7626.

SUPPLEMENTARY INFORMATION:

Background

ATF regulations in 27 CFR Part 4 allow the establishment of definite viticultural areas and the use of an approved viticultural area as an appellation of origin on wine labels and in wine advertisements. In 27 CFR 4.25a(e)(1) and 9.11, the term "viticultural area" is defined as a delimited, grape-growing region distinguishable by geographical features. In 27 CFR 4.25a(e)(2), procedures for proposing an American viticultural area are outlined. Those procedures allow any interested person to submit a petition for establishment of an American viticultural area.

In response to a petition from the proprietor of Cole Ranch in Ukiah, California, ATF published a notice of proposed rulemaking, Notice No. 400, in the **Federal Register** on December 4, 1981 (46 FR 59273), which proposed the "Cole Ranch" viticultural area in Mendocino County, California. ATF solicited public comment concerning the proposed area.

Only one comment was received in response to this notice: Fetzer Vineyards, Redwood Valley, California, which supported the proposal to establish "Cole Ranch" as a viticultural area. Fetzer Vineyards and several other wineries purchase grapes from this viticultural area. Both Fetzer Vineyards and Chateau St. Jean label their wines produced from these grapes with a "Cole Ranch" appellation. Other wineries which purchase grapes from the Cole Ranch vineyard are Parson's Creek Winery, Souverain Cellars, Navarro Winery, Husch Vineyards, Frei Brothers Winery and Dolan Vineyard. The information furnished by the petitioner and the supporting comment were sufficient for ATF to make a final decision concerning the establishment of "Cole Ranch" as a viticultural area.

Evidence of Name

The "Cole Ranch" viticultural area is located in a small, narrow mountain valley most of which is on the 500-acre ranch owned by the Cole family. The valley is approximately one mile in length and a half mile across at its widest point. It contains approximately 150 acres of land. Small areas of this valley are owned by neighboring property owners whose statements, supporting the petition, were submitted to ATF by the petitioner. At least one of those other owners has enough land for potential commercial vineyard development. The only grape grower at present, however, is the Cole family. Vines were planted in 1973, and grapes were first harvested in 1975. Now there are 61 acres planted with Cabernet Sauvignon, Johannisberg Riesling, and Chardonnay grapes.

The small valley comprising this viticultural area has no name on a map. In viticultural circles, however, the area has become well-known by the name of "Cole Ranch," after the name of the property in which it primarily lies. As mentioned, several nationally marketed wines have had the designation "Cole Ranch" appear prominently on their lables. Various publications on wine production also refer to the area as "Cole Ranch" or "Cole Vineyard" and have given the name national exposure.

ATF has reservations about approving a viticultural area named after someone's private ranch or vineyard. Normally, it would not be best to designate (or appear to designate) a ranch or vineyard as a viticultural area, even if shown to be different from the surrounding area, as long as there is any other name by which the viticultural area is known. In the case of "Cole Ranch," however, there is no such other name. "Cole Ranch" meets the regulatory criteria for a viticultural area, and no one objected to the proposed name during the comment period.

Geographical Evidence

In accordance with 27 CFR 4.25a(e)(2), a viticultural area must also possess geographical features which distinguish the viticultural features of the area from those of surrounding areas.

Evidence submitted by the petitioner shows that "Cole Ranch" is isolated by topography from other grape-growing areas and is extremely limited in size by both topography and soils. The area is a tiny valley surrounded by the steep mountains of the Coastal Ranges. The nearest other vineyard is 1½ miles away and 800 feet lower in elevation. The soils of the "Cole Ranch" viticultural area range from deep, gravelly clay loam to shallow, gravelly silty clay, and are distinguishable from the mountain soils of the immediately surrounding area.

AFT believes that the valley floor elevation of "Cole Ranch" at 1400 feet and its geographical location in a

narrow coastal mountain valley 25 miles from the Pacific Ocean give the area a climate distinguishable from surrounding areas. "Cole Ranch" viticultural area is generally cooler than nearby grape-growing areas to the east, and warmer than those to the west. However, at the beginning and end of the growing season, "Cole Ranch" is cooler than surrounding areas both to the east and to the west. Thus the temperature pattern of "Cole Ranch" is unique. In addition, "Cole Ranch" receives on an average more rainfall (normally 40–45 inches) than the neighboring Ukiah area (normally 32 inches).

Boundaries

ATF is approving the "Cole Ranch" viticultural area boundaries as proposed by the petitioner. Based on features which can be found on a United States geological survey map, the boundaries follow the contour line at an elevation of 1,480 feet, the north line of section 19 and the local Boonville-Ukiah Cutoff Road.

Miscellaneous

ATF does not wish to give the impression that, by approving "Cole Ranch" as a viticultural area, it is approving the quality of the wine from that area or endorsing the wine. ATF is approving the area as being viticulturally distinct from surrounding areas, not better than other viticultural areas. By approving "Cole Ranch," wine producers are allowed to claim a distinction on labels and advertisements as to the origin of the grapes. ATF will not allow statements or claims that these wines are better because they originated from an approved viticultural area. Any commercial advantage gained can only be substantiated by consumer acceptance of "Cole Ranch."

Compliance With Executive Order 12291

It has been determined that this final rule is not a "major rule" within the meaning of Executive Order 12291, 46 FR 13193 (1981), because it will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

The notice of proposed rulemaking which resulted in this final rule contained a certification under section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that, if promulgated as a final rule, it would not have a significant impact on a substantial number of small entities. The requirements in 5 U.S.C. 603 and 604 for a final regulatory flexibility analysis, therefore, do not apply to this final rule.

List of Subjects in 27 CFR Part 9

Administrative practice and procedure, Consumer protection Viticultural areas, Wine.

Drafting Information

The principal authors of this final rule are Joan Deerwester, Armida N. Stickney, and Steve Simon, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms. Other personnel in offices of ATF and the Department of the Treasury participated in the development of this final rule, both as to matters of substance and style.

Authority and Issuance

This Treasury decision (final rule) is issued under the authority contained in 27 U.S.C. 205 (49 Stat. 981, as amended).

Accordingly, 27 CFR Part 9 is amended by adopting, subject to minor editorial changes, the amendatory language proposed in Notice No. 400 in the **Federal Register** on December 4, 1981, (46 FR 59273) which reads as follows.

PART 9—AMERICAN VITICULTURAL AREAS

1. The table of sections in 27 CFR Part 9 Subpart C, is amended by adding § 9.42 to read as follows:

Subpart C—Approved American Viticultural Areas

* * * * *

9.42 Cole Ranch.

* * * * *

2. Subpart C is amended by adding § 9.42 to read as follows:

§ 9.42 Cole Ranch.

(a) *Name.* The name of the viticultural area described in this section is "Cole Ranch."

(b) *Approved map.* The approved map for the Cole Ranch viticultural area is the U.S.G.S. map entitled "Elledge Peak Quadrangle California—Mendocino County," 7.5 minute series (topographic), 1958.

(c) *Boundaries.* The boundaries of the Cole Ranch viticultural area are located in Mendocino County California and are as follows:

(1) The point of beginning is the intersection of the 1480-foot-elevation contour line with the Boonville-Ukiah Cutoff Road near the southest coner of section 13;

(2) The Boundary follows the 1480-foot-elevation contour line southerly, then easterly, within section 24, then easterly and northwesterly within section 19 to its first intersection with this section line. The boundary proceeds due west on the north section line of section 19 until it intersects with the Boonville-Ukiah Cutoff Road;

(3) The boundary follows this road northwesterly to the point of beginning.

Signed: March 21, 1983.

Stephen E. Higgins,

Acting Director.

Approved: March 31, 1983.

David Q. Bates,

Deputy Assistant Secretary (Operations)

[FR Doc. 83-10111 Filed 4-14-83; 8:45 am]

BILLING CODE 4810-31-M

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27 CFR Part 9

[T.D. ATF-129; Reference Notice 415]

North Fork of Roanoke Viticultural Area

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury.

ACTION: Final rule, Treasury decision.

SUMMARY: This final rule establishes a viticultural area in parts of Roanoke and Montgomery Counties in southern Virginia to be known as "North Fork of Roanoke." The Bureau of Alcohol, Tobacco and Firearms (ATF) believes the establishment of North Fork of Roanoke as a viticultural area and its subsequent use as an appellation of origin on wine labels and in wine advertisements will allow wineries to better designate the specific grape-growing area where their wines come from and will enable consumers to better identify the wines they may purchase.

EFFECTIVE DATE: May 16, 1983.

FOR FURTHER INFORMATION CONTACT: James A. Hunt, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226 (202–566–7626).

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF–53 (43 FR 37672, 54624) revising regulations in 27 CFR

Part 4 allowing the establishment of definite viticultural areas. These regulations also allow the name of an approved viticultural area to be used as an appellation of origin in wine labeling and advertising. On October 2, 1979, ATF published Treasury Decision ATF-60 (44 FR 56692) which added a new Part 9 to 27 CFR for the listing of approved viticultural areas.

Section 9.11, Title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical characteristics. Section 4.25a(e)(2) outlines the procedure for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area.

MJC Vineyard in Blacksburg, Virginia, petitioned ATF to establish a viticultural area to be named "North Fork of Roanoke."

In response to this petition, ATF published a notice of proposed rulemaking, Notice No. 415, in the Federal Register on July 27, 1982 (47 FR 32448), proposing the establishment of the North Fork of Roanoke viticultural area.

Historical and Current Evidence of the Name

The name of the area, North Fork of the Roanoke, is taken from the river which runs through the viticultural area. The petitioner submitted evidence to show the name has its origin back to the early settlers and that the name North Fork of Roanoke is established today as a recreation area. The petitioner and other commenters requested the name be shortened to North Fork of Roanoke.

Geographical Features

The petitioner established that the viticultural area is well defined geographically because the North Fork of the Roanoke River flows southwesterly for ½ its length, then reverses its direction around Pearis Mountain and flows northeasterly an additional 10 miles to form the main body of the Roanoke River. The viticultural area is bounded on the west by the Alleghany Mountain ridges of the Eastern Continental Divide, on the south by the Pedler Hills, and on the north and east by the Pearis and Ft. Lewis Mountains.

The petitioner submitted data to distinguish the features of the viticultural area from surrounding areas as follows:

(a) *Elevation*—The valley floor of the North Fork begins in Roanoke County at an elevation of 1800 feet. As the river flows through Montgomery County it falls 600 feet before reentering Roanoke County to form the main body of the Roanoke River. Both the Pearis and Ft. Lewis Mountains overlook the North Fork. These rise to elevations of 3100 feet. The viticulturally significant part however, is an uneven but frost free area between 1700 and 2100 feet of elevation on the southeast facing slopes of the Continental Divide and lower fringe of the north facing slopes of Pearis Mountain.

(b) *Soil*—The viticulturally productive slopes are principally made up of Frederick and Poplimento soils with limestone characteristics of the southeast facing slopes and limestone/sandstone layers characteristic of the north facing slopes. The soil in the viticultural area is significantly different than that found in the surrounding hills and ridges. On the north and west are the Alleghany ridges and the Jefferson National Forest which are largely unsuited for agriculture.

(c) *Climate*—The micro climate for grape production in the viticultural area is excellent due largely to the protection the valley derives from its location between two high ranging, parallel and northwest facing mountain ridges. The mountains protect the valley and its southeast facing slopes from destructive storms and limit excessive rainfall in the growing season. The average rainfall in the viticultural area is 39.5 inches as contrasted with 44 inches and more annually in the western mountains. Air and soil drainage on the slopes are good. Prevailing westerlies wash out potentially troubling pollutants and keep vine diseases to a minimum. An early morning fog from the North Fork characteristically cools the vines in the summer. Despite variations in elevation, the growing season in the North Fork is relatively constant averaging 170 days with a heat summation of about 2800 degree days between the 28 degrees F Spring and Fall frosts. Winters are mild with temperatures below −5 degrees F occuring only every 12 to 15 years with a 150 year record low of −16 degrees F in 1977. Summer highs rarely exceed 90 degrees F and the pattern of warm days and cool nights is conducive to wine grape quality.

Comments

The only comments received during the comment period were from the petitioner, a professor from Virginia Polytechnic Institute in Blacksburg, Virginia, and a vineyard owner in the petitioned for area. All three strongly supported establishing the North Fork of the Roanoke viticultural area described in the notice of proposed rulemaking published in the Federal Register on July 27, 1982.

In the notice of proposed rulemaking the question of reducing the size of the proposed North Fork of the Roanoke viticultural area was raised since the area is 22 miles long with only 49 acres of grapes on five vineyards. The commenters opposed reducing the size of the viticultural area because potential sites for grape production are scattered throughout the 22 mile long valley and an estimated 1200 acres could be developed utilizing 15 to 20 acres vineyard sites. The commenters also pointed out that reducing the size of the valley would cause a problem in distinguishing a viticultural area from surrounding areas since the valley as a whole is clearly distinguishable.

The notice of proposed rulemaking also asked for more information regarding the viticultural area name. The commenters stated that the name "North Fork of Roanoke" would be preferred because it is simpler and shorter.

Because of comments, the petitioned-for boundaries are approved without change and the name of the viticultural area will be "North Fork of Roanoke."

Miscellaneous

ATF does not wish to give the impression by approving North Fork of Roanoke viticultural area that it is approving or endorsing the quality of the wine from this area. ATF is approving this area as being viticulturally distinct and not better than other areas. By approving the area, wine producers are allowed to claim a distinction on labels and advertisements as to origin of the grapes. Any commercial advantage gained can only come from consumer acceptance of North Fork of Roanoke wines.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to a final regulatory flexibility analysis (5 U.S.C. 604) are not applicable to this final rule because it will not have a significant economic impact on a substantial number of small entities. The final rule will not impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities. The final rule is not expected to have significant secondary or incidental effects on a substantial number of small entities.

Accordingly, it is hereby certified under the provisions of Section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that this final rule will not have

a significant economic impact on a substantial number of small entities.

Executive Order 12291

It has been determined that this final rule is not a "major rule" within the meaning of Executive Order 12291 of February 17, 1981, because it will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Disclosure

A copy of the petition and the comments received are available for inspection during normal business hours at the following location: ATF Reading Room, Room 4405, Office of Public Affairs and Disclosure, 12th and Pennsylvania Avenue, NW, Washington, DC.

Drafting Information

The principal author of this document is James A. Hunt, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 9

Administrative practice and procedure, Consumer protection, Viticultural areas, Wine.

Authority and Issuance

Accordingly, under the authority contained in Section 5 of the Federal Alcohol Administration Act (45 Stat. 981, as amended; 27 U.S.C. 205), 27 CFR Part 9 is amended as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The table of sections in 27 CFR Part 9, Subpart C, is amended to include the title of §9.65 as follows:

SUBPART C—Approved American Viticultural Areas

Sec.

* * * * *

9.65 North Fork of Roanoke.

Paragraph 2. Subpart C is amended by adding § 9.65 to read as follows:

Subpart C—Approved American Viticultural Areas

§ 9.65 North Fork of Roanoke.

(a) *Name.* The name of the viticultural area described in this section is "North Fork of Roanoke."

(b) *Approved maps.* The appropriate maps for determining the boundaries of the North Fork of Roanoke viticultural area are 7.5 minute series 1965 U.S.G.S. Virginia maps titled: Looney Quadrangle, McDonalds Mill Quadrangle, Glenbar Quadrangle, Elliston Quadrangle, Ironto Quadrangle, Blacksburg Quadrangle, Newport Quadrangle and Craig Springs Quadrangle.

(c) *Boundaries.* The North Fork of Roanoke viticultural area is located in parts of Roanoke and Montgomery Counties in southern Virginia. The point of beginning is in the north at the intersection of State Routes 785 and 697 in Roanoke County. The line follows State Route 697 northeast over Crawford Ridge to the intersection at State Route 624. The viticultural area line turns southwest on State Route 624 along the boundary of the Jefferson National Forest and then continues across the Montgomery County line to U.S. 460 (business). The line follows U.S. 460 (business) south through the town of Blacksburg. The line then continues on U.S. 460 (bypass) to the intersection of U.S. 460 east where it turns east for approximately 1 mile to the intersection of U.S. Interstate Highway 81 at Interchange 38 at State Route 629, then follows State Route 629 (which later becomes State Route 622 north of Bradshaw Creek) 2 miles across the Roanoke County line to where it intersects the Chesapeake and Potomac Telephone Company right-of-way. The line then turns northwest along the C & P right-of-way over Pearis Mountain to the point where the right-of-way intersects State Route 785, one quarter mile northeast of the intersection of State Routes 785 and 697 and then follows State Route 784 back to the starting point.

Signed: March 18, 1983.

Stephen E. Higgins,

Acting Director.

Approved: March 31, 1983.

David Q. Bates,

Deputy Assistant Secretary (Operations).

[FR Doc. 83-10110 Filed 4-14-83; 8:45 am]
BILLING CODE 4810-31-M

27 CFR Part 9

[T.D. ATF-132; Reference Notice No. 435]

Santa Ynez Valley Viticultural Area

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: Final rule, Treasury decision.

SUMMARY: This final rule establishes an American viticultural area in Santa Barbara County, California known as "Santa Ynez Valley." The establishment of viticultural areas and the use of viticultural area names in wine labeling and advertising will allow wineries to designate the specific grape-growing area where their wines come from, and will help consumers to identify the wine they purchase.

EFFECTIVE DATE: May 16, 1983.

FOR FURTHER INFORMATION CONTACT: Charles N. Bacon, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226, Telephone: 202-566-7626.

SUPPLEMENTARY INFORMATION:

Background

ATF regulations in 27 CFR Part 4 allow the establishment of definite viticultural areas. These regulations also allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements. Section 9.11, Title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features. Approved American viticultural areas are listed in 27 CFR Part 9.

Section 4.25a(e)(2) outlines the procedure for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area.

ATF was petitioned by the Firestone Vineyard, a bonded winery in Los Olivos, to establish a viticultural area in Santa Barbara County, California, to be known as "Santa Ynez Valley." This viticultural area is a valley contered around the Santa Ynez River, and contains a total of 285 square miles with 1,200 acres of vineyards. In response to this petition, ATF published a notice of proposed rulemaking, No. 435, in the **Federal Register** on November 24, 1982 [47 FR 53048] proposing the establishment of the Santa Ynez Valley viticultural area.

Supporting Evidence

The following evidence was presented in the petition to support the proposed viticultural area.

Name. The name "Santa Ynez" was given to the mission established in 1804 by the first European settlers in the valley. This mission was dedicated to Saint Agnes, and Santa Ynez was the name applied to the town, river, and valley.

Viticultural history. Grape-growing and winemaking were extensive in Santa Barbara County prior to Prohibition. The Santa Ynez Valley itself contained over 5,000 acres of vineyards. However, Prohibition ended the industry in the valley, and vineyards were not replanted after Repeal.

In 1969, the first commercial vineyards since Prohibition were planted just east of Solvang. Additional acreage was planted during the next decade, especially 1972-1973, by winemakers attracted to the climate of the valley, and its remoteness from urban encroachment. Today there are over 20 vineyards encompassing 1,200 acres within the viticultural area, and eight bonded wineries have been established. Major grape varietals include Cabernet Sauvignon, Riesling, Chardonnay, Merlot, Sauvignon Blanc, Gewurztraminer, and Pinot Noir. Commercial production of Santa Ynez Valley wines began in the mid 1970's, and the Santa Ynez Valley, California appellation currently appears on may labels of wines from the region.

Geographical features. Topography and geography distinguish the Santa Ynez Valley viticultural area from surrounding areas. The valley itself surrounds the Santa Ynez River and is defined by mountains to the north and south, by Lake Cachuma and the Los Padres National Forest to the east, and by a series of low hills to the west.

To the north, the Purisima Hills rise from 1,200 to 1,700 feet in elevation, and separate the Santa Ynez Valley from the Los Alamos Valley. Similarly, the San Rafael Mountains separate the valley from the Santa Maria Valley, previously approved as an American viticultural area. These mountains generally range in elevation from 1,400 to 2,600 feet.

The Santa Ynez Mountains on the south separate the Santa Ynez Valley from the Pacific Ocean; these mountains range in elevation from 800 to 2,500 feet. To the west, the Santa Ynez Valley narrows, and the Santa Rita Hills separate it from the Lompoc Valley.

Within the Santa Ynez Valley, the Santa Ynez River flows west, descending in elevation from 750 feet at Lake Cachuma to approximately 125 feet at the extreme western end. Vineyards within the valley range in elevation from 200 to 400 feet for those planted in proximity to the Santa Ynez River, to 1,300–1,500 feet in elevation for vineyards planted in the foothills of the San Rafael Mountains. Around Los Olivos, vineyards range between 650 feet and 900 feet in elevation, those around Santa Ynez are between 500 and 600 feet in elevation, while vineyards planted near Buellton range from 300 to 600 feet in elevation.

Climate. The Santa Ynez Valley is a cool Region II on the scale developed by Winkler and Amerine of the University of California to measure degree days. Solving in the center of the valley registers an average of 2680 degree days. This contrasts with 1970 degree days (Region I) in nearby Lompoc, and with 2820 degree days for Santa Barbara, south of the Santa Ynez Mountains. Within the Santa Ynez Valley, summertime temperatures increase from west to east following the Santa Ynez River upstream.

The Santa Rita Hills to the west block the colder ocean air, prevalent at Lompoc, from entering the Santa Ynez Valley and act to moderate the valley's climate. To the east, the boundary of the viticultural area is drawn along recognizable map features which approximately delineate the cooler temperatures of the Santa Ynez Valley from warmer temperatures further inland.

Rainfall averages 16 inches within the Santa Ynez Valley although it is variable from year to year. Fog also plays an important factor in the climate of the viticultural area by keeping the valley cool and moist during the growing season. Fog is present to elevations of 1,000 to 1,200 feet in the valley and nearly all vineyards are influenced by it.

Soils. Northern Santa Barbara County contains 14 major soil associations, but the Santa Ynez Valley contains only 7 major associations. Vineyard plantings are confined almost entirely to 3 of these soil associations.

The Positas-Ballard-Santa Ynez association consists of well-drained fine sandy loams to clay loams. These soils occur on level to moderately steep slopes in the upper Santa Ynez Valley at elevations of 500 to 1,000 feet.

Another association, the Chamise-Arnold-Crow Hill association, consists of well-drained to excessively well-drained sand loams and clay loams. These soils are found on gentle to very steep slopes on high terraces and uplands. Elevations range from 200 to 1,500 feet.

The Shedd-Santa Lucia-Diablo association consists of steep, well-drained shaly clay loams and silty clay loams. These soils occur on uplands from 200 to 3,000 feet in elevation.

A few vineyards are planted in the Sorrento-Mocho-Camarillo soil association. These soils are nearly level and consist of well-drained to somewhat poorly-drained sandy loams and silty clay loams. They are found on the flood plains and alluvial fans along the Santa Ynez River.

Boundaries. The boundaries of the Santa Ynez Valley viticultural area consist of many land grant and section boundaries. In most cases, these boundaries closely approximate ridgelines, but have been used because they are more easily described on U.S.G.S. maps. The boundaries are fully described in the regulatory text of § 9.54.

Discussion of Comments

In Notice No. 435, ATF requested public comments on the proposed viticultural area. ATF noted that the area, as proposed, contains about 285 square miles, but only 1,200 acres of vineyards, and requested ways in which the proposed area could be reduced in size.

Five comments were received from Santa Barbara County wineries, farms, and consumers. All of these comments favored establishing the Santa Ynez viticultural area as proposed without any reduction in size.

One respondent noted that it would be inappropriate to reduce the area in size since "there are producing vineyards in the furthest extremities of the proposed area." Therefore, reduction in size would necessarily exclude some vineyards from the viticultural area. Another respondent stated that the proposed viticultural area is consistent with the definition of a delimited grape-growing region, and that the proposed area already represents only about one third of the actual Santa Ynez Valley. Finally, another respondent pointed out that if the area were reduced in size, it would prompt the establishment of adjacent viticultural areas which would only mislead or confuse the consumer.

On the basis of all evidence presented with the petition and in written comments, ATF has concluded the boundaries should be adopted as proposed, and the viticultural area should include the entire petitioned for 285 square miles.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this final rule because it will not have a significant economic impact on a substantial number of small entities. This rule allows the petitioner and other persons to use an appellation of origin, "Santa Ynez Valley," on wine labels

and in wine advertising. This final rule is not expected to have significant secondary or incidental effects on a substantial number of small entities, or impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

Accordingly, it is hereby certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that this final rule will not have a significant economic impact on a substantial number of small entities.

Compliance With Executive Order 12291

It has been determined that this final rule is not a "major rule" within the meaning of Executive Order 12291 of February 17, 1981, because it will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

List of Subjects in 27 CFR Part 9

Administrative practice and procedure, Consumer protection, Viticultural areas, Wine.

Drafting Information

The principal author of this final rule is Charles N. Bacon, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

Authority and Issuance

Accordingly, under the authority contained in 27 U.S.C. 205, the Director is amending 27 CFR Part 9 as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The table of sections in 27 CFR Part 9 is amended by adding § 9.54. As amended, the table of sections reads as follows:

Sec.

* * * * *

Subpart C—Approved American Viticultural Areas

* * * * *

9.54 Santa Ynez Valley.

* * * * *

Par. 2. Subpart C is amended by adding § 9.54 which reads as follows:

§ 9.54 Santa Ynez Valley.

(a) *Name.* The name of the viticultural area described in this section is "Santa Ynez Valley."

(b) *Approved maps.* The appropriate maps for determining the boundaries of the Santa Ynez Valley viticultural area are 12 U.S.G.S. quadrangle maps. They are entitled:

(1) "Figueroa Mountain, Cal.", 7.5 minute series, edition of 1959;

(2) "Foxen Canyon, Cal.", 7.5 minute series, edition of 1964;

(3) "Lake Cachuma, Cal.", 7.5 minute series, edition of 1959;

(4) "Lompoc, Cal.", 7.5 minute series, edition of 1959 (photorevised 1974);

(5) "Lompoc Hills, Cal.", 7.5 minute series, edition of 1959;

(6) "Los Alamos, Cal.", 7.5 minute series, edition of 1959;

(7) "Los Olivos, Cal.", 7.5 minute series, edition of 1959 (photoinspected 1974);

(8) "Santa Rosa Hills, Cal.", 7.5 minute series, edition of 1959;

(9) "Santa Ynez, Cal.", 7.5 minute series, edition of 1959 (photorevised 1974);

(10) "Solvang, Cal.", 7.5 minute series, edition of 1959 (photorevised 1974);

(11) "Zaca Creek, Cal.", 7.5 minute series, edition of 1959; and

(12) "Zaca Lake, Cal.", 7.5 minute series, edition of 1964.

(c) *Boundaries.* The Santa Ynez Valley viticultural area is located within Santa Barbara County, California. The beginning point is found on the "Los Alamos, California" U.S.G.S. map where California Highway 246 (indicated as Highway 150 on the Los Alamos map) intersects with the 120°22'30" longitude line.

(1) Then north following the 120°22'30" longitude line to Cebada Canyon Road.

(2) Then northeast following Cebada Canyon Road and an unnamed jeep trail to the northern boundary of Section 9, T. 7 N., R. 33 W.

(3) Then east following the northern boundaries of Sections 9, 10, 11, 12, 7, and 8 to the northeast corner of Section 8, T. 7 N., R. 33 W.

(4) Then south following the eastern boundaries of Sections 8 and 17 to the intersection with the boundary dividing the La Laguna and San Carlos de Jonata Land Grants.

(5) Then east following the boundary between the La Laguna and the San Carlos de Jonata Land Grants to the intersection with Canada de Santa Ynez.

(6) Then northeast in a straight line for approximately 3.6 miles to Benchmark 947 at U.S. Highway 101.

(7) Then northeast in a straight line for approximately 2.6 miles to the southwest corner of the La Zaca Land Grant.

(8) Then following the boundary of the La Zaca Land Grant north, then east to its northeast corner.

(9) Then east in a straight line for approximately 2.0 miles to the point of intersection of the La Laguna and Sisquoc Land Grants with the Los Padres National Forest.

(10) Then following the boundary of the Los Padres National Forest south, east, and south until it intersects with the eastern boundary of Section 29, T. 7 N., R. 29 W.

(11) Then south following the eastern boundaries of Sections 29, 32, 5, 8, and 17 to the boundary of the Cachuma Recreation Area at Bitt Benchmark 1074.

(12) Then following the boundary of the Cachuma Recreation Area west and south to the point of intersection with the Los Padres National Forest.

(13) Then south and west following the boundary of the Los Padres National Forest to its intersection with the Las Cruces Land Grant at the southwest corner of Section 12, T. 5 N., R. 32 W.

(14) Then north following the boundary of the Las Cruces Land Grant to the southeast corner of Section 26, T. 6 N., R. 32 W.

(15) Then west following the southern boundaries of Sections 26, 27, 28, and 29 to the intersection with the northern boundary of the San Julian Land Grant at the southwestern corner of Section 29, T. 6 N., R. 32 W.

(16) Then northwest following the boundary of the San Julian Land Grant to its intersection with the 120° 22'30" longitude line.

(17) Then northwest in a straight line for approximately 3.2 miles to the point where Santa Rosa Road intersects Salsipuedes Creek.

(18) Then following Salsipuedes Creek downstream to the point of confluence with the Santa Ynez River.

(19) Then northeast in a straight line for approximately 1.4 miles to an unnamed hill, elevation 597 feet.

(20) Then northeast in a straight line for approximately 1.7 miles to the point of beginning.

Signed: March 24, 1983.

W. T. Drake,
Acting Director.

Approved: April 4, 1983.

David Q. Bates,
Deputy Assistant Secretary (Operations)

[FR Doc. 83-10113 Filed 4-14-83; 8:45 am]
BILLING CODE 4810-31-M

Office of the Secretary

31 CFR Part 3

Legal Review of Certain Small Tort Claims

AGENCY: Department of the Treasury.

ACTION: Final rule.

SUMMARY: Under the existing regulations governing claims against the Department of the Treasury under the Federal Tort Claims Act, all claims must be forwarded to the legal division of the bureau or office out of whose activities the claim arose. This final rule amends 31 CFR 3.3 such that legal review of certain claims for less than $500 will not be mandatory.

The Treasury Department has determined that certain small tort claims do not merit the time and expense of legal review. By eliminating the requirement of legal review of certain small tort claims, Treasury Department attorneys will be able to spend more time on significant tasks, and thus a more efficient allocation of employee efforts will be realized.

EFFECTIVE DATE: April 15, 1983.

FOR FURTHER INFORMATION CONTACT: Jordan Luke, Assistant General Counsel (Enforcement & Operations), Room 2310, Main Treasury Building, 1500 Pennsylvania Avenue, NW., Washington, D.C. 20220 (202/566–5404)

SUPPLEMENTARY INFORMATION:

This final rule would eliminate the requirement of legal review of certain tort claims under $500. Each bureau or office of the Treasury Department will retain the right to subject all tort claims to legal review. Thus, this rule is optional; it is intended only for those bureaus or offices that determine that legal review of certain small tort claims is not necessary.

Under this rule, each bureau or office may elect to process tort claims for less than $500 without legal review, if such claims do not involve personal injuries or automobile damage, or do not arise out of an incident that is likely to result in multiple claims or claimants.

Authority

This final rule is promulgated under the authority of 28 U.S.C. 2672.

Executive Order 12291

This final rule is not subject to the provisions of Executive Order 12291 because the rule is related to agency organization, management or personnel.

Regulatory Flexibility Act

This rule is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because no notice of proposed rulemaking is required under 5 U.S.C. 553. A notice of proposed rulemaking is not required because this rule addresses rules of agency procedure: The processing of certain small tort claims.

Drafting Information

The principal author of this document was Ramon Estrada, Office of the General Counsel, Department of the Treasury. However, other Treasury personnel participated in its development.

List of Subjects in 31 CFR Part 3

Claims, Federal tort claims; Claims regulations.

Promulgation of Regulations

Part 3, Treasury Regulations (31 CFR Part 3) is amended as set forth.

Dated: April 1, 1983.

Margery Waxman,

Acting General Counsel.

PART 3—CLAIMS REGULATIONS

* * * * *

Subpart A—Claims Under the Federal Tort Claims Act

* * * * *

The first sentence of § 3.3 is revised to read as follows:

§ 3.3 Legal review.

Any claim that exceeds $500, involves personal injuries or automobile damage, or arises out of an incident that is likely to result in multiple claimants, shall be forwarded to the legal division of the bureau or office out of whose activities the claim arose. * * *

[FR Doc. 83–10109 Filed 4–14–83; 8:45 am]

BILLING CODE 4810-25-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[A–4–FRL 2347–2]

Standards of Performance for New Stationary Sources; Supplemental Delegation of Authority to Mississippi

AGENCY: Environmental Protection Agency.

ACTION: Informational notice.

SUMMARY: On December 23, 1982, the State of Mississippi requested a delegation of authority for the implementation and enforcement of several additional categories of New Source Performance Standards.

EPA's review of Mississippi's laws, rules, and regulations shows them to be adequate for the implementation and enforcement of these Federal standards, and the Agency has made the delegations as requested.

EFFECTIVE DATE: The effective date of the delegations of authority to Mississippi is March 25, 1983.

ADDRESSES: Copies of the request for delegation of authority and EPA's letter of delegation are available for public inspection at EPA's Region IV Office, 345 Courtland Street, N.E., Atlanta, Georgia 30365.

All reports required pursuant to the newly delegated standards should not be submitted to the EPA Region IV office, but should instead be submitted to the following address: Mr. Dwight Wylie, Chief, Air Quality Control, Bureau of Pollution Control, P.O. Box 10385, Jackson, Mississippi 39209.

FOR FURTHER INFORMATION CONTACT: Denise W. Pack, 404–881–3286.

SUPPLEMENTARY INFORMATION: Sections 101, 110, and 111 of the Clean Air Act authorize the Administrator to delegate his authority to implement and enforce the National Standards of Performance for New Stationary Sources (NSPS) to any State which has submitted adequate implementation and enforcement procedures.

On November 30, 1981, EPA delegated to the State of Mississippi the authority to implement the Standards of Performance for New Stationary Sources (NSPS). On December 23, 1982, Mississippi requested that EPA delegate the authority for the NSPS categories that had been promulgated subsequent to the original delegation of November 30, 1981:

1. *Lead Acid Battery Manufacture, 40 CFR, Part 60, Subpart KK,* as promulgated on April 16, 1982.
2. *Phosphate Rock Operations, 40 CFR, Part 60, Subpart NN,* as promulgated on April 16, 1982.
3. *Asphalt Processing and Asphalt Roofing Manufacture, 40 CFR, Part 60, Subpart UU,* as promulgated on August 6, 1982.
4. *Industrial Surface Coating, Large Appliances, 40 CFR, Part 60, Subpart SS,* as promulgated on October 27, 1982.
5. *Surface Coating-Metal Furniture, 40 CFR, Part 60, Subpart EE,* as promulgated on October 29, 1982.
6. *Metal Coil Surface Coating, 40 CFR, Part 60, Subpart TT,* as promulgated on November 1, 1982.

Action. I reviewed all of the pertinent Mississippi laws, rules, and regulations and found them to be adequate for the implementation and enforcement of

these categories of NSPS. I therefore delegated to the State of Mississippi my authority for the source categories listed above on March 25, 1983.

The Office of Management and Budget has exempted this delegation from the requirements of Section 3 of Executive Order 12291.

This notice is issued under the authority of Sections 101, 110, and 111 and of the Clean Air Act, as amended (42 U.S.C 7401, 7410, 7411, and 7601).

Dated: April 4, 1983.

John A. Little,

Acting Regional Administrator.

[FR Doc. 83-10071 Filed 4-14-83; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 180

[PP 2E2653/R548; PH-FRL 2348-6]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Cyano(3-Phenoxyphenyl) Methyl 4-Chloro-Alpha-(1-Methylethyl) Benzeneacetate

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for residues of the insecticide cyano(3-phenoxyphenyl)methyl 4-chloro-alpha- (1-methylethyl)benzeneacetate in or on the raw agricultural commodities eggplant and peppers. The regulation to establish maximum permissible levels for residues of the insecticide in or on the commodities was requested in a petition by the Interregional Research Project No. 4 (IR-4).

EFFECTIVE DATE: April 15, 1983.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs, Emergency Response Section, Registration Division (TS-767C), Environmental Protection Agency, Rm. 716B, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202; (703-557-1192).

SUPPLEMENTARY INFORMATION: EPA issued a proposed rule published in the **Federal Register** of March 16, 1983 (48 FR 11132) that announced that the Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, had submitted pesticide petition number 2E2653 to EPA on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of Florida, Massachusetts, Maryland, New Jersey and Puerto Rico.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of tolerances for residues of the insecticide cyano(3-phenoxyphenyl)methyl 4-chloro-alpha-(1-methylethyl)benzeneacetate in or on the raw agricultural commodities eggplant and peppers at 1.0 ppm.

There were no comments or requests for referral to an advisory committee received in response to the proposed rule.

The data submitted in the petition and other relevant material have been evaluated and discussed in the proposed rule.

The pesticide is considered useful for the purpose for which the tolerances are sought. It is concluded that the tolerances would protect the public health and are established as set forth below.

Any person adversely affected by this regulation may within 30 days after publication of this notice in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346(a)(e)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: April 6, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR 180.379 is amended by adding and alphabetically inserting the raw agricultural commodities eggplant and peppers to read as follows:

§ 180.379 Cyano(3-phenoxyphenyl)methyl 4-chloro-alpha-(1-methylethyl) benzeneacetate; tolerances for residues.

* * * * *

Commodities	Parts per million
Eggplant	1.0
Peppers	1.0

[FR Doc. 83-10286 Filed 4-14-83; 8:45 am]

BILLING CODE 6560-50-M

GENERAL SERVICES ADMINISTRATION

41 CFR Ch. 1

[FPR Temp. Reg. 69]

Patents; Temporary Regulation

AGENCY: General Services Administration.

ACTION: Temporary regulation.

SUMMARY: This temporary regulation prescribes revised guidance regarding the rights of the Government and its contractors in patents under research and development contracts. The basis for this temporary regulation is President Reagan's February 18, 1983, Memorandum on Government Patent Policy. The intended effect is to extend in principle the current implementation of Public Law 96-517 beyond small businesses and non-profit organizations.

DATES:

Effective date: April 5, 1983, but may be observed earlier.

Expiration date: April 5, 1985.

FOR FURTHER INFORMATION CONTACT: Philip G. Read, Director, Office of Federal Procurement Regulations (VR), Office of Acquisition Policy, (202-523-4755).

SUPPLEMENTARY INFORMATION:

a. On February 18, 1983, President Reagan issued a Memorandum to the Heads of Executive Departments and Agencies that established a new Government Patent Policy. The new policy replaces the 1971 Presidential Patent Policy Statement that formed the basis for the patent rights clauses of the Federal Procurement Regulations (FPR) in section 1-9.107. Accordingly, interim instructions are necessary pending a full modification of FPR sections 1-9.107-1 through 1-9.107-6.

b. The primary thrust of President Reagan's Memorandum is that, to the extent permitted by law, agency patent policy concerning the disposition of rights to inventions made under federally funded research and development contracts, grants, and cooperative agreements shall be the

same or substantially the same as applied to small business firms and nonprofit organizations under Chapter 38 of Title 35 of the U.S. Code (Pub. L. 96–517). As a result, the new Patent Policy Memorandum provides recipients of Government contracts, grants, and cooperative agreements for the performance of research and development activities with a first option to retain title to inventions made under such arrangements, except in those situations provided for in 35 U.S.C. 202(a).

c. The Presidential Memorandum also provides that where an agency makes certain determinations, the rights of the Government or obligations of the recipient of the research and development contract, grant, or cooperative agreement, set forth in 35 U.S.C. 202–204, may be waived or omitted. These interim instructions do not specifically implement this provision of the Presidential Memorandum inasmuch as implementation should be undertaken through the normal FPR deviation procedures.

In 41 CFR Chapter 1, FPR Temporary Regulation is added to the Appendix at the end of the chapter.

(Sec. 205(c), 63 Stat. 390; (40 U.S.C. 486(c)))

Dated: April 5, 1983.

Ray Kline,

Acting Administrator of General Services.

Federal Procurement Regulations Temporary Regulation 99

April 5, 1983.

To: Heads of Federal Agencies

Subject: Patents

1. *Purpose.* This temporary regulation implements President Reagan's February 18, 1983, Memorandum on Government Patent Policy.

2. *Effective date.* This regulation is effective April 5, 1983, but may be observed earlier.

3. *Expiration date.* This regulation expires April 5, 1985.

4. *Background.*

a. On February 18, 1983, President Reagan issued a Memorandum to the Heads of Executive Departments and Agencies that established a new Government Patent Policy.[1] The new policy replaces the 1971 Presidential Patent Policy Statement that formed the basis for the patent rights clauses of the Federal Procurement Regulations (FPR) in section 1–9.107. Accordingly, interim instructions are necessary pending a full modification of FPR sections 1–9.107–1 through 1–9.107–6.

b. The primary thrust of President Regan's Memorandum is that, to the extent permitted by law, agency patent policy concerning the disposition of rights to inventions made under federally funded research and development contracts, grants, and cooperative agreements shall be the same or substantially the same as applied to small business firms and nonprofit organizations under Chapter 38 of Title 35 of the U.S. Code (P. L. 96–517). As a result, the new Patent Policy Memorandum provides recipients of Government contracts, grants, and cooperative agreements for the performance of research and development activities with a first option to retain title to inventions made under such arrangements, except in those situations provided for in 35 U.S.C. 202(a).

c. The Presidential Memorandum also provides that where an agency makes certain determinations, the rights of the Government or obligations of the recipient of the research and devlopment contract, grant, or cooperative agreement, set forth in 35 U.S.C. 202–204, may be waived or omitted. These interim instructions do not specifically implement this provision of the Presidential Memorandum inasmuch as implementation should be undertaken through the normal FPR deviation procedures.

5. *Explanation of changes.* The policies and procedures in Subpart 1–9.1 are modified by the instructions in this temporary regulation.

a. The patent rights clause in contracts with small business firms and nonprofit organizations shall be in accordance with OMB Circular A–124.

b. Each contract with other than a small business firm or nonprofit organization that has as a purpose the performance of experimental, developmental, or research work, and is to be performed in the United States, its possessions, or Puerto Rico, shall contain the patent rights clause at FPR § 1–9.107–5(b) unless it is determined in accordance with paragraph c.(1) of this regulation that the patent rights clause of § 1–9.107–5(a) is appropriate, with both clauses modified in accordance with paragraph 5.(e) of this regulation.

c. (1) A contract, with other than a small business firm or nonprofit organization, may contain the patent rights clause at FPR § 1–9.107–5(a):

(a) when the contract is for the operation of a Government-owned research or production facility; or

(b) in exceptional circumstances when it is determined by the Agency that restriction or elimination of the contractor's right to retain title will better promote the policy and objectives of the Presidential Memorandum of Government Patent Policy of February 18, 1983; or

(c) when it is determined by a Government authority which is authorized by statute or Executive order to conduct foreign intelligence or counter-intelligence activities that the restriction or elimination of the contractor's right to retain title is necessary to protect the security of such activities.

(2) When it is determined in accordance with paragraph 7(a) of OMB Circular A–124 that alternative provisions are appropriate in a contract with a small business firm or nonprofit organization, the patent rights clause at FPR § 1–9.107–5(a) may be used in the contract.

d. For arrangements other than contracts, such as grants and cooperative agreements, with other than small business firms or nonprofit organizations, it is recommended that the patent rights clause of OMB Circular A–124 or FPR § 1–9.107–5(b), as appropriate, be used in cooperative agreements.

e. In using the clause at either FPR § 1–9.107–5(b) or § 1–9.107–5(a), the following modifications are to be made:

(1) To ensure proper flow-down of the applicable patent rights clause, subparagraph (i)(2) should be rewritten as follows:

"(2) Unless otherwise authorized or directed by the Government Contracting Officer in any subcontract hereunder where a purpose of the subcontract is the conduct of experimental, developmental, or research work, the Contractor shall include this patent rights clause modified to identify the parties in a subcontract with other than a small business firm or nonprofit organization; or the patent rights clause of OMB Circular A–124 modified to identify the parties in any subcontract with a small business firm or nonprofit organization. In event of refusal by a subcontractor to accept the proffered clause, the Contractor:"

(2) The following should be substituted for subparagraph (c)(i):

"(1) Hereby grants to the Government a nonexclusive, nontransferrable, paid-up license to make, use, and sell each subject invention throughout the world by or on behalf of the Government of the United States."

6. *Comments invited.* Agencies and interested parties are invited to comment on this regulation during the 30 day period following publication in the Federal Register. Consideration will be given to the comments in the preparation of a permanent amendment of the FPR. Comments should be forwarded to Philip G. Read, General Services Administration (VR), Washington, D.C. 20405.

February 10, 1982.

Circular No. A–124

Note.—OMB Circular A–124 was originally published in the **Federal Register** of February 19, 1982 at 47 FR 7560.

To the Heads of Executive Departments and Establishments

Subject: Patents—Small Business Firms and Nonprofit Organizations

1. *Purpose.* This Circular provides policies, procedures, and guidelines with respect to inventions made by small business firms and nonprofit organizations, including universities, under funding agreements with Federal agencies where a purpose is to perform experimental, developmental, or research work.

2. *Rescissions.* This Circular supersedes OMB Bulletin 81–22 effective March 1, 1982.

3. *Authority.* This Circular is issued pursuant to the authority contained in 35 U.S.C. § 206 (§ 6 of P.L. 96–517, "The Patent and Trademark Amendments of 1980").

4. *Background.* After many years of public debate on means to enhance the utilization of the results of Government funded research, Public Law 96–517 was enacted. This Act gives non-profit organizations and small businesses, with limited exceptions, a first right of refusal to title in inventions they have made in performance of Government grants and contracts. The Act takes precedence over

[1] See the weekly compilation of Presidential Documents, Vol. 19, No. 7, p. 252.

approximately 26 conflicting statutory and administrative policies.

Under the Act, the Office of Federal Procurement Policy (OFPP) is responsible for the issuance of the regulations implementing 35 U.S.C. § 202–204 after consultation with the Office of Science and Technology Policy (OSTP). On July 2, 1981, OMB Bulletin 81–22 was issued to provide interim regulations while agency and public comments were sought. Based on a review of these comments, this Circular is issued to establish permanent implementing regulations and a standard patent rights clause.

5. *Policy and Scope.* This Circular takes effect on March 1, 1982, and will be applicable to all funding agreements with small business firms and domestic nonprofit organizations executed on or after that date. This includes subcontracts at any tier made after March 1, 1982, with small business firms and nonprofit organizations even if the prime funding agreement was made prior to March 1, 1982. Unless prohibited by law, agencies are encouraged to treat subject inventions made under funding agreements made prior to July 1, 1981, in substantially the same manner as contemplated by P.L. 96–517 and this Circular for inventions made under funding agreements entered into subsequent to July 1, 1981. This can be accomplished through the granting of waivers of title on terms and conditions substantially similar to those set forth in the standard clause of Attachment A.

Agencies should be alert to determining whether amendments made after March 1, 1982, to funding agreements entered into prior to July 1, 1981, result in new funding agreements subject to this Circular and the Act. Renewals and continuations after March 1, 1982, of funding agreements entered into prior to July 1, 1981, should be normally treated as new funding agreements.

This Circular is intended to establish uniform and coordinated implementation of 35 U.S.C. § 200–206 so as to foster the policy and objectives set forth in 35 U.S.C. § 200.

6. *Definitions.* As used in this Circular—

a. The term "funding agreement" means any contract, grant, or cooperative agreement entered into between any Federal agency, other than the Tennessee Valley Authority, and any contractor for the performance of experimental, developmental, or research work funded in whole or in part by the Federal Government. Such term includes any assignment, substitution of parties, or subcontract of any type entered into for the performance of experimental, developmental, or research work under a funding agreement, as herein defined.

b. The term "contractor" means any person, small business firm or nonprofit organization that is a party to a funding agreement.

c. The term "invention" means any invention or discovery which is or may be patentable or otherwise protectable under Title 35 of the United States Code.

d. The term "subject invention" means any invention of a contractor conceived or first actually reduced to practice in the performance of work under a funding agreement.

e. The term "practical application" means to manufacture in the case of a composition or product, to practice in the case of a process or method, or to operate in the case of a machine or system; and, in each case, under such conditions as to establish that the invention is being utilized and that its benefits are, to the extent permitted by law or Government regulations, available to the public on reasonable terms.

f. The term "made" when used in relation to any invention means the conception or first actual reduction to practice of such invention.

g. The term "small business firm" means a small business concern as defined at section 2 of Public Law 85–536 (15 U.S.C. § 632) and implementing regulations of the Administrator of this Circular, the size standards for small business concerns involved in Government procurement and subcontracting at 13 CFR 121.3–8 and 121.3–12, respectively, will be used.

h. The term "nonprofit organization" means universities and other institutions of higher education or an organization of the type described in section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. § 501(c)) and exempt from taxation under section 501(a) of the Internal Revenue Code (26 U.S.C. § 501(a)) or any nonprofit scientific or educational organization qualified under a state nonprofit organization statute.

7. *Use of the Patent Rights (Small Business Firm or Nonprofit Organization) (March 1982) Clause.*

a. Each funding agreement awarded to a small business firm or domestic nonprofit organization which has as a purpose the performance of experimental, developmental or research work shall contain the "Patent Rights (Small Business Firm or Nonprofit Organization) (March 1982)" clause set forth in Attachment A with such modifications and tailoring as may be authorized in Part 8, except that the funding agreement may contain alternative provisions—

(1) when the funding agreement is for the operation of a Government-owned research or production facility; or

(2) in exceptional circumstances when it is determined by the agency that restriction or elimination of the right to retain title to any subject invention will better promote the policy and objectives of Chapter 38 of Title 35 of the United States Code; or

(3) When it is determined by a Government authority which is authorized by statute or executive order to conduct foreign intelligence or counterintelligence activities that the restriction or elimination of the right to retain title to any subject invention is necessary to protect the security of such activities.

b. (1) Any determination under Part 7.a.(2) of this Circular will be in writing and accompanied by a written statement of facts justifying the determination. The statement of facts will contain such information as the funding Federal agency deems relevant and, at minimum, will (i) identify the small business firm or nonprofit organization involved, (ii) describe the extent to which agency action restricted or eliminated the right to retain title to a subject invention, (iii) state the facts and rationale supporting the agency action, (iv) provide supporting documentation for those facts and rationale, and (v) indicate the nature of any objections to the agency action and provide any documentation in which those objections appear. A copy of each such determination and written statement of facts will be sent to the Comptroller General of the United States within 30 days after the award of the applicable funding agreement. In cases of determinations application to small business firms, copies will also be sent to the Chief Counsel for Advocacy of the Small Business Administration.

(2) To assist the Comptroller General to accomplish his or her responsibilities under 35 U.S.C. § 202, each Federal agency that enters into any funding agreements with nonprofit organizations or small business firms during the applicable reporting period shall accumulate and, at the request of the Comptroller General, provide the Comptroller General or his or her duly authorized representative the total number of prime funding agreements entered into with small business firms or nonprofit organizations that contain the patent rights clause of Attachment A during each period of October 1 through September 30, beginning October 1, 1982.

c. (1) Agencies are advised that Part 7.a. applies to subcontracts at any tier under prime funding agreements with contractors that are other than small business firms or nonprofit organizations. Accordingly, agencies should take appropriate action to ensure that this requirement is reflected in the patent clauses of such prime funding agreements awarded after March 1, 1982.

(2) In the event an agency has outstanding prime funding agreements that do not contain patent flow-down provisions consistent with either this Circular or OMB Bulletin 81–22 (if it was applicable at the time the funding agreement was awarded), the agency shall take appropriate action to ensure that small business firms or domestic nonprofit organizations subcontractors under such prime funding agreements that received their subcontracts after July 1, 1981, will receive rights in their subject inventions that are consistent with P.L. 96–517 and this Circular. Appropriate actions might include (i) amendment of prime contracts and/or subcontracts; (ii) requiring the inclusion of the clause of Attachment A as a condition of agency approval of a subcontract; or (iii) the granting of title to the subcontractor to identified subject inventions on terms substantially the same as contained in the clause of Attachment A in the event the subcontract contains a "deferred determination" or "acquisition by the Government" type of patent rights clause.

d. To qualify for the clause of Attachment A, a prospective contractor may be required by an agency to certify that it is either a small business firm or a domestic nonprofit organization. If the agency has reason to question the status of the prospective contractor as a small business firm or domestic nonprofit organization, it may file a protest in accordance with 13 C.F.R. 121.3–5 if small business firm status is questioned or require the prospective contractor to furnish evidence to establish its status as a domestic nonprofit organization.

8. *Instructions for Modification and Tailoring of the Clause of Attachment A.*

a. Agencies should complete the blank in paragraph g.(2) of the clause of Attachment A in accordance with their own or applicable Government-wide regulations such as the FPR or DAR. The flow-down provisions of the clause cited by the agency should, of course, reflect the requirement of Part 7.c.(1).

b. Agencies should complete paragraph 1. "Communications" at the end of the clause of Attachment A by designating a central point of contact for communications on matters relating to the clause. Additional instructions on communications may also be included in paragraph 1.

c. Agencies may replace the italicized or underlined words and phrases with those appropriate to the particular funding agreement. For example *"contract"* could be replaced by "grant", *"contractor"* by "grantee", and *"Contracting officer"* by "grants officer." Depending on its use, *"Federal agency"* can be replaced either by the identification of the agency or by the specification of the particular office or official within that agency.

d. When the agency head or duly authorized designee determines at the time of contracting with a small business firm or nonprofit organization that it would be in the national interest to acquire the right to sublicense foreign governments or international organizations pursuant to any existing treaty or agreement, a sentence may be added at the end of paragraph b. of the clause of Attachment A as follows:

"This license will include the right of the Government to sublicense foreign governments and international organizations pursuant to the following treaties or international agreements: ——; or pursuant to any future treaties or agreements with foreign governments or international organizations."

The blank in the above should be completed with the names of applicable existing treaties or international agreements. The above language is not intended to apply to treaties or agreements that are in effect on the date of the award which are not listed. The above language may be modified by agencies by deleting the reference to future treaties or agreements or by otherwise more narrowly defining classes of future treaties or agreements. The language may also be modified to make clear that the rights granted to the foreign government or international organization may be for additional rights beyond a license or sublicense if so required by the applicable treaty or international agreement. For example, in some cases exclusive licenses or even the assignment of title in the foreign country involved might be required. Agencies may also modify the language above to provide for the direct licensing by the contractor of the foreign government or international organization.

e. To the extent not required by other provisions of the funding agreement, agencies may add additional subparagraphs to paragraph (f) of the patent rights clause of Attachment A to require the contractor to do one or more of the following:

(1) Provide periodic (but no more frequently than annually) listings of all subject inventions required to be disclosed during the period covered by the report;

(2) Provide a report prior to the close-out of a funding agreement listing all subject inventions or stating that there were none;

(3) Provide notification of all subcontracts for experimental, developmental, or research work; and

(4) Provide, upon request, the filing date, serial number and title; a copy of the patent application; and patent number and issue date for any subject invention in any county in which the contractor has applied for patents.

Part 9. *Publication or Release of Invention Disclosures.*

a. 35 U.S.C. § 205 provides as follows:

"Federal agencies are authorized to withhold from disclosure to the public information disclosing any invention in which the Federal Government owns or may own a right, title, or interest (including a nonexclusive license) for a reasonable time in order for a patent application to be filed. Furthermore, Federal agencies shall not be required to release copies of any document which is part of an application for patent filed with the United States Patent and Trademark Office or with any foreign patent office."

b. To the extent authorized by 35 U.S.C. § 205, agencies shall not disclose to third parties pursuant to requests under the Freedom of Information Act (FOIA) any information disclosing a subject invention for a reasonable time in order for a patent application to be filed. With respect to subject inventions of contractors that are small business firms or nonprofit organizations, a reasonable time shall be the time during which an initial patent application may be filed under paragraph c. of the clause of Attachment A or such other clause that may be used in the funding agreement. However, an agency may disclose such subject inventions under the FOIA, at its discretion, after a contractor has elected not to retain title or after the time in which the contractor is required to make an election if the contractor has not made an election within that time. Similarly, an agency may honor an FOIA request at its discretion if it finds that the same information has previously been published by the inventor, contractor, or otherwise. If the agency plans to file itself when the contractor has not elected title, it may, of course, continue to avail itself of the authority of 35 U.S.C. § 205.

c. As authorized by 35 U.S.C. § 205, Federal agencies shall not release copies of any document which is part of an application for patent filed on a subject invention to which a small business firm or nonprofit organization elected to retain title.

d. A number of agencies have policies to encourage public dissemination of the results of work supported by the agency through publication in Government or other publications of technical reports of contractors or others. In recognition of the fact that such publication, if it included descriptions of a subject invention, could create bars to obtaining patent protection, it is the policy of the executive branch that agencies will not include in such publication programs, copies of disclosures of inventions submitted by small business firms or nonprofit organizations, pursuant to paragraph c. of the clause of Attachment A, except that under the same circumstances under which agencies are authorized to release such information pursuant to FOIA requests under Part 9.b. above, agencies may publish such disclosures.

e. Nothing in this Part is intended to preclude agencies from including in the publication activities described in the first sentence of Part 9.d., the publication of materials describing a subject invention to the extent such materials were provided as part of a technical report or other submission of the contractor which were submitted independently of the requirements of the patent rights provisions of the contract. However, if a small business firm or nonprofit organization notifies the agency that a particular report or other submission contains a disclosure of a subject invention to which it has elected or may elect title, the agency will use reasonable efforts to restrict its publication of the material for six months from date of its receipt of the report or submission or, if earlier, until the contractor has filed an initial patent application. Agencies, of course, retain the discretion to delay publication for additional periods of time.

f. Nothing in this Part 9 is intended to limit the authority of agencies provided in 35 U.S.C. § 205 in circumstances not specifically described in this Part 9.

10. *Reporting on Utilization of Subject Inventions.*

a. Paragraph h. of the clause of Attachment A provides that agencies have the right to receive periodic reports from the contractor on utilization of inventions. In accordance with such instructions as may be issued by the Department of Commerce, agencies shall obtain such information from their contractors. Pending such instructions, agencies should not impose reporting requirements. The Department of Commerce and the agencies, in conjunction with representatives of small business and nonprofit organizations, shall work together to establish a uniform periodic reporting system.

b. To the extent any such data or information supplied by the contractor is considered by the contractor, or its licensee or assignee, to be privileged and confidential and is so marked, agencies shall not, to the extent permitted by 35 U.S.C. § 202(c)(5), disclose such information to persons outside the Government.

11. *Retention of Rights by Inventor.* Agencies which allow an inventor to retain rights to a subject invention made under a funding agreement with a small business firm or nonprofit organization contractor, as authorized by 35 U.S.C. § 202(d), will impose upon the inventor at least those conditions that would apply to a small business firm contractor under paragraphs d. (ii) and (iii); f. (4); h.; i.; and j. of the clause of Attachment A.

12. *Government Assignment to Contractor of Rights in Invention of Government Employee.* In any case when a Federal employee is a co-inventor of any invention made under a funding agreement with a small business firm or nonprofit organization and the Federal agency employing such co-

inventor transfers or reassigns the right it has acquired in the subject invention from its employee to the contractor as authorized by 35 U.S.C. 202(e), the assignment will be made subject to the same conditions as would apply to the contractor under the clause of Attachment A.

13. *Exercise of March-in Rights.*

a. The following procedures shall govern the exercise of the march-in rights of the agencies set forth in 35 U.S.C. § 203 and the clause at Attachment A.

b. Whenever an agency receives information that it believes might warrant the exercise of march-in rights, before initiating any march-in proceeding in accordance with the procedures of Part 13.c.-h. below, it shall notify the contractor in writing of the information and request informal written or oral comments from the contractor. In the absence of any comments from the contractor within 30 days, the agency may, at its discretion, proceed with the procedures below. If a comment is received, whether or not within 30 days, then the agency shall, within 60 days after it receives the comment, either initiate the procedures below or notify the contractor, in writing, that it will not pursue march-in rights based on the information about which the contractor was notified.

c. A march-in proceeding shall be initiated by the issuance of a written notice by the agency to the contractor and its assignee or exclusive licensee, as applicable, stating that the agency is considering the exercise of march-in rights. The notice shall state the reasons for the proposed march-in in terms sufficient to put the contractor on notice of the facts upon which the action would be based and shall specify the field or fields of use in which the agency is considering requiring licensing. The notice shall advise the contractor (assignee or exclusive licensee) of its rights, as set forth in this Circular and in any supplemental agency regulations. The determination to exercise march-in rights shall be made by the head of the agency or designee, except as provided in part 13.j. below.

d. Within 30 days after receipt of the written notice of march-in, the contractor (assignee or exclusive licensee) may submit, in person, in writing, or through a representative, information or argument in opposition to the proposed march-in, including any additional specific information which raises a genuine dispute over the material facts upon which the march-in is based. If the information presented raises a genuine dispute over the material facts, the head of the agency or designee shall undertake or refer the matter to another official for fact-finding.

e. Fact-finding shall be conducted in accordance with the procedures established by the agency. Such procedures shall be as informal as practicable and be consistent with principles of fundamental fairness. The procedures should afford the contractor the opportunity to appear with counsel, submit documentary evidence, present witnesses and confront such persons as the agency may present. A transcribed record shall be made and shall be available at cost to the contractor upon request. The requirement for a transcribed record may be waived by mutual agreement of the contractor and the agency. Any portion of a fact-finding hearing that involves testimony or evidence relating to the utilization or efforts at obtaining utilization that are being made by the contractor, its assignee, or licensees shall be closed to the public, including potential licensees.

f. The official conducting the fact-finding shall prepare written findings of fact and transmit them to the head of the agency or designee promptly after the conclusion of the fact-finding proceeding. A copy of the findings of fact shall be sent to the contractor (assignee or exclusive licensee) by registered or certified mail.

g. In cases in which fact-finding has been conducted, the head of the agency or designee shall base his or her determination on the facts found, together with any other information and argument submitted by the contractor (assignee or exclusive licensee), and any other information in the administrative record. The consistency of the exercise of march-in rights with the policy and objectives of 35 U.S.C. § 200–206 and this Circular shall also be considered. In cases referred for fact-finding, the head of the agency or designee may reject only those facts that have been found that are clearly erroneous. Written notice of the determination whether march-in rights will be exercised shall be made by the head of the agency or designee and sent to the contractor (assignee or exclusive licensee) by certified or registered mail within 90 days after the completion of fact-finding or the proceedings will be deemed to have been terminated and thereafter no march-in based on the facts and reasons upon which the proceeding was initiated may be exercised.

h. An agency may, at any time, terminate a march-in proceeding if it is satisfied that it does not wish to exercise march-in rights.

i. The procedures of this Part shall also apply to the exercise of march-in rights against inventors receiving title to subject inventions under 35 U.S.C. § 202(d) and, for that purpose, the term "contractor" as used in this Part shall be deemed to include the inventor.

j. Notwithstanding the last sentence of Part 13.c., a determination to exercise march-in in cases where the subject invention was made under a contract may be made initially by the contracting officer in accordance with the procedures of the Contract Disputes Act. In such cases, the procedures of the Contract Disputes Act will apply in lieu of those in Parts 13.d.–g. above (except that the last sentence of Part 13.e. shall continue to apply). However, when the procedures of this Part 13.j. are used, the contractor, assignee, or exclusive licensee will not be required to grant a license and the Government will not grant any license until after either: (1) 90 days from the date of the contractor's receipt of the contracting officer's decision, if no appeal of the decision has been made to an agency board of contract appeals, or if no action has been brought under Section 10 of the Act within that time; or (2) the board or court, as the case may be, has made a final decision in cases when an appeal or action has been brought within 90 days of the contracting officer's decision.

k. Agencies are authorized to issue supplemental procedures, not inconsistent herewith, for the conduct of march-in proceedings.

14. *Appeals.*

a. The agency official initially authorized to take any of the following actions shall provide the contractor with a written statement of the basis for his or her action at the time the action is taken, including any relevant facts that were relied upon in taking the action:

(1) A refusal to grant an extension under paragraph c.(4) of the clause of Attachment A.

(2) A request for a conveyance of title under paragraph d. of the clause of Attachment A.

(3) A refusal to grant a waiver under paragraph i. of the clause of Attachment A.

(4) A refusal to approve an assignment under paragraph k.(1) of the clause of Attachment A.

(5) A refusal to approve an extension of the exclusive license period under paragraph k.(2) of the clause of Attachment A.

b. Each agency shall establish and publish procedures under which any of the agency actions listed in Part 14.a. above may be appealed to the head of the agency or designee. Review at this level shall consider both the factual and legal basis for the action and its consistency with the policy and objectives of 35 U.S.C. § 200–206 and this Circular.

c. Appeals procedures established under Part 14.b. above shall include administrative due process procedures and standards for fact-finding at least comparable to those set forth in Part 13.e.–g. of this Circular whenever there is a dispute as to the factual basis for an agency request for a conveyance of title under paragraph d. of the clause of Attachment A, including any dispute as to whether or not an invention is a subject invention.

d. To the extent that any of the actions described in Part 14.a. are subject to appeal under the Contracts Dispute Act, the procedures under that Act will satisfy the requirements of Parts 14.b. and c. above.

15. *Licensing of Background Patent Rights to Third Parties.*

a. A funding agreement with a small business firm or a domestic nonprofit organization will not contain a provision allowing a Federal agency to require the licensing to third parties of inventions owned by the contractor that are not subject inventions unless such provision has been approved by the agency head and a written justification has been signed by the agency head. Any such provision will clearly state whether the licensing may be required in connection with the practice of a subject invention, a specifically identified work object, or both. The agency head may not delegate the authority to approve such provisions or to sign the justification required for such provisions.

b. A Federal agency will not require the licensing of third parties under any such provision unless the agency head determines that the use of the invention by others is necessary for the practice of a subject

invention or for the use of a work object of the funding agreement and that such action is necessary to achieve practical application of the subject invention or work object. Any such determination will be on the record after an opportunity for an agency hearing, and the contractor shall be given prompt notification of the determination by certified or registered mail.

16. *Administration of Patent Rights Clause.*

a. It is important that the Government and the contractor know and exercise their rights in subject inventions in order to ensure their expeditious availability to the public, to enable the Government, the contractor, and the public to avoid unnecessary payment of royalties, and to defend themselves against claims and suits for patent infringement. To attain these ends, contracts should be so administered that:

(1) Inventions are identified, disclosed, and an election is made as required by the contract clause;

(2) The rights of the Government in such inventions are established;

(3) When appropriate, patent applications are timely filed and prosecuted by contractors or by the Government;

(4) The rights in patent applications are documented by formal instruments such as licenses or assignments;

(5) Expeditious commercial utilization of such inventions is achieved.

b. With respect to the conveyance of license or assignments to which the Government may be entitled under the clause of Attachment A, agencies should folllow the guidance provided in 41 CFR 1–9.109–5 or 32 CFR 9–109.5.

c. In the event a subject invention is made under funding agreements of more than one agency, at the request of the contractor or on their own initiative, the agencies shall designate one agency as responsible for administration of the rights of the Government in the invention.

17. *Modification of Existing Agency Regulations.*

a. Existing agency patent regulations or other published policies concerning inventions made under funding agreements shall be modified as necessary to make them consistent with this Circular and 35 U.S.C. § 200–206. Agency regulations shall not be more restrictive or burdensome than the provisions of this Circular.

b. After March 1, 1982, this Circular and 35 U.S.C. §200–206 shall take precedence over any conflicting agency regulations or policies.

18. *Lead Agency Designation.* In order to assist the Office of Federal Procurement Policy to ensure that 35 U.S.C. § 200–206 and this Circular are implemented in a uniform and consistent manner, the following responsibilities are assigned to the Department of Commerce (hereafter referred to as "The Department"). Other agencies shall fully cooperate and assist in the carrying out of these responsibilities:

a. The Department will monitor agency regulations and procedures for consistency with the Act and this Circular, and it shall provide recommendations to OFPP and agencies whenever it finds inconsistencies.

b. The Department will consult with representatives of 19 agencies and contractors to obtain advice on—

(1) the development of the periodic reporting system required under Part 10 of this Circular, and

(2) changes in this Circular which may be needed based on actual experience under the Circular.

c. The Department will accumulate, maintain, and publish such statistics and analysis on utilization and activities under this Circular and under Government patent policies and practices generally, as may be agreed to between the Department and OFPP.

d. The Department will make recommendations to OFPP on changes that may be needed in this Circular.

19. *Sunset Review Date.* This Circular shall have a policy review no later than three years from the date of its issuance.

20. *Inquiries.* All questions or inquiries should be submitted to the Office of Management and Budget, Office of Federal Procurement Policy, telphone number (202) 395–6810.

Donald E. Sowle,

Administrator.

David A. Stockman,

Director.

Attachment A—Circular A–124

The following is the standard patent rights clause to be used in funding agreements as provided in Part 7.

Patent Rights (Small Business Firms and Nonprofit Organizations) (March 1982)

a. *Definitions.*

(1) "Invention" means any invention or discovery which is or may be patentable or otherwise protectable under Title 35 of the United States Code.

(2) "Subject Invention" means any invention of the *Contractor* conceived or first actually reduced to practice in the performance of work under this *contract.*

(3) "Practical Application" means to manufacture in the case of a composition or product, to practice in the case of a process or method, or to operate in the case of a machine or system; and, in each case, under such conditions as to establish that the invention is being utilized and that its benefits are, to the extent permitted by law or Government regulations, available to the public on reasonable terms.

(4) "Made" when used in relation to any invention means the conception or first actual reduction to practice of such invention.

(5) "Small Business Firm" means a small business concern as defined at Section 2 of Public Law 85–536 (15 U.S.C. § 632) and implementing regulations of the Administrator of the Small Business Administration. For the purpose of this clause, the size standards for small business concerns involved in Government procurement and subcontracting at 13 C.F.R. 121.3–8 and 13 C.F.R. 121.3–12, respectively, will be used.

(6) "Nonprofit Organization" means a university or other institution of higher education or an organization of the type described in section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. § 501(c)) and exempt from taxation under section 501(a) of the Internal Revenue code (26 U.S.C. § 501(a)) or any nonprofit scientific or educational organization qualified under a state nonprofit organization statute.

b. *Allocation of Principal Rights.*

The *contractor* may retain the entire right, title, and interest throughout the world to each subject invention subject to the provisions of this clause and 35 U.S.C. 203. With respect to any subject invention in which the *contractor* retains title, the Federal Government shall have a non-exclusive, non-transferable, irrevocable, paid-up license to practice or have practiced for or on behalf of the United States the subject invention throughout the world.

c. *Invention Disclosure, Election of Title and Filing of Patent Applications by Contractor.*

(1) The *contractor* will disclose each subject invention to the *Federal agency* within two months after the inventor discloses it in writing to *contractor* personnel responsible for patent matters. The disclosure of the *agency* shall be in the form of a written report and shall identify the *contract* under which the invention was made and the inventor(s). It shall be sufficiently complete in technical detail to convey a clear understanding, to the extent known at the time of the disclosure, of the nature, purpose, operation, and the physical, chemical, biological or electrical characteristics of the invention. The disclosure shall also identify any publication, on sale or public use of the invention and whether a manuscript describing the invention has been submitted for publication and, if so, whether it has been accepted for publication at the time of disclosure. In addition, after disclosure to the *agency*, the *contractor* will promptly notify the *agency* of the acceptance of any manuscript describing the invention for publication or of any on sale or public use planned by the *contractor.*

(2) The *contractor* will elect in writing whether or not to retain title to any such invention by notifying the *Federal agency* within twelve months of disclosure to the *contractor;* provided that in any case where publication, on sale or public use has initiated the one year statutory period wherein valid patent protection can still be obtained in the United States, the period for election of title may be shortened by the *agency* to a date that is no more than 60 days prior to the end of the statutory period.

(3) The *contractor* will file its initial patent application on an elected invention within two years after election or, if earlier, prior to the end of any statutory period within valid patent protection can be obtained in the United States after a publication, on sale, or public use. The *contractor* will file patent applications in additional countries within either ten months of the corresponding initial patent application or six months from the date permission is granted by the Commissioner of Patents and Trademarks to file foreign patent applications where such filing has been prohibited by a Secrecy Order.

(4) Requests for extension of the time for disclosure to the *agency*, election, and filing may, at the discretion of the *funding Federal agency*, be granted.

d. *Conditions When the Government May Obtain Title.*

(1) The *contractor* will convey to the *Federal agency*, upon written request, title to any subject invention:

(i) If the *contractor* fails to disclose or elect the subject invention within the times specified in c. above, or elects not to retain title.

(ii) In those countries in which the *contractor fails to file patent applications within the times specified in c. above; provided, however, that if the contractor* has filed a patent application in a country after the times specified in c., above, but prior to its receipt of the written request of the *Federal agency*, the *contractor* shall continue to retain title in that country.

(iii) In any country in which the *contractor* decides not to continue the prosecution of any application for, to pay the maintenance fees on, or defend in reexamination or opposition proceeding on, a patent on a subject invention.

e. *Minimum Rights to Contractor.*

(1) The *contractor* will retain a nonexclusive, royalty-free license throughout the world in each subject invention to which the Government obtains title except if the *contractor* fails to disclose the subject invention within the times specified in c., above. The *contractor's* license extends to its domestic subsidiaries and affiliates, if any, within the corporate structure of which the *contractor* is a party and includes the right to grant sublicenses of the same scope to the extent the *contractor* was legally obligated to do so at the time the *contract* was awarded. The license is transferable only with the approval of the *funding Federal agency* except when transferred to the successor of that party of the *contractor's* business to which the invention pertains.

(2) The *contractor's* domestic license may be revoked or modified by the *funding Federal agency* to the extent necessary to achieve expeditious practical application of the subject invention pursuant to an application for an exclusive license submitted in accordance with applicable provisions in the Federal Property Management Regulations. This license will not be revoked in that field of use or the geographical areas in which the *contractor* has achieved practical application and continues to make the benefits of the invention reasonably accessible to the public. The license in any foreign country may be revoked or modified at the discretion of the *funding Federal agency* to the extent the *contractor*, its licensees, or its domestic subsidiaries or affiliates have failed to achieve practical application in that foreign country.

(3) Before revocation or modification of the license, the *funding Federal agency* will furnish the *contractor* a written notice of its intention to revoke or modify the license, and the *contractor* will be allowed thirty days (or such other time as may be authorized by the *funding Federal agency* for good cause shown by the *contractor*) after the notice to show cause why the license should not be revoked or modified. The *contractor* has the right to appeal, in accordance with applicable regulations in the Federal Property Management Regulations concerning the licensing of Government-owned inventions, any decision concerning the revocation or modification of its license.

f. *Contractor Action To Protect the Government's Interest.*

(1) The *contractor* agrees to execute or to have executed and promptly deliver to the *Federal agency* all instruments necessary to (i) establish or confirm the rights the Government has throughout the world in those subject inventions to which the *contractor* elects to retain title, and (ii) convey title to the *Federal agency* when requested under paragraph d. above, and to enable the Government to obtain patent protection throughout the world in that subject invention.

(2) The *contractor* agrees to require, by written agreement, its employees, other than clerical and nontechnical employees, to disclose promptly in writing to personnel identified as responsible for the administration of patent matters and in a format suggested by the *contractor* each subject invention made under contract in order that the *contractor* can comply with the disclosure provisions of paragraph c. above, and to execute all papers necessary to file patent applications on subject inventions and to establish the Government's rights in the subject inventions. This disclosure format should require, as a minimum, the information required by c.(1) above. The *contractor* shall instruct such employees through employee agreements or other suitable educational programs on the importance of reporting inventions in sufficient time to permit the filing of patent applications prior to U.S. or foreign statutory bars.

(3) The *contractor* will notify the *Federal agency* of any decision not to continue the prosecution of a patent application, pay maintenance fees, or defend in a reexamination or opposition proceeding on a patent, in any country, not less than thirty days before the expiration of the response period required by the relevant patent office.

(4) The *contractor* agrees to include, within the specification of any United States patent application and any patent issuing thereon covering a subject invention, the following statement, "This invention was made with Government support under (identify the contract) awarded by (identify the *Federal agency*). The Government has certain rights in this invention."

g. *Subcontracts.*

(1) The *contractor* will include this clause, suitably modified to identify the parties, in all subcontracts, regardless of tier, for experimental developmental or research work to be performed by a small business firm or domestic nonprofit organization. The subcontractor will retain all rights provided for the *contractor* in this clause, and the *contractor* will not, as part of the consideration for awarding the subcontract, obtain rights in the subcontractor's subject inventions.

(2) The *contractor* will include in all other subcontracts, regardless of tier, for experimental, developmental or research work the patent rights clause required by (*cite section of agency implementing regulations, FPR, or DAR*).

(3) In the case of subcontracts, at any tier, when the prime award with the Federal agency was a contract (but not a grant or cooperative agreement), the agency, subcontractor, and the contractor agree that the mutual obligations of the parties created by this clause constitute a contract between the subcontractor and the Federal agency with respect to those matters covered by this clause.

h. *Reporting on Utilization of Subject Inventions.*

The *contractor* agrees to submit on request periodic reports no more frequently than annually on the utilization of a subject invention or on efforts at obtaining such utilization that are being made by the *contractor* or its licensees or assignees. Such reports shall include information regarding the status of development, date of first commercial sale or use, gross royalties received by the *contractor*, and such other data and information as the *agency* may reasonably specify. The *contractor* also agrees to provide additional reports as may be requested by the *agency* in connection with any march-in proceeding undertaken by the *agency* in accordance with paragraph j of this clause. To the extent data or information supplied under this section is considered by the *contractor*, its licensee or assignee to be privileged and confidential and is so marked, the *agency* agrees that, to the extent permitted by 35 USC § 202(c)(5), it will not disclose such information to persons outside the Government.

i. *Preference for United States Industry.*

Notwithstanding any other provision of this clause, the *contractor* agrees that neither it nor any assignee will grant to any person the exclusive right to use or sell any subject invention in the United States unless such person agrees that any products embodying the subject invention or produced through the use of the subject invention will be manufactured substantially in the United States. However, in individual cases, the requirement for such an agreement may be waived by the *Federal agency* upon a showing by the contractor or its assignee that reasonable but unsuccessful efforts have been made to grant licenses on similar terms to potential licensees that would be likely to manufacture substantially in the United States or that under the circumstances domestic manufacture is not commercially feasible.

j. *March-in Rights.*

The *contractor* agrees that with respect to any subject invention in which it has acquired title, the *Federal agency* has the right in accordance with the procedures in OMB Circular A—— (and agency regulations at——) to require the *contractor*, an assignee or exclusive licensee of a subject invention to grant a non-exclusive, partially exclusive, or exclusive license in any field of use to a responsible applicant or applicants, upon terms that are reasonable under the circumstances, and if the *contractor* assignee, or exclusive licensee refuses such a request, the *Federal agency* has the right to grant such a license itself if the *Federal agency* determines that:

(1) Such action is necessary because the *contractor* or assignee has not taken, or is not expected to take within a reasonable time, effective steps to achieve practical application of the subject invention in such field of use.

(2) Such action is necessary to alleviate health or safety needs which are not reasonably satisfied by the *contractor*, assignee, or their licensees;

(3) Such action is necessary to meet requirements for public use specified by Federal regulations and such requirements are not reasonably satisfied by the *contractor*, assignee, or licensees; or

(4) Such action is necessary because the agreement required by paragraph i of this clause has not been obtained or waived or because a licensee of the exclusive right to use or sell any subject invention in the United States is in breach of such agreement.

k. *Special Provisions for Contracts with Non-profit Organizations.*

If the *contractor* is a non-profit organization, it agrees that:

(1) Rights to a subject invention in the United States may not be assigned without the approval of the *Federal agency*, except where such assignment is made to an organization which has as one of its primary functions the management of inventions and which is not, itself, engaged in or does not hold a substantial interest in other organizations engaged in the manufacture or sale of products or the use of processes that might utilize the invention or be in competition with embodiments of the invention provided that such assignee will be subject to the same provisions as the *contractor*);

(2) The *contractor* may not grant exclusive licenses under United states patents or patent applications in subject inventions to persons other than small business firms for a period in excees of the earlier of:

(i) five years from first commercial sale or use of the invention; or

(ii) eight years from the date of the exclusive license excepting that time before regulatory agencies necessary to obtain premarket clearance, unless on a case-by-case basis, the Federal agency approves a longer exclusive license. If exclusive field of use licenses are granted, commercial sale or use in one field of use will not be deemed commercial sale or use as to other fields of use, and a first commercial sale or use with respect to a product of the invention will not be deemed to end the exclusive period to different subsequent products covered by the invention.

(3) The *contractor* will share royalties collected on a subject invention with the inventor; and

(4) The balance of any royalties or income earned by the *contractor* with respect to subject inventions, after payment of expenses (including payments to inventors) incidental to the administration of subject inventions, will be utilized for the support of scientific research or education.

1. *Communications.* (Complete according to instructions at Part 8.b. of this Circular).

(End of Clause)

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41 CFR Ch. 1

[FPR Amdt. 230]

Policies To Maximize Use of Competition and Minimize the Number of Noncompetitive Procurements

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This amendment adds policies and procedures pertaining to: (i) Procurement planning, (ii) publicizing procurement opportunities, (iii) justification of noncompetitive procurements, (iv) management controls designed to maximize the use of competitive procurement, and (v) unsolicited proposals. The new policies and procedures are based on recommendations made in General Accounting Office report B-206577 (April 7, 1982) entitled, "Less Sole-Source, More Competition Needed on Federal Civil Agencies' Contracting." The intended effect is to minimize the number of noncompetitive procurements and maximize the use of competition.

EFFECTIVE DATE: May 9, 1983.

FOR FURTHER INFORMATION CONTACT: Philip G. Read, Director, Office of Federal Procurement Regulations, Office of Acquisition Policy (202-523-4755).

SUPPLEMENTARY INFORMATION:

List of Subjects

41 CFR Part 1-1

Administrative practices and procedures, Environmental protection, Government procurement, Labor surplus areas, Minority businesses, Recycled material, Small business.

41 CFR Part 1-3

Cost accounting standards, Government procurement, Procurement by negotiation, Small purchases, Types of contracts.

41 CFR Part 1-4

ADP equipment, Architect-Engineer services, Computer technology, Government procurement, Unsolicited proposals, Utilities.

PART 1-1—GENERAL

The table of contents for Part 1-1 is amended to add one entry under Subpart 1-1.3 and revise one entry under Subpart 1-1.10 as follows:

1-1.342 Advance procurement planning systems and procedures.

1-1.1003-3 Synopses of special notices used in connection with market searches for competitive sources.

Subpart 1-1.3—General Policies

Section 1-1.342 is added to read as follows:

§ 1-1.342 Advance procurement planning systems and procedures.

(a) The head of each executive agency shall establish advance procurement planning systems and procedures that include:

(1) Procurement procedures providing lead time and cut-off dates for preparing solicitations, obtaining and evaluating bids or proposals, making preaward surveys, performing contract audits, negotiating, and making contract awards in an orderly manner;

(2) Procedures for developing, monitoring, and updating advance procurement plans; and

(3) Review procedures for last-quarter spending.

(b) A prime objective of these procedures shall be to ensure that the efforts of all personnel responsible for the procurement of property and services are coordinated as early as practicable to obtain required items of requisite quality, on time, and at the lowest price. Consistent with that objective is the responsibility to eliminate inefficiencies normally associated with hurried or unnecessary end-of-year procurements and to award contracts on a competitive basis as required by applicable laws and regulations.

Subpart 1-1.10—Publicizing Procurement Actions

1. Section 1-1.1001 is revised to read as follows:

§ 1-1.1001 General policy.

(a) Proposed procurements shall be publicized as prescribed in this Subpart 1-1.10 to increase competition, thus assisting small business and labor surplus area concerns and broadening participation in Government procurement programs. In addition, market searches for competitive sources shall be publicized when required by this Subpart and § 1-3.107(b) for the purpose of enhancing competition and reducing the number of noncompetitive procurements.

(b) Refer to § 1-4.1109-6 for the policy relating to publicizing the intent to place orders against ADP schedule contracts and the actions required following the synopsis.

2. Section 1–1.1003–2 is amended to revise paragraph (a)(5) to read as follows:

§ 1–1.1003–2 General requirements.

(a) * * *

(5) Procurements that are made by an order placed under an existing contract except as provided in § 1–4.1109–6 with respect to nonmandatory ADP Schedule contracts;

* * * * *

3. Section 1–1.1003–3 is revised to read as follows:

§ 1–1.1003–3 Synopses of special notices used in connection with market searches for competitive sources.

(a) *General.* The term "sources-sought synopsis" means the type of Commerce Business Daily (CBD) notice designed to identify potential sources for procurements (e.g. §§ 1–1.1003–7(b)(7) and (b)(12)). The sources-sought synopsis provides an opportunity for the marketplace to indicate its interest in submitting bids, offers, proposals, or quotations for a future procurement. It is normally used to discover if more than one firm is interested and qualified to provide a particular product, service, or research capability, although a solicitation is not yet available. This type of synopsis has particular application when one contractor is thought to be uniquely capable of meeting the Government's minimum requirements and verification of this opinion is needed. The requirements for use of the sources-sought synopsis are set forth in the following paragraphs of this section and in § 1–3.107(b).

(b) *Research and development.* Sources-sought or advance notices publicizing the Government's interest in a given field of research and development may be published in the CBD, using the general format outlined in § 1–1.1003–7(b)(7), except where security considerations prohibit such publication. Sources-sought notices are required under specific circumstances set forth in § 1–3.107(b)(2) when noncompetitive procurements are anticipated. Such notices will enable potential sources to learn of research and development programs and provide these sources with an adequate opportunity to submit information that will permit evaluation of their research and development capabilites. Each subsequent specific procurement of research and development shall be publicized in the CBD as required by § 1–1.1003–2 unless: (1) One of the exceptions stated therein is applicable, or (2) a sources-sought or advance notice had been published in the CBD and such notice was sufficiently specific to permit potential sources to identify an interest in the forthcoming procurement, and provided for them to request solicitations for the procurement. (Refer to § 1–3.107(b)(4) for a description of that notice when a noncompetitive procurement has been approved and a particular concern is considered to be a sole source.)

(c) *Property and services.* Sources-sought notices publicizing the Government's interest in anticipated property or service procurements may be published in the CBD, using the general format outlined in § 1–1.003–7(b)(12), except where security considerations prohibit such publication. A sources-sought synopsis must be published in connection with market searches for sources of property or services, other than those discussed in paragraphs (b), (d) and (e) of this section, when in accordance with the provisions of §1–3.107(b), agencies are required to use a sources-sought synopsis to test the marketplace for competitive sources. If one or more potential contractors are identified as a result of such a market search, they shall be solicited. In conjunction with that solicitation, the specific procurement of the property or service shall be publicized in the CBD as required by § 1–1.1003–2 unless: (1) one of the exceptions stated therein is applicable, or (2) a sources-sought synopsis had been published in the CBD, and such notice was sufficiently specific to permit potential sources to identify an interest in the forthcoming procurement, and was provided for them to request solicitations for the procurement. (Refer to § 1–3.107(b)(4) for a description of that notice when a noncompetitive procurement has been approved and a particular concern is considered to be a sole source.) No potential contractor shall be disqualified as nonresponsible unless the procedures for determining responsibility set forth in § 1–1.1205 have been followed.

(d) *Architect-engineer and related services with fees over $10,000.* For each contract for which the fee is expected to exceed $10,000, a notice of intention to contract for architect-engineer services shall be published in the Synopsis. The notice shall be prepared in accordance with § 1–1.1003–7(b)(9) and shall solicit submission of Standard Form 254, Architect-Engineer and Related Services Questionnaire, and, when applicable, Standard Form 255, Architect-Engineer and Related Services Questionnaire for Specific Project, from those persons or firms that are eligible for consideration, but do not have current data on file with the procuring agency or office. The notice will be published sufficiently in advance to afford architect-engineer firms an adequate opportunity to submit to the procurement office a statement of qualifications and performance data applicable to the expected requirements of that procurement office. Synopses of contract awards shall be in accordance with § 1–1.1004.

(e) *Architect-engineer and related services with fees $10,000 and under.* Agencies may employ the procedures in paragraph (d) of this section. Alternatively, however, agencies may publicize each contract estimated to be $10,000 and under only in the area where the project is to be performed. Copies of the announcement shall be publicly displayed at the procuring office and appear in at least one daily newspaper circulated in the local area. Professional societies in the area of project consideration should also be notified in writing.

4. Section 1–1.1003–7 is amended to revise paragraph (b)(7), reserve paragraphs (b)(10) and (b)(11), and add a new paragraph (b)(12) as follows:

§ 1–1.1003–7 Preparation and transmittal.

* * * * *

(b) * * *

(7) *Research and development item.* Sources-sought notices described in § 1–1.1003–3(b) that publicize the Government's interest in a given field of research and development and invite the submission of information as to research and development capabilities, shall be headed "Research and Development Sources Sought." This heading shall be followed by a statement similar to the following (modifications may be made to suit agency needs):

"Concerns having research and development capabilities in the field of (Be specific), ——— and whose facilities and personnel include (Describe in substantial detail minimum facilities and personnel required) ——— are invited to submit complete information to the procuring office listed in this notice within —— calendar days from the date of this notice (no less than 20 days should be entered). Information furnished should include the total number of employees and professional qualifications of scientists, engineers, and technical personnel; a description of general and special facilities; an outline of previous projects; a statement regarding industrial security clearance, if previously granted; and other available descriptive literature. This is not a formal solicitation. However, concerns that respond may request to receive a copy of a particular solicitation when it becomes available. This notice may represent the only official notice of such a solicitation."

* * * * *

(10) [Reserved]
(11) [Reserved]

(12) *Property or service item.* Notices described in § 1–1.1003–3(c) as sources-sought synopses shall be headed, "Property Sources Sought" or "Service Sources Sought." This shall be followed by a statement similar to the following (modifications may be made to suit agency needs):

"Concerns having the ability to furnish the following property (services) are requested to give written notification (including the telephone number for a point of contact) to the procuring office listed in this notice within —— calendar days (no less than 20 days should be entered) from the date of this synopsis:

(Describe the requirement so as to furnish a complete property (service) description, and a condensation of other essential information, to provide concerns with an intelligible basis for judging whether they have an interest in the procurement. Such information may include a statement regarding the Government's belief that the property or service may be available only from a sole source and the reasons for such belief.)

This is not a formal solicitation. However, concerns that respond should furnish detailed data concerning their capabilities and may request to receive a copy of the solicitation when it becomes available. This notice may represent the only official notice of such a solicitation."

PART 1–3—PROCUREMENT BY NEGOTIATION

The table of contents for Part 1–3 is amended to add two entries under Subpart 1–3.1 as follows:

Sec.
1–3.107 Justification of noncompetitive procurements.
1–3.108 Management controls designed to maximize the use of competitive procurement.

Subpart 1–3.1—Use of Negotiation

1. Section 1–3.107 is added to read as follows:

§ 1–3.107 Justification of noncompetitive procurements.

(a) *Circumstances permitting noncompetitive procurements.* While competition must be obtained on negotiated procurements to the maximum practicable extent in accordance with § 1–3.101, there are several circumstances under which noncompetitive procurements may be justified. These circumstances are as follows:

(1) The agency is authorized or required by statute to award a contract to a specified source; e.g., awards to the Blind or other Severely Handicapped, Prison Industries, and the SBA under section 8(a) of the Small Business Act. Contracting officers are cautioned that 41 U.S.C. 252(c)(10) (see § 1–3.210) does not constitute such statutory authority. The latter cite merely provides authority to use negotiation procedures instead of formal advertising when the agency is faced with a sole source of supply situation.

(2) The Government's need for a product or service is so urgent that there is not enough time to obtain competition; i.e., a serious emergency will not permit the delay inherent in obtaining competition and the agency finds that only one known source can meet the Government's needs within the required time. However, urgency in itself does not necessarily justify a noncompetitive procurement decision unless fully supported by the facts of the procurement situation. A search for other sources, to the extent reasonable in the circumstances, shall be conducted (see paragraph (b) of this section).

(3) The data, such as drawings or other specifications needed for competition, are not available to the Government and there are no alternative ways of obtaining competition, such as redescribing the requirement in terms of function or performance required (see paragraph (d) of § 1–3.101 for agencies' responsibility to foster competitive conditions on subsequent procurements).

(4) There is one source that, because of unique capabilities, is the only one capable of meeting the Government's minimum requirements. The term "minimum requirements" is a limitation referring to only those features that are essential to meeting the Government's need. (See paragraph (b) of this section for actions that must be taken before this circumstance may be cited as justification for a noncompetitive procurement.)

(5) An award must be directed to one source because the head of the agency has determined that disclosure of the property or service to be obtained to more than one source would jeopardize the national security. It should be recognized, however, that § 1–3.212 authorizes the negotiation of purchases and contracts "for property or services as to which the agency head determines that the character, ingredients, or components thereof are such that the purchase or contract should not be publicly disclosed." Accordingly, the use of a noncompetitive procurement should be based on the most persuasive reasons.

(6) An award must be directed to a specified source because the agency head has determined that it is in the public interest to procure technical equipment or parts that require standardization and interchangeability in special situations or particular localities; and there is a reasonable basis for concluding that (i) only one source can provide such standardization and interchangeability and (ii) it is neither practical nor economical to establish more than one source. This circumstance shall not be cited for initial procurement of equipment and spare parts that ultimately will be standardized or for the arbitrary selection of the equipment of certain suppliers. (Refer to § 1–3.213 for a complete discussion of the stringent standards that must be met for this circumstance, which is both a circumstance permitting noncompetitive procurement when standardized equipment or interchangeable parts are available from only one source and a circumstance permitting negotiation. Also see paragraph (b) of this section for actions that must be taken before this circumstance may be cited as justification for a noncompetitive procurement. The intent is that a market search be undertaken before the standardization determination is made by the agency head.)

(7) An award must be directed to a specified source because only one source can satisfy the Government's legitimate need for an item compatible with existing equipment. However, if other sources are able to modify or adjust their products to produce acceptable items, they shall be given an opportunity to compete. See paragraph (b) of this section for actions that must be taken before this circumstance may be cited as justification for a noncompetitive procurement.

(8) A follow-on award must be directed to a specified source because it is not feasible to obtain competition for follow-on procurements. In such a case, it must be demonstrated that a noncompetitive award is necessary to avoid (i) duplications of cost to the Government for the property or service being procured (i.e. a substantial investment of some kind would have to be duplicated at Government expense by another source entering the field and the magnitude of this investment is so large that it would not be possible to overcome its effect through the use of competition), or (ii) unacceptable delays in accomplishing the agency's mission objectives. However, follow-on contract should not be awarded noncompetitively merely because of:

(A) The prior experience of the incumbent, if the incumbent is not uniquely capable of meeting the Government's minimum requirements;

(B) The agency's desire to avoid administrative inconvenience, including

the costs and effort associated with using the competitive process; or

(C) The fact that the Government will incur costs by changing contractors. (See paragraph (b) of this section for actions that must be taken before this circumstance may be cited as justification for a noncompetitive procurement. If the source was previously selected on a noncompetitive basis, a complete justification pursuant to paragraph (c) of this section shall be included in the contract file supporting the basic noncompetitive procurement as well as the instant procurement.)

(b) *Market search for competitive sources.* (1) As used herein, the term market search refers to attempts to ascertain whether other qualified sources capable of satisfying the Government's requirement exist. This testing of the marketplace may range from written or telephone contacts with knowledgeable Federal and non-Federal experts regarding similar or duplicate requirements, and the results of any market test recently undertaken, to the more formal sources-sought announcements in pertinent publications (e.g., technical/scientific journals, or the Commerce Business Daily).

(2) A market search for competitive sources shall be undertaken before a written noncompetitive procurement justification (see paragraph (c) of this section) may be approved on the basis of the circumstances permitting noncompetitive procurements cited in paragraphs (a)(4), (a)(6), (a)(7), and (a)(8) of this section, and before a justification citing paragraph (a)(2) when the degree of urgency is not so acute as to preclude some time for a market search. The extent of the search shall depend on what is reasonable in the circumstances to ensure that competition is not feasible. However, except as provided in paragraph (b)(3) of this section, a sources-sought synopsis (see §§ 1–1.1003–3 (b) and (c)) must be published in the Commerce Business Daily (CBD) to identify interested concerns before the circumstances cited in paragraphs (a)(4) and (a)(7) of this section may be used to justify a noncompetitive procurement over $10,000. Other reasonable steps, such as (i) contacting potentially capable firms, trade associations, and local businesses, (ii) consulting contractor directories, and (iii) contacting the Small Business Administration, should also be undertaken when appropriate. If only one source is identified as a result of the market search, this fact may be used to support a noncompetitive procurement justification as discussed in paragraph (c) of this section.

(3) When procurement solicitations are published in the CBD in accordance with the requirements of § 1–1.1003–2 and only one response is received, this fact may be used to support a noncompetitive procurement justification in lieu of the sources-sought synopsis discussed in paragraph (b)(2) of this section.

(4) Even though a noncompetitive procurement justification (see paragraph (c) of this section) is approved, and a sources-sought synopsis was published in accordance with paragraph (b)(2) of this section, the procurement action shall be published in the CBD pursuant to § 1–1.1003–2 in accordance with the publicizing requirements in 15 U.S.C. 637(e), *unless* the sources-sought synopsis was sufficiently specific to permit potential sources to identify an interest in the forthcoming procurement, and provided for them to request solicitations for the procurement. This will permit potential sources to identify themselves as required by the statute. The second CBD notice, if it is required, may state that a particular concern is considered to be a sole source and that the agency proposes to negotiate a contract with the concern on that basis. However, should additional sources submit offers before the closing date, they will be considered. This synopsizing requirement does not apply to an agency's intent to negotiate an unsolicited proposal on a noncompetitive basis in accordance with § 1–4.910 if a public solicitation would violate the prohibitions against disclosure of unsolicited contractor data that are set forth in § 1–4.911.

(c) *Written noncompetitive procurements justification.* A written noncompetitive procurement justification that documents the facts and circumstances substantiating the infeasibility of competition is required for each noncompetitive procurement over $10,000, except those involving orders under existing contracts (FPMR § 101–26.4 and FPR § 1–4.1109–6 are applicable to orders under GSA Schedule contracts), or modifications within the current scope of work and existing terms and conditions. This justification shall:

(1) Identify the problem, mission deficiency, or need that the procurement is intended to satisfy;

(2) Provide the facts supporting citation of one or more of the circumstances set forth in paragraph (a) of this section that permit use of a noncompetitive procurement;

(3) Demonstrate how the agency knows that the contractor is the only one that can meet the Government's minimum requirements. This justification requirement applies whenever the circumstances set forth in paragraphs (a)(2), (a)(3), (a)(4), (a)(5), (a)(6), (a)(7), or (a)(8), of this section are cited. Refer to the topics of review responsibility in § 1–3.108(e) to ensure that the justification is adequately documented;

(4) Describe the market search that was conducted if required by § 1–3.107(b), including whether a sources-sought synopsis or advance notice inviting competition was publicized in the Commerce Business Daily;

(5) Describe the reasons why a market search could not be undertaken in connection with an unsolicited proposal (see § 1–4.910(b)); and

(6) Be reviewed at a level higher than the contracting officer in accordance with § 1–3.101(d) and agency procedures. (Also see § 1–3.108(e).)

2. Section 1–3.108 is added to read as follows:

§ 1–3.108 Management controls designed to maximize the use of competitive procurement.

Agencies shall install management procedures or controls to ensure compliance with the requirements of §§ 1–3.101 and 1–3.107. Following is a list of techniques that are recommended for use in measuring organizational accountability for obtaining competition and promoting the use of competition:

(a) The Federal Procurement Data System should be used by agencies participating in it as a tool for tracking and measuring the progress of efforts undertaken to increase competition by agencies, components, and purchasing offices (see paragraphs (b) through (e) of this section). The approach used should emphasize the:

(1) Periodic analyses of the system's data on noncompetitive awards by such categories as purchasing office and product or service code;

(2) Pinpointing of areas having the greatest opportunity for increasing competition by identifying areas having a high incidence of noncompetitive procurements; and

(3) Measuring of incremental yearly progress.

(b) Agency heads should communicate a strong commitment to competition to personnel throughout their agencies. To this end, agency officials should be directed to use the competitive process, unless the Government would be injured by doing so and they demonstrate that competition is not feasible (see § 1–3.107). Responsibility should be placed on program, technical, and procurement

officials heading the various offices for making a good faith effort to maximize the use of competition.

(c) Procurement training provided to agency technical, program, and procurement personnel should emphasize the avoidance of noncompetitive awards and techniques designed to achieve this objective.

(d) Especially in potential sole source situations, agency requesting officials should be required to notify procurement offices as soon as requirements become known to maximize the time available for conducting the market search for potential sources and obtaining competition.

(e) Agencies should ensure that the required reviews of noncompetitive procurement decisions are effectively made (see §§ 1–3.101(d) and 1–3.107(c)(6)). The adequacy of the documentation of noncompetitive procurement justifications is of particular importance and should be emphasized in all procurement reviews. As each justification for noncompetitive procurement is reviewed, the reviewer should ascertain and evaluate:

(1) The reasons why the procurement cannot be competed;

(2) The adequacy of the grounds for excluding all other actual or potential offerors;

(3) Any further action that can be taken to obtain competition in the instant procurement; and

(4) Any action that is needed to avoid the need for a subsequent or a continued noncompetitive procurement.

PART 1–4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Subpart 1–4.9—Unsolicited Proposals

1. Section 1–4.910 is amended to revise paragraphs (b) and (c) and add paragraph (d) to read as follows:

§ 1–4.910 Method of procurement.

* * * * *

(b) If it can be accomplished without violating the prohibitions of § 1–4.911, a market search shall be undertaken in accordance with § 1–3.107(b) to assist in determining whether the substance of the proposal is available to the Government without restriction from another source. If the market search discloses that competition is feasible, offerors shall be provided a solicitation document stating the Government's minimum requirements as well as evaluation criteria, but not the particular ideas, proprietary information, or solution contained in the unsolicited proposal. If a market search would violate § 1–4.911, an explanation shall be set forth in the noncompetitive procurement justification pursuant to § 1–3.107(c)(5), and it shall not be undertaken.

(c) Unless a competitive procurement is otherwise appropriate, a negotiated noncompetitive procurement emanating from an unsolicited proposal is permissible if (1) the market search, when undertaken in accordance with paragraph (b) of this section, discloses no potential competitors; (2) the unsolicited proposal receives a favorable technical evaluation (see § 1–4.908(d)); and (3) a written noncompetitive procurement justification is prepared and reviewed when required by § 1–3.107(c). Based on a comprehensive evaluation of the proposal, the technical office shall provide the facts and circumstances that preclude competition and that support a recommended noncompetitive action, as well as other data required by § 1–3.107(c).

(d) When it is determined that the subject matter of an unsolicited proposal is acceptable for award on a noncompetitive basis, the unsolicited proposal will serve as the basis for negotiation.

2. Section 1–4.911 is revised to read as follows:

§ 1–4.911 Prohibitions.

(a) Agencies shall not permit all or any part of an unsolicited proposal to be used as the basis, or as a portion, of a solicitation, or in negotiation with other firms unless the offeror is notified of and agrees to the intended use. However, nothing herein precludes the Government from using any data, concept, or idea that it could have used had the unsolicited proposal not been submitted. With respect to data (see § 1–4.913(a)) tendered in an unsolicited proposal, disclosure of information, which concerns or relates to trade secrets, processes, operations, style of work, or apparatus, and other matters, may result in the imposition of a criminal penalty under the provisions of 18 U.S.C. 1905.

(b) It is not the intent of these regulations to disclose the originality of thought and the creativity and innovativeness of a proposed approach contained in an unsolicited proposal in market searches undertaken pursuant to § 1–4.910(b). Especially in the area of scientific research, it may be the proposer's definition of a problem and the proposer's recommended approach to a solution that is of interest to the Government which up to that time may have been unable to define the problem, develop a requirement, and solicit the marketplace for solutions. The aforementioned attributes of an unsolicited proposal are a part of the ideas, proprietary information, or solutions that § 1–4.916(b) prohibits the Government from disclosing in attempts to achieve competition. Unless a market search for competitive sources can be undertaken without disclosing such data, it shall not be performed.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: April 7, 1983.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 83–10135 Filed 4–14–83; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

41 CFR Parts 3–1 and 3–7

Indian Preference in Employment, Training, and Subcontracting Opportunities

AGENCY: Office of the Secretary, HHS.

ACTION: Final rule.

SUMMARY: The Office of the Secretary, Department of Health and Human Services is amending the Department's procurement regulations by adding a new section and two contract clauses on Indian preference.

The new section and contract clauses implement section 7(b) of the Indian Self-Determination and Education Assistance Act (Pub. L. 93–638; 88 Stat. 2205; 25 U.S.C. 450e(b)).

Section 7(b) of the Indian Self-Determination and Education Assistance Act requires that any contract, subcontract, grant, or subgrant awarded pursuant to the Act, the Act of April 16, 1934 (48 Stat. 596; 25 U.S.C. 452), as amended, or any other Act authorizing Federal contracts with or grants to Indian organizations or for the benefit of Indians shall require that, to the greatest extent feasible: (1) Preferences and opportunities for training and employment in connection with the administration of the contracts or grants be given to Indians, and (2) Preference in the award of subcontracts and subgrants in connection with the administration of the contracts or grants be given to Indian organizations and Indian-owned economic enterprises as defined in section 3 of the Indian Financing Act of 1974 (Pub. L. 93–262; 88 Stat. 77; 25 U.S.C. 1452).

Section 3–1.360, Indian preference in employment, training, and subcontracting opportunities, implements section 7(b) and provides direction for applying the Indian

Preference clause (§ 3–7.5015) and the Indian Preference Program clause (§ 3–7.5016). It also provides definitions of pertinent terms and instructions on compliance enforcement and Indian tribal preference requirements.

The Indian Preference and Indian Preference Program clauses stipulate the responsibilities of contractors regarding the employment and training of Indians and the award of subcontracts to Indians and Indian organizations.

Section 3–1.360 and the clauses parallel the comparable issuance published by the Department of Interior, wherever feasible and practical, to promote uniformity and consistency of application. The comparable Department of Interior procurement regulations, §§ 14–1.354 Indian preference in employment, training and subcontracting opportunities, 14–7.5002 Indian preference, and 14–7.5003 Indian preference program were published on October 31, 1979 (44 FR 62513).

EFFECTIVE DATE: The amendment is effective April 15, 1983.

FOR FURTHER INFORMATION CONTACT: E. S. Lanham, Division of Procurement Policy, OPAP–OPAL–OASMB–OS, Department of Health and Human Services, Room 539H, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, D.C. 20201 (202–245–6791).

SUPPLEMENTARY INFORMATION: On October 20, 1981, the proposed rule concerning Indian preference was published in the **Federal Register** (46 FR 51410) and invited public comments by December 21, 1981. Ten responses were received from the public and several others were received from activities within the Department.

Several respondents commented that the scope of the Department's implementation of section 7(b) applies to only federally recognized Indian Tribes and organizations and should be expanded to include non-federally recognized Indian groups and organizations.

Implementation of section 7(b) should not apply to non-federally recognized Indian groups and organizations because it is the intent of Pub. L. 93–638, the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450), particularly sections 4 and 7 of it (25 U.S.C. 450 b. and 25 U.S.C. 450 e., respectively), and other "Indian" laws cited in Pub. L. 93–638, to apply only to Indian Tribes and organizations recognized by the Federal Government.

One respondent recommended the deletion of the word "specifically" in § 3–1.360(b)(1) (i) and (ii), stating that inclusion of the word in both places was assuming too restrictive an approach in implementing section 7(b).

The word "specifically" accurately connotes the intent of section 7(b) and is consistent with the Department of Interior's regulations implementing section 7(b) (Title 41, CFR Chapter 14, § 14–1.354 (b)(1) (ii) and (iii)).

Several respondents offered comments regarding § 3–1.360(b)(2) concerning the dollar thresholds and application of the Indian Preference Program contract clause. One respondent recommended that the dollar thresholds for applicability of the Indian Preference Program clause for both construction and nonconstruction work be lowered to $25,000. Another respondent recommended the dollar threshold for use of that clause for construction work be raised to $500,000. The same respondent also recommended that the dollar thresholds required for use of the Indian Preference Program clause also be applied to the Indian Preference clause referenced in § 3–1.360(b)(1), and that the contracting officer's discretionary authority to apply the Indian Preference Program clause, regardless of the dollar threshold of the proposed solicitation and resultant contract stated under § 3–1.360(b)(2), be deleted.

Section 7(b) requires application of Indian preference "* * * to the greatest extent feasible." We have strived to balance the potential for accomplishing section 7(b)'s purpose against the administrative burdens of contracting.

We concluded that there would be few subcontracting opportunities and the requirements of the clause would be overly burdensome for contracts below the cited thresholds. The thresholds cited were deemed to be fair, realistic and the generally minimum levels practical. However, the regulation recognizes that in a particular circumstance(s) contracts for an amount less than the threshold might present opportunities for Indian employment, training and subcontracting. Accordingly, the regulation provides contracting officers with discretionary authority to use the clause even if the estimated amount of the contract is less than the threshold. The Department believes that its approach in allowing discretionary authority is consistent with section 7(b), i.e., to promote preferences and opportunities whenever the circumstances indicate that they exist.

Similarly, we concluded that a $500,000 threshold for construction work would be excessive and would result in the loss of legitimate Indian preference opportunities, if adopted. On the other hand, thresholds are inappropriate and unnecessary for the Indian Preference clause. The practical limitations and burdens that exist in the application of the Indian Preference Program clause do not exist here. The clause requires a contractor to put forth its best efforts to employ Indians and Indian organizations and does not impose undue burden.

A respondent recommended deletion of the second sentence under (1) of § 3–1.360(d) *Compliance enforcement,* stating that the Federal Government should assume complete responsibility for any compliance reviews. The sentence states that the "reviews may be conducted with the assistance of the Indian Tribe(s) concerned."

Apparently, the respondent has assumed that the Government's authority may be compromised if Indian Tribes are allowed to participate in the compliance reviews. This is not the case. The Government retains complete authority and is to exercise it in accordance with the terms of the contract. The sentence was added to afford the Indian Tribe(s) an opportunity to see first-hand what results the requirements of the contract clauses are producing since the Tribe will have many interests in the performance and outcome of the contract. Again, we believe this is within the intent of the legislation. It is also consistent with the policy stated in the comparable paragraph of the Department of the Interior's regulations.

Several respondents objected to either the implication or manner of expression of the phrase "* * * and must not hinder the Government's right to award contracts and to administer their provisions" in the second sentence of § 3–1.360(e)(2) *Tribal preference requirements.*

The sentence has been changed to incorporate the language recommended by one of the respondents. The passage now reads "* * * and must not conflict with any Federal statutory or regulatory requirement concerning the award and administration of contracts." The same language has been substituted in paragraph (c) of the Indian Preference Program clause.

The Department has also made two changes to § 3–1.360 based on comments received from activities within the Department. Section 3–1.360(b) Applicability has been rewritten to clarify when and by whom the contract clauses are to be used. Under item (1) of § 3–1.360(e) *Tribal preference requirements,* the third sentence has been amended to remove the requirement that supplemental tribal

preferences be approved by the Department's Office of Procurement Policy.

In regard to the two contract clauses, Indian Preference and Indian Preference Program, the ten percent differential for Indian responsive bids or acceptable proposals for subcontracts under the contract has been eliminated. Numerous respondents, both within and outside the Department, offered comments concerning the application of the ten percent differential. As a result, the Department has reconsidered its position and is removing all references to the differential primarily because it could serve as a deterrent to the competitive procurement process and would likely create overwhelming administrative burdens for the Government and the contractor.

In addressing the Indian Preference clause (§ 3–7.5015), one respondent recommended deletion of the second sentence of paragraph (a) of the clause stating that the hiring of Indians who are not fully qualified to perform the work would be counterproductive and possible safety hazards.

It is the intent of section 7(b) to promote the employment and training of Indians to allow those not fully qualified for a specific job to be trained on the job and become fully qualified. In situations where a contractor can show that the employment of a certain individual in a particular position would be counterproductive or a safety hazard regardless of the training or opportunities offered, the contractor has the right to deny employment. No change has been made in the regulation.

The same respondent also objected to paragraph (f) that requires inclusion of the Indian Preference clause in all subcontracts awarded at any tier under the contract. The respondent recommended that only first tier subcontractors be affected.

The Department considered this issue when drafting the proposed rule and determined that it was intent of section 7(b) to have all subcontracts, regardless of tier, to be subject to the Indian Preference clause requirements.

Several respondents offered comments on the Indian Preference Program clause (§ 3–7.5016). One respondent indicated that, under paragraph (a)(3) of the clause, the requirement that the contractor notify the Indian Tribe not less than twenty calendar days prior to commencement of work did not offer sufficient leadtime for a Tribe to do the necessary planning and recruiting. The respondent recommended this action take place not more then twenty calendar days after the award of the contract. The Department agrees and has made the necessary change.

A respondent indicated that Indian-owned economic enterprises must learn to compete not only with each other but with the larger economic environment and, hence, recommended deletion of the second sentence in paragraph (a)(4) of the clause, modification of the sixth sentence, and deletion of the seventh, eighth, and ninth sentences.

The recommended changes proposed by the respondent would negate section 7(b) which requires that preference in the award of subcontracts be given to Indian organizations and Indian-owned economic enterprises. Therefore, the changes were not incorporated into the final regulation.

Another respondent also offered comments on paragraph (a)(4), recommended deletion of that paragraph, and proposed that the Department adopt an approach similar to the subcontracting program requirements of Pub. L. 95–507, which amended the Small Business Act. The respondent recommended that the Department require offerors (bidders) to submit as part of the proposal (bid) a subcontracting plan indicating maximum utilization of Indian organizations and Indian-owned economic enterprises as subcontractors or suppliers under the contract or be found non-responsive if no subcontracting plan or an inadequate plan is submitted. The respondent indicated that contractors are not complying with the subcontracting requirements of the present clause (as implemented by the Department of Interior), and stated the subcontracting plan approach would simplify administration and compliance aspects of the clause.

The Department believes the approach recommended by the respondent is innovative, but believes the present wording and method of paragraph (a)(4) is more comprehensive and will be less burdensome to prospective offerors or bidders. Paragraph (a)(4) is clear that the contractor must establish a subcontracting program which gives preference to Indian organizations and Indian-owned economic enterprises. It requires that specific actions be performed by the contractor and contracting officer, pertinent information be furnished to Indian firms by the contractor explaining subcontracting opportunities, close coordination be established between the contractor and the Indian Tribe(s) on or near whose reservation the work is to be preformed and public announcement of subcontracting opportunities be made. The respondent's proposed revision of paragraph (a)(4) provides for none of these features. Further, by requiring inclusion of the clause in the solicitation, the prospective contractor is made fully aware of its responsibilities during the bid or proposal preparation stage and is on notice that it must establish and conduct a subcontracting program which gives preference to Indian organizations and Indian-owned economic enterprises if awarded the contract. Failure by the contractor to comply with the requirements of the clause once the contract is awarded would result in action by the contracting officer to remedy the situation, including, possibly, contract termination. Finally, proper enforcement of the requirements of paragraph (a)(4) by the contracting officer will alleviate problems concerning administration and compliance.

Therefore, the proposed language in paragraph (a)(4) has been retained.

One respondent recommended deletion of most of paragraph (a)(5) of the clause to keep the record-keeping burden to reasonable proportions.

We agree that record-keeping and other administrative burdens should be kept to a minimum. However, we believe it is not unreasonable to require that a contractor maintain limited records evidencing its compliance with the provisions of the Indian Preference Program clause. However, the paragraph has been modified to delete references to personal identifiers, thus reducing the amount of information that needs to be reported.

The same respondent recommended deletion of the wording in paragraph (d), which requires inclusion of the Indian Preference Program clause in all subcontracts awarded at any tier under the contract, and recommended that only a first tier subcontractor be covered.

As indicated in a previous response, the Department determined that the intent of section 7(b) is to require all subcontracts, regardless of tier, to be subject to the requirements of the Indian Preference Program clause (and the Indian Preference clause).

Another respondent recommended that paragraph (e) of the clause be expanded to allow the contracting officer greater authority in the event of contractor noncompliance with the clause, such as being able to require the contractor to pay back or provide other forms of relief to Indians or businesses harmed by the contractor's failure to comply.

Without addressing the validity of the suggested change, the Department has modified both clauses to make it clear that the contracting officer may impose any sanctions authorized by law or by other provisions of the contract.

The Department of Health and Human Services has determined that this rule will not have a significant economic impact on a substantial number of small entities, and, therefore, does not require the preparation of a regulatory flexibility analysis under the Regulatory Flexibility Act of 1980, Pub. L. 96–354.

The Department of Health and Human Services has determined that this rule is not a "major rule" as defined under Executive Order 12291, and hence, a regulatory impact analysis is not required.

The Department of Health and Human Services has determined that this rule does not contain collections of information subject to review by the Office of Management and Budget under the paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.).

List of Subjects in 41 CFR Parts 3–1 and 3–7.

Government procurement.

The provisions of this amendment are issued under 5 U.S.C. 301; 40 U.S.C. 486(c).

Therefore, Title 41 CFR Chapter 3 is amended as set forth below.

Dated: April 11, 1983.

Henry G. Kirschenmann, Jr.,

Deputy Assistant Secretary for Procurement, Assistance and Logistics.

1. Under Subpart 3–1.3, *General Policies*, of Part 3–1, *General*, § 3-1.360, *Indian preference in employment, training, and subcontracting opportunities*, is added to 41 CFR Chapter 3. In addition, the table of contents for Part 3–1 is amended to add the new section as follows:

PART 3–1—GENERAL

* * * * *

Subpart 3–1.3—General Policies

* * * * *

Sec.

3–1.360 Indian preference in employment, training, and subcontracting opportunities.

* * * * *

§ 3–1.360 Indian preference in employment, training, and subcontracting opportunities.

(a) *Statutory requirements.* Section 7(b) of the Indian Self-determination and Education Assistance Act, Pub. L. 93–638, 88 Stat. 2205; 25 U.S.C. 450e(b), requires:

Any contract, subcontract, grant, or subgrant pursuant to this Act, the Act of April 16, 1934 (48 Stat. 596), as amended, or any other Act authorizing Federal contracts with or grants to Indian organizations or for the benefit of Indians, shall require that to the greatest extent feasible:

(1) Preferences and opportunities for training and employment in connection with the administration of such contracts or grants shall be given to Indians; and

(2) Preference in the award of subcontracts and subgrants in connection with the administration of such contracts or grants shall be given to Indian organizations and to Indian-owned economic enterprises as defined in section 3 of the Indian Financing Act of 1974 (88 Stat. 77).

(b) *Applicability.* The Indian Preference clause set forth in § 3–7.5015 and the Indian Preference Program clause set forth in § 3–7.5016 have been developed to implement section 7(b) of Pub. L. 93–638 for all activities of the Department. The clauses shall be used by any affected departmental procuring activity as follows, except solicitations issued and contracts awarded pursuant to Title I of Pub. L. 93–638 (25 U.S.C. 450 et seq.) are exempted:

(1) The Indian Preference clause (§ 3–7.5015) shall be included in each solicitation and resultant contract, regardless of dollar amount:

(i) When the contract is to be awarded pursuant to an act specifically authorizing contracts with Indian organizations; or

(ii) Where the work to be performed under the contract is specifically for the benefit of Indians and is in addition to any incidental benefits which might otherwise accrue to the general public.

(2) The Indian Preference Program clause (§ 3–7.5016) shall be included in each solicitation and resultant contract when:

(i) The dollar amount of the procurement is expected to equal or exceed $50,000 for nonconstruction work or $100,000 for construction work;

(ii) The Indian Preference clause is to be included in the solicitation and resultant contract; and

(iii) The determination is made, prior to solicitation, that the work to be performed under the resultant contract will take place in whole or in substantial part on or near an Indian reservation(s). In addition, the Indian Preference Program clause may be included in any solicitation and resultant contract below the $50,000 or $100,000 level for nonconstruction or construction contracts, respectively, but which meet the requirements of paragraphs (ii) and (iii) of this section and, in the opinion of the procuring activity, offer substantial opportunities for Indian employment, training, and subcontracting.

(c) *Definitions.* For purposes of this § 3–1.360, the following definitions shall apply:

(1) "Indian" means a person who is a member of an Indian Tribe. If the contractor has reason to doubt that a person seeking employment preference is an Indian, the contractor shall grant the preference but shall require the individual to provide evidence within thirty (30) days from the Tribe concerned that the person is a member of that Tribe.

(2) "Indian Tribe" means an Indian Tribe, pueblo, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688; 43 U.S.C. 1601) which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(3) "Indian organization" means the governing body of any Indian Tribe or entity established or recognized by such governing body in accordance with the Indian Financing Act of 1974 (88 Stat. 77; 25 U.S.C 1451).

(4) "Indian-owned economic enterprise" means any Indian-owned commercial, industrial, or business activity established or organized for the purpose of profit, provided that such Indian ownership shall constitute not less than 51 percent of the enterprise, and that ownership shall encompass active *operation* and *control*.

(5) "Indian reservation" includes Indian reservations, public domain Indian allotments, former Indian reservations in Oklahoma, and land held by incorporated Native groups, regional corporations, and village corporations under the provisions of the Alaska Native Claims Settlement Act (85 Stat. 688; 43 U.S.C. 1601 et seq.).

(6) "On or near an Indian Reservation" means on a reservation or reservations or within that area surrounding an Indian reservation(s) where a person seeking employment could reasonably be expected to commute to and from in the course of a work day.

(d) *Compliance enforcement.* (1) The concerned procuring activity shall be responsible for conducting periodic reviews to insure contractor compliance with the requirements of the clauses set forth in §§ 3–7.5015 and 3–7.5016. These reviews may be conducted with the assistance of the Indian Tribe(s) concerned.

(2) Complaints of noncompliance with the requirements of the clauses set forth

in §§ 3–7.5015 and 3–7.5016 which are filed in writing with the procuring activity shall be promptly investigated and resolved by the contracting officer.

(e) *Tribal preference requirements.* (1) Where the work under a contract is to be performed on an Indian reservation, the procuring activity may supplement the clause set forth in § 3–7.5016 by adding specific Indian preference requirements of the Tribe on whose reservation the work is to be performed. The supplemental requirements shall be jointly developed for the contract by the procuring activity and the Tribe. Supplemental preference requirements must represent a further implementation of the requirements of section 7(b) of Public Law 93–638 and must be approved by the affected program director and approved for legal sufficiency by the Business and Administrative Law Division, OGC, or a regional attorney before being added to a solicitation and resultant contract. Any supplemental preference requirements to be added to the clause in § 3–7.5016 shall be included in the solicitation and clearly identified in order to ensure uniform understanding of the additional requirements by all prospective bidders or offerors.

(2) Nothing in these regulations shall be interpreted to preclude Tribes from independently developing and enforcing their own tribal preference requirements. Such independently developed tribal perference requirements shall not, except as provided in § 3–1.360(e)(1) above, become a requirement in contracts covered under this § 3–1.360 and must not conflict with any Federal statutory or regulatory requirement concerning the award and administration of contracts.

2. Under Part 3–7, *Contract Clauses*, Subpart 3–7.50, *Special Contract Clauses*, is amended to add §§ 3–7.5015, *Indian preference*, and 3–7.5016, *Indian preference program*. In addition the table of contents for Part 3–7 is amended to add the following:

PART 3–7—CONTRACT CLAUSES

* * * * *

Subpart 3–7.50—Special Contract Clauses

* * * * *

Sec.
3–7.5015 Indian preference.
3–7.5016 Indian preference program.
* * * * *

Subpart 3–7.50—Special Contract Clauses

§ 3–7.5015 Indian preference.

The following clause shall be used as prescribed in § 3–1.360(b)(1):

Indian Preference

(a) The Contractor agrees to give preference in employment opportunities under this contract to Indians who can perform required work, regardless of age (subject to existing laws and regulations), sex, religion, or tribal affiliation. To the extent feasible and consistent with the efficient performance of this contract, the Contractor further agrees to give preference in employment and training opportunities under this contract to Indians who are not fully qualified to perform regardless of age (subject to existing laws and regulations), sex, religion, or tribal affiliation. The Contractor also agrees to give preference to Indian organizations and Indian-owned economic enterprises in the awarding of any subcontracts to the extent feasible and consistent with the efficient performance of this contract. The Contractor shall maintain statistical records as are necessary to indicate compliance with this paragraph.

(b) In connection with the Indian employment preference requirements of this clause, the Contractor shall provide opportunities for training incident to such employment. Such training shall include on-the-job, classroom or apprenticeship training which is designed to increase the vocational effectiveness of an Indian employee.

(c) If the Contractor is unable to fill its employment and training opportunities after giving full consideration to Indians as required by this clause, those needs may be satisfied by selection of persons other than Indians in accordance with the clause of this contract entitled "Equal Opportunity."

(d) If no Indian organizations or Indian-owned economic enterprises are available under reasonable terms and conditions, including price, for awarding of subcontracts in connection with the work performed under this contract, the Contractor agrees to comply with the provisions of this contract involving utilization of small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, or labor surplus area concerns.

(e) As used in this clause:

(1) "Indian" means a person who is a member of an Indian Tribe. If the Contractor has reason to doubt that a person seeking employment preference is an Indian, the Contractor shall grant the preference but shall require the individual to provide evidence within thirty (30) days from the Tribe concerned that the person is a member of that Tribe.

(2) "Indian Tribe" means an Indian Tribe, pueblo, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688; 43 U.S.C. 1601) which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(3) "Indian organization" means the governing body of any Indian Tribe or entity established or recognized by such governing body in accordance with the Indian Financing Act of 1974 (88 Stat. 77; 25 U.S.C. 1451); and

(4) "Indian-owned economic enterprise" means any Indian-owned commercial, industrial, or business activity established or organized for the purpose of profit, provided that such Indian ownership shall constitute not less than 51 percent of the enterprise, and that ownership shall encompass active *operation* and *control* of the enterprise.

(f) The Contractor agrees to include the provisions of this clause, including this paragraph (f), in each subcontract awarded at any tier under this contract.

(g) In the event of noncompliance with this clause, the Contracting Officer may terminate the contract in whole or in part or may impose any other sanctions authorized by law or by other provisions of the contract.

§ 3–7.5016 Indian preference program.

The following clause shall be used as prescribed in § 3–1.360(b)(2):

Indian Preference Program

(a) In addition to the requirements of the clause of this contract entitled "Indian Preference," the Contractor agrees to establish and conduct an Indian preference program which will expand opportunities for Indians to receive preference for employment and training in connection with the work to be performed under this contract, and which will expand the opportunities for Indian organizations and Indian-owned economic enterprises to receive a preference in the awarding of subcontracts. In this connection, the Contractor shall:

(1) Designate a liaison officer who will (i) Maintain liaison with the Government and the Tribe(s) on Indian preference matters; (ii) Supervise compliance with the provisions of this clause; and (iii) Administer the Contractor's Indian preference program.

(2) Advise its recruitment sources in writing and include a statement in all

advertisements for employment that Indian applicants will be given preference in employment and training incident to such employment.

(3) Not more than twenty (20) calendar days after award of the contract, post a written notice in the Tribal office of any reservations on which or near where the work under this contract is to be performed that sets forth the Contractor's employment needs and related training opportunities. The notice shall include the approximate numbers and types of employees needed; the approximate dates of employment; the experience or special skills required for employment, if any; training opportunities available; and other pertinent information necessary to advise prospective employees of any other employment requirements. The Contractor shall also request the Tribe(s) on or near whose reservation(s) the work is to be performed to provide assistance to the Contractor in filling its employment needs and training opportunities. The Contracting Officer will advise the Contractor of the name, location, and phone number of the Tribal officials to contact in regard to the posting of notices and requests for Tribal assistance.

(4) Establish and conduct a subcontracting program which gives preference to Indian organizations and Indian-owned economic enterprises as subcontractors and suppliers under this contract. The Contractor shall give public notice of existing subcontracting opportunities and, to the extent feasible and consistent with the efficient performance of this contract, shall solicit bids or proposals only from Indian organizations or Indian-owned economic enterprises. The Contractor shall request assistance and information on Indian firms qualified as suppliers or subcontractors from the Tribe(s) on or near whose reservation(s) the work under the contract is to be performed. The Contracting Officer will advise the Contractor of the name, location, and phone number of the Tribal officials to be contacted in regard to the request for assistance and information. Public notices and solicitations for existing subcontracting opportunities shall provide an equitable opportunity for Indian firms to submit bids or proposals by including: (i) A clear description of the supplies or services required, including quantities, specifications, and delivery schedules which facilitate the participation of Indian firms; (ii) A statement indicating that preference will be given to Indian organizations and Indian-owned economic enterprises in accordance with section 7(b) of the Pub. L. 93–638 (88 Stat. 2205; 25 U.S.C. 450e(b)); (iii) Definitions for the terms "Indian organization" and "Indian-owned economic enterprise" as prescribed under the "Indian Preference" clause of this contract; (iv) A representation to be completed by the bidder or offeror that it is an Indian organization or Indian-owned economic enterprise; and (v) A closing date for receipt of bids or proposals which provides sufficient time for preparation and submission of a bid or proposal. If after soliciting bids or proposals from Indian organizations and Indian-owned economic enterprises, no responsive bid or acceptable proposal is received, the Contractor shall comply with the requirements of paragraph (d) of the "Indian Preference" clause of this contract. If one or more responsive bids or acceptable proposals are received, award shall be made to the low responsible bidder or acceptable offeror if the price is determined to be reasonable. If the low responsive bid or acceptable proposal is determined to be unreasonable as to price, the Contractor shall attempt to negotiate a reasonable price and award a subcontract. If a reasonable price cannot be agreed upon, the Contractor shall comply with the requirements of paragraph (d) of the "Indian Preference" clause of this contract.

(5) Maintain written records under this contract which indicate: (i) The numbers of Indians seeking employment for each employment position available under this contract; (ii) The number and types of positions filled by Indians and non-Indians, and the total number of Indians employed under this contract; (iii) For those positions where there are both Indian and non-Indian applicants, and a non-Indian is selected for employment, the reason(s) why the Indian applicant was not selected; (iv) Actions taken to give preference to Indian organizations and Indian-owned economic enterprises for subcontracting opportunities which exist under this contract; (v) Reasons why preference was not given to Indian firms as subcontractors or suppliers for each requirement where it was determined by the Contractor that such preference would not be consistent with the efficient performance of the contract; and (vi) The number of Indian organizations and Indian-owned economic enterprises contacted, and the number receiving subcontract awards under this contract.

(6) Submit to the Contracting Officer for approval a quarterly report which summarizes the Contractor's Indian preference program and indicates the number and types of available positions filled by Indians and non-Indians, and the dollar amounts of all subcontracts awarded to Indian organizations and Indian-owned economic enterprises, and to all other firms.

(7) Maintain records pursuant to this clause and keep them available for review by the Government until expiration of one (1) year after final payment under this contract, or for such longer period as may be required by any other clause of this contract or by applicable law or regulation.

(b) For purposes of this clause, the following definitions of terms shall apply:

(1) The terms "Indian," "Indian Tribe," "Indian Organization," and "Indian-owned economic enterprise" are defined in the clause of this contract entitled "Indian Preference."

(2) "Indian reservation" includes Indian reservations, public domain Indian Allotments, former Indian reservations in Oklahoma, and land held by incorporated Native groups, regional corporations, and village corporations under the provisions of the Alaska Native Claims Settlement Act (85 Stat. 688; 43 U.S.C. 1601 et seq.).

(3) "On or near an Indian Reservation" means on a reservation or reservations or within that area surrounding an Indian reservation(s) where a person seeking employment could reasonably be expected to commute to and from in the course of a work day.

(c) Nothing in the requirements of this clause shall be interpreted to preclude Indian Tribes from independently developing and enforcing their own Indian preference requirements. Such requirements must not conflict with any Federal statutory or regulatory requirement dealing with the award and administration of contracts.

(d) The Contractor agrees to include the provisions of this clause, including this paragraph (d), in each subcontract awarded at any tier under this contract and to notify the Contracting Officer of such subcontracts.

(e) In the event of noncompliance with this clause, the Contracting Officer may terminate the contract in whole or in part or may impose any other sanctions authorized by law or by other provisions of the contract.

[FR Doc. 83–10134 Filed 4–14–83; 8:45am]
BILLING CODE 4110–12–M

OFFICE OF PERSONNEL MANAGEMENT

41 CFR Part 16–4

Procurement Regulations

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: These regulations call for the simultaneous submission of Federal Employees Health Benefit (FEHB) carriers' benefit and rate proposals. The regulations will permit an assessment of the impact of benefit and rate proposals on both the Government and enrollees in a more timely and orderly fashion than is possible with the present FEHB contract negotiation cycle.

EFFECTIVE DATE: May 16, 1983.

FOR FURTHER INFORMATION CONTACT: Mary Ann Mercer, 202–254–9574.

SUPPLEMENTARY INFORMATION: On February 22, 1983, the Office of Personnel Management published proposed rules in the **Federal Register** [48 FR 7460–7461, 48 FR 7478–7479] with a request for comments from interested parties before publication as final regulations. Respondents included 29 of the 132 carriers participating in the FEHB Program, one non-participating carrier, two Federal agencies, and one individual in the private sector. The responses were generally in favor of the simultaneous submission of benefit and rate proposals, but were mixed with regard to the due date of May 31. The comments focused on two primary concerns:

OPM's Discretion To Request Benefit and Rate Proposals

Several commentors felt that the Director of OPM should not be given discretion to request rate proposals because the Director's decision not to request rate proposals in a particular year could require rates that are too low or too high for the benefits, given fluctuations in inflation, utilization, and insured populations. Such concerns are unnecessary: The FEHB statute itself requires that rates "reasonably and equitably reflect the cost of the benefits provided." Any use of the discretion provided by these regulations will necessarily require preservation of the relationship between rates and benefits. Some community rated plans expressed concern that, since they meet their expenses through uniformly and equally applied community rates, the integrity of community rating could not be maintained if a plan were prevented from applying a necessary rate increase to the Federal group. Again, we would reassure the carriers that the statutory mandate that rates reflect the cost of the benefits provided will govern any use of OPM's discretion.

Date of Final Rate Submission

Carriers stated that the final rate submission date should not be moved forward from July 31 to May 31. They argue that under existing regulations carriers base rate estimates, in part, on paid claims and utilization experience from the beginning of the most recent contract year through June. Final rate proposals have been due July 31 and five or six months of experience were available to draw on for the rate estimates. Under the new regulations, approximately four months' experience (January through April) for the current contract year will be available prior to the May 31 filing date. This paid claims experience, however, would be based in part on claims for services that were incurred the previous year. Therefore, the data submitted from the previous contract year may not be representative of current utilization since it would not fully reflect the most current benefits and most recent open season enrollment changes. Due to this limited current experience, the carriers have suggested that they will be forced to build an additional margin into the proposed rates to account for unexpected increases in claims. This margin, according to the carriers, would result in higher premiums.

As we have already observed, there is a statutory relationship between premium levels and the cost of benefits provided. OPM will work within the statutory scheme. Our regulations are merely intended to enhance the fiscal integrity of the Program by providing sufficient time to analyze benefit and rate proposals to ensure that rates are adequate and acceptable to employees and the Government.

While we recognize that the claims and utilization experience cutoff date will occur two months earlier than it did under the previous regulations, the proposed rates will still be negotiated by OPM and the carrier, and the established premium rate will require OPM's consideration and final approval, as has been the procedure in the past. OPM will, as in the past, carefully evaluate proposals to ensure that the rates established are reasonable and equitable for the benefits offered, given inflation and utilization experience.

Miscellaneous Issues

One carrier recommended that an extension of the May 31 date for submission of benefit and rate proposals be applicable to all plans. It is not the intention of the regulations to extend the May 31 deadline for benefit and rate proposals on a plan-by-plan basis. In the event that the Director determines an extension for submission is in the interest of the Program, the extension would apply to all participating plans.

A concern expressed by one community rated carrier is that the change in date of submission of final rate proposals to May 31 will affect its other lines of business. Community rated plans gear some of their other contract negotiations to the FEHB Program negotiation process. Carriers that do so generally establish their per capita hospital and physician fees prior to FEHB Program negotiations and use the information in establishing their proposed rates for the FEHBP. Under the new regulations, some carriers will not have completed their negotiations with hospitals and doctors prior to May 31, so that their per capita hospital and physician fees will not be finally established. OPM recognizes that there may be conflicts experienced by some community rated carriers during this initial year of adjustment, and will take this into account in its 1984 negotiations.

One carrier commented that the term "comprehensive medical plans" was omitted from the Title 41 regulations and believed this omission results in a conflict with the regulatory provisions that currently admit only comprehensive medical plans into the Program. Since statutory provisions govern the types of plans which will be accepted into the FEHB Program at any given time, we do not agree that a conflict exists. Furthermore, omission of the term "comprehensive medical plans" from the regulations provides flexibility to OPM in the event the Program is opened to other types of plans through future legislation.

One carrier offered that issuance of the regulations would have a significant economic impact on health maintenance organizations because submission of final rate proposals on May 31 rather than July 31 "would increase the risk of rate decisions that resulted in adverse financial consequences." This assertion assumes rates submitted will be inaccurate because they are submitted earlier. While it is true that there will be less experience at the time the rates are proposed, OPM will make its evaluations and will negotiate based on all information available at the time of its decision. The new regulations begin the process at an earlier date, but they do not conclude it earlier. Consequently, there will be no impact on rates in the long run.

E.O. 12291, Federal Regulation

OMP has determined that this is not a major rule as defined under Section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that, within the scope of the Regulatory Flexibility Act, this regulation will not have a significant economic impact on a substantial number of small entities because the regulations simply rearrange the timeframe in which health benefit carriers must submit information.

List of Subjects in 41 CFR Part 16-4

Government employees, Government procurement, Health insurance.

Office of Personnel Management.

Donald J. Devine,

Director.

Accordingly, the Office of Personnel Management is amending Part 16-4 of Chapter 16, Title 41, Code of Federal Regulations, by revising §§ 16-4.152-3 and 16-4.152.4 to read as follows:

PART 16-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

* * * * *

§ 16-4.152-3 Applications to participate in the FEHB program.

By regulation (5 CFR 890.203), applications from carriers seeking participation in the FEHBP shall be submitted not later than the last day of the tenth month preceding the contract period to which they refer. Benefit and rate proposals for new plans shall be sumitted not less than seven months before the expiration of the then current contract period, unless the Director of OPM determines that a later submission date is acceptable. In its solicitation for new plans, OPM shall request detailed information of each carrier expressing interest in participating in the FEHBP. The Office of the Assistant Director for Insurance Programs shall evaluate the information received as set out in 5 U.S.C. Chapter 89, 5 CFR Part 890, and this Chapter 16, and the contracting officer shall notify carriers meeting these requirements of their approval to participate in the FEHBP during the following contract period. Since each application is considered on its own merits, there is no competition between offerors as is the case in other types of procurements. OPM shall seek to complete all benefit and rate negotiations no later than three months preceding the contract year to which they apply.

§ 16-4.152-4 Proposals of existing FEHBP carriers.

Benefit and/or rate changes in health benefit plans will be considered at the discretion of OPM. If the Director of OPM determines that it is beneficial to enrollees and the FEHBP to consider health plan benefit and/or rate changes for a given contract period, a "call letter" shall be issued to the carrier approximately 9 months prior to the expiration of the current contract period. Any proposal for change shall be in writing, specifically describe the change proposed, and be signed by an authorized official of the carrier. OPM will review any requested proposal for change and will notify the carrier of its decision to accept or reject the change. OPM may make a counter-proposal or at any time propose changes on its own motion. Benefit changes and/or rate proposals, when invited by OPM, shall be submitted not less than 7 months before the expiration of the then current contract period unless the Director of OPM determines that a later date is acceptable. The negotiation period shall begin approximately 7 months before the expiration of the current contract period, and OPM shall seek to complete all benefit and rate negotiations no later then 3 months preceding the contract period to which they will apply.

(5 U.S.C. 8913; 40 U.S.C. 486(c))

[FR Doc. 83-9987 Filed 4-14-83; 8:45 am]

BILLING CODE 6325-01-M

GENERAL SERVICES ADMINISTRATION

41 CFR Ch.101

[FPMR Temp. Reg. D-69]

Federal Employee Parking

AGENCY: General Services Administration.

ACTION: Temporary regulation.

SUMMARY: This regulation revises GSA's policies and procedures concerning Federal employee parking. The regulation was developed as part of an effort to review and streamline GSA's property management regulations. The intended effect is to lessen the burdensome layering of constraints on Federal managers caused by excessive Government regulations.

DATES: Effective date: April 15, 1983. Expiration date: January 31, 1984. Comments due by: June 14, 1983.

ADDRESS: Comments should be addressed to General Services Administration (PR), Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: John Quigley (202-566-1875).

SUPPLEMENTARY INFORMATION: GSA, in cooperation with an interagency committee, is reviewing the Federal Property Management Regulations in an attempt to make them less burdensome on agencies. Regulations that can be changed immediately, such as the regulations on parking, will be revised, and they wil be incorporated into the permanent regulations after the review is completed. GSA expects that, as a result of the review effort, Federal managers will be better able to control and implement the programs for which they are responsible because they will have more decisionmaking freedom as restrictive regulations are relaxed.

The General Services Administration has determined that this rule is not a major rule for the purposes of E.O. 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. Therefore, a Regulatory Impact Analysis has not been prepared. GSA has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Therefore, the following temporary regulation is added to the appendix at the end of Subchapter D in 41 CFR Chapter 101 to read as follows:

Federal Property Management Regulations Temporary Regulation D-69

March 28, 1983.

Federal Employee Parking

1. *Purpose.* This regulation provides revised procedures concerning Federal employee parking and supersedes the provisions of 41 CFR 101-20.111 and 101-20.117.

2. *Effective date.* The provisions of this temporary regulation are effective upon publication in the **Federal Register**.

3. *Expiration date.* This regulation expires on January 31, 1984.

4. *Applicability.* The provisions of this regulation apply to Government-owned and leased property under the control of the General Services Administration.

5. *Background.* The General Services Administration, in conjunction with an interagency advisory committee, is reviewing the Federal Property Management Regulations. The purpose of the review is to simplify, update, and streamline GSA's regulations. Areas selected for review include Part 101-20, Management of Buildings and Grounds. The regulations in that part concerning parking are being revised immediately to ensure adequate coverage.

GSA has attempted to resolve major concerns of agencies by involving the interagency group in the drafting process. Further improvements and suggestions can be incorporated prior to issuance of a permanent regulation.

6. *Parking facilities.*

a. Parking facilities shall be compatible with the character of neighborhoods and consistent with local planning requirements. They shall not adversely affect the use or appearance of property, and shall not create traffic hazards.

b. As necessary or upon agency request, GSA may provide for the regulation and policing of parking facilities. GSA will consult with primary occupant agencies prior to implementing procedural changes. Such regulation and policing may include:

(1) The issuance of traffic rules and regulations;

(2) The installation of signs and markings for traffic control. (Signs and markings shall be in conformance with the Manual on Uniform Traffic Control Devices published by the Department of Transportation.);

(3) The issuance of citations for parking violations; and

(4) The immobilization or removal of illegally parked vehicles.

c. When the use of parking space is controlled as in b above, all privately owned vehicles other than those authorized to use designated visitor or service areas must display a parking permit. This requirement may be waived in parking facilities where the number of available spaces regularly exceeds the demand for such spaces.

d. GSA may delegate the responsibility for management, regulation, and policing of parking facilities by agreement with occupant agencies or by contractual arrangements with lessors or parking management contractors. Where possible, existing contracts shall be amended or modified before renewal to conform with the policies of this regulation.

7. *Allocation and assignment of parking for official needs.* GSA has responsibility for ensuring the availability of parking spaces for official needs. GSA may, by mutual agreement, delegate allocation and assignment responsibilities to occupant agencies or boards, commissions, and similar groups. GSA and other agencies with assignment responsibilities shall determine the appropriate number of spaces at each facility for official purposes; such determinations will be based upon submissions of information from occupant agencies regarding their needs. Parking spaces in controlled facilities shall first be reserved for official needs, in the following order of priority:

a. At buildings containing U.S. Postal Service mailing operations, official postal vehicles.

b. Government-owned vehicles specially designed and used for criminal apprehension, firefighting, and other emergency functions.

c. Privately owned vehicles of Federal judges appointed under Article III of the Constitution and of Members of Congress. (This priority does not extend to members of their staffs.)

d. Other Government-owned and -leased vehicles, including motor pool vehicles and vehicles assigned for general use.

e. Service vehicles and vehicles of patrons and visitors. (Agencies are encouraged to provide accommodations for handicapped visitors. Accommodations for handicapped visitors shall be provided when necessitated by agency program requirements.)

8. *Allocation and assignment of employee parking spaces.*

a. Parking spaces not required for official needs may be used for employee parking.

b. GSA (or other agencies having assignment responsibilities) will determine the total number of spaces available for employee parking. Normally, a separate determination will be made for each parking facility. In major metropolitan areas, however, GSA and occupant agencies may ascertain that zonal allocations would achieve more efficient use of space or equality in the availability of parking.

c. Space available for employee parking will be allocated for occupant agency use on an equitable basis. Allocations may be made in proportion to each agency's share of building space, office space, or total employee population, as appropriate. In certain cases, GSA may allow a third party, such as a board composed of representatives of agencies sharing space, to determine proper reallocations among the agencies.

d. Agencies shall in turn assign spaces to their employees, using the following order of priority:

(1) Severely handicapped employees. Justifications based on medical opinion may be required.

(2) Executive personnel and persons who work unusual hours.

(3) Vanpool/carpool vehicles.

(4) Privately owned vehicles of occupant agency employees which are regularly used for Government business at least 12 days per month and which qualify for reimbursement of mileage and travel expenses under Government travel regulations.

(5) Other privately owned vehicles of employees, on a space-available basis. (In locations where parking allocations are made on a zonal basis, GSA and affected agencies may cooperate to issue additional rules, as appropriate.)

9. *Utilization of parking.*

a. Agencies shall develop, implement, and maintain employee carpooling/vanpooling programs and promote such programs. (Guidelines for the administration of carpooling/vanpooling programs are contained in FPMR Temporary Regulation A-21.)

b. GSA will take all feasible measures to improve the utilization of parking facilities. Such measures may include the conducting of surveys and studies, the periodic review of parking space allocations, the dissemination of parking information to agencies, the use of stack parking practices where appropriate, and the employment of parking management contractors and concessionaires.

10. *Guidelines for agency implementation.*

a. In most instances, the assignment of individual reserved spaces should be minimized; this allows the number of permits to be overallocated and results in increased efficiency.

b. In order to promote fuel conservation, reduce traffic congestion, reduce the demand for parking spaces, and reduce air pollution, agencies are encouraged to make available as many parking spaces as possible for the use of vanpools/carpools.

c. Agency procedures for the assignment of parking spaces should be maintained in writing. Provisions for reviewing assignments, enforcing compliance with regulations, and enforcing penalties for misrepresentation on applications are also recommended.

d. Occupant agencies should make every effort to schedule arrival and departure times for employees to facilitate carpooling and the use of mass transit.

e. Subject to the availability of satisfactory and secure space and facilities, agencies should reserve areas for the parking of bicycles and other two-wheeled vehicles.

f. Implementation of the provisions of this regulation may require negotiation, as appropriate, with recognized labor organizations.

11. *Definitions.*

a. "Vanpool/carpool" means a group of two or more people regularly using a motor vehicle for transportation to and from work. The number of persons in a vanpool/carpool will normally be the basis for priority of assignments.

b. "Executive" means a Government employee with management responsibilities which, in the judgment of the employing agency head or his/her designee, require preferential assignment of parking privileges.

c. "Handicapped employee" means an employee who has a severe, permanent impairment which for all practical purposes precludes the use of public transportation, or an employee who is unable to operate a car as a result of permanent impairment who is driven to work by another. Priority may require certification by an agency medical unit, including the Veterans Administration or the Public Health Service.

d. "Postal vehicle" means a Government-owned vehicle used for the transportation of mail, or a privately owned vehicle used under contract for the transportation of mail.

e. "Unusual hours" means work hours that are frequently required to be varied and do not coincide with any regular work schedule. This category includes individuals who regularly or frequently work significantly more than 8 hours per day. Unusual hours does not include shift workers, those on alternate work schedules, and those granted exceptions to the normal work schedule (e.g., flex-time).

f. "Zonal allocations" means the allocation of parking spaces on the basis of zones established by GSA in conjunction with occupant agencies. In metropolitan areas where this method is used, all agencies located in a designated zone will compete for available parking in accordance with instructions issued by GSA. In establishing this procedure, GSA will consult with all affected agencies.

12. *Effect on other directives.* The provisions of §§ 101–20.111 through 101–

20.111–3 and 101–20.117 through 101–20–117–4 are superseded by this temporary regulation.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 83–10002 Filed 4–14–83; 8:45 am]

BILLING CODE 6820–23–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6507]

Suspension of Community Eligibility Under the National Flood Insurance Program

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the flood plain management requirements of the program. If FEMA receives documentation that the community has adopted the required flood plain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the **Federal Register.**

EFFECTIVE DATES: The third date ("Susp.") listed in the fourth column.

FOR FURTHER INFORMATION CONTACT: Mr. Richard E. Sanderson, Chief, Natural Hazards Division, (202) 287–0270, 500 C Street Southwest, Donohoe Building—Room 505, Washington, DC 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128) unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et seq.). Accordingly, the communities are suspended on the effective date in the fourth column, so that as of that date flood insurance is no longer available in the community. However, those communities which, prior to the suspension date, adopt and submit documentation of legally enforceable flood plain management measures required by the program, will continue their eligibility for the sale of insurance. Where adequate documentation is received by FEMA, a notice withdrawing the suspension will be published in the **Federal Register.**

In addition, the Director of Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the fifth column of the table. No direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood prone areas. (Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Director finds that notice and public procedure under 5 U.S.C. 533(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified. Each community receives a 6 month, 90 days, and 30 days notification addressed to the Chief Executive Officer that the community will be suspended unless the required flood plain management measures are met prior to the effective suspension date. For the same reasons, this final rule may take effect within less than 30 days.

Pursuant to the provision of 5 U.S.C. 605(b), the Associate Director of State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. As stated in section 2 of the Flood Disaster Protection Act of 1973, the establishment of local flood plain management together with the availability of flood insurance decreases the economic impact of future looses to both the particular community and the nation as a whole. This rule in and of itself does not have a significant economic impact. Any economic impact results from the community's decision not to (adopt) (enforce) adequate flood plain management, thus placing itself in non-compliance of the Federal standards required for community participation.

In each entry, a completed chronology of effective dates appears for each listed community.

List of Subject in 44 CFR Part 64

Flood insurance, Flood plains.

PART 64—[AMENDED]

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of Flood Insurance in community	Special flood hazard area identified	Date [1]
Connecticut: New Haven	West Haven, city of	090092C	Oct. 6, 1971, emergency; Jan. 17, 1979, regular; Apr. 18, 1983, suspended.	May 31, 1974, Jan. 17, 1979	Apr. 18, 1983.
Kentucky: Floyd	Allen, city of	210070	Apr. 14, 1977, emergency; Apr. 18, 1983, regular; Apr. 18, 1983, suspended.	Feb. 27, 1976	Do.
Do	Wayland, city of	210073B	Mar. 29, 1976, emergency; Apr. 18, 1983, regular; Apr. 18, 1983, suspended.	Mar. 5, 1976, Aug. 23, 1974	Do.
Minnesota: Chisago	Unincorporated areas	270662B	Sept. 4, 1975, emergency; Apr. 18, 1983, regular; Apr. 18, 1983, suspended.	Oct. 28, 1977	Do.
New Hampshire: Grafton	Groton, town of	330055A	July 16, 1975, emergency; Nov. 29, 1974, regular; Apr. 18, 1983, suspended.	Nov. 29, 1974	Do.
New Jersey: Monmouth	Keyport, borough of	340304C	Jan. 23, 1974, emergency; July 2, 1979, regular; Apr. 18, 1983, suspended.	Jan. 23, 1974, Feb. 6, 1976, July 2, 1979.	Do.
Bergen	Closter, borough of	340022B	June 5, 1975, emergency; Apr. 18, 1983, regular; Apr. 18, 1983, suspended.	Apr. 9, 1976, Sept 6, 1976	Do.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of Flood Insurance in community	Special flood hazard area identified	Date [1]
Sussex	Newton, town of	3404530	Mar. 11, 1975, emergency; Apr. 18, 1983, regular; Apr. 18, 1983, suspended.	Apr. 12, 1974, June 4, 1976	Do.
New York: Suffolk	Huntington Bay, village of	3615688	Jan. 14, 1975, emergency; Apr. 18, 1983, regular; Apr. 18, 1983, suspended.	Dec. 12, 1980, Feb. 7, 1975	Do.
Do.	Lloyd Harbor, village of	360709C	Dec. 19, 1973, emergency; Feb. 15, 1978, regular; Apr. 18, 1983, suspended.	Apr. 12, 1974, Feb. 15, 1978, Apr. 18, 1983.	Do.
Oneida	New Hartford, town of	3605668	Aug. 22, 1974, emergency; Apr. 18, 1983, regular; Apr. 18, 1983, suspended.	May 28, 1974, Feb. 22, 1974	Do.
Suffolk	Northport, village of	360901B	Apr. 26, 1974, emergency; Apr. 18, 1983, regular; Apr. 18, 1983, suspended.	Apr. 12, 1974, June 4, 1976	Do.
Green	Tannersville, village of	360297B	July 15, 1975, emergency; Apr. 18, 1983, regular; Apr. 18, 1983, suspended.	June 25, 1975, June 7, 1974	Do.
Pennsylvania: Berks	Spring, township of	4211088	Oct. 13, 1972, emergency; Apr. 18, 1983, regular; Apr. 18, 1983, suspended.	Sept. 18, 1974	Do.
Do.	Wyomissing, borough of	421375A	Aug. 28, 1974, emergency; Apr. 18, 1983, regular; Apr. 18, 1983, suspended.	Nov. 22, 1974	Do.
Texas: Galveston	Friendswood, city of	485466	June 5, 1970, emergency Mar. 3, 1972, regular; Apr. 18, 1983, suspended.	Dec. 19, 1975	Do.

[1] Date certain Federal assistance no longer available in special flood hazard area.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; E.O. 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: April 8, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-10099 Filed 4-14-83; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 97

[PR Docket No. 82-83; FCC 83-118; RM-3705; RM-3729; RM-3734; RM-3778; RM-3831; RM-3833; RM-3860]

Amateur Radio Service; Expansion of the Telephony Segments of the High Frequency Amateur Radio Service Bands

AGENCY: Federal Communications Commission.

ACTION: Final rule (Report and Order).

SUMMARY: The Commission is authorizing the use of additional frequencies for telephony operation in the 14 MHz Amateur Radio Service band. The frequencies currently authorized for such use are, at times, extremely congested. This rule amendment will provide more frequencies for this use and thus relieve some of the congestion.

EFFECTIVE DATE: May 22, 1983.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Steve Lett, Private Radio Bureau, (202) 632–4964.

List of Subjects in 47 CFR Part 97

Radio.

First Report and Order

In the matter of an Expansion of the Telephony Segments of the High Frequency Amateur Radio Service Bands; PR Docket No. 82–83, RM–3705, RM–3729, RM–3734, RM–3778, RM–3831, RM–3833, RM–3860.

Adopted: March 31, 1983.

Released: April 11, 1983.

By the Commission.

1. On February 11, 1982, the Commission adopted a Notice of Inquiry and Proposed Rule Making in the above-captioned matter.[1] That Notice was in response to seven petitions for rule making, each requesting that the Amateur Radio Service Rules (Part 97) be amended to provide for the use of telephony operation (emission types A3 and F3) on additional portions of the amateur high frequency (HF) bands—the bands between 3 and 30 MHz. In its Notice, the Commission specifically proposed to "* * * expand telephony privileges in the 14 MHz amateur band by adding the frequencies 14150–14200 kHz to those currently authorized for such use." The Commission did not propose to change any of the privileges accorded to the various operator license classes.

2. The Commission also initiated an inquiry in its Notice, seeking to gather additional information on alternative approaches to expanding frequencies for telephony use in the other HF bands and the desirability of expansion in each of the bands. The Commission stated, "* * * we are not proposing expansion of any of the other telephony subbands between 3.5 and 29.7 MHz because we feel the issues involved are too inadequately defined for us to commit ourselves to any particular course of action." Today, we are adopting a separate Further Notice of Proposed Rule Making to set forth our specific proposals for expansion in the bands other than the 14 MHz band in order to continue the dialogue on those issues.[2] The action we are taking in this First Report and Order is intended to dispose of the issues relating to expansion of the 14 MHz telephony "subband" by our promulgation of final rules for that band.

3. Several hundred comments were filed on the Commission's Notice. The vast majority of the comments received from U.S. amateur operators supported the proposal to expand the 14 MHz telephony subband and virtually all comments addressing the issue also favored deleting from General class operators the privileges between 14150 kHz and 14200 kHz, and instead substituting new privileges between 14225 kHz and 14275 kHz in order that their telephony privileges would be on contiguous frequencies. The comments were well divided, however, on the issue of whether to delete from Advanced class operators privileges on the frequencies between 14150 kHz and

[1] 47 FR 8798 (March 2, 1982).

[2] See Further Notice of Proposed Rule Making in PR Docket 82–83, FCC 83–119, 48 FR——(April ——, 1983).

14175 kHz. Many commenters stated that removing privileges from any license class would be unfair, while others pointed out that Advanced class operators, for all practical purposes, do not use these frequencies anyway. Proponents of deleting the privileges claimed that such a move would enhance the incentive licensing program since some of the new telephony frequencies would be reserved exclusively for Amateur Extra class licensees and that it would lessen the impact that expansion of the telephony subband would have on non-U.S. amateur operators.

4. The Commission also received several comments from individual amateur operators and groups of operators outside the U.S. Most of these comments came from Canada and were typified by those of the Brandon Amateur Radio Club of Manitoba. They stated, "* * * we know that here in Canada due to generally prevailing propagation conditions that the proposed expansion will render that portion of 14 MHz unusable due to the sheer numbers of American amateurs that will move into that portion of the 14 MHz band." Conversely, the comments of the Wireless Institute of Australia stated: "The Institute is persuaded that having regard to the capabilities of modern equipment, such band extension would most likely have minimal effect. The Institute therefore believes that no reason can be advanced at this time for an objection to be lodged." With respect to the potential impact of the Commission's proposal on non-U.S. amateur operators, the American Radio Relay League, Inc. (ARRL) [1] stated in its comments that the "* * * *de facto* worldwide allocation of telegraphy and telephony is in large part a result of the band plans established by the International Amateur Radio Union (IARU), the worldwide Union of national amateur radio societies * * *. The IARU band plan for the 14 MHz band, in effect in all three IARU regions, recommends use of 14.000–14.100 MHz for telegraphy only, and 14.100–14.350 MHz for telephony and telegraphy * * *. There will, after implementation of the proposed telephony subband expansion, be a 50 kHz buffer between domestic (and foreign) telegraphy operation and domestic telephony operation." The Commission is persuaded that the small potential impact of the proposed telephony subband expansion on non-U.S. operators is outweighed by the necessity to alleviate the extraordinary overcrowding that U.S. amateurs currently face in the 14 MHz band.

5. With regard to the issue of operator privileges, the ARRL in its comments proposed changes in the operator privileges such that the "* * * segment 14.150–14.175 MHz would be available for use only by Amateur Extra Class licensees, of which there were, as of May 28, 1982 only 30,121—approximately 7% of the U.S. amateur population." The segment 14.175–14.225 MHz "* * * would be available for use only by Extra and Advanced class licensees, constituting 30% of the U.S. amateur population, or 123,199 licensees." The ARRL also stated that "* * * the League agrees with the Commission that no significant detrimental impact on international operations should result from expansion of the 14 MHz telephony subband. However, the League's proposal was designed to minimize any *perceived* impact on foreign amateurs."

6. Although we are reluctant to remove privileges from any class of license, we are persuaded by the comments recommending this approach. We also believe that this approach will permit the greatest flexibility in the future after we have had an opportunity to assess the long-term impact of our immediate action. Although we are reluctant to establish a new "incentive" subband, we do not find this action to be unduly unfair to Advanced class licensees in view of the fact that they currently make little use of the frequencies in question.

7. Finally, we are in receipt of a Motion to Set Aside Comments of the American Radio Relay League, filed by Josef Schrabal. The Commission finds that the ARRL comments have been constructed to provide insight into this proceeding that might otherwise have been unobtainable. We, therefore, are denying the Motion.

8. In accordance with Section 605 of the Regulatory Flexibility Act of 1980 (5 U.S.C. 605), the Commission has certified, in the original Notice of this proceeding, that these rule amendments are not anticipated to have a significant economic impact on a substantial number of small entities since the Amateur Radio Service may not be used for commercial radio communication (see 47 CFR 97.3(b)) and because these rules would have no forseeable impact on manufacturers of Amateur Radio Service equipment.

9. Accordingly, it is ordered that effective at 0001 UTC on May 22, 1983, Part 97 of the Commission's Rules and Regulations, 47 CFR Part 97, is amended as set forth in the attached Appendix. It is further ordered that to the extent specified herein RM–3705, RM–3729, RM–3734, RM–3778, RM–3831, RM–3833, and RM–3860 are granted and in all other respects they are continued. It is further ordered that the Motion of Josef Schrabal is denied. It is further ordered that this proceeding is continued. This action is taken pursuant to authority contained in Sections 4(i) and 303 of the Communications Act of 1934, as amended. Further information on this matter may be obtained by contacting: Steve Lett, (202) 632–4964, Private Radio Bureau, Federal Communications Commission, Washington, DC 20554.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

PART 97—[AMENDED]

Part 97 of the Commission's Rules and Regulations, 47 CFR Part 97, is amended as follows:

1. In § 97.7, paragraph (a) is revised to read as follows:

§ 97.7 Privileges of operator licenses.

(a) Amateur Extra and Advanced Class. All authorized amateur privileges including exclusive frequency operating authority in accordance with the following table:

Frequencies	Class of license authorized
3500–3525 kHz	Amateur extra only.
3775–3800 kHz	Do.
7000–7025 kHz	Do.
14,000–14,025 kHz	Do.
14,150–14,175 kHz	Do.
21,000–21,025 kHz	Do.
21,250–21,270 kHz	Do.
3800–3890 kHz	Amateur extra and advanced.
7150–7225 kHz	Do.
14,175–14,225 kHz	Do.
21,270–21,350 kHz	Do.

* * * * *

§ 97.61 [Amended]

2. In § 97.61, in the table in paragraph (a), the row beginning with "14000–14200 (kHz)" is revised by beginning the row with "14000–14150 (kHz)" so that the entire row reads as follows:

14000–14150	F1

3. Also in § 97.61, in the table in paragraph (a), the row beginning with "14200–14350 (kHz)" is revised by

[1] The American Radio Relay League, Inc. is an association of amateur radio operators with over 100,000 members who are licensed by the Commission.

beginning the row with "14150–14350 (kHz)" so that the entire row reads as follows:

14150–14350	A3, A4, A5, F3, F4, F5

[FR Doc. 83–9975 Filed 4–14–83; 8:45 am]
BILLING CODE 6712–01–M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1039

[Ex Parte No. 346 (Sub-No. 9A)]

Liquid Iron Chloride, Exemption

AGENCY: Interstate Commerce Commission.

ACTION: Final rules.

SUMMARY: The Commission is exempting on a nationwide basis the rail transportation of liquid iron chloride from regulation pursuant to 49 U.S.C. 10505. This action gives rail carriers greater freedom to compete with motor carriers for this traffic.

EFFECTIVE DATE: April 15, 1983.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275–7245, or Mont Burrup, (202) 275–6447.

SUPPLEMENTARY INFORMATION: There are no substantive differences between the exemption proposed and the one adopted here (See Appendix). Comments were filed by three shippers and three railroads. A description of the comments and our reasons for concluding that the exemption should be approved are contained in a detailed decision in this proceeding.

Interested persons can purchase a copy of the full decision by contacting T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289–4357 (D.C. Metropolitan area), or toll free (800) 424–5403.

List of Subjects in 49 CFR Part 1039

Agricultural commodities, Intermodal transportation, Railroads.

(49 U.S.C. 10505, 5 U.S.C. 553)

Decided: April 7, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison.

Agatha L. Mergenovich,

Secretary.

Appendix

PART 1039—[AMENDED]

Title 49 of the Code of Federal Regulations, § 1039.11, is amended by adding the following commodity to the list of miscellaneous commodities exempt from regulation:

§ 1039.11 Miscellaneous commodities exemption.

* * * * *

28	195	22–23	Iron chloride, liquid.

* * * * *

[FR Doc. 83–10026 Filed 4–14–83; 8:45 am]
BILLING CODE 7035–01–M

Proposed Rules

Federal Register
Vol. 48, No. 74
Friday, April 15, 1983

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection

7 CFR Part 68

United States Standards for Split Peas; Review of Standards

AGENCY: Federal Grain Inspection Service[1]

ACTION: Proposed rule.

SUMMARY: In compliance with the requirements for the periodic review of existing regulations, the Federal Grain Inspection Service (FGIS) has reviewed the U.S. Standards for Split Peas. FGIS proposes that no changes be made to the standards.

DATE: Comments must be submitted on or before June 14, 1983.

ADDRESS: Comments must be submitted in writing, in duplicate, to Lewis Lebakken, Jr., Regulations and Directives Unit, USDA, FGIS, Room 667 South Building, 1400 Independence Avenue, SW, Washington, D.C. 20250, telephone (202) 382–1738.

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken, Jr., 202–382–1738.

SUPPLEMENTARY INFORMATION: The U.S. Standards for Split Peas were established under the authority of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 *et seq;* the Act). Pursuant to section 203(c) of the Act (7 U.S.C. 1622(c)), the Administrator is authorized to develop and improve standards for all assigned agricultural commodities.

Executive Order 12291

This proposed rule has been issued in conformance with Executive Order 12291 and Secretary's Memorandum 1512–1. This action has been classified as nonmajor because it does not meet the criteria for a major regulation as established in the Order.

Regulatory Flexibility Act Certification

Kennety A. Gilles, Administrator, FGIS, has determined that the proposed rule will not have a significant economic impact on a substantial number of small entities because most users of split pea inspection services do not meet the requirements for small entities as defined in Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*)

Standards Review

The review of the U.S. Standards for Split Peas (7 CFR 68.501–68.510) included a determination of the continued need for the standards; a review of changes in marketing factors and functions affecting the standards; and a determination of the potential for improving the standards and their application through the incorporation of grading factors or tests which better indicate quality attributes. The objective of the review was to assure that the standards continue to serve the needs of the market to the greatest extent. Although no changes are being proposed at this time, FGIS will continue to study and evaluate the standards, as is appropriate, to meet the future needs of the industry.

In the course of reviewing the U.S. Standards for Split Peas, meetings were held with the dry pea industry that were attended by representatives of split pea processors, packagers, and domestic and export merchandisers. The purpose of these meetings was to discuss the current standards for split peas and to solicit opinions on improvement of the standards. It was the consensus of industry members attending these discussions that the current U.S. Standards for Split Peas are meeting the needs of the split pea industry and no changes in the standards are needed at this time.

Based upon all information available to FGIS, it has been determined that the standards presently meet the objectives and criteria which were used in the review of regulations.

List of Subjects in 7 CFR Part 68

Administrative practices and procedures—FGIS, Agricultural commodities, and Export.

Accordingly, FGIS proposes that no changes be made to the U.S. Standards for Split Peas which appear at 7 CFR 68.501–68.510.

(Sec. 203, 205, 60 Stat. 1087, 1090 as amended; 7 U.S.C. 1622, 1624)

Dated: April 4, 1983.

Kenneth A. Gilles,

Administrator.

[FR Doc. 83–10157 Filed 4–14–83; 8:45 am]

BILLING CODE 3410–EN–M

[1] Authority to exercise the functions of the Secretary of Agriculture contained in the Agricultural Marketing Act of 1946 as amended (7 U.S.C. 1621–1627) concerning inspection and standardization activities related to grain and similar commodities and products thereof, has been delegated to the Administrator, Federal Grain Inspection Service (7 U.S.C. 75a; 7 CFR 68.2 (e)).

Food and Nutrition Service

7 CFR Part 226

Child Care Food Program; Documentation and Verification of Eligibility

AGENCY: Food and Nutrition Service, USDA.

ACTION: Proposed rule.

SUMMARY: This rule proposes to amend Part 226 to implement several provisions of section 803 of Public Law 97–35, the Omnibus Budget Reconciliation Act of 1981. Under this proposal: (1) Minimum standards are established for documentation of eligibility; and (2) procedures are set forth for the verification of the information on free and reduced-price applications submitted to institutions. This proposal is intended to prevent errors and abuse in the delivery of free and reduce-price meal benefits.

DATE: To be assured of consideration, comments must be postmarked on or before May 31, 1983.

ADDRESS: Comments should be sent to Jordan Benderly, Director, Child Care and Summer Programs Division, Food and Nutrition Service, USDA, Alexandria, Virginia 22302. All written submissions will be available for public viewing in Room 416, 3101 Park Center Drive, Alexandria, Virginia 22302, during regular business hours (8:30 a.m. to 5:00 p.m.) Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Mr. Benderly or Ms. Beverly Walstrom at the address listed above, or call (703) 756–3888.

SUPPLEMENTARY INFORMATION:

Classification. This proposed action has been reviewed under Executive Order 12291 and has been classified not major because it will not have an annual

effect on the economy of $100 million, will not cause a major increase in cost or prices for program participants, individual industries, Federal agencies, State or local government agencies or geographic regions, and will not have a significant economic impact on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or foreign markets. The proposed rule is intended to ensure that free and reduced-price benefits are directed to only those children from families whose income falls within the Income Eligibility Guidelines set forth by the Department by household size.

This proposal has also been reviewed with regard to the requirements of Public Law 96–354, the Regulatory Flexibility Act. Pursuant to that review the Acting Administrator of the Food and Nutrition Service has certified that this proposed rule does not have a significant economic impact on a substantial number of small entities.

In accordance with the Paperwork Reduction Act of 1980, (44 U.S.C. 3507), the reporting and recordkeeping requirements that are included in this proposed rule will be submitted for approval to the Office of Management and Budget (OMB). They are not effective until OMB approval has been obtained.

Background. Institution reimbursement for meals served to children enrolled in child care centers and outside-school-hours care centers is based on the eligibility of enrolled children for free, reduced-price, and paid meals. For this reason, eligibility information must be maintained by institutions, other than sponsoring organizations of day care homes. (Day care home sponsoring organizations must collect eligibility information only for provider's children which participate in the CCFP.) In the past, institution officials were directed to determine eligibility for free and reduced-price meals "solely on the basis of an affidavit executed in such form as the Secretary may prescribe by an adult member of such household." Until recently, this affidavit (application) was limited to the information necessary to determine eligibility, namely family size and income. In order to determine eligibility, institution officials were directed to compare the Income Eligibility Guidelines issued by the Secretary to the family size and income information furnished by the parent.

The National School Lunch Act (NSLA) also provided that institution officials "may for cause seek verification of the data in such application." The "for cause" provision limited verification to those situations where officials had actual cause to believe the information furnished on the application was erroneous.

Changes Due to Public Law 97–35. Section 803 of Public Law 97–35 made several changes to the NSLA which require the Secretary to use discretion in the rulemaking process. In addition to these discretionary provisions, section 803 made a number of nondiscretionary changes to the NSLA. The nondiscretionary provisions were effective upon the date of enactment, August 13, 1981. The following discussion highlights the nondiscretionary and discretionary changes.

Nondiscretionary Provisions. The Interim CCFP regulation, published November 27, 1981, at 46 FR 57980–58006, and finalized on August 20, 1982 (47 FR 36524–36551) contained a number of the nondiscretionary changes mandated by Public Law 97–35 regarding modifications in procedures and guidelines used in determining the eligibility of children enrolled in the Program for free and reduced-price meals. Provisions mandated by Section 803 and Section 810(c) of the statute and contained in the previously published rulemaking include:

(a) The use of the Secretary's, rather than the State's, guidelines for determining the eligibility of enrolled children for free and reduced-price meals;

(b) The requirement that institutions announce the Secretary's guidelines for free and reduced-price meals by including them in the annual news release;

(c) The requirement that applications for free and reduced-price meals be distributed to parents or guardians of enrolled children; and

(d) The requirement that the application and any other descriptive materials distributed to parents or guardians contain only the income standards for reduced-price meals and contain an explanation that indicates that households with incomes less than or equal to the reduced-price standards listed would be eligible for free-or reduced-price meals.

Although these requirements have been implemented in the CCFP and promulgated in Program regulations, these provisions appear in this proposal since the sections and paragraphs which contain them have been reorganized and revised. Commenters should understand that these requirements are not a part of this proposal that is open for comment since the provisions are nondiscretionary and the public has already been given the opportunity to comment on them by the publication of the CCFP interim rule on November 27, 1981.

Social Security Number Collection. This rule also serves to propose that, as a condition of eligibility for free and reduced-price meals, parents or guardians of enrolled children report the social security numbers of all adult members of the household on the application for those Program meals. This provision, originally included in the CCFP interim rule, published on November 27, 1981, at 46 FR 57980–58006, and in the CCFP final rule, published on August 20, 1982, at 47 FR 36524 was a nondiscretionary legislative change required by Section 803 of Public Law 97–35, the Omnibus Budget Reconciliation Act of 1981. However, at this time, the Department is involved in litigation concerning this provision of the regulations and is currently prohibited from collecting social security numbers because of a preliminary injunction which has been handed down in the case of *Alcarez* v. *Block*. The Alcarez litigation is ongoing at this time.

However, the Department believes it is essential to give effect to the express intent of Congress that social security numbers be collected in the Program. Therefore, in order to recommence the collection of social security numbers, the collection requirement is proposed in this regulation. We continue to believe that the Department's earlier implementation of the social security number collection requirement through the above cited regulations was in accordance with law.

Discretionary Provisions. Section 803 of Public Law 97–35 requires that households submit appropriate documentation, as prescribed by the Secretary, of the income of the household as a condition of eligibility for free and reduced-price meals. In addition, section 803 authorizes the Secretary, States, and local entities to seek verification of the data contained in the application for free and reduced-price meals. Section 9(b) of the NSLA, as amended, removes the restriction that information on the application may be verified solely "for cause." Further, the statute requires that the above-mentioned entities undertake verification procedures prescribed by the Secretary, and make appropriate changes in the eligibility determinations on the basis of such verfication. This proposed regulation, therefore, sets forth standards for the documentation necessary for determining the eligibility status of enrolled children and provides

procedures for the verification of eligibility in the CCFP.

Other Proposed Changes. In addition to the regulatory changes necessitated by Public Law 97–35, the Department is proposing to reorganize and expand § 226.23 to include a number of provisions which have been required in the operation of the CCFP, but which have not been specifically addressed in prior Program regulations. Proposed to be added to Program regulations are: (1) a specific requirement for institution distribution of letters to parents with the application for free and reduced-price meals (§ 226.23(e)(2)); (2) specification of information necessary for inclusion in the letter to parents (§ 226.23(e)(2)); (3) provision of instruction on activities associated with the determination of eligibility for free and reduced-price meals (§ 226.23(e)(4)) and (4) procedures which institutions may follow for providing affected parties the opportunity for appealing denied or terminated benefits (§ 226.23(e)(5)).

Departmental Response. This preamble is composed of three segments: (1) Documentation, (2) verification and (3) other changes. Each segment reiterates the authority for and summarizes each proposed action. Comments are requestes on all aspects of the proposed actions discussed below.

I. *Documentation.*

Section 803(b) of Public Law 97–35 amenmd section 9 of the NSLA to require the Secretary to prescribe the necessary components which constitue adequate documentation of eligibility for benefits. This proposed rule, therefore, includes a definition of documentation (§ 226.2) and a number of provisions which deal exclusively with documentation as it relates to the eligibility application. Section 226.23(e) outlines (1) the procedures for distributing eligibility applications, (2) the data which must be requested on the application, (3) the statements of information which must be included on the application, and (4) the documentation which must be submitted by the parents or guardians of enrolled children as a condition of eligibility for free and reduced-price meals.

The documentation portion of this proposed regulation closely parallels that of the interim rule on application procedures for the National School Lunch Program, published on July 23, 1982, at 47 FR 31848–31853. The Department feels that it is important that similar requirements be implemented in the different Special Nutrition Programs to ensure conformance and consistency, when appropriate. The Department feels that the documentation requirements included in this proposal will not pose any operational difficulties for child care institutions.

a. *Definition of Documentation.* The Department, given the statutory authority to prescribe adequate documentation of eligibility, proposes to define documentation as completion of the following information on the application for free and reduced-price meals:

(1) total current household income;

(2) names of all household members;

(3) social security numbers of all adult household members or an indication that a household member does not possess one; and

(4) the signature of an adult member of the household.

The approach is intended to maintain the existing self-certification process, thus limiting the burden on the applicant as well as on institution officials. However, it is felt that the submission of adequate information to provide for the possibility of verification should serve as a deterrent to understanding income, thus making this proposed action the most cost-effective method for reducing Program abuse. Commentors should be aware that the provision of information required on a free and reduced-price application would be considered a condition of eligibility, as required by Public Law 97–35. Applications which do not contain such documentation will be considered incompete and therefore insufficient to substantiate the receipt of Federal funds by the institution, or the determination of children as eligible for free and reduced-price meals.

b. *Application Data Requirements.* Section 226.23(e)(1)(ii) specifies the information which must be included on the eligibility application for free and reduced-price meals. Institutions must request the following household data on the eligibility application distributed to parents or guardians of enrolled children: (1) The names of all children for whom application is made; (2) the names of all other household members; (3) the social security number of all household members 21 years of age and older or an indication that a household member does not possess one; (4) the total current income of the household; and (5) the signature of an adult member of the household.

This proposal provides that, at the State agency's discretion, the eligibility application may also include a request for the household to indicate if it is participating in the food stamp program, so long as the applicant is informed that the provision of this information is not a condition of eligibility. State agencies are being given this option in order to assist in the verification of eligibility through the identification of the food stamp, as well as the non-food stamp, population. It is felt that this information may assist State agencies in ensuring that verification is performed on both non-food stamp households, as well as food stamp households, who have already undergone verification for the purpose of being determined eligible for the food stamp program.

This rule also includes a definition of "adult", so as to simplify the collection of social security numbers for Program purposes. Section 226.2 ("Adult") specifies that, for the purpose of the collection of social security numbers, an adult is any individual household member 21 years of age or older. Commentors should note that this definition is intended to affect the collection of social security numbers only and does *not* affect the requirement to indicate total household income on the eligibility application.

c. *Current Income.* In the past, institutions could consider either the family's current rate of income *or* the family's income during the past 12 months to determine eligibility for free and reduced-price meals. Section 9 of the NSLA, as amended by Public Law 97–35, states that "any child who is a member of a household whose income, at the time the application is submitted, is at an annual rate which does not exceed" the applicable family size income level is eligible to receive free or reduced-price meals. The Department is proposing to define "current income" as it is defined for the National School Lunch Program (NSLP) i.e., as income received during the month prior to application for free or reduced-price meals and multiplied by 12. If such income does not accurately reflect the household's income, then income shall be based on the projected annual household income. If the prior year's income provides an accurate reflection of the household's current annual income, the prior year may be used as a base for the projected annual income.

The definition has been developed to ensure compliance with the Congressional intent of Public Law 97–35. The Department believes that income received during the month prior to application, multiplied by 12, must serve as the basic standard for current income. The month prior to application was chosen because families will know how much income was received in that month and will not be forced to speculate. This approach does not address a number of situations such as seasonal workers or farmers who may have an unrepresentative income during

August or September when applications are filed. Consequently, the Department is proposing to allow the use of projected income for the current year in those cases where this approach would produce the most accurate reflection of a houshold's actual financial situation. In those situations where a projection of current annual income most accurately reflects a household's financial situation, the Department intends to allow the use of income information from the previous year as a base from which the current year's annual income can be estimated. In addition, a conforming change has been made in § 226.23(f) to refer to reporting eligibility of enrolled children to the administering agency based on current family size and income information.

d. *Application Information Requirements (§ 226.23(e)(1)(ii)).* In addition to the request for household data, § 226.23(e)(1)(ii) also requires that the following statements be included on the application: (1) a statement to the effect that "In certain cases, foster children are eligible for free and reduced-price meals regardless of household income. If such children are living with you and you wish to apply for such meals, please contact us."; and (2) a statement that "Sections 9 and 17 of the National School Lunch Act require that in order for your child to be eligible for free or reduced-price meals, you must provide the social security numbers of all adult members of your household. Provision of these social security numbers is not mandatory, but failure to provide the numbers will result in a denial of the application for free or reduced-price meals. This notice must be brought to the attention of all household members whose social security numbers are disclosed. The social security numbers may be used to identify household members in carrying out efforts to verify the correctness of information stated on the application. These verification efforts may be carried out through program reviews, audits, and investigations and may include contacting employers to determine income, contacting the State employment security office to determine the amount of benefits received and checking the documentation produced by household members to prove the amount of income received. These efforts may result in loss or reduction of benefits, administrative claims, or legal action if incorrect information is reported."

The purpose of the notice is to inform individuals whether disclosure of social security numbers is mandatory or voluntary, by what statutory or other authority such numbers are solicited, what uses will be made of the numbers and the consequences of not providing the account numbers. The regulatory wording in this proposal requires all State agencies and institutions to include the above wording on the application for benefits distributed to households.

Commenters should note that the statement included in § 226.23(e)(1)(ii) is slightly different from the statement included in § 226.23(e) of the final CCFP rule, published on August 20, 1982. The difference accounts for notification to the public of the verification methods that are proposed in this regulation.

The notice contained in this regulation is a prototype notice which the Department believes will cover most uses of the social security numbers. However, States may carry out verification efforts that the Department has not anticipated; or State laws may impose them. Therefore, State agencies must review the notice and ensure that their intended uses are included in the notice on all applications.

II. *Letter to Parents (§ 226.23(e)(2)).* This rulemaking also includes a proposed provision requiring institutions to distribute a notice or letter to parents. Although Program guidance and operational practice have included the distribution of a letter to parents or guardians, the requirement to do so has not been formalized in the CCFP regulations. Section 226.23(e)(2) specifies that the required letter shall accompany the eligibility application distributed to parents or guardians of enrolled children and provides an itemized listing of the information which must be included in the letter. Most notably, this proposal requires that parents or guardians be informed that they must notify appropriate institution officials during the year of any decreases in household size or increases in income which exceed $50 per month or $600 per year.

Section 9 of the NSLA requires that only children whose household income falls within the income eligibility criteria receive Program benefits. An increase in a household's annual income may render the children of that household ineligible for benefits or eligible only for reduced-price meals. Without a requirement to report changes in income, households may receive benefits throughout the year despite the fact that their income no longer falls within the applicable income eligibility guideline. The Department believes it would be fiscally irresponsible to allow ineligible persons to continue to receive benefits. For this reason, the Department has included this regulatory provision based on its statutory obligation to provide benefits only to children from households whose annual income falls within the applicable gudelines.

III. *Verification.* Section 803 of Public Law 97–35 amends section 9(b) of the NSLA to allow the Secretary, State agencies, and local entities to seek verification of the information provided on applications for free and reduced-price meals. The Act also requires Program participants to comply with the regulations prescribed by the Secretary concerning verification of information and to make appropriate changes in eligibility determinations on the basis of such verification. The Department believes that standards of verification should be established so that all administering agencies make efforts to eliminate fraud and abuse in the Program. The Department realizes that State and local officials do not have unlimited resources available to perform verification and believes this proposal will provide for a viable system without over-burdening State and local officials.

Because of the nature of the CCFP, it is proposed that this rulemaking be modified from the recently published NSLP regulation on verification. Although income eligibility for the CCFP is based upon the same criteria as that used in the NSLP (the Secretary's Income Eligibility Guidelines), the utilization of that information differs between the Programs. In the NSLP, eligibility is not only used to determine Program payments to the school food authority, but also has an effect on the individual student in that the student's payment for meals is dependent on the determination of eligibility for free, reduced-price or paid meals.

In the CCFP, there are two types of systems, both of which involve the Program's free and reduced-price meal policy. They are "pricing" and "nonpricing" programs. Pricing programs are those in which a separate charge is made for the meal to make up the difference between the CCFP reimbursement for meals and the actual cost of serving meals to enrolled children.

Nonpricing programs are those in which no separate charge is made for the meals served to children. An overwhelming majority of institutions that participate in the CCFP participate as nonpricing programs. In a nonpricing program, if a payment is required for the child, it is made in the form of a general tuition charge that covers all areas of child care services provided by the institution. There are no payments specifically earmarked for food service.

Therefore, there is no separate charge for the meals, nor is money exchanged at the mealtime.

In nonpricing programs, income eligibility information is necessary solely to determine the institution's rates of Program reimbursement. All enrolled children receive the same meals, at no separate charge. Eligibility determinations, therefore, do not affect the parents or guardians of enrolled children in that the family does not directly benefit from the determination for free or reduced-price eligibility. Rather, the institution benefits in the form of rate determinations. Therefore, in the overwhelming majority of cases, since most participating CCFP institutions are nonpricing, the benefit is derived by the institution, not the parents of enrolled children. This is and of itself lessens the possibility that parents would misstate income and family size.

Moreover, with regard to problems with eligibility determinations in the CCFP it is more likely that institution misrepresent the eligibility status of enrollees to the administering agency or miscalculate in making the basic eligibility determination for free, reduced-price or paid meals by not applying the Secretary's family size and income guidelines correctly. For these reasons, this proposed rule establishes a two-tiered verification procedure to be undertaken by Program administering agencies. Section 226.23(h) specifies the procedures which must be conducted annually by State administering agencies in order to verify the eligibility of children enrolled in pricing and nonpricing programs.

a. *Definition of Verification (§ 226.2).* This rulemaking includes a proposed definition of verification for the purposes of the CCFP, and also proposes to add definitions of both pricing and nonpricing programs to § 226.2.

A "Nonpricing program" is defined in this proposal as an institution in which there is no separate charge made for meals served to enrolled children. "Pricing program" means an institution in which a separate charge is made for meals served to enrolled children. The definition of "Verification," which is also proposed to be included in §226.2, means (a) a review of the information reported by institutions to the State agency regarding the eligibility of enrolled children for free and reduced-price meals; and (b) in addition, for a pricing program, confirmation of eligibility for benefits under the Program. At a minimum, verification shall include confirmation of income eligibility and, at State agency discretion, verification may also include confirmation of household size.

This proposal requires that administering agencies annually conduct verification of eligibility for both pricing and nonpricing programs particiating in the CCFP in the State. It is proposed that the verification process be conducted for institutions on a schedule similar to that of the conduct of Program administrative reviews and, at administering agency discretion, the verification process may be incorporated into the administrative review procedure. If the opportunity arises, an administering agency may also wish to perform verification during the conduct of an audit of an institution. However, the performance of verification for individual institutions shall occur no less frequently than once every four years. In addition, this rule requires that if the verification process discloses any problems regarding the determination of eligibility and/or application procedures, the State agency shall conduct a follow-up review within one year for the purpose of determining that corrective action has been taken by the institution.

b. *Verification procedures for nonpricing programs.* It is proposed that administering agency verification procedures for nonpricing programs shall consist of a review of the eligibility applications on file for each enrolled child so as to ensure that (a) the application has been correctly and completely executed by parents or guardians; (b) the institution has correctly determined and classified the eligibility of enrolled children for free or reduced-price meals, or has determined that enrolled children are not eligible for free or reduced-price meals, based on the information included on the application submitted by the parents or guardians; and (c) the institution has accurately reported to the State agency the number of enrolled children meeting the criteria for free and reduced-price meal eligibility and the number of enrolled children that do not meet the eligiblity criteria for those meals.

In certain instances, a State agency may wish to pursue further verification directed at confirming the information submitted by parents or guardians of enrolled children on the application for Program meals. If the State agency wishes to pursue this type of effort, it shall be required to conduct further verification in nonpricing programs in accordance with the verification procedures for pricing programs described below.

c. *Verification procedures for pricing programs.* For pricing programs, it is proposed that, in addition to the verification procedures described above, State agencies must also conduct verification of the income information provided by parents or guardians on the applications for free or reduced-price meals and, at State agency discretion, may also include confirmation of household size. State agencies shall perform verification on a representative sample of no less than 3 percent of the applications submitted by families of children enrolled in an institution which is a pricing program. It is proposed that written evidence be used as the primary source of verification. Written evidence includes written confirmation of a household's circumstances. Whenever written evidence is insufficient to establish eligibility, the State agency may require collateral contacts.

For households with employed members, written confirmation of income information includes but is not limited to: paycheck stubs, pay envelopes stating earnings or a letter from the employer stating wages paid. For self-employed persons, income information may include: FICA (social security) payment statements or the last quarterly estimate of taxes. Households with unemployed members may provide written confirmation of income through benefit letters from public assistance programs, unemployment benefit notices, or the most recent unemployment check, court decrees or most recent check for alimony or child support, disability or workman's compensation notices, or Veteran Administration benefit letters. Households currently participating in the Food Stamp Program must be allowed to submit a current notice of eligibility in lieu of any other income information.

The use of written confirmation of eligibility information is the most universally applicable, places the burden of responsibility on the household. Prior to the conduct of the verification process, the parent should receive clearly worded notification that the household has been selected for review and must submit the requested verification to maintain eligibility for free or reduced-price benefits. The notice to parents should clearly describe the types of verification documents that are acceptable to the State, e.g., wage stubs, award letters from social security, benefit statements for unemployment compensation, court orders specifying alimony or child support, etc. Further, the notice should give the name and telephone number of the official who can answer questions and assist the household in acquiring the necessary

verification. Households must also be informed that if they are currently receiving food stamp benefits, they may submit proof of current eligibility for food stamp benefits in lieu of the requested information. The notice must also advise the household that failure to cooperate with verification efforts will result in termination of benefits.

The initiation of collateral contacts can be used in those situations where the household is unable to acquire written verification or the written verification does not confirm income eligibility for benefits. Collateral (third party) contact is verbal confirmation of a household's circumstances by a person outside of the household. The collateral contact may be made in person or over the phone and must be authorized by the household. The verifying official may select a collateral contact if the household fails to designate one or designates one which is unacceptable to the verifying official. Examples of acceptable collateral contacts may include, but not be limited to, employers, social service agencies, or migrant service agencies who can be expected to provide accurate third party verification. If the verifying official designates a collateral contact, the contact may not be made without providing prior written or oral notice to the household. At the time of this notice the household must be informed that it may consent to the contact or provide acceptable verification in another form. If the household refuses to choose one of these options, its eligibility must be terminated in accordance with the normal procedures for failing to cooperate with verification efforts.

Systems of records, to which the State agency can legally obtain routine access, are not considered collateral contacts and need not be designated by the household.

It is important to point out that the manner in which each source of verfication is implemented is subject to scrutiny in light of individual rights of privacy. The Department urges State agencies to obtain approval of verification methods by their legal counsel to ensure conformity with applicable Federal, State and local laws.

Verification for recipients of food stamp benefits that choose to provide evidence of food stamp participation in lieu of income information shall be limited to a review to determine that the period of eligibility for food stamp benefits is current. If the household chooses to provide income information or the food stamp certification period is found to have expired, the household shall be subject to routine verification of eligibility.

The Department believes an abbreviated verification procedure will suffice for households which identify themselves as food stamp households. These households undergo extensive verification in order to receive food stamp benefits. A State agency must allow the applicant to demonstrate current eligibility for food stamp benefits by providing "notice of eligibility" or other evidence of benefits. An abbreviated verification procedure for food stamp households will minimize the administrative burden and cost of verification efforts since many free meal recipients are also eligible for food stamp benefits.

The State agency may work with the institution to acquire the information necessary to verify the documentation submitted by the household on the application; however, the responsibility to complete the verification process may not be delegated to the institution.

State agencies would be required, under this proposal, to apply the verification efforts uniformly without regard to race, color, national origin, sex, or handicap. Since State and local laws differ widely, each State agency should contact its legal counsel to ensure compliance with applicable laws.

d. *Notification Requirements (§ 226.23(h)).* The administering agency must require institutions to terminate or reduce household benefits when (a) the household refuses to cooperate with verification efforts, or (b) the verification effort indicates the household is ineligible to receive benefits or is eligible to receive fewer benefits. Institutions which operate pricing programs must immediately notify the household in writing of a termination of benefits and allow 10 days before such termination or reduction takes place. The notice must advise the household of the change, the reasons for the change, the right to appeal the action within the 10 day advance notice period, and provide instructions on how to appeal. The reasons for ineligibility or reduction of benefits must be properly documented and retained on file at the institution.

e. *Continuation of Benefits (§ 226.23(h)).* This proposal stipulates that households with children enrolled in pricing programs who have been approved for benefits and who are subject to a reduction or termination of benefits later in the same year will continue to receive benefits subject to the hearing official's decision, if they appeal the adverse action within the 10-day advance notice period. Households which are denied benefits upon application shall not receive benefits pending an appeal of the decision.

f. *Administrative Action (§ 226.23(h)(3) and (4)).* This proposed rule requires that when verification results indicate that (a) an institution has inaccurately classified or reported the number of enrolled children eligible for free, reduced-price or paid meals and/or (b) a household has not reported accurate documentation on the application which would support continued eligibility for free or reduced-price benefits, the administering agency shall appropriately adjust institution rates of reimbursement. Administering agencies shall inform institution officials of the results of the verification effort and the action which will be taken in reponse to the verification findings. This notification shall be made in accordance with the procedures outlined in § 226.6(j) of current Program regulations.

g. *Reporting (§ 226.23(h)).* The Department proposes to require that State agencies maintain records demonstrating compliance with these minimum documentation and verification requirements, and proposes to monitor for compliance during the management evalaution process.

IV. *Other Proposed Changes.* In addition to the proposed Program amendments previously discussed, a number of minor and conforming revisions have been made to the regulations as follows:

(a) the addition of a provision which authorizes administering agencies to conduct verification of eligibility (§ 226.6(e)(8));

(b) the addition of definitions of "family" and "household" to § 226.2;

(c) the addition of the requirement that pricing programs must provide written notification to parents or guardians of enrolled children of the action taken with regard to the eligibility application submitted to the institution (§ 226.23(e)(4)); and

(d) the addition of a provision allowing the household to request a conference to provide all affected parties the opportunity to discuss the denial of eligibility prior to initiating a request for a formal hearing (§ 226.23(e)(5)).

List of Subjects in 7 CFR Part 226

Day care, Food assistance programs, Grant programs, Health, Infants and children.

PART 226—CHILD CARE FOOD PROGRAM

Accordingly, Part 226 is proposed to be amended as follows:

(1) In § 226.2, the definition of "Adult" is inserted between that of "Administrative costs" and "Advanced

payments"; the definition of "Current income" is inserted between that of "Claiming percentage" and "Day care home"; the definition of "Documentation" is inserted between that of "Department" and "Enrolled child"; the definition of "Family" is inserted between that of "Enrolled child" and "Fiscal year"; the definition of "Household" is inserted between that of "Free meal" and "Income standards"; the definition of "Nonpricing program" is inserted between that of "Nonexpendable personal property" and "Nonresidential"; the definition of "Pricing program" is inserted between that of "Personal property" and "Program"; and the definition of "Verification" is added following that of "Title XX".

§ 226.2 Definitions.

* * * * *

"Adult" means, for the purposes of the collection of social security numbers as a condition of eligibility for free or reduced-price meals, any individual 21 years of age or older.

* * * * *

"Current income" means income received during the month prior to application for free or reduced-price meals and multiplied by 12. If such income does not accurately reflect the household's annual income, income shall be based on the projected annual household income. If the prior year's income provides an accurate reflection of the household's current annual income, the prior year may be used as a base for the projected annual income.

* * * * *

"Documentation" means the completion of the following information on a free and reduced-price application: (a) Total current household income; (b) names of all household members; (c) social security numbers of all adult household members or an indication that a household member does not possess one; and (d) signature of an adult member of the household.

* * * * *

"Family" means a group of related or nonrelated individuals, who are not residents of an institution or boarding house, but who are living as one economic unit.

* * * * *

"Household" means "family," as defined in § 226.2 ("Family").

* * * * *

"Nonpricing program" means an institution in which there is no separate charge made for meals served to enrolled children.

* * * * *

"Pricing program" means an institution in which a separate charge is made for meals served to enrolled children.

* * * * *

"Verification" means (a) a review of the information reported by institutions to the State agency regarding the eligibility of enrolled children for free or reduced-price meals; and (b) in addition, for a pricing program, confirmation of eligibility for benefits under the program. At a minimum, verification shall include confirmation of income eligibility and, at State discretion, verification may also include confirmation of household size.

(2) In § 226.6, a new paragraph (e)(8) is added to read as follows:

§ 226.6 State agency administrative responsibilities.

* * * * *

(e) *Annual requirements.* * * *

(8) Perform verification of the eligibility of enrolled children for free and reduced-price meals in participating institutions in accordance with the procedures outlined in § 226.23(h). State agencies verifying the information on free and reduced-price applications shall ensure that verification activities are applied without regard to race, color, national origin, sex, or handicap.

(3) Section 226.23 is amended by revising paragraphs (e) and (f); and adding a new paragraph (h) to read as follows:

§ 226.23 Free and reduced-price meals.

* * * * *

(e)(1) Application for free and reduced-price meals. (i) For the purpose of determining eligibility for free and reduced-price meals, institutions other than sponsoring organizations of day care homes shall distribute applications for free and reduced-price meals to parents or guardians of children enrolled in the institution. Sponsoring organizations of day care homes shall distribute applications for free and reduced-price meals to day care home providers who wish to enroll their eligible children in the program. The application, and any other descriptive material distributed to such persons, shall contain only the family-size income levels for reduced-price meal eligibility with an explanation that households with incomes less than or equal to these levels are eligible for free or reduced-price meals. Such forms and descriptive materials may not contain the income standards for free meals.

(ii) The application shall contain a request for the following information: (A) The names of all children for whom application is made; (B) the names of all other household members; (C) the social security number of all household members 21 years of age or older or an indication that a household member does not possess one; (D) the total current income of the household; (E) a statement to the effect that "In certain cases, foster children are eligible for free and reduced-price meals regardless of household income. If such children are living with you and you wish to apply for such meals, please contact us."; (F) a statement that "Sections 9 and 17 of the National School Lunch Act require that in order for your child to be eligible for free or reduced-price meals, you must provide the social security numbers of all adult members of your household. Provision of these social security numbers is not mandatory, but failure to provide the numbers will result in a denial of the application for free or reduced-price meals. This notice must be brought to the attention of all household members whose social security numbers are disclosed. The social security numbers may be used to identify household members in carrying out efforts to verify the correctness of information stated on the application. These verification efforts may be carried out through program reviews, audits, and investigations, and may include contacting employers to determine income, contacting the State employment security office to determine the amount of benefits received and checking the documentation produced by household members to prove the amount of income received. These efforts may result in loss or reduction of benefits, administrative claims, or legal action if incorrect information is reported." State agencies and institutions shall ensure that the notice complies with section 7 of Pub. L. 93–579. If a State or local agency plans to use the social security numbers in a manner not described by this notice, the notice shall be altered to include a description of those uses; and (G) the signature of an adult member of the household.

(iii) At the State agency's discretion, the application may enable the applicant to indicate whether the household is participating in the Food Stamp Program, *Provided* that applicants are informed that the provision of this information is not a condition of eligibility.

(2) *Letter to Parents.* Institutions shall distribute a letter to parents or guardians of enrolled children in order to inform them of the procedures regarding eligibility for free and reduced-price meals. The letter shall

accompany the application required under § 226.23(e)(1) and shall contain:

(i) The income standards for reduced-price meals, with an explanation that households with incomes less than or equal to the reduced-price standards would be eligible for free or reduced-price meals (the income standards for free meals shall not be included in letters or notices to such applicants);

(ii) How a household may make application for free or reduced-price meals for its children;

(iii) An explanation that in order to be considered eligible for free or reduced-price meals, an application must contain complete documentation of eligibility information including the total current household income, names of all household members, social security numbers of all adult household members or an indication that a household member does not possess one, and the signature of an adult household member;

(iv) The statement: "In the operation of child feeding programs, no child will be discriminated against because of race, color, national origin, sex, or handicap;

(v) A statement to the effect that children having parents or guardians who become unemployed are eligible for free or reduced-price meals during the period of unemployment, provided that the loss of income causes the family income during the period of unemployment to be within the eligibility standards for those meals;

(vi) A statement to the effect that in certain cases foster children are eligible for free or reduced-price meals regardless of the income of the household with whom they reside and that households wishing to apply for such benefits for foster children should contact the institution; and

(vii) An explanation that recipients of free and reduced-price meals must notify appropriate institution officials during the year of any decreases in household size or increases income which exceed $50 per month or $600 per year.

(3) In addition to the information listed in § 226.23(e)(2), pricing institutions must include in their letter to parents an explanation that indicates that (i) the information in the application may be verified at any time during the year; and (ii) how a family may appeal a decision of the institution to deny, reduce, or terminate benefits as described under the hearing procedure set forth in § 226.23(c)(4).

(4) *Determination of eligibility.* When a completed application furnished by a family indicates that the family meets the eligibility criteria for free or reduced-price meals, the children from that family shall be determined eligible for free or reduced-price meals. Institutions that are pricing programs shall provide written notice to each family informing them of the results of the eligibility determination. When the information furnished by the family is not complete or does not meet the eligibility criteria for free or reduced-price meals, institution officials must consider the children from that family as not eligible for free or reduced-price meals and must consider the children as eligible for "paid" meals. When information furnished by a family of children enrolled in a pricing program does not meet the eligibility criteria for free or reduced-price meals, pricing program officials shall provide written notice to each family denied free or reduced-price benefits. At a minimum, this notice shall include: (i) The reason for the denial of benefits, e.g. income in excess of allowable limits or incomplete application; (ii) notification of the right to appeal; (iii) instructions on how to appeal; and (iv) a statement reminding parents that they may reapply for free or reduced-price benefits at any time during the year. The reasons for ineligibility shall be properly documented and retained on file at the institution, as appropriate.

(5) *Appeals of denied benefits.* A family that wishes to appeal the denial of an application in a pricing program shall do so under the hearing procedures established under § 226.23(c)(4). However, prior to initiating the hearing procedures, the parent or guardian may request a conference to provide all affected parties the opportunity to discuss the situation, present information and obtain an explanation of the data submitted on the application or the decision rendered. The request for a conference shall not in any way prejudice or diminish the right to a fair hearing. The institution shall promptly schedule a fair hearing, if requested.

(f) Free, reduced-price and paid meal eligibility figures must be reported by institutions to State agencies at least once each year and shall be based on current family-size and income information of enrolled children.

* * * * *

(h) *Verification of eligibility.* State agencies shall annually conduct verification of eligibility for free and reduced-price meals, in accordance with the verification procedures outlined in § 226.23(h) (1) and (2). Verification may be conducted in accordance with the Program assistance requirements of § 226.6(k), however, the performance of verification for individual institutions shall occur no less frequently than once every four years. If the verification process discloses any problems with the determination of eligibility and/or application procedures, State agencies shall conduct follow-up reviews for the purpose of determining that corrective action has been taken by the institution. These reviews shall be conducted within one year of the date upon which the verification process was completed. The verification effort shall be applied without regard to race, color, national origin, sex, or handicap. State agencies shall maintain on file for review a description of the annual verification to be accomplished in order to demonstrate compliance with § 226.23(h)(1) and (2).

(1) *Verification procedures for nonpricing programs.* State agency verification procedures for nonpricing programs shall consist of a review of the eligibility applications on file for each enrolled child so as to ensure that (i) the application has been correctly and completely executed by parents or guardians; (ii) the institution has correctly determined and classified the eligibility of enrolled children for free or reduced-price meals, or has determined that enrolled children are not eligible for free or reduced-price meals, based on the information included on the application submitted by the parents or guardians; and (iii) the institution has accurately reported to the State agency the number of enrolled children meeting the criteria for free and reduced-price meal eligibility and the number of enrolled children that do not meet the eligibility criteria for those meals. In addition, the State agency may conduct verification of the information provided by parents or guardians on the application for Program meal eligibility. If this effort is undertaken, the State agency shall conduct this verification in accordance with the procedures described in § 226.23(h)(2).

(2) *Verification procedures for pricing programs.* For pricing programs, in addition to the verification procedures described in § 226.23(h)(1), State agencies shall also conduct verification of the income information provided by parents or guardians on the application for free or reduced-price meals, and at State agency discretion, may also include confirmation of household size. State agencies shall perform verification on a representative sample of no less than 3 percent of the applications submitted by families of children enrolled in an institution which is a pricing program. Households shall be informed that they have been selected for verification and that they are required to submit the request

verification information to confirm eligibility for free or reduced price benefits. Those households shall be informed of the type or types of information and/or documents acceptable to the State agency and the name and phone number of an official who can answer questions and assist the household in the verification effort. Selected households shall also be informed that if they are currently participating in the food stamp program, they may submit proof of current eligibility for food stamp benefits in lieu of income information. All households selected for verification shall be advised that failure to cooperate with verification efforts will result in a termination of benefits. Sources of verification may include written evidence, collateral contacts, institution conferences, and systems of records. Written evidence shall be used as the primary source of verification. Written evidence includes written confirmation of a household's circumstances, such as wage stubs, award letters, and letters from employers. Wherever written evidence is insufficent to confirm income information on the application or current eligibility, the State agency may require collateral contacts or institution conferences. Collateral contact is a verbal confirmation of a household's circumstances by a person outside of the household. The collateral contact may be made in person or by phone and shall be authorized by the household. The verifying official may select a collateral contact if the household failes to designate one or designates one which is unacceptable to the verifying official. If the verifying official designates a collateral contact, the contact shall not be made without providing written or oral notice to the household. At the time of this notice, the household shall be informed that it may consent to the contact or provide acceptable verification in another form. If the household refuses to choose one of these options, its eligibility shall be terminated in accordance with § 226.23(h)(2)(i). Collateral contacts could include employers, social service agencies, and migrant agencies. The adult member(s) of the household may be asked to visit the institution for a discussion of the information on the application. Households shall be provided sufficient opportunity to schedule the conference. Systems of records to which the State agency may have routine access are not considered collateral contacts. Information concerning income or family size maintained by other government agencies to which the State agency can legally gain access may be used to confirm a household's income and family size. One possible source could be wage and benefit information maintained by the State unemployment agency, if that information is available. The use of any information derived from other agencies must be used with the applicable safeguards concerning disclosure. Verification for recipients of food stamp benefits that choose to provide evidence of food stamp particiaption in lieu of income information shall be limited to a review to determine that the period of eligibility for food stamp benefits is current. If the household chooses to provide income information of the food stamp certification period is found to have expired, the household shall be subject to routine verification of eligibility. The State agency may work with the institution to acquire the information necessary to verify the documentation submitted by the household on the application; however, the responsibility to complete the verification process may not be delegated to the institution.

(i) If a household refuses to cooperate with efforts to verify, or the verification effort indicates that the household is ineligible to receive benefits or is eligible to receive reduced benefits, the State agency shall require the pricing program institution to terminate or adjust eligibility in accordance with the following procedures:

(A) Institution officials shall immediately notify families of the denial of benefits in accordance with § 226.23(e)(4) and § 226.23(e)(5). Advance notification shall be provided to families which receive a reduction or termination of benefits 10 calendar days prior to the actual reduction or termination. The 10-day period shall begin the day the notice is transmitted to the family. The notice shall advise the household of (*1*) the change; (*2*) the reasons for the change; (*3*) notification of the right to appeal the action and the date by which the appeal must be requested in order to avoid a reduction or termination of benefits; (*4*) instructions on how to appeal and (*5*) the right to reapply at any time during the year. The reasons for ineligibility shall be properly documented and retained on file at the institution.

(B) When a household disagrees with an adverse action which affects its benefits and request a fair hearing, benefits shall be continued as follows while the household awaits the hearing:

(*1*) Households which have been approved for benefits and which are subject to a reduction or termination of benefits later in the same year, shall receive continued benefits if they appeal the adverse action within the 10 day advance notice period; and

(*2*) Households which are denied benefits upon application shall not receive benefits.

(3) State agencies shall inform institution officials of the results of the verification effort and the action which will be taken in response to the verification findings. This notification shall be made in accordance with the procedures outlined in § 226.6(j).

(4) State agencies shall adjust institution rates of reimbursement if, during the verification process, it is found that (i) an institution has inaccurately classified or reported the number of enrolled children eligible for free, reduced-price or paid meals and/or (ii) that verification results indicate that a household has not reported accurate documentation on the application which would support continued eligibility for free or reduced-price benefits.

(See. 803, Pub. L. 97–35, 95 Stat. 521–535 (42 U.S.C. 1758))

Dated: April 11, 1983.

John. H. Stokes III,

Acting Administrator, Food and Nutrition Service.

[FR Doc. 83-10066 Filed 4-14-83; 8:45 am]

BILLING CODE 3410-30-M

Agricultural Marketing Service

7 CFR Part 1126

[Docket No. AO–231–A49]

Milk in Texas Marketing Area; Decision on Proposed Amendment to Marketing Agreement and to Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This emergency decision provides for a temporary reduction of 40 cents per hundredweight in the price for producer milk used to produce butter, nonfat dry milk and cheddar cheese. The reduced price would apply as soon as this amendatory action can be completed (sometime in April) and would continue through June 1983. The adopted change, which is based on industry proposals considered at a public hearing in February 1983, is necessary to reflect current marketing conditions and to assure orderly marketing in the Texas area. Because of the limited time to complete the rulemaking procedures, a recommended decision and the opportunity to file

exceptions thereto have been omitted. Cooperative associations will be polled to determine whether producers favor the issuance of the proposed amended order.

FOR FURTHER INFORMATION CONTACT: Robert F. Groene, Marketing Specialist, Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, Washington D.C. 20250, (202) 447–4824.

SUPPLEMENTARY INFORMATION: This administrative action is governed by the provisions of Sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12291.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant adverse economic impact on a substantial number of small entities. The amendment will promote orderly marketing of milk by producers and regulated handlers.

Prior documents in this proceeding:

Notice of Hearing: Issued December 27, 1982; published January 3, 1983 (48 FR 28).

Notice of Rescheduled Hearing: Issued January 14, 1983; published January 19 1983 (48 FR 2337).

A public hearing was held upon proposed amendments to the marketing agreement and the order regulating the handling of milk in the Texas marketing area. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice (7 CFR Part 900), at Dallas, Texas, on February 1 and 2, 1983. Notice of such hearing was issued on December 27, 1982, and published on January 3, 1983 (48 FR 28). Notice of the rescheduled hearing was issued on January 14, 1983 and published on January 19, 1983 (48 FR 2337).

Interested parties were given until March 14, 1983, to file post-hearing briefs on proposals 1, 2 and 3 as published in the hearing notice and on whether the proposals should be considered on an expedited basis.

The material issues on the record of the hearing relate to:

1. The Class III price level for producer milk used in butter, nonfat dry milk and cheddar cheese.

2. Whether an emergency exists to warrant the omission of a recommended decision and the opportunity to file written exceptions thereto with respect to issue No. 1.

Findings and Conclusions

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *The Class III price level for producer milk used in butter, nonfat dry milk and cheddar cheese.* A temporary price reduction of 40 cents per hundredweight should be accorded handlers for producer milk utilized in the production of butter, nonfat dry milk and cheddar cheese. The credit should apply as soon as the amendatory procedures involving this proceeding can be completed (sometime in April) and should continue through June 30, 1983.

Presently, the price for all producer milk in Class III uses, including butter, nonfat dry milk and cheddar cheese, is the basic formula price for the month. It represents the average of prices paid during the month for manufacturing grade milk in Minnesota and Wisconsin.

Associated Milk Producers, Inc. (AMPI), a cooperative association that represents dairy farmers who furnish approximately two-thirds of the producer milk marketed under the Texas order, requested that a permanent reduction of 40 cents per hundredweight apply during the months of March, April, May, June and December to all producer milk utilized in the manufacture of butter, nonfat dry milk and cheddar cheese. The cooperative indicated that it is handling from 80 percent to 90 percent of the market's surplus milk and is incurring losses on a per hundredweight basis that averaged 51 cents in 1981 and 37 cents during January—November 1982 in the manufacturing of such milk. AMPI contended that these losses occur in the operation of its manufacturing plants because of inefficiencies that result from balancing the fluid milk needs of the Texas market. It argued that because the cooperative is doing most of the balancing for the market, its members are bearing a disproportionate share of the costs related to this necessary market function. AMPI claimed that the proposed price reduction would result in all producers on the market sharing more equitably in this balancing cost.

Proponent cooperative operates two balancing plants and one pool supply plant under the Texas order. The two balancing plants are located at Muenster and Sulphur Springs, Texas, and the pool supply plant is located at Hillsboro, Kansas. The two balancing plants handle the majority of the market's reserve milk supplies. During the months of flush production, the two balancing plants often operate at full capacity. During such time the volume of producer milk exceeds the Class I and Class II needs of proprietary handlers and a large portion of the market's reserve milk supply is processed at the two plants. During the months of short production, all or nearly all of the market's reserve milk is needed to meet the Class I and Class II demand for fluid milk. As a consequence, on some days little, if any, milk is processed at the balancing plants. The cooperative pointed out that in 1981 one of its balancing plants was shut down for nearly 3 months due to the limited volume of milk in excess of the Class I and Class II needs of handlers in the months of short production.

Kraft, Inc., supported AMPI's proposed reduction in the Class III price for producer milk used to produce butter, nonfat dry milk and cheddar cheese. The company operates a manufacturing plant at Bentonville, Arkansas, and producer milk under the Texas order is moved periodically to such plant for surplus disposition. Kraft's witness testified that the company experiences greater costs in the operation of its manufacturing plants in the southern markets relative to the costs the company incurs in the operation of such plants located in the north central United States. The higher costs in the southern plants were attributed to the greater seasonal fluctuation in supplies, the smaller-scale plant operations, and lower yields of finished product from producer milk due to lower solids content of the milk. Kraft's witness estimated that the difference in the cost of processing milk between its southern and northern plants averaged about 48 cents per hundredweight each month.

Kraft's witness pointed out, too, that the current Federal order minimum price for milk used in the manufacture of butter, nonfat dry milk and cheddar cheese in the southwest is greater than the competitive price in that area for manufacturing grade milk not subject to minimum Federal order prices. Furthermore, he noted that during 1981 the pay price for manufacturing grade milk at Kraft's southwestern plants was 48 cents lower than its pay price for such milk at its north central plants. The difference in 1982 was 46 cents.

A representative of four cooperative associations with members located primarily in Minnesota and Wisconsin spoke in opposition to the adoption of AMPI's proposal. He contended that it would be inappropriate to consider a change in Texas without considering a similar change in all orders. The witness testified that the Texas marketing

situation was not unique in that seasonal and daily variations in milk intake exist for all manufacturing plants throughout the United States. Primarily, he opposed a lower Class III price for the Texas market on the basis that the markets for manufacturing milk and for manufactured dairy products are national in scope.

Another argument advanced by the opponent of any reduction in the Class III price was that because the variation in supply at manufacturing plants results from variations in the fluid demand of distributing plants, the cost should be borne by distributors rather than producers. The witness indicated also that the Class III price, being based on the Minnesota-Wisconsin price series, already reflects some of the costs of manufacturing operations that are due to the seasonal fluctuations in milk production. He further suggested that a lower Class III price might encourage manufacturing plants to become associated with the Texas market to secure a cheap supply of milk.

A witness on behalf of the Wisconsin Federation of Cooperatives also opposed the AMPI proposal. He contended that the market prices for butter, nonfat dry milk and cheddar cheese are set in a national market, and also that the dairy price support program is in effect setting a national floor for prices for such hard products. Thus, he claimed all Federal order surplus prices should be set at the same level. The witness contended, too, that the cost of balancing the fluid milk needs of handlers should not be a determinant of the Class III price.

A witness on behalf of a milk marketing cooperative whose members are located primarily in the north central Unites States opposed any deviation from the Minnesota-Wisconsin price series in pricing Class III milk. He argued that it would lead to similar proposals in other markets, a step which he felt would result in an unwarranted reduction in returns to dairy farmers. Another reason advanced by opponent was that the efficiencies of Class III manufacturers vary substantially and that order prices should not be set at the lowest level that will assure profitability for all manufacturers. He contended also that with the Minnesota-Wisconsin price running from 18 cents to 38 cents per hundredweight below the support price, the Class III price is low enough relative to the Government's purchase prices for hard products to permit a profit in the manufacture of butter, nonfat dry milk and cheddar cheese.

A witness for the Wisconsin Cheese Makers and a witness for the Trade Association of Proprietary Plants, both of which are processor organizations in the north central United States, submitted a joint statement at the hearing. They questioned whether it is the role of Federal milk orders to assure the profitability of handlers in disposing of surplus milk. The opponents stressed that the price support program is designed to establish a price for milk in surplus uses. It was their view that the market for butter, nonfat dry milk and cheddar cheese is a national market. They commented also that a reduction in the Class III price for the Texas area would limit the sale of butter, nonfat dry milk and cheddar cheese in such area from processors outside the market who have to pay the Class III price in all months for milk used in such products.

As indicated earlier, current marketing conditions warrant a temporary reduction in the present Class III price for producer milk used in the manufacturre of butter, nonfat dry milk and cheddar cheese. The adoption of the lower price will result in a more equitable sharing among all producers on the market of the cost of disposing of milk that is in excess of the fluid milk requirements of regulated handlers.

Currently, AMPI bears a disproportionate share of the cost of handling the surplus-milk supplies in the Texas market. The members of AMPI produce about two-thirds of the milk supplies that are associated with the market. Yet, through the balancing functions that it is carrying out, the cooperative is handling between 80 percent and 90 percent of the Class III producer milk on the market. AMPI is balancing to varying degrees the milk supplies of all pool distributing plants in the Texas market. In many cases, AMPI is the sole supplier of a distributing plant. In other cases, the cooperative furnishes supplemental milk supplies to a distributing plant during only the fall months when the group of independent producers or the members of a cooperative from whom the handler receives milk on a regular basis throughout the year are unable to fully supply the handler's fluid milk needs. During the spring months when milk production increases seasonally, the handler cuts back on his supplemental purchases of milk from AMPI. In this situation, the producers who are the regular suppliers do not share in the costs of balancing the handler's fluid needs. Instead, these costs fall solely on the producer-members of AMPI.

It is expected that the cost problem for AMPI members will be even more severe this year because of the current heavy supply situation. It is likely that there will not be sufficient manufacturing capacity at the Muenster and Sulphur Springs plants during April and May of this year to process the milk supplies that have been associated with these plants in prior year. During April and May of 1982, producer receipts at the two plants amounted to 49 million pounds monthly. Such monthly receipts exceeded the combined manufacturing capacity of the two plants by about 1 million pounds. With milk production in the State of Texas during October-December 1982 running 4 percent ahead of last year's production, receipts at the two plants during April and May of this year will be considerably in excess of those of a year ago. Under such circumstances, it will be necessary for the two plants to forego the drying of buttermilk and whey and to dump such products in order to have sufficient manufacturing capacity to process surplus milk supplies into nonfat dry milk. In the event the dumping of such products does not free up sufficient manufacturing facilities, it will be necessary for AMPI to ship the surplus milk to more distant markets for manufacturing. The nearest alternative outlets for such milk would be manufacturing plants in Missouri and Kansas and the costs of shipping such milk would amount to $1.50–$2.00 per hundredweight. The transportation costs in such instance would greatly exceed the losses that the cooperative would incur in manufacturing the milk in its Texas plants.

The primary impact of the 40-cent lower Class III price on certain products would be on those producers who have not been bearing any of the costs of operating manufacturing facilities or of diverting or transferring milk to nonpool plants for manufacturing use. Such producers would now bear some of the costs of disposing of the market's reserve milk supplies through a reduction in the blend price. These producers who are on the Texas market offered no oppostion testimony to AMPI's proposal.

Several of the briefs indicated that some confusion exists regarding how the balancing oosts would be distributed among producers under a lower Class III price. This shifting of costs among producers can best be illustrated through the following example: Assume that the Class III price had been lowered 40 cents per hundredweight for the period of April 16 through June 30, 1982. The lower price would have applied to 173.5 million pounds of producer milk used to produce butter, nonfat dry milk and cheddar cheese during that period. On this basis, the pool proceeds would have been decreased $694,000. Assuming that its member producers

supplied two-thirds of the market's fluid milk, AMPI would have received $462,667 less money from the pool proceeds while all other producers would have received $231,333 less from the pool proceeds.

AMPI's net gain through the shifting of some of the balancing cost to others depends on the volume of Class III milk that the cooperative processes. Assuming that AMPI processed 80 percent of the producer milk used to produce butter, nonfat dry milk and cheddar cheese during the April 16–June 30, 1982, period and that its losses averaged 40 cents per hundredweight, the cooperative's losses (or reduction in payments to member producers) would have amounted to $555,200. The implementation of a price decrease of 40 cents per hundredweight, however, would have eliminated AMPI's manufacturing loss of $555,200. On the other hand, it would have resulted in a reduction in pool proceeds amounting to $462,667 that otherwise would have accrued to AMPI. Thus, the net gain to AMPI through the lower Class III price in this example would have been $92,533 ($555,200–$462,667).

Although AMPI proposed that a 40-cent price reduction be adopted on a permanent basis, a lower price should apply only for a limited period. As indicated earlier, the price reduction should apply as soon as this amendatory proceeding can be completed and should continue through June 30, 1983. As proposed by AMPI, the price reduction would have applied during March, April, May, June, and December of each year.

A permanent price reduction of a fixed amount would not be reflective on a continuing basis of the costs associated with the handling of surplus milk. Operating losses at AMPI's manufacturing plants in the Texas market, for example, averaged 51 cents per hundredweight in 1981 and 37 cents during the first 11 months of 1982. Data for other years are not available in the record. However, it is apparent that operating costs vary from year to year. This may be due to any number of factors that are subject to change, including milk volumes handled, interest costs, and various plant costs such as labor, utilities, and equipment. Under these circumstances, there is little likelihood that a fixed price reduction would be commensurate from year to year with actual operating costs.

Another concern with AMPI's proposal is the lack of any direct relationship of the 40-cent reduction with the actual costs of providing milk supply balancing services in the market. The seasonal balancing burden pertains to the handling of the increased volume of milk that needs to be processed into storable Class III products during the period when milk production is at its season high level. A major cost in handling such milk supplies is the need to maintain plant capacity to process the seasonally higher volume of Class III milk. The record contains no indication of AMPI's cost of maintaining plant processing capacity. Additionally the 40-cent reduction in price on the total volume of milk used to produce butter, nonfat dry milk and cheddar cheese does not differentiate between handlers who are performing seasonal balancing and handlers who may be processing a relatively uniform volume of Class III milk on a year-round basis.

Providing for some means of having all producers share more equitably in the cost of disposing of the market's reserve milk supplies is not unreasonable under current marketing conditions. However, the manner in which this should be carried out under the order is less certain. Because of the concerns just expressed, it is concluded that the price reduction proposed by AMPI should apply only for a limited time. The initial thrust of AMPI's proposal was to deal with the handling of surplus milk during the current flush period of March through June. As provided herein, the adopted price reduction would apply only through that period.

Opposition testimony to making any changes in the level of the Texas Class III price came primarily from dairy farmer organizations in Minnesota and Wisconsin. Their opposition stemmed from concerns that lowering the Texas Class III price as AMPI proposed would tend to result in a lowering of the finished product prices in the national market. Also, they argued that a lower Class III price under the Texas order would place handlers outside the market at a competitive disadvantage in competing for hard product sales in the Texas market.

There is no basis for concluding that the limited price reduction adopted herein would result in the lowering of the market prices for butter, nonfat dry milk, or cheddar cheese, either in the national market or locally. At most, the price reduction would apply for no more than two and one-half months. Although the record does not provide monthly data on AMPI's operating losses, it is not likely that this limited price relief would offset the cooperative's operating losses to the point that AMPI could afford to lower its sales on the hard products that it manufactures. Moreover, there would be little incentive now for AMPI to lower its product prices below the current national market levels. Such levels are now floored in effect at the levels established under the dairy price support program, and such products may be offered to the Government at these price levels at any time. Furthermore, even if AMPI were to sell products at prices below the national levels, the impact on the national market would be minimal. This is because the volume of milk in the Texas market that is used in butter, nonfat dry milk, and cheddar cheese is very small relative to the quantity of milk used nationally in such products.

Another reason advanced by opponents for not taking any action is that marketing conditions have not changed materially since 1975 when six orders were merged into the present Texas order. Opponents pointed out that AMPI's share of the market's milk supply and of the market's processing of Class III milk have not changed during such period of time.

Although AMPI's share of the market has changed little, this does not negate the fact that AMPI is bearing a disproportionate share of the balancing costs of the market. Furthermore, balancing activities are made more difficult this year by the heavy milk supplies in the market. There will be considerable milk in excess of the fluid milk requirements of handlers during the current year's flush production months. This is the result of producer receipts increasing at a faster rate than Class I sales. From 1980 to 1982, producer receipts increased by 17 percent while Class I sales increased by 5.2 percent. As a consequence, the utilization of producer milk in Class III uses increased from 11.8 percent in 1980 to 14.3 percent in 1981 and to 19.3 percent in 1982.

Opponents of a reduction in the Class III price also held that AMPI is not obligated to balance the fluid milk needs of handlers in this market. They contended that AMPI voluntarily assumed these responsibilities and, therefore, should bear the consequences of such action.

How the current balancing arrangements came about has little relevance to the issue at hand. The fact is that AMPI is providing the major balancing function for the Texas market. Other cooperatives, nonmember producers, and handlers are operating under these balancing arrangements and are benefiting from the balancing activities of AMPI without bearing any of the attendant costs. It is not unreasonable for such costs to be shared more equally by all producers in the market.

A further argument advanced by opponents is that the balancing costs

should be borne by the distributing plant operators. To some degree, the costs of balancing the market supplies with demand are now being assessed to distributing plant operators by means of over-order charges imposed by cooperatives on milk sold to the distributors. Proponent cooperative indicated, however, that the over-order charges are not sufficient to cover all losses incurred in its manufacturing operations. The cooperative contends that the over-order changes are sufficient to cover only the cost of moving milk within the Texas market from areas of surplus production to deficit areas. Under these cricumstances, a temporary price reduction on surplus milk is appropriate.

As provided herein, the price reduction of 40 cents per hundredweight on producer milk utilized in the manufacture of butter, nonfat dry milk and cheddar cheese would be implemented by providing for a 40-cent credit in § 1126.60 of the order, which deals with a handler's value of milk for computing the uniform price. In the event that a pool plant or nonpool plant utilizes producer milk as well as milk receipts from other sources in the manufacture of butter, nonfat dry milk and cheddar cheese, the amount of producer milk eligible for a 40-cent lower price would be determined by assigning the quantity of skim milk and butterfat utilized in the production of such products pro rata to the pounds of producer milk and the pounds of milk receipts from all other sources at such plant.

2. *Omission of a recommended decision and the opportunity to file exceptions thereto.* The omission of a recommended decision was proposed at the hearing by the proponent of proposals 1, 2 and 3.

Proponent cooperative indicated that its cost of operating balancing plants will increase substantially beginning in March 1983. For this reason, the cooperative requested that the Department adopt its proposals on an emergency basis to insure that all producers share as soon as possible in the anticipated high costs of marketing the surplus milk supplies under the Texas order.

Opponents of the proposed price reduction contended that no emergency conditions exist. It is their position that the conditions for which relief was requested have been in existence since 1975. Opponents point out, too, that although the losses incurred by the cooperative in its balancing functions were higher in 1981 than 1982, the cooperative did not request any relief until this year.

As indicated earlier, the order changes adopted herein are necessary to reflect current marketing conditions and to insure that all producers share to a greater extent in the costs of handling greater than usual milk supplies during the current flush production months. Emergency action is necessary if any substantive relief is to be afforded those handling the surplus milk supplies this spring. If the normal procedure of issuing a recommended decision and providing time to file exceptions thereto were followed, a reduction in price could not be made effective on a timely basis.

It is therefore found that due and timely execution of the Secretary's function in this proceeding imperatively and unavoidably requires omission of the recommended decision and the opportunity for filing exceptions thereto.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Marketing Agreement and Order

Annexed hereto and made a part hereof is an ORDER amending the order regulating the handling of milk in the Texas marketing area which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement, be published in the **Federal Register**. The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which is published with this decision.

Determination of Producer Approval and Representative Period

January 1983 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Texas marketing area is approved or favored by producers, as defined under the terms of the order (as amended and as hereby proposed to be amended), who during such representative period were engaged in the production of milk for sale within the aforesaid marketing area.

List of Subjects in 7 CFR Part 1126

Milk marketing orders, Milk, Dairy products.

Signed at Washington, D.C., on April 11, 1983.

John Ford,

Deputy Assistant Secretary, Marketing and Inspection Services.

Order [1] Amending the Order, Regulating the Handling of Milk in the Texas Marketing Area

Findings and Determinations

The findings and determinations hereinafter set forth are supplementary

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of

and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Texas marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Texas marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby amended, as follows:

PART 1126—MILK IN THE TEXAS MARKETING AREA

In § 1126.60, a new paragraph (h) is added to read as follows:

practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

§ 1126.60 Handler's value of milk for computing uniform price.

* * * * *

(h) From the effective date of this amendatory action through June 30, 1983, subtract an amount determined by multiplying the pounds of producer milk used to make butter, nonfat dry milk and cheddar cheese by 40 cents per hundredweight.

[FR Doc. 83-10000 Filed 4-14-83; 8:45 am]

BILLING CODE 3410-02-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 33

Options on Futures; Margins; Extension of Comment Period

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice and request for comment; extension of comment period.

SUMMARY: On March 15, 1983, the Commission published in the **Federal Register** notice that the Commission is reviewing certain requirements it has imposed regarding the margining of futures option contracts in connection with the domestic exchange-traded commodity option pilot program and requested public comment thereon, in particular, on a list of specific issues relating thereto. 48 FR 10857 (March 15, 1983). The comment period is due to expire on April 14, 1983.

The Commission has received several requests for an extension of the comment period. Because it wishes to ensure that all interested persons have an opportunity to prepare and submit informative comments, the Commission has determined to extend the comment period for an additional forty-five days.

DATE: The comment period has been extended through May 29, 1983.

ADDRESS: Comments should be sent to the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581.

FOR FURTHER INFORMATION CONTACT: Karen Matteson, Attorney Advisor, Division of Trading and Markets at the above address. Telephone: (202) 254-8955.

List of Subjects in 17 CFR Part 33

Commodity options.

Issued in Washington, D.C. on April 12, 1983, by the Commission.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 10094 Filed 4-14-83; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 886

[Docket No. 82N-0179]

Proposed Reclassification of Daily Wear Optically Spherical Hydrogel (Soft) Contact Lenses; Reopening of Comment Period; Advance Notice of Public Hearing

AGENCY: Food and Drug Administration.

ACTION: Proposed rule; reopening of comment period; advance notice of public hearing.

SUMMARY: The Food and Drug Administration (FDA) is reopening the comment period in the rulemaking on the proposed reclassification of certain daily wear optically spherical hydrogel (soft) contact lenses from class III (premarket approval) into class I (general controls). FDA is reopening the comment period for the limited purpose of receiving additional information on certain specified issues. FDA also intends to hold a public hearing on this matter at a time and place to be announced in a future issue of the **Federal Register**.

DATE: Comments by May 16, 1983.

ADDRESS: Written comments may be submitted to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Albert Van De Griek, National Center for Devices and Radiological Health (HFK-402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-8162.

SUPPLEMENTARY INFORMATION:

In the **Federal Register** of November 26, 1982 (47 FR 53411), FDA published a proposed rule to reclassify certain marketed daily wear optically spherical hydrogel (soft) contact lenses from class III (premarket approval) into class I (general controls), under section 513(e) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360c(e)), based on new information respecting these devices. The proposal gave interested persons until December 27, 1982, to submit written comments. In the **Federal**

Register of December 10, 1982 (47 FR 55497), FDA extended the comment period until January 28, 1983.

FDA has completed a preliminary review of the comments received during the comment period on the proposed rule. The comments submitted present contrasting views on some complex issues relevant to the proposed reclassification, but do not always provide the evidence necessary to support these views. FDA believes that resolution of the issues raised by the proposal and the comments would be facilitated by reopening the comment period for the limited purpose of receiving additional information on the specific issues discussed below in this document. FDA emphasizes that it is particularly interested in receiving clinical data, reports of relevant invitro and nonclinical laboratory safety data, copies of articles from referred journals, and other valid scientific evidence within the meaning of § 860.7(c) of FDA's regulations governing classification of medical devices (21 CFR 860.7(c)), in support of any comments. All comments, data, and other evidence submitted in response to this document will be included in the docket file in this matter and will be available for public disclosure.

FDA recognizes that to reclassify the contact lenses at issue in this rulemaking from class III into class I, it must have new, publicly available, valid scientific evidence of safety and effectiveness demonstrating why the lenses should not remain in class III and why the "general controls" authorized by the act will provide reasonable assurance of the safety and effectiveness of the lenses. See section 513(e) of the act and § 860.123 of the regulations governing reclassification of medical devices (21 CFR 860.123). Although this notice requests specific evidence showing why the lenses should not be reclassified, as well as evidence showing why they should be reclassified, FDA has not shifted the burden of proof to those opposing reclassification. FDA has concluded that additional evidence, both favorable and unfavorable to reclassification, is desirable to reach a sound decision on the complex issues involved in the rulemaking.

1. Many comments in support of reclassification of a specific lens identified in the proposal claimed that there are sufficient data to show that class I would provide reasonable assurance of the safety and effectiveness of the lens, but did not include any data in support of their positions. To support or refute the claims that reclassification of any specific lens is appropriate, valid scientific evidence, within the meaning of § 860.7(c), particularly clinical data, should be submitted.

2. Many comments suggest that even if there is valid scientific evidence of the safety and effectiveness of the currently marketed lenses identified in the proposal, reclassification into class I is inappropriate for these lenses because the data necessary to determine whether a new hydrogel (soft) contact lens is substantially equivalent to a reclassified lens will be of the type required to show safety and effectiveness in a premarket approval application. These comments claim that clinical trials will be necessary to demonstrate the safety and effectiveness of any new hydrogel (soft) contact lens, even if the lens is made of materials specified in any final classification regulation and its measured and labeled specifications are similar to those of a reclassified lens.

For example, one comment claims that there is factual evidence showing poor correlation between the clinical performance of a contact lens and the measured or labeled parameters of that contact lens. However, the factual evidence to support this claim is not provided. Some comments claim that minor variations in lens formulation, geometry, or manufacturing process can alter the characteristics of a lens, including lens fit and tear lubricating and pumping action, resulting in a change in safety or effectiveness that cannot be predicted by laboratory or animal testing. However, the comments do not include evidence in support of this claim.

To support or refute the claim that clinical trials are always necessary to establish the safety and effectiveness of a hydrogel (soft) contact lens, valid scentific evidence within the meaning of § 860.7(c), including published studies, data from research and development programs, data on toxicity and biocompatability, or other specific information, should be submitted. FDA is particularly interested in receiving evidence that (a) demonstrates which, if any, changes in lens formulation, geometry, or in manufacturing process require clinical testing to provide reasonable assurance of the safety and effectiveness of the resulting lens, and which changes do not require clinical testing; and (b) defines the necessary scope of any clinical testing that is required.

3. One comment stated that there have been very few product liability actions based on injuries resulting from the use of contact lenses. To support or refute this comment, evidence, e.g., insurance records or data on the incidence of adverse effects from the use of the hydrogel (soft) contact lenses identified in the proposal, should be submitted.

4. In the notice proposing reclassification, FDA stated that any final rule reclassifying the lenses would not exempt tinted contact lenses from the color additive provisions in section 706 of the act (21 U.S.C. 376), because regardless of the class the lenses are in, if a color additive in such a lens comes in direct contact with the body for a significant period of time, the color additive is subject to regulation under section 706. On the basis of its experience, FDA believes that as most tinted contact lenses are fabricated, the color added to the lenses comes in direct contact with the human eye. Because such lenses are intended for daily wear for the lifetime of the lens, FDA believes that the contact is for a signficant period of time. FDA has received several comments on the regulation of tints in contact lenses. The comments argue on various grounds that colors added to contact lenses are not subject to section 706. Evidence that the color added to any lens proposed for reclassification does not come in direct contact with the human eye should be submitted.

FDA believes that reopening the comment period to receive information on the issues specified in this notice will not delay final action on the proposed reclassification, but will expedite resolution of the complex issues involved in the rulemaking.

FDA has received two requests for a public hearing on the proposal to reclassify daily wear optically spherical hydrogel (soft) contact lenses and on other matters related to contact lenses. FDA is granting these requests insofar as they relate to reclassification. FDA will hold a public hearing before the Commissioner on the proposed reclassification under Part 15 of FDA's administrative practices and procedures regulations (21 CFR Part 15). FDA will announce the time and place of the hearing, the issues to be considered, and other details in a notice published in a future issue of the **Federal Register**.

Interested persons may, on or before May 16, 1983, submit to the Dockets Management Branch (address above) written comments on this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the name of the device and the docket number found in brackets in the heading of this

document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 13, 1983.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

[FR Doc. 83-10198 Filed 4-14-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 886

[Docket No. 82N-0180]

Proposed Reclassification of Daily Wear Spherical Contact Lenses Consisting of Rigid Gas Permeable Plastic Materials; Reopening of Comment Period; Advance Notice of Public Hearing

AGENCY: Food and Drug Administration.

ACTION: Proposed rule; reopening of comment period; advance notice of public hearing.

SUMMARY: The Food and Drug Administration (FDA) is reopening the comment period in the rulemaking on the proposed reclassification of daily wear spherical contact lenses consisting of certain rigid gas permeable plastic materials from class III (premarket approval) into class I (general controls). FDA is reopening the comment period for the limited purpose of receiving additional information on certain specified issues. FDA also intends to hold a public hearing on this matter at a time and place to be announced in a future issue of the **Federal Register**.

DATE: Comments by May 16, 1983.

ADDRESS: Written comments may be submitted to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Albert Van De Griek, National Center for Devices and Radiological Health (HFK-402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-8162.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of November 26, 1982 (47 FR 53402), FDA published a proposed rule to reclassify marketed daily wear spherical contact lenses consisting of certain rigid gas permeable plastic materials from class III (premarket approval) into class I (general controls), under section 513(e) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360c(e)), based on new information respecting the devices. The proposal gave interested persons until December 27, 1982, to submit written comments. In the **Federal Register** of December 10, 1982 (47 FR 55497), FDA extended the comment period until January 26, 1983.

FDA has completed a preliminary review of the comments received during the comment period on the proposed rule. The comments submitted present contrasting views on some complex issues relevant to the proposed reclassification, but do not always provide the evidence necessary to support these views. FDA believes that resolution of the issues raised by the proposal and the comments would be facilitated by reopening the comment period for the limited purpose of receiving additional information on the specific issues discussed below in this document. FDA emphasizes that it is particularly interested in receiving clinical data, reports of relevant in vitro and non-clinical laboratory safety data, copies of articles from refered journals, and other valid scientific evidence within the meaning of § 860.7(c) of FDA's regulations governing classification of medical devices (21 CFR 860.7(c)), in support of any comments. All comments, data, and other evidence submitted in response to this document will be included in the docket file in this matter and will be available for public disclosure.

FDA recognizes that to reclassify the contact lenses at issue in this rulemaking from class III into class I, it must have new, publicly available, valid scientific evidence of safety and effectiveness demonstrating why the lenses should not remain in class III and why the "general controls" authorized by the act will provide reasonable assurance of the safety and effectiveness of the lenses. See section 513(e) of the act and § 860.123 of the regulations governing reclassification of medical devices (21 CFR 860.123). Although this notice requests specific evidence showing why the lenses should not be reclassified, as well as evidence showing why they should be reclassified, FDA has not shifted the burden of proof to those opposing reclassification. FDA has concluded that additional evidence, both favorable and unfavorable to reclassification, is desirable to reach a sound decision on the complex issues involved in the rulemaking.

1. Some comments support the reclassification of a specific lens, or lenses composed of a specific family of materials, e.g., polyacrylate-silicone, stating that there are sufficient data to show that class I would provide reasonable assurance of the safety and effectiveness of the lenses, but do not include any data in support of their positions. Two comments include summaries of clinical studies, but do not provide complete data on the studies. To support or refute such comments, valid scientific evidence, within the meaning of § 860.7(c), particularly clinical data, should be submitted.

2. Many comments suggest that even if there is valid scientific evidence of the safety and effectiveness of the currently marketed lenses identified in the proposal, reclassification into class I is inappropriate because the data necessary to determine whether a new rigid gas permeable contact lens is substantially equivalent to a reclassified lens will be of the type required to show safety and effectiveness in a premarket approval application. These comments claim that clinical trials will be necessary to demonstrate the safety and effectiveness of any new rigid gas permeable contact lens, even if the lens is made of materials specified in any final classification regulation and the specifications of the new lens are similar to those of a reclassified lens.

For example, some comments argue that small changes in polymers other than polymethyl-methacrylate (PMMA) or in the ratio of polymer constituents could change characteristics affecting the safety and effectiveness of the lens, including oxygen and glucose flux, friability, surface characteristics, and resulting vision, which, in the absence of clinical data, would not be detected. The comments also argue that lenses in which changes have been made in other ingredients, such as cross-linking agents, wetting agents, and colors, or changes in the manufacturing process, must be clinically tested to provide reasonable assurance of the lenses' safety and effectiveness. Other comments argue that clinical trials of new lenses are necessary to provide reasonable assurance of safety and effectiveness, because small changes in lens material or lens geometry may result in unpredictable lens fit or in poor tear lubricating, and pumping action.

To support or refute the claim that clinical trials are always necessary to establish the safety and effectiveness of a gas permeable contact lens, valid scientific evidence within the meaning of § 860.7(c), including published studies, data from research and development programs, data on toxicity and biocompatability, or other specific information, should be submitted. FDA is particularly interested in receiving evidence that (a) demonstrates which, if any, changes in lens formulation, geometry, or in manufacturing process require clinical testing to provide reasonable assurance of the safety and effectiveness of the resulting lens and which changes do not require clinical

testing; and (b) defines the necessary scope of any clinical testing that is required.

3. One comment stated that acrylate-silicone copolymers are nontoxic, stable, and gas permeable, and suitable for making contact lenses, if they are made from organosilicone monomers consisting of the "bone structure of acryloxy or methacryloxy connecting through the alkyl group to the silicone (siloxanyl groups)" with hydrogen, methyl groups, ethyl groups, phenyl groups, or cyclic groups attached to the silicone. If such monomers are copolymerized with a hardening monomer such as methyl acrylate, methyl methacrylate, ethyl acrylate, ethyl methacrylate, cyclohexyl methacrylate, phenyl methacrylate, or *N*-vinyl pyrrolidinone, this comment argued, the copolymer can be sufficiently cross-linked to achieve the desired stability to produce a material suitable for making safe and effective gas permeable contact lenses, by incorporating various available cross-linking monomers on the market. To support or refute this claim, valid scientific evidence, within the meaning of § 860.7(c), should be submitted.

4. One comment stated that there have been very few product liability actions based on injuries resulting from the use of contact lenses. To support or refute this comment, evidence, e.g., insurance records, or data on the incidence of adverse effects from the use of the rigid gas permeable contact lenses identified in the proposal, should be submitted.

5. In the notice proposing reclassification, FDA stated that any final rule reclassifying the lenses would not exempt tinted contact lenses from the color additive provisions in section 706 of the act (21 U.S.C. 376), because regardless of the class the lenses are in, if a color additive in such a lens comes in direct contact with the body for a significant period of time, the color additive is subject to regulation under section 706. On the basis of its experience, FDA believes that as most tinted contact lenses are fabricated, the color added to the lenses comes in direct contact with the human eye. Because such lenses are intended for daily wear for the lifetime of the lens, FDA believes that the contact is for a significant period of time. FDA has received several comments on the regulation of tints in contact lenses. These comments argue on various grounds that colors added to contact lenses are not subject to section 706. Evidence that the color added to any lens proposed for reclassification does not come in direct contact with the human eye should be submitted.

FDA believes that reopening the comment period to receive information on the issues specified in this notice will not delay final action on the proposed reclassification, but will expedite resolution of the complex issues involved in the rulemaking.

FDA has received two requests for a public hearing on the proposal to reclassify daily wear spherical contact lenses consisiting of rigid gas permeable plastic materials and on other matters related to contact lenses. FDA is granting these requests insofar as they relate to reclassification. FDA will hold a public hearing before the Commissioner on the proposed reclassification under Part 15 of FDA's administrative practices and procedures regulations (21 CFR Part 15). FDA will announce the time and place of the hearing, the issues to be considered, and other details in a notice published in a future issue of the **Federal Register**.

Interested persons may, on or before May 16, 1983, submit to the Dockets Management Branch (address above) written comments on this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the name of the device and the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 13, 1983.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

[FR Doc. 83-10199 Filed 4-14-83; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 939

Permanent State Regulatory Program of Pennsylvania

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is considering modifying the deadline for Pennsylvania to meet certain conditions of its approved State permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). These conditions relate to archeological information in permit applications, historic land use information in permit applications for anthracite mining operations, preparation of the general plan for impoundments, maps for anthracite and bituminous underground mining operations, existing non-conforming structures, impoundment requirements, variances to approximate original contour in non-steep slope areas, vegetative cover for underground mining operations, abatement times in excess of 90 days, and review of permits for patterns of violation.

DATE: Comments must be received by May 2, 1983, at the address below, no later than 4:00 p.m.

ADDRESS: Written comments must be mailed or hand-delivered to: Robert Biggi, Director, Pennsylvania Field Office, Office of Surface Mining, 101 South 2nd Street, Suite L-4, Harrisburg, Pennsylvania 17104.

FOR FURTHER INFORMATION CONTACT: Robert Biggi, Director, Pennsylvania Field Office, Office of Surface Mining, 101 South 2nd Street, Suite L-4, Harrisburg, Pennsylvania 17101, (717-782-4036).

SUPPLEMENTARY INFORMATION: Under 30 CFR 732.13(i), the Secretary may conditionally approve a State permanent regulatory program which contains minor deficiencies where the deficiences are of such a size and nature as to render no part of the program incomplete, the State is actively proceeding with steps to correct the deficiencies, and the State agrees to correct the deficiencies according to a schedule set in the notice of conditional approval. The curing of each deficiency is a condition of the approval. Steps to terminate the conditional approval must be taken if the conditions are not met according to the schedule. The dates are established in consultation with the State, based on the regulatory and administrative needs of the State's permanent program and SMCRA and the time required for changes to be adopted under State procedures or legislative schedules.

On February 29, 1980, the Secretary of the Interior received a proposed regulatory program from the State of Pennsylvania. On October 22, 1980, following a review of that proposed program as outlined in 30 CFR Part 732, the Secretary of the Interior disapproved the Program. The State resubmitted its program on January 25, 1982, and, subsequently the Secretary approved the program conditioned on the correction of minor deficiencies. Information pertinent to the general

background of the permanent program submission, as well as the Secretary's findings, the disposition of comments and explanations of the conditions of approval of the Pennsylvania program can be found in the July 30, 1982 **Federal Register** (47 FR 33050).

On March 24, 1983, OSM received a letter from the Commonwealth of Pennsylvania, requesting an additional 6 months to satisfy conditions (a), (b), (c), (e), (f), (g), (h) and (j). By the terms of the conditional approval, these conditions are to be met by May 1, 1983. The State explains that because of the recently passed Regulatory Review Act, which took effect on March 1, 1983, proposed regulations must be submitted to both houses of the Pennsylvania General Assembly and an Independent Regulatory Review Commission prior to adoption. Proposed regulations can be disapproved by either the General Assembly or the Commission. Since portions of these conditions may require regulatory changes, and such revisions must be submitted to the General Assembly and the Commission, Pennsylvania claims it is highly unlikely that the State will be able to meet the May 1, 1983, deadline for these conditions.

Therefore, the Secretary proposes to allow the State until November 1, 1983, to meet the following conditions: (a) On archeological information in permit applications, and historic land use information in permit applications for anthracite mining operations; (b) on preparation of the general plan for impoundments; (c) on maps for anthracite and bituminous underground mining operations; (e) on existing non-conforming structures; (f) on impoundment requirements; (g) on variances to approximate original contour in non-steep slope areas; (h) on vegetative cover for underground mining operations; and (j) on abatement times in excess of 90 days, and review of permits for patterns of violation.

The Secretary is continuing to review with the State all of the outstanding program conditions. A final rule implementing this proposed extension may, in response to public comment, be different than the one proposed in this notice.

Additional Information

Paperwork Reduction Act. This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

National Environmental Policy Act. The Secretary has determined that pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no Environmental Impact Statement need be prepared on this rulemaking.

Executive Order 12291 and the Regulatory Flexibility Act. On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule would not impose any new requirements; rather, it would ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

List of Subjects in 30 CFR Part 938

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: April 11, 1983.

J. R. Harris,

Director, Office of Surface Mining.

The following are proposed amendments to 30 CFR, Chapter VII, Subchapter T, Part 938:

PART 938—PENNSYLVANIA

§ 938.11 [Amended]

30 CFR 938.11 (a), (b), (c), (e), (f), (g), (h) and (j) are proposed to be amended by substituting "November 1, 1983", for May 1, 1983, each time it appears.

[FR Doc. 83-10155 Filed 4-14-83; 8:45 am]
BILLING CODE 4310-05-M

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30 CFR Part 950

Public Comment and Opportunity for Public Hearing on Modified Portions of the Wyoming Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule.

SUMMARY: OSM is announcing procedures for the public comment period and for a public hearing on the substantive adequacy of certain program amendments submitted by the State of Wyoming as modifications to the Wyoming Permanent Regulatory program (hereinafter referred to as the Wyoming program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). These amendments are submitted (1) to satisfy one condition imposed by the Secretary of the Interior in the approval of the Wyoming program, relating to the judicial grant of temporary relief, and (2) as further modifications to definitions, permit application review procedures and bonding provisions contained in the Wyoming program.

This notice sets forth the times and locations that the Wyoming program and proposed amendments are available for public inspection, the comment period during which interested persons may submit written comments on the proposed program elements, and the procedures that will be followed at the public hearing.

DATES: Written comments must be received on or before 4:00 p.m., May 16, 1983, to be considered.

A public hearing on the proposed modifications will be held on request only, on April 25, 1983, from 10:00 a.m. to 1:00 p.m., or until all comments have been heard.

Any person interested in making an oral or written presentation at the hearing should contact William Thomas at the address and phone number listed below by the close of business *four working days* before the date of the hearing. If no one has contacted Mr. Thomas to express an interest in participating in the hearing by that date, the hearing will not be held. If only one person has so contacted Mr. Thomas, a public meeting, rather than a public hearing, may be held and the results of the meeting included in the Administrative Record.

ADDRESSES: Written comments should be mailed or hand delivered to: William Thomas, Director, Wyoming Field Office, Office of Surface Mining, P.O. Box 1420, Freeden Building, Mills, Wyoming 82644.

The public hearing, if held, will be at the Bureau of Reclamation Office, Room W-11, 650 Pendell Boulevard, Mills, Wyoming.

Copies of the Wyoming program, the proposed modifications to the program, a listing of any scheduled public meetings and all written comments received in response to this notice will be available for review at the OSM Wyoming Field Office and the Office of the State regulatory authority listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays.

Wyoming Field Office, Office of Surface Mining, 935 Pendell Boulevard, Freeden Building, Mills, Wyoming 82644.

Wyoming Department of Environmental Quality, Land Quality Division, 401 West 19th Street, Cheyenne, Wyoming 82002.

FOR FURTHER INFORMATION CONTACT: William Thomas, Director, Wyoming Field Office, P.O. Box 1420, Freeden Building, Mills, Wyoming 82644, Telephone: (307) 328–5830.

SUPPLEMENTARY INFORMATION: On August 15, 1979, OSM received a proposed regulatory program from the State of Wyoming. Following a review of that proposed program as outlined in 30 CFR Part 732, the Secretary determined that certain parts of the Wyoming program met the minimum requirements of SMCRA and the Federal permanent regulations and that others did not. Accordingly, the Secretary approved the Wyoming program in part on February 15, 1980. The State of Wyoming resubmitted its program for approval on May 30, 1980. Following a review of the resubmitted program, the Secretary approved the program subject to the correction of seven minor deficiencies. The approval was effective upon publication of the notice of conditional approval in the November 26, 1980 **Federal Register** (45 FR 78637–78684).

Information pertinent to the general background, revisions, modifications, and amendments to the proposed permanent program submission as well as the Secretary's findings, the disposition of comments and explanation of the conditions of approval of the Wyoming program can be found in the November 26, 1980 **Federal Register.**

In accepting the Secretary's conditional approval, Wyoming agreed to correct the seven deficiencies by March 26, 1981. On October 30, 1981, the Secretary extended the date by which Wyoming was required to satisfy conditions "b" and "c" to May 26, 1982 (46 FR 54070–54071). On February 18, 1982, the Secretary published notification (47 FR 7218) approving modifications to the Wyoming program, satisfying conditions "a", "d", "e" and "f" and extending the date by which the State is required to satisfy condition "g" until May 20, 1983.

Deficiency (g) of the Wyoming program for which the Secretary required correction as a condition of approval was as follows:

(g) Wyoming had not demonstrated that its law and practice are in accordance with Section 526(c) of SMCRA with respect to its judicial grant of temporary relief.

Submission of Material To Satisfy Condition and Additional Program Amendments

Wyoming has agreed to correct deficiency (g) by submitting to the Secretary by May 20, 1983, legislation which is consistent with SMCRA Section 526(c). By letter dated March 3, 1983, Wyoming submitted the following amendment to W.S. 35–11–1001(c) to satisfy this deficiency.

(c) In a proceeding to review any order or decision of the department providing for regulation of surface coal mining and reclamation operations in accordance with P.L. 95–87, the court may under conditions it prescribes grant temporary relief pending final determination of the review proceeding if:

(i) All parties to the proceedings were notified and given opportunity for hearing on the request for temporary relief;

(ii) The party requesting relief shows there is a substantial likelihood he will prevail on the final determination of the proceeding; and

(iii) The relief will not adversely affect the public health and safety or cause significant environmental harm to land, air or water resources.

The Secretary seeks public comment on whether the legislation submitted satisfies this condition. If this program amendment is approved, condition (g) in 30 CFR 950.11 will be eliminated.

By letters dated March 3, 8, and 21, 1983, OSM received from the State of Wyoming, pursuant to the 30 CFR 732.17 procedures, the following proposed revisions to the State program:

1. Revisions to W.S. 35–11–103(e)(xxii) and (xxiii), modifying the definition of "complete application" and creating definitions of "deficiency" in a permit and "interim mine stabilization".

2. Revisions to W.S. 35–11–406(h), clarifying the action to be taken if a permit application is found to be deficient.

3. A revision to W.S. 35–11–401, creating a new subsection (n), directing the administrator and director to consider interim mine stabilization in promulgating regulations.

4. Revisions to Chapter I, Section 2; Chaper XIII, Section 2; and Chapter XVI of the Wyoming surface mining regulations to establish a dual bonding system for surface coal mining operations. Under the proposal, both an area bond and an incremental bond would be required. The area bond would cover rough backfilling work required to render the affected land in a condition so that the reclaimed land surface generally resembles the approved postmining reclamation contours. The incremental bond would cover all the remaining reclamation requirements such as topsoil replacement, revegetation and sediment control measures. Both bonds would be required to be renewed each year with public participation provided. The area bond would cover primarily the work to be done within the next annual bonding period. The incremental bond would cover both past and present work unless bond release occurs pursuant to Chapter XVI of the Wyoming Environmental Quality Act. Neither bond can be reduced outside the bond release procedures unless the operator demonstrates that costs are less than what were originally proposed, based on a change in method of operation or a decrease in the number of acres projected to be disturbed.

OSM seeks public comment on these proposed amendments to the Wyoming program. If these amendments are approved, they will become part of the Wyoming program.

Additional Determinations

1. *Compliance with the National Environmental Policy Act.* The Secretary has determined that pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need the prepared on this rulemaking.

2. *Compliance with the Regulatory Flexibility Act* The Secretary hereby determines that this proposed rule would not have a significant economic effect on small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

3. *Compliance with Executive Order No. 12291.* Regulations concerning satisfaction of conditions of approval of State regulatory programs under SMCRA have been granted a categorical exemption from the requirement to prepare a Regulatory Impact Analysis.

List of Subjects in 30 CFR Part 950

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: April 11, 1983.

J. R. Harris,

Director, Office of Surface Mining.

[FR Doc. 83–10156 Filed 4–14–83; 8:45 am]

BILLING CODE 4310–05–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 65

[A-3-FRL 2347-1]

State and Federal Administrative Orders Permitting a Delay in Compliance With State Implementation Plan Requirements; Proposed Approval of an Administrative Order Issued by the Pennsylvania Department of Environmental Resources to York Division, Borg-Warner Corporation

AGENCY: Environmental Protection Agency.

ACTION: Proposed rulemaking; invitation for public comment.

SUMMARY: EPA has proposed to approve an administrative order issued by the Pennsylvania Department of Environmental Resources to York Division, Borg-Warner Corporation. The order requires the company to bring air emissions from its refrigeration equipment manufacturing facility in Spring Garden Township, Pennsylvania into compliance with certain regulations contained in the federally approved Pennsylvania State Implementation Plan (SIP) by April 21, 1984. Because the order has been issued to a major source and permits a delay in compliance with provisions of the SIP, it must be approved by EPA before it becomes effective as a delayed compliance order pursuant to the Clean Air Act (the Act). If approved by EPA, the order will constitute an addition to the SIP. In addition, a source in compliance with an approved order may not be sued under the federal enforcement or citizen suit provisions of the Act for violations of the SIP regulations covered by the Order. The purpose of this notice is to invite public comment on EPA's proposed approval of the order as a delayed compliance order.

DATE: Written comments must be received on or before May 16, 1983.

ADDRESS: Comments should be submitted to Director, Air & Waste Management Division, EPA Region III, Sixth & Walnut Streets, Philadelphia, Pennsylvania 19106. The State order, supporting material, and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT: Joseph S. Arena, Environmental Scientist, Air Enforcement Section, Air and Waste Management Division, U.S. EPA Region III, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106, Telephone: (215) 597-4561.

SUPPLEMENTARY INFORMATION: York Division, Borg-Warner Corporation operates a refrigeration equipment manufacturing facility at Spring Garden Township Pennsylvania. The order under consideration addresses emissions from its surface coating processes, which are subject to § 129.52 of Title 25 of the Pennsylvania Code. The regulation limits the emissions of volatile organic compounds (VOC), and is part of the federally approved Pennsylvania State Implementation Plan. The order requires final compliance with the regulation by April 21, 1984 through the use of low solvent coatings.

Because this order has been issued to a major source of VOC emissions and permits a delay in compliance with the applicable regulation, it must be approved by EPA before it becomes effective as a delayed compliance order under Section 113(d) of the Clean Air Act (the Act). EPA has reviewed the order and has found that the order does satisfy the requirements of this subsection.

If the order is approved by EPA, source compliance with its terms would preclude federal enforcement action under Section 113 of the Act against the source for violations of the regulation covered by the order during the period the order is in effect. Enforcement against the source under the citizen suit provision of the Act (Section 304) would be similarly precluded. If approved, the order would also constitute an addition to the Pennsylvania SIP. However, source compliance with the order will not preclude assessment of any non-compliance penalties under Section 120 of the Act, unless the source is otherwise entitled to an exemption under Section 120(a)(2) (B) or (C).

All interested persons are invited to submit written comments on the proposed order. Written comments received by the date specified above will be considered in determining whether EPA may approve the order. After the public comment period, the Administrator of EPA will publish in the **Federal Register** the Agency's final action on the order in 40 CFR Part 65.

(42 U.S.C. 7413, 7601)

Dated: April 4, 1983.

Stanley L. Laskowski,

Acting Regional Administrator, Region III.

[FR Doc. 83-10072 Filed 4-14-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 0, 1 and 97

[PR Docket No. 83-27; RM-4229]

Use of Volunteers To Prepare and Administer Operator Examinations in the Amateur Radio Service; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of comment/reply comment period.

SUMMARY: This document extends the time for filing comments and reply comments to the *Notice of Proposed Rule Making* in this proceeding which concerns the use of volunteers to prepare and administer operator examinations. This action was taken to afford major representative Amateur Radio Operator organizations an adequate opportunity to fully comment upon the matters in the proceeding.

DATE: Comments are now due by April 25, 1983 and replies by May 19, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: John J. Borkowski, Private Radio Bureau, Special Services Division, (202) 632-4964.

Order

In the matter of an amendment of Parts 0, 1 and 97 of the Commission's Rules to allow the use of volunteers to prepare and administer operator examinations in the Amateur Radio Service; PR Docket No. 83-27, RM-4229.

Adopted: April 8, 1983.

Released: April 8, 1983.

By the Chief, Private Radio Bureau.

The Quarter-Century Wireless Association (QCWA) has filed a motion for extension of time for filing comments and reply comments in this proceeding. The *Notice of Proposed Rule Making* in this proceeding, 48 FR 8090 (February 25, 1983), specified that comments were to be filed on or before April 8, 1983, and that reply comments were to be filed on or before May 9, 1983. QCWA has requested that the comment and reply comment dates be extended to April 25, 1983, and May 19, 1983, respectively.

QCWA has stated its reasons for seeking this extension as the illness of its Vice-President, who has primary responsibilty for preparing comments in this matter, and the meeting of its Board of Directors scheduled for April 8, 1983, to discuss this proceeding. QCWA has

represented that the American Radio Relay League (the League) supports this request for extension of time because it intends to hold a Board of Directors meeting on April 21 and 22, 1983, to resolve final details of its position on this Docket.

QCWA is an international association of Amateur Radio operators whose members, numbering approximately 10,000, were each licensed more than 25 years ago. The League has the largest membership of any Amateur Radio organization in the United States. The views of these two organizations and their members are important in making the public interest determinations required in this proceeding.

Accordingly, for good cause shown, and because it will best conduce to the proper dispatch of business and to the ends of justice, the Motion for Extension of Time for Filing Comments in this proceeding made by the Quarter-Century Wireless Associaton (QCWA) is hereby granted. Interested persons may now file comments in this proceeding on or before April 25, 1983, and reply comments on or before May 19, 1983.

Authority for this action is contained in Sections 4(i) and (j) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and (j) and 303(r), and in §§ 0.131 and 0.331 of the Commission's Rules, 47 CFR 0.131 and 0.331.

For further information contact John J. Borkowski, (202) 632–4964.

Federal Communications Commission.

James C. McKinney,

Chief, Private Radio Bureau.

[FR Doc. 83-9873 Filed 4-14-83; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 15

[Gen. Docket No. 83–325; RM–4062; RM–4075; FCC 83–112]

Interim Provisions for Cordless Telephones

AGENCY: Federal Communications Commission.

ACTION: Proposed rules.

SUMMARY: The Commission proposes to establish a new section under Part 15 which will provide 10 duplex channels (20 frequencies) for the operation of cordless telephones. This group of frequencies will include 10 from the Government's 46.6–47.0 MHz band and 10 from the Government's 49.6–50.0 MHz band. The technical standards proposed are very similar to the present standards for the operation of a low power communications device on the present 5 frequencies in the 49.6–50.0 MHz band. Manufacturing and importing of cordless telephones under this new provision will be limited to five years from the date the rules becomes effective. Marketing will cease one year after manufacturing and importation ceases. This action is necessary to accommodate the rapid growth of cordless telephones. The effect of this proposal will be to provide additional channels for use by cordless telephones while the Commission finds a more suitable long-term location for these devices.

DATES: Comments are due on or before May 19, 1983. Reply comments are due on or before June 3, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Julius Knapp, Office of Science and Technology, 2025 "M" Street NW., Washington, D.C. 20554, (202) 653–8247.

List of Subjects in 47 CFR Part 15

Cordless telephone, Communications equipment.

In the matter of amendment of Part 15 to add new interim provisions for cordless telephones (General Docket No. 83–325; RM–4062; RM–4075; FCC 83–112).

Adopted: March 31, 1983.
Released: April 12, 1983.

By the Commission.

1. Notice is hereby given of the Commission's intention to amend Part 15 of its Rules to provide additional interim frequencies and technical standards for the operation of cordless telephones. If this proposal is adopted, cordless telephones operating on frequencies in the low VHF band would be made available to consumers, while the Commission considers a permanent frequency allocation for these devices.

2. A cordless telephone is a two-way low power communication system designed to eliminate the connecting handset cord of the standard telephone, thus allowing the user the freedom of movement without being confined by a connecting wire. It operates in a full duplex mode, i.e., it is capable of simultaneously transmitting and receiving radio signals, allowing a continuous conversation between both parties of the conversation. This method of operation requires the use of two frequencies of each cordless telephone system. The system includes a base station low power transmitter and receiver connected to the telephone network and a portable handset that also incorporates a low power transmitter and receiver.

3. Most of the cordless telephones marketed today operate in the duplex mode on no more than five channels at 49 MHz for the handset transmitter and 1.7 MHz for the base station transmitter, the latter using carrier current techniques. Under the present Commission Rules, both base station and portable transmitter may be operated without an individual license, provided each transmitter complies with the technical and administrative requirements contained in Part 15 of the Commission's Rules. The 49 MHz transmitter and receiver are subject to the technical and certification requirements in Subparts C and D of Part 15, respectively. Absent a waiver from the Commission the transmitter portion of the base station is subject to § 15.7 of the Rules, which limits the level of RF energy radiated from any part of the system.[1] The rules effectively limit the range of cordless telephones to less than 500 feet.

4. In early 1982, the Commission received two petitions requesting the allocation of frequencies to provide twenty-five to thirty channels for cordless telephones and requesting adoption of rules for these devices. The Mura Corporation (Mura) asked the Commission to permit the operation of cordless telephones in the frequency band 46.6–47.0 MHz and 49.6–50.0 MHz and proposed technical specifications essentially the same as those in Part 15 of the Commission's Rules for low power communications devices operating at 49 MHz.[2] The Personal Communications Section of the Communication Division of the Electronics Industries Association (EIA) requested use of the same frequency bands and also requested the bands 74.6–74.8 MHz and 75.2–75.4 MHz for cordless telephones.[3] The petitioners gave three overriding reasons to justify their requests. First, there has been an enormous escalation of consumer demand for cordless telephones. This growth is expected to continue. An industry survey estimates ten million cordless telephones will be on the market by 1987. Because of this expected growth, the small number of

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[1] A more complete description of the operation of cordless telephones and the present rules under which they operate is given in the *ORDER GRANTING CONDITIONAL WAIVER*, Adopted September 29, 1982, released October 4, 1982, 48 FR 4788. The *Order* was in response to Petitions filed by the American Telecommunications Corporation and the Electronics Industries Association concerning the application of § 15.7 of FCC Rules to cordless telephones.

[2] Petition filed by the Mura Corporation on February 26, 1982, designated RM–4062, requesting amendment of Part 15 re use of 46.6–47.0 MHz and 49.6–50.0 MHz bands for cordless telephones.

[3] Petition filed by the Personal Communications Section of the Communication Division of the Electronics Industry Association (EIA) on March 10, 1982, designated RM–4075, requesting the allocation of new frequencies for cordless telephones.

channels permitted under the present rules are considered to be inadequate to avoid overcongestion and mutual interference, which the petitioners claim is already beginning to occur. Second, the contemplated reallocation to broadcasting of the band 1.6–1.7 MHz now used for base station operation will render existing cordless telephone frequencies inadequate and obsolete.[4] Third, the 1.7 MHz band is technically not the best band for cordless telephones.

5. The following parties filed comments supporting the request for additional frequencies: Uniden Corporation of America; Mura Corporation; The Personal Communications Section of the Communications Division of the Electronics Industries Association; GTE Service Corporation; American Radio Relay League, Inc., American Telephone and Telegraph Company; and the Electra Company.

6. Various parties, however, took exceptions to parts of the petitions filed by Mura and EIA. GTE, for example, recommended 30 kHz channel spacing instead of the 15 kHz spacing recommended by Mura. GTE also recommended the adoption of a requirement for security coding to reduce the possibility of network harm and to avoid unauthorized use. The Association of Maximum Service Telecasters (MST), representing 250 television broadcast stations, opposed that portion of EIA's petition proposing use of the two 75 MHz bands for cordless telephones on the grounds that such an allocation would disrupt the reception of TV channels 4 and 5. Mura also raised the same concern.

7. The Commission agrees with the petitioners that additional frequencies are necessary to accommodate the anticipated growth of the cordless telephones. In General Docket 83–26, the Commission has proposed creation of an additional personal radio service at 900 MHz which could accommodate cordless telephones as well as other personal communications devices or systems.[5] However, cordless telephone manufacturers have indicated that they will need five to ten years to develop viable affordable equipment for the 900 MHz band. Thus, even if the Commission concludes in General Docket 83–26 that 900 MHz is the appropriate location for cordless telephones on a permanent basis, interim relief is necessary to accommodate the growing demand now.

8. We are proposing to amend Part 15 of our Rules and Regulations to allow manufacturing or importing of cordless telephone for 5 years using ten duplex channels in the bands 43.6–47.0 MHz and 49.6–50.0 MHz. We are further proposing to allow marketing of cordless telephones for an additional year after manufacturing and importing ceases.[6] These devices would be subject to technical requirements like those contained in Subpart D of Part 15 of our Rules and Regulations for low-power communications devices operating at 40 MHz.[7] The out-of-band emission requirements are modified as suggested by Mura. These devices would be required to employ some minimal means to protect against the telephone line being engaged unintentionally. One possibility would be to employ coding schemes similar to those used by garage door opener controls. This would minimize the risk that the cordless phone base unit might be engaged by an outside party for illicit billing of calls. At the same time it reduces the chance that the cordless phone will respond to spurious signals by going off hook and tying up telephone company equipment. The text of the proposed rules is set forth in the Appendix to this Notice.

9. Our decision to propose frequencies in the 46 and 49 MHz bands has been coordinated with and is concurred in by the National Telecommunications and Information Administration (NTIA), United States Department of Commerce, the organization responsible for managing United States Government use of the spectrum. This coordination was necessary because the radio frequency bands requested by the petitioners either are allocated for exclusive Government use or are shared by Government and private users. The NTIA, through the IRAC, set up an Ad Hoc Group (Ad Hoc 184), to study the cordless telephone allocation issue. Through Ad Hoc 184, IRAC analyzed the Government bands 43.6–47.0 MHz and 49.6–50.0 MHz, the shared bands 74.6–74.8 MHz, 75.2–75.4 MHz and 216–220 MHz, and the non-Government bands 30–50 MHz and 806–947 MHz.[8] This analysis included calculating the number of transmitters on each channel,[9] identifying those channels with the lowest number of assignments, and, for channels in the Government bands, identifying those with a minimum of air-ground communications, fire control, or emergency functions. On the basis of this analysis, NTIA has agreed to allow use of the 46 and 49 MHz band frequencies we are proposing provided that manufacturing or importing of equipment using these frequencies is terminated after five years and marketing after six years from the date any interim Commission rules become effective.[10]

10. We are proposing separate termination dates for manufacturing/importing and for marketing of cordless telephones using the interim frequencies to make clear the need for cordless telephone manufacturers and importers to plan for the conversion to new frequencies in a few years. The Government frequencies proposed in this Notice will not be available indefinitely for cordless telephone use.

11. Finally, while IRAC has identified some lightly loaded channels in the non-government portion of the 30–50 MHz band,[11] we are not proposing their use for cordless telephones. Most frequencies in the band are heavily used for long range land mobile systems, and we anticipate demand for the remaining frequencies will increase. We also note that the lighter loaded frequencies are spread throughout this band, which we believe may create problems for cordless telephone manufacturers. However, we would like comments on

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[4] At the World Administrative Radio Conference in 1979, the band 1.605–1.705 MHz was reallocated internationally for broadcasting after 1988. Transmissions from high power broadcasting in the reallocated portion of the AM broadcast band are likely to cause interference to cordless telephones operating in the same band.

[5] Notice of Proposed Rulemaking, General Docket 83–26, FCC 83–19 (Released March 4, 1983), at paragraph 76. It is also noted that the European Conference of Postal and Telecommunication Administrations (CEPT) is considering a proposal for the operation of cordless telephones in the bands 914–915 Mhz and 959–960 MHz subject to certain technical specifications.

[6] Consumers could continue to use cordless telephones they may have purchased beyond the interim period we are proposing for manfacturing, importing and marketing. Government users of the spectrum have acknowledged that cordless phones will be operating in these bands after marketing ceases.

[7] Under § 15.3 of the Commission's Rules these devices may not cause harmful interference to authorized radio services and must accept any interference received. Proposed § 15.234 contains a labelling and identification requirement to this effect.

[8] The Commission actively participated in Ad Hoc 184's work.

[9] This analysis included both transmitters centered tuned on the channel and transmitters center tuned on other channels whose emissions overlapped the channel being studied.

[10] A detailed discussion of the committee's analysis, conclusions and recommendations is given in the "Report of Ad Hoc 184", which was approved by IRAC on March 8, 1983. A copy of this Report has been placed into the official file of this proceeding and is available through the Downtown Copy Center, 1114 21st Street, N.W., Washington, D.C. 20037, Telephone (202) 452–1422.

[11] Report of Ad Hoc 184, *Supra*, at pp. 11–12. The frequencies (in MHz) identified as having fewer than 100 transmitters are: 31.68, 31.10, 31.12, 31.18, 31.50, 31.58, 31.62, 31.70, 31.74, 31.78, 31.86, 31.94, 31.98, 35.62, 35.68, 37.60, 42.06, 42.86, 42.90, 42.92, 43.68, 43.74, 43.80, 43.84, 44.32, 44.38, 44.50, 44.52, 44.56, 44.60 MHz.

the feasibility of using non-Government frequencies in the 30–50 MHz band on either an interim or a permanent basis. In addition, we solicit comments on the selection of the proposed interim frequencies at 46 MHz with respect to the potential interference ot the 45 MHz IF of TV receivers.

Procedural Matters

12. Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. Section 601 *et seq.* the Commission issues the following initial regulatory flexibility analysis:

I. *Reason for action*—This proceeding is in response to two petitions for rulemaking requesting frequencies for the operation of cordless telephones.

II. *The objective*—The Commission is proposing to allow manufacturing and and importing of cordless telephones to operate in the bands 46.6–47.0 MHz and 49..6–50.0 MHz for a period of time not to exceed five years and to further allow marketing of such devices for an additional period of one year.

III. *Legal basis*—The action proposed is in furtherance of Sections 4(i), 302(a), 303(g) and 303(r) of the Communications Act of 1934, as amended, which permit the Commission to make reasonable regulations governing the interference potential of RF equipment and to promote the larger and more effective use of radio in the public interest.

IV. *Entities affected; nature of economic impact; significant alternatives*—The proposal expands Part 15 of the FCC rules by providing for interim operation of cordless telephones on new frequencies. All manufacturers can benefit from this expansion. The alternative to this action is to continue with the existing provisions for cordless telephones at 1.7 MHz and 49 MHz until a permanent new home can be located.

V. *Recording, record-keeping and other compliance requirements*—We are proposing the equipment authorization procedure of certification for cordless telephones operating in the bands 46.6–47.0 MHz and 49.6–50.0 MHz. Since certification is currently required for all other low power communications devices under Part 15, no new requirements would be imposed if proposed rule changes are adopted.

13. For the purposes of this non-restricted notice and comment rule making proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a Notice of Proposed Rule Making until the time that a Public Notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final Order disposing of the matter is issued by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits an oral *ex parte* presentation, addressing matters not fully covered in any previously filed written comments for the proceeding must prepare a written summary of that presentation. On the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served and must also state by docket number the proceeding to which it relates. See § 1.1231 of the Commission's rules, 47 CFR 1.1231.

14. As required by Section 603 of the Regulatory Flexibility Act, the FCC has prepared an initial regulatory flexibility analysis of the expected impact of these proposed policies and rules on small entities. The initial analysis is set forth in paragraph 12. Written public comments are requested on the initial analysis. These comments must be filed in accordance with the same filing deadlines as comments on the rest of the *Notice*, but they must have a separate and distinct heading designating them as responses to the regulatory flexibility analysis. The Secretary shall cause a copy of this Notice, including the initial regulatory flexibility analysis, to be sent to the Chief Counsel for Advocacy of the Small Business Administration in accordance with Section 603(a) of the Regulatory Flexibility Act (P.L. 96–345, 94 Stat. 1164, 5 U.S.C. Section 601, et seq.).

15. Authority for issuance of this Notice is contained in Sections 4(i), 302, 303(g) and 303(r) of the Communications Act of 1934, as amended. In accordance with the applicable procedures set forth in Section 1.415 of the regulations, interested persons may file Comments on or before May 19, 1983 and Reply Comments on or before June 3, 1983. All relevant and timely comments will be considered. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order. A summary of these Commission procedures governing *ex parte* presentations in informal rule making is available for the Commission's Consumer Assistance Office, Washington, D.C. 20554.

16. In accordance with the provisions of Section 1.419 of the regulations, an original and five copies of all comments, reply comments, briefs and other documents shall be furnished the Commission. To obtain the widest possible response in this proceeding, informal comments (without extra copies) will be accepted, but these comments should make specific reference to this proceeding. Responses will be available for public inspection during regular working hours in the Commission's Public Reference Room located at its headquarters at 1919 M Street, N.W., Washington, D.C. 20554. For further information regarding this proceeding, contact Julius P. Knapp at (202) 653–8247 or Kenneth Nichols at (202) 632–7075.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303).

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

PART 15—[AMENDED]

It is proposed that Part 15 of the FCC Rules be amended by adding a new undersigned heading immediately following § 15.228 followed by new §§ 15230 through 15.235 to read as follows:

Cordless Telephones

§ 15–230 Interim provisions for a cordless telephone.

A cordless telephone which complies with the provisions of §§ 15–231 through 15–235, inclusive, may be manufactured or imported until (5 years after effective date of the Rules) and marketed until (6 years after effective date of the Rules).

§ 15.231 Interim frequencies for cordless telephones.

A cordless telephone may be operated on one or more of the following frequencies, provided it complies with the provisions in §§15–230 through 15–235, inclusive.

46.610 MHz	49.830 MHz
46.630 MHz	49.845 MHz
46.670 MHz	49.860 MHz
46.710 MHz	49.875 MHz
46.730 MHz	49.890 MHz
46.770 MHz	49.670 MHz
46.830 MHz	49.770 MHz
46.870 MHz	49.930 MHz
46.930 MHz	49.970 MHz
46.970 MHz	49.990 MHz

§ 15.232 Technical specifications for cordless telephones.

A cordless telephone must comply with all the technical specifications in this section.

(a) Frequency tolerance of carrier: ±0.01%. The tolerance shall be maintained for a temperature variation of −20°C to +50°C a normal supply voltage, and for variation in the primary voltage from 85% to 115% of the rated supply voltage at a temperature of 20°C.

(b) Emission shall be confined within a 20 kHz band centered on the carrier frequency.

(c) The field strength of the carrier frequency shall not exceed 10,000 uV/m at 3 meters.

(d) The out-of-band emissions, including harmonics, on any frequency more than 10 kHz removed from the carrier shall not exceed the field strength limitations in the following table:

Frequency (MHz)	Field strength (uV/m at 3m)
25 to 85	100
85 to 216	150
216 to 1000	200

The spectrum shall be scanned from 25 to 1000 MHz and all signals exceeding 20 uV/m at 3 meters shall be reported.

(e) The cordless telephone shall be completely self-contained with the antenna permanently attached to the enclosure containing the phone.

(f) A cordless telephone which receives electrical power from the public utility power lines shall limit the radio frequency energy coupled back into the power lines to less than 100 uV on any frequency below 30 MHz.

(g) A cordless telephone system shall provide some minimum means of preventing the base station from either being engaged by an outside party or unintentionally going off-hook and seizing local telephone network loops.

§ 15.233 Certification requirement.

Both the base station and portable handset of a cordless telephone shall be certificated by the Commission pursuant to the procedures in Subpart B of this part. The transmitter portion of a cordless telephone shall be certificated to show compliance with the requirements in §§ 15.230 through 15.235, inclusive. The receiver portion shall be certificated to show compliance with the requirements in Subpart C of this part. A signle application for certification (*FCC Form 731)* may be filed for a cordless telephone provided it clearly identifies all parts of the device and provides adequate data to show compliance with the appropriate rule parts.

Note.—A cordless telephone, which is intended to be connected to a public telephone network shall also comply with regulations in Part 68 of this chapter.

§ 15.234 Labeling and identification requirements for a cordless telephone.

Both the base station and portable handset of a cordless telephone system shall be identified and labelled pursuant to §§ 2.925, 2.926 and 2.1045 of Part 2 of this chapter. In addition, the label attached to the handset portion shall contain the following statement:

"This cordless phone is a low power communications device operating pursuant to the provisions of Part 15 of FCC Rules. Privacy of communications may not be ensured when using this phone. Operation is subject to two conditions: (1) It may not cause harmful interference; and, (2) it must accept any interference received, including that which may cause undesirable operation.

§ 15.235 Non-interference requirement.

Notwithstanding compliance with the technical specifications herein, a cordless telephone is subject to general conditions of § 15.3 of this part. The operator of a cordless telephone may be required to stop operating his device upon a finding that the device is causing harmful interference and it is in the public interest to stop operation until the interference problem has been corrected.

[FR Doc. 83-9970 Filed 4-14-83; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Parts 21 and 22

[CC Docket No. 83-371; FCC 83-140]

Common Carrier and Satellite Licensing Procedures Pursuant to the Communications Act of 1982

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The proposal proposes to revise certain sections of Parts 21, 22 and 23 of the Commission's Rules relating to common carrier licensing and certain rules relating to fixed satellite licensing. These changes are being proposed to reflect certain changes to the Communications Act made by Pub. L. 97-259. The proposal proposes generally to grant common carrier and fixed satellite licenses for ten years and to grant temporary authorizations for 180 days with the possibility of unlimited renewals.

DATES: Comments must be received on or before May 13, 1982; Reply Comments must be received on or before May 20, 1983.

ADDRESS: Office of the Secretary, Room 222, Federal Communications Commission, Washington, D.C. 20554

FOR FURTHER INFORMATION CONTACT: Emily Williams at (202) 634-1869.

List of Subjects in 47 CFR Parts 21, 22 and 23

Communication, Common carriers.

Proposed Rulemaking

In the matter of common carrier and satellite licensing procedures pursuant to the Communications Amendments Act of 1982; CC Docket No. 83-371.

Adopted: April 7, 1983.

Released: April 13, 1983.

By the Commission: Commissioner Fogarty absent.

I. Introduction

1. The Communications Amendments Act of 1982, Pub. L. No. 97-259, became law on September 13, 1982. Among other things, this law revised Section 307(c) of the Communications Act, 47 U.S.C. 307(c), to allow the Commission to grant licenses for non-broadcasting stations for a maximum of ten years rather than five years. In addition, under Section 309(f), 47 U.S.C. 309(f), the Commission now may authorize temporary operation of unlicensed stations for an unlimited number of 180-day periods. Previously, the Commission could authorize such unlicensed operation only for a maximum of two 90-day periods.[1]

2. The purpose of this Notice of Proposed Rulemaking is to propose changes in the Commission's Rules and procedures to reflect amended Sections 307(c) and 309(f) of the Communications Act with respect to common carrier and satellite stations and to invite public comment with respect to these proposed changes.[2]

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[1] Public Law 97-259 also amended Section 319(d) of the Communications Act. Former Section 319 required a construction permit to establish a non-broadcasting station unless the Commission waived this requirement for public interest reasons. Amended Section 319(d) provides that a construction permit is no longer required for common carrier stations unless the Commission makes an affirmative finding that the public interest, convenience and necessity is served by requiring such a permit. We shall address this amendment in the near future. Until that proceeding is completed, we shall require carriers to obtain a construction permit prior to establishing a common carrier station or an earth station or space station. *See* Public Notice 740 (released Nov. 10, 1982).

[2] In a separate proceeding, the Commission, in PR Docket No. 83-27, amended §§ 1.925, 1.962, 94.27 and 94.43 of the rules to reflect the Communications Act Amendments. (*See also* proposed changes to Section 81.41 in the Notice of Proposed Rulemaking in Amendment of Parts 81 and 83 of the Rules, PR Docket No. 82-796).

II. Discussion

A. License Terms

3. Amended Section 307(c) provides in relevant part: "[n]o license * * * for [non-broadcasting stations] shall be for a longer term than ten years, and * * * a renewal of such license may be granted from time to time for a term * * * not to exceed ten years * * *." Under the prior law and our current rules,[3] all common carrier licenses and renewals can be granted for a period not to exceed five years. The general practice has been to grant licenses for the maximum statutory period unless there exists good cause to grant a license for a shorter term.

4. The primary purpose of Congress in initially imposing a license term was to ensure that the government retains some control over the valuable privilege that a license represents.[4] With a limit on the terms of licenses, the Commission is afforded the opportunity periodically to review a licensee's qualifications to ensure that the license is being used in the public interest. Thus, the question to be answered in light of the new legislation is what is the amount of time that, as a general rule, the Commission should allow before automatic review of licenses.

5. We tentatively conclude that the general rule should be that common carrier and fixed satellite licenses be granted for 10 years and we propose to amend §§ 21.45(a), 22.45(a) and 23.29 accordingly.[5] Our conclusion is based primarily on the fact that in most of these services the Commission receives relatively few complaints about licensees or the operation of their stations.[6] Renewal applications in most of the services are rarely, if ever, mutually exclusive with that of a competing application. Objections to renewals are seldom filed and most are granted relatively routinely. Therefore, as a general matter, the longer license terms appear justified.[7]

6. Two of the services licensed under Parts 21 and 22 of the rules are new services with which we have no operational experience. These are the Digital Electronic Message Service (DEMS) and the Cellular Telecommunications Service. We tentatively conclude that there is no reason to differentiate these services from the other services. Initial applications are closely reviewed and we have no reason to expect licensees in the DEMS or Cellular Service to require significantly closer scrutiny than other services. With respect to the Cellular Service, we note that the Commission has adopted stringent and detailed requirements as to financial, technical and other qualifications, which should help to ensure that there are not unforeseen problems with the service. *See Cellular Communications Systems,* 86 FCC 2d 469 (1981), *modified,* 89 FCC 2d 58 (1982). During the initial operating years of licensees in these new services, the staff will deal with complaints received relating to specific instances of alleged non-compliance with the rules. We believe it is more desirable to take this narrower approach to resolving problems that may arise in particular cases than to rely on a shorter license term for all licensees of these services.

7. In proposing to extend these license terms, we wish to emphasize that we are proposing a general rule. Thus, the Commission would continue to have the right to grant or renew station licenses in these services for a shorter period of time than that generally prescribed.[8] In any instance in which there is a question of whether a particular licensee should be granted a license for the full term the Commission has the option of granting the license for a shorter term. In addition, in proposing to extend the license terms for these services, we do not seek to avoid the Commission's obligation to review licensee's qualifications. The renewal process is but one of the Commission's enforcement mechanisms for meeting its statutory duties. The proposed rule changes do not, for example, affect our statutory authority to revoke any station license,[9] and the proposed ten year term does not in any sense guarantee that a licensee who is not using his license properly would be able to retain that license for ten years. Rather, the proposal would encourage individual proceedings designed to address particular problems rather than a burdensome and unnecessary general review requirement. We will continue to rely on the complaint process and the Commission's field inspection and minotoring capabilities to ensure that licensees are upholding their statutory duties.

8. The longer license terms for common carrier services would result in a significant savings of Common Carrier Bureau and licensee resources by requiring the processing of license renewal applications only once every ten years instead of every five. This savings by carriers and the Commission was one of the reasons for adoption of the amendments.[10] For example, in the Point-to-Point Microwave Service, the staff estimates that actions on all renewal applications total approximately 1,500 work hours. Thus, extending the license terms in that service alone will save that many work hours every ten years. When all the other services are considered, the savings would be substantial. Although we have no estimate of the resource savings that an extension of the license term would entail for carriers, we assume that it would not be insignificant. We invite commenters to submit information regarding costs that might be avoided by longer license terms so that these savings might be weighed in reaching a final decision in this matter.

9. In order to effectuate the new license terms as quickly as possible and in order to minimize the administrative burdens on the Commission and the licensees, we also propose to extend the terms of all current licensed (except developmental licenses) to ten years. All current licenses would then expire ten years after the beginning of the license term specified in the outstanding authorization. By doing this we would obviate the need to file and process one entire round of renewal applications.[11]

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[3] *See* 47 CFR 21.45, 22.45 and 23.29.

[4] *See* S. Rept. No. 772, 69th Cong., 1st Sess. 2–3 (1926); *see also* S. Rept. No. 781, 73rd Cong., 2d Sess. 6 (1934).

[5] Part 25 of our Rules relating to the licensing of satellite facilities does not contain any rule limiting the term of licenses for those facilities. Our practice generally has been to issue licenses for the maximum term permitted by statute unless the applicant requests a shorter term or unless operation of the station is scheduled to be concluded well before the statutory license term. We see no reason to grant earth station licenses for less than ten years. We propose doing so unless comments submitted convince us to do otherwise. With respect to space stations, we propose to issue licenses for the nomimal lifetime of the satellite, but not for a period longer than 10 years.

[6] Although one service, the Multipoint Distribution Service (MDS), has presented a relatively large number of licensing and operational problems for the staff, we tentatively conclude that the ten year license term should also apply to it. As discussed below, the Commission retains the right to issue a particular license for a shorter period and/or revoke a license, which we believe are more appropraite remedial solutions to problems than denying extended license terms to all MDS licensees.

[7] We propose to maintain the present one-year term for all developmental licenses issued in the Domestic Public Fixed, Mobile, and Satellite Services. These licenses are granted to enable the applicant to conduct research or development and one year normally is sufficient time for such purposes.

[8] Sections 21.45 and 22.45 contain express provisions that the Commission has the right to grant licenses for a shorter term than generally prescribed. Section 23.29 does not now contain such an express provision. To make Part 23 consistent with Parts 21 and 22, we propose to add language to that effect to § 23.29.

[9] 47 U.S.C. 312.

[10] *See* Conf. Rept. 97–765, 97th Cong., 2d Sess. 35 (1982); 128 Cong. Rec. 76653 (daily ed. Aug. 19, 1982).

[11] This extension would not apply to existing wireline telephone services in the 35 MHz band. In

We believe that we have sufficient authority to take this action. The Commission's authority to modify the provisions of existing licenses by reulemaking has been upheld on several occasions. *See, e.g., National Broadcasting Co. v. United States,* 319 U.S. 190 (1943); *California Citizens Band Association v. United States,* 375 F.2d 43 (9th Cir.), *cert. denied,* 389 U.S. 844 (1967); *see also American Airlines, Inc. v. CAB,* 359 F.2d 624 (D.C. Cir.), *cert. denied,* 385 U.S. 943 (1966).

10. Both Parts 21 and 22 specify a staggered schedule of months, on a service, by service basis, on which licenses for the different services will expire. For example in the mobile services, radio common carrier licenses expire on April 1, and wireline common carrier licenses expire July 1. The staff also staggers the year of renewal on a service-by-service basis. Thus, radio common carrier licenses expire in April of 1984, and wireline common carrier licenses expire in July of 1983.[13] Our proposal to extend existing licenses would result in radio common carrier licenses expiring in April of 1989 and wireline common carrier licenses expiring in July of 1988.[13]

11. With respect to the wireline common carrier licenses that are currently scheduled to expire on July 1 of this year, we note that § 22.11(c) of our Rules requires renewal applicants to file between 30 and 60 days prior to the license expiration date. Under this rule, wireline licensees would be expected to file for renewal of their licenses between May 1, 1983 and June 1, 1983. Pending the outcome of this rulemaking proceeding, we hereby waive the requirements of § 22.11(c) and instruct wireline licensees not to file renewal applications in May 1983.[14] Renewal applications filed during this period will be returned. Wireline carriers will not risk expiration of their licenses by not submitting their renewal applications in May. If, by June 15, 1983, the Commission has not released an Order extending the license term, renewal applications must be filed between that date and June 30, 1983. We do not anticipate that any such filing will be necessary, but we make this provision so that wireline licensees may be assured that their authorizations are not placed at risk by failure to file in May 1983. In order to accomplish these rule changes in time to avoid the wireline renewal filings, we specify an expedited comment period as set forth below. If we cannot complete the entire proceeding by June 15, we will consider issuing a separate order addressing only the license extension proposal.

12. Finally, we note that licenses for satellite earth and space stations granted pursuant to Part 25 of the rules do not expire on a set schedule of staggered dates as in the mobile and domestic fixed services. Rather they expire individually, generally five years after the day the license was granted. Therefore, in order to continue the effectiveness of licenses in the Part 25 services that would expire during the pendency of this rulemaking, licensees still will be required to submit renewal applications.[15] However, we do not intend to process any of these applications during the pendency of this proceeding until we resolve the issue of whether to extend the license terms of these stations.

B. Special Temporary Authority (STA)

13. Section 309(f) of the Communications Act provides an exception to the general rule that applications for construction permits or radio licenses shall not be granted earlier than thirty days following the issuance of a public notice of the acceptance for filing of the application. Until passage of the recent amendments, the Commission could grant special temporary authority without issuing a public notice upon finding that there were "extraordinary circumstances requiring emergency operations in the public interest and that delay in the institution of such emergency operations would seriously prejudice the public interest." The Commission had authority to grant a maximum of two 90-day temporary license authorizations. New Section 309(f) deletes the reference to emergency operations in the granting of temporary authorizations pursuant to that section,[16] extends the maximum period of temporary operation from 90 to 180 days, and allows an unlimited number of 180-day authorizations.

14. We propose to amend §§ 21.25, 22.25 and 23.28 to reflect the changes in the statute and to apply the same principles to satellite facilities.[17] Thus, carriers would be able to apply for an STA for a period of 180 days and would be able to apply for an unlimited number of extensions.[18] The longer period, of course, would reduce the applicants' and the Commission's administrative burden.

15. Additional work could be caused, however, by persons requesting numerous 180-day authorizations. Congress apparently was aware of this potential problem and the possiblity of the creation of *de facto* station licenses when it provided for an unlimited number of extensions. In the Conference Report, the Committee stated that "an applicant for STA renewal bears a heavy burden of showing, consistent with the test in Section 309(f), that a renewal should be granted." Conf. Rept. 97–765, 97th Cong., 2d Sess. 37 (1982). To ensure that the Congressional intent is satisfied and that the process is not abused, we also propose to add language to the rule that reflects this legislative intention.

III. Regulatory Flexibility Act Analysis—Certification

16. We conclude that the proposed rule changes contained herein will have no significant economic impact on a substantial number of small entities, within the meaning of Section 605(b) of the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b) (1982). We are issuing this Notice of Proposed Rulemaking to receive public comment on a number of changes to common carrier and fixed

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CC Docket No. 80–189, the Commission decided to terminate all such services in June, 1988. *See* 47 FR 34561 (August 10, 1982). In addition, this action is without prejudice to any decision the Commission may make in, or as a result of the proceedings in, CC Docket 80–112, 45 FR 29323 (1980).

[12] The year of expiration is not codified in the rule, since this would require lengthy lists of recurring five-years periods. Instead, the year is specified on the license itself.

[13] Other existing Part 21 and Part 22 licenses would expire as follows:

1. Point-to-Point Microwave, Feb. 1, 1990.
2. Local Television Transmission, Feb. 1, 1990.
3. Multipoint Distribution Service, May 1, 1991.
4. Offshore Telephone, Aug. 1, 1991.
5. Public Land Mobile (air ground base stations), Sept. 1, 1989.
6. Rural Radio, Nov. 1, 1988.

[14] This waiver is on a one-time basis and applies only to the wireline licensees who would otherwise be required to file renewal applications in May of 1983. A waiver is not needed for any other carriers since their authorizations expire subsequent to 1983 and, therefore, after this proceeding should be completed.

[15] Submission of the renewal application in a timely manner continues the effectiveness of the license. 5 U.S.C. 558; 47 CFR 1.62.

[16] Temporary authorizations may also be granted pursuant to Section 309(c)(2)(G) of the Communications Act. 47 U.S.C. 309(c)(2)(G).

[17] Part 25 contains no rules relating to applications for STAs. Processing of such applications has been handled pursuant to the guidelines specified in Processing Procedures for Domestic Earth Station Applications, FCC 75–932, released Aug. 8, 1975. Except with respect to the period of an STA, the number of renewals, and the test for obtaining a renewal of an STA (for which we propose to follow the guidelines used by the domestic fixed and mobile services), we propose to continue using the procedures set out in that public notice.

[18] We also propose to delete the reference to "emergency" operations in § 21.25(b)(4) of the rules to reflect the new law. We do not see this as significantly altering the test for temporary authorization pursuant to Section 309(f) of the Act, however, since such authorization continues to require a showing of "extraordinary circumstances."

satellite licensing allowed by the Communications Amendments Act of 1982. Our objective is to compile a sufficient record to implement these rules, if warranted. The legal basis for this proposal is contained in paragraph 30 below.

17. The Commission proposes to relax regulatory requirements of various aspects of the licensing process for common carrier and fixed satellite stations. This relaxation will apply equally to all applicants and licensees, whether they be small business entities, single individuals or large corporations and should aid all applicants by eliminating costs and delay in the licensing process. Specifically, with the exception of developmental licenses we propose to extend the license period for all common carrier and domestic fixed satellite radio facilities so as to require applicants generally to file license renewal applications once every ten years, instead of every five years. Our proposal to extend the period allowed for special temporary operation of a station and to permit an unlimited number of 180-day extensions will have a relatively small economic impact upon small business entities but what impact there will be will be beneficial in requiring only one application instead of two in order to operate for a 180-day period. In general, the alternatives that the Commission could consider would be more burdensome than those proposed.

IV. Ordering Clauses

18. For purposes of this non-restricted notice and comment rulemaking proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed rulemaking until the time a public notice is issued stating that substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comment/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission Secretary for inclusion in the public files. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comment for the proceeding must prepare a written summary of that presentation. On the day of the oral presentation, the written summary must be served on the Commission's Secretrary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. *See generally* § 1.1231 of the Rules, 47 CFR 1.1231.

19. Accordingly, it is ordered, That pursuant to Sections 1, 4(i), 303(f), 303(r), 307(c), 309(f) and 403, of the Communications Act of 1934, 47 U.S.C. 151, 154(i), 303(f), 303(r), 307(c), 309(f) and 403, and Section 553 of the Administrative Procedure Act, 5 U.S.C. 553, there IS ISSUED A NOTICE OF PROPOSED RULEMAKING.

20. It is further ordered, pursuant to § 1.415 of the Commission's Rules, that all interested persons may file comments on the matters discussed in this Notice and the proposed rule changes contained in the attached Appendix on or before May 13, 1983, and reply comments on or before May 20, 1983. This proceeding is being expedited in order that the Commission may take action on the proposal to extend current license terms to ten years as soon as possible so as to relieve carriers of the burden of filing renewal applications. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken with respect to the proposals contained in the Appendix. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

21. It is further ordered, That pursuant to §§ 1.51 and 1.419 of the Rules, an original and five copies of all comments, replies, pleadings, briefs or other documents shall be filed with the Commission. Copies of all filings will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

22. It is further ordered, That the Chief, Common Carrier Bureau, is delegated authority to require the submission of additional information, make further inquiries, and modify the dates and procedures if necessary to provide for a fuller record and more efficient proceeding.

23. It is further ordered, That the Secretary shall cause this Notice of Proposed Rulemaking to be published in the **Federal Register.**

(Secs. 2, 3, 4, 5, 301, 303, 307, 308, 309, 315, 317, 48 Stat., as amended, 1064, 1065, 1066, 1068, 1081, 1082, 1083, 1084, 1085, 1088, 1089; 47 U.S.C. 152, 153, 154, 155, 301, 303, 307, 308, 309, 315, 317)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix A

Parts 21, 22 and 23 of Chapter I of Title 47 of the Code of Federal Regulations is proposed to be amended as follows:

PART 21—DOMESTIC PUBLIC FIXED RADIO SERVICE

1. Section 21.25 is amended by revising paragraphs (b)(4) and (c) as follows:

§ 21.25 Application for temporary authorizations.

* * * * *

(b) Special temporary authorizations may be granted without regard to the 30-day public notice requirements of § 21.27(b) when:

(4) The authorization is made upon a finding that there are extraordinary circumstances requiring operation in the public interest and that delay in the institution of such service would seriously prejudice the public interest.

(c) Temporary authorization of operations not to exceed 180 days may be granted under the standards of Section 309(f) of the Communications Act where extraordinary circumstances so require. Extensions of the temporary authorization for a period of 180 days each may also be granted but the renewal applicant bears a heavy burden to show that extraordinary circumstances warrant such an extension.

* * * * *

§ 21.45 [Amended]

2. Section 21.45(a) is amended by removing the term "5 years" and inserting in lieu thereof "10 years".

PART 22—[AMENDED]

3. Section 22.25 is amended by revising paragraph (b)(4) and (c) as follows:

§ 22.25 Application for temporary authorizations.

* * * * *

(b) Special temporary authorizations may be granted without regard to the 30-day public notice requirements of § 22.27(b) when:

(4) The authorization is made upon a finding that there are extraordinary circumstances requiring operation in the public interest and that delay in the institution of such service would seriously prejudice the public interest.

(c) Temporary authorizations of operation not to exceed 180 days may be granted under the standards of Section 309(f) of the Communications Act where extraordinary circumstances so require. Extensions of the temporary authorization for a period of 180 days each may also be granted, but the renewal applicant bears a heavy burden to show that extraordinary circumstances warrant such an extension.

* * * * *

4. Section 22.45 is amended as follows:

§ 22.45 License period.

(a) Licenses will be granted for 10 years. When a date is specified in paragraph (b) of this section, the license will be valid until that date in the tenth year of the license. Developmental licenses shall be granted for one year. When the Commission determines the public interest, convenience and necessity would be served by a shorter license period, the license will be granted for such period.

(b) *License Termination.* Station licenses will expire on the dates listed below, on the last year of the license:

Public Land Mobile (radio common carriers), Apr. 1
Public Land Mobile (wireline common carriers), July 1
Offshore Telephone
Public Land Mobile (air-ground base stations), Sept. 1
Rural Radio, Nov. 1
Cellular Radio, Dec. 31

* * * * *

PART 23—[AMENDED]

5. Section 23.28 is revised to read as follows:

§ 23.28 Special temporary authorization.

(a) Requests for special temporary authority must be accompanied by a showing that interference will not be caused to the fixed public or fixed public press service for which the station is primarily licensed; and, in addition, such requests must be accompanied by the following:

(1) A statement of the call signs, location, and frequencies of the transmitting station; the call signs, location, and frequencies of the receiver station; and the type or types of emission to be employed by both stations.

(2) A statement as to whether the frequencies are to be used for contact control purposes only.

(3) A statement of the period for which the temporary authority is desired.

(4) A statement describing the service which is to be rendered.

(b) Temporary authorizations of operation not to exceed 180 days may be granted under the standards of Section 309(f) of the Communications Act where extraordinary circumstances so require. Extensions of the temporary authorizations for a period of 180 days may also be granted, but the renewal applicant bears a heavy burden to show that extraordinary circumstances warrant such an extension.

6. Section 23.29 is revised by designating the first paragraph as paragraph (a), removing "5 years" and inserting in lieu thereof "10 years", and by adding a new paragraph (b) as follows:

§ 23.29 License period and expiration time.

(a) * * *

(b) The Commission reserves the right to grant or renew station licenses in these services for a shorter period of time than that generally prescribed for such stations if, in its judgment, the public interest, convenience or necessity would be served by such action.

[FR Doc. 83-10144 Filed 4-14-83; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 97

[PR Docket No. 82-83, FCC 83-119, RM-3705, RM-3729, RM-3734, RM-3778, RM-3831, RM-3833, RM-3860, RM-4228]

Expansion of the Telephony Segments of the High Frequency Amateur Radio Service Bands; and Petition for Rulemaking To Authorize Telephony Operation on Certain Frequencies in Hawaii

AGENCY: Federal Communications Commission.

ACTION: Further notice of proposed rule making.

SUMMARY: The Commission is proposing to authorize the use of additional frequencies for telephony operation in the Amateur Radio Service high frequency (HF) bands. The frequencies currently authorized for such use are, at times, extremely congested. The proposed rule amendments would provide more frequencies for this use and thus relieve some of the congestion.

DATES: Comments are due by July 1, 1983 and replies by August 1, 1983.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Steve Lett, Private Radio Bureau (202) 632-4964.

List of Subjects in 47 CFR Part 97

Radio.

Further Notice of Proposed Rule Making

In the matter of an Expansion of the Telphony Segments of the High Frequency Amateur Radio Service Bands. Petition for Rule Making to Authorize Telephony Operation on the Frequencies 7075-7100 KHz in the State of Hawaii; PR Docket No. 82-83, RM-3705, RM-3729, RM-3734, RM-3778, RM-3831, RM-3833, RM-3860, RM-4228.

Adopted: March 31, 1983.
Released: April 11, 1983.

By the Commission.

1. On February 11, 1982, the Commission adopted a Notice of Inquiry and Proposed Rule Making in the above-captioned matter.[1] That Notice was in response to seven petitions for rule making, each requesting that the Amateur Radio Service Rules (Part 97) be amended to provide for the use of telephony operation (emission types A3 and F3) on additional portions of the amateur high frequency (HF) bands—the bands between 3 and 30 MHz. In its Notice, the Commission initiated an inquiry, seeking to gather additional information on alternative approaches to expanding frequencies for telephony use in the HF bands other than the 14 MHz band. The Commission also specifically proposed to "* * * expand telephony privileges in the 14 MHz amateur band by adding the frequencies 14150-14200 kHz to those currently authorized for such use. Today, we are adopting a separate First Report and Order to set forth our findings on the issues of expansion of the telephony "subband" in the 14 MHz band.[2] This Notice will set forth our specific proposals for expansion of the other HF telephony subbands.

2. Several hundred comments were filed on the Commission's Notice.[3] The

[1] 47 FR 8798 (March 2, 1982).

[2] See First Report and Order in PR Docket 82-83, FCC 83-118, 48 FR ——April ——, 1983).

[3] A Motion to Set Aside Comments of the American Radio Relay League was also filed by Josef Schrabal. That Motion is discussed and disposed of in our First Report and Order in this proceeding.

vast majority of the comments received supported the concept of expanding many or all of the HF Telephony subbands. Expansion of two of the subbands in question—those of the 3.5 and 21 MHz bands—had uniform support in the comments. Virtually all of the commenters agreed that the telephony subbands for these two bands should start at 3750 kHz and 21200 kHz, respectively. Many of the commenters also agreed that the operator privileges for these telephony subbands should be changed to the following: 3750–3775 kHz, Amateur Extra only; 3775–3850 kHz, Amateur Extra and Advanced; 3850–4000 kHz, Amateur Extra, Advanced and General; 21200–21225 kHz, Amateur Extra only; 21225–21300 kHz, Amateur Extra and Advanced; 21300–21450 kHz, Amateur Extra, Advanced and General. While most commenters indicated that privileges conveyed by this general scheme would be most appropriate, there were some comments which suggested that more frequencies should be reserved for the higher class licensees. However, we believe that it would be unwise to limit the relief we hope to provide to operators by reserving unnecessarily large portions of the proposed expanded telephony subbands to higher class licensees. We believe that the privileges set forth above would be most fair to all license classes and therefore we are proposing these as the changes to be made in the authorizations for these bands.

3. Regarding the 28 MHz band, commenters suggested authorizing telephony operations down to frequencies as low as 28200 kHz. Authorization of such operations on frequencies as low as 28300 kHz was a common recommendation. While we are proposing to authorize telephony operations on all frequencies from 28300 to 29700 kHz, we request comments on whether such an expansion is truly warranted in light of the sliver of spectrum that will remain for modes of operation using the international Morse code and digital communication (radio-teleprinting). For example, we may be inclined to continue to allow both of these modes on the frequencies 28300–28500 kHz even if we do expand the 28 MHz telephony subband. In any event, Morse code operation would continue to be permitted on all frequencies as it is now, even though we recognize that such operation is normally not conducted on frequencies adjacent to wider-bandwidth telephony emissions.

4. There was no consensus in the comments as to the best course of action for us to take regarding the 7 MHz telephony subband. Some comments suggested that the Novice subband be moved downward in frequency in order to permit telephony operation from 7100 kHz through 7300 kHz, while others recommended the establishment of a new telephony subband between 7050 and 7100 kHz with privileges in the new subband limited to holders of Advanced or Amateur Extra class operator licenses. Many comments suggested no change in the mode authorizations for the 7 MHz band. Except as discussed below, we have decided to make no proposal for changes in this band at this time since there seems to be no consensus as to the actual need or the best approach. However we invite comments as to whether some future action may be warranted and what approach would be most beneficial.

5. Finally, we are in receipt of a petition for rule making, RM–4228, filed on October 22, 1982 by Randall F. Sobol. That petition requests that the Commission's rules be amended by adding to § 97.61(b)(11) the phrase "* * * with the exception of those stations located west of 150 degrees West longitude and south of 30 degrees North latitude." The effect of such a change would be to authorize the frequencies 7075–7100 kHz for telephony operation in the State of Hawaii and similarly situated geographic areas. The petitioner claims that, "A few hundred miles to the south of the Hawaiian Islands, we would be in Region 3, thusly able to operate A3 on those frequencies * * * (while the) Hawaiian Islands are almost 2500 miles from the nearest possible point on the U.S. Mainland." The petitioner goes on to point out that, "The geographic proximity to Region 3 renders extremely strong Asian broadcast interference. This is noticable prior to sundown in the Hawaiian Islands and lasts several hours after sunrise the following day." The Commission is persuaded that the petitioner's request merits further consideration and we are including the requested rule change in our proposals in this Notice.

6. Accordingly, notice is hereby given that it is proposed to amend 47 CFR Part 97 in accordance with the proposal set forth in the attached Appendix.

7. Authority for issuance of this Notice is contained in Sections 4(i) and 303 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303. Pursuant to applicable procedures set forth in § 1.415 of the Commission's Rules, interested persons may file comments on or before July 1, 1983, and reply comments on or before August 1, 1983. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

8. In accordance with § 1.419 of the Commission's Rules, 47 CFR 1.419, formal participants must file an original and five copies of their comments and other materials. Participants who wish each Commissioner to have a personnal copy of their comments should file an original and eleven copies. Members of the general public who wish to express their interest by participating informally may do so by submitting one copy. All comments are given the same consideration, regardless of the number of copies submitted. Each set of comments must state on its face the proceeding to which it relates (PR Docket Number) and should be submitted to: The Secretary, Federal Communications Commission, Washington, DC 20554. All documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

9. For purposes of this non-restricted notice and comment rule making proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a Notice of Proposed Rule Making until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must

be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, § 1.1231 of the Commission's rules, 47 CFR 1.1231. A summary of the Commission's procedures governing *ex parte* contacts in informal rule making is available from the Commission's Consumer Assistance Office, FCC Washington, DC 20554, (202) 632–7000.

10. In accordance with Section 605 of the Regulatory Flexibility Act of 1980 (5 US.C. 605), the Commission certifies that these rules would not, if promulgated, have a significant economic impact on a substantial number of small entities since the Amateur Radio Service may not be used for commercial radio communication (see 47 CFR 97.3(b)) and because these rules would have no forseeable impact on manufacturers of Amateur Radio Service equipment.

11. It is ordered that the Secretary shall cause a copy of this Notice to be served upon the Chief Counsel for Advocacy of the Small Business Administration and that the Secretary shall cause a copy of this Notice to be published in the **Federal Register.**

12. For further information on this proceeding, contact Steve Lett, Federal Communications Commission, Private Radio Bureau, Washington, D.C. 20554, (202) 632–4964.

(Secs. 4, 303 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

PART 97—[AMENDED]

It is proposed that Part 97 of the Commissions Rules and Regulations, 47 CFR Part 97, be amended as follows:

1. In § 97.7, paragraph (a) would be revised to read as follows:

§ 97.7 Privileges of operator licenses.

(a) Amateur Extra and Advanced Class. All authorized amateur privileges including exclusive frequency operating authority in accordance with the following table:

Frequencies	Class of license authorized
3500–3525 kHz	Amateur Extra only.
3750–3775 kHz	Do.
7000–7025 kHz	Do.
14,000–14,025 kHz	Do.
14,150–14.175 kHz	Do.
21,000–21,025 kHz	Do.
21,200–21,225 kHz	Do.
3775–3850 kHz	Amateur Extra and Advanced.
7150–7225 kHz	Do.
14,175–14,225 kHz	Do.
21,225–21,300 kHz	Do.

* * * * *

§ 97.61 [Amended]

2. In § 97.61, in the table in paragraph (a), the rows between (and including) the row beginning with the entry "3500–3775 (kHz)" and the row beginning with "28500–29700 (kHz)" would be revised to read as follows:

(a) * * *

Frequency band	Emissions	Limitations (see paragraph (b))
kHz:		
3500–3750	F1	
3750–4000	A3,A4,A5,F3,F4,F5	4
4383.8	A3A,A3J	13
7000–7300	A1	3,4
7000–7150	F1	3,4
7075–7100	A3,F3	11
7150–7300	A3,A4,A5,F3,F4,F5	3,4
14000–14350	A1	
14000–14150	F1	
14150–14350	A3,A4,A5,F3,F4,F5	
21000–21450	A1	
21000–21200	F1	
21200–21450	A3,A4,A5,F3,F4,F5	
28000–29700	A1	
28300–29700	A3,A4,A5,F3,F4,F5	

3. Also in § 97.61, paragraph (b)11) would be revised to read as follows:

(b) * * *

(11) The use of A3 and F3 in this band is limited to amateur radio stations located outside Region 2 and amateur radio stations located within Region 2 which are west of 150 degrees West longitude and south of 30 degrees North latitude.

* * * * *

[FR Doc. 83–9971 Filed 4–14–83; 8:45 am]

BILLING CODE 6712–01–M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1039

[Ex Parte No. 346 (Sub-No. 16)]

Iron Sulphate Exemption

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Proposed Rules (Exemption).

SUMMARY: The Commission is proposing to exercise its authority under 49 U.S.C. 10505 to exempt from regulation railroad transportation of iron sulphate (liquid and dry). Since the transportation of iron sulphate appears to meet statutory criteria for exemption, and since the Commission encourages exemption requests, the Commission is pursuing a suggestion for this exemption made by Tennessee Chemical Company.

DATE: Comments are due on May 16, 1983.

ADDRESS: Send an original and, if possible, 15 copies of comments to: Ex Parte No. 346 (Sub-No. 16), Room 5344, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275–7245,

or

Mont L. Burrup, (202) 275–6447.

SUPPLEMENTARY INFORMATION: In an earlier proceeding in which the Commission exempted rail transportation of liquid iron chloride from regulation, Tennessee Chemical Company filed comments requesting that iron sulphate (liquid and dry) also be exempt under 49 U.S.C. 10505.

PART 1039—[AMENDED]

§ 1039.11 [Amended]

This proposed rule would pursue TCC's suggestion by amending § 1039.11 by adding: "28 195 27–30, 68–69 Iron sulphate" to the list of miscellaneous exempt commodities.

Additional information is contained in the Commission's decision. To obtain a copy of the full decision, write to Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423, or call 202–275–7428.

List of Subjects in 49 CFR Part 1039

Administrative practice and procedure, Agricultural commodities, Intermodal transportation, Railroads.

(49 U.S.C. 10505; 5 U.S.C. 553)

This action does not significantly affect the quality of the human environment or the conservation of energy resources. We also certify that the proposed exemption will not significantly affect a substantial number of small entities.

Dated: April 7, 1983

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradision.

Agatha L. Mergenovich

Secretary.

[FR Doc. 83–10013 Filed 4–14–83; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611 and 675

Foreign Fishing, Groundfish of the Bering Sea and Aleutian Islands Area

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of availability of an amendment to a fishery management plan and request for comments.

SUMMARY: NOAA issues this notice that the North Pacific Management Fishery Management Council has submitted an amendment (Amendment 7) to the Fishery Management Plan for the Groundfish Fishery in the Bering Sea and Aleutian Islands Area for Secretarial review and is requesting comments from the public. Copies of the amendment may be obtained from the address below.

DATE: Comments on the plan should be submitted on or before June 24, 1983.

ADDRESS: All comments should be sent to Robert W. McVey, Director, Alaska Region, NMFS, P.O. Box 1668, Juneau, Alaska 99802.

Copies of the amendment are available upon request from the North Pacific Fishery Management Council, P.O. Box 3136DT, Anchorage, Alaska 99510.

FOR FURTHER INFORMATION CONTACT: Susan J. Salveson, Regional Plan Coordinator, Telephone: 970–586–7229.

SUPPLEMENTARY INFORMATION: The Magnuson Fishery Conversation and Management Act (16 U.S.C. 1801 *et seq.*) requires that each regional fishery management council submit any fishery management plan or plan amendment it prepares to the Secretary of Commerce (Secretary) for review and approval or disapproval. This act also requires that the Secretary, upon reviewing the plan or amendment, must immediately publish a notice that the plan or amendment is available for public review and comment. The Secretary will consider the public comments in determing whether to approve the plan or plan amendment.

Amendment 7 proposes measures for managing the foreign longline fishery for groundfish in the Bering Sea and Aleutian Islands area. Regulations proposed by the Council and based on this amendment are scheduled to be published within 30 days. (16 U.S.C. 1801 et seq.)

Dated: April 12, 1983.

Joe P. Clem,

Acting Chief, Plan Review Division, National Marine Fisheries Service.

[FR Doc. 83–10114 Filed 4–14–83, 8:45 am]

BILLING CODE 3510–22–M

Notices

Federal Register
Vol. 48, No. 74
Friday, April 15, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Privacy Act of 1974; Systems of Records; Annual Publication

Pursuant to 5 U.S.C. 552a(e)(4), the Department of Agriculture hereby republishes its annual notice of the existence and character of the systems of records currently maintained pursuant to the Privacy Act of 1974. The last annual publication for the Department of Agriculture can be found at 47 FR 5276 (February 4, 1982). That publication updated the earlier publication found at 44 FR 69694 (December 4, 1979) as well as the complete publication found at 43 FR 51268 (November 2, 1978). In addition, the systems of records published by this Department as of December 31, 1981, may be viewed in Volume 1, Privacy Act Issuances, 1981 Compilation of the Federal Register, in depository libraries and Federal Information Centers nationwide.

Subsequent to the last annual publication, the following system of records and amendments to existing systems of records have been published:

47 FR 63 (1/4/82)—Amendment to FS–4—Certification of Engineering Personnel, USDA/FS.

47 FR 5024 (2/3/82)—Amendment to FS–47—Forest Service Placement Availability System, USDA/FS.

47 FR 9037 (3/3/82)—Amendment to OP–1—Personnel and Payroll System for USDA Employees, USDA/OP.

47 FR 12649 (3/24/82)—AMS–10—Poultry Grading Inspection Monitoring System, USDA/AMS.

47 FR 28680 (6/21/82)—Amendment to AMS–8—Court cases brought by the Government pursuant to the following Acts: Agricultural Marketing Act of 1946, Egg Products Inspection Act, USDA/AMS; Amendment to USDA/FGIS–3—Subsidiary Personnel and Pay Records, USDA/FGIS; Amendment to USDA/FGIS–5—Occupational injury/illness and motor vehicle accident case files for U.S. Department of Agriculture, Federal Grain Inspection Service employees, USDA/FGIS; Amendment to USDA/P&SA–1—Packers and Stockyards Administration administrative records, USDA/P&SA; Amendment to USDA/P&SA–2—Persons engaged in business as livestock market agencies and dealers under the provisions of the Packers and Stockyards Act, USDA/P&SA.

The above-cited new system publication is printed in full below.

Dated: April 11, 1983.

John R. Block,
Secretary.

USDA/AMS—10

SYSTEM NAME:

Poultry Grading/Inspection Monitoring system.

SYSTEM LOCATION:

USDA, Washington Computer Center, Washington, DC 20250.

CATEGORY OF INDIVIDUALS COVERED BY THE SYSTEM:

Poultry Grading Branch and State employees licensed to grade and/or inspect poultry and/or poultry products.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information on the condition of the plant and comparative grading and examinations peformed by the grader/inspector and the supervisor. The information is taken from Poultry Division forms, Employee's Performance Record, Daily Report of Egg Drying Activities, and Daily Report of Plant Operations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Agricultural Marketing Act of 1946 (60 Stat. 1037, as amended; 7 U.S.C., Section 1621 et seq.), and the Egg Products Inspection Act of 1970 (84 Stat. 1620 et seq., 21 U.S.C., Sections 1031–1056).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The use of records will be limited to Poultry Division employees involved in the management of the grading/inspection programs. This includes the Branch Chief and Assistant to the Director, and the National Technical Supervisors. Selected reports will be sent to regional directors. The system will be used to identify problem areas in the grading/inspection of products. This will include employee/supervisory/plant performance on an area, regional, and national level. The system will also be used to develop percentages and statistics relating to grade standard tolerances.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; computer disk; computer paper printouts.

RETRIEVABILITY:

Records are indexed and accessed by social security number or a selected number for a particular individual and region.

SAFEGUARDS:

Each regional office has a separate logo identification and password to the computer for input. Reports are run by the national office. Paper records and printouts will be maintained in locked file cabinets or locked offices.

RETENTION AND DISPOSAL:

Automated records will be deleted after 2 years. Printouts will be destroyed after 2 years. Daily Report of Plant Operation and Reports of Egg Drying Operations will be destroyed after 1 year. Employee's Performance Record will be destroyed after 3 years.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Poultry Grading Branch, Poultry Division, USDA, AMS, Washington, DC 20250.

NOTIFICATION PROCEDURE:

Individuals may request information concerning their records by contacting the system manager.

RECORD ACCESS PROCEDURE:

Any individual may obtain information as to the procedure for gaining access to a record in the system that pertains to him/her from the system manager.

CONTESTING RECORD PROCEDURES:

Any individual may obtain information as to the procedure for contesting a record in the system that

pertains to him/her from the system manager.

RECORD SOURCE CATEGORIES:

Information contained in the system is obtained from Federal Grading Branch employees, licensed State employees, and their Federal supervisors.

[FR Doc. 83-10082 Filed 4-14-83; 8:45 am]

BILLING CODE 3410-01-M

Soil Conservation Service

McArthur Group Irrigation RC&D Measure, Georgia

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines, (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the McArthur Group Irrigation Measure, Montgomery County, Georgia.

The enviromental assessment of this Federal action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Dwight M. Treadway, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for the installation of a 15-acre reservoir with a storage capacity for 60 acre-feet of supplemental irrigation water. The planned project as described in the Finding of No Significant Impact involves the construction of an earth dam with a vegetated emergency spillway. All disturbed areas will be revegetated to protect them from erosion.

The Notice of a Finding of No Significant Impact has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Dwight M. Treadway, State Conservationist, Soil Conservation Service, 355 East Hancock Avenue (P.O. Box 832), Athens, Georgia 30613, telephone 404-546-2273. An Environmental Assessment and Finding of No Significant Impact have been prepared and sent to various Federal, State, and local agencies, and interested parties. A limited number of copies of the Finding of No Significant Impact are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until 30 days after the date of this publication.

FOR FURTHER INFORMATION CONTACT: Mr. Dwight M. Treadway, State Conservationist, Soil Conservation Service, Robert G. Stephens, Federal Building, 355 East Hancock Avenue, Athens, Georgia 30613, telephone 404-546-2273.

(Catalog of Federal Domestic Assistance Program No. 10.901 Resource Conservation and Development Program—Pub. L. 87-703, 16 U.S.C. 590 a-f,q.)

Dated: April 7, 1983.

Donald K. Stewart,

Assistant State Conservationist for Water Resources.

[FR Doc. 83-10028 Filed 4-14-83; 8:45 am]

BILLING CODE 3412-16-M

DEPARTMENT OF COMMERCE

International Trade Administration

Applications; for Duty-Free Entry of Scientific Instruments

The following are notices of the receipt of applications for duty-free entry of scientific instruments published pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the instrument is intended to be used is being manufactured in the United States. Comments must be filed in accordance with § 301.5(a) (3) and (4) of the regulations. They are to be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the **Federal Register.**

A copy of each application is on file in the Department of Commerce, and may be examined between 8:30 A.M. and 5:00 P.M., Monday through Friday, Room 1523, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 83-161. Applicant: National Bureau of Standards, Bldg. 233, Room B266, Washington, DC 20234. Instrument: Electron Microscope, EM 430T with Accessories. Manufacturer: N.V. Philips' Gloeilampenfabrieken, The Netherlands. Intended Use of instrument: The instrument will be used to study microstructural characteristics of metals and non-metals including oxides, glasses and ceramics. It will be used extensively in a program designed to develop advanced metallurgical processing techniques. A critical part of that program is concerned with the correlation between processing variables and microstructure. Additional studies will be concerned with developing an understanding of the relationships that exist between mode of deformation, crystal structure, composition, second phase constituent type and morphology, mechanical behavior (wear, fracture, fatique, creep), chemical behavior (corrosion, oxidation) and physical properties (electrical, magnetic, elastic). Application Received by Commissioner of Customs: March 28, 1983.

Docket No. 83-163. Applicant: Yale University, 333 Cedar St., New Haven, CT 06510. Instrument: Penning Sputter Coater for Electron Microscope. Manufacturer: Zentrum für Electronen-microscopie, Austria. Intended Use of Instrument: The instrument is intended to be used in the field of experimental pathology for electron microscopic preparation of tissues, cells, subcellular isolated components, isolate macromolecules of extracellular matrix and blood vessels, and for medical diagnosis and teaching. The experiments to be performed deal with the analysis of macromolecules isolated from human and animal tissues and their interactions to form structures such as basement membranes. In addition the instrument will be used for training of graduate students in the experimental pathology training program as part of the course on "Modern Methods in Histopathology." Application Received by Commissioner of Customs: March 28, 1983.

Docket No. 83-164. Applicant: Robert B. Brigham Hospital, A Division of Brigham & Women's Hospital, Sealy Mudd Bldg., Room 504, 250 Longwood Ave., Boston, MA 02115. Instrument: LKB 14800-3 Cryokit for Ultramicrotome complete with Accessories. Manufacturer: LKB Instruments, Inc., Sweden. Intended Use of Instrument: The instrument is intended to be used for the investigation of a variety of human and animal tissues and cells as well as human parasites such as schistosomes, malaria and leishmania. The major use of the instrument will be to localize molecules or antigens in the material under study by frozen thin section immunocytochemistry. Graduate

students and postdoctoral fellows will also train on the instrument as part of their experience in the laboratory. Application Received by Commissioner of Customs: March 28, 1983.

Docket No. 83–165. Applicant: University of Iowa, College of Dentistry, Dental Research, Iowa City, IA 52242. Instrument: Electron Microscope EM 10CA and Accesories. Manufacturer: Carl Zeiss, West Germany. Intended Use of Instrument: The instrument is intended to be used for research to be undertaken which involves all aspects of the structure and function or oral and dental tissues in health and disease such as:

(1) The nature of the permeability barrier in oral epithelium,

(2) Growth, surgical and speech aspects of cleft palate—the maxillofacial growth project,

(3) Age changes in skin and oral mucosa of mice,

(4) Stem cells in oral mucosa,

(5) Anti-caries mechanisms of fluoride complexes *in vitro*,

(6) Root caries—an *in vitro* model,

(7) Therapeutic applications of fluorinate chelating agents, and

(8) Factors determining variation in adult oral mucosa.

Application received by Commissioner of Customs: March 28, 1983.

Docket No. 83–167. Applicant: Case Western Reserve University, Department of Macromolecular Science, 10900 Euclid Avenue, Cleveland, OH 44106. Instrument: Electron Microscope, Model #JEM–100SX and Accessories. Manufacturer: JEOL Ltd., Japan. Intended Use of Instrument: The instrument is intended to be used for studies of synthetic and naturally occurring macromolecular solids. The properties of the materials or phenomena to be investigated consists of the crystal structure, crystal morphology, and average crystal size of polymers. Any stress-induced structure amorphous materials is of also importance, as are the domain sizes and shapes in polyblends and block copolymers. The objectives pursued in the course of the investigation consist of understanding the relationship between the polymer morphologies and structures and the bulk mechanical, electrical, and optical properties of the macromolecule. The instrument will be used in both an undergraduate and graduate laboratory course which intends to familiarize all students within the department (Macromolecular Science) with the operation and techniques associated with its instrumentation. Application Received by Commissioner of Customs: March 30, 1983.

Docket No. 83–168. Applicant: University of Washington, School of Medicine, Seattle, WA 98195. Instrument: Electron Microscope Model #EM 420T and Accessories. Manufacturer: Philips Electronic Instrucments, Inc., The Netherlands. Intended Use of Instrument: The instrument is intended to be used for studies of (a) cell surface events in gamete formation and function (b) analytical morphology of hepatocytes and pulmonary parenchyma, and (c) biology of human adult and fetal skin. The phenomena being studied will include developmental processes, the features of normal diseased cells and tissues, the characteristics of cell surfaces and cytoplasmic components and the quantitative parameters of cell, tissue and organ structure. Application Received by Commissioner of Customs: March 30, 1983.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83–10097 Filed 4–14–83; 11:47 am]

BILLING CODE 3510-25-M

Subcommittee on Export Administration of the President's Export Council; Open Meeting

AGENCY: International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: In accordance with Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Subcommittee on Export Administration of the President's Export Council will be held on Friday, April 29, 1983. The meeting is open to the public.

The Subcommittee on Export Administration was initially established on June 1, 1976. Executive Order 12399 of December 31, 1982, continued the Subcommittee until September 30, 1984.

The Subcommittee provides advice on matters pertinent to those portions of the Export Administration Act of 1979 that deal with United States policies of encouraging trade with all countries with which the United States had diplomatic or trading relations, and of controlling trade for national security and foreign policy reasons.

Time and Place: The meeting will take place from 1:00 p.m. to 3:30 p.m., April 29, 1983, at the Main Commerce Building, Room 6802, 14th Street and Constitution Avenue, NW., Washington, D.C.

Agenda:

1:00 Opening Comments; David C. Scott
1:10 Update on OEA Automation; Robert C. Dancy
1:20 Status Report: Foreign Availability; James A. Dukowitz
1:30 Status Report: Export Administration Act; John B. Copeland
2:00 Future Decentralized Licensing; David C. Scott
2:45 Export Documentation and Regulatory Burdens; David C. Scott
3:25 Closing Comments; David C. Scott

SUPPLEMENTARY INFORMATION: For further information contact: Mrs. Debbie Kappler, Office of the Assistant Secretary for Trade Administration, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–1455) or Ms. Elisabeth Vermilye, President's Export Council (202–377–1125).

Lawrence J. Brady,

Assistant Secretary for Trade Administration.

[FR Doc. 83–10098 Filed 4–14–83; 8:45 am]

BILLING CODE 3510-25-M

Office of the Secretary

President's Private Sector Survey on Cost Control

AGENCY: Office of the Secretary, Commerce.

ACTION: Notice of open meeting of the Subcommittee of the President's Private Sector Survey on Cost Control (PPSSCC).

SUMMARY: The Subcommittee was established by the Executive Committee of the PPSSCC to: (i) Review the recommendations submitted, including task force reports and public comments, and (ii) determine which recommendations should be made to the President and the Departments and Agencies.

Time and Place: May 2, 1983, beginning at 10 a.m. The meeting will be held at the U.S. Department of Commerce Auditorium, First Floor, Herbert C. Hoover Building, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230.

Agenda:

1. Draft reports from the following Task Forces of the Survey will be discussed by Subcommittee members:

A. Department of Transportation

B. Department of Health and Human Services—Health

C. Financial Asset Management

D. Department of Housing and Urban Development

E. Department of the Interior

2. Comments and recommendations received from public and other interested parties will be discussed by Subcommittee members.

Copies of the draft reports will be available on April 18 at the Department's Central Reference and Records Inspection Facility, Room 6628 Hoover Building, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. Please call Ms. Geraldine P. LeBoo on (202) 377–3271 for information concerning fees and procedures for obtaining copies by mail.

SUPPLEMENTARY INFORMATION: The Subcommittee will hold additional public meeting in May and June, 1983. Exact dates will be noticed in the **Federal Register**. Copies of all materials, including Task Force reports, to be considered at these meetings will be available approximately two weeks prior to each meeting at the Department's Central Reference and Records Inspection Facility, address above.

Public Participation: The May 2 meeting will be open to the public. Seating will be on a first-come, first-served basis, up to the safe capacity of the meeting room. Media representatives are encouraged to call Mr. Malcolm Barr, Director, News Relations, Department of Commerce, 377–4901 to arrange for coverage of the meeting.

The public may file written statements for consideration by the Subcommittee any time before, at, or after the meeting. It is strongly recommended that statements concerning the matters to be considered at each meeting be filed before such meeting to ensure that they are considered by the Subcommittee before adoption of a report. The statements should be filed at the Department of Commerce's Central Reference and Records Inspection Facility, address and phone number as above. Because of the number of recommendations to be discussed, the meeting agenda will not include time for oral statements from public attendees. All public statements received will be available for public review.

FOR FURTHER INFORMATION CONTACT: Ms. Janet Colson, Committee Control Officer for the Executive Committee of the President's Private Sector Survey on Cost Control, telephone (202) 466–4665.

Dated: April 13, 1983.

Marilyn S. McLennan,

Chief, Information Policy and Management Division, Office of the Secretary.

[FR Doc. 83-10193 Filed 4-14-83; 8:45 am]

BILLING CODE 3510-CW-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Request for Public Comment on Bilateral Textile Consultations With Government of Socialist Republic of Romania To Review Trade in Category 604

April 12, 1983.

On February 24, 1983 the Government of the United States requested consultations with the Government of the Socialist Republic of Romania with respect to Category 604 (other man-made fiber yarn, wholly of non-continuous filament). This request was made on the basis of Paragraph 8 of the Agreement between the United States of America and the Socialist Republic of Romania relating to Trade in Wool and Man-Made Fiber Textiles and Textile Products of November 3, 1980, as amended. Paragraph 8 provides for consultations when the orderly development of trade between the two countries may be impeded by imports due to market disruption or the threat thereof.

The purpose of this notice is to advise the public that if no solution is agreed upon in consultations between the two governments within 90 days of the request for consultations, CITA, pursuant to paragraph 8 of the Agreement, may establish a specific limit of 2,446,418 pounds for the entry and withdrawal from warehouse for consumption of man-made fiber textile products in Category 604, produced or manufactured in the Socialist Republic of Romania and exported to the United States during the twelve-month period beginning on January 1, 1983 and extending through December 31, 1983.

The Government of the United States reserves the right under the Agreement to invoke import controls on this category during the 90-day consultation period (February 25, 1983–May 24, 1983) at a level of 713,539 pounds and during the twelve-month period beginning January 1, 1983 at a level of 2,446,418 pounds.

Any party wishing to comment or provide data or information regarding the treatment of Category 604 under the Bilateral Wool and Man-Made Fiber Textile Agreement with the Government of the Socialist Republic of Romania, or on any other aspect thereof, or to comment on domestic production or availability of textile products included in Category 604, is invited to submit such comments or information in ten copies to Walter C. Lenahan, Chairman, Committee for the Implementation of Textile Agreements, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230. Since the exact timing of the consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, Room 3100, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230, and may be obtained upon written request.

Further comment may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) relating to matters which constitute "a foreign affairs function of the United States."

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83-10069 Filed 4-14-83; 8:45 am]

BILLING CODE 3510-25-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1983; Proposed Additions and Deletions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed additions to and deletions from procurement list.

SUMMARY: The Committee has received proposals to add to and delete from Procurement List 1983 commodities and services provided by workshops for the blind and other severely handicapped.

Comments must be received on or before: May 18, 1983.

ADDRESS: Committee for purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557–1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

Additions

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the services listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following services to Procurement List 1983, November 18, 1982 (47 FR 52101):

SIC 7349

Janitorial/Custodial Services, Lewisville Lake Park, Lewisville, Texas.

SIC 7369

Commissary Shelf Stocking and Custodial Service, Homestead Air Force Base, Florida.

Deletions

It is proposed to delete the following commodities and a service from Procurement List 1983, November 18, 1982 (47 FR 52101):

Class 7510

Portfolio
7510-00-616-7241
7510-00-551-9813
7510-00-616-7239
7510-00-558-1571
7510-00-995-4857
7510-00-995-4854
7510-00-995-4853
7510-00-995-4850

SIC 7399

Assembly, Food Packet, Isolated Site (8 Menus).

C. W. Fletcher,
Executive Director.

[FR Doc. 83-10138 Filed 4-14-83; 8:45 am]
BILLING CODE 6820-33-M

Agency Submission to the Office of Management and Budget for Clearance

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Notice of information collection request; extension.

SUMMARY: In accordance with the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Committee for Purchase from the Blind and Other Severely Handicapped (Committee) hereby gives notice that it has submitted to the Office of Management and Budget (OMB) an SF-83, "Request for OMB Review" to extend the authority to continue the recordkeeping requirements contained in 41 CFR 51-4.3(c).

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: On May 15, 1981, OMB approved an information collection proposal submitted by the Committee and assigned it control number 3037-0005. That authority expires May 31, 1983.

It is proposed to extend the recordkeeping requirements of 41 CFR 51-4.3. The files required by that section are necessary to ensure that workshops participating in the Committee's program employ persons who are blind or other severely handicapped in the production of commodities and the provision of services for at least 75% of the hours of direct labor performed in the workshop in each fiscal year as required by 41 U.S.C. 48b (3) and (4).

C. W. Fletcher,
Executive Director.

[FR Doc. 83-10138 Filed 4-14-83; 8:45 am]
BILLING CODE 6820-33-M

Procurement List 1983; Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Additions to Procurement List.

SUMMARY: This action adds to Procurement List 1983 commodities to be produced by and services to be provided by workshops for the blind and other severely handicapped.

EFFECTIVE DATE: April 15, 1983.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557-1145

SUPPLEMENTARY INFORMATION: On November 12, 1982, December 23, 1982, January 7, 1983 and January 21, 1983, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (47 FR 51180, 47 FR 57324, 48 FR 859 and 48 FR 2816) of proposed additions to Procurement List 1983, November 18, 1982 (47 FR 52101):

After consideration of the relevant matter presented, the Committee has determined that the commodities and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48c, 85 Stat. 77.

I certify that the following actions will not have a significant impact on a substantial number of small entities. The major factors considered were:

a. The actions will not result in any additional reporting, recordkeeping or other compliance requirements.

b. The actions will not have a serious economic impact on any contractors for the commodities and services listed.

c. The actions will result in authorizing small entities to produce or provide commodities and services procured by the Government.

Accordingly, the following commodities and services are hereby added to Procurement List 1983:

Class 7510

Binder, Looseleaf (Presentation Style)
7510-00-582-5398
7510-00-582-5399
7510-00-582-5400
(For GSA Regions 1, 5, 6, 7, 8, 9, 10)

Class 7530

Card, Index
7530-00-238-4316
7530-00-244-7453
7530-00-244-7456
7530-00-244-7451
7530-00-244-7459
7530-00-238-4319
7530-00-949-2787
7530-00-238-4331
7530-00-243-9436
7530-00-247-0310
7530-00-281-1315
7530-00-247-0318
7530-00-264-3723
7530-00-247-0311
7530-00-244-7447
7530-00-247-0315
7530-00-243-9437

Class 8465

Cover, Field Pack, Camouflage, White
8465-00-001-6478

SIC 7349

Janitorial/Custodial, National Zoological Park, Washington, D.C.

SIC 7369

Commissary Shelf Stocking, Naval Air Station, Point Mugu, California
Commissary Shelf Stocking, Naval Air Station, Fallon, Nevada

SIC 7399

Repair of Air Cargo Pallet, Top and Side Nets, Wright-Patterson Air Force Base, Ohio

SIC 7699

Drill Sharpening, Naval Supply Center, San Diego, California

SIC 9199

Publications Distribution, Naval Construction Battalion Center, Gulfport, Mississippi.

C. W. Fletcher,

Executive Director.

[FR Doc. 83-10137 Filed 4-14-83; 8:45 am]

BILLING CODE 3820-33-M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

April 7, 1983.

The USAF Scientific Advisory Board ad hoc committee of the Advanced Tactical Fighter (ATF) Technology will meet at Wright-Patterson AFB, OH, on May 19, 1983. The purpose of the meeting will be to review Aeronautical Systems Division's technology efforts for possible application to the ATF. The meeting will convene at 9:00 a.m. and adjorn at 5:00 p.m.

The meeting concerns matters listed in Section 552b (c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at 697-4648.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer

[FR Doc. 83-10037 Filed 4-14-83; 8:45 am]

BILLING CODE 3910-01-M

USAF Scientific Advisory Board; Meeting

April 7, 1983.

The USAF Scientific Advisory Board Aircraft Panel on the Advanced Tactical Fighter (ATF) Technology Study will meet at The Pentagon, Washington, DC, on May 13, 1983. The purpose of the meeting will be to review related NASA technology efforts for possible application to the ATF. The meeting will convene at 9:00 a.m. and adjourn at 5:00 p.m.

The meeting concerns matters listed in Section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at 697-4648.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 83-10038 Filed 4-14-83; 8:45 am]

BILLING CODE 3910-01-M

USAF Scientific Advisory Board; Meeting

April 7, 1983.

The USAF Scientific Advisory Board ad hoc committee on Software will meet at Headquarters Space Division, Los Angeles, CA, on May 12-13, 1983. The purpose of the meeting will be to review industry approaches to some of the identified USAF software problems and to review Logistics Command practices in supporting operational system software. The meeting will convene at 8:30 a.m. and adjourn at 4:30 p.m. each day.

The meeting will be open to the public; however, any person seeking presentation time on the agenda should submit the topic, academic and/or industrial credentials associated with the topic, and a letter of justification to the Secretariat below.

For further information, contact the Scientific Advisory Board Secretariat at 697-4648.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 83-10035 Filed 4-14-83; 8:45 am]

BILLING CODE 3910-01-M

USAF Scientific Advisory Board; Meeting

April 7, 1983.

The USAF Scientific Advisory Board Weapons and Avionics Panel of the Advanced Tactical Fighter Technology Study will meet at Wright-Patterson AFB, OH on May 2-6, 1983. The purpose of the meeting will be to assess the USAF technology position on avionics and to visit several contractor facilities if required. The meeting will convene at 8 a.m. and adjourn at 4:30 p.m. each day.

The meeting concerns matters listed in Section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at 697-4648.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 83-10010 Filed 4-14-83; 8:45 am]

BILLING CODE 3910-01-M

Department of the Air Force USAF Scientific Advisory Board; Meeting

April 7, 1983.

The USAF Scientific Advisory Board ad hoc committee of the Advanced Tactical Fighter (ATF) Technology will meet at the ANSER Building, 400 Army-Navy Drive, Arlington, VA, on May 26-27, 1983. The purpose of the meeting will be to receive briefings on the requirements for future vehicles as envisioned by senior USAF personnel. The meeting will convene at 8:30 a.m. and adjourn at 5:00 p.m. each day.

The meeting concerns matters listed in Section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at 697-4648.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 83-10084 Filed 4-14-83; 8:45 am]

BILLING CODE 3910-01-M

Office of the Secretary

Reestablishment of the Board of the Advisors to the Superintendent, Naval Postgraduate School

Under the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Board of Advisors to the superintendent, Naval Postgraduate School has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law.

The board provides advice and recommendations concerning curricula, instruction, physical equipment, and adminstration, to the Superintendent, Naval Postgraduate School.

Membership on the committee will be balanced in terms of the functions to be performed by utilizing a cross-section of individuals with expertise in the fields of education, business, and science.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

April 8, 1983.

[FR Doc. 83-9763 Filed 4-14-83; 8:45 am]

BILLING CODE 3910-01-M

Reestablishment of the Academic Advisory Board to the Superintendent, United States Naval Academy

Under the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Academic Advisory Board to the Superintendent, United States Naval Academy has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law.

The board will examine the academic policies, and practices at the Naval Academy and submit proposals to the Superintendent to aid him in improving

educational standards and in solving academic problems.

Membership on the committee will be balanced in terms of the functions to be performed by selecting individuals from the academic world, the business community, and the Navy.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

April 8, 1983.

[FR Doc. 83-9764 Filed 4-14-83; 8:45 am]

BILLING CODE 3810-01-M

Reestablishment of the Board of Advisors to the President, Naval War College

Under the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Board of Advisors to the President, Naval War College has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law.

The Board will examine educational, doctrinal, enrollment and research policies and programs at the Naval War College, and submit recommendations to the President, Naval War College.

Membership on the committee will be balanced in terms of the function to be performed by selecting individuals with military, government, business, and academic backgrounds.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

April 8, 1983.

[FR Doc. 83-9765 Filed 4-14-83; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Bonneville Power Administration

Proposed Marketing Rate for Hanford Extension Energy, Public Hearings, and Opportunities for Public Review and Comment

AGENCY: Bonneville Power Administration, DOE.

ACTION: Notice of Proposed Continuation of Marketing Rate for Hanford Extension Energy, Public Hearings, and Opportunities for Public Review and Comment.

BPA File Number: HR-83.

SUMMARY: Bonneville Power Administration (BPA) is proposing to continue its present marketing rate for Hanford extension energy through the 1983-1993 contract period. Rates for transmission of Hanford extension energy will be addressed separately. The marketing rate is specified in a May 8, 1974, letter agreement between BPA, the Washington Public Power Supply System (Supply System), and the five investor owned utility (IOU) project participants. The rate is also provided in the "Utility Agreement," Contract No. 79120, which was approved by the Energy Regulatory Administration (ERA) on September 26, 1978. The Utility Agreement will expire on June 30, 1983. BPA is proposing to seek from the Federal Energy Regulatory Commission (FERC) an extension of the marketing rate contained in the Utility Agreement for the period July 1, 1983, through October 31, 1983. A new contract will be implemented for the November 1, 1983, through June 30, 1993, period. The present marketing rate is a cost-based rate based only on the costs of the Hanford Project. The extension will be based on new costs and will result in a higher cost per kilowatthour.

Opportunities will be available for interested persons to review the proposed marketing rate, to participate in hearings, and to submit written comments. These opportunities and procedures will be provided during the hearings for development of BPA's proposed 1983 wholesale power and transmission rates. A detailed discussion and description of these opportunities and procedures was presented in the **Federal Register** on March 28, 1983, in BPA's "Notice of Proposed Wholesale Power Rate Adjustment, Public Hearings, and Opportunities for Public Review and Comment" (48 FR 12777). During the development of the final marketing rate proposal, BPA will evaluate all written and oral comments received during this process.

DATE: Persons wishing to become a formal "party" to the proceedings must notify BPA in writing of their intention to do so by April 22, 1983. Parties to BPA's 1983 wholesale power and transmission rate hearings (as admitted by the Hearing Officer at the April 11, 1983, prehearing conference) need not file an additional petition to intervene.

ADDRESSES: Petitions ot intervene should be addressed to Honorable Seymour Wenner, Hearing Officer, P.O. Box 12999, Portland, Oregon 97212. Hearing dates for the formal hearing process are available from the Public Involvement Office at the address below.

FOR FURTHER INFORMATION CONTACT: Kathleen S. Johnson, Public Involvement Office, P.O. Box 12999, Portland, Oregon, 503-230-3478. Oregon callers may use the toll-free number 800-452-8429; callers in California, Idaho, Montana, Nevada, Utah, Wyoming, and Washington may use 800-547-6048.

I. Procedures Governing Rate Adjustments and Public Participation

A description of BPA's Procedures Governing Rate Adjustments and Public Participation was presented in the **Federal Register** on March 28, 1983, in BPA's "Notice of Proposed Wholesale Power Rate Adjustment, Public Hearings, and Opportunities for Public Review and Comment" (48 FR 12777).

II. Proposed Marketing Rate for Hanford Extension Energy

The proposed marketing rate for Hanford extension energy is specified in the May 8, 1974, letter agreement between BPA, the Supply System, and the five IOU project participants. The manner in which the rate is to be implemented is set forth in two contracts. The 1983-1993 Continued Operation Agreement, executed by BPA and the Supply System on July 9, 1982, addresses the process by which the Supply System is reimbursed by BPA for the investor owned utility portion of the Hanford Generating Project costs. The proposed marketing agreement specifies the procedures by which BPA recovers these costs from the participating IOU's The language of both contracts is consistent with the May 8, 1974, letter agreement.

Under the terms of the May 8, 1974, letter agreement, each IOU participant agreed to pay one-tenth of the costs of producing energy from the Hanford Generating Project (HGP) in return for one-tenth of the project output. Paragraph one of the agreement reads as follows: "Each company shall have the option to purchase up to one-tenth of the net energy output available due to continued operation of the Hanford Project after October 31, 1977. As payment for such energy the company shall pay one-tenth of the Supply System's annual budget for the project during the period of operation less one-tenth of the amounts specified in section 11(b) of the Exchange Agreement for the related periods ending June 30, 1980, and less one-tenth of any debt service on the Hanford Project for each contract year thereafter. The amounts to be paid for lesser amounts of energy would be ratably reduced. The company may assign all or a portion of its share to the remaining companies subject to the same terms and conditions."

The costs described in the May 8, 1974, letter agreement are determined by the Supply System. The IOU participants are to put an amount of

money into the BPA Trust Fund equal to their share of the net sum of: (1) The Supply System's estimated steam expense for the month as specified in the Hanford Steam Energy Agreement and as designated in the Supply System's monthly invoice, (2) one-twelfth of the Supply System's total annual operating expenses as included in the HGP Operating Budget, and (3) the Supply System's net adjustment between actual steam expenses and payments for steam made from the Trust Deposit in the prior month of the Operating Year. (No net adjustment would be made in the first month of the Operating Year.)

BPA will prepare an appropriate National Environmental Policy Act (NEPA) environmental review under the NEPA guidelines before implementation of the proposal.

Additional information regarding the Hanford Generating Project was presented in the *Federal Register* on February 10, 1983, in BPA's "Notice of Intent to Revise Hanford Extension Energy Rate to Become Effective November 1, 1983, Request for Recommendations and Suggestions" (48 FR 7001).

Issued in Portland, Oregon, April 8, 1983.

George A. Tupper,

Acting Administrator.

[FR Doc. 83-10081 Filed 4-14-83; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[Case Nos. 94OV00195, 93OT00281]

Petrolane-Lomita Gasoline Co. and Petrolane Inc.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces that it has adopted a Consent Order with Petrolane-Lomita Gasoline Company and Petrolane Incorporated as a final order of the Department.

EFFECTIVE DATE: March 29, 1983.

FOR FURTHER INFORMATION CONTACT: Herbert F. Buchanan, Deputy Director, Houston Office, Economic Regulatory Administration, One Allen Center, 500 Dallas Avenue, Suite 660, Houston, Texas 77002. (713) 229-3700.

SUPPLEMENTARY INFORMATION: On February 1, 1983, Vol. 48 FR page 4525, the ERA published a notice in the **Federal Register** that it had executed a proposed Consent Order with Petrolane-Limita Gasoline Company and its parent, Petrolane Incorporated (Petrolane/Petrolane-Lomita) which would not become effective sooner than 30 days after publication of the notice. Pursuant to 10 CFR 205.199J(c), interested persons were invited to submit comments concerning the terms and conditions of the proposed Consent Order.

The Consent Order resolves Petrolane/Petrolane-Lomita's potential civil liability arising out of the mandatory Petroleum Allocation and Price Regulations in connection with the firm's transactions involving natural gas liquids, natural gas liquid products, propane, butane, and natural gasoline during the period of federal price controls. The Consent Order requires Petrolane/Petrolane-Lomita to remit $3,000,000.00 to DOE, which includes interest accrued through the effective date of the Consent Order, to be paid in eight quarterly installments commencing 60 days after the effective date of the Consent Order. The Consent Order also requires Petrolane/Petrolane-Lomita to pay $60,000 in compromise of civil penalties relating to the matters covered by the Consent Order, within 30 days of the effective date of the Consent Order.

Two comments were received. These comments did not contest the validity of the proposed Consent Order, but addressed the question of the ultimate disposition of the funds to be paid by Petrolane/Petrolane-Lomita. These comments, both from states, proposed that the funds be distributed to the states for transportation improvement projects, energy conservation, energy research and development or other energy-related projects.

Since the comments addressed only the disposition of the funds, the ERA has decided to make the proposed Consent Order final without modification. The ultimate disposition of the funds will depend on several factors, such as the type of alleged violations underlying the Consent Order and the ability of ERA to identify the person who ultimately bore the burden of the alleged violations. The commenters' suggestions regarding the distribution of the funds will be considered in determining the appropriate ultimate disposition.

The proposed Consent Order with Petrolane-Lomita Gasoline Company and petrolane Incorporated, therefore, was made final and effective on March 29, 1983.

Issued in Dallas, Texas, on the 29th day of March 1983.

Herbert F. Buchanan,

Deputy Director, Houston Office, Economic Regulatory Administration.

[FR Doc. 83-10080 Filed 4-14-83; 8:45 am]

BILLING CODE 6450-01-M

[Case No. 65OX00304]

Tauber Oil Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces that it has adopted a Consent Order with Tauber Oil Company as a final order of the Department.

EFFECTIVE DATE: March 28, 1983.

FOR FURTHER INFORMATION CONTACT: Herbert F. Buchanan, Deputy Director, Houston Office, Economic Regulatory Administration, One Allen Center, 500 Dallas Avenue, Suite 660, Houston, Texas 77002. (713) 229-3700.

SUPPLEMENTARY INFORMATION: On February 1, 1983, Vol. 48 FR page 4526, the ERA published a notice in the **Federal Register** that it had executed a proposed Consent Order with Tauber Oil Company which would not become effective sooner than 30 days after publication of the notice. Pursuant to 10 CFR 205.199J(c), interested persons were invited to submit comments concerning the terms and conditions of the proposed Consent Order.

The Consent Order resolves Tauber Oil Company's potential civil liability arising out of the Mandatory Petroleum Allocation and Price Regulations in connection with the firm's transactions involving crude oil during the period of federal price controls. The Consent Order requires Tauber Oil Company to remit $575,000 to DOE within 15 days of the effective date of the Consent Order and specifies that DOE will determine the ultimate disposition of the funds.

One comment from a state was received. This comment did not contest the validity of the proposed Consent Order, but addressed the question of the ultimate disposition of the funds to be paid by Tauber Oil Company. This commenter, for example, proposed that the funds be distributed to the states for energy conservation, energy research and development or other energy-related projects.

Since this comment addressed only the disposition of the funds, the ERA has decided to make the proposed Consent Order final without modification. The ultimate disposition of the funds will depend on several factors, such as the type of alleged violations underlying the Consent Order and the ability of ERA to identify the persons who ultimately bore the burden of the alleged violations. The commenter's suggestions regarding the distribution of the funds will be considered in determining the appropriate ultimate disposition.

The proposed Consent Order with Tauber Oil Company, therefore, was made final and effective on March 28, 1983.

Issued in Dallas, Texas, on the 28th day of March 1983.

Herbert F. Buchanan,

Deputy Director, Houston Office, Economic Regulatory Administration.

[FR Doc. 83-10079 Filed 4-14-83; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. ER83-442-000]

Arkansas Power and Light Co.; Filing

April 11, 1983.

The filing Company submits the following:

Take notice that on April 1, 1983, Arkansas Power and Light Company (AP&L) submitted for filing the Sixth Amendment to the Power Coordination, Interchange and Transmission Service Agreement between AP&L and Arkansas Electric Cooperative Corporation (AECC). The Amendment provides for the abandonment of two points of delivery and the increase in maximum capacity of eight points of delivery.

AP&L requests that the Commission waive any requirements with which AP&L has not already complied.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Section 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). All such petitions or protests should be filed on or before April 26, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9981 Filed 4-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. EL83-14-000]

Connecticut Municipal Electric Energy Cooperative v. Northeast Utilities and its Subsidiaries, the Connecticut Light and Power Company, Northeast Utilities Service Company, and Northeast Nuclear Energy Company; Filing

April 11, 1983.

The filing party submits the following:

Take notice that the Connecticut Municipal Electric Energy Cooperative ("CMEEC"), on March 31, 1983, filed a Complaint against Northeast Utilities ("NU") and its subsidiaries, the Connecticut Light and Power Company ("CL & P"), Northeast Utilities Service Company, and Northeast Nuclear Energy Company. The complaint concerns the terms and conditions and charges for service rendered under the following electric service rate schedules:

Unit Contract—Norwalk Harbor, Units Nos. 1, 2, and 3
Unit Contract—Montville, Units Nos. 5, 6, 10, and 11
Unit Contract—Devon, Units Nos. 7, 8, and 9
Unit Contract—Millstone Point, Units Nos. 1 and 2
Unit Contract—Northfield Mountain, Units Nos. 1, 2, 3, and 4
Unit Contract—Tunnel, Units Nos. 1 and 2
Unit Contract—Bulls Bridge, Units Nos. 1, 2, 3, 4, 5, and 6
Unit Contract—Shepaug, Unit No. 1
Unit Contract—Middletown, Units Nos. 1, 2, 3, 4, and 10

The Complaint includes a request for hearing and expedited consideration. CMEEC submitted a proposed procedural schedule under which hearings in this proceeding would begin on July 6, 1983.

Each of the unit contracts is a cost-of-service arrangement which provides that either party can petition the Commission pursuant to Section 206 of the Federal Power Act to establish just and reasonable terms and conditions. CMEEC request the Commission to adjust the return on common equity and the percentage for A&G expenses allowed under the unit contracts.

In addition to requesting adjustments in the terms of the unit contracts, CMEEC alleges that CL&P has acted in contravention of the contracts on file with the Commission. CMEEC requests the Commission to require CL&P to exclude its investment in the Yankee Atomic units from the common equity portion of its capital structure and to provide information reasonably requested by CMEEC under the contracts.

CMEEC states that the reduction in the rate of return on equity and adjustments to capital structure will reduce annual charges payable by CMEEC under the life-of-unit contracts by approximately $1,678,117 to $1,800,232 based on estimated expenses and revenues for the 12-month period ending December 31, 1983. CMEEC states that the proposed reduction in the percentage allowance for A&G expenses will reduce annual charges payable by CMEEC under the life-of-unit contracts by an estimated $399,335 for the 12-month period ending December 31, 1983.

CMEEC states that a copy of the filing was served on Northeast Utilities and its subsidiaries, which are the only utilities providing service under the nine unit contracts.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before May 13, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9982 Filed 4-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-436-000]

Consumers Power Co.; Notice of Filing

April 11, 1983.

The filing Company submits the following:

Take notice that Consumers Power Company (Consumers) on March 31, 1983, tendered for filing Consumers' Amendment No. 1 to the Electric Coordination Agreement with Detroit Edison Company (Detroit Edison) dated as of January 5, 1976. This is Consumer's Rate Schedule FPC No. 41.

Consumers states that Amendment No. 1 increases the demand charge for Short Term Capacity from 45¢ to 80¢ per kilowatt per week. The capacity charge

based on hourly deficiencies in Operating Reserve is increased in the same proportion.

Consumer states that the extent and use of short term capacity during the twelve months beginning April 1, 1983 is not possible to predict at this time, since the services will only be scheduled from time to time as load and capacity conditions of the parties dictate.

Consumers requests an effective date of April 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were served on Detroit Edison and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 28, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9983 Filed 4-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-220-000]

Houston Pipe Line Co.; Notice of Application

April 11, 1983.

Take notice that on March 4, 1983, Houston Pipe Line Company (Applicant), P.O. Box 1188, Houston, Texas 77001, filed in Docket No. CP83-220-000 an application pursuant to Section 311(a)(2) of the Natural Gas Policy Act of 1978 and § 284.127 of the Commission's Regulations for authority to transport natural gas for United Gas Pipe Line Company (United), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it is currently engaged in the transportation of natural gas on behalf of United pursuant to a transportation agreement dated June 1, 1979. It is stated that service under the 1979 agreement commenced June 6, 1979, for an intitial term of two years under the self-implementing provisions of § 284.122(a) of the Commission's Regulations and was extended for a period of two years commencing June 6, 1981, pursuant to § 284.125 of the Commission's Regulations. In order that the transportation service might be continued on an uninterrupted bases, Applicant requests Commission authorization pursuant to § 284.127(b) of the Regulations to continue the transportation arrangement for a period of two years commencing June 6, 1983, and ending June 5, 1985.

Applicant proposes to transport up to 30,000 Mcf of gas per day for United. Applicant would transport United's volumes from points located on applicant's pipeline facilities in Nueces and Goliad Counties, Texas, to either or both (i) The interconnection of Applicant's and United's pipeline facilities near Bayside, Refugio County, Texas, and (ii) a point or points located on United's pipeline facilities in Newton, Sabine and San Patricio Counties, Texas. It is stated that service would continue to be conducted under the terms and conditions of an amendment to the 1979 agreement dated February 24, 1983. Applicant states that the other intrastate pipline needed to aid it in effectuating the basic transaction between Applicant and United is Channel Industries Gas Company (Channel).

Applicant states that effective June 6, 1983, United would pay Applicant 6.0 cents per million Btu for the transportation service it performs exclusive of the volumes redelivered to United in Newton, Sabine and San Patricio Counties, Texas. It is further indicated that a portion of the revenues dervied from the 6.0-cent per million Btu rate would be paid by Applicant to Channel.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 29, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9984 Filed 4-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-445-000]

Idaho Power Co.; Notice of Filing

April 11, 1983.

The filing Company submits the following:

Take notice that on April 4, 1983, the Idaho Power Company tendered for filing in compliance with the Federal Energy Regulatory Commission's Order of October 7, 1978, a summary of sales made under the Company's 1st Revised FERC Electric Tariff, Volume No. 1 (Supersedes Original Volume No. 1) during February, 1983, along with cost justification for the rate charged. This filing includes the following supplements:

Utah Power & Light Company: Supplement 16
Montana Power Company: Supplement 14
Sierra Pacific Power Company: Supplement 14

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 27, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9985 Filed 4-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-444-000]

Maine Public Service Co. Filing

April 11, 1983.

The filing Company submits the following:

Take notice that on April 1, 1983, Maine Public Service Company ("the Company") tendered for filing an application to revise the method for calculating its Fuel and Purchase Energy Adjustment Clause to permit

Synchronization of fuel and purchased energy revenues and costs on a monthly basis. The Company requests that the new method of calculation be permitted to become effective on June 1, 1983. The Company States that the revised method would result in its collecting approximately $56,000 less revenue if the revised method had been in effect for calendar year 1983.

The affected customers are the Houlton Water Company, the Van Buren Light and Water District and the Maine Electric Cooperative, Inc., which the Company states have agreed to the revised method.

The Company states that copies of its filing have been served on the affected wholesale customers and the Maine Public Utilities Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 26, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9886 Filed 4-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-243-000]

Michigan Consolidated Gas Co.; Application and Petition

April 11, 1983.

Take notice that on March 18, 1983, Michigan Consolidated Gas Company (Michigan Consolidated), 500 Griswold Street, Detroit, Michigan 48226, filed in Docket No. CP83-243-000, a petition pursuant to § 385.207 of the Commission's Rules of Practice and Procedure (18 CFR 385.207) for an order declaring that Commission authorization is unnecessary to engage in certain transactions, or, in the alternative, an application pursuant to Section 7(c) of the Natural Gas Act (NGA) for a restricted limited-term certificate of public convenience and necessity authorizing Michigan Consolidated to engage in transactions incident to the direct sale of surplus natural gas supplies to Indiana Glass Company (Indiana Glass), all as more fully set forth in the application on file with the Commission and open to public inspection.

The application indicates that pursuant to an agreement dated February 24, 1983, Michigan Consolidated has agreed to sell to Indiana Glass up to 4,000 dt equivalent of natural gas per day and 1,500,000 dt equivalent of natural gas per year, subject to interruption to the extent the gas supplies are required by Michigan Consolidated to provide adequate service to its distribution customers. It is stated that the term of the agreement is for an initial period of two years commencing from the date of first deliveries and is automatically extendable for successive two-year periods unless cancelled by either party by notification within 30 days of the end of the current two-year term. The proposed rate to be charged by Michigan Consolidated would be the sum of : (1) The gas-cost component of the commodity rate of Michigan Wisconsin Pipe Line Company's (Mich Wisc) Rate Schedule MC-1 under which Michigan Consolidated purchases gas from Misc Wisc, (2) the gas-cost component of the commodity portion of any applicable purchased gas adjustment charges by Mich Wisc for such rate, plus (3) five cents. Michigan Consolidated states that this rate represents its incremental cost of gas plus Mich Wisc's charge for transportation, plus three cents, and that this total rate is currently $3.45 per dt equivalent. Mich Wisc proposes in Docket No. CP83-212-000 to transport the above sales volumes, by displacement, from its existing point of interconnection with Michigan Consolidated at Willow Run Station in Ypsilanti Township, Washtenaw County, Michigan, to its existing point of interconnection with Indiana Gas Company (Indiana Gas) near the City of Muncie in Delaware County, Indiana, for subsequent redelivery by Indiana Gas to Indiana Glass.

Michigan Consolidated indicates that the gas sold to Indiana Glass is a less expensive source of supply than Indiana Glass' traditional supplier, Indiana Gas, and that the proposed sale would result in annual fuel cost savings for Indiana Glass of approximately $1,200,000 and would likely prevent permanent extensive lay-offs of employees. Michigan Consolidated further states that upon authorization of the requested service, Indiana Glass would be able to recall approximately 425 employees currently laid off.

In its application, Michigan Consolidated petitions the Commission to issue a declaratory order stating that no Commission authorization is necessary to engage in the proposed transactions since: (1) The contemplated sale of gas to Indiana Glass is a direct sale to an end-user and not a sale for resale and is exempt from Commission jurisdiction under Section 1(b) of the NGA, and (2) the transportation of natural gas in interstate commerce necessary for this sale will be accomplished solely by Mich Wisc and Michigan Consolidated will, therefore, not transport the gas in interstate commerce. Michigan Consolidated requests that the declaratory order specifically state that Michigan Consolidated requires no Commission authorization to undertake the proposed transactions and that none of Michigan Consolidated's facilities are or will be subject to the Commission's jurisdiction by virtue of engaging in these transactions.

Michigan Consolidated avers that if the Commission should determine that it is necessary for Michigan Consolidated to obtain authorization under Section 7(c) of the NGA, it is in the present and future public convenience and necessity for such authorization to be granted for a limited term, with pregranted abandonment authorization upon the termination of the underlying sales agreement by either party and be expressly conditioned so as not to effect any change in the non-jurisdictional status of any sales, operations, or facilities of Michigan Consolidated other than those which are the subject of such limited authorization. Michigan Consolidated submits that the Commission should state in any order granting such authorization that acceptance of the certificate will not impair the continued validity of the exclusion from the Commission's jurisdiction previously granted to Michigan Consolidated pursuant to Section 1(c) of the NGA except to the extent necessary to enforce the terms and conditions of such certificate. Michigan Consolidated further requests that any such order expressly waive any and all accounting and reporting requirements except those expressly applicable to the authorized transaction.

Any person desiring to be heard or to make any protest with reference to said petition and application should on or before April 29, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and

Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the NGA and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Michigan Consolidated to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9987 Filed 4-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-441-000]

New England Power Co.; Notice of Filing

April 11, 1983.

The filing Company submits the following:

Take notice that on April 1, 1983, the New England Power Company (NEP) tendered for filing a Power Contract between NEP and Boston Edison Company that provides for the sale of a 100,000 kilowatt entitlement in NEP's Bear Swamp Project.

NEP requests an effective date of February 7, 1983, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D. C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 26, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9988 Filed 4-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-446-000]

Niagara Mohawk Power Corp.; Notice of Filing

April 11, 1983.

The filing Company submits the following:

Take notice that Niagara Mohawk Power Corporation (Niagara), on April 4, 1983, tendered for filing as a supplement to an existing rate schedule, an agreement between Niagara, The Connecticut Light and Power Company (CL&P) and Western Massachusetts Electric Company (WMECO) dated July 19, 1982.

Niagara presently had on file an agreement with CL&P and WMECO dated January 19, 1981, and amended July 28, 1982. This agreement is designated as Niagara Mohawk Power Corporation Rate Schedule F.E.R.C. No. 115. This new agreement is being transmitted as a supplement to the existing agreement.

Niagara states that this supplement revises the transmission rate as provided for in terms of the original agreement.

Niagara requests an effective date of September 1, 1982, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were served upon the Connecticut Light and Power Company, Western Massachusetts Electric Company and the Public Service Commission of the State of New York.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 27, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9989 Filed 4-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-218-000]

Northern Natural Gas Company, Division of InterNorth, Inc.; Notice of Application

April 11, 1983.

Take notice that on March 4, 1983, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP83-218-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of 137,500 Mcf of natural gas per day on behalf of Natural Gas Pipeline Company of America (Natural), Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), Transcontinental Gas Pipe Line Corporation (Transco), and Michigan Wisconsin Pipe Line Company (Mich-Wis) and the construction and operation of facilities necessary therefor, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the shippers would purchase synthetic gas produced at the Great Plains Coal Gasification Plant near Beulah, North Dakota, now scheduled to begin service on or about November 1, 1984. It is stated that the synthetic gas volumes would be delivered from the plant to Northern Border Pipline Company (Northern Border) in North Dakota. Northern Border, it is asserted, would transport the synthetic volumes commingled with natural gas and redeliver equivalent volumes to Applicant at an existing interconnection at Ventura, Iowa.

Applicant further states that it would transport and deliver these volumes to the shippers at the rates, quantities and destinations shown below:

Volumes transported for the account of	Delivery point (existing)	Individual contract quantity (Mcf per day)	Monthly demand charge	Overrun commodity rate (per Mcf) (cents)
Natural	Glenwood, Iowa	27,500	74,070	8.86
Tennessee	Janesville, Wisconsin	41,250	548,869	43.61
Transco	Janesville, Wisconsin	34,375	455,725	43.61
Mich-Wis	Janesville, Wisconsin	34,375	455,725	43.61

Applicant states that it would transport these volumes on a firm basis and additional unspecified volumes on a best-efforts basis under the terms contained in the contracts for a 25-year term.

Applicant proposes to construct and operate approximately 59.3 miles of 26-inch outside diameter loopline, 11,500 horsepower of compression facilities and appurtenant facilities in Wisconsin, Illinois and Iowa at an estimated cost of $68,400,000. Applicant asserts that it would finance the proposed construction with general corporate funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 29, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9990 Filed 4-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-447-000]

Puget Sound Power & Light Co.; Notice of Filing

April 11, 1983.

The filing Company submits the following:

Take notice that Puget Sound Power & Light Company (Puget) on April 4, 1983, tendered for filing, as an initial rate schedule, an Agreement dated November 22, 1982, between Puget and the City of Seattle, City Light Department (Seattle).

Puget states that the agreement requires Puget to make available to Seattle 50 megawatts of capacity during the months of December 1982 and January, February 1983. Seattle is required to pay Puget $1.50 for each kilowatt-month of capacity made available and an additional $1.50 for each kilowatt of the maximum demand that Seattle either needs or schedules. The Agreement generally provides for the return of all energy associated with capacity scheduled by Seattle. If the energy is supplied from Puget's gas or oil-fixed generating resources or power purchases, Puget may elect to sell such energy to Seattle at the actual incremental cost of generating or purchasing such energy.

Puget requests an effective date of December 1, 1982, and therefore requests waiver of the Commission's notice requirements.

A copy of the filing was served upon Seattle.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 27, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9991 Filed 4-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-261-004]

Trunkline Gas Co.; Change in Tariff

April 11, 1983.

Take notice that Trunkline Gas Co. (Trunkline) on March 25, 1983, tendered for filing Third Revised Sheet No. 3341 to its FERC Gas Tariff, Original Volume No. 2.

Trunkline states that such change is made to reflect an increased charge that it incurs in the performance of a transportation service for Panhandle Eastern Pipe Line Company (Panhandle) pursuant to its Rate Schedule T-31. Trunkline utilizes a portion of its capacity in the system of Tennessee Gas Pipeline Company (Tennessee) to perform this service for Panhandle. On January 21, 1983, in Docket No. RP82-125, Tennessee filed revised rates, pursuant to the Commission's order of August 27, 1982, to be effective February 1, 1983. Trunkline requests an effective date of February 1, 1983.

A copy of this filing has been served on Panhandle.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rule 211 or 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before April 18, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9992 Filed 4-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP78-43-006]

Trunkline Gas Co.; Change in Tariff

April 11, 1983.

Take notice that Trunkline Gas Company (Trunkline) on March 25, 1983, tendered for filing Sixth Revised Sheet Nos. 1301 and 1302 and First Revised Sheet No. 1302.1 to its FERC Gas Tariff, Original Volume No. 2.

Trunkline states that such change is made to reflect an increased charge that it incurs in the performance of a transportation service for Panhandle Eastern Pipe Line Company (Panhandle) pursuant to its Rate Schedule T-31. Trunkline utilizes a portion of its capacity in the system of Tennessee Gas Pipeline Company (Tennessee) to perform this service for Panhandle. On January 21, 1983, in Docket No. RP82-125, Tennessee filed revised rates, pursuant to the Commission's order of August 27, 1982, to be effective February 1, 1983. Trunkline requests an effective date of February 1, 1983.

A copy of this filing has been served on Panhandle.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rule 211 or 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before April 18, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9993 Filed 4-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-262-003]

Trunkline Gas Co.; Change in Tariff

April 11, 1983.

Take notice that Trunkline Gas Company (Trunkline) on March 25, 1983, tendered for filing No. 3295 to its FERC Gas Tariff, Original Volume No. 2.

Trunkline states that such change is made to reflect an increased charge that it incurs in the performance of a transportation service for Panhandle Eastern Pipe Line Company (Panhandle) pursuant to its Rate Schedule T-76. Trunkline utilizes a portion of its capacity in the system of Tennessee Gas Pipeline Company (Tennessee) to perform this service for Panhandle. On January 21, 1983, in Docket No. RP82-125, Tennessee filed revised rates, pursuant to the Commission's order of August 27, 1982, to be effective February 1, 1983. Trunkline requests an effective date of February 1, 1983.

A copy of this filing has been served on Panhandle.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rule 211 or 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before April 18, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9994 Filed 4-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-241-000]

United Gas Pipe Line Co.; Notice of Application

April 11, 1983.

Take notice that on March 18, 1983, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP83-241-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon the Crockett compressor station which is located in Houston County, Texas, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Applicant states that the Crockett compressor station consists of one 150 horsepower reciprocating compressor installed in 1957 and one 165 horsepower reciprocating compressor installed in 1959. It is asserted that the compressor facilities at the Crockett station were originally installed to compress gas south to Huntsville, Texas, and accommodate peak day demand. Applicant states that in recent years the demand for gas in the Huntsville area has diminished to the extent that the aforementioned compression facilities are no longer needed on this portion of Applicant's system. Furthermore, Applicant states that it does not foresee any condidtion warranting a future use of the facilities in this area. Therefore, Applicant proposes the abandonment of such facilities. Applicant states that the proposed abandonment would have no impact on Applicant's existing customers and would not adversely affect its system.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 29, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9995 Filed 4-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-237-000]

United Gas Pipe Line Co.; Notice of Application

April 11, 1983.

Take notice that on March 17, 1983, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP 83-237-000 an application pursuant to Section 7(b) of the Natural Gas Act, for permission and approval to abandon the Florenville compressor station located in St. Tammany Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the Florenville compressor station consists of two 7,500 horsepower compressors located on its Southeast-to-Mobile pipeline in St. Tammany Parish, Louisiana. Applicant submits that the Florenville station has not been required for daily operations in recent years due to decline of demand in the area. Applicant states that it does not foresee any need for the Florenville station in the future and states that the abandonment of the station would cause no change in the gas flow of Applicant's system and the proposed abandonment would have no impact on its customers since this station is not now used.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 29, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believe that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9999 Filed 4-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-443-000]

Washington Water Power Co.; Notice of Filing

April 11, 1983.

The filing Company submits the following:

Take notice that on April 1, 1983, the Washington Water Power Company (Washington) tendered for filing a copy of the service schedule applicable to what Washington refers to as a "Letter Agreement" dated January 25, 1983, between Washington and the Western Area Power Administration (WAPA) which applies to the sale of energy which is surplus from Washington's portion of the Centralia coal-fired steam plant and other resources or firm purchases which Washington is willing to make available to WAPA.

Washington requests an effective date of December 1, 1982, and therefore requests waiver of the Commission's notice requirements.

Any person disiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 26, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9997 Filed 4-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-439-000]

Connecticut Light & Power Co.; Notice of Filing

April 12, 1983.

The filing Company submits the following:

Take notice that on April 1, 1983, the Connecticut Light and Power Company (CL&P) tendered for filing a proposed rate schedule with respect to a Transmission Agreement dated November 1, 1982 between (1) CL&P, Western Massachusetts Electric Company (WMECO) and Holyoke Water Power Company (HWP, and together with CL&P and WMECO, the NU Companies) and (2) City of Holyoke, Massachusetts Gas and Electric Department (HG&E).

CL&P states that the Transmission Agreement provides for transmission services to HG&E for the wheeling of their purchase from the Massachusetts Municipal Wholesale Electric Company (MMWEC) of a portion of MMWEC's entitlement obtained from Salem Harbor Units No. 1, 2 and 3 during the period from November 1, 1982 to April 30, 1983.

CL&P further states that the transmission charge rate is a monthly rate equal to one-twelfth of the estimated annual average cost of transmission service on the electric transmission system of the NU Companies determined in accordance with Appendix A and Exhibits I, II and III thereto, of the Transmission Agreement. The monthly transmission charge is determined by the product of (i) the transmission charge rate ($/kW-month), and (ii) the number of kilowatts HG&E is entitled to receive during such month. The monthly transmission charge is reduced by up to 50% to give due recognition for payments made by HG&E to other utility systems also providing transmission service.

CL&P requests an effective date of November 1, 1982, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing have been served upon WMECO, HWP, and HG&E.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 26, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to

the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-10115 Filed 4-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-242-000

El Paso Natural Gas Co.; Notice of Application

April 12, 1983.

Take notice that on March 18, 1983, El Paso Natural Gas Company (Applicant), P. O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP83-242-000 an application pursuant to Section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing delivery of relinquished volumes of Docket No. RP76-38 Refund Gas to Southern California Gas Company (SoCal) for the Department of Water and Power, City of Los Angeles' (DWP) account at existing points of interconnection between the pipeline systems of Applicant and SoCal in Mohave and Yuma Counties, Arizona, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that by order issued March 26, 1981, in Docket No. RP72-6, *et al.*, the Commission approved the stipulation and agreement submitted by Applicant on December 29, 1980. The stipulation and agreement, it is asserted, embodied a comprehensive negotiated settlement of numerous interrelated Commission proceedings and court cases including the complaint proceeding then pending before the Commission in *Arizona Electric Power Cooperative, Inc., and the City of Willcox, Arizona* v. *El Paso Natural Gas Co.*, Docket No. RP76-38. The specific terms and conditions upon which the complaint proceeding at Docket No. RP76-38 was settled are set forth as ARTICLE XI of the stipulation and agreement, it is explained, and, it is further explained that basically ARTICLE XI establishes the entitlement of each of certain named persons (Recipients) to a certain volume of Refund Gas. It is stated that each Recipient is given the discretion either to itself receive Refund Gas volumes to which it is entitled or, alternatively, in accordance with Section 11.9 of ARTICLE XI to relinquish the right to receive such volumes to Applicant. Under Section 11.9, Applicant asserts that it offers on a direct sale basis to those persons named in subsection 11.9(b) (Direct Purchasers of Relinquished Volumes) at a price established in accordance with subsection 11.9(d) such volumes of "relinquished" Refund Gas as are available through the elections made by the individual Recipients. Applicant states that it then rebates the net proceeds of any such sale to those Recipients which elected to relinquish.

The application states further that on April 28, 1982, Applicant filed its Submittal of Proposed Amendment II of Stipulation and Agreement in Docket No. RP72-6-035 wherein Applicant requested approval of a modification of subsection 11.9(b) of ARTICLE XI to remove, in effect, the prohibition from proposing arrangements for the direct sale by Applicant of relinquished volumes of Refund Gas to persons which were not among the limited group of Direct Purchasers of Relinquished Volumes identified in that subsection. Under the modified subsection 11.9(b), Applicant states that it is required to interrupt any such sale on any day when it is itself purchasing "best efforts" gas (other than in a "first sale" within the meaning of the Natural Gas Policy Act of 1978 on an "emergency" or other short-term basis and it is not otherwise able to satisfy fully the requirements of its existing customers, including SoCal, and of those Direct Purchasers of Relinquished Volumes which are specifically named in said subsection). It is stated that the Commission issued an order approving this amendment of the stipulation and agreement on August 31, 1982. Accordingly, Applicant states that it is seeking authorization to deliver relinquished volumes of Docket No. RP76-38 Refund Gas to SoCal for DWP's account at existing points of interconnection between the pipeline systems of Applicant and SoCal in Mohave and Yuma Counties, Arizona, to permit the direct sale of such gas by Applicant to DWP.

Applicant further states that DWP's electric facilities, which are comprised of four electric generating power plants, generate electricity for use in the City of Los Angeles and its environs. It also states that these plants are presently capable of burning fuel oil and natural gas; however, with the exception of minimal purchases in November 1982 and March 1983 DWP has not purchased any quantities of natural gas from SoCal since May 1982. This situation according to Applicant has resulted primarily because DWP has been able to operate at a lower cost by burning low sulfur fuel oil in lieu of natural gas purchased from SoCal. Applicant states that it has available for direct sale certain quantities of relinquished Refund Gas at a price that is below the price DWP is currently paying for low sulfur fuel oil. Moreover, it is asserted that DWP is desirous of purchasing such quantities from Applicant and Applicant is desirous of selling, on a direct sale basis, quantities of relinquished Refund Gas for use as fuel in the operation of DWP's electric generating power plants. It is submitted that in order to effectuate the direct sale arrangement, Applicant and DWP have entered into a gas sales agreement dated March 17, 1983, which governs the direct sale of relinquished Refund Gas for DWP's requirements at its power plants.

Pursuant to the terms and conditions of the agreement, Applicant asserts that it would cause to be delivered to SoCal for DWP's account such relinquished volumes of Docket No. RP76-38 Refund Gas, if any, as Applicant would from time to time determine to be available to DWP in accordance with paragraph 1.2 of Article I ARTICLE I of the agreement. It is stated that the agreement provides that the availability of relinquished Refund Gas to DWP is subject to the conditions established in the modified subsection 11.9(b) of Applicant's stipulation and agreement and is subject, further, to the availability of capacity in Applicant's pipeline system to deliver such gas to SoCal for DWP's account. It is stated that said quantities of relinquished Refund Gas would be delivered by Applicant to SoCal, for DWP's account, at existing points of interconnection between the pipeline systems in Mohave and Yuma Counties, Arizona, at delivery pressures not to exceed 615 psig and 600 psig, respectively. It is explained that SoCal would concurrently transport and deliver such quantities to DWP's power plant through utilization of its existing intrastate system facilities. It is stated that the rate be paid by DWP for the quantities of natural gas delivered by Applicant in any month is the price per Mcf which Applicant has established as the value "X" in accordance with subsection 11.9(d) of ARTICLE XI of the stipulation and agreement.[1] The term of the subject Agreement would become effective upon the date of the Agreement and performance would commence on the date of initial delivery subject to certain conditions contained in the Agreement and would continue thereafter in full force and effect for a primary term of twelve months and from

[1] Such rate for the month of March 1983 has been determined to be $4.52 per Mcf, which equates to $4.30 per million Btu.

month to month thereafter, it is explained.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 3, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-10116 Filed 4-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-246-000]

El Paso Natural Gas Co. and Tenneco Oil Co.; Notice of Application

April 12, 1983.

Take notice that on March 21, 1983, El Paso Natural Gas Company (El Paso), P.O. Box 1492, El Paso, Texas 79978, and Tenneco Oil Company (Tenneco), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP83-246-000 a joint application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas, all as more fully set forth in the application which is on file with the Commission and open public inspection.

Applicants state that El Paso as part of its gas acquisition program has contracted for the right to purchase up to 30,000,000 Mcf of Tenneco's uncommitted interest in the reserves underlying Block 60, South Marsh Island area, offshore Louisiana, and for 100 percent of the interest of C&K Petroleum Inc., *et al.*, in reserves underlying Block 237, East Cameron area, offshore Louisiana. It is further stated that Tenneco in its ongoing oil and gas production efforts has acquired ownership or control over certain natural gas reserves located in San Juan and Rio Arriba Counties, New Mexico. Applicants assert that the gas supplies attributable to El Paso's interest in the natural gas reserves underlying Blocks 60 and 237 are not located in close proximity to El Paso's existing interstate pipeline system and that the natural gas supplies owned or otherwise controlled by Tenneco in San Juan and Rio Arriba Counties are not located near the interstate pipeline system of Tenneco's affiliate.

Accordingly, it is stated, El Paso and Tenneco have entered into a November 24, 1980, gas exchange agreement whereby said supplies of natural gas can be made available in El Paso's case to augment its general system supply and in Tenneco's case for use in certain plant and refinery operations and for direct sale.

Applicants state that pursuant to the terms and conditions of the exchange agreement, El Paso has agreed to receive for the account of Tenneco for a period continuing until July 1, 1990, up to 25,000 Mcf of natural gas per day or such lesser quantity as Tenneco may cause to be tendered to El Paso. It is stated that in exchange therefor El Paso has agreed to cause concurrently to be delivered to Tenneco and Tenneco has agreed to receive from El Paso an equivalent quantity of natural gas on a gas-for-gas basis, after giving effect to a 10 percent reduction for fuel, shrinkage and other losses, at two existing delivery points located in Terrebone Parish, Louisiana, and Waller County, Texas (Cocodrie and Katy delivery points). Applicants state that El Paso would deliver the natural gas for exchange primarily at the Cocodrie delivery point with use of the Katy delivery point limited to only that portion of the total quantity of natural gas to be exchanged that cannot otherwise be accommodated for any reason at the Cocodrie delivery point.

Applicants state that they do not anticipate that Tenneco would have quantities of natural gas available to it in excess of those quantities expected to be available to El Paso for exchange, but if such a situation should arise, El Paso and Tenneco would promptly meet to determine the method by which such imbalance would be eliminated. It is stated that to the extent El Paso would have available at the Cocodrie and Katy delivery points a quantity of natural gas in excess of the quantity Tenneco has tendered for exchange such excess natural gas would be made available to El Paso's interstate pipeline system pursuant to existing and/or future arrangements with third parties.

Applicants assert that no new or additional facilities are required to be constructed or operated by Tenneco in order to effectuate the receipt of gas by El Paso. It is stated that El Paso has existing transportation agreements with Tennessee Gas Pipeline Company, a Division of Tenneco Inc., Houston Pipe Line Company and Oasis Pipe Line Company that provide for the transportation of El Paso's gas from Blocks 60 and 237 to onshore delivery points.

Applicants state that the exchange agreement provides for Tenneco to compensate El Paso as required by payment of the rate in effect and reflected from time to time as the Production Area Charge as set forth in El Paso's FERC Gas Tariff, Third Revised Volume No. 2, or superseding tariff. In addition, it is asserted that the exchange agreement provides that Tenneco would compensate El Paso as required in the amount of 3.49 cents per Mcf for any processing performed by El Paso on Tenneco's behalf. It is stated that the charges would apply to the quantity of gas remaining after giving effect to a 10 percent reduction in gas for fuel, shrinkage and other losses.

Applicants further request authorization to permit the exchange of natural gas from additional receipt and/or delivery points as may be mutually agreed to from time to time when additional natural gas supplies become available to either El Paso or Tenneco so long as the quantities of natural gas exchanged under the arrangement do not exceed the aggregate total of 25,000 Mcf daily. Moreover, Applicants request blanket authorization for the deletion by mutual consent of receipt and/or delivery points from the exchange arrangement. Further, Applicants state that in the event that additional facilities are required to be installed by El Paso, El Paso would install the new facilities under its blanket certificate authorization in Docket No. CP82-435-000.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 3, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-10117 Filed 4-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-233-000]

Kansas-Nebraska Natural Gas Co., Inc.; Application

April 12, 1983.

Take notice than on March 16, 1983, Kansas-Nebraska Natural Gas Company, Inc. (K-N), P.O. Box 15265, Lakewood, Colorado 80215, filed in Docket No. CP83-233-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continued exchange of natural gas with Panhandle Eastern Pipe Line Company (Panhandle) pursuant to the terms of an amended gas exchange agreement providing for an additional delivery point from K-N to Panhandle, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that K-N and Panhandle entered into a March 27, 1970, gas exchange agreement, as amended December 31, 1974, which provides for Panhandle to deliver volumes of K-N's gas from Texas to K-N at a point near Douglas, Wyoming, and for K-N to deliver volumes of Panhandle's gas from Wyoming to Panhandle at a point near Panhandle's Aledo Plant in Oklahoma. Further, it is stated that this exchange also provides for Panhandle to sell certain volumes of its gas to K-N. This exchange agreement, as amended, is on file with the Commission as Rate Schedule TSTE-1 of Panhandle's FERC Gas Tariff and as Rate Schedule T-1 of K-N's FERC Gas Tariff, it is averred.

K-N proposes herein to add a second delivery point to Panhandle near Baker, Oklahoma, pursuant to the terms of a February 7, 1983, amendment to the exchange agreement. The Baker delivery point is required to assure maintenance of adequate service to K-N's customers served by the Douglas delivery point, it is asserted. K-N does not have sufficient volumes of gas available for delivery to Panhandle at the Aledo delivery point and, as a result, a large exchange imbalance has developed, it is averred. It is further stated that the addition of the Baker delivery point would enable K-N to alleviate the exchange imbalance and deliver the necessary gas volumes to Panhandle to help offset those being received from Panhandle at the Douglas delivery point. No new facilities are required by K-N to use the proposed new delivery point, it is asserted.

Any person desiring to be heard or to make any protest with reference to said application should on or before

May 3, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for K-N to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-10118 Filed 4-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. EL83-16-000]

Louisiana Power & Light Co.; Notice of Filing

April 12, 1983.

Take notice that on March 29, 1983, Louisiana Power & Light Company (LP&L) filed a document which, in effect, seeks declaratory relief from the Commission regarding LP&L's proposed method of refunding to its firm wholesale customers monies received as a result of a settlement between LP&L and Texaco, Inc., a supplier of natural gas to LP&L.

LP&L proposes that the customers receiving firm wholesale service from LP&L during the period covered by the refunds (1977-1982) will receive refunds calculated in the identical manner prescribed for retail customers by a Louisiana Public Service Commission order of March 21, 1983. The affected wholesale customers are Cajun Electric Power Cooperative, and the Towns of Winnfield, Vidalia, Jonesville, and Minden.

LP&L requests Commission approval of the proposed method of making refunds.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with rules 211

and 214 of the Commission's Rules of Practice and Procedure (18 CFR §§ 385.211, 385.214). All such motions or protests should be filed on or before April 28, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-10119 Filed 4-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-252-000]

Natural Gas Pipeline Co. of America; Notice of Application

April 12, 1983.

Take notice that on March 28, 1983, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP83-252-000 an application pursuant to Section 7 of the Natural Gas Act for permission and approval to abandon certain pipeline storage facilities located in Kankakee County, Illinois, and for a certificate of public convenience and necessity authorizing the construction and operation of replacement facilities for the pipeline to be abandoned and in part as a new pipeline system situated within the Herscher Mt. Simon storage field, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

It is stated that in late 1982 Applicant hydrostatically tested its Herscher Mt. Simon storage system. Applicant states that a total of 16 test failures resulted throughout the system. It is asserted that internal inspection of one segment of pipe revealed corrosion damage which Applicant asserts can reasonably be expected to exist as well in other sections of the system. As a result of this testing, Applicant believes that a significant problem exists that should be remedied as soon as possible.

Applicant proposes to remove or retire in place approximately 14.5 miles of 4.5-inch through 24-inch pipeline. applicant states it would construct 12.3 miles of 4.5-inch through 24-inch pipeline sized to meet the peak withdrawal volumes from individual wells. It is stated that the new pipeline system of internally coated pipe would include facilities for pigging and corrosion inhibitor injection as well as permitting the introduction of internal inspection tools to check for corrosion. Applicant estimates that the cost of retirement and construction of new jurisdictional facilities will be $6,854,000 which cost would initially be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 3, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-10120 Filed 4-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-236-000]

Panhandle Eastern Pipe Line Co.; Notice of Application

April 12, 1983.

Take notice that on March 17, 1983, Panhandle Eastern Pipe Line Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP83-236-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities required to make direct sales of natural gas for irrigation purposes to three right-of-way grantors, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes the construction and operation of taps to make direct sales of natural gas to Clifford L. Jackson, Hansford County, Texas, Donald B. Hart, Hansford County, Texas, and Everett J. Starkey, Conservatorship, Pratt County, Kansas.

Applicant estimates that the cost of the proposed facilities would be $15,900 which would be financed from cash on hand.

Applicant has further stated it does not propose to increase its authorized level of sales by this proposal.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 3, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 29426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-10121 Filed 4-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-247-000]

Valero Interstate Transmission Co.; Notice of Application

April 12, 1983.

Take notice that on March 22, 1983, Valero Interstate Transmission Company (Applicant), P.O. Box 1569, San Antonio, Texas 78296, filed in Docket No. CP83-247-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon approximately 61 miles of transmission pipeline in Brooks, Hidalgo, Jim Hogg, and Starr Counties, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes the abandonment of 47.1 miles of 18-inch pipeline and 14 miles of 14-inch pipeline because it is more economical to abandon the line and transport the small amount of gas currently flowing through the line pursuant to a transportation arrangement with Valero Transmission Company (VTC) than it is to maintain the line as a jurisdictional facility. Applicant states that it would sell the line to VTC.

Applicant states that there would be no diminution of service because service to Applicant's customers before and after abandonment would be equivalent.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 3, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-10122 Filed 4-14-83; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Objection to Proposed Remedial Orders Filed; Week of February 14 Through February 18, 1983

During the week of February 14 through February 18, 1983, the notices of objection to proposed remedial orders listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial orders described in the Appendix to this Notice must file a request to participate pursuant to 10 C.F.R. 205.194 within 20 days after publication of this Notice. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in these proceedings should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Director, Office of Hearings and Appeals.

April 7, 1983.

Dane Energy Company Houston, Texas; Petroleum Products HRO-0124

On February 17, 1983, Dane Energy Company of Houston, Texas, filed a Notice of Objection to a Proposed Remedial Order that the DOE Office of Special Counsel of the Economic Regulatory Administration issued to the firm on January 7, 1983. The State of California also filed a Notice of Objection to the PRO on February 14, 1983.

In the PRO, the Office of Special Counsel found that during the period November 1978 through December 1980, the firm violated the pricing regulations at 10 CFR Parts 205, 210 and 212, Subparts I and L, in its resales of crude oil.

According to the PRO, the Dane Energy violation resulted in $42,562,990.27 of overcharges.

Highway Oil, Inc., Topeka, Kansas; Motor gasoline HRO-0123

On February 14, 1983, Highway Oil, Inc., Topeka, Kansas filed a Notice of Objection to a Proposed Remedial Order which the DOE Kansas City Office of the Economic Regulatory Administration (ERA) issued to the firm on January 3, 1983.

In the PRO, the ERA found that during the period November 1, 1973 through April 30, 1974, Highway Oil, Inc. overcharged its customers for motor gasoline.

According to the PRO, the pricing violation resulted in $1,335,810.66 of overcharges.

MacMillan Oil Company, Inc., Des Moines, Iowa; Propane, No. 2 Fuel Oil, and Nos. 5 and 6 Residual Fuel Oil HRO-0128

On February 17, 1983, MacMillan Oil Company, Inc. of Des Moines, Iowa, filed a Notice of Objection to a Proposed Remedial Order (PRO) that the Economic Regulatory Administration (ERA) of the DOE issued to the firm on February 1, 1983.

In the PRO, the ERA determined that during the period November 1, 1973 through April 30, 1974, MacMillan improperly applied the DOE pricing regulations in its sales of propane, No. 2 fuel oil, and Nos. 5 and 6 residual fuel oil.

According to the PRO, the MacMillan violation resulted in $383,268.33 of overcharges.

Resources Extraction & Processing Co., Houston, Texas; Natural Gas Liquids HRO-0121

On February 16, 1983, Resources Extraction & Processing Co. (REAPCO), of Houston, Texas, filed a Notice of Objection to a Proposed Remedial Order (PRO) which the DOE Kansas City, Missouri District Office of Enforcement issued to the firm on January 21, 1983.

In the PRO, the Kansas City District found that during the period October 1978 through December 1980 REAPCO committed pricing violations in sales of natural gas liquids and natural gas liquid products.

According to the PRO, the REAPCO violation resulted in $1,180,330.56 of overcharges.

Tommy Oil Company, Topeka, Kansas; Motor Gasoline HRO-0120

On February 14, 1983, Tommy Oil Company, First National Bank Tower, Suite 1410, 534 Kansas Avenue, Topeka, Kansas, filed a Notice of Objection to a Proposed

Remedial Order which the DOE Kansas City Office of Enforcement issued to the firm on January 3, 1983.

In the PRO, the Kansas City Office found that during the period November 1, 1973 through April 30, 1974, Tommy overcharged its customers in the sale of motor gasoline.

According to the PRO, the Tommy Oil Company violation resulted in $146,527.52 of overcharges.

Gordon K. Walz and Revere Petroleum Corporation, Houston, Texas; Petroleum Products HRO–0125

On February 14, 1983, and February 17, 1983, Mr. Gordon K. Walz and Revere Petroleum Corporation, both of 13101 N.W. Freeway, Houston, Texas, filed a Notice of Objection to a Proposed Remedial Order (PRO) which the DOE Office of Special Counsel, Economic Regulatory Administration, issued to Mr. Walz and the firm on January 13, 1983.

In the PRO, the Office of Special Counsel found that during the period April 1979 through February 1980, Revere Petroleum and Mr. Walz committed certain violations of the Mandatory Petroleum Price Regulations, 10 CFR Part 212.

According to the PRO, the pricing violations resulted in over $50 million of overcharges.

[FR Doc. 83–10011 Filed 4–14–83; 8:45 am]
BILLING CODE 6450–01–M

Office of the Secretary

Public Hearings on the Summary of the Results of the Evaluation of the Waste Isolation Pilot Plant (WIPP) Site and Preliminary Design Validation Program

AGENCY: Department of Energy.

ACTION: Notice of a public hearing on the summary of the evaluation of the WIPP Site and Preliminary Design Validation (SPDV) program.

SUMMARY: The Department of Energy (DOE) announces a public hearing on a report entitled "Summary of the Results of the Evaluation of the WIPP Site and Pre.iminary Design Validation Program," WIPP–DOE–161 (March 1983). A notice of the availability of WIPP–DOE–161 was published on March 31, 1983 (48 FR 13486). This report discusses the suitability of a WIPP site in southeastern New Mexico based on the evaluation of the results of the SPDV program. The construction and operation of the WIPP is for the purpose of demonstrating the safe permanent disposal of radioactive transuranic nuclear wastes and for research and development on various high level waste forms in mined repository, as authorized by Pub. L. 96–164. A public hearing will be held at the Convention Center in Albuquerque, New Mexico on May 16, 1983.

DATE: The hearing will be held May 16, 1983, from 9:00 a.m. to 10:00 p.m. with recesses from 11:30 a.m. to 1:00 p.m. and 5:00 to 7:00 p.m.

ADDRESS: Send written comments and requests to speak to: U.S. Department of Energy, WIPP Project Office, P.O. Box 5400, Albuquerque, New Mexico, 87115.

Hearing Location: The hearing will be held at the Convention Center in Albuquerque, New Mexico.

FOR FURTHER INFORMATION CONTACT:

1. Mr. Joseph M. McGough, Project Manager, WIPP Project Office, Department of Energy, P.O. Box 5400, Albuquerque, New Mexico 87115, 505/766–3884.

2. Mr. Lawrence H. Harmon, WIPP Program Manager, Office of Defense Waste and Byproducts Management, Department of Energy, MS B–107, Washington, D.C. 20545, 301/353–5505.

SUPPLEMENTARY INFORMATION:

I. Background of the Project

The Department of Energy has completed the Site and Preliminary Design Validation (SPDV) phase of the Waste Isolation Pilot Plant (WIPP) project at the Los Medanos site in the Delaware Basin of southeast New Mexico. The WIPP project was defined and authorized by Public Law 96–164, the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1980, and was the subject of a Record of Decision published at 46 FR 9162, January 28, 1981. The WIPP project, which is set forth as Alternative 2 in the Final Environmental Impact Statement (EIS), DOE/EIS–0026, October 1980, is described as ". . . a defense activity of the Department of Energy administered by the Assistant Secretary of Energy for Defense Programs, for the express purpose of providing a research and development facility to demonstrate the safe disposal of radioactive waste resulting from the defense activities and programs of the United States. . . ."

Following completion of the SPDV phase, the Department of Energy announced the availability of WIPP–DOE–161 on March 31, 1983 (48 FR 13486). The notice of availability provided general information on solicitation of public comments.

II. Comment Procedures

A. Availability of WIPP–DOE–161

A copy of the WIPP–DOE–161 and supporting documentation have been furnished to the State of New Mexico and placed in the following libraries or reading rooms:

DOE Public Reading Room, National Atomic Museum, Building 10358, Kirtland Air Force Base (East), Albuquerque, New Mexico 87115.

Carlsbad Public Library, 101 South Nalagueno Street, Carlsbad, New Mexico 88220.

New Mexico State Library, 325 Don Gaspar, Santa Fe, New Mexico 87503.

Martin Speare Memorial Library, New Mexico Tech, Campus Station, Socorro, New Mexico 87801.

Hobbs Public Library, 509 N. Shipp, Hobbs, New Mexico 88240.

Roswell Public Library, 301 N. Pennsylvania Street, Roswell, New Mexico 87801.

Zimmerman Library, Government Publications Department, University of New Mexico, Albuquerque, New Mexico, 87138.

Thomas Brannigan Library, 106 W. Hadley, Las Cruces, New Mexico 88001.

B. Written Comments

Written comments should be submitted to the WIPP Project Office at the Albuquerque, New Mexico address listed above, on or before May 31, 1983.

III. Public Hearings

A. Conduct of Hearing

The purpose of the hearing is to afford an opportunity for public comment regarding WIPP–DOE–161.

DOE will make a presentation summarizing the project background and the substantive areas of concern raised in written comments received prior to the hearing. The hearing will be informal, conducted by a hearing officer selected by DOE.

DOE reserves the right to arrange the schedule of presentation to be heard and to establish the procedures governing the conduct of the hearing. The length of each presentation will be limited, based on the number of persons requesting to be heard.

Questions may be asked only by the person conducting the hearing. Cross examination of persons presenting statements will not be permitted. Any participant who wishes to ask a question at the hearing may submit the question in writing to the hearing officer. The hearing officer will determine whether the question is relevant and whether the time limitations permit it to be presented for answer. Any further procedural rules needed for the proper conduct of the hearing will be announced by the hearing officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by DOE. It will be available for inspection at the DOE Public Reading Room, National Atomic Museum,

Kirtland Air Force Base (East), Albuquerque, New Mexico, between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday.

Additional copies of the complete transcript will also be available at the public document centers noted above. Any person may purchase a copy of the transcript from the reporter.

After the close of the public comment period on WIPP–DOE–161, DOE will prepare a report responding to significant issues raised during the period of public comment, including this hearing. The public comments will be used by DOE to assist it in reaching a decision on construction of the WIPP.

B. Full Participation

Any individual may make a written or oral request to DOE for an opportunity to be scheduled to make an oral presentation at the hearing. Requests to participate in the hearing should be received by the WIPP Project Office, Department of Energy, P.O. Box 5400, Albuquerque, New Mexico 87115, 505/766–3884 no later than 4:30 p.m., May 9, 1983. Requesters are encouraged, to the extent practical, to furnish DOE a summary of the proposed oral presentation with the written request to participate in order for DOE to arrange grouping of participants speaking on similar topics. Participants should contact the WIPP Project Office by telephone on May 12 and 13, 1983, between the hours of 8:00 a.m. and 4:30 p.m. to learn the time scheduled for presentation and the amount of time available. This information will also be available on May 16, 1983 at the hearing. Scheduled speakers are encouraged to provide a written text of their presentation to assist the hearing reporter.

C. Limited Participation

Individuals who do not make an advance request to speak or who were otherwise not scheduled to speak may register at the hearing for an opportunity to speak. An opportunity to speak will be provided to these individuals after scheduled speakers have presented their views. Time for each participant will be limited depending on time available and the number of requests received.

Issued in Washington, D.C., on April 13, 1983.

Troy E. Wade, II

Acting Assistant Secretary for Defense Programs.

[FR Doc. 83–10208 Filed 4–14–83; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS–59123; TSH–FRL 2347–4]

Certain Chemicals; Premanufacture Exemption Applications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA may upon application exempt any person from the premanufacturing notification requirements of section 5 (a) or (b) of the Toxic Substances Control Act (TSCA) to permit the person to manufacture or process a chemical for test marketing purposes under section 5(h)(1) of TSCA. Requirements for test marketing exemption (TME) applications, which must either be approved or denied within 45 days of receipt, are discussed in EPA's revised statement of interim policy published in the **Federal Register** of November 7, 1980 (45 FR 74378). This notice, issued under section 5(h)(6) of TSCA, announces receipt of four applications for exemptions, provides a summary, and requests comments on the appropriateness of granting each of the exemptions.

DATE: Written comments by May 2, 1983.

ADDRESS: Written comments, identified by the document control number "(OPTS–59123)" and the specific TME Number should be sent to: Document Control Officer (TS–793), Office of Toxic Substances, Office of Pesticides and Toxic Substances, Management Support Division, Environmental Protection Agency, Rm. E–401, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Theodore Jones, Acting Chief, Notice Review Branch, Chemical Control Division (TX–794), Office of Toxic Substances, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–216, 401 M Street, SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the TME received by EPA. The complete non-confidential document is available in the Public Reading Room E–107.

TME 83–43

Close of Review Period. May 15, 1983.

Manufacturer. Confidential.

Chemical. (G) Mixed poly alkoxy alkyl siloxanes and silsesquioxanes.

Use/Production. (G) Functional fluid additive. Prod. range: Confidential.

Toxicity Data. No data on the TME substance submitted.

Exposure. Manufacture: dermal, inhalation and ocular, a total of 12 workers, up to 2 hrs/da, up to 8 da/yr; Processing: dermal, inhalation and ocular, a total of 6 workers, up to 6 hrs/da, up to 3 da/yr.

Environmental Release/Disposal. No release. Disposal by incineration.

TIME 83–44

Close of Review Period. May 20, 1983.

Manufacture. Morton Thiokol, Incorporated.

Chemical. (G) Polyalkyl polyurethane, acrylate capped.

Use/Production. (S) Coating for photographic film. Prod. range: Test Marketing Period—min. 25,000 kg, max. 50,000 kg.

Toxicity Data. Acute oral: >5 g/kg; Acute dermal: >2 g/kg; Irritation: Skin—Not a primary irritant, Eye—Not a primary irritant.

Exposure. Manufacture: dermal, a total of 5 workers, up to 8 hrs/da, up to 10 da/yr; Processing: dermal, a maximum of 6 workers, up to 8 hrs/da, up to 5 da/yr; Disposal: dermal, a maximum of 2 workers, up to 2 hrs/da, up to 1 da/yr.

Environmental Release/Disposal. Between 10–1,000 kg/yr released to land. Disposal by deep well injection, incineration, and approved landfill.

TME 83–45

Close of Review Period. May 21, 1983.

Manufacturer. Georgia Pacific Corporation.

Chemical. (G) Liqnosulfonate, reaction product with a phenolic monomer and an oxidant.

Use/Production. Confidential. Prod. range: Max of 60,000 gallons/yr.

Toxicity Data. No data on the TME sustance submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

TME 83–46

Close of Review Period. May 21, 1983.

Importer. The Warfield Company, Inc.

Chemical. (G) Polyamine adduct.

Use/Importer. Confidential. Import range: Confidential.

Toxicity Data. No data on the TME substance submitted.

Exposure. No data submitted.

Environmental Release/Disposal. No release.

Dated: April 8, 1983.

Linda A. Travers,

Acting Director, Management Support Division.

[FR Doc. 83-9930 Filed 4-14-83; 8:45 am]

BILLING CODE 6560-50-M

[OPOTS-51462; TSH-FRL 2347-5]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency. (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notice are discussed in EPA statements of interim policy published in **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of nineteen PMNs and provides a summary of each.

DATE: Close of Review Period:

PMN 83-608 and 83-609: July 29, 1983;
PMN 83-610, 83-611 and 83-612 July 2, 1983;
PMN 83-613, 83-614 and 83-615: July 3, 1983;
PMN 83-616 and 83-617: July 4, 1983;
PMN 83-618, 83-619, 83-620, 83-621, 83-622, 83-623, 83-624, 83-625, and 83-626: July 5, 1983.

Written comments by:

PMN 83-608 and 83-609; April 30, 1983;
PMN 83-610, 83-611 and 83-612: June 2, 1983;
PMN 83-613, 83-614 and 83-615: June 3, 1983;
PMN 83-616 and 83-617: June 4, 1983;
PMN 83-618, 83-619, 83-620, 83-621, 83-622, 83-623, 83-624, 83-625 and 83-626: June 5, 1983.

ADDRESS: Written comments, identified by the document control number "(OPTS-51462)" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Toxic Substances, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460; (202-382-3532).

FOR FURTHER INFORMATION CONTACT: Theodore Jones, acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M St., SW., Washington, DC 20460; (202-383-3729).

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete non-confidential document is available in the Public Reading Room E-107.

PMN 83-608

Importer. Confidential.

Chemical. (G) Substituted bis substituted benzeneaminium, dichloride.

Use/Import. (S) Industrial colorant for paper. Import range: Confidential.

Toxicity Data. Acute oral: 3.7 ml/kg; Irritation: Skin—Non-irritant, Eye—Severe; IC_{50} (waste water bacteria)—100 mg/l; Zebra fish—Not toxic @ 5.0 mg/l.

Exposure. Negligible.

Environmental Release/Disposal. No release. Disposal by biological treatment system.

PMN 83-609

Importer. Confidential.

Chemical. (G) Substituted benzenesulfonic acid, sodium salt and substituted benzenesulfonic acid.

Use/Import. (S) Industrial colorant for textiles. Import range: Confidential.

(*Toxicity Data.* Acute oral: > ,000 mg/kg; Irritation: Skin—Non-irritant, Eye—Non-irritant, IC_{50} (waste water bacteria)—100 mg/l; Golden orfe—Note toxic @ 200 mg/l.

Exposure. Negligible.

Environmental Release/Disposal. No release. Disposal by publicly owned treatment works (POTW).

PMN 83-610

Manufacturer. Confidential.

Chemical. (G) Disubstituted glycine complex.

Use/Production. (G) Dilute solution used primarily by the submitter and by commercial customers. Prod. range: 600,000-700,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: dermal, a total of 30 workers, up to 2 hrs/da, up to 100 da/yr.

Environmental Release/Disposal. No release. Disposal by POTW and biological treatment system.

PMN 83-611

Manufacturer. Confidential.

Chemical. (G) Disubstituted glycine.

Use/Production. (G) Site-limited or company-limited intermediate. Prod. range: 550,000-650,000 kg/yr.

Toxicity Data. Acute oral: 1,600-2,200 mg/kg; Acute dermal: > 1,000 mg/kg; Irritation: Skin—Slight, Eye—Moderate; Ames Test: Negative; Skin sensitization: Low.

Exposure. Manufacture: dermal and inhalation a total of 50 workers, up to 2 hrs/da, up to 250 da/yr.

Environmental Release/Disposal. No release. Disposal by POTW, biological treatment system and incineration.

PMN 83-612

Manufacturer. Diamond Shamrock Corporation.

Chemical. (G) Polymer of alkyl and heteromonocyclic amines and an alkanedioic acid.

Use/Production. (S) Epoxy hardener for site limited, industrial, commercial and consumer use. Prod. range: 0-100,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: dermal and inhalation, a total of 55 workers, up to 24 hrs/da, up to 250 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air, 10-100 kg/yr to water and 10-1,000 kg/yr to land. Disposal by POTW and biological treatment system.

PMN 83-613

Importer. Confidential.

Chemical. (S) 1,3 benzenedimethanamine polymer with (chloromethyl) oxirane.

Use/Importer. (G) Raw material for a final product. Import range: Confidential.

Toxicity Data. Acute oral: >646 mg/kg; Irritation: Skin—Corrosive, Ames Test: Non-mutagenic.

Exposure. No data submitted.

Environmental Release/Disposal. Less than 10 kg/yr released to land. Disposal by incineration and approved landfill.

PMN 83-614

Manufacturer. Minnesota Mining and Manufacturing Company (3M).

Chemical. (G) Modified fluoroaliphatic adduct.

Use/Production. (S) Industrial carpet fiber treatment. Prod. range: Confidential.

Toxicity Data. Acute oral: 5 g/kg; Irritation: Skin—Minimal, Eye—Extreme.

Exposure. Manufacture and processing: dermal, a total of 4 workers, up to 12 hrs/da, up to 150 da/yr.

Environmental Release/Disposal. Confidential. Disposal by incineration.

PMN 83-615

Manufacturer. Minnesota Mining and Manufacturing Company (3M).

Chemical. (G) Perfluoroaliphatic isocyanate adduct.

Use/Production. (S) Industrial isolated intermediate for carpet fiber treatment. Prod. range: Confidential.

Toxicity Data. Acute oral: 5 g/kg; Irritation: Skin—Minimal, Eye—Mild.

Exposure. Manufacture and processing: dermal, a total of 3 workers, up to 8 hrs/da, up to 150 da/yr.

Environmental Release/Disposal. 10–100 kg/yr released to land. Disposal by incineration.

PMN 83–616

Manufacturer. Carus Chemical Company.

Chemical. (S) Cesium permanganate.

Use/Production. (G) Open use. Prod. range: Confidential.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Manufacture: dermal and inhalation.

Environmental Release/Disposal. Less than 10 kg/yr released to air. Disposal by biological treatment system.

PMN 83–617

Manufacturer. Carus Chemical Company.

Chemical. (S) Cesium aluminum sulfate.

Use/Production. (S) Intermediate for making cesium salts. Prod. range: Confidential.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Manufacture: dermal and inhalation.

Environmental Release/Disposal. Less than 10 kg/yr released to air. Disposal by biological treatment system.

PMN 83–618

Importer. Confidential

Chemical. (G) C. I. direct Red 259.

Use/Import. (S) dye for cellulose fibre. Import range: Confidential.

Toxicity Data. TLm_{48}: 130 parts per million (ppm), Ames Test: Negative.

Exposure. No data submitted.

Environmental Release/Disposal. No release.

PMN 83–619

Importer. Confidential.

Chemical. (S) Cuprate (5-), [μ-[2-[[1-[4-[2-[4-[[4-[2-[4-[4-[[2-carboxyphenyl)azo]-4,5-dihydro-3-methyl-5-oxo-1*H*-pyrozol-1-yl]-2-sulfophenyl]ethenyl]-3-sulfophenyl]amino]-6-(phenylamino)-1,3,5-5triazin-2-yl]amino]-2-sulfophenyl]ethenyl]-3-sulfophenyl]-44,5-dihydro-3-methyl-5-oxo-1*H*-pyrozol-4-yl]azo]-5-sulfobenzoato(9-)]]di-, pentasodium.

Use/Import. (S) Dye for cellulose fibre. Import range: Confidential.

Toxicity Data. Ames Test: Negative.

Exposure. No data submitted.

Environmental Release/Disposal. No release.

PMN 83–620

Importer. Confidential.

Chemical. (G) C. I. Direct Red 260.

Use/Import. (S) Dye for cellulose fibre. Import range: Confidential.

Toxicity Data. TLm_{48}: 1,000 ppm; Ames Test: Negative.

Exposure. No data submitted.

Environmental Release/Disposal. No release.

PMN 83–621

Importer. Confidential.

Chemical. (S) Benzoic acid, 2-[[1[4-[2-[4-[[4-[[4-[2-[4-[4-[[2-carboxyphenyl)azo]-4,5-dihydro-3-methyl-5-oxo-1H-pyrazol-1-yl]-2-sulfophenyl]ethenyl]-3-sulfophenyl]amino]-6-(phenylamino)-1,3,5-triazin-2-yl]amino]-2-sulfophenyl]ethenyl]-3-sulfophenyl]-4,5-dihydro-3-methyl-5-oxo-1*H*-pyrazol-4-yl]azo]-5-sulfo-, pentasodium salt.

Use/Import. (S) Commercial dye for cellulose fibre. Import range: Confidential.

Toxicity Data. TLm_{48}, Orange Medaka — 1,000 ppm; Ames Test: Negative.

Exposure. No data submitted.

Environmental Release/Disposal. No release.

PMN 83–622

Importer. Confidential.

Chemical. (S) 1,3,3-Naphthalenetrisulfonic acid, 7-[[4-[[4-[[4-[(4,8-disulfo-2-naphthalenyl)azo]-3-methylphenyl]amino]-6-[(4-sulfophenyl)amino]-1,3,5-triazin-2-yl]amino]-2-methylphenyl]azo]-, hexasodium salt.

Use/Import. (S) Commercial dye for cellulose fibre. Import range: Confidential.

Toxicity Data. TLm_{48}, Orange Medaka — > 1,000 ppm; Ames Test: Negative.

Exposure. No data submitted.

Environmental Release/Disposal. No release.

PMN 83–623

Manufacturer. Confidential.

Chemical. (G) [Bis(alkylphenamino)-fluoran] [phenimidazolyl]bis methylene] deriv., phosphate.

Use/Production. (S) Industrial colorant for paper. Prob. range: Confidential.

Toxicity Data. Acute oral: > 5 g/kg; Irritation Skin—Irritant, Eye—Severe; Ames Test: Negative.

Exposure. Manufacture, processing and disposal: dermal, a total of 4 workers, up to 2 hrs/da, up to 60 da/yr.

Environmental Release/Disposal. 10–100 kg/yr released to water. Disposal by POTW, biological treatment system and incineration.

PMN 83–624

Manufacturer. Hercules Inc.

Chemical. (G) Styrene-acrylate-methacrylate copolymer.

Use/Production. (G) Open dispersive use. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

PMN 83–625

Importer. The Warfield Company, Inc.

Chemical. (G) Polyamine adduct.

Use/Import. Confidential. Import range: Confidential.

Toxicity Data. No data submitted.

Exposure. No data submitted.

Environmental Release/Disposal. No release.

PMN 83–626

Manufacturer. Confidential.

Chemical. (G) Substituted melamine formaldehyde compound.

Use/Production. (S) Epoxy powder coatings. Prod. range: Confidential.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Confidential.

Environmental Release/Disposal. Less than 10 kg/yr released to air and water. Disposal by biological treatment system and approved landfill.

Dated: April 8, 1983.

Linda A. Travers,

Acting Director, Management Support Division.

[FR Doc. 83-9931 Filed 4-14-83; 8:45 am]

BILLING CODE 6560-50-M

[A-1-FRL 2347-3]

Delegation of Authority to the State of Connecticut for Certain Portions of the Federal Prevention of Significant Deterioration of Air Quality Program (PSD)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Informational notice.

SUMMARY: EPA Region I has delegated authority for the implementation and enforcement of certain portions of the Federal Prevention of Significant Deterioration of Air Quality (PSD) program to the Connecticut Department of Environmental Protection (DEP) under 40 CFR 52.21. The effect of this action will be that the State will be reviewing major new sources or modifications to

existing major sources located in attainment areas for compliance with Federal PSD requirements.

EFFECTIVE DATE: September 29, 1982.

ADDRESS: Copies of DEP's request for delegation and the DEP–EPA Agreement for delegation of authority for portions of the PSD program are available for public inspection at the State Air Programs Branch, Environmental Protection Agency, Region I, JFK Federal Building, Boston, Massachusetts 02203, (617) 223–5130.

FOR FURTHER INFORMATION CONTACT: Susan S. Hager, State Air Programs Branch, Environmental Protection Agency, Region I, JFK Federal Building, Boston, Massachusetts 02203, (617) 223–5130.

SUPPLEMENTARY INFORMATION: On July 14, 1982, the Commissioner of the Connecticut DEP submitted to EPA Region I a request for EPA to delegate to DEP the authority to implement portions of the Federal PSD program. After a thorough review of this request, the Regional Administrator determined that the Connecticut DEP's procedures for carrying out the portions of the PSD program for which it will have responsibility are adequate and effective.

Thus, on September 29, 1982 the Regional Administrator delegated authority for the implementation of portions of the Federal PSD program to the State of Connecticut. In brief, the State of Connecticut will be responsible for receiving and processing all State permit applications for which PSD review is required. DEP will make a determination of the best available control technology to be required by the source (called a "BACT determination"), and prepare a modeling analysis of the source's ambient impacts. The state will either issue a permit which incorporates all conditions necessary to meet P SD requirements, enter into a consent order with the source which includes the necessary conditions, or request EPA to issue the PSD permit. EPA will retain authority for making a determination that a particular applicant is subject to PSD requirements, and for the increment consumption and tracking provisions of the PSD program. The conditions of the delegation are delineated in "Attachment A", "Conditions and Specifications to PSD Delegation to Connecticut", of the Regional Administrator's letter to the State dated September 29, 1982.

Effective immediately, all applications and other information pursuant to 40 CFR 52.21 for sources locating in the State of Connecticut should be sent directly to DEP at the following address: Department of Environmental Protection, Air Compliance Unit, State Office Building, 165 Capitol Avenue, Hartford, Connecticut 06106.

Dated: April 1, 1983.

Lester A. Sutton, P.E.,

Regional Administrator, Region I.

[FR Doc. 83-10070 Filed 4-14-83: 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-2348-2]

Availability of Environmental Impact Statements Filed April 4 Through April 8, 1983 Pursuant to 40 CFR 1506.9

RESPONSIBLE AGENCY: Office of Federal Activities, General Information (202) 382–5075 or 382–5076.

Corps of Engineers:
- EIS No. 830184, Final, COE, KY, Northern Kentucky Port Authority Riverport/ Industrial Park, Permit, Due: May 16, 1983
- EIS No. 830186, Final, COE, AA, Grays Harbor/Chehalis and Hoquiam Rivers Channel Improvements, Due: May 16, 1983
- EIS No. 830194, FSuppl, COE, NY, Ellicott Creek Flood Control, Erie County, Due: May 16, 1983
- EIS No. 830197, Final, COE, MS, Yazoo Area Pump Project, Yazoo Backwater Area Flood Control, Due: May 16, 1983
- EIS No. 830199, Final, COE, SEV, NY, NJ, Port of New York and New Jersey Disposal of Dredged Material, Due: May 16, 1983

Department of the Interior:
- EIS No. 830192, Draft, BLM, CA, Alturas Resource Area Resource Mgmt. Plan, Lassen and Modoc Counties, Due: July 15, 1983
- EIS No. 830198, Final, MMS, AK, OCS Arctic Sand and Gravel Lease Sale, Beaufort Sea, Due: May 16, 1983

Department of Transportation:
- EIS No. 830188, Draft, FHW, NY, NY–395 Upgrading, NY–474 to Prendergast Avenue, Chautauqua County, Due: June 3, 1983
- EIS No. 830189, Draft, FHW, WA, Marine Drive Corridor Improvement, I–5 to Rainwater Rd., Snohomish Co., Due: June 1, 1983
- EIS No. 830183, DSuppl, FHW, CA, CA–7/ Long Beach Freeway Construction, I–10 to I–210, Los Angeles Co., Due: July 15, 1983
- EIS No. 830187, Final, FHW, LA, Bossier Red River Parkway Improvement, LA–511 to I–20, Bossier Parish, Due: May 16, 1983
- EIS No. 830190, Final, FHW, OH, US 250 Relocation, City of Cadiz to I–70, Harrison and Belmont Cos., Due: May 16, 1983
- EIS No. 830191, Final, FHW, OK, US 169/ Mingo Valley Expressway Construction, US 169 to US 64, Due: May 16, 1983
- EIS No. 830200, FSuppl, FHW, PA, I–579 and I–279 Construction, Allegheny County, Due: May 16, 1983
- EIS No. 830195, Final, UMT, MD, Washington Metrorail System, W Hyattsville Segment, Prince Grorges Co., Due: May 16, 1983

Environmental Protection Agency:
- EIS No. 830193, Draft, EPA, WA, Seattle Metropolitan Sludge Management Plan, Approval, Due: May 30, 1983
- EIS No. 830196, Draft, EPA, KS, Metropolitan Topeka WWT Facilities, Grant, Shawnee County, Due: May 30, 1983

Department of Housing and Urban Development:
- EIS No. 830185, Final, CBD, NY, Galleries of Syracuse, Syracuse CBD Redevelopment, UDAG, Onondaga Co., Due: May 16, 1983

Department of Agriculture:
- EIS No. 830182, Draft, SCS, GA, Big Cedar Creek Watershed Flood Control Plan, Polk and Floyd Counties, Due: May 30, 1983

Department of Justice:
- EIS No. 830201, Draft, BOP, LA, Oakdale Alien Detention Center, Construction, Allen Parish, Due: May 30, 1983

Amended Notices:
- EIS No. 830138, Draft, AFS, CA, Gasquet Mtn. Mining Project, Approval, Six Rivers NF, Del Norte Co., Published FR 03/18/83—Review extended, Due: May 20, 1983
- EIS No. 830099, Draft, NOA, ATL, Bluefish Fishery Management Plan, Western Atlantic, Published FR 02/25/83—Review extended, Due: June 3, 1983
- EIS No. 830172, Draft, BLM, ID, Eastern Idaho Wilderness Study Areas, Designation, Published FR 04/01/83—Review extended, Due: July 1, 1983

Dated: April 12, 1983.

Pasquale A. Alberico,

Acting Director, Office of Federal Activities.

[FR Doc. 83-10131 Filed 4-14-83: 8:45 am]

BILLING CODE 6560-50-M

[A-10-FRL 2347-8]

PSD Applicability Determination; American Potato Co.

Notice is hereby given that the Environmental Protection Agency has determined that the American Potato Company's proposed boiler at Blackfoot, Idaho, is not subject to PSD review. The August 7, 1980 PSD regulations required that the construction or modification of a major stationary source was subject to PSD review if the resulting increase in potential emissions was greater than the significant levels. Using the August 1980 definition of potential to emit, EPA has reviewed the projected emissions from the subject facility and has concluded that potential emission increases are less than the PSD applicability threshold amounts.

The applicant was notified of this determination on January 21, 1983.

Under Section 307(b)(1) of the Clean Air Act, judicial review of the PSD permit is available *only* by the filing of a petition for review in the Ninth Circuit Court of Appeals within 60 days of today. Under section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Copies of the permit are available for public inspection upon request at the following location: EPA, Region 10, 1200 Sixth Avenue, Room 11D, Seattle, Washington 98101.

FOR FURTHER INFORMATION CONTACT: Kristine A. Flint (206) 442-7154.

Dated: April 1, 1983.

John R. Spencer,

Regional Administrator.

[FR Doc. 83-10088 Filed 4-14-83; 8:45 am]

BILLING CODE 6560-50-M

PSD Applicability Determination; Texaco, Inc.

Notice is hereby given that the Environmental Protection Agency has determined that Texaco, Incorporated's proposed delayed coking unit at Anacortes, Washington, is not subject to PSD review. The August 7, 1980 PSD regulations required that the construction or modification of a major stationary source was subject to PSD review if the resulting increase in potential emissions was greater than the significant levels. Using the August 1980 definition of potential to emit, EPA has reviewed the projected emissions from the subject facility and has concluded that potential emission increases are less than the PSD applicability threshold amounts.

The applicant was notified of this determination on December 29, 1982.

Under Section 307(b)(1) of the Clean Air Act, judicial review of the PSD permit is available only by the filing of a petition for review in the Ninth Circuit Court of Appeals within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Copies of the permit are available for public inspection upon request at the following location: EPA, Region 10, 1200 Sixth Avenue, Room 11D, Seattle, Washington 98101.

FOR FURTHER INFORMATION CONTACT: Kristine A. Flint (206) 442-7154.

Dated: April 1, 1983.

John R. Spencer,

Regional Administrator.

[FR Doc. 83-10089 Filed 4-14-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

[MM Docket No. 83-326, File No. BP-811001 AG, et al.]

Star Valley Broadcasting Co. et al.; Hearing Designation Order

Adopted: March 30, 1983.
Released: April 7, 1983.

In re applications of Star Valley Broadcasting Co., Afton, Wyoming, Req: 1210 kHz, 250 W, 5 kW-LS, U, MM Docket No. *83-326*, File No. BP-811001AG; Mini-Cassia Broadcasting, Inc., KBAR, Burley, Idaho, Has: 1230 kHz, 250 W, 1 kW-LS, U, Req: 1210 kHz, 500 W, 5 kW-LS, U, MM Docket No. 83-327, File No. BP-811117AK; Western Wyoming Radio, Inc., Afton, Wyoming, Req: 1210 kHz, 250 W, 5 kW-LS, U, MM Docket No. 83-328, File No. BP-811229AG; Beardslee Broadcasting, Inc., Meridian, Idaho, Req: 1210 kHz, 500 W, 5 kW-LS, U, MM Docket No. 83-329, File No. BP-811229AI; for construction permit.

By the Chief, Mass Media Bureau:

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications for new AM broadcast stations and for changes in the facilities of one (1) AM station.

2. *Local Public Notice:* Applicants for new broadcast stations and for major changes in the facilities of existing stations are required to give local notice of the filing of their applications in accordance with Section 73.3580 of the Commission's Rules. They must then file proof of such notice or certify that they have or will comply with the public notice requirement. We have no evidence, however, that Mini-Cassia Broadcasting, Inc., Beardslee Broadcasting, Inc., and Western Wyoming radio have complied with the Rule; therefore, if they have not already done so, they must comply with § 73.3580 and file the required certification with the administrative Law Judge within 30 days of the release of this Order.

3. Section 73.24(g) of the Commission's Rules requires that the population within an applicant's proposed 1 V/m contour not exceed one percent (1%) of the population within the proposed 25 mV/m contour except in cases where the population within the 1 V/m contour is 300 or less. No information was submitted to show whether Beardslee's proposal comports with the Rule. Beardslee must file sufficient information to demonstrate its proposal complies with the Rule within 30 days of the release of this Order.

4. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed.[1] However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding. Although most of the applications are for different communities, they would serve substantial areas in common. Therefore, in addition to an issue to determine pursuant to Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service, a contingent comparative issue will be specified.

5. Accordingly, it is ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service for each proposal, and the availability of other primary aural services to such areas and populations.

2. To determine, in light of Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient, and equitable distribution of radio service.

3. To determine, in the event it is concluded that a choice among the applicants should not be based solely on considerations relating to Section 307(b), which of the proposals would, on a comparative basis, best serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications, if any, should be granted.

6. It is further ordered, That Mini-Cassia Broadcasting, Inc., Beardslee

[1] Operation with the facilities specified herein is subject to modification, suspension or termination without right to hearing, if found by the Commission to be necessary in order to conform to the Final Acts of the ITU Administrative Conference on Medium Frequency Broadcasting in Region 2, Rio de Janeiro 1981, and to bilateral and other multilateral agreements between the United States and other countries.

Broadcasting, Inc., and Western Wyoming Radio shall, within thirty (30) days of the release of this Order, certify to the Administrative Law Judge as to compliance with the local notice requirements of § 73.3580 of the Commission's Rules.

7. It is further ordered, That Beardslee Broadcasting, Inc., shall file, within thirty (30) days of the release of this Order, sufficient information to demonstrate its proposal complies with § 73.24(g) of the Commission's Rules.

8. It is further ordered, That to avail themselves of the opportunity to be heard and pursuant to § 1.221(c) of the Commission's Rules, the applicants shall within 20 days of the mailing of this Order, in person or by attorney, file with the Commission, in triplicate, written appearances stating an intention to appear on the dates fixed for the hearing and to present evidence on the issues specified in this Order.

9. It is further ordered, That pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, the applicants shall give notice of the hearing as prescribed by the rules, and shall advise the Commission of the publication of the notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Audio Services Division, Mass Media Bureau.

Appendix

The Commission has not yet received Federal Aviation Administration clearance for the antenna tower(s) proposed by the below listed applicant(s). Accordingly, it is further ordered, That the following issue is specified: To determine whether there is a reasonable possibility that a hazard to air navigation would occur as a result of the tower height(s) and location(s) proposed by Western Wyoming Radio.

It is further ordered, That the Federal Aviation Administration is made a party to the proceeding.

[FR Doc. 83-10048 Filed 4-14-83; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Form Submitted to the Office of Management and Budget for Clearance

The Federal Emergency Management Agency (FEMA) has submitted to the Office of Management and Budget the following information collection package for approval in accordance with the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Type: Preliminary Plan.

Title: Disaster Assistance Registration Form.

Abstract: Form is proposed to be tested, and if successful, will replace four forms currently in use with substantial decrease in burden hours. Information gathered is required to provide disaster assistance to respondents.

Type of Respondents: Individuals.

Number of Respondents: 2000.

Burden Hours: 1500.

Copies of the above information collection request and supporting documentation can be obtained by calling or writing the FEMA Clearance Officer, Linda Shiley, (202) 287-9906, 500 C Street, SW, Washington, DC 20472.

Comments should be directed to Ken Allen, Desk Officer for FEMA, Office of Information and Regulatory Affairs, OMB, Room 3225 New Executive Office Building, Washington, DC 20503.

Dated: April 11, 1983.

Walter A. Girstantas,

Director, Office of Administrative Support.

[FR Doc. 83-10041 Filed 4-14-83; 8:45 am]

BILLING CODE 7616-01-M

GENERAL SERVICES ADMINISTRATION

National Archives and Records Service

Advisory Committee on Preservation; Meeting

Notice is hereby given that the Executive Committee of the Advisory Committee on Preservation will meet on May 11, 1983 from 10:00 a.m. to 4:00 p.m., and May 12, 1983 from 9:00 a.m. to 4:00 p.m. in the McGraw-Hill Conference Room, 1221 Avenue of the Americas, New York, NY. This meeting will be devoted to preservation proposal review procedures as related to the mission of the National Archives.

The meeting will be open to the public. For further information call Alan Calmes, 202-523-3159.

Dated: April 7 1983.

G. N. Scaboo,

Acting Archivist of the United States.

[FR Doc. 83-10003 Filed 4-14-83; 8:45 am]

BILLING CODE 6820-26-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meeting is announced:

Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel

Date, time, and place. May 19 and 20, 9 a.m., Auditorium, 200 Independence Ave. SW., Washington, DC.

Type of meeting and executive secretary. Open public hearing, May 19, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 1 p.m.; closed committee deliberations, 2 p.m. to 5 p.m.; open public hearing, May 20, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 1 p.m.; closed committee deliberations, 2 p.m. to 3 p.m; open committee discussion, 3 p.m. to 5 p.m.; George C. Murray, National Center for Devices and Radiological Health (HFK-460), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7940.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of devices currently in use and makes recommendations for their regulation. The committee also reviews data on new devices and makes recommendations regarding their safety and effectiveness and their suitability for marketing.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committeee. Those desiring to make formal presentations should notify the executive secretary before May 5, and submit a brief statement of the general

nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. On May 19 the committee will discuss general issues relating to approvals of premarket approval applications (PMA's) for intraocular lenses (IOL's) and specific PMA's for IOL's. The committee will also discuss general issues relating to iris fixation IOL's. If discussion of all pertinent IOL issues is not completed, discussion will be continued the following day. On May 20 the committee may discuss PMA's or general issues relating to contact lenses or other ophthalmic products, including final review of the contact lens and contact lens care product guidelines.

Closed committee deliberations. On May 19 and 20 the committee will conduct reviews of PMA's for IOL applications. On May 20 the committee may also discuss trade secret or confidential commercial information relevant to PMA's for contact lens products. These portions of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and items reserved for the separate portions of each committeee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this Federal Register notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be requested from the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. The Federal Advisory Committee Act (FACA), as amended by the Government in the Sunshine Act (Pub. L. 94–409), permits such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed, however, shall be closed for the shortest possible time, consistent with the intent of the cited statutes.

The FACA, as amended, provides that a portion of a meeting may be closed where the matter for discussion involves a trade secret; commercial or financial information that is privileged or confidential; information of a personal nature, disclosure of which would be a clearly unwarranted invasion of personal privacy; investigatory files compiled for law enforcement purposes; information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action; and information in certain other instances not generally relevant to FDA matters.

Examples of portions of FDA advisory committee meetings that ordinarily may be closed, where necessary and in accordance with FACA criteria, include the review, discussion, and evaluation of drafts of regulations or guidelines or similar preexisting internal agency documents, but only if their premature disclosure is likely to significantly frustrate implementation of proposed agency action; review of trade secrets and confidential commercial or financial information submitted to the agency; consideration of matters involving investigatory files compiled for law enforcement purposes; and review of matters, such as personnel records or individual patient records, where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Examples of portions of FDA advisory committee meetings that ordinarily shall not be closed include the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices; consideration of labeling requirements for a class of marketed drugs or devices; review of data and information on specific investigational or marketed drugs and devices that have previously been made public; presentation of any other data or information that is not exempt from public disclosure pursuant to the FACA, as amended; and, notably deliberative sessions to formulate advice and recommendations to the agency on matters that do not independently justify closing.

Dated: April 6, 1983.

Mark Novitch,

Acting Commissioner of Food and Drugs.

[FR Doc. 83-9652 Filed 4-14-83; 8:45 am]

BILLING CODE 4160-01-M

National Institutes of Health

Biometry and Epidemiology Contract Review Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Biometry and Epidemiology Contract Review Committee, National Cancer Institute, National Institutes of Health, May 5–6, 1983, Building 31C, Conference Room 10, Bethesda, Maryland 20205. This meeting will be open to the public on May 5, from 9 a.m to 9:30 a.m., to review administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on May 5, from 9:30 a.m. to recess; and on May 6, from 8:30 a.m. to adjournment, for the review, discussion and evaluation of individual contract proposals. These proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the proposals, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committeee Management Officer, National Cancer Institute, Buiding 31,

Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Wilna A. Woods, Executive Secretary, Biometry and Epidemiology Contract Review Committee, National Cancer Institute, Westwood Building, Room 822, National Institutes of Health, Bethesda, Maryland 20205 (301/496–7153) will furnish substantive program information.

Dated: April 7, 1983.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 83–10052 Filed 4–14–83; 8:45 am]

BILLING CODE 4140–01–M

Board of Scientific Counselors, Division of Cancer Cause and Prevention; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, Division of Cancer Cause and Prevention, National Cancer Institute, June 6–7, 1983, National Institutes of Health, Building 31, C Wing, Conference Room 10, Bethesda, Maryland 20205. The meeting will be open to the public from 11:00 a.m. to recess on June 6, and from 9:00 a.m. to adjournment on June 7, for a discussion and update of the Division budget and review of concepts for grants and contracts. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on June 6, from 9:00 a.m. to approximately 11:00 a.m., for the review, discussion and evaluation of individual programs and projects conducted by the Division of Cancer Cause and Prevention. These discussions could reveal personal information concerning individuals associated with the programs and projects, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. David McB. Howell, Executive Secretary, Board of Scientific Counselors, DCCP, National Cancer Institute, Building 31, Room 11A04, National Institutes of Health, Bethesda, Maryland 20205 (301/496–6927) will furnish substantive program information.

Dated: April 7, 1983.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 83–10057 Filed 4–14–83; 8:45 am]

BILLING CODE 4140–01–M

Board of Scientific Counselors; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases (NIADDK), May 5, 6, and 7, 1983. National Institutes of Health, Building 2, Room 102, Bethesda, Maryland 20205.

This meeting will be open to the public from 8:00 p.m. to 9:30 p.m. on May 5, from 9:00 a.m. to 12:05 p.m. and from 2:00 p.m. to 4:15 p.m. on May 6, from 9:00 a.m. to 11:30 a.m. on May 7. The open portion of the meeting will be devoted to scientific presentations by various laboratories of the NIADDK Intramural Research Program. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 7:30 p.m. to 8:00 p.m. and 9:30 p.m. to 10:00 p.m. on May 5, from 12:05 p.m. to 2:00 p.m. and 4:15 p.m. to adjournment on May 6, and from 11:30 a.m. to adjournment on May 7, for the review, discussion and evaluation of individual intramural programs and projects conducted by the NIADDK, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Summaries of the meeting and rosters of the members will be provided by the Committee Management Office, National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases, Building 31, Room 9A46, Bethesda, Maryland 20205. Further information concerning the meeting may be obtained by contacting the office of Dr. Elizabeth Neufeld, Acting Executive Secretary, Board of Scientific Counselors, National Institutes of Health, Building 10, Room 9N–222, Bethesda, Maryland 20205, (301) 496–4128.

Dated: April 7, 1983.

Betty J. Beveridge,

National Institutes of Health, Committee Management Officer.

[FR Doc. 83–10058 Filed 4–14–83; 8:45 am]

BILLING CODE 4140–01–M

National Advisory Child Health and Human Development Council; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Advisory Child Health and Human Development Council, May 16–17, 1983, in Building 31, Conference Room 10, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public on May 16 from 9:00 a.m. until 5:00 p.m. The agenda includes a report by the NICHD Director, Council subcommittee reports, and a panel presentation on Contraceptive Development and Evaluation. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on May 17 from 9:00 a.m. to adjournment for the review, discussion, and evaluation of individual grant applications. The applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs Majorie Neff, Council Secretary, NICHD, Landow Building, Room 6C08, National Institutes of Health, Bethesda, Maryland 20205, Area Code 301, 496–1485, will provide a summary of the meeting and a roster of Council members as well as substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.864, Population Research, and 13.865, Research for Mothers and Children, National Institutes of Health)

Dated: April 7, 1983.

Betty J. Beveridge.

Committee Management Officer, National Institutes of Health.

[FR Doc. 83–10053 Filed 4–14–83; 8:45 am]

BILLING CODE 4140–01–M

National Advisory Environmental Health Sciences Council; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Advisory Environmental

Health Sciences Council, May 23–24, in Building 31C, Conference Room 7, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public on May 23, from 9 a.m. to approximately 12 noon, for the report of the Director, NIEHS, and for discussion of the NIEHS budget, program policies and issues, recent legislation, and other items of interest. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on May 23, from approximately 1:00 p.m. to adjournment on May 24, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Winona Herrell, Committee Management Officer, NIEHS, Bldg. 31, Rm. 2B55, NIH, Bethesda, Md. 20205, (301) 496–3511, will provide summaries of the meeting and rosters of council members.

Dr. Wilford L. Nusser, Associate Director for Extramural Program, NIEHS, P.O. Box 12233, Research Triangle Park, North Carolina 27709, (919) 541–7723, FTS 629–7723, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.112, Characterization of Environmental Health Hazards; 13.113, Biological Response to Environmental Health Hazards; 13.114, Applied Toxicological Research and Testing; 13.115, Biometry and Risk Estimation; 13.894, Resource and Manpower Development, National Institutes of Health)

Dated: April 7, 1983.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 83–10056 Filed 4–14–83; 8:45 am]

BILLING CODE 4140–01–M

National Advisory General Medical Sciences Council; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Advisory General Medical Sciences Council, National Institute of General Medical Sciences, National Institutes of Health, on May 19 and 20, 1983, Building 31, Conference Room 6, Bethesda, Maryland.

This meeting will be open to the public on May 19, 1983, from 8:30 a.m. to 12 noon for opening remarks; report of the Director, NIGMS; and other business of the Council. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on May 19 from approximately 1:00 p.m. to 5:00 p.m., and on May 20, 1983, from 8:30 a.m. until adjournment, for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Ann Diffenbach, Public Information Officer, National Institute of General Medical Sciences, National Institutes of Health, Building 31, Room 4A52, Bethesda, Maryland 20205, Telephone: 301, 496–7301 will provide a summary of the meeting and a roster of council members. Dr. Ruth L. Kirschestein, Executive Secretary, NAGMS Council, National Institutes of Health, Westwood Building, Room 926, Bethesda, Maryland 20205, Telephone: 301, 496–7891 will provide substantive program information.

(Catalog of Federal Domestic Assistance Programs Nos. 13–821, Physiology and Biomedical Engineering; 13–859, Pharmacology-Toxicology Research; 13–862, Genetics Research; 13–883, Cellular and Molecular Basis of Disease Research; and 13–880, Minority Access to Research Careers [MARC])

Dated: April 7, 1983.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 83–10054 Filed 4–14–83; 8:45 am]

BILLING CODE 4140–01–M

National Cancer Advisory Board and Board Subcommittees; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meetings of the National Cancer Advisory Board and its Subcommittees, May 15–18, 1983, National Cancer Institute, Building 31, C Wing, Conference Room 6, National Institutes of Health, Bethesda, Maryland 20205. Portions of the Board meeting and its Subcommittees will be open to the public to discuss committee business as indicated in the notice. Attendance by the public will be limited to space available.

Portions of these meetings will be closed to the public as indicated below in accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, NCI, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will furnish summaries of the meetings, substantive program information and rosters of members, upon request.

Name of Committee: *National Cancer Advisory Board.*

Dates of Meeting: May 16–18, 1983.

Place of Meeting: Building 31, C Wing, Conference Room 6 National Institutes of Health.

Open: May 16, 8:30 a.m.—adjournment, May 18, 8:30 a.m.—adjournment.

Agenda: Reports on activities of the President's Cancer Panel; the Director, National Cancer Institute; Respiratory Cancer; Tumor Cell Invasiveness; the Studies of Human T-Cell Lymphoma; and reports on the NCAB Subcommittees.

Closed session: May 17, 8:30 a.m.—adjournment.

Closure reason: To review grant applications.

Name of Committee: *Subcommittee on Organ Systems Program.*

Date of Meeting: May 15, 1983.

Place of Meeting: Building 31, C Wing, Conference Room 8 National Institutes of Health.

Open: May 15, 6:00 p.m.—adjournment.

Agenda: A discussion of the implementation of the Organ Systems Program.

Name of Committee: *ad hoc Subcommittee on Construction.*

Date of Meeting: May 16, 1983.

Place of Meeting: Building 31, C Wing, Conference Room 6 National Institutes of Health.

Closed: May 16, 4:30 p.m.—adjournment.

Closure reason: Review of construction grant applications.

Name of Committee: *Subcommittee on Planning and Budget.*

Date of Meeting: May 16, 1983.
Place of Meeting: Building 31, A Wing, Room 11A10 National Institutes of Health.
Open: May 16, 7:30 p.m.—adjournment
Agenda: A disussion of the status of the FY 1984 budget, update on Congressional appropriation hearing, and status of the FY 1985 by-pass budget.

Name of Committee: *Subcommittee on Special Actions for Grants.*
Date of Meeting: May 17, 1983.
Place of Meeting: Building 31, C Wing, Conference Room 6 National Institutes of Health.
Closed: May 17, 8:30 a.m.—adjournment.
Closure reason: Review of grant applications.

Name of Committee: *Subcommittee for the Review of Contracts and Budget of the Office of the Director.*
Date of Meeting: May 18, 1983.
Place of Meeting: Building 31, C Wing, Conference Room 7 National Institutes of Health.
Open: May 18, 1:00 p.m.—adjournment.
Agenda: Concept review of Office of the Director contracts for approval/disapproval and to review the Office of the Director budget.

Dated: April 7, 1983.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[CATALOG OF FEDERAL DOMESTIC ASSISTANCE PROGRAM NUMBERS:
13.392, project grants in cancer construction.
13.393, project grants in cancer cause and prevention.
13.394, project grants in cancer detection and diagnosis.
13.395, project grants in cancer treatment.
13.396, project grants in cancer biology.
13.397, project grants in cancer centers support.
13.398, project grants in cancer research manpower.
13.399, project grants and contracts in cancer control.]

[FR Doc. 83-10051 Filed 4-14-83; 8:45 am]
BILLING CODE 4140-01-M

National Heart, Lung, and Blood Advisory Council and its Manpower Subcommittee and Research Subcommittee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Heart, Lung, and Blood Advisory Council, National Heart, Lung, and Blood Institute, May 19-20, 1983, National Institutes of Health, 9000 Rockville Pike, Building 31, Conference Room 10, Bethesda, Maryland, 20205. In addition, meetings of the Manpower Subcommittee and the Research Subcommittee of the above Council will be May 18, 1983 at 8:00 p.m. in Building 31, Conference Rooms 9 and 10 respectively.

This meeting will be open to the public on May 19 from 9:00 a.m. to approximately 3:00 p.m., to discuss program policies and issues. Attendance by the public is limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and Section 10(d) of Pub. L. 92-463, the meeting of the Council will be closed to the public from approximately 3: 00 p.m. on May 19 to adjournment on May 20 for the review, discussion and evaluation of individual grant applications. The meetings of the Manpower Subcommittee and the Research Subcommittee of the above Council will be closed from 8:00 p.m. to adjournment on May 18 for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Terry Bellicha, Chief, Public Inquiry Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20205, (301) 496-4236, will provide summaries of the meetings and rosters of the Council members.

Dr. Jerome G. Green, Executive Secretary of the Council, Westwood Building, Room 7A-17, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496-7416, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.837, Heart and Vascular Diseases Research; 13.838, Lung Diseases Research; and 13.839, Blood Diseases and Resources Research, National Institutes of Health)

Dated: April 7, 1983.

Betty J. Beveridge,

National Institutes of Health, Committee Management Officer.

[FR Doc. 83-10065 Filed 4-14-83; 8:45 am]
BILLING CODE 4140-01-M

National Institute of Neurological and Communicative Disorders and Stroke; Meeting of the Board of Scientific Counselors

Pursuant to the Pub. L. 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Neurological and Communicative Disorders and Stroke, National Institutes of Health, May 5 and 6, 1983, Conference Room 1B07, Building 36, Bethesda, Maryland. This meeting will be open to the public from 10:30 a.m. to 5:00 p.m. on May 5 to discuss program planning and program accomplishments. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 9:00 a.m. until the conclusion of the meeting on May 6 for the review, discussion and evaluation of individual programs and projects conducted by the National Institutes of Health, including consideration of personnel qualifications and performances, the competence of individual investigators and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Freedom of Information Coordinator, Mr. Edward M. Donohue, Federal Building, Rm. 1004, 7550 Wisconsin Avenue, Bethesda, MD 20205, telephone 301/496-9231, will furnish summaries of the meeting and rosters of committee members.

The Executive Secretary from whom substantive program information may be obtained is Dr. Richard L. Irwin, Acting Director of the Intramural Research Program, NINCDS, Building 10, Room 5N214, NIH, Bethesda, MD 20205, telephone 301/496-4297.

(Catalog of Federal Domestic Assistance Program No. 13.356, National Institutes of Health)

Dated: April 7, 1983.

Betty J. Beveridge,

National Institutes of Health, Committee Management Officer.

[FR Doc. 83-10059 Filed 4-14-83; 8:45 am]
BILLING CODE 4140-01-M

National Institute of Neurological and Communicative Disorders and Stroke; Meeting of the Neurological Disorders Program Project Review A Committee

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Neurological Disorders Program Project Review A Committee, National Institutes of Health, May 25, 26, and 27.

1983 at Wellington Hotel, 2505 Wisconsin Avenue, Washington, D.C. 20007.

The meeting will be open to the public from 8:00 p.m. until 9:00 p.m. on May 25, 1983 to discuss program planning and program accomplishments. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(4), and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 8:00 a.m. on May 26 to adjournment on May 27, 1983 for the review, discussion and evaluation of individual grant applications. The applications and the discussion could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Sylvia Shaffer, Chief, Office of Scientific and Health Reports, Building 31, Room 8A03, NIH, NINCDS, Bethesda MD 20205 (Tel. No. 301/496–5751) will furnish summaries of the meeting and roster of committee members.

Dr. Leon Jack Greenbaum, Jr., Executive Secretary, Federal Building, Room 9C14, Bethesda, MD 20205 (Tel. No. 301/496–9223) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.852, Neurological Disorders Program, National Institutes of Health)

Dated: April 6, 1983.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 83–10061 Filed 4–14–83; 8:45 am]

BILLING CODE 4140–01–M

National Library of Medicine; Meetings of the Board of Regents, the Extramural Programs Subcommittee, the Lister Hill Center Subcommittee, and the Subcommittee on Pricing of NLM Services

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Board of Regents of the National Library of Medicine on May 26–27, 1983, in the NMAC Classroom, Lister Hill Center Building of the National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland. In connection with this meeting, the three subcommittees of the Board will meet on the preceding day, May 25, in the Lister Hill Center Building, as follows:

—Subcommittee on Pricing of NLM Services: 1:00–2:30 p.m., 7th-floor Conference Room
—Extramural Programs Subcommittee: 2:00–4:00 p.m., 5th-floor Conference Room
—Lister Hill Center Subcommittee: 2:30–5:00 p.m., 7th-floor Conference Room

The meeting of the Board will be open to the public from 9:00 a.m. to 5:00 p.m. on May 26 and from approximately 10:00 a.m. to adjournment on May 27 for administrative reports and program discussions. The entire meeting of the Lister Hill Center Subcommittee will be open to the public for discussions of program directions of the Lister Hill National Center for Biomedical Communications, and the entire meeting of the Subcommittee on Pricing will be open for a review of NLM pricing policies. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4), 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the entire meeting of the Extramural Programs Subcommittee on May 25 will be closed to the public, and the regular Board meeting on May 27 will be closed from 9:00 to 10:00 a.m. for the review, discussion, and evaluation of individual grant applications. These applications and the discussion could reveal confidential trade secrets or commercial property, such as patentable material and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Robert B. Mehnert, Chief, Office of Inquiries and Publications Management, National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland 20209, Telephone Number: 301–496–6308, will furnish a summary of the meeting, rosters of Board members, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Program No. 13.879—Medical Library Assistance, National Institutes of Health)

Dated: April 6, 1983.

Betty J. Beveridge,

National Institutes of Health, Committee Management Officer.

[FR Doc. 83–10060 Filed 4–14–83; 8:45 am]

BILLING CODE 4140–01–M

Office of the Secretary

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was published on April 8.

Health Care Financing Administration

Subject: Supplementary Information for the Determination of the Target Amount Under the Medicare Prospective Payment System (HCFA 1008)—New
Respondends: Hospitals participating in Medicare and subject to prospective payment
OMB Desk Officer: Fay S. Iudicello

Office of Human Development Services

Subject: Referral for WIN Registration (IM–3) (0980–0111)—Extension/No Change
Respondents: Local WIN projects
Subject: WIN 117–A, 117–B, SAV–4 and IM–9—New
Respondents: State and project WIN income maintenance agencies, SAU agencies
OMB Desk Officer: Milo Sunderhauf

Social Security Administration

Subject: Reporting Requirements for Targeted Assistance Grants for Services for Refugees in Local Areas of High Need—New
Respondents: State agencies responsible for the Refugee Resettlement Program
Subject: Social Security Administration Certificate of Support (SSA–760–F4 (5–83))—Revision
Respondents: Individuals or households
OMB Desk Officer: Milo Sunderhauf

Copies of the above information collection clearance packages can be obtained by calling the HHS Reports Clearance Officer on 202–245–6511.

Written comments and recommendations for the proposed information collections should be sent directly to both the HHS Reports Clearance Officer and the appropriate OMB Desk Officer designated above at the following addresses:

Joseph F. Costa, Acting HHS Reports Clearance Officer, Hubert H. Humphrey Building, Room 524–F, Washington, D.C. 20201

OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, D.C. 20503. ATTN: (name of OMB Desk Officer).

Dated: April 11, 1983.

Dale W. Sopper,

Assistant Secretary for Management and Budget.

[FR Doc. 83–10050 Filed 4–14–83; 8:45 am]

BILLING CODE 4150–04–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Cheyenne-Arapaho Tribes; Plan for the Use and Distribution of the Cheyenne-Arapaho Tribes of Oklahoma Judgment Funds in Dockets 342–70 and 343–70 Before the United States Court of Claims

April 6, 1983.

This notice is published in excerise of authority delegated by the Secretary of the Interior to the Assistant Secretary for Indian Affairs by 209 DM 8.

The Act of October 19, 1973 (Pub. L. 93–134, 87 Stat. 466), as amended, requires that a plan be prepared and submitted to Congress for the use or distribution of funds appropriated to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian tribe. Funds were appropriated on December 4, 1981, in satisfaction of the award granted to the Cheyenne-Arapaho Tirbes of Oklahoma in United States Court of Claims Dockets 342–70 and 343–70. The plan for the use and distribution of the funds was submitted to the Congress with a letter dated August 18, 1982, and was received (as recorded in the Congressional Record) by the House of Representatives on September 8, 1982, and by the Senate on September 9, 1982. The plan became effective on February 17, 1983, as provided by Section 5 of the 1973 Act since Congress did not adopt a resolution disapproving it.

The plan reads as follows:

"The funds appropriated on December 4, 1981, in satisfaction of an award granted by the United States Court of Claims in Dockets 342–70 and 343–70 to the Cheyenne-Arapaho Tribes of Oklahoma, including all interest and investment income accrued, less attorney fees and expenses, shall be distributed as herein provided.

The funds shall be utilized by the Business Committee of the Cheyenne-Arapaho Tribes of Oklahoma to fund, subject to the approval of the Secretary, a burial program for the benefit of tribal members.

None of the funds held in trust under the provisions of this Act shall be subject to Federal or State income taxes, and shall not be considered as income or resources when determining the extent of eligibility for assistance under the Social Security Act."

Kenneth Smith,

Assistant Secretary—Indian Affairs.

[FR Doc. 83–10043 Filed 4–14–83; 8:45 am]

BILLING CODE 4310–02–M

Pueblo of Isleta, New Mexico; Proclaiming Certain Lands as Part of the Indian Reservation; Correction

April 7, 1983.

The land description appearing in FR Doc. 82–9419, at page 15162 in the issue for Thursday, April 8, 1982, is hereby corrected by deleting "Sec. 18" and inserting in lieu thereof "Secs. 7 and 18" on the third line of the first paragraph.

John W. Fritz,

Acting Assistant Secretary—Indian Affairs.

[FR Doc. 83–10042 Filed 4–14–83; 8:45 am]

BILLING CODE 4310–02–M

Bureau of Land Management

[Exchange CA–13880]

Realty Action Public Lands in Mendocino County, California

The following described public land has been determined to be suitable for disposal under the provisions of Pub. L. 94–579, the Federal Land Policy and Managementd Act of 1976, Sec. 206 (90 Stat. 2756).

Mount Diablo Meridian

T. 14 N., R. 16 W.,
Sec. 31, NW¼SE¼.
T. 16 N., R. 14 W.,
Sec. 4, lot 5, S½NW¼, SE¼SW¼, SW¼SE¼;
Sec. 9, NW¼NE¼;
Sec. 28, SE¼NW¼, SW¼NE¼.
T. 17 N., R. 14 W.,
Sec. 10, lots 7 and 8;
Sec. 11, lot 7.
T. 20 N., R. 16 W.,
Sec. 7, lot 4,
T. 20 N., R. 17 W.,
Sec. 1, lots 5 and 6.
T. 21 N., R. 14 W.,
Sec. Sec. 6, lots 2, 3, 4, 5, 6, and 7, SE¼NW¼, E½SW¼, SW¼SE¼.
T. 21 N., R. 15 W.,
Sec. 1, E½ of lot 2.
T. 21 N., R. 16 W.,
Sec. 11, lot 3.
T. 22 N., R. 14 W.,
Sec. 5, lot 14;
Sec. 9, SW¼SW¼;
Sec. 21, NE¼SE¼;
Sec. 28, E½NE¼, NE¼SE¼;
Sec. 32, lots 3 and 4.
T. 23 N., R. 14 W.,
Sec. 30, lot 3, N½ lot 5 and N½ lot 6.
T. 23 N., R. 15 W.,
Sec. 21, SE¼SW¼;
Sec. 28, W½NE¼;
Sec. 32, lots 3, 4, 5 and 6, SE¼NE¼.
T. 23., R. 16 W.,
Sec. 3, lot 4, SW¼NW¼;
Sec. 4, lot 1, SE¼SE¼;
Sec. 9, NE¼NE¼SE¼;
T. 23 N., R. 17 W.,
Sec. 12, NE¼NW¼.
T. 24 N., R. 16 W.,
Sec. 15, S½SW¼;
Sec. 21, lots 1 and 2, SE¼NE¼, NE¼SE¼, SW¼SE¼;
Sec. 22, lots 1, 2 and 4.
T. 24 N., R. 18 W.,
Sec. 2, SW¼SW¼.
T. 24 N., R. 15 W.,
Sec. 9, SE¼NE¼;
Sec. 10, W½NW¼, NW¼SW¼.

Containing 2,614.17 acres.

Harwood Investment Company, P.O. Box 609, Willits, California 95490, has applied to acquire the above described lands in exchange for the following described privately owned lands.

Mount Diablo Meridian

Tract One

Parcel One

T. 23 N., R. 16 W.,
Sec. 29, SE¼NW¼.

Parcel Two

T. 23 N., R. 16 W.,
Sec. 19, lot 13.

Excepting therefrom that portion conveyed in the deed executed by Harwood Investment Co. to C. J. Fairhurst, Jr., dated June 7, 1976, recorded June 10, 1976 in Volume 1043 of Official Records, page 412, Mendocino County Records.

Parcel Three

T. 23 N., R. 16 W.,
Sec. 32, lots 6 and 7, NE¼SW¼, NW¼SE¼;

Parcel Four

T. 23 N., R. 16 W.,
Sec. 19, lots 9 and 14, S½NE¼, SE¼;
Sec. 20, W½SW¼.

Excepting therefrom the following:

1st: A strip of land of the uniform width of 200 feet lying along the West side of and being the Westerly 200 feet of Lot 9 of Section 19, Township 23 North, Range 16 West, Mount Diablo Meridian.

2nd: That portion of the Southwest quarter of Southwest quarter of Section 20, Township 23 North, Range 16 West, Mount Diablo Meridian, conveyed by Evelyn R. Schell to A. A. Wilson, by deed dated November 12, 1926, recorded in Volume 16 of Official Records, page 17, Mendocino County Records.

3rd: The right of way of the State Highway of the State of California.

4th: That portion conveyed by deed executed by Stanley J. Fairhurst et ux to State of California, dated August 24, 1967, recorded April 11, 1969 in Volume 789 of Official Records, page 124, and by Quit Claim deed executed by C. J. Fairhurst, Jr. et ux to State of California, dated August 28, 1967, recorded April 11, 1969 in Volume 789 of Official Records, page 127, Mendocino County Records.

5th: That portion conveyed by deed executed by C. J. Fairhurst, Jr. et ux to State of California, dated June 26, 1970, recorded August 20, 1970 in Volume 824 of Official Records, page 689, and by Quit Claim deed executed by California

Eastern Company, a limited partnership to State of California, dated June 26, 1970, recorded August 20, 1970 in Volume 824 of Official Records, page 692, Mendocino County Records.

6th: That portion conveyed in the deed executed by Harwood Investment Co. to C. J. Fairhurst, Jr., dated June 7, 1976, recorded June 10, 1976 in Volume 1043 of Official Records, page 412, Mendocino County Records.

Parcel Five

T. 22 N., R. 16 W.,
Sec. 5, lot 3, S½NW¼, NE¼SW¼;
Sec. 8, N½NE¼, E½W½, S½SE¼;
Sec. 9, lot 4.
T. 23 N., R. 16 W.,
Sec. 20, lot 7;
Sec. 29, lots 1, 2, 3, and 4, W½E½, E½SW¼, NW¼SW¼, W½NW¼; That portion of the NE¼NW¼ that lies East of the East line of the Eel River, excepting therefrom the East half of the NW¼NW¼;
Sec. 30, lots 1, 2, 4, 5, 6, 7, 8, 9, 10 and 12, W½E½, E½NE¼, NE¼SE¼;
Sec. 31, lots 1, 3 and 4, NW¼NE¼.

Parcel Six

Starting from the Southeast corner of the Southwest quarter of Southwest quarter of Section 20, Township 23 North, Range 16 West, Mount Diablo Meridian, according to the official plat of the survey of said land on file in the Bureau of Land Management; and running thence North on the line between the Southwest quarter of Southwest quarter and the Southeast quarter of the Southwest quarter of said Section 20, a distance of 244.60 feet to the point of beginning; thence North 56°13′ West 300 feet; thence North 0°25′ West 100 feet; thence South 56°13′ East 300 feet to the line between said subdivisions; thence South on said last mentioned line 100 feet, more or less, to the point of beginning.

Parcel Seven

T. 22 N., R. 16 W.,
Sec. 5, lots 1 and 2, SW¼NE¼, NW¼SE¼.

Parcel Eight

T. 23 N., R. 16 W.,
Sec. 28, SW¼SW¼;
Sec. 33, NW¼NW¼.

Parcel Nine

T. 23 N., R. 16 W.,
Sec. 32, lots 1, 2 and 3, E½NW¼, SW¼NW¼, NW¼SW¼.

Parcel Ten

An Easement as reserved in the Gift Deed executed by Harwood Investment Co., the general partnership whose statement of partnership was recorded August 29, 1972 in Book 898, Official Records, page 190, Mendocino County Records to Roman Catholic Bishop of Santa Rosa, a corporation sole, dated June 7, 1976, recorded June 10, 1976 in Book 1043, Official Records, page 409, described as follows:

"Reserving unto the grantor, however, non-exclusive easements for the purpose of travel and transportation of all sorts consisting of a 70 foot wide right of way along the route of an existing road, the portions of which are within the West half of the Northeast quarter of the Northwest quarter and the East half of the Northwest quarter of the Northwest quarter, Section 29, Township 23 North, Range 16 West, Mount Diablo Meridian, Mendocino County, California, 35 feet on either side of the following described centerline:

Beginning at a point of the centerline of the South Fork of the Eel River, said point being South 08° 21′ 12″ West, 3097.90 feet from the point of the centerline of State Highway 101 defined as mile Station 85.9 and B.C. 437 + 19.03, also defined by the California State Grid Coordinates of North 791,933.50 feet and East 1,536,293.06 feet, Zone 2, from said point of beginning South 07°12′ West, 25.00 feet; South 46°04′ East, 482.59 feet; South 70°24′ West, 89.78 feet; North 63°41′ West, 313.29 feet; North 50°41′ West, 255.19 feet; North 66°46′ West, 186.07 feet; North 45°38′ West, 134.33 feet; North 59°04′ West, 222.16 feet; South 78°24′ West, 149.78 feet; South 44°19′ East, 341.26 feet; South 49°23′ East 229.39 feet; South 27°04′ East, 149.54 feet; South 00°31′ East, 156.34 feet; South 54°36′ East, 220.35 feet, South 50°40′ East, 392.46 feet; South 31°14′ East, 270.95 feet; South 09°08′ West, 400.0 feet, more or less, to the South boundary of the West half of the Northeast quarter of the Northwest quarter, Section 29. (Bearings are in terms of the California State Grid, Zone 2).

Also the right to make minor adjustments in roadway alignment due to damage by natural causes or for the practical location within the approximate present location. The above conditions shall exist even though the adjustments or improvements will affect areas outside the above described right of way. It is understood that the intent is to maintain the road in its present location."

Parcel Eleven

An Easement as reserved in the deed executed by Harwood Investment Co., a general partnership to C.J. Fairhurst Jr., a single man dated June 7, 1976, recorded June 10, 1976 in Book 1043, Official Records, page 412, mendocino County Records, described as follows:

"A non-exclusive easement for the purposes of travel and transportation of all sorts consisting of a 70 foot wide right of way along the route of an existing road in Sections 19 and 20, Township 23 North, Range 16 West, Mount Diablo Base and Meridian, Mendocino County, California, 35 feet on either side of the following described centerline:

Beginning at a point on the Southerly boundary of the traveled portion of State Route 271, also called former Highway 101, said point being South 30°55′19″ West 786.59 feet from a point on the centerline of State Highway 101 defined as mile station 85.9 and B.C. 437 + 19.03, also defined by the California State Grid Coordinates of North 791,933.50 feet and East 1,536,293.06 feet, Zone 2, from said point of beginning South 50°38′ West 346.08 feet; South 87°50′ West 456.95 feet; North 87°24′ West 361.87 feet; North 61°52′ West 122.09 feet; South 59°56′ West 158.34 feet; South 32°37′ East 114.90 feet; South 50°20′ East 336.27 feet; South 40°45′ East 313.04 feet; South 68°42′ East 123.49 feet; South 46°46′ East 142.31 feet; South 88°10′ East 241.66 feet; South 35°56′ East 152.27 feet; South 35°44′ West 303.96 feet; South 07°53′ West 254.64 feet; South 15°00′ East 194.00 feet; South 40°15′29″ West 112.05 feet; South 45°08′ East 414.68 feet; South 38°39′ East 248.49 feet; South 07°12′ West 130.0 feet, more or less, to the centerline of the South Fork of the Eel River. Bearings are in terms of the California State Grid, Zone 2.

Also the right to make minor adjustments in roadway alignment due to damage by natural causes or for the practical location within the approximate present location. The above conditions shall exist even though the adjustments or improvements will affect areas outside the above described right of way. It is understood that the intent is to maintain the road in its present location.

Tract Two

T. 23 N., R. 16 W.,
Sec. 20, lot 6, E½SW¼, NW¼SE¼.

Tract Three

T. 21, N., R. 15 W.,
Sec. 6, W½SE¼, SE¼SE¼;
Sec. 7, NE¼NE¼.

A mineral evaluation has been requested on the public land. If any minerals are identified, a reservation of identified minerals will be made to the United States. If no minerals are identified, the mineral estate of the public lands will be conveyed with the surface. The mineral estate of the privately owned lands will be conveyed with the surface, unless previously reserved.

The publication of this notice in the Federal Register shall segregate the

applied for public lands from all other forms of appropriation under the public land laws, including the mining laws, for a period of two years. The exchange is expected to be consummated before the end of that period.

The value of the lands to be exchanged is approximately equal and money will be used to equalize the values upon completion of the final appraisal of the lands.

There will be reserved to the United States in the applied for lands, a right-of-way thereon for ditches and canals constructed by the authority of the United States (43 U.S.C. 945).

The purpose of the exchange is to acquire non-Federal lands to consolidate public land ownership for more effective management in the Red Mountain and Scattered Blocks Planning Units. The exchange is in conformance with Bureau planning, and in the public interest.

Detailed information concerning the exchange, including the environmental analysis and the record of non-Federal participation, is available for review at the Eureka Area Office, BLM, 1585 J Street, P.O. Box II, Arcata, California 95521.

For a period of 45 days from the first publication of this notice interested parties may submit comments to the California State Director, Bureau of Land Management, E–2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825. Any adverse comments will be evaluated by the California State Director, who may vacate or modify this realty action and issue a final determination. In the absence of a vacation or modification, this realty action will become the final determination of the Bureau.

Van W. Manning,

District Manager.

April 5, 1983.

[FR Doc. 83–10031 Filed 4–14–83; 8:45 am]

BILLING CODE 4310–84–M

[I–18580]

Issuance of Land Exchange Conveyance Document; Exchange of Public and Private Lands; Fremont County, Idaho

April 6, 1983.

The United States has issued an exchange conveyance document to the Richard A. Egbert Limited Partnership, Tetonia, Idaho 83452, for the following—described lands under Section 206 of the Federal Land Policy and Management Act of 1976:

Boise Meridian, Idaho

T. 8 N., R. 37 E.
Sec. 25, SW¼SW¼;
Sec. 28, NE¼NE¼, SE¼.
Comprising 240.00 acres of public land.

In exchange for these lands, the United States acquired the following—described lands:

Boise Meridian, Idaho

T. 10 N., R. 41 E.
Sec. 8, SE¼SE¼;
Sec. 17, NE¼NE¼, S½NE¼.
Comprising 160.00 acres of private land.

The purpose of this exchange was to acquire the non-Federal land which will provide critical wildlife habitat for a rapidly growing elk herd which uses the land for spring and fall forage areas. The public interest was well served through completion of the exchange.

Louis B. Bellesi,

Deputy State Director for Operations.

[FR Doc. 83–10029 Filed 4–14–83; 8:45 am]

BILLING CODE 4310–84–M

[I–19390]

Idaho; Offer of Lands

1. Pursuant to the provisions of the Act of May 31, 1962 (76 Stat. 89), the following lands, found upon survey to be omitted lands of the United States, will be offered for sale:

Boise Meridian, Idaho

T. 4 S., R. 33 E.,
Sec. 1, lot 10, 7.76 acres;
Sec. 11, lot 2, 12.86 acres;
Sec. 12, lot 8, 12.65 acres;
Lot 9, 24.75 acres;
Lot 10, 10.20 acres;
Lot 11, 39.95 acres;
Lot 14 (portion), 16.00 acres (approx.) (cultivated portion on high ground atop lava ridge);
NE¼SW¼ (portion), 24.00 acres (approx.) (cultivated portion on high ground atop lava ridge);
Sec. 14, lot 9, 19.75 acres;
Lot 10 (portion), 18.00 acres (approx.) (cultivated portion on high ground atop lava ridge);
Lot 11 (2 portions), 18.00 acres (approx.) (cultivated portion on high ground atop lava ridge);
Lot 12 (portions), (cultivated portion on high ground atop lava ridge);
Sec. 27, lot 10 (portion), 15.00 acres (approx.) (portion lying west of slought).

These areas aggregate 240.92 acres, more or less.

2. The plat of survey was filed in the public land records in Boise, Idaho at 10 a.m. on August 3, 1981.

3. Persons claiming a preference right in accordance with the provisions of the Act, must file with the Bureau of Land Management, 940 Lincoln Road, Idaho Falls, Idaho 83401, before June 30, 1983, a notice of their intention to apply to purchase all or part of the lands as qualified preference right claimants.

4. The Act grants a preference right to purchase the above lands to any citizens of the United States (including corporations, partnerships, firms, or other legal entity having authority to hold title to lands in the State of Idaho) who, in good faith, under color of title or claiming as a riparian owner has, prior to March 30, 1961, placed valuable improvements upon, reduced to cultivation, or occupied any of the lands so offered for sale, or whose ancestors or predecessors in interest have taken such action.

5. The lands are determined to be suitable for sale and will be sold at their fair market value subject to:

(a) Qualified preference right claims.

(b) A reservation to the United States of all the coal, oil, gas, oil shale, phosphate, potash, sodium, native asphalt, solid and semisolid bitumen and bituminous rock, including oil-impregnated rock or sands from which oil is recoverable only by special treatment after the deposit is mined or quarried, together with the right to prospect for, mine, and remove the same.

(c) A reservation to the United States of a 100-foot strip of land along and parallel to the banks of the Snake River for use of the public for access and recreation.

(d) All valid existing rights for ditches, canals, and powerlines.

The following lands, presently encumbered by placer mining claims, may be offered for sale at a later date should the mining claims be relinquished or invalidated:

Boise Meridian, Idaho

T. 4 S., R. 33 E.,
Sec. 22, lot 6 (portion), lot 7 (portion), lot 9 (portion);
Sec. 27, lot 9 (portions).

Louis B. Bellesi,

Deputy State Director for Operations.

[FR Doc. 83–10073 Filed 4–14–83; 8:45 am]

BILLING CODE 4310–84–M

[OR 24850 (Wash.)]

Realty Action—Sale of Public Land in Yakima County, Washington

This Notice amends the original Notice of Realty Action published January 6, 1983 (48 FR 743), and the Notice published March 3, 1983 (48 FR 9075).

The sale will be held on May 4, 1983, in Room 232 at the Yakima County Courthouse, North 1st and B Streets, Yakima, Washington. Registration of

bidders will begin at 9:00 a.m. and the sale will start at 10:00 a.m.

Sealed bids will be accepted until 4:00 p.m. on April 29, 1983, at the Bureau of Land Management, Spokane District Office, East 4217 Main Avenue, Spokane, WA 99202. Sealed bid envelopes must be marked in the lower left-hand corner as follows: "Public Sale Bid Parcel No. ——, Serial No. OR 24850. Sale held on May 4, 1983."

If any of the parcels are not sold on May 4, 1983, they will remain available for sale, at the Bureau of Land Management, Spokane District Office, on a continuing basis until removed from market.

Information about the sale is available at the BLM, Spokane District Office, at the above address.

Date of Issuance: April 5, 1983.

Roger W. Burwell

District Manager.

[FR Doc. 83-10044 Filed 4-14-83; 8:45 am]

BILLING CODE 4310-84-M

[ES 32295, Survey Group 129]

Minnesota; Notice of Filing of Plat of Survey

1. On November 30, 1980, the plat representing the survey of two islands in Lake Johanna and one island in Kittleson Lake, which were omitted from the original survey in T. 123 N., R. 36 W., Fifth Principal Meridian, Minnesota, was accepted. It will be officially filed in the Eastern States Office, Alexandria, Virginia, at 7:30 a.m. on May 31, 1983.

The islands listed below describe the lands omitted from the original survey.

Fifth Principal Meridian, Minnesota

T. 123 N., R. 36 W.,
Tract Nos. 37, 38, and 39.

2. The elevations of the islands described above rise from 2 to 11 feet above the ordinary high water marks of the lakes in which they are located. Forest vegetation consists of ash, elm, basswood, birch, poplars, and willow. Large trees were found on the islands which have been determined to be over 80 years old by ring count. The undergrowth consists of currant, willow brush, grasses, choke cherry, and briars.

3. The geologic composition and elevation of the islands being similar to the geologic composition and elevation of the surveyed lands along the shores of Lake Johanna and Kittleson Lake, attests to the fact that these islands existed on February 28, 1858, the date of the original survey and on May 11, 1858, when Minnesota entered the Union.

4. The areas described above were found to be over 50 percent upland in character within the purview of the Swamp Lands Act of September 28, 1850 (9 Stat. 519). They are, therefore, held to be public land.

5. All inquiries relating to these lands should be sent to the Deputy State Director for Lands and Minerals Operation, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304 on or before May 31, 1983.

Jeff O. Holdren,

Deputy State Director for Lands and Minerals Operations.

[FR Doc. 83-10086 Filed 4-14-83; 8:45 am]

BILLING CODE 4310-84-M

[ES 32054, Survey Group 146]

Minnesota; Filing of Plat of Survey

1. On October 5, 1982, the plat representing the survey of one island in T. 115 N., R. 29 W., Fifth Principal Meridian, Minnesota, was accepted. It will be officially filed in the Eastern States Office, Alexandria, Virginia, at 7:30 a.m. on May 31, 1983.

The island listed below describes the land omitted from the original survey.

Fifth Principal Meridian, Minnesota

T. 115 N., R. 29 W.,
Tract No. 37.

2. Tract No. 37 rises about 20 feet above the ordinary high water mark of Lake Addie, and is composed of glacial till and granite boulders. Its character is similar in all respects to that of the adjacent surveyed lands. Timber on this Tract consists of oak, elm, ash, willow, cottonwood, and maple. The ground cover consists mainly of willow. An oak tree measuring 20 inches in diameter was found to be approximately 100 years old. Tree stumps were found on this Tract.

3. The elevation of Tract No. 37, similarity of timber succession on the island and mainland, age of timber present, composition of the soil and character of the channel, show conclusively that this body of land existed as an island in 1858 when Minnesota was admitted into the Union, and at all subsequent dates.

4. The area described above is more than 50 percent upland in character within the purview of the Swamp Lands Act of September 28, 1850 (9 Stat. 519). It is therefore held to be public land.

5. All inquiries relating to this land should be sent to the Deputy State Director for Lands and Minerals Operations, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304 on or before May 31, 1983.

Jeff O. Holdren,

Deputy State Director for Lands and Minerals Operations.

[FR Doc. 83-10006 Filed 4-14-83; 8:45 am]

BILLING CODE 4310-84-M

[ES 24622A, Survey Group 114]

Minnesota; Notice of Filing of Plat of Survey

1. On December 5, 1979, the plat representing the dependent resurvey of the boundaries of Secs. 23 and 24, designed to restore the corners in their true original locations, and the reestablishment of a portion of the record meander lines of Secs. 23 and 24, to include lands erroneously omitted from the original survey in T. 62 N., R. 11 W., Fourth Principal Meridian, Minnesota, was accepted. It will be officially filed in the Eastern States Office, Alexandria, Virginia, at 7:30 a.m. on May 31, 1983.

The areas listed below describe the lands omitted form the original survey.

Fourth Principal Meridian, Minnesota

T. 62 N., R. 11 W.,
Sec. 23, Lots 11 and 12; and
Sec. 24, Lots 10, 11 and 12.

2. Distinct vegetative types are related to topographic position. Most of the upland area is forested with red and sugar maple, paper and yellow birch, ash, white spruce, black and white pine, balsam fir, aspen basswood and scattered Eastern hemlock. In the understory, mountain maple, raspberry briars, native grasses and sedges are found. Black spruce and tamarack become common in pure stands as the sites become boggier. Black ash are found scattered in these swamp areas; marsh grasses, alder, sedges and sphagnum moss are found in the understory. Unforested lowland bogs support dense alder growth and mounds of marsh grasses, sedges and moss. Numerous decayed stumps are mute evidence that the omitted uplands were once covered with a fine stand of old growth of Eastern white pine. The two remaining old growth Eastern white pine, located in the omitted upland area of Section 24, give a ring count as follows: a white pine measuring 52 inches in diameter was aged at approximately 97 years old. A white pine 36 inches in diameter was aged at 147 years old.

3. Lot 11 Sec. 23 and Lots 10, 11 and 12 Sec. 24, were found to be over 50 percent swamp and overflowed in character within the purview of the Swamp Lands

Act of September 28, 1850 (9 Stat. 519). These lands will only be open for selection by the State under the Act.

Lot 12 Sec. 23 was determined to be over 50 percent upland within the purview of the Act referenced above. Therefore, this lot is held to be public land.

4. All inquiries relating to these lands should be sent to the Deputy State Director for Lands and Minerals Operations, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304, on or before May 31, 1983.

Jeff O. Holdren,

Deputy State Director for Lands and Minerals Operations.

[FR Doc. 83-10007 Filed 4-14-83; 8:45 am]

BILLING CODE 4310-84-M

[ES 32053, Survey Group 133]

Minnesota; Notice of Filing of Plat of Survey

1. On October 6, 1982, the plat representing the survey of seven islands in T. 118 N., R. 30 W., Fifth Principal Meridian, Minnesota, was accepted. It will be officially filed in the Eastern States Office, Alexandria, Virginia, at 7:30 a.m. on May 31, 1983.

The islands listed below describe the lands omitted from the original survey

Fifth Principal Meridian, Minnesota

T. 118 N., R. 30 W.,

Tract Nos. 37, 38, 39, 40, 41, 42, and 43.

2. Tract No. 37 rises about 10 feet above the ordinary high water mark of Cedar Lake, and is composed of glacial till and granite boulders measuring up to 3 feet in diameter. Timber consists of oak, elm, ash, and basswood.

The island dTract No. 38 rises about 8 feet above the ordinary high water mark of Cedar Lake, and is composed of glacial till with scattered granite boulders. Timber consists of oak, elm, ash, basswood, and willow. The ground cover consists of dense growth dogwood, box elder, and sumac. Tree stumps were found on the island ranging up to 24 inches in diameter. An oak tree measuring 20 inches in diameter was determined to be 80 years of age by ring count.

Tract No. 39 rises about 18 feet in elevation above the ordinary high water mark of Cedar Lake, and is composed of glacial till with scattered granite boulders. This island has been cleared of all timber and replanted with pine and spruce trees. Tree stumps were found on the island.

The island Tract No. 40 rises about 6 feet above the ordinary high water mark of Cedar Lake and is composed of glacial till. The timber on the island consists of basswood, ash, elm, box elder, and oak. The ground cover consists of dense growth willow, sumac, and snowberry. A basswood tree measuring 24 inches in diameter was estimated at approximately 70 years old. Tree stumps were found on the island. Dead Snags up to 36 inches in diameter are present and were approximately 105 years of age at time of death.

Tract No. 41 rises about 8 feet above the ordinary high water mark of Cedar Lake, and is composed of glacial till and outcrops of granite. Timber consists of ash, box elder, and hackberry. The ground cover consists of willow and sumac. Tree stumps were found on this tract.

The island Tract No. 42 rises about 20 feet above the ordinary high water mark of Cedar Lake, and is composed of glacial till and outcrops of granite. Timber consists of elm, oak, cottonwood, ash, basswood, willow, aspen, hackberry, and cedar. The ground cover on the west side of the island consists of snowberry and sumac, while the east side of the island is fairly open. An elm tree measuring 24 inches in diameter was estimated at approximately 80 years of age. Tree stumps were found on the island ranging up to 30 inches in diameter.

Tract No. 43 rises about 20 feet above the ordinary high water mark of Cedar Lake, and is composed of glacial till and large granite boulders ranging up to 6 feet in diameter. Timber consists of oak, elm, basswood, ash, hackberry, willow, and cedar. An oak tree measuring 20 inches in diameter was found to be approximately 80 years old. Tree stumps were found on the island measuring up to 25 inches in diameter.

3. The elevations of the islands, presence of old stumps, similarity of timber succession on the island and mainland, composition of the soil and character of the channel, show conclusively that these tracts existed as islands in 1858 when Minnesota was admitted into the Union, and at all subsequent dates.

4. The areas described above were found to be over 50 percent upland in character within the purview of the Swamp Lands Act of September 28, 1950 (9 stat. 519). They are, therefore, held to be public land.

5. All inquiries relating to these islands should be sent to the Deputy State Director for Lands and Minerals Operations, Bureau of Land Management, 350 South Pickett Street, Alexandia, Virginia 22304, on or before May 31, 1983.

Jeff O. Holdren,

Deputy State Director for Lands and Minerals Operations.

[FR Doc. 83-10006 Filed 4-14-83; 8:45 am]

BILLING CODE 4310-84-M

Montana; Environmental Impact Statement; Resource Management Plan

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability of draft resource management plan/environmental impact statement and public hearings.

SUMMARY: Pursuant to Section 202(f) of the Federal Land Policy and Management Act of 1976 and Section 102(c) of the National Environmental Policy Act of 1969, a Draft Resource Management Plan/Environmental Impact Statement (RMP/EIS) has been prepared for the Billings Resource Area. The Billings Resource Area, Lewistown District, contains approximately 425,000 acres of public land located in South Central Montana, including Big Horn, Carbon, Golden Valley, Musselshell, Stillwater, Sweetgrass, Wheatland and Yellowstone Counties. The Draft RMP/EIS examines four management plan alternatives: (1) Continuation of existing management (no action); (2) Low level or resource production; (3) High level or environmental protection; and (4) Preferred management.

Public Participation: Copies of the Draft RMP/EIS are available from the Billings Resource Area Office, 810 E. Main, Billings, Montana 59105, phone (406) 657-6262. Public reading copies will be available for review at the following locations:

Office of Public Affairs, Location Building, 18th and C Streets NW., Washington, D.C. 20240;

BLM Montana State Office, Public Affairs Office, 222 N. 32nd Street, Billings, Montana 59107.

Written comments on the Draft RMP/EIS should be submitted between April 15 and July 15 (90-day comment period) to: Project Manager, Bureau of Land Management, 810 E. Main, Billings, Montana 59105. Oral or written comments will be received at formal public hearings to be held Tuesday, May 31 from 7 p.m. to 10 p.m. at the National Park Service Visitor Center, Lovell, Wyoming and June 1 from 7 p.m. to 10 p.m. at the Ramada Inn, Mullowney Land and I-90, Billings, Montana. Oral

or written comments concerning the adequacy of the Draft RMP/EIS will be considered in the preparation of the final RMP/EIS for the Billings Resource Area.

FOR FURTHER INFORMATION CONTACT: Project Manager, (406) 657–6262.

Michael J. Penfold,

State Director.

[FR Doc. 83-9827 Filed 4-14-83; 8:45 am]

BILLING CODE 4310-84-M

Minerals Management Service

Environmental Documents Prepared for Proposed Oil and Gas Operations on the Alaska Outer Continental Shelf (OCS)

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of availability of environmental documents prepared for OCS mineral pre-lease and exploration proposals on the Alaska OCS.

SUMMARY: the Minerals Management Service (MMS), in accordance with Federal regulations (40 CFR 1501.4 and 1506.6) that implement the National Environmental Policy Act (NEPA), announces the availability of NEPA-related environmental assessments (EAs) and findings of no significant impact (FONSIs) prepared by the MMS for the following oil and gas pre-lease and exploration activities proposed on the Alaska OCS. This listing includes all proposals for which environmental documents were prepared by the Alaska OCS Region in the 3-month period preceding this notice.

Activity/Operator

Exploration Drilling Program for Lower Cook Inlet; Chevron U.S Inc., as operator for itself.

Location

The proposed wells will be located within the boundaries of OCS Lease Y–0243, situated about 25 miles due west of Anchor Point. After drilling of the first well, the decision to drill subsequent wells will depend upon the results and interpretation of well data obtained in the preceding wells. The location of each well is described as follows:

Lease and well No.	Location	Latitude/longitude
OCS Y–0243 No.1	7025' FNL 5225' FEL	59°46'45" N. 152°36'00" W.
OCS Y–0243 No.2	3100' FLS 5000' FEL	59°45'50" N. 152°35'57" W.
OCS Y–0243 No. 3	17009' FNL 8400' FEL	59°47'37" N. 152°36'23" W.

Environmental Assessment

No. AK–83–01

FONSI Date

March 18, 1983.

SUPPLEMENTARY INFORMATION: The MMS prepares EAs and FONSIs for proposals which relate to exploration for oil and gas resources on the Alaska OCS.

The EAs examine the potential environmental effects of activities described in the proposals and present MMS conclusions regarding the significance of those effects. EAs are used as a basis for determining whether or not approval of the proposal constitutes major Federal actions that significantly affect the quality of the human environment in the sense of NEPA section 102(2)(C). A FONSI is prepared in those instances where the MMS finds that approval will not result in significant effects on the quality of the human environment. The FONSI briefly presents the basis for that finding and includes a summary or copy of the EA.

The FONSI and associated EA for the activity listed above are available for public inspection between the hours of 8 a.m. and 4 p.m., Monday through Friday (excluding lunch hour, 11:30 a.m. to 12:30 p.m.) at: Minerals Management Service, Alaska OCS Region, Office of the Regional Supervisor, Offshore Field Operations, 800 A Street, Suite 205, Anchorage, Alaska 99501, Phone: (907) 271–4303.

Persons interested in reviewing specific environmental documents or obtaining information about EAs and FONSIs prepared for activities on the Alaska OCS are encouraged to contact the above listed MMS office.

This notice constitutes the public notice of availability of environmental documents required under the NEPA regulations.

Alan D. Powers,

Regional Manager, Alaska OSC Region, Minerals Management Service.

[FR Doc. 83-10030 Filed 4-14-83; 8:45 am]

BILLING CODE 4310-MR-M

Advisory Committee on Minerals Accountability; Meeting

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of monthly meeting.

SUMMARY: The purpose of the Advisory Committee on Minerals Accountability is to develop over a 1-year period an expended policy of cooperation with States and Indian tribes in the royalty management area and to develop a detailed plan for carrying out Federal/State/Indian cooperation on a comprehensive basis. The purpose of the Advisory Committee meeting will be to hold a panel discussion on the results to date of the eight joint cooperative Federal/State audit efforts of royalty payments to the States.

The meeting will be open to the public. However, facilities and space to accommodate attendees are limited and persons will be acommodated on a first-come, first-serve basis. Any member of the public may file with the Advisory Committee a written statement concerning the matters to be discussed.

Notice of the next monthly meeting will be published 15 days before the meeting is to take place.

DATE: Wednesday, April 27, 1983, 9:00 a.m.

ADDRESS: Sheraton Inn-Tulsa, 2201 North 77th East Avenue, Tulsa, Oklahoma.

FOR FURTHER INFORMATION CONTACT: John Sullivan, Department of the Interior, 18th & C Streets, N.W., Room 4216, Washington, D.C. 20240, telephone: (202) 343–3526.

SUPPLEMENTARY INFORMATION: The Advisory Committee was created by the Secretary of the Interior on November 15, 1982 (Order No. 3071).

The Committee will have one or more Executive Sessions at this meeting.

Dated: April 12, 1983.

Harold E. Doley, Jr.,

Director, Minerals Management Service.

[FR Doc. 83-10047 Filed 4-14-83; 8:45 am]

BILLING CODE 4310-MR-M

Establishment of Procedures for a Voluntary Winnings Limit for Outer Continental Shelf Oil and Gas Leasing

AGENCY: Minerals Management Service, Interior.

ACTION: Extension of comment period.

SUMMARY: On March 16, 1983 (48 FR 11176), the Minerals Management Service (MMS) published in the **Federal Register** a Request for Comments. In that Request the MMS stated that the Department of the Interior was studying the possible use of procedures for receiving sealed bids in Outer Continental Shelf (OCS) oil and gas lease sales that would allow each bidder to establish a dollar limit on the

total of the high bids it wishes to have considered for acceptance. The objective of such a procedure would be to reduce unnecessary restraint in bidding by reducing the risk that bidders may overspend or underspend their budgets. That solicitation was intended to obtain comments and recommendations on whether there is a need for procedures to voluntarily limit winnings, and, if so, what procedures should be employed. The comment period was scheduled to expire on April 15, 1983. The comment period is extended to close of business, May 16, 1983.

DATE: Comments should be received by May 16, 1983.

ADDRESS: Director, Minerals Management Service, U.S. Department of Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Ms. Mary Vavrina, Minerals Management Service, MS 643, 12203 Sunrise Valley Drive, Reston, Virginia 22091, telephone (703) 860–7567.

Dated: April 11, 1983.

Robert L. Rioux,

Associate Director for Offshore Minerals Management.

[FR Doc. 83–9983 Filed 4–14–83; 8:45 am]

BILLING CODE 4310–MR–M

National Park Service

National Park System Advisory Board; History Areas Committee; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the History Areas Committee of the Natioinal Park System Advisory Board will be held on Sunday, May 1, 1983, commencing at 8 p.m. in the Cotton Exchange Room, Holiday Inn Mills House Hotel, Meeting and Queen Streets, Charleston, South Carolina.

The purpose of the Advisory Board is to advise the Secretary of the Interior on matters relating to the National Park System and the administration of the Historic Sites Act of 1935. At this meeting the History Areas Committee of the National Park System Advisory Board will meet to consider potential National Historic Landmarks as follows:

1. Cape Canaveral Air Force Station, Cape Canaveral, Florida.
2. Joseph Reynolds House, Bristol, Rhode Island.
3. John Neville House (Woodville), vic., Heidelburg, Pennsylvania.
4. David Bradford House, Washington, Pennsylvania.
5. David Espy House, Bedford, Pennsylvania.
6. H. L. Mencken House, Baltimore, Maryland.

The Committee will also consider a report on the proposed land protection plan for the Palo Alto Battlefield National Historic Site, Texas; and hear a report on the status and direction of the National Historic Landmarks Program and History program of the National Park Service.

The formal recommendations of the committee will be made to the National Park System Advisory Board at its meeting on May 2 and 3 at the Holiday Inn Mills House Hotel, Charleston, South Carolina. No formal action of the Secretary of the Interior will be sought until after the Advisory Board has considered the recommendations of the Committee and acted thereon.

The meeting will be open to the public. However, facilities and space to accommodate members of the public are limited and persons will be accommodated on a first-come, first-served basis. Any member of the public may file with the committee a written statement concerning the matters to be discussed.

Persons wishing further information concerning the meeting, or who wish to submit written statements, may contact Mr. Benjamin Levy, History Division, National Park Service, Washington, D.C. at (202) 343–8164. Summary minutes of the meeting will be available for public inspection 4 to 6 weeks after the meeting in room 4209, 1100 L Street NW, Washington, D.C.

Dated: April 11, 1983.

Jean C. Henderer,

Chief, Cooperative Activities Division, National Park Service.

[FR Doc. 83–10076 Filed 4–14–83; 8:45 am]

BILLING CODE 4310–70–M

Urban Park and Recreation Recovery Program

AGENCY: National Park Service, Interior.

ACTION: Notice of UPARR Grant Round FY 1983—Rehabilitation Grants.

SUMMARY: This notice explains the intent of the Urban Park and Recreation Recovery Program (UPARR) and Public Law 98–8, emergency jobs legislation, regarding the availability of grant funds and types of grant proposals to be submitted by eligible jurisdictions for the UPARR FY 1983 grant round.

FOR FURTHER INFORMATION CONTACT: Mr. Sam L. Hall, Recreation Grants Division, National Park Service, Department of the Interior, Washington, D.C. 20240, (202) 343–3700.

SUPPLEMENTARY INFORMATION: The next UPARR grant round is tentatively scheduled for announcement in June. Forty (40) million dollars is available for Rehabilitation grants in this FY 83 competitive grant round. These grants will be utilizing funds appropriated under Public Law 98–8, Title I, to meet urgent national needs and result in productive jobs. The tentative target date for the submission of preapplications to NPS Regional offices is May 16, 1983.

Eligible Jurisdictions: Only those jurisdictions eligible for UPARR grants which have an approved Recovery Action Program (RAP) on file with an NPS Regional Office, will be eligible to compete for Rehabilitation grants under this grant round. All projects will be in accord with priorities outlined in the approved RAPs.

Special Provisions of Public Law 98–8: Any UPARR eligible jurisdiction (as defined under "Eligible Jurisdictions" above) may apply for a Rehabilitation grant under this supplemental appropriation. Final selection of grants will, however, take into account the provisions of Section 101(a) of Public Law 98–8 which require that "75 per centum of the funds appropriated * * * shall be made available for projects and activities in civil jurisdictions with high unemployment * * *." For purposes of this legislation, a list of civil jurisdictions meeting the unemployment, labor surplus, pocket of poverty, or other targeting provisions of the Act will be published and maintained by the Department of Labor, and will be used in the competitive selection of UPARR Rehabilitation grants. Criteria outlined in P.L. 98–8, Title I, Section 101(a) will be used by the Department of Labor to determine that list of civil jurisdictions.

Grant Implementation and Timing: To assure rapid implementation of work to be accomplished under these grants, grantees are advised that funds appropriated under Public Law 98–8 "shall be available only for grants for which: (1) Obligations are entered into before October 1, 1983, (2) work will be in progress before January 1, 1984, and (3) all Federal funds will be outlayed before September 30, 1984." Failure to meet these time frames will be grounds for withdrawal of grant offers or termination of grants. Grantees are also required to comply with all applicable federal laws and regulations for the UPARR program, which includes completion of a final grant agreement within 120 days of the grant offer.

To increase the benefits of the funds available under this appropriation, it is the intent of the legislation to maximize the impact of grants on the grantee's

high rate of unemployment, and to assure rapid implementation of work to be accomplished under the grants. To facilitate rapid implementation and completion of grants, the Service may determine, in accord with UPARR regulation 36 CFR Part 72, §§ 72.44(a) and 72.53(d)(6) [as incorporated with 45 CFR 58339, September 3, 1980] that an emergency exists, and thereby allow particular UPARR applicant jurisdictions "to begin the project and incur costs following the tentative grant offer. Such incurred costs will only be reimbursed if the grant is approved by NPS." This means that grant applicants may be allowed to begin certain work on a selected proposal on a reimbursable basis at the time of the grant offer public announcement date. However, actual fund reimbursement will be contingent upon satisfactory completion of the final grant.

Preapplication Requirements: Chief Executives applying for UPARR grants will be required to certify, in the preapplication, that the grantee has matching funds available, and will comply with the time frame legislative requirements for fund outlay and work in progress on the grant. This preapplication requirement may necessitate emergency meetings of grantee funding bodies (city councils/county boards) to assure that matching funds are available at the time of grant certification. Matching fund levels, activities eligible for Rehabilitation grants, and other standard requirements and provisions of the UPARR regulations (45 FR 71714), as amended) will remain unchanged from earlier grant rounds.

These requirements must be met to assure rapid implementation of work under the grants, which will maximize the impact of the appropriating legislation to meet urgent national needs and result in productive jobs. It is the intent of Congress that Public Law 98–8 be promptly carried out, and that the severity of the economic situation demands immediate action. Interested applicants should consult their National Park Service Regional offices for further information and grant round schedule dates.

Regional Director, NPS, Western Regional Office, Box 36063, San Francisco, CA 94102, Tel: 415–556–0812; AZ, CA, HI, NV, American Samoa

Regional Director, NPS, Mid-Atlantic Reg. Ofc., 143 South Third Street, Philadelphia, PA 19106, Tel: 215–597–7995; CT, DC, DE, MD, ME, MA, NH, NJ, NY, PA, RI, VA, VT, WV

Regional Director, NPS, Midwest Regional Office, 1709 Jackson Street, Omaha, NE 68102, Tel: 402–221–3481; IL, IN, MI, MN, OH, WI

Regional Director, NPS, Southeast Regional Ofc., 75 Spring Street, SW, Atlanta, GA 30303, Tel: 404–221–2608; AL, FL, GA, KY, MS, NC, PR, SC, TN, GU, VI

Regional Director, NPS, Southwest Regional Ofc., P.O. Box 728, Santa Fe, NM 87501, Tel: 505–988–6815; AR, LA, NM, OK, TX

Regional Director, NPS, Rocky Mountain Reg. Ofc., P.O. Box 25287, Denver, CO 80225, Tel: 303–234–6560; CO, IA, KS, MO, MT, NE, ND, SD, UT, WY

Regional Director, NPS, Pacific Northwest Reg. Ofc., Western Building—Rm. 1920, 2001 6th Ave, Seattle, WA 98121, Tel: 206–442–4707; ID, OR, WA

(Catalog of Federal Domestic Assistance 15.919)

(Title X, National Parks and Recreation Act of 1978, Pub. L. 95–625, 16 U.S.C. 2501–2514)

Dated: April 8, 1983.

Russell E. Dickenson,

Director, National Park Service.

[FR Doc. 83–10129 Filed 4–14–83; 8:45 am]

BILLING CODE 4310–70–M

National Park System Advisory Board; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that meetings of the National Park System Advisory Board will be held on May 2, 3 and 4, 1983, in Charleston, South Carolina.

The purpose of the Advisory Board is to advise the Secretary of the Interior on matters relating to the National Park System and the Administration of the Historic Sites Act of 1935.

Commencing at 9 a.m. on May 2 and 3 at the Holiday Inn Mills House Hotel, Meeting and Queen Streets, Charleston, the Advisory Board will be meeting in general business sessions to consider administrative matters pertaining to the Board; receive and discuss several task force reports; consider and make recommendations on proposed national historic landmark designations; and review and discuss policy and management issues affecting the National Park System. On May 4, from 9 a.m. to 11:30 a.m., the Board will visit Fort Moultrie and the park headquarters.

The meetings on May 2 and 3 will be open to the public. However, space and facilities to accommodate members of the public are limited and persons will be accommodated on a first-come-first-served basis. Any member of the public may file with the Advisory Board a written statement concerning matters to be discussed. Persons wishing further information concerning this meeting or who wish to submit written statements may contact Shirley Luikens, Advisory Boards and Commissions, National Park Service, Washington, D.C. 20240 (202–343–2012).

Summary minutes of the meeting will be available for public inspection 10 to 12 weeks after the meeting in Room 3328, Interior Building, Washington, D.C.

Dated: April 11, 1983.

Jean C. Henderer,

Chief, Cooperative Activities Division, National Park Service.

[FR Doc. 83–10075 Filed 4–14–83; 8:45 am]

BILLING CODE 4310–70–M

Office of the Secretary

Decision on the Status of Kuwait Under the Mineral Leasing Act of 1920

AGENCY: Office of the Secretary, Interior.

ACTION: Notice of Decision on the Status of Kuwait under the Mineral Leasing Act of 1920.

SUMMARY: In a notice published in the **Federal Register** of July 8, 1982 (47 FR 29720), the Department of the Interior requested that the public, by August 9, 1982, submit written comments with information that would be used in determining whether Kuwait had been denying privileges to citizens or corporations of this country, within the meaning of section 1 of the Mineral Leasing Act of 1920 (30 U.S.C. 181). The comment period was later extended to October 8, 1982 (47 FR 35559; August 16, 1982). On March 10, 1983, the Secretary of the Interior announced his decision—that the laws, customs and regulations of Kuwait deny similar or like privileges to citizens and corporations of the United States. Therefore, citizens of Kuwait generally may not, through stock ownership, stock holding or stock control, own interests in petroleum leases or permits issued under the provisions of that Act.

EFFECTIVE DATE: The decision concerning the status of Kuwait was issued on March 10, 1983.

ADDRESS: Any inquiries or comments should be addressed to Director (130), Bureau of Land Management, 1800 C Street, N.W., Washington, D.C. 20204.

FOR FURTHER INFORMATION CONTACT: Mark A. Alexander (202) 343–2091, or Harmon Kallman (202) 343–3171.

SUPPLEMENTARY INFORMATION: A copy of decision concerning Kuwait may be

obtained by writing the Director (130), Bureau of Land Management at the adress listed above. The Secretary stated that he would reassess his decision on Kuwait if and when that country takes positive steps to correct its discriminatory practices and can demonstrate that the problem no longer exists. Meanwhile, the decision means that citizens and corporations of Kuwait generally may not own interests in any onshore Federal oil and gas lease, combined hydrocarbon lease, gilsonite lease or permit, or oil or gas pipeline right-of-way permit, issued under the Mineral Leasing Act of 1920. As a result of this determination, Kuwait now is placed on the "non-reciprocal" list specified in the Department's Secretarial Decision Paper of May 7, 1982.

Dated: April 11, 1983.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 83-10082 Filed 4-14-83; 8:45 am]

BILLING CODE 4310-10-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 328]

Investigation of Tank Car Allowance System

Second Supplemental Notice to the Parties

By an Order served March 1, 1983, the parties hereto were required to designate representatives for membership on the joint negotiating committee (the JNC) to be formed in this proceeding for the purpose of conducting negotiations in amendment or revision of the private tank car mileage allowance agreement adopted by the Commission on June 15, 1979, for tank car compensation. Various parties, in compliance with that Order, have designated representatives on the JNC and have so notified the Administrative Law Judge. The Appendix to this Notice shows the names of the individuals designated.

Several parties have also notified the Judge, in compliance with that Order, that all parties present at a meeting held on March 18, 1983, have agreed to designate three individuals as co-chairmen of the JNC, namely:

Mr. Edward D. Olmo, Manager, Land Transportation, Shell Oil Company, 2 Shell Plaza, P.O. Box 2099, Houston, TX 77001;

Mr. James Goff, President, General American Transportation Corporation, 120 S. Riverside Drive, Chicago, IL 60606; and

Mr. Walter P. Barrett, Vice President, Traffic, Union Pacific Railroad, Omaha, NE 68179.

The parties are advised, accordingly, that the JNC is deemed to be constituted as above described, subject to such additions and changes as may be required from time to time.

In the latter regard at least one party hereto, The Fertilizer Institute (TFI), and likely others as well, have not designated representatives to the JNC. Counsel for TFI has notified the Judge that TFI is precluded from designating representatives to the JNC and from participating in compensation negotiations for the reason that, in the opinion of counsel, TFI has not been granted the necessary immunity from the antitrust laws. The Judge regards it as highly desirable that TFI and other interested parties shall participate in the negotiating process, and that their full participation should commence promptly at such a time as they are advised by counsel that such participation is lawful. As noted in the prior Order, there are pending before the Commission certain requests for clarification in the matter of antitrust immunity in connection with this proceeding. The Commission's decision in that matter is expected to issue shortly.

By the Commission, Paul J. Clerman, Administrative Law Judge, on March 30, 1983.

Agatha L. Mergenovich,

Secretary.

APPENDIX

Member JNC	Party represented
W. P. Barrett	AAR (Union Pacific)
R. N. Bona (alternate)	API
Sydney H. Bonser	UTC
Donald Braff (alternate)	WWY
T. W. Branson (alternate)	IS&EO
John Coppage	CMA
D. Joseph Corr	ACF
G. A. Craig	AAR (MoPac)
Dave Cyrus (alternate)	IS&EO
J. S. Dewey (alternate)	API
Stephen G. Dinsmore (alternate)	UTC
J. L. Farrell	CRA
H. C. Forrester	AAR (Chessie)
Bernard C. Fuller	WWY
Jospeh C. Gasz	CMA
R. M. Gleason	AAR (BN)
James M. Goff	GAT
Robert A. Greenbury	NAC
John Groth	IS&EO
J. A. Hagen	AAR(Conrail)
A. M. Handwerker	AAR (C&NW)
E. G. Kreyling, Jr.	AAR (NSC)
H. J. Norman Lalonde	CMA
John H. Moseman (alternate)	WFIX
P. H. Murphy	CRA
Walter E. O'Leary (alternate)	ACF
E. D. Olmo	API
James H. Ozanne (alternate)	NAC
Michael E. Petruccelli (alternate)	CMA
Frank E. Polom (alternate)	GAT
John J. Robinson	AAR
Harry Shrank	CMA
Burke A. Tracey	WFIX
R. R. Tully	CMA
David C. Warrington	API
O. M. Watson	CMA

APPENDIX—Continued

Member JNC	Party represented
James Whitt	IS&EO
F. J. Wright	AAR (AT&SF)
K. R. Wyma	AAR (SoPac)

ARR Association of American Railroads.
ACF ACF Industries, Inc.—Railway Progress Institute.
API American Petroleum Institute.
CMA Chemical Manufacturers Association.
CRA Corn Refiners Association.
GAT General American Transportation Corp.—Railway Progress Institute.
IS&EO Institute of Shortening and Edible Oils, Inc.
NAC North American Car Corporation—Railway Progress Institute.
UTC Union Tank Car Company—Railway Progress Institute.
WFIX WFIX Partners.
WWY Westway Trading Corporation.

[FR Doc. 83-10014 Filed 4-14-83; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 28]

Motor Carriers; Applications, Alternate Route Deviations, and Intrastate Applications

Motor Carrier Intrastate Application(s)

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 10931 (formerly Section 206(a)(6)) of the Interstate Commerce Act. These applications are governed by 49 CFR Part 1161 of the Commission's Rules of Practice which provide, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

By the Commission.

Agatha L. Mergenovich,

Secretary.

New York Docket No. T-381, filed March 22, 1983. Applicant: DELMOT MOTOR EXPRESS, INC., 1024 Lackawanna Ave., Elmira, NY 14901. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *General commodities:* Between the Counties of Chemung, Steuben, Tioga, Broome, Monroe, Chenango, Cortland, Tompkins, Schuyler and Livingston on the one hand, and, on the other, all points in the state. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural

information should be addressed to the New York State Department of Transportation, 1220 Washington Avenue, State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

New York Docket No. T-21, filed March 29, 1983. Applicant: REDDICK AUTO EXPRESS, INC., Post Office Box 47, North Syracuse, NY 13201. Representative: Herbert M. Canter, Esq. and Benjamin D. Levine, Esq., 305 Montgomery St., Syracuse, NY 13202. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows; Transportation of: General commodities, as defined in section 800.1 of Title 17 of the Official Compilation of Codes, Rules and Regulations of the State of New York: Between all points in Madison, Oneida, Onodago and Oswego Counties, NY, on the one hand, and on the other, all points in the State of New York. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to the New York State Department of Transportation, 1220 Washington Avenue, State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

New York Docket No. T-10171, filed March 22, 1983. Applicant: OMINI MOVING & STORAGE, INC., 402 So. First Street, Lindenhurst, NY 11757. Representative: John L. Alfano, Esq., 550 Mamaroneck Ave., Harrison, NY 10528. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows; Transportation of: *Household goods:* Between New York City, Nassau and Suffolk Counties. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to the New York Department of Transportation, 1220 Washington Avenue, State Campus, Albany, NY 12232, and should not be directed to the Intersate Commerce Commission.

[FR Doc. 83-10021 Filed 4-14-83; 8:45 am]
BILLING CODE 7035-01

[OP1-135]

Motor Carriers; Finance Applications; Decision-Notice

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by 49 CFR 1182.1 of the Commission's Rules of Practice. See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1182.2. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1182.2(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the commission's policy of simplifying grants of operating authority.

We Find

With the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the poposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with conditions set forth in the grant or grants or authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: April 4, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce and Dowell.

Agatha L. Mergenovich,

Secretary.

Please direct status inquiries to Team 1, (202) 275-7992.

MC-F-15200, filed March 15, 1983. HERTZ PENSKE TRUCK LEASING, INC. (600 Parsippany Road, Parsippany, NJ 07054), Control, GOLDSTON TRANSFER, INC. and ELECTRIC TRANSPORT, INC. (both of Highway No. 135, Eden, NC 27288). Representative: Robert L. Kendall, Jr., 1719 Parkard Building, Philadelphia, PA 19102. Hertz Penske, a non-carrier, seeks authority to acquire control of Goldston and Electric through the purchase by Hertz of all of the issued and outstanding capital stock of Goldston and Electric. The Hertz Corporation, the sole common stockholder of Hertz Penske and, in turn, RCA Corporation, which owns all of the outstanding stock of the Hertz Corporation, seek authority to acquire control of Goldston and Electric through the transaction. Goldston holds Certificates No. MC-146659 and subnumbers thereunder, authorizing the transportation of general commodities (with exceptions) and specified commodities such as textile products, malt beverages, rubber and plastic products, pulp, paper, and related products, and shipping devices, between points in Nevada, California, and the East, Midwest, and South. Electric holds Permits and Certificates in No. MC-143061 and subnumbers thereunder, authorizing the transportation of: (1) General Commodities (with exceptions) and specified commodities, including, but not limited to, commodities as are dealt in by a manufacturer of electrical products and automotive products, food and related products, pulp, paper, and

related products, and textile mill products, between points in the United States under contracts with various named shippers; and (2) general commodities (with exceptions) and specified commodities, including, but not limited to, such commodities as are dealt in or used by manufacturers of electronic equipment, air conditioning equipment, furnaces and parts, rubber and plastic products, pulp, paper and related products, containers, and textile mill products, between various points throughout the United States. Hertz Penske holds no authority from the Commission. Condition: The Hertz Corporation is a wholly-owned subsidiary of RCA Corporation. Therefore, RCA Corporation will, through the transaction, acquire control of Goldston and Electric, and is, thus, a necessary party to the transaction. Thus, as a condition to our approval, RCA Corporation must join in the application in the same manner as did The Hertz Corporation. Such joinder may be accomplished by properly executed affidavit or letter from the appropriate RCA official.

Note.—An application for temporary authority has been filed.

[FR Doc. 83-10015 Filed 4-14-83; 8:45 am]
BILLING CODE 7035-01-M

[OP-5FC-175]

Motor Carriers; Finance Application; Decision Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C 10924, 10926, 10931 and 10932.

We find

Each transaction is exempt from section 11343 of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; and interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 47 CFR 1181.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

IT IS ORDERED:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board No. 2, Members Carleton, Williams and Ewing.

Agatha L. Mergenovich,

Secretary

Please direct status inquiries to Team 5, (202) 275-7289.

MC-FC-81346. By decision of April 7, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 2 approved the transfer to TRANSCORD LEASING INC., of Louisville, KY, of Permit No. MC-153509 Sub 2 issued August 4, 1981 and Certificate No. MC-153509 Sub 4 issued October 2, 1981 to KENTUCKY DISPATCH, INC., of Louisville, KY authorizing the transportation of (1) *general commodities* (except classes A and B explosives), between points in Jefferson County, KY, on the one hand, and, on the other, points in the U.S. (except AK and HI), (2) *food and related products,* between points in the U.S. under continuing contract(s) with (a) Ralston Purina Company of St. Louis, MO, (b) Bremmer Biscuit Co., a division of Ralston Purina Co. of Louisville, KY, and (3) Foodmaker, Inc., a subsidiary of Ralston Purina Company, of San Diego, CA. Representative: James B. Murphy, Suite 102, Interchange Bldg., 835 E. Jefferson St., Louisville, KY 40202.

[FR Doc. 83-10016 Filed 4-14-83; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Intent To Engage In Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b). (1) Parent corporation and address of principal office: Moxley Industries, Inc., 3800 Stone Road, P.O. Box 1640, Kilgore, Texas 75662. (2) Wholly-owned subsidiaries which will participate in the operations, and State of incorporation: (i) Mobley Company, Inc. (Texas), Hwy. 42 N., P.O. Box 1640, Kilgore, Texas 75662; (ii) ACD Mobley Company, Inc. (Texas), Hwy. 42 N., P.O. Box 1640, Kilgore, Texas 75662; (iii) Tiger Corporation dba Southwest Disposal (Texas), Hwy. 42 N., P.O. Box 1139, Kilgore, Texas 75662; and (iv) Gibraltar Wastewaters, Inc. (Texas), Hwy. 155 N., P.O. Box 248, Winona, Texas 75792. (1) Parent corporation and address of principal office: Smithfield Foods, Inc., 1777 North Kent St., Suite 811, Arlington, VA 22209. (2) Wholly-owned subsidiaries which will participate in the operations, and States of incorporation: (i) The Smithfield Packing Company, Inc., a corporation existing under the laws of the Commonwealth of Virginia, P.O. Box 447, Smithfield, VA 23430; (ii) Gwaltney of Smithfield, Ltd., a corporation existing under the laws of the State of Delaware, P.O. Box 489, Smithfield, VA 23430. (1) Parent corporation and address of principal office: Square D Company, Executive Plaza, Palatine, Illinois 60067. (2) Wholly-owned subsidiaries which will participate in the operations, and address of their respective principal offices: (a) Ferro Fabricating Co., Inc., 3333 27th Avenue. No., Birmingham, Alabama 35207; (b) Yates Industries, Inc., U.S. Highway 130. Bordentown, New Jersey 08505; (c) Engineered Systems, Inc., 2001 W. Campus Drive, Tempe, Arizona 85282; (d) General Semiconductor Industries, Inc., 2001 W. 10th Place, Tempe, Arizona 85281; (e) Ircon, Inc., 7555 N. Linder Avenue, Skokie, Illinois 60077; (f) United States Robots, Inc., 650 Park Avenue, King of Prussia, Pennsylvania 19406; (g) Yin Incorporated, 1998 Republic Avenue. San Leandro, California 94538; (h) Topaz, Inc., 3855 Ruffin Road, San Diego, California 92123.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-10023 Filed 4-14-83; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. OP5-176]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: April 7, 1983.

The following restriction removal applications, are governed by 49 CFR 1165. Part 1165 was published in the **Federal Register** of December 31, 1980.

at 45 FR 86747 and redesignated at 47 FR 49590, November 1, 1982.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1165.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restricition removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with the criteria set forth in 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal satutory and regulatory requirements for common and contract carriers.

By the Commission, Review Board No. 3, Members Krock, Joyce and Dowell.

Agatha L. Mergenovich,

Secretary.

Please direct status inquiries to Team 5, at (202) 275–7289.

MC 128819 (Sub-3) X, filed March 25, 1983. Applicant: R. J. HALPIN, INC., Birchwood Lane, Lenox, MA 01240. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108; (617) 742–3530. Lead and Sub 2F certificates: (1) Broaden (a) limestone to "clay, concrete, glass or stone products, and ores and minerals" and (b) petroleum products to "petroleum, natural gas and their products"; (2) expand to county-wide authority: Berkshire County, MA (Lee and West Stockbridge, MA), and Albany, Rensselaer, Schenectady, and Saratoga Counties, NY (Albany and Rensselaer, NY); (3) Authorize radial authority in lieu of one-way authority; and (4) remove "in bulk" and "in tank vehicles" restrictions where they appear.

[FR Doc. 83-10019 Filed 4-14-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (fitness-only); Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods).

The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** on December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in the **Federal Register** on November 24, 1982, at 49 FR 53271. For compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E.

These applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please direct status inquiries to Team 2, (202) 275–7030.

Volume No. OP2–168.

Decided: April 7, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Fortier not participating.)

MC 16613, filed March 21, 1983. Applicant: THE CAMELOT COURIER, LTD., P.O. Box 1128, Hudson, NY 12534. Representative: Harold L. Rechson, 33–28 Halsey Rd., Fair Lawn, NJ 07410; (201) 791–2270. Transporting *shipments weighing 100 pounds or less* if transported in a vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI).

MC 166702, filed March 10, 1983. Applicant: THE MAGSAMEN BUS COMPANY, 10130 Bird River Rd., Baltimore, MD 21220. Representative: George Magsamen (same address as applicant) (301) 687–6090. Transporting *passengers,* in charter and special operations, beginning and ending at Baltimore City, MD, and Philadelphia, PA, and points in Baltimore, Harford, Anne Arundel, Howard, and Carroll Counties, MD, and DC, and extending to points in MD, VA, WV, PA, NY, NJ, DE, and DC.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166903, filed March 22, 1983. Applicant: ROBERT W. OTTE and MARK A. GAMRADT, d.b.a. SILVER TIP EXPRESS, P.O. Box 3668, Brackett Creek Rd., Bozeman, MT 59715. Representative: Mable L. Page, P.O. Box 3855, 218 Jefferson Trail, Bozeman, MT 59715; (406) 587–9562. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural fertilizers and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

For the following, please direct status calls to Team 5 at 202–275–7289.

Volume No. OP5–174

Decided: April 7, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 156208 (Sub-1), filed March 30, 1983. Applicant: RESORT BUS LINE, INC., 1223 N.E. First St., Bend, OR 97701. Representative: Lawrence v. Smart, Jr., 419 N.W. 32rd Ave., Portland, OR 97201; 503–226–3755. Transporting *passengers* in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 165359, filed March 30, 1983. Applicant: STRAIGHT FROM THE HORSE'S MOUTH, d.b.a. THE FUN RUN CLUB, P.O. Box 18831, 2725 S. Norman St., Seattle, WA 98144. Representative: Paul Layton, 301 Metropole Bldg., 423 2nd Ave., Seattle, WA 98104; 206–623–0967. Transporting *passengers*, in charter and special operations, beginning and ending at points in WA and extending to points in NV, OR, and CA.

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 166698, filed March 21, 1983. Applicant: DAVID KLOPFENSTEIN, d.b.a. D & L SERVICES, 3348 E. Mescal, Phoenix, AZ 85028. Representative: David Klopfenstein (same address as applicant) (602) 996–7666. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs) *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 167098, filed March 31, 1983. Applicant: FIDELE TREMBLAY, INC., 29 St. Alphonse St., Luceville, Quebec, Canada G0K 1E0. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108; (617) 742–3530. Transporting *lumber and wood products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Lulumco, Inc., of Luceville, Quebec, Canada.

MC 167128, filed March 30, 1983. Applicant: CHARLES T. CLARK, P.O. Box 131, Reeds Spring, MO 65737. Representative: Larry E. Gregg, P.O. Box 1979, Topeka, KS 66601; (913) 234–0565. To operate as a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 167159, filed March 30, 1983. Applicant: TEXAS BEST BROKERS, INC., 2100 North General Bruce Drive, Temple, TX 76501. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309; (515) 245–4300. To operate as a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 167179(A), filed April 1, 1983. Applicant: COAST TO COAST TRANSPORTATION, INC., 4948 South 2nd Street, Milwaukee, WI 53207. Representative: Daniel R. Dineen, 710 N. Plankinton Avenue, Milwaukee, WI 53203; (414) 273–7410. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

Note.—Applicant also seeks authority in MC 167179 (B) published this same issue.

MC 167180, filed April 1, 1983. Applicant: LUND TRUCK PARTS, P.O. Box 368, Tea, SD 57064. Representative: Douglas Lund (same address as applicant) (605) 743–5611. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

Agatha L. Mergenovich,
Secretary.

[FR Doc. 83-10288 Filed 4-14-83; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water Carriers; Household Goods Brokers.

The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the Federal Register on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the Federal Register December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the Federal Register on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations.

We make an additional preliminary finding with respect to each of the following types of applications as indicated: common carrier of property that the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier that the transportation to be provided under the certificate is or will

be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, and household goods broker that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Applications filed under 49 U.S.C. 10922(c)(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly noted.

Please direct status inquiries to Team 2, (202) 275–7030.

Volume OP2–167

Decided: April 7, 1983.

By the Commission, Review Board No. 1, members Parker, Chandler, and Fortier. (member Fortier not participating.)

MC 143503 (Sub-40), filed March 21, 1983. Applicant: MERCHANTS HOME DELIVERY SERVICE, INC., P.O. Box 5067, Oxnard, CA 93031. Representative: David B. Schneider, 210 West Park Ave., Suite 1120, Oklahoma City, OK 73102; (405) 232–9990. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with J. C. Penney Company, Incorporated, of New York, NY.

MC 146632 (Sub-5), filed March 10, 1983. Applicant: BETS TRUCK LEASING, INC., P.O. Box 64, Keene, NH 03431. Representative: Daniel C. Sullivan, 180 N. Michigan Ave., Suite 1700, Chicago, IL 60601; (312) 263–1600. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 146853 (Sub-20), filed March 21, 1983. Applicant: HAWKEYE WOODSHAVINGS, INC., Route 1, Runnels, IA 50327. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309; (515) 244–2329. Transporting *plastic and paper products,* between points in Polk County, IA, on the one hand, and, on the other, points in AZ, CA, CO, ID, KS, MT, NE, OR, UT, WA, and WY.

MC 151383 (Sub-12), filed March 22, 1983. Applicant: NICKELL TRUCKING CO., 4901 West 51st St., Tulsa, OK 74107. Representative: Fred Rahal, Jr., Suite 305, Reunion Center, 9 East Fourth St., Tulsa, OK 74103. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Van Pelt Corporation, Russell Steel Division, of Tulsa, OK.

MC 156782 (Sub-2), filed March 24, 1983. Applicant: JACKWIC, INC., 1206 Sunset Dr., Thomasville, GA 31792. Representative: John P. Tucker, Jr., Suite 222, Lenox Towers So., 3390 Peachtree Rd., NE., Atlanta, GA 30326; 404–231–3583. Transporting *construction materials,* between those points in the U.S. in and east of ND, SD, NE, CO, OK, and TX.

MC 156863 (Sub-1), filed March 25, 1983. Applicant: ROSE CARTAGE SERVICE, INC., 1711 Paxton Ave., Lansing, IL 60438. Representative; Edward G. Finnegan, 134 N. LaSalle St., Suite 1016; Chicago, IL 60602; 312–782–9500. Transporting *building and construction materials, equipment, and supplies, and metal products,* between points in IL, IN, MI, OH, IA, and WI.

MC 157183 (Sub-2), filed March 29, 1983. Applicant: SERVICE LINES, INC., P.O. Box 571, Palmetto, GA 30268. Representative: Howard W. Teal (same address as applicant); 404–463–4531. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), betwen points in the U.S., under continuing contract(s) with (a) Redland Prismo Corporation, of East Point, GA, (b) United Freight, Inc., of Morrow, GA, (c) M & W Distribution Services, Inc., of Atlanta, GA, and (d) Pave-Mark Corporation, of Smyrna, GA. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(a), submit an affidavit indicating why such approval is unnecessary, or file a petition seeking exemption under 49 U.S.C. 11343(e). In order to expedite issuance of any authority please submit a copy of the petition for exemption, the affidavit, or proof of filing the application(s) for common control to Team 2, Room 2379.

MC 16193, filed March 18, 1983. Applicant: JO-LIN HAULING & INDUSTRIAL SERVICES, INC., 1601 W. Edgar Rd., Linden, NJ 07036. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904; (201) 572–5551. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between New York, NY, on the one hand, and, on the other, points in CT, DE, MD, MA, NJ, NY, OH, PA, and RI.

MC 162253 (Sub-1), filed March 15, 1983. Applicant: SUPREME CARRIERS, INC., P.O. Box 916, So. Sioux City, NE 68776. Representative: James F. Crosby, 7363 Pacific St., Suite 210B, Omaha, NE 68114; (402) 397–9900. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 164623, filed March 18, 1983. Applicant: EMMERT INDUSTRIAL CORPORATION, 11811 S.E. Highway 212, Clackamas, OR 97015. Representative: Terry W. Emmert (same address as applicant); (503) 655–7191. Transporting *those commodities which because of their size or weight require the use of special handling or equipment,* between points in the U.S. (except AK and HI).

MC 166123, filed March 21, 1983. Applicant: W.J. PRINCE d.b.a. TEXAS EXPRESS, 7179 Industrial, P.O. Box 26186, El Paso, TX 79926. Representative: W. J. Prince (same address as applicant); (915) 598–5992. Transporting *general comodities* (except classes A and B explosives, household goods, and commodities in bulk),

between points in El Paso County, Tx, on the one hand, and, on the other, points in Chaves, Dona Ana, Eddy Grant, Hidalgo, Lea, Lincoln, Luna, Otero, and Sierra Counties, NM.

MC 166143, filed April 5, 1983. Applicant: ROCAR EQUIPMENT COMPANY, P.O. Box 272, Lansing, IL 60438. Representative: Carl L. Steiner, 135 South LaSalle St., Chicago, IL 60603; 312–236–9375. Transporting *chemicals and related products and petroleum and coal products*, between points in the U.S. (except Ak and HI), under continuing contract(s) with Lake River Corporation, of Countryside, IL.

MC 166803, filed March 14, 1983. Applicant: RICKEY LUCAS, d.b.a. LUCAS TRANSFER CO., P.O. Box 41355, Jacksonville, FL 32209. Representative: Joseph Michael Roberts, 1730 M St., NW., Suite 501, Washington, DC 20036; (202) 296–2900. Transporting *general commodities* (except Classes A and B explosives, household goods, and commodities in bulk), between points in FL and GA.

MC 166823, filed March 15, 1983. Applicant: ALL TRANSPORTATION, INC., 4639 Robinson Rd., Sylvania, OH 43560. Representative: James M. Burtch, 100 E. Broad St., Columbus, OH 43215; (614) 228–1541. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 166862, filed March 18, 1983. Applicant: UNIVERSAL MOTOR EXPRESS, INC., Route 1, Gailey Rd., Lavonia, GA 30553. Representative: Jimmy R. Foster (same address as applicant); (404) 356–4559. Transporting *general commodities* (except Classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 166883, filed March 17, 1983. Applicant: MEGA TRUCKING CO., 3333 South Iron St., Chicago, IL 60609. Representative: Ronald N. Cobert, 1730 M St., NW., Suite 501, Washington, DC 20036; (202) 296–2900. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with (1) International Nu-Way Shippers, Inc., and (2) Burlwood Industries, Inc., both of Chicago, IL.

MC 166922, filed March 21, 1983. Applicant: TUSCO, INC., 400 Continental Dr., Hobbs, NM 88240. Representative: Paul D. Angenend, P.O. Box 2207, 1806 Rio Grande, Austin, TX 78768; (512) 476–8391. Transporting *Mercer commodities*, between points in AZ, CO, MN, OK, and TX.

MC 166962, filed March 22, 1983. Applicant: G.O.D., INC., Foot of Pennsylvania Ave., South Kearny, NJ 07032. Representative: Ronald N. Cobert, 1730 M St., NW., Suite 501, Washington, DC 20036; (202) 296–2900. Transporting *general commodities* (except classes A and B explosives household goods, and commodities in bulk), between points in CT, DE, MA, MD, ME, NH, NJ, NY, PA, RI, VA, VT, and DC. Condition: Issuance of this authority is subject to approval of the petition in MC–F–15213.

Note.—A petition for exemption pursuant to 49 U.S.C. 11343(e) has been filed, docketed MC–F–15213.

For the following, please direct status calls to Team 3 at 202–275–5223.

Volume, No. OP3–150

Decided: April 8, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 15735 (Sub-76), filed March 24, 1983. Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Avenue, Broadview, IL 60153. Representative: Richard V. Merrill (same address as applicant); (312) 681–8378. Transporting *general commodities* (except classes A and B explosives, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Honeywell, Inc., and its subsidiaries, of Minneapolis, MN.

MC 45194 (Sub-28), filed March 23, 1983. Applicant: LATTAVO BROTHERS, INC., 2230 Shepler Church Ave., SW., P.O. Box 6270, Canton, OH 44706. Representative: M. Diane Neal (same address as applicant); (216) 456–4571. Transporting *general commodities* (except household goods and classes A and B explosives), between points in the U.S. under continuing contract(s) with Industrial Product Group, Combustion Engineering, Inc., of Valley Forge, PA.

MC 45764 (Sub-41), filed March 24, 1983. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., P. O. Box 36, Essington, PA 19029. Representative: Paul F. Sullivan, Suite 202, 3406 Wisconsin Ave., N.W., Washington, DC 20016; (202) 363–1848. Transporting *building materials*, between points in the U.S. (except AK and HI), under continuing contract(s) with Allied Roofers Supply Corp., of East Rutherford, NJ, and Multi-Carrier Service, Inc., of Hackensack, NJ.

MC 56344 (Sub-9), filed March 21, 1983. Applicant: ALERT MOTOR FREIGHT, INC., P. O. Box 1045, Delran, NJ 08075. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904; (201) 572–5551. Transporting *metal products*, between points in the U.S. (except AK and HI).

MC 111274 (Sub-86), filed March 23, 1983. Applicant: SCHMIDGALL TRANSFER INC., P. O. Box 351, Morton, IL 61550. Representative: Frederick C. Schmidgall (same address as applicant); (309) 266–9773. Transporting *metal products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Sheffield Steel Co., of Sand Springs, OK.

MC 113855 (Sub-545), filed March 23, 1983. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road S. E., Rochester, MN 55903. Representative: Leonard L. Bennett (same address as applicant); (507) 288–3331. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except HI), under a continuing contract(s) with FMC Corporation, of Chicago, IL.

MC 124906 (Sub-12), filed March 24, 1983. Applicant: GARY W. GRAY TRUCKING, INC., P.O. Box 48, Delaware, NJ 07833. Representative: Raymond Talipski, 121 S. Main St., Taylor, PA 18517; (714) 344–8030. Transporting *cement*, between points in York, Lehigh and Northampton Counties, PA, on the one hand, and, on the other, NY, NJ and CT.

MC 139905 (Sub-9), filed March 21, 1983. Applicant: R.B. & N.M. STUCKY, D.B.A. S & S DAIRIES, Route 2, Moundridge, KS 67107. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110–L, Topeka, KS 66612; (913) 233–8629. Transporting *food and related products*, (1) between points in AR, CO, IA, KS, MN, MO, NE, OK, and TX, and (2) between Keokuk, IA, on the one hand, and, on the other, points in LA, WI, IL, MI, IN, OH, NY, MA, KY, TN, AL, GA, SC and FL.

MC 142725 (Sub-3), filed March 23, 1983. Applicant: NEVADA WESTERN CONCRETE, INC., 2600 Akron Way, Carson City, NV 89701. Representative: Robert G. Harrison, 4299 James Drive, Carson City, NV 89701; (702) 882–5649. Transporting *Commodities in bulk*, between points in NV, CA and OR.

MC 151004 (Sub-6), filed March 24, 1983. Applicant: WARNACO TRUCKING CORP., 350 Lafayette St., Bridgeport, CT 06601. Representative: John F. Ryan (same address as applicant); (203) 579–8008. Transporting *such commodities* as are dealt in or used by department stores, between points in the U.S. (except AK and HI).

MC 155435 (Sub-4), filed March 23, 1983. Applicant: STILES TRUCK LINE, INC., 1901 Jasmine, Pasadena, TX 77503. Representative: C. W. Ferebee, 3910 FM 1960 W., Suite 106, Houston, TX 77068; (713) 472–0861. Transporting (1) *machinery,* and (2) *those commodities* which because of their size and weight, require the use of special handling or equipment, between points in the U.S. (except AK and HI), on the one hand, and, on the other, points in TX.

MC 163605 (Sub-1), filed March 24, 1983. Applicant: COURY CARTAGE, INC., 2275 Wycliff, St. Paul, MN 55114. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Suite 307, Edina, MN 55424; (612) 927–8855. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Twin City Piggyback, Inc., of St. Paul, MN.

MC 164635, filed March 23, 1983. Applicant: TOTER LEASING, INC., R.R. #82, Omaha, NE 68138. Representative: Richard W. Reineke (same address as applicant); (402) 253–2989. Transporting *mobile homes, modular homes, and portable buildings,* between points in NE, IA, MN, SD, WY, CO, KW, and MO, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 166765, filed March 25, 1983. Applicant: TWIN CITY PICK UP AND DELIVERY SERVICE, INC., 2301 Bolton St., Little Rock, AR 72202. Representative: Ron Glass (same address as applicant); (501) 375–2083. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 166954, filed March 22, 1983. Applicant: ATLAS DISTRIBUTING, INC., 143 Frontage Rd., Manchester, NH 03103. Representative: Elliott Bunce, Suite 1301, 1600 Wilson Blvd., Arlington, VA 22209; (703) 522–0900. Transporting *tobacco* and *tobacco products,* between points in Hillsborough, Merrimack, and Rockingham Counties, NH, on the one hand, and, on the other, points in MA and ME.

MC 166984, filed March 23, 1983. Applicant: WAL-ZON TRANSFER, INC., P.O. Box 99, Newport, MN 55055. Representative: John B. Van De North, Jr., 2200 First National Bank Bldg., St. Paul, MN 55101; (612) 291–1215. Transporting *metal products,* between points in the U.S. (except AK and HI), under continuing contract(s) with Northstar Steel Company, of Bloomington, MN.

MC 166994, filed March 22, 1983. Applicant: TUSCOLA AND SAGINAW BAY RAILWAY COMPANY, INC., 538 E. Huron Ave., Vassar, MI 48768. Representative: Wesley W. Hoffman, 530 W. Ionia, Suite C, Lansing, MI 48933; (517) 371–5597. Transporting *hazardous chemicals,* between points in the U.S. (except AK and HI), under continuing contract(s) with T & T Chemical Inc. of Michigan, of Saginaw, MI. Condition: To the extent the certificate granted in this proceeding authorizes the transportation of hazardous commodities it shall expire 5 years from the date of issuance.

MC 167005, filed March 24, 1983. Applicant: BRIER HILL SCRAP INC., P.O. Box 268, 200 Division Street, Youngstown, OH 44501. Representative: Anthony J. Giordano, Jr., (same address as applicant), (216) 792–0600. Transporting *waste or scrap materials* not identified by industry producing, between points in the U.S., under continuing contract(s) with Luria Brothers & Company, Inc., of Cleveland, OH.

MC 167015, filed March 24, 1983. Applicant: AMERICAN COMMODITY CORPORATION, 1061 S. Ordell, P.O. Box 699, Marshall, MO 65340. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Kansas City, MO 65105; (816) 221–1464. Transporting (1) *fertilizer,* (2) *feed and feed ingredients,* and (3) *grain products,* between points in AR, MO, KS, CO, IA, IL, IN, MN, TN, WI, MI, NE, WY, NM, KY, OH, OK, TX, AL, LA, and MS, and (4) *clay products,* between points in Thomas County, GA and Tippah County, MS, on the one hand, and, on the other, points in IL, IN, KY, MI, MO, OH, PA, and WI.

MC 167044, filed March 24, 1983. Applicant: EMERALD CITY TRANSFER, INC., P.O. Box 5724, Bellevue, WA 98006. Representative: Kenneth R. Mitchell, 2320A Milwaukee Way, Tacoma, WA 98421; (206) 383–3998. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in ID, MT, OR, and WA.

MC 167055, filed March 25, 1983. Applicant: KUSMAN TRUCKING, INC., P.O. Box 148, Donovan, IL 60931. Representative: Jeffrey Strange, 3330 Dundee Rd., Suite S–6, Northbrook, IL 60062; (312) 272–9063. Transporting: *rubber and rubber products,* between points in IL, on the one hand, and, on the other, points in IA, MO, KY, TN, OH, NY, PA, KS, MN, IN, NC, and SC.

For the following, please direct status calls to Team 5 at 202–275–7289.

Volume No. OP5–173 .

Decided: April 7, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce and Dowell.

MC 8768 (Sub-40), filed March 29, 1983. Applicant: SECURITY VAN LINES, INC., P.O. Box 830, Kenner, LA 70062. Representative: Marshall Kragen, 1919 Pennsylvania Ave., N.W., Suite 300, Washington, DC 20006; (202) 466–3778. Transporting *household goods,* between points in the U.S. (except AK and HI), under continuing contract(s) with Newpark Resources, Inc., of Metairie, LA.

MC 37918 (Sub-20), filed March 30, 1983. Applicant: DIRECT TRANSPORTATION SYSTEM LTD., Two Tippett Rd., Downsview, Ontario, Canada M3H 5X3. Representative: Richard H. Streeter, 1729 H St., N.W., Washington, DC 20006; 202–337–6500. Transporting in *foreign* commerce, *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points on the international boundary line between the United States and Canada, on the one hand, and on the other, points in the U.S. (except HI).

MC 41098 (Sub-102), filed March 30, 1983. Applicant: GLOBAL VAN LINES, INC., One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K Street, N.W., Washington, DC 20006; (202) 833–8884. Transporting *household goods,* between points in the U.S., under continuing contract(s) with Amica Mutual Insurance Co., of Providence, RI and its subsidiaries.

MC 41098 (Sub-103), filed March 30, 1983. Applicant: GLOBAL VAN LINES, INC., One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K Street, N.W., Washington, DC 20006; (202) 833–8884. Transporting *household goods,* between points in the U.S., under continuing contract(s) with Eads Transfer & Storage Company d/b/a Eads Moving Brokerage, of Santa Ana, CA.

MC 41098 (Sub-104), filed April 1, 1983. Applicant: GLOBAL VAN LINES, INC., One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K St., NW., Washington, DC 20006; (202) 833–8884. Transporting *household goods,* between points in the U.S., under continuing contract(s) with Gould, Inc., of Rolling Meadows, IL and its subsidiaries.

MC 72069 (Sub-47), filed March 28, 1983. Applicant: BLUE HEN LINES, INC.,

P.O. Box 280, Milford, DE 19963. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street, N.W., Washington, DC 20005; (202) 296–3555. Transporting *sport shooting supplies,* between points in the U.S. (except AK and HI).

MC 141106 (Sub-18), filed March 28, 1983. Applicant: D & C EXPRESS, INC., P.O. Box 746, Wilton, IA 52778. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501; (515) 682–8154. Transporting *food and related products,* between points in Rock Island County, IL, Buena Vista, Cherokee, Crawford, Webster and Woodbury Counties, IA, Rock County, MN, Dakota and Cuming Counties, NE, Finney and Lyon Counties, KS, Potter County, TX, Ada County, ID, and Walla Walla County, WA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 142848 (Sub-17), filed March 28, 1983. Applicant: JAMES R. POSHARD AND SON, INC., P.O. Box 69, Mt. Vernon, IN 47620. Representative: Norman R. Garvin, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204–3491; (317) 638–1301. Transporting *general commodities* (except classes A and B explosives and household goods), between points in Vanderburgh County, IN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 147258 (Sub-4), filed March 28, 1983. Applicant: F. T. SILFIES, INC., 751 Pt. Phillips Rd., Bath, PA 18014. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966; (215) 357–7220. Transporting *waste or scrap materials not identified by industry producing,* (1) between points in Lancaster County, PA, on the one hand, and, on the other, those points in the U.S. on and east of a line beginning at the mouth of the Mississippi River and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the United States and Canada, (2) between points in Lehigh County, PA, on the one hand, and, on the other points in DE, CT, MA, NJ, NY, and OH, (3) between points in Hampden County, MA, on the one hand, and, on the other, points in CT, DE, NJ, NY, PA, and RI, and (4) between points in Bristol County, MA, on the one Hand, and, on the other, points in CT, DE, MD, NJ, NY, OH, AND PA.

MC 147258 (Sub-5), filed March 28, 1983. Applicant: F. T. SILFIES, INC., 751 Pt. Phillips Rd., Bath, PA 18014. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966; (215) 357–7220. Transporting *clay, concrete, glass or stone products,* between points in Northampton County, PA, on the one hand, and, on the other, points in DE, NJ, and NY.

MC 147978 (Sub-12), filed March 31, 1983. Applicant: SYSTEM REEFER SERVICE, INC., 4614 Lincoln Ave., Cypress, CA 90630. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740; 301–797–6060. Transporting in *foreign,* commerce only, *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between ports of entry on the international boundary line between the United States and Canada at points in NY and MI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 156408 (Sub-2), filed March 29, 1983. Applicant: SOUTHWEST CANNERS, INC., P.O. Box 862, Portales, NM 88130. Representative: James W. Hightower, Suite 301, Allied Bank-Oak Cliff Bldg., 5801 Marvin D. Love Freeway, Dallas, TX 75237–2385; 214–339–4108. Transporting *general commodities* (except classes A and B explosives household goods, and commodities in bulk), between points in AZ, CA, and NV, on the one hand, and, on the other, points in AZ, CO, NM, TX, and UT.

MC 166659, filed March 28, 1983. Applicant: WILLIAM PASQUALICHIO AND DOMINICK PASQUALICHIO d.b.a. PASQUALICHIO BROTHERS, 115 Franklin Ave., Scranton, PA 18512. Representative: Raymond Talipski, 121 S. Main St., Taylor, PA 18517; 717–344–8030. Transporting *food and related products,* between points in Lackawanna County, PA, on the one hand, and, on the other, points in NJ, NY, and PA.

MC 167108, filed March 28, 1983. Applicant: JAK RABBIT LINES, INC., 65 Cedar Place, Rye, NY 10580. Representative: Sidney J. Leshin, 3 East 54th Street, New York, NY 10022; (212) 759–3700. Over *regular* routes, transporting *passengers,* between Stamford, CT and New York, NY, from Stamford over city streets to Interstate Hwy 95, then over Interstate Hwy 95 to Bruckner Expressway in Bronx, NY, then over Bruckner Expressway to Third Avenue Bridge, then over city streets to New York, NY, and return over the same routes, serving all intermediate points.

Note.—Applicant seeks to provide regular-route service in interstate or foreign commerce.

MC 167148, filed March 30, 1983. Applicant: IRA L. HAWKINS, Route 4, Box 245, Ashland, VA 23005. Representative: Ira L. Hawkins (same address as applicant); 804–227–3648. Transporting *pulp, paper and related products,* between points in the U.S. (except AK and HI), under continuing contract(s) with Bear Island Paper Company of Greenwich, CT.

MC 167169, filed March 31, 1983. Applicant: KRAMER TRUCK SERVICE, INC., 638 N 56th, Springfield, OR 97477. Representative: Lawrence V. Smart, Jr., 419 NW 23rd Ave., Portland, OR 97210; 503–226–3755. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in OR, WA, CA, ID and NV, under continuing contract(s) with International Paper Company, of New York, NY.

MC 167179(B), filed April 1, 1983. Applicant: COAST TO COAST TRANSPORTATION, INC., 4948 South 2nd Street, Milwaukee, WI 53207. Representative: Daniel R. Dineen, 710 N. Plankinton Avenue, Milwaukee, WI 53203; (414) 273–7410. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Note.—Applicant also seeks authority in MC–167179 (A) published this same issue.

[FR Doc. 83–10025 Filed 4–14–83; 8:45 am]
BILLING CODE 7035–01–M

[Volume No. OP1–134]

Motor Carriers; Permanent Authority; Republications of Grants of Operating Rights Authority Prior To Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register.**

An original and one copy of petitions for intervention must be filed with the Commission within 30 days after the date of this **Federal Register** Notice. Applicant may file a verified statement in rebuttal within 50 days. Such pleadings shall comply with 49 CFR 1160.1—1160.49 addressing specifically the issue(s) indicated as the purpose for this republication.

Agatha L. Mergenovich,
Secretary.

Please direct status inquiries to Team 1, (202) 275–7992.

MC 46421 (Sub-19), (Republication), filed August 16, 1983, published in the **Federal Register** September 9, 1982, and republished this issue. Applicant:

ESCRO TRANSPORT LTD., 275 Mayville Avenue, Buffalo, NY 14217. Representative: Robert D. Gunderman, Can-Am Building, 101 Niagara Street, Buffalo, NY 14202. A decision by the Commission, Review Board Number 1, decided March 22, 1983, served March 29, 1983, finds that applicant is authorized to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *food and related products*, and (2) *such commodities* as are dealt in by grocery, food and drug business houses, between points in Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and the District of Columbia. Applicant is fit, willing, and able properly to perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is to include Massachusetts in the territorial grant.

MC 147021 (Sub-10), (Republication), filed October 25, 1983, published in the **Federal Register** November 15, 1982, and republished this issue. Applicant: C. SUMMERS, INC., 112 Spruce St., Elizabethville, PA 17023. Representative: Daniel W. Krane, P.O. Box E, Shiremanstown, PA 17011.A decision by the Commission, Review Board Number 1, decided February 25, 1983, served March 10, 1983, finds that applicant is authorized to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *machinery, building materials, and supplies*, (1) between points in Dauphin County, PA, on the one hand, and, on the other, points in the U.S. (except AK and HI), and (2) between Denver, CO, Van Alstyne, TX, Vancouver, WA, Ontario, CA, and Merrill, WI, and points in Pinellas County, FL, Clay County, IN, and Alameda County, CA, on the one hand, and, on the other, those points in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas. Applicant is fit, willing, and able properly to perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is to include Merrill, WI, as an origin point in part 2 of the territorial description.

MC 156770 Sub 1, (Republication), filed March 10, 1983, published in the **Federal Register** March 24, 1982, and republished this issue. Applicant: L&M TRUCK AND TRAILER COMPANY, INC., P.O. Box 314–K, Rt. 1, Waskon, TX 75692. Representative: Paul J. Guilliot, 111 East Main Street, P.O. Box 2877, Lafayette, LA 70502. A decision by the Commission, Review Board Number 1, decided March 23, 1983, served April 6, 1983, finds that applicant is authorized to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *food and edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. Applicant is fit, willing and able to properly perform the requested service and to conform to statutory and administrative requirements. The purpose of this republication is to reflect the proper scope of authority requested.

[FR Doc. 83–10022 Filed 4–14–83; 8:45 am]

BILLING CODE 7035–01–M

[Vol. No. OP5–MCF–177]

Motor Carriers; Proposed Exemptions

AGENCY: Interstate Commerce Commission.

ACTION: Notices of proposed exemptions.

SUMMARY: The motor carriers shown below seek exemptions pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property Under 49 U.S.C. 11343*, 367 I.C.C. 113 (1982), 47 FR 53303 (November 24, 1982).

DATES: Comments must be received within 30 days after the date of publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Warren Wood (202) 275–7977.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: April 8, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

MC–F–15191, SPARTAN SERVICE TRANSPORTATION, INC., Control Exemption, CHIWAUKEE TRUCK LINES, INC. Spartan Service Transportation, Inc. (Spartan), No. MC–153973 seeks and exemption from the requirement under section 11343 of prior regulatory approval for its control of Chiwaukee Truck Lines, Inc. (Chiwaukee), No. MC–27089 and No. MC–143023, through a stock purchase agreement dated December 14, 1982, wherein Spartan will acquire control over Chiwaukee through purchase from Delphi Industries, Inc. (a non-carrier) of all of the capital stock of Chiwaukee. Send comments to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423, and (2) Petitioner's representative, Arnold L. Burke, 180 North La Salle St., Room 3520, Chicago, IL 60601. Comments should refer to No. MC–F–15191

[FR Doc. 83–10020 Filed 4–14–83; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 30131]

Rail Carriers; Southern Pacific Transportation Company, Abandonment Exemption, Gila County, AZ

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission exempts from the requirement of prior approval under 49 U.S.C. 10903 *et seq.* the abandonment by the Southern Pacific Transportation Company of a 0.67-mile portion of its Globe Branch from milepost 1231.90 to milepost 1232.57 in Gila County, AZ, subject to conditions for protection of employees.

DATES: This exemption is effective on May 16, 1983. Petitions to stay must be filed by April 25, 1983; petitions for reconsideration must be filed by May 5, 1983.

ADDRESS: Send pleadings referring to Finance Docket No. 30131 to:

(1) Rail Section, Room 5349, Interstate Commerce Commission, Washington, DC 20423;

(2) Petitioner's representative: Gary A. Laakso, Southern Pacfic Transportation Company, Southern Pacific Building, One Market Plaza, San Francisco, CA 94105.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275–7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423 or call 289–4357 (D.C. Metropolitan area) or toll free (800) 424–5403.

Decided: April 8, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 83-10017 Filed 4-14-83; 8:45 am]
BILLING CODE 7035-01-M

[Finance Docket No. 30148]

Rail Carriers; Visalia Electric Railroad Company, Abandonment Exemption, in Tulare County, CA

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirements of prior approval under 49 U.S.C. 10903 *et seq.*, the abandonment by Visalia Electric Railroad Company of 2.88 miles of track, consisting of two segments, namely, between milepost 16.8 and milepost 18.6 and between milepost 11.42 and milepost 12.5, located in Tulare County, CA, subject to standard labor protection.

DATES: This exemption will be effective on May 16, 1983. Petitions to stay the effectiveness of this decision must be filed by April 25, 1983, and petitions for reconsideration must be filed by May 5, 1983.

ADDRESSES: Send pleadings referring to Finance Docket No. 30148 to:

(1) Rail Section, Room 5349, Interstate Commerce Commission, Washington, DC 20423;

(2) Petitioner's representatives: Gary A. Laakso, Southern Pacific Building, One Market Plaza, San Francisco, CA 94105.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289-4357 (D.C. Metropolitan area) or toll free (800) 434-5403.

Dated: April 8, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 83-10018 Filed 4-14-83; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Proposed Consent Decree and Related Settlement Documents in an Action Under the Resource Conservation and Recovery Act, the Comprehensive Environmental Response, Compensation and Liability Act of 1980, and Other Federal Statutes

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that by April 15, 1983, a proposed Consent Decree and related settlement documents in *United States* v. *Olin corporation,* Civil Action No. CV80-PT-5300-NE will be lodged in the United States District Court for the Northern District of Alabama.

This action was originally filed in 1980 under Section 7003 of the Resource Conservation Recovery Act, 42 U.S.C. 6973, and under other statutes, against the Olin Corporation which manufactured DDT at a plant site on the Redstone Arsenal in Huntsville, Alabama, between 1947 and 1970. An amended complaint alleges an additional cause of action under the Comprehensive Environmental Response Compensation and Liability Act, 42 U.S.C. 9601 et seq. Five related cases have also been filed in the Federal District Court for the Northern District of Alabama. One is a suit by the State of Alabama against Olin, raising claims similar to those presented by the United States. Four are tort suits by private plaintiffs seeking money damages from Olin arising out of harm allegedly caused by the DDT. The Consent Decree and related documents settle all of the related cases comprehensively.

The Consent Decree provides that Olin develop and implement a remedial plan to isolate DDT from the environment in the area. The settlement also provides for a health care fund to be used for health care and monitoring of persons who brought private tort suits and others who live in the area of the former plant and provides for a fund to be used to mitigate the effects of the DDT on the Wheeler National Wildlife Refuge which is in the area of the former plant. Settlement documents also include the health care plan, a comprehensive agreement settling claims and related releases.

The proposed Decree and all related settlement documents may be examined at the Office of the United States Attorney, 200 Federal Building, Birmingham, Alabama 35203, at the Region IV Office of the Environmental Protection Agency, 345 Courtland Street, NE, Atlanta, Georgia 30365 and at the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice, Room 1515, 10th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed Decree and related settlement documents may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount of $23.90 (10 cents per page reproduction charge) payable to the Treasurer of the United States.

The Department of Justice will receive written comments relating to the proposed Consent Decree and related settlement documents for a period of thirty (30) days from the date of this notice. Comments should be directed to the Assistant Attorney General of the Land and Natural Resources Division of the Department of Justice, 10th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20530, and should refer to *United States* v. *Olin Corporation,* DOJ Reference #90-7-1-150.

Anthony C. Liotta,
Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 83-10124 Filed 4-14-83; 8:45 am]
BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Agency Forms Under Review by the Office of Management and Budget (OMB)

Background

The Department of Labor, in carrying out its responsibility under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the proposed forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

On each Tuesday and/or Friday, as necessary, the Department of Labor will publish a list of the Agency forms under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of any particular revision they are interested in.

Each entry will contain the following information:

The Agency of the Department issuing this form.

The title of the form.

The Agency form number, if applicable.

How often the form must be filled out.

Who will be required to or asked to report.

Whether small business or organizations are affected.

The standard industrial classification (SIC) codes, referring to specific respondent groups that are affected.

An estimate of the number of responses.

An estimate of the total number of hours needed to fill out the form.

The number of forms in the request for approval.

An abstract describing the need for and uses of the information collection.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained by calling the Departmental Clearance Officer, Paul E. Larson, Telephone 202–523–6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room S–5526, Washington, D.C. 20210. Comments should also be sent to the OMB reviewer, Arnold Strasser, Telephone 202–395–6880, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, NEOB, Washington, D.C. 20503.

Any member of the public who wants to comment on a form which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

Extension (adjustment to burden only)

Employment Standards Administration
Authorization for Release of Medical Information
CM–936
On occasion
Individual or households
3,000 responses; 250 hours; 1 form

This form is necessary in order to obtain medical information on a miner incurred outside of Department jurisdiction. The Privacy Act prevents hospitals, clinics or physicians from releasing this information without patient consent.

Employment and Training Administration
Nonmonetary Determination Activities
ETA–207
Quarterly
State or Local Governments
SIC 944
212 responses; 1166 hours; 1 form

Data are used to monitor the impact of disqualification provisions, to measure workload, and to appraise adequacy and effectiveness of State and Federal nonmonetary determination procedures.

Signed at Washington, D.C., this 12th day of April 1983.

Paul E. Larson,

Departmental Clearance Officer.

[FR Doc. 83-10128 Filed 4-14-83; 8:45 am]

BILLING CODE 4510-27-M, 4510-30-M

Agency Forms Under Review by the Office of Management and Budget (OMB)

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The title of the form.

The Agency form number, if applicable.

How often the form must be filled out.

Who will be required to or asked to report.

Whether small business or organizations are affected.

The standard industrial classification (SIC) codes, referring to specific respondent groups that are affected.

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Any member of the public who wants to comment on a form which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

New

Mine Safety and Health Administration
Record of Preshift and Onshift Inspections of Slope and Shaft Plans
MSHA 214R
Daily
Businesses or other institutions; small business or organization
SIC: 111, 121, and 1213
14,432 responses; 3,608 hours

Requires record of preshift and onshift inspections. Information is used as an enforcement tool to ensure that adequate examinations of the shaft/slope and associated equipment are made.

Occupational Safety and Health Administration
Air Quality Record
Occasionally
Businesses or other institutions
Small business or organization
SIC: 162 and 179
187,500 responses; 9,375 hours

Requires employers with employees working in underground locations to maintain a record of the findings when the atmosphere in underground locations is measured for oxygen content and contaminant levels. The information is to ensure that workplace atmospheres have been appropriately monitored and to provide the employer with information that will assist in determining how to ensure the safety of the employees.

Extensions

Bureau of Labor Statistics
Retail Prices—Shelter—Residential Property Taxes
BLS 2921F, 2921.40
Annually
State or local goverments
SIC: 931
600 responses; 4,800 hours; 2 forms

This survey collects property tax change data which are an essential component of the Consumer Price Index.

Retail Prices—Initiation and Collection of Commodities and Services and Food
BLS 3400, 3400A, 3400B, 3400C, 3084A, 3401, 3402
Monthly
Business or other institutions
Small business affected
SIC: Retail Trade—Multiple
240,750 responses; 73,074 hours; 7 forms

The collection of the commodities services and food prices comprise a significant portion of the collection effort for the Consumer Price Index.

Signed at Washington, D.C. this 8th day of April, 1983.

Paul E. Larson,

Departmental Clearance Officer.

[FR Doc. 83-10128 Filed 4-14-83; 8:45 am]

BILLING CODE 4510-24, 4510-28, 4510-43-M

Report on Computer Matching Project Involving Beneficiaries of State Unemployment Insurance

Summary: The Department of Labor, Office of Inspector General, announces a proposal to match by computer certain federal employee records with the listings for recipients of unemployment insurance compensation in several states and the District of Columbia. The matches will be made under written agreement between the participating states and federal agencies. A matching report is set forth below.

a. *Project Authority:* The Office of Inspector General (OIG) pursuant to its Authority Under Pub. L. 95-452 (Inspector General Act of 1978) has initiated a program of computer matching.

b. *Project Description:* One of the responsibilities of the Inspector General under the Act is to prevent and detect fraud and abuse in the programs and operations of the Department of Labor while keeping the Congress fully and currently informed about problems and deficiencies relating to the administration of such programs and operations and the need for and progress of corrective actions. Computer matching is the most efficient and also the least intrusive means of determining the propriety of program claimants receiving benefits.

The Employment and Training Administration (ETA) of the Department of Labor provides guidance and administrative funding for state operated Unemployment Insurance (UI) Programs. The state UI programs provide weekly compensation payments to unemployed workers. This matching effort will compare state UI claimant records to Federal employee payroll records to identify individuals who received UI compensation during periods of Federal employment. The organizations in the match are: the State Employment Security Agencies of California, New York, Arkansas, Tennessee, Mississippi, Maryland, Texas, Utah, Pennsylvania, Missouri, Massachusetts, Kentucky, Virginia and the District of Columbia; the U.S. Department of Health and Human Services and the Veterans Administration. The states will provide USDOL/OIG computer tapes with certain claimant data extracted from their benefit history files. The Federal agencies will provide USDOL/OIG computer tapes with certain employee payroll data extracted from their payroll files. The period covered in the match will be October 4, 1980 through October 2, 1982. The State and Federal tapes will be matched using specially developed computer programs which will be used only to support this project. The "raw hits" resulting from the crossmatch will be forwarded to the respective Federal agency of employment for validation that UI benefits were paid while actually employed. Through USDOL/OIG, validated listings of such payments will be forwarded to the appropriate state agency for administrative processing and recovery of validated overpayments. In addition, the Federal agency will use the validated listings to pursue investigations and take other appropriate action. Although scheduled as a one time match, recommendations for expanding the matching to include additional states and/or Federal agencies based on the results of this match may be made.

c. *Description of Records to be Matched:*

Health and Human Services—09-90-0017, Pay Leave, and Attendance Records, HHS/OS/ASPER, 47 FR 198, pg 45759, on October 13, 1982.

Veterans Administration—27NA047, Personnel and Accounting Pay System—VA, 42 FR 187, pg. 49740, on September 27, 1977.

d. *Period of the Match:* The first match should begin approximately in May 1983, and the final match during June 1983. Follow-up procedures may extend through the end of calendar year 1983.

e. *Privacy Protection and Data security:* The personal privacy of individuals identified on tapes is protected by strict compliance with the Privacy Act (Public Law 93-579) and OMB Circular A-108. Information from matching programs is used only for official purposes and "raw hits" are not released to the press or to the public.

All automated data sets will be password protected, and only those who need to know will be given access to the data sets or the passwords. All paper listings of data will be stored in a room which will be locked when not occupied.

f. *Disposition of Source Records and Hits:* Source records will not become part of the DOL/OIG system of records and will be returned to the providing agency and/or destroyed within six months after completion of the match. USDOL/OIG will not retain copies of "raw hit" listings. As stated above these listings will be forwarded to the appropriate Federal agencies of employment for validation. The "raw hit" listings will not be retained by the Federal agencies for more than one year. The "validated hit" listings may be retained by USDOL/OIG, the participating Federal agencies and State Employment Security Agencies for up to three years, (commencing upon completion of the validation process) and will then be destroyed.

Signed at Washington, D.C., on the 7th day of April, 1983.

J. Brian Hyland,

Deputy Inspector General.

[FR Doc. 83-10125 Filed 4-14-83; 8:45 am]

BILLING CODE 4510-21-M

Wage and Hour Division

Certificates Authorizing the Employment of Learners at Special Minimum Wages

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act (52 Stat. 1062, as amended; U.S.C. 214), Reorganization Plan No 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and Administrative Order No. 1-76 (41 FR 18949), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. For each certificate, the effective and expiration dates, number of proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations.

The following certificate was issued under the apparel industry learner regulations (29 CFR 522.1 to 522.9, as amended and 522.20 to 522.25 as amended).

Flushing Shirt Mfg. Co., Inc., Grantsville, MD; 1-18-83 to 1-17-84; 10 percent of the total number of factory

production workers for normal labor turnover purposes. (Men's shirts)

The following certificate was issued under the knitted wear industry regulations (29 CFR 522.1 to 522.9, as amended and 522.30 to 522.35, as amended.)

Somerset Mfg. Co., Inc., Somerset, PA: 3–8–83 to 3–7–84; 5 percent of the total number of factory production workers for normal labor turnover purposes. (Ladies' slips and sleepwear)

The following certificate was issued in Puerto Rico.

Glamourette Fashion Mills, Inc., Quebradillas, PR; 2–28–83 to 2–27–84; 61 learners for normal labor turnover purposes in the occupations of: (1) knitting, for a learning period of 480 hours at the rate of $3.02 an hour for the first 240 hours an $3.19 and hour for the remaining 240; (2) machine stitching-seaming, for a learning period of 320 hours at the rate of $3.02 an hour for the first 160 hours and $3.19 an hour for the remaining 160 hours; (3) pressing for a learning period of 320 hours at the rate of $3.02 an hour for the first 160 hours and $3.19 an hour for the remaining 160 hours; and (4) kettle handlers and dyers for a learning period of 240 hours at the rate of $3.02 an hour. (Sweaters and related products)

Each certificate has been issued upon the representations of the employer which, among other things were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available.

The certificate may be annulled or withdrawn as indicated therein, in the manner provided in 29 CFR Part 528. Any person aggrieved by the issuance of any of these certificates may seek a review or consideration thereof on or before May 2, 1983.

Signed at Washington, DC this 8th day of April 1983.

Arthur H. Korn,

Authorized Representative of the Administrator.

[FR Doc. 83–10128 Filed 4–14–83; 8:45 am]

BILLING CODE 4510–27–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Visual Arts Advisory Panel (Challenge/Advancement); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Visual Arts Advisory Panel (Challenge/Advancement) to the National Council on the Arts will be held on May 4–6, 1983, form 9:00 a.m.–5:30 p.m., at the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

April 11, 1983.

[FR Doc. 83–10085 Filed 4–14–83; 8:45 am]

BILLING CODE 7537–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Behavioral and Neural Sciences; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Behavioral and Neural Sciences—Subpanel for Anthropology (Physical- & Archaeology).

Date and time: May 11, 1983—8:30–6:00 p.m.

Place: National Science Foundation, 1800 G Street, NW., Room 1224, Washington, D.C. 20550.

Type of meeting: Closed.

Contact person: Dr. Charles L. Redman, Anthropology Program, Room 320, National Science Foundation, Washington, D.C. 20550. (202) 357–7804.

Purpose of subpanel: To provide advice and recommendations concerning support for research in archaeology and physical anthropology.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: the proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority of close meeting: this determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

Dated: April 21, 1983.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 83–10100 Filed 4–14–83; 8:45 am]

BILLING CODE 7555–01–M

Advisory Committee for International Programs; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Advisory Committee for International Programs.

Dates: May 6, 1983, 8:30 a.m. to 4:00 p.m.

Place: National Science Foundation, 1800 G Street, NW., Washington, D.C.; Room 1224.

Type of meeting: Part-open.

Contact person: Dr. Bodo Bartocha, Director, Division of International Programs, National Science Foundation, Washington, D.C. 20550. Telephone (202) 357–9552.

Summary of minutes: May be obtained from Contact Person.

Purpose of Committee: To provide advice, recommendations, and oversight related to support for international cooperation in science and engineering.

Agenda

8:30 a.m. to 11:15 a.m., open.

11:15 a.m. to 11:45 a.m., closed.

1:00 p.m. to 4:00 p.m., open.

8:30 a.m. Recent events affecting the Division of International Programs. NSF policy and planning for international scientific cooperation. Discussion of the Committee's General Report.

11:15 a.m. Review of Peer Oversight Report drafted by the Oversight Subcommittee.

1:00 p.m. Summary of science in international relations. Developing countries updates: India and Mexico

Reason for Closing

The Committee will be reviewing documentation of program actions involving peer reviews and involving privileged information contained in declined and withdrawn proposals. These matters cannot be separated from discussion of public matters relating to awards and are within exemptions (4) and (6) of 5 U.S.C. 552(c). Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

Dated: April 21, 1983.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 83-10101 Filed 4-14-83; 8:45 am]

BILLING CODE 7555-01-M

Advisory Committee for Mathematical and Computer Sciences, Subcommittee for Computer Science; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Subcommittee for Computer Science of the Advisory Committee for Mathematical and Computer Sciences.

Date and Time: May 2 and 3, 1983—9:00 a.m. each day.

Place: Room 338, National Science Foundation, 1800 G. Street, N.W., Washington, D.C. 20550.

Type of meeting: All Sessions Open

—05/02 open 9:00 a.m. to 5:00 p.m.
—05/03 open 9:00 a.m. to 3:00 p.m.

Contact person: Mr. Kent K. Curtis, Head, Computer Science Section, Room 339, National Science Foundation, Washington, D.C. 20550. Telephone: (202) 357-9747. Anyone planning to attend this meeting should notify Mr. Curtis no later than 04/26/83.

Purpose of Subcommittee: To provide advice and recommendations concerning support for research in Computer Science.

Summary minutes: May be obtained from the contact person at the above address.

Monday, May 2, 1983—9:00 a.m. to 5:00 p.m.—Open

9:00-9:15—Opening Remarks, K. K. Curtis
9:15-10:00—Division Director's Remarks, E. F. Infante
10:00-10:30—Assistant Director's Remarks, M. Bardon
10:30-11:30—CSNET Status and Issues, W. R. Adrion
11:30-12:00—Objectives and Procedures for Conducting CER Program Review, W. R. Adrion
12:00-1:00—Lunch
1:00-2:00—Equipment Program Status and Issues, J. R. Lehmann
2:00-5:00—Other Federal Agency Support, Representatives of DOE, NASA, ONR, ARO, AFOSR, and DARPA

Tuesday, May 3, 1983—9:00 a.m. to 3:00 p.m.—Open

9:00-12:30—Directions, Needs, and Appropriate Responses, K. K. Curtis
12:30-1:30—Lunch
1:30-3:00—Chairman's Items, A. Aho
3:00—Adjourn

Dated: April 12, 1983.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 83-10102 Filed 4-14-83; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Behavioral and Neural Sciences; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Behavioral and Neural Sciences—Subpanel for Anthropology (Social-Cultural).

Date and time: May 6, 1983—8:30-6:00 p.m.

Place: National Science Foundation, 1800 G Street, N.W., Room 543, Washington, D.C. 20550.

Type of meeting: Closed.

Contact person: Dr. Stephen B. Brush, Program Director for Anthropology, Room 320, National Science Foundation, Washington, DC 20550, (202) 357-7804.

Purpose of subpanel: To provide advice and recommendations concerning support for research in social and cultural anthropology.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

Dated: April 21, 1983.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 83-10107 Filed 4-14-83; 8:45 am]

BILLING CODE 7555-01-M

Advisory Committee for Ocean Sciences, Subcommittee for Ocean Sciences Research; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subcommittee for Ocean Sciences Research.

Date and time: May 3, 4, and 5, 1983, 9:00 am to 6:00 pm each day.

Place: Rooms 536, 628, 1224 and 1240, National Science Foundation, 1800 G Street, NW., Washington, D.C.

Type of meeting: Closed.

Contact person: Dr. Robert E. Wall, Head, Ocean Science Research Section, Room 611, National Science Foundation, Washington, D.C., 20550 Telephone (202) 357-7924.

Purpose of meeting: To provide advice and recommendations concerning support for research in Oceanography.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determination by the Director, NSF, on July 6, 1979.

Dated: April 21, 1983.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 83-10103 Filed 4-14-83; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Environmental Biology, Subpanel on Population Biology and Physiological Ecology; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subpanel on Population Biology and Physiological Ecology of the Advisory Panel for Environmental Biology.

Date and time: May 5 and 6, 1983—8:30 a.m. to 5:00 p.m. each day.

Place: Room 1141, National Science Foundation, 1800 G St., N.W., Washington, D.C. 20550

Type of meeting: Closed.

Contact person: Dr. Robert E. Cook, Program Director, Population Biology and Physiological Ecology (202) 357-9728, Room 1140, National Science Foundation, Washington, D.C. 20550.

Purpose of subpanel: To provide advice and recommendations concerning support for research in population biology and physiological ecology.

Agenda: Review and evaluation of research proposals and projects as part of the selection process of awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial date, such as salaries: and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such

determinations by the Director, NSF, on July 6, 1979.

Dated: April 21, 1983.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 83-10108 Filed 4-14-83; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Physiology, Cellular and Molecular Biology, Subpanel on Regulatory Biology; Meeting

In accordance with Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Subpanel on Regulatory Biology of the Advisory Panel for Physiology, Cellular and Molecular Biology.

Date and time: May 4, 5 and 6, 1983 (8:30 am to 5:00 pm).

Place: Conference Room 338, National Science Foundation; 1800 G Street NW., Washington, D.C. 20550.

Type of meeting: Closed.

Contact person: Dr. Bruce L. Umminger, Program Director, Regulatory Biology, Room 332, National Science Foundation, Washington, D.C. 20550, Telephone 202/357-7975.

Purpose of Subpanel: To provide advice and recommendations conceerning support for research in regulatory biology.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individiduals associated with the proposals. These matters are within exemptions (4) and (6) of U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

Dated: April 21 1983

M. Rebecca Winker,

Committee Management Coordinator.

[FR Doc. 83-10104 Filed 4-14-83; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Social and Economic Science, Subpanel for Sociology; Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the National Science Foundation announces the following meeting:

Name: Subpanel for Sociology of the Advisory Panel for Social and Economic Science.

Date and Time: May 2-3, 1983,

Monday—9:00 am to 5:30 pm.

Tuesday—9:00 am to 4:00 pm.

Place: National Science Foundation, 1800 G Street, NW., Washington, DC, Room 1141.

Type of meeting: Closed.

Contact persons: Joanne Miller, Program Director for Sociology or Gail Wisan, Associate Program Director for Sociology, Room 316, National Science Foundation, Washington, D.C. 20550, Telephone: (202) 357-7802.

Purpose of subpanel: To provide advice and recommendation concerning support for research in the Sociology Program.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b (c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of P.L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, of July 6, 1979.

Dated: April 21, 1983.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 83-10099 Filed 4-14-83; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Social and Economic Science, Subpanel for Law and Social Sciences; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Subpanel for Law and Social Sciences of the Advisory Panel for Social and Economic Science.

Date/time: May 5th and 6th, 1983; 9:00 a.m. to 5:00 p.m.

Place: Room 1242a, National Science Foundation, 1800 G Street, N.W., Washington, D.C. 20550.

Type of meeting: Closed.

Contact person: Dr. Felice J. Levine, Program Director, Law and Social Sciences Program, Room 312, National Science Foundation, 1800 G Street, N.W., Washington, D.C. 20550; telephone (202) 357-9567.

Purpose of subpanel: To provide advice and recommendation concerning support for research in Law and Social Sciences.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

Dated: April 21, 1983.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc 83-10105 Filed 4-14-83; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-293]

Boston Edison Co. (Pilgrim Nuclear Power Station); Exemption

I

Boston Edison Company (BECo, licensee) is the holder of Facility Operating Licensee No. DPR-35 which authorizes operation of the Pilgrim Nuclear Power Station. This license provides, among other things, that it is subject to all Rules, Regulations, and Orders of the Commission now or hereafter in effect.

The facility is comprised of a boiling water reactor at the licensee's site located in Plymouth County, Massachusetts.

II

Section IV.F of Appendix E to 10 CFR Part 50 requires that an emergency preparedness exercise be conducted at least on annual basis. A full scale emergency preparedness exercise was conducted by Boston Edison Company on March 3, 1982.

By letter dated November 17, 1982, Boston Edison Company, stated that the Federal Emergency Management Agency (FEMA) requested BEC'o cooperation in rescheduling the annual offsite emergency planning exercise for Pilgrim Nuclear Power Station to a date late in June 1983, to allow for the full-scale participation of all parties. Accordingly, the licensee requested NRC approval of a one-time exemption from the schedular requirements of 10 CFR Part 50, Appendix E, Section IV.F to allow BECo's annual emergency preparedness exercise to be conducted in late June, 1983.

The licensee has committed to continual training of personnel as

outlined in the Pilgrim Nuclear Power Station Emergency Plan to ensure that personnel remain familiar with emergency response duties. Therefore, the Pilgrm emergency plan will remain fully functional during the period of this one-time delay in performing the emergency preparedness drill.

Based on this; and on the fact that the last full-scale exercise was held on March 3, 1982 and that the exercise demonstrated an acceptable level of preparedness; and our belief that the most effective and beneficial annual exercises are those involving full-scale participation of State and local government organizations, we find that a delay in performing the annual emergency preparedness exercise will not adversely affect the overall state of emergency preparedness at Pilgrim. The staff therefore concludes that an exemption should be granted.

III

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, an exemption is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest. Therefore, the Commission hereby approves the following exemption:

The licensee is exempt from the requirement of Section IV.F of Appendix E to 10 CFR Part 50 with respect to the requirement for conducting an annual emergency preparedness exercise, and is required to conduct the next emergency preparedness exercise for the Pilgrim Nuclear Power Station no later than June 30, 1983.

The NRC staff has determined that the granting of this exemption will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

Dated at Bethesda, Maryland this 30th day of March 1983.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 83-10090 Filed 4-14-83; 8:45 am]
BILLING CODE 7590-01-M

[Docket Nos. 50-445, 50-446; (Application for Operating License)]

Texas Utilities Generating Co., et. al. (Comanche Peak Steam Electric Station, Units 1 and 2); Evidentiary Hearing

April 12, 1983

From May 16-20, 1983 the Atomic Safety and Licensing Board (Board) will conduct an evidentiary hearing in this case at the Fritz Lantham Building, Room 5B14, 819 Taylor Street, Fort Worth, Texas. The purpose of the hearing is to receive evidence on a staff study of quality assurance at Comanche Peak (and some related issues), on emergency planning and on some Board questions about unresolved safety issues and board notices.

Ordinary hours of hearing will be from 9 a.m. to 5 p.m., subject to periodic recesses and to extension of hours in order to complete the hearing during the scheduled time period.

Members of the public who are not parties to the proceeding are invited to submit written limited appearance statements and to make brief oral presentations to the Board during a limited-appearance session to be held beginning at 8 p.m. on May 16, 1983. The principal purpose of these statements is to inform the Board about safety and environmental issues which have been placed before it by the parties or about other issues of such importance that the Board may decide to consider them even though the parties have not raised them.

Although statements generally will be permitted regardless of their direct relevance, the Board's authority is limited; in particular, it is prohibited from reaching decisions contrary to the Commission's rules and regulations. Consequently, some questions may be more effectively addressed in petitions to the Nuclear Regulatory Commission or the Congress of the United States.

Limited appearance statements will become part of the record of the case. Generally, written statements are not limited in length. However, oral presentations will be limited to 5 minutes, subject to extension at the Board's discretion. Oral presentations should summarize the key points made in written testimony and, if additional time may be needed, these statements should indicate the specific subjects to be discussed if an extension of time is granted.

Persons wishing to appear may notify the Board of their intention by writing to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Attention: Docketing and Service Branch, Washington, D.C. 20555. Please refer to the Docket Nos. 50-445 and 50-446. People unable to provide advance notice of their intention to participate may schedule an oral appearance by notifying the Board of their intention, in writing, no later than 10 a.m. on Monday morning, May 16, 1983.

For the Atomic Safety and Licensing Board.

Peter B. Bloch,

Chairman, Administrative Judge.

Bethesda, Maryland.

[FR Doc. 83-10245 Filed 4-14-83; 8:45 am]
BILLING CODE 7590-01-M

International Atomic Energy Agency Draft Safety Guide; Availability of Draft for Public Comment

The International Atomic Energy Agency (IAEA) is completing development of a number of internationally acceptable codes of practice and safety guides for nuclear power plants. These codes and guides are in the following five areas: Government Organization, Design, Siting, Operation, and Quality Assurance. All of the codes and most of the proposed safety guides have been completed. The purpose of these codes and guides is to provide guidance to countries beginning nuclear power programs.

The IAEA codes of practice and safety guides are developed in the following way. The IAEA receives and collates relevant existing information used by member countries in a specified safety area. Using this collation as a starting point, an IAEA working group of a few experts develops a preliminary draft of a code or safety guide which is then reviewed and modified by an IAEA Technical Review Committee corresponding to the specified area. The draft code of practice or safety guide is then sent to the IAEA Senior Advisory Group which reviews and modifies as necessary the drafts of all codes and guides prior to their being forwarded to the IAEA Secretariat and thence to the IAEA Member States for comments. Taking into account the comments received from the Member States, the Senior Advisory Group then modifies the draft as necessary to reach agreement before forwarding it to the IAEA Director General with a recommendation that it be accepted.

As part of this program, Safety Guide SG-D14, "Design for Reactor Core Safety in Nuclear Power Plants," has been developed. An IAEA working group, consisting of Mr. V. C. Orpen and Mr. A. C. Whittier from Canada, Mr. F. W. Aisch from the Federal Republic of Germany, Mr. S. Saito from Japan, and Mr. A. F. Goode from the United Kingdom, developed this guide from an IAEA collation. The working group draft was modified by the IAEA Technical Review Committee, and we are now soliciting public comment on this draft (Rev. 3, 12/16/82). Comments received

by the Director, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, by June 1, 1983, will be particularly useful to the U.S. representatives of the Technical Review Committee and the Senior Advisory Group in developing their positions on its adequacy prior to their next IAEA meetings.

Single copies of this draft Safety Guide may be obtained by a written request to the Director, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(5 U.S.C. 522(a))

Dated at Washington, D.C. this 11th day of April 1983.

For the Nuclear Regulatory Commission.

Robert B. Minogue,

Director, Office of Nuclear Regulatory Research.

[FR Doc. 83-10082 Filed 4-14-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-220]

Niagara Mohawk Power Corp. (Nine Mile Point Nuclear Station Unit No. 1; Exemption

I

The Niagara Mohawk Power Corporation (the licensee) is the holder of Facility Operating License No. DPR-63 which authorizes the licensee to operate the Nine Mile Point Nuclear Station, Unit No. 1 (the facility) at power levels not in excess of 1850 megawatts thermal. The facility is a boiling water reactor (BWR) located at the licensee's site in Oswego County, New York. The license provides, among other things, that it is subject to all rules, regulations and Order of the Commission now or hereafter in effect.

II

Section 50.48 of 10 CFR Part 50 requires that licensed operating reactors be subject to the requirements of Appendix R of 10 CFR Part 50. Appendix R contains the general and specific requirements for fire protection programs at licensed nuclear facilities. On February 17, 1981, the fire protection rule for nuclear power plants, 10 CFR 50.48 and Appendix R, become effective. This rule required all licensees of plants licensed prior to January 1, 1979, to submit by March 19, 1981: (1) Plans and schedules for meeting the applicable requirements of Appendix R, (2) a design description of any modifications proposed to provide alternative safe shutdown capability pursuant to Paragraph III.G.3 of Appendix R, and (3) exemption requests for which the tolling provision of § 50.48(c)(6) was to be invoked.

The licensee responded to these requirements by letter dated March 19, 1981, and supplemented its response by information contained in letters dated June 9, 1981, October 1, 1982, and December 3, 1982.

In these submittals, the licensee requested certain exemptions from the requirements of Section III.G of Appendix R to 10 CFR Part 50. Section III.G of Appendix R requires that one train of cables and equipment necessary to achieve and maintain safe shutdown be maintained free of fire damage by one of the following means:

a. Separation of cables and equipment and associated non-safety circuits of redundant trains by a fire barrier having a 3-hour rating. Structural steel forming a part of or supporting such fire barriers shall be protected to provide fire resistance equivalent to that required of the barrier;

b. Separation of cables and equipment and associated non-safety circuits of redundant trains by a horizontal distance of more than 20 feet with no intervening combustibles or fire hazards. In addition, fire detectors and an automatic fire suppression system shall be installed in the fire area; or

c. Enclosure of cables and equipment and associated non-safety circuits of one redundant train in a fire barrier having a 1-hour rating. In addition, fire detectors and an automatic fire suppression system shall be installed in the fire area.

If these conditions are not met, Section III.G.3 requires alternative shutdown capability independent of the fire area of concern.

The exemption requests we found to be acceptable are as follows:

1. The licensee requested an exemption from the provisions of Section III.G of Appendix R for the battery board rooms (Fire Zones B1A and B1B) because their boundary walls do not provide the required three-hour rated barriers.

The licensee justified the exemption by stating that: redundant systems, equipment and associated cabling in the battery board rooms are separated by a two-hour fire wall; transient combustibles are essentialy non-existent, smoke detectors and manual fire suppression are available; fixed combustible loading is minimal; combustible storage and personnel access is controlled; and automatic suppression capabilities are installed in adjacent areas.

We have reviewed the licensee's submittals and agree with the licensee's evaluation that the area does not comply with Section III.G because the boundary walls are not the required three-hour rated barriers. However, we find that the combustible loading in these rooms is significantly lower than the fire resistance rating of the boundary walls and that detection and manual suppression capability is provided in adjacent areas. We find that this protection, in conjunction with the other features identified by the licensee, provide sufficient fire protection capability such that reasonable assurance exists that one train of components needed for safe shutdown will be maintained free of fire damage.

Therefore, we conclude that the existing fire protection program for the battery board rooms (Fire Zones B1A and B1B) provides a level of fire protection equivalent to the technical requirements of Section III.G of Appendix R and that the licensee's request should be granted.

2. The licensee has requested an exemption from the provisions of Section III.G of Appendix R for the battery rooms located in Fire Zones B2A and B2B because their boundary walls are not the required three hour barriers.

The licensee has justified the exemption request by stating that: Redundant systems, equipment and associated cabling are separated by a two-hour rated fire barrier; transient combustibles are essentially nonexistent; smoke detectors are available; manual suppression is available in adjacent areas; fixed combustible loading in the area is light; and that access to the area is restricted.

We have reviewed the licensee's submittals and agree with the licensee's evaluation that the area does not comply with Section III.G of Appendix R because the boundary walls are not the required three hour barriers. However, we find that the combustible loading in these rooms is significantly lower that the fire resistance rating of the existing boundary walls and that detection and manual suppression capability are provided in adjacent areas. We find that this protection, in conjunction with the other features identified by the licensee, provide sufficient fire protection capability such that reasonable assurance exists that one train of components needed for safe shutdown will be maintained free of fire damage.

Therefore, we conclude that the existing fire protection program for the battery rooms in Fire Zones B2A and B2B provides a level of fire protection equivalent to the technical requirements

of Section III.G of Appendix R and that the licensee's request should be granted.

3. The licensee has requested an exemption from Section III.G for the boundary wall that separates fire Sub-Areas 1 and 2 in the upper level of the Reactor Building and for the boundary wall that separates Fire Sub-Areas 1 and 2 from Fire Zone T8A and T8B in the adjacent Turbine Building because the area does not have a three-hour rated barrier or an automatic suppression system, nor is there an alternate shutdown capability independent of the area.

The licensee has justified the exemption by stating that: redundant systems, equipment, and associated cabling are separated by twenty feet of separation without intervening combustibles; transient combustible loadings are low and controlled; smoke detectors are provided; manual fire suppression is available; fixed combustible loading is extremely light; and maximum fire severity is less than one minute.

We have reviewed the licensee's submittals and agree with its evaluation that the area does not comply with Section III.G because it is not provided with a three-hour rated barrier or an automatic suppression system, and that no alternate shutdown capability independent of the area exists. However, we find that due to the low in-situ fire load, large room volume and a ceiling height in excess of fifty feet, the probability of a fire occurrence of sufficient magnitude to damage redundant cables and components is low. In addition, the fire hazard associated with this small amount of cables has been further reduced by coating the intervening cables with a flame-retardant coating.

Therefore, we conclude that the existing fire protection program provides reasonable assurance that one train of cables and components needed for safe shutdown in Fire Sub-Areas 1 and 2 will be maintained free of fire damage, and the existing fire wall between these sub-areas and the adjacent Fire Zones T8A and T8B in the Turbine Building is adequate to prevent fire propagation to these areas. We also conclude that these measures provide a level of fire protection equivalent to the technical requirements of Section III.G of Appendix R and that the licensee's request should be granted.

4. The licensee has requested an exemption from the provisions of Section III.G of Appendix R for the boundary wall between Fire Zones T8A and T8B along with common boundary of column line 8.

The licensee has justified the exemption by stating that: redundant systems, equipment and associated cabling are separated by twenty feet of separation without intervening combustibles. Transient combustible loadings are low and controlled; early warning ionization-type smoke detectors are used in each fire zone which alarm in the control room; manual suppression is available within and outside each fire zone; and fixed combustible loading is extremely light, with controlled storage of transient combustibles.

We have reviewed the licensee's submittals and agree with the licensee's evaluation which concludes that this area does not comply with Section III.G because the boundary wall between redundant divisions is not three-hour rated barrier, and automatic suppression, or alternate shutdown capability independent of the area is not provided. However, we find that redundant components are separated by twenty feet with only a small amount of intervening combustibles, and that the fire hazard associated with these combustibles has been further reduced by coating the intervening combustibles (cables) with a flame retardant coating. In addition, due to the physical configuration of the room and the materials used in the safety related applications in this area, we find the probability that a fire could damage redundant safety related components is low.

Therefore, we conclude that the existing fire protection program for Fire Zones T8A and T8B provides a level of fire protection equivalent to the technical requirements of Section III.G of Appendix R and that the licensee's request should be granted.

5. The licensee has requested an exemption from the provision of Section III.G of Appendix R for the control room ceiling because the ceiling does not have a three-hour rating from the control room side due to unprotected structural steel members.

The licensee has justified the exemption by stating that: ionization type smoke detectors are installed in the control room and in each control console; manual suppression is available; the control room is continuously manned; access to the control room is controlled; storage of transient combustibles is not allowed; control room systems are capable of removing smoke and byproducts; fire loading is minimal; no safe shutdown systems are located in fire zones above the control room; the ceiling area is well above the combustibles in the control room; and the majority of the combustibles in the control room are enclosed in metal panels.

We have reviewed the licensee's submittals and agree with the licensee's evaluation that the area does not comply with Section III.G because the control room is not provided with a fixed fire suppression system, and is not completely enclosed by three-hour rated fire barriers. However, we find that the fire protection features currently installed in the control room and the continuous manning of the control room provide adequate defense-in-depth fire fighting capability for this area. In addition, we agree that the other features identified by the licensee provide adequate assurance that any fire initiated in the control room would be rapidly extinguished before significant fire damage occurred.

Therefore, we conclude that the existing fire protection program for the control room provides a level of fire protection equivalent to the technical requirements of Section III.G of Appendix R, and that the licensee's request should be granted.

III

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, an exemption is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest. Therefore, the Commission hereby approves the following exemption request:

Exemption is granted from the requirements of Section III.G of Appendix R of 10 CFR Part 50 for the following areas:

1. Battery Board Rooms (Fire Zones B1A and B1B).

2. Battery Rooms (Fire Zones B2A and B2B).

3. Reactor Building, upper level (Fire Sub-Areas 1 and 2), including the boundary wall that separates Fire Sub-Areas 1 and 2 from the Fire Zones T8A and T8B in the adjacent Turbine Building.

4. Turbine Building, upper level (Fire Zones T8A and T8B).

5. Control Room (Fire Zone C3).

The NRC staff has determined that the granting of these exemptions will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4), an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

Dated at Bethesda, Maryland this 21st day of March 1983.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 83-10081 4-14-83; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 13152; 812-5447]

Hartford Variable Annuity Life Insurance Co. et al; Application

April 8, 1983.

Notice is hereby given that Hartford Variable Annuity Life Insurance Company ("HVA"), Hartford Equity Sales Company, Inc. ("Equity Sales"), Hartford variable Life Insurance Company DC Variable Account–I ("DC–I"), Hartford Variable Annuity Life Insurance Company DC Variable Account-II ("DC–II"), Hartford Variable Annuity Life Insurance Company QP Variable Account ("QP") Hartford Variable Annuity Life Insurance Company NQ Variable Account ("NQ") Hartford Variable Annuity Life Insurance Company Variable Account "A" ("Account A"), Hartford Fund, Incorporated ("Hartford Fund") Hartford Advisers Fund, Inc. ("Advisers"), HVA Bond Fund, Inc. ("HVA-Bond"), HVA Money Market Fund, Inc. ("HVA-Money"), HVA Government Securities Fund, Inc. ("HVA-Government Securities") and HVA Advisers Fund, Inc. ("HVA-Advisers") (hereinafter collectively referred to as "Applicants"), Hartford Plaza, Hartford, Conn. 06115, filed an application on February 3, 1983, and amendments thereto on March 9, 1983 and March 29, 1983, for an order of the Commission pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") exempting Applicants from the provisions of Sections 2(a)(32), 2(a)(35), 14(a), 22(c), 26(a)(2)(C), 26(a)(2)(D), 27(c)(1), 27(c)(2) and 27(d) of the Act and Rule 22c–1 thereunder to the extent necessary to permit the Applicants' proposed offering of certain variable annuity contracts, pursuant to Section 6(c) amending prior orders, and pursuant to Sections 11(a) and 11(c) of the Act approving the terms of certain exchange offers. Applicants also request an order pursuant to Section 17(b) of the act and Rule 17d–1 under Section 17(d) of the Act exempting certain transactions from the provisions of Sections 17(a) and 17(d) of the Act and for an order pursuant to Section 26(b) of the Act approving the substitution of the funding media of certain varable annuity contracts. All interested persons are referred to the application and amendments on file with the Commission for a statement of the facts and representation contained therein, which are summarized below, and are referred to the Act and Rules thereunder for a statement of the relevant statutory provisions.

HVA is a stock life insurance company acting as sponsor-depositor of DC–I, DC–II, Account A, Account QP and Account NQ, each of which is a separate account registered under the Act as a unit investment trust (collectively, the "unit trust"). Hartford Fund, which presently serves as the underlying investment medium for the unit trusts, is registered under the Act as an open-end, diversified, management investment company and is presently organized as a series investment company with a bond, stock, and money market portfolio. HVA-Bond, HVA-Money Maket, HVA-Government Securities, Advisers, and HVA Advisers are newly-organized investment companies register under the Act as open-end management investment companies (the "HVA Funds"). Equity Sales is a registered broker-dealer and a wholly-owned subsidiary of HVA.

Applications request an order of the Commission to the extent necessary to take the following actions.

1. Issuance of New Contracts and Amendment of Prior Orders

HVA presently issues Group Master Variable Annuity Contracts through DC–II ("Old Contracts") and previously obtained all necessary "start-up" relief for the issuance of these contracts (see Investment Company Act Rel. No. 12065 (Dec. 1, 1981). HVA also issues other variable annuity contracts through the unit trusts ("Other Contracts") and previously obtained all necessary "start-up" relief for the issuance of these contracts (*see*

Investment Company Act Rel. Nos. 9906 (Aug. 24, 1977), 9907 (Aug. 24, 1977), 9908 (Aug. 24, 1977), 11428 (Nov. 4, 1980), and 12065 (Dec. 1, 1981). HVA now proposes to issue a new series of Group Master Variable Annuity Contracts ("New Contracts") identical to the Old Contracts except for the schedule of contingent deferred sales charges applicable to and the level of the annual policy fee to be deducted from such contracts.

With respect to the sales charge, Applicants propose to implement the revised sales load schedule described in the application and represent that in no event will the sales charge imposed on Old or New Contracts exceed 8½% of the gross purchase payments made. Applicants also represent that the schedule of sales charges on the Other Contracts will remain unchanged and also in no event exceed 8½% of purchase payments made, and request that the prior orders issued with respect to these contracts be amended to include this limitation.

With respect to the annual policy fee, HVA also proposes to reduce the amount of the annual policy fee, which is presently $25 under the Old Contracts, to $18 under the New Contracts, as well as reducing the maximum permissible fee that may be imposed, which is presently $50 under the Old Contracts, to $36 under the New Contracts. Applicants represent that the annual fee will cover the costs incurred in setting up and maintaining contractowners' accounts and that they do not anticipate any profit from this fee. Applicants also represent that any increases in the annual fee up to the maximum permisaible amount will be made only to cover anticipated increases in costs. Applicants further propose not to pro-rate the annual fee upon redemption and represent that this is appropriate as many of the costs of maintaining a contract are incurred regardless of when the contract is redeemed.

2. Reorganization of Hartford Fund and Substitution of Shares

Applicants also propose to reorganize and recapitalize the Hartford Fund. Under the terms of the Old and Other Contracts, contractowners have the option to vary the allocation of their investments between the three existing portfolios of Hartford Fund. As described in the application, Hartford Fund proposes to reorganize by terminating the bond and money market portfolios and changing the Hartford Fund's name to HVA Stock Fund. In connection with this reorganization, the securities underlying the money market and bond portfolios wil be transferred to newly created HVA-Bond and HVA-Money Market and the shares of HVA-Bond and HVA-Money Market will be substituted for the shares of the bond and money market portfolios. After the reorganization, the HVA Funds and the HVA Stock Fund will be the investment alternatives under the Old, New, and Other Contracts, except that the shares of Advisers will not be available to owners of Other Contracts issued through Account NQ.

Applicants represent that the proposed reorganization and recapitalization of Hartford Fund is occasioned by the Internal Revenue Service's position that a series company is taxable as a single entity for Federal income tax purposes. Applicants state that the boards of directors of Hartford

Fund and HVA have determined that taxation of Hartford Fund as a single entity could be detrimental to owners of non-tax qualified contracts in the computation and utilization of capital gains and losses and tax reserve set asides. The boards of directors therefore determined that the reorganization of Hartford Fund is in the best interests of contractowners and Applicants represent that HVA will pay the expenses of the reorganization. Applicants also represent that the shares of HVA-Bonds and HVA-Money Market to be substituted are generally comparable in both character and quality to the shares of Hartford Fund that will become unavailable. Applicants also represent that contractowners will be given written notice of the substitution and may surrender their contracts.

3. Exchange Offers

In addition, Applicants propose to permit owners of Old, New, and Other Contracts to exchange shares of the underlying investment media of their contracts for shares of the other available investment media, as described in the application and subject to certain conditions. In connection with these transfers in the case of New Contracts only, Applicants propose to deduct a $5 transfer fee. Applicants represent that the transfer charge approximates the administrative expenses to be incurred in connection with an exchange and that they do not anticipate any profit from this fee.

Requested Relief

1. *Section 6(c).* Section 6(c) of the Act provides generally that the Commission may exempt any person from any provision of the Act or its Rules and Regulations if and to the extent necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants submit that the relief requested below is appropriate in the public interest and fully consistent with the protection of investors and the policy and purposes of the Act.

Pursuant to this provision, Applicants request the following exemptions: (i) from Sections 26(a)(2)(C) and 27(c)(2) to the extent necessary to permit HVA to deduct the contingent deferred sales charge, the annual policy fee, and the transfer charge; (ii) from Sections 2(a)(32), 2(a)(35), 22(c), 27(c)(1), 27(d) of the Act and Rule 22c–1 thereunder, to the extent necessary, to impose the sales charge and the full annual policy fee upon redemption; and (iii) from Sections 26(a)(2)(D) and 27(c)(2) to the extent necessary to permit HVA to hold the assets of the unit trusts under an open account arrangement without the use of stock certificates. They also request, as discussed above, that certain prior orders be amended to include a sales charge limitation.

Finally, Applicants request relief from section 14(a) of the Act to the extent necessary to permit HVA-Bond and HVA-Money Market to issue their shares to Hartford Fund in exchange for the securities underlying the bond and money market portfolios. Applicants assert that immediately upon such exchange, each of these funds will have in excess of the minimum capital requirement provided by Section 14(a) of the Act, but request relief to the extent that this issuance may be deemed to be a public offering of securities not in compliance with the provisions of Section 14(a) of the Act.

2. *Section 17(b) and Rule 17d–1.* Section 17(a) of the Act provides, in pertinent part, that it is unlawful for any affiliated person of a registered investment company, or any affiliated person of such an affiliated person, knowingly to sell to or purchase from such investment company any security or other property. Section 17(b) of the Act provides, in pertinent part, that notwithstanding Section 17(a) of the Act, a person may file with the Commission an application for an order exempting a proposed transaction from the provisions of Section 17(a). Section 17(d) and Rule 17d–1 thereunder generally make it unlawful for any affiliated person of a registered investment company to effect any transaction in which such investment company is a joint participant without the permission of the Commission.

Applicants request an order pursuant to Section 17(b) and Rule 17d–1 exempting the proposed reorganization and recapitalization of Hartford Fund,and the resultant transfers of the securities, from the provisions of Section 17(a) and Rule 17d–1.

3. *Section 26(b).* Section 26(b) of the Act makes it unlawful for the depositor of any unit investment trust holding the security of a single issuer to substitute another security for such security unless the Commission shall have approved such substitution. Applicants HVA and Hartford Fund request an order pursuant to Section 26(b) authorizing the substitution of the shares of HVA-Bond and HVA-Money Market for the shares of the bond and money market portfolios of Hartford Fund.

4. *Section 11.* Section 11(a) of the Act provides generally that it shall be unlawful for any registered open-end company to make an exchange offer on any basis other than relative net asset values unless the terms of the offer have first been submitted to and approved by the Commission. Section 11(c) provides that, irrespective of the basis of exchange, the provisions of subsection (a) shall be applicable to any type of exchange offer involving the securities of a registered unit investment trust. Applicants request an order of the Commission pursuant to Section 11 approving the terms of the proposed offers of exchange noted above.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than April 29, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specified issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicants at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83–10082 Filed 4–14–83; 8:45 am]

BILLING CODE 8010–01–M

Local Forums on Small Business Capital Formation

The Executive Committee of the Securities and Exchange Commission Government-Business Forum on Small Business Capital Formation announces plans to conduct during June and July 1983, a series of five local forums in cities across the nation concerning the small business capital formation process. Small businesspersons, bankers, financial advisers, venture capitalists, pension fund managers and others interested in small business will have an opportunity to present their views on problems and specific proposed remedies relating to tax, credit, access to financial institutions, securities and other areas of importance in the capital formation process.

The Executive Committee, which is chaired by SEC Commissioner John R. Evans, is comprised of representatives of government agencies, major small business organizations and other individuals and groups concerned about small business (see below). A panel of Executive Committee members, including representatives of key federal agencies and departments, will conduct each local forum. The Executive Committee will prepare a report of the local forums, including proposed legislative and regulatory recommendations, to be presented to Congress and appropriate regulatory agencies later this year. The report is intended to provide guidance in establishing small business priorities for the eighties.

The Forum, which was first conducted in 1982 pursuant to the Small Business Investment Incentive Act, represents a unique attempt to establish a meaningful and ongoing dialogue involving small businesspersons, federal government agencies and private sector organizations concerned with small business issues on the problems affecting the small business community. The Final Report of the first Forum, which contained 37 recommendations in the areas of tax, credit, access to financial institutions and securities, was presented to a joint Congressional small business hearing in December 1982, and is the subject of considerable legislative and regulatory activity.

Local forums will be conducted in the following cities:

Washington, D.C., during the week of June 6, 1983.

Houston during the week of June 13, 1983.

St. Louis during the week of June 20, 1983.

San Francisco during the week of June 27, 1983.

Boston during the week of July 11, 1983.

A written summary or outline of the presentation will be requested five days in advance of an appearance at the Forum. This summary will facilitate an informed dialogue between the Executive Committee members and those making presentations.

Persons or groups interested in participating in a local forum should contact Paul A. Belvin, Forum Staff Director, or H. Steven Holtzman, Forum Special Counsel, at (202) 272-2644 or write to the following address: 1983 Small Business Forum, Office of Small Business Policy, U.S. Securities and Exchange Commission, 450 5th Street, NW., Stop 3-11, Washington, D.C. 20549.

George A Fitzsimmons,

Secretary.

April 11, 1983.

1983 Forum—Executive Committee Members

John R. Evans, Commissioner—Executive Committee Chairman, Securities and Exchange Commission

Michael Barton, Director, Community and Consumer Affairs, Office of the Comptroller of the Currency
Mary E.T. Beach, Associate Director, Division of Corporation Finance, Securities and Exchange Commission
Thomas Bennett, Senior Vice President, Stillwater National Bank & Trust Company (Robert Morris Associates)
Robert Blair, Vice President, American Stock Exchange
Hugh Brady, Director, Regulatory Reform, National Association of Manufacturers
Phillip R. Croessmann, Director, Government Affairs, American Institute of Architects
Robert Dederick, Under Secretary of Economic Affairs, U.S. Department of Commerce
Samuel A. Derieux, Esq., Past President, American Institute of Certified Public Accountants
John H. Fitch, Jr., Vice President, Government Relations, National Association of Wholesaler-Distributors
Glendon Hildebrand, Assistant Director, Research and Technical Activities Division, Financial Accounting Standards Board
Patricia Jacobs, President, American Association of Minority Enterprise Small Business Investment Companies
John Kelly, Assistant Secretary for Public Liaison and Consumer Affairs, U.S. Department of the Treasury
Thomas P. Kerester, Coopers & Lybrand
Elbert Mackey, Director, Michigan State Securities Commission
Peter McNeish, Executive Vice President, National Association of Small Business Investment Companies
Alan Mendelson, Assistant Vice President, Aetna Life Insurance Company
Steven Merrill, Chairman, SEC Committee, National Venture Capital Association
Harold Noll, Deputy Assistant Secretary, Public Liaison and Consumer Affairs, Department of the Treasury
Dennis O'Connor, Small Business United
Douglas F. Parrillo, Vice President, Department of Policy Research, National Association of Securities Dealers
George Saunders, Finance Specialist, National Federation of Independent Business
Joseph Schoeberl, Missouri State Securities Commissioner
Lee B. Spencer, Jr., Director, Division of Corporation Finance, Securities and Exchange Commission
Herb Spira, Tax Consultant, National Small Business Association
Howard H. Stevenson, Sarofim-Rock Professor of Business Administration, Harvard University
Eleanor Stockwell, Senior Deputy Associate Director, Division of Research and Statistics, Board of Governors of the Federal Reserve System
Frank Swain, Chief Counsel for Advocacy, Small Business Administration
William Taylor, Esq., Chairman, Small Business Committee, American Bar Association
Linda, A. Wertheimer, Esq., Chairman, Subcommittee on Partnerships, Trust and Unincorporated Associations, American Bar Association
Ernest R. Widmann, Vice President, Financial Analyst Federation

[FR Doc. 83-10034 Filed 4-14-83; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 13153; 812-5487]

World of Technology, Inc. and Financial Programs, Inc.; Filing of Application

April 8, 1983.

Notice is hereby given that World of Technology, Inc. (the "Fund"), 7503 Marin Drive, Englewood, Colorado 80111 registered under the Investment Company Act of 1940 (the "Act") as a diversified, open-end, management investment company, and Financial Programs, Inc. ("Programs"), principal underwriter of the Fund in the United States (collectively "Applicants"), filed an application on March 9, 1983, and an amendment thereto on April 7, 1983, for an order of the Commission pursuant to Section 6(c) of the Act, exempting Applicants from the provisions of Section 22(d) of the Act to the extent necessary to permit them to offer shares of the Fund for a limited period of time to shareholders of other registered investment companies distributed and advised by Programs at current net asset value per share without the imposition of a sales charge. All interested persons are referred to the application on file with the Commission for a statement of the representation contained therein

which are summarized below. Such persons are also referred to the Act for the complete text of the provisions thereof from which an exemption is being sought.

On December 16, 1982, the Fund registered under the Act and filed a registration statement with the Commission under the Securities Act of 1933 pursuant to which it seeks to register its shares for sale to the public in a continuous offering. As of the date of the filing of the application, that registration statement had not yet become effective. The investment objective of the Fund is long-term capital appreciation, which the Fund seeks to achieve through the investment of its assets primarily in the equity securities of domestic and foreign high technology companies.

Programs is a wholly-owned subsidiary of Britannia Holdings Inc., which in turn is a wholly-owned subsidiary of Britannia Arrow Holdings PLC ("Britannia"), a United Kingdom financial holding company organized in 1935. Britannia's principal business, which is conducted through various subsidiaries, is investment management on an international basis. Programs and Britannia International Asset Management Ltd., a wholly-owned subsidiary of Britannia, are investment advisers to the Fund. Pursuant to separate advisory agreements with the Fund, Programs will be responsible for the portfolio management of assets invested in the United States and Britannia International Asset Management Ltd. will be responsible for the management of assets invested outside of the United States.

After the Fund's registration statement becomes effective, it is intended that shares of the Fund will be sold to the public at their current net asset value per share, plus a sales charge ranging from 1% to 5% of the public offering price depending upon the amount invested.

Financial Daily Income Shares, Inc., Financial Industrial Fund, Inc., Financial Industrial Income Fund, Inc., Financial Dynamics Fund, Inc., Financial Bond Shares, Inc. and Financial Tax-Free Income Shares, Inc. (the "Financial Funds") are registered, open-end, diversified management investment companies for which Programs also serves as investment adviser. Pursuant to distribution contracts with each of the Financial Funds, Programs acts as distributor of their shares without remuneration. The Financial Funds have various investment objectives and policies. Shares of each of the Financial Funds are sold to the public without the imposition of a sales charge. In addition, each of the Financial Funds offers shareholders of the other Funds the privilege of exchanging their shares of such Funds for shares of one of the other Financial Funds on a no load basis at the respective net asset values of such Funds' shares at the time of exchange.

Applicants state that the Board of Directors of the Fund determined that it would be appropriate to give recognition to the expectations of current shareholders of the Financial Funds by affording those shareholders the opportunity to purchase shares of the Fund at current net asset value per share without the imposition of a sales charge for a limited period of time. The application states that the offer will be made available for a period of 90 days to shareholders of record of the Financial Funds commencing as of the day before the notice of filing of the application is issued by the Commission (the "Special Offer").

Applicants state that an exemption from the provisions of Section 22(d) of the Act is required to implement the Special Offer described above because the sale of Fund shares at no load to shareholders of the Financial Funds would result in the sale of Fund shares at a price other than that described in the prospectus, which price the general public will pay to purchase shares of the Fund.

Section 6(c) of the Act provides, in part, that the Commission may, by order upon application, exempt any person, security or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act, or from any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants assert that investors in the Financial Funds have been led to expect to have the ability to apportion readily their investments among the various investment companies distributed by Programs and to make investments in new companies within the complex without having to pay a sales charge. Applicants further assert, in this regard, that in determining whether to purchase shares of a particular investment company within a complex, investors are influenced to a significant extent by the perceived benefits associated with becoming part of the complex. Thus, Applicants submit, it would be unfair to deprive shareholders of the Financial Funds of one of the benefits that may have influenced their decisions to invest in one of the funds in the complex. For this reason, Applicants assert that it is appropriate to grant the requested exemption and give recognition to the reliance the shareholders of the Financial Funds have placed upon their ability to obtain shares of investment companies distributed by Programs at no load.

In addition, Applicants state that the requested exemptive order is justified on the basis of the lower costs associated with selling shares to existing shareholders of the Financial Funds as compared to the costs of selling shares to new investors. According to Applicants, because shareholders of the Financial Funds are already familiar with the benefits, services and features associated with the investment companies distributed by Programs, little of those promotional expenses will be incurred in order to induce such shareholders to purchase shares of the Fund. Accordingly, Applicants submit that the Special Offer would not result in any unjust discrimination.

In this regard, Applicants further submit that permitting shareholders of the Financial Funds to purchase shares of the Fund at no load pursuant to the Special Offer would give recognition to the expectations of shareholders of the Financial Funds and thereby contribute to the viability of the complex by confirming the commitment of Programs to provide investors in the Fianacial Funds with the benefits they have been led to expect. In addition, Applicants assert that the Special Offer would be beneficial from the standpoint of promoting better relations between the Fund and a particular category of investors who provide a ready source of investment in the Fund (i.e., existing shareholders of the Financial Funds) and, as a result, could reasonably be expected to lead to increased investment in the Fund which would benefit the Fund and all of its shareholders by helping the Fund achieve certain economies of scale and benefits of size more rapidly than would otherwise be the case.

For the foregoing reasons, Applicants assert that the granting of the requested exemption to permit the Special Offer would be appropriate because the terms of the Special Offer reflect economies of distribution effort and do not unfairly discriminate against those investors who will be charged a sales load. In addition, Applicants state that the Special Offer will not disrupt the Fund's distribution system. Under the circumstances, Applicants submit, granting of the order requested herein would be appropriate in the public

interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than May 2, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicants at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commssion, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-10033 Filed 4-14-83; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Region VII—Advisory Council Meeting; Public Meeting

The Small business Administration Region VII Advisory Council, located in the geographical area of Des Moines, will hold a public meeting at 10:00 a.m., on Friday, May 20, 1983, at Drake University Small Business Development Center, Aliber Hall, Dean's Conference room, Des Moines, Iowa, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Conrad E. Lawlor, District Director, U.S. Small Business Administration, 210 Walnut, Room 749, Des Moines, Iowa 50309, (515)-284-4567.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.

April 11, 1983.

FR Doc. 83-10132 Filed 4-14-83; 8:45 am]

BILLING CODE 8025-01-M

[License No. 06/06-0163]

Venturtech Capital, Inc.; License Surrender

Notice is hereby given that Venturtech Capital, Inc., Republic Tower, Suite 220, 5700 Florida Boulevard, Baton Rouge, Louisiana 70806 has surrendered its license to operate as a small business investment company under the Small Business Investment Act of 1958, as amended (the Act). Venturtech Capital, Inc. was licensed by the Small Business Administration on May 31, 1973.

Under the authority vested by the Act and pursuant to the regulations promulgated thereunder, the surrender was accepted on January 24, 1983, and accordingly, all rights, privileges, and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59 011, Small Business Investment Companies)

Dated: April 11, 1983.

Edwin T. Holloway,

Asssociate Administrator for Finance and Investment..

[FR Doc. 83-10133 Filed 4-14-83; 8:45 am]

BILLING CODE 8025-01-M

VETERANS ADMINISTRATION

Privacy Act of 1974; New and Revised Routine Use Statements and Changes Other Than Routine Use Statements

Notice is hereby give that the Veterans Administration is revising the paragraphs pertaining to system manager, categories of records in the system, and authority for maintenance of the system in the VA system of records entitled: Personnel and Accounting Pay—VA (27 VA 047) as set forth on page 673 of the **Federal Register** Publication, Privacy Act Issuance, 1980 Compilation, Volume V. The Veterans Administration is also revising a current use in this system of records, as well as creating four new routine uses for this system.

The paragraph pertaining to the system manager is being revised to reflect a recent reorganization of staff functions within the Veterans Administration Central Office. The paragraphs relating to categories of records in the system and the authority for maintenance of the system are also being revised to reflect information and use for the Veterans Administration's carpool and ridesharing program. Four new routine uses are being added to the system notice. Routine use No. 17 is being added in order to identify information disclosed from the PAID Master Records by the Employee Transportation Coordinator to employees in order to implement the agency's carpool and ridesharing program.

Routine uses No. 18 and No. 19 are being added for the following reasons. Questions have arisen regarding the authority under the Privacy Act of 1974 to permit disclosures from VA System of Records 27 VA 047 to respond to subpoenas from a Federal, State, or municipal court or a party in litigation or to respond to subpoenas issued by Federal, State, or municipal agencies functioning in a quasi-judicial capacity. In the past, the VA has interpreted "subpoena" to be within the meaning of subsection (b)(11) of the Privacy Act (5 U.S.C. 552a(b)(11)) which authorizes disclosures of finance records pursuant to an "order of a court of competent jurisdiction." However, due to recent court decisions which have held to the contary, the Office of Budget and Finance is establishing two new routine uses, No. 18 and No. 19, which concern the release of information pursuant to a subpoena from a Federal, State, or municipal grand jury; a Federal, State, or municipal court or a party in litigation; a Federal Agency or party to an administrative proceeding being conducted by a Federal agency; or to a State or municipal administrative agency functioning in a quasi-judicial capacity or a party to a proceeding being conducting by such agency, in order for the VA to respond to and comply with the issuance of the subpoena.

Routine use No. 20 is being added to permit the agency to disclose employee payroll information to the Department of Labor. The Department of Labor is conducting a computer matching program which will match employee records with various State unemployment benefit history files to determine whether these Federal employees have been properly drawing State benefits. These benefits are ultimately reimbursed to the State by the Federal government.

Finally, routine use No. 13 is revised by deleting the last sentence in order to remove any ambiguity pertaining to the disclosure of social security numbers. The revision of this routine use will clarify the release from the PAID Master Records of identifying wage information to State taxing authorities so that such information may be used to improve the administration of various State public assistance programs.

The authority for maintenance of the system is Title 38, United States Code, Section 210(c)(1).

The Privacy Act of 1974, 5 U.S.C. 552a(e), requires agencies to inform the public of any changes to their system or records. Interested persons are invited to submit comments, suggestions, or objections regarding the proposed amendments to the system of records to the Administrator of Veteran's Affairs (271A), Veterans Administration, 810 Vermont Ave., NW., Washington, D.C. 20420. All relevant material received before May 16, 1983 will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except holidays), until May 31, 1983.

If no public comment is received during the thirty day review period allowed for public comment or unless otherwise published in the **Federal Register** by the Veterans Administration, the proposed amendments to the system of records included herein are effective May 16, 1983.

Dated: April 11, 1983.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

Notice of System of Records

In the system identified as Personnel and Accounting Pay System—VA (27 VA 047) appearing at page 673 of the **Federal Register** Publication, Privacy Act Issuance, 1980 Compilation, Volume V, the system is revised as follows:

27 VA 047

SYSTEM NAME:

Personnel and Accounting Pay System—VA (27 VA 047).

* * * * *

CATEGORIES OF RECORDS IN THE SYSTEM:

PAID Master Records, Record of Salary Payments, Time and Attendance report file, Earnings and Leave Statement, Individual Retirement Record, Payroll Folder Files, Personnel Action Records and Basic Authorizations, Training and Incentive Awards Record, carpool and ridesharing program records (i.e., name, address, office location at the facility).

* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Statutory provisions, Executive Order 12191 (45 FR 7997 (Feb. 6, 1980)) and other Executive Orders of the President, and rules and regulations of certain Federal regulatory departments and agencies.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. To produce and maintain the personnel and payroll records, including reports and statistical data, of VA employees for use by Federal, State and local agencies and organizations authorized by law or regulation to have access to such information.

2. Transfer payroll information to complete payroll checks, bond deductions and withholding taxes to the Treasury Department in order to effect delivery of payroll checks and saving bonds to VA employees.

3. Transfer payroll information to the Social Security Administration in order to credit quarterly posting for social security.

4. Transfer withholding tax information to State and/or city governments to effect payment of taxes to city and/or State governments and to create W–2's.

5. Transfer retirement record information to the Civil Service Commission in order to provide a history of service and retirement deductions.

6. Transfer employee Payroll Folder File, Record of Salary Payments, and Time and Attendance reports to the National Archives and Records Service in order to provide a history of all salaries, deductions and time and leave.

7. Transfer unemployment compensation information to State agencies to compile unemployment compensation data.

8. Transfer personnel data to the Civil Service Commission in order to provide the Civil Service Commission with a readily accessible major data source for meeting work force information needs of the Commission, national planning agencies, the Congress, the White House and the public.

9. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

10. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local agency maintaining civil, criminal or other relevant information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefits.

11. A record from this system of records may be disclosed to a Federal, State or local agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevent and necessary to the requesting agency's decision on the matter.

12. Relevant information from this system of records, including the nature and amount of a financial obligation, may be disclosed as a routine use, in order to assist the Veterans Administration in the collection of unpaid financial obligations owned the VA, to a debtor's employing agency or commanding officer so that the debtor-employee may be counseled by his or her Federal employer or commanding officer. This purpose is consistent with 5 U.S.C. 5514, 4 CFR 102.5 and section 206 of Executive Order 11222 of May 8, 1965 (30 FR 6469).

13. To provide State and local taxing authorities employee names, home addresses, social security numbers, gross compensation paid for a given period, taxes withheld for the benefit of the recipient jurisdiction or other jurisdictions, according to the provisions of State and/or local law.

14. Relevant information from this system of records, including available identifying data regarding the debtor, such as name of debtor, last known address of debtor, name of debtor's spouse, social security account number of debtor, VA insurance number, VA loan number, VA claim number, place of birth and date of birth of debtor, name and address of debtor's employer or firm and dates of employment, may be disclosed to other Federal agencies, State probate courts, State drivers license bureaus, and State automobile title and license bureau as a routine use in order to obtain current address, locator and credit report assistance in the collection of unpaid financial obligations owed the U.S. This purpose is consistent with the Federal Claims Collection Act of 1966 (Pub. L. 89–508, 31 U.S.C. 951–953) and 4 CFR Parts 101–105.

15. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

16. Disclosure may be made to NARS (National Archives and Records Service) GSA (General Services Administration) in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

17. The name and general geographic location where an employee resides (not specific home address) may be disclosed by the facility Employee Transportation Coordinator to other employees in order to promote the car/vanpooling and ridesharing program established in accordance with Executive Order 12191 and to enable the VA to verify membership in car and vanpools.

18. Any information in this system may be disclosed to a Federal grand jury, a Federal court or a party in litigation, or a Federal agency or party to an administrative proceeding being conducted by a Federal agency, in order for the VA to respond to and comply with the issuance of a Federal subpoena.

19. Any information in this system may be disclosed to a State or municipal grand jury, a State or municipal court or a party in litigation, or to a State or municipal administrative agency functioning in a quasi-judicial capacity or a party to a proceeding being conducted by such agency, in order for the VA to respond to and comply with the issuance of a State or municipal subpoena.

20. The name of the employee, social security number, beginning and ending pay period dates, the number of hours worked during a given pay period, the gross salary and duty station information may be disclosed to the Department of Labor (DOL) Inspector General's office (IG) in order for the DOL IG to conduct a computer match of these records with various state unemployment benefit files. The purpose of this computer matching program will be to determine if Federal employees have been properly drawing state unemployment benefit payments. These payments are ultimately reimbursed to the state by the Federal Government.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Administrator for Budget and Finance (04), VA Central Office, Washington, D.C. 20420.

[FR Doc. 83-10095 filed 4-14-83; 8:45 am]
BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 74
Friday, April 15, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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Equal Employment Opportunity Commission	1
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1

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DATE AND TIME: Tuesday, April 19, 1983, 9:30 a.m. (eastern time).

PLACE: Commission Conference Room 200, second floor, Columbia Plaza Office Building, 2401 E Street NW., Washington, DC 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

1. Ratification of Notation Vote(s).
2. A Report on Commission Operations (Optional).
3. Freedom of Information Act Appeal No. 83–2–FOIA–19–CL, concerning a request for materials in a closed age discrimination charge file.
4. Freedom of Information Act Appeal No. 83–1–FOIA–004–IN, concerning a request for documents from a closed Title VII and ADEA file.
5. Freedom of Information Act Appeal No. 83–2–FOIA–3–LA, concerning a request for documents from a Title VII charge file.
6. Freedom of Information Act Appeal No. 83–02–FOIA–019–MK, concerning copies of deliberative documents in a charge file.
7. Freedom of Information Act Appeal No. 83–01–FOIA–2–CH, concerning a request for copies of conciliation materials, deliberative documents and personnel information from a charge file.
8. Freedom of Information Act Appeal No. 83–1–FOIA–1–LA, concerning a request for materials pertaining to a Commissioner's Charge.
9. EEOC's 17th Annual Report.
10. Proposed Field Redelegation Regulations.
11. Proposed FOIA Fee Schedule Change.

Closed:

1. Litigation Authorization; General Counsel Recommendations.
2. Briefings on Withdrawal of Certain Charges.

Note.—Any matter not discussed or concluded may be carried over to a later meeting. (In addition to publishing notices on EEOC Commission meetings in the Federal Register, the Commission also provides recorded announcements a full week in advance on future Commission sessions. Please telephone (202) 634–6748 at all times for information on these meetings.)

CONTACT PERSON FOR MORE INFORMATION: Treva McCall, Executive Secretary to the Commission (202) 634–6748.

This Notice Issued April 12, 1983.

[S–531–83 Filed 4–13–83; 11:08 am]
BILLING CODE 6570–06–M

2

FEDERAL ENERGY REGULATORY COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: [48 FR 15763, April 12, 1983.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., April 13, 1983.

CHANGE IN THE MEETING: The following items have been added to the agenda of April 13, 1983.

Item No. Docket No., and Company

CAG–33: TAB 3–2–7–000, *et al.*, Southern Natural Gas Company
RP–3: RP82–74–005, Texas Gas Transmission Corporation

Kenneth F. Plumb,

Secretary.

[S–530–83 Filed 4–13–83; 11:00 am]
BILLING CODE 6717–01–M

3

FEDERAL HOME LOAN BANK BOARD

TIME AND DATE: 10 a.m., Wednesday, April 20, 1983.

PLACE: Board Room. six floor, 1700 G Street NW., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Lockwood (202–377–6679).

MATTERS TO BE CONSIDERED:

Application for Membership and Insurance of Accounts—Grand Savings and Loan Association, Dallas, Texas (A New Stock Association)

[No. 32, April 13, 1983]

[S–533–83 Filed 4–13–83; 2:35 pm]
BILLING CODE 6720–01–M

4

FEDERAL MARITIME COMMISSION

TIME AND DATE: 9:30 a.m., April 15, 1983.

PLACE: Hearing Room One, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Closed.

MATTER TO BE CONSIDERED: Discussion of Fifty-Mile Container Rules.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523–5725.

[S–532–83 Filed 4–13–83; 11:20 am]
BILLING CODE 6730–01–M

5

FEDERAL RESERVE SYSTEM

(Board of Governors)

TIME AND DATE: 10 a.m., Wednesday, April 20, 1983.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed revisions of labor relations policies for Federal Reserve System employees.
2. Personnel actions (appointment, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452–3204.

Dated: April 13, 1983.

James McAfee,

Associate Secretary of the Board.

[S–529–83 Filed 4–13–83; 10:43 am]
BILLING CODE 6210–01–M

6

INTERNATIONAL TRADE COMMISSION

[USITC SE–83–17A]

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 15564, April 11, 1983.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 2:30 p.m., Wednesday, April 20, 1983.

CHANGES IN THE MEETING: Additional item added to the agenda as follows:

6. Investigation 337–TA–132 (Certain Hand-Operated, Gas-Operated Welding, Cutting and Heating Equipment and Component Parts Thereof)—briefing and vote on review of initial determination denying temporary relief.

In conformity with 19 CFR 201.37(b), Commissioners Eckes, Stern, and Haggart determined by recorded vote that Commission business requires the change in subject matter by addition of the agenda item, and affirmed that no earlier announcement of the addition to the agenda was possible, and directed the issuance of this notice at the earliest practicable time.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523–0161.

[S–535–83 Filed 4–13–83; 2:57 pm]

BILLING CODE 7020–02–M

7

INTERNATIONAL TRADE COMMISSION

[USITC SE–83–18]

TIME AND DATE: 2:30 p.m., Monday, April 25, 1983.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary.
5. Investigations 731–TA–127, –128, and –129 (Preliminary) (Thin Sheet Glass from Switzerland, Belgium, and the Federal Republic of Germany)—briefing and vote.
6. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523–0161.

[S–536–83 Filed 4–13–83; 2:57 pm]

BILLING CODE 7020–02–M

8

INTERNATIONAL TRADE COMMISSION

[USITC SE–83–19]

TIME AND DATE: 9:30 a.m., Wednesday, April 27, 1983.

PLACE: Room 331, 701 E Street NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Petitions and complaints:
   a. Papermaking machinery (Docket No. 928).
2. Investigation TA–201–48 (Stainless Steel and Alloy Tool Steel)—briefing and vote on remedy.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523–0161.

[S–534–83 Filed 4–13–83; 2:57 pm]

BILLING CODE 7020–02–M

9

NUCLEAR REGULATORY COMMISSION

DATE: Week of April 18, 1983.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open and closed.

MATTERS TO BE DISCUSSED: *Tuesday, April 19:*

10:00 a.m.:
Briefing on Proposed Revision to 10 CFR Part 35 "Human Use of Byproduct Material" (Public Meeting)

2:00 p.m.:
Briefing on Systems Interaction (Public Meeting)

Wednesday, April 20:

10:00 a.m.:
Discussion of NECNP v. NRC (Elimination of Financial Qualification Review) (Closed—Exemption 10)

2:00 p.m.:
Briefing on Indian Point Exercise (Public Meeting)

Thursday, April 21:

4:00 p.m:
Affirmation/Discussion and Vote (Public Meeting):
a. Review of ALAB–701—In the Matter of Philadelphia Electric Co., *et al.*

Friday, April 22:

10:00 a.m.:
Discussion/Possible Vote on Immediate Effectiveness of LWA–1 Authorization for Clinch River Breeder Reactor (Closed—Exemption 10)

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Linda Stoloff (202) 634–1410.

April 12, 1983.

Linda Stoloff,

Office of the Secretary.

[S–537–83 Filed 4–13–83; 8:45 am]

BILLING CODE 7590–01–M

10

SECURITIES AND EXCHANGE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 15216, April 7, 1983.

STATUS: Closed meeting.

PLACE: 450 5th Street NW., Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Monday, April 4, 1983

CHANGES IN THE MEETING: Additional items. The following additional items were considered at a closed meeting scheduled for Tuesday, April 12, 1983, at 10 a.m.:

Consideration of *amici* participation

Chairman Shad and Commissioners Evans, Longstreth and Treadway determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any matters have been added, deleted or postponed, please contact: Jerry Marlatt at (202) 272–2092.

April 12, 1983.

[S–538–83 Filed 4–13–83; 3:58 pm]

BILLING CODE 8010–01–M

federal register

Friday
April 15, 1983

Part II

Department of Labor

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

California:	
CA82-5112	July 16, 1982.
CA82-5120	Aug. 27, 1982.
Colorado:	
CO82-5127	Nov. 5, 1982.
CO82-5103	Feb. 12, 1982.
CO82-5107	Apr. 9, 1982.
Indiana:	
IN80-2059	Aug. 1, 1980.
Michigan:	
MI82-2042	July 9, 1982.
MI83-2008	Feb. 11, 1983.
New York:	
NY83-3003	Mar. 25, 1983.
NY81-3023	Apr. 3, 1981.
NY80-3054	Sept. 5, 1980.
NY81-3039	Apr. 4, 1980.
Pennsylvania:	
PA82-3007	Feb. 26, 1982.
Utah:	
UT83-5106	Mar. 25, 1983.
West Virginia:	
WV83-3000	Mar. 11, 1983.
WV82-3002	Oct. 29, 1982.

Supersedes Decisions to General Wage Determination Decisions

The number of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded:

Florida:	
FL82-1003 (FL83-1021)	Feb. 19, 1982.
FL82-1004 (FL83-1022)	Do.
FL78-1025 (FL83-1023)	Mar. 24, 1978.
FL81-1135 (FL83-1024)	May 22, 1981.
Illinois:	
IL81-2054 (IL83-2036)	Aug. 21, 1981.
Kansas:	
KS82-4009 (KS83-4028)	Mar. 26, 1982.
KS82-4010 (KS83-4029)	Mar. 15, 1982.
KS82-4011 (KS-4030)	Do.
Kentucky:	
KY81-1309 (KY83-1020)	Oct. 30, 1981.
KY-81-1292 (KY83-1025)	Sept. 25, 1981.
KY-1312 (KY83-1026)	Nov. 13, 1981.
KY82-1025 (KY83-1027)	Apr. 2, 1982.
Maine:	
ME80-2069 (ME83-3007)	Aug. 15, 1980.
ME80-2009 (ME83-3008)	Mar. 14, 1980.
New Mexico:	
NM83-4016 (NM83-4032)	Jan. 28, 1983.
Oklahoma:	
OK82-4008 (OK83-4031)	Mar. 19, 1982.

Cancellation of General Wage Determination Decision

The general wage decision listed below is cancelled. Agencies with construction projects pending to which the cancelled decision would have been applicable should utilize the project determination procedure by submitting Form SF–308. See Regulations Part 1 (29 CFR), § 1.5. Contracts for which bids have been opened shall not be affected by this notice. Also consistent with 29 CFR, 1.7(b)(2), the incorporation of the cancelled decision in contract specifications, the opening of bids is within ten (10) days of this notice, need not be affected.

MD80–3042—Cecil County, Maryland dated August 29, 1980 in 45 FR 57924—Heavy Construction.

Signed at Washington, D.C., this 8th day of April 1983.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

BILLING CODE 4510–27–M

Modification Page 1

DECISION NO. CA82-5112 - Mod. #11
(47 FR 31154 - July 16, 1982)
Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Calra, Sanra Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, and Yuba Counties, California

	Basic Hourly Rates	Fringe Benefits
Change:		
Bricklayers; Stonemasons:		
Area 5	$17.47	$3.53
Electricians:		
Area 8:		
Electricians	18.70	3.71+ 3%
Cable Splicers	20.57	3.71+ 3%
Area 15:		
Electricians	23.00	5.42+ 3%
Line Construction:		
Area 2 - Zone A:		
Group 1	22.33	2.75+ 3½%
Group 2	20.41	2.75+ 3½%
Group 3*	16.23	2.75+ 3½%
Group 4	17.91	2.05+ 3½%
Group 5	15.96	2.05+ 3½%
Group 6*	13.56	2.05+ 3½%
Group 7	15.14	2.05+ 3½%
Zone C: 35 to 50 miles radius		
Zone D: Over 50 miles radius		
Area 3:		
Groundman	$17.88	$3.71+ 3%
Linemen; Line Equipment Operator	18.70	3.71+ 3%
Painters:		
Area 4:		
Brush	20.58	4.18
Brush (Monterey and Santa Cruz Counties)	20.08	4.18
Tapers	21.38	4.18
Area 8:		
Brush	19.79	5.38
Spray	20.29	5.38
Spray (coating) and Paperhangers	20.54	5.38
Tapers (paint)	20.18	5.38
Roofers:		
Area 4	14.80	3.10
Soft Floor Layers:		
Area 3	19.42	3.93
Tile Setters:		
Area 2	18.02	3.14
Area 4	20.51	3.69
Add:		
Laborers:		
Group 4: Brick Cleaners; Lumber Cleaners; and Landscape Workers	8.00	5.11

Zone Differential - add to Zone A rate:
Zone B - $0.75
Zone C - 1.50
Zone D - 2.75
*Groups 3 and 6 receive No Zone Differential
Zone Definitions:
Zone A: 0 to 20 miles radius from geographical center of Yreka and Alturos, California
Zone B: 20 to 35 miles radius

Modification Page 2

DECISION NO. CA82-5120 - Mod. #8
(47 FR 38022 - August 27, 1982)
Alameda, Amador, Calaveras, Contra Costa, Del Norte, El Dorado, Humboldt, Marin, Mariposa, Merced, Monterey, Napa, Nevada, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Sutter, Tuolumne, Yolo, and Yuba Counties, California

	Basic Hourly Rates	Fringe Benefits
Change:		
Bricklayers; Stonemasons:		
Area 5	$17.47	$3.53
Electricians:		
Area 13:		
Electricians	23.00	5.42+ 3%
Painters:		
Area 3:		
Brush	20.58	4.18
Brush (Monterey and Santa Cruz Counties)	20.08	4.18
Tapers	21.38	4.18
Area 7:		
Brush	19.79	5.38
Spray	20.29	5.38
Spray (coating) and Paperhangers	20.54	5.38
Tapers (paint)	20.18	5.38
Soft Floor Layers:		
Area 3	19.42	3.93
Tile Setters:		
Area 2	18.02	3.14
Area 4	20.51	2.69
Add:		
Laborers:		
Group 4: Brick Cleaners; Lumber Cleaners; and Landscape Workers	8.00	5.11

DECISION NO. CO82-5127 - Mod. #4
(47 FR 50418 - November 5, 1982)
Las Animas, Otero, and Pueblo Counties, Colorado

	Basic Hourly Rates Zone 1	Basic Hourly Rates Zone 2
Change:		
Laborers:		
Group 1	$ 9.95	$10.45
Group 2	10.05	10.55
Group 3	10.35	10.85
Fringe Benefits: $2.69		

DECISION CO82-5127(Contd)

	Basic Hourly Rates	Basic Hourly Rate
Power Equipment Operators:		
(Other than for work in Tunnels, Shafts, and Raises):		
Group 1	13.40	14.15
Group 2	13.75	14.50
Group 3	14.10	14.85
Group 4	14.25	15.00
Group 5	14.40	15.15
Group 6	14.55	15.30
(For work in Tunnels, Shafts, and Raises):		
Group 1	13.65	14.30
Group 2	13.90	14.65
Group 3	14.00	14.75
Group 4	14.25	15.00
Group 5	14.40	15.15
Group 6	14.80	15.55
Group 7	14.55	15.30
Fringe Benefits: $3.20		
Truck Drivers:		
Group 1	12.91	13.41
Group 2	13.01	13.51
Group 3	13.11	13.61
Group 4	13.16	13.66
Group 5	13.21	13.71
Group 6	13.26	13.76
Group 7	13.31	13.81
Group 8	13.36	13.86
Group 9	13.46	13.96
Group 10	13.51	14.01
Group 11	13.61	14.11
Group 12	13.76	14.26
Group 13	13.81	14.31
Group 14	13.91	14.41
Group 15	14.01	14.51
Group 16	14.11	14.61
Group 17	14.21	14.71
Group 18	14.41	14.91
Fringe Benefits: $2.64		

Modification Page 3

DECISION NO. CO82-5103 - Mod. #11
(47 FR 6649 - February 12, 1982)

DECISION NO. CO82-5107 - Mod. #5

Modification Page 4

Modification Page 3

DECISION NO. CO82-5103 - Mod. #11
(47 FR 6549 - February 12, 1982)

Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Eagle, Elbert, Gilpin, Grand, Jefferson, Lake, Larimer, Morgan, Park, Summit, and Weld Counties, Colorado	Basic Hourly Rates Zone 1	Basic Hourly Rates Zone 2
Change:		
Laborers:		
Group 1	$ 9.95	$10.45
Group 2	10.05	10.55
Group 3	10.35	10.85
Fringe Benefits: $2.69		
Power Equipment Operators: (Other than for work in Tunnels, Shafts, and Raises):		
Group 1	13.40	14.15
Group 2	13.75	14.50
Group 3	14.10	14.85
Group 4	14.25	15.00
Group 5	14.40	15.15
Group 6	14.55	15.30
(For work in Tunnels, Shafts, and Raises):		
Group 1	13.65	14.30
Group 2	13.90	14.65
Group 3	14.00	14.75
Group 4	14.25	15.00
Group 5	14.40	15.15
Group 6	14.80	15.55
Group 7	14.55	15.30
Fringe Benefits: $3.20		
Truck Drivers:		
Group 1	12.91	13.41
Group 2	13.01	13.51
Group 3	13.11	13.61
Group 4	13.16	13.66
Group 5	13.21	13.71
Group 6	13.26	13.76
Group 7	13.31	13.81
Group 8	13.36	13.86
Group 9	13.46	13.96
Group 10	13.51	14.01
Group 11	13.61	14.11
Group 12	13.76	14.26
Group 13	13.81	14.31
Group 14	13.91	14.41
Group 15	14.01	14.51
Group 16	14.11	14.61
Group 17	14.21	14.71
Group 18	14.41	14.91
Fringe Benefits: $2.64		

DECISION NO. CO82-5107 - Mod. #5
(47 FR 15491 - April 9, 1982)

Delta, Garfield, Gunnison, Mesa, Montrose, and Pitkin Counties, Colorado	Basic Hourly Rates Zone 1	Basic Hourly Rates Zone 2
Change:		
Power Equipment Operators: (Other than for work in Tunnels, Shafts, and Raises):		
Group 1	$13.40	$14.15
Group 2	13.75	14.50
Group 3	14.10	14.85
Group 4	14.25	15.00
Group 5	14.40	15.15
Group 6	14.55	15.30
(For work in Tunnels, Shafts, and Raises):		
Group 1	13.65	14.30
Group 2	13.90	14.65
Group 3	14.00	14.75
Group 4	14.25	15.00
Group 5	14.40	15.15
Group 6	14.80	15.55
Group 7	14.55	15.30
Fringe Benefits: $3.20		
Truck Drivers:		
Group 1	12.91	13.41
Group 2	13.01	13.51
Group 3	13.11	13.61
Group 4	13.16	13.66
Group 5	13.21	13.71
Group 6	13.26	13.76
Group 7	13.31	13.81
Group 8	13.36	13.86
Group 9	13.46	13.96
Group 10	13.51	14.01
Group 11	13.61	14.11
Group 12	13.76	14.26
Group 13	13.81	14.31
Group 14	13.91	14.41
Group 15	14.01	14.51
Group 16	14.11	14.61
Group 17	14.21	14.71
Group 18	14.41	14.91
Fringe Benefits: $2.64		

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DECISION #IN80-2059
(45 FR 51401 - August 1, 1980) Mod #3

BROWN, CLARK, CRAWFORD, DEARBORN, DECATUR, FAYETTE, FLOYD, FRANKLIN, HARRISON, HENRY, JACKSON, JEFFERSON, JENNINGS, LAWRENCE, OHIO, ORANGE, RANDOLPH, RIPLEY, RUSH, SCOTT, SWITAERLAND, UNION, WASHINGTON & WAYNE COS. INDIANA	Basic Hourly Rates	Fringe Benefits
CHANGE:		
ASBESTOS WORKERS:		
Randolph & Wayne Cos.	$17.11	2.48
BOILERMAKERS:		
Brown, Crawford, Decatur, Fayette, Franklin Henry, Jackson, Jennings, Lawrence, Ohio, Orange, Randolph, Ripley, Rush, Union, Washington & Wayne	18.83	3.405
BRICKLAYERS; CAULKERS; CLEANERS; POINTERS; & STONEMASONS:		
Fayette, Franklin, Rush, Union & Wayne	13.95	2.56
CARPENTERS; MILLWRIGHTS; PILEDRIVERMEN; & SOFT FLOOR LAYERS:		
Fayette, Henry, Randolph, Rush (Carthage), Union & Wayne;		
Carpenters, Soft Floor Layers	13.63	2.35
Millwrights	13.93	2.35
Piledrivermen	13.83	2.35

	Basic Hourly Rates	Fringe Benefits
CEMENT MASONS; PLASTERERS:		
Decatur, Fayette, Franklin (Northern part to & including Brookville) Rush, Union, & Wayne:		
Cement Masons	$12.45	1.80
Plasterers	13.65	1.33
ELECTRICIANS:		
Fayette, Franklin, Henry, Randolph, Union & Wayne	16.30	2.80 + 3.2%
ELEVATOR CONSTRUCTORS:		
Dearborn, Fayette, Franklin, Ohio, Ripley, Switzerland & Wayne	15.65	2.43+ a&b
GLAZIERS;		
Brown, Decatur (NW. of a line from the NE. Co. corner thru Mechanicsburg to the S. Co. line); Fayette (N. of 44 to 121 & W. of 121); Franklin (N. of a line from Buena Vista to Cornersville); Henry; Jackson (N. of a line from a point on the E. Co. line 8 mi. S. of the N. Co. line to Brownstown & from there N. of 50); Jennings (NW. of a line from a point on the N. Co. line 4 mi E. of the E. Co. line to N. Vernon & from N. Vernon N. of 50 to the W. Co. line), Lawrence (N. of 50 to Bedford & N. of Bedford to Springville to the W. Co. line)		

DECISION #IN80-2059 Mod. #3

	Basic Hourly Rates	Fringe Benefits
GLAZIERS (Cont.)		
Randolph (W. of a line drawn from N. to S. thru Harrisville); Rush; Union (N. of 44 & W. of Kitchell); & Wayne (W. of a line N. to S. thru Chester)	$18.80	
Dearborn; Decatur (Rem. of Co.); Fayette (Rem. of Co.); Franklin (Rem. of Co.); Jefferson (E 1/2); Jennings (Rem. of Co.); Ohio; Randolph (Rem. of Co.); Ripley; Switzerland; Union (Rem. of Co.); & Wayne (Rem. of Co.)	14.10	.61
IRONWORKERS:		
Fayette (Rem. of Co.); Randolph (S. part including Union City but excluding Winchester); Union (N2/3); & Wayne	16.26	2.95
MARBLE SETTERS: TILE SETTERS & TERRAZZO WORKERS:		
Fayette, Franklin, Rush, Union & Wayne:		
Tile Setters	13.70	2.56
MARBLE SETTERS' FINISHERS; TILE SETTERS' FINISHERS; TERRAZZO WORKERS' FINISHERS:		
Brown, Fayette, Franklin, Henry, Jackson Jennings, Randolph, Rush, Union & Wayne		
Marble & Tile Setters' Finishers	14.86	
Terrazzo Workers' Finishers	12.60	
PAINTERS:		
Fayette, Franklin, Henry Randolph, Rush, Union & Wayne		
Brush	12.55	1.75
Sandblasting & Spray	13.55	1.75
Scaffold over 30ft., Structural Steel, Stage & Spray Tenders	13.55	1.75
ROOFERS:		
Fayette, Henry, Randolph & Wayne:	13.10	1.35
SHEET METAL WORKERS:		
Randolph & Wayne	16.22	2.94 + 3%
SPRINKLER FITTERS:	16.67	2.83
LABORERS:		
Fayette, Henry, Randolph, Rush, Union & Wayne:		
Group I	11.23	1.94
Group II	11.43	1.94
Group III	11.53	1.94
Group IV	12.23	1.94
POWER EQUIPMENT OPERATORS		
Fayette, Henry, Randolph, Rush, Union & Wayne		
Group 1	16.75	2.20
Group 2	15.80	2.20
Group 3	12.80	2.20
Group 4	11.30	2.20

DECISION #MI82-2042 - Mod. #2 (47 FR 29976 - July 9, 1982) Statewide, Michigan	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Ironworkers:		
Zone 3	$15.40	4.56
Zone 4	17.75	3.44
Zone 5		
Reinforcing	13.53	7.98 + 38.6%
Line Construction:		
Zone 1 - Change fringe benefits only to		2.05 + 11%
Sign Installers: Footnote 'b' - $99.50 per week per employee.		
Truck Drivers:		
Underground Construction:		
Zones 1, 2, 3, & 5		
Footnote 'd' - $99.50 per employee per week.		

DECISION #MI83-2003 - Mod. #1 (48 FR 6456 - February 11, 1983) Alger, Baraga, Chippewa, Dickinson, Delta, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon, & Schoolcraft Counties, Michigan	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Line Construction:		
Linemen - technicians	$15.00	8⅓% + b + .65
Cable splicers	15.61	"
Combination digger operator - tractor operator groundman	11.68	"
Light equipment operator groundman; distribution line truck driver operator groundman	10.25	"
Combination winch truck driver groundman	9.77	"
Combination truck driver groundman, & groundmen	8.27	"
Sprinkler fitters	16.67	2.83

DECISION NO. NY83-3003 - MOD. #1 (48 FR 12647 - March 25, 1983) ONONDAGA, NEW YORK	Basic Hourly Rates	Fringe Benefits
ADD:		
PLUMBERS	15.39	3.28
CHANGE:		
POWER EQUIPMENT OPERATORS (HEAVY & HIGHWAY):		
Group I	15.19	3.60+a
Group II	14.69	3.60+a
Group III	13.26	3.60+a
Group IV	12.00	3.60+a

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DECISION NO. NY81-3023 - MOD. #3	Basic Hourly Rates	Fringe Benefits
(46 FR 20432 - April 3, 1981)		
SAINT LAWRENCE, NEW YORK		
CHANGE:		
ASBESTOS WORKERS	16.33	3.09
BOILERMAKERS	18.25	3.39
BRICKLAYERS:		
Bricklayers, Cement masons, Marble setters, Plasterers, Stone masons, Tile and Terrazzo	14.51	1.42
CARPENTERS:		
Carpenters	14.02	1.755+a
Millwrights	14.27	1.755+a
Piledrivers	14.17	1.755+a
Heavy & Highway	13.12	1.775
CEMENT MASONS, HEAVY & HIGHWAY	13.02	1.40
ELECTRICIANS:		
Electricians	15.00	2.80+11%
Cable Splicers	14.13	2.80+11%
GLAZIERS (Except twps of Brasher, Hopkinton, Lawrence, Piercefield)	11.95	.61
IRONWORKERS:		
Structural, Ornamental, Reinforcing, Machinery movers, Riggers, Fence erectors, and Stone derrickmen	15.22	2.71
Sheeters	15.47	2.71
Sheeters, bucker-up	15.34	2.71
LABORERS, BUILDING:		
Common laborers	11.07	2.00
Rock drilling	11.47	2.00
Blasters	11.67	2.00
Chain saw, Pavement breaker, Mortar mixer, Scaffold builder, pipelayer, Vibrator, Gas buggy, Air or electric tool, Plasterer tender, Sandblaster on construction, clean-up, Potliners, Acetylene torch on demolition work	11.27	2.00
PAINTERS (Except twps. of Brasher, Hopkinton, Lawrence, Piercefield):		
Brush, Roller, Seamless floor application	11.71	1.60
Paper hanging, Paper removal, Wall covering, Cork, Taping	11.96	1.60
Swing stage, Window jacks, Cup spray, steam cleaning, Hydro water blasting	12.06	1.60
Bosun's chair, Sandblasting, Steel painting	12.41	1.60
Airless spray	12.21	1.60
Steel spray	12.91	1.60
LABORERS, HEAVY & HIGHWAY		
Class A	10.69	2.00+b
Class B	10.89	2.00+b
Class C	11.09	2.00+b
Class D	11.29	2.00+b
PLUMBERS & STEAMFITTERS	14.95	1.92
Service and repair jobs which do not exceed in the aggregate for all plumbing and HVAC labor and/or materials the sum of $120,000	8.55	1.92
POWER EQUIPMENT OPERATORS (BUILDING):		
Class 1	15.29	3.25+c
Class 2	14.29	3.25+c
Class 3	12.95	3.24+c
Class 4	16.60	3.25+c
Class 5	15.79	3.25+c
Class 6	17.29	3.25+c
Class 7	16.29	3.25+c
Class 8	15.79	3.25+c
POWER EQUIPMENT OPERATORS (HEAVY & HIGHWAY)		
Group 1	15.19	3.60+b
Group 2	14.69	3.60+b
Group 3	13.26	3.60+b
Group 4	12.00	3.60+b

DECISION NO. NY81-3023 - (CONT'D)	Basic Hourly Rates	Fringe Benefits
SPRINKLER FITTERS	16.92	2.73
TRUCK DRIVERS (HEAVY & HIGHWAY):		
Class 1	11.50	2.19+d
Class 2	11.55	2.19+d
Class 3	11.60	2.19+d
Class 4	11.75	2.19+d
Class 5	11.90	2.19+d

FOOTNOTES:

a. Paid holidays: B,C, and E, providing the employee has been on the payroll the calendar week preceeding the holiday and works the day after the holiday.

b. Paid holidays: A through F, provided the employee works the day before and the day after the holiday.

c. Paid holidays: A through F, provided the employee has worked 5 consecutive working days before and the working day after the holiday.

d. Paid holidays: A through F, provided the employee has worked the working day before and after the holiday.

DECISION NO. NY81-3023 - (CONT'D)

	Basic Hourly Rates	Fringe Benefits
LINE CONSTRUCTION Electrical Overhead & Underground Distribution Work & Signal Work For RR And For R.E.A. Where No Other Trade Is Or Has Been Involved		
Journeyman Lineman & Technician	13.22	5%+3.60 +a
Cable Splicer	17.59	5%+3.60 +a
Groundman Digging Machine Operator, Groundman Dynamite Man	11.90	5%+3.60 +a
Groundman Mobile Equipment Operator, Mechanic First Class, Ground Truck Driver	10.58	5%+3.60 +a
Groundman Truck Driver (Tractor Trailer)	11.24	5%+3.60 +a
Driver Mechanic, Groundman - Experienced	9.92	5%+3.60 +a
All Overhean Transmission Line Work and Lighting for Athletic Fields		
Journeyman Lineman & Technanician	15.18	5%+3.60 +a
Groundman Digging Machine Operator, Groundman Dynamite Man	13.66	5%+3.60 +a
Groundman Mobile Equipment Operator, Mechanic First Class Groundman Truck Driver	12.14	5%+3.60 +a
Groundman Truck Driver (Tractor Trailer Unit)	12.90	5%+3.60 +a
Driver Mechanic Groundman - Experienced	11.39	5%+3.60 +a
Sub-Station, Switching Structures (when not part of the line), Electrical, Telephone or CATV Commercial Work, Street Lightling & Signal Systems Where Other Trades Involved		
Journeyman Lineman & Technician	15.99	5%+3.60 +a
Cable Splicer	17.59	5%+3.60 +a
Groundman Digging Machine Operator, Groundman Dynamite Man	14.39	5%+3.60 +a
Groundman Mebile Equipment Operator, Mechanic First Class, Groundman Truck Driver	12.79	5%+3.60 +a
Groundman Truck Driver (Tractor Trailer Unit)	13.59	5%+3.60 +a
Driver Mechanic, Groundman-Experienced	11.99	5%+3.60 +a
All Pipe type Cable Installations Maintenance Jobs or Projects		
Journeyman Lineman	15.99	5%+3.60 +a
Certified Lineman Welder	16.79	5%+3.60 +a
Cable Splicer	17.59	5%+3.60 +a
Groundman Equipment Operator	15.99	5%+3.60 +a
Groundman Truck Driver (Tractor Trailer Unit)	13.59	5%+3.60 +a
Groundman Truck Drivers	12.79	5%+3.60 +a
Groundman	11.99	5%+3.60 +a

FOOTNOTE:
a. Paid holidays: New Year's Day, Washington's Birthday, Good Friday, Decoration Day, Independence day, Labor Day, Thanksgiving Day, Chirstmas Day, and Election Day for the President of the United States and Election Day for the Governor of New York State, provided the employee works the day before or the day after a holiday.

DECISION NO. NY80-3054 - MOD. #5 (45 FR 59104 - Sept. 5, 1980) JEFFERSON CO., NEW YORK	Basic Hourly Rates	Fringe Benefits
CHANGE: Heading in Federal Register published on July 16, 1982 to read "MOD. #4"		
ASBESTOS WORKERS	16.33	3.09
BOILERMAKERS	18.25	3.39
BRICKLAYERS	15.54	1.81
CARPENTERS:		
Carpenters	14.02	1.755+a
Millwrights	14.27	1.755+a
Heavy & Highway	13.12	1.775
CEMENT MASONS (Heavy & Highway)	12.49	1.40
ELECTRICIANS	15.00	2.80+ 11%
GLAZIERS	11.95	.61
IRONWORKERS:		
Antwerp, Philadelphia, Leray, Wilna & Champion	15.22	2.71
LABORERS (Heavy & Highway)		
Class A	10.69	2.00+a
Class B	10.89	2.00+a
Class C	11.09	2.00+a
Class D	11.29	2.00+a
PLUMBERS & STEAMFITTERS	14.95	1.92
POWER EQUIPMENT OPERATORS (Heavy & Highway):		
Group 1	15.19	3.60+a
Group 2	14.69	3.60+a
Group 3	13.26	3.60+a
Group 4	12.00	3.60+a
SPRINKLER FITTERS	16.92	2.73
TRUCK DRIVERS (Heavy & Highway):		
Class 1	11.50	2.19+a
Class 2	11.55	2.19+a
Class 3	11.60	2.19+a
Class 4	11.75	2.19+a
Class 5	11.90	2.19+a

DECISION NO. NY80-3054 - (CONT'D)

DECISION NO. NY80-3054 - (CONT'D)

	Basic Hourly Rates	Fringe Benefits
LINE CONSTRUCTION Electrical Overhead & Underground Distribution Work & Signal Work For RR And For R.E.A. Where No Other Trade Is Or Has Been Involved		
Journeyman Lineman & Technician	13.22	5%+3.60 +a
Cable Splicer	17.59	5%+3.60 +a
Groundman Digging Machine Operator, Groundman Dynamite Man	11.90	5%+3.60 +a
Groundman Mobile Equipment Operator, Mechanic First Class, Ground Truck Driver	10.58	5%+3.60 +a
Groundman Truck Driver (Tractor Trailer)	11.24	5%+3.60 +a
Driver Mechanic, Groundman - Experienced	9.92	5%+3.60 +a
All Overhead Transmission Line Work and Lighting for Athletic Fields		
Journeyman Lineman & Techanician	15.18	5%+3.60 +a
Groundman Digging Machine Operator, Groundman Dynamite Man	13.66	5%+3.60 +a
Groundman Mobile Equipment Operator, Mechanic First Class Groundman Truck Driver	12.14	5%+3.60 +a
Groundman Truck Driver (Tractor Trailer Unit)	12.90	5%+3.60 +a
Driver Mechanic Groundman - Experienced	11.39	5%+3.60 +a
Sub-Station, Switching Structures (when not part of the line), Electrical, Telephone or CATV Commercial Work, Street Lightling & Signal Systems Where Other Trades Involved		
Journeyman Lineman & Technician	15.99	5%+3.60 +a
Cable Splicer	17.59	5%+3.60 +a
Groundman Digging Machine Operator, Groundman Dynamite Man	14.39	5%+3.60 +a
Groundman Mobile Equipment Operator, Mechanic First Class, Groundman Truck Driver	12.79	5%+3.60 +a
Groundman Truck Driver (Tractor Trailer Unit)	13.59	5%+3.60 +a
Driver Mechanic, Groundman-Experienced	11.99	5%+3.60 +a
All Pipe type Cable Installations Maintenance Jobs or Projects		
Journeyman Lineman	15.99	5%+3.60 +a
Cartified Lineman Welder	16.79	5%+3.60 +a
Cable Splicer	17.59	5%+3.60 +a
Groundman Equipment Operator	15.99	5%+3.60 +a
Groundman Truck Driver (Tractor Trailer Unit)	13.59	5%+3.60 +a
Groundman Truck Drivers	12.79	5%+3.60 +a
Groundman	11.99	5%+3.60 +a

FOOTNOTE:
a. Paid holidays: New Year's Day, Washington's Birthday, Good Friday, Decoration Day, Independence day, Labor Day, Thanksgiving Day, Chirstmas Day, and Election Day for the President of the United States and Election Day for the Governor of New York State, provided the employee works the day before or the day after a holiday.

DECISION NO. NY81-3039 - MOD. #6 (45 FR 23264 - APRIL 4, 1980) MONROE COUNTY, NEW YORK	Basic Hourly Rates	Fringe Benefits
CHANGE:		
ASBESTOS WORKERS	16.26	2.94
BOILERMAKERS	16.20	3.67
CARPENTERS		
Building	14.22	3.44
Heavy & Highway	11.48	3.415+a
Softfloor Layers	14.04	2.09
Millwrights & Piledrivers	13.63	4.57
ELEVATOR CONSTRUCTORS		
Elevator Constructor	16.69	2.69+b +c
Elevator Constructor Helper	11.68	2.69+b +c
GLAZIERS	13.33	2.86
IRONWORKERS		
Structural, Ornamental, Rodman, Machinery Mover, Rigger, Fence Erector, Reinforcing, Stone Derrickmen, Precast Concrete Erector, welder	15.68	2.55
Sheeter	15.93	2.55
Sheet-Bucker-up	15.81	2.55
PLUMBER & STEAMFITTERS	16.58	5.085+d
SHEET METAL WORKERS	16.37	3.12
SPRINKLER FITTERS	16.92	2.83
LABORERS, BUILDING:		
Common Laborers	10.80	4.32
Blasters	12.17	4.32
Powder Monkey	11.67	4.32
Air Track Drill Asphalt Rakers and Wagon Drill	11.20	4.32
Chuck Tender, all work on hanging or swinging scaffold, work at heights outside the building where safety lines or belts are required, and Bosun Chair	11.00	4.32
Jackhammers, Paving Breakers, Mortar Mixers, Concrete Vibrators Barco Tampers, and Jumping Jacks	11.10	4.32
Pipelayers, Cutters for wrecking and demolition work, burners	11.10	4.32
Concrete Vibrator for Archetectural Concrete	11.30	4.32
New Chimney Works:		
From base to 100'	11.80	4.32
From 100' to 150'	12.05	4.32
From 150' to 200'	12.30	4.32
From 200' to 250'	12.55	4.32
From 250' and up	12.80	4.32
Heavy Highway		
Class A	9.25	3.79+a
Class B	9.45	3.79+a
Class C	9.65	3.79+a
Class D	9.88	3.79+a

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DECISION NO. NY81-3039 - (CONT'D)

	Basic Hourly Rates	Fringe Benefits
LINE CONSTRUCTION Electrical Overhead & Underground Distribution Work & Signal Work For RR And For R.E.A. Where No Other Trade Is Or Has Been Involved		
Journeyman Lineman & Technician	13.22	5%+3.60 +a
Cable Splicer	17.59	5%+3.60 +a
Groundman Digging Machine Operator, Groundman Dynamite Man	11.90	5%+3.60 +a
Groundman Mobile Equipment Operator, Mechanic First Class, Ground Truck Driver	10.58	5%+3.60 +a
Groundman Truck Driver (Tractor Trailer)	11.24	5%+3.60 +a
Driver Mechanic, Groundman - Experienced	9.92	5%+3.60 +a
All Overhead Transmission Line Work and Lighting for Athletic Fields		
Journeyman Lineman & Techanician	15.18	5%+3.60 +a
Groundman Digging Machine Operator, Groundman Dynamite Man	13.66	5%+3.60 +a
Groundman Mobile Equipment Operator, Mechanic First Class Groundman Truck Driver	12.14	5%+3.60 +a
Groundman Truck Driver (Tractor Trailer Unit)	12.90	5%+3.60 +a
Driver Mechanic Groundman - Experienced	11.39	5%+3.60 +a
Sub-Station, Switching Structures (when not part of the line), Electrical, Telephone or CATV Commercial Work, Street Lightling & Signal Systems Where Other Trades Involved		
Journeyman Lineman & Technician	15.99	5%+3.60 +a
Cable Splicer	17.59	5%+3.60 +a
Groundman Digging Machine Operator, Groundman Dynamite Man	14.39	5%+3.60 +a
Groundman Mobile Equipment Operator, Mechanic First Class, Groundman Truck Driver	12.79	5%+3.60 +a
Groundman Truck Driver (Tractor Trailer Unit)	13.59	5%+3.60 +a
Driver Mechanic, Groundman-Experienced	11.99	5%+3.60 +a
All Pipe type Cable Installations Maintenance Jobs or Projects		
Journeyman Lineman	15.99	5%+3.60 +a
Certified Lineman Welder	16.79	5%+3.60 +a
Cable Splicer	17.59	5%+3.60 +a
Groundman Equipment Operator	15.99	5%+3.60 +a
Groundman Truck Driver (Tractor Trailer Unit)	13.59	5%+3.60 +a
Groundman Truck Drivers	12.79	5%+3.60 +a
Groundman	11.99	5%+3.60 +a

FOOTNOTE:
a. Paid Holidays: New Year's Day, Washington's Birthday, Good Friday, Decoration Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and Election Day for the President of the United States and Election Day for Governor of New York State, provided the employee works the day before or the day after a holiday.

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DECISION NO. NY81-3039 - (CONT'D)

	Basic Hourly Rates	Fringe Benefits
POWER EQUIPMENT OPERATORS		
BUILDING		
Class I		
A	14.85	3.15+a
B	15.10	3.15+a
C	15.35	3.15+a
D	15.60	3.15+a
E	17.10	3.15+a
F	17.60	3.15+a
G	18.10	3.15+a
H	18.60	3.15+a
Class II	14.85	3.15+a
Class III	14.45	3.15+a
Class IV	13.08	3.15+a
Class V	10.76	3.15+a
Class VI	10.16	3.15+a
Heavy Highway		
Master Mechanic	16.15	3.55+a
Class A	15.24	3.55+a
Class B	14.74	3.55+a
Class C	13.31	3.55+a
Class D	12.05	3.55+a
TRUCK DRIVERS		
Heavy Highway		
Class I	11.14	2.55+a
Class II	11.19	2.55+a
Class III	11.24	2.55+a
Class IV	11.39	2.55+a
Class V	11.54	2.55+a

DECISION NO. PA82-3007
MOD. NO. 9
(47 FR 8529 - February 26, 1982)
Bucks, Chester, Delaware, Montgomery & Philadelphia Counties, Pennsylvania

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Ironworkers:		
All Other Work Zone 2	$16.95	5.26
Roofers:		
Residential structure of not more than 4 stories Re-roofing Zone 1	12.80	2.10
OMIT:		
SHEET METAL WORKERS: ORIGINALLY ISSUED IN THEIR ENTIRETY		
ADD:		
SHEET METAL WORKERS TO READ: BUCKS, CHESTER, DELAWARE, MONTGOMERY & PHILADELPHIA COUNTIES IN THEIR ENTIRETY	17.18	4.04

DECISION NO. UT83-5108 - Mod. #2
(48 FR 12651 - March 25, 1983)
Statewide, Utah

	Basic Hourly Rates	Fringe Benefits
Change:		
Laborers:		
Heavy and Highway Construction:		
Fringe Benefits ONLY		$1.69

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DECISION NO. WV83-3000
MOD. NO. 2
(48 FR 10585 - March 11, 1983)
Statewide, West Virginia

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
ELECTRICIANS:		
AREA 5		
Wiremen	$18.00	43%
AREA 11		
Wiremen	14.60	2.30+ 3-3/4%
AREA 12		
Wiremen	14.60	2.30+ 3-3/4%
AREA 13		
Wiremen	15.60	2.30+ 3-3/4%
AREA 19		
Putnam County		
Wiremen	19.09	.79+8%
AREA 20		
Roane, Clay, Fayette, Raleigh, Boone County & Montgomery Township		
Wiremen	19.34	.79+8%
Cable splicers	21.27	.79+8%
LINE CONSTRUCTION:		
AREA 6		
Linemen & operators (all mechanized equipment)	18.00	42½%
Cable splicers	18.50	42½%
Groundmen	11.70	42½%
AREA 8		
Linemen	14.60	2.30+ 3%
Equipment operators	13.87	2.30+ 3%
Truck drivers & groundmen	9.49	2.30+ 3%
AREA 9		
Linemen	14.60	2.30+ 3%
Equipment operators	13.87	2.30+ 3%
Truck drivers & groundmen	9.49	2.30+ 3%
AREA 11		
Linemen, cable splicers & equipment operators	17.66	.70+8%
Truck with winch, pole or steel handling	9.34	.70+8%
Groundmen	9.06	.70+8%
AREA 14		
Linemen	13.85	.70+3½%
Cable splicers	13.85	.70+3½%
Equipment operators	11.94	.70+3½%
Trucks with earth boring auger	9.61	.70+8%
Truck with winch, groundmen	7.76	.70+8%
ADD:		
Ironworkers:		
Jefferson County	14.47	3.05
Painters:		
AREA 9		
Berkeley & Jefferson Cos.)		
Brush	13.30	2.29
Steel & Spray	14.03	2.29

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DECISION NO. WV82-3002
MOD. NO. 3
(47 FR 49220 - October 29, 1982)
Statewide, West Virginia excluding the Counties of Berkeley, Jefferson & Morgan

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Asbestos Workers		
Area 1	$15.75	2.79
Area 2	15.78	3.99
Electricians:		
Brooke (Remainder of County) and Hancock (except Grant Twp.) Counties		
Wiremen	18.00	43%
Greenbrier, McDowell, Mercer, Monroe & Pocahontas Cos.		
Wiremen	13.60	.75+ 3½%
Cable splicers	14.00	.75+ 3½%
LINE CONSTRUCTION:		
Greenbrier, McDowell, Mercer, Monroe & Pocahontas Counties:		
Linemen	13.85	.70+ 3½%
Cable Splicers	13.85	.70+ 3½%
Equipment Operators	11.94	.70+ 3½%
Truck with earth boring auger	9.61	.70+ 3½%
Truck with winch & groundmen	7.76	.70+ 3½%
Hardy & Pendleton Cos.:		
Linemen, Cable Splicers	17.66	.70+8%
Equipment Operators	17.66	.70+8%
Truck with winch, pole or steel handling	9.34	.70+8%
Groundmen	9.06	.70+8%
Raleigh (except Clear Fork and Marsh Fork Twps.):		
Linemen & Equipment ops.	15.87	2.14+ 3%
Cable Splicer	16.17	2.14+ 3%
LINE CONSTRUCTION (CONT'D)		
Raleigh (except Clear Fork and Marsh Fork Twps.):		
Groungmen and Truck Drivers	12.70	2.14+ 3%
Summers & Wyoming Cos:		
Linemen & Equipment Operators	16.37	2.14+ 3%
Cable Splicers	16.67	2.14+ 3%
Groundmen and Truck Drivers	13.10	2.14+ 3%
Fayette County (except Falls and Kanawha Townships):		
Linemen & Equipment Ops.	16.17	2.14+ 3½%
Cable Splicers	16.47	2.14+ 3½%
Groundmen and Truck Drivers	12.94	2.14+ 3½%
Brooke (except Buffalo Twp.) & Hancock (except Grant Twp. Counties:		
Linemen & Equipment Op.	18.00	42½%
Cable Splicers	18.50.	42½%
Groundmen	11.70	42½%
Boone, Braxton, Cabell, Calhoun, Clay, Fayette, (Falls and Kanawha Twps. only), Gilmer, Kanawha, Lincoln, Logan, Mason, Mingo, Nicholas, Putnam, Raleigh (Clear Pork and Marsh Fork Twps. only		
Roane, Wayne & Webster Counties:		
Linemen	18.31	2.20+ 3½%
Cable Splicers	20.14	2.20+ 3½%
Groundmen	11.90	2.20+ 3½%
Mechanized Equipment Operators	14.63	2.20+ 3½%

SUPERSEDEAS DECISION

STATE: FLORIDA
DECISION NO.: FL83-1021
Supersedes Decision No.: FL82-1003 dated February 19, 1982 in 47 FR 7594.
DESCRIPTION OF WORK: BUILDING CONSTRUCTION PROJECTS (does not include single family homes or apartments of four stories or less).

COUNTIES: MARTIN & PALM BEACH
DATE: DATE OF PUBLICATION

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	$18.23	2.45
BOILERMAKERS	17.20	3.31[a]
BRICKLAYERS: Bricklayers, Cement Masons, Marble Setters, Plasterers, Stonemasons, Tile & Terrazzo Workers	13.95	1.39
CARPENTERS & SOFT FLOOR LAYERS	13.30	1.53
ELECTRICIANS:		
Wireman	15.63	21%
Cable Splicers	17.19	21%
ELEVATOR CONSTRUCTORS:		
Mechanics	15.86[a]	2.69 + a
Helpers	11.10[a]	2.69 + a
GLAZIERS	10.24	.95
IRONWORKERS	13.70	2.48
LABORERS:		
a.Permit Value $500,000 & over:		
Air Tool Oper.,Mason Tenders,Mortar Mixers, & Pipelayers	8.75	1.58
Plasterers Tenders	8.93	1.58
Unskilled Laborers	8.65	1.58
b.Permit Value up to $500,000		
Air Tool Oper.,Mason Tenders,Mortar Mixers, Pipelayers	7.05	1.58
Plasterers Tenders	7.23	1.58
Unskilled Laborers	6.95	1.58
LATHERS	9.73	.125
LINEMEN:		
Heavy Equipment Operators & Linemen	16.04	.45 + 9.75%
Winch Truck Operator	12.76	.45 + 9.75%
Cable Splicers	16.34	.45 + 9.75%
Truck Drivers	10.31	.45 + 9.75%
Groundmen	8.52	.45 + 9.75%
MILLWRIGHTS	14.02	2.10
PAINTERS:		
Brush	10.53	1.55
Paperhanger,Roller	10.78	1.55
Spray,Taper	11.03	1.55
PILEDRIVERS	14.10	2.45
PLUMBERS:		
a.Commercial-51 or more plbg. fixtures,w/41 or more tons	$13.97	2.40
b.Commercial-50 or less plbg. fixtures,w/40 or less tons A/C.	12.65	2.40
c.Industrial-All manufacturing & processing plants	18.61	2.40
ROOFERS:		
Roofers	12.90	.915
Pot Firemen/Mud Mixers	9.03	.915
SHEET METAL WORKERS	13.95	1.68
SPRINKLER FITTERS	15.00	2.88
WELDERS-Rate for Craft		
POWER EQUIPMENT OPERATORS:		
Group I	15.00	1.96
Group II	14.85	1.96
Group III	14.35	1.96
Group IV	13.90	1.96
Group V	13.75	1.96
Group VI	13.40	1.96
Group VII	13.15	1.96
Group VIII	13.05	1.96
Group IX	12.10	1.96

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

FOOTNOTE: a. Employer contributes 8% of regular hourly rate to Vacation Pay Credit for Employeee who has worked in business more than 5 years. Employer contributes 6% of regular hourly rate to Vacation Pay Credit for Employee who has worked in business less than 5 years.

POWER EQUIPMENT OPERATORS--Classification Definitions:

Group I-All tower cranes(must have 2 operators;mobile,rail,climbers, static mount),cranes with boom length 250 ft. & over(with or without jib), derricks, helicopters, all types of flying cranes & all nuclear powered equipment, single station hydro cranes over 18 tons, but not more than 50 tons, finish grader.

Group II-All cranes with boom length 150 ft and over (with or without jib; friction, hydro, electric, or otherwise), cranes 150 tons & over with boom length less than 250 ft., gantry & overhead cranes.

Group III-Cranes with boom length less than 150 ft (with or without jib), single station hydro cranes 18 tons & under, single station hydro cranes over 50 tons, dual station hydro cranes,clam shell, shovel, backhoe, gradall, dragline, piledriver,drilling of piling, tugger (all types), mechanic, sideboom, or tractor beom, concrete mixer, cableway.

Group IV-Boring & Drilling Machine,concrete pumping machine (all types), batching plant (on job sites), inside elevator, forklift(with vertical lift of over 20 ft).

Group V-Locomotive operator,motor mixing pump (all types),winch truck, A-frame truck, grease truck operator, front end loader, bulldozer, pan, motor grader, forklift

Group VI-Trenching & ditching machine, reller, fireman, distributor, (bituminous), finish machine (paving), wellpoint system(installation & or operation), siphon, vacuum pump, tractor,conveyor.

Group VII-Utility Operator (any combination of equipment up to and including 4 pieces of equipment listed in Group VIII), welding machines (3-4).

Group VIII-Pump(s) or any combination over 2 1/2 inch, compressors or any combination over 125 CFM, generator (s) or any combination over 5 KW.

Group IX-Oiler, fuel truck driver, mechanical helper, boom hauling truck driver, lowboy truck driver.

SUPERSEDEAS DECISION

STATE: FLORIDA
COUNTY: PINELLAS
DATE: DATE OF PUBLICATION

SUPERSEDEAS DECISION

STATE: FLORIDA
COUNTIES: CLAY,FLAGLER,PUTNAM, & ST. JOHNS

SUPERSEDEAS DECISION

STATE: FLORIDA
DECISION NUMBER: FL83-1022
COUNTY: PINELLAS
DATE: DATE OF PUBLICATION
Supersedes Decision No.: FL82-1004 dated February 19, 1982 in 47 FR 7595.
DESCRIPTION OF WORK: BUILDING CONSTRUCTION PROJECTS (does not include single family homes and apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits
AIR CONDITIONING &HEATING MECHANICS	$14.35	2.13
BRICKLAYERS/BLOCKLAYERS	13.60	1.90
CARPENTERS	6.56	
CEMENT MASONS	6.30	
ELECTRICIANS	6.27	
ELEVATOR CONSTRUCTORS	9.785	
GLAZIERS	6.13	
IRONWORKERS	6.36	
LABORERS	4.26	
LATHERS	7.36	
PAINTERS	5.26	
PLASTERERS	8.76	
PLUMBERS & PIPEFITTERS	14.35	2.13
ROOFERS	4.32	
SHEET METAL WORKERS	5.81	
SOFT FLOOR LAYERS	5.25	
SPRINKLER FITTERS	$15.00	2.88
TILE SETTERS	6.79	
WELDERS-Rate per craft		
POWER EQUIPMENT OPERATORS:		
Backhoe	5.00	
Bulldozer	5.25	
Compactor	9.185	1.225
Crane	10.89	1.30
Grader	4.79	
Piledriver	7.00	

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: FLORIDA
DECISION NUMBER: FL83-1023
COUNTIES: CLAY,FLAGLER,PUTNAM, & ST. JOHNS
DATE: DATE OF PUBLICATION
Supersedes Decision No.: FL78-1025 dated March 24, 1978 in 43 FR 12527.
DESCRIPTION OF WORK: BUILDING CONSTRUCTION PROJECTS (does not include single family homes or apartments of four stories or less).

	Basic Hourly Rates	Fringe Benefits
AIR CONDITIONING MECHANIC	$ 6.50	
ASBESTOS WORKERS	10.99	1.08
BRICKLAYERS	8.00	
CARPENTERS	6.00	
CEMENT MASONS	7.00	
ELECTRICIANS:		
1)Clay & St. Johns Counties	9.25	2.09 + 3%
2)Flagler County:		
Electrical contracts under $100,000	7.50	.93+3.1 %
Electrical contracts over $100,000	8.74	
3)Putnam County	9.05	.35+3.1 %
GLAZIERS	8.00	.21
IRONWORKERS	4.50	
LABORERS:		
Mason Tenders	3.50	
Pipelayers	5.00	
Plasterers Tenders	5.55	
Unskilled	3.45	
LATHERS	7.85	.375
PAINTERS	5.50	
PLASTERERS	7.33	.70
PLUMBERS	8.52	
ROOFERS	6.95	
SHEET METAL WORKERS	$ 6.87	
TILE & TERRAZZO WORKERS	7.00	
TILE & TERRAZZO FINISHERS	4.00	
TRUCK DRIVERS	3.91	
WELDERS-Rate for Craft		
POWER EQUIPMENT OPERATORS:		
Asphalt Distributor	4.20	
Backhoe	5.50	
Bulldozer	5.00	
Crane	5.00	
Concrete Pump	4.25	
Motor Grader	6.00	
Oiler	4.00	
Scraper	4.50	
Tractor	4.49	
Trenching Machine	4.25	

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: FLORIDA
DECISION NO.: FL83-1024
Supersedes Decision No: FL81-1135 dated May 22, 1981 in 46 FR 28099.
DESCRIPTION OF WORK: BUILDING CONSTRUCTION PROJECTS(does not include single family home or apartments of four stories or less).

COUNTY: ALACHUA
DATE: DATE OF PUBLICATION

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	$12.93	1.83
BOILERMAKERS	16.20	3.315
BRICKLAYERS	9.00	
CARPENTERS,PILDRIVERMEN,& SOFT FLOOR LAYERS	11.32	1.58
CEMENT MASONS	6.00	
ELECTRICIANS	8.44	
ELEVATOR MECHANICS:		
Mechanics	11.29	2.18+ a+b
Helpers	7.90	2.18+ a+b
GLAZIERS	8.16	
IRONWORKERS	11.65	1.63
LABORERS	4.36	
LATHERS	8.25	
MILLWRIGHTS	12.67	1.50
PAINTERS:		
Commercial:		
Work over 15,000sq.ft --Brush & Roller	9.25	1.18
Work under 15,000s.f. --Brush & Roller	7.80	1.18
Industrial:		
Brush & Roller	10.85	1.18
PLASTERERS	8.25	
PLUMBERS	14.15	1.62
ROOFERS	6.89	
SHEET METAL WORKERS	11.50	1.99+ 3%
SPRINKLER FITTERS	$12.65	2.18
WELDERS--Rate for Craft		

FOOTNOTES: a. Six paid holidays: New Year's Day,Memorial Day,Independence Day,Labor Day,Thanksgiving Day, & Christmas Day.

b. Employer contributes 8% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than five year; 6% for less than 5 years.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: ILLINOIS
DECISION NO.: IL83-2036
Supersedes Decision Nos. IL81-2054, dated August 21, 1981 in 46 FR 42597 and IL82-2034, dated May 7, 1982 in 47 FR 19869
DESCRIPTION OF WORK: Heavy and Highway Construction Projects (Including Dredging Projects)

COUNTIES: *SEE BELOW
DATE: Date of Publication

*ADAMS, BROWN, CASS, CHAMPAIGN, CHRISTIAN, CLARK, COLES, CUMBERLAND, DEWITT, DOUGLAS, EDGAR, LOGAN, MACON, MASON, MENARD, MORGAN, MOULTRIE, PIATT, PIKE, SANGAMON, SCHUYLER, SCOTT, SHELBY & VERMILION

	Basic Hourly Rates	Fringe Benefits
CARPENTERS & PILEDRIVERMEN:		
AREA 1	$16.35	$1.41
AREA 2	15.55	2.21
AREA 3:		
Carpenters	15.855	2.13
Piledrivermen	16.355	2.13
AREA 4	16.40	1.36
AREA 5:		
Carpenters	14.27	1.48
Piledrivermen	14.77	1.48
AREA 6:		
Carpenters	15.65	2.82
Piledrivermen	16.15	2.82
AREA 7	15.69	2.07
AREA 8:		
Carpenters	15.755	2.23
Piledrivermen	16.255	2.23
AREA 9:		
Carpenters	15.58	2.82
Piledrivermen	16.08	2.82
AREA 10:		
Carpenters	15.705	2.28
Piledrivermen	16.205	2.28
CEMENT MASONS:		
AREA 1	15.65	1.50
AREA 2	16.40	.80
AREA 3	16.775	.575
AREA 4	16.15	1.00
AREA 5	17.025	
AREA 6	15.55	1.775
AREA 7	17.15	
AREA 8	15.69	1.46
AREA 9	16.30	.85
AREA 10	16.025	1.00
ELECTRICIANS:		
AREA 1:		
Electricians	17.32	2.50
Cable Splicers	19.05	2.56
AREA 2	17.32	2.29
AREA 3	17.35	2.61
AREA 4	17.30	2.38
AREA 5	17.85	2.14
AREA 6	17.33	2.31
AREA 7:		
Electricians	17.32	2.50
Cable Splicers	19.05	2.56
AREA 8	17.57	1.72
IRONWORKERS:		
AREA 1	$15.95	$2.23
AREA 2	16.25	2.15
AREA 3	15.00	3.03
AREA 4	15.25	4.05
LINE CONSTRUCTION:		
AREA 1:		
Linemen	18.02	2.18
Groundmen-Equipment Ops., Class 1	16.81	2.08
Groundmen-Truck Driver with Winch	12.77	1.74
Groundmen-Truck Driver without Winch	12.02	1.67
Groundmen	11.46	1.62
AREA 2:		
Lineman	15.80	2.58
Groundmen Equipment Ops., Class 1	13.51	2.27
Groundmen Equipment Ops., Class 2	12.10	2.08
Groundmen	10.09	1.81
PAINTERS:		
AREA 1:		
Brush	11.00	
Spray	13.00	
AREA 2:		
Brush; Roller	13.65	1.75+a
Spray	14.40	1.75+a
AREA 3	16.27	.99
AREA 4:		
Brush up to 30 ft.	14.30	1.00
Brush over 30 ft.	15.10	1.00
Roller up to 30 ft.	15.15	1.00
Roller over 30 ft.	15.95	1.00
Sandblasting up to 30 ft.	15.80	1.00
Sandblasting over 30 ft.	16.60	1.00
Spray up to 30 ft.	15.30	1.00
Spray over 30 ft.	16.10	1.00
AREA 5:		
Brush; Roller	14.95	1.50
Spray	15.70	1.50
Radio & TV Towers; Steeples; & Structures over 50 ft.	15.95	1.50
AREA 6:		
Brush	15.50	1.73
Bridge Work & Spray	16.35	1.73

	Basic Hourly Rates	Fringe Benefits
POWER EQUIPMENT OPERATORS:		
AREA 1:		
Asphalt Plant	15.95	2.23
Backhoe	15.95	2.23
Boom Truck	15.95	2.23
Bulldozer	15.95	2.23
Concrete Pump	15.95	2.23
Crane	15.95	2.23
Drill	15.95	2.23
Forklift	15.95	2.23
Grader	15.95	2.23
Hydraulic Backhoe	15.95	2.23
Loader	15.95	2.23
Mechanic	15.95	2.23
Oiler	15.95	2.23
Roller	15.95	2.23
Scraper	15.95	2.23
Trackhoe	15.95	2.23
Trackmobile	15.95	2.23
Trackpactor	15.95	2.23
Trackshovel	15.95	2.23
Trackspotter	15.95	2.23
Trackwagon	15.95	2.23
Trackwasher	15.95	2.23
Trackwidener	15.95	2.23
Trackwinch	15.95	2.23
Truck	15.95	2.23
Tunnel Boring Machine	15.95	2.23
Tunnel Mucking Machine	15.95	2.23
Tunnel Shield	15.95	2.23
Tunnel Tugger	15.95	2.23
Turbine	15.95	2.23
Vacuum Truck	15.95	2.23
Welder	15.95	2.23
AREA 2:		
Asphalt Plant	15.45	2.23
Backhoe	15.45	2.23
Boom Truck	15.45	2.23
Bulldozer	15.45	2.23
Concrete Pump	15.45	2.23
Crane	15.45	2.23
Drill	15.45	2.23
Forklift	15.45	2.23
Grader	15.45	2.23
Hydraulic Backhoe	15.45	2.23
Loader	15.45	2.23
Mechanic	15.45	2.23
Oiler	15.45	2.23
Roller	15.45	2.23
Scraper	15.45	2.23
Trackhoe	15.45	2.23
Trackmobile	15.45	2.23
Trackpactor	15.45	2.23
Trackshovel	15.45	2.23
Trackspotter	15.45	2.23
Trackwagon	15.45	2.23
Trackwasher	15.45	2.23
Trackwidener	15.45	2.23
Trackwinch	15.45	2.23
Truck	15.45	2.23
Tunnel Boring Machine	15.45	2.23
Tunnel Mucking Machine	15.45	2.23
Tunnel Shield	15.45	2.23
Tunnel Tugger	15.45	2.23
Turbine	15.45	2.23
Vacuum Truck	15.45	2.23
Welder	15.45	2.23
AREA 3:		
Asphalt Plant	15.95	2.23
Backhoe	15.95	2.23
Boom Truck	15.95	2.23
Bulldozer	15.95	2.23
Concrete Pump	15.95	2.23
Crane	15.95	2.23
Drill	15.95	2.23
Forklift	15.95	2.23
Grader	15.95	2.23
Hydraulic Backhoe	15.95	2.23
Loader	15.95	2.23
Mechanic	15.95	2.23
Oiler	15.95	2.23
Roller	15.95	2.23
Scraper	15.95	2.23
Trackhoe	15.95	2.23
Trackmobile	15.95	2.23
Trackpactor	15.95	2.23
Trackshovel	15.95	2.23
Trackspotter	15.95	2.23
Trackwagon	15.95	2.23
Trackwasher	15.95	2.23
Trackwidener	15.95	2.23
Trackwinch	15.95	2.23
Truck	15.95	2.23
Tunnel Boring Machine	15.95	2.23
Tunnel Mucking Machine	15.95	2.23
Tunnel Shield	15.95	2.23
Tunnel Tugger	15.95	2.23
Turbine	15.95	2.23
Vacuum Truck	15.95	2.23
Welder	15.95	2.23
AREA 4:		
Asphalt Plant	15.95	2.23
Backhoe	15.95	2.23
Boom Truck	15.95	2.23
Bulldozer	15.95	2.23
Concrete Pump	15.95	2.23
Crane	15.95	2.23
Drill	15.95	2.23
Forklift	15.95	2.23
Grader	15.95	2.23
Hydraulic Backhoe	15.95	2.23
Loader	15.95	2.23
Mechanic	15.95	2.23
Oiler	15.95	2.23
Roller	15.95	2.23
Scraper	15.95	2.23
Trackhoe	15.95	2.23
Trackmobile	15.95	2.23
Trackpactor	15.95	2.23
Trackshovel	15.95	2.23
Trackspotter	15.95	2.23
Trackwagon	15.95	2.23
Trackwasher	15.95	2.23
Trackwidener	15.95	2.23
Trackwinch	15.95	2.23
Truck	15.95	2.23
Tunnel Boring Machine	15.95	2.23
Tunnel Mucking Machine	15.95	2.23
Tunnel Shield	15.95	2.23
Tunnel Tugger	15.95	2.23
Turbine	15.95	2.23
Vacuum Truck	15.95	2.23
Welder	15.95	2.23
AREA 5:		
Asphalt Plant	15.95	2.23
Backhoe	15.95	2.23
Boom Truck	15.95	2.23
Bulldozer	15.95	2.23
Concrete Pump	15.95	2.23
Crane	15.95	2.23
Drill	15.95	2.23
Forklift	15.95	2.23
Grader	15.95	2.23
Hydraulic Backhoe	15.95	2.23
Loader	15.95	2.23
Mechanic	15.95	2.23
Oiler	15.95	2.23
Roller	15.95	2.23
Scraper	15.95	2.23
Trackhoe	15.95	2.23
Trackmobile	15.95	2.23
Trackpactor	15.95	2.23
Trackshovel	15.95	2.23
Trackspotter	15.95	2.23
Trackwagon	15.95	2.23
Trackwasher	15.95	2.23
Trackwidener	15.95	2.23
Trackwinch	15.95	2.23
Truck	15.95	2.23
Tunnel Boring Machine	15.95	2.23
Tunnel Mucking Machine	15.95	2.23
Tunnel Shield	15.95	2.23
Tunnel Tugger	15.95	2.23
Turbine	15.95	2.23
Vacuum Truck	15.95	2.23
Welder	15.95	2.23
AREA 6:		
Asphalt Plant	15.95	2.23
Backhoe	15.95	2.23
Boom Truck	15.95	2.23
Bulldozer	15.95	2.23
Concrete Pump	15.95	2.23
Crane	15.95	2.23
Drill	15.95	2.23
Forklift	15.95	2.23
Grader	15.95	2.23
Hydraulic Backhoe	15.95	2.23
Loader	15.95	2.23
Mechanic	15.95	2.23
Oiler	15.95	2.23
Roller	15.95	2.23
Scraper	15.95	2.23
Trackhoe	15.95	2.23
Trackmobile	15.95	2.23
Trackpactor	15.95	2.23
Trackshovel	15.95	2.23
Trackspotter	15.95	2.23
Trackwagon	15.95	2.23
Trackwasher	15.95	2.23
Trackwidener	15.95	2.23
Trackwinch	15.95	2.23
Truck	15.95	2.23
Tunnel Boring Machine	15.95	2.23
Tunnel Mucking Machine	15.95	2.23
Tunnel Shield	15.95	2.23
Tunnel Tugger	15.95	2.23
Turbine	15.95	2.23
Vacuum Truck	15.95	2.23
Welder	15.95	2.23
AREA 7:		
Asphalt Plant	15.95	2.23
Backhoe	15.95	2.23
Boom Truck	15.95	2.23
Bulldozer	15.95	2.23
Concrete Pump	15.95	2.23
Crane	15.95	2.23
Drill	15.95	2.23
Forklift	15.95	2.23
Grader	15.95	2.23
Hydraulic Backhoe	15.95	2.23
Loader	15.95	2.23
Mechanic	15.95	2.23
Oiler	15.95	2.23
Roller	15.95	2.23
Scraper	15.95	2.23
Trackhoe	15.95	2.23
Trackmobile	15.95	2.23
Trackpactor	15.95	2.23
Trackshovel	15.95	2.23
Trackspotter	15.95	2.23
Trackwagon	15.95	2.23
Trackwasher	15.95	2.23
Trackwidener	15.95	2.23
Trackwinch	15.95	2.23
Truck	15.95	2.23
Tunnel Boring Machine	15.95	2.23
Tunnel Mucking Machine	15.95	2.23
Tunnel Shield	15.95	2.23
Tunnel Tugger	15.95	2.23
Turbine	15.95	2.23
Vacuum Truck	15.95	2.23
Welder	15.95	2.23
AREA 8:		
Asphalt Plant	15.95	2.23
Backhoe	15.95	2.23
Boom Truck	15.95	2.23
Bulldozer	15.95	2.23
Concrete Pump	15.95	2.23
Crane	15.95	2.23
Drill	15.95	2.23
Forklift	15.95	2.23
Grader	15.95	2.23
Hydraulic Backhoe	15.95	2.23
Loader	15.95	2.23
Mechanic	15.95	2.23
Oiler	15.95	2.23
Roller	15.95	2.23
Scraper	15.95	2.23
Trackhoe	15.95	2.23
Trackmobile	15.95	2.23
Trackpactor	15.95	2.23
Trackshovel	15.95	2.23
Trackspotter	15.95	2.23
Trackwagon	15.95	2.23
Trackwasher	15.95	2.23
Trackwidener	15.95	2.23
Trackwinch	15.95	2.23
Truck	15.95	2.23
Tunnel Boring Machine	15.95	2.23
Tunnel Mucking Machine	15.95	2.23
Tunnel Shield	15.95	2.23
Tunnel Tugger	15.95	2.23
Turbine	15.95	2.23
Vacuum Truck	15.95	2.23
Welder	15.95	2.23

FOOTNOTES:
a. $25.00 Per Year Per Employee

	Basic Hourly Rates	Fringe Benefits
PAINTERS (CONT'D):		
AREA 7:		
Industrial	$14.97	$1.30
Bridges	15.22	1.30
AREA 8:		
Brush	16.00	
Sandblast; Spray	17.00	
LABORERS:		
AREA 1:		
Unskilled	14.26	1.35
Semi-Skilled	14.46	1.35
Skilled	14.61	1.35
AREA 2:		
Unskilled	14.01	1.60
Semi-Skilled	14.21	1.60
Skilled	14.36	1.60
AREA 3:		
Unskilled	15.00	1.35
Semi-Skilled	15.20	1.35
Skilled	15.35	1.35
AREA 4:		
Unskilled	13.56	2.05
Semi-Skilled	13.76	2.05
Skilled	13.91	2.05
AREA 5:		
Unskilled	14.60	1.75
Semi-Skilled	14.80	1.75
Skilled	14.95	1.75
AREA 6:		
Unskilled	15.00	1.35
Semi-Skilled	15.20	1.35
Skilled	15.35	1.35
AREA 7:		
Unskilled	14.06	1.55
Semi-Skilled	14.26	1.55
Skilled	14.41	1.55
AREA 8:		
Unskilled	14.30	2.05
Semi-Skilled	14.50	2.05
Skilled	14.65	2.05
AREA 9:		
Unskilled	13.51	2.10
Semi-Skilled	13.71	2.10
Skilled	13.86	2.10
AREA 10:		
Unskilled	14.50	1.85
Semi-Skilled	14.70	1.85
Skilled	14.85	1.85
AREA 11:		
Unskilled	13.80	2.55
Semi-Skilled	14.00	2.55
Skilled	14.15	2.55

	Basic Hourly Rates	Fringe Benefits
POWER EQUIPMENT OPERATORS:		
AREA 1:		
Class 1	$16.25	$1.85
Class 2	14.60	1.85
Class 3	13.00	1.85
AREA 2:		
Class 1	16.20	2.35
Class 2	16.10	2.35
Class 3	15.90	2.35
Class 4	9.25	2.35
AREA 3:		
Group 1	16.74	2.35
Group 2	16.54	2.35
Group 3	15.59	2.35
Group 4	15.32	2.35
Group 5	13.88	2.35
TRUCK DRIVERS:		
AREA 1:		
Group 1	14.325	1.15+b
Group 2	14.725	1.15+b
Group 3	14.925	1.15+b
Group 4	15.175	1.15+b
AREA 2:		
Group 1	14.875	1.15+b
Group 2	15.275	1.15+b
Group 3	15.475	1.15+b
Group 4	15.725	1.15+b
DREDGING:		
Mason County:		
Group 1	13.07	1.30
Group 2	12.87	1.30
Group 3	12.495	1.30
Group 4	12.22	1.30
Group 5	11.61	1.30

FOOTNOTES:
a. $25.00 Per Year Per Employee
b. $51.00 Per Week Per Employee

AREA DESCRIPTIONS

CARPENTERS & PILEDRIVERMEN:
AREA 1: Adams Co.
AREA 2: Brown, Cass, Morgan, Pike, Schuyler & Scott Cos.
AREA 3: Champaign, Douglas (N. of US Rte. #36), & Piatt (NE ½) Cos.
AREA 4: Christian, Menard, & Sangamon (Except Illiopolis) Cos.
AREA 5: Clark, Coles, Cumberland, Douglas (US Rte. #36 & S. thereof), Edgar, Moultrie (Exclu. area N. of Rte. #133), & Shelby (Exclu. Moweaqua & N. thereof) Cos.
AREA 6: DeWitt Co.
AREA 7: Logan Co.
AREA 8: Macon, Moultrie (N. of Rte. #133), Piatt(SW ½), Sangamon (Illiopolis) & Shelby (Moweaqua & N. thereof) Cos.
AREA 9: Mason Co.
AREA 10: Vermilion Co.
CEMENT MASONS:
AREA 1: Adams, Brown, & Pike Cos.
AREA 2: Cass, Mason, Menard, & Sangamon Cos.
AREA 3: Champaign, Clark, Cumberland, Douglas, Moultrie (Exclu. NE Corner), Piatt (Monticello & N. thereof), & Shelby (Exclu. Lovington, Bethany & Moweaqua) Cos.
AREA 4: Christian Co.
AREA 5: Coles & Edgar Cos.
AREA 6: DeWitt (Clinton & S. thereof), Macon, Moultrie (NE Corner), Piatt (S. of Monticello), & Shelby (Lovington, Bethany & Moweaqua) Cos.
AREA 7: Logan Co.
AREA 8: Morgan Co.
AREA 9: Schuyler Co.
AREA 10: Vermilion Co.
ELECTRICIANS:
AREA 1: Adams, Brown, Pike, & Schuyler Cos.
AREA 2: Cass, Logan, Mason (Lynchburg, Bath, Kilbourne, Crane Creek, Salt Creek, & Mason), Menard, Morgan, Sangamon & Scott Cos.
AREA 3: Champaign, DeWitt (Santa Anna Twp.), Douglas (N ½), & Piatt (Blue Ridge, Sangamon & Monticello Twps.) Cos.
AREA 4: Clark & Edgar Cos.
AREA 5: Christian, Coles, Cumberland, DeWitt (Harp, Wapella, Barnett, Clintonia, DeWitt, Turnbridge, Texas, Creek & Nixon Twps.), Douglas (Arcola, Burbon, Garrett Twps. & that portion of Tuscola lying W. of the city of Tuscola & the Illinois Central RR Tracks), Macon, Moultrie, Piatt (Goose Creek, Willow Branch, Carro Gordo, Bement & Unity Twps.), & Shelby Cos.
AREA 6: DeWitt (Waynesville, Wilson & Rutledge Twps.) Co.
AREA 7: Mason (Exclu. Lynchburg, Bath, Kilbourne, Crane Creek, Salt Creek, & Mason) Co.
AREA 8: Vermilion Co.
IRONWORKERS:
AREA 1: Adams (Kingston & Vic.), Brown, Cass, Christian, DeWitt (W ½), Logan, Macon (Except portion E. of Decatur), Mason, Menard, Morgan, Pike, Sangamon, Schuyler (E ½), Scott & Shelby (W ½) Cos.
AREA 2: Adams (Except Kingston & Vic.) & Schuyler ((W ½) Cos.
AREA 3: Champaign, Coles, Cumberland, DeWitt (E ½), Douglas, Edgar, Macon (E. of Decatur), Moultrie, Piatt, Shelby (E ½), & Vermilion Cos.
AREA 4: Clark Co.

AREA DESCRIPTIONS

LINE CONSTRUCTION:
AREA 1: Adams, Brown, Cass, Champaign, Christian, Coles (E. Oakland, Humboldt, Morgan, W. Okaw, & Seven Hickory Twps.), DeWitt, Douglas, Edgar, Logan, Macon, Mason, Menard, Morgan, Moultrie (Except Whitley Twp.), Piatt, Pike, Sangamon, Schuyler, Scott, Shelby (W. of Holland, Prairie, Richland, & Windsor Twps.), & Vermilion (Except work performed on Illinois Power Company & REA Co-op properties) Cos.
AREA 2: Clark, Coles (S ½), Cumberland, Moultrie (Whitley Twp.), Shelby (Except W. of Holland, Prairie, Richland, & Windsor Twps.) Cos.
PAINTERS:
AREA 1: Adams Co.
AREA 2: Brown, Cass, Christian, Logan, Menard, Morgan, Sangamon, & Scott Cos.
AREA 3: Champaign, Coles, Cumberland, & Douglas Cos.
AREA 4: Clark & Edgar Cos.
AREA 5: DeWitt, Macon, Moultrie, Piatt, & Shelby Cos.
AREA 6: Mason & Schuyler Cos.
AREA 7: Pike Co.
AREA 8: Vermilion Co.
LABORERS:
AREA 1: Adams Co.
AREA 2: Brown, Cass, Mason, Morgan, Pike, Schuyler, & Scott Cos.
AREA 3: Champaign, DeWitt, & Piatt (N ½) Cos.
AREA 4: Christian Co.
AREA 5: Clark, Douglas, Edgar, Moultrie (E ½), & Piatt (S ½) Cos.
AREA 6: Coles & Cumberland Cos.
AREA 7: Logan & Menard (S ½) Cos.
AREA 8: Macon & Moultrie (W ½) Cos.
AREA 9: Menard (N ½) & Sangamon Cos.
AREA 10: Shelby Co.
AREA 11: Vermilion Co.
POWER EQUIPMENT OPERATORS:
AREA 1: Adams, Brown, Cass, Christian, DeWitt, Logan, Macon, Menard, Morgan, Piatt, Pike, Sangamon, Schuyler, Scott & Shelby Cos.
AREA 2: Champaign, Clark, Coles, Cumberland, Douglas, Edgar, Moultrie, & Vermilion Cos.
AREA 3: Mason Co.
TRUCK DRIVERS:
AREA 1: Adams, Brown, Cass, Champaign, Christian, Clark, Coles, Cumberland, DeWitt, Douglas, Edgar, Logan, Macon, Menard, Morgan, Moultrie, Piatt, Pike, Sangamon, Schuyler, Scott, Shelby & Vermilion Cos.
AREA 2: Mason Co.

LABORERS CLASSIFICATIONS:
UNSKILLED - Common Laborers
SEMI-SKILLED - Asphalt Rakers; Asphalt Saw Operators; Blade Grade Operators; Cement Handlers; Chain Saw Operators; Concrete Saw Operators; Dumping Dry Cement From Dump & Batch Trucks; Form Setters; Handling of Creosote Lumber & Lime; Hopper Men; Mechanical Form Tampers; Powder Men; Powdermen & Dynamite Men ($1.00 premium); Power Tool Operators; Priming & Wrapping of Gas Lines; Puddlers; Rubbing of Concrete; Sewer or Conduit, Tunnel Miners, Top Men, Muckers, & Bottom Men ($.25 premium); Sewer Tile & Pipe Layers; Shoring & Bracing in Sewer & Tunnels; & Spotters & Dumpmen on or on Levees, Fills, or Grades
SKILLED - Air Spades; Brick Tenders; Gunnite Nozzlemen; & Jackhammers

POWER EQUIPMENT OPERATORS CLASSIFICATIONS FOR AREA 1:
CLASS 1: Asphalt Plant Engineer; Asphalt Screed Man; Apsco Concrete Spreaders; Asphalt Pavers; Asphalt Rollers on Bituminous Concrete; Athey Loaders; Backfillers; Crane Type Backhoes; Cableways; Cherry Pickers; Clam Shell; C.M.I. & Similar Type Autograde Formless Paver, Autograde Placer & Finisher; Concrete Breakers; Concrete Plant Operators; Concrete Pumps; Cranes; Derricks; Derrick Boats; Draglines; Earth Auger Boring Machines; Elevating Graders; Engineers on Dredge; Gravel Processing Machines; Head Equipment Greasers; High Lift or Fork Lifts; Hoist w/two Drums or Two or more Loadlines; Locomotives; Mechanics; Motor Graders or Auto Patrols; Operators or Levelman on Dredges; Operators Power Boat; Operators Pug Mill (Asphalt Plants); Orange Peels; Overhead Cranes; Paving Mixers; Piledrivers; Pipe Wrapping & Painting Machines; Push Dozers, or Push Cats; Rock Crushers; Ross Carriers or Similar Machines; Scoops; Skimmers 2 cu. yds., cap. & under; Sheep Foot Roller (Self-propelled); Shovels; Skimmer Scoops; Test Hole Drilling Machines; Tower Cranes; Tower Machines; Tower Mixers; Track Type & Loaders; Track Type Fork Lifts or High Lifts; Track Jacks & Tampers; Tractors; Sideboom; Trenching Machines; Ditching Machine; Tunnel Luggers; Wheel Type End Loaders; Winch Cat; Scoops (All or Tournapull)
CLASS 2: Asphalt Boosters & Heaters; Asphalt Distributors; Asphalt Plant Fireman; Building Elevator; Bull Floats or Flexplanes; Concrete Finishing Machines; Concrete Saws, Self-propelled; Concrete Spreader Machines; Gravel or Stone Spreaders, Power Operated; Hoist Automatic; Hoist w/1 Drum & 1 Load Line; Oiler on 2 Paving Mixers when used in Tandem Boom or Winch Truck; Post Hole Diggers, Mechanical; Road or Street Sweeper-Self-propelled; Scissors Hoist; Seaman Tiller; Straw Machine; Vibratory Compactor; Well Drill Machines; & Mud Jacks (Hwy & Hwy only)
CLASS 3: Air Compressor*; Air Compressors, Track or Self-propelled; Bulk Cement Batching Plants; Conveyors*; Concrete Mixers (except plant, paver, tower); Firemen; Generators*; Greasers; Light Plants*; Mechanical Heaters*; Oilers; Power Form Graders; Power Sub-Graders; Pug Mills, when used for other than Asphalt Operation; Rollers (except Bituminous Concrete); Tractors w/o Power Attachments Regardless of size or type; Truck Crane Oiler & Driver (1 man); Vibratory Hammer; Water Pumps*; Welding Machines (one 300 amp. or over*); Welding Machines*
*COMBINATIONS OF ONE TO FIVE OF ANY AIR COMPRESSORS, CONVEYORS, WELDING MACHINES, WATER PUMPS, LIGHT PLANTS OR GENERATORS SHALL BE IN BATTERIES OR WITHIN 300 FT.
POWER EQUIPMENT OPERATORS CLASSIFICATIONS FOR AREA 2:
CLASS 1: Master Mechanic
CLASS 2: Utility Operator
CLASS 3: Power Cranes; Draglines; Derricks; Shovels; Gradalls; Mechanics; Concrete Mixers with Skip; Tourmamixers; Two Drum Machine; One Drum Hoists with Tower or Boom; Cableways; Tower Machines; Motor Patrol; Boom Trucks; Boom or Winch Truck; Winch or Hydraulic Boom Truck; Truck Crane; Tournapull; Tractor Operating Scoops; Bulldozer; Push Tractor; Asphalt Planer; Finishing Machine on Asphalt; Large Rollers on Earth; Rollers on Asphalt Mix; Ross Carriers or similar Machine; Gravel Processing Machine; Asphalt Plant Engineer; Paver Operator; Farm Tractor w/half yard Bucket and/or Backhoe Attachment; Dredging Equipment or Dredge Engineer or Dredge Operator; Central Mix Plant Engineer; CMI or similar type machine; Concrete Pump; Truck or Skid mounted; Tower Crane; Engine or Rock Crusher Plant; Concrete Plant Engineer; Ditching Machine with dual attachment; Tractor mounted Loaders; Cherry Picker; Hydro Crane; Standard or Dinkey Locomotives; Scoopmobiles; Euclid Loader; Soil Cement Machine; Back Filler; Elevating Machine; Power Blade; Drilling Machine, inclu. Well Testing, Caissons, Shaft or any similar type Drilling Machines; Motor Driven Paint Machine; Pipe Cleaning Machine; Pipe Wrapping Machine; Pipe Bending Machine; Apsco Paver; Boring Machine; Head Equipment Greaser; Barber-Greene Loaders; Formless Paver; Well Point System; Concrete Spreader; Hydra Ax; Resco Concrete Saw; Marine Scoops; Brush Mulcher; Brush Burner; Mesh Placer; Tree Mover; Helicopter Crew (3); Piledriver - Skid or Crawler; Stump Remover; Root Rake; Tug Boat Operator; Refrigerating Machine; Freezing Operator; Chair Cart - Self-Propelled; Hydra Seeder; Straw Blower; Power Sub Grader; Bull Float; Finishing Machine; Self-propelled Pavement Breaker (Backhoe attached); Lull or similar type machine; Two Air Compressors; Compressors hooked in Manifold; Overhead Crane; Chip Spreader; Mud Cat; Sull-Air; Tractor Highlift; Tournadozer; Tube Float; Spray Machine; Curing Machine; Concrete or Asphalt Milling Machine

POWER EQUIPMENT OPERATORS CLASSIFICATIONS FOR AREA 2 (CONT'D):

TRUCK DRIVERS CLASSIFICATIONS:
GROUP 1: Drivers on 2 Axles hauling less than 9 tons; Air Compressor & Welding

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POWER EQUIPMENT OPERATORS CLASSIFICATIONS FOR AREA 2 (CONT'D):
CLASS 4: Concrete Mixers without Skips; Rock Crusher; Ditching Machine under 6'; Curbing Machine; One Drum Machines without Tower or Boom; Air Tugger; Self-propelled Concrete Saw; Machine mounted Post Hole Digger; Two to Four Generators; Water Pumps or Welding Machines within 400 ft.; Air Compressor 600 cu. ft. and under; Rollers on Aggregate and Seal Coat Surfaces; Fork Lift; Concrete and Blacktop Curb Machine; Farm Tractor with less than half yard Bucket; One Water Pump; Oilers; Air Valves or Steam Valves; One Welding Machine; Truck Jack; Mud Jack; Gunite Machine; House Elevators when used for Hoisting Material; Engine Tenders; Fireman; Wagon Drill; Flex Plane; Conveyor; Siphons and Pulsometer; Switchman; Fireman on Paint Pots; Fireman on Asphalt Plants; Distributor Operator on Trucks; Tampers; Self-propelled Power Broom; Striping Machine (motor driven); Form Tamper; Seaman Tiller; Bulk Cement Plant Equipment Greaser; Deck Hands; Truck Crane; Oiler Driver; Cement Blimps; Form Grader; Temporary Heat; Throttle Valve; Farm Tractor

POWER EQUIPMENT OPERATORS CLASSIFICATIONS FOR AREA 3:
GROUP 1 - Cranes; Hydro Crane; Shovels; Crane Type Backfiller; Tower Cranes, Mobile & Crawler & Stationary; Derricks & Hoist (3-drum); Dragline; Drott Tumbo & similar Types considered as Cranes; Backhoe; Derrick Boats; Pile Driver & Skid Rigs; Clam Shells; Locomotive Cranes; Road Pavers, Single Drum, Dual Drum & Tri Batcher; Motor Patrols & Power Blades, Dumore, Elevating & Similar types; Mechanics; Central Concrete Mixing Plant Op.; Blacktop Plant Ops. & Plant Engineers; Gradall; Caisson Rigs; Skimmer Scoop, Koehring Scooper; Dredges (all types); Hoptoe, Crane type; Escalated rate on Crane & Derricks Booms, $.01 per hour, per ft., over 80' incl. jib; Cherry Pickers; Work Boat; Ross Carrier; Helicopter; Dozer & Tournadozer
GROUP 2 - Asphalt Heater & Planer Combination (used to plane streets); Trench Machines; Pump Crete; Belt Crete; Squeeze Crete; Screw type Pumps & Gypsum; Bulker & Pump; Dinkeys; Tournapulls, all, & similar types; Multiple Unit Earth Movers, $.25 per hour for each scoop over one; Scoops (all sizes); Pushcats; End Loaders (all types); Side Booms; P-H One Pass Soil Cement Machines & similar types; Wheel Tractors (industrial or farm type with Dozer, Hoe, End Loader Other attachments; Backfiller; Asphalt Surfacing Machine; Euclid Loader; Fork Lifts; Formless Finishing Machine; Jeep with Ditching Machine or other attachment; Tune-luger; Rockcrusher; Automatic Cement & Gravel Batching Plants; Mobile Drills (Soil Testing); & Similar types; Pugmill with Pump; Flaherty Spreader & Similar types; Heavy Equipment Greaser (Top Greaser on Spread); Power Launches; Boring Machine & Pipe Jacking Machine; C.M.I & similar types; All (1) & (2) Drum Hoists; Dewatering System; Straw Blower; Hydro-seeder; Boring Machine; Hydro-broom; Starting Engineer on Pipeline; F. W. D. & similar types
GROUP 3: Apsco Spreader or similar types; Tractors (track-type) without Power Units pulling Rollers; Rollers on Asphalt-brick or Macadam; Concrete Breakers; Concrete Spreaders; Center Stripper; Cement Finishing Machines; Vibro Tampers (all similar types) self-propelled; Mechanical Bull Floats; Mixers, over 3 bag to 27E; Winch & Boom Trucks; Tractor, pulling Power Blade or Elevating Grader; Porter Tek Rail; Clary Screed; Mule, pulling Rollers; Pugmill without Pump; Barber Greene or similar Loaders; Track-type Tractors with Power unit attached (minimum); Fireman; Screed Man on Laydown Machine; & Spray Machine on Paving
GROUP 4 - Power Subgrader; Oil Distributor; Straight Tractor; Tracair (without attachments); Curb Machines; Paved Ditch Machines; Truck Crane Oiler; & Truck type Hoptoe Oilers
GROUP 5 - Herman Nelson Heater, Dravo, Warner, Silent Glo & Similar types; Self-propelled Concrete Saws; Assistant Heavy Equipment Greaser; Crawler Crane & Skid Rig Oilers; Rollers, 5 tons & under on Earth & Gravel; Form Graders; Pump (1) or (2); Light Plant (1) or (2); Generator (1) or (2); Conveyor (1) or (2); Mixer, 3 bags & under; Bulk Cement Plant; Air Compressor (1) or (2); & Welding Machine (1) or (2)

TRUCK DRIVERS CLASSIFICATIONS:
GROUP 1: Drivers on 2 Axles hauling less than 9 tons; Air Compressor & Welding Machine incl. those pulled by separate units; Fork Lifts up to 6,000 lbs. cap.; Mechanic Tenders; Pick-ups when hauling materials, tools, or men to and from and on the job site; & Truck Driver Tenders

GROUP 2: 2 or 3 Axles hauling more than 9 tons, but hauling less than 16 tons; A-Frame Winches; Fork Lifts over 6,000 lbs. cap.; 4-Axle Combination units; Hydrolifts or similar equipment when used for transportation purposes; & Winches

GROUP 3: 2, 3 or 4 Axles hauling 16 tons or more; Dispatcher; 5-Axles or more combination units; Mechanics & Working Foreman; & Water Pulls

GROUP 4: Drivers on Oil Distributors; & Drivers on Semi-Lowboys when moving equipment

DREDGING CLASSIFICATIONS:
GROUP 1 - Operators on Hydraulic Dipper or Clamshell Dredges,, Engineers and Repairmen, Operators on Work Boats
GROUP 2 - Power Winches 1-2-3 Drums
GROUP 3 - Semunity Engineer
GROUP 4 - Cranemen on Dipper Dredges, Operators on Launches or Power Boats
GROUP 5 - Firemen & Oilers

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

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SUPERSEDEAS DECISION

STATE: Kansas

COUNTIES: Barber,Barton,Cheyenne,Clark,Comanche, Decatur,Edwards,Ellis,Ellsworth,Finney,Ford, Gove,Graham,Grant,Gray,Greely,Hamilton,Haskell,Hodgeman,Jewell,Kearny,Kiowa,Lane,Lincoln, Logan,Meade,Mitchell,Morton,Ness,Norton,Osborne Pawnee,Phillips,Pratt,Rawlings,Rice,Rooks, Rush,Russell,Scott,Seward,Sheridan,Sherman, Smith,Stafford,Stanton,Stevens,Thomas,Trego, Wallace, and Wichita

DECISION NO.: KS83-4028

DATE: Date of Publication

Supersedes Decision No. KS82-4009 dated March 26, 1982, in 47 FR 13105

DESCRIPTION OF WORK: Highway Projects (does not include bridges over navagable waters, Tunnels; Building structures in rest area projects; Railroad construction) and Water and Sewer Line Construction

AREA I	Basic Hourly Rates	Fringe Benefits
Asphalt Paver Screed Operator	$6.26	
Asphalt Paving Machine Operator	6.80	
Ashphalt Plant Operator	7.10	
Asphalt Raker	6.00	
Backhoe Operator	7.78	
Batching Plant Scaleman	5.32	
Blowing Mechanism or Mulch Seeder Operator	6.00	
Brick, Block and Stonesetter	8.20	
Bulldozer Operator (Push Cat)	7.55	
Carpenter	8.00	
Carpenter (rough)	6.16	
Concrete Finisher	6.94	
Crane or any Machine Power Swing	7.75	
Crusher and Screening Plant Operator	6.58	
Distributor Operator	6.485	
Electrician	7.94	
Form Liner and Setter	5.60	
Front End Loader Operator	6.49	
Laborer (Construction)	5.064	
Mechanic	7.29	
Mechanic Helper	7.00	
Motor Grader Operator (finish)	7.31	
Motor Grader Operator (rough)	6.70	
Motor Scraper Operator	7.55	
Painters (Structural Steel & Bridge)	8.00	
Paving Equipment Operator	7.71	
Post Driver and/or Auger Operators	6.50	
Reinforcing Steel Setter	6.67	
Roller/Compactor Operator (self-propelled)	6.00	
Rotary Broom Operator	6.00	
Rotomill Operator	6.975	
Sandblaster (Structural Steel & Bridge)	8.00	
Serviceman (Equipment)	5.947	
Spreader Box Operator (self-propelled)	6.00	
Tank Heater Attendant	$4.25	
Tractor Operator (80 HP or less)	5.25	
Tractor Operator (80 HP or more)	5.655	
Trenching Machine Operator	6.50	
Truck Driver (Single Axle)	4.87	
Truck Driver (tandem Axle)	5.38	
Truck Driver (triple Axle & Semi)	6.00	

Unlisted classification needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Kansas

DECISION NO.: KS83-4029

COUNTY: Sedgwick

DATE: Date of Publication

Supersedes Decision No. KS82-4010 dated March 15, 1982, in 47 FR 13106

SUPERSEDEAS DECISION

STATE: Kansas

COUNTIES: Allen,Anderson,Atchinson,Bourbon, Brown,Butler,Chase,Chautauqua,Cherokee,Clay, Cloud,Coffey,Cowley,Crawford,Dickinson,

SUPERSEDEAS DECISION

STATE: Kansas
COUNTY: Sedgwick
DECISION NO.: KS83-4029
DATE: Date of Publication
Supersedes Decision No. KS82-4010 dated March 15, 1982, in 47 FR 13106
DESCRIPTION OF WORK: Highway Projects (does not include bridges over navigable waters, tunnels; Building structures in rest area projects; Railroad construction) and Water and Sewer Line Construction

AREA II	Basic Hourly Rates	Fringe Benefits
Asphalt Paver Screed Operator	$7.75	
Asphalt Paving Machine Operator	7.33	
Asphalt Plant Operator	7.00	
Asphalt Raker	6.50	
Backhoe Operator	7.85	
Bulldozer Operator (Push Cat)	8.85	
Carpenter	8.86	
Carpenter (rough)	7.85	
Concrete Central Mix Plant Operator	7.88	
Concrete Finisher	8.508	
Concrete Saw Operator	6.03	
Crane or any Machine Power Swing	8.435	
Distributor Operator	6.75	
Electrician	11.50	
Form Liner and Setter	8.078	
Front End Loader Operator	7.696	
Laborer (Construction)	5.25	
Mechanic	8.00	
Mechanic Helper	7.50	
Motor Grader Operator (finish)	8.30	
Motor Grader Operator (rough)	7.650	
Motor Scraper Operator	7.75	
Painters (structural steel & bridge)	8.00	
Paving Equipment Operator	8.00	
Pavement Breaker Tamper Operator (self-propelled)	5.00	
Reinforcing Steel Setter	6.55	
Roller/Compactor Operator (self-propelled)	7.75	
Rotomill Operator	5.75	
Sandblaster (structural steel & bridge)	8.00	
Servicemen (equipment)	7.425	
Tractor Operator (80 HP or less)	6.859	
Tractor Operator (80 HP or more)	7.733	
Truck Driver (single axle)	6.65	
Truck Driver (tandem axle)	6.292	
Truck Driver (triple axle and Semi)	8.00	

"Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)".

SUPERSEDEAS DECISION

STATE: Kansas
COUNTIES: Allen, Anderson, Atchinson, Bourbon, Brown, Butler, Chase, Chautauqua, Cherokee, Clay, Cloud, Coffey, Cowley, Crawford, Dickinson, Doniphan, Elk, Franklin, Geary, Greenwood, Harper, Harvey, Jackson, Kingman, Labette, Linn, Lyon, Marion, Marshall, McPherson, Montgomery, Morris, Nemaha, Neosho, Osage, Ottawa, Pottawatomie, Reno, Republic, Riley, Saline, Sumner, Wabaunsee, Washington, Wilson, and Woodson
HIGHWAY CONSTRUCTION - Geary, Riley, Labette and Saline Counties ONLY
DECISION NO. KS83-4030
DATE: Date of Publication
Supersedes Decision No. KS82-4011 dated March 15, 1982, in 47 FR 13107
DESCRIPTION OF WORK: Highway Projects (does not include bridges over navigable waters, tunnels; Building structures in rest area projects; Railroad construction) and Water and Sewer Line Construction.

AREA III	Basic Hourly Rates	Fringe Benefits
Asphalt Paver Screed Operator	7.00	
Asphalt Paving Machine Operator	9.00	
Asphalt Plant Operator	9.50	
Asphalt Raker	7.33	
Backhoe Operator	7.44	
Batching Plant Scaleman	4.75	
Blowing Mechanism or Mulch Seeder Operator	5.00	
Brick, Block and Stonesetter	6.28	
Bulldozer Operator (Push Cat)	7.70	
Carpenter	7.88	
Carpenter (rough)	6.685	
Concrete Central Mix Plant Operator	7.30	
Concrete Finisher	7.978	
Concrete Saw Operator	6.121	
Crane or any Machine Power Swing	7.83	
Crusher and Screening Plant Operator	5.00	
Distributor Operator	7.09	
Electrician	8.27	
Form Liner and Setter	6.57	
Front End Loader Operator	9.17	
Laborer (Construction)	5.79	
Mechanic	7.70	
Mechanic Helper	6.13	
Motor Grader Operator (finish)	11.23	
Motor Grader Operator (rough)	7.72	
Motor Scraper Operator	7.70	
Paving Equipment Operator	9.00	
Piledriverman	6.87	
Post Driver and/or Auger Operator	7.00	
Reinforcing Steel Setter	5.76	
Roller/Compactor Operator (self-propelled)	8.14	
Rotary Broom Operator	5.00	

	Basic Hourly Rates	Fringe Benefits
Rotomill Operator	5.00	
Sandblaster (Structural Steel & Bridge)	4.54	
Serviceman (equipment)	7.99	
Spreader Box Operator (self-propelled)	7.70	
Steelworker (Structural)	10.15	
Tractor Operator (80 HP or less)	6.152	
Tractor Operator (80 HP or more)	6.12	
Trenching Machine Operator	5.35	
Truck Driver (Single Axle)	5.683	
Truck Driver (Tandem Axle)	6.18	
Truck Driver (Triple Axle and Semi)	8.04	
Welder	7.98	
Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract c clauses (29 CFR, 5.5(a)(1)(ii)).		

SUPERSEDEAS DECISION

STATE: KENTUCKY
COUNTIES: BUTLER, HENDERSON, HOPKINS, LOGAN, McLEAN, MUHLENBERG, TODD, UNION, & WEBSTER.
DECISION NUMBER: KY83-1020 DATE: DATE OF PUBLICATION
Supersedes Decision Number KY81-1309, dated October 30, 1981, in 48 FR 53929.
DESCRIPTION OF WORK: RESIDENTIAL CONSTRUCTION PROJECTS - consists of single family homes and apartments up to and including four stories.

	Basic Hourly Rates	Fringe Benefits
AIR CONDITIONING & HEATING MECHANICS	$ 6.99	
BRICKLAYERS	6.75	
CARPENTERS	6.81	
CEMENT MASONS	7.00	
DRYWALL FINISHERS	7.00	
DRYWALL HANGERS	6.50	
ELECTRICIANS	7.00	
INSULATION INSTALLERS	5.00	
LABORERS:		
Unskilled	4.70	
Mason tenders	5.00	
PAINTERS	6.75	
PLUMBERS & PIPEFITTERS	7.25	
ROOFERS	7.00	
SHEET METAL WORKERS	6.75	
SOFT FLOOR LAYERS	6.19	
TRUCK DRIVERS	5.00	
POWER EQUIPMENT OPERATORS:		
Backhoe	$ 5.60	
Bulldozer	7.00	
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.		
Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clause (29 CFR, 5.5 (a) (1) (ii)).		

SUPERSEDEAS DECISION

SUPERSEDEAS DECISION

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SUPERSEDEAS DECISION

STATE: KENTUCKY
COUNTIES: DAVIESS, HANCOCK, & OHIO
DECISION NUMBER: KY83-1025
DATE: DATE OF PUBLICATION
Supersedes Decision Number KY81-1292, dated September 25, 1981, in 46 FR 47400.
DESCRIPTION OF WORK: RESIDENTIAL CONSTRUCTION PROJECTS - consist of single family homes and apartments up to and including four (4) stories.

	Basic Hourly Rates	Fringe Benefits
AIR CONDITIONING & HEATING MECHANICS	$ 6.78	
BRICK & BLOCK LAYERS	6.79	
CARPENTERS	6.97	
CEMENT MASONS	6.90	
DRYWALL FINISHERS	7.14	
DRYWALL MECHANICS	6.90	
ELECTRICIANS	7.25	
LABORERS - GENERAL	4.83	
PAINTERS	6.75	
PLUMBERS & PIPEFITTERS	7.00	
ROOFERS	7.00	
SHEET METAL WORKERS	7.00	
SOFT FLOOR LAYERS	5.50	
TILE SETTERS	7.05	
TRUCK DRIVERS	5.00	
POWER EQUIPMENT OPERATORS:		
Backhoe	$ 5.00	
Bulldozer	7.63	
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.		
Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clause (29 CFR, 5.5 (a) (1) (ii)).		

SUPERSEDEAS DECISION

STATE: KENTUCKY
COUNTIES: CAMPBELL, KENTON, & PENDLETON
DECISION NUMBER: KY83-1026
DATE: DATE OF PUBLICATION
Supersedes Decision Number KY81-1312, dated November 13, 1981, in 46 FR 56125.
DESCRIPTION OF WORK: RESIDENTIAL CONSTRUCTION PROJECTS - consist of single family homes and apartments up to and including four (4) stories.

	Basic Hourly Rates	Fringe Benefits
AIR CONDITIONING & HEATING MECHANICS	$ 6.04	
BRICKLAYERS	8.94	
CARPENTERS	7.20	
CEMENT MASONS	8.38	
DRYWALL FINISHERS	8.00	
DRYWALL HANGERS	8.00	
ELECTRICIANS	9.96	
INSULATION INSTALLERS	5.62	
LABORERS:		
General laborers	5.12	
Mason tenders	5.90	
PAINTERS	7.56	
PLUMBERS & PIPEFITTERS	8.10	
ROOFERS	7.00	
SHEET METAL WORKERS	6.04	
SOFT FLOOR LAYERS	7.45	
TILE SETTERS	9.15	
TRUCK DRIVERS	6.00	
POWER EQUIPMENT OPERATORS:		
Backhoe	$ 8.00	
Bulldozer	7.25	
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.		
Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clause (29 CFR, 5.5 (a) (1) (ii)).		

SUPERSEDEAS DECISION

STATE: KENTUCKY
COUNTIES: CARROLL, JEFFERSON, OLDHAM, & TRIMBLE
DECISION NUMBER: KY83-1027
DATE: DATE OF PUBLICATION
Supersedes Decision Number KY82-1025, dated April 2, 1982, in 47 Fd 14348.
DESCRIPTION OF WORK: RESIDENTIAL CONSTRUCTION PROJECTS - consist of single family homes and apartments up to and including four (4) stories.

	Basic Hourly Rates	Fringe Benefits
AIR CONDITIONING & HEATING MECHANICS	$ 6.00	
BRICKLAYERS	8.00	
CARPENTERS	7.59	
CEMENT MASONS	7.78	
DRYWALL FINISHERS	8.00	
DRYWALL HANGERS	8.00	
ELECTRICIANS	8.10	
INSULATION INSTALLERS	5.61	
IRONWORKERS	9.22	
LABORERS - GENERAL	5.32	
PLUMBERS	9.16	
POWER EQUIPMENT OPERATORS:		
Backhoe	8.00	
Bulldozer	9.77	
Front end loader	9.50	
Grader	8.60	
High lift	7.50	
ROOFERS	7.00	
SHEET METAL WORKERS	7.99	
SOFT FLOOR LAYERS	$ 7.75	
TILE SETTERS	6.91	
TRUCK DRIVERS	7.00	

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clause (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: Maine
COUNTIES: Cumberland
DECISION NO.: ME83-3007
DATE: Date of Publication
Supersedes Decision No.: ME80-2069, dated August 15, 1980, in 45 FR 54614.
DESCRIPTION OF WORK: Building Construction Projects (does not include single family homes and apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS/PIPE INSULATORS	17.56	3.31
BOILERMAKERS	16.44	3.055
BRICKLAYERS	11.30	1.02
CARPENTERS	7.66	
CEMENT MASONS	8.27	
CEMENT FINISHERS	11.07	
DRYWALL INSTALLERS	10.00	
ELECTRICIANS	14.25	3%+1.07
GLAZIERS	6.44	
IRONWORKERS	11.35	2.74
LABORERS	5.94	
PAINTERS	5.78	
PLUMBERS & PIPEFITTERS	8.81	
ROOFERS	7.52	
SHEET METAL WORKERS	10.85	1.565
MILLWRIGHTS	10.25	1.55
TRUCK DRIVERS	5.83	
POWER EQUIPMENT OPERATORS		
Backhoe	6.41	
Bulldozer	6.74	
Crane	11.24	
Paver	5.00	
Roller	5.00	
Loader	8.49	
WELDER - Rate For Craft		

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: MAINE
COUNTY: YORK

SUPERSEDEAS DECISION

STATE: NEW MEXICO
COUNTY: STATEWIDE

SUPERSEDEAS DECISION

STATE: MAINE
DECISION NO.: ME83-3008
COUNTY: YORK
DATE: DATE OF PUBLICATION
Supersedes Decision No. ME80-2009, dated March 14, 1980 in 44 FR 16817
DESCRIPTION OF WORK: Building Construction Projects

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS/PIPE INSULATORS	17.56	3.11
BRICK MASONS/CEMENT MASON	11.66	1.02
CARPENTERS	11.64	1.80
ELECTRICIANS	14.00	3%+1.07
GLAZIERS	6.56	
IRONWORKERS	12.70	2.9%
LABORERS	7.02	
PAINTERS	5.00	
PLUMBERS & PIPEFITTERS	9.35	
ROOFERS	7.59	
SHEET METAL WORKERS	9.81	
TRUCK DRIVERS	5.00	
TRUCK DRIVERS, 2 AXLE	5.35	
POWER EQUIPMENT OPERATORS		
Bulldozer	9.70	
Loader	5.00	
Roller	5.00	

	Basic Hourly Rates	Fringe Benefits

WELDER - Rate for Craft

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: NEW MEXICO
DECISION NO. NM83-4032
COUNTY: STATEWIDE
DATE: Date of Publication
SUPERSEDES DECISION NO. NM83-4016 dated January 28, 1983 in 48FR4221
DESCRIPTION OF WORK: General Building and Heavy Engineering construction shall include the construction, alteration, repair and demolition of buildings, including residential buildings, office buildings, warehouses, industrial and commercial buildings, institutional and public buildings, and all air conditioning, conduit, heating and other mechanical and electrical works and site preparation for building or heavy engineering projects under this classification, stadia; and shall include electrical, gas, water, sewer lines, and other such utility construction which are part of projects under this classification and included within the property line or less than five (5) feet from the building or heavy engineering structure, whichever is closer, provided, however, regard to electrical utilities such construction shall include construction from the first attachment of incoming power source without regard to the property line or proximity to the building or the heavy engineering structure; and include construction, alteration, repair and demolition of heavy engineering work such as power generating plants, pump stations, natural gas compressing stations; covered reservoirs and covered sewage and water treatment facilities; concrete linings for canals, ditches and channels; concrete dams; earth dams of one million (1,000,000) cubic yards or over; radio towers, ovens, furnaces, kilins, silos, shafts and tunnels (other than highway shafts and tunnels), hydroelectric porjects; and well drilling, telephone and electrical transmission lines which are part of general building and heavy engineering projects; mining appurtenances such as tipples, washeries and loading and discharfing chutes, and specialized structures for testing, launching and recovering space and other rocket-type missiles, (ALSO INCLUDING RESIDENTIAL PROJECTS IN SANTA FE, BERNALILLO, RIO ARRIBA, TAOS, SANDOVAL AND VALENCIA COUNTIES).

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS - Zone I	$17.25	2.26
ASBESTOS WORKERS - Zone II	15.20	2.37
BOILERMAKERS	13.75	3.44
BRICKLAYERS-STONEMASONS:		
Zone I-A	13.36	1.82
Zone I-B	14.86	1.82
Zone I-C	15.61	1.82
Zone II	13.46	1.72
Zone III	14.99	1.72
Zone IV	13.66	1.52
Zone V	15.16	1.52
Zone VIA	13.16	1.62
Zone VIB	14.66	1.62
Zone VII	14.89	1.42
Zone VIII	14.89	1.42
Zone IX	13.14	1.42
CARPENTERS (Dwelling houses & apartments not to exceed two stories in height):		
Zone I-A	8.15	2.80
Zone I-B	9.65	2.90
Zone I-C	10.40	2.80
CARPENTERS (Building, Heavy & Residential Construction Dwelling houses and apartments over two stories in height):		
Zone 2-A	13.80	2.80
Zone 2-B	15.30	2.80
Zone 2-C	16.05	2.80
CARPENTERS (San Juan County Only)		
Zone I	13.80	2.80
Zone II	16.05	2.80
Zone III	16.05	2.80
CEMENT MASONS:		
Area I	11.74	2.22
Area II:		
Zone 1	11.74	2.22
Zone 2	13.24	2.22
Zone 3	13.49	2.22
CEMENT MASONS (Residential):		
Sandoval, Bernalillo and Valencia Counties	8.67	2.80
Rio Arriba, Sant Fe and Taos Counties	11.54	2.22
CEMENT MASONS (HEAVY CONST.)	11.74	2.22
CEMENT MASONS (COMPOSITION AND MACHINE OPERATORS):		
Area I	11.99	2.80
Area II - Zone I	11.99	2.80
Area II - Zone II	13.49	2.80
Area II - Zone III	13.74	2.80
ELECTRICIANS:		
ZONE I		
Area 1-A	$15.90	Y
Area 1-B	17.33	Y
Area 1-C	18.29	Y
Area 1-D	20.03	Y
ZONE II	18.29	Y
Y - 3-1/2% + 2.00		
ZONE III		
3-A	13.00	Z
3-B	14.45	Z
Z - 3-1/2% + .80		
ZONE IV		
4-A	15.80	3%+.82
4-B	16.25	3%+.82
4-C	16.40	3%+.82
4-D	16.65	3%+.82
CABLE SPLICERS:		
ZONE I		
Area 1-A	17.49	K
Area 1-B	18.92	K
Area 1-C	19.88	K
Area 1-D	21.55	K
K - 3-1/2% + 2.00		
ZONE III		
3-A	13.25	M
3-B	14.70	M
M - 3-1/2% + .80		
ZONE IV		
4-A	16.15	3%+.82
4-B	16.60	3%+.82
4-C	16.75	3%+.82
4-D	17.00	3%+.82
ELEVATOR CONSTRUCTORS:		
AREA I	14.91	JJ
Area II	11.69	JJ
Elevator constr. helpers	70%JR	JJ
Elevator prob. helpers	50%JR	
JJ - $2.465 + seven paid Holidays; and emplyeees with 6 to 5 years of service 6%; over 5 yrs. 8% of basic hourly rate.		
GLAZIERS	11.39	1.04
IRONWORKERS - Zone I	14.30	2.83
IRONWORKERS - Zone II:		
Area 1	14.30	2.83
Area 2	15.55	2.83
Area 3	16.55	2.83
Area 4	16.80	2.83
IRONWORKERS - Zone III	13.25	2.95
IRONWORKERS - Zone IV	14.25	2.95

	Basic Hourly Rates	Fringe Benefits
LABORERS (BUILDING CONSTRUCTION):		
ZONE I		
Group I	$ 9.50	1.86
Group II	9.80	1.86
Group III	10.10	1.86
Group IV	10.25	1.86
LABORERS (BLDG. CONSTRUCTION FARMINGTON AREA ONLY):		
ZONE II		
Group 1	11.00	1.86
Group 2	11.30	1.86
Group 3	11.60	1.86
Group 4	11.75	1.86
ZONE III		
Group I	11.25	1.86
Group 2	11.55	1.86
Group 3	11.85	1.86
Group 4	12.00	1.86
LABORERS (HEAVY CONSTRUCTION:		
ZONE I		
Group I	9.50	1.86
Group II	9.80	1.86
Group III	9.90	1.86
Group IV	10.10	1.86
Group V	10.25	1.86
LABORERS (HEAVY CONSTRUCTION FARMINGTON AREA ONLY)		
ZONE II		
Group I	11.00	1.86
Group 2	11.30	1.86
Group 3	11.40	1.86
Group 4	11.60	1.86
Group 5	11.75	1.86
ZONE III		
Group I	11.25	1.86
Group 2	11.55	1.86
Group 3	11.65	1.86
Group 4	11.85	1.86
Group 5	12.00	1.86
LABORERS (RESIDENTIAL CONST):		
Group I	5.02	1.86
Group II	5.32	1.86
Group III	5.62	1.86
LATHERS-ZONE I	13.80	2.80
LATHERS-ZONE II	15.30	2.80
LATHERS-ZONE III	16.05	2.80
LEADBURNERS - ZONE I	16.89	3.29
LEADBURNERS - ZONE II	17.64	3.29
LEADBURNERS - ZONE III	19.14	3.29
LEADBURNERS -ZONE IV Specific Area)	17.69	3.29
COMMERCIAL LINE WORK AREA A		
LINEMEN-TECHNICIANS		
Zone I	$15.90	P
Zone II	17.33	P
Zone III	18.29	P
Zone IV	20.03	P
CABLE SPLICERS		
Zone I	17.49	P
Zone II	18.92	P
Zone III	19.88	P
Zone IV	21.62	P
EQUIPMENT OPR. (include helicopter op.)		
Zone I	15.10	P
Zone II	16.73	P
Zone III	17.49	P
Zone IV	18.13	P
EQUIPMENT MECHANIC (include helicopter mech.)		
Zone I	13.83	P
Zone II	15.26	P
Zone III	16.22	P
Zone IV	17.96	P
POWDERMAN		
Zone I	13.83	P
Zone II	15.26	P
Zone III	16.22	P
Zone IV	17.96	P
GROUNDMAN-JACKHAMMER OPRS.:		
Zone I	11.29	P
Zone II	12.72	P
Zone III	13.68	P
Zone IV	15.42	P
P - 3-1/2% + $2.00		
COMMERCIAL LINE WORK-AREA B:		
LINEMEN-TECHNICIANS		
Zone I	10.15	3%+.60
Zone II	11.60	3%+.60
CABLE SPLICERS		
Zone I	10.40	3%+.60
Zone II	11.85	3%+.60
EQUIPMENT OPR. (includes helicopter operators):		
Zone I	9.64	3%+.60
Zone II	11.02	3%+.60
EQUIPMENT MECHANIC (includes helicopter mechanic & Powderman):		
Zone I	8.93	3%+.60
Zone II	10.21	3%+.60
GROUNDMAN-JACKHAMMER OPRS.:		
Zone I	7.21	3%+.60
Zone II	8.24	3%+.60

	Basic Hourly Rates	Fringe Benefits
POWER EQUIPMENT OPERATORS:		
Area I	$11.99	2.80
Area II - Zone I	11.99	2.80
Area II - Zone II	13.49	2.80
Area II - Zone III	13.74	2.80
POWER EQUIPMENT OPERATORS (Residential):		
Sandoval, Bernalillo and Valencia Counties	8.67	2.80
Rio Arriba, Sant Fe and Taos Counties	11.54	2.22
POWER EQUIPMENT OPERATORS (HEAVY CONST.)	11.74	2.22
PLASTERERS	13.80	2.80
PLUMBERS & PIPEFITTERS:		
Area I	13.74	2.80
Area II - Zone I	13.74	2.80
Area II - Zone II	15.30	2.80
Area II - Zone III	16.05	2.80
PLUMBERS & PIPEFITTERS (San Juan County Only)		
Zone I	13.80	2.80
Zone II	16.05	2.80
Zone III	16.05	2.80
ROOFERS	11.99	2.80
SHEETMETAL WORKERS:		
Area I	13.74	2.80
Area II - Zone I	13.74	2.80
Area II - Zone II	15.30	2.80
Area II - Zone III	16.05	2.80
SHEETMETAL WORKERS (San Juan County Only)		
Zone I	13.80	2.80
Zone II	16.05	2.80
Zone III	16.05	2.80
SPRINKLER FITTERS:		
Area I	13.74	2.80
Area II - Zone I	13.74	2.80
Area II - Zone II	15.30	2.80
Area II - Zone III	16.05	2.80
SPRINKLER FITTERS (San Juan County Only)		
Zone I	13.80	2.80
Zone II	16.05	2.80
Zone III	16.05	2.80
TERRAZZO WORKERS	13.80	2.80
TILE SETTERS	13.80	2.80
TRUCK DRIVERS:		
Area I	11.99	2.80
Area II - Zone I	11.99	2.80
Area II - Zone II	13.49	2.80
Area II - Zone III	13.74	2.80
TRUCK DRIVERS (Residential):		
Sandoval, Bernalillo and Valencia Counties	8.67	2.80
Rio Arriba, Sant Fe and Taos Counties	11.54	2.22
TRUCK DRIVERS (HEAVY CONST.)	11.74	2.22

	Basic Hourly Rates	Fringe Benefits
WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.		

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	Basic Hourly Rates	Fringe Benefits
COMMERCIAL LINE WORK AREA-C		
LINEMEN-TECHNICIANS		
Zone I	$14.70	3%+ 60
Zone II	15.15	3%+.60
Zone III	15.30	3%+.60
Zone IV	15.55	3%+.60
CABLE SPLICERS		
Zone I	15.05	3%+.60
Zone II	15.50	3%+.60
Zone III	15.65	3%+.60
EQUIPMENT OPERATORS (INcludes helicopter opr.)		
Zone I	13.28	3%+.60
Zone II	13.68	3%+.60
Zone III	13 83	3%+.60
Zone IV	14.08	3%+.60
EQUIPMENT MECHANIC (including helicopter mechanic):		
Zone I	13.68	3%+.60
Zone II	13.23	3%+.60
Zone III	13.38	3%+.60
Zone IV	14.08	3%+.60
POWDERMAN		
Zone I	13.23	3%+.60
Zone II	13.23	3%+.60
Zone III	13.38	3%+.60
Zone IV	13.62	3%+.60
GROUNDMAN-JACKHAMMER OPRS.		
Zone I	10.44	3%+.60
Zone II	10.89	3%+.60
Zone III	11.04	3%+.60
Zone IV	11.29	3%+.60
MARBLE, TILE AND TERRAZZO WORKERS	12.90	.82
MARBLE, TILE AND TERRAZZO FINISHERS	10.89	.82
MILLWRIGHTS-PILEDRIVERMEN:		
Zone 1	14.55	2.80
Zone 2	16.05	2.80
Zone 3	16.80	2.80
PAINTERS (ZONE I)		
Class-A	10.90	1.25
Class-B	11.40	1.25
Class-C	11.15	1.25
Class-D	11.48	1.25
Class-E	11.23	1.25
PAINTERS (ZONE II)		
Class-A	9.90	1.25
Class-B	10.90	1.25
Class-C	10.55	1.25
Class-D	10.75	1.25
Class-E	11.48	1.25
Class-F	11.23	1.25
PAINTERS (ZONE III)		
Class-A	$ 9.13	.85
Class-B	9.55	.85
Class-C	9.275	.85
Class-D	9.98	.85
PAINTERS (RESIDENTIAL CONSTRUCTION in Santa Fe, Taos & Rio Arriba Cos.)		
Brush and roller	8.60	1.25
Spray & sandblast	9.25	1.25
Paperhangers	8.82	1.25
Drywall finisher	10.63	1.25
Drywall finisher toll	10.88	1.25
PLASTERERS	13.01	2.12
PLUMBERS-PIPEFITTERS:		
Area I	16.39	3.29
Area II	17.14	3.29
Area III	18.64	3.29
Specific Area	17.19	3.29
Residential	9.95	1.42
POWER EQUIPMENT OPERATORS:		
RESIDENTIAL & GENERAL BUILDING CONSTRUCTION		
Group I	10.98	1.80
Group II	12.07	1.80
Group III	12.15	1.80
Group IV	12.26	1.80
Group V	12.32	1.28
Group VI	12.42	1.28
Group VII	12.52	1.28
Group VIII	13.65	1.28
POWER EQUIPMENT OPERATORS (HEAVY CONSTRUCTION)		
Group I	10.93	1.85
Group II	12.02	1.85
Group III	12.10	1.85
Group IV	12.21	1.85
Group V	12.27	1.85
Group VI	12.37	1.85
Group VII	12.47	1.85
Group VIII	13.60	1.85
ROOFERS (Building Const.)	10.62	.50
ROOFERS (Residential const.)	7.96	.50
SHEET METAL WORKERS:		
Zone I-A	17.17	2.84
Zone I-B	20.42	2.84
Zone I-C	20.42	2.84
Zone I-D	20.42	2.84
SHEET METAL WORKERS:		
Zone II-A	13.80	3%+1.5
Zone II-B	15.30	3%+1.5
Zone II-C	16.05	3%+1.5
SPRINKLER FITTERS	16.17	2.83
SOFT FLOOR LAYERS	10.60	1.24

	Basic Hourly Rates	Fringe Benefits
SOUND INSTALLERS:		
SOUNDMAN		
Zone I	$12.85	M
Zone II	14.46	M
Zone III	17.67	M
Zone IV	13.45	3%+.61
TECHNICIANS		
Zone I	10.28	M
Zone II	11.89	M
Zone III	15.10	M
Zone IV	10.76	3%+.61
SOUND INSTALLERS		
Zone I	8.35	M
Zone II	9.96	M
Zone III	13.17	M
Zone IV	8.74	3%+.61
M - 3-1/2% + 1.55		
TRUCK DRIVERS (BLDG. CONST.)		
ZONE I		
Group I	9.73	1.79
Group II	9.85	1.79
Group III	9.93	1.79
Group IV	10.05	1.79
Group V	10.10	1.79
Group VI	10.20	1.79
Group VII	10.30	1.79
Group VIII	10.44	1.79
Group IX	10.59	1.79
ZONE II		
Group I	11.48	1.79
Group II	11.60	1.79
Group III	11.68	1.79
Group IV	11.80	1.79
Group V	11.85	1.79
Group VI	11.95	1.79
Group VII	12.05	1.79
Group VIII	12.19	1.79
Group IX	12.34	1.79
ZONE III		
Group I	11.98	1.79
Group II	12.10	1.79
Group III	12.18	1.79
Group IV	12.30	1.79
Group V	12.35	1.79
Group VI	12.45	1.79
Group VII	12.55	1.79
Group VIII	12.69	1.79
Group IX	12.84	1.79
TRUCK DRIVERS (cont'd)		
RESIDENTIAL CONSTRUCTION		
Group I	$ 9.43	1.79
Group II	9.55	1.79
Group III	9.63	1.79
Group IV	9.75	1.79
Group V	9.80	1.79
Group VI	9.90	1.79
Group VII	10.00	1.79
Group VIII	10.14	1.79
Group IX	10.29	1.79
TRUCK DRIVERS (HEAVY CONST:		
ZONE I		
Group I	9.88	1.54
Group II	10.00	1.54
Group III	10.08	1.54
Group IV	10.20	1.54
Group V	10.25	1.54
Group VI	10.35	1.54
Group VII	10.45	1.54
Group VIII	10.59	1.54
Group IX	10.74	1.54
ZONE II		
Group I	11.38	1.54
Group II	11.50	1.54
Group III	11.58	1.54
Group IV	11.70	1.54
Group V	11.75	1.54
Group VI	11.85	1.54
Group VII	11.95	1.54
Group VIII	12.09	1.54
Group IX	12.24	1.54
ZONE III		
Group I	11.63	1.54
Group II	11.75	1.54
Group III	11.85	1.54
Group IV	11.95	1.54
Group V	12.00	1.54
Group VI	12.10	1.54
Group VII	12.20	1.54
Group VIII	12.34	1.54
Group IX	12.49	1.54

CLASSIFICATIONS' AREA AND ZONE DEFINITIONS

ASBESTOS WORKERS:
ZONE I - Statewide, except Union, Lea, Harding, Curry, Roosevelt and Quay Counties.
ZONE II - Union, Lea, Harding, Curry, Roosevelt and Quay Counties

BRICKLAYERS-STONEMASONS:
ZONE I-A; I-B and I-C - Union, Harding, Santa Fe, Valencia, Torrence, Taos, Socorro, Mora, McKinley, Colfax, Catron, San Miguel, San Juan, Sandoval, Rio Arriba, Bernalillo, Cobila and Los Alamos Counties
FROM BASING POINT OF ALBUQUERQUE MAIN POST OFFICE:
Zone I-A - 0 to 25 road miles
Zone I-B - 25 to 50 road miles
Zone I-C - Over 50 road miles
ZONE II - Curry and Roosevelt Counties
ZONE III - DeBaca, Guadalupe and Quay Counties
ZONE IV - Chaves County
ZONE V - Lincoln County
ZONE VIA - Lee and Eddy Counties (except at Mine and Refinery sites outside Municipal Limits)
ZONE VIB - Lee and Eddy Counties (Employees at Mine and refinery sites outside Municipal Limits
ZONE VII - Otero County
ZONE VIII - Luna and Grant Counties, communities of Silver City, Bayard, Central, Hurley and New town site of Tyrone; Hildago and Sierra Counties
ZONE IX - Dona Ana County

CARPENTERS:
STATEWIDE - From nearest basing points of the following cities or towns; Alamogordo, Albuquerque, Artesia, Bayard, Belen, Carlsbad, Clovis, Deming, Espanola, Eunice, Farmington, Gallup, Grants, Hobbs, Las Cruces, Las Vegas, Lordsburg. Lovington, Portales, Raton, Roswell, Ruidoso, Santa Fe, Santa Rosa, Silver City, Socorro, Taos and Tucumcari:
ZONES I AND II
Zone 1-A and 2-A - 0 to 15 road miles from neaeest basing point
Zone 1-B and 2-B - 15 to 35 road mi. from nearest basing point
Zone 1-C and 2-C - Over 35 road mi. from nearest basing point
SAN JUAN COUNTY (ONLY)
Zone I - Within 15 rd. mi. of the City of Farmington
Zone II - Over 15 mi. but less than 35 mi. from Farmington
Zone III - 35 miles ofr more from the City of Farmington

CEMENT MASONS:
AREA I - Statewide except Farmington, San Juan County
AREA II - Farmington, San Juan County
Zone I - 0-15 miles from Farmington City Hall
Zone II - 15-35 miles from Farmington City Hall
Zone III - 35 miles and over from Farmington City Hall

ELECTRICIANS-CABLE SPLICERS:
ZONE I
AREA 1 - Bernalillo, Santa Fe, Torrance, DeBaca, Guadalupe, Quay, San Miguel, Mora, Harding, Union, Colfax, Taos, Rio Arriba, Grant, Sandoval, Valencia, Socorro, Catron, McKinley, Sierra, San Juan, Chaves, Curry, Lincoln, Cibola and Roosevelt Counties

CLASSIFICATION AREA AND ZONE DEFINITIONS (CONT'D)

ELECTRICIANS-CABLE SPLICERS (Cont'd):
Area 1-A - From nearest basing point cities, towns and mileage from main post office in the following towns:
Albuquerque - 15 miles from main post office
Santa Fe - 10 miles from main post office
Las Vegas - 8 miles from main post office
Farmington - 6 miles from main post office
Raton - 6 miles from main post office
Tucumari - 6 miles from main post office
Aztec - 6 miles from main post office
Roswell - 12 miles from main post office
Ruidoso - 12 miles from main post office
Portales - 12 miles from main post office
Carrizozo - 12 miles from main post office
Clovis - 12 miles from main post office
Gallup - 10 miles from main post office
*Pojoaque - 2 miles from main post office
*All areas adjacent to Pojoaque that are over 2 mi. distant from the main post office in that town will be zoned out of Santa Fe.
Area 1-B - extending up to 20 miles beyond Area 1-A
Area 1-C - Extending up to 30 miles from Area 1-A
Area 1-D - anything beyond 30 miles from Area 1-A
ZONE II - Los Alamos County
ZONE III - Dona Ana, Otero, Luna, Hidalgo Counties
Zone 3-A - Within 10 miles radius from the p.o. in Las Cruces & within a 5 mi. radius from the p.o. in Alamogordo
Zone 3-B - Dona Ana, Otero, Luna, and Hidalgo Counties (except that area specified in zone 3-A0
ZONE IV - Eddy and Lea Counties - the following zones shall be designated from the main p.o. in Artesia, Carlsbad, Hobbs and Lovington
Zone 4-A - 0 to 12 miles from main post office
zone 4-B - 12 - 22 miles from main post office
Zone 4-C - 22 - 40 miles beyond main post office
Zone 4-D - 40 miles and beyond main post office

ELEVATOR CONSTRUCTORS:
AREA I - Bernalillo, Catron, Colfax, Curry, DeBaca, Guadalupe, Harding, Lincoln, Los Alamos, McKinley, Mora, Quay, Rio Arriba, Roosevelt, Sandoval, San Juan, San Miguel, Santa Fe, Socorro, Taos, Torrance, Union, Cibola and Valencia Counties
AREA II - Chaves, Hidalgo, Dona, Ana, Eddy, Grant, Lea, Luna, Otero and Sierra Counties

IRONWORKERS:
ZONE I - Bernalillo, Catron, Colfax, DeBaca, Guadalupe, Lincoln, Los Alamos, McKinley, Mora, Rio Arriba, Sandoval, Santa Fe, Socorro, Taos, Torrance, Cibola and Valencia Counties.
ZONE II - Farmington, San Juan County
Area 1 - Shall extend a distance of 6 road miles inclusive beyond City Hall
Area 2 - Shall extend a distance of 8 road miles inclusive beyond the outer perimeter of area 1

CLASSIFICATION AREA AND ZONE DEFINITIONS (CONT'D)

CLASSIFICATION AREA AND ZONE DEFINITIONS (CONT'D)

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CLASSIFICATION AREA AND ZONE DEFINITIONS (CONT'D)

IRONWORKERS (Cont'd):
ZONE II - Farmington, San Juan County (cont'd)
Area 3 - Shall extend a distance of 10 road miles inclusive beyond the outer limits of area 2
Area 4 - Shall extend a distance of 27 road miles inclusive beyond the outer limits of a area 3
Other areas not within area 1, 2, 3 and 4 shall revert to the $15.00 per day subsistence.
ZONE III - Dona Ana County with the exception of that portion of the county that lies within the White Sands Missisile Range; Chaves County, Eddy County except that Potash Basin and defined as the area 10 road miles on Highway 62 and Highway 180, east of Carlsbad.
ZONE IV - Curry, Harding, Quay, Union, Hidalgo, Grant, Lea, Luna, Otero, and Sierra Counties; also Potash Basin, White Sands and McGregor Missile Ranges.

LABORERS ZONE DEFINITIONS FOR BUILDING AND HEAVY CONSTRUCTION:
ZONE I - STATEWIDE including that 15 mile radius from the City Hall in Farmington.

ZONES II and III FOR LABORERS BUILDING AND HEAVY CONSTRUCTION DEFINITIONS APPLIES TO THE FARMINGTON AREA ONLY AS FOLLOWS:

ZONE II - 15-35 miles from the City Hall in Farmington
ZONE III - 35 miles and over from the City Hall in Farmington

BUILDING LABORERS CLASSIFICATION DEFINITION
GROUP I - Unskilled; building and common laborers, carpenter tenders, concrete workers, concrete buggy operators.
GROUP II - Semi-skilled; air and power tool operator, asphalt rakers, demolition, gunite, rebound men, fog machine operator, power buggy operators, sandblasters (potmen), window washers, wagon core diamond drillers, tender; outside scaler, grade setter
GROUP III - Concrete burner, cement mason tenders, hod carriers, mortar mixers, plaster spreader operators, plaster tenders, gunite nozzlemen, pipelayers, pumpcrete nozzlemen
GROUP IV - Powdermen and blasteres

HEAVY CONSTRUCTION LABORERS' CLASSIFICATION DEFINITIONS
GROUP I - Unskilled - Construction and general laborers, carpenter tenders, concrete workers, concrete buggy operators.
GROUP II - Semi-skilled - Air and power tool operators, asphalt rakers, cutting torch operators demolition, gunite rebound men, grade setters, power buggy operators, sand blasters (pot men), nozzlemen, wagon core and diamond drillers' tenders, outside scalers, fog machine operators
GROUP III - Wagon core, diamond drillers
GROUP IV - Miscellaneous - concrete burner, cement mason tenders, hod carriers, mortar mixers, plaster spreader operators, plaster tenders, gunite nozzlemen, pipelayers, pumpcrete nozzleman
GROUP V - Powdermen and blasters

RESIDENTIAL LABORERS' CLASSIFICATION DEFINITIONS
GROUP I - Unskilled - Building and common laborers, carpenter tenders, concrete workers, concrete buggy operators, hand.

GROUP II - Semi-skilled - air and power tool operator, asphalt rakers, demolition, gunnite rebound men, fog machine operator, power buggy

CLASSIFICATION AREA AND ZONE DEFINITIONS (CONT'D)

RESIDENTIAL LABORERS' CLASSIFICATION DEFINITIONS (Cont'd):
GROUP II (CONT'D)
operator, sand blasterers (pot men), window washers, wagon core and diamond drillers, tender outside
GROUP III - Concrete burner, cement mason tenders, hod carriers, mortar mixers, plaster spreader operators, plaster tenders, gunnite nozzleman, pipelayer, pumpcrete nozzleman

LATHERS BASING POINTS & ZONE DEFINITIONS:
Alamogordo, Albuquerque, Antosia, Bayard, Belen, Carlbad, Clovis, Deming, Espanola, Eunice, Farmington, Gallup, Grants, Hobbs, Las Cruces, Las Vegas, Lordobango, Lovington, Portales, Raton, Roswell, Ruidoso, Santa Fe, Silver City, Socorro, Taos, Tucumcari.
ZONE I - Jobs within 15 miles of Base points
ZONE II - Jobs 15 to 35 miles
ZONE III - Jobs 35 miles and more

LEADS BURNERS BASING POINT & AREA DEFINITIONS
BASING POINT CITIES OR TOWNS:
Albuquerque, Alamorgordo, Anthony, Artesia, Belen, Carlsbad, Clovis, Deming, Espanola, Farmington, Gallup, Grants, Hobbs, Las Cruces, Las Vegas, Lovington, Portales, Raton, Socorro, Roswell, Ruidoso, Santa Fe, Silver City, Santa Rosa, Taos, Tucumcari and Truth of Consequence
ZONE I - Shall include a distance of seven road miles inclusive beyond the city or town limits
ZONE II - Shall extended a distance of 4 road miles inclusive beyond the outer perimeter of area I.
ZONE III - Shall apply to all areas not within 1 or 2, or not within the specific areas.
ZONE IV (SPECIFIC AREA) - Los Alamos, White Rock, South Mesa, McGregor Range, White Sands Missile Range, and/or Proving Grounds

COMMERCIAL LINE WORK
AREA A - Bernalillo, Colfax, Catron, Chaves, Curry, DeBaca, Grant, Guadalupe, Harding, Lincoln, Los Alamos, McKinley, Mora, Quay, Rio Arriba, Roosevelt, Sandova, San Juan, San Miguel, Santa Fe, Sierra, Socorro, Taos, Torrance, Union, Valencia and White Sands Missile Range and that portion of Fort Bliss in New Mexico
ZONE I
Cities and Towns Basing Points - Miles from Main Post Offices

Albuquerque - 15 miles	Ruidoso - 12 miles
Santa Fe - 10 miles	Portales - 12 miles
Las Vegas - 8 miles	Clovis - 12 miles
Farmington - 6 miles	Gallup - 12 miles
Raton - 6 miles	
Tucumcari - 6 miles	
Aztec - 6 miles	
Roswell - 12 miles	

*All areas adjacent to Pojoaque that are over two miles distant from the main post office in that town will be zoned out of Santa Fe.
ZONE II - Extending up to 20 miles beyond zone 1
ZONE III - Extending up to 30 miles beyond zone 1

CLASSIFICATION AREA AND ZONE DEFINITIONS (CONT'D)

COMMERCIAL LINE WORK (Cont'd)
ZONE IV - Anything beyond 30 miles from zone 1
Las Alamos County - Use ZONE III rates
AREA B - Applies to switching stations and su-stations adjacent to power plants in Zone 1 and Zone 2 in Luna, Dona Ana, Otero, and Hidalgo Counties, exclusive of White Sands Missile Range and that portion of Fort Bliss in New Mexico
ZONE I - That area within 25 miles radius from the downtown Post Office of El Paso, Texas. Fort Bliss and Biggs Field; the area within a five mile radius of any city, town or municipality within which an employer established or maintains his place of business; the area within ten mile radius form the post office in Las Cruces, New Mexico, and within a five mile radius from the post office in Alamogordo, New Mexico.
ZONE II - All other areas of the jurisdiction except those specified in zone 1
AREA C - Applies to switching stations adjacent to power plants in Eddy and Lea Counties; the following zones listed shall be designated from main Post Office of Artesia, Carlsbad, Hobbs & Lovington,
ZONE I - 0 - 12 miles
ZONE II - 12 - 22 miles
ZONE III - 22 to 40 miles
ZONE IV - 40 miles and beyond

MILLWRIGHTS & PILEDRIVERMEN ZONE DEFINITIONS
BASING POINT - FROM ALBUQUERQUE CITY LIMITS:
ZONE 1 - 0 to 15 road miles from basing point
ZONE 2 - 15 to 35 road miles from basing point
ZONE 3 - Over 35 road miles from basing point

PAINTERS' ZONE AND CLASSIFICATION DEFINITION
ZONE I - San Juan, McKinley, Bernalillo, Torance, Guadalupe, Quay, Catron, Socorro, Lincoln, DeBaca, Roosevelt, Chaves, Valencia, Sierrra, Grant, Hidalgo, Curry, Lea, Eddy and Sandoval, Counties, New Mexico.
CLASS A - Painters, roller and hand textures
CLASS B - Painters, spray, sandblasting, painter on steel bridges, tanks towers, pipe and structural
Class C - Paperhanger
CLASS D - Drywall finisher; ames tool operator
CLASS E - Hand finisher machine texture
ZONE II - Colfax, Harding, Los Alamos, Mora, San Miguel, Rio Arriba, Taos, Union and Santa Fe Counties
Class A - Painters and roller
Class B - Paperhangers
Class C - Spray, Sandblast, steel, special coating applicator
Class D - Sing Painters
Class E - Drywall finisher tool and machine texture
Class F - Hand finisher
ZONE III - Luna, Otero, and Dona Ana Counties
Class A - Brush, paperhangers
Class B - Spray, sandblasting, swing stage, striping machine
Class C - Ames tool and steel brush after erection
Class D - Radio towers, water tanks smoke stake 70 - 100 ft.

CLASSIFICATION AREA AND ZONE DEFINITIONS (CONT'D)

PLUMBERS - PIPEFITTERS' ZONES DEFINITIONS
BASING POINT CITIES OR TOWNS:
Albuquerque, Alamogordo, Anthony, Artesia, Belen, Carlsbad, Clovis, Deming, Espanola, Farmington, Gallup, Grants, Hobbs, Las Cruces, Las Vegas, Lordsburg, Lovington, Portales, Raton, Roswell, Ruidoso, Santa Fe, Silver City, Santa Rosa, Taos, Tucumcary, Truth of Consequence and Socorro, New Mexico.
Area I - Shall include a distance of seven road miles inclusive beyond the city or town limits.
Area II - Shall extend a distance of four road miles inclusive beyond the outer perimeter of area I.
Area III - Shall apply to all areas not within areas 1 or 2 or not within the specific area.
Specific Area - Los Alamos, White Rock, South Meas, McGregor Range, White Sands Missile Range and/or Proving Grounds, Atlas Missile Complex Sites in Chaves and Lincoln Counties, and the Oro Grande Range Camp and Dona Ana and Otero Co.

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS
BUILDING, RESIDENTIAL & HEAVY CONSTRUCTION
GROUP I - Fireman, oiler, screedman, scale operator such as bin-a batch, rubber tired farm type tractor, tractors under 50 HP without attachments, breakman, concrete paving curing machine (bridgetype), helper; (mechanic, welder, grease truck)
GROUP II - Rollers, sheepsfoot or pneumatic self propelled w/o dozer, concrete conveyor, service truck operator (head oiler), air compressor (300 CFM & over), pumps (6" and over), screening plants, concrete mixers (under 1 CY), concrete saw or grinder-span type, 1 drum hoist, air tugger, elevating belt type loaders, forklift, lumber stacker, tractor farm type (under 50 HP with attachments) motorman and industrial locomotive operator, winch truck, front end loaders (under 2 CY), power plants which generate over 15 KW, welding machines
GROUP III - Bituminous distributors, boilers, retort and hot oil heaters, concrete mixers (1 CY and over), concrete paver-single drum, drilling equipment; (refrigeration, slusher, jumbo forms), trenching machines (all types), pump crete and gunite machines, slipform paver, mechanical bullfloats, concrete slab spreading machine, concrete slab finishing machine, asphalt plants, bituminous finishing machines, crushing plants
GROUP IV - Front end loaders (2 thru 10 CY), rollers steel wheeled-all types, bulldozers, scrapers (motor or towed), elevating graders, concrete batching plants, self-propelled rollers -- equipped with dozer, twin-bowl scrapers and quad 8 or 9 pushc (35¢ over basic rate, three bowl scraper (60¢ over basic rate)
GROUP V - Hydraulic cranes-with less than 50 feet of boom (20 tons and under), concrete paver-double drum, cat cranes, hysters, side and swingboom cats, 2 drum hoist, auto fine grader
GROUP VI - Mucking machines - all types, motor grader (finish) mechanic - welder
GROUP VII - Steam engineers, loader (front end over 10 CY), concrete pump (snorkel type)

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CLASSIFICATION AREA AND ZONE DEFINITIONS (CONT'D)

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS
BUILDING, RESIDENTIAL & HEAVY CONSTRUCTION (CONT'D)
GROUP VIII - All shovel type equipment; cranes, draglines, backhoes, derricks, guy & stiff leg, pipemobile (No. 2 operator), piledriver, hydraulic cranes (20 tons & over), mine hoist, belt loader ("C.M.I." Type), boom & jibs 150 ft. through 199 ft. - 25¢ per hour above base pay 200 ft. and over - 50¢ per hour above base pay. Shove (wheel type), boring machine (tunnel or shaft mole), pipe mobile

SHEET METAL WORKERS ZONE & CLASSIFICATION DEFINITIONS
ZONE I - Bernalillo, Catron, Chaves, Colfax, Curry, De Baca, Guadalupe, Harding, Lincoln, Los Alamos, McKinley, Mora, Quay, Rio Arribo, Roosevelt, Sandoval, San Juan, San Miguel, Santa Fe, Socorro, Taos, Torrance, Union, Cibola and Valencia Counties.
ZONE IA - Any area within a five (5) mile radus of the city limits of Albuquerque, Santa Fe, Farmington, Roswell and Kirtland AFB, East and West; Rio Rancho; Paradise Hills; An area including ten (10) miles each direction east and west of interstate Highway 25 and extending north and south, terminating with but including, Santa Fe and Belen; an area identified by corner reference points beginning at and including Pojoaque, to Chimayo, to Velarde, to Abiquiu and back to Pojaque; An area identified by corner reference points beginning at the including Farmington to Aztec, to Bloomfield and back Farmington.
ZONE IB - Los Alamos County
ZONE IC - San Juan (except that area in Zone 1A)
ZONE ID - All area not in Zone iA, IB, or IC.
ZONE II - Dona Ana, Eddy, Grant, Hidalgo, Lea, Luna, Sierra and Otero Counties.
ZONE IIA - Any area within a five (5) mile radus of the city limits of Carlsbad, Las Cruces, Artesia, Alamogordo, Hobbs and Sunland Park.
ZONE IIB - White Sands, Including Holloman, McGregor and Lyndon B. Johnson.
ZONE IIC - All area not in Zone IIA or IIB.

SOUND INSTALLERS ZONE DEFINITIONS
ZONE I - Thirty mile radius of main post office in Albuquerque
ZONE II - Remainder of Valencia, Sandoval, Santa Fe, Torrance, and Socorro Counties, the hourly rates of pay shall be increased for twelve and one-half (12½) percent of journeymen rate of pay for Zone I.
ZONE III - Chavez, Curry, Roosevelt, Lincoln, Guadalupe, DeBaca, Quay, San Miguel, Mora, Harding, Union, Colfax, Taos, Rio Arribo, Catron, Sierra, Grant, Los Alamos, San Juan, McKinley Counties the hourly rates of pay shall be increased by thirty-seven and one-half (37.5) percent of the journeyman rate of pay for Zone I
ZONE IV - Eddy and Lea Counties

CLASSIFICATION AREA AND ZONE DEFINITIONS (CONT'D)

TRUCK DRIVERS ZONE PAY BASING POINTS AND DEFINITIONS LISTED BELOW FOR BUILDING AND HEAVY CONSTRUCTION
BASING POINTS ARE AS FOLLOWS:
Alamogordo, Albuquerque, Artesia, Bayard, Belen, Carlsbad, Clovis, Deming, Espanola, Eunice, Farmington, Gallup, Grants, Hobbs, Las Cruces, Las Vegas, Lordsburg, Lovington, Portales, Raton, Roswell, Ruidoso, Santa Fe, Santa Rosa, Silver City, Socorro, Taos, Tucumcari
ZONE I - Shall be jobs or projects within 15 road miles from the starting points listed above
ZONE II - Shall be jobs or projects which are more than fifteen road miles, but less than thirty-five road miles from base points, also, includes all of Los Alamos Co.
ZONE III - Shall be those jobs or projects which are thirty-five road miles or more from the base points.

TRUCK DRIVERS CLASSIFICATION DEFINITIONS (BUILDING, HEAVY AND RESIDENTIAL CONSTRUCTION)
GROUP I - Pickup 3/4 ton and under, lubricatimn, light tire repair and washer, swamper, 2 or 4 and up.
GROUP II - Dump or batch truck under 8 C.Y.W.L.C.; flat bed (bobtail) 2 ton and under; warehouseman including material checker, fork lift under 5 tons MRC.
GROUP III - Dump trucks (including all highway and off highway) 8 up to 16 C.Y.W.L.C.; water, fuel or oil trucks less than 3,000 gal., flat bed (bobtail) over 2 tons
GROUP IV - Distributor driver, heavy tire repair, lumber carrier driver, young buggy or similar equipment, transit mix or agitator 2 or 3 axle bobtail equipment, scissor truck, bulk cement bobtail 2 or 3 axles, semi-trailer flatbed or van single axle, forklift 5 ton and over M.R.C.
GROUP V - Dumpsters and dumpcrete driver; water, fuel or oil truck 3,000 to 6,000 gal; lowboys and light equipment driver; euclid type tank wagon under 6,000 gal.
GROUP VI - Vacuum truck; dump trucks (including all highway and off-highway 16 up to 22 C.Y.W.L.C.
GROUP VII - Transit mix or agitator semi or 4 axle equipment driver; flaherty truck type spreader box driver; slurry truck driver; bulk cement driver; semi-doubles; 4 axle bobtail; winch truck and "A" frame; dump truck (including all highway and off-highway) 22 CY up to 35 C.Y.W.L.C.
GROUP VIII - Euclid diesel power turnarocker; terra coba-DW20-Le-Tourneau Pulls and similar diesel powered equipment when used to haul materials and assigned to a teamster-lowboy heavy equipment driver; water, fuel or oil trucks 6,000 gal. and over including tank wagon drivers, semi-trailer driver (flat-bed or van tandems); light equipment mechanic; dump trucks (including all highway and off-highway) 35 C.Y.W.L.C. and over; truck and trailer or semi-trailer (flatbed); eject all
GROUP IX - Lowboy (heavy equipment double gooseneck); heavy equipment mechanic; welder (body and fender man)

DECISION NO. MM83-4012 PAGE 14

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day; G-Friday after Thanksgiving

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Oklahoma

COUNTY: Statewide (except heavy construction within the city of Muskogee)

DECISION NO. OK83-4031

DATE: Date of Publication

SUPERSEDES DECISION #OK82-4008 dated March 19, 1982 in 47 FR 12020

DESCRIPTION OF WORK: Construction, alteration, and/or repair of streets, highways, runways, erosion control structures, well drilling, and water and sewer utilities (but does not include building structures on highway rest areas).

	Basic Hourly Rates	Fringe Benefits
Carpenters	$7.00	
Carpenters helper	6.00	
Concrete finishers	7.15	
Concrete finishers helper	6.00	
Concrete rubber	6.05	
Electricians	14.05	
Electricians helper	9.56	
Form builder	6.60	
Form builder helper	5.70	
IRONWORKERS:		
Reinforcing steel setter paving and structures	6.63	
Reinforcing steel setter paving & structure helper	6.00	
Structural steel workers	6.50	
LABORERS:		
Air tool man	6.05	
Asphalt heaterman	5.75	
Asphalt raker	6.72	
Asphalt shoveler	5.13	
Form setter	6.60	
Form setter helper	6.35	
Laborers, common	5.00	
Pipelayers	6.95	
Powderman	6.20	
Powderman helper	5.35	
Vibrator (hand type)	5.00	
Manhole builder	7.06	
Mechanic	7.75	
Mechanic helper	6.50	
Painter	6.30	
Painter helper	5.25	
Piledriverman	5.90	
Traffic signal installer	6.70	
Weighman (truckscales)	4.75	
POWER EQUIPMENT OPERATORS:		
Asphalt distributor	6.30	
Asphalt paving machine	7.25	
Bulldozer	7.58	
Cement unloading and machine operator	5.25	
Concrete paving machine	7.25	
Concrete finishing machine	6.60	

POWER EQUIPMENT OPERATORS-(cont'd)	Basic Hourly Rates	Fringe Benefits
Concrete saw operator	$6.41	
Concrete batching plant	7.00	
Crane, clamshell, backhoe, derrick, dragline and shovel	7.50	
Crusher and screening plant operator	6.60	
Fireman	5.90	
FRONT END LOADERS:		
1 CY and less	7.00	
Over 1 CY	7.00	
Hoist	6.30	
Mixer (over 16 C. F.)	6.45	
Mixer (16 C. F. and less)	6.00	
Mixer (concrete paving)	6.60	
Motor grader operator	8.18	
Oiler	7.75	
Pavement profiler	7.25	
Power broom	5.85	
Pug mill operator	6.55	
Pumpcrete	5.90	
Roller (steel wheel)	6.60	
Scrapers	7.52	
Spreader boxman	5.25	
TRACTORS:		
Crawler, 80 HP & less	6.20	
Crawler, over 80 HP	7.70	
Pneumatic	6.59	
Traveling plant	6.35	
Trenching machine	6.50	
Wagon drill	6.10	
TRUCK DRIVERS:		
Over 2 tons	6.44	
2 tons and under	6.00	
Tandem axle & semitrailer	6.14	
Lowboy	6.05	
Transit mix	5.00	
Winch	5.90	

WELDERS: Receive rate prescribed for craft performing operation which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

[FR Doc. 83-9733 Filed 4-14-83; 8:45 am]

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April 15, 1983

Part III

Department of Housing and Urban Development

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

Section 8—Fair Market Rents for New Construction and Substantial Rehabilitation—All Market Areas

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 888

[Docket No. R-83-1074]

Section 8—Fair Market Rents for New Construction and Substantial Rehabilitation—All Market Areas

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Interim rule and request for comments.

SUMMARY: This rule amends the Section 8 Fair Market Rents applicable to New Construction and Substantial Rehabilitation for all market areas, in compliance with the requirements of Section 8(c)(1) of the U.S. Housing Act of 1937. Revised Section 8 Fair Market Rents (FMRs) must be published at least annually in the **Federal Register**. HUD published the last annual revision of the FMRs for Section 8 New Construction and Substantial Rehabilitation on November 25, 1981 (46 FR 57838).

The amended Fair Market Rents reflect the changes which have occurred in the general level of market rents for recently completed or newly-constructed dwelling units of modest design within each market area since their last Annual or Special (Interim) Revision.

The Fair Market Rents applicable to the State of Virginia have been reduced both for the 2–4 story and for the 5=plus story elevator structural categories. An estimation error was discovered and correction had the effect of reducing the elevator rents for all Virginia market areas.

Accordingly, the revised schedules of elevator Fair Market Rents for all of the Virginia market areas now have been brought into closer alignment with those of other principal cities, such as Washington, D.C., Baltimore, MD, and Philadelphia, PA.

DATES: *Effective date:* After the comment due date set forth below, notice of the effective date of this rule will be published in the **Federal Register.**

Comments due: May 16, 1983.

ADDRESS: Comments should be sent to the Rules Docket Clerk, Room 10278, Office of the General Counsel, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410. Each person submitting a comment should include his/her name and address and refer to the docket number and title shown in the heading of this rule and give reasons for any recommendation. A copy of each comment submitted will be available for public inspection in the Office of the Rules Docket Clerk during regular business hours. In order to expedite consideration of comments, a copy of each comment should also be sent to the HUD Field Office having jurisdiction for the market area involved.

FOR FURTHER INFORMATION CONTACT: Edward M. Winiarski, Chief Appraiser, Valuation Branch, Technical Support Division, Office of Multifamily Housing Development, 451 7th Street, SW., Washington, D.C. 20410, (202) 755–5743. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Fair Market Rents are based primarily on the level of rentals paid for recently completed or newly-constructed dwelling units of modest design within each market area, as determined by HUD Field Office staff. They are estimates of rentals that prospective tenants who are not receiving federal rental subsidies would be willing to pay for recently completed or newly-constructed dwelling units of modest design.

Fiscal Year 1980 Fair Market Rents were subject to the financing adjustment Note published at 45 FR 40111 on June 13, 1980. Fiscal Year 1981 Fair Market Rents were subject to the financing adjustment published at 46 FR 51905 on October 23, 1981, and the later financing adjustment published at 47 FR 22520 on May 25, 1982. The publication of this rule does not affect the operation of the financing adjustment factor under these Notes. These financing adjustments will continue to be available as adjustments to the Fiscal Year 1980 and 1981 Fair Market Rents, where applicable, after publication of this rule.

The Fair Market Rents in Schedule A of this rule reflect trended rents in order to allow for the period of construction or rehabilitation.

This interim rule includes Fair Market Rents for 0, 1, 2, 3, and 4 or more bedroom units in five structural categories (detached, semi-detached/row, walkup, elevator 2–4 story, and 5 plus story). Construction or rehabilitation of elevator projects for families with children is legally prohibited unless there is no practical alternative. Fair Market Rents for family units in elevator structures have been listed in these schedules for appropriate market areas. However, the determination that there is "no practical alternative" must be made on a project-by-project basis.

Proposals involving combinations of structural types and unit sizes for which Fair Market Rents have not yet been published may not be approved until the applicable Fair Market Rents are published and become effective.

A 30-day public comment period is being provided from the date of publication. If evaluation of comments submitted during that period indicates a need to change any of the Fair Market Rents in Schedule A, such Fair Market Rents will be withdrawn or revised.

Interested parties may submit information with adequate documentation on Fair Market Rents at any time, even after expiration of the 30-day public comment period. This data will be considered in initiating interim revisions to Fair Market Rent schedules. In order to expedite consideration of comments, please send a copy of your comments to the HUD Field Office having jurisdiction for the market area involved.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implements Section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during regular business hours at the Office of the Rules Docket Clerk at the address set forth above.

This rule does not constitute a "major rule" as that term is defined in Section 1(b) of Executive Order 12291 on Federal Regulation. Analysis of the rule indicates that it does not: (1) Have an annual effect on the economy of $100 million or more; (2) cause a major increase in cost or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This rule is listed at 47 FR 48424 as item H–97–82 in the Department's Semiannual Agenda of Regulations published on October 28, 1982 (47 FR 48422), pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

Pursuant to the provisions of 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities. Although this rule will have an effect on developers and owners of Section 8 projects, some

of whom may constitute small entities, it is not expected that the economic impact on them will be significant.

The Catalog of Federal Domestic Assistance Program number and title is 14.156, Lower Income Housing Assistance Program (Section 8).

List of Subjects in 24 CFR Part 888

Rent subsidies.

Accordingly, Schedule A of Part 888 is revised to read as set forth below.

Authority: Sec. 8(c)(1) of the U.S. Housing Act of 1937, 42 U.S.C. 1437f(c)(1); Section 7(d), Department of HUD Act, 42 U.S.C. 3535(d).

Dated: March 10, 1983.

Philip Abrams,

Assistant Secretary for Housing—Federal Housing Commissioner.

Schedule A—Fair Market Rents for New Construction and Substantial Rehabilitation (Including Housing Finance and Development Agencies Program)

These Fair Market Rents have been trended ahead to October 1, 1984, to update the current Fair Market Rent schedules which these revised schedules will replace.

Note 1.—The Fair Market Rents for: (1) Dwelling units designed for the elderly or handicapped are those for appropriate size units, not to exceed 2-bedrooms for the elderly, multiplied by 1.05; (2) congregate housing dwelling units are the same as for noncongregate units; (3) single room occupancy dwelling units (applicable only for Substantial Rehabilitation projects) are 75 percent of those for zero bedroom units of the same structural type; (4) living units in a group home (each composed of a bedroom plus a proportionate part of common living space which is ordinarily included in a living unit) are those for zero bedroom or one bedroom units of the walkup structural type (or, if the group home contains an elevator, of the elevator 2–4 story structural type). In group homes, one bedroom Fair Market Rents may be applied only when the bedroom space plus the proportionate part of the common space is at least 450 square feet; (5) manufactured homes (unit and space) shall be 95 percent of the rents for detached units of the appropriate bedroom size (except that where a manufactured home Fair Market Rent is given on the schedule for the area, the amount on the schedule shall be the Fair Market Rent); (6) manufactured home spaces in newly-constructed or substantially rehabilitated manufactured home parks shall be the Fair Market Rents for spaces published for the Existing Housing Program under Schedule D, multiplied by 1.25.

Note 2.—In cases where the owner's application for Section 202/Section 8 assistance or owner's proposal for other Section 8 new construction or substantial rehabilitation assistance is accepted for processing by HUD (by FmHA in the case of assistance under Part 884; by the State Agency in the case of assistance under Part 883) prior to the effective date of this Rule, the applicable Fair Market Rent shall be the higher of: (1) The Fair Market Rent as determined under this schedule (and any interim revisions), or (2) the Fair Market Rent as determined under the schedule published on November 25, 1981 (and any interim revisions).

All rents computed in accordance with these notes shall be rounded down to the nearest whole dollar.

BILLING CODE 4210-27-M

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 1

BOSTON, MASSACHUSETTS AREA OFFICE

MARKET: BOSTON
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			700	899	976
SEMI-DETACHED/ROW		590	692	817	905
WALKUP	509	575	689	760	862
ELEVATOR 2-4 STY	528	641	740	1039	1140
ELEVATOR 5+ STY	528	641	740	1039	1140
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: WORCESTER
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		650	831	923
	523	643	750	860
467	498	624	707	812
477	548	656		
500	577	690		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: FALL RIVER
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		671	807	821
	520	658	797	807
485	502	621	711	745
501	520	634		
503	548	663		

EFFECTIVE DATE 100182
TRENDED DATE 100184

PREPARED ON 112982

HARTFORD, CONNECTICUT AREA OFFICE

MARKET: HARTFORD
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			627	699	719
SEMI-DETACHED/ROW		513	596	677	698
WALKUP	425	493	561	633	653
ELEVATOR 2-4 STY	436	508	584		
ELEVATOR 5+ STY	452	555	642		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: NEW HAVEN
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		588	699	749
	502	558	677	728
425	476	552	613	633
436	492	589		
452	555	656		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: NEW LONDON
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		599	669	698
	445	569	635	677
397	426	560	629	651
400	440	582		
423	485	599		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: NEW MILFORD
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		555	618	635
	491	562	637	656
412	479	538	595	614
439	502	549		
454	523	603		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: WINDHAM
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			515	573	590
SEMI-DETACHED/ROW		444	490	556	572
WALKUP	359	418	469	519	536
ELEVATOR 2-4 STY	403	438	479		
ELEVATOR 5+ STY	419	461	526		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: BRIDGEPORT
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		605	642	670
	505	575	621	649
457	486	542	602	623
468	500	568		
483	545	632		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: RIDGEFIELD
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		709	747	774
	628	679	726	753
494	596	646	707	727
505	621	672		
520	633	733		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: NORWICH
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		555	618	635
	491	562	635	656
411	479	538	595	614
429	496	549		
445	515	599		

EFFECTIVE DATE 100182
TRENDED DATE 100184

PREPARED ON 112982

MANCHESTER, NEW HAMPSHIRE SERVICE OFFICE

MARKET: MAINE STATEWIDE
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED		510	575	656	761
SEMI-DETACHED/ROW	401	471	537	618	716
WALKUP	360	437	512	581	655
ELEVATOR 2-4 STY	402	481	605		
ELEVATOR 5+ STY	447	536	673		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: VERMONT STATE
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
	544	618	702	809
440	510	587	666	761
394	468	548	618	686
447	510	604		
496	566	671		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: NEW HAMPSHIRE ST.
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
	508	568	655	761
432	481	541	620	719
381	428	491	559	635
402	487	561		
447	540	623		

EFFECTIVE DATE 100182
TRENDED DATE 100184

PREPARED ON 112982

PROVIDENCE, RHODE ISLAND SERVICE OFFICE

MARKET: PROVIDENCE
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			624	726	812
SEMI-DETACHED/ROW		460	530	589	634
WALKUP	345	448	518	577	622
ELEVATOR 2-4 STY	337	465	603		
ELEVATOR 5+ STY	343	471	609		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

PREPARED ON 112982

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 2

BUFFALO, NEW YORK AREA OFFICE

MARKET: BUFFALO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			522	587	662
SEMI-DETACHED/ROW		414	456	535	619
WALKUP	328	364	423	497	529
ELEVATOR 2-4 STY	439	469	625		
ELEVATOR 5+ STY	476	503	662		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: ELMIRA

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		503	583	646
	437	475	543	605
342	354	445	515	584
401	449	540		
437	486	562		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: JAMESTOWN

NUMBER OF BEDROOMS 0-	-1	2	3-	-4+
		513	576	646
	429	467	535	612
351	382	433	497	573
409	454	552		
446	491	589		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: ROCHESTER

NUMBER OF BEDROOMS 0	-1-	-2-	-3	-4+
		501	561	622
	406	461	535	605
313	356	427	483	544
411	453	551		
448	490	589		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: ALBANY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1	-2-	-3-	-4+
DETACHED			493	596	660
SEMI-DETACHED/ROW		364	435	529	585
WALKUP	310	354	415	488	553
ELEVATOR 2-4 STY	310	381	482		
ELEVATOR 5+ STY	337	417	519		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: PLATTSBURGH

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		501	591	652
	423	461	533	594
333	365	423	493	562
400	439	533		
436	476	570		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: SYRACUSE

NUMBER OF BEDROOMS 0	1	-2-	3-	-4+
		508	613	678
	376	446	543	602
310	366	428	502	562
311	390	494		
348	425	531		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: BINGHAMTON

NUMBER OF BEDROOMS 0	-1-	-2-	-3-	-4+
		490	591	653
	361	435	520	578
308	352	413	485	548
308	383	486		
342	407	522		

EFFECTIVE DATE 100182
TRENDED DATE 100184

PREPARED ON 112982

NEW YORK, NEW YORK AREA OFFICE

MARKET: NEW YORK CITY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW		684	816	968	1182
WALKUP	533	641	757	906	1095
ELEVATOR 2-4 STY	568	731	781	984	1156
ELEVATOR 5+ STY	741	902	1002	1271	1453
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: SUFFOLK

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		720	873	972
545	577	683	714	850
437	509	613	667	737
562	669	804		
606	676	844		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: WESTCHESTER

NUMBER OF BEDROOMS 0	-1-	-2-	-3	-4+
		817	954	1044
	584	684	842	915
457	545	652	787	865
566	656	795	930	
612	726	845		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: ORANGE

NUMBER OF BEDROOMS 0-	-1-	-2-	-3-	-4+
		667	757	824
	508	602	715	781
355	502	571	669	739
527	655	767		
571	699	800		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: ROCKLAND

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			808	876	941
SEMI-DETACHED/ROW		579	721	839	910
WALKUP	435	545	680	790	874
ELEVATOR 2-4 STY	486	585	726		
ELEVATOR 5+ STY	532	633	765		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: NASSAU

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		880	1003	1102
	625	804	912	1011
473	601	728	836	926
487	677	750		
493	752	799		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: PUTNAM

NUMBER OF BEDROOMS 0	-1-	-2-	-3-	-4+
		781	897	976
	545	669	803	876
410	516	574	718	834
576	664	756		
616	709	794		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: POUGHKEEPSIE

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		665	776	887
	458	578	665	730
366	436	576	618	686
555	648	778		
581	673	806		

EFFECTIVE DATE 100182
TRENDED DATE 100184

PREPARED ON 112982

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 2

NEWARK, NEW JERSEY AREA OFFICE

MARKET: NEWARK

STRUCTURE TYPE	NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
DETACHED			996	1111	1182
SEMI-DETACHED/ROW	564	627	794	920	1001
WALKUP	496	554	710	824	902
ELEVATOR 2-4 STY	572	636	810	943	1019
ELEVATOR 5+ STY	643	721	919	1076	1161
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: ATLANTIC CITY

STRUCTURE TYPE	NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
DETACHED			841	951	1006
SEMI-DETACHED/ROW		565	642	766	842
WALKUP	449	502	568	680	752
ELEVATOR 2-4 STY	540	601	678	806	878
ELEVATOR 5+ STY	612	687	787	938	1021
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: VINELAND

STRUCTURE TYPE	NUMBER OF BEDROOMS				
	0-	-1-	-2-	3	4+
DETACHED			766	876	943
SEMI-DETACHED/ROW		498	568	692	767
WALKUP	356	424	494	606	678
ELEVATOR 2-4 STY	479	540	604	732	805
ELEVATOR 5+ STY	552	626	713	865	947
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: NORTH BERGEN

NUMBER OF BEDROOMS				
-0-	-1-	-2-	-3-	-4+
		989	1105	1175
618	680	789	914	995
549	606	703	817	896
625	689	804	937	1012
696	774	913	1069	1154

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: BURLINGTON

NUMBER OF BEDROOMS				
0	-1	-2-	3	4+
		873	983	1051
	539	675	800	874
423	476	601	713	785
514	575	711	839	912
585	660	821	972	1054

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: ASBURY PARK

NUMBER OF BEDROOMS				
-0-	-1-	-2-	-3-	-4+
		878	995	1065
508	570	679	804	885
438	496	593	707	786
515	579	694	827	901
585	669	803	959	1044

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: FREEHOLD

NUMBER OF BEDROOMS				
0-	-1-	-2-	-3-	-4+
		915	1031	1101
555	618	718	841	920
487	543	635	743	823
562	626	730	864	938
633	711	839	996	1081

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: GLOUCESTER

NUMBER OF BEDROOMS				
0-	1-	-2-	3-	-4+
		873	983	1051
	539	675	800	874
423	476	601	713	785
514	575	711	839	912
585	660	821	972	1054

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: CAMDEN

NUMBER OF BEDROOMS				
0-	-1-	-2-	-3-	-4+
		873	983	1051
	539	675	800	874
423	476	601	713	785
514	575	711	839	912
585	660	821	972	1054

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: TRENTON

NUMBER OF BEDROOMS				
0-	-1-	-2-	-3-	-4+
		891	1001	1068
	613	692	817	892
483	550	619	731	803
587	648	729	856	930
659	734	838	989	1072

EFFECTIVE DATE 100182
TRENDED DATE 100184

PREPARED ON 112982

CARIBBEAN AREA OFFICE

MARKET: SAN JUAN

STRUCTURE TYPE	NUMBER OF BEDROOMS				
	0-	-1-	-2-	-3-	-4+
DETACHED			501	561	632
SEMI-DETACHED/ROW		407	451	511	566
WALKUP	310	369	435	511	562
ELEVATOR 2-4 STY					
ELEVATOR 5+ STY	357	404	455	522	582
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: ST. CROIX

STRUCTURE TYPE	NUMBER OF BEDROOMS				
	0-	-1-	-2-	-3-	-4+
DETACHED			632	701	782
SEMI-DETACHED/ROW		531	585	659	747
WALKUP	364	465	519	581	642
ELEVATOR 2-4 STY					
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: MAYAGUEZ

NUMBER OF BEDROOMS				
0-	-1-	-2-	-3-	-4+
		458	538	602
	406	449	530	601
303	360	404	460	529
340	386	479	551	594

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: ST. THOMAS

NUMBER OF BEDROOMS				
0-	-1-	-2-	-3-	-4+
		632	701	782
	531	585	659	747
371	472	530	592	656
388	490	561		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: PONCE

NUMBER OF BEDROOMS				
0-	-1-	-2-	-3-	-4+
		442	519	563
	414	442	519	563
303	360	404	460	529
340	386	479	551	594

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: ARECIBO

NUMBER OF BEDROOMS				
0-	-1-	-2-	-3-	-4+
		458	538	602
	406	449	530	601
303	360	404	460	529
340	386	479	551	594

EFFECTIVE DATE 100182
TRENDED DATE 100184

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 3

BALTIMORE, MARYLAND AREA OFFICE

MARKET: BALTIMORE

NUMBER OF BEDROOMS					
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			647	730	857
SEMI-DETACHED/ROW		450	524	605	803
WALKUP	366	450	518	616	701
ELEVATOR 2-4 STY	379	493	563		
ELEVATOR 5+ STY	419	517	659		
MANUFACTURED HOME					
EFFECTIVE DATE					100182
TRENDED DATE					100184

MARKET: HAGERSTOWN

NUMBER OF BEDROOMS					
-0-	-1-	-2-	-3-	-4+	
		612	700	823	
	425	496	598	769	
348	428	490	591	673	
349	455	533			
403	497	623			
EFFECTIVE DATE					100182
TRENDED DATE					100184

MARKET: SALISBURY

NUMBER OF BEDROOMS					
-0-	-1-	-2-	-3-	-4+	
		594	655	768	
	414	482	559	719	
320	414	476	553	628	
331	454	518			
366	476	606			
EFFECTIVE DATE					100182
TRENDED DATE					100184

PREPARED ON 112982

CHARLESTON, WEST VIRGINIA SERVICE OFFICE

MARKET: CHARLESTON

NUMBER OF BEDROOMS					
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			484	532	591
SEMI-DETACHED/ROW		449	461	579	648
WALKUP	320	385	447	457	516
ELEVATOR 2-4 STY	388	449	506		
ELEVATOR 5+ STY	393	455	512		
MANUFACTURED HOME					
EFFECTIVE DATE					100182
TRENDED DATE					100184

MARKET: BLUEFIELD

NUMBER OF BEDROOMS					
-0-	-1-	-2-	-3-	-4+	
		461	507	565	
	341	434	474	510	
299	341	386	431	473	
363	431	482			
369	436	489			
EFFECTIVE DATE					100182
TRENDED DATE					100184

MARKET: HUNTINGTON

NUMBER OF BEDROOMS					
-0-	-1-	-2-	-3-	-4+	
		439	530	576	
	351	430	500	552	
226	351	430	477	522	
343	407	488			
348	413	493			
EFFECTIVE DATE					100182
TRENDED DATE					100184

MARKET: PARKERSBURG

NUMBER OF BEDROOMS					
-0-	-1-	-2-	-3-	-4+	
		411	474	521	
	344	387	448	493	
279	355	377	425	468	
353	425	515			
361	431	521			
EFFECTIVE DATE					100182
TRENDED DATE					100184

MARKET: WHEELING

NUMBER OF BEDROOMS					
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			452	500	560
SEMI-DETACHED/ROW		376	426	487	537
WALKUP	299	353	411	452	492
ELEVATOR 2-4 STY	339	405	491		
ELEVATOR 5+ STY	344	411	496		
MANUFACTURED HOME					
EFFECTIVE DATE					100182
TRENDED DATE					100184

MARKET: MARTINSBURG

NUMBER OF BEDROOMS					
-0-	-1-	-2-	-3-	-4+	
		452	500	560	
	376	426	479	537	
288	350	411	452	510	
384	422	469			
390	427	475			
EFFECTIVE DATE					100182
TRENDED DATE					100184

MARKET: FAIRMONT

NUMBER OF BEDROOMS					
-0-	-1-	-2-	-3-	-4+	
		477	530	593	
		450	507	568	
297	370	433	477		
405	445	496			
412	451	501			
EFFECTIVE DATE					100182
TRENDED DATE					100184

MARKET: POINT PLEASANT

NUMBER OF BEDROOMS					
-0-	-1-	-2-	-3-	-4+	
		410	472	516	
	328	386	445	490	
278	317	376	419	466	
351	419	469			
356	427	476			
EFFECTIVE DATE					100182
TRENDED DATE					100184

PREPARED ON 112982

PHILADELPHIA, PENNSYLVANIA AREA OFFICE

MARKET: PHILADELPHIA

NUMBER OF BEDROOMS					
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			873	983	1051
SEMI-DETACHED/ROW		539	675	800	874
WALKUP	423	476	601	713	785
ELEVATOR 2-4 STY	514	575	711	839	912
ELEVATOR 5+ STY	585	660	821	972	1054
MANUFACTURED HOME					
EFFECTIVE DATE					100182
TRENDED DATE					100184

MARKET: ALLENTOWN

NUMBER OF BEDROOMS					
-0-	-1-	-2-	-3-	-4+	
	451	561	656	724	
385	424	528	616	688	
454	479	562			
467	513	629			
EFFECTIVE DATE					100182
TRENDED DATE					100184

MARKET: BELLEFONTE

NUMBER OF BEDROOMS					
-0-	1-	-2-	-3-	-4+	
	456	558	644	704	
363	444	519	614	660	
395	461	572			
439	495	611			
EFFECTIVE DATE					100182
TRENDED DATE					100184

MARKET: HARRISBURG

NUMBER OF BEDROOMS					
0-	-1-	-2-	-3-	-4+	
	460	506	645	704	
363	424	490	604	658	
412	478	528			
446	517	572			
EFFECTIVE DATE					100182
TRENDED DATE					100184

MARKET: LANCASTER

NUMBER OF BEDROOMS					
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW		428	526	647	671
WALKUP	354	413	515	620	646
ELEVATOR 2-4 STY	429	496	644		
ELEVATOR 5+ STY	451	518	666		
MANUFACTURED HOME					
EFFECTIVE DATE					100182
TRENDED DATE					100184

MARKET: YORK

NUMBER OF BEDROOMS					
-0-	-1-	-2-	-3-	-4+	
	428	526	647	671	
354	413	515	620	646	
429	496	644			
451	518	666			
EFFECTIVE DATE					100182
TRENDED DATE					100184

MARKET READING

NUMBER OF BEDROOMS					
0-	-1-	-2	-3-	-4+	
	451	539	648	721	
359	433	518	612	671	
410	484	561			
444	531	622			
EFFECTIVE DATE					100182
TRENDED DATE					100184

MARKET: SCRANTON

NUMBER OF BEDROOMS					
-0-	-1-	-2-	-3-	-4+	
	478	555	631	690	
397	439	528	605	671	
450	522	589			
478	556	627			
EFFECTIVE DATE					100182
TRENDED DATE					100184

MARKET: WELLSBORO

NUMBER OF BEDROOMS					
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW		456	558	644	704
WALKUP	363	444	519	614	660
ELEVATOR 2-4 STY	395	461	572		
ELEVATOR 5+ STY	439	495	611		
MANUFACTURED HOME					
EFFECTIVE DATE					100182
TRENDED DATE					100184

MARKET: DOVER, DEL

NUMBER OF BEDROOMS					
-0-	-1-	-2-	-3-	-4+	
		556	697	753	
	389	468	576	628	
343	370	421	501	541	
349	428	506			
370	472	562			
EFFECTIVE DATE					100182
TRENDED DATE					100184

MARKET: WILMINGTON, DEL

NUMBER OF BEDROOMS					
-0-	-1-	-2-	-3-	-4+	
		581	730	763	
	424	518	622	682	
351	406	479	557	597	
387	452	569			
411	524	581			
EFFECTIVE DATE					100182
TRENDED DATE					100184

PREPARED ON 112982

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 3

PITTSBURGH, PENNSYLVANIA AREA OFFICE

STRUCTURE TYPE	MARKET: PITTSBURGH NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			540	630	661
SEMI-DETACHED/ROW		462	514	600	702
WALKUP	359	427	504	571	668
ELEVATOR 2-4 STY	389	456	516		
ELEVATOR 5+ STY	402	470	549		
MANUFACTURED HOME					
EFFECTIVE DATE	100182				
TRENDED DATE	100184				

STRUCTURE TYPE	MARKET: ERIE NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			528	613	717
SEMI-DETACHED/ROW		458	503	578	676
WALKUP	316	390	453	521	594
ELEVATOR 2-4 STY	382	429	506		
ELEVATOR 5+ STY	394	442	538		
EFFECTIVE DATE	100182				
TRENDED DATE	100184				

STRUCTURE TYPE	MARKET: ALTOONA NUMBER OF BEDROOMS 0	1-	-2-	-3-	-4+
DETACHED			510	586	686
SEMI-DETACHED/ROW		438	481	499	653
WALKUP	321	396	483	555	634
ELEVATOR 2-4 STY	378	443	490		
ELEVATOR 5+ STY	386	456	522		
EFFECTIVE DATE	100182				
TRENDED DATE	100184				

STRUCTURE TYPE	MARKET: JOHNSTOWN NUMBER OF BEDROOMS 0	-1-	-2-	-3-	-4+
DETACHED			508	589	689
SEMI-DETACHED/ROW		440	484	561	656
WALKUP	332	409	471	542	618
ELEVATOR 2-4 STY	379	442	495		
ELEVATOR 5+ STY	388	456	528		
EFFECTIVE DATE	100182				
TRENDED DATE	100184				

PREPARED ON 112982

RICHMOND, VIRGINIA AREA OFFICE

STRUCTURE TYPE	MARKET: RICHMOND NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			468	536	589
SEMI-DETACHED/ROW		371	430	503	547
WALKUP	313	353	421	497	542
ELEVATOR 2-4 STY	343	383	451		
ELEVATOR 5+ STY	500	548	677		
MANUFACTURED HOME					
EFFECTIVE DATE	100182				
TRENDED DATE	100184				

STRUCTURE TYPE	MARKET: NORFOLK NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			475	562	612
SEMI-DETACHED/ROW		384	457	515	563
WALKUP	329	371	439	515	556
ELEVATOR 2-4 STY	359	401	469		
ELEVATOR 5+ STY	441	519	632		
MANUFACTURED HOME					
EFFECTIVE DATE	100182				
TRENDED DATE	100184				

STRUCTURE TYPE	MARKET: VIRGINIA BEACH NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			475	562	612
SEMI-DETACHED/ROW		384	457	515	563
WALKUP	329	371	439	515	556
ELEVATOR 2-4 STY	359	401	469		
ELEVATOR 5+ STY	441	519	632		
MANUFACTURED HOME					
EFFECTIVE DATE	100182				
TRENDED DATE	100184				

STRUCTURE TYPE	MARKET: CHESAPEAKE NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			475	562	612
SEMI-DETACHED/ROW		384	457	515	563
WALKUP	329	371	439	515	556
ELEVATOR 2-4 STY	359	401	469		
ELEVATOR 5+ STY	441	519	632		
MANUFACTURED HOME					
EFFECTIVE DATE	100182				
TRENDED DATE	100184				

STRUCTURE TYPE	MARKET: ROANOKE NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			449	528	594
SEMI-DETACHED/ROW		363	443	503	541
WALKUP	290	339	410	475	513
ELEVATOR 2-4 STY	320	369	440		
ELEVATOR 5+ STY	412	451	554		
MANUFACTURED HOME					
EFFECTIVE DATE	100182				
TRENDED DATE	100184				

STRUCTURE TYPE	MARKET: LYNCHBURG NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			449	528	594
SEMI-DETACHED/ROW		363	443	503	541
WALKUP	290	339	410	475	513
ELEVATOR 2-4 STY	320	369	440		
ELEVATOR 5+ STY	412	451	554		
EFFECTIVE DATE	100182				
TRENDED DATE	100184				

STRUCTURE TYPE	MARKET: NEWPORT NEWS NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			458	558	611
SEMI-DETACHED/ROW		358	413	516	559
WALKUP	283	319	385	460	514
ELEVATOR 2-4 STY	313	349	415		
ELEVATOR 5+ STY	432	476	581		
EFFECTIVE DATE	100182				
TRENDED DATE	100184				

STRUCTURE TYPE	MARKET: FREDERICKSBURG NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			494	571	653
SEMI-DETACHED/ROW		402	475	565	602
WALKUP	333	374	448	497	552
ELEVATOR 2-4 STY	363	404	478		
ELEVATOR 5+ STY	465	510	607		
EFFECTIVE DATE	100182				
TRENDED DATE	100184				

STRUCTURE TYPE	MARKET: HARRISONBURG NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW		363	423	493	547
WALKUP	282	334	415	478	531
ELEVATOR 2-4 STY	312	364	445		
ELEVATOR 5+ STY	400	452	563		
MANUFACTURED HOME					
EFFECTIVE DATE	100182				
TRENDED DATE	100184				

STRUCTURE TYPE	MARKET: HAMPTON NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			458	558	611
SEMI-DETACHED/ROW		358	413	516	559
WALKUP	283	319	385	460	514
ELEVATOR 2-4 STY	313	349	415		
ELEVATOR 5+ STY	432	476	581		
EFFECTIVE DATE	100182				
TRENDED DATE	100184				

STRUCTURE TYPE	MARKET: CHARLOTTESVILLE NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			494	571	653
SEMI-DETACHED/ROW		402	475	565	602
WALKUP	333	374	448	497	552
ELEVATOR 2-4 STY	363	404	478		
ELEVATOR 5+ STY	465	510	607		
EFFECTIVE DATE	100182				
TRENDED DATE	100184				

STRUCTURE TYPE	MARKET: WARRENTON NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW		363	423	493	547
WALKUP	282	334	415	478	531
ELEVATOR 2-4 STY	312	364	445		
ELEVATOR 5+ STY	400	452	563		
EFFECTIVE DATE	100182				
TRENDED DATE	100184				

STRUCTURE TYPE	MARKET: PORTSMOUTH NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			475	562	612
SEMI-DETACHED/ROW		384	457	515	563
WALKUP	329	371	439	515	556
ELEVATOR 2-4 STY	359	401	469		
ELEVATOR 5+ STY	441	519	632		
MANUFACTURED HOME					
EFFECTIVE DATE	100182				
TRENDED DATE	100184				

STRUCTURE TYPE	MARKET: SUFFOLK NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			475	562	612
SEMI-DETACHED/ROW		384	457	515	563
WALKUP	329	371	439	515	556
ELEVATOR 2-4 STY	359	401	469		
ELEVATOR 5+ STY	441	519	632		
EFFECTIVE DATE	100182				
TRENDED DATE	100184				

STRUCTURE TYPE	MARKET: DANVILLE NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			449	528	594
SEMI-DETACHED/ROW		363	443	503	541
WALKUP	290	339	410	475	513
ELEVATOR 2-4 STY	320	369	440		
ELEVATOR 5+ STY	412	451	554		
EFFECTIVE DATE	100182				
TRENDED DATE	100184				

PREPARED ON 011983

WASHINGTON, D C AREA OFFICE

STRUCTURE TYPE	MARKET: WASHINGTON D.C NUMBER OF BEDROOMS 0-	-1-	2-	-3-	-4+
DETACHED			733	800	906
SEMI-DETACHED/ROW		515	612	666	753
WALKUP	359	476	565	654	724
ELEVATOR 2-4 STY	395	530	626	713	
ELEVATOR 5+ STY	408	540	720	820	
MANUFACTURED HOME					
EFFECTIVE DATE	100182				
TRENDED DATE	100184				

PREPARED ON 112982

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 4

ATLANTA, GEORGIA AREA OFFICE

MARKET: ATLANTA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			510	606	645
SEMI-DETACHED/ROW		427	484	583	620
WALKUP	389	413	472	571	607
ELEVATOR 2-4 STY	414	438	497		
ELEVATOR 5+ STY	464	494	566		
MANUFACTURED HOME					
EFFECTIVE DATE	100182				
TRENDED DATE	100184				

MARKET: ALBANY

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		473	547	583
	355	437	523	571
307	342	427	515	564
335	369	454		
384	422	504		
EFFECTIVE DATE	100182			
TRENDED DATE	100184			

MARKET AUGUSTA

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		397	466	505
	334	375	447	480
293	321	362	433	469
319	346	387		
356	385	444		
EFFECTIVE DATE	100182			
TRENDED DATE	100184			

MARKET: BRUNSWICK

NUMBER OF BEDROOMS 0	-1-	-2-	-3	-4+
		431	518	564
	348	410	493	537
302	337	391	480	524
328	363	417		
388	427	491		
EFFECTIVE DATE	100182			
TRENDED DATE	100184			

MARKET: COLUMBUS

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			404	494	533
SEMI-DETACHED/ROW		325	376	469	500
WALKUP	280	313	365	457	489
ELEVATOR 2-4 STY	304	338	389		
ELEVATOR 5+ STY	365	409	459		
MANUFACTURED HOME					
EFFECTIVE DATE	100182				
TRENDED DATE	100184				

MARKET: MACON

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		413	447	497
	344	390	426	478
310	328	377	412	459
336	355	404		
386	412	468		
EFFECTIVE DATE	100182			
TRENDED DATE	100184			

MARKET: ROME

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		400	450	502
	295	359	426	474
251	284	348	412	463
276	309	373		
326	359	423		
EFFECTIVE DATE	100182			
TRENDED DATE	100184			

MARKET: SAVANNAH

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		460	548	587
	356	444	521	564
311	344	419	510	548
337	372	449		
401	445	531		
EFFECTIVE DATE	100182			
TRENDED DATE	100184			

MARKET: VALDOSTA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			388	443	507
SEMI-DETACHED/ROW		306	365	436	497
WALKUP	267	290	356	415	474
ELEVATOR 2-4 STY	296	320	386		
ELEVATOR 5+ STY	350	379	467		
MANUFACTURED HOME					
EFFECTIVE DATE	100182				
TRENDED DATE	100184				

PREPARED ON 112982

BIRMINGHAM, ALABAMA AREA OFFICE

MARKET: BIRMINGHAM

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			586	710	757
SEMI-DETACHED/ROW		349	402	486	511
WALKUP	302	338	395	466	505
ELEVATOR 2-4 STY	379	422	489		
ELEVATOR 5+ STY	397	433	506		
MANUFACTURED HOME					
EFFECTIVE DATE	100182				
TRENDED DATE	100184				

MARKET: DOTHAN

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		517	606	648
	331	390	512	512
290	326	372	512	512
379	422	466		
397	433	482		
EFFECTIVE DATE	100182			
TRENDED DATE	100184			

MARKET: FLORENCE

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		574	680	725
	331	395	466	507
302	331	390	459	500
379	422	489		
397	433	502		
EFFECTIVE DATE	100182			
TRENDED DATE	100184			

MARKET: HUNTSVILLE

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		587	704	749
	347	414	489	532
290	342	409	476	524
379	422	489		
397	433	506		
EFFECTIVE DATE	100182			
TRENDED DATE	100184			

MARKET: MOBILE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			586	690	736
SEMI-DETACHED/ROW		342	414	479	513
WALKUP	287	340	397	460	500
ELEVATOR 2-4 STY	379	422	488		
ELEVATOR 5+ STY	397	433	500		
MANUFACTURED HOME					
EFFECTIVE DATE	100182				
TRENDED DATE	100184				

MARKET: MONTGOMERY

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		529	611	666
	368	406	481	532
297	338	390	476	521
379	422	489		
397	433	506		
EFFECTIVE DATE	100182			
TRENDED DATE	100184			

MARKET: TUSCALOOSA

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		586	710	757
	349	422	494	525
302	338	407	481	513
379	422	480		
397	433	492		
EFFECTIVE DATE	100182			
TRENDED DATE	100184			

PREPARED ON 112982

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 4

COLUMBIA, SOUTH CAROLINA AREA AFFICE

MARKET: GREENVILLE
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED	419	457	517	592	649
SEMI-DETACHED/ROW	399	437	497	572	629
WALKUP	384	422	477	552	604
ELEVATOR 2-4 STY	417	478	561		
ELEVATOR 5+ STY	439	500	583		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: ROCKHILL
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED	408	444	500	600	644
SEMI-DETACHED/ROW	388	424	484	580	624
WALKUP	373	409	467	560	599
ELEVATOR 2-4 STY	407	461	556		
ELEVATOR 5+ STY	429	484	578		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: BEAUFORT
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED	432	464	535	614	660
SEMI-DETACHED/ROW	412	444	515	594	640
WALKUP	397	429	495	574	615
ELEVATOR 2-4 STY	429	490	589		
ELEVATOR 5+ STY	451	512	611		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: NORTH AUGUSTA
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED	408	444	500	600	644
SEMI-DETACHED/ROW	388	424	484	580	624
WALKUP	373	409	467	560	599
ELEVATOR 2-4 STY	407	461	556		
ELEVATOR 5+ STY	429	484	578		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

PREPARED ON 112982

MARKET: GREENWOOD
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
408	444	500	600	644
388	424	484	580	624
373	409	467	560	599
407	461	556		
429	484	578		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: COLUMBIA
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
419	461	517	590	649
399	441	500	570	629
384	426	478	550	604
417	478	561		
439	500	583		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: CHARLESTON
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
432	464	535	614	660
412	444	515	594	640
397	429	495	574	615
429	490	589		
451	512	611		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: MYRTLE BEACH
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
432	464	535	614	660
412	444	515	594	640
397	429	495	574	615
429	490	589		
451	512	611		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET AIKEN
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
408	444	500	600	644
388	424	484	580	624
373	409	467	560	599
407	461	556		
429	484	578		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: FLORENCE
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
408	444	500	600	644
388	424	484	580	624
373	409	467	560	599
407	461	556		
429	484	578		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: ORANGEBURG
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
408	444	500	600	644
388	424	484	580	624
373	409	467	560	599
407	461	556		
429	484	578		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: ANDERSON
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
419	457	517	592	649
399	437	497	572	629
384	422	477	552	604
417	478	561		
439	500	583		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: SPARTANBURG
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
419	457	517	592	649
399	437	497	572	629
384	422	477	552	604
417	478	561		
439	500	583		

EFFECTIVE DATE 100182
TRENDED DATE 100184

GREENSBORO, NORTH CAROLINA AREA OFFICE

MARKET: GREENSBORO
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			464	542	612
SEMI-DETACHED/ROW		350	419	490	559
WALKUP	327	350	419	490	559
ELEVATOR 2-4 STY	358	381	449		
ELEVATOR 5+ STY	455	489	592		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: GREENVILLE
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			430	478	555
SEMI-DETACHED/ROW		324	391	438	506
WALKUP	282	324	391	438	506
ELEVATOR 2-4 STY	311	354	422		
ELEVATOR 5+ STY	390	453	542		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: WILMINGTON
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			419	490	557
SEMI-DETACHED/ROW		327	394	448	513
WALKUP	282	327	394	448	513
ELEVATOR 2-4 STY	310	346	425		
ELEVATOR 5+ STY	406	451	541		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

PREPARED ON 112982

MARKET ASHEVILLE
NUMBER OF BEDROOMS

O-	-1-	-2-	-3-	-4+
		414	523	604
	334	385	486	554
285	334	385	486	554
318	366	416		
414	466	550		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET RALEIGH
NUMBER OF BEDROOMS

O-	-1-	-2-	3	-4+
		505	600	675
	417	490	556	622
365	417	490	556	622
380	448	510		
495	556	660		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: ELIZABETH CITY
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		503	573	643
	398	467	530	593
348	398	467	530	593
376	427	495		
472	530	632		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET CHARLOTTE
NUMBER OF BEDROOMS

O-	-1-	-2-	-3-	4+
		473	547	613
	370	439	508	587
343	370	439	508	587
375	401	470		
457	490	587		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET WINSTON-SALEM
NUMBER OF BEDROOMS

O-	-1-	2	-3	-4+
		429	520	508
	341	394	490	552
293	341	394	486	548
321	368	425		
435	466	558		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET DURHAM
NUMBER OF BEDROOMS

O	-1-	-2-	-3-	-4+
		465	591	664
	348	430	549	615
327	348	430	549	615
358	379	459		
454	494	600		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: FAYETTEVILLE
NUMBER OF BEDROOMS

O-	-1-	-2-	-3-	-4+
		401	469	537
	317	372	433	498
277	317	372	433	498
304	346	403		
382	429	509		

EFFECTIVE DATE 100182
TRENDED DATE 100184

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 4

JACKSON, MISSISSIPPI AREA OFFICE

MARKET: JACKSON
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			466	552	638
SEMI-DETACHED/ROW		396	460	533	612
WALKUP	331	379	449	517	570
ELEVATOR 2-4 STY	487	522	628		
ELEVATOR 5+ STY	503	538	647		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: CORINTH
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		373	472	545
	305	363	456	528
248	296	358	450	510
389	448	544		
403	464	565		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: GREENVILLE
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		452	478	549
	369	428	464	539
320	350	415	432	497
458	500	608		
475	517	633		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: GREENWOOD
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		426	468	534
	370	413	453	534
307	354	410	446	502
440	505	582		
457	524	606		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: GULFPORT
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			424	497	568
SEMI-DETACHED/ROW		364	419	490	520
WALKUP	317	335	381	466	520
ELEVATOR 2-4 STY	471	505	596		
ELEVATOR 5+ STY	484	525	618		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: HATTIESBURG
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		409	491	577
	344	402	474	540
298	325	390	458	511
433	479	570		
447	498	591		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: SOUTHAVEN
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		445	515	586
	372	424	502	577
290	367	424	491	565
416	505	608		
434	524	631		

EFFECTIVE DATE 100182
TRENDED DATE 100184

PREPARED ON 112982

JACKSONVILLE, FLORIDA AREA OFFICE

MARKET: JACKSONVILLE
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			573	646	719
SEMI-DETACHED/ROW	367	422	509	587	645
WALKUP	338	393	470	541	611
ELEVATOR 2-4 STY	413	466	563		
ELEVATOR 5+ STY	474	520	625		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: PENSACOLA
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		536	617	671
379	434	518	586	645
335	389	470	539	611
402	457	549		
455	502	599		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: KEY WEST
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		648	716	788
514	586	646	706	776
449	509	599	650	721
540	607	723		
629	698	814		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: MIAMI
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		648	716	788
514	586	646	706	776
449	509	599	650	721
540	607	723		
629	698	814		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: TAMPA
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			660	690	791
SEMI-DETACHED/ROW	375	429	523	582	650
WALKUP	344	406	480	541	602
ELEVATOR 2-4 STY	431	490	590		
ELEVATOR 5+ STY	495	554	654		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: ORLANDO
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		634	704	776
364	417	513	572	638
340	395	466	528	594
417	478	578		
484	539	638		

EFFECTIVE DATE 100182
TRENDED DATE 100184

PREPARED ON 112982

LOUISVILLE, KENTUCKY AREA OFFICE

MARKET: LOUISVILLE
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			501	568	637
SEMI-DETACHED/ROW		425	480	539	602
WALKUP	346	377	442	524	582
ELEVATOR 2-4 STY	376	407	471		
ELEVATOR 5+ STY	451	494	589		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: ASHLAND
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		475	540	606
	393	453	514	579
351	384	439	499	558
382	413	470		
459	500	594		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: COVINGTON
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		477	570	656
	393	453	522	600
351	384	439	499	558
382	413	470		
464	500	600		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: OWENSBORO
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		501	564	628
	399	480	539	602
343	374	442	524	582
376	395	471		
427	479	590		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: PADUCAH
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			501	565	631
SEMI-DETACHED/ROW		403	480	540	604
WALKUP	345	377	442	524	582
ELEVATOR 2-4 STY	376	407	471		
ELEVATOR 5+ STY	438	481	574		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: PIKEVILLE
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		526	616	700
	411	501	584	659
356	390	474	566	609
392	420	503		
452	495	600		

EFFECTIVE DATE 100182
TRENDED DATE 100184

PREPARED ON 112982

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 4

KNOXVILLE, TENNESSEE AREA OFFICE

MARKET: KNOXVILLE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			430	515	545
SEMI-DETACHED/ROW		373	415	500	530
WALKUP	340	358	405	490	520
ELEVATOR 2-4 STY	363	385	430		
ELEVATOR 5+ STY	385	410	455		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: CHATTANOOGA

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		465	510	540
	405	455	495	530
375	390	445	495	515
395	415	465		
420	440	490		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: JOHNSON CITY

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		430	500	525
	346	420	490	515
313	329	405	475	505
341	358	439		
363	385	465		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: KINGSPORT

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		430	500	525
	346	420	490	515
313	329	405	475	505
341	358	439		
363	385	465		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: OAKRIDGE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			430	515	545
SEMI-DETACHED/ROW		373	415	500	530
WALKUP	340	358	405	490	520
ELEVATOR 2-4 STY	363	385	430		
ELEVATOR 5+ STY	385	410	455		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

PREPARED ON 112982

NASHVILLE, TENNESSEE SERVICE OFFICE

MARKET: NASHVILLE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			439	512	550
SEMI-DETACHED/ROW		373	424	500	539
WALKUP	319	356	417	495	534
ELEVATOR 2-4 STY	324	380	424		
ELEVATOR 5+ STY	329	390	439		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: CLARKSVILLE

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		403	473	512
	329	385	461	500
280	319	380	456	495
285	335	385		
291	346	402		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: COLUMBIA

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		403	460	503
	297	351	453	484
247	291	341	439	478
253	307	348		
263	329	380		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: MEMPHIS

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		395	452	528
	331	377	425	481
255	285	333	400	431
297	356	419		
335	394	457		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: JACKSON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			377	439	518
SEMI-DETACHED/ROW		301	354	408	474
WALKUP	248	285	344	398	453
ELEVATOR 2-4 STY	303	326	409		
ELEVATOR 5+ STY	340	361	449		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: UNION CITY

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		360	419	494
	287	338	389	452
237	272	328	380	432
289	344	436		
324	382	475		

EFFECTIVE DATE 100182
TRENDED DATE 100184

PREPARED ON 112982

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 5

CHICAGO, ILLINOIS AREA OFFICE

MARKET: CHICAGO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			699	830	957
SEMI-DETACHED/ROW		589	692	770	863
WALKUP	429	495	591	708	743
ELEVATOR 2-4 STY	458	538	634	754	755
ELEVATOR 5+ STY	496	620	737	765	809
MANUFACTURED HOME					
EFFECTIVE DATE					100182
TRENDED DATE					100184

MARKET: BELLEVILLE

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		593	671	747
	466	522	589	680
347	412	476	537	594
370	437	509		
436	479	556		
EFFECTIVE DATE				100182
TRENDED DATE				100184

MARKET: MOLINE

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		629	750	829
	511	577	684	758
394	457	521	624	655
432	482	554		
459	500	600		
EFFECTIVE DATE				100182
TRENDED DATE				100184

MARKET: SPRINGFIELD

NUMBER OF BEDROOMS 0	-1-	-2-	-3-	-4+
		648	725	803
	474	539	602	681
360	414	480	543	602
383	442	513		
428	480	562		
EFFECTIVE DATE				100182
TRENDED DATE				100184

MARKET: EAST ST. LOUIS

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			513	590	664
SEMI-DETACHED/ROW		411	488	548	625
WALKUP	321	370	445	500	556
ELEVATOR 2-4 STY	341	395	476		
ELEVATOR 5+ STY	412	467	565		
MANUFACTURED HOME					
EFFECTIVE DATE					100182
TRENDED DATE					100184

PREPARED ON 112982

CINCINNATI, OHIO SERVICE OFFICE

MARKET: CINCINNATI

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			623	770	902
SEMI DETACHED/ROW		442	503	603	664
WALKUP	310	365	459	522	602
ELEVATOR 2-4 STY	341	455	542		
ELEVATOR 5+ STY	474	558	634		
MANUFACTURED HOME					
EFFECTIVE DATE					100182
TRENDED DATE					100184

MARKET: DAYTON

NUMBER OF BEDROOMS 0-	-1-	-2-	-3-	-4+
		562	709	784
	381	442	530	597
316	371	434	497	555
347	461	550		
480	564	609		
EFFECTIVE DATE				100182
TRENDED DATE				100184

PREPARED ON 112982

CLEVELAND, OHIO SERVICE OFFICE

MARKET: CLEVELAND

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			702	761	821
SEMI-DETACHED/ROW		492	534	603	648
WALKUP	405	436	421	543	589
ELEVATOR 2-4 STY	409	459	551		
ELEVATOR 5+ STY	444	484	579		
MANUFACTURED HOME					
EFFECTIVE DATE					100182
TRENDED DATE					100184

MARKET: AKRON

NUMBER OF BEDROOMS -0	-1-	-2-	-3-	-4+
		687	752	805
	478	531	606	638
379	408	464	543	585
401	435	565		
421	459	575		
EFFECTIVE DATE				100182
TRENDED DATE				100184

MARKET: FINDLAY

NUMBER OF BEDROOMS 0-	1-	-2-	3-	-4+
		636	682	732
	455	514	581	615
370	400	448	526	562
372	403	535		
376	425	504		
EFFECTIVE DATE				100182
TRENDED DATE				100184

MARKET: LORAIN

NUMBER OF BEDROOMS -0	-1-	-2-	-3-	-4+
		658	719	769
	463	514	583	619
363	400	449	524	564
371	406	530		
392	417	556		
EFFECTIVE DATE				100182
TRENDED DATE				100184

MARKET: MANSFIELD

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			619	679	723
SEMI-DETACHED/ROW		407	496	565	600
WALKUP	316	348	434	511	549
ELEVATOR 2-4 STY	326	358	505		
ELEVATOR 5+ STY	347	381	540		
MANUFACTURED HOME					
EFFECTIVE DATE					100182
TRENDED DATE					100184

MARKET: TOLEDO

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		735	834	909
	504	583	678	750
377	416	490	596	634
403	459	549		
395	448	538		
EFFECTIVE DATE				100182
TRENDED DATE				100184

MARKET: YOUNGSTOWN

NUMBER OF BEDROOMS 0	-1	-2	-3-	-4+
		615	678	724
	450	480	553	587
352	385	417	496	536
365	404	515		
378	427	538		
EFFECTIVE DATE				100182
TRENDED DATE				100184

PREPARED ON 112982

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 5

COLUMBUS, OHIO AREA OFFICE

MARKET COLUMBUS

STRUCTURE TYPE	NUMBER OF BEDROOMS				
	0-	1-	2-	3-	4+
DETACHED			638	720	751
SEMI-DETACHED/ROW		363	438	486	537
WALKUP	285	361	418	479	543
ELEVATOR 2-4 STY	339	409	476		
ELEVATOR 5+ STY	473	542	648		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET SPRINGFIELD

STRUCTURE TYPE	NUMBER OF BEDROOMS				
	0-	1	2-	3-	4+
DETACHED			621	690	716
SEMI-DETACHED/ROW		339	432	486	537
WALKUP	281	357	413	480	546
ELEVATOR 2-4 STY	327	405	482		
ELEVATOR 5+ STY	470	550	665		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

PREPARED ON 112982

MARKET ATHENS

NUMBER OF BEDROOMS				
0	1-	-2	-3-	-4+
		621	690	716
	339	432	486	537
281	357	413	480	546
327	405	482		
470	550	665		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET SIDNEY

NUMBER OF BEDROOMS				
-0-	-1	2-	-3	-4+
		621	690	716
	339	432	486	537
281	357	413	480	546
327	405	482		
470	550	665		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: LIMA

NUMBER OF BEDROOMS				
-0-	1-	-2-	3-	-4+
		621	690	716
	339	432	486	537
281	357	413	480	546
327	405	482		
470	550	665		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET ZANESVILLE

NUMBER OF BEDROOMS				
0	1-	2-	3	4+
		621	690	716
	339	432	486	537
281	357	413	480	546
327	405	482		
470	550	665		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: NEWARK

NUMBER OF BEDROOMS				
0-	-1-	-2-	-3-	-4+
		621	690	716
	339	432	486	537
281	357	413	480	546
327	405	482		
470	550	665		

EFFECTIVE DATE 100182
TRENDED DATE 100184

DETROIT, MICHIGAN AREA OFFICE

MARKET DETROIT

STRUCTURE TYPE	NUMBER OF BEDROOMS				
	0-	1-	2-	3-	4+
DETACHED			595	655	706
SEMI-DETACHED/ROW		498	539	596	647
WALKUP	365	418	480	535	598
ELEVATOR 2-4 STY	384	458	511		
ELEVATOR 5+ STY	433	491	581		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET YPSILANTI

STRUCTURE TYPE	NUMBER OF BEDROOMS				
	-0-	-1-	2-	-3-	-4+
DETACHED			595	655	706
SEMI-DETACHED/ROW		498	539	596	647
WALKUP	365	418	480	535	598
ELEVATOR 2-4 STY	384	458	511		
ELEVATOR 5+ STY	433	491	581		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

PREPARED ON 112982

MARKET: FLINT

NUMBER OF BEDROOMS				
0-	-1-	-2-	-3-	-4+
		554	608	658
	460	500	557	598
328	389	453	511	572
365	435	486		
411	467	552		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: SAGINAW

NUMBER OF BEDROOMS				
0	1	2-	-3-	4+
		554	608	658
	460	500	557	598
328	389	453	511	572
365	435	486		
411	467	552		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: ANN ARBOR

NUMBER OF BEDROOMS				
0	-1-	-2	3-	-4+
		595	655	706
	498	539	596	647
365	418	480	535	598
384	458	511		
433	491	581		

EFFECTIVE DATE 100182
TRENDED DATE 100184

GRAND RAPIDS, MICHIGAN SERVICE OFFICE

MARKET: MT PLEASANT

STRUCTURE TYPE	NUMBER OF BEDROOMS				
	-0-	-1-	-2-	3-	-4+
DETACHED			539	634	665
SEMI-DETACHED/ROW		422	498	588	619
WALKUP	316	371	452	522	542
ELEVATOR 2-4 STY	352	407	483		
ELEVATOR 5+ STY	398	453	524		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET LANSING

STRUCTURE TYPE	NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
DETACHED			543	645	684
SEMI-DETACHED/ROW		442	501	593	636
WALKUP	340	393	479	549	569
ELEVATOR 2-4 STY	361	421	493		
ELEVATOR 5+ STY	390	465	505		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: JACKSON

STRUCTURE TYPE	NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
DETACHED			553	648	678
SEMI-DETACHED/ROW		436	513	603	633
WALKUP	319	383	468	538	558
ELEVATOR 2-4 STY	361	421	498		
ELEVATOR 5+ STY	408	466	527		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

PREPARED ON 112982

MARKET GRAND RAPIDS

NUMBER OF BEDROOMS				
0-	-1-	-2-	-3-	-4+
		523	618	648
	420	483	573	603
315	363	438	505	528
345	405	461		
383	446	495		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: MUSKEGON

NUMBER OF BEDROOMS				
0	-1-	2	-3-	4+
		531	626	657
	432	490	580	611
316	380	444	514	534
351	416	475		
390	455	505		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: BENTON HARBOR

NUMBER OF BEDROOMS				
0	1-	-2-	-3-	-4+
		502	597	628
	395	461	551	582
289	344	415	485	505
325	380	446		
371	426	481		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET TRAVERSE CITY

NUMBER OF BEDROOMS				
0	-1-	-2	3-	-4+
		567	664	695
	453	524	615	646
340	409	475	545	565
369	436	507		
431	498	551		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: BATTLE CREEK

NUMBER OF BEDROOMS				
0-	-1-	-2-	-3-	-4+
		547	643	677
	432	501	598	641
312	372	461	530	559
351	416	484		
393	455	510		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: MARQUETTE

NUMBER OF BEDROOMS				
0	-1-	-2-	-3-	-4+
		493	590	621
	432	450	541	572
314	372	401	471	491
361	416	433		
409	464	477		

EFFECTIVE DATE 100182
TRENDED DATE 100184

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 5

INDIANAPOLIS, INDIANA AREA OFFICE

MARKET: INDIANAPOLIS
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			541	625	696
SEMI-DETACHED/ROW		384	465	536	579
WALKUP	322	365	430	496	533
ELEVATOR 2-4 STY	366	394	472		
ELEVATOR 5+ STY	455	503	585		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: BLOOMINGTON
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		528	583	647
	364	437	492	556
303	346	413	465	515
347	373	445		
435	484	566		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: EVANSVILLE
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		508	571	638
	382	448	514	573
302	345	408	463	512
344	373	446		
421	472	543		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: FORT WAYNE
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		524	586	655
	370	443	493	552
303	343	407	457	504
342	371	445		
433	479	558		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: HAMMOND
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			555	619	671
SEMI-DETACHED/ROW		424	499	561	638
WALKUP	353	401	466	523	569
ELEVATOR 2-4 STY	401	428	497		
ELEVATOR 5+ STY	475	531	610		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: LAFAYETTE
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		554	612	677
	379	454	511	575
317	360	428	479	528
365	387	457		
459	508	582		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: SOUTH BEND
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		539	606	678
	392	465	531	599
306	348	417	471	520
347	376	455		
438	487	571		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: TERRE HAUTE
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		540	599	667
	377	454	511	575
312	359	423	475	532
364	395	451		
439	498	575		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: GARY
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			555	607	669
SEMI-DETACHED/ROW		420	484	559	635
WALKUP	345	394	458	522	561
ELEVATOR 2-4 STY	392	422	496		
ELEVATOR 5+ STY	435	483	550		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

PREPARED ON 112982

MILWAUKEE, WISCONSIN AREA OFFICE

MARKET: MADISON
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			655	742	787
SEMI-DETACHED/ROW		473	549	675	721
WALKUP	349	403	482	602	
ELEVATOR 2-4 STY	369	423	502	622	
ELEVATOR 5+ STY	481	543	665		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: REEDSVILLE
NUMBER OF BEDROOMS

-0	-1-	-2-	-3-	-4+
		611	694	738
	445	516	623	666
324	379	454	572	
344	399	474		
468	528	633		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: SUPERIOR
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		631	708	754
	454	526	647	694
328	394	459	583	
348	414	479		
476	541	652		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: MILWAUKEE
NUMBER OF BEDROOMS

-0	-1-	-2-	-3-	-4+
		679	764	817
	506	589	703	741
369	422	512	621	
389	439	531	640	
508	570	695		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: EAU CLAIRE
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			521	667	709
SEMI-DETACHED/ROW		431	489	607	642
WALKUP	318	368	431	541	
ELEVATOR 2-4 STY	340	391	454	560	
ELEVATOR 5+ STY	452	508	603		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: GREEN BAY
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		537	647	691
	401	479	585	629
292	345	427	526	
312	365	446	544	
430	468	592		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: WAUSAU
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		572	653	688
	422	489	587	632
313	366	435	536	
333	386	454	555	
447	499	599		

EFFECTIVE DATE 100182
TRENDED DATE 100184

PREPARED ON 112982

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 5

MINNEAPOLIS-ST. PAUL, MINNESOTA AREA OFFICE

MARKET: MINNEAPOLIS

STRUCTURE TYPE	NUMBER OF BEDROOMS				
	0-	-1-	-2	3-	-4+
DETACHED		423	517	587	656
SEMI-DETACHED/ROW	312	363	427	545	565
WALKUP	350	410	517		
ELEVATOR 2-4 STY	397	503	613		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: DULUTH

NUMBER OF BEDROOMS				
0-	-1-	2	-3-	4+
	424	526	625	727
307	365	465	572	603
351	409	533		
360	411	582		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: MANKATO

NUMBER OF BEDROOMS				
0-	-1-	-2-	-3-	-4+
	424	489	556	622
306	342	406	491	549
338	375	430		
387	492	604		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: ROCHESTER

NUMBER OF BEDROOMS				
0-	-1-	-2-	-3-	-4+
	423	494	572	638
313	349	430	495	524
341	378	446		
400	503	587		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: ST. CLOUD

STRUCTURE TYPE	NUMBER OF BEDROOMS				
	0-	-1-	2-	3-	-4+
DETACHED		379	449	535	620
SEMI-DETACHED/ROW	269	321	389	485	516
WALKUP	292	333	401		
ELEVATOR 2-4 STY	414	485	592		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: WORTHINGTON

NUMBER OF BEDROOMS				
0-	-1	2-	-3-	4+
	353	425	506	590
254	303	367	437	498
278	315	379		
398	472	554		

EFFECTIVE DATE 100182
TRENDED DATE 100184

PREPARED ON 112982

SCHEDULE A FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 6

DALLAS, TEXAS AREA OFFICE

MARKET: DALLAS

STRUCTURE TYPE	NUMBER OF BEDROOMS				
	0	-1	2-	-3-	4+
DETACHED			665	736	807
SEMI-DETACHED/ROW	363	390	493	581	678
WALKUP	304	366	468	540	629
ELEVATOR 2-4 STY	321	403	508		
ELEVATOR 5+ STY	450	540	719		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: SHERMAN

NUMBER OF BEDROOMS				
0	-1-	-2-	-3-	-4+
		433	563	617
265	299	377	444	519
235	279	358	413	481
246	308	398		
344	413	549		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: TYLER

NUMBER OF BEDROOMS				
0	1	2	3	4+
		512	665	729
325	353	446	526	613
267	331	421	499	569
290	364	459		
406	488	649		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: WACO

NUMBER OF BEDROOMS				
0-	1	2-	3-	-4+
		448	583	639
276	310	391	461	537
244	298	371	428	499
254	319	403		
357	428	570		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: MARSHALL

STRUCTURE TYPE	NUMBER OF BEDROOMS				
	0-	1	2	-3-	-4+
DETACHED			512	665	729
SEMI-DETACHED/ROW	325	353	446	526	613
WALKUP	267	331	421	488	569
ELEVATOR 2-4 STY	290	364	459		
ELEVATOR 5+ STY	406	489	649		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: FORT WORTH

NUMBER OF BEDROOMS				
		2-	-3-	-4+
		509	662	726
318	352	444	513	610
277	323	421	486	566
289	362	457		
405	486	647		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: WICHITA FALLS

NUMBER OF BEDROOMS				
0	1	2	3-	4+
		487	633	695
303	337	425	501	584
265	323	403	465	542
276	347	437		
388	465	619		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: SAN ANGELO

NUMBER OF BEDROOMS				
0	1-	-2	-3	-4+
		491	638	700
306	340	428	504	588
267	323	406	469	546
279	350	441		
391	469	624		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: ABILENE

STRUCTURE TYPE	NUMBER OF BEDROOMS				
	0-	-1	2-	-3-	-4+
DETACHED			509	660	725
SEMI-DETACHED/ROW	349	350	443	522	608
WALKUP	276	328	424	486	565
ELEVATOR 2-4 STY	288	362	455		
ELEVATOR 5+ STY	404	486	642		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: LUBBOCK

NUMBER OF BEDROOMS				
0-	-1-	-2-	-3-	4+
		480	624	684
298	332	418	493	575
261	320	397	458	534
272	342	431		
382	458	609		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: AMARILLO

NUMBER OF BEDROOMS				
0-	-1	-2	3-	-4+
		471	613	672
291	326	411	484	565
256	322	390	450	525
268	336	423		
375	450	599		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET EL PASO

NUMBER OF BEDROOMS				
0	-1-	-2-	-3-	-4+
		464	604	662
286	321	405	477	556
252	316	384	443	517
263	331	417		
369	443	590		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: MIDLAND

STRUCTURE TYPE	NUMBER OF BEDROOMS				
	0-	-1	-2-	3-	-4+
DETACHED			543	707	776
SEMI-DETACHED/ROW	375	376	474	559	653
WALKUP	297	348	429	519	605
ELEVATOR 2-4 STY	337	387	488		
ELEVATOR 5+ STY	432	519	691		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: ODESSA

NUMBER OF BEDROOMS				
0-	-1-	-2-	-3-	-4+
		543	707	776
375	376	474	559	653
297	348	429	519	605
337	387	488		
432	519	691		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: ALBUQUERQUE NM

NUMBER OF BEDROOMS				
0-	-1-	-2-	-3-	-4+
		482	628	690
299	333	422	496	579
262	306	398	461	537
275	344	432		
385	461	614		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: ISLETA NM

NUMBER OF BEDROOMS				
0	-1-	-2-	-3-	-4+
		482	628	690
299	333	422	496	579
262	306	398	461	537
275	344	432		
385	461	614		

EFFECTIVE DATE 100182
TRENDED DATE 100184

PREPARED ON 112982

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 6

DALLAS, TEXAS AREA OFFICE

MARKET: ALAMOGORDO NM
NUMBER OF BEDROOMS

STRUCTURE TYPE	0-	-1-	-2-	-3-	-4+
DETACHED			428	556	613
SEMI-DETACHED/ROW	208	295	372	439	512
WALKUP	232	277	353	408	475
ELEVATOR 2-4 STY	242	304	383		
ELEVATOR 5+ STY	341	408	543		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: MESCALERO NM
NUMBER OF BEDROOMS

	0-	-1-	-2-	-3-	-4+
			428	556	613
	208	295	372	439	512
	232	277	353	408	475
	242	304	383		
	341	408	543		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: ARTESIA NM
NUMBER OF BEDROOMS

	0-	-1-	-2-	-3-	-4+
			411	534	586
	274	312	360	423	494
	230	280	339	391	456
	250	292	368		
	327	391	521		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: CARLSBAD NM
NUMBER OF BEDROOMS

	0-	-1-	-2-	-3-	-4+
			411	534	586
	274	312	360	423	494
	230	280	339	391	456
	250	292	368		
	327	391	521		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: FORT SUMNER NM
NUMBER OF BEDROOMS

STRUCTURE TYPE	0-	-1-	-2-	-3-	-4+
DETACHED			376	489	536
SEMI-DETACHED/ROW	222	291	331	389	464
WALKUP	217	263	311	359	418
ELEVATOR 2-4 STY	235	272	343		
ELEVATOR 5+ STY	299	359	478		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: GALLUP NM
NUMBER OF BEDROOMS

	0-	-1-	-2-	-3-	-4+
			482	628	690
	299	335	422	496	579
	262	306	398	461	537
	275	344	432		
	385	461	614		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: LAGUNA NM
NUMBER OF BEDROOMS

	0-	-1-	-2-	-3-	-4+
			482	628	690
	299	335	422	496	579
	262	306	398	461	537
	275	344	432		
	385	461	614		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: HOBBS NM
NUMBER OF BEDROOMS

	0-	-1-	-2-	-3-	-4+
			493	641	703
	318	339	429	506	590
	267	319	407	470	548
	279	349	442		
	391	470	626		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: LAS CRUCES NM
NUMBER OF BEDROOMS

STRUCTURE TYPE	0-	-1-	-2-	-3-	-4+
DETACHED			428	556	613
SEMI-DETACHED/ROW	208	295	372	439	512
WALKUP	232	277	353	408	475
ELEVATOR 2-4 STY	242	304	383		
ELEVATOR 5+ STY	341	408	543		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: LAS VEGAS NM
NUMBER OF BEDROOMS

	0	-1-	2-	-3-	-4+
			476	619	679
	312	328	413	489	570
	257	307	393	454	530
	269	338	426		
	379	454	604		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: LOS ALAMOS NM
NUMBER OF BEDROOMS

	0-	-1-	-2-	-3-	-4+
			476	619	679
	312	328	413	489	570
	257	307	393	454	530
	269	338	426		
	379	454	604		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: RATON NM
NUMBER OF BEDROOMS

	0-	-1-	-2-	-3-	-4+
			476	619	679
	312	328	413	489	570
	257	307	393	454	530
	269	338	426		
	379	454	604		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: SOCORRO NM
NUMBER OF BEDROOMS

STRUCTURE TYPE	0-	-1-	-2-	-3-	-4+
DETACHED			482	628	690
SEMI-DETACHED/ROW	299	333	422	496	579
WALKUP	262	306	398	461	537
ELEVATOR 2-4 STY	275	344	432		
ELEVATOR 5+ STY	385	461	614		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: RUIDOSO NM
NUMBER OF BEDROOMS

	0-	1-	-2-	-3-	-4+
			428	556	613
	208	295	372	439	512
	232	277	353	408	475
	242	304	383		
	341	408	543		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: SANTA FE NM
NUMBER OF BEDROOMS

	0-	-1-	-2-	-3-	4+
			476	619	679
	312	328	413	489	570
	257	307	393	454	530
	269	338	426		
	379	454	604		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: POJOAQUE NM
NUMBER OF BEDROOMS

	0-	-1-	-2-	-3-	-4+
			476	619	679
	312	328	413	489	570
	257	307	393	454	530
	269	338	426		
	379	454	604		

EFFECTIVE DATE 100182
TRENDED DATE 100184

PREPARED ON 112982

DALLAS TEXAS AREA OFFICE

MARKET: SILVER CITY NM
NUMBER OF BEDROOMS

STRUCTURE TYPE	0-	-1-	-2-	3-	-4+
DETACHED			428	556	613
SEMI DETACHED/ROW	208	295	372	439	512
WALKUP	232	277	353	408	475
ELEVATOR 2-4 STY	242	304	383		
ELEVATOR 5+ STY	341	408	543		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET TRUTH OR CONSEQ NM
NUMBER OF BEDROOMS

0-	1	2	3-	-4+
		428	556	613
208	295	372	439	512
232	277	353	408	475
242	304	383		
341	408	543		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: TIERRA AMARI NM
NUMBER OF BEDROOMS

0-	-1-	-2-	-3-	-4+
		482	628	690
312	333	422	496	579
262	312	398	461	537
275	344	432		
385	461	614		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: DULCE NM
NUMBER OF BEDROOMS

)	1-	-2-	-3-	-4+
		482	628	690
312	333	422	496	579
262	312	398	461	537
275	344	432		
385	461	614		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: JEMEZ NM
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			482	628	690
SEMI DETACHED/ROW	299	333	422	496	579
WALKUP	262	306	398	461	537
ELEVATOR 2-4 STY	275	344	432		
ELEVATOR 5+ STY	385	461	614		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: TAOS NM
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		476	619	679
312	328	413	489	570
257	307	393	454	530
269	338	426		
379	454	604		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: PENASCO NM
NUMBER OF BEDROOMS

-0-	-1-	-2-	3-	-4+
		476	619	679
312	328	413	489	570
257	307	393	454	530
269	338	426		
379	454	604		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: FARMINGTON NM
NUMBER OF BEDROOMS

0-	-1-	-2-	-3-	-4+
		519	676	742
321	359	452	534	623
281	335	429	496	578
295	370	466		
413	496	660		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: CLOVIS NM
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			376	489	536
SEMI-DETACHED/ROW	222	291	331	389	464
WALKUP	217	263	311	359	418
ELEVATOR 2-4 STY	235	272	343		
ELEVATOR 5+ STY	299	359	478		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

PREPARED ON 112982

SCHEDULE A FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 6

HOUSTON, TEXAS SERVICE OFFICE

MARKET: HOUSTON

STRUCTURE TYPE	NUMBER OF BEDROOMS				
	0-	-1-	-2-	-3-	-4+
DETACHED			594	734	850
SEMI-DETACHED/ROW		401	521	654	745
WALKUP	321	384	486	599	664
ELEVATOR 2-4 STY	386	537	582		
ELEVATOR 5+ STY	489	570	660		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: EL CAMPO

STRUCTURE TYPE	NUMBER OF BEDROOMS				
	0-	-1-	-2-	-3-	-4+
DETACHED			556	665	801
SEMI-DETACHED/ROW		340	454	554	688
WALKUP	292	332	429	520	623
ELEVATOR 2-4 STY	339	398	516		
ELEVATOR 5+ STY	413	487	601		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: BEAUMONT

NUMBER OF BEDROOMS				
0	-1	2-	-3-	-4+
		540	667	805
	384	454	570	758
306	354	435	539	656
406	425	522		
484	514	624		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: TEXAS CITY

NUMBER OF BEDROOMS				
0	1	-2-	-3-	-4+
		572	695	821
	392	490	624	746
307	385	490	589	678
389	461	587		
489	570	660		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: BRYAN

NUMBER OF BEDROOMS				
0-	-1	2	3-	4+
		700	823	936
	473	608	707	872
302	359	466	548	650
423	476	614		
503	560	724		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: LUFKIN

NUMBER OF BEDROOMS				
-0-	-1-	-2-	-3-	-4+
		543	638	781
	394	495	574	702
285	334	412	482	568
337	412	508		
447	486	597		

EFFECTIVE DATE 100182
TRENDED DATE 100184

PREPARED ON 112982

LITTLE ROCK, ARKANSAS AREA OFFICE

MARKET: FAYETTEVILLE

STRUCTURE TYPE	NUMBER OF BEDROOMS				
	0	1	2	3	-4+
DETACHED			460	551	602
SEMI-DETACHED/ROW	318	380	443	533	580
WALKUP	299	349	418	502	546
ELEVATOR 2-4 STY	321	374	449		
ELEVATOR 5+ STY	395	448	525		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: JONESBORO

STRUCTURE TYPE	NUMBER OF BEDROOMS				
	0-	-1-	-2-	-3-	-4+
DETACHED			430	528	596
SEMI-DETACHED/ROW	299	341	419	511	573
WALKUP	277	328	395	482	526
ELEVATOR 2-4 STY	306	356	438		
ELEVATOR 5+ STY	389	442	521		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: LITTLE ROCK

NUMBER OF BEDROOMS				
0	-1-	-2	3-	-4+
		480	562	636
331	384	462	534	594
302	334	422	525	578
325	402	456		
398	451	534		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: TEXARKANA

NUMBER OF BEDROOMS				
0	-1-	-2-	-3-	-4+
		442	553	626
306	344	426	516	574
291	334	412	507	555
317	361	445		
395	448	525		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: FORT SMITH

NUMBER OF BEDROOMS				
0	-1	2-	-3-	-4+
		426	515	587
286	323	409	472	529
271	312	383	460	504
296	339	415		
394	450	537		

EFFECTIVE DATE 100182
TRENDED DATE 100184

PREPARED ON 112982

NEW ORLEANS, LOUISIANA AREA OFFICE

MARKET: NEW ORLEANS

STRUCTURE TYPE	NUMBER OF BEDROOMS				
	0	1	-2	-3	4+
DETACHED			547	648	765
SEMI-DETACHED/ROW		392	472	577	691
WALKUP	295	361	445	547	634
ELEVATOR 2-4 STY	306	385	475		
ELEVATOR 5+ STY	511	569	625		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: HOUMA

STRUCTURE TYPE	NUMBER OF BEDROOMS				
	0-	-1	2	3-	-4+
DETACHED			505	606	722
SEMI-DETACHED/ROW		398	495	594	662
WALKUP	324	371	465	558	627
ELEVATOR 2-4 STY	342	389	481		
ELEVATOR 5+ STY	459	513	647		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: LAKE CHARLES

NUMBER OF BEDROOMS				
0	-1	2-	-3	-4+
		573	679	782
	451	554	666	738
352	414	502	607	682
371	432	521		
501	555	698		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: SHREVEPORT

NUMBER OF BEDROOMS				
0	-1	2	-3-	-4+
		443	527	612
	328	422	516	585
256	300	392	481	531
334	361	410		
388	442	566		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: LAFAYETTE

NUMBER OF BEDROOMS				
0	-1-	-2	3-	4+
		516	658	741
	392	494	646	713
285	368	466	612	664
303	386	482		
460	534	681		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: ALEXANDRIA

NUMBER OF BEDROOMS				
	1	2	3-	-4+
		395	469	536
	313	384	458	519
254	297	376	447	490
307	339	393		
382	433	542		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: BATON ROUGE

NUMBER OF BEDROOMS				
0	1	2	3	4+
		512	642	720
	411	500	628	706
306	364	445	562	626
324	386	482		
506	585	714		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: MONROE

NUMBER OF BEDROOMS				
0-	-1-	-2-	-3-	4+
		404	511	581
	312	377	503	564
257	300	370	494	542
303	360	388		
387	437	543		

EFFECTIVE DATE 100182
TRENDED DATE 100184

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 6

OKLAHOMA CITY, OKLAHOMA AREA OFFICE

MARKET: OKLAHOMA CITY
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			446	543	607
SEMI-DETACHED/ROW		365	432	531	596
WALKUP	289	312	372	467	516
ELEVATOR 2-4 STY	300	333	394		
ELEVATOR 5+ STY	306	361	427		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: ADA
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		471	556	606
	360	458	542	593
282	307	397	477	513
344	345	423		
326	360	465		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET ARDMORE
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		469	553	603
	354	455	539	590
274	302	397	477	513
299	327	419		
326	360	465		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: ENID
NUMBER OF BEDROOMS

0-	-1-	-2-	-3-	-4+
		495	544	606
	390	480	532	593
246	331	414	457	496
276	362	457		
299	388	481		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: GUYMON
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			430	513	576
SEMI-DETACHED/ROW		340	416	498	560
WALKUP	256	284	354	427	471
ELEVATOR 2-4 STY	267	300	391		
ELEVATOR 5+ STY	309	342	422		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: LAWTON
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		515	541	620
	416	502	530	607
324	364	445	459	520
356	401	488		
377	422	512		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: SHAWNEE
NUMBER OF BEDROOMS

0-	-1-	-2-	-3-	-4+
		413	454	500
	337	402	442	486
253	281	340	370	405
263	297	376		
305	339	407		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: STILLWATER
NUMBER OF BEDROOMS

0-	-1-	-2-	-3-	-4+
		427	492	554
	353	414	479	536
251	300	353	410	453
275	316	387		
304	358	421		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: WOODWARD
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			457	550	599
SEMI-DETACHED/ROW		355	446	530	586
WALKUP	275	302	384	457	497
ELEVATOR 2-4 STY	287	318	423		
ELEVATOR 5+ STY	327	360	451		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: BARTLESVILLE
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		415	488	541
	332	403	474	528
274	299	347	416	454
283	305	356		
291	321	403		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: MC ALESTER
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		412	478	527
	301	400	466	514
212	239	332	388	429
223	255	349		
265	297	394		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: MUSKOGEE
NUMBER OF BEDROOMS

0-	-1-	-2-	-3-	-4+
		375	433	490
	333	362	421	476
244	271	301	373	404
255	287	313		
297	328	358		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: TULSA
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			477	544	618
SEMI-DETACHED/ROW		373	465	532	604
WALKUP	291	339	405	469	523
ELEVATOR 2-4 STY	299	354	427		
ELEVATOR 5+ STY	311	403	536		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

PREPARED ON 112982

SAN ANTONIO, TEXAS AREA OFFICE

MARKET: SAN ANTONIO
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			583	706	802
SEMI-DETACHED/ROW	334	396	513	638	710
WALKUP	288	338	429	526	615
ELEVATOR 2-4 STY	352	413	546		
ELEVATOR 5+ STY	481	576	793		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: AUSTIN
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		608	729	810
353	427	546	660	775
305	365	453	547	649
374	444	572		
510	614	826		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: CORPUS CHRISTY
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		585	728	847
366	453	551	654	770
316	388	455	546	651
387	465	573		
527	641	835		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: EAGLE PASS
NUMBER OF BEDROOMS

0-	-1-	-2-	-3-	-4+
		551	717	764
332	406	509	640	731
283	337	405	504	604
361	417	527		
498	594	779		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: HARLINGEN
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			561	689	818
SEMI-DETACHED/ROW	325	400	511	636	762
WALKUP	275	328	398	493	593
ELEVATOR 2-4 STY	339	399	520		
ELEVATOR 5+ STY	483	584	785		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: LAREDO
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		539	703	764
324	397	497	626	731
275	328	393	490	586
353	408	515		
490	585	779		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: VICTORIA
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		586	728	847
389	481	560	654	770
339	416	488	595	698
410	493	606		
550	669	846		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: DEL RIO
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		547	713	764
329	403	505	636	731
280	334	401	500	598
358	414	523		
495	591	787		

EFFECTIVE DATE 100182
TRENDED DATE 100184

PREPARED ON 112982

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 7

DES MOINES, IOWA SERVICE OFFICE

MARKET DES MOINES

STRUCTURE TYPE	NUMBER OF BEDROOMS 0-	-1-	-2-	-3-	-4+
DETACHED			551	636	734
SEMI-DETACHED/ROW		398	477	536	614
WALKUP	305	351	407	458	507
ELEVATOR 2-4 STY	383	438	501		
ELEVATOR 5+ STY	417	480	565		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET DUBUQUE

STRUCTURE TYPE	NUMBER OF BEDROOMS 0-	-1	2	3-	-4+
DETACHED			560	645	746
SEMI-DETACHED/ROW		405	486	544	624
WALKUP	311	356	416	477	530
ELEVATOR 2-4 STY	385	442	505		
ELEVATOR 5+ STY	419	484	570		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET WATERLOO

STRUCTURE TYPE	NUMBER OF BEDROOMS 0-	-1-	-2-	-3-	-4+
DETACHED			561	645	746
SEMI-DETACHED/ROW		405	486	544	624
WALKUP	311	356	416	477	530
ELEVATOR 2-4 STY	383	438	501		
ELEVATOR 5+ STY	417	480	565		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

PREPARED ON 112982

MARKET BETTENDORF

NUMBER OF BEDROOMS -0	-1-	-2	-3-	-4+
		560	645	745
	413	486	545	624
312	358	417	468	520
381	435	498		
414	477	561		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET MASON CITY

NUMBER OF BEDROOMS 0-	-1-	-2-	-3-	-4+
		538	621	720
	405	486	545	624
289	332	389	448	511
383	439	503		
419	484	570		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET CEDAR RAPIDS

NUMBER OF BEDROOMS 0	1	2	3-	-4+
		560	645	746
	395	468	534	615
305	349	406	466	531
383	438	501		
41	479	541		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET SIOUX CITY

NUMBER OF BEDROOMS 0-	1	2	3-	-4+
		545	621	719
	403	484	543	622
289	332	391	449	521
371	423	485		
419	484	570		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET COUNCIL BLUFF

NUMBER OF BEDROOMS 0-	-1	2-	3-	-4+
		503	583	674
	380	454	511	581
285	328	386	431	477
361	409	470		
392	450	528		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET DAVENPORT

NUMBER OF BEDROOMS 0-	-1-	-2	-3-	4+
		560	645	745
	413	486	545	624
312	358	417	468	520
381	435	498		
414	477	561		

EFFECTIVE DATE 100182
TRENDED DATE 100184

KANSAS CITY, MISSOURI AREA OFFICE

MARKET KANSAS CITY

STRUCTURE TYPE	NUMBER OF BEDROOMS 0-	1	2	3	4+
DETACHED					
SEMI-DETACHED/ROW		377	431	543	590
WALKUP	303	347	403	494	524
ELEVATOR 2-4 STY	316	363	453		
ELEVATOR 5+ STY	411	465	605		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET SPRINGFIELD

STRUCTURE TYPE	NUMBER OF BEDROOMS 0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW		283	379	458	500
WALKUP	219	264	357	449	490
ELEVATOR 2-4 STY	260	299	373		
ELEVATOR 5+ STY	339	383	498		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET SALINA

STRUCTURE TYPE	NUMBER OF BEDROOMS 0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW		338	400	506	558
WALKUP	261	296	368	441	500
ELEVATOR 2-4 STY	310	362	447		
ELEVATOR 5+ STY	369	416	544		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

PREPARED ON 112982

MARKET JOPLIN

NUMBER OF BEDROOMS 0-	-1	2	-3	-4+
	315	408	484	525
232	276	354	455	494
292	335	418		
380	428	559		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET TOPEKA

NUMBER OF BEDROOMS 0-	-1-	-2-	-3-	4+
	355	419	514	567
275	296	387	468	534
318	367	456		
380	428	559		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET WICHITA

NUMBER OF BEDROOMS 0-	-1-	-2-	-3-	-4+
	381	446	533	574
292	345	417	493	539
316	365	456		
376	424	554		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET ST. JOSEPH

NUMBER OF BEDROOMS 0	-1	-2-	-3-	-4+
	358	420	516	561
293	337	395	483	523
300	345	431		
391	442	575		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET GARDEN CITY

NUMBER OF BEDROOMS 0	-1-	-2-	-3-	-4+
	338	404	506	558
271	318	404	459	509
310	358	447		
369	416	544		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET SEDALIA

NUMBER OF BEDROOMS 0-	-1-	-2-	-3-	-4+
	364	416	524	569
287	335	378	440	480
305	350	437		
397	448	584		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET PITTSBURG

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
	327	392	492	530
252	290	346	435	478
304	353	440		
363	409	535		

EFFECTIVE DATE 100182
TRENDED DATE 100184

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 7

OMAHA, NEBRASKA AREA OFFICE

MARKET: OMAHA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	306	370	448	519	566
WALKUP	266	321	395	488	532
ELEVATOR 2-4 STY	272	362	433		
ELEVATOR 5+ STY	310	372	448		
MANUFACTURED HOME					
EFFECTIVE DATE	100182				
TRENDED DATE	100184				

MARKET: GRAND ISLAND

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW		370	448	519	566
WALKUP	266	321	395	488	532
ELEVATOR 2-4 STY	272	362	433		
ELEVATOR 5+ STY	310	372	448		
MANUFACTURED HOME					
EFFECTIVE DATE	100182				
TRENDED DATE	100184				

MARKET: LINCOLN

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	306	370	448	519	566
WALKUP	266	321	395	488	532
ELEVATOR 2-4 STY	272	362	433		
ELEVATOR 5+ STY	310	372	448		
MANUFACTURED HOME					
EFFECTIVE DATE	100182				
TRENDED DATE	100184				

MARKET: NORFOLK

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW		370	448	519	566
WALKUP	266	321	395	488	532
ELEVATOR 2-4 STY	272	362	433		
ELEVATOR 5+ STY	310	372	448		
MANUFACTURED HOME					
EFFECTIVE DATE	100182				
TRENDED DATE	100184				

MARKET: NORTH PLATTE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW		370	448	519	566
WALKUP	266	321	395	488	532
ELEVATOR 2-4 STY	272	362	433		
ELEVATOR 5+ STY	310	372	448		
MANUFACTURED HOME					
EFFECTIVE DATE	100182				
TRENDED DATE	100184				

MARKET: SCOTTS BLUFF

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW		386	469	549	581
WALKUP	305	347	435	520	555
ELEVATOR 2-4 STY	313	376	478		
ELEVATOR 5+ STY	356	428	515		
MANUFACTURED HOME					
EFFECTIVE DATE	100182				
TRENDED DATE	100184				

PREPARED ON 112982

ST. LOUIS, MISSOURI AREA OFFICE

MARKET: ST. LOUIS

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			564	660	726
SEMI-DETACHED/ROW		448	536	627	690
WALKUP	337	424	510	567	621
ELEVATOR 2-4 STY	372	459	548		
ELEVATOR 5+ STY	416	518	699		
MANUFACTURED HOME					
EFFECTIVE DATE	100182				
TRENDED DATE	100184				

MARKET: CAPE GIRARDEAU

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			426	520	581
SEMI-DETACHED/ROW		323	410	505	564
WALKUP	246	309	393	461	518
ELEVATOR 2-4 STY	272	340	410		
ELEVATOR 5+ STY	300	370	551		
MANUFACTURED HOME					
EFFECTIVE DATE	100182				
TRENDED DATE	100184				

MARKET: COLUMBIA

STRUCTURE TYPE	NUMBER OF BEDROOMS 0-	-1-	-2-	-3-	-4+
DETACHED			454	560	613
SEMI-DETACHED/ROW		351	432	532	590
WALKUP	274	337	420	525	575
ELEVATOR 2-4 STY	303	372	452		
ELEVATOR 5+ STY	329	413	602		
MANUFACTURED HOME					
EFFECTIVE DATE	100182				
TRENDED DATE	100184				

MARKET: KIRKSVILLE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			448	548	603
SEMI-DETACHED/ROW		338	431	520	572
WALKUP	258	323	408	484	533
ELEVATOR 2-4 STY	295	360	439		
ELEVATOR 5+ STY	314	401	569		
MANUFACTURED HOME					
EFFECTIVE DATE	100182				
TRENDED DATE	100184				

MARKET: ROLLA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			417	517	580
SEMI-DETACHED/ROW		316	403	491	559
WALKUP	235	298	379	453	496
ELEVATOR 2-4 STY	271	334	404		
ELEVATOR 5+ STY	289	372	541		
MANUFACTURED HOME					
EFFECTIVE DATE	100182				
TRENDED DATE	100184				

PREPARED ON 112982

SCHEDULE A FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 8

DENVER, COLORADO REGIONAL AREA OFFICE

MARKET: DENVER, CO

STRUCTURE TYPE	NUMBER OF BEDROOMS 0	1	2	3	4+
DETACHED			578	625	682
SEMI-DETACHED/ROW	402	431	517	584	616
WALKUP	323	389	460	566	606
ELEVATOR 2-4 STY	323	389	496		
ELEVATOR 5+ STY	333	405	512		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: BISMARK, ND

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	1	2-	3-	4+
DETACHED			506	569	607
SEMI-DETACHED/ROW	334	377	478	516	560
WALKUP	326	367	444	501	554
ELEVATOR 2-4 STY	341	379	477		
ELEVATOR 5+ STY	374	411	525		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: GREAT FALLS, MT

STRUCTURE TYPE	NUMBER OF BEDROOMS 0-	-1-	-2-	-3-	-4+
DETACHED			436	502	539
SEMI-DETACHED/ROW	286	344	427	491	531
WALKUP	278	334	418	483	521
ELEVATOR 2-4 STY	299	348	438		
ELEVATOR 5+ STY	312	362	451		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: VERNAL, UT

STRUCTURE TYPE	NUMBER OF BEDROOMS 0	1	-2-	-3	4+
DETACHED			523	611	671
SEMI-DETACHED/ROW	385	427	489	604	668
WALKUP	261	358	415	492	555
ELEVATOR 2-4 STY	319	417	452		
ELEVATOR 5+ STY	358	446	498		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: GRAND JUNCT, CO

NUMBER OF BEDROOMS 0	1-	-2	-3-	-4+
		548	585	624
413	415	496	547	597
334	385	460	526	564
351	398	468		
365	411	475		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: DICKENSON, ND

NUMBER OF BEDROOMS 0-	-1-	-2-	-3-	-4+
		506	605	638
400	402	478	561	605
313	385	446	544	583
341	402	473		
368	434	522		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: MISSOULA, MT

NUMBER OF BEDROOMS 0-	-1-	2-	-3-	-4+
		423	498	536
308	363	414	490	528
302	355	396	469	506
321	372	456		
333	384	466		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: SIOUX FALLS, SD

NUMBER OF BEDROOMS 0	1	-2	3	4+
		453	490	531
294	345	428	462	504
274	321	401	449	486
303	355	418		
307	343	423		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: ASPEN/VAIL

NUMBER OF BEDROOMS 0	1-	-2	3-	4+
		531	606	642
375	426	468	557	599
362	411	445	518	563
372	419	456		
387	428	465		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: HELENA, MT

NUMBER OF BEDROOMS 0-	-1-	-2-	-3-	-4+
		412	486	522
283	344	402	477	513
275	334	393	477	505
292	354	414		
304	367	426		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: SALT LAKE CITY

NUMBER OF BEDROOMS 0-	-1-	-2	3-	-4+
		488	613	673
352	359	431	553	605
248	347	408	513	563
309	406	458		
341	435	508		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: PIERRE, SD

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		462	501	545
361	412	447	481	525
309	363	436	456	508
329	391	418		
315	398	425		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: FARGO, ND

NUMBER OF BEDROOMS 0-	-1-	2	-3-	-4+
		506	600	646
362	395	473	558	608
335	373	440	543	590
351	398	474		
395	433	543		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: BILLINGS, MT

NUMBER OF BEDROOMS 0	1	-2-	3-	4+
		492	559	594
315	367	480	549	585
304	356	468	537	576
319	376	486		
331	389	499		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: CEDAR CITY, UT

NUMBER OF BEDROOMS 0	1	2	3	4+
		434	476	518
322	331	389	435	467
239	324	371	431	450
303	365	421		
319	405	465		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: RAPID CITY, SD

NUMBER OF BEDROOMS 0-	-1-	-2-	-3-	-4+
		485	588	626
320	375	467	559	607
296	346	445	545	578
307	360	454		
312	367	459		

EFFECTIVE DATE 100182
TRENDED DATE 100184

PREPARED ON 112982

DENVER, COLORADO REGIONAL AREA OFFICE

MARKET: CASPER, WY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1	-2	-3	-4+
DETACHED			662	697	740
SEMI-DETACHED/ROW	441	493	612	683	737
WALKUP	427	477	581	673	726
ELEVATOR 2-4 STY	465	511	615		
ELEVATOR 5+ STY	524	592	624		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: CHEYENNE, WY

NUMBER OF BEDROOMS 0-	-1	-2	3	-4+
		511	555	603
360	378	461	543	591
313	328	430	540	587
346	394	464		
409	410	473		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: CODY, WY

NUMBER OF BEDROOMS 0	-1	2	-3-	-4+
		651	717	793
361	485	601	678	755
351	471	570	658	722
397	510	607		
446	577	638		

EFFECTIVE DATE 100182
TRENDED DATE 100184

PREPARED ON 112982

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 9

HONOLULU, HAWAII AREA OFFICE

MARKET: HONOLULU

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			612	983	1044
SEMI-DETACHED/ROW		476	571	633	694
WALKUP	387	454	502	626	684
ELEVATOR 2-4 STY	417	486	534		
ELEVATOR 5+ STY	432	592	786		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: GUAM

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			585	674	732
SEMI-DETACHED/ROW		456	538	626	685
WALKUP	280	346	431	532	

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: KAUAI

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			629	671	734
SEMI-DETACHED/ROW		510	619	660	723
WALKUP	335	389	509	636	697
ELEVATOR 2-4 STY	366	421	539		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: MAUI

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			677	799	857
SEMI-DETACHED/ROW		569	660	787	847
WALKUP	348	453	568	692	750
ELEVATOR 2-4 STY	380	484	599		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: HILO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			527	600	653
SEMI-DETACHED/ROW		413	516	589	642
WALKUP	306	360	433	560	620
ELEVATOR 2-4 STY	338	390	465		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: KONA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			637	753	814
SEMI-DETACHED/ROW		523	626	742	804
WALKUP	387	442	509	635	695
ELEVATOR 2-4 STY	417	472	539		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

PREPARED ON 112982

LOS ANGELES, CALIFORNIA AREA OFFICE

MARKET: LOS ANGELES

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			784	871	958
SEMI-DETACHED/ROW		624	686	829	901
WALKUP	474	537	646	779	829
ELEVATOR 2-4 STY	497	565	689	779	829
ELEVATOR 5+ STY	620	708	930		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: BAKERSFIELD

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			575	689	773
SEMI-DETACHED/ROW		411	542	652	717
WALKUP	316	388	519	626	671
ELEVATOR 2-4 STY	332	405	537		
ELEVATOR 5+ STY	473	555	726		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: SANTA BARBARA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			915	971	993
SEMI-DETACHED/ROW		834	892	944	963
WALKUP	406	453	584	662	718
ELEVATOR 2-4 STY	422	473	604	681	737
ELEVATOR 5+ STY	549	612	783		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: VENTURA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			711	785	865
SEMI-DETACHED/ROW		505	562	685	746
WALKUP	434	475	533	652	697
ELEVATOR 2-4 STY	454	495	553	671	717
ELEVATOR 5+ STY	591	642	740		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: PASO ROBLES

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			684	739	803
SEMI-DETACHED/ROW		446	554	666	740
WALKUP	371	419	516	614	664
ELEVATOR 2-4 STY	389	437	536	640	700
ELEVATOR 5+ STY	528	589	729		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: LANCASTER

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			589	696	787
SEMI-DETACHED/ROW		469	556	650	737
WALKUP	359	442	533	598	664
ELEVATOR 2-4 STY	385	465	554		
ELEVATOR 5+ STY	539	606	741		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: OXNARD

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			711	785	865
SEMI-DETACHED/ROW		505	562	685	746
WALKUP	434	475	533	652	697
ELEVATOR 2-4 STY	454	495	553	671	717
ELEVATOR 5+ STY	591	642	740		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: SANTA ANA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			721	872	949
SEMI-DETACHED/ROW		611	708	856	930
WALKUP	489	574	660	791	838
ELEVATOR 2-4 STY	491	591	680		
ELEVATOR 5+ STY	626	737	866		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: SANTA MARIA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			559	716	817
SEMI-DETACHED/ROW		577	635	690	787
WALKUP	363	410	475	528	581
ELEVATOR 2-4 STY	383	430	495	548	601
ELEVATOR 5+ STY	514	574	679		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: SAN BERNARDINO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			549	661	744
SEMI-DETACHED/ROW		452	538	626	729
WALKUP	384	433	508	601	668
ELEVATOR 2-4 STY	410	451	527		
ELEVATOR 5+ STY	553	598	715		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

PREPARED ON 112982

PHOENIX, ARIZONA SERVICE OFFICE

MARKET: PHOENIX

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			584	644	722
SEMI-DETACHED/ROW	399	463	558	621	666
WALKUP	375	432	519	584	623
ELEVATOR 2-4 STY	394	452	539		
ELEVATOR 5+ STY	480	548	670		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: CASA GRANDE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			493	561	642
SEMI-DETACHED/ROW	350	386	469	535	610
WALKUP	325	367	425	476	528
ELEVATOR 2-4 STY	345	387	445		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: FLAGSTAFF

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			571	661	739
SEMI-DETACHED/ROW	413	478	543	620	720
WALKUP	388	447	529	603	666
ELEVATOR 2-4 STY	422	481	555		
ELEVATOR 5+ STY	559	618	719		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: KEAMS CANYON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			531	600	685
SEMI-DETACHED/ROW	421	440	505	572	641
WALKUP	370	420	463	514	597
ELEVATOR 2-4 STY	390	445	497		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: TUCSON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			508	597	683
SEMI-DETACHED/ROW	339	416	484	572	645
WALKUP	310	370	479	557	629
ELEVATOR 2-4 STY	344	404	513		
ELEVATOR 5+ STY	486	560	701		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: YUMA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			578	619	701
SEMI-DETACHED/ROW	411	506	539	612	690
WALKUP	392	457	528	585	628
ELEVATOR 2-4 STY	426	491	561		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

PREPARED ON 112982

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 9

SACRAMENTO, CALIFORNIA SERVICE OFFICE

MARKET: SACRAMENTO

STRUCTURE TYPE	NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
DETACHED			539	589	660
SEMI-DETACHED/ROW		451	517	583	649
WALKUP	341	402	461	550	638
ELEVATOR 2-4 STY	439	495	556		
ELEVATOR 5+ STY	534	600	690		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: S. LAKE TAHOE

STRUCTURE TYPE	NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
DETACHED			633	694	782
SEMI-DETACHED/ROW		544	605	688	770
WALKUP	390	461	544	666	760
ELEVATOR 2-4 STY	506	583	671		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

PREPARED ON 112982

MARKET: REDDING

NUMBER OF BEDROOMS				
-0-	-1	-2-	-3-	-4+
		530	590	666
	461	515	575	655
302	367	451	522	594
446	500	561		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: PLACERVILLE

NUMBER OF BEDROOMS				
0-	-1	-2-	-3-	-4+
		550	605	677
	461	528	600	666
351	412	473	566	655
451	506	572		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: YREKA

NUMBER OF BEDROOMS				
0	-1-	-2-	-3-	-4+
		560	625	710
	490	545	610	700
355	420	485	600	675
473	525	611		

EFFECTIVE DATE 100182
TRENDED DATE 100184

SAN FRANCISCO, CALIFORNIA AREA OFFICE

MARKET SAN FRANCISCO

STRUCTURE TYPE	NUMBER OF BEDROOMS				
	-0	-1-	-2	3-	-4+
DETACHED			1340	1496	1584
SEMI-DETACHED/ROW		740	1059	1186	1339
WALKUP	508	587	767	935	1027
ELEVATOR 2-4 STY	559	674	862		
ELEVATOR 5+ STY	710	824	1042		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET OAKLAND

STRUCTURE TYPE	NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
DETACHED			727	916	952
SEMI-DETACHED/ROW		572	728	833	919
WALKUP	470	547	693	767	850
ELEVATOR 2-4 STY	505	553	745		
ELEVATOR 5+ STY	690	754	980		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET SANTA CRUZ

STRUCTURE TYPE	NUMBER OF BEDROOMS				
	0	1-	-2	-3-	-4+
DETACHED			632	785	852
SEMI-DETACHED/ROW		427	580	739	814
WALKUP	359	427	545	702	766
ELEVATOR 2-4 STY	442	546	658		
ELEVATOR 5+ STY	574	686	799		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

PREPARED ON 112982

MARKET FRESNO

NUMBER OF BEDROOMS				
0	1-	-2	-3-	-4+
		551	735	807
	360	464	608	686
303	360	436	557	636
380	452	562		
587	681	834		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET MARIN

NUMBER OF BEDROOMS				
-0-	-1-	-2-	-3-	-4+
		777	916	952
	572	728	833	919
470	547	693	767	850
505	553	745		
690	754	980		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET RENO

NUMBER OF BEDROOMS				
-0	1	-2	3	4+
		672	722	765
	435	564	669	746
381	435	564	669	737
482	585	744		
719	794	994		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET MODESTO

NUMBER OF BEDROOMS				
-0	-1-	-2	3-	-4+
		501	590	615
	362	437	552	592
312	359	422	537	579
402	452	566		
629	681	842		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET EUREKA

NUMBER OF BEDROOMS				
0-	-1-	-2-	-3-	-4+
		602	785	839
	414	445	636	763
246	353	445	670	749
313	414	539		
607	739	964		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET LAS VEGAS

NUMBER OF BEDROOMS				
0	1	2	3	4+
		642	711	771
	430	568	685	746
375	447	556	662	715
508	577	700		
700	786	941		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET SAN JOSE

NUMBER OF BEDROOMS				
0-	-1-	-2	3-	-4+
		853	994	1051
	500	610	739	813
413	496	589	702	766
442	514	596		
627	717	830		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET SANTA ROSA

NUMBER OF BEDROOMS				
0-	-1-	-2	-3-	-4+
		811	990	1043
	463	585	764	837
408	463	583	764	831
537	613	789		
710	824	1042		

EFFECTIVE DATE 100182
TRENDED DATE 100184

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 10

ANCHORAGE, ALASKA AREA OFFICE

MARKET: ANCHORAGE
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			708	783	809
SEMI-DETACHED/ROW		608	678	739	764
WALKUP	423	498	584	691	716
ELEVATOR 2-4 STY	554	652	729		
ELEVATOR 5+ STY	563	663	741		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: FAIRBANKS
NUMBER OF BEDROOMS

	-0-	-1-	-2-	-3-	-4+
			697	760	827
		597	669	752	811
	517	569	643	723	796
	622	738	794		
	632	753	804		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: JUNEAU
NUMBER OF BEDROOMS

	-0-	-1-	-2-	-3-	-4+
			738	841	874
		592	716	801	841
	474	530	659	763	809
	532	600	688		
	558	629	716		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: KETCHIKAN
NUMBER OF BEDROOMS

	0-	-1-	-2-	-3-	-4+
			648	738	821
		526	618	703	782
	407	478	561	640	710
	487	556	652		
	511	566	670		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: BARTER IS. N
NUMBER OF BEDROOMS

STRUCTURE TYPE	0-	-1-	-2-	-3-	-4+
DETACHED			1043	1148	1263
SEMI-DETACHED/ROW		920	1013	1115	1226
WALKUP	811	893	958	1083	1191
ELEVATOR 2-4 STY					
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: COASTAL AREA
NUMBER OF BEDROOMS

	-0-	-1-	2-	-3-	-4+
			1043	1148	1263
		920	1013	1115	1226
	811	893	958	1083	1191

EFFECTIVE DATE 100182
TRENDED DATE 100184

PREPARED ON 112982

PORTLAND, OREGON AREA OFFICE

MARKET: PORTLAND
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			464	547	592
SEMI-DETACHED/ROW	292	340	388	471	516
WALKUP	283	327	375	458	503
ELEVATOR 2-4 STY	346	416	475		
ELEVATOR 5+ STY	379	463	528		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET BEND
NUMBER OF BEDROOMS

	0-	-1-	-2-	-3-	-4+
			340	420	468
		270	325	405	443
	193	240	295	374	412
	246	309	372		
	279	349	418		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET COOS BAY
NUMBER OF BEDROOMS

	0-	-1-	-2-	3-	-4+
			341	382	425
		280	321	364	404
	226	267	300	351	393
	277	336	388		
	310	376	433		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: MEDFORD
NUMBER OF BEDROOMS

	0-	-1-	-2-	-3-	-4+
			390	445	493
		330	374	422	470
	246	296	347	390	429
	294	352	421		
	327	391	467		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: ONTARIO
NUMBER OF BEDROOMS

STRUCTURE TYPE	0-	-1-	-2-	-3-	-4+
DETACHED			381	432	482
SEMI-DETACHED/ROW		305	355	414	467
WALKUP	237	287	338	406	458
ELEVATOR 2-4 STY	269	329	391		
ELEVATOR 5+ STY	299	364	434		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: WEST SALEM
NUMBER OF BEDROOMS

	0	-1-	2-	-3-	4+
			294	372	411
		223	269	347	384
	177	219	265	337	386
	233	294	347		
	268	336	397		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: PENDLETON
NUMBER OF BEDROOMS

	0-	-1-	-2-	3	4+
			378	432	479
		295	370	418	456
	240	282	349	404	443
	292	349	423		
	322	387	468		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET BOISE
NUMBER OF BEDROOMS

	0-	-1-	-2-	-3-	-4+
			417	479	510
		282	346	402	441
	225	269	332	394	431
	281	352	424		
	297	371	464		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: IDAHO FALLS
NUMBER OF BEDROOMS

STRUCTURE TYPE	0-	-1-	-2-	-3-	-4+
DETACHED			382	437	483
SEMI-DETACHED/ROW		282	329	405	431
WALKUP	220	246	315	392	428
ELEVATOR 2-4 STY	267	338	403		
ELEVATOR 5+ STY	282	357	444		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET MCCALL
NUMBER OF BEDROOMS

	0-	-1-	-2	-3-	-4+
			306	345	384
		234	273	319	358
	176	215	254	306	345

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: POCATELLO
NUMBER OF BEDROOMS

	0-	-1-	-2-	-3	-4+
			362	410	443
		244	302	365	397
	171	216	286	362	386
	227	278	363		
	243	318	403		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: TWIN FALLS
NUMBER OF BEDROOMS

	0	-1-	-2-	-3-	-4+
			391	447	479
		291	365	407	449
	223	248	322	369	398
	274	341	402		
	288	359	440		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: LEWISTON
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			383	452	491
SEMI-DETACHED/ROW		236	295	364	403
WALKUP	200	226	285	354	393
ELEVATOR 2-4 STY	249	319	383		
ELEVATOR 5+ STY	264	337	421		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: COEUR D'ALEN
NUMBER OF BEDROOMS

	0	-1-	-2-	-3-	-4+
			350	391	456
		233	288	343	398
	182	218	273	328	383
	247	305	358		
	261	323	395		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: EUGENE
NUMBER OF BEDROOMS

	0-	-1-	-2-	-3-	4+
			368	450	487
		289	330	397	438
	236	250	309	376	416
	287	318	382		
	321	358	428		

EFFECTIVE DATE 100182
TRENDED DATE 100184

PREPARED ON 112982

SCHEDULE A. FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 10

SEATTLE, WASHINGTON AREA OFFICE

MARKET: SEATTLE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0	-1-	2	-3	-4+
DETACHED			538	599	715
SEMI-DETACHED/ROW		437	522	581	693
WALKUP	337	401	482	533	645
ELEVATOR 2-4 STY	352	405	545		
ELEVATOR 5+ STY	415	504	574		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: SPOKANE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	2	3	-4+
DETACHED			405	502	620
SEMI-DETACHED/ROW		307	392	482	590
WALKUP	218	282	328	413	534
ELEVATOR 2-4 STY	233	297	343		
ELEVATOR 5+ STY	364	438	539		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: BELLINGHAM

NUMBER OF BEDROOMS 0	-1-	-2-	-3-	-4+
		412	513	635
	324	396	487	599
226	288	356	440	545
241	303	371		
367	436	557		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: KENNEWICK

NUMBER OF BEDROOMS 0	1	2	3	-4+
		518	556	695
	413	476	555	674
314	389	442	515	626
347	404	457		
415	486	561		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: OLYMPIA

NUMBER OF BEDROOMS 0-	-1	2	-3	4+
		411	505	620
	325	396	486	598
227	289	355	439	544
242	304	370		
368	437	556		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: YAKIMA

NUMBER OF BEDROOMS 0	-1-	-2	-3-	-4+
		385	486	604
	311	363	458	575
212	280	327	424	534
227	295	342		
359	438	540		

EFFECTIVE DATE 100182
TRENDED DATE 100184

PREPARED ON 112982

[FR Doc. 83-9660 Filed 4-14-83; 8:45 am]
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Friday
April 15, 1983

Part IV

Department of Energy

Office of the Secretary

Amendments to Procurement Regulations

DEPARTMENT OF ENERGY

Office of the Secretary

41 CFR Parts 9–3, 9–4, 9–7, 9–16, 9–30, 9–50, and 9–51

Amendments to Procurement Regulations

AGENCY: Department of Energy.

ACTION: Final rule.

SUMMARY: This final rule revises the DOE Procurement Regulations to more clearly state DOE policy regarding letter contracts, extensions of contracts originally justified under unsolicited proposal evaluation procedures, and updates some sections which are out of date. A detailed listing of specific revisions is given below under the section entitled **"SUPPLEMENTARY INFORMATION."**

EFFECTIVE DATE: May 16, 1983.

FOR FURTHER INFORMATION CONTACT:

Richard Langston, Procurement Policy Branch, MA421.1, Procurement and Assistance Management Directorate, Department of Energy, (202) 252–8188

Prentis Cook, Office of General Counsel, AGC for Procurement and Financial Incentives, GC44, Department of Energy, (202) 252–1526.

SUPPLEMENTARY INFORMATION:

I. Background.
II. Statutory and Regulatory Requirements.
III. Public Comments.

I. Background

Under Section 644 of the Department of Energy Organization Act (hereinafter referred to as "the Act") Pub. L. 95–91, 91 Stat. 565 (41 U.S.C. 7254), the Secretary of the Department is authorized to prescribe such procedural rules and regulations as may be deemed necessary or appropriate to accomplish the functions vested in him. Accordingly, the Department of Energy Procurement Regulations (DOE–PR) were promulgated with an effective date of June 30, 1979 (see 44 FR 34424).

The specific changes being made are as follows:

Change 7.0 is a listing of changes to the Table of Contents.

Change 7.1 supplements section 9–3.408 by providing additional guidance for letter contracts.

Change 7.2 revises Subpart 9–4.9, "Unsolicited Proposals," to provide guidance on the extension of contracts originally awarded as the result of unsolicited proposals.

Change 7.3 revises Subpart 9–4.50, "Multiple Award-Phased Procurements."

Change 7.4 revises Subpart 9–4.51, "Special Research Contracts with Educational Institutions," to clearly state that no-cost extensions may be granted by the cognizant procurement office.

Change 7.5 revises several clauses in part 9–7, "Contract Clauses," and adds new clauses for letter contracts.

Change 7.6 revises section 9–16.50, "Contract Outlines," by correcting an incorrect citation at section 9–16.5002–1 and adds a new section 9–16.5002–5, "Outline of a letter contract."

Change 7.7 revises 9–30.703, "Assignment of Claims," to correct an outdated reference to a predecessor organization.

Change 7.8 revises Part 9–50, "Operating and On-Site Service Contracts" regarding identical bids, and expands the extend-compete review process to include consideration of site planning, maintenance, construction, facility management, schedule, and technical performance.

Change 7.9 revises Subpart 9–51, "Contract Reviews," to delete references to organizations that no longer exist.

II. Statutory and Regulatory Requirements

A. Review Under Executive Order 12291

Inasmuch as this final rule relates to agency management of the procurement function, the OMB clearance procedures set forth in Executive Order 12291 (February 17, 1981) are not applicable.

B. Review Under the Regulatory Flexibility Act

This final rule was reviewed under the Regulatory Flexibility Act of 1980, Pub. L. 96–354, which requires preparation of a regulatory flexibility analysis for any rule which is likely to have significant economic impact on a substantial number of small entities. DOE certifies that this final rule will not have a significant economic impact on a substantial number of small entities and, therefore, no regulatory flexibility analysis has been prepared.

C. Review Under the Paperwork Reduction Act

DOE has determined that this rulemaking imposes no information collection and reporting requirements on organizations and individuals external to DOE that may be subject to this regulation in accordance with the Paperwork Reduction Plan Act (44 U.S.C. 3501 et seq.).

D. Review Under the National Environmental Policy Act

DOE has concluded that promulgation of this rule clearly would not represent a major Federal action having significant impact on the human environment under the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 432 et seq. 1976), the Council on Environmental Quality Regulations (40 CFR Parts 1500–1508), and the DOE guidelines (10 CFR Part 1020), and therefore does not require an environmental impact statement pursuant to NEPA.

III. Public Comments

The changes being made by this final rule were published as a notice of proposed rulemaking on November 4, 1982, 47 FR 49983. That notice invited public comments for a 30-day period ending December 6, 1982. Comments were received from one association representing research universities and from two DOE offices.

One reviewer suggested that section 9–3.408 be clarified regarding to whom letter contracts should be reported. This matter was clarified by adding a reference to the Procurement and Assistance Data System at section 9–3.408(e). Change 7.2 proposed new procedures for acceptance of unsolicited proposals. The new procedures would parallel the procedures used for other non-competitive procurements. The proposed change included procedures for the review and acceptance of proposals for extensions of contracts originally awarded as a result of unsolicited proposals and provided that requests for extensions of Special Research Contracts would be handled in accordance with the new procedures. All those commenting were critical of this latter concept and suggested that the existing Special Research Contract procedures at Subpart 9–4.51 were adequate. The Department accepts these views and will not make the changes originally proposed at section 9–4.904(a), 9–4.5111–1, and 9–4.5111–2. One reviewer suggested that section 9–4.955 be retitled "Renewals." This suggestion is based on the practice within the financial assistance community of referring to an unfunded allotment of additional time as extension and referring to a funded allotment of additional time as a renewal. The Department sees no real benefit in making such a distinction in its procurement regulations.

The proposed changes involving unsolicited proposals mention competition at sections 9–4.909(e)(1), 9–4.955–1(a)(8), and 9–4.955–6. Concern was expressed that DOE might inappropriately introduce competition as a result of an unsolicited proposal evaluation. This is not intended. FPR 1–4.911 prohibits the use of an unsolicited proposal as the basis of a competitive solicitation.

At the same time, FPR 1–4.910(a) provides that a favorable technical evaluation does not in itself establish adequate grounds for non-competitive procurement. Competition would be appropriate if the subject matter of the unsolicited proposal were available without restriction from other sources. To alleviate this concern, a note will be added to section 9–4.909(e)(1) to refer the reader to FPR 1–4.910 and 1–4.911.

A suggestion was received asking that consideration be given to establishing master basic agreements with universities. These agreements would be updated annually and be incorporated into individual research contracts throughout the Department. There are no existing policy impediments to such a concept. The suggestion has been referred to the Office of Energy Research which is the primary source of funding for university research.

The Department thanks those parties providing comments for the helpful insights furnished by their views and has carefully considered those comments in preparing this final rule.

List of Subjects in 41 CFR Parts 9–3, 9–4, 9–7, 9–16, 9–30, 9–50 and 9–51

Government procurement.

For the reasons set out in the preamble, Chapter 9 of Title 41 of the Code of Federal Regulations is amended as set forth below.

Issued in Washington, D.C., April 11, 1983.

Hilary J. Rauch,

Director, Procurement and Assistance, Management Directorate.

The regulations in 41 CFR Chapter 9 are amended as set forth below.

Authority: Sec. 644 of the Department of Energy Organization Act, Pub. L. 95–91, 91 Stat. 599 (42 U.S.C. 7254).

Note.—As an aid in identifying specific changes to the DOE Procurement Regulations, a two-digit identification number is assigned to each specific change. The first digit represents the numerical sequence of proposed changes; thus, this is Change 7 to indicate that this is the seventh time that DOE has issued a rulemaking for the purpose of amending 41 CFR Chapter 9. The second digit is the numerical sequence of specific changes proposed within a particular notice; thus, the first change within the seventh notice is identified as Change 7.0.

Change 7.0

The Table of Contents is amended as follows:

Sec.

* * * * *

9–4.955 Extensions.
9–4.955–1 Extension proposals.
9–4.955–2 Evaluation of requests for extension.
9–4.955–3 Approval.
9–4.955–4 Content of extension justification.
9–4.955–5 Rejection of extension request.
9–4.955–6 Continuation of effort on other than a direct extension basis.

* * * * *

PART 9–7—CONTRACT CLAUSES

* * * * *

9–7.804–51 [Reserved]

* * * * *

Subpart
9–7.11 Letter contracts.
9–7.1101 Applicability.
9–7.1102 Required clauses.
9–7.1102–1 Definitization.
9–7.1102–2 Execution and commencement of work.
9–7.1102–3 Limitation of Government liability.
9–7.1102–4 Payment.
9–7.1102–5 Termination.

* * * * *

PART 9–16—PROCUREMENT FORMS

* * * * *

9–16.5002–5 Outline of a letter contract.

* * * * *

PART 9–50—OPERATING AND ON-SITE SERVICE CONTRACTS

* * * * *

9–50.105 Reporting possible antitrust violations and identical bids.

* * * * *

Change 7.1

Section 9–3.408, "Letter contract" is amended by adding a new paragraph (d) directing attention to additional letter contract coverage at 9–7, "Contract Clauses" and 9–16, "Procurement Forms," and a new paragraph (e) regarding letter contract reporting requirements. Therefore, section 9–3.408 is amended by the addition of paragraphs (d) and (e) as follows:

Subpart 9–3.4—Types of Contracts

§ 9–3.408 Letter contract.

* * * * *

(d) Additional guidance regarding letter contracts may be found at 9–7.11 which prescribes clauses to be used in letter contracts and 9–16.5002–5 which contains a format for letter contracts.

(e) Letter contract awards should be reported to the Procurement and Assistance Data System as soon after award as possible. Should it be necessary to modify a letter contract prior to its definitization, such actions shall be handled and reported as formal modifications as they occur. The actual definitization of the letter contract, in turn, shall be accomplished by formal contract modification and be reported as such.

Change 7.2

Subpart 9–4.9, "Unsolicited Proposals" is amended at section 9–4.908 to provide for an alternate receiving office if a Notice of Program Interest is the basis for submitting an unsolicited proposal, at section 9–4.909(e) to revise the review and approval procedures, at section 9–4.950, paragraph (b), to clarify the term "Expiration Date" and to allow use of the Alternate Late Proposals clause without the approval required by section 9–3.802–1 if a Notice of Program Interest is involved, and at paragraphs (c) and (d) to assure that Notices of Program Interest are coordinated with the Procurement and Assistance Management Directorate and that a copy of any such Notice is furnished to that Office, and by adding a new section 9–4.955 regarding procedures to be used in considering the renewal of contracts resulting from unsolicited proposals. Therefore, sections 9–4.908(b), 9–4.909(e), 9–4.950 (b)(5), (c) and (d) are revised and 9–4.955 through 9–4.955–6 are added to read as follows:

Subpart 9–4.9—Unsolicited Proposals

§ 9–4.908 Agency point of contact.

* * * * *

(b) Unless otherwise specified in a Notice of Program Interest, all unsolicited proposals shall be submitted to the Procurement and Assistance Management Directorate, U.S. DOE, Attn: Unsolicited Proposals Management Officer, MA432, Washington, DC 20585. If the proposer has ascertained the cognizant program office through preliminary contacts with Program staff, the proposal may be submitted directly to that Office. In such instances, the proposer should separately send a copy of the proposal cover letter to the Unsolicited Proposal Management Officer to assure that the proposal is logged in the Department's automated tracking system for unsolicited proposals.

§ 9–4.909 Receipt, review and evaluation.

* * * * *

(e) *Review and approval.* The justification shall contain a recommendation, concurrence (when needed), and approval as follows: (In the case of cost shared contracts, review levels shall be based on the sum of the contractor and Government shares.)

(1) The recommendation shall be prepared and reviewed within the initiating office at such levels as are deemed appropriate by the Senior Program Official for procurements initiated by Headquarters or the Head of the Procuring Activity for field initiated

procurements. In establishing levels for the review of such recommendations, the Senior Program Official or Head of the Procuring Activity shall assure that the recommendation is reviewed at a senior organizational level in order to assure that competition is sought when appropriate. See FPR 1–4.910 and 1–4.911.

(2) The more complex and costly transactions will benefit from early coordination with counsel. Justifications exceeding $1,000,000, or such lower level as counsel may determine, shall be submitted by the initiator to counsel, at the Headquarters or field location of the initiator, for concurrence prior to forwarding to the Contracting Officer.

(3) The justification, following review of the recommendation and concurrence of counsel (if required or considered appropriate), shall be forwarded to the cognizant Contracting Officer for approval. If the justification is acceptable to the cognizant Contracting Officer, review shall be sought at such level as the Head of the Procuring Activity may require. In specifying levels of review, the HPA shall assure that justifications of more than $10,000 are reviewed at a level above the cognizant Contracting Officer as required by Section 1–3.101(d) of the FPR. The HPA shall further assure that the official designated as the reviewing official is a Contracting Officer.

* * * * *

§ 9–4.950 Notice of program interest.

* * * * *

(b) * * *

(5) An expiration date, as needed. An expiration date for a Notice of Program Interest is not to be considered a formal due date or common cut-off date for the submission or receipt of unsolicited proposals as is associated with formal procurement solicitations. Rather the expiration date is an approximation of the time after which program interests or directions may be expected to change less the necessary administrative time that will be needed for the evaluation and possible award of contracts resulting from the notice. The Alternate Late Proposal clause of FPR 1–3.802–2 may be used for Notices of Program Interest without regard to the approval requirement of section 9–3.802–1. When used, the clause at FPR 1–3.802–2 should be appropriately modified at paragraph (a)(4) to substitute some other cut-off milestone as a competitive range determination is not involved.

* * * * *

(c) The content of the notice should be consolidated at the responsible office level and should be in the format that best reflects the needs of that specific office; e.g., letter, booklet, bulletin, or related documents. Such notices shall be coordinated in advance with the Unsolicited Proposals Management Officer identified at section 9–4.908(b).

(d) The notice should be distributed widely. It may be distributed to industry, associations, including small business associations, schools, colleges and universities, appropriate professional and scientific journals, other DOE offices, as well as individuals and organizations that request copies on a one-time basis. Copies of the notice are to be sent to the Unsolicited Proposals Management Officer identified at section 9–4.908(b).

* * * * *

§ 9–4.955 Extensions.

§ 9–4.955–1 Extension proposals.

(a) Where additional time beyond the current contract period is required to complete or continue the work approved in the acceptance of the initial unsolicited proposal, the Contractor should submit six copies of an extension proposal to the awarding office in sufficient time to allow evaluation and possible processing before the date of expiration of the contract. These procedures do not apply to requests for no-cost extensions as may sometimes be needed to complete all details such as final report of the project.

(b) The extension proposal should outline and justify a program and budget for the succeeding year(s), showing in detail the estimated cost for the additional period(s) requested. It should include the same type of information to the same extent as was contained in the initial proposal. Any contemplated change in program or scope for the ensuing period(s) should be justified and explained clearly, and must remain consistent with the original method, approach or idea which was accepted as the basis for award by DOE as a result of the initial unsolicited proposal. This is not, however, intended to preclude a redirection based upon a discovery or breakthrough occurring under the contract to date.

(c) The extension proposal should include a financial profile under the current contract including:

(1) Total project costs to date, indicating the amount chargeable to DOE;

(2) An estimate of the total costs to be incurred during the remainder of the current period, including a statement of unextended balance.

§ 9–4.955–2 Evaluation of requests for extension.

(a) Requests for extensions are to be evaluated by the appropriate program office in light of:

(1) Progress reports submitted by the Contractor;

(2) Research results published in scientific media;

(3) Field visits by technical personnel;

(4) Contractor's progress and potential for achieving desired results;

(5) Continued relevance to DOE's mission;

(6) Scientific and technical merit of the research;

(7) Availability of funds;

(8) Likelihood that competition at this stage in the project would hasten achieving the desired results.

(b) Requests for extensions generally follow the same process of review and evaluation of technical aspects and funding, preparation and execution of contract, and administration as does a new project.

§ 9–4.955–3 Approval.

(a) When the extension request has received a favorable technical evaluation and when a determination has been made that similar conditions exist relative to those that justified acceptance of the initial unsolicited proposal, a justification for extension of the award resulting from an unsolicited proposal shall be processed for review and approval as indicated in section 9–4.909(e).

§ 9–4.955–4 Content of extension justification.

(a) As a minimum, the extension justification should contain:

(1) A statement of the result of the technical evaluation (9–4.955–2)

(2) An evaluation of any contemplated change in the contract scope of work for the renewal period and a justification explaining why this change is consistent with the original method, approach or idea which was accepted as the basis for award by DOE as a result of the initial unsolicited proposal.

(3) An assessment of the current status of the original circumstances and conditions which justified acceptance of the initial unsolicited proposal identifying any changes that may have developed and providing rationale as to why such change(s) should not preclude renewal.

§ 9–4.955–5 Rejection of extension request.

(a) If, after evaluation, it is decided that the extension period should not be supported on the basis of technical merit or other reasons, such as lack of

funding, or changed mission relevance, the project officer shall:

(1) Prepare a written statement setting forth the basis for rejection, submit one copy to the responsible program official for approval and transmittal to the proposer and retain one copy in the permanent file.

(2) Promptly notify the Contracting Officer in order that the current contract may be closed out.

§ 9-4.955-6 Continuation of effort on other than a direct extension basis.

(a) Under certain circumstances it may be in the Government's best interest to continue or complete the work begun under a contract awarded as a result of an unsolicited proposal but which is not appropriate for extension. Continuation or completion of the work shall be accomplished by means of competition, unless non-competitive procurement can be justified in accordance with section 9-3.805-51.

Change 7.3

Subpart 9-4.50, "Multiple Awards—Phased Procurements," is amended by deleting the final sentence of section 9-4.5002(a) and substituting a new sentence to provide that counsel will be a non-voting advisory member of any subsequent phase evaluation team unless counsel concurs in a waiver of such participation. Therefore, section 9-4.5002(a) is amended by substituting a new final sentence as follows:

Subpart 9-4.50—Multiple Awards—Phased Procurements

§ 9-4.5002 Evaluation.

(a) * * * Counsel will be included as a non-voting advisory member of the evaluation team unless such participation is waived with the concurrence of counsel.

* * * * *

Change 7.4

Subpart 9-4.51, "Special Research Contracts with Educational Institutions," is amended at section 9-4.5111-3, "Authorization to renew," by substituting the word "procurement" for "field" at the second word. Therefore, section 9-4.5111-3 is amended by revising paragraph (c) to read as follows:

Subpart 9-4.51—Special Research Contracts with Educational Institutions

§ 9-4.5111-3 Authorization to renew.

* * * * *

(c) The procurement office that has administrative jurisdiction of an existing contract may extend the term of an existing contract without authorization from the cognizant program office, provided that:

(1) Any such extension does not provide for an increase in DOE's monetary obligation under the contract;

(2) The scope of work is not revised by such extension;

(3) Such extension is necessary to permit completion of the scope of work authorized by Headquarters, including preparation of required reports; and

(4) Any such extension will not be for a period in excess of 90 days.

* * * * *

Change 7.5

Part 9-7, "Contract Clauses," is amended at several places. Section 9-7.103-53, "Security," is modified to add language erroneously left out when this clause was updated at 46 FR 28925. The change adds the following phrase to the end of the third sentence of paragraph (a)," or properly destroy the classified matter and furnish a Certificate of Nonpossession to DOE." The change also adds the phrase "include a Statement of Justification," between the words "shall" and "identify" at the fifth sentence of paragraph (a). The change also adds "subsequent and" between the words "or" and "prior" at the second sentence of paragraph (f). Section 9-7.204-5 is amended to correct paragraph references which should be upper-case rather than lower-case. Section 9-7.802-6, "Assignment of Claims," is amended to include reference to the DOE-PR section being added by Change 7.7. Section 9-7.803-2, "Authorization and Consent," is amended to correct an erroneous reference to "section 9-9.102-2" which should be "section 9-9.102-1." Section 9-7.804-51, "Privacy Act," is deleted as it duplicates section 9-7.803-11. The final change in this Part is the addition of a new Subpart 9-7.11, "Letter Contracts." Therefore, sections 9-7.103-53 (a) and (f), 9-7.204-5, 9-7.802-6, 9-7.803-2 are revised, § 9-7.804-51 is removed and reserved, and a new Subpart 9-7.11 is added, consisting of sections 9-7.1101 through 9-7.1102-5, as follows:

PART 9-7—CONTRACT CLAUSES

§ 9-7.103-53 Security.

Security

(a) *Contractor's duty to safeguard all classified information.* The contractor shall, in accordance with DOE security regulations and requirements, be responsible for safeguarding all classified information, and protecting against sabotage, espionage, loss and theft, the classified documents and material in the contractor's possession in connection with the performance of work under this contract. Except as otherwise expressly provided in this contract, the contractor shall, upon completion or termination of this contract, transmit to DOE any classified matter in the possession of the contractor or any person under the contractor's control in connection with performance of this contract or properly destroy the classified matter and complete a Certificate of Nonpossession to be furnished to DOE. If retention by the contractor of any classified matter is required after the completion or termination of the contract and such retention is approved by the Contracting Officer, the contractor will complete a Certificate of Possession to be furnished to DOE specifying the classified matter to be retained. The certification shall include a statement of justification, identify the items and types or categories of matter retained, the conditions governing the retention of the matter, and the period of retention, if known. If the retention is approved by the Contracting Officer, the security provisions of the contract will continue to be applicable to the matter retained.

* * * * *

(f) *Definition of National Security Information.* The term "National Security Information" means information or material which is owned by, produced for or by, or under the control of the United States Government, which has been determined pursuant to Executive Order 12065 or subsequent and prior Orders to require protection against unauthorized disclosure, and which is so designated.

* * * * *

§ 9-7.204-5 Insurance liability to third persons.

Insert the clause in FPR 1-7.204-5 with the following modification in paragraph (C). Change (C) to (D) and insert a new (C) between "Officer," and "or" at the end of (B) as follows: "(C) for which appropriated funds are not available,".

§ 9-7.802-6 Assignment of Claims.

Insert the clause prescribed by FPR 1-30.703 as modified by section 9-30.703.

§ 9-7.803-2 Authorization and consent.

Insert the clause prescribed by section 9-9.102-1 under the conditions stated therein.

§ 9-7.804-51 [Reserved]

Subpart 9-7.11—Letter Contracts

§ 9-7.1101 Applicability.

This subpart sets forth uniform contract clauses for use in letter

contracts as defined and described at FPR 1–3.408 and DOE–PR section 9–3.408.

§ 9–7.1102 Required clauses.

Letter contracts shall include all clauses required for the type of definitive contract anticipated to result from the letter contract. See section 9–16.5002–4 for a suggested outline of a letter contract. The following shall be included in all letter contracts.

§ 9–7.1102–1 Definitization.

(a) When it is known at the time of entering into the letter contract that the price of the definitive contract will be based on adequate price competition or will otherwise meet the criteria of FPR 1–3.807–3, paragraph (1) of the following clause may be appropriately modified to eliminate the requirement for cost of pricing data. The definitization schedule in paragraph (2) shall include a date for the receipt of the contractor's proposal, if one has not yet been furnished, a date for the commencement of contract negotiations and a target date for definitization as well as any other meaningful milestones appropriate to the individual acquisition.

Definitization

A—— type definitive contract is contemplated. To accomplish this result, the Contractor agrees to enter into negotiation promptly with the Contracting Officer over the terms of a definitive contract, which will include all clauses required by the Federal and DOE Procurement Regulations or by law as of the date of execution of the letter contract, and such other clauses, terms, and conditions as may be mutually agreeable. The Contractor agrees to submit a proposal and cost or pricing data supporting the proposal.

(2) The schedule for definitization of this contract is set forth below: (Insert appropriate milestone, e.g., receipt of proposal, begin negotiations, draft contract, etc.)

Milestone ——————————
Date ——————————

Target Date for Definitization: ——

(3) If agreement on a definitive contract to supersede this letter contract is not reached by the target date set forth in (2) above or any extension thereof by the Contracting Officer, the Contracting Officer may, with the approval of the Head of the Procuring Activity, determine a reasonable price or fee in accordance with the applicable cost principles of the Federal and DOE Procurement Regulations, subject to appeal by the Contractor as provided in the "Disputes" clause of this contract. In any event, the Contractor shall proceed with completion of the contract, subject only to the "Limitation of Government Liability" clause. After the date of the Contracting Officer's determination of price or fee, the contract shall be governed by:

(i) All clauses required by the Federal and DOE Procurement Regulations on the date of execution of this letter contract for either a fixed-price type contract or a cost-reimbursement type contract as determined by the Contracting Officer under this paragraph (3);

(ii) All clauses required by law as of the date of the Contracting Officer's determination; and

(iii) Such other clauses, terms and conditions as may be mutually agreed upon. To the extent consistent with the foregoing, all clauses, terms and conditions included in this letter contract except which by their nature are applicable only to a letter contract shall continue to be effective.

(End of clause)

(b) When the award of the letter contract is based on price competition, the following paragraph (4) shall be added to the clause in paragraph (a) of this section. In the blank therein, insert the contractor's proposed price on which the award was based.

(4) The definitive contract resulting from this letter contract will include a negotiated (price ceiling) (firm-fixed price) in no event to exceed $——

(End of clause addendum)

§ 9–7.1102–2 Execution and commencement of Work

Execution and Commencement of work.

The Contractor's acceptance of this letter contract will be indicated by affixing its signature thereto and returning such signed copies, except one for its file, to the Contracting Officer not later than ——. Upon acceptance, the Contractor shall proceed with performance of the work described herein, including procurement on necessary materials.

(End of clause)

§ 9–7.1102–3 Limitation of Government liability.

Limitation of Government Liability

The Contractor is not authorized to make expenditures or to incur obligations, in performance of this contract, which exceed —— dollars ($——), which is the maximum amount for which the Government shall be liable if this contract is terminated.

§ 9–7.1102–4 Payment.

Payment

Payments will be made in accordance with the appropriate payments provision of the General Provisions except no payment will be made for fee under a cost-type contract and payments will not exceed the limitation of Government liability stated above during the letter contract period.

(End of clause)

§ 9–7.1102–5 Termination.

Termination

The Government retains its rights to terminate this letter contract for default or convenience of the Government as provided in the General Provisions.

(End of clause)

Change 7.6

Subpart 9–16.50, "Contract Outlines," is amended at section 9–16.5002–1, Article B–XIV, to correct an erroneous FPR citation and at section 9–16.5002–5 to add a new section entitled "Outline of a Letter Contract. Therefore, § 9–16.5002–1 Appendix B is amended by revising Article B–XIV and § 9–16.5002–5 is added to read as follows:

Subpart 9–16.5002–1—Contract Outlines.

§ 9–16.5002–1 Special Research Contracts (SRC) with educational institutions.

* * * * *

Appendix B—General Provisions

* * * * * *

Article B–XIV Contract Work Hours and Safety Standards Act—Overtime Compensation

Insert the clause set forth in FPR 1–7.402–16.

* * * * *

§ 9–16.5002–5 Outline of a letter contract.

Department of Energy (Use Letterhead Stationary) Date of Transmittal
Office Issuing Letter Contract and address
Contract Number
To: Insert Contractor's Name and Address
Brief Description of Work
(If a Defense contract is involved, insert the appropriate priority rating from the DOD Priorities and Allocation Manual. A rating may be appropriate to other types of contracts. See section 9–7.104–50(b).)
Dear: ——————————

This letter, when accepted by you, will constitute a contract on the terms set forth herein and signifies the intention of both parties to execute a formal, definitive (insert type of contract) contract for the delivery of the supplies or the performance of the services described herein.

In accordance with the clause entitled "Execution and Commencement of Work," you shall immediately proceed to commence performance of the work.

In accordance with the clause entitled "Definitization," you shall submit a proposal regarding the price or estimated cost to the Government as well as any special terms you wish reflected in the definitive contract for the articles or services covered by this contract. Your proposal shall include documentation supporting the price or estimated cost in accordance with the suggested format attached. Full supporting rationale should likewise be furnished for any special terms. A Certificate of Current Cost or Pricing Data shall be submitted upon agreement regarding the price or estimated cost.

Please indicate your acceptance of the foregoing by signing and returning this letter contract.

Sincerely yours,
(Signature) ——————————

Typed Name
Contracting Officer
Enclosures
1. Schedule.
2. General Provisions.
3. Proposal Preparation Materials.
4. Administrative Matters.
Acceptance by Contractor:
(Signature) _____
Typed Name and Title
Date _____

Enclosure 1—Schedule

Part 1—Special Provisions Applicable to Letter Contract
Part 2—Proposed Special Provisions of Definitive Contract
Part 1—Special Provisions Applicable to Letter Contract
Article I—Definitization

(1) A——type definitive contract is contemplated. To accomplish this result, the Contractor agrees to enter into negotiation promptly with the Contracting Officer over the terms of a definitive contract, which will include all clauses required by the Federal and the DOE Procurement Regulations or law as of the date of execution of the letter contract, and such other clauses, terms and conditions as may be mutually agreeable. The Contractor agrees to submit a proposal and cost or pricing data supporting the proposal.

(2) The schedule for definitization of this contract is set forth below: (Insert appropriate milestones, e.g., receipt of proposal, begin negotiations, draft contract, etc.)
Milestone _____
Date _____

Target Date for Definitization:——

(3) If agreement on a definitive contract to supersede this letter contract is not reached by the target date set forth in (2) above or any extension thereof by the Contracting Officer, the Contracting Officer may, with the approval of the Head of the Procuring Activity, determine a reasonable price or fee in accordance with the applicable cost principles of the Federal and DOE Procurement Regulations, subject to appeal by the Contractor as provided in the "Disputes" clause of this contract. In any event, the Contractor shall proceed with completion of the contract, subject only to the "Limitation of Government Liability" clause. After the date of the Contracting Officer's determination of price or fee, the contract shall be governed by:

(i) all clauses required by the Federal and DOE Procurement Regulations on the date of execution of this letter contract for either a fixed-price type contract or a cost-reimbursement type contract as determined by the Contracting Officer under this paragraph (3);

(ii) all clauses required by law as of the date of the Contracting Officer's determination; and

(iii) such other clauses, terms and conditions as may be mutually agreed upon. To the extent consistent with the foregoing, all clauses, terms and conditions included in this letter contract except which by their nature are applicable only to a letter contract shall continue to be effective.

(End of clause)

(If the letter contract award is based on *price competition* use this additional paragraph and insert the contractor's proposed price on which the selection was based.)

(4) The definitive contract resulting from this letter contract will include a negotiated (insert price ceiling or firm-fixed price) not to exceed
$ _____

(End of clause addendum)

Article II—Execution and Commencement of Work

The contractor's acceptance of this letter contract will be indicated by affixing its signature thereto and returning such signed copies to the Contracting Officer not later than ——. Upon acceptance, the Contractor shall proceed with performance of the work described herein, including procurement of necessary materials.

(End of Clause)

Article III—Limitation of Government Liability

During the term of this letter contract, and prior to its definitization as a result of the negotiations contemplated by the parties, the maximum liability of the Government shall not exceed $—— except as may be provided in any modification of this letter contract agreed to by both parties.

(End of Clause)

Article IV—Payment

Payments will be made in accordance with the appropriate payments provision of the General Provisions except that no payment will be made for fee and payments will not exceed the limitation of Government liability stated above during the letter contract period.

(End of Clause)

Article V—Termination

The government retains its rights to terminate this letter contract for default or convenience of the Government as provided in the General Provisions.

(End of Clause)

Part 2—Proposed Special Provisions of Definitive Contract

The following draft special provisions reflect the Government's best estimate, at the time of offering this letter contract, of the special provisions to be included in the definitive contract. The parties recognize that the exact provisions may vary as a result of their contemplated negotiations. (Insert the appropriate provisions which are expected to appear in the definitive contract.)

Enclosure 2—General Provisions

Part 1—Alterations of General Provisions (Insert any appropriate alterations)
Part 2—Additional General Provisions (Insert any appropriate additions)
Part 3—General Provisions (Attach appropriate set of DOE Standard General Provisions; e.g., 100.A, 400.A, etc.)

Enclosure 3—Proposal Preparation Material

(Attach here materials that will be needed for preparation of an adequate proposal to support negotiation of the definitive contract, e.g., cost or pricing data forms, representations and certification forms, etc.)

Enclosure 4—Administrative Matters

(Insert here such items as billing instructions, billing address, identification of Contract Specialist, Contracting Officer, Technical Representative, and Patent Counsel, etc.)

Change 7.7

Section 9–30.703, "Contract clause—assignment of claims," is amended to add a new second sentence instructing that the text of the clause be updated to recognize the Department of Energy as the successor agency of the Energy Research and Development Administration. Therefore, section 9–30.703 is amended by the addition of a new second sentence as follows:

§ 9–30.703 Contract clause—assignment of claims.

* * * * *

Modify the clause at FPR 1–30.703 by substituting the Department of Energy for the Energy Research and Development Administration at the last sentence of paragraph (a) of the clause.

Change 7.8

Part 9–50, "Operating and On-Site Service Contracts," is amended to add coverage at 9–50.105 regarding identical bids received, at 9–50.303 and 9–50.304, to make security and facilities management matters a part of the formal extend or compete evaluation process and to make clarifications. Section 9–50.1510–20 is also being revised to update the Department's policy and principles relating to reimbursement of expenses of operating and on-site contractors for the relocation of employees essential to contract performance. Therefore, sections 9–50.105, 9–50.303(c)(1), 9–50.304(c)(2) introductory text and (iv), and 9–50.1510–20 are revised as follows:

PART 9–50—OPERATING AND ON-SITE SERVICE CONTRACTS

§ 9–50.105 Reporting possible antitrust violations and identical bids.

The procedures in FPR Subparts 1–1.9 and 1–1.16 shall be applied to procurements by operating and on-site contractors. Reports required by these subparts shall be submitted to the Head of the Procuring Activity to be handled in accordance with 9–1.9 and 9–1.16.

§ 9–50.303 Operating and on-site service contracts.

* * * * *

(c) * * *

(1) Overall performance of an incumbent contractor including specific consideration of the contractor's

administrative, environmental, safeguards and security, safety, health, site planning, maintenance, construction, facility management, energy conservation program considerations and cost, schedule and technical performance.

* * * * *

§ 9-50.304 Field recommendations to extend or compete operating and on-site contracts.

* * * * *

(c) * * *

(2) A statement of the present contractor's overall performance since award of the contract, of if previously extended, since Headquarters' last authorized extension of the contract. This should be supported by a copy or detailed summary of the most recent overall DOE management appraisal of the contractor's performance and a brief summary of the annual DOE appraisals of the contractor's performance.

* * * * *

(iv) For these items not covered by sections 9-50.303(c)(2) (i) and (ii) above, a separate appraisal shall be made of the contractor's performance in assuring consideration of the elements identified in section 9-50.303(c)(1).

* * * * *

§ 9-50.1510-20 Relocation costs.

(a) Relocation costs are costs incident to the permanent change of duty assignment (for an indefinite period or for a stated period of not less than 12 months) of an existing employee or upon recruitment of a new employee. The following types of costs are allowable as noted, subject to provisions of paragraphs (b), (c), and (d) of this section.

(1) Cost of travel of the employee and members of his immediate family and transportation of his household and personal effects to the new location.

(2) Costs of finding a new home, such as advance trips by employees and spouses to locate living quarters, and temporary lodging during the transition periods, not exceeding separate cumulative totals of 60 days for employees and 45 days for spouses and dependents, including advance trip time.

(3) Closing costs (i.e., brokerage fees, legal fees, appaisal fees, points, finance charges, etc.) incident to the disposition of actual residence owned by the employee when notified of transfer; *provided* that closing costs when added to the continuing costs described in (a)(6) of this section shall not exceed 14% of the sales price of the property sold.

(4) Other necessary and reasonable miscellaneous expenses incident to relocation, such as disconnecting and connecting household applicances; automobile registration; drivers license and use taxes; cutting and fitting rugs, draperies, and curtains, forfeited utility fees and deposits; and purchase of insurance against damage to or loss of personal property while in transit.

(5) Cost incident to the acquisition of a home in a new location, except that these costs will not be allowable for existing employees or newly recruited employees who prior to the relocation were not homeowners and the total costs shall not exceed 5% of the purchase price of the new home.

(6) Continuing costs of ownership of the vacant former actual residence being sold, such as maintenance of building and grounds (exclusive of fixing up expenses), utilities, taxes, property insurance, mortgage interest etc., after settlement date or lease date of new permanent residence; *provided* that when added to the closing costs described in (a)(3) of this section, the costs shall not exceed 14% of the sales price of the property sold.

(7) Mortgage interest differential payments, except that these costs are not allowable for existing or newly recruited employees who prior to the relocation were not homeowners, and the total payments are limited to an amount determined as follows:

(i) difference between the mortgage interest rates of the old and new residence times the current balance of the old mortgage times 3 years; and

(ii) when mortgage differential payments are made on a lump sum basis and the employee leaves or is transferred again in less than 3 years, the amount initially recognized shall be proportionately adjusted to reflect payments only for the actual time of the relocation.

(8) Rental differential payments covering situations where relocated employees retain ownership of a vacated home in the old location and rent at the new location. The rented quarters at the new location must be comparable to those vacated, and the allowable differential payment may not exceed the actual rental costs for the new home, less the fair market rent for the vacated home times 3 years.

(9) Cost of canceling an unexpired lease.

(b) The cost described in paragraph (a) of this section must also meet the following criteria to be considered allowable.

(1) The move is for the benefit of the Government.

(2) Reimbursement must be in accordance with an established policy or practice and program that is consistently followed and is designed to motivate employees to relocate promptly and economically.

(3) Amounts to be reimbursed do not exceed the employee's actual expenses, except that for miscellaneous costs of the type discussed in (a)(4), a flat amount, not to exceed $1,000, may be paid in lieu of actual costs.

(c) The following types of costs are not allowable:

(1) Loss on sale of a home.

(2) Continuing mortgage principal payments on residence being sold.

(3) Cost incident to the acquisition of a home in a new location as follows:

(i) real estate brokers fee and commissions;

(ii) costs of litigation;

(iii) real and personal property insurance against damage or loss of property;

(iv) mortgage life insurance;

(v) owner's title policy insurance when such insurance was not previously carried by the employee on the old residence (however, costs of a mortgage title policy is allowable) and;

(vi) property taxes and operating or maintenance costs.

(4) Payments for employee's income taxes or FICA (social security taxes) incident to reimbursed relocation costs.

(5) Costs incident to furnishing equity or nonequity loans to employees or making arrangements with lenders for employees to obtain lower-than-market rate mortgage loans.

(d) If relocation costs for an employee have been allowed and the employee resigns within 12 months for reasons within the employee's control, it is expected the contractor shall refund or credit the relocation costs to the Government.

(e) Contractor payments to independent relocation assistance firm handling acquisitions and sales of houses of transferred employees are allowable in amounts which otherwise represent payment for itemized costs when are allowable in accordance with the provisions of this section.

Change 7.9

Section 9-51.101(a) (1) and (2) are removed as they involve organizations, Resource Applications and Energy Technology, which no longer exist. Therefore, Section 9-51.101 is amended by removing and reserving paragraphs (a) (1) and (2) as follows:

§ 9-51.101 General instructions regarding submissions to Headquarters.

(a) * * *

(1) [Reserved]

(2) [Reserved]

* * * * *

[FR Doc. 83-9901 Filed 4-14-83; 8:45 am]
BILLING CODE 6450-01-M

Friday
April 15, 1983

Part V

Department of Health and Human Services

National Insititutes of Health

Recombinant DNA Research; Action Under Guidelines

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Recombinant DNA Research; Action Under Guidelines

AGENCY: National Institutes of Health, PHS, DHHS.

ACTION: Notice of action under NIH guidelines for research involving recombinant DNA molecules.

SUMMARY: This notice sets forth an action taken by the Director, NIAID, under the August 1982 NIH Guidelines for Research Involving Recombinant DNA Molecules (47 FR 38048).

EFFECTIVE DATE: April 15, 1983.

FOR FURTHER INFORMATION CONTACT: Additional information can be obtained from Dr. William J. Gartland, Jr., Office of Recombinant DNA Activities, National Institutes of Health, Bethesda, Maryland 20205; (301) 496–6051.

SUPPLEMENTARY INFORMATION: Today a major action is being promulgated under the NIH Guidelines for Research Involving Recombinant DNA Molecules. The proposed action wa published for comment in the **Federal Register** of September 22, 1982, and reviewed and recommended for approval by the Recombinant DNA Advisory Committee (RAC) at its meeting on October 25, 1982. Final action on the proposal was deferred pending a review by the USDA Recombinant DNA Committee (48 FR 1156). In accordance with section IV–C–1b of the NIH Guidelines, this action has been found to comply with the Guidelines and to present no significant risk to health or the environment.

I. Approval to Field-Test Transformed Tomato and Tobacco Plants

In a letter dated June 9, 1982, Dr. John Sanford of Cornell University requested permission to field-test tomato and tobacco plants tranformed with bacterial (*E. coli* K–12) and yeast DNA using pollen as a vector. Plants would then be screened in the field to detect transformation events. Dr. Sanford argued that P1 Containment is impractical when the screening of thousands of whole seedlings become necessary.

The proposal was summarized in the September 22, 1982, **Federal Register** (47 FR 41925). During the comment period, no comments were received.

The RAC reviewed the request at its meeting on October 25, 1982. Although the RAC recommended approval of this proposal by a vote of ten in favor, one opposed, and three abstentions, final action on the recommendation was deferred pending a review of the proposal by the USDA Recombinant DNA Committee (48 FR 1156).

The USDA Recombinant DNA Committee met on February 23, 1983, and discussed the proposal. The USDA Committee unanimously approved the proposal and could foresee no potential hazard to humans or the environment as a result of having these experiments tested in the fields of the New York State Agricultural Experiment Station at Geneva, New York. The Committee said that it recognizes the need to field test plants, produced by whatever method, in order to assess the value of the putative "engineered plant."

I accept the recommendations of the RAC and the USDA Recombinant DNA Committee, and Appendix D of the Guidelines is amended to reflect this decision.

II. Summary of Action

The following new section is added to Appendix D of the Guidelines:

"Appendix D-IX. Permission is granted to Dr. John Sanford of Cornell University to field test tomato and tobacco plants transformed with bacterial (*E. coli* K–12) and yeast DNA using pollen as a vector."

Note.—OMB's "Mandatory Information Requirements for Federal Assistance Program Announcements" (45 FR 39592) requires a statement concerning the official government programs contained in the *Catalog of Federal Domestic Assistance*. Normally NIH lists in its announcements the number and title of affected individual programs for guidance of the public. Because the guidance in this notice covers not only virtually every NIH program but also essentially every federal research program in which DNA recombinant molecule techniques could be used, it has been determined to be not cost effective or in the public interest to attempt to list these programs. Such a list would likely require several additional pages. In addition, NIH could not be certain that every federal program would be included as many federal agencies, as well as private organizations, both national and international, have elected to follow the NIH Guidelines. In lieu of the individual program listing, NIH invites readers to direct questions to the information address above whether individual programs listed in the *Catalog of Federal Domestic Assistance* are affected.

Dated: April 4, 1983.

Richard M. Krause,

Director, National Institute of Allergy and Infectious Disease, National Institutes of Health.

[FR Doc. 83–9980 Filed 4–14–83; 8:45 am]

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Part VI

Department of Education

Office of Postsecondary Education

Publication of Approved Systems of Need Analysis for the National Direct Student Loan, College Work-Study, and Supplemental Educational Opportunity Grant Programs

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DEPARTMENT OF EDUCATION

Office of Postsecondary Education

Publication of Approved Systems of Need Analysis for the National Direct Student Loan, College Work-Study, and Supplemental Educational Opportunity Grant Programs

AGENCY: Department of Education.

ACTION: Notice of approved systems of need analysis for academic year 1983–1984.

SUMMARY: The Secretary of Education annouces approved need analysis systems that institutions of higher education must use in calculating a student's financial need during academic year 1983–1984 under the National Direct Student Loan (NDSL), College Work-Study (CWS), and Supplemental Educational Opportunity Grant (SEOG) Programs. These programs are know collectively as the campus-based programs.

FOR FURTHER INFORMATION CONTACT: Margaret O. Henry or Paula Husselmann, Division of Policy and Program Development, Office of Student Financial Assistance, Department of Education, 400 Maryland Avenue, SW., (Room 4018, ROB–3) Washington, D.C. 20202, Telephone (202) 245–9720.

SUPPLEMENTARY INFORMATION: The campus-based programs are "need based" student financial aid programs. Under each program, an institution must determine whether a student has financial need. It determines need by subtracting from the student's educational costs, his or her expected family contribution, i.e., the amount the student and his or her parents may reasonably be expected to contribute toward his or her educational costs. Institutions determine a student's expected family contribution by using a need analysis system.

Prior to the 1982–1983 academic year, institutions participating in the campus-based programs were permitted to use any one of several need analysis systems approved by the Secretary for that purpose. The Secretary approved a need analysis system for the campus-based programs if it produced an expected family contribution that: (1) Increased incrementally as parents' financial strength, measured in constant dollars, increased and (2) was equal for families of equal financial strength. In addition, such a system had to produce expected family contribution amounts that came within $50 of the expected family contribution amounts determined by the Secretary in published sample benchmark cases, in at least 75 percent of those cases.

The Secretary was also directed by statute to publish a separate schedule of expected family contributions for the Pell Grant program only.

The Education Amendments of 1980, Public Law 96–374, amended the Higher Education Act by requiring that the Secretary develop and publish a single schedule of expected family contributions for the Pell Grant and campus-based programs. However, the Third Continuing Resolution for Fiscal Year 1982, Public Law 97–92, directed that, for the 1982–1983 academic year, there not be a single schedule of family contributions for the Pell Grant and campus-based programs. The law directed the Secretary to approve separate need analysis systems developed by private organizations and agencies to be used by institutions under the campus-based programs.

For the 1983–1984 and 1984–1985 academis years, the Congress in the Student Financial Assistance Technical Amendments Act of 1982, Public Law 97–301, has again legislatively overriden the requirement enacted in the Education Amendments of 1980 that the Secretary establish one schedule of expected family contributions for the Pell Grant and campus-based programs. Section 4 of that Act provides that the Secretary "shall establish or approve separate systems of need analysis for academic year 1983–1984 and for academic year 1984–1985 for the * * * [campus-based programs.]" Accordingly, the Secretary is approving separate systems of need analysis under the authority of Section 4 of the Student Financial Assistance Technical Amendments Act of 1982 and the following program regulations, 34 CFR 674.13, 175.13, and 676.13 for the NDSL, CWS, and SEOG programs, respectively.

The systems listed below qualified as approved systems of need analysis under the sample cases published in the **Federal Register** of January 25, 1983 (48 FR 3401–3402), or are systems that are specifically approved under the above cited regulations for each program. Therefore, an institution, in academic year 1983–1984, must use any one of the following systems of need analysis to determine a student's expected family contribution under the National Direct Student Loan, College Work-Study, and Supplemental Educational Opportunity Grant Programs:

1. Academic Computing Systems, Incorporated, Dallas, Texas
2. Advanced Process Laboratories, Omaha, Nebraska
3. The American College Testing Program, Iowa City, Iowa
4. The College Scholarship Service, The College Board, New York, New York
5. Compugrant, Incorporated, Hiram, Ohio
6. Financial Analysis Service, Hiram, Ohio
7. Functional Solutions, Incorporated, Utica, New York
8. G. E. White Needs Analysis System, Lake Forest, Illinois
9. The Graduate and Professional School Financial Aid Service, Princeton, New Jersey
10. M-Data, Incorporated, Cedar Springs, Michigan
11. Pennsylvania Higher Education Assistance Agency, Harrisburg, Pennsylvania
12. SAFE System—Information and Communications, Incorporated, Burbank, California
13. Student Aid Management (SAM–II) System—Sigma Systems, Incorporated, Los Angeles, California
14. T.E.K. Computer Systems, Wurtsboro, New York
15. Family Contribution (FC) printed on the Student Aid Report, United States Department of Education
16. The method of calculating student aid indices used in the Pell Grant Program (34 CFR 690), United States Department of Education
17. The Income Tax System (dependent students only), United States Department of Education

Dated: April 13, 1983.

(Catalog of Federal Domestic Assistance No. 84.038, National Direct Student Loan Program; 84.033, College Work-Study Program; and 84.007, Supplemental Educational Opportunity Grant Program)

Edward M. Elmendorf,

Assistant Secretary for Postsecondary Education.

[FR Doc. 83–10186 Filed 4–14–83; 8:45 am]

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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.) Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
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DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
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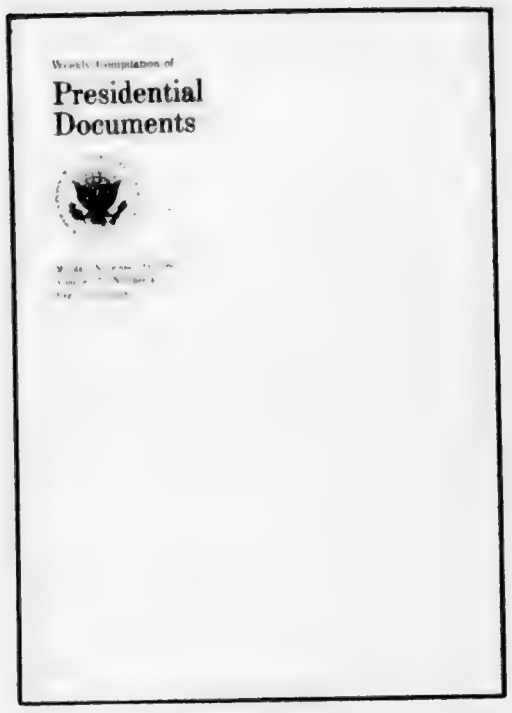

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

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Rules and Regulations

Federal Register
Vol. 48, No. 75
Monday, April 18, 1983

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 83-308]

7 CFR Part 301

Witchweed Regulated Areas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: This document amends the list of suppressive areas under the witchweed quarantine and regulations by adding areas in 9 counties in North Carolina and 1 county in South Carolina to the list of suppressive areas and by deleting areas in 9 counties in North Carolina and 3 counties in South Carolina from the list of suppressive areas. Other changes are also made to reflect changes in ownership of certain properties and to make corrections in certain descriptions to more accurately described the area regulated. This action is necessary as an emergency measure in order to prevent the artificial spread of witchweed and to delete unnecessary restrictions of the interstate movement of regulated articles.

DATES: Effective date of amendment April 18, 1983.

Written comments concerning this rule must be received on or before June 17, 1983.

ADDRESS: Written comments should be submitted to Thomas O. Gessel, Director, Regulatory Coordination Staff, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 728 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Written comments received may be inspected at Room 728 of the Federal Building between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Paul F. Sand, Staff Officer, Field Operations Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 663 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-8295.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This interim rule is issued in conformance with Executive Order 12291 and Secretary's Memorandum No. 1512-1, and has been determined to be not a "major rule." Based on information complied by the Department, it has been determined that this interim rule will have an annual effect on the economy of approximately $650; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and will not cause significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For this rulemaking action, the Office of Management and Budget has waived the review process required by Executive Order 12291. Also, the Assistant Secretary for marketing and Inspection Services has waived the requirements of Secretary's Memorandum 1512-1.

Certification Under the Regulatory Flexibility Act

Mr. James O. Lee, Jr., Acting Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small businesses and should not have a significant economic impact on any small organizations or small governmental jurisdictions. This action affects the interstate movement of regulated articles from specified areas in North Carolina and South Carolina. Based on information complied by the Department, it has been determined that there are approximately 290,000 small entities that move regulated articles interstate from such States and many hundreds of thousands of small entities that move regulated articles interstate from other States. However, based on such information, it has been determined that only approximately 35 entities move regulated articles interstate from the specified areas affected by this action. Further, the overall economic impact from this action is estimated to be only about $650.

Emergency Action

Harvey L. Ford, Deputy Administrator of the Animal and Plant Health Inspection Service for Plant Protection and Quarantine, has determined that an emergency situation exists which warrants publication without opportunity for a public comment period on this interim action. Due to the possibility that witchweed could be artificially spread interstate to noninfested areas of the United States, a situation exists requiring immediate action to better control the spread of this pest. Also, where witchweed no longer occurs, immediate action is needed to delete unnecessary restrictions on the interstate movement of regulated articles.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this interim rule are impracticable and contrary to the public interest and good cause if found for making this action effective less than 30 days after publication of this document in the **Federal Register**. Comments have been solicited for 60 days after publication of this document, and a final document discussing comments received and any amendments required will be published in the **Federal Register** as soon as possible.

Background

Witchweed is a parasitic plant which causes the degeneration of corn, sorghum, and other grassy crops. It has been found in the United States only in parts of North Carolina and South Carolina. The Witchweed Quarantine and regulations (7 CFR 301.80 through 301.80-10) quarantine the States of North Carolina and South Carolina and restrict the interstate movement of certain witchweed hosts from regulated areas in the quarantined States for the

purpose of preventing the artificial spread of witchweed.

Regulated areas are divided into suppressive areas and generally infested areas. Suppressive areas are regulated areas where eradication of witchweed is undertaken as an objective. Generally infested areas are regulated areas not designated as suppressive areas. Restrictions are imposed on the interstate movement of regulated articles from generally infested areas and suppressive areas in order to prevent the artificial movement of witchweed to noninfested areas and to prevent the reinfestation of suppressive areas where the witchweed no longer occurs.

Designation of Areas as Suppressive Areas

Surveys conducted by the United States Department of Agriculture and State agencies of North Carolina and South Carolina establish that witchweed has spread or is likely to spread to certain areas beyond the outer perimeter of areas previously designated as suppressive area. Therefore, as an emergency measure, the following areas in Cumberland, Duplin, Harnett, Johnston, Lenoir, Pender, Richmond, Scotland, and Wayne Counties in North Carolina, and Darlington County in South Carolina which were previously nonregulated areas are designated as witchweed suppressive areas. These additional areas are areas where eradication of witchweed is undertaken as an objective. This action is necessary in order to prevent the spread of witchweed and to facilitate its ultimate eradication.

North Carolina.

Cumberland County. The Holiday, Waddell, farm located on the south side of State Secondary Road 3122 and its junction with State Secondary Road 1402.

The Jackson, J. T., farm located on the west side of State Secondary Road 1403 and 0.7 mile north of its junction with U.S. Highway 401.

The Roberts, Christine Dawson, farm located on the south side of State Secondary Road 1714 and 0.5 mile west of its junction with State Secondary Road 1716.

Duplin County. The Branch, Hall, farm located 0.3 mile northwest of State Highway 11 and 1.0 mile northeast of junction of said highway and State Secondary Road 1378.

The Dodson, Twillie, farm located on the south side of State Secondary Road 1912 and 0.7 mile west of the junction of said road and State Highway 11.

The Pickford, P. H., farm located on the south side of State Secondary Road 1980 and 0.2 mile east of the dead end of said road.

The Stokes, J. D., Jr., farm located on both sides of State Secondary Road 1980 and 0.3 mile east of the dead end of said road.

The Thomas, J. R., farm located on the south side of State Secondary Road 1700 and 1.8 miles east of intersection of said road and State Secondary Road 1701.

Harnett County. The Forthberry, Bennett, farm located on the south side of State Secondary Road 1141 and 0.4 mile east on the junction of said road with State Secondary Road 1139.

The Frizzelle, Roscoe, farm located on the south side of State Secondary Road 1141 and 0.3 mile east of the junction of said road with State Secondary Road 1139.

The McNeil, Raymond F., farm located on the east side of State Secondary Road 1201 and north of the junction of said road with State Secondary Road 1202.

The Serina, David, farm located on the south side of State Secondary Road 1141 and 0.4 mile east of the junction of said road with State Secondary Road 1139.

The Spaulding, James, farm located on the north side of State Secondary Road 1141 and 1.3 miles east of the junction of said road with State Secondary Road 1139.

Johnston County. The McArthur, Margaret, farm located 1.4 miles north of State Secondary Road 1199 and 0.9 mile west of the junction of said road and State Secondary Road 1008.

Lenoir County. The Sutton, W. Edward, farm located on the east side of State Secondary Road 1333 and 0.4 mile south of State Secondary Road 1330.

The Taylor, Heber, farm located on the north side of State Secondary Road 1161 and 0.3 mile east of its junction with State Highway 55.

Pender County. The Hutcheson, Katie, farm located on field road 1.7 miles east of U.S. Highway 117 and 0.3 mile south of its intersection with State Secondary Road 1411.

The Thompson, Dick, farm located on the southwest side of State Secondary Road 1108 and 0.5 mile northwest of its junction with State Secondary Road 1107.

Richmond County. The David, Ethel, farm located on both sides of State Secondary Road 1803, on the west side of the intersection of said road with State Secondary Road 1825.

Scotland County. The Carmichael, John, farm located on both sides of State Secondary Road 1612 and 0.2 mile southwest of its intersection with State Secondary Road 1611.

Wayne County. The Lofton, Mary F., farm located on the south side of State Secondary Road 1745 and 0.1 mile west of its junction with State Secondary Road 1952.

The Smith, M. G., farm located on the west side of State Secondary Road 1952 and 0.3 mile south of its junction with State Secondary Road 1745.

South Carolina

Darlington County. The Johnson, William, farm located on the north side of a dirt road and 0.6 mile northwest of its junction with State Secondary Highway 133, said junction being 2 miles south of the intersection of said highway and State Secondary Highway 41.

Deletion of Areas From List of Regulated Areas

All previous suppressive areas in Columbus, Cumberland, Duplin, Hoke, Lenoir, Onslow, Richmond, Scotland, and Wayne Counties in North Carolina, and Darlington, Florence, and Horry Counties in South Carolina, are being released, except for those suppressive areas listed in this document in § 301.80–2a, which remain regulated.

It has been determined that the witchweed no longer occurs in certain suppressive areas of the above listed counties in North Carolina and South Carolina. There is therefore no basis to continue listing such areas as regulated areas for the purpose of preventing the artificial spread of witchweed. Therefore, as an emergency measure, parts or all of such counties are deleted from the list of suppressive areas in order to delete unnecessary restrictions on the movement of witchweed regulated articles.

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant pests, Quarantine, Transportation, Witchweed.

PART 301—DOMESTIC QUARANTINE NOTICES

Under the circumstances referred to above, § 301.80–2a of the witchweed quarantine and regulations (7 CFR 301.80–2a) is revised to read as follows:

§ 301.80–2a Regulated areas; suppressive and generally infested areas.

The civil divisions and parts of civil divisions described below are designated as witchweed regulated areas within the meaning of the provisions of this subpart; and such regulated areas are hereby divided into generally infested areas or suppressive areas as indicated below:

North Carolina

(1) *Generally infested areas.* None.

(2) *Suppressive areas.*

Beaufort County. The Jefferson, Russell M., farm located on the southwest side of State Secondary Road 1609 and 0.6 mile southeast of the junction of said road and State Highway 32.

The Osborne, H. R., farm located on both sides of State Secondary Road 1609 and 0.5 mile southeast of the junction of said road and State Highway 32.

Bladen County. The entire county.

Brunswick County. The Bryant, Ottice, farm No. 1 located at the end of a farm road 1.0 mile west of State Secondary Road 1342, 2.5 miles northwest of said State Secondary Road and its junction with State Highway 211.

The Bryant, Ottice, farm No. 2 located on both sides of State Secondary Road 1342, 2.3 miles northwest of said road and its junction with State Highway 211.

The Hewett, Patricia J., farm located on the west side of State Secondary Road 1151 and 0.4 mile south of its junction of State Secondary Road 1147.

The Hewett, Jr., R. B., farm located at the end of a farm road on the northeast side of State Secondary Road 1132, 0.4 mile northeast of said road and its intersection with N.C. Highway 130.

Columbus County. That part of the county lying north and west of a line beginning at a point where State Highway 211 intersects the Bladen-Columbus County line, thence south along said Highway 211 to its intersection with State Secondary Road 1740, thence southwest and south along said State Secondary Road 1740 to its junction with U.S. Highways 74 and 76, thence west along said highways to its intersection with White Marsh Swamp, thence south along said swamp to its junction with Cypress Creek, thence southwest along said creek to its intersection with State Highway 130, thence northwest along said highway to its junction with State Secondary Road 1166, thence southwest along said road to its junction with State Secondary Road 1157, thence southwest along said road to its junction with U.S. Highway 701, thence south and west along said highway to its intersection with State Secondary Road 1314, thence west along said road to its junction with State Secondary Road 1346, thence southwest along said road to its junction with the North Carolina-South Carolina State line.

The Brown, Annie, farm located on the west side of State Highway 11 and 0.6 mile south of the junction of said road with State Highway 87.

The Jacobs, Thomas, farm located 0.2 mile north of State Secondary Road 1847 and 1 mile northeast of the junction of said road 1847 with State Secondary Road 1740.

Craven County. The Chapman, Idel M., farm located on the west side of State Secondary Road 1459 and 0.1 mile north of junction of State Secondary Road 1463 with said road 1459 and 0.3 mile off west side of State Secondary Road 1459.

The Hawkins, Annie A., farm located on both sides of State Secondary Road 1283 and 1 mile east of the junction of said Road 1283 with State Secondary Road 1262.

The Hawkins, Mattie, farm located on the west side of State Secondary Road 1283 and 1.2 miles east and north of its southern junction with State Secondary Road 1282.

The Jones, Vann, farm located on the west side of State Secondary Road 1459 and 0.1 mile north of junction of State Secondary Road 1463 with said road and 0.4 mile off of west side of State Secondary Road 1459.

The Morris, Gerald K., farm located on the north side of State Secondary Road 1444 and 1.4 miles northwest of the junction of State Secondary Road 1447 with said road.

The Nelson Estate, Joseph, located on both sides of State Secondary Road 1450 and located 0.1 mile northeast of intersection of State Secondary Road 1454.

The Nobles, Jr., Jack, farm located on both sides of State Secondary Road 1262 and located 0.7 mile south of the junction of State Secondary Road 1258 and State Secondary Road 1262.

The Register, Keith, farm located 0.3 mile west of the junction of State Secondary Road 1251 with Highway 55 and on the north side of Highway 55.

The West, Gladys W., farm located on both sides of State Secondary Road 1263 and 1.4 miles east of its southern junction with State Secondary Road 1262.

The White, Raymond E., farm located on both sides of State Secondary Road 1263 and 0.2 mile east of its northern junction with State Secondary Road 1262.

Cumberland County. That area bounded by a line beginning at a point where U.S. Highway 401 intersects the Cumberland-Hoke County line, then east along said highway to its intersection with the Fayetteville city limits, then south, east, and northeast along said city limits to its junction with U.S. Highway 301 north, then northeast along said highway to its junction with U.S. Interstate 95, then northeast along said interstate to its junction with U.S. Highway 13, then east and northeast along said highway to its intersection with the Cumberland-Sampson County line, then southerly along said county line to its junction with the Bladen-Cumberland County line, then westerly along said county line to its junction with the Cumberland-Robeson County line, then northwesterly along said county line to its junction with the Cumberland-Hoke county line, then northwesterly along said county line to the point of beginning.

The Autry, J. C., farm located on the east side of U.S. Highway 301 and 0.1 mile north of its junction with State Secondary Road 1722.

The Barefoot, William, farm located on the east side of State Secondary Road 1005 and 1.1 miles northeast of its junction with State Secondary Road 1813.

The Bullock, Burline, farm located on the northeast side of State Secondary Road 1722 and 0.4 mile west of its junction with U.S. Highway 301.

The Bunce, Mrs. John, farm located on the north side of State Secondary Road 1814 and 0.3 mile west of its junction with State Secondary Road 1813.

The Costrell, C. T., farm located on the west side of State Secondary Road 1400 at its junction with State Secondary Road 1401.

The Elliott, Lattie, farm located on the north side of State Secondary Road 1722 and 0.4 mile east of its junction with State Secondary Road 1714.

The Elliott, W. H., farm located on the south side of State Secondary Road 1609 and 0.5 mile east of its junction with State Secondary Road 1710.

The Geddie, W. H., farm located on the east side of State Secondary Road 1714 and 0.2 mile north of its junction with State Secondary Road 1722.

The Gerald, Rufus, farm located on the east side of State Secondary Road 1818 and 0.5 mile north of its intersection with U.S. Highway 13.

The Godwin Ada P., farm located on the east side of State Secondary Road 1714 and 0.2 mile south of its junction with State Secondary Road 1722.

The Grimble, A. L, farm located on the east side of State Secondary Road 1608 and 0.5 mile north of its junction with U.S. Highway 401.

The Holiday, Waddell, farm located on the south side of State Secondary Road 3122 and its junction with State Secondary Road 1402.

The Jackson, J. T., farm located on the west side of State Secondary Road 1403 and 0.7 mile north of its junction with U.S. Highway 401.

The Lambert, Jack, farm located on the west side of State Secondary Road 1716 and 0.2 mile north of its junction with State Secondary Road 1717.

The Lee, Jack, farm located on the west side of State Secondary Road 1716 and 0.1 mile north of its junction with State Secondary Road 1717.

The Lovick, Eugene, farm located on the north side of State Secondary Road 1732 and 0.9 mile west of its junction with U.S. Highway 301.

The Lovick, Grady, farm located on the west side of State Secondary Road 1716 and 0.2 mile north of its junction with State Secondary Road 1717.

The Matthews, Ada H., farm located on the east side of State Secondary Road 1818 and 0.7 mile north of its intersection with U.S. Highway 13.

The Matthews, E. M., farm located on the east side of State Secondary Road 1005 and at its north intersection with State Secondary Road 1813.

The Matthews, Isiah, farm located on a private road off the east side of U.S. Highway 301 and 0.1 mile north of its junction with State Secondary Road 1722.

The McKeithan, Sarah E., farm located on the west side of U.S. Highway 301 and 0.3 mile north of its junction with State Secondary Road 1815.

The McLaurin, Burnice, farm located on the north side of State Secondary Road 1720 and 0.7 mile east of its intersection with State Secondary Road 1719.

The McLaurin, Elwood, farm located on the west side of U.S. Highway 301 and 0.2 mile north of its junction with State Secondary Road 1828.

The McLaurin, George, farm located on the north side of State Secondary Road 1722 and 0.4 mile west of its junction with U.S. Highway 301.

The McLaurin, Greg, farm located on the south side of State Secondary Road 1722 and

0.3 mile west of its junction with U.S. Highway 301.

The McLaurin, H. A., farm located on the south side of State Secondary Road 1722 and 0.41 mile west of its junction with U.S. Highway 301.

The McLaurin, Henry, farm located on the south side of State Secondary Road 1722 and 0.4 mile west of its junction with U.S. Highway 301.

The McLaurin, McLaurin, farm located on the north side of State Secondary Road 1722 and 0.5 mile west of its junction with U.S. Highway 301.

The McLaurin, Octavious, farm located on the north side of State Secondary Road 1722 and 0.51 mile west of its junction with U.S. Highway 301.

The McLaurin, W. A, farm located on the south side of State Secondary Road 1722 and 0.43 mile west of its junction with U.S. Highway 301.

The McMillan, Vander, farm located on the west side of U.S. Highway 301 and 0.5 mile north of its junction with State Secondary Road 1722.

The McNeill, Mattie J., farm located on the west side of State Secondary Road 1593 and 0.8 mile north of its junction with U.S. Highway 401.

The Melvin, Edith, farm located on the east side of State Secondary Road 1600 and 1.7 miles north of its intersection with State Secondary Road 1615.

The Odums, Marshal, farm located on the north side of State Secondary Road 1722 and 0.2 mile west of its junction with U.S. Highway 301.

The Powell, William Clinton, farm located on the south side of State Secondary Road 1722 and 0.3 mile east of its junction with State Secondary Road 1714.

The Pruitt, K. D., farm located on the west side of U.S. Highway 13 and 0.6 mile north of its intersection with State Secondary Road 1818.

The Roberts, Christine Dawson, farm located on the south side of State Secondary Road 1714 and 0.5 mile west of its junction with State Secondary Road 1716.

The Shirman, Harry, farm located on the west side of State Secondary Road 1400 and 0.1 mile south of its junction with State Secondary Road 1401.

The Smith, Agnes, farm located on the south side of State Secondary Road 1720 and 0.7 mile east of its intersection with State Secondary Road 1719.

The Smith, Gilbert, farm located on the west side of State Secondary Road 1714 and 0.2 mile south of its junction with State Secondary Road 1724.

The Smith, J. B., farm located on the north side of State Secondary Road 1719 and 1.1 miles east of its intersection with State Secondary Road 1720.

The Smith, J. B., farm located on the south side of State Secondary Road 1722 and 0.6 mile west of its junction with State Secondary Road 1721.

The Smith, Larry Don, farm located on a private road off west side of U.S. Highway 301 and 0.2 mile south of its junction with State Secondary Road 1722.

The Thompson, Mrs. Paul, farm located on the west side of U.S. Highway 301 and 0.4 mile south of its junction with State Secondary Road 1863.

The Turner, W. E., farm located on a private road off the east side of U.S. Highway 301 and 0.2 mile north of its junction with State Secondary Road 1722.

The Underwood, George, farm located on the south side of State Secondary Road 1730 and 0.5 mile east of its junction with State Secondary Road 1723.

The Underwood, Olive T., farm located on the east side of State Secondary Road 1723 and 0.8 mile south of its junction with State Secondary Road 1722.

The Valentine, Ike, farm located on the west side of State Secondary Road 1402 and 0.9 mile south of its junction with State Secondary Road 1400.

The Vann, J. R., farm located on the north side of State Secondary Road 1813 and 0.5 mile east of its intersection with State Secondary Road 1005.

The Vann, W. E., farm located on both sides of State Secondary Road 1813 at its junction with State Secondary Road 1819.

The Williams, C. D., farm located on the north side of State Secondary Road 1719 and 1.21 miles north of its intersection with State Secondary Road 1720.

The Williams, Maggie, farm located on the north side of State Secondary Road 1719 and 1.2 miles north of its intersection with State Secondary Road 1720.

The Williams, M. C., farm located on the south side of State Secondary Road 1728 and at its east intersection with State Secondary Road 1725.

The Williams, Robert, farm located on the east side of State Secondary Road 1813 and at its intersection with Interstate 95.

The Williams, Robert F., farm located on the west side of State Secondary Road 1728 and 0.6 mile north of its junction with State Secondary Road 1714.

Duplin County. That area bounded by a line beginning at a point where State Secondary Road 1337 intersects the Duplin-Sampson County line, then northeast along said road to its intersection with State Secondary Road 1301, then southeast along said road to its intersection with State Highway 50, then northwest along said highway to its junction with State Secondary Road 1355, then northeast along said road to its junction with State Secondary Road 1332, then northeast along said road to its junction with State Secondary Road 1304, then southeast along said road to its intersection with Bear Swamp, then east along said swamp to its junction with Goshen Swamp, then southeast along said swamp to its intersection with State Secondary Road 1004, then southeast along said road to its intersection with Nahunga Creek, then southwest along said creek to its intersection with State Secondary Road 1301, then northwest along said road to its junction with State Secondary Road 1346, then southwest along said road to its junction with State Secondary Road 1385, then west along said road to its junction with State Highway 50, then southeast along said highway to its junction with State Secondary Road 1900, then southeast along said road to its junction with State Secondary Road 1003, then east along said road to its junction with State Highway 11, then south along said highway to its junction with State Secondary Road 1922, then southwest along said road to its junction with State Secondary Road 1909, then south along said road to its junction with State Secondary Road 1912, then west along said road to its intersection with the Magnolia city limits, then south, west, and north along said city limits to its intersection with State Secondary Road 1003, then southwest along said road to its junction with State Secondary Road 1101, then southeast along said road to its intersection with State Secondary Road 1102, then southwest along said road to its junction with State Secondary Road 1126, then west along said road to its intersection with State Secondary Road 1100, then southeast along said road to its intersection with State Secondary Road 1102, then south along said road to its junction with State Secondary Road 1129, then southwest along said road to its intersection with State Secondary Road 1128, then northwest along said road to its intersection with Duplin-Sampson County line, then north along said county line to the point of beginning.

The Beard, Mary Lou, farm located on both sides of State Secondary Road 1961 and 0.6 mile west of the intersection of said road and the Northeast Cape Fear River.

The Bradshaw, Milton J., farm located at the northwest end of State Secondary Road 1980.

The Branch, Hall, farm located 0.3 mile northwest of State Highway 11 and 1.0 mile northeast of junction of said highway and State Secondary Road 1378.

The Brown, George, farm located on the west side of State Secondary Road 1004 and 0.8 mile north of its junction with State Secondary Road 1504.

The Chambers, D.F., farm located on the south side of State Secondary Road 1700 and 0.6 mile west of its intersection with the Northeast Cape Fear River.

The Dodson, Twillie, farm located on the south side of State Secondary Road 1912 and 0.7 mile west of the junction of said road and State Highway 11.

The Garner, C. C., farm located on both sides of State Secondary Road 1961 and 0.5 mile west of the intersection of said road and Northwest Cape Fear River.

The Goodson, Emma, farm located on the south side of State Secondary Road 1501 and 0.3 mile west of the junction of said road and State Highway 1505.

The Grady, E. C., farm located on both sides of State Secondary Road 1700 and 0.7 mile west of the intersection of said road and the Northeast Cape Fear River.

The Hollingsworth, Denver, farm located 0.1 mile east of State Secondary Road 1831 and 1.0 mile south of the junction with State Road 1827.

The Howard, Henry, farm located on the north side of State Secondary Road 1700 and 0.8 mile west of the intersection of said road and the Northeast Cape Fear River.

The Ivey, Foy, No. 2, farm located on both sides of State Secondary Road 1004 and 0.1 mile south of the junction with State Secondary Road 1561.

The Jernigan, Cornelia, farm located on the west side of State Secondary Road 1360 and 0.4 mile south of the junction with State Secondary Road 1004.

The Johnson, Eldora, farm located on both sides of State Secondary Road 1123 and 1.2 mile west of the junction of said road and State Secondary Road 1103.

The Jones, H. A. No. 2, farm located on both sides of State Secondary Road 1700 and 0.6 mile west of the intersection with the Northeast Cape Fear River.

The King, W. R., farm located on the east side of State Secondary Road 1302 and 0.1 mile south of the junction of said road and State Highway 1308.

The Kornegay, Cecil, farm located on the northwest sides of State Secondary Road 1306 and 1 mile southwest of the intersection with State Secondary Road 1500.

The McCullen, Larry, farm located on the northeast side of State Highway 24 and 0.2 mile northwest of the junction of said highway and State Secondary Road 1904.

The McGowan, Henry C., Heirs, farm located 0.6 mile south of State Secondary Road 1700 and 0.7 mile east of the junction with State Highway 11.

The Miller, O'Berry, farm located on the north side of State Secondary Road 1700, and 0.1 mile east of its junction with State Highway 11.

The Miller, Willie Mae, farm located on the south side of State Secondary Road 1961 and 1.1 miles west of the intersection of said road and State Secondary Road 1962.

The Outlaw, Oliver, farm located on both sides of State Secondary Road 1300 and the east side of State Secondary Road 1301 where these roads intersect.

The Pate, Robert Lee, farm located on both sides of State Secondary Road 1357 and 0.9 miles southwest of the junction of said road and State Secondary Road 1306.

The Phillips, Hubert, farm located on the east side of State Secondary Road 1357 and 0.7 mile northwest of its junction with State Highway 24.

The Pickford, P. H., farm located on the south side of State Secondary Road 1980 and 0.2 mile east of the dead end of said road.

The Rivenbark, George W., farm located on the northwest side of State Secondary Road 1131 and 0.4 mile southwest of the junction of said road and State Secondary Road 1128.

The Rouse, Beatrice S., farm located on both sides of State Secondary Road 1980 and at the west end of said road.

The Stokes, Fred, farm located on the south side of State Secondary Road 1980 and 2.4 miles west of the junction of said road and State Secondary Road 1979.

The Stokes, J. D., Jr., farm located on both sides of State Secondary Road 1980 and 0.3 mile east of the dead end of said road.

The Stokes, William C., farm located at the southwest end of State Secondary Road 1980.

The Thomas, J. R., farm located on the south side of State Secondary Road 1700 and 1.8 miles east of intersection of said road and State Secondary Road 1701.

The Turner, Lumas, farm located on the south side of State Secondary Road 1703 and 0.6 mile west of the junction of said road and State Secondary Road 1732.

The Whitman, Herman E., farm located on the north side of State Secondary Road 1300 and 0.8 mile east of the intersection of said road and State Secondary Road 1301.

The Williams, Jasper, farm located on the east side of State Secondary Road 1323 and 0.2 mile south of its junction with State Highway 403.

The Williams, McArthur, farm located on the south side of State Secondary Road 1961 and 1 mile west of the intersection of said road and State Secondary Road 1962.

The Wilson, Mammie, farm located on the east side of State Highway 111 and 1.0 mile south of the intersection of said highway and State Secondary Road 1700.

Greene County. That area bounded by a line beginning at a point where State Highway 903 intersects State Highway 123 and extending southerly along State Highway 123 of its intersection with Contentnea Creek, then northwest along said creek to its junction with Panther Swamp, then northerly along said swamp to its intersection with U.S. Highway 258–13, then northeasterly to its intersection with State Highway 903; then easterly along said highway to the point of beginning.

The Carmon, James E., farm located on the east side of State Secondary Road 1004 and 0.4 mile south of its junction with State Highway 903.

The Dixon, John, farm located on the east side of State Secondary Road 1004 at the junction on State Secondary Road 1405.

The Dixon, Sudie, farm located on the west side of State Secondary Road 1004 and 0.2 miles south of its junction of State Secondary Road 1405.

The Murphrey, Edward, farm located on the east side of State Secondary Road 1004 and 0.3 mile south of its junction with State Highway 903.

The Whitaker, J. H., farm located on the east side of State Secondary Road 1004 and 0.6 mile south of its junction with State Highway 903.

Harnett County. That area bounded by a line beginning at a point on the Harnett-Lee County line due west of the head of Barbecue Swamp and extending east to the head of said swamp, then south and east along Barbecue Swamp to its intersection on State Secondary Road 1201, then south and southeast along said road to its junction with State Highway 27, then southeast along said highway to its junction with State Highway 24, then southeast along said highway to its junction with State Secondary Road 1111, then southwest along said road to its intersection with Harnett-Moore County line, then northwest along the Harnett-Moore County line to its junction with the Moore-Harnett-Lee County line, then northeast along the Harnett-Lee County line to the point of beginning.

That area bounded by a line beginning at a point where the Harnett-Cumberland County line and McLeod Creek intersect and extending northwest along said creek to its intersection with State Secondary Road 1117, then northeast, northwest and north along said road to its intersection with Anderson Creek, then southeast along said creek to its intersection with the State Highway 210, then northeast along said highway to its junction with State Secondary Road 2030, then southeast along said road to its junction with State Secondary Road 2031, then southwest along said road to its intersection with the Harnett-Cumberland County line, then southwest and west along said county line to the point of beginning.

The Cook, A. L., farm located on the east side of State Secondary Road 1201 and 1.5 miles southeast of the junction of said road with State Secondary Road 1203.

The Forthberry, Bennett, farm located on the south side of State Secondary Road 1141 and 0.4 mile east of the junction of said road with State Secondary Road 1139.

The Frizzelle, Roscoe, farm located on the south side of State Secondary Road 1141 and 0.3 mile east of the junction of said road with State Secondary Road 1139.

The Gilchrist, Leonard W., farm located on the southeast side of State Secondary Road 1111, 0.4 mile north of the junction of said road with State Secondary Road 1110.

The McNeil, Raymond F., farm located on the east side of State Secondary Road 1201 and north of the junction of said road with State Secondary Road 1202.

The Serina, David, farm located on the south side of State Secondary Road 1141 and 0.4 mile east of the junction of said road with State Secondary Road 1139.

The Spaulding, James, farm located on the north side of State Secondary Road 1141 and 1.3 miles east of the junction of said road with State Secondary Road 1139.

The Thomas, Floyd E., farm located on the northeast side of State Secondary Road 1146 and 0.2 mile north of the junction of said road with State Secondary Road 1117.

The Womack, E. H., farm located on the east side of State Highway 27, and 1.0 mile north of the junction of said highway with State Highway 24.

Hoke County. That area bounded by a line beginning at a point where U.S. Highway 401 intersects with Hoke-Scotland County line, then northeasterly along said highway to its junction with the Raeford city limits, then southeast and north along said city limits to its junction with Business Highway 401, then east and northeast along said highway to its junction with U.S. Highway 401, then easterly along said highway to its intersection with the Cumberland-Hoke County line, then southeast along said county line to its junction with the Hoke-Robeson County line, then southwest and west along said county line to its junction with the Hoke-Scotland County line, then northerly along said county line to the point of beginning.

The Bronson, Amos, farm located on the north side of State Secondary Road 1302 and 0.8 mile west of the junction of said road with State Secondary Road 1303.

The Burke, Will, Estate farm located to the southeast of State Secondary Road 1233 and 0.2 mile south of the junction of said road with State Secondary Road 1218.

The Cameron, Hermon, farm located on the east side of State Secondary Road 1212 and 0.1 mile south of the junction of said road with State Secondary Road 1211.

The Ellis, W. H., farm located on both sides of State Secondary Road 1200 and 0.2 mile south of the junction of said road with State Secondary Road 1203.

The Flowers, Effie Lee, farm located on the north side of State Secondary Road 1203 and 0.1 mile northeast of the junction of said road with State Seondary Road 1207.

The Flynn, Charlie, farm located on the east side of State Secondary Road 1216 and 1 mile south of the junction of said road with State Secondary Road 1219.

The Fowler, Arne, farm located on the north side of State Secondary Road 1203 and 0.2 mile northeast of the junction of said road with State Secondary Road 1207.

The Gainey, Marvin, farm located on the west side of State Secondary Road 1200 and 0.5 mile south of the junction of said road with State Secondary Road 1203.

The Gainey, Marvin, farm located on the east side of State Secondary Road 1200 and 0.5 mile south of the junction of said road with State Secondary Road 1203.

The Graham, William, farm located on the north side of State Secondary Road 1316 and 0.5 mile east of the junction of said road with State Highway 211.

The Johnson, George, farm located on the south side of State Secondary Road 1219 and 0.3 mile east of the junction of said road with State Secondary Road 1218.

The Leslie, Dora N., farm located north of the junction of State Secondary Roads 1200 and 1203.

The McDuffie, Cleo, farm located on the south side of State Secondary Road 1203 and 0.1 mile northeast of the junction of said road with State Secondary Road 1202.

The McPhatter, Tom, farm located on the east side of State Secondary Road 1202 and 0.1 mile south of the junction of said road with State Secondary Road 1203.

The McRae, Annie, farm located on the west side of State Secondary Road 1302 and 0.1 mile north of the junction of said road with U.S. Highway 401 bypass.

The McRae, Ervin, farm located on the north side of State Secondary Road 1302 and 1 mile west of the junction of said road with State Secondary Road 1303.

The Moon, Leonard, farm located on the west side of State Highway 211 and 0.3 mile north of the junction of said highway with State Secondary Road 1228.

The Pandure, Ralph, farm located on the north side of State Secondary Road 1211 and 0.5 mile south of the junction of said road with State Secondary Road 1212.

The Ray, Howard, farm located on the north side of State Secondary Road 1203 and 0.1 mile west of the junction of said road with State Secondary Road 1240.

The Ray, Neil, farm located on the west side of State Secondary Road 1320 and 0.1 mile west of the junction of said road with State Secondary Road 1304.

The Williams, Alex, farm located in the southeast junction of State Secondary Roads 1202 and 1203.

The Winecroff, Lee, farm located on both sides of State Secondary Road 1215 and 0.4 mile east of the junction of said road with State Secondary Road 1216.

Johnston County. The Holt, Dorothy C., farm located on the west side of State Secondary Road 2542 and 0.1 mile south of its junction with State Secondary Road 1007.

The Johnson, Wade, farm located on both sides of State Secondary Road 1144 and 0.2 mile west of the junction of said road with State Secondary Road 1138.

The Martin, John L., farm located on the west side of State Secondary Road 1201 and 0.3 mile north of the junction of said road with State Secondary Road 1200.

The Massengill, R. T., farm located on the south side of State Secondary Road 1145 and 0.2 mile west of its junction with State Secondary Road 1144.

The McArthur, Margaret, farm located 1.4 miles north of State Secondary Road 1199 and 0.9 mile west of the junction of said road and State Secondary Road 1008.

Lee County. The McGilvary, Aquilla, farm located north of State Secondary Road 1188 and 0.6 mile east of the junction of said road with State Secondary Road 1001.

Lenoir County. The Barwick, Charles H. and Evelyn Sutton, farm located on the north side of State Secondary Road 1324 and 0.1 mile east of its junction with State Secondary Road 1308.

The Braxton, Clyde, Estate located on both sides of State Secondary Road 1802 and 0.9 mile northeast of the junction of State Secondary Road 1802 and State Highway 11.

The Brown, Nannie H., farm located in the southwest junction of State Secondary Roads 1152 and 1309.

The Carey, Jack, farm located on both sides of State Secondary Road 1906 and 1 mile east of its junction with U.S. Highway 285.

The Dawson, Wayne, farm located on the east side of State Secondary Road 1318 and 0.3 mile north of its junction with State Secondary Road 1316.

The Faulkner, Isabelle, farm located on both sides of State Secondary Road 1809 and 0.5 mile east of its junction with State Secondary Road 1720.

The Foss, Reginal D., farm located on the north side of State Secondary Road 1316 and 0.6 mile northwest of its junction with State Secondary Road 1318.

The Hamilton, C. W., farm located on the southeast side of State Secondary Road 1802 and 1.2 miles northeast of its junction with State Highway 11.

The Herring, Ben D., No. 1, farm located on both sides of State Secondary Road 1330 and 0.2 mile west of the junction of State Secondary Roads 1330 and 1331.

The Herring, Ben D., No. 2, farm located on the west side of State Secondary Road 1310 and 0.3 mile south of its junction with State Secondary Road 1311.

The Herring, Frances F., farm located on the west side of State Secondary Road 1310 and 0.6 mile south of its junction with State Secondary Road 1311.

The Herring, Jack A., farm located on both sides of State Secondary Road 1310 and 0.4 mile south of its junction with State Secondary Road 1311.

The Jarman, F. R., farm located on the southeast side of State Secondary Road 1311 and 0.7 mile southwest of its junction with State Secondary Road 1318.

The Jones, Edward S., farm located on the west side of U.S. Highway 258 and 0.3 mile north of its junction with State Secondary Road 1116.

The Parrott Farms, Inc., farm located on the northwest side of State Secondary Road 1157 and 0.7 mile northwest of its intersection with State Highway 55.

The Rouse, Forrest, farm located on the northeast side of State Secondary Road 1143 and 2.9 miles northwest of its intersection with State Secondary Road 1154.

The Rouse, Jim W., farm located on the northeast side of State Secondary Road 1143 and 2.8 miles northwest of its intersection with State Secondary Road 1154.

The Sutton, Curtis, Estate located on the west side of State Secondary Road 1324 and 0.5 mile north of its junction with State Secondary Road 1309.

The Sutton, Harvey, farm located on the west side of State Secondary Road 1331 and 0.2 mile south of its junction with State Secondary Road 1330.

The Sutton, John W., farm located in the southwest junction of State Secondary Road 1333 and State Secondary Road 1330.

The Sutton, Nancy, farm located on the south side of State Secondary Road 1330 and 0.5 mile east of its junction with State Secondary Road 1331.

The Sutton, Nathan, farm located on the southeast side of State Secondary Road 1311 and 0.6 mile southwest of its junction with State Secondary Road 1318.

The Sutton, Robert H., farm located on the south side of State Secondary Road 1324 and 0.2 mile east of its junction with State Secondary Road 1327.

The Sutton, W. Edward, farm located on the east side of State Secondary Road 1333 and 0.4 mile south of State Secondary Road 1330.

The Taylor, Heber, farm located on the north side of State Secondary Road 1161 and 0.3 mile east of its junction with State Highway 55.

The Walters, H. F., farm located on both sides of State Secondary Road 1335 and 0.4 mile north of its junction with State Secondary Road 1324.

Moore County. The Burwell, Sam, farm located on the south side of State Secondary Road 2023 and 0.4 mile southwest from the junction of said road and State Secondary Road 1853.

The Marks, E. M., farm located on the south side of State Secondary Road 2019 and 2.5 miles east of the junction of said road and State Secondary Road 2018.

Onslow County. The Henderson, Charlie, farm located on the east side of State Secondary Road 1528, and 0.2 mile north of the junction of said road with State Secondary Road 1518.

The Lanier, Larry, farm located on the north side of State Secondary Road 1223 and 0.5 mile east from the junction of said road and State Secondary Road 1222. Said junction being located 1.2 miles north of junction of State Secondary Roads 1222 and 1001.

The Lanier, Marion, farm located on the southeast side of State Secondary Road 1224, and 0.7 mile northeast from the junction of said road and State Secondary Road 1222.

The Marshburn, James B., farm located on the southeast side of State Secondary Road 1224, and 0.8 mile from the junction of said road and State Secondary Road 1222.

Pender County. That area bounded by a line beginning at a point where State Secondary Road 1104 intersects the Pender-

Bladen County line, and extending northeast along said county line to its junction with Black River, then southeast along said river to its intersection with State Highway 210, then southwest along said highway to its junction with State Secondary Road 1103, then southeast along said road to its junction with State Secondary Road 1104, then southwest and northwest along said road to the point of beginning.

That area bounded by a line beginning at a point where State Secondary Road 1517, junctions with U.S. Highway 117, and extending northwest along said highway to its intersection with Walker Swamp, then northeast along said swamp to its junction with Pike Creek, then southeast along said creek to its junction with the Northeast Cape Fear River, then south along said river to its intersection with State Highway 210, then southwest along said highway to its junction with State Secondary Road 1518, then southeast along said road to its junction with State Secondary Road 1517, then westerly along said road to the point of beginning.

The Anderson, Julian W., farm located on both sides of State Secondary Road 1106 and 0.9 mile northwest of the junction of said road and State Secondary Road 1107.

The Batson, Arthur, farm located on the east side of State Secondary Road 1411 and 1.5 miles east of its intersection with U.S. Highway 117.

The Corbett, W. M., farm located on both sides of State Secondary Road 1201 at its junction with State Secondary Road 1200.

The Dees, Betty B., farm located 0.6 mile east of State Secondary Road 111 and 1.5 miles east of its intersection with U.S. Highway 117.

The Fensel, F. P., farm located on the north side of State Secondary Road 1103 and 0.6 mile west of its junction with State Secondary Road 1133.

The Kea, Leo, farm located 0.5 mile east of State Secondary Road 1105 and 1 mile southwest of the junction of said road and State Secondary Road 1104.

The Hutcheson, Katie, farm located on field road 1.7 miles east of U.S. Highway 117 and 0.3 mile south of its intersection with State Secondary Road 1411.

The Lanier, Admah, farm located on the southeast side of State Secondary Road 1411 and 1.4 miles east of its intersection with U.S. Highway 117.

The Marshall, Crawford, farm located on the north side of State Secondary Road 1103 and 0.6 mile west of its junction with State Secondary Road 1133.

The Marshall, Milvin, farm located on the north side of State Secondary Road 1103 and 0.6 mile east of the southern junction of said road and State Secondary Road 1104.

The McCallister, Mary K., farm located 0.2 mile east of State Secondary Road 1105 and 1 mile southwest of the junction of said road and State Secondary Road 1104.

The Newkirk, M and F, farm located on the south side of State Secondary Road 1131 and 0.7 mile west of its junction with State Secondary Road 1121.

The Stringfield Estate, John, located on southwest side of State Secondary Road 1517 and 1.4 miles east of the junction of said road and U.S. Highway 117.

The Terrell, Nancy, farm located on a field road 2.8 miles east of U.S. Highway 117 and 0.3 mile south of its intersection with State Secondary Road 1411.

The Thompson, Dick, farm located on the southwest side of State Secondary Road 1106 and 0.5 mile northwest of its junction with State Secondary Road 1107.

The Ward, Mary Alice, farm located on a field road 0.9 mile east of State Secondary Road 1141 and 1.5 miles east of its intersection with U.S. Highway 117.

Pitt County. That area bounded by a line beginning at a point where State Secondary Road 1919 intersects the Pitt-Craven County line, then southwest along said county line to its intersection with State Secondary Road 118, then westward along said highway to its intersection with State Secondary Road 1753, then northward along said road to its junction with State Secondary Road 1919, then eastward to the point of the beginning.

The Gardner, Charlie D., farm located on both sides of State Secondary Road 1910 at junction of said road and State Highway 118.

The Garris, Bruce E., farm located in the south junction of State Highway 118 and State Secondary Road 1916.

The Hodges, M. B., farm located on the east side of State Secondary Road 1907 and 1.1 miles north of State Highway 118.

Richmond County. The David, Ethel, farm located on both sides of State Secondary Road 1803, on the west side of the intersection of said road with State Secondary Road 1825.

The Dumas, Reba, farm located on the northeast side of State Secondary Road 1083 and 0.3 mile northwest of said intersection of State Highway 38.

The Poe, William, farm located 0.6 mile on unnumbered road off State Road 1475 and 0.2 mile southeast of its junction with State Road 1486.

The Sorenzen, Gladys, farm located on the southwest side of State Secondary Road 1803 and 0.4 miles northwest of the intersection of said road and State Highway 38.

The Steele, Thomas, farm located on the northwest side of State Road 1442 and 0.4 mile southwest of its junction with State Road 1489.

The Terry, Ruth, farm located on both sides of State Secondary Road 1442 and 0.2 mile northeast of its junction with State Secondary Road 1477.

The Thomas, Walter, farm located on both sides of U.S. Highway 220 and 0.4 mile northeast of its junction with State Secondary Road 1433.

The Wall, Ben, farm located on the northeast side of the State Secondary Road 1440 and 0.4 mile southeast of its junction with State Secondary Road 1433.

The Waters, Will, farm located on both sides of State Secondary Road 1623 and 0.4 mile southwest of its junction with State Secondary Road 1607.

The Watkins, John Q., farm located on the southeast side of State Secondary Road 1476 and 0.3 mile northeast of its junction with State Secondary Road 1442.

The Watkins, Mosby, farm located on both sides of State Secondary Road 1476 and 0.2 mile northeast of its junction with State Secondary Road 1442.

Robeson County. The entire county.

Sampson County. The entire County.

Scotland County. That area bounded by a line beginning at a point where U.S. Highway 74 intersects the Robeson-Scotland County line, then west along said highway to its intersection with the Laurinburg city limits, then northerly and westerly along said city limits to its junction with U.S. Highway 15, 401, and 501, then southwest along said highway to its intersection with State Secondary Road 1300, then northwesterly along said road to its junction with State Secondary Road 1105, then northwesterly along said road to its junction with State Secondary Road 1324, then northerly along said road to its intersection with State Secondary Road 1345, then northwesterly along said road to its intersection with State Secondary Road 1341, then northeasterly along said road to its junction with State Secondary Road 1328, then northerly along said road to its intersection with the Southern boundary to the Sandhills Game Management Area, then easterly along said boundary to its intersection with U.S. Highway 15–501, then north along said highway to its intersection with the Scotland-Hoke County line, then southeasterly along said county line to the Scotland-Robeson County line, then southwest along said county line to the point of beginning.

The Butler, Luther, farm located on the south side of State Secondary road 1154 and 0.2 mile east of the junction of said road with State Secondary Road 1155.

The Carmichael, John, farm located on both sides of State Secondary Road 1612 and 0.2 mile southwest of its intersection with State Secondary Road 1611.

The Jones, R. D., farm located on the northeast side of State Secondary Road 1601 and 0.2 mile northwest of its junction with State Secondary Road 1609.

The Morgan, J. D., farm located on the east side of State Secondary Road 1346 and 0.5 mile north of the junction of said road with State Secondary Road 1343.

The Morgan, J. D., farm located on both sides of State Secondary Road 1345 and 0.1 mile northwest of its junction with State Secondary Road 1342.

The Sharpe, Preston, farm located on the south side of U.S. Highway 74 and 0.2 mile west of the junction of said highway with State Secondary Road 1153.

The Steele, J. D., farm located on both sides of State Secondary Road 1351 and 0.9 mile northwest of the junction of said road with State Secondary Road 1346.

The Stewart, Claude, farm located on the northwest side of State Secondary Road 1612 and 0.7 mile northeast of the junction of said road with State Secondary Road 1619.

Wayne County. That area bounded by a line beginning at a point where the State Highway 111 and State Secondary Road 1744 intersect, then westerly along said road to its junction with State Secondary Road 1948, then southerly along said road to its intersection with State Secondary Road 1745, then westerly along said road to its junction with State Secondary Road 1915, then northerly along said road to its intersection with State Secondary Road 1744, then

westerly along said road to its intersection with State Secondary Road 1937, then northerly on said road to its junction with State Secondary Road 1932, then northerly on said road to its intersection with State Secondary Road 1120, then easterly along said road to its junction with State Secondary Road 1915, then easterly from said junction along an imaginary line to the junction of Sleepy Creek and Nuese River, then easterly along said river to its intersection with State Highway 111, then southerly along said highway to the point of beginning.

The Bowden, B. J., farm located on the west side of State Secondary Road 1931 and 0.2 mile south of intersection of said road and State Secondary Road 1120.

The Carraway, Ethel, farm located on the east side of State Secondary Road 1915 and 0.1 mile north of the junction of said road and State Secondary Road 1120.

The Crawford, William P., farm located on the south side of State Secondary Road 1330 and 0.9 mile west of State Highway 581.

The Dawson, L. A., farm located on the west side of State Highway 111 and 0.5 mile south of the junction of said highway and State Secondary Road 1730.

The Grady, Gertrude W., farm located on the south side of State Secondary Road 1741 and 0.7 mile east of its junction with State Secondary Road 1740.

The Grant, Charlie, farm located on the south side of State Secondary Road 1745 and 0.4 mile west of its junction with State Secondary Road 1952.

The Grant, Maggie, Estate located on the west side of State Highway 111 and 1.9 miles south of the junction of State Secondary Road 1730 with said highway.

The Green, Bessey, farm located at the southern end of the State Secondary Road 1741 and 1.3 miles east of its junction with State Secondary Road 1740.

The Haggin, Joe, No. 2, farm located on the east side of State Secondary Road 1931 and 1.1 miles northeast of its intersection with State Secondary Road 1120.

The Herring, Charles F., farm located on the south side of State Secondary Road 1741 and 0.3 mile east of its junction with State Secondary Road 1740.

The Herring, Harmon, farm located on the south side of State Secondary Road 1734 and 0.4 mile east of its junction with State Secondary Road 1731.

The Herring, Thel, farm located on the west side of State Secondary Road 1711 and 0.4 mile north of its junction with U.S. Highway 70A.

The Humphrey, Josephine, farm located on the east side of State Secondary Road 1932 and 0.2 mile north of its intersection with State Secondary Road 1120.

The Ivey, W. H., farm located on the south side of State Secondary Road 1734 and 0.3 mile east of its junction with State Secondary Road 1731.

The Jackson, Major, farm located on the east side of State Secondary Road 1731 and 0.6 mile north of the Neuse River.

The Jones, Mary, farm located on both sides of State Secondary Road 1730 and its junction with State Secondary Road 1731.

The Lane, Alfred, farm located on the south side of State Secondary Road 1730 and 0.4 mile east of its junction with State Highway 111.

The Lofton, Burt & Davis, King, farm located on the east side of State Secondary Road 1739 and 0.3 mile south of its junction with State Highway 55.

The Lofton, Mary F., farm located on the south side of State Secondary Road 1745 and 0.1 mile west of its junction with State Secondary Road 1952.

The McClenny, G. A., farm located on the south side of State Secondary Road 1007 and 0.1 mile west of the junction of said road with State Highway 581.

The Parks, Robert, farm located on the southeast side of State Secondary Road 1932 and 0.5 mile northeast of its intersection with State Secondary Road 1120.

The Price, James, farm located in the southeastern intersection of State Highway 111 and State Secondary Road 1745.

The Price, Jessie W., farm located on the east side of State Secondary Road 1948 and 0.7 mile south of the junction of said road and State Secondary Road 1744.

The Ray, Cora Pate, farm located on both sides of State Secondary Road 1730 and 0.8 mile west of its junction of State Secondary Road 1731.

The Raynor, Early, No. 1, farm located on the south side of U.S. Highway 13 and 0.3 mile east of its junction with State Secondary Road 1207.

The Raynor, Early, No. 2, farm located on the north side of State Secondary Road 1101 and 0.7 mile east of its intersection with State Secondary Road 1105.

The Raynor, Elester, farm located on the east side of State Secondary Road 1105 and 0.8 mile south of its intersection with U.S. Highway 13.

The Sasser, Johnny, farm located on the west side of State Secondary Road 1931 and 0.3 mile south of its junction with State Secondary Road 1930.

The Sasser, Rosa, farm located on both sides of State Highway 111 and 0.1 mile south of its junction with State Secondary Road 1912.

The Smith, Alfred, farm located on the north side of State Secondary Road 1330 and 0.9 mile west of the junction of said road and North Carolina Highway 581.

The Smith, Arnold, farm located on the southeast side of State Secondary Road 1932 and 0.5 mile northeast of its intersection with State Secondary Road 1120.

The Smith, M. G., farm located on the west side of State Secondary Road 1952 and 0.3 mile south of its junction with State Secondary Road 1745.

The Smith, W. H., farm located on the east side of State Secondary Road 1932 and 1.5 miles southeast of intersection of said road and State Secondary Road 1744.

The Talton, Lillian D., farm located on the south side of State Secondary Road 1730 and 0.6 mile east of its junction with State Highway 111.

The Whitfield, Herman, farm located at the end of State Secondry Road 1729.

The Williams, Eddie, farm located on the north side of State Highway 581 and the east side of State Secondary Road 1238 at the junction of said roads.

South Carolina

(1) *Generally infested area.* None.

(2) *Suppressive areas.*

Darlington County. The Atkinson Farms located on both sides of State Secondary Highway 173 and 0.5 mile west of its intersection with State Secondary Highway 35.

The Flowers, William M., farm located on the north side of State Secondary Highway 14 and 1.4 miles east of its intersection with State Secondary Highway 13.

The Green, M. L., farm located on the east side of State Secondary Highway 133 and 0.75 mile north of junction of said highway 133 with State Secondary Highway 29.

The Johnson, William, farm located on the north side of a dirt road and 0.6 mile northwest of its junction with State Secondary Highway 133, said junction being 2 miles south of the intersection of said highway and State Secondary Highway 41.

Dillion County. The entire county.

Florence County. That area bounded by a line beginning at a point where State Secondary Highway 925 and State Secondary Highway 24 junction and extending east and southeast along State Secondary Highway 24 to its junction with State Secondary Highway 13, then along a line projected due east from said junction to its intersection with the Great Pee Dee River, then south along said river to its junction with Barfield's Old Mill Creek, then northwest and west along said creek to its intersection with State Secondary Highway 57, then north along said highway to its junction with State Secondary Highway 893, then west and southwest along State Secondary Highway 893 to its junction with State Secondary Highway 70, then northwest along said highway to its junction with State Secondary Highway 897, then southwest and south along said highway to its junction with State Primary Highway 51, then west and northwest along said highway to its intersection with State Primary Highway 327, then northwest and west along said highway to its junction with State Secondary Highway 552, then north along said highway to its junction with State Secondary Highway 551, then northwest along a dirt road to its junction with a second dirt road, said junction being 0.1 mile east of Goodland School, then northeast along said second dirt road to its junction with State Secondary Highway 57, then southeast along said highway to its intersection with the Seaboard Coast Line Railroad, then northwest along said railroad to its intersection with State Secondary Highway 13, then east along said highway to its junction with State Secondary Highway 918, then north and northeast along said highway to its junction with State Primary Highway 327, then north along said highway to its intersection with U.S. Highway 76, then west along said highway to its junction with State Secondary Highway 925, then north along said highway to the point of beginning, excluding the area within the unincorporated limits of the town of Hyman.

That area bounded by a line beginning at a point where State Secondary Highway 794 and State Secondary Highway 72 junction and extending south along State Secondary Highway 72 to its intersection with State

Secondary Highway 46, then northeast along said highway to its intersection with State Secondary Highway 34, then southeast along said highway to its junction with State Secondary Highway 360, then northeast along said highway to its junction with a dirt road, said junction being 1.8 miles northeast of the junction of State Secondary Highways 34 and 360, then southeast along said dirt road for a distance of 1.2 miles to its junction with a second dirt road, then southwest along said dirt road to its junction with State Secondary Highway 34, then south along said highway to its junction with U.S. Highway 378, then west along said highway to its junction with State Secondary Highway 47, then northwest and west along said highway to the corporate limits of the town of Scranton, then north and west along the east and north perimeter of said corporate limits to its intersection with the Seaboard Coast Line Railroad, then north along said railroad to the corporate limits of the town of Coward, then north along the east perimeter of the town of Coward to its intersection with State Secondary Highway 794, then northeast along said highway to the point of the beginning.

That area bounded by a line beginning at a point where State Secondary Highway 66 and the Seaboard Coast Line Railroad intersect and extending southeast along said railroad to its intersection with State Secondary Highway 57, then south along said highway to its junction with U.S. Highway 378, then west along said highway to its intersection with Deep Creek, then southwest along said creek to its junctions with Lynches River, then west along said river to its junction with Little Swamp, then north along said swamp to its intersection with State Secondary Highway 66, then east along said highway to the point of the beginning.

The Canal Timber Company, farm located at the junction of State Secondary Highway 57 and State Secondary Highway 791. Said farm being on all sides of said junction.

The Carroway, Hayward, farm located on the south side of State Secondary Highway 72 and 1 mile southwest of its intersection with U.S. Highway 52.

The Carroway, Luther, farm located on both sides of State Primary Highway 51 and 0.1 mile northwest of the intersection of said highway and State Secondary Highway 46.

The Georgia Pacific Paper Company, farm located on the south side of the junction of two dirt roads, said junction being 0.8 mile east of its junction with State Secondary Highway 461, said junction being 0.8 mile north of the intersection of said highway and State Secondary Highway 85.

The Hall, James, farm located on both sides of a dirt road and 0.6 mile south of its junction with State Secondary Highway 501, said junction being 1.5 miles southeast of the junction of said highway and U.S. Highway 301.

The Hannah, Bert, farm located on the south side of a dirt road and 1 mile west of its junction with State Secondary Highway 633, said junction being 0.1 mile south of the junction of said highway and State Secondary Highway 58.

The Lyde, Mamie, farm located on the east side of State Secondary Highway 72 and 0.5 mile south of its junction with State Secondary Highway 794.

The McAllister, Armstrong, farm located at the end of a dirt road and 0.4 mile northwest of its junction with another dirt road, then south along said dirt road to its junction with another dirt road, then westerly along said dirt road to its junction with the State Secondary Highway 34, said junction being 1.1 miles southeast of the junction of State Secondary Highway 149 with State Secondary Highway 34.

Horry County. That area bounded by a line beginning at a point where State Secondary Highway 33 intersects the South Carolina-North Carolina State line and extending south along said highway to its intersection with State Secondary Highway 306, then west along said highway to its intersection with State Secondary Highway 142, then south along said highway to its junction with State Primary Highway 9, then northwest along said highway to its intersection with State Secondary Highway 59, then southwest and south along said highway to its junction with State Primary Highway 917, then southwest along said highway to its intersection with State Secondary Highway 19, then south and southeast along said highway 19 to its intersection with U.S. Highway 701 at Allsbrook, then northeast along said highway to its intersection with State Primary Highway 9, then southeast and south along said highway to its intersection with the Waccamaw River, then northeast along said river to its intersection with South Carolina-North Carolina State line, then southeast along said State line to its intersection with U.S. Highway 17, then southwest along said highway to its junction with State Primary Highway 90, then west along said highway to its intersection with a dirt road known as Telephone Road, said intersection being 1.3 miles west of Wampee, then southwest and south along Telephone Road to its end, then northwest along a projected line for 1.9 miles to its junction with Jones Big Swamp, then northwest along said swamp to its junction with the Waccamaw River, then west along said river to its intersection with Stanley Creek, then north along said creek 1.6 miles, then northwest along said creek 2.8 miles, then north along a line projected from a point beginning at the end of the main run of said creek, and extending north to the junction of said line with State Primary Highway 905, then southwest along said highway to its junction with State Secondary Highway 19, then north along said highway 2.4 miles to its junction with a dirt road.

Then southwest along said road to its intersection with Maple Swamp, then north along said swamp to its intersection with State Secondary Highway 65, then southwest along said highway to its junction with U.S. Highway 701, then south along said highway to its intersection with U.S. Highway 501, then northwest along said highway to its intersection with State Secondary Highway 548, then west along said highway to its junction with a dirt road, then west along said dirt road to its junction with State Secondary Highway 76, then north along said highway to its junction with State Secondary Highway 391, then northeast along said highway to its junction with U.S. Highway 501, then southeast along said highway to its junction with State Secondary Highway 591, then north along said highway to its intersection with State Secondary Highway 97, then east 0.2 mile to its intersection with a dirt road, then north along said dirt road to its junction with State Primary Highway 319, then northwest along said highway to its junction with State Secondary Highway 131, then east and north along said highway to its intersection with Loosing Swamp, then west and northwest along said swamp to its intersection with State Secondary Highway 45, then southwest along said highway to its junction with State Secondary Highway 129, then northwest along said highway to its junction with U.S. Highway 501, then northwest along the latter highway to its intersection with Little Pee Dee River, then northwest along said river to its junction with the Lumber River, then northeast along said river to its intersection with the South Carolina-North Carolina State line, then southeast along said State line to the point of beginning, excluding the area within the corporate limits of the towns of Conway and Loris.

The Alford, Alex, farm located on the south side of a dirt road and being 2 miles southwest and west of the junction of said dirt road and State Secondary Highway 99, said junction being 1.75 miles north of the junction of said highway and State Secondary Highway 97.

The Barnhill, Edgar, farm located on both sides of a dirt road and 0.4 mile east of its junction with State Primary Highway 90, said junction being 0.1 mile northeast of the junction of said highway and State Secondary Highway 377.

The Edge, Nina L., farm located on the west side of a dirt road and 0.8 mile southeast of its junction with a second dirt road, said junction being 0.5 mile south of the junction of the second dirt road and State Primary Highway 90, said second junction being 0.8 mile southwest of the junction of said highway and State Secondary Highway 31.

The Gore, Sumpter, farm located on both sides of a dirt road and 0.75 miles north of the intersection of said dirt road and State Primary Highway 9, said intersection being at Goretown.

The Hucks, Edd, farm located on the north side of a dirt road and 1 mile west of its junction with State Secondary Highway 109, said junction being 1.5 miles northeast of the junction of said highway and State Secondary Highway 79.

The Jordan, Blease, farm located on the north side of a dirt road and 0.6 mile east of its junction with State Secondary Highway 78, said junction being 1.9 miles northwest of the junction of said highway and U.S. Highway 378.

The Martin, Daniele E., farm located on the east side of State Primary Highway 90 and 0.9 mile northeast of the junction of said highway and State Secondary Highway 377.

The Page, Cordie, farm located on the north side of State Secondary Highway 128 and 0.4 mile west of the junction of said highway and U.S. Highway 501, said junction being at Aynor.

The Richardson, Talmage, farm located on the north side of a dirt road and 1 mile southwest of the junction of said dirt road

and State Secondary highway 99, said junction being 1.75 miles north of the junction of said highway and State Secondary Highway 97.

The Williamson, Vide, farm located on both sides of a dirt road and 0.4 mile from the junction of said dirt road and State Primary Highway 410, said junction being 0.7 mile northeast of the intersection of State Primary Highway 410 and State Secondary Highway 19.

Marion County. The entire county.

Marlboro County. That portion of the county lying south and east of U.S. Highway 15, excluding the area within the corporate limits of the towns of Bennettsville, McColl, and Tatum.

The Bowman, Cecil, farm located on both sides of a dirt road and 0.5 mile northeast of junction of said dirt road and State Secondary Highway 257, said junction being 0.4 mile north of junction of said highway and State Secondary highway 165.

The Quick, B. F., farm located on the south side of a dirt road 1 mile southwest of its junction with State Secondary Highway 257, said junction being 1.75 miles northeast of the intersection of said highway and State Secondary Highway 165.

The Strong, Marvin, farm located on the south side of the South Carolina North-Carolina State line and 1.3 miles east of its intersection with State Primary Highway 177.

(Sec. 8, 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 37 FR 28464, 28477; 38 FR 19141; 7 CFR 301.80)

Done at Washington, D.C., this 13th day of April, 1983.

H. L. Ford,

Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service

[FR Doc. 83-10192 Filed 4-15-83; 8:45 am]

BILLING CODE 3410-34-M

Agricultural Marketing Service

7 CFR Parts 1033 and 1036

Milk in Ohio Valley and Eastern Ohio-Western Pennsylvania Marketing Areas; Order Suspending Certain Provisions of the Orders

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rules.

SUMMARY: This action suspends for April through December 1983 the seasonal producer payment plans (Louisville plans) under the Ohio Valley and Eastern Ohio-Western Pennsylvania milk order. The payment plans were designed to encourage dairy farmers to maintain more stable production levels throughout the year. The plans operate by withholding 25 cents per hundredweight from payments to producers during April through July and distributing the money to producers supplying the market during September through December. The suspension was requested by Milk Marketing, Inc., a cooperative association representing producers supplying milk to both markets. The association expressed concern that the proposed suspension of the seasonal payment plans in the Indiana and Louisville-Lexington-Evansville orders would cause serious price misalignment due to intermingling of producers shipping to handlers regulated under those adjoining Federal orders.

EFFECTIVE DATE: April 18, 1983.

FOR FURTHER INFORMATION CONTACT: Clayton H. Plumb, Chief, Order Formulation Branch, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-6273.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding:

Notice of Proposed Suspension: Issued March 18, 1983; published March 24, 1983 (48 FR 12387).

It has been determined that this suspension is not a major action under the criteria set forth in Executive Order 12291.

It also has been determined that the need for suspending certain provisions of the orders on an emergency basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require that this document be submitted fro review to the Office of Management and Budget at least 10 days prior to its publication in the **Federal Register.** However, this would not permit the completion of the required suspension procedures in time to include April 1983 in the suspension period. The initial request for this action was received March 14, 1983. A notice of proposed suspension was issued on March 18, 1983, inviting interested parties to comment on the proposed action by March 31, 1983.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. Such action assures the orderly marketing of milk in the affected and adjoining marketing areas in that producers regularly supplying the markets otherwise would have an incentive to shift their supply to adjoining markets during the "take-out" months of the seasonal payment, or "Louisville", plans in order to avoid the months in which 25 cents per hundredweight is deducted under the Ohio Valley and Eastern Ohio-Western Pennsylvania milk orders.

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and of the orders regulating the handling of milk in the Ohio Valley and Eastern Ohio-Western Pennsylvania marketing areas.

Notice of proposed rulemaking was published in the **Federal Register** on March 24, 1983, (48 FR 12387) concerning a proposed suspension of certain provisions of the orders. Interested persons were afforded an opportunity to file written data, views, and arguments thereon.

After consideration of all relevant material, including the proposal in the notice, the comments received, and other available information, it is hereby found and determined that for the months of April through December 1983 the following provisions of the orders do not tend to effectuate the declared policy of the Act:

1. In § 1033.61, paragraph (g), the words", except for the months specified below,"; and all of paragraphs (h) through (l).

2. In § 1033.70, all of paragraph (b); and in paragraph (c), the words "or (1)".

3. In § 1036.61, paragraph (f), the words "For the months of January through March and August,"; and all of paragraphs (g) through (l).

4. In § 1036.70, all of paragraph (b).

Statement of Consideration

This action makes inoperative for 1983 the provisions of the Ohio Valley and Eastern Ohio-Western Pennsylvania milk orders that contain the seasonal producer payment plans, or "Louisville" plans, for those orders. Under those provisions, 25 cents per hundredweight of producer milk is deducted from the pooled value of milk in computing the uniform prices to producers during the months of April through July. The monies so accumulated are added to the pool funds in computing the uniform prices to producers for each month of September through December. The payment plan is intended to encourage a more stable level of milk production throughout the year.

Suspension of the Louisville plans for 1983 was requested by Milk Marketing, Inc. (MMI), a cooperative association representing a large proportion of the producers supplying both markets. In supporting its request, the cooperative claims that proposed suspensions of the Louisville plans in the Indiana and Louisville-Lexington-Evansville orders would cause serious price misalignment between Federal orders and could result in disorderly marketing unless the

seasonal payment plans for Ohio Valley and Eastern Ohio-Western Pennsylvania are also suspended. The cooperative stated that producers shipping to handlers regulated by the Ohio Valley, Louisville-Lexington-Evansville, and Indiana orders are intermingled geographically, as are producers shipping to handlers regulated by the Ohio Valley and Eastern Ohio-Western Pennsylvania orders. According to the cooperative, misalignment between pay prices to producers in these orders would occur for eight of the twelve months of 1983 and could result in disorderly marketing as producers change markets for temporary gains.

The cooperative also claims that the seasonal payment plans have become less effective in leveling out producer deliveries as the seasonal adjustment has become a smaller percentage of the total price received by producers. In 1970, for instance, the 25-cent "take-out" represented approximately 4.3 percent of the blend price paid to producers in Eastern Ohio-Western Pennsylvania, while in 1982 the same deduction was less than 2 percent of the blend price.

A further consideration cited by MMI in support of its suspension request is the impact on dairy farmers' cash flow of the April through July 25-cent reduction of the producer pay prices when combined with the 50-cent per hundredweight assessment under the Dairy Price Support Program, to be effective with April 16, 1983, milk deliveries. The cooperative asserts that suspension of the seasonal payment plans will absorb some of the impact of that assessment, if implemented, and allow dairy farmers time to adjust their operations.

Interested parties were given the opportunity to submit written data, views or arguments concerning the suspension. Comments supporting the suspension were received from a cooperative association which markets the milk of its members in the Eastern Ohio-Western Pennsylvania marketing area, from several individual dairy farmers, and from Milk Marketing, Inc. Negative comments received related primarily to the 50-cent per hundredweight assessment under the Dairy Price Support Program rather than specifically being addressed to the suspension of the Louisville plans.

In view of the potential for disorderly marketing, the aforesaid provisions should be suspended to avoid serious misalignment of prices to producers in adjoining Federal milk orders. This action will remove an incentive for dairy farmers to change markets in order to benefit from producer pay prices that are temporarily higher.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to assure the orderly marketing of milk in the affected and adjoining marketing areas in that producers who regularly supply the markets otherwise would have an incentive to shift to neighboring markets during the "take-out" months of the "Louisville" plans, thereby causing a disruption in the orderly marketing of milk;

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded an opportunity to file written data, views or arguments concerning this suspension. No views opposing this suspension were received.

Therefore, good cause exists for making this order effective upon publication in the **Federal Register.**

List of Subjects in 7 CFR Parts 1033 and 1036

Milk marketing orders, Milk, Dairy products.

PARTS 1033 AND 1036—[AMENDED]

It is therefore ordered, That the aforesaid provisions in §§ 1033.61 and 1033.70 of the Ohio Valley order and §§ 1036.61 and 1036.70 of the Eastern Ohio-Western Pennsylvania order are hereby suspended for April through December 1983.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

Effective date: April 18, 1983.

Signed at Washington, D.C., on April 13, 1983.

John Ford,

Deputy Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 83-10251 Filed 4-15-83; 8:45 am]

BILLING CODE 3410-02-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Parts 563 and 563c

[No. 83-194]

Amortization Methods for Loan Premiums and Deferred Income; State Concurrence in Use of Deferral Accounting

Dated: April 6, 1983.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: The Federal Home Loan Bank Board has amended its regulations to prohibit use of the straight-line and sum-of-the-years-digits methods to amortize premiums and deferred income (such as loan discounts) on loans and securities if the amounts of such premiums and deferred income exceed 10 percent of the outstanding principal balances of those loans at the time the loans are made or acquired and the loans have a remaining term to maturity in excess of 7 years. Instead, use of the level-yield method of amortization of discounts and premiums is required in these circumstances. Prohibiting use of the straight-line and sum-of-the-years-digits methods is intended to avoid distorting reported earnings and remove artificial incentives for investment in deep-discount loans or securities. The Board also has amended its regulations to clarify that a state-chartered insured institution must notify the Principal Supervisory Agent of the concurrence of the institution's state supervisory authority when the institution elects to defer and amortize gains and losses from the disposition of mortgage loans or securities. Lastly, the Board has clarified provisions of the matching requirements contained in its regulations which authorize deferral and amortization of losses by eliminating unnecessary references and by adding clarifying language. The last two amendments are technical in nature and merely clarify existing requirements.

EFFECTIVE DATE: April 13, 1983 (amendments to 12 CFR 563c.14); December 31, 1982 (amendments to 12 CFR 563.23–1).

FOR FURTHER INFORMATION CONTACT: Michael S. Joseph (202–377–6392), Professional Accounting Fellow, Office of Examinations and Supervision, or Robert S. Monheit (202–377–6466), Attorney, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: On December 16, 1982, the Federal Home Loan Bank Board, by Resolution No. 82-809, proposed amendments to §§ 563.23–1 and 563c.14 of the regulations for the Federal Savings and Loan Insurance Corporation (48 FR 417; January 5, 1983). First, the proposal would have amended 12 CFR 563.23–1(g)(9) (1982) to require the use of the level-yield method of amortization of discounts and premiums related to loans when such deferred items exceed ten percent of the related loan balance (unless the loan was fully amortizing over a period not in excess of

seven years). The current regulation permits amortization by the level–yield, straight–line, or sum–of–the–years–digits methods. Second, the proposal would have amended 12 CFR 563c.14(b)(2) (1982) to clarify that a state–chartered insured institution should forward to the Principal Supervisory Agent at its Federal Home Loan Bank and the Director, Office of Examinations and Supervision, the concurrence of its state supervisory authority if the institution elects to defer and amortize gains and losses from the disposition of mortgage loans or certain securities. The current regulation does not specify to whom the required notification should be sent. Lastly, the proposal would have amended 12 CFR 563c.14(b)(3)(ii) and (c)(2) (1982) to clarify certain provisions of the matching requirements contained in the regulations which authorize the deferral and amortization of losses.

The Board received eleven comment letters on the proposed amendments. Commenters consisted of nine insured savings and loan associations, a savings and loan trade group, and a law firm which represents associations. All of the comments related only to the proposed change to acceptable amortization methods for premiums and discounts on loans. Five commenters were generally opposed to the proposed changes, four supported them, and two suggested certain clarifications to the proposal without specifically expressing support or opposition.

Clarifying Amendments

The clarifying amendments to § 563c.14 of the regulations are straightforward and, as demonstrated by the lack of comment with respect to them, noncontroversial. These clarifying amendments:

1. Remove specific references to § 563.23–1 of the Regulations in § 563c.14(c)(2) which requires that matching amortization methods and lives must be used with respect to deferred losses and discounts from the purchase of long-term deep-discount securities, and

2. Provide that a state–chartered institution that elects to defer and amortize gains and losses from the sale of loans or securities pursuant to § 563c.14 document the concurrence of its state supervisory authority to the Principal Supervisory Agent at the Federal Home Loan Bank at which it is a member.

The specific references to § 563.23–1 are unnecessary and have caused some institutions to incorrectly interpret § 563.14 as making § 563.23–1 applicable to transactions, specifically those involving securities, to which it does not apply. The wording of paragraph (c)(2) of § 563.14 is amended to clarify that the amortization method and period used to amortize discounts and matching losses must be the same (except to the extent a shorter period is appropriate for the discount or the loss) and must be an appropriate method and period for both the discount and the loss. Finally, the amendment clarifies that an institution may change the method and period used to amortize a previously recorded deferred loss if necessary to comply with paragraph (c)(2). These amendments will make an institution's use of loss deferral accounting easier and less confusing. In addition, § 563c.14(b)(2) has been amended to explicitly state how a state supervisory authority's concurrence in the authority granted to institutions to defer and amortize gains and losses from the disposition of loans and certain securities is to be communicated to the Board. This amendment will eliminate confusion and will ensure that the information is sent to the most useful place. The Board therefore adopts these amendments as proposed, except for the requirement that additional notice be sent to the Director of the Office of Examinations and Supervision, which the Board deems necessary.

Amortization Methods

The proposed amendments to § 563.23–1 of the regulation would require that the level-yield method of amortization be used to recognize premiums and deferred income associated with loans which are not fully amortized within a period of seven years when such amounts exceed ten percent of the related loan balances and the loans have a remaining term to maturity in excess of seven years. Currently, the sum-of-the-years-digits or straight-line method may also be used to amortize these amounts.

When the Board authorized use of methods other than the level-yield method of amortization, accretion of premiums and deferred income did not constitute a significant portion of an institution's earnings from an investment in loans. Thus, the amortization method used did not materially affect an institution's reported income. At present, however, market interest rates differ from contract interest rates on a significant portion of mortgage loans available for purchase and sale in the secondary market. In addition, institutions are relying to a greater degree on the acquisition of loans to meet their investment requirements. One result of these new circumstances is that the method by which deferred income and premiums (principally loan discounts) are amortized to income can have a significant impact on institutions' reported earnings.

The use of an accelerated amortization method, such as the straight-line or sum-of-the-years-digits method, tends to overstate the net book value of assets purchased at discount held by an insured institution. These methods permit income recognition during the early years after loan acquisition of a greater amount of discounts than is necessary to recognize a market rate of return on an institution's investments. The same is true with respect to deferred acquisition credits and other items of deferred income related to the making of a loan where the deferred income is intended to compensate an institution for making a below-market-rate loan. And the converse occurs (i.e., carrying amounts and income tend to be understated during the early years) when these methods are used to amortize premiums paid upon the purchase of loans.

Under the level-yield method of amortization, an institution's reported periodic earnings on a below-market-rate loan are maintained at the same level as a loan that bears an interest rate equal to a market interest rate in the amount invested in the loan. However, because the greatest distortions of reported earnings occur from the making or purchasing of longer-term loans whose contract interest rates are significantly different from market levels, the Board proposed to prohibit use of the straight-line or sum-of-the-years-digits methods only where the premiums or deferred income exceed ten percent of the remaining principal balances of the loans made or acquired. The prohibition would not have applied to a loan that provided for full amortization within its term and whose term did not exceed seven years. The commenters supporting the proposed amendment noted that this change would bring the Board's accounting regulations more closely into line with generally accepted accounting principles (GAAP) which require the level-yield method to be used with respect to premiums and deferred income. (Three commenters mistakenly indicated that the sum-of-the-years-digits method was consistent with generally accepted accounting principles.)

Two of the commenters favoring the proposal suggested that the Board fully embrace GAAP for all aspects of accounting for loan-related income. Even after adoption of the proposed action, differences between the Board regulations and GAAP would exist with

respect to the periods over which these amounts are to be amortized and the treatment of loan commitment fees received by an institution. Upon consideration, the Board believes that these areas of departure are not generally viewed to be significant and, accordingly, no action with respect to these aspects of the Board's regulations will be taken at this time.

One commenter suggested that the level-yield method is somewhat complex and guidance is needed with respect to its application. The complexity cited is premised, to a large extent, on the need to estimate prepayments (and to periodically evaluate the accuracy of these estimates) over the 20- to 30-year contractual life of a loan or group of loans. The Board notes, however, that the current regulation, 12 CFR 563.23–1 (1982), permits amortization over a period as short as ten years (or in certain circumstances fewer than ten years). Use of a ten-year amortization period simplifies the use of the level-yield method by eliminating the need to estimate prepayments. Further, the requirement to use the level-yield method can easily be avoided by purchasing loans at a price of at least 90 percent of their face amount or those with a remaining contractual life of seven years or less.

The Board believes, however, that the appearance of complexity should not be a deterrent to the adoption of a more accurate accounting procedure. To the extent the proposal is so perceived, the following discussion of the intended method of applying the level-yield method is intended to provide additional guidance in this area. The amortization method should be applied by assuming that scheduled monthly payments will be received for the amortization period (typically ten years) at the end of which time the entire remaining balance will be repaid. The amortization schedule derived from this application should then be applied regardless of the actual repayment characteristic of the loan or loans, unless of course it is completely repaid prior to the expiration of the ten-year period. The following example is intended to demonstrate how an amortization schedule should be constructed.

Assume that an institution purchases a loan which has a remaining principal balance of $100,000, term of 20 years, and contract interest rate of 8 percent at a price of $80,000. The resulting discount to be amortized is $20,000 ($100,000–$80,000). The contractual monthly payment on this loan is $836.44. Its projected balance at the end of the ten-year amortization period is scheduled to be $60,940.61.

The internal rate of return on the institution's $80,000 investment (assuming receipt of monthly payments of $836.44 for ten years and a balloon payment of $60,940.61 at the end of the tenth year) is 11.8177%, compounded monthly. These amounts give rise to the following amortization schedule, which is also determined on a monthly compounding basis.

	Scheduled interest income on $100,000, 8 percent loan with $836.44 monthly payments	Scheduled interest income on $80,000, 11.8177 percent loan with $836.44 monthly payments	Discount amortization (difference)
Year:			
1	$7,923.60	$9,421.53	$1,497.93
2	7,748.17	9,344.67	1,596.50
3	7,558.18	9,258.24	1,700.06
4	7,352.43	9,161.03	1,808.60
5	7,129.59	9,051.67	1,922.08
6	6,888.24	8,928.69	2,040.45
7	6,626.89	8,790.33	2,163.44
8	6,343.81	8,634.73	2,290.92
9	6,037.25	8,459.68	2,422.43
10	5,705.25	8,262.84	2,557.59
Total discount			20,000.00

Those commenters who were opposed to the proposed action generally acknowledged that the straight-line or sum-of-the-years-digits methods overstate income during the early years of owning a loan purchased at discount. However, they generally viewed this income enhancement to be desirable for the industry given its current financial condition. The Board believes that this approach toward accounting for investments of the industry is inappropriate and does not encourage investment decisions based upon economic merits. The Board therefore has determined to adopt the amendments as proposed.

Regulatory Flexibility Act Certification

Pursuant to 12 U.S.C. 605(b), the Board hereby certifies that the final rule will not have a significant economic impact on a substantial number of small entities. The amendments to 12 CFR 563c.14 are technical clarifying changes that impose no new costs but, instead, simplify the application of existing rules. The amendment to 12 CFR 563.23–1 will not impose new, significant costs, but will result in a more accurate reflection of income in accordance with generally accepted accounting principles.

Retroactive Application and Immediate Effective Date

In its notice of proposed rulemaking, the Board indicated that if adopted, the rule would be effective for all purchases of loans or commitments to purchase loans occurring on or after December 16, 1982. The proposed change would have permitted institutions to continue to use the straight-line and sum-of-the-years-digits method to amortize premiums and deferred income only: (1) With regard to loans that were invested in or committed to prior to December 16, 1982, and (2) where the use of such methods was authorized at the time of investment. This announcement of the proposed early effective date was intended to prevent institutions from making or acquiring deeply-discounted loans solely for the purpose of obtaining a boost to earnings from accelerated amortization of the deferred income during the period that the Board reviewed the comments on its proposal. Failure to impose a retroactive effective date would have provided a non-economic incentive to make investments in long-term deeply discounted loans during the comment period, potentially adversely affecting the inherent value of individual institutions. To facilitate the bookkeeping for these transactions, the Board has advanced the effective date of this final action to December 31, 1982, the end of the calendar year. For these reasons, the Board finds good cause to waive the 30-day delayed effective date requirement (for the amendment to 12 CFR 563.23–1), pursuant to 12 U.S.C. 553(d)(3) and 12 CFR 508.14.

As to the amendments to 12 CFR 563c.14, while the Board finds that retroactive application of these changes is unnecessary, the Board also finds good cause to waive the 30-day delayed effective date requirement because these changes are technical and clarifying in nature, 5 U.S.C. 553(d)(3), 12 CFR 508.14.

List of Subjects in 12 CFR Parts 563 and 563c

Savings and loan associations.

Accordingly, the Board hereby amends Parts 563 and 563c of Subchapter D, Chapter V of Title 12, Code of Federal Regulations, as set forth below.

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 563—OPERATIONS

1. Revise paragraphs (g)(9)(i) and (ii) of § 563.23–1, as follows:

§ 563.23–1 Premiums, discounts, charges, and credits with respect to loans; sale of real estate; and related items.

* * * * *

(g) *Definitions.* For purposes of this section:

* * * * *

(9) The term "approved method" means any one of the following methods for computing amortization of a capitalized premium or for recognizing deferred income (*e.g.*, discounts and deferred acquisition credits):

(i) "Straight-line" method, as described in § 1.167(b)–1 of the Federal Income Tax regulations (26 CFR 1.167(b)–1), but not, as to loans made or acquired after December 31, 1982 (excluding loans made or acquired after such date pursuant to a commitment entered into on or prior to such date), with respect to premiums or deferred income that exceed ten percent of the outstanding principal balance of a related loan on the date it is made or acquired unless the loan will be fully amortized within seven years of the date of closing or acquisition.

(ii) "Sum-of-the-years-digits" method, as described in § 1.167(b)-3 of the Federal Income Tax Regulations (26 CFR 1.167(b)-3), but not, as to loans made or acquired after December 31, 1982 (excluding loans made or acquired after such date pursuant to a commitment entered into on or prior to such date), with respect to premiums or deferred income that exceed ten percent of the outstanding principal balance of a related loan at the time it is made or acquired unless the loan will be fully amortized within seven years of the date of closing or acquisition.

* * * * *

PART 563c—ACCOUNTING REQUIREMENTS

2. Amend § 573c.14 by revising paragaraphs (b)(2), (b)(3)(ii), (c)(2) and (c)(3) thereof, as follows:

§ 563c.14 Accounting for gains and losses on the sale or other disposition of mortgage loans, redeemable ground-rent leases, and certain securities; matching the amortization of discounts.

* * * * *

(b) *Amortization.* An institution making this election shall:

* * * * *

(2) If it is a state-chartered institution, exercise this election only if its state supervisory authority has provided the Corporation with either specific or blanket concurrence for state law purposes in the use of this accounting treatment by sending the concurrence to the board's Principal Supervisory Agent at the Federal Home Loan Bank of which the institution is a member.

(3) Account for such gains and losses as follows:

* * * * *

(ii) Such gains or losses shall be amortized by the straight-line or level-yield methods over a period not to exceed the average of the remaining terms to maturity of the disposed mortgage loans or qualifying securities, or, in the case of redeemable ground-rent leases, a period not to exceed 40 years, with the yield calculated to reflect the length of the amortization period. Amortization periods for gains shall be established in the same manner as are amortization periods for losses deferred in the same fiscal year.

(c) *Matching the amortization of discounts and losses.*

(2) When long-term, deep-discount securities are purchased or otherwise acquired within six months preceding or subsequent to the disposition of a mortgage loan, mortgage-related security or debt security with respect to which an election to defer and amortize any loss or gain has been made pursuant to paragraph (a) of this section, the resulting discount shall be amortized over the same period and by the same method used to amortize any matching loss: *Provided,* that: (i) The method used for the loss is also an appropriate method by which to amortize a discount, and (ii) if the average of the remaining terms to maturity of the securities purchased is shorter than the period used to amortize the matching loss, then the average of the remaining terms to maturity of the securities purchased may be used as the amortization period for the discount.

(3) If necessary to meet the requirements of paragraph (c)(2) of this section, an institution may change the method and period by which the matching loss is being amortized. When making such a change, the amount of the matching loss shall be that portion of the loss that remains to be amortized as of the date of the change.

* * * * *

(Secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended (12 U.S.C. 1725, 1726, 1730). Reorg. Plan No. 3 of 1947, 12 FR 4891, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 83–10167 Filed 4–15–83; 8:45 am]

BILLING CODE 6720–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 82–ANE–48; Amdt. 39–4521]

Airworthiness Directives; McCauley Accessory Division C200, C300, and C400 Series Constant Speed Propellers

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to final rule.

SUMMARY: In Docket No. 82–ANE–48, appearing on Page 633, Volume 48, No. 4 in the Federal Register of January 6, 1983, a list of "Applicable Blade Serial Numbers" and corresponding blade types were listed for Airworthiness Directive 82–27–02. The blade types for serial numbers B117730 through B117769 were erroneously stated as 90DHB–8 and 78TCA–0. The correct blade types are 90DCB–8 and 78TCA–0.

FOR FURTHER INFORMATION CONTACT: Mr. Henry L. Weiss, Chicago Aircraft Certification Office, Propulsion Branch, ACE–140C, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018; telephone: 312–694–7134.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator, Amendment 39–4521 published in the Federal Register on page 633, Volume 48, Number 4, January 6, 1983, is hereby amended by correcting the blade type for Applicable Blade Serial Numbers B117730 through B117769 from 90DHB–8 and 78TCA–0 to 90DCB–8 and 78TCA–0.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); Sec. 1189 Federal Aviation Regulation (14 CFR 11.89).

Issued in Burlington, Massachusetts on April 4, 1983.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 83–10162 Filed 4–15–83; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 83–CE–45–AD; Amdt. 39–4632]

Airworthiness Directives; EMBRAER Models EMB–110P1 and EMB–110P2 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), AD 83-04-03, applicable to EMBRAER Models EMB-110P1 and EMB-110P2 airplanes and codifies the corresponding emergency AD letter dated February 16, 1983, into the **Federal Register**. The priority letter AD required insertion of a temporary revision in the Airplane Flight Manual (AFM) Limitations Section which limited operation to a crew of two pilots for all operations. This version of the AD incorporates this requirement. Additionally, it provides for removal of this limitation if EMBRAER Control Wheel Spindles P/N 111A-500-10-01-10-01 or P/N 110-500-10-01-10-04 are installed and clarifies the airplane models to which the AD is applicable. Priority letter AD 83-04-03 was issued following a report of separation of a control wheel from an EMBRAER EMB-110 airplane as a result of a failure of a P/N 4A-500-10-01-10-03 control wheel spindle. The priority letter and this action will preclude loss of airplane control should the spindle fail at the crew station occupied by a single pilot.

DATES: Effective date: April 25, 1983, to all persons except those to who it has already been made effective by priority letter from the FAA dated February 16, 1983. Compliance: As prescribed in the body of the AD.

ADDRESSES: EMBRAER Service Bulletin No. 110-027-A070 dated February 10, 1983, applicable to this AD may be obtained from Empresa Brasileira de Aeronautica S/A (EMBRAER), P.O. Box 343-CEP, 12.200, Sao Jose Dos Campos, Sao Paulo, Brazil. A copy of this information is also contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. Ben Davis, Airframe Branch, Atlanta Aircraft Certification Office, 1075 Inner Loop Road, College Park, Georgia 30337; Telephone (404) 763-7407.

SUPPLEMENTARY INFORMATION: The FAA was notified by the manufacturer and Centro Technico Aerospacial of Brazil (CTA) that a separation of a control wheel caused by failure of P/N 4A-500-10-01-10-03 control wheel spindle had occurred on an EMBRAER Model EMB-110 airplane. This resulted in the inability of the pilot to control the airplane at the crew station of the separated control wheel.

The FAA determined that this is an unsafe condition that may exist in other airplanes of the same type design, thereby necessitating the AD. It was also determined that an emergency condition existed, that immediate corrective action was required and that notice and public procedure thereon was impractical and contrary to the public interest. Accordingly, the FAA notified all known United States registered owners of the airplanes affected by this AD by priority mail letter dated February 16, 1983. The AD became effective immediately as to these individuals upon receipt of that letter and is identified as AD 83-04-03.

Subsequently, the FAA has received EMBRAER Alert Service Bulletin No. 100-027-A070 dated February 10, 1983, which contains information for identification of spindles of the part number which failed and acceptable P/N 111A-500-10-01-10-01 or P/N 110-500-10-01-10-04 spindles not subject to the previously experienced failure. If either of the later identified control wheel spindles is installed, the temporary limitation establishing two crewmembers for all operations required to be inserted in the AFM by priority letter AD 83-04-03 is no longer necessary in the interest of safety. Also, the FAA has become aware of an ambiguity in the applicability statement caused by not specifying the complete model designations of the United States certificated airplanes.

Accordingly, priority letter AD 83-04-03, applicable to EMBRAER EMB-110 airplanes, is being expanded to incorporate a criteria for identification of the acceptable and unacceptable control wheel spindles and authorize deletion of the temporary limitations requiring two crewmembers for all operations when the acceptable control wheel spindles are installed. The applicability statement is also being clarified by stating the specific and complete model designation of United States certificated airplanes.

Since the unsafe condition described herein may still exist on other EMBRAER EMB-110 airplanes, this AD is being published in the **Federal Register** as an amendment to Part 39 of the Federal Aviation Regulations (14 CFR Part 39) to make it effective to all persons who did not receive the letter notification. Because a situation still exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive.

EMBRAER: Applies to Models EMB-11OP1 and EMB-11OP2 airplanes certificated in any category.

Compliance: Required as indicated, unless already accomplished.

To prevent loss of airplane control in the event of a control wheel failure, accomplish the following:

(a) Effective immediately, operate the airplane with a minimum flight crew of two.

(b) Within the next 10 hours time-in-service after the effective date of this AD, insert a temporary revision in the Airplane Flight Manual (AFM), Limitations Section, paragraph 2-19, Minimum Flight Crew, which substitutes the following for the flight crew requirements. "Minimum flight crew for all operations—two pilots".

Note.—Insertion of a copy of this AD at the above location in the AFM satisfies the requirements of paragraph (b).

(c) Incorporation of the temporary AFM revision required by this AD may be accomplished by the owner/operator of the airplane. This person must make the prescribed entry in the aircraft maintenance records, indicating compliance with paragraph (b) of this AD.

(d) If an inspection of the control wheel installation in accordance with EMBRAER Alert Service Bulletin No. 110-027-A070, dated February 10, 1983, verifies that the aircraft has Control Wheel Spindle P/N 111A-500-10-01-10-01 or P/N 110-500-10-01-10-04, installed at both crew stations, or upon installation of either of the above part numbers, the requirements of paragraphs (a) and (b) of this AD are no longer applicable.

(e) An equivalent method of compliance with this AD may be used if approved by the Manager, Atlanta Aircraft Certification Office, ACE-110A, 1075 Inner Loop Road, College Park, Georgia 30337.

This amendment becomes effective on April 25, 1983, to all persons except those to whom it has already been made effective by priority letter from the FAA dated February 16, 1983, and is identified as AD 83-04-03.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); § 11.89, Federal Aviation Regulations (14 CFR 11.89)).

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an

emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the Rules Docket at the location identified under the caption "ADDRESSES."

Issued in Kansas City, Missouri, on April 7, 1983.

Murray E. Smith,

Director, Central Region.

[FR Doc. 83-10165 Filed 4-15-83; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 82-ACE-21]

Designation of Transition Area; Eagle Grove, Iowa

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this federal action is to designate a 700-foot transition area at Eagle Grove, Iowa, to provide controlled airspace for aircraft executing a new instrument approach procedure to the Eagle Grove, Iowa, Airport, utilizing the Fort Dodge VORTAC as a navigational aid. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

EFFECTIVE DATE: June 9, 1983.

FOR FURTHER INFORMATION CONTACT: Dwaine E. Hiland, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-532, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION: To enhance airport usage, a new instrument approach procedure is being developed for the Eagle Grove, Iowa, Airport, utilizing the Fort Dodge VORTAC as a navigational aid. The establishment of an instrument approach procedure based on this approach aid entails designation of a transition area at Eagle Grove, Iowa, at or above 700 feet above the ground (AGL) within which aircraft are provided air traffic control service. Transition areas are designed to contain IFR operations in controlled airspace during portions of the terminal operation and while transiting between the terminal and en route environment. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR). This action will change the airport status from VFR to IFR.

Discussion of Comments

On pages 6551 and 6552 of the Federal Register dated February 14, 1983, the Federal Aviation Administration published a Notice of Proposed Rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Eagle Grove, Iowa. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rulemaking.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Accordingly, pursuant to the authority delegated to me, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 G.m.t. June 9, 1983, by designating the following transition area:

Eagle Grove, Iowa

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Eagle Grove, Iowa Airport (latitude 42°42'35"N, longitude 93°54'49"W), and 2½ miles either side of the Fort Dodge, Iowa VOR 071° radial extending from the 5-mile radius area to 8 miles southwest of the airport excluding that airpace within the Clarion, Iowa, transition area.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and § 11.69 of the Federal Aviation Regulations (14 CFR 11.69).

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Kansas City, Missouri, on April 8, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83-10163 Filed 4-15-83; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 97

[Docket No. 23604; Amdt. No. 1240]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—

Individual SIAP copies may be obtained from:

1. FAA Public Information Center (APA-430), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

FOR FURTHER INFORMATION CONTACT: Donald K. Funai, Flight Procedures and Airspace Branch (AFO-730), Aircraft Programs Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence

Avenue, SW., Washington, D.C. 20591; telephone (202) 426-8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA Forms are identified as FAA Forms 8260-3, 8260-4 and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPs criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, or contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Approaches—standard instrument, Aviation safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 97 of th Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 G.m.t. on the dates specified, as follows:

1. By amending § 97.23 VOR-VOR/DME SIAPs identified as follows:

** * * Effective June 9, 1983*

Kaunakakai, Molokai, HI—Molokai, VOR OR TACAN-A, Amdt. 7
Hancock, MI—Houghton County Memorial, VOR Rwy 13, Amdt. 11
Hancock, MI—Houghton County Memorial, VOR Rwy 25, Amdt. 13
Hancock, MI—Houghton County Memorial, VOR Rwy 31, Amdt. 10

** * * Effective May 26, 1983*

Meriden, CT—Meriden Markham Muni, VOR Rwy 36, Original
Georgetown, DE—Sussex County, VOR Rwy 4, Amdt. 3
Georgetown, DE—Sussex County, VOR Rwy 22, Amdt. 4
Kissimmee, FL—Kissimmee Muni, VOR/DEM-A, Amdt. 5
Naples, FL—Naples Muni, VOR Rwy 4, Amdt. 2
Naples, FL—Naples Muni, VOR Rwy 22, Amdt. 2
Naples, FL—Naples Muni, VOR/DME-A, Amdt. 4
Bainbridge, GA—Decatur County Industrial Airpark, VOR-A, Amdt. 2
Flemingsburg, KY—Fleming-Mason, VOR/DME-A, Amdt. 1
Biddeford, ME—Biddeford, Muni, VOR-A, Amdt. 3
Millinocket, ME—Millinocket Muni, VOR-A, Amdt. 8
Baltimore, MD—Glenn L. Martin State, VOR Rwy 14, Amdt. 5
Laurel, MS—Hesler-Noble Field, VOR/DME-A, Amdt. 1
Gideon, MO—Gideon Memorial, VOR Rwy 15, Amdt. 1
Atlantic City, NJ—Atlantic City, VOR/DME, Rwy 22, Amdt. 3
Newburgh, NY—Stewart, VOR Rwy 27, Amdt. 1
Norwich, NY—Lt. Warren Eaton, VOR/DME-A, Amdt. 1
Wurtsboro, NY—Wurtsboro-Sullivan County, VOR-A, Amdt. 1
Shelby, NC—Shelby Muni, VOR/DME Rwy 5, Amdt. 7
Altoona, PA—Altoona-Blair County, VOR-A, Amdt. 1
Lancaster, PA—Lancaster, VOR/DME Rwy 26, Amdt. 4
Lancaster, PA—Lancaster, VOR Rwy 31, Amdt. 12
Lancaster, PA—Lancaster, VOR/DME Rwy 31, Original
Block Island, RI—Block Island State, VOR-A, Amdt. 3
Livingston, TN—Livingston Muni, VOR/DME Rwy 21, Amdt. 2
Brownsville, TX—Brownsville Intl, VOR or TACAN Rwy 26, Amdt. 19
Harlingen, TX—Rio Grande Valley Intl, VOR Rwy 13, Amdt. 7

** * * Effective May 12, 1983*

Utica, NY—Oneida County, VOR/DME Rwy 33, Amdt. 4
Yankton, SD—Chan Gurney Muni, VOR Rwy 13, Amdt. 4
Yankton, SD—Chan Gurney Muni, VOR Rwy 31, Amdt. 2

** * * Effective March 30, 1983*

Hutchinson, MN—Hutchinson Muni, VOR/DME Rwy 33, Amdt. 1

** * * Effective March 25, 1983*

Salina, KS—Salina Muni, VOR Rwy 17, Amdt. 15

** * * Effective June 9, 1983*

Visalia, GA—Visalia Muni, VOR/DME Rwy 30, Amdt. 3, cancelled

** * * Effective May 26, 1983*

Meriden, CT—Meriden Markham Muni, VOR Rwy 36, Original, cancelled

Note.—The FAA published an amendment in Docket No. 23585, Amdt. No. 1239 to part 97 of the Federal Aviation Regulations (Vol. 48 FR No. 65 page 14359; dated April 4, 1983) under § 97.23 effective May 12, 1983, which is hereby amended as follows:

Bowling Green—Bowling Green Muni, VOR/DME-A, Amdt. 1. Change to read:
Bowling Green, MO—Bowling Green Muni, VOR/DME-A, Amdt. 1.

2. By amending § 97.25 SDF-LOC-LDA SIAPs identified as follows:

** * * Effective June 9, 1983*

Hancock, MI—Houghton County Memorial, LOC/DME BC Rwy 13, Amdt. 7

** * * Effective May 26, 1983*

Dalton, GA—Dalton Muni, LOC Rwy 14, Amdt. 1
Cumberland, MD—Cumberland Muni, LOC-A, Original
Millville, NJ—Millville Muni, LOC Rwy 10, Amdt. 3
Niagara Falls, NY—Niagara Falls Intl, LOC (BC) Rwy 10L, Amdt. 4
Brownsville, TX—Brownsville Intl, LOC BC Rwy 31L, Amdt. 7
Harlingen, TX—Rio Grande Valley Intl, LOC BC Rwy 35L, Amdt. 8

** * * Effective April 5, 1983*

Martinsburg, WV—Eastern WV Regional Airport/Shepherd Field, LOC BC Rwy 8, Amdt. 2

3. By amending § 97.27 NDB/ADF SIAPs identified as follows:

** * * Effective June 9, 1983*

Hancock, MI—Houghton County Memorial, NDB Rwy 31, Amdt. 7

** * * Effective May 26, 1983*

Mobile, AL—Bates Field, NDB Rwy 14, Original
Meriden, CT—Meriden Markham Muni, NDB Rwy 36, Amdt. 4
Kissimmee, FL—Kissimmee Muni, NDB Rwy 15, Amdt. 7
Miami, FL—Tamiami, NDB Rwy 9R, Amdt. 4
Dalton, GA—Dalton Muni, NDB Rwy 14, Amdt. 2
Flemingsburg, KY—Fleming-Mason, NDB Rwy 25, Amdt. 2
Frenchville, ME—Northern Aroostook Regional, NDB Rwy 32, Amdt. 1
Millinocket, ME—Millinocket Muni, NDB Rwy 29, Amdt. 1
Baltimore, MD—Glenn L. Martin State, NDB Rwy 14, NDB Rwy 14, Amdt. 5
Baltimore, MD—Glenn L. Martin State, NDB Rwy 32, Amdt. 5
Farmingdale, NY—Republic, NDB Rwy 1, Amdt. 11
Niagara Falls, NY—Niagara Falls Intl, NDB Rwy 28R, Amdt. 14
Athens/Albany, OH—Ohio University, NDB Rwy 25, Amdt. 5
Ottawa, OH—Putnam County, NDB Rwy 27, Amdt. 3
Huntington, WV—Tri-State/Walker-Long Field, NDB Rwy 12, Amdt. 14
Brownsville, TX—Brownsville Intl, NDB Rwy 13R, Amdt. 11
Brownsville, TX—Brownsville Intl, NDB Rwy 31 L, Amdt. 3
Harlingen, TX—Rio Grande Valley Intl, NDB Rwy 17R, Amdt. 8
Harlingen, TX—Rio Grande Valley Intl, NDB Rwy 17L, Amdt. 2

** * * Effective May 12, 1983*

Hemet, CA—Hemet-Ryan, NDB-A, Original
Yankton, SD—Chan Gurney Muni, NDB Rwy 31, Original
Utica, NY—Oneida County, NDB Rwy 33, Amdt. 12

** * * Effective March 30, 1983*

Hutchinson, MN—Hutchinson, Muni, NDB Rwy 33, Amdt. 12

** * * Effective March 25, 1983*

Salina, KS—Salina Muni, NDB Rwy 35, Amdt. 12

4. By amending § 97.29 ILS-MLS SIAPs identified as follows:

** * * Effective June 9, 1983*

Hancock, MI—Houghton County Memorial, ILS Rwy 31, Amdt. 8
Traverse City, MI—Cherry Capital, ILS Rwy 28, Amdt. 7

** * * Effective May 26, 1983*

Mobile, AL—Bates Field, ILS Rwy 14, Amdt. 27
Miami, FL—Tamiami, ILS Rwy 9R, Amdt. 2
Baltimore, MD—Glenn L. Martin State, ILS Rwy 32, Amdt. 1
Niagara Falls, NY—Niagara Falls Intl, ILS Rwy 28R, Amdt. 19
Harrisburg, PA—Capital City, ILS Rwy 8, Amdt. 6
Lancaster, PA—Lancaster, ILS Rwy 8, Amdt. 8
Brownsville, TX—Brownsville Intl, ILS Rwy 13R, Amdt. 8
Harlingen, TX—Rio Grande Valley Intl, ILS Rwy 17R, Amdt. 7
Huntington, WV—Tri-State/Walker-Long Field, ILS Rwy 12, Amdt. 7
Huntington, WV—Tri-State/Walker-Long Field, ILS Rwy 30, Amdt. 1

** * * Effective May 12, 1983*

Utica, NY—Oneida County, ILS Rwy 33, Original
Yankton, SD—Chan Gurney Muni, ILS Rwy 31, Original

** * * Effective March 25, 1983*

Salina, KS—Salina Muni, ILS Rwy 35, Amdt. 15

** * * Effective May 12, 1983*

Utica, NY—Oneida County, ILS Rwy 33, Amdt. 13, cancelled

5. By amending § 97.31 RADAR SIAPs identified as follows:

** * * Effective May 26, 1983*

Beaufort, SC—Beaufort County, RADAR-1, Original

** * * Effective May 26, 1983*

Biddeford, ME—Biddeford Muni, RADAR-1, Original, cancelled

6. By amending § 97.33 RNAV SIAPs identified as follows:

** * * Effective May 26, 1983*

Kissimmee, FL—Kissimmee Muni, RNAV Rwy 15, Amdt. 3
Newburgh, NY—Stewart, RNAV Rwy 16, Amdt. 1
Galion, OH—Galion Muni, RNAV Rwy 5, Original
Mansfield, OH—Mansfield Lahm Muni, RNAV Rwy 5, Original

** * * Effective March 25, 1983*

Salina, KS—Salina Muni, RNAV Rwy 17, Amdt. 8

(Secs. 307, 313(a), 601, and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a), 1421, and 1510); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.49(b)(3))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. The FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Note.—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

Issued in Washington, D.C., on April 8, 1983.

John M. Howard,

Manager, Aircraft Programs Division.

[FR Doc. 83-10159 Filed 4-15-83; 8:45 am]
BILLING CODE 4910-13-M

Federal Highway Administration

23 CFR Part 635

Contract Procedures; Labor and Employment

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule.

SUMMARY: The Federal Highway Administration (FHWA) is amending its regulation on Federal-aid labor and employment requirements to implement provisions mandated by sections 148 and 149 of the Surface Transportation Assistance Act of 1982 (STAA of 1982). Section 148 amends 23 U.S.C. 114(b) by including "materials produced by convict labor" within the prohibition of the use of convict labor in Federal-aid highway projects. Section 149 amends 23 U.S.C. 113(a) by striking the word "initial" so that the Davis-Bacon Act provisions would apply to construction work, as opposed to initial construction work, performed on projects on Federal-aid highway systems. The regulations implementing 23 U.S.C. 113(a) and 114(b) are revised to reflect the statutory amendments.

EFFECTIVE DATE: This final rule is effective January 6, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. P. E. Cunningham, Chief, Construction and Maintenance Division, (202) 426-0392, or Mr. Michael J. Laska, Office of the Chief Counsel, (202) 426-0761, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 to 4:15 p.m. e.t., Monday through Friday.

SUPPLEMENTARY INFORMATION: On January 6, 1983, the President signed into law the Surface Transportation Assistance Act of 1982 (Pub. L. 97-424, 96 Stat. 2097). Section 148 of the STAA of 1982 amends 23 U.S.C. 114(b) which provides that convict labor cannot be used in the construction of any highway or portion of highway located on a Federal-aid system unless the convict labor is performed by convicts who are on parole or probation. Section 148 extends this restriction to materials produced by convict labor. The convict

labor provisions as implemented in 23 CFR 635.124(a) are being revised to include the provisions of section 148.

Section 149 of the STAA of 1982 amends 23 U.S.C. 113(a) which provides for the application of prevailing rate of wages in accordance with the Davis-Bacon Act (40 U.S.C. 276a) to Federal-aid highway projects. Section 149 deletes the word "initial" so that the Davis-Bacon provisions apply to construction work as opposed to initial construction work performed on highway projects on the Federal-aid systems. The Davis-Bacon provisions as implemented in 23 CFR 635.124(d) are being revised to reflect this deletion of section 149.

The FHWA has determined that this document does not contain a major rule under Executive Order 12291 or significant regulation under the regulatory policies and procedures of the Department of Transportation. Since the amendments in this document merely reflect statutory language mandated by the STAA of 1982, public comment is unnecessary. Therefore, the FHWA finds good cause to make the amendments final without prior notice and opportunity for comment and without a 30-day delay in effective date under the Administrative Procedure Act. Notice and opportunity for comment are not required under the regulatory policies and procedures of the Department of Transportation because it is not anticipated that such action could result in the receipt of useful information since the statutory language incorporated in the regulation requires no interpretation and provides for no discretion. It is anticipated that the economic impact of this rulemaking action will be minimal, since such economic impact as will occur is mandated by the cited statutory changes themselves, and not by the rulemaking action. Accordingly, a full regulatory evaluation is not required. For the foregoing reasons and under the criteria of the Regulatory Flexibility Act, it is certified that this action will not have a significant economic impact on a substantial number of small entities.

In consideration of the foregoing, and under the authority of 23 U.S.C. 315; 148 and 149, Surface Transportation Assistance Act of 1982, Pub. L. 97–424, 96 Stat. 2097; and 49 CFR 1.48(b), the FHWA is amending Part 635, Subpart A of title 23, Code of Federal Regulations, as set forth below:

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The coordination process provided in OMB circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs apply to this program.)

List of Subjects in 23 CFR Part 635

Government contracts, Grant programs—transportation, Highways and roads.

Issued on: April 8, 1983.

L. P. Lamm,

Deputy Federal Highway Administrator, Federal Highway Administration.

PART 635—CONSTRUCTION AND MAINTENANCE

1. In § 635.124, paragraph (a)(1) is revised to read as follows:

§ 635.124 Labor and employment

(a)(1) No convict labor shall be employed or used for maintenance or any other purpose at the site and no materials produced by convict labor shall be utilized in the construction of a project or within the limits of any Federal-aid project from the time of program approval to final acceptance of the work by the State highway agency and removal of all free labor therefrom except as provided in § 635.124(a)(2). Program approval is interpreted to refer to approval of the program for any phase of the project; such as, preliminary engineering, right-of-way acquisition, or physical construction.

* * * * *

2. In § 635.124, paragraph (a)(2) is amended in the first sentence by inserting the words "or material produced by convict labor utilized" after the word "employed" and in the second sentence by inserting the words "or material produced by convict labor" after the word "labor."

3. In § 635.124, paragraph (d) is amended by removing the word "initial" before the word "construction."

[FR Doc. 83–9998 Filed 4–15–83; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 7885]

Income Tax; Taxable Years Beginning After December 31, 1953 Automatic Extension of Time for Filing Income Tax Returns

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document provides final regulations under the Tax Equity and Fiscal Responsibility Act of 1982 relating to the automatic extension of time for filing income tax returns. In general, the regulations will extend the length of automatic extensions available to corporations and individuals. These regulations provide necessary guidance to the public and affect corporations and individuals seeking an automatic extension of the time for filing income tax returns.

DATE: The regulations are effective for taxable years ending on or after December 31, 1982.

FOR FURTHER INFORMATION CONTACT: Philip R. Bosco of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, Attention: CC:LR:T, 202–566–3238, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

This Treasury decision amends § 1.6081–3 of the regulations so as to extend the present three-month automatic extension of time to file a corporation income tax return to a six-month automatic extension. To obtain the automatic extension, the corporation must file Form 7004 (Application for Automatic Extension of Time to File U.S. Corporation Income Tax Return). Form 7004 must show the amount of tax properly estimated for the taxable year, be signed by a person authorized by the corporation to request such extension, and be filed on or before the due date for filing Form 1120 (U.S. Corporation Income Tax Return). The corporation shall make a remittance, on or before the date prescribed for payment, of the amount of the properly estimated unpaid tax liability. This amendment is effective for taxable years ending on or after December 31, 1982.

Section 234(b)(2)(B) of the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) amended section 6081(b) so as to deny a corporation requesting an automatic extension of time to file the right to remit any unpaid tax liability in installments. This Treasury decision amends § 1.6081–3 of the regulations so as to require that Form 7004 be accompanied by the full amount of the estimated unpaid tax liability. This amendment is effective for taxable years beginning after 1982.

Finally, this Treasury decision amends § 1.6081–4 of the regulations so as to extend the present two-month automatic extension of time to file an individual income tax return to a four-month automatic extension. To obtain the automatic extension, the individual must file Form 4868 (Application for

Automatic Extension of Time to File U.S. Individual Income Tax Return). Form 4868 must show the amount of tax properly estimated for the taxable year, be signed by the individual or some other person duly authorized by the individual to sign, be accompanied by the full remittance of the unpaid estimated tax, and be filed on or before the due date for filing Form 1040 (U.S. Individual Income Tax Return). In the case of certain U.S. citizens and residents outside of the United States (as described in § 1.6081–2 of the regulations), the four-month automatic extension will run concurrently with the two-month extension to file otherwise available to such individuals, and Form 4868 must be filed on or before the expiration of such two-month extension.

Both the new six-month automatic extension for corporations and the new four-month automatic extension for individuals extend only the time for filing. Such automatic extensions do not extend the time for payment of the tax.

Special Analyses

The Commissioner of Internal Revenue has determined that this final rule is not a major rule as defined in Executive Order 12291. Accordingly, a Regulatory Impact Analysis is not required. Because this regulation is nonsubstantive and essentially procedural, no general notice of proposed rulemaking is required by 5 U.S.C. 553(b). Accordingly, no Regulatory Flexibility Analysis is required for this rule.

Drafting Information

The principal author of this regulation is Philip R. Bosco of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

List of Subjects in 26 CFR 1.6001–1—1.6109–2

Income taxes, Administration and procedure, Filing requirements.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR Part 1 is amended as follows:

PART 1—[AMENDED]

Paragraph 1. Section 1.6081–3 is amended by revising the introductory text of paragraph (a) and (a) (2) and (3), and (b) to read as follows:

§ 1.6081–3 Automatic extension of time for filing corporation income tax returns.

(a) *In general.* A corporation shall be allowed an automatic extension of time to the fifteenth day of the sixth month (third month in the case of taxable years ending before December 31, 1982) following the month in which falls the date prescribed for the filing of its income tax return provided the following requirements are met:

(1) * * *

(2) The application must be filed on or before the date prescribed for the filing of the return of the corporation with the internal revenue officer with whom the corporation is required to file its income tax return.

(3) The corporation shall make a remittance, on or before the date prescribed for payment, of the amount of the properly estimated unpaid tax liability. For taxable years beginning before 1983, the corporation shall make a remittance of an estimated amount of tax which shall not be less than would be required as the first installment under section 6152(a)(1) should the corporation elect to pay the tax in installments. Upon the time by filing of Form 7004, properly prepared, the 6-month (3-month in the case of taxable years ending before December 31, 1982) extension shall be considered as allowed. For taxable years beginning before 1983, if the taxpayer elects to pay in installments the tax shown on Form 7004, the installment privilege provided in section 6152(a)(1) is limited to the amount shown on the form.

(b) *Consolidated returns.* An application for an automatic extension of time for filing a consolidated return shall be made by a person authorized by the parent corporation to request such extension. Such person must be a person authorized under section 6062 to execute the return of the parent corporation; a person currently enrolled to practice before the Treasury Department; or after November 7, 1965, either an attorney who is a member in good standing of the bar of the highest court of a State, possession, territory, commonwealth, or the District of Columbia, or a certified public accountant duly qualified to practice in a State, possession, territory, commonwealth, or the District of Columbia. There shall be attached to such application a statement listing the name and address of each member of the affiliated group for which such consolidated return will be made. For taxable years beginning after December 31, 1970, the application shall be filed with the internal revenue officer with which the parent corporation will file its income tax return. Upon the timely filing of Form 7004 with the internal revenue officer with which such corporation files its return, the 6-month (3-month in the case of taxable years ending before December 31, 1982) extension shall be considered as granted to the affiliated group for the filing of its consolidated return or for the filing of each member's separate return.

* * * * *

Par. 2. Section 1.6081–4 is amended by revising paragraphs (a) (1), (3), and (5) to read as follows:

§ 1.6081–4 Automatic extension of time for filing individual income tax returns.

(a) *In general.* (1) An individual who is required to file an income tax return on Form 1040 for any taxable year ending on or after December 31, 1982, shall be allowed an automatic 4-month extension of time to file such return after the date prescribed for filing of the return only if the requirements contained in paragraphs, (a) (2), (3), and (4) of this section are met. Accordingly, in the case of an individual described in § 1.6081–2(a) (5) or (6), the automatic 4-month extension will run concurrently with the extension of time to file granted pursuant to § 1.6081–2(a). (For returns filed for taxable years ending on or after December 31, 1971 and before December 31, 1982, the extension allowed by this paragraph shall be a 2-month extension.)

* * * * *

(3) Except in the case of an individual described in § 1.6081–2(a) (5) or (6), the application must be filed on or before the date prescribed for the filing of the return of the individual with the internal revenue officer with whom the return is required to be filed. In the case of an individual described in § 1.6081–2(a) (5) or (6), the application must be filed on or before the expiration of the extension of time to file granted pursuant to § 1.6081–2(a).

* * * * *

(5) Upon the timely filing of Form 4868, properly prepared, and accompanied by remittance of the full amount of the estimated unpaid tax liability, the 4-month (2-month, in the case of taxable years ending on or after December 31, 1971 and before December 31, 1982) extension shall be considered as allowed. Except in undue hardship cases, no extension of time for filing an individual income tax return shall be granted under § 1.6081–1 until an automatic extension has been granted pursuant to the provisions of this paragraph.

* * * * *

Because this regulation is nonsubstantive and essentially procedural, it is found unnecessary to

issue it with notice and public procedure under subsection (b) of section 553 of Title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

This Treasury decision is issued under the authority contained in sections 6081 and 7805 of the Internal Revenue Code of 1954 (68A Stat. 751, 26 U.S.C. 6081; 68A Stat. 917, 26 U.S.C. 7805).

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: April 6, 1983.

John E. Chapoton,

Assistant Secretary of the Treasury.

[FR Doc. 83-10225 Filed 4-13-83; 3:11 pm]

BILLING CODE 4830-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[Reg. 83-06]

COTP Hampton Roads, VA; Safety Zone Regulations; Chesapeake Bay, Hampton Roads, Willoughby Bay, Norfolk, Virginia

AGENCY: Coast Guard, DOT.

ACTION: Emergency rule.

SUMMARY: The Coast Guard is establishing a safety zone in Willoughby Bay, Hampton Roads, Chesapeake Bay, Virginia, in the vicinity of the Norfolk Naval Air Station on 23 April 1983. This zone is established to safeguard watercraft from damage during the U.S. Navy Blue Angels flight demonstration team arrival show on 23 April 1983 and air show on 24 April 1983. Entry into this zone is prohibited except as otherwise stated.

EFFECTIVE DATES: This regulation becomes effective on 23 April 1983, at 5:30 PM local time. It terminates on 23 April 1983, at 6:30 PM local time. It again becomes effective on 24 April 1983 at 2:15 PM local time, and terminates on 24 April 1983 at 3:45 PM local time.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander W. K. Six, Chief, Port Operations Department, Coast Guard Marine Safety Office, Hampton Roads, Norfolk, Virginia 23510, (804) 441-3296.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was not published for this regulation and it is being made effective in less than 30 days after **Federal Register** publication. Publishing an NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to safeguard watercraft and their occupants.

Drafting Information

The drafter of this regulation is Lieutenant Commander W. K. Six, project officer for the Captain of the Port.

Discussion of Regulation

The Federal Aviation Administration has required that this safety zone be imposed as a condition for its granting approval for the arrival show and air show to take place. To prevent possible damage to watercraft and their occupants, no watercraft will be permitted to enter, remain in, moor in, or transit this safety zone unless specifically authorized by the Captain of the Port, Hampton Roads, Virginia. This rule is in response to a request by the U.S. Navy for Coast Guard assistance in precluding vessels from transiting the area.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

Regulation

In consideration of the foregoing, Part 165 of Title 33, Code of Federal Regulations, is amended by adding a new § 165.T517 to read as follows:

§ 165.T517 Safety Zone: Chesapeake Bay, Hampton Roads, Willoughby Bay, Virginia.

(a) *Location.* The following area is a safety zone: The waters of Willoughby Bay, Norfolk, Virginia, bounded by a line beginning at a point 36-56-54N, 76-17-37W, thence to 36-57-30N, 76-17-37W, thence to 36-57-30N, 76-17-01W, thence to 36-56-56N, 76-17-01W, thence along the shoreline to the point of beginning.

(b) *Regulations:* (1) In accordance with the general regulations in 165.23 of this part, no person may enter, remain in, moor in, or operate any vessel within this safety zone between 5:30 PM local time and 6:30 PM local time, 23 April 1983, or between 2:15 PM local time and 3:45 PM local time on 24 April 1983.

(33 U.S.C. 1225 and 1231; 49 CFR 1.46; 33 CFR 165.3)

Dated: March 30, 1983.

J. D. Webb,

Captain, U.S. Coast Guard, Captain of the Port, Hampon Roads, U.S. Coast Guard.

[FR Doc. 83-10291 Filed 4-15-83; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF EDUCATION

34 CFR Part 682

Family Contribution Schedule for the Guaranteed Student Loan Program for 1983-84; Correction

AGENCY: Department of Education.

ACTION: Final regulations; Corrections.

SUMMARY: This document makes technical corrections in the final regulations for the Family Contribution Schedule for the Guaranteed Student Loan Program for 1983-84 (48 FR 14316, April 1, 1983).

FOR FURTHER INFORMATION CONTACT: Mr. Larry Oxendine, Policy Section, Guaranteed Student Loan Branch, Division of Policy and Program Development, Office of Student Financial Assistance, 400 Maryland Avenue, SW., (Room 4310, ROB-3) Washington, D.C.

SUPPLEMENTARY INFORMATION: On April 1, 1983, the Secretary published final regulations for this program in the **Federal Register** at 48 FR 14316-14343. This document corrects errors made in the Preamble and Appendix to those regulations.

On page 14317, second column, the sentence beginning on line four is revised to read as follows:

"First, spouses of independent student borrowers acquire, either directly under community property statutes, or indirectly through their right to support, a claim on their spouses' future earnings, enhanced because of the education paid for with the student loan."

On page 14328, the last sentence is removed.

Dated: April 12, 1983.

(Catalog of Federal Domestic Assistance Number 84.032, Guaranteed Student Loan Program)

Daniel Oliver,

General Counsel.

[FR Doc. 83-10243 Filed 4-15-83; 8:45 am]

BILLING CODE 4000-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 85

[AMS-FRL 2336-1]

Control of Air Pollution From Motor Vehicles and Motor Vehicle Engines; Importation of Motor Vehicles and Motor Vehicle Engines

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Revised Administrative Procedures and Enforcement Policy Regarding the Importation of Motor Vehicles and Motor Vehicle Engines.

SUMMARY: This action announces a reduction in paperwork burden concerning importation of conforming motor vehicles and motor vehicle engines and a revised enforcement policy regarding the importation of nonconforming vehicles and engines by individual, non-commercial importers, under 40 CFR Part 85, Subpart P, and parallel regulations of the U.S. Customs Service (Customs) at 19 CFR 12.73.

DATES: The changes announced in this notice became effective during October and November, 1981, as discussed below.

ADDRESSES: Materials relevant to this notice are contained in Public Docket No. EN-79-9 located at: Central Docket Section (LE-131), West Tower Lobby, Gallery 1, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460. The docket is open for inspection and documents may be copied Monday through Friday from 8:00 a.m. to 4:00 p.m. A reasonable fee may be charged for copying services.

FOR FURTHER INFORMATION CONTACT: Gerard C. Kraus, Chief, Investigation/Imports Section, Manufacturers Operations Division (EN-340F), U.S. Environmental Protection Agency, Washington, D.C. 20460. Telephone: (202) 382-2504.

SUPPLEMENTARY INFORMATION:

Discussion

The enforcement policy noted today took effect during October and November 1981, at which time it was announced in an EPA press release. Since then, EPA has received requests from Customs, various manufacturers and the California Air Resources Board for a **Federal Register** notice to explain this policy further.

Section 203(a)(1) of the Clean Air Act prohibits any person from importing any motor vehicle which is not certified as conforming to applicable Federal emission standards, except as provided by regulation of the Administrator. For the purpose of helping EPA implement this provision, existing Customs regulations (19 CFR 12.73) require that every vehicle (or shipment of vehicles) imported into the United States must be accompanied by a written declaration that it does or does not conform with Federal emission requirements. Prior to November 1981, approximately 118,000 declarations were filed annually: about 113,000 covering 2.7 million mostly new conforming vehicles, the remainder covering 1400 nonconforming vehicles exempted under existing regulations (e.g., test vehicles) and approximately 5000 nonconforming vehicles, conditionally imported under bond by individual and commercial importers. (The number of declarations does not equal the number of vehicles because a declaration often covers more than one vehicle). EPA estimates that preparation of these declarations for conforming vehicles imposed over 16,000 hours of burden on importers annually with little beneficial effect. Most conforming vehicles are equipped with labels installed by the manufacturer indicating that they meet EPA requirements. These labels may be used to distinguish conforming vehicles from nonconforming vehicles by Customs inspectors. Accordingly, since EPA and Customs have little use for declaration forms for conforming vehicles, on October 27, 1981, EPA requested that Customs suspend the written declaration requirement for conforming vehicles equipped with EPA labels. Effective November 18, 1981, Customs began requiring written declarations only for nonconforming and exempt vehicles. The Agency estimates that this action has reduced the burden on importers from more than 16,000 to approximately 1000 hours per year.

Further, under the existing Customs and EPA regulations, each person who imports a nonconforming motor vehicle must post a bond with Customs (19 CFR 12.73(c)), equal to the value of the vehicle plus any applicable duty, and then bring the vehicle into conformity with Federal emission requirements within 90 days after importation (40 CFR 85.1508(h)). An importer may demonstrate conformity of the vehicle by modifying it to a configuration identical to one already certified or by having it modified and tested in accordance with the Federal Test Procedure to show compliance with emission standards applicable to the model year of the vehicle. Failure to bring the vehicle into conformity may result in a civil penalty under the Clean Air Act of not more than $10,000 and forfeiture of the bond, and/or redelivery of the vehicle to Customs.

On July 21, 1980, EPA and Customs proposed amendments to the importation regulations referred to above (45 FR 48812, 48817). As stated above in the preamble to the EPA proposal (45 FR 48812-13), EPA experienced two difficulties with the existing regulations: first, many individuals importing nonconforming vehicles have not fully understood the complexity and expense of the modification and testing options and learned of the EPA requirements only after importation of their vehicles; and second, the administration of the regulations by EPA and Customs requires substantial resources as compared to the air quality benefits that the program offers. Publication of a final rule has been deferred pending possible revision of the Clean Air Act since Congress is considering amendments to the present provisions covering the importation of nonconforming cars.

EPA conducted an analysis of importations of uncertified vehicles by individuals and commercial importers for resale and found that most vehicles imported by individuals are at least five model years old at the time of importation. Because of the difficulties involved, few such vehicles imported by individuals were brought into conformity and the importers were usually assessed a penalty while retaining ownership of their nonconforming vehicles.

Since the number of such older vehicles that are imported by individuals but not brought into conformity (about 1500 per year) is so small, representing a fraction of one percent of the total number of vehicles imported each year, the Agency concluded that a massive increase in importations of such uncertified vehicles would have to occur before there would be any measurable effect on air quality. Also, because the importation of older vehicles by individuals should not significantly affect the purchase of new vehicles from dealerships located in the United States and since most vehicles imported by commercial importers are new vehicles, a change in enforcement policy applicable to individuals who import older cars was not considered likely to have a substantial effect on American automobile businesses.

For these reasons, EPA decided in October 1981 to exercise its enforcement discretion by not taking enforcement action under sections 203(a)(1), 204 and 205 of the Clean Air Act against an individual importing a vehicle at least five model years old, who has not imported a nonconforming vehicle since the effective date of the Clean Air Act of 1970 and who thus may not have knowledge of the importation requirements. (For the purpose of this policy, model year age is determined from January 1 of the current calendar year; therefore, as of January 1, 1983, model year 1978 and older vehicles qualify.) In November 1981, at EPA's request, Customs also decided not to require any forfeiture of the importation bond in such cases.

In addition, EPA decided not to take enforcement action, on a first time only basis, against any individual immigrating to the United States who imports a nonconforming vehicle for personal use, or an individual in a special hardship situtation where EPA determines that imposition of a penalty is not appropriate (e.g., a handicapped person who imports a specially-equipped vehicle not available in a certified configuration.) Customs will also not require any forfeiture of the importation bond in such cases. Only about 150 vehicles per year are affected by these criteria.

This policy significantly reduces the burden of compliance for the majority of first-time importers of vehicles for personal use. This policy does not apply to importations by an individual through a commercial enterprise or other business agent, or to persons who arrange importations of nonconforming vehicles for individuals.

Individuals who have previously imported uncertified vehicles and commercial importers are presumed to have knowledge of the importation requirements and, hence, must bring each nonconforming imported vehicle into conformity under the regulations. These individuals were excluded from this new enforcement policy for to do otherwise is likely to have resulted in a substantial increase in the number of uncertified vehicles imported into this country. All importers, whether or not included in the policy discussed above, must comply with any State and local government emission requirements and Federal safety standards administered by the U.S. Department of Transportation.

In order to take advantage of this revised enforcement policy, any individual who imports a vehicle that would qualify must, under the present Customs regulations, post a bond with Customs at the time of entry and complete a declaration that the vehicle does not conform to Federal emission requirements. EPA will then determine if this policy applies to that individual and, if so, will ask Customs to release the EPA obligation on the bond. In such a case, Customs has agreed not to require forfeiture of the importer's bond. Any importer who believes that he or she may qualify for an exception because of a handicap or other hardship should contact EPA at the address given earlier in this notice before importing a vehicle.

Environmental Impact

Approximately 5000 nonconforming vehicles are conditionally imported under bond, pursuant to the existing importation regulations, into the United States each year by individuals and by commercial importers for resale. The revised importation enforcement policy affects less than one-third of these vehicles. This number is relatively insignificant compared to approximately 2.7 million conforming new vehicles imported each year. During the year since this policy was implemented, the proportion of noncomforming vehicles has not increased and the percentage of noncomforming vehicles at least five years old to newer nonconforming vehicles imported by individuals has remained about the same. The proportion of these older vehicles to all nonconforming vehicles imported by individual and commercial importers has also not increased. Based on this experience, EPA believes that this policy will not cause or result in a significant adverse environmental impact.

This policy should help EPA to accomplish more effectively the purposes of the clean Air Act by allowing scarce Agency resources to be concentrated on those areas of the imports program where there is greater potential for abuse—importation of uncertified vehicles by commercial importers and individuals who have previously imported uncertified vehicles.

Economic Impact

The suspension of the declaration requirement has reduced the administrative and paper work burden upon importers by over 15,000 hours per year.

As discussed above, this policy has not had, and is not expected to have, a substantial effect on domestic or foreign car sales in the United States. The revised importation enforcement policy applies only to certain first-time individual importers, generally those who import vehicles at least five model years old. This policy covers approximately 1600 vehicles, total, per year. It does not affect commercial or repeat importers. The incentive created by the revised policy for an individual to purchase and import a vehicle from overseas, given the need to meet the bonding and compliance requirements regarding Federal safety standards, should not be substantial enough to stimulate a significant increase in importations of older, nonconforming vehicles and experience over the past year confirms this conclusion. Furthermore, EPA does not expect the limited, one time only, enforcement policy for individual importers to reduce significantly the demand for commercial importers' servicies.

This revised enforcement policy has also reduced the reporting and recordkeeping burden of individual importers who qualify for a one time exception by an estimated 300 hours per year.

Information collection reguirements affected by this notice have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* and have been assigned OMB control numbers 2000-0228 and 2000-0440.

Note.—This notice was submitted to OMB for review as required by Executive Order 12291. Although this is not a regulation, it is subject to OMB review under the Executive Order. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection in Public Docket No. EN-79-9 and at U.S. EPA, Manufacturers Operations Division, Fairchild Building, Second Floor, 499 South Capitol Street, Washington, D.C. 20003.

Section 3(b) of Executive Order 12291 requires EPA to determine whether a rule it intends to propose or to issue is a major rule and to prepare Regulatory Impact Analyses (RIAs) for all major rules. EPA has determined that this action is not a "major rule" requiring preparation of an RIA. It will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in costs or prices; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S. based enterprises to compete with foreign companies. In fact, the suspension of the declaration requirement and the revision to the EPA importation compliance policy announced in this notice will reduce the cost of compliance for many importers with Subpart P of 40 CFR Part 85.

This is a nationally applicable action. Under section 307(b)(1) of the Clean Air Act, judicial review of this action is available *only* by the filing of a petition for review in the United States Court of Appeals for the District of Columbia Circuit within 60 days of April 18, 1983. Under section 307(b)(2) of the Clean Air Act, this final action may not be challenged later in civil or criminal proceedings brought by EPA to enforce this action.

List of Subjects in 40 CFR Part 85

Imports, Labeling, Motor vehicle pollution, Reporting and recordkeeping requirements, Research, Warranties.

Dated: March 18, 1983.

Kathleen M. Bennett,

Assistant Administrator for Air, Noise and Radiation.

[FR Doc. 83-10250 Filed 4-15-83; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

46 CFR Part 299

Revocation of Merchant Ship Sales Act of 1946 Regulations

AGENCY: Maritime Administration, DOT.

ACTION: Revocation of obsolete regulations.

SUMMARY: The Maritime Administration (MARAD) has completed a review of the regulations in 46 CFR Part 299, which were promulgated to implement the Merchant Ship Sales Act of 1946. MARAD selected these regulations for priority review, as reflected in its Review List entries on the last DOT Semi-Annual Regulations Agenda and Review List (47 FR 48562; October 28, 1982). The principal purpose of the regulations in 46 CFR Part 299 is to impose conditions for the sale or charter by MARAD, for commercial use, of ocean-going vessels of at least 1500 gross tons that were either: (1) Built by or for the account of the United States during the period beginning January 1, 1941, and ending September 2, 1945; or (2) acquired by the United States during the period beginning September 3, 1939, and ending September 2, 1945. Some of these World War II—built ocean-going vessels remain in the National Defense Reserve Fleet. Such vessels may not be sold for commercial operation (46 U.S.C. 1160(g)). Although there is existing general authority under Title VII of the Merchant Marine Act, 1936 (46 U.S.C. 1191 et seq.), for MARAD to charter vessels, the age and condition of these vessels make it impracticable to do so. Therefore, as the provisions in 46 CFR Part 299, relating to the Merchant Ship Sales Act of 1946, are obsolete and no longer serve any useful purpose, MARAD is revoking the entire Subchapter F of 46 CFR Chapter II, which contains only Part 299.

EFFECTIVE DATE: April 18, 1983.

FOR FURTHER INFORMATION CONTACT: Jessie Fernanders, (202) 426-5821.

SUPPLEMENTARY INFORMATION: The Maritime Administrator has determined that this is not major rulemaking requiring preparation of a regulatory impact analysis, pursuant to EO 12291. Since this rulemaking action merely revokes regulations that implement authority which has no present or prospective practical application, the Maritime Administrator has found that notice and public procedure thereon is unnecessary and that this rulemaking should become effective upon publication (5 U.S.C. 553). Accordingly, the further certifies that the Regulatory Flexibility Act of 1980 (Pub. L. 96-354) is not applicable. Since the rulemaking will not have a significant economic impact on a substantial number of small entities, that Act would not otherwise be applicable. Also the Paperwork Reduction Act of 1980 (Pub. L. 96-511) is not applicable. Pursuant to DOT Order 2100.5, he has also determined that this revocation of 46 CFR Part 299 is a nonsignificant rulemaking action with such a minimal expected impact that it does not warrant a full Evaluation to be placed in the rulemaking docket.

List of Subjects in 46 CFR Part 299

Accounting, Maritime carriers, Reporting recordkeeping requirements.

PART 299—[REMOVED AND RESERVED]

Accordingly, Subchapter F of 46 CFR Chapter II consisting of Part 299 is hereby removed and reserved.

Authority: 50 U.S.C. App. 1735 et seq.; 46 U.S.C. 1114(b).

Dated: April 4, 1983.

By Order of the Maritime Administrator.

Georgia P. Stamas,

Acting Secretary, Maritime Administration.

[FR Doc. 83-10063 Filed 4-15-83; 8:45 am]

BILLING CODE 4910-81-M

46 CFR Part 310

Admission and Training of Midshipmen at the United States Merchant Marine Academy; Pay Increase

AGENCY: Maritime Administration, DOT.

ACTION: Final rule.

SUMMARY: The Maritime Administration amends its regulations relating to merchant marine training to increase the pay that midshipmen of the United States Merchant Marine Academy receive while assigned to merchant vessels for sea year training. The purpose of this amendment is to implement the Maritime Administration policy that midshipmen shall receive the same rate of pay from their steamship company employers for the sea year training as cadets receive at the Federal service academies.

EFFECTIVE DATE: April 1, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Edwin M. Hackett, Acting Academies Program Officer, Office of Maritime Labor and Training, Department of Transportation, Washington, DC 20590 (202) 426-5758.

SUPPLEMENTARY INFORMATION: Part 310 of Title 46 of the Code of Federal Regulations is hereby amended. The amendment increases the pay that midshipmen of the United States Merchant Marine Academy receive while assigned to merchant vessels for sea year training. It would reflect MARAD policy of adjusting midshipmen pay periodically to accomplish comparability with the monthly rate of pay per cadets or midshipmen at the service academies. That rate has been raised to $480 by EO 12387 (47 FR 44981 October 13, 1982).

The rate of pay received by midshipmen while assigned to subsidized merchant vessels is a matter of public contract with the owners of vessels operating under operating-differential subsidy agreements (ODSA). Accordingly, this amendment is exempt from the application of 5 U.S.C. 553, and is being issued as a final rule, effective April 1, 1983, without opportunity for public comment. The Maritime Administrator has determined that this amendment is not a major regulation requiring preparation of a regulatory impact analysis, within the scope of EO 12291. This is a nonsignificant regulation under the criteria in DOT Order 2100.5. Based on an economic evaluation made pursuant to that Order, a determination has been made that the economic impact is so minimal that a full Regulatory Evaluation is not required to be included in the rulemaking docket. This increase of $18.60 monthly for midshipmen assigned to merchant ships represents an increase in cost to vessel operators under ODSA's of about $55,800 annually. The Maritime Administrator certifies that the regulation will not exert a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act of 1980 (Pub. L. 96-354), since it affects only a small number of large subsidized operators and cadets at the U.S. Merchant Marine Academy. It includes no reporting requirement for the collection of information within the scope of the Paperwork Reduction Act of 1980 (Pub. L. 96-511).

List of Subjects in 46 CFR Part 310

Grant programs—education, Schools, Seamen.

PART 310—[AMENDED]

Accordingly, Part 310 Title 46 of the Code of Federal Regulations is amended by revising paragraph (c) of § 310.58 to read as follows:

§ 310.58 Training on subsidized vessels.

* * * * *

(c) *Pay*—Midshipmen shall receive pay while employed aboard merchant vessels, at the rate of $480.00 per month directly from their steamship company employers. While aboard ship, they shall be berthed in single-occupancy rooms with other midshipmen in that part of the vessel designated for licensed officers (or in first-class passenger quarters) and shall mess with the licensed officers. The steamship company employers shall also pay the midshipmen such subsistence and room allowance in port, transportation allowances, and other bonuses or allowances as are paid to the licensed officers of the vessel in which the midshipmen are employed.

(Sections 204(b) and 1301–1308, Merchant Marine Act, 1936, as amended, (46 U.S.C. 1114(b); and 1295–1295g); Pub. L. 96–453; Pub. Law 97–31; 49 CFR 1.66 (46 FR 47458, September 28, 1981); EO 12387 (47 FR 44961, October 13, 1982).

Note.—This regulation is not subject to the requirements of Section 3507 of Pub. L. 96–511 December 11, 1980.

Catalog of Federal Domestic Assistance Program No. 11–507 U.S. Merchant Marine Academy (Kings Point).

Dated: April 4, 1983.

By Order of the Maritime Administrator, Maritime Administration.

Georgia P. Stamas,

Acting Secretary.

[FR Doc. 83–10084 Filed 4–15–83; 8:45 am]

BILLING CODE 4910–81–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2 and 21

[Gen. Docket No. 81–743; RM–3625; FCC 83–110]

Amendment of the Commission's Rules Concerning Calculation of Necessary Bandwidth for Frequency Modulation Microwave Radio Relay Systems

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: FCC amends Parts 2 and 21 of its Rules to modify the calculation of necessary bandwidth for frequency modulated microwave radio relay systems. This action is taken to increase spectrum efficiency.

DATE: Effective May 19, 1983.

ADDRESS: Secretary, Federal Communications Commission, Washington, D.C. 20554

FOR FURTHER INFORMATION CONTACT: Alvin W. Paul. Technical Standards Branch, (202–653–6288) or Sam R. McConoughey, Network Analysis Branch (202–632–1854), Federal Communications Commission, Washington, D.C. 20554.

List of Subjects

47 CFR Part 2

Radio.

47 CFR Part 21

Point-to-point microwave.

Report and order

In the matter of amendment of Parts 2 and 21 of the Commission's Rules concerning calculation of necessary bandwidth for Frequency Modulation Microwave Radio Relay Systems, Gen. Docket No. 81–743, RM–3625.

Adopted: March 31, 1983.
Released: April 12, 1983.

By the Commission.

1. In response to a petition filed by American Telephone and Telegraph (AT&T),[1] the Commission adopted a Notice of Proposed Rulemaking in Gen. Docket No. 81–743 (NPRM), 88 FCC 2d 134 (1981), in which it proposed to amend Parts 2 and 21 of its rules. The intent of the proceeding is to improve the efficiency of the radio spectrum utilized for multi-channel telephone circuit transmission. This Report and Order (Report) deals with the issues raised by the parties who submitted comments to the NPRM.[2]

2. *Background.* In 1978, Bell Laboratories, AT&T's wholly owned research arm, conducted a survey of the signal power levels generated by telephone network users (or "talkers").[3] The results of that survey indicated that the average signal power per voice circuit for multiplex groups of 240 or more channels was −19.6 dBm0.[4] This result was in conflict with the −15 dBm0 level specified in § 2.202, Bandwidths, and Section 2.989, Measurements Required: Occupied Bandwidth, of the Commission's rules. *See* Appendix A hereto. In its petition for rulemaking, AT&T argued that amending the rules to reflect the lower average signal power would:

* * * permit manufacturers to design, and licensees to operate, FM microwave equipment in accordance with the intent of the present rules, and, at the same time, achieve:

(a) A significant increase in channel capacity, and hence more efficient radio spectrum utilization;

(b) Easier interference coordination resulting from increased deviation which reduces susceptibility to interference; and

(c) Improved transmission reliability during fading because of increased signal-to-noise ratio.

(AT&T Petition at pages 9–10). Also, Western Electric, AT&T's manufacturing subsidiary, requested a waiver of the bandwidth rules to permit type acceptance and use of its FM transmitters with additional channel capacity.

3. In the NPRM, we agreed with AT&T's analysis and proposed a modification to our rules that would reflect the lower average signal power revealed by Bell Laboratories' surveys. We also agreed with ASC's concerns regarding the possibility of monopolization of the spectrum by AT&T and the potential for interference between AT&T's terrestrial fixed service and ASC's satellite service. Accordingly, we proposed a revision of § 21.710(c) of the rules that would discourage unnecessary reservation of unused spectrum in the 4 GHz band by existing licensees. The rule revision would require that existing licensees in the 4 GHz band wishing to increase the capacity of their radio systems to more than 1500 channels must: (a) Coordinate frequency utilization with other spectrum users and (b) file under Section 214 of the Act for authorization for the additional telephone channels within 6 months of completion of frequency coordination.

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[1] RM–3625.

[2] Comments were filed by American Satellite Corporation (ASC), American Telephone and Telegraph Company (AT&T), the Central Committee on Telecommunications of the American Petroleum Institute (API), GTE Service Corporation (GTE), Georgia Power Company (GPC), MCI Telecommunications Corporation (MCI), Offshore Telephone Company (Offshore), Southern Pacific Communications (SPC), and Utilities Telecommunications Council (UTC). Reply Comments were filed by ASC, AT&T, Harris Corporation (Harris), Farinon Division, and MCI.

[3] *See* AT&T Reply Comments, Attachments 1 and 2. It does not appear from these attachments that the 1978 study was ever published. Another Bell Laboratories survey, conducted in 1974–5, reports a similar result, *viz.*, that the signal power in telephone circuits is approximately 5 dB lower than previously assumed. *See* W.C. Ahern, *et al.*, "Speech Signal Power in the Switched Message Network," Bell System Technical Journal, Vol. 57, No. 7, Part 2, September 1978.

[4] "dbm0" refers to the power, in dB, relative to one milliwatt referred to a point of zero relative transmission level. (See *Transmission Systems for Communications*, Bell Telephone Laboratories, Inc., USA, 1971, p. 27–28).

4. *The comments.* MI & SPC, both common carriers, fully concur with the proposals set forth in the NPRM. UTC and API, both Private Operational Fixed System (POFS) users, and GTE, a manufacturer of common carrier equipment, express support for the principles underlying the proposed changes, but note that some POFS operators, governed by Part 94 of the Commission's rules, may typically transmit large amounts of data. UTC, API and GTE argue that since there may be a different mix of voice and data channels in POFS than there is in common carrier systems (with different statistical power distributions), POFS operators should be permitted to use the proposed −19.6 dBm0 level on an optional basis. Offshore and GPC also support the basic concept of permitting flexibility in the use of the −19.6 dBmO level. GPC, in addition, expresses concern about the creation of interference among users who might lease circuits from common carriers.

5. For its part, AT&T supports the proposed changes to Part 2 of the rules, but cautions that any new construction requirements for higher channel capacity equipment following frequency coordination may necessitate a delay of up to 30 months in the submission of Section 214 applications. AT&T therefore proposes to change the six month period of proposed § 21.710(c) to 30 months.

6. ASC, a satellite carrier, filed comments and is the only party that opposes the proposed rules. It expresses concern that: (a) There would be increased interference to satellite circuits operated on adjacent frequencies, (b) in some locations existing satellite communications services would be impaired, and (c) it would be difficult to coordinate new satellite communications services in other areas. ASC urges that we not adopt AT&T's proposed amendments, but that if we do, we must adopt stronger measures to assure that satellite carriers continue to receive reasonable access to the spectrum. It proposes that the Commission's rules be further modified to: (a) Prevent carriers from "hoarding" spectrum in the 4 GHz band, (b) interpret our prior coordination rules (especially § 21.100(d), Frequencies) in a manner that would require existing carriers to accommodate new services, and (c) require existing carriers to provide data on interference susceptibility as a function of frequency offset for the 6 GHz band.

7. AT&T, in its reply comments, indicates that while an average "talker" level of —19.6 dBm0 is appropriate for its systems, it would support additional flexibility in the rules to accommodate the needs expressed by POFS operators, but it urges rejection of ASC's suggestion regarding prior coordination.

8. *Discussion.* Our proposed modification of § 21.710(c) is intended to equalize the opportunities for use of the 4 GHz spectrum that the Commission, in an earlier proceeding, determined should be shared equally.[5] In the NPRM, we stated that:

> We believe that this is a reasonable compromise in that terrestrial carriers will have access to this otherwise unoccupied incremental spectrum only with a showing of a specific need, thereby allowing other uses at all other times." 88 FCC 2d at 140.

We remain convinced that this is the most equitable approach for spectrum sharing. Moreover, as we demonstrate below in our discussions of the applicable Rules this approach provides satellite carriers with equitable access to the spectrum in question.

9. As we indicated in the NPRM, it has been the Commission's policy, commensurate with the intent of the Communications Act of 1934, to encourage efficient use of the radio spectrum. *See* 88 FCC2d at 138. Our proposal to §§ 2.202(f)(1)(ii) and 2.989(f)(2) of the rules, we believe, is consistent with this policy. Moreover, equipment manufacturers and users of POFS agree that we should permit some flexibility in the value of the average "talker" level to accommodate the differences encountered by non-common carrier users of FM microwave radio systems. We agree with this point and will modify our proposals to permit a range of average "talker" values of —15 dBm0 to —19.6 dBm0 for multiplex groups of 240 or more channels.[6] *See* Appendix B, §§ 2.206 and 2.989.

10. We proposed in the NPRM to amend § 21.710(c) of the rules to require those planning to operate 4 GHz systems with more than 1500 voice-equivalent channel capacity to (a) coordinate pursuant to § 21.706(c) of the rules and (b) file for necessary authority pursuant to Section 214 of the Communications Act within 6 months of that coordination. Our intent was to minimize the possibility of interference with other authorized users in the band and to prevent the possibility of effective monopolization of the spectrum by an existing user.

11. AT&T urges that the rule language be changed to distinguish among three situations involving a terrestrial carrier desiring to operate with more than 1500 channel capacity: (a) New radio station construction, (b) adding radio channels to an existing station, and, (c) expanding the capacity of an existing radio channel currently carrying fewer than 1500 circuits. AT&T argues that our proposed language for § 21.710(c) creates inconsistent coordination requirements. It asserts that if an amendment to § 21.710(c) is necessary the elapsed time period allowed before submission of a Section 214 application for situations (b) and (c) should be 18 months and for situation (a), 30 months. These longer periods are sought to permit adequate time for facilities planning and provisioning processes, according to AT&T. In a later discussion we will show that our present rules, with minor modifications, are sufficient to allow equitable use of the 4 GHz spectrum (*See* paragraph 16) without any further elapsed time constraints. Accordingly, we have changed the language of our § 21.710(c) amendment such that we believe AT&T's concerns are eliminated.

12. In its reply comments, ASC argues that our proposed amendment of § 21.710(c) is inadequate , and that AT&T suggestion for additional filing periods would exacerbate matters by permitting terrestrial carriers to extend their monoploy of the spectrum. ASC further argues that terrestrial carriers should be required to file implementation schedules for planned increases in channel capacity. Moreover, it asserts, such carriers should forfeit their right to augment currect capacity if they fail to adhere to their schedules. In order to resolve ASC's concerns, we will show that the present rules, to a large degree, already achieve those objectives.

13. Section 21.100(d)(11) of the current rules of the Commission provides that "If applications have not been filed 6 months after coordination was completed, carriers may assume, unless notified otherwise, that such frequency use is no longer desired". Further, the normal period for construction allowed by our construction permits (CP) is 18 months. *See* § 21.43(b) of the rules. Additional time to complete construction is granted only upon application and an adequate showing. *See* § 21.44 of the rules. Thus, we see, for new and modified radio facilities, our present rules are meant to prevent the kind of monopolization feared by ASC since failure to timely file for construction permit or to complete construction, forfeits the spectrum.

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[5] *See* American Satellite Corporation, 72 FCC 2d 750, 753–4 (1979).

[6] Multiplexed groups of less than 240 channels also will have a corresponding range of acceptable "talker" levels to avoid an undesirable discontinuity in the transition at 240 channels 86 FCC 2d 134, 136 (1981).

14. Section 214 authorizations, like CP's for radio stations, also contain expiration dates. Section 63.05 of the rules provides that for projects involving an expenditure of more than $500,000, construction shall have begun within 12 months of issuance of the Section 214 authority and the additional channels shall have been placed in operation within 36 months thereof. In situations involving expenditures of less than $500,000, construction shall have begun within 9 months of Section 214 issuance and operation within 18 months thereof. Thus, the Commission has already considered and acted upon the issue of unreasonable delays between issuance of Section 214 authorization and completion of the project.

15. We note, however, that there is also a situation where additional circuit capacity in a station may be created with no new construction. This might be accomplished by adjustment of the existing station equipment. Such adjustments do not generally cause interference to other terrestrial users, so that coordination is not normally required. However, in the case of the 4 GHz band such adjustment could affect authorized satellite services that share the 4 GHz band.

16. Thus, presently, applicants or licensees who intend to construct new or modify existing radio facilities for use in the 4 GHz band are required to either file for CPs or complete construction within a reasonable time period as indicated in paragraph 13. Failure to do so will cause the loss to the applicant of the use of initially assigned spectrum. However, the current rules only apply to those situations where applicants seek the use of a part of or a complete 4 GHz radio channel, and where construction is required to: (a) Build a new station; (b) add radio channels to an existing station; or (c) expand the capacity of an existing radio station channel. The rules do not clearly address the situation described in paragraph 15, where an applicant who wishes to expand an existing station channel beyond 1500 circuits can do so without further radio construction. For that case, we will revise § 21.710(c) of our rules to require applicants to seek prior coordination pursuant to § 21.100(d) and to provide an indication of successful coordination if an authorization for additional channels is sought pursuant to Section 214. *See* Appendix B hereto. By doing so, applicants, as in the case where radio construction is required, must return the spectrum within 6 months if a subsequent Section 214 authorization is not filed as indicated in paragraph 14, or if the additional circuits are not implemented within 12 or 36 months pursuant to the Section 214 authorization.

17. We believe that our existing rules, including our revision of § 21.710(c), now offers sufficient protection against spectrum monopolization. Further, the rules as modified also provide procedures to minimize the possibility of harmful interference in the 4 GHz band. While it may be arguable in some situations to further reduce the period during which spectrum availability is uncertain, we believe the period currently embodied in the rules, as modified, are sufficiently reasonable and equitable for both terrestrial and satellite carriers.

18. ASC expressed a desire for availability of data regarding interference susceptibility of 6 GHz terrestrial microwave systems. AT&T has agreed to provide these data. We expect AT&T to implement its agreement without further regulatory intervention. We therefore consider this issue resolved.

19. Finally, as to Western Electric's request for a waiver of our bandwidth rules so as to permit type acceptance of their equipment, we find that our adoption of the rule changes contained herein effectively moots the necessity for such waiver. Accordingly, we will dismiss Western Electric's waiver request.

20. For the purpose of equipment authorization, changes required to implement the loading according to the new rules in Appendix B hereto shall be considered as Class I Permissive changes and no filing with the Commission will be necessary.

Conclusion

21. Having carefully considered the arguments of all interested parties in this proceeding, the Commission believes that adoption of the proposed rule changes will promote more efficient use of the radio spectrum by both terrestrial and satellite common carriers.

22. The revised formulas are modifications of those existing and can result in a change in the distribution of power within the radio frequency channel, as shown in Appendix C.[7] Our modified formulas will continue to reflect the intent of interference control set down in certain international documents as well as in our existing rules. In particular, such calculations are addressed in Appendix 6 to the Radio Regulations of the International Telecommunications Union, Edition of 1982, and in Report 418–2 contained in

[7] Appendices A and C are filed as a part of the original document.

Volume I of the documents of the International Radio Consultative Committee, XV Plenary Assembly, Geneva, 1982. Modification of Part 2 of the Commission's rules to revise these formulas can put the Commission's rules at variance with the ITU recommendations. As the ITU recommendations were based upon information supplied by the United States, it may be appropriate to propose a change to the ITU Radio Regulations based upon arguments contained in this Report and Order.

23. In accordance with the Regulatory Flexibility Act of 1980, the regulations adopted in this Order have been reviewed for their impact on small entities. It has been determined that the companies in this industry exceed the size standards set forth in Part 121, Schedule A of the Small Business Administration Rules and Regulations. Pursuant to Section 605(b) of the Regulatory Flexibility Act of 1980, a regulatory analysis will not be required as there is no significant impact on a substantial number of small entities.

24. Accordingly, it is ordered, pursuant to the Sections 4(i), 214(c), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 214(c) and 303(r), that Parts 2 and 21 of the Commission's Rules and Regulations are amended as shown in Appendix B hereto, effective May 19, 1983.

25. It is further ordered that Western Electric's request for a waiver of Part 2 of the Commission's Rules and Regulations, 47 CFR Part 2, is dismissed.

26. It is further ordered that this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Note.—Appendices A and C are filed as part of the original document.

Appendix B

Parts 2 and 21 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS GENERAL RULES AND REGULATIONS

1. Section 2.202(f)(1)(ii) is revised as follows:

§ 2.202 Bandwidths.

* * * * *

(f) * * *

(1) * * *

(ii) The value of D is then calculated by multiplying the rms value of the per-channel deviation by the appropriate factors, as follows:

Number of message circuits	Multiplying factors	Limits of X (P_{mp} (dBm0))
More than 3, but less than 12	* * *	
At least 12, but less than 60	$\frac{3.76 \text{ antilog } (X + 2 \log_{10} N_c)}{20}$	X: −2 to +2.6.
At least 60, but less than 240	$\frac{3.76 \text{ antilog } (X + 4 \log_{10} N_c)}{20}$	X: −5.6 to −1.0.
240 or more	$\frac{3.76 \text{ antilog } (X + 10 \log_{10} N_c)}{20}$	X: −19.6 to −15.0.

Where X represents the average power in a message circuit in dBm0; N_c is the number of circuits in the multiplexed message load; 3.76 corresponds to a peak load factor of 11.5 dB.

* * * * *

§ 2.202 [Amended]

2. Section 2.202(g), Table of necessary bandwidth, subheading II Frequency Modulation, is revised by removing the first three entries starting with the words "Composite transmission: F9" and inserting the following three entries in their place as follows:

* * * * *

(g) *Table of necessary bandwidths.*

* * *

II FREQUENCY MODULATION

Description and class of emission	Necessary bandwidth in hertz	Examples	
		Details	Designation of emission
* * *	* * *	* * *	* * *
Composite transmission: F9	$B_n = 2P + 2DK$ K=1	Microwaver radio relay system specifications: 60 telephone channels occupying baseband between 60 and 300 kHz; rms per-channel deviation 200 kHz; continuity pilot at 331 kHz produces 100 kHz rms deviation of main carrier. Computation of B_n:D=(200×10³×3.76×1.19) Hz=0.895×10⁶; P=0.331×10⁶ Hz. Bandwidth: 2.452×10⁶ Hz	2450F9
Composite transmission: F9	$B_n = 2M + 2DK$ K=1	Microwave radio relay system specifications: 1200 telephone channels occupying baseband between 60 and 5564 kHz; rms per-channel deviation 200 kHz; continuity pilot at 6199 kHz produces 140 kHz rms deviation of main carrier. Computation of B_n:D=(200×10³×3.76×3.63)=2.73×10⁶; M=5.564×10⁶× Hz; P=6.2×10⁶ Hz; (2M+2DK)>2P. Bandwidth: 16.59×10⁶	16,600F9
Composite transmission: F9	$B_n = 2P$	Microwave radio relay system specifications: 600 telephone channels occupying baseband between 60 and 2540 kHz; continuity pilot at 8500 kHz produces 140 kHz rms deviation of main carrier. Computation of B_n:D=(200×10³×3.76×2.565)=1.93×10⁶ Hz; M=2.54×10⁶ Hz; K=1; P=8.5×10⁶; (2M+2DK)<2P. Bandwidth: 17×10⁶ Hz	17,000F9

3. Section 2.989 is amended by revising paragraph (f)(2) to read as follows:

§ 2.989 Measurement required: Occupied bandwidth.

* * * * *

(f) * * *

(2) Modulation reference level being established, the total rms deviation of the transmitter is measured when a test signal consisting of a band of random noise extending from below 20 kHz to the highest frequency in the baseband, is applied to the modulator input through any preemphasis networks used in normal service. The average power level of the test signal shall exceed the modulation reference level by the number of decibels determined using the appropriate formula in the following table:

Number of message circuits that modulate the transmitter	Number of dB by which the average power (P_{av}) level test signal shall reference level	Limits of P_{av} (dBm0)
	* * *	
More than 3, but less than 12	$X+2 \log_{10} N_c$	X: −2 to +2.6
At lease 12, but less than 60	$X+4 \log_{10} N_c$	X: −5.6 to −1.0
At least 60, but less than 240	$X+10 \log_{10} N_c$	X: −19.6 to −15.0
240 or more		

Where X represents the average power in a message circuit in dBm0; N_c is the number of circuits in the multiplexed message load P_{av} shall be selected by the transmitter manufacturer and included with the technical data submitted with the application for type acceptance. (See § 2.202(e) in this Chapter).

* * * * * * *

PART 21—DOMESTIC PUBLIC FIXED RADIO SERVICES (OTHER THAN MARITIME MOBILE)

§ 21.710 [Amended]

Section 21.710(c) is amended to add the following new sentence to the end of the paragraph:

* * * * *

(c) * * * For the 3700–4200 MHz band, all persons intending to utilize baseband frequencies above 7.3 MHz, or to operate with more than 1500 equivalent 4 kHz voice channels per radio channel, must submit evidence of coordination pursuant to § 21.100(d). Where no construction of radio facilities is requested, licensees must submit this evidence with their filing of any necessary authority required pursuant to Section 214 of the Communications Act and Part 63 of this Chapter.

* * * * *

[FR Doc. 83-9989 Filed 4-15-83; 8:45 am]
BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1201

[Docket No. 36848]

Elimination of Supplement 4 to Valuation Order No. 3—List of Units for Use of Carriers in the Preparation of Completion Reports

AGENCY: Interstate Commerce Commission.

ACTION: Final rule; elimination of basis for reporting.

SUMMARY: ICC is eliminating Revised Supplement No. 4 to Valuation Order No. 3, Second Revised Issue—List of Units for Use of Carriers in the Preparation of Completion Reports and the Record of Property Changes. This Order became effective January 1, 1933. In previous years this information was used in ratemaking decisions. However, the Commission now relies upon Annual Report Form R–1 for all data on net investment in railway operating property. Therefore, the Commission believes the recordkeeping required in Revised Supplement No. 4 is extraneous and should be eliminated. No changes to the uniform system of accounts are contemplated by this proceeding, nor does Revised Supplement No. 4 currently appear in the Code of Federal Regulations.

DATES: The effective date of this elimination is January 1, 1982.

FOR FURTHER INFORMATION CONTACT: Charles S. Thomason, (202) 275–7448.

SUPPLEMENTARY INFORMATION:

Background

On October 29, 1982, the Commission served a notice of proposed rulemaking entitled Elimination of Supplement 4 to Valuation Order No. 3—List of Units for Use of Carriers in the Preparation of Completion Reports (47 FR 49480, November 1, 1982).[1] Revised Supplement No. 4 to Valuation Order No. 3, Second Revised Issue (RS4), became effective January 1, 1933. This Order cancelled Supplement No. 4 to Valuation Order No. 3, Second Revised Issue. It established a list of property units which affected carriers were to keep records of, including changes made to that property. Valuation Order No. 3, Second Revised Issue, prescribed the instructions to govern the recording and reporting of all extensions and improvements or other changes in physical property for every common carrier subject to the Interstate Commerce Act. In order to establish a uniform manner of reporting and recording this information, carries were required to record changes in property subsequent to December 31, 1932, in accordance with the list of property units specified in Revised Supplement No. 4 to Valuation Order No. 3, Second Revised Issue.

Until 1964, the information required in RS4 was used in ratemaking decisions. However, since then the Commission has used information from Annual Report Form R–1 to determine the book value of net investment in railway property. This data is also used for the Uniform Rail Costing System. In Ex Parte No. 393, *Standards for Railroad Revenue Adequacy*, (364 ICC 803 (1981)) only the dollar amounts for the variuos property accounts are needed. Instructions for Property Accounts (2–1 through 2–20), in Part 1201, contain all necessary instructions for the proper accounting of investment in carrier property. Thus, the Commission feels that the detail required in RS4 is extraneous and should be eliminated.

The Commission stated in Docket No. 36988, *Alternative Methods of Accounting for Railroad Track Structures*, served February 17, 1983 (48 FR 7180, February 18, 1983), that rail track structure shall be accounted for under the Depreciation method rather than the Retirement-Replacement-Betterment method. Instruction 2–19, List of Units of Property, and other instructions for property accounts have been revised.

Review of Responses

The Commission received two responses to the notice of proposed rulemaking. The Association of American Railroads (AAR) agrees with our proposal.

The Western Coal Traffic League (WCTL) is concerned that precision in costing may be lost by eliminating the units of property prescribed by Supplement 4 to Valuation Order No. 3. It is primarily concerned that our

[1] Note: This document was submitted for publication in the Notices Section of the **Federal Register**.

proposal may permit the elimination of property records which the Commission will need in future ratemaking proceedings.

Discussions and Conclusions

The extent of this rulemaking is not to eliminate the need for a uniform series of units of property but rather to eliminate duplicative requirements. Instruction 2-19 of the Uniform System of Accounts (49 CFR Part 1201) specifies a list of units of property which will be required in place of the list required by RS4. No changes are contemplated in the records required to be kept by railroad companies or in the requirements for maintenance of valuation sections as specified by Part 1262 of the Code of Federal Regulations. References to Supplement 4 to Valuation Order No. 3 were removed in the revision of Part 1262 at 45 FR 81051, December 9, 1980.

Regulatory Flexibility Act

This final rule will not have a significant economic impact on a substantial number of small entities. This final rule does not impose new accounting or reporting requirements, rather it eliminates an existing burden on railroads. This rule will only affect the reporting procedures of a small number of railroads and the economic impact, though beneficial, will not be significant.

List of Subjects in 49 CFR Part 1201

Railroads, Uniform System of Accounts.

This decision does not significantly affect the quality of the human environment or the conservation of energy resources.

This rule is issued under the authority of 49 U.S.C. 10781 and 5 U.S.C. 553.

Decided: March 23, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre, and Gradison. Commissioner Andre was absent and did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-10027 Filed 4-15-83; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 23

Export of Bobcats Taken in 1982-83 Season

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final findings and rule.

SUMMARY: The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) regulates international trade in certain animal and plant species. Exports of animals and plants listed in Appendix II of CITES may only occur if a Scientific Authority (SA) has advised a permit-issuing Management Authority (MA) that such exports will not be detrimental to the survival of the species, and if a Management Authority is satisfied that the animals or plants were not obtained in violation of laws for their protection.

This notice announces final findings by the Scientific and Management Authorities of the United States on the export of bobcats. These are final determinations on the export of specimens taken in the 1982-83 harvest season. Such findings are made annually on a state-by-state basis. These findings and guidelines are to be effective on April 25, 1983—less than 30 days from the date of publication. The Fish and Wildlife Service has determined that good cause exists for making this rule effective on April 25 and has explained the reasons supporting such determination in the Supplementary Information section of this rule.

DATE: These findings are effective on April 25, 1983.

ADDRESS: Please send correspondence concerning this notice to the Office of the Scientific Authority, U.S. Fish and Wildlife Service, Washington, D.C. 20240. Materials received will be available for public inspection from 7:45 a.m. to 4:15 p.m., Monday through Friday, at the Office of the Scientific Authority, room 537, 1717 H Street, NW., Washington, D.C., or at the Federal Wildlife Permit Office, room 621, 1000 N. Glebe Road, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT:

Scientific Authority Finding—Dr. Richard M. Mitchell, Office of the Scientific Authority, U.S. Fish and Wildlife Service, Washington, D.C. 20240, telephone (202) 653-5948.

Management Authority Finding—Mr. S. Ronald Singer, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, D.C. 20240, telephone (703) 235-2418.

Export Permits—Ms. Maggie Tieger, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, D.C. 20240, telephone (703) 235-1903.

SUPPLEMENTARY INFORMATION: This is the last of four notices concerning the Service's findings on export of bobcats (*Lynx rufus*) taken in the 1982-83 harvest season.

In the first notice for the 1982-83 season (47 FR 14664; April 5, 1982), the Service invited comments on proposed guidelines and information on the bobcat and certain other Appendix II species. These guidelines were based on a ruling by the U.S. Court of Appeals for the District of Columbia Circuit that bobcat exports should not be permitted under CITES unless the SA findings were based on "reliable estimates of the bobcat population and data showing the total number of bobcats to be killed, in each of the states involved." (Defenders of Wildlife, Inc., vs. Endangered Species Scientific Authority, No. 79-2512, D.C. Cir., February 3, 1981). The Service's second notice (47 FR 34457; August 20, 1982) announced the guidelines being used to develop SA advice on bobcat export and described the proposed state-by-state findings on export of bobcats taken in the 1982-83 season under the judicially-defined, pre-1982 Amendment standards. The third notice announced supplementary proposed findings by Scientific and Management Authorities of the United States on the export of bobcats. These findings incorporated the 1982 Amendments to Section 8A of the Endangered Species Act, which establish standards for findings by the SA on export of animal species included in CITES Appendix II. CITES regulates international trade in species included in Appendix II through a system of permits issued by designated Management Authorities in each Party nation. Export permits are to be issued only if a Management Authority receives advice from a Scientific Authority that the export will not be detrimental to the survival of the species.

The Endangered Species Act of 1973, as amended in 1979, designates the Secretary of the Interior as both Management Authority and Scientific Authority of the United States, for purposes of CITES. These functions are carried out by the Fish and Wildlife Service. Management Authority responsibilities are delegated to the Associate Director—Federal Assistance. Scientific Authority responsibilities are delegated to the Associate Director—Research.

Criteria for Scientific Authority advice were elaborated upon in the February 23, 1983, **Federal Register** notice (48 FR 7604). At the same time, the Service requested comments on these proposed findings and information on the species involved.

A. Comments and Information Received

The Service received comments from 13 State wildlife agencies (Arizona, Colorado, Georgia, Idaho, Kansas, Louisiana, Maine, Missouri, New Mexico, Pennsylvania, Tennessee, Texas and Washington) and 6 non-governmental organizations (Covington and Burling on behalf of Defenders of Wildlife, Inc., and the Humane Society of the United States; Georgia Trappers Association; International Association of Fish and Wildlife Agencies; Law Offices of Kiefer and Morrison; the American Fur Resources Institute; and The Wildlife Legislative Fund of America).

1. States' Comments

The State comments were generally the same: (1) That the Secretary of the Interior "[. . . is not required to make, nor may he require any State to make, estimates of population size in making such determinations or giving such advice"; (2) that target harvest levels should be a matter of State choice and not a federal requirement; (3) that setting target harvest levels not to exceed 20 percent of the estimated pre-harvest population is too restrictive and does not represent sound and accepted wildlife management practices; and (4) that the proposed requirement of a possession tag for the 1983–84 taking season will only add another layer of regulations to the tagging process and do little for enforcement purposes.

The States contend that the interpretation of target harvest levels by the Scientific Authority involves the use of pre-harvest population estimates, which they believe was overruled by Congress in the 1982 Amendments.

2. Non-governmental Organizations' Comments

The law firm of Covington and Burling submitted comments on behalf of both Defenders of Wildlife, Inc., and the Humane Society of the United States. In summary, their comments are: (1) The proposed standards for application of the Scientific Authority guidelines contain fundamental legal and factual errors; (2) The Service has failed to take into consideration the effects of past harvest on the bobcat species; (3) The Service has impermissibly reversed the burden of proof regarding export of bobcats; (4) The Service makes use of past harvest data to derive population estimates; (5) the Scientific Authority's use of available population estimates is generally acceptable, with some exceptions; (6) The Scientific Authority should have adopted a lower ratio of allowable kill to population in setting its harvest levels; and (7) The Management Authority requirements are seriously flawed.

The Georgia Trappers Association challenged the accuracy and necessity of population estimates, with particular emphasis on pre-harvest population estimates. They contend that after Congress passed the Endangered Species Act Amendments of 1982, "reliable population estimates" were eliminated as a requirement for export. They also object to the Management authority findings on tagging requirements, especially the proposed rule for the 1983–84 season where a possession tag must be applied to the skin at the time of take.

The International Association of Fish and Wildlife Agencies (IAFWA) submitted extensive comments on the proposed guidelines for export of bobcats taken during the 1982–83 season. They feel that revisions to the proposal guidelines should be made in order to respect basic principles of wildlife management and to carry out the intent of Congress as expressed in the Endangered Species Act Amendments of 1982, Pub. L. No. 97–304. A summary of their comments is: (1) The proposal should be revised to eliminate the requirement that non-detriment findings are made on the basis of target harvest levels which are not to exceed a fixed percentage of each State's estimated population; (2) Because the proposal bases non-detriment findings under CITES on harvest, which is targeted not to exceed 20 percent of each State's estimated population, it necessarily requires that a population estimate be made for each State; (3) The proposal shifts the focus of decision making with regards to bobcat management from the States to the federal government; (4) The Service's proposal contravenes principles of sound wildlife management, and (5) The methodology adopted in the proposed guidelines . . . setting harvest objectives as a fixed percentage of total population—excludes a variety of other techniques which are applied successfully to the management of bobcats.

The Law Offices of Kiefer and Morrison, representing the American Fur Industry, stated that the proposed action does have a significant economic impact on a substantial number of fur manufacturers and fur brokers.

The American Fur Resources Institute (AFRI) offered the following comments: (1) Because of the Amendments passed by Congress to the Endangered Species Act, population estimates cannot be required as a condition for export; (2) The AFRI does not believe that under the 1982 Amendment to the Act, that the Secretary *may require* the establishment of target harvest levels; and (3) that they oppose the proposed management authority export criterion of a possession tag for the 1983–84 harvest.

The Wildlife Legislative Fund of America commented on the utilization of target harvest levels for decision-making for export of bobcats and the use of a target harvest level in terms of a percentage of a pre-harvest population estimate. They propose that the achievement of the target harvest objective be substituted for the target harvest level as the guideline for SA monitoring of State management programs.

In the following, the Service would like to address all the pertinent comments received.

(1) *Comments on Scientific Authority Guidelines.* The Endangered Species Act Amendment of 1982, Pub. L. No. 97–304, specifically overruled the decision of the United States Court of Appeals for the District of Columbia Circuit in *Defender of Wildlife, Inc. v. Endangered Species Scientific Authority*, 627 F. 2d 1238 (D.C. Cir. 1980), which had imposed two requirements on the Scientific Authority for issuing export findings for bobcats under CITES: (1) That each State be required to submit reliable population estimates for bobcats, and (2) that information on maximum level of kill (quotas) be submitted by the States to the Scientific Authority. By overruling this decision, Congress intended that the Scientific Authority be allowed to make export findings under CITES on the basis of the best available biological information derived from professionally-accepted wildlife management practices and that in no case would the States be required to submit population estimates of the bobcat population within their territories. On the other hand, the Scientific Authority was expressly directed by Congrees to consider population estimates along with all other scientific data in making export findings if such population estimates were available. S. Rep. No. 418, 97th Cong., 2d Sess. 22 (1982).

The committee reports to the 1982 Amendments provided for the Scientific Authority, in its discretion, to require the establishment of target harvest levels as a part of the process used in making export findings. E.G., S. Rep. No. 418, *supra*, at 23.

The reports did not specify whether those levels were to be set by the Service or the States. However, the Service has determined that harvest level objectives should be determined

annually by the States. This information has been requested since 1977 and the States have determined their own harvest level objectives based upon their mangement programs for the species.

Nevertheless, Congress did not intend that the concept of target harvest levels be used to revive the requirement of "quotas" that had been imposed by the Circuit Court opinion. Therefore, the Service interprets the concept of "target harvest levels" to be a discretionary, diagnostic tool that is available to the Scientific Authority when needed to alert States of possible problems with their management programs that might lead to a finding of "detriment" for the following season's export findings. Further, the Service believes that the Scientific Authority should consider target harvest levels supplied by the States and need not suggest Federal levels in those instances where the States have shown through the data submitted by them that their management programs for regulating bobcat take are operating effectively and clearly fit within the "no detriment" requirements needed for export approval under CITES. It must be noted that in no instance should the target harvest level established by a State be treated as a Federal quota. If a target harvest level set by a State is exceeded in an amount that the Scientific Authority believes to be detrimental to the survival of the species, export approval should be denied for the *following* season for that State unless it takes steps that can reasonably be expected to reduce the harvest to a level acceptable to the Scientific Authority in the following season. In no event would a target harvest level operate to cut-off Federal export approval while a State's bobcat season is in progress.

In order to ensure that expert was not deterimental to the survival of the species the Scientific Authority evaluated target harvest levels for 1982–83 using variations in habitat and long-term recruitment figures from State to State.

The Scientific Authority has taken into consideration all data submitted and has been flexible to a degree if States were able to supply information on recruitment and survival rates to justify a higher target harvest level.

Defenders and the Humane Society suggest setting lower target harvest levels. They provided no data to substantiate their figures nor did they give reasons for setting lower limits. The final findings for export of bobcats in the 1982–83 season do not differ significantly from the reproposed findings in the February 23, 1983 Federal Register notice.

Although the Scientific Authority "no detriment" findings are properly based on data supplied by State wildlife agencies possessing primary management authority for bobcats, it is important to recognize the independent authority of the Scientific Authority to make these findings on the basis of its own separate review of the data in light of CITES requirements. To this end, the best available biological information has been analyzed in the context of professionally accepted wildlife management practices for bobcats, as required by statute and as determined by the Secretary of the Interior.

(2) *Proposed requirement of possession tags for the 1983–84 harvest season.* The Service does not require possession tags in order to meet MA requirements for the 1982–83 export season. The Service solicited comments on the proposed requirement of possession tags for the 1983–84 season and will announce its decision on the issue in the near future when the SA and MA publish their notice of intent for export of bobcats taken during the 1983–84 season.

Scientific Authority Advice

In determining if export of bobcats will not be detrimental to the survival of the species, the Service adopted guidelines that were developed by a working group of wildlife biologists (January 23–24, 1978). The 1982 Amendments to the Act were also incorporated into these guidelines with provision for population estimates to be considered, when available, along with other biological information in making export findings. The 1982 Amendments also allow the Secretary to require, at his discretion, the establishment of target harvest levels.

These guidelines are listed below, with the additional provisions for consideration of population estimates and target harvest levels in making non-detriment findings for export of bobcats:

A. Minimum Requirements for Biological Information

(1) Information on the condition of the population, including trends (the method of determination to be a matter of state choice), and population estimates where such information is available.

(2) Information on total harvest of the species.

(3) Information on distribution of harvest.

(4) Habitat evaluation.

B. Minimum Requirements for a Management Program

(1) There should be a controlled harvest, methods and seasons to be a matter of state choice.

(2) All pelts should be registered and marked.

(3) Harvest level objective should be determined annually by the States.

The types of specific information on bobcat populations considered by the Service in applying these guidelines included (a) current estimate (if such information is available) of the total number of animals in the preharvest population derived by extrapolating the number of animals per unit area in each of the major habitat types to obtain an estimate of the total number of animals in the state, where the number of animals per unit area is determined by direct count (e.g., by using radio tracking) or by indirect indications of abundance (e.g., track counts, scented track plots, hunter/trapper surveys, and/or harvest records), or by using population modeling (e.g., calculation population size from data on recruitment, mortality, sex ratio, age composition, or other parameters), (b) a description of any research being conducted to assess the distribution, abundance, or general condition of the species in the State, summarizing results so far obtained, including results of any analyses of age structure or reproductive parameters, and (c) an assessment of long-term population trends of the species in the State, and the relationship of these trends to habitat condition, management practices, harvesting pressure, or other factors.

The change in the Act does not require the states to submit reliable population estimates in order to export bobcats taken on or after January 1, 1981. However, if these data were provided by the States or by other sources, they were considered by the Service in making "non-detriment" findings. The Service, therefore, considered all pertinent information, including indices of population size, and information on age and sex structure, habitat, and harvest in evaluating the condition of bobcat populations; if population estimates were available, they were considered together with the above data in making SA findings, the Service conducted an independent assessment of the effect that harvest for export is expected to have on the survival of bobcat populations. It made decisions on the basis of the best available biological information of the types described above.

The types of specific information on harvest considered by the Service included (a) The number of animals (by county or game management unit, if data are available at these local levels) that were (i) harvested, (ii) tagged, and (iii) bought by dealers operating in the state during the previous season; (b) that total number of animals that were harvested and tagged in the season before that; (c) the number of licensed trappers in the state, and the number of these trappers setting from the species in question, (d) any available information on harvest per unit effort, and (e) prices paid to harvesters for pelts of the species, including the average price and the range of extremes. The Service used this information to assess harvest pressure on the species, which is important in making export findings.

The Service evaluated the harvest level objectives set by the state in relation to information on the condition of the bobcat population. If the best available biological information indicated that the harvest allowed by a state is causing or contributing to a serious decline in the condition of the bobcat population, then the Service did not issue SA advice in favor of export for that state.

Under the 1982 Amendments to the Act, the Secretary may require the establishment of target harvest levels and tagging procedures to ensure that the export of bobcats will not be detrimental to the survival of the species. Accordingly, the SA has determined that target harvest levels are required for tihe 1982–83 export season.

The Service finds that current information on population condition, management, and harvest submitted by certain states, as well as that collected by the Service, fully support its final SA findings. The Service has summarized this information in documents that detail the basis for SA advice for each state. Due to their length, details of these documents are not published in the **Federal Register**, but are available for public inspection at the Office of the Scientific Authority (address given above).

Management Authority Findings

Exports of Appendix II species are to be allowed under CITES only if the MA is satisfied that the specimens were not obtained in contravention of laws for the protection of wildlife or plants. The Service, therefore, must be satisfied that bobcat pelts or products were not obtained in violation of state or Federal law, in order to allow export. Evidence of legal taking for bobcat is provided by state tagging systems. For the 1982–83 season, the Service is requiring the use of locking plastic strip tags with embossed legends. The Service has arranged for the manufacturing of such tags for the majority of the states. Other states already use similar tags. Several states were permitted to use state purchased, nonconforming tags for the current season because of tags on hand, or mistakes in their tag orders.

The states receiving export approval for the 1982–83 season had to satisfy the following criteria, which do not differ from those proposed earlier for this season's harvest:

(1) Each skin must be marked with a tag that is:

(a) Made of some permanent material in the style recommended by the Service;

(b) Applied within a specific time of taking that is established by the state; and

(c) Permanently attached to each skin by the state, state registered dealer, or taker. (Dealer and taker must be accountable for all tags received).

(2) The tags must show state or origin, year of take, species, and be serially unique.

(3) Report of take and tagging must be required by state law.

(4) A sample of each tag must be received by the Service.

The Service approves exports of bobcats harvested during the 1982–83 season in the following states and Indian Nations on the grounds that both SA and MA guidelines are met: Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Kansas, Klamath Tribe, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Navajo Nation, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

The Service has denied general approval for export of bobcats harvested in North Dakota. The Service presently lacks information that its SA guidelines are met in this state.

For all other states not addressed above, either the taking of bobcats is not allowed by the state, bobcats do not occur in the state, or the Service did not obtain adequate information on which to base SA and MA findings. The Service did not intend to grant general approval for export of bobcats from such states.

These findings and rule are issued under authority of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.; 87 Stat. 884 as amended), and were prepared by Dr. Richard M. Mitchell, Office of the Scientific Authority.

Note.—The Department has determined that these final findings are not a major Federal action significantly affecting the quality of the human environment under the National Environmental Policy Act and, therefore, the preparation of an Environmental Impact Statement is not required. The Department has determined that this is not a major rule under Executive Order 12291 and does not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601). This rule treats exports on a state-by-state basis and, in most cases, approves export in accordance with state management programs. Since any effects on small entities are imposed by these state management programs, this rule will have little effect on small entities in and of itself.

The Department has further determined that good cause exists for making these findings and guidelines effective on April 25, 1983, 5 U.S.C. Sec. 553(d). This final notice represents the last administrative step in authorizing the export of bobcat pelts taken in the 1982–83 season. This action has been delayed for many months due to the injunction against bobcat export that remained in force as late as December 23, 1982. The SA has evaluated all available data in carefully making these final findings effective as soon as possible to avoid further economic injury to individual trappers, dealers, or other small entities that are directly affected by these findings. Because further delays in making these findings effective would probably cause loss of sale and/or injury to those small entities at the auctions to be held at the end of April, good cause exists to take this action, and the Department has exercised its discretion to relieve the export restriction at an earlier date in light of the "no detriment" findings noted herein. It must be noted that by shortening the timing of the effective date no adverse effects of any kind will result to bobcat populations. As of March 31, 1983, the bobcat season for 1982–83 had ended throughout the United States. Therefore, no animals in the wild are impacted; only those bobcats killed during the 1982–83 season are affected by this notice. Therefore, further takings are not stimulated by this action. The Department considers this action to fall within the emergency exception of Executive Order 12291 for the reasons noted above.

List of Subjects in 50 CFR Part 23

Endangered and threatened wildlife, Exports, Fish, Imports, Plants (agriculture), Treaties.

PART 23—[AMENDED]

Accordingly, the Service proposes to amend Part 23 of Title 50, Code of Federal Regulations, as set forth below:

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Subpart F—Export of Certain Species

In § 23.52, add new paragraph (g) as follows:

§ 23.52 Bobcat (Lynx rufus).

* * * * *

(g) 1982–83 Harvest: Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Kansas, Klamath Tribe, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Navajo Nation, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

Condition on export: Each pelt must be clearly identified as to state of origin and season of taking by a permanently attached state tag of a type approved and attached under conditions established by the Service.

Dated: April 13, 1983.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 83-10278 Filed 4-15-83; 8:45 am]

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Proposed Rules

Federal Register
Vol. 48, No. 75
Monday, April 18, 1983

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

1 CFR Ch. III

Exceptions Processes; Meeting

AGENCY: Administrative Conference of the United States; Committee on Regulations.

ACTION: Committee meeting.

SUMMARY:

Agenda: The Committee will consider comments received on a proposed recommendation on the subject of "administrative exceptions processes." (Reference: 48 FR 14910.) This topic includes agency procedures involved in the granting of waivers, exemptions, variances, or other individualized exceptions to rules of general applicability. The Committee may take a final vote on this proposal.

DATE: April 27, 1983, at 1:30 p.m.

ADDRESS: 2120 L Street, NW., Washington, D.C., Lower Level Hearing Room No. 1.

FOR FURTHER INFORMATION CONTACT: William C. Bush, Administrative Conference of the United States, 2120 L Street NW., Suite 500, Washington, D.C. 20037. Telephone: (202) 254–7065.

SUPPLEMENTARY INFORMATION:

Public Participation: Attendance at the Committee's meeting is open to the public, but limited to the space available. Persons wishing to attend should notify the contact person at least two days in advance of the meeting. The Committee chairman may permit members of the public to present appropriate oral statements at the meeting. Any member of the public may file a written statement with the Committee before, during, or after the meeting. Minutes of the meeting will be available on request to the contact person. This meeting is subject to the Federal Advisory Committee Act (Pub. L. 92–463).

Subjects:

1. Administrative practice and procedure
2. Exceptions

Richard K Berg,
General Counsel.
April 11, 1983.

[FR Doc. 83–10093 Filed 4–15–83; 8:45 am]
BILLING CODE 6110–01–M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 20

[Docket No. PRM–20–13]

Victor E. Anderson; Withdrawal of Petition for Rulemaking

AGENCY: Nuclear Regulatory Commission.

ACTION: Withdrawal of petition for rulemaking (PRM–20–13) that was filed by Victor E. Anderson.

SUMMARY: The Nuclear Regulatory Commission is withdrawing, at the petitioner's request, a petition for rulemaking (PRM–20–13) that was filed by Victor E. Anderson. The petitioner, in his January 17, 1979 letter, requested that the Commission amend 10 CFR Part 20 to require that health physics personnel be certified by the Commission.

ADDRESSES: A copy of the NRC's letter confirming the withdrawal of the petition is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, DC. A copy of the NRC's letter confirming the withdrawal of the petition may be obtained by writing to the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

FOR FURTHER INFORMATION CONTACT: John Philips, Chief, Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: 301–492–7086 or Toll Free: 800–368–5642.

SUPPLEMENTARY INFORMATION: In a **Federal Register** notice published on February 28, 1979 (44 FR 11284), the Commission announced the receipt of and requested comments on a petition for rulemaking (PRM–20–13) filed by Victor E. Anderson. The comment period was subsequently extended for an additional 30 days on May 2, 1979 (44 FR 25716). The petition, which was dated January 17, 1979, requested that the Commission amend 10 CFR Part 20 to require that health physics personnel be certified by the Commission. The petitioner's proposed amendment of § 20.600 provided for the certification of health physicists on five levels. It also provided for the certification, validation, and revocation of certificates. By letter dated March 8, 1983, the NRC has confirmed that the petitioner stated his intention to withdraw his petition during a March 4, 1983 telephone conversation with a member of the NRC's staff. This withdrawal was based on the fact that several developments in radiation protection during the past few years were likely to achieve the objectives of the petition. The developments included the publication of draft NUREG–0761, revision 4 of Regulatory Guide 8.8, publication of the RSO Qualifications guide, the NRC Health Physics Appraisal program, and the INPO/Industry effort in dose reduction.

Dated at Bethesda, Md., this 6th day of April 1983.

For the Nuclear Regulatory Commission.

William J. Dircks,
Executive Director for Operations.

[FR Doc. 83–10249 Filed 4–15–83; 8:45 am]
BILLING CODE 7590–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

Proposed Advisory Circular; Active Flight Controls; Reopening of Comment Period

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Reopening of comment period.

SUMMARY: This notice reopens the comment period for proposed Advisory Circular (AC) 25–XX (48 FR 7464; February 22, 1983), which sets forth an acceptable means of compliance with the provisions of Part 25 of the Federal Aviation Regulations (FAR) pertaining to the certification requirements of active flight controls. This notice is based on requests from industry for additional time to study the AC and prepare comments.

DATE: Comments must be received on or before May 18, 1983.

ADDRESS: Send all comments on the proposed AC to: Federal Aviation Administration, Northwest Mountain Region, ANM–110, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168. Comments may be inspected at the above address weekdays, except Federal holidays, between 7:30 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: Iven Connally, Regulations and Policy Office, at the above address, telephone (206) 764–7053.

SUPPLEMENTARY INFORMATION:

Comments Invited

A copy of the draft AC may be obtained by contacting the person named above under "**FOR FURTHER INFORMATION CONTACT.**" Interested persons are invited to comment on the proposed AC by submitting such written data, views, or arguments as they may desire. Communications should identify AC 25–XX and be submitted to the address specified above. All communications received on or before the closing date for comments, including those received in response to the first notice, will be considered by the regulations and Policy Office before issuing the final AC.

Background

Stability augmentation systems (SAS) have been successfully used on transport airplanes for several years. The earlier SAS were limited in authority to assure acceptable handling qualities with the system malfunctioning or inoperative. Although the SAS provided some alleviation of flight loads, no credit was given since the SAS effectiveness in relieving loads was not assessed against system reliability.

In recent years, significant developments in active controls technology have advanced the state-of-the-art of active flight control systems in both effectiveness and reliability to the point some alleviation from flight loads can be achieved. Flutter suppression systems (FSS) may also be installed in conjunction with the load alleviation system (LAS) to provide flutter margins.

The procedures set forth in the proposed AC were developed jointly by the FAA and the aerospace industry (Aerospace Industries Association of America (AIA)) for use in certification of active controls. Adherence to these criteria will provide a level of safety in airplanes equipped with these systems consistent with the level of safety found in airplanes without them.

On February 22, 1983, the FAA issued a notice of availability of proposed AC 25–XX (48 FR 7464). Some of the comments received in response to the notice included a request for additional time in which to study the AC and to coordinate and prepare comments.

Additionally, the FAA has amended the introductory paragraph of the AC to more accurately reflect the regulatory basis upon which the AC is predicated. This change does not affect the technical content of the AC.

Individuals who requested a copy of the AC when the notice of availability was originally published need not submit another request as copies of the amended AC will be provided to those individuals by the Regulations and Policy Office.

Reopening of Comment Period

In consideration of some of the comments received in response to AC 25–XX, and due to the fact that the introductory paragraph of the AC has been amended, the FAA concludes that it is in the public interest to reopen the comment period. This will allow an additional opportunity for individuals to adequately review the AC and to furnish comments. Accordingly, the comment period for AC 25–XX, Active Flight Controls, is reopened.

Issued in Seattle , Washington, on April 6, 1983.

Leroy A. Keith,

Manager, Aircraft Certification Division, Northwest Mountain Region.

[FR Doc. 83–10169 Filed 4–15–83; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 83–NM–18–AD]

Airworthiness Directives; British Aerospace Aircraft Group Model H.S. 748 Series 1, 2, and 2A Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes an airworthiness directive (AD) that would require inspection of fasteners on the wing lower surface on certain British Aerospace Model H.S. 748 airplanes. In several cases incorrect fasteners were inadvertently installed when the wing was manufactured. These incorrect fasteners reduce the structural capability of the wing.

DATES: Send comments in duplicate to FAA, Northwest Mountain Region, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168. Comments must be received no later than June 7, 1983.

ADDRESSES: The applicable service information and copies may be obtained from British Aerospace, Inc., Librarian, Box 17414, Dulles International Airport, Washington, D.C. 20041, or may also be examined at the address shown below.

FOR FURTHER INFORMATION CONTACT: Mr. Sulmo Mariano, Foreign Aircraft Certification Branch, ANM–150S, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington, telephone (206) 767–2530.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket and be submitted in duplicate to the address specified below. All communications received on or before the closing data for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 83–NM–18–AD, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168.

Discussion: The United Kingdom Civil Aviation Authority has classified British Aerospace Aircraft Group H.S. 748 Service Bulletins 57/62 and 57/63 as mandatory. The following conditions are described in these bulletins:

1. Incorrect fasteners at the rib/stringer attachment brackets have been found on a number of wing assemblies of series 2 and 2A airplanes on the wing bottom surface at rib 224.366 and at stringers 4 and 6 at all ribs on each side of wing access panels W3 to W12 except W10. Some of the fasteners have been identified as $\frac{3}{16}$-inch diameter rivets; the correct item should be a $\frac{3}{16}$-inch diameter huckbolt. In addition, other incorrect fasteners at the other locations have been identified as rivets; the correct items should be $\frac{3}{16}$-inch diameter huckbolts.

2. Incorrect fasteners at the rib/stringer attachment bracket on the wing lower surface at rib 16.071 and stringers 9, 10, 11, and 12 on series 1, 2, and 2A airplanes have been found on a number of wing assemblies. One of the fasteners at each of the above rib/stringer brackets has been identified as a ⅛-inch diameter rivet. The correct item should be a 5/16-inch diameter rivet.

The service bulletins prescribe replacement of the incorrect fasteners.

Since these conditions are likely to exist on airplanes of this model registered in the United States, the FAA has determined that an AD is necessary which would require replacement of the incorrect fasteners.

It is estimated that five U.S. registered airplanes would be affected by this AD, that it would take approximately 64 manhours per airplane to accomplish the required actions, and that the average labor cost would be $35 per manhour. Repair parts are supplied by the manufacturer at no cost to user. Based on these figures, the total cost impact of this AD to U.S. users is estimated to be $11,200. For these reasons, the proposed rule is not considered to be a major rule under the criteria of Executive Order 12291. Few small entities within the meaning of the Regulatory Flexibility Act would be affected.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new airworthiness directive:

British Aerospace Aircraft Group

Applies to Model H.S. 748 airplanes certified in all categories. To prevent wing structural failure accomplish the following, unless already accomplished:

1. (For series 2 and 2A airplanes with wing fuel tanks extending outboard beyond rib 350.366) Within the next 1,500 hours or six months time in service, whichever occurs first after the effective date of this AD, inspect the rib/stringer bracket fasteners of the wing bottom surface at rib 224.366 and at stringers 4 and 6 at all ribs on each side of wing access panels W3 to W12 except W10, and perform the actions described in paragaph 2, Accomplishment Instructions, of British Aerospace Aircraft Group H.S. 748 Service Bulletin 57/62 dated June 1980.

2. (For series 1, 2 and 2A airplanes) Within the next 500 hours of 60 days time in service, whichever occurs first after the effective date of this AD, inspect the rib/stringer bracket fasteners of wing bottom surface rib 16.071 and stringers numbered 9, 10, 11, and 12 and perform the actions described in paragraph 2, Accomplishment Instructions, of British Aerospace Aircraft Group H.S. 748 Service Bulletin 57/63 dated June 1980.

3. Alternate means of compliance which provide an equivalent level of safety may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

4. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85).

Note.—For the reasons discussed earlier in the preamble, the FAA has determined that this document (1) involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. A regulatory evaluation has been prepared and has been placed in the public docket.

Issued in Seattle, Washington on April 8, 1983.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 83-10164 Filed 4-15-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 83-NM-31-AD]

Airworthiness Directives; Lockheed Model L-1011 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend an existing Airworthiness Directive (AD) applicable to Lockheed Model L-1011 Series Airplanes which requires initial and repetitive leak tests and visual inspections of fuel line couplings, fittings, and hydraulic servos located in the afterbody compartment. The AD was issued to detect the accumulation of flammable fluids and/or vapors in the vicinity of the APU exhaust shroud, an area which does not have fire extinguishing nor fire detection systems. Since the issuance of this AD, Lockheed has released a modification for the APU exhaust shroud which reduces the skin temperature to a safe level and eliminates the need for repetitive inspections. This amendment, is adopted, would require accomplishment of the modification.

DATES: Comments must be received no later than June 7, 1983.

Compliance schedule as prescribed in the body of the AD, unless already accomplished.

ADDRESSES: Send comments on the proposal in duplicate to Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules, Docket 83-NM-31-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. The applicable service information may be obtained from: Lockheed-California Company, P.O. Box 551, Burbank, California 91520, Attention: Commercial Support Contracts, Dept. 63-11, U-33, B-1. This information also may be examined at FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or 4344 Donald Douglas Drive, Long Beach, California.

FOR FURTHER INFORMATION CONTACT: Stephen Kolb, Aerospace Engineer, Propulsion Branch, ANM-140L, Federal Aviation Administration, Northwest Mountain Region, Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808, telephone (213) 548-2835.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified below. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRMS

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 83-NM-31-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

Discussion: Airworthiness Directive 82-03-04, Amendment 39-4310, was published in the **Federal Register** February 4, 1982 (47 FR 5197), applicable to all Lockheed Model L-1011 Series Airplanes, requiring initial and repetitive leak test and visual inspections of fuel line couplings and fittings and the hydraulic servos located in the afterbody compartment.

After issuing Amendment 39-4310, the FAA approved a modification to the APU exhaust duct and shroud contained in Part II of the Accomplishment Instructions of Lockheed L-1011 Service Bulletin 093-49-058, Revision 3, dated October 28, 1982. This modification consists of the installation of insulation blankets over the APU exhaust duct and exhaust shroud. Tests have confirmed that the modified shroud surface temperatures are reduced to acceptable levels; therefore, repetitive tests and inspections will not be required after the modification has been installed.

The possibility still exists for fuel leaks to occur between the inspections called for by the present AD, which if directed toward the APU exhaust shroud, represent a potential fire hazard in an area that does not have fire walls or fire detection systems. For this reason, the proposed AD is considered to be necessary.

The estimated costs associated with the proposed AD are as follows: Kit costs: $2,000 per airplane × 111 airplanes = $222,000. Installation cost 12.3 manhours per airplane × $35 per manhour × 111 airplanes = $47,486. The total cost is estimated to be $269,786. For these reasons, the proposed rule is not considered to be a major rule under the criteria of Executive Order 12291. Few, if any, small entities within the meaning of the Regulatory Flexibility Act would be affected.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by amending AD 82-03-04, Amendment 39-4310 (47 FR 5197; February 4, 1982), as follows:

Revise the first paragraph to read as follows:

Lockheed-California Company: Applies to Lockheed Model L-1011 Series Airplanes, prior to Serial No. 1239, certificated in all categories. Compliance required as indicated, unless previously accomplished.

Revise paragraphs A, B, and C by changing the word "Chief" to "Manager" and by deletion of the word "Area."

Reidentify paragraph B. as paragraph A.3.

Add new paragraph B. to read as follows:

B. Within 5000 flight hours or two (2) calendar years after the effective date of this amendment, whichever occurs first, install APU Exhaust Duct and Shroud Insulation as specified in Part II, Accomplishment Instructions of Lockheed L-1011 Service Bulletin 093-49-058, Revision 3, dated October 28, 1982, or later revisions approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region. This action terminates the requirement for repetitive inspections as required in paragraph A., above.

Delete the first paragraph after paragraph D. and revise the second to read as follows:

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to: Lockheed-California Company, P.O. Box 551, Burbank, California 91520, Attention: Commercial Support Contracts, Dept. 83-11, U-33, B-1. These documents also may be examined at FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or 4344 Donald Douglas Drive, Long Beach, California.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Section 6(c) of the Department of Transportation Act (49 U.S.C 1655(c)); and 14 CFR 11.85)

Note.—For the reasons discussed earlier in the preamble: the FAA has determined that this document (1) involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. A regulatory evaluation has been prepared and has been placed in the public docket.

Issued in Seattle, Wash., on April 8, 1983

Wayne J. Barlow,

Acting Director, Northwest Mountain Region

[FR Doc. 83-10168 Filed 4-15-83; 8:45 a.m.]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

15 CFR Part 400

[Docket No. 21222-257]

Foreign-Trade Zones in the United States; Additional Information and Time Extension for Comments

AGENCY: Foreign-Trade Zones Board, Commerce.

ACTION: Proposed rule; Extension of comment period.

SUMMARY: A proposed revision of the Foreign-Trade Zones Board's regulations (15 CFR Part 400) was published in the **Federal Register** on February 18, 1983 (48 FR 7188-7200), with corrections published on February 28, 1983 (48 FR 8291).

This notice contains a revision to one section of the proposal, and extends the period for comments to May 31, 1983.

The original period for comments was to close on April 19, 1983. As a result of a number of requests for an extension, and the further changes to proposed § 400.303, the period for public comment is extended to May 31, 1983.

DATE: Comments must be received by May 31, 1983.

ADDRESS: Comments (original and 6 copies) are to be addressed to the: Executive Secretary, Foreign-Trade Zones Board, International Trade Administration, U.S. Department of Commerce, 14th Street and Pennsylvania Avenue NW., Room 1872, Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT: John J. Da Ponte, Jr., Executive Secretary, Foreign-Trade Zones Board, 202/377-2862.

SUPPLEMENTARY INFORMATION:

PART 400—[AMENDED]

After publication of the proposed changes, a further change to § 400.303, concerning eligible locations for subzones, was received from the Customs Service.

Section 400.303 is proposed to be revised and is published below so that interested parties can comment.

§ 400.303 Location in relation to ports of entry.

Zones and subzones may be located only in or adjacent to ports of entry. The definition of "adjacent" is a location within 35 statute miles of a Customs port of entry. For the purposes of this section, a Customs station designated by Customs Regulations is considered a port of entry if it is staffed by at least one full-time Customs officer at the time the application is filed. Because of the special nature of subzones, a more distant location may be considered "adjacent" if the subzone operator agrees to deliver the merchandise and its associated Customs documentation to the adjacent port designated by Customs for inspection before admission to, and upon removal from, the subzone, and gives bond as required by the U.S. Customs Service to guarantee safe delivery and compliance with U.S. laws and regulations.

Dated: April 13, 1983.

(Sec. 8, Foreign Trade Zones Act of June 13, 1934, 48 Stat. 1000; 19 U.S.C. 81h)

John J. Da Ponte, Jr.,
Executive Secretary, Foreign-Trade Zones Board.

[FR Doc. 83-10250 Filed 4-15-83; 8:45 a.m.]
BILLING CODE 3510-25-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 4

Proposed Customs Regulations Amendment Relating to Filing of Coastwise Cargo Declaration

AGENCY: Customs Service, Treasury.

ACTION: Proposed rule.

SUMMARY: Generally, the coastwise trade involves the transportation by vessel of merchandise or passengers between points in the United States embraced within the coastwise laws. These points include ports and places in the United States, its territorial waters, and nearly all of the territories and possessions of the United States. By statute, any vessel, properly registered under the laws of the United States, may engage in trade between ports in the United States with the privilege of touching at one or more foreign ports during the the voyage.

The Customs regulations provide that a certified coastwise Cargo Declaration must be used to identify the merchandise to be transported from the port of lading in the United States via the foreign port or ports to the subsequent ports in the United States. Under current procedures, this cargo declaration must be presented to Customs for certification and returned to the master of the vessel *before* the vessel can depart from the United States port of lading. Because this has on occasion unnecessarily prevented a vessel from departing timely, this document proposes to amend the regulations by providing an alternative procedure so that a vessel operator may present the required coastwise cargo declaration for certification *after* the vessel's departure from the United States port of lading.

DATE: Comments must be received on or before June 17, 1983.

ADDRESS: Written comments (preferably in triplicate) may be addressed to the Commissioner of Customs, Attention: Regulations Control Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 2426, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Donald H. Reusch, Carriers, Drawback and Bonds Division (202-566-5706); U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

SUPPLEMENTARY INFORMATION:

Background

Generally, the coastwise trade involves the transportation by vessel of merchandise or passengers between points in the United States embraced within the coastwise laws. These points include ports and places in the United States, its territorial waters, and nearly all of the territories and possessions of the United States.

In accordance with section 293 of title 19, United States Code (19 U.S.C. 293), any vessel, on being duly registered in pursuance of the laws of the United States, may engage in trade between ports in the United States with the privilege of touching at one or more foreign ports during a voyage. At a foreign port, the vessel may discharge or take on merchandise, passengers and their baggage, letters and mail.

Section 293 further provides that all such vessels (in coastwise trade via foreign ports) shall be furnished by the appropriate Customs officers of the ports at which they shall take in their cargoes in the United States, with certified manifests, setting forth the particulars of the cargoes such as the marks and numbers of the packages, the names of the shippers and consignees, and the destinations.

Section 4.82, Customs Regulations (19 CFR 4.82), sets forth the applicable procedures relating to vessels touching at a foreign port while in the coastwise trade. Section 4.82(a), provides that Cargo Declaration, Customs Form 1302 or 1302-A, must be used to identify only cargo for a foreign destination. Section 4.82(b) provides that a certified coastwise Cargo Declaration must be used to identify the merchandise to be transported from the port of lading in the United States via the foreign port or ports to the subsequent ports in the United States. In accordance with § 4.82(c), upon arrival from the foreign port or ports at the subsequent port in the United States, the master of the vessel is required to present the Cargo Declaration and the certified copies of the coastwise Cargo Declaration, Customs Form 1302, to Customs. Section 4.82(d) provides that all merchandise on the vessel upon its arrival at the subsequent port in the United States is subject to such Customs examination and treatment as may be necessary to protect the revenue. Any article on board which is not identified to the satisfaction of the district director by the coastwise Cargo Declaration as part of the coastwise cargo shall be treated as imported merchandise.

The coastwise cargo declaration is essential because it is used by Customs at the subsequent port of destination in the United States to identify domestic cargo on the vessel which is not imported and, therefore, not subject to entry for Customs purposes.

Based on 19 U.S.C. 293, § 4.82(b) provides that at the port of lading in the United States, the master is required to present to the district director for certification the coastwise Cargo Declaration and the district director shall return two certified copies to the master. As a result of the requirement that the certified copies be returned to the master, the vessel can not depart until a manifest is prepared, presented to Customs for certification, and returned certified to the master. Customs is aware of occasions when a vessel is loaded and ready to depart on a coastwise voyage via foreign ports before the manifest is completed and presented to Customs for certification. Holding the vessel in port pending completion, presentation, certification, and return of the manifest to the master is extremely costly and burdensome to the vessel operator.

Additionally, § 4.82(b) may place one vessel operator at a competitive disadvantage with another. For example, a vessel may transport coastwise merchandise from New York to Puerto Rico (covered by the coastwise laws) via Jamaica and the Dominican Republic. Before leaving New York, the procedure set forth in § 4.82(b) must be followed. The master must present to Customs in New York for certification a coastwise manifest of cargo to be unladed in Puerto Rico. The certified coastwise manifest must be returned to the vessel before it can depart New York. Because the coastwise manifest must be completed to be certified and returned before the vessel departs, lading operations must necessarily be terminated several hours before the time of the vessel's departure to do the necessary paperwork. However, in the situation where a competing vessel operator provides service directly from New York to Puerto Rico, the vessel can accept shipments until the last minute before departure because, as Puerto Rico is within the coastwise laws, manifests are not required.

This situation is unsatisfactory for vessel operators and Customs. Accordingly, this document proposes to amend § 4.82(b) by providing an alternative procedure which would permit the vessel to depart the port of

lading in the United States *before* presentation of the coastwise Cargo Declaration to Customs for certification. The operator of the vessel could present the coastwise Cargo Declaration to the district director for certification and return to the operator after the vessel's departure. The vessel operator at the port of lading could use the mail, telecopy, or other electronic data transmission to forward the manifest to the subsequent United States port of destination in advance of the arrival of the vessel. The responsibility for the timely presentation of the certified manifest upon the vessel's arrival at the subsequent port in the United States would be exclusively with the master. Failure to present the manifest timely would result in the merchandise being treated as imported pursuant to § 4.82(d).

The master of a vessel, which is also transporting foreign merchandise during the coastwise voyage, is still required to obtain from the district director a certified copy of the complete inward foreign manifest (traveling manifest) before the vessel departs from the first United States port of arrival.

Authority

This amendment is proposed under the authority of R.S. 251, as amended (19 U.S.C. 66), R.S. 3126 (19 U.S.C. 293), R.S. 3127 (19 U.S.C. 294), section 624, 46 Stat. 759 (19 U.S.C. 1624).

Comments

Before adopting this proposal, consideration will be given to any written comments timely submitted to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with § 103.11(b), Customs Regulations (19 CFR 103.11(b)), during regular business days between the hours of 9:00 a.m. and 4:30 p.m. at the Regulations Control Branch, Room 2426, U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

E.O. 12291

The proposed amendment does not meet the criteria for a "major rule" as specified in section 1(b) of E.O. 12291. Accordingly, no regulatory impact analysis has been prepared.

Regulatory Flexibility Act

Pursuant to the provisions of section 3 of the Regulatory Flexibility Act (Pub. L. 96–354, 5 U.S.C. 601 *et seq.*), it is hereby certified that the proposed regulation set forth in this document will not have a significant economic impact on a substantial number of small entities. There is no indication that a substantial number of small entities, if any, will be affected by the proposal. Accordingly, this regulation is not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604.

Drafting Information

The principal author of this document was Charles D. Ressin, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

List of Subjects in 19 CFR Part 4

Customs duties and inspection, Imports, Cargo vessels.

Proposed Amendments

It is proposed to revise § 4.82(b), Customs Regulations (19 CFR 4.82(b)), by designating the present paragraph as paragraph (b)(1) and by adding a new paragraph (b)(2) to read as follows:

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

§ 4.82 Touching at foreign port while in coastwise trade.

* * * * *

(b)(1) * * *

(2) As an alternative to the procedure described in paragraph (b)(1) of this section, upon approval by the district director of a vessel operator's written request, the vessel operator may present the coastwise Cargo Declaration to the district director for certification and return to the operator after the vessel has departed. The master shall be responsible for the timely presentation to the district director of the coastwise Cargo Declaration when the vessel arrives at the subsequent port in the United States.

William von Raab,

Commissioner of Customs.

David Q. Bates,

Acting Assistant Secretary of the Treasury.

April 14, 1983.

[FR Doc. 83-10242 Filed 4-15-83; 8:45 am]

BILLING CODE 4820-02-M

Internal Revenue Service

26 CFR Part 1

[LR-274-81]

Accounting for Long-Term Contract

Correction

In FR Doc. 83–6524 beginning on page 10702 in the issue of Monday, March 14, 1983, make the following corrections:

1. In § 1.451–3(a)(6), in the last two lines of the middle column of page 10705, "method § 1.451–3(a)(6) described" should have read "method described".

2. In § 1.451.3(b)(1)(ii), in the third column of page 10705, the line reading "§ 1.451.3(B)(1)(ii)" which appears above the paragraph designated "(2) *Completion*" should be removed.

3. In § 1.451.3(b)(3)(iii)(C)(*3*), in the third column of page 10708, the last two lines of paragraph (*e*) now reading "An option to acquire shall be considered as an option to acquire such an interest" should have read "An option to acquire an option, and each one of a series of such options shall be considered as an option to acquire such an interest."

4. In § 1.451–3(b)(3)(v)(B), on page 10709, eleven lines from the bottom of the third column, the line reading "subassemblies, or (*2*) any other subject" should have read "subassemblies are first incurred after the".

5. In § 1.451–3(d)(1), on page 10710, six lines from the top of the first column, "in paragraph (d)(2)" should have read "in paragraph (b)(2)". Also, a line of five asterisks should have appeared after the paragraph to indicate that (d)(2) through (d)(4) were not changed.

6. On page 10718, middle column, § 1.471–11(c)(1), twenty-one lines from the bottom of the column, the line reading "paragraph (d)(6) of § 1.451–3 rather than" should be removed and the words "paragraph. For contracts entered into" should be inserted.

BILLING CODE 1505-01-M

DEPARTMENT OF EDUCATION

34 CFR Part 682

Family Contribution Schedule for the Guaranteed Student Loan Program for 1984–85; Correction

AGENCY: Department of Education

ACTION: Notice of proposed rulemaking; Corrections.

SUMMARY: This document makes technical corrections in the Notice of Proposed Rulemaking for the Family Contribution Schedule for the Guaranteed Student Loan Program for 1984–85 (48 FR 14344, April 1, 1983).

FOR FURTHER INFORMATION CONTACT: Mr. Larry Oxendine, Policy Section, Guaranteed Student Loan Branch, Division of Policy and Program Development, Office of Student Financial Assistance, 400 Maryland Avenue, SW., (Room 4310, ROB–3)

Washington, D.C., telephone: (202) 245–2475.

SUPPLEMENTARY INFORMATION: On April 1, 1983, the Secretary published a notice of proposed rulemaking for this program in the **Federal Register** at 48 FR 14344–14346. This document corrects several errors that were made in those regulations.

On page 14344, third column, the sentence beginning on line 9 is revised to read as follows:

"The Secretary also proposes to modify the standard used to measure family resources under the tables in this schedule to include untaxed income such as nontaxable investment income, welfare benefits, and child support payments."

On page 14345, third column, the sentence beginning on line 9 is revised to read as follows:

"The Secretary expects to issue regulations regarding the verification of information provided by the student and the student's family."

On page 14345, third column, the sentence beginning on line 38 is revised to read as follows:

"The Secretary considers the present dependent/independent classification inadequate to address the different financial needs of students of different ages, marital status, years of independent living, and numbers of dependents, and will propose redefining 'independent student' to reflect those varying equities."

(Catalog of Federal Domestic Assistance Number 84.032, Guaranteed Student Loan Program)

Dated: April 13, 1983.

Daniel Oliver,

General Counsel.

[FR Doc. 83–10344 Filed 4–15–83; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 219

National Forest System Land and Resource Management Planning

AGENCY: Forest Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Department of Agriculture is proposing to revise 36 CFR 219.17, wilderness designation. The rule would direct reevaluation through forest planning of those National Forest System roadless and undeveloped areas recommended in 1979 for wilderness designation or designated for management for nonwilderness uses. The proposed rule would apply only to those roadless areas which have not been addressed by Congress. The action is necessary to respond to a recent court ruling that the environmental statement on which the 1979 roadless area decisions were based did not adequately meet National Environmental Policy Act requirements. The intent of the proposed action is to minimize future legal challenges and disruption of National Forest planning and management activities.

DATE: Comments must be received on or before June 17, 1983.

ADDRESS: Comments or questions on the proposed rule may be addressed to: R. Max Peterson, Chief (1920), Forest Service, USDA, P.O. Box 2417, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Charles R. Hartgraves, Director, Land Management Planning Staff, (202) 447–6697.

SUPPLEMENTARY INFORMATION: In January 1979 the Forest Service issued a national environmental statement documenting the results of a review of 62 million acres of roadless and undeveloped areas within the National Forest System (RARE II). On the basis of the environmental statement, the Department of Agriculture announced decisions to recommend that Congress designate 15.1 million acres as wilderness, to continue to study an additional 10.8 million acres, and to manage the remaining 36 million acres for multiple uses other than wilderness. Consistent with those decisions, the regulations governing National Forest Land and Resource Management Planning specify, at 36 CFR 219.17, that the 36 million acres are to be managed for nonwilderness uses and that no such area will be considered for wilderness designation until a forest plan is revised.

In 1979, the State of California filed a lawsuit challenging the adequacy of the RARE II Environmental Impact Statement as the basis for deciding to manage 47 roadless areas in California for uses other than wilderness. In October 1982, the U.S. Court of Appeals for the Ninth Circuit ruled that the RARE II Environmental Impact Statement did not adequately meet the requirements of the National Environmental Policy Act (NEPA) with regard to evaluation of environmental consequences of the actions proposed for these areas. *California, et. al. v. Block, et. al.*, Nos. 80–4101, 80–4111, 80–4112, 80–4115, 80–4216 (Ninth Circuit, October 22, 1982). The Ninth Circuit ruling leaves the regulation at 36 CFR 219.17 vulnerable to future court challenge unless it is changed to direct further NEPA evaluation of these areas.

The recommendations that Congress designate other National Forest System roadless areas as wilderness also were left vulnerable to future court challenge by the Ninth Circuit ruling. These decisions relied on the same evaluation that was found inadequate under NEPA by the court. The court's decision also left unanswered the question of whether administrative decisions to recommend individual roadless areas for wilderness designation or to manage them for uses besides wilderness may be made outside the forest planning process required by the National Forest Management Act and described in 36 CFR Part 219.

For these reasons, the proposed rule would remove the prohibition against further consideration for potential wilderness designation of roadless areas made available to nonwilderness uses as a result of RARE II. In order to minimize future risk of court challenge, it would direct that all roadless areas reviewed in RARE II or existing unit and forest plans are subject to evaluation for their wilderness designation potential in current and future forest planning cycles. This direction would apply if the roadless area remains essentially roadless and undeveloped, and if it has not been designated wilderness or released for nonwilderness uses by an Act of Congress. The proposed rule is so written that this direction is subject to existing and future legislation by Congress. For example, in regard to National Forest roadless areas in Alaska, Colorado, Indiana, Missouri, New Mexico, and West Virginia, Congress has acted affirmatively to ratify the legal adequacy of the RARE II Environmental Impact Statement and study process and to prohibit further review of roadless areas for wilderness designation potential in each State except as provided in the legislation.

The proposed change recognizes that considerable evaluation of roadless areas has already been completed in RARE II and existing plans. It provides that the appropriate scope and detail of evaluation in the forest planning process for each area will be determined with the help of public participation. This approach is consistent with the current regulations implementing NEPA, 40 CFR Parts 1500–1507, and the existing forest planning process described in 36 CFR 219.

It should not be necessary for forest staffs who are already far along in preparation of a forest plan to formally repeat planning process steps already completed. It should be sufficient to

initiate a public meeting or other public participation activity to determine the appropriate scope and detail of evaluation necessary for each roadless area subject to further evaluation on a forest. Additional consideration of alternative uses for these areas, examination of environmental consequences, and other planning analyses may then be integrated into existing planning documents. Those draft forest plans which have been published and accompanying draft environmental impact statement documents may be amended and supplemented accordingly (see 40 CFR 1502.9). All evaluations would include consideration of the items currently listed in 36 CFR 219.17(b)(2), as well as address the concerns described in the *California v. Block* decision. Additional evaluation would fully utilize existing information and analysis available for roadless areas from RARE II and other sources, but would not be bound by past recommendations for or against wilderness designation for these areas. Under the proposed rule, information, analysis, and public participation, in addition to that available from RARE II and other sources would be developed for each area that is subject to evaluation to minimize the risk that any future legal challenges based on *California* v. *Block* will occur.

Prior to the *California v. Block* decision, a tremendous amount of planning, scheduling, and implementation of management activities proceeded based on the RARE II decision, and these activities have not been challenged. The court order invalidates the RARE II process only as applied to the 47 California areas involved in the lawsuit. Therefore, for other roadless areas, the Forest Service does not anticipate proposing changes in either RARE II wilderness recommendations or management of areas for nonwilderness uses on individual National Forests until completion of the forest plan. If the forest planning process results in a change in actual or recommended management of a roadless area, the change would be implemented in the same manner as for roadless areas already designated for further planning by RARE II or by legislation. In other words, any such changes will not be implemented without adequate notice to Congress and the public.

Finding of No Significant Environmental Impact

This proposed rule change is not a major Federal action significantly affecting the quality of the human environment and, therefore, does not require the preparation of an environmental impact statement. The change is procedural only and directs further evaluation of environmental consequences of proposed actions as part of the land and resource management planning process. The regulation change, therefore, has no potential for significant effect on the physical and biological components of the human environment.

Regulatory Impact

The Assistant Secretary for Natural Resources and Environment has determined that the proposed rule is considered "nonmajor," as defined in Executive Order 12291. Therefore, a regulatory impact analysis is not required for this rulemaking. The proposed rule requires the Forest Service to further study roadless areas as part of a legally required planning process. Increases in costs of planning to the Forest Service are necessary to avoid even greater costs to the government from further delay and other disruption of planning and management activities due to legal challenges. The proposed rule, therefore, would not cause a major increase in costs or prices to consumers, individual industries, Federal, State, or local government agencies, or geographic regions. It would not have an annual effect on the economy of $100 million or more, or have significant adverse effect on competitive employment, investment, productivity, innovation, or ability of United States based enterprises to compete with foreign based enterprises.

Small Entity Impact

The Assistant Secretary for Natural Resources and Environment has determined that this proposed rule will not have a significant economic impact on a substantial number of small entities. The proposed rule imposes no direct or indirect costs on small entities. It requires no paperwork or recordkeeping requirement as defined in the Paperwork Reduction Act of 1980; it does not affect the competitive position of small entities in relation to large entities; it does not affect the ability of a small entity to stay in the market, and it does not require that small entities obtain professional assistance to meet regulatory requirements.

List of Subjects in 36 CFR Part 219

Environmental impact statements, National Forests.

PART 219—[AMENDED]

Therefore, for the reasons set forth in the preamble, Part 219-*Planning*, Subpart A, *National Forest System Land and Resource Management Planning*, Title 36 of the Code of Federal Regulations is proposed to be amended as follows:

Section 219.17 is amended by changing the title, "Wilderness Designation" to "Evaluation of Roadless Areas"; by removing paragraph (a); by renumbering paragraph (b) as (a); and by revising the introductory text of redesignated paragraphs (a) and (a)(1), and by revising paragraphs (a)(1)(i), and (a)(2) to read as follows:

§ 219.17 Evaluation of roadless areas.

(a) Unless otherwise provided by law, roadless areas of public lands within or adjacent to the forest shall be evaluated and considered for recommendation as potential wilderness areas during the forest planning process, as provided in paragraph (a)(1) and (a)(2) of this section.

(1) During analysis of the management situation, the following areas shall be subject to evaluation:

(i) Roadless areas previously inventoried in the second roadless area review and evaluation (RARE II), in a unit plan, or in a forest plan, which remain essentially roadless and undeveloped, and which have not yet been designated as wilderness or for nonwilderness uses by law.

* * * * *

(2) For each area subject to evaluation under paragraph (a)(1) of this section, the evaluation, and the determination of the appropriate detail and scope of evaluation, shall be developed with public participation. As a minimum, the evaluation shall include consideration of:

* * * * *

Douglas W. MacCleery,

Deputy Assistant Secretary for Natural Resources and Environment.

March 30, 1983.

[FR Doc. 83-10124 Filed 4-15-83; 8:45 am]

BILLING CODE 3410-11-M

VETERANS ADMINISTRATION

38 CFR Part 21

Veterans Education; Report of State Approving Agency Activities

AGENCY: Veterans Administration.

ACTION: Proposed regulation.

SUMMARY: This proposed regulation is designed to reduce the amount of information the VA (Veterans Administration) is collecting from State approving agencies, and to make the collection of this information less

frequent. This proposal will reduce the reporting burden on State approving agencies.

DATE: Comments must be received on or before May 16, 1983. It is proposed to make this regulation effective the date of final approval.

ADDRESSES: Send written comments to: Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW, Washington, D.C. 20420.

All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays) until May 25, 1983. Anyone visiting Central Office in Washington, D.C. for the purpose of inspecting any of these comments will be received by the Central Office Veterans Services Unit in room 132. Visitors to VA field stations will be informed that the records are available for inspection only in Central Office and will be furnished the address and room number.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer (225), Assistant Director for Policy and Program Administration, Education Service, Department of Veterans Benefits, Veterans Administration, Washington, D.C. 20420 (202–389–2092).

SUPPLEMENTARY INFORMATION: The VA has determined through its administrative experience that it does not need to receive State approving agency reports as frequently as it has been. The agency has also determined that it does not need to receive reports of State approving agency activities separated on the basis of whether the school has previously had courses approved.

Furthermore, in order to comply with the Paperwork Reduction Act of 1980 (Pub. L. 96–511), the VA is no longer requiring State approving agencies to report their activities from the beginning of the fiscal year to the date of the report. The VA is giving State approving agencies a choice of the way in which they will report the number of schools and establishments with approved courses in their jurisdictions.

Accordingly, 38 CFR 21.4154 is amended to change the frequency of State approving agency reports from monthly to quarterly and to eliminate some of the information to be reported.

The VA has determined that this proposed regulation contains no major rules as that term is defined by Executive Order 12291, Federal Regulation. The annual effect on the economy will be less than $100 million. It will have no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Administrator of Veterans' Affairs hereby certifies that this proposed regulation, if promulgated, will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. Pursuant to 5 U.S.C. 605(b), this proposed regulation, therefore, is exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

This certification can be made because this regulation affects only State governments. State governments do not come within the term "small governmental jurisdiction" as defined in section 601(5) of the RFA. The regulation will have no significant impact on small entities, i.e. small businesses, small, private and nonprofit organizations, and small governmental jurisdictions.

The Catalog of Federal Domestic Assistance numbers for the programs affected by this proposed regulation are 64.111, 64.117 and 64.120.

List of Subjects in 38 CFR Part 21

Civil rights, Claims, Education, Grant programs—education, Loan programs—education, Reporting requirements, Schools, Veterans, Vocational education, Vocational rehabilitation.

Approved: March 29, 1983.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

It is proposed to amend 38 CFR Part 21 by revising § 21.4154 to read as follows:

§ 21.4154 Report of activities.

(a) *State approving agencies must report their activities.* Each State approving agency entering into a contract or agreement under § 21.4153 must submit a quarterly report of its activities to the Veterans Administration.

(38 U.S.C. 1774)

(b) *Content of the report.* The report shall be in the form prescribed by the Administrator. It shall detail the activities of the State approving agency under the agreement or contract during the preceding quarter. The State approving agency may also detail its activities from the beginning of the fiscal year through the end of that quarter. Each report shall describe the services performed and the determinations made in supervising and ascertaining the qualifications of educational institutions in connection with the programs of the Veterans Administration. The content of the report shall include as a minimum:

(1) Either a report of—

(i) The number of active schools and establishments with approved courses in the jurisdiction of the State approving agency, or

(ii) The changes since the previous report in the number of active schools and establishments with approved courses in the jurisdiction of the State approving agency;

(2) The actions taken by the State approving agency on applications for approval of new courses and course revisions;

(3) The number of inspection visits to schools for course approvals or course revisions and the number of supervisory visits to schools made by the State approving agency;

(4) The actions taken by the State approving agency with respect to schools and establishments which have deficiencies; and

(5) The number of man-months used by the State approving agency pursuant to the contract.

(38 U.S.C. 1774)

[FR Doc. 83–10077 Filed 4–15–83; 8:45 am]

BILLING CODE 8320–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A–5–FRL–2349–1]

Approval and Promulgation of Implementation, Ohio

AGENCY: Environmental Protection Agency (EPA).

ACTION: Extension of the public comment period.

SUMMARY: On February 18, 1983, the U.S. Environmental Protection Agency (EPA) proposed rulemaking on a revision in the form of individual variance permits for two coal-fired boilers and three PVC resin storage silos at the B. F. Goodrich Chemical Plant located in Avon Lake (Lorain County), Ohio (48 FR 7211). The State requested that EPA approve an alternate strategy "bubble" which would involve trading emission reductions between the boilers and the silos.

At the time of proposed rulemaking a 30 day comment period was provided. However, in response to a request from

the Natural Resources Defense Council (NRDC) for additional time to comment, the public comment period is extended to April 20, 1983.

On February 3, 1983, EPA proposed rulemaking on a revision to the ozone and carbon monoxide (CO) State Implementation Plan (SIP) for Cincinnati, Ohio to demonstrate attainment of the National Ambient Air Quality Standards (NAAQS) by December 31, 1987. (48 FR 5118).

At the time of proposed rulemaking, a 30 day comment period was provided. However in response to a request by the Tri-State Air Committee, Inc. on March 15, 1983, for additional time to comment, the comment period is extended to April 20, 1983.

DATE: Comments for both notices must be received on or before April 20, 1983.

ADDRESS: Comments should be submitted to: Gary V. Gulezian, Chief, Regulatory Analysis Section (5 AP-26), Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Anne E. Tenner, (312) 886-6036.

Dated: April 5, 1983.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 83-10281 Filed 4-15-83; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 52

[A-9-FRL 2259-5]

California State Implementation Plan Revisions

Correction

In FR Doc. 83-2447 beginning on page 5074 in the issue of Thursday, February 3, 1983, make the following correction.

On page 5084, second column, under the heading: *"North Central Coast Air Basin (O_3):"* add the following: *"Sacramento Metropolitan Area (CO):".*

BILLING CODE 1505-01-M

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40 CFR Part 228

[WH-FRL-2347-6]

Ocean Dumping; Notice of Public Hearing on 106-Mile Ocean Dump Site

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public hearing.

SUMMARY: EPA today announces a public hearing to be held in Rehoboth Beach, Delaware, on May 10, 1983, to receive public comment on the proposed designation of the 106-Mile Ocean Dump Site as an EPA approved ocean dumping site.

DATE: The public hearing will be held on May 10, 1983..

ADDRESSES: Send comments or statements to: Mr. T. A. Wastler, Chief, Marine Protection Branch (WH-585), EPA, Washington, DC 20460.

The hearing will be held in the Rehoboth Beach Convention and Civic Center, 73 Rehoboth Avenue, Rehoboth Beach, Delaware.

FOR FURTHER INFORMATION CONTACT: Mr. T. A. Wastler, 202/755-0356.

SUPPLEMENTARY INFORMATION: On December 20, 1982, EPA published in the **Federal Register** a proposed rule to designate the 106-Mile Ocean Dump Site as an EPA approved ocean dumping site. 47 FR 56663, December 20, 1982. The comment period on this proposed rule expired on February 18, 1983. As a result of public comments and requests for a public hearing on the proposed designation of this site, EPA plans to hold a public hearing to receive additional public comment. This hearing will be held on May 10, 1983, in the Rehoboth Beach Convention and Civic Center, 73 Rehoboth Avenue, Rehoboth Beach, Delaware. There will be a morning session from 10 a.m. to 12 noon. If all those wishing to make statements cannot be accommodated during the morning session, an afternoon session will be held starting at 2 p.m. An evening session is scheduled to begin at 7 p.m.

It is emphasized that the purpose of this hearing is solely to collect information concerning the possible designation of the 106-mile Ocean Dump Site for the receipt of certain industrial wastes and sewage sludges. This hearing is not concerned with the relocation of sludge dumping, with individual permit actions, or with the development of alternatives by any present or future permittees. Separate hearings are held by EPA Region II on such permit actions.

All interested parties are invited to be represent or to be presented to express their views on the proposed designation of this site. For reasons of accuracy, however, we request that statements be submitted in writing. Oral statements should summarize any extensive written material and in general should be limited to ten minutes so that there will be time for all interested parties to be heard. If persons desire to participate in this hearing but are not able to attend, they are encouraged to send their comments or statements to the address given above on or before the date of the hearing, for inclusion in the record. In order to assist EPA in scheduling presentations, it would be appreciated if those who wish to make statements would write to Mr. Wastler at the address given above or call Ms. Ramsey at the number given above.

Dated: April 7, 1983.

Frederic A. Eidsness, Jr.,

Assistant Administrator for Water.

[FR Doc. 83-10087 Filed 4-15-83; 8:45 am]

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40 CFR Part 421

[OW-FRL-2346-8]

Nonferrous Metals Manufacturing Point Source Category; Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards; Correction

AGENCY: Environmental Protection Agency.

ACTION: Correction of proposed rule; extension of comment period.

SUMMARY: This document corrects the proposed limitations and standards for the nonferrous metals manufacturing point source category that appeared in the **Federal Register** on Thursday, February 17, 1983, (48 FR 7032). Some of the corrections are due to typographical errors. In other cases, EPA inadvertently published limitations and standards not based on the regulatory control options and flows which were selected by the Administrator. The Agency is extending the comment period for this proposal to ensure that interested persons have sufficient time to review and comment on the proposed rule as corrected by this notice.

DATES: Comments on this proposal must be submitted by May 27, 1983.

ADDRESSES: Send comments to: Mr. James R. Berlow, Effluent Guidelines Division (WH-552), U.S. Environmental Protection Agency, 401 M Street S.W., Washington, D.C. 20460, Attention: Nonferrous Metals Manufacturing Comments. Technical information and copies of technical documents may be obtained from Mr. James R. Berlow, Effluent Guidelines Division, U.S. Environmental Protection Agency, 401 M Street S.W., Washington, D.C. 20460 or call (202) 382-7126. The economic analysis may be obtained from Mr. John Kukulka, Economic Analysis Staff (WH-586), U.S. Environmental Protection

Agency, 401 M Street S.W., Washington, D.C. 20460, or call (202) 382–5388.

FOR FURTHER INFORMATION CONTACT: Mr. Ernst P. Hall (202) 382–7126 or Mr. James R. Berlow (202) 382–7126, Effluent Guidelines Division (WH–552), U.S. environmental Protection Agency, 401 M Street S.W., Washington, D.C. 20460.

SUPPLEMENTARY INFORMATION: These proposed regulations are supported by three major documents available from EPA. Analytical methods are discussed in *Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants.* EPA's technical conclusions are detailed in the *General Development Document for Effluent Limitations Guidelines and Standards for the Nonferrous Metals Point Source Category* and the subcategory supplements. The Agency's economic analysis is found in *Economic Impact Analysis of Effluent Limitations Guidelines and Standards for the Nonferrous Metals Manufacturing Point Source Category.*

Organization of This Notice

I. Introduction
II. Summary of Corrections
III. Extension of Comment Period

I. Introduction

On February 17, 1983, EPA published proposed effluent limitations guidelines and standards for the nonferrous metals manufacturing point source category, 48 FR 7032. This notice of proposed rulemaking contained a number of errors. All of these errors are identified below. Some of the corrections are due to typographical errors. In other cases, EPA inadvertently published limitations and standards not based on the regulatory control options and flows which were selected by the Administrator. Accordingly, we are correcting these limitations and standards. The changes made today are corrections only to the numerical limitations and standards; the flow and technology bases are identical to those discussed in the preamble to the proposed regulation and in the technical development document entitled *Development Document for Effluent Limitations Guidelines and Standards for the Nonferrous Metals Manufacturing Point Source Category* and the subcategory supplements.

II. Summary of Corrections

The BPT effluent limitations for the primary aluminum subcategory which appear at § 421.22(b) in the **Federal Register** on Thursday, February 17, 1983, on page 7083 are incorrect due to an error made by the Agency. The units for the effluent limitations which read "mg/kg of product" and "lbs/million lbs of product" are corrected to read "kg/kkg of product" and "lbs/thousand lbs of product", respectively.

The BAT effluent limitations for the primary aluminum subcategory which appear at § 421.23 in the **Federal Register** on Thursday, February 17, 1983, on page 7083 are incorrect due to an error made by the Agency. EPA use incorrect treatable concentrations for antimony and fluoride when computing BAT effluent limitations. The technology basis is identical to that discussed at 48 FR 7056 and in Volume II, page 148, of the development document.

There is a typographical error which appears at § 421.24 (a) and (b) in the **Federal Register** on Thursday, February 17, 1983, on pages 7084 and 7085. The value reported for benzo(a)pyrene for the maximum monthly average reads 0 mg/kkg and is corrected to read "————".

The new source performance standards for the primary aluminum smelting subcategory which appear at § 421.24 (c), (d), (e), (i), and (j) in the **Federal Register** on Thursday, February 17, 1983, on page 7085 are incorrect due to an error made by the Agency. EPA used incorrect treatable concentrations for antimony and fluoride when computing new source performance standards. The technology basis is identical to that discussed at 48 FR 7060 and in Volume II, page 175, of the development document.

There is a typographical error which appears at § 421.24(e) in the **Federal Register** on Thursday, February 17, 1983, on page 7085. The title which reads "Subpart B—Anode Contract Cooling NSPS" is corrected to read "Subpart B–Anode Contact Cooling NSPS."

There is a typographical error which appears at § 421.26 (a) and (b) in the **Federal Register** on Thursday, February 17, 1983, on page 7086. There is no value reported for benzo(a)pyrene for the maximum for monthly average. The maximum monthly value is corrected to read "————".

The pretreatment standards for new sources for the primary aluminum smelting subcategory which appear at § 421.26 (c), (d), (e), (i), and (j) in the **Federal Register** on Thursday, February 17, 1983, on page 7086 are incorrect due to an error made by the Agency. EPA used incorrect treatable concentrations for antimony and fluoride when computing the pretreatment standards for this subcategory. The technology basis is identical to that discussed at 48 FR 7064 and in Volume II, page 188, of the development document.

There is a typographical error which appears at § 421.26(c) in the **Federal Register** on Thursday, February 17, 1983, on page 7086. The title which reads "Subpart B—Cathode Manufacturing Control PSNS" is corrected to read "Subpart B—Cathode Manufacturing PSNS."

There is a typographical error which appears at § 421–26(d) in the **Federal Register** on Thursday, February 17, 1983, on page 7086. The title which reads "Subpart B—Chathode Reprocessing PSNS" is corrected to read "Subpart B—Cathode Reprocessing PSNS."

There is a typographical error which appears at § 421.27(e) in the **Federal Register** on Thursday, February 17, 1983, on page 7087. The title which reads "(b) Subpart B—Anode Contact Cooling" is corrected to read "(e) Subpart E—Anode Contact Cooling."

The BAT effluent limitations for the secondary aluminum subcategory which appear at § 421.33(e) in the **Federal Register** on Thursday, February 17, 1983, on page 7089 are incorrect due to an error made by the Agency. EPA used an incorrect regulatory flow for direct chill casting when computing the effluent limitations for this process waste stream. The technology basis is identical to that discussed at 48 FR 7057 and in Volume III, page 828, of the development document. Development of the correct regulatory flow is discussed on pages 830 and 831, Volume III, of the development document.

The new source performance standards for the secondary aluminum subcategory which appear at § 421.34(e) in the **Federal Register** on Thursday, February 17, 1983, on page 7089 are incorrect due to an error made by the Agency. EPA used an incorrect regulatory flow for direct chill casting when computing effluent standards for this waste stream. The technology basis is identical to that discussed at 48 FR 7060 and in Volume III, page 851 of the development document. Development of the correct regulatory flow is presented on pages 830 and 831, Volume III of the development document.

There is a typographical error which appears at § 421.34(f) in the **Federal Register** on Thursday, February 17, 1983, on page 7090. The title which reads "Subpart C—Stationary Casting Contract Cooling NSPS" is corrected to read "Subpart C—Stationary Casting Contact Cooling NSPS."

There is a typographical error which appears at § 421.35(g) in the **Federal Register** on Thursday, February 17, 1983, on page 7090. The title which reads "Subpart C—Short Casting Contact Cooling NSPS" is corrected to read "Subpart C—Shot Casting Contact Cooling NSPS."

There is a typographical error which appears at § 421.35(a) in the **Federal Register** on Thursday, February 17, 1983, on page 7090. The title which reads "Subpart C—Scrap Drying Wet Air Pollutaion Control PSES" is corrected to read "Subpart C–Scrap Drying Wet Air Pollution Control PSES."

The pretreatment standards for existing sources for the secondary aluminum subcategory which appear at § 421.35(e) in the **Federal Register** on Thursday, February 17, 1983, on page 7090 are incorrect due to an error made by the Agency. EPA used an incorrect regulatory flow for direct chill casting when computing effluent standards for this waste stream. The technology basis is identical to that discussed at 48 FR 7062 and in Volume III, page 855, of the development document.

There is a typographical error which appears at § 421.35(g) in the **Federal Register** on Thursday, February 17, 1983, on page 7090. The title which reads "Subpart C—Shot Casting Cooling PSES" is corrected to read "Subpart C—Shot Casting Contact Cooling PSES."

There is a typographical error which appears at § 421.35(g) in the **Federal Register** on Thursday, February 17, 1983, on page 7090. The maximum for monthly average for ammonia is reported as 56.6 mg/l. This value is corrected to read 58.6 mg/l.

The pretreatment standards for the secondary aluminum subcategory which appear at § 421.36(e) in the **Federal Register** on Thursday, February 17, 1983, on page 7091 are incorrect due to an error made by the Agency. EPA used an incorrect regulatory flow for direct chill casting when computing effluent standards for this waste stream. The technology basis is identical to that discussed at 48 FR 7064 and in Volume III, page 855, of the development document.

The BCT effluent limitations for the secondary aluminum subcategory which appear at § 421.37(e) in the **Federal Register** on Thursday, February 17, 1983, page 7092 are incorrect due to an error made by the Agency. EPA used an incorrect regulatory flow for direct chill casting when computing effluent limitations for the waste stream. The technology basis is identical to that discussed at 48 FR 7066 and in Volume III, page 868, of the development document.

There is a typographical error which appears in the **Federal Register** on Thursday, February 17, 1983, on page 7094. On this page "§ 412.54 Standards of Performance for New Sources" is corrected to read "§ 421.54 Standards of Performance for New Sources".

There is a typographical error which appears at § 421.54(c) in the **Federal Register** on Thursday, February 17, 1983, on page 7094. The title which reads "Subpart E—Casting Contact Coolling NSPS" is corrected to read "Subpart E—Casting Contact Cooling NSPS".

There is a typographical error which appears at § 421.82(d) in the **Federal Register** on Thursday, February 17, 1983, on page 7096. The units reported for the effluent limitations in this section which read "Mertic units (mg/l)" and "Engligh units (ppm)" are corrected to read "Metric units (mg/l)" and "English units (ppm)" respectively.

There is a typographical error which appears at § 421.73(d) in the **Federal Register** on Thursday, February 17, 1983, on page 7098. The title which reads "Subpart G—Dross Reverberatory Wet Air Pollution Control" is corrected to read "Subpart G—Dross Reverberatory Furnace Wet Air Pollution Control."

There is a typographical error which appears at § 421.77(b) in the **Federal Register** on Thursday February 17, 1983, on page 7098. The values reported for TSS for the maximum for any one day and maximum for monthly average which read "....." are corrected to read 0 mg/kkg.

There is a typographical error which appears at § 421.84(b) in the **Federal Register** on Thursday, February 17, 1983, on page 7100. The value reported for leaching NSPS for the maximum for any one day for the pollutant TSS which reads 19,650.01, is corrected to read 19,650.0.

There is a typographical error which appears at § 421.102(a) in the **Federal Register** on Thursday, February 17, 1983, on page 7103. The title which reads "Subpart J—Tungsten Acid Rinse" is corrected to read "Subpart J—Tungstic Acid Rinse".

There is a typographical error which appears at § 421.102(b) in the **Federal Register** on Thursday, February 17, 1983, on page 7103. The value reported for selenium for the maximum for monthly average which reads 2,735.0 mg/kkg is corrected to read 20,735.0 mg/kkg.

There is a typographical error which appears at § 421.103(a) in the **Federal Register** on Thursday, February 17, 1983, on page 7104. The title which reads "Subpart G—Tungsten Acid Rinse" is corrected to read "Subpart G—Tungstic Acid Rinse".

The BAT effluent limitations for the primary tungsten subcategory which appear at § 421.103 (a), (b), (c), (d), (e), and (i) in the **Federal Register** on Thursday, February 17, 1983, starting on page 7104 are incorrect due to an error made by the Agency. EPA used an incorrect treatable concentration for selenium when computing effluent limitations. The technology basis is identical to that discussed at 48 FR 7059 and in Volume III, page 132, of the development document.

The BAT effluent limitations for paratungstate conversion to oxides wet air pollution control for the primary tungsten subcategory which appear at § 421.103(g) in the **Federal Register** on Thursday, February 17, 1983, on page 7104 are incorrect due to an error made by the Agency. EPA used incorrect treatable concentrations for lead, selenium, and zinc when computing the effluent limitations. The technology basis is identical to that discussed at 48 FR 7059 and in Volume III, page 132, of the development document.

The BAT effluent limitations for reduction to tungsten wet air pollution control for the primary tungsten subcategory which appear at § 421.103(h) in the **Federal Register** on Thursday, February 17, 1983, on page 7105 are incorrect due to an error made by the Agency. EPA used an incorrect regulatory flow for this process waste stream when computing the effluent limitations. The technology basis is identical to that discussed at 48 FR 7059 and in Volume III, page 132, of the development document. Development of the correct regulatory flow is presented on pages 113 and 134 of Volume III of the development document.

There is a typographical error which appears at § 421.104(a) in the **Federal Register** on Thursday, February 17, 1983, on page 7105. The title which reads "Subpart J—Tungsten Acid Rinse NSPS" is corrected to read "Subpart J—Tungstic Acid Rinse NSPS."

The new source performance standards for the primary tungsten subcategory which appear at § 421.104 (a), (b), (c), (d), (e), and (i) in the **Federal Register** on Thursday, February 17, 1983, starting on page 715 are incorrect due to an error made by the Agency. EPA used an incorrect treatable concentration for selenium when computing effluent standards. The technology basis is identical to that discussed at 48 FR 7061 and in Volume III, page 150, of the development document.

There is a typographical error which appears at § 421.04(c) in the **Federal Register** on Thursday, February 17, 1883, on page 7105. The value reported for alkali leach wash for the maximum for monthly average for the pollutant zinc which reads 10,614 mg/kkg is corrected to read 19,614 mg/kkg.

The new source performance standards for ammonium paratungstate conversion to oxides wet air pollution control in the primary tungsten

subcategory which appear at § 421.104(g) in the **Federal Register** on Thursday, February 17, 1983, on page 7105 are incorrect due to an error made by the Agency. EPA used incorrect treatable concentrations for lead, selenium, zinc, and TSS when computing effluent standards. The technology basis is identical to that discussed at 48 FR 7061 and in Volume III, page 150, of the development document.

The new source performance standards for reduction to tungsten wet air pollution control for the primary tungsten subcategory which appear at § 421.104(h) in the **Federal Register** on Thursday, February 17, 1983, on page 7105 are incorrect due to an error made by the Agency. EPA used an incorrect regulatory flow for this process waste stream when computing the effluent standards. The technology basis is identical to that discussed at 48 FR 7061 and in Volume III, page 150, of the development document. Development of the correct regulatory flow is presented on pages 133 and 134, Volume III of the development document.

There is a typographical error which appears at § 421.105(a) in the **Federal Register** on Thursday, February 17, 1983, on page 7106. The title which reads "Subpart J—Tungsten Acid Rinse PSES" is corrected to read "Subpart J—Tungstic Acid Rinse PSES."

The pretreatment standards for existing sources for the primary tungsten subcategory which appear at § 421.105 (a), (b), (c), (d), (e), and (i) in the **Federal Register** on Thursday, February 17, 1983, starting on page 7106 are incorrect due to an error made by the Agency. EPA used an incorrect treatable concentration for selenium when computing effluent standards. The technology basis is identical to that discussed at 48 FR 7063 and in Volume III, page 159, of the development document.

The pretreatment standards for existing sources for paratungstate conversion to oxides wet air pollution control in the primary tungsten subcategory which appear at § 421.105(g) in the **Federal Register** on Thursday, February 17, 1983, on page 7106 are incorrect due to an error made by the Agency. EPA used incorrect treatable concentrations for lead, selenium, and zinc when computing effluent standards. The technology basis is identical to that discussed at 48 FR 7063 and in Volume III, page 159, of the development document.

The pretreatment standards for existing sources tungsten wet air pollution control for the primary tungsten subcategory which appear at § 421.105(h) in the **Federal Register** on Thursday, February 17, 1983, on page 7106 are incorrect due to an error made by the Agency. EPA used an incorrect regulatory flow for this process waste stream when computing the effluent standards. The technology basis is identical to that discussed at 48 FR 7063 and in Volume III, page 159, of the development document. Development of the correct regulatory flow is presented on pages 133 and 134, Volume III, of the development document.

There is a typographical error which appears at § 421.106(a) in the **Federal Register** on Thursday, February 17, 1983, on page 7107. The title which reads "Subpart J—Tungsten Acid Rinse PSNS" is corrected to read "Subpart J—Tungstic Acid Rinse PSNS."

The pretreatment standards for new sources for the primary tungsten subcategory which appear at § 421.106 (a), (b), (c), (d), (e), and (i) in the **Federal Register** on Thursday, February 17, 1983, starting on page 7107 are incorrect due to an error made by the Agency. EPA used an incorrect treatable concentration for selenium when computing effluent standards. The technology basis is identical to that discussed at 48 FR 7065 and in Volume III, page 159, of the development document.

The pretreatment standards new sources for paratungstate conversion to oxides wet air pollution control in the primary tungsten subcategory which appear at § 421.106(g) in the **Federal Register** on Thursday, February 17, 1983, on page 7107 are incorrect due to an error made by the Agency. EPA used incorrect treatable concentrations for lead, selenium, and zinc when computing effluent standards. The technology basis is identical to that discussed at 48 FR 7065 and in Volume III, page 159, of the development document.

The pretreatment standards new sources for tungsten wet air pollution control in the primary tungsten subcategory which appear at § 421.106(h) in the **Federal Register** on Thursday, February 17, 1983, starting on page 7107 are incorrect due to an error made by the Agency. EPA used an incorrect regulatory flow for this process waste stream when computing the effluent standards. The technology basis is identical to that discussed at 48 FR 7065 and in Volume III, page 159, of the development document. Development of the correct regulatory flow is presented on pages 133 and 134, Volume III, of the development document.

There is a typographical error which appears at § 421.107(a) in the **Federal Register** on Thursday, February 17, 1983, on page 7107. The title which reads "Subpart J—Tungsten Acid Rinse" is corrected to read "Subpart J—Tungstic Acid Rinse."

The BAT effluent limitations for the primary columbium-tantalum subcategory which appear at § 421.113 (a) through (g) in the **Federal Register** on Thursday, February 17, 1983, starting on page 7109 are incorrect due to an error made by the Agency. EPA used an incorrect treatable concentration for fluoride when computing effluent limitations. The technology basis is identical to that discussed at 48 FR 7059 and in Volume III, page 326, of the development document.

The new source performance standards for the primary columbium-tantalum subcategory which appear at § 421.114 (a) through (g) in the **Federal Register** on Thursday, February 17, 1983, on page 7110 are incorrect due to an error made by the Agency. EPA used an incorrect treatable concentration for fluoride when computing new source performance standards. The technology basis is identical to that discussed at 48 FR 7061 and in Volume III, page 346, of the development document.

The pretreatment standards for existing sources for the primary columbium-tantalum subcategory which appear at § 421.115 (a) through (g) in the **Federal Register** on Thursday, February 17, 1983, on page 7111 are incorrect due to an error made by the Agency. EPA use an incorrect treatable concentration for fluoride when computing pretreatment standards for existing sources. The technology basis is identical to that discussed at 48 FR 7063 and in Volume III, page 355, of the development document.

The pretreatment standards for new sources for the primary columbium-tantalum subcategory which appear at § 421.116 (a) through (g) in the **Federal Register** on Thursday, February 17, 1983, starting on page 7111 are incorrect due to an error made by the Agency. EPA used an incorrect treatable concentration for fluoride when computing pretreatment standards for new sources. The technology basis is identical to that discussed at 48 FR 7065 and in Volume III, page 355, of the development document.

There is a typographical error which appears at § 421.123(a) Alternative A in the **Federal Register** on Thursday, February 17, 1983, on page 7114. The value for the maximum for monthly average for ammonia which reads "....." is corrected to read 94,873,400.0 mg/kkg.

There is a typographical error which appears at § 421.123(m) Alternative A in

the **Federal Register** on Thursday, February 17, 1983, on page 7115. The title which reads "Subpart L—Precipitation and Filtration of Nonphotographic" is corrected to read "Subpart L—Precipitation and Filtration of Nonphotographic Solutions."

There is a typographical error which appears at § 421.123(n) Alternative A in the **Federal Register** on Thursday, February 17, 1983, on page 7115. The title which reads "Subpart L—Precipitation and Filtration of Nonphotographic" is corrected to read "Subpart L—Precipitation and Filtration of Nonphotographic Solutions Wet Air Pollution Control."

There is a typographical error which appears at § 421.123(n) Alternative B in the **Federal Register** on Thursday, February 17, 1983, on page 7117. The title which reads "Subpart L—Precipitation of Nonphotographic Solutions Wet Air Pollution Control" is corrected to read "Subpart L—Precipitation and Filtration of Nonphotographic Solutions Wet Air Pollution Control."

There are two typographical errors which appear at § 421.125(c) Alternative A in the **Federal Register** on Thursday, February 17, 1983, on page 7118. The table which reads "Maimum for Monthly Average" is corrected to read "Maximum for Monthly Average". The maximum for monthly average value for ammonia which reads 108,468,6000.0 mg/kkg is corrected to read 108,468,600.0 mg/kkg.

The BAT effluent limitations for the secondary lead subcategory which appear at § 421.133(a), (b), and (d) Alterantive B in the **Federal Register** on Thursday, February 17, 1983, on page 7124 are incorrect due to an error made by the Agency. EPA used an incorrect treatable concentration for antimony when computing the effluent limitations. The technology basis is identical to that discussed at 48 FR 7060 and in Volume III, page 984, of the development document.

The new source performance standards for the secondary lead subcategory which appear at § 421.134(a), (b) and (d) in the **Federal Register** on Thursday, February 17, 1983, on page 7124 are incorrect due to an error made by the Agency. EPA used an incorrect treatable concentration for antimony when computing new source performance standards. The technology basis if identical to that discussed at 48 FR 7061 and in Volume III, page 1005, of the development document.

The pretreatment standards for existing sources for the secondary lead subcategory which appear at § 421.135(a), (b), and (d) in the **Federal Register** on Thursday, February 17, 1983, starting on page 7125 are incorrect due to an error made by the Agency. EPA used an incorrect treatable concentration for antimony when computing pretreatment standards for new sources. The technology basis is identical to that discussed at 48 FR 7065 and in Volume III, page 1013, of the development documemt.

The pretreatment standards for existing sources for the secondary lead subcategory which appear at § 421.136(a), (b), and (d) Alternative B in the **Federal Register** on Thursday, February 17, 1983, on page 7125 are incorrect due to an error made by the Agency. EPA used an incorrect treatable concentration for antimony when computing pretreatment standards for existing sources. The technology basis is identical to that discussed at 48 FR 7064 and in Volume III, page 1014, of the development documemt.

There is a typographical error which appears on page 7069 in the **Federal Register** on Thursday, February 17, 1983. The sentence within the discussion of PSES which reads "Compliance with the less stringent option proposed for the secondary lead refining and secondary silver subcategories will result in total costs for this regulation to be $58.20 million in investment costs and $32.73 million in annual costs including interest and depreciation." is corrected to read "Compliance with the less stringent option proposed for the secondary lead refining and secondary silver subcategories will result in total costs of this regulation to be $10.88 million in investment costs and $6.93 million in annual costs including interest and depreciation.".

III. Extension of Comment Period

The Agency is extending the comment period for this proposal to ensure that interested persons have sufficient time to review and comment on the proposed rule as corrected by this notice. The deadline for all comments pertaining to the material published at 48 FR 7032 on February 17, 1983, and the corrections made today, is May 27, 1983.

Dated: April 8, 1983.

Rebecca W. Hanmer,

Acting Assistant Administrator for Water.

PART 421—CORRECTED

The following corrections are made to **Federal Register** document OW–FRL–2289–1 appearing 48 FR 7032 (February 17, 1983).

§ 421.122 [Corrected]

1. In 40 CFR 421.22(b), which appears on page 7083, "mg/kg of product" and "lbs/million lbs of product" are corrected to read "kg/kkg of product" and "lbs/thousands lbs of product," respectively.

2. 40 CFR 421.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable, which appear on pages 7083 to 7084, are corrected to read as follows:

§ 421.23 Effluent limitations guidelines representing the degree of effluent reductions attainable by the application of the best available technology economically achievable.

Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable:

(a) *Subpart B—Anode Paste Plant Wet Air Pollution Control.*

BAT EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of paste produced	
	English units—pounds per billion pounds of paste produced	
Benzo (a) pyrene [1]	1.03	
Antimony	198.70	88.56
Cyanide	20.60	8.24
Nickel	56.65	38.11
Aluminum	312.09	127.72
Fluoride	4,089.10	1,812.80

[1] At the source

(b) *Subpart B—Anode Bake Plant Wet Air Pollution Control.*

BAT EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maxium for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of anodes baked	
	English units—pounds per billion pounds of anodes baked	
Benzo (a) pyrene [1]	0.49	
Antimony	95.34	42.48
Cyanide	9.88	3.95
Nickel	27.17	18.28
Aluminum	149.88	61.26
Fluoride	1,961.18	869.44

[1] At the source.

(c) *Subpart B—Cathode Manufacturing.*

BAT Effluent Limitations

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of cathodes produced	
	English units—pounds per billion pounds of cathodes produced	
Antimony	149.38	66.56
Cyanide	15.48	6.19
Nickel	42.57	26.64
Aluminum	234.52	95.98
Fluoride	3,072.78	1,362.24

(d) *Subpart B—Cathode Reprocessing.*

BAT Effluent Limitations

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of aluminum from electrolytic reduction	
	English units—pounds per billion pounds of aluminum from electrolytic reduction	
Benzo (a) pyrene [1]	9.52	
Antimony	1,837.36	818.72
Cyanide	190.40	76.16
Nickel	523.60	352.24
Aluminum	2,884.56	1,180.48
Fluoride	37,794.40	16,755.20

(e) *Subpart B—Anode Contact Cooling.*

BAT Effluent Limitations

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of anodes cast	
	English units—pounds per billion pounds of anodes cast	
Antimony	1,198.72	534.15
Cyanide	124.22	49.69
Nickel	341.61	228.81
Aluminum	1,881.93	770.16
Fluoride	24,657.67	10,931.36

(f) *Subpart B—Potline Wet Air Pollution Control.*

BAT Effluent Limitations

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of aluminum from electrolytic reduction	
	English units—pounds per billion pounds of aluminum from electrolytic reduction	
Benzo (a) pyrene [1]	8.38	
Antimony	1,617.34	720.66
Cyanide	167.60	67.04
Nickel	460.90	310.06
Aluminum	2,539.14	1,039.12
Fluoride	33,268.60	14,748.80

[1] At the source.

(g) *Subpart B—Potroom Wet Air Pollution Control.*

BAT Effluent Limitations

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of aluminum from electrolytic reduction	
	English units—pounds per billion pounds of aluminum from electrolytic reduction	
Benzo(a)pyrene [1]	13.05	
Antimony	2,518.65	1,122.30
Cyanide	261.0	104.40
Nickel	717.75	482.85
Aluminum	3,954.15	1,618.20
Fluoride	51,808.50	22,968.0

[1] At the source.

(h) *Subpart B—Degassing Wet Air Pollution Control.*

BAT Effluent Limitations

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of aluminum degassed	
	English units—pounds per billion pounds of aluminum degassed	
Antimony	0	0
Cyanide	0	0
Nickel	0	0
Aluminum	0	0
Fluoride	0	0

(i) *Subpart B—Direct Chill Casting Contact Cooling.*

BAT Effluent Limitations

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of aluminum product from direct chill casting	
	English units—pounds per billion pounds of aluminum product from direct chill casting	
Antimony	3,858.07	1,719.14
Cyanide	399.80	159.92
Nickel	1,099.45	739.83
Aluminum	6,056.97	2,478.76
Fluoride	79,380.30	35,182.40

(j) *Subpart B—Continuous Rod Casting Contact Cooling.*

BAT Effluent Limitations

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of aluminum product from continuous rod casting	
	English units—pounds per billion pounds of aluminum product from continuous rod casting	
Antimony	201.30	89.70
Cyanide	20.86	8.34
Nickel	57.37	38.59
Aluminum	316.03	129.33
Fluoride	4,140.71	1,835.68

(k) *Subpart B—Stationary Casting Contact Cooling.*

BAT Effluent Limitations

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of aluminum product from stationary casting	
	English units—pounds per billion pounds of aluminum product from stationary casting	
Antimony	0	0
Cyanide	0	0
Nickel	0	0
Aluminum	0	0
Fluoride	0	0

§ 421.24 [Corrected]

3. In 40 CFR 421.24 (a) and (b), which appear on page 7085, the maximum for monthly average for benzo(a)pyrene of "0 mg/kg" is corrected to read ".....".

4. 40 CFR 42124 (c), (d), (e), (i), and (j), which appear on page 7085, are corrected to read as follows:

* * * * *

(c) *Subpart B—Cathode Manufacturing NSPS*

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of cathodes produced	
	English units—pounds per billion pounds of cathodes produced	
Antimony	149.38	66.56
Cyanide	15.48	6.19
Nickle	42.57	26.64
Aluminum	234.52	95.98
Fluoride	3,072.78	1,362.24
Oil and Grease	774.0	774.0
TSS	1,161.0	928.80
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(d) *Subpart B—Cathode Reprocessing NSPS.*

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of aluminum from electrolytic reduction	
	English units—pounds/billion pounds of aluminum from electrolytic reduction	
Benzo(a)pyrene[1]	9.52	
Antimony	1,837.36	818.72
Cyanide	190.40	76.16
Nickel	523.60	352.24
Aluminum	2,884.56	1,180.48
Fluoride	37,794.4	16,755.20
Oil and Grease	9,520.0	9,520.0
TSS	14,280.0	11,424.0
pH	(2)	(2)

[1] At the source.
[2] Within the range of 7.5 to 10. at all times.

(e) *Subpart B—Anode Cooling NSPS.*

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of anodes cast	
	English units—pounds per billion pounds of anodes cast	
Antimony	1,198.72	534.15
Cyanide	124.22	49.69
Nickel	341.61	229.81
Aluminum	1,881.93	770.16
Fluoride	24,657.67	10,931.36
Oil and Grease	6,211.0	6,211.0
TSS	9,316.50	4,453.20
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

* * * * *

(i) *Subpart B—Direct Chill Casting Contact Cooling NSPS.*

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of aluminum product from direct chill casting	
	English units—pounds per billion pounds of aluminum product from direct chill casting	
Antimony	3,858.07	1,719.14
Cyanide	399.60	159.92
Nickel	1,099.45	739.63
Aluminum	6,056.97	2,478.76
Fluoride	79,360.30	35,182.40
Oil and Grease	19,990.0	19,990.0
TSS	29,985.0	23,988.0
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(j) *Subpart B—Continuous Rod Casting Contact Cooling NSPS.*

Pollutant or pollutant property	Maximum for any 1 day	Maximum for Monthly average
	Metric units—mg/kkg of aluminum product from continuous rod casting	
	English units—pounds per billion pounds of aluminum product from continuous rod casting	
Antimony	201.30	89.70
Cyanide	20.86	8.34
Nickel	57.37	38.59
Aluminum	316.03	129.33
Fluoride	4,140.71	1,835.68
Oil and Grease	1,043.0	1,043.0
TSS	1,564.50	1,251.60
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all time.

§ 421.26 [Corrected]

5. In 40 CFR 421.26(a) and (b), which appear on page 7086, the maximum for monthly average for benzo(a)pyrene is corrected to read ".....".

6. 40 CFR 421.26(c), (d), (e), (i) and (j), which appear on page 7086, are corrected to read as follows:

* * * * *

(c) *Subpart B—Cathode Manufacturing PSNS.*

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of cathodes produced	
	English units—pounds per billion pounds of cathodes produced	
Antimony	149.38	66.56
Cyanide	15.48	6.19
Nickel	42.57	28.64
Fluoride	3,072.78	1,362.24

(d) *Subpart B—Cathode Reprocessing PSNS.*

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of aluminum from electrolytic reduction	
	English units—pounds per billion pounds of aluminum from electrolytic reduction	
Benzo (a)pyrene[1]	9.52	
Antimony	1,837.36	818.72
Cyanide	190.40	76.16
Nickel	523.60	352.24
Fluoride	37,794.40	16,755.2

[1] At the source.

(e) *Subpart B—Anode Contact Cooling PSNS.*

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of anodes cast	
	English units—pounds per billion pounds of anodes cast	
Antimony	1,198.72	534.15
Cyanide	124.22	49.69
Nickel	341.61	229.81
Fluoride	24,657.67	10,931.36

* * * * *

(i) *Subpart B—Direct Chill Casting Contact Cooling PSNS.*

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of aluminum product direct chill casting	
	English units—pounds per billion pounds of aluminum product from direct chill casting	
Antimony	3,858.07	1,719.14
Cyanide	399.60	159.92
Nickel	1,099.45	739.63
Fluoride	79,360.30	35,182.40

(j) *Subpart—Continuous Rod Casting Contact Cooling PSNS.*

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric Units—mg/kkg of aluminum product from continuous rod casting	
	English Units—pounds per billion pounds of aluminum product from continuous rod casting	
Antimony	201.30	89.70
Cyanide	20.86	8.34
Nickel	57.37	38.59
Fluoride	4,140.71	1,835.68

§ 421.27 [Corrected]

7. In 40 CFR 421.27, which appears on page 7087, "(b) Subpart B–Anode Contact Cooling." is corrected to read "(e) Subpart B–Anode Contact Cooling.".

§ 421.33 [Corrected]

8.40 CFR 421.33(e), which appears on page 7089, is corrected to read as follows:

* * * * *

(e) *Subpart C—Direct Chill Casting Contact Cooling.*

BAT EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any day	Maximum for monthly average
	Metric Units—mg/kkg of aluminum product from direct chill casting	
	English Units—pounds per billion pounds of aluminum product from direct chill casting	
Lead	199.90	179.91
Zinc	2,038.98	839.58
Aluminum	6,056.97	2,478.76
Ammonia (as N)	265,867.0	117,141.40

§ 421.34 [Corrected]

9. 40 CFR 421.34(e), which appears on page 7089, is corrected to read as follows:

* * * * *

(e) *Subpart C—Direct Chill Casting Contact Cooling NSPS.*

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of aluminum product from direct chill casting	
	English units—pounds per billion pounds of aluminum product from direct chill casting	
Lead	199.90	179.91
Zinc	2,038.98	839.58
Aluminum	6,056.97	2,478.76
Ammonia (as N)	265,867.0	117,141.40
Oil and grease	19,990.0	19,990.0
TSS	29,985.0	23,988.0
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

10. In 40 CFR 421.34(f), which appears on page 7090, "Subpart C—Stationary Casing Contract Cooling NSPS." is corrected to read "Subpart C—Stationary Casting Contact Cooling NSPS.".

11. In 40 CFR 421.34(g), which appears on page 7090, "Subpart C—Short Casting Contact Cooling NSPS." is corrected to read "Subpart C—Shot Casting Contact Cooling NSPS.".

§ 421.35 [Corrected]

12. In 40 CFR 421.35(a), which appears on page 7090, "Subpart C—Scrap Drying Wet Air Pollution PSES." is corrected to read "Subpart C—Scrap Drying Wet Air Pollution Control PSES.".

13. In 40 CFR 421.35(e), which appears on page 7090, is corrected to read as follows:

* * * * *

(e) *Subpart C—Direct Chill Casting Contact Cooling PSES.*

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of aluminum product from direct chill casting	
	English units—pounds per billion pounds of aluminum product from direct chill casting	
Lead	199.90	179.91
Zinc	2,038.98	839.58
Ammonia (as N)	265,867.0	117,141.40

14. In 40 CFR 421,35(g), which appears on page 7090, "Subpart C—Shot Casting Cooling PSES." is corrected to read "Subpart C—Shot Casting Contact Cooling PSES.".

15. In 40 CFR 421.35(g), which appears on page 7090, the maximum for monthly average effluent limitation for ammonia of 56.6 mg/1 is corrected to 58.6 mg/1.

§ 421.36 [Corrected]

16. 40 CFR 421.36(e), which appears on page 7091, is corrected to read as follows:

* * * * *

(e) *Subpart C—Direct Chill Casting Contact Cooling PSNS.*

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of aluminum product from direct chill casting	
	English units—pounds per billion pounds of aluminum product from direct chill casting	
Lead	199.90	179.91
Zinc	2,038.89	839.58
Ammonia (as N)	265,867.0	117,141.40

§ 421.37 [Corrected]

17. 40 CFR 421.37(e), which appears on page 7092, is corrected to read as follows:

* * * * *

(e) *Subpart C—Direct Chill Casting Contact Cooling.*

BCT EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of aluminum product from direct chill casting	
	English units—pounds per billion pounds of aluminum product from direct chill casting	
Oil and grease	39,890.0	23,988.0
TSS	81,959.0	39,980.0
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

§ 421.54 [Corrected]

18. In 40 CFR 421.54, which appears on page 7094, "§ 412.54 Standards of performance for new sources." is corrected to read "§ 421.54 Standards of performance for new sources.".

19. In 40 CFR 421.54(c), which appears on page 7094, "Subpart E—Casting Coolling NSPS." is corrected to read "Subpart E—Casting Contact Cooling NSPS.".

§ 421.62 [Corrected]

20. In 40 CFR 421.62(d), which appears on page 7096, "Mertic units (mg/l)" and "English units (ppm)" are corrected to read "Metric units (mg/l)" and "English units (ppm)," are corrected to read "Metric units (mg/1)" and "English units (ppm)," respectively.

§ 421.73 [Corrected]

21. In 40 CFR 421.73(d), which appears on page 7098, "Subpart G—Dross Reverberatory Wet Air Pollution Control." is corrected to read "Subpart G—Dross Reverberatory Furnace Wet Air Pollution Control.".

§ 421.77 [Corrected]

22. In 40 CFR 421.77(b),, which appears on page 7098, for TSS for the maximum for any one day and maximum for monthly average "....." are corrected to read 0 mg/kkg.

§ 421.84 [Corrected]

23. In 40 CFR 421.84(b), which appears on page 7100, the maximum for any one day for TSS of 19,650.01, mg/kkg is corrected to read "19,650" mg/kkg.

§ 421.102 [Corrected]

24. In 40 CFR 421.102(a), which appears on 7103, "Subpart J—Tungsten Acid Rinse." is corrected to read "Subpart J—Tungstic Acid Rinse.".

25. In 40 CFR 421.102(b), which appears on page 7103, the maximum monthly average effluent limitation for selenium of 2,735.0 mg/kkg is corrected to read "20,735.0" mg/kkg.

26. In 40 CFR 421.103 Effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable which appears on page 7104 are corrected to read as follows:

§ 421.103 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart shall achieve the following effluent limitations

representing the degree of effluent reduction attainable by the application of the best available technology economically achievable:

(a) *Subpart J—Tungstic Acid Rinse.*

BAT Effluent Limitations

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of tungstic acid produced	
	English units—pounds per billion pounds of tungstic acid produced	
Lead	4,760.0	4,284.0
Selenium	39,032.0	17,612.0
Zinc	48,552.0	19,992.0
Ammonia (as N)	6,330,800.0	2,789,360.0

(b) *Subpart J—Tungstic Acid Leach Wet Air Pollution Control.*

BAT Effluent Limitations

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of tungstic acid produced	
	English units—pounds per billion pounds of tungstic acid produced	
Lead	377.0	339.30
Selenium	3,091.40	1,394.90
Zinc	3,845.40	1,563.40
Ammonia (as N)	501,410.0	220,922.0

(c) *Subpart J—Alkali Leach Wash.*

BAT Effluent Limitations

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of sodium tungstate produced	
	English units—pounds per billion pounds of sodium tungstate produced	
Lead	4,670.0	4,203.0
Selenium	38,294.0	17,279.0
Zinc	47,634.0	19,614.0
Ammonia (as N)	6,211,100.0	2,736,620.0

(d) *Subpart J—Ion-Exchange Raffinate.*

BAT Effluent Limitations

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of ammonium tungstate produced	
	English units—pounds per billion pounds of ammonium tungstate produced	
Lead	5,120.0	4,608.0
Selenium	41,984.0	18,944.0
Zinc	52,224.0	21,504.0
Ammonia (as N)	6,809,600.0	3,000,320.0

(e) *Subpart J—Calcium Tungstate Precipitate Wash.*

BAT Effluent Limitations

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of calcium tungstate produced	
	English units— pounds per billion pounds of calcium tungstate produced	
Lead	3,720.0	3,348.0
Selenium	30,504.0	13,764.0
Zinc	37,944.0	15,624.0
Ammonia (as N)	4,947,600.0	2,179,920.0

(f) *Subpart J—Crystallization and Drying of Ammonium Paratungstate.*

BAT Effluent Limitations

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—kg/kkg of ammonium paratungstate produced	
	English units—pounds per billion pounds of ammonium paratungstate produced	
Lead	0	0
Selenium	0	0
Zinc	0	0
Ammonia (as N)	0	0

(g) *Subpart J—Ammonium Paratungstate Conversion to Oxides Wet Air Pollution Control.*

BAT Effluent Limitations

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of "blue" oxide (WO_3) produced	
	English units—pounds per billion pounds of "blue" oxide (WO_3) produced	
Lead	2,090.0	1,881.0
Selenium	17,138.0	7,733.0
Zinc	21,318.0	8,778.0
Ammonia (as N)	2,779,700.0	1,224,740.0

(h) *subpart J—Reduction to Tungsten Wet Air Pollution Control.*

BAT Effluent Limitations

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of tungsten produced	
	English units—pounds per billion pounds of tungsten produced	
Lead	940.0	846.0
Selenium	7,708.0	3,478.0
Zinc	9,586.0	3,948.0
Ammonia (as N)	1,250,200.0	550,840.0

(i) *Subpart J—Reduction to tungsten Water of Formation.*

BAT Effluent Limitations

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of tungsten reduced	
	English units—pounds per billion pounds of tungsten reduced	
Lead	1,940.0	1,746.0
Selenium	15,908.0	7,178.0
Zinc	19,788.0	8,148.0
Ammonia (as N)	2,580,200.0	1,136,840.0

27. 40 CFR 421.104 Standards of performance for new sources, which appears on page 7105 are corrected to read as follows:

§ 421.104 Standards of performance for new sources.

Any new source subject to this subpart shall achieve the following new source performance standards:

(a) *Subpart J—Tungstic Acid Rinse NSPS.*

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of tungstic acid produced	
	English units—pounds per billion pounds of tungstic acid produced	
Lead	4,760.0	4,284.0
Selenium	39,032.0	17,612.0
Zinc	48,552.0	19,992.0
Ammonia (as N)	6,330,800.0	2,789,380.0
TSS	714,000.0	571,200.0
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(b) *Subpart J—Acid Leach Wet Air Pollution Control NSPS.*

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of tungstic acid produced	
	English units—pounds per billion pounds of tungstic acid produced	
Lead	377.0	339.30
Selenium	3,091.40	1,394.90
Zinc	3,845.40	1,583.40
Ammonia (as N)	501,410.0	220,922.0
TSS	56,550.0	45,240.0
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(c) *Subpart J—Alkali Leach Wash NSPS.*

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of sodium tungstate produced	
	English units—pounds per billion pounds of sodium tungstate produced	
Lead	4,670.0	4,203.0
Selenium	38,294.0	17,279.0
Zinc	47,634.0	19,614.0
Ammonia (as N)	6,211,100.0	2,736,620.0
TSS	700,500.0	560,400.0
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(d) *Subpart J—Ion-Exchange Raffinate NSPS.*

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of ammonium tungstate produced	
	English units—pounds per billion pounds of ammonium tungstate produced	
Lead	5,120.0	4,608.0
Selenium	41,984.0	18,944.0
Zinc	52,224.0	21,504.0
Ammonia (as N)	6,809,600.0	3,000,320.0
TSS	786,000.0	614,400.0
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(e) *Subpart J—Calcium Tungstate Precipitate Wash NSPS.*

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of calcium tungstate produced	
	English units—pounds per billion pounds of calcium tungstate produced	
Lead	3,720.0	3,348.0
Selenium	30,504.0	13,764.0
Zinc	37,944.0	15,624.0
Ammonia (as N)	4,947,600.0	2,179,920.0
TSS	558,000.0	446,400.0
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(f) *Subpart J—Crystallization and Drying of Ammonium Paratungstate NSPS.*

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of ammonium paratungstate produced	
	English units—pounds per billion pounds of ammonium paratungstate produced	
Lead	0	0
Selenium	0	0
Zinc	0	0
Ammonia (as N)	0	0
TSS	0	0
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(g) *Subpart J—Ammonium Paratungstate Conversion to Oxides Wet Air Pollution Control NSPS.*

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of "blue" oxide (WO_3) produced	
	English units—pounds per billion pounds of "blue" oxide (WO_3) produced	
Lead	2,090.0	1,881.0
Selenium	17,138.0	7,733.0
Zinc	21,318.0	8,778.0
Ammonia (as N)	2,779,700.0	1,224,740.0
TSS	313,500.0	250,800.0
pH	(1)	(1)

Within the range of 7.5 to 10.0 at all times.

(h) *Subpart J—Reduction to Tungsten Wet Air Pollution Control NSPS.*

Pollutant or Pollutant Property	Maximum for any 1 day	Maximum for monthly average.
	Metric units—mg/kkg of tungsten produced	
	English units—pounds per billion pounds of tungsten produced	
Lead	940.0	846.0
Selenium	7,708.0	3,478.0
Zinc	9,588.0	3,948.0
Ammonia (as N)	1,250,200.0	550,840.0
TSS	141,000.0	112,800.0
pH	(1)	(1)

Within the range of 7.5 to 10.0 at all times.

(i) *Subpart J—Reduction to Tungsten Water of Formation NSPS.*

Pollutant or pollutant property	Maximum for any 1 day	maximum for monthly average
	Metric units—mg/kkg of tungsten reduced	
	English units—pounds per billion pounds of tungsten reduced	
Lead	1,940.0	1,746.0
Selenium	15,908.0	7,178.0
Zinc	19,788.0	8,148.0
Ammonia (as N)	2,580,200.0	1,136,840.0
TSS	291,000.0	232,800.0
pH	(1)	(1)

Within the range of 7.5 to 10.0 at all times.

28. 40 CFR 421.105 Pretreatment standards for existing sources which appears on page 7106 are corrected to read as follows:

§ 421.105 Pretreatment standards for existing sources.

Except as provided in 40 CFR 403.7 and 403.13, and existing source subject to this subpart which introduces pollutants into a publicly owned treatment works must comply with 40 CFR Part 403 and achieve the following pretreatment standards for existing sources. The mass of wastewater pollutants in primary tungsten process wastewater introduced into a POTW shall not exceed the following values:

(a) *Subpart J—Tungstic Acid Rinse PSES.*

Pollutant or pollutant property	Maximum for any 1 day	maximum for monthly average
	Metric units—mg/kkg of tungstic acid produced	
	English units—pounds per billion pounds of tungstic acid produced	
Lead	4,760.0	4,284.0
Selenium	39,032.0	17,612.0
Zinc	48,552.0	19,992.0
Ammonia (as N)	6,330,800.0	2,789,360.0

(b) *Subpart J—Acid Leach Wet Air Pollution Control PSES.*

Pollutant or pollutant property	Maximum for any 1 day	maximum for monthly average
	Metric units—mg/kkg of tungstic acid produced	
	English units—pounds per billion pounds of tungstic acid produced	
Lead	377.0	339.30
Selenium	3,901.40	1,394.90
Zinc	3,845.40	1,583.40
Ammonia (as N)	501,410.0	220,992.0

(c) *Subpart J—Alkali Leach Wash PSES.*

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of sodium tungstate produced	
	English units—pounds per billion pounds of sodium tungstate produced	
Lead	4,670.0	4,203.0
Selenium	38,294.0	17,279.0
Zinc	47,634.0	19,614.0
Ammonia (as N)	6,211,100.0	2,736,620.0

(d) *Subpart J—Ion-Exchange Raffinate PSES.*

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of ammonium tungstate produced	
	English units—pounds per billion pounds of ammonium tungstate produced	
Lead	5,120.0	4,608.0
Selenium	41,984.0	18,944.0
Zinc	52,224.0	21,504.0
Ammonia (as N)	6,809,600.0	3,000,320.0

(e) *Subpart J—Calcium Tungstate Precipitate Wash PSES.*

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of calcium tungstate produced	
	English units—pounds per billion pounds of calcium tungstate produced	
Lead	3,720.0	3,348.0
Selenium	30,504.0	13,764.0
Zinc	37,944.0	15,624.0
Ammonia (as N)	4,947,600.0	2,179,920.0

(f) *Subpart J—Crystallization and Drying of Ammonium Paratungstate PSES.*

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of ammonium paratungstate produced	
	English units—pounds per billion pounds of ammonium paratungstate produced	
Lead	0	0
Selenium	0	0
Zinc	0	0
Ammonia (as N)	0	0

(g) *Subpart J—Ammonium Paratungstate Conversion to Oxides Wet Air Pollution Control PSES.*

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of "blue" oxide (WO_3) produced	
	English units—pounds per billion pounds of "blue" oxide (WO_3) produced	
Lead	2,090.0	1,861.0
Selenium	17,136.0	7,733.0
Zinc	21,316.0	8,778.0
Ammonia (as N)	2,779,700.0	1,224,740.0

(h) *Subpart J—Reduction to Tungsten Wet Air Pollution Control PSES.*

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of tungsten produced	
	English units—pounds per billion pounds of tungsten produced	
Lead	940.0	846.0
Selenium	7,708.0	3,478.0
Zinc	9,588.0	3,948.0
Ammonia (as N)	1,250,200.0	112,800.0

(i) *Subpart J—Reduction to Tungsten Water of Formation PSES.*

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of tungsten reduced	
	English units—pounds per billion pounds of tungsten reduced	
Lead	1,940.0	1,746.0
Selenium	15,908.0	7,178.0
Zinc	19,788.0	8,148.0
Ammonia (as N)	2,580,200.0	1,136,840.0

29. 40 CFR 421.106 Pretreatment standards for new sources which appears on page 7106 are corrected to read as follows:

§ 421.106 Pretreatment standards for new sources.

Except as provided in 40 CFR 403.7, any new source subject to this subpart which introduces pollutants into a publicly owned treatment works must comply with 40 CFR Part 403 and achieve the following pretreatment standards for new sources. The mass of wastewater pollutants in primary tungsten process wastewater introduced into a POTW shall not exceed the following values:

(a) *Subpart J—Tungstic Acid Rinse PSNS.*

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of tungstic acid produced	
	English units—pounds per billion pounds of tungstic acid produced	
Lead	4,760	4,284.0
Selenium	39,032.0	17,612.0
Zinc	48,552.0	19,992.0
Ammonia (as N)	6,330,800.0	2,789,380.0

(b) *Subpart J—Acid Leach Wet Air Pollution Control PSNS.*

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of tungstic acid produced	
	English units—pounds per billion pounds of tungstic acid produced	
Lead	377.0	339.30
Selenium	3,091.40	1,394.90
Zinc	43,845.40	1,583.40
Ammonia (as N)	501,410.0	220,922.0

(c) *Subpart J—Alkali Leach Wash PSNS.*

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of sodium tungstate produced	
	English units—pounds per billion pounds of sodium tungstate produced	
Lead	4,670.0	4,203.0
Selenium	38,294.0	17,279.0
Zinc	47,634.0	19,614.0
Ammonia (as N)	6,211,100.0	2,736,620.0

(d) *Subpart J—Ion-Exchange Raffinate PSNS.*

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of ammonium tungstate produced	
	English units—pounds per billion pounds of ammonium tungstate produced	
Lead	5,120.0	4,608.0
Selenium	41,984.0	18,944.0
Zinc	52,224.0	21,504.0
Ammonia (as N)	6,809,600.0	3,000,320.0

(e) *Subpart J—Calcium Tungstate Precipitate Wash PSNS.*

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of calcium tungstate produced	
	English units—pounds per billion pounds of calcium tungstate produced	
Lead	3,720.0	3,348.0
Selenium	30,504.0	13,764.0
Zinc	37,944.00	15,624.0
Ammonia (as N)	4,947,600.0	2,179,920.0

(f) *Subpart J—Crystallization and Drying of Ammonium Paratungstate PSNS.*

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of ammonium paratungstate produced	
	English units—pounds per billion pounds of ammonium paratungstate produced	
Lead	0	0
Selenium	0	0
Zinc	0	0
Ammonia (as N)	0	0

(g) *Subpart J—Ammonium Paratungstate Conversion to Oxides Wet Air Pollution Control PSNS*

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of "blue" oxide (WO_3) produced	
	English units—pounds per billion pounds of "blue" oxide (WO_3)produced	
Lead	2,090.0	1,881.0
Selenium	17,138.0	7,733.0
Zinc	21,318.0	8,778.0
Ammonia (as N)	2,779,700.0	1,224,740.0

(h) *Subpart J—Reduction to Tungsten Wet Air Polltuion Control PSNS.*

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of tungsten produced	
	English units—pounds per billion pounds of tungsten produced	
Lead	840.0	845.0
Selenium	7,708.0	3,478.0
Zinc	9,588.0	3,948.0
Ammonia (as N)	1,250,200.0	550,840.0

(i) *Subpart J—Reduction to Tungsten Water of Formation PSNS.*

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of tungsten reduced	
	English units—pounds per billion pounds of tungsten reduced	
Lead	1,940.0	1,746.0
Selenium	15,908.0	7,178.0
Zinc	19,788.0	8,148.0
Ammonia (as N)	2,580,200.0	1,136,840.0

§ 421.107 [Corrected]

30. In 40 CFR 421.107(a), which appears on page 1707, "Subpart J—Tungsten Acid Rinse." is corrected to read "Subpart J—Tungsten Acid Rinse.".

31. 40 CFR 421.113 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable, which appear on pages 7109 and 7110, are corrected to read as follows:

§ 421.113 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) *Subpart K—Concentrate Digestion Wet Air Pollution Control.*

BAT Effluent Limitations

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of columbium or tantalum salt produced from digestion	
	English units—pounds per billion pounds of columbium or tantalum salt produced from digestion	
Lead	515.63	464.07
Zinc	5,259.43	2,165.65
Ammonia (as N)	685,787.90	302,159.18
Fluoride	204,705.11	90,750.88

(b) *Subpart K—Solvent Extraction Raffinate.*

BAT Effluent Limitations

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of columbium or tantalum salt extracted	
English units—pounds per billion pounds of columbium or tantalum salt extracted		
Lead	2,691.60	2,422.44
Zinc	27,454.32	11,304.72
Ammonia (as N)	3,579,828.0	1,577,277.60
Fluoride	1,068,565.20	473,721.60

(c) *Subpart K—Solvent Extraction Wet Air Pollution Control.*

BAT Effluent Limitations

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of columbium or tantalum salt extracted	
English units—pounds per billion pounds of columbium or tantalum salt extracted		
Lead	43.01	36.71
Zinc	438.70	180.64
Ammonia (as N)	57,203.30	25,200.86
Fluoride	17,074.97	7,569.76

(d) *Subpart K—Precipitation and Filtration of Metal Salts.*

BAT Effluent Limitations

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of columbium or tantalum salt precipitated	
English units—pounds per billion pounds of columbium or tantalum salt precipitated		
Lead	24,722.30	22,250.07
Zinc	252,167.46	103,833.66
Ammonia (as N)	32,680,659.0	14,487,267.80
Fluoride	9,814,753.10	4,351,124.80

(e) *Subpart K—Metal Salt Drying Wet Air Pollution Control.*

BAT Effluent Limitations

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of columbium or tantalum salt dried	
English units—pounds per billion pounds of columbium or tantalum salt dried		
Lead	1,647.90	1,483.11
Zinc	16,808.58	6,921.18
Ammonia (as N)	2,191,707.0	965,569.40
Fluoride	654,216.30	290,030.40

(f) *Subpart K—Reduction of Salt to Metal.*

BAT Effluent Limitations

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of columbium or tantalum reduced	
English units—pounds per billion pounds of columbium or tantalum salt reduced		
Lead	35,266.30	31,739.67
Zinc	359,716.26	148,118.46
Ammonia (as N)	46,904,179.0	20,686,051.80
Fluoride	14,000,721.10	6,206,868.80

(g) *Subpart K—Reduction of Salt to Metal Wet Air Pollution Contol.*

BAT Effluent Limitations

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of columbium or tantalum reduced	
	English units—pounds per billion pounds of columbium or tantalum reduced	
Lead	2,152.10	1,936.89
Zinc	21,951.42	9,038.82
Ammonia (as N)	2,862,293.0	1,261,130.60
Fluoride	854,383.7	378,769.60

(h) *Subpart K—Consolidation and Casting Contact Cooling.*

BAT Effluent Limitations

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of columbium or tantalum cast or consolidated	
	English units—pounds per billion pounds of columbium or tantalum cast or consolidated	
Lead	0	0
Zinc	0	0
Ammonia (as N)	0	0
Fluoride	0	0

32. 40 CFR 421.114 Standards of performance for new sources, which appears on page 7110 and 7111, are corrected to read as follows:

§ 421.114 Standards of performance for new sources.

Any new source subject to this subpart shall achieve the following new source performance standards:

(a) *Subpart K—Concentrate Digestion Wet Air Pollution Control NSPS.*

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of columbium or tantalum salt produced from digestion	
	English units—pounds per billion pounds of columbium or tantalum salt produced from digestion	
Lead	515.63	464.07
Zinc	5,259.43	2,166.65
Ammonia	685,787.90	302,159.18
Fluoride	204,705.11	90,750.88
Total Suspended Solids	77,344.50	61,875.60
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(b) *Subpart K—Solvent Extraction Raffinate NSPS.*

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of columbium or tantalum salt extracted	
	English units—pounds per billion pounds of columbium or tantalum salt extracted	
Lead	2,691.60	2,422.44
Zinc	27,454.32	11,304.72
Ammonia (as N)	3,579,828.0	1,577,277.60
Fluoride	1,068,565.20	473,721.60
Total Suspended Solids	403,740.0	322,992.0
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(c) *Subpart K—Solvent Extraction Wet Air Pollution Control NSPS.*

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of columbium or tantalum salt extracted	
	English units—pounds per billion pounds of columbium or tantalum salt extracted	
Lead	43.01	38.71
Zinc	438.70	180.64
Ammonia (as N)	57,203.30	25,203.86
Fluoride	17,074.97	7,569.76
Total Suspended Solids	6,451.50	5,161.20
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(d) *Subpart K—Precipitation and Filtration of Metal Salts NSPS.*

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of columbium or tantalum salt precipitated	
	English units—pounds per billion pounds of columbium or tantalum salt precipitated	
Lead	24,722.30	22,250.07
Zinc	252,167.46	103,833.66
Ammonia (as N)	32,880,659.0	14,487,267.80
Fluoride	9,814,753.10	4,351,124.80
Total Suspended Solids	3,708,345.0	2,966,676.0
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(e) *Subpart K—Metal Salt Drying Wet Air Pollution Control NSPS.*

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of columbium or tantalum salt dried	
	English units—pounds per billion pounds of columbium or tantalum salt dried	
Lead	1,647.90	1,483.11
Zinc	16,808.58	6,921.18
Ammonia (as N)	2,191,707.0	985,669.40
Fluoride	654,216.30	290,030.40
Total Suspended Solids	247,185.0	197,748.0
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(f) *Subpart K—Reduction of Salt to Metal NSPS.*

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of columbium or tantalum reduced	
	English units—pounds per billion pounds of columbium or tantalum reduced	
Lead	35,266.30	31,739.67
Zinc	359,716.26	148,118.46
Ammonia (as N)	46,904,179.0	20,666,051.80
Fluoride	14,000,721.10	6,206,868.80
Total Suspended Solids	5,289,945.0	4,231,956.0
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(g) *Subpart K—Reduction of Salt to Metal Wet Air Pollution Control NSPS.*

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of columbium or tantalum reduced	
	English units—pounds per billion pounds of columbium or tantalum reduced	
Lead	2,152.10	1,936.89
Zinc	21,951.42	9,038.82
Ammonia (as N)	2,862,293.0	1,261,130.60
Fluoride	854,383.70	378,769.60
Total Suspended Solids	322,815.0	258,252.0
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(h) *Subpart K—Consolidation and Casting Contact Cooling NSPS.*

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of columbium or tantalum cast or consolidated	
	English units—pounds per billion pounds of columbium or tantalum cast or consolidated	
Lead	0	0
Zinc	0	0
Ammonia (as N)	0	0
Fluoride	0	0
TSS	0	0
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

33. 40 CFR 421.115 Pretreatment standards for existing sources, which

appear on page 7111, are corrected to read as follows:

§ 421.115 Pretreatment standards for existing sources.

Except as provided in 40 CFR 403.7 and 403.13, any existing source subject to this subpart which introduces pollutants into a publicly owned treatment works must comply with 40 CFR Part 403 and achieve the following pretreatment standards for existing sources. The mass of wastewater pollutants in primary columbium-tantalum process wastewater introduced into a POTW shall not exceed the following values:

(a) *Subpart K—Concentrate Digestion Wet Air Pollution Control PSES.*

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of columbium-tantalum salt produced from digestion	
	English units—pounds per billion pounds of columbium-tantalum salt produced from digestion	
Lead	515.63	464.07
Zinc	5,259.43	2,165.65
Ammonia (as N)	685,787.90	302,159.18
Fluoride	204,705.11	90,750.88

(b) *Subpart K—Solvent Extraction Raffinate PSES.*

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of columbium or tantalum salt extracted	
	English units—pounds per billion pounds of columbium or tantalum salt extracted	
Lead	2,891.60	2,422.44
Zinc	27,454.32	11,304.72
Ammonia (as N)	3,579,828.0	1,577,277.60
Fluoride	1,068,565.20	473,721.60

(c) *Subpart K—Solvent Extraction Wet Air Pollution Control PSES.*

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of columbium or tantalum salt extracted	
	English units—pounds per billion pounds of columbium or tantalum salt extracted	
Lead	43.01	36.71
Zinc	439.70	180.84
Ammonia (as N)	57,203.30	25,203.86
Fluoride	17,074.97	7,569.76

(d) *Subpart K—Precipitation and Filtration of Metal Salts PSES.*

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of columbium or tantalum salt precipitated	
	English units—pounds per billion pounds of columbium or tantalum salt precipitated	
Lead	24,722.30	22,250.07
Zinc	252,167.46	103,833.66
Ammonia (as N)	32,880,659.0	14,487,267.60
Fluoride	9,814,753.10	4,351,124.60

(e) *Subpart K—Metal Salt Drying Wet Air Pollution Control PSES.*

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of columbium or tantalum salt dried	
	English units—pounds per billion pounds of columbium or tantalum salt dried	
Lead	1,647.90	1,483.11
Zinc	16,808.58	6,921.18
Ammonia (as N)	2,191,707.0	965,669.40
Fluoride	654,216.30	290,030.40

(f) *Subpart K—Reduction of Salt to Metal PSES.*

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of columbium or tantalum reduced	
	English units—pounds per billion pounds of columbium or tantalum reduced	
Lead	35,266.30	31,739.67
Zinc	359,716.26	148,118.46
Ammonia (as N)	46,904,179.0	20,666,051.80
Fluoride	14,000,721.10	6,206,868.80

(g) *Subpart K—Reduction of Salt to Metal Wet Air Pollution Control PSES.*

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of columbium or tantalum reduced	
	English units—pounds per billion pounds of columbium or tantalum reduced	
Lead	2,152.10	1,936.89
Zinc	21,951.42	9,038.82
Ammonia (as N)	2,862,293.0	1,261,130.60
Fluoride	854,383.70	378,769.60

(h) *Subpart K—Consolidation and Casting Contact Cooling PSES.*

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric Units—mg/kkg of columbium or tantalum cast or consolidated	
	English Units—pounds per /billion pounds of columbium or tantalum cast or consolidated	
Lead	0	0
Zinc	0	0
Ammonia (as N)	0	0
Fluoride	0	0

34. 40 CFR 421.116 Pretreatment standards for new sources, which appear on pages 7111 and 7112, are corrected to read as follows:

§ 421.116 Pretreatment standards for new sources.

Except as provided in 40 CFR 403.7, any new source subject to this subpart which introduces pollutants into a publicly owned treatment works must comply with 40 CFR Part 403 and achieve the following pretreatment standards for new sources. The mass of wastewater pollutants in primary columbium-tantalum process wastewater introduced into a POTW shall not exceed the following values:

(a) *Subpart K—Concentrate Digestion Wet Air Pollution Control PSNS.*

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric Units—mg/kkg of columbium or tantalum salt produced from digestion	
	English Units—pounds per /billion pounds of columbium or tantalum salt produced from digestion	
Lead	515.63	464.07
Zinc	5,259.43	2,165.65
Ammonia (as N)	685,787.90	302,159.18
Fluoride	204,705.11	90,750.88

(b) *Subpart K—Solvent Extraction Raffinate PSNS.*

Pollutant or pollutant propery	Maximum for any 1 day	Maximum for monthly average
	Metric Units—mg/kkg of columbium or tantalum salt extracted	
	English Units—pounds per / billion pounds of columbium or tantalum salt extracted	
Lead	2,691.60	2,422.44
Zinc	27,454.32	11,304.72
Ammonia (as N)	3,579,828.00	1,577,277.60
Fluoride	1,068,565.20	473,721.60

(c) *Subpart K—Solvent Extraction Wet Air Pollution Control PSNS.*

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric Units—mg/kkg of columbium or tantalum salt extracted	
	English Units—pounds per billion pounds of columbium or tantalum salt extracted	
Lead	43.01	38.71
Zinc	438.70	180.64
Ammonia (as N)	57,203.30	25,203.86
Fluoride	17,074.97	7,569.78

(d) *Subpart K—Precipitation and Filtration of Metal Salts PSNS.*

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric Units—mg/kkg of columbium or tantalum salt precipitated	
	English Units—pounds per billion pounds of columbium or tantalum salt precipitated	
Lead	24,722.30	22,250.07
Zinc	252,167.46	103,833.66
Ammonia (as N)	32,880,659.00	14,487,267.80
Fluoride	9,814,753.10	4,351,124.80

(e) *Subpart K—Metal Salt Drying Wet Air Pollution Control PSNS.*

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of columbium or tantalum salt dried	
	English units—pounds per/ billion pounds of columbium or tantalum salt dried	
Lead	1,647.90	1,483.11
Zinc	16,808.58	6,921.18
Ammonia (as N)	2,191,707.0	965,869.40
Fluoride	654,216.30	290,030.40

(f) *Subpart K—Reduction of Salt to Metal PSNS.*

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of columbium or tantalum reduced	
	English units—pounds per/billion pounds of columbium or tantalum reduced	
Lead	35,266.30	31,739.67
Zinc	359,716.26	148,118.46
Ammonia (as N)	46,904,179.0	20,666,051.80
Fluoride	14,000,721.10	6,206,868.80

(g) *Subpart K—Reduction of Salt to Metal Wet Air Pollution Control PSNS.*

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of columbium or tantalum reduced	
	English units—pounds per billion pounds of columbium or tantalum	
Lead	2,152.10	1,936.89
Zinc	21,951.42	9,038.82
Ammonia (as N)	2,862,293.0	1,261,130.60
Fluoride	854,383.70	378,769.60

(h) *Subpart K—Consolidation and Casting Contact Cooling PSNS.*

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of columbium or tantalum cast or consolidated	
	English units—pounds per billion pounds of columbium or tantalum cast or consolidated	
Lead	0	0
Zinc	0	0
Ammonia (as N)	0	0
Flounde	0	0

§ 421.123 [Corrected]

35. In 40 CFR 421.123(a) Alternative A, which appears on page 7114, for the maximum for monthly average for ammonia "....." is corrected to read 94,873,400.0 mg/kkg.

36. In 40 CFR 421.123(m) Alternative A, which appears on page 7115, "Subpart L—Precipitation and Filtration of Nonphotographic." is corrected to read "Subpart L—Precipitation and Filtration of Nonphotographic Solutions.".

37. In 40 CFR 421.123(n) Alternative A, which appears on page 7115, "Subpart L—Precipitation and Filtration of Nonphotographic." is corrected to read "Subpart L—Precipitation and Filtration of Nonphotographic Solutions Wet Air Pollution Control.".

38. In 40 CFR 421.123(n) Alternative B, which appears on page 7117, "Subpart L—Precipitation of Nonphotographic Solutions Wet Air Pollution Control." is corrected to read "Subpart L—Precipitation and Filtration of Nonphotographic Solutions Wet Air Pollution Control.".

§ 421.125 [Corrected]

39. In 40 CFR 421.125(c) Alternative A, which appears on page 7118, the table which reads "Maimum for Monthly Average" is corrected to read "Maximum for Monthly Average". The maximum for monthly average value for ammonia, 108,468,6000.0 mg/kkg, is corrected to read 108,468,600.0 mg/kkg.

§ 421.133 [Corrected]

40. 40 CFR 421.133(a), (b), and (d) Alternative B, which appear on page 7124, are corrected to read as follows:

(a) *Subpart M—Battery Cracking.*

BAT Effluent Limitations

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of lead scrap produced	
	English units—pounds per billion pounds per of lead scrap produced	
Antimony	1,298.89	578.78
Arsenic	935.47	383.61
Lead	67.30	60.57
Zinc	586.46	282.66
Ammonia (as N)	0.0	0.0

(b) *Subpart M—Blast and Reverberatory Furnace Wet Air Pollution Control.*

BAT Effluent Limitations

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of lead produced from smelting	
	English units—pounds per billion pounds of lead produced from smelting	
Antimony	5,037.30	2,244.60
Arsenic	3,627.90	1,487.70
Lead	261.0	234.90
Zinc	2,662.20	1,096.20
Ammonia (as N)	0.0	0.0

* * * * *

(d) Subpart M—Casting Contact Cooling.

BAT Effluent Limitations

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of lead cast	
	English units—pounds per billion pounds of lead cast	
Antimony	42.65	19.01
Arsenic	30.72	12.60
Lead	2.21	1.99
Zinc	22.54	9.28
Ammonia (as N)	0.0	0.0

§ 421.134 [Corrected]

41. 40 CFR 421.134(a), (b), and (d), which appear on page 7124, are corrected to read as follows:

(a) *Subpart M—Battery Cracking NSPS.*

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of lead scrap produced	
	English units—pounds per billion pounds of lead scrap produced	
Antimony	1,298.89	578.78
Arsenic	935.47	383.61
Lead	67.30	60.57
Zinc	686.46	282.66
Ammonia (as N)	0.0	0.0
Total Suspended Solids	10,095.0	8,076.0
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(b) *Subpart M—Blast and Reverberatory Furnace Wet Air Pollution Control NSPS.*

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of lead produced from smelting	
	English units—pounds per billion pounds of lead produced from smelting	
Antimony	5,037.30	2,244.60
Arsenic	3,627.90	1,487.70
Lead	261.0	234.90
Zinc	2,662.20	1,096.20
Ammonia (as N)	0.0	0.0
Total Suspended Solids	39,150.0	31,320.0
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

* * * * *

(d) *Subpart M—Casting Contact Cooling NSPS.*

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of lead cast	
	English units—pounds per billion pounds of lead cast	
Antimony	42.65	19.01
Arsenic	30.72	12.60
Lead	2.21	1.99
Zinc	22.54	9.28
Ammonia (as N)	0.0	0.0
Total Suspended Solids	331.50	265.20
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0.

§ 421.135 [Corrected]

42. 40 CFR 421.135(a), (b), and (d) Alternative B, which appear on page 7125, are corrected to read as follows:

(a) *Subpart M—Battery Cracking PSES.*

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of lead scrap produced	
	English units—pounds per billion pounds of lead scrap produced	
Antimony	1,298.89	578.78
Arsenic	935.47	383.61
Lead	67.30	60.57
Zinc	686.46	282.66
Ammonia (as N)	0.0	0.0

(b) *Subpart M—Blast and Reverberatory Furnace Wet Air Pollution Control PSES.*

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of lead produced from smelting	
	English units—pounds per billion pounds of lead produced from smelting	
Antimony	5,037.30	2,244.60
Arsenic	3,627.90	1,487.70
Lead	261.0	234.90
Zinc	2,662.20	1,096.20
Ammonia (as N)	0.0	0.0

* * * * * *

(d) *Subpart M—Casting Contact Cooling PSES.*

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of lead cast	
	English units—pounds per billion pounds of lead cast	
Antimony	42.65	19.01
Arsenic	30.72	12.60
Lead	2.21	1.99
Zinc	22.54	9.28
Ammonia (as N)	0.0	0.0

§ 421.136 [Corrected]

43. 40 CFR 421.136(a), (b), and (d), which appear on pages 7125 to 7126, are corrected to read as follows:

(a) *Subpart M—Battery Cracking PSNS.*

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of lead scrap produced	
	English units—pounds per billion pounds of lead scrap produced	
Antimony	1,298.89	578.78
Arsenic	935.47	383.61
Lead	67.30	60.57
Zinc	686.46	282.66
Ammonia (as N)	0.0	0.0

(b) *Subpart M—Blast and Reverberatory Furnace Wet Air Pollution Control PSNS.*

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of lead produced from smelting	
	English units—pounds per billion pounds of lead produced from smelting	
Antimony	5,037.30	2,244.60
Arsenic	3,627.90	1,487.70
Lead	261.0	34.90
Zinc	2,662.20	1,096.20
Ammonia (as N)	0.0	0.0

* * * * *

(d) *Subpart M—Casting Contact Cooling PSNS.*

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Metric units—mg/kkg of lead cast	
	English units—pounds per billion pounds of lead cast	
Antimony	42.65	19.01
Arsenic	30.72	12.60
Lead	2.21	1.99
Zinc	22.54	9.28
Ammonia (as N)	0.0	0.0

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 2

[Gen. Docket No. 80-739]

Implementation of the Final Acts of the World Administrative Radio Conference, Geneva, 1979; Order Extending Time for Filing Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; Extension of reply comment period.

SUMMARY: The FCC has denied a Motion from NASA for extension of time for Reply Comments and granted a Motion from United Satellite Communications, Inc. (USCI) for extension of Time for Reply Comments in the Implementation of the Final Acts of World Administrative Radio Conference, Geneva, 1979 (48 FR 3790, January 27, 1983). The NASA Motion was denied as it did not provide sufficient information on the studies it has undertaken or the points they would address. The USCI Motion was granted because it was not given adequate opportunity to fairly respond to a revised filing by Satellite Television Corporation.

DATES: The deadline for Reply Comments is extended to April 18, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Fred L. Thomas, Office of Science and Technology, (202) 653-8171.

Note.—The full text of the Proposed Rule was not published in the **Federal Register** due to the effort to minimize printing costs. However, copies are available from any of the distribution centers listed in the FCC Office of Public Affairs, Room 202, 1919 M St., NW., Washington, D.C. (202) 254-7674. Also, a copy is available for public inspection in the FCC Dockets Branch, Room 239, and the FCC Library, Room 639, both located at 1919 M St., NW., Washington, D.C.

Order Extending Time for Reply Comments

In the matter of implementation of the Final Acts of the World Administrative Radio Conference, Geneva, 1979, General Docket 80-739.

Adopted: April 7, 1983.
Released: April 8, 1983.

By the Office of Science and Technology.

1. On March 31, 1983, the National Aeronautics and Space Administration (NASA), filed a *Motion for Extension of Time* (USCI *Motion*) in the above-captioned proceeding requesting that the date for Reply Comments to the *Notice of Proposed Rulemaking* (NPRM) be extended from April 11, 1983, to April 25, 1983. NASA states that it needs the additional time to complete technical studies in order to respond to comments regarding an allocation for the mobile-satellite service and related issues.

2. On April 6, 1983, United Satellite Communications, Inc. (USCI), also filed a *Motion for Extension of Time* (NASA *Motion*) in the proceeding requesting that the date for Reply Comments be extended to April 18, 1983. USCI states that, on March 15, 1983, Satellite Television Corporation (STC) filed a revised version of a Technical Appendix regarding fixed-satellite and broadcasting-satellite use of the 11.7-12.7 band. However, USCI was not served a copy of the revised Appendix and was unaware of its existence until April 4, 1983. USCI claims that many of the conclusions of the Appendix are without merit and that to prepare an adequate and accurate response to the Appendix requires additional time.

3. The NASA *Motion* does not give sufficient reason to warrant extension of the reply comment period. It does not provide any information as to the nature of the technical studies being undertaken or the points they would address. USCI, however, has demonstrated that it has not had adequate opportunity to fairly respond to specific conclusions of the revised STC Technical Appendix filed on March 15, 1983. All parties should have an opportunity to respond to the proposals in the NPRM and to the comments received. Accordingly, we believe that it is in the public interest to extend the period for filing Reply Comments until April 18, 1983.

4. Therefore, it is ordered, that the *Motion for Extension of Time* filed by NASA is hereby denied, that the *Motion for Extension of Time* filed by USCI is hereby granted, and that the date for filing Reply Comments is extended to and including April 18, 1983.

5. This action is taken pursuant to authority found in Sections 4(i), 5(d), and 303 of the Communications Act of 1934, as amended, and § 0.241 of the Commission's Rules.

Robert S. Powers,
Acting Chief Scientist.

[FR Doc. 83-9972 Filed 4-15-83; 8:45 am]
BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Ch. X

[Ex Parte No. 444]

Electronic Filing of Tariffs; Extension of Comment Period

AGENCY: Interstate Commerce Commission.

ACTION: Extension of time to file comments to advance notice of proposed rulemaking.

SUMMARY: In the **Federal Register** advance notice of proposed rulemaking (ANPR), March 8, 1983 (48 FR 9672) the Commission considered establishing rules and procedures to permit parties wishing to do so to file tariffs electronically. The date that comments were due was April 22, 1983. The American Trucking Association, Inc. (ATA) requests that the date for filing comments be extended to May 23, 1983. The ATA stresses their interest and support in the movement to increase use of electronic filing of tariffs. In view of the many issues raised in the ANPR and its interest the ATA suggests a more complete record could be achieved by the extension.

Considering the importance of the rulemaking and the desire of the Commission to elicit meaningful comments the request is warranted.

DATE: Comments should be submitted by May 23, 1983.

ADDRESS: An original and ten copies should be sent to: Secretary, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: W. Paul Geisenkotter, Section of Tariffs, Bureau of Traffic (202) 275-7739.

Dated: April 12, 1983.

By the Commission, Reese H. Taylor, Jr., Chairman.

Agatha L. Mergenovich
Secretary

[FR Doc. 83-10161 Filed 4-15-83; 8:45 am]
BILLING CODE 7035-01-M

Notices

Federal Register
Vol. 48, No. 75
Monday, April 18, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. 83-011N]

SLD Policy Memoranda; Semi-Annual Listing

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This document lists memoranda issued by the Standards and Labeling Division (SLD), Meat and Poultry Inspection Technical Services, Food Safety and Inspection Service (FSIS), and available to the public which contain significant new applications or interpretations of the Federal Meat Inspection Act, the Poultry Products Inspection Act, the regulations promulgated thereunder, or departmental policy in the labeling area.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Hibbert, Director, Standards and Labeling Division, Meat and Poultry Inspection Technical Services, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-6042.

SUPPLEMENTARY INFORMATION: FSIS conducts a prior approval program for labels or other labeling (specified in 9 CFR 317.4, 317.5, 381.132, and 381.134) to be used on federally inspected meat and poultry products. Pursuant to the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*) and the Poultry Products Inspection Act (21 U.S.C. 451 *et seq.*), and the regulations promulgated thereunder, meat and poultry products which do not bear approved labels may not be distributed in commerce.

FSIS's prior label approval program is conducted by label review experts within SLD. A variety of factors, such as continuing technological innovations in food processing and expanded public concern regarding the presence of various substances in foods, has generated a series of increasingly complex issues which SLD must resolve as part of the prior label approval process. In interpreting the Acts or regulations to resolve these issues, SLD may modify its policies on labeling or develop new ones.

Significant or novel interpretations or determinations made by SLD are issued in writing in memorandum form. This document lists those SLD policy memoranda issued from September 1, 1982, through March 31, 1983.

Persons interested in obtaining copies of any of the following SLD policy memoranda, or in being included on a list for automatic distribution of future SLD policy memoranda may write to: Printing and Distribution Section, Paperwork Management Branch, Administrative Services Division, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250.

Memo No.	Title and date	Issue	Reference
030A	Labeling Meat Food Products Containing Poultry Ingredients, Sept. 13, 1982 (Replaces Policy Memo 030).	How meat food products containing poultry ingredients should be labeled	NA.
043A	Rescindment of Policy Memo 043, Sept. 15, 1982		NA.
050A	Canadian Style Bacon, Feb. 2, 1983 (Replaces Policy Memo 050).	What cut of pork must be used in product that is labeled "Canadian Style Bacon"?	NA.
051	Species Sausage, Sept. 13, 1982	The labeling and standards of sausage products labeled with species identification.	9 CFR 319.141, 319.142, 319.144, and 319.160.
052	The Use of Cured Pork Tissue in Making Lard, Sept. 15, 1982.	May cured pork tissues be used in preparation of lard?	9 CFR 319.702.
053	Labeling Turkey Ham Products Containing Added Water, Sept. 24, 1982.	What is the appropriate labeling for a Turkey Ham product that contains added water?	9 CFR 381.171.
054	Quality Control Claims, Nov. 10, 1982	What guidelines should be followed in approving labels bearing claims indicating that the product's quality is controlled or assured?	9 CFR 318.4, and 381.145.
055	Natural Claims, Nov. 22, 1982	Appropriate policy for the approval or denial of labeling for meat and poultry products bearing the term "natural".	NA.
056	Potassium Sorbate and Propylparaben on Semi-Dry Sausage, Jan. 12, 1983.	The use of potassium sorbate or propylparaben as an external mold inhibitor on semi-dry sausages.	9 CFR 318.7 and Policy 017.
057	Labeln Turkey Ham Products Containing Added Water, Jan. 26, 1983 (Replaces Policy Memo 53)	What is the appropriate labeling for a Turkey Ham product that contains added water?	9 CFR 381.171.
058	Smoked Products, Mar. 22, 1983	What guidelines should be followed when approving labeling for products prepared with natural smoke and/or smoke flavor (natural or artificial)?	9 CFR 317.2 and 381.119, and Policy Memo 040.
059	Labeling Turkey Ham Products Containing Ground Turkey Thigh Meat Mar. 29, 1983.	What is the appropriate labeling for a Turkey Ham product containing ground turkey thigh meat?	9 CFR 381.171.

The SLD policies specified in these memoranda will be uniformly applied to all relevant labeling applications unless modified by future memoranda or more formal Agency action. Applicants retain all rights of appeal regarding decisions based upon these memoranda.

Done at Washington, D.C., on April 6, 1983.

Robert G. Hibbert,

Director, Standards and Labeling Division, Meat and Poultry Inspection Technical Services, Food Safety and Inspection Service.

[FR Doc. 83-10252 Filed 4-15-83; 8:45 am]

BILLING CODE 3410-DM-M

CIVIL AERONAUTICS BOARD

Announcement of Approval of Reporting Form by the Office of Management And Budget Under the Paperwork Reduction Act (44 U.S.C. 35)

On March 14, 1983, the Office of

Management and Budget approved the extension of the following reporting form:

Form 251—Report of Passengers Denied Confirmed Space (filed pursuant to Part 250 of the Economic Regulations) extended to February 28, 1986, under OMB No. 3024–0018.

Robin A. Caldwell,

Chief, Information Management Division, Office of Comptroller

April 11, 1983.

[FR Doc. 83–10271 Filed 4–15–83; 8:45 am]

BILLING CODE 6320–01–M

[Docket No. 41422]

Tower Air, Inc.; Fitness Investigation; Assignment of Proceeding

This proceeding has been assigned to Chief Administrative Law Judge Elias C. Rodriguez. Future communications should be addressed to him.

Dated at Washington, D.C., April 13, 1983.

Elias C. Rodriguez,

Chief Administrative Law Judge.

[FR Doc. 83–10272 Filed 4–15–83; 8:45 am]

BILLING CODE 6320–01–M

[Order 83–4–57; Docket 41422]

Tower Air, Inc.; Fitness Investigation

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order Instituting the Tower Air, Inc. Fitness Investigation: Order 83–4–57, Docket 41422.

SUMMARY: The Board is instituting an investigation to determine the fitness of Tower Air, Inc. to engage in scheduled foreign air transportation of persons, property, and mail between the United States, Belgium, and Israel. If the carrier is found fit, it will receive a certificate of public convenience and necessity authorizing such air transportation.

DATES: Persons wishing to file requests for additional evidence or petitions to intervene in the Tower Air, Inc. Fitness Investigation shall file their petitions in Docket 41422 by April 22, 1983, and serve such filings on all persons listed below.

ADDRESSES: Requests for additional evidence and petitions to intervene should be filed in the Docket Section, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

In addition copies of such filings should be served on: Tower Air, Inc., the New York and New Jersey Departments of Transportation, the Mayors and airport managers of New York City and Newark, the U.S. Departments of State and Transportation, the Federal Aviation Administration, and the Ambassadors of Belgium and Israel in Washington, D.C.

Service will also be required on any other persons filing petitions.

FOR FURTHER INFORMATION CONTACT: Ronald A. Brown, Bureau of International Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673–5203.

SUPPLEMENTARY INFORMATION: The complete text of Order 83–4–57 is available from our Distribution Section, Room 100, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 83–4–57 to that address.

By the Civil Aeronautics Board: April 12, 1983.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83–10273 Filed 4–15–83; 8:45 am]

BILLING CODE 6320–01–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–479–063]

Animal Glue and Inedible Gelatin From Yugoslavia; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary results of administrative review of antidumping finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on animal glue and inedible gelatin from Yugoslavia. The review covers the one known exporter of this merchandise to the United States, Kemija-Impex, and the period December 1, 1981 through November 30, 1982. There were no known shipments of this merchandise to the United States during the period and there are no known unliquidated entries.

As a result of the review, the Department has preliminarily determined to require cash deposits of estimated antidumping duties equal to the margin calculated on the last known shipments. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: April 18, 1983.

FOR FURTHER INFORMATION CONTACT: Linda L. Pasden or Robert J. Marenick, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377–3601/5255.

SUPPLEMENTARY INFORMATION:

Background

On September 29, 1982, the Department of Commerce ("the Department") published in the **Federal Register** (47 FR 42768–9) the final results of its last administrative review of the antidumping finding on animal glue and inedible gelatin from Yugoslavia (42 FR 64116–7, December 22, 1977) and announced its intent to conduct the next administrative review by the end of December 1983. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that administrative review.

Scope of the Review

Imports covered by the review are shipments of animal glue and inedible gelatin, of which there are two principal types, hide glue and bone glue. Animal glue is an organic colloid of protein derivation. There is no significant difference between animal glue and inedible gelatin. Animal glues are odorless, dry, hard, hornlike materials. They are used as general purpose adhesives in industries producing abrasives, paper containers, book and magazine bindings, and leather goods. They are also used as sizing agents and as colloids in emulsions and cleaning compounds. Animal glue and inedible gelatin are currently classifiable under items 455.4000 and 455.4200 of the Tariff Schedules of the United States Annotated.

The Department knows of only one exporter of Yugoslavian animal glue and inedible gelatin to the United States, Kemija-Impex.

The review covers the period December 1, 1981 through November 30, 1982. There were no known shipments to the United States during the period and there are no known unliquidated entries.

Preliminary Results of the Review

As a result of our review, we preliminarily determine that, as provided for in § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties of 9.7 percent, based upon the margin calculated on the last known shipments of this merchandise from Kemija-Impex, shall be required on all shipments of Yugoslavian animal glue and inedible gelatin entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review. These deposit requirements shall remain in effect until publication of the final

results of the next administrative review.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 45 days after the date of publication of this notice or the first workday thereafter. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

(Sec. 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53))

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

April 7, 1983.

[FR Doc. 83-10207 Filed 4-15-83; 8:45 am]

BILLING CODE 3510-25-M

Industry Advisory Committees for Trade Policy Matters; Open Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: A meeting of the committees listed below will be held June 2, 1983. The committees were established to provide advice to the Secretary of Commerce and the U.S. Trade Representative on trade negotiations and other matters arising in connection with the administration of U.S. trade policy.

Industry Policy Advisory Committee for Trade Policy Matters (IPAC)

Industry Sector Advisory Committees for Trade Policy Matters (ISACs)

On Aerospace Equipment (ISAC 1)
On Capital Goods (ISAC 2)
On Chemicals and Allied Products (ISAC 3)
On Consumer Goods (ISAC 4)
On Electronics and Instrumentation (ISAC 5)
On Energy (ISAC 6)
On Ferrous Ores and Metals (ISAC 7)
On Footwear, Leather, and Leather Products (ISAC 8)
On Industrial and Construction Material and Supplies (ISAC 9)
On Lumber and Wood Products (ISAC 10)
On Nonferrous Ores and Metals (ISAC 11)
On Paper and Paper Products (ISAC 12)
On Services (ISAC 13)
On Small and Minority Business (ISAC 14)
On Textiles and Apparel (ISAC 15)
On Transportation, Construction, and Agricultural Equipment (ISAC 16)
On Wholesaling and Retailing (ISAC 17)

Industry Functional Advisory Committees for Trade Policy Matters (IFACs)

On Customs Matters for Trade Policy Matters (IFAC 1)
On Standards for Trade Policy Matters (IFAC 2)

TIME AND PLACE: June 2, 1983; U.S. Department of Commerce Auditorium, 14th and Constitution Avenue NW., Washington, D.C. Plenary Session: 10:30 a.m. to 3:30 p.m.—Auditorium.

AGENDA:

Plenary Session:

1. Continuing Role of Advisory Process.
2. Trade Policy Formulation.
3. Current Issues.

PUBLIC PARTICIPATION: Limited seating for the public available.

FOR FURTHER INFORMATION CONTACT: Ms. Clare Soponis, Trade Advisory Center, Room 1015C, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: 202-377-3268.

Dated: April 7, 1983.

J. Mishell George,

Acting Deputy Assistant Secretary for Industry Projects.

[FR Doc. 83-10208 Filed 4-15-83; 8:45 am]

BILLING CODE 3510-25-M

[Case No. 620]

Richard Kwik and Jamson Aviation and Spares (PTE) Ltd.; Order Amending Denial Order

On April 23, 1982, I entered an Order denying Richard Kwik, aka Siong Hian Kwik, ("Kwik") and Jamson Aviation and Spares (Pte) Ltd. ("Jamson") all U.S. export privileges until May 31, 2001. 47 FR 18403 (April 29, 1982). On December 3, 1982, the U.S. Department of Commerce ("Department") moved that an Order to Show Cause be issued to Claypro (Pte) Ltd. ("Claypro"), directing Claypro to show cause why the Order dated April 23, 1982, should not be amended by adding Claypro as a related party. An Order to Show Cause was issued to Claypro on December 7, 1982 and service of that Order was effected on December 20, 1982.

By letter dated January 17, 1983, signed by Kwik, Claypro responded to the Order to Show Cause and submitted certain facts for consideration pursuant to the Order to Show Cause. The Department has also submitted evidence to support its allegation that Claypro is a party related to Kwik and Jamson. I have reviewed the evidence presented by the parties. My findings are detailed below.

I find that Kwik's employment with Jamson was terminated in 1982. I find further that Kwik established a company named Claypro, which was registered in Singapore on March 12, 1976. The registration states that the company is fully owned by Mr. Kwik and his wife; that they are the only registered directors; and that Claypro's interest in Jamson totals approximately 30 percent. Kwik alleges that Claypro is now known as Aeriotechnics (Pte) Ltd. ("Aeriotechnics"). In addition, I find that Kwik, through Claypro and/or Aeriotechnics, is seeking to engage in transactions involving U.S.-origin commodities. Accordingly, I find that both Claypro and the company which Kwik alleges is its successor, Aeriotechnics, are related to Kwik and Jamson. In order to prevent evasion of the Order of April 23, 1982, that Order will be made applicable not only to Kwik and Jamson but also Claypro and Aeriotechnics.

Therefore, pursuant to the authority delegated to me, 15 CFR Part 388, it is *Ordered* that the Order of April 23, 1982, is amended to add Claypro (Pte) Ltd. and Aeriotechnics (Pte) Ltd. as related parties to Kwik and Jamson and therefore subject to the terms of that Order. That Order is amended to read as follows:

III. Such denial of export privileges shall extend not only to the respondents but also to their agents, employees, representatives, and partners. After notice and opportunity for comment, such denial may also be made applicable to any person, firm, corporation, or business organization with which respondents are now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of export trade or related services. Following the issuance of an Order to Show Cause by the Hearing Commissioner, it has been determined that the following firms are related to Kwik and Jamson and are therefore subject to the provisions of this denial: Claypro (Pte) Ltd. and Aeriotechnics (Pte) Ltd., Suite 606, 6th Floor, Colombo Court, Singapore 0617 and 4E Dyson Road, Singapore 1130.

The Order of April 23, 1982, applies to those persons and related parties specifically named in the Order, as hereby amended.

Dated: April 11, 1983: 4:05 pm EST.

Thomas W. Hoya,

Hearing Commissioner.

[FR Doc. 83-10200 Filed 4-15-83; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Evaluation of State/Territorial Coastal Management Programs, Coastal Energy Impact Programs and National Estuarine Sanctuaries

AGENCY: National Oceanic and Atmospheric Administration, National Ocean Service, Office of Ocean and Coastal Resource Management, Commerce.

ACTION: Notice of availability of evaluation findings.

SUMMARY: Notice is hereby given of the availability of the written evaluation, including an assessment and detailed findings for Florida, Guam, Hawaii, Pennsylvania, Indiana and Mississippi Coastal Zone Management Programs, and/or Coastal Energy Impact Programs and/or National Estuarine Sanctuaries.

Section 312 of the Coastal Zone Management Act of 1972, as amended, requires a continuing review of the performance of each coastal state with respect to the implementation of its federally approved Coastal Management Program, Coastal Energy Impact Program, and National Estuarine Sanctuary financial assistance awards. The states and territories evaluated were found to be adhering both to the programmatic items of their financial assistance awards and/or to their approved coastal management programs; and to be making satisfactory progress on award tasks, special award conditions, and significant improvement tasks aimed at program implementation and enforcement, as appropriate. Accomplishments in implementing coastal zone management programs were occurring with respect to the national coastal management objectives identified in Section 303(2)(A)–(I) of the Coastal Zone Management Act.

A copy of the assessment and detailed findings for these programs may be obtained on request from: D. H. (Bill) Stearns, Acting Evaluation Officer, Policy Coordination Division, Office of Ocean and Coastal Resource Management, National Ocean Service, NOAA, 3300 Whitehaven Street NW., Washington, D.C. 20235 (telephone: 202/634–4245).

(Federal Domestic Assistance Catalog 11.419 Coastal Zone Management Program Administration)

Dated: April 13, 1983.

K. E. Taggart,

Acting Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 83–10270 Filed 4–15–83; 8:45 am]

BILLING CODE 3510–08–M

Marine Fisheries Advisory Committee; Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTION: Notice of public meeting with partially closed session.

SUMMARY: As required by Section 10(a)(2) of the Federal Advisory Committee, 5 U.S.C. App. (1976) as amended, notice is hereby given of a partially closed meeting of the Marine Fisheries Advisory Committee (MAFAC). MAFAC was established by the Secretary of Commerce on February 17, 1971, to advise the Secretary on matters pertinent to the Department's responsibilities for marine fishery resources and on means to facilitate cooperation between public and private interests in these matters.

DATES: The meeting will convene April 28, 1983, at 8:30 a.m. and adjourn at approximately 5:00 p.m. on April 29, 1983. The closed session of the meeting will commence at 2:00 p.m. on April 29, 1983, and adjourn at 3:30 a.m.

ADDRESS: The meeting will be held at the Scripps Institution of Oceanography, in La Jolla, California.

Meeting agenda: The proposed meeting agenda is as follows:

Agenda

Open session—April 28, 1983 (8:30 a.m.–Noon) Panel presentation and discussion of tuna-related industry issues

Open session—April 28, 1983 (1:00 p.m.–5:00 p.m.)

(a) Discussion of tuna-related issues
(b) Subcommittee reports

Open session—April 29, 1983 (8:30 a.m.–11:45 a.m.)

(a) Subcommittee reports
(b) Presentation and discussion of an American Fisheries Development Corporation
(c) NMFS survey of household purchase and usage of fishery products and the attitude of fishery consumers.

Open session—April 29, 1983 (12:45 p.m.–2:00 p.m.)

(a) Menhaden and artificial reef movies
(b) User fees presentation of what services are now provided by NOAA or what services could be provided that would be useful and appropriate

Closed session—April 29, 1983 (2:00 p.m.–3:30 p.m.)

Consider and discuss the living marine resources proposals of the NOAA FY 1984 and FY 1985 budgets.

Open session—April 29, 1983 (3:30–5:00 p.m.)

Tour of the NMFS Southwest Fisheries Center.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration of the Department of Commerce, with the concurrence of the General Counsel, formally determined on April 11, 1983, pursuant to section 10(d) of the Federal Advisory Committee Act, that the agenda item to be covered during the closed session may be exempt from the provisions of the Act relating to open meetings and public participation therein, because the item will be concerned with matters that are within the purview of 5 U.S.C. Section 552b(c)(9)(B) as information the premature disclosure of which will be likely to significantly frustrate the implementation of proposed agency action. (A copy of the determination is available for public inspection and duplication in the Central Reference and Records Inspection Facility, Room 6628, Department of Commerce.) All other portions of the meeting will be open to the public.

FOR FURTHER INFORMATION OR COPIES OF MINUTES CONTACT: Ann Smith, Executive Secretary, Marine Fisheries Advisory Committee, National Marine Fisheries Service, Washington, D.C. 20235, Telephone: (202) 254–5536.

Dated: April 12, 1983.

Carmen J. Blondin,

Acting Deputy Assistant Administrator for Fisheries Resource Management.

[FR Doc. 83–10268 Filed 4–15–83; 8:45 am]

BILLING CODE 3510–22–M

Coastal Zone Management; Intent To Evaluate; Louisiana, et al.

AGENCY: National Oceanic and Atmospheric Administration, National Ocean Service, Office of Ocean and Coastal Resource Management, Commerce.

ACTION: Notice of intent to evaluate.

SUMMARY: The National Oceanic and Atmospheric Administration, National Ocean Service, Office of Ocean and Coastal Resource Management (OCRM), announces its intent to evaluate the performance of the Louisiana Coastal Management Program (CMP) and Coastal Energy Impact Program (CEIP), the Rhode Island CMP, CEIP and National Estuarine Sanctuary (Narrangansett Bay); the Puerto Rico CMP, CEIP and National Estuarine Sanctuary (Jobos Bay); the New Hampshire CMP; and the California CEIP and National Estuarine Sanctuary (Elkhorn Slough) through May 1983. These reviews will be conducted pursuant to Section 312 of the Coastal Zone Management Act (CZMA) which requires a continuing review of the performance of the states with respect to coastal management, and their adherence to the terms of financial assistance awards funded under the CZMA. Coastal zone management is

funded under Section 306, CEIP is funded under Section 308, and the Estuarine Sanctuary Program under Section 315 of the CZMA. The reviews involve consideration of written submissions, a site visit to the state, and consultations with interested Federal, state and local agencies and members of the public. Public meetings will be held as part of the site visits. Opportunity will be provided for the submission of oral and written comments by the public. The states will issue notice of these meetings. Copies of each state's most recent performance report, as well as the financial assistance application or work program, performance reports, OCRM's notification letter and supplemental information request to the state, are available upon request from the OCRM. A subsequent notice will be placed in the **Federal Register** announcing the availability of the Final Findings based on each evaluation once these are completed.

FOR FURTHER INFORMATION CONTACT: D. H. (Bill) Stearns, Acting Evaluation Officer, Policy Coordination Division, Office of Ocean and Coastal Resource Management, National Ocean Service, NOAA, 3300 Whitehaven Street, N.W., Washington, D.C. 20235 (telephone: 202/634–4245).

(Federal Domestic Assistance Catalog 11.419 Coastal Zone Management Program Administration)

Dated: April 12, 1983.

K. E. Taggart,

Acting Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 83–10269 Filed 4–15–83; 8:45 am]

BILLING CODE 3510–08–M

Office of the Secretary

Frequency Management Advisory Council; Notice of Renewal

In accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. (1976) and Office of Management and Budget Circular A–63 of March 1974, and after consultation with GSA, the Secretary of Commerce has determined that the renewal of the Frequency Management Advisory Council is in the public interest in connection with the performance of duties imposed on the Department by law.

The Council was first established on July 19, 1965, and was to terminate on January 9, 1983. It provided advice to the Director of the Office of Telecommunications Policy (OTP), Executive Office of the President, until that office was merged by Executive Order 12046 of March 27, 1978, into the Department of Commerce, National Telecommunications and Information Administration.

In reviewing the need for the Council, the Secretary has reaffirmed its original purpose of providing advice on radio frequency spectrum allocation and assignment matters and means by which the effectiveness of Federal Government frequency management may be enhanced. Research indicates that the Council's function cannot be accomplished by any organizational element or other committee of the Department.

The Council shall continue with a balanced representation of 15 members, chaired by the Assistant Secretary for Communications and Information or designee, and will operate in compliance with the provisions of the Federal Advisory Committee Act.

Copies of the Council's revised Charter will be filed with appropriate committees of Congress and with the Library of Congress.

Inquiries or comments may be addressed to the Committee Control Officer, Mr. Charles L. Hutchison, National Telecommunications and Information Administration, U.S. Department of Commerce, Room 4701, Washington, D.C. 20230, telephone: (202) 377–0805, or the Department Committee Management Analyst, telephone: (202) 377–4217.

Dated: April 11, 1983.

Dennis C. Boyd,

Acting Director, Management Systems.

[FR Doc. 83–10196 Filed 4–15–83; 8:45 am]

BILLING CODE 3510–CW–M

Marine Fisheries Advisory Committee; Notice of Renewal

In accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App., (1976) and Office of Management and Budget Circular A–63 (as revised), and after consultation with the General Services Administration, the Department has determined that the renewal of the charter for the Marine Fisheries Advisory Committee is in the public interest in connection with the performance of duties imposed on the Department by law.

The Marine Fisheries Advisory Committee (MAFAC) was intitally established by the Secretary of Commerce on February 17, 1971, pursuant to Executive Order 11007. The Committee advises the Secretary of Commerce through its Chairman, the Administrator of NOAA, on matters pertinent to the Department's responsibilities for living marine resources and on means to facilitate cooperation between public and private intersts in these matters.

The Committee membership represents a collective voice for the many and diverse interests concerned with marine resources. Membership on the Committee is balanced by background and experience, living marine resources interest, geographic location, and national and regional peer group recognition. As specified in the charter, representatives are sought from the commercial and recreational fishing communities, State governments and consumer interests. Members serve for three years and approximately one-third of the members are replaced each year to provide continuity and balance.

The Marine Fisheries Advisory Committee (MAFAC) will continue to operate in compliance with the provisons of the Federal Advisory Committee Act (FACA). Copies of the MAFAC charter will be filed with the appropriate committees of Congress and with the Library of Congress. Inquiries regarding this notice may be addressed to the Committee Liaison Officer, National Oceanic and Atmospheric Administrators, U.S. Department of Commerce, Rockville, Maryland 20852, or Mrs. Yvonne Barnes, Committee Management Analyst, U.S. Department of Commerce, Washington, D.C. 20230

Dated: April 11, 1983.

Dennis C. Boyd,

Acting Director, Management Systems.

[FR Doc. 83–10197 Filed 4–15–83; 8:45 am]

BILLING CODE 3510–CW–M

CONSUMER PRODUCT SAFETY COMMISSION

Notification of Proposed Collection of Information

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1981 (44 U.S.C. 3501 *et seq.*), the Consumer Product Safety Commission has submitted to the Office of Management and Budget a request for approval of a collection of information in the form of a questionnaire about Commission publications sent to consumers.

The purpose of the questionnaire is to obtain information from persons who have received publications from the Commission. That information will be used by the Commission staff to evaluate the effectiveness of those publications to make consumers aware of safety hazards associated with

products and to make appropriate modifications of their use of those products to eliminate or reduce those hazards.

The Commission staff will send copies of the questionnaire to persons who request publications from the Commission through September 30, 1983.

Information about the Proposed Collection of Information:

Agency address: Consumer Product Safety Commission, 1111 18th Street, NW., Washington, D.C. 20207.

Title of information collection: Questionnaire to assess CPSC publications, "Don't Let Yourself Be a Puppet."

Type of request: Approval of a new plan.

Frequency of collection: One time.

General description of respondents: Persons who have requested publications from the Commission.

Estimated average number of hours per response: 1/30 (2 minutes).

Comments: Comments on this proposed collection of information should be addressed to Gwen Pla, Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503, telephone: (202) 395–7313. Copies of the proposed collection of information are available from Francine Shacter, Office of Budget, Program Planning, and Evaluation, Consumer Product Safety Commission, Washington, D.C. 20207, telephone: (301) 492–6529.

This is not a proposal to which 44 U.S.C. 3504(h) is applicable.

Dated: April 12, 1983.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 83-10229 Filed 4-15-83; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

April 8, 1983.

The USAF Scientific Advisory Board Weapons and Avionics Panel of the Advanced Tactical Fighter (ATF) Technology Committee will meet at Hughes Aircraft Company, Los Angeles, CA, on May 9–10, 1983. The purpose of the meeting will be to discuss avionics technologies that have application to the ATF. Industry counseling concerning the technical state of the art available for the ATF is the secondary meeting purpose. The meeting will convene at 8:00 a.m. and adjourn at 5:00 p.m. each day.

The meeting concerns matters listed in Section 552(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at 697–4648.

Winnibel F. Holmes,

Air Force Federal Register, Liaison Officer.

[FR Doc. 83-10232 Filed 4-15-83; 8:45 am]

BILLING CODE 3910-01-M

DEPARTMENT OF EDUCATION

National Advisory Council on Bilingual Education; Hearing

AGENCY: National Advisory Council on Bilingual Education.

ACTION: Notice of hearing.

SUMMARY: This notice sets forth the Schedule and proposed agenda of a forthcoming hearing of the National Advisory Council on Bilingual Education. Notice of this hearing is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATES: May 3, 1983—Public Hearing—9:00 a.m.–4:30 p.m. Public Hearing will be held at the Portland Hilton Hotel, 921 SW 6th Avenue, Portland, Oregon 97204.

FOR FURTHER INFORMATION CONTACT: Ramon Ruiz, Designated Federal Official, Room 421, Reporter's Building, 400 Maryland Avenue, SW., Washington, D.C. 20202 (202–245–2600).

SUPPLEMENTARY INFORMATION: The National Advisory Council on Bilingual Education is established under Section 732(a) of the Bilingual Education Act (20 U.S.C. 3242). The Council is established to advise the Secretary of the Department of Education concerning matters arising in the administration of the Bilingual Education Act and other laws affecting the education of limited English proficient populations.

May 3, 1983 in consonance with the Council's mission to advise in the preparation of regulations under the Bilingual Education Act, testimony will be heard on the following topics which impact on the Migrant Bilingual Community:

(1) 1983 Reauthorization

(2) Research

(3) Reports of the Effectiveness of Bilingual Education

(4) Interrelations and Interdependency of Bilingual Education and Modern Language Teachers

Witnesses should notify Ramon Ruiz (see address above) of their intention of testifying.

The following procedures shall be observed during the public hearings:

(1) Witnesses shall be heard on a first come basis

(2) Witnesses shall limit their testimony to twenty minutes.

(3) All testimony shall be tape recorded

(4) Exceptions to the aforementioned procedures shall be at the discretion of the Chairperson.

Records are kept of all Council proceedings, and are available for public inspection at the Office of Bilingual Education and Minority Languages Affairs, Room 421, Reporters Building, 400 Maryland Avenue, SW., Washington, D.C. 20202 from the hours of 8:00 a.m.–4:30 p.m.

Dated: April 12, 1983.

Jesse M. Soriano,

Director, Office of Bilingual Education, and Minority Languages Affairs.

[FR Doc. 83-10142 Filed 4-15-83; 8:45 am]

BILLING CODE 4000-01-M

National Advisory Council on Bilingual Education; Meeting

AGENCY: National Advisory Council on Bilingual Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Advisory Council on Bilingual Education. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATES: May 11–13, 1983—Business Meeting 9:00–4:30 p.m.

ADDRESS: The Business Meeting will be held in Room 409 of the Reporter's Building, 300 7th Street, SW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Ramon Ruiz, Designated Federal Official, Room 421, Reporter's Building, 400 Maryland Avenue, SW., Washington, DC 20202, (202) 245–2600.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Bilingual Education is established under Section 732(a) of the Bilingual Education Act (20 U.S.C. 3242). The Council is established to advise the Secretary of the Department of Education concerning matters arising in the administration of the Bilingual Education Act and other laws affecting the education of limited English proficient populations. The meeting of the Council is open to the

public. The proposed agenda includes the following:

May 11, 1983

9:00–9:30 a.m.—Appoint parliamentarian—Presentation of Overview.
9:30–10:30 a.m.—1983 Annual Report Review—Annual Report Committee.
10:30–10:45 a.m.—Break.
10:45–12:00 noon—1983 Annual Report Review (continued).
12:00–1:30 p.m.—Lunch.
1:30–4:30 p.m.—1983 Annual Report Review to completion and approval.
Evening—Committee Meetings to be set by chairs. Time and place to be announced. Address reauthorization issues, OBEMLA administration of Title VII, grants and reader process, funding, Charter language, etc. Prepare recommendations.

May 12, 1983

9:00–12:00 noon—Presentation by Office of Civil Rights on National Origin Legislation—Title VI—Reauthorization Issues
—Legislation—H.R. 11 introduced by Rep. Carl Perkins (D-Ky.)
—Language and content
—Status
—Department of Education Bill
—Content
—Status
—Recommendations by Legislation Committee
—Discussion
—Adoption of Recommendations
—Letter to Secretary Bell drafted
—Copies to key committee chairmen in Congress
—*1984 Appropriations*—Recommendations from Council to be inserted as part of record of Sub-Committee on Labor, Human Resources, and Education of Senate Appropriations Committee—Dr. Flores and Budget Committee
—Testimony for Reauthorization Hearings in September
—NACBE Charter.
12:00–1:30 p.m.—Lunch.
1:30–4:30 p.m.—1983–84 Committee Assignments
—Committees and functions
—1984 Annual Report
—Dissertation Awards or Teacher of the Year Award.

May 13, 1983

9:00–12:00 noon—Report from Testimony Committee
—Other Committee Reports
—Proposed 1983–84 Calendar
12:00–1:30 p.m.—Lunch.
1:30–4:30 p.m.—Unfinished Business. Adjournment.

Dated: April 12, 1983.

Jesse M. Soriano,

Director, Office of Bilingual Education and Minority Languages Affairs.

[FR Doc. 83-10143 Filed 4-15-83; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Conduct of Employees; Notice of Waiver Pursuant to Section 605(a)(3) of the Department of Energy Organization Act

Section 605(a)(3) of the Department of Energy Organization Act (Pub. L. 95–91) authorizes the Secretary of Energy to waive the post-employment restrictions of section 605 of the Act to permit a former employee with outstanding scientific or technological qualifications to make appearances before or communications to the Department in connection with a particular matter which lies in a scientific or technological field where it has been determined that such a waiver would serve the national interest.

It has been established to my satisfaction that George A. Wiltsee, Jr., former Deputy Director of the Grand Forks Energy Technology Center, has outstanding scientific and technological qualifications in the fields of chemical engineering, fossil energy research, and coal utilization technology.

Further, I am satisfied that it serves the national interest to permit him, in his capacity as the new Director of the University of North Dakota Energy Research Center, to appear before and communicate with employees of the Department of Energy with respect to the development, implementation, and funding of the low-rank coals research and development program conducted by the Center pursuant to a cooperative agreement between the Center and the Department of Energy. I am satisfied that these activities are in a scientific or technological field and require the qualifications stated.

I have, therefore, waived the post-employment prohibitions of section 605(a)(1) of the Department of Energy Organization Act with respect to contact by Mr. Wiltsee with employees of the Department of Energy, to permit him, in his capacity as Director of the University of North Dakota Energy Research Center, to undertake the stated activities on behalf of the Center.

Dated: April 8, 1983.

Donald Paul Hodel,

Secretary.

[FR Doc. 83-10153 Filed 4-15-83; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. QF83-233-000]

Applied Power Technology, Inc., Application for Commission Certification of Qualifying Status of a Small Power Production Facility

April 13, 1983.

On March 21, 1983, Applied Power Technology, Inc., (Applicant), of 3432 Mendocino Avenue, Santa Rosa, California 95401, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The facility will be located at Hayfork, California. The generating capacity of the facility 15 megawatts. The primary energy source will be biomass in the form of wood waste. There are no other biomass fueled small power production facilities owned by the Applicant located within one mile of the site. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-10216 Filed 4-15-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-234-000]

Applied Power Technology, Inc. (Oroville); Application for Commission Certification of Qualifying Status of a Small Power Production Facility

April 13, 1983.

On March 28, 1983, Applied Power

Technology, Inc., (Applicant) of 3432 Mendocino Avenue, Santa Rosa, California 95401, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The facility will be located in Oroville, California. The generating capacity of the facility will be 15 megawatts. The primary energy source will be biomass in the form of wood waste. There are no other biomass fueled small power production facilities owned by the Applicant located within one mile of the site. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20406, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-10217 Filed 4-15-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 3507-001]

City of Santa Clara; Surrender of Preliminary Permit

April 13, 1983.

Take notice that the City of Santa Clara, Permittee for the proposed East Park Dam Hydroelectric Project No. 3507, has requested that its preliminary permit be terminated. The preliminary permit was issued on May 28, 1982, and would have expired on October 31, 1983. The project would have been located at the United States Bureau of Reclamation's East Park Dam on Little Stony Creek in Colusa County, California.

The Permittee filed its request on March 21, 1983, and the surrender of the preliminary permit for Project No. 3507 is deemed effective as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-10218 Filed 4-15-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6100-001]

Energenics Systems, Inc.; Surrender of Preliminary Permit

April 13, 1983.

Take notice that Energenics Systems, Inc. (ESI) Permittee for the Blackwater Dam Project No. 6100, located on the Blackwater River in Merrimack County, New Hampshire has requested that its preliminary permit be terminated. The preliminary permit was issued on October 18, 1982, and would have expired on April 30, 1984.

ESI states that the lack of adequate head and flow have rendered the project infeasible.

ESI's request was dated March 21, 1983. The surrender of the aforementioned permit is accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-10219 Filed 4-15-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-228-000]

Lynn E. Stevenson—Lot 3; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

April 13, 1983.

On March 21, 1983, Lynn E. Stevenson of Star Route, Box 3, Bliss, Idaho 83314, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The hydroelectric facility is located in Gooding County, Idaho. The generating capacity of the facility is 80 kilowatts. The facility is located approximately one mile from another small power production facility owned by the Applicant. The waters used for power generation comes from springs in the same general area, but the same waters are not used as an energy source in both of the facilities. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-10220 Filed 4-15-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-227-000]

Lynn E. Stevenson—Lot 7; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

April 13, 1983.

On March 21, 1983, Lynn E. Stevenson, of Star Route, Box 3, Bliss, Idaho 83314, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The hydroelectric facility is located in Gooding County, Idaho. The generating capacity of the facility is 70 kilowatts. The facility is located approximately one mile from another small power production facility owned by the Applicant. The waters used for power generation comes from springs in the same general area, but the same waters are not used as an energy source in both of the facilities. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to

the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-10221 Filed 4-15-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5953-001]

Stephen E. & George S. Austin; Surrender of Preliminary Permit

April 13, 1983.

Take notice that Stephen E. and George S. Austin, Permittees for the Pike Mill Project No. 5953, located on the Moose River in Concord County, Vermont, have requested that its preliminary permit be terminated. The preliminary permit was issued on September 27, 1982, and would have expired on August 31, 1984.

The Applicants request the surrender due to economic infeasibility.

The Applicants' request was dated March 25, 1983. The surrender of the permit is accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-10222 Filed 4-15-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5986-001]

Stephen E. & George S. Austin; Surrender of Preliminary Permit

April 13, 1983.

Take notice that Stephen E. and George S. Austin, Permittees for the Bradley Vail Mill Project No. 5986, located on the Moose River in Concord County, Vermont, have requested that their preliminary permit be terminated. The preliminary permit was issued on July 28, 1982, and would have expired December 31, 1983.

The Applicants request the surrender due to economic infeasibility.

The Applicants' request was dated March 25, 1983. The surrender of the permit is accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-10223 Filed 4-15-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5415-001]

Sun Valley Co.; Surrender of Preliminary Permit

April 13, 1983.

Take notice that Sun Valley Company, Permittee for the proposed Trail Creek Project No. 5415, has requested that its preliminary permit be terminated. The Preliminary Permit was issued on February 9, 1982, and would have expired on August 31, 1983. The project would have been located on the Trail Creek near Sun Valley, in Blaine County, Idaho.

The Permittee filed its request on March 11, 1983, and the surrender of its permit for Project No. 5415 is deemed effective as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-10224 Filed 4-15-83; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Objection to Proposed Remedial Order Filed; Week of March 7 Through

March 11, 1983

During the week of March 7 through March 11, 1983, a notice of objection to the proposed remedial order listed in the Appendix to this Notice was filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial order described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 205.194 within 20 days after publication of this Notice. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in this proceeding should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Dated: April 11, 1983.

George B. Breznay,

Director, Office of Hearings and Appeals.

Summa Energy Corporation, Wichita Falls, Texas; HRO-0131, crude oil

On March 8, 1983, Summa Energy Corporation, 5200 Lakeshore Drive, Wichita Falls, Texas 76310 filed a Notice of Objection to a Proposed Remedial Order which the DOE Southwest District Office of the Economic Regulatory Administration issued to the firm on February 2, 1983. In the PRO the Southwest District found that during the period June 1979 through February 1980, Summa violated the crude oil reseller and certification regulations in 10 CFR Part 212 of the Mandatory Petroleum Price Regulations.

According to the PRO the Summa violation resulted in $860,903.83 of overcharges.

[FR Doc. 83-10130 Filed 4-15-83; 8:45 a.m.]

BILLING CODE 6450-01-M

Issuance of Decisions and Orders; Week of March 21 through March 25, 1983

During the week of March 21 through March 25, 1983, the decisions and orders summarized below were issued with respect to appeals and applications for other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeal

Thornton Oil Corp, 3/22/83; HFA-0111

Thornton Oil Corporation filed an Appeal from a partial denial by the Acting Disclosure Officer of the DOE Office of Special Counsel of a Request for Information which the firm had submitted under the Freedom of Information Act. In considering the appeal, the DOE found that the withholding of certain documents had not been properly justified and that certain responsive documents had not been identified in the index of documents. This portion of the determination was remanded for an additional search for documents and for a more complete justification for withholding of certain documents. In addition, factual information in some documents withheld pursuant to exemption 5 was ordered released. Accordingly, the Appeal was granted in part.

Remedial Order

J. R. Cone, 3/25/83; DRO-0247

J. R. Cone (Cone) objected to a Proposed Remedial Order (PRO) which the Southwest Enforcement District of the DOE's Economic Regulatory Administration (ERA) issued to him on May 31, 1979. In the PRO, the ERA found that during the period November 1973 through February 1977, Cone incorrectly classified two properties as stripper well properties and thus sold crude oil produced from those properties at prices exceeding the applicable ceiling prices permitted by DOE regulations. After considering Cone's objections, the DOE concluded that the PRO, with modifications, should be issued as a final Remedial Order. The important issues considered in the Decision and Order include: (i) the validity of Ruling 1974-29 and whether injection wells should be included in the calculation of average daily production; (ii) the validity of Ruling 1975-12, concerning the requirement that separate tubing strings be utilized to produce crude oil from two or

more producing formations or reservoirs to qualify a well as a multiple completion well; and (iii) whether a PRO is invalid to the extent that it deviates from or extends beyond the allegations contained in the Notice of Probable Violation.

Request for Modification and/or Rescission

Husky Oil Company, 3/22/83; HER-0063

On March 17, 1983, Husky Oil Company filed with the Office of Hearings and Appeals a Motion, for Reconsideration. In this submission, Husky requested that the OHA reconsider its approval of discovery requests submitted by Exxon Company, U.S.A. and Cities Service Company. *Exxon Co., U.S.A.*, 10 DOE ¶ 84,029 (1983). Those discovery requests related to entitlements exception relief that had been tentatively granted to Husky for the period January 1978 through January 1981 in a Proposed Decision and Order issued on February 4, 1983. In considering Husky's Motion, the OHA stated that the issues related to Husky's level of relief must be evaluated on the basis of the firm's financial results for the period under consideration. Therefore the OHA determined that discovery of Husky's financial data is relevant and material to a resolution of the underlying exception proceeding. The OHA also disagreed with Husky's contention that the discovery would be burdensome. The OHA therefore denied Husky's Motion.

Motion for Discovery

Gulf Oil Corporation, 3/22/83; HED-0014

Gulf Oil Corporation filed a Motion for Discovery on March 15, 1983. The Motion related to a Proposed Decision and Order issued to Husky Oil Company on February 4, 1983, in Case No. BEX-0210. In the Motion, Gulf requested access to arguably confidential data that Husky submitted in its pending exception proceeding. According to Gulf, the discovery is relevant and material to an evaluation of Husky's eligibility for relief under the standards that the Office of Hearings and Appeals applied in the Proposed Decision. In considering the Gulf Motion, the OHA determined that Gulf's request satisfies the discovery criteria in 10 C.F.R. § 205.66, and therefore granted the Motion.

Supplemental Order

Atlantic Richfield Co., HRX-0060; Gulf Oil Corp., HRX-0061; Marathon Oil Co., HRX-0062; Texaco Inc., HRX-0064; Louisiana Land & Exploration Co., 3/23/83; HRX-0063

On January 14, 1983, Atlantic Richfield Company, Gulf Oil Corporation, Marathon Oil Company, Standard Oil Company (OHIO), Texaco Inc. and Louisiana Land and Exploration Company (the "producers") filed a motion to compel additional discovery with the Office of Hearings and Appeals. In that motion, the producers requested the OHA to order the Office of Special Counsel for Compliance (OSC) to produce certain documents which the OSC had identified in response to the OHA's discovery order in *Atlantic Richfiled Co.*, 5 DOE ¶ 82,521 (1980), and for which the OSC has asserted claims of privilege. On February 14, 1983, the OHA issued a decision sustaining all but one of the privilege claims at issue and ordered the OSC to submit that document to the OHA for *in camera* review. *Atlantic Richfield Co.*, 10 DOE ¶ 84,027 (1983). Pursuant to that decision, the OSC submitted one document to the OHA. After completing it is *in camera* review, the OHA upheld the OSC's privilege claim for the document submitted.

Refund Applications

Standard Oil Company (Indiana)/John's Self Service et al., 3/24/83; RF21-834 et al.

The DOE issued a Decision and Order concerning 270 Applications for Refund from branded retailers of Amoco motor gasoline. All of these firms elected to apply for a refund based upon the presumption of injury and the formulae outlined in *Office of Special Counsel*, 10 DOE ¶ 85,048 (1982). Each retailer therefore submitted detailed information concerning its Amoco purchase volumes. After analyzing this information, the DOE concluded that each of the 270 applicants should receive a refund based upon the total volume of their Amoco motor gasoline purchases during the consent order period. Accordingly, these applications were granted in full.

Vickers Energy Corporation, Crest Petroleum Corporation, 3/21/83; RF1-217

Crest Petroleum Corporation, a reseller of petroleum products, filed an Application for Refund seeking a portion of the fund obtained by the DOE through a consent order with Vickers Energy Corporation. Because Crest's purchases from Vickers exceeded the 50,000 gallon per month small claims threshold, Crest was required to demonstrate that it had been injured as a result of Vicker's pricing practices. Crest provided no pricing information or other concrete data which established that the firm did not pass through any alleged Vickers' overcharges to its customers. The DOE therefore determined that Crest had failed to make the necessary showing of injury. Accordingly, Crest's application was granted at the threshold level.

Protective Orders

The following firms filed Applications for Protective Orders. The applications, if granted, would result in the issuance by the DOE of the proposed Protective Orders submitted by the firms. The DOE granted the following applications and issued the requested Protective Orders as Orders of the Department of Energy:

Name and Case No.

ERA/Marathon Oil Co.; HRJ-0033
ERA/Murphy Oil Corp.; HRJ-0034
Husky Oil Co. of Delaware, Exxon Co., U.S.A., Cities Service Co., Gulf Oil Corp.; HEJ-0038

Dismissals

The following submissions were dismissed:

Name and Case No.

Bosselman & Hartner Truck Plaza; RF21-3496, RF21-3497
Fasgo, Inc.; HRO-0073, HRO-0085, HRH-0085
Fullan Oil Company; RF21-1905
Marie Lynch; RF21-2291

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room 1111, New Post Office Building, 12th and Pennsylvania Ave., NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

Dated: April 11, 1983.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 83-10140 Filed 4-15-83; 8:45 am]

BILLING CODE 6450-01-M

Office of the Secretary

Oak Ridge Operations Office; Trespassing on DOE Property

AGENCY: Department of Energy.

ACTION: Designation of Commerce Building of Oak Ridge, Inc. as off-limits area.

SUMMARY: The Department of Energy hereby designates the Commerce Building of Oak Ridge, Inc. an Off-Limits Area in accordance with 10 CFR Part 860, making it a Federal crime under 42 U.S.C. 2278a for unauthorized persons to enter into or upon the Commerce Building of Oak Ridge, Inc. If unauthorized entry into or upon the building is into an area enclosed by a fence, wall, roof, or other standard barrier, conviction for such unauthorized entry may result in a fine of not more than $5,000 or imprisonment for not more than one year or both. If unauthorized entry into or upon the building is into an area not enclosed by a fence, wall, roof, or other standard barrier, conviction for such unauthorized entry may result in a fine of not more than $1,000.

FOR FURTHER INFORMATION CONTACT:

William Luck, Office of General Counsel, U.S. Department of Energy, 1000 Independence Ave. SW., Washington, D.C. 20585 (202) 252-6975
and
James Leonard, Supply Division, U.S. Department of Energy, Oak Ridge Operations Office, P.O. Box E, Oak Ridge, Tennessee 37830 (615) 576-0999.

Notice

Pursuant to Section 229 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2278a), Section 104 of the Energy Reorganization Act of 1974 (42 U.S.C.

5814), as implemented by 10 CFR Part 860 published in **Federal Register** on July 9, 1975 (40 FR 28789), and Section 301 of the Department of Energy Organization Act (42 U.S.C. 7151), the Department of Energy hereby gives notice that the Commerce Building of Oak Ridge, Inc. is designated an Off-Limits Area and prohibits the unauthorized entry and the unauthorized introduction of weapons or dangerous materials, as provided in 10 CFR 860.3 and 860.4 into or upon the Commerce Building of Oak Ridge, Inc.

The Commerce Building of Oak Ridge, Inc. is a leased facility located in the 2nd Civil District of Anderson County, Tennessee, within the corporate limits of the City of Oak Ridge at 101 East Tennessee Avenue. This building is a two-story structure containing 13,257 square feet and is identified as Parcel 82 on City of Oak Ridge Plat 17CG. A United States Department of Energy sign is affixed to the front entrance of this building.

Notices stating the pertinent prohibitions of 10 CFR 860.3 and 860.4 and penalties of 10 CFR 860.5 will be posted at all entrances of the building and at intervals along its perimeter as provided in 10 CFR 860.6.

Dated at Washington, D.C., this 31st day of March 1983.

Troy E. Wade II,

Acting Assistant Secretary for Defense Programs.

[FR Doc. 83-10209 Filed 4-15-83; 8:45 am]

BILLING CODE 6450-01-M

Public Comment and Hearings on the February 9, 1983, Senate Armed Services Committee Hearing Record on the Environmental Consequences of the Restart of the L Reactor at the Savannah River Plant

AGENCY: Department of Energy.

ACTION: Notice of a 90-day public comment period and public hearings.

SUMMARY: The Department of Energy (DOE) announces the initiation of a 90-day public comment period on the record of the public hearing conducted by the Senate Armed Services Committee on February 9, 1983, in North Augusta, South Carolina, concerning the environmental consequences of the restart of the L Reactor at the Savannah River Plant. At the request of Senator Strom Thurmond and Senator Mack Mattingly, the Department is conducting a 90-day public comment period on the hearing record, to include four public hearings. Consistent with the purpose of the FEbruary 9, 1983, Senate Armed Services Committee hearing, comments on the record of that hearing should be limited to the environmental consequences of restarting the L Reactor. Written comments on the February 9, 1983, hearing record may be submitted at any time during the 90-day comment period and should be directed to Mr. Melvin J. Sires, III, at the address listed below. The Department will also hold public hearings in Aiken and Beaufort, South Carolina, and Augusta and Savannah, Georgia, for the purpose of receiving oral comments on the hearing recordd. Within 30 days after the 90-day public comment period, the Department will submit a report to the Armed Services and Appropriation Committees of the Senate and House of Representatives summarizing the comments received during the public comment period, and the Department's actions to address those comments. All oral comments received at the hearings, and all written comments postmarked by July 18, 1983, will be considered by the Department in preparing this report.

Dates and times: The 90-day public comment period will begin on April 18, 1983, and will end on July 17, 1983. All written comments postmarked by July 18, 1983, will be considered by the Department in preparing its report to the Committees.

Oral comments will be received at public hearings which will be held as follows:

1. Augusta, Georgia, on May 23, 1983, at 9:00 a.m. and 6:00 p.m. at the National Guard Armory, 1 Milledge Road, Augusta, Georgia 20904.
2. Aiken, South Carolina, on May 24, 1983, at 9:00 a.m. and 6:00 p.m. at the Odell Weeks Activity Center Gymnasium, 1700 Whiskey Road, Aiken, South Carolina 29801.
3. Savannah, Georgia, on May 26, 1983, at 9:00 a.m. and 6:00 p.m. at the Civic Center of Savannah, Orleans Square, Savannah, Georgia 31401.
4. Beaufort, South Carolina, on May 27, 1983, at 9:00 a.m. and 6:00 p.m. at the Neighborhood Activities Center, Green and Haymen Streets, Beaufort, South Carolina, 29902.

Hearing Record Availability: Copies of the record of the February 9, 1983, public hearing conducted by the Senate Armed Services committee are being distributed to Federal, State, and local elected officials of the states of South Carolina and Georgia, to individuals of record who received the Environmental Assessment: L Reactor Operations, Savannah River Plant, Aiken, South Carolina (DOE/EA-0195), dated August, 1982, and to those individuals who participated in the February 9, 1983, Senate Armed Services Committee public hearing on the environmental consequences of the restart of the L Reactor. Copies of the hearing record may also be obtained by contacting Mr. M. J. Sires at the address listed below. In addition, copies of the hearing record are available for inspection at the reading rooms and libraries listed below.

ADDRESSES: Written comments, requests for copies of the February 9, 1983 hearing record, requests to speak at the hearings, and requests for further information on the 90-day, public comment period should be directed to: Mr. Melvin J. Sires III, Assistant Manager for Health, Safety, and Environment, Department of Energy, Savannah River Operations Office, P.O. Box A, Aiken, South Carolina 29801; (803) 725-2597.

Envelopes should be marked "Attention: L Reactor comment."

Copies of the February 9, 1983 hearing record, the L-Reactor environmental assessment and Finding of No Significant Impact are available for inspection at the following locations:

Freedom of Information Reading Room, Room 1E-190, U.S. Department of Energy, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20585;

Augusta Regional Library, 902 Greene Street, Augusta, Georgia 30901; (404) 724-1871;

Burke County Library, Fourth Street, Waynesboro, Georgia 30830; (404) 554-3277;

U.S. Department of Energy, 211 York Street NE., Federal Building, Aiken, South Carolina 29801;

Warren C. Gibbs Memorial Library, 326 North Bel Air Road, Evans, Georgia 30809; (404) 863-1946;

Chatham County Public Library, 2002 Bull Street, Savannah, Georgia 31499; (921) 234-5127;

Statesboro Regional Library, 124 South Main Street, Statesboro, Georgia 30458; (912) 764-7573;

Atlanta Public Library, 1 Margaret Mitchell NW., Atlanta, Georgia 30303; (404) 688-4636;

Richland County Public Library, 1400 Sumter Street, Columbia, South Carolina 29201; (803) 779-9084;

South Carolina State Library, 1500 Senate Street, Columbia, South Carolina 29201; (803) 758-3181;

Aiken-Bamberg-Barnwell-Edgefield Regional Library, 224 Laurens Street SW., Aiken, South Carolina 29801; (803) 648-8961;

Allendale-Hampton-Jasper Regional Library, War Memorial Building,

Court House Square, Allendale, South Carolina 29810; (803) 584–3513;
Charleston County Library, 404 King Street, Charleston, South Carolina 29403; (803) 723–1645;
Screven-Jenkins Regional Library, 302 East Ogeechee Street, Sylvania, Georgia 30467; (912) 564–7526;
Washington Memorial Library, 1180 Washington Avenue, Macon, Georgia 31202; (912) 744–0800;
Aiken-Bamberg-Barnwell-Edgefield Regional Library, 1307 Georgia Avenue, North Augusta, South Carolina 29841; (803) 279–5767;
Orangeburg County Free Library, 510 Lories NE., P.O. Box 1367, Orangeburg, South Carolina 29115; (803) 531–4636;
Beaufort County Library, 710 Craven Street, Beaufort, South Carolina 29902; (803) 524–0762;
Spartanburg County Library, 333 South Pine Street, Spartanburg, South Carolina 29304; (803) 596–3505; and
Greenville County Library, 300 College Street, Greenville, South Carolina 29601; (803) 242–5000.

Hearing Procedures: The Department of Energy invites any person who has an interest in the environmental consequences of the restart of the L Reactor or who is a representative of a group of persons that has an interest in the environmental consequences of the restart of the L Reactor, to submit written comments or to make an oral presentation at one of the public hearings. Individuals desiring to make oral presentations should notify Mr. M. J. Sires at the above address no later than one week before the hearing so that the Department may arrange a schedule for the presentations. Persons who have not submitted a request to speak in advance may register to speak at the public hearings before each hearing commences; they will be called on to present their comments as time permits. In order to ensure that everyone who wishes to speak has a chance to do so, five minutes will be allotted to individuals, and ten minutes will be allotted for individuals representing groups.

The Department will provide a panel who will discuss at the beginning of each session the environmental aspects of the restart of L Reactor and who may clarify or comment on issues raised during the hearings. There will be no cross examination and questions, to either the panel or persons making presentations, can only be asked by the hearing officer. Any further procedural rules needed for the proper conduct of each hearing will be announced by the hearing officer prior to the start of the hearing.

All written comments and the hearing transcripts will be included as appendices to the final report. All persons receiving a copy of the Senate Armed Service Committee hearing record from the Department, who make a presentation at the public hearing, or who provide written comments, will be sent a copy of the Department's report to the Committees.

Issued at Washington, D.C., on April 12, 1983.

Troy E. Wade, II,

Acting Assistant Secretary for Defense Programs.

[FR Doc. 83-10277 Filed 4-15-83; 8:45 am]

BILLING CODE 6450-01-M

Southeastern Power Administration

Proposed Rate Adjustment, Public Forum, and Opportunities for Public Review and Comment

AGENCY: Southeastern Power Administration (Southeastern), DOE.

ACTION: Notice of proposed rate adjustment for Georgia-Alabama System of Projects, notice of public forum and opportunity for review and comment.

SUMMARY: Southeastern proposes to revise existing schedules of rates and charges applicable to the sale of power from the Georgian-Alabama System of Projects effective for a one -year period, October 1, 1983, through September 30, 1984.

Opportunities will be available for interested persons to review the present rates, the proposed rates and supporting studies, to participate in a forum and to submit written comments. Southeastern will evaluate all comments received in this process.

DATES: Written comments are due on or before July 1, 1983. A public information and comment forum will be held in Atlanta, Georgia, on June 2, 1983. Persons desiring to speak at the forum should notify Southeastern at least 4 days before the forum is scheduled, so that a list of forum participants can be prepared. Others may speak if time permits.

ADDRESSES: Five copies of written comments should be submitted to: Administrator, Southeastern Power Administration, Department of Energy, Samuel Elbert Building, Elberton, Georgia 30635. The public information and comment forum for the Georgia-Alabama System of Projects will begin at 10 a.m. on June 2, 1983, in the Hartsfield Conference room at the Holiday Inn, North-Airport, 1380 Virginia Avenue, Atlanta, Georgia 30320.

FOR FURTHER INFORMATION CONTACT: Leon Jourolmon, Jr., Chief, Division of Fiscal Operations, Southeastern Power Administration, Department of Energy, samuel Elbert Building, Elberton, Georgia 30635, (404) 283–3261.

SUPPLEMENTARY INFORMATION: The Federal Energy Regulatory Commission (FERC) By order issued April 8, 1981, in Docket No. EF79–3011, confirmed and approved Wholesale Power Rate Schedules GAMF–1–B, GAMF–2–B, ALA–1–B, MISS–1–B, SC–1–B, SC–2–B, CAR–1–B, and CAR–2–B applicable to Georgia-Alabama System of Projects' power for a period ending September 30, 1983. The FERC by order issued April 9, 1982, in Docket No. EF82–3011, confirmed and approved Rate Schedules CAR–1–C as a replacement for CAR–1–B for a period ending September 30, 1983 and eliminated CAR–2–B.

Additional time is needed to negotiate contracts to implement the new written power marketing policy for the Georgia-Alabam System of Projects. Therefore, Southeastern is proposing to establish short-term rates to allow time to negotiate contracts and permit development of appropriate rates applicable to the new policy.

Discussion

Existing rate schedules are predicated upon a March 1979 repayment study and other supporting data all of which are contained in FERC Docket No. EF79–3011, and upon a September 1981 repayment study and other supporting data all of which are contained in FERC Docket No. EF82–3011. The current repayment study prepared in March of 1983 shows that existing rates are not adequate to recover all costs required by present repayment criteria.

A revised repayment study with a $5,716,000 revenue increase in each future year over the current repayment study demonstrates that all costs are paid within their repayment life. Therefore, Southeastern is proposing to revise existing rates so as to recover that additional $5,716,000. The increase is primarily due to escalated costs at the generating projects. The overall increase amounts to a 17.5 percent increase in rates, and Southeastern is proposing to increase all applicable rates in the system uniformly by 17.5 percent. It is proposed that revised rate schedules applicable to Customers purchasing power from the Georgia-Alabama System of Projects contain the following unit rates:

PROPOSED UNIT RATES

Dependable capacity/mo-except preference customers Duke area	$1.20

PROPOSED UNIT RATES—Continued

Dependable capacity/mo-preference customers	
Duke area	$2.73
Delivered energy/kwh (mills)	4.29
Energy at projects/kwh (mills)	3.53
Dump and excess energy/kwh (mills)	2.64
Standby capacity/kw	$0.33
Use charge/day	$0.041

The referenced March 1983 current repayment study along with a revised repayment study dated March 1983 and previous system repayment studies are available for examination at the Samuel Elbert Building, Elberton, Georgia 30635. Proposed Rate schedules GAMF–1–C, GAMF–2–C, ALA–1–C, MISS–1–C, SC–1–C, SC–2–C, CAR–1–D, and CAR–2–C (a replacement rate schedule for CAR–2–B which was eliminated in rate filing contained in FERC Docket No. EF82–3011) are also available.

Issued at Elberton, GA., April 8, 1983.

Kenelm E. Rucker,

Acting Administrator.

[FR Doc. 83–10141 Filed 4–15–83; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[OPRM–FRL 2348–8]

Agency Forms Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 3507(a)(2)(B) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.) requires the Agency to publish in the **Federal Register** a notice of proposed information collection requests that have been forwarded to the Office of Management and Budget (OMB) for review. The information collection requests listed are available to the public for review and comment.

FOR FURTHER INFORMATION CONTACT: David Bowers, Office of Standards and Regulations, Information Management Section (PM–223), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, telephone (202) 382–2742 or FTS 382–2742.

SUPPLEMENTARY INFORMATION:

Air Programs

• Title: Declaration Form for Imported Motor Vehicles Not Conforming to Federal Air Pollution Regulations (EPA ID 0223).

Abstract: When importers bring motor vehicles and engines into the country, they must file a declaration of noncompliance with U.S. Customs for any that do not meet Federal emission requirements. EPA uses this information to ensure that these imports are either brought into compliance with the regulations or exempted.

Respondents: Importers of motor vehicles and engines.

• Title: Statement for Residents of High-Altitude Areas Purchasing Low-Altitude Vehicles Attesting to Intended Use (EPA ID 1032).

Abstract: In order to limit their liability, vehicle manufacturers may collect from dealers statements signed by purchasers of low-altitude vehicles in high-altitude areas. EPA will occasionally review these statements, which attest to the planned use of the vehicles.

Respondents: Residents of high-altitudes who purchase low-altitude motor vehicles.

Agency Forms Cleared by OMB Between March 29 and April 4, 1983

• EPA ID 0805, General Facility Operating Requirements, was approved March 30 (OMB #2050–0012).

• EPA ID 0811, Unsaturated Zone Monitoring at Hazardous Waste Land Treatment Units Under RCRA, was approved on March 30 (OMB #2000–0461).

• EPA ID 0812, Information Requirements for Locations Standards, was approved on March 30 (OMB #2050–0010).

Comments on all parts of this notice should be sent to:

David Bowers, U.S. Environmental Protection Agency, Office of Standards and Regulations (PM–223), 401 M Street, SW., Washington, D.C. 20460

and

Anita Ducca, Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building (Room 3228), 726 Jackson Place, NW., Washington, D.C. 20503.

Dated: April 8, 1983.

N. Phillip Ross,

Chief, Statistical Policy Staff.

[FR Doc. 83–10202 Filed 4–15–83; 8:45 am]

BILLING CODE 6560–50–M

[OPTS–59119A TSH–FRL 2348–4]

Toxic Substances; Certain Chemicals; Approval of Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of TM–83–29 and TM–83–30, two applications for test marketing exemption (TME) under section 5(h)(6) of the Toxic Substances Control Act (TSCA). The test marketing conditions are described below.

EFFECTIVE DATE: April 11, 1983.

FOR FURTHER INFORMATION CONTACT: Theodore C. Jones, Acting Chief, Notice Review Branch, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–204, 401 M St. SW., Washington, DC. 20460, (202–382–3725).

SUPPLEMENTARY INFORMATION: Section 5(h)(1) of TSCA authorizes EPA to exempt persons from premanufacture notification (PMN) requirements and to permit them to manufacture or import new chemical substances for test marketing purposes if the Agency finds that the manufacture, processing, distribution in commerce, use and disposal of the substances for test marketing purposes will not present any unreasonable risk of injury to health or the environment. EPA may impose restrictions on test marketing activities.

EPA has determined that test marketing of the new chemical substances described below, under the conditions set out in the applications, and for the time periods specified below, will not present any unreasonable risk of injury to health or the environment. Production volume, number of workers exposed to the new chemical, and the levels and duration of exposure must not exceed that specified in the applications. All other conditions described in the applications must be met. The following additional restrictions apply:

1. The applicant must maintain records of the date(s) of shipment(s) to each customer and the quantities supplied in each shipment, and must make these records available to EPA upon request.

2. A bill of lading accompanying each shipment must state that use of the substance is restricted to that approved in the TME.

TME 83–29

Date of Receipt: March 4, 1983.

Notice of Receipt: March 18, 1983 (48 FR 11499).

Applicant: Confidential.

Chemical: Etheric aromatic ester (Generic).

Use: Confidential.

Production Volume: Confidential.

Number of Customers: 1.

Exposure Information: During manufacturing and processing, up to 3 workers may be exposed to the test market substance. Overall exposure per batch of new substance processed is not

expected to exceed 3 man-hours per batch. A total of 18 to 20 batches are expected to be processed during the test market period. Exposure by dermal and eye contact will be minimized by the use of gloves and protective eye gear. Exposure via inhalation is expected to be minimal because of the low vapor pressure of the new chemical substance. The new substance will be manufactured in a closed process.

Test Marketing Exemption Period: 6 months.

Commencing on: April 11, 1983.

Risk Assessment: The Agency did not identify any significant health or environmental effects based on the information received from the submitter and other data currently available to the Agency. In addition, the production volume and potential for exposure and release are very low. The overall concerns, therefore, for health and ecotoxicity are low.

Public Comments: None.

TME 83-30.

Date of Receipt: March 4, 1983.

Notice of Receipt: March 18, 1983 (48 FR 11499).

Applicant: Confidential.

Chemical: Organosiloxane copolymer (Generic).

Use: Confidential.

Production Volume: Confidential.

Exposure Information: Exposure to workers and the environment will be minimal. (A Material Safety Data Sheet will be provided), and appropriate worker practices, including personal protective equipment, will be employed by workers.

Test Marketing Period: 1 year.

Commencing on: April 11, 1983.

Risk Assessment: Based on the type of polymer, molecular weight, and that the test market substance is not designed to be water soluble, no significant health or environmental concerns were identified.

Public Comments: None.

The Agency reserves the right to rescind approval of an exemption should any new information come to its attention which casts significant doubt on its finding that the test marketing activities will not present an unreasonable risk to health or the environment.

Dated: April 11, 1983.

Marcia Williams,

Acting Director, Office of Toxic Substances.

[FR Doc. 83-10283 Filed 4-15-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

BA Co. and Microband Corp. of America; Hearing

Memorandum Opinion and Order

Adopted: April 6, 1983.

Released: April 11, 1983.

By the Common Carrier Bureau.

In re applications of Robert A. Gordon d.b.a. the BA Company; CC Docket No. 83-368, File No. 638-CM-P-80; and Microband Corporation of America; CC Docket No. 83-369, File No. 4158-CM-P-80; for construction permits in the Multipoint Distribution Service for a new station at Homestead, Florida; designating applications for consolidated hearing on stated issues.

1. For consideration are the above-referenced applications.[1] These applications are for construction permits in the Multipoint Distribution Service and they propose operations on Channel 1 at Homestead, Florida. The applications are therefore mutually exclusive and, under present procedures, require comparative consideration. These applications have been amended as result of informal requests by the Commission's staff for additional information. There are no petitions to deny or other objections under consideration.[2]

2. Upon review of the captioned applications, we find that these applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.

3. Accordingly, *it is hereby ordered*, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, 47 U.S.C. 309(e) and § 0.291 of the Commission's Rules, 47 CFR 0.291, the above-captioned applications *are designated for hearing*, in a *consolidated proceeding*, at a time and place to be specified in a subsequent Order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination, the following factors shall be considered:[3]

(a) The relative merits of each proposal with respect to efficient frequency use, particularly with regard to compatibility with co-channel use in nearby cities and adjacent channel use in the same city;

(b) The anticipated quality and reliability of the service proposed, including installation and maintenance programs; and

(c) The comparative cost of each proposal considered in context with the benefits of efficient spectrum utilization and the quality and reliability of service as set forth in issues (a) and (b).

4. *It is further ordered*, That Robert A. Gordon d.b.a. The BA Company, Microband Corporation of America and the Chief, Common Carrier Bureau, *are made parties* to this proceeding.

5. *It is further ordered*, That parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of Section 1.221 of the Commission's Rules, 47 CFR 1.221.

6. The Secretary shall cause a copy of this Order to be published in the **Federal Register**.

James R. Keegan,

Chief, Domestic Facilities Division, Common Carrier Bureau.

[FR Doc. 83-10145 Filed 4-15-83; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL HOME LOAN BANK BOARD

Biscayne Federal Savings & Loan Association, Miami, Fla.; Notice of Appointment of Receiver

Notice is hereby given that pursuant to the authority contained in Section 5(d)(6)(A) of the Home Owners' Loan Act of 1933 ("HOLA"), as amended, 12 U.S.C. 1464(d)(6)(A) (1976), the Federal Home Loan Bank Board appointed the Federal Savings and Loan Insurance Corporation as sole receiver for Biscayne Federal Savings and Loan Association, Miami, Florida, on April 6, 1983.

Dated: April 12, 1983.

J. J. Finn,

Secretary.

[FR Doc. 83-10177 Filed 4-15-83; 8:46 am]

BILLING CODE 6720-01-M

[1] On August 18, 1980, Tymshare, Inc. (Tymshare) and Arthur Lipper Corporation (ALC) executed a contract whereby ALC agreed to transfer control of Microband Corporation of America to Tymshare. *Transfer of Control/MDS*, 85 FCC 2d 1023 (1981).

[2] By Memorandum Opinion and Order adopted June 26, 1981 and released July 2, 1981, Mimeo No. 001863, Microband was granted an exemption from the Commission's "cut-off" rules pursuant to § 21.31 of the Rules, 47 CFR 21.31, to preserve the status of its pending mutually exclusive application.

[3] Consideration of these factors shall be in light of the Commission's discussion in *Frank K. Spain*, 77 FCC 2d 20 (1980).

FEDERAL MARITIME COMMISSION

[Agreements Nos. 6200–24 and 10470]

Availability of Findings of No Significant Impact

Upon completion of environmental assessments, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decisions on Agreements Nos. 6200–24 and 10470 will not constitute major Federal actions significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of environmental impact statements is not required.

Agreement No. 6200–24 enables the U.S. Atlantic & Gulf/Australia-New Zealand Conference to offer intermodal service from Atlantic and Gulf ports and points in the United States, adds new subsections to the basic agreement setting procedures for implementing the intermodal authority, and updates the names of various South Sea Islands served by the Conference.

Agreement No. 10470, between Compagnie Morocaine De Navigation, the National Shipping Company of Morocco (Comanav), and Lykes Bros. Steamship Co., Inc., a United States flag vessel operating common carrier, permits the parties to charter space on a space-available basis on each other's vessels for carrying cargo between Morocco and United States ports on the Atlantic and Gulf of Mexico. The agreement also permits Lykes and Comanav to attain associate line status so they may operate under equal conditions in the trade. The agreement does not create a partnership, joint venture or a pool for revenue. There is no rate setting authority under the agreement.

These Findings of No Significant Impact (FONSI) will become final within 20 days unless petitions for review are filed pursuant to 46 CFR 547.6(b).

The FONSI's and related environmental assessments are available for inspection upon request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523–5725.

Francis C. Hurney,

Secretary.

[FR Doc. 83–10176 Filed 4–15–83; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Acquisition of Bank Shares by Bank Holding Companies; American National Corporation

The companies listed in this notice have applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. Federal Reserve Bank of Chicago (Franklin D. Dreyer, Vice President), 230 South LaSalle Street, Chicago, Illinois 60690:

1. *American National Corporation,* Chicago, Illinois; to acquire 100 percent of the voting shares (less directors' qualifying shares) of First National Bank of Libertyville, Libertyville, Illinois. Comments on this application must be received not later than May 11, 1983.

2. *Walter E. Heller International Corporation,* Chicago, Illinois; to acquire through its subsidiary, American National Corporation, Chicago, Illinois, 100 percent of the voting shares (less directors' qualifying shares) of First National Bank of Libertyville, Libertyville, Illinois. Comments on this application must be received not later than May 11, 1983.

B. Board of Governors of the Federal Reserve System (William W. Wiles, Secretary), Washington, D.C. 20551:

1. *United Central Bancshares, Inc.,* Des Moines, Iowa; to acquire 80 percent or more of the voting shares of Plaza State Bank, Urbandale, Iowa. This application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Comments on this application must be received not later than May 6, 1983.

Board of Governors of the Federal Reserve System, April 12, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83–10147 Filed 4–15–83; 8:45 am]

BILLING CODE 6210–01–M

First Interstate Bancorp; Proposed Acquisition of Spoor Behrins Campbell & Young, Inc.

First Interstate Bancorp, Los Angeles, California, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Spoor Behrins Campbell & Young, Inc., New York, New York.

Applicant states that the proposed subsidiary would engage in the activities of providing port folio investment advice and furnishing general economic information and advice as authorized by 12 CFR 225(a)(5)(iii) and (iv). These activities would be performed from offices of Applicant's subsidiary in New York, New York and Los Angeles, California, serving customers in the United States and abroad. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweight possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the Offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Any person wishing to comment on

the application should submit views in writing to the Reserve Bank to be received not later than May 11, 1983.

Board of Governors of the Federal Reserve System, April 12, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-10148 Filed 4-15-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies; Amerlbank Bancshares

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, indentifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Ameribank Bancshares*, Hollywood, Hollywood, Florida; to become a bank holding company by acquiring 100 percent of the voting shares of American Bank of Hollywood, Florida. Comments on this application must be received not later than May 6, 1983.

2. *Liberty Bancorp of Georgia, Inc.*, Clayton, Georgia; to become a bank holding company by acquiring up to 100 percent of the voting shares of Rabun County Bank, Clayton, Georgia. Comments on this application must be received not later than May 6, 1983.

B. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Greater Columbia Bancshares, Inc.*, Portage, Wisconsin; to become a bank holding company by acquiring 80 percent of the voting shares of The First National Bank of Portage, Portage, Wisconsin. Comments on this application must be received not later than May 6, 1983.

C. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *CBT Corporation*, Paducah, Kentucky; to become a bank holding company by acquiring 100 percent of the voting shares of Citizens Bank and Trust Company of Paducah, Paducah, Kentucky. Comments on this application must be received not later than May 6, 1983.

D. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Peoples Bancshares of Hayward, Inc.*, Hayward, Wisconsin; to acquire 90.97 percent of the voting shares or assets of The Peoples National Bank of Hayward, Hayward, Wisconsin. Comments on this application must be received not later than May 10, 1983.

2. *Roseville Bancorp, Inc.*, Roseville, Minnesota; to become a bank holding company by acquiring 100 percent of the voting shares of Mid America National Bank of Roseville, Roseville, Minnesota. Comments on this application must be received not later than May 6, 1983.

E. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *City National Bancshares, Inc.*, Carrollton, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of City National Bank of Carrollton, Carrollton, Texas. Comments on this application must be received not later than May 6, 1983.

2. *First Rockwall Bancshares, Inc.*, Rockwall, Texas; to become a bank holding company by acquiring 80 percent of the voting shares of The First State Bank, Rockwall, Texas. Comments on this application must be received not later than May 6, 1983.

Board of Governors of the Federal Reserve System, April 12, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-10146 Filed 4-15-83; 8:45 am]

BILLING CODE 6210-01-M

Midlantic Banks Inc. and Florida Coast Banks, Inc.; Proposed Acquistion of a de Novo Office of Florida Coast Midlantic Trust Company, N.A.

Midlantic Banks, Inc., Edison, New Jersey, and Florida Coast Banks, Inc., Pompano Beach, Florida, have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire a *de novo* office of their joint venture trust company, Florida Coast Midlantic Trust Company, N.A., Lighthouse Point, Florida.

Applicant states that the proposed *de novo* office would engage in the activities of a trust company. The *de novo* office will be located in Palm Beach, Florida, and the geographic areas to be served are central and north Palm, Beach County, Florida. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4 (b)

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Banks of New York and Atlanta.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. not later than May 11, 1983.

Board of Governors of the Federal Reserve System, April 12, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-10149 Filed 4-15-83; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Cancellation of Meeting of the Biochemical Research Support Subcommittee of the General Research Support Review Committee

Notice is hereby given of the cancellation of the meeting of the Biomedical Research Support Subcommittee of the General Research

Support Review Committee, Division of Research Resources, National Institutes of Health, Conference Room 7, Building 31–C, Bethesda, Maryland 20205, on May 6, 1983, which was published in the Federal Register on March 4, 1983 (48 FR 9377).

(Catalogue of Federal Domestic Assistance Program No. 13.337, Biomedical Research Support, National Institutes of Health)

Dated: April 1, 1983.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 83–10154 Filed 4–15–83; 8:45 am]

BILLING CODE 4140–01–M

Public Health Services

Emergency Planning and Action in a Radiation Emergency; Memorandum of Agreement Between the Centers for Disease Control and the Health Resources and Service Administration

AGENCY: Centers for Disease Control, Public Health Service, HHS.

ACTION: Notice.

SUMMARY: The Centers for Disease Control (CDC) and the Health Resources and Services Administration (HRSA) have developed and executed a memorandum of agreement (MOA) to provide a basis for coordinating interagency planning and action in response to radiation emergencies.

EFFECTIVE DATE: This memorandum of agreement became effective on January 17, 1983.

FOR FURTHER INFORMATION CONTACT: Glyn G. Caldwell, M.D., Deputy Director, Chronic Diseases Division, Center for Environmental Health, Centers for Disease Control, Atlanta, Georgia 30333, 404–452–4095 or FTS: 236–4095.

SUPPLEMENTARY INFORMATION: CDC and HRSA concur that the content of this MOA will be of specific interest to a variety of other Federal agencies, State and local government agencies, and industrial firms, and of general interest to the public. Therefore, CFC is publishing it in its entirety as follows:

Memorandum of Agreement between the Centers for Disease Control and the Health Resources and Services Administration for Emergency Planning and Action in a Radiation Emergency

I. Background and Purpose

Subsequent to the Assistant Secretary for Health's May 30, 1979, directive designating the Centers for Disease Control (CDC) as the lead agency within the Public Health Service (PHS) for the management of toxic environmental emerencies, the CDC and the Health Resources and Services Administration (HRSA) have joined in cooperative and mutually supportive actions to carry out the Department of Health and Human Services (HHS) responsibilities in this important area of public health.

The purpose of this agreement is to delineate the respective responsibilities of the CDC and HRSA with regard to peacetime radiological emergencies and how emergency planning and action will be coordinated. This agreement is similar in nature to the agreement established between CDC and the Food and Drug Administratin on November 26, 1980 (46 FR 7442, January 23, 1981).

II. Authority

The CDC and the HRSA will continue to act under existing delegations of authority. No transfer of statutory authority or functions is implied by this agreement.

Both the CDC and the HRSA derive authority from the PHS Act, 42 U.S.C. 241, et seq., which provides authority for the conduct of health studies and the provision of guidance, assistance and information on health matters and for health emergencies. The Secretary of HHS is authorized to provide for cooperative planning to cope with health problems resulting from disasters, for participation in carrying out such planning and, at the request of State and local authorities, in meeting health emergencies.

The CDC serves as the national focus for developing and applying disease prevention and control, environmental health and health promotion and health education activities designed to improve the health of the people of the United States. To accomplish its mission, the CDC: (1) Identifies and defines preventable health problems and maintains active surveillance of diseases through epidemiological and laboratory investigations and data collection, analysis, and distribution; (2) serves as the PHS lead agency in developing and implementing operational programs relating to environmental health problems including response to environmental, chemical, and radiation emergencies; (3) conducts operational research aimed at developing and testing effective disease prevention, control, and health prevention programs; (4) administers a national program to develop recommended occupational safety and health standards and to conduct research, training, and technical assistance to assure safe and healthful working conditions for every working person; (5) develops and implements a program to sustain a strong national workforce in disease prevention and control; and (6) conducts a national program for improving the performance of clinical laboratories.

The HRSA provides leadership and direction to programs and activities designed to improve the health services for all people of the United States and to develop health care and maintenance systems which are adequately financed, comprehensive, interrelated and responsive to the needs of individudals and families in all levels of society. Specifically: (1) Provides leadership and support efforts designed to intergrate health services delivery program with public and private health financing programs, including the health maintenance organizations; (2) administers the health services block grants, categorical grants, and formula grant-supported programs; (3) provides or arranges for personal health services, including both hospital and out-patient care to designated beneficiaries; (4) administers programs to improve the utilization of health resources through health planning; (5) provides technical assistance for modernizing or replacing health care facilities; (6) provides leadership to improve the education, training, supply, use and quality of the Nation's health personnel; and (7) provides advice and support to the Assistant Secretary for Health in the formulation of health policies.

The President on December 7, 1979, directed the Federal Emergency Management Agency (FEMA) to take the lead in all off-site planning and response activities for peacetime radiological accidents at nuclear reactor facilities. He further directed FEMA to undertake a series of activities including the development and issuance of updated interagency assignments delineating respective agency capabilities and responsibilies as published in the Federal Register (41 CFR Part 401).

III. Substance of Agreement

CDC Responsibilities

A. *Response Planning.*

1. CDC has the lead role within the PHS for planning the HHS role in the FEMA national response to radiation emergencies. This includes the following activities:

a. CDC is responsible for arranging PHS/HHS representation on the Federal Radiation Preparedness Coordinating Committee (FRPCC) and designating PHS/HHS lead agency membership on relevant FRPCC subcommittees, e.g., HRSA to be represented on the task

forces for: (a) training and exercises, and (b) potassium iodide.

b. CDC arranges for appropriate PHS/HHS representation at meetings of the Regional Advisory Committees (RAC).

c. CDC participates in FEMA activities related to planning for radiation emergencies including coordinating the PHS/HHS response to review of FEMA documents relating to radiation emergency.

d. CDC arranges for consultations between appropriate PHS/HHS components and State and local agencies and officials to help them plan for radiation emergencies in their jurisdiction.

e. CDC has the lead role for developing specific PHS/HHS response for implementation of the national radiation emergency response (Master Plan).

f. CDC has the lead coordinating role for provision of technical assistance between FDA/BRH and HRSA.

B. *Emergency Response Actions.*

CDC has the lead role to coordinate PHS/HHS response to radiological emergencies. When notified of radiological emergency, CDC:

1. Obtains sufficient information to allow a determination to be made of whether or not an emergency requiring PHS/HHS action exists.

2. Alerts all appropriate PHS/HHS agencies.

3. Consults with other PHS/HHS agencies to determine availability of resources required under the FEMA national radiation emergency response (Master Plan).

4. Requests mobilization of resources of PHS agencies.

CDC serves as the focal point for communication and coordination of information within PHS/HHS and between PHS/HHS and other Federal agencies, including designation of an on-site PHS coordinator at the scene of the emergency.

CDC develops and maintains epidemiological surveillance of populations exposed to radiological accidents and emergencies at local, State, and national levels for purposes of disease prevention.

As coordinator for PHS/HHS emergency response and liaison with FEMA, CDC consults with other HHS agencies, State and local authorities to:

1. Identify segments of the population which may be at high risk of harm from exposure (e.g., people with predisposing clinical conditions, children, pregnant women, the elderly).

2. Arrange for collection and analysis of appropriate biological specimens.

3. Consult on recommendations for decontamination and prophylactic procedures.

HRSA Responsibilities

A. *Response Planning.*

1. HRSA will be responsive to CDC's request for representation on task forces and coordinating committees relating to FEMA's Radiological Emergency Response Plan (RERP).

2. HRSA will assist in the development of FEMA guidance for PHS/HHS responsibilities that fall under HRSA jurisdiction and expertise. Specifically, maintain the responsibility for the following:

a. Provide guidance to State and local government agencies on the location and functions of health and medical service organizations that may become part of the overall response action in a radiation emergency.

b. Provide guidance to State and local government agencies on the delivery of health and medical care for emergency and less urgent patients who, due to radiation hazards present unique or unusual situations for the existing State and local resources.

c. Provide guidance to State and local government agencies on the establishment of a coordinated medical control communications system for fixed and mobile medical support facilities, which may be utilized in a radiation emergency through the State and local emergency medical services.

d. In coordination with CDC, HRSA will assist FEMA to provide guidance to State and local government agencies on the development and dissemination to the public of information on sheltering, respiratory protection, radio protective drugs, and special needs of the handicapped.

3. HRSA will keep CDC regularly informed of activities in the above areas and will request to review and provide appropriate comments on the overall PHS perspective relating to those activities.

4. HRSA will provide CDC with appropriate technical review and comment in areas of HRSA responsibility and all RERP's.

5. HRSA will provide medical assistance to CDC in developing and implementing PHS/HHS Radiological Emergency Preparedness Training Programs, including medical staff and treatment protocols.

B. *Emergency Response Actions.*

1. Should HRSA be alerted to a radiation emergency prior to an alert from CDC, it will immediately alert CDC and FDA/BRH.

2. In accordance with specific State, regional, or national plans, [1] this agreement, and specific requests by CDC, the HRSA will:

a. As part of the PHS/HHS team, participate in radiological emergency exercises, tests, and response actions.

b. Establish appropriate emergency response liaison with the on-site CDC designated coordinator and keep CDC Headquarters and FDA/BRH advised.

c. Provide technical support to State, local, and other Federal agencies about medical services.

d. Implement and coordinate HRSA's own emergency response procedures.

3. HRSA will provide technical support to CDC headquarters with FDA/BRH for the preparation of news releases, for coordination with other agencies, and for working with public media in informing the public about the health significance of a radiological incident.

4. HRSA will provide CDC with emergency contact telephone numbers for maintaining close liaison in case an emergency response action becomes necessary and for implementing HHS resources.

Name and address of participating agencies:

Centers for Diseases Control, 1600 Clifton Road, Atlanta, Georgia 30333

Health Resources and Services Administration, 5600 Fishers Lane, Rockville, Maryland 20857

Liaison officers:

CDC: Director, Chronic Disease Division, Center for Environmental Health

HRSA: Chief, Program Implementation and Coordination, Division of Primary Care, BHCDA, Health Resources and Services Administration

Approved and Accepted for the Centers for Disease Control: William H. Foege, M.D., Director, dated: January 17, 1983.

Approved and Accepted for the Health Resources and Services Administration: Robert Graham, M.D., Administrator, dated: January 10, 1983.

Dated: April 7, 1983.

William C. Watson, Jr.,

Acting Director, Centers for Disease Control.

[FR Doc. 83-10226 Filed 4-15-83; 8:45 am]

BILLING CODE 4160-18-M

[1] Plans as defined in NUREG-0654, "Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plans."

Title V of the Public Health Service Act; Miscellaneous Delegation of Authority

Notice is hereby given that in furtherance of the delegation of December 9, 1982 (48 FR 9067), by the Secretary of Health and Human Services to the Assistant Secretary for Health, the Assistant Secretary for Health has delegated to the Director, Centers for Disease Control, the following authorities delegated to the Assistant Secretary for Health under Title V of the Public Health Service Act (42 U.S.C. 219 *et seq.*), as amended, insofar as they pertain to the functional responsibilities of the Centers for Disease Control:

Section 501—Gifts, excluding the authority to accept gifts of property. Offers of personal property shall not be accepted if the total costs associated with acceptance are expected to exceed the cost of purchasing a similar item and the cost of normal care and maintenance
Section 502—Use of Immigration Station Hospitals
Section 506—Transportation of Remains of Officers
Section 509—Availability of Appropriations
Section 512—Memorials and Other Acknowledgments
Section 514—Contract Authority

The Director, Centers for Disease Control, may redelegate the authority delegated to him, except redelegation of the authority under section 501 is limited to the acceptance of unconditional gifts of personal property valued at $5,000 or less.

Exercise of the authorities under Title V of the Public Health Service Act shall be in accordance with established policies, procedures, guidelines, and regulations as prescribed by the Secretary.

The delegation dated August 20, 1979, from the Director, Office of Management, to the Director, Centers for Disease Control, relating to section 501 has been superseded.

The delegation to the Director, Centers for Disease Control, became effective on March 29, 1983.

Dated: March 29, 1983.

Edward N. Brandt, Jr.,

Assistant Secretary for Health.

[FR Doc. 83-10206 Filed 4-15-83; 8:45 am]
BILLING CODE 4160-16-M

Preparation for Practice; Section 336(a) of the Public Health Service Act; Delegation of Authority

Notice is hereby given that the following delegation has been made regarding Preparation for Practice under Section 336(a) of the Public Health Service Act (42 U.S.C. 245b-1), as amended.

Delegation from the Administrator, Health Resources and Services Administration, to the Director, Bureau of Health Care Delivery and Assistance, with the authority to redelegate, of all the authorities under Section 336(a) of the Public Health Service Act, as amended.

Previous delegations and redelegations made to officials within the Public Health Service of authorities under Title III of the Public Health Service Act may continue in effect provided they are consistent with this delegation.

The above delegation was effective on April 3, 1983.

Dated: April 3, 1983.

Robert Graham,

Administrator, Health Resources and Services Administration.

[FR Doc. 83-10201 Filed 4-15-83; 8:45 am]
BILLING CODE 4160-16-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Environmental and Energy

[Docket No. NI-110]

Intended Environmental Impact Statement

The Department of Housing and Urban Development gives notice that an Environment Impact Statement (EIS) is intended to be prepared by the City of Weirton, West Virginia for the following project under HUD programs as described in the appendix to this Notice: Brown's Island Coke Battery, Weirton, West Virginia. This Notice is required by the Council on Environmental Quality under its rules (40 CFR Part 1500).

Interested individuals, governmental agencies, and private organizations are invited to submit information and comments concerning the project to the specific person or address indicated in the appropriate part of the appendix.

Particularly solicited is information on reports or other environmental studies planned or completed in the project area, issues and data which the EIS should consider, recommended mitigating measures and alternatives, and major issues associated with the proposed project. Federal agencies having jurisdiction by law, special expertise or other special interests should report their interests and indicate their readiness to aid the EIS effort as a "cooperating agency."

Each Notice shall be effective for one year. If one year after the publication of a Notice in the **Federal Register** a Draft EIS has not been filed on a project, then the Notice for that project shall be cancelled. If a Draft EIS is expected more than one year after the publication of the Notice in the **Federal Register**, then a new and updated Notice of Intent will be published.

Issued at Washington, D.C., April 7, 1983.

Francis G. Haas,

Deputy Director, Office of Environment and Energy.

Appendix

EIS on the Weirton Steel Brown's Island Coke Battery, Weirton, West Virginia

The City of Weirton, West Virginia intends to prepare an Environmental Impact Statement on the project described below and solicits information and comments for consideration in the EIS.

Description: On March 2, 1982 the National Steel Corporation proposed the sale of its fully integrated steel mill to the Weirton Steel local management and its two unions. An agreement, in principle, was achieved on March 12, 1983, with the City of Weirton actively supporting these efforts.

One important element in the development of the new "Independent Weirton Steel Company" is the "pad-up rebuild" program for the Brown's Island Coke Battery which was shut down on August 31, 1982. This battery, located on Brown's Island at Mile Point 62 on the Ohio River, is an essential facility for the operation of a fully integrated steel mill. The scope of work for the "pad-up rebuild" program includes (1) the demolition of the existing 87-oven coke battery down to the concrete pad, (2) the preparation of the site for new construction, and (3) the erection of a replacement 87-oven coke battery on the existing pad. The existing coal handling facilities, coal charging cars, door machines, pusher machines and by-product facilities will be re-used with appropriate upgrading. It is estimated that the scope of work for this program can be completed within twenty-four months after the approval of funding. Estimated cost of the project is seventy-three million dollars. The proposed project may be assisted under the Department of Housing and Urban Development's Urban Development Action Grant Program.

Need: The determination to prepare this Environmental Impact Statement was based on the following: (a) The size and importance of the project has generated extensive community interest;

(b) the economic impact of the project will be far reaching; and (c) the type of activity supported, generates questions about the level of impacts on the natural and human environment.

Alternatives: Alternatives to the project are: (a) purchase of coke from other sources; or (b) construction of a coke battery at an alternative site.

Scoping: The City of Weirton plans to hold a scoping meeting with concerned Federal, State and Local Agencies, service organizations and other interested persons. All responses will be utilized to help: (a) Determine significant environmental issues; (b) identify data which the Environmental Impact Statement can use or should address; and (c) identify cooperating agencies. A Scoping Meeting will be held on May 19, 1983, at 1:00 p.m. in the Rose Room of the Thomas E. Millsop Community Center, 3420 Main Street, Weirton, West Virginia.

Comments: Comments should be sent prior to the scoping meeting to: Mayor Donald T. Mentzer, City of Weirton, 200 Municipal Plaza, Weirton, WV 26062, telephone: (304) 748-5050, extension 30.

[FR Doc. 83-10152 Filed 4-15-83; 8:45 am]
BILLING CODE 4210-29-M

[Docket No. NI-111]

Intended Environmental Impact Statement, Shenandoah at the City of Sand Springs, Tulsa County, Oklahoma

The Department of Housing and Urban Development gives notice that an Environmental Impact Statement (EIS) is intended to be prepared for the following project under HUD programs as described in the appendix of this Notice: The City of Sand Springs, Tulsa County, Oklahoma. This Notice is required by the Council on Environmental Quality under its rules (40 CFR Part 1500).

Interested individuals, governmental agencies, and private organizations are invited to submit information and comments concerning the project to the specific person or address indicated in the appropriate part of the appendix.

Particularly solicted is information on reports or other environmental studies planned or completed in the project area, issues and data which the EIS should consider, recommended mitigating measures and alternatives, and major issues associated with the proposed project. Federal agencies having jurisdiction by law, special expertise or other special interests should report their interests and indicate their readiness to aid the EIS effort as a "cooperating agency."

Each Notice shall be effective for one year. If one year after the publication of a Notice in the **Federal Register** a draft EIS has not been filed on a project, then the Notice for that project shall be cancelled. If a Draft EIS is expected more than one year after the publication of the Notice in the **Federal Register**, then a new and updated Notice of Intent will be published.

Issued at Washington, D.C., April 7, 1983.

Francis G. Haas,

Deputy Director, Office of Environment and Energy.

Appendix

Environmental Impact Statement on Shenandoah at The City of Sand Springs, Tulsa County, Oklahoma

The Department of Housing and Urban Development (HUD) Oklahoma City Area Office intends to prepare an EIS on the project described below. The Department hereby solicits comments and information for consideration in the EIS.

Description: The Shenandoah is a proposal to develop 2,028 acres in The City of Sand Springs with residential uses at various densities, offices, commercial uses, community needs and greenbelts. HUD may participate in the development under Section 203(b) of HUD statutes. The Developer, Bellamah Community Development, is asking for an "early start" for "The Glen" containing 199 single-family lots. If approved, the development will begin before the EIS is completed.

Need: An EIS is proposed due to HUD threshold requirements in accordance with housing program environmental regulations and probable impact on: topography, water quality, air quality, noise, vegetation, soils, utilities, flood prone areas, and transportation.

Alternatives: At this time, the HUD alternatives are: accept the proposed development as submitted, accept the proposed development with modifications, or reject the proposed development.

Scoping: A general scoping meeting will not be held. Many meetings have already occurred and are continuing. For futher information, please contact Mrs. Laura Thomas, Environmental Officer, HUD, 200 N.W. 5th St., Oklahoma City, OK 73102. Her telephone number is (405) 231-4462.

Comments: Comments and questions regarding this proposal should be sent within 30-days of the date of this announcement to: Emil L. Huber, Jr., Area Manager, Attention: Mrs. Laura Thomas, Environmental Officer, HUD, 200 N.W. 5th St., Oklahoma City, OK 73102. The Area Office telephone number is (405) 231-9891.

[FR Doc. 83-10151 Filed 4-15-83; 8:45 am]
BILLING CODE 4210-29-M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Delegation of Authority

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of Delegation of Authority to Outer Continental Shelf Regional Managers to make Acceptance or Rejection Decisions on High Valid Bids for Leases on the Outer Continental Shelf

On September 30, 1982, Department Manual Release Number 2440 announced new department Manual (DM) Part 218. Part 218 DM 2.1 states that:

The Director, Minerals Management Service is delegated the Secretary's authority under the Outer Continental Shelf Lands Act, as amended (43 U.S.C. 1331 et seq.), and Section 105 of the Energy Policy and Conservation Act (42 U.S.C. 6213) to manage and administer programs for the leasing of minerals from, and issuance of rights-of-way across, the submerged lands of the Outer Continental Shelf, including all associated functions related to royalty management.

That delegation includes the authority to make decision to accept or reject high valid bids for leases on the Outer Continental Shelf (OCS) and to authorize the issuance of OCS leases.

The authority to make decisions to accept or reject high valid bids for leases on the OCS, and to authorize the issuance of OCS leases, is hereby redelegated to the OCS Regional Managers with respect to bids submitted at lease offerings conducted by their respective offices. This delegation is effective April 25, 1983.

In making decisions authorized by this redelegation, Regional Managers will follow guidelines established prior to the lease offering and will seek the advice of the Office of the Solicitor.

Coordination with the Attorney General and the Federal Trade Commission on their review of bids prior to bid acceptance (under 30 CFR 256.47(d)) will remain the responsibility of the headquarters office pending the results of further studies. Bid acceptance decisions are not to be made until the results of this coordination are communicated to the Regional Managers. Options for the further

delegation of coordination with the Attorney General and the Federal Trade Commission are currently under development.

This delegation does not include the Secretary's authority to reconsider rejected bids under 30 CFR 256.47(e) Reconsideration of rejected bids should be requested by the high valid bidder in a written request addressed to the Secretary of the Interior.

In the absence of the Regional Manager, the Acting Regional Manager is authorized to make acceptance or rejection decisions on high valid bids for OCS leases and to authorize the issuance of OCS leases; however, this authority may not be otherwise redelegated.

It should be noted that in making this delegation, the Director, Minerals Management Service, has not divested himself of the power to exercise this authority himself (see 200 DM 1.9).

Dated: April 11, 1983.

Harold Doley,

Director, Minerals Management Service.

[FR Doc. 83-10184 Filed 4-15-83; 8:45 am]

BILLING CODE 4310-MR-M

National Park Service

Availability of Plan of Operations and Environmental Analysis for the Kirby No. 2 Development Well; Gulf Oil Corp., Big Thicket National Preserve, Texas

Notice is hereby given in accordance with § 9.52(b) of Title 36 of the Code of Federal Regulations that the National Park Service has received from Gulf Oil Corporation a Plan of Operations for the Kirby No. 3 Development Well, Big Sandy Unit, Big Thicket National National Preserve, Polk County, Texas.

The Plan of Operations and Environmental Analysis are available for public review and comment for a period of 30 days from the publication date of this notice in the Office of the Superintendent, Big Thicket National Preserve, 8185 Eastex Freeway, Beaumont, Texas; the Jefferson County Courthouse, in Beaumont, Texas; and the Southwest Regional Office, National Park Service, 1100 Old Santa Fe Trail, Santa Fe, New Mexico. Copies of the documents are available from the Southwest Regional Office, National Park Service, Post Office Box 728, Santa Fe, New Mexico 87501, and will be sent upon request.

Dated: April 7, 1983.

Robert I. Kerr,

Regional Director, Southwest Region.

[FR Doc. 83-10239 Filed 4-15-83; 8:45 am]

BILLING CODE 4310-70-M

Availability of Plan of Operations and Environmental Analysis for the Kirby No. 2 Development Well; Gulf Oil Corp., Big Thicket National Preserve, Texas

Notice is hereby given in accordance with § 9.52(b) of Title 36 of the Code of Federal Regulations that the National Park Service has received from Gulf Oil Corporation a Plan of Operations for the Kirby No. 2 Development Well, Big Sandy Unit, Big Thicket National Preserve, Polk County, Texas.

The Plan of Operations and Environmental Analysis are available for public review and comment for a period of 30 days from the publication date of this notice in the Office of the Superintendent, Big Thicket National Preserve, 8185 Eastex Freeway, Beaumont, Texas; the Jefferson County Courthouse, in Beaumont, Texas; and the Southwest Regional Office, National Park Service, 1100 Old Santa Fe Trail, Santa Fe, New Mexico. Copies of the documents are available from the Southwest Regional Office, National Park Service, Post Office Box 728, Santa Fe, New Mexico 87501, and will be sent upon request.

Dated: April 7, 1983.

Robert I. Kerr,

Regional Director, Southwest Region.

[FR Doc. 83-10240 Filed 4-15-83; 8:45 am]

BILLING CODE 4310-70-M

Availability of Plan of Operations and Environmental Analysis for the Purpose of Conducting Seismic Exploration; Shell Oil Co., Big Thicket National Preserve, Texas

Notice is hereby given in accordance with § 9.52(b) of Title 36 of the Code of Federal Regulations that the National Park Service has received from Shell Oil Company a Plan of Operations for the purpose of conducting seismic exploration, Neches Bottom/Jack Gore Baygall Unit, Big Thicket National Preserve, Texas.

The Plan of Operations and Environmental Analysis are available for public review and comment for a period of 30 days from the publication date of this notice in the Office of the Superintendent, Big Thicket National Preserve, 8185 Eastex Freeway, Beaumont, Texas; the Jefferson County Courthouse, in Beaumont, Texas; and the Southwest Regional Office, National Park Service, 1100 Old Santa Fe Trail, Santa Fe, New Mexico. Copies of the documents are available from the Southwest Regional Office, National park Service, Post Office Box 728, Santa Fe, New Mexico 87501, and will be sent upon request.

Dated: April 7, 1983.

Robert I. Kerr,

Regional Director, Southwest Region.

[FR Doc. 83-10236 Filed 4-15-83; 8:45 am]

BILLING CODE 4310-70-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

President's Task Force on International Private Enterprise; Meeting

Pursuant to the Federal Advisory Committee Act, notice is hereby given of a meeting sponsored by the President's Task Force on International Private Enterprise which will be held May 2, 1983 at The White House and at the Agency for International Development, U.S. Department of State.

This will be the first formal meeting of the Task Force.

The portion of the meeting at The White House will be closed. The remainder of the meeting will be open to the public. Any interested person may attend, request to appear before, or file statements with the Task Force in accordance with procedures established by the Task Force. Written statements should be filed prior to the meeting and should be available in twenty-five copies.

There will be an AID representative at the meeting. It is suggested that those desiring further information contact Birge Watkins on (202) 632-8518 or by mail c/o President's Task Force on International Private Enterprise, Agency for International Development, Room 3328, Washington, D.C. 20523.

Dated: April 7, 1983.

Elise du Pont,

Assistant Administrator, Bureau for Private Enterprise.

[FR Doc. 83-10012 Filed 4-15-83; 8:45 am]

BILLING CODE 6116-01-7-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (except fitness-only); Motor

Common Carriers of Passengers (public interest); Freight Forwarders; Water Carriers; Household Goods Brokers.

The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the **Federal Register** on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations.

We make an additional preliminary finding with respect to each of the following types of applications as indicated: common carrier of property—that the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier—that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, and household goods broker—that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effictive notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please direct status inquiries about the following to Team 2, (202) 275–7030.

Volume No. OP2–169

Decided: April 8, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler and Fortier. Member Fortier not participating.

W–1283 (Sub-3), filed March 23, 1983. Applicant: AMERICAN CRUISE LINES, INC., One Marine Park, Haddam, CT 06438. Representative: J. Raymond Clark, 1225 19th St., NW., Suite 350, Washington, DC 20036–2441; 202–659–0770. To operate as a *common carrier*, by water, transporting *passengers and their baggage*, in one-way and round-trip excursion cruises, between all ports and points in the U.S., including AK, on the Gulf of Alaska and Pacific Coast extending from Blaine, WA, to San Diego, CA, and tributary waterways. Condition: This is a major regulatory action and requires preparation of a statement of energy impact under the provisions of 49 CFR 1106.5(a)(8). Applicant must submit the material required within 20 days after publication to Team 2, Room 2379.

MC 115603 (Sub-25), filed March 25, 1983. Applicant: TURNER BROS. TRUCKING COMPANY, INC., P.O. Box 94626, Oklahoma City, OK 73109. Representative: J. Michael Alexander, 5801 Marvin D. Love Freeway, Suite 301, Dallas, TX 75237–2385; 214–339–4108. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except HI).

MC 141532 (Sub-114), filed March 16, 1983. Applicant: PACIFIC STATES TRANSPORT, INC., DBA PST, P.O. Box 440, Orem, UT, 84057. Representative: Michael J. Norton, 1905 South Redwood Rd., Salt Lake City, UT 84104; 801–973–4449. Transporting (1) *food and related products*, (2) *chemicals and related products*, and (3) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities above, between points in the U.S. (except AK and HI). Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(a), submit an affidavit indicating why such approval is unnecessary, or file a petition seeking exemption under 49 U.S.C. 11343(e). In order to expedite issuance of any authority please submit a copy of the petition for exemption, the affidavit, or proof of filing the application(s) for common control to Team 2, Room 2379.

MC 146842 (Sub-6), filed March 29, 1983. Applicant: BELL TRUCKING COMPANY, INC., Route 1, Box 81–H, Honesboro, LA 71251. Representative: James M. Duckett, 221 W. 2nd, Suite 411, Little Rock, AR 72201; 501–375–3022. Transporting *lumber and wood products*, between points in AR, LA, and TX.

MC 151193 (Sub-40), filed March 29, 1983. Applicant: PAULS TRUCKING CORPORATION, 286 Homestead Ave., Avenel, NJ 07001. Representative: MICHAEL A. BEAM (same address as applicant) 201–499–3869. Transporting *general commodities* (except classes A

and B explosives, household goods and commodities in bulk), between points in the U.S., under continuing contract(s) with TDS Brokerage, Inc., of Des Plaines, IL.

MC 166312, filed February 17, 1983. Applicant: NATIONWIDE EXPRESS, INC., P.O. Box 125, Concord, NC 28025. Representative: Leonard S. Cassell, P.O. Box 26064, Charlotte, NC 28221, 704–598–0133. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with American Display Corporation, of Concord, NC.

MC 167092, filed March 29, 1983. Applicant: FISHER TRUCKING, INC., P.O. Box 181, Springdale, AR 72764. Representative: Kurt Butcher, 209 NE 2nd, Bentonville, AR 72712, 501–273–9031. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

Please direct status inquiries about the following to Team 3 at (202) 275–5223.

Volume No. OP 3–147

Decided: April 7, 1983.

By the Commission, Review Board No. 2, Members Carlton, Williams, and Ewing.

MC 150055 (Sub-1), filed March 23, 1983. Applicant: AGRA TRANSPORT SERVICE, INC., 8164 W. Buckeye Rd., Phoenix, AZ 85031. Representative: Michael W. Baker, (same address as applicant), (602) 247–7116. Transporting *food and related products,* between points in AZ, on the one hand, and, on the other, points in CA, CO, ID, MT, NV, NM, OR, TX, UT, WA, and WY.

MC 154624 (Sub-2), filed March 21, 1983. Applicant: ACE LIQUID WASTE HAULERS, INC., 3713 Beechmont CT, Cincinnati, OH 45226. Representative: Robert G. Nichols, 4854 Beechwood Rd., Cincinnati, OH 45244, (513) 871–8397. Transporting *commodities in bulk, chemicals and related products, food and related products, and liquor beverages,* between points in OH, IL, NJ, FL, TX, WY, PA, DE, WV, MI, VA, MO, LA, WI, ME, NC, CA, OR, NY, CT, MA, AR, KS, AL, TN, KY, IN and GA, on the one hand, and, on the other, points in the U.S.

MC 166484, filed March 21, 1983. Applicant: THE BINGHAM CORPORATION d.b.a. BINGHAM FAST FREIGHT, 805 6th Ave., P.O. Box 368, Safford, AZ 85546. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014, (602) 264–4891. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in AZ.

MC 166995, filed March 22, 1983. Applicant: DIXIE TRUCKING & WAREHOUSING, LTD. d.b.a. DIXIE TRUCKING, 1961 Diamond Springs Rd., Virginia Beach, VA 23455. Representative: Frank L. Willard, First & Merchants Nat'l. Bank Bldg., Suite 1001, Norfolk, VA 23510; (804) 627–0070. Transporting *general commodities* (except Classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 167024 filed March 24, 1983. Applicant: RED OWL STORES, INC., 215 E. Excelsior Ave., Hopkins, MN 55343. Representative: Stephen F. Grinnell, 1600 TCF Tower, 212 S. Eighth St., Minneapolis, MN 55402. Transporting *general commodities* (except Classes A and B explosives, household goods, and commodities in bulk), between points in IA, IL, IN, MI, MN, MO, NE, ND, OH, SD, and WI.

Please direct status inquiries about the following to Team 4 at (202) 275–7669

Volume No. OP4–219

Decided: April 12, 1983.

By the Commission, Review Board No. 1 Members Parker, Chandler, and Fortier. Member Parker not participating.

MC 166627, filed March 7, 1983, and previously noticed in the **Federal Register** issue of March 17, 1983, republished herein. Applicant: AAA PACKING & SHIPPING, INC., 2455 E 27th St., Los Angeles, CA 90058. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609; (213) 945–2745. Transporting *such commodities as are dealt in or used by manufacturers and sellers of office equipment, furniture and fixtures,* between New York, NY, and points in Los Angeles County, CA, and Dade County, FL, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Note.—The purpose of this republication is to more accurately describe the commodities requested by applicant.

Volume No. OP4–221

Decided: April 11, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 105636 (Sub-48), filed March 31, 1983. Applicant: ARMELLINI EXPRESS LINES, INC., P.O. Box 2394, Stuart, FL 33494. Representative: Wilmer B. Hill, Suite 366, 1030 Fifteenth St., NW., Washington, DC 20005; (202) 296–5188. Transporting *general commodities* (except Classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 129897 (Sub-8), filed March 31, 1983. Applicant: M.S.B.P., INC., Box 8, Papillion, NE 68406. Representative: Richard A. Peterson, Box 81849, Lincoln, NE 68501; (402) 476–1144. Transporting *such commodities* as are dealt in or used by hide processors and tanners, between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 155796 (Sub-8), filed April 4, 1983. Applicant: TRANSPORTATION SPECIALISTS, LTD., 440 Commercial Federal Tower, 2120 S. 72nd St., Omaha, NE 68124. Representative: Arthur J. Cerra, 2100 CharterBank Center, P.O. Box 19251, Kansas City, MO 64141; (816) 842–8600. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Truck Track, Ltd., of Omaha.

MC 159487 (Sub-1), filed April 4, 1983. Applicant: MIDWEST LIQUID TRANSPORT CO., 101 3rd St., N.W., P.O. Box 138, Buffalo Center IA 50424. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309; (515) 244–2339. Transporting *commodities in bulk,* between points in IL, IA, KS, MN, MO, NE, ND, SD, and WI.

MC 161456, filed April 5, 1983. Applicant: HARMONY HILL TRUCKING COMPANY, INC., Range Rd., Thomaston, AL 36783. Representative: William S. Poole, Jr., 111 S. Walnut St., P.O. Box 118, Demopolis, AL 36732; (205) 289–2006. Transporting *ammonium nitrate,* between points in Santa Rosa County, FL, on the one hand, and, on the other, points in Hale, Sumter and Perry Counties, AL, under continuing contract(s) with J. K. Kuykendall and Co., Inc., of Geiger, AL; Hodges Fertilizer Co. IMC Dealer, of Faunsdale, AL; Jim Watson and Company—Swift Farm Center, and Central Alabama Farm Co-op, both of Catherine, AL; Estech, Inc., of Atlanta, GA; Estech Farm Center, of Gallion, AL; and Estech, Inc., of Montgomery, AL.

MC 162566 (Sub-1), filed April 5, 1983. Applicant: LEONARD & IRIS PALMER TRUCKING, INC. Box 187, Wilsonville, NE 69046. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501; (402)475–6761. Transporting *food and related products,* between points in IA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 163376, filed April 5, 1983. Applicant: WAYNE BRADLEY

TRUCKING, INC. Hartford Rd., New Milford, PA 18834. Representative: Peter Wolff, 722 Pittston Ave., Scranton, PA 18505; (717) 342–7595. Transporting (1) *metal and metal products,* between points in CT, DE, IL, IN, ME, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, SC, VA, VT, WV, and DC; (2) *ores and minerals,* between points in Bradford, Lackawanna, McKean , Potter, Susquehanna, Tioga, Wayne, and Wyoming Counties, PA, on the one hand, and, on the other, points in CT, DE, IL, IN, ME, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, SC, VA, VT, WV, and DC; and (3) *food and related products,* between points in Monroe County, NY, on the one hand, and, on the other, points in Susquehanna County, PA.

MC 166726, filed April 1, 1983. Applicant: CHRIS A. THOMAS, d.b.a. REX "N" DON VAN LINES, P.O. Box 217, Charleston, IL 62705. Representative: Edward D. McNamara, Jr., 907 South 4th St., P.O. Box 5039, Springfield, IL 62705; (217) 528–8476. Transporting *trailers,* between points in IL, MO, IN, TN, OH, MI, WI, MN, and IA, under continuing contract(s) with Trailmobile, Inc., of Chicago, IL.

MC 167206, filed April 4, 1983. Applicant: JOHN A. WILLIAMS d.b.a. JOHN A. WILLIAMS MOBILE HOME TRANSPORT & SERVICE, 303 So. 27th St., Pasco, WA 99301. Representative: Michael B. Crutcher, 2000 IBM Bldg., P.O. Box 2927, Seattle, WA 98111; (206) 623–7580. Transporting *modular buildings, grain bins, and mobile homes,* between points in WA, OR, ID, CA, MT, NV, UT, AZ, CO, NM, WY, NE, and IN.

MC 167227, filed April 4, 1983. Applicant: ROBERT P. CARLIN, Box 301, Snow Shoe, PA 16874. Representative: Dwight L. Koerber, Jr., 110 North 2nd St., P.O. Box 1320, Clearfield, PA 16830; (814) 765–9611. Transporting *coal and coal products,* between points in Centre County, PA, on the one hand, and, on the other, points in NJ, NY, and MD.

MC 167257, filed April 5, 1983. Applicant: STEPHEN M. JUETTNER AND WILLIAM A. STENNBERG d.b.a. J & S TRANSPORT CO., R.R. 2, Box 140–B, Brook Park, MN 55007. Representative: Stephen M. Juettner (same address as applicant) (612)(679–2380. Transporting *commodities in bulk,* between points in the U.S. (except AK and HI), under continuing contract(s) with Apple Valley Red-E-Mix, of Apple Valley, MN.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 83–10178 Filed 4–15–83; 8:45 am]
BILLING CODE 7035–01–M

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register.** One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

The following applications were filed in Region I. Send protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 166562 (Sub-1–1TA) filed April 5, 1983. Applicant: AMERICAN STUDENT MOVING INC., 200 East 82nd Street, New York, NY 10028. Representative: William F. King, Esq., P.O. Box 11278, Alexandria, VA 22312. *Household goods, as defined by the Commission,* between Boston, MA, Albany, NY and points in Cortland and Tompkins Counties, NY, on the one hand, and, on the other, points in CT, MA, NJ, and NY. Supporting shipper(s): There are nine supporting statements attached to this application which may be examined at the Boston Regional Office.

MC 167201 (Sub-1–1TA) filed April 4, 1983. Applicant: BIG RED LTL TRUCKING, INC., P.O. Box 88, Hwy. 46, Great Meadows, NJ 07838. Representative: Robert B. Pepper, 169 Woodbridge Avenue, Highland Park, NJ 08904. *Food or kindred products STCC 20* between the Commercial Zones of New York, NY and Philadelphia, PA, on the one hand, and, on the other, points in DE, KY, MD, PA, TN, VA and WV. Supporting shipper(s): There are six statements of support with this application which may be examined at the I.C.C. Regional Office in Boston, MA.

MC 145189 (Sub-1–1TA), filed March 31, 1983. Applicant: LENRON LTD., 716 Woodstock Road, Fredericton, New Brunswick, CD E3B 5N7. Representative: Beth Dobson, Esq., Two Canal Plaza, P.O. Box 586, Portland, ME 04112. *Contract carrier:* irregular routes: *Lime, bagged lime, bulk lime limestone products and other products of Brookville Mfg.* between points of entry on the International Boundary Line between the U.S. and CD and points in ME, under continuing contract(s) with Brookville Mfg. of St. John, New Brunswick, CD. Supporting shipper: Brookville Mfg., P.O. Box 2332, St. John, New Brunswick, CD E2L 3V6.

MC 30787 (Sub-1–1TA), filed March 30, 1983. Applicant: NIAGARA SCENIC BUS LINES, INC., 5700 S. Maelou Drive, Hamburg, NY 14075. Representative: Jeremy Kahn, Suite 733, Investment Bldg., 1511 K Street, N.W., Washington, DC 20005. *Common carrier:* regular routes: *Passengers,* (1) In intrastate, interstate or foreign commerce, between Niagara Falls, NY and the Buffalo International Airport at Cheektowaga, NY: in Niagara Falls, NY, from the Rainbow Bridge over LaSalle Arterial to junction Rainbow Blvd., then over Rainbow Blvd. to junction 1st St., then over 1st St. to junction Buffalo Ave., then over Buffalo Ave. to junction 3rd St., then over 3rd St. to junction Rainbow Blvd., then over Rainbow Blvd. to junction 1st St., then over 1st St. to junction Rainbow Blvd., then over Rainbow Blvd. to junction Main St., then over Main St. to junction Ferry Ave., then over Ferry Ave. to junction 3rd St., then over 3rd St. to junction Wendel Way, then over Wendel Way to junction LaSalle Arterial, then over LaSalle

Arterial to junction 3rd St., then over 3rd St. to junction Buffalo Ave., then over Buffalo Ave. to junction Robert Moses Parkway (also over Buffalo Ave. to junction 71st St.), then over Robert Moses Parkway to junction I Hwy 190, then over I Hwy 190 to junction US Hwy 62, then over US Hwy 62 to junction I 290, then over I Hwy 290 to junction I Hwy 90, then over I Hwy 90 to junction Kensington Expressway (NY Hwy 33), then over Kensington Expressway to junction Genesee St., then over Genesee St. to Buffalo International Airport at Cheektowaga, NY, and return over the same route, serving all intermediate points; and (2) In interstate or foreign commerce, between Niagara Falls, NY and the Buffalo International Airport at Cheektowaga, NY: in Niagara Falls, NY, from the Rainbow Bridge over LaSalle Arterial to junction Rainbow Blvd., then over Rainbow Blvd. to junction 1st St., then over 1st St. to junction Buffalo Ave., then over Buffalo Ave. to junction 3rd St., then over 3rd St. to junction Rainbow Blvd., then over Rainbow Blvd. to junction 1st St., then over 1st St. to junction Rainbow Blvd., then over Rainbow Blvd. to junction Main St., then over Main St. to junction Ferry Ave., then over Ferry Ave. to junction 3rd St., then over 3rd St. to junction Wendel Way, then over Wendel Way to junction LaSalle Arterial, then over LaSalle Arterial to junction 3rd St., then over 3rd St. to junction Buffalo Ave., then over Buffalo Ave. to junction Robert Moses Parkway (also over Buffalo Ave. to junction 71st St.), then over Robert Moses Parkway to junction I Hwy 190, then over I Hwy 190 to I Hwy 290, then over I Hwy 290 to junction I Hwy 90, then over I Hwy 90 to junction Kensington Expressway (NY Hwy 33), then over Kensington Expressway to junction Genesee St., then over Genesee St. to Buffalo International Airport at Cheektowaga, NY, and return over the same route, serving all intermediate points. Supporting shipper: Niagara Falls Route 62 Motel and Merchants Association, 6621 Pine Avenue, Niagara Falls, NY.

MC 142114 (Sub-1-18TA), filed April 1, 1983. Applicant: RETAIL EXPRESS, INC., 36 South Main Street, Sharon, MA 02067 Representative: Frank M. Cushman (Same as applicant). *Contract carrier:* irregular routes: *General commodities (except Classes A and B explosives, hazardous waste, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment),* between all points in the 48 contiguous U.S. (except AK and HI), under continuing contract(s) with Matchmaker Transportation Services, Trumbull, CT. Supporting shipper: Matchmaker Transportation Service, P.O. Box 240, Trumbull, CT 06611.

MC 167014 (Sub-1-1TA), filed March 30, 1983. Applicant: TWIN TOWN RENDERING CO., INC., 741 Broad Street, Auburn ME 04210. Representative: Jack L. Schiller, 111-56 76th Drive, Forest Hills, NY 11375. *Contract carrier:* irregulate routes: *Meat meal, meat scraps and bones* between the facilities of Independent Tallow Co., located at or near Woburn, MA, to points in ME, under continuing contract(s) with Independent Tallow Co. of Woburn, MA. Supporting shipper: Independent Tallow Co., 39 Cedar Street, Woburn, MA.

MC 151004 (Sub-1-10TA), filed March 31, 1983. Applicant: WARNACO TRUCKING CORP., 350 Lafayette Street, Bridgeport, CT 06601. Representative: John F. Ryan (same as applicant). *Contract carrier:* irregular routes: *General commodities* between points in the U.S. (except AK and HI), under continuing contract(s) with Profit By Air of Atlanta, GA. Supporting shipper: Profit By Air, 2814 New Spring Road, Suite 330, Atlanta, GA 30339.

MC 151004 (Sub-1-11TA), filed April 1, 1983. Applicant: WARNACO TRUCKING CORP., 350 Lafayette Street, Bridgeport, CT 06601. Representative: John F. Ryan (same as applicant). *Department store merchandise* between points in the U.S. Supporting shipper: Reliable Transportation Associaties, 5 Colorado Place, Huntington Station, NY 11746.

The following applications were filed in Region 4.

Send protests to ICC, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 108435 (Sub-4-2TA), filed March 30, 1983. Applicant: G & R TRANSPORT, INC., 4703 Mayflower Ave., Wausau, WI 54401. Representative: Nancy J. Johnson, 103 East Washington Street, Box 218, Crandon, WI 54520. *Granite* between Barre, VT, St. Cloud, MN, Milbank and Watertown, SD, on the one hand, and, on the other, points in MI. There are nine (9) supporting shippers.

MC 144145 (Sub-4-1TA), filed March 30, 1983. Applicant: GILBERT & HOGLE TRUCKLINES, INC., 4491 W. Cleveland Highway, Perrinton, MI 48871. Representative: James R. Davis, Tenth Floor, Michigan National Tower, Lansing, MI 48933. 1. *Farm Products,* and *animal food* and *related products* between points in the States of MI, IN, OH, IL, WI and Ky. Supporting shipper(s): Central Soya Co., Inc., P.O. Box 1400, Ft. Wayne, IN 46901-1400, Wellen & Co.,Inc., 6600 France Ave. South, Minneapolis, MN 55435.

MC 144630 (Sub-4-22TA), filed March 30, 1983. Applicant: STOOPS EXPRESS, INC., P.O. Box 287, Anderson, IN 46015. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. *Copper wire, cable, rod, bars, cathodes, and ingots from* Starkville, MS to points in the U.S. west of the Mississippi River. Supporting shipper: Phelps Dodge Corporation, Greenwich, CT 06836.

MC 149095 (Sub-4-2TA), filed March 30, 1983. Applicant: EAGLE EXPEDITING, INC., 5215 N. Grand River, P.O. Box 15103, Lansing, MI 48901. Representative: Robert E. McFarland, 2855 Coolidge, Ste. 201A, Troy, MI 48084. *Automobile parts* between the facilities of Bosch Corporation located in Farmington Hills, MI, on the one hand, and, on the other, points in OH, IN, IL, NY, SC, MS, and PA. An underlying ETA seeks 120 days authority. Supporting shipper: Bosch Corporation, Traffic Control, 3800 Howard Rd., Farmington Hills, Michigan 48018.

MC 159221 (Sub-4-1TA), filed March 30, 1983. Applicant: S.K.T., 623 10th St. NE., Minot, ND 58701. Representative: Jack L. Schiller, 111-56 76th Dr., Forest Hills, NY 11375. *Lumber and lumber products* between points in CA, ID, MT, OR and WA, on the one hand, and, on the other, points in AR, CA, CO, IA, ID, KS, MN, MO, MT, ND, NE, OR, SD, TX, UT, WA, WI and WY. There are three supporting shippers.

MC 166557 (Sub-4-1TA), filed March 30, 1983. Applicant: BRADEN TRUCKING, R.R. #2 Box 86, Maroa, IL 61756. Representative: Robert E. Braden, R.R. #2 Box 86, Maroa, IL 61756. *General commodities,* between points in U.S. except AK and HI. Supporting Shippers: A.E. Staley Mfg. Co., P.O. Box 151, Decatur, IL; General Cable P.O. Box 489 Highway 105 South, Monticello, IL, 61856; Revere Copper and Brass, P.O. Box 258, Clinton, IL 61727; Wallace Computer Services, P.O. Box 379, Clinton, IL 61727; Wayne Pet Foods Division, Continental Grain Co., Everson, PA 15631.

MC 166794 (Sub-4-1TA), filed March 14, 1983. Applicant: BEN KRAFT TRUCKING, P.O. Box 285, Aberdeen, S.D. 57401. Representative: Ben Kraft (same as above). Contract irregular: *Livestock trailers and pickup accessories* from Madill, OK, and Moore, OK, to Aberdeen, SD. Supporting shippers: Brown Co. Implement and Farm Power Mfg. of Aberdeen, SD.

MC 167140 (Sub-4-1TA), filed March 30, 1983. Applicant: CHARLES

TRAMMELL TRUCKING INC., 2945 West Broadway St., Robbins, IL 60472. Representative: Austin O'Malley, 17600 South Crawford, Country Club Hills, IL 60477. *Concrete, pipe, sand, gravel, building material, salt, iron, & steel, and related articles used in the manufacture, sales and distribution thereof,* IL, IN, MI, WI, on the one hand, and points in the U.S. except (AK & HI) on the other. Supporting Shipper: Continental Concrete Pipe Corp., P.O. Box 174, Blue Island, IL 60406.

MC 167175 (Sub-4–1TA), filed March 29, 1983. Applicant: BERTIS CARLSON TRUCKING, INC., 1480 South Henderson St., Galesburg, IL 61401. Representative: C. Don Weston, 120 North Dudley St., Macomb, IL 61455. *Metal products* between points in Knox County, IL on the one hand and on the other points in the United States (except AK and HI); and *malt beverages* between points in Milwaukee County, WI, Multnomah County, Oregon, Essex County, NJ, Huston County, GA on the one hand and on the other points in the United States (except AK and HI). Supporting shippers: Adams Pressed Metals Corporation, 524 Mulberry St., Galesburg, IL 61401. Pabst Brewing Company, 1000 Market St., Milwaukee, WI 53202.

MC 15735 (Sub-4–68TA) filed April 4, 1983. Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Avenue, Broadview, IL 60153. Representative: Joseph P. Tuohy, P.O. Box 4403, Chicago, IL 60680. *Contract irregular: Household goods,* between points in the U.S., under a continuing contract(s) with Shopko Stores, Inc., of Green Bay, WI. Supporting shippers: Shopko Stores, Inc., 2800 So. Ashland, Green Bay, WI 54304.

MC 81835 (Sub-4–2 TA), filed April 4, 1983. Applicant: MONIOWCZAK TRANSIT CO., P.O. Box 235, Escanaba, MI 49829. Representative: William B. Elmer, P.O. Box 801, Traverse City, MI 49685–0801 (616) 941–5313. *Pulp, paper and related products* from points in Delta County, MI to points in the U.S., located in and east of ND, SD, NE, KS, OK and TX. Supporting shipper: Mead Paper, Mead Corporation, P.O. Box 757, Escanaba, MI 49829.

MC 87966 (Sub-4–8 TA), filed April 4, 1983. Applicant: ELEVELD CHICAGO FURNITURE SERVICE, INC., 9630 South 76th Court, Hickory Hills, IL 60457. Representative: Joseph P. Tuohy, P.O. Box 4403, Chicago, IL 60680. *Contract irregular: Store Furniture, Fixtures, Cases, Counters, Cabinets, and such commodities utilized in the manufacture and distribution thereof,* between points in the U.S. (except AK and HI), under a continuing contract(s), with MII-Myers Industries, Inc. of Lincoln, IL. Supporting shipper: MII-Myers Industries, Inc. 2100 W. Fifth St. Road, Lincoln, IL 62656.

MC 146121 (Sub-4–6 TA), filed April 4, 1983. Applicant: BAY CARTAGE COMPANY, 1122 E. Barney Ave., Muskegon, MI 49444. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49504. *Contract* irregular: *General commodities (except in bulk, Classes A and B explosives, and household goods as defined by the Commission),* between all points in the U.S. (except AK and HI), under contract with Howard City Paper Company. Supporting shipper: Howard City Paper Co., Lake Montcalm Rd., Box 430, Howard City, MI 49329.

MC 146314 (Sub-4–9 TA), filed April 4, 1983. Applicant: G & T TRUCKING CO., 11111 Deuce Road, Elko, MN 55020. Representative: Thomas Zwiers (same as above). *Petroleum Products* between points in IA, IL, KS, MI, MN, MO, MT, ND, NE, SD, WI and WY. Supporting shipper: Komatz Construction, St. Peter, MN.

MC 162185 (Sub-4–2 TA), filed April 4, 1983. Applicant: BRITTAIN TRUCKING CO., 2759 Hatch Road, Jackson, MI 49201. Representative: Lester R. Gutman, 1919 Pennsylvania Avenue, NW., Suite 500, Washington, DC 20006. (1) *building materials* between points in IN, OH, PA, NC, SC, NY and IL, on the one hand, and, on the other, points in MI: (2) *lawn and garden supplies,* between points in MI, OH, KY, IN, IL and NY. There are 5 supporting shippers.

MC 165619 (Sub-4–2 TA), filed April 4, 1983. Applicant: HAL-COR TRUCKING, 2437 Root River Parkway, West Allis, WI 53227. Representative: Daniel R. Dineen, 710 North Plankinton Ave., Milwaukee, WI 53203. *Such commodities as are dealt in or used by a manufacturer of fertilizer ingredients* between the facilities of Hynite Corporation at Oak Creek, WI, and points in IA, IL, IN, KY, MI, MN, MO, OH, PA and TN. Supporting Shipper: Hynite Corporation, 4301 East Depot Road, Oak Creek, WI 53154.

MC 167038 (Sub-4–1 TA), filed March 29, 1983. Applicant: S AND Q TRUCK AND TRACTOR SERVICE, INC., P.O. Box 477, R.R. No. 1, Odin, IL 62870. Representatives: Edward D. McNamara, Jr., Leslieann G. Maxey, 907 South Fourth St., P.O. Box 5039, Springfield, IL 62705. Contract irregular: *Pre-cast and pre-stressed concrete pipe and products* between Marion County, IL, on the one hand, and points in MO on and East of Highway 63, on the other hand. Supporting shipper: Egyptian Concrete Company, 749 Commercial, Salem, IL 62881.

MC 167112 (Sub-4–1 TA) filed April 4, 1983. Applicant: KIERAN F. POWERS, d.b.a. POWERS TRUCKING, Box 239, Lyndon Station, WI 53944. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703. *Iron valves, and materials, equipment and supplies used or useful in the manufacture, sale or distribution of iron valves,* between Mauston, WI and Chicago, IL and points in the Chicago, IL commercial zone. Underlying ETA seeks 120 days authority. Supporting shipper: Parker Hannefin Corporation, Refrigerating Specialties Division, 1040 Parker Drive, Mauston, WI 53948.

MC 167234 (Sub-4–1 TA), filed April 4, 1983. Applicant: WS-T CO-OP TRANSPORT, 136 East Elm Street, West Salem, WI 54669. Representative: Joseph E. Ludden, 2707 South Ave., P.O. Box 1567, La Crosse, WI 54601. Contract irregular. *Anhydrous Ammonia,* from points in Pine Bend, Rochester, Mankato and S. St. Paul, MN and Albany and East Dubuque, IL to points and places in the Counties of Marathon, Portage, Adams, Sauk, Waushara, Marquette, Columbia, Dane, Rock, Green, Lafayette, Grant, Iowa, Crawford, Richland, Vernon, Monroe, La Crosse, Trempealeau, Buffalo, Pepin, Eau Claire, Dunn, Chippewa, Clark, Jackson, Wood, Juneau, WI. Supporting Shipper: Farmers Co-op Supply and Shipping Association, West Salem, WI 54669.

MC 167235 (Sub-4–1 TA), filed April 4, 1983. Applicant: RICHARD W. WILSON, Post Office Box 188, Georgetown, IL 61846. Representative: Richard W. Wilson, (same as applicant). (1) *miscellaneous cleaning compounds and soaps* from Terre Haute IN, to points in CA, MO, KS, UT, GA, TN, CO, and TX. (2) *Material used in the manufacturing of cleaning compounds and soaps* from GA, WY, and TN to Terre Haute, IN. Supporting shipper: Continental Chem. Corp., P.O. Box 994, Terre Haute, IN 47808.

MC 103602 (Sub-4–3TA), filed April 4, 1983. Applicant: SKJONSBY TRUCK LINE, INC., P.O. Box 362, Fargo, ND 58107. Representative: Richard P. Anderson, P.O. Box 2581, Fargo, ND 58108. *Contract; Irregular: Pre-cast and pre-stressed building products* between the facilities of Gage Brothers Concrete Products, Inc. in Sioux Falls, SD, on the one hand, and, on the other, points in CO, MN, MT and WY, under contract(s) with Gage Brothers Concrete Products, Inc. Supporting shipper: Gage Brothers Concrete Products, Inc., P.O. Box 1526, Sioux Falls, SD 57101.

MC 141382 (Sub-4–3TA), filed April 4, 1983. Applicant: DON'S MOVING & DELIVERY SYSTEM, INC., 527 South Fremont, Janesville, WI 53545. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. *General commodities* between Chicago, IL, on the one hand, and, on the other, points within Rock and Walworth Counties, WI, restricted to shipments having a prior or subsequent movement by rail. An underlying ETA seeks 120 days authority. Supporting shipper: Merchants Stor-Dor Freight Systems, Inc., 1601 South Western Avenue, Chicago, IL 60608.

MC 160951 (Sub-4–4TA), filed April 4, 1983. Applicant: A. M. EXPRESS, INC., 18603 Harrison St., Lowell, IN 46356. Representative: Robert W. Loser II, 512 Chamber of Commerce Bldg., Indianapolis, IN 46204, (317) 635–2339. *Machinery racks,* between Schneider, IN and Willow Springs, IL. Underlying ETA seeks 120 days authority. Supporting shipper: Matt's Repair Shop, 111 Halsted, Lowell, IN 46356.

MC 162088 (Sub-4–2TA), filed April 4, 1983. Applicant: TRANSPORTATION AND WASTE, INC., 514 Kyser Drive, North Adams, MI 49262. Representative: James R. Neal, 1200 Bank of Lansing Bldg., Lansing, MI 48933. *Contract;* irregular; *Agricultural chemicals and agricultural supplies* between points in MI, OH and IN, under continuing contract(s) with Agrico Chemical Company, of Saginaw, MI. An underlying ETA seeks 120-day authority. Supporting shipper: Agrico Chemical Company, P.O. Box 750, Saginaw, MI 48606.

MC 165618 (Sub-4–1TA), filed April 4, 1983. Applicant: EUGENE D. EVERINGHAM, d.b.a. R & L SALVAGE, 8037 E. Carson City Road, Rte. 1, Carson City, MI 48811. Representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, MI 48933, (517) 482–2400. *Such commodities as are dealt in by wholesale grocery distribution businesses* between Kent County, MI, on the one hand, and, on the other, points in AL, FL, GA, IL, IN, KY, LA, NY, OH, AR, WI, OK, PA, TN, TX, VA, WV, NC, SC, MS, and MO. Supporting shipper: S. Abraham & Sons, Inc., 3750 Roger Chaffee Blvd., Grand Rapids, MI 49508.

MC 167094 (Sub-4–1TA), filed April 4, 1983. Applicant: WILLIAMS TRUCKING, Box 85, Backus, MN 56435. Representative: Robert P. Scak, P.O. Box 21–307, Eagan, MN 55121. *Malt beverages,* from Chippewa Falls, WI to Elko, NV; Winnemucca, NV; Reno, NV; Carson City, NV; and South Lake Tahoe, CA. Applicant has an underlying ETA seeking 120 days authority. Supporting shipper: Carson Brewing Company, Inc., Box CBC, South Lake Tahoe, CA 95729.

MC 167237 (Sub-4–1TA), filed April 4, 1983. Applicant: LYALL J. WRIGHT, P.O. Box 3065, Bloomington, IL 61701. Representative: Robert T. Lawley, 300 Reisch Building, Springfield, IL 62701. Contract; Irregular: *Cement,* from Greencastle and Logansport, IN to Champaign, IL, under continuing contracts with Central Material Company of Champaign, IL. An underlying ETA seeks 120 days authority. Supporting shipper: Central Material Company, 3200 West Springfield, Champaign, IL 61820.

MC 167239 (Sub-4–1TA), filed April 4, 1983. Applicant: ROGER G. DOLE d.b.a. DUSTY'S TRUCKING, 2100 South Marion Street, Janesville, WI 53545. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. Contract Irregular: *Plastic pipe and fittings, and materials, equipment and supplies* used or useful in the manufacture, installation or distribution of the involved commodities, from Janesville, WI to points in IL, IN, IA, KS, KY, MI, MN, MO, NE, ND, OH, PA, SD and WV under continuing contract(s) with Freedom Plastics, Inc. Underlying ETA seeks 120 days authority. Supporting shipper: Freedom Plastics, Inc., P.O. 1488, 210 South Arch Street, Janesville, WI 53545.

MC 167241 (Sub-4–1TA), filed April 4, 1983. Applicant: DONALD STARK, d.b.a. TETON TRUCKING, 11710 West Hampton Avenue, Milwaukee, WI 53225. Representative: Daniel R. Dineen, 710 North Plankinton Ave., Milwaukee, WI 53203 (414) 273–7410. Contract; Irregular: *Asphalt Cement,* from Whiting, IN, to the facilities of Northwest Asphalt Products, Inc., at Milwaukee, WI, under continuing contract(s) with Northwest Asphalt Products, Inc., of Milwaukee, WI. An underlying ETA seeks 120 days authority. Supporting shipper: Northwest Asphalt Products, Inc., 11710 West Hampton Avenue, Milwaukee, WI 53225.

The following applications were filed in Region 5. Send protest to Consumer Assistance Center, Interstate Commerce Commission, 411 West 7th Street, Suite 500, Fort Worth, TX 76102.

MC 2960 (Sub-5–10TA), filed April 5, 1983. Applicant: ENGLAND TRANSPORTATION COMPANY OF TEXAS, P.O. Box 4362, Houston, TX 77210. Representative: Doyle G. Owens, P.O. Box 7735, Beaumont, TX 77706. *Wire, iron or steel, tire cord or tire bead,* restricted to traffic moving in ocean containers and having a prior or subsequent movement via water or rail, between New Orleans, LA and Natchez, MS. Supporting shipper: Stone & Co., Inc., Savannah, GA.

MC 5428 (Sub-5–3TA), filed April 5, 1983. Applicant: LYON VAN LINES, INC., P.O. Box 5011, Carrollton, TX 75006. Representative: J. B. Stuart (same as above). Contract, irregular: *Household goods* between points in the U.S., under continuing contract(s) with Gould, Inc. of Rolling Meadows, IL.

MC 53965 (Sub-5–14TA), filed April 4, 1983. Applicant: GRAVES TRUCK LINE, INC., 8717 W. 110th St., Suite 700, Overland Park, KS 66210. Representative: Bruce A. Bullock, One Woodward Ave., 26th Floor, Detroit, MI 48226. Contract, irregular: *General commodities (except Classes A and B explosives, commodities in bulk and those requiring special equipment, and household goods)* between points in the U.S. (except AK and HI), under continuing contract with FMC Corporation. Supporting shipper: FMC Corporation, Lexington, KY.

MC 79658 (Sub-5–13TA), filed April 4, 1983. Applicant: ATLAS VAN LINES, INC., Post Office Box 509, Evansville, IN 47711. Representatives: Robert C. Mills, Michael L. Harvey, 1212 St. George Road, Evansville, IN 47711. Contract, irregular: *Medical and scientific instruments and such component parts, accessories and supplies thereof as are used in the manufacture, distribution and sale* of these commodities, between points in the U.S. (except AK and HI) under continuing contract(s) with ADAC Laboratories, Inc., Sunnyvale, CA.

MC 79658 (Sub-5–14TA), filed April 4, 1983. Applicant: ATLAS VAN LINES, INC., Post Office Box 509, Evansville, 47711. Representatives: Robert C. Mills, Michael L. Harvey, 1212 St. George Road, Evansville, IN 47711. Contract irregular: *Household goods, used office furniture and fixtures, and medical diagnostic equipment,* between points in the U.S. (excluding AK and HI) under continuing contract(s) with Diasonics, Inc., Milpitas CA.

MC 133655 (Sub-5–13 TA), filed April 4, 1983. Applicant: TRANS–NATIONAL TRUCK, INC., P.O. Box 402535, Dallas, TX 75240. Representative: Thomas E. Vandenberg, P.O. Box 2298, Green Bay, WI 54306. Contract, irregular; *General commodities (except household goods and Classes A and B explosives),* between points in the U.S. (except AK and HI). Supporting shipper: Bowater Computer Forms, Inc., Plano, TX.

MC 134282 (Sub-5–4 TA), filed April 4, 1983. Applicant: FARMERS FEED AND SUPPLY TRANSPORTATION, INC., Box 385, Boyden, IA 51234. Representative:

Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Salt* and *salt products* from the facilities of Carey Salt Division of PMI, at or near Hutchinson, KS to points in AR, CO, IA, IL, IN, KY, LA, MI, MN, MO, MS, MT, ND, NM, OK, SD, TN, TX, WI, and WY. Supporting shipper: Carey Salt, Division of PMI, Hutchinson, KS.

MC 149553 (Sub-5–9 TA), filed April 5, 1983. Applicant: VALLEY TRANSPORTATION SERVICE, INC., 119 E. Chevez, Edinburg, TX 78539. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064. *Aloe Vera Gellatin* from LaFeria, TX to Lawton, OK. Supporting shipper: Magic Valley Investments, Inc., Pharr, TX.

MC 153131 (Sub-5–1 TA), filed April 5, 1983. Applicant: FISHER TRANSPORTATION INC., 1340 N. Hampton St., Dallas, TX 75208. Representative: Bill Fisher, (same as above). Contract, irregular: *Paint, paint materials and related articles and equipment, materials and supplies used in the manufacture, sale and distribution thereof except commodities in bulk in tank trucks, between points in the United States, under continuing contract with Kelly Moore Paint Co. Supporting shipper: Kelly Moore Paint Co., Hurst, TX.*

MC 154965 (Sub-5–2 TA), filed April 4, 1983. Applicant: P & H TRANSPORTATION, INC., 6939 Old Clinton, Houston, TX 77220–5906. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. *General Commodities (except classes A and B explosives, household goods or bulk commodities)*, between Dallas and Tarrant Counties, TX on the one hand, and, on the other, points in TX. Restricted to shipments for the account of Rio City Terminal Co. having a prior or subsequent movement by rail. Supporting shipper: Rio City Terminal Co., San Antonio, TX.

MC 158733 (Sub-5–4TA), filed April 4, 1983. Applicant: LEONARD FEED & GRAIN, INC., 5511 16th Ave., S.W., Cedar Rapids, IA 52404. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. *Food and related products*, between points in Sac and Linn Counties, IA, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: National Oats Company, Cedar Rapids, IA.

MC 159792 (Sub-5–4TA), filed April 4, 1983. Applicant: MID-AMERICA DAIRYMEN, INC., 800 West Tampa, Springfield, MO 65805. Representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Suite 600, Kansas City, MO 64105–1961. *General commodities, except classes A and B explosives and household goods as defined by the Commission, between points in the U.S. (except AK and HI).* Supporting shippers: Nine.

MC 159792 (Sub-5–5TA), filed April 4, 1983. Applicant: MID-AMERICA DAIRYMEN, INC., 800 West Tampa, Springfield, MO 65805. Representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Suite 600, Kansas City, MO 65105–1961. *General commodities, (except classes A and B explosives, and household goods),* between Springfield, MO, on the one hand, and, on the other, points in the U.S. (except AK and HI). Restricted to shipments originating at or destined to the facilities of R. T. French Company. Supporting shipper: R. T. French Company, Springfield, MO.

The following applications were filed in region 6. Send protests to Interstate Commerce Commission, Region 6 Motor Carrier Board, 211 Main St., Suite 501, San Francisco, CA 94105.

MC 167246 (Sub-6–1TA), filed April 5, 1983. Applicant: ASSOCIATED FOOD STORES, INC., P.O. Box 4069, Airport Road, Helena, MT 59604. Representative: William E. O'Leary, 4G Arcade Bldg., 111 N. Last Chance Gulch, Helena, MT 59601. *Food and related products* between points in WA, OR, CA, ID, MT, UT, and AZ, for 270 days. Supporting shippers: Associated Grocers, Inc., 3301 South Norfolk, Seattle, WA 98124; United Grocers, Inc., 6433 Southeast Lake Road, Milwaukie, OR 97222.

MC 167247 (Sub-6–1 TA), filed April 5, 1983. Applicant: KENNETH and JANICE ELLSWORTH, a partnership d.b.a. BIG RED TRUCKING, 5758 Gebhard Road, Central Point, OR 97502. Representative: (Same as applicant). *Lumber, building materials, heavy and construction equipment, farm, pole and piling commodities,* between points in OR, WA, CA, ID, NV and AZ for 270 days. Supporting Shippers: There are 8 shippers. Their statements may be examined at the Regional Office listed above.

MC 138313 (Sub-6–8 TA), filed March 30, 1983. Applicant: BUILDERS TRANSPORT, INC., 409 14th St. S.W., Great Falls, Mt. 59404. Representative: Mack E. Burgess (same as applicant). *General Commodities,* (except Class A & B explosives) between points in AL, AK, AZ, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NM, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, WI for 270 days, tacking privileges requested. Supporting Shippers: There are 32 shippers. Their statements may be examined in the office listed.

MC 140633 (Sub-6–5 TA), filed March 29, 1983. Applicant: CAPITAL DELIVERY SYSTEMS, INC., P.O.B. 161115, Sacramento, CA 95816. Representative: John F. Parks III (same address as Applicant). *Contract carrier,* Irregular Route: *Home Furnishings and Accessories* between Benecia and Sacramento, CA, and Reno, NV, for 270 days. An underlying ETA seeks 120 day authority. Supporting Shipper: Breuners Home Furnishers, 3201 Fostoria Way, San Ramon, CA 94583.

MC 42487 (Sub-6–78 TA), filed April 4, 1983. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. B. 3062, Portland, OR 97208. *Contract carrier,* irregular routes: *General commodities,* (except Classes A and B explosives, household goods and commodities in bulk), between points in the U.S., (except AK and HI), under continuing contract(s) with International Telephone and Telegraph Corporation of New York, NY and its wholly-owned subsidiaries, for 270 days. Supporting shipper(s): International Telephone and Telegraph Corporation, 320 Park Avenue, New York, NY 10022.

MC 150869 (Sub-6–1 TA), filed March 28, 1983. Applicant: CONTINENTAL ARMORED TRANSPORT, INC., P.O. Box 3004, Seattle, WA 98114. Representative: David C. White, 2400 SW Fourth Ave., Portland OR 97201. *Coin, currency, securities* and *other valuables,* in armored car service, between Portland, OR, on the one hand, and, on the other, points in Pacific, Wahkiakum, Cowlitz, Clark, Skamania and Klickitat Counties, WA, for 270 days. Underlying ETA has been filed. Supporting shipper: Federal Reserve Bank of San Francisco, 1001 Market Street, San Francisco, CA 94105.

MC 167194 (Sub-6–1TA), filed April, 1983. Applicant: Henry J. Dirksen, d.b.a. DIRKSEN TRANSPORTATION, 23418 Wilma Ave., Ripon, CA 95366. Representative: Fred R. Covington, 2150 Franklin St., Suite 554, Oakland, CA 94612. *Contract Carrier,* Irregular routes: *Paper and paper articles, and materials and supplies used in the manufacture and distribution of paper and paper articles,* between points in OR, WA, NV, CA, and AZ, for the account of Superior Transportation Systems, for 270 days. Supporting shipper: Superior Transportation Systems, Inc., 25200 SW Parkway, Wilsonville, OR 97070.

MC 145036 (Sub-6–1TA), filed Mar. 30, 1983. Applicant: TOM MARTINDALE, d.b.a. ENCLOSED AUTO TRANSPORT, 11717 Moorpark St., Studio City, CA

91604. Representative: (same as applicant). Automobiles and applicable parts, between all points in the U.S. excluding AK and HI for 270 days. Supporting shipper: Rich Cole Auctions, 11717 Moorpark St., Studio City, CA 91604.

MC 263 (Sub-6–9TA), filed April 5, 1983. Applicant: GARRETT FREIGHTLINES, INC., P.O. Box 4048, Pocatello, ID 83201. Representative: Bruce A. Bullock, One Woodward Ave., 26th Floor, Detroit, MI 48226. *Contract,* irregular, *General Commodities* (except Classes A and B explosives, commodities in bulk and those requiring special equipment, and household goods as defined by the Commission), between points in the U.S. (except Alaska and Hawaii), under continuing contract with FMC Corporation, for 270 days. Supporting shipper: FMC Corporation, P.O. Box 13600, 3001 Todds Road, Lexington, KY 40512.

MC 41096 (Sub-6–24TA), filed April 1, 1983. Applicant: GLOBAL VAN LINES, INC., One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K Street, N.W., Washington, DC 20006. *Contract Carrier,* irregular routes, *general commodities* (except classes A and B explosives, household goods, and commodities in bulk) between points in the U.S. under continuing contract(s) with Philips Medical Systems, Inc. of Shelton, CT and its affiliate Philips Ultrasound, Inc. of Santa Ana, CA for 270 days. Supporting shippers: Philips Medical Systems, Inc. of Shelton, CT and Philips Ultrasound, Inc. of Santa Ana, CA.

MC 145138 (Sub-6–1TA), filed March 31, 1983. Applicant: GOLDEN VALLEY TRANSPORTATION, INC., Roberts, ID 83444. Representative: Todd R. Clement, Box 130, Roberts, ID 83444. *Contract carrier,* irregular routes, *pulp, paper and related products* from Longview Fiber Company, Longview, WA to Longview Fiber Company, Twin Falls, ID, under contract agreement with Longview Fiber Company, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Longview Fiber Company, P.O.B. 639, Longview, WA 98632.

MC 167052 (Sub-6–1TA), filed March 28, 1983. Applicant: DOUGLAS R. JOHNSON, d.b.a. HAMILTON DISTRIBUTING, E. 1606 Nebraska, Spokane, WA 99207. Representative: (Same as applicant). *Beer and wine,* from points in commercial zone of Portland, OR to Moscow, ID and from points in commercial zone of Seattle, WA to Moscow, ID, and from points in commercial zone of Olympia, WA to Moscow, ID, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Bennett Distributing Co. Inc., 214 W. Morton, Moscow, ID 83843.

MC 167100 (Sub-6–1TA), filed March 30, 1983. Applicant: RICHARD A. LAWLESS, 1126 Glenwood, Wenatchee, WA 98801. Representative: Jim Pitzer, 15 South Grady Way, Suite 321, Renton, WA 98055. *Contract;* irregular, *Beer, Wine and Soft Drinks* between points in CA and WA for 270 days. Supporting Shipper: Columbia Distributing Co., Inc., 1911 N. Wenatchee Ave., Wenatchee, WA 98801.

MC 149036 (Sub-6–9TA), filed March 23, 1983. Applicant: MAHAFFEY'S WAREHOUSE, INC. P.O. B 317, Yellow Jacket, CO 81335. Representative: James F. Crosby, 7363 Pacific St., No. 210B, Omaha, NE 68114. *Beer,* from Olympia and Tumwater, WA (and points in their respective commercial zones) to Grand Junction, CO (and points in its commercial zone), for 270 days. An underyling ETA seeks 120 days authority. Supporting Shipper: Hub Distributing Co., Inc., 131 No. Spruce St., Grand Junction, CO 81501.

MC 143503 (Sub-6–8TA), filed March 30, 1983. Applicant: MERCHANTS HOME DELIVERY SERVICE, INC., P.O. Box 5067, Oxnard, CA 93031. Representative: David B. Schneider, 210 W. Park Ave., Suite 1120, Oklahoma City, OK 73102. *Contract,* irregular; *new furniture, fixures, accessories and appliances,* between points in Shreveport and Bossier City, LA, and points in their Commercial Zones, on the one hand, and, on the other, points in TX, OK and AR under continuing contract or contracts with Sears Roebuck and Company, Inc. for 270 days. Supporting Shipper: Sears Roebuck and Company, Inc., 685 Ponce De Leon Ave., N.E. Atlanta, GA.

MC 167137 (Sub-6–1TA), filed March 30, 1983. Applicant: MINEREM CORPORATION, 10621 S. Bloomfield St., No. 38, Los Alamitos, CA 90720. Representative: Richard Barb (same as applicant). *Hazardous materials and low specific activity, radioactive materials, and waste* from points in CA to points in WA for 270 days. Supporting shippers: University of Southern California, 2025 Zonal Ave., RMR 206, Los Angeles, CA 90033; and Moravek Biochemicals, Inc., 577 Mercury Lane, Brea, CA 92621.

MC 167195 (Sub-6–1TA), filed April 1, 1983. Applicant: SOLEDAD D. FLORO, d.b.a. P & S ENTERPRISES, 3157 Yakima Circle, San Jose, CA 95121. Representative: (Same as applicant). *Passengers* in special and charter operations between CA and NV for 270 days. Supporting shippers: Jessie Gonzales, 2424 Van Winkle, San Jose, CA 9516; Hedwigo S. Farrales, 1744 Cape Aston Ct, San Jose, CA 95133; Grace P. Pasion, 898 Stewart Dr., Sunnyvale, CA 94086; and Sonia Hatzidakis, 3967 Seven Trees Blvd, #160, San Jose, CA 95111.

MC 167099 (Sub-6–1TA), filed March 30, 1983. Applicant: STANLEY P. STOUT, d.b.a. S & S TRUCKING, P.O. Box 62, Malott, WA 98829. Representative: Jim Pitzer, 15 South Grady Way, Suite 321, Renton, WA 98055. *Contract;* irregular, *Beer, Wine and Soft Drinks* between points in CA and WA for 270 days. Supporting Shipper: Columbia Distributing Co., Inc., 1911 N. Wenatchee Ave., Wenatchee, WA 98801.

MC 144882 (Sub-6–4TA), filed March 28, 1983. Applicant: STATEWIDE DISTRIBUTION SERVICES, INC., P.O. Box 58926, Vernon, CA 90058. Representative: Marsha N. Honda, 1545 Wilshire Blvd., Suite 606, Los Angeles, CA 90017. *Contract carrier;* irregular route, *paper and allied products,* from points in OR, on the one hand, to points in AZ, CO, ID, MT, NM, NV, CA, WA and WY, on the other for 270 days. Supporting shipper: Superior Transportation Systems, Inc., 25200 S.W. Parkway, Wilsonville, OR 97070.

MC 125080 (Sub-6–1TA), filed March 31, 1983. Applicant: TETON CRANE AND TRANSPORT, INC., 865 Pancheri Dr., Idaho Falls, ID 83401. Representative: Timothy R. Stivers, P.O.B. 1576, Boise, ID 83701. *Granulated aluminum,* from Henrietta, MO to Cyprus Mines, near Clayton, ID, for 270 days. Supporting shipper(s): Southwest Energy, P.O.B. 1059, Challis, ID 83226.

MC 150412 (Sub-6–4TA), filed April 1, 1983. Applicant: VERNON EQUIPMENT, INC., P.O.B. 701, Walnut, CA 91789. Representative: Carla T. Novak, 1101 31st St., Downers Grove, IL 60515. *Contract* irregular, *Electrical Appliances,* from Phoenix, AZ to San Diego, CA under continuing contract(s) with Appliance TV–City of Phoenix, AZ for 270 days. Supporting shipper: Appliance TV–City, 2202 S. 7th St., Phoenix, AZ 85038.

MC 167149 (Sub-6–1TA), filed March 30, 1983. Applicant: KIM WEBB, d.b.a. WEBB TRANSPORTING, 1029 Williams Rd., Emmett, ID 83617. Representative: John H. Goslin, P.O. Box 921, Caldwell, ID 83605. *Chemicals* or *Allied Products* and *Petroleum* or *Coal Products* between points in ID, UT, WA, OR, WY, NV, and MT for 270 days. Supporting

shippers: B & W Fuels, Inc., P.O. Box 747, Emmett, ID 83617.

MC 167138 (Sub-6–1TA), filed March 28, 1983. Applicant: TOM PLAGGEMEYER, d.b.a. WESTERN PACIFIC TRUCKING, POB 7068, Missoula, MT 59807. Representative: Tom Plaggemeyer (same address as above). *Such commodities as are dealt in or used by Lumber yards* from points in OR, WA, and ID to MT, for 270 days. Supporting shipper: Bascorp, d.b.a. Sirco Manufacturing, 1919 North Avenue West, Missoula, MT 59801.

MC 167166 (Sub-6–1TA) filed March 31, 1983. Applicant: WINDSOR TOURS AND CHARTERS, INC., 4301 E. Main, Farmington, NM 87401. Representative: Bob Windsor (same as applicant). *Passenger, Charter and Special Operations,* from Farmington, NM to points in AZ, CA, CO, and NV for the account of Windsor Tours and Charters, for 270 days. Supporting shipper: There are five Shippers. Their statements may be examined in the office listed above.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–10182 Filed 4–15–83; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (fitness-only); Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods).

The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** on December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in the **Federal Register** on November 24, 1982, at 49 FR 53271. For compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E.

These applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significant affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please direct status inquiries about the following to Team 2, (202) 275–7030.

Volume No. OP2–170

Decided: April 8, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. Member Fortier not participating.

MC 159142 (Sub-2), filed March 29, 1983. Applicant: C & C TRANSPORTATION CO., P.O. Box 7446, Denver, CO 80207. Representative: John T. Wirth, 717 17th St., Suite 2600, Denver, CO 80202–3357, 303–892–6700. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

Please direct status inquiries about the following to Team 3 at (202) 275–5223.

Volume No. OP3–145

Decided: April 18, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 167004, filed March 23, 1983. Applicant: MASSINI BUS COMPANY, INC., Rt. 7A, Sheffield, MA 01257. Representative: David M. Marshall, Sixth Fl, 95 State St., Springfield, MA 01103, (413) 732–1136. Transporting *passengers,* in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately funded charter and special transportation.

Please direct status inquiries about the following to Team 4 at (202) 275–7669.

Volume No. OP4–220

Decided: April 11, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 106207 (Sub-22), filed March 28, 1983. Applicant: NEW YORK-KEANSBURG-LONG BRANCH BUS CO. INC., 50 Hwy 36, Leonardo, NJ 10037. Representative: Sidney J. Leshin, 3 East 54th St., New York, NY 10022, (212) 759–3700. Over regular routes, transporting *passengers,* between Lakewood, NJ and New York, NY, serving all intermediate points: from Lakewood over local streets to junction U.S. Hwy 9, then north over U.S. Hwy 9 to junction of Garden State Parkway, then north over Garden State Parkway to junction New Jersey Turnpike, then north over New Jersey Turnpike to junction Interstate Hwy 495,

then east over Interstate Hwy 495 to Port Authority terminal, New York, NY, then over local streets in New York, NY to World Trade Center, New York, NY, and return over the same routes.

Note.—Applicant seeks to provide regular-route service in interstate or foreign commerce.

Volume No. OP4–222

Decided: April 11, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 167207, filed April 1, 1983. Applicant: YOGINDER SETHI, d.b.a. SETHI FREIGHT MANAGEMENT SERVICE, 3 Woodview Ct., San Ramon, CA 94583. Representative: Yoginder Sethi (same address as applicant), (415) 829–5827. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 167217, filed April 4, 1983. Applicant: WELSH INDUSTRIES, INC., R.D. #3, Box 76–C, Moscow, PA 18444. Representative: Raymond Talipski, 121 S. Main St., Taylor, PA 18517, (717) 344–8030. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 167256, filed April 6, 1983. Applicant: PML WAREHOUSES INC., 121 Enterprise Ave., South, Secaucus, NJ 07094. Representative: Edward L. Nehez, P.O. Box Y, 7 Becker Farm Rd., Roseland NJ 07068, (201) 992–2200. As a *broker of general commodities* (except household goods), between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–10179 Filed 4–15–83; 8:45 am]

BILLING CODE 7035–01–M

[Ex Parte No. 387]

Rail Carriers; Exemptions for Contract Tariffs

AGENCY: Interstate Commerce Commission.

ACTION: Notices of provisional exemptions.

SUMMARY: Provisional exemptions are granted under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e), and the below-listed contract tariffs may become effective on one day's notice. These exemptions may be revoked if protests are filed.

DATE: Protests are due within 15 days of publication in the **Federal Register.**

ADDRESS: An original and 6 copies should be mailed to: Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Douglas Galloway, (202) 275–7278.

SUPPLEMENTARY INFORMATION: The 30-day notice requirement is not necessary in these instances to carry out the transportation policy of 49 U.S.C. 10101a or to protect shippers from abuse of market power; moreover, the transaction is of limited scope. Therefore, we find that the exemption requests meet the requirements of 49 U.S.C. 10505(a) and are granted subject to the following conditions:

These grants neither shall be construed to mean that the Commission has approved the contracts for purposes of 49 U.S.C. 10713(e) not that the Commission is deprived of jurisdiction to institute a proceeding on its own initiative or on complaint, to review these contracts and to determine their lawfulness.

Sub-No.	Name of railroad, contract No., and Specifics	Review Board[1]	Decided date
895	Soo Line Railroad Co., ICC-SOO-C-0066, supplement 1, (wheat)	2	4–12–83
896	Union Pacific Railroad Co., ICC-UP-C-0057, supplement 2, (frozen foodstuffs)	3	4–12–83

[1] Review Board No. 2, Members Carleton, Williams, and Ewing. Review Board No. 3, Members Krock, Joyce, and Dowell.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505)

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–10180 Filed 4–15–83; 8:45 am]

BILLING CODE 7035–01–M

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

Advisory Committee on Actuarial Examinations; Meeting

Notice is hereby given that the Advisory Committee on Actuarial Examinations will meet in Room E 300 U, John F. Kennedy Federal Building, Cambridge Street, Boston, Massachusetts on May 20, 1983, beginning at 8:30 a.m.

The purpose of the meeting is to prepare recommended questions for the Joint Board's examinations in actuarial mathematics and methodology referred to in Title 29 United States Code, section 1242(a)(1)(B). A determination as required by section 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463) has been made that the subject of the meeting falls within the exceptions to the open meeting requirement set forth in Title 5 United States Code, section 552b(c)(9)(B), and that the public interest requires that such meeting be closed to public participation.

Dated: April 13, 1983.

Leslie S. Shapiro,

Advisory Committee Management Officer, Joint Board for the Enrollment of Actuaries.

[FR Doc. 83–10194 Filed 4–15–83; 8:45 am]

BILLING CODE 4810–25–M

DEPARTMENT OF JUSTICE

[AAG/A Order No. 7–83]

Privacy Act of 1974; New Systems of Records

Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), notice is hereby given that the Bureau of Prisons of the United States Department of Justice proposes to establish two new systems of records to be maintained by the National Institute of Corrections.

The National Institute of Corrections Technical Assistance Resource Persons Directory (JUSTICE/BOP–101) will provide a current list of persons who have agreed to provide technical assistance to state and local correctional agencies.

The National Institute of Corrections Field Readers List (JUSTICE/BOP–102) will contain names of persons who have expertise to review applications for grants where the amount of the award exceeds $100,000 or where a substantial personal conflict of interest is indicated.

5 U.S.C. 552a(e)(4) and (11) provide that the public be given a 30-day period in which to comment on the routine uses of a new system of records. The Office of Management and Budget (OMB), which has oversight responsibility under the Act, requires a 60-day period in which to review the system before it is implemented. Therefore, the public, OMB, and the Congress are invited to submit written comments on these systems. Comments should be addressed to the Administrative Counsel, Justice Management Division, Department of Justice, Room 6239, 10th and Constitution Avenue, N.W., Washington, D.C. 20530. If no comments are received from the public, OMB, or the Congress within 60 days from the date of publication of this notice, the System will be implemented without further notice in the **Federal Register.**

Reports of the proposed systems have been provided to the Director, OMB, to the President of the Senate, and to the Speaker of the House of Reprentatives.

Dated: April 5, 1983

Kevin D. Rooney,

Assistant Attorney General for Administration.

JUSTICE/BOP–101

SYSTEM NAME:

National Institute of Corrections Technical Assistance Resource Persons Directory

SYSTEM LOCATION:

Records will be retained at either the National Institute of Corrections (NIC), 320 First Street, N.W., Washington, D.C. 20534 or at 1790 30th Street, Suite 140, Boulder, Colorado 80301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have been identified and have agreed to provide technical assistance to state and local correctional agencies in order to strengthen and improve the practice of corrections.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Resume of individual including educational and work experience information; (2) Expertise checklist completed by named individual; and (3) Salary statement provided by named individual.

AUTHORITY FOR MAINTENCE OF THE SYSTEM:

This system is established and maintained under the authority of 18 U.S.C. 4352(a).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The routine uses of this system are: (a) To provide an information source to officers and employees of the Department of Justice who have a need for the information in the performance of their duties; (b) to provide an information source to Federal, state, and local correctional and law enforcement officials who have a need for technical assistance in corrections; and (c) to provide an information source for individuals or groups who request information or technical assistance in corrections, including, but not limited to, members of Congress, architects of prisons, newspaper reporters, public and private social service organizations, and students.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

Storage

Information maintained in the system may be stored on documents, magnetic tape, and magnetic disk.

RETRIEVABILITY:

Information is indexed by name and areas of expertise.

SAFEGUARDS:

Information is safeguarded in accordance with Bureau of Prisons rules governing access and release.

RETENTION AND DISPOSAL:

All records will be maintained until either the individual notifies NIC that he or she no longer desires to provide technical assistance or until NIC determines to delete a name from the list. If deleted for any reason, records will be destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Technical Assistance Manager, National Institute of Corrections, 320 First Street, N.W., Washington, D.C. 20534.

NOTIFICATION PROCEDURE:

Address inquiries to: Director, National Institute of Corrections, 320 First Street, N.W. Washington, D.C. 20534.

RECORD ACCESS PROCEDURES:

Same as notification procedure.

CONTESTING RECORD PROCEDURES:

Same as notification procedure.

RECORD SOURCE CATEGORIES:

All information is obtained from the individual named in the list.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/BOP–102

SYSTEM NAME:

National Institute of Corrections Field Readers List

SYSTEM LOCATION:

Records will be retained at the National Institute of Corrections (NIC); 320 First Street, N.W., Washington, D.C. 20534.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons with expertise in a field of corrections who have been approved by the Advisory Board of NIC and who have agreed to review applications for grants where the amount of the award exceeds $100,000 or where a substantial personal conflict of interest is indicated.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Resume of individual including educational and work experience information; and (2) expertise checklist completed by the individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

This system is established and maintained under the authority of 18 U.S.C. 4352(a).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The routine uses of this system are: (a) To provide an information source to officers and employees of the Department of Justice who have a need for the information in the performance of their duties; and (b) to provide the Advisory Board of NIC with a list of individuals who have the expertise to review applications for grants where the amount of the award exceeds $100,000 or where a substantial personal conflict of interest is indicated.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information maintained in the system may be stored on documents, magnetic tape, and magnetic disk.

RETRIEVABILITY:

Information is indexed by name and areas of expertise.

SAFEGUARDS:

Information is safeguarded in accordance with Bureau of Prisons rules governing access and release.

RETENTION AND DISPOSAL:

All records will be maintained until either the individual notifies NIC that he or she no longer desires to provide assistance or until the Advisory Board of NIC determines that a name should be deleted from the list. If deleted for any reason, the records will be destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Administrative Officer, National Institute of Corrections, 320 First Street, N.W., Room 200, Washington, D.C 20534.

NOTIFICATION PROCEDURE:

Address inquiries to: Director, National Institute of Corrections, 320 First Street, N.W., Room 200, Washington, D.C. 20534.

RECORD ACCESS PROCEDURES:

Same as notification procedure.

CONTESTING RECORD PROCEDURES:

Same as notification procedure.

RECORD SOURCE CATEGORIES:

All information is obtained from the individual named in the list.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 83-10213 Filed 4-15-83; 8:45 am]
BILLING CODE 4410-05-M

Proposed Consent Decree In Action To Enforce the Clean Air Act; Carborundum Co.

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on March 25, 1983, a proposed consent decree in *United States* v. *The Carborundum Company, A Division of Kennecott Corporation,* Civil Action No. 83-336, was lodged with the United States District Court for the Western District of New York.

The proposed consent decree provides for compliance with both the New York State Clean Air Act Implimentation Plan (SIP) and the Clean Air Act. The decree orders defendant to operate in compliance with the opacity provisions of the New York SIP; enjoins further operation of polluting equipment until suitable repairs and modifications are made; establishes a schedule, enforceable by stipulated penalties, for the making of such repairs and modifications; imposes maintenance, reporting and testing requirements; and requires defendant to pay to the United States $21,000 in settlement of the allegations of the complaint.

The Department of Justice will receive for a period of thirty (30) days from the date of this notice written comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General for the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *The Carborundum Company, A Division of Kennecott Corporation,* DOJ No. 90-5-2-1-562.

A copy of the proposed consent decree may be examined at the offices of the United States Attorney, Western District of New York, 502 U.S. Courthouse, Court and Franklin Streets, Buffalo, New York 14202; the Environmental Protection Agency, 26 Federal Plaza, New York, New York 1078; and the Environmental Enforcement Section, Land and Natural Resources Division, United States Department of Justice, Room 1515, Ninth Street and Pennsylvania Avenue, NW., Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 83-10211 Filed 4-15-83; 8:45 am]
BILLING CODE 4410-01-M

Proposed Consent Decree in Action To Enforce the Clean Air Act; Virgin Islands Water and Power Authority

In accordance with Departmental policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on March 28, 1983, a proposed consent decree in *United States* v. *Virgin Islands Water and Power Authority,* Civil Action No. 83-85 was lodged with the United States District Court for the District of the Virgin Islands.

The proposed consent decree provides for compliance with the Clean Air Act, the U.S. Virgin Islands Implementation Plan ("SIP"), the Prevention of Significant Deterioration of Air Quality ("PSD") regulations and the New Source Performance Standards ("NSPS") in connection with the installation and subsequent operation of two stationary gas turbines.The Department of Justice will receive for a period of thirty (30) days from the date of this notice written comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *Virgin Islands Water and Power Authority,* D.J. No. 90-5-2-1-568.

The proposed consent decree may be examined at the Office of the United States Attorney, Federal Building and U.S. Courthouse, Room 260, Veterans Drive, Charlotte Amalie, St. Thomas, Virgin Islands 00820; the Environmental Protection Agency, 26 Federal Plaza, New York, New York 10278; and the Environmental Enforcement Section, Land and Natural Resources Division, United States Department of Justice, Room 1515, Ninth Street and Pennsylvania Avenue, NW., Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 83-10112 Filed 4-15-83; 8:45 am]
BILLING CODE 4410-01-M

Antitrust Division

Proposed Consent Judgment in United States v. Danilow Pastry Co., Inc., et al. and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16 (b)-(h), that a proposed Final Judgment, Stipulation and Competitive Impact Statement have been filed with the United States District Court for the Southern District of New York in *United States* v. *Danilow Pastry Co., Inc., et al.,* Civil Action No. 82 Civ. 3696. The Complaint in this case alleges that eight defendants combined and conspired to raise and fix prices of pastry in the New York metropolitan area in violation of Section 1 of the Sherman Act, 15 U.S.C. 1. The proposed Final Judgment enjoins each defendant from directly or indirectly entering into, participating in or maintaining any contract, combination or conspiracy with any other defendant, or any other wholesale bakery, or any jobber or any union to fix prices, discounts, or other terms or conditions for the sale of pastry.

Public comment is invited within the statutory sixty (60) day comment period. Such comments and responses thereto will be published in the **Federal Register** and filed with the Court. Comments should be directed to Ralph T. Giordano, Chief, New York Office, Antitrust Division, Department of Justice, Room 3630, 26 Federal Plaza, New York, New York 10278 (Telephone: 212-264-0390).

Joseph H. Widmar,

Director of Operations.

Stipulation

In the matter of United States District Court, Southern District of New York; United States of America, Plaintiff, v. Danilow Pastry Co., Inc., Dan-San Pastry Shop, Inc., d.b.a. Broadway Pastry Shop, Kremo Baking Co., Inc., R. K., Baking Corp., Acme Cake Co., Inc., Wens Cake Distributing Corp., Mrs. Mac's Baking Co., Inc., Temtee Donuts, Inc., Defendants; 82 Civ. 3696 (EW).

Filed: April 5, 1983.

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. A Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. 16), and without further notice to any party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by

serving notice thereof on defendants and by filing that notice with the Court.

2. In the event plaintiff withdraws its consent, or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect and the making of this Stipulation shall be without prejudice to any person in this or any other proceeding.

For the Plaintiff:

William F. Baxter,
Assistant Attorney General.

Joseph H. Widmar,
Ralph T. Giordano,
Attorneys, Department of Justice.

Rebecca Meilkejohn,
Lowell L. Jacobs,
Marc A. Pergament,
Attorneys, Department of Justice, Antitrust Division, Room 3630, 26 Federal Plaza, New York, New York 10278, telephone: (212) 264–0654.

For the Defendants:

Stillman, Friedman & Shaw,
By Charles A. Stillman, a Member of the Firm, Attorneys for Defendants: Danilow Pastry Co., Inc. and Kremo Baking Co., Inc., 521 Fifth Avenue, New York, New York 10175; (212) 661–4100.

Vladeck, Waldman, Elias & Engelhard,
By Seymour M. Waldman, a Member of the Firm, Attorneys for Defendant: R. K. Baking Corp., 1501 Broadway, New York, New York 10036; (212) 354–8330.

Nolan, O'Neill & Moore,
By Frank Careri, Jr., a Member of the Firm, Attorneys for Defendant: Mrs. Mac's Baking Co., Inc., Tower Suite 1900, 60 Park Place, Newark, New Jersey 07102; (201) 643–6300.

Grand & Ostrow,
By Frank H. Wright, a Member of the Firm, Attorneys for Defendant: Dan-San Pastry Shop, Inc., 641 Lexington Avenue, New York, New York 10022; (212) 832–3611.

Rogers & Wells,
By Rogers & Wells/John J. Sheehy a Member of the Firm, Attorneys for Defendants: Acme Cake Co., Inc. and Wens Cake Distributing Corp., 200 Park Avenue, New York, New York 10166; (212) 878–9244.

Austrian, Lance & Stewart,
By Richard B. Cooper, a Member of the Firm, Attorneys for Defendant: Temtee Donuts, Inc., 30 Rockefeller Center, New York, New York 10112; (212) 489–9500.

Final Judgment

In the matter of; United States District Court Southern District of New York; United States of America, Plaintiff, v. Danilow Pastry Co., Inc., Dan-San Pastry Shop, Inc., d.b.a. Broadway Pastry Shop, Kremo Baking Co., Inc., R.K. Baking Corp., Acme Cake Co., Inc., Wens Cake Distributing Corp., Mrs. Mac's Baking Co., Inc., Temtee Donuts, Inc., Defendants; 82 Civ. 3696 (EW).

Filed: April 5, 1983.

Plaintiff, United states of America, having filed its Complaint herein on June 4, 1982, and plaintiff and the defendants, by their respective attorneys, having consented to the entry of this Final Judgement without trial or adjudication of any issue of fact or law herein and without this Final Judgment constituting any evidence against or any admission by any party with respect to any such issue:

Now, therefore, before the taking of any testimony and without trial or adjudication of any issue of fact or law herein and upon consent of the parties hereto, it is hereby

Ordered, adjudged, and decreed as follows:

I. This court has jurisdiction of the subject matter of this action and of each of the parties consenting hereto. The Complaint states a claim upon which relief may be granted against each defendant under Section 11 of the Sherman Act (15 U.S.C. 1).

II. As used in this Final Judgment:

(a) "Person" means any individual, partnership, corporation, or other legal or business entity.

(b) "Pastry" means baked or fried, fresh, sweet goods made primarily from flour, shortening, sugar and dairy products and includes, but is not limited to, danish, doughnuts, muffins cookies, coffee cakes, layer cakes and pies.

(c) "Wholesale bakery" means a person engaged, in whole or in part, in the business of making any of the items defined as pastry for sale to jobbers, to other persons that sell pastry to jobbers, to institutional caterers, or to restaurants, luncheonettes, hospitals, schools, office cafeterias, or other businesses that resell pastry directly to the consumer.

(d) "Jobber" means a person, not a wholesale bakery or employed by a wholesale bakery, who is engaged, in whole or in part, in the business of distributing pastry to restaurants, luncheonettes, hospitals, schools, office cafeterias, or other businesses that resell pastry directly to the consumer.

III. This Final Judgment applies to the defendants and to their officers, directors, agents, employees, subsidiaries, successors and assigns, and to all other persons in active concert or participation with any of them who shall have received actual notice of this Final Judgment by personal service or otherwise.

IV. Each defendant is enjoined and restrained from directly or indirectly entering into, adhering to, participating in, maintaining, furthering, enforcing, or claiming any right under any contract, agreement, understanding, plan, program, combination or conspiracy with any other defendant or any other wholesale bakery or any jobber or any union to fix, establish, raise, lower or maintain prices, discounts, or other terms or conditions for the sale of pastry.

V. Each defendant is enjoined and restrained from communicating to, requesting from or exchanging with any other defendant or any other wholesale bakery or any jobber any information concerning actual or proposed prices, discounts, terms or conditions of sale, or actual or proposed pricing policies, or any consideration or contemplation of changes therein, for the sale of pastry.

VI. Noting contained in this Final Judgment shall prohibit any defendant from engaging in any transaction or communication with any person in connection with an actual or proposed *bona fide* purchase or sale of pastry from or to such person.

VII.(A) Each defendant shall advise each of its officers who has management responsibility for the sale of pastry and each of its employees who has responsibility for or authority over the establishment of prices for pastry of his obligations and of such defendant's obligations under this Final Judgment.

(B) Each defendant is ordered and directed to:

(1) Furnish a copy of this Final Judgment to each of the persons described in subsection (A) hereof within thirty (30) days after the date of the entry of this Final Judgment;

(2) Furnish a copy of this Final Judgment to each person who in the future shall have any of the responsibilities described in subsection (A) hereof within 30 days of his obtaining such responsibilities;

(3) Obtain from each of those persons furnished a copy of this Final Judgment pursuant to subsections (B) (1) or (2) hereof, a signed receipt therefor, which receipt shall be retained in the defendant's files for at least until the termination of this Final Judgment;

(4) Attach to each copy of this Final Judgment furnished to each of those persons described in subsections (A) and (B)(2), a statement advising each such person of his obligations and of such defendant's obligations under this Final Judgment, and of the penalties which may be imposed upon him and upon such defendant for violation of this Final Judgment;

(5) Hold within sixty (60) says after the date of entry of this Final Judgment, a meeting of the persons described in subsections (A) and (B)(2) hereof, at which meeting such persons shall be instructed concerning their obligations and such defendant's obligations under this Final Judgment. Similar meetings

shall be held at least once a year for a period of five (5) years from the date of entry of this Final Judgment;

(6) Establish and implement a plan for monitoring compliance by the persons described in subsections (A) and (B)(2) hereof with the terms of this Final Judgment; and

(7) File with this Court, and serve upon plaintiff within ninety (90) days after the date of entry of this Final Judgment, an affidavit as to the fact and manner of its compliance with subsections (A), (B) (1), (3), (4), (5) and (6) hereof.

VIII. Each defendant shall require, as a condition of the sale or other disposition of all, or substantially all, of the assets used by it in its pastry business, that the acquiring party agree to be bound by the provisions of this Final Judgment. The acquiring party shall file with the Court and serve upon plaintiff its consent to be bound by this Final Judgment.

IX. For the purpose of determining or securing compliance with this Final Judgment, and subject to any legally recognized privilege, from time to time:

(A) Duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to a defendant made to its principal office, be permitted:

(1) Access during office hours of such defendant to inspect and copy all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of such defendant, who may have counsel present, relating to any matters contained in this Final Judgment; and

(2) Subject to the reasonable convenience of such defendant and without restraint or interference from it, to interview officers, employees and agents of such defendant, who may have counsel present, regarding any such matters.

(B) Upon the written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division made to a defendant's principal office, such defendant shall submit such written reports, under oath if requested, with respect to any of the matters contained in this Final Judgment as may be requested.

No information or documents obtained by the means provided in this Section IX shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

(C) If at the time information or documents are furnished by a defendant to plaintiff, such defendant represents and identifies in writing the material in any such information or documents to which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure, and said defendant marks each pertinent page of such material, "Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then 10 days notice shall be given by plaintiff to such defendant prior to divulging such material in any legal proceeding (other than a grand jury proceeding) to which that defendant is not a party.

X. This Final Judgment shall terminate ten (10) years from the date of its entry.

XI. Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders or directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of the provisions hereof, for the enforcement of compliance herewith, and for the punishment of any violation hereof.

XII. Entry of this Final Judgment is in the public interest.

United States District Court, Southern District of New York; United States of America, Plaintiff, v. Danilow Pastry Co., Inc., Dan-San, Pastry Shop, Inc., d.b.a. Broadway Pastry Shop, Kremo Baking Co., Inc., R. K. Baking Corp., Acme Cake Co., Inc., Wens Cake Distributing Corp., Mrs. Mac's Baking Co., Inc., Temtee Donuts, Inc., Defendants; 82 Civ. 3696 (EW); Proposed Final Judgement; Competitive Impact Statement.

Filed: April 5, 1983.

The United States of America, pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b), files this Competitive Impact Statement in connection with the proposed Final Judgment submitted for entry in this civil antitrust proceeding.

I. *Nature and Purpose of the Proceeding.* On June 4, 1982, the United States filed a civil antitrust complaint under Section 4 of the Sherman Act, 15 U.S.C. 4, alleging that the above-named defendants and unnamed co-conspirators had from at least as early as the mid-1960s until at least March 1981 combined and conspired to raise and fix prices of pastry in the New York metropolitan area in violation of Section 1 of the Sherman Act, 15 U.S.C. 1. The Complaint also alleged that, as a result of the combination and conspiracy, price competition among the defendants was restrained and their customers were deprived of the benefits of free and open competition.

The complaint sought an adjudication that the alleged combination and conspiracy was illegal and an injunction prohibiting the defendants from continuing, maintaining or renewing the combination or conspiracy, or from engaging in any other combination or conspiracy having a similar purpose or effect.

On the same day the United States filed its complaint in this proceeding, a federal grand jury in Manhattan returned an indictment charging six of the above-named defendants and six individuals with a criminal violation of the Sherman Act arising out of the same conspiracy alleged in the complaint. All of the defendants in the criminal action (82 Cr. 415) entered pleas of *nolo contendere* on November 29, 1982. On January 31, 1983, Judge David N. Edelstein sentenced the corporate defendants to pay fines that totalled $220,000 and to make restitution valued at $174,200. He sentenced the individual defendants to pay fines that totalled $41,000, imposed suspended jail sentences that ranged from 30 to 120 days, and, for five of the six individuals, required them to perform between 200 and 1000 hours of community service during the next two years, as a condition of probation.

The Court's entry of the proposed Final Judgment will terminate this action, except that the Court will retain jurisdiction over the matter for the next ten years for possible further proceedings to construe, modify or enforce the judgment, or to punish violation of any of its provisions.

II. *Description of Practices Giving Rise to the Alleged Violation.* The defendants are the major wholesale bakeries, or their affiliated distributors, of pastry for customers such as restaurants, luncheonettes, hospitals, schools, office cafeterias and institutional caterers in the New York metropolitan area. They also sell pastry to independent middlemen known as jobbers. The defendants' total sales of pastry from 1977 through 1980 were more than $100 million.

At trial, the United States would have been prepared to prove that owners and executives of each of the defendants regularly met to discuss price increases and that they repeatedly agreed to raise prices by approximately the same amounts and at approximately the same times, and also to limit discounts, to limit promotional devices, not to solicit each other's customers for a period of

time and to refuse new orders from each other's customers for a period of time. Within the past five years, the defendants implemented their agreements by increasing wholesale prices for pastry in February and March 1978, December 1978, November 1979, September 1980, November 1980, and February and March 1981 and by following the other terms of their conspiracy. A summary of the government's evidence, in the form of statements by each of its six anticipated trial witnesses, was made part of the record of the criminal proceeding before Judge Edelstein.

III. *Explanation of the Proposed Final Judgment.* The parties have stipulated that the proposed Final Judgment, in the form they negotiated, may be entered by the Court at any time after compliance with the Antitrust Procedures and Penalties Act. The judgment provides that it shall not constitute an admission by any party with respect to any issue of fact of law.

The proposed Final Judgment enjoins each defendant from directly or indirectly entering into, participating in or maintaining any contract, agreement, understanding, plan, program, combination or conspiracy with any other defendant, or any other wholesale bakery or any jobber or any union to fix, establish, raise, lower or maintain prices, discounts or other terms or conditions for the sale of pastry.

It also enjoins each defendant from communicating to, requesting from or exchanging with any other defendant or any other wholesale bakery or any jobber any information concerning actual or proposed prices, discounts, terms or conditions of sale, or actual or proposed pricing policies, or any consideration or contemplation of changes therein, for the sale of pastry.

The proposed Final Judgment contains several provisions relating to defendants' compliance with its terms. It prescribes the manner in which each defendant must notify certain of its officers and employees of their obligations under the judgment. It also requires that each defendant secure from any party who acquires all or substantially all of the assets used by the defendant in its pastry business an agreement to be bound by the provisions of the judgment.

The proposed Final Judgment specifies that it will be effective for ten years from the date of its entry.

The last provision states that entry of the Final Judgment is in the public interest. Under the provisions of the Antitrust Procedures and Penalties Act, entry of the proposed Final Judgment is conditioned upon a determination by the Court that it is in the public interest.

The government believes that the proposed Final Judgment is fully adequate to prevent the continuation or recurrence of the violation of Section 1 of the Sherman Act alleged in the complaint, and that disposition of this proceeding without further litigation is appropriate and in the public interest.

IV. *Remedies Available To Potential Private Plaintiffs.* After entry of the proposed Final Judgment, any potential private plaintiff that might have been damaged by the alleged violation will retain the same right to sue for monetary damages and any other legal or equitable relief that it may have had if the Final Judgment had not been entered. The Final Judgment may not be used, however, as *prima facie* evidence in private litigation, pursuant to Section 5(a) of the Clayton Act, as amended, 15 U.S.C. 16(a).

V. *Procedures Available for Modification of the Proposed Final Judgment.* As provided by the Antitrust Procedures and Penalties Act, any person believing that the proposed Final Judgment should be modified may submit written comments within the 60-day period provided by the Act to Ralph T. Giordano, Chief, New York Office, Antitrust Division, United States Department of Justice, Room 3630, 26 Federal Plaza, New York, New York 10278 (Telephone: 212–264–0390). These comments and the Department's responses to them will be filed with the Court and published in the **Federal Register**.

All comments will be given due consideration by the Department of Justice. The Department remains free to withdraw its consent to the proposed Final Judgment at any time prior to its entry if it should determine that some modification is necessary. Additionally, the proposed Final Judgment provides that the Court retains jurisdiction over this action, and that the parties may apply to the Court at any time during the life of the Final Judgment for interpretation, modification, or enforcemrent of its provisions.

I. *Alternatives To the Proposed Final Judgment.* The alternative to the proposed Final Judgment considered by the government was a full trial on the merits and on relief. The government considers the proposed Judgment to be of sufficient scope and effectiveness to make a trial unnecessary, since it provides appropriate relief against the violations alleged in the complaint.

VII. *Determinative Materials and Documents.* No materials or documents were considered determinative by the government in formulating the proposed Final Judgment. Consequently, none is being filed pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b).

Dated: April 5, 1983, New York, New York.

Respectfully submitted:

Rebecca Meiklejohn,
Lowell L. Jacobs,
Marc A. Pergament,
Attorneys, Department of Justice, Antitrust Division, Room 3630, 26 Federal Plaza, New York, New York 10278, Tel. No.: (212) 264–0654.

[FR Doc. 83–10267 Filed 4–15–83; 8:45 am]
BILLING CODE 4410–01–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Subcommittee on Systematic Evaluation Program; Meeting

The ACRS Subcommittee on the Systematic Evaluation Program will hold a meeting on May 6, 1983, Room 1046, 1717 H Street, NW., Washington, D.C. The Subcommittee will discuss the Systematic Evaluation Program review of La Crosse Boiling Water Reactor (LACBWR).

In accordance with the procedures outlined in the **Federal Register** on October 1, 1982 (47 FR 43474), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions during which the Subcommittee finds it necessary to discuss proprietary information. (Sunshine Act Exemption 4.) One or more closed sessions may be necessary to discuss such information. To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows: Friday, May 6, 1983—8:30 a.m. until the conclusion of business.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be

considered during the balance of the meeting. The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Herman Alderman (telephone 202/634–1414) between 8:15 a.m. and 5:00 p.m., EST.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting to public attendance to protect proprietary information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: April 13, 1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83–10247 Filed 4–15–83; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards, Subcommittee on Westinghouse Water Reactors; Meeting

The ACRS Subcommittee on Westinghouse Water Reactors will hold a meeting on May 5, 1983, Room 1046, 1717 H Street, NW., Washington, DC.

The agenda for subject meeting shall be as follows: *Thursday, May 5, 1983—8:30 a.m. until the conclusion of business.*

The Subcommittee will discuss design information related to the Westinghouse Advanced Pressurized Water Reactor (*WAPWR*).

The entire meeting will be closed to public attendance in order to protect Westinghouse proprietary information concerning the *WAPWR* (Sunshine Act Exemption 4).

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of Westinghouse, NRC Staff, and their consultants regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Anthony Cappucci (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EST.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it will be necessary to close this meeting to protect proprietary information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: April 13, 1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83–10248 Filed 4–15–83; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–272]

Public Service Electric & Gas Co.; Granting of Relief from ASME Section XI Inservice Testing Requirements

The U.S. Nuclear Regulatory Commission (the Commission) has granted relief from certain requirements of the ASME Code, Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components" to Public Service Electric and Gas Company. The relief relates to the inservice testing program for the Salem Nuclear Generating Station, Unit No. 1 (the facility) located in Salem County, New Jersey. The ASME Code requirements are incorporated by reference into the Commission's rules and regulations in 10 CFR Part 50. The relief is effective as of the date of issuance.

The relief permits the licensee to test certain designated pumps and valves in a manner or on a schedule different from the prescribed in Section XI of the ASME Boiler and Pressure Vessel Code and applicable Addenda, as required by 10 CFR Part 50, because of inaccessibility, configuration of components, radiation level, or other valid reasons.

The request for relief complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as rquired by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the letter granting relief.

The Commission has determined that the granting of this relief will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this relief.

For further details with respect to this action, see (1) the application for relief dated February 9, 1979, as revised March 10, 1980 and April 29, 1981, (2) the Commission's letter dated April 12, 1983, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Salem Free Public Library, 112 West Broadway, Salem, New Jersey.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 12th day of April 1983.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 83–10248 Filed 4–15–83; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Commodity Policy Advisory Committee; Notice of Meeting and Determination of Closing of Meeting

The meeting of the Commodity Policy Advisory Committee (the Advisory Committee) to be held Wednesday, April 20, 1983, from 2:00 p.m. to 5:00p.m. at the Office of the United States Trade Representative, will involve a review and discussion of the current issues involving the trade policy of the United States. The review and discussion will deal with information submitted in confidence by the private sector members of the Committee under Section 135(g)(1)(A) of the Trade Act of 1974, as amended, (the Act); information submitted by government officials under Section 135(g)(2) of the Act the disclosure of which could be reasonably expected to prejudice United States negotiating objectives; information the disclosure of which would be likely to significantly frustrate implementation of proposed government action; and information properly classified pursuant to Executive Order 12356 and specifically required by such Order to be kept secret in the interests of national security (i.e., the conduct of foreign relations) of the United States. All members of the Advisory Committee have all necessary security clearances. Consistent with previous determinations concerning other advisory committees,

established under Section 135(c) of the Act, I hereby determine that the meeting of the Advisory Committee will be concerned with matters listed above and with matters listed in Section 552b(c) of Title 5 of the United States Code. Therefore, the meeting of the Commodity Policy Advisory Committee will be closed to the public.

More detailed information can be obtained by contacting Phyllis O. Bonanno, Director, Office of Private Sector Liaison, Office of the United States Trade Representative, Executive Office of the President, Washington, D.C. 20506.

William E. Brock,

United States Trade Representative.

[FR Doc. 83-10173 Filed 4-15-83 8:45 am]

BILLING CODE 3190-01-M

PEACE CORPS

Candidate Selection Inventory; Pre-test Study

AGENCY: Peace Corps.

ACTION: Notification of a Proposed Peace Corps Pre-test Study of a Candidate Selection Inventory.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Peace Corps is soliciting public comments on the subject proposal.

ADDRESS: Interested persons are invited to submit comments regarding this proposal by name and should be sent to Francine Picoult, OMB Desk Officer, Office of Management and Budget, New Executive Office, Room 3235, Washington, D.C. 20503. Comments should be received by on or before June 17, 1983.

FOR FURTHER INFORMATION CONTACT: Jim Hogan, Special Assistant, Director of the Office of Recruitment, Placement and Staging, Peace Corps, 806 Connecticut Avenue, NW., Room M-900, Washington, D.C., 20526, telephone (202) 254-7080. This is not a toll-free number. For a copy of the scale contact Mr. Hogan.

SUPPLEMENTARY INFORMATION: Peace Corps proposes to examine the efficacy of a self administered paper-and-pencil inventory for helping staff improve the selection of Peace Corps Volunteers. Current research with the inventory, the Overseas Assignment Inventory (OAI), originally developed and validated to screen naval and private sector personnel for overseas assignments, suggests it might provide a cost effective and systematic means for measuring and predicting Peace Corps Volunteer candidates' cross-cultural adjustment overseas. Use of this inventory by the U.S. Navy has not produced any evidence that it discriminates among groups on the basis of gender, race or ethnic background. Information derived from this study will be used to establish normative OAI data for Peace Corps Volunteer candidates and to test the abilities of the OAI to predict suitability as a Peace Corps Volunteer candidate as he or she goes through Peace Corps' Volunteer Delivery System and overseas service.

The study will include all candidates who have been nominated by Peace Corps recruiters for consideration to serve as Peace Corps Volunteers from about June 1983 through the end of FY'83 as well as all candidates who attend a Peace Corps Center for Assessment and Training (CAST) for the remainder of FY'83. It is estimated that 1300 people would be involved in total. Nominees will be mailed and requested to complete a copy of the OAI. Persons attending CASTs will be administered the OAI directly during the first day.

People participating will need to provide personal identifying information in order that later status changes can be tracked and linked to OAI scores, to establish its validity for Peace Corps. They will be told that their participation is voluntary and that the proposed study is a validation pre-test of the OAI, its procedures and results for Peace Corps, and its results will not be used for deselection purposes during this test phase. No modification of any selection/screening procedures will occur during this study.

The proposed information collection requirement is described as follows:

Proposal: Overseas Assignment Inventory
Office: Office of Recruitment, Placement and Staging
Form No.: PC-1556
Frequency of Submission: On occassion
Affected Public: Individuals who are candidates for Peace Corps Volunteer service
Estimated Burden Hours: 1300 respondents at 20 minutes each (433 hours.)

This is not a proposal to which 44 U.S.C. 3504(h) applies. This notice is issued in Washington, D.C. on April 11, 1983.

Robert T. Spencer,

Associate Director for Management.

[FR Doc. 83-10195 Filed 4-15-83, 8:45 am]

BILLING CODE 6051-01-M

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 22-12389-00 and 22-12389-01]

Exxon Corp. and Reliance Electric Co.; Application and Opportunity for Hearing

April 11, 1983.

Notice is hereby given that, Exxon Corporation ("Exxon") and Reliance Electric Company ("Reliance", Exxon and Reliance being sometimes referred to herein as the "Applicants") have filed a joint Application under clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for finding that the trusteeship of Citibank, N.A., a national banking association formerly named First National City Bank, under (i) an Indenture dated as of February 15, 1971 (the "1971 Indenture") between Reliance and Citibank, N.A., (ii) an Indenture dated as of December 15, 1974 (the "1974 Indenture") between Reliance and Citibank, N.A., and (iii) and Indenture dated as of July 15, 1968 (the "1968 Indenture") between Exxon and Citibank, N.A. would not, despite a guarantee by Exxon of obligations of Reliance under the 1971 Indenture and the 1974 Indenture, be so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Citibank, N.A. from acting as trustee under the 1971 Indenture and the 1974 Indenture were it to continue to act as trustee under the 1968 Indenture after such guarantees.

In support of this Application, the Applicants set forth the following:

(1) Reliance had outstanding as of December 31, 1982 $21,000,000 aggregate principal amount of its 7-¼% Debentures due 1996 issued under the 1971 Indenture. The 1971 Indenture was filed by Reliance as an exhibit to Registration No. 2-39252 under the Securities Act of 1933 (the "1933 Act") which was declared effective on February 15, 1971 and was contemporaneously qualified under the 1939 Act.

(2) Reliance had outstanding as of December 31, 1982 $32,200,000 aggregate principal amount of its 9-⅜% Debentures due 1994 issued under the 1974 Indenture. The 1974 Indenture was filed by Reliance as an exhibit to Registration No. 2-52333 under the 1933 Act which was declared effective on December 10, 1974 and was contemporaneously ualified under the 1939 Act.

(3) Exxon had outstanding as of December 31, 1982 $151,346,000 aggregate principal amount of is 6½% Debentures due 1998 issued under the 1968 Indenture. The 1968 Indenture was

filed by Exxon as an exhibit to Registration No. 2–29388 under the 1933 Act which was declared effective on July 11, 1968 and was contemporaneously qualified under the 1939 Act.

(4) As required by Section 310(b) of the 1939 Act, Section 7.08 of the 1971 Indenture provides in part as follows:

(a) If the Trustee has or shall acquire any conflicting interest, as defined in this Section 7.08, it shall, within 90 days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign in the manner and with the effect specified in Section 7.10.

* * * * *

(c) For the purposes of this Section 7.08 the Trustee shall be deemed to have a conflicting interest if:

(1) the Trustee is trustee under another indenture under which any other securities, or certificates of interest or participation in any other securities, of the Company, are outstanding, unless such othe indenture is a collateral trust indenture under which the only collateral consists of Debentures issued under this Indenture; *provided* that there shall be excluded from the operation of this paragraph any other indenture or indentures under which other securities, or certificates of interest or participation in other securities, of the Company, are outstanding if . . . (ii) the Company shall have sustained the burden of proving, on application to the Securities and Exchange Commission and after opportunity for hearing thereon, that the trusteeship under this Indenture and such other indenture or indentures is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Trustee from acting as such under this Indenture or such other indenture or indentures; . . .

(5) As required by Section 301(b) of the 1939 Act, Section 7.08 of the 1974 Indenture provides in part as follows:

(a) If the Trustee has or shall acquire any conflicting interest, as defined in this Section 7.08, it shall, within 90 days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign in the manner and with the interest effect specified in Section 7.10.

* * * * *

(c) For the purpose of this Section 7.08 the Trustee shall be deemed to have a conflicting interest if:

(1) the Trustee is trustee under another indenture under which any other securities, or certificates of interest or participation in any other securities, of the Company, are outstanding, unless such other indenture is a collateral trust indenture under which the only collateral consists of Debentures issued under this Indenture; *provided* that there shall be excluded from the operation of this paragraph the Indenture dated as of February 15, 1971 between the Company and First National City Bank under which the 7¼% Debentures Due 1996 of the Company are outstanding; and *provided further* that there shall also be excluded from the operation of this paragraph any other indenture or indentures under which other securities, or certificates of interest or participation in other securities, of the Company, are outstanding if . . . (ii) the Company shall have sustained the burden of proving, on application to the Securities and Exchange Commission and after opportunity for hearing thereon, that the trusteeship under this Indenture and such other indenture or indentures is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Trustee from acting as such under this Indenture or such other indenture or indentures; . . . .

(6) As required by Section 310(b) of the 1939 Act, Section 7.08 of the 1968 Indenture provides in part as follows:

(a) If the Trustee has or shall acquire any conflicting interest, as defined in this Section 7.08, it shall, within 90 days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign in the manner and with the effect specified in Section 7.10.

* * * * *

(c) For the purposes of this Section 7.08 the Trustee shall be deemed to have a conflicting interest if

(1) the Trustee is trustee under another indenture under which any other securities, or certificates of interest or participation in other securities, of interest or participation in any other securities, of the Company, are outstanding, unless such other indenture is a collateral trust indenture under which the only collateral consists of Debentures issued under this Indenture; *provided* that there shall be excluded from the operation of this paragraph any other indenture or indentures under which other securities, or certificates, of the Company, are outstanding if . . . (ii) the Company shall have sustained the burden of proving, on application to the Securities and Exchange Commission and after opportunity for hearing thereon, that the trusteeship under this Indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Trustee from acting as such under one of such indentures; . . . .

(7) Reliance, Exxon and Citibank, N.A. intend to enter into indentures supplemental to the 1971 Indenture and the 1974 Indenture under which supplemental indentures Exxon will guarantee the due and punctual payment of the principal of and premium, if any, and interest on Reliance's 7¼% and 9⅝% Debentures in accordance with the terms of the 1971 Indenture and the 1974 Indenture, respectively. Citibank N.A. would not be qualified to continue to act as trustee under the 1971 Indenture, the 1974 Indenture and the 1968 Indenture after such supplemental indentures are executed unless Citibank, N.A. is deemed not to have such a conflict of interest by reason of a finding by the Commission after opportunity for a hearing that acting as trustee under the 1971 Indenture, the 1974 Indenture and the 1968 Indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Citibank, N.A. from so acting.

(8) Reliance has placed a specific group of government obligations in trust under a Trust Agreement dated July 29, 1982 with Morgan Guaranty Trust Company of New York ("Morgan") to secure payment of the principal and interest on the debentures issued under the 1971 Indenture. Reliance has placed a separate group of specific govenment obligations in trust under a separate Trust Agreement dated July 29, 1982 with Morgan to secure payment of the principal and interest on the debentures issued under the 1974 Indenture. Exxon has placed another separate group of specific govenment obligations in trust under a separate Trust Agreement dated June 28, 1982 with Morgan to secure payment of the principal and interest on the debentures issued under the 1968 Indenture.

(9) Since the debentures issued under the 1971 Indenture, the 1974 Indenture and the 1968 Indenture are each secured by separate groups of specific government obligations owned by separate trusts established exclusively for the benefit of the holders of debentures issued under a specific

indenture, should Citibank, N.A. have occasion to proceed against the security held in one of these trusts, such action would not affect the security, or use of any security, held in any other trust. Thus the existence of the other trusteeships should not inhibit or discourage action by Citibank, N.A. or involve it in a conflict of interest.

(10) Neither Reliance nor Exxon is now in default under the 1971 Indenture, the 1974 Indenture or the 1968 Indenture, nor would the execution of either of the aforementioned supplemental indentures cause such a default.

Such differences as exist among the 1971 Indenture, the 1974 Indenture and the 1968 Indenture are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Citibank, N.A. from acting as trustee under each such indenture after execution of the aforementioned supplemental indentures.

Applicants have waived (a) notice of hearing, (b) hearing on the issues raised by the Application and (c) all rights to specify procedures under Rule 8(b) of the Commission's Rules of Practice.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said Application, which is a public document on file in the office of the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. 20549.

Notice is further given that any interested person may, not later than May 2, 1983, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issued of fact or law raised by said Application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the Application upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-10185 Filed 4-15-83, 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Application No. 05/05-0172]

Business Ventures, Inc.; Application for License To Operate as a Small Business Investment Company (SBIC)

Notice is hereby given that an application has been filed with the Small Business Administration Pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1982)), under the name of Business Ventures, Inc., 20 North Wacker Drive, Suite 550, Chicago, Illinois 60606, for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended (the Act), (15 U.S.C. 661 *et. seq.*) and the Rules and Regulations promulgated thereunder.

The proposed officers, directors and shareholders are:

Name and address	Title	Percent of ownership
Marc B. Grayson, 1325 Sheridan Road, highland Park, Illinois 60035	Chairman of the Board, Director	10
Milton Lefton, 5490 South Shore Drive, Chicago, Illinois 60615	President Treasurer and Director	16.67
Terry G. Chapman 175 East Delaware, #7709, Chicago, Illinois 60611	Secretary Director	16.67

The Applicant proposes to begin operations with a capitalization, after, organization expenses, of approximately $515,000 depending upon the success of a private offering of its shares. The Applicant will conduct its operations in the State of Illinois, and will be a source of equity capital and long term loan funds for qualified small business concerns. The Applicant may render management consulting services to small business concerns.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness, in accordance with the Act and Regulations.

Notice is further given that any person may, not later than 15 days from the date of publication of this Notice, submit written comments on the proposed SBIC to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this Notice will be published in a newspaper of general circulation in Chicago, Illinois.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: April 12, 1983.

Edwin T. Holoway, .

Associate Administrator for Finance & Investment.

[FR Doc. 83-10256 Filed 4-15-83, 8:45 am]

BILLING CODE 8025-01-M

[License No. 02/02-0452]

N.P.D. Capital, Inc.; Issuance of License To Operate as a Small Business Investment Company

On September 29, 1982, a notice was published in the **Federal Register** (47 FR 42859) stating that N.P.D. Capital, Inc., 375 Park Avenue, New York, New York 10152 had filed an Application with the Small Business Administration, pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1982)), for a license to operate as a small business investment company.

Interested parties were given until the close of business on October 14, 1982, to submit their comments. No comments were received.

Notice is hereby given that, having considered the application and all other pertinent information, SBA on March 21, 1983, issued License No. 02/02-0452 to N.P.D. Capital, Inc., pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: April 7, 1983.

Edwin T. Holloway,

Associate Administrator for Finance and Investment.

[FR Doc. 83-10255 Filed 4-15-83, 8:45 am]

BILLING CODE 8025-01-M

[License No. 02/02-0458]

Venray Capital Corp.; Issuance of License To Operate as a Small Business Investment Company

On January 11, 1983, a notice was published in the **Federal Register** (48 FR 1257), stating that an application had been filed by Venray Capital Corporation, 981 Route 22, Somerville, New Jersey 08876, with the Small Business Administration (SBA) for a license to operate as a small business investment company (SBIC), pursuant to § 107.102 of the Regulations governing

small business investment companies (13 CFR 107.102 (1982)).

Interested parties were given until the close of business January 26, 1983, to submit their written comments to SBA. No comments were received.

Notice is hereby given that, pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended, and after having considered the application and all other information, SBA issued License No. 02/02-0458, on March 30, 1983, to Venray Capital Corporation to operate as an SBIC.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: April 12, 1983.

Edwin T. Holloway,

Associate Administrator for Investment.

[FR Doc. 83-10254 Filed 4-15-83; 8:45 am]

BILLING CODE 8025-01-M

[License No. 04/04-0008]

Virginia Capital Corp.; License Surrender

Notice is hereby given that Virginia Capital Corporation (VCC), Suite 815, 7th & Franklin Bldg., 701 East Franklin Street, Richmond, Virginia 23219, has surrendered its license to operate as a small business investment company under the Small Business Investment Act of 1958, as amended (the Act). VCC was licensed by the Small Business Administration on July 29, 1959.

Under the authority vested by the Act and pursuant to the Regulations promulgated thereunder, the surrender of the license was accepted on December 29, 1982, and accordingly, all rights, privileges, and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: April 12, 1983.

Edwin T. Holloway,

Associate Administrator for Finance and Investment.

[FR Doc. 83-10257 Filed 4-15-83; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area #2078; Amdt. 4]

California; Declaration of Disaster Loan Area

The above numbered Declaration (48 FR 8167), Amendment #1 (48 FR 9610), Amendment #2 (48 FR 12811), and Amendment #3 (48 FR 15207) are amended to include the Counties of Riverside, Solano, and Trinity which are adjacent to the previously declared disaster area in the State of California as a result of damage caused by severe storms, high tides, wave action, mudslides and flooding beginning on January 21, 1983. All other information remains the same, i.e., the termination date for filing applications for physical damage is close of business on April 11, 1983, and for economic injury until the close of business on November 9, 1983.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: March 22, 1983.

James C. Sanders,

Administrator.

[FR Doc. 83-10253 Filed 4-15-83; 8:45 am]

BILLING CODE 8025-01-M

Reporting and Recordkeeping Requirements for OMB Review

AGENCY: Small Business Administration, SBA.

ACTION: NOTICE OF REPORTING REQUIREMENTS SUBMITTED FOR OMB REVIEW.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

DATE: Comments must be received on or before May 5, 1983. If you anticipate commenting on a submission but find that time to prepare will prevent you from submitting comments promptly, you should advise the OMB reviewer and the agency clearance officer of you intent as early as possible.

Copies: Copies of the proposed forms, the requests for clearance (S.F. 83), supporting statements, instructions, transmittal letters, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer. Comments on the items listed should be submitted to the Agency Clearance Officer and the OMB Reviewer.

FOR FURTHER INFORMATION CONTACT:

Agency Clearance Officer: Elizabeth M. Zaic, Small Business Administration, 1441 L St., NW., Room 200, Washington, D.C. 20416, telephone: (202) 653-8538;

OMB Reviewer: J. Timothy Sprehe, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3235, New Executive Office Building, Washington, D.C. 20503, telephone: (202) 395-4814.

SUPPLEMENTARY INFORMATION:

Form Submitted for Review

Title: Counseling Client Survey Card
Form No.: SBA 1356
Frequency: Non-recurring
Description of Respondents: Existing small business firms and prospective small business owners/operators
Annual Responses: 12,000
Annual Burden Hours: 2,000
Type of Request: New

Dated: April 12, 1983.

Elizabeth M. Zaic,

Chief, Paperwork Management Branch, Small Business Administration.

[FR Doc. 83-10256 Filed 4-15-83; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice CM-81617]

Study Group 7 of the U.S. Organization for the International Radio Consultative Committee (CCIR); Meeting

The Department of State announces that Study Group 7 of the U.S. Organization for the International Radio Consultative Committee (CCIR) will meet on May 2, 1983 at the U.S. Naval Observatory, Room 300, Building 52, 34th and Massachusetts Avenue, N.W., Washington, D.C. The meeting will begin at 8:30 a.m.

Study Group 7 deals with time-signal services by means of radiocommunications. The purpose of the meeting is to review the progress of work in preparation for the international Study Group 7 meeting to be held in November 1983.

Members of the general public may attend the meeting and join in the discussions subject to the instructions of the Chairman. Requests for further information should be directed to Mr. Richard Shrum, State Department, Washington, D.C. 20520 (telephone (202) 632-2592).

Dated: March 31, 1983.

Richard E. Shrum,

Chairman, U.S. CCIR National Committee.

[FR Doc. 83-10210 Filed 4-15-83; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

General Aviation District Office at Scottsdale, Ariz., and Air Carrier District Office at Phoenix, Ariz.; Name Change

Notice is hereby given that on or about April 8, 1983, General Aviation District Office Number 9 at Scottsdale, Arizona, will be redesignated as Flight Standards District Office Number 67. Concurrently, Air Carrier District Office Number 34 at Phoenix, Arizona, will be redesignated as Flight Standards District Office Satellite Number 67S. Both offices will remain at their present locations, and services to the general public will continue without interruption. This information will be reflected in the FAA Organization Statement the next time it is reissued.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354)

Issued in Los Angeles, California, on April 7, 1983.

H. C. McClure,

Director, Western-Pacific Region.

[FR Doc. 83-10170 Filed 4-15-83; 8:45 am]

BILLING CODE 4910-13-M

National Airspace Review; Meeting

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) notice is hereby given of a meeting of Task Group 2-5 of the Federal Aviation Administration (FAA), National Airspace Review Advisory Committee. The agenda for this meeting is as follows: A review of the concept of the National Beacon Allocation Plan (NBCAP); its adequacy for providing code allocation, and operation effectiveness.

DATE: Beginning May 2, 1983, at 1 p.m., continuing daily, except Saturdays, Sundays, and holidays, not to exceed one week.

ADDRESS: The meeting will be held at the Federal Aviation Administration, conference room 9A/B, 800 Independence Avenue, SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: National Airspace Review Program Management Staff, Room 1005, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, (202) 426-3560. Attendance is open to the interested public, but limited to the space available. To insure consideration, persons desiring to make statements at the meeting should submit them in writing to the Executive Director, National Airspace Review Advisory Committee, Air Traffic Service, AAT-1, 800 Independence Avenue, SW., Washington, D.C. 20591, by April 28, 1983. Time permitting and subject to the approval of the chairman, these individuals may make oral presentations of their previously submitted statements.

Issued in Washington, D.C., on April 8, 1983.

Anthony Borden,

Acting Manager, Special Projects Staff, Air Traffic Service.

[FR Doc. 83-10228 Filed 4-15-83; 8:45 am]

BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautics (RTCA), Special Committee 151 on Airborne Microwave Landing System Area Navigation Equipment; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 151 on Airborne Microwave Landing System (MLS) Area Navigation Equipment to be held on May 10-11, 1983, in the RTCA Conference Room, One McPherson Square, 1425 K Street, NW., Suite 500, Washington, D.C., commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Introductory Remarks; (2) Review Committee Terms of Reference; (3) Briefing on the Microwave Landing System (MLS) Program Status; (4) Briefings on the Status of Related RTCA Activities; (5) Review Strawman Section 1.0 to the Minimum Operational Performance Standards for Airborne MLS Area Navigation Equipment; (6) Review Draft Operational Scenario for Airborne MLS Area Navigation Equipment; (7) Outline Committee Work Program and Schedule for Accomplishment; (8) Assignment of Tasks; and (9) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, One McPherson Square, 1425 K Street, NW., Suite 500, Washington, D.C. 20005; (202) 682-0266. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C., on April 11, 1983.

Karl F. Bierach,

Designated Officer.

[FR Doc. 83-10167 Filed 4-15-83; 8:45 am]

BILLING CODE 4910-13-M

Maritime Administration

Change of Name of Approved Trustee

Notice is hereby given that effective January 1, 1983, First Security Bank of Beaumont, N.A., Beaumont, Texas, changed its name to First City National Bank of Beaumont.

Dated: April 8, 1983.

By order of the Maritime Administrator.

Georgia P. Stamas,

Assistant Secretary.

[FR Doc. 83-10066 Filed 4-15-83; 8:45 am]

BILLING CODE 4910-81-M

National Highway Traffic Safety Administration

Denial of Petition to Conduct Defect Proceeding

This notice sets forth the reasons for denial of a petition to determine whether to issue an order pursuant to section 152(b) of the National Traffic and Motor Safety Act, 15 U.S.C. 1412(b).

On November 1, 1982, Donald A. Black of Vergennes, Vermont, petitioned for an investigation of alleged carbon monoxide intrusion into a 1982 Mercury Lynx station wagon during various conditions of driving. The agency was able to procure the vehicle in question (no longer owned by Mr. Black) and subject it to testing with a Mine Safety Applicance Model 70 Carbon Monoxide Indicator. It found no indication of the condition complained of, except when the driver was smoking.

NHTSA also searched its computerized consumer complaint file to determine if other similar complaints had been made, and found none.

There being no reasonable possibility that an order of the nature requested would be issued at the conclusion of an investigation, the petition was denied on March 14, 1983.

(Secs. 124, 152 Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1410a, 1412); delegations of authority at 49 CFR 1.50 and 501.8)

Issued on: April 11, 1983.

Lynn L. Bradford,

Associate Administrator for Enforcement.

[FR Doc. 83-10040 Filed 4-15-83; 8:45 am]

BILLING CODE 4910-59-M

[Docket No. IP83-1; Notice 1]

BF Goodrich Co.; Receipt of Petition for determination of Inconsequential Noncompliance

BF Goodrich Co. of Akron, Ohio, has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for a noncompliance with 49 CFR 571.109, *New Pneumatic Tires—Passenger Cars.* The basis of the petition is that the noncompliance is inconsequential as it relates to motor vehicle safety.

This notice of receipt of a petition for a determination of inconsequentiality is published in accordance with section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Paragraph S4.3(e) of Standard No. 109 requires that the sidewall of each passenger car tire be labeled with the actual number of plies in the sidewall and the actual number of plies in the tread area, if different. Goodrich has produced an unknown number of P205/70R14 Advantage tires branded "2 plies rayon" under the tread on the white sidewall side. The correct labelling "6 plies rayon" appears on the serial side sidewall.

Goodrich argues that the noncompliance is inconsequential because the failure to label properly has no impact upon safety, and the tires otherwise comply with Standard No. 109. Branding is correct on one side of the tire, and the number of plies in the tread is described in point of purchase literature.

Interested persons are invited to submit written data, views and arguments on the petition of BF Goodrich Co. described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, S.W., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the **Federal Register** pursuant to the authority indicated below.

The engineer and attorney primarily responsible for this notice are Art Casanova and Taylor Vinson, respectively.

Comment closing date: May 18, 1983.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on April 11, 1983.

Courtney M. Price,

Associate Administrator for Rulemaking.

[FR Doc. 83-10237 Filed 4-15-83; 8:45 am]

BILLING CODE 4910-59-M

[Docket No. IP83-2; Notice 1]

VEB Reifenkombinat Furstenwalde; Receipt of Petition for Determination of Inconsequential Noncompliance

VEB Reifenkombinat Furstenwalde of East Germany has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for noncompliances with 49 CFR 571.109, Motor Vehicle Safety Standard No. 109, *New Pneumatic Tires—Passenger Cars,* and with 49 CFR 571.119, Motor Vehicle Safety Standard No. 119, *New Pneumatic Tires for Vehicles Other Than Passenger Cars.* The basis of the petition is that the noncompliances are inconsequential as they relate to motor vehicle safety.

This notice of receipt of a petition for a determination of inconsequentiality is published in accordance with section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417) and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Both Federal safety standards for vehicle tires require certain information to be permanently molded into each sidewall of the tire. Petitioner, whose tires bear the trade name "Pneumant," has failed to fulfill this requirement in certain respects. Specifically, it has failed to mark both sides of passenger car tires with the maximum permissible inflation pressure, the maximum load rating, the generic name of the cord material, and the actual number of plies. This informaiton is required by Sections 4.3 (b), (c), (d), and (e), respectively, of Standard No. 109. As for truck tires, it has omitted on one sidewall to state the maximum load rating and corresponding inflation pressure, the actual number of plies and composition of ply cord, and the letter designating load range. This information is required by section 6.5 (d), (f), and (j), respectively, of Standard No. 119. From 1977 through 1982 petitioner has shipped to the United States approximately 1,200,000 noncomplying passenger car tires, and 120,000 noncomplying truck tires.

In the view of the petitioner the noncompliances are inconsequential because:

"Since it is the usual practice for the vehicle manufacturer to specify the tire size, ply rating, and inflation pressures recommended for the particular vehicle, for the user's information, it is our belief that the technical data concerned in this petition would rarely involve the user, in addition, in case of need the information is available on all the tires produced by us, and is fully apparent at the time of fitting * * *."

Interested persons are invited to submit written data, views and arguments on the petition of VEB Reifenkombinat Furstenwalde described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the **Federal Register** pursuant to the authority indicated below.

The engineer and attorney primarily responsible for this notice are Art Casanova and Taylor Vinson, respectively.

Comment closing date: May 18, 1983.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on April 11, 1983.

Courtney M. Price,

Associate Administrator for Rulemaking.

[FR Doc. 83-10236 Filed 4-15-83; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF THE TREASURY

Customs Service

Receipt of Domestic Interested Party Petition Concerning Tariff Classification of Imidazolidinyl Urea

AGENCY: Customs Service, Treasury.

ACTION: Notice of receipt of domestic interested party petition.

SUMMARY: Customs has received a petition from a domestic interested party requesting that a certain chemical compound, imidazolidinyl urea, be classified for tariff purposes under a provision of the Tariff Schedules of the United States which would result in a higher rate of duty than is presently applicable. This document invites comments with respect to the correctness of the current classification.

DATE: Comments must be received on or before June 17, 1983.

ADDRESS: Written comments (preferably in triplicate) should be addressed to the Commissioner of Customs, Attention: Regulations Control Branch, Room 2426, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: John G. Hurley, Classification and Value Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202–566–8181).

SUPPLEMENTARY INFORMATION:

Background

A petition has been filed under section 516, Tariff Act of 1930, as amended (19 U.S.C. 1516), by an American manufacturer, requesting that the tariff classification of a chemical compound, imidazolidinyl urea, be changed. Imidazolidinyl urea is presently classified under the tariff provision for nitrogenous compounds, imides, in item 425.24, Tariff Schedules of the United States (TSUS; 19 U.S.C. 1202), at a rate of duty (Column 1) of 4.4 percent ad valorem. The petitioner contends that it is properly classifiable under the provision for nitrogenous compounds, other, in item 425.52, TSUS, at a rate of duty (Column 1) of 7.9 percent ad valorem.

The petitioner contends that: (1) Customs interpretation of Headnote 1, Part 2D, Schedule 4, TSUS, is erroneous; and (2) the chemical compound at issue is not an imide, and therefore cannot be classified under item 425.24, TSUS.

Comments

Pursuant to § 175.21(a), Customs Regulations (19 CFR 175.21(a)), before making a determination on this matter, Customs invites written comments from interested parties on this classification issue.

The domestic interested party petition, as well as all comments received in response to this notice, will be available for public inspection in accordance with § 103.11(b), Customs Regulations (19 CFR 103.11(b)), between the hours of 9:00 a.m. and 4:30 p.m. on normal business days at the Regulations Control Branch, Headquarters, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 2426, Washington, D.C. 20229.

Authority: This notice is published in accordance with § 175.21(a), Customs Regulations (19 CFR 175.21(a)).

Drafting Information

The principal author of this document was Gerard J. O'Brien, Jr., Regulations Control Branch, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Dated: March 17, 1983.

John P. Simpson,

Director, Office of Regulations and Rulings.

[FR Doc. 83-10241 Filed 4-15-83; 8:45 am]

BILLING CODE 4820-02-M

[T.D. 83-86]

Recordation of Trade Name: COMBE INCORPORATED

AGENCY: Customs Service, Treasury.

ACTION: Notice of recordation.

SUMMARY: On November 23, 1982, a notice of application for the recordation under section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124), of the trade name "COMBE INCORPORATED" was published in the **Federal Register** (47 FR 52843). The notice advised that before final action on the application, consideration would be given to relevant data, views, or arguments submitted in opposition to the recordation and received not later than January 24, 1983. No responses were received in opposition to the application.

Accordingly, as provided in § 133.14, Customs Regulations (19 CFR 133.14), the name "COMBE INCORPORATED" is recorded as the trade name used by Combe Incorporated, a corporation organized under the laws of the State of Delaware, located at 1101 Westchester Avenue, White Plains, New York 10604. The trade name is used in connection with the following merchandise manufactured in several foreign countries: hair coloring; toiletries; cosmetics; odor-destroying insoles; odor-destroying hosiery; denture adhesives; pharmaceutical creams, ointments and lotions; veterinary medications and shampoos; and hair care products. Various foreign subsidiaries are authorized to use the trade name.

DATE: April 18, 1983.

FOR FURTHER INFORMATION CONTACT: Harriet Lane, Entry, Licensing and Restricted Merchandise Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202–566–5765).

Dated: April 11, 1983.

A. Piazza,

Acting Director, Entry Procedures and Penalties Division.

[FR Doc. 83-10172 Filed 4-15-83; 8:45 am]

BILLING CODE 4820-02-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 75
Monday, April 18, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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1

CIVIL AERONAUTICS BOARD

[M–379, April 13, 1983]

TIME AND DATE: 9:30 a.m., April 20, 1983.

PLACE: Room 1027 (open), Room 1012 (closed), 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT:

1. Ratification of Items Adopted by Notation.
2. Docket 40772, 40336, 38621, ATA's Petition to Repeal Part 254 (Domestic Baggage Liability) prior to its effective date. (Memo 1780, OGC, BDA, OCCCA)
3. Docket 29044, Reexamination of the Board's smoking rule in light of the Court of Appeals decision in *ASH v. CAB.* (OGC)
4. Docket 41207, *Report to Congress on Computer Reservations Systems.* Request for Instructions. (OGC, BDA)
5. Docket 40534, *Braniff-South American Route Transfer Case.* (OGC)
6. Docket 40747, *Emerald Air Fitness Investigation,* Order on Reconsideration and Review of Emerald-Pan American "commuter agreement". (Memo 1708–A, 1708–B, OGC)
7. Docket 41040, *Trans-Air-Lind Corporation Fitness Investigation.* (Memo 1802, OGC)
8. Docket 40937, *Tampa-London Service Proceeding;* Opinion and Order on Review. (Memo 1796, OGC)
9. Docket EAS–791, Appeal of Moab, Utah for inclusion in the small communities program. (Memo 1611–B, BDA, OCCCA)
10. Docket 39244, Notice of Republic Airlines, Inc. to terminate service at Manistee/Ludington, Michigan. (BDA, OCCCA)
11. Dockets 40808, 40809, and 41079, Notice of Republic Airlines' intent to suspend service at Klamath Falls (D. 40808) and Bend/Redmond (D. 40809), Oregon; Notice of Horizon Airlines' intent to suspend service at Klamath Falls and Bend/Redmond (D. 41079). (Memo 1789, BDA, OCCCA)
12. Docket 41291, Renewal of the designation of Pioneer Airways to provide essential air service at Hastings, Kearney and McCook, Nebraska. (BDA)
13. Dockets EAS–336, EAS–338 and 39374, Request of Golden Pacific Airlines for Review of the Essential Air Serivice Determinations for Kingman and Prescott, Arizona. (Memo 1792, BDA, OCCCA)
14. Docket 40142, Essential Air Service at Bakersfield, California. (BDA, OCCCA, OC)
15. Docket EAS–405, Tentative re-selection of Direct Air, Inc., to provide essential air service to Kokomo/Logansport/Peru, Indiana and establishment of a rate of compensation. (Memo 188–C, BDA, OCCCA, OC)
16. Commuter carrier fitness determination of Starflight International Airlines, Inc. d.b.a. Trans East International. (Memo 1795, BDA)
17. Application of Sedona Air Center for relief from the insurance requirements for commuter air carriers contained in Part 205. (Memo 1793, BDA, OGC)
18. Docket 40957, *Agreement Among Members of the Air Traffic Conference of America Relating to Automated Ticketing Services,* Agreement 26708–A6. Petition of the Association of Retail Travel Agents for reconsideration of Order 82–12–77. (BDA)
19. Employee Protection Program. Dockets 38885, 38418, 40201, 38570, 38978, 38720, 39700, 38586, 39783, 34562, 38883, 38184, and 38571. Request for Reconsideration. (BDA)
20. Annual Review of Outstanding Delegations to the Bureau of International Aviation. (BIA)
21. Docket 35723, In the Matter of the Petition of Kodiak-Western Alaska Airlies, Inc. to increase of service mail pay. (Memo 1684–A, BIA)
22. Docket 40960, Agreement CAB 28977, Intercarrier agreement revising Florida-U.K. fares. (Memo 1511–H, BIA)
23. Letter to the Secretary of Transportation proposing blanket, prospective concurrence for medical emergency cabotage. (BIA, OGC)
24. Docket 40913, Application of Windward Islands Airways International N.V., for an amended foreign air carrier permit to add the intermediate point of Tortola, British Virgin Islands to the existing authority between the Netherlands Antilles and St. Thomas, St. Croix and San Juan. (Memo 1790, BIA, OGC, BALJ)
25. Request of GRM International, Inc. for registration to operate as a foreign freight forwarder in foreign, overseas, and interstate air transportation. (Memo 1791, BIA, OGC)
26. Docket 41070, Application of Maersk Air, I/S to amend and reissue its foreign air carrier permit to engage in charter foreign air transportation of persons and accompanying baggage between Scandinavia and the United States. (Memo 1799, BIA, OGC, BALJ)
27. Report on Trinidad and Tobago. (BIA)
28. Report on Venezuela. (BIA)

STATUS: 1–26 open, 27–28 closed.

PERSON TO CONTACT FOR MORE INFORMATION: Phyllis T. Kaylor, the Secretary, (202) 673–5068.

[S–540–83 Filed 4–14–83; 12:03 pm]

BILLING CODE 6320–01–M

2

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

April 13, 1983.

TIME AND DATE: 10 a.m., Wednesday, April 20, 1983.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Sewell Coal Company, Docket No. WEVA 79–31; (Issues include whether the judge erred on raising and applying a defense of diminution of safety.)
2. Secretary of Labor ex rel. Chester Jenkins v. Hecla-Day Mines Corp., Docket No. WEST 81–323–DM; (Petition for Discretionary Review, Issues include whether the judge erred in concluding that the operator did not discriminate against the miner in violation of Section 105(c)(1) of the Mine Act.)
3. Southern Ohio Coal Company, Docket No. LAKE 80–142; (Petition for Discretionary Review, Issues include whether the judge erred on remand in applying *UMW v. FMSHRC (Helen Mining),* 671 F.2d 615(D.C. Cir. 1982).)

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen (202) 653–5632.

[S–541–83 Filed 4–14–83; 12:02 pm]

BILLING CODE 6735–01–M

3

OVERSEAS PRIVATE INVESTMENT CORPORATION

Meeting of the Board of Directors

TIME AND DATE: 9 a.m. (closed portion). 10 a.m. (open portion), Tuesday, April 26, 1983.

PLACE: Offices of the Corporation, seventh floor board room, 1129 20th Street NW., Washington, D.C.

STATUS: The first part of the meeting from 9 a.m. to 10 a.m. will be closed to the public. The open portion of the meeting will start at 10 a.m.

MATTERS TO BE CONSIDERED: Closed to the public 9 a.m. to 10 a.m.:

1. Finance Project in Asia.
2. Insurance Project in South Asia.

3. Insurance Project in East Asia.
4. Claims Report.
5. Overview of OPIC's Operations, Objectives, Results, and Strategic Planning: Update.
6. Information Reports.
7. Review of OPIC/AID Caribbean Investment Opportunity Program.
8. China Projects Report.
9. Pending Legislation Affecting OPIC.

Further Matters to be Considered: Open to the public 10 a.m.:

1. Approval of the Minutes of the Previous Meeting.
2. Confirmation of Scheduled Board Meetings.
3. Personnel Actions.
4. Treasurer's Financial Statements.
5. Increase of DIF for FY 1983.
6. Information Reports.

CONTACT PERSON FOR INFORMATION:
Information with regard to this meeting may be obtained from the Secretary of the Corporation at (202) 653-2925.

April 14, 1983.

Elizabeth A. Burton,

Corporate Secretary.

[S-539-83 Filed 4-14-83; 12:02 pm]

BILLING CODE 3210-01-M

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federal register

Monday
April 18, 1983

Part II

Department of Energy

Standard Contract for Disposal of Spent Nuclear Fuel and/or High-Level Radioactive Waste

DEPARTMENT OF ENERGY

10 CFR Part 961

Standard Contract for Disposal of Spent Nuclear Fuel and/or High-Level Radioactive Waste

AGENCY: Department of Energy.

ACTION: Final rule.

SUMMARY: This rule establishes a standard contract to be used by the Department of Energy (DOE) in furnishing disposal services to the owners or generators of spend nuclear fuel and/or high-level radioactive waste and procedures to implement the Nuclear Waste Policy Act of 1982. Section 302 of that Act requires DOE and the owners or generators of spent nuclear fuel and/or high level radioactive waste to execute, by June 30, 1983, a contract under which DOE will accept and dispose of such material. This rule sets forth the contractual terms and conditions under which DOE will make available the nuclear waste disposal services.

EFFECTIVE DATE: April 18, 1983.

FOR FURTHER INFORMATION CONTACT:
Robert Rosselli, Nuclear Waste Policy Act Project Office, Department of Energy, Room 7B–084, Washington, D.C. 20585 (202) 252–6842;
James Cavanagh, Office of Policy, MA–421.1, Procurement and Assistance, Management Directorate, Department of Energy, Room 8H–057, Washington, D.C. 20585 (202) 252–8188;
Elliot Winnick, Office of General Counsel, Department of Energy, Room 6B–190, Washington, D.C. 20585 (202) 252–1526.

SUPPLEMENTARY INFORMATION:

I. Legislative Background.
II. Public Hearing.
III. Written Comments
IV. Final Rule.
V. Procedural Requirements.

I. Legislative Background

Under Section 644 of the Department of Energy Organization Act (Pub. L. 95–91, 91 Stat. 565, 42 U.S.C. 7254), the Secretary of the Department is authorized to prescribe such rules and regulations as he may deem necessary or appropriate to effectuate the functions vested in him.

The Nuclear Waste Policy Act of 1982, enacted on January 7, 1983, (hereinafter referred to as "the Act," Pub. L. 97–425, 96 Stat. 2201, 42 U.S.C. 10101 *et seq.*) provides a comprehensive framework for disposing of spent nuclear fuel (SNF) and high-level radioactive waste (HLW), of domestic origin, generated by civilian nuclear power reactors. Among other things, the Act establishes procedures for selecting repository sites and developing repositories for SNF and HLW, authorizes the establishment of such repositories and provides a mechanism for financing the cost of disposal of such material.

On February 4, 1983, pursuant to Section 302(a) of the Act, DOE published its proposed rule (48 FR 5458) which set forth the proposed contract for disposal of spent nuclear fuel and/or high-level radioactive waste.

In the "Legislative Background" section of the proposed rule (48 FR 5458–5459) an interpretation was set forth that an affirmation by the Secretary, in writing, that an owner or generator of SNF or HLW is actively negotiating in good faith would defer the preclusion of disposal of SNF or HLW in the absence of a timely executed contract. This interpretation was reflected in the last sentence of § 961.2 of the proposed rule (48 FR 5461), which stated that "[t]hese deadlines may be waived if the Secretary of Energy affirms in writing, in accordance with section 302(b)(1)(A)(ii) of the Act, before the applicable deadline, that the owner or generator is actively and in good faith negotiating with the Secretary for a contract covered by this part." The interpretation has been reconsidered and the Department has concluded that the requirement that a contract be entered into not later than June 30, 1983 or the date on which an owner or generator commences generation of, or takes title to, SNF or HLW (whichever occurs later) cannot be deferred by a Secretarial affirmation. Accordingly, the above quoted last sentence of § 961.2 has been deleted.

II. Public Hearing

On March 3, 1983, pursuant to the notice contained in the aforesaid proposed rule, a public hearing was held before DOE in Washington, D.C. Oral presentations were made by representatives of two nuclear utilities, two nuclear fuel vendors and an engineering firm. A transcript of this hearing on the proposed rule was made and is available in the DOE Reading Room, Room 1E–190, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C.

III. Written Comments

In addition to comments received at the aforesaid public hearing, written comments on the proposed rule were received by March 7, 1983, from a total of 85 organizations representing electric power associations (whose members include nuclear power utilities), nuclear power companies, environmental organizations and consumer protection associations, State and Federal agencies as well as individual members of the public. Copies of all comments received are available in the DOE Reading Room referenced in Section II above.

All comments received by DOE in response to its proposed rule of February 4, 1983, both at the public hearing and the written comments received thereafter, were carefully reviewed and fully considered in the formulation of this final rule. A summary of the substantive comments received by DOE is set forth below together with Department's action regarding those comments.

A. Areas of Primary Interest

Most of the public comments received on the proposed rule fall into six areas (discussed below in Section III.B.), as follows:

(1) *Fees to be charged;*

(a) electricity generated on and after April 7, 1983 (1M/KWH); (b) one-time fee for discharged spent fuel; (c) one-time fee for in-core burned fuel. (see contract Article VIII.A. discussed in Section III.B. below)

(2) *Payment Options* (see contract Article VIII.B. in Section III.B. below)

(3) *Priority Acceptance Ranking* (see contract Article VI.B. in section III.B. below)

(4) *Exchange Rights* (see contract Article V.E. in Section III.B. below)

(5) *Audit Rights for Purchasers* (see contract Article IV.B.5(b) and discussion in Section III.C. below)

(6) *Contract Appendices* (see Appendices A through F in Section III.B. below)

B. Sectional Analysis of Contract

The standard contract set forth in this final rule remains essentially the same as that described in the proposed rule published on February 4, 1983 (see 48 FR 5459–60). As described more fully below, various contractual provisions were revised, and others were deleted or added. In addition, six clauses that were previously contained in an Appendix of General Provisions in the proposed rule (Appendix H, 48 FR 5471) have been made part of the contract document itself and now appear as Articles XVI–XXI in the standard contract set out in this final rule.

Specific revisions in the proposed contract published previously, as they were made in the contract set out in this final rule, are as follows:

Recitals

In the first paragraph identifying the signatory parties, the parenthetical

phrase,"(hereinafter referred to as the 'Purchaser')," was moved for clarity directly after the Purchaser's name. Also, as suggested by several commenters and recognizing that the Purchaser could represent several corporate entities having ownership rights in a particular reactor facility, the words, "acting on behalf of itself and [others]," may be added, as applicable, after "Purchaser."

The first "Whereas" clause was slightly revised to conform with the wording used throughout the contract so that the words "spent nuclear fuel" precede the words "high-level radioactive waste."

A new second "Whereas" clause, relating to the responsibility of DOE to take title to SNF or HLW "as expeditiously as practicable," has been added to follow the language of the Act (§ 302(a)(5), 42 U.S.C. 10222(a)(5)).

In the fourth "Whereas" clause, the words "from any Purchaser" have been replaced with the words, "from owners and generators" to conform with the Act.

Article I—Definitions

Some commenters requested that the "assigned three-month period" (Article I.1) be made by mutual consent rather than unilaterally by DOE. This suggestion was partially adopted by modifying this definition.

Twelve commenters recommended that the definitions of "Commission" and "DOE" (Article I, paragraphs 4 and 10) be modified to include successor agencies. Such a modification is unnecessary for two reasons. First, the Purchaser is not contracting, as such, with DOE, but rather with "the United States of America . . . *represented by* the U.S. Department of Energy." Second, any new agency or Department established by a legislative reorganization would, we believe, succeed by operation of law to the functions and responsibilities previously vested in the abolished agency or department (see Energy Reorganization Act, of 1974, Pub. L. 93–438, section 301, 42 U.S.C. 5871; Department of Energy Organization Act, Pub. L. 95–91, § 301, 42 U.S.C. 7151). Accordingly, DOE has not adopted this suggested change.

Several commenters requested that the definition of SNF (Article I.18) be clarified to state that fuel temporarily removed from, and planned to be reinserted into, the reactor not be considered SNF. To address this aspect of temporarily removed fuel, DOE has revised the reporting requirements regarding discharged fuel (see Article V and Appendix B). However, the definition of SNF was not revised as it is taken directly from the Act itself (42 U.S.C. 10101(23)).

The definition of "delivery commitment" which appeared in the proposed rule (48 FR 5462, Article I.7) has been deleted as this aspect is adequately covered in the contract itself (See Articles IV and V).

In the definition of "delivery" (Article I.7), the words "f.o.b. carriers" have been added to reflect the intent of the parties and to accord with the applicable contract provision (See Article VI. B. 1).

The definition of "DOE facility" (Article I.10) was expanded to expressly state, in accordance with the Act, that there may be an interim storage facility (or facilities) which DOE may utilize prior to emplacement in a repository.

The definition of "kilowatt hours generated" (Article 1.14) is a substantive change from the definition of the term "Kilowatt Hours Generated and Sold" in the proposed rule. Some commenters noted that the former definition did not account for or adequately reflect the Congressional intent regarding the method of establishing waste disposal charges. The definition in the proposed rule was based upon the premise that the language in Section 302(a)(2) of the Act "for electricity generated by a civilian nuclear power reactor and sold on or after the date 90 days after the date of enactment of this act," meant to establish disposal charges on the basis of electricity "generated and sold," i.e., the "net" electricity. These commenters pointed out the Section 302(a)(2) of the Act should be read to require establishment of disposal charges based upon the "electricity generated by a civilian nuclear power reactor," i.e., the total or "gross" electricity generated. The Department now believes this to be the proper interpretation of Section 302(a)(2), for the contrary interpretation (i.e., "net" rather the "gross") would unfairly subject future users of electricity (in the rate charges passed on by the Purchaser utility) to increased charges. The words "and sold on or after a date 90 days after enactment", in our view, should be read to establish a date certain for calculation of the Act's differing methods of establishing fees for disposal charges, (i.e., past 90 days after enactment and prior to 90 days after enactment). Accordingly, the contract has been modified to reflect this interpretation.

Other textual changes were made in the definitions numbered "11", "12", "16" and "18" in Article I.

Article II—Scope

This clause was amended to more closely reflect the statutory language found in Section 302(a)(1) of the Act, as well as the fact that the services to be provided would occur in the future. The timing of the services was changed to be consistent with Section 302(a)(5) of the Act.

Article III—Term

To accord with the scope provision (Article II) and with the language of the Act (section 302(a)(1), 42 U.S.C. 1022(a)(1)), this clause was revised to read that the contract "term . . . shall be free from the date of execution until . . . DOE has accepted, transported . . . and disposed of all SNF and/or HWL . . . ."

Article IV—Responsibilities of the Parties

Paragraph A of this clause, which was formerly Article V in the proposed rule, has been amended to clarify the Purchaser's responsibilities. Information required on actual and projected discharges, which is due beginning October 1, 1983, will be for planning purposes and does not represent a firm commitment regarding deliveries. A further provision states that failure by the Purchaser to comply with the annual requirement for such reports may result in rescheduling of any of the Purchaser's currently approved delivery commitment schedules.

Also, paragraph A.2.(c) was revised to show that the Purchaser is not responsible for routine maintenance on the Government-furnished shipping casks, but will be responsible for incidental maintenance and protection of such casks while they are in its possession and control.

Paragraph B was amended with respect to DOE's responsibilities. The review and approval procedure for delivery schedules was deleted as this is covered elsewhere in the contract (Article V.B. and C.). Language consistent with Section 302(a)(1) of the Act has been added, as well as a paragraph describing DOE's responsibilities regarding furnishing of shipping casks. DOE will provide such casks sufficiently far in advance of scheduled transportation, which will meet applicable regulatory requirements. It will also provide to the Purchaser such information, specifications and training which may be needed to facilitate safe handling and loading. DOE will also provide the Purchaser with specifications necessary to ensure that any Purchaser-furnished canisters will be compatible with the Government-furnished casks.

In paragraph A.1.(a), a new sentence was added, to be consistent with the

express language of the referenced Appendix B (designated Appendix D in the proposed rule), that the information to be furnished by Purchaser is not to be considered a "firm commitment with respect to discharges or deliveries." Other clarifying editorial changes were also made in Article IV.A.

In Article IV.A.2(b), several commenters proposed that the term "delivery date" be used instead of the undefined term "scheduled transportation." This suggested change was not made as DOE considers the present wording sufficiently clear.

In Article IV.A., a number of commenters suggested that the Purchaser's liability under paragraph IV.A.2.(c) is too broad. That paragraph states that the Purchaser is responsible for any loss of or damage to DOE-furnished casks while in the possession and control of the Purchaser. Those commenters said that this provision would hold the Purchaser responsible if the damage was caused by a defect in DOE-furnished property. They also said that the phrase "expenses incidental to such loss or damage" was vague and could include consequential damages.

This recommended change was not adopted because DOE believes that the existing provision is appropriate. Since the casks are furnished by the Government, it is clear that defects in the cask, and any damages resulting therefrom, would be the responsibility of the Government. Also, the phrase "expenses incidental to such loss or damage" was intended to cover consequential damages and seems sufficiently clear.

Article IV.B.2., relating to DOE's duty to furnish casks to the Purchaser, was revised at the request of numerous commenters. As revised, the provision sets out with more specificity what DOE must furnish together with the casks (procedures, information, tools, etc. as may be needed) and clarifies that Purchaser is required to perform "incidental maintenance," as distinguished from more complete "routine maintenance" which will be performed by DOE.

In addition, at the request of a substantial number of commenters, a new provision has been added as subparagraph IV.B.5(b), which states that DOE will issue "an annual report for planning purposes . . . set[ting] forth the projected annual receiving capacity for the DOE facility."

In Article IV.B.4, one commenter indicated the following words should be added at the end of Article IV.B.4: "or subcontractors, acting solely under the supervision and control of DOE." This suggested revision was not made because the Government would not have privity of contract with subcontractors, who would not be under its supervision and control. The responsibility for supervision and control of subcontractors would clearly be upon the prime contractor who, of course, will ultimately be responsible to the Government.

Article V—Delivery of SNF and/or HLW

This clause was formerly Article IV in the proposed rule. In paragraph A, editorial revisions have been made for purposes of clarification. The first sentence of paragraph B.2 was added to specify the procedure to be followed in the event revised delivery commitment schedules are required (with a similar change in Article V.C.). In the proposed rule, Article V.B. contained a final paragraph relating to changes by the Purchaser in "specific assemblies." This paragraph was deleted as it is now covered by the new provision on "Exchanges" contained in paragraph "E" of Article V, which was adopted at the recommendation of numerous commenters. This new provision allows Purchasers to exchange DOE-approved delivery commitments with one another, subject to DOE approval. While this procedure will allow the Purchaser greater flexibility in arranging its inventory of spent fuel and delivery thereof, all SNF and/or HLW to be delivered must comply with the requirements of the contract regarding acceptability.

Eleven commenters said they found confusing the wording in Article V.B, which provides that "after DOE has issued its proposed acceptance ranking. . . . purchaser shall submit delivery commitment schedules 63 months before proposed delivery date." They suggested that DOE modify this language as follows: ". . . the purchaser shall submit, not later than 63 months prior to the start of any fiscal year, delivery commitment schedules specifying all deliveries that Purchaser wishes to make during that fiscal year." We have not accepted this suggestion. No delivery commitment schedules should be submitted prior to the initial acceptance ranking because DOE would have no basis at that time to approve or disaprove it. Moreover, there is very little chance that the repository will be ready earlier than the planned date of 1998.

Five commenters questioned the lack of a definition for "emergency deliveries," which are covered in Article V.D. We have intentionally not defined the term "emergency delivery" because it is not possible to describe the nature of all emergency situations at this time. One situation which would receive consideration is one in which a delivery is needed to permit licensed reactor operations to continue.

Article VI—Criteria for Disposal

Although certain editorial and clarifying revisions were made in Article VI, it remains substantially the same as set forth in the proposed rule (48 FR 5463–64).

Article VI.A.4 establishes special procedures for "other than standard fuel," and ten commenters recommended that only two categories of SNF be used—fuel that has to be canned and fuel that does not. In their view, none of the other categories has any importance in the context of transportation and disposal, and they suggested that this provision be eliminated. We have not accepted this suggestion since there can be "nonstandard" fuel which does not need to be canned; it may just be the wrong size or age.

Article VI.B.2 provides that "improperly described" SNF/HLW will not be transferred by Purchaser to DOE "unless DOE agrees to accept such SNF and/or HLW under such other arrangements as may be agreed to, in writing, by the parties." Nine commenters said that this provision gave DOE unlimited discretion to impose any additional restrictions on such material, and suggested its deletion. We have not accepted this suggestion. In our view, the provision is necessary and appropriate because it provides DOE with a mechanism to protect against improperly described fuel.

Article VI.B.3 establishes two priorities for acceptance of SNF and/or HLW—one based on the age of the SNF/HLW and the second for SNF/HLW from permanently shutdown reactors. Nine commenters stated that no priority is given to utilities who may need to ship SNF to DOE in order to keep their facilities operating, nor is any consideration given to the size of a Purchaser's SNF inventory. They suggested that an allocation system be established whereby half of the receiving capacity to be allotted would be based on the age of SNF/HLW and the remaining half on Purchaser's share of the industrywide inventory. DOE has not adopted this recommendation because by the time the repository commences operation, utilities will have made adequate preparations to provide on-site storage in order to ensure continued plant operations. Any emergency situation can be handled by DOE under the emergency delivery

clause. Moreover, it is incorrect to say that DOE does not consider the Purchaser's inventory. By accepting the oldest fuel first, the Department will, in effect, be accepting fuel from utilities with large inventories because those are the utilities with the oldest fuel. A priority system based on the Purchaser's share would be extremely difficult to manage because each Purchaser's share changes continuously as fuel is added to or subtracted from the industry-wide inventory; and DOE would be required to accept fuel each year from the Purchaser until the last power reactor is shut down.

Article VI.B.3.(b) gives priority to SNF/HLW from permanently shutdown reactors, and four commenters recommended that this provision be deleted. This type of priority is necessary to prevent reactors from waiting 20 or 30 years to be decommissioned after they finish generating electricity. Therefore, we have not accepted the recommendation.

Article VII—Title

This clause remains substantially the same as that shown in the proposed rule (48 FR 5464), except for deleting the words, "upon acceptance by DOE," as redundant in the first sentence; and changing the words, "upon assuming title," to "upon passage of title," in the second sentence to accord with common terminology.

Article VIII—Fees and Terms of Payment

Of those commenting on the one-time fee calculation methodologies covering spent fuel, over 80 percent favored the three (3) burnup range approach described in the proposed contract. This approach was endorsed by many utilities because it avoids extremely low and extremely high fees. It sustains the principle of equity and fairness by requiring all generators and owners of the spent nuclear fuel to bear a reasonable share of disposal costs. Further, it corresponds more closely to program costs. The four-tier approach finally adopted by DOE represents a refinement of the basic one endorsed by the majority of the commenters. This final four-tier approach, which introduces a new, lower burnup range (0–5,000 MWDT/MTU), is considered more appropriate and equitable as it is more representative of the actual industrywide distribution of spent nuclear fuel, encompassing low, average and high burnup fuel.

The first of the three alternatives for calculation of the one-time fee based on average burnup (48 FR 5459) was not adopted by DOE because it would unduly benefit, in effect, those possessing high-burnup spent fuel while penalizing those with low-burnup fuel. Further, it would impose definitional problems with respect to the terms "average spent nuclear fuel burnup."

The second alternative for calculation of the one-time fee, which was based on an "individual assembly basis," was not adopted by DOE, although it was supported by several commenters who said it is a straightforward approach that recognizes differences is assembly burnup due to initial cycle discharges, type of reactor, and structurally damaged or deformed fuel assemblies. In DOE's view, this approach weakens the fairness principle by unduly benefiting owners of low-burnup fuel while penalizing those with high-burnup fuel. This approach also conflicts with the Congressional intent to have those responsible for generating nuclear waste and spent fuel bear a reasonable share of disposal costs.

Article VIII A.4 of the contract in this final rule uses a methodology for calculating the one-time fee for incore fuel that retains the equivalency concept. Although the majority of commenters on the one-time fee for in-core fuel preferred an approach based upon a 1.0 mill/kwh charge because it is relatively simple and understandable, the Act precludes the Department from adopting this calculation methodology for nuclear fuel existing prior to April 7, 1983. The approach selected by DOE focuses on uranium loaded initially in a particular reactor core, and the total megawatt-days (thermal) generated by that core. This approach results in a fee that is defined in terms of dollars per kilogram, yet it is calculated to be equivalent to 1.0 mill/kwh. Several commenters suggested variations of this approach. In our judgment, this method represents a fair and verifiable way to calculate a one-time fee for in-core fuel, as of 12 A.M. April 7, 1983.

This methodology also avoids computational difficulties associated with an approach suggested by one commenter, which was to divide in-core fuel into equivalent fully burned assemblies and equivalent new assemblies.

Numerous comments were received on the fee provisions in Article VIII.A. Some commenters suggested that DOE's proposed provisions be more explicit and specifically state that the one-time fee for previously discharged SNF and in-core fuel will not be readjusted. To assure that the Nuclear Waste Fund would not lose money from a utility's decision to defer payment, they suggested that the one-time fee could escalate at the Government's cost of money until payment is made. DOE agrees that a better reading of the Act would permit the establishment of a one-time non-adjustable fee for previously discharged SNF and in-core fuel and it has adopted this approach. Also, recognizing that payment of this fee will occur at some date or dates after April 7, 1983, DOE has incorporated provisions which allow a Purchaser to finance its contractual fee obligation until paid, under terms which recognize the time value of money.

It was also suggested that the one-time fee be escalated on the basis of the 13-week Treasury Bill rate as reported on the first business day of each calendar quarter, from July 1, 1983 until first payment is made. DOE has adopted this suggested change but, in order to eliminate the complexities associated with calculation when an assigned three-month period does not coincide with a calendar quarter, the rates will instead be linked to assigned three-month periods. Additionally, the financed obligation of Purchaser arises on April 7, 1983 and not July 1, 1983, and the commencement date should therefore be the former.

Other commenters suggested that Article VIII.A.3, concerning the adjustment of the fee, be revised to say "full cost recovery" rather than "that all costs to be incurred by the Government shall be recovered." This change was adopted as it is consistent with the revised definition of "full cost recovery" in Article I paragraph 11.

Several commenters recommended clarifying guidance in Article VIII.A.3, and suggested that the adequacy of the fees be determined on a discounted cash flow basis fully recovering costs over a reasonable period of time, but not less than thirty years. This suggested change has not been made because DOE deems the present provision sufficient and consistent with Act. Nevertheless, DOE does contemplate that, at least for the immediate future, it will utilize the recommended approach for the most part in determining the adequacy of the fees.

Several commenters requested that the payment options in VIII.B.2 be made applicable to in-core fuel as well as SNF. DOE has adopted this recommendation. In view of the fact that the fee for in-core fuel will be paid with the fees for permanently retired SNF, use of the same payment options as have been established for SNF will simplify payment procedures.

Several commenters suggested that the interest on the outstanding fee balance be included as part of the fee under Payment Option #1 in Article

III.B.2.(a), and that the interest be calculated on the outstanding balance at the date of "each payment," rather than at the date of the "first payment." The recommendation was adopted. Interest accruing on the SNF and in-core fuel fee obligation will be added to the Purchaser's financed obligation until the date of the first payment under the 40 quarters option, at which time it will be added to the SNF and in-core fuel fee obligation and financed at the 10-year Treasury note rate then in effect.

Numerous commenters recommended that the Purchaser be allowed to select a payment option within two years of the effective date of the contract rather than at the time of contract execution. This recommended change was adopted because payment of SNF fees will not begin for a number of years, and the two-year period to select a payment option will not work a disadvantage to the Government. In any event, interest will accrue on the financial obligation from April 7, 1983, until payment is received.

It was further recommended that Payment Option #1 be modified to allow a Purchaser electing this option under Articel VIII.B.2.a. to make full or partial lump sum payments. This recommendation was adopted because DOE, in keeping with policies established by the Office of Management and Budget and sound business practice, encourages the payment of debts owned to the Federal Government at the earliest opportunity.

Based upon its review of the comments received on Article VIII, and the payment options in particular, the Department has decided to include a third payment option which now appears as subparagraph B.2.(e). Under this new provision, a Purchaser may elect to pay the fee due for SNF and in-core fuel burned prior to April 7, 1983, with such payment to be made on or before June 30, 1985, in which event no interest is payable for the period April 7, 1983 to date of full payment.

A request was made to allow fee payments by check as well as the wire transfer required under Article VIII.B.3.(a). No change was made in the contract provision. If a particular Purchaser can demonstrate that wire transfer is impractical or unduly burdensome, a deviation may be sought to permit payment by check. However, no change has been made in this provision in view of the Government's paramount interest in having funds available for its use as soon as possible.

One commenter recommended that the payment options in Article VIII.B.2 be eliminated in their entirety. DOE has determined that the use of payment options is consistent with the Act and its legislative history, and serves to meet the interests of both the Government and the owners and generators who are required to bear the costs of the entire program.

One commenter questioned why interest payments applied to Payment Option #1, but not to Option #2. This has been interpreted by DOE as a suggestion that interest provisions be eliminated from Payment Option #1. Rather than eliminate interest provisions for Option #1, DOE has added interest provisions for Option #2. This modification recognizes the time value of the Purchaser's financial obligation after April 7, 1983.

A number of commenters said that the interest and penalty provisions of Article VIII. are excessive, and recommended that 130% of the Quarterly Treasury Rate be used. DOE's proposed interest penalty provisions have a foundation in law and policy, and serve to preclude the possibility that the Government will be an involuntary lender to a Purchaser. For this reason, no changes have been made to this contractual provision.

Some commenters requested that the words "Amount Due to DOE" in the formula for calculating interest on late payments in Article VIII.C. be changed to read *"Net* Unpaid Balance Due to DOE". This recommendation was deemed a desirable clarification and it was substantially adopted, so that it now reads, "Unpaid Balance Due to DOE."

Commenters also suggested that DOE notify Purchasers of unpaid or underpaid amounts within three years from the date on which payments were due to avoid unnecessary interest penalty accumulations. DOE will make a good faith effort to notify Purchasers of unpaid or underpaid amounts as soon as possible. However, the suggested change would toll DOE's right to apply interest on debts owed to the Government after three years, and it would clearly not be in its best interests, particularly when a determination of unpaid or underpaid amounts could not be made within three years.

Article IX—Delays

This clause has been revised by expanding the list of events considered to be beyond the reasonable control of the parties.

Under paragraph B, it is provided that "the *charges* and schedules will be equitably adjusted to reflect any estimated *additional* costs incurred by the party not responsible for the delay" (*underscoring* added). Seven commenters suggested deletion of the reference to "charges" as this seemed to them "not to make sense in the context of a full-cost recovery contract." It is precisely because DOE is required by the Act to assure full cost recovery that it deems the provision of Article IX.B. to be necessary and proper. To eliminate "charges" and limit the adjustment only to "schedules," as suggested, would leave DOE without any effective remedy and, in our view, be contrary to the letter and spirit of the Act. It would also subject all Purchasers, through increased fees that might be necessary without this provision, to be penalized for the inaction or careless action of one Purchaser, which would hardly be equitable. Accordingly, DOE has not modified this contract provision.

Similarly, DOE has also rejected an additional clause, suggested by three commenters, which would preclude "special, indirect or consequential damages . . . regardless of fault" because the net effect of such a clause would be to vitiate the remedy which both parties now have under Article IX.B.

One commenter suggested that this contract provision recognize that delays might arise out of "good faith" acts on the part of one party for which that party should not be held responsible. In our view, no revision relating to such "good faith" acts is necessary in this Article IX, since it clearly distinguishes between unavoidable delays (parag. A) and avoidable delays (parag. B), and, in our view, fairly protects the rights of both parties.

Article X—Suspension

Three substantive revisions to Article X were requested by about twelve commenters. One recommended change has been adopted; two have been rejected. At the end of paragraph A (formerly numbered paragraph "1"), a clarifying sentence has been added to state that any suspension imposed would be rescinded upon the completion of corrective action. On the other hand, DOE has not adopted a suggestion that any suspension should be restricted to the "affected portion" of the contract where several reactor units may be covered by one contract. DOE believes that such a compartmentalized type of remedy could result in a severe weakening of the Government's suspension remedy to the overall detriment of the program. However, DOE has modified Article X to provide that it has the discretion to suspend all or any portion of the contract.

Similarly, DOE has not adopted the suggestion that the second paragraph of Article X, relating to suspensions that

may be imposed in case of a national emergency, be deleted. Some commenters said that this paragraph may not be necessary in light of Article IX.A. (unavoidable delays). DOE believes that both provisions (Article IX.A. and X.B.) should be read together and that the express recognition of a national emergency which may require suspension and realignment of priorities is necessary and proper for inclusion in Article X.

One commenter suggested that Article X.B. (formerly numbered X.2.), which provides for an equitable refund in case of a national emergency suspension, should be modified or deleted as it might militate against an overall equitable settlement. DOE deems the present wording fair and equitable, and this recommendation has been rejected.

Article XI—Remedies

No significant comments were received on this clause and, accordingly, no change from the proposed rule has been made in Article XI.

Article XII—Notices

No significant comments were received on this provision and it remains the same as shown in the proposed rule.

Article XIII—Representation Concerning Nuclear Hazards Indemnity

A substantial number of commenters raised questions and suggested revisions in this article. One recommended change has been adopted by adding a new paragraph B to Article XIV, which expressly states that the indemnity protection provided to the Purchaser under any indemnity agreement given to a DOE facility contractor will survive the term of those contracts and inure thereafter to the benefit of the Purchaser.

It was also suggested that DOE should consider giving the Purchaser "equivalent protection" in the event the repository facility is operated directly by the Government in which case no indemnity could be given to a facility contractor with consequent coverage for the Purchaser. Since DOE intends to contract for its disposal operation services to the maximum practicable extent, DOE believes that a provision to furnish the Purchaser "equivalent protection" in any contrary event is unnecessary at this time and could, if the unlikely need arose, be covered by suitable contract amendment.

With respect to the current statutory authority under Section 170(d) of the Atomic Energy Act of 1954, as amended, which will expire on August 1, 1987, several commenters requested liability protection in the event the indemnity system under Section 170(d) expires or is changed. At this time, DOE has no reason to believe that Section 170(d) will not be extended as it has been in the past. However, if that system expires or is changed, then DOE might seek to extend, by suitable contract modification, such liability protection as might be permitted by existing or new law, recognizing that an NRC-licensed Purchaser is protected against liability for nuclear incidents arising out of covered activities at its site under financial protection arrangements required by NRC.

The present article states that the indemnity to be provided by DOE applies, *inter alia*, "to covered nuclear incidents . . . at a contract location." The term "contract location" means the DOE (repository) facility to be established under the Act (see Atomic Energy Act of 1954, as amended, sections 11(x) and 11(w), 42 U.S.C. 2014 (x) and (w)).

The proposed rule referred to the inclusion of an indemnity in contracts for transportation as well as the facility operation. This has been revised since financial protection for nuclear incidents arising out of transportation to or from an indemnified facility is afforded by NRC-required financial protection and by the indemnity which will be in the contract for operation of the repository. The indemnity in the repository contract will apply to the extent the person indemnified is not compensated by financial protection permitted or required by NRC.

With respect to non-nuclear hazards and possible third-party claims arising out of DOE's performance of the contract, several commenters suggested the inclusion of an indemnity provision that would protect the Purchaser against all claims for personal injuries or damage to property, "whether based wholly or in part upon [the] negligence . . . of the Purchaser or its . . . agents." DOE has not adopted this suggestion which it deems unnecessary and inappropriate. Any claims for personal injuries and/or property damage at the site would be covered under general principles of applicable law; that is to say, DOE could be held responsible for such injuries as are determined to be caused by the negligence of its agents or contractors in any suit brought by an injured third party against DOE directly, or against the Purchaser who might then implead DOE; and the same would apply to the liability of the Purchaser, as to which its usual third-party liability insurance would afford protection. By the same token, once DOE has accepted delivery and title, it would be primarily responsible for any non-nuclear accidents, and any impleading of the Purchaser in such claims would be covered under the Purchaser's regular insurance coverage.

The last sentence of (new) paragraph "A" in Article XIV refers to the "conditions stated in the indemnity agreement," as to which some commenters asked for a copy. Obviously, DOE cannot now provide copies of such an indemnity since there is, as yet, no DOE repository contract in existence. However, it is contemplated that such contractor(s), when selected, will be covered by including in the contract(s) for repository operation, the nuclear hazards indemnity clause set forth in the DOE Procurement Regulations at § 9-50.704-6.

Article XIV—Assignment

The only revision made in this clause, to be consistent with the Act, was to change the word "Party" to "Purchaser."

Article XV—Amendments

This clause was added to expressly recognize that DOE or the Purchaser may wish to amend the contract in the future to more accurately or equitably reflect their respective interests. The article requires that any such amendment be mutually agreeable and consistent with this final rule as it may from time to time be amended.

Article XVI—Disputes

This provision (set out in the proposed rule in Appendix H, clause 1) remains essentially unchanged in this final rule. Several commenters suggested that the contract should apply the provisions in the Contract Disputes Act of 1978 (Pub. L. 95-563). We have not accepted this suggestion for a number of reasons. Section 3 of Pub. L. 95-563 specifically lists the types of contracts to which that Act is to apply, namely, the procurement of property, services, construction, alteration, repair or maintenance and the disposal of personal property. The nuclear waste disposal contract, which involves not the Government procurement of services but rather its furnishing of such services, is clearly beyond the purview of Pub. L. 95-563, as shown by the language of that statute, as well as its legislative history. The Department has therefore not adopted this suggestion, but has utilized the DOE pre-Contracts Disputes Act process of dispute resolution with the addition of the requirement of certification of claims in excess of $50,000.

Other commenters suggested that the certification of accuracy and completeness of any claim over $50,000

be deleted; that arbitration of disputes be allowed, and that continuation of performance be restricted to those areas not in dispute.

We believe that the certification of accuracy and completeness of claims in excess of $50,000 is reasonable and appropriate to protect both the Government and the Purchaser from frivolous or fraudulent claims. The suggestion to allow arbitration of all disputes was not adopted, since the Government is not to be bound by decisions of third parties; the contracting officer, as the first level deciding official on a claim under this clause, is required to exert all efforts to satisfactorily resolve issues at dispute; as such, arbitration would be likely to protract rather than accelerate the ultimate resolution.

The suggestion that continuation of performance of the contract be required only in those areas not in dispute was not accepted, as such a provision would be inconsistent with the fundamental purpose of the disputes resolution process—namely continuing performance of the contract during pendency of a dispute between the parties. To allow either party to suspend performance unilaterally based upon a dispute would effectively serve to negate the contract. If a party disputed the financial provisions, transportation scheduling, or environmental, safety and health requirements of packaging of nuclear fuel or waste, it could cease to perform in these areas. This we believe to be unworkable and inconsistent with the intent of Public Law 97–425. Accordingly, we have not accepted this suggestion.

At the suggestion of several commenters, a change was made to provide for ninety (90) days, instead of thirty (30) days, for Purchaser to appeal the decision of the Contracting Officer

Article XVII—Officials Not To Benefit

No significant comments have been received on this clause (formerly Appendix H, clause 2), and, accordingly, no change has been made.

Article XVIII—Covenant Against Contingent Fees

Some commenters suggested this clause be deleted as it seemed to them to be unnecessary. The clause is required in Government contracts by Executive Order 9001 and 10 U.S.C. 2306(b); accordingly, we have not adopted this suggestion.

Article XIX—Examination of Records

Several commenters questioned the need to retain records for three (3) years after final payment under this contract. This requirement stems from the statutory authority of the Comptroller General to conduct audits relating to the receipt and expenditure of public funds under the Budget and Accounting Act of 1921 (31 U.S.C. 53(a) and (b)). To effectively carry out these audit responsibilities, the Comptroller General is authorized for a period of three (3) years after final payment of a contract to examine any directly pertinent books or records relating to transactions under the contract (10 U.S.C. 2313(b)). In view of these statutory requirements, and recognizing that reactor facility operators are now required by law to maintain a variety of records during the entire life span of the facility, we have not adopted recommended changes to this contract provision.

Article XX—Permits

No change from clause set out in proposed rule (see Appendix H, clause 5) was made in this Article XV.

Article XXI—Rights in Technical Data

Several commenters requested that DOE not require Purchasers to submit any technical data called for by DOE under the contract where the Purchaser has an agreement with a third party restricting release of such data. DOE has not accepted this suggestion as the technical data required to be submitted under this contract has been determined to be necessary. However, DOE has added a new paragraph at the end of this clause (formerly in Appendix H, clause 6) to cover those cases where the Purchaser has received proprietary data from a third party who has previously imposed restrictions on its use or disclosure. The new provision requires the Purchaser to obtain the consent of such third party.

Article XXII—Entire Contract

This provision was revised, at the suggestion of several commenters, by the deletion of the second sentence which referred to "collateral contracts . . . [being] superseded." It was not and is not DOE's intent, by having executed this contract, to abrogate other contracts which a Purchaser may have. To make this intent clear, a new paragraph B has been added to this Article XXII.

Appendices

There were numerous comments on the contract appendices contained in the proposed rule published on February 4, 1983. We have carefully evaluated all the changes recommended by the commenters. Based upon our review, seven of the eight appendices in the proposed rule (Appendices A, B, C, D, E, F and G) have been revised; these now appear in this final rule as Appendices A, C, D, B, E, F and G. Appendix H in the proposed rule contained six contract clauses which are now part of the contract itself (Articles XVI through XXI).

The referenced modifications were made because we believe they eliminate unnecessary paperwork and data gathering while still providing the Department with the information it requires to effectively administer the contract. This reduction of the data required is in the best interests of the Government because it reduces the paperwork and administrative demands on the Department. The referenced modifications also bring the appendices more in line with current utility industry practices on data collection and management. By requesting information in a manner which is easier for the utilities to provide, it reduces the likelihood of error, makes the auditing functions of the Department easier, and in general simplifies the operations of both the utilities and the Department. Specific comments on each appendix follow.

Appendix A (Nuclear Power Reactor(s) and Other Facilities Covered)

A number of commenters suggested a slightly modified approach to this appendix, including a description of the facility which was more informative than that contained in the proposed rule. This approach was adopted.

Appendix B (Discharge Information (Ten Year; Annual))

This appendix appeared as Appendix D in the proposed rule. A number of commenters requested that the "commitment year for delivery" be deleted and this was done because the information is provided in Appendix C. Likewise, several commenters felt that shipping information could be covered more appropriately in the appendix containing the delivery commitment schedule (Appendix C) and this suggestion was accepted. A tabular format for the ten-year discharge forecast was proposed and adopted. This format makes the data more accessible to and understandable by the Department.

Appendix C (Delivery Commitment Schedule)

This Appendix appeared as Appendix B in the proposed rule. Its format was modified and simplified in response to a number of recommendations, and it was made more consistent with Article V. A substantial number of commenters questioned the requirement for proof of

ownership of the SNF and/or HLW to be delivered to DOE. Since DOE will, upon delivery and acceptance of the SNF and/or HLW, be taking title to such material, it must assure itself that the Purchaser can legally convey clear title.

Appendix D (Final Delivery Schedule)

This appendix was formerly Appendix C in the proposed rule. A clearer format was proposed and accepted, but the data requested by this appendix remain essentially unchanged. The revised format recognizes that there could be a range of discharge dates, not just one, and provides space to accommodate this.

Appendix E (General Specifications)

A number of commenters stated that the radioactive release test was an unnecessary burden for both the utilties and DOE. This requirement has been deleted because the data are not essential and the test is time-consuming and expensive. Several commenters felt that the scope of nonfuel components was too limited, and should be expanded to include additional equipment and hardware. This recommendation was considered appropriate and was adopted. In addition, the need for maximum physical dimensions was questioned, and it was recommended that they be deleted. DOE did not adopt this recommendation because it must have some basic dimensions around which to design its handling and disposal facilities. Such information will serve to minimize construction and operating costs which is in the best interest of all parties. A number of commenters believed that the specification on cladding materials was not needed. This provision has been eliminated because DOE will accept all standard cladding materials.

The need for non-standard fuel definitions was questioned by some commenters. These definitions have not been changed because they relate to information considered necessary by DOE in order to establish its operating procedures and schedules.

One commenter requested that the Department provide the containers for failed fuel at no cost to the utilities. This was rejected because the furnishing of such containers is part of the normal utility cost for the operation of its spent fuel storage basin. Several commenters said that a separate classification for consolidated fuel rods was needed. This suggestion was accepted because none of the existing classifications was appropriate for assemblies which have been disassembled.

Appendix F (Detailed Description of Purchasers Fuel)

Appendix F was greatly simplified and made consistent with industry terminology and practice. A number of commenters stated that far too much detail was requested. A revised format proposed by one commenter was more understandable than that contained in its proposed rule, and was adopted. The requirement for drawings was made simpler and more manageable. Many non-standard terms for the industry were removed as requested by a number of commenters.

Appendix G (Standard Remittance Advice)

Appendix G remains substantially unchanged. Several commenters suggested deleting references to "meter" and "meter reading" as the information to be so provided may require calculations not merely referring to a "meter". DOE agrees and such references have been deleted, though the requirement for the information remains unchanged. Several commenters noted inconsistencies in references to "net" as well as "gross" electricity generated. As DOE now interprets the Act to require disposal charges based upon "gross" electricity generated by the Purchaser's civilian nuclear power reactors, references to "net" have been deleted. One commenter suggested that a reference be added to identify the "responsible DOE office"; however, since there are several offices involved in the processing of the payments to be made hereunder, DOE has not adopted this suggestion.

C. Additional Public Comments

In addition to the public comments keyed to the contract articles and discussed in Section III.B. above, DOE received other comments relating to the proposed rule of February 4, 1983. A summary of these comments and DOE's action taken with respect to each is set forth below.

Several commenters suggested that the proposed standard contract not be part of the rule itself. DOE has not adopted this suggestion because, as stated in the February 4 **Federal Register** notice (48 FR 5459), it continues to believe that the rulemaking process offers the best opportunity for interested persons to participate in DOE's nuclear waste disposal activities. This applies equally to the promulgation of this final rule regarding the standard contract and any later amendments to the rule that may be needed.

Some commenters requested that DOE issue separate contracts for each reactor or facility receiving DOE's disposal services. We believe this would be an unnecessary increase in paperwork and workload as the contract (see Appendix A) clearly provides for Purchasers to list any multiple reactors or facilities to be covered and requires separate scheduling information for each site to be serviced by DOE. Therefore, we have not adopted this suggestion.

Three commenters suggested that the deviation procedure set out in Section 961.4 of the rule could prove onerous or administratively burdensome and they suggested its deletion. DOE disagrees. As stated in the February 4 **Federal Register** notice (48 FR 5459), "DOE intends to use the rule and standard contract *unless* special circumstances are found *and* the . . . deviations procedures are followed." To achieve maximum uniformity in the type of standard contract to be used and, at the same time, to allow for necessary adjustments that may be needed to accommodate the special or unique circumstances of particular Purchasers, we view the deviation procedure of section 961.4 quite reasonable and proper. The recommended deletion has therefore not been adopted.

Two State agencies raised the question of advance notification to be given with respect to any planned transportation of the SNF and/or HLW through the State (by truck, rail or barge). As the standard contract provides, DOE will be responsible for the transportation of SNF and/or HLW from the Purchaser's site to the DOE facility. It is comtemplated that DOE and its transportation contractors will, to the extent required by applicable law and regulations, provide such advance notification to the affected States.

Article VIII.E. of the contract in this final rule provides for audit rights on the part of DOE as well as the Comptroller General (see also Article XIX). Most of the utilities and industry organizations commenting on the proposed rule requested that similar audit rights be given to the Purchaser and/or State utility commissions. DOE has not accepted this recommended approach for several reasons. First and foremost, no such procedure is authorized, expressly or implicitly, by the Act itself. Secondly, we believe that the existing statutory scheme and the information to be provided by DOE under the contract will be sufficient for Purchasers, and indeed the general public, to assess the performance and progress of DOE in its nuclear waste disposal program. This dissemination of information will be

accomplished in a variety of ways, including: (1) A comprehensive mission plan; (2) an annual audit conducted by the Comptroller General; (3) an annual DOE report to Congress on activities and expenditures; (4) an annual Treasury Department report to Congress on the financial condition and operations of the Program; (5) a triennial budget to Congress; and (6) a possible audit of the program by a private firm of certified public accountants.

Similarly, seven commenters addressed the question of DOE performance standards and Purchaser remedies with respect to performance. In essence, these commenters pointed out that no date exists other than the January 31, 1998 date to evaluate DOE's program performance. If that date is not met, these commenters say, the contract provides no specific remedies against DOE for failing to meet the date. DOE has considered this comment and the suggestion that suitable language be included in the contract, but it has decided not to adopt the recommended modification. We recognize that these issues are of concern to the utilities. However, we believe that we should be consistent with the language of the Act. The 1998 date is called for in the Act, and we believe it to be a realistic date. Our performance will be judged by meeting this date. If the intent of the Act was to have intermediate performance standards or dates, they could have been specified in the Act.

A few commenters requested that the contract contain a severability provision which would, in effect, state that if a court of competent jurisdiction should rule that one or more of the contractual provisions were invalid, this would not affect the validity of other parts of the contract. Such a provision is not infrequently found in statutes (Federal and State), but its inclusion in contracts is not common. For this reason, and because we do not feel it proper to attempt to limit judicial review or remedies in an administrative rule, we have not adopted this suggested provision.

With respect to the schedule of fees to be levied by DOE, some commenters suggested that the disposal fees not be set out in the contract, but rather that they be set forth as a separate section in the final rule itself, which would allow the fees to be changed without modification of individual contracts. We believe the fee provisions are an integral part of the contract and that inclusion of these important provisions is necessary for the contract to be self-sufficient and complete upon execution. Should the Department determine in the future that modification of the individual disposal contracts was an unnecessary workload burden, the Department would consider adopting the suggested procedure.

Most of the commenters believe that, in the event DOE subsequently chooses to use or process the SNF and/or HLW for purposes other than disposal, an appropriate credit should be provided.

At this time, the Department has chosen to defer a decision on providing credits, for whatever reason, to the utilities or to the Nuclear Waste Fund because we are uncertain as to the type and kinds of credits that could be applied to the utilities or to the Fund. We recognize the comments calling for credits for reprocessing SNF. We also recognize that other types of credits may become appropriate. We intend to reconsider this issue when and if reprocessing actually becomes a viable enterprise for the utilities, and when we also ascertain the other types of credits that may or may not be appropriate for the industry.

IV. Final Rule

The purpose of this new Part 961, as indicated in § 961.1, is to establish a standard contract that will be used to provide DOE's nuclear waste disposal services to a Purchaser. The term "Purchaser" is defined in section 961.3.

Section 961.2 relates to applicability and describes who is covered by the part. A critical feature of this section is that to have SNF and HLW disposed of in DOE's repository, an owner or generator of such nuclear fuel or waste must execute a contract with DOE by June 30, 1983, or by the date on which an owner or generator begins generating or takes title to such fuel or waste.

Section 961.3 sets forth pertinent definitions and incorporates the more extensive list of definitions contained in Article II of the contract which is found in § 961.11.

Section 961.4 provides for deviations from the rule as well as from the contract which is found at § 961.11. DOE has included this provision because special circumstances may exist or arise that would warrant a departure from the rule or standard contract. As mentioned above, however, DOE intends to use the rule and standard contract unless special circumstances are found and the proposed deviation procedures are followed.

Section 961.5 specifies that Federal agencies which require DOE's nuclear waste disposal services shall enter into an interagency agreement which commits those agencies to the terms and conditions, including the fee schedules, contained in the proposed standard contract.

Section 961.11 sets forth the standard contract that DOE and owners and generators of SNF and/or HLW will execute for the disposal of such fuel or waste, as described in Section III.C. above.

V. Procedural Requirements

A. *Executive Order No. 12291.* Under Executive Order 12291 agencies are required to determine whether proposed rules are major rules as defined in the Order. DOE has reviewed this final rule and, after consultation with the Office of Management and Budget, has determined that it is not a major rule because: it will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises. While the money to be paid by members of the electric utility industry under the contracts that are subject of this rule will exceed $100 million annually, and may even be considered a major cost to the industry, these costs would not be the result of this rule. The costs are the result of the need to dispose of spent nuclear fuel and/or high-level radioactive waste, a need recognized in the Nuclear Waste Policy Act of 1982. The particular provisions of this rule have little impact on the actual costs of disposal and certainly less than $100 million annually.

B. *Regulatory Flexibility Act.* In accordance with secton 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, DOE finds that sections 603 and 604 of the said Act do no apply to this rule because it will not have a significant economic impact on a substantial number of small entities. This finding is based on the fact that the parties to the contract, who will be owners or generators of spent nuclear fuel or high-level radioactive waste, are not small entities.

C. *National Environmental Policy Act.* Execution of the standard contract contained in this rulemaking will not commit DOE to any specific activities not already prescribed by the Nuclear Waste Policy Act. Activities allowed under the Act will receive appropriate environmental review at the proper time, i.e., when such activities are proposed in accordance with the process established in the Act. Therefore, DOE has concluded that

neither this rulemaking nor the execution of the contracts gives rise to any action not already prescribed by the Act and, thus, is not a major Federal action significantly affecting the quality of the human environment. Accordingly, preparation of either an environmental assessment or an environmental impact statement is not required.

D. *Paperwork Reduction Act.* In accordance with Section 3504(h) of the Paperwork Reduction Act of 1980 (Pub. L. 96–511), this rule has been submitted to the Office of Management and Budget (OMB), which has approved the data collection requirements contained herein.

List of Subjects in 10 CFR Part 961

Government contracts, Nuclear materials, Nuclear power plants and reactors, Radiation protection, Waste treatment and disposal.

Section 553(d) of the Administrative Procedure Act generally requires that a substantive rule be published 30 days before its effective date. An exception to this requirement exists when an agency finds good cause for an earlier effective date. DOE has determined that good cause exists to make this rule effective immediately, because this will allow owners of civilian nuclear power reactors the maximum amount of time to consider the rule before the June 30, 1983, statutory deadline for their entering into a contract for the disposal of spent fuel.

For the reasons set out above, a new Part 961 of Chapter III of Title 10, Code of Federal Regulations, is to be established as set forth below.

Issued in Washington, D.C., April 11, 1983.

Hilary J. Rauch,

Director, Procurement & Assistance Management Directorate.

Title 10, Chapter III of the Code of Federal Regulations is hereby amended by adding a new Part 961, to read as follows:

PART 961—STANDARD CONTRACT FOR DISPOSAL OF SPENT NUCLEAR FUEL AND/OR HIGH-LEVEL RADIOACTIVE WASTE

Subpart A—General

Sec.

961.1 Purpose.
961.2 Applicability.
961.3 Definitions.
961.4 Deviations.
961.5 Federal Agencies.
961.6–961.10 [Reserved]

Subpart B—Standard Contract for Disposal of Spent Nuclear Fuel and/or High-Level Radioactive Waste

961.11 Text of the contract.

Authority: Sec. 644, Pub. L. 95–91, 91 Stat. 599 (42 U.S.C. 7254) and Sec. 302, Pub. L. 97–425, 96 Stat. 2257 (42 U.S.C. 10222).

Subpart A—General

§ 961.1 Purpose.

This part establishes the contractual terms and conditions under which the Department of Energy (DOE) will make available nuclear waste disposal services to the owners and generators of spent nuclear fuel (SNF) and high-level radioactive waste (HLW) as provided in Section 302 of the Nuclear Waste Policy Act of 1982 (Pub. L. 97–425). Under the contract set forth in § 961.11 of this Part, DOE will take title to, transport, and dispose of spent nuclear fuel and/or high-level radioactive waste delivered to DOE by those owners or generators of such fuel or waste who execute the contract. In addition, the contract will specify the fees owners and generators of SNF and/or HLW will pay for these services. All receipts, proceeds, and revenues realized by DOE under the contract will be deposited in the Nuclear Waste Fund, an account established by the Act in the U.S. Treasury. This fund will pay for DOE's radioactive waste disposal activities, the full costs of which will be borne by the owners and generators under contract with DOE for disposal services.

§ 961.2 Applicability.

This part applies to the Secretary of Energy or his designee and any person who owns or generates spent nuclear fuel or high-level radioactive waste, of domestic origin, generated in a civilian nuclear power reactor. If executed in a timely manner, the contract contained in this part will commit DOE to accept title to, transport, and dispose of such spent fuel and waste. In exchange for these services, the owners or generators of such fuel or waste shall pay fees specified in the contract which are intended to recover fully the costs of the disposal services to be furnished by DOE. The contract must be signed by June 30, 1983, or by the date on which such owner or generator commences generation of, or takes title to, such spent fuel or waste, whichever occurs later.

§ 961.3 Definitions.

For purposes of this part—

"Act" means the Nuclear Waste Policy Act of 1982, Pub. L. 97–425, 96 Stat. 2201 *et seq.*, 42 U.S.C. 10101 *et seq.*

"Contract" means the agreement set forth in §961.11 of this part and any duly executed amendment or modification thereto.

"Generator" means any person who is licensed by the Nuclear Regulatory Commission to use a utilization or production facility under the authority of section 103 or 104 of the Atomic Energy Act of 1954 (42 U.S.C. 2133, 2134).

"Owner" means any person who has title to spent nuclear fuel or high-level radioactive waste.

"Purchaser" means any person, other than a Federal agency, who is licensed by the Nuclear Regulatory Commission to use a utilization or production facility under the authority of sections 103 or 104 of the Atomic Energy Act of 1954 (42 U.S.C. 2133, 2134) or who has title to spent nuclear fuel or high level radioactive waste and who has executed a contract with DOE.

"Secretary" means the Secretary of Energy of his designee.

Other definitions relating to the subject matter of this rule are set forth in Article II of the contract which is contained in § 961.11, Text of the contract, below.

§ 961.4 Deviations.

Requests for authority to deviate from this part shall be submitted in writing to the Contracting Officer, who shall forward the request for approval to the Senior Procurement Official, Headquarters. Each request for deviation shall contain the following information:

(a) A statement of the deviation desired, including identification of the specific paragraph number(s) of the contract;

(b) A description of the intended effect of the deviation;

(c) The reason why the deviation is considered necessary or would be in the best interests of the Government;

(d) The name of the owner or generator seeking the deviation and nuclear power reactor(s) affected;

(e) A statement as to whether the deviation has been requested previously and, if so, circumstances of the previous request;

(f) A statement of the period of time for which the deviation is needed; and

(g) Any pertinent background information will contribute to a full understanding of the desired deviation.

§ 961.5 Federal agencies.

Federal agencies or departments requiring DOE's disposal services for SNF and/or HLW will be accommodated by a suitable interagency agreement reflecting, as appropriate, the terms and conditions set forth in the contract in § 961.11; *provided, however,* that the fees to be paid by Federal agencies will be equivalent to the fees that would be paid under the contract.

§§ 961.6–961.10 [Reserved]

Subpart B—Standard Contract for Disposal of Spent Nuclear Fuel and/or High-Level Radioactive Waste

§ 961.11 Text of the contract.

The text of the standard contract for disposal of spent nuclear fuel and/or high/level radioactive waste follows:

U.S. Department of Energy Contract No.——

Contract for Disposal of Spent Nuclear Fuel and/or High-Level Radioactive Waste

THIS CONTRACT, entered into this — day of ——— 19—, by and between the UNITED STATES OF AMERICA (hereinafter referred to as the "Government"), represented by the UNITED STATES DEPARTMENT OF ENERGY (hereafter referred to as "DOE") and ————, (hereinafter referred to as the "Purchaser"), a corporation organized and existing under the laws of the State of ———— [add as applicable: "acting on behalf of itself and ———."].

Witnesseth that:

Whereas, the DOE has the responsibility for the disposal of spent nuclear fuel and high-level radioactive waste of domestic origin from civilian nuclear power reactors in order to protect the public health and safety, and the environment; and

Whereas, the DOE has the responsibility, following commencement of operation of a repository, to take title to the spent nuclear fuel or high-level radioactive waste involved as expeditiously as practicable upon the request of the generator or owner of such waste or spent nuclear fuel; and

Whereas, all costs associated with the preparation, transportation, and the disposal of spent nuclear fuel and high-level radioactive waste from civilian nuclear power reactors shall be borne by the owners and generators of such fuel and waste; and

Whereas, the DOE is required to collect a full cost recovery fee from owners and generators delivering to the DOE such spent nuclear fuel and/or high level radioactive waste; and

Whereas, the DOE is authorized to enter into contracts for the permanent disposal of spent nuclear fuel and/or high-level radioactive waste of domestic origin in DOE facilities; and

Whereas, the Purchaser desires to obtain disposal services from DOE; and

Whereas, DOE is obligated and willing to provide such disposal services, under the terms and conditions hereinafter set forth; and

Whereas, this contract is made and entered into under the authority of the DOE Organization Act (Pub. L. 95–91, 42 U.S.C. 7101 *et seq.*) and the Nuclear Waste Policy Act of 1982 (Pub. L. 97–425, 42 U.S.C. 10101 *et seq.*)

Now, therefore, the parties hereto do hereby agree as follows:

Article I—Definitions

As used throughout this contract, the following terms shall have the meanings set forth below:

1. The term "assigned three-month period" means the period that each Purchaser will be assigned by DOE, giving due consideration to the Purchaser's assignment preference, for purposes of reporting kilowatt hours generated by the Purchaser's nuclear power reactor and for establishing fees due and payable to DOE.

2. The term "cask" means a container for shipping spent nuclear fuel and/or high-level radioactive waste which meets all applicable regulatory requirements.

3. The term "civilian nuclear power reactor" means a civilian nuclear powerplant required to be licensed under Sections 103 or 104(b) of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2133, 2134(b)).

4. The term "Commission" means the United states Nuclear Regulatory Commission.

5. The term "contract" means this agreement and any duly executed amendment or modification thereto.

6. The term "Contracting Officer" means the person executing this contract on behalf of the Government, and any other officer or civilian employee who is a properly disignated Contracting Officer of the DOE; and the term includes, except as otherwise provided in this contract, the authorized representative of a Contracting Officer acting within the limits of his authority.

7. The term "delivery" means the transfer of custody, f.o.b. carrier, of spent nuclear fuel or high-level radioactive waste from Purchaser to DOE at the Purchaser's civilian nuclear power reactor or such other domestic site as may be designated by the Purchaser and approved by DOE.

8. The term "disposal" means the emplacement in a repository of high-level radioactive waste, spent nuclear fuel, or other highly radioactive waste with no foreseeable intent of recovery, whether or not such emplacement permits recovery of such waste.

9. The term "DOE" means the United States Department of Energy or any duly authorized representative thereof, including the Contracting Officer.

10. The term "DOE facility" means a facility operated by or on behalf of DOE for the purpose of disposing of spent nuclear fuel and/or high-level radioactive waste, or such other facility(ies) to which spent nuclear fuel and/or high-level radioactive waste may be shipped by DOE prior to its transportation to a disposal facility.

11. The term "full cost recovery," means the recoupment by DOE, through Purchaser fees and any interest earned, of all direct costs, indirect costs, and all allocable overhead, consistent with generally accepted accounting principles consistently applied, of providing disposal services and conducting activities authorized by the Nuclear Waste Policy Act of 1982 (Pub. L. 97–425). As used herein, the term "cost" includes the application of Nuclear Waste Fund moneys for those uses expressly set forth in section 302 (d) and (e) of the said Act and all other uses specified in the Act.

12. The term "high-level radioactive waste" (HLW) means—

(a) the highly radioactive material resulting from the reprocessing of spent nuclear fuel, including liquid waste produced directly in reprocessing and any solid material derived from such liquid waste that contains fission products in sufficient concentrations; and

(b) other highly radioactive material that the Commission, consistent with existing law, determines by rule requires permanent isolation.

13. The term "kilowatt hours generated" means electricity generated by nuclear fuel at a civilian nuclear power reactor specified in Appendix A hereto as measured at the output terminals of the turbine generator.

14. The term "metric tons uranium" means that measure of weight, equivalent to 2,204.6 pounds of uranium and other fissile and fertile material that are loaded into a reactor core as fresh fuel.

15. The term "Purchaser's site" means the location of Purchaser's civilian nuclear power reactor or such other location as the Purchaser may designate.

16. The term "quarterly Treasury rate" means the current value of funds rate as specified by the Treasury Fiscal Requirements Manual, Volume 1, Part 6, section 8020.20. This rate is published quarterly in the **Federal Register** prior to the beginning of the affected quarter.

17. The term "shipping lot" means a specified quantity of spent nuclear fuel or high-level radioactive waste designated by Purchaser for delivery to DOE beginning on a specified date.

18. The term "spent nuclear fuel" (SNF) means fuel that has been withdrawn from a nuclear reactor following irradiation, the consistituent elements of which have not been separated by reprocessing.

19. The term "spent nuclear fuel and high-level radioactive waste of domestic origin" means irradiated fuel material used, and radioactive wastes resulting from such use, in nuclear power reactors located only in the United States.

20. The term "year" means the period which begins on October 1 and ends on September 30.

Article II—Scope

This contract applies to the delivery by Purchaser to DOE of SNF and/or HLW of domestic origin from civilian nuclear power reactors, acceptance of title by DOE to such SNF and/or HLW, subsequent transportation, and disposal of such SNF and/or HLW and, with respect to such material, establishes the fees to be paid by the Purchaser for the services to be rendered hereunder by DOE. The SNF and/or HLW shall be specified in a delivery commitment schedule as provided in Article V below. The services to be provided by DOE under this contract shall begin, after commencement of facility operations, not later than January 31, 1998 and shall continue until such time as all SNF and/or HLW from the civilian nuclear power reactors specified in Appendix A, annexed hereto and made a part hereof, has been disposed of.

Article III—Term

The term of this contract shall be from the date of execution until such time as DOE has accepted, transported from the Purchaser's site(s) and disposed of all SNF and/or HLW of domestic origin from the civilian nuclear power reactor(s) specified in Appendix A.

Article IV—Responsibilities of the Parties

A. Purchaser's Responsibilities

1. *Discharge Information.*

(a) On an annual basis, commencing October 1, 1983, the Purchaser shall provide DOE with information on actual discharges to date and projected discharges for the next discharges to date and projected discharges for the next ten (10) years in the form and content set forth in Appendix B, annexed hereto and made a part hereof. The information to be provided will include estimates and projections and will not be Purchaser's firm commitment with respect to discharges or deliveries.

(b) No later than October 1, 1983, the Purchaser shall provide DOE with specific information on:

(1) Total spent nuclear fuel inventory as of April 7, 1983;

(2) Total number of fuel assemblies removed from the particular reactor core prior to 12:00 a.m. April 7, 1983 for which there are plans for reinsertion in the core, indicating the current planned dates for reinsertion in the core. Estimates of the burned and unburned portion of each individual assembly are to be provided.

(c) In the event that the Purchaser fails to provide the annual forecast in the form and content required by DOE, DOE may, in its sole discretion, require a rescheduling of any delivery commitment schedule then in effect.

2. *Preparation for Transportation.*

(a) The Purchaser shall arrange for, and provide, all preparation, packaging, required inspections, and loading activities necessary for the transportation of SNF and/or HLW to the DOE facility. The Purchaser shall notify DOE of such activities sixty (60) days prior to the commencement of such activities. The preparatory activities by the Purchaser shall be made in accordance with all applicable laws and regulations relating to the Purchaser's responsibilities hereunder. DOE may designate a representative to observe the preparatory activities conducted by the Purchaser at the Purchaser's site, and the Purchaser shall afford access to such representative.

(b) Except as otherwise agreed to by DOE, the Purchaser shall advise DOE, in writing as specified in Appendix F, annexed hereto and made a part hereof, as to the description of the material in each shipping lot sixty (60) days prior to scheduled DOE transportation of that shipping lot.

(c) The Purchaser shall be responsible for incidental maintenance, protection and preservation of any and all shipping casks furnished to the Purchaser by DOE for the performance of this contract. The Purchaser shall be liable for any loss of or damage to such DOE-furnished property, and for expenses incidental to such loss or damage while such casks are in the possession and control of the Purchaser except as otherwise provided for hereunder. Routine cask maintenance, such as scheduled overhauls, shall not be the responsibility of the Purchaser.

B. DOE Responsibilities

1. DOE shall accept title to all SNF and/or HLW, of domestic origin, generated by the civilian nuclear power reactor(s) specified in Appendix A, provide subsequent transportation for such material to the DOE facility, and dispose of such material in accordance with the terms of this contract.

2. DOE shall arrange for, and provide, a cask(s) and all necessary transportation of the SNF and/or HLW from the Purchaser's site to the DOE facility. Such cask(s) shall be furnished sufficiently in advance to accommodate scheduled deliveries. Such cask(s) shall be suitable for use at the Purchaser's site, meet applicable regulatory requirements, and be accompanied by pertinent information including, but not limited to, the following:

(a) Written procedures for cask handling and loading, including specifications on Purchaser-furnished cannisters for containment of failed fuel;

(b) Training for Purchaser's personnel in cask handling and loading, as may be necessary;

(c) Technical information, special tools, equipment, lifting trunnions, spare parts and consumables needed to use and perform incidental maintenance on the cask(s); and

(d) Sufficient documentation on the equipment supplied by DOE.

3. DOE may fulfill any of its obligations, or take any action, under this contract either directly or through contractors.

4. DOE shall annually provide to the Purchaser pertinent information on the waste disposal program including information on cost projections, project plans and progress reports.

5. (a) Beginning on April 1, 1991, DOE shall issue an annual acceptance priority ranking for receipt of SNF and/or HLW at the DOE repository. This priority ranking shall be based on the age of SNF and/or HLW as calculated from the date of discharge of such material from the civilian nuclear power reactor. The oldest fuel or waste will have the highest priority for acceptance, except as provided in paragraphs B and D of Article V and paragraph B.3 of Article VI hereof.

(b) Beginning not later than July 1, 1987, DOE shall issue an annual capacity report for planning purposes. This report shall set forth the projected annual receiving capacity for the DOE facility(ies) and the annual acceptance ranking relating to DOE contracts for the disposal of SNF and/or HLW including, to the extent available, capacity information for ten (10) years following the projected commencement of operation of the initial DOE facility.

Article V—Delivery of SNF and/or HLW

A. Description of SNF and HLW

The Purchaser shall deliver to DOE and DOE shall, as provided in this contract, accept the SNF and/or HLW which is described in accordance with Article VI.A. of this contract, for disposal thereof.

B. Delivery Commitment Schedule

1. Delivery commitment schedule(s), in the form set forth in Appendix C annexed hereto and made a part hereof, for delivery of SNF and/or HLW shall be furnished to DOE by Purchaser. After DOE has issued its proposed acceptance priority ranking, as described in paragraph B.5 of Article IV hereof, beginning January 1, 1992 the Purchaser shall submit to DOE the delivery commitment schedule(s) which shall identify all SNF and/or HLW the Purchaser wishes to deliver to DOE beginning sixty-three (63) months thereafter. DOE shall approve or disapprove such schedules within three (3) months after receipt. In the event of disapproval, DOE shall advise the Purchaser in writing of the reasons for such disapproval and request a revised schedule from the Purchaser, to be submitted to DOE within thirty (30) days after receipt of DOE's notice of disapproval.

2. DOE shall approve or disapprove such revised schedule(s) within sixty (60) days after receipt. In the event of disapproval, DOE shall advise the Purchaser in writing of the reasons for such disapproval and shall submit its proposed schedule(s). If these are not acceptable to the Purchaser, the parties shall promptly seek to negotiate mutually acceptable schedule(s). Purchaser shall have the right to adjust the quantities of SNF and/or HLW plus or minus (±) twenty percent (20%), and the delivery schedule up to two (2) months, until the submission of the final delivery schedule.

C. Final Delivery Schedule

Final delivery schedule(s), in the form set forth in Appendix D, annexed hereto and made a part hereof, for delivery of SNF and/or HLW covered by an approved delivery commitment schedule(s) shall be furnished to DOE by Purchaser. The Purchaser shall submit to DOE final delivery schedules not less than twelve (12) months prior to the delivery date specified therein. DOE shall approve or disapprove a final delivery schedule within forty-five (45) days after receipt. In the event of disapproval, DOE shall advise the Purchaser in writing of the reasons for such disapproval and shall request a revised schedule from the Purchaser, to be submitted to DOE within thirty (30) days after receipt of DOE's notice of disapproval. DOE shall approve or disapprove such revised schedule(s) within sixty (60) days after receipt. In the event of disapproval, DOE shall advise the Purchaser in writing of the reasons for such disapproval and shall submit its proposed schedule(s). If these are not acceptable to the Purchaser, the parties shall promptly seek to negotiate mutually acceptable schedule(s).

D. Emergency Deliveries

Emergency deliveries of SNF and/or HLW may be accepted by DOE before the date provided in the delivery commitment schedule upon prior written approval by DOE.

E. Exchanges

Purchaser shall have the right to determine which SNF and/or HLW is delivered to DOE; *provided, however,* that Purchaser shall comply with the requirements of this contract. Purchaser shall have the right to exchange approved delivery commitment schedules with parties to other contracts with DOE for disposal of SNF and/or HLW; *provided, however,* that DOE shall, in advance, have the right to approve or disapprove, in its sole discretion, any such exchanges. Not less than six (6) months prior

to the delivery date specified in the Purchaser's approved delivery commitment schedule, the Purchaser shall submit to DOE an exchange request, which states the priority rankings of both the Purchaser hereunder and any other Purchaser with whom the exchange of approved delivery commitment schedules is proposed. DOE shall approve or disapprove the proposed exchange within thirty (30) days after receipt. In the event of disapproval, DOE shall advise the Purchaser in writing of the reasons for such disapproval.

Article VI—Criteria for Disposal

A. General Requirements

1. *Criteria.*

(a) Except as otherwise provided in this contract, DOE shall accept hereunder only such SNF and/or HLW which meets the General Specifications for such fuel and waste as set forth in Appendix E, annexed hereto and made a part hereof.

(b) Purchaser shall accurately classify SNF and/or HLW prior to delivery in accordance with paragraphs B and D of Appendix E.

2. *Procedures.*

(a) Purchaser shall provide to DOE a detailed description of the SNF and/or HLW to be delivered hereunder in the form and content as set forth in Appendix F, annexed hereto and made a part hereof. Purchaser shall promptly advise DOE of nay changes in said SNF and/or HLW as soon as they become known to the purchaser.

(b) DOE's obligation for disposing of SNF under this contract also extends to other than standard fuel; however, for any SNF which has been designated by the Purchaser as other than standard fuel, as that term is defined in Appendix E, the Purchaser shall obtain delivery and procedure confirmation from DOE prior to delivery. DOE shall advise Purchaser within sixty (60) days after receipt of such confirmation request as to the technical feasibility of disposing of such fuel on the currently agreed to schedule and any schedule adjustment for such services.

B. Acceptance Procedures

1. *Acceptance Priority Ranking.*

Delivery commitment schedules for SNF and/or HLW may require the disposal or more material than the annual capacity of the DOE disposal facility (or facilities) can accommodate. The following acceptance priority ranking will be utilized:

(a) Except as may be provided for in subparagraph (b) below and Article V.D. of this contract, acceptance priority shall be based upon the age of the SNF and/or HLW as calculated from the date of discharge of such material from the civilian nuclear power reactor. DOE will first accept from Purchaser the oldest SNF and/or HLW for disposal in the DOE facility, except as otherwise provided for in paragraphs B and D of Article V.

(b) Notwithstanding the age of the SNF and/or HLW, priority may be accorded any SNF and/or HLW removed from a civilian nuclear power reactor that has reached the end of its useful life or has been shut down permanently for whatever reason.

2. *Verification of SNF and/or HLW.*

During cask loading and prior to acceptance by DOE for transportation to the DOE facility, the SNF and/or HLW description of the shipping lot shall be subject to verification by DOE. To the extent the SNF and/or HLW is consistent with the description submitted and approved, in accordance with Appendices E and F, DOE agrees to accept such SNF and/or HLW for disposal when DOE has verified the SNF and/or HLW description, determined the material is properly loaded, packaged, marked, labeled and ready for transportation, and has taken custody, as evidenced in writing, of the material at the Purchaser's site, f.o.b. carrier. A properly executed off-site radioactive shipment record describing cask contents must be prepared by the Purchaser along with a signed certification which states: "This is to certify that the above-named materials are properly described, classified, packaged, marked and labeled and are in proper condition for transfer according to the applicable regulations of the U. S. Department of Transportation."

3. *Improperly described SNF and/or HLW.*

(a) *Prior to Acceptance*—If SNF and/or HLW is determined by DOE to be improperly described prior to acceptance by DOE at the Purchaser's site, DOE shall promptly notify the Purchaser in writing of such determination. DOE reserves the right, in its sole discretion, to refuse to accept such SNF and/or HLW until the SNF and/or HLW has been properly described. The Purchaser shall not transfer such SNF and/or HLW to DOE unless DOE agrees to accept such SNF and/or HLW under such other arrangements as may be agreed to, in writing, by the parties.

(b) *After Acceptance*—If subsequent to its acceptance DOE finds that such SNF and/or HLW is improperly described, DOE shall promptly notify the Purchaser, in writing, of such finding. In the event of such notification, Purchaser shall provide DOE with a proper designation within thirty (30) days. In the event of a failure by the Purchaser to provide such proper designation, DOE may hold in abeyance any and all deliveries scheduled hereunder.

Article VII—Title

Title to all SNF and/or HLW accepted by DOE for disposal shall pass to DOE at the Purchaser's site as provided for in Article VI hereof. DOE shall be solely repsonsible for control of all material upon passage of title. DOE shall have the right to dispose as it sees fit of any SNF and/or HLW to which it has taken title. The Purchaser shall have no claim against DOE or the Government with respect to such SNF or HLW nor shall DOE or the Government be obligated to compensate the Purchaser for such material.

Article VIII—Fees and Terms of Payment

A. Fees

1. Effective April 7, 1983 Purchaser shall be charged a fee in the amount of 1.0 mill per kilowatt-hour (1M/KWH) on electricity generated by Purchaser's nuclear power reactor(s). The said fee shall be paid as specified in paragraph B of this Article VIII.

2. For SNF, or solidified high-level radioactive waste derived from SNF, which fuel was used to generate electricity in a civilian nuclear power reactor prior to April 7, 1983, a one-time fee will be assessed by applying industry-wide average dollar per kilogram charges to four (4) distinct ranges of fuel burnup so that the integrated cost across all discharged (i.e. spent) fuel is equivalent to an industry-wide average charge of 1.0 mill per kilowatt-hour. For purposes of this contract, discharged nuclear fuel is that fuel removed from the reactor core with no plans for reinsertion. In the event that any such fuel withdrawn with plans for reinsertion is not reinserted, then the applicable fee for such fuel shall be calculated as set forth in this paragraph 2. The categories of spent nuclear fuel burnup and the fee schedule are listed below:

[In 1982 dollars]

Nuclear spent fuel burnup range	Dollars per kilogram
0 to 5,000 MWDT/MTU	$80.00
5,000 to 10,000 MWDT/MTU	142.00
10,000 to 20,000 MWDT/MTU	162.00
Over 20,000 MWDT/MTU	184.00

This fee shall not be subject to adjustment, and the payment thereof by the Purchaser shall be made to DOE as specified in paragraph B of this Article VIII.

3. For in-core fuel as of April 7, 1983, that portion of the fuel burned through April 6, 1983 shall be subject to the one-time fee as calculated in accordance with the following methodology: [a] determine the total weight in kilograms of unranium loaded initially in the particular core; [b] determine the total megawatt-days (thermal) which have been generated by all of the fuel assemblies in the said core as of 12:00 A.M. April 7, 1983; [c] divide the megawatt-days (thermal) generated in the said core by the total metric tons of initially loaded uranium in that core and multiply the quotient by the conversion factor 0.0078 to obtain a value in dollars per kilogram; and [d] multiply the dollars per kilogram value by the kilograms determined in [a] above to derive the dollar charge for the one-time fee to be paid for the specified in-core fuel as of 12:00 A.M. April 7, 1983. For purposes of this contract, in-core fuel is that fuel in the reactor core as of the date specified, plus any fuel removed from the reactor with plans for reinsertion. That portion of such fuel unburned as of 12:00 A.M. April 7, 1983 shall be subject to the 1.0 mill per kilowatt-hour charge.

4. DOE will annually review the adequacy of the fees and adjust the 1M/KWH fee, if necessary, in order to assure full cost recovery by the Government. Any proposed adjustment to the said fee will be transmitted to Congress and shall be effective after a period of ninety (90) days of continuous session has elapsed following receipt of such transmittal unless either House of Congress adopts a resolution disapproving the proposed adjustment. Any adjustment to the 1M/KWH fee under paragraph A.1. of this Article VIII shall be prospective.

B. Payment

1. For electricity generated by the Purchaser's civilian nuclear power reactor(s) on or after April 7, 1983, fees shall be paid quarterly by the Purchaser and must be received by DOE not later than the close of business on the last business day of the month following the end of each assigned three month period. The first payment shall be due on July 31, 1983, for the period April 7, 1983 to June 30, 1983. [add as applicable: A one time adjustment period payment shall be due on ————, for the period ———— to ————]. The assigned three month period, for purposes of payment and reporting of kilowatt hours, shall begin ————.

2. For SNF discharged prior to April 7, 1983, and for in-core burned fuel as of 12:00 A.M. April 7, 1983, the Purchaser shall, within two (2) years of contract execution, select one of the following fee payment options:

(a) *Option 1*—The Purchaser's financial obligation for said fuel shall be prorated evenly over forty (40) quarters and will consist of the fee plus interest on the outstanding fee balance. The interest from April 7, 1983, to date of the first payment is to be calculated based upon the 13-week Treasury bill rate, as reported on the first such issuance following April 7, 1983, and compounded quarterly thereafter by the 13-week Treasury bill rates as reported on the first such issuance of each succeeding assigned three-month period. Beginning with the first payment, interest is to be calculated on Purchaser's financial obligation plus accrued interest, at the ten-year Treasury note rate in effect on the date of the first payment. In no event shall the end of the forty (40) quarters extend beyond the first scheduled delivery date as reflected in the DOE-approved delivery commitment schedule. All payments shall be made concurrently with the assigned three month period payments. At any time prior to the end of the forty (40) quarters, Purchaser may, without penalty, make a full or partial lump sum payment at any of the assigned three month period payment dates. Subsequent quarterly payments will be appropriately reduced to reflect the reduction in the remaining balance in the fee due and payable. The remaining financial obligation, if any, will be subject to interest at the same ten-year Treasury note rate over the remainder of the ten year period.

(b) *Option 2*—The Purchaser's financial obligation shall be paid in the form of a single payment anytime prior to the first delivery, as reflected in the DOE approved delivery commitment schedule, and shall consist of the fee plus interest on the outstanding fee balance. Interest is to be calculated from April 7, 1983, to the date of the payment based upon the 13-week Treasury bill rate, as reported on the first such issuance following April 7, 1983, and compounded quarterly thereafter by the 13-week Treasury bill rates as reported on the first such issuance of each succeeding assigned three-month period until payment.

(c) *Option 3*—The Purchaser's financial obligation shall be paid prior to June 30, 1985, or prior to two (2) years after contract execution, whichever comes later, in the form of a single payment and shall consist of all outstanding fees for SNF and in-core fuel burned prior to April 7, 1983. Under this option, no interest shall be due to DOE from April 7, 1983, to the date of full payment on the outstanding fee balance.

3. *Method of Payment:*

(a) Payments shall be made by wire transfer, in accordance with instructions specified by DOE in Appendix G, annexed hereto and made a part hereof, and must be received within the time periods specified in paragraph B.1. of this Article VIII.

(b) The Purchaser will complete a Standard Remittance Advice, as set forth in Appendix G, for each assigned three month period payment, and mail it postmarked no later than the last business day of the month following each assigned three month period to Department of Energy, Office of Controller, Cash Management Division, Box 500, Room D–208, Germantown, Maryland 20874.

4. Any fees not paid on a timely basis or underpaid because of miscalculation will be subject to interest as specified in paragraph C of this Article VIII.

C. Interest on Late Fees

1. DOE will notify the Purchaser of amounts due only when unpaid or underpaid by the dates specified in paragraph B above. Interest will be levied according to the following formula:

Interest = Unpaid balance due to DOE for assigned three month period × Quarterly Treasury rate plus six percent (6%) × Number of months late including month of payment (fractions rounded up to whole months) ÷ 12

2. Interest is payable at any time prior to the due date for the subsequent assigned three month period fee payment. Nonpayment by the end of the subsequent assigned three month period will result in compounding of interest due. Purchaser shall complete a Standard Remittance Advice of interest payments.

3. Following the assessment of a late fee by DOE, payments will be applied against accrued interest first and the principal thereafter.

D. Effect of Payment

Upon payment of all applicable fees, interest and penalties on upaid or underpaid amounts, the Purchaser shall have no further financial obligation to DOE for the disposal of the accepted SNF and/or HLW.

E. Audit

1. The DOE or its representative shall have the right to perform any audits or inspections necessary to determine whether Purchaser is paying the correct amount under the fee schedule and interest provisions set forth in paragraphs A, B and C above.

2. Nothing in this contract shall be deemed to preclude an audit by the General Accounting Office of any transaction under this contract.

3. The Purchaser shall furnish DOE with such records, reports and data as may be necessary for the determination of quantities delivered hereunder and for final settlement of amounts due under this contract and shall retain and make available to DOE and its authorized representative examination at all reasonable times such records, reports and data for a period of three (3) years from the completion of delivery of all material under this contract.

Article IX—Delays

A. Unavoidable Delays by Purchaser or DOE

Neither the Government nor the Purchaser shall be liable under this contract for damages caused by failure to perform its obligations hereunder, if such failure arises out of causes beyond the control and without the fault or negligence of the party failing to perform. In the event circumstances beyond the reasonable control of the Purchaser or DOE—such as acts of God, or of the public enemy, acts of Government in either its sovereign or contractual capacity, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes and unusually severe weather—cause delay in scheduled delivery, acceptance or transport of SNF and/or HLW, the party experiencing the delay will notify the other party as soon as possible after such delay is ascertained and the parties will readjust their schedules, as appropriate, to accommodate such delay.

B. Avoidable Delays by Purchaser or DOE

In the event of any delay in the delivery, acceptance or transport of SNF and/or HLW to or by DOE caused by circumstances within the reasonable control of either the Purchaser or DOE or their respective contractors or suppliers, the charges and schedules specified by this contract will be equitably adjusted to reflect any estimated additional costs incurred by the party not responsible for or contributing to the delay.

Article X—Suspension

A. In addition to any other rights DOE may have hereunder, DOE reserves the right, at no cost to the Government, to suspend this contract or any portion thereof upon written notice to the Purchaser within ninety (90) days of the Purchaser's failure to perform its obligations hereunder, and the Purchaser's failure to take corrective action within thirty (30) days after written notice of such failure to perform as provided above, unless such failure shall arise from causes beyond the control and without the fault or negligence of the Purchaser, its contractors or agents. However, the Purchaser's obligation to pay fees required hereunder shall continue unaffected by any suspension. Any such suspension shall be rescinded if and when DOE determines that Purchaser has completed corrective action.

B. The DOE reserves the right to suspend any scheduled deliveries in the event that a national emergency requires that priority be given to Government programs to the exclusion of the work under this contract. In the event of such a suspension by the Government, the DOE shall refund that portion of payments representing services not delivered as determined by the Contracting Officer to be an equitable adjustment. Any disagreement arising from the refund payment, if any, shall be resolved as provided in the clause of this contract, entitled "DISPUTES."

Article XI—Remedies

Nothing in this contract shall be construed to preclude either party from asserting its rights and remedies under the contract or at law.

Article XII—Notices

All notices and communications between the parties under this contract (except notices published in the **Federal Register**) shall be in writing and shall be sent to the following addressees:

To DOE:_____

To the Purchaser:_____

However, the parties may change the addresses or addressees for such notices or communications without formal modification to this contract; *provided, however,* that notice of such changes shall be given by registered mail.

Article XIII—Representation Concerning Nuclear Hazards Indemnity

A. DOE represents that it will include in its contract(s) for the operation of any DOE facility an indemnity agreement based upon Section 170(d) of the Atomic Energy Act of 1954, as amended, a copy of which agreement shall be furnished to the Purchaser; that under said agreement, DOE shall have agreed to indemnify the contractor and other persons indemnified against claims for public liability (as defined in said Act) arising out of or in connection with contractual activities; that the indemnity shall apply to covered nuclear incidents which (1) take place at a contract location; or (2) arise out of or in the course of transportation of source, special nuclear or by-product material to or from a contract location. The obligation of DOE to indemnify shall be subject to the conditions stated in the indemnity agreement.

B. The provisions of this Article XIII shall continue beyond the term of this contract.

Article XIV—Assignment

The rights and duties of the Purchaser may be assignable with transfer of title to the SNF and/or HLW involved; *provided, however,* that notice of any such transfer shall be made to DOE within ninety (90) days of transfer.

Article XV—Amendments

The provisions of this contract has been developed in the light of uncertainties necessarily attendant upon long-term contracts. Accordingly, at the request of either DOE or Purchaser, the parties will negotiate and, to the extent mutually agreed, amend this contract as the parties may deem to be necessary or proper to reflect their respective interests; *provided, however,* that any such amendment shall be consistent with the DOE final rule published in the **Federal Register** on April 18, 1983 entitled, "Standard Contract for Disposal or SNF and/or HLW", as the same may be amended from time to time.

Article XVI— Disputes

A. Except as otherwise provided in this contract, any dispute concerning a question of fact arising under this contract which is not disposed of by agreement shall be decided by the Contracting Officer, who shall reduce his decision to writing and mail or otherwise furnish a copy thereof to the Purchaser. The decision of the Contracting Officer shall be final and conclusive unless within ninety (90) days from the date of receipt of such copy, the Purchaser mails or otherwise furnishes to the Contracting Officer a written appeal addressed to the DOE Board of Contract Appeals (Board). The decision of the Board shall be final and conclusive unless determined by a court of competent jurisdiction to have been fraudulent, or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith or not supported by substantial evidence. In connection with any appeal proceeding under this clause, the Purchaser shall proceed diligently with the performance of the contract and in accordance with the Contracting Officer's decision.

B. For Purchaser claims of more than $50,000, the Purchaser shall submit with the claim a certification that the claim is made in good faith; the supporting data are accurate and complete to the best of the Purchaser's knowledge and belief; and the amount requested accurately reflects the contract adjustment for which the Purchaser believes the Government is liable. The certification shall be executed by the Purchaser if an individual. When the Purchaser is not an individual, the certification shall be executed by a senior company official in charge at the Purchaser's plant or location involved, or by an officer or general partner of the Purchaser having overall responsibility for the conduct of the Purchaser's affairs.

C. For Purchaser claims of $50,000 or less, the Contracting Officer must render a decision within sixty (60) days. For Purchaser claims in excess of $50,000, the Contracting Officer must decide the claim within sixty (60) days or notify the Purchaser of the date when the decision will be made.

D. This "Disputes" clause does not preclude consideration of law questions in connection with decisions provided for in paragraph A above; *provided, however,* that nothing in this contract shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

Article XVII—Officials Not To Benefit

No member of or delegate to Congress or resident commissioner shall be admitted to any share or part of this contract, or to any benefit that may arise therefrom, but this provision shall not be construed to extend to this contract if made with a corporation for its general benefit.

Article XVIII—Covenant Against Contingent Fees

The Purchaser warrants that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by the Purchaser for the purpose of securing business. For breach or violation of this warranty, the Government shall have the right to annul this contract without liability or in its discretion to increase the contract price or consideration, or otherwise recover, the full amount of such commission, brokerage, or contingent fee.

Article XIX—Examination of Records

The Purchaser agrees that the Comptroller General of the United States or any of his duly authorized representatives shall have access to and the right to examine any directly pertinent books, documents, papers and records of the Purchaser involving transactions related to this contract until the expiration of three years after final payment under this contract.

Article XX—Permits

The Government and the Purchaser shall procure all necessary permits or licenses (including any special nuclear material licenses) and comply with all applicable laws and regulations of the United States, States and municipalities necessary to execute their respective responsibilities and obligations under this contract.

Article XXI—Rights in Technical Data

A. Definitions.

1. "Technical data" means recorded information regardless of form or characteristic, of a specific or technical nature. It may, for example, document research, experimental, developmental, or demonstration, or engineering work, or be usable or used to define a design or process, or to procure, produce, support, maintain or operate material. The data may be graphic or pictorial delineations in media such as drawings or photographs, text in specifications or related performance or design-type documents or computer software (including computer programs, computer software data bases, and computer software documentation). Examples of technical data include research and engineering data, engineering drawings and associated lists, specifications, standards, process sheets, manuals, technical reports, catalog item identification, and related information. Technical data as used herein do not include financial reports, cost analyses, and other information incidental to contract administration.

2. "Proprietary data" means technical data which embody trade secrets developed at private expense, such as design procedures or techniques, chemical composition of materials, or manufacturing methods, processes, or treatments, including minor modifications thereof, provided that such data:

(a) Are not generally known or available from other sources without obligation concerning their confidentiality;

(b) Have not been made available by the owner to others without obligation concerning its confidentiality; and

(c) Are not already available to the Government without obligation concerning their confidentiality.

3. "Contract data" means technical data first produced in the performance of the contract, technical data which are specified

to be delivered under the contract, or technical data actually delivered in connection with the contract.

4. "Unlimited rights" means rights to use, duplicate, or disclose technical data, in whole or in part, in any manner and for any purpose whatsoever, and to permit others to do so.

B. Allocation of Rights.

1. The Government shall have:

(a) Unlimited rights in contract data except as otherwise provided below with respect to proprietary data properly marked as authorized by this clause;

(b) The right to remove, cancel, correct or ignore any marking not authorized by the terms of this contract on any technical data furnished hereunder, if in response to a written inquiry by DOE concerning the proprietary nature of the markings, the Purchaser fails to respond thereto within 60 days or fails to substantiate the proprietary nature of the markings. In either case, DOE will notify the Purchaser of the action taken;

(c) No rights under this contract in any technical data which are not contract data.

2. Subject to the foregoing provisions of this rights in technical data clause, the Purchaser shall have the right to mark proprietary data it furnishes under the contract with the following legend and no other, the terms of which shall be binding on the Government:

Limited Rights Legend

This "proprietary data," furnished under "Contract No.——" with the U.S. Department of Energy may be duplicated and used by the Government with the express limitations that the "proprietary data" may not be disclosed outside the Government or be used for purposes of manufacture without prior permission of the Purchaser, except that further disclosure or use may be made solely for the following purposes:

(a) This "proprietary data" may be disclosed for evaluation purposes under the restriction that the "proprietary data" be retained in confidence and not be further disclosed;

(b) This "proprietary data" may be disclosed to contractors participating in the Government's program of which this contract is a part, for information or use in connection with the work performed under their contracts and under the restriction that the "proprietary data" be retained in confidence and not be further disclosed; or

(c) This "proprietary data" may be used by the Government or others on its behalf for emergency work under the restriction that the "proprietary data" be retained in confidence and not be further disclosed. This legend shall be marked on any reproduction of this data in whole or in part.

3. In the event that proprietary data of a third party, with respect to which the Purchaser is subject to restrictions on use or disclosure, is furnished with the Limited Rights Legend above, Purchaser shall secure the agreement of such third party to the rights of the Government as set forth in the Limited Rights Legend. DOE shall upon request furnish the names of those contractors to which proprietary data has been disclosed.

Article XXII—Entire Contract

A. This contract, which consists of Articles I through XXII and Appendices A through G, annexed hereto and made a part hereof, contains the entire agreement between the parties with respect to the subject matter hereof. Any representation, promise, or condition not incorporated in this contract shall not be binding on either party. No course of dealing or usage of trade or course of performance shall be relevant to explain or supplement any provision contained in this contract.

B. Nothing in this contract is intended to affect in any way the contractual obligation of any other persons with whom the Purchaser may have contracted with respect to assuming some or all disposal costs or to accept title to SNF and/or HLW.

C. Appendices

A. Nuclear Power Reactor(s) or Other Facilities Covered
B. Discharge Information (Ten Year; Annual)
C. Delivery Commitment Schedule
D. Final Delivery Schedule
E. General Specifications
F. Detailed Description of Purchaser's Fuel
G. Standard Remittance Advice

In witness whereof, the parties hereto have executed this contract as of the day and year first above written.

United States of America
United States Department of Energy
By: _____
(Contracting Officer)

Witnesses as to Execution on Behalf of Purchaser
(Name) _____
(Address) _____
(Name) _____
(Address) _____
(Purchaser's Company Name)
By: _____
Title: _____

I, (*Name*), certify that I am the (*Title*) of the corporation named as Purchaser herein; that (*Name*) who signed this document on behalf of the Purchaser was then (*Title*) of said corporation; that said document was duly signed for and on behalf of said corporation by authority of its governing body and is within the scope of its corporate powers.

In Witness Whereof, I have hereunto affixed my hand and the seal of said corporation this —— day of ——, 1983

(Corporate Seal)
(Signature) _____

Appendix A

Nuclear Power Reactor(s) or Other Facilities Covered

Purchaser _____
Contract Number/Date ——/—— _____
Reactor/Facility Name _____
Location:
Street _____
City _____
County/State _____/_____
Zip Code _____
Capacity (MWE)—Gross _____
Reactor Type:
BWR ☐
PWR ☐
Other (Identify) _____
Facility Description _____
Date of Commencement of Operation _____
(actual or estimated)
NRC License #: _____
By Purchaser:
Signatue _____
Title _____
Date _____

Appendix B

Ten Year Discharge Forecast

To be used for DOE planning purposes only and does not represent a firm commitment by Purchaser.

Purchaser _____
Contract Number/Date _____/_____
Reactor/Facility Name _____
Location:
Street _____
City _____
County/State _____/_____
Zip Code
Type: BWR ☐
PWR ☐
Other (Identify) _____

	1	2	3	4	5	6	7	8	9	10	10 yr total
Discharge date—mo/yr (or refueling shut down date)											
Metric tons:											
—initial											
—discharged											
Number of assemblies discharged (per cycle)											

By Purchaser:
Signature _____
Title _____
Date _____

Appendix B (Enclosure 1)

Actual Discharges

Purchaser _____
Contract Number/Date _____
Reactor/Facility Name _____
Location:
Street _____
City _____
County/State _____
Zip Code _____

Type:
BWR ☐
PWR ☐
Other (Identify) _____
Refueling Shutdown Date _____
Metric Tons Uranium (Initial/Discharged):
Initial _____
Discharged _____
Number of Assemblies Discharged: _____

Any false, fictitious or fraudulent statement may be punishable by fine or imprisonment (U.S. Code, Title 18, Section 1001).

By Purchaser:
Signature _____
Title _____

Date _____

Appendix C

Delivery Commitment Schedule

This delivery commitment schedule shall be submitted by Purchaser to DOE as specified in Article V.B. of this contract.
Purchaser _____
Contract Number/Date _____
Reactor/Facility Name _____
Location:
Street _____
City _____
County/State _____
Zip Code _____
Type Cask Required: _____
Shipping Lot Number _____
(Assigned by DOE)
Proposed Shipping Mode:
Truck ☐
Rail ☐
Barge ☐
DOE Assigned Delivery Commitment Date —
Range of Discharge Date(s) (Earliest to Latest)
Mo—— Day—— Yr—— to Mo—— Day—— Yr——
Metric Tons Uranium:
(Initial) _____
(Discharged) _____
Number of Assemblies:
BWR _____
PWR _____
Other _____

Unless otherwise agreed to in writing by DOE, the Purchaser shall furnish herewith to DOE suitable proof of ownership of the SNF and/or HLW to be delivered hereunder. The Purchaser shall notify DOE in writing at the earliest practicable date of any change in said ownership.

Any false, fictitious or fraudulent statement may be punishable by fine or imprisonment (U.S. Code, Title 18, Section 1001).
By Purchaser:
Signature _____
Title _____
Date _____
Approved by DOE:
Technical Representative _____
Title _____
Date _____
Contracting Officer _____
Date _____

Appendix D

Final Delivery Schedule

(To be submitted to DOE by Purchaser for each designated Purchaser Delivery site not later than twelve (12) months prior to estimated date of first delivery)
Purchaser: _____
Contract Number/Date _____
Reactor/Facility Name _____
Location:
Street _____
City _____
County/State _____
Zip Code _____
Type(s) cask(s) required: _____
No. Assemblies per cask _____
Shipping Lot Number _____
Shipping Mode:
(Assigned by DOE)
Truck _____
Rail _____
Barge _____
Metric Tons Uranium:
(Initial) _____
(Discharged) _____
Range of Discharge Date(s) (Earliest to Latest)
(From approved commitment schedule)
Mo—— Day—— Yr—— to Mo—— Day—— Yr——
Number of Assemblies:
BWR _____
PWR _____
Other _____
Purchaser's Delivery First Estimate
Mo—— Day—— Yr—— last Mo—— Day—— Mo——

Unless otherwise agreed to in writing by DOE, the Purchaser shall furnish herewith to DOE suitable proof of ownership of the SNF and/or HLW to be delivered hereunder. The Purchaser shall notify DOE in writing at the earliest practicable date of any change in said ownership.

To confirm acceptability of delivery date(s):
Purchaser Contact _____
Phone _____
Title _____
DOE Contact _____
Phone _____
Title _____

Any false, fictitious or fraudulent statement may be punishable by fine or imprisonment (U.S. Code, Title 18, Section 1001).
By Purchaser:
Signature _____
Title _____
Date _____
Approved by DOE:
Technical Representative _____
Title _____
Date _____
Contracting Officer _____
Date _____

Appendix E

General Specifications

A. Fuel Category Identification

1. Categories—Purchaser shall use reasonable efforts, utilizing technology equivalent to and consistent with the commercial practice, to properly classify Spent Nuclear Fuel (SNF) prior to delivery to DOE, as follows:

a. "Standard Fuel" means SNF that meets all the General Specifications therefor set forth in paragraph B below.

b. "Nonstandard Fuel" means SNF that does not meet one or more of the General Specifications set forth in subparagraphs 1 through 5 of paragraph B below, and which is classified as Nonstandard Fuel Classes NS–1 through NS–5, pursuant to paragraph B below.

c. "Failed Fuel" means SNF that meets the specifications set forth in subparagraphs 1 through 3 of paragraph B below, and which is classified as Failed Fuel Class F–1 through F–3 pursuant to subparagraph 6 of paragraph B below.

d. Fuel may have "Failed Fuel" and/or several "Nonstandard Fuel" classifications

B. Fuel Description and Subclassification—General Specifications

1. *Maximum Nominal Physical Dimensions.*

	Boiling water reactor (BWR)	Pressurized water reactor (PWR)
Overall Length	14 feet, 11 inches	14 feet, 10 inches.
Active Fuel Length	12 feet, 6 inches	12 feet, 0 inches.
Cross Section [1]	6 inches × 6 inches.	9 inches × 9 inches.

[1] The cross section of the fuel assembly shall not include the channel.

NOTE.—Fuel that does not meet these specifications shall be classified as Nonstandard Fuel—Class NS–[4].

2. *Nonfuel Components.* Nonfuel components including, but not limited to, control spiders, burnable poison rod assemblies, control rod elements, thimble plugs, fission chambers, and primary and secondary neutron sources, that are contained within the fuel assembly, or BWR channels that are an integral part of the fuel assembly, which do not require special handling, may be included as part of the spent nuclear fuel delivered for disposal pursuant to this contract.

Note.—Fuel that does not meet these specifications shall be classified as Nonstandard Fuel—Class NS–2.

3. *Cooling.* The minimum cooling time for fuel is five (5) years.

Note.—Fuel that does not meet this specification shall be classified as Nonstandard Fuel—Class NS–3.

4. *Non-LWR Fuel.* Fuel from other than LWR power facilities shall be classified as Nonstandard Fuel—Class NS–4. Such fuel may be unique and require special handling, storage, and disposal facilities.

5. *Consolidated Fuel Rods.* Fuel which has been disassembled and stored with the fuel rods in a consolidated manner shall be classified as Nonstandard Fuel Class NS–5.

6. *Failed Fuel.*

a. Visual Inspection.

Assemblies shall be visually inspected for evidence of structural deformity or damage to cladding or spacers which may require special handling. Assemblies which [i] are structurally deformed or have damaged cladding to the extent that special handling may be required or [ii] for any reason cannot be handled with normal fuel handling equipment shall be classified as Failed Fuel—Class F–1.

b. Previously Encapsulated Assemblies.

Assemblies encapsulated by Purchaser prior to classification hereunder shall be classified as Failed Fuel—Class F–3. Purchaser shall advise DOE of the reason for the prior encapsulation of assemblies in sufficient detail so that DOE may plan for appropriate subsequent handling.

c. Regulatory Requirements.

Spent fuel assemblies shall be packaged and placed in casks so that all applicable regulatory requirements are met.

C. Summary of Fuel Classifications

1. *Standard Fuel:*
a. Class S–1: PWR
b. Class S–2: BWR
2. *Nonstandard Fuel:*
a. Class NS–1: Physical Dimensions
b. Class NS–2: Non Fuel Components
c. Class NS–3: Short Cooled
d. Class NS–4: Non-LWR
e. Class NS–5: Consolidated Fuel Rods.

3. *Failed Fuel:*
a. Class F–1: Visual Failure or Damage
b. Class F–2: Radioactive "Leakage"
c. Class F–3: Encapsulated

D. High-Level Radioactive Waste

The DOE shall accept high-level radioactive waste. Detailed acceptance criteria and general specifications for such waste will be issued by the DOE no later than the date on which DOE submits its license application to the Nuclear Regulatory Commission for the first disposal facility.

Appendix F

Detailed Description of Purchaser's Fuel

This information shall be provided by Purchaser for each distinct fuel type within a Shipping Lot not later than sixty (60) days prior to the schedule transportation date.
Purchaser ———
Contract Number/Date ——/———
Reactor/Facility Name— ———

I. Drawings included in generic dossier:

1. Fuel Assembly DWG# ——
2. Upper & Lower end fittings DWG# ——
Dossier Number: ——
DOE Shipping Lot #: ——
Assemblies Described:
———BWR
———PWR
———Other

II. *Design Material Descriptions.*
Fuel Element:

1. Element type —— (rod, plate, etc.)
2. Total length) ——/(in.)
3. Active length —— (in.)
4. Cladding material —— (Zr, s.s., etc.)

Assembly Description:

1. Number of Elements ——
2. Overall dimensions (length —— (cross section) —— (in.)
3. Overall weight ——

III. Describe any distortions, cladding damage or other damage to the spent fuel, or nonfuel components within this Shipping Lot which will require special handling procedures. (Attach additional pages if needed.)

IV. Assembly Number ——
Shipping Lot #——

	Irradiation history cycle No.				
	1	2	3	4	5
1 Startup date (mo/day/yr)					
2 Shutdown date (mo/day/yr)					
3 Cumulative fuel exposure (mwd/mtu)					
4 Avg reactor power (mwth)					

5 Total heat output/assembly in watts, using an approved calculational method. ——— as of Date ———

Any false, fictitious or fradulent statement may be punishable by fine or imprisonment (U.S. Code, Title 18, Section 1001).
By Purchaser:
Signature ———
Title ———
Date ———

Appendix G

Standard Remittance of Advice (RA) for Payment of Fees

Assigned Three-Month Period Covered: from ——— to ———
I. A. Purchaser (Utility name and address):

B. Contract Number ———
II. Payment for Spent Nuclear Fuel—$——
A. Financial Obligation as of April 7, 1983 ———
B. Financial Obligation as of Date of First/Single Payment ———
C. Date of First/Single Payment ———
D. Unpaid Balance to Date ———
E. Date of This Payment ———
F. Ten Year Treasury Note Rate ———
III. Payment for M/KWH Fee—$——
A. Total Nuclear KWH Generated During Assigned Three Month Period Covered ———
B. Date of This Payment ———
C. M/KWH Fee Schedule Rate ———
IV. Underpayment (as notified by DOE) ——
A. Date of Notification ———
B. DOE Invoice Number———
C. Interest Paid ———
V. Late payments (as notified by DOE) ———
A. Date of Notification ———
B. DOE Invoice Number———
C. Interest Paid ———
VI. Other Credits Claimed (Explain
$ ( )
VII. *Total Remittance* $———
Prepared by:
Title:
Phone Number:
Date:
Any false, fictitious or fraudulent statement may be punishable by fine or imprisonment (U.S. Code, Title 18, Section 1001.)
By Purchaser:

Signature Title Date

FOR DOE USE ONLY THIS LINE

1. Deposit to Account 89–5227 ———
2. Receip of Payment Verification ———
a. Date Payment Received———
b. Verification Performed by———
3. Posted to Cumulative Remitter Ledger:
a. Date Posted ———
b. Posted by ———
4. Late Payments:
a. Calculation of late charge (attach schedule)
b. Billing date ———
5. After processing RA furnish copy to OCRWM

Instructions for Completing DOE Remittance Advice

Upon completion, this form must be mailed on the last workday of the month following each assigned three-month period.

Section I:

Name & Address (self explanatory)
Contract Number will be the identification number assigned by DOE upon execution.

Section II:

Based upon permanently discharged inventory of spent fuel and HLW amassed prior to April 7, 1983, and that portion of the in-core fuel burned through April 6, 1983. Under either payment option 1 or 2, interest will accrue and be compounded at 13-week Treasury bill rates until the first/single payment is made. If the 10 year option is selected, purchaser's financial obligation will be paid in level payment of principal and interest over the first payment. Payments will be made in quarterly installments concurrently with the normal three month assigned period. If option 2 is selected, purchaser will liquidate its total financial obligation, consisting of the fee plus accrued interest, in the form of a single payment. If option 3 is selected, no interest will accrue and lines A and E only must be filled out. This section of the Remittance Advice should be completed for each payment under the 10 year option and only once with either single payment option. (See Annex B, to be completed only once.)
a. Self explanatory
b. Fee obligation plus accrued interest
c. Self explanatory
d. Self explanatory
f. Ten year Treasury Note rate in effect at first/single payment
$ Amount paid

Section III:

Based upon electricity generated on or after April 7, 1983, a schedule should be attached specifying the gross power generated by each plant during the assigned three-month period as measured at the out put terminals of the turbine generator. (See Annex A, to be completed with each submission of the remittance advice.)
a. Total of power generation from attached schedules
b. Self explanatory
c. Fee schedule rate in effect at time of payment

Sections IV & V:

(Same instructions as above) DOE will invoice purchasers when underpayments or late payments occur, reference a particular payment, and state the reason for the invoice.
A. The date the purchaser received DOE invoice
B. DOE's invoice #
C. Interest paid
$. Consists of interest if late payment or fees plus interest if under payment

Section VI:

Explain on an attached sheet of paper, if necessary, why DOE has been overpaid and the proposed disposition of the payment, e.g., apply credit against this payment or send refund.
$ If applied against this payment, this number is negative. If refund desired, leave blank and pay gross amount due from Sections II through V.

Section VII:

The sum of Sections II through VI.

Instruction Guide for Remittance of Nuclear Waste Disposal Fee to Department of Energy Via Wire Transfer

Payments made to the Department of Energy (DOE) for Nuclear Waste Disposal

Fees will be affected by the Purchaser's commercial bank via the Federal Reserve Communications System (also known as Fedwire) to the Department of Treasury. If the Purchaser's commercial bank is not a Federal Reserve member, then the Purchaser's bank will use a correspondent member bank to effect the transfer of funds.

Purchaser must provide specific information to its bank so that the transfer of funds can take place. Failure to correctly provide the information could result in delay crediting of the remittance to DOE and could subject the purchaser to late charges.

If additional information is required, contact DOE representatives, Mark Loop or Joe Startari, on (301) 353–4899 or 353–5857).

Annex A to Appendix G

Standard Remittance of Advice (RA) for Payment of Fees

This Annex should be completed to compute the MKWH fee for SNF burned on or after April 7, 1983.

I. *Identification*

A. Purchaser:————

B. *Period Covered*

	Last report	This report	Next report
1. Date submitted:			
2. Period covered: Start date			
Finish date:			
3. Length of period covered (days):			

C. Unit Identification (Only one unit may be covered in each report.)

1. Reactor/Facility Name: ————
2. Location: ————
3. Type: ————
4. Capacity: ————
5. Date of Commencement of Operations: ——
6. NRC License No.: ————

II. *Fee Calculation*

	Prior period	This period
1. Gross Thermal Energy produced (MWH)		
2. Gross Electrical Energy produced (MWH)		
3. Gross Thermal Energy not used to generate electrical output (MWH)		
4. Gross electrical equivalent of thermal electricity (MWH)		
5. Net electrical energy produced (MWH)		
6. Electricity consumed/lost on site (MWH)		
7. Current fee rate: —— mill/kWh		
8. Current fee due:		

Prepared by: ————
Phone number: ————
Date: ————

Annex B to Appendix G

Standard Remittance of Advice (RA) for Payment of Fees

This Annex should be completed only for SNF burned before midnight between April 6/7, 1983.

I. *Identification*

A. Purchaser:————

B. Unit identification (Only one unit may be covered in each report.)

1. Reactor/Facility Name: ————
2. Location: ————
3. Type: ————
4. Capacity: ————
5. Date of Commencement of Operations: ——
6. NRC License No.: ————

II. *Fee Calculation*

A. *Discharged nuclear fuel*

	0–5,000	5,000–10,000	10,000–20,000	20,000 up
1 burnup [1] (MWDT/MTU)				
2 initial loading (KgU) (with indicated burnup)				
3. fee rate ($/KgU)	80.00	142.00	162.00	184.00
4 fee ($)				
5. total fee (4)				

B. Nuclear fuel in the reactor core as of midnight of 6/7 April 1983.

Assembly identification	Initial loading (KgU)	Burnup [1] as of midnight 6/7 April 1983 (MWDT/MTU)	Fee
1			
2.			
3.			
4.			
5			
6			
7			
8			
9.			
10.			
11.			
12.			
13.			
14.			
15			
16.			
17			
18			
19			
20			
21			
22			
23			
24			
25			

[1] Please provide (as an attachment) a clear reference to the methodology used to derive the burnup figures (computer codes, etc.) and a clear reference to all data used in the derivation of those figures.

C. Total fee.

[FR Doc. 83–10078 Filed 4–13–83; 11:50 am]

BILLING CODE 6450–01–M

federal register

Monday
April 18, 1983

Part III

Department of Energy

Federal Energy Regulatory Commission

Natural Gas Policy Act of 1978; Jurisdictional Agency Determinations

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: April 12, 1983.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register**.

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487–4808, 5285 Port Royal Rd., Springfield, Va. 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 Mile rule)
102–3: New well (1000 Ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal Seams
107–DV: Devonian Shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,
Secretary.

BILLING CODE 6717-01-M

NOTICE OF DETERMINATIONS — VOLUME 867

Issued April 12, 1983

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
KANSAS CORPORATION COMMISSION									
-GETTY OIL COMPANY				RECEIVED: 03/10/83		JA: KS			
8327509	K-82-0718	1511900000		108-PB		SUTTON A #1	MCKENNEY	0.0	CITIES SERVICE CO
MISSISSIPPI OIL & GAS BOARD									
-CALLON PETROLEUM COMPANY				RECEIVED	03/14/83	JA: MS			
8327591	117-82-486	2307720059		107-DP		CALLON PET - R L WILLIAMSON 26-16	WEST OAKVALE	0.0	SOUTHERN NATURAL
8327515	120-82-9	2306520208		103		MAGGIE BERRY WELL #1	GWINVILLE	500.0	SYSTEM FUELS INC
-CHARLES L CHERRY & ASSOCIATES				RECEIVED:	03/14/83	JA: MS			
8327514	125-82-413	2308720069		102-4 103		G D HOLLIMAN 18-3 WELL #1	MAPLE BRANCH	12.0	TENNESSEE GAS PIP
-GULF OIL CORPORATION				RECEIVED:	03/14/83	JA: MS			
8327511	32-82-11	2307320236		102-4		J M ANDREW #68	BAXTERVILLE	0.0	UNITED GAS PIPE L
-JOSEPH F FRITZ OPERATING CO				RECEIVED:	03/14/83	JA: MS			
8327516	70-82-42	2310920040		102-4 103		L W WHITE #2	PISTOL RIDGE	11.0	UNITED GAS PIPE L
-MARION CORPORATION				RECEIVED:	03/14/83	JA: MS			
8327587	127-82-460	2306520214		107-DP		SABINE-AMOCO 32-5 #1	OAKVALE	4.9	TRANSCONTINENTAL
-PRUET PRODUCTION CO				RECEIVED:	03/14/83	JA: MS			
8327586	130-82-147	2314720121		107-DP		GUY 18-7 WELL #1	KNOXO	365.0	TRANSCONTINENTAL
-TOMLINSON INTERESTS INC				RECEIVED:	03/14/82	JA: MS			
8327588	14-83-418	2309120186		107-DP		FRANK WILSON BUCKLEY 21-13 #1	GREENS CREEK	730.0	TRANSCONTINENTAL
-TOMLINSON INTERESTS INC				RECEIVED:	03/14/83	JA: MS			
8327512	102-82-529	2312120109		107-DP		CALEY T JONES 33-10 #2	JOHNS	0.0	TRANSCONTINENTAL
8327589	15-83-529	2312120110		107-DP		E N ROSS JR ET AL 34-11 #1	JOHNS	547.5	TRANSCONTINENTAL
8327513	103-82-529	2312120093		107-DP		ST REGIS PAPER CO 3-6 #1	JOHNS	3000.0	TRANSCONTINENTAL
-TXO PRODUCTION CORP				RECEIVED:	03/14/83	JA: MS			
8327590	82-82-92	2309520338		102-4		MURPHREE 29-9 #1	OKOLONA	100.0	TEXAS EASTERN TRA
NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION									
-DORAN & ASSOCIATES INC				RECEIVED:	03/11/83	JA: NY			
8327508	3273	3101316397		107-TF		R HORNER UNIT #1 KV-14	CARROLL	30.0	COLUMBIA GAS TRAN
OHIO DEPARTMENT OF NATURAL RESOURCES									
-ALTHEIRS OIL INC				RECEIVED:	03/15/83	JA: OH			
8327592		3405320540		107-TF		R & E GORDON #1	CHESHIRE TOWNSHIP	4.0	COLUMBIA GAS TRAN
-AMERICAN PETROEL INC				RECEIVED:	03/15/83	JA: OH			
8327595		3416726885		107-DV		BLANEY LUMBER #1	GRANDVIEW	3650.0	
8327593		3416726846		107-DV		OSBORNE CAMPBELL #1	GRANDVIEW	3000.0	
8327594		3416726847		107-DV		OSBORNE CAMPBELL #2	GRANDVIEW	4000.0	
-APPALACHIAN EXPLORATION INC				RECEIVED:	03/15/83	JA: OH			
8327596		3410323102		107-TF		M SCHMID #1	SHARON	27.4	YANKEE RESOURCES
8327700		3410323157		107-TF		SMITH UNIT #3	SHARON	11.0	YANKEE RESOURCES
-BIG INJUN OIL & GAS CO INC				RECEIVED:	03/15/83	JA: OH			
8327597		3416727312		103		WORTHINGTON #1 87312	BARLOW	1.5	RIVER GAS CO
-BUCKHORN OIL COMPANY INC				RECEIVED:	03/15/83	JA: OH			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8327598		3403124847		103		GROSS #1	TIVERTON	10.0	OHIO CUMBERLAND G
-CALLANDER & KIMBREL INC				RECEIVED:	03/15/83	JA: OH			
8327599		3411122851		107-DV		KAHRIG #1	MALAGA	21.0	
8327600		3411122873		107-DV		LANDEFELD #1A	MILTONBURG	27.0	
-CLARENCE K TUSSEL JR				RECEIVED:	03/15/83	JA: OH			
8327699		3400721804		103	107-TF	R COURY TR #1	MONROE	30.0	
-CLARENCE SHERMAN				RECEIVED:	03/15/83	JA: OH			
8327601		3407523925		103	107-TF	ROY & ALMA TROYER #1	CLARK	5.5	EAST OHIO GAS CO
-CLINTON OIL CO				RECEIVED:	03/15/83	JA: OH			
8327676		3408924375		103		GERALD WILLS #11-615	HOPEWELL	10.0	
8327677		3411926571		103	107-TF	HANNA-FISHER #1-764	HIGHLAND	10.0	
8327678		3411926577		103	107-TF	HANNA-FISHER #2-765	HIGHLAND	10.0	
8327680		3413323005		103	107-TF	JOHN LALLATHIN #1-805	ROOTSTOWN	10.0	
8327681		3415723006		103	107-TF	REBECCA JOHNS UNIT #1-733	MILL	10.0	
8327679		3413322987		103	107-TF	SOLON SAND & GRAVEL #1-798	MANTUA	10.0	
-COASTAL PETROLEUM CORP				RECEIVED:	03/15/83	JA: OH			
8327603		3416923263		107-TF		BAUMAN #2	MILTON	9.0	COLUMBIA GAS TRAN
8327698		3410323148		107-TF		JUDITH-LYNN/BISE #1	SHARON	9.0	EAST OHIO GAS CO
8327602		3410323142		107-TF		MOTZ-KUNGL #1	SHARON	9.0	EAST OHIO GAS CO
-COLLINS-MCGREGOR OPERATING COMPANY				RECEIVED:	03/15/83	JA: OH			
8327604		3405523910		103	107-TF	CLEMSON #1	HAMBDEN	8.0	EAST OHIO GAS CO
-DAVID SHAFER OIL PRODUCERS INC				RECEIVED:	03/15/83	JA: OH			
8327605		3415321302		103		STONER LAND CO UNIT #1	BATH	7.5	EAST OHIO GAS CO
-EDWARD E ATHA				RECEIVED:	03/15/83	JA: OH			
8327607		3400922570		107-TF		ALBERT HUTCHINS #1	ROME	140.0	
8327606		3400922470		107-TF		KENNETH R SIMPSON #3	ROME	1.0	
-ENTERPRISE ENERGY CORP				RECEIVED:	03/15/83	JA: OH			
8327608		3411523027		103	107-TF	HARPER #2	MANCHESTER	18.2	TEXAS EASTERN TRA
-ENVIROGAS INC				RECEIVED:	03/15/83	JA: OH			
8327609		3400922693		103	107-TF	DRYDOCK COAL #251R	TRIMBLE	18.2	
-EVERFLOW EASTERN INC				RECEIVED:	03/15/83	JA: OH			
8327613		3415723777		103	107-TF	JENISON-SNYDER #1	UNION	8.0	
8327697		3457237730		103	107-TF	JENISON-SNYDER-REESE #1	UNION	0.0	
8327610		3409920732		108		MCPHEE #2	ELLSWORTH	4.0	
8327611		3409920755		108		STRUDTHOFF #2	GOSHEN	0.0	
8327612		3409921493		103	107-TF	THEOFILOS #2	ELLSWORTH	0.0	
-FREDERICK PETROLEUM CORP				RECEIVED:	03/15/83	JA: OH			
8327614		3411122889		103		FREDERICK PETROLEUM CORP #1A	BETHEL	10.0	
-GASEARCH INC				RECEIVED:	03/15/83	JA: OH			
8327615		3400721567		103	107-TF	MOFFITT #1	CHERRY VALLEY	20.0	AMERICAN ENERGY S
-GATES LILLIAN V-EMERSON GATES				RECEIVED:	03/15/83	JA: OH			
8327632		3416722671		108		GATES-DRAIN #1		3.3	RIVER GAS CO
8327633		3416722821		108		GATES-ROSS #1		3.3	RIVER GAS CO
-GNC ENERGY CORP				RECEIVED:	03/15/83	JA: OH			
8327620		3411522496		107-TF		DALE & MARGARET WOODYARD #1	UNION	15.0	COLUMBIA GAS TRAN
8327619		3411522406		107-TF		KENNETH & MARTHA PINNELL #1	UNION	15.0	
8327621		3411522546		107-TF		WILLIAM & BARBARA GREUEY #1	PENN	15.0	COLUMBIA GAS TRAN
-GREENHOUSE ENERGY LTD #10				RECEIVED:	03/15/83	JA: OH			
8327616		3407523193		103		M MORRIS #1	RICHLAND	0.0	COLUMBIA GAS TRAN
-GREENLAND PARTNERSHIP-82-2				RECEIVED:	03/15/83	JA: OH			
8327617		3412725750		107-TF		CAMERON #1	MONDAY CREEK	20.0	COLUMBIA GAS TRAN
-GREENLAND PERRY-HOCKING PTNSP 81-1				RECEIVED:	03/15/83	JA: OH			
8327618		3407322660		103		NIXON #1	FALLS GORE	20.0	COLUMBIA GAS TRAN
-H & W ENERGY				RECEIVED:	03/15/83	JA: OH			
8327624		3409921281		107-TF		DIERKES #1	JACKSON	30.0	EAST OHIO GAS CO
8327623		3409921186		107-TF		J B KEELER #1	BERLIN	1.0	COLUMBIA GAS TRAN
-HOPEWELL OIL AND GAS DEVELOPMENT CO				RECEIVED:	03/15/83	JA: OH			
8327625		3411522894		107-TF		SCOTT FISHER #2	HOMER	10.0	KRACO GAS
-IRVIN PRODUCING COMPANY				RECEIVED:	03/15/83	JA: OH			
8327626		3412725721		103	107-TF	COLUMBIA GAS #3	MONROE	10.0	COLUMBIA GAS TRAN
-JONSO OIL CORP				RECEIVED:	03/15/83	JA: OH			
8327627		3403124902		103		OGLE #1	CLARK	3.0	NATIONAL GAS & OI
-KEN-TRAK V				RECEIVED:	03/15/83	JA: OH			
8327628		3410522364		107-DV		MARK GREUSSER #1	2ND BEREA (LOWER MISS	0.0	
-KEN-TRAK VI				RECEIVED:	03/15/83	JA: OH			
8327629		3410522328		107-DV		HARRY J DENISON #1	LOWER MISSISSIPPIAN	0.0	
-KEN-TRAK XI				RECEIVED:	03/15/83	JA: OH			
8327630		3410522296		107-TF		WILLIAM WILLIAMS #1	LOWER MISSISSIPPIAN	0.0	
-LANDPROVEST INC				RECEIVED:	03/15/83	JA: OH			
8327631		3405923344		107-TF		MARSH #1	INDIAN CAMP	25.0	
-LOMAK PETROLEUM INC				RECEIVED:	03/15/83	JA: OH			
8327634		3411522860		107-TF		SIGRIST-HIVNOR #8B	YORK	12.0	COLUMBIA GAS TRAN
-M B OPERATING CO INC				RECEIVED:	03/15/83	JA: OH			
8327635		3406720572		103	107-TF	Y M C A #2	WASHINGTON	3.5	REPUBLIC STEEL CO
-MITCHELL ENERGY CORPORATION				RECEIVED:	03/15/83	JA: OH			
8327637		3408722342		103	107-TF	SHARON SILICA #2 342	SOUTH ARABIA FIELD (C	41.1	
8327636		3408722340		103	107-TF	SHARON SILICA #5 340	SOUTH ARABIA FIELD (C	41.1	
-MOBREAL OIL INC				RECEIVED:	03/15/83	JA: OH			
8327638		3412725764		103		SHRIDER-WINEMAN #1	HOPEWELL	10.0	
-MORGAN-PENNINGTON INC				RECEIVED:	03/15/83	JA: OH			
8327639		3407523910		107-TF		DUNCAN #1	HARDY	15.0	COLUMBIA GAS TRAN
-NAT-NIC OIL & GAS				RECEIVED:	03/15/83	JA: OH			
8327640		3411101651		108		WALTERS ULRICH #1		0.0	COLUMBIA GAS TRAN
-NEW FRONTIER EXPLORATION INC				RECEIVED:	03/15/83	JA: OH			
8327643		3412122919		103	107-TF	CLELA DELANCEY #1	SHARON	22.0	YANKEE RESOURCES
8327645		3415123800		103	107-TF	DUDLEY UNIT #1	NIMISHILLEN	18.0	YANKEE RESOURCES
8327648		3415123815		103	107-TF	FRANK GABRIC #3	WASHINGTON	18.0	YANKEE RESOURCES
8327642		3411926516		103	107-TF	HARRY MASON #2	UNION	16.0	YANKEE RESOURCES
8327646		3415123301		103	107-TF	HOWARD HONAKER #2	WASHINGTON	18.0	YANKEE RESOURCES
8327644		3412122923		103	107-TF	JOSEPH CROCK #4	ENOCH	20.0	COLUMBIA GAS TRAN
8327641		3405923417		103	107-TF	LOU BROTHERS #2	CAMBRIDGE	22.0	COLUMBIA GAS TRAN
8327647		3415123813		103	107-TF	M JAY FREDERICK #2	WASHINGTON	18.0	YANKEE RESOURCES
-NOBLE OIL CORP				RECEIVED:	03/15/83	JA: OH			
8327651		3413322742		107-TF		BENNETT #1	PALMYRA	20.0	GENERAL ELECTRIC
8327654		3413322980		107-TF		CZERUNY #1	PALMYRA	20.0	GENERAL ELECTRIC
8327653		3413322961		107-TF		DIX UNIT #1	PALMYRA	20.0	GENERAL ELECTRIC
8327649		3411926512		107-TF		H MILLER #2	SALT CREEK	20.0	EAST OHIO GAS CO
8327652		3413322831		107-TF		HINES #1	DEERFIELD	20.0	GENERAL ELECTRIC
8327650		3411926513		107-TF		J MILLER #2	SALT CREEK	20.0	EAST OHIO GAS CO
-OHIO L & M CO INC				RECEIVED:	03/15/83	JA: OH			
8327658		3416923426		107-TF		BING/OSMUNDSEN #1	CLINTON	10.0	COLUMBIA GAS TRAN
8327656		3416923395		107-TF		D & N FLINNER #1	CLINTON	10.0	COLUMBIA GAS TRAN
8327655		3416923380		107-TF		WACHTEL UNIT #1	CLINTON	10.0	COLUMBIA GAS TRAN
8327657		3416923411		107-TF		WEAVER #1	FRANKLIN	10.0	POMINEX INC

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-ORION ENERGY CORP				RECEIVED:	03/15/83	JA: OH			
8327781		3415123726		107-TF		WEISGARBER UNIT #2	TUSCARAWAS	20.0	COLUMBIA GAS TRAN
-OXFORD OIL CO				RECEIVED:	03/15/83	JA: OH			
8327682		3411926407		103	107-TF	EUGENE BINKLEY #2	LICK	10.0	
8327683		3411926472		103	107-TF	HORIZON COAL CORP #1	CLAY	10.0	
-R GENE BRASEL DBA BRASEL & BRASEL				RECEIVED:	03/15/83	JA: OH			
8327659		3405320218		103		SMITH ESTATE #1	ADDISON	2.0	COLUMBIA GAS TRAN
8327660		3405320390		103		SMITH ESTATE #2	ADDISON	2.0	COLUMBIA GAS TRAN
8327661		3405320393		103		SMITH ESTATE #3	ADDISON	2.0	COLUMBIA GAS TRAN
-RESERVE ENERGY CORP				RECEIVED:	03/15/83	JA: OH			
8327662		3408924622		103		WHYDE #1	PERRY	2.0	NATIONAL GAS & OI
-SANDHILL ENERGY INC (OH)				RECEIVED:	03/15/83	JA: OH			
8327665		3416727302		107-DV		CHARLES HALL #1	INDEPENDENCE	10.9	
8327664		3416726952		107-DV		FLAHERTY #2	GRANDVIEW	36.5	
8327663		3416726805		107-DV		MOTZ #1	GRANDVIEW	91.3	
-SANTA FE DRILLING CO INC				RECEIVED:	03/15/83	JA: OH			
8327668		3416726581		107-DV		BERNARD THOMPSON #3	FEARING	50.0	
8327670		3416726645		107-DV		ELMER BECK #2-A	FEARING	50.0	
8327666		3416726308		107-DV		JOHN SCHNEEBERGER #1	LAWRENCE	50.0	
8327669		3416726612		107-DV		LOUISE ZIMMER #2	FEARING	50.0	
8327667		3416726489		107-DV		TIMOTHY DAVIS #2	FEARING	50.0	
-SCOTCH INVESTMENTS INC				RECEIVED:	03/15/83	JA: OH			
8327671		3416923446		103	107-TF	MORRISON FARMS #1	WAYNE	10.0	COLUMBIA GAS TRAN
-SHONGUM OIL & GAS INC				RECEIVED:	03/15/83	JA: OH			
8327672		3416923406		107-TF		RUSSELL HOOVER #1	BAUGHMAN	12.0	EAST OHIO GAS CO
-SOUTHERN TRIANGLE OIL CO INC				RECEIVED:	03/15/83	JA: OH			
8327673		3412723254		108		BRINGARDNER #1	SOMERSET SOUTH	0.0	FORAKER GAS CO IN
-STRATA CORP				RECEIVED:	03/15/83	JA: OH			
8327674		3400922497		107-TF		FERRELL #2	ROME	4.0	
-TEMPLE OIL & GAS CO				RECEIVED:	03/15/83	JA: OH			
8327675		3411522869		107-TF		ISSAC SMITH #14	YORK	8.0	
-THE GOODYEAR TIRE & RUBBER COMPANY				RECEIVED:	03/15/83	JA: OH			
8327622		3415320587		107-TF		GOODYEAR-STOW #6	STOW	35.0	EAST OHIO GAS CO
-TOWNER PETROLEUM CO				RECEIVED:	03/15/83	JA: OH			
8327685		3405923391		103	107-TF	BOND R #7	LONDONDERRY	27.0	TENNESSEE GAS PIP
8327688		3406725980		103	107-TF	CUNNINGHAM/CLAY #1	FREEPORT	27.0	TENNESSEE GAS PIP
8327684		3405923382		103	107-TF	FEDORKA #1	LONDONDERRY	27.0	TENNESSEE GAS PIP
8327687		3405923460		103	107-TF	GUNN R #3A	JEFFERSON	27.0	TENNESSEE GAS PIP
8327693		3405923444		103	107-TF	KUHN R #4	MADISON	27.0	TENNESSEE GAS PIP
8327686		3405923408		103	107-TF	KUNKLE/SHEPPARD/MALONE #1	LONDONDERRY	27.0	TENNESSEE GAS PIP
-TUBER-KOSTOGLOU				RECEIVED:	03/15/83	JA: OH			
8327689		3413322188		103	107-TF	FRONER-TUBER #1	STREETSBORO	24.0	YANKEE RESOURCES
-UNITED PETROLEUM CORP				RECEIVED:	03/15/83	JA: OH			
8327690		3409920766		107-RT		DEMES #1	ELLSWORTH	28.0	YANKEE RESOURCES
8327692		3409921035		107-RT		HUNTER #1	CANFIELD	28.0	YANKEE RESOURCES
8327691		3409921034		107-RT		HUNTER UNIT #1	CANFIELD	28.0	YANKEE RESOURCES
-W E SHRIDER CO				RECEIVED:	03/15/83	JA: OH			
8327694		3408924555		103		HOOF VENTURES #1	MARYANN	3.0	NATIONAL GAS & OI
-W J LYDIC INC				RECEIVED:	03/15/83	JA: OH			
8327695		3411122232		107-DV		HAYS-LANCASTER #5	JACKSON	35.0	COLUMBIA GAS TRAN
8327696		3411122548		107-DV		HENTHORN #1	JACKSON	35.0	COLUMBIA GAS TRAN
-YOST & YOST INC				RECEIVED:	03/15/83	JA: OH			
8327702		3405320796		107-TF		ALLON SWISHER #1	ADDISON	22.0	
OKLAHOMA CORPORATION COMMISSION									
-TICKLE HUGH				RECEIVED:	03/11/83	JA: OK			
8327510 05683		3507136911	D	102-4		CIRCLE X	BLACKWELL	1725.0	ARKANSAS LOUISIAN
WEST VIRGINIA DEPARTMENT OF MINES									
-ALLEGHENY LAND & MINERAL COMPANY				RECEIVED:	03/14/83	JA: WV			
8327548		4702103763		103		A-1002	GLENVILLE DISTRICT	0.0	CONSOLIDATED GAS
8327545		4704103177		103		A-1092	FREEMAN'S CREEK DISTR	0.0	CONSOLIDATED GAS
8327547		4704103164		103		A-1108	FREEMANS CREEK DISTRI	0.0	CONSOLIDATED GAS
8327546		4704103167		103		A-1109	FREEMANS CREEK DISTRI	0.0	CONSOLIDATED GAS
8327577		4704103175		103		A-1141	FREEMAN'S CREEK	0.0	CONSOLIDATED GAS
8327528		4703301943		108		A-772	UNION DISTRICT	0.0	CONSOLIDATED GAS
8327561		4703302017		108		A-797	SARDIS DISTRICT	0.0	CONSOLIDATED GAS
8327562		4703302091		108		A-822	EAGLE DISTRICT	0.0	CONSOLIDATED GAS
8327563		4704102961		108		A-964	FREEMAN CREEK DISTRIC	0.0	CONSOLIDATED GAS
-BEREA OIL AND GAS CORPORATION				RECEIVED:	03/14/83	JA: WV			
8327525		4700121370		108		C HYMES #1	VALLEY	11.5	CONSOLIDATED GAS
-CABOT OIL & GAS CORP				RECEIVED:	03/14/83	JA: WV			
8327564		4701501033		108		A HOLES #1	PLEASANT	7.5	CABOT CORP
8327565		4701501034		108		A HOLES #2	PLEASANT	7.5	CABOT CORP
8327566		4701501035		108		A HOLES #3	PLEASANT	5.6	CABOT CORP
8327567		4701501056		108		A HOLES #5	PLEASANT	15.3	CABOT CORP
8327568		4701501061		108		A HOLES #6	PLEASANT	13.6	CABOT CORP
8327570		4701501078		108		A HOLES #7	PLEASANT	9.5	CABOT CORP
8327571		4701501079		108		A HOLES #8	PLEASANT	9.5	CABOT CORP
8327574		4701501099		108		A HOLES #9	PLEASANT	5.3	CABOT CORP
8327569		4701501062		108		E R REED #1	PLEASANT	15.5	CABOT CORP
8327572		4701501084		108		E R REED #2	PLEASANT	15.5	CABOT CORP
8327573		4701501093		108		JAMES REED #1	PLEASANT DISTRICT	14.8	CABOT CORP
8327517		4704700207		108		POCAHONTAS 87-1520	BIG CREEK	17.6	TENNESSEE GAS PIP
8327575		4701501149		108		R E LESUEUR #1	PLEASANT DISTRICT	8.4	CABOT CORP
-CHASE PETROLEUM				RECEIVED:	03/14/83	JA: WV			
8327584		4708505417		102-3		DANIEL HAYMOND #1	CLAY DISTRICT	18.0	
8327578		4708505251		102-3		HELEN MCCULLOUGH #1	CLAY DISTRICT	18.0	
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED:	03/14/83	JA: WV			
8327544		4703301231		108		A G SHIGER 12469	EAGLE DISTRICT	17.0	GENERAL SYSTEM PU
8327542		4701702363		108		D C STEWART 12571	WEST UNION DISTRICT	16.0	GENERAL SYSTEM PU
8327585		4709500000		102-2		H M GILLESPIE 12680	UNION	0.0	GENERAL SYSTEM PU
8327541		4701302535		108		L S HITT #11958	WASHINGTON DISTRICT	20.0	GENERAL SYSTEM PU
8327576		4703301931		108		LENDORA HERBERT #12567	EAGLE DISTRICT	19.0	GENERAL SYSTEM PU
8327543		4703300971		108		LEWIS B HINKLE 12160	ELK DISTRICT	16.0	GENERAL SYSTEM PU
-D C MALCOLM INC				RECEIVED:	03/14/83	JA: WV			
8327526		4701501695		108		HEROLD #1	SHANDALE-WIDEN	24.0	EQUITABLE GAS CO
-ENERGY UNLIMITED INC				RECEIVED:	03/14/83	JA: WV			
8327532		4710721157		108		BAYLES-CORBIN #1-A	UNION DISTRICT	5.0	CONSOLIDATED GAS
8327534		4710720954		108		DALE MORGAN #1	UNION DISTRICT	0.0	CONSOLIDATED GAS
8327537		4710720801		108		INA TODD #1	UNION DISTRICT	9.0	CONSOLIDATED GAS
8327533		4710721108		108		J WILCOXEN #2	UNION DISTRICT	0.0	CONSOLIDATED GAS

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8327540		4707320710		108		PETTY #1	GRANT DISTRICT	5.0	CONSOLIDATED GAS
8327538		4707320974		108		R HARTLEBEN #1	GRANT DISTRICT	5.0	CONSOLIDATED GAS
8327539		4707320831		108		ROBERT MATTINGLY #1	GRANT DISTRICT	2.0	CONSOLIDATED GAS
8327536		4710720809		108		THOMAS MOLLOHAN #1	UNION	0.0	CONSOLIDATED GAS
8327535		4710720876		108		TODD-MOORE UNIT #1	UNION DISTRICT	3.0	CONSOLIDATED GAS
-FIVE STAR GAS CO				RECEIVED:	03/14/83	JA: WV			
8327530		4708703389		108		J THOMASSON #1	COLT RIDGE GAS FIELD	0.0	COLUMBIA GAS TRAN
-HAYS & CO AGENT				RECEIVED:	03/14/83	JA: WV			
8327518		4707300562		108		GALE EVERETT #2	UNION	0.0	CONSOLIDATED GAS
-J C BAKER & SONS INC				RECEIVED:	03/14/83	JA: WV			
8327560		4700701682		103		BYRD & ROBINSON	SALT LICK DIST	15.0	CONSOLIDATED GAS
-JIM EMES PETROLEUM CO				RECEIVED:	03/14/83	JA: WV			
8327579		4709500954		108		KELLER #1	UNION	8.0	CONSOLIDATED GAS
8327583		4709500809		108		KENNETH FLETCHER #2	UNION	16.5	CONSOLIDATED GAS
8327581		4709500919		108		R HENDERSON #1	UNION	5.0	CONSOLIDATED GAS
8327580		4709500953		108		SANDS #1	UNION	8.0	CONSOLIDATED GAS
8327582		4709500879		108		WILLIAM K JOHNSON #2	UNION	0.0	CONSOLIDATED GAS
-K CRIHFIELD & D MOORE				RECEIVED:	03/14/83	JA: WV			
8327558		4708502169		108		ZINN #1	SPRUCE CREEK	1.0	CARNEGIE NATURAL
8327559		4708503336		108		ZINN #10	SPRUCE CREEK	1.0	CARNEGIE NATURAL
8327557		4708502203		108		ZINN #2	SPRUCE CREEK	1.0	CARNEGIE NATURAL
8327556		4708502266		108		ZINN #3	SPRUCE CREEK	1.0	CARNEGIE NATURAL
8327554		4708502313		108		ZINN #4	SPRUCE CREEK	1.0	CARNEGIE NATURAL
8327555		4708502418		108		ZINN #5	SPRUCE CREEK	1.0	CARNEGIE NATURAL
8327553		4708502421		108		ZINN #6	SPRUCE CREEK	1.0	CARNEGIE NATURAL
8327552		4708502510		108		ZINN #7	SPRUCE CREEK	1.0	CARNEGIE NATURAL
8327551		4708502593		108		ZINN #8	SPRUCE CREEK	1.0	CARNEGIE NATURAL
8327550		4708503329		108		ZINN #9	SPRUCE CREEK	1.0	CARNEGIE NATURAL
-KEITH CRIHFIELD				RECEIVED:	03/14/83	JA: WV			
8327549		4701303369		108		A D GROVES #1	ORMA	0.0	CABOT CORP
-MCINTOSH AND GRIMM				RECEIVED:	03/14/83	JA: WV			
8327527		4701303336		108		HAYS #5		18.0	CONSOLIDATED GAS
-MIDWAY CITY GAS CO				RECEIVED:	03/14/83	JA: WV			
8327531		4707902770		107-DV		MAUD EDWARDS	CUPRY	20.0	COLUMBIA GAS TRAN
-PENNZOIL COMPANY				RECEIVED:	03/14/83	JA: WV			
8327522		4704301767		103		HORSE CREEK TRACT "C" #4	DUVAL	0.0	COLUMBIA GAS TRAN
-SPENCER ENERGY CO				RECEIVED:	03/14/83	JA: WV			
8327520		4708702021		108		FELIX NICHOLS #1	UNION	1.0	COLUMBIA GAS TRAN
8327519		4708702023		108		FELIX NICHOLS #2	UNION	1.0	COLUMBIA GAS TRAN
-STERLING DRILLING AND PROD CO INC				RECEIVED:	03/14/83	JA: WV			
8327529		4704103111		103		CREASEY #533	SKIN CREEK DISTRICT	20.0	BROOKLYN UNION GA
-W H MOSSOR				RECEIVED:	03/14/83	JA: WV			
8327521		4708524114		103		GIVENS #1	RUSSELL T GIVENS	1.7	CONSOLIDATED GAS
-WACO OIL AND GAS CO INC				RECEIVED:	03/14/83	JA: WV			
8327524		4702103891		107-DV		COLLINS #1A	COLLINS RUN	25.0	COLUMBIA GAS TRAN
8327523		4702103392		107-DV		COLLINS #2A	COLLINS RUN	50.0	COLUMBIA GAS TRAN

[FR Doc. 83-10232 Filed 4-15-83; 8:45 am]

BILLING CODE 6717-01-C

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: April 12, 1983.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register**.

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487–4808, 5285 Port Royal Rd, Springfield, Va 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 Mile rule)
102–3: New well (1000 Ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal Seams
107–DV: Devonian Shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

BILLING CODE 6717-01-M

NOTICE OF DETERMINATIONS

VOLUME 868

Issued April 12, 1983

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
LOUISIANA OFFICE OF CONSERVATION									
-AMERICAN QUASAR PETROLEUM CO				RECEIVED:	03/15/83	JA: LA			
8327785	82-2079	1710121212		102-4		CITRUS LAND CO #1	SEC 1 T18S R11E	0.0	
-BASS ENTERPRISES PRODUCTION CO				RECEIVED:	03/15/83	JA: LA			
8327841	82-1340	1711123544		102-4	103	M R YOUNG #1 CV DAVIS RB SUD	MIDDLEFORK	164.0	UNITED GAS PIPE L
-BRONCO ENERGY				RECEIVED:	03/15/83	JA: LA			
8327868	82-1237	1709720665		102-4	103	CLAUDIA BILLEAUD #2	SHUTESTON	606.0	LOUISIANA INTRAST
-CITIES SERVICE COMPANY				RECEIVED:	03/15/83	JA: LA			
8327724	82-1099	1704720669		103		WILBERT "B" #3 (19508) LMT RA SUK	BAYOU HENRY	445.0	GAS GATHERING COR
-CONOCO INC				RECEIVED:	03/15/83	JA: LA			
8327742	82-1096	1703920237		103		LUDEAU-HAAS #11	VILLE PLATTE	10.0	LOUISIANA INTRAST
-COTTON PETROLEUM CORPORATION				RECEIVED:	03/15/83	JA: LA			
8327821	82-1339	1701521692		102-4	107-TF	BARNETT "A" #1 HAY RA SUP	ARKANA	0.0	ARKANSAS LOUSIANA
-CRYSTAL OIL AND LAND COMPANY				RECEIVED:	03/15/83	JA: LA			
8327819	82-2348	1701521716		107-TF		HAMITER "F" #1 ALT HAY RA SUM	ARKANA	803.0	ARKANSAS LOUISIAN
8327711	82-1131	1701521723		103		HAMITER "G" #1 VUA	ARKANA	76.7	ARKANSAS LOUISIAN
8327747	82-1179	1701521622		103		WILLAMETTE "B" #1	PLAIN DEALING	14.6	ARKANSAS LOUISIAN
-DARSEY OPERATING CORP				RECEIVED:	03/15/83	JA: LA			
8327837	82-1352	1770012107		103		LUDWIG CASSELMAN #1	SOUTH BAYOU MALLET	292.0	MARSHLAND ENERGY
-DONALD J ZADECK				RECEIVED:	03/15/83	JA: LA			
8327714	82-1073	1703121580		103		MARIE DYSON HALL #1 (PET RA SUT)	CASPIANA	64.0	ARKANSAS LOUISIAN
-ERGON INC				RECEIVED:	03/15/83	JA: LA			
8327864	82-1369	1711122706		103	107-TF	C R SPENCER #1	MONROE	1.2	TEXAS GAS TRANSMI
8327804	82-2866	1711123073		103	107-TF	CANFIELD EST #1 VUBB	MONROE	9.9	TEXAS GAS TRANSMI
8327823	82-1337	1711123449		103	107-TF	ETHEL W PLATT #1	MONROE	9.0	TEXAS GAS TRANSMI
8327862	82-1371	1711123510		103	107-TF	JERD SAVAGE #1	MONROE	12.1	TEXAS GAS TRANSMI
8327832	82-3100	1711123567		103	107-TF	JOE C MILLER #5	MONROE	11.8	TEXAS GAS TRANSMI
8327764	82-3101	1711123568		103	107-TF	JOE C MILLER #6 VUGG	MONROE	13.1	TEXAS GAS TRANSMI
8327795	82-2970	1711123274		103	107-TF	LOUISE MCGLOTHIN #1	MONROE	10.2	TEXAS GAS TRANSMI
8327752	82-1160	1711123460		103	107-TF	OTIS MCVICKER #1	MONROE	10.5	TEXAS GAS TRANSMI
8327794	82-2971	1711123577		103	107-TF	R L ROBINSON #3	MONROE	11.5	TEXAS GAS TRANSMI
8327863	82-1370	1711123507		103	107-TF	R S ALLEN #5	MONROE	9.3	TEXAS GAS TRANSMI
8327822	82-1338	1711123353		103	107-TF	R SHACKLEFORD #1	MONROE	10.9	TEXAS GAS TRANSMI
8327751	82-1161	1711123509		103	107-TF	ROBBIE JOHNSON #1	MONROE	9.9	TEXAS GAS TRANSMI
-EXCALIBUR RESOURCES INC				RECEIVED:	03/15/83	JA: LA			
8327749	82-1176	1703121678		103		JOHN CALLON AGENT #1	RED RIVER BULL BAYOU	136.9	SABINE-DESOTO PIP
-EXCHANGE OIL & GAS CORPORATION				RECEIVED:	03/15/83	JA: LA			
8327838	82-1351	1705520215		103		BOL MEX #1	RIDGE	915.0	LOUISIANA INTRAST
-EXXON CORPORATION				RECEIVED:	03/15/83	JA: LA			
8327744	82-1208	1710121181		103		MIAMI CORPORATION E #36	BAYOU SALE	110.0	TRUNKLINE GAS CO
8327723	82-1100	1704520697		103		PETIT ANSE #63 AI UL-2B RA SU	AVERY ISLAND	100.0	COLUMBIA GAS TRAN
8327722	82-1101	1709920894		103		S L 711 #2 DL UL-5 RA SU	DUCK LAKE	25.0	UNITED GAS PIPE L
8327741	82-1097	1709920854		103		SCHWING LZS E #12 DL OPERC 8 RA SU	DUCK LAKE	100.0	UNITED GAS PIPE L
-GALLERIA ENERGY CORP				RECEIVED:	03/15/83	JA: LA			
8327770	82-3061	1711123595		103	107-TF	K & R SAVAGE #1	MONROE	13.0	WEST MONROE GAS G
8327769	82-3062	1711123596		103	107-TF	K & R SAVAGE #2	MONROE	13.0	WEST MONROE GAS G
8327882	82-1381	1711123570		103	107-TF	R B BOOTH #1	MONROE	13.0	WEST MONROE GAS G

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-GAS RESOURCES INC				RECEIVED:	03/15/83	JA: LA			
8327739	82-1212	1711122848		108		EXXON #21	MONROE GAS	28.0	IMC EXPLORATION C
8327720	82-1103	1711123228		103	108	EXXON #31	MONROE GAS	24.0	IMC PIPELINE CO I
-GATOR HAWK GAS CO				RECEIVED:	03/15/83	JA: LA			
8327869	82-1150	1707321816		108		MYHRE #4	MONROE	11.3	UNITED GAS PIPELI
-GEORGE R SCHURMAN				RECEIVED:	03/15/83	JA: LA			
8327826	82-1310	1708120459		103		LAMY-LELONG #5	RED RIVER BULL BAYOU	160.0	
8327856	82-2010	1708120455		103		LAMY-LELONG #6	RED RIVER BULL BAYOU	150.0	LOUISIANA INTRAST
-GETTY OIL COMPANY				RECEIVED:	03/15/83	JA: LA			
8327713	82-1120	1712720651		103		BODCAW 5-29 #1 CV RA SUV	CALVIN	18.0	LOUISIANA INTERST
8327831	82-1277	1707522907		103		MANHATTAN LAND & FRUITE CO "C" #8	VENICE	923.0	UNITED GAS PIPELI
-GLENDA PETROLEUM CORP				RECEIVED:	03/15/83	JA: LA			
8327728	82-1042	1707321746		103		MCKNIGHT #9 S/N 178849	MONROE	15.0	UNITED GAS PIPELI
8327777	82-2209	1707321578		108		PENNZOIL 20 #4 S/N 171091	MONROE	15.0	UNITED GAS PIPELI
8327776	82-2210	1707321579		108		PENNZOIL 20 #5 S/N 171092	MONROE	12.0	UNITED GAS PIPELI
8327775	82-2211	1707321580		108		PENNZOIL 20 #6 S/N 171093	MONROE	12.0	UNITED GAS PIPELI
8327774	82-2212	1707321581		108		PENNZOIL 20 #7 S/N 171094	MONROE	12.0	UNITED GAS PIPELI
8327797	82-2213	1707321582		108		PENNZOIL 20 #8 S/N 171095	MONROE	12.0	UNITED GAS PIPELI
8327852	82-3204	1707321585		108		PENNZOIL 29 #14 S/N 171098	MONROE	11.0	UNITED GAS PIPELI
8327851	82-3205	1707321587		108		PENNZOIL 29 #16 S/N 177320	MONROE	11.0	UNITED GAS PIPELI
8327850	82-3206	1707321588		108		PENNZOIL 29 #17 S/N 171101	MONROE	10.0	UNITED GAS PIPELI
8327849	82-3207	1707321589		108		PENNZOIL 29 #18 S/N 171102	MONROE	10.0	UNITED GAS PIPELI
8327848	82-3208	1707321590		108		PENNZOIL 29 #19 S/N 171103	MONROE	10.0	UNITED GAS PIPELI
8327847	82-3209	1707321592		108		PENNZOIL 29 #21 S/N 177243	MONROE	11.0	UNITED GAS PIPELI
8327727	82-1043	1707321758		103		SHAVER A #5 S/N 175148	MONROE	15.0	UNITED GAS PIPELI
8327726	82-1044	1707321759		103		SHAVER A #6 S/N 175149	MONROE	15.0	UNITED GAS PIPELI
8327736	82-1045	1711122628		103		SMITH 15 #1 S/N 169873	MONROE	10.0	MID-LOUISIANA GAS
8327735	82-1046	1711122629		103		SMITH 15 #2 S/N 169874	MONROE	11.0	MID-LOUISIANA GAS
8327734	82-1047	1711122630		103		SMITH 15 #3 S/N 169875	MONROE	11.0	MID-LOUISIANA GAS
8327733	82-1048	1711122631		103		SMITH 15 #4 S/N 169876	MONROE	10.0	MID-LOUISIANA GAS
-GOLDKING PRODUCTION COMPANY				RECEIVED:	03/15/83	JA: LA			
8327756	82-2409	1700520153		102-4		CASHIO #1	WILDCAT	811.0	
8327827	82-1257	1700121045		103		L B & J W LAWSON #1	ELLIS	328.0	LOUISIANA INTRAST
-GRACE PETROLEUM CORPORATION				RECEIVED:	03/15/83	JA: LA			
8327800	82-1360	1701724003		103		CUSHMAN #1	LONGWOOD	0.0	ARKANSAS LOUISIAN
-GUERNSEY PETROLEUM CORPORATION				RECEIVED:	03/15/83	JA: LA			
8327710	82-1058	1703121473		103		BODCAW #1	WILDCAT	14.0	LOUISIANA INTRAST
8327703	82-1066	1703121612		103		BRYSON #1	BENSON	72.0	LOUISIANA INTRAST
8327725	82-1067	1703121527		103		E A LAFITTE "B" -1	RED RIVER-BULL BAYOU	54.0	TEXAS EASTERN TRA
8327715	82-1068	1703121626		103		FRED ROTHELL #1	RED RIVER-BULL BAYOU	18.0	TEXAS EASTERN TRA
8327829	82-1273	1703121495		103		MARSHALL A CALHOUN #1	RED RIVER-BULL BAYOU	144.0	TEXAS EASTERN TRA
8327830	82-1274	1703126196		103		SAVELL #1	RED RIVER-BULL BAYOU	72.0	TEXAS EASTERN TRA
-GULF OIL CORPORATION				RECEIVED:	03/15/83	JA: LA			
8327807	82-2826	1707572188		103		D S C I #135	BULLY CAMP	668.3	TENNESSEE GAS PIP
8327867	82-2231	1701920939		103		FONTENOT #1 CIB RB SUA	SOUTH BELL CITY	508.0	TEXAS GAS TRANSMI
8327839	82-1343	1705721630		103		S L "PP" 192 #281	TIMBALIER BAY	90.0	TENNESSEE GAS PIP
-HADDOX PETROLEUM CORP				RECEIVED:	03/15/83	JA: LA			
8327793	82-3023	1711123045		108		MOBIL-IP # 5	MONROE	25.1	MID-LOUISIANA GAS
8327792	82-3024	1711123046		108		MOBIL-IP #6	MONROE	26.9	MID-LOUISIANA GAS
8327791	82-3025	1711123047		108		MOBIL-IP #7	MONROE	26.9	MID-LOUISIANA GAS
-HARVEY BROYLES				RECEIVED:	03/15/83	JA: LA			
8327871	82-1144	1701320550		103		CUMMINGS #1 HOSS B SUC	BEAR CREEK	275.0	SOUTHERN NATURAL
-HENRY GOODRICH D/B/A GOODRICH OIL C				RECEIVED:	03/15/83	JA: LA			
8327712	82-1130	1704920184		103		ALEXANDER #1 JAMES LIME RA SUD	HODGE	365.0	ARKANSAS LOUISIAN
-IMC EXPLORATION COMPANY				RECEIVED:	03/15/83	JA: LA			
8327759	82-3185	1711123455		108		FROST #83	MONROE	14.0	IMC PIPELINE CO I
8327758	82-3186	1707321803		108		MYHRE #3	MONROE	16.0	UNITED GAS PIPELI
8327757	82-3187	1707321804		108		MYHRE #4	MONROE	16.0	UNITED GAS PIPELI
8327765	82-3188	1707321855		108		MYHRE #5	MONROE	16.0	UNITED GAS PIPELI
8327844	82-3189	1707321856		108		MYHRE #6	MONROE	16.0	UNITED GAS PIPELI
-J M X PETROLEUM INC				RECEIVED:	03/15/83	JA: LA			
8327828	82-2333	1705320765		102-4		RACCA #1	WOODLAWN	156.7	TEXAS GAS TRANSMI
-JEEMS BAYOU PRODUCTION CORP				RECEIVED:	03/15/83	JA: LA			
8327861	82-1376	1703121493		103		LA POINTE #1	AJAX	54.7	TENNESSEE GAS PIP
8327773	82-2023	1703120922		103		NEAL #1	AJAX	45.6	TENNESSEE GAS PIP
-JOHN O CLAY EXPLORATION INC				RECEIVED:	03/15/83	JA: LA			
8327881	82-1383	1702120608		102-4		PERKINS #4 WILCOX RA SUE	WEST CLARKS	54.0	LOUISIANA INTRAST
-KAISER OIL (US) LTD				RECEIVED:	03/15/83	JA: LA			
8327784	82-2085	1711122863		103		ROYE #1-171774	WILDCAT	170.0	
-LEA EXPLORATION INC				RECEIVED:	03/15/83	JA: LA			
8327755	82-2464	1705520208		107-DP		LAURA B DUHON #1	NORTH MAURICE	750.0	TENNESSEE GAS PIP
-LINSCO EXPLORATION CO				RECEIVED:	03/15/83	JA: LA			
8327766	82-2283	1710922488		102-4		HENICAN #1	DEER ISLAND	157.0	LOUISIANA INTRAST
-LUFFEY GAS CORP				RECEIVED:	03/15/83	JA: LA			
8327732	82-1049	1711123523		103	107-TF	DEAN A 1	MONROE	9.3	WEST MONROE GAS G
8327719	82-1051	1711123525		103	107-TF	EXXON A #2	MONROE	9.3	WEST MONROE GAS G
8327731	82-1050	1711123524		103	107-TF	EXXON A 1	MONROE	9.3	WEST MONROE GAS G
-MALLARD DRILLING CORP				RECEIVED:	03/15/83	JA: LA			
8327875	82-1420	1703121588		103		CHAFFIN #2	GRAND CANE	0.0	SOUTHERN NATURAL
-MARATHON OIL COMPANY				RECEIVED:	03/15/83	JA: LA			
8327740	82-1098	1711321159		103		W V DURKE #2 TH SIPH DAV 3 SU	THEALL	547.5	UNITED GAS PIPE L
-MARSHALL EXPLORATION INC				RECEIVED:	03/15/83	JA: LA			
8327801	82-2966	1703121494		108		AVERETT #6 FBG RA SU184	LOGANSPORT	5.0	SOUTHERN NATURAL
8327748	82-1178	1703121642		103		BOISE SOUTHERN #1	GRAND CANE	140.0	SOUTHERN NATURAL
8327857	82-2009	1703121246		108		BROWN #1 ROD RA SUX	BETHANY-LONGSTREET	21.0	ARKANSAS LOUISIAN
8327834	82-3088	1703120506		108		COVINGTON #1 WAL PXY SUH	LOGANSPORT	15.0	TENNESSEE GAS PIP
8327824	82-1325	1703100705		108-ER		FBG RA SW34 RAMSEY ETAL #4	LOGANSPORT	0.0	TENNESSEE GAS PIP
8327879	82-1393	1708120439		103		FOWLER #1	WILDCAT	200.0	
8327716	82-1055	1703121686		103		FRANK MATTHEWS "A" #3	CONVERSE	110.0	SABINE-DESOTO PIP
8327760	82-3179	1703121232		108		GAMBLE #3 FBG RA SU69	LOGANSPORT	4.0	TENNESSEE GAS PIP
8327846	82-3214	1703121810		103		HERVEY-ODEN #1	LOGANSPORT	180.0	TENNESSEE GAS PIP
8327880	82-1392	1703121533		103		HILL #1	BENSON	360.0	SABINE-DESOTO PIP
8327706	82-1063	1703121491		108		HORN #6 U HOSS RA SUM	BELLE BOWER	10.0	TENNESSEE GAS PIP
8327874	82-1132	1703121384		108		HORN #7ALT WAL PXY SUA	LOGANSPORT	14.0	SOUTHERN NATURAL
8327873	82-1133	1703121635		103		HUMPHRIES #1 VUA	BELLE BOWER	360.0	TENNESSEE GAS PIP
8327836	82-1357	1703121683		103		HUTCHINS #1	GRAND CANE	180.0	SOUTHERN NATURAL
8327783	82-2086	1703100419		108-ER		LEVI-BURKETT #1 HOSS SUZ	LOGANSPORT	0.0	SOUTHERN NATURAL
8327717	82-1054	1703121602		103		LOWREY #1	CANADIAN BAYOU	146.0	SOUTHERN NATURAL
8327707	82-1062	1703121372		103		MONTGOMERY #1	BENSON	160.0	PRODUCER'S GAS CO
8327787	82-2043	1703120811		108		PACE #1 FBG RA SU 40	LOGANSPORT	19.0	TENNESSEE GAS PIP
8327705	82-1064	1703121464		103		PANKEY #3	BETHANY-LONGSTREET	60.0	ARKANSAS-LOUISIAN
8327860	82-1589	1703121449		108		PANKEY #4	BETHANY - LONGSTREET	14.0	ARKANSAS LOUISIAN
8327704	82-1065	1703121449		103		PANKEY #4	BETHANY - LONGSTREET	140.0	ARKANSAS LOUISIAN
8327767	82-3087	1703121485		108		PETERS #1 WAL PXY SUP	LOGANSPORT	19.0	SOUTHERN NATURAL

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8327883	82-1388	1703100845		108		ROBERT SMART #1 FBG RA SU135	LOGANSPORT	7.0	TENNESSEE GAS PIP
8327789	82-1059	1703121566		103		VIGEN #1 HOSS RA SU 2	HOLLY	148.0	UNITED GAS PIPELI
8327853	82-3089	1703121571		108		WAGNER #1	GRAND CANE	21.0	SOUTHERN NATURAL
8327708	82-1060	1703121571		103		WAGNER #1	GRAND CANE	120.0	SOUTHERN NATURAL
8327799	82-1366	1703100000		108		WIMEGEART #1 FBG RA SU 23	LOGANSPORT	10.0	TENNESSEE GAS PIP
8327870	82-1145	1733121426		103		WOODROW HORN #2 VUA	LOGANSPORT	55.0	SOUTHERN NATURAL
-MAY PETROLEUM INC				RECEIVED:	03/15/83	JA: LA			
8327779	82-2197	1703120890		103	108	JACKSON B DAVIS #6 (161715) PET RA*	CASPIANA	0.0	ARKANSAS LOUISIAN
-MCCONATHY & ASSOCIATES				RECEIVED:	03/15/83	JA: LA			
8327856	82-3191	1706120303		103		GREEN #1 FEAZEL RA SUC	RUSTON	300.0	ARKANSAS LOUISIAN
-MICH-LA OIL & GAS EXPLORATION				RECEIVED:	03/15/83	JA: LA			
8327835	82-1358	1703100000		102-2		J T RAMSEY #1	GROGAN	1022.0	TENNESSEE GAS PIP
8327796	82-1359	1703100000		103		W G LORD #3	GROGAN	292.0	TENNESSEE GAS PIP
-MID LOUISIANA GAS COMPANY				RECEIVED:	03/15/83	JA: LA			
8327754	82-2789	1711123664		103		MLGC FEE GAS #1131	MONROE GAS FIELD	24.5	MID-LOUISIANA GAS
8327753	82-2790	1711123679		103		MLGC FEE GAS #1135	MONROE GAS FIELD	25.6	MID-LOUISIANA GAS
8327818	82-2791	1711123776		103		MLGC FEE GAS #1158	MONROE GAS FIELD	26.3	MID-LOUISIANA GAS
8327819	82-2384	1711123781		103		MLGC FEE GAS #1168	MONROE GAS FIELD	26.6	MID-LOUISIANA GAS
8327817	82-2792	1711123843		103		MLGC FEE GAS #1190	MONROE GAS FIELD	26.6	MID-LOUISIANA GAS
8327816	82-2793	1711123844		103		MLGC FEE GAS #1191	MONROE GAS FIELD	27.4	MID-LOUISIANA GAS
8327815	82-2794	1711123845		103		MLGC FEE GAS #1192	MONROE GAS FIELD	26.3	MID-LOUISIANA GAS
8327814	82-2795	1711123865		103		MLGC FEE GAS #1199	MONROE GAS FIELD	25.2	MID-LOUISIANA GAS
8327809	82-2805	1711123884		103		MLGC FEE GAS #1207	MONROE GAS FIELD	25.9	MID-LOUISIANA GAS
8327808	82-2806	1711123885		103		MLGC FEE GAS #1208	MONROE GAS FIELD	25.5	MID-LOUISIANA GAS
8327788	82-2188	1711121833		103		MLGC FEE GAS #771	MONROE GAS FIELD	19.7	MID-LOUISIANA GAS
-MIDROC OPERATING CO				108					
8327798	82-2824	1711122947		RECEIVED:	03/15/83	JA: LA			
8327855	82-3198	1707321137		102-2		CARSON #1 CV DAVIS RA SU XX	STOWE CREEK	180.0	LOUISIANA GAS INT
-PENNZOIL PRODUCING COMPANY				102-2		WILKINSON 11-14 ROD RA SU I #1	MILLHAVEN	144.0	TEXAS GAS TRANSMI
8327806	82-2827	1710921915		RECEIVED:	03/15/83	JA: LA			
-PETRO-LEWIS CORPORATION				103		CL&F A-19 RLT UK RB SUA	KENT BAYOU	212.0	UNITED GAS PIPELI
8327877	82-1407	1705120593		RECEIVED:	03/15/83	JA: LA			
8327840	82-1342	1705120593		103		JOHN WATT #3	MANILLA VILLAGE	7.3	SOUTHERN NATURAL
-PRIMOS PRODUCTION CO				103		JOHN WATT #3D	MANILLA VILLAGE	558.0	SOUTHERN NATURAL
8327778	82-2208	1707321875		RECEIVED:	03/15/83	JA: LA			
-RELIANCE TR-JV				103		PARSONS #1	MONROE	11.3	MID-LOUISIANA GAS
8327718	82-1052	1711123549		RECEIVED:	03/15/83	JA: LA			
-RELIANCE TRUSTS				103	107-TF	WHEELER #4	MONROE	13.0	TEXAS GAS TRANSMI
8327788	82-2035	1711123597		RECEIVED:	03/15/83	JA: LA			
8327762	82-3111	1711236290		103	107-TF	E A MASHAW #2	MONROE	0.0	TEXAS GAS TRANSMI
8327738	82-1218	1711123551		103	107-TF	J M MUCKLEROY #1	MONROE	13.0	TEXAS GAS TRANSMI
8327789	82-2034	1711123552		103	107-TF	MANVILLE #12	MONROE	0.0	TEXAS GAS TRANSMI
8327737	82-1219	1711123553		103	107-TF	MANVILLE #13 (SN 179233)	MONROE	13.0	TEXAS GAS TRANSMI
-SANTA FE ENERGY PRODUCTS CO				103	107-TF	MANVILLE #14	MONROE	13.0	TEXAS GAS TRANSMI
8327781	82-2149	1703320197		RECEIVED:	03/15/83	JA: LA			
-SHADRACK PRODUCTION CO				102-2		J A BEL #3	BARNES CREEK/8270	188.0	
8327882	82-2892	1711123632		RECEIVED:	03/15/83	JA: LA			
-SHELL OIL CO				103	107-TF	G C ALLUMS #1	MONROE	13.0	WEST MONROE GAS G
8327872	82-1135	1704520631		RECEIVED:	03/15/83	JA: LA			
-SOURCE PETROLEUM INC				103		LANDRY #11 KK RB SU B	BAYOU PIGEON	350.0	TEXAS GAS TRANSMI
8327864	82-2267	1705320736		RECEIVED:	03/15/83	JA: LA			
-STONE PETROLEUM CORP				103		CHARLES H TUPPER A #1	SOUTH ELTON	0.0	LOUISIANA GAS SYS
8327772	82-2406	1709120019		RECEIVED:	03/15/83	JA: LA			
-SUN EXPLORATION & PRODUCTION CO				102-4		RITA R STEPHENS #1	GREENSBURG	42.0	
8327865	82-2270	1710100000		RECEIVED:	03/15/83	JA: LA			
8327842	82-2022	1701724272		108		BI N VUA #1-36	BELLE ISLE	1.0	UNITED GAS PIPE L
8327885	82-2832	1705721922		103		CLEMENTS #1	N MISSIONARY LAKE	189.0	CRYSTAL OIL CO
8327738	82-2275	1700100000		103		DIBERT STARK & BROWN #103	CHACAHOULA	237.0	LOUISIANA INTRAST
8327825	82-1311	1703121522		103		FRED LOEWER #1 NWB SU	BRANCH NORTHWEST	14.0	LOUISIANA GAS SYS
-SUN OIL CO				108		INTERNATIONAL PAPER CO "W" #1	TRENTON EAST	33.0	
8327853	82-3201	1701120130		103					
-TEMPLETON ENERGY INC				RECEIVED:	03/15/83	JA: LA			
8327858	82-2002	1710720416		108		POWELL LBR CO #2 WX ARA SUA	BEAR	0.0	
-TEXACO INC				RECEIVED:	03/15/83	JA: LA			
8327761	82-3146	1705120606		103		MORGAN #1	AUBREY	130.0	LOCUST RIDGE GAS
8327876	82-1408	1705120607		RECEIVED:	03/15/83	JA: LA			
8327786	82-2051	1705120464		102-4	103	MADISON REALTY CO INC C #39	LAFITTE	49.0	KAISER ALUMINUM &
8327721	82-1102	1770720106		103		RIGOLETS COOPERATIVE FUR CO #164	LAFITTE	21.0	KAISER ALUMINUM &
8327745	82-1207	1770720099		103		SL 2084 #10	QUEEN BESS ISLAND	92.0	KAISER ALUMINUM &
-TEXAS OIL & GAS CORP				103		SL 340 MOUND POINT #86	MOUND POINT	297.0	KAISER ALUMINUM &
8327729	82-258	1703121619		103		SL 340 MOUND POINT WELL #77	MOUND POINT	2066.0	KAISER ALUMINUM &
-THOMAS W ROGERS & ASSOCIATES				RECEIVED:	03/15/83	JA: LA			
8327763	82-3110	1711123660		103		CROMWELL #1 HOSS RA SUI	GRAND CANE	273.8	DELHI GAS PIPELIN
-THUNDER OIL CORP				RECEIVED:	03/15/83	JA: LA			
8327746	82-1204	1711123565		103	107-TF	M PARKER #1	MONROE	13.0	WEST MONROE GAS G
-TWIN CITY GAS				RECEIVED:	03/15/83	JA: LA			
8327859	82-1996	1707321858		103	107-TF	STROTHER #1	MONROE	13.0	WEST MONROE GAS G
-TXO PRODUCTION CORP				RECEIVED:	03/15/83	JA: LA			
8327845	82-3215	1706120321		103	108	CASE #3	MONROE	14.0	IMC PIPELINE CO I
8327828	82-1259	1706120300		RECEIVED:	03/15/83	JA: LA			
-UNION OIL COMPANY OF CALIF				103		AMBROSE #1 D-SUO	RUSTON	139.1	DELHI GAS PIPELIN
8327743	82-1210	1711321155		103		BAKER "E" #1	CHOUDRANT	91.5	DELHI GAS PIPELIN
-UNION TEXAS PETROLEUM				RECEIVED:	03/15/83	JA: LA			
8327782	82-2089	1706120217		103		E DUGAS #9	TIGRE LAGOON	898.0	TRANSCONTINENTAL
-VIKING RESOURCES (LA)				RECEIVED:	03/15/83	JA: LA			
8327878	82-1406	1711123563		107-TF		C L HOOD 2781 GRAY RA SUE	TERRYVILLE	109.5	SUGAR BOWL GAS CO
8327750	82-1175	1711123564		RECEIVED:	03/15/83	JA: LA			
-W M INABNET AGENT				103	107-TF	A J JONES #4 SN 179586	MONROE	0.0	WEST MONROE GAS G
8327811	82-2799	1707321890		103	107-TF	BERTRAND DEAN #4 SN 179587	MONROE	0.0	WEST MONROE GAS G
8327813	82-2796	1707321884		RECEIVED:	03/15/83	JA: LA			
8327812	82-2797	1707321885		103	108	INABNET ESTATE #10	MONROE GAS	18.0	MIDWAY PRODUCTION
8327843	82-2798	1707321889		103	108	INABNET ESTATE #5	MONROE	5.0	MIDWAY PRODUCTION
-WAINOCO OIL & GAS CO				103	108	INABNET ESTATE #6	MONROE GAS	11.0	MIDWAY PRODUCTION
8327798	82-2228	1701920978		103	108	INABNET ESTATE #9	MONROE	5.0	MIDWAY PRODUCTION
-WELLS-BATTELSTEIN OIL & GAS INC				RECEIVED:	03/15/83	JA: LA			
8327803	82-2869	1711123620		102-4		E J REEVES #1	GILLIS-ENGLISH BAYOU	1000.0	UNITED GAS PIPELI
-WHELESS INDUSTRIES INC				RECEIVED:	03/15/83	JA: LA			
8327771	82-3056	1702721020		103	107-TF	D L RHODES #1	MONROE	25.0	LOUISIANA POWER &
8327768	82-3029	1702720989		RECEIVED:	03/15/83	JA: LA			
				102-4	107-TF	POWELL #1 WHELESS-PELTO SMK C RA SU	EAST DYKESVILLE	365.0	UNITED GAS PIPE L
				107-TF		PRATHER EST #1 WHELESS-PELTO VUA	EAST DYKESVILLE	365.0	UNITED GAS PIPE L

OKLAHOMA CORPORATION COMMISSION

-AMAREX INC				RECEIVED:	03/16/83	JA: OK			
8327924	23603	3512920682		107-DP		WALKER #1-12	DEMSEY	913.0	

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-ANDOVER OIL COMPANY				RECEIVED:	03/17/83	JA: OK			
8328006	19379	3501722141		102-2		ADAMS PARK #7-3		54.0	DELHI GAS PIPELIN
-APEX ENERGY INC				RECEIVED:	03/16/83	JA: OK			
8327909	20596	3511921505		103		FLYNN #21-1		0.0	SUN GAS TRANSMISS
-ARCO OIL AND GAS COMPANY				RECEIVED:	03/16/83	JA: OK			
8327916	20581	3504721861		108		CHARLES W KRIPPES #1	SOUTH DOUGLAS	7.3	ARCO OIL & GAS CO
8327917	20582	3504722016		108		GERTRUDE M GILBERT NO 1	SOUTH DOUGLAS	10.9	ARCO OIL & GAS CO
8327915	20580	3504722217		108		MARVIN LE GRAND #1	SOUTH DOUGLAS	7.5	ARCO OIL & GAS CO
-BOBBY J DARNELL				RECEIVED:	03/16/83	JA: OK			
8327896	20397	3508122130		103		BIRCKET #2	SOUTHEAST ORLANDO	24.0	EASON OIL CO
8327898	20398	3508321948		103		BRANSON #2	S E LOVELL	24.0	EASON OIL CO
8327895	20396	3508322099		103		CHAMBERS #1-16	EAST CRESCENT	8.0	EASON OIL CO
8327894	20395	3508322051		103		GRAY #2	WEST PRAIRIE VIEW	18.0	EASON OIL CO
8327899	20401	3508322054		103		JAMES MORRIS #2	SOUTH ORLANDO	12.0	EASON OIL CO
8327897	20399	3508322128		103		SCHWANDT #2	NORTHWEST RUSSELL	18.0	EASON OIL CO
-C E DINSMORE				RECEIVED:	03/16/83	JA: OK			
8327934	20469	3508320544		108		MINNICK #1	RINGWOOD	3.2	AMINOIL USA INC
-COTTON PETROLEUM CORPORATION				RECEIVED:	03/16/83	JA: OK			
8327893	19609	3501521322		102-2		DORSEY "A" #1	W HINTON	0.0	TRANSOK PIPELINE
-EASTOK PETROLEUM CORP				RECEIVED:	03/16/83	JA: OK			
8327932	20450	3509120518		103		EASTOK #2	COATON-TIGER MOUNTAIN	100.0	CARR GAS CO
-GLENCO PETROLEUM CORP				RECEIVED:	03/16/83	JA: OK			
8327933	20459	3506321495		103		A ALLEN #7		36.5	GLENCO PIPELINE C
8327908	20595	3506321669		103		B BEAR #1		516.9	GLENCO PIPELINE C
-GULF OIL CORPORATION				RECEIVED:	03/16/83	JA: OK			
8327889	19465	3501121674		102-2		YOST ERVAN #2-24	SOUTH OMEGA	72.0	
-GULF OIL CORPORATION				RECEIVED:	03/17/83	JA: OK			
8328011	19941	3507322527		103		KRITTENBRINK #1-21	OKARCHE NW	105.0	
-H & L OPERATING COMPANY				RECEIVED:	03/16/83	JA: OK			
8327925	20636	3502520539		103		CRYER #1A OTC NUMBER UNAVAILABLE	NE SAMPSEL	100.0	PANHANDLE EASTERN
-H YOUNG INC				RECEIVED:	03/16/83	JA: OK			
8327900	20442	3513921637		103		MEAD #2	RICE	0.0	PHILLIPS PETROLEU
-HARPER OIL COMPANY				RECEIVED:	03/16/83	JA: OK			
8327940	20575	3507300000		108		HUFF #1	SOONER TREND	15.0	PHILLIPS PETROLEU
-HPC INC				RECEIVED:	03/16/83	JA: OK			
8327941	20533	3501722379		103		BURKHEAD #2-6	NORTH CALUMET	0.0	PHILLIPS PETROLEU
8327939	20534	3501722380		103		BURKHEAD #3-6	NORTH CALUMET	0.0	PHILLIPS PETROLEU
8327935	20513	3504521064		103		SCHEFFIELD #28-1		10.0	PHILLIPS PETROLEU
-INEXCO OIL COMPANY				RECEIVED:	03/17/83	JA: OK			
8328007	19380	3503920739		102-2		LONG #1-2	EAST HAMMON	292.0	EL PASO NATURAL G
-JET OIL COMPANY				RECEIVED:	03/16/83	JA: OK			
8327905	20521	3508322057		103		M BLAKE #1	MULHALL	22.0	EASON OIL CO
8327904	20520	3507323592		103		WALKER #1	LACEY	23.0	PHILLIPS PETROLEU
-JUMAS OIL PART CORP				RECEIVED:	03/16/83	JA: OK			
8327936	20532	3510720346		108		HAMMER #1	DUTCHER & BOOCH	12.9	PHILLIPS PETROLEU
-KIRKPATRICK OIL CO				RECEIVED:	03/17/83	JA: OK			
8328019	18009	3507323478		103		MCNULTY "B"-3	SOONER TREND	0.0	EXXON CORP
-LEAR PETROLEUM EXPLORATION INC				RECEIVED:	03/16/83	JA: OK			
8327927	23601	3501521467		107-DP		PATTON #1-15	NORTH EAKLEY	2.2	
-LOUISIANA LAND & EXPLORATION CO				RECEIVED:	03/16/83	JA: OK			
8327885	17729	3503736389		103		CASEY #5	CUSHING	0.0	ARCO OIL & GAS CO
8327884	17728	3503722445		103		CASEY 5	CUSHING	0.0	ARCO OIL & GAS CO
8327886	17732	3503722650		103		FIXICO #2	CUSHING	0.0	ARCO OIL & GAS CO
8327887	17734	3503700000		103		K WASHINGTON #4	CUSHING	0.0	ARCO OIL & GAS CO
8327888	17735	3503722855		103		K WASHINGTON #5	CUSHING	0.0	ARCO OIL & GAS CO
-MOBIL OIL CORP				RECEIVED:	03/16/83	JA: OK			
8327928	20177	3501900000		108		GRAHAM DEESE UT #18-14 C SMITH #14	SHO VEL TUM	0.0	LONE STAR GAS CO
8327929	20178	3501900000		108		GRAHAM DEESE UT #20-5 HOLMAN #5	SHO VEL TUM	0.2	LONE STAR GAS CO
8327930	20179	3501900000		108		GRAHAM DEESE UT #28-1 IRALSON #1	SHO VEL TUM	0.0	LONE STAR GAS CO
8327926	20636	3501900000		108		GRAHAM DEESE #6-1A C WILLAIMS #1-A	SHO VEL TUM	0.0	LONE STAR GAS CO
8327931	20182	3501900000		108		GRAHAM DEESE UT #79 C D WILLIAMS #9	SHO VEL TUM	0.0	LONE STAR GAS CO
-MOBIL OIL CORP				RECEIVED:	03/17/83	JA: OK			
8328012	20171	3501900000		108		GRAHAM DEESE UT #5-4 C D WILLAIMS	SHO VEL TUM	0.1	LONE STAR GAS CO
8328013	20172	3501900000		108		GRAHAM DEESE #7-3 C D WILLIAMS #3D	SHO VEL TUM	0.1	LONE STAR GAS CO
8328014	20176	3501900000		108		GRAHAM DEESE UNIT #9-5 (A DAVIS #5)	SHO VEL TUM	0.0	LONE STAR GAS CO
-NOVA ENERGY CORPORATION				RECEIVED:	03/16/83	JA: OK			
8327902	20494	3501521152		103		FANNIE BROWN #1-11		0.0	PHILLIPS PETROLEU
8327903	20495	3501521348		103		FANNIE BROWN #2-11		0.0	PHILLIPS PETROLEU
-PETRO-LEWIS CORPORATION				RECEIVED:	03/16/83	JA: OK			
8327911	20576	3507300000		108		ERMA 13-1	SOONER TREND	18.0	PARTNERSHIP PROPE
8327937	20567	3507300000		108		HUBBARD 17-1	SOONER TREND	38.0	PARTNERSHIP PROPE
8327914	20579	3507300000		108		HUGHES 13-1	SOONER TREND	9.8	PARTNERSHIP PROPE
8327912	20577	3507300000		108		LESLY 17-1	SOONER TREND	7.8	PARTNERSHIP PROPE
8327913	20578	3507300000		108		WEIR 35-1	SOONER TREND	15.0	PARTNERSHIP PROPE
-PETRO-LEWIS CORPORATION				RECEIVED:	03/17/83	JA: OK			
8328021	18960	3507300000		108		MYERS 19-1	LOYAL EAST (SOONER TR	11.3	PARTNERSHIP PROPE
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	03/16/83	JA: OK			
8327919	20590	3513900000		108		CARB #1	OKLAHOMA HUGOTON - DO	0.0	PANHANDLE EASTERN
8327938	20535	3500700000		108		LOESCH A #5	COMO SE - TONKAWA COM	0.0	EL PASO NATURAL G
8327921	20592	3513900000		108		MUTUAL #1	OKLA HUGOTON - DOLOMI	0.0	PANHANDLE EASTERN
8327920	20591	3513900000		108		RHOAD #1	OKLAHOMA HUGOTON - DO	0.0	PANHANDLE EASTERN
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	03/17/83	JA: OK			
8328020	18158	3513900000		108		GATER #1		0.0	PANHANDLE EASTERN
-REX R MOORE JR				RECEIVED:	03/17/83	JA: OK			
8328010	19487	3508322091		103		CONELL #1	W WELLSTON	1.0	
-RICHARDS JACK H				RECEIVED:	03/16/83	JA: OK			
8327922	20600	3504900000		108		JASON #1	ANTIOC	15.0	WARREN PETROLEUM
8327923	20601	3504900000		108		JASON #2	ANTIOC	15.0	WARREN PETROLEUM
-RICKS EXPLORATION CO				RECEIVED:	03/17/83	JA: OK			
8328005	19376	3503920752		103		SAUER #23-A	S W WEATHERFORD	810.0	EL PASO NATURAL G
-SABINE PRODUCTION COMPANY				RECEIVED:	03/17/83	JA: OK			
8328009	19451	3509322482		102-2	103	HAGGARD #1		1752.0	TRANSOK PIPE LINE
-SAMSON RESOURCES COMPANY				RECEIVED:	03/16/83	JA: OK			
8327918	20588	3504320042		108		M F CLARK NO 1		10.2	PANHANDLE EASTERN
-SENECA OIL COMPANY				RECEIVED:	03/17/83	JA: OK			
8328008	19381	3513921591		102-2		MIRES #1-30		573.1	PANHANDLE EASTERN
-STEVE JERNIGAN INC				RECEIVED:	03/16/83	JA: OK			
8327890	19557	3501722247		102-2		ROYCE BROTHERS #3		0.0	PHILLIPS PETROLEU
-STEVE JERNIGAN INC				RECEIVED:	03/17/83	JA: OK			
8328022	19362	3501722346		102-2		ROYCE BROTHERS #2		0.0	
-UNIT DRILLING & EXPLORATION CO				RECEIVED:	03/16/83	JA: OK			
8327907	20546	3506120508		103		HARP #1	KEOTA	135.0	ARKANSAS LOUISIAN
8327906	20545	3506120491		103		SOLESBEE #1	KEOTA	135.0	ARKANSAS LOUISIAN
-VIERSEN & COCHRAN				RECEIVED:	03/16/83	JA: OK			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
8327901	20473	3504721453		103		EGGERS-BARBEE UNIT #3
8327918	20599	3504321562		103		PADBERG 1-35
				RECEIVED:	03/17/83	JA: OK
-VULCAN OIL & GAS CORP						
8328017	17773	3511721447		103		PEACOCK #10
8328016	17772	3511721368		103		PEACOCK #14
8328015	17771	3511721292		103		PEACOCK #2
8328018	17774	3511721304		103		PEACOCK #5
				RECEIVED:	03/16/83	JA: OK
-WOODS PETROLEUM CORPORATION						
8327891	19566	3503920620		102-2		ANNIE HARDIN #31-1
8327892	19567	3503920617		102-2		STRATTON FARMS #3-1
********** PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES **********						
-ADODE OIL & GAS CORPORATION				RECEIVED:	03/17/83	JA: PA
8327942	19378	3702128195		102-2		ALLAN VARNER #2
-ANGERMAN ASSOCIATES INC				RECEIVED:	03/17/83	JA: PA
8327943	19159	3712900000		103		MALCOLM F SIAS #1 - WES-22108
-ASHTOLA PRODUCTION CO				RECEIVED:	03/17/83	JA: PA
8327944	18467	3712921758		106		HELEN ZGORECKI #1
-ATLAS RESOURCES INC				RECEIVED:	03/17/83	JA: PA
8327945	19135	3706327095		102-4		MOCK #1
-DOC-NCC SERVICE CO				RECEIVED:	03/17/83	JA: PA
8327947	15737	3712921778		105		D S BRILHART 1462-1
8327948	15742	3712921763		108		J B SUTER 901-2
8328003	15750	3712921904		108		M L KOMENDA 429-3
-E & W DEVELOPMENT CO				RECEIVED:	03/17/83	JA: PA
8327949	18902	3700522722		103		STEELE #1
-EASTERN STATES EXPLORATION CO				RECEIVED:	03/17/83	JA: PA
8327955	19320	3706522677		103		BERNARD SMITH #1
8327951	19302	3706522686		103		C MARUCA #2
8327950	19319	3702728021		102-2		COMMONWEALTH OF PA TR-231 #2
8327953	19310	3706522659		103		MICHAEL J MAXIM #1
8327952	19309	3706522682		103		ROBERT ELLENBERGER #1
8327954	19311	3706522678		103		SUGARHILL LIMESTONE CO #1
-G E BURGLY				RECEIVED:	03/17/83	JA: PA
8327946	19178	3712922083		103		MARGARET GLAUSER #1
-J & J ENTERPRISES INC				RECEIVED:	03/17/83	JA: PA
8327958	19247	3706522592		103		R & P COAL CO #42
8327957	19246	3706522602		103		R & P COAL CO #45 (595A)
8327956	19245	3706522605		103		R & P COAL CO #48 (595A)
-KRIEBEL WELLS #2				RECEIVED:	03/17/83	JA: PA
8327959	19131	3706327282		103		EXLEY #1
-MERIDIAN EXPLORATION CORP				RECEIVED:	03/17/83	JA: PA
8327965	19323	3703921641		107-TF		D BROWN #622-1
8327963	19324	3703921641		102-2		D BROWN #622-1
8327961	19315	3703921816		102-2		FINCK #642-1
8327960	19312	3703921815		102-2		FINCK #643-1
8327967	19325	3704921718		107-TF		G BROWN #619-1
8327964	19326	3704921718		102-2		G BROWN #619-1
8327965	19321	3704922345		107-TF		MOREHOUSE #663-1
8327962	19322	3704922345		102-2		MOREHOUSE #663-1
-MID-PENN ENERGY CORP				RECEIVED:	03/17/83	JA: PA
8328004	19219	3703321495		103		HUGH APPLETON #2
-NORTHWEST NATURAL GAS CO				RECEIVED:	03/17/83	JA: PA
8327969	18856	3703921856		107-TF		EDWARD & ARLO POTTER #1
8327968	18857	3703921856		103		EDWARD & ARLO POTTER #1
-PHILLIPS PRODUCTION CO				RECEIVED:	03/17/83	JA: PA
8327978	19345	3703321215		102-Z		CARL E HEIL #1
-QUESTA PETROLEUM CO				RECEIVED:	03/17/83	JA: PA
8327994	19249	3712922138		103		C H TARR #3
8327995	19372	3712922107		103		ROY D MOORE
-R & L DEVELOPMENT CO				RECEIVED:	03/17/83	JA: PA
8327996	19267	3712900000		103		R & L DEVELOPMENT CO #5
-SNYDER BROTHERS INC				RECEIVED:	03/17/83	JA: PA
8327997	19348	3700522774		103		ROBERT C & CAROL J SEBASTIAN #3
-T W PHILLIPS GAS & OIL CO				RECEIVED:	03/17/83	JA: PA
8327984	19382	3700500000		108		ADALINE BURK #1
8327976	19384	3700500000		108		ARMSTRONG COUNTY TRUST CO #1
8327975	19383	3700500000		108		C F WOLFGANG #2
8327980	19397	3700500000		108		C G GAISER #2
8327985	19398	3700500000		108		F O GAISER #1
8327981	19399	3700500000		108		F O GAISER #2
8327982	19400	3700500000		108		F O GAISER #3
8327986	19396	3700500000		108		G C GAISER #1
8327978	19386	3700500000		108		H E MARKLE #2
8327980	19394	3700500000		108		IDA MCGREGOR #1
8327979	19387	3700520376		108		IDA MCGREGOR #2
8327983	19391	3700500000		108		JAMES S TROUP #1
8327971	19379	3700500000		108		JAMES S TROUP #3
8327974	19382	3700500000		108		JOHN H YOUNT #1
8327973	19381	3700500000		108		JOHN WHEATCROFT #1
8327972	19380	3700500000		108		JOHN WHEATCROFT #2
8327993	19401	3700500000		108		JOSEPH BRANAN HEIRS #2
8327986	19394	3700500000		108		M & J CALLAHAN #1
8327981	19389	3700500000		108		MILO N SLICKER #1
8327977	19385	3700500000		108		R L BARRETT #1
8327982	19390	3700500000		108		W R FREAS #1
8327987	19395	3700500000		108		W T COLLAR #1
8327985	19393	3700500000		108		WARD C CLAYPOOL #2
				RECEIVED:	03/17/83	JA: PA
-TURM OIL INC						
8327999	19340	3700522785		103		ALPHA BLAIR & ALICE LIAS #2
8327998	19339	3700522789		103		ALPHA BLAIR & ALICE LIAS #5
-UNION DRILLING INC				RECEIVED:	03/17/83	JA: PA
8328000	19148	3706326944		102-2		JAMES C DECKER #1 0741
8328001	19282	3706326195		102-2		ROBERT W WIESERMAN #1 0626
-WAINOCO OIL & GAS CO				RECEIVED:	03/17/83	JA: PA
8328002	19334	3703921658		103		ELEANOR G PUSZ #1 (C8-9A) WELL

FIELD NAME	PROD	PURCHASER
SOONER TREND	15.0	CHAMPLIN PETROLEU
WATONGA TREND	90.0	
TERLTON NORTH	36.5	M J D CATTLE CO
TERLTON NORTH	36.5	M J D CATTLE CO
TERLTON NORTH	36.5	M J D CATTLE CO
TERLTON NORTH	36.5	M J D CATTLE CO
WEST BUTLER	468.0	EL PASO NATURAL G
N CLINTON	1095.0	
HASTINGS	26.0	CONSOLIDATED GAS
W PENNA - UPPER DEVON	20.0	PEOPLES NATURAL G
HAWKEYE POOL	0.0	TEXAS EASTERN GAS
CHERRYHILL	78.0	COLUMBIA GAS TRAN
EAST HUNTINGDON	9.0	TEXAS EASTERN TRA
EAST HUNTINGDON	13.7	TEXAS EASTERN TRA
EAST HUNTINGDON	18.7	TEXAS EASTERN TRA
PLUMVILLE	18.0	PEOPLES NATURAL G
MARSAW	25.0	NATIONAL FUEL GAS
FROSTBURG	25.0	CONSOLIDATED GAS
BOGGS	15.0	TEXAS EASTERN TRA
RATHMEL	30.0	NATIONAL FUEL GAS
BIG RUN	30.0	T W PHILLIPS GAS
RATHMEL	30.0	NATIONAL FUEL GAS
BRAEBURN	16.0	PEOPLES NATURAL G
WINSLOW	0.0	COLUMBIA GAS TRAN
WINSLOW	0.0	COLUMBIA GAS TRAN
WINSLOW	0.0	COLUMBIA GAS TRAN
JOHNSONBURG	20.0	
ROCKDALE	30.0	COLUMBIA GAS TRAN
ROCKDALE	30.0	COLUMBIA GAS TRAN
ROCKDALE	30.0	COLUMBIA GAS TRAN
ROCKDALE	30.0	COLUMBIA GAS TRAN
EDINBORO NORTH	30.0	COLUMBIA GAS TRAN
EDINBORO NORTH	30.0	COLUMBIA GAS TRAN
EDINBORO NORTH	30.0	COLUMBIA GAS TRAN
EDINBORO NORTH	30.0	COLUMBIA GAS TRAN
GRAMPIAN	40.0	CONSOLIDATED GAS
BEAVER CENTER	0.0	NATIONAL FUEL GAS
BEAVER CENTER	0.0	NATIONAL FUEL GAS
CHEST	25.0	
HEMPFIELD	25.0	
NEW STANTON	25.0	
SALTSBURG	20.0	T W PHILLIPS GAS
COWANSHANNOCK TWP	10.0	T W PHILLIPS GAS
WEST FRANKLIN	1.9	T W PHILLIPS GAS
REDBANK	1.7	T W PHILLIPS GAS
REDBANK	1.3	T W PHILLIPS GAS
WEST FRANKLIN	1.9	T W PHILLIPS GAS
WEST FRANKLIN	1.1	T W PHILLIPS GAS
WEST FRANKLIN	1.2	T W PHILLIPS GAS
WEST FRANKLIN	2.2	T W PHILLIPS GAS
WEST FRANKLIN	0.6	T W PHILLIPS GAS
REDBANK	1.0	T W PHILLIPS GAS
REDBANK	1.5	T W PHILLIPS GAS
REDBANK	2.9	T W PHILLIPS GAS
REDBANK	1.7	T W PHILLIPS GAS
REDBANK	3.2	T W PHILLIPS GAS
REDBANK	1.1	T W PHILLIPS GAS
REDBANK	1.9	T W PHILLIPS GAS
REDBANK	1.8	T W PHILLIPS GAS
WEST FRANKLIN	1.4	T W PHILLIPS GAS
WEST FRANKLIN	1.4	T W PHILLIPS GAS
REDBANK	2.9	T W PHILLIPS GAS
REDBANK	2.8	T W PHILLIPS GAS
REDBANK	1.2	T W PHILLIPS GAS
WEST FRANKLIN	2.0	T W PHILLIPS GAS
WEST FRANKLIN	1.5	T W PHILLIPS GAS
MUNINE	26.0	PEOPLES NATURAL G
MUNINE	40.0	PEOPLES NATURAL G
CHERRYHILL TOWNSHIP	0.0	COLUMBIA GAS TRAN
CHERRYHILL	0.0	COLUMBIA GAS TRAN
CAMBRIDGE SPRINGS	35.4	NATIONAL FUEL GAS

[FR Doc. 83-10233 Filed 4-15-83 8:45 am]

BILLING CODE 6717-01-C

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: April 12, 1983.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register.**

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487–4808, 5285 Port Royal Rd., Springfield, Va. 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 Mile rule)
102–3: New well (1000 Ft. rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal Seams
107–DV: Devonian Shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

BILLING CODE 6717-01-M

NOTICE OF DETERMINATIONS, VOLUME 869

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	Issued April 12, 1983	FIELD NAME	PROD	PURCHASER
COLORADO OIL & GAS COMMISSION										
-AMERADA HESS CORPORATION				RECEIVED:		03/18/83	JA: CO			
8328134	82-1063	0506705746		108		FORD OLSON UNIT "A" #1		IGNACIO	11.4	EL PASO NATURAL G
-AMERICAN RESOURCES MANAGEMENT CORPO				RECEIVED:		03/18/83	JA: CO			
8328085	82-226	0504506336		103		C C 23-1A (CALF CANYON)		943' FNL 831' FWL SEC	104.7	NORTHWEST PIPELIN
8328086	82-225	0504506011		103		IVAL YOUNG #C C 14-1		660' FWL 1680' FNL	111.6	NORTHWEST PIPELIN
-AMOCO PRODUCTION CO				RECEIVED:		03/18/83	JA: CO			
8328060	82-724	0500107629		103		CHAMPLIN 100 AMOCO "A" #1		ARROYO	5.0	AMOCO PRODUCTION
8328061	82-723	0500107915		103		CHAMPLIN 100 AMOCO "A" #3		ARROYO	50.0	AMOCO PRODUCTION
8328062	82-722	0500107914		103		CHAMPLIN 100 AMOCO "A" #4		ARROYO	30.0	AMOCO PRODUCTION
8328063	82-725	0500107331		103		CHAMPLIN 100 AMOCO "B" #1		ARROYO	91.0	AMOCO PRODUCTION
8328064	82-709	0500107986		103		CHAMPLIN 248 AMOCO "A" #4		RADAR	40.0	PANHANDLE EASTERN
8328065	82-728	0500107222		103		CHAMPLIN 248 AMOCO "B" #1		BEAR GULCH	30.0	PANHANDLE EASTERN
8328066	82-730	0500107884		103		CHAMPLIN 248 AMOCO "C" #3		RADAR	456.0	PANHANDLE EASTERN
8328067	82-732	0500107988		103		CHAMPLIN 248 AMOCO "C" #4		RADAR	239.0	PANHANDLE EASTERN
8328068	82-727	0500108053		103		CHAMPLIN 248 AMOCO "C" #7		RADAR	100.0	PANHANDLE EASTERN
8328069	82-726	0512310186		103		PAUL SCHMIDT GAS UNIT "B" #2		WATTENBERG	472.0	PANHANDLE EASTERN
8328070	82-729	0512310071		103		UPRR 43 PAN AM "W" #1		WATTENBERG	130.0	PANHANDLE EASTERN
-ARCO OIL AND GAS COMPANY				RECEIVED:		03/18/83	JA: CO			
8328088	82-935	0506706475		107-TF		SOUTHERN UTE 17-4 32-11		IGNACIO BLANCO	219.0	WESTERN SLOPE GAS
8328087	82-604	0506706367		107-TF		SOUTHERN UTE 4-1 32-10		IGNACIO BLANCO	355.0	WESTERN SLOPE GAS
-BASIN-WARREN JOINT VENTURE				RECEIVED:		03/18/83	JA: CO			
8328089	82-693	0512310622		107-TF		BETZ #1		WILDCAT	146.0	PANHANDLE EASTERN
8328071	82-692	0512310622		103		BETZ #1		WILDCAT	146.0	PANHANDLE EASTERN
-CABOT PETROLEUM CORP				RECEIVED:		03/18/83	JA: CO			
8328090	82-662	0512506725		107-TF		BODEN #16-14		BONNY	54.0	CITIES SERVICE GA
8328091	82-666	0512506658		107-TF		FLEER #16-11		BONNY	5.0	CITIES SERVICE GA
8328092	82-668	0512506702		107-TF		HELLING #8-13		BONNY	45.0	CITIES SERVICE GA
8328093	82-909	0512506711		107-TF		KNAPP #5-25		BONNY	6.0	CITIES SERVICE GA
8328095	82-665	0512506701		107-TF		LENGEL #15-23		BONNY	8.0	CITIES SERVICE GA
8328094	82-618	0512506550		107-TF		LENCEL 13-24		BONNY	54.0	CITIES SERVICE GA
8328096	82-667	0512506697		107-TF		MCKEE #16-2		BONNY	30.0	CITIES SERVICE GA
8328097	82-616	0512506593		107-TF		OSMUS C4-24		BONNY	0.0	CITIES SERVICE GA
8328098	82-619	0512506594		107-TF		STATE #16-16		BONNY	52.0	CITIES SERVICE GA
8328102	82-910	0512506768		107-TF		WEYERMAN #14-12		BONNY	7.0	CITIES SERVICE GA
8328104	82-663	0512506705		107-TF		WEYERMAN #16-12		BONNY	12.0	CITIES SERVICE GA
8328103	82-911	0512506741		107-TF		WEYERMAN #16-7		BONNY	35.0	CITIES SERVICE GA
8328100	82-661	0512506706		107-TF		WEYERMAN #6-18		BONNY	54.0	CITIES SERVICE GA
8328101	82-664	0512506704		107-TF		WEYERMAN #8-13		BONNY	38.0	CITIES SERVICE GA
8328099	82-617	0512506595		107-TF		WEYERMAN C3-7		BONNY	66.0	CITIES SERVICE GA
-CALVIN PETROLEUM CORPORATION				RECEIVED:		03/18/83	JA: CO			
8328105	81-792	0502310142		107-TF		MCGUCKIN W1/2 SECTION 32 T3N-R65W		WATTENBERG SECTION 32	36.5	PANHANDLE EASTERN
-CHAMPLIN PETROLEUM COMPANY				RECEIVED:		03/18/83	JA: CO			
8328047	82-736	0500107883		102-2		CAVENDER 31-11 #3		KRAUTHEAD/BASELINE	31.0	COLORADO INTERSTA
8328048	82-930	0500108062		102-2		HORTH 32-15 #2		KRAUTHEAD	2.5	COLORADO INTERSTA
8328049	82-755	0500108063		102-2		HORTH 41-15 #1		KRAUTHEAD	45.0	COLORADO INTERSTA
-COORS ENERGY CO				RECEIVED:		03/18/83	JA: CO			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
8328106	82-610	0504506305		107-TF		COUPERTHWAITE 2-6 LW
8328107	82-611	0504506311		107-TF		GETTY 1-7 LW
				RECEIVED:	03/18/83	JA: CO
-E LYLE JOHNSON INC						
8328027	82-684	0511506038		102-4		DONALDSON #26-1
				RECEIVED:	03/18/83	JA: CO
-ENERGY MINERALS CORP						
8328128	82-1057	0512308206		108		STANLEY #3
				RECEIVED:	03/18/83	JA: CO
-ENERGY MINERALS CORPORATION						
8328127	82-1055	0512309894		108		COLLINS #1
8328129	82-1056	0512309001		108		STANLEY #6
8328023	82-624	0512308135		102-4		WARREN #12-30
				RECEIVED:	03/18/83	JA: CO
-ENERGY OIL INC						
8328072	82-678	0512309294		103		ALEXANDER #1
8328024	80-615	0512310005		102-4		BOULTER #1
8328074	82-853	0512310671		103		BOULTER #2
8328075	82-649	0512310553		103		EASTON #1
8328073	82-651	0512310552		103		FRED ARENS #1
8328076	82-855	0512310668		103		KRAUSE #3
				RECEIVED:	03/18/83	JA: CO
-ESTATE OF ROY L COOK						
8328130	82-995	0506700000		108		TUBBS #1
-EVERTSON WELL SERVICE-GREMLIN OIL			C	RECEIVED:	03/18/83	JA: CO
8328025	81-774	0512307013		102-4		RODMAN #32-17
				RECEIVED:	03/18/83	JA: CO
-FAMCO OIL INC						
8328108	82-748	0506706311		107-TF		GAINES UTE #4
				RECEIVED:	03/18/83	JA: CO
-FRANK H WALSH						
8328043	81-240	0508700000		102-4		CHRISTENSEN BROS
				RECEIVED:	03/18/83	JA: CO
-FUEL RESOURCES DEVELOPMENT CO						
8328109	82-638	0507708462		107-TF		COLORADO LAND #3
				RECEIVED:	03/18/83	JA: CO
-GREMLIN OIL CO						
8328026	82-603	0507507018		102-4		ASHBAUGH #13-20
				RECEIVED:	03/18/83	JA: CO
-H & C COLTON CO						
8328110	82-742	0512300000		107-TF		SUPREME CAMP-CAMENISCH #1
				RECEIVED:	03/18/83	JA: CO
-H L WILLETT						
8328126	81-184	0512309790		107-TF		EDITH M WHITESIDE #1
				RECEIVED:	03/18/83	JA: CO
-J-W OPERATING COMPANY						
8328050	82-695	0512506676		102-2		J BROPHY #7-29
8328053	82-572	0512506627		102-2		LENGEL #1-18
8328054	82-597	0512506678		102-2		STATE #24-16
8328111	82-599	0512506334		107-TF		T BROPHY #27-14
8328051	82-598	0512506334		102-2		T BROPHY #27-14
8328052	82-600	0512506675		102-2		T BROPHY #28-33
8328131	82-437	0512506302		108		V HARDING #1
				RECEIVED:	03/18/83	JA: CO
-JEROME P MCHUGH				107-TF		PIKE'S PEAK #1
8328113	82-608	0506706515		RECEIVED:	03/18/83	JA: CO
-JOHN P LOCKRIDGE						
8328055	82-659	0512506285		102-2		DICKSON 1-22
8328056	82-717	0512506287		102-2		GROSECLOSE 1-29
				RECEIVED:	03/18/83	JA: CO
-L & B OIL CO INC				107-TF		STATE OF COLORADO #3-36 CG
8328112	82-589	0512310169		RECEIVED:	03/18/83	JA: CO
-MACHII-ROSS PETROLEUM CO						
8328077	82-698	0512309329		103		ARISTOCRAT-ANGUS 12-3
8328078	82-699	0512310502		103		HALEY-GUMESON #2
				RECEIVED:	03/18/83	JA: CO
-MADERA ROYALTY & ENERGY INC						
8328079	82-660	0500107878		103		AMOCO-TUPPS #1-19
				RECEIVED:	03/18/83	JA: CO
-MGF OIL CORP						
8328028	81-343	0512310198		102-4		BETTY STATE #34-36
8328029	82-719	0512308904		102-4		DELLA 34-8
8328030	81-541	0512310320		102-4		DONNA STATE #42-36
8328031	82-831	0500107973		102-4		DOROTHY #44-24
8328032	82-832	0512310586		102-4		DOTTIE #11-34
8328033	82-828	0500108046		102-4		ELAINE #41-18
8328034	82-833	0512310191		102-4		ELSIE #44-34
8328035	81-189	0500106160		102-4		FRED JR #1 (41-22)
8328036	81-623	0512310338		102-4		GIGI STATE #44-36
8328037	82-825	0512310597		102-4		GLORIA #24-28
8328038	82-830	0512310603		102-4		JODI #31-28
8328039	81-314	0512310079		102-4		JOHNNY STATE #14-36
8328040	81-576	0500107874		102-4		JUDY #22-6
8328041	82-826	0512310601		102-4		PAM 41-28
				RECEIVED:	03/18/83	JA: CO
-MIDLANDS GAS CORPORATION						
8328132	81-805	0512506430		108		STALLINGS 3-12
8328133	82-209	0512506429		108		STULP 1-11
				RECEIVED:	03/18/83	JA: CO
-MOUNTAIN PETROLEUM CORPORATION						
8328135	80-59217	0512506103		108-PB		ALLISON #1-32
				RECEIVED:	03/18/83	JA: CO
-NATOMAS NORTH AMERICA INC						
8328114	82-642	0506706568		107-TF		BAIRD #1-25 WELL
8328115	82-591	0506706235		107-TF		STATE #1-36
8328116	82-641	0506706571		107-TF		STATE-CHASTAIN #1-31
				RECEIVED:	03/18/83	JA: CO
-NIELSON ENTERPRISES INC				107-TF		STATE-OLIN #3
8328117	81-649	0512310123		107-TF		STATE-OLIN #4
8328118	81-647	0512310137		RECEIVED:	03/18/83	JA: CO
-PETROQUEST INC				107-TF		ERNAK #77-28
8328119	82-639	0512310493		RECEIVED:	03/18/83	JA: CO
-PROCOIL INC				102-4		BARER-ROCCHIO #1
8328042	82-53	0508707544		RECEIVED:	03/18/83	JA: CO
-REGAL PETROLEUM LTD						
8328058	82-675	0508707609		102-2		REGAL STATE 3X
8328057	82-570	0508707611		102-2		WILDCAT RANCHES #1
8328059	82-669	0508707663		102-2		WILDCAT RANCHES #1B
				RECEIVED:	03/18/83	JA: CO
-SIERRA GROUP				107-TF		FRANK #1
8328120	82-942	0512310509		103		FRANK #1
8328080	82-941	0512310509		107-TF		GRAY #1
8328121	82-955	0512310559		103		GRAY #1
8328081	82-954	0512310559		107-TF		SPAUR #1
8328122	82-760	0512310510		103		SPAUR #1
8328082	82-759	0512310510		RECEIVED:	03/18/83	JA: CO
-ST MICHAEL EXPLORATION CO				107-TF		WATSON #28-1
8328123	82-690	0512310534		RECEIVED:	03/18/83	JA: CO
-UNIOIL						
8328124	82-908	0512310634		107-TF		GREAT WESTERN SUGAR CO #2
8328125	82-907	0512310635		107-TF		GREAT WESTERN SUGAR CO #3
				RECEIVED:	03/18/83	JA: CO
-VESSELS OIL & GAS COMPANY				103		GRENEMEYER-WAGNER "C" UNIT #1
8328083	82-770	0512310492		103		SELTZER "E" UNIT #1
8328084	82-861	0512310490		RECEIVED:	03/18/83	JA: CO
-WONDERLY CORP						

FIELD NAME	PROD	PURCHASER
LOGAN WASH FEDERAL UN	242.0	NORTHERN NATURAL
LOGAN WASH FEDERAL UN	73.0	NORTHERN NATURAL
MARKS BUTTE	75.0	KANSAS-NEBRASKA N
SPINDLE	6.0	PANHANDLE EASTERN
WAITE LAKE	18.0	PANTERA ENERGY CO
SPINDLE	6.0	PANHANDLE EASTERN
SLOAN	19.0	PHILLIPS PETROLEU
WATTENBURG	235.0	PANHANDLE EASTERN
WILDCAT	0.0	PANHANDLE EASTERN
HARDER	225.0	PANHANDLE EASTERN
WATTENBURG	250.0	PANHANDLE EASTERN
WATTENBURG (CODELL)	250.0	PANHANDLE EASTERN
WATTENBURG	235.0	PANHANDLE EASTERN
IGNACIO BLANCO	14.4	EL PASO NATURAL G
RATTLESNAKE	15.0	CITIES SERVICE CO
IGNACIO BLANCO DAKOTA	40.0	NORTHWEST PIPELIN
	40.0	KANSAS-NEBRASKA N
PLATEAU	31.0	NORTHWEST PIPELIN
WILDCAT	15.0	CITIES SERVICE CO
UNNAMED	40.0	PANHANDLE EASTERN
WATTENBERG	60.0	PANHANDLE EASTERN
WAVERLY	68.9	KANSAS-NEBRASKA N
WILDCAT	218.0	CITIES SERVICE GA
WAVERLY	157.0	KANSAS-NEBRASKA N
OLD BALDY	173.0	KANSAS-NEBRASKA N
OLD BALDY	173.0	KANSAS-NEBRASKA N
UNNAMED	111.0	KANSAS-NEBRASKA N
WAGES	17.7	KANSAS-NEBRASKA N
IGNACIO BLANCO MESAVE	800.0	EL PASO NATURAL G
BONNY FIELD	18.0	CITIES SERVICE GA
BONNY FIELD	9.0	CITIES SERVICE GA
SPACE CITY	1400.0	PANHANDLE EASTERN
ARISTOCRAT-ANGUS	180.0	COLORADO INTERSTA
WATTENBERG	100.0	COLORADO INTERSTA
WATKINS	73.0	PANHANDLE EASTERN
HORSE CREEK	54.8	DAMSON GAS PROCES
SCABBARD	27.0	PHILLIPS PETROLEU
HORSE CREEK	108.0	DAMSON GAS PROCES
FENCE POST	18.0	DAMSON OIL CORP
BANNER LAKES	23.4	DAMSON OIL CORP
BANNER LAKES	72.0	DAMSON OIL CORP
WILDCAT	14.4	DAMSON OIL CORP
BRADLEY	54.0	DAMSON OIL CORP
HORSE CREEK	36.0	DAMSON GAS PROCES
BANNER LAKES	46.8	DAMSON OIL CORP
BANNER LAKES	18.0	DAMSON OIL CORP
HORSE CREEK	7.2	DAMSON GAS PROCES
BASELINE	36.0	DAMSON GAS PROCES
BANNER LAKES	0.0	DAMSON OIL CORP
SCHRAMM	21.0	KANSAS-NEBRASKA N
SCHRAMM	21.0	KANSAS-NEBRASKA N
VERNON	0.0	KANSAS NEBRASKA N
IGNACIO BLANCO	0.0	NORTHWEST PIPE LI
IGNACIO BLANCO	212.0	NORTHWEST PIPE LI
IGNACIO BLANCO	0.0	NORTHWEST PIPE LI
WATTENBERG	200.0	COLORADO INTERSTA
WATTENBERG	200.0	COLORADO INTERSTA
WATTENBERG	100.0	PANHANDLE EASTERN
ORCHARD	260.0	PANTERA ENERGY CO
WILDCAT CREEK	40.0	PANTERA ENERGY CO
WILDCAT CREEK	10.0	PANTERA ENERGY CO
WILDCAT CREEK	100.0	PANTERA ENERGY CO
WATTENBERG	25.0	PANHANDLE EASTERN
WATTENBERG	25.0	PANHANDLE EASTERN
WATTENBERG	25.0	PANHANDLE EASTERN
WATTENBERG	25.0	PANHANDLE EASTERN
WATTENBERG	25.0	PANHANDLE EASTERN
WATTENBERG	0.0	PANHANDLE EASTERN
GREELEY	173.7	NORTHERN NATURAL
WATTENBERG	36.0	PANHANDLE EASTERN
WATTENBERG	40.0	PANHANDLE EASTERN
WATTENBERG	766.0	PANHANDLE EASTERN
WATTENBERG	730.0	PANHANDLE EASTERN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8328044	82-721	0500108132		102-4		ABBOTT LAND 32-18	BASELINE CSWNE SEC 18	36.5	COLORADO INTERSTA
8328045	82-575	0500108036		102-4		HERBERT 34-18	BASE LINE (CSWSE 18-1	20.0	COLORADO INTERSTA
8328046	82-704	0500108074		102-4		UPRR-WAGNER 14-9	BASE LINE C SW SW SEC	36.5	COLORADO INTERSTA
	LOUISIANA OFFICE OF CONSERVATION								
-A & G SCRATCHERS & CENTRALIZERS		RECEIVED: 03/17/83 JA: LA							
8328174	82-3677	1711121942		108		BIRD #1	MONROE	4.0	IMC PIPELINE CO I
8328208	82-3274	1707321866		103	108	J A SMITH #2	MONROE	15.0	PETRO LEWIS CORP
-AMOCO PRODUCTION CO		RECEIVED: 03/17/83 JA: LA							
8328204	82-3278	1701702189		108		ADNEY BRYSON #1 TPSUA	GREENWOOD-WASKOM	21.0	ARKANSAS-LOUISIAN
8328251	82-2612	1709920729		102-4		P H MARAIST "C" #1	SECTION 28 DOME	559.0	GAS GATHERING COR
-BARNHILL DONNY JOE		RECEIVED: 03/17/83 JA: LA							
8328207	82-3275	1711123546		103	108	UNION POWER CO #2	MONROE	11.0	PETRO LEWIS CORP
-BETHLAN PRODUCTION CORP		RECEIVED: 03/17/83 JA: LA							
8328195	82-3244	1707321769		108		MOBILE #2	MONROE GAS FIELD	14.6	MID-LOUISIANA GAS
8328194	82-3247	1707321776		108		MOBILE #5	MONROE GAS FIELD	14.6	MID-LOUISIANA GAS
-BIEDENHARN		RECEIVED: 03/17/83 JA: LA							
8328169	82-3512	1707321957		103		GEORGE SMELSER #2	MONROE	14.5	IMC PIPELINE CO I
-CENTENNIAL EXPLORATION INC		RECEIVED: 03/17/83 JA: LA							
8328231	82-3355	1703121761		102-2	103	HOSS SU42 KALMBACH #1	BETHANY LONGSTREET	25.0	UNITED GAS PIPELI
8328232	82-3354	1703121761		102-2	103	KALMBACH NO 1D	BETHANY LONGSTREET	250.0	UNITED GAS PIPELI
-DITTA EXPLORATION CO		RECEIVED: 03/17/83 JA: LA							
8328175	82-3676	1707321867		103		V J DITTA #1 179017	MONROE GAS FIELD	0.0	IMC EXPLORATION C
-ENERGY SOURCES INC		RECEIVED: 03/17/83 JA: LA							
8328209	82-3271	1710922570		103		CHARLES B CAIN #1	HOUMA	0.0	UNITED GAS PIPELI
-ERGON INC		RECEIVED: 03/17/83 JA: LA							
8328206	82-3276	1711123614		103	107-TF	A MONOY #1 VUII	MONROE	11.2	TEXAS GAS TRANSMI
8328213	82-3296	1711123659		103	107-TF	BESSIE W TAYLOR #2	MONROE	9.0	TEXAS GAS TRANSMI
8328200	82-3453	1711123641		103	107-TF	DIFFEY #1 VUKK	MONROE	8.4	TEXAS GAS TRANSMI
8328192	82-3251	1711123621		103	107-TF	E E KELLY #1	MONROE	11.5	TEXAS GAS TRANSMI
8328229	82-3363	1711123639		103	107-TF	EMMETT JOHNSTON #2	MONROE	10.5	TEXAS GAS TRANSMI
8328205	82-3277	1711123615		107-TF		FRANCIS REEVES #1 VUJJ	MONROE	10.2	TEXAS GAS TRANSMI
8328230	82-3367	1711123602		103	107-TF	J E HAYE #1	MONROE	9.8	TEXAS GAS TRANSMI
8328201	82-3452	1711123625		103	107-TF	J O WISECARVER #2	MONROE	9.0	TEXAS GAS TRANSMI
8328219	82-3295	1711123575		103	107-TF	MURPHY ALBRITTON #1	MONROE	8.4	TEXAS GAS TRANSMI
8328193		1711123612		103	107-TF	RICHARD EST #1 VUFF	MONROE	10.8	TEXAS GAS TRANSMI
-EXXON CORPORATION		RECEIVED: 03/17/83 JA: LA							
8328243	82-3231	1710121261		103		MIAMI CORP W #3	BAYOU CARLIN	50.0	TRUNKLINE GAS CO
-FOREST OIL CORPORATION		RECEIVED: 03/17/83 JA: LA							
8328222	82-3723	1705721862		102-4		J B LEVERT LAND COMPANY #1	THIBODAUX	3643.0	TRANSCONTINENTAL
-FORMAN EXPLORATION COMPANY		RECEIVED: 03/17/83 JA: LA							
8328196	82-3468	1709920902		103		S L 2810 #1	SIMON PASS FIELD	400.0	TEXAS GAS TRANSMI
-FRANKS PETROLEUM INC ETAL		RECEIVED: 03/17/83 JA: LA							
8328184	82-3260	1706920145		103		W H KILPATRICK #1	ASHLAND	50.0	UNITED GAS PIPELI
-GAS RESOURCES INC		RECEIVED: 03/17/83 JA: LA							
8328189	82-3254	1711121891		108		MEDLIN #1	MONROE GAS	5.3	IMC PIPELINE CO I
-GEORGE R SCHURMAN		RECEIVED: 03/17/83 JA: LA							
8328211	82-3261	1703121863		103		U S A #3	RED RIVER BULL BAYOU	0.0	LOUISIANA INTRAST
-GUERNSEY PETROLEUM CORPORATION		RECEIVED: 03/17/83 JA: LA							
8328246	82-3221	1708520049		103		C U BOUDEN #1	WILDCAT	144.0	TENNESSEE GAS PIP
8328245	82-3223	1708520081		103		MAHONEY #1	WILDCAT	130.0	TENNESSEE GAS PIP
-HENRY GOODRICH D/B/A GOODRICH OIL C		RECEIVED: 03/17/83 JA: LA							
8328216	82-273	1706120287		103		DYE #1 UCV PA SUI	TERRYVILLE	730.0	TEXAS GAS TRANSMI
-HICKS PRODUCTION CO		RECEIVED: 03/17/83 JA: LA							
8328212	82-2485	1709500118		107-TF		LUTCHER & MOORE CYPRESS LBR #1	LAKE MAUREPAS SOUTH	270.0	UNITED GAS PIPELI
8328238	82-2484	1709200240		107-TF		LUTCHER & MOORE CYPRESS LBR CO #4	FRENIER	180.0	UNITED GAS PIPELI
-IMC EXPLORATION COMPANY		RECEIVED: 03/17/83 JA: LA							
8328220	82-3496	1711123689		108		BENNETT #F-342	MONROE	5.0	IMC PIPELINE CO I
8328163	82-3667	1711123710		108		LOVE #18	MONROE	7.0	IMC PIPELINE CO I
8328183	82-3668	1711123734		108		MONTGOMERY #F-354	MONROE	5.0	IMC PIPELINE CO I
8328171	82-3665	1711123690		108		ORB #F-348	MONROE	4.0	IMC PIPELINE CO I
8328242	82-3241	1711123685		103		UNION PRODUCING CO #N-277	MONROE	14.0	IMC PIPELINE CO I
8328261	82-3497	1711123695		103		UNION PRODUCING CO #N-277	MONROE	5.8	IMC PIPELINE CO I
8328170	82-3666	1711123691		108		UNION PRODUCING CO #N-278	MONROE	6.0	IMC PIPELINE CO I
8328241	82-3242	1711123691		103		UNION PRODUCING CO #N-278	MONROE	20.0	IMC PIPELINE CO I
-K-B EXPLORATION CO		RECEIVED: 03/17/83 JA: LA							
8328215	82-0401	1710922324		102-4		CYPRIAN VOISIN #1	BAYOU DULARGE 3707	550.0	LOUISIANA INTERST
-MARSHALL EXPLORATION INC		RECEIVED: 03/17/83 JA: LA							
8328185	82 3259	1703120839		108		COVINGTON #3 FOG RA SU 118	LOGANSPORT	6.0	TENNESSEE GAS PIP
8328244	82-3225	1703121533		103	107-TF	HILL #1	DENSON	85.0	SABINE DESOTO PIP
8328186	82-3258	1703121426		103		WOODROW HORN #2 VUA	LOGANSPORT	12.0	SOUTHERN NATURAL
-MAY PETROLEUM INC		RECEIVED: 03/17/83 JA: LA							
8328218	82-2534	1705520235		102-4		AMELIA CREDEUR #1 (180645)	WILDCAT	1095.0	MONTEREY PIPELINE
-MID LOUISIANA GAS COMP. 'Y		RECEIVED: 03/17/83 JA: LA							
8328249	82-2706	1711123085		103		MLGC FEE GAS #1031	MONROE GAS FIELD	18.4	MID-LOUISIANA GAS
8328250	82-2683	1711123145		103		MLGC FEE GAS #1044	MONROE GAS FIELD	17.8	MID-LOUISIANA GAS
8328227	82-3681	1711123160		103		MLGC FEE GAS #1057	MONROE GAS FIELD	18.2	MID-LOUISIANA GAS
8328226	82-3682	1711123583		103		MLGC FEE GAS #1109	MONROE GAS FIELD	8.4	MID-LOUISIANA GAS
8328225	82-3638	1711123586		103		MLGC FEE GAS #1110	MONROE GAS FIELD	9.5	MID-LOUISIANA GAS
8328224	82-3684	1711123590		103		MLGC FEE GAS #1114	MONROE GAS FIELD	8.0	MID-LOUISIANA GAS
8328191	82-3252	1711123659		103		MLGC FEE GAS #1150	MONROE GAS FIELD	25.5	MID-LOUISIANA GAS
8328182	82-3669	1711101744		103		MLGC FEE GAS #52	MONROE GAS FIELD	2.7	MID-LOUISIANA GAS
8328181	82-3670	1711101743		103		MLGC FEE GAS #54	MONROE GAS FIELD	4.2	MID-LOUISIANA GAS
8328180	82-3671	1711121393		103		MLGC FEE GAS #630	MONROE GAS FIELD	19.6	MID-LOUISIANA GAS
8328179	82-3672	1711121407		103		MLGC FEE GAS #659	MONROE GAS FIELD	21.2	MID-LOUISIANA GAS
8328178	82-3673	1711121651		103		MLGC FEE GAS #750	MONROE GAS FIELD	19.8	MID-LOUISIANA GAS
8328177	82-3674	1711121836		108		MLGC FEE GAS #774	MONROE GAS FIELD	17.0	MID-LOUISIANA GAS
8328176	82-3675	1711122679		103		MLGC FEE GAS #856	MONROE GAS FIELD	19.7	MID-LOUISIANA GAS
8328173	82-3678	1711122681		103		MLGC FEE GAS #908	MONROE GAS FIELD	20.4	MID-LOUISIANA GAS
8328172	82-3679	1711122682		108		MLGC FEE GAS #909	MONROE GAS FIELD	19.1	MID-LOUISIANA GAS
8328228	82-3680	1711122689		108		MLGC FEE GAS #966	MONROE GAS FIELD	20.8	MID-LOUISIANA GAS
-MOORE MCCORMACK OIL & GAS CORP		RECEIVED: 03/17/83 JA: LA							
8328247	82-3220	1700120960		103		CLARNIE YOUNG #2	EAST RICHIE	0.0	TRANSCONTINENTAL
-OLIDITT CORP		RECEIVED: 03/17/83 JA: LA							
8328165	82-3509	1706721577		108		OLIDITT PRODUCING #1	MONROE	14.0	IMC PIPELINE CO I
8328167	82-3510	1706721578		108		OLIDITT PRODUCING #2	MONROE	14.0	IMC PIPELINE CO I
8328166	82-3511	1706721614		103		OLIDITT PRODUCING #4	MONROE	14.0	IMC PIPELINE CO I
8328168	82-3513	1706721618		108		OLIDITT PRODUCING #5	MONROE	14.0	IMC PIPELINE CO I
-PEL-TEX OIL COMPANY INC		RECEIVED: 03/17/83 JA: LA							
8328164	82-3500	1702321650		102-4		MERGENTAU MINERAL LAND CO A #1	LITTLE CHENIERE	2703.0	LOUISIANA INTRAST
-RELIANCE TRUSTS		RECEIVED: 03/17/83 JA: LA							
8328197	82-3458	1711123755		103	107-TF	A L HAM #2	MONROE	8.0	TEXAS GAS TRANSMI
8328234	82-3326	1711123637		103	107-TF	E H MEACHER #1	MONROE	13.0	TEXAS GAS TRANSMI

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8328187	82-3256	1711123636		103	107-TF	L C JOHNSON #1	MONROE	13.0	TEXAS GAS TRANSMI
8328233	82-3327	1711123660		103	107-TF	W E COLE #2	MONROE	0.0	TEXAS GAS TRANSMI
8328188	82-3255	1711123634		103	107-TF	Z S COLE #1	MONROE	13.0	TEXAS GAS TRANSMI
				RECEIVED:	03/17/83	JA: LA			
-SHADRACK PRODUCTION CO				103	107-TF	C L FARRIS #1	MONROE	0.0	WEST MONROE GAS G
8328236	82-3324	1711123673		103	107-TF	G C ALLUMS #2	MONROE	13.0	WEST MONROE GAS G
8328203	82-3459	1711123749		103	107-TF	L RAMSEY #1	MONROE	0.0	WEST MONROE GAS G
8328235	82-3225	1711123674		RECEIVED:	03/17/83	JA: LA			
-SPENCER & SPENCER				103	108	SPENCER #1	MONROE GAS FIELD	9.8	MID LOUISIANA GAS
8328190	82-3253	1711123447		RECEIVED:	03/17/83	JA: LA			
-SPOONER PETROLEUM COMPANY				102-4		R L THURMAN #1	WELCOME HOME FIELD	50.0	LOUISIANA INTRAST
8328214	82-0723	1702120773		RECEIVED:	03/17/83	JA: LA			
-SUN EXPL. & PROD. CO. - HOUSTON				102-4		SL 649 NELSON LL&E #6 VUA	POINT AU FER 7429	0.0	TRANSCONTINENTAL
8328217	82-0205	1710922431		RECEIVED	03/17/83	JA: LA			
-TEXACO INC				103		BAL SU SL 341 #13	BATEMAN LAKE	1.3	CITY OF MORGAN CI
8328240	82-785	1710121263		107-DP		SL 301 TERREBONNE BAY #344	CAILLOU ISLAND	179.0	
8328237	82-3323	1710921937		102-2	103	VUL LP U12 655	LAKE FELTO	481.0	KAISER ALUMINUM &
8328202	82-3429	1710922110		RECEIVED:	03/17/83	JA: LA			
-TEXAS GAS EXPLORATION CORP				103		GAY UNION 652	BAYOU CHOCTAW	16.0	MONTEREY PIPELINE
8328210	82-3270	1704720667		RECEIVED:	03/17/83	JA: LA			
-THUNDER OIL CORP				103	107-TF	M J & G SAVAGE #1 (SN 181303)	MONROE GAS	0.0	WEST MONROE GAS G
8328199	82-3455	1711123692		103	107-TF	M J & G SAVAGE #2 (SN 181304)	MONROE GAS	0.0	WEST MONROE GAS G
8328198	82-3456	1711123693		RECEIVED:	03/17/83	JA: LA			
-TXO PRODUCTION CORP				102-4		HOSS RA SUC SWINDLE HEIRS #1	GRAND CANE	618.7	DELHI GAS PIPELIN
8328248	82-3216	1703121865		RECEIVED:	03/17/83	JA: LA			
-WESTLAND OIL DEVELOPMENT CORP				102-4		EUNICE CANAL #2	DURALDE	146.0	LOUISIANA GAS SYS
8328239	82-2098	1703920234		RECEIVED:	03/17/83	JA: LA			
-WRIGHT PAT				103	108	PENDER #1	MONROE	8.0	IMC PIPELINE CO I
8328223	82-3685	1711123791							
MICHIGAN DEPARTMENT OF NATURAL RESOURCES									
-SCHMUDE & PANGBORN ASSOCIATES				RECEIVED:	03/17/83	JA: MI			
8328281		2114700000		102-4		PLONKA 1-35	COLUMBUS 35	750.0	MICHIGAN CONSOLID
MISSISSIPPI OIL & GAS BOARD									
				RECEIVED:	03/17/83	JA: MS			
-BROWNING & WELCH				102-4		FEDERAL LAND BANK #1	STRONG	525.0	TEXAS EASTERN TRA
8328278	133-82-360	2309520297		RECEIVED:	03/17/83	JA: MS			
-CHARLES L CHERRY & ASSOCIATES				102-4	103	G D HOLLIMAN 7-11 WELL #1	MAPLE BRANCH	100.0	TENNESSEE GAS PIP
8328276	126-82-413	2308720052		RECEIVED:	03/17/83	JA: MS			
-FRASCOGNA X M				102-4		BD OF SUPERVISORS 16-10 WELL #1	BOYKIN CHURCH FIELD	365.0	SYSTEM FUELS INC
8328280	128-82-334	2312920114		RECEIVED:	03/17/83	JA: MS			
-SHELL OIL CO				102-4		WILSON UNIT #1	ALCORN	400.0	
8328279	135-82-522	2302120028		RECEIVED:	03/17/83	JA: MS			
-SUN EXPLORATION & PRODUCTION CO				103		F M SPONDEN #20	BAXTERVILLE	8.0	UNITED GAS PIPELI
8328275	129-82-11	2307320187		RECEIVED:	03/17/83	JA: MS			
-TESORO PETROLEUM CORP				102-4	103	TESORO SANDY HOOK GAS UNIT 35 #1	SANDY HOOK	1260.0	SOUTHERN NATURAL
8328277	9-83-27	2309120189		107-DP		TESORO SANDY HOOK GAS UNIT 35 #1	SANDY HOOK	1260.0	SOUTHERN NATURAL
8328277	9-83-27	2309120189		RECEIVED:	03/17/83	JA: MS			
-TEXACO INC				103		H L RANKIN #1	KNOXO	124.0	CROWN ZELLERBACH
8328274	131-82-147	2309120076		RECEIVED:	03/17/83	JA: MS			
-TRANSCONTINENTAL OIL CORP				102-4	103	PUCKETT GAS UNIT #5 - WELL #4	PUCKETT	0.0	UNITED GAS PIPELI
8328273	132-82-143	2312120080							
OKLAHOMA CORPORATION COMMISSION									
-AMAREX INC				RECEIVED:	03/17/83	JA: OK			
8328159	23604	3512920805		107-DP		AYERS OLSEN #1-29	E GRIMES	1095.0	
8328160	23605	3512920717		107-DP		BALLOU #1-30	BERLIN	1095.0	
8328162	23607	3512920765		107-DP		MIKLES #1-10		365.0	
8328161	23606	3512920842		107-DP		WINBURN #1-34	WILDCAT	54.8	
-AMSTAR OIL INC				RECEIVED:	03/17/83	JA: OK		150.0	WESTWIND GAS CO
8328155	18001	3510920509		102-2		KUSEK #3			
-ANADARKO PRODUCTION COMPANY				RECEIVED:	03/17/83	JA: OK	BOYD SE	8.0	NATURAL GAS PIPEL
8328140	20648	3500700000		103		BERGEN A #1			
-ANDOVER OIL COMPANY				RECEIVED:	03/17/83	JA: OK		32.0	TRANSOK PIPE LINE
8328137	20616	3510720957		103		RUBY JOHNSON #10-1		16.3	TRANSOK PIPE LINE
8328136	20615	3510721037		103		RUBY JOHNSON #10-3			
-ARCO OIL AND GAS COMPANY				RECEIVED:	03/17/83	JA: OK			
8328152		3504321406		102-4		ANTON M KUNC UNIT #2	PUTNAM	146.0	MOBIL OIL CORP
8328139	20647	3500700000		103		STATE GAS UNIT "A" #1	CAMRICK GAS AREA	16.4	NATURAL GAS PIPEL
-ENSERCH EXPLORATION INC				RECEIVED:	03/17/83	JA: OK			
8328149	19528	3514920302		103		P JOE WALTERS #1-28	BURNS FLAT	600.0	NATURAL GAS PIPEL
-GETTY OIL COMPANY				RECEIVED:	03/17/83	JA: OK			
8328143	20308	3507720240		103		WHITE "H" #2	KINTA	256.0	ARKANSAS LOUISIAN
-MOBIL OIL CORP				RECEIVED:	03/17/83	JA: OK			
8328145	20175	3501900000		108		GRAHAM DEESE #1-75 SUSAN LAHM #7	SHO VEL TUM	0.0	LONE STAR GAS CO
8328146	20181	3501900000		108		GRAHAM DEESE #11-1 SMITH-DAVIS #1	SHO VEL TUM	0.0	LONE STAR GAS CO
8328145	20183	3501900000		108		GRAHAM DEESE #143 WALKER VOORHEES #3	SHO VEL TUM	0.1	LONE STAR GAS CO
8328138	20645	3501900000		108		GRAHAM DEESE #58-3 SPARKS A #3	SHO VEL TUM	0.1	LONE STAR GAS CO
8328147	20180	3501900000		108		GRAHAM DEESE #7-4 C D WILLAIMS #4	SHO VEL TUM	0.0	LONE STAR GAS CO
-MOORE W T				RECEIVED:	03/17/83	JA: OK			
8328156	18014	3503723685		103		SINGLETON #2		182.5	GOLDEN ARROW GAS
-OKLAND OIL CO				RECEIVED:	03/17/83	JA: OK			
8328141	20650	3504723128		103		ENID TOWNSITE #1-13	SOONER TREND	0.0	UNION TEXAS PETRO
-SABINE CORP				RECEIVED:	03/17/83	JA: OK			
8328142	20458	3509300000		103		KUSCH #3-2		0.0	PHILLIPS PETROLEL
-SHAR-ALAN OIL CO				RECEIVED:	03/17/83	JA: OK			
8328157	22712	3515321401		103		HINDERLITE 1-A	CEDARDALE N E	0.0	NORTHERN NATURAL
8328158	23152	3515300000		103		HUFF 1-A	CEDARDALE NE	0.0	MICHIGAN WISCONSI
8328156	21114	3515321377		103		REISDORPH #2-4	CEDERDALE NORTHEAST	0.0	MICHIGAN WISCONSI
-TENNECO OIL COMPANY				RECEIVED:	03/17/83	JA: OK			
8328144	20384	3509322578		103		EWING 1-16	N W OKEENE	735.0	OKLAHOMA NATURAL
8328151	19668	3515335217		108		GLENN WYCOFF UNIT 1-3	CHESTER WEST	4.0	NATURAL GAS PIPEL
-THE WIL-MC OIL CORP				RECEIVED:	03/17/83	JA: OK			
8328153	18121	3510720747		102-2		DELMAR ALLEN #1	EAST WHITE ROSE	252.0	GOLDEN ARROW GAS
-TXO PRODUCTION CORP				RECEIVED:	03/17/83	JA: OK			
8328150	19356	3508322061		102-4		BECKHAM #1	SOONER TREND	238.0	
WEST VIRGINIA DEPARTMENT OF MINES									
-CABOT OIL & GAS CORP				RECEIVED:	03/18/83	JA: WV			
8328262		4701900365		108		H R DEITZ #1	MT COVE	7.2	EQUITABLE GAS CO
8328265		4701900436		108		J E SCARDRO #1	MT COVE	2.0	EQUITABLE GAS CO

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8328263		4701900374		108		J F BOHLING #1	MT COVE	9.0	EQUITABLE GAS CO
8328264		4701900403		108		L MINTER #2	MT COVE	11.0	EQUITABLE GAS CO
8328266		4706700513		108		P CAUDILL #1	GRANT	2.0	EQUITABLE GAS CO
-CARSON PETROLEUM CORP				RECEIVED:	03/18/83	JA: WV			
8328270		4704103021		108		BLAND #1	INDIAN FORK	18.0	CONSOLIDATED GAS
8328253		4704102963		108		G BUTLER #1	LITTLE COVE	20.0	CONSOLIDATED GAS
8328254		4702103705		108		G BUTLER #3	LITTLE COVE	6.0	CONSOLIDATED GAS
8328267		4702103400		108		NELLIE BARBAROW #5	LITTLE COVE	20.0	CONSOLIDATED GAS
8328268		4702103686		108		PARKERSBURG NATIONAL BANK #1	INDIAN FORK	21.0	CONSOLIDATED GAS
8328272		4702103603		108		RADCLIFF #2	LICK RUN	19.0	CARNEGIE NATURAL
8328256		4701702861		108		RASTLE #1	ST CLAIR	14.0	CONSOLIDATED GAS
8328255		4701722864		108		SHAVER #1	ST CLAIR	55.0	CONSOLIDATED GAS
8328252		4704103019		108		TUNING #1	INDIAN FORK	13.0	CONSOLIDATED GAS
8328271		4704103023		108		TUNING #2	INDIAN FORK	12.0	CONSOLIDATED GAS
8328269		4704102965		108		VALENTINE #1	LITTLE COVE	13.0	CONSOLIDATED GAS
-HUGHES GAS CO				RECEIVED:	03/18/83	JA: WV			
8328258		4708300000		108		MICHAELS #1	PUMPKINTOWN	2.0	COLUMBIA GAS TRAN
-JAMES F SCOTT				RECEIVED:	03/18/83	JA: WV			
8328257		4703302332		108		ELIZA ROBINSON S-290	EAGLE DISTRICT	26.0	CONSOLIDATED GAS
-ROBERT L WHARTON				RECEIVED:	03/18/83	JA: WV			
8328261		4708300000		108		HOUSH #1	CASSITY	4.1	COLUMBIA GAS TRAN
-ROSS-WHARTON GAS CO				RECEIVED:	03/18/83	JA: WV			
8328259		4708300000		108		SHOCKEY #2	CASSITY	2.0	COLUMBIA GAS TRAN
-WASHINGTON NATURAL GAS CO				RECEIVED:	03/18/83	JA: WV			
8328260		4708300000		108		NEWTON #2	CASSITY	6.5	COLUMBIA GAS TRAN

[FR Doc. 10234-Filed 4-15-83; 8:45 am]

BILLING CODE 6717-01-C

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: April 12, 1983.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the National Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the Federal Register.

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487-4808, 5285 Port Royal Rd., Springfield, Va. 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102-1: New OCS lease
- 102-2: New well (2.5 Mile run)
- 102-3: New well (1000 Ft. rule)
- 102-4: New onshore reservoir
- 102-5: New reservoir on old OCS lease

Section 107-DP: 15,000 feet or deeper
- 107-GB: Geopressured brine
- 107-CS: Coal Seams
- 107-DV: Devonian Shale
- 107-PE: Production enhancement
- 107-TF: New tight formation
- 107-RT: Recompletion tight formation

Section 108: Stripper well
- 108-SA: Seasonally affected
- 108-ER: Enhanced recovery
- 108-PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

BILLING CODE 6717-01-M

NOTICE OF DETERMINATIONS

Issued April 12, 1983

VOLUME 870

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
ALABAMA OIL & GAS BOARD									
-ANDERMAN OPERATING COMPANY				RECEIVED:	03/17/83	JA: AL			
8328458	3-10-831PD	0107520431		102-4		COATS 4-9 #1	BLOWHORN CREEK GAS	164.0	
-CLAYTON W WILLIAMS JR				RECEIVED:	03/17/83	JA: AL			
8328462	3-10-835PD	0100320108		102-2		PAUL KAISER 6-13 #1	SOUTH FOLEY	0.0	AMOCO PRODUCTION
8328461	3-10-834PD	0100320118		102-2		SARAH BEECH 7-7 #1	SOUTH FOLEY	0.0	AMOCO PRODUCTION
-GRACE PETROLEUM CORPORATION				RECEIVED:	03/17/83	JA: AL			
8328460	3-10-833PD	0105720292		102-2		DOBBS ESTATE 12-1L	DAVIS CHAPEL	0.0	TENNESSEE GAS PIP
-MOON-HINES-TIGRETT OPERATING CO INC				RECEIVED:	03/17/83	JA: AL			
8328459	3-10-832PD	0100320111		102-2		THOMPSON 30-13 #1	WEST FOLEY	360.0	AMOCO PRODUCTION
-SWIFT ENERGY CO				RECEIVED:	03/17/83	JA: AL			
8328463	3-10-836PD	0105720307		102-4		SAWYER 1-14 #1	BANKSTON	25.0	
ILLINOIS DEPARTMENT OF MINES & MINERALS									
-BI-PETRO INC				RECEIVED:	03/21/83	JA: IL			
8328483		1204900000		102-4		CLAGGETT-DIAL COMM #1	LOUDON	0.0	NATURAL GAS PIPEL
8328484		1204900000		102-4		SUN OIL CO #1 SEC 30-9N-4E	LOUDON	0.0	NATURAL GAS PIPEL
8328485		1205100000		102-4		YANTIS #1	LOUDON	0.0	NATURAL GAS PIPEL
KANSAS CORPORATION COMMISSION									
-AMERICAN CONTINENTAL ENERGY INC				RECEIVED:	03/21/83	JA: KS			
8328487	K-82-1116	1509220769		103		FINN 2-H	HUGOTON	75.0	NORTHERN NATURAL
-DONALD C SLAWSON				RECEIVED:	03/21/83	JA: KS			
8328500	K82-1445	1509720894		102-4		CHANCE "A" #1	WILDCAT	100.0	
-GEOSON OIL CO INC				RECEIVED:	03/21/83	JA: KS			
8328498	K-82-1224	1507720758		103		SANDERS #1	SPIVEY GRABBS	0.0	PEOPLES NATURAL G
-GETTY OIL COMPANY				RECEIVED:	03/21/83	JA: KS			
8328486	K82-0718	1500730054		108-PB		SUTTON A #1	MCKINNEY	0.0	CITIES SERVICE CO
-GRAHAM-MICHAELIS CORP				RECEIVED:	03/21/83	JA: KS			
8328488	K80-1035	1511900000		108-ER		ADAMS A #1		0.0	COLORADO INTERSTA
-GRAVES DRILLING CO INC				RECEIVED:	03/21/83	JA: KS			
8328497	K-82-1366	1500700000		103		BARTLETT #1	BLOOM NORTH	18.2	KANSAS POWER & LI
-IREX CORP				RECEIVED:	03/21/83	JA: KS			
8328499	K-82-1412	1517520522		102-4		NASH #1-21	BORCHERS	219.0	
-SALEM GAS PIPELINE				RECEIVED:	03/21/83	JA: KS			
8328490	K-82-1306	1512525169		103		WILLIAMS #11	WILLIAMS	47.5	CITIES SERVICES G
8328496	K-82-1313	1512525126		102-2		WILLIAMS #10	WILLIAMS	47.5	CITIES SERVICES G
8328489	K-82-1304	1512525126		103		WILLIAMS #10	WILLIAMS	47.5	CITIES SERVICES G
8328495	K-82-1312	1512525169		102-2		WILLIAMS #11	WILLIAMS	47.5	CITIES SERVICES G
8328493	K-82-1311	1512524838		102-2		WILLIAMS #7	WILLIAMS	73.0	CITIES SERVICES G
8328492	K-82-1307	1512524838		103		WILLIAMS #7	WILLIAMS	73.0	CITIES SERVICES G
8328494	K-82-1314	1512524966		102-2		WILLIAMS #9	WILLIAMS	51.1	CITIES SERVICES G
8328491	K-82-1305	1512524966		103		WILLIAMS #9	WILLIAMS	51.1	CITIES SERVICES G
MICHIGAN DEPARTMENT OF NATURAL RESOURCES									
-WEST BAY EXPLORATION CO				RECEIVED:	03/21/83	JA: MI			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8328479		2105500000		102-4		ARBUTUS LAKE #1-9	NIAGARAN REEF	36.5	CONSUMERS POWER C
MISSISSIPPI OIL & GAS BOARD									
-GRACE PETROLEUM CORPORATION				RECEIVED:	03/18/83	JA: MS			
8328465	141-82-351	2309520853		108-ER		T A RICHARDSON #1	CORINNE	0.0	SOUTHERN NATURAL
-MISS-LOU OIL PRODUCERS INC				RECEIVED:	03/18/83	JA: MS			
8328466	142-82-455	2300124409		102-4		ARMSTRONG-OAKLAND "A" #3	NORTH CRANFIELD	183.0	SOUTHERN NATURAL
-PLACID OIL COMPANY				RECEIVED:	03/18/83	JA: MS			
8328466	140-82-548	2314920019		107-DP		UNIT 7-9 #1	BOVINA	436.0	
-SHELL OIL CO				RECEIVED:	03/18/83	JA: MS			
8328467	138-82-533	2311320140		102-4		COTTON UNIT #1	OLIVE	40.0	TRANSCONTINENTAL
MONTANA BOARD OF OIL & GAS CONSERVATION									
-MIDLANDS GAS CORPORATION				RECEIVED:	03/21/83	JA: MT			
8328480		2507121326		108-ER		1661-1 STATE	BOWDOIN	0.0	MONTANA DAKOTA UT
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS									
-AMOCO PRODUCTION CO				RECEIVED:	03/21/83	JA: NM			
8328446		3004523724		108		CHAVEZ GAS COM "D" #1E	BASIN DAKOTA	14.0	EL PASO NATURAL G
8328457		3004509476		108		STATE GAS COM "BE" #1	BASIN DAKOTA	19.0	EL PASO NATURAL G
8328444		3004522765		108		STATE GAS COM "BI" #1A	BLANCO MESAVERDE	13.0	EL PASO NATURAL G
8328445		3004507649		108		STATE OF NEW MEXICO GAS COM "V" #1	BLANCO PICTURED CLIFF	15.0	EL PASO NATURAL G
-ARCO OIL AND GAS COMPANY				RECEIVED:	03/18/83	JA: NM			
8328400		3002527513		102-4		STATE 19 #1	UNDESIGNATED KEMNITZ	1825.0	NORTHERN NATURAL
-ARCO OIL AND GAS COMPANY				RECEIVED:	03/21/83	JA: NM			
8328433		3002527367		103		W H HARRISON "D" WN #7	JALMAT	146.0	EL PASO NATURAL G
-BASS ENTERPRISES PRODUCTION CO				RECEIVED:	03/18/83	JA: NM			
8328397		3002527803		103		BASS 32 STATE #1	QUAIL RIDGE	400.0	PHILLIPS PETROLEU
-CITIES SERVICE COMPANY				RECEIVED:	03/21/83	JA: NM			
8328449		3002527893		103		STATE "DV" #1	CAPROCK PENN EAST	35.0	
-DOYLE HARTMAN OIL OPERATOR				RECEIVED:	03/21/83	JA: NM			
8328448		3002528067		103		LANGLIE "A" STATE #3	JALMAT (GAS)	60.0	EL PASO NATURAL G
-EL PASO NATURAL GAS COMPANY				RECEIVED:	03/21/83	JA: NM			
8328452		3003900000		108-PB		LINDRITH UNIT E94	SOUTH BLANCO PICTURED	0.0	EL PASO NATURAL G
-EL RAN INC				RECEIVED:	03/21/83	JA: NM			
8328447		3000500000		103		PENNZOIL STATE #1	WILDCAT ABO	14.4	TRANSWESTERN PIPE
-GETTY OIL COMPANY				RECEIVED:	03/21/83	JA: NM			
8328450		3002524909		108-PB		A L CHRISTMAS #2	JALMAT (GAS)	21.9	EL PASO NATURAL G
-MESA PETROLEUM CO				RECEIVED:	03/18/83	JA: NM			
8328402		3000561274		102-2		BERRENDO #1	WILDCAT ABO	36.0	
-NORTHWEST PIPELINE CORPORATION				RECEIVED:	03/21/83	JA: NM			
8328453		3003900000		108-PB		SAN JUAN 29-5 #38	BLANCO-MESAVERDE	0.0	NORTHWEST PIPELIN
8328455		3003900000		108-PB		SAN JUAN 31-6 #10	BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
8328454		3003900000		108-PB		SAN JUAN 31-6 #19	BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
8328456		3004522165		108		SAN JUAN 32-7 UNIT COM 24	DLANCO MESAVERDE	24.4	NORTHWEST PIPELIN
-SHELL OIL CO				RECEIVED:	03/21/83	JA: NM			
8328436		3002500000		108		CHESHER #2	BLINEBRY OIL & GAS	14.4	GETTY OIL CO
8328434		3002500000		108		N HOBBS (G-SA) UNIT SEC 17 #121	HOBBS (G-SA)	3.8	PHILLIPS PETROLEU
8328442		3002500000		108		STATE H #7	EUMONT YATES SEVEN RI	13.7	PHILLIPS PETROLEU
8328443		3002500000		108		STATE H #8	EUMONT YATES SEVEN RI	11.4	PHILLIPS PETROLEU
8328435		3002500000		108		STATE L #4	EUMONT YATES SEVEN RI	16.7	PHILLIPS PETROLEU
-SOUTHLAND ROYALTY CO				RECEIVED:	03/21/83	JA: NM			
8328451		3004500000		108-PB		ALBINO CANYON #1 (MV)	BLANCO MESAVERDE	0.0	EL PASO NATURAL G
8328437		3004512028		108		CHAMBERLAIN #1	BLANCO	20.0	SOUTHERN UNION GA
8328438		3004503712		108		MCGRATH A #1	BASIN	16.0	SOUTHERN UNION GA
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	03/21/83	JA: NM			
8328441		3002500000		108		S W EATON #4	LANGLIE MATTIX 7 RVRS	10.0	EL PASO NATURAL G
8328439		3002500000		108		STATE "A" A/C 2 #57	EUNICE 7 RVRS ON SD	12.0	PHILLIPS PETROLEU
8328440		3002500000		108		STATE A A/C 1 #52	LANGLIE MATTIX 7 RVRS	17.0	EL PASO NATURAL G
-SUPERIOR OIL CO				RECEIVED:	03/18/83	JA: NM			
8328398		3002527573		103		SAN SIMON STATE COM #1	WILDCAT	0.0	
-YATES PETROLEUM CORPORATION				RECEIVED:	03/18/83	JA: NM			
8328403		3000561328		102-2		BRONSON "SH" COM #1	UND PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE
8328401		3000561683		102-3		CAUDILL "RZ" #3	PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE
8328399		3002528010		103		SUPERIOR "WA" ST #1	LAZY J PENN	0.0	
NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION									
-CONSOLIDATED EXPLORATION & GATHERIN				RECEIVED:	03/18/83	JA: NY			
8328395	2624	3102916373		107-TF		BLEY UNIT #1	EDEN - EVANS	15.0	SCG GAS QUEST INC
8328370	2630	3102916211		107-TF		BRZEZICKI UNIT #1	EDEN - EVANS	15.0	SCG GAS QUEST INC
8328374	2629	3102916212		107-TF		DISTEFANO UNIT #1	EDEN - EVANS	15.0	SCG GAS QUEST INC
8328384	4962	3102917937		103		ECKHARDT-AGLE #1	EDEN - EVANS	18.3	SCG GAS QUEST INC
8328385	4963	3102917938		103		ECKHARDT-AGLE #2	EDEN-EVANS	18.3	SCG GAS QUEST INC
8328386	4964	3102917939		103		ECKHARDT-AGLE #3	EDEN-EVANS	18.3	SCG GAS QUEST INC
8328371	2626	3102916301		107-TF		LINDSAY UNIT #1	EDEN - EVANS	15.0	SCG GAS QUEST INC
8328372	2625	3102916291		107-TF		RIEFLER UNIT #1	EDEN - EVANS	15.0	SCG GAS QUEST INC
8328373	2627	3102916300		107-TF		RIZZO UNIT #1	EDEN - EVANS	15.0	SCG GAS QUEST INC
8328378	2628	3102916292		107-TF		VACCO UNIT #1	EDEN - EVANS	15.0	SCG GAS QUEST INC
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED:	03/18/83	JA: NY			
8328352	3568	3102911997		108		ALVIN C PEARNER WN 1498	CONCORD	2.0	GENERAL SYSTEM PU
8328360	4945	3102912745		108		CLARENCE HEARY N-1617	CONCORD	12.0	GENERAL SYSTEM PU
8328351	3567	3102911692		108		CLARENCE HEARY WN 1462	CONCORD	1.0	GENERAL SYSTEM PU
8328353	3569	3102912745		108		CLARENCE HEARY WN-1617	CONCORD	1.0	GENERAL SYSTEM PU
8328359	4943	3102900439		108		EDWIN P HEARY N-1421	SPRINGVILLE	18.0	GENERAL SYSTEM PU
8328361	3771	3102911510		108		HAROLD POTTER WN-1428	TOWN OF CONCORD (SPRI	3.0	GENERAL SYSTEM PU
8328363	3773	3102911951		108		HOWARD EMERLING WN-1500	TOWN OF CONCORD	8.0	GENERAL SYSTEM PU
8328362	3772	3102911975		108		MYRTLE M CLARK WN-1499	TOWN OF CONCORD	2.0	GENERAL SYSTEM PU
-GYPSUM ENERGY MANAGEMENT CO				RECEIVED:	03/18/83	JA: NY			
8328390	4982	3103717362		103		BOWKER #1	HURON CREEK	12.0	U S GYPSUM CO
8328389	4981	3103717360		103		GREEN #1	INDIAN FALLS	9.6	U S GYPSUM CO
-HAROLD FREY				RECEIVED:	03/18/83	JA: NY			
8328388	4975	3102913316		108		SNYDER #1 31-020-13316	WILDCAT-1	7.5	NATIONAL FUEL GAS
8328387	4976	3102913541		108		STABEL #1 31-029-13541	WILDCAT	7.5	NATIONAL FUEL GAS
-NORD/MONTARA PETROLEUM CO				RECEIVED:	03/18/83	JA: NY			
8328367	2580	3112114803		107-TF		HAYES UNIT #1	JAVA	25.0	COLUMBIA GAS TRAN
8328369	2586	3112114801		107-TF		KEEM UNIT #2	JAVA	25.0	COLUMBIA GAS TRAN
8328375	2578	3112116299		107-TF		LIMBURG UNIT #1	JAVA	15.0	COLUMBIA GAS TRAN
8328366	2588	3112114804		107-TF		LUDWIG UNIT 8	JAVA	25.0	COLUMBIA GAS TRAN
8328377	2577	3112114534		107-TF		MURCIN UNIT #2	JAVA	25.0	COLUMBIA GAS TRAN
8328364	2587	3112115818		107-TF		M REISDORF #1	JAVA	15.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8328376	2579	3112116330		107-TF		REISDORF UNIT #1	JAVA	15.0	COLUMBIA GAS TRAN
8328368	2585	3112115312		107-TF		RING UNIT #2	JAVA	25.0	COLUMBIA GAS TRAN
8328369	2584	3112114444		107-TF		SICLARI UNIT #2	JAVA	50.0	COLUMBIA GAS TRAN
8328396	2583	3112114443		107-TF		THOMPSON UNIT #1	JAVA	25.0	COLUMBIA GAS TRAN
				RECEIVED:	03/18/83	JA: NY			
-RUEL ENERGY INC								20.0	COLUMBIA GAS TRAN
8328381	4950	3112117928		103		DONALD MCCORMICK #1		20.0	COLUMBIA GAS TRAN
8328382	4951	3112117975		103		DONALD MCCORMICK #2		20.0	COLUMBIA GAS TRAN
8328383	4952	3112117976		103		DONALD MCCORMICK #3		20.0	COLUMBIA GAS TRAN
8328379	4948	3112117897		103		ROBERT MCCORMICK #1		20.0	COLUMBIA GAS TRAN
8328380	4949	3112117967		103		ROBERT MCCORMICK #2			
				RECEIVED:	03/18/83	JA: NY			
-SUBSEA OIL & GAS INC									
8328355	1541	3102915425		107-TF		BAUDER #1	BUFFALO CREEK	13.0	TENNESSEE GAS PIP
8328358	1535	3102915591		107-TF		BAUDER #2	BUFFALO CREEK	13.0	TENNESSEE GAS PIP
8328354	1537	3102915701		107-TF		ELDRIDGE #1	BUFFALO CREEK	13.0	TENNESSEE GAS PIP
8328356	1539	3102915321		107-TF		GRACE HANDY #1	BUFFALO CREEK	13.0	TENNESSEE GAS PIP
8328357	1538	3102915530		107-TF		LUCAS #1	BUFFALO CREEK	13.0	TENNESSEE GAS PIP
				RECEIVED:	03/18/83	JA: NY			
-TIMBERLAY PETROLEUM CO									
8328392	2554	3102916098		107-TF		COOK #1	ALDEN-LANCASTER	36.0	TENNESSEE GAS PIP
8328394	2552	3102916099		107-TF		DAWYDKO #1	ALDEN-LANCASTER	18.0	TENNESSEE GAS PIP
8328393	2553	3102916200		107-TF		DAWYDKO #2	ALDEN-LANCASTER	36.0	TENNESSEE GAS PIP
8328391	2555	3102916316		107-TF		NORMAN STOLL #1	ALDEN-LANCASTER	36.0	TENNESSEE GAS PIP
WEST VIRGINIA DEPARTMENT OF MINES									
-ALPHA DRILLING FUND 1979 LTD				RECEIVED:	03/21/83	JA: WV			
8328418		4708504489		108		ELSIE PRUNTY H-891	UNION DISTRICT	20.0	CONSOLIDATED GAS
8328426		4708504490		108		ELSIE PRUNTY H-892	UNION DISTRICT	20.0	CONSOLIDATED GAS
				RECEIVED:	03/21/83	JA: WV			
-BEREA OIL AND GAS CORPORATION									
8328427		4700121211		108		RALPH QUATTRO #1	VALLEY	34.0	CONSOLIDATED GAS
				RECEIVED:	03/21/83	JA: WV			
-HAUGHT INC									
8328409		4707301118		107-DV		AMBERZINE JAMES HRS H-1212	JEFFERSON DISTRICT	18.0	CONSOLIDATED GAS
8328411		4708504966		107-DV		CLIFTON VALENTINE H-1126	GRANT DISTRICT	18.0	CONSOLIDATED GAS
8328407		4707301038		107-DV		CUNNINGHAM & WILSON H-1141	WASHINGTON DISTRICT	18.0	COLUMBIA GAS TRAN
8328408		4707301054		107-DV		D J & HELEN WAGNER H-1139	UNION DISTRICT	18.0	COLUMBIA GAS TRAN
8328405		4709500728		107-DV		DENSIL FERRELL H-825	CENTERVILLE DISTRICT	18.0	CARNEGIE NATURAL
8328425		4708505885		108		G W HAUSER H-1213	MURPHY DISTRICT	18.0	CONSOLIDATED GAS
8328413		4708505023		107-DV		H L WILSON H-1163	GRANT DISTRICT	18.0	CONSOLIDATED GAS
8328428		4700701494		103		HENRY J WYNKOOP H-931	BIRCH DISTRICT	4.0	COLUMBIA GAS TRAN
8328429		4700701495		103		HENRY J WYNKOOP H-932	BIRCH DISTRICT	4.0	COLUMBIA GAS TRAN
8328432		4700701496		103		HENRY J WYNKOOP H-933	BIRCH DISTRICT	4.0	COLUMBIA GAS TRAN
8328431		4700701517		103		HENRY J WYNKOOP H-990	BIRCH DISTRICT	4.0	COLUMBIA GAS TRAN
8328430		4700701518		103		HENRY J WYNKOOP H-991	BIRCH DISTRICT	4.0	COLUMBIA GAS TRAN
8328424		4701702818		108		J N MARKEY #3	WEST UNION DISTRICT	24.0	COLUMBIA GAS TRAN
8328406		4707300939		107-DV		JIMMIE BRAMMER H-1057	UNION DISTRICT	18.0	COLUMBIA GAS TRAN
8328414		4708504483		107-DV		THOMAS R DAVIS H-854	GRANT DISTRICT	20.0	ROARING FORK GAS
8328415		4708504484		107-DV		THOMAS R DAVIS H-855	GRANT DISTRICT	20.0	ROARING FORK GAS
8328412		4708504998		107-DV		W H SHIELDS HEIRS H-1137	GRANT DISTRICT	0.0	CONSOLIDATED GAS
8328410		4710701190		107-DV		W VA INVESTMENT CORP H-1030	WALKER DISTRICT	18.0	CONSOLIDATED GAS
				RECEIVED:	03/21/83	JA: WV			
-KAISER ENERGY INC									
8328469		4705300299		107-DV		BARRY JOE BARNETTE KEM 9177	ELKWOOD	18.2	ROARING FORK GAS
8328472		4705300292		107-DV		CHARLIE PICKENS KEM 8175	ELKWOOD	18.2	ROARING FORK GAS
8328476		4703501706		107-DV		FRANK CRANFIELD KEM #174	ELK/POCA	18.2	ROARING FORK GAS
8328470		4705300299		107-DV		JAMES BARNETTE KEM #181	ELKWOOD	18.2	ROARING FORK GAS
8328474		4703501677		107-DV		JAMES SEXTON KEM #197	ELK/POCA	18.2	ROARING FORK GAS
8328473		4703501678		107-DV		K H ARGENTROUT KEM #154	ELK/POCA	18.2	ROARING FORK GAS
8328478		4705300239		107-DV		MALCOLM O'BRIEN KEM #183	ELKWOOD	18.2	ROARING FORK GAS
8328471		4705300293		107-DV		MARY SAYRE KEM #179	ELKWOOD	18.2	ROARING FORK GAS
8328477		4703501651		107-DV		MT AUTO PARTS KEM #152	ELK/POCA	18.2	ROARING FORK GAS
8328468		4703501652		107-DV		MT AUTO PARTS KEM #153	ELK/POCA	18.2	ROARING FORK GAS
8328475		4703501698		107-DV		STEVEN HYRE KEM #168	ELK/POCA	18.2	ROARING FORK GAS
-MEGA DRILLING FUND 79-2 LTD				RECEIVED:	03/21/83	JA: WV			
8328421		4701302980		108		EVERETT DYE H-790	SHERIDAN DISTRICT	18.0	CONSOLIDATED GAS
8328420		4708504458		108		HAROLD GOFF H-838	UNION DISTRICT	18.0	CONSOLIDATED GAS
8328422		4708504459		108		HAROLD GOFF H-889	UNION DISTRICT	18.0	CONSOLIDATED GAS
8328417		4708504460		108		HAROLD GOFF H-890	UNION DISTRICT	18.0	CONSOLIDATED GAS
8328419		4708504522		108		STEPHEN DOUGLAS H-946	MURPHY DISTRICT	20.0	CONSOLIDATED GAS
8328416		4708504523		108		STEPHEN DOUGLAS H-950	MURPHY DISTRICT	20.0	CONSOLIDATED GAS
				RECEIVED:	03/21/83	JA: WV			
-PENNZOIL COMPANY									
8328404		4708504080		108		W S GRUBB #1	UNION	8.2	CONSOLIDATED GAS
				RECEIVED:	03/21/83	JA: WV			
-V-H JOINT VENTURE									
8328423		4701702823		108		J N MARKEY H-1058	CENTRAL DISTRICT	24.0	COLUMBIA GAS TRAN
DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, ALBUQUERQUE,NM									
-AMOCO PRODUCTION CO				RECEIVED:	03/18/83	JA: NM 4			
8328331	NM-1541-82	3003921999		108		JICARILLA CONTRACT 148 #17	OTERA CHACRA	20.0	EL PASO NATURAL G
-CAMPBELL & HEDRICK				RECEIVED:	03/18/83	JA: NM 4			
8328330	NM-1510-82	3002527123		103		CAMPBELL & HEDRICK LOCKHART #3	PENROSE - SKELLY	24.0	GETTY OIL CO
-CHACE OIL COMPANY INC				RECEIVED:	03/18/83	JA: NM 4			
8328301	NM 1848-82	3003923023		103		JICARILLA 71-B	S LINDRITH GALLUP DAK	15.0	EL PASO NATURAL G
-CONOCO INC				RECEIVED:	03/18/83	JA: NM 4			
8328346	NM-1712-82	3002504307		108		REED B #14	NMFU - EUNICE MONUMEN	4.3	PHILLIPS PETROLEU
8328350	NM-1710-82	3002526983		103		SEMU EUMONT #11&Y	NMFU - EUMONT QUEEN G	17.0	EL PASO NATURAL G
8328323	NM-1711-82	3002500000		108		SHOLES B-19 #2	NMFU - JALMAT	8.5	EL PASO NATURAL G
-CONSOLIDATED OIL & GAS INC				RECEIVED:	03/18/83	JA: NM 4			
8328344	NM-1722-82	3004524321		108		CAIN #1-E	BASIN DAKOTA	13.0	SOUTHERN UNION GA
-DUGAN PRODUCTION CORP				RECEIVED:	03/18/83	JA: NM 4			
8328315	NM-1818-82	3004525123		103		JULY JUBILEE #2	UNDESIGNATED GALLUP	7.0	EL PASO NATURAL G
8328298	NM 1856-82	3003923048		103		SAPP C #3	LYBROOK GALLUP	6.0	MESA PETROLEUM CO
-EL PASO EXPLORATION CO				RECEIVED:	03/18/83	JA: NM 4			
8328285	NM 0295-82PB	3003921310		108-PB		JICARILLA 119 N #7A	BLANCO - MESAVERDE	18.0	NORTHWEST PIPELIN
-EL PASO NATURAL GAS COMPANY				RECEIVED:	03/18/83	JA: NM 4			
8328313	NM-1830-82	3004525423		103		GARTNER #10	BLANCO PICTURED CLIFF	70.0	EL PASO NATURAL G
8328321	NM-1801-82	3002500000		108		GREGORY FEDERAL A #1	JALMAT - YATES	20.0	EL PASO NATURAL G
8328305	NM-1826-82	3003922973		103		JICARILLA 67 #17	SOUTH BLANCO PICTURED	60.0	EL PASO NATURAL G
8328318	NM-1807-82	3003905797		108		JICARILLA 67 #5	BASIN - DAKOTA	19.6	EL PASO NATURAL G
8328322	NM-1802-82	3004510568		108		KELLY A #1	BLANCO - MESA VERDE	18.0	EL PASO NATURAL G
8328303	NM-1824-82	3003923028		103		LINDRITH UNIT #111	SOUTH BLANCO PICTURED	20.0	EL PASO NATURAL G
8328317	NM-1805-82	3003921975		108		RINCON UNIT #88 A	BLANCO - MESA VERDE	19.0	EL PASO NATURAL G
8328319	NM-1310-82	3001520406		103		ROCKY ARROYO #1	ROCKY ARROYO-WOLF	23.0	EL PASO NATURAL G
8328316	NM-1821-82	3003922994		103		SAN JUAN 27-4 UNIT #145	BLANCO MESAVERDE	130.0	EL PASO NATURAL G
8328304	NM-1825-82	3003922992		103		SAN JUAN 27-4 UNIT #146	BLANCO MESAVERDE	100.0	EL PASO NATURAL G
8328310	NM-1823-82	3003922991		103		SAN JUAN 27-4 UNIT #147	BLANCO MESAVERDE	80.0	EL PASO NATURAL G
8328309	NM 1822-82	3003923004		103		SAN JUAN 27-4 UNIT #149	BLANCO MESAVERDE	200.0	EL PASO NATURAL G

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
8328312	NM-1829-82	3003923031		103		SAN JUAN 27-4 UNIT #32
8328283	NM 0306-82PB	3003920901		108-PB		SAN JUAN 27-4 UNIT #35
8328282	NM 0305-82PB	3003920733		108-PB		SAN JUAN 27-4 UNIT #61
8328338	NM 0304-82PB	3003920732		108-PB		SAN JUAN 27-4 UNIT #62
8328286	NM 0301-82PB	3003920731		108-PB		SAN JUAN 27-4 UNIT #63
8328311	NM-1827-82	3003923052		103		SAN JUAN 27-5 UNIT #199
8328289	NM 0296-82PB	3003907141		108-PB		SAN JUAN 27-5 UNIT #2
8328293	NM 0292-82PB	3003906859		108-PB		SAN JUAN 27-5 UNIT #28 PC & MV
8328292	NM 0291-82PB	3003906786		108-PB		SAN JUAN 27-5 UNIT #35 PC & MV
8328295	NM 0283-82PB	3003907281		108-PB		SAN JUAN 28-4 UNIT #20
8328290	NM 0297-82PB	3003907449		108-PB		SAN JUAN 28-7 UNIT #21
8328285	NM 0300-82PB	3003907422		108-PB		SAN JUAN 28-7 UNIT #22
8328287	NM 0303-82PB	3003907875		108-PB		SAN JUAN 30-4 UNIT #11
8328294	NM 0183-82PB	3003907875		108-PB		SAN JUAN 30-4 UNIT #11
8328291	NM 0298-82PB	3003907109		108-PB		SJ 27-4 UNIT #28
8328284	NM 0299-82PB	3003907262		108-PB		SJ 286 UNIT #33
8328307	NM-1831-82	3004520762		108		STICKLE #1
-EXXON CORPORATION				RECEIVED:	03/18/83	JA: NM 4
8328320	NM-1800-82	3001524048		103		YATES FEDERAL "C" #2
-GULF OIL CORPORATION				RECEIVED:	03/18/83	JA: NM 4
8328329	NM-1704-82	3002522402		108		C E LAMUNYON #23
8328326	NM-1707-82	3002522553		108		C E LAMUNYON #38
8328325	NM-1706-82	3004506239		108		DOUTHIT FEDERAL #3
8328324	NM-1705-82	3001520709		108		HOLDER "CB" FED (NCT-A) #2
8328349	NM-1708-82	3004506218		108		SCOTT "E" FEDERAL #11
-JACK A COLE				RECEIVED:	03/18/83	JA: NM 4
8328314	NM-1816-82	3003923073		103		JACK A COLE MOBILE FEDERAL #1
-MERRION OIL & GAS CORP				RECEIVED:	03/18/83	JA: NM 4
8328347	NM-1718-82	3004320495		108		BADLAND FLATS #2
8328348	NM-1719-82	3004522686		108		CHACO #11
-MTS LTD PARTNERSHIP				RECEIVED:	03/18/83	JA: NM 4
8328340	NM-172382107	3000561688		102-2	107-TF	CHINA FEDERAL #13
-NORTHWEST PIPELINE CORPORATION				RECEIVED:	03/18/83	JA: NM 4
8328335	NM 0309-82PB	3003907971		108-PB		ROSA UNIT #22
8328334	NM 0308-82PB	3003921791		108-PB		SAN JUAN 30-5 #63
8328333	NM 0307-82PB	3003907907		108-PB		SAN JUAN 31-6 #14
8328336	NM 0310-82PB	3003907907		108-PB		SAN JUAN 31-6 #14
8328337	NM-1278-82	3004521289		108		SAN JUAN 32-7 UNIT 32
-SOUTHLAND ROYALTY CO				RECEIVED:	03/18/83	JA: NM 4
8328306	NM 1646-82-B	3003923054		103		LA JARA #1R
-TENNECO OIL COMPANY				RECEIVED:	03/18/83	JA: NM 4
8328300	NM 1268-82	3004525351		103		CHILDERS #3
8328308	NM-1828-82	3003929395		103		JICARILLA B 7E
8328299	NM 1267-82	3004525381		103		MUDGE COM B2E
8328342	NM 1790-82-A	3003922892		103		ROMERO COM 1
8328341	NM 1790-82-B	3003922892		103		ROMERO COM 1
-UNICOM PRODUCING CO				RECEIVED:	03/18/83	JA: NM 4
8328296	NM 1851-82-A	3004525056		103		ALBRIGHT 8-E
8328297	NM 1853-82	3004525195		103		CALVIN 2
8328302	NM 1850-82	3004524572		103		CONGRESS 9
8328327	NM-1557-82	3004524637		108		NEWSOM A-11
8328332	NM-1556-82	3004524440		108		NEWSOM A-24
8328328	NM-1561-82	3004524503		108		USA #2
-YATES PETROLEUM CORPORATION				RECEIVED:	03/18/83	JA: NM 4
8328345	NM-172382102	3000561312		102-2	107-TF	GODFREY "MP" FEDERAL #8
8328339	NM-172582107	3000561653		102-2	107-TF	MORTON "SZ" FEDERAL #2
-JUMAS OIL PART CORP				RECEIVED:	03/18/83	JA: OK 4
8328343	OKA-1720-82	3510720384		108		PHAROAH #2

[FR Doc. 83-10235 Filed 4-15-83; 8:45 am]

BILLING CODE 6717-01-C

FIELD NAME	PROD	PURCHASER
BLANCO MESAVERDE	150.0	EL PASO NATURAL G
TAPACITO PICTURED CLI	15.0	EL PASO NATURAL G
TAPACITO-PICTURED CLI	14.2	EL PASO NATURAL G
TAPACITO -PICTURED CL	5.0	EL PASO NATURAL G
TAPACITO - PICTURED C	16.0	EL PASO NATURAL G
TAPACITO PICTURED CLI	30.0	EL PASO NATURAL G
BLANCO-MESAVERDE GAS	12.0	EL PASO NATURAL G
TAPACITO - PICTURED C	18.0	EL PASO NATURAL G
SOUTH BLANCO PICTURED	18.0	EL PASO NATURAL G
BLANCO - MESA VERDE	15.0	EL PASO NATURAL G
BLANCO - MESAVERDE	20.0	EL PASO NATURAL G
BLANCO-MESA VERDE	22.0	EL PASO NATURAL G
EAST BLANCO - PICTURE	10.0	EL PASO NATURAL G
EAST BLANCO - PICTURE	10.0	EL PASO NATURAL G
BLANCO-MESAVERDE GAS	16.1	EL PASO NATURAL G
BLANCO-MESAVERDE GAS	8.8	EL PASO NATURAL G
BLANCO-PICTURED CLIFF	16.0	EL PASO NATURAL G
BURTON FLAT	269.0	
TEAGUE BLINEBRY	5.2	EL PASO NATURAL G
TEAGUE BLINEBRY	8.9	EL PASO NATURAL G
WEST KUTZ PICTURED CL	9.6	GAS CO OF NEW MEX
GRAYBURG JACKSON	9.0	PHILLIPS PETROLEU
BASIN DAKOTA	14.9	GAS CO OF NEW MEX
CHACON DAKOTA ASSOCIA	16.0	EL PASO NATURAL G
SOUTH BLANCO PICTURED	15.0	EL PASO NATURAL G
WAW/FRUITLAND PICTURE	15.0	EL PASO NATURAL
UNDESIGNATED ABO	720.0	
BLANCO	9.0	NORTHWEST PIPELIN
BLANCO PICTURED CLIFF	29.0	NORTHWEST PIPELIN
BLANCO MESAVERDE	0.0	EL PASO NATURAL G
BLANCO MESAVERDE	0.0	EL PASO NATURAL G
BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
GOBERNADOR	214.0	NORTHWEST PIPELIN
BASIN DAKOTA	500.0	EL PASO NATURAL G
UNDES CHACRA	500.0	
BASIN DAKOTA	500.0	EL PASO NATURAL G
UNDES MESAVERDE	500.0	EL PASO NATURAL G
UNDES CHACRA	500.0	EL PASO NATURAL G
BLANCO MESAVERDE	1290.0	EL PASO NATURAL G
WILDCAT GALLUP	219.0	SOUTHERN UNION GA
BLOOMFIELD CHACRA EXT	410.0	SOUTHERN UNION GA
BALLARD PICTURED CLIF	0.0	GAS CO OF NEW MEX
BALLARD PICTURED CLIF	6.9	GAS CO OF NEW MEX
BASIN DAKOTA	5.1	SOUTHERN UNION GA
PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE
UND PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE
LYONS-QUINN	4.4	PHILLIPS PETROLEU

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federal register

Monday
April 18, 1983

Part IV

Office of Management and Budget

Budget Rescissions and Deferrals; Cumulative Report

OFFICE OF MANAGEMENT AND BUDGET

Cumulative Report on Rescissions and Deferrals

April 1, 1983.

This report is submitted in fulfillment of the requirements of Section 1014(e) of the Impoundment Control Act of 1974 (Pub. L. 93–344). Section 1014(e) provides for a monthly report listing all budget authority for this fiscal year with respect to which, as of the first day of the month, a special message has been transmitted to the Congress.

This report gives the status as of April 1, 1983 of 20 rescission proposals and 70 deferrals contained in the first six special messages of FY 1983. These messages were transmitted to the Congress on October 1, and December 7, and 16, 1982, and January 5, February 1, and March 9, 1983.

Rescissions (Table A and Attachment A)

Twenty rescission proposals totaling $1,554 million are currently pending before the Congress. Table A summarizes the status of rescissions proposed by the President as of April 1, 1983, while Attachment A shows the history and status of each rescission proposed during FY 1983.

Deferrals (Table B and Attachment B)

As of April 1, 1983, $4,096.8 million in 1983 budget authority was being deferred from obligation and another $30 thousand in 1983 obligations was being deferred from expenditure. Attachment B shows the history and status of each deferral reported during FY 1983.

Information From Special Messages

The special messages containing information on the rescissions and the deferrals covered by the cumulative report are printed in the **Federal Registers** listed below:

Vol. 47, FR p. 44524, Thursday, October 7, 1982
Vol. 47, FR p. 55602, Friday, December 10, 1982
Vol. 47, FR p. 57230, Wednesday, December 22, 1982
Vol. 48, FR p. 1266, Tuesday, January 11, 1983
Vol. 48, FR p. 5474, Friday, February 4, 1983
Vol. 48, FR p. 11244, Wednesday, March 16, 1983

David A. Stockman,

Director.

BILLING CODE 3110-01-M

TABLE A

STATUS OF 1983 RESCISSIONS

	Amount (In millions of dollars)
Rescissions proposed by the President	$1,554.0
Accepted by the Congress	-0-
Rejected by the Congress	-0-
Pending before the Congress	$1,554.0

TABLE B

STATUS OF 1983 DEFERRALS

	Amount (In millions of dollars)*
Deferrals proposed by the President	$13,416.7
Routine Executive releases (-$5922.6 million) and adjustments ($570.3 million) through April 1, 1983	-5,352.3
Overturned by the Congress	-3,967.6
Currently before the Congress	$ 4,096.9 a

* Detail does not add to total due to rounding.

a. This amount includes $30 thousand in outlays for a Department of the Treasury deferral (D83-16B).

Attachments

ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1983 — AS OF 04/04/83 10:04

AS OF APRIL 1, 1983 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
FUNDS APPROPRIATED TO THE PRESIDENT							
Appalachian Regional Development Programs							
Appalachian Regional Development programs							
BA	R83- 2		15,133	2 1 83			
FUNDS APPROPRIATED TO THE PRESIDENT TOTAL BA			15,133				
DEPARTMENT OF AGRICULTURE							
Agricultural Research Service							
Buildings and facilities							
BA	R83- 3		1,927	2 1 83			
Soil Conservation Service							
Watershed and flood prevention operations							
BA	R83- 4		68,995	2 1 83			
Resource conservation and development							
BA	R83- 5		5,600	2 1 83			
Agricultural Cooperative Service							
Salaries and expenses							
BA	R83- 6		779	2 1 83			
DEPARTMENT OF AGRICULTURE TOTAL BA			77,301				
DEPARTMENT OF COMMERCE							
National Oceanic and Atmospheric Administration							
Construction							
BA	R83- 1		2,000	12 16 82		2,000	3 25 83
DEPARTMENT OF COMMERCE TOTAL BA			2,000			2,000	
DEPARTMENT OF EDUCATION							
Office of Elementary and Secondary Education							
Compensatory education for the disadvantaged							
BA	R83- 7		133,925	2 1 83			
School assistance in federally affected areas							
BA	R83- 8		5,000	2 1 83			
Special programs and populations							
BA	R83- 9		56,639	2 1 83			
Indian education							
BA	R83- 10		16,128	2 1 83			
Off. of Bilingual Educ. & Minority Lang. Affairs							
Bilingual eduation							
BA	R83- 11		43,523	2 1 83			
Office of Postsecondary Education							
Guaranteed student loans							
BA	R83- 12		900,000	2 1 83			
Higher and continuing education							
BA	R83- 13		68,941	2 1 83			

ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1983 AS OF 04/04/83 10:04

AS OF APRIL 1, 1983 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
Office of Educational Research and Improvement							
Educational research and statistics							
BA	R83- 14		6,225	2 1 83			
DEPARTMENT OF EDUCATION TOTAL BA			1,230,381				
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT							
Housing Programs							
Payments for oper. of low income housing proj.							
BA	R83- 15		69,000	2 1 83			
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TOTAL BA			69,000				
DEPARTMENT OF THE INTERIOR							
National Park Service							
Construction							
BA	R83- 16		63,600	2 1 83			
DEPARTMENT OF THE INTERIOR TOTAL BA			63,600				
DEPARTMENT OF TRANSPORTATION							
Federal Highway Administration							
Federal-aid highways (trust fund)							
BA	R83- 17		23,200	2 1 83			
Coast Guard							
Nat l recreat. boat. safety & facil. improv.							
BA	R83- 18		5,000	2 1 83			
DEPARTMENT OF TRANSPORTATION TOTAL BA			28,200				
OTHER INDEPENDENT AGENCIES							
Corporation for Public Broadcasting							
Public broadcasting fund							
BA	R83- 19		45,000a	2 1 83			
OTHER INDEPENDENT AGENCIES TOTAL BA			45,000				
OFF-BUDGET FEDERAL ENTITIES							
Department of Agriculture							
Rural telephone bank							
OA	R83- 20		23,400	2 1 83			
OFF-BUDGET FEDERAL ENTITIES TOTAL BA			23,400				
TOTAL BA			1,554,015			2,000	

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1983 AS OF 04/04/83 11:20

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 4-1-83
FUNDS APPROPRIATED TO THE PRESIDENT								
Appalachian Regional Development Programs								
Appalachian regional development programs								
BA	D83- 40	10,000		2 1 83				10,000
International Security Assistance								
Foreign military sales credit								
BA	D83- 21	165,000		12 7 82				
BA	D83- 21A		1,010,000	2 1 83	-300,000			875,000
Economic support fund								
BA	D83- 22	554,720		12 7 82				
BA	D83- 22A		1,347,130	2 1 83	-1,670,550		551,150	782,450
Military assistance								
BA	D83- 29	11,650		12 7 82				
BA	D83- 29A		221,350	2 1 83	-39,650		14,650	208,000
International Development Assistance								
Functional development assistance program								
BA	D83- 1	8,129		10 1 82	-8,129			
FUNDS APPROPRIATED TO THE PRESIDENT TOTAL BA		749,499	2,578,480		-2,018,329		565,800	1,875,450
DEPARTMENT OF AGRICULTURE								
Agricultural Stabilization & Conservation Service								
Dairy and beekeeper indemnity programs								
BA	D83- 36	7,000		1 5 83		-7,000		
Soil Conservation Sevice								
Watershed and flood prevention operations								
BA	D83- 41	10,329		2 1 83				10,329
Animal and Plant Health Inspection Service								
Salaries and expenses								
BA	D83- 34	2,134		12 16 82				
BA	D83- 34A		4,066	2 1 83				6,200
Forest Service								
National forest system								
BA	D83- 42	108,035		2 1 83				108,035
Timber salvage sales								
BA	D83- 2	10,002		10 1 82				
BA	D83- 2A		3,105	2 1 83				13,107
Expenses, brush disposal								
BA	D83- 3	44,575		10 1 82	-10,042		1,229	35,762
DEPARTMENT OF AGRICULTURE TOTAL BA		182,075	7,171		-10,042	-7,000	1,229	173,433
DEPARTMENT OF COMMERCE								
Economic Development Administration								
Economic development assistance programs								
BA	D83- 43	181,900		2 1 83		-181,900		
Economic development revolving fund								
BA	D83- 37	25,350		1 5 83	-25,350			
International Trade Administration								
Operations and administration								
BA	D83- 44	20,100		2 1 83		-20,100		
Participation in U S expositions								
BA	D83- 4	3,356		10 1 82	-571			2,785
National Oceanic and Atmospheric Administration								
Construction								
BA	D83- 45	3,000		2 1 83				3,000
Promote and develop fishery products and research								
BA	D83- 5	30,619		10 1 82	-30,619			

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1983 AS OF 04/04/83 11:20

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 4-1-83
National Bureau of Standards								
Scientific & technical research & services								
BA	D83- 38	6,500		1 5 83				6,500
DEPARTMENT OF COMMERCE TOTAL BA		270,825			-56,540	-202,000		12,285
DEPARTMENT OF DEFENSE-MILITARY								
Procurement								
Shipbuilding and conversion, Navy								
BA	D83- 46	2,400,000		2 1 83	-2,400,000			
Military Construction								
Military construction, all services								
BA	D83- 6	64,063		10 1 82				
BA	D83- 6A		1,166,415	12 7 82	-784,178			446,300
Family Housing, Defense								
Family housing, Defense								
BA	D83- 23	161,640		12 7 82	-58,370			103,270
DEPARTMENT OF DEFENSE-MILITARY TOTAL BA		2,625,703	1,166,415		-3,242,548			549,570
DEPARTMENT OF DEFENSE-CIVIL								
Corps of Engineers								
Construction, general								
BA	D83- 47	180,000		2 1 83				180,000
Wildlife Conservation, Military Reservations								
Wildlife conservation								
BA	D83- 7	1,061		10 1 82	-6		-50a	1,005
DEPARTMENT OF DEFENSE-CIVIL TOTAL BA		181,061			-6		-50	181,005
DEPARTMENT OF ENERGY								
Atomic Energy Defense Activities								
Atomic energy defense activities								
BA	D83- 70	50,000		3 9 83				50,000
Energy Programs								
Energy supply R&D-plant and capital equip.								
BA	D83- 48	91,107		2 1 83	-28,595			62,512
Fossil energy research and development								
BA	D83- 8	20,136		10 1 82				
BA	D83- 8A			b 2 1 83	-15,136			5,000
Fossil energy construction								
BA	D83- 49	20,000		2 1 83				20,000
Energy conservation								
BA	D83- 24	22,803		12 7 82	-22,803			
Strategic Petroleum Reserve								
BA	D83- 50	57,400		2 1 83		-57,400		
Departmental Administration								
Depart. admin., operating expenses								
BA	D83- 51	21,767		2 1 83	-2,000			19,767
Depart. admin., plant & capital equipment								
BA	D83- 52	12,693		2 1 83				12,693
DEPARTMENT OF ENERGY TOTAL BA		295,906			-68,534	-57,400		169,972

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1983 — AS OF 04/04/83 11:20

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 4-1-83
DEPARTMENT OF HEALTH AND HUMAN SERVICES								
Alcohol, Drug Abuse & Mental Health Administration								
Construction & renovation, St. Elizabeths Hospital								
BA	D83- 9	9,714		10 1 82				9,714
Office of Assistant Secretary for Health								
Special foreign currency program								
BA	D83- 10	6,420		10 1 82				6,420
Social Security Administration								
Limitation on administrative expenses								
BA	D83- 53	9,633		2 1 83				9,633
DEPARTMENT OF HEALTH AND HUMAN SERVICES TOTAL BA		25,767						25,767
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT								
Housing Programs								
Subsidized housing programs								
BA	D83- 54	3,081,153		2 1 83		-3,081,153		
Payments for operation of low income housing								
BA	D83- 30	150,000		12 7 82	-150,000			
Community Planning and Development								
Community development grants								
BA	D83- 31	221,000		12 7 82	-221,000			
Urban development action grants								
BA	D83- 32	234,000		12 7 82				
BA	D83- 32A		10,000	1 5 83		-244,000		
Urban homesteading								
BA	D83- 33	8,000		12 7 82	-8,000			
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TOTAL BA		3,694,153	10,000		-379,000	-3,325,153		
DEPARTMENT OF THE INTERIOR								
Office of Water Research & Technology								
Salaries and expenses								
BA	D83- 25	2,545		12 7 82	-2,545			
National Park Service								
Land acquisition and state assistance								
BA	D83- 11	30,000		10 1 82				
BA	D83- 11A		3,000	2 1 83				33,000
Minerals Management Service								
Payments from proceeds, sale of water								
BA	D83- 39	48		1 5 83				48
Office of Territorial Affairs								
Administration of territories								
BA	D83- 55	3,188		2 1 83				3,188
DEPARTMENT OF THE INTERIOR TOTAL BA		35,781	3,000		-2,545			36,236
DEPARTMENT OF JUSTICE								
Interagency Law Enforcement								
Organized crime drug enforcement								
BA	D83- 56	13,656		2 1 83				13,656
Federal Prison System								
Buildings and facilities								
BA	D83- 35	16,330		12 16 82				16,330
DEPARTMENT OF JUSTICE TOTAL BA		29,986						29,986

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1983 AS OF 04/04/83 11:20

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 4-1-83
DEPARTMENT OF STATE								
International Organizations and Conferences								
Contributions to international organizations								
BA	D83- 57	8,111		2 1 83				8,111
Other								
Emergency refugee and migration assistance fund								
BA	D83- 12	37,692		10 1 82			-1,844a	35,848
U.S. bilateral science and technology agreements								
BA	D83- 58	2,000		2 1 83				2,000
DEPARTMENT OF STATE TOTAL BA		47,803					-1,844	45,959
DEPARTMENT OF TRANSPORTATION								
Urban Mass Transportation Administration								
Urban mass capital fund								
BA	D83- 59	229,000		2 1 83		-229,000		
Federal Aviation Administration								
Construction, Metropolitan Washington Airports								
BA	D83- 59	500		2 1 83				500
Civil supersonic aircraft development termination								
BA	D83- 13	46		10 1 82				46
Facilities & equip. (Airport & airway trust fund)								
BA	D83- 14	158,485		10 1 82				
ea	D83- 14A		566,751	2 1 83				725,236
Coast Guard								
Natl recreat. boat. safety & facil. improv.								
BA	D83- 61	40,000		2 1 83				40,000
DEPARTMENT OF TRANSPORTATION TOTAL BA		428,031	566,751			-229,000		765,782
DEPARTMENT OF THE TREASURY								
Office of Revenue Sharing								
State and local government fiscal assistance fund								
BA	D83- 15	106,474		10 1 82				
BA	D83- 15A		305	12 7 82	-1,820		273	105,232
0	D83- 16	7,909		10 1 82				
0	D83- 16A		6,537	12 7 82				
0	D83- 16B		1,498	3 9 83	-20,761		4,847	30
Federal Law Enforcement Training Center								
Construction								
BA	D83- 17	3,078		10 1 82				3,078
DEPARTMENT OF THE TREASURY TOTAL BA		109,552	305		-1,820		273	108,310
TOTAL 0		7,909	8,035		-20,761		4,847	30
NATIONAL AERONAUTICS & SPACE ADMINISTRATION								
Research and development								
BA	D83- 26	34,500		12 7 82				34,500
VETERANS ADMINISTRATION								
Construction, major projects								
BA	D83- 27	4,000		12 7 82				4,000

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1983 — AS OF 04/04/83 11:20

AMOUNTS IN THOUSANDS OF DOLLARS — AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 4-1-83
OTHER INDEPENDENT AGENCIES								
District of Columbia								
Loans to DC for capital investment								
BA	D83- 18	38,832		10 1 82	-38,832			
Interstate Commission on the Potomac River Basin								
Contrib. to Interst. Comm. on Potomac Riv. Basin								
BA	D83- 28	12		12 7 82	-12			
Pennsylvania Avenue Development Corporation								
Land acquisition and development fund								
BA	D83- 19	17,849		10 1 82				
BA	D83- 19A		4,409	12 16 82				22,358
Railroad Retirement Board								
Milwaukee railroad restructuring, administration								
BA	D83- 20	240		10 1 82				
BA	D83- 20A		250	2 1 83				490
Small Business Administration								
Business loan and investment fund								
BA	D83- 62	143,000		2 1 83		-143,000		
Surety bond guarantees revolving fund								
BA	D83- 63	3,000		2 1 83		-3,000		
Pollu. cont. equip. contract guar. revolv.								
BA	D83- 64	1,000		2 1 83		-1,000		
Motor Carrier Ratemaking Study Commission								
Salaries and Expenses								
BA	D83- 65	282		2 1 83				282
Tennessee Valley Authority								
Tennessee Valley Authority fund								
BA	D83- 66	47,271		2 1 83				47,271
United States Information Agency								
Salaries and expenses (spec. for. curr. prog.)								
BA	D83- 67	1,344		2 1 83				1,344
Acquis. and construction of radio facilities								
BA	D83- 68	12,437		2 1 83				12,437
United States Railway Association								
Payments for purchase of Conrail securities								
BA	D83- 69	84,000		2 1 83	-83,600			400
OTHER INDEPENDENT AGENCIES TOTAL BA		348,367	4,659		-122,444	-147,000		84,582
TOTAL BA		9,064,009	4,336,781		-5,901,809	-3,967,853	865,408	4,096,837
TOTAL O		7,909	8,035		-20,761		4,847	30

a. This adjustment is being made to reflect actual unobligated balances available on October 1, 1982. All unobligated balances are being withheld from obligation.

b. This revision is a technical adjustment that did not increase the amount deferred.

END OF REPORT

[FR Doc. 83-10328 Filed 4-15-83; 8:45 am]
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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.) Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Monday	Tuesday	Wednesday	Thursday	Friday
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DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
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DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

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Presidential Documents

Title 3—

The President

Proclamation 5050 of April 15, 1983

Temporary Duty Increase and Tariff-Rate Quota on the Importation Into the United States of Certain Heavyweight Motorcycles

By the President of the United States of America

A Proclamation

1. Pursuant to section 201(d)(1) of the Trade Act of 1974 (the Trade Act) (19 U.S.C. 2251(d)(1)), as amended, the United States International Trade Commission (USITC) on February 1, 1983, reported to the President the results of its Investigation No. TA–201–47 under section 201(b) of the Trade Act (19 U.S.C. 2251(b)). The USITC determined that motorcycles having engines with total piston displacement over 700 cubic centimeters, provided for in item 692.50 of the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202), are being imported into the United States in such increased quantities as to be a substantial cause of the threat of serious injury to the domestic industry producing articles like or directly competitive with the imported articles. The USITC recommended the imposition of additional ad valorem duties on imports of such motorcycles of: 45 percent in the first year, 35 percent in the second year, 20 percent in the third year, 15 percent in the fourth year, and 10 percent in the fifth year.

2. On April 1, 1983, pursuant to section 202(b)(1) of the Trade Act (19 U.S.C. 2252(b)(1)), and after taking into account the considerations specified in section 202(c) of the Trade Act (19 U.S.C. 2252(c)), I determined to impose the additional duties recommended by the USITC, but with tariff-rate quotas to assure small volume producers which have not contributed to the threat of injury continued access to the United States market. In order to treat Japan fairly, I determined to provide a tariff-rate quota also for articles from Japan. On April 1, 1983, in accordance with section 203(b)(1) of the Trade Act (19 U.S.C. 2253(b)(1)), I transmitted a report to the Congress setting forth the action I determined to take and the reason it differed from the action recommended by the USITC.

3. Section 503(c)(2) of the Trade Act (19 U.S.C. 2463(c)(2)) provides that no article shall be an eligible article for purposes of the Generalized System of Preferences (GSP) for any period during which such article is the subject of any action proclaimed pursuant to section 203 of the Trade Act (19 U.S.C. 2253).

4. Section 203(e)(1) of the Trade Act (19 U.S.C. 2253(e)(1)) requires that import relief be proclaimed and take effect within 15 days after the import relief determination date.

5. Pursuant to sections 203(a)(1), 203(e)(1), and 503(c)(2) of the Trade Act (19 U.S.C. 2253(a)(1), 2253(e)(1), and 2463(c)(2)), I am providing import relief through the temporary increase of import duties imposed in the form of tariff-rate quotas, and the suspension of GSP treatment, on certain motorcycles, as hereinafter proclaimed.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes of the United States, including General Headnote 4 of the TSUS, sections 203, 503, and 604 of the Trade Act (19 U.S.C. 2253, 2463, and 2483), and

in accordance with Article XIX of the General Agreement on Tariffs and Trade (GATT) (61 Stat. (pt. 5) A58; 8 UST (pt. 2) 1786), do proclaim that—

(1) Part I of Schedule XX to the GATT is modified to conform to the action taken in Annex I to this proclamation.

(2) Subpart B, part 6 of schedule 6 and subpart A, part 2 of the Appendix to the TSUS are modified as set forth in Annex I to this proclamation.

(3)(a) Annex II of Executive Order No. 11888 of November 24, 1975, as amended, listing articles that are eligible for benefits of the GSP when imported from any designated beneficiary developing country, is amended by deleting item 692.50 and substituting item 692.53, as added by Annex I to this proclamation, in lieu thereof.

(b) In order to restore GSP treatment for the motorcycles subject to import relief, Annex II of Executive Order No. 11888 of November 24, 1975, as amended, is further amended by inserting in numerical sequence item 692.52, as added by Annex I of this proclamation, effective upon the termination of the import relief proclaimed herein or of any period of extension of such relief.

(4) In order to provide staged reductions in the rates of duty for those new TSUS items created by Annex I(b) to this proclamation, Annex III to Presidential Proclamation 4707 of December 11, 1979, as amended, is further amended by Annex II to this proclamation, attached hereto and made a part thereof.

(5) Whenever the column 1 rate of duty in the TSUS for any item specified in Annex I(b) to this proclamation is reduced to the same level as, or to a lower level than, the corresponding rate of duty inserted in the column entitled "LDDC" by Annex I(b) of this proclamation, the rate of duty in the column entitled "LDDC" for such item shall be deleted from the TSUS.

(6) With the exception of paragraph (3)(b), this proclamation shall be effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after April 16, 1983, and before the close of April 15, 1988, unless the period of its effectiveness is earlier expressly modified or terminated.

(7) The Commissioner of Customs shall take such action as the United States Trade Representative shall direct in the implementation and administration of the import relief herein proclaimed.

IN WITNESS WHEREOF, I have hereunto set my hand this 15th day of April, in the year of our Lord nineteen hundred and eighty-three, and of the Independence of the United States of America the two hundred and seventh.

Ronald Reagan

Billing code 3195-01-M

ANNEX I

(a) Subpart A, part 2 of the Appendix to the TSUS is modified--

(1) by adding in numerical sequence the following new headnote 9:

"9. Tariff-rate quota as to certain motorcycles; United States International Trade Commission (USITC) surveys on such motorcycles.--The provisions of this headnote apply to item 924.20 of this subpart and shall remain in effect through April 15,1988.

(a) The additional duties on motorcycles shall be assessed on each motorcycle imported in excess of the number of motorcycles provided for each of the following countries in any year from April 16 to April 15, inclusive, as set forth in this table:

Restraint period	Quota quantity		
	Federal Republic of Germany	Japan	All other foreign countries
April 16, 1983 through April 15, 1984.....	5,000	6,000	4,000
April 16, 1984 through April 15, 1985.....	6,000	7,000	5,000
April 16, 1985 through April 15, 1986.....	7,000	8,000	6,000
April 16, 1986 through April 15, 1987.....	8,500	9,000	7,000
April 16, 1987 through April 15, 1988.....	10,000	10,000	8,000

(b) The USITC shall conduct surveys with respect to the motorcycles subject to temporary duty increases as follows:

(1) Quarterly.--Surveys by calendar quarter to obtain monthly data on U.S. production, U.S. producers' sales, shipments and inventories, U.S. importers' sales and inventories, imports for consumption, dealers' inventories, U.S. exports, employment, employee-hours, wages, prices, and apparent U.S. consumption. The initial survey shall cover the last quarter of 1982 and the first and second quarters of 1983; the last such survey shall cover the quarter which ends not less than 60 days prior to the termination of the import relief. The results of these surveys shall be published within 60 days of the end of the quarter.

(2) Annually.--Annual surveys to obtain from domestic producers data by calendar quarter on profits, unfilled orders, and inventories, annual data on capital expenditures and capacity, and a summary on an annual basis of action taken to adjust to imports and of progress in the adjustment program; and to obtain from importers data by calendar quarter on prices, unfilled orders, and inventories. The initial survey shall cover calendar year 1983, and subsequent surveys shall cover calendar years beginning with 1984. The results of each such survey shall be published by the end of the first quarter of each year thereafter so long as the import relief is in effect."

(2) by inserting in numerical sequence the following new item and rates of duty:

Item	Articles	Rates of duty 1 Effective on or after April 16, 1983	1984	1985	1986	1987	2
"924.20	Motorcycles provided for in item 692.52 having engines with total piston displacement over 700 cubic centimeters, imported in excess of the quota quantities specified in headnote 9 to this subpart...	The rate provided for in item 692.52 + 45% ad val.	The rate provided for in item 692.52 + 35% ad val.	The rate provided for in item 692.52 + 20% ad val.	The rate provided for in item 692.52 + 15% ad val.	The rate provided for in item 692.52 + 10% ad val.	The rate provided for in item 692.52, but not less than the rate which would have applied had the imported article been subject to the applicable column 1 rate of duty provided herein for this item"

(b) Subpart B, part 6, schedule 6 of the TSUS is modified by deleting item 692.50 and by inserting in lieu thereof the following:

	[Motorcycles...:]				
	"Motorcycles:				
692.52	Having engines with total piston displacement over 700 cubic centimeters..	4.4% ad val.	3.7% ad val.	10% ad val.	
692.53	Other.....	4.4% ad val.	3.7% ad val.	10% ad val."	

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ANNEX II

ANNEX II

Annex III to Presidential Proclamation 4707 of December 11, 1979, is amended by deleting from Section A of that Annex TSUS item number 692.50 with its corresponding rates of duty and by inserting the following TSUS item numbers, rates of duty, and footnotes therein:

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty 1/, effective with respect to articles entered on and after January 1--							
		1980	1981	1982	1983	1984	1985	1986	1987
692.50 4/	5% ad val.	4.8%	4.7%	4.5%	4.4% 4/	4/	4/	4/	4/
692.52 4/	4/	4/	4/	4/	4.4% 4/	4.2%	4%	3.9%	3.7%
692.53 4/	4/	4/	4/	4/	4.4% 4/	4.2%	4%	3.9%	3.7%

4/ Item 692.50 is discontinued and superseded by items 692.52 and 692.53 effective April 16, 1983.

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Presidential Documents

Proclamation 5051 of April 15, 1983

National Mental Health Week, 1983

By the President of the United States of America

A Proclamation

Mental illness costs this Nation more than $50 billion a year and contributes to declining productivity and rising health costs. Approximately 35 million people a year suffer from a diagnosable mental disorder. In addition, millions more seek professional assistance to alleviate the physical and emotional problems created by excessive stress.

These facts and figures, however, cannot describe the high cost in human suffering from mental illness. Incapacitation—most often temporary but permanent for some—may result from severe depression, crippling anxieties, or other manifestations of mental disorders. Yet public fear and misunderstanding of their illnesses place additional burdens on the afflicted and their families.

It is important that the public understand that major advancements brought about by science have made mental illnesses and stress-related disorders greatly amenable to treatment. New technologies have added significantly to the numbers of patients who have improved or recovered following treatment and promise further advances.

In recognition of the importance for our Nation of the treatment, care and support for the mentally ill provided by health professionals, volunteers, and family members, the Congress, by Senate Joint Resolution 52, has authorized and requested the President to issue a proclamation designating the week of April 10 through April 16, 1983, as National Mental Health Week.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate the week beginning on April 10, 1983, as National Mental Health Week. I call upon health professionals, educators, communications media, the business community, individuals, and public and private organizations concerned with the welfare of their fellow citizens to seek and encourage better understanding of mental disorders and to honor those whose studies, treatment, and support have brought palpable gains and welcome hope to the mentally ill.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of April, in the year of our Lord nineteen hundred and eighty-three, and of the Independence of the United States of America the two hundred and seventh.

Ronald Reagan

[FR Doc. 83-10544
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Presidential Documents

Proclamation 5052 of April 15, 1983

Law Day U.S.A., 1983

By the President of the United States of America

A Proclamation

Our Founding Fathers were guided by a belief in the dignity of the individual when they framed our system of government. The Constitution and the Bill of Rights guarantee the blessings of liberty to all, regardless of race, religion, or national origin. These cherished documents bequeath to all Americans the right to equal justice under law and the means to safeguard this right through the legal system.

Today marks our Nation's twenty-sixth annual celebration of Law Day, a day set aside for all Americans to reflect on our legal heritage, the rights we enjoy under our democracy, and the role of law in our society. The theme of this year's Law Day observance is "Sharing in Justice," highlighting both the rights and the responsibilities of each citizen as a participant in shaping and protecting our laws and system of justice.

Each new generation of Americans inherits as a birthright the legal protections secured, protected, and expanded by the vigilance and sacrifice of preceding generations. These rights—freedom of speech, trial by jury, personal liberty, a representative and limited government, and equal protection of the laws, to name but a few—give every citizen a vested interest in American justice.

Active participation in our system serves to protect these interests and preserve them for future generations. It is participation that begins in our own neighborhoods, at town meetings, and during open sessions of city government. Meaningful sharing and participation in our system of justice must start where one is affected most: close to home. This is the basis and strength of our Federal system. Sharing in justice also means working for objectives within the legal system, voting thoughtfully and intelligently, expressing views to our elected representatives, serving as jurors, and volunteering to make our neighborhoods, schools, and communities better places for all. The continuous involvement of the people with all levels of government makes our system of justice work.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, in accordance with Public Law 87–20 of April 7, 1961, do hereby proclaim Sunday, May 1, 1983, as Law Day U.S.A., and I invite the American people to observe this event with programs emphasizing the need for each citizen to share and participate in our system of justice.

I call upon the legal profession, schools, civic, service, and fraternal organizations, public bodies, libraries, the courts, all media of public information,

business, the clergy, and all interested individuals and organizations to focus attention on our Nation's dedication to justice. I also call upon all public officials to display the flag of the United States on all government buildings open on Law Day, May 1, 1983.

IN WITNESS WHEREOF, I have hereunto set my hand this 15th day of April, in the year of our Lord nineteen hundred and eighty-three, and of the Independence of the United States of America the two hundred and seventh.

Ronald Reagan

[FR Doc. 83-10545
Filed 4-15-83; 4:33 pm]
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Rules and Regulations

Federal Register
Vol. 48, No. 76
Tuesday, April 19, 1983

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

Standards for Determining Whether License Amendments Involve No Significant Hazards Considerations

Correction

In FR Doc. 83-9052 beginning on page 14864 in the issue of Wednesday, April 6, 1983, make the following correction on page 14871: In the second column, 19th line from the bottom of the page, insert "and" between "comment" and "may".

BILLING CODE 1505-01

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Part 4

[Docket 83-17]

Description of Office Procedures, Public Information

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Final rule.

SUMMARY: The Office of the Comptroller of the Currency (Office) is altering the organizational structure and geographic boundaries of its field offices and changing its office management structure. Administrative functions for the present 12 regional offices will be consolidated into 6 District offices. The consolidation of administrative functions in fewer offices will allow the reallocation of staff to bank supervisory activities. Additionally, 23 bank supervisory field offices will be established throughout the country. The changes are necessary to assist the Office in better positioning itself to address significant changes in the banking industry. The reorganization will permit more sophisticated bank monitoring and enhance the Office's supervisory techniques.

DATE: Effective date: April 19, 1983.

The entire reorganization will take place over an 18-month period beginning January 1, 1983. Each district reorganization is expected to be completed as follows:

(1) Central District, October 31, 1983
(2) Midwestern District, October 31, 1983
(3) Western District, January 31, 1984
(4) Southwestern District, January 31, 1984
(5) Northeastern District, May 31, 1984
(6) Southeastern District, May 31, 1984

FOR FURTHER INFORMATION CONTACT: Roberta J. Wagner, National Bank Examiner, Operations Analysis Division, (202) 287-4495, Office of the Comptroller of the Currency, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20219.

SUPPLEMENTARY INFORMATION: The Office of the Comptroller of the Currency (Office) has recognized the need to anticipate significant changes in the financial services marketplace. The Office's Strategic Plan for the 1980's was formulated to establish the direction the Office must take to respond to this new environment. The Strategic Plan and the dynamic environment prompted an Office reorganization. The organizational changes detailed in this final rule ensure the best and most efficient use of personnel and strengthen the Office's ability to supervise the national banking system.

The present regional office structure of the Office will be reorganized into six district offices with headquarters in New York, New York; San Francisco, California; Chicago, Illinois; Dallas, Texas; Atlanta, Georgia; and Kansas City, Missouri. The corresponding geographic areas will be designated as the Northeastern, Western, Central, Southwestern, Southeastern, and Midwestern Districts, respectively. The district offices will perform administrative functions similar to those carried out previously in the regional offices. Also, permanently staffed field offices will be established in 23 cities including former regional office cities. The staff of these field offices will have substantial bank supervisory responsibility and will also serve as a liaison between the Office and the banking community.

Administration in the new district office will be significantly different from the present regional management structure. Each district will be headed by two senior executives—a Deputy Comptroller and a District Administrator. The Deputy Comptroller will function as the chief executive officer of a district and primarily contribute to Office policy development. The District Administrator will direct the day-to-day operation of the district. In addition, the district office structure will include a District Counsel, Directors for Administration, Bank Supervision, Analysis, and Field Office Directors.

The transition to this office structure will necessitate the phasing in of title and position changes. During the transition period, the position of Deputy Comptroller for a district will replace the position of Regional Administrator. It is the Office's intention that this transition be orderly and that no unnecessary regulation be written to cover the transition period. All delegations of authority pertaining to a Deputy Comptroller for a district shall be construed to apply to Regional Administrators until a region is merged into the newly formed district. National banks in the affected areas and other interested parties will be notified as changes occur.

Office restructuring began January 1, 1983. As of that date, regional offices in New York, San Francisco, Chicago, Dallas, Atlanta and Kansas City were designated as district offices.

Notice and Comment

The Office has determined that Notice and Comment are unnecessary under 5 U.S.C. 553(b)(A) since this rulemaking pertains to rules of agency organization and procedure.

Special Analyses

A Regulatory Flexibility Analysis is required only for rules issued for notice and comment. Because this amendment is exempt from notice-and-comment procedures, no Regulatory Flexibility Analysis will be prepared.

Section 1(a)(3) of Executive Order 12291 exempts from coverage regulations related to agency organization, management, or personnel. Since this amendment can be so

classified, no Regulatory Impact Analysis is required.

List of Subjects in 12 CFR Part 4

National banks, Organization and functions (government agencies), Public information, Official forms, District Offices, Field Offices, Procedures.

PART 4—DESCRIPTION OF OFFICE PROCEDURES, PUBLIC INFORMATION

For the reasons given in the preamble, 12 CFR Part 4 is amended as follows:

1. The authority citation for 12 CFR Part 4 reads as follows:

Authority: 12 U.S.C. 1 *et seq.*, 5 U.S.C. 552, unless otherwise noted.

2. Section 4.1a is amended by revising paragraphs (a)(6), (b) and (c) to read as follows:

§ 4.1a Central and field organization; delegations.

(a) * * *

(6) *Chief Counsel.* The Chief Counsel serves as the chief legal officer for the Office and is responsible for advising the Comptroller on all legal matters concerning the functions, activities, and operations of the Office and of all national banks. The Chief Counsel is head of the Washington Law Department and supervises the District Counsel in each of the six district offices.

* * * * *

(b) *Field Offices.* (1) During the transition period, six districts and six regions cover the United States, Puerto Rico, the Virgin Islands, Guam and the Northern Mariana Islands. The office address and the geographic composition of each follow:

District (headquarters office)	Area within district	Office address	Effective date
Northeastern (New York)	Delaware, New Jersey, New York, Pennsylvania, Puerto Rico, Vermont, Virgin Islands.	211 Avenue of the Americas, Suite 4250, New York, New York 10036	Jan.1, 1983.
Western (San Francisco)	Alaska, California, Guam, Hawaii, Idaho, Montana, Nevada, Northern Mariana Islands, Oregon, Washington.	One Market Plaza, Steuart Street Tower, Suite 2101, San Francisco, CA 94105.	Jan.1, 1983.
Central (Chicago)	Illinois, Michigan	Sears Tower, Suite 5750, 233 South Wacker Drive, Chicago, Illinois 60606.	Jan.1, 1983.
Southwestern (Dallas)	Oklahoma, Texas	1201 Elm Street, Suite 3800, Dallas, Texas 75270	Jan.1, 1983.
Southeastern (Atlanta)	Florida, Georgia, South Carolina	Peachtree Cain Tower, Suite 2700, 229 Peachtree Street, N.E., Atlanta, Georgia 30303.	Jan.1, 1983.
Midwestern (Kansas City)	Iwoa, Kansas, Missouri, Nebraska	911 Main Street, Suite 2616, Kansas City, Missouri 64105	Jan.1, 1983.

Present region	Area within region	Regional office address	Target date (future district)
Memphis Region	Alabama, Mississippi	165 Madison Avenue, Suite 800, Memphis, Tennessee 38103.	June 30, 1983 (Southeastern District).
Cleveland Region	Arkansas, Louisiana	do	Aug. 31, 1983 (Southwestern District).
Minneapolis Region	Indiana, Ohio, Kentucky	One Eneview Plaza, Cleveland, Ohio 44114	Aug. 31, 1983 (Central District).
Denver Region	Wisconsin and Upper Michigan	800 Marquette Avenue, Suite 1100, Minneapolis, Minnesota 55402.	Oct. 31, 1983 (Central District).
Boston Region	Minnesota, North Dakota, South Dakota	do	Oct. 31, 1983 (Midwestern District).
Richmond Region	New Mexico	1405 Curtis Street, Suite 3000, Denver, Colorado 80202.	Jan. 31, 1983 (Southwestern District).
	Arizona, Colorado, Wyoming, Utah	do	Jan. 31, 1983 (Western District).
	Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island.	Harbor Plaza, 8th Floor, 470 Atlantic Avenue, Boston, Massachusetts 02110.	Mar. 31, 1984 (Northeastern District).
	Maryland & the District of Columbia	F & M Center, Suite 21-61, Richmond, Virginia 23277.	May 31, 1984 (Northeastern District).
	North Carolina, Virginia, West Virginia	do	May 31, 1984 (Southeastern District).

(2) The Deputy Comptroller for a district is the chief executive officer and manager of the district and contributes to the policy development of the Office of the Comptroller of the Currency. The Deputy Comptroller of the district is assisted by a District Administrator who directs, on a day-to-day basis, the implementation of programs and policies regarding supervision and regulation of national banks. The district office structure also includes a District Counsel and various support personnel.

(c) *Delegations.* The Comptroller of the Currency has delegated to the Deputy Comptroller for each district, when the Deputy Comptroller is the senior official in the geographic area, authority to approve or disapprove for those states within that geographic area:

(1) Capital increases through stock dividends or sales of additional common stock,

(2) Changes in par value of common stock,

(3) Cash dividends pursuant to 12 U.S.C. 60 (b),

(4) Increases in investment in bank buildings and other fixed assets,

(5) Establishment of de novo operating subsidiaries for activities previously approved by the Comptroller.

When the Regional Administrator is the senior official in the geographic area, the Regional Administrator will exercise the authority delegated to the Deputy Comptroller under this subsection for those states within that geographic area.

Dated: March 22, 1983.

C. T. Conover,

Comptroller of the Currency.

[FR Doc. 83-9976 Filed 4-18-83: 8:45 am]

BILLING CODE 4810-33-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1206

Availability of Agency Records to Members of the Public

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule.

SUMMARY: 14 CFR Part 1206 is amended by revising paragraph (b) in § 1206.503 to reflect the current organizational setting. "Director of Headquarters Administration to a Public Affairs Officer designated by the Director, Public Affairs Division and to the Manager or his/her designee, NASA Resident Procurement Office—JPL" is changed to read "Director, Headquarters Administration Division, to the Director, Management Support Division, Office of External Relations, and to the Manager

or designee, NASA Resident Office—JPL." Since this revision involves only agency organization and management procedures, no public comment period is required.

EFFECTIVE DATE: April 19, 1983.

ADDRESS: Management Support Division, Office of External Relations, NASA Headquarters, Washington, D.C. 20546.

FOR FURTHER INFORMATION CONTACT: Charles H. Carter, (202) 755–8439.

List of Subjects in 14 CFR Part 1206

Information, Freedom of information.

PART 1206—AVAILABILITY OF AGENCY RECORDS TO MEMBERS OF THE PUBLIC

For reasons set out in the Preamble, paragraph (b) in § 1206.503 is revised to read as follows:

§ 1206.503 NASA Headquarters.

* * * * *

(b) The functions set forth in paragraphs (a) (2) and (3) of this section may be delegated by the Director, Headquarters Administration Division, to the Director, Management Support Division, Office of External Relations, who may redelegate this responsibility to a subordinate.

James M. Beggs,

Administrator.

[FR Doc. 83–10274 Filed 4–18–83; 8:45 am]

BILLING CODE 7510–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 2, 4, 5, 16 and 131

[Docket No. RM80–39–000]

Regulations Governing Application for License for Major Unconstructed Projects and Major Modified Projects; Application for License for Transmission Lines Only; and Application for Amendment to License

Issued: April 8, 1983.

AGENCY: Federal Energy Regulatory Commission DOE.

ACTION: Order Granting Rehearing in Part and Denying Rehearing in Part.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is issuing an order that grants in part and denies in part a petition for rehearing of the final rule that consolidates and simplifies the requirements for certain hydroelectric project applications. These applications are for major unconstructed project licenses, major modified project licenses, transmission line only licenses, and amendments to licenses.

For reasons detailed in the rehearing order, the Commission largely denies the petitioners' request for modification of the final rule. The Commission grants rehearing and amends its rules to clarify: (1) Which exhibits must be filed in applications to amend project licenses where the proposed amendments would not alter the total proposed or installed capacity of the project, and (2) that the guidelines on Environmental Reports in Appendix A, 18 CFR Part 2, are not applicable to applications to amend licenses for water power projects. OMB Control Numbers are also added to subparts E, H, and L of 18 CFR Part 4.

EFFECTIVE DATE: The clarifications made to Appendix A in 18 CFR Part 2 and to 18 CFR 4.201 will be effective May 19, 1983.

FOR FURTHER INFORMATION CONTACT: Fredric D. Chanania, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 357–8033.

SUPPLEMENTARY INFORMATION:

Order No. 184–A Order Granting Rehearing in Part and Denying Rehearing in Part

I. Introduction

On November 6, 1981, the Federal Energy Regulatory Commission (Commission) issued a final rule simplifying and consolidating the requirements for certain hydroelectric project applications under Part I of the Federal Power Act (Act).[1] These applications are for (1) major unconstructed project licenses; (2) major modified project licenses; (3) transmission line only licenses; and (4) amendments to licenses.

A timely petition for rehearing was filed by the Municipals on December 7, 1982.[2] Rehearing of the Municipals' petition solely for the purpose of further consideration was granted by Commission order on January 6, 1982.

II. Background

As noted in the preamble of the final rule, the objective of this rulemaking is to ease the informational requirements and other compliance burdens for certain hydroelectric power project applicants.[3] The rule seeks to achieve this objective in three major ways.[4] First, the rule reduces the amount of information that an applicant must submit, consistent with the needs of the Commission to meet its legal responsibilities in an informed manner. Second, the requests for the information are consolidated, to the extent feasible, where the information pertains to related subject matters. Third, the rule helps to minimize subjective interpretations of the Commission's regulations by simplifying, in a more objective and descriptive manner, the nature of the information that must be submitted by applicants.

III. Issues Raised by Municipals

The Municipals raised a number of arguments on rehearing of this rule. However, most of the arguments made by the Municipals have already been considered by the Commission in promulgating the final rule. This is particularly true of the issues concerning the type and amount of environmental information required in Exhibit E,[5] as well as the Commission's Regulatory Flexibility Act analyses.[6] In addition, some of the other arguments raised by the petitioners either reflect their continuing disagreement with policies expressed by the Commission [7] or are not ostensibly within the scope of this rulemaking.[8]

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[1] Docket No. RM80–39–000, Order No. 184, issued November 6, 1981, 46 FR 55,926 (Nov. 13, 1981); Federal Energy Guidelines, FERC Statutes and Regulations (CCH), 1977–1981 Regulations Preambles ¶ 30,308, at 31,729. The provisions of the final rule are now codified primarily in 18 CFR 4.40–4.41 (major unconstructed projects and major modified projects), 4.70–4.71 (transmission lines only), and 4.200–4.202 (amendments of licenses).

[2] "Application for Rehearing by the Northern California Power Agency, Massachusetts Municipal Wholesale Electric Company, and the Cities and Towns of Bedford, Blackstone, Culpeper, Danville, Elkton, Franklin, Front Royal, Harrisonburg, Manassas, Martinsville, Radford, Richlands, Salem, and Wakefield, Virginia" [hereinafter cited as "Municipals' Application"]. The petitioners are collectively referred to as the "Municipals."

[3] 46 FR 55,928 (Nov. 13, 1981). This rulemaking is part of the Commission's overall program of licensing reform for hydroelectric power projects. For a brief discussion of the other phases of this program, *see* 46 FR 55,926–27.

[4] 46 FR 55,927.

[5] *See* 46 FR 55,927–31. The Municipals claim, on the one hand, that the rule eliminates too much information while also arguing, on the other hand, that not enough information is required. *Compare* pp. 2–4 *with* pp. 8, 9–10 of Municipals' Application, *supra* note 2.

[6] *See* 46 FR 55,933.

[7] *E.g., compare* Municipals' Application, at 4 (handicapped access to recreational resources) *with* 46 FR 55,930. The Commission notes that implicit in the consideration of the needs of the physically handicapped is the concept of reasonableness. Also *compare* Municipals' Application, at 2–3, 6–7 (socio-economic environmental information and competing applications for license amendments) *with* 46 FR 55,930, 55,931.

[8] *E.g.,* Municipals' Application, at 8 (competing application requirements under § 4.33) and at 10 (discussing ownership rights under § 4.30(d) in Docket No. RM81–15). Note also that most, if not all,

The Commission finds it unnecessary, for the most part, to elaborate further since the preamble of the final rule specifically addresses most of the Municipals' assertions. Several points, however, warrant some additional explanation.

As a general matter, the Municipals appear to believe that the information required in these types of project applications (particularly the environmental information) is insufficient for the Commission to fulfill its statutory responsibilities. The Commission disagrees. While some information may have been eliminated, a great deal of the requested information is either consolidated or identified in a simpler but no less complete way.[9] This has been done while giving full consideration to the statutory and other responsibilities that the Commission has.[10]

In addition, the Commission has also made it clear that environmental information must be "commensurate with the size and type of water power project for which the applicant seeks a license or with the scope of any proposed amendment to an existing license."[11] Rather than attempt to detail in the regulations the information that is appropriate for each and every potential project and project site, the Commission believes that flexibility in requiring information is preferable.[12]

With respect to the Municipals' arguments concerning the appropriate exhibits to be filed with an application to amend a license, the Commission has reexamined §§ 4.200–202 and finds that some clarification is necessary. The current regulations are not sufficiently clear with respect to the information required in an application to amend a license where the proposed amendment(s) would not affect the actual or proposed total installed capacity of the project. Such an amendment might, for example, involve dam safety matters. For these non-capacity related amendments, the Commission does not need all of the exhibits that might be thought to be required under § 4.201 (a) and (b).

The Commission is, therefore, granting rehearing to the extent of adding a new § 4.201(c) to clarify that only the exhibits actually affected by a proposed, non-capacity related amendment need to be submitted with the applicant's initial statement required under § 4.201(a).[13] This clarification codifies the current practice of the Commission regarding this type of license amendment application. For applications proposing capacity related amendments, the requirement to submit the exhibits identified in § 4.201(b) remains the same.[14]

The Municipals also object to the elimination of the requirement in former § 4.41, Exhibit T, that an applicant state why development and operation of the project by the applicant and not the federal government would be best adapted to a comprehensive plan for improving or developing the waterway. Contrary to the Municipals' argument, the elimination of Exhibit T does not prevent the Commission from making any determination or finding required by law, including that found in section 7(b) of the Federal Power Act.[15] The statement formerly required of an applicant is not a necessary prerequisite or ingredient for the Commission to comply with section 7(b). It is our judgment that the rule, as promulgated, does not interfere with the Commission's ability to carry out this or any other statutory responsibility.

Finally, the Municipals claim the title of Appendix A in 18 CFR Part 2 might mislead an applicant to believe that Appendix A applies to an application to amend a water power project license. As noted in the final rule, Appendix A does not apply to such an application. To avoid any possible confusion, the title of Appendix A has been clarified to read "Guidelines for the Preparation of Environmental Reports for Applications under the Federal Power Act, other than Applications for Preliminary Permit, *License, and Amendment to License* for Water Power Projects" (new language emphasized).

For the Foregoing Reasons, the Commission Orders That:

(1) The Application for Rehearing by the Municipals is denied in part; and

(2) The foregoing Application is granted in part, to the extent of the clarifications to 18 CFR Part 2, Appendix A; 18 CFR 4.201; and the source citations for 18 CFR Part 4, Subparts E, H, and L, as set forth below.

List of Subjects in 18 CFR Part 4

Electric power.

(Federal Power Act, as amended, 16 U.S.C. 792–828c; Public Utility Regulatory Policies Act of 1978, as amended, 16 U.S.C. 2601–2645; Department of Energy Organization Act, 42 U.S.C. 7101–7352; Executive Order 12009, 3 CFR Part 142 (1979); 5 U.S.C. 553)

In consideration of the foregoing, Chapter 1 of Title 18, Code of Federal Regulations, is amended as set forth below, effective 30 days from date of publication in the **Federal Register**.

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 2—GENERAL POLICY AND INTERPRETATION

1. The title of Appendix A in Part 2 is revised to read as follows:

Appendix A—Guidelines for the Preparation of Environmental Reports for Applications Under the Federal Power Act, Other Than Applications for Preliminary Permit, License, and Amendment to License for Water Power Projects

* * * * *

PART 4—LICENSES, PERMITS, EXEMPTIONS, AND DETERMINATIONS OF PROJECT COSTS

2. In § 4.201, paragraph (b) introductory text is revised, paragraph (c) is redesignated as paragraph (d), a new paragraph (c) is added, and

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of the information formerly required by Exhibit K on the project area and ownership or occupancy rights for that area is now required in Exhibit G under § 4.41.

[9] For example, dam safety matters are covered by Exhibit E [§ 4.41(f)(6)] and 18 CFR 12.1–12.44; transmission and interconnection information is covered by Exhibits A and B [§§ 4.41 (b)(4)–(5), (c)(2), (5)]; construction procedures are addressed in Exhibit C [§ 4.41(d)] and in 18 CFR 12.1–12.44; descriptions of water usage and watershed information are covered by Exhibits B and E [§§ 4.41 (c), (f) (1), (2), (8)]; and impacts on air, noise, or solid waste vis a vis the proposed project and fish, wildlife, water quality, soil, recreational resources, aesthetic resources, and land use are covered, to the extent relevant, under Exhibit E [§ 4.41(f)].

[10] *See, e.g.*, 46 FR 55,927, cols. 1 and 3.

[11] 46 FR 55,927, col. 2.

[12] The same flexibility is appropriate with respect to applications for amendments to licenses under § 4.200–4.202, notwithstanding petitioners' apparent disagreement with our previous discussion. *Compare* 46 FR at 55, 928, 55,931 *with* Municipals' Application, at 6–7.

[13] Current § 4.201(c) is redesignated as § 4.201(d).

[14] The petitioners also point out that a short-form Exhibit E under § 4.61 can be submitted in an application to amend license for a constructed project with total capacity over 5 Mw. Municipals' Application, at 6. This understanding most likely arises from a typographical error in § 4.201(b)(5) of the final rule, 46 FR 55,944. The citation in § 4.201(b)(5) should be to "§ 4.51 of this chapter" and not "§ 4.61 of this chapter." Thus, under § 4.201(b), an application for a constructed project with capacity of 1.5 Mw to 5 Mw must contain an Exhibit E under § 4.61 while an application for a constructed project over 5 Mw must have an Exhibit E under § 4.51. A correction notice has been issued on January 17, 1983, to clarify the regulations.

In addition, since the Municipals raise the issue of compliance with the Paperwork Reduction Act of 1980, 44 U.S.C. 3501–3520, the clarifications made by this Order include the addition of the relevant OMB Control Numbers.

[15] Section 7(b) of the Federal Power Act, 16 U.S.C. 800(b), states in pertinent part:

Whenever, in the judgment of the Commission, the development of any water resources for public purposes should be undertaken by the United States itself, the Commission shall not approve any application for any project affecting such development. . . .

redesignated paragraph (d)(2) is revised, to read as follows:

§ 4.201 Contents of application.

* * * * *

(b) *Required exhibits for capacity related amendments.* Any application to amend a license for a water power project that would alter the actual or proposed total installed capacity of the project must contain the following exhibits, or revisions or additions to any exhibits on file, *commensurate with the scope of the licensed project:*

* * * * *

(c) *Required exhibits for non-capacity related amendments.* Any application to amend a license for a water power project that would not alter the actural or proposed total installed capacity of the project must contain those exhibits that require revision in light of the nature or the proposed amendments.

(d) *Consultation and waiver.* * * *

(2) A licensee wishing to file an application for amendment of license under this section may seek advice from the Commission staff regarding which exhibits(s) must be submitted and whether the proposed amendment is consistent with the scope of the existing licensed project.

3. The source citations in 18 CFR Part 4, Subparts E, H, and L, are revised to read as follows:

* * * * *

Subpart E—Application for License for Major Unconstructed Project and Major Modified Project

Source: Order 184, 46 FR 55928, Nov. 13, 1981, unless otherwise noted.

OMB Control No. 1902 0058.

* * * * *

Subpart H—Application for License for Transmission Line Only

Source: Order 184, 46 FR 55928, Nov. 13, 1981, unless otherwise noted.

OMB Control No. 1902 0115.

* * * * *

Subpart L—Application for Amendment of License

Source: Order 184, 46 FR 55928, Nov. 13, 1982, unless otherwise noted.

OMB Control No. 1902 0058, 1902 0115.

* * * * *

[FR Doc. 83-10045 Filed 4-18-83; 8:45 am]

BILLING CODE 6717-01-M

TENNESSEE VALLEY AUTHORITY

18 CFR Part 1300

Ethical and Other Conduct Standards and Responsibilities of Employees and Special Government Employees; Statements of Employment and Financial Interests; Amendment and Annual Revision of Appendix

AGENCY: Tennessee Valley Authority (TVA).

ACTION: Notice of annual revision.

SUMMARY: TVA regulations require employees in certain positions to submit annual Statements of Employment and Financial Interests. Employees at TVA pay grades M–5, M–6, and M–7 who must file Statements of Employment and Financial Interests are identified and listed in an appendix to this regulation. A revised appendix is published annually in the **Federal Register.** This notice announces that annual revision.

EFFECTIVE DATE: The appendix is updated for the purpose of inclusion in the Code of Federal Regulations, and for that purpose is effective April 19, 1983. The revisions became effective for individual employees upon receipt of actual notice.

ADDRESS: Relevant comments may be sent to the Division of Personnel, Tennessee Valley Authority, Knoxville, Tennessee 37902.

FOR FURTHER INFORMATION CONTACT: Herbert S. Sanger, Jr., General Counsel, Tennessee Valley Authority, Knoxville, Tennessee 37902, telephone 615–632–2241.

SUPPLEMENTARY INFORMATION: TVA's Code of Ethical Standards, in accordance with 16 U.S.C 831–831dd (1976; Supp. V, 1981), implements the requirements of E.O. No. 11222 and has been previously published or referenced in the **Federal Register** as follows:

33 FR 19,168, December 24, 1968
34 FR 15,750, October 11, 1969
35 FR 13,364, August 21, 1970
38 FR 15,075, June 8, 1973
42 FR 2868, January 13, 1977
42 FR 65,143, December 30, 1977
46 FR 30,682, July 9, 1982

This list of positions at grades M–5, M–6, and M–7 for which Statements of Employment and Financial Interests are required to be filed is being revised. Those positions, described generally in paragraphs (2) and (3) of that section, are specifically identified by organization, title, and pay grade in the appendix to the sections. Changes in duties and responsibilities of specific positions, changes in organizational structures, or addition of new positions may creates or remove the need for incumbents to submit statements under the general description contained in the section. Accordingly, subsection (b) provides for annual republication of the updated, revised appendix.

PART 1300—[AMENDED]

§ 1300.735–41 [Amended]

The appendix to § 1300.735–41 is revised to read as follows:

Appendix

As provided in § 1300.735–41(b), employees in the following positions, which are described in § 1300.735–41(a) (2) and (3), must submit Statements of Employment and Financial Interests:

Office of the General Manager

Assistant to Manager, Office, grade M–7
District Administrator, grade M–7
Chief, Staff, grade M–5

Information Office

Chief, Citizen Action Office, grade M–7
Coordinator, grade M–7
Manager, Information Services, grade M–7
Assistant Chief, Citizen Action Office, grade M–6
Chief, Broadcast/Audiovisual Staff, grade M–6
Manager, Energy Education, grade M–6
Manager, Information Services, grade M–6
Manager, Media Relations, grade M–6
Chief, Employee Communications Staff, grade M–5
Manager, Information Services, grade M–5
Manager, News Desk, grade M–5

Office of Audit and Evaluation

Assistant Chief, Branch, Corporate Industrial Engineering Branch, grade M–6
Assistant General Auditor, grade M–6
Audit Supervisor, External, grade M–6
Audit Supervisor, Internal, grade M–6
Supervisor, Program Evaluations Section, grade M–6
Industrial Engineer, grade M–5
Program Analyst, grade M–5
Supervisor, Section, grade M–5 (All)

Office of Coal Gasification

Chief, Branch, grade M–6
Assistant to the Program Manager, grade M–6
Chemical Engineer, grade M–6
Chief, Business Staff, grade M–6
Head, Group, grade M–6 (All)
Chief, Operations Staffs, grade M–5
Project Staff Engineer, grade M–5
Supervisor, Section, grade M–5 (All)
Supervisor, Staff, grade M–5 (All)

Divsion of Finance

Chief, Branch, Knoxville Accounting Branch, grade M–7
Treasurer, grade M–7
Assistant Chief, Branch, Muscle Shoals Accounting Branch, grade M–6
Assistant, Chief, Branch, Retirement Services Branch, grade M–6
Supervisor, Accounting Services, grade M–6
Supervisor, Accounting Section, grade M–5

Supervisor, Accounting Quality Assurance Section, grade M–5
Supervisor, Accounts Payable Section, grade M–5
Supervisor, Benefits Section, grade M–5
Supervisor, Distributive Services Accounting Section, grade M–5
Supervisor, Payroll Section, grade M–5

Office of the General Counsel

Attorney (Community, Industrial, and Chemical Development), grade M–7
Attorney (Natural Resources Development), grade M–7
Attorney (Nuclear Regulatory and Environmental Laws and Regulations), grade M–7
Attorney (Procurement and Business), grade M–7
Attorney (Reservoir Properties, Permits), grade M–7
Attorney (Patents), grade M–6

Office of Agricultural and Chemical Development

Manager's Office

Assistant to the Manager of Agricultural and Chemical Development, grade M–7
Chief, Staff, Budget and Cost Control Staff, grade M–7
Program Manager, grade M–7
Agriculturist, grade M–6
Assistant Project Manager, grade M–5
Personnel Officer, grade M–5
Supervisor, Safety Engineering Services, grade M–5

Division of Agricultural Development

Chief, Branch, grade M–7
Senior Scientist, grade M–7
Assistant to the Director of Agricultural Development, grade M–6
Assistant Chief, Branch, grade M–6
Program Manager, grade M–6 (All)
Supervisor, Section, grade M–6 (All)
Assistant to the Chief of Agricultural Research Branch, grade M–5
Supervisor, Administrative Services, grade M–5

Division of Chemical Development

Chief, Branch, grade M–7
Project Manager, grade M–7
Assistant Chief, Design Branch, grade M–6
Assistant Project Manager, grade M–6
Chief, Services, Administrative Services, grade M–6
Electrical Engineer (Contract Administration), grade M–6
Mechanical Engineer (Contract Administration), grade M–6
Civil Engineer (Contract Administration), grade M–5
Mechanical Engineer (Contract Administration), grade M–5

Division of Chemical Operations

Chief, Branch, grade M–7
Assistant Chief, Branch, grade M–6
Supervisor, Central Services Section, grade M–5

Office of Economic and Community Development

Assistant to the Office Manager, grade M–7
Chief, Branch, grade M–7
Economist, grade M–6
Program Delivery Center Manager, grade M–6 (All)
Program Manager, grade M–6 (All)
Supervisor, Section, grade M–6 (All)
Chief, Staff, grade M–5 (All)
Coordinator, grade M–5 (All)
Economist, grade M–5 (All)
Program Coordinator, grade M–5 (All)
Program Manager, Minority Economic Development Section, grade M–5
Program Manager, Regional Studies and Mitigation Section, grade M–5
Program Manager, Skills Development Section, grade M–5
Program Manager, Program Delivery Center, Nashville, grade M–5
Program Manager, Special Opportunities Counties and Cities and Enterprise Development Section, grade M–5
Regional Planner, grade M–5
Supervisor, Section, grade M–5 (All)
Supervisor, Unit, grade M–5 (All)
Supervisor, Section, grade M–5 (All)
Supervisor, Unit, grade M–5 (All)

Office of Engineering Design and Construction

Manager's Office

Project Staff Engineer, grade M–7 (All)
Chief, Staff, Management Systems Staff, grade M–6
Project Manager, grade M–6
Assistant Project Manager, grade M–5
Supervisor, Field Office Inspection Unit, grade M–5

Division of Engineering Design

Chief, Branch, grade M–7
Civil Engineer, grade M–7 (All)
Design Project Manager, Environmental Design Project, grade M–7
Electrical Design Project Engineer, grade M–7 (All)
Electrical Engineer, grade M–7 (All)
Geologist, grade M–7
Mechanical Design Project Engineer, grade M–7 (All)
Mechanical Engineer, grade M–7 (All)
Project Engineer, Deferred Nuclear Unit Project, grade M–7 (All)
Project Manager, grade M–7 (All)
Architect, grade M–6 (All)
Assistant to the Chief, Branch, grade M–6 (All)
Assistant Head, Group, Nuclear Steam Supply Materials and Radwaste, grade M–6
Assistant to Design Project Manager, Sequoyah and Watts Bar Design Project, grade M–6
Assistant to Project Manager, Investment Recovery Project, grade M–6
Civil Design Project Engineer, grade M–6 (All)
Civil Engineer, Administrative Services, Civil Engineering Support Branch, grade M–6
Civil Engineer, Structural Engineering Section, Civil Engineering Support Branch, grade M–6
Civil Engineer, Project Management Staff, Boiling Water Reactor Project, grade M–6
Electrical Design Project Engineer, grade M–6
Materials Engineer, grade M–6
Mechanical Design Project Engineer, grade M–6
Mechanical Engineer, Staff Specialist, Mechanical Engineering Support Branch, grade M–6
Nuclear Engineer, Nuclear Safety Analysis Staff, Nuclear Engineering Support Branch, grade M–6
Quality Assurance Engineer, grade M–6
Electrical Engineer, Communication Equipment Section, Electrical Engineering Support Branch, grade M–5
Project Engineer, Chattanooga Office Complex Project, grade M–5
Supervisor, Section, Codes, Standards, and Materials Section, grade M–5
Supervisor, Section, Contract Engineering Section, grade M–5
Supervisor, Section, Heavy Equipment Design Section, grade M–5
Supervisor, Section, Manpower Management Section, grade M–5
Supervisor, Section, NSSS, Stride, and BOP Engineering Section, grade M–5
Supervisor, Section, Nuclear Analysis Section, grade M–5
Supervisor, Section, Nuclear Steam Supply Section, grade M–5 (All)
Supervisor, Section, Quality Assurance Audit Section, grade M–5
Supervisor, Section, Quality Assurance Engineering Section, grade M–5
Supervisor, Section, Reliability and Availability Section, grade M–5
Supervisor, Section, Reprographic/ Administrative Services Section, grade M–5
Supervisor, Section, Systems Analysis Section (No. 3), grade M–5

Division of Construction

Chief, Management Services Branch, grade M–7
Construction Engineer, grade M–7 (All)
General Construction Superintendent, grade M–7 (All)
Project Manager, Yellow Creek Nuclear Plant, grade M–7
Assistant Construction Engineer, Phipps Bend Nuclear Plant, grade M–6
Assistant to the Manager (Administrative), grade M–6
Chief, Project Management Services, grade M–6
Chief, Staff, grade M–6 (All)
Project Engineer, grade M–6
Supervisor, Section, Management Services Section, grade M–5
Supervisor, Unit, Warehouse Services Unit, grade M–5 (All)
Welding Engineer, grade M–5

Office of Management Services

Labor Relations Staff

Assistant to Director of Labor Relations, grade M–7
Chief, Salary Policy Contract Administration, grade M–7
Chief, Trades and Labor Contract Administration, grade M–7
Chief, Negotiations Support Staff, grade M–6

Division of Management Systems

Chief, Branch, grade M–7
Chief, Staff, Information Resources Management Staff, grade M–7
Assistant Chief, Information Resources Management Staff, grade M–6

Chief, Management Services Staff, grade M–6
Manager, Technical Services Development Section, grade M–6
ADP Planner, grade M–5
Assistant to Chief, Systems Development Services Branch, grade M–5
Supervisor, Section, Facilities Evaluation and Acquisition, grade M–5
Supervisor, Section, Operating Services Section, grade M–5

Division of Personnel

Chief, Branch, grade M–7
Chief, Branch, grade M–6
Supervisor, Administrative Services, grade M–5

Division of Property and Services

Assistant to Director of Property and Services, grade M–7
Chief, Branch, grade M–7
Title Attorney, grade M–7
Assistant Chief, Land Branch, grade M–6
Assistant to Chief, Employee Transportation Branch, grade M–6
Coordinator, Office Service Branch, grade M–6
Librarian, grade M–6
Supervisor, Section, grade M–6 (All)
Supervisor, Services, Reprographics and Record Services Group, grade M–6
Airplane Pilot, grade M–5
Assistant to Chief, Office Service Branch, grade M–5
Building Management Specialist, grade M–5
Chief, Services, Management Services, grade M–5
District Manager, grade M–5
Supervisor, Section, grade M–5 (All)
Supervisor, Services, Reproduction and Word Processing Section, grade M–5
Supervisor, Unit, grade M–5 (All)

Public Safety Service

Supervisor, Management Services Staff, grade M–6
Supervisor, Area Operations Section, grade M–5
Supervisor, Nuclear Compliance Staff, grade M–5
Supervisor, Nuclear Operations Section, grade M–5
Supervisor, Personnel and Budget Section, grade M–5

Division of Purchasing

Assistant to the Director of Purchasing, grade M–7
Chief, Branch, grade M–7
Chief, Staff, Procurement Support Staff, grade M–7
Assistant Chief, Branch, grade M–6
Assistant Chief, Staff, grade M–6
Chief, Staff, grade M–6
Assistant Chief, Staff, Procurement Systems Staff, grade M–5
Procurement Analyst, grade M–5
Purchasing Agent, grade M–5
Supervisor, Section, grade M–5 (All)

Division of Occupational Health and Safety

Assistant to the Director of Occupational Health and Safety, grade M–7
Chief, Branch, grade M–7
Chief, Branch, Technical Support Branch, grade M–6
Supervisor, Section, grade M–6 (All)
Chief, Staff, Management Services Staff, grade M–5
Hazard Control Engineer, grade M–5
Industrial Hygienist, grade M–5
Personnel Officer, grade M–5
Supervisor, Section, grade M–5 (All)
Supervisor, Staff, Automated Data Processing Staff, grade M–5
Supervisor, Unit, grade M–5 (All)

Radiological Health Staff

Chief, Branch, Health Physics Services Branch, grade M–7
Chief, Branch, Laboratory Services Branch, grade M–6
Supervisor, Section, grade M–6 (All)
Health Physicist, grade M–5
Supervisor, Section, grade M–5 (All)
Supervisor, Unit, Health Physics Support Unit, grade M–5

Division of Medical Services

Chief, Area Medical Service, grade P–4
Chief, Branch, grade M–7
Medical Administrator, grade M–7
Assistant Medical Administrator, grade M–6
Assistant Chief, Staff, Technical Project Unit, grade M–5
Chief of Nursing, grade M–5
Personnel Officer, grade M–5
Psychologist, grade M–5
Supervisor, Section, Systems and Data Processing Section, grade M–5

Office of Natural Resources

Air Resources Program

Chief, Program, grade M–7
Supervisor, Section, Research Section, grade M–6

Division of Land and Forest Resources

Chief, Management Services, grade M–7
Manager, Land Planning and Management, grade M–7
Manager, Resource Programs, grade M–7
Program Manager, grade M–6 (All)
Project Manager, Forest Industry Development, grade M–6
Project Manager, grade M–6 (All)
Chief Archaeologist, grade M–5
Program Manager, grade M–5 (All)
Project Manager, grade M–5 (All)
Senior Terrestrial Ecologist, grade M–5
Senior Wetland Ecologist, grade M–5
Staff Forester, grade M–5
Supervisor, Section, grade M–5 (All)
Supervisor, Staff, Data Analysis Staff, grade M–5

Land Between the Lakes

Chief, Branch, grade M–6
Assistant Chief, Branch, Recreation, Interpretation, and Environmental/Energy Education Branch, grade M–5
Civil Engineer, grade M–5
General Foreman, grade M–5
Land Use Specialist, grade M–5
Program Manager, grade M–5
Supervisor, Section, grade M–5 (All)

Division of Natural Resource Operations

Assistant to the Director of Natural Resource Operations, grade M–7
Chief, Branch, grade M–7
Manager, Operations, grade M–7
Assistant Chief, Branch, grade M–6
Chief, Branch, Laboratory Branch, grade M–6
Chief, Services, Administrative and Personnel Services, grade M–6
Program Manager, Geographic Information Services Branch, grade M–6
Supervisor, Operations, grade M–6 (All)
Civil Engineer, Data Services Branch, grade M–5
Coordinator, grade M–5 (All)
Instrument Engineer, Data Services Branch, grade M–5
Personnel Officer, grade M–5
Project Manager, Data Services Branch, grade M–5
Project Manager, Geographic Information Services Branch, grade M–5
Research Chemist, grade M–5
Supervisor, Section, grade M–5 (All)
Supervisor, Services, Administrative Services, grade M–5
Supervisor, Staff, grade M–5 (All)
Supervisor, Unit, Field Operations Eastern Area, grade M–5

Division of Water Resources

Chief, Branch, grade M–7
Assistant to the Director of Water Resources, grade M–6

Office of Power

Power Manager's Office and Staffs

Assistant Chief, Staff, grade M–7
Head, Group, Power System and Analysis Group, grade M–7
Head, Group, Program Planning Group, grade M–7
Assistant Chief, Management Services Staff, grade M–6
Chief, Staff, Systems Planning and Development Staff, grade M–6
Power Planning Advisor, grade M–6
Supervisor, Safety Engineering Service, grade M–6

Division of Energy Conservation and Rates

Chief, Branch, grade M–7
Chief, Staff, Planning and Communication Staff, grade M–7
Assistant to Chief, Branch, grade M–6
Supervisor, Section, grade M–6 (All)
Economist, grade M–5
Project Manager, grade M–5 (All)
Research Analyst, grade M–5
Staff Rate Assistant, grade M–5
Supervisor, Section, grade M–5 (All)
Supervisor, Services, Energy Conservation and Solar Training Section, grade M–5
Supervisor, Unit grade M–5 (All)

Division of Energy Demonstrations and Technology

Chief, Branch, grade M–7
Chief, Staff, Planning and Budget Staff, grade M–7
Program Manager, grade M–6 (All)
Project Manager, AFBC Demonstration Plant Section, grade M–6
Project Manager, Systems Improvement, grade M–6
Supervisor, Section grade M–6 (All)
Coordinator, Project Management and Project Engineering, grade M–5
Mechanical Engineer, grade M–5
Personnel Officer, grade M–5

Project Coordinator, Advanced Systems, grade M–5
Project Manager, grade M–5 (All)
Research Analyst, grade M–5
Research Chemist, grade M–5
Supervisor, Section, grade M–5 (All)
Supervisor, Services, grade M–5 (All)

Division of Energy Use and Distributor Relations

Assistant to the Director, grade M–7
Chief, Branch, grade M–7
Chief, Staff, Analysis Staff, grade M–7
District Manager, grade M–7
Senior District Advisor, grade M–7
Assistant Chief, Branch, grade M–6
Assistant District Manager, grade M–6

Division of Fossil and Hydro Power

Assistant Chief, Branch, grade M–7
Chief, Branch, grade M–7
Power Plant Superintendent, Watts Bar Steam Plant, grade M–7
Superintendent, Hydro Operations, grade M–7
Assistant Chief, Branch, Plant Improvement Branch, grade M–6
Chemical Engineer, grade M–6
Environmental Engineer, grade M–6
Mechanical Engineer, grade M–6
Power Plant Superintendent, Wilson, grade M–6
Project Coordinator, Plant Equipment Branch, grade M–6
Supervisor, Industrial Safety and Fire Protection Engineering, grade M–6
Supervisor, Services, grade M–6 (All)
Power Plant Superintendent, grade M–5 (All)
Supervisor, Section, grade M–5 (All)

Division of Fuels

Chief, Branch, grade M–7
Chief, Staff, Special Projects Staff, grade M–7
Assistant Chief, Branch, grade M–6
Head, Group, grade M–6
Nuclear Engineer, grade M–6
Project Engineer, grade M–6
Fuels Engineer, grade M–5
Nuclear Engineer, grade M–5
Project Manager, grade M–5 (All)
Supervisor, Section, grade M–5 (All)
Supervisor, Staff, grade M–5 (All)
Supervisor, Administrative Services, grade M–5

Division of Nuclear Power

Chief, Branch, grade M–7
Assistant Chief, Branch, Field Services Branch, grade M–6
Chemical Engineer, grade M–6
Chief, Staff, Quality Assurance and Compliance Branch, grade M–6
Head, Group, grade M–6
Mechanical Engineer, grade M–6
Metallurgy Engineer, grade M–6
Nuclear Engineer, grade M–6
Personnel Officer, grade M–6
Supervisor, Staff, grade M–6 (All)

Operations Support

Assistant Chief, Power Projects Staff, grade M–7
Assistant to the General Manager, grade M–7
Chief, Branch, grade M–7
Program Manager, grade M–7
Superintendent, Power Service Shops, grade M–7
Assistant Quality Assurance Manager, grade M–6
Assistant Superintendent, Service Shops, grade M–6
Chief, Branch, grade M–6
Chief, Services, Central Laboratories, grade M–6
Environmental Engineer, grade M–6
Head, Group, grade M–6
Manager, QI, Project Management Corporation, grade M–6
Nuclear Engineer, grade M–6
Staff Engineer, grade M–6
Supervisor, Section, grade M–6
Assistant to the Chief, Branch, grade M–5
Assistant Supervisor, Section, grade M–5
Environmental Engineer, grade M–5
Power Supply Engineer, grade M–5
Project Manager, grade M–5
Staff Engineer, grade M–5
Supervisor, Group, grade M–5
Supervisor, Measurement Laboratory, grade M–5
Supervisor, Section, grade M–5

Power System Operations

Chief, Branch, grade M–7
Supervisor, Section, grade M–5

Transmission System Engineering and Construction

Area Construction Manager, grade M–7
Chief, Branch, grade M–7
Chief, Project Services, grade M–7
Assistant Chief, Branch, grade M–6
Civil Engineer, grade M–6
Electrical Engineer, grade M–6
General Construction Superintendent, grade M–5
Supervisor, Section Civil Engineering and Design Branch, grade M–5
Supervisor, Section Electrical Engineering and Design Branch, grade M–5
Supervisor, Section, Technical Services, grade M–5

Dated: April 12, 1983.

W. F. Willis,

General Manager.

[FR Doc. 83–10349 Filed 4–18–83; 8:45 am]
BILLING CODE 8120–01–M

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18 CFR Part 1310

Administrative Cost Recovery

AGENCY: Tennessee Valley Authority.

ACTION: Final rule.

SUMMARY: This final rule establishes a schedule of charges to be imposed in connection with the disposition and uses of, and activities affecting, real property in TVA custody and control, and certain other activities in order to help ensure that such activities are self-sustaining to the full extent possible. The regulations are promulgated under authority of the Tennessee Valley Authority Act of 1933, as amended, and Title V of the Independent Offices Appropriations Act of 1952 which authorize TVA to prescribe for certain work or service performed by TVA such fee, charge, or price as it determines to be fair and equitable. The final rule will require payment to TVA of certain charges associated with the disposition and use of real property in TVA custody and control and the resolution of violations of Section 26a of the TVA Act which requires that TVA approve plans for the construction, operation, or maintenance of dams, appurtenant works, or other obstructions affecting navigation, flood control, or public lands or reservations in the Tennessee River system, prior to the construction, commencement of construction, operation, or maintenance of such structures. The final rule does not apply to charges for the cost of environmental investigations which may be assessed as provided in section 5.7.2 of TVA's procedures implementing the National Environmental Policy Act (45 FR 54511–15).

EFFECTIVE DATE: May 19, 1983.

FOR FURTHER INFORMATION CONTACT: John R. Paulk, Director of Land and Forest Resources, Tennessee Valley Authority, 101 Natural Resources Building, Norris, Tennessee 37828, (615) 632–6450.

SUPPLEMENTARY INFORMATION: TVA has determined that this rule will not be a "major" rule under Executive Order No. 12291 and will not have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

TVA has determined in accordance with section 5.2.24 of TVA's procedures implementing the National Environmental Policy Act (45 FR 54,511–15) that the proposed rulemaking is of a type that does not have a significant impact on the human environment. Accordingly, neither an environmental assessment nor an environmental impact statement is required.

TVA published the proposed rulemaking in the **Federal Register** on December 23, 1982 (47 FR 57,297–98) and invited comments for 30 days ending January 24, 1983. No comments were received.

Accordingly, TVA is promulgating this final rule as proposed, with the exception of one minor addition for clarity. In § 1310.2(b)(5), the words "and abandonment" have been added after "Conveyance" so that the section clearly exempts all transactions otherwise covered by § 1310.2(a)(1) when such transactions are without charge to States and municipalities, and political subdivisions and agencies thereof.

List of Subjects in 18 CFR Part 1310

Government property.

For the reasons set out in the preamble, Title 18 of the Code of Federal Regulations is amended by adding a new Part 1310 reading as follows:

PART 1310—ADMINISTRATIVE COST RECOVERY

Sec.
1310.1 Purpose.
1310.2 Application.
1310.3 Assessment of administrative charge.

Authority: Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. 831–831dd); Title V, Independent Offices Appropriations Act of 1952 (31 U.S.C. 9701).

§ 1310.1 Purpose.

The purpose of the regulations in this part is to establish a schedule of fees to be charged in connection with the disposition and uses of, and activities affecting, real property in TVA's custody or control, and certain other activities in order to help ensure that such activities are self-sustaining to the full extent possible.

§ 1310.2 Application.

(a) TVA will undertake the following actions only upon the condition that the applicant pay to TVA such administrative charge as the Director of Land and Forest Resources or Chief of the Power Management Services Staff (hereinafter "responsible land manager"), as appropriate, shall assess in accordance with § 1310.3 of this part; provided, however, that no payment shall be required where the responsible land manager determines that there is a corresponding benefit to TVA:

(1) Conveyance and abandonment of TVA land or landrights, except as provided in paragraph (b)(5) of this section.

(2) Other private uses of TVA land not involving the disposition of TVA real property or interests in real property.

(3) Actions taken to suffer the presence of unauthorized fills and structures over, on, or across TVA land or landrights, and including actions not involving the abandonment or disposal of TVA land or landrights.

(4) Actions taken to approve fills or structures constructed either without prior approval of plans under Section 26a of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. 831y–1), and TVA's regulations issued thereunder at 18 CFR Part 1304, or not in accordance with such plans previously approved by TVA.

(b) *Exemption.* An administrative charge shall not be made for the following actions:

(1) Agricultural licenses.

(2) Firewood cutting permits and timber sale contracts.

(3) Permits for the nonexclusive short-term use of TVA land.

(4) Uses of TVA land, at no charge, for utility line crossings, not involving the disposition of TVA real property or interests in real property.

(5) Conveyance and abandonment of TVA land or landrights at no charge to States and municipalities, and political subdivisions and agencies thereof.

(6) Conveyances pursuant to section 4(k)(d) of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. 831c(k)(d)).

(7) Releases of unneeded mineral right options.

(8) TVA phosphate land and mineral transactions.

(9) Permits and licenses for use of TVA land by distributors of TVA power.

§ 1310.3 Assessment of administrative charge.

(a) *Range of charges.* Except as otherwise provided herein, the responsible land manager shall assess a charge which he determines in his sole judgment to be approximately equal to the administrative costs incurred by TVA for each action including both the direct cost to TVA and applicable overheads. With respect to the following categories of actions, a charge of not less than the minimum or greater than the maximum amount specified herein shall be assessed except as otherwise provided in paragraph (c) of this section.

(1) Land transfers—$500–$4,400.

(2) Use permits or licenses—$50–$625.

(3) Actions taken to approve plans for fills or structures constructed either without prior approval by TVA under Section 26a of the TVA Act or not in accordance with such plans previously approved by TVA, and other actions, where appropriate, to suffer the presence of such fills or structures or to reach other agreements with respect to such fills or structures—$100–$2,500.

(4) Abandonment of transmission line easements and rights of way—$100–$1,500.

(b) *Basis of charge.* The administrative charge assessed by the responsible land manager shall, to the extent applicable, include the following costs:

(1) Appraisal of the land or landrights affected;

(2) Assessing applicable rental fees;

(3) Field inspections and investigations;

(4) Title and record searches;

(5) Preparation for conducting public auction and negotiated sales;

(6) Mapping and surveying;

(7) Preparation of conveyance instrument, permit, or other authorization or approval instrument;

(8) Coordination of the proposed action within TVA and with other Federal, State, and local agencies;

(9) Legal review; and

(10) Administrative overheads associated with the transaction.

(c) *Assessment of charge when actual administrative costs significantly exceed established range.* When the responsible land manager determines that the actual administrative costs are expected to significantly exceed the range of costs established in paragraph (a) of this section, such manager shall not proceed with the TVA action until agreement is reached on payment of a charge calculated to cover TVA's actual administrative costs.

(d) *Additional charges.* In addition to the charges assessed under these regulations, TVA may charge for its services if TVA is required to make environmental investigations or otherwise incur additional expenses as provided in section 5.7.2 of TVA's procedures implementing the National Environmental Policy Act (45 FR 54,511–15).

W. F. Willis,
General Manager.
April 12, 1983.

[FR Doc. 83–10203 Filed 4–18–83; 8:45 am]
BILLING CODE 8120–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Furosemide Tablets

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Bolar Pharmaceutical Co., Inc., providing for safe and effective use of furosemide tablets for oral treatment of dogs for edema associated with cardiac insufficiency and acute noninflammatory tissue edema.

EFFECTIVE DATE: April 19, 1983.

FOR FURTHER INFORMATION CONTACT: Bob G. Griffith, Bureau of Veterinary Medicine (HFV–112), Food and Drug

Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3430.

SUPPLEMENTARY INFORMATION: Bolar Pharmaceutical Co., Inc., 130 Lincoln St., Copiague, NY 11726, filed NADA 125–329 providing for use of 12.5 and 50 milligram furosemide tablets for oral treatment of dogs for edema (pulmonary congestion, ascites) associated with cardiac insufficiency and acute noninflammatory tissue edema.

The sponsor of this NADA submitted studies to demonstrate that the drug is safe and effective for its intended uses. Based on the data and information submitted, the NADA is approved and the regulations are amended to reflect the approval.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 520

Animal drugs, oral.

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 520 is amended in § 520.1010a by revising paragraph (b), to read as follows:

§ 520.1010a Furosemide tablets or boluses.

* * * * *

(b) *Sponsor.* See No. 012799 in § 510.600(c) of this chapter for use in dogs, cats, and cattle; see No. 000725 and 013983 in § 510.600(c) of this chapter for use in dogs.

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Effective date. April 18, 1983.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: April 8, 1983.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

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21 CFR Parts 211 and 700

[Docket No. 82N–0330]

Tamper-Resistant Packaging Requirements for Certain Over-the-Counter Human Drug and Cosmetic Products

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending its tamper-resistant packaging regulations for over-the-counter (OTC) drug and cosmetic products to clarify certain sections of the preamble and to specify in the regulations those products that the agency has exempted from these regulations. This action is taken in response to comments received on the final rule and to citizens' petitions seeking exemptions from the final rule.

EFFECTIVE DATE: April 19, 1983.

FOR FURTHER INFORMATION CONTACT: Eileen R. Hodkinson, National Center for Drugs and Biologics (HFN–7), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5490.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of November 5, 1982 (47 FR 50442), FDA published regulations (corrected in the **Federal Register** of January 14, 1983; 48 FR 1706) establishing tamper-resistant packaging and labeling requirements for certain OTC human drug and cosmetic products in response to seven deaths linked to Extra-Strength Tylenol capsules found to be contaminated with cyanide and to other tampering incidents nationwide. This action was taken to provide safeguards against the future occurrence of such incidents. The OTC drug products covered by these regulations include oral drug products (except dentifrices) and nasal, otic, ophthalmic, rectal, and vaginal drug products. Cosmetic products covered by these regulations are liquids that are used orally, such as mouthwashes, gargles, breath fresheners, etc., and vaginal cosmetic products. The regulations require that the packaging of these products be capable of providing consumers with visible evidence if package tampering has occurred. In addition, the final rule requires the labeling of the affected products to bear a statement describing the tamper-resistant feature of the package.

Compliance with these regulations becomes effective in steps. The requirements that a tamper-resistant package be used became effective February 7, 1983, for OTC drug products and cosmetics that are considered the most vulnerable to tampering. These products are oral, vaginal, and rectal drug products (other than oral and vaginal tablets and vaginal and rectal suppositories), otic drug products, nasal drug products, and ophthalmic drug products. A later effective date of May 5, 1983, is provided for oral and vaginal tablets and for vaginal and rectal suppositories because they are considered less susceptible to known methods of tampering. For all products, the label statement requirement and the requirement that the barrier to entry be distinctive are effective May 5, 1983. The agency also established a retail level effective date of February 6, 1984, by which time all stocks held for retail sale (including stocks in retail stores), no matter when packaged, must be in compliance with the tamper-resistant packaging requirements of the regulations.

As discussed in the preamble to the final rule, the agency recognizes that certain packaging or marketing practices for some products or classes of products may already provide adequate protection for consumers. For such instances, the agency established in the regulations (§§ 211.132(d) and 700.25(d) (21 CFR 211.132(d) and 21 CFR 700.25(d))) a procedure whereby a manufacturer or packer may request an exemption from the tamper-resistant packaging requirements or the labeling requirements, or both. The agency further set forth the procedure for manufacturers who are unable to meet the effective date provisions to request a stay of the effective date.

The final rule provided a 30-day comment period for interested persons to submit written comments on these regulations. Based on these comments and a further review of the regulations, the agency has decided that certain provisions of both the regulations and the preamble need clarification.

The agency received approximately 375 comments concerning the episodes of malicious tampering that occurred in Chicago and elsewhere in the nation. Of these comments, approximately 100 were directly in response to the final rule. The following is a summary of the substantive comments on the final rule and the agency's responses to them.

I. Concepts of Tamper Resistance

1. The agency received 18 comments, mainly from organizations of health care professionals and organized consumer groups, expressing concern that the tamper-resistant packaging would be too difficult for the elderly and the manually impaired to open. The comments stressed that, because the elderly are the largest group of consumers of OTC medications, the agency should have considered this segment of the population when preparing the final rule. Several of these comments suggested that either FDA or the Consumer Product Safety Commission (CPSC) should test packaging designs currently in use or as they are developed to determine whether the tamper-resistant products can be opened by this segment of the population. Most of the comments recommended that drug manufacturers and packagers should consider the following when designing tamper-resistant packaging:

a. Directions for opening the tamper-resistant package should be in large print, in contrasting colors, and placed on both sides of the product.

b. Tamper-resistant packaging should be clearly visible and should be manufactured in a color and design scheme that is distinct from the rest of the container.

c. Component parts of the tamper-resistant packaging that need to be manipulated to break the barrier should be clearly visible and easy to grasp.

d. There should be standards for minimum break strength so that persons with physical disabilities are able to open the packages.

e. There should be uniformity of tamper-resistant directions and mechanisms so that ability to open one type of tamper-resistant packaging increases the likelihood of being able to open other packaging of the same type.

The agency agrees that tamper-resistant packaging must be accessible to the elderly and the manually impaired. In the preamble to the final rule, FDA urged manufacturers devising new packaging to take the needs of this segment of the population into account. The agency is concerned, however, that many of these comments misunderstand the concept of tamper-resistance, apparently based on a belief that a product cannot be resistant to tampering, unless it requires extra strength or dexterity to open it. This is not the case and was not the agency's intent in using the term "tamper-resistant." In fact, a packaging system that may be very easy to open, such as one using a pull tab or a fragile paper seal over the mouth of a container, may still be tamper-resistant because it would be obvious to the consumer if the package had been opened.

Since the publication of the final rule, the agency has met with officials of CPSC and, in conjunction with CPSC, is planning to study whether opening tamper-resistant packaging presents problems for the elderly or the manually impaired. The agency has developed a draft protocol for a study that is being reviewed by several consumer groups and health care organizations. In addition, on January 3, 1983, the agency met with representatives of consumer groups and various health organizations to hear their views on this issue and on January 31, 1982, the agency held a meeting for these organizations to present their views to industry representatives.

2. One trade association and two firms involved in the packaging of OTC drug products criticized the use of the term "tamper resistant," stating that it is unclear and confusing. Two of these comments argued that the term "tamper indicating" would be more appropriate than "tamper resistant," while the other comment argued that the term "tamper control packaging" would be more appropriate. Several other comments suggested the use of the term "tamper evident."

The agency understands the concern voiced by these comments but believes the term "tamper-resistant" packaging is more appropriate than any of the three suggested alternative terms. Although most of the technologies discussed in the preamble to the final rule are systems that can be expected to provide visible evidence to consumers if tampering has occurred, this is not the case with every system. For example, aerosol containers are always tamper-resistant but not always tamper-evident. Therefore, because the agency contends that tamper-resistant packaging is a term encompassing a greater number of possible technologies that would resist tampering, the agency does not plan to amend the regulations to change the terminology.

3. Several comments from a trade association and producers of packaging systems stated that some of the definitions of packaging technologies used in the preamble are inaccurate and misleading. These comments claimed that FDA's use of these terms is inconsistent with industry practice and argued that the agency should revise them.

The agency agrees that there are various ways of defining some of the packaging technologies listed in the preamble. The definitions used, however, were submitted by the Proprietary Association and are basically the same as those contained in the *Glossary of Packaging Terms* that was compiled and published by both The Packaging Institute, U.S.A., and the Packaging Machinery Manufacturers Institute and accepted by the American National Standards Institute. Although the definitions selected differ from those suggested by the comments, the agency believes that the terms, as currently defined in the preamble, are widely used in, and understood by, the manufacturing industry. Furthermore, the agency points out that the packaging systems listed in the preamble are included there as examples only and not as regulatory requirements. Thus, how a type of packaging is described in the preamble has no bearing on compliance with the regulations, which set forth performance criteria to be met.

4. Several designers and manufacturers of packaging systems and individual consumers claimed to have devised new methods of packaging that were "tamper-proof" or "tamper-resistant." Many of these comments requested that their packaging systems be included in the FDA list of acceptable technologies in the final rule (47 FR 50444). These comments contended that their packaging systems would be recognized as acceptable by industry only if included in FDA's list of acceptable tamper-resistant packaging. The agency also received two comments from manufacturers of drug packaging systems claiming that their systems are tamper-resistant by design and thus, like aerosol containers, should be cited as such in the preamble.

The agency emphasizes, as it did in the preamble to the final rule, that the list of current technologies was never intended to be complete, but was intended only to provide examples of currently available packaging systems capable of meeting the tamper-resistant requirements of the final rule. The agency reemphasizes that it does not intend to preclude technological innovation that may create totally different systems for providing consumers with protection against product tampering. As was expected, since the publication of the final rule, the agency has become aware of numerous other available tamper-resistant packaging options. The agency again states that manufacturers and packagers are free to adopt any packaging system, whether or not listed in the preamble to the final rule, if it is tamper-resistant. The examples given in the preamble to the final rule have no special status.

Furthermore, the agency points out that the use of a technology listed in the preamble does not, by itself, constitute compliance with the requirement for the use of a tamper-resistant packaging system, because the performance characteristics of some technologies vary widely. For instance, although shrink seals are listed as a technology capable of meeting the tamper-resistant packaging requirement of the final rule, the agency does not believe the cellulose wet shrink seal, as currently manufactured, will meet the requirements of the regulations. The agency believes, however, that the heat shrink band does meet these requirements. The agency considers cellulose seals to be unacceptable because of the widespread knowledge, even among people outside of the packaging industry, that the currently available cellulose wet band can be removed and reapplied without evidence of tampering. The process for removing the heat shrink band, however, is not well know to the public and could not be accomplished by someone unfamiliar with commercial packaging techniques. The agency points out that at least one manufacturer of wet shrink bands is investigating ways to improve the characteristics of the bands so that they will meet the requirements of the regulations.

In addition, the agency will use its regulatory discretion in evaluating the compliance of firms. If a firm has made a good-faith effort to comply with the effective dates but has used a technology that is not completely satisfactory, the agency does not intend to take regulatory action until the firm has been duly notified and been given a reasonable time to correct any deficiencies.

5. Many comments from consumers commended the agency's immediate response to a serious public health problem, but thought that the final regulations should have covered additional products, pointing out that there have already been several cases of tampering involving food products. A pharmacist thought the final regulations also should have covered prescription drug products.

The agency has considered the possibility of extending tamper-resistant packaging and labeling requirements to other products generally, but believes at this time the scope of the current regulations should not be broadened. In regard to prescription drug products, FDA believes that tamper-resistant packaging is unnecessary. The objective of the regulation is to prevent the malicious tampering that can occur when products are accessible to the public. Because prescription drug products are under the control of a health professional upon receipt at a retail establishment, they are not accessible to the public before they are dispensed. Tampering with such products, therefore, seems a remote possibility.

6. Another comment asserted that the agency failed to state the reason for exempting both dentifrices and insulin products from the tamper-resistant packaging and labeling regulations. The comment suggested that, to avoid public confusion, any products exempted from the packaging requirements should be required to bear a statement to that effect.

As stated in the preamble, the agency did not include dentifrices and insulin in the final rule because tampering with them is less probable. Also, the consequences of tampering with dentifrices are less severe than with those products that are ingested, inserted, inhaled, or intended for ophthalmic use. Furthermore, insulin is usually kept behind the pharmacy counter in a refrigerator and is packaged in a multiple-dose vial that is already tamper-resistant.

The agency believes it is unnecessary and would be unduly burdensome to manufacturers and packagers to require them to place a statement on their product labels merely because they are exempt from these regulations. The public will, through direct observation of products on the market, be able to ascertain which are subject to the regulations and which are not.

II. Provisions of the Rule

7. Comments from drug manufacturers and trade associations criticized FDA for using the terms "distinctive by design" and "identifying characterisitc" without defining them. These comments stressed that both of these terms have varying possible interpretations and are causing confusion among manufacturers and packagers.

The agency agrees that it should clarify these terms. Under §§ 211.132(b) and 700.25(b) of the final rule, the agency defines a tamper-resistant package as one having an indicator or barrier to entry, which, if breached or missing, can reasonable be expected to provide visible evidence to consumers that tampering has occurred. The rule further states that "to prevent the substitution of the tamper-resistant feature after tampering, the indicator or barrier to entry is required to be distinctive by design or by the use of an identifying characteristic." Although the agency did not define the term "distinctive by design," it stated clearly in the preamble to the final rule that a tamper-resistant feature designed from material that is generally "not readily available" is "distinctive by design." By not readily available, the agency means materials that are not generally available for purchase by consumers at a variety of retail stores. Most packaging materials are generally available only in very large quantities and are sold primarily to manufacturers and packagers. Packaging systems, therefore, which use materials such as bubble packs, aerosol containers, or individual foil pouches, which are not readily available to the public and which would not be easy to duplicate, are considered distinctive by design and do not require an identifying characteristic. So as to clarify this point further, however, the agency has amended the regulations to define "distinctive by design" as meaning that "the packaging cannot be duplicated with commonly available materials or through commonly available processes."

Materials such as plain tape, clear plastic, or paper seals are obviously readily available to those who might tamper with products. Therefore, for barriers using these materials, the agency is requiring that an identifying characteristic be placed on them so that the substitution of a plain tape, clear plastic, or paper seal can be easily detected. The preamble to the final rule (47 FR 50444) listed 4 packaging systems, among the 11 cited, that would require an identifying characteristic.

The agency intentionally did not give specific examples of identifying characteristics so as to allow manufacturers and packagers flexibility in designing their tamper-resistant features. To clarify the regulations, however, the agency has added examples of kinds of identifying characteristics that would comply with this requirement. Although the agency realizes that many manufacturers and packagers are planning to imprint their company logo on their tamper-resistant feature to distinguish it from other designs, an individual specific identifying characteristic is not required. In fact, several manufacturers may use packaging technologies with the same identifying characteristic. The agency does not believe that such multiple use will cause a problem, because manufacturers will closely control their supplies of these imprinted packaging systems to be certain they are not generally available to the public.

8. Another comment questioned the assumption contained in §§ 211.132(b) and 700.25(b) that an indicator or barrier

to entry that is distinctive by design or has an identifying characteristic will "prevent the substitution of the tamper-resistant feature after tampering." The comment argued that tamper-resistant packaging cannot "prevent" the substitution of a tamper-resistant feature after tampering, but can only reduce its likelihood. The comment further suggested that for clarification the regulations should specifically include the concept that commonly available processes or materials would not be distinctive by design.

The agency agrees with this comment and has revised §§ 211.132(b) and 700.25(b) accordingly.

9. The agency has also received several comments from manufacturers and packagers questioning the requirement contained in §§ 211.132(c) and 700.25(c) that the labeling statement must be "prominently placed so that consumers are alerted to the specific tamper-resistant feature of the package." The comments asked whether this requirement means that the manufacturer or packager must describe specifically the tamper-resistant feature and its position on the package.

The agency believes that the labeling statement should identify the place on the package that has the tamper-resistant feature, and, where a packaging feature incorporates an identifying characteristic, that characteristic should be referred to in the labeling statement. For example, the labeling statement on a container with a shrink band that has a logo could say "For your protection, this bottle has an imprinted seal around the neck." The regulations have been amended to clarify this point.

10. One comment expressed the view that for any tamper-resistant packaging to be truly effective, visual indication of package integrity must be apparent at the point of retail purchase. The comment contended that, under the current regulations, consumers would be required to open some packages to discover evidence of tampering.

The agency agrees that some, but not all, of the currently acceptable tamper-resistant packaging technologies require that an outer container closure be opened before the tamper-resistant feature is evident to consumers. However, the agency disagrees that point-of-purchase evidence of tampering is necessary for the tamper-resistant packaging to be effective. The agency considered imposing a point-of-purchase requirement when the regulations were written and rejected such a requirement for several reasons. First, such a requirement would severely limit the numbers and kinds of packaging technology that could be employed to fulfill the function of tamper-resistant packaging. Thus, such a requirement would increase the costs of complying with the regulations and undermine significantly the ability of packagers to comply within the short timeframes dictated by the risk of tampering episodes and by public's concern. In addition, the agency believes that, for affected products, consumers will come to expect tamper-resistant packaging as a matter of course and will not feel compelled to open packages while in the store. In the rare instances in which tampering or mishandling has compromised the tamper-resistant feature, the consumer will not be greatly inconvenienced by having to return the product to the store after having taken it home. Such an occasional inconvenience to consumers cannot justify imposing a requirement of point-of-purchase tamper-resistant packaging on all affected products, with the resultant additional cost to consumers, and the additional delay before packaging could be in full compliance with the regulations. Further, the agency notes that a number of the more popular tamper-resistant packaging technologies already provide point-of-purchase evidence of tampering.

11. Several comments asserted that there is an inconsistency between a statement in the preamble and a provision in the regulations. The preamble states at 47 FR 50445 that the labeling of products affected by this regulation must "contain a statement describing the tamper-resistant feature of the package and advising consumers that, if the feature is breached or missing when the product is purchased, tampering may have occurred." The regulations, however, state only that the labeling must alert the consumer to the specific tamper-resistant feature of the package.

The agency agrees that this point needs clarification, and although the agency strongly urges manufacturers to use a labeling statement that informs consumers not to purchase products if the tamper-resistant feature is breached or missing, it is not requiring such a statement on the labeling.

12. The agency received several comments suggesting that the term "retail sale" as used in the regulations should be defined. In addition, several requests for exemptions concerned products that are distributed in a manner in which the public has no access to them while they are held for sale. These requests asked that the following categories of drug products be exempted from the regulation: (1) OTC drug products that are controlled drugs and are required to be dispensed by a pharmacist; (2) OTC human drug and cosmetic products distributed directly to hospitals, nursing homes, and health care clinics; (3) first-aid kits containing OTC human drug products sold directly to industrial users; (4) OTC human drug products sold directly to physicians or dentists for subsequent distribution to patients; and (5) products sold to pharmacists that are maintained under the pharmacists' control. Other comments questioned whether OTC products sold in vending machines, through the mail, or sold door-to-door would require tamper-resistant packaging.

The agency agrees that the term "retail sale," for purposes of these regulations, should be clarified and defined and that those products not held for "retail sale," as defined, should not be subject to the tamper-resistant packaging and labeling regulations. The purpose of the regulations is to reduce the risk of malicious tampering with OTC drug products for retail sale and related cosmetic products for retail sale by requiring that their packaging have a distinctive indicator or barrier to entry that would provide the consumer with visible evidence that the package has been tampered with or opened. Malicious tampering has occurred with products that were accessible to the public, generally on a shelf in a retail establishment before purchase by the ultimate consumer. Prescription drugs were not included in the regulations because they are maintained under a pharmacist's control and are not accessible to the public before they are dispensed. For the same reason, the agency has concluded that those OTC human drug and cosmetic products that are distributed in a manner that does not afford the public access to them while they are held for sale were never intended to come within the scope of these regulations. Such restricted or controlled distribution does not constitute "retail sale" as that term is used in these regulations. Thus, the agency interprets "held for retail sale" under these regulations more narrowly than it interprets "held for sale" in enforcement actions under sections 301 through 304 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331 through 334).

In view of this interpretation of "retail sale," OTC drug products sold directly to a hospital, an institution, a medical or first aid unit, or a health professional for dispensing directly to patients need not be packaged or labeled as required by the tamper-resistant regulations. Likewise, the agency has concluded that

first-aid kits that are sold directly to organizations and that are not accessible to the general public are not held for "retail sale" for purposes of these regulations. Also, products sold in vending machines or through the mail directly from a firm representative to an individual user, as well as products sold in the same manner but door-to-door, are not considered held for "retail sale." Of course, if any of these products were in fact held for retail sale in a retail establishment where the public would have access to them, they would be subject to regulatory action if they were not in compliance with applicable tamper-resistant packaging and labeling requirements of the regulations.

13. Two consumers questioned the agency's policy of allowing plastic bottles to be used in tamper-resistant systems. They argued that a tamperer could easily inject a substance into a plastic bottle without visible evidence of tampering.

The agency does not agree with this argument. Although it may be possible to penetrate some plastic containers with a needle, the agency believes that most plastic containers are sufficiently strong that either a needle will not penetrate the container, or such a large needle would have to be used that the hole would not be resealed. In an event, most plastic containers would be tamper-evident under these conditions. A liquid injected into a plastic container of tablets or capsules would result in obvious damage to the contents, and, were a liquid injected into a liquid drug or cosmetic product, the hole in the bottle would result in leakage.

14. Two comments questioned the agency's timetable for implementing the packaging requirement. Specifically, these comments criticized the retail level effective date of February 6, 1984, as too late and therefore not responsive to the urgent need to respond to the tampering problem. One such comment contended that the 1984 compliance date for shelf drugs was not instituted to protect the public, but rather to minimize the losses to the drug industry.

The agency disagrees with these comments and believes that the sequential effective dates established by these regulations are both reasonable and responsive to the urgent need to protect the public against the tampering problem. It must be kept in mind that the regulations required that by February 7, 1983, tamper-resistant packaging must be used in the manufacturing of those OTC drug products and cosmetics most vulnerable to tampering (oral liquids and capsules). By May 5, 1983, tamper-resistant packaging must be used in the manufacture of all other products subject to these regulations. In view of these two effective dates, which apply when the affected products are packaged, the agency believes that by the retail level effective date of February 6, 1984, the stock of products in non-tamper-resistant packaging will be significantly depleted.

The agency agrees that, under normal circumstances, substantial stocks of products with old packaging might remain on retail shelves by the February 6, 1984, date. However, because of consumers' extraordinary awareness of the tampering problem, and their strong demand for tamper-resistant packaging, the agency believes that manufacturers and retailers will attempt to replace old stocks with products in tamper-resistant packaging as soon as they become available. Setting an earlier date by which replacement of stocks is required, however, might create shortages of needed OTC drugs and, as a result, greatly increased prices. FDA believes it is appropriate to rely on the manufacturing effective dates and let the forces of the marketplace encourage the replacement of shelf stocks, with a February 6, 1984, date as a final regulatory target for completing that process. Further, as stated in the preamble to the regulations, because the agency is uncertain as to the circumstances that will prevail at the time of the retail level effective date, the agency plans to review the need for such a date and whether the date should be changed based on an assessment of the situation when more information is available.

III. Legal Authority

15. Two comments asserted that FDA lacks the legal authority to set an effective date after which all products that are subject to these regulations and that are on retail shelves must be in compliance with the tamper-resistant packaging requirements. These comments argued that FDA lacked authority on two grounds: (1) to set such a date was to enact an *ex post facto* requirement, and (2) based on the decision of the court in *United States* v. *An Article of Drug * * * White Quadrisect*, 484 F.2d 748 (7th Cir. 1973), products produced in accordance with current good manufacturing practice could not be proceeded against after shipment for failure to follow safety practices that were not recognized prior to the production of the products.

The agency does not agree, on either ground, that it lacks the legal authority to set a retail level effective date. The constitutional prohibition against *ex post facto* application of the law relates only to criminal penalties, not to civil legislation or regulation. See *Harisiades* v. *Shaughnessy*, 342 U.S. 580, 594–595 (1952); *Agustin* v. *Quern*, 461 F. Supp. 441, 443 (N.D. Ill. 1978); aff'd 611 F.2d 206 (7th Cir. 1979); *United States* v. *An Article of Food * * * Swordfish*, 395 F. Supp. 1184, 1187 (S.D.N.Y. 1975); *United States* v. *Great Atlantic and Pacific Tea Co.*, 342 F. Supp. 272, 281 (D. Md. 1972). *Cf. Springdale Convalescent Center* v. *Mathews*, 545 F.2d 943, 955 (5th Cir. 1977) (regulation attaching new legal obligations to completed transaction will be upheld where court finds a rational basis). Because the provisions challenged here are regulatory and not necessarily penal in nature, the *ex post facto* prohibition does not apply. *United States* v. *An Article of Food * * * Swordfish, supra*, at 1187.

The agency also does not agree that the *dicta* quoted from the *White Quadrisect* case, *supra*, compels the result asserted. The court in *White Quadrisect* was not faced with a situation analogous to that faced here by FDA. Here, the agency has responded to a problem not previously foreseen and has set forth a reasonable timetable during which affected manufacturers may achieve compliance. The court in *White Quadrisect* was faced with a challenge to the current good manufacturing practice regulations based on the argument that the regulations were void because they were too vague. The court rejected the challenge, finding, among other things, that the term "current" fixes the point in time when the acceptability of the relevant production practices may be determined. *White Quadrisect, supra*, at 749. Here, the date fixed for total compliance is more than 1 year from the date the regulation was published, and the agency believes that such a date is both reasonable and legally supportable. As noted in the preamble to the final regulations (47 FR 50446), the agency has promised to review the need for such an effective date after there has been an opportunity to determine the effects of the regulations on the marketplace (*id.*).

The argument based on the *White Quadrisect* case also ignores the fact that the tamper-resistant packaging requirements are not based solely on the current good manufacturing practice provisions contained in 21 U.S.C. 351(a)(2)(B). As discussed in the preamble to the regulations, the provisions are also based on other provisions of the act that relate to the adulteration of the affected OTC products.

The agency again points out that the purpose of the retail level effective date requirements of the regulations is to

assure that, at a defined time, all products covered by the rule will be contained in tamper-resistant packaging. Although the agency is sympathetic to the fact that the effective date requirements may impose some difficulties on manufacturers, the agency believes that in providing more than 1 year in which to comply, it has acted both reasonably and responsibly. Further, the agency has provided in §§ 211.132(d) and 700.25(d) a mechanism whereby any manufacturer or packer who can demonstrate a need for an exemption or stay from the packaging or labeling requirements can obtain one.

A final retail level effective date is, nonetheless, necessary and within the agency's authority to require. The date, therefore, remains February 6, 1984. Should the agency's review of the effects of the regulations on the marketplace indicate that a different date would be more appropriate, FDA will publish amended regulation in the **Federal Register.**

16. Two consumers suggested that the agency should use its authority to make tampering with drug products a crime punishable by death. If this were the case, the comments argued, drug product tampering would cease.

The provisions of the Federal Food, Drug, and Cosmetic Act do not provide the agency with the authority to make tampering with drug products a crime punishable by death. Legislation that would make the tampering with food, drug, cosmetic, and other products with intent to cause personal injury, death, or harm a felony punishable by a sentence of up to life in prison passed both houses of Congress last year. This bill, HR 3963, was vetoed by the President, however, because of other provisions, unrelated to the tampering provisions, that were in the bill. Anti-tampering bills have been reintroduced into both houses of the 98th Congress and have been referred to the appropriate committees for consideration.

17. Two manufacturers of packaging believed that the agency should not have mentioned the costs of specific systems when discussing the cost range of the various packaging technologies. They stressed that mentioning only two such systems was misleading and that any reference to specific systems should be deleted.

The agency disagrees with this comment. In the preamble to the final rule, the agency attempted to give examples of the most and the least expensive packaging system known at the time. Such examples were necessary as part of the agency's estimation of the economic impact of the regulations and were not intended to reflect upon the merits of one system over another. Manufacturers and packagers consider a variety of factors in selecting packaging systems, including the suitability of their products, the availability of packaging supplies, and the design and capability of their existing production equipment. The agency does not believe that any manufacturer will select a packaging system based on the unit-cost data in FDA's economic analysis.

IV. Exemptions Granted

Section 211.132(d) and 700.25(d) of the tamper-resistant packaging and labeling regulations set forth a procedure whereby a manufacturer or packer may request an exemption from the labeling and packaging requirements of the regulations. In response to this provision, the agency has received many petitions requesting that various OTC human drug and cosmetic products be exempted from these regulations.

In the **Federal Register** of February 25, 1983 (48 FR 8137), the agency announced the availability of the agency's responses to these requests for exemptions. The exemptions are now being incorporated into the regulations.

A. Lozenges

1. One petition was received requesting that lozenges be exempt from the labeling provisions of the regulations.

After considering this request, the agency concluded that all lozenges (i.e., candy-like solids containing a medicinal agent in a suitably flavored base) should be exempted from both the packaging and labeling requirements of the tamper-resistant packaging regulations. The likelihood of successful tampering with lozenges is remote. The lozenges flavored base may be a hard sugar candy, glycerinated gelatin, or a combination of sugar with sufficient mucilage to give it form. Because lozenges are generally distinctive in appearance, the successful substitution of another product would be unlikely. Lozenges are placed in the mouth where they dissolve, liberating the active ingredient. In addition, the agency believes that it would be extremely difficult to counterfeit or tamper with such a dosage form, and that if physical tampering were attempted, it would be readily visually detectable.

B. Ammonia Inhalant Ampules

2. One petition was received requesting that an alcoholic ammonia solution in a crushable glass ampule be exempt from the labeling requirements of the regulations.

The agency granted this exemption because any malicious tampering with such a product would not only be evident, but would also release the ammonia, precluding any further use.

C. Aerosol Products and Compressed Medical Oxygen

3. Although the agency did not receive any petitions requesting that aerosol containers be exempted from the labeling requirements, it did receive three such comments from manufacturers and packagers of OTC drug products urging the agency to amend the labeling requirements under §§ 211.132(c) and 700.25(c) to exclude aerosol containers. In addition, a distributor of compressed medical oxygen requested an exemption from the labeling requirements.

The agency concluded that aerosol OTC human drug and cosmetic products and compressed medical oxygen should be exempt from the labeling requirements of the tamper-resistant regulations. The reason for these exemptions is that such containers are tamper-resistant but are not always "tamper evident," so that in the unlikely event that someone had tampered with the contents of an aerosol container or a container of medical oxygen, a labeling statement could not inform the consumer how to detect the occurrence of tampering. For purposes of this exemption, the term "aerosol" product means a product that depends upon the power of a liquified or compressed gas to expel the contents from the container.

D. One-Piece Soft Gelatin Capsules

4. In the **Federal Register** of January 4, 1983 (48 FR 334), the agency announced its advisory opinion that OTC drugs in one-piece soft gelatin capsules belong to the category of products that must comply with the regulations by May 5, 1983. That opinion and the ones set forth in the **Federal Register** notice of February 25, 1983 (48 FR 8137) and in this document constitute all the exemptions granted to date from the tamper-resistant packaging and labeling regulations.

V. Economic Considerations

In the preamble to the November 5, 1982 final rule, the agency discussed the economic considerations of the rule in accordance with Executive Order 12291 and the Regulatory Flexibility Act (47 FR 50449). The agency concluded that the costs of conversion to tamper-resistant packaging would not be sufficient to warrant designation of the rule as a major rule under Executive Order 12291 and, further, certified under the Regulatory Flexibility Act that the rule will not have a significant economic

impact on a substantial number of small entities.

These amendments to the final rule are for clarification. The agency finds that the regulatory impacts previously considered are not changed to any measurable degree and, accordingly, reexamination of the economic impacts under Executive Order 12291 and the Regulatory Flexibility Act is not necessary.

VI. Environmental Impact

The agency has determined pursuant to 21 CFR 25.24(d) (12) and (13) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects

21 CFR Part 211

Drugs, manufacturing, Labeling, Laboratories, Packaging and containers, Warehouses.

21 CFR Part 700

Cosmetics, Definitions, Prohibited cosmetic ingredients.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(n), 501, 502, 505, 506, 507, 601, 602, 701, 52 Stat. 1041 as amended, 1049–1056 as amended, 55 Stat. 851, 59 Stat. 463 as amended (21 U.S.C. 321(n), 351, 352, 355, 356, 357, 361, 362, 371)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Parts 211 and 700 are amended as follows:

PART 211—CURRENT GOOD MANUFACTURING PRACTICE FOR FINISHED PHARMACEUTICALS

1. Part 211 is amended in § 211.132 by revising paragraphs (a), (b), and (c), by revising the introductory text of paragraph (g), and by revising paragraph (g)(1), to read as follows:

§ 211.132 Tamper-resistant packaging requirements for over-the-counter human drug products.

(a) *General.* Because most over-the-counter (OTC) human drug products are not now packaged in tamper-resistant retail packages, there is the opportunity for the malicious adulteration of OTC drug products with health risks to individuals who unknowingly purchase adulterated products and with loss of consumer confidence in the security of OTC drug product packages. The Food and Drug Administration has the authority and responsibility under the Federal Food, Drug, and Cosmetic Act (the act) to establish a uniform national requirement for tamper-resistant packaging of OTC drug products that will improve the security of OTC drug packaging and help assure the safety and effectiveness of OTC drug products. An OTC drug product (except a dermatological, dentifrice, insulin, or lozenge product) for retail sale that is not packaged in a tamper-resistant package or that is not properly labeled under this section is adulterated under section 501 of the act or misbranded under section 502 of the act, or both.

(b) *Requirement for tamper-resistant package.* Each manufacturer and packer who packages an OTC drug product (except a dermatological dentifrice, insulin, or lozenge product) for retail sale, shall package the product in a tamper-resistant package, if this product is accessible to the public while held for sale. A temper-resistant package is one having an indicator or barrier to entry which, if breached or missing, can reasonably be expected to provide visible evidence to consumers that tampering has occurred. To reduce the likelihood of substitution of a tamper-resistant feature after tampering, the indicator or barrier to entry is required to be distinctive by design (e.g., an aerosol product container) or by the use of an identifying characteristic (e.g., a pattern, name, registered trademark, logo, or picture). For purposes of this section, the term "distinctive by design" means the packaging cannot be duplicated with commonly available materials or through commonly available processes. For purposes of this section, the term "aerosol product" means a product which depends upon the power of a liquified or compressed gas to expel the contents from the container. A tamper-resistant package may involve an immediate-container and closure system or secondary-container or carton system or any combination of systems intended to provide a visual indication of package integrity. The tamper-resistant feature shall be designed to and shall remain intact when handled in a reasonable-manner during manufacture, distribution, and retail display.

(c) *Labeling.* Each retail package of an OTC drug product covered by this section, except ammonia inhalant in crushable glass ampules, aerosol products as defined in paragraph (b) of this section, or containers of compressed medical oxygen, is required to bear a statement that is prominently placed so that consumers are alerted to the specific tamper-resistant feature of the package. The labeling statement is also required to be so placed that it will be unaffected if the tamper-resistant feature of the package is breached or missing. If the tamper-resistant feature chosen to meet the requirement in paragraph (b) of this section is one that uses an identifying characteristic, that characteristic is required to be referred to in the labeling statement. For example, the labeling statement on a bottle with a shrink band could say "For your protection, this bottle has an imprinted seal around the neck."

* * * * *

(g) *Effective date.* OTC drug products, except dermatological, dentifrice, insulin, and lozenge products, are required to comply with the requirements of this section on the dates listed below except to the extent that a product's manufacturer or packer has obtained an exemption from a packaging or labeling requirement.

(1) *Initial effective date for packaging requirements.* (i) The packaging requirement in paragraph (b) of this section is effective on February 7, 1983 for each affected OTC drug product (except oral and vaginal tablets, vaginal and rectal suppositories, and one-piece soft gelatin capsules) packaged for retail sale on or after that date, except for the requirement in paragraph (b) of this section for a distinctive indicator or barrier to entry.

(ii) The packaging requirement in paragraph (b) of this section is effective on May 5, 1983 for each OTC drug product that is an oral or vaginal tablet, a vaginal or rectal suppository, or one-piece soft gelatin capsules packaged for retail sale on or after that date.

* * * * *

PART 700—GENERAL

2. Part 700 is amended in § 700.25 by revising paragraphs (b) and (c), to read as follows:

§ 700.25 Tamper-resistant packaging requirements for cosmetic products.

* * * * *

(b) *Requirement for tamper-resistant package.* Each manufacturer and packer who packages a cosmetic liquid oral hygiene product or vaginal product for retail sale shall package the product in a tamper-resistant package, if this product is accessible to the public while held for sale. A tamper-resistant package is one having an indicator or barrier to entry which, if breached or missing, can reasonably be expected to provide visible evidence to consumers that tampering has occurred. To reduce the likelihood of substitution of a tamper-resistant feature after tampering, the indicator or barrier to entry is required

to be distinctive by design (e.g., an aerosol product container) or by the use of an identifying characteristic (e.g., a pattern, name, registered trademark, logo, or picture). For purposes of this section, the term "distinctive by design" means the packaging cannot be duplicated with commonly available materials or through commonly available processes. For purposes of this section, the term "aerosol product" means a product which depends upon the power of a liquified or compressed gas to expel the contents from the container. A tamper-resistant package may involve an immediate-container and closure system or secondary-container or carton system or any combination of systems intended to provide a visual indication of package integrity. The tamper-resistant feature shall be designed to and shall remain intact when handled in a reasonable manner during manufacture, distribution, and retail display.

(c) *Labeling.* Each retail package of a cosmetic product covered by this section, except aerosol products as defined in paragraph (b) of this section, is required to bear a statement that is prominently placed so that consumers are alerted to the specific tamper-resistant feature of the package. The labeling statement is also required to be so placed that it will be unaffected if the tamper-resistant feature of the package is breached or missing. If the tamper-resistant feature chosen to meet the requirement in paragraph (b) of this section is one that uses an identifying characteristic, that characteristic is required to be referred to in the labeling statement. For example, the labeling statement on a bottle with a shrink band could say "For your protection, this bottle has an imprinted seal around the neck."

* * * * * *

EFFECTIVE DATE: April 19, 1983.

(Secs. 201(n), 501, 502, 505, 506, 507, 601, 602, 701, 52 Stat. 1041 as amended, 1049–1056 as amended, 55 Stat. 851, 59 Stat. 463 as amended (21 U.S.C. 321(n), 351, 352, 355, 356, 357, 361, 362, 371))

Dated: March 17, 1983.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

[FR Doc. 83-10280 Filed 4-18-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 558

New Animal Drugs For Use in Animal Feeds; Virginiamycin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed for Cadco, Inc., providing for use of a 50 percent virginiamycin premix to make a 2.2 percent (10 grams per pound) intermediate premix used to make complete swine feeds.

EFFECTIVE DATE: April 19, 1983.

FOR FURTHER INFORMATION CONTACT: Lonnie W. Luther, Bureau of Veterinary Medicine (HFV–128), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4317.

SUPPLEMENTARY INFORMATION: Cadco, Inc., P.O. Box 3599, 10100 Douglas Ave., Des Moines, IA 50322, is sponsor of NADA 133–334 filed on its behalf by SimthKline Animal Health Products. The NADA provides for use of a 50-percent virginiamycin premix to make a 2.2-percent (10 grams per pound) intermediate premix used to make a complete swine feed. The feed is used as in § 558.635(f)(1)(iv) and (v) (21 CFR 558.635(f)(1)(iv) and (v)) for increased rate of weight gain and improved feed efficiency. The NADA is approved and § 558.635 is amended to reflect the approval.

Approval of this application is based on safety and effectiveness data contained in SmithKline's approved NADA's 91–467 and 91–513. SmithKline has authorized use of the data in its NADA's to support approval of this NADA. This approval does not change the approved use of the drug. Consequently, approval of this NADA poses no increased human risk of exposure to residues of the animal drug nor does it change the conditions of the drug's safe use in the target animal species. Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), this is equivalent to a Category II supplemental approval which does not require reevaluation of the safety and effectiveness data in the parent NADA's 91–467 and 91–513.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Docket Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMALS FEEDS

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 558.635 is amended by revising pargraph (b) to read as follows:

§ 558.635 Virginiamycin.

* * * * *

(b) *Approvals.* (1) Premix levels of 2.2 percent (10 grams per pound), 11 percent (50 grams per pound), and 50 percent (227 grams per pound) virginiamycin activity granted to No. 000007 in § 510.600(c) of this chapter for use as in paragraph (f) of this section.

(2) Premix level of 2.2 percent (10 grams per pound) virginiamycin activity granted to No. 011490 in § 510.600(c) of this chapter for use as in paragraph (f)(1)(iv) and (v) of this section.

* * * * *

Effective date. April 19, 1983.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: April 13, 1983.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 83-10282 Filed 4-18-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 800

[Docket No. 82N-0332]

Tamper-Resistant Packaging Requirements for Contact Lens Solutions and Tablets

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending its tamper-resistant packaging and labeling regulations for contact lens solutions and for tablets and other dosage forms used to make such solutions. The amendments clarify the regulation and conform it to amendments made elsewhere in this issue of the Federal Register to the tamper-resistant

packaging and labeling regulations for certain over-the-counter drugs and cosmetics.

EFFECTIVE DATE: April 19, 1983.

FOR FURTHER INFORMATION CONTACT: Joseph M. Sheehan, National Center for Devices and Radiological Health (HFK–140), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7114.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of November 5, 1982 (47 FR 50452), FDA published a regulation (21 CFR 800.12) establishing tamper-resistant packaging and labeling requirements for solutions intended for use with contact lenses, e.g., for cleaning, disinfecting, wetting, lubricating, rinsing, soaking, or storing contact lenses, and for tablets to be used to make any such solution. FDA published corrections in the **Federal Register** of January 14, 1983 (48 FR 1706).

FDA received no comments on the tamper-resistant packaging and labeling regulation. The agency is, however, making the following changes in the regulation:

1. As in the regulations applicable to certain drugs and cosmetics, also amended in this issue of the **Federal Register**, FDA is clarifying that the tamper-resistant packaging and labeling requirements apply only to products that are accessible to the public while held for sale. Thus, contact lens products sold only through health professionals such as ophthalmologists and optometrists are not subject to these requirements.

2. As in the drug and cosmetic regulations, the agency is adding an explanation of the term "distinctive by design" and is giving examples of "an identifying characteristic." These terms are found in the requirement in § 800.12(b) that the required indicator or barrier to entry by "distinctive by design or by the use of an identifying characteristic."

3. As in the drug and cosmetic regulations, the agency is clarifying the requirement for labeling alerting consumers to the tamper-resistant feature of the package.

4. The agency also is applying the regulation to any dosage form used to make contact lens solutions (e.g., salt capsules), as well as to tablets, if the product is accessible to the public while held for sale. This amendment takes into account the possibility of new types of products to which the regulation might need to apply.

Accordingly, the regulation is amended as described above.

Interpretations of the tamper-resistant packaging and labeling regulations found in the preamble to the amendments that are being published to the regulations for certain over-the-counter drugs and cosmetics also apply to § 800.12.

In the preamble to the November 5, 1982 final rule, the agency discussed the economic considerations of the rule in accordance with Executive Order 12291 and the Regulatory Flexibility Act (47 FR 50454). The agency concluded that the costs of conversion to tamper-resistant packaging would not be sufficient to warrant designation of the rule as a major rule under Executive Order 12291 and, further, certified under the Regulatory Flexibility Act that the rule will not have a significant economic impact on a substantial number of small entities.

These amendments to the final rule are for clarification. The agency finds that the regulatory impacts previously considered are not changed to any measurable degree and, accordingly, reexamination of the economic impacts under Executive Order 12291 and the Regulatory Flexibility Act is not necessary.

The agency has determined pursuant to 21 CFR 25.24(d)(13) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 800

Administrative practice and procedure, Medical devices.

PART 800—GENERAL

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(n), 501, 502, 515, 521, 701, 52 Stat. 1041 as amended, 1049–1051 as amended, 1055–1056 as amended, 90 Stat. 552–559, 574 (21 U.S.C. 321(n), 351, 352, 360e, 360k, 371)) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 800 is amended in § 800.12 by revising paragraphs (a), (b), and (c), to read as follows:

§ 800.12 Contact lens solutions and tablets; tamper-resistant packaging.

(a) *General.* Unless contact lens solutions used, for example, to clean, disinfect, wet, lubricate, rinse, soak, or store contact lenses and salt tablets or other dosage forms to be used to make any such solutions are packaged in tamper-resistant retail packages, there is the opportunity for the malicious adulteration of these products with risks both to individuals who unknowingly purchase adulterated products and with loss of consumer confidence in the security of the packages of over-the-counter (OTC) health care products. The Food and Drug Administration has the authority and responsibility under the Federal Food, Drug, and Cosmetic Act (the act) to establish a uniform national standard for tamper-resistant packaging of those OTC products vulnerable to malicious adulteration that will improve the security of OTC packaging and help assure the safety and effectiveness of the products contained therein. A contact lens solution or tablet or other dosage form to be used to make such a solution for retail sale that is not packaged in a tamper-resistant package and labeled in accordance with this section is adulterated under section 501 of the act or misbranded under section 502 of the act, or both.

(b) *Requirement for tamper-resistant package.* Each manufacturer and packer who packages for retail sale a product regulated as a medical device that is a solution intended for use with contact lenses, e.g., for cleaning, disinfecting, wetting, lubricating, rinsing, soaking, or storing contact lenses or tablets or other dosage forms to be used to make any such solution shall package the product in a tamper-resistant package, if this product is accessible to the public while held for sale. A tamper-resistant package is one having an indicator or barrier to entry which, if breached or missing, can reasonably be expected to provide visible evidence to consumers that tampering has occurred. To reduce the likelihood of substitution of a tamper-resistant feature after tampering, the indicator or barrier to entry is required to be distinctive by design or by the use of an identifying characteristic (e.g., a pattern, name, registered trademark, logo, or picture). For purposes of this section, the term "distinctive by design" means the package cannot be duplicated with commonly available material or through commonly available processes. A tamper-resistant package may involve an immediate-container and closure system or secondary-container or carton system or any combination of systems intended to provide a visual indication of package integrity. The tamper-resistant feature shall be designed to and shall remain intact when handled in a reasonable manner during manufacture, distribution, and retail display.

(c) *Labeling.* Each retail package of a product covered by this section is required to bear a statement that is prominently placed so that consumers are alerted to the tamper-resistant

feature of the package. The labeling statement is also required to be so placed that it will be unaffected if the tamper-resistant feature of the package is breached or missing. If the tamper-resistant feature chosen to meet the requirement in paragraph (b) of this section is one that uses an identifying characteristic, that characteristic is required to be referred to in the labeling statement. For example, the labeling statement on a bottle with a shrink band could say "For your protection, this bottle has an imprinted seal around the neck."

* * * * *

Effective date. April 19, 1983.

(Secs. 201(n), 501, 502, 515, 521, 701, 52 Stat. 1041 as amended, 1049–1051 as amended, 1055–1056 as amended, 90 Stat. 552–559, 574 (21 U.S.C. 321(n), 351, 352, 360e, 360k, 371))

Dated: March 17, 1983.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

[FR Doc. 83-10261 Filed 4-18-83; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 207, 213, 220, 221, 231, 234, 236, and 255

[Docket No. R-83-1081]

Mortgage and Loan Insurance Programs Under the National Housing Act; Multifamily Mortgage Insurance Program Amendments

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Final rule.

SUMMARY: This final rule amends the regulations for the several multifamily mortgage insurance programs to increase, from 90 percent to 140 percent, the maximum amount by which the Federal Housing Commissioner may, on a project-by-project basis, permit the mortgage amount limitations to be exceeded in high cost geographical areas, except for mortgages purchased or to be purchased by the Government National Mortgage Association under its special assistance functions. This rule brings the multifamily mortgage insurance regulations into conformity with certain amendments to the National Housing Act made by the Further Continuing Appropriations Act, 1983.

EFFECTIVE DATE: After expiration of the first period of 30 calendar days of continuous session of Congress following publication, subject to waiver, but not until the effective date that HUD will publish in a future issue of the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Frank D. Brown, Office of Multifamily Housing Development, Room 6128, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410. Telephone (202) 755–5720. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: The Further Continuing Appropriations Act, 1983 amended Sections 207(c)(3), 213(b)(2), 220(d)(3)(B)(iii), 221(d)(3)(ii), 221(d)(4)(ii), 231(c)(2) and 234(e)(3) of the National Housing Act to increase the maximum amount by which the Secretary of HUD may, on a project-by-project basis, permit the mortgage amount limitations to be exceeded on certain types of multifamily mortgages in high cost geographical areas. The statutory change increased the present 90 percent maximum amount to 140 percent of the mortgage amount limitations for all multifamily mortgages insured under the affected mortgage insurance programs, except for mortgages subject to purchase by GNMA under its special assistance functions, as authorized by Section 305 of the National Housing Act. The present 90 percent maximum amount will continue to apply to these GNMA-assisted mortgages.

This final rule brings the multifamily mortgage insurance regulations contained in Subchapter B of Chapter II of Title 24, Code of Federal Regulations, into conformity with the amended statute by making parallel amendments to the following sections: 207.4, 207.32a, 207.33, 213.7, 220.507, 221.514, 231.6, 234.530, 236.12 and 255.211. Section 236.12 of the regulations is being amended, even though there was no amendment to Section 236 of the National Housing Act, since a mortgage may be insured under Section 236 if it meets the requirements of Section 221(d)(1) and (3), and Section 221(d)(3) was amended. Section 255.211 of the regulations is being amended since insurance under Part 255 is based on the authority provided in Section 207 of the National Housing Act, which was amended by the 1983 legislation.

As in the existing regulations, the authority to permit increases in mortgage amount limitations in high cost geographical areas is delegated to the Federal Housing Commissioner. Each HUD Area Office maintains a current list of the high cost geographical areas located within its jurisdiction.

Since these amendments merely follow the statutory changes and do not involve any exercise of discretion by the Secretary, the Secretary has found that it is unnecessary to publish a notice of proposed rulemaking and provide an opportunity for public comment on the amendments, and that there is good cause for adopting these amendments by means of a final rule. The Secretary has also determined that, for the reasons stated above, there is good cause for exempting this rule from the 30-day delay in effectiveness required by 5 U.S.C. 553(d).

However, section 7(o)(3) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(o)(3)) provides for a delay in effectiveness of this rule for a period of 30 calendar days of continuous session of Congress after publication, unless waived by the Chairmen and Ranking Minority Members of the Senate Committee on Banking, Housing and Urban Affairs, and the House Committee on Banking, Finance and Urban Affairs.

The Secretary has requested the appropriate waivers by the Chairmen and Ranking Minority Members but, at the time of publication of this final rule, it is not known whether or when such waivers will be granted. Therefore, notice of the effective date of this final rule will be published in a future issue of the **Federal Register.**

HUD regulations published at 47 FR 56266 (1982), amending 24 CFR Part 50, which implements section 102(2)(C) of the National Environmental Policy Act of 1969, contain categorical exclusions from their requirements for the actions, activities and programs specified in § 50.20. Since the amendments made by this rule fall within the categorical exclusion set forth in paragraph (1) of § 50.20, the preparation of an Environmental Impact Statement or a Finding of No Significant Impact is not required for this rule.

This rule does not constitute a "major rule" as that term is defined in section 1(b) of Executive Order 12291 on Federal Regulations issued by the President on February 17, 1981. Analysis of the rule indicates that it does not (1) have an annual effect on the economy of $100,000,000 or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based

enterprises to compete with foreign-based enterprises in domestic or export markets.

Pursuant to the provisions of 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities. While this rule will permit increased mortgage amounts on insured mortgages and thereby have an impact on multifamily housing mortgagors, some of whom may constitute small entities, it will not affect a substantial number of such small entities, nor will the rule constitute a burden on small entities.

This rule is not listed in the Department's Semiannual Agenda of Regulations published on October 28, 1982 (47 FR 48422) pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

The programs affected by these amendments are listed in the Catalog of Federal Domestic Assistance under the following program numbers and titles:

14.112—Mortgage Insurance—Construction or Substantial Rehabilitation of Condominium Projects (section 234)
14.124—Mortgage Insurance—Investor Sponsored Cooperative Housing (section 213)
14.126—Mortgage Insurance—Management Type Cooperative Projects (section 213)
14.127—Mortgage Insurance—Manufactured Home Parks (section 207)
14.134—Mortgage Insurance—Rental housing (section 207)
14.135—Mortgage Insurance—Rental Housing for Moderate Income Families (section 221(d)(4))
14.137—Mortgage Insurance—Rental and Cooperative Housing for Low and Moderate Income Families, Market Interest Rate (section 221(d)(3))
14.138—Mortgage Insurance—Rental Housing for the Elderly (section 231)
14.139—Mortgage Insurance—Rental Housing in Urban Renewal Areas (section 220)
14.155—Mortgage Insurance for the Purchase or Refinancing of Existing Multifamily Housing Projects (section 223(f), Pursuant to section 207)

List of Subjects

24 CFR Part 207

Mortgage insurance, Rental housing, Mobile home parks.

24 CFR Part 213

Mortgage insurance, Cooperatives.

24 CFR Part 220

Home improvements, Mortgage insurance, Urban renewal, Projects, Rental housing, Loan programs—housing and community development.

24 CFR Part 221

Condominiums, Low and moderate income housing, Mortgage insurance, Displaced families, Single family housing, Projects, Cooperatives.

24 CFR Part 231

Aged, Mortgage insurance.

24 CFR Part 234

Condominiums, Mortgage insurance, Homeownership, Projects, Units.

24 CFR Part 236

Low and moderate income housing, Mortgage insurance, Rent subsidies, Taxes, Utilities, Projects.

24 CFR Part 255

Mortgage insurance.

Accordingly, 24 CFR Parts 207, 213, 220, 221, 231, 234, 236 and 255 are amended as follows:

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

1. Section 207.4 is amended by revising paragraph (c)(1) to read as follows:

§ 207.4 Maximum mortgage amounts.

* * * * *

(c) *Increased mortgage amounts—high cost areas.* (1) In any geographical area where the Commissioner finds that cost levels so require, the Commissioner may increase, by not to exceed 75 percent, the dollar amount limitations set forth in paragraphs (a)(2) and (b) of this section. In such high cost areas, where the Commissioner determines it necessary on a project-by-project basis, the Commissioner may increase these dollar amount limitations by not to exceed 140 percent, except where the mortgage involved has been or is committed to be purchased by the Government National Mortgage Association in implementing its special assistance functions under Section 305 of the National Housing Act, in which case the Commissioner may increase these dollar amount limitations by not to exceed 90 percent.

* * * * *

2. Section 207.32a is amended by revising paragraph (b)(2)(ii)(A) to read as follows:

§ 207.32a Eligibility of mortgages on existing projects.

* * * * *

(b) *Maximum mortgage amounts—general.* * * *

(2) * * *

(ii) *Increased mortgage amounts—high cost areas.* (A) In any geographical area where the Commissioner finds that cost levels so require, the Commissioner may increase, by not to exceed 75 percent, the dollar amount limitations set forth in paragraphs (b)(2) and (b)(2)(i) of this section. In such high cost areas, where the Commissioner determines it necessary on a project-by-project basis, the Commissioner may increase these dollar amount limitations by not to exceed 140 percent, except where the mortgage involved has been or is committed to be purchased by the Government National Mortgage Association in implementing its special assistance functions under Section 305 of the National Housing Act, in which case the Commissioner may increase these dollar amount limitations by not to exceed 90 percent.

* * * * *

3. Section 207.33 is amended by revising paragraph (b)(2) to read as follows:

§ 207.33 Eligibility of mortgages on manufactured home courts or parks.

* * * * *

(b) * * *

(2) In any geographical area where the Commissioner finds that cost levels so require, the Commissioner may increase, by not to exceed 75 percent, the dollar amount limitations set forth in paragraph (b)(1) of this section. In such high cost areas, where the Commissioner determines it necessary on a project-by-project basis, the Commissioner may increase these dollar amount limitations by not to exceed 140 percent, except where the mortgage involved has been or is committed to be purchased by the Government National Mortgage Association in implementing its special assistance functions under Section 305 of the National Housing Act, in which case the Commissioner may increase these dollar amount limitations by not to exceed 90 percent.

* * * * *

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

4. Section 213.7 is amended by revising paragraph (d)(1) to read as follows:

§ 213.7 Maximum mortgage amounts.

* * * * *

(d) *Increased mortgage amounts—high cost areas.* (1) In any geographical area where the Commissioner finds that cost levels so require, the Commissioner may increase, by not to exceed 75

percent, the dollar amount limitations set forth in paragraphs (a)(2) and (g) of this section. In such high cost areas, where the Commissioner determines it necessary on a project-by-project basis, the Commissioner may increase these dollar amount limitations by not to exceed 140 percent, except where the mortgage involved has been or is committed to be purchased by the Government National Mortgage Association in implementing its special assistance functions under Section 305 of the National Housing Act, in which case the Commissioner may increase these dollar amount limitations by not to exceed 90 percent.

* * * * *

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

5. Section 220.507 is amended by revising paragraph (c)(1) to read as follows:

§ 220.507 Maximum mortgage amounts.

* * * * *

(c) *Increased mortgage amounts—high cost areas.* (1) In any geographical area where the Commissioner finds that cost levels so require, the Commissioner may increase, by not to exceed 75 percent, the dollar amount limitations set forth in paragraphs (a) and (b) of this section. In such high cost areas, where the Commissioner determines it necessary on a project-by-project basis, the Commissioner may increase these dollar amount limitations by not to exceed 140 percent, except where the mortgage involved has been or is committed to be purchased by the Government National Mortgage Association in implementing its special assistance functions under Section 305 of the National Housing Act, in which case the Commissioner may increase these dollar amount limitations by not to exceed 90 percent.

* * * * *

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

6. Section 221.514 is amended by revising paragraph (c)(1) to read as follows:

§ 221.514 Maximum mortgage amounts.

* * * * *

(c) *Increased mortgage amounts—high cost areas.* (1) In any geographical area where the Commissioner finds that cost levels so require, the Commissioner may increase, by not to exceed 75 percent, the dollar amount limitations set forth in paragraphs (a)(1) and (b) of this section. In such high cost areas, where the Commissioner determines it necessary on a project-by-project basis, the Commissioner may increase these dollar amount limitations by not to exceed 140 percent, except where the mortgage involved has been or is committed to be purchased by the Government National Mortgage Association in implementing its special assistance functions under Section 305 of the National Housing Act, in which case the Commissioner may increase these dollar amount limitations by not to exceed 90 percent.

* * * * *

PART 231—HOUSING MORTGAGE INSURANCE FOR THE ELDERLY

7. Section 231.6 is amended by revising paragraph (a) to read as follows:

§ 231.6 Increased mortgage amounts—high cost areas.

(a) In any geographical area where the Commissioner finds that cost levels so require, the Commissioner may increase, by not to exceed 75 percent, the dollar amount limitations set forth in §§ 231.3(a) and 231.5. In such high cost areas, where the Commissioner determines it necessary on a project-by-project basis, the Commissioner may increase these dollar amount limitations by not to exceed 140 percent, except where the mortgage involved has been or is committed to be purchased by the Government National Mortgage Association in implementing its special assistance functions under Section 305 of the National Housing Act, in which case the Commissioner may increase these dollar amount limitations by not to exceed 90 percent.

* * * * *

PART 234—CONDOMINIUM OWNERSHIP MORTGAGE INSURANCE

8. Section 234.530 is amended by revising paragraph (b)(1) to read as follows:

§ 234.530 Increased mortgage amounts.

* * * * *

(b) *High cost areas.* (1) In any geographical area where the Commissioner finds that cost levels so require, the Commissioner may increase, by not to exceed 75 percent, the dollar amount limitations set forth in paragraph (a) of this section and in § 234.525(b). In such high cost areas, where the Commissioner determines it necessary on a project-by-project basis, the Commissioner may increase these dollar amount limitations by not to exceed 140 percent, except where the mortgage involved has been or is committed to be purchased by the Government National Mortgage Association in implementing its special assistance functions under Section 305 of the National Housing Act, in which case the Commissioner may increase these dollar amount limitations by not to exceed 90 percent.

* * * * *

PART 236—MORTGAGE INSURANCE AND INTEREST REDUCTION PAYMENT FOR RENTAL PROJECTS

9. Section 236.12 is amended by revising paragraph (c)(1) to read as follows:

§236.12 Maximum mortgage amounts.

* * * * *

(c) *Increased mortgage amounts—high cost areas.* (1) In any geographical area where the Commissioner finds that cost levels so require, the Commissioner may increase, by not to exceed 75 percent, the dollar amount limitations set forth in paragraphs (a)(1) and (b) of this section. In such high cost areas, where the Commissioner determines it necessary on a project-by-project basis, the Commissioner may increase these dollar amount limitations by not to exceed 140 percent, except where the mortgage involved has been or is committed to be purchased by the Government National Mortgage Association in implementing its special assistance functions under Section 305 of the National Housing Act, in which case the Commissioner may increase these dollar amount limitations by not to exceed 90 percent.

* * * * *

PART 255—COINSURANCE FOR PRIVATE MORTGAGE LENDERS

10. Section 255.211 is amended by revising paragraph (a)(4)(i) to read as follows:

§ 255.211 Maximum mortgage amounts.

* * * * *

(a) *Dollar limitations on units.* * * *

(4) *Increased mortgage amounts—high cost areas.* (i) In any geographical area where the Commissioner finds that cost levels so require, the Commissioner may increase, by not to exceed 75 percent, the dollar amount limitations set forth in paragraphs (a)(1) and (3) of this section. In such high cost areas, where the Commissioner determines it necessary on a project-by-project basis, the Commissioner may increase these dollar amount limitations by not to exceed 140 percent, except where the mortgage involved has been or is committed to be purchased by the Government National Mortgage Association in implementing its special assistance functions under

Section 305 of the National Housing Act, in which case the Commissioner may increase these dollar amount limitations by not to exceed 90 percent.

* * * * *

(Secs. 207, 211, 213, 220, 221, 231, 234, National Housing Act, as amended (12 U.S.C. 1713, 1715b, 1715e, 1715k, 1715l, 1715v, 1715y); sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)))

Dated: April 11, 1983.

W. Calvert Brand,

General Deputy Assistant Secretary for Housing—Deputy Federal Housing Commissioner.

[FR Doc. 83-10332 Filed 4-18-83; 8:45 am]

BILLING CODE 4210-27-M

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24 CFR Parts 207, 220, 221, and 236

[Docket No. R-83-986]

Multifamily Housing, Urban Renewal, and Low Cost and Moderate Income Mortgage Insurance

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Final rule.

SUMMARY: This final rule provides an alternative method of determining maximum permissible rentals for unsubsidized insured and HUD-held multifamily projects in which rents are determined under Section 207 of the National Housing Act, based upon the current appraised market value of the property. Additionally, the rule ends control of rents by HUD for mortgages insured under Section 220 or Section 221(d)(4) of the Act. This rule is intended to provide project owners with timely recovery of current operating costs and to afford an incentive for owners to preserve projects subject to the rule as a part of the Nation's multifamily rental housing stock.

EFFECTIVE DATE: June 1, 1983.

FOR FURTHER INFORMATION CONTACT: James J. Tahash, Director, Program Planning Division, Office of Multifamily Housing Management, Department of Housing and Urban Development, Washington, D.C. 20410, (202) 755-5654. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Statutes authorizing programs of HUD mortgage insurance for unsubsidized multifamily housing generally authorize the Secretary to regulate rentals. Under some program sections of the National Housing Act, such authority is discretionary. See, e.g., Sections 220, 221(d)(4), 12 U.S.C. 1715k, 1715l(d)(4). Under other unsubsidized program authorities, regulation "to provide reasonable rentals to tenants and a reasonable return on the investment" is mandatory. See, e.g:, Section 207, 12 U.S.C. 1713. Notwithstanding the statutory differentiations, HUD historically has elected uniformly to regulate rentals in all unsubsidized projects subject to HUD-insured or HUD-held mortgages.

An evaluation of the Department's experience in its unsubsidized rental programs, particularly in the light of recent conditions in rental multifamily markets generally, has led HUD to conclude that the existing methods of determining maximum permissible rentals in unsubsidized projects do not provide timely recovery of current operating costs and a sufficient incentive for owners to preserve such projects as a part of the nation's multifamily rental stock. The Department believes that in numerous projects a rigid rent structure which is not sufficiently responsive to cost increases and changes in market conditions has contributed to defaults or serious delinquencies. Moreover, the Department believes that empirical evidence of recent history indicates a substantial likelihood that administrative interference with market rents, and accordingly with expectations of market rewards based on appreciating values, creates a disincentive to new or continued rental investment. The President's Commission on Housing found:

> After rent control is enacted, landlords tend to disinvest from their real estate ventures. This disinvestment either takes the form of conversion to cooperative or condominium forms of ownership, deferred maintenance, or, in extreme cases, abandonment. The Commission finds that rent control causes a reduction in the quality of existing rental housing stock and discourages the investment of capital in new rental property. The Report of the President's Commission on Housing 92 (1982).

The foregoing finding of the Commission was directed more specifically at forms of local rent control which may take into account neither costs nor appreciation. Nevertheless, the principle of the disincentives to investment which follow from artificial restraint upon market expectations applies as well to a form of rent regulations based on expenses alone, such as that utilized by HUD. Thus, the Commission urged that "unsubsidized projects with FHA-insured loans should not be subject to regulatory control of rents, either by localities or by HUD." Report, *supra*, at 166.

As the insurer or holder (as a result of assignment) of the mortgages on such projects, HUD has a paramount interest in their economic viability. Moreover, HUD is committed to the preservation and enhancement of the quantity and quality of available rental housing. For projects which receive no subsidy, the Department has concluded that the best method of achieving these goals is to allow free markets to determine rents which will enable owners to recover current operating costs and achieve a reasonable rate of return based on present property values.

For projects governed by Sections 220 and 221(d)(4), which do not mandate regulation of rents, the Department has determined that there is no basis for concluding that the objective of providing and maintaining economically sound rental housing is better advanced by rent regulation than without it. Accordingly, the Department is terminating its regulation of rents in such projects.

With respect to unsubsidized projects subject to mortgages insured or held by HUD under Section 207, 223(f), 608, 213 (rental), 234 (rental), 803, 810, or 231(c)(4) of the Act, HUD is revising its method of determining maximum allowable rents. Currently, HUD controls rents in such projects by a strict formula based on historical costs and a rate of return which is a fixed percentage of initial replacement cost. The current method provides no recognition of increased value of the project, thus decreasing the real return to the owner where there is any substantial increase in market value of the project. This below-market return induces many owners to sell or convert their projects, frequently to the detriment of the tenants. The new alternative method permits recovery of current costs and a realistic return on investment to the project owner based on the appreciation of property value. These changes are intended to enhance economic viability and provide the incentive necessary to preserve the existing rental housing stock, to the benefit of all participants in the rental market.

One portion of the revised method—that which permits recovery of costs based on forward-budgeted rather than on historic costs—is also made applicable to subsidized Sections 236 and 221(d)(3) projects.

A proposed rule reflecting the foregoing was published at 47 FR 26852 (June 22, 1982). Comments were received from over six hundred sources (more than five hundred from tenants of a single project), including individuals, tenant groups, trade associations, mortgage bankers, law firms, owners and mortgagors, real estate management

companies, and local and national government representatives. The comments are summarized below by general subject matter category, followed by the Department's response.

Increase in Mortgage Insurance Premium (MIP)

The proposed rule provided for an increase in the mortgage insurance premium to a rate of one percent per annum on the unpaid principal balance of the mortgage, applicable to projects insured under Section 220 or 221(d)(4) not subject to rent regulation or to other projects requesting determination of maximum rents based on appreciated value. Virtually all comments received with respect to the proposed increase in the mortgage insurance premium were negative, viewing the increase as inflationary and unjustified on the basis of sound risk-insurance principles.

The Department has withdrawn the provision for an increase in the MIP for existing mortgages. However, an increase in the MIP for mortgages to be insured in the future is still under consideration by the Department. In reconsidering this proposal, HUD determined that the increase for currently insured mortgages would be administratively difficult to implement because of the need for each mortgagee's acquiescence in the modification of its existing contract of insurance.

Decontrol of Rents

Many tenant commenters objected to the proposal to decontrol rents in Sections 220 and 221(d)(4) projects on the basis of essentially similar arguments, such as that decontrol will lead to exorbitant rent increases which will drive moderate-income tenants out of the projects, and that decontrol will provide windfalls to owners who should be held to a "bargain" of acceptance of government control in exchange for Federal loan insurance and, in some cases, written-down land costs.

The Department believes that such comments misapprehend the purpose of decontrol. It is not intended as a private reward to project owners but instead, for the reasons stated above, as a step toward creating conditions conducive to inducing new and continued investment in the rental housing stock.

In addition, the Department disputes certain of the assumptions inherent in the comments. Although rental increases somewhat larger than those previously obtained may occur, particularly in older projects where rents have been subject to restrictive pressures for longer periods, market forces will continue to restrain the level of rents actually charged. Even in older projects, to the extent that rent limitations have restrained investment in improvements, such conditions will prevent any immediate dramatic increase of rents. The impact of decontrol is more likely to be gradual as owners are induced to maintain and increase investment based on future expectations.

Preemption of Local Rent Control

Several commenters argued that local rent control ordinances are burdensome and result in a high incidence of mortgage default. It was also asserted that HUD's preemption process under 24 CFR Part 403 is inefficient, and that without a strong federal policy of blanket preemption of local rent control in regard to sections 220 and 221(d)(4) projects, the rule's objectives would be defeated. Additionally, some individuals commented that the proposed rule was unclear as to whether the preemption provisions of 24 CFR Part 403, Subpart A, will apply to projects insured under Sections 220 and 221 which are no longer subject to rent regulation by HUD.

Owners of HUD-insured projects faced with financially burdensome rent controls have always been able to seek relief under 24 CFR Part 403. The Department recognizes that the preemption process is not self-executing. However, to the extent owners are prompt in complying with the regulatory procedures for seeking premptive relief, the process has not been inefficient. Moreover, the Department's policy on preemption, as set forth in 24 CFR Part 403, is unequivocal. As such, an owner may request that HUD preempt local rent control laws and determine the maximum permissible rents if the owner can show that, as a consequence of rent control, the project's financial viability is in jeopardy. Accordingly, the Department has declined to alter its policy of preempting local rent control only on a case-by-case basis.

In an effort to remove the ambiguity noted by these individuals, language has been added to §§ 220.511 and 221.531(c) to indicate that the preemption provisions of 24 CFR Part 403 apply to projects subject to mortgages insured under Sections 220 and 221(d)(4) or previously insured under such sections and held by HUD.

The Rule Is Not a Major Rule

Some of the comments challenged HUD's claim that the rule does not constitute a major rule. They argued that the rule would have an annual effect on the economy of $100 million or more, or that rental increases anticipated by the commenters of between twenty and forty percent would constitute a major increase in costs or prices to consumers.

Although the exact impact on rent levels of all affected projects is impossible to predict, the Department believes, contrary to the assertion by commenters, that the annual impact will be substantially less than $100 million. The majority of projects affected by the rule have been built subsequent to 1975, and the immediate impact in such newer projects is unlikely to be great. Further, even in the case of older projects (except, possibly, in a few areas of extraordinary appreciation), the immediate impact is unlikely to be dramatic because of the factors noted above regarding neglect of improvements which might otherwise have made higher rents feasible.

Alternative Method of Determining Maximum Permissible Rentals

A few comments on the alternative method of determining maximum permissible rentals in Section 207 projects criticized the proposed rule's clarity, along with making inquiry about some of the terms used in the provision on "Rent Adjustment" in § 207.19(e)(2). As a result, §§ 207.19(e) (1) and (2) have been substantially revised in an effort to promote clarity and ease of understanding of the method described in those sections. As revised, § 207.19(e)(2)(ii)(A) now indicates that "updated operating costs" do not necessarily have to be audited operating costs. In addition, this paragraph makes clear by the addition of amendatory language that the appraised market value is to be determined in relation to residential rental property, as opposed to commercial or some other property use. Also, a new sentence has been added to § 207.19(e)(2)(ii) to clarify that the appraised market value shall be determined by a qualified, licensed real estate appraiser of the mortgagor's choice.

Other clarifying changes have been made in the proposed rule. The earlier-published version of § 207.19(e) contained a paragraph stating that "the determinations of rent [under § 207.19(e)] shall not diminish the authority of the Commissioner stipulated in the corporate charter or regulatory agreement." Since this language could have been read as precluding the amendment of a regulatory agreement in order to implement the rule's alternative procedure for determining rents, the paragraph (proposed § 207.19(e)(3), 47 FR 26853) has been removed.

One comment asked whether § 207.19(e)(2)(ii) applies to Section

221(d)(4) projects; it does not. As discussed below, § 221.531 (along with § 220.511) has been rewritten. Section 207.19(e) (except for certain named provisions not now relevant) does not apply to 24 CFR Parts 220 and 221. Accordingly, since § 207.19(e)(2)(ii) is a part of § 207.19(e), and the regulations promulgated under Part 221 apply to Section 221(d)(4) projects, § 207.19(e)(2)(ii) does not apply to Section 221(d)(4) projects.

Several commenters suggested that the alternative method of rent calculation be based on current replacement cost or on increase in equity (i.e., taking mortgage paydown into account) rather than on appraised value. The Department finds no rational basis to these suggestions. The revised method is intended to permit an owner to obtain a return based on the value of the investment in order to offset incentives to alter or abandon the investment; it is not intended to provide a return on an artifically inflated investment value, such as would be the case with current replacement cost. The suggestion to base return on the increase in equity has been rejected as more complex than can be justified by the effect, since presumably, in order to avoid distortion, the rate applied would need to be revised as the base against which it is applied is increased not only by market appreciation but also by debt reductions.

One commenter suggested that owners who have funded project operations by advances should be permitted a special means of recovering such advances, such as by adding them to expenses. To the extent that owner advances have maintained or enhanced the value of the property, such effects should be adequately reflected in the return based on appraised value.

A commenter suggested that reasonably anticipated increases in operating costs, for purposes of calculations under the alternative method, should be based on the CPI Inflation Factor rather than on itemized project-based data. However, because the CPI Inflation Factor includes increases in factors which will remain fixed in existing projects (for example, debt service), the Department regards it as unworkable as a proxy for anticipated operating cost increases.

Treatment of Section 231 Projects

This rule does not decontrol rents in projects insured under section 231(c)(4), although so urged by one commenter. The great majority of Section 231 projects are insured under Section 231(c)(3), under which the regulation of rents is required by the statute. For the sake of uniform administration of the insurance programs under Sections 231 (c)(3) and (c)(4), the Department has determined to continue to regulate rents under Secton 231(c)(4) as well. It should be noted, however, that projects insured under Section 231(c)(4) will be affected by the changes in the method of determining rent set out in § 207.19(e) of this rule.

Other Changes

The Department has made some technical amendments to clarify the rule. As a consequence, a new paragraph (6) has been added to § 207.19(e) to specify that the project owner is obligated to refund to tenants all additional rentals disapproved by the Commissioner. In addition, former paragraph (iii) in § 207.19(e)(2)(B) has been redesignated and revised, and now more appropriately becomes § 207.19(e)(3) under the subject heading of "Rent Control." Accordingly, former §§ 207.19(e) (3), (4), and (5) now become §§ 207.19(e) (4), (5), and (6), respectively.

Sections 220.511 and 221.531 have been redrafted to clarify their intent and make them more readily comprehensible. An amendment to Part 220 included in the proposed rule provided that "rents and charges shall be determined by the housing owner based on comparable rents in the local market area for unassisted units in the project" (Proposed § 220.511(b), 47 FR 26854). This language has been deleted from the final rule. It is regarded as unnecessary, and its deletion clarifies that there is no intended residual HUD regulatory control over rents—i.e., HUD will not review the "comparability" of the mortgagor's deregulated rents.

More importantly, the stricken language, referring as it did to "rents and charges", could have been construed as being in conflict with the rule's provision for continued supervision of both rents and charges for certain identified projects (and units within projects) subject to control because of their receipt of Housing Assistance Payments under Section 8 of the United States Housing Act of 1937. As redrafted, § 220.511(c)(1) of the final rule makes clear that these assisted projects or units continue to be subject to the requirement of Comissioner approval before any charge for "facilities or services" (i.e.—non-rent-related charges) may be assessed. Revised §§ 220.511 (c)(2) and (c)(3) continue to provide, in a manner identical to the proposed rule, for special provisions for determining rent adjustments for these assisted units. The final rule clarifies, however, that determinations of rent in accordance with Section 8 New Construction (24 CFR Part 880) and Substantial Rehabilitation (24 CFR Part 881) rules and Housing Assistance Payments Contracts is dependent, not merely on the availability of Section 8 assistance (as the proposed rule implied), but on occupancy of the units by assisted tenants.

Additionally, the final rule adds a reference to 24 CFR Part 886, Subpart C—the Section 8 Housing Assistance Program for the Disposition of HUD-owned Projects. This addition corrects the inadvertent exclusion of this program from the proposed rule's recitation of the categories of projects continuing to be subject to a form of rent regulation. This change affects the amendments to Parts 207, 220 and 221.

Generally, the changes in Part 220 of the rule are carried over into the revised Part 221. Part 221 amendments have been set out more elaborately than in the proposed rule, mainly for increased clarity, but also to set out distinctions between the programs. For example, an amendment has been added in § 221.531(c)(1) to clarify that as to all-elderly (or handicapped) projects (whether or not subject to Housing Assistance Payments Contracts under Section 8), the Commissioner will continue to approve mortgagor charges for "facilities or services," i.e., non-rent-related charges. Continued regulation is considered essential in Part 221 as a means of controlling devices such as "founder's fees" and "life-care contracts" even under circumstances where regulation of rents is considered unnecessary.

Finally, a conforming change has been made in § 221.530(a) to make clear that the general prohibition on charges for accommodations, facilities or services offered by a project, unless such charges are approved in writing by the Commissioner, is subject to the revised rules concerning the adjustment of project rents which are set out in § 221.531(c).

Findings and Certifications

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Office of General Counsel, Room 10278, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

This rule does not constitute a "major rule" as that term is defined in section 1(b) of Executive Order 12291. Analysis indicates that it does not: (1) Have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Pursuant to the provisions of 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities. The rule will eliminate cash deficiencies for some small entities but will not result in additional costs to any small entities.

The Catalog of Federal Domestic Assistance Program number is 14.134.

This rule is listed at 47 FR 48424 as item H–88–82 in the Department's Semiannual Agenda of Regulations published on October 28, 1982, pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

List of Subjects

24 CFR Part 207

Mortgage insurance, Rental housing, Mobil home parks.

24 CFR Part 220

Home improvement, Mortgage insurance, Urban renewal, Rental housing, Loan programs—housing and community development, Projects.

24 CFR Part 221

Condominiums, Low and moderate income housing, Mortgage insurance, Displaced families, Single family housing, Projects, Cooperatives.

24 CFR Part 236

Low and moderate income housing, Mortgage insurance, Rent subsidies, Taxes, Utilities, Projects.

Accordingly, 24 CFR Parts 207, 220, 221, and 236 are amended as follows:

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

1. In § 207.19, paragraph (e) is revised to read as follows:

§ 207.19 Required supervision of private mortgagors.

* * * * *

(e) *Rent and charges.* No charge shall be made by the mortgagor for the accommodations (rents), facilities or services offered by the project in excess of those approved by the Commissioner. In approving such charges and in passing upon subsequent rent adjustments, consideration will be given to providing rental income necessary to maintain the economic soundness of the project and a reasonable return on investment consistent with reasonable rents to tenants. The determination will be made as follows:

(1) *Initial rent determination.* The Commissioner will set initial rents in the project before its opening for occupancy. The Commissioner will determine the rent level based upon (i) a debt service factor determined by the Commissioner to cover debt service requirements and a rate of return to the mortgagor, multiplied by the sum of the Replacement Cost and working capital; (ii) estimated project operating costs, including an allowance for management, using the latest available data from comparable properties; and (iii) such additional factors as the Commissioner deems appropriate, such as local market conditions, vacancy rates and use of commercial space. The determination of maximum permissible rentals shall be processed on a form approved by the Commissioner.

(2) *Rent adjustments.* After initial rents are determined, the Commissioner may approve rental adjustments in the amount provided in paragraph (e)(2)(i) or (e)(2)(ii) of this section, at the option of the mortgagor:

(i) The sum of the most recent year's audited operating costs or, as appropriate, updated certified operating costs (taking into consideration reasonably anticipated increases in operating costs which will occur within twelve months of the date of filing of the mortgagor's application for rent adjustment) and the amount derived under paragraph (e)(1)(i) of this section; or

(ii) The lesser of:

(A) The sum of the operating costs determined in accordance with paragraph (e)(2)(i) of this section and the amount derived by multiplying the debt service factor determined under paragraph (e)(1)(i) of this section by the project's appraised market value as residential rental property at the time of the current application for rental adjustment; or

(B) Rentals on comparable conventionally financed projects in the same area, determined in accordance with procedures established by the Commissioner.

For purposes of paragraph (e)(2)(ii)(A) of this section, the appraised market value shall be determined by a qualified, licensed real estate appraiser of the mortgagor's choice.

(3) *Rent control.* Any state or local law, ordinance or regulation regulating the rents of projects subject to this paragraph may be preempted only as provided in Part 403 of this title.

(4) *Special Allocations.* Rent adjustments for projects with units assisted under Part 886, Subparts A or C of this title, Section 8 Housing Assistance Payments Program—Special Allocations, shall be determined pursuant to paragraph (e)(2)(i) of this section.

(5) *Effective date.* Except for rents for projects described in paragraph (e)(4) of this section, all adjustments to maximum permissible rent shall take effect thirty days after the filing of an application for the adjustment with the appropriate HUD office, unless specifically disapproved in writing by the Commissioner. However, if the Commissioner does not approve the maximum permissible rent within thirty days after the filing of the application, additional rentals received by the mortgagor as a result of the adjustment shall be held in an escrow account under such terms as the Commissioner shall direct, or the mortgagor shall provide a letter of credit acceptable to the Commissioner sufficient to cover the additional rent collected, pending the Commissioner's approval or disapproval.

(6) *Refund of additional rentals.* If the Commissioner disapproves all or part of the additional rentals collected pursuant to paragraph (e)(5) of this section, the mortgagor shall promptly refund all disapproved amounts to the affected tenants.

* * * * *

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

2. Section 220.511 is revised to read as follows:

§ 220.511 Supervision of mortgagors.

(a) All of the provisions of § 207.19 of this chapter apply, except that (1) § 207.19(e) shall not apply and (2), in the case of a mortgage covering property on which there is located a dwelling or dwellings designed principally for residential use for two to eleven families, § 207.19(d) relating to labor standards and prevailing wage requirements shall not apply.

(b) Except as otherwise provided in paragraphs (c)(1) through (c)(3) of this section, the mortgagor shall determine

the charge for accommodations (rents), facilities, or services offered by the project.

(c)(1) In the case of any project or units within a project described in paragraph (c)(2) or (c)(3) of this section, no charge shall be made by the mortgagor for facilities or services without the approval of the Commissioner.

(2) Rent adjustments for any units assisted under Part 880 of this title (Section 8 Housing Assistance Payments Program for New Construction) or Part 881 of this title (Section 8 Housing Assistance Payments Program for Substantial Rehabilitation) shall not exceed comparable market-rate rents in the project without prior HUD approval. However, to the extent that units in a project are subject to a Section 8 Housing Assistance Payments Contract under Part 880 or Part 881 of this title, the rents for those units, when occupied by assisted tenants, shall be determined in accordance with the Contract and applicable regulations.

(3) Rent adjustments for projects with units assisted under Part 886, Subparts A or C of this title, Section 8 Housing Assistance Payments Program—Special Allocations, shall be determined pursuant to § 207.19(e)(2)(i) of this chapter.

(d) *Rent control.* Any state or local law, ordinance or regulation regulating the rents of projects subject to this paragraph may be preempted only as provided in Part 403 of this title.

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

3. In § 221.530, paragraph (a) is revised to read as follows:

§ 221.530 Supervision applicable to all mortgagors.

(a) Except as provided in § 221.531(c), no charge shall be made by the mortgagor for accommodations (rents), facilities or services offered by the project except those approved in writing by the Commissioner.

* * * * *

4. In § 221.531, paragraph (c) is revised to read as follows:

§ 221.531 Supervision applicable to general mortgagors.

* * * * *

(c) *Rents and charges.* Except as otherwise provided in paragraphs (c)(1) through (c)(4) of this section, the mortgagor shall determine the charge for accommodations, facilities, or services offered by the project.

(1) In the case of any project constructed for occupancy exclusively by elderly and handicapped tenants, or in the case of any project or units within a project described in paragraphs (c)(2) through (c)(4) of this section, no charge shall be made for facilities or services without the approval of the Commissioner.

(2) Rent adjustments for any project insured or formerly insured under Section 221(d)(3) of the Act, whose mortgage bears a below-market interest rate or which has a contract pursuant to Part 215 of this title, shall be made only as set forth in § 207.19(e)(2)(i) of this chapter.

(3) Rent adjustments for any units assisted under Part 880 of this title (Section 8 Housing Assistance Payments Program for New Construction) or Part 881 of this title (Section 8 Housing Assistance Payments Program for Substantial Rehabilitation) shall not exceed comparable market-rate rents in the project without prior HUD approval. However, to the extent that units in a project are subject to a section 8 Housing Assistance Payments Contract under Part 880 or Part 881 of this title, the rents for those units, when occupied by assisted tenants, shall be determined in accordance with the Contract and applicable regulations.

(4) Rent adjustments for projects with units assisted under Part 886, Subparts A or C of this title, Section 8 Housing Assistance Payments Program—Special Allocations, shall be determined in accordance with § 207.19(e)(2)(i) of this chapter.

(5) *Rent control.* Any state or local law, ordinance or regulation regulating the rents of projects subject to this paragraph may be preempted only as provided in Part 403 of this title.

* * * * *

PART 236—MORTGAGE INSURANCE AND INTEREST REDUCTION PAYMENT FOR RENTAL PROJECTS

5. In § 236.55, the introductory language of paragraph (a) is revised to read as follows:

§ 236.55 Rental charges.

(a) *Approved rental charges.* The Secretary shall process the maximum potential rent for the project pursuant to § 207.19(e)(2)(i) of this chapter. The mortgagor shall, with the approval of the Secretary, establish and maintain for each dwelling unit the following:

* * * * *

(Secs. 207, 220, 221 and 236, National Housing Act, 12 U.S.C. 1713, 1715k, 17151, 1715z–1; sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)); sec. 211, National Housing Act (12 U.S.C. 1715b))

Dated: April 11, 1983.

Philip Abrams,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 83–10333 Filed 4–18–83; 8:45 am]

BILLING CODE 4210–27–M

DEPARTMENT OF JUSTICE

28 CFR Part 0

[Tax Division Directive No. 43]

Redelegation of Authority To Compromise and Close Civil Claims

AGENCY: Tax Division, Department of Justice.

ACTION: Final rule.

SUMMARY: This directive increases the redelegation to various officials of the Tax Division of the authority to compromise, settle and close claims filed in behalf of the United States and claims against the United States. This directive supersedes Tax Division Directive No. 42. The directive also extends such authority to the Special Counsel to the Assistant Attorney General.

EFFECTIVE DATE: This directive shall become effective on April 19, 1983.

FOR FURTHER INFORMATION CONTACT: Mildred L. Seidman, Tax Division, Department of Justice, Washington, D.C. 20530, 202–724–6567.

SUPPLEMENTARY INFORMATION: The Assistant Attorney General for the Tax Division has determined that this directive is not a rule within the meaning of Executive Order 12291 or the Regulatory Flexibility Act.

List of Subjects in 28 CFR Part 0

Government employees, (Organization and functions (Government agencies).

In appendix to Subpart Y—*Redelegation of Authority to Compromise and Close Civil Claims,* Tax Division Directive No. 42 is removed and Directive No. 43 is added as follows:

By virtue of the authority vested in me by Part 0 of Title 28 of the Code of Federal Regulations, particularly §§ 0.70, 0.160, 0.162, 0.164, 0.166, and 0.168, it is ordered as follows:

Section 1. The Chiefs of the Civil Trial Sections, the Claims Court Section, and the Appellate Section are authorized to reject offers in compromise, regardless of amount, provided that such action is not opposed by the agency or agencies involved.

Section 2. Subject to the conditions and limitations set forth in Section 6 hereof, the Chiefs of the Civil Trial

Sections and Claims Court Section are authorized to:

(A) Accept offers in compromise in all civil cases in which the amount of the Government's concession, exclusive of statutory interest, does not exceed $200,000,

(B) Approve adminstrative settlements not exceeding $100,000.

(C) Approve concessions (other than by compromise) of civil claims asserted by the Government in all cases in which the gross amount of the original claim does not exceed $100,000,

(D) Accept offers in compromise in injunction or declaratory judgment suits against the United States in which the amount of the related liability, if any, does not exceed $200,000, and

(E) Accept offers in compromise in all other nonmonetary cases,

provided that such action is not opposed by the agency or agencies involved, and provided further that the case is not subject to reference to the Joint Committee on Taxation.

Section 3. Subject to the conditions and limitations set forth in Section 6 hereof, the Chief of the Appellate Section is authorized to:

(A) Accept offers in compromise with reference to litigating hazards of the issues on appeal in all civil cases in which the amount of the Government's concession, exclusive of statutory interest, does not exceed $200,000,

(B) Accept offers in compromise in declaratory judgment suits against the United States in which the amount of the related liability, if any, does not exceed $200,000, and

(C) Accept offers in compromise in all other nonmonetary cases which do not involve issues concerning collectibility,

provided that such action is not opposed by the agency or agencies involved or the chief of the section in which the case originated, and provided further that the case is not subject to reference to the Joint Committee on Taxation.

Section 4. Subject to the conditions and limitations set forth in Section 6 hereof, the Chief of the Office of Review shall have authority to:

(A) Accept offers in compromise in all civil cases in which the amount of the Government's concession, exclusive of statutory interest, does not exceed $500,000,

(B) Approve administrative settlements not exceeding, $500,000,

(C) Approve concessions (other than by compromise) of civil claims asserted by the Government in all cases in which the gross amount of the original claim does not exceed $500,000,

(D) Accept offers in compromise in all nonmonetary cases, and

(E) Reject offers in compromise, or disapprove administrative settlements or concessions, regardless of amount,

provided that the action is not opposed by the agency or agencies involved or the chief of the section to which the case is assigned, and provided further that the case is not subject to reference to the Joint Committee on Taxation.

Section 5. Subject to the conditions and limitations set forth in Section 6 hereof, the Deputy Assistant Attorneys General and the Special Counsel to the Assistant Attorney General each shall have authority to:

(A) Accept offers in compromise of claims against the Government in all cases in which the amount of the Government's concession, exclusive of statutory interest, does not exceed $750,000,

(B) Approve administrative settlements not exceeding, $750,000,

(C) Accept offers in compromise of claims in behalf of the Government in all cases in which the difference between the gross amount of the original claim and the proposed settlement does not exceed $750,000 or 10 percent of the original claim, whichever is greater,

(D) Approve concessions (other than by compromise) of civil claims asserted by the Government in all cases in which the gross amount of the original claim does not exceed $750,000,

(E) Accept offers in compromise in all nonmonetary cases, and

(F) Reject offers in compromise, or disapprove administrative settlements or concessions, regardless of amount;

provided that such action is not opposed by the agency or agencies involved, and provided further that the case is not subject to reference to the Joint Committee on Taxation.

Section 6. The authority redelegated herein shall be subject to the following conditions and limitations:

(A) When, for any reason, the compromise or administrative settlement or concession of a particular claim, as a practical matter, will control or adversely influence the disposition of other claims totalling more than the respective amounts designated in Sections 2, 3, 4 and 5 the case shall be forwarded for review at the appropriate level.

(B) When, because of the importance of a question of law or policy presented, the position taken by the agency or agencies or by the United States Attorney involved, or any other considerations, the person otherwise authorized herein to take final action (or the Chief of the Office of Review, in cases which have been considered by such office) is of the opinion that the proposed disposition should be reviewed at a higher level, the case shall be forwarded for such review.

(C) If the Department has previously submitted a case to the Joint Committee on Taxation leaving one or more issues unresolved, any subsequent compromise or concession in that case must be submitted to the Joint Committee, whether or not the overpayment exceeds the amount specified in Section 6405 of the Internal Revenue Code.

(D) Nothing in this Directive shall be construed as altering any provision of Subpart Y of Part O of Title 28 of the Code of Federal Regulations requiring the submission of certain cases to the Attorney General, the Deputy Attorney General, or the Solicitor General.

(E) Authority to approve recommendations that the Government confess error, or make administrative settlements, in cases on appeal, is excepted from the foregoing redelegations.

(F) The Assistant Attorney General, at any time, may withdraw any authority delegated by this Directive as it relates to any particular case or category of cases, or to any part thereof.

Section 7. This Directive supersedes Tax Division Directive No. 42, effective October 7, 1982.

Section 8. This Directive shall become effective on the date of its publication in the **Federal Register.**

Glenn L. Archer, Jr.,

Assistant Attorney General Tax Division.

Dated: April 6, 1983.

Edward C. Schmults,

Deputy Attorney General.

[FR Doc. 83-10215 Filed 4-18-83; 8:45 am]

BILLING CODE 4410-01-M

SELECTIVE SERVICE SYSTEM

32 CFR Parts 1656 and 1660

Selective Service Regulations; Alternative Service

AGENCY: Selective Service System.

ACTION: Final rule.

SUMMARY: Procedures to implement the program of alternative service under section 6(j) of the Military Selective Service Act (50 U.S.C. App. 456(j)) are revised to assure greater fairness and efficiency in its administration.

EFFECTIVE DATE: April 19, 1983.

FOR FURTHER INFORMATION CONTACT: Henry N. Williams, General Counsel, Selective Service System, Washington, D.C. 20435 Phone: (202) 724-1167.

SUPPLEMENTARY INFORMATION: These amendments to Selective Service Regulations were published for comment pursuant to section 13(b) of the Military Selective Service Act (50 U.S.C. App. 463(b)) on February 18, 1983, at 47 FR 7205. All comments that were received timely have been carefully considered. The final rule is identical with the proposed rule.

Various sections of 32 CFR Chapter XVI will be revised in separate rule making to bring them in consonance with this rule.

The Proposed Concept of Alternative Service (46 FR 6998, January 22, 1981) has no stature and should not be considered in interpreting these regulations.

As required by Executive Order 12291, I have determined that this proposed rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), I have determined that these regulations do not have significant economic impact on a substantial number of small entities.

List of Subjects in 32 CFR Part 1656

Armed Forces, Draft, Conscientious objection.

Dated: April 14, 1983.

Thomas K. Turnage,

Director.

PART 1660—[REMOVED]

32 CFR Part 1660, Alternate Service, is removed.

32 CFR Part 1656 is added to read as follows:

PART 1656—ALTERNATIVE SERVICE

Sec.

1656.1 Purpose; definitions.
1656.2 Order to perform alternative service.
1656.3 Responsibility for administration.
1656.4 Alternative Service Office: Jurisdiction and authority.
1656.5 Eligible employment.
1656.6 Overseas assignments.
1656.7 Employer responsibilities.
1656.8 Employment agreements.
1656.9 Alternative service worker's responsibilities.
1656.10 Job placement.
1656.11 Job performance standards and sanctions.
1656.12 Job reassignment.
1656.13 Review of alternative service job assignments.
1656.14 Postponement of reporting date.
1656.15 Suspension of order to perform alternative service because of hardship to dependents.
1656.16 Early release—grounds and procedures.
1656.17 Administrative complaint process.
1656.18 Computation of creditable time.
1656.19 Completion of alternative service.
1656.20 Expenses for emergency medical care.

Authority: Sec. 6(j) Military Selective Service Act; 50 U.S.C. App. 456(j).

§ 1656.1 Purpose; definitions.

(a) The provisions of this part govern the administration of registrants in Class 1-W and the Alternative Service Program.

(b) The definitions of this paragraph shall apply in the interpretation of the provisions of this part:

(1) *Alternative Service (AS).* Civilian work performed in lieu of military service by a registrant who has been classified in Class 1-W.

(2) *Alternative Service Office (ASO).* An office to administer the Alternative Service Program in a specified geographical area.

(3) *Alternative Service Office Manager (ASOM).* The head of the ASO.

(4) *Alternative Service Work.* Civilian work which contributes to the maintenance of the national health, safety or interest, as the Director may deem appropriate.

(5) *Alternative Service Worker (ASW).* A registrant who has been found to be qualified for service and has been ordered to perform alternative service (Class 1-W).

(6) *Civilian Review Board.* A board to review appeals by ASWs of job assignments.

(7) *Creditable Time.* Time that is counted toward an ASWs fulfillment of his alternative service obligation.

(8) *Director.* The Director of Selective Service, unless used with a modifier.

(9) *Employer.* Any institution, firm, agency or corporation engaged in lawful activity in the United States, its territories or possessions, or in the Commonwealth of Puerto Rico, that has been approved by Selective Service to employ ASWs.

(10) *Job Assignment.* A job with an eligible employer to which an ASW is assigned to perform his alternative service.

(11) *Job Bank.* A current inventory of alternative service job openings.

(12) *Job Matching.* A comparison of the ASW's work experience, education, training, special skills, and work preferences with the requirements of the positions in the job bank.

(13) *Job Placement.* Assignment of the ASW to alternative service work.

(14) *Open Placement.* The assignment of ASWs without employer interview to employers who have agreed to employ all ASWs assigned to them up to an agreed number.

§ 1656.2 Order to perform alternative service.

The local board of jurisdiction shall order any registrant who has been classified in Class 1-O-Q to perform alternative service at a time and place to be specified by the Director.

§ 1656.3 Responsibility for administration.

(a) The Director in the administration of the Alternative Service Program shall establish and implement appropriate procedures to:

(1) Assure that the program complies with the Selective Service Law;

(2) Provide information to ASWs about their rights and duties;

(3) Find civilian work for ASWs;

(4) Place ASWs in jobs approved for alternative service;

(5) Monitor the work performance of ASWs placed in the program;

(6) Order reassignment and authorize job separation;

(7) Issue certificates of completion;

(8) Specify the location of Alternative Service Offices;

(9) Specify the geographical area in which the ASOs shall have jurisdiction over ASWs;

(10) Establish Civilian Review Boards and panels and provide for the selection and appointment of members thereof;

(11) Refer to the Department of Justice, when appropriate, any ASW who fails to perform satisfactorily his alternative service;

(12) Perform all other functions necessary for the administration of the Alternative Service Program; and

(13) Delegate any of his authority to such office, agent or person as he may designate and provide as appropriate for the subdelegation of such authority.

(b) The Region Director shall be responsible for the administration and operation of the Alternative Service Program in his Region as prescribed by the Director.

(c) The State Director shall perform duties for the administration and operation of the Alternative Service Program in his State as prescribed by the Director.

(d) The ASOM shall perform duties for the administration and operation of the Alternative Service Program as prescribed by the Director.

(1) The ASO shall be an office of record that is responsible for the administration and operation of the Alternative Service Program in its assigned geographical area of jurisdiction.

(2) The staff of each ASO shall consist of as many compensated employees as shall be authorized by the Director.

(3) Appointment of civilians to ASO positions requiring direct dealing with ASWs will be made as soon as feasible.

(e) The manager of an area office shall perform duties for Alternative Service as prescribed by the Director.

§ 1656.4 Alternative Service Office: Jurisdiction and authority.

(a) Jurisdiction over the ASW will be transferred from the area office immediately after his classification in Class 1–W to the ASO that administers the Alternative Service Program in the area in which he is assigned to perform alternative service.

(b) The ASO shall:

(1) Evaluate and approve jobs and employers for Alternative Service;

(2) Order the ASW to report for alternative service work;

(3) Issue such orders as are required to schedule the ASW for job interviews;

(4) Issue such orders as are required to schedule the ASW for job placement;

(5) Monitor the ASW's job performance;

(6) Issue a certificate of satisfactory completion of the ASW's Alternative Service obligation;

(7) Return the ASW to the jurisdiction of the area office from which he was directed to perform Alternative Service; and

(8) Perform such other actions the Director may authorize as necessary to administer the Alternative Service Program.

§ 1656.5 Eligible employment.

(a) The Director will determine in accordance with the Selective Service Law which civilian employment programs or activities are appropriate for Alternative Service work.

(1) Employers which are considered appropriate for Alternative Service assignments are limited to:

(i) The U.S. Government or a state, territory or possession of the United States or a political subdivision thereof, the District of Columbia or the Commonwealth of Puerto Rico;

(ii) Organizations, associations or corporations primarily engaged either in a charitable activity conducted for the benefit of the general public or in carrying out a program for the improvement of the public health, welfare or environment, including educational and scientific activities in support thereof, when such activity or program is not principally for the benefit of the members of such organization, association or corporation or for increasing the membership thereof.

(2) Employment programs or activities generally considered to be appropriate for Alternative Service work include:

(i) Health care services, including but not limited to hospitals, nursing homes, extended care facilities, clinics, mental health programs, hospices, community outreach programs and hotlines;

(ii) Educational services, including but not limited to teachers, teacher's aides, counseling, administrative support, parent counseling, recreation, remedial programs and scientific research;

(iii) Environmental programs, including but not limited to conservation and firefighting, park and recreational activities, pollution control and monitoring systems, and disaster relief;

(iv) Social services, including but not limited to sheltered or handicapped workshops, vocational training or retraining programs, senior citizens activities, crisis intervention and poverty relief;

(v) Community services, including but not limited to fire protection, public works projects, sanitation services, school or public building maintenance, correctional facility support programs, juvenile rehabilitation programs, and

(vi) Agricultural work.

(b) An organization desiring to employ ASWs is encouraged to submit a request in writing to the Director or an ASOM for approval. Such requests will be considered at any time.

(c) Selective Service shall negotiate employment agreements with prospective employers with the objective of obtaining an adequate number of agreements to assure the timely placement of all ASWs. Participating employers will provide prospective job listings to Selective Service.

(d) Selective Service shall also negotiate employment agreements with eligible employers wherein the employer will agree to hire a specified number of ASWs for open placement positions.

(e) As soon as a registrant is classified I–O–Q, he may seek his own alternative service work by identifying a job with an employer he believes would be eligible for Alternative Service and by having the employer advise the ASO in writing that he desires to employ the ASW. The acceptability of the job and employer so identified will be evaluated in accordance with Section 1656.5(a).

§ 1656.6 Overseas assignments.

Alternative Service job assignments outside the United States, its territories or possessions or the Commonwealth of Puerto Rico, will be allowed when:

(a) The employer is deemed eligible to employ ASWs and is based in the United States, its territories or possessions, or the Commonwealth of Puerto Rico;

(b) The job meets the criteria listed in § 1656.5(a);

(c) The ASW and the employer submit a joint application to Selective Service for the ASW to be employed in a specific job;

(d) The employer satisfies Selective Service that the employer has the capability to supervise and monitor the overseas work of the ASW; and

(e) International travel is provided without expense to Selective Service.

§ 1656.7 Employer responsibilities.

Employers participating in the Alternative Service Program are responsible for:

(a) Complying with the employment agreement with Selective Service;

(b) Providing a clear statement of duties, responsibilities, compensation and employee benefits to the ASW;

(c) Providing full-time employment for ASWs;

(d) Assuring that wages, hours and working conditions of ASWs confrom with Federal, state and local laws;

(e) Providing adequate supervision of ASWs in their employ; and

(f) Providing nondiscriminatory treatment of ASWs in their employ.

§ 1656.8 Employment agreements.

(a) *Nature of Agreement.* Before any ASW is placed with an employer, Selective Service and the employer shall enter into an employment agreement that specifies their respective duties and responsibilities under the Alternative Service Program.

(b) *Restrictions on Selective Service.* The Selective Service System shall not act in any controversy involving ASW's wages, hours and working conditions except to the extent any of these subjects is specifically covered in § 1656.7, § 1656.9, or the employment agreement between Selective Service and the employer.

(c) *Investigating and Negotiating.* Whenever there is evidence that an employer appears to be in violation of § 1656.7, Selective Service will investigate the matter. If the investigation produces substantial evidence of violations of § 1656.7, Selective Service will resolve the matter.

(d) *Termination of Employment Agreement.* If a resolution of a dispute cannot be reached by negotiation within a reasonable time, the Selective Service System shall terminate the employment agreement and shall reassign the ASW.

§ 1656.9 Alternative service worker's responsibilities.

(a) A registrant classified in Class 1-W is required to comply with all orders issued under this part.

(b) A registrant classified in Class 1-W is liable to perform 24 months of creditable time toward completion of Alternative Service, unless released earlier by the Director.

§ 1656.10 Job placement.

(a) Selective Service will maintain a job bank for the exclusive purpose of placing ASWs in alternative service jobs.

(b) An ASW who has identified his own job in accordance with § 1656.5(e) of this part may be assigned by the ASO in that job pending review of the job by Selective Service. If the job is then approved as Alternative Service Work in accordance with § 1656.5(a) the ASW will receive creditable time beginning with the date he was placed on the job by Selective Service. If the job is not approved he will not receive creditable time and will be placed by Selective Service in a position approved for Alternative Service Work. Selective Service must review the job within 30 calendar days of the time it assigned the ASW to begin work. If the elapsed time from date of placement to the date of Selective Service review exceeds 30 days, the ASW will receive creditable time from the date of placement regardless of the final determination of employer eligibility made by Selective Service. If the placement is ultimately determined to be inappropriate for Alternative Service the ASW will be reassigned in accordance with § 1656.12.

(c) In making job interview referrals and in making assignments of ASWs to jobs, Selective Service will consider the compatibility of the ASW's skills, work experience, and preferences with the qualification criteria for the job.

(d) When An ASW is hired, the ASO will issue a Job Placement Order specifying the employer, the time, date and place to report for his alternative service work.

(e) The ASO will normally place the ASW in an alternative service job within 30 calendar days after classification in Class 1-W.

§ 1656.11 Job performance standards and sanctions.

(a) *Standards of Performance.* An ASW is responsible for adhering to the standards of conduct, attitude, appearance and performance demanded by the employer of his other employees in similar jobs. If there are no other employees, the standards shall conform to those that are reasonable and customary in a similar job.

(b) *Failure to Perform.* An ASW will be deemed to have failed to perform satisfactorily whenever:

(1) He refuses to comply with an order of the Director issued under this part;

(2) He refuses employment by an approved employer who agrees to hire him;

(3) His employer terminates the ASW's employment because his conduct, attitude, appearance or performance violates reasonable employer standards; or

(4) He quits or leaves his job without reasonable justification, and has not submitted an appeal of his job assignment to the Civil Review Board.

(c) *Sanctions for ASW's Failure to Perform.*—(1) The sanctions for failure to meet his Alternative Service obligation are job reassignment, loss of creditable time during such period and referral to the Department of Justice for failure to comply with the Military Selective Service Act.

(2) Prior to invoking any of the sanctions discussed herein, the ASO will conduct a review as prescribed in § 1656.17 of all allegations that an ASW has failed to perform pursuant to any of the provisions of § 1656.11(b).

§ 1656.12 Job reassignment.

(a) *Grounds for Reassignment.* The Director may reassign an ASW whenever the Director determines that:

(1) The job assignment violates the ASW's religious, moral or ethical beliefs or convictions as to participation in a war that led to his classification as a conscientious objector or violates § 1656.5(a) of this part.

(2) An ASW experiences a change in his mental or physical condition which renders him unfit or unable to continue performing satisfactorily in his assigned job;

(3) An ASW's dependents incur a hardship which is not so severe as to justify a suspension of the Order to Perform Alternative Service under § 1656.15;

(4) The ASW's employer ceases to operate an approved program or activity;

(5) The ASW's employer fails to comply with terms and conditions of these regulations or;

(6) Continual and severe differences between the ASW's employer and ASW remain unresolved.

(7) The sanctions authorized in § 1656.11 should be applied.

(b) *Who May Request Reassignment.* Any ASW may request reassignment to another job. An employer may request job reassignment of an ASW who is in his employ.

(c) *Method for Obtaining a Reassignment.* All requests for reassignment must be in writing with the reasons specified. The request may be filed with the ASO of jurisdiction at any time during an ASW's alternative service employment. An ASW must continue in his assigned job, if available, until the request for assignment is approved.

§ 1656.13 Review of alternative service job assignments.

(a) Review of ASW job assignments will be accomplished in accordance with the provisions of this subsection.

(b) Whenever the ASW believes that his job assignment violates his religious, moral or ethical beliefs or convictions as to participation in war that led to his classification as a conscientious objector or is in violation of the provisions of this part he may request a reassignment by the ASOM, as provided for in § 1656.12.

(c) The ASOM shall reassign the ASW if the ASOM concludes that the ASW's work assignment violates his religious, moral or ethical beliefs or convictions as to participation in war which led to his classification as a CO or is in violation of the provisions of this part.

(d) If the ASOM does not reassign the ASW, the ASW may, within 15 days after the date of mailing of the decision of the ASOM, request a review of his job assignment by a Civilian Review Board.

(e) The Director shall establish a Civilian Review Board for each ASO in whose area ASW's are working. The Civilian Review Board shall consist of not less than three members who will serve without compensation. The Director may establish panels. No person will be appointed to a Civilian Review Board who would be ineligible for appointment to a District Appeal Board. A member of a Civilian Review Board would be disqualified in any case that a member of a District Appeal Board would be disqualified under the provisions of § 1605.25(a), (b) of this chapter. Each Board, or panel thereof, shall elect a chairman and a vice-chairman at least every two years. A majority of the members of the Board when present at any meeting shall constitute a quorum for the transaction of business. A majority of the members present at any meeting at which a quorum is present shall decide any question. Every member, unless disqualified, shall vote on every question. In case of a tie vote on a question, the Board shall postpone action until the next meeting. If the

question remains unresolved at the next meeting, the Director will transfer the case to another board. If, through death, resignation, or other causes, the membership of the Board falls below the prescribed number of members, the Board or panel shall continue to function, provided a quorum of the prescribed membership is present at each official meeting.

(f) It shall be the function of the Civilian Review Board to determine whether or not an ASW's job assignment violates the ASW's religious, moral, or ethical beliefs of convictions as to participation in war which led to his classification as a conscientious objector or is in violation of the provisions § 1656.5(a) of this part. In making the former determination, the Review Board must be convinced by the ASW that if the ASW performed the job, his convictions as to participation in war would be violated in a similar way as if the ASW had participated in war.

(g) The Civilian Review Board may affirm the assignment or order the reassignment of the ASW in any matter considered by it.

(h) Procedures of the Civilian Review Board are:

(1) Appeals to the Board shall be in writing, stating as clearly as possible the ground for the appeal.

(2) The ASW may appear before the Board at his request. He may not be represented by counsel or present witnesses. The ASOM or his representative may represent the Selective Service System at the hearing and present evidence.

(3) The Board's determination will be based on all documents in the ASW's file folder and statements made at the hearing.

(4) The decision of the Board will be binding only in the case before it. A decision of a Board will not be relied upon by a Board in any other case.

(5) A decision of the Board is not subject to review within the Selective Service System.

§ 1656.14 Postponement of reporting date.

(a) *General.* The reporting date in any of the following orders may be postponed in accord with this section.

(1) Report for Job Placement;

(2) Report for a Job Interview; or

(3) Report to an Employer to Commence Employment.

(b) *Requests for Postponement.* A request for postponement of a reporting date specified in an order listed in (a) must be made in writing and filed prior to the reporting date with the office which issued the order. Such requests must include a statement of the nature of the emergency and the expected period of its duration.

(c) *Grounds for Postponement.* An ASW may, upon presentation of the appropriate facts in his request, be granted a postponement based on one or more of the following conditions:

(1) The death of a member of his immediate family;

(2) An extreme emergency involving a member of his immediate family;

(3) His serious illness or injury; or

(4) An emergency condition directly affecting him which is beyond his control.

(d) *Basis for Considering Request.* The ASW's eligibility for a postponement shall be determined by the office of jurisdiction based upon official documents and other written information contained in his file. Oral statements made by the ASW or made by another person in support of the ASW shall be reduced to writing and placed in the ASW's file.

(e) *Duration of Postponement.* The initial postponement shall not exceed 60 days from the reporting date in the order. When necessary, the Director may grant one further postponement, but the total postponement period shall not exceed 90 days from the reporting date in the order invovled.

(f) *Termination of Postponement.*—(1) A postponement may be terminated by the Director for cause upon no less than ten days written notice to the ASW.

(2) Any postponement shall be terminated when the basis for the postponement has ceased to exist.

(3) It is the responsibility of the ASW promptly to notify in writing the office that granted the postponement whenever the basis for which his postponement was granted ceases to exist.

(g) *Effect of Postponement.* A postponement of the reporting date in an order shall not render the order invalid, but shall only serve to postpone the date on which the ASW is to report. The ASW shall report at the expiration or termination of the postponement.

(h) *Religious Holiday.* The Director may authorize a delay of reporting under any of the orders specified for an ASW whose date to report conflicts with a religious holiday historically observed by a recognized church, religious sect or religious organization of which he is a member. Any ASW so delayed shall report on the next business day following the religious holiday.

§ 1656.15 Suspension of order to perform alternative service because of hardship to dependents.

(a) Whenever, after an ASW has begun work, a condition develops that results in hardship to his dependent as contemplated by § 1630.30(a) of this chapter which cannot be alleviated by his reassignment under § 1656.12 (a)(3) of this part, the ASW may request a suspension of Order to Perform Alternative Service. If the local board that ordered the ASW to report for Alternative Service determines he would be entitled to classification in Class 3–A, assuming that the ASW were eligible to file a claim for that class, further compliance with his order shall be suspended for a period not to exceed 365 days, as the local board specifies. Extensions of not more than 365 days each may be granted by the local board so long as the hardship continues until the ASW's liability for training and service under the Military Selective Service Act terminates.

(b) An ASW may file a request for the suspension of his Order to Perform Alternative Service with the ASO. This request must be in writing, state as clearly as possible the basis for the request, and be signed and dated by the ASW. The ASW must continue working in his assigned job until his request for the suspension of his Order to Perform Alternative Service has been approved.

(c) Local boards shall follow the procedures established in Parts 1642 and 1648 of this chapter to the extent they are applicable in considering a request for the suspension of an Order to Perform Alternative Service.

§ 1656.16 Early release—grounds and procedures.

(a) *General Rule of Service Completion.* An ASW will not be released from alternative service prior to completion of 24 months of creditable service unless granted an early release.

(b) *Reasons For Early Release.* The Director may authorize the early release of an ASW whenever the ASO determines that the ASW:

(1) Has failed to meet the performance standards of available alternative service employment because of physical, mental or moral reasons;

(2) No longer meets the physical, mental or moral standards that are required for retention in the Armed Forces based on a physical or mental examination at a MEPS or other location designated by Selective Service;

(3) Is planning to return to school and has been accepted by such school and scheduled to enter within 30 days prior

to the scheduled completion of his alternative service obligation;

(4) Has been accepted for employment and that such employment will not be available if he remains in alternative service the full 24 months. Such early release shall not occur more than 30 days before the scheduled completion of his alternative service obligation; or

(5) Has enlisted in or has been inducted into the Armed Forces of the United States.

(c) *Reclassification and Records.* Upon granting an early release to an ASW, the Director will reclassify the ASW and transfer his records in accordance with § 1656.19 of this part.

§ 1656.17 Administrative complaint process.

(a) Whenever the ASOM learns that the ASW may have failed to perform satisfactorily his work (see § 1656.11(b)) or he receives a complaint by an employer or an ASW involving the ASW's work other than matters described in § 1656.8(b) of this part, he shall take necessary action to:

(1) Interview, as appropriate, all parties concerned to obtain information relevant to the problems or complaints;

(2) Place a written summary of each interview in the ASW's file and employer's file;

(3) Inform the persons interviewed that they may prepare and submit to him within ten days after the interview their personal written statements concerning the problem;

(4) Place such statements in the ASW's file; and

(5) Resolve the matter.

(b) The employer or ASW may seek a review of the decision pursuant to § 1656.17(a)(5). Such request must be filed in writing with the ASO, for action by the State Director of Selective Service, within ten days after the date the notice of the decision is transmitted to the ASW and employer.

§ 1656.18 Computation of creditable time.

(a) Creditable time starts when the ASW begins work pursuant to an Order to Perform Alternative Service or 30 days after the issuance of such order, whichever occurs first. Creditable time will accumulate except for periods of:

(1) Work of less than 35 hours a week or an employer's full-time work week whichever is greater;

(2) Leaves of absence in a calendar year of more than 5 days in the aggregate granted by the employer to the ASW to attend to his personal affairs unless such absence is approved by the ASOM;

(3) Time during which an ASW fails or neglects to perform satisfactorily his assigned Alternative Service;

(4) Time during which the ASOM determines that work of the ASW is unsatisfactory because of his failure to comply with reasonable requirements of his employer;

(5) Time during which the ASW is not employed in an approved job because of his own fault; or

(6) Time during which the ASW is in a postponement period or his Order to Perform Alternative Service has been suspended.

(b) Creditable time will be awarded for periods of travel, job placement and job interviews performed under orders issued by Selective Service. Creditable time may be awarded for normal employer leave periods.

(c) Creditable time will be awarded to an ASW for the time lost after he leaves his job assignment following his request for reassignment on the basis of § 1656.13(b) of this part until he is reassigned pursuant to § 1656.13 (c) or (g) of this part. Creditable time for the corresponding period will be lost if neither the ASOM nor the Civilian Review Board orders the ASW's reassignment on the basis of § 1656.12(a)(1) of this part.

§ 1656.19 Completion of alternative service.

Upon completion of 24 months of creditable time served in alternative service or when released early in accordance with § 1656.16(b) (3) or (4):

(a) The ASW shall be released from the Alternative Service Program; and

(b) The Director shall issue to the ASW a Certificate of Completion and the registrant shall be reclassified in Class 4–W in accordance with § 1630.47 of this chapter, and

(c) The ASW's records shall be returned to the area office of jurisdiction after the ASW has completed his obligation or has been separated from the Alternative Service Program for any reason.

§ 1656.20 Expenses for emergency medical care.

(a) Claims for payment of actual and reasonable expenses for emergency medical care, including hospitalization, of ASWs who suffer illness or injury, and the transportation and burial of the remains of ASWs who suffer death as a direct result of such illness or injury will be paid in accordance with the provisions of this section.

(b) The term "emergency medical care, including hospitalization", as used in this section, means such medical care or hospitalization that normally must be rendered promptly after occurrence of the illness or injury necessitating such treatment. Discharge by a physician or facility subsequent to such medical care or hospitalization shall terminate the period of emergency.

(c) Claims will be considered only for expenses:

(1) For which only the ASW is liable and for which there is no legal liability for his reimbursement except in accord with the provisions of this section; and

(2) That are incurred as a result of illness or injury that occurs while the ASW is acting in accord with orders of Selective Service to engage in travel or perform work for his Alternative Service employer.

(d) No claim shall be allowed in any case in which the Director determines that the injury, illness, or death occurred because of the negligence or misconduct of the ASW.

(e) No claim shall be paid unless it is presented to the Director within one year after the date on which the expense was incurred.

(f) Cost of emergency medical care including hospitalization greater than usual and customary fees for service established by the Social Security Administration, will *prima facie* be considered unreasonable. Payment for burial expenses shall not exceed the maximum that the Administrator of Veteran's Affairs may pay under the provisions of 38 U.S.C. 902(a) in any one case.

(g) Payment of claims when allowed shall be made only directly to the ASW or his estate unless written authorization of the ASW or the personal representative of his estate has been received to pay another person.

[FR Doc. 83–10356 Filed 4–18–83; 8:45 am]
BILLING CODE 8015–01–M

VETERANS ADMINISTRATION

38 CFR Part 17

Dental Benefits; Eligibility Amendments

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: The Veterans Administration (VA) is amending its regulation concerning dental benefits to include changes in eligibility for dental treatment resulting from the enactment of recent legislation. Section 612(b) of title 39 U.S. Code now provides that any needed dental care may be provided to former prisoners of war who were interned for six months or more; and to

any veteran who has a service-connected disability rated as total. Dental care may also be provided to eligible veterans who served on active duty for a period of not less than 180 days. For those discharged or released after September 30, 1981, application for treatment must be made within 90 days of such discharge. Discharged enlisted personnel need not apply for dental benefits after each period of enlistment to preserve their eligibility for dental care, provided they re-enlist within a specified time limit.

DATES: This regulation is effective April 5, 1983.

FOR FURTHER INFORMATION CONTACT: Joseph F. Fleckenstein (202) 389–2851.

SUPPLEMENTARY INFORMATION: Section 102 of Pub. L. 96–22 amended section 612 of title 38 U.S.C. to provide authority to furnish any needed dental care to former prisoners of war who were interned for six months or more; and to any veteran who has a service-connected disability rated as total. Section 2002 of Pub. L. 97–35 amended Section 612 of title 38 U.S.C. to provide that Class II dental benefits will only be provided to eligible veterans who had served on active duty for a period of not less than 180 days. For those discharged or released after September 30, 1981, application for treatment must be made within 90 days of such discharge or release. Dental care will not be provided if the applicant's certificate of discharge or release bears a certification that a complete dental examination and appropriate dental services were provided within 90 days of discharge or release. Section 103 of Pub. L. 97–72 amended Section 612(b)(2) of title 38 U.S.C. to provide that discharged enlisted personnel need not apply for Class II dental benefits after each period of enlistment provided they re-enlist within a specified time limit. Retroactive dental benefits may be provided to previously discharged veterans who had applied for and were denied certain dental benefits because the dental condition was not related to their last period of active duty. Dental benefits will be limited to the treatment of service-connected noncompensable conditions.

On pages 52732 and 52733 of the **Federal Register** of November 23, 1982, the proposed regulation was published for title 38, Code of Federal Regulations, § 17.123. Interested persons were given 30 days to submit comments, suggestions or recommendations. No comments were received regarding the proposed regulation. The proposed regulation is hereby adopted without change and is set forth below.

The Administrator has determined that this revision to VA regulations is considered nonmajor under the criteria of Executive Order 12291, Federal Regulation. The Administrator hereby certifies that this proposed regulation will not, if promulgated, have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C., sections 601–612. Pursuant to 5 U.S.C. section 605(b), this regulation is therefore exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604. The reason for this certification is that this rule will only be applicable in the case of certain veterans applying for dental care.

(The catalog of Federal Domestic Assistance number is 64.011)

List of Subjects in 38 CFR Part 17

Alcoholism, Claims, Dental health, Drug abuse, Foreign relations, Government contracts, Grants programs—Health, Health care, Health facilities, Health professions, Medical devices, Medical research, Mental health programs, Nursing homes, Philippines, Veterans.

Approved: April 5, 1983.

By direction of the Administrator.

Everett Alvarez, Jr.

Deputy Administrator.

PART 17—MEDICAL

1. Section 17.123 is amended by revising paragraphs (b) and (d); adding new paragraphs (e), (f), and (h); and by redesignating the following paragraphs: (e) is redesignated as (g), (f) is redesignated as (i), and (g) is redesignated as (j). The new and revised material reads as follows:

§ 17.123 Authorization of outpatient dental treatment

* * * * *

(b) Class II. (1)(i) Those having a service-connected noncompensable dental condition or disability shown to have been in existence at time of discharge or release from active service, which took place after September 30, 1981, may be authorized any treatment indicated as reasonably necessary for the one-time correction of the service-connected noncompensable condition, but only if:

(A) They were discharged or released, under conditions other than dishonorable, from a period of active military, naval or air service of not less than 180 days.

(B) Application for treatment is made within 90 days after such discharge or release.

(C) The certificate of discharge or release does not bear a certification that the veteran was provided, within the 90-day period immediately before such discharge or release, a complete dental examination (including dental X-rays) and all appropriate dental treatment indicated by the examination to be needed, and

(D) Veterans Administration dental examination is completed within six months after discharge or release, unless delayed through no fault of the veteran.

(ii) Those veterans discharged from their final period of service after August 12, 1981, who had reentered active military service within 90 days after the date of a discharge or release from a prior period of active military service, may apply for treatment of service-connected noncompensable dental conditions relating to any such periods of service within 90 days from the date of their final discharge or release.

(iii) If a disqualifying discharge or release has been corrected by competent authority, application may be made within 90 days after the date of correction.

(2)(i) Those having a service-connected noncompensable dental condition or disability shown to have been in existence at time of discharge or release from active service, which took place before October 1, 1981, may be authorized any treatment indicated as reasonably necessary for the one-time correction of the service-connected noncompensable condition, but only if:

(A) They were discharged or released, under conditions other than dishonorable, from a period of active military, naval or air service of not less than 180 days.

(B) Application for treatment is made within one year after such discharge or release.

(C) Veterans Administration dental examination is completed within 14 months after discharge or release, unless delayed through no fault of the veteran.

(ii) Those veterans discharged from their final period of service before August 13, 1981, who had reentered active military service within one year from the date of a prior discharge or release, may apply for treatment of service-connected noncompensable dental conditions relating to any such prior periods of service within one year of their final discharge or release.

(iii) If a disqualifying discharge or release has been corrected by competent authority, application may be made within one year after the date of

correction. (Pub. L. 97–35, sec. 2002(a); Pub. L. 97–72, sec. 103(a); 38 U.S.C. 612)

* * * * *

(d) Class II(b). Those having a service-connected noncompensable dental condition or disability and who had been detained or interned as prisoners of war for a period of less than six months may be authorized any treatment as reasonably necessary for the correction of such service-connected dental condition or disability. (Pub. L. 96–22, sec. 102; 38 U.S.C. 612)

(e) Class II(c). Those who were prisoners of war for six months or more, as determined by the concerned military service department, may be authorized any needed dental treatment. (Pub. L. 96–22, sec 102(b)(1); 38 U.S.C. 612)

(f) Class IIR (Retroactive). Any veteran who had made prior application for and received dental treatment from the Veterans Administration for noncompensable dental conditions, but was denied replacement of missing teeth which were lost during any period of service prior to his/her last period of service may be authorized such previously denied benefits under the following conditions:

(1) Application for such retroactive benefits is made within one year of April 5, 1983.

(2) Existing Veterans Administration records reflect the prior denial of the claim.

All Class IIR (Retroactive) treatment authorized will be completed on a fee basis status. (Pub. L. 97–72, sec. 103; 38 U.S.C. 612)

* * * * *

(h) Class IV. Those whose service-connected disabilities are rated at 100% by schedular evaluation or who are entitled to the 100% rate by reason of individual unemployability may be authorized any needed dental treatment.

(Pub. L. 96–22, sec. 102(b)(1); 38 U.S.C. 612).

* * * * *

2. In § 17.123a, the introductory paragraph and paragraph (a) are revised to read as follows:

§ 17.123a Eligibility for Class II dental treatment without rating action.

When an application has been made for class II dental treatment under § 17.123(b), the applicant may be deemed eligible and dental treatment authorized on a one-time basis without rating action if:

(a) The examination to determine the need for dental care has been accomplished within the specified time limit after date of discharge or release unless delayed through no fault of the veteran, and sound dental judgment warrants a conclusion the condition originated in or was aggravated during service and the condition existed at the time of discharge or release from active service, and (Pub. L. 97–72, sec. 103(a); 38 U.S.C. 612)

* * * * *

(38 U.S.C. 210(c))

[FR Doc. 83–10327 Filed 4–18–83; 8:45 am]

BILLING CODE 8320–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A–8–FRL 3219–7]

Air Programs; Approval and Promulgation of State Implementation Plans; Revisions to Wyoming PSD Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: EPA is approving revisions to Wyoming's Prevention of Significant Deterioration (PSD) regulation submitted on April 30, 1981, and February 8, 1982. These revisions, which were proposed for approval on September 21, 1982 (47 FR 41598), satisfy the EPA revised requirements published in 40 CFR 51.24. In addition, EPA is approving a minor change to Wyoming's new source permit regulation submitted on February 8, 1982.

DATE: This action will be effective on June 20, 1983.

ADDRESSES: Copies of the revision are available for public inspection between 8:00 a.m. and 4:00 p.m. Monday through Friday at the following offices:

Environmental Protection Agency, Region VIII, Air Programs Branch, 1860 Lincoln Street, Denver, Colorado 80295

Environmental Protection Agency, Public Information Reference Unit, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460

The Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C. 20408

FOR FURTHER INFORMATION CONTACT: Barry Levene, Air Programs Branch, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80295, (303) 837–3711

SUPPLEMENTARY INFORMATION: On September 21, 1982 (47 FR 41598) EPA proposed to approve revisions to the Wyoming State Implementation Plan (SIP) concerning its PSD plan and a minor revision to its new source review program.

Section 24 of the Wyoming Air Quality Standards and Regulations, the PSD regulation, has been revised to be consistent with the changes to the EPA regulations published on August 7, 1980 (40 CFR 51.24). In addition, Wyoming has revised Section 21 of its regulations to correct an error in an earlier submission.

Having received no comments on this proposal, EPA is approving these revisions.

Under Section 307(b)(1) of the Clean Air Act, petitions for review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 20, 1983. This action may not be challenged later in proceedings to enforce its requirements (See 307(b)(2)).

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons.

This rulemaking is issued under the authority of Section 110 of the Clean Air Act (42 U.S.C. 7410).

Note.—Incorporation by reference of the State Implementation Plan for the State of Wyoming was approved by the Director of the Federal Register on July 1, 1982.

Dated: March 31, 1983.

Lee Thomas,

Acting Administrator.

PART 52—[AMENDED]

Title 40, Part 52 of the Code of Federal Regulations is amended as follows:

Subpart ZZ—Wyoming

In § 52.2620, paragraph (c)(14) is added as follows:

§ 52.2620 Identification of plan

* * * * *

(c) * * *

(14) Revisions to the new source permit requirements in Sections 21 and 24 of the Wyoming regulations were submitted on April 30, 1981, and February 8, 1982.

[FR Doc. 83–10353 Filed 4–18–83; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 52

[KY-010; A-4-FRL 2309-4]

Approval and Promulgation of Implementation Plans; Kentucky; Alternative Emission Reduction Option (Bubble) for Ashland Petroleum Company

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA is approving an alternative emission reduction plan (bubble) for Ashland Petroleum Company in Kenton County, Kentucky. EPA is taking this action because the alternative emission reduction plan has an emission level as stringent as the applicable volatile organic compound (VOC) regulations. By using the bubble approach on the source, a net benefit above Reasonable Available Control Technology (RACT) level of control will be realized in the ozone nonattainment area.

EFFECTIVE DATE: This action will be effective June 20, 1983. Unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

ADDRESSES: Written comments should be addressed to Douglas Cook of EPA Region IV's Air Management Branch (see EPA, Region IV address below). Copies of the materials submitted by Kentucky may be examined during normal business hours at the following locations:

Environmental Protection Agency, Region IV, Air Management Branch, 345 Courtland Street, N.E., Atlanta, Georgia 30365

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460

Library, Office of the Federal Register, 1100 L Street, N.W., Room 8401, Washington, D.C. 20025

Natural Resources and Environmental Protection Cabinet, Department for Environmental Protection, 18 Reilly Road, Building 2, Fort Boone Plaza, Frankfort, Kentucky 40601

FOR FURTHER INFORMATION CONTACT: Douglas Cook, EPA, Region IV, Air Management Branch, at the above listed address and phone 404/881-2864 or FTS 257-2864.

SUPPLEMENTARY INFORMATION: Ashland Petroleum Company, Covington Terminal, applied to the Division of Air Pollution Control on February 12, 1982, for a review under the "bubble concept" pursuant to Kentucky Regulation 401 KAR 50:055(6). Ashland's Covington Terminal is located in Kenton County, Kentucky which is formally designated nonattainment for ozone. On February 3, 1983 (48 FR 5120), however, EPA proposed to approve Kentucky's demonstration that Kenton and the other counties in the Cincinnati metropolitan area are attaining the air quality standards for ozone. The proposed bubble will lower the allowable VOC emissions on the gasoline truck loading vapor recovery unit in lieu of installing secondary seals on all existing external floating roof tanks with a capacity in excess of 151,412 liters (40,000 gallons) which store a petroleum liquid having a vapor pressure greater than 10,342 pascals (1.5 psi). The new emission limits under the bubble are consistent with Kentucky's State Implementation Plan which is based on allowable emissions. Stack tests performed on the carbon adsorption vapor recovery unit associated with the truck loading rack revealed an emission rate of 7.08 milligrams of hydrocarbon per liter (mgHC/l) of gasoline, well below the regulatory limit, per Regulation 401 KAR 61:055, of 80 mgHC/l of gasoline loaded. The proposed bubble will lower the allowable VOC emission rate for this vapor recovery unit to 30 mgHC/l of gasoline loaded, resulting in a net reduction in allowable emissions of 28,740 kg per year (31.08 tons per year).

The achievable emission reduction with installing secondary seals would be 25,329 kg per year (27.92 tons per year). By using the bubble approach on the source, a net benefit above RACT level control of 3,411 kilograms per year (3.76 TPY) will be realized in this ozone nonattainment area.

A public hearing was held on Thursday, August 19, 1982 at 7:00 p.m. at the Covington/Kenton County Municipal Building at 301 Court Street, Covington, Kentucky. No adverse comments were received on the issue of the proposed alternative emission reduction plan and all administrative requirements have been fulfilled. A construction permit for the bottom-fill loading rack with carbon adsorption vapor recovery unit was issued in April of 1981. The operating permit that effects an enforcement mechanism for the bubble was issued in November of 1982 subsequent to the August 1982 public hearing.

Action. EPA has reviewed the submitted material and found it to be consistent with the state administrative requirements and EPA's Emissions Trading Policy proposed on April 7, 1982 (FR 15076). Therefore, EPA is today proposing to approve the Commonwealth's submittal.

The public should be advised that this action will be effective 60 days from the date of this **Federal Register** notice. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under 5 U.S.C. 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

The Office of Management and Budget has exempted this regulation from the requirement of Section 3 of Executive Order 12291.

Under Section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 20, 1983. This action may not be challenged later in proceedings to enforce its requirements. (See Sec. 307(b)(2).)

Incorporation by reference of the Kentucky State Implementation Plan was approved by the Director of the Federal Register on July 1, 1982.

List of Subjects in 40 CFR Part 52

Air pollution control, Intergovernmental relations, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons.

(Sec. 110, Clean Air Act (42 U.S.C. 7410))

Dated: March 14, 1983.

John W. Hernandez,

Acting Administrator.

PART 52—[AMENDED]

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart S—Kentucky

In § 52.920 is amended by adding paragraph (c)(34) as follows:

§ 52.920 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(34) Bubble for Ashland Petroleum Company, Kenton County, submitted on November 18, 1982, by the Kentucky

Department for Environmental Protection.

[FR Doc. 83-10352 Filed 4-18-83; 8:45 am]
BILLING CODE 6560-50-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 5-1

[APD 2800.2 CHGE 30]

General Services Administration Procurement Regulations; Correction

AGENCY: General Services Administration.

ACTION: Final rule; correction.

SUMMARY: In the **Federal Register** of March 24, 1983, the General Services Administration Procurement Regulations were amended by transferring material from Chapters 5A and 5B to Chapter 5 of Title 41, Code of Federal Regulations. This transfer included a revision of Subpart 5-1.6, but the amendatory language did not reflect that revision. This document corrects that amendatory language.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Hopf, Acting Director, Office of GSA Acquisition Policy and Regulations, Office of Acquisition Policy (202-523-4883).

SUPPLEMENTARY INFORMATION: In FR Doc. 83-7595, beginning on page 12353 in the issue of Thursday, March 24, 1983, the following change should be made: On page 12362, Column 2, paragraph 21, the amendatory language should read, "Subpart 5-1.6 is revised as follows:"

Dated: April 8, 1983.

Allen W. Beres,

Assistant Administrator for Acquisition Policy.

[FR Doc. 83-10189 Filed 4-18-83; 8:45 am]
BILLING CODE 6820-34-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6369

[CA-13314; CA-7795 WR]

California; Withdrawal for California Islands Wildlife Sanctuary; Revocation of Executive Order No. 5326

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order will withdraw all of the unreserved islands, rocks, pinnacles, and reefs off the coast of California, except for two rocks at Crescent City known as Pelican and Round Rocks, from surface entry, mining, and mineral leasing, to protect the islands for establishment of the California Islands Wildlife Sanctuary. The withdrawal shall remain in effect for a period of 50 years. It will simultaneously revoke Executive Order No. 5326, dated April 14, 1930.

EFFECTIVE DATE: April 1983.

FOR FURTHER INFORMATION CONTACT: Marie M. Getsman, California State Office, 916-484-4431.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Subject to valid existing rights, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from settlement, sale, location, or entry, under the general land laws, including the mining laws, 30 U.S.C. Ch. 2, and from leasing under the mineral leasing laws, as a Bureau of Land Management protective withdrawal:

All of the unreserved islands, rocks, pinnacles, and reefs, except two rocks at Crescent City known as Pelican and Round Rocks which remain withdrawn by the Rivers and Harbors Act of March 3, 1899, 30 Stat. 1155, and excepting those lands otherwise reserved and appropriated, situated in the Pacific Ocean off the coast of California, lying above the mean high tide from Oregon to the Mexican Border, for establishment of the California Island Wildlife Sanctuary.

2. This withdrawal shall remain in effect for a period of 50 years from the effective date of this order.

3. This withdrawal does not affect the Secretary of the Interior's discretionary managerial authority under the Outer Continental Shelf Lands Act of August 7, 1953, 67 Stat. 462; 43 U.S.C 1331-1343, as amended by the Act of September 18, 1978, 92 Stat. 629; 43 U.S.C. 1801, or substantially restrict commercial access between primary coastal facilities and the Outer Continental Shelf.

4. Executive Order No. 5326 dated April 14, 1930, which temporarily withdrew all of the unreserved islands, rocks and pinnacles situated in the Pacific Ocean off the coast of California from settlement, location, sale, or entry, for classification and in aid of legislation, is hereby revoked in its entirety.

Inquiries concerning these islands should be addressed to the State Director, Bureau of Land Management, Room E-2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

April 11, 1983.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 83-10336 Filed 4-18-83; 8:45 am]
BILLING CODE 4310-84-M

43 CFR Public Land Order 6370

[I-18603 I-18630]

Idaho; Revocation of Forest Service Withdrawals

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes two public land orders affecting 29.94 acres of public land withdrawn by the Forest Service for road rights-of-way. This action will restore the lands to operation of the public land laws, including the mining laws. The lands have been and will remain open to mineral leasing.

EFFECTIVE DATE: May 17, 1983.

FOR FURTHER INFORMATION CONTACT: Nicholas G. Kleng, Idaho State Office, 208-334-1736.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Public Land Order No. 5271 of October 11, 1972, and Public Land Order No. 5532 of September 8, 1975, which withdrew the lands for road rights-of-way, are hereby revoked insofar as they affect the following described lands:

Boise Meridian, Idaho

(I-4465, PLO 5271)

Blackwell Hump Road No. 226

T. 43 N., R. 2 E.,
Sec. 4, NW¼SE¼;
Sec. 12, SW¼SE¼;
Sec. 13, NW¼NE¼.

A strip of land 66 ft. in width, being 33 ft. in width on both sides of the centerline of Blackwell Hump Road No. 226, over and across the above described subdivisions.

Clarkia-Marble Creek Road No. 321

T. 43 N., R. 2 E.,
Sec. 13, E½NE¼, NW¼NE¼, N½NW¼.
T. 44 N., R. 2 E.,
Sec. 32, W½NW¼.
T. 44 N., R. 3 E.,
Sec. 4, SE¼NE¼.
T. 44 N., R. 3 E.,
Sec. 4, SE¼NE¼.
T. 45 N., R. 3 E.,
Sec. 24, NE¼NW¼, NW¼NE¼;

Sec. 26, S½NE¼.

A strip of land 66 ft. in width, being 33 ft. in width on both sides of the centerline of Clarkia-Marble Creek Road No. 321, over and across the above described subdivisions.

[I–6775, PLO 5532]

Smith Creek Road No. 281

T. 65 N., R. 2 W.,
Sec. 23, Lot 4.

A strip of land 100 ft. in width, being 50 ft. in width on both sides of the centerline of Smith Creek Road No. 281, over and across the above described subdivision.

The areas described above aggregate 29.94 acres in Boundary and Shoshone Counties.

2. At 7:45 a.m. on May 17, 1983, the lands will be open to operation of the public land laws subject to valid existing rights, the provisions of existing withdrawals and classifications, and the requirements of applicable law. All valid applications received at or prior to 7:45 a.m. on May 17, 1983, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands also will be open to location under the United States mining laws, at 7:45 a.m. on May 17, 1983. Appropriation of lands under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. Section 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

The lands have been and will remain open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Federal Building, Box 042, Boise, Idaho 83724.

April 11, 1983.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 83–10335 Filed 4–18–83; 8:45 am]

BILLING CODE 4310–84–M

43 CFR Public Land Order 6371

[M–40678]

Montana; Revocation of Stock Driveway Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a Secretarial order as amended, which withdrew 968.78 acres of land for use as a stock driveway. This action will restore 240 acres to operation of the public land laws generally. The balance of 728.78 acres remains segregated from operation of the public land laws generally, including the mining and mineral leasing laws by existing withdrawals.

EFFECTIVE DATE: May 17, 1983.

FOR FURTHER INFORMATION CONTACT: Roland F. Lee, Montana State Office, 406–657–6291.

By virtue of the authority vested in the Secretary of the Interior, by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Secretarial Order dated September 14, 1932, as amended, by Departmental Order of November 4, 1932, withdrawing lands for Stock Driveway Withdrawal No. 233, Montana No. 16, is hereby revoked:

Principal Meridian

T. 23 N., R. 18 E.,
Sec. 24, lots 7 and 8;
Sec. 25, W½E½, E½NW¼, and SW¼;
Sec. 26, SE¼;
Sec. 35, E½.

The area described contains 968.78 acres in Fergus County.

2. At 8 a.m. on May 17, 1983, the public lands described as the S½NE¼ and SE¼ section 35 shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 8 a.m. on May 17, 1983, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The public lands described in paragraph two have been and continue to be open to location under the United States mining laws and to applications and offers under the mineral leasing laws.

4. The lands described as Section 24, lots 7 and 8; Section 25, NW¼NE¼, NE¼NW¼, remain segregated from operation of the public land laws generally, by Powersite Classification No. 301 of August 31, 1937.

5. The lands, excluding those described in paragraph two, remain withdrawn from operation of the public land laws, including the mining and mineral leasing laws, in accordance with the provisions of the Wild and Scenic Rivers Act of October 2, 1968, 82 Stat. 906; 16 U.S.C. 1271 et seq.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107.

April 11, 1983.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 83–10337 Filed 4–18–83; 8:45 am]

BILLING CODE 4310–84–M

43 CFR Public Land Order 6372

[OR–20284, OR–20286, and OR–20288]

Oregon; Revocation of Stock Driveway Withdrawals

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes three Secretarial orders which withdrew 620 acres of land for stock driveway purposes. This action will restore 600 acres to surface entry. This acreage has been and remains open to mining and mineral leasing. The remaining 20 acres of surface and minerals have been conveyed out of Federal ownership and will not be affected by this action.

EFFECTIVE DATE: May 17, 1983.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Oregon State Office, 503–231–6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Secretarial Orders of May 6, 1918, November 4, 1918, and September 19, 1919, which withdrew the following described lands for stock driveway purposes are hereby revoked in their entirety:

Willamette Meridian

Stock Driveway No. 12

Deschutes National Forest

T. 20 S., R. 10 E.,
Sec. 33, W½NE¼SW¼.

Stock Driveway No. 18

T. 3 S., R. 14 E.,
Sec. 10, SE¼SE¼;
Sec. 11, N½S½ and SW¼SW¼;

Sec. 12, N½S½.

Stock Driveway No. 96

T. 3 S., R. 14 E.,
Sec. 12, N½S½.
T. 5 S., R. 15 E.,
Sec. 27, SE¼SE¼;
Sec. 34, E½E½.

The areas described aggregate 620 acres in Deschutes and Wasco Counties.

2. The W½NE¼SW¼ of sec. 33, T. 20 S., R. 10 E., has been conveyed from United States ownership and will not be restored to operation of the public land laws, including the mining laws and mineral leasing laws.

3. At 9:30 a.m. on May 17, 1983, the lands described in paragraph 1, except as provided in paragraph 2, will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 9:30 a.m. on May 17, 1983, will be considered simultaneously filed at that time. Those received thereafter will be considered in the order of filing.

4. The lands described in paragraph 1, except as provided in paragraph 2, have been and remain open to location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

April 11, 1983.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 83-10338 Filed 4-18-83; 8:45 am]

BILLING CODE 4310-84-M

Proposed Rules

Federal Register
Vol. 48, No. 76
Tuesday, April 19, 1983

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 282

[Amdt. 249]

Food Stamp Program; Work Registration/Job Search Demonstration Project

AGENCY: Food and Nutrition Service, USDA.

ACTION: Proposed Rule.

SUMMARY: This rulemaking would expand the Department of Agriculture's currently operating Food Stamp Program's Work Registration/Job Search Demonstration Project. The expanded project would test additional approaches for implementing the work registration and job search provisions established in the 1977 Food Stamp Act, as amended. The new approaches would be evaluated by an independent contractor to determine their effectiveness and cost efficiency.

DATE: Comments must be received on or before May 19, 1983, to be assured of consideration.

ADDRESS: Comments should be submitted to Claire Lipsman, Director, Program Planning, Development and Support Division, Family Nutrition Programs, Food and Nutrition Service, USDA, Alexandria, Virginia, 22302. All written comments will be open to public inspection at the office of the Food and Nutrition Service during regular business hours (8:30 a.m. to 5:00 p.m., Monday through Friday) at the Park Office Center, 3101 Park Center Drive, Alexandria, Virginia, 22302, Room 706.

FOR FURTHER INFORMATION CONTACT: If you have any questions, please contact Marilyn Carpenter, Chief, Legislative Policy Planning and Demonstration Branch, Program Planning, Development and Support Division, Family Nutrition Programs, Food and Nutrition Service, Alexandria, Virginia. Phone (703) 756–3383.

SUPPLEMENTARY INFORMATION:

Classification

This action has been reviewed under Executive Order 12291 and Secretary's Memorandum No. 1512–1, and has been classified "not major." The proposed rule would not have an annual effect on the economy of $100 million or more, nor is it likely to result in a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions. Because this rule would not have a major effect on the business community, it would not result in significant adverse effects on competition, employment, investment, productivity, or innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The rulemaking has also been reviewed with regard to the requirements of the Regulatory Flexibility Act, Pub. L. 96–354. Robert E. Leard, Administrator of the Food and Nutrition Service (FNS), has certified that the rule would not have a significant economic impact on a substantial number of small entities. This proposed action may have a limited impact on small businesses and organizations to the extent that additional job inquiries may be made by food stamp work registrants in those sites selected for demonstration operations. The primary impact would be on State governments (or county governments within States to the extent that they administer the Food Stamp Program) which have volunteered to conduct the demonstration project and on food stamp work registrants within the project sites.

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507), the reporting and recordkeeping provisions that are included in this rule have been approved by the Office of Management and Budget (OMB) and have been assigned No. 05850254. The Department received OMB approval on January 20, 1983, to extend the time period to which these requirements apply.

Background

Final regulations published jointly by the Departments of Agriculture and Labor on September 18, 1981, (46 FR 46282), established procedures for conducting a Food Stamp Program Work Registration/Job Search Demonstration Project. The project was designed to examine several alternative approaches for implementing the work registration and job search requirements contained in the Food Stamp Act of 1977, as amended. The goals of this project were: (1) To identify efficient and effective methods for implementing the food stamp work requirements (thus increasing job placements, and decreasing dependence on food stamp assistance); (2) To deter from participation those able but unwilling to work; and (3) To improve program administration. The operational testing of four approaches (demonstration models) was initiated between October 1981 and March 1982. Under three models, State welfare agencies and State Employment Security Agencies (SESA's) shared administrative responsibilities for work registration and job search procedures. A fourth model involved administration of the ongoing work registration and job search requirements solely by the State welfare agency.

Since that time, the Department of Agriculture has come to believe that work registration and job search activities should be more closely integrated with other food stamp program activities. To validate this concept, the Department is expanding the existing Work Registration/Job Search Demonstration Project to evaluate additional State welfare agency administered approaches to applying the work requirements. The proposed rule would delete the regulatory provision that authorizes applications from SESA's to conduct work registration/job search demonstration projects, and that requires selection of project operators by FNS and the Department of Labor. It would also place sole responsibility for monitoring the demonstration projects with FNS.

On August 11, 1982, the Food and Nutrition Service issued a Request for Proposal (RFP) (FNS 82–177 JD) seeking contractors for such a demonstration. The RFP established three structured work registration/job search procedures. In addition, sponsors were encouraged to submit alternative designs reflecting innovative and creative approaches to job placement. As with the initial demonstration

project, the RFP requested, for evaluation purposes, that sites establish an experimental design; work registrants would be randomly assigned to either a treatment or control group. Those in the treatment group would be subject to the work registration and job search requirements operating at the site. Those in the control group would not be subject to either a work registration or job search requirement. Additionally, the RFP established that there would be no SESA involvement unless the State welfare agency chose to subcontract with them for services.

Demonstration Provisions

As a result of the RFP, seven contractors were selected as project operators. These contractors will test four approaches (demonstration models) to administering the work requirements. The Job Finding Club and Model G, discussed below, were established in the RFP. Models H and I, discussed below, were alternative approaches designed and submitted by contractors as requested in the RFP. All four models will establish the random assignment procedures discussed in the RFP.

The expanded demonstration project will operate for a period of approximately 18 months. Early in 1983, sites implemented those parts of the project which are already authorized by current program regulations. The remaining aspects will be implemented on a date specified in the final rulemaking.

Job Finding Club (Model B)

The Job Finding Club approach is Model B in current demonstration project rules and is administered by the SESA. Job Finding Club procedures require work registrants to treat seeking employment as a full-time job. While specific procedures for Job Finding Clubs vary, all offer facility support, i.e., telephone, photocopying, supplies, group support, and personal counselling. Model F of current demonstration project rules permits a State welfare agency to assume the responsibilities of the SESA in administering the regular work registration/job search provisions. 7 CFR 282.13(b) permit the Secretary to combine elements in various models. Under this authority, the Department is authorizing Job Finding Clubs which are administered by the State welfare agency. This proposed rule would amend the Job Finding Club provisions to clarify this approach. Additionally, current demonstration project rules state that failure to report to the Job Finding Club on more than two occasions per month without good cause would subject the household to disqualification. This proposed rule would delete the language "on more than two occasions per month" since this requirement may vary by site. Households, however, would continue to be provided with a second opportunity to comply as specified in § 273.7(h)(2).

Expanded Job Search (Model G)

Prior to 1982 legislation, the Food Stamp Act of 1977, as amended, required only able-bodied food stamp recipients to engage in job searches. The 1982 Food Stamp Act Amendments permit State agencies the option of applying job search requirements at the time households apply for participation in the Program. As established in the RFP, those sites selected to operate the Model G demonstation project would require proof of compliance with the applicant job search requirement prior to certification. The Department believes that testing this statutory provision in this manner would provide information which may be helpful in its application in the regular program. The proposed rule would require that applications continue to be processed within the timeframes established by 7 CFR 273.2(g). The State agency, however, would be permitted to delay disposition of the application pending proof of compliance with the applicant job search requirement. Delays would be processed in accordance with the procedures established in § 273.2(h)(2) for delays caused by the household. After certification, work registrants would be subject to the regular program job search requirements.

In addition, sites operating Model G would be permitted to require work registrants to perform job search activities continuously; the number of job contacts would be established by each State agency based upon factors such as the local unemployment rate and would be contingent upon FNS approval. The current program rules (7 CFR 273.7(f)(2)) require that work registrants make 24 job contacts within an eight-week period. The Department does not want to establish standards for use in this demonstration project so as to allow State agencies maximum flexibility in the testing of the continuous job search requirement. This proposed flexibility will aid the Department in determining what constitutes an appropriate number of required job contacts.

Job Search/Job Finding Club (Model H)

This model combines the features of the ongoing job search requirements and Model B. Work registrants are required to conduct job search. If the work registrant is unable to find a job through the job search process, he or she is enrolled in a Job Finding Club. Although this combination of features is authorized by current demonstration project regulations, this approach would be codified by this proposed rule.

Job Finding Club/Workfare (Model I)

Political subdivisions operating a Food Stamp Workfare Program have the option under current Workfare requirements (7 CFR 273.22) of requiring food stamp work registrants to job search for a period of up to thirty days prior to their participating in Workfare. Those sites administering Model I under the expanded demonstration project are operating a workfare program as a part of their regular program operations and the Job Finding Club as an alternative to the job search activity. Under Model I, work registrants participate in a Job Finding Club for three weeks. If the work registrant is unable to find a job while participating in the Job Finding Club, he or she is referred to a workfare site.

Additional Provisions

As proposed in this rule, the expanded demonstration project would also incorporate statutory provisions related to work registration, job search and voluntary quit which were established under the 1981 food Stamp Act Amendments (Pub. L. 97–98, Stat. 1282, enacted December 22, 1981) and the Food Stamp Act Amendments of 1982 (Pub. L. 97–253, enacted September 8, 1982). In anticipation of regulatory implementation in the regular Program, the Department believes that these statutory provisions should be incorporated into this demonstration project upon implementation of the final rule. Such incorporation is necessary to best study the impact of the various work registration/job search models on the regular Program. A brief explanation of the provisions follows:

Reregistration for Employment

Current program regulations (7 CFR 273.7(a)) require households who are not exempted by 7 CFR 273.7(b)(1) to register for employment at the time of application and once every six months after initial registration as a condition of eligibility. This proposed rulemaking would require reregistration once every twelve months after initial registration.

Voluntary Quit

Current program regulations (7 CFR 273.7(n)) state that where the head of an applicant household quits his/her most recent job without good cause, the entire applicant household shall not be eligible

to participate in the Food Stamp Program for a period of 60 days beginning with the month of the quit. This proposed rulemaking would require that where the head of a participating household voluntarily quits his/her job without good cause the entire household be disqualified from participation. Additionally, demonstration sites would extend the definition of voluntary quit without good cause (and the attendant period of ineligibility) to include Federal, State, or local government employees who have been dismissed from their jobs because of participation in a strike against the government entity involved.

Noncompliance/Sanctions

Current program rules (7 CFR 273.7(g)) provide that if a household member fails to comply with work registration requirements, including the job search requirements, then the entire household is ineligible to participate in the Food Stamp Program for 60 days. Eligibility may be reestablished during a disqualification period if the member who caused the disqualification complies with or becomes exempt from the work registration requirement of is no longer a member of the household. The 60 day timeframe is established by the Food Stamp Act of 1977, as amended, for voluntary quit. While Congress has never specified the length of the general work registration penalty, the Department has always applied the same disqualification penalty period to all components of the work registration requirements. This proposed rule would change the 60 day disqualification period for voluntary quit to 90 days, and extend the disqualification period for noncompliance with all other work registration requirements, including job search, to 90 days.

Exemptions from Work Registration

Current rules (7 CFR 273.7(b)(1)(iv)) exempt from the work registration requirement a parent or other household member who is responsible for the care of a dependent child under twelve years of age or an incapacitated person. This proposed rule would require demonstration sites to exempt only those responsible for the care of either a child under six or an incapacitated person. Current program rules (7 CFR 273.7(b)(1)(v)) also exempt a parent or caretaker of a child under 18 in a household where another parent is registered for work. Under this proposed rulemaking demonstration sites would require that a previously exempt parent begin seeking employment when the youngest child becomes six.

List of Subjects in 7 CFR Part 282

Food stamps, Government contracts, Grant programs—social programs, Research.

Accordingly, this proposed rule would amend Part 282 as follows:

PART 282—DEMONSTRATION, RESEARCH, AND EVALUATION PROJECTS

In § 282.13:

1. Paragraph (c) is redesignated as paragraph (c)(1) and a new paragraph (c)(2) is added;

2. In paragraph (d), the second and third sentences are removed and a new second sentence is added in their place;

3. (a) In paragraph (e)(1) remove the word "five" in the last sentence.

(b) Paragraph (e)(6) is revised.

(c) New paragraphs (e)(7), (e)(8), and (e)(9) are added;

4. (a) In introductory paragraph (f), a new sentence is added to the end of the paragraph.

(b) In paragraph (f)(2)(i), remove the words "on more than two occasions per month," from the second sentence.

5. Paragraphs (h), (i), and (j) are redesignated as paragraphs (i), (j), and (k) respectively, and a new paragraph (h) is added; and

6. Newly redesignated paragraph (k) is revised.

The revisions and additions read as follows:

§ 282.13 Work Registration/Job Search Demonstration Project.

* * * * *

(c)(1) *Regulatory requirements.* * * *

(2) *Other requirements.* Other provisions which shall govern the operation of this project include:

(i) *Reregistration for employment.* Household members not exempt by § 273.7(b)(1) shall be required to reregister for employment once every 12 months as a condition of eligibility.

(ii) *Voluntary quit.* Participant households whose primary wage earners voluntarily quit their most recent jobs without good cause shall be determined ineligible for participation in the Program. Additionally, employees of the Federal government, or of a State or local government, who participate in a strike against such government and are dismissed from their jobs because of participation in the strike shall be considered to have voluntarily quit their jobs without good cause.

(iii) *Noncompliance/sanctions.* Households containing members who have refused or failed without good cause to comply with any work registration or job search requirement shall be determined ineligible to participate for 90 days.

(iv) *Work registration exemptions.* Household members responsible for the care of children shall be considered exempt only when the children are under six years old.

(d) *Areas of operation.* * * * The expanded Work Registration/Job Search Project shall be operated in seven project sites for a period of approximately eighteen months beginning no earlier than January 1, 1983.

(e) *Demonstration Models.* * * *

(6) At those sites chosen to operate Model F, the basic requirements for work registrants shall be unchanged. System responsibilities, however, shall be changed to the extent that ongoing responsibilities assigned to the SESA in § 273.7 shall be assumed by the State welfare agency.

(7) At those sites chosen to operate Model G, work registrants in the treatment group shall be required to conduct applicant job search as discussed in paragraph (h) of this section and shall be subject to the ongoing job search requirements. System responsibilities shall be changed to the extent that ongoing responsibilities assigned to the SESA in § 273.7 shall be assumed by the State welfare agency. Additionally, sites operating Model G may require each work registrant to contact potential employers throughout the work registrant's certification period. This continuous job search requirement shall be based on the capabilities and characteristics of the participant, including his or her age, physical condition, ability or inability to speak English, current enrollment in job training programs, and recent employment history, as well as the distance he or she lives from potential employers and the job market situation in the area. The number of required contacts shall be determined by the State welfare agencies with prior FNS approval.

(8) At those sites chosen to operate Model H, work registrants in the treatment group shall be subject to the ongoing job search requirements and to the requirements of the Job Finding Club as discussed in paragraph (f) of this section.

(9) At those sites chosen to operate Model I, work registrants in the treatment group shall be subject to the requirements of the Job Finding Club as discussed in paragraph (f) of this section. If a work registrant is unable to find a job while participating in the Job Finding Club, he or she will be required

to participate in the Workfare Program as discussed in s227.22.

(f) *Job Finding Club* * * * System responsibilities at certain sites shall be changed to the extent that ongoing responsibilities assigned to the SESA in this paragraph shall be assumed by the State welfare agency.

* * * * *

(h) *Applicant Job Search*

(1) The State agency may require Program applicants to conduct job search. Failure to comply with the applicant job search requirement, without good cause, shall result in a household's application being denied for a period of 90 days beginning with the date of application. The household shall be advised of the reason for the denial and of its right to reapply and/or to request a fair hearing. If the applicant's noncompliance is determined after certification, then disqualification shall be calculated as for any other participating household as described in § 273.7(g).

(2) The State agency shall process all applications in accordance with the timeframes established in § 273.2(g). The State agency, however, may delay disposition of the application pending receipt of proof of compliance with the applicant job search requirement. In this situation, the application would be processed in accordance with the procedures discussed in § 273.2(h)(2) for delays caused by the household.

* * * * *

(k) *Monitoring and evaluation.* FNS shall establish procedures for monitoring State agencies' compliance with the requirements of § 272.13. FNS shall assume primary monitoring responsibility for all site operations. The evaluation of the project shall be conducted by an independent contractor. The State agency shall, upon reasonable notification, provide the evaluation contractor with access to all information pertaining to project operations.

(91 Stat. 958, as amended (7 U.S.C. 2011–2029))

(Catalog of Federal Domestic Assistance Program, No. 10.551 Food Stamps)

Dated: April 12, 1983.

John H. Stokes III,

Acting Administrator Food and Nutrition Service.

[FR Doc. 83-10183 Filed 4-18-83; 8:45 am]

BILLING CODE 3410-30-M

Soil Conservation Service

7 CFR Parts 620, 622, and 623

Water Resources; Watershed Projects

AGENCY: Soil Conservation Service (SCS), USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule prescribes the general procedures for implementation of the Watershed Protection and Flood Prevention Program under the authority of Pub. L. 83–566, and those under the authority of Pub. L. 78–534. The proposed rule revises the rules for Pub. L. 83–566 being carried out under the above authority which were published March 19, 1975 (40 FR 12475).

DATE: Comments are due June 20, 1983. All Comments received during the review period will be considered during preparation of the final rules.

ADDRESS: Interested persons are invited to submit written comments to Joseph W. Haas, Deputy Chief for Natural Resource Projects, Soil Conservation Service, USDA, P.O. Box 2890, Washington, D.C. 20013 (202) 447–4527.

FOR FURTHER INFORMATION CONTACT: John W. Peterson, Director, Project Development and Maintenance, Soil Conservation Service, USDA, P.O. Box 2890, Washington, D.C. 20013 (202) 447–3527.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures established in Secretary's Memorandum 1512–1 to implement EO 12291, and has been classified "nonmajor."

It will not affect the national economy by $100 million or more, nor will it cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions. It will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Peter C. Myers, Chief, Soil Conservation Service, has determined that this action will not have a significant economic impact on a substantial number of small entities.

There will be no major increase in cost or prices for consumers, individuals, industries, Federal, State or local government agencies, or geographic regions.

The rule will govern a program of technical and financial assistance in which participation is voluntary. Thus, it will not impose an unnecessary regulatory, information or compliance burden on small businesses, organizations, or governmental jurisdictions as defined in the Regulatory Flexibility Act, Pub. L. 96–354 (5 U.S.C. 601).

General

On October 3, 1980, the Soil Conservation Service published in the **Federal Register** (45 FR 65603) a notice of intent to review regulations, policies, and procedures for implementing the Watershed Protection and Flood Prevention program under the authority of Pub. L. 83–566, as amended. All written comments were considered in developing the proposed rule. Other comments and suggestions not incorporated at this time will be given further consideration, along with the comments received on this proposed rule, during preparation of the final rules and regulations.

Pub. L. 83–566 and Pub. L. 78–534 authorize the Secretary of Agriculture to cooperate with State and local agencies in the planning and carrying out works of improvement for flood prevention; for the conservation, development, utilization, and disposal of water; and for the conservation and proper utilization of land in watershed or subwatershed areas, not exceeding 250,000 acres. The Secretary of Agriculture has delegated authority for administration of the Act to the Chief of the Soil Conservation Service (SCS) except for responsibilities assigned to the Farmers Home Administration (FmHA) and the Forest Service (FS) of the U.S. Department of Agriculture (USDA). The Administrator of FmHA has responsibility for administering Sec. 8 of the Act and those functions with respect to repayment obligations under Sec. 4. The Chief of FS administers the forestry aspects of the Act under such general program criteria and procedures as may be established by the Chief of SCS.

The rules found in Parts 620 and 623 have been incorporated in the proposed revision of Part 622 and therefore are being reserved.

List of Subjects in 7 CFR Part 622.

Watersheds, Flood prevention, Technical assistance, Soil conservation, Grant programs—natural resources, Loan programs—natural resources.

Dated: April 13, 1983.

David G. Unger,

Associate Chief, Soil Conservation Service.

Accordingly, Chapter VI of Title 7 would be amended by removing and

reserving Parts 620, and 623 and by revising Part 622 to read as follows:

PART 622—WATERSHED PROJECTS

Subpart A—General

Sec.
622.1 Purpose.
622.2 Scope.
622.3 Relationship to other agencies.
622.4 Guidelines

Subpart B—Qualifications

622.10 Sponsors.
622.11 Eligible Watershed projects.

Subpart C—Application Procedure

622.20 Application.
622.21 State agency approval.

Authority: Pub. L. 83–566, 68 Stat. 666 as amended (16 U.S.C. 1001 et. seq.); Pub. L. 78–534, 58 Stat 889, 33 U.S.C. 701b–1.

Subpart A—General

§ 622.1 Purpose.

This rule sets forth the general policies for planning and carrying out watershed projects under Pub. L. 83–566, 68 Stat. 666 (16 U.S.C. 1001 et. eq.) and flood prevention projects under Pub. L. 78–534, 58 Stat. 889 (33 U.S.C. 701 b–1).

§ 622.2 Scope.

(a) To assist sponsors in preparing and carrying out watershed plans, the Soil Conservation Service (SCS) will conduct investigations and surveys, with the cooperation and assistance of other Federal agencies, to:

(1) Determine the extent of watershed problems and needs, and

(2) Set forth viable alternative solutions consistent with local, regional, and national objectives, including an alternative solution which makes the greatest net contribution to national economic development.

(b) Alternatives will consist of either land treatment, nonstructural or structural measures, or combinations thereof that will help accomplish one or more of the authorized project purposes.

(c) Authorized project purposes are watershed protection, conservation and proper utilization of land, flood prevention, agricultural water management including irrigation and drainage, public recreation, public fish and wildlife, municipal and industrial water supply, hydropower, water quality management, ground water supply, agricultural pollution control, and other water management.

(d) After a final plan for works for improvement is agreed upon between SCS and the sponsors and the approval processes are completed, subject to the availability of funds and the budgeting and fiscal policies of the President, SCS will provide technical, financial, and credit assistance to install the project.

§ 622.3 Relationship to other agencies.

SCS will coordinate with other water resource development agencies on projects that may cause competition among authorities. Agreement will be reached on which authority would be most applicable.

§ 622.4 Guidelines.

Guidelines for carrying out this program are contained in miscellaneous instructions, manuals, and handbooks issued by the Soil Conservation Service, Regualtions for Implementing NEPA (40 CFR 1500–1508) issued by the Council on Environmental Quality, and Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies issued by the Water Resources Council. Watershed projects are to be planned and carried out in a way that will conform to conditions mandated by applicable laws, Executive Orders, and codified rules.

Subpart B—Qualifications

§ 622.10 Sponsors.

(a) Watershed projects are sponsored by one or more local organizations qualifying as sponsors. All watershed plans shall be sponsored by entities legally organized under State law or by any Indian tribe or tribal organization having the authority to carry out, maintain, and operate works of improvement. Those plans that incorporate the use of nonstructural or structural measures shall be sponsored by organizations that, severally or collectively, have:

(1) The power of eminent domain,

(2) The authority to levy taxes or other adequate means of financing their share of the cost of the project.

(b) To receive Federal assistance for project installation, sponsors must commit themselves to use their powers and authority to carry out the project as planned.

§ 622.11 Eligible watershed projects.

(a) To be eligible for Federal assistance, a watershed project must:

(1) Meet the definition of a watershed area.

(2) Not exceed 250,000 acres in size.

(3) Not include any single structure that provides more than 12,500 acre-feet of floodwater detention capacity nor more than 25,000 acre-feet of total capacity.

(4) Have significant land or water management problems that can be solved or alleviated by measures for watershed protection, flood prevention, drainage, irrigation, recreation, fish and wildlife, municipal or industrial water supply, or other water management.

(5) Produce substantial benefits to groups of landowners, to communities, and to the general public.

(6) Cannot generally be installed by individual landowners or small groups of landowners with the aid of other available cost-sharing assistance.

(7) Have strong local citizen support.

(8) Have greatest net national economic benefits (for water resource projects) unless an exception is granted by the Secretary.

(b) Works of improvement that may be included in a watershed project are those that:

(1) Contribute to reducing floodwater, erosion, and sediment damages.

(2) Further the conservation, development, utilization, and disposal of water and the conservation and proper utilization of land.

(3) Constitute needed and harmonious elements in the comprehensive development of the river basin involved.

Subpart C—Application Procedure

§ 622.20 Application.

Sponsors shall follow State developed procedures for coordination of proposed Federal financial assistance and also USDA's 7 CFR 3015 in applying for Pub. L. 566 assistance. Standard forms for Federal assistance or other approved forms may be obtained from SCS State, area, or field offices. Appropriate public involvement shall be carried out as a part of this process.

§ 622.21 State agency approval.

The governor or State agency will approve or disapprove the application. If disapproved, no further action is required of SCS. If approved or not disapproved within 45 days, the application shall be sent to the SCS state conservationist. After the state conservationist has determined that the application is legally valid, he will notify the sponsor of receipt of the application.

[FR Doc. 83–10466 Filed 4–18–83; 8:45 am]
BILLING CODE 3410–16–M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

[Docket No. PRM–50–35]

Union of Concerned Scientists; Petition for Rulemaking

AGENCY: Nuclear Regulatory Commission.

ACTION: Denial of Petition for Rulemaking.

SUMMARY: The Nuclear Regulatory Commission is denying a petition for rulemaking which requested that the Commission amend its emergency planning rules for nuclear power plants so that the results of the offsite emergency preparedness exercise held prior to full-power operation would be litigable in the operating license proceeding. The Commission is denying the petition because the requested amendment is unnecessary, contrary to sound administrative practice, and would add regulatory delays to the Commission's licensing process without a corresponding increase in public health and safety.

FOR FURTHER INFORMATION CONTACT: William M. Shields, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Phone: 301–492–8693.

SUPPLEMENTARY INFORMATION:

I. Background

On November 18, 1982, the Commission published in the **Federal Register** (47 FR 51889) a notice announcing the receipt of a petition for rulemaking filed by the Union of Concerned Scientists (UCS). The Commission indicated that the principal thrust of the petition was to ensure, via amendment of the Commission's emergency planning regulations in 10 CFR 50.47, that the results of the pre-operational offsite emergency preparedness exercise could be litigated in the full-power operating license proceeding.

The UCS petition seeks to reverse the effect of an amendment to 10 CFR 50.47 promulgated by the Commission on July 13, 1982 (47 FR 30232; notice of proposed rulemaking published December 15, 1981, 46 FR 61134). That amendment, in relevant part, added a sentence to 10 CFR 50.47(a)(2) which reads as follows:

> Emergency preparedness exercises (required by paragraph (b)(14) of this section and Appendix E, Section F of this part) are part of the operational inspection process and are not required for any initial licensing decision.

The effect of this amendment was to make clear that the record in the full-power proceeding could be closed, and a licensing decision rendered, prior to the offsite emergency preparedness exercise. This exercise, however, had to be held prior to authority for full-power operation for the facility as had always been the case.

Presently pending before the Court of Appeals for the District of Columbia Circuit is UCS' direct challenge to the 1982 amendments, filed September 10, 1982. *(Union of Concerned Scientists v. NRC,* Docket No. 82–2053). The Commonwealth of Massachusetts has moved to intervene in this action, and also filed comments on the petition for rulemaking. Briefing in this case has been held in abeyance so that administrative action on the petition for rulemaking could be completed. A main concern of UCS was the NRC, by its July 1982 amendments, intended to alter the way emergency planning issues are litigated generally in license proceedings. At a meeting held November 3, 1982, between NRC and UCS representatives, NRC stated that, except for the exercise issue, the NRC did not intend this rule change to affect the way full-power proceedings were conducted. It was generally agreed that the principal thrust of the petition concerned the litigation of "effects in on-site and off-site emergency planning identified as a result of pre-operational emergency preparedness exercises." 47 FR 51889. The petition notice therefore highlighted this issue in seeking public comment.

II. Public Comments

A. Description of Comments Received on Petition

Seventy-eight comments were received on the UCS petition, representing a wide variety of opinions and sources. By source, the comments break down as follows: public interest groups—22, industry—19, States—3, Federal agencies—2, counties—1, universities—1, attorneys (other than those representing clients)—2, private citizens—28 (representing 93 persons). These comments in many cases focus on the same issues presented in the earlier rulemaking on the same subject, where 40 comments were received. In all, then, the Commision has received and considered 118 comments on the UCS petition.

In view of the large number of comments, pro and con, it is not feasible to respond to each individually. Instead, the analysis below will be organized by issue. The factors cited by commenters in favor of the UCS petition will be stated, each followed by a statement of the Commission's position. Because the Commission is denying the petition, it is not necessary for the Commission to respond to each of the arguments offered by commenters opposing the petition. Some of their arguments have been incorporated into the Commission's responses below.

All public comments—for this proceeding and for the previous rulemaking—are available for public inspection in the Commission's Public Document Room, 1717 H Street N.W., Washington, D.C.

B. Response to Public Comments

Issue 1: Emergency planning exercises should be subject to hearings before a license is issued because the exercise is a vital indicator of the actual state of emergency preparedness.

Commission response: The commission agrees that the full-scale offsite exercise is one important indicator of the actual state of emergency preparedness. For this reason, the Commission continues to require that the exercise be conducted, and significant deficiencies corrected or mitigated, before full-power operation is authorized for the facility.

From this it does not follow, however, that any benefit is to be gained from delaying the operating license hearing, as a matter of course, to incorporate the results of this exercise in the full-power operating license proceeding. As to all matters of public health and safety, the licensing boards' findings are predictive in that they often are based upon the design of the facility, the qualifications of the utility's management and operational staff, inspections, performance specification, etc., rather than demonstrated preformance. At the time the licensing board issues its decision authorizing a full-power license, many major plant systems have not been fully tested at or near the full-power operating levels necessary to show full-system performance. The full-scale exercise is analogous to the evaluation of plant systems at operating power levels during power ascension testing. Where problems are discovered, they are addressed before full commercial operation is achieved. On the other hand, the applicant's emergency plan is akin to the design of the facility. The task of the licensing board confronted with contested emergency planning and preparedness issues is to decide whether the plan meets the Commission's regulations as set out in 10 CFR 50.47 and Appendix E to Part 50 and to predict whether it can be implemented successfully. *See 47 FR at 30235.* As was stated above, both decisions are fully litigable before the board. This would include litigation of the planning process itself (i.e. the various technical and other judgments of the planners and the reviewers that underlie the plan itself and the predictions of implementation capability). The board may require changes or additions to the plan based upon the testimony presented. The 1982

amendment here challenged by UCS was only intended to affect the way in which emergeny planning issues are litigated by clarifying that the results of the exercise need not be litigated.

The full-scale offsite exercise is actually an indicator of two factors: the state of emergency preparedness at the time the exercise is conducted, and whether the emergency plan and the planning process are fundamentally sound. If the outcome of the exercise showed that the plan and the underlying judgments about its adequacy and capability of implementation were seriously flawed—as opposed to details of its implementation in that exercise not reflecting on the overall adequacy of the plan and its capability of implementation—reopening of the hearing record might be appropriate, coupled, of course, with delay of the full-power authorization. This matter was fully explained in the rulemaking notices for the amendment.

There are sound policy reasons for removing the full-scale exercise from the operating license proceeding. While these reasons were stated by the Commission in the previous rulemaking, they will be restated here for clarity. Contrary to the view of many comments supporting the UCS petition, the action was not taken merely to further limit the scope of the operating license proceeding. The Commission acknowledges that the public can play an important part in offsite emergency planning by participating in the operating license proceeding. This will continue to be the case. The Commission also believes that it is important, however, that the full-scale exercise be held as close in time as possible to commercial operation of the facility. This is necessary so that the licensee personnel who will be responsible for the commercial operation of the facility will be present at the site, familiar with the plant and its environs, and trained to carry out the emergency plan. As one moves back in time from commercial operation, these personnel will not, for the most part, be present. In addition, certain instrumentation to be relied on in emergencies may not be fully operational or calibrated. The safety of the plant would be better served by an exercise utilizing those licensee personnel who would have to carry out emergency procedures once the plant is licensed for commercial operation.

This being the case, it is clearly impractical to hold the full-power proceeding record open solely for the purpose of litigating the results of the full-scale offsite exercise held at a time close to commercial operation. Even with the use of expedited procedures, months could be consumed while the results of the exercise are analyzed, testimony prepared, hearings held, findings made, and so on. This delay would occur without a commensurate safety benefit in the ordinary case. It is important, of course, to correct or resolve problems which are discovered as a result of the exercise. In most cases, this can be done prior to full power authorization. If the exercise shows serious problems that must be remedied, the Commission can delay full-power authorization until such problems are rectified. To the extent there are material facts in dispute, litigants in NRC proceedings would likely be heard on the impact of such serious defects on the NRC's ability to decide there is reasonable assurance that the plant could operate safely. As the Commission has stated on prior occasions, no facility will be permitted to achieve commercial power levels when there is doubt that the public health and safety will be protected in the event of an accident.

Moreover, deficiencies in the full-scale offsite exercise would not be suitable subjects for the adjudicatory setting. As was explained above, the function of the licensing board is to determine whether the emergency planning efforts reflected in the plan and its underlying basis and review meet the Commission's regulations. If some detail of a plan, *e.g.*, a hard telephone link to a State emergency office, does not operate properly during the exercise, the appropriate course of action is to remedy the problem by concrete action, not hold a hearing and hear the testimony of experts on why the system failed on the day in question. If it should occur, however, that some key aspect of the plan turns out to be inadequate or unworkable, or the judgments reflected in the planning process are untenable, or major revisions will be necessary, the hearing could be reconvened upon a showing that the Commission's standards for reopening have been met. This could be done, however, only where it is questionable that the Commission's regulations have been met. Where appropriate, any person may request that the Commission institute a proceeding to take immediate licensing action under 10 CFR 2.206. Such action could include, in extraordinary circumstances, suspension of the license pending correction of the deficiency.

Issue 2: Emergency planning issues generally will be removed from licensing adjudications under the current rule.

Commission Response: The Commission responded in depth to this contention in the notice of final rulemaking published July 13, 1982 (47 FR at 30233). The applicant for an operating license is required by 10 CFR 50.47 to submit a complete emergency plan for the facility. All aspects of the planning process may be litigated in the operating license proceeding. For example, one can assert that the planning standards in 10 CFR 50.47(b) have not been met. In the Commission's view, this does not constitute removal of emergency planning from the licensing process.

As was explained above, and to be very clear, the only aspect of emergency planning removed from the proceeding is the full-scale offsite exercise. This was done for reasons which will be explained in the response to the next issue. (See also the notices of proposed and final rulemaking in this proceeding.)

Issue 3: The public has no recourse to challenge decisions made following the exercise if the hearing record is already closed.

Commission Response: The only aspect of the Commission's procedures which was altered by the 1982 amendment at issue here was the inclusion, as a matter of course, of the results of the full-scale offsite exercise in the full-power operating license proceeding. The rule changes did not affect public participation in any other way under NRC regulations. It is true, as UCS asserts, that the other avenues of public intervention (*e.g.*, motions to re-open a hearing, petitions under 2.206) are conditioned by the need to show that such licensing actions are warranted by the facts in each case. This is nonetheless true of any other aspect of the facility which is tested prior to, or even after, achievement of commercial power levels. The comments raise no intrinsic safety reason which distinguishes the results of the offsite exercise from the result of testing the reactor coolant system at full capacity. If, in either case, minor problems were discovered, correction is needed but actions such as a re-opening of the hearing or suspension of the license would not be warranted. Major deficiencies in an exercise would be addressed by the NRC prior to full power authorization, but in any event the public could seek to participate and would be granted the opportunity to do so in appropriate circumstances.

The Commission's objective in the 1982 amendment was to improve the conduct of exercises by placing them as close in time to commercial operation as possible, not to eliminate public

recourse in the event an exercise demonstrates serious defects in the emergency plan or planning process. The amendment was carefully limited to provide this result.

Issue 4: A utility might submit a faulty plan in the absence of public scrutiny in the hearing context, thus jeopardizing public safety.

Commission Response: The plan is addressed in the hearing process. An applicant for an operating license is required by NRC regulations (10 CFR 50.47 Appendix E) to submit an emergency plan which complies with the regulations and which conforms to other regulatory guidance supporting the regulations. The licensing board must be able to find that the existing plan and planning process do in fact, meet the regulations or whether, on the other hand, there is cause to withhold authorization of a license until suitable planning was demonstrated. Neither the petitioner nor commenters have shown in what way the Commission's action resulted in a diminution of safety in respect to emergency planning. In the Commission's veiw, it is not enough to assert, without more, that removal of a limited subject from the adjudicative phase of the licensing process necessarily equals a loss of protection of the public health and safety, or implies a loss of the public's right to recourse where the facts justify extraordinary licensing action.

Issue 5: The current text of 10 CFR 50.47(c) appears to allow submission of offsite plans after the record has closed. If so, this would remove such plans entirely from public scrutiny in view of the high standard which must be met to reopen a hearing.

Commission Response: This concern is the result of confusion over the work "should" in the Statement of Considerations which accompanied the 1982 amendments:

> The proposed rule does not eliminate any important substantive aspect of emergency planning from the operating license hearings. Whether an applicant satisfies the requirements of 50.47(a) and 50.47(b) is still an issue that may be raised and litigated in those hearings. In cases where such issues are raised, applicants' and State and local jurisdictions' emergency plans *should* be available for examination . . . (47 FR at 30233) (emphasis added).

The use of "should" was intended to convey the possibility that a plan or a part of a plan (*e.g.*, township or county) might not be available at the hearing if that jurisdiction has, for whatever reason, not yet completed a plan. In such cases, 10 CFR 50.47(c)(1) does allow the applicant to show that, because of other compensating factors, public health and safety will be adequately protected because of other plans or evidence of preparedness. 45 FR 55402, 55403 (1980); Mt. Transcript pp. 3–12 (July 23, 1980) [Docket No. PR–50 (44 FR 75167), Vol. 9]. Where this situation occurs, intervening parties would have the opportunity to challenge the applicant's assertion. The word "should," however, should not be read to mean that the NRC now believes that plans meeting the rule's criteria need not generally be available at the hearing. In that sense, the use of "should" in the above-quoted section is overboard and could understandably lead to concern. To a certain extent, the comment reflects concern that the NRC intended to undercut adjudication of emergency planning generally. As explained in this document, that is not the Comission's intention. Furthermore, contrary to the suggestion in some comments that NRC Boards are using the July 1982 amendments in just that way, the Commission has not found a single instance where that was the case. The proffered example, the *Zimmer* proceeding, is simply inapposite because the Board never decided this issue as characterized by petitioner and commenters.

Issued 6: The 1982 amendment violates the Atomic Energy Act and the Administrative Procedure Act by denying the public the right to litigate the adequacy of offsite emergency plans.

Commission Response: This argument is based upon a flawed premise. The adequacy of offsite emergency planning and capability of implementation continues to be fully litigable in the operating license proceeding. Intervenors may challenge any aspect of this planning and its capability of implementation as not complying with applicable NRC and FEMA standards.

The Commission has the discretion to separate matters which properly belong in the licensing phase from those which belong in the post-adjudicative operational phase. If this were not true—and the petitioner and commenters do not so argue—the Commission would be obligated to hold open the hearing record until a plant had been fully tested at commercial power levels, given the real possibility that a plant system may not function as projected in the earlier stages of the safety hearing. Pre-operational testing is no less crucial to plant safety that the full-scale exercise is crucial to measuring emergency preparedness (see response to Issue 7 below). It is nonetheless clear that the record of the licensing proceeding must close on all matters at some logical point, and the Commission has judicially-recognized discretion to select that point on a rational basis. Neither UCS nor commenters supporting the UCS position have put forth convincing arguments why the full-scale offsite test of the emergency plans may not be placed in the "operational events" category. As explained above problems identified in the course of exercises will either demonstrate problems with actual preparedness (which may be corrected in a straightforward manner) or with the plan process. The examples of exercise deficiencies raised in the comments fall into the former category and are not different from other kinds of preoperational problems. In the absence of a showing to the contrary, the argument that the Commission is forbidden by statute to permit licensing board decisions prior to the conduct of the exercise cannot be accepted.

Issue 7: The comment from FEMA emphasizes the importance of the full-scale offsite exercise in overall emergency planning and preparedness.

Commission Response: The Commission completely agrees with the comment from FEMA which states, in part:

> FEMA wishes to reaffirm the importance and value of the joint exercise for FEMA's findings concerning the adequacy of offsite plans and preparedness. A full-scale joint exercise plays an important role and is necessary if FEMA is to certify in a finding that State and local governments are capable of protecting public health and safety in the event of an accident at a commercial nuclear power plant. The exercise gives FEMA observers the opportunity to assess the readiness, knowledge, and skills of State and local government personnel as they attempt to implement the actions outlined in the plan and the objectives of a scenario adopted for the exercise.
>
> Deficiencies that are identified during an exercise provide State and Local governments and opportunity to take corrective action through additional exercising and plan modification, thus improving preparedness.
>
> FEMA's primary concern is that completion of an adequate joint exercise continue as a requirement for a full-power nuclear power plant license. FEMA defers to NRC on whether this should be a matter for its hearing boards to deal with in their full-power proceedings.

As is clear from the discussion above and from the notices of rulemaking accompanying the 1982 amendment, no full-power operation will be authorized prior to the full-scale joint exercise. In addition, no license will issue if the exercise demonstrates significant deficiencies:

> The public should recognize that the Commission does not intend to

authorize the issuance of a full-power operating license if there has been a full-scale exercise which raises serious and significant deficiencies which have not been compensated for and which go to the fundamental nature of the plan itself. (Notice of Final Rule, 47 FR at 30234).

And while it is true that the evidentiary standard to re-open a closed record is high, it is not insurmountable. An intervenor in a licensing proceeding may request that the record be re-opened. If that option is unavailable, that person may request relief under 10 CFR 2.206. As FEMA suggests, the Commission should be able to make the determination whether a proceeding is necessary to examine the results of the exercise. The 1982 amendment objected to by UCS does no more than remove any doubt that the Commission may exercise this discretion on a case-by-case basis. Where the facts justify a further proceeding, one will be ordered. Where the exercise shows emergency planning to be fundamentally sound and in accord with the findings of the licensing board, further litigation as a matter of course would serve no purpose.

III. Findings

Upon a complete review of the record in this proceeding and in the rulemaking which resulted in the amendment placed in issue by UCS, the Commission finds nothing to indicate that it has erred either as a matter of law or as a matter of policy. Therefore, the Commission hereby denies PRM-50-35. As with pre-operational testing of safety systems, there are sound policy reasons for conducting the exercise as near in time as possible to commercial operation of the facility. The proper function of the adjudicative proceeding is to examine the emergency planning of the applicant and offsite jurisdictions and determine whether it meets NRC and FEMA standards. The Commission sees no benefit to be gained by delaying issuance of a full-power license for litigation over a basically successful exercise. It is within the Commission's legal discretion to prevent this result while at the same time enhancing the usefulness and credibility of the exercise by allowing the record to close in the proceeding prior to conduct of the exercise

Dated at Washington, DC, this 12th day of April, 1983.

For the Commission

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 83-10074 Filed 4-18-83; 8:45am]

BILLING CODE 7590-01-M

CIVIL AERONAUTICS BOARD

14 CFR Part 207, 208, 212 and 298

[Econ. Reg. Special Reg. Docket 40336; EDR-456; SPDR-88]

Charter Trips and Special Services; Terms, Conditions, and Limitations of Certificates To Engage in Charter Air Transportation; Charter Trips by Foreign Air Carriers; Exemption for Air Taxi Operations; Public Charters; Correction

Dated: March 24, 1983.

AGENCY: Civil Aeronautics Board.

ACTION: Proposed rulemaking: Correction.

SUMMARY: In FR Doc. 83-9613, appearing on page 15639 in the April 12, 1983 issue, there is an incorrect deadline for submitting requests to be put on a Service List. Persons wishing to be put on the Service List should send requests to Docket 40336, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, by May 2, 1983 instead of April 15, 1983 as previously stated.

FOR FURTHER INFORMATION CONTACT: Richard B. Dyson, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202-673-5442.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-10334 Filed 4-18-83; 8:45 am]

BILLING CODE 6320-0

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 182 and 184

[Docket No. 82N-0089]

Vitamin D_2 and Vitamin D_3; Proposed Affirmation of GRAS Status, With Specific Limitations, as Direct Human Food Ingredients

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to affirm that vitamin D_2 and vitamin D_3 are generally recognized as safe (GRAS), with specific limitations, as direct human food ingredients. The safety of these ingredients when used as food nutrients has been evaluated under the comprehensive safety review conducted by the agency. The proposal would take no action on the listing of these ingredients as GRAS substances for use in dietary supplements.

DATE: Comments by June 20, 1983.

ADDRESS: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Leonard C. Gosule, Bureau of Foods (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-426-9463.

SUPPLEMENTARY INFORMATION: FDA is conducting a comprehensive review of human food ingredients classified as GRAS or subject to a prior sanction. The agency has issued several notices and proposals (see the **Federal Register** of July 26, 1973 (38 FR 20040)) initiating this review, under which the safety of vitamin D_2 (ergocalciferol) and vitamin D_3 (cholecalciferol) has been evaluated. In accordance with the provisions of § 170.35 (21 CFR 170.35), the agency proposes to affirm the GRAS status of these ingredients, with specific limitations, when used as nutrients in conventional food [1] and infant formula.

The GRAS status of the use of vitamin D_2 and vitamin D_3 in dietary supplements (i.e., over-the-counter vitamin preparations in forms such as capsules, tablets, liquids, wafers, etc.) is not affected by this proposal. The agency did not request consumer exposure data on dietary supplement uses when it initiated this review. Without exposure data, the agency cannot evaluate the safety of using these ingredients in dietary supplements. The use of these ingredients in dietary supplements will continue to be authorized under Subpart F of Part 182 (21 CFR Part 182).

Vitamin D is historically the antirachitic vitamin, and currently it is considered both a vitamin and a hormone. Antirachitic activity can be elicited by exposure of the skin to ultraviolet irradiation, by provitamin D compounds, or by foods and other materials containing such compounds. The natural food sources of vitamin D are basically limited to fish and fish oils, eggs, liver, butter, and milk. Milk is a relatively poor source of vitamin D, unless it is fortified. Vitamin D activity is exhibited by several compounds, some of which occur naturally and some of which are synthetic. The principal compounds, and the only ones

[1] FDA is using the term "conventional food" to refer to food that would fall within any of the 43 categories listed in § 170.3(n) (21 CFR 170.3(n)).

considered GRAS for addition to food are vitamin D_2 and vitamin D_3.

Vitamin D_2 is 9,10-seco(5Z,7E,22E)-5,7,10(19), 22-ergostatetraene-3 β-ol. It is produced by irradiation of ergosterol isolated from yeast and related fungi. Vitamin D_2 occurs as white, odorless crystals, melting at 115° to 118° C, with a specific rotation, [α] 25°/D, between +103° to +106°. It is insoluble in water but soluble in alcohol, chloroform, ether, and fatty oils.

Vitamin D_3 is 9,10-seco(5Z,7E)-5,7, 10(19)-cholestatrien-3-ol. It occurs in, and is isolated from, fish liver oils. It is also produced naturally through sunlight activation of 7-dehydrocholesterol in the skin. Vitamin D_3 occurs as white, odorless crystals, melting between 84° and 88° C, with a specific rotation, [α] 25°/D between +105° to +112°. It is insoluble in water but soluble in alcohol, chloroform, and fatty oils.

Vitamin D_2 and vitamin D_3 were listed as GRAS nutrients in a regulation published in the **Federal Register** of November 20, 1959 (24 FR 9368). Subsequently, they were listed as GRAS nutrients and dietary supplements in a regulation published in the **Federal Register** of January 31, 1961 (26 FR 938). However, in a final rule published in the **Federal Register** of September 5, 1980 (45 FR 58837), FDA divided the nutrient and dietary supplement category into separate listings for GRAS dietary supplements and GRAS nutrients. Therefore, vitamin D_2 and vitamin D_3 currently are listed as GRAS in §§ 182.5950 and 182.5953 (21 CFR 182.5950 and 182.5953), respectively, for use in dietary supplements and in §§ 182.8950 and 182.8953 (21 CFR 182.5950 and 182.8953), respectively, for use in food as nutrients.

Vitamin D is listed in Federal standards of identity as a required ingredient in certain milk products (21 CFR 131.127, 131.130, and 131.132). It is also listed as an optional ingredient in other milk products (21 CFR Part 131), certain enriched cereal products (21 CFR Part 137), certain enriched pasta products (21 CFR Part 139), and in margarine (21 CFR 166.110). Section 412(g) of the Federal Food, Drug, and Cosmetic Act (the act) lists vitamin D as a required nutrient in infant formula, subject to level restrictions. FDA is reviewing all nutrient levels in infant formulas under a contract with the American Academy of Pediatrics. Any necessary modifications in the nutrient levels of vitamin D in infant formula will be proposed by a separate rulemaking under section 412(a)(2) of the act. Vitamin D also may be used to fortify foods as described in Part 104 (21 CFR Part 104).

In 1971, the National Academy of Sciences/National Research Council (NAS/NRC) surveyed a representative cross-section of food manufacturers to determine the specific foods in which vitamin D_2 and vitamin D_3 were used and the levels of usage. NAS/NRC combined this manufacturing information with information on consumer consumption of foods to obtain an estimate of consumer exposure to these ingredients. On the basis of these data, FDA estimates from the NAS/NRC survey that the amounts of vitamin D_2 and vitamin D_3 used in food in 1970 were 290,000 pounds and 78,000 pounds, respectively. The survey revealed that the use of vitamin D_2 in food increased approximately threefold from 1960 to 1970, whereas the use of vitamin D_3 in food was virtually unchanged during this period.

Vitamin D_2 and vitamin D_3 have been the subjects of a search of the scientific literature from 1920 to the present. The criteria used in the search were chosen to discover any articles that considered (1) chemical toxicity, (2) occupational hazards, (3) metabolism, (4) reaction products, (5) degradation products, (6) carcinogenicity, teratogenicity, or mutagenicity, (7) dose response, (8) reproductive effects, (9) histology, (10) embryology, (11) behavorial effects, (12) detection, and (13) processing. A total of 6,395 abstracts on vitamins D_2 and D_3 was reviewed, and 317 particularly pertinent reports from the literature survey have been summarized in a scientific literature review.

Information from the scientific literature review has been summarized in a report to FDA by the Select Committee on GRAS Substances (the Select Committee), which is composed of qualified scientists chosen by the Life Sciences Research Office of the Federation of American Societies for Experimental Biology (FASEB):

Absorption and Excretion

All known forms of vitamin D are absorbed with food fats. Thus, essentially all factors affecting the absorption of fat in the alimentary tract affect the absorption of vitamin D. Absorption occurs in the jejunum and/or ileum, with most of the vitamin in the chylomicrons of the lymphatic system. Bile is essential for absorption of vitamin D and it also seems to be the major pathway of excretion of vitamin D_2 and vitamin D_3 after they have been metabolized to certain hydroxy derivatives.

Absorbed vitamin D circulates in the blood. Metabolites of vitamin D are formed in the liver and in the kindney; movement from the plasma chylomicrons and lipoproteins appears to occur in the liver by transfer to an α_1-globulin fraction which acts as a carrier. Kodicek has reviewed evidence to show that vitamin D is absorbed through the skin after topical application.

Metabolism

As early as 1934 Waddell found that crude cholesterol preparations contained a provitamin D constituent which, after irradiation, was more potent against rickets in chicks and hence different from that obtained by irradiating ergosterol. Since that time the multiple nature of vitamin D has been established and, in the last decade, much knowledge has accumulated concerning the metabolism of the vitamins D and their modes of action. It is apparent that vitamin D_2 and vitamin D_3 require metabolic conversion before they can function as the vitamin or hormone. The major developments invlove several hydroxylated metabolites of vitamin D, with most of the attention focused on the metabolism of vitamin D_3. After transport to the liver, a hydroxylase system in the microsomal component effects hydroxylation on carbon atom-25. Some evidence suggests that this process is feedback regulated by the concentration of the 25-OH-D_3 metabolite in the liver. A specific protein transports the 25-OH-D_3 to the kidney where further enzymatic hydroxylation occurs to yield 1,25-$(OH)_2D_3$ or 24,25-$(OH)_2D_3$, as determined by physiological circumstances. The 1,25-$(OH)_2D_3$ is 10 to 15 times more potent than vitamin D_3 when administered parenterally. It is the most potent form of vitamin D known in effecting intestinal calcium absorption, bone calcium mobilization, and elevation of serum phosphate. In response to hypocalcemia, the parathyroid glands secrete parathyroid hormone. This triggers the synthesis of 1,25-$(OH)_2D_3$, which with the parathyroid hormone, function in the mobilization of calcium from bone and without the parathyroid hormone, effects calcium absorption in the intestine. Such processes involve a dynamic balance in which elevated levels of serum calcium suppress secretion of parathyroid hormone, consequently decreasing the synthesis of 1,25-$(OH)_2D_3$. Thus, the latter can be regarded as a calcium metabolizing hormone as well as a vitamin.

Owing to the multi-step nature of the processes leading to the metabolic formation of 1,25-$(OH)_2D_3$, an impairment in any step can be presumed to be harmful. Diseases which may be attributed to insufficient vitamin D may in fact be due to a metabolic block in the formation of 1,25-$(OH)_2D_3$. Bone disease associated with renal failure may involve an impairment in the 1-hydroxylation process. Also, hypoparathyroidism can be linked with an impairment of 1,25-$(OH)_2D_3$ synthesis. This is indicated by the effectiveness of this vitamin D_3 metabilite in parathyroid hormone deficiency as produced through thyroparathyroidectomies in rats and occurring spontaneously in hypoparathyroid patients. For example, DeLuca has stated, that treatment with 1 g per day of 1α,25-$(OH)_2D_3$ is entirely successful while 2,000 g of vitamin D_3 are required to be effective in treating the disease.

Minimal responsiveness to vitamin D generally referred to as vitamin D

dependency, an inherited postnatal syndrome. Alleviation of the syndrom may occur if there is continued therapy with large amounts (1.25 mg or about 50,000 IU) of vitamin D per day. The occurrence of this hereditary trait is low but the incidence appears to be higher than once suspected. The newer knowledge of vitamin D is having marked effects in the interpretation of treatment of the vitamin D-dependent, as well as normal individuals, with massive doses of vitamin D.

Progress in the study of vitamin D metabolites and the interrelationship of vitamin D to the parathyroids has been comprehensively reviewed by DeLuca, Omdahl and DeLuca, Hay and Harrison.

Animal Toxicity Studies

The extensive literature on the effects of vitamin D administration in many species has focused on crystalline vitamin D_2 and vitamin D_3, but also includes studies on the effects of related sterols having vitamin D activity, as well as rich sources of vitamin D, such as high potency fish liver oils.

The LD_{50} of vitamin D_2 sulfate given intraperitoneally to mice was found to be about 2,500,000 IU per kg.

Minimal dosage for production of generalized calcinosis by intramuscular injection of vitamin D_2 in male rabbits was 500,000 to 600,000 IU given in 3 equal doses at intervals of 2 days. Signs of generalized calcinosis appeared after 8 days; dosage was about 45,000 to 50,000 IU per kg per day. Calcinosis increased in severity on such a regimen if injections were extended to 3 weeks. Anorexia, loss of weight and death occurred within about 6 weeks. Vitamin D_2 given subcutaneously daily for 3 consecutive days to rabbits at a level of 5,000 IU per kg per day, showed increased calcification of dentine but no side-effects. Administration of 10,000 IU per kg per day by the same procedure led to anorexia, weight loss and death in five to seven days. By contrast a dose of 800,000 IU of vitamin D_3 per kg daily, given subcutaneously, elicited no side-reactions. Vitamin D_2 in cottonseed oil was administered intramuscularly every other day for 30 days to 8 adult female rabbits beginning the day after observed copulation. Total dose over the 30 day period was 1.5 million IU (about 50,000 IU per kg) on each day of injection. No differences were observed between these animals and controls receiving no injected vitamin D_2 except for higher vitamin D levels in the blood of the former. Pregnant females given a total dose of 2.5 million IU (about 85,000 IU per kg per day) or more over the 30 day period died 65 days after the first injection.

In an early study performed before an IU for vitamin D had been established, groups of weanling rats were fed a stock diet containing enough irradiated yeast to supply 40 times the ricketts-curative does of vitamin D. Irradiated ergosterol was added to this diet in amounts necessary to provide vitamin D activity equivalent to 50, 1,000, 10,000, or 100,000 times the curative level. Amounts as high as 10,000 times the daily curative dose over a period of 6 months had no effect on growth and body functions. At levels 100,000 times the daily curative dose toxic effects were observed, including anorexia, labored breathing, net loss of calcium and phosphorus from the body, hypercalcemia, skeletal decalcification, and renal calcification. In more detailed studies Harris *et al.* fed weanling rats for 20 days on a basal diet containing irradiated ergosterol (vitamin D_2) or tuna liver oil (vitamin D_3) at a dose of about 500,000 IU per kg daily. The authors observed that this dose was at least 5,000 times the therapeutic dose for rats. There was weight loss, and calcification occurred in the kidneys, stomachs, aortas, hearts, and lungs of rats receiving either source of vitamin D. As measured by such criteria, irradiated ergosterol was more toxic than tuna liver oil.

In a study of only one source of vitamin D (electrically activated caporized ergosterol), rats fed up to 20,000 IU per kg daily for varying periods of time ranging from 100 days to 180 days showed no histological changes in the heart, lungs, liver, spleen, pancreas, stomach, adrenal glands, kidneys, aorta, or brain. Likewise, no roentgenographic or other abnormalities suggestive of toxic effects were noted for this preparation at the dose employed. Other investigators fed rats a stock diet in which the activated ergosterol (vitamin D_2) was incorporated daily during the last 2 weeks of a total study period of 4 weeks. The daily dose of vitamin D was 60,000 to 100,000 IU per kg body weight. Based on comparisons with a control group, there were no signs of harmful effects on growth rate, bone and tooth formation, tooth eruption rates, estrus cycle, possible occurrence of tooth pulp stones, or general appearance and behavior.

There is a suggestion in the studies of Zemplenyi and Mrhova that adult male rats, fed a basal diet containing 0.7 percent cod liver oil, undergo vascular enzyme changes when they are fed, in addition, about 75,000 IU vitamin D_2) in oil daily for periods of 5 to 9 days. In the aorta there was an increase in the activity of phosphomonoesterase I and II and of 5'-nucleotidase, whereas the activity of carboxylic esterase decreased slightly. The investigators interpreted the changes in the phosphomonoesterases and nucleotidase as reflecting an increase in vascular connective tissue activity. The authors speculated that the slight change in carboxylic esterase might be related to an increase in abnormal polysaccharides or calcium salts in the aorta.

Cruess and Clark in well-controlled experiments, fed male rats daily 150,000 IU vitamin D_2 per kg body weight dissolved in sesame oil for up to 24 days. Growth was impaired, bone ash was decreased and the organic fraction of the bones (including all the phospholipids examined was increased. On the basis of ^{32}P uptake measurements it was apparent that hypervitaminosis D_2 increased the synthesis of phospholipids.

Hass *et al.* observed histologically the distribution and evolution of lesions of the vascular system in male rabbits dosed intramuscularly with 43,000 to 280,000 IU vitamin D_2 per kg body weight daily, twice weekly or thrice weekly for periods as long as 6 to 8 weeks. The amount and distribution of abnormal calcium deposits in the soft tissues increased with increasing duration and size of the vitamin D dose. The total minimal dose for production of significant generalized calcinosis was 500,000 to 600,000 IU administered over a period of 3 weeks, but the authors note that interpretation of their results was complicated by intermittent chronic purulent pyelonephritis and hepatic coccidiosis in both experimental and control animals. Calcium was most conspicuously distributed in the aorta and its main branches, and somewhat less so in the kidneys. It was concluded that administration of vitamin D in amounts just sufficient to produce pathologic changes in 2 or 3 weeks led to mineralization of certain tissues which do not normally calcify.

Steck *et al.* fed adult dogs vitamin D_2 in corn oil in daily dosages of 15,000 to 500,000 IU per kg body weight. In amounts greater than 50,000 IU per kg daily the average survival time was about 12 days; with 20,000 IU or less per kg daily there was survival for indefinite periods without signs of intoxication. While weight loss, hypercalcemia, and kidney calcification were prominent in animals receiving the higher doses, these signs were absent in animals receiving 20,000 IU of less per body weight. Hendridks *et al.* concluded that the cumulative effects on tissue calcification in dogs of capsule doses of about 5,000 IU vitamin D per kg body weight per day over a period of 10 months were not as severe as a single dose of about 50,000 IU per kg body weight.

Kent *et al.* studied a colony of 558 monkeys (*Mucaca mulatta*) 3 to 9 years old, weighing 2.5 to 10 kg, that were inadvertently fed excessive amounts of calcium, phosphorus, and vitamin D (kind not stated) for about 3 months. During this period each animal received daily approximately 162,000 IU (about 16,000 to 65,000 IU per kg) vitamin D, and 3.5 g of calcium and 2.9 g of phosphorus. There was weight loss and an increase in the incidence of upper respiratory tract infections and diarrhea. Calcium and iron deposits occurred in the kidneys, salivary glands, and lungs and were found in the aortas of 12 of 34 animals dying between the 55th and the 140th day. About 1 month after termination of the dietary excesses, the surviving animals appeared to be in good health and monkeys sacrificed after 1 year showed few lesions that were considered related to hypervitaminosis D. Comparative studies on the toxicity of different sources of vitamin D fed in excessive amounts to dogs indicated that a commercial source of vitamin D_2 had a far more rapid and severe toxic effect (calcification of soft tissues) than did equal dosage of vitamin D administered as tuna liver oil. Doses were approximately 10,000 IU per kg per day over a period of 8 to 10 months. Jung using crystalline vitamins D_2 and D_3 and irradiated ergosterol in oral doses up to 300,000 IU per kg per day in rats, found no difference in their toxicity (weight loss) but similar doses of 7-dehydrocholesterol were found to be 2 to 3 times more toxic than any of the other sources. Mrazek *et al.* in comparing the chronic toxicity of vitamin D_2, and vitamin D_3 and activated ergosterol in adult rats, intubated 75,000 IU per kg per day until all of the animals died. The average survival time of rats receiving vitamin D_2 was about 43 days, vitamin D_3 about 22 days, and

activated ergosterol about 70 days. McChesney found that orally, vitamin D_3 is about 55 percent more toxic and dihydrotachysterol about 280 percent more toxic than vitamin D_3 in the rat. He concluded that the relative toxicities of vitamin D_3 and D_2 correlate well with their hypercalcemic effects. Hunt *et al.* using daily oral doses of 50,000, 100,000 and 200,000 IU of vitamin D_2 or vitamin D_3 in rhesus monkeys found that vitamin D_2 was significantly more toxic than vitamin D_3 in this species. Animals given vitamin D_3 at all dose levels died within 160 days. Those receiving vitamin D_2 survived, developed hyperecalcemia, but showed no soft tissue mineralization after sacrifice.

In a long-term study by Bills and Wirick on the effects of overdoses of vitamin D, done prior to the establishment of the International Unit, and employing approximately 1200 rats including second and third generations, it was concluded that 0.25 percent activated ergosterol added to the diet (equivalent to 100 times the minimum antirachitic level) caused no observable effect on appearance, growth, reproduction, or resistance to respiratory infections. One thousand times the antirachitic dose was found to be "perceptibly harmful," 4000 times "definitely injurious," and 40,000 times "strongly toxic."

Human Toxicity Studies

Of a large number of reports on the effects of excessive vitamin D intake in humans, several are noteworthy.

Steck *et al.* summarized their observations on 773 subjects ranging in age from 17 to 76 who were given supplemental doses upward of 3000 IU vitamin D (presumably as activated ergosterol) per kg per day for 7 days to 5 years. They concluded that the shortest period of administration producing toxicity (weight loss, increased calcium excretion) in the group receiving 3000 to 5000 IU per kg per day was 87 days. In the group receiving 8000 to 7000 IU per kg per day the shortest period for toxicity to occur was 60 days. Of the 773 subjects, about 16 percent showed toxic signs at levels up to 25,000 IU per kg per day. The adverse effects were found to be reversible even at the highest level when dosing was discontinued.

Cogan, *et al.* described five patients who had taken doses of vitamin D varying from 100,000 to 500,000 IU (about 1,700 to 8,300 IU per kg) daily over 2.5 months to 5 years for treatment of rheumatoid arthritis or pruritus. All patients showed hypercalcemia, band keratopathy, and evidence of renal insufficiency as indicated by elevated blood nonprotein nitrogen and inorganic phosphorus. There was no bone decalcification or elevation in serum alkaline phosphatase.

Howard and Meyer reviewed the cases of 11 adult patients age 33 to 68, who had been given daily doses of vitamin D_2 (activated ergosterol) ranging from 150,000 to 600,000 IU (about 2,500 to 10,000 IU per kg daily) as a therapeutic measure against arthritis. Fatigue, weight loss, and anorexia were observed in 2 to 18 months. The outstanding clinical signs were impairment of renal function and degenerative lesions with calcification such as band keratitis. In all cases the blood nonprotein nitrogen and serum calcium were elevated.

Chaplin *et al.* reviewed 111 cases of vitamin D intoxication appearing in the literature and described 7 additional cases under their observation. All seven had been taking 50,000 to 300,000 IU (about 1,000 to 6,000 IU per kg) of vitamin D daily for periods ranging from 3 weeks to 6 years. Band keratitis, calcium-containing periarticular cysts in the vicinity of bursae, and hypercalcemia were among the characteristic findings.

DeLuca and Cozzi reported on 12 infants, ages 7 to 30 months, intoxicated by doses of 48,000 to 200,000 IU (about 10,000 to 40,000 IU per kg) daily for 30 to 50 days. The signs and symptoms observed included anorexia, restlessness, pallor, hypercalcemia, lowered alkaline reserve, and renal insufficiency.

Debré found in a clinical study of 21 cases of vitamin D overdosing in children, aged 16 months to 7 years, that a total intake of 11 to 18 million IU (time period not stated) was fatal in two instances. Patients receiving total intakes of 3 to 6 million IU (time period not stated) experienced anorexia, vomiting, thirst, headache, and joint pain. These symptoms disappeared within 10 days after vitamin D dosing was stopped.

Other effects associated with vitamin D intakes of 1,000 to 3,000 IU per kg daily for periods up to several years include confusion, lethargy, and behavioral and neuropsychiatric disturbances, manic-depressive psychosis, mental depression, general malaise, and headache, and anemia.

There appear to be no recorded cases of vitamin D toxicity from over exposure to sunlight and no reported studies of the relative toxicity of vitamin D_2 and vitamin D_3 in humans.

Linear Growth of Infants

The conclusion of Stearns that "the critical upper safe level for continuous intake of vitamin D must be somewhere between 800 to 1500 units daily" raises a question about adverse effects of rather modest intakes of vitamin D and therefore merits careful evaluation. The control group employed in the comparisons consisted of 36 male infants observed by Stearns *et al.* in a metabolic ward and fed 340 to 400 IU of vitamin D daily during all or part of the first year of life. These infants received excellent care and presumably had little exposure to infection. Although it is acceptable to compare performance of this group with that of other groups studied under similar circumstances, growth comparisons of small groups of subjects are likely to be misleading and must be examined in detail. Unfortunately, this is not possible with respect to the linear growth of the infants studied by Stearns *et al.* The number of subjects available at each age was not stated and the presentations concerned semilongitudinal size data rather than incremental data. In most instances, the mean body length at various ages was presented without statistical summary of variability (e.g., confidence intervals), and statistical analysis of the differences between groups was not included.

Stearns stated, "It is emphasized that the slowing of growth noted with excessive vitamin D dosage does not appear in most infants until about five or even six months of age". She stated that 22 infants studied by Jeans and Stearns received 1800 to 4500 IU of vitamin D daily but it is not clear how many of these infants were studied for more than 6 months. Detailed data have been published concerning only 9 of these 22 infants and 4 of the 9 received doses of vitamin D of 1800 IU or more daily only until 15 to 20 weeks of age. Thus, evaluation of the data must rest on observations of 5 infants. Charts presenting body length versus age suggest that one infant (subject G) may have had some slowing of linear growth after 26 weeks of age. Another infant (subject S) may have demonstrated some slowing after 26 weeks of age but initiation of more rapid growth appeared to precede the decrease in dosage of vitamin D. Growth of the remaining three infants did not appear remarkable. The Select Committee considers these data inadequate to support a conclusion that moderate overdosage of vitamin D (1,800 to 4,500 IU daily) interferes with linear growth.

Equally unimpressive as support for Stearns' conclusion are her comparisons of linear growth of the 36 infants given 350 to 400 IU of vitamin D daily while living in the metabolic unit, with data on the linear growth of larger groups of infants living at home and studied by other investigators. Because of the great differences in environment and probably in aspects of nutritional management other than intake of vitamin D, such comparisons seem inappropriate.

Fomon *et al.* studied three groups of male infants; one group received 350 to 550 IU vitamin D daily; a second group 1,380 to 2,170 IU daily; a third group 300 IU daily. The latter group was breastfed and the other two groups received evaporated milk formulas. During a test period of 168 days the rates of growth in length and weight and the serum concentration of calcium were similar in the three groups. This study failed to provide evidence that the level of overdosage of vitamin D interferes with the growth and well-being of normal infants.

Idiopathic Hypercalcemia

Unexplained hypercalcemia of infants was first described in 1952 and circumstantial evidence implicating vitamin D in its pathogenesis was presented. Several reviews have helped to provide perspective on the relation between intake of vitamin D and the disorder known as "idiopathic hypercalcemia (of infancy) or infantile hypercalcemia."

The disorder is generally classified as mild or severe, although some cases cannot be easily assigned to one of these two categories because of intermediate manifestations. The best available data on incidence are from the United Kingdom where in 1960–1961 there were 35 cases per year with about 785,000 births, giving an incidence of 1 case in 20,000 live births. Because approximately 8 percent of the British cases were classified as severe, the incidence may be estimated to be 1 severe case for every 275,000 births.

Patients with the mild form demonstrate hypercalcemia and, by 3 to 7 months of age, generally demonstrate mild growth retardation. Although there are some exceptions, long-term prognosis is generally excellent. Patients with the severe form

demonstrate hypercalcemia, failure to thrive, a characteristic "elfin" facies, impairment of renal function, severe mental retardation, dense mineralization of the base of the skull and metaphyses of the long bones, and not uncommonly supravalvular aortic stenosis or peripheral pulmonary artery stenoses.

In the mid 1950s it was estimated that a substantial number of normal infants in Britain might receive as much as 4000 IU of vitamin D per day by ingesting nationally subsidized or commercially prepared milk powders, infant cereals and one of the commonly employed vitamin D supplements. According to the American Academy of Pediatrics, in 1956 the British Paediatric Association, through a survey of its members, reported that in a 30-month period from 1953–55, a total of 216 cases of infantile hypercalcemia were encountered (about 7.2 cases per month). Becase of the possibility that this was related to moderate overdosage of vitamin D, drastic reductions were advised in the amounts of vitamin D added to certain foods. By 1957, manufacturers had already reduced the extent of vitamin D supplementation. By 1959, it was believed that the old products must nearly have disappeared from the retailers and another survey of the members of the British Paediatric Association was carried out. A negligible decrease to about 6.8 cases per month was reported. However, the British Ministry of Health noted that certain vitamin supplements still provided 800 IU of vitamin D daily and steps were taken to reduce the dosage or provide a warning on the label. A third survey of the members of the British Paediatric Association was conducted in 1960–61 and demonstrated a substantial fall in prevalence of idiopathic hypercalcemia to about 3.0 cases per month. The cautious conclusion of the British Paediatric Association was as follows:

* * * This is probably a real decrease in the prevalence of hypercalaemia, because the methods of inquiry and the number of responding paediatricians were comparable and the impression of most clinicians supports the quantitative data. The decrease might in fact be greater than appears if the diagnosis of hypercalcaemia has become progressively more accurate since 1953. The marked decline in hypercalcaemia does not correspond in time with the major reduction in vitamin D allowances which took place in 1957–58, but followed it after an interval of two to three years.

Other authors seemed somewhat more convinced of the relation between reduction in intake of vitamin D and the decreased incidence of idiopathic hypercalcemia. It is to be noted that the incidence figures pertain at least primarily to the mild form of idiopathic hypercalcemia. Whether there was a decrease in incidence of the severe form in Britain in the late 1950s is unknown.

Several additional bits of information suggest the need for caution in assigning vitamin D a causative role in etiology of the mild form of idiopathic hypercalcemia. Of the 50 cases (which apparently included 4 cases of the sever form) identified by the 1960–61 survey of the British Paediatric Association, 28 percent were stated to have received no vitamin D supplements before the onset of the disease. Serum vitamin D concentrations have been found to be in the normal range in mildly affected infants and in severely affected infants have been markedly increased in some patients and normal in others. Some but not all mildly affected infants demonstrate an exacerbation of hypercalcemia when challenged with vitamin D.

There is no evidence that women whose offspring were severely affected *in utero* had ingested more than 400 to 800 IU of vitamin D daily during pregnancy. Furthermore, infants born to women with hyperparathyroidism do not demonstrate any of the manifestations associated with the severe form of idiopathic hypercalcemia. As summarized by the Committee on Nutrition of the American Academy of Pediatrics, if vitamin D plays a role in the intrauterine development of the severe form of infantile hypercalcemia, it must do so either by placental transfer of the vitamin from the mother to the excessively vitamin D-sensitive fetus or, alternatively, by producing a response in the excessively sensitive mother which is deleterious to the fetus.

Vascular Effects

Dalderup *et al.* and Knox have proposed an association between excessive vitamin D intake and death from ischemic heart disease. Lindén and Westlund reported an association between renal calculi and coronary heart diseasse. Lindén studied 341 men and women in Norway with disorders which qualified them for disability pensions. These included 150 persons with myocardial infraction. The disabilities included, besides myocardial infarction, angina pectoris and degenerative joint diseases. In the study were 341 controls randomly selected in the same area and of the same sex and age distribution, but without qualifying for disability pensions. Both men and women with myocardial infarction were consuming somewhat larger amounts of vitamin D (more than 1250 IU per person per day) than any of the other groups (approximately 900 IU per person per day). There was no difference between the controls and the subjects with angina pectoris and degenerative joint diseases. The data give some support to Linden's hypothesis that long-term ingestion of excesses of vitamin D may be a factor in the occurrence of myocardial infarction.

Kummerow *et al.* reported that the abdominal aorta from weanling swine fed 100,000 IU vitamin D_3 per pound of feed for 5 weeks had localized collections of fibrous and amorphous extracellular material. Smooth muscle cells appeared atypical. This did not occur in the controls on the same diet which contained 650 IU vitamin D_3 per pound of ration. The vitamin D content of the tissues of weanling swine given the large vitamin D_3 supplement for 6 weeks was several orders of magnitude higher than in the unsupplemented controls. The blood serum, muscle, fat, and liver from normal human subjects assayed for higher levels of vitamin D than these tissues from unsupplemented swine that had been fed a regular corn and soybean commercial ration. There appear to be no studies in which an excess of vitamin D has been given in somewhat smaller doses and for longer periods of time.

Pregnancy and Neonatal Effects

Massive doses of vitamin D to rats have long been known to affect the estrus cycle, fertilization, and course of pregnancy. In a study of Ornoy *et al.* vitamin D_3 doses of the order of 4,000, 20,000, and 40,000 IU (about 10,000, 50,000 and 100,000 IU per kg, respectively) were administered daily by intubation to pregnant and nonpregnant rats. Four thousand and 20,000 units administered from the 9th day of pregnancy had no apparent deleterious influence of the fetal development. At a dose of 40,000 IU the placentas, fetuses, and bones were all small, and the progeny were nonviable. The results suggest that vitamin D_3 or a metabolite passes through the placental barrier.

In experiments with rabbits given total dosages of 1.5, 2.5, 3.5, or 4.5 million IU (about 50,000 to 150,000 IU per kg body weight on each day of intramuscular injection) of vitamin D_3 throughout the term of pregnancy (30 days) it was shown by Friedman and Roberts that the vitamin, or a metabolite, crossed the placenta. The blood levels of antirachitic substance in the mothers given vitamin D and their offspring were seven and nine times greater than in the control mothers and offspring, respectively. Also, the serum calcium levels in the offspring whose mothers received vitamin D were significantly higher than those of controls.

Nonfamilial, congenital supravalvular aortic stenosis syndrome is a concomitant of idiopathic infantile hypercalcemia. In the study of pregnant rabbits given intramuscular doses of about 25,000 IU vitamin D_3 per kg body weight throughout pregnancy, 14 abnormal aortas were noted in the 34 offspring. Six additional offspring at three months showed generalized vitamin D vasculotoxicity, without supravascular narrowing of the aorta, of an advanced type commonly seen in the adult animal given large doses of the vitamin. None of the control animals showed any abnormalities of the aorta. Thus, this study strongly suggests that large doses of vitamin D during pregnancy have an effect on the fetus and the excessive vitamin, or a metabolite, may be responsible for supravalvular aortic stenosis.

In related studies by Friedman and Friedman and Mills in rabbits, relationships were found between vitamin D excess in pregnancy and certain craniofacial and dental anomalies of the supravalvular aortic stenosis syndrome. Fifteen pregnant rabbits were given divided doses of vitamin D_3 intramuscularly in cottonseed oil every other day, starting on the second day after insemination and continuing until delivery. The total dose administered was 750,000 IU, an average of approximately 27,000 IU (about 13,000 IU per kg body weight) per day. The offspring from the vitamin D-treated mothers had hypoplasia of the mandible, congenital absence of teeth, microdontia, and enamel hypoplasia. The most marked functional accompaniment of these abnormalities was severe malocclusion of the teeth. Many of the test animals had peculiar facies, premature closure of the cranial bones, strabismus, odd-shaped ears, and low birth weight.

In the interpretation of experiments based on the use of massive oral doses (e.g. 50,000–

100,000 IU per kg daily to rats during the last 9 days of pregnancy) of vitamin D it should be recognized that such amounts reportedly not only damage the placenta but also alter the normal physiologic transfer mechanisms of the placental barrier. However, such effects do not invalidate the experiments as a whole. Haddad *et al.* have shown that the placental transfer for vitamin D_3 and its active hydroxylated metabolite proceeds at comparable rates. Also, the data suggest that vitamin D_3 metabolites cross the placent rapidly and/or are produced by the fetuses. The findings leave room for the possibility that the fetus is capable of transforming vitamin D_3 from the mother to the metabolite(s) observed in the fetal tissue. The data support the suggestion made in 1967 that idiopathic hypercalcemia and supravalvular aortic stenosis of infants might be the consequence of a vitamin D metabolite produced in maternal or placental tissues during pregnancy.

The variability between individuals and genetic strains in the response to maternal excesses of vitamin D has been shown in various studies. The findings of Ornoy *et al.* illustrate such variability. Wistar strain rats wer given 40,000 IU (abour 200,000 IU per kg) ergocalciferol in olive oil daily by intubation from the tenth to twenty-first day of pregnancy. Charles River rats (a more susceptible strain) were similarly dosed with 40,000 IU and a separate group was given 20,000 IU of the vitamin. The young of all Charles River rats died even at the smaller dose level. Seven of the litters of 14 Wistar rats given 40,000 IU of vitamin D per day survived beyond the first postnatal day. The surviving offspring showed no gross malformation at birth but after a few days skeletal deformities developed. It was concluded that the postnatal effects at these high dosage levels were not due to persistence of an excess of vitamin D in the tissues or through the milk, but resulted from a fundamental teratogenic effect on the fetal osteogenic tissues which became manifest as the bone developed. In the same laboratory it was reported that toward the end of pregnancy in Wistar rats receiving oral doses of 20,000 to 40,000 IU of vitamin D_3 daily from early in the second week of gestation, the chorioallantoic placentae showed a delay in trophoblastic maturation and blood vessel formation in the villi. Calcification was detected around fetal and maternal blood vessels.

Mutagenicity

The Select Committee is not aware of any experimental data concerning the mutagenic activity of vitamin D that have significant bearing on the health aspects of vitamin D as a food ingredient.

Carcinogenicity

Barry *et al.* applied 0.3 percent ergosterol and calciferol in benzene twice weekly to the skin of mice and found no tumors (epitheliomas, papillomas) after 600 days. Jones *et al.* considered whether vitamin D-induced hypercalcemia might affect the incidence of tumor metastases in rats. Normal and thyroparathyroidectomized Sprague-Dawley rats were given subcutaneous injections of 20,000 IU of water-soluble vitamin D_3 (about 130,000 IU per kg per day) on alternate days for one week. The animals were then given injections of Walker sarcoma cells. Seventeen days following the tumor inoculations the animals were sacrificed and examined for the presence of gross tumors in the liver and mesentery. Hypercalcemia occurred in all animals but there was no change in the incidence of tumor takes in the animals given vitamin D_3 as compared to controls. Questions concerning the possible carcinogenicity of large amounts of vitamin D were reviewed in 1950 by Touraine and Zureick who concluded that the evidence was negative. However, they suggested that further study in animals and accumulation of data from clinical experiences and observations were warranted.

Interaction With Drugs and Vitamin A

The biologic action of vitamin D_3 and vitamin D_2 requires several metabolic steps, some of which include protein synthesis. Thus, drugs and related substances which affect any of the metabolic steps also affect the manifestation of activity from ingested vitamin D. For example, actinomycin D and cycloheximide, well known for their effects in certain metabolic pathways, inhibit the functioning of 1,25-$(OH)_2$ vitamin D_3.

Several authors have reported an increased incidence of rickets in children regularly treated with multiple doses of anticonvulsant drugs; in the adult the interaction may lead to hypocalcemia or osteomalacia. The abnormalities reported are very similar to those observed in vitamin D deficiency. Hypophosphatemia, lowered concentrations of circulating vitamin D metabolites, increase in alkaline phosphatase, lowered intestinal absorption of calcium, and lowered bone mass have also been reported. Richens and Rowe reported pheneturide, primidone, phenytoin and phenobarbital as the anticonvulsant drugs most commonly associated with hypocalcemia. Vitamin D supplementation was effective in the treatment of both rachitic and osteomalacic changes in bone. These observations led to the study of the effects of phenytoin (Dilantin®) on the metabolism of the labeled vitamin D_3 and 25-(OH)-vitamin D_3. Short-term experiments in rats showed that both vitamin D_3 and its metabolite disappeared more rapidly from the serum of phenytoin-treated animals than of controls. Villareale *et al.* studies interactions between vitamin D_3 and phenytoin in chicks and concluded that phenytoin acts on the metabolism of vitamin D_3 or on tissue responses to the vitamin. Gascon-Barré and Côté have shown that a 21-day pretreatment of rats with phenobarbital or phenobarbital-phenytoin, but not phenytoin alone, increased the LD_{50} of acutely administered vitamin D_3; the median time to effect was also prolonged. Both of these findings are consistent with an effect of these anticonvulsants on vitamin D_3 metabolism. Gascon-Barré and Glorieux have shown that the total excretion of tritiated 25-(OH)-vitamin D_3 is greater in phenobarbital-treated animals than in controls.

The interrelationships between combined hypervitaminosis A and D were explored by Clark and Bassett. Young and adult rats were intubated with vitamin D_3 and vitamin A palmitate in sesame oil. In animals dosed daily with 18,000 IU vitamin D_3 (about 180,000 IU per kg) and 30,000 IU vitamin A for 60 days the growth rate and survival rate were better than in other rats receiving the same amount of vitamin D and 3,000 IU of vitamin A or less, and there was less calcification in the soft tissues and less osteolytic action in the animals given the higher dose of vitamin A. There were no animals given vitamin A without large amounts of vitamin D. In a study by Taylor *et al.* day-old chicks were fed for 4 weeks on diets containing 4 levels of vitamin D and vitamin A (1, 10, 100, and 1,000 times the basal level in all 16 combinations), with the object of investigating a possible antagonism between the two vitamins. At level 1 the chicks were consuming, at the start of the experiment, about 750 IU of vitamin D per kg body weight per day and at level 1,000, about 750,000 IU per kg per day. Only diets containing 1,000 times the basal level of one or both vitamins depressed growth and induced significant changes in blood calcium, inorganic phosphate and acid phosphatase.

Views of Official Bodies

In 1963 the Committee on Nutrition of the American Academy of Pediatrics reviewed the relevant literature on vitamin D and issued a statement of policy. In part, the Committee concluded that because of the prevalent practice of food fortification in the United States and Canada, there was a definite possibility that the individual, even the young infant, may ingest considerably more than the recommended vitamin D allowance, and intakes of 2,000 or 3,500 IU per day were possible, particularly beyond infancy. The Committee also pointed out that although there has been no specific evidence that intakes of this order produce deleterious effects beyond infancy, the long-term consequences of this new nutritional situation on older children or adults are entirely unknown. The Committee stated that the practice of enriching foods other than milk and infant formula products is not justified, and discontinuation of fortifying other foods was recommended.

In 1967 a review and policy statement on vitamin D were prepared by Fraser in consultation with the Committee on Nutrition of the American Academy of Pediatrics and endorsed by it. It was concluded that the evidence concerning infantile hypercalcemia did not alone provide justification for extensive change in national policies relating to vitamin D. However, it was recommended that there be sensible moderation in consumption of vitamin D at all ages because the potential toxicity of vitamin D after long-term intakes, that exceed requirements by several orders of magnitude, was still unknown.

In 1973 the Food and Nutrition Board of the National Academy of Sciences issued a policy statement, superseding theirs of 1968, on improvement of the quality of foods. The Board continued its endorsement of the enrichment, fortification, and restoration of the nutritional value of certain foods,

including the addition of vitamin D to milk, fluid skim milk and nonfat dry milk.

In 1975 the Committee on Nutritional Misinformation of the Food and Nutrition Board issued a report which included the conclusion that "excessive amounts" of vitamin D are hazardous and only individuals with diseases affecting vitamine D absorption or metabolism require more than 400 IU per day; such needs should be established by clinical evaluation, and treatment should be specifically recommended and supervised by physicians.

It is to be noted that in 1977 the Food and Drug Administration proposed deletion of the provision for use of vitamin D as an optional ingredient in enriched rice, pointing out that such additon would serve only to increase the exesssive levels of intake of the vitamin. (Reg. 1.)

The Select Committee has carefully evaluated all the available safety information on vitamins D_2 and D_3. In the Select Committee's opinion:

In the absence of adequate exposure to sunlight or equivalent light, dietary intake of vitamin D is required for maintenance of health. Vitamin D occurs naturally in fish and fish oils, eggs, liver and dairy products. The amounts naturally present in dairy products are generally inadequate to meet the requirement and vitamin D_3 is added to evaporated milk, infant formulas and to most fresh fluid cow milk sold by dairies. In addition, vitamin D_2 or vitamin D_3 is commonly added to margarines, to certain breakfast cereals and to a few other foods. Fortification of milk with vitamin D_3 since the 1920s has been credited with the marked reduction in incidence of rickets.

The estimated requirement for vitamin D in the absence of exposure to ultraviolet light is believed to be 100 to 200 IU per day and the Recommended Dietary Allowance of the Food and Nutrition Board, National Research Council, is 400 IU per day. From food sources of vitamin D (naturally occurring or added) it is unlikely that an infant would receive more than 1000 IU per day (perhaps 200 IU per kg per day), a preschool child more than 2000 IU per day (less than 200 IU per kg per day) or an adult more than 5000 IU per day (less than 100 IU per kg per day). However, better estimates of current intakes of vitamin D from dietary sources should, in due course, be developed.

Unequivocal manifestations of vitamin D toxicity including vascular effects have not been reported from consumption of foods including foods fortified with the vitamin. Observations on patients undergoing vitamin D therapy have shown that intakes of vitamin D 1000 IU per kg per day or more (at least 60,000 IU per day for a 60 kg adult) have in some instances been associated with evidence of toxicity. Studies of individuals with disorders qualifying them for disability pensions suggest that long-term ingestion of vitamin D in excess of 1000 IU per day may be a factor in the occurrence of myocardial infarction. However, for the adult there is relatively little likelihood of consumption of such amounts of vitamin D from that currently added to food.

The only suggestions that toxic effects may be produced by intakes of vitamin D less than 1000 IU per kg per day concern two special problems of infants: (1) Such intakes may interfere with linear growth, and (2) the rare disorder, idiopathic hypercalcemia, may be caused by or aggravated by such intakes. For reasons detailed in the body of this report, the Select Committee finds unconvincing the few reports which attribute interference in linear growth to intakes of vitamin D less than 1000 IU per kg per day. The incidence of idiopathic hypercalcemia is estimated to be 1 in 20,000 births for all forms of the disorder and 1 in 275,000 births for the severe form. This incidence is low and must be considered in relation to the demonstrated desirability of fortifying foods with vitamin D. The Committee recognizes also that vitamin D intake may aggravate the manifestations of idiopathic hypercalcemia but considers it unlikely that there is a causal relationship.

At the same time, it is evident that the margin of safety between intakes currently achieved by some infants from all sources (perhaps 200 IU per kg per day) and the amounts (1000 to 3000 IU per kg per day) that may produce toxic manifestations in otherwise normal infants is relatively low. There is strikingly little information on the effects of moderate overdoses of vitamin D, particularly in the range of about 200 to 3000 IU per kg per day for all age groups. Additional data are needed for evaluation of the safety of vitamin D in this dosage range. Moreover, evaluations should recognize that relatively long periods are required for adverse effects of vitamin D to become recognizable. Thus, there appears to be a need to limit intakes of vitamin D from all sources, including food and vitamin preparations (Ref. 2).

The Select Committee concludes that no evidence in available information on vitamin D_2 and vitamin D_3 demonstrates, or suggests reasonable grounds to suspect, a hazard to the public when they are used in food at levels that are now current and in the manner now practiced. However, the Select Committee also states that it is not possible to determine, without additional data, whether a significant increase in consumption of these substances would constitute a dietary hazard (Ref. 3).

FDA has undertaken its own evaluation of the available information and, insofar as vitamin D_2 and vitamin D_3 are used as nutrients in conventional foods, agrees with the conclusion of the Select Committee. Based upon available safety data, the agency concludes that vitamin D_2 and vitamin 3 should be affirmed as GRAS with specific limitation placed upon their use. FDA shares the Select Committee's concern that the margin of safety for infants appears to be relatively low.

FDA has evaluated the available data and estimates that the levels of use of vitamin D proposed in this document will result in an average lifetime exposure of about 200 to 300 international units per day (IU/day) for individuals between the ages of 2 to 65 (Ref. 4). This estimate is an approximation because it represents a daily average lifetime exposure and does not address short-term fluctuations in eating habits that could result in significantly higher or lower consumption. This estimate also does not address the potentially elevated consumption of vitamin D by young children over a period of several years during childhood.

The Select Committee estimates that daily consumption of vitamin D from food sources (both added and naturally occurring) is unlikely to exceed 1,000 IU/day for infants or 5,000 IU/day for adults. FDA believes that these estimates by the Select Committee represent reasonable upper limits on daily consumption, and that day-to-day fluctuations in diet are unlikely to result in higher consumption levels. However, as discussed above, the agency's estimate represents likely average lifetime consumption levels. Therefore, FDA believes that these two sets of estimates are neither incompatible nor mutually exclusive.

FDA ordinarily bases its GRAS affirmation proposals on consumption information compiled in the 1971 NAS/NRC survey of food manufacturers. However, the Select Committee indicates in its conclusion that the NAS/NRC data on the amount of vitamin D_2 and vitamin D_3 used annually in the United States lead to consumption estimates that are unrealistically high. The agency agrees with this assessment but also believes that the NAS/NRC survey information should not be dismissed without further consideration. In an attempt to clarify this issue, FDA requested that NAS/NRC reevaluate its survey information to identify potential sources of error. NAS/NRC responded that its survey information on vitamin D_2 and vitamin D_3 probably contained inaccuracies such as failure to account for dilution of multiple strength solutions and failure to differentiate between use in human food, in animal feed, or in dietary supplements (Ref. 6).

FDA believes this explanation of the NAS/NRC survey data is plausible but not conclusive. Dr. A. W. Norman (Ref. 5) noted that industrial preparation of vitamin D produces several chemically similar compounds that are difficult to separate, and that, consequently, vitamin D is marketed as an impure resin rather than as the crystalline material, at least for use in animal feeds. the agency is concerned that food processors may be using this impure resin as if it were pure crystalline

vitamin D_2 or D_3 and that this practice may have contributed to the high estimates of vitamin D usage in the NAS/NRC report. Therefore, FDA requests additional information on the levels of vitamin D added to food, and information on whether the impure resin is used in food. The agency notes, however, that such a resin does not conform to the specifications for food-grade vitamin D_2 or D_3 presented in the Food Chemicals Codex, 3d Ed. (1981), and is not included in these proposed regulations.

The agency also is concerned about the magnitude of the overage of vitamin D (i.e., levels in excess of those stated on the nutritional label) that might commonly be added to certain foods to offset losses during processing or storage. This concern is based on information that overages are a common practice in the manufacture of fortified foods, as indicated by the Committee on Nutrition of the American Academy of Pediatrics (Ref. 7). FDA notes that regulations governing the addition of vitamin D to standardized foods do not permit overages of this vitamin beyond the limitations of current good manufacturing practice. Therefore, the agency requests that information on the overages of vitamin D added to foods be submitted as comments on this proposal.

Regarding the cardiovascular toxicity of vitamin D, the new study of Peng et al. (Ref. 8), reported the appearance of signs of arteriosclerosis in squirrel monkeys fed vitamin D_2, with or without high levels of cholesterol, for 10 to 16 months. The most significant effect, appearance of elevated atheromatous plaques, was observed in animals fed a combination of 500 IU vitamin D_2 plus 0.5 percent cholesterol daily. Animals fed 1,000 IU/day of vitamin D_2 (without cholesterol) showed slightly increased intimal thickening when observed under light microscopy. Animals fed 500 IU/day of vitamin D_2 (without cholesterol) showed cellular changes that were observable only under the electron microscope.

FDA tentatively has concluded that the results of this study provide an insufficient basis for altering FASEB's conclusions regarding the safety of vitamin D because of the small number of animals used, and because no information was presented on the purity of the vitamin D_2 used in the study. Additionally, no independent corroboration of these results has been reported by other investigators. However, FDA is aware of concerns raised by previous studies that have suggested links in humans between vitamin D and hypercholesterolemia (Ref. 9) and between vitamin D and myocardial infarction (Ref. 10). The agency notes that similar concerns have been expressed editorially by Peng and Taylor (Ref. 11).

FDA has carefully evaluated two recent short papers which were not reviewed by the Select Committee but which purport to demonstrate a relationship between vitamin D_2 administration and the appearance of mammary tumors in mice (Refs. 12 and 13). The first study (Ref. 12) investigated directly the carcinogenic activity of vitamin D_2 in the mammary gland of mammary tumor virus-infected mice. The study purports to show the effect on the latency period. However, it is a preliminary study with technical deficiencies and is unsubstantiated by further work. The second study (Ref. 13) indicated that vitamin D_2 may have some weak estrogenic activity. However, no tumors were reported, and FDA concludes it is not valid to consider vitamin D_2 a carcinogen based upon a potential weak estrogenic activity. Therefore, the agency has concluded that it is inappropriate to take any regulatory action based on these two studies. Although the Select Committee did not specifically address the issue of carcinogenicity in its opinion on the safety of vitamin D_2 and vitamin D_3, it did cite the results of earlier work that indicated that studies of the carcinogenicity of vitamin D were negative. Although FDA encourages further study of this problem, and solicits any additional information that may be available in response to this proposal, the agency believes that the results of these two studies, as well as those reviewed by the Select Committee, do not provide evidence that vitamin D is a carcinogen.

In view of FDA's and the Select Committee's agreement that limitations on vitamin D consumption are warranted, FDA is interested in maintaining an up-to-date knowledge of the consumption, purity, and toxicity of vitamin D, including information on studies in progress. Therefore, FDA requests comments and additional information from industry, the scientific community, and all other interested parties to supplement the agency's knowledge concerning these matters.

FDA estimates that typical exposures to vitamin D from additon of this ingredient to conventional foods at the levels proposed by this document are about 200 to 300 IU/day for an adult and about 300 to 400 IU/day for an infant (Ref. 4). The agency concludes that these levels of use represent current good manufacturing practice, are safe, and may be affirmed as GRAS.

The food categories in which use of vitamin D is being proposed for affirmation as GRAS are primarily those that were reported in the NAS/NRC Phase II survey. However, FDA is unaware of any current use of vitamin D in nonalcoholic beverages or beverage bases other than in milk and in infant formula, even though such use was reported in that survey. Therefore, FDA has not included this food category in this proposal. In addition, the agency believes that uses of vitamin D in sweet sauces, as reported in the NAS/NRC survey, refer to products used as flavorings for milk, and these uses have therefore been included in the "milk products" category. The agency solicits comments on these and other uses of vitamin D_2 and vitamin D_3 in foods.

FDA recognizes that dietary supplement preparations can be a significant source of dietary vitamin D in addition to that that is added to conventional foods. FDA shares the Select Committee's concern that daily intake of vitamin D from all sources may be approaching potentially toxic levels, especially for small children. Based on FDA's estimate of consumption for vitamin D in food, the daily consumption of a multiple vitamin tablet that contains the recommended daily allowance of vitamin D (400 IU/day) would approximately double the exposure of a child. A separate report written by Dr. Herman I. Chinn of the Life Sciences Research Office of FASEB, completed at the request of FDA, expressed a similar concern (Ref. 14). FDA's concern about the levels of vitamin D consumed has been heightened by a recent report of toxicity in two small children given high doses of vitamins A and D (Ref. 15). The two cases involved in this report appear to have resulted from excessive use of dietary supplements and also appear to be isolated incidents. FDA is unaware of any widespread hazard associated with vitamin D in dietary supplements. However, because the NAS/NRC survey did not specifically request use data on dietary supplement uses, FDA does not have adequate data upon which to judge the exposure to vitamin D_2 and vitamin D_3 resulting from their use as dietary supplements. Without such exposure data, the agency cannot evaluate the safety of the use of these ingredients in dietary supplements and, therefore, can take no action at this time on the GRAS status of vitamin D_2 and vitamin D_3 for this use. Therefore, FDA is taking action on the listing of these ingredients in Subpart F of Part 182 as dietary supplements.

Copies of the scientific literature review on vitamin D, the report of the Select Committee on vitamin D_2 and D_3, and the mutagenicity evaluations of vitamin D_2 (ergocalciferol) and vitamin D_3 (cholecalciferol) are available for review at the Dockets Management Branch (address above) and may be purchased from the National Technical Information Service, 5285 Port Royal Rd., Springfield, VA 22161, as follows:

Title	Order No.	Price code	Price [1]
Vitamin D_2 and D_3 (Select Committee report).	PB293-099/AS	A03	$7.50
Vitamin D (scientific literature review).	PB234-901/AS	A21	34.50
Mutagenicity evaluation of vitamin D_2 (ergocalciferol).	PB81#127-821	A03	7.50s
Mutagenicity evaluation of vitamin D_3 (cholecalciferol).	PB81#125-338	A03	7.50

[1] Price subject to change.

The format of the proposed regulations is different from that in previous GRAS affirmation regulations. The agency has modified the form in which the specific limitations on the use of these ingredients is presented. This change has no substantive effect but is made merely for clarity.

This proposed action does not affect the current use of vitamin D_2 and vitamin D_3 in pet food or animal feed.

References

The following information has been placed in the Dockets Management Branch (address above) and may be seen by interested persons from 9 a.m., Monday through Friday.

1. "Evaluation of the Health Aspects of Vitamin D_2 and Vitamin D_3 as Food Ingredients," Life Sciences Research Office, Federation of American Societies for Experimental Biology, 9650 Rockville Pike, Bethesda, MD 20014, pp. 7–21, 1978.
2. *Ibid.*, pp. 22–23.
3. *Ibid.*, p. 23. s
4. Modderman, J., FDA Memorandum to L. Gosule. "Vitamin D. Estimated Consumption of Vitamin D Through Foods," June 16, 1981.
5. Norman, A. W., *Vitamin D: The Calcium Homeostatic Steroid Hormone* (Academic Press, 1979).
6. Rehwoldt, R. E., Letter of September 30, 1981, to L. C. Gosule.
7. Committee on Nutrition of the American Academy of Pediatrics, "Prophylactic Requirements in the Toxicity of Vitamin D," *Pediatrics*, 31:512, 1963.
8. Peng, S–K., C. B. Taylor, P. Tham, and B. Mikkelson, "Role of Mild Excesses of Vitamin D_3 in Arteriosclerosis. A Study in Squirrel Monkeys," *Arterila Wall*, 4:229, 1978.
9. Fleischman, A. I., L. Bierenbaum, R. Raichelson, T. Hayton, and P. Watson, *in* "Atherosclerosis: Proceedings of the Second International Symposium," p. 468, 1969.
10. Linden, V., "Vitamin D in Myocardial Infarction," *British Medical Journal*, 3:647, 1974.
11. Peng, S–K. and C. B. Taylor, "Probable Role of Excesses of Vitamin D in Genesis of Arteriosclerosis," *Arterial Wall*, 6:63, 1980.
12. Gass, G. M. and W. T. Allaben, "Preliminary Report on the Carcinogenic Dose-Response Curve to Oral Vitamin D_2," *IRCS Medical Science*, 5:477, 1977.
13. Titus, D. S., E. T. Creckman, M. J. Pace, V. R. Klinefelter, and G. M. Gass, "Estrogenic Activity of Oral Vitamin D_2 at Carcinogenic Dose Levels," *IRCS Medical Science*, 8:286, 1980.
14. Chinn, H. I. (Life Sciences Research Office, Federation of American Societies for Experimental Biology), "A Review of the Adverse Effects of Excessive Intakes of Vitamin D," 1979.
15. Lippe, B. L. Hensen, G. Mendoza, M. Finerman, and M. Welch, "Chronic Vitamin A Intoxication" *American Journal of Diseases of Children*, 135:634, 1981.

The agency has determined under 21 CFR 25.24(d)(6) (proposed December 11, 1979; 44 FR 71742) that this proposed action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

FDA, in accordance with the Regulatory Flexibility Act, has considered the effect that this proposal would have on small entities including small businesses and has determined that the effect of this proopsal is to maintain current known uses of the substances covered by this proposal by both large and small businesses. Therefore, FDA certifies in accordance with section 605(b) of the Regulatory Flexibility Act that no significant economic impact on a substantial number of small entities will derive from this action.

In accordance with Executive Order 12291, FDA has carefully analyzed the economic effects of this proposal, and the agency has determined that the rule, if promulgated, will not be a major rule as defined by the Order.

List of Subjects

21 CFR Part 182

Generally recognized as safe (GRAS) food ingredients, Spices and flavorings.

21 CFR Part 184

Direct food ingredients, Food ingredients, Generally recognized as safe (GRAS) food ingredients.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348, 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), it is proposed that Parts 182 and 184 be amended as follow:

PART 182—SUBSTANCES GENERALLY RECOGNIZED AS SAFE

1. Part 182 is amended:

§ 182.8950 [Removed]

a. By removing § 182.8950 *Vitamin D_2*.

§ 182.8953 [Removed]

b. By removing § 182.8953 *Vitamin D_3*.

PART 184—DIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

2. Part 184 is amended:

a. By adding new § 184.1950, to read as follows:

§ 184.1950 Vitamin D_2.

(a) Vitamin D_2 ($C_{28}H_{44}O$, CAS Reg. No. 50–14–6), also known as ergocalciferol, is the chemical 9,10-seco(5Z,7E,22E)-5,7,10(19),22-ergostatetraene-3β-ol. It is produced by irradiation of ergosterol isolated from yeast and related fungi.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 3d Ed. (1981), p. 344, which is incorporated by reference. Copies are available from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

(c)(1) In accordance with § 184.1(b)(2), the ingredient is used in food as the sole source of added vitamin D and is used only within the following specific limitations:

Category of food	Maximum levels in food (as served)	Functional use
Breakfast cereals, § 170.3(n)(4) of this chapter.	350 (IU/100 grams).	Nutrient supplement, § 170.3(o)(20) of this chapter.
Grain products and pastas, § 170.3(n)(23) of this chapter.	90 (IU/100 grams)	Do.
Milk, § 170.3(n)(30) of this chapter.	42 (IU/100 grams)	Do.
Milk products, § 170.3(n)(31) of this chapter.	89 (IU/100 grams)	Do.

(2) Vitamin D_2 may be used as the sole source of added vitamin D in infant formula in accordance with section 412(g) of the Federal Food, Drug, and Cosmetic Act (the act) or with regulations promulgated under section 412(a)(2) of the act.

(3) Vitamin D_2 may be used as the sole source of added vitamin D in margarine

in accordance with § 166.110 of this chapter.

b. By adding new § 184.1953, to read as follows:

§ 184.1953 Vitamin D_3.

(a) Vitamin D_3 ($C_{27}H_{44}O$, CAS Reg. No. 67–97–0), also known as cholecalciferol, is the chemical 9,10-seco(5Z,7E)-5,7,10(19)-cholestatrien-3-ol. It occurs in, and is isolated from, fish liver oils. It is also the form produced endogenously in humans through sunlight activation of 7-dehydrocholesterol in the skin.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 3d Ed. (1981), p. 345, which is incorporated by reference. Copies are available from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

(c)(1) In accordance with § 184.1(b)(2), the ingredient is used in food as the sole source of added vitamin D and is used only within the following specific limitations:

Category of food	Maximum levels in food (as served)	Functional use
Milk, § 170.3(n)(30) of this chapter.	42(IU/100 grams)	Nutrient supplement, § 170.3(o)(20) of this chapter.
Milk products, § 170.3(n)(31) of this chapter.	89 (IU/100 grams)	Do.

(2) Vitamin D_3 may be used as the sole source of added vitamin D in infant formula in accordance with section 412(g) of the Federal Food, Drug, and Cosmetic Act (the act) or with regulations promulgated under section 412(a)(2) of the act.

(3) Vitamin D_3 may be used as the sole source of added vitamin D in margarine in accordance with § 166.110 of this chapter.

The agency is unaware of any prior sanction for use of these ingredients in foods under conditions different from those identified in this document. Any person who intends to assert or rely on such a sanction shall submit proof of its existence in response to this proposal. The action proposed above will constitute a determination that excluded uses would result in adulteration of the food in violation of section 402 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342), and the failure of any person to come forward with proof of an applicable prior sanction in response to this proposal constitutes a waiver of the right to assert or rely on it later. Should any person submit proof of the existence of a prior sanction, the agency hereby proposes to recognize such use by issuing an appropriate regulation under Part 181 (21 CFR Part 181) or affirming it as GRAS under Part 184 or 186 (21 CFR Part 184 or 186), as appropriate.

Interested persons may, on or before June 20, 1983 submit to the Dockets Management Branch (address above) written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 31, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc.83–10161 Filed 4–18–83; 8:45 am]

BILLING CODE 4160–01–M

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21 CFR Parts 201 and 429

[Docket No. 83N–0023]

Drugs Composed Wholly or Partly of Insulin; Advance Notice of Proposed Rulemaking; Request for Information

AGENCY: Food and Drug Administration.

ACTION: Advance notice of proposed rulemaking; request for information.

SUMMARY: The Food and Drug Administration (FDA) announces its intention to review its existing regulations on insulin, and based on this review, to propose appropriate changes in the regulations. This review is intended to meet the statutory and governmental requirements for the review of existing regulations. FDA recognizes that these particular regulations need revision in light of advances in the development of insulin preparations. This advance notice of proposed rulemaking is to give interested individuals and organizations an opportunity to submit their comments (1) for revising the regulations, and (2) on several specific issues concerning the packaging and labeling of insulin products as set forth in this document.

DATE: Comments by June 20, 1983.

ADDRESS: Written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Robert D. Bradley, National Center for Drugs and Biologics (HFN–7), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–6490.

SUPPLEMENTARY INFORMATION: Section 506 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 356) requires that every drug composed in whole or in part of insulin be certified before the drug is placed on the market. Regulations providing for such certification, as directed by section 506 of the act, prescribe: (1) Standards of identity and of strength, quality, and purity; (2) tests and methods of assay to determine compliance with such standards; (3) effective periods for certificates and other conditions under which they shall cease to be effective as to certified batches; (4) administration and procedure; and (5) fees necessary to provide, equip, and maintain an adequate certification service (21 CFR Part 429).

Although there have been several revisions to Part 429 over the years, these revisions have not kept up with technological changes in the development of insulin products. Until recently, insulin for drug use in humans was obtained from the pancreatic glands of beef and pork. Firms preparing such products have developed manufacturing procedures capable of producing insulins that are highly purified. To distinguish these insulins from other less purified insulins, firms have been permitted to label these products as "purified insulin". Although standards for these "purified insulins" are set forth in individual new drug applications, regulations for certification of these products also need to be revised to include appropriate standards of quality and purity.

FDA has recently approved a new source of insulin called "human" insulin. Beef and pork insulin are obtained from the pancreatic glands of beef and swine, respectively. Human insulin, however, is not obtained from the pancreatic glands of humans but is produced by means of recombinant DNA technology or by enzymatic modification of pork insulin. All products identified as human insulin have the same molecular structure as insulin produced by the human body. However, because these human insulins are produced by different methods, the certification regulations need to be revised to set forth standards of quality and purity depending upon the method of production.

In addition to the above needed revision, the agency is also reviewing the insulin regulations to determine if other revisions are necessary to comply with the requirements of the Regulatory Flexibility Act (Pub. L. 96–354) and Executive Order 12291. The Regulatory

Flexibility Act requires each agency periodically to review its existing regulations to determine whether changes are necessary "to minimize any significant economic impact of the rules upon a substantial number of such small entities." Executive Order 12291 requires that each agency initiate a review of its current regulations, and applying specified criteria, determine whether the existing regulations should be retained without change, modified, or revoked.

Although the agency believes it could propose certain revisions at this time, several other issues that logically should be part of an agency proposal to revise the certification requirements for insulin would benefit significantly from public input before the formulation of specific proposals. Therefore, before publishing a proposed regulation, the agency is soliciting the views of insulin manufacturers, insulin users, and health professionals on various issues and is publishing this advance notice of proposed rulemaking to obtain these views. The agency encourages all interested individuals to submit comments to the agency on any or all of these issues. These issues are discussed below.

Distinguishing Strength, Duration of Action, and Source of Insulin

The current regulations provide for the certification of three strengths of insulin. Insulin containing 40 units per milliliter (U-40) and 100 units per milliliter (U-100) are certified for over-the-counter (OTC) use. Insulin containing 500 units per milliliter is sold for prescription use, primarily for use in hospitals, and will not be discussed further in this document. Before 1979, insulin was also available in 80 units per milliliter. Regulations providing for the certification of U-80 insulin were revoked on September 25, 1979 (44 FR 55169). Amendments to the regulations providing for the certification of U-100 insulin were first published in the **Federal Register** of November 15, 1974 (39 FR 40284).

In addition to preparing insulin in different strengths, different types (or formulations) of insulin products are also prepared. These types of insulin can be categorized as fast acting, intermediate acting, or long acting, based on the speed, duration, and intensity with which the insulin is available to the body following administration. The fast-acting insulins are Insulin Injection and Prompt Insulin Zinc Suspension. The intermediate-acting insulins are Isophane Insulin Suspension (also know as NPH insulin), Insulin Zinc Suspension, and Globin Zinc Insulin Injection. The long-acting insulins are Protamine Zinc Insulin Suspension and Extended Insulin Zinc Suspension.

When only U-40 and U-80 insulins were available, the regulations required a color coding scheme for labels and the use of different shaped vials to distinguish the different types and strengths of insulin. Because there were 7 variations for duration of action and 2 strengths, the color code provided for 14 different insulins. However, when the regulations were amended to provide for the certification of U-100 insulins, the agency concluded that vial shapes had lost their value as distinguishing characteristics and that to add 7 more color codes to the existing color scheme would be impractical. Therefore, the regulations provided that U-100 insulins, irrespective of the type, bear only black and white labeling while the vials to be used should be the normal round shoulder type. Thus, after the regulations were amended in 1979 to remove the provisions providing for the certification of U-80 insulins, only the different types of U-40 insulins were still required to be color coded and packaged in vials of different types.

The use of black and white labeling for U-100 insulins has been considered helpful in differentiating U-100 insulin from the other insulin strengths. However, the agency recently has received several suggestions and comments that there is now a need for labels to distinguish among different types of U-100 insulins (Refs. 1 through 4).

Two reasons are cited in support of the need for distinguishing between types of U-100 insulins. The first reason is because of the overwhelming acceptance of U-100 insulin. It is estimated that over 95 percent of patients use U-100 insulin. It is further estimated that in the next few years this figure may approach 99 percent. The other reason cited is the current trend in diabetes therapy to maximize blood glucose control through the use of multiple daily injections of two different types of insulin that are mixed at the time of injection. It is argued that providing for labeling differences among the different types of U-100 insulins would assist patients in assuring that the two appropriate types of insulin are being mixed. In nearly every instance where two insulins are mixed, one is short-acting, the other, intermediate. A diabetic that is supposed to mix, e.g., 20 percent short acting with 80 percent intermediate insulin, would be at risk of hypoglycemia if a mistake in choosing vails were made and, instead, injected a dose containing 80 percent short acting and 20 percent intermediate insulin.

The agency has received letters from two firms, each suggesting a different system to distinguish different types of U-100 insulin. One system would use colored labels and cartons for human insulin only, with different colors distinguishing different types of human insulin. In addition, this system also included a capital letter to identify further the type of insulin. Another suggestion was to distinguish only the type of insulin, not source, through the use of colors and capital letters. In this system, however, it was suggested that the capital letter be placed in a colored square on the label and carton with the rest of the label being black and white. Capital letters that have been suggested for use in such a system are "R" for Regular Insulin Injection, "N" for Isophane Insulin Suspension, "P" for Protamine Zinc Insulin Suspension, "L" for Insulin Zinc Suspension, "S" for Prompt Insulin Zinc Suspension, and "U" for Extended Insulin Zinc Suspension.

In anticipation of preparing proposed revisions to the insulin regulations, the agency requests comments from interested persons on the desirability or need for a system to distinguish strengths of insulin, types of insulin, and/or the source of insulin. Persons who believe a system to distinguish strength, type, or source of insulins is desirable or needed should suggest ways to achieve whatever distinctions may be necessary. In addition to comments on the general concept of the need to distinguish insulins for strength, type, and/or source, comments, opinions, and suggestions would be appreciated on the following questions:

1. In view of the very minimal use of U-40 insulins, is there any reason for maintaining the current color coding and/or different vial shapes for U-40 insulins?

2. Should the regulations specify a uniform system to distinguish between different types of U-100 insulin? What system (such as colored labels and/or capital letters printed over a colored background) should be used to accomplish this goal? If individual capital letters, as has been suggested, should be part of such a system, what letters should represent the different types of insulin?

3. Should the regulations specify or permit the use of a system for distinguishing different species of insulin, i.e., beef, pork, beef-pork combination, or human? If yes, how? Should such a system be in addition to a

system for distinguishing types of insulin?

4. Should the regulations specify or permit the use of a system for distinguishing the origin of human insulin? If yes, how?

5. Should the regulations specify or permit the use of a system to distinguish other characteristics of insulin, such as purity? If yes, what characteristics and how?

Assistance for Visually Impaired Diabetics

Because of the black and white labeling for all types of U-100 insulins, the overwhelming use of U-100, and the fact that more and more diabetics are being controlled by mixing two types of U-100 insulin, it has been suggested that tactile codes on insulin vials would greatly assist the visually impaired diabetic in distinguishing between the types of insulin. Suggestions have included the use of notches on the label, raised letters or dots on the label, and a band or collar applied to the neck of a vial. The agency would appreciate comments on the value of special tactile codes and, if considered worthwhile, how they should be implemented. Comments from blind persons and organizations representing the blind are particularly solicited. In submitting comments on this issue it would be helpful if at least the following points were discussed:

1. It is important to have a tactile code for visually impaired diabetics to distinguish short-acting from longer-acting insulins or would large capital letters be satisfactory for most visually impaired diabetics?

2. If tactile coding would be beneficial, what types of insulin should have tactile codes, i.e., should only fast acting be identified or should fast, intermediate, and slow all have specific tactile codes?

3. What would be a reasonable tactile coding system?

4. Should a tactile coding system be required or merely permitted as an option?

5. If permitted, should it be uniform or should each firm be allowed to develop its own system?

6. Rather than a system implemented by manufacturing firms, are there advantages to a system, such as one using distinctive bands or collars to distinguish fast-acting, intermediate-acting, and long-acting insulins that might be implemented by pharmacists?

Package Size

Currently, both U-40 and U-100 insulins are packaged in vials containing 10 milliliters of product. With the increased use of U-100 insulins, including their use by children, it has been suggested that a smaller size vial should be available for pediatric use to limit the number of entries through the rubber stopper of the vial. Comments on the desirability of having insulin available in vials of less than 10 milliliters are, therefore, also solicited.

In addition to submitting comments, suggestions, or data concerning the above issues or on other suggested changes, additions, or deletions to the current insulin regulations, the agency requests data concerning the economic effects of any of the possible revisions discussed above or that are submitted on response to this notice.

List of Subjects

21 CFR Part 201

Drugs, Labeling.

21 CFR Part 429

Administrative practice and procedure, Drugs, insulin, Labeling, Packaging and containers.

References

The following information has been placed in the Dockets Management Branch (address above) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. N. H. Block, Novo Laboratories letter, April 30, 1982.

2. Memorandum from Product Surveillance Branch dated March 31, 1982, enclosing a copy of Product Surveillance Report, Saint Bernadine Hospital, March 10, 1982.

3. C. N. Christensen, Eli Lilly Co. letter, April 14, 1982.

4. R. G. Pinco letter, April 19, 1982.

5. Minutes of meeting between Eli Lilly and FDA, August 13, 1982.

6. Keen, H., et al., "Colour Coding of Insulins," *British Medical Journal*, 2:48, July 7, 1979.

7. Cohen, M. R., "Error 166—Confusion over the New Insulins," *Hospital Pharmacy*, 16:41, 1981.

8. Kately, G. D., et al., "New Packaging of Insulins," *British Medical Journal*, 1:1488, June 1979.

9. C. W. Pettinga, Eli Lilly Co. letter, November 16, 1982.

10. J. L. Guenguian memo to the Commissioner, April 22, 1982.

Interested persons may, on or before June 20, 1983, submit to the Dockets Management Branch (address above) written comments regarding this advance notice of proposed rulemaking. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 13, 1983.

Mark Novitch,

Deputy Commissioner of Food and Drugs.

[FR Doc. 83-10279 Filed 4-18-83; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 938

Public Comment and Opportunity for Public Hearing on Modified Portions of the Pennsylvania Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule.

SUMMARY: OSM is announcing procedures for the public comment period and for a public hearing on the substantive adequacy of certain program amendments submitted by the Commonwealth of Pennsylvania as modifications to the Pennsylvania Permanent Regulatory program (hereinafter referred to as the Pennsylvania program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). These amendments relate to enforcement and penalty procedures.

This notice sets forth the times and locations that the Pennsylvania program and proposed amendments are available for public inspection, the comment period during which interested persons may submit written comments on the proposed program elements, and the procedures that will be followed at the public hearing.

DATES: Written comments must be received on or before 4:00 p.m., May 19, 1983 to be considered.

A public hearing on the proposed modifications will be held on request only, on April 26, 1983, from 1:00 p.m. to 5:00 p.m., or until all comments have been heard.

Any person interested in making an oral or written presentation at the hearing should contact Robert Biggi at the address and phone number listed below by the close of business four working days before the date of the hearing. If no one has contacted Mr. Biggi to express an interest in participating in the hearing by that date, the hearing will not be held. If only one person has so contracted Mr. Biggi, a public meeting, rather than a public hearing, may be held and the results of

the meeting included in the Administrative Record.

ADDRESSES: Written comments should be mailed or hand delivered to: Robert Biggi, Director, Pennsylvania Field Office, Office of Surface Mining, 101 South 2nd Street, Suite L–4, Harrisburg, Pennsylvania 17101.

The public hearing, if held, will be held at the Penn Harris Motor Inn and Convention Center, at the Camp Hill bypass and U.S. 11 and 15, Camp Hill, Pennsylvania, in the Keystone-A Convention Room.

Copies of the Pennsylvania program, the proposed modifications to the program, a listing of any scheduled public meetings and all written comments received in response to this notice will be available for review at the OSM Pennsylvania Field Office and the Office of the State regulatory authority listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays.

Pennsylvania Field Office, Office of Surface Mining, 101 South 2nd Street, Suite L–4, Harrisburg, Pennsylvania 17101.

Pennsylvania Department of Environmental Resources, Fulton Bank Building, Tenth Floor, Third and Locust Streets, Harrisburg, Pennsylvania 17120.

FOR FUTHER INFORMATION CONTACT: Robert Biggi, Director, Pennsylvania Field Office, Office of Surface Mining, 101 South 2nd Street, Suite L–4, Harrisburg, Pennsylvania 17101 Telephone (717–782–4036).

SUPPLEMENTARY INFORMATION: On January 25, 1982, Pennsylvania resubmitted its proposed regulatory program to OSM. On July 30, 1982, following a review of the proposed program as outlined in 30 CFR Part 732, the Secretary approved the program subject to the correction of ten minor deficiencies. The approval was effective upon publication of the notice of conditional approval in the July 30, 1982, **Federal Register** (47 FR 33050–33080).

Information pertinent to the general background, revisions, modifications, and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Pennsylvania program can be found in the July 30, 1982, **Federal Register** notice (47 FR 33050–33080).

Submission of Program Amendments

By letter dated March 29, 1983, OSM received from the Commonwealth of Pennsylvania, pursuant to the 30 CFR 732.17 procedures, certain revisions to the enforcement and penalty procedures to be implemented by the State. These revisions are contained in a policy statement which addresses monitoring, enforcement, and use of enforcement alternatives. The letter elaborates on some of the points made in the policy statement.

The section on monitoring explains that such monitoring consists of a combination of inspections and review of self-monitoring data submitted by the operator. It also defines complete and partial inspections.

The section on enforcement explains the overall policy of the Pennsylvania Department of Environmental Resources (DER) to use available enforcement mechanisms to abate violations, and to focus on the most serious environmental problems.

The section on the use of enforcement alternatives identifies in which instances cessation orders, abatement orders, recommended correction dates, and criminal prosecutions will be used by DER. The policy statement also explains how DER will use these mechanisms, and how their use related to penalty assessment.

The Secretary seeks public comment on these proposed amendments to the Pennsylvania program. If these amendments are approved, they will become part of the Pennsylvania program.

Additional Information

1. *Compliance with the National Environmental Policy Act:* Pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental document need be prepared on this rulemaking as State program decisions are exempt from compliance with the National Environment Policy Act, 42 U.S.C. 4321 *et seq.*

2. *Executive Order No. 12291 and the Regulatory Flexibility Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule would not impose any new requirements; rather, it would ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. *Paperwork Reduction Act:* This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 938

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: April 14, 1983.

J. R. Harris,

Director, Office of Surface Mining.

[FR Doc. 83–10387 Filed 4–18–83; 8:45 am]

BILLING CODE 4310–05–M

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30 CFR Part 946

Public Comment and Opportunity for Public Hearing on Modified Portions of the Virginia Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule.

SUMMARY: OSM is announcing procedures for the public comment period and the opportunity for a public hearing on the substantive adequacy of program amendments submitted by Virginia to: (1) Satisfy condition "q" relating to awarding of costs and attorneys' fees against the State in judicial and administrative proceedings imposed by the Secretary of the Interior on the approval of the Virginia Permanent Regulatory Program (hereinafter referred to as the Virginia program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA) and (2) correct an erroneous cross-reference in the Virginia surface mining law.

This notice sets forth the times and locations that the Virginia program and proposed amendments are available for public inspection, the comment period during which interested persons may submit written comments on the proposed program elements, and information pertinent to the public hearing.

DATES: Written comments, data or other relevant information relating to Virginia's modifications to its program not received on or before 4:00 p.m. on May 19, 1983 will not necessarily be considered.

A public hearing on the proposed modifications has been scheduled for May 16, 1983, at the address listed under "ADDRESSES."

Any person interested in making an oral or written presentation at the hearing should contact Mr. Ralph Cox at the address or phone number listed below by May 9, 1983. If no person has

contacted Mr. Cox to express an interest in participating in the hearing by the above date, the hearing will not be held. If only one person has so contacted Mr. Cox by the above date, a public meeting, rather than a public hearing, may be held and the results of the meeting included in the Administrative Record.

ADDRESSES: Written comments should be mailed or hand delivered to: Ralph Cox, Director, Virginia Field Office, Office of Surface Mining Reclamation and Enforcement, Highway 23, South, P.O. Box 626, Big Stone Gap, Virginia 24219, Telephone: (703) 523–4303.

The public hearing will be held at the Lebanon Area Office, Office of Surface Mining Reclamation and Enforcement, Conference Room, Flannagan and Carroll Streets, Lebanon, Virginia 24266.

Copies of the Virginia program, the proposed modifications to the program, a listing of any scheduled public meetings and all written comments received in response to this notice will be available for review at the OSM Offices and the Office of the State regulatory authority listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays.

Office of Surface Mining Reclamation and Enforcement, Room 5315, 1100 "L" Street, N.W., Washington, D.C. 20240
Office of Surface Mining Reclamation and Enforcement, Highway 23, South, Big Stone Gap, Virginia 24219
Office of Surface Mining Reclamation and Enforcement, Flannagan and Carrol Streets, Lebanon, Virginia 24266
Virginia Division of Mined Land Reclamation, 620 Powell Avenue, Big Stone Gap, Virginia 24219

FOR FURTHER INFORMATION CONTACT: Ralph Cox, Director, Virginia Field Office, Office of Surface Mining, P.O. Box 626, Big Stone Gap, Virginia 24219, Telephone: (703) 523–4303.

SUPPLEMENTARY INFORMATION: On March 3, 1980, the Secretary of the Interior received a proposed regulatory program from the Commonwealth of Virginia. On October 22, 1980, following a review of the proposed program as outlined in 30 CFR Part 732, the Secretary approved in part and disapproved in part the proposed program (45 FR 69977–7000). Virginia resubmitted its proposed regulatory program on August 13, 1981, and after a subsequent review, the Secretary approved the program subject to the correction of minor deficiencies. The approval was effective upon publication of the notice of conditional approval in the December 15, 1981 **Federal Register** (46 FR 61088–61115).

Information pertinent to the general background, revisions, modifications, and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Virginia program can be found in the December 15, 1981 **Federal Register** (46 FR 61088–61115).

One of the minor conditions of the approval imposed by the Secretary was as follows:

Condition (q) requires Virginia to submit a copy of enacted law or otherwise amend its program to provide for the awarding of costs and attorneys' fees against the State in judicial and administrative proceedings consistent with section 525(e) of SMCRA.

On March 22, 1983, Virginia submitted an act passed by the Virginia General Assembly which amends §§ 45.1–249 and 45.1–251 of the Virginia Surface Mining Control and Reclamation Act (Virginia SMCRA) to satisfy condition "q" set by the Secretary in his conditional approval (Administrative Record No. VA 463). This act, which will be effective on July 1, 1983, if approved by the Secretary, amends the Virginia SMCRA to provide for the award of costs and expenses, including attorneys' fees, against the State in judicial and administrative proceedings.

Also, in the March 22, 1983 letter, Virginia submitted two additional proposed revisions to the Virginia SMCRA. One of the proposed revisions amends § 45.1–240 to correct an erroneous cross-reference in the Virginia SMCRA. The other proposed revision amends § 45.1–234 of the Virginia SMCRA to subject interim program operations to the penalty and enforcement provisions of §§ 45.1–245, 45.1–246, 45.1–247, 45.1–249, 45.1–250 and 45.1–251 of the Virginia SMCRA and the penalty and enforcement regulations implementing those sections. The latter amendment will be the subject of a separate **Federal Register** notice in the near future.

Thus, the Secretary requests comments on the substantive adequacy of the proposed amendment to satisfy condition "q" and on the adequacy of the one additional proposed revision to Virginia's statute.

Additional Determinations

1. *Compliance with the National Environmental Policy Act:* The Secretary has determined that, pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule would not impose any new requirements; rather, it would ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. *Paperwork Reduction Act.* This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 946

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: April 11, 1983.

J. R. Harris,

Director, Office of Surface Mining.

[FR Doc. 83-10388 Filed 4-18-83; 8:45 am]

BILLING CODE 4310-05-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 61

[Docket No. 82-122; FCC 83-84]

Interconnection Arrangements Between and Among Domestic and International Record Carriers; Request for Further Comments

AGENCY: Federal Communications Commission.

ACTION: Decision on reconsideration of interim guidelines and request for further comments.

SUMMARY: This document announces the Commission decisions on petitions for reconsideration of orders implementing the Record Carrier Competition Act of 1981 (RCCA). For the most part, the Commission denied petitions for reconsideration because the petitions did not show good cause to change the interim guidelines adopted in the earlier orders except for two issues. The Commission is requesting further comments on whether a rate differential

should be required when record carriers offer less desirable international access to customers of the interconnected carriers than they offer to their own customers. By these actions, the Commission is seeking to implement the full and equal interconnection requirements of the RCCA.

DATE: Comments must be received on or before May 4, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Daniel F. Grosh, Common Carrier Bureau, (202) 632-6917.

List of Subjects in 47 CFR Part 61

Communications Common Carriers.

The orders for which reconsideration was sought were published at 47 FR 18883 May 3, 1982 and 47 FR 31270 July 19, 1982.

Memorandum Opinion, Order and Request for Further Comments

In the matter of interconnection arrangements between and among the domestic and International record Carriers; CC Docket No. 82-122.

Adopted: March 3, 1983.
Released: April 11, 1983.
By the Commission.

1. Before the Commission are petitions for reconsideration of our *Interim Order* [1] which implemented the requirements of the Record Carrier Competition Act of 1981 [2] (RCCA) and of our subsequent memorandum opinion and order which rejected tariff filings found to be in conflict with the *Interim Order* and the RCCA (*Rejection Order*).[3] (A list of the petitions, oppositions, and replies is set out in the Appendix.) For the reasons discussed below, we affirm the conclusions in the *Interim Order* in most respects, including the allocation formula for outbound international telex, the pro rata allocation for inbound international telex, the 15% discount for carrier-carrier interconnection, and the use of tariffs to implement prescribed interconnection arrangements. We do grant reconsideration with respect to the lawfulness of two "grandfathered" contracts and a request that we allow carriers to agree, on a bilateral, tariffed basis, to accept termination charges lower than those prescribed. We also request further comments on achieving dialing stage access parity.

Background

2. The Record Carrier Competition Act of 1981 (RCCA) repealed and replaced the former Section 222 of the Communications Act. The RCCA represents a ratification by Congress of the Commission's pro-competitive initiatives of recent years and an attempt to remove the restrictions upon entry and competition that the former Section 222 had imposed. Congress has concluded that, after a transitional period in which some rather complicated regulatory oversight will apply most domestic and overseas record services will be competitive and will require minimal regulation.

3. The former Section 222, adopted in 1943, authorized the merger of Western Union with its domestic competitors so as to create a monopoly domestic record carrier; it also required Western Union to divest its overseas operations as part of the price for this monopoly. In the years following 1943, a relatively rigid division grew up between domestic and overseas record services. Western Union offered domestic services, and originated and delivered international traffic. But it could not offer overseas service and was required to hand off outbound overseas traffic to the international record carriers (IRCs) for delivery in countries overseas. The handoffs and divisions of revenues for such service were subject to complex formulas.[4]

4. The IRCs were not so rigidly confined. Although they concentrated on international service, they also operated offices in "gateway" cities and were authorized to pick up and deliver messages and other traffic in those cities without the participation of a domestic carrier. They did not offer purely domestic service, however.[5]

5. In recent years, the Commission has tried to erase the line separating domestic from overseas record communications and to inject new competition into each of these markets.[6] Part of its effort was to attempt to let Western Union into the overseas business.[7] Another part was to get the IRCs into domestic service.[8] Still another part was to authorize new carriers, such as Graphnet, Inc., in both markets.[9] In part because of the reluctance of foreign governments to interconnect with new carriers, competition in the international market still is limited, with three carriers—ITT, RCA and Western Union International (WUI)—dominating the market.

A. The Record Carrier Competition Act

6. The purpose of the RCRA is to "promote the development of fully competitive domestic and international markets in the provision of record communications service." 47 U.S.C. 222(b)(1). See also H.R. Rep. No. 97-356, 97th Cong., 1st Sess 4 (1981). (House Report). The RCCA permits the FCC to authorize Western Union to compete with the IRCs in the international market. It authorizes the IRCs to compete with Western Union in the domestic market. It requires a record carrier having significant domestic and overseas operations to treat its own domestic and international services as if those services were provided by separate entities, and to interconnect with other carriers for domestic or international services upon the same rates, terms, and conditions it applies to its own services.

7. These are the permanent structural guidelines established by the RCCA. The RCCA also contains transitional mechanisms which are effective for three years after enactment. Specifically, the RCCA requires all record carriers to provide interconnection with other record carriers upon reasonable request and it directed the Commission to convene a meeting of the IRCs for the purpose of negotiating a "just, fair, and reasonable" interconnection agreement. 47 U.S.C. 222 (c)(1)(A)(i) and (c)(3)(A). Congress also provided that the agreement must contain both a formula for allocating revenues among the participating carrriers and a method for distributing inbound traffic. Under Section 222(c)(2), the interconnection agreement must "establish a nondiscriminatory formula for the equitable allocation of revenues derived from [the use of interconnected facilities] between the parties to [the] agreement."

8. In adopting the RCCA, Congress was concerned that domestic

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[1] Interconnection Arrangements Between and Among the Domestic and International Record Carriers, 89 FCC 2d 928 (1982), review pending, *Western Union* v. *FCC*, D.C. Circuit No. 82-1502, filed May 4, 1982.

[2] Pub. L. No. 97-130, 95 Stat. 1687 (1981).

[3] 91 FCC 2d 483 (1982), review pending, *TRT* v. *FCC, et al.*, D.C. Circuits Nos. 82-1658, 82-1698, 82-1699, filed June 14, 1982.

[4] The former Section 222 had been interpreted as a perpetual bar to Western Union's participation in international service. *E.g.*, ITT v. *FCC*, 635 F. 2d 32 (2d Cir. 1980).

[5] For background on the scope of IRC operations, see *Western Union* v. *FCC*, 665 F. 2d 1126 (D.C. Cir., 1981).

[6] *See, e.g.*, Overseas Communications Service, CC Docket No. 80-632, 84 FCC 2D 622 (1980), seeking comments on whether AT&T should be authorized to provide international record service.

[7] Western Union Telegraph Co., 75 FCC 2d 461 (1980), *rev'd. sub nom. ITT World Communications* v. *FCC*, 635 F. 2d 32 (2d Cir. 1980).

[8] International Record Carriers' Scope of Operations, 76 FCC 2d 115 (1980), *aff'd sub nom. Western Union* v. *FCC*, 665 F. 2d 1126 (D.C. Cir. 1981).

[9] Graphnet Systems, Inc., 71 FCC 2d 471 (1979), *aff'd sub non. Western Union* v. *FCC*, 665 F. 2d 1112 (D.C. Cir. 1981).

competition might be limited by the continued unwillingness of foreign administrations to interconnect with new IRCs. House Report at 10. Accordingly, it devised a method by which a carrier without a foreign operating agreement could interconnect with another IRC with such an agreement. That IRC would transit the outbound traffic to the foreign administration. The allocation of inbound traffic is governed by Section 222(c)(1)(A)(ii). In enacting that section, Congress was concerned that the foreign authorities' methods of allocating traffic inbound for the United States among the IRCs might have an inhibiting effect on competition. Believing that "in these situations, no free market exists" (House Report at 11), Congress provided that an originating carrier that has interconnected with another IRC (a "transiting carrier") to provide outbound international service is entitled to a pro rata share of the transiting carrier's inbound traffic. 47 U.S.C. 222(c)(1)(A)(ii)(1). As noted above, the sections of the RCCA concerning interconnection arrangements, including international transiting and pro rata return flow, expire three years after enactment. The Commission would then retain its general regulatory authority over carrier interconnection, which is not diminished by the RCCA.

9. Congress insisted that these provisions be implemented rapidly. It directed the Commission to convene a meeting among record carriers within fifteen days, and required the carriers to conclude the agreement within a maximum of ninety days. 47 U.S.C. 222(c)(3)(A). In the event of a failure to agree within that time, Congress directed the Commission to issue an interim of final order establishing an agreement consistent with the purposes of the Act no later than ninety days following the date that the meeting between the carriers was originally convened. 47 U.S.C. 222(c)(3)(B).

10. Thus, the RCCA erased the ban on a single carrier providing both domestic and international record communications and it required full interconnection among carriers. Prior to 1981, domestic customers of the IRCs could not use their telex machines to call other domestic customers or to make international call via other IRCs. Western Union's customers could select an IRC for international calls, but were forced to pay higher rates than the IRCs' own customers because Western Union's domestic rate was added to the IRCs' unbundled country-to-country rate. Now, the IRCs and Western Union compete both domestically and internationally. A telex customer of any domestic carrier may select any IRC that it desires to transmit a message overseas and the rates of both carriers are unbundled. That transmission may involve a single carrier or it may, under the RCCA, involve as many as three different U.S. entities: the domestic carrier, the IRC chosen by the customer (the originating IRC), and the IRC that carriers the international call to the foreign administration (the transiting IRC). A telex customer may also call customers of other domestic record networks because the carriers are interconnected.

B. The Commission's Proceedings

11. The Commission convened a meeting of the major record carriers on January 8, 1982, but those carriers failed to reach an agreement within the forty-five day period. Accordingly, on February 25, 1982 the Commission issued a *Notice of Proposed Rulemaking* (NPRM) 47 FR 10863 (1982), which set forth tentative conclusions relating to the prescription of an interconnection agreement and requested comments. After receiving comments, and in light of the fact that the carriers still were unable to agree, the Commission issued its *Interim Order*. Among other things, that order provided an interim formula for allocating revenues from outbound traffic between interconnecting IRCs and an interim method for distributing revenues from inbound traffic. 89 FCC 2d at 961–67.

12. The *Interim Order* construed the RCCA as requiring each carrier which provides both domestic and international record communications services, and which has a significant share of the market for such services, to operate as if its domestic and international offerings were separate, and to interconnect with other carriers in a manner which is equal in type and quality to the interconnection between its separate domestic and international segments. Interconnection with other carriers is also to be made available at the same rates and upon the same terms and conditions. The *Interim Order* prescribed that carriers provide equal interconnection except in cases involving expensive system modification, technological impossibility or equipment unavailability, or unreasonable degradation of service. In those cases, generally equal or comparable interconnection was permitted.

13. For wholly domestic interconnected record traffic, the *Interim Order* adopted the carriers' view that the carrier on whose network the call was initiated would be the originating carrier. The originating carrier is responsible for setting forth the tariff rate, billing customers, and making an equitable allocation of revenues with the terminating carrier, i.e. the carrier on whose network the called party was located.

14. The Commission determined that the existing arrangement for handling interconnected international inbound transmission was reasonable and worth continuing. Under these arrangements, the U.S. international carrier hands off the call to a U.S. domestic carrier for delivery. The international carrier receives a payout from the foreign correspondent and compensates the domestic carrier. The *Interim Order* incorporated these arrangements into the prescription. In the case of outbound international calls, however, the carriers could not agree on which carrier (domestic or international) would perform the functions of the originating carrier. The *Interim Order* assigned this role to the international carrier selected by the customer to carry the message overseas. The international carrier is therefore responsible for tariffing through rates, billing the customer for through service, and compensating the domestic carrier for use of its network.

15. The RCCA also calls for the establishment of a nondiscriminatory formula for the equitable allocation of revenues derived from interconnection. To the extent possible, this allocation is to be based upon costs. The IRCs argued that there are substantial savings to Western Union in providing carrier-to-carrier interconnection, while Western Union contended that there are no significant savings. Without finally resolving this question, the Commission prescribed an interim 15% discount from a domestic carrier's publicly tariffed intra-network domestic rate, as the rate for the performance of interconnected terminating functions on inter-network domestic calls and as the rate for the domestic component of outbound or inbound international calls. The Commission emphasized, however, that this prescription would not prejudge any action that may be taken in any existing or future phases of CC Docket No. 78–97, an ongoing investigation of WU's rate of return and rate structures for telex and TWX services.

16. The RCCA also sought to overcome the difficulties experienced by new carriers in obtaining operating agreements with foreign administrations. It required the tariffing of transiting arrangements for outbound international record services and a pro rata traffic distribution for inbound international record services. The

Interim Order applied these provisions to require that where IRCs interconnect to handle outbound transiting telex traffic, the originating outbound IRC without an operating agreement would pay the transiting carrier an amount equal to the foreign payout + ½ the domestic carrier's charge + ½ of the transiting carrier's international component after the foreign payout has been subtracted. In no case, however, may the originating international carrier's share remaining under the formula (i.e., ½ the domestic carrier's charge + ½ the international carrier's charge after the foreign payout has been subtracted) be less than the amount of the domestic component charge, which the originating outbound international carrier must pay the domestic carrier. For inbound international record traffic, the Commission prescribed that an originating outbound carrier lacking a foreign agreement would be allocated revenues based upon the same pro rata share of inbound traffic as it delivered for outbound carriage. This allocation would be calculated on a country-by-country, service-by-service basis. The allocation of revenues between originating and transiting IRCs would generally follow the arrangement prescribed for outbound traffic.

17. The Commission ordered the IRCs to implement the *Interim Order* by filing interconnection tariffs in conformity with its terms within twenty days. After the Common Carrier Bureau granted a brief extension of time, the IRCs complied. However, upon reviewing the IRC filings, the Commission concluded in the *Rejection Order* that they violated the *Interim Order* in numerous important respects. Consequently, it rejected the tariffs and required the IRCs to file tariff revisions by June 16, to become effective on June 20. In order to resolve these matters promptly, the Commission prescribed specific tariff language for telex and TWX interconnection to implement the *Interim Order* and the goals of the RCCA. Application of the formula minimum (the requirement that the outbound originating carrier receive no less than the domestic component charge) and of the pro rata provision were stayed pending appeal by the Court of Appeals for the D.C. Circuit, *TRI* v. *FCC, et al.*, Docket Nos. 82–1658, 82–1698, 82–1699, decree entered July 2, 1982.

Discussion

18. The petitions for reconsideration address a variety of issues arising from both the *Interim Order* and the *Rejection Order*. We will discuss the petitions and the positions of the parties on an issue-by-issue basis.

1. *Use of Tariffs To Implement the Interconnections Arrangements*

19. Under Section 222(c)(3)(A) of the RCCA, the major record carriers were made parties to negotiation meetings presided over by the Commission, and were allowed a total of ninety days to negotiate an interconnection agreement. Had the carriers reached an agreement, it would have been subject to Commission review to assure that it was consistent with the RCCA and did not unjustly or unreasonably discriminate against any record carriers. When the carriers failed to agree, the Commission became obligated "to issue an interim or final order which establishes a just, fair, reasonable and nondiscriminatory agreement . . ." *Id.* The Commission's *Interim Order* met this obligation by prescribing terms for interconnection. The order's conclusions were then implemented by requiring the filing of interconnection tariffs by the major record carriers upon an expedited schedule. As already noted, when the filed tariffs proved inconsistent with the *Interim Order*, the Commission rejected them and prescribed specific tariff language which the carriers were required to file in revised tariffs. Except for the provisions which were stayed by the Court of Appeal, the revised tariffs are currently in effect.

20. WUI contends that the Commission erred when it required that inter-carrier relationships be governed by tariffs. It asserts that when Congress stated in the RCCA that the Commission shall issue an order "which establishes an agreement," it was requiring that interconnection should be governed by intercarrier contracts. WUI contends that the Commission's actions have required WUI to submit to tariffs which might be changed unilaterally, and deprived WUI of a contractual remedy in the event of an unilateral change or a breach of the interconnection agreement. While WUI has no objections to "explanatory" tariffs which inform the public of the interconnection arrangement, it requests that interconnection terms be embodied in written carrier contracts.

21. We think it clear that WUI misunderstands the regulatory process we have instituted. Although embodied in tariffs, interconnection arrangements are not subject to unilateral carrier action, as WUI believes, but are constrained by the prescriptions in our *Interim Order* and *Rejection Order*. These orders are binding on record carriers. Any attempt to change the tariff in violation of the formula prescribed by the Commission would be subject to rejection unless and until the Commission modifies its prescription or the prescription becomes stale or the Commission grants a waiver. Thus, the prescriptions embodied in the tariffs cannot be altered by a unilateral filing, as WUI contends, but only by the Commission's decision that a change is just, reasonable, and non-discriminatory. The tariffs are thus in operational effect indistinguishable from the "explanatory" tariffs of which WUI approves. They give public notice of the terms of the Commission's prescription and may not vary therefrom. For example, when we found that the tariffs filed by WUI and the other IRCs did violate the *Interim Order*, we rejected them promptly and out of hand.

22. As a practical matter, use of the tariff process provides a sound and well understood procedural mechanism for implementing interconnection prescriptions. Tariff filings allow for full public scrutiny of the implementation of our prescriptions and enabled us to take immediate action to enforce the prescriptions. Although we could have used contracts for this purpose, we have no specific provision in our Rules for review of carrier contracts. Cf. 47 CFR 43.51. In order to allow the necessary opportunity for public examination and comment on contracts, we would have been forced to establish a contract review process to perform the same function the traditional tariff review process already performs so well. It also would have resulted in no difference in procedural rights. Either contracts or tariffs could be rejected as unlawful under our orders, and any aggrieved party could bring a complaint under Sections 206–209 of the Communications Act before a federal district court or this Commission seeking damages for any unlawful act.

23. This Commission has discretion to regulate the interrelationship between carriers by means of either tariffs under Section 203–205 of the Act or contracts under Section 211. *Lincoln Telephone and Telegraph Company* v. *FCC*, 659 F.2d 1092 (1981). See also *ENFIA*, 71 FCC 2d 440 (1979). Nothing in the legislative history indicates that Congress had any preference for one form of regulation or the other. Nor does the legislative history indicate any intent to alter the Commission's discretion as to which procedural tool (tariffs or contracts) it would employ. Rather, the House Report, at 7, expressly states the RCCA "should not be construed as affecting the Commission's authority under any of the other sections

of the Communications Act of 1934, as amended."[10]

24. In sum, the use of tariffs to implement the prescribed interconnection arrangements is a reasonable means, and we believe the best means, of carrying out the Commission's responsibilities, as our actual experience has confirmed. The prescribed interconnection tariffs currently in effect guarantee full interconnection to all record carriers on equal terms. We find no merit in WUI's objections.

2. *Allocation Formula*

25. The RCCA allowed the major record carriers to negotiate a just and reasonable formula for allocation of revenus as part of a interconnection agreement. When the carriers failed to reach such an agreement this Commission assured the responsibility to prescribe such a formula and other terms for interconnection within the 45 day period specified in Section 222(c)(3)(B). This action was undertaken on an expedited basis in response to the Congressional concern that any revenue allocation formula for interconnected traffic be implemented promptly. House Report at 11.

26. In developing the formula for outbound traffic between interconnecting IRCs in the *Interim Order* the Commission first reviewed the legislative history. It concluded that the existing formula for splitting revenues reflected "the greater bargaining power of carriers that have obtained the necessary foreign operating agreements" and that Congress intended "to redress the imbalance between those carriers which have managed to enter into agreements with foreign operating authorities and those carriers which have not." 89 FCC 2d at 961–62. With this Congressional intent in mind, the Commission adopted a formula which was similar to one proposed by RCA and explicitly endorsed by ITT. No other IRC objected to RCA's proposal. Under this proposal, two IRCs interconnecting to provide international service would share equally the revenue remaining after the payout to the foreign government (i.e., there would be a 50/50 split) with a minimum payment to the transiting IRC of 30 cents per minute. *Id* at 962.

27. The Commission accepted the IRC's proposal with certain modifications. The Commission adopted a formula which first required the originating outbound IRC to pay the transiting IRC the amount of the payout to the foreign administration. Second, the originating outbound IRC would pay the transition IRC ⅓ of the applicable domestic rate plus ⅓ of the transiting carrier's international rate after subtracting out the amount of the foreign payout. Third, the originating outbound IRC would also pay the domestic carrier the applicable rate for the domestic haul. In effect, the formula, like the one proposed by RCA, required a 50/50 split of the post-settlement collection, and required the originating outbound IRC to pay the domestic charges out of its half. Fourth, the originating carrier's division under the formula is subject to a "floor" which requires in all cases that such share must be no less than the domestic charge.[11]

28. The major IRCs, ITT, RCA, WUI, TRT, and FTC have expressed varying degrees of opposition to the formula itself. However, their primary challenge centers about the addition of the "floor." The IRCs argue that the floor will often leave the transiting carrier with less than a 50% share of the total U.S. retained revenue and, in some cases, with an amount which does not cover the costs of providing service. They also assert that the Commission's proposal appears to premise the compensation for the transiting carrier on the revenue actually collected and argue that the originating carrier could set its customer rate so low that the transiting carrier would be denied any compensation.

29. We believe the objections raised by the IRCs to the floor are based to a large extent upon a misunderstanding of how the floor in the Commission's formula will operate. The formula determines how much the originating international carrier must pay the transiting carrier and the domestic carrier. The decision of an originating carrier to raise or lower its rates will affect the amount it receives for handling an international call but will have to impact upon the amounts it must pay to the other carriers who participate with it carrying this traffic. This is because the formula, including the floor, is based solely on the charges of the transiting carrier and the domestic carrier and is completely independent of the rates charged by the originating international carrier to its own customers. In this respect, the Commission's formula is identical to the formula proposed by RCA. There is thus no substantial possibility of manipulation of the formula by the originating carrier to secure an unfair advantage over the transiting carrier.

30. The establishment of a floor was necessary to protect the originating carrier from either out-of-pocket losses or erosion of its revenues for providing the domestic haul. Although, as already noted, the amount the originating carrier receives is based on its own rates and not upon the division under the formula, we believe that as a practical matter the rates the originating carrier can charge are constrained by the rates of other international carriers—primarily the IRCs who have operating agreements. Customers are unlikely to rely upon a carrier without an operating agreement when they can obtain the same service directly and more cheaply from the carrier which has the necessary foreign authority. For this reason, we have assumed that a carrier requiring transiting cannot realistically charge more for its service as a general rule (and it may well be compelled to charge less) than the rates of the transiting carrier itself.

31. Assuming that the originating carrier charges the same rate as the transiting carrier, the floor insures that the originating carrier will not suffer an out-of-pocket loss in handling traffic for which the domestic portion of the charge must be paid to a separate carrier.[12] Where the originating carrier is also the domestic carrier, the floor seeks to ensure that the originating carrier is not penalized for being selected by the customer as the carrier to provide international service. Thus, with the floor, the carrier providing the domestic haul does not lose part of its domestic revenues because it is also selected as the international carrier.

32. In all cases where the floor is applied, the originating carrier receives nothing for the provision of the international haul. On the other hand, in all cases where the floor is applied, the transiting carrier receives the same amount as it would have received had it been selected by the customer to provide international service. In other

[10] See, Cong. Rec. E1034 (daily ed. March 17, 1982) (remarks of Rep. Wirth): "All of the powers of the Commission remain, those in Section 201, as well as those contained in other sections of the act."

[11] There is no similar "floor" for the foreign payout, because where the domestic floor applies a transiting IRC will not in any case get less than the share of the international rate that it had negotiated with the foreign administration in question. In some cases, the negotiated foreign payout exceeds the United States IRC's total international segment rate even without regard to the floor. The IRC makes up the loss from traffic in the other direction. The floor would not change this negotiated revenue loss, but it also would not cause it.

[12] Conversely, where the originating carrier decides to charge a lower rate than the transiting carrier, it is not protected from suffering an out of pocket loss. There is accordingly no possibility of manipulation by the originating carrier through charging very low rates. As a general matter, it cannot pass its losses off to the other carriers participating with it in the haul of international traffic.

words, the transiting carrier will receive no less revenue when the floor is applied than if it had provided the service itself rather than as a transiting carrier.

33. Properly understood, the floor cannot be regarded as inequitable or unfair to the transiting IRCs. To the contrary, we believe that the floor is a necessary adjustment to any reasonable formula, that it will help promote competition by fostering open entry, and that it will help carry out the intent of Congress in enacting the RCCA to redress the imbalance between carriers that have operating agreements and those that do not.

34. The one example that ITT has proposed to show how the floor supposedly would harm it provides an excellent illustration of why the floor is necessary. Under ITT's tariffs, the charge for service to Japan is $1.83 for the international segment. The foreign payout to the Japanese administration is $1.81. The domestic segment, which may be provided by any domestic carrier inlcuding ITT, is approximately $.40.[13] If no transiting arrangement were involved, ITT would pass on the $.40 to the domestic carrier, pay Japan $1.81 as the foreign payout, and retain two cents as its own share of the revenues. Under the formula, where another carrier was the originating international carrier, ITT would receive the foreign payout of $1.81 to pay the Japanese administration, plus half the domestic charge and half the two cent retention, or $.21 ($.40 plus $.02 divided by two.) However, because this would leave the originating carrier, with only $.21 under the formula and the originating carrier, not ITT, would have to pay $.40 to the domestic carrier, the floor would be applied. As a result of the floor, the originating carrier would be entitled under the formula to the amount of the domestic charge, $.40, but would then pay all of this to the domestic carrier. It would have zero net revenue. ITT, on the other hand, would retain the same two cents it would have gotten if it had provided the service itself without the participation of another carrier using its transiting services.

35. Without the floor, ITT would retain $.21, or more than ten times as much as it retains for an ordinary call made by a customer of its own. Assuming the originating carrier would have to match ITT's rate to be competitive it would suffer a $.19 out-of-pocket loss while ITT would receive a $.19 windfall. As ITT's own example shows, when corrected to apply the floor accurately, the floor is far from being unfair.

36. The effect of the formula without the floor would be much worse for interconnecting carriers than the pre-RCCA arrangements for interconnection made available by the IRCs. Before implementation of the RCCA, the originating carrier received a discount of 12 cents from ITT's end-to-end rate. Since the originating carrier provided the domestic haul to its customer in gateway cities it did not have to pay anything to another domestic carrier. It could match ITT's end-to-end rate and provide the domestic service with the additional 12 cents, though this might not necessarily cover its full costs. Under the RCCA, the originating carrier must ordinarily interconnect with all other domestic carriers on the same terms as with its own domestic component. It cannot keep the domestic haul for itself and must therefore incur an actual out-of-pocket expense on the domestic portion every time it transmits a message from an interconnected domestic carrier. This is likely to be a large part of a carrier's traffic. Even in cases where the carrier handles the domestic haul itself or lacks a substantial market share and need not interconnect on equal terms with other carriers, the carrier would incur all the costs of any other domestic carrier for the domestic portion but would be forced to accept much less than carriers such as ITT for the same call. Carriers who offered only international service would of course be wholly unable to recover any of this loss since they would have no domestic revenue at all.

37. Moreover, the application of the IRC's proposed formula could have meant that in some cases the domestic carrier would receive less if a customer chose it to handle the international segment than if the customer chose another carrier. In the case of Japan, for example, the domestic carrier would be assured of receiving its full domestic rate of $.40 from the international carrier unless the domestic carrier was also chosen to provide the international segment. In that case the domestic carrier would receive only $.21. This anomaly, that a carrier must suffer a loss of revenue if it is successful over its competition in obtaining overseas business, plainly discourages the domestic carrier from serving this international route, and would penalize it if it did. It also would frustrate the statute's goal of fostering open entry and would specifically defeat the RCCA's mandated separation of domestic from international services.

38. The formula, even with the floor thus seems to us quite fair to the IRCS, which is natural enough since it is basically the formula they themselves proposed. As Graphnet points out, it is far more favorable to them, for example, than the usual international transiting agreements the IRCs have entered into voluntarily. See para. 49 *infra*. For all the reasons mentioned, we believe that the floor is a minimal and necessary adjustment to the base formula.

39. Even if the IRCs did lose money on some routes as a result of the formula, as they claim but do not demonstrate, this does not necessarily mean the formula is unlawful. The applicable legal test for the adequacy of rates is not whether the carrier will earn a fair return on each and every international route, in both directions, but whether it earns a fair return overall.[14] The IRCs do not claim that they will fail to earn a fair return overall. Moreover, since the formula is based on the IRCs own rates, where they are providing transiting they remain free to alter the revenues they receive by filing to increase their customer rates.[15] They are also free to renegotiate their divisions with foreign administrations.

40. WUI argues that the outbound transiting formula is unfair and unnecessary. It is unfair, WUI claims, because it does not promote the obtaining of foreign operating agreements but only allocates more revenue to the originating carrier than the current practice of allowing originating carriers a 12 cent retention of the total end-to-end rate. It is unnecessary because the originating carrier can now interconnect its domestic network with international carriers to deliver international calls, and retain the full domestic rate. WUI claims that the Commission has no evidence that the 12 cent retention should be increased.

41. This argument misses the point of what the RCCA seeks to accomplish. The RCCA requires that domestic and international operations generally be treated as separate for purposes of interconnection. Thus, domestic carriers receive a specific rate for interconnected calls. The 12 cent retention was for the

[13] In the *Interim Order* at 982–83 we used a domestic rate of $.2954 a minute in this example. That figure did not reflect the 1.3 holding time factor. Domestic rates have also been increased.

[14] *See, e.g.*, New England Divisions Case, 261 U.S. 184, 201–03 (1923), *Federal Power Commission* v. *Hope Natural Gas*, 320 U.S. 591, 602 (1944).

[15] There is no need to increase customer rates simply because of the floor, however. If those rates are inadequate to meet the IRCs' costs, the fault is not in floor. The IRCs receive precisely the same share per call with the floor as they receive when they are themselves the originating carriers and the formula is inapplicable.

total end-to-end call and in effect meant that the carrier requiring transiting received only 42 cents for the total haul since it matched the other IRC's rates. As WUI recognizes, the RCCA does not permit unfavorable terms of interconnection of this sort. But the RCCA also requires that the IRCs provide transiting for the purely international portion of the call, to allow new carriers to enter and to eliminate the effect of operating agreements as barriers to competitive entry. The function of the outbound transiting formula is to establish fair charges which accomplish these purposes. The present 12 cent retention clearly defeats this purpose, as would accepting the argument that domestic carriers can simply hand off traffic to other carriers. The RCCA requires more than this of the IRCs—it requires that they interconnect to provide transiting to any carrier seeking to provide international service during the three year transition period, not simply that they interconnect with domestic carriers. The transiting formula is necessary to accomplish this purpose and does so, we believe, at a fair rate.

42. WUI also argues that the effort to impose a revenue division formula is in violation of the due process protections of the Fifth Amendment to the Constitution of the United States, which it says are embodied in Sections 204 and 205 of the Communications Act, 47 U.S.C. 204, 205. It characterizes the outbound formula as an arbitrary decision to protect the revenue of the originating carrier at the expense of a fair return by the transiting carrier, without the support of an articulated rationale and in violation of the requirements of Sections 204 and 205. ITT also implies that the Commission is requiring it to provide service at a rate which will not allow it to recover its costs, and that the Commission is bound to conduct a hearing under Section 201 of the Communications Act, 47 U.S.C. 201, to determine the transiting carrier's costs before it can prescribe a compensation scheme.

43. We see no constitutional infirmity as a matter of procedural or substantive due process. Procedurally, due process requires notice and an opportunity to be heard. All interested persons have been afforded both. We gave notice of our interest to prescribe a formula in the *NPRM* and the IRCs took full advantage of that opportunity. They have also filed comments with their tariff filings and in this proceeding. This procedural scheme was mandated by Congress in the RCCA to meet the special circumstances of record carrier interconnection. We fail to see how the procedure under the RCCA could be constitutionally suspect even if it differed from the procedures under other sections of the Communications Act, as the IRCs argue. Indeed Sections 204 and 205, cited by WUI, have no relevance at all. This formula involves division of revenues between interconnected carrier. Sections 204 and 205 concern review of carrier filings and practices and in any event require only "a full opportunity for hearing", which can be a notice and comment hearing. Section 201(a) governs carrier interconnection and revenue divisions. That section also requires, procedurally, only an opportunity for hearing which the IRCs have received, as our orders in this docket demonstrate.

44. We are also confident that the formula is not confiscatory and does not require the IRCs to provide service at a rate below costs, in violation of substantive due process. As we have pointed out above, the formula only divides rates in a manner largely similar to that proposed by the IRCs themselves, and is based on the IRCs own rates. The IRCs remain free to increase their transiting and overall revenues by increasing their rates. As we have also explained, the effect of applying the floor, the IRCs' major objection, is only to limit the IRCs to the same revenues they receive from their own customers under their own voluntary rates. Such rates can hardly be considered governmental confiscation.

45. Ironically, ITT seems to urge that we undertake a full investigation of IRC transiting costs before prescribing any formula. Yet, ITT has vigorously opposed the Commission's efforts to determine ITT's own costs.[16] The IRCs generally do not keep the detailed books or records which would be necessary to prescribe, with any degree of confidence, cost based rates for specific services. The proceeding required to develop this information could probably not be completed within the three year expiration period which Congress has established for the prescription of rates under Section 222(c) of the RCCA. Congress directed that interconnection was to be based so far as possible on costs, but that a division of revenues formula be implemented within 90 days at all events if the carriers themselves could not agree. The IRCs have provided no data on costs, either in response to the *NPRM* or in this proceeding, which would indicate that the formula would cause them to suffer a loss on any route or in any direction, except to the extent that they choose to accept losses under their own tariffs. Manifestly, they have not shown that the formula is confiscatory under the constitutional test that the carrier may not be deprived of a fair overall return.

46. We thus do not perceive that the formula with the floor could operate unfairly toward the IRCs. But in any event the formula is interim in nature. If the IRCs can demonstrate unfairness in fact we can modify it. Finally, each IRC has another remedy. If it believes that the formula is unfair to transiting carriers, it can operate instead as an originating carrier. Thus, if an IRC believes that it would receive an inadequate division as a transiting carrier, it can cease to provide service over its own facilities to a particular point, or even generally, and use the facilities of the remaining carriers who would continue to provide transiting service. These carriers would presumably charge, and, if necessary, raise rates to a level sufficient to cover the cost of providing such transiting service. Accordingly, under the reserve settlement that we have prescribed, the transiting IRC with its own international facilities and operating agreements with foreign countries can be no worse off than the carriers without such specific operating authority. If an IRC perceives that the carriers without operating authority are receiving undue benefits, it can place itself in the same position and use the transiting facilities of other carriers.

47. TRT also points out that the RCA proposal contemplated that the IRCs would retain all inbound traffic, while the Commission applied the formula to inbound traffic under the pro rata requirement. However, this does not make the formula unreasonable. The IRCs may be less well off because the benefits they obtain from outbound traffic are reduced during the transition period. But this was Congress' intent in implementing the pro rata requirements, as we discuss in the next section. We point out again that whatever the division of revenues between the carriers, the IRCs remain free as usual to adjust their customer rates to achieve an adequate return, or to seek transiting arrangements themselves.

48. We recognize that the interim formula is not based on specific evidence as to cost of service. It was obviously not possible to develop the data required to set such rates in the brief period available to us to meet the Congressional deadlines. The House Report clearly expresses the Congressional intent:

[16] See ITT World Communications Inc., CC Docket No. 80-633, 88 FCC 2d 701 (1981).

In the event that the carriers are unable to negotiate an agreement for the division of revenues within the timetable established by the bill, the FCC is empowered to prescribe a division rate that, to the extent possible, is cost based. The Committee's overriding concern, however, is that such prescription takes place within the timeframe established by the bill.

By accepting the IRCs' proposed formula, with what we believe are necessary modifications, we hoped to implement the mandate of the RCCA in a practical fashion. The IRCs make no showing that the formulas modified fails at this purpose.

49. Graphnet proposes an alternative formula which it says approximates presently established worldwide transiting arrangements. Graphnet claims the generally accepted practice for international transiting is that the originating carrier pays the transiting carrier ⅔ of the established accounting rate. The transiting carrier would then retain ⅙ of the accounting rate and pay ½ to the foreign administration. The originating carrier would retain ⅓ of the accounting rate. The effect of this proposal would be to increase the amount retained by the originating carrier at the expense of the transiting carrier. The other IRCs oppose this proposal as overly generous, but do not appear to dispute Graphnet's contention that it represents generally accepted international practice. In our view, Graphnet's proposal is not objectionable as a matter of principle. It could be reasonable to adopt an industry practice particularly as an interim measure. However, it is unclear what the actual effect of Graphnet's proposal would be. As is the case with other aspects of our *Interim Order*, we are not disposed to modify what seems a workable, interim approach in the absence of clear evidence that another approach is superior. For example, we are not entirely certain (despite the IRCs' silence on this point) what the established international practice is, whether the practice is consistently applied, whether such practice represents anything more than the raw bargaining power of the parties involved, or whether the practice is somehow related to costs. In any further proceeding to consider the outbound interconnection formula Graphnet may present evidence that its proposal is more sutiable than our own. Since the interim prescribed formula seems to us to strike an equitable balance and since, notwithstanding their objections, it tracks the IRCs' own proposals, we deny the petitions to reconsider it at this time.

3. *Pro Rata Return Flow Provisions*

50. Section 222(c)(1)(A)(ii) of the RCCA provides that interconnection agreements for international record carriers service

Shall require that the allocation of record communications service between points outside the United States and points of entry in the United States shall be based upon a pro rata share of record communications service between points of exit out of the United States and points outside the United States provided by the carrier making such request for interconnection.

There is one exception. The requirement does not apply

in any case in which the customer requesting any record communications service between a point outside the United States and a point of entry in the United States has the option to specify the international record carrier which will provide such record communications service.

51. In applying this provision in the *Interim Order*, the Commission traced the Congressional intent to allow open entry and full competition in international markets. The pro rata requirement is intended to reduce the inhibiting effect on competition of restrictive practices of foreign administrations, notably the refusal to negotiate operating agreements. The Commission noted that the means of implementating this intent are less than clear (for example, because network operations are based on delivery of inbound traffic by the foreign administrations at mid-ocean), but rejected IRC arguments that its implementation be delayed or ignored. The Commission also rejected the notion that Congress intended to require the actual physical distribution of traffic at midocean so that it could be divided among the different IRCs in proportion to their outbound traffic. Rather, the Commission concluded that it could

best accomplish the intent of Congress here by dividing the economic benefit that carriers are entitled to receive for inbound international traffic, so that a carrier, which would otherwise be foreclosed from actually handling inbound international traffic due to the lack of a foreign agreement, may participate in the economic benefits associated with the carriage of such traffic. 89 FCC 2d at 965.

52. We prescribed that carriers who are unable to obtain foreign operating agreements be allowed to receive a pro rata share of the economic benefits of inbound traffic for all record communications service, and concluded that the allocation of revenues should follow the transiting arrangements prescribed for outbound traffic. We also allowed the transiting carrier to elect to effectuate physical delivery to be called party when this would avoid involving an extra U.S. carrier and an additional U.S. switch in the transmission. In these cases, the carrier entitled to the pro rata traffic would receive the same allocation as that prescribed for outbound traffic. We emphasized "that our revenue allocation prescription is interim in nature and one which must necessarily change as circumstances warrant." 89 FCC 2d at 967.

53. The IRCs repeat essentially the same arguments on reconsideration which they raised in their comments to the *NPRM*. ITT argues that the statutory language is so vague as to be a legal nullity, and that the Commission should therefore ignore it. TRT argues that the formula is not authorized by the RCCA because it is a revenue allocation formula and the RCCA provides for a traffic allocation formula. As we said in the *Interim Order*, we believe it is incumbent upon us to discern the intent of Congress with respect to the pro rata provision and to apply the provision in a manner consistent with the overall purposes of its statute. As the legislative history makes clear, that purpose is to facilitate entry into these markets by counteracting the competitive disadvantage that some carriers face because they are unable to obtain operating agreements with foreign administrations. This purpose, we believe, can be reasonably accomplished by a revenue allocation formula. Since it is physically impossible to actually make a distribution of traffic at mid-ocean, we do not read this statute as requiring that this be done.

54. The IRCs argue that the return flow provision of our formula is not consistent with the statutory intent and is unfair. Some IRCs contend that Congress intended the pro rata provision to apply only in instances where a U.S. IRC actually obtains a benefit in the form of increased inbound traffic from the overseas administrations. ITT argues, for example, that the formula should apply only to increased inbound traffic which is a direct and measurable result of increased outbound traffic provided by the carrier claiming a pro rata benefit; it claims that under this standard a relatively small percentage of overseas points would even be eligible for pro rata treatment. RCA argues similarly that traffic which an IRC handles on a transit basis for foreign administrations should be excluded from the allocation because this traffic is based on negotiated agreements independent of U.S. outbound traffic. RCA argues that

since the IRC receive no benefit from foreign administrations for this traffic, the traffic should be excluded from the pro rata allocations. WUI says that overseas administrations route inbound traffic in many cases without regard to the IRC's outbound traffic such as a "carrier-of-the-month" arrangement, or a system based on the number of assigned trunks rather than the calls. Moreover, WUI argues that there is always a time lag between increased outbound traffic and the realization of increased inbound return, and suggests that the acquisitions of additional operating agreements by Western Union will dry up any pool of unrouted inbound traffic. WUI submits that the interim inbound formula should apply only when the transit carrier actually receives inbound traffic in excess of the share it would have received as the result of outbound traffic initiated by another carrier.

55. We cannot agree with the contention that Congress intended the pro rata provisions to apply only when the transiting carrier received a benefit from the foreign administration as a result of the outbound traffic received from the originating carrier. The pro rata provision of Section 222 contains no such restriction. By its terms, it applies to all inbound traffic unless the foreign administration allows the customer the option to specify the international record carrier which will provide the service. The IRCs seek to have the Commission add an additional restriction to the statute based on the House Report, which states that the carrier without an operating agreement should receive the benefit of any increased inbound allocation. However, it appears to us that the House Report cites the case where the transiting IRC receives the benefit of increased return traffic as an example of the need for the pro rata provision, not as a limitation on its operation. If Congress had intended the staute to be limited in its effect to countries which allocate traffic in proportion to traffic received it would presumably have said so, by adding a further restriction or exception. It appears to us that Corgress intended the transitional, 3 year operation of the pro rata provisions to assure a full opportunity to new, small carriers to gain a foothold in the international record communications market, despite the difficulty in obtaining operating agreements.[17] We have applied the pro rata provision to give effect to this intent.

56. More fundamentally, the calculation of pro rata shares based on benefits to the transiting IRC is administratively unreasonable, indeed impossible. The IRCs concede as much. ITT states that

> 30 of the countries with which we have direct operating agreements permit subscriber choice of the U.S. record carrier by which the traffic should be routed. This category of traffic is specifically excluded from the *pro rata* return provisions by Section 222(c)(1)(A)(ii)–(II) of the Record Carrier Competition Act. In another 61 countries, the Administration allocates traffic among the U.S. IRCs on bases generally known only to the administration; it can, however, reasonably be concluded that such allocations are based on a number of factors other than (or possibly in addition to) the traffic received from the U.S. IRCs, particularly as regards any short term changes in such traffic. Thus, for this group of countries, even if a significant increase in a given IRC's outbound traffic (resulting from traffic routed via that IRC by another U.S. international carrier) were to produce, over the long term, some increase in that IRC's traffic allocation by a given country, it is impossible to measure the specific "benefit" of this increased outbound traffic or to isolate that traffic from other factors which may have influenced the administrations decision. Finally, only 15 countries allocate traffic among the U.S. IRCs in proportion to the amount of traffic which they receive from each of the IRCs.

ITT states that even in the 15 countries which allow proportionate returns there would be substantial administrative problems in applying the pro rata provision based on the benefits theory. At least three different methods are used for determining traffic quotas, and the administrations provide no information on whether the traffic handed off is derived from the quota system or allocated on some other basis. TRT frankly admits that it does not see how a pro rata system based on benefits to the IRCs from outbound traffic could be implemented. It suggests we seek further comments.

57. The pro rata provision applies to all international routes where the overseas customer cannot select the international record carrier to handle the inbound haul. We cannot assume that Congress intended that this broad language be narrowed to a virtual nullity, totally ignored, applied in an unworkable fashion, or delayed indefinitely. These are the options the IRC admit are inevitable under their benefit theory. Moreover, we believe it likely that the carriers do generally derive benefits from outbound traffic even if they are often inchoate. On some routes, the IRCs obtain virtually all of their revenue from the inbound traffic. Japan is one instance. The IRCs necessarily depend upon receiving a fair share of the inbound traffic to make a profit on that route. On this route as on others, the IRCs are very likely to receive more inbound traffic and other favorable treatment from the foreign adminstrations if they deliver more traffic, even if there is some time lag before this happens, or there is not a direct correlation, or those advantages are difficult to quantify.

58. RCA states that it has no present dispute with the way the Commission has applied the pro rata provisions, but it seeks clarification on the traffic subject to the formula. First, it argues that three types of transit traffic should be excluded from the inbound traffic subject to pro rata: 1) traffic originating in one country and handed off to the IRC by a second country for termination in the United States (e.g., a call from Nigeria, via the U.K., handed off to an IRC for delivery to the U.S.); 2) traffic originated in one country and delivered to a U.S. IRC on a transit basis for termination in a third country (e.g., a call from the U.K. handed off to an IRC for delivery to Japan); and 3) traffic where two carriers provide transiting (e.g., call from Nigeria, routed via the U.K. and the U.S. to Japan, where a British and a U.S. IRC both provide transiting).

59. We agree with RCA that traffic in cases 2 and 3 which does not terminate in the U.S. should not be subject to the pro rata requirement. Pro rata is to apply to traffic "between points outside the United States and points of entry in the United States." Section 222(c)(1)(A)(ii)(1). Traffic which happens to be physically transmitted through the U.S. to a third country should not be included, for it is not traffic terminating in the U.S. However, upon the same reasoning, traffic which an IRC receives from a foreign administration for delivery in the U.S. is governed by the pro rata provisions even if the traffic originated in another country. Thus, in RCA's case number 1, the traffic should be included in the pro rata allocation. Moreover, since we have directed that the pro rata allocation be determined on a service-by-service, route-by-route basis, the traffic should be included in

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[17] *See, e.g.*, Cong. Rec., H8906 (daily ed. Dec. 8, 1981) (remarks of Rep. Markey): We have crafted legislation which provides for a group for which there is no powerful or well-financed lobby—new entrants into the record carrier industry. In this regard, this bill takes a tremendous step beyond just squaring off the vested interests of a cartel against a monopoly.

We have applied the spurs of competition to a technology which, until now, has fallen victim to monopoly complacency. My hope is that providers of record carrier service and new entrants into this industry will seek to advance this technology and will aggressively and creatively foster the development of new markets.

the file for the actual originating country. For the case mentioned, for example, the Nigeria-U.S. call or its revenues would be allocated in pro rata proportion to outbound U.S.-Nigeria traffic handed off to RCA by the originating IRC.

60. We recognize, on this point, that the IRCs have in the past claimed that they do no know where a call originates. For example, the IRCs have represented that they would not know whether a call handed off to them by the British administration actually originates in the U.K. or in another country. In general, we believe the IRC will in fact know where a call has originated because of its operational and contractual arrangements with the foreign administration. If the IRC actually does not know, however, the call should be allocated as though it originated at the first foreign point the IRC knows that it passed. Thus, to use the example above, if RCA does not know the call originated in Nigeria, the call should be allocated as though it originated in the U.K.

61. RCA also argues that traffic addressed to the domestic network of the IRC which provides the inbound haul should be excluded from pro rata allocations. It notes the foreign administrations automatically route to each IRC the traffic directed to its domestic network. Only traffic to Western Union's network has in the past been allocated. RCA contends that this practice means that when a foreign customer calls the number of an IRC's domestic customer, the option to specify the U.S. carrier is being effectively exercised. Therefore, it urges, the call is subject to the exception to pro rata contained in Section 222(c)(1)(A)(ii)(II).

62. RCA's argument amounts to a claim that a foreign customer "chooses" an IRC when the foreign administration routes traffic to that IRC in a consistent manner even though the customer knows nothing about it and has no actual option. Unless the U.S. addressee has telex machines connected to more than one U.S. carrier's network the foreign customer has only a Hobson's choice—if he wants to make the call he must accept the fact that the international portion will be handled by the international operation of the carrier providing the domestic portion. This was not the choice Congress had in mind. We concluded in the *Rejection Order* that the pro rata provision applies except where the foreign administration allows its subscribers to select *any* U.S. international carrier, including those without operating agreements. In the case RCA presents, the foreign customer's choices would be slim or none. Moreover, RCA implies that the pro rata allocation can be based solely on traffic directed to Western Union customers. Of course, Western Union is also now an IRC and unless the entire burden of pro rata is to be placed entirely on its international operations—a result totally at odds with the RCCA's goal of eliminating barriers to entry and flatly discriminatory—the RCA proposal would again render the pro rata provisions practically meaningless. We find no reason to reconsider our implementation of pro rata.

63. The objections of the IRCs to the inbound revenue allocation formula are essentially identical to their objections to the outbound formula, because, of course, the formula itself is identical. We need not repeat our discussion of this point. We would note, however, that using the same formula for traffic in both directions would not only appear to be logical from a cost standpoint, but might also prevent inequitable manipulation of settlement agreements. If different allocation formulas were used for outbound and inbound traffic, the carriers with operating agreements might be able to renegotiate the terms of foreign agreements to take advantage of the disparity for their own benefit and that of the foreign administration, but to the detriment of the carriers requesting transiting. For example, if the 50–50 split were replaced by a 25–75% split for outbound transiting and a 75–25% split for inbound pro rata, the transiting IRC would have a strong incentive to renegotiate its operating agreements so that it retained all or most of the outbound revenue, while the foreign administration retained a corresponding share of the inbound revenue. Assuming 40 cents per minute is the revenue to be divided between the originating and transiting IRCs, and this is the same for traffic in both directions, each carrier would receive 40 cents in the case of either a 50–50 or 25–75 split. But if the transiting IRC renegotiated the operating agreement with the foreign administration to switch to sender-keep-all arrangement, it would receive 80 cents for outbound calls and nothing for inbound. Under the 25–75% split, the originating IRC would receive only 20 cents altogether and the transiting IRC 60 cents, though there is no difference in cost. Congress sought to eliminate this sort of discrimination and the barrier to entry it represents.

4. 15% Discount for Carrier-Carrier Interconnection

64. The RCCA provides that "To the extent possible . . . the Commission shall require that [the] equitable allocation of revenues [in the interconnection agreement] be based upon the costs of the record communications service or facility employed as a result of such agreement." Sec. 222(c)(2). In the *NPRM*, the Commission noted that there was no creditable evidence of significant cost differences between the services Western Union provided to customers and those it provided to the IRCs. We also recognized that this issue was the subject of an evidentiary hearing in Docket No. 78–97. We invited parties to provide cost data and stated that in the absence of such data we could not conclude that an interim discount from the customer rate was justified. Shortly thereafter, the Administration Law Judge released on initial decision in Docket No. 87–97. The ALJ determined, *inter alia*, that there are cost savings on the order of 20 to 25 percent in providing service to the IRCs as compared with domestic subscribers, because domestic and international Telex/TWX services are provided differently.

65. In the *Interim Order* we noted that the issue of prescribing an interim discount presents a difficult problem because no final resolution of this matter has been made in Docket No. 78–97. Nevertheless, we recognized that the ALJ did find that a substantial discount was warranted and that the House Report disclosed a legislative intent that some discount should be part of a carrier-to-carrier interconnection arrangement. Accordingly, we prescribed an interim discount of 15%, while emphasizing that this decision in no way prejudges any action the Commission might take in Docket 78–97. The discount applies to 1) terminating interconnected domestic calls; 2) initiating and handling off to a second U.S. carrier international outbound calls; and 3) accepting for delivery from another U.S. carrier international inbound calls.

66. TRT and Graphnet are the only parties seeking reconsideration of the interim 15 percent discount.[18] TRT claims that cost data in the record indicates that a discount of up to 50 percent would be appropriate and that other cost studies showed that a minimum of 20 percent was required. Graphnet similarly argues for a 50/50 split for domestic interconnected traffic or at least a 20 percent discount. Graphnet's petition is largely addressed to the difficulties faced by a new carrier attempting to enter the domestic telex

[18] Western Union also requests that the Commission rule that refunds will be ordered if the interim discount is modified. Since the issue of refunds, if any, will be decided in Docket No. 78–97, we do not address the issue here.

market. It argues that a higher discount is needed to allow new carriers to compete profitably.

67. We find no basis in either TRT or Graphnet's petitions for modifying the interim discount at present. The other carriers have not challenged the reasonableness of the discount and TRT presents no new arguments or information. Graphnet's arguments largely amount to a request for favored treatment to new domestic carriers in order to reduce their costs and rates. The directive of the RCCA, however, is to require interconnection based so far as possible on costs. This should ensure a fair opportunity for new carriers to compete, certainly an opportunity equal to that of a company seeking to enter a typical competitive market. Any modifications of the interim discount should be to align it more closely with costs, not to favor certain carriers regardless of costs. In the absence of any demonstration that some other discount better reflects costs, or of a final determination of that issue of Docket 78-97, we will not disturb the present interim discount.

68. TRT and RCA also raise a related issue. They argue that the Commission should permit carriers voluntarily to implement, on a mutual basis, domestic division arrangements under which the payout to the terminating carrier is less than that prescribed by the Commission. They argue that Western Union will not provide rates and terms of interconnection which open up its near-monopoly network to interconnected traffic, and that if other carriers are allowed to interconnect with one another on more favorable, mutual terms, they will be able to provide a meaningful alternative to Western Union's network. In particular, they may be able to offer increased incentives for customers to join their networks rather than Western Union's. TRT and RCA also contend that there is no basis in the record to prohibit carriers other than Western Union from voluntarily accepting a lower terminating charge than that prescribed. The IRCs and Graphnet had entered into agreements to terminate domestic interconnected traffic at the rate of 10 cents per minute and RCA by letter of April 9, 1982 requested a clarification of whether such bilateral agreements were allowed under the *Interim Order*. The Chief, Common Carrier Bureau, by letter of April 27, responded that he interpreted the 15 percent discount as applying to all interconnected carriers. He noted that no IRC had provided costs and stated "For the time being, therefore, until the Commission has the opportunity to consider this matter further, carriers' interconnection tariffs should reflect the 15 percent discount notwithstanding any pre-existing bilateral agreements." The Commission also rejected such provisions in the *Rejection Order*.

69. Western Union opposes reconsideration of this issue. It points out that the IRCs have still not provided cost data, and argues that they have not shown they will be better off, noting that under a mutual agreement carriers will receive the same net revenue as under the 15 percent discount so long as a carrier's originating and terminating traffic are about equal. Western Union also reasons that if a carrier can show that a 10 cent charge is cost-based, the carrier should offer it to all carriers, not only to those carriers willing to agree to a reciprocal arrangement.

70. The basic choice presented us on this issue is between two policies of the RCCA which are in some tension. On the one hand, the RCCA requires that interconnection be based so far as possible on costs. The bilateral 10 cent arrangements are not based or claimed to be based on the costs of terminating calls. On the other hand, the RCCA seeks to promote competition, minimal regulation, and open entry. The IRCs apparently believe that they can compete more effectively with lower, bilateral domestic interconnection rates, and that entry into the market long dominated by Western Union would be facilitated. Elimination of this restriction would also reduce our regulatory role. Moreover, to the extent that the IRCs lack market power in domestic telex, it can be argued that they should be allowed to discriminate.

71. Weighing these opposing factors, it appears reasonable as a policy matter to allow bilateral arrangements of the sort proposed by the IRCs, so long as the same terms are offered to all carriers seeking interconnection. This course should foster competition and reduced regulation, yet should not substantially depart from the goal of cost-based interconnection. So long as traffic flows between carriers are relatively even in both directions, the overall revenue effect of the bilateral agreement would be the same as the 15 percent discount, as Western Union itself points out. Although use of the 15 percent discount was a reasonable first step to establish functional interconnection, and to prevent abuse by Western Union of its dominant domestic position, we perceive no convincing policy reasons why a carrier may not now voluntarily accept less for interconnection as part of a bilateral agreement, where the overall effect of the agreement, assuming relatively even traffic flows, is as close to costs as the 15 percent discount. Of course, it is somewhat anamalous for a carrier to make the offering of a tariffed service contingent upon the offering of a similar service by the carrier-customer. But in this case, with its unique problems of carrier-to-carrier interconnection, the practice seems justifiable. However, the IRCs' proposal also presents troubling practical issues. It would, for example, require the IRCs to impose different terminating charges for calls received from different carriers, about 30 cents for some and 10 cents for others. Moreover, since the bilateral rate applies only to domestic calls, terminating carriers would apparently charge 30 cents for terminating all international calls, including those from carriers who are charged the 10 cents rate for domestic calls. The carrier would thus have to know whether a call was domestic or international to determine what the charge should be. In the past, the IRCs have represented to the Commission that they are unable to determine where a telex call originates. To the extent that this is so, we are uncertain how the IRCs would determine the proper termination charge for each call. Accordingly, if the IRCs wish to implement the bilateral 10 cent termination arrangement in their interconnection tariffs, they should provide a full explanation of how the arrangement would be implemented as part of a request for waiver of the interim discount. We will grant the Chief of the Common Carrier Bureau discretion to determine whether the carrier has demonstrated that the 10 cent arrangement can be implemented in a practical manner and, in such case, to allow appropriate waiver of the terms prescribed in our *Interim* and *Rejection Orders*. If the waiver is granted, the record carrier may then file a transmittal proposing corresponding revisions to its interconnection tariff. The revised tariff should expressly include both the 15 percent discount, without condition, and the offer to terminate domestic traffic at a lower rate, subject to reciprocal arrangement, as service options available to all record carriers. It should also list the carriers interconnecting under the reciprocal offering.

72. One important caveat should be noted. The RCCA allowed the carriers 90 days to reach voluntary interconnection agreements. They failed to do so. This Commission was then required to prescribe interconnection terms to be effective during the three year transition period. Our prescription of interconnection arrangements is the

exclusive interconnection mechanism allowed by the RCCA. Carrier arrangements other than those prescribed are not permitted and are of no effect under this plan. Carriers seeking modification of current interconnection requirements must request a modification of our prescriptions in the *Interim Order* and the *Rejection Order*. Thus, carriers may not implement lower, bilateral charges or other modifications of the prescriptions until and unless the Commission specifically allows it.

6. *Market Share and Reports*

73. The RCCA exempts record carriers which "[do]" not have a significant share of the market for record communications services" from requirements that their domestic and international operations be treated as separate carriers for purposes of interconnection, and that such interconnection be offered to other carriers equal in type and quality and upon the same rates, terms and conditions as to the separated carrier. Section 222(c)(1)(B). In the *Interim Order* we concluded that this exception applied to FTC and noted that there seemed to be no question among the parties that it also applied to Graphnet. We therefore did not require Graphnet to separate its domestic and international segments, but invited further comments on this determination. 89 FCC 2d at 956.

74. Graphnet provided no information on its market share or the extent of its operations and indeed did not comment at all on this issue. TRT and ITT contend that there is insufficient publicly available information to make a conclusive determination of Graphnet's market share. TRT suggests that on the basis of what is known, such as the number of listed Graphnet subscribers, it would appear that Graphnet has a greater market share than FTC, and perhaps greater than TRT's own. TRT, ITT, and Western Union urge that carriers such as Graphnet, which currently do not file financial, service, and traffic reports under the Commission's Rules, should now be required to do so in order to determine their relevant market shares. WUI also claims that such filings should be made affirmatively to demonstrate that the carrier is eligible for interconnection as a record carrier within the meaning of revised Section 222. In addition, it urges that such carriers should provide this information to establish their *bona fides*, i.e., to provide the public and carriers who may be required to interconnect with information about the financial backing and health of new carriers and their financial, technical, and legal qualifications. It notes that it was forced to write off obligations from another resale carrier which recently went bankrupt. CCI states that it is not required to file reports under its special permission, but will file required reports when it receives permanent operating authority. It also says that it has been reluctant to submit such information voluntarily because it claims the IRCs could use this information for what CCI describes as unrestrained, predatory conduct aimed at driving it out of business. But it states that it is prepared to make such filings if the Commission deems it necessary.

75. As the IRCs point out, the RCCA requires us to differentiate the regulation of record carriers according to their market shares. Applying the RCCA's definition of a record carrier also may require revenue information.[18] To implement these provisions, information on a carrier's operations will inevitably be necessary, especially market share data. However, we are not convinced that implementation of the RCCA requires the effective expansion of filing requirements beyond those presently required by our rules and others. The IRCs suggest that it is possible Graphnet could be considered to have a significant market share; but they don't even raise the possibility that any other carriers would be found to have market shares approaching those of the four major IRCs or Western Union, the carriers apparently designated as having significant market shares by Congress. It is also unlikely that any information we might receive from carriers on the share of their revenues derived from record communications services would be of actual value. The interconnection and other requirements of the RCCA are largely supplements to the Commission's existing authority to regulate carrier interconnection. It is doubtful that the Commission would impose different requirements on certain small carriers who provide record service, but are not technically record carriers in the sense of deriving a majority of their revenues from such services. Thus, the market share data could well be unnecessary as a practical matter.

76. We have also been reluctant to require the filing of Commission reports by new small carriers because of the burdens such reports would impose, the possible adverse effects of such requirements on their ability to compete vigorously, and the fact that there seemed no substantial public need for such information. The RCCA directs us to forbear from unnecessary regulation and promote competition "to the maximum extent feasible." Section 222(b)(1). Imposing additional and largely unnecessary information requirements on small carriers would disserve this clear policy directive.[19] We believe that the few instances in which such information may prove necessary can be dealt with on a case-by-case basis.

77. We also find no merit in WUI's proposal that the filing requirements be extended to additional small carriers in order to demonstrate the carriers' *bona fides*. Our information requirements are imposed for public purposes, to provide the Commission with data necessary to carry out the goals of the Communications Act. We do not collect data to suit the private interest of particular carriers or to enable them to make better business decisions. This is particularly the case where the data might be used for competitive purposes.

78. For these reasons, we deny the request that we impose new filing requirements on all carriers offering record services. However, we do believe that further information is required in the case of Graphnet. Although, we specifically requested comments on the issue of Graphnet's market share in the *Interim Order*, Graphnet itself ignored this request completely. It is likely that a brief filing by Graphnet could have resolved this question. We will therefore direct Graphnet to provide a full record from which the issue can be decided. Graphnet is ordered to file the Commission's Form O Annual Report, as provided in Section 43.21 of the Commission's Rules, and the semi-annual report of overseas telecommunications traffic under Section 43.61, no later than March 31, 1983 and May 15, 1983 respectively. It is also required to make an affirmative declaration of its status as a record carrier under Section 222(a)(2) of the RCCA and, if exemption is claimed under Section 222(c)(1)(B), of its shares in the domestic and international markets. This declaration should be based on identified sources derived from the filed reports or other reports

[18] Under Section 222(a)(2) the definition of a record carrier "does not include any common carrier which derives a majority of its revenues during any calendar year from the provision of services other than record communications services." The legislative history indicates that this was intended to exclude such companies as AT&T and Comsat. House Report at 10.

[19] None of the petitions suggest that any of the small record carriers are presently required to file reports and are violating our Rules by failing to do so. Our discussion is thus limited to the question of whether we should impose additional filing requirements to implement the RCCA.

submitted by Graphnet. In general, the filing should contain all the information upon which Graphnet seeks to rely. Other record carriers may not deny interconnection because of the failure of Graphnet or any other carrier to file reports, or of any defects therein, unless the Commission has so ordered.

7. Contracts

79. The RCCA provides a comprehensive scheme for regulation of record carrier interconnection, but it also "grandfathers" certain intercarrier contracts. Section 4 of the Act provides that "The amendment made in Section 2 [adopting new Section 222] shall not affect the validity of the terms of any otherwise lawful contract relating to the distribution of outbound international record traffic between any domestic record carrier and any international record carrier if such contract was entered into before June 23, 1981." The House Report indicates that this provision is intended to permit enforcement of contracts by which Western Union agreed to distribute international traffic to certain international carriers such as TRT, if the contracts are "otherwise lawful". House Report at 7, 14. TRT sought to include a contract with Western Union in its interconnection tariff, but this was rejected pending a determination based on an appropriate record [21] that the Commission should reverse or modify its earlier order filed in compliance with the mandate of the Second Circuit Court of Appeals [22] that the contract was unlawful.[23] The Common Carrier Bureau accordingly requested all carriers who had entered into contracts which they claimed were "grandfathered" by Section 4 to file them with the Commission for public comment. The comments were to address the issue of whether each contract is subject to Section 4 and is otherwise lawful within the meaning of that section. This inquiry was limited to the lawfulness of the contract under the Communications Act. The Bureau stated that issues of contract law should properly be decided by a court.[24]

80. TRT and FTC filed contracts in response to this notice. The TRT contract is a letter agreement with Western Union dated May 19, 1980, with a minor modification on July 1, 1980. TRT agrees to provide transiting facilities to Western Union, on a non-exclusive basis, for overseas telex traffic as to which Western Union assumes tariffing, billing, and collection responsibilities. Western Union agrees to route a minimum of 50 million minutes during the first five years of the agreement at a rate of $.30 per minute (or $.10 for traffic to the U.K.) plus the amounts due foreign correspondnents. The five year period was scheduled to begin August 15, 1980 (subject to modifications in the July 1, 1980 letter), but all obligations and duties under the agreement would be postponed if the agreement were prohibited or enjoined by this Commission or a court.

81. The FTC agreement, embodied by a letter of November 10, 1980, contains similar terms except that Western Union does not agree to deliver any particular amount of traffic during the five year period. Western Union agrees to transfer to FTC all traffic routed by the sender via FTC and not to discourage such routing by charging rates higher than for traffic routed via any other carrier.

82. Comments were filed by Western Union, RCA and WUI. All of the comments agree that both contracts are of the type encompassed within Section 4 of the RCCA and were entered into before the date specified. Western Union notes that it has previously defended the agreements as lawful under the Communications Act, and does not contest their current lawfulness. RCA and WUI argue that the contracts contravene express provision of the Act and thus are not "otherwise lawful." First, RCA states that the agreements provide different, lower charges for interconnected calls than the formula prescribed in the *Interim Order*, and argues that the contracts therefore violate amended Section 222. But this argument is clearly baseless. Section 4 of the RCCA states that "the amendment in Section 2 (of the RCCA) of shall not affect the validity of the terms" of such contracts. It is Section 2 of the RCCA which enacts the amended Section 222, including requirement that an allocation formula be adopted. Thus, the interim formula implementing amended Section 222 cannot affect the validity of these agreements. Section 4 allows the agreements to differ from any regulatory scheme adopted under the amended Section 222 provided the agreements are "otherwise lawful".

83. Next, WUI argues that the agreements are unjust and unreasonable in violation of Section 201(b) of the Act, and both WUI and RCA assert that they are discriminatory in violation of Section 202(a). Before considering these arguments we should first address TRT's position that Congress intended the "otherwise lawful" provision in Section 4 of the RCCA as a reference only to any remaining questions of contract law not to whether the agreements might violate other provisions of the Communications Act such as those relied on by WUI and RCA. In support TRT cites language in the House Report that issues of contract law should be decided by the courts.[25] However, the terms of Section 4 "grandfather" the contract only with respect to section 2 of the RCCA, which repealed and replaced Section 222, not with respect to any other provisions of the Communications Act. If Congress had intended to "grandfather" the contracts against all violations of other provisions of the Communications Act, it presumably would have said so and not limited the exception in Section 4 to amended Section 222.[26] Moreover, in the sentence following the language relied on by TRT, the Report states, p. 7; "This legislation should not be construed as affecting the Commission's authority under any of the other sections of the Communmications Act of 1934, as amended." Thus, while Congress apparently did not perceive any objection in policy to these agreements, it also has not altered the Commission's traditional responsibility to assure that intercarrier agreements comply with other provisions of the communications Act.

84. We turn then to the issue of whether the contracts are "otherwise legal" under other provisions of the Communications Act. WUI and RCA argue that the TRT agreement is discriminatory, because Western Union has refused to offer a minimum traffic guarantee to any other carrier; that it is anti-competitive and violative of Commision policy by analogy to prohibitions on exclusive agreements between U.S. international carriers and foreign administrations; that it implements charges and practices which are not just and reasonable under Section 2101(b); that it is an illegal market division scheme in *per se*

[21] Western Union Telegraph Co., 84 FCC 2d 150 (1980).

[22] ITT World Communications v. FCC, 635 F. 2d 45 (2d Cir. 1980).

[23] This part of the *Rejection Order* was stayed pending appeal by the court of Appeals for the D.C. Circuit, TRT v. FCC, Docket No. 82-1658, decree entered October 25, 1982.

[24] The House Report states, at 14: "In the event the agreements are challenged, their legality shall be determined by the courts on well-established issues of contract law, such as the intent of the parties and the nature of the consideration."

[25] See footnote 17 supra.

[26] The House Report also states at p. 7: "The bill does not take a positition on the legality of the contract absent the restrictions in Section 222."

violation of Section 1 of the Sherman Act; and that it constitutes a denial of reasonable, and non-discriminatory access to an essential facility. First, the discrimination argument is unpersuasive. All of the IRCs have transiting arrangements established by contracts. The fact that a carrier did not make a public offering of its transiting requirements and terms before agreeing to a contract has never to our knowledge been held sufficient to render a transiting agreement unjustly or unreasonably discriminatory. Absent the requirements of amended Section 222 (which of course do not apply to these contracts), the other IRCs would also be free to compete for transiting Western Union or other carriers' traffic.

85. Next, we do not see the relevance to these contracts of our policies preventing foreign administrations from favoring selected U.S. carriers by means of exclusive agreements. These contracts are not exclusive contracts, because either party can make similar arrangements with other carriers, except as presently barred by amended Section 222. There is also not the same likelihood of harm to U.S. national interests as in the case of exlusive agreements with foreign administrations, which can be used to "whipsaw" carriers and eliminate competition. Moreover, the contracts themselves are not anticompetitive on their face. They allow Western Union easier entry into international markets and provide traffic to the small international carriers, who at the same time continue to compete with Western Union and the other IRCs.

86. Nor can we conclude that the transiting charges agreed to would be unjust and unreasonable under Section 201(b). This argument is based on the bald fact that the charges would be different than those under the interim formula. This does not establish the unreasonableness of other, different charges. We might of course seek cost justification of the charges, but it is difficult to see what public benefit would be served by trying to protect one side or the other from what might appear to us an improvident bargain. The IRCs themselves have requested that we allow them to make mutual agreements for domestic interconnection charges which are lower than the interim prescription to facilitate their competition in the domestic market. It is difficult to perceive why we should on the other hand void a voluntary contact to facilitate Western Union's entry into the international market. In the absence of any sign of abuse or harm to the public interest we see no reasons to disturb the bargain reached by the contracting carriers, and certainly no illegality.

87. Finally, we do not find that the agreement violates the Sherman Act. [27] RCA and WUI claim that each agreement is to share traffic and as such constitute a horizontal market allocation scheme in per se violation of Section 1 of the Sherman Act. They cite *U.S. v. Topco Associates,* 405 U.S. 596 (1972) as authority. However, we do not see how the agreement can be said to have this effect, and the *Topco* case is not in point. [28] Western Union, TRT, and FTC are free to compete for international traffic in all parts of the world, as they presently do in fact. There are no market areas which are reserved for or allocated to one or the other contracting party, as was the case in *Topco.* Both parties are also free to set whatever rates they wish to customers. The agreements only allow Western Union access to facilities in order to compete with other carriers, including those which provide the facilities. The agreements are also non-exclusive. Western Union can transit via other carriers, while TRT and FTC can offer transit service to other carriers (indeed they are required to do so under the RCCA). We perceive no antitrust violation. [29]

88. For these reasons, we conclude that the TRT and FTC agreements are "grandfathered" under Section 4 of the RCCA and otherwise lawful under the Communications Act.

89. One related question remains. Although Western Union and TRT differ somewhat on how important inbound, return traffic was as part of the consideration for their agreement, they do both agree that their expectation was that TRT would not hand off inbound traffic to Western Union and would retain any benefits in the form of increased allocations of inbound traffic which might result from the Western Union's outbound transiting traffic. The TRT contract provides "that all outbound overseas telex routing service (or similar) traffic transmitted by TRT pursuant to this Agreement will be considered TRT's traffic for purposes of obtaining allocations of return telex traffic from foreign correspondents." The FTC contract contains an identical provision. The issue of whether the pro rata requirement for inbound traffic should apply to "grandfathered" outbound traffic was not specifically raised in the *NPRM,* but in the *Interim Order* the Commission stated, 89 FCC 2d at 970, "Such contracts for the routing of outbound traffic will be included in the pro rata calculation. We note that [Section 4 of the RCCA] does not 'grandfather' contracts for the delivery of inbound record communications service."

90. TRT and FTC seek reconsideration of this language. They argue that the Commission should not and may not nullify or modify these provisions of the grandfathered contract by granting the benefit of return traffic to Western Union under the pro rata provision. Having examined this issue more closely, we will grant TRT and FTC's petitions on this point. The pro rata provision is one of the amendments made in Section 2 of the RCCA. Section 4 of the RCCA provides that amendments in Section 2 "shall not affect the validity of the terms of any otherwise lawful contract relating to the distribution of outbound international record traffic . . ." Although the return traffic provisions in the contracts do not concern outbound traffic itself, they are "terms of contracts relating to the distribution of" such traffic. Under Section 4, therefore, they are not subject to amendments adopted in Section 2 of the RCCA, including the pro rata provision.

8. *Resale Carriers and Carriers Without Operating Agreements*

91. ITT urges that the Commission clarify its intent as to the applicability of the outbound transiting arangements and pro rata return provisions to resale international carriers who lack agreements with foreign administrations. [30] Typically, these

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[27] Although the Commission does have the responsibility to enforce the antitrust provisions of Section 11 of the Clayton Act, 15 U.S.C. § 21 (1976), it is doubtful that the Commission has specific authority to enforce the Sherman Act upon common carriers, except insofar as they are also radio licensees. Sections 313, 314 of the Communications Act, 47 U.S.C. 313, 314. However, we also recognize that competitive considerations are an important element of the public interest standard which governs our decisions. *Northern Natural Gas Co. v. FPC,* 399 F. 2d 953, 961 (D.C. Cir. 1968), *United States v. FCC,* 652 F. 2d 72 (D.C. Cir. 1980).

[28] In *Topco,* a group of supermarkets had allocated among themselves exclusive territorial franchises to market a line of products, in order to minimize competition at the retail level. They also imposed limitations upon reselling at the wholesale level. The Court found these territorial restrictions to be a per se violation of Section 1 of the Sherman Act.

[29] RCA is also incorrect that the agreement prevents reasonable and non-discriminatory access to an essential facility, Western Union's domestic telex network. All international carriers are guaranteed equal access to that network by the RCCA. The TRT and FTC agreements only allow Western Union's international operations access to the international networks of TRT and FTC. Neither of these networks are essential facilities in an antitrust sense.

[30] ITT characterizes them as "private network carriers."

carriers operate a U.S.-based operations center where traffic is collected, and use leased private lines to transmit messages overseas, e.g., to London. The messages are then retransmitted via the domestic telex network, e.g., British Telecom. By using computerized storage and high speed forwarding, and possibly by arbitrage of IRC services, service economies, and willingness to accept lower returns, these carriers can offer telex rates lower than the major IRCs. For example, International Relay Inc. (IRI) has a present rate to the U.K. of 40 cents a half minute or 80 cents a minute. ITT's rate is $1.03 a minute. ITT contends that the outbound formula would be unequitable as applied to these carriers. It calculates for example that it would receive less for transiting IRC traffic to the U.K. than it is required to pay to British Telecom. ITT also argues that Congress did not contemplate or intend an extension of the benefits of interconnection to carriers whose method of operations is outside the normal international communications process. ITT proposes that the Commission require such carriers to elect either to continue their present method of operations without benefit of outbound transiting arrangements, or to abandon their present method of operations and route all overseas traffic via a transiting IRC or a foreign administration.

92. Consortium Communications International, Inc. (CCI) and IRI oppose ITT's proposal. We need not discuss their opposition in detail, because ITT's position is manifestly in direct conflict with the language and purpose of the RCCA. Section 222(c)(1)(A)(i) states that:

> In implementing its responsibilities under section 201(a), the Commission shall require each record carrier to make available to any other record carrier, upon reasonable request, full interconnection with any facility operated by such record carrier, and used primarily to provide record communications service. Such facility shall be made available, through written agreement, upon terms and conditions which are just, fair, and reasonable, and which are otherwise consistent with the purposes of this section.

Section 222(c)(1)(A)(ii) requires that this agreement implement pro rata sharing of international inbound traffic.

93. This language is unambiguous. It requires full interconnection with any other record carrier during the three year transition period in which it is effective. There is no basis for restricting its operation to carriers who, in ITT's view, engage in "normal international communications arrangements." Indeed, a clear Congressional intent in adopting the RCCA was to allow open entry and free competition and to eliminate so far as possible the competition-inhibiting effects of operating agreements. We affirmed IRI's right to interconnection in the *Rejection Order*.[31]

94. ITT's claim that it must operate at a loss to provide transiting to IRI is also wrong. ITT's calculation is based on IRI's service to London. ITT claims that assuming a 39 cent domestic telex rate, it would receive only 41 cents per minute for transiting, less than the 60 cent payout to British Telecom. This claim is based on use of IRI's rate to determine whether the floor should apply. As we explained above, IRI's rate is irrelevant. In fact, ITT would receive $1.01 per minute under the formula,[32] far more than the 60 cent foreign payout and only two cents less than it receives from its own customers.

95. In sum, CCI, IRI, and all other record carriers are entitled to interconnection at the interim formula rate, and to the benefit of the pro rata provision.

9. *Mandatory use of U.S. IRCs for transiting*

96. RCA proposed in its comments to the *NPRM* that we require the mandatory use of U.S. carriers for transiting. The Commission rejected this proposal in the *Interim Order* as anti-competitive. 89 FCC 2d at 963, n. 36. RCA repeats this proposal in its petition for reconsideration. It urges that foreign transit services are diverting millions in rate payers' dollars to foreign communications entities which are typically state owned, and contends that proscribing this outflow would cause higher investment in the facilities of U.S. carriers, which, it is claimed, would benefit U.S. users. As RCA states it, this would be a mandatory "Buy America" policy for record communications services. As an alternative, RCA proposes that U.S. carriers be given a right of first refusal to match foreign transit charges. Western Union and Graphnet oppose RCA's request.

97. We continue to find no basis for RCA's proposal. The RCCA makes no provision for such a policy. To the contrary it espouses open entry into the international market and reduced regulation, not additional, restrictive regulations which would deter new entrants in order to benefit U.S. carriers with foreign operating agreements. RCA's proposal would provide a regulatory subsidy to IRCs with operating agreements at the expense of consumers, would impose cartelization upon U.S. transit traffic, and would be likely to initiate protectionist record communication trade wars. It would also represent further regulation in an effort to restrict the access of new and existing U.S. carriers to lower price service options and methods of international operations. Moreover, any such "Buy America" policy would be a significant act of foreign policy with implications for American treaty commitments. Graphnet states that such a regulation would effectively revoke its sole international operating agreement with the Philippines, because under the agreement the Philippines provides transiting services. Graphnet also argues that the proposal is beyond the scope of this proceeding. In fact, the proposal is directly inimical to the purposes of this proceeding and of the RCCA, and it is denied. We also see no purpose in imposing the alternative right of first refusal upon carriers. The Congress directed us to promote competition in the international market, not to impose barriers to its operation by eliminating the right of new carriers to enter into contracts of their choosing. The policy of the RCCA is to replace regulation with competition, yet RCA seeks to have us protect it from competition by additional regulations whose burden would lie on new entrants and whose effect would be to protect established oligopolists. RCA remains free, within the bounds of the RCCA, to compete for transit traffic on the same basis as other carriers.

10. *Classification of Puerto Rico*

98. In the Technical and Technical Related Issues section of the *Rejection Order*, the Commission noted that it was uncertain whether Puerto Rico, which has "commonwealth" status, should be considered a domestic U.S. point under Section 3(g) of the Communications Act. In view, of this uncertainty, the Commission permitted an agreement by the major carriers to proceed. Without classifying Puerto Rico, the agreement treats it "as if" it were an international point, when the Puerto Rico Communications Authority (PRCA) is not the carrier involved in the calls. In the case of calls originating or terminating on the PRCA, the *Rejection Order* instructed the U.S. carriers to develop technical and rate arrangements appropriate to meet the

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[31] We are not considering here the issue raised by Regulatory Policies Concerning Resale and Shared Use of Common Carrier International Communications Services, 77 FCC 2d 831 (1980).

[32] ITT would receive the foreign payout ($.60) plus half the remaining revenue ($1.03 − $.60) + .39 ÷ 2 = $.41. Since the total of the domestic rate and transiting carrier ITT's rate is 1.42 ($.39 + $1.03) IRI would retain a total of $.41, and would be required to pay the domestic rate of $.39 for an actual net revenue of $.02. ITT's actual net revenue would be $.41.

goals of the RCCA. The Commission reserved the right to determine the ultimate classification of Puerto Rico as "domestic" or foreign". The PRCA requests reconsideration and a declaration that Puerto Rico is a domestic point for record services. In a recent order, the Commission had occasion to consider this issue directly and determined, as the PRCA contends here, that Puerto Rico is a domestic point under the Communications Act. *Puerto Rico Communications Authority*, FCC 83–28, released February 8, 1983. It also directed carriers to make appropriate corrections in their tariffs.

99. We still do not wish to alter the "as if" technical arrangements for interconnection with the PRCA at this time. To avoid uncertainty, however, we do believe that we should clarify application of the RCCA in one respect, at least until new interconnection arrangements are established. The PRCA is a domestic carrier and its local intra-island telex charge should be used as the domestic component for outbound, international telex calls originating on the PRCA network. The interconnecting IRC would then add its international component charge to yield the total, end-to-end rate. Each carrier would bill its own charges for these calls, as is the current practice. In order to implement this, each IRC must list the PRCA as an other common carrier in its public tariff and reference the PRCA's local tariff to obtain the domestic component.

11. *Settlement for Domestic Termination of Inbound Calls*

100. Historically, in settlements between the IRCs and Western Union for the domestic handling of inbound international telex calls, the IRCs have paid Western Union its full charge based on actual domestic minutes. ITT claims that its settlements with foreign administrations generally reflect less than the total number of traffic minutes received from each administration because of administrative traffic, accounting charges, and errors. It claims that the IRCs have absorbed a shortfall in settlements in the past, but proposes that settlements should now be based on international settlement minutes. It contends that Western Union will necessarily be bound by accepted international settlement principles in its own international operations, and argues that it would be fair and equitable to require interconnected inbound traffic to be based on these principles. Although the *Interim Order* provides that domestic minutes be used to calculate the domestic segment of international calls (89 FCC 2d at 970), ITT argues that this determination applied solely to outbound calls. Western Union opposes ITT's request, arguing that ITT has presented no evidence in support of its proposal and that it is merely an attempt to increase IRC revenues which are already far above costs. It contends there is no reason why any domestic carrier should be compensated for less than the actual usage of its domestic network as a result of billing disputes between foreign administrations and the U.S. international carrier.

101. As an initial matter, ITT is incorrect that the treatment of inbound minutes was left unresolved in the *Interim Order*. The Order stated that the carrier providing the domestic segment of any international call may base its cost on domestic minutes. This determination was not limited to outbound traffic. Moreover, the *Interim Order* also determined "that the existing arrangement for handling interconnected international inbound transmission was reasonable and worthy of continuance" 89 FCC 2d at 957. The existing arrangement uses domestic minutes. ITT also presents no evidence or information on the effect of its proposal, such as the number of minutes or amount of revenue involved, the delay necessary to determine international settlement minutes, or other factors. On the face of it, the logical basis for calculating a settlement for use of a domestic network is the actual domestic usage, and we believe that such an approach is at least most consistent—and perhaps actually required—by the dichotomy between domestic and international services mandated by the RCCA. The claim that the IRCs use international settlement minutes for settlement with their own domestic operation provides no persuasive basis for imposing that same regime upon other carriers. Indeed since ITT Worldcom is a single company and all international and domestic revenues go into a single "pot" the contention appears to be meaningless. None of the other carriers supported ITT on this point. In the absence of any evidence or persuasive argument in favor of the use of international settlement minutes, we deny ITT's request for reconsideration on this issue.

12. *Maritime Marine*

102. Maritime Marine Radio, Inc. (MMR) is a carrier providing voice and record maritime services, including telegram and telex, between vessels at sea and points on land both in the United States and abroad. It requests the Commission to extend the scope of the *Interim Order* to apply to record maritime communications carriers and services. Specifically, MMR submits that it is entitled to the benefits of the pro rata return flow provision for traffic originating abroad and routed via a record maritime communications carrier to ships at sea; that the Commission should act concerning outbound, unrouted maritime traffic; that the 15 percent interim discount should apply to traffic originating on a domestic network and interconnected with MMR for completion and to traffic from a vessel to MMR interconnected with a domestic network for domestic or foreign delivery; and that the 1.3 holding time factor should not apply to maritime traffic, or should apply only to directly connected traffic, not to store and forward telex.

103. Western Union states that its telex and TWX networks interconnect with MMR on a customer paid subscriber-line basis, i.e., Western Union subscribers dial MMR in the same fashion as any other subscriber. It argues that the 15 percent discount applies only to carrier-paid access and in any event that physical limitations in its network preclude giving its subscribers a 15 percent discount on customer-paid calls to MMR. It also contends that if MMR is eligible for carrier-paid access; it should be required to reimburse Western Union fully for the necessary interconnection costs. ITT argues that inbound international traffic routed to a U.S. carrier radio station for delivery to ships at sea is not within the contemplation of the pro rata requirement of the RCCA, and that the Commission itself has limited applicability of this provision to carriers authorized to provide point-to-point international record services, but unable to obtain operating agreements. In response to Western Union, MMR argues that the details of interconnections, including cost reimbursement, are beyond the scope of this reconsideration proceeding. It also states that clarification of the application of the 1.3 factor to maritime traffic should be resolved prior to any request for carrier-paid interconnection. MMR also argues that ITT's position on the pro rata requirement is an overly technical and impractical reading of the statute. It contends the pro rata provision should be read as requiring allocation of international inbound traffic among all interconnecting carriers, including domestic carriers, for subsequent delivery.

104. Specialized record services such as mobile marine service may well require special consideration to give practical effect to the RCCA, and the

scant record before us on reconsideration provides no adequate basis for such an undertaking. We limit these comments to the specific issues raised by MMR. First, all record carriers, including marine carriers, are subject to the RCCA. See *Rejection Order*, 91 FCC 2d at 498, n. 38. For example, they are entitled to interconnection with other record carriers. However, it appears that MMR is taking service under customer tariffs. There is no provision for a carrier discount in customer tariffs and no apparent cost difference which would justify such a discount. The prescribed 15 percent discount is available to MMR under the interconnection tariff, but we see no reason to require such a discount in the customer tariff. We express no view on the hypothetical question of how costs for interconnection should be apportioned if MMR chooses to request interconnection as a carrier.

105. Next, MMR is not entitled to any allocation of traffic under the pro rata provision in the circumstances it describes. The pro rata provision allocates service "between points outside the United States and points of entry in the United States" (Section 222(c)(a)(ii)(I)), i.e., inbound international traffic. MMR does not seek interconnection to provide this traffic. It interconnects with and exchanges traffic with domestic carriers. In the case of messages received by the domestic carrier from overseas, the pro rata provision applies to the international carriers handling the inbound portion, not to the domestic carriers who then receives it or to any subsequent interconnected carriers.[33] Properly, MMR's concern that it may be disadvantaged if domestic carriers favor their associated mobile marine services should be considered under Section 222(c)(1)(B). As we pointed out in the *Rejection Order*, n. 38, mobile marine service is a "foreign service" under 47 USC § 153(g) and thus an international service under the RCCA. See Section 222(a)(i). Domestic carriers offering mobile marine services are therefore required by Section 222(c)(1)(B) to treat their mobile marine operations as separate international operations for purposes of interconnection, and to make interconnection available to MMR and other carriers which is equal in type and quality, and available at the same rates and upon the same terms and conditions as that afforded their own mobile marine operations.[34] MMR's petition does not indicate whether this is the case, or whether it has requested such interconnection. MMR also makes no specific request for action regarding outbound unrouted maritime tariff, and it is not clear that Commission action is necessary or desirable. Finally, the question of whether to apply the 1.3 holding time factor to store and forward telex traffic is being considered in a separate proceeding decided this day.

13. *Prepublication Review of Other Carriers' Telex Directories*

106. WUI proposed in its comments responding to the NPRM that the Commission require each carrier to give all other carriers the right to pre-publication review of telex directories. Western Union opposed the proposal, arguing that WUI had shown no genuine need and that the proposal would involve carriers in each other's business affairs to an extent far beyond anything remotely contemplated by the RCCA. The Commission decided in the *Interim Order* that this tangential issue did not require disposition, 89 FCC 2d at 970. WUI repeats its request, and Western Union repeats its opposition. We have no more information on the competing considerations of fair competition and interconnection as opposed to the avoidance of unnecessary and intrusive regulation than at the time of the *Interim Order* and therefore do not believe that the issue should be decided at this time.

14. *Technical Issues*

107. Several of the petitions for reconsideration of the *Interim Order* raise various technical issues, such as conditions for TWX 110 Baud domestic interconnection, implementation of 3 digit TWX access for international service, and treatment of store-and-forward services. Many of the issues were resolved by agreements among the carriers reached in the course of meetings under the Commission's aegis. The Commission prescribed these agreements as binding upon all affected carriers in the *Rejection Order*. The technical issues raised in the pending petitions for reconsideration are resolved in a separate order issued this day and need not be considered here.

15. *Single Stage—Double Stage Dialing Access* [35]

108. The telex networks of Western Union and the IRCs were of course engineered before enactment of the RCCA. At that time, Western Union generally did not interconnect with other domestic carriers, but did allow its customers to choose among interconnected international carriers. The IRCs carried all calls from their own customers in the authorized gateways but did not interconnect with other IRCs. This difference in functions was reflected in different methods of operation and network design. Western Union's customers were directly connected with the Western Union network and could call other domestic subscribers on the network simply by dialing the subscriber's number. This is referred to as single stage dialing. To make an international call, a Western Union customer would first dial the three digit code for one of the IRCs. Once the customer was connected with the IRC, it would then dial the number of the foreign customer. This is called double stage dialing. The IRCs' customers could not make domestic calls, but were directly connected with the IRC's international network, which used single stage dialing for international calls.

109. *In the Interim Order*, the Commission sought to apply, in a practical fashion the RCCA's requirement that record carriers provide domestic-to-international interconnection to other record carriers on terms equal to those it gives itself. We specifically addressed the issue of parity in idaling stages, and, in view of the differently designed and configured networks, prescribed only generally equal or comparable interconnection. For example, we recognized that additional digits might be necessary to reach interconnected carriers by means of single stage dialing. For domestic service, we prescribed universal single stage access with a maxium of three additional digits. For international service, we allowed a choice of single or double stage access, so long as generally comparable access was offered to other carriers. If Western Union wished to maintain its double stage access to the IRCs service, it was required to use double stage access to reach its own international services. If the IRCs wished to maintain single stage dialing to their own services, they were required to offer comparable single stage access to Western Union's

[33] *See* House report at 10: "The Committee intends that this provision will only affect the distribution of traffic between the point of interconnection with a foreign correspondent and the point of entry into the United States, that is, the purely international segment of these circuits."

[34] We also directed that the domestic and international charges for marine services be unbundled in the *Rejection Order*, n. 38.

[35] Because Western Union and TRT's letters concerning single stage-double stage access raised new issues and were received only shortly before the Commission's review of the petitions for reconsideration, this section was not included in the order approved by the Commission at the March 3, 1983 meeting. The section was adopted by the Commission on circulation for inclusion with this order.

international services, possibly with additional digits.

110. In reaching this result, the Commission balanced two competing principles. A basic tenet of the RCCA is that equal interconnection with other carriers is essential to full and fair competition. If a carrier gave its domestic customers more desirable single stage access to its own international network, and required less convenient double stage dialing to reach other carriers at the same price, the effect would be to undermine this tenet. The practice would tend to promote cartelization among integrated, end-to-end carriers rather than competition among interconnected carriers. On the other hand, we did not wish to impose unreasonable expenses or degrade service to customers by requiring unnecessary dialing stages to achieve parity. We expected that allowing carriers a choice of access arrangements, so long as comparable access was offered to all other record carriers, would strike a reasonable balance.

111. RCA and WUI seek reconsideration on this issue. Each argues that the IRCs should be permitted to maintain their use of single stage dialing for their own domestic customers, but to offer only double stage dialing for calls via other IRCs, including Western Union's foreign services. They claim in support that the single stage access which can be offered to other carriers (without expensive system modification and service degradation to their own customers) cannot duplicate all the functions or pass all the information possible with double stage access. They have offered to provide Western Union with a basic single stage access lacking features such as departmental billing, but Western Union believed the lack of such features prevented use of this sort of access in a competitively viable offering. Western Union initially opposed reconsideration of this issue. It had proposed protocols for single stage access which were being considered in technical meetings with the IRCs and argued that the Commission properly applied the RCCA's "equal in type and quality" requirement.

112. In the subsequent technical meetings, the IRCs continued to insist that offering single stage dialing access of a quality comparable to that offered their own customers was prohibitively expensive. The IRCs in fact continued to offer single stage access selectively to their own international networks after the adoption of the *Interim Order* although none requested a stay or waiver of the *Interim Order's* resolution of this issue. Western Union, on the other hand, has complied with the *Interim Order* since it began offering international service in August 1982. It offers double stage dialing access to all international carriers, including its own international operations. No solution to this problem was reached in the technical meetings chaired by Commission staff.

113. In a February 8, 1983 letter to the Commission, Western Union now advises that it wishes to change its position on this issue.
It states that it no longer opposes RCA and WUI's request for reconsideration and endorses the view that each record carrier should be allowed to favor only its own customers with single stage international dialing. Western Union believes that the effectuation of parity in dialing stages is not possible within a reasonable period of time without considerable sacrifice in the quality of service, and it does not favor requiring the IRCs to provide double stage access to their own subscribers unnecessarily. However, Western Union also believes that single stage dialing is a distinctly superior form of access which gives the IRCs a clear competitive advantage in obtaining the outbound international traffic of their own subscribers. To mitigate its present competitive disadvantage, Western Union proposes to permit its subscribers to elect a new procedure which would allow them to route calls in the same manner as the IRCs' customers, i.e., by single stage access to Western Union's foreign service and by double stage access to the IRCs' foreign services. It states that this alternate procedure is intended primarily for customers whose traffic is predominantly international, and it expects only a minor fraction of its customers to elect to use it. Western Union also states that the same kinds of technical difficulties cited by the IRC preclude it from making this form of single-state access available to the IRCs.

114. TRT has responded to Western Union by letter, dated February 15, 1983. It contends that while it would be unduly burdensome to require the IRCs to establish costly new arrangements for single-stage access because their subscribers are connected to a single switching center, this does not necessarily apply to Western Union's multiple-switch domestic network. It believes the Commission might reasonably conclude that the IRCs need not offer equal connection in these circumstances, but that Western Union may not install new equipment to accord a similar interconnection advantage to its own international services. TRT argues that Western Unions' proposal to establish new arrangements for the purpose of favoring its own international service is clearly opposed to the language and intent of the RCCA and requests that the Commission direct Western Union not to implement the proposed arrangement at least until the conclusion of a separate proceeding to determine whether the arrangement is lawful under the RCCA.

115. Although the problem of access stage parity is plainly a difficult one, as this background demonstrates, we are not willing to abandon the effort to achieve a solution, as the IRCs and now Western Union urge. All of the carriers apparently agree that single stage dialing is a significantly superior form of access. Western Union, for example, believes that it suffers under a significant competitive disadvantage because the IRCs favor their customers with single stage dialing. TRT believes that discrimination in dialing stages plainly violates the RCCA, though it claims justifiable hardship in its own case. The RCCA's requirement (which is not sunsetted) that record carriers with significant market shares offer interconnection equal in type and quality might as a practical matter be severely eroded or defeated if carriers are permitted to favor their own operations in this way. The effective interconnection intended by Congress might never develop. At the same time our continuing efforts to seek a solution to this problem through negotiated development of uniform or mutually acceptable technical arrangements have not been successful. In the meantime, the IRCs have not complied with the *Interim Order* and have not sought a stay or a waiver.

116. Under these circumstances, we think it may be necessary to consider alternative approaches which will carry out the Congressional intent in a practical manner, at least on a temporary basis. If actual equipment modifications are prohibitively expensive, it may be appropriate to allow carriers to offer a better grade of service to their own customers, as the IRCs request, but to require that a compensating rate differential be applied where the more desirable interconnection is not afforded customers of other carriers. Imposing an appropriate rate differential would compensate for the carrier's failure actually to offer equal interconnection while implementing the intent of the RCCA, and would provide an incentive to develop interconnection

arrangements which are equal in fact. We propose for comment a flat rate differential of $.25 per message. We have used a similar approach to adjust for differences in quality of long distance telephone company access to local exchanges. *MTS/WATS Market Structure, Third Report and Order*, FCC 82-579, released February 28, 1983. Alternatively, carriers might be able to develop more nearly equal interconnection on a bilateral basis even if the development of an industry-wide plan presents a more difficult problem. TRT, for example, presented a plan for a kind of compromise arrangement at the last of the technical meetings. We request comments on whether either or both of these possibilities might accomplish the Congressional purpose. We specifically request the views of carriers and other interested persons on an appropriate rate differential to reflect the difference in quality of interconnection between single and double stage dialing, especially as this is perceived by telex customers. Comments are to be filed within 15 days of the publication of this order in the **Federal Register.** Reply comments are to be filed within an additional 15 days.

117. While this proceeding is underway, we will waive enforcement of the *Interim Order's* prescription of either full single or full double stage dialing for all interconnected carriers, to the extent of allowing carriers to offer single stage international dialing to their own domestic customers. This interim waiver will apply to Western Union as well as to the other record carriers. We reject TRT's argument that we in effect should single out Western Union for disparate treatment. Fair competition requires that the same rules be applied even-handedly to all record carriers. So long as the IRCs are allowed to deny equal interconnection because of limitations in their systems, we will allow Western Unon the same option. To grant the IRCs a competitive advantage so long as they are unable to change would give them a permanent incentive never to acquire the ability to change. It is our intention, and the directive of the RCCA, that the record carriers eventually provide equal interconnection even if this cannot be accomplished immediately.

Ordering Clauses

118. Accordingly, it is ordered, that the Petitions for reconsideration ARE GRANTED to the extent indicated above, but are otherwise denied.

119. It is further ordered, that all IRCs interconnecting with the Puerto Rico Communications Authority are directed to file tariff revisions implementing paras. 98 and 99 of this order no later than seven days after release of this order, to be effective on seven days' notice.

120. It is further ordered, that this order be printed in the **Federal Register.**

121. It is further ordered, that comments are to be filed concerning single stage-double stage dialing access, paras. 108-117 of this order, within 15 days of the publication of this order in the **Federal Register.** Reply comments are to be filled within an additional 15 days.

122. Pursuant to Section 605(b) of the Regulatory Flexibility Act (Pub. L. 96-354) it is certified, that Sections 603 and 604 of that act do not apply because this prescription will not have a significant economic impact on a substantial number of small entities. See 5 U.S.C. § 605(b) (1980 Supp.). The primary economic impact of this order will be upon carriers, not users.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix—Petitions for Reconsideration or Clarification of Interim Order

FTC Communications, Inc. (FTC)
ITT World Communications, Inc. (ITT)
RCA Global Communications, Inc. (RCA)*
TRT Telecommunications Corporation (TRT)
Western Union International, Inc. (WUI)**
Graphnet, Inc. (Graphnet)
Western Union Telegraph Company (Western Union)
Consortium Communications International, Inc. (CCI)
International Relay, Inc. (IRI)
Mobile Marine Radio, Inc. (MMR)

Oppositions or Comments

ITT	Western Union
TRT	CCI
RCA	IRI
WUI	MMR
Graphnet	

Replies

ITT	WUI
TRT	Western Union
RCA	MMR

Comments on Graphnet Market Share and Bearer Circuits

Graphnet	WUI
ITT	CCI
RCA	Roger W. Hubbel
TRT	

Replies

Graphnet	TRT
ITT	

Petitions for Reconsideration of Rejection Order

Puerto Rico Communications Authority (PRCA)	WUI

Opposition

Western Union

Contracts Claimed To Be Grandfathered, Filed in Response to Common Carrier Bureau Order Released August 25, 1982

TRT—Western Union	FTC—Western Union

Comments

RCA	Western Union
WUI	

Reply Comments

FTC	TRT

[FR Doc. 83-9974 Filed 4-18-83; 8:45 am]
BILLING CODE 6712-01-M

*RCA submitted a supplement to its petition with a motion to allow the filing. We grant the motion.

**WUI filed a petition to waive page limitation, which is granted.

Notices

Federal Register
Vol. 48, No. 76
Tuesday, April 19, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

National Agricultural Research and Extension Users Advisory Board; Meeting

According to the Federal Advisory Committee Act of October 6, 1972, (Pub. L. 92-463, 86 Stat. 770-776) Science and Education announces the following meeting:

Name: National Agricultural Research and Extension Users Advisory Board.

Date: May 2-3, 1983.

Time:

8:30 a.m.-5:00 p.m., May 2, 1983;
8:30 a.m.-12:30 p.m., May 3, 1983.

Place: Sheraton-West Port Inn, 191 West Port Plaza, St. Louis, Missouri 63141.

Type of Meeting: Open to the public. Persons may participate in the meeting as time and space permit.

Comments: The public may file written comments before or after the meeting with the contact person below.

Purpose: The board will be preparing a preliminary report of materials recommending responsibilities and allocations of funds among Federally supported agricultural research and extension agencies.

Contact Person for Agenda and More Information: Barbara L. Fontana, Executive Secretary, National Agricultural Research and Extension Users Advisory Board; Room 351-A, Administrative Building, U.S. Department of Agriculture, Washington, D.C. 20250; telephone (202) 447-3684.

Done in Washington, D.C., this first day of April 1983.

Barbara L. Fontana,

Executive Secretary, National Agricultural Research and Extension Users Advisory Board.

[FR Doc. 83-10318 Filed 4-18-83; 8:45 am]
BILLING CODE 3410-03-M

Rural Electrification Administration

Tri-County Electric Association, Inc., Sundance, Wyoming; Proposed Loan Guarantee

AGENCY: Rural Electrification Administration (REA).

ACTION: Proposed loan guarantee.

SUMMARY: Under the authority of Public Law 93-32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20-22, (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $9,476,000 to Tri-County Electric Association, Inc. (Tri-County), Sundance, Wyoming. This loan guarantee will provide supplemental funds needed to finance a project consisting of 26.2 miles of 230 kV transmission line, two transmission substations, engineering and related facilities.

FOR FURTHER INFORMATION CONTACT: Mr. Warren H. Fraser, Manager, Tri-County Electric Association, Inc., P.O. Box 930, Sundance, Wyoming 82729.

SUPPLEMENTARY INFORMATION: Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed project, including the engineering and economic feasibility studies and the proposed schedule for advances to the borrower of the guaranteed loan funds from Mr. Fraser at the address given above.

In order to be considered, proposals must be submitted on or before May 19, 1983 to Mr. Fraser. The right is reserved to give such consideration and to make such evaluation or other disposition of all proposals received as Tri-County and REA deem appropriate. Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 20-22 are available from the Director, Public Information Office, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

(This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees)

Dated: April 12, 1983.

Harold V. Hunter,

Administrator.

[FR Doc. 83-10384 Filed 4-18-83; 8:45 am]
BILLING CODE 3410-15-M

Soil Conservation Service

Pt. Mugu Outlet, Revolon Watershed, California; Environmental Impact

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Pt. Mugu Outlet, Revolon Watershed, Ventura County, California.

FOR FURTHER INFORMATION CONTACT: Eugene Andreuccetti, State Conservationist, Soil Conservation Service, 2828 Chiles Road, Davis, California 95616, telephone (916) 758-2200.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Eugene Andreuccetti, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns a plan for flood control. The planned works include excavation of 1,000 feet of new channel and the placement of rock riprap along Calleguas Creek at its confluence with the new channel.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above

address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Eugene Andreuccetti.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: March 31, 1983.

Eugene Andreuccetti,

State Conservationist.

[FR Doc. 83-10227 Filed 4-18-83; 8:45 am]

BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

[Docket 41306]

Unicorn Air Ltd., Fitness Investigation; Notice of Postponement of Hearing

Notice is hereby given that the hearing in the above-entitled proceeding which had been scheduled to be held before the undersigned Chief Administrative Law Judge on April 29, 1983, is hereby postponed until further notice.

Dated at Washington, D.C., April 13, 1983.

Elias C. Rodriguez,

Chief Administrative Law Judge.

[FR Doc. 83-10319 Filed 4-18-83; 8:45 am]

BILLING CODE 6320-01-M

[Docket 41422]

Tower Air Inc., Fitness Investigation; Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to commence on April 29, 1983, at 9:30 a.m. (local time) in Room 1027, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C., before the undersigned Chief Administrative Law Judge.

Dated at Washington, D.C., April 13, 1983.

Elias C. Rodriquez,

Chief Administrative Law Judge.

[FR Doc. 83-10320 Filed 4-18-83; 8:45 am]

BILLING CODE 6320-01-M

CIVIL RIGHTS COMMISSION

Connecticut Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Connecticut Advisory Committee to the Commission will convene at 7:00p and will end at 9:00p, on May 18, 1983, at the Connecticut Commission on Human Rights and Opportunities, 90 Washington Street, Hartford, Connecticut. The purpose of this meeting is to discuss plans for a study of the block grant program and followup activities to the battered women study.

Persons desiring additional information or planning a presentation to the Committee, should contact the Acting Chairperson, Judith H. Holmes, 24 Towne House Lane, Wethersfield, Connecticut 06109, (203) 247-9211 or the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts 02110, (617) 223-4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 14, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83-10341 Filed 4-18-83; 8:45 am]

BILLING CODE 6335-01-M

Illinois Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights that a meeting of the Illinois Advisory Committee to the Commission will convene at 3:00p and will end at 10:00p, on May 6, 1983, at the Quality Inn, 400 North Vermilion, Danville, Illinois 61832. The purpose of this meeting is to consider updating of the Industrial Revenue Bond project, discuss the Chicago Affirmative Action project and receive information on local civil rights issues from community organizations.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Thomas J. Pugh, 500 West Melbourne Avenue, Peoria, Illinois, 61604, (309) 671-7475 or the Midwestern Regional Office, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604, (312) 353-7479.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 14, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83-10344 Filed 4-18-83; 8:45 am]

BILLING CODE 6335-01-M

New Hampshire Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the New Hampshire Advisory Committee to the Commission will convene at 7:30p and will end at 9:30p, on May 11, 1983, at the Chubb Life America Building, One Granite Place, Concord, New Hampshire. The purpose of this meeting is to discuss plans for a study of the block grant program and followup activities to the Manchester study of programs for language minority students.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Andrew T. Stewart, Moose Mountain, Enfield, New Hampshire, 03748, (603) 523-4882 or the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts, 02110, (617) 223-4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 14, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83-10343 Filed 4-18-83; 8:45 am]

BILLING CODE 6335-01-M

Rhode Island Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Rhode Island Advisory Committee to the Commission will convene at 7:30p and will end at 9:00p, on May 25, 1983, at the U.S. Post Office, 24 Corliss Street, Providence, Rhode Island, 02904. At this meeting the Committee will review a draft of its redistricting report and receive reports from its affirmative action and education subcommittee on future projects.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Dorothy Davis Zimmering, 12 Chapin Road, Barrington, Rhode Island, 02806, (401) 245-3515 or the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts, 02110, (617) 223-4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 14, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83-10342 Filed 4-18-83; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Postponement of Final Determination and Postponement of Hearing; Shop Towels of Cotton From the People's Republic of China

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of Postponement of Final Antidumping Determination and Postponement of Hearing; Shop Towels of Cotton from the People's Republic of China.

SUMMARY: This notice informs the public that the Department of Commerce has received a request from China National Textiles Import and Export Corporation (Chinatex) and China National Arts and Crafts Import and Export Corporation (CNART) that the final determination be postponed until not later than 135 days after the date of the preliminary determination, as provided for in § 353.44(b) of the Department of Commerce Regulations (19 CFR 353.44(b)), and that the Department will postpone its final determination as to whether sales of shop towels of cotton from the People's Republic of China have occurred at less than fair value until not later than August 10, 1983.

The Hearing originally scheduled for May 2, 1983, at 10:00 a.m., in Conference Room 6802, has been postponed. The new hearing date is July 6, 1983, at 10:00 a.m., in Conference Room 6802. The prehearing briefs will be due on June 29, 1983.

Chinatex and CNART are qualified to make this request since they are exporters who account for one hundred percent of the merchandise which is the subject of the investigation. The additional time is necessary to enable Chinatex and CNART to prepare adequately for the hearing and to prepare the relevant briefs, which must address several novel issues raised by this investigation.

EFFECTIVE DATE: April 19, 1983.

FOR FURTHER INFORMATION CONTACT: Michael Ready or Rick Herring, Office of Investigations, Import Administration, International Trade Administration, United States Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230; telephone (202) 377-2613 or 377-3963.

SUPPLEMENTARY INFORMATION: On September 13, 1982, the Department of Commerce published notice in the **Federal Register** (47 FR 41149) that it was initiating under section 732(b) of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673a(b)), an antidumping investigation to determine whether shop towels of cotton from the People's Republic of China are being or are likely to be sold at less than fair value. The Department published an affirmative preliminary determination on March 28, 1983 (48 FR 12764). The notice stated that if this investigation proceeded normally we would make a final determination by June 6, 1983. Section 735(a)(2) of the Act provides that the Department of Commerce may postpone its final determination concerning sales at less than fair value if an exporter who accounts for a significant porportion of the merchandise which is the subject of the investigation requests an extension after an affirmative preliminary determination.

Accordingly, the Department will issue a final determination in this case not later than August 10, 1983.

This notice is published pursuant to section 735(d) of the Act.

Dated: April 12, 1983

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-10190 Filed 4-18-83; 8:45 am]

BILLING CODE 3510-25

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Changing T.S.U.S.A. Number for Certain Cotton Textile Products Produced or Manufactured in the Philippines

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Deleting T.S.U.S.A. Number 383.5040 from the coverage of the level of restraint established for Category 337 pt. (women's and girls' cotton playsuits), and replacing it with T.S.U.S.A. Number 383.5039 (corduroy playsuits other than infants' playsuits) produced or manufactured in the Philippines and exported during the agreement year which began on January 1, 1983.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175).

SUMMARY: Effective on April 1, 1983, T.S.U.S.A. Numbers 383.5038 (infants' corduroy playsuits and 383.5039 (other women's and girls' corduroy playsuits) were established within category 337, replacing T.S.U.S.A. Number 383.5040. Other women's and girls' corduroy playsuits, in T.S.U.S.A. Number 383.5039, are intended to be included under the level of restraint established for Category 337 pt.

EFFECTIVE DATE: April 21, 1983.

FURTHER INFORMATION CONTACT: Carl Ruths, International Trade Specialist, Offi e of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-4212).

SUPPLEMENTARY INFORMATION: On December 28, 1982, there was published in the **Federal Register** (47 FR 57986) a letter dated December 22, 1982 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established levels of restraint for certain specified categories of cotton, wool, and man-made fiber textile products, including Category 337 pt. (women's and girls' cotton playsuits), produced or manufactured in the Philippines, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1983 and extends through December 31, 1983. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to replace T.S.U.S.A. 383.5040 with T.S.U.S.A. 383.5039 under the coverage of the level of restraint previously established for Category 337 pt. (cotton playsuits).

Dated: April 14, 1983.

Paul T. O'Day,

Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,

Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive of December 22, 1982 from the Chairman of the Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool, and man-made fiber textile products, produced or manufactured in the Phillippines.

Effective on April 21, 1983, you are directed to delete T.S.U.S.A. Number 383.5040 from the coverage of the level of restraint established for Category 337 pt., and replace it with T.S.U.S.A Number 383.5039, produced or manufactured in the Philippines and exported during the twelve-month period which began on January 1, 1983. You are further directed to exclude T.S.U.S.A. Numbers 383.5040 and

383.5038 in addition to T.S.U.S.A. NUmbers 383.0335, 383.0630, and 383.5036.

The actions taken with respect to the Government to the Republic of the Philippines and with respect to imports of cotton textile poroducts from the Philippine have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementatin of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Paul T. O'Day,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83-10340 Filed 4-18-83; 8:45 am]

BILLING CODE 3510-25-M

Amending the Export Visa and Exempt Certification Requirements for Certain Cotton, Wool, and Man-Made Fiber Textile Products Produced or Manufactured in Singapore

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Announcing a change in the issuing authority for export visas and exempt certifications for certain cotton, wool, and man-made fiber textile products in Categories 300–369, 400–469, and 600–669, produced or manufactured in the Republic of Singapore, from the Department of Trade to the Trade Development Board. The visa and certification stamps are also being changed to show the new issuing authority.

A description of textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709).

SUMMARY: Under the terms of the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of August 21, 1981, as amended, between the Governments of the United States and the Republic of Singapore, the Government of the Republic of Singapore has notified the United States Government that, effective on May 15, 1983, the issuing authority for export visas and exempt certifications for textile and apparel porducts under the agreement will be the Trade Development Board. Facsimiles of new stamps are published as enclosures to the letter to the Commissioner of Customs which follows this notice.

EFFECTIVE DATE: May 15, 1983.

FOR FURTHER INFORMATION CONTACT: Ronald Sorini, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–4212).

SUPPLEMENTARY INFORMATION: On February 16, 1982 a letter dated February 10, 1982 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs was published in the **Federal Register** (47 FR 6683) which established export visa and exempt certification requirements for certain cotton, wool, and man-made fiber apparel products, produced or manufactured in Singapore and exported to the United States on and after April 1, 1982. On November 26, 1982 a further letter dated November 19, 1982 was published in the **Federal Register** (47 FR 53446) from the Chairman of Committee for the Implementation of Textile Agreements to the Commissioner of Customs extending coverage of the existing export visa and exempt certification requirements to include cotton, wool, and man-made fiber textiles and textiles products, produced or manufactured in Singapore and exported on and after January 15, 1983. The letter published below amends the directives of February 10 and November 19, 1982 to change the issuing authority of the Government of the Republic of Singapore for export visas and exempt certifications to the Trade Development Board.

Dated: April 13, 1983.

Paul T. O'Day,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directives of February 10 and November 19, 1982, which established export visa and exempt certification requirements for certain cotton, wool, and man-made fiber textiles and textile products, produced or manufactured in the Republic of Singapore.

Effective on May 15, 1983, for merchandise exported on and after that date, the issuing authority designated by the Government of the Republic of Singapore for export visas and exempt certifications will be the Trade Development Board. New stamps including the name of the new issuing authority are enclosed. Merchandise exported before May 15, 1983 will not be denied entry if visaed or certified by either the Trade Development Board or the Department of Trade, provided all other requirements have been met.

The action taken with respect to the Government of the Republic of Singapore and with respect to imports of cotton, wool, and man-made fiber textiles and textile products from Singapore has been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Paul T. O'Day,

Acting Chairman, Committee for the Implementation of Textile Agreements.

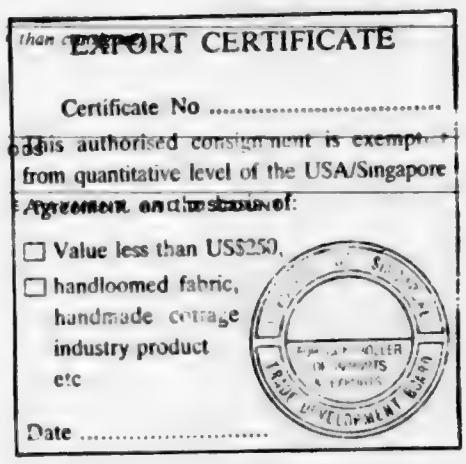

[FR Doc. 83-10339 Filed 4-18-83; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board; Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (92–463), announcement is made of the following Committee Meeting:

Name of committee: Army Science Board (ASB)
Dates of meeting: Thursday and Friday, 5–6 May 1983
Times: 0830–1700 hours (Closed) both days
Place: Hughes Aircraft Company, Fullerton, California

Agenda: The Army Science Board 1983 Summer Study on Acquiring Army Software will meet for classified briefings and discussions on current Army strategies, DoD software initiatives, and other service methodologies. This meeting will be closed to the public in accordance with Section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C., App. 1, subsection 10(d). The classified and nonclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Helen M. Bowen, may be contacted for futher information at (202) 695–3039 or 697–9703.

Helen M. Bowen,

Administrative Officer.

[FR Doc. 83–10329 Filed 4–18–83; 8:45 am]

BILLING CODE 3710–08–M

Army Science Board; Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (92–463), announcement is made of the following Committee Meeting:

Name of Committee: Army Science Board (ASB).

Dates of Meeting: Wednesday and Thursday, 11–12 May 1983.

Times: 0830–1700 hours (Closed) both days.

Place: Pentagon, Washington, D.C.

Agenda: The Army Science Board Ad Hoc Subgroup on the Ballistic Missile Defense Program will meet for classified briefings and discussions regarding advanced technology applications for BMD. This meeting will be closed to the public in accordance with Section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C. App. 1, subsection 10(d). The classified and nonclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Helen M. Bowen, may be contacted for further information at (202) 695–3039 or 697–9703.

Helen M. Bowen,

Administrative Officer.

[FR Doc. 83–10330 Filed 4–18–83; 8:45 am]

BILLING CODE 3710–08–M

Army Science Board; Meeting Change

April 14, 1983.

The following change has occurred for meeting of the Army Science Board Ad Hoc Subgroup on Balancing Protection for the Individual Soldier, which was announced in the **Federal Register** issue of 1 April 1983 (48 FR 14022):

Dates of Meeting: Tuesday and Wednesday, 3–4 May 1983 (instead of Monday and Tuesday, 25–26 April 1983).

Helen M. Bowen,

Administrative Officer.

[FR Doc 83–10331 Filed 4–18–83; 8:45 am]

BILLING CODE 3710–08–M

Army Corps of Engineers

Environmental Impact, Walnut Creek Flood Control Project, Contra Costa County, California; Draft Supplement

AGENCY: U.S. Army Corps of Engineers, Department of Defense.

ACTION: Notice of Intent to prepare a draft supplement to the final environmental impact statement.

SUMMARY: *1. Proposed Action.* The Walnut Creek flood control project is a continuing construction project authorized for construction by the Flood Control Act of 1960. Under the original authorized plan of improvement, work which has been completed includes reaches of Walnut Creek and Pine and Galindo Creeks. This supplement describes the impacts associated with the San Ramon Creek segment. Construction will consist of an open concrete-lined bypass channel to control flooding in the community, minimize impacts to and to control erosion in the natural stream channel. State authorization designated the Contra Costa County Flood Control and Water Conservation District as the agency to fulfill the local interest responsibilities. The supplement is being prepared to describe up-dated environmental resource data and to describe impacts and mitigation. The San Ramon Bypass segment of the project is the next construction work to be accomplished. Previously completed segments such as Pine and Galindo Creeks and a planned additional segment, upper Pine Creek, will also be addressed.

2. *Alternatives.* There are currently seven structural alternatives and a no action plan under consideration for the San Ramon Creek reach. Five of the structural alternatives describe various bypass routes and one includes channelization of the natural channel.

3. *Scoping of the DEIS.* Close coordination will be maintained with local agencies, other Federal agencies, and interested organizations and individuals. Analyses of potential impacts will be assisted by this coordination.

4. *Scoping Meetings.* Environmental concerns related to potential future work have been identified during previous EIS coordination. Considerable local coordination has already been carried out by the Contra Costa County Flood Control and Water Conservation District. A formal public scoping meeting will not be held, but one or more informal meetings may be held with interested and concerned agencies, organizations and individuals to obtain any additional views of the public. Significant resources identified to date include the riparian vegetation along San Ramon Creek and Walnut Creek, fish and wildlife resources, and cultural resources. Participation in scoping and review of environmental concerns by all interested Federal, State and local agencies, and interested organizations and individuals is invited.

5. *Estimated Date of DEIS.* The Draft supplement is scheduled to be made available to the public in June 1983.

ADDRESS: Questions about the proposed action and draft supplement can be answered by: Mr. George Redpath, Environmental Planning Section, Sacramento District, Corps of Engineers, 650 Capitol Mall, Sacramento, California 95814, telephone (916) 440–2456 FTS (448–2456).

Dated: April 8, 1983.

Henry Lee,

Lieutenant Colonel, Corps of Engineers, Acting District Engineer.

[FR Doc. 83–10325 Filed 4–18–83; 8:45 am]

BILLING CODE 3710–GH–M

DEPARTMENT OF EDUCATION

Advisory Council on Educational Statistics; Meeting

AGENCY: Advisory Council on Education Statistics.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Advisory Council on Education Statistics. This notice also describes the functions of the Council. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Comittee Act. This document is intended to notify the general public of their opportunity to attend.

DATES: May 5 and 6, 1983.

ADDRESS: 1200 19th Street NW., Room 823, Washington, D.C. 20036.

FOR FURTHER INFORMATION CONTACT: George D. Youstra, Executive Director, 1200 19th Street NW., (Brown Building) Room 723–A, Washington, D.C. 20036. Telephone—(202) 254–8227.

SUPPLEMENTARY INFORMATION: The Advisory Council on Education

Statistics is established under section 406(c)(1) of the Education Amendments of 1974, Pub. L. 93–380. The Council is established to review general policies for the operation of the National Center for Education Statistics and is responsible for establishing standards to insure that statistics and analyses disseminated by the Center are of high quality and are not subject to political influence.

The meeting of the Council is open to the public. The proposed agenda includes:

A report by the Administrator, National Center for Education Statistics, on recent activities of the National Center.

A report on The State of the Department of Education, Chairman, Donald J. Senese, Assistant Secretary, Educational Research and Improvement.

Update on Cooperative and Joint Endeavors, Deputy Administrator, National Center.

Report on Teacher Supply and Demand, Administrator, National Center.

"The Condition of Education"—1983, Division of Statistical Services, National Center.

Standards and Quality Control Response to Council Resolution, Administrator, National Center.

"Appropriate Organizational Arrangements for the Statistical Policy Function", Christopher De Muth, Administrator, OMB—Office of Information and Regulatory Affairs.

Such old business and new business as the chairman or the membership may put before the Council.

Records are kept of all Council proceedings, and are available for public inspection at the office of the Executive Director, Advisory Council on Education Statistics, 1200 19th Street NW., (Brown Building) Room 723–A, Washington, D.C. 20036.

Donald J. Senese,

Assistant Secretary for Educational Research and Improvement.

[FR Doc. 83–10314 Filed 4–18–83; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP83–216–000]

Arkansas Louisiana Gas Company, a Division of Arkla, Inc.; Request Under Blanket Authorization

April 14, 1983

Take notice that on March 3, 1983, Arkansas Louisiana Gas Company, a division of Arkla, Inc. (Arkla), P.O. Box 21734, Shreveport, Louisiana 71151, filed in Docket No. CP83–216–000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that Arkla proposes to construct and operate sales taps under the authorization issued in Docket Nos. CP82–384–000 and CP82–384–001 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in its request which is on file with the Commission and open to public inspection.

Applicant proposes the construction and operation of sales taps at points on its jurisdictional lines as follows:

Customer	Pipeline	Approximate location
W. J. Powell	A1–12	Near Winnsboro, Tex.
Mickey Stuckey	A	Near Bauxite, Ark.
William Chlon	2	Near Elk City, Okla.

Applicant states that the average annual requirements of domestic customers in this area is approximately 90 Mcf and that its system supply is adequate to provide the service. It is estimated that the cost of the proposed facilities is $3,840.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–10292 Filed 4–18–83; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RA83–8–000]

Asamera Oil (U.S.), Inc.; Filing of Petition for Review Under 42 U.S.C. 7194

April 14, 1983.

Take notice that Asamera Oil (U.S.), Inc. on April 8, 1983, filed a Petition for Review under 42 U.S.C. 7194(b) from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a motion to intervene. However, any such person wishing to be a participant must file a notice of participation on or before April 29, 1983, with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Any other person who was denied the opportunity to participate in the prior proceedings before the Secretary or who is aggrieved or adversely affected by the contested order, and who wishes to be a participant in the Commission proceeding, must file a motion to intervene on or before April 29, 1983, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 385.214 and 385.1005(c)).

A notice of participation or motion to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through the Office of General Counsel, the Assistant General Counsel for Regulatory Litigation, Department of Energy, Room 6H–025, 1000 Independence Avenue, S.W., Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., N.E., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–10293 Filed 4–18–83; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP83–72–000]

Consolidated Gas Supply Corp.; Proposed Changes in FERC Gas Tariff

April 14, 1983.

Take notice that Consolidated Gas Supply Corporation (Consolidated) on April 8, 1983, filed pursuant to Section 4 of the Natural Gas Act and § 154.63 of the Commission's Regulations Sixth Revised Sheet No. 66 and Second Revised Sheet No. 70–A to its FERC Gas Tariff, Third Revised Volume No. 1. These revised tariff sheets provide explicitly for the recovery through the purchased gas adjustment and surcharge provisions of amounts paid to Consolidated's pipeline suppliers under the minimum bill provisions of their FERC Gas Tariffs. These revised sheets would become effective April 1, 1983.

Copies of the filing were served upon Consolidated's jurisdictional customers as well as interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214 and 385.211). All such petitions or protests should be filed on or before April 21, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this filing are filed with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-10294 Filed 4-18-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-184-000]

Donald E. Hansen; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

April 14, 1983.

On February 10, 1983, Donald E. Hansen, 225 W. Galena Blvd., Aurora, Illinois 60506, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's rules. On March 11, 1983 supplementary information was filed regarding the application.

The topping-cycle cogeneration facility is located in Aurora, Illinois. The facility consists of a reciprocating engine and an induction generator. Waste heat is recovered for hot water heating. The electric power production capacity of the facility is 25 kilowatts. The primary energy source is natural gas. Installation of the facility began January 17, 1982. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-10295 Filed 4-18-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-2-23-000]

Eastern Shore Natural Gas Co.; Tariff Filing

April 14, 1983.

Take notice that Eastern Shore Natural Gas Company (Eastern Shore) on April 5, 1983, tendered for filing the following revised tariff sheets to Original Volume No. 1 of Eastern Shore's FERC Gas Tariff:

To Be Effective May 1, 1983

Twenty-Third Revised Sheet No. 5
Twenty-Third Revised Sheet No. 6
Eighth Revised Sheet No. 7
Twenty-Third Revised Sheet No. 10
Twenty-Third Revised Sheet No. 11
Twenty-Third Revised Sheet No. 12

Eastern Shore states that the purpose of the filing is to reflect a Purchased Gas Cost Current Adjustment, to reflect a Demand Charge Adjustment, to reflect a Deferred Gas Cost Adjustment, to report the Projected Incremental Pricing Surcharges, and to reflect a Transportation Surcharge Adjustment. This filing is being made in accordance with Sections 20, 21, and 23 of Eastern Shore's FERC Gas Tariff and provisions of the Stipulation and Agreement approved by letter order issued March 27, 1981 in Docket No. RP80-84.

Eastern Shore states that copies of the filing have been mailed to each of its jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rule 211 or 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before April 21, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-10296 Filed 4-18-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-230-000]

Kerr-McGee Chemical Corp.—Trona; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

April 14, 1983.

On February 10, 1983, Kerr-McGee Chemical Corp., (Applicant) Trona, California 93562, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's rules. On March 28, 1983 additional information was filed regarding the application.

The topping-cycle cogeneration facility is located in Trona, California. The facility consists of two single automatic extraction non-condensing steam turbine generators. The electric power production capacity of the facility is 54 megawatts. The primary energy sources to the facility are coal and petroleum coke and incidental amounts of natural gas are used. Installation of the facility began in 1975. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-10297 Filed 4-18-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-232-000]

Kerr-McGee Chemical Corp.—Westend; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

April 14, 1983.

On February 28, 1983, Kerr-McGee Chemical Corp., (Applicant), Trona, California 93562, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's rules. On March 28, 1983, additional information was filed regarding the application.

The topping-cycle cogeneration facility is located at Applicant's chemical manufacturing plant in Westend, California. the facility consists of a gas turbine used to heat a waste heat recovery boiler and mechanical drive combined-cycle plant. The electric power production capacity of the facility is 17 megawatts. The primary energy source is natural gas or oil. Installation of the facility was completed in 1968. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-10298 Filed 4-18-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-240-000]

Mississippi River Transmission Corp.; Request Under Blanket Authorization

April 14, 1983.

Take notice that on March 17, 1983, Mississippi River Transmission Corporation (MRT), P.O. Box 14521, St. Louis, Missouri 63178, filed in Docket No. CP83-240-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that MRT proposes to abandon natural gas service provided to Lexington-United, Inc. Plastics Division (Lexington-United) at its plant located in St. Louis, Missouri, and to abandon the facilities necessary to render such service under the authorization issued in Docket No. CP82-489-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Service, it is asserted, would be provided to Industrial Aid, Inc., successor of Lexington-United, by Laclede Gas Company, a local gas distributor.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-10299 Filed 4-18-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. G-10053-000, et al.]

Northern Natural Gas Producing Co., et al.; Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

April 14, 1983.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before May 2, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, .214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
G-10053-000, D, Apr. 4, 1983	Northern Natural Gas Producing Co., Nine Greenway Plaza, Suite 2700, Houston, Tex. 77046.	Northern Natural Gas Co., Hugoton Field, Stevens et al. Counties, Kans.	(1)	
G-11742-008, D, Apr. 4, 1983	Mobil Oil Corp. Nine Greenway Plaza, Suite 2700 Houston, Tex. 77046.	Northwest Central Pipeline Corp., Hugoton Field, Grant and Kearny Counties, Kans.	(1)	
CI62-859-000, D, Apr. 4, 1983	Gulf Oil Corp., Post Office Box 2100, Houston, Tex. 77252.	Texas Gas Transmission Corp., Duson Field, Lafayette Parish, La.	(2)	
CI63-615-000, D, Mar. 29, 1983	Mobil Oil Corp., Nine Greenway Plaza, Suite 2700, Houston, Tex. 77046.	Natural Gas Pipeline Co. of America, Chitwood Field, Grady County, Okla.	(3)	
CI76-502-001, D, Apr. 4, 1983	Gulf Oil Corp.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Blue Basin Field, Wharton County, Tex.	(4)	
CI78-1173-002 April 4, 1983	do	Montana Dakota Utilities Co., Little Knife Field, Dunn, Billings and McKenzie Counties, N. Dak.	(5)	1473
CI62-344-000 Mar. 28, 1983	do	West Lake Natural Gasoline Co. and ARCO Oil & Gas Co., a division of Atlantic Richfield Co., Nena Lucia Field, Nolan County, Tex.	(6)	
CI83-163-000, (CI75-183), B, Mar 28, 1983.	Pangaea Resource Corp., 3002 Esso Plaza East, 425 1st Street, S.W., Calgary, Alberta, Canada T2P 3L8.	Colorado Interstate Gas Co., West Panhandle Field, Moore, Potter and Oldham Counties, Tex.	(7)	
CI83-184-000, B, Mar. 24, 1983	Horizon Oil & Gas Co. of Texas, P.O. Box 7, Spearman, Tex. 79081.	Panhandle Eastern Pipe Line Co., Hallock "B" Lease, Borchers NW Area, Mead County, Kans.	(8)	
CI83-185-000, B, Mar. 25, 1983	Tenneco Oil Co., Operator and Agent for Tema Oil Co., P.O. Box 2511, Houston, Tex. 77001.	Warren Petroleum Co., Panhandle East Field, Wheeler County, Tex.	(9)	
CI83-186-000, (CI75-357), B, Mar. 25, 1983.	Enserch Exploration, Inc., Post Office Box 2649, Dallas, Tex. 75221.	Natural Gas Pipeline Co. of America, San Martine Field, Reeves County, Tex.	(10)	
CI83-187-000 (CI75-357), B, Mar. 25, 1983.	do	Natural Gas Pipeline Co. of American, San Martine Field, Reeves County, Tex.	(10)	
CI83-188-000 F, Mar. 28, 1983	ANR Production Co. (partial successor in interest to Conoco Inc.), 5075 Westheimer, Suite 1100, Galleria Towers West, Houston, Tex. 77056.	Transcontinental Gas Pipe Line Corp., Block A-85, Mustang Island Area, Offshore Texas, Federal Domain.	(11)	1473
CI83-189-000, B, Mar. 28, 1983	ARCO Oil & Gas Co., Division of Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex 75221.	Trunkline Gas Co., Quicksand Creek Field, Newton County, Tex.	(12)	
CI83-190-000 (G-14225), B, Mar. 28, 1983.	Mobil Oil Exploration & Producing Southeast Inc., Nine Greenway Plaza, Suite 2700, Houston, Tex. 77046.	Columbia Gas Transmission Co., South Thornwell Field, Jefferson Davis Parish, La.	(13)	
CI83-191-000 (G-15114), B, Mar. 28, 1983.	Monsanto Oil Co., 1300 Post Oak Tower, 5051 Westheimer, Houston, Tex. 77056.	Transcontinental Gas Pipe Line Corp., Cowpen Creek Field, Beauregard Parish, La.	(14)	
CI83-192-000, A, Mar 29, 1983	Sonat Exploration Co., Post Office Box 1513, Houston, Tex. 77521.	Tennessee Gas Pipeline Co., Eugene Island Block 24, Offshore La.	(15)	14.73
CI83-193-000 (CI75-259, B, Mar. 29, 1983.	Texas Eastern Exploration Co., P.O. Box 2521, Houston, Tex. 77252.	Texas Eastern Transmission Corp., Hospital Bayou Fd., La Fourche Parish, La.	(16)	
CI83-194-000, (CI75-258), B, Mar. 29, 1983.	do	Texas Eastern Transmission Corp., South Thornwell Fd, Cameron Parish, La.	(17)	
CI83-195-000, A, Mar. 30, 1983	Tenneco Oil Co., P.O Box 2511, Houston, Tex. 77001	Florida Gas Transmission Co., Eugene Island South Addition Area, Block 367 and Ship Shoal South Addition, Area Block 343, Offshore La.	(18)	15.025
CI83-196-000 (CI79-639), B, Mar 31, 1983.	Tenneco Exploration, Ltd.	Columbia Gas Transmission Corp., South Marsh Island Block 267, Offshore La.	(19)	
G-3894-009, D, Mar. 21, 1983	ARCO Oil & Gas Co., Division of Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221.	Tennessee Gas Pipeline Co., Jake Hamon (Rhodes) Field, McMullen County, Tex.	(20)	
CI83-179-000, A, Mar 23, 1983	Amoco Production Co., P.O. Box 50879, New Orleans, La. 70150.	Amoco Gas Co., Matagorda Island Area, Offshore, Tex.	(21)	14.73
G-5046-000, D, Apr. 4, 1983	Shell Oil Co., One Shell Plaza, P.O. Box 2463, Houston, Tex. 77001	United Gas Pipe Line Co., West Lake Verret Field, St. Martin Parish, La.	(22)	

[1] To release gas for irrigation fuel
[2] Leases have terminated.
[3] Release non-producing acreage.
[4] By assignment Gulf surrendered to Tartan Resources Corporation their interest in certain leases in the Blue Basin Field, Wharton County, Texas.
[5] Applicant is filing to change delivery point and the designation of an additonal delivery point.
[6] Applicant requests termination of certificate and cancellation of FERC G.R.S. No. 227 because Original contract containing percentage of fixed sum minimum price provisions has been cancelled and superceded by a bona fide percentage of proceeds contract.
[7] Applicant's leasehold rights expired by the terms of the lease on approximately 27,351.75 undeveloped acres. Applicant will continue service from its developed acreage which totals approximately 3,000 acres.
[8] No commercial production.
[9] Establishment of percentage-type contract status.
[10] Reserves depleted.
[11] By assignment dated December 31, 1982, Conoco, Inc. transferred 40% of its rights, and interest in the lease comprising Block A-85, Mustang Island Area, East Addition, and the contract dated September 1, 1981, between Conoco, Inc. and Transcontinental Gas Pipe Line Corporation to applicant.
[12] The contract reached its primary term January 1, 1982. All leases covered under this contract except 11 and 20 were abandoned February 1, 1980. Leases 11 and 20 are now non producing mineral duds and are perpetual leases.
[13] Production from the Unit ceased on October 15, 1981, and the acreage has been released.
[14] Contract expired by its own terms on September 7, 1976. There has been no production under the contract for many years and the leases committed reverted to the landowners approximately fourteen years ago.
[15] Applicant is filing under Gas Purchase And Sales Agreement dated March 24, 1983.
[16] Last well plugged and abandoned on August 27, 1976.
[17] Last well plugged and abandoned on March 26, 1981.
[18] Applicant is filing under Gas Purchase Contract dated March 29, 1983
[19] Depletion of reserves from South Marsh Block 267, Offshore Louisiana.
[20] Deletion of acreage. ARCO has no remaining reserves or production in leases involved in this application.
[21] Applicant is filing under Gas Purchase Contract dated March 14, 1983.
[22] Due to lessor demand for release of nonproducing lease acres, Shell complied.
Filing Code: A—Initial Service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total Succession. F—Partial Succession.

[FR Doc. 83-10300 Filed 4-18-83; 8:45 am]

BILLING CODE 6717-01

[Docket No. QF83-215-000]

Or-Sol Inc.—Bristol; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

April 14, 1983.

On March 14, 1983, Or-Sol Inc., c/o Ormat Engineering Inc., 1900 Washington Boulevard, Seattle, Washington 98101, filed with the Federal Energy Regulatory Commission (Commission) and application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The facility will be a solar and power plant located at the Bristol Dry Lake in San Bernardino, California. The net power production capacity of the facility will be 20 MW. The primary energy source of the facility will be solar insolation, with approximately 10 percent of energy input being fuel oil. No other solar-powered small power production facilities owned by Or-Sol Inc. will be located within one mile of

the facility. No electric utility, holding company or any conbination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions of protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-10301 Filed 4-18-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. G-6619-000, et al.]

Sun Exploration and Production Co. and Corporate Name Change

April 14, 1983.

Take notice that on December 23, 1981, Sun Oil Company (Delaware) ("Sun") of P.O. Box 20, Dallas, Texas 75221, filed in Docket Nos. G-6619-000, *et al.*, an application for Amendment of Certificates And Redesignation of Rate Schedules as listed in the attached Appendix to reflect Sun's change of corporate name from Sun Oil Company (Delaware) to Sun Exploration and Production Company.

The new corporate name, Sun Exploration and Production Company, became effective October 29, 1981. Sun amended its Certificate of Incorporation with the State of Delaware to reflect its new corporate name.

Notice is hereby given that all the certificate and rate schedules as listed in the attached Appendix are hereby redesignated to reflect the corporate name change from Sun Oil Company (Delaware) to Sun Exploration and Production Company, effective October 29, 1981.

Kenneth F. Plumb,

Secretary.

APPENDIX

Rate schedule No.	Certificate Docket	Purchaser
1	G-6619	El Paso Natural Gas Co
5	G-6628	Transcontinental Gas Pipeline
6	G-6629	Transcontinental Gas Pipeline
8	G-16846	Natural Gas P/L of America
9	G-6631	Tennessee Gas Pipeline Co
11	G-6663	Tennessee Gas Pipeline Co
13	G-6635	Tennessee Gas Pipeline Co
17	G-6639, G-8683	United Gas Pipeline Co
18	G-6640	United Gas Pipe Line Co
20	G-6642	United Gas Pipe Line Co
21	G-6643	United Gas Pipe Line Co
23	G-6645	Texas Eastern Transmission
26	G-6648	Texas Gas Transmission Corp
27	G-6670	Transcontinental Gas Pipeline
28	G-6839	Texas Eastern Transmission
30	G-6649	El Paso Natural Gas Co
33	G-6652	Tennessee Gas Pipeline Co
35	G-6654	Texas Eastern Transmission
37	G-6837	Tennessee Gas Pipeline Co
38	G-3653	Columbia Gas Transmission
41	G-3965	Texas Gas Pipeline Co
42	G-3966	Texas Gas Pipeline Co
47	G-7345	Lone Star Gas.
49	G-7346	Lone Star Gas.
58	G-6656	El Paso Natural Gas
60	G-6663	Northern Natural Gas Co
61	G-6659	El Paso Natural Gas Co
65	G-8591	El Paso Natural Gas Co
66	G-8592	United Gas Pipe Line Co
69	G-9462	Cities Service Gas Co
70	G-9483	Tennessee Gas Pipeline Co
71	G-9989	Transco Gas Pipeline Co
72	G-10480	Tennessee Gas Pipeline Co
73	G-10672	Colorado Interstate Gas Co
74	G-10819	Texas Eastern Transmission
76	G-11116	Columbia Gas Transmission
78	G-11072	Panhandle Eastern Pipe Line
80	G-11854	El Paso Natural Gas Co
84	G-12548	Northern Natural Gas Co
86	G-12972	Michigan Wisconsin Pipeline
87	G-13059	Southern Natural Gas Co
88	G-13046	Texas Eastern Transmission
89	G-13362	Trunkline Gas Co
91	G-13748	Texas Eastern Transmission
94	G-13931	Northern Natural Gas Co
95	G-14403	El Paso Natural Gas Co
98	G-15267	Columbia Gas Transmission
99	G-15434	Kansas Nebraska Natural Gas
100	G-15424	West Lake Natural Gasoline
101	G-14254	Transco Gas Pipeline
103	G-17841	Colordao Interstate Gas
105	G-18243	Texas Gas Transmission
106	G-18541	Natural Gas P/L Co. of America
107	G-18737	Natural Gas P/L co of America
108	G-16774	El Paso Natural Gas Co
109	G-18909	Natural Gas P/L Co of America
113	G-19574	Southern Natural Gas Co
114	G-15122	United Gas Pipeline Co
115	G-16526	Transcontinental Gas Pipe Line
117	CI60-218	Arkansas Louisiana Gas Co
122	G-15791	Transwestern Pipeline Co
124	CI61-372	Transwestern Pipeline Co
125	CI61-657	Tennessee Gas Pipeline Co
129	CI61-956	Valero Interstate Transmission
130	CI61-992	Michigan Wisconsin Pipeline
132	CI61-1432	Transwestern Pipeline Co
133	CI61-1584	Tennessee Gas Pipeline Co
135	CI62-165	Natural Gas P/L Co of America
137	CI62-156	Southern Natural Gas Co
140	CI62-387	Arkansas Louisiana Gas Co
141	CI62-470	Arkansas Louisiana Gas Co
143	CI62-1003	El Paso Natural Gas Co
144	CI62-1038	Northern Natural Gas Co
146	CI62-1111	Michigan Wisconsin Pipeline
147	CI62-1186	Tennessee Gas Pipeline Co
148	CI61-1102	Michigan Wisconsin Pipeline
149	CI62-1352	Arkansas Louisiana Gas Co
150	CI63-13	El Paso Natural Gas Co
151	CI63-35	El Paso Natural Gas Co
155	CI63-1142	Northern Natural Gas Co
156	CI63-1335	Cities Service Gas Co

APPENDIX—Continued

Rate schedule No.	Certificate Docket	Purchaser
158	CI63-1427	Arkansas Louisiana Gas Co
159	CI63-1543	Northern Natural Gas Co
160	CI64-315	Tennessee Gas Pipeline Co
161	CI64-352	Texas Eastern Transmission
162	CI64-353	Texas Eastern Transmission
164	CI64-470	Natural Gas P/L Co of America
165	CI64-648	Arkansas Louisiana Gas Co
167	CI64-885	Cities Service Gas Co.
168	CI64-981	Northern Natural Gas Co
169	CI64-1166	Mountain Fuel Resources
170	G-14943	Tennessee Gas Pipeline Co
171	G-14943	Tennessee Gas Pipeline Co
172	CI64-1271	Panhandle Eastern Pipeline
173	CI64-1425	Arkansas Louisiana Gas Co
174	CI64-1387	El Paso Natural Gas Co
176	CI65-353	El Paso Natural Gas Co.
177	CI65-541	Valero Interstate Transmission
178	CI65-512	West Texas Gathering Co
180	CI65-592	Lone Star Gas Co
183	CI65-936	Natural Gas P/L of America
185	CI65-583	Natural Gas P/L of America
187	CI65-1236	Cities Service Gas Co
191	CI66-201	Panhandle Eastern P/L
192	CI66-202	Northern Natural Gas Co
196	CI66-569	Texas Gas Transmission
197	CI66-720	Panhandle Eastern Pipeline
199	CI66-781	Cities Service Gas Co.
200	CI66-1130	United Gas Pipeline Co
201	CI66-376	Trunkline Gas Co
202	CI66-1327	United Gas Pipeline Co
203	CI67-84	United Gas Pipeline Co
204	CI67-153	Panhandle Eastern Pipeline
205	CI67-172	Southern Natural Gas Co
206	CI66-831	Texas Eastern Transmission
207	CI67-222	Panhandle Eastern Pipeline
208	CI67-152	Panhandle Eastern Pipeline
209	CI66-891	Texas Eastern Transmission
210	CI67-516	Arkansas Louisiana Gas Co
211	CI67-734	Northern Natural Gas Co
213	CI61-1710	Valley Gas Transmission
214	CI67-1022	Mountain Fuel Resources
218	CI67-1609	United Gas Pipeline Co
219	CI68-32	Lone Star Gas Co
220	CI68-33	Lone Star Gas Co
221	CI67-994	Transwestern Pipeline Co
222	CI68-200	Arkansas Louisiana Gas Co
223	CI68-201	Columbia Gas Transmission
224	CI68-527	Transco Gas Pipeline Corp
226	CI68-846	Breckenridge Gasoline Co
227	CI68-656	Panhandle Eastern Pipeline
229	CI68-1074	Michigan Wisconsin Pipeline
231	CI68-1248	Diamond Shamrock Corporation.
232	G-4684	Colorado Interstate Gas Co
233	CI65-989	Northern Natural Gas Co
234	CI69-173	Panhandle Eastern Pipeline
235	CI69-174	Panhandle Eastern Pipeline
237	CI69-176	Lone Star Gas Company
238	CI61-576	Cities Service Gas Co
239	CI69-177	Cimarron Transmission Co
240	CI69-179	Lone Star Gas Co
241	CI69-334	Natural Gas P/L of America
242	CI69-425	El Paso Natural Gas Co
248	CI69-1005	Natural Gas P/L of America
251	CI70-134	Southern Natural Gas Co
252	CI70-266	El Paso Natural Gas Co.
253	CI62-890	Northern Natural Gas Co
254	CI70-458	Florida Gas Transmission
255	CI66-908	Panhandle Eastern Pipeline
256	CI70-674	N-I Gas Supply, Inc.
400	CI61-1819	Panhandle Eastern Pipeline
402	CI62-1412	Ringwood Gathering
403	CI63-151	Northern Natural
404	CI63-150	Northern Natural Gas
405	CI63-721	Tex-Eastern Transmission
406	CI63-1502	El Paso Natural Gas
409	CI64-40	Arkansas Louisiana Gas
410	CI64-32	Arkansas Louisiana Gas
411	CI64-33	Arkansas Louisiana Gas
412	CI64-34	Arkansas Louisiana Gas
413	CI64-106	Northern Natural Gas
414	CI64-137	Panhandle Eastern Pipeline
415	CI64-158	Southern Union Gathering
416	CI64-261	Arkansas Louisiana Gas
417	CI64-555	Northern Natural Gas

APPENDIX—Continued

Rate schedule No.	Certificate Docket	Purchaser
418	CI64-543	Northern Natural Gas.
419	CI63-1407	Kansas Nebraska Natural Gas.
420	CI64-835	Natural Gas Pipeline.
421	CI64-875	Arkansas Louisiana Gas.
422	CI64-1462	CRA, Inc.
424	CI65-164	Texas Eastern Transmission.
426	CI64-1247	Mountain Fuel Resources.
427	CI65-8512	Panhandle Eastern Pipeline.
428	CI65-1053	Northern Natural Gas.
429	CI65-1189	Arkansas Louisiana Gas.
430	CI65-1228	Michigan Wisconsin Pipeline.
431	CI65-1243	El Paso Natural Gas.
432	CI66-19	El Paso Natural Gas.
434	CI66-172	Texas Gas Transmission.
435	CI66-470	Arkansas Louisiana Gas.
438	CI66-723	Northern Natural Gas.
439	CI66-418	Michigan Wisconsin Pipeline.
441	CI66-419	Michigan Wisconsin Pipeline.
442	CI66-877	Michigan Wisconsin Pipeline.
443	CI66-864	Michigan Wisconsin Pipeline.
444	CI66-1326	Panhandle Eastern Pipeline.
445	CI67-41	Northern Natural Gas.
447	CI67-230	Trunkline Gas.
448	CI67-1005	Cities Service Gas.
449	CI63-1286	Valley Gas Transmission.
450	CI67-1085	Ringwood Gathering.
451	CI64-763	Natural Gas Pipeline of America.
454	CI68-680	Panhandle Eastern Pipeline.
455	CI68-788	Michigan Wisconsin Pipeline.
457	CI68-966	Panhandle Eastern Pipeline.
458	CI67-1856	Transwestern Pipeline.
459	CI68-1140	Arkansas Louisiana Gas.
460	CI68-1141	Arkansas Louisiana Gas.
461	G-5173, G-5181.	Northern Natural Gas.
462	G-14931	Northern Natural Gas.
332	G-11762, G-16010.	Northern Natural Gas.
334	G-12113	El Paso Natural Gas.
335	G-10706	Cities Service Gas.
337	G-12784	Texas Eastern Transmission.
338	G-11122	Colorado Interstate Gas.
339	G-12901	Northern Natural Gas.
340	G-12902	El Paso Natural Gas.
342	G-13094	United Gas Pipeline.
344	G-4281	Natural Gas P/L of America.
346	G-13634	Northern Natural Gas.
349	G-14143	Northern Natural Gas.
350	G-15199	El Paso Natural Gas.
352	G-12211	United Gas Pipeline.
353	G-15800	El Paso Natural Gas.
355	G-16109	Colorado Interstate Gas.
356	G-14268	Northern Natural Gas.
357	G-14347	Panhandle Eastern Pipeline.
358	G-16104	Northern Natural Gas.
359	G-16134	Natural Gas P/L of America.
361	G-17461	United Gas Pipeline.
363	G-3806	Colorado Interstate Gas.
364	G-3887	Tennessee Gas Pipeline.
365	G-18630	Michigan Wisconsin Pipeline.
366	G-18614	Colorado Interstate Gas.
367	G-13011	Columbia Gas Transmission.
368	G-18294	Texas Gas Transmission.
371	G-14753	Transcontinental Gas Pipeline.
372	G-18409	Panhandle Eastern Pipeline.
373	G-19511	Valero Interstate Transmission.
374	G-6053	United Gas Pipeline.
375	G-20092	Arkansas Louisiana Gas.
376	G-18774	El Paso Natural Gas.
378	CI60-85	United Gas Pipeline.
380	CI60-163	Natural Gas Pipeline of America.
381	CI60-205	Arkansas Louisiana Gas.
382	CI60-250	United Gas Pipeline.
383	CI60-353	Trunkline Gas Co.
384	G-17899	South Texas Natural Gas.
386	CI60-800	Texas Gas Transmission.
387	G-5176	Panhandle Eastern Pipeline.
388	G-18142	Transwestern Pipeline.
389	G-3815	Cities Service Gas.
390	G-9530	Tennessee Gas Pipeline.
392	CI91-1147	Michigan Wisconsin Pipeline.
393	CI61-1201	Michigan Wisconsin Pipeline.
394	CI61-1229	United Gas Pipeline.
395	CI62-462	Northern Natural Gas.
396	G-8286	Transcontinental Gas Pipeline.
399	CI61-1395	Cities Service Gas.
257	CI70-729	Transco Gas Pipeline.
258	G-3884	Tennessee Gas Pipeline.

APPENDIX—Continued

Rate schedule No.	Certificate Docket	Purchaser
263	G-5932	Arkansas Louisiana Gas.
266	G-6048	Transcontinental Gas P/L.
267	G-5133	National Fuel Gas Supply.
269	G-4948	United Gas Pipeline.
270	G-5175	United Gas Pipeline.
272	G-4946	United Gas Pipeline.
273	G-5135	Transcontinental Gas P/L.
275	G-4949	United Gas Pipeline.
276	G-4950	United Gas Pipeline.
277	G-5130	Texas Eastern Transmission.
278	G-4915	Phillips Petroleum Co.
280	G-4945	United Gas Pipeline.
282	G-5131	Texas Eastern Transmission.
283	G-4947	United Gas Pipeline.
284	G-5125	Tennessee Gas Pipeline.
285	G-4918	Phillips Petroleum Co.
287	G-4917	Transcontinental Pipeline.
288	G-5134	United Gas Pipeline.
290	G-4953	United Gas Pipeline.
291	G-6059	Arkansas Louisiana Gas.
292	G-6057	United Gas Pipeline.
294	G-5182	Colorado Interstate.
295	G-5180	Michigan Wisconsin Pipeline.
297	G-5178	Cities Service Gas Co.
298	G-5177	El Paso Natural Gas Co.
299	G-5174	El Paso Natural Gas Co.
300	G-5172	Northern Natural Gas Co.
301	G-6045	United Gas Pipeline.
303	G-8663	Tennessee Gas Pipeline.
306	G-8826	United Gas Pipeline.
308	G-2978	El Paso Natural Gas.
309	G-2979	Phillips Petroleum.
310	G-2991	Texas Gas Transmission.
311	G-3810	El Paso Natural Gas.
313	G-3812	El Paso Natural Gas.
314	G-3813	Northern Natural Gas.
315	G-3817	Dorchester Gas Producing.
316	G-4416	El Paso Natural Gas.
317	G-4288	Colorado Interstate Gas.
318	G-4511	El Paso Natural Gas.
319	G-9257	El Paso Natural Gas.
321	G-9782	Peoples Natural Gas.
323	G-10370	Colorado Interstate Gas.
324	G-10621	Northern Natural Gas.
325	G-10776	Panhandle Eastern Pipeline.
326	G-10757	Cities Service Gas.
328	G-10775	Texas Eastern Transmission.
330	G-11661	Texas Eastern Transmission.

Sun Oil Company (Delaware) Rate Schedule No.	Certificate Docket	Purchaser
463	CI69-5	Northern Natural Gas.
464	CI69-6	Colorado Interstate Gas.
466	CI66-7	Lone Star Gas.
467	CI69-286	Natural Gas Pipeline of America.
468	CI69-0328	Natural Gas Pipeline of America.
469	CI69-0438	Natural Gas Pipeline of America.
471	CI69-882	Transcontinental Pipeline.
472	CI69-600	United Gas Pipeline.
473	CI69-1013	Natural Gas Pipeline of America.
474	CI69-1050	Texas Eastern Transmission.
478	CI70-234	Breckenridge Gas.
479	CI70-775	Pacific Lighting Service.
480	CI70-657	Transco Gas Pipeline.
481	CI65-1327	Michigan Wisconsin Pipeline.
482	CI69-672	Transco Gas Pipeline.
483	CI66-945	Panhandle Eastern Pipeline.
484	CI70-927	Michigan Wisconsin Pipeline.
485	CI70-654	Transco Gas Pipeline.
486	CI71-358	Michigan Wisconsin Pipeline Co.
487	CI63-1239	Northern Natural Gas Co.
489	CI70-468	Tennessee Gas Pipeline Co.
492	CI71-508	Cities Service Gas Co.
493	CI71-526	El Paso Natural.
494	CI71-209	Transco.
497	CI71-872	Michigan Wisconsin Pipeline Co.
498	CI71-825	Arkansas Louisiana Gas.

Sun Oil Company (Delaware) Rate Schedule No.	Certificate Docket	Purchaser
499	CI72-41	United Gas Pipe Line Co
500	CI69-548	Michigan Wisconsin Pipeline Co.
501	CI72-183	Michigan Wisconsin Pipeline Co.
503	CI72-304	Columbia Gas Transmission Corp.
505	CI72-414	Florida Gas Transmission Co.
506	CI72-466	Arkansas Louisiana Gas Co.
509	CI72-706	Transwestern Pipeline Co.
510	CI72-724	Michigan Wisconsin Pipeline Co.
512	CI73-70	El Paso Natural Gas Co.
514	CI71-788	United Gas Pipe Line Co.
515	CI73-570	Arkansas Louisiana Gas Co.
516	CI73-687	El Paso Natural Gas Co.
517	CI73-878	Trunkline Gas Co.
518	CI73-879	Trunkline Gas Co.
519	CI73-880	Trunkline Gas Co.
523	CI74-67	Michigan Wisconsin Pipeline Co.
525	CI74-165	Panhandle Eastern Pipe Line.
526	CI74-121	Cities Service Gas Co.
528	CI74-679	Michigan Wisconsin Pipeline Co.
529	CI65-1243	Northwest Pipeline Corp.
530	CI75-20	United Gas Pipe Line Co.
531	CI75-202	El Paso Natural Gas Co.
532	CI75-353	Transcontinental Gas Pipeline Co.
533	CI75-199	United Gas Pipe Line Co.
534	CI75-354	United Gas Pipe Line Co.
535	CI75-339	Transcontinental Gas Pipeline Co.
536	CI75-427	Texas Gas Transmission Corp.
537	CI75-443	Texas Gas Transmission Corp.
538	CI75-473	Transcontinental Gas Pipeline Co.
539	CI75-476	Transcontinental Gas Pipeline Co.
540	CI75-545	Breckenridge Gasoline Co.
541	CI75-649	Mississippi River Trans. Corp.
542	CI75-745	United.
543	G-15425	West Lake Natural Gas Co.
544	CI76-189	El Paso Natural Gas Co.
545	CI76-230	El Paso Natural Gas Co.
546	CI76-284	Transwestern Pipeline Co.
547	CI75-754	Colorado Interstate Gas.
548	CI76-309	Colorado Interstate Gas.
549	CI76-310	Colorado Interstate Gas.
550	CI76-304	Natural Gas Pipeline Co.
551	CI76-362	Southern Natural Gas.
552	CI76-322	Natural Gas Pipeline Co. of America.
556	CI77-89	Arkansas Louisiana.
557	CI75-223	Michigan Wisconsin Pipeline Co.
558	CI75-235	Michigan Wisconsin Pipeline Co.
559	CI75-245	Arkansas Louisiana Gas Co.
560	CI75-247	Kansas-Nebraska Natural Gas.
561	CI75-248	Panhandle Eastern Pipeline Co.
562	CI75-249	Arkansas Louisiana Gas Co.
563	CI75-250	Natural Gas Pipeline Co. of America.
564	CI75-254	Arkansas Louisiana Gas Co.
565	CI75-255	Northern Natural Gas Co.
566	CI75-265	Northern Natural Gas Co
567	CI75-266	Arkansas Louisiana Gas Co.
568	CI75-267	Colorado Interstate Gas.
569	CI75-268	Cities Service Gas Co.
570	CI75-269	Northern Natural Gas Co.
571	CI75-324	Arkansas Louisiana Gas Co.
572	CI75-329	Transwestern Pipeline Co.
574	CI75-382	Michigan Wisconsin Pipeline Co.
575	CI75-417	Mountain Fuel Supply.
576	CI75-424	Western Transmission.
578	CI75-497	Michigan Wisconsin Pipeline Co.
579	CI75-627	Arkansas Louisiana.
580	CI76-233	Michigan Wisconsin Pipeline Co.
581	CI77-204	Transcontinental Gas Pipeline Co.
582	CI77-243	Panhandle Eastern.
583	CI77-75	Texas Eastern Transmission Corp.
587	CI77-436	Trunkline Gas Co.

Sun Oil Company (Delaware) Rate Schedule No	Certificate Docket	Purchaser
588	CI77-587	Transco Gas Supply Co
590	CI77-644	El Paso Natural Gas Co
591	CI77-715	Transcontinental Gas P/L
592	CI77-751	Florida Gas Transmission
593	CI77-769	United Gas Pipe Line Co
594	CI77-815	El Paso Natural Gas Co
596	CI78-28	Southern Natural Gas Co
597	CI78-149	Transcontinental
598	CI78-214	Montana-Dakota Utilities Co
599	CI78-230	Colorado Interstate Gas
600	CI78-416	El Paso Natural Gas Co

Rate schedule No	Certificate Docket	Purchaser
601	CI78-506	Michigan Wisconsin P/L
602	CI78-539	Trunkline Gas Co
603	CI78-683	Transcontinental Gas P/L
604	CI78-573	El Paso Natural Gas
605	CI78-665	Northwest Pipeline.
606	CI78-896	Alabama-Tennessee Natural Gas
608	CI78-1182	Arkansas Louisiana Gas
609	CI78-1214	Cities Service Gas.
610	CI79-55	El Paso Natural Gas
611	CI79-83	Transco Gas Supply
612	CI79-79	Cities Service Gas
613	CI78-892	El Paso Natural Gas
615	CI79-27	Cities Service Gas.
616	CI78-1203	Colorado Interstate Gas
617	CI80-6	Texas Eastern Transmission
618	CI80-102	Michigan Wisconsin P/L
619	CI80-106	Northwest Pipeline.
620	CI80-72	El Paso Natural Gas
621	CI78-1026	Arkansas Louisiana Gas
622	G-12398	Columbia Gas Transmission
623	CI80-506	Tennessee Gas Transmission
624	CI61-1412	Transcontinental Gas P/L
625	CI61-1412	Tennessee Gas Transmission
626	CI61-1412	Tennessee Gas Transmission
627	CI62-1251	Arkansas Louisiana Gas
628	G-5991	El Paso Natural Gas
629	G-5183	El Paso Natural Gas
630	G-5991	El Paso Natural Gas
631	G-5991	El Paso Natural Gas
632	G-9261	El Paso Natural Gas
633	G-10155	Northern Natural Gas
634	G-10257	El Paso Natural Gas
635	G-12168	El Paso Natural Gas
636	G-14335	West Texas Gathering
637	G-14407	El Paso Natural Gas
638	G-14849	El Paso Natural Gas
639	G-14848	El Paso Natural Gas
639	G-18637	El Paso Natural Gas
640	G-15296	Northwest Pipeline.
641	G-16911	Cimarron Transmission
642	G-17385	El Paso Natural Gas
642	G-18659	El Paso Natural Gas
642	G-19959	El Paso Natural Gas
643	G-18507	Natural Gas Pipeline of America
644	G-16549	Northern Natural Gas
645	G-18303	El Paso Natural Gas
646	G-18449	El Paso Natural Gas
647	G-19545	Phillips Petroleum
648	CI80-278	Phillips Petroleum
649	CI80-774	Phillips Petroleum
650	CI80-780	Phillips Petroleum
651	CI61-1064	Phillips Petroleum
652	CI61-1079	Phillips Petroleum
653	CI61-1425	El Paso Natural Gas
654	CI61-1425	El Paso Natural Gas
655	CI61-1425	El Paso Natural Gas
656	CI61-1425	El Paso Natural Gas
657	CI61-1425	El Paso Natural Gas
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664	CI61-1425	El Paso Natural Gas
665	CI61-1429	El Paso Natural Gas
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672	CI61-1429	El Paso Natural Gas
673	CI61-1429	El Paso Natural Gas
674	CI61-1429	El Paso Natural Gas
675	CI61-1429	El Paso Natural Gas
676	CI61-1429	Texas Eastern Transmission
677	CI61-1429	El Paso Natural Gas
678	CI61-1582	El Paso Natural Gas
679	CI61-1649	Phillips Petroleum
680	CI62-3	El Paso Natural Gas
681	CI62-436	El Paso Natural Gas
682	CI62-742	Northern Natural Gas
683	CI61-996	Michigan Wisconsin P/L
684	CI62-852	Lone Star Gas.
685	CI62-1234	Phillips Petroleum
686	CI62-1237	El Paso Natural Gas
687	CI62-1344	El Paso Natural Gas
688	CI63-469	Southern Natural Gas
689	CI63-1351	El Paso Natural Gas
690	CI63-1573	Phillips Petroleum.
691	CI64-302	Phillips Petroleum.
692	CI64-1547	Kansas Nebraska Natural Gas
693	CI64-1554	Kansas Nebraska Natural Gas
694	CI65-223	Northwest Pipeline.
695	CI65-490	El Paso Natural Gas
696	CI65-1196	Michigan Wisconsin Pipe Line
697	CI65-558	Natural Gas P/L Co of America.
698	CI66-103	Transwestern P/L
699	CI66-129	El Paso Natural Gas
700	CI66-1215	Natural Gas P/L Co of America.
701	CI67-822	Southern Union Gathering
702	CI68-509	Arkansas Louisiana Gas
703	CI68-800	Natural Gas P/L Co of America.
704	CI68-1280	Transwestern Pipeline
705	CI70-506	Arkansas Louisiana Gas
706	CI71-262	Tennessee Gas P/L
707	CI71-886	Transcontinental Gas P/L
708	CI72-163	El Paso Natural Gas
709	CI72-176	Northern Natural Gas
710	CI72-290	Southern Natural Gas
711	CI72-555	Panhandle Eastern Pipeline
712	CI72-556	Kansas Nebraska Natural Gas
714	CI72-626	Northern Natural Gas
715	CI72-628	Northern Natural Gas
716	CI73-55	Arkansas Louisiana Gas
717	CI73-65	Tennessee Gas P/L
718	CI73-359	Florida Gas Transmission
719	CI73-427	Northern Natural Gas
720	CI73-443	Northern Natural Gas
721	CI66-129	Northwest P/L
722	CI75-652	Northern Natural Gas
723	CI76-221	El Paso Natural Gas
724	CI76-287	Transwestern P/L
725	CI76-677	El Paso Natural Gas
726	CI77-114	El Paso Natural Gas
727	CI77-134	Kansas Nebraska Natural Gas
728	CI77-126	El Paso Natural Gas
729	CI77-4	El Paso Natural Gas
730	CI77-230	Texas Gas Transmission
731	CI77-446	Trunkline Gas
732	CI78-238	Transwestern P/L
733	CI78-719	El Paso Natural Gas
734	CI78-535	El Paso Natural Gas
735	CI78-826	El Paso Natural Gas
736	CI78-850	Michigan Wisconsin P/L
737	CI78-1213	El Paso Natural Gas
738	CI80-258	Trunkline Gas
739	CI80-466	Michigan Wisconsin P/L
740	CI61-224-000	Trunkline Gas.
741	CI61-266-000	Tennessee Gas P/L
742	CI61-489-000	Locust Ridge Gas Co
743	CI61-223-000	Trunkline Gas Co
745	CI73-142	Tennessee Gas Pipeline Co
746	CI82-36-000	Trunkline Gas Co
747	CI82-135-000	Texas Eastern Transmission.
607 [1]	CI78-1009	Trunkline Gas Co.
744 [1]	CI79-410	Trunkline Gas Co.
([1])	CI80-252	Trunkline Gas Co

[1] Optional procedure.

[FR Doc. 83-10302 Filed 4-18-83; 8:45 am]
BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[A-2-FRL 2349-3]

Air Programs; Delegation of Prevention of Significant Deterioration; Authority to the State of New Jersey

AGENCY: Environmental Protection Agency.

ACTION: Notice of delegation of authority.

SUMMARY: The Environmental Protection Agency (EPA) is today delegating its authority for prevention of significant deterioration review (pursuant to Title 40, Code of Federal Regulations, Part 52, § 52.21) to the State of New Jersey Department of Environmental Protection (NJDEP). Effective immediately, NJDEP will receive and process all PSD applications.

EFFECTIVE DATE: April 19, 1983.

ADDRESSES: Copies of the State's delegation request, correspondence between the State and EPA, and EPA's delegation agreement are available for public inspection during normal business hours at: Environmental Protection Agency, Region II Office, Air Programs Branch, Room 1005, 26 Federal Plaza, New York, New York 10278; New Jersey Department of Environmental Protection, Labor and Industry Building, Room 1110, John Fitch Plaza, Trenton, New Jersey 08625.

FOR FURTHER INFORMATION CONTACT: William S. Baker, Chief, Air Programs Branch, Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278, (212) 264-2517.

SUPPLEMENTARY INFORMATION: On September 30, 1982 the New Jersey Department of Environmental Protection (NJDEP) submitted a request to the Environmental Protection Agency (EPA) for delegation of technical and administrative review responsibilities resulting from prevention of significant deterioration (PSD) permitting requirements promulgated at 40 CFR 52.21. Based on its review of this request and other information, EPA has determined that the State is capable of receiving delegation of this program. However, it should be noted that, because of a question regarding New Jersey's authority to enforce federal PSD increments, applications from those

sources whose approval would result in an exceedance of any applicable PSD ambient air increment [as defined at 40 CFR 52.21(c)] will be provided by NJDEP to EPA for review and permit action. EPA will remove this condition to the delegation at such time as the NJDEP can demonstrate to EPA's satisfaction that it has the legal authority to deny an application on the gounds that issuance of a PSD permit would result in an exceedance of any applicable PSD ambient air increment.

Therefore, effective immediately, full PSD review authority, with the condition noted, is delegated to NJDEP. Additional conditions and the terms of this delegation are delineated in a December 10, 1982 letter from the Region II Administrator to the Commissioner of NJDEP.

Effective immediately, all applications and other information required by 40 CFR 52.21 from sources in the State of New Jersey should be submitted to the NJDEP at the following address: Supervisor, New Source Review, New Jersey Department of Environmental Protection, Bureau of Engineering and Technology, Division of Environmental Quality, CN 027, Trenton, New Jersey 08625.

The Office of Management and Budget has exempted this action from the requirements of Section 3 of Executive Order 12291.

(Secs. 101, 165, and 301, Clean Air Act, as amended (42 U.S.C. 7401, 7465, and 7601))

Jacqueline E. Schafer,

Regional Administrator, Environmental Protection Agency.

April 5, 1983.

[FR Doc. 83-10354 Filed 4-18-83; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-51433A; BH-FRL 2349-6]

Toxic Substances; Certain Chemicals; Premanufacture Notices; Extension of Review Periods

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is extending the review period for an additional 90 days for premanufacture notices (PMN's) 82-678 and 82-679, under the authority of section 5(c) of the Toxic Substances Control Act (TSCA). The review period will now expire on July 11, 1983 and July 14, 1983, respectively. The PMN substances will be used as pigments for coatings.

FOR FURTHER INFORMATION CONTACT: June Thompson, Chemical Control Division (TS-794), Environmental Protection Agency, Rm. E-201, 401 M St, SW., Washington, D.C. 20460, (202-382-3737).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, anyone who intends to manufacture or import a new chemical substance for commercial purposes in the United States must submit a PMN to EPA 90 days before manufacture or import begins. Under section 5(c) EPA may, for good cause, extend the notice period for additional periods, not to exceed a total of 180 days from the date of receipt.

On September 17, 1982, EPA received PMN 82-678 for a chlorinated aromatic azo anthraquinone pigment. On September 20, 1982, EPA received PMN 82-679 for a chlorinated aromatic azo pigment. Both substances are to be imported into the United States. The company stated that the substances would be used as pigments for coatings. The submitter claimed its identity and the specific chemical indentity to be confidential business information. Notice of receipt of the PMN's was published in the **Federal Register** of September 30, 1982 (47 FR 43160). The original 90-day review periods were scheduled to expire on December 15 and 18, 1982. However, the submitter voluntarily suspended the review periods to April 12 and April 15, 1983.

EPA's detailed analysis of the substances described in PMN's 82-678 and 82-679 addressed the following: effects on human health, metabolism, human exposure, degree of risk relative to available commercial substitutes, potential marketability, and the identification of other information which may be required to resolve outstanding issues.

As a result of this analysis, EPA has reason to believe the following:

1. Human exposure to the azo reduction products of the PMN substances may result in carcinogenicity, sensitization, and blood disorders.

2. Workers may be exposed to the PMN substances during formulation and application.

Based on this analysis, EPA finds that there is a possibility that the substances submitted for review in PMN's 82-678 and 82-679 may be regulated under section 5(e) of TSCA. The Agency requires an extension of the review period to further investigate potential health effects and use conditions, to examine its regulatory options and to prepare the necessary documents should regulatory action be required. An administrative order under section 5(e) must be issued no later than 45 days prior to expiration of the review period. Therefore, EPA has determined that good cause exists to extend the review period for an additional 90 days, to July 11, 1983 and July 14, 1983, respectively.

PMN's 82-678 and 82-679 are available for public inspection in Rm. E-107, at the EPA Headquarters, address given above, from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

Dated: April 11, 1983.

Don R. Clay,

Acting Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 83-10350 Filed 4-18-83; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-51450B; BH-FRI 2349-5]

Toxic Substances; Premanufacture Notice; Extension of Review Period; ((Substituted Heterocycle) AZO) Substituted Aniline, Acid Salts

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is entending the review period for an additional 90 days for premanufacture notice (PMN) PMN 83-389, under the authority of section 5(c) of the Toxic Substances Control Act (TSCA). The review period will now expire on July 11, 1983.

FOR FURTHER INFORMATION CONTACT: Rose Allison, Chemical Control Division (TS-794), Environmental Protection Agency, Rm. E-201, 401 M. St., SW., Washington, D.C. 20460, (202-382-3735).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, anyone who intends to manufacture or import a new chemical substance for commercial purposes in the United States must submit a PMN to EPA 90 days before manufacture or import begins. Under section 5(c) EPA may, for good cause, extend the notice period for additional periods, not to exceed a total of 180 days from the date of receipt.

On January 13, 1982, EPA received PMN 83-389. The PMN substance will be imported to the United States for use as a textile colorant. The submitter of the PMN claimed its identity, the specific chemical identity, and the import volume to be confidential business information. Notice of receipt of the PMN was published in the **Federal Register** of January 24, 1983 (48 FR 3045). The original 90-day review period is scheduled to expire on April 12, 1983.

EPA's detailed analysis of the substance described in the PMN addressed the following: chemical analysis of the PMN substance, effects

on human health, human exposure, production volume, degree of risk relative to available commercial substitutes, potential marketability, and the indentification of other information which may be required to resolve outstanding issues.

As a result of this analysis, EPA has reason to believe the following:

1. Human exposure to the PMN substance may result in adverse health effects, among which may be teratogenicity.

2. During processing and use of the PMN substance, the potential exists for significant worker exposure.

Based on this analysis, EPA finds that there is a possibility that the substance submitted for review in PMN 83-389 may be regulated under section 5(e) of TSCA. The Agency requires an extension of the review period to further investigate potential health effects and use conditions, to examine its regulatory options and to prepare the necessary documents, should regulatory action be required. An administrative order under section 5(e) must be issued no later than 45 days prior to expiration of the review period. Therefore, EPA has determined that good cause exists to extend the review period for an additional 90 days, to July 11, 1983.

PMN 83-389 is available for public inspection in Rm. E-107, at the EPA Headquarters, address given above, from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

Dated: April 11, 1983.

Don R. Clay,

Acting Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 83-10061 Filed 4-18-83; 8:45 am]

BILLING CODE 6560-50-M

[A-10-FRL 2340-2]

New Source Performance Standards; Subdelegation of Authority to an Oregon Local Agency

AGENCY: Environmental Protection Agency.

ACTION: Correction.

SUMMARY: EPA is correcting a letter contained in FR Doc. 83-5141 concerning a subdelegation of authority for new source performance standards for an Oregon local agency.

FOR FURTHER INFORMATION CONTACT: Mark H. Hooper, (206) 442-1949.

At 47 FR 8571 in the issue dated Tuesday, March 1, 1983 the following corrections are to be made in the third paragraph of the February 10, 1983 letter:

(1) "Sources located in the State" should read "sources located in Lane County."

(2) "However" should be deleted in the second sentence.

(3) "State agency only" should read "to Lane Regional Air Pollution Authority."

Dated: April 7, 1983.

L. E. Coate,

Acting Regional Administrator.

[FR Doc. 83-10200 Filed 4-18-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

National Industry Advisory Committee, Common Carrier Communications Subcommittee; Meeting

Pursuant to the provisions of Pub. L. 92-463, announcement is made of a public meeting of the Common Carrier Communications Subcommittee of the National Industry Advisory Committee (NIAC) to be held Thursday, May 5, 1983. The Subcommittee will meet in the Federal Communications Commission's Training Room 330 in the "Brown Building" at 1200 19th Street, NW., Washington, D.C. at 9:30 a.m.

Purpose: To consider emergency communications matters.

Agenda: As follows:

1. Opening remarks by Chairman.
2. Reports by members on issues assigned at the April 19, 1983 meeting and consideration of these issues, as follows:
   - Compensation for the carriers who man the National Coordinating Mechanism (NCM).
   - Compensation for the carriers who provide special assistance during emergencies.
   - Types of authority required for the NCM to operate.
   - Administrative support of the NCM.
   - Approval of NCM plans, standards or policies.
   - Possible requirement for NIAC joint committee on funding.
   - Other issues.
3. Other business.
4. Adjournment.

Any member of the public may attend or file a written statement with the Committee either before or after the meeting. Any member of the public wishing to make an oral statement must consult with the Committee prior to the meeting. Those desiring more specific information about the meeting may telephone the NIAC Executive Secretary in the FCC Emergency Communications Division at (202) 634-1549.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83-10406 Filed 4-18-83; 8:45 am]

BILLING CODE 6712-01-M

[Joint Board in CC Docket No. 80-286]

Jurisdictional Separations Proceeding To Hold Meeting

April 8, 1983.

The Federal-State Joint Board in CC Docket No. 80-286, *Amendment of Part 67 of the Commission's Rules*, also known as the *Jurisdictional Separations Proceeding*, will meet April 15, 1983, at 9:30 a.m. in Room 856, 1919 M Street NW., Washington, D.C. The Joint Board will discuss methods for allocating non-traffic sensitive (NTS) local exchange plant between the intrastate and interstate jurisdictions as well as a number of other issues concerning the allocation of local exchange plant which remain to be resolved in this proceeding. If you have any questions concerning this matter, please call Claudia Pabo at (202) 632-9342.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83-10049 Filed 4-18-83; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 2241]

Summit Forwarding Corp.; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.15(d) of Federal Maritime Commission General Order 4 further provides that a license shall be automatically revoked for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Summit Forwarding Corp., 5959 Westheimer, Suite 203A, Houston, TX 77057 was cancelled effective April 6, 1983.

By letter dated March 11, 1983, Summit Forwarding Corp., was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 2241 would be automatically revoked unless a valid surety bond was filed with the Commission.

Summit Forwarding Corp., has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual or Orders, Commission Order No. 1 (Revised), § 10.01(f) dated November 12, 1981;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 2241 be and is hereby revoked effective April 6, 1983.

It is ordered, that Independent Ocean Freight Forwarder License No. 2241 issued to Summit Forwarding Corp., be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon Summit Forwarding Corp.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing

[FR Doc. 83-10345 Filed 4-18-83; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 1731]

TAF Delivery Systems, Inc.; Order of Revocation

On April 11, 1983, TAF Delivery Systems, Inc., Route 17, Hasbrouck Heights, NJ 07604 surrendered its Independent Ocean Freight Forwarder License No. 1731 for revocation.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), section 10.01(e) dated November 12, 1981;

It is ordered, that Independent Ocean Freight Forwarder License No. 1731 issued to TAF Delivery Systems, Inc., be revoked effective April 11, 1983, without prejudice to reapplication for a license in the future.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon TAF Delivery Systems, Inc.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 83-10346 Filed 4-18-83; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 83-22; Agreement No. 10461]

Equal Access Agreement in the United States/Republic of the Philippines Ocean Liner Trade; Order of Investigation and Hearing

Agreement No. 10461 (Agreement), between Galleon Shipping Corp. and Maritime Co. of the Philippines (Philippine-flag carriers) and American President Lines, Ltd., Lykes Bros. Steamship Co., Inc., Sea-Land Service, Inc. and Waterman Steamship Corporation (U.S.-flag carriers), has been filed for approval pursuant to section 15 of the Shipping Act, 1916 (46 U.S.C. 814).

The Agreement provides that the parties shall have free and equal access to the total import and export cargo available in the ocean liner trade between the United States of America and the Republic of the Philippines (the trade). Each national-flag group promises to exercise its best efforts in representations to its respective government to secure for the other group the benefits of its government's regulations concerning the reservation of cargo to its nation's merchant marine. The Agreement further provides that the parties will become "associate companies" and that they will seek their respective government's approval of the Agreement so that each party can participate under equal conditions in the exchange of traffic in the trade. Associate company status for Philippine-flag carriers in the United States and for U.S.-flag carriers in the Republic of the Philippines (R.O.P.) is subject to the fulfilling of this requirement in both countries. Additional authorized R.O.P.-flag carriers and additional U.S.-flag carriers entering the trade may participate in the Agreement. The Agreement proposes an unlimited term and any party may terminate participation in the Agreement upon 30 days' notice.

Notice of filing was published in the **Federal Register** (47 FR 52768-52769, November 23, 1982). The government of the Republic of the Philippines filed a statement in support of the Agreement.[1] Protests were timely filed by foreign governments,[2] by third-flag carriers in the trade,[3] by a shipowners' association,[4] by individual shippers,[5] and by shippers' associations and other import and export interests.[6] A number of other protests were received after the period for comment.[7] Proponents submitted a reply to the protests. The United States government filed a statement clarifying United States' policy regarding access to U.S. trades.[8]

Proponents contend that the Agreement will: (1) harmonize the respective cargo reservation laws and policies of the United States and the Republic of the Philippines; (2) enable the parties to secure equal access to both governments' controlled cargoes; (3) avoid curtailment of U.S.-flag service and other trade disruptions; (4) provide shippers with additional service options and improved liner services; (5) advance the formal policy objectives of United States' statutes to eliminate discrimination against U.S.-flag vessels, strengthen the U.S.-flag merchant marine, and permit reciprocal treatment to vessels of the trading partner; and (6) promote the development of Philippine-flag carriers. Proponents further assert that the Agreement: (1) does not conflict with federal antitrust laws; (2) does not authorize cargo sharing or pooling activities or coordination of sailings or cargo bookings; (3) does not authorize collective conduct to implement Philippine cargo reservation laws or regulations; (4) does not divide the trade or limit or exclude third-flag carrier participation; (5) does not unjustly discriminate against third-flag carriers, shippers, receivers or ports; (6) has no bearing on conference structures, freight services or pricing; (7) preserves competitive freight service and pricing; (8) represents a commercial resolution of the problem of availability of controlled cargo; and (9) has been shown to be

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[1] Late-filed comments supporting approval of the Agreement were received from the Maritime Institute for Research and Industrial Development and from the Joint Maritime Congress.

[2] The Norwegian government filed a protest through the Royal Norwegian Embassy. Representatives of the British and Norwegian governments filed an Aide Memoire in opposition to the Agreement through the U.S. State Department. The document represents the views of the Consultative Shipping Group, a group composed of representatives of the governments of Belgium, Denmark, Finland, France, West Germany, Greece, Italy, Japan, the Netherlands, Norway, Spain, Sweden and the United Kingdom.

[3] Third-flag operators in the trade filing protests are: A. P. Moller-Maersk Line, Barber Blue Sea Lines and a group of Japanese lines consisting of Japan Line, Ltd., Kawasaki Kisen Kaisha, Ltd., Mitsui O.S.K. Lines, Ltd., Nippon Yusen Kaisha, Showa Line, Ltd., and Yamashita-Shinnihon Steamship Co., Ltd.

[4] The Council of European & Japanese National Shipowners' Associations.

[5] Individual shippers filing protests are: Diamond Shamrock Corporation, K Mart Corporation, PPG Industries, Inc., and Hampco Apparel, Inc.

[6] Shipper groups filing protests are: American Association of Exporters and Importers, Volume Footwear Retailers of America, National Industrial Transportation League, and Chemical Manufacturers Association.

[7] Late-filed protests were received from: Oregon Commodities Co., FMC Corporation, Anitox Corporation, Washington Fish and Oyster Co. of California, Westinghouse Electric Corporation, Mark Ross & Co. International, The Gates Rubber Company, National Supply Company, Philips Roxane, Inc., Ford Motor Company, National Customs Brokers & Forwarders Association of America, Inc., and D. V. Arguimbau & Co., Inc. These persons are not designated as Protestants in this proceeding.

[8] The joint statement of the United States was filed on behalf of the Departments of Transportation, Commerce, State, Justice and the U.S. Trade Representative.

required by a serious transportation need, necessary to serve important public benefits and in furtherance of a valid regulatory purpose.[9]

Protestants allege that the Agreement will: (1) implement or facilitate the implementation of Philippine cargo reservation laws in a manner contrary to the U.S. trade policy; (2) exclude third-flag carriers from the trade; (3) unjustly discriminate against third-flag carriers; (4) inaugurate a cargo sharing or market allocation arrangement; (5) reduce service options available to shippers; (6) result in increased freight rates and higher shipping costs; (7) lead to deterioration in the quality of service to shippers; and (8) adversely affect U.S. exporters and make them less competitive in world markets. Protestants also contend that disapproval of the Agreement will not disrupt the trade or cause U.S.-flag carriers to suffer cargo or revenue losses. They further maintain that the terms of the Agremeent are vague, that the factual information provided is insufficient to assess the Agreement's impact, and that Proponents have failed to show that the Agreement is required by a serious transportation need, necessary to secure important public benefits or is otherwise in furtherance of a valid regulatory purpose. Finally, Protestants contend that the Agreement is not a commercial arrangement between the parties, but is one imposed on the signatories via governmental directions to the Philippine-flag lines.

The documents and other information submitted by Proponents, Protestants, and other Commentators reveal several areas in which material facts are in dispute or in which the information provided is either not vertified or is not sufficiently complete to reach a fully informed decision regarding the Agreement.[10] Accordingly, the Commission believes that an investigation and hearing should be instituted to resolve the following factual and legal issues and to determine whether this Agreement should be approved, disapproved or modified.

The ultimate question in this proceeding is whether Agreement No. 10461 meets the approval standards of sections 15. Included within that determination is the question of whether the Agreement is subject to the *Svenska* doctrine,[11] and, if so, whether it meets the *Svensak* requirements. "Equal Access" agreements can contemplate a number of different types of activities and effects. Mere petitioning of the respective governments of the parties will not ordinarily have a significant effect on trade conditions. On the other hand, an agreement which has the effect of limiting to a few carriers access to large blocks of reserved cargo may have a profound impact on competition within a trade. It is the assessment of competitive impact of any agreement which identifies its relationship to *Svenska* requirements. The Commission has held that "[w]here agreements are strongly protested, as here, we must examine not only the terms of an agreement, but also the competitive consequences which may be expected to flow from the agreement and other facts which show the objectives and results of the agreements." *Agreement No. T–4; Terminal Lease Agreement, Long Beach California*, 8 F.M.C. 521, 529 (1965). The following specific issues are relevant to a consideration of the applicability of *Svenska* as well as approval under section 15.

First, additional information is needed regarding the specific terms and likely impact of Philippine cargo reservation laws. Although these laws have received extensive publicity and although both Proponents and Protestants frequently refer to them,[12] the actual texts of these laws and regulations have not been made part of this record. These documents are necessary for an understanding of the specific terms and provisions of the Philippine cargo reservation system. In addition, factual issues concerning the interpretation, interrelationship, implementation, and impact of these laws remain in dispute and cannot be satisfactorily resolved on the present record. As one example, additional information is needed to determine: (1) how the Philippine waiver system operates; (2) how Central Bank regulations concerning letters of credit relate to the waiver system; and (3) how waiver rules are applied to U.S.-flag and third-flag carriers.

Second, the nature of Agreement No. 10461, its relationship to Philippine cargo reservation laws, and the probable impact of this Agreement on the trade are in dispute. Specific factual issues include: (1) whether the language of this Agreement accurately reflects the complete understanding of the parties as to all actions to be taken pursuant to the Agreement; (2) the impact of the Agreement on participation of third-flag lines in the carriage of cargo in this trade; (3) the impact of this Agreement on service to shippers; (4) the impact on U.S.-flag carriers of disapproval of this Agreement; and (5) whether the Agreement is technically sufficient, *i.e.*, are its terms clear and definite.

Third, additional information is needed in order to form a complete picture of the trade between the United States and the Republic of the Philippines and to resolve the dispute over the impact of this Agreement on third-flag carriers and service to shippers.[13] This information should include: (1) the market shares and available capacity of U.S.-flag, Philippine-flag, and third-flag carriers presently serving the trade; (2) a description of the kind and frequency of service presently offered by these carriers including vessel type, ports served, and number of sailings; and (3) the kind and volume of commodities moving in the trade and the indentification and quantification of that cargo subject to U.S. and Philippine cargo reservation laws.

Fourth, the issue has been raised as to whether Agreement No. 10461 is consistent with U.S. trade policy. In addition, the current status of consultations between the U.S. and R.O.P. regarding shipping relations between the two countries has also been raised. The impact of these factors on the approvability of the Agreement is difficult to assess at this juncture. Past Commission actions on equal access agreements have at times included

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[9] The government of the Republic of the Philippines states that the Agreement will promote the development of the Philippine-flag merchant marine, will promote trade between the United States and the Philippines, will maintain reliable liner services, and will preserve intergovernmental harmony.

[10] The Commission is required to conduct an appropriate hearing where an agreement with anticompetitive potential presents disputed issues of material fact. *Marine Space Enclosures, Inc. v Federal Maritime Commission*, 420 F.2d 577, 586–87 (D.C. Cir. 1969). Moreover, adequate consideration must be given to the antitrust implications of an agreement which presents the potential to unduly restrain competition. *U.S. Lines v. Federal Maritime Commission*, 584 F.2d 519, 531 (D.C. Cir. 1978).

[11] The *Svenska* doctrine is the proposition affirmed in *Federal Maritime Commission v. Aktiebolaget Svenska Amerika Linien*, 390 U.S. 238 (1968), whereby section 15 agreements which interfere with the policies of the antitrust laws will be disapproved as "contrary to the public interest" unless justified by evidence establishing that the agreement, if approved, will meet a serious transportation need, secure an important public benefit or further a valid regulatory purpose of the Shipping Act, 1916. The burden is on proponents of such agreements to come forward with the necessary evidence

[12] The laws and decrees referred to in the record before the Commission include Presidential Decree No. 1466, Executive Order No. 769, and Memorandum Order No. 3. In addition, there may be other interstitial decrees or regulations not mentioned by the Proponents or Protestants which would be relevant to the consideration of this Agreement.

[13] Several Protestants have submitted factual data concerning the trade. This information, however, is not always verified or complete.

analysis of the diplomatic environment between the United States and the trading partner. Moreover, the cargo reservation policies which are said to have given rise to this Agreement may be the subject of the upcoming discussions. A resulting change in Philippine cargo reservation policy may affect analysis of transportation need. These matters require clarification.

Therefore, it is ordered, That pursuant to sections 15 and 22 of the Shipping Act, 1916 (46 U.S.C. 814 and 821), an investigation and hearing is instituted to determine whether Agreement No. 10461 should be approved, disapproved or modified. This investigation will address any material factual and legal issues including those discussed above; and

It is further ordered, That the parties listed in Appendix A attached hereto are hereby made Proponents in this proceeding; and

It is further ordered, That the parties listed in Appendix B attached hereto are hereby made Protestants in this proceeding; and

It is further ordered, That in accordance with the Commission's Rules (46 CFR 502.42) the Bureau of Hearing Counsel is hereby made a party to this proceeding; and

It is further ordered, That this matter is assigned for hearing and decision to the Commission's Office of Administrative Law Judges, with a public hearing to be held at a date and place hereafter determined by the Presiding Administrative Law Judge but in no event later than the time limitation set forth in Rule 61 (46 CFR 502.61). This hearing shall include oral testimony and cross-examination in the discretion of the Presiding Officer only upon a showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matters in issue is such that oral hearing and cross-examination are necessary to develop an adequate record; and

It is further ordered, That persons other than those named herein having an appropriate interest and desire to participate in this proceeding may petition for leave to intervene pursuant to section 502.72 of the Commission's Rules (46 CFR 502.72); and

It is further ordered, That this order be published in the **Federal Register** and a copy served upon all parties of record; and

It is further ordered, That all future notices, orders, or decisions issued in this proceeding, including notice of the time and place of hearing or prehearing conference, be mailed directly to all parties of record; and

It is further ordered, That all documents submitted by any party of record in this proceeding shall be filed in accordance with Rule 118 of the Commission's Rules (46 CFR 502.118), as well as being mailed directly to all parties of record. By the Commission.

Francis C. Hurney,

Secretary.

Appendix A

Galleon Shipping Corp.
Maritime Co. of the Philippines
American President Lines, Ltd.
Lykes Bros. Steamship Co., Inc.
Sea-Land Service, Inc.
Waterman Steamship Corporation

Appendix B

The Government of Norway
The Consultative Shipping Group
A. P. Moller-Maersk Line
Barber Blue Sea Lines
Japan Line, Ltd., *et al.*
The Council of European & Japanese National Shipowners' Associations
Diamond Shamrock Corporation
K Mart Corporation
PPG Industries, Inc.
Hampco Apparel, Inc.
American Association of Exporters and Importers
Volume Footwear Retailers of America
National Industrial Transportation League
Chemical Manufacturers Association

[FR Doc. 83-10346 Filed 4-18-83; 8:45 am]
BILLING CODE 6730-01-M

Independent Ocean Freight Forwarder License Applicants; Airmobil Freight Corp. et al.

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(c)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commisison, Washington, D.C. 20573.

Airmobil Freight Corporation
9864 W. Leland Avenue, Schiller Park, IL 60176
Officers:
Arlene M. Williams, President/Director
Michael R. Sobie, Director/Vice President
H. Anthony Saida, Vice President
Frank Ricci, Director/Secretary/Treasurer

Ssangyong Shipping (America) Ltd.
51 Jemes Street, South Hackensack, NJ 07606
Officers:
Doo Ha Park, President/Director
Myung Sung Kim, Executive Vice President/Director
Stephen A. Geiger, Secretary

Marathon Shipping, Inc.
6301 Quad Avenue, Baltimore, MD 21205
Officers:
John Browning Rockwell, President/Director
Susan L. Farris, Operations Manager

Gregorio R. Francisco dba Eximco Air-Sea Co.
411 Manila Avenue, Jersey City, NJ 07302

Eastern Forwarding International, Inc.
7C Terminal Way, Avenel, NJ 07001
Officers:
Jay L. Goldberg, President
Anna M. Goldberg, Secretary/Treasurer

By the Federal Maritime Commisison.

Dated: April 14, 1983.

Francis C. Hurney,

Secretary.

[FR Doc. 83-10347 Filed 4-18-83; 8:45 am]
BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Acquisition of Bank Shares by Bank Holding Companies; Union National Corp., et al.

The companies listed in this notice have applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that applicaton. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Cleveland** (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Union National Corporation,* Mt. Lebanon, Pennsylvania; to acquire 100 percent of the voting shares or assets of The McDowell National Bank of Sharon, Sharon, Pennsylvania. Comments on this application must be received not later than May 11, 1983.

B. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Union Illinois Company,* East St. Louis, Illinois; to acquire 84 percent of the voting shares or assets of The State Bank of Jerseyville, Jerseyville, Illinois.

Comments on this application must be received not later than May 12, 1983.

Board of Governors of the Federal Reserve System, April 12, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-10285 Filed 4-18-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies; Gold Coast Bancshares, Inc., et al.

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President), 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Gold Coast Bancshares, Inc.*, Hypoluxo, Florida; to become a bank holding company by acquiring 80 percent of the voting shares of Bank of South Palm Beaches, Hypoluxo, Florida. Comments on this application must be received not later than May 12, 1983.

B. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President), 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Marshall Bancshares, Inc.*, Marshall, Oklahoma; to become a bank holding company by acquiring 80 percent or more of the voting shares of Bank of Marshall, Marshall, Oklahoma. Comments on this application must be received not later than May 12, 1983.

C. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President), 400 South Akard Street, Dallas, Texas 75222:

1. *Walz-Stuart Agency, Inc.*, St. Paul, Minnesota; to become a bank holding company by acquiring 70.6 percent of the voting shares of First Sierra National Bank, Truth or Consequences, New Mexico. Comments on this application must be received not later than May 12, 1983.

D. **Board of Governors of the Federal Reserve System** (William W. Wiles, Secretary), Washington, D.C. 20551:

1. *Northwest Suburban Bancorp, Inc.*, Mount Prospect, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of First National Bank of Mount Prospect, Mount Prospect, Illinois; Countryside Bank, Mount Prospect, Illinois and First National Bank of Lake Zurich, Lake Zurich, Illinois. This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Chicago. Comments on this application must be received not later than May 12, 1983.

Board of Governors of the Federal Reserve System, April 12, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-10284 Filed 4-18-83; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities; Citicorp, et al.

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Citicorp*, New York, New York (finance company activities; Texas): To expand the activities of an existing office of its subsidiary, Citicorp Acceptance Company, Inc., to include the proposed *de novo* activity of: the making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and other purposes. Such activity would be conducted from an office in San Antonio, Texas serving the entire State of Texas. Comments on this application must be received not later than May 11, 1983.

2. *Citicorp*, New York, New York (finance company activities; Texas): To expand the activities of an existing office of its subsidiary, Citicorp Acceptance Company, Inc., to include the proposed *de novo* activity of: the making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and other purposes. Such activity would be conducted from an office in Houston, Texas serving the entire State of Texas. Comments on this application must be received not later than May 11, 1983.

3. *Citicorp*, New York, New York (consumer finance and credit-related insurance activities; Florida): To establish a *de novo* office of Citicorp Homeowners, Inc. and a *de novo* office of Citicorp Person-to-Person Financial Center of Florida, Inc. at a shared location in Boca Raton, Florida. The activities in which the *de novo* office of Citicorp Homeowners, Inc. and the *de novo* office of Citicorp Person-to-Person Financial center of Florida, Inc. propose to engage are: the making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and other purposes; the sale of credit related life and accident and health insurance by licensed agents or brokers, as required; the sale of consumer oriented financial management courses; the servicing, for any person, of loans and other extensions of credit; the making, acquiring, and servicing, for its own account and for the account of others, of extensions of credit to individuals secured by liens on residential or non-residential real estate; and the sale of mortgage life and mortgage disability

insurance directly related to extensions of mortgage loans. The proposed insurance activities are permissible pursuant to section 601(A) of the Garn-St Germain Act of 1983 (12 U.S.C. 1843(c)(8)(A)). The proposed service area for the *de novo* office of Citicorp Homeowners, Inc. and the *de novo* office of Citicorp Person-to-Person Financial Center of Florida, Inc. shall be comprised of the entire State of Florida for all the aforementioned proposed activities. Credit-related life, accident and health insurance may be underwritten by Family Guardian Life Insurance Company, an affiliate of Citicorp Person-to-Person Financial Center of Florida, Inc. and Citicrop Homeowners, Inc. Comments on this application must be received not later than May 9, 1983.

B. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *First Maryland Bancorp,* Baltimore, Maryland (retail sale of money orders and travelers checks; data processing activities; Mid-Atlantic region): To engage, through its wholly-owned subsidiary, First Maryland Cheque Corporation in the sale at retail of money orders having a face value of not more than $1,000, the issuance and sale of travelers checks, and providing data processing and data transmission services, data base or facilities (including data processing and date transmission hardware, software, documentation, and operating personnel) for the internal operations of the holding company or its subsidiaries, all in accordance with the Board's Regulation Y. The issuance of money orders and travelers checks would be conducted by agents, including the holding company's banking subsidiaries, in offices throughout the State of Maryland and in Millsboro, Delaware, initially, and by agents in other Mid-Atlantic states in the future. The performance of data processing activities would be conducted at the offices of First Maryland Cheque Corporation in Baltimore, Maryland. Comments on this application must be received not later than May 9, 1983.

2. *Maryland National Corporation,* Baltimore, Maryland (leasing insurance and financing activities): To engage through its subsidiary, Maryland National Leasing Corporation, in the following activities; engaging generally in the business of leasing personal property (including, but not limited to, the leasing of various types of equipment, machinery, vehicles, transportation equipment, and data processing equipment and including conditional sales contracts and chattel mortgages) where the lease is the functional equivalent of an extension of credit; originating and servicing personal property leases as principal or agent; buying, selling and otherwise dealing in personal property lease contracts as principal or agent; buying, selling and otherwise dealing in personal property leasing transactions; engaging in the sale, as agent or broker, of insurance similar in form and intent to credit life and/or mortgage redemption insurance; engaging generally in the business of leasing real property where the lease is the functional equivalent of an extension of credit; originating real property leases as principal or agent; servicing real property leases for affilated or non-affiliated individuals, partnerships, corporations or other entities; buying, selling and otherwise dealing in real property leasing transactions; engaging generally in commercial lending operations including, but not limited to, secured or unsecured commercial loans and other extensions of credit to commercial enterprises; and acting as advisor or broker in commercial lending transactions. These activities would be conducted from offices in Oak Brook, Illinois. The geographic area to be served by the Oak Brook office will be the north central area of the United States in general including but not limited to the States of Illinois, Michigan, Minnesota and Wisconsin. Comments on this application must be received not later than May 9, 1983.

C. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *First Wisconsin Corporation,* Milwaukee, Wisconsin (mortgage lending and credit insurance activities; Wisconsin): To engage, through its subsidiary, RE Services, Inc., in making and acquiring, for its own account or for the account of others, loans and other extensions of credit such as would be made by a mortgage company; and acting as agent for the sale of credit life and accident and health insurance directly related to its extensions of credit. These activities would be conducted from an office in Milwaukee, Wisconsin, serving the State of Wisconsin. Comments on this application must be received not later than May 5, 1983.

2. *Marshall & Ilsley Corporation,* Milwaukee, Wisconsin (commercial finance activities and providing portfolio investment advice; all 50 states): To engage, through its subsidiary, M&I Capital Corporation, in making or acquiring secured loans and other extensions of credit to or for business, governmental or other customers (excluding direct consumer lending), entities or projects; purchasing or acquiring receivables or chattel paper (including consumer receivables and paper); issuing letters of credit and accepting drafts; servicing loans and other extensions of credit; and providing portfolio investment and financial advice to any individual, firm, corporation, partnership or other entity. These activities would be conducted in all 50 states. Comments on this application must be received not later than May 4, 1983.

3. *St. Joseph Bancorporation, Inc.,* South Bend, Indiana, (mortgage activities; Indiana): To engage, through its subsidiary, St. Joseph Mortgage Co., Inc., in originating, acquiring, selling, and servicing residential, commercial and industrial mortgage loans. Such activities will be conducted from an office in Bloomington, Indiana, serving Bloomington, Indiana, and the surrounding counties, including Monroe, Morgan, Lawrence, and Jackson Counties, Indiana, but not including the Indianapolis metropolitan area. Comments on this application must be received not later than May 3, 1983.

Board of Governors of the Federal Reserve System, April 13, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-10286 Filed 4-18-83; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities; Southern Bancorporation, et al.

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or

unfair competition, conflicts of interests, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Southern Bancorporation,* Greenville, South Carolina (finance and insurance activities; Georgia): To engage through its subsidiary, World Acceptance Corporation, in making extensions of credit such as would be made by a consumer finance company and the sale of credit life, accident, health and property insurance related to extensions of credit made by World Acceptance Corporation. Such insurance activities are permissible under section 610(A) and (B) of the Garn-St Germain Depository Institutions Act of 1982. These activities will be conducted from an office in Columbus, Georgia, serving the Columbus SMSA. Comments on this application must be received not later than May 10, 1983.

B. **Federal Reserve Bank of Cleveland** (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Mellon National Corporation,* Pittsburgh, Pennsylvania (mortgage banking, servicing, and insurance activities; Louisiana): To engage, through a *de novo* office of its subsidiary, Carruth Mortgage Corporation, in the general activities of a mortgage banking company, including the origination, sale and servicing of mortgage loans; the sale and servicing of such loans for institutional investors; and the sale of credit-related insurance including credit-accident and health, credit-life, and property and credit-related casualty insurance related to extensions of credit (such sale of credit-related insurance being a permissible activity under Subparagraph D of Title VI of the Garn-St Germain Depository Institutions Act of 1982). These activities will be conducted from offices in Lake Charles, Louisiana, serving southwestern Louisiana. Comments on this application must be received not later than May 12, 1983.

C. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Northwest Bancorporation,* Minneapolis, Minnesota (lending activities; central United States): To engage, through its wholly-owned subsidiary, Northwest Agricultural Credit Co., in lending and loan services activities including making or acquiring, for its own account or for the account of others, loans, real estate mortgages, or other extensions of credit and servicing loans, real estate mortgages, and other extensions of credit for any person. These activities would be conducted from Sioux Falls, South Dakota, serving Minnesota, Wisconsin, Iowa, South Dakota, North Dakota, Montana, Nebraska, Illinois, Missouri, Kansas, Colorado, Wyoming, Texas, Oklahoma, Idaho, Washington, and Oregon. Comments on this application must be received not later than May 3, 1983.

Board of Governors of the Federal Reserve System, April 12, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-10287 Filed 4-18-83; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Mail Order Rule Study Information Collection Requirement

AGENCY: Federal Trade Commission.

ACTION: Application to OMB under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) for clearance of a study of the economic impact of the FTC Mail Order Merchandise Rule.

SUMMARY: This application seeks clearance to conduct a survey to collect information about the economic impact on small mail order firms that are subject to the FTC Mail Order Merchandise Rule (16 CFR Part 435). This study is specified in the Commission's Plan for Periodic Review of Rules published under the Regulatory Flexibility Act, 5 U.S.C. 610. See FR 35118. The survey will be conducted with executives of two hundred mail order firms with sales of $7.5 million or less and with executives of fifty mail order firms with sales greater than $7.5 million.

DATE: Comments on this application must be submitted on or before May 19, 1983.

ADDRESS: Send comments to Ms. Nell Minow, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3001, Washington, D.C. 20530. Copies of this application may be obtained from: Public Reference Branch, Room 130, Federal Trade Commission, Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: Thomas J. Maronick, Office of Impact Evaluation, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, (202) 724-1877.

John H. Carley,

General Counsel.

[FR Doc. 83-10376 Filed 4-18-83; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

May Meetings

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following national advisory body scheduled to assemble during the month of May.

National Advisory Council on Drug Abuse

May 17-18; 9:00 a.m.
National Institutes of Health, Building 31C
Conference Room 8, Bethesda, Maryland 20205
Open—May 17; 9:00 a.m.-12 Noon
May 18; 9:00 a.m.-5:00 p.m.
Closed—Otherwise
Contact: Mrs. Sheila Gardner, Parklawn Building, Room 10A-56, Rockville, Maryland 20857, (301) 443-4843

Purpose: The National Advisory Council on Drug Abuse advises and makes recommendations to the Secretary, Department of Health and Human Services, the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, and the Director, National Institutes on Drug Abuse, on the development of new initiatives and priorities and the efficient administration of drug abuse research, including prevention and treatment research, and research training. The Council also gives advice on policies and priorities for drug abuse grants and contracts, and reviews and makes final recommendations on grant applications.

Agenda: From 9:00 a.m.-12 Noon, May 17, and from 9:00 a.m.-5:00 p.m., May 18, the meeting will be open for discussion of administrative; announcements,

program development and policy issues. Otherwise, the Council will be performing final review of applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of 5 U.S.C. 552b(c)(6), and Section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

As time permits on May 18, from 3:30-5:00 p.m., the Council will hear statements from interested organizations in the drug abuse field. Persons interested in appearing should contact the Executive Secretary to be scheduled. The oral presentation shall be no longer than 10 minutes, although written statements may be submitted in supplement.

National Advisory Mental Health Council

May 23-25; 9:00 a.m.
May 23; 9:00 a.m.-1:30 p.m.—National Institutes of Health, Building 31C, Conference Room 6, Bethesda, Maryland 20505
May 23; After 1:30 p.m.—Adjournment May 25—Parklawn Building, Conference Room G, 5600 Fishers Lane, Rockville, Maryland 20857
Open—May 23; 9:00 a.m.-1:30 p.m.
Closed—Otherwise
Contact: Mrs. Helen W. Garrett, Committee Management Officer, Parklawn Building, Room 17C-26, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-4333

Purpose: The National Advisory Mental Health Council advises the Secretary of Health and Human Services, the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, and the Director, National Institutes of Mental Health, regarding policies and programs of the Department in the field of mental health. The Council reviews applications for grants-in-aid relating to research and training in the field of mental health and makes recommendations to the Secretary with respect to approval of applications for, and amount of, these grants.

Agenda: On May 23, the meeting will be open for discussion of NIMH policy issues and will include current administrative, legislative, and program developments. Attendance by the public for the open session will be limited to space available. Otherwise, the Council will conduct a final review of applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of 5 U.S.C. 552b(c)(6), and Section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

Board of Scientific Counselors, NIDA

May 23-25; 9:30 a.m.
Addiction Research Center, Conference Room,
Lexington, Kentucky 40583
Open—May 23; 9:30-10:00 a.m.
Closed—Otherwise
Contact: Mr. Francis C. Johnson, Baltimore; City Hospitals, Mason F. Lord (D) Building, Room 542A, Baltimore, Maryland 21224, (301) 396-9670

Purpose: The Board of Scientific Counselors provides expert advice to the Director, NIDA, on the drug abuse intramural research program through periodic visits to the laboratories for assessment of the research in progress and evaluation of productivity and performance of staff scientists.

Agenda: From 9:30-10:00 a.m., May 23, the meeting will be open for administrative announcements and program developments. Otherwise, the Board will be performing a review of the intramural research projects of the Addiction Research Center including an evaluation of individual scientific programs, and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552b(c)(6), and Section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

Basic Psychopharmacology Research Review Subcommittee of the Basic Psychopharmacology and Neuropsychology Research Review Committee

May 25-26; 9:00 a.m.
Holiday Inn, Silver Room North
8777 Georgia Avenue,
Silver Spring Maryland 20910
Open—May 25; 9:00-10:00 a.m.
Closed-Otherwise
Contact: Ms. Mary Cope, Parklawn Building, Room 9C-26, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-3944

Purpose: The Basic Psychopharmacology and Neuropsychology Research Review Committee is charged with the initial review of applications for assistance from the National Institute of Mental Health for support of research and research training activities relating to basic psychopharmacology and neuropsychology, with recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9:00-10:00 a.m., May 25, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of 5 U.S.C. 552b(c)(6), and Section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

National Advisory Council on Alcohol Abuse and Alcoholism

May 26; 9:00 a.m.,
National Institutes of Health, Building, 31C, Room 6,
9000 Rockville Pike
Bethesda, Maryland 20205
Open—9:00 a.m.-4:00 p.m.
Closed—Otherwise
Contact: Mr. James Vaughan, Parklawn Building, Room 16C-20, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-4375

Purpose: The Council advises the Secretary, Department of Health and Human Services, regarding policy direction and program issues of national significance in the area of alcohol abuse and alcoholism. Reviews all grant applications submitted, evaluates these applications in terms of scientific merit and coherence with Department policies, and makes recommendations to the Secretary with respect to approval and amount of award.

Agenda: On may 26, the open session will be devoted to general business of the Council and discussion of current budget, legislative and program activities.

On May 26, at the closed session, the Council will conduct a final review of grant applications for Federal assistance and this session will not be open to the public in accordance with the determination by the Admnistrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions set forth in Section 552b(c)(6), and Section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

Substantive information may be obtained from the contact persons listed above. Summaries of the meeting and rosters of Committee members may be obtained as follows: NIAAA: Mr. Diana Widner, Committee Management Officer, Room 16C-21, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-2860. NIDA: Ms. Claudette Wright, Committee Management Officer, Room 10-22, Parklawn Building, 5600 Fishers Lane,

Rockville, Maryland 20857, (301) 443–1644. NIMH: Ms. Helen W. Garrett, Committee Management Officer, Room, 17C–26, Parklawn Buiding, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–4333.

Dated: April 14, 1983.

Sue Simons,

Committee Management Officer, Alcohol, Drug Abuse and Mental Health Administration.

[FR Doc. 83–10191 Filed 4–18–83; 8:45 am]

BILLING CODE 4160–20–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Eighteenth National Immunization Conference; Open Meeting

A national Immunization Conference will be held May 16–19, 1983, at the Ramada Renaissance Hotel, 4736 Best Road, College Park, Georgia, telephone (404) 762–7676. This conference is sponsored by the Centers for Disease Control (CDC).

Federal, State, and local public health officials, as well as representatives from the private sector, who are involved in the organization and implementation of immunization activity will participate. The meeting is open to the public, limited only by the space available.

Registration will begin at the Ramada Renaissance Hotel at 12 noon and end at 5:00 p.m., on Monday, May 16. The program is scheduled to begin at 8:30 a.m., May 17, in the Renaissance Ballroom. All inquiries should be sent to: Mr. Jack Kirby, Chief, Program Services Branch, Division of Immunization, Center for Prevention Services, Centers for Disease Control, Atlanta, Georgia 30333. Telephones: FTS: 236–1886; Commercial: 404/329–1886.

Dated: April 13, 1983.

William C. Watson Jr.,

Acting Director, Centers for Disease Control.

[FR Doc. 83–10321 Filed 4–18–83; 8:45 am]

BILLING CODE 4160–18–M

Fibrogenicity of Coal Slags; Open Meeting

The following meeting will be convened by the National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and will be open to the public for observation and participation, limited only by space available:

Date: May 17, 1983.
Time: 9:00 a.m. to 4:30 p.m.

Place: Robert A. Taft Laboratories, 4676 Columbia Parkway, Cincinnati, Ohio 45226.

Purpose: To review and discuss an experimental animal study in which the fibrogenic potentials of three coal slag samples will be determined. Viewpoints and suggestions from industry, academia, other government agencies, and the public are invited.

Additional information may be obtained from: Lloyd E. Stettler, Ph. D., Division of Biomedical and Behavioral Sciences, National Institute for Occupational Safety and Health, Centers for Disease Control, 4676 Columbia Parkway, Cincinnati, Ohio 45226. Telephone: FTS: 684–8337; Commercial: 513/684–8337.

Dated: April 12, 1983.

William C. Watson, Jr.,

Acting Director, Centers for Disease Control.

[FR Doc. 83–10322 Filed 4–18–83; 8:45 am]

BILLING CODE 4160–19–M

Food and Drug Administration

[Docket No. 75N–0248]

Food Additive Status of Vitamin K Active Substances in Animal Food

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is issuing its conclusions on the regulatory status of vitamin K active substances (VKAS) in animal foods. The agency has concluded that certain VKAS are prior sanctioned for certain uses, that it will not propose to formalize the regulatory status of the remaining VKAS and VKAS uses, and that future marketers of VKAS substances should consult with FDA before marketing such substances.

FOR FURTHER INFORMATION CONTACT: George Graber, Bureau of Veterinary Medicine (HFV–220), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4438.

SUPPLEMENTARY INFORMATION: In the Federal Register of August 18, 1976 (41 FR 35009), FDA issued a notice that Heterochemical Corp. (Heterochemical) had petitioned it to review and clarify the legal status of several VKAS being used as supplements in animal food. Heterochemical asked FDA to take the following actions: (1) Require discontinuation of the use of menadione; (2) require discontinuation of the use of menadione sodium bisulfite (MSB); (3) declare that menadione sodium bisulfite complex (MSBC) is generally recognized as safe (GRAS) for use as a source of vitamin K activity solely in poultry feeds at levels up to 2 grams (g) per ton; for all other purposes, FDA was asked to require the discontinuation of use of MSBC; and (4) establish a reference standard for MSBC "so that the lawful substance may properly be identified in the marketplace and so that users of the substance may be assured of its quality."

In the notice, FDA stated that "[i]n order to acquire the information necessary to determine whether these products are * * * GRAS or food additives, the Commissioner is considering whether to propose under the provisions of § 121.41(b) [21 CFR 121.41(b)] [now § 570.38(b), see 41 FR 38618; September 10, 1976]) to determine that menadione, menadione sodium bisulfite, and menadione sodium bisulfite complex are not GRAS and are food additives subject to section 409 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348)." The notice asked for comments so that FDA could review all available data before making that determination.

FDA received comments from 47 sources including industry representatives, university and consultant nutritionists, animal feed manufacturers, an animal feed manufacturers' association, and the U.S Department of the Interior. FDA has analyzed those comments, which included literature, unpublished data, feed labels and formulas, price lists, and other documents. The agency has also reviewed its files and other available information relating to VKAS. This notice summarizes the foregoing information and sets forth the agency's findings and conclusions.

A substance added to food is a food additive, and therefore subject to prior approval by FDA unless, among other things, it is covered by a prior sanction (issued before September 6, 1958) or is generally recognized by the experts as safe. A substance can be generally recognized by experts as safe based either on common use in food prior to January 1, 1958, or on scientific procedures. 21 U.S.C 321(s).

The agency has concluded that MSBC and menadione are subject to prior sanctions, under certain use conditions. In addition, all comments except one stated that all VKAS marketed in 1976 were GRAS for all uses. Further, VKAS have been marketed for a number of years on the basis that the substances were GRAS or prior sanctioned, or both. The agency has concluded, however, that the literature and data submitted

are not sufficient to permit the agency to affirm the GRAS status of any of the VKAS based on scientific procedures. The agency has determined that it will not propose to issue food additive regulations or formal GRAS affirmations at this time for VKAS. Future Marketers of new VKAS substances should consult with FDA before marketing such substances.

I. Marketing History

Vitamin K, the "Koagulation vitamin," is essential for proper blood clotting. Vitamins K_1 and K_2, natural vitamins isolated from different sources, had as of 1976 not been added to feed in their pure form. Vitamin K_3, or menadione, is a synthetic fat-soluble substance that in 1939 was discovered to have anti-hemorrhagic properties. Menadione was used in animal feed in the late 1940's and in the 1950's. Since then, however, there has been little use of menadione per se in animal feed because it is difficult to handle and has a short shelf life.

MSB and MSBC were developed in 1941. MSB is water soluble and less irritating than menadione; nevertheless, it has limited utility for feed use in its pure form. Heterochemical submitted evidence that MSB has never been manufactured in the United States and that it was not imported prior to 1958, but a number of firms introduced variations of MSB beginning in the early 1960's. Thus, while MSB as such is thought not to be well adapted for animal feeds, some new processes apparently have produced acceptable MSB forms.

Formed by the addition of sodium bisulfite to MSB, MSBC is more stable than MSB. Abbott Laboratories began marketing MSBC for animal use in 1963; Heterochemical started selling MSBC for animal use soon thereafter. Abbott intoduced a new MSBC in 1972, while Heterochemical has continued to market the MSBC that was introduced in 1953. VKAS that were on the market in 1976 were recommended for use in poultry, swine, and a number of other species.

None of the forms of VKAS described above have been a subject of food additive regulations. But FDA required a food additive regulation for menadione dimethylpyrimidinol bisulfite (MPB) because of concern about possible harmful effects from pyrimidine. FDA approved Heterochemical's petition for a food additive regulation for MPB in 1966 (21 CFR 121.286, revised January 1, 1967, now 21 CFR 573.620 as redesignated at 41 FR 38618; September 10, 1976), for use only in poultry feed. The agency approved use of MPB in swine in 1975 (40 FR 30108; July 17, 1975, amending 21 CFR 121.286, now 21 CFR 573.620).

The comments generally agreed that "vitamin K" was widely used in poultry rations prior to 1958. The weight of the submitted evidence indicates, however, that there was little pre-1958 use of VKAS in swine rations. VKAS were not commonly added to swine rations until 1968–1970, when a "bleeding pig" problem caused most commercial feed manufacturers and producers to include VKAS in their swine rations. Information regarding use in species other than poultry and swine was not well documented. Several comments contended that VKAS were used in feed for dogs, fish, game birds, mink, rabbits, and occasionally beef and dairy cattle prior to 1958.

The MSBC sold by Abbott and Heterochemical prior to 1958 was recommended for use at low levels—2 to 4 grams per ton (g/ton). Subsequently, higher levels have been recommended for use in the feed of poultry and other species.

Based on the comments submitted, FDA concludes that (1) MSBC was in use in poultry rations prior to 1958; (2) menadione was in use in poultry rations prior to 1958; (3) MSBC, and possibly menadione, were in use in swine rations prior to 1958, but the use was very limited; (4) MSBC and menadione were in limited use in feed for mink, certain fish (trout and salmon), and possibly other species prior to 1958; and (5) MSB was not in use in animal feed prior to 1958.

II. Regulatory History

A. *Prior Sanction.* "Prior sanction" means, among other things, explicit FDA approval granted with respect to use of a substance in food prior to September 6, 1958. 21 CFR 570.3(1). In a letter to the Peter Hand Foundation on November 16, 1954, FDA stated that the use of menadione or other sources of vitamin K in poultry feed was acceptable. The agency made a similar statement in a letter to Dawes Laboratory on April 25, 1955. The two FDA letters constitute evidence of prior sanction for menadione and MSBC. Although the letters referred explicitly only to "menadione," the agency concludes from the language of the letters, the marketing history, and the listings in the Official Publication of the Association of American Feed Control Officials (AAFCO) that the letters referred to MSBC as well as menadione. Menadione and MSBC were listed in the AAFCO publication starting in 1955.[1]

A prior sanction is limited to "a specific use(s), of a substance in food, i.e., the level(s), condition(s), product(s), etc., for which there was explicit approval * * *." 21 CFR 181.5(a). Accordingly, the sanction is limited to use in poultry. As noted above, there is evidence of limited use in swine prior to the issuance of the 1954 and 1955 sanctioning letters. The letters, however, limited the sanction to poultry. For example, the 1954 letter stated that there was no evidence of need for other species, and that the substance "is not and cannot be considered as entirely innocuous." The sanction is also limited to the use levels that were common in the 1950's (2 to 4 g/ton).

The comments did not submit sufficient information to permit a determination whether the prior sanctions would cover the MSB products and the new MSBC introduced by Abbott in 1972. Heterochemical's position is that these substances are sufficiently different from the pre-1958 substances so as to require food additive regualtions. Abbott, on the other hand, contends that its new MSBC is not sufficiently different so as to require a food additive petition. Heterochemical offered several tests and studies in support of its position.

FDA agrees that the data demonstrated differences in physical characteristics. Variability in biological response therefore could be expected, due to differences in concentration of menadione sodium bisulfite. The tests and studies did not, however, measure the differences in toxicity of the compounds. Such differences, if any, are important in determining the comparability of the substances for the purpose of coverage by a prior sanction.

One study submitted by Heterochemical measured the biological response of 10 VKAS (8 labeled MSB and 2 labeled MSBC). The author reported that "the vitamin K active materials of equal menadione content differ in their degree of biological activity." He concluded that factors other than the percent menadione cause the variation in vitamin K activity. He noted that his was not a toxicological study, but stated that there is need for evaluation of the toxicological properties of the substances.

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[1] AAFCO is a corporation composed of officials of any State, dominion, Federal, or other governmental agency on the North American Continent who are responsible for regulating animal feeds or livestock remedies. One purpose of AAFCO is the development of just and equitable standards, definitions, and policies to be followed in enforcing laws relating to such substances. The Association's Official Publication, which is published annually, lists and defines ingredients considered acceptable for use in animal feed. The Official Publication is used by the feed industry in feed formulation.

FDA concludes that the study had a number of critical deficiencies and was inconclusive. The agency is not persuaded that toxicological studies are required on the VKAS that were marketed as of 1976.

Few of the other comments addressed the similarities of, and differences among, the various commercially available compounds. One comment stated that menadione and mendione derivative compounds all revert back to mendione for conversion to vitamin K to become biologically active; therefore, there would be no difference in the total effect. But the comment did not support this contention with references.

B. *Prior GRAS Determinations.* In a letter of June 7, 1960, to Crompton & Knowles Corp., FDA stated that menadione sodium bisulfite would not be a food additive for animal use when used under the commonly accepted conditions of good manufacturing practice. In the **Federal Register** of July 16, 1963 (28 FR 7262), the agency stated that "menadione in animal feed is not considered a food additive." Because by that time MSBC had been marketed for a decade, and because MSBC and MSB have often been referred to as "menadione," FDA concludes that the **Federal Register** statement referred not only to menadione but also to MSBC. The statement may also have applied to MSB, because that substance had appeared in the 1963 AAFCO Official Publication. The agency did not state the basis for the conclusion that the substance is not a food additive, i.e., whether it was prior sanctioned or GRAS, or both. MSB was listed as GRAS in the 1964 AAFCO publication, though, as were menadione and MSBC.

The 1976 **Federal Register** notice soliciting comments on VKAS stated, however, that the history of use of VKAS in the possession of FDA did not provide an adequate basis "upon which to conclude that such substances for animal use are GRAS" under criteria in the regulations. The substances have not been listed as GRAS in the regulations even though a number of natural and synthetic vitamins have been so listed since publication of the first GRAS list in 1960. AAFCO, however, continues to list MSB and MSBC as GRAS. 1982 AAFCO Official Publication, p. 167. The publication does not list menadione.

III. GRAS Status of VKAS

Section 570.30(a) (21 CFR 530.30(a)) provides that general recognition of safety may be based only on the views of experts qualified by scientific training and experience to evaluate the safety of substances added to food. Such recognition requires common knowledge about the substance throughout the scientific community knowledgeable about the safety of substances added to food.

For a substance used in food prior to January 1, 1958, general recognition may be based on common use in food. It is not clear whether any of the earlier FDA statements that VKAS were not food additives meant that the agency considered the substances to be GRAS based on common use. In any event, such general recognition would be for the same uses as those covered by the prior sanctions.

General recognition may also be based on scientific procedures. The applicable regulation, 21 CFR 570.30(b), states the following:

> General recognition of safety based upon scientific procedures shall require the same quantity and quality of scientific evidence as is required to obtain approval of a food additive regulation for the ingredient. General recognition of safety through scientific procedures shall ordinarily be based upon published studies which may be corroborated by unpublished studies and other data and information.

The comments submitted a large number of published studies, references to published studies, various other kinds of literature (such as company newsletters), and unpublished data. Virtually all the studies related to use in poultry and swine. There was reference only to one cattle study, and no studies in other species. Although the comments submitted many swine and poultry studies, all but one were designed to determine the need for vitamin K and the benefits of vitamin K supplementation, and not safety. The one exception was a 1976 toxicological study of MPB, the substance that is subject of a food additive regulation. The study concluded that the substance is safe in swine. FDA concludes, however, that the remaining studies do not provide the quantity and quality of data required for food additive approval. Therefore, it will not propose to affirm the substances as GRAS based on scientific procedures.

IV. Conclusion

VKAS have been added to animal food for more than 30 years, without apparent animal or human safety problems. They have been marketed on the basis that they are GRAS or prior sanctioned, or both. The agency does not plan to propose the issuance of food additive or GRAS affirmation regulations for VKAS at the present time. Therefore, the agency denies Heterochemical's petition.

But the agency advises those persons that intend to market new VKAS in the future to consult first with FDA. New forms of VKAS many raise potential safety questions such that a food additive regulation may be required. This was the case for MPB, because of concern about possible harmful effects from pyrimidine. Inquiries should be a addressed to Division of Animal Feeds (HFV-220), Bureau of Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

Dated: April 12, 1983.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs

[FR Doc. 83-10171 Filed 4-18-83; 8:45 am]

BILLING CODE 4160-01-M

Health Care Financing Administration

Medicaid Program; Medicaid Management Information System Proposed System Requirements

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Proposed notice.

SUMMARY: In this notice, we are proposing five new system requirements for Medicaid Management Information Systems. We propose that the systems be required to accept and use exclusively:

(a) A uniform diagnostic coding system (the *International Classification of Diseases, 9th Revision, Clinical Modification* (ICD-9-CM)), wherever diagnostic coding is used;

(b) A common claim form for hospital billing (HCFA-1450);

(c) A uniform electronic billing format for institutional billing;

(d) A common claim form for noninstitutional providers (the revised version of the Health Insurance Claim Form, HCFA-1500); and

(e) A uniform procedure coding system (HCFA Common Procedure Coding System (HCPCS)).

These requirements would improve the efficiency and effectiveness of the Medicaid program.

DATE: To assure consideration, comments should be received by June 20, 1983. We realize that the implementation of the five system requirements contained in this notice will involve recordkeeping and/or reporting requirements. In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507), we have submitted a copy of this notice for review by the Office of Management and Budget (OMB) of the reporting and/or recordkeeping provisions. The reporting

and/or recordkeeping requirements will not be effective until OMB approval has been obtained.

ADDRESSES: Please address your comments in writing to: Health Care Financing Administration, Department of Health and Human Services, Attention: BPO–33–PN, P.O. Box 17073, Baltimore, MD 21235.

Please address a copy of comments on information collection requirements to: Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503, Attention: Desk Officer for HHS.

If you prefer, you may deliver your comments to Room 309–G, Hubert H. Humphrey Building, 200 Independence Avenue, S.W., in the District; or to Room 132, East High Rise Building, 6325 Security Boulevard, in Baltimore.

In commenting, please refer to file code BPO–33–PN.

Comments will be available for public inspection, beginning approximately 2 weeks from today in Room 309–G of the Department's offices at 200 Independence Avenue, S.W., in Washington, D.C., on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (telephone 202–245–7890).

Because of the large number of comments we receive, we cannot acknowledge or respond to them individually. However, in preparing the final notice, we will consider all comments and will respond to them in the preamble to that notice.

FOR FURTHER INFORMATION CONTACT: Charles Booth, 301–594–5415.

SUPPLEMENTARY INFORMATION:

Background

Section 1903(a)(3) of the Social Security Act authorizes Federal matching funds at 75 percent for the operation of approved Medicaid Management Information Systems (MMIS). These systems are mechanized claims processing and information retrieval systems that are designed in accordance with basic Federal guidelines. The purpose of these systems is to provide for more efficient, economical, and effective administration of State Medicaid plans. Federal matching is available at 90 percent for expenditures for design, development, installation and improvement of an approved MMIS.

The first MMIS that became operational was approved in 1972. Each State is required under section 1903(r) of the Act (as added by section 901 of the Mental Health Systems Act, Pub. L. 96–398, enacted October 7, 1980) to have in place an operational and approved MMIS by October 1982. As of October 1982, there were 40 operational MMISs. (However, States with populations of 1,000,000 or less according to the 1976 census and with less than $100,000,000 in Medicaid expenditures per year may obtain waivers from this requirement if they can demonstrate that an MMIS would not significantly improve the efficiency of the administration of the State plan. Five States have been given waivers from this requirement. They are Alaska, Delaware, Rhode Island, Nevada and Wyoming.)

In addition, section 1903(r) of the Social Security Act requires us to reduce Federal financial participation (FFP) to States that fail to meet MMIS requirements for systems reapproval. A reduction in FFP in State expenditures for operating an MMIS from a total of 75 percent to 50 percent is required, on an incremental basis, if a State agency fails to meet any MMIS performance standards or system requirements. (A system requirement governs the structure and composition of an MMIS system. Performance standards establish levels of achievement an MMIS must attain in terms of accuracy, timeliness and cost.) In these cases, the law requires us to reduce FFP by no less than 5 percentage points, and by no more than 25 percentage points. However, we may not reduce a State's FFP by more than 10 percentage points for any fiscal year. We are further required to review each State MMIS yearly to determine if it continues to meet MMIS performance standards and system requirements. In accordance with these requirements, we published the first set of performance standards that States must meet on June 30, 1981 (46 FR 33653).

Current regulations at 42 CFR 433.115 require us to publish for public comment in the **Federal Register** any proposed changes in system requirements for systems eligible for funding at 75 percent. For revisions that would make substantive changes, we must also publish both our response to the comments received on any proposed changes and the final decision in the **Federal Register**. In addition, we must publish the final requirement in the State Medicaid Manual. We must also allow an appropriate period for the State agencies to comply with the new requirements.

This notice, in accordance with the provisions of 42 CFR 433.115, sets forth five system requirement changes we propose to implement. The use of these new system requirements is intended to improve the overall efficiency and effectiveness of the Medicaid program, as they would result in Federal and State savings and simplify claims submission by providers.

Until we have the results of the yearly MMIS reviews conducted in fiscal year 1986, failure to meet any of these new requirements would not result in reduction of enhanced FFP. Any of these proposed requirements that become final would have to be implemented by October 1, 1985. Both 90 percent and 75 percent Federal matching are available now to meet the requirements of this notice.

If a State, through no fault of its own, cannot implement a requirement by the above deadline it will not have its FFP reduced (e.g., Medicare does not implement a requirement in their State or a contractor of the State has failed to perform). The application of any reduction of FFP will depend upon the State's effort and progress toward the implementation of all requirements.

Proposed System Requirements

System Requirement Change I: Diagnosis Coding

We propose to change the current system requirement that merely requires an MMIS to have a data element in it for a diagnosis code. Instead we propose to require each system to: (1) Accept and use exclusively for diagnosis coding the *International Classification of Diseases, 9th Revision, Clinical Modification* (ICD–9–CM); (2) accept and use exclusively the full ICD–9–CM diagnosis codes, including all five digit codes; (3) accept and use exclusively ICD–9–CM on all types of claims on which diagnoses are coded; and (4) accept and use exclusively ICD–9–CM wherever the data element "diagnosis code" is currently used. Many States have been using the ICDA–8, a forerunner of the ICD–9–CM that has fewer digits and is less comprehensive.

Because of the advantages of ICD–9–CM over other codes in use, HCFA and the Public Health Service jointly announced endorsement of ICD–9–CM on September 14, 1978 in a press release. Subsequently, we issued two informational memoranda to Medicaid State agencies, which recommended that they use ICD–9–CM for diagnosis coding for all services: HCFA–IM–78–58 on December, 15, 1978, and HCFA–IM 79–34 on September 14, 1979. Thus many States have been accepting, or are beginning to accept, ICD–9–CM diagnosis coding. Although many States already accept ICD–9–CM, by implementing the ICD–9–CM as a system requirement, we would have more States accepting and using the same code.

In September 1980, we issued IL 80–30 instructing Medicare contractors that, whenever, diagnosis coding is used, the full ICD–9–CM diagnosis is required. Thus,the use of ICD–9–CM is becoming more general in HCFA programs, and its usefulness should be enhanced by encouraging its further use in connection with MMIS.

Having a uniform diagnosis code in general, and using the ICD–9–CM code in particular, has several advantages. First, hospitals in MMIS States can use a single coding system instead of using several different ones for Medicare, Medicaid, and third party payers. Second, since ninety-five percent of hospitals already use ICD–9–CM for one or more insurers and for their own purposes, they will be able to eliminate the need to use a separate system for Medicaid, thus reducing burden. Third, ICD–9–CM is more discrete than other systems, allowing the State to make more accurate coverage and reimbursement determinations. Fourth, using a standard code would allow more States to use a "case mix" or diagnosis-related reimbursement method, which would reduce the burden on the State as well as the provider through the use of an abbreviated claim and would also result in fewer errors and faster payment. Fifth, we believe adoption of common identifiers of services being paid for with the use of a code like ICD–9–CM would make the processing of crossover and third party liability claims easier for all payers involved. Finally, we believe ICD–9–CM provides a significant improvement over other disease classifications now in use in the United States.

For these reasons and because we believe ICD–9–CM contains the most current and the most effective classification of diseases, we are proposing it be adopted uniformly for all MMIS.

System Requirement Change II: Comon Hospital Billing Form

We also propose to add a new system requirement that would require Medicaid State agencies in MMIS States to accept and use exclusively a common hospital billing form. The form would be used by hospitals who furnish services to medicaid recipients.

The form we would require States to accept and use exclusively is the Uniform Bill (UB–82), Standard Form HCFA–1450. This form was designed by a work group sponsored by the American Hospital Association (AHA). A previous form (UB–16), a predecessor of the current HCFA–1450, was used experimentally by both the Medicaid and Medicare programs in several States. Based on evaluation of this experiment by the National Uniform Billing Committee, that group has now recommended the HCFA–1450 as the standard form for hospital billing. The National Uniform Billing Committee is comprised of representatives from HCFA, the Blue Cross and Blue Shield Association, the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS), representatives of State hospital associations, the Federation of American Hospitals, the AHA, the Health Care Financial Management Association, and the Health Insurance Association of America. The Secretary has approved the use of the HCFA–1450 for both Medicare and Medicaid., We are requiring its use in the Medicare programs under sections 1814(a)(2) and 1871 of the Social Security Act and intend to implement the new form as expeditiously as possible throughout the Medicare program. We are also requesting all Medicaid State agencies to accept and use the form, even if they do not have an MMIS.

We are issuing to all Medicare contractors and to our regional offices instructions that contain procedures to be used in converting to the acceptance and use of HCFA–1450. We also intend to issue similar instructions to Medicaid State agencies in MMIS States if this proposal is adopted. Medicare contractors will work with the State uniform billing committees, which include hospitals and payers, concerning the printing and distribution of the form to the providers.

The exclusive acceptance and use of a common form would provide several benefits. First, hospitals would have to stock only one form with the various items on the form uniformly placed, providing increased efficiency and cost reductions. Some flexibility would be permittted, however, for adding unique elements that are necessary to meet local requirements. The form itself is not to be modified; there are blank fields that can be used for these unique elements.) Second, to the extent hospitals use one form, Federal program administration savings would result by facilitating the automated transfer of information among Federal programs; for example, Medicare-Medicaid crossover claims. Although there is now a transfer of information in many States between Medicare and Medicaid, use of the HCFA–1450 under the new requirement would enable more programs to use the data items on the form better and would also expedite interchange of data between the two programs for screening utilization and for other uses. Third, a single form would also assure compatibility of statistics between programs, which may have some beneficiaries eligible for both programs.

System Requirement Change III: Provider Electronic Billing File and Record Formats

We propose to add a new system requirement that would require Medicaid State agencies in MMIS States to accept and use exclusively the same record and file formats that are required by the Medicare program. (Record and file formats are the specific and uniform manner in which data are collected through an automated process.) The record and file formats would be used by Medicaid State Agencies in MMIS States for bills submitted by hospitals for payment under Medicaid. These formats were developed in a joint effort by HCFA, the Blue Cross and Blue Shield Association, the Health Insurance Association of America, the AHA, and others.

Currently, MMIS approval requirements in Part 11 of the State Medicaid Manual do not specify the form in which claim data are received. In the future, we would require new and continuing MMIS to be able to receive inpatient hospital claim data in the file and record formats described in the Medicare Intermediary Manual, section 3602.2ff., submitted on magnetic tape, floppy disk, diskette, cassette, or cartridge.

We expect two basic benefits from this proposed system change. First, it would be to the hospitals' advantage because they will be able to use the same formats for several payers, thus saving them a considerable amount of time and money. Second, the required uniform format, in conjunction with the required uniform bill, the HCFA–1450, would reduce paperwork and the reporting burden, in line, with the Presidential initiative to eliminate excessive paperwork.

System Requirement Change IV: Common Physician Claims Form

We propose to add a new system requirement that would require Medicaids State agencies in MMIS States to accept and use exclusively a common claim form for noninstitutional providers. The form would be used by physicians and other noninstitutional providers who furnish services to Medicaid recipients.

The form we would require Medicaid States agencies in MMIS States to accept and use exclusively is the Health Insurance Claim form, Standard Form HCFA–1500. The revised version of this

form, which does not contain substantial changes, will be available for use by Medicare beginning January 1, 1984. Persons who wish to review this form may obtain copies after June, 1983 from HCFA at the address at the beginning of the notice. It has replaced the old claim form HCFA–1490 for claims submitted by physicians and other noninstitutional providers for Medicare benefits. This new form was originally designed by a work group sponsored by the American Medical Association's (AMA) Council on Medical Services. The AMA form is being used by both the Medicaid and Medicare programs in several States, and has been adopted by CHAMPUS. We have approved the current, modified version of the AMA form for both Medicare and Medicaid. We are already requiring its use in the Medicare program and are requesting all Medicaid State agencies to accept and use the form even if they do not have an MMIS.

We have issued instructions to all Medicare contractors and to our regional offices containing procedures to be used in converting to the use of HCFA–1500; we also intend to issue similar instructions to Medicaid State agencies in MMIS States if this proposal is adopted. Each Medicare contractor has negotiated with the MMIS State agency and other third party users in the same locale concerning the printing and distribution of the form to the providers. In 25 States, these negotiations were completed by December 31, 1981, among the Medicare carriers and other payers wishing to use the form at that time. Twenty-two Medicaid State agencies were using the form by 1982 and seven planned to start accepting it in 1982 or early 1983.

The exclusive acceptance and use of a common form would provide several benefits. Physicians and others using the form would have to stock only one form for at least three insurers. The uniformity of the placement of the various items on the form provides efficiency and thus cost reductions for the providers. (Some flexibility is permitted in specified areas on the claims form for adding unique elements that are necessary to meet local requirements.) Also, to the extent providers use one form, Federal program administration savings will result by facilitating the transfer of information among Federal programs. Although there is now a transfer of information in many States between Medicare and Medicaid, more Medicaid States agencies would accept and use the HCFA–1500 form under the new requirement and so more programs would be better able to exchange data.

System Requirement Change V: HCFA Common Procedure Coding

We proposed to add a new system requirement that would require a State Medicare agency with an MMIS to accept and use exclusively a common procedure coding system. The system is the HCFA Common Procedure Coding System (HCPCS). This coding system would be used for coding procedures performed (for example, "closed reduction of ulna") and is basically used for determining reimbursement amounts. (By contrast, the ICD–9–CM coding system is used for coding diagnoses (for example, "acute myocardial infarction") as well as for statistical purposes; it is also used in conjunction with procedure codes for billing purposes.)

The AMA and HCFA developed the HCPCS in 1979 and 1980 by using the AMA's CPT–4 for physician codes and adding HCFA-developed codes for some nonphysician services. In addition, we developed conversion techniques to prevent unwarranted payment escalation. (For example, when Medicare carriers formerly converted from one coding system to another, there was an increase in program payment payout because the new system permitted physicians to code a given service as one with greater reimbursement and to split a given service into two components.)

We tested HCPCS in the Medicare and Medicaid programs in South Carolina for 12 months beginning July 1, 1980. Analysis of operation and payment data shows a high degree of acceptance by physicians and other noninstitutional providers. the trend in program outlays was consistent before and after implementation. There was no adverse impact on claims processing operations.

Currently, about half of the State Medicaid agencies and all Medicare carriers accept CPT–4 coding from their physicians. With the adoption of HCPCS by all State Medicaid agencies with MMIS, HCPCS would become the near-universal system for reporting physician services (the 1981 Blue Cross and Blue Shield Coding System is based on CPT–4, as well). Medicare carriers are converting to HCPCS.

To the extent that a single coding system is used within Medicare and Medicaid, there are three major benefits:

(1) Use of a single system by many payers would facilitate the use of electronic billing and the electronic exchange of paid claims data with complementary insurers and in Medicare-Medicaid crossover claims. Increased use of automated billing and data exchange would reduce the burden and costs for physicians, other noninstitutional providers, and payers if all are using HCPCS.

(2) Because HCFA, State Medicaid agencies, Medicare carriers, physicians, and other noninstitutional providers would be using the same precise terminology, there would be greater uniformity in the interpretation of coverage and reimbursement policy and there would be improvements in review of utilization. We believe this would result in improved management of the program and reduced program outlays, and provide better payment control.

Impact Analyses

Executive Order 12291

We have determined that this proposed notice is not likely to result in an annual economic effect of $100 million or meet other threshold criteria of section 1(b) of Executive Order 12291.

As noted above, we are proposing five new systems requirements for the MMIS. We have determined that implementation of each of the requirements includes Federal and State costs (90 percent FFP for MMIS systems and 10 percent State contribution for MMIS systems respectively).

We estimate that the Federal costs for implementing each provision are as follows:

1. Diagnosis Coding, $4 million.
2. Common Hospital Billing Form, $5 million.
3. Provider Electronic Billing Records and File Formats, $2.5 million.
4. Common Physician Claims Forms, $3 million.
5. HCFA Common Procedure Coding, $11 million.

These would be one-time costs and would be incurred during the next three fiscal years.

Thus the estimated Federal cost for these requirements would be $25.5 million, and the estimated State share would be $2.6 million. As the sum of these costs is significantly less than the $100 million threshold criterion of the Executive Order, a regulatory impact analysis is not required.

Although these estimates are based on information received from States, we request comments concerning costs, schedules and other factors affecting implementation, an estimate of savings from the implementation of these provisions, and how long it would take for savings to offset costs.

Regulatory Flexibility Act

The Secretary certifies under 5 U.S.C., section 605(b), enacted by the Regulatory Flexibility Act (Pub. L. 96–354), that this proposed notice is not likely to result in a significant impact on a substantial number of small entities.

Four of these proposed requirements would have an impact on providers; all have an impact on Medicaid State agencies in MMIS States. We are not required to analyze the impact on States, as States are not considered "small entities" under the provisions of this Act. Also, we believe the impact on providers would not be adverse, as illustrated in the following examples.

First, the ICD–9–CM requirement would not have a significant impact on hospitals because 95 percent of hospitals already use it. Second, the National Uniform Billing Committee sought to develop a common hospital billing form that would simplify billing for hospitals submitting claims to Medicaid, while providing useful information to all participants. Third, the record and file format requirement was developed in conjunction with the Blue Cross Association, Health Insurance Association of America, AHA, and others. The results of this committee's effort should reduce the administrative burden on Medicaid providers, saving them considerable time and money, as they would be able to use the same record and file formats for multiple payers.

Fourth, to the extent there is any impact on noninstitutional providers (because of the HCPCS code and the HCFA 1500 requirements), the impact would be beneficial. Noninstitutional providers would be able to stock only one form and would have to use only one procedure code.

National provider and physician representatives have welcomed these changes as means to more efficient and effective operation of their businesses. These efficiencies would benefit providers and should not unduly burden their operations.

We recognize that there would be one-time implementation costs for physicians and other providers. However, we believe that those costs would be recovered quickly because the administrative burden would be lessened.

C. Discussion

We have determined that this proposal would not be a major rule or result in a significant impact on a substantial number of small entities. However, we believe that any costs associated with implementation of this proposal would be far outweighed by the benefits to be generated by improved MMIS activity.

As noted above, implementation of these requirements should result in numerous benefits to the Federal government, States, hospitals, physicians, other providers, and health care payers. We believe that the improved compatibility among health programs, and the increased sophistication and analytic power of existing information systems to assist with coverage determinations and in reimbursement for services, should result in significant savings to the Federal and State governments.

These savings should offset any initial costs and continue to provide benefits to the health care industry as well as society.

(Sections 1102, 1902(a)(4), 1903(a)(3), and 1903(r)(6) of the Social Security Act (42 U.S.C. 1302, 1396a(a)(4), 1396b(a)(3), and 1396b(r)(6); 42 CFR 433.115)

(Catalog of Federal Domestic Assistance Program No. 13.774, Medical Assistance)

Dated: March 11, 1983.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

[FR Doc. 83–10359 Filed 4–18–83; 8:45 am]

BILLING CODE 4120–03–M

Public Health Service

National Center for Health Services Research; Assessment of Medical Technology

The Public Health Service (PHS), through the Office of Health Technology Assessment (OHTA), announces that it is coordinating an assessment of what is known of the safety, clinical effectiveness, and use (indications) of Hyperthermic Chemotherapeutic Limb Perfusion for the treatment of melanoma of the extremities. Specifically, we are interested in knowing whether this method has significant advantages or disadvantages when compared with other methods of treatment for melanoma of the extremities. If it proves to be safe and clinically effective what are specific indications for its use and how many courses of therapy are reasonable and necessary? In addition, this assessment seeks to determine current status of hyperthermia in the treatment of malignancies in general. Are specific applications investigational or have they become treatments of choice?

For the purposes of this announcement, Hyperthermic Chemotherapeutic Limb Perfusion (HCLP) is defined as the process of heating an extremity by one of several techniques, isolating the extremity by tourniquet from the remainder of the body, and perfusing the extremity distal to the occlusion with blood and/or cytotoxic chemicals heated from 40.5 °C to 41.5 °C, or greater. Under some protocols the extremity is heated as is the perfusate. In others only the latter is heated. This method of treatment has been used alone or in conjunction with surgery and/or radiation. In some instances its use has been limited to the treatment of recurrent disease; in others, it is applied to the treatment of primary tumors.

This assessment addresses primarily the use of hyperthermic perfusion of extremities with chemotherapeutic agents in treating melanoma, and secondarily the general use of hyperthermia in the treatment of cancer.

The PHS assessment consists of a synthesis of information obtained from appropriate organizations in the private sector and from PHS agencies and others in the Federal Government. PHS assessments are based on the most current knowledge concerning the safety and clinical effectiveness of a technology. Based on this assessment, a PHS recommendation will be formulated to assist the Health Care Financing Administration (HCFA) in establishing Medicare coverage policy. Any person or group wishing to provide OHTA with information relevant to this assessment should do so in writing no later than July 15, 1983, or within 90 days from the date of publication of this notice.

The information being sought is a review and assessment of past, current, and planned research related to this technology, a bibliography of published, controlled clinical trials and other well-designed clinical studies since 1973 and other information related to the characterization of the patient population most likely to benefit, the clinical acceptability, and the effectiveness of this technology. Proprietary information is not being sought, but published commercial information may be submitted.

Written material should be submitted to: Enrique D. Carter, M.D., National Center for Health Services Research, Office of Health Technology Assessment, Park Building, Room 3–10, Stop #2, 5600 Fishers Lane, Rockville, Maryland 20857.

Further information is available from Enrique D. Carter, M.D.; Health Science Analyst, at the above address or by telephone (301) 443–4990.

Dated: April 7, 1983.

Harold Margulies,

Director, Office of Health Technology Assessment, National Center for Health Services Research.

[FR Doc. 83–10355 Filed 4–18–83; 8:45 am]

BILLING CODE 4160–17–M

National Center for Health Services Research; Assessment of Medical Technology

The Public Health Service (PHS), through the Office of Health Technology Assessment (OHTA), announces that it is coordinating an assessment of what is known of the safety, clinical effectiveness, appropriateness, and use (indications) of Automatic Computer Assisted Perimetry. Specifically, we are interested in its application for measuring visual fields in glaucoma as well as other medical conditions in which its use can be demonstrated to be appropriate and necessary. This assessment also seeks to determine whether there are specific indications for static versus kinetic perimetry, whether any models offer special advantages or disadvantages over others, and whether automatic perimetry should be used for routine screening.

For the purposes of this announcement, Automatic Computer Assisted Perimetry is defined as the measuring of visual fields by computerized instruments that conduct a test according to intricate test logic programs, and measure contrast thresholds at selected predetermined points in the visual field. Some devices may employ static threshold measurements whereas others are capable of determining contrast threshold by kinetic means or both.

The PHS assessment consists of a synthesis of information obtained from appropriate organizations in the private sector and from PHS agencies and others in the Federal Government. PHS assessments are based on the most current knowledge concerning the safety and clinical effectiveness of a technology. Based on this assessment, a PHS recommendation will be formulated to assist the Health Care Financing Administration (HCFA) in establishing Medicare coverage policy. Any person or group wishing to provide OHTA with information relevant to this assessment should do so in writing no later than July 15, 1983, or within 90 days from the date of publication of this notice.

The information being sought is a review and assessment of past, current, and planned research related to this technology, a bibliography of published, controlled clinical trials and other well-designed clinical studies since 1978 and other information related to the characterization of the patient population most likely to benefit, the clinical acceptability, and the effectiveness of this technology. Proprietary information is not being sought, but published commercial information may be submitted.

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Further information is available from Enrique D. Carter, M.D., Health Science Analyst, at the above address or by telephone (301) 443-4990.

Dated: April 7, 1983.

Harold Margulies,

Director, Office of Health Technology Assessment, National Center for Health Services Research.

[FR Doc. 83-10356 Filed 4-18-83; 8:45 am]

BILLING CODE 4160-17-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Redelegation of Authority; Oregon and Washington

Redelegations of Authority from the Oregon State Director, Bureau of Land Management, to District Managers, Area Managers and selected State Office and District Office officials are contained in Oregon State Office Manual Supplement 1203. District Managers are authorized to make amendments and revisions to this Manual Supplement. Manual Supplement 1203 and amendments and revisions thereto are maintained and available to the public during normal business hours in each District Office in the States of Oregon and Washington and in the Oregon State Office, Bureau of Land Management, 825 NE Multnomah Street, Portland, Oregon 97208.

Dated: April 8, 1983.

Paul Vetterick,

Associate State Director.

[FR Doc. 83-10317 Filed 4-18-83; 8:45 am]

BILLING CODE 4310-84-M

[M 46267]

Montana; Termination of Proposed Withdrawal and Reservation of Lands

April 5, 1983.

Notice of Application, M 46267, filed by the Bureau of Land Management, U.S. Department of the Interior, for withdrawal and reservation of lands was published as FR Doc. 81-10413 on page 20784 of the issue of April 7, 1981. The withdrawal was proposed to established a progency site dedicated to the development of superior strains of lodgepole pine trees.

Principal Meridian

T. 12 N., R. 13 W.,

Sec. 7, M&B; more particularly described as follows:

Parcel 1

Beginning at a point, the said point being 263.66 feet north and 402.63 feet east of the center quarter corner of said Section 7;
thence S 80°39' W a distance of 261.22 feet;
thence N 11°12' W a distance of 386.82 feet;
thence N 12°38' W a distance of 432.64 feet;
thence N 32°29' E a distance of 158.26 feet;
thence S 57°03' E a distance of 135.77 feet;
thence S 05°20' E a distance of 358.82 feet;
thence S 19°52' E a distance of 323.89 feet;
thence S 28°28' E a distance of 178.56 feet; to the point of beginning.

Said parcel of land contains 4.0 acres more or less.

Parcel 2

Beginning at a point, the said point being 230.21 feet north and 567.04 feet east of the center quarter corner of said Section 7;
thence N 47°11' W a distance of 181.43 feet;
thence N 27°38' W a distance of 186.86 feet;
thence N 14°54' W a distance of 230.51 feet;
thence N 02°23' W a distance of 380.04 feet;
thence N 50°01' W a distance of 186.57 feet,
thence S 81°38' W a distance of 206.74 feet;
thence N 14°21' W a distance of 272.60 feet;
thence N 04°00' E a distance of 182.46 feet;
thence S 63°51' E a distance of 99.52 feet;
thence S 63°27' E a distance of 143.97 feet;
thence S 63°46' E a distance of 197.62 feet;
thence S 57°23' E a distance of 364.62 feet;
thence S 04°45' W a distance of 160.40 feet;
thence S 09°32' E a distance of 191.57 feet;
thence S 25°43' E a distance of 310.44 feet;
thence S 14°52' E a distance of 284.19 feet;
thence S 60°18' W a distance of 266.17 feet to the point of beginning.

Said parcel of land contains 11.6 acres more or less.

The area described contains 15.6 acres of public land in Granite and Powell Counties, Montana.

Therefore, pursuant to the regulations contained in 43 CFR 2310.2-1(c), the land will at 8 A.M. on April 8, 1983, be relieved of the segregative effect of the above mentioned application and subject to a right-of-way issued April 6, 1983.

Roland F. Lee,

Chief, Branch of Lands.

[FR Doc. 83-10316 Filed 4-18-83; 8:45 am]

BILLING CODE 4310-84-M

[Realty Action, I-18532]

Competitive Sale of Public Lands in Bingham and Franklin Counties, Idaho

Summary: The following described land has been examined, and through the development of land use decisions based on public input, it has been determined that the sale of these tracts are consistent with Section 203 (a) of the

Federal Land Policy and Management Act of 1976. The lands will be offered for sale at public auction for no less than the appraised fair market value indicated below. Both sealed and oral bids will be accepted.

	Acres	Value
Tract No. 4:		
T. 12 S., R. 40 E., B.M., Sec. 3, lot 3	41.8	$9,400
Tract No. 5:		
T. 2 S., R. 37 E., B.M., Sec. 19, lot 3	20.25	9,700
Tract No. 6:		
T. 2 S., R. 36 E., B.M., Sec. 15, NW¼SE¼	40	8,400

The above agregates 102.25 acres.

Upon publication of this Notice in the **Federal Register**, the land described above will be segregated from all forms of appropriation under the public land laws, including the mining laws, but excepting the mineral leasing laws, for a period of two years, or until the lands are sold. The segregative effect may otherwise be terminated by the Authorized Officer by publication of a termination notice in the **Federal Register** prior to the expiration of the two-year period.

The lands will be subject to the following reservations when patented:

Tracts No. 4 and No. 6

1. Ditches and Canals.
2. Mineral Reservation.
3. Subject to All Existing Rights.

Tract No. 5

1. Ditches and Canals.
2. Mineral Reservation.
3. Subject to All Existing Rights.
4. A reservation to the U.S. of an easement over and across a 100 foot strip parallel and adjacent to the ordinary high water line of the Blackfoot River.

Dates: The pubic auction will be held on June 21, 1983 at 9:30 a.m. and 2:30 p.m.

Addresses: The public auctions will be held at the Soda Springs Resource Area Office for tract #4 at 9:30 a.m. and at Blackfoot, Idaho at the Auditorium in the County Annex at 2:30 p.m. for tracts #5 and 6. Additional information concerning these lands, terms and conditions of the sale and bidding instructions may be obtained from Marvin R. Bagley, Area Manager, at the Soda Springs Resource Area Office, 490 East 2nd. South, Soda Springs, Idaho or by calling (208) 547-2161 during office hours.

Supplementary Information: For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager regarding the proposed action. Any adverse comments will be evaluated by the District Manager who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Department of the Interior.

For further information contact O'dell Frandsen, District Manager, Bureau of Land Management, 940 Lincoln Road, Idaho Falls, Idaho 83401.

Dated: April 11, 1983.

O'dell A. Frandsen,

District Manager.

[FR Doc. 83-10315 Filed 4-18-83; 8:45 am]

BILLING CODE 4310-84-M

[F-14912-B]

Alaska Native Claims Selection

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of section 14 of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1611 (1976) (ANCSA), will be issued to Northway Natives Incorporated for approximately 12 acres. The lands involved are within the Copper River Meridian, Alaska:

T. 14 N., R. 19 E.

The decision to issue conveyance will be published once a week, for four (4) consecutive weeks, in the Fairbanks Daily News-Miner upon issuance of the decision. For information on how to obtain copies, contact Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the regulations in 43 CFR Part 4, Subpart E, as revised.

If an appeal is taken, the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of petinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 701 C Street, Box 34, Anchorage, Alaska 99513.

The time limits for filing an appeal are:

1. Parties receiving service of the decision by personal service or certified mail, return receipt requested, shall have thirty days from the receipt of the decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who failed or refused to sign their return receipt, and parties who received a copy of the decision by regular mail which is not certified, return receipt requested, shall have until May 19, 1983, to file and appeal.

Any party known or unknown who is adversely affected by the decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

U.S. Department of the Interior, Bureau of Land Management, Fairbanks District Office, P.O. Box 1150, Fairbanks, Alaska 99701

Northway Natives Incorporated, P.O. Box 441, Northway, Alaska 99764

Doyon, Limited, Land Department, Doyon Building, 201 First Avenue, Fairbanks, Alaska 99701

Ann Johnson,

Chief, Branch of Alaska Native Claims Settlement Act, Adjudication.

[FR Doc. 83-10357 Filed 4-18-83; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

Endangered and Threatened Species Listing and Recovery Priority Guidelines

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Fish and Wildlife Service has developed draft guidelines governing the assignment of priorities to species for listing as Endangered and Threatened under the Endangered Species Act of 1973, as amended (Act) and development and implementation of recovery plans for species that are listed

under the Act. Comments are solicited from the public.

DATE: Comments on the draft guidelines must be received by June 20, 1983.

ADDRESS: Comments should be sent to Associate Director—Federal Assistance, U.S. Fish and Wildlife Service, Washington, D.C 20240, Attention: Priority Guidelines.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235–2771).

SUPPLEMENTARY INFORMATION:

Background

General—The Service recognizes that it is necessary to assign priorities to listing, delisting, and recovery actions in order to make the most appropriate use of the limited resources available to implement the Act. The following priority systems are based on an analysis of such factors as degree and immediacy of threat faced by a species, needs for futher information, and species' recovery potentials. Inasmuch as such assessments are subjective to some degree, and individual species may not be comparable in terms of all considerations, the priority systems presented must be viewed as guides and should not be looked upon as inflexible frameworks for determining resource allocations.

These systems are now in use on an interim basis pending final adoption of this proposal.

Listing, Delisting, and Reclassification Priorities—In the past, the Service has informally assigned priorities for listing species as Endangered or Threatened on the basis of several different systems. In 1979, a report to Congress (General Accounting Office, 1979) recommended that the Service officially adopt a listing priority system based primarily on consideration of the degree of threat faced by a species. Following this report, the 1979 Amendments to the Endangered Species Act (Pub. L. 96–159, 93 Stat. 1241) required that guidelines be established and published in the **Federal Register**, including "* * * a ranking system to assist in the identification of species that should receive priority review for listing * * *." Such a system was adopted (U.S. Fish and Wildlife Service, 1980), but not published in the **Federal Register**. This system was subsequently revised (U.S. Fish and Wildlife Service, 1981) so that priority for listing would be assigned within a given category of degree of threat so as to generally favor vertebrate animals ("higher life forms") in the following order: mammals, birds, fishes, reptiles, amphibians, vascular plants, insects, mollusks, other plants, and other invertebrates.

The 1982 Amendments to the Endangered Species Act (Pub. L. 97–304) retained the requirement that guidelines be published. However, the amendments and the accompanying Conference Report necessitate revision of the present system. Specifically, the amended Act requires that the priority system address delisting as well as listing of species and the Conference Report prohibits adoption of any system that would give consideration to whether species were "higher or lower life forms." The present proposal is intended to satisfy the requirements of the amended Act.

1. *Listing and Reclassification From Threatened to Endangered*—In considering species to be listed or reclassified from Threatened to Endangered, three criteria would be applied to establish 12 priority categories as follows (Table 1):

TABLE 1.—PRIORITIES FOR LISTING OR RECLASSIFICATION FROM THREATENED TO ENDANGERED

Threat		Taxonomy	Priority
Degree	Immediacy		
High	Imminent	Monotypic genus.	1
		Species	2
		Subspecies	3
	Potential	Monotypic genus.	4
		Species	5
		Subspecies	6
Low to moderate.	Imminent	Monotypic genus.	7
		Species	8
		Subspecies	9
	Potential	Monotypic genus.	10
		Species	11
		Subspecies	12

Explanation—In keeping with the recommendaton of the General Accounting Office (GAO) and the Service's previous policy, the first criterion would be degree of threat. Species facing the greatest threats to their continued existence would receive highest listing priority.

The second criterion, immediacy of threat, is intended to assure that species facing actual, identifiable, threats are given priority over those for which threats are only potential or that are intrinsically vulnerable to certain types of threat but not known to be presently facing such threats. In assigning a species to a priority category under immediacy of threat, the Service would consider the known occurrence or lack of documented detrimental trade, habitat modification, significantly detrimental disease or predation, and other present or potential threats.

The third criterion is intended to devote resources on a priority basis to those species representing highly distinctive or isolated gene pools, as reflected by the taxonomic level at which they are recognized. The more isolated or distinctive a gene pool, the greater contribution its conservation is likely to make to the maintenance of ecosystem diversity. This final criterion implements the Act's stated concern for ecosystem conservation by recognizing the distinctness denoted by assignment of a species to a montypic genus, as well as the relative distinctness denoted by the recognition of a taxon at the level of species or subspecies.

2. *Delisting and Reclassification*—The Service currently reviews listed species every 5 years in accordance with Section 4(c)(2) of the Act to identify any that might qualify for removal from the lists, or reclassification. When species are identified in the course of these periodic reviews as warranting deletion from the lists or reclassification from Endangered to Threatened, priority for preparation of regulations would be assigned according to the system below (Table 2), employing two criteria to yield six categories. It should be pointed out that the priority numbers in Tables 1 and 2 are not comparable.

TABLE 2.—PRIORITIES FOR DELISTING AND RECLASSIFICATION FROM ENDANGERED TO THREATENED

Management impact	Petition status	Priority
High	Petitioned action	1
	Unpetitioned action	2
Moderate	Petitioned action	3
	Unpetitioned action	4
Low	Petitioned action	5
	Unpetitioned action	6

Explanation—In considering species for possible delisting or reclassification from Endangered to Threatened, this system is intended to focus on species whose original classification has become inappropriate due to changed circumstances or new information. Priority considerations would concern whether or not protection under the Act is any longer necessary and whether the listing causes an unwarranted management burden or unnecessarily restricts human acitivities.

The first consideration of the system accounts for the management burden entailed by the species' being listed, which, if the current listing is no longer accurate, could divert resources from more appropriate activities.

Because the Act mandates timely response to petitions, the system secondly considers whether the Service

has been petitioned to remove a species from the lists or reclassify it. This consideration is also intended to assign highest priority to those species whose delisting is likely to remove the greatest impacts on human activities inasmuch as such species would also be likely to be subjects of petitions.

It is not intended that existence of a petition or identified management impact with regard to a given species would direct or mandate any particular decision regarding its removal from the lists or its reclassification. The priority system is intended only to set priorities for development of rules. The decision regarding whether a species will be retained on the lists or in the Endangered category must be based on the considerations contained in Section 4(a)(1) of the Act and 50 CFR 424.11.

Recovery Plan Preparation and Implementation Priorities—The importance of recovery plans as guiding documents for recovering species has been recognized since 1972, when the Service developed its first draft recovery plan. Although the Service strongly encouraged their development, and some plans were developed, preparing a recovery plan for a species was elective until the 1978 Amendments to the Act required the development of a recovery plan for every listed Endangered and Threatened species, except when the Secretary determines that ". . . such a plan will not promote the conservation of the species."

Through fiscal year 1977, recovery plan development was not based on any established priority system. During fiscal year 1977, the Service developed a draft recovery priority system to be used as a guide for recovery planning and resource allocation. The system included three criteria—degree of threat, recovery potential, and taxonomic status, arranged in a matrix of 12 categories. The 1979 GAO report recommended that this draft recovery priority system be approved and implemented. The present propsal expands the taxonomy criterion to include "monotypic genus." This would expand the matrix to yield 18 species recovery numbers (see Table 3). As described in the preceding section on listing, this addition is intended to devote resources on a priority basis to those species representing highly distinctive or isolated gene pools.

The proposed system (as referenced in the 1979 GAO report) was adopted in 1980 (U.S. Fish and Wildlife Service, 1980). This system was subsequently revised to give priority within the existing matrix to taxonomic groups (higher life forms) as in the 1981 listing priority system. The system presently proposed deletes this preference for higher life forms and adds a new criterion on conflict required by the 1982 Amendments.

In particular, the 1982 Amendments specify that recovery plans shall, to the maximum extent practicable, give priority to those Endangered species or Threatened species most likely to benefit from such plans, particularly those species that are, or may be, in conflict with construction or other development projects or other forms of economic activity. The present proposal is intended to satisfy the requirements of the amended Act. This proposal utilizes a modification of the three-factor system originally adopted by the FWS in 1980 but includes a fourth factor, conflict, which, if applicable, elevates the species in priority for development of a recovery plan and is to be an additional element in determining what actions are to be implemented for the recovery of a species. This fourth factor gives priority within each category in the preparation of recovery plans to those species that are, or may be, in conflict with construction or other development projects or other forms of economic activity. Thus, the species will retain its numerical rank and will acquire the letter designation of "C" indicating conflict, e.g., priority 7 would become 7C. The categories would be assigned as follows:

TABLE 3.—RECOVERY PRIORITY

Degree of threat	Recovery potential	Taxonomy	Priority	Conflict
	High	Monotypic genus	1	1C.
				1
	High	Species	2	2C.
				2.
	High	Subspecies	3	3C.
				3
High	Low	Monotypic genus	4	4C.
				4
	Low	Species	5	5C
				5.
	Low	Subspecies	6	6C
				6
	High	Monotypic genus	7	7C
				7
	High	Species	8	8C.
				8.
	High	Subspecies	9	9C
				9
Moderate.	Low	Monotypic genus	10	10C
				10.
	Low	Species	11	11C.
				11.
	Low	Subspecies	12	12C.
				12
	High	Monotypic genus	13	13C
				13.
	High	Species	14	14C
				14
	High	Subspecies	15	15C.
				15.
Low	Low	Monotypic genus	16	16C
				16
	Low	Species	17	17C.
				17
	Low	Subspecies	18	18C.
				18.

Explanation—The first step in saving any species is to prevent its extinction. Thus the species with the highest degree of threat have the highest priority for preparing and implementation recovery plans. A species can be put in either a high, moderate, or low category, which represents the degree of threat. The high category means extinction is almost certain in the immediate future because of a rapid population decline or habitat destruction. Moderate means the species will not face extinction if recovery is temporarily held off, although there is a continual population decline or threat to its habitat. A species in the low category is rare, or is facing a population decline which may be a short-term, self-correcting fluctuation, or the impacts of threats to the species' habitat are not fully known.

Within the above categories, resources should be used in the most cost-effective manner. Priority for preparing and implementing recovery plans would go to species with the greatest potential for success. Recovery potential is based on how well biological and ecological limiting factors and threats to the species' existence are understood, and how much management is needed.

Taxa that are most genetically distinct should receive priority within any given category of degree of threat. Monotypic genera will be given priority over species, subspecies, or populations. This last criterion is in recognition that the loss of the most genetically distinct taxa is of greater significance than the loss of less genetically distinct taxa. That is, for example, the loss of a full genus is of greater significance than the loss of a single species or population of that species.

The second requirement concerning recovery plans mandated by the 1982 Amendments is that priority be given to those species "that are, or may be, in conflict with construction or other development projects or other forms of economic activity." This requirement will be satisfied by having any listed species or subspecies, lacking a recovery plan, and indentified as being, or having a recognizable potential for being, in conflict with a construction or development project, automatically qualify for the conflict column of the matrix. This species would then be considered high priority for having a recovery plan developed.

Conflict with construction or other development projects would be identified by consultations conducted with Federal agencies under Section 7 of the Act. Any species identified through Section 7 consultations as having

generated a negative biological opinion which concluded that a given proposed project would violate Section 7(a)(2) of the Endangered Species Act or resulted in the recommendation of reasonable and prudent alternatives to avoid a negative biological opinion would be assigned to the conflict category and would be given priority over all other candidates for recovery plan preparation and implementation in the same numerical category not involving a conflict. The Service would also contact other Federal agencies for their identification of listed species that are, or may be, in conflict with construction or other development projects or other forms of economic activity. Any species identified by this process would be assigned to the conflict category and would also be given priority over other candidates for recovery plan preparation and implementation within the same numerical category (see Table 3) not involving a conflict.

A task priority (1–3) is used in conjunction with species recovery numbers (1–18 or 1C–18C) in ranking those tasks that need to be accomplished for the recovery of a species. This combination results in a two-tiered priority system (species recovery number—task priority number) which serves to distribute the resources of the program equitably for all listed species. Recovery tasks will be assigned priorities based on the following:

1. *Priority 1*—An action that must be taken to prevent extinction or to prevent the species from declining irreversibly.

2. *Priority 2*—An action that must be taken to prevent a significant decline in species population/habitat quality, or some other significant negative impact short of extinction.

3. *Priority 3*—All other actions necessary to provide for full recovery of the species.

The highest priority activity (research proposal, permit proposal, etc.) is a 1C–1 priority (species recovery number 1C; task priority number 1). This is an action necessary to prevent extinction for a monotypic genus, with a high recovery potential, under a high degree of threat and in conflict with a construction or other development project. If resources were channeled into activities based solely on the recovery priority of a species, these resources would be utilized primarily for species with a recovery priority of 1C to 6. However, when the species' priority is viewed in conjuction with the task priority, we are able to identify the most critical activities for all species. This system would insure that resources are distributed to the most critically Endangered species.

References Cited

General Accounting Office. 1979. Endangered Species—A Controversial Issue Needing Resolution. Washington, D.C.

U.S. Fish and Wildlife Service. 1980. Appendix I. Priority System. pp. i–iv. *In:* Endangered Species Program Management Document. Washington, D.C.

U.S. Fish and Wildlife Service. 1981. Service prepares guidelines for ranking candidate species. Endangered Species Technical Bulletin. 6(8):1.

Authors

This notice was prepared by Dr. John J. Fay and Mr. W. L. Thomas of the Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235–1975 and 235–2760).

Dated: April 11, 1983.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 83–10283 Filed 4–18–83; 8:45 am]

BILLING CODE 4310–55–M

Endangered Species Permit; Receipt of Applications; Tennessee Valley Authority et al.

The following applicants have applied for permits to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.):*

Applicant: Tennessee Valley Authority Knoxville, TN—PRT 2–10196.

The applicant requests a permit to take pink mucket pearly mussels (*Lampsilis orbiculata)* from the Cumberland River (Tennessee) for enhancement of propagation and survival.

Applicant: Ralph V. Smith, Turquoisine Aviariis Calimesa, CA—PRT 2–9973.

The applicant requests a permit to import captive-bred golden-shouldered parakeets (*Psephotos chrysopterygius)* from aviculturists in West Germany for enhancement of propagation.

Applicant: Lincoln Park Zoological Gardens Chicago, IL—PRT 2–10230.

The applicant requests a permit to import one male and one female pink fairy armadillos (*Chlamyphorus truncatus)* taken from the wild in Mendoza, Argentina, by Wilham Jorge, Botucatu, Brazil, for enhancement of propagation and scientific research.

Applicant: Suarez-Gaona National Mexican Circus Venice, Florida—PRT 2–10248.

The applicant requests a permit to import three captive-bred bengel tigers (*Panthera tigris)* from Mexico for enhancement of propagation and survival under the definition of "Conservation Exhibition."

Applicant: Samuel M. McGinnis Manteca, CA—PRT 2–10249.

The applicant requests a permit to capture San Francisco garter snakes (*Thamnophis sirtalis tetrataenia)* for scientific research. Snakes are to be marked and their movements will be recorded by means of radio telemetry.

Documents and other information submitted with these applications are available to the public during normal business hours in Room 601, 1000 N. Glebe Rd., Arlington, Virginia, or by writing to the U.S. Fish & Wildlife Service, WPO, P.O. Box 3654, Arlington, VA 22203.

Interested persons may comment on these applications within 30 days of the date of this publication by submitting written data, views, or arguments to the above address. Please refer to the file number when submitting comments.

Dated: April 13, 1983.

Larry LaRochelle,

Acting Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 83–10276 Filed 4–18–83; 8:45 am]

BILLING CODE 4310–55–M

National Park Service

Mormon Pioneer National Historic Trail Advisory Council; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Mormon Pioneer National Historic Trail Advisory Council will be held beginning at 8:30 a.m. on April 28, and concluding at 12:00 noon, on April 29, 1983, at the Visitor Center Conference Room, Nauvoo Restoration, Incorporated, Nauvoo, Illinois. The Advisory Council was established by Pub. L. 90–543, Section 5(d), as amended by Pub. L. 95–625, to consult with the Secretary of the Interior through the National Park Service on matters concerning the trail, including selection of rights-of-way, markers and administration.

The meeting will be held for the purpose of providing management direction, implementation efforts, and trail strategies, for management and administration of the trail.

The meeting will be open to the public. However, facilities and space to accommodate members of the public are limited, and persons will be accommodated on a first-come, first-served basis. Any member of the public may file with the Council a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting or who will wish to submit written statements may contact Michael Beaudry, Trail Manager, Rocky Mountain Region, National Park Service, 655 Parfet Street, P.O. Box 25287, Denver, Colorado 80225 (303) 234–4942.

Minutes of the meeting will be available for inspection 4 weeks after the meeting at the above address.

Dated: April 1, 1983.

James B. Thompson,

Regional Director, Rocky Mountain Region.

[FR Doc. 83-10375 Filed 4-18-83; 8:45 am]

BILLING CODE 4310-70-M

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before April 8, 1983. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, D.C. 20243. Written comments should be submitted by May 4, 1983.

Carol D. Shull,

Chief of Registration, National Register.

COLORADO

Boulder County

Lafayette, *Congregational Church (Lafayette Coal Mining Era Buildings TR)*, 300 E. Simpson St.
Lafayette, *Kullgren House (Lafayette Coal Mining Era Buildings TR)*, 209 E. Cleveland St.
Lafayette, *Lafayette House (Lafayette Coal Mining Era Buildings TR)*, 600 E. Simpson St.
Lafayette, *Lewis House (Lafayette Coal Mining Era Buildings TR)*, 108 E. Simpson St.
Lafayette, *Miller House (Lafayette Coal Mining Era Buildings TR)*, 409 E. Cleveland St.

Delta County

Austin vicinity, *Ferganchick Orchard Rock Art Site*,

Denver County

Denver, *McCourt, Peter House*, 1471 High St.

Jefferson County

Arvada, *Russell-Graves House*, 5605 Yukon St.

Otero County

LaJunta, *Rourke, Eugene House*, 619 Carson St.

Park County

Como, *Como Roundhouse, Railroad Depot and Hotel Complex*, Off U.S. 285

Routt County

Oak Creek vicinity, *Foidel Canyon School*, NW of Oak Creek

FLORIDA

Escambia County

Pensacola, *North Hill Preservation District*, Roughly bounded by Blount, Palafox, Wright, Belmont, Reus, and DeVilliers Sts.

Manatee County

Bradenton, *Braden Castle Park Historic District*, Roughly bounded by the Manatee and Braden Rivers, Ponce DeLeon St. and Pelot Ave.

GEORGIA

Fulton County

Atlanta, *Butler Street Colored Methodist Episcopal Church*, 23 Butler St., SE.

Liberty County

McIntosh, *Cassels' Store*, Off U.S. 82

ILLINOIS

Bureau County

Princeton, *Greenwood Cottage*, 543 E. Peru St.

Champaign County

Champaign, *Vriner's Confectionery*, 55 Main St.

Clay County

Flora, *Shirver House*, 117 E. 3rd St.

Cook County

Cicero, *Morton, J. Sterling, High School East Auditorium*, 2423 S. Austin Blvd.

Kane County

Elgin, *Elgin Historic District*, Roughly bounded by Villa, Center, Park, N. Liberty, and S. Channing Sts.

Madison County

Edwardsville, *St. Louis Street Historic District*, 603—1306 St. Louis St. (some exclusions)
Edwardsville, *Weir, John, House*, 715 N. Main St.

Mercer County

Keithsburg, *Commercial House*, 4th and Main St.

Montgomery County

Virden vicinity, *Thomas, Lewis H., House*, N. Virden Rd.

St Clair County

Belleville vicinity, *Knobeloch-Seibert Farm*, Off IL 177

INDIANA

Clark County

Jeffersonville, *Grisamore House*, 111—113 W. Chestnut St.

Floyd County

New Albany, *Mansion Row Historic District*, Main St. between State and 15th Sts. and Market St. between 7th and 11th Sts.

Marion County

Indianapolis, *Byram-Middleton House*, 1828 N. Illinois St.
Indianapolis, *Marott's Shoes Building*, 18—20 E. Washington St.

IOWA

Adair County

Greenfield, *Greenfield Public Library (Public Library Buildings in Iowa TR)*, 215 S. 1st St.

Appanoose County

Centerville, *Drake Public Library (Public Library Buildings in Iowa TR)*, 115—117 Drake Ave.

Audubon County

Audubon, *Audubon Public Library (Public Library Buildings in Iowa TR)*, City Park

Benton County

Belle Plaine, *Hart Memorial Library (Public Library Buildings in Iowa TR)*, 9th Ave.
Vinton, *Vinton Public Library (Public Library Buildings in Iowa TR)*, 510 2nd Ave.

Black Hawk County

Waterloo, *Waterloo Public Library (Main Branch) (Public Library Buildings in Iowa TR)*, 626 Mulberry St.
Waterloo, *Waterloo Public Library (West Branch) (Public Library Buildings in Iowa TR)*, 528 W. 4th St.

Boone County

Boone, *Ericson Public Library (Public Library Buildings in Iowa TR)*, 702 Greene St.

Buena Vista County

Storm Lake, *Buena Vista County Historical Museum (Public Library Buildings in Iowa TR)*, E. 5th and Erie Sts.

Calhoun County

Lake City, *Lake City Public Library (Public Library Buildings in Iowa TR)*, 120 N. Illinois Rockwell City, *Carnegie Free Public Library (Public Library Buildings in Iowa TR)*, 426 5th St.

Cass County

Atlantic, *Atlantic Public Library (Public Library Buildings in Iowa TR)*, 507 Poplar

Cedar County

Tipton, *Tipton Public Library (Public Library Buildings in Iowa TR)*, 206 Cedar St.

Cerro Gordo County

Mason City, *Mason City Public Library (Public Library Buildings in Iowa TR)*, 208 E. State St.

Cherokee County

Cherokee, *Cherokee Public Library (Public Library Buildings in Iowa TR)*, 215 S. 2nd St.

Chickasaw County

Nashua, *Nashua Public Library (Public Library Buildings in Iowa TR)*, 204 Woodbridge

New Hampton, *New Hampton Public Library (Public Library Buildings in Iowa TR)*, 7 N. Water Ave.

Clarke County

Osceola, *Osceola Public Library (Public Library Buildings in Iowa TR)*, 300 S. Fillmore

Clinton County

Clinton, *Clinton Public Library (Public Library Buildings in Iowa TR)*, 306 8th Ave., S.

De Witt, *De Witt Public Library (Public Library Buildings in Iowa TR)*, 822 6th Ave.

Crawford County

Denison, *Denison Carnegie Library (Public Library Buildings in Iowa TR)*, 106 S. 14th St.

Davis County

Bloomfield, *Bloomfield Public Library (Public Library Buildings in Iowa TR)*, 107 N. Columbia

Decatur County

Leon, *Leon Public Library (Public Library Buildings in Iowa TR)*, 202 W. Commercial

Delaware County

Manchester, *Manchester Public Library (Public Library Buildings in Iowa TR)*, 309 N. Franklin St.

Emmet County

Estherville, *Estherville Public Library (Public Library Buildings in Iowa TR)*, 613 Central Ave.

Fayette County

Oelwein, *Oelwein Public Library (Public Library Buildings in Iowa TR)*, 16 1st Ave., NW

Franklin County

Hampton, *Hampton Public Library (Public Library Buildings in Iowa TR)*, 4 Federal St.

Fremont County

Hamburg, *Hamburg Public Library (Public Library Buildings in Iowa TR)*, 1301 Main St.

Greene County

Jefferson, *Jefferson Public Library (Public Library Buildings in Iowa TR)*, 200 W. Lincoln Way

Grundy County

Grundy Center, *Grundy Center Public Library (Public Library Buildings in Iowa TR)*, 703 7th St.

Reinbeck, *Reinbeck Public Library (Public Library Buildings in Iowa TR)*, 201 Black Hawk

Hamilton County

Webster City, *Kendall Young Library (Public Library Buildings in Iowa TR)*, 1201 Wilson Ave.

Hardin County

Eldora, *Eldora Public Library (Public Library Buildings in Iowa TR)*, 1219 14th Ave.

Iowa Falls, *Carnegie-Ellsworth Public Library (Public Library Buildings in Iowa TR)*, 520 Rocksylvania Ave.

Harrison County

Dunlap, *Dunlap Public Library (Public Library Buildings in Iowa TR)*, Iowa and 8th Sts.

Logan, *Logan Public Library (Public Library Buildings in Iowa TR)*, 121 E. 6th St.

Missouri Valley, *Missouri Valley Public Library (Public Library Buildings in Iowa TR)*, 119 N. 5th St.

Woodbine, *Woodbine Public Library (Public Library Buildings in Iowa TR)*, 58 5th St.

Henry County

Mount Pleasant, *Mount Pleasant Public Library (Public Library Buildings in Iowa TR)*, 200 N. Main St.

Howard County

Cresco, *Cresco Public Library (Public Library Buildings in Iowa TR)*, 320 N. Elm St.

Humboldt County

Humboldt, *Humboldt Free Public Library (Public Library Buildings in Iowa TR)*, 30 6th St., N.

Iowa County

Marengo, *Marengo Public Library (Public Library Buildings in Iowa TR)*, 100 Marengo Ave.

Jackson County

Maquoketa, *Maquoketa Free Public Library (Public Library Buildings in Iowa TR)*, 128 S. 2nd St.

Jasper County

Colfax, *Colfax Public Library (Public Library Buildings in Iowa TR)*, Walnut and Locust Sts.

Jefferson County

Fairfield, *Fairfield Public Library (Public Library Buildings in Iowa TR)*, Court and Washington

Johnson County

Iowa City, *Iowa City Public Library (Public Library Buildings in Iowa TR)*, 307 E. College St.

Jones County

Anamosa, *Anamosa Public Library (Public Library Buildings in Iowa TR)*, 100 E. 1st St.

Keokuk County

Sigourney, *Sigourney Public Library (Public Library Buildings in Iowa TR)*, 203 N. Jefferson St.

Kossuth County

Algona, *Algona Public Library (Public Library Buildings in Iowa TR)*, 110 E. Nebraska St.

Lee County

Fort Madison, *Cottermole Memorial Library (Public Library Buildings in Iowa TR)*, 614 7th St.

Linn County

Cedar Rapids, *Cedar Rapids Public Library (Public Library Buildings in Iowa TR)*, 428 3rd Ave., SE

Marion, *Marion Carnegie Library (Public Library Buildings in Iowa TR)*, 1798 7th Ave.

Marion, *Marion Carnegie Library (Public Library Buildings in Iowa TR)*, 1798 7th Ave.

Lucas County

Chariton, *Chariton Free Public Library (Public Library Buildings in Iowa TR)*, Braden Ave.

Madison County

Winterset, *Winterset Public Library (Public Library Buildings in Iowa TR)*, 124 W. Court Ave.

Mahaska County

Oskaloosa, *Oskaloosa Public Library (Public Library Buildings in Iowa TR)*, S. Market and 2nd Ave., W.

Marion County

Knoxville, *Knoxville Public Library (Public Library Buildings in Iowa TR)*, 213 E. Montgomery St.

Pella, *Carnegie-Viersen Public Library (Public Library Buildings in Iowa TR)*, 823 Broadway

Marshall County

Marhsalltown, *Marshalltown Public Library (Public Library Buildings in Iowa TR)*, 36 N. Center St.

Mills County

Glenwood, *Glenwood Public Library (Public Library Buildings in Iowa TR)*, 109 N. Vine St.

Malvern, *Malvern Public Library (Public Library Buildings in Iowa TR)*, Main and 5th Sts.

Mitchell County

Osage, *Sage Public Library (Public Library Buildings in Iowa TR)*, 606 Main St.

Osage, *Sage Public Library (Public Library Buildings in Iowa TR)*, Main St.

Monroe County

Albia, *Albia Public Library (Public Library Buildings in Iowa TR)*, 203 Benton Ave., E.

Montgomery County

Red Oak, *Red Oak Public Library (Public Library Buildings in Iowa TR)*, 2nd and Washington Sts.

Villisca, *Villisca Public Library (Public Library Buildings in Iowa TR)*, 204 S. 3rd Ave.

Muscatine County

West Library, Free Public Library (Public Library Buildings in Iowa TR), 4th and Spencer Sts.

O'Brien County

Sutherland, *General N. B. Public Library (Public Library Buildings in Iowa TR)*, Ash and 4th Sts.

Page County

Clarinda, *Clarinda Public Library (Public Library Buildings in Iowa TR)*, 300 N. 16th St.

Shenandoah, *Shenandoah Public Library (Public Library Buildings in Iowa TR)*, 201 S. Elm St.

Palo Alto County

Emmetsburg, *Emmetsburg Public Library (Public Library Buildings in Iowa TR)*, 10th St. on Courthouse Sq.

Pottawattamie County

Council Bluffs, *Council Bluffs Free Public Library (Public Library Buildings in Iowa TR)*, 200 Pearl St.

Poweshiek County

Montezuma, *Montezuma Public Library (Public Library Buildings in Iowa TR)*, E. Liberty and 3rd Sts.

Ringgold County

Mount Ayr, *Mount Ayr Public Library (Public Library Buildings in Iowa TR)*, 121 W. Monroe St.

Sac County

Odebolt, *Odebolt Public Library (Public Library Buildings in Iowa TR)*, 308 W 2nd St.

Sac City, *Sac City Public Library (Public Library Buildings in Iowa TR)*, 6th and Main Sts.

Scott County

Davenport, *Lee Apartments (Cook Memorial Library) (Public Library Buildings in Iowa TR)*, Brady and 6th St.

Shelby County

Harlan, *Harlan Public Library (Public Library Buildings in Iowa TR)*, 1203 7th St.

Story County

Nevada, *Silliman Memorial Library (Public Library Buildings in Iowa TR)*, 631 K Ave.

Tama County

Tama, *Tama Public Library (Public Library Buildings in Iowa TR)*, 901 McClellan St.

Traer, *Traer Public Library (Public Library Buildings in Iowa TR)*, 531 2nd St.

Taylor County

Bedford, *Beford Public Library (Public Library Buildings in Iowa TR)*, Jefferson St.

Union County

Creston, *Gibson, Matilda J., Memorial Library (Public Library Buildings in Iowa TR)*, 310 N. Maple St.

Wapello County

Eldon, *Eldon Carnegie Library (Public Library Buildings in Iowa TR)*, IA 16

Ottumwa, *Ottumwa Public Library (Public Library Buildings in Iowa TR)*, 129 N. Court St.

Warren County

Indianola, *Indianola Public Library (Public Library Buildings in Iowa TR)*, 106 W. Boston

Wayne County

Corydon, *Corydon Public Library (Public Library Buildings in Iowa TR)*, N. DeKalb St.

Winnebago County

Forest City, *Forest City City Hall (Public Library Buildings in Iowa TR)*, N. Clark St.

Forest City, *Forest City Public Library (Public Library Buildings in Iowa TR)*, E. I St. and Clark

Woodbury County

Sioux City, *Greenville Neighborhood Center (Sioux City Public Library Fairmont Branch) (Public Library Buildings in Iowa TR)*, 220 S. Fairmont

Sioux City, *Sioux City Public Library (Leeds Branch) (Public Library Buildings in Iowa TR)*, 3901 Floyd Blvd

Sioux City, *Sioux City Public Library (Main Branch) (Public Library Buildings in Iowa TR)*, 705 6th St.

Sioux City, *Sioux City Public Library (North Branch) (Public Library Buildings in Iowa TR)*, 810 29th St.

Sioux City, *Sioux City Public Library (Riverside Branch) (Public Library Buildings in Iowa TR)*, 117 Wright Ave.

Sioux City, *Sioux City Public Library (Smith Villa Branch) (Public Library Buildings in Iowa TR)*, 1509 George Ave.

Wright County

Clarion, *Clarion Public Library (Public Library Buildings in Iowa TR)*, 302 N. Main St.

MARYLAND

Baltimore County

Glencoe, *Glencoe*, 1314 Glencoe Rd.

Queen Annes County

Stevensville, *Cray House*, Cockey's Lane

MINNESOTA

Carver County

Waconia, *Waconia City Hall*, 9 W. 1st St.

Cook County

Grand Marais, *Cook County Courthouse*, 5th Ave. W. and 2nd St.

Kandiyohi County

Spicer vicinity, *Spicer, John M., Summer House and Farm*, 600 S. Lake Ave.

Norman County

Ada, *Norman County Courthouse*, 3rd Ave. E. and 1st St. E.

Red Lake County

Red Lake Falls, *Red Lake County Courthouse*, Main Ave.

MISSOURI

Taney County

Walnut Shade vicinity, *Bonniebrook Homestead*, U.S. 65

NEVADA

Washoe County

Reno, *Nevada-California-Oregon Railway Locomotive House and Machine Shop*, 401 E. 4th St.

NEW YORK

Clinton/Essex Counties

Keeseville, *Double-span Metal Pratt Truss Bridge (Keeseville Village MRA)*, AuSable St.

Keeseville, *Keeseville Historic District (Keeseville Village MRA)*, Roughly bounded by Vine, Chesterfield, Clinton, Hill Pleasant, Front, and Beech Sts.

Dutchess County

Millbrook vicinity, *Lynfeld*, South Rd.

Essex County

Keeseville, *Rembrandt Hall (Keeseville Village MRA)*, Clinton St.

Keeseville, *Rembrandt House (Keeseville Village MRA)*, Kent St.

NORTH DAKOTA

Bureleigh County

Bismarck, *Soo Hotel*, 112–114 5th St. N.

Cass County

Fargo, *Cole Hotel*, 401–407 Northern Pacific Ave.

Fargo, *Knerr Block, Floyd Block, McHench Building, and Webster and Coe Building*, 13, 15, 17–19, and 21–23 8th St. S.

Fargo, *Powers Hotel*, 400 Broadway

Hettinger County

New England, *Riverside, 418 Main St.*

Morton County

Mandan, *Lewis and Clark Hotel*, 404 W. Main St.

Traill County

Portland vicinity, *Lucken Farm*, N of Portland

OKLAHOMA

Beaver County

Floris, *Floris Grain Elevator (Woodframe Grain Elevators of Oklahoma Panhandle TR)*, Off U.S. 64

Knowles, *Knowles Grain Elevator (Woodframe Grain Elevators of Oklahoma Panhandle TR)*, U.S. 64

Turpin, *Turpin Grain Elevator (Woodframe Grain Elevators of Oklahoma Panhandle TR)*, Off U.S. 64

Blaine County

Southard, *Old Plant Office Building, U.S. Gypsum Co.*, OK 51–A

Mayes County

Salina, *Lewis Ross/Cherokee Orphan Asylum Springhouse*, Off OK 20

Oklahoma County

Oklahoma City, *Avery Building (Red Brick Warehouses of Oklahoma City TR)*, 15 E. California Ave.

Oklahoma City, *Case, J.I., (Red Brick Warehouses of Oklahoma City TR)*, 2 E. California Ave.

Oklahoma City, *Kingman-Moore Building (Red Brick Warehouses of Oklahoma City TR)*, 100 E. California Ave.

Oklahoma City, *Mideke Supply Building (Red Brick Warehouses of Oklahoma City TR)*, 100 E. Main St.

Oklahoma City, *Miller-Jackson (Red Brick Warehouses of Oklahoma City TR)*, 121 E. California Ave.
Oklahoma City, *Oklahoma Hardware Building (Red Brick Warehouses of Oklahoma City TR)*, 27 E. California Ave.
Oklahoma City, *Rock Island Plow Building (Red Brick Warehouses of Oklahoma City TR)*, 29 E. Reno Ave.
Oklahoma City, *Sherman Machine and Iron Works Building (Red Brick Warehouses of Oklahoma City TR)*, 26 E. Main St.
Oklahoma City, *Stanford Furniture Co. Building (Red Brick Warehouses of Oklahoma City TR)*, 1 E. Sheridan Ave.
Oklahoma City, *Wells Fargo Depot (Red Brick Warehouses of Oklahoma City TR)*, 115 E. Reno Ave.

Ottawa County

Miami, *Coleman Theater*, 1st and Main Sts.
Miami, *Coleman George L., Sr., House*, 1001 Rockdale St.
Miami, *Commerce Building/Hancock Building*, 103 E. Central

Texas County

Adams, *Adams Woodframe Grain Elevator (Woodframe Grain Elevators of Oklahoma Panhandle TR)*, N of OK 3
Baker, *Baker Woodframe Elevator (Woodframe Grain Elevators of Oklahoma Panhandle TR)*, SR 2847
Baker, *Baker Woodframe Grain Elevator (Woodframe Grain Elevators of Oklahoma Panhandle TR)*, Off U.S. 64
Eva, *Eva Woodframe Grain Elevator (Woodframe Grain Elevators of Oklahoma Panhandle TR)*, OK 95
Hooker, *Hooker Woodframe Grain Elevator (Woodframe Grain Elevators of Oklahoma Panhandle TR)*, Off Texas Ave.
Hough, *Hough Woodframe Elevator (Woodframe Grain Elevators of Oklahoma Panhandle TR)*, OK 95
Mouser, *Mouser Grain Elevator (Woodframe Grain Elevators of Oklahoma Panhandle TR)*, Off SR 136
Mouser, *Mouser Woodframe Grain Elevator/ Collingword Elevator (Woodframe Grain Elevators of Oklahoma Panhandle TR)*, Off SR 136
Muncey, *Tracy Woodframe Grain Elevator (Woodframe Grain Elevators of Oklahoma Panhandle TR)*, N of U.S. 64
Optima, *Optima Grain Elevator (Woodframe Grain Elevators of Oklahoma Panhandle TR)*, U.S. 54

OREGON

Medford, Fluhrer Bakery Building, 29 N. Holly St.

Josephine County

Grants Pass, *Ahlf, John and Susanna, House*, 762 NW 6th St.
Grants Pass, *Flanagan, Dr. William H., House*, 720 NW 6th St.
Grants Pass, *Smith, Herbert and Katherine, House*, 139 SW I St.

Linn County

Brownsville, *Cooley, George C., House*, 220 Blakely Ave.

Marion County

Salem, *First Methodist Episcopal Church of Salem*, 600 State St.

PENNSYLVANIA

Montgomery County

Port Kennedy, *Kennedy Mansion*, 1050 Valley Forge Rd.

TEXAS

Kleberg County

Kingsville, *King, Henrietta M., High School*, Kleberg Ave. and 3rd St.

WISCONSIN

Eau Claire County

Eau Claire, *Emery Street Bungalow District (EauClaire MRA)*, Emery St. between Chauncey and Agnes Sts.
Eau Claire, *Randall Park Historic District (EauClaire MRA)*, Roughly bounded by Lake and Niagara Sts., 3rd and 5th Aves.
Eau Claire, *Third Ward Historic District (EauClaire MRA)*, Roughly bounded by Chippewa River, Park Pl., Gilbert Ave., and Farwell St.

[FR Doc. 83-10374 Filed 4-18-83; 8:45 am]
BILLING CODE 4310-70-M

Office of the Secretary

Meeting; Correction

The purpose of this notice is to correct the day of the Alaska Land Use Council meeting from Tuesday, May 11, 1983 to Wednesday, May 11, 1983.

The notice was published on Friday, April 1, 1983 on page 14059.

William P. Horn,
Deputy Under Secretary.
April 14, 1983.
[FR Doc. 83-10403 Filed 4-18-83; 8:45 am]
BILLING CODE 4310-10-M

Office of Surface Mining Reclamation and Enforcement

Determination of Valid Existing Rights Within Otter Creek Wilderness Area of the Monongahela National Forest

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Request for comments.

SUMMARY: The Otter Creek Coal Company has requested a determination by the Office of Surface Mining Reclamation and Enforcement (OSM) that its proposed underground coal mining operation on Federal lands in the Otter Creek Wilderness Area, West Virginia, is not prohibited or limited by Section 522(e) of the Surface Mining Control and Reclamation Act of 1977. Specifically, the Otter Creek Coal Company has asked OSM to determine that the company has "valid existing rights" under that section of the Act. OSM is giving notice of receipt of that request and soliciting public comment on it.

DATES: Written comments accepted until 5:00 p.m. e.d.t., on July 18, 1983.

Public meetings scheduled on request only.

ADDRESSES: Written comments: Deliver to the Office of Surface Mining, U.S. Department of the Interior, Administrative Record (R&I #83-268), Room 5315, 1100 "L" Street, NW., Washington, D.C., or mail to the Office of Surface Mining, U.S. Department of the Interior, Administrative Record (R&I #83-268), Room 5315L, 1951 Constitution Avenue, NW., Washingtoon, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Murry Newton, Chief, Branch of Regulatory Programs, Office of Surface Mining, U.S. Department of the Interior, 1951 Constitution Avenue, NW., Washington, D.C. 20240. Telephone: (202) 434-5866.

SUPPLEMENTARY INFORMATION:

I. Public Commenting Procedures

Written Comments: Written comments should be as specific as possible, focus on the issues in this matter, and include explanations in support of the commenter's recommendations. OSM cannot ensure consideration of comments received after the close of the comment period or those delivered during the comment period to an address other than that specified. Commenters are required to submit five copies of their comments to the OSM address listed above under **"ADDRESSES."**

Public Meetings: Persons wishing to meet with OSM representatives may request a meeting at the OSM Office listed in **"ADDRESSES"** by contacting the person listed under **"FOR FURTHER INFORMATION CONTACT."**

All such meetings are open to the public and, if possible, notices of meetings will be posted in advance in the Administrative Record Room (1100 "L" Street). A written summary of each public meeting will be made part of the Administrative Record.

II. Background

Section 522(e) of the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201 *et seq.* (Act), prohibits "surface coal mining operations" on Federal lands within the boundaries of certain protected areas, subject to "valid existing rights" (VER). 30 U.S.C. 1272(e). The Act includes among such protected areas units of the National Wilderness

Preservation System. 30 U.S.C. 1272(e). The term "surface coal mining operations" is defined in Section 701(28) of the Act (30 U.S.C. 1291(28)) and 30 CFR 700.5 to include the surface impacts incident to underground coal mining operations. The term "valid existing rights" is defined at 30 CFR 761.5 but has been proposed to be redefined. A statement of the draft final definition is included in OSM's recently published "Final Environmental Impact Statement. OSM EIS–1: Supplement."

The Otter Creek Coal Company ("the company") alleges that it owns the subsurface mineral estate underlying 18,379.94 acres of land, most of which is located under the Otter Creek Wilderness Area (OCWA) and all of which is within the Monongahela National Forest, Randolph and Tucker Counties, West Virginia. By letter of January 28, 1983, the company requested that OSM determine whether it has valid existing rights to mine its mineral estate underlying the OCWA, and included with its VER request a proposed plan describing the manner in which it intends to mine its mineral estate. This request has been filed in accordance with the U.S. Court of Claims decision in *Otter Creek Coal Company v. United States*, No. 83–79L, requiring the company to request a VER determination by OSM before seeking further judicial relief.

OSM solicits public comment on the company's request. Specifically, OSM is interested in:

(1) Additional facts or documents that exist or may be needed related to the application;

(2) Suggestions as to the appropriate approach to use in applying a Constitutional "takings" theory to the application, particularly in light of possible access to the coal underlying the OCWA from outside the Area; and

(3) Suggested procedures that OSM may dopt to assure that the issue is expeditiously and farily resolved, including the burden of proof, public participation and the standard for reaching a determination.

The company's request, including the proposed mining plan and all supporting data and material, is available for public inspection and copying during normal business hours at the location shown under "**ADDRESSES.**"

Dated: April 14, 1983.

J. R. Harris,

Director, Office of Surface Mining.

[FR Doc. 83–10368 Filed 4–18–83; 8:45 am]

BILLING CODE 4310–05

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Decision Notice; Finance Applications

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1181.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

Agatha L. Mergenovich,

Secretary.

For the following, please direct status calls to Team 1 at 202–275–7992

Volume No. OP1–FC–137

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC–FC–81330. By decision of April 11, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 2 approved the transfer to Boyertown National Corporation, of 1129 High St., Pottstown, PA, of Certificate No. MC–21900, issued October 1, 1965, to Sherwood L. Yergey and David A. Yergey, doing business as Yergey's Moving and Storage, of 1129 High St., Pottstown, PA, authorizing the transportation of (1) household goods, between Pottstown, PA, and points within 15 miles of Pottstown, on the one hand, and, on the other, points in NY and NJ, and (2) cloth and cloth products, between Pottstown, PA, Bridgeton, NJ, and Newburgh, NY. Applicant's representative: Sherwood L. Yergey, 1129 High St., Pottstown, PA 19464.

Volume No. OP1–FC–138

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Members Parker and Fortier participating in part.)

MC–FC–81264. By decision of April 8, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 1 approved the transfer to EASTERN OREGON FAST FREIGHT, INC., Portland, OR, of Certificate No. MC–144981F, and (Sub-Nos. 1F, 3F, 4F, and 5), issued August 16 1979, July 24, 1980, December 22, 1980, March 13, 1981, and November 27, 1981, respectively, to JOHN DAY-PORTLAND AUTO FREIGHT, INC., Portland, OR, authorizing the transportation (A) over regular routes, of general commodities (except classes A and B explosives), (1) between Portland and John Day, OR, over U.S. Hwy 26, (2) between Condon, OR, and junction OR Hwy 19 and U.S. Hwy 26 near Dayville, OR, over OR Hwy 19, and (3) between John Day and Hines, OR, over U.S. Hwy 395, serving all intermediate points in (1)–(3) above, and (B) over irregular routes, of (1) general commodities with exceptions (a) between Portland, OR, on the one hand, and, on the other, points in Grant, Harney and Wheeler Counties, OR, (b) between John Day, OR, on the one hand, and, on the other, points in the U.S., and (2) lumber and wood products, from points in Grant and Harney Counties, OR, to points in ID, UT, WY, CO, WA, CA, and NV. Transferee is a carrier holding authority under No. MC–87079. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, OR 97210.

MC–FC–81341. By decision of April 12, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. Part 1181, Review Board Number 1 approved the transfer to CINTRAN, INC., Cincinnati, OH, of Certificate No. MC–133541 Sub 8F, issued November 25, 1980, and Permit No. MC–133541 Sub 12F, issued June 4, 1981, to McKIBBEN MOTOR SERVICE, INC., Cincinnati, OH, authorizing, respectively, the transportation, over irregular routes, of containers and container ends, and

materials, equipment, and supplies used in the manufacture, sale and distribution of containers (except commodities in bulk), between points in GA, IL, IN KY, MI, OH, PA, TN, WV, and WI, and automobile parts, and materials, equipment, and supplies used in the manufacture and distribution of automobiles and automobile parts, between points in the U.S., under continuing contract(s) with Ford Motor Company, of Dearborn, MI. Representatives: James R. Stiverson, 1396 W. Fifth Ave., Columbus, OH, 43212; Thomas J. Westerfield, 1700 Carew Tower, Cincinnati, OH 45202 (Transferee), and James Duvall, 220 W. Bridge St., Dublin, OH 43017 (Transferor).

For the following, please direct status calls to Team 4 at 202-275-7669.

Volume No. OP4-FC-218

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC-FC-81271, filed March 2, 1983. By decision of April 11, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1181, Review Board Number 2 approved the transfer to ALL MAX TRUCKING CO. INC., Jersey City, NJ, of Certificate No. MC-61896, issued August 12, 1960, to BERGENFIELD MOVING & STORAGE CO. INC., New Milford, NJ, authorizing the transportation of *household goods*, between points in Passiac, and Bergen Counties, NJ, on the one hand, and, on the other, points in NY. Representative: Max Rivera, 4000 W. Side Ave., North Bergen, NJ 07047.

MC-FC-81293. By decision of April 11, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. Part 1181, Review Board Number 2 approved the transfer to R.M.T. COMPANY, Billings, MT, of Certificate No. MC-150166 (Sub-No. 1), issued September 16, 1981, to RONALD M. LUND, SIMON C. RYAN, JR., LLOYD W. JOHNSON, and FRANK A. LEKSE, d.b.a. ROCKY MOUNTAIN TRUCKING COMPANY, Billings, MT, authorizing the transportation of *meats, meat products, and meat by-products and articles distributed by meat packinghouses as described in Sections A and C of Appendix 1 to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766*, between points in Yellowstone County, MT, on the one hand, and, on the other, points in the U.S. Representative: Charles A. Murray, Jr., 2822 Third Ave., No., Billings, MT 59101, (406) 252-4165, for both transferee and transferor.

Volume No. OP4-FC-223

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing. (Member Williams not participating.)

MC-FC-81320, filed March 18, 1983. By decision of March 11, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1181, Review Board Number 2 approved the transfer to WILLIAM KIRK SHAFFER, d.b.a. SHAFFER OILFIELD SERVICE, of Rock Springs, WY of Certificate No. MC-154116, issued October 5, 1981, to WILLIAM H. BILLINGSLEY, BARBARA L. BILLINGSLEY, WILLIAM M. BILLINGSLEY AND ALLAN R. BILLINGSLEY, d.b.a. A-B HOTSHOT SERVICE (FIRST SECURITY BANK OF ROCK SPRINGS, SECURED CREDITOR) of Rock Springs, WY, authorizing the transportation of Mercer commodities, between points in CA, ID, MT, ND, SD, WY, UT, CO, NE, KS, NM, OK, TX, and NV. Representative: William Kirk Shaffer, 506 Fremont, Rock Springs, WY 82901.

MC-FC-81356. By decision of 4-11-83 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. Part 1181, Review Board Number 2 approved the transfer to GRANT TRUCKING, INC., Sacramento, CA. of Permit No. MC-164487, issued March 2, 1983, to JAMES R. HUSBANDS, d.b.a. JAMES R. HUSBANDS CO., Lebanon, OR, authorizing the transportation of general commodities (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Superior Transportation system, Inc., of Wilsonville, OR. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, OR 97210. Attorney for applicants.

[FR Doc. 83-10307 Filed 4-18-83; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water Carriers; Household Good Brokers. The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the **Federal Register** November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commissions's regulations.

We make an additional preliminary finding with respect to each of the following types of applications as indicated: common carrier of property—that the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier—that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, and household goods broker—that the transportation will be consistent with the public interest and the transportaion policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Applications filed under 49 U.S.C. 10922(c)(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly noted.

Please direct status inquiries to Team 5 at (202) 275–7289.

Volume No. OP5–178

Decided: April 8, 1983.

By the Commission, Review Board No. 3. Members Krock, Joyce, and Dowell.

MC 16479 (Sub-7), filed March 30, 1983. Applicant: SUPERIOR EXPRESS, INC., 210 W. Third St., Waterloo, IL 62298. Representative: J. J. Schilling (same address as applicant), (618) 939–6015. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in IL and MO, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 113059 (Sub-16), filed March 29, 1983. Applicant: KELLER TRANSPORT, INC., Route 9, Katy Lane, Billings, MT 59101. Representative: F. E. Keller (same address as applicant), (406) 656–1403. Transporting *materials, equipment, and supplies* incidental to or used in (a) the construction, development, and production of natural gas, petroleum, and coal, and (b) the construction and maintenance of highways, and irrigation and power projects, between points in ID, MT, ND, SD, WA, and WY.

MC 165928, filed March 29, 1983. Applicant: R. E. M. TRANSPORT, LTD., 27 Parkwood Dr., St. Stephen, New Brunswick, Canada E3L 2W1. Representative: John C. Lightbody, 30 Exchange St., Portland, ME 04101, 207–773–5651. Transporting (1) *building materials,* and *machinery and equipment,* between ports of entry in the U.S. on the international boundary line between the U.S. and Canada, on the one hand, and, on the other, points in the U.S. (except AK and HI), and (2) *lumber and wood products,* between points in the U.S. (except AK and HI).

MC 167118, filed March 30, 1983. Applicant: KANKO BUS LINES, INC., 545 Madison Ave., New York, NY 10022. Representative: Larsh B. Mewhinney, 555 Madison Ave., New York, NY 10022, (212) 838–0600. Transporting *passengers,* in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

Volume No. OP5–180

Decided: April 11, 1983.

By the Commission, Review Board No. 1. Members Parker, Chandler, and Fortier. (Member Parker not participating.)

MC 41098 (Sub-105), filed April 5, 1983. Applicant: GLOBAL VAN LINES, INC., One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K St., NW, Washington, D.C. 20006, (202) 833–8884. Transporting *household goods,* between points in the U.S., under continuing contract(s) with General Mills, Inc., of Minneapolis, MN, and its subsidiaries and divisions.

MC 46518 (Sub-17), filed April 5, 1983. Applicant: BOSTON-BUFFALO EXPRESS, INC., 7200 Fly Road, P.O. Box 207, East Syracuse, NY 13057. Representative: Herbert M. Canter, 305 Montgomery St., Syracuse, NY 13202, (315) 472–8845. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in CT, MA, ME, NH, NY, OH, PA, RI, and VT.

MC 110149 (Sub-15), filed April 5, 1983. Applicant: PAN AMERICAN VAN LINES, INC., P.O. Box 923, Long Beach, CA 90801. Representative: W. C. Fogle (same address as applicant), (213) 537–2630. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S., under continuing contract(s) with Hughes Aircraft Company, of El Segundo, CA.

MC 126018 (Sub-7), filed March 28, 1983. Applicant: PREM-PAK, INC., One Exeter Road, North Hampton, NH 03862. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108, (617) 742–3530. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in ME, NH, VT, MA, RI, CT, DE, FL, GA, MD, NJ, NY, NC, OH, PA, SC, and VA.

MC 140889 (Sub-33), filed April 4, 1983. Applicant: FIVE STAR TRUCKING, INC., 1638 Pioneer Way, El Cajon, CA 92020. Representative: Ignatius B. Trombetta, One Public Square, No. 1001, Cleveland, OH 44113, (216) 589–0448. Transporting (1) *metal products,* and (2) *plastic products,* between points in the U.S. (except AK and HI), under continuing contract(s) with Bud Industries, Inc., of Willoughby, OH.

MC 142239 (Sub-13), filed March 29, 1983. Applicant: NEBRASKA COAST, INC., 3125 So. 11th St., Council Bluffs, IA 51501. Representative: James F. Crosby, 7363 Pacific Street, Suite 210B, Omaha, NE 68114, (402) 397–9900. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in IA, KS, MN, MO, NE, and SD, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 143179 (Sub-31), filed April 4, 1983. Applicant: FUTURE FOAM, INC., P.O. Box 1017, Omaha, NE 68101. Representative: Foster L. Kent (same address as applicant), (712) 323–0124. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Marine Cooperative Association, of Portland, OR.

MC 150869 (Sub-1), filed March 28, 1983. Applicant: CONTINENTAL ARMORED TRANSPORT, INC., P.O. Box 3004, Seattle, WA 98114. Representative: David C. White, 2400 SW Fourth Ave., Portland, OR 97201, (503) 226–8491. Transporting *coin, currency, checks, drafts, securities, negotiable instruments, and other valuables,* between points in ID, OR, and WA.

MC 159048 (Sub-2), filed March 23, 1983. Applicant: MYRICK TRUCKING CO., P.O. Box 145, Savanna, IL 61074. Representative: Perry G. Myrick, 1424 Chicago Ave., Savanna, IL 61074, (815) 273–4162. Transporting *general commodities* (except classes A and B explosives and household goods), between points in AL, AR, IN, IA, KS, KY, MI, MN, CO, MO, LA, OH, PA, TN, WI, IL, NY, WV, FL, GA, NE, OK, and TX.

MC 162288 (Sub-1), filed April 4, 1983. Applicant: LAWRENCE J. GIUSTO, d.b.a. LIBERTY TRANSPORTATION, 13501 Oakland Drive, Burnsville, MN 55337. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Suite 307, Minneapolis, MN 55424, (612) 927–8855. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 165659, filed April 5, 1983. Applicant: ROBERT F. DALE, d.b.a. DALE TRANSPORTATION, 6016 Laurel St., Raytown, MO 64133. Representative: Robert F. Dale (same address as applicant), 816–358–0616. Transporting *paper and related products*, between Kansas City, MO, on the one hand, and, on the other, points in KS, under continuing contract(s) with Bowater Computer Forms, Inc., of Lee's Summit, MO.

MC 166038 (Sub-1), filed April 4, 1983. Applicant: AMERICAN TARA CORPORATION, 5667 New Peachtree Rd., Atlanta, GA 30341. Representative: Bruce E. Mitchell, Suite 520, 3390 Peachtree Rd., N.E., Atlanta, GA 30326, 404–262–7855. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. under continuing contract(s) with Texas Stock Tab of Coppell, TX; DSI Forms, Inc., of Palatka, FL; Computer Business Forms, Inc., of Greensboro, NC; Unified Data Products Corporation of Vermont, of Grafton, VT; Better Business Forms, Inc., of Pinellas Park, FL; and Office Electronics, Inc., of Oakbrook, IL.

MC 166339, filed April 4, 1983. Applicant: WINN BARTZ TRUCKING, INC., 225 Railroad St., Reedsburg, WI 53959. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719, (608) 273–1003. Transporting *metal products and foundry materials and supplies*, between points in the U.S. (except AK and HI), under continuing contract(s) with Grede Foundries, Inc., of Wauwatosa, WI, and Alabama By-Products Corporation, of Birmingham, AL.

MC 166389, filed March 28, 1983. Applicant: R & R FERTILIZER, INC., R.R. #1, Box 180, St. Ansgar, IA 50472. Representative: James M. Hodge, 3730 Ingersoll Ave., Des Moines, IA 50312, (515) 274–4895. Transporting (1) *fertilizer and anhydrous ammonia*, between points in IA, IL, KS, MN, MO, NE, and WI, and (2) *metal products, machinery, equipment and lumber and wood products*, between points in Cerro Gordo, Worth and Wright Counties, IA, Clay County, KS and Elkhart County, IN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 166858, filed March 17, 1983. Applicant: MAX G. McCULLEN TRUCKING COMPANY, INC., Route 1, Box 292A, Newton Grove, NC 28366. Representative: Connie Talton, Route 1, Box 471–A1, Dudley, NC 27530, (919) 594–0065. Transporting (1) *furniture and fixtures*, between points in Wayne County, NC, on the one hand, and, on the other, points in CA, OR, VT, WA, TX, AZ, CO, ID, MT, NV, NM, and WY, and (2) *farm and heavy equipment*, between points in Sampson County, NC, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 167219, filed April 4, 1983. Applicant: ROBERT L. BIRD, Rt. Box 168, Sheridan, AR 72150. Representative: Horace Fikes, Jr., P.O. Box 5632, Pine Bluff, AR 71611, (501) 536–8378. Transporting *forest products, lumber and wood products*, between points in Dallas and Grant Counties, AR, on the one hand, and, on the other, points in AL, KS, LA, MS, MO, OK, and TX.

The following volume was incorrectly published in the **Federal Register** on April 7, 1983, (48 FR 15198) under the fitness-only guidelines, and are being republished under the non-fitness guidelines to reflect this Notice of Correction.

Volume No. OP2-155

By the Commission Review Board No. 3, Members Krock, Joyce, and Dowell. (Member Krock not participating.)

MC 263 (Sub-245), filed March 18, 1983. Applicant: GARRETT FREIGHTLINES, INC., P.O. Box 4048, Pocatello, ID 83201. Representative: Bruce A. Bullock, One Woodward Ave.— 26th Fl., Detroit, MI 48226, 313–496–3534.

MC 6992 (Sub-25), filed March 22, 1983. Applicant: AMERICAN RED BALL TRANSIT COMPANY, INC., 1335 Sadlier Circle, East Dr., Indianapolis, IN 46239. Representative: John F. Spickelmier, (same address as applicant), 317–353–8331.

MC 87113 (Sub-32), filed March 22, 1983. Applicant: WHEATON VAN LINES, INC., 8010 Castleton Rd., Indianapolis, IN 46250. Representative: Alan F. Wohlstetter, 1700 K St., NW., Washington, DC 20006, 202–833–8884.

MC 141002 (Sub-3), filed March 9, 1983. Applicant: ARNEL COACH LINES, INC., 455 Georgia Ave., Atlanta, GA 30312. Representative: Robert E. Born, 1447 Peachtree St., NE., Suite 508, Atlanta, GA 30309, 404–892–8020.

MC 141652 (Sub-54), filed March 21, 1983. Applicant: ZIP TRUCKING, INC., P.O. Box 6126, Jackson, MS 39208. Representative: Paul M. Daniell, Atlanta Gas Light Towers, Suite 1200, 235 Peachtree St., NE., Atlanta, GA 30303, 404–522–2322

MC 151193 (Sub-39), filed March 18, 1983. Applicant: PAULS TRUCKING CORPORATION, 286 Homestead Ave., Avenel, NJ 07001. Representative: Michael A. Beam, (same address as applicant), 201–499–3869.

MC 156092 (Sub-1), filed March 7, 1983. Applicant: MAGNUM HAULERS, INC., 515 State Fair Blvd., Syracuse, NY 13204. Representative: Martin R. Martino, 333 So. Glebe Rd., Arlington, VA 22204, 703–979–1627.

MC 160393 (Sub-1), filed March 16, 1983. Applicant: JIM MILLER TRUCKING, INC., 644 E. Slater, Marshall, MO 65340. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062, 214–255–6279

MC 163613 (Sub-1), filed March 23, 1983. Applicant: GIBSON TRANSPORATION, INC., Box 121, Onarga, IL 60955. Representative: Edward D. McNamara, Jr., 907 South Fourth, P.O. Box 5039, Springfield, IL 62705, 217–528–8476.

MC 164013 (Sub-2), filed March 7, 1983. Applicant: MIKE BRUA TRUCKING, 1114 Milton Ave., Worthington, MN 56187. Representative: Mike Brua, (same address as applicant), 507–372–2693.

MC 165382 (Sub-1), filed March 10, 1983. Applicant: MO-TRAN BUS LINES, INC., 104 North Clark St., Moberly, MO 65270. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309, 515–282–3525.

MC 166693, filed March 9, 1983. Applicant: AMERICAN VAN LINES, INC., 468 Wild Ave., Staten Island, NY 10314. Representative: Larry Chirco, (same address as applicant), 212–494–8000.

[FR Doc. 83–10309 Filed 4–18–83; 8:45 am]
BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (fitness-only); Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods). The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** on December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in the **Federal Register** on November 24, 1982, at 49 FR 53271. For compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E.

These applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,
Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please direct status inquiries to Team Four at (202) 275–7669.

Volume No. OP4–225

Decided: April 12, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 124167 (Sub-3), filed March 25, 1983. Applicant: READY BUS LINE CO., P.O. Box 100, County Hwy 6, La Crescent, MN 55947. Representative: James R. Evans, 145 W. Wisconsin Ave., Neenah, WI 54956 (414) 722–2848. Transporting *passengers,* in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 144296 (Sub-2), filed March 21, 1983. Applicant: LEWIS BUS LINES INC., 1257 Gordon Hwy, P.O. Box 1041, Augusta, GA 30903. Representative: Eugene Talmadge Lewis, (same address as applicant) (404) 722–0417. Transporting *passengers,* in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

For the following, please direct status calls to Team 5 at 202–275–7289.

Volume No. OP5–179

Decided: April 8, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce and Dowell.

MC 116248 (Sub-12), filed March 30, 1983. Applicant: MARIANNA COACH LINES, INC., 1707 Washington St., Paducah, KY 42001. Representative: William L. Willis, McClure Bldg., Suite 702, Frankfort, KY 40601 (502) 227–7384. Transporting *passengers,* in charter and special operations, between points in the U.S. (except HI).

Note: Applicant seeks to provide privately-funded charter and special transportation.

MC 163199 (Sub-1), filed March 28, 1983. Applicant: SIMPSON TRANSPORT, INC., RFD 1 Box 541, Bristol, NH 03222. Representative: William L. Simpson, (same address as applicant) (603) 744–8797. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners,* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 167129, filed March 29, 1983. Applicant: CHARLES MICHAEL RHODES, d.b.a. ROADS FREIGHT BROKERS, 3750 W. McDowell, Phoenix, AZ 85009. Representative: Andrew V. Baylor, 337 East Elm St., Phoenix, AZ 85012 (602) 274–5146. To operate as a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

Volume No. OP5–181

Decided: April 11, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Parker not participating.)

MC 89578 (Sub-6), filed April 4, 1983. Applicant: ARTHUR BRUNDAGE, INC., 46 Orchard St., P.O. Box 67, Oneonta, NY 13820. Representative: Jeremy Kahn, Suite 733, 1511 K St. NW., Washington, DC 20005 (202) 783–3525. Transporting *passengers,* in charter and special operations, beginning and ending at points in NY and PA, and extending to points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 167198, filed April 4, 1983. Applicant: DAVID J. GRIFFITH, d.b.a. D & K TRUCKING, 319 Ernest St., P.O. Box 408, Donald, OR 97020. Representative: David J. Griffith (same address as applicant), (503) 678–5405. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 167208, filed April 4, 1983. Applicant: DIXIE TRAVEL AND CHARTER BUS SERVICE, INC., 562 Oriole Blvd., P.O. Box 203, Duncanville, TX 75116. Representative: Jimmy Bess (same address as applicant), (214) 780–1538. Transporting *passengers*, in charter operations, beginning and ending at Dallas, TX, and extending to points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter transportation.

MC 167218, filed April 4, 1983. Applicant: ROBERT GERALD DESMOND, d.b.a. WIND–SONG LIMOUSINE SERVICE, P.O. Box 1467, 9 Chadwick Place, Biddeford, ME 04005. Representative: Robert Gerald Desmond (same address as applicant), (207) 282–3427. Transporting *passengers*, in charter and special operations, beginning and ending in Biddeford, ME, and extending to points in NH and MA.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 167229, filed April 4, 1983. Applicant: C T U CORP., 645 Joliet St., West Chicago, IL 60185. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602, (312) 236–5944. Transporting *passengers*, in charter and special operations between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 167238, filed April 5, 1983. Applicant: BAR J TRUCK LINES, INC., 254 White Cedar, Houston, TX 77015. Representative: John W. Carlisle, P.O. Box 967, Missouri City, TX 77459, 713–437–1768. Transporting (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI); (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI); (3) as a broker of general commodities (except household goods), between points in the U.S. (except AK and HI); (4) *used household goods* for the account of the United States Government incidental to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S. (except AK and HI); and (5) *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

[FR Doc. 83–10310 Filed 4–18–83; 8:45 am]
BILLING CODE 7035–01–M

Motor Carriers; Approved Exemptions

AGENCY: Interstate Commerce Commission.

ACTION: Notices of approved exemptions.

SUMMARY: The motor carriers shown below have been granted exemptions pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property Under 49 U.S.C. 1343*, 367 I.C.C. 113 (1982), 47 FR 53303 (November 24, 1982).

DATES: The exemptions will be effective on May 19, 1983. Petitions for reconsideration must be filed by May 9, 1983. Petitions for stay must be filed by April 29, 1983.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275–7977.

SUPPLEMENTARY INFORMATION: For further information, see the decision(s) served in the proceeding(s) listed below. To purchase a copy of the full decision contact: TS Infosystems, Inc., Room 2227, 12th and Constitution Ave., NW., Washington, D.C. 20423; or call (202) 289–4357 in the D.C. metropolitan area; or (800) 424–5403 Toll-free outside the D.C. area.

Agatha L. Mergenovich,
Secretary.

MC–F–15027, MIDALGLANTIC COAST DELIVERY SYSTEMS, INC.—Control—Exemption—Common Cargo Corporation. Addresses: Send pleadings to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423 and (2) Petitioner's representative: Bruce J. Robbins, Robbins & Newman, P.C., 18 East 48th Street, New York, NY 10017. Pleadings should refer to No. MC–F–15027. Decided: April 12, 1983. Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343(a), the acquisition of control of Command Cargo Corporation (MC–141664) by Midalglantic Coast Delivery Systems, Inc. (Midalglantic) (MC–105369), and, in turn, Raymond Taibi and Herschel Frankel, who jointly control Midalglantic, and James Mc Diarmid, who will acquire a portion of the common stock of Midalglantic.

By the Commission, Division 1, Commissioners Andre, Taylor and Sterrett. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

MC–F–15067, PETERSON EXPRESS, INC.—Purchase Exemption—THERMO TRANSPORT, INC. Address: Send pleadings to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423, and (2) Petitioner's Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Pleadings should refer to No. MC–F–15067. Decided: April 12, 1983. Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C 11343, the purchase by Peterson Express, Inc. (Peterson) (MC–162104), and, in turn, Walter R. Key, Richard White, and Douglas A. Peterson, who jointly control Peterson, of Permit No. MC–145359 (Sub-No. 43) of Thermo Transport, Inc.

By the Commission, Division 1, Commissioners Andre, Taylor, and Sterrett. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

MC–F–15093, OZELLA HARRINGTON—Continuance in Control Exemption—E. J. DICKIE TRUCKING COMPANY and ECHO TRUCKING COMPANY. Addresses: Send pleadings to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423, and (2) Petitioner's representatives: Lex J. Smith and Richard L. Sallquist, Evans, Kitchel & Jenckes, P.C., 2600 North Central Ave., Suite 1900, Phoenix, AZ 85004. Pleadings should refer to No. MC–F–15093. Decided: April 12, 1983. Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343(a), the continuance in control by Ozella Harrington, a sole proprietor (No. MC–109515), of E. J. Dickie Trucking Company (No. MC–77340) and Echo Trucking Company (No. MC–135513). By

the Commission, Division 1, Commissioners Andre, Taylor, and Sterrett. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

MC-F-15097, PST, INC.—Purchase Exemption—SUNSET EXPRESS CORP. Addresses: Send pleadings to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423, and (2) Petitioner's representative: Michael J. Norton, 1905 South Redwood Road, Salt Lake City, UT 84104. Pleadings should refer to No. MC-F-15097. Decided: April 12, 1983. Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirements of prior review and approval under 49 U.S.C. 11343, the purchase by PST, Inc., (No. MC-141532), of all of the certificates and permits of Sunset Express Corp. (No. MC-148737). By the Commission, Division 1, Commissioners Andre, Taylor, and Sterrett. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

MC-F-15106, ROBERT H. FATES—Continuance in Control Exemption—R. C. SERVICE, INC., and ALLEN FREIGHT LINES, INC. Addresses: Send pleadings to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423, and (2) Petitioner's representative: Thomas M. O'Brien, Sullivan & Associates, Ltd., 180 N. Michigan Avenue, Suite 1700, Chicago, IL 60601. Pleadings should refer to No. MC-F-15106. Decided: April 11, 1983. Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343(a), the continuance in control by Robert H. Fates of R.C. Service, Inc. (No. MC-152082) and Allen Freight Lines, Inc. (No. MC-164771), upon the latter becoming a motor carrier subject to the jurisdiction of the Commission. By the Commission, Division 2, Commissioners Gradison, Taylor, and Sterrett. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

[FR Doc. 83-10304 Filed 4-18-83; 8:45 am]
BILLING CODE 7035-01-M

[No. MC-F-15232]

Motor Carriers; Consolidated Freightways, Inc., et al.—Continuance in Control Exemption—CF Arrowhead Services, Inc., et al.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: Pursuant to 49 U.S.C. 11343(e), added by section 21 of the Bus Regulatory Reform Act of 1982, Pub. L. 97-261 (September 20, 1982), Consolidated Freightways, Inc. (CFI), a noncarrier holding company, seeks an exemption from the requirement under section 11343 of prior regulatory approval for its continuance in control of its motor carrier subsidiaries, Consolidated Freightways Corporation of Delaware (CFCD) (No. MC-42487), Canadian Freightways Limited (CFL) (No. MC-116975), and Canadian Freightways Eastern Limited (CFEL) (No. MC-76036), along with CF Arrowhead Services, Inc. (Arrowhead), Con-Way Eastern Express, Inc. (Eastern), Con-Way Central Express, Inc. (Central), and Con-Way Western Express, Inc. (Western), which have applications for motor carrier authority pending in Nos. MC-164299, MC-165442, MC-165377, and MC-165436, respectively. Currently, CFDC is a wholly owned subsidiary of CFI, CFL is a wholly owned subsidiary of CFDC, CFEL is a wholly owned subsidiary of CFL, and Arrowhead, Eastern, Central, and Western are wholly owned noncarrier subsidiaries of CFI.

CF Land Transportation, Inc. (CFLT), a newly formed noncarrier subsidiary of CFI, seeks an exemption from the requirement under section 11343 of prior regulatory approval for its control of CFCD (and indirectly of CFL and CFEL), and its indirect control of Arrowhead, Eastern, Central, and Western after they are certificated, through its newly formed noncarrier subsidiary, CF Land Services, Inc. (CFLS).

CFLS seeks an exemption from the requirement under section 11343 of prior regulatory approval for its control of Arrowhead, Eastern, Central, and Western after they are certificated.

The corporate realignment of CFI and its affiliates will occur subsequent to the certification of Arrowhead, Eastern, Central, and Western, and prior to the end of 1983.

CF Forwarding, Inc. (CFF) (No. FF-567) is a subsidiary of CFCD. Because the provisions of 49 U.S.C. 11323(a) prohibit a person in control of a surface freight forwarder from thereafter acquiring additional motor carriers, CFI and its affiliate CFCD have divested themselves of control by placing CFF's stock in an independent voting trust, effective April 6, 1983. Upon certification of Arrowhead, Eastern, Central, and Western, the voting trust will expire by its own terms and CFF's stock will be conveyed to CFI.

A grant of the exemptions sought will be conditioned upon the issuance to Arrowhead, Eastern, Central, and Western of the certificates they seek.

DATES: Comments must be received within 30 days after the date of publication in the **Federal Register.**

ADDRESSES: Send comments to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423, and (2) Petitioners' representatives: Eugene T. Liipfert, Mark J. Andrews, 1660 L Street, N.W.—Suite 1100, Washington, DC 20036. Comments should refer to No. MC-F-15232.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275-7949.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioners' representatives. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: April 13, 1983.

By the Commission, Heber, P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary

[FR Doc. 83-10305 Filed 4-18-83; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Proposed Exemptions

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemptions.

SUMMARY: The motor carriers shown below seek exemptions pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property Under 49 U.S.C. 11343*, 367 I.C.C. 113 (1982), 47 FR 53303 (November 24, 1982).

DATES: Comments must be received within 30 days after the date of publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275-7977.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for

exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

Volume No. OP3–156

Decided: April 12, 1983.

SOUTHERN IDAHO TRANSPORT, INC.—Purchase Exemption—SHOEMAKER TRUCKING COMPANY (LOREN WETZEL, Trustee-in-Bankruptcy) MC–F–15175, Southern Idaho Transport Inc., (No. MC–136832) seeks an exemption from the requirement under section 11343 of prior regulatory approval for its purchase of a portion of the motor carrier operating rights of Shoemaker Trucking Company, specifically those rights in No. MC–138875 [Sub-No. 312X(16)(e)] and those underlying rights in No. MC–138875 [Sub-No. 211(f)]. Send comments to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423, and (2) Petitioner's representative: David E. Wishney, P.O. Box 837, Boise, ID 83701. Comments should refer to No. MC–F–15175.

HAMRIC TRANSPORTATION, INC.—Purchase Exemption—SHOEMAKER TRUCKING COMPANY (Loren Wetzel, Trustee-in-Bankruptcy). MC–F–15181, Shoemaker Trucking Company (MC–138875), and Hamric Transportation, Inc., (MC–142831) seek an exemption from the requirement under section 11343 of prior regulatory approval for acquisition by Hamric of a portion of the motor carrier operating rights of Shoemaker, i.e. Certificate No. MC–138875 (Sub-No. 282) authorizing the transportation of such products as are distributed by farm and hardware supply stores (except commodities in bulk) between points in the United States and the facilities of Big R Stores located in California, Colorado, Iowa, Idaho, Kansas, Minnestoa, Missouri, Montana, North Dakota, Nebraska, Nevada, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming. Addresses: Send comments to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423, and (2) Petitioner's representative: David E. Wishney, 601 West Hays Street, Boise, ID 83701. Comments should refer to No. MC–F–15181.

Volume No. OP1–136

Decided: April 13, 1983.

MOTORCAR TRANSPORT COMPANY—Merger Exemption—AUTOMOBILE CARRIERS, INC., MC–F–15219, Motorcar Transport Company (MTC) (MC–60470), Automobile Carriers, Inc. (ACI) (MC–113436), and Leaseway Transportation Corp., a non-carrier holding and management company which controls MTC and ACI, seek an exemption from the requirement under section 11343 of prior regulatory approval for the merger of all the interstate operating rights and property of ACI into MTC, for management, control, and operation. ACI's authority to be merged into MTC generally enables the irregular-route motor common carrier transportation of (1) automobiles, trucks, buses, and related commodities, in initial or secondary movements, in truckaway service, (a) from Flint, MI, to Lincoln, NE, and points in 11 specified eastern and mideastern States, subject to certain restrictions, (b) between Flint, MI, on the one hand, and on the other, Lincoln, NE, and points in 11 specified eastern and mideastern States, subject to certain restrictions, and (c) from Janesville, WI, to points in the Lower Peninsula of MI; and (2) motor vehicles, between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the facilities of a named shipper or its dealers. Send comments to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423, and (2) Petitioner's representatives: J. Andrew Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114, or Peter A. Greene, 1920 N St., N.W., Washington, D.C. 20036. Comments should refer to No. MC–F–15219.

Volume No. OP4–F–227

Decided: April 13, 1983.

BIG RED REFRIGERATION, INC.—purchase exemption—UNIVERSE COMPANY, INC., MC–F–15204, Big Red Refrigeration, Inc. (MC–134724) seeks an exemption from the requirement under section 11343 of prior regulatory approval for its purchase of a portion of the operating authority of the Universe Company, Inc., specifically MC–136816 (lead) and Sub-Nos. 1, 6, 7, 8, 9, 10X (except para. 3), and 12. Send comments to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423, and (2) Petitioner's representative: Arlyn L. Westergren, 9202 West Dodge Road, Suite 201 Omaha, NE 68114.

[FR Doc. 83–10308 Filed 4–18–83; 8:45 am]

BILLING CODE 7035–01–M

[PO2–154]

Motor Carriers; Permanent Authority Decisions; Corrections

The following application was incorrectly published under the non-fitness guidelines in the **Federal Register** of April 7, 1983, Volume No. OP2–154 at 48 FR 15200.

In this application, applicant was only required to prove its fitness, willingness and ability to perform the requested service. This application may be protested only on the ground that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. Any verified statement in opposition should be filed within 45 days from the publication of this correction. MC–28462 Sub–14, filed March 2, 1983. Applicant: DENVER COLORADO SPRINGS PUEBLO MOTOR WAY, INC., 1055 19th St., Denver, CO 80202. Representative: G. W. Hanthorn, 1500 Jackson St., Dallas, TX 75201, (214) 655–7937.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell (Member Krock not participating).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–10306 Filed 4–18–83; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 30160]

Rail Carriers; The Baltimore and Ohio Railroad Co.—Operation of the Properties of Western Maryland Railway Co.; Exemption

April 12, 1983.

The Baltimore and Ohio Railroad Company (B&O) and Western Maryland Railway Company (WM) jointly filed a notice of exemption, pursuant to 49 CFR 1180.2(d)(3) concerning an agreement under which B&O will operate the properties of WM, in the name and for the account of B&O. B&O and WM are controlled by The Chesapeake and Ohio Railway Company and the three roads, together with their subsidiaries, are operated under common control as the Chessie System Railroads.

By operating WM's properties as a part of B&O's system, many inefficiencies will be eliminated. Improved utilization of personnel and facilities will result from eliminating duplications at common service points. Routing of present WM traffic will be improved, with a resultant reduction in

existing locomotive and track requirements. In addition, the proposed transaction will eliminate (1) the need for separate accounting records and interline transactions for WM with foreign railroads, (2) the filing of separate tariffs and reports with governmental bodies, and (3) the use of intercompany billing for management and supervisory services and equipment usage.

This transaction is within a corporate family and will not result in adverse changes in service levels, significant operational changes, or a change in the competitive balance with carriers outside the corporate family. These conclusions are especially applicable where, as here, a long-standing common control relationship exists between the involved carriers. Therefore, the proposed transaction is of the type specifically exempted from prior review and approval by 49 CFR 1180.2(d)(3).

As a condition to use of the exemption, any employee affected by the transaction shall be protected by the conditions set forth in *New York Dock Ry.-Control-Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979).

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-10303 Filed 4-18-83; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Federal Supplemental Compensation; Change 2 to General Administration Letter No. 2-83

Pub. L. 98-13 made effective Part A of Title V of the Social Security Act Amendments of 1983 which amends the Federal Supplemental Compensation (FSC) Act of 1982 to extend the FSC program to September 30, 1983, and to provide additional weeks of benefits to prior FSC recipients. These additional weeks of FSC benefits are payable for weeks beginning on or after April 1, 1983. The Department of Labor issued implementing instructions to all State employment security agencies with Change 2 to General Administration Letter Number 2-83. Change 2 is published below.

Dated: April 12, 1983.

Albert Angrisani,

Assistant Secretary of Labor.

U.S. Department of Labor

Employment and Training Administration

Classification: UI

Correspondence Symbol: TEUMI

Date: April 21, 1983.

Expiration Date: November 30, 1983.

Directive: General Administration Letter No. 2-83, Change 2

To: All State Employment Security Agencies

From: Royal S. Dellinger, Administrator for Regional Management

Subject: Federal Supplemental Compensation.

1. *Purpose.* To provide instructions for amendments made to the Federal Supplemental Compensation Act of 1982, by the enactment of H.R. 2369 (Pub. L. 98-13) making effective part A of Title V of the Social Security Amendments of 1983.

2. *Reference.* Pub. L. 98-13, part A of Title V of the Social Security Amendments of 1983 (H.R. 1900).

3. *Background.* GAL 2-83 and GAL 2-83, Change 1, provided instructions for implementing the FSC program in all States. Under the FSC Act of 1982, as amended, eligible workers receive 65 percent of their entitlement to regular benefits up to the maximum FSC payable in the State, either 16, 14, 12, 10 or 8 weeks. The expiration date of the program was for weeks of unemployment beginning after March 31, 1983.

H.R. 2369 amended the FSC Act by making effective part A of Title V of the Social Security Amendments of 1983 (H.R. 1900) which changes the maximum amount of FSC payable in all States and extends the expiration date of the FSC program to September 30, 1983. The amendments also provide additional weeks of FSC benefits to individuals to whom FSC was first payable for weeks of unemployment beginning before April 1, 1983, and for a phase-out of FSC benefits after September 30, 1983, allowing claimants to receive up to 50 percent of their remaining entitlement to FSC benefits after September 30, 1983.

4. *Effect of Amendment on prior issuances.* The attached instructions reflect the later amendments to the FSC Act of 1982. Instructions for implementing the amendments are effective for weeks beginning after March 31, 1983, and weeks beginning before the effective date of the amendments will be determined according to GAL 2-83, as amended by GAL 2-83, Change 1. Changes were also made to instructions for waiver of overpayments in order to insure consistency among Federal programs.

Part II of the attachment to GAL 2-83, as amended by Change 1, contains procedures for implementing FSC. Changes to Part II are identified by Section and Subsection Sections and Subsections unchanged by this issuance will still apply to claims for and payment of FSC. There are no changes to Part III of the attachment.

5. *Action Required.* Administrators should provide the above information and attached instructions to appropriate staff.

6. *Inquiries.* Direct questions to the appropriate Regional Office.

7. *Attachment.* Instructions for implementing the amendments to the Federal Supplemental Compensation Program.

FSC Amendments Effected by H.R. 2369 to the Federal Supplemental Compensation Act of 1982; Implementing Instructions

Part I. Explanation of the FSC Amendments in H.R. 2369

A. Maximum FSC Payable.

1. *Maximum FSC Payable.* The number of weeks of FSC payable in a State—for weeks which begin after March 31, 1983—are 14, 12, 10 or 8 weeks. A State's extended benefit status is no longer a criterion in determining the number of weeks payable in a State. The State's extended benefit trigger rate (i.e., the most recent 13-week insured unemployment rate) determines the maximum FSC payable. Beginning on April 3, 1983, each State will begin a new FSC benefit period and establish the maximum payable to each FSC claimant as follows:

a. *14 weeks.* States in a "6-percent period" pay up to 14 weeks of FSC. A 6-percent period begins the third week after the first week the State's extended benefit indicator rate equals or exceeds 6.0 percent and ends the third week after the first week the State's extended benefit indicator rate drops below 6.0 percent. A 6-percent period must last at least 4 weeks and may begin as early as the first week which begins after March 31, 1983, (i.e., April 3, 1983).

b. *12 weeks.* States in a "5-percent period" pay up to 12 weeks of FSC. A 5-percent period begins the third week after the first week the State's extended benefit indicator rate equals or exceeds 5.0 percent but is less than 6.0 percent and ends the third week after the first week in which the State's extended benefit indicator rate drops below 5.0 percent. A State must stay in a 5-percent period for at least 4 weeks, except it will move to a 6-percent period at any time after one week in a 5-percent period. A 5-percent period may begin as early as the first week which begins after March 31, 1983, (i.e., April 3, 1983).

c. *10 weeks.* States in a "4-percent period" pay up to 10 weeks of FSC. A 4-percent period begins the third week after the first week the State's extended benefit indicator rate equals or exceeds 4.0 percent but is less than 5.0 percent and ends the third week after the first week in which the State's extended benefit indicator rate drops below 4.0 percent. A State must stay in a 4-percent period for at least 4 weeks, except it will move to a higher period at any time after one week in a 4-percent period. A 4-percent period may begin as early as the first week which begins after March 31, 1983, (i.e., April 3, 1983).

d. *8 weeks.* The base level of FSC payable is up to 8 weeks. Eight weeks of FSC are payable in States in a "low-unemployment period," i.e., an extended benefit indicator rate of less than 4.0 percent.

e. *Base Maximum.* The FSC amendments specify that notwithstanding the above levels of FSC, the maximum weeks of FSC payable in a State shall not be more than 4 weeks

lower than the maximum FSC payable in the State for the week beginning March 27, 1983.

B. *Computation of Maximum FSC Benefits Payable.* The computation of the maximum FSC payable changes from 65 percent to 55 percent of the total amount of regular compensation (including dependents' allowances) payable, or, if less, the maximum FSC payable in the State after March 31, 1983.

C. *Effect on Prior FSC Recipients.* For individuals to whom FSC was first payable for any week beginning before April 1, 1983, a new maximum amount of FSC payable is determined based on the amount the individual received prior to April 1, 1983, and the maximum payable in the State after March 31, 1983. Such individuals are entitled to the *lesser* of:

1. The maximum payable to the individual as determined under subsection B above, *or*

2. The amount determined under 1. above reduced (but not below zero) by the aggregate amount of FSC paid to such individual for weeks beginning before April 1, 1983, plus the individual's "additional entitlement."

An individual's "additional entitlement" is equal to the lesser of three-fourths of the individual's maximum FSC entitlement determined under 1. above, or the individual's weekly benefit amount times the applicable limit set below:

In the case of weeks during a	The applicable limit is
6-percent period	15
5-percent period	5
4-percent period	8
Low unemployment period	6

D. *Special Rule.* The FSC amendments contain special rules similar to those in the amendments to the FSC program enacted in the Highway Revenue Act, which apply to prior FSC exhaustees, as follows:

1. The period occurring after the date an individual has exhausted his or her entitlement to FSC and before April 3, 1983, shall not be counted in determining the two-year limitation (from the end of the individual's most recent benefit year) on payment of FSC, and

2. An individual's eligibility for additional weeks of FSC shall not be terminated or limited by reason of any event or failure to meet any eligibility requirement related to unemployment compensation which occurs after the date of exhaustion of FSC and before April 3, 1983.

E. *Training.* The FSC amendments provide that FSC shall not be denied to any individual, because of the application of State law relating to availability for work, actively seeking work or refusal of work, for any week the individual is attending training or attending an accredited educational institution on a substantially full-time basis, unless the State agency determines such training or education will not improve the individual's opportunities for employment. The individual must submit such documentation as prescribed by the Secretary of Labor certifying attendance at training or an educational institution.

F. *Effect on TRA.* The amendments also alter the relationship of entitlement to TRA and FSC. The purpose of the amendment is to insure, to the extent possible, that the aggregate amount of UI, EB, TRA and FSC payable is the same as the aggregate amount payable to individuals not entitled to TRA.

G. *Modification of the Agreement.* The Secretary of Labor is required, as soon a practicable after enactment, to propose to each State a modification to the agreement entered into under the FSC Act to provide for payments of FSC according to these amendments. If a State fails to enter into the modified agreement within three weeks from the date the Secretary proposes the modification (i.e., the date of the Secretary's letter), the agreement to administer FSC will be considered terminated. The termination of the agreement will be effective with the end of the last week which ends on or before such three week period (i.e., *the week ending March 26, 1983*).

H. *Effective Dates.* The FSC amendments are effective beginning with the first week which begins after March 31, 1983, (i.e., April 3, 1983). The FSC program terminates for new claims filed for any week beginning on or after September 30, 1983. Individuals who have not exhausted their FSC entitlement on September 30, 1983, when the program expires are eligible to receive up to 50 percent of their remaining FSC entitlement, if they received FSC for a week beginning before October 1, 1983.

Part II. Changes to Part II of the Attachment to GAL 2–83

A. *Section A, "Definitions".*

A new subsection 7 is added to Section A, *Definitions,* to read as follows:

7. "Title V" means the amendments made to the FSC Act of 1982 by H.R. 2369 making effective part A of Title V of the Social Security Amendments of 1983 (H.R. 1900).

B. *Section B. "Beginning and Ending of the FSC Program"*

B. *Section B, Beginning and Ending of the FSC Program,* is amended to read as follows:

For States which entered into a signed agreement by September 11, 1982, an FSC period of eligibility began September 12, 1982. The earliest compensable week for which FSC was payable was the week ending September 18, 1982.

For States which entered into agreements after September 11, 1982, the first compensable week is the first full week beginning on or after the Sunday which followed the date the agreement was signed.

The FSC program is scheduled to end for new claims effective for any week that begins after September 30, 1983. No new FSC claims will be valid for any week of unemployment which begins after that date. Individuals who were paid for a compensable week of unemployment, either partial or total FSC benefits, for a week beginning before October 1, 1983, may receive up to 50 percent of their remaining FSC entitlement for weeks of unemployment beginning after September 30, 1983. Such remaining entitlement is payable for any weeks of unemployment for which the individual is eligible, beginning after September 30, 1983.

The Federal Supplemental Compensation Act of 1983 requires the Secretary of Labor, as soon as practicable after March 29, 1983 to propose to each State a modification to the agreement entered into under the FSC Act to provide for payments of FSC according to the amendments. If a State fails to enter into the modified agreement within 3 weeks from the date of the Secretary's letter proposing a modification of the agreement, the agreement to administer the FSC program in the State will be terminated effective with the end of the last week which ends on or before such 3-week period (i.e., the week ending on March 26, 1983).

States may terminate the FSC agreement at any time. The FSC period will end 30 days from the date the State notifies the Secretary of its election to terminate the FSC program. No FSC benefits will be payable for weeks which begin after the date the agreement is terminated. The agreement may also be terminated by the Secretary, as provided in the agreement.

C. *Section C, "Eligibility Requirements for Federal Supplemental Compensation".*

1. Subsection g, under subsection 1, *Basic Eligibility Requirements,* is amended to read as follows:

g. Have a benefit year which ended *not* more than two years prior to the beginning date of the week the individual is claiming FSC *except* that in determining whether this two-year limitation applies, the SESA shall disregard any period of time or times from the date an individual had exhausted his or her entitlement to FSC under the original Federal Supplemental Compensation Act of 1982, as amended, and prior to April 3, 1983.

2. Subsection 8 *Special Eligibility Rule,* is amended to read as follows.

8. *Special Eligibility Rule.* An individual's eligibility for additional weeks of FSC under the amendments to the FSC Act shall not be limited or terminated by reason of any event or failure to meet any requirement of State or Federal law relating to eligibility for benefits occurring after the date of exhaustion of the individual's entitlement under the the original FSC Act of 1982, as amended, and prior to April 3, 1983. The eligibility requirements to which this rule applies include, but are not limited to, any issues which might arise with respect to:

a. Separations from work;

b. Refusals of referrals to or offers of work; and

c. Ability to work and availability and active search for work.

3. The following new subsection 9 is added to Section C.

9. *Training.* No. claimant who is in training or attending an accredited educational institution shall be denied FSC under the provisions of State law relating to availability for work, active search for work or refusals of referral to or an offer of suitable work. This limitation on the denial of FSC because of training applies unless the State determines that the individual is attending an accredited educational institution on less than a substantially full-time basis or the training or attendance at an accredited educational institution will not improve the individual's opportunities for employment.

For purposes of determining the application of this limitation, the State agency shall consider that:

a. Any training or attendance at an accredited educational institution will improve an individual's employment opportunities unless the agency has a preponderance of evidence that the training or attendance is entirely unrelated to employment or is for a vocation for which no employment opportunities exist and are unlikely to become available in the future, and

b. Attendance at an accredited educational institution on a substantially full-time basis is attending courses of study for no less than 12 semester credit hours or the equivalent.

It is the responsibility of the FSC claimant to provide written documentation initially and, upon request of the SESA, from the training or educational institution, regarding the hours of attendance, type and duration of courses or training (including beginning and ending dates), and the accreditation of the educational institution to the State agency.

D. *Section D, "Weekly Benefit Amount."*

There are no changes to Section D, *Weekly Benefit Amount.*

E. *Section E, "Maximum FSC Benefits Payable."*

1. Subsection 1 (formerly subsection 2) *"Maximum FSC Payable in a State,"* is amended to read as follows:

a. *Fourteen weeks.* States which are in a "6-percent period" will pay up to 14 weeks (i.e. 14 times the weekly benefit amount) of FSC benefits. To determine a 6-percent period, the State's extended benefit indicator rate is used. A 6-percent period begins the third week after the first week the extended benefit indicator rate equals or exceeds 6.0 percent. A 6-percent period ends the third week after the first week the extended benefit indicator rate drops below 6.0 percent. However, a 6-percent period must last at lest four weeks.

b. *Twelve weeks.* States which are in a "5-percent period" pay up to 12 weeks [i.e. 12 times the weekly benefit amount) of FSC. A 5-percent period begins the third week after the first week the State's extended indicator rate equals or exceeds 5.0 percent but is less than 6.0 percent and ends the third week after the first week the State's extended benefit indicator rate drops below 5.0 percent. However, a 5-percent period must last at least 4 weeks, unless the State earlier moves to a 6-percent period. A State may move from a 5.0 percent to a 6-percent period after one week.

c. *Ten weeks.* States which are in a "4-percent period" will pay up to 10 weeks (i.e. 10 times the weekly benefit amount) of FSC. A 4-percent period begins the third week after the first week the State's extended benefit indicator rate equals or exceeds 4.0 percent but is less than 5.0 percent and ends the third week after the first week the State's extended benefit indicator rate drops below 4.0 percent. However, a 4-percent period must last at least 4 weeks, unless the State earlier moves to a 6-percent or 5-percent period . A State may move from a 4-percent to a higher period after one week.

d. *Eight weeks.* States which are in a "low unemployment period" will pay up to 8 weeks (i.e. 8 times the weekly benefit amount) of FSC. A low unemployment period is in effect beginning with the third week after the first week the State's extended benefit indicator rate is less than 4.0 percent. A State may move to a higher unemployment period at any time after one week in a low unemployment period.

e. *Base maximum.* The maximum weeks of FSC payable in a State for any week beginning on or after April 3, 1983 shall not be more than 4 weeks lower than the maximum FSC payable in the State for the week beginning March 27, 1983. For example, if for the week beginning March 27, 1983, 16 weeks of FSC were payable in a State, the lowest maximum payable throughout the extension of FSC program will be 12 weeks, even if the State's extended benefit indicator rate drops below 5.0 percent.

There is no minimum "off" period for States which drop below the 4.0, 5.0 or 6.0 percent indicator rates. For example, a State paying up to 14 weeks of FSC may drop to 12 weeks and the following week, if its extended benefit indicator rate equals or exceeds 6-percent, again will be in a 6-percent period during which up to 14 weeks of FSC are payable.

Determinations of the beginning and ending of 6-percent, 5-percent, 4-percent and low-unemployment periods shall be made by the head of the State agency, according to these instructions and 20 CFR Part 615. Public notice shall be given of any such determination, and each individual affected by the change shall be given a written notice.

2. Subsection 2, (formerly subsection 1) *"Accounts"*, and is amended to read as follows.

2. *Accounts.*

a. *Base Amount.* The SESA will establish a separate FSC account for each eligible individual. The amount of FSC in the individual's account will be the lesser of:

(1) 55 percent of the total entitlement to regular benefits (including dependents' allowances) payable to the individual with respect to the most recent benefit year in which the individual received regular benefits, or

(2) The maximum FSC benefits payable in the State in the week with respect to which eligibility is established.

When the 55 percent of total entitlement is not an even dollar amount, the State may round to an even dollar in accordance with State law, regulations, or practice.

(b) *Redetermined Amount.* In the case of any account from which FSC was payable for a week beginning before April 3, 1983, the SESA must redetermine the amount established in such account. For purposes of determining whether the week for which FSC was first payable began prior to April 3, 1983, the SESA shall use the beginning date of first compensable week of FSC claimed as the first week payable. (Even if no FSC was payable for a week beginning before April 3, 1983, the SESA must make a redetermination under this subsection if the account was established with respect to a week which began before April 3, 1983.)

The redetermined maximum amount of FSC payable to any such individual for weeks beginning on or after April 3, 1983, shall be the *lesser* of:

(1) The amount determined under subsection a, *Base Amount*, above, or

(2) The amount determined under subsection a, *Base Amount*, above, reduced (but not below zero) by the aggregate amount of FSC paid for weeks beginning before April 3, 1983, *plus* the individual's additional entitlement.

An individual's additional entitlement is an amount equal to the *lesser* of—

i. Three-fourths of the amount determined under subsection a, *Base Amount*, above, or

ii. The individual's weekly benefit amount times the applicable limit as follows:

In the case of weeks during a	The applicable limit is
6-percent	10
5-percent	8
4-percent	8
Low-unemployment period	6

States which are in a 4-percent period shall determine additional entitlement at 8 times the individual's weekly benefit amount in all cases where the individual's *Base Amount*, determined under subsection a, above, equals 10 times the weekly benefit amount.

For example, the maximum FSC payable in a State on April 3, 1983, is 14 weeks, and the individual is eligible for the maximum. To compute the maximum payable beginning April 3, 1983, the total amount of FSC paid for weeks beginning before April 3, is deducted from the 14 week maximum payable, and to this product is added the additional entitlement of 10 weeks, which is less than three-fourths of 14. If this amount is less than 14 times the individual's weekly benefit amount (it can be as high as 14 × WBA), the lesser amount is established in the individual's FSC account. As a numerical example, (expressed in weeks), if an individual was paid 11 weeks of FSC for weeks before April 3, the maximum payable to the individual beginning April 3, is 13 weeks of FSC. The individual's 3 weeks of remaining entitlement to FSC plus the 10 weeks of additional entitlement is less than the 14-week maximum payable in the State.

In another case, if an individual was paid 5 weeks of FSC for weeks prior to April 3, the maximum payable to such individual beginning April 3, 14 weeks. The 14-week maximum payable in the State applies because it is less than the individual's remaining entitlement of 9 weeks plus the 10 weeks of additional entitlement.

The tables which follow show the maximum basic and additional entitlement available at each level of FSC.

TABLE 1.—NUMBER OF FSC WEEKS PAYABLE IN STATES WITH IUR 6.0 OR ABOVE: MAXIMUM 14-WEEK [1] ENTITLEMENT; MAXIMUM 10 ADDITIONAL WEEKS

Number of weeks paid before April 3	Number of weeks payable beginning April 3				Total FSC weeks
	Base entitlement	Less prior weeks paid	Additional entitlement	Maximum payable	
(1)	(2)	(3)	(4)	(5)	(6)
0	14	14	10	14	14
1	14	13	10	14	15
2	14	12	10	14	16
3	14	11	10	14	17
4	14	10	10	14	18
5	14	9	10	14	19
6	14	8	10	14	20
7	14	7	10	14	21
8	14	6	10	14	22
9	14	5	10	14	23
10	14	4	10	14	24
11	14	3	10	13	24
12	14	2	10	12	24
13	14	1	10	11	24
14	14	0	10	10	24
15	14	0	10	10	25
16	14	0	10	10	26

[1] This table expresses entitlement in terms of number of weeks paid or payable. The amount established in an individual's FSC account is the applicable duration times the individual's FSC weekly benefit amount.

TABLE 2.—NUMBER OF FSC WEEKS PAYABLE IN STATES WITH IUR 5.0–5.9: MAXIMUM 12-WEEK ENTITLEMENT; MAXIMUM 8 ADDITIONAL WEEKS [1]

Number of weeks paid before April 3	Base entitlement	Number of weeks available beginning April 3			Total FSC weeks
		Less prior weeks paid	Additional entitlement	Maximum payable	
(1)	(2)	(3)	(4)	(5)	(6)
0	12	12	8	12	12
1	12	11	8	12	13
2	12	10	8	12	14
3	12	9	8	12	15
4	12	8	8	12	16
5	12	7	8	12	17
6	12	6	8	12	18
7	12	5	8	12	19
8	12	4	8	12	20
9	12	3	8	11	20
10	12	2	8	10	20
11	12	1	8	9	20
12	12	0	8	8	20
13	12	0	8	8	21
14	12	0	8	8	22
15	12	0	8	8	23
16	12	0	8	8	24

[1] This table expresses entitlement in terms of number of weeks paid or payable. The amount established in an individual's FSC account is the applicable duration times the individual's FSC weekly benefit amount.

TABLE 3.—NUMBER OF FSC WEEKS PAYABLE IN STATES WITH IUR 4.0–4.9: MAXIMUM 10-WEEK ENTITLEMENT; MAXIMUM 8 ADDITIONAL WEEKS [1]

Number of weeks paid before April 3	Number of weeks available beginning April 3				Total FSC weeks
	Base entitlement	Less prior weeks paid	Additional entitlement	Maximum payable	
(1)	(2)	(3)	(4)	(5)	(6)
0	10	10	8	10	10
1	10	9	8	10	11
2	10	8	8	10	12
3	10	7	8	10	13
4	10	6	8	10	14
5	10	5	8	10	15
6	10	4	8	10	16
7	10	3	8	10	17
8	10	2	8	10	18
9	10	1	8	9	18
10	10	0	8	8	18
11	10	0	8	8	19
12	10	0	8	8	20
13	10	0	8	8	21
14	10	0	8	8	22
15	10	0	8	8	23
16	10	0	8	8	24

[1] This tabe expresses entitlement in terms of number of weeks paid or payable. The amount established in an individual's FSC account is the applicable duration times the individual's FSC weekly benefit amount.

TABLE 4.—NUMBER OF FSC WEEKS PAYABLE IN STATES WITH IUR UNDER 4.0: MAXIMUM 8-WEEK [1] ENTITLEMENT; MAXIMUM 6 ADDITIONAL WEEKS

Number of weeks paid before April 3	Number of weeks available beginning April 3				Total FSC weeks
	Base entitlement	Less prior weeks paid	Additional entitlement	Maximum payable	
(1)	(2)	(3)	(4)	(5)	(6)
0	8	0	6	0	0
1	8	7	6	8	9
2	8	6	6	8	10
3	8	5	6	8	11
4	8	4	6	8	12
5	8	3	6	8	13
6	8	2	6	8	14
7	8	1	6	7	14
8	8	0	6	6	14
9	8	0	6	6	15
10	8	0	6	6	16
11	8	0	6	6	17
12	8	0	6	6	18
13	8	0	6	6	19
14	8	0	6	6	20
15	8	0	6	6	21
16	8	0	6	6	22

[1] This table expresses entitlement in terms of number of weeks paid or payable. The amount established in an individual's FSC account is the applicable duration times the individual's FSC weekly benefit amount.

c. *Amount payable for weeks beginning on or after September 30, 1983.* Individuals who were paid FSC benefits, either partial or total, for a week beginning on or before October 1, 1983, are eligible for 50 percent of their remaining FSC entitlement. Such remaining entitlement is payable for weeks of unemployment beginning after September 30, 1983. Accordingly, the SESA must redetermine the maximum FSC payable at 50 percent of the remaining entitlement as of the first week which begins after September 30, 1983.

d. *Notice.* Each individual for whom a determination or redetermination is made shall be given a written notice of such determination or redetermination, with a notice of appeal rights.

Note.— There are no changes to Subsection 3, *Computation of FSC payable based on a new benefit year.*

3. Subsection 4, *"Beginning of an Extended Benefit Period"* is amended to read as follows:

States may begin an extended benefit period after the effective date of the Title V amendments. When an extended benefit period begins, the SESA must, before paying FSC for a week of unemployment, determine each person's eligibility for extended benefits, according to State law provisions relating to EB. If an individual has entitlement to extended benefits, such individual is not eligible for FSC. Once an individual exhausts any entitlement to extended benefits, the individual may receive the remaining balance in the FSC account. A new determination of entitlement to FSC is not made since the individual has the same period of eligibility upon which the original FSC entitlement was determined.

Note.—There are no changes to Subsection 5, *Interstate Claimants.*

4. Subsection 6, *"Changes in Account"* is amended to read as follows:

6. *Changes in Account.* The Title V amendments increase the maximum FSC payable to individuals for whom FSC was first payable before April 3, 1983. The increase in the maximum FSC payable depends upon the individual's remaining entitlement to FSC as of April 3, 1983, and the maximum payable in the State. The increase applies to FSC payable for weeks beginning on or after April 3, 1983, and applies to all eligible individuals, including those who had previously exhausted entitlement to FSC. The SESA should issue a redetermination for each claimant, making the appropriate change in any individual's FSC account (see Tables 1 to 4.)

The FSC maximum may also change after April 3 with changes in the extended benefit indicator rate. If an individual is entitled to more or less FSC as a result of a change in the maximum weeks of FSC payable in the State, the appropriate change should be made in the individual's account. A change in the maximum FSC payable will affect individuals first claiming FSC for weeks beginning on or after April 3, 1983. When a State's FSC maximum goes up (for example, from 12 to 14 weeks), the maximum payable to all such FSC recipients is increased. An individual previously entitled to FSC is then eligible for additional weeks of FSC as long as the new maximum does not exceed 55 percent of the individual's regular benefits. When a State's FSC maximum is reduced (for example, from 10 to 8), the reduced maximum applies to all individuals claiming FSC after the date of the change. Individuals who have exhausted the new maximum are ineligible for further FSC, even though they had not exhausted the old maximum.

For individuals to whom FSC was first payable for any week beginning before April 3, 1983, a change in the maximum FSC payable also will affect such individuals' maximum entitlement to FSC.

Accordingly, whenever the maximum FSC payable increases or decreases in the State, the SESA must determine the effect of the change in the maximum on individuals for whom FSC was first payable prior to April 3, 1983, and make the appropriate change in such individual's accounts.

F. Section F. *Effect of Other Federal Programs on Eligibility for FSC*

Subsection 1, *"Trade Readjustment Allowances (TRA)"* is amended to read as follows.

The Title V amendments alter the relationship of entitlement to TRA and FSC. The amendments provide that the maximum amount of FSC payable to an individual who is also entitled to TRA shall not be reduced by reason of any TRA entitlement except as described below.

If an individual received TRA with respect to any benefit year, the maximum amount of FSC payable for such benefit year shall be reduced (but not below zero) so that (to the extent possible by making such a reduction) the aggregate amount of UI, EB, TRA, and FSC payable with respect to such benefit year does not exceed the aggregate amount which would have been payable had the individual not been entitled to any TRA.

If an individual, who is not a TRA claimant, was originally entitled to 26 weeks UI, 13 weeks EB, and the State triggered on to a 14 week FSC period, the aggregate amount payable to the individual would be 53 weeks of benefits (26 + 13 + 14 = 53). The amendments require that for a similarly situated TRA claimant, the SESA reduce the maximum amount of FSC payable by the amount of TRA received so that the aggregate amount of UI, EB, TRA, and FSC would, for this individual, also not exceed 53 weeks of benefits

For Example:

		UI	EB	TRA	FSC
Aggregate Amount					(14-Weeks
Payable					
A 1 Non-TRA Claimant	Weeks [1]	26	13	0	14
53	Amount ($100 WBA)	2600	1300	0	1400

		UI	EB	TRA	FSC
5300					
2. TRA Claimant					
	Weeks	26	13	13	1 (14–13)
	Amount	2600	1300	1300	100 (1400–1300)
5300					

The provisions of section 233(d) of the Trade Act of 1974 (relating to reduction of FSC entitlement because of the receipt of TRA in the most recent benefit year) is no longer applicable to determinations of entitlement to FSC made with respect to weeks which begin on or after April 3, 1983

Note.—There are no changes to Subsections 2 through 4, under Section F.

G. Section L. *Fraud and Overpayments.*

Subsection 2. *Recovery of Overpayments,* is amended to read as follows,

2. *Recovery of Overpayments.* Each State is authorized to require repayment from individuals who have received any payment of FSC to which they are not entitled (whether fraudulent or non-fraudulent), unless the SESA waives recovery of the overpayment. The SESA may waive recovery of a non-fraudulent overpayment not previously recovered if it determines that—

a. the payment of such FSC benefits was without fault on the part of the individual, and

b. such repayment would be contrary to equity and good conscience.

(1) In determining whether fault exists, the following factors shall be considered:

(a) Whether a statement or representation of a material nature was made by the individual in connection with the application for FSC that resulted in the overpayment, and whether the individual knew or should have known than the statement or representation was inaccurate.

(b) Whether the individual failed or caused another to fail to disclose a material fact, in connection with an application for FSC that resulted in the overpayment, and whether the individual knew or should have known that the fact was material.

(c) Whether the individual knew or could have been expected to know that the individual was not entitled to the FSC payment.

(d) Whether, for any other reason, the overpayment resulted directly or indirectly, and partially or totally, from any other action or omission of the individual or of which the individual has knowledge, and which was erroneous or inaccurate or otherwise wrong.

(e) Whether there has been a determination of fraud under paragraph 1 of this section or section 606 of the Act.

In the event of an affirmative finding on any of the foregoing factors, recovery of the overpayment shall not be waived.

(2) In determining whether equity and good conscience exists the following factors shall be considered:

(a) whether the overpayment was the result of a decision on appeal, and whether the State agency had given notice to the individual that the case has been appealed further and that the individual shall be required to repay the overpayment in the event of a reversal of the appeal decision.

(b) whether recovery of the overpayment will not cause extraordinary financial hardship to the individual, and there has been no affirmative finding under paragraph 2.a of this section with respect to such individual and such overpayment.

In the event of an affirmative finding on either of the foregoing factors, recovery of the overpayment shall not be waived. For this purpose, an extraordinary financial hardship shall exist if recovery of the overpayment would result directly in the individual's loss of or inability to obtain minimal necessities of food, medicine, and shelter for a substantial period of time; and extraordinary and lasting financial hardship shall be extraordinary as described above and may be expected to endure for the foreseeable future.

In applying this hardship test in the case of attempted recovery by repayment, a substantial period of time shall be 30 days, and the foreseeable future shall be at least three months. In applying this hardship test in the case of proposed recoupment from other benefits, a substantial period of time and the foreseeable future shall be the longest potential period of benefit entitlement as seen at the time of the request for a waiver determination. In making financial hardship determinations, the State agency shall take into account all potential income of the individual and the individual's family and all cash resources available to the individual and the individual's family in the time period being considered.

(3) Determinations granting or denying waivers of overpayments shall be made only on request for a waiver determination. Notices of determination of overpayments shall include information concerning the waiver provisions of this section.

(4) An FSC overpayment may be recovered either by offset or repayment by the individual. The SESA will, during the three-year period after the date the individual received the payment of FSC to which the individual was not entitled, recover the amount to be repaid, or any part thereof,

(a) from any FSC payable under the Act;

(b) from any compensation payable to the individual under any Federal unemployment compensation law administered by the SESA (UCFE, UCX, etc.);

(c) under any other Federal law administered by the SESA (DUA, REPP, AEPP, etc.) which provides for payment of any assistance or allowance with respect to any week of unemployment.

(5) No single deduction, however, may exceed 50 percent of the amount of the payment from which such deduction is made. To the extent permitted under State law, an FSC overpayment may be recovered by offset, within the three-year limitation, from benefits payable under the State unemployment compensation law.

(6) At the end of the three-year limitation, the SESA may remove the overpayment from its accounting record. Although no further active collection efforts by the SESA are required, the SESA should maintain an administrative record during the subsequent three-year period to provide for possible collection through methods other than offset. After the subsequent three-year period, the SESA may dispose of the overpayment record.

(7) Under the Act, no repayment shall be required, and no deduction shall be made, until a determination of overpayment has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(8) FSC overpayment recovery shall be enforced by any action or proceeding which may be brought under State or Federal law, unless recovery of the overpayment is waived in accordance with the Act and these instructions.

Overpayments of FSC recovered in any manner shall be credited or returned to the appropriate account of the United States.

(9) FSC payments shall *not* be used to offset State regular UI or EB overpayments. FSC payments shall be used to recover any existing overpayments made under any Federal unemployment benefit or allowance program administered by the SESA. Determinations under this section shall be subject to the determination and appeal and hearing provisions of sections H and I.

H. *Other Changes.* Sections G through K and M through Q of Part II of GAL 2–83, as amended by change 1, are unchanged by this issuance and remain in effect. There are no changes to Part III, *Job Placement and Work Test Activities.*

[FR Doc. 83–10123 Filed 4–18–83; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–13,706]

Amstar Corp., Philadelphia, Pennsylvania; Affirmative Determination Regarding Application for Reconsideration

By an application dated March 11, 1983, an official of the company requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance on behalf of the workers and former workers of Amstar Corporation's refinery in Philadelphia, Pennsylvania. The determination was published in the **Federal Register** on March 15, 1983 (48 FR 10,948).

The application for reconsideration claims, among other things, that the U.S. Government created the economic

climate which compelled Amstar to suspend operations at Philadelphia. U.S. imports of both sugar and blended syrups from Canada and the classification rulings by the U.S. Customs Service on blended syrups, permitting them to be imported without duty or quota are the more proximate reasons for the shutdown. It is claimed that the blended syrups are like and directly competitive with refined sugar

Conclusion

After review of the application, I conclude that the claims are of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, D.C., this April 11, 1983.

Robert O. Deslongchamps,

Acting Deputy Administrator, Unemployment Insurance Service.

[FR Doc. 83-10304 Filed 4-18-83; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-13,579]

Clark Equipment Co., Jackson, Michigan; Negative Determination on Reconsideration

On March 9, 1983, the Department issued an Affirmative Determination Regarding Application for Reconsideration for former workers and workers of Clark Equipment Company, Jackson, Michigan. This determination was published in the **Federal Register** on March 18, 1979 (48 FR 11534).

The company in its application for reconsideration argues that Clark's market share for internal combustion and electric forklifts decreased in 1981 while the market share for imported Japanese models increased. Also, a number of assumptions are put forward which relate to the potential market for Clark's production.

Findings in the investigative file identify articles produced at the Jackson plant as transmissions, torque converters and components for road and off-the-road equipment. The major share of production is shipped to other domestic and foreign plants of Clark with the remainder sold to outside customers. The Department's survey of customers of articles produced at the Jackson plant showed that most respondents did not purchase imported heavy vehicle transmissions nor torque converters during 1980, 1981 or the first nine months of 1982. Customers which decreased purchases from the Jackson plant and increased purchases of imports from 1980 to 1981 represented a small proportion of Jackson's sales during the same period.

On reconsideration, the Department found that there is no basis for certification under the "integration of production" principle since none of Clark's domestic forklift assembly plants to which the Jackson plant supplies components had workers covered by a current certification of eligibility to apply for adjustment assistance. The Department also found that company imports of forklifts with Jackson-made transmission are small.

The data and argument presented in the application for reconsideration all pertain to the impact of imported forklifts on company forklift sales—actual and potential. As noted above, no decision on the impact of forklift imports on forklift production and employment has been made by the Department that would provide a basis for certification of component workers. Further, if such certification is made in the future pursuant to a recently received petition from Clark's Battle Creek, Michigan assembly plant, TA-W-14,512, further investigation of the degree of integration of the Jackson plant into company forklift production facilities would be required to determine whether a coverage basis exists.

The Trade Act of 1974 requires final articles (forklifts) to be considered as like or directly competitive with comparable imported articles. Imports of transmissions and other components must be considered by themselves in determining import injury to workers who manufactured these products at Jackson. The courts have concluded that imported finished articles are not like or directly competitive with their domestic components parts thereof. *United Shoe Workers of America, AFL-CIO* v. *Bedell*, 506 F 2d 174 (D.C. Circ., 1974). In that case, the court held that imported, finished women's shoes were not like or directly competitive with shoe counters, a component of footwear.

Conclusion

After reconsideration, I reaffirm the original denial of eligibility to apply for adjustment assistance to workers and former workers of Clark Equipment Company, Jackson, Michigan.

Signed at Washington, D.C., April 8, 1983.

Harold A. Bratt,

Deputy Director, Office of Program Management Unemployment Insurance Service.

[FR Doc. 83-10361 Filed 4-18-83; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-13,702]

General Motors Corp., General Motors Assembly Division Fremont, California; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on August 9, 1982 in response to a petition received on August 4, 1982 which was filed on behalf of workers at the Fremont, California plant of General Motors Assembly Division of General Motors Corporation. Workers at the Fremont plant produced "A" and "A Special" which are intermediate automobiles.

A certification covering the petitioning group of workers remained in effect until April 25, 1982 (TA-W-7075). The Fremont, California plant ceased production operations in March 1982. Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed at Washington, D.C. this 8th day of April 1983.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 83-10363 Filed 4-18-83; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-13,864]

Van Waters and Rogers Co., Pinehurst, Idaho; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation (TA-W-13,864) was initiated on October 18, 1982 in response to a petition received on Octobere 8, 1982 which was filed on behalf of workers at Van Waters and Rogers Company, Pinehurst, Idaho. The workers produced liquid copper sulfate.

The petitioner requested in a letter dated March 17, 1983 that the petition be withdrawn. On the basis of this request, continuing the investigation would serve no purpose. Consequently, the investigation has been terminated.

Signed at Washington, D.C., this 8th day of April 1983.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 83-10362 Filed 4-18-83; 8:45 am]

BILLING CODE 4510-30-M

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding

eligibility to apply for adjustment assistance issued during the period April 4, 1983–April 8, 1983.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–13,795; Bessco Knitting Div., Bessco Holding Corp., Freeport, NY

TA–W–13,704; Standbuilt Upholstery, Inc., Brooklyn, NY

TA–W–13,609; Republic Steel Corp., Buffalo District Steel Plant, Buffalo, NY

TA–W–13,401; Jones & Laughlin Steel Corp., Atco, NJ

In the following cases the investigation revealed that criterion (3) has not been met. Increased imports did not contribute importantly to workers separations at the firm.

TA–W–13,759; Singer Furniture, Trumann, AR

TA–W–13,780; Venus Lace, Inc., Fort Lee, NJ

TA–W–13,781; Virginia Mills, Inc., Fort Lee, NJ

In the following cases the investigation revealed that criterion (3) has not been met for the reasons specified.

TA–W–13,978; Mountain States Minerals Enterprises, Inc., Tucson, AZ

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA–W–14,004; The Standard Slag Co., Ashland, KY

Aggregate U.S. imports of scrap steel did not increase as required for certification.

Affirmative Determination

TA–W–13,716; Hema Shirt Co., Inc., New York, NY

A certification was issued in response to a petition received on August 9, 1982 covering all workers separated on or after January 1, 1982 and before October 1, 1982.

I hereby certify that the aforementioned determinations were issued during the period April 4, 1983–April 8, 1983. Copies of these determinations are available for inspection in Room 9120, U.S. Department of Labor, 601 D Street, N.W., Washington, D.C. 20213 during normal business hours or will be mailed to persons who write to the above address.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 83–10365 Filed 4–18–83; 8:45 am]

BILLING CODE 4510–30–M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221 (a) of the Act.

The purpse of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determinatiion of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 29, 1983.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 29, 1983.

The petitions filed in this case are available for inspection at the Office of the Director, Office or Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, N.W., Washington, D.C. 20213.

Signed at Washington, D.C. this April 11, 1983.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
American Ship Building Co., Am Ship Div. (Boilermakers & IBEW).	Lorain, Ohio	3/25/83	3/11/83	TA–W–14,540	Ships.
Butte Anaconda & Pacific Railway Co. (UTU)	Anaconda, MT	4/6/83	3/29/83	TA–W–14,541	Transports copper ore products for Anaconda Co.
(The) Durwick Co. (Labor International Union of No. Amer.).	Ridgefield Park, NJ	4/6/83	3/28/83	TA–W–14,542	Warehouse textiles materials.
Haught, Inc. (workers)	Parkersburgh, WV	4/7/83	3/28/83	TA–W–14,543	Oil and gas separaters.
Jim Walter Resources, Inc., Mining Div. #5 Mine (UMWA)	Brookwood, AL	4/6/83	3/29/83	TA–W–14,544	Coal mining.
Jim Walter Resources, Inc., Mining Div. #7 Mine (UMWA)	Do	4/6/83	3/29/83	TA–W–14,545	Do.
Jim Walter Resources, Inc., Mining Div. Central Shop (UMWA).	Do	4/6/83	3/29/83	TA–W–14,546	Do.
Jim Walters Resources, Inc., Mining Div., Nebo Mine (UMWA).	Graysville, AL	4/6/83	3/29/83	TA–W–14,547	Do.
Kerr Glass Manufacturing Corp. (GPPAW)	Keyport, NJ	4/7/83	3/29/83	TA–W–14,548	Plastic valves and closures.
Krauss Rainwear, Inc. (company)	Bronx, NY	3/24/83	3/21/83	TA–W–14,549	Ladies' rainwear.
Pinto Valley Copper Corp., Pinto Valley Operations (USWA).	Miami, AZ	4/6/83	3/25/83	TA–W–14,550	Copper concentrate, copper cathodes, molyibium.
Anamax Mining Co. (USWA)	Sahuarita, AZ	3/15/83	3/14/83	TA–W–14,551	Copper mining.
Atlas Copco Holyoke, Inc. (workers)	Holyoke, MA	3/31/83	3/28/83	TA–W–14,552	Air compressors equipment, stationery gas, hydraulic drill rigs, portable air compressors.

APPENDIX—Continued

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Eric Mann International, Inc. (company)	New York, NY	4/6/83	3/31/83	TA-W-14,553	Sweaters—ladies' and childrens.
Island Creek Coal Co., #9 Elk Creek Mine (UMWA)	Emmett, WV	3/31/83	3/28/83	TA-W-14,554	Preparation plant—coal.
Lapanto Garments Co. (workers)	Lapanto, Ark	3/25/83	3/21/83	TA-W-14,555	Sportswear—women's.
Neotech International Corp. (workers)	Walla Walla, WA	3/25/83	3/23/83	TA-W-14,556	Foam grips for handlebars.
Oak Communications Systems (workers)	Elkhorn, WI	3/31/83	3/25/83	TA-W-14,557	Head end and decoder equipment.
Reserve Mining Co. (USWA)	Babbit, Minn	3/25/83	3/24/83	TA-W-14,558	Iron ore mining.
Reserve Mining Co. (USWA)	Silver Bay, Minn	3/25/83	3/24/83	TA-W-14,559	Taconite pellet processing.
Shaffer Globe Corp., Mitchell & Smith Div. (workers)	Norfolk, VA	3/28/83	3/14/83	TA-W-14,560	Cork and cork rubber gaskets.
Zenith Electronics Corp. of Texas (company)	McAllen, Texas	3/29/83	3/23/83	TA-W-14,561	Color T.V. components—module boards, assemblies.
Eastern Stainless Steel Co., (USWA)	Baltimore, MD	4/1/83	3/22/83	TA-W-14,562	Stainless steel products—sheared plate, sheet, coil, strip
Four Star Corp., (workers)	So. Haven, Mich	4/1/83	3/29/83	TA-W-14,563	Automotive interior and exterior bright trim.
Levi Strauss & Co. (ACTWU)	Charleston Heights, S.C	3/9/83	3/7/83	TA-W-14,564	Men's shirts.
(The) Mettowee Lumber & Plastics Co. (United Furniture Worker of Amer.).	Granville, NY	4/1/83	3/29/83	TA-W-14,565	Plastic tubing, straps, caps, gliders lumber logs.
Ohio Ferro Alloys Corp. (USWA)	Powhatan Point, Ohio	3/31/83	3/23/83	TA-W-14,566	Silicon metal.
Penn Machine Co. (workers)	Johnstown, Pa	3/28/83	3/24/83	TA-W-14,567	Mining equipment replacement parts and industrial parts.
Phelps Dodge Corp., Safford Branch (company)	Safford, AZ	3/28/83	3/21/83	TA-W-14,568	Copper mining.
Salem Sportswear (workers)	Salem, MO	3/29/83	3/14/83	TA-W-14,569	Outerwear—jackets, men's and boys.
(The) Telescope Folding Furniture Co, Inc. (United Furniture Wkrs of Amer.).	Granville, NY	4/1/83	3/29/83	TA-W-14,570	Directors chair, pool furniture, beach furniture, patio furniture.
Allied Chemical Co., Allied Corp., Ironton Tar Processing Plant (USWA).	Ironton, Ohio	4/5/83	3/28/83	TA-W-14,571	Coal tar chemicals.
Texaco, Inc., Texaco, USA, Eagle Point Plant (OCAWIU)	Westville, NJ	4/1/83	3/25/83	TA-W-14,572	Gasoline, benzene, toulene, furnace oil.
Union Electric Steel Corp. (USWA)	Burgettstown, PA	3/31/83	3/28/83	TA-W-14,579	Forged hardened steel rolls.

[FR Doc. 83-10308 Filed 4-18-83; 8:45 am]

BILLING CODE 4510-30-M

Heavyweight Motorcycles, and Engines and Power Train Subassemblies

On February 1, 1983, the U.S. International Trade Commission (ITC) determined that increased imports of heavyweight motorcycles are a substantial cause of serious injury, or the threat thereof, to the domestic industry for purposes of the import relief provisions of the Trade Act of 1974. ITC also determined that increased imports of motorcycle engines and power train subassemblies are not a substantial cause of serious injury or the threat thereof to the domestic industry (48 FR 6043).

Section 224 of the Trade Act directs the Secretary of Labor to initiate an industry study whenever ITC begins an investigation under the import relief provisions of the Act. The purpose of the study is to determine the number of workers in the domestic industry petitioning for relief who have been or are likely to be certified as eligible for adjustment assistance, and the extent to which existing programs can facilitate the adjustment of such workers to import competition. The Secretary is required to make a report of this study to the President and also make the report public (with the exception of information which the Secretary determines to be confidential).

The U.S. Department of Labor has concluded its report on heavyweight motorcycles, and engines and power train subassemblies. The report found as follows:

1. Since April 3, 1975, the effective date of the adjustment assistance program, the U.S. Department of Labor (DOL) has received nine petitions from workers involved in the heavyweight motorcycles and engines and power train subassemblies industry. Five petitions were certified, three petitions covering 1,870 workers were denied, and one was terminated. As of September 30, 1982, DOL had paid $2,437,345 in trade readjustment allowances to 2,169 former workers of three plants. No payments have yet been made to the 1,200 workers certified in late January 1983. No job search allowances were paid to workers certified, althouth $10,400 in relocation allowances were paid to six workers. Thirty workers had entered training as of September 30, 1982.

2. Average employment of workers engaged in the heavyweight motorcycles and engines and power train subassemblies industry increased between 1977 and 1981, but declined in the first three quarters of 1982. Permanent employment levels for the heavyweight motorcycles industry may decline slightly in 1983, while levels for the heavyweight engines and power train subassemblies industry should remain constant, although temporary layoffs are expected.

3. Unemployment rates for three of the five areas with plants producing heavyweight motorcycles and engines and power train subassemblies were above the national unemployment rate of 10.4 percent (unadjusted) for November 1982. Reemployment prospects for present and potentially separated workers range from good to less than fair for the heavyweight motorcycles industry and poor for the heavyweight engines and power train subassemblies industry.

4. Fiscal year 1983's funding level of $25.0 million plus the $5.5 million carryover from Fiscal Year 1982 should satisfactorily meet DOL's funding needs for training, job search and relocation allowances and other employability services of workers eligible under the worker adjustment assistance program. Trade readjustment cash allowances (TRA) are entitlements funded from the Federal Unemployment Benefit and Allowances (FUBA) account. In addition, $25.0 million has been set aside for the administration and delivery of dislocated worker benefits under the Job Training Partnership Act (JTPA) for Fiscal Year 1983.

Copies of the Department report containing nonconfidential information developed in the course of the 6-month investigation may be purchased by contacting the Office of Trade Adjustment Assistance, U.S. Department of Labor, 601 D Street N.W., Room 9120, Washington, D.C. 20213 (phone 202-376-6898).

Signed at Washington, D.C. this 11th day of April 1983.

Albert Angrisani,

Assistant Secretary of Labor.

[FR Doc. 83-10362 Filed 4-18-83; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-82-129-C]

AMAX Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

AMAX Coal Company, 105 South Meridian Street, P.O. Box 967, Indianapolis, Indiana 46206 has filed a petition to modify the application of 30 CFR 77.216-5 (water, sediment or slurry impoundments and impounding structures; abandonment) to its Gibralter Mine (I.D. No. 15-02065) located in Muhlenberg County, Kentucky. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that an abandonment plan be approved by the District Manager prior to the abandonment of any water impoundment.

2. Petitioner seeks a modification of the portion of the standard that requires that an abandonment plan for a water impoundment contain provisions to preclude the probability of future impoundment of water.

3. Petitioner proposes that the abandonment plan for the water impoundment may provide that the water impoundment continue to impound water after abandonment, and submits the following:

a. This structure meets the MSHA engineering design criteria for low-hazard water impoundments;

b. All mining and reclamation activities have ceased and there are no miners in the area;

c. Rogers Brothers Coal Company owns the land upon which the impoundment exists and has agreed to assume the responsibility for maintenance and continued integrity of the impounding structure;

d. The impoundment has a limestone riprapped emergency channel spillway in addition to a pipe spillway, assuring controlled outflow even if the pipe spillway were to temporarily clog; and

e. The future planned use of the water impoundment is water for livestock. The impoundment has been stocked with fish and will also be used for fishing.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before May 19, 1983. Copies of the petition are available for inspection at that address.

Dated: April 11, 1983.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 83-10370 Filed 4-18-83; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-83-26-C]

Consolidation Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Consolidation Coal Company, Consol Plaza, Pittsburgh, Pennsylvania 15241 has filed a petition to modify the application of 30 CFR 75.305 (weekly examinations for hazardous conditions) to its Renton Mine (I.D. No. 36-00807) located in Washington County, Pennsylvania. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that return aircourses be examined in their entirety on a weekly basis.

2. The main return entries 36 Butt, 15 East Main, and 20 East Main will serve a newly developed North Field Section of the mine. The roof of each entry has deteriorated and fallen in some areas. These entries have also experienced water accumulation. Travel in these aircourses to make examinations would expose miners to hazardous conditions; rehabilitation of these aircourses would also expose miners to hazardous conditions.

3. As an alternate method, petitioner proposes to establish and maintain air monitoring stations at specified locations in the returns and on the surface. Results of examinations will be kept in a book at each station and on the surface. Weekly air readings and methane testing will be made by a certified person at each station.

4. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before May 19, 1983. Copies of the petition are available for inspection at that address.

Dated: April 11, 1983.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 83-10371 Filed 4-18-83; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-83-17-C]

Consolidation Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Consolidation Coal Company, Consol Plaza, Pittsburgh, Pennsylvania 15241 has filed a petition to modify the application 30 CFR 75.1105 (housing of underground transformer stations, battery-charging stations, substations, compressor stations, shops, and permanent pumps) to its Shoemaker Mine (I.D. No. 46-01436) located in Marshall County, West Virginia. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that air currents used to ventilate structures or areas enclosing electrical installations be coursed directly into the return.

2. There are four water-gathering pumps that are located at the bottom of the refuse belt slope. The pumps operate continuously to control water in extremely wet areas of the mine. The entry off which the pumps are located is part of the main haulage line through which coal, supplies, and equipment are transported, and part of the work force travels.

3. As an alternate method to coursing air currents used to ventilate structures or areas enclosing electrical installations directly into the return, petitioner proposes to enclose the pumps in fireproof housings with fireproof doors. An automatic fire suppression device will be installed in the pump house which will be activated by heat sensors. Electrical circuits will be installed and maintained in accordance with applicable requirements. No oil or combustible materials will be stored in the pump station.

4. Petitioner states that the proposed alternate method outlined above will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before May 19, 1983. Copies of the petition are available for inspection at that address.

Dated: April 11, 1983.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 83-10367 Filed 4-18-83; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-83-15-C]

G. M. & W. Coal Co. Inc.; Petition for Modification of Application of Mandatory Safety Standard

G. M. & W. Coal Company, Inc., P.O. Box 112, Jennerstown, Pennsylvania 15547 has filed a petition to modify the application of 30 CFR 75.1100-2(e)(2) (quantity and location of firefighting equipment) to its Grove No. 1 Mine (I.D. No. 36-02398), Grove No. 3 Mine (I.D. No. 36-05362), and its Grove No. 5. Mine (I.D. No. 36-06888), all located in Somerset County, Pennsylvania. The petition is filed under Section 101(c) of the Federal Mined Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that one portable fire extinguisher and 240 pounds of rock dust be provided at each temporary electrical installation.

2. Excessive moisture in the areas of the temporary electrical installations has caused the rock dust to become wet and ineffective in case of an emergency.

3. As an alternate method, petitioner proposes to provide two 2A10 BC or higher rating fire extinguishers or one with twice the minimum rating required for each installation.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before May 19, 1983. Copies of the petition are available for inspection at that address.

Dated: April 11, 1983.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 83-10372 Filed 4-18-83; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-83-9-C]

Lick Fork Elkhorn Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Lick Fork Elkhorn Coal Company, P.O. Box 65, Elkhorn City, Kentucky 41522 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its No. 1 Mine (I.D. No. 15-01646) located in Pike County, Kentucky. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cabs or canopies be installed on the mine's electric face equipment.

2. The mine is in the Lower Elkhorn seam and ranges from 40 to 48 inches in height, with consistent ascending and descending grades creating dips in the coal bed.

3. Petitioner states that the installation of cabs or canopies on the mine's electric face equipment limits the visibility of the equipment operator, increasing the chances of an accident. The canopies can also strike and dislodge roof support, resulting in a diminution of safety.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before May 19, 1983. Copies of the petition are available for inspection at that address.

Dated: April 11, 1983.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 83-10373 Filed 4-18-83; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-83-8-C]

Peabody Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Peabody Coal Company, P.O. Box 158, Pawnee, Illinois 62558 has filed a petition to modify the application of 30 CFR 75.503 (permissible electric face equipment; maintenance) to it Mine No. 10 (I.D. No. 11-00585) located in Christian County, Illinois. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitoner's statements follows:

1. The petition concerns the use of a plug interlock or plug padlock on mobile battery equipment used inby face crosscuts.

2. Petitioner states that there is an element of danger in having plugs locked together in the event of a short circuit or fire occurring on the equipment.

3. As an alternative method, petitioner proposes that a spring-loaded harness snap or a spring hairpin device be used, in lieu of a padlock.

4. Petitioner states that the proposed alternative method will provide the same measure of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before May 19, 1983. Copies of the petition are available for inspection at that address.

Dated: April 11, 1983.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 83-10369 Filed 4-18-83; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-83-1-M]

Puerto Rican Cement Co., Inc.; Petition for Modification of Application of Mandatory Safety Standard

Puerto Rican Cement Company, Inc., Box 1349, Ponce, Puerto Rico 00733-1349 has filed a petition to modify the application of 30 CFR 56.4-27 (self-propelled mobile equipment; fire extinguishers) to its Ponce Cement Plant (I.D. No. 54-00001) and its Planta Cal

Operation (I.D. No. 54–00194), located in Ponce, Puerto Rico. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that each lift truck used around the mines be equipped with a suitable fire extinguisher readily accessible to the equipment operator.

2. As an alternate method, petitioner proposes to install 76 fire extinguishers in specified locations where the lift trucks are used. In the event of a fire, the equipment operator will leave the vehicle to locate a nearby extinguisher and obtain nearby help.

3. Petitioner states that the proposed alternate method will better protect the equipment operator than complying with the standard, and for these reasons requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before May 19, 1983. Copies of the petition are available for inspection at that address.

Dated: April 11, 1983.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 83–10368 Filed 4–18–83; 8:45 am]

BILLING CODE 4510–43–M

Office of Pension and Welfare Benefit Programs

Beverly Hills Travel Bureau Inc., et al.; Proposed Exemptions

AGENCY: Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of Proposed Exemptions.

SUMMARY: This document contains notices of pendency before the Department of Labor (the Department) of proposed exemptions from certain of the prohibited transaction restrictions of the Employees Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption, unless otherwise stated in the Notice of Pendency, withn 45 days from the date of publication on this **Federal Register** Notice. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216. Attention: Application No. stated in each Notice of Pendency. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

Notice to Interested Persons

Notice of the proposed exemptions will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 15 days of the date of publication in the **Federal Register**. Such notice shall include a copy of the notice of pendency of the exemption as published in the **Federal Register** and shall inform interested persons of their right to comment and to request a hearing (where appropriate).

SUPPLEMENTARY INFORMATION: The proposed exemptions were requested in applications filed pursuant to section 408(a) of the Act and/or section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, these notices of pendency are issued solely by the Department.

The applications contain representations with regard to the proposed exemptions which are summarized below. Interested persons are referred to the applications on file with the Department for a complete statement of the facts and representations.

Beverly Hills Travel Bureau Inc., Defined Benefit Pension Plan (the Plan), Located in Beverly Hills, California

[Application No. D–3642]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of sections 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the proposed purchase of real estate (the Property) by the Plan (including the making of payments under an existing mortgage) from Charles C. Tilbury, Sally C. Tilbury, Dennis E. McNulty, and Teresa L. McNulty (collectively, the Applicants), parties in interest with respect to the Plan, provided that the terms of the proposed transaction are at least as favorable to the Plan as those the Plan could obtain in an arm's length transaction with an unrelated party.

Summary of Facts and Representations

1. The Plan covered approximately 38 participants as of July 1, 1981, and has assets totalling approximately $1,167,000 and no liabilities other than future benefits payable to participants, beginning in 1985. The proposed purchase would involve less than 30% of the Plan's total assets. Charles C. and Sally C. Tilbury are Plan trustees and members of the Plan Committee, which manages the Plan, and the sole owners of the Plan sponsor. Charles C. Tilbury is also investment manager under the Plan and has primary authority with respect to investments of the Plan. Both Charles C. and Sally C. Tilbury are fiduciaries with respect to the Plan. Teresa L. McNulty is the daughter of Charles C. and Sally C. Tilbury, and Dennis E. McNulty is Teresa L. McNulty's husband. It is represented that neither Dennis E. McNulty nor Teresa L. McNulty is a Plan fiduciary.

2. The Property, located at 2233 Gurnville Road, Santa Rosa, California, comprises 5.08 acres currently improved with a 40-year old single family dwelling and currently zoned with local governmental final approvals for the construction of 28 planned-unit-development townhouses or condominiums. The Property is currently leased to Ms. Doris Evans, who has no relationship of any nature to the Plan, the Plan sponsor, any Plan fiduciary, or

the Applicants. It is not intended that the Property will ever be leased or sold to any party in interest with respect to the Plan. If the proposed exemption is granted, the Plan will collect the rental payments, amounting to $525 per month, on the Property upon completion of the proposed sale. Real estate taxes on the Property are estimated to be about $4,000 per year. Therefore, the Plan expects a small positive cash flow from the Property.

The Property is located approximately four miles northwest of downtown Santa Rosa in a neighborhood currently in transition from agricultural to residential use. On January 20, 1982, Robert W. Barnham, an independent appraiser, estimated the fair market value of the Property, as is, at $336,000. In his appraisal report, Mr. Barnham states that the current and highest best use for the Property is conforming to the zoning for planned unit development or residential use. Mr. Barnham was classifed as a Level 2 appraiser by the Federal National Mortgage Association on October 28, 1980 and had several years of appraisal experience prior to that date.

3. The Plan proposes to purchase the Property to hold it for appreciation and does not intend at this time to subdivide or develop the Property although it does not foreclose the possibility of later subdivision or development. The Property will be reappraised by an independent appraiser within 60 days before the proposed purchase date. The proposed total purchase price will be the lesser of 90% of such appraised value or $302,400 (90% of the Property's fair market value as appraised by Mr. Barnham on January 20, 1982). The Property is subject to a first mortgage whose current outstanding principal balance is $170,000, of which amount $35,000 is due December 31, 1982, and the balance is due December 31, 1983. Interest at 11% per year is payable monthly on the outstanding principal balance, and repayment of the balance due without penalty is permitted. The first mortgage is payable to Richard M. and Denise Marracq, who have no relationship to the Plan, the Plan sponsor, or the Applicants. The Plan will pay the Applicants cash in the amount of the difference between the proposed purchase price and the outstanding principal balance on the mortgage at the close of escrow. The Plan intends to prepay the remaining payments due under the mortgage directly to Mr. and Mrs. Marracq at the time the Plan acquires the Property. No sales fee or commission of any kind will be charged to the Plan in connection with the proposed purchase. All transaction, escrow, title, and other fees will be paid by the Plan sponsor.

4. Thomas E. Higgins, President of Higgins, Marcus & Lovett, Inc., a business valuation organization located in Los Angeles, California, has agreed to act as an independent fiduciary for the purpose of approving and monitoring the purchase of the Property. It is represented that Mr. Higgins has no relationship with the Applicants, the Plan sponsor, or Mr. and Mrs. Marracq. Mr. Higgins has participated extensively in corporate valuation studies, including expert testimony in court and in settlement hearings with the Internal Revenue Service. He currently serves on the faculty of the Graduate School of Business, Pepperdine University, where he teaches finance and accounting. He is a member of the Los Angeles Society of Financial Analysts, the Western Pension Conference, and serves on the board of directors of several Southern California corporations. He was formerly vice president and regional manager of a national valuation organization. Mr. Higgins states that he is familiar with the Act and his duties, responsibilities, and liabilities in acting as an independent fiduciary and accepts those duties, responsibilities, and liabilities. His familiarity with the Act is based upon discussions with counsel and his experience as an investment analyst and portfolio manager dealing with numerous pension and profit sharing plans.

5. Mr. Higgins has considered the proposed purchase in light of the contents of the Plan's current portfolio, its needs for diversification and liquidity, the projected return of the Plan's portfolio relative to its funding objectives, and the risk of loss and opportunity for gain posed by the proposed purchase. He notes that the Plan's current portfolio consists primarily of an investment of $648,853 in Smith Barney's National Liquid Reserve Money Market Fund, currently providing a return of approximately 8% yearly; and an 18-year loan to a Plan participant, with a principal balance of $595,245.53, bearing interest at the rate of 16¾% per year, and secured by two separate parcels of real property as well as by the participant's vested accrued benefit of $597,435.[1] Mr. Higgins believes that both of these are very low risk liquid investments yielding a fixed rate of return with no potential for capital appreciation and that the rate of return on the money market fund is relatively low, consistent with the low risk and the fact that funds are withdrawable on demand.[2]

He explains that current portfolio management theory holds that the best rate of return at the lowest level of risk can be achieved not by seeking to invest each individual asset of the portfolio in a risk free manner, but by taking calculated risks in the context of a balanced and diversified portfolio. He states that after payment to the Plan of the $284,453 contribution due from the Plan sponsor on March 15, 1983, the proposed investment would involve approximately 24% of the Plan's total assets; 28% of such assets would then be invested in the money market fund, and 48% in the participant loan. He believes the proposed purchase will complement the Plan's current portfolio in that, unlike the other investments, the Property has the probability of capital appreciation because it is located in an area experiencing population growth, leading to increased demand for residential property.

Mr. Higgins explains that the retirement annuities scheduled to be paid to Plan participants before the year 2000 amount to $3,051 per month. No participants will be eligible to receive benefits before June 30, 1985. At that time, two participants will begin receiving annuities aggregating $2,618 per month. Payments receivable by the Plan under the above-mentioned participant loan and the return anticipated by the Plan from the money market fund, based upon current rates, will total $6,891.91 per month from June 30, 1985 to December 31, 1999. Future contributions will also be available to pay benefits accruing in future periods.

In view of Plan's strong liquid position, Mr. Higgins believes the Plan can affort to reduce its liquidity and thus anticipate a higher rate of return. In this regard, he notes that the Plan's current funding objective is for a 2% rate of return after adjusting for inflation. He believes the Plan may have difficulty meeting this objective unless it moves some of its assets into longer term assets with potential capital appreciation. In his opinion, therefore, the proposed purchase is consistent with the Plan's funding objective. He states that for the reasons mentioned above investing in real estate should increase the diversification of the Plan's assets

[1] The applicants believe this participant loan meets the requirements of section 408(b)(1) of the Act. In this proposed exemption, the Department expresses no opinion as to whether this loan satisfies such requirements.

[2] Mr. Higgins states that with respect to the above-mentioned participant loan the borrower's vested interest under the Plan can be considered as cash collateral by the Plan.

and generate an increased return for the Plan without interfering with the Plan's liquidity requirements. He believes that the proposed purchase is particularly appropriate for the Plan for the following reasons:

(1) The Property has received government zoning and approval essential for development. The risks of a decrease in value due to unfavorable governmental action is not, therefore, significant.

(2) Due to the Property's location, approximately four miles from downtown Santa Rosa, the Property can be expected to increase in value as the anticipated population growth of Santa Rosa and surrounding areas increases demand for residential properties.

(3) The terms of the proposed purchase are not less favorable than those obtainable in an arm's length transaction. An obvious advantage of the Property is that the Plan can purchase it for 90% of its appraised value. One of the risks of holding real property is the fact that the property must appreciate sufficiently to pay a real estate commission on resale. The ability to purchase the Property at 90% of appraised value should remove this risk completely.

(4) Another advantage of the proposed purchase over many other available real estate investments is that it is manageable by the Plan trustees. Thus, the Plan need not incur the cost of compensating outside professionals for their services in managing the Property.

(5) No commisisons or fees will be charged to the Plan in connection with this purchase.

(6) The proposed investment will provide adequate diversification for the Plan, for the reasons discussed above.

For all these reasons, Mr. Higgins believes that it is reasonable to anticipate that the Property will appreciate at a rate greater than the Plan's current fixed investments or of many other real estate investments and that the proposed investment is appropriate for the Plan and in the best interest of its participants.

6. In summary, the applicants represent that the proposed purchase meets the exemptive criteria provided by section 408(a) of the Act for the reasons stated by Mr. Higgins (see 5, above) and also because (a) less than 24% of the Plan's total assets as of March 15, 1983, will be involved in the proposed purchase, (b) Mr. Higgins will serve as an independent fiduciary to the Plan with respect to the proposed purchase, and (c) such independent fiduciary believes the proposed purchase is an appropriate investment for the Plan and is in the best interests of the Plan and its participants.

For Further Information Contact: Mrs. Miriam Freund, of the Department, telephone (202) 523-8971. (This is not a toll-free number.)

The Employees Stock Ownership Plan and Trust of Control Systematologists, Inc. (the Plan), Located in Rayne, Louisiana

[Application No. D-3788]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of sections 406(a), 406(b) (1) and (2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the proposed sale of a parcel of unimproved real property (the Property) by the Plan to Mr. B. C. Holstead, president and majority shareholder of Control Systematologists, Inc. (the Employer), the Plan sponsor, and his wife, Mrs. Jackie Holstead, provided the purchase price is not less than the fair market value of the Property on the date of sale.

Summary of Facts and Representations

1. The Plan is a defined contribution plan with 46 participants and net Plan assets of $542,701 as of May 31, 1982. The Plan's trustees (Trustees) are Mr. George R. Duhon, Mr. Henry Daigle and Mr. Charles McClelland, all of whom are employees of the Employer.

2. On May 14, 1982, the Plan purchased the Property from Fastrac Construction Company, a Louisiana corporation unrelated to the Employer, Mr. Holstead or his wife, for a cash purchase price of $82,600. The Property is comprised of approximately 1.19 acres known as Lots 10 and 13 of Safety Lane Industrial park, a subdivision in the Parish of Lafayette, Louisiana. The Trustees state that the Property is non-income producing.

3. The Trustees state that they believed the Property would be a sound investment for the Plan because of industrial growth in the Lafayette, Louisiana area. It was intended that the Property would, in the near future, be developed by the Plan and either leased or sold to unrelated third parties. The Trustees state that local industry is currently suffering a severe slowdown and that their previous judgment that the purchase of the Property was a sound investment is no longer valid.

4. Therefore, the Trustees propose that the Plan sell the Property to Mr. and Mrs. Holstead for a cash purchase price of $82,600. This price represents the fair market value of the Property as of November 10, 1982, as determined in an appraisal performed by Mr. Gene N. Cope, a real estate appraiser who is independent of the Employer and Mr. and Mrs. Holstead. The Trustees represent that the Property has no special value to the Holsteads nor to the Employer and that neither the Holsteads nor the Employer own any property adjacent to or in the general vicinity of the Property. Additionally, the Trustees state that the Plan has expended no money on the Property other than the original purchase price and that all closing costs relating to the proposed sale will be borne by Mr. and Mrs. Holstead.

5. R. E. Rowe & Associates, Ltd. (Rowe and Associates), a law firm whose only relationship to the Plan, the Employer or the Holsteads, derives from its employment by the Holsteads to file an application for the exemption requested herein, has agreed to act as a fiduciary on the Plan's behalf regarding the proposed sale. Rowe and Associates has designed, drafted and provided investment advice to over 300 qualified employee benefit plans over the past few years, and has also had substantial experience with regard to real estate transactions. Rowe and Associates has reviewed all of the pertinent information and documents relating to the proposed sale, including the appraisal of the Property and the proposed purchase price, and has concluded that the terms and conditions of the sale are at least as favorable to the Plan as those obtainable from an unrelated party. Rowe and Associates also states that it would be advisable for the Plan to sell the Property, due to the economic downturn in the area and the fact that the Property is unimproved and non-income producing. Therefore, in its capacity as the Plan's independent fiduciary, Rowe and Associates believes the proposed sale would be in the interests of the Plan and recommends that the Plan enter into the sale.

6. In summary, the applicants represent that the proposed transaction satisfies the statutory criteria of section 408(a) of the Act due to the following:

(a) Rowe and Associates, acting as the Plan's independent fiduciary, represents that the sale of the Property would be in the interest of the Plan and its participants and beneficiaries and

recommends that the Plan enter into the sale;

(b) the sale would be a one-time transaction for cash; and

(c) the purchase price of the Property would be its fair market value as determined by an independent appraiser.

For Further Information Contact: Robert N. Sandler of the Department, telephone (202) 523–8195. (This is not a toll-free number.)

Flagel, Huber, Flagel and Company Profit Sharing Plan (the Plan) Located in Dayton, Ohio

[Application No. D–3881]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of sections 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to: (1) The proposed loan (the Loan) of $40,000 by the Plan to Flagel, Huber, Flagel and Company (the Employer), the sponsor of the Plan, for the purchase of certain office equipment, provided that the terms of the Loan are no less favorable to the Plan than those obtainable by the Plan in an arm's length transaction with an unrelated third party; and (2) the proposed personal guarantees of the Loan by the shareholders of the Employer.

Summary of Facts and Representations

1. The Plan is a profit sharing plan with 33 participants and assets of approximately $874,000 as of December 31, 1982. The Plan is administered by trustees who are also directors and/or employees of the Employer. The Employer is a certified public accounting firm located in Dayton, Ohio with net assets of approximately $767,135 as of December 31, 1982. The Employer is requesting an exemption to permit the Loan from the Plan at 17½% interest per annum to finance the purchase of new major office equipment (the Equipment) from IBM Corporation at a purchase price of $40,000. The Equipment is a copier/printer system known as the IBM Model 6670 Information System/Copier Model 66 Collater. The Loan will be repaid in 36 equal monthly payments of principal and interest in the amount of $1,436.19. The Employer represents that the proposed Loan terms are identical to those of the financing arrangements offered by IBM Corporation for purchase of the Equipment.

2. As security for the Loan the Employer will execute a promissory note (the Note) in favor of the Plan reflecting the terms of the Loan. The Employer will also execute and file a security agreement giving the Plan a first lien on the Equipment. As further security for the Loan, the Employer will execute and file a security agreement giving the Plan a first lien on certain other major office equipment (the Collateral Equipment) previously purchased by the Employer. The Collateral Equipment consists of an IBM System 34 Computer and HighSpeed Printer. The Equipment and the Collateral Equipment werer appraised by Mr. Henry Lucas (Lucas), President of Lucas Office Equipment and Service, Inc., located in Centerville, Ohio. Lucas determined that as of January 7, 1983 the total fair market value of all equipment offered as security for the Loan was $80,382.

3. The Employer is owned by seven shareholders (the Principals): Louis G. Homan, Gerald P. Flagel, David A. Drewett, Edwin A. Hard, Donald R. Harting, Terrance P. Egan, and Arthur J. Huber, Jr. An exemption is also requested to permit the personal guarantees of the Loan by the Principals. The Employer represents that the Principals' combined net worth is approximately $3,300,000.

4. The Employer has entered into an Investment Advisory Agreement (the Agreement) with the Third National Bank and Trust Company (the Bank) of Dayton, Ohio. The Bank, which is unrelated to the Employer, will act as an independent fiduciary representing the interests of the Plan with respect to the Loan. The Bank has reviewed the proposed Loan terms and has determined that the Loan would be a prudent investment for the Plan, that the Loan's terms are in the best interests and protective of the Plan, and that the Loan's terms will be equal to or better than terms which the Plan could reasonably expect in dealing with an unrelated party. Pursuant to the Agreement the Bank will monitor repayment of the Loan and will pursue on behalf of the Plan remedies available under the Note in the event of default by the Employer. Additionally, the Bank will periodically review the total fair market value of all collateral offered as security for the Loan. If the Bank determines at any time that such value is less than 200% of the aggregate outstanding principal of the Note, the Bank will require the Employer immediately to reduce the outstanding principal to an amount not greater than 50% of the value of the collateral. In the alternative the Employer may mortgage to the Plan additional collateral acceptable to the Bank with a fair market value, when combined with the original collateral, equal to 200% of the outstanding principal of the Note.

5. In summary, the applicant represents that the proposed Loan will satisfy the criteria of section 408(a) of the Act because: (1) The Loan will be secured by a promissory note and by recorded first liens on collateral with an aggregate appraised fair market value in excess of 200% of the amount of the Loan, and an independent fiduciary will ensure that the value of the collateral for the Loan remains at least 200% of the outstanding principal of the Note; (2) the Loan will be monitored by an independent fiduciary; (3) the Loan will be guaranteed by the seven shareholders of the Employer; and (4) the independent fiduciary has reviewed the terms of the Loan on behalf of the Plan and represents that the Loan will be a prudent investment for the Plan on terms equal to or better than those which the Plan could expect in dealing with an unrelated party in a similar transaction.

For Further Information Contact: Ronald Willett of the Department, telephone (202) 523–8194. (This is not a toll-free number.)

Scheumann Lumber Employees Pension Plan and Trust (the Plan) Located in New York, New York

[Application No. D–3924]

Proposed Exemption

The Department is considering granting and exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to: (1) A loan (the Loan) by the Plan of $350,000, not to exceed 25 percent of the assets of the Plan, to Four B's Realty Company (the Partnership), provided the terms and conditions of the Loan are at least as favorable to the Plan as those obtainable in an arm's length transaction with an unrelated party; and (2) the assignment of rents due under a lease (the Lease) executed between A. B. Scheumann Lumber Corporation (the

Employer) and the Partnership in the event of a default on the Loan.

Summary of Facts and Representations

1. The Plan is a defined benefit pension plan with ten participants and total assets of $1,033,299 as of March 1, 1983. The trustees of the Plan are Ms. Shirlee Bookspan and Messrs. Leo, Kenneth and Emmanuel Bookspan (the Bookspans). The Bookspans make investment decisions for the Plan. With the exception of Ms. Bookspan, all of the Bookspans are participants in the Plan.

2. The Employer, which maintains its business premises at 527 West 36th Street, New York, New York, is a distributor-supplier of lumber, dry wall and building materials for the construction trade in the New York City metropolitan area. The Bookspans are principals of the Employer. Messrs. Kenneth and Emmanuel Bookspan are also co-partners in the Partnership which is located at 524 West 36th Street, New York, New York. The Partnership is a real estate partnership whose primary asset is its business premises (the Real Property).

3. An exemption is requested to allow the Plan to lend $350,000 to the Partnership. The Partnership will use the Loan proceeds to repay the unsecured indebtedness it incurred to finance the purchase of the Real Property. Specifically, the Partnership will repay a $100,000 debt owed to Mr. Leo Bookspan and a $250,000 debt owed to the Employer.

4. The Loan will be evidenced by a promissory note providing for the repayment of the Partnership's indebtedness to the Plan in monthly installments over a 15 year period. Interest will be established at the initial rate of 14 percent per annum on the unpaid balance. The interest rate will be adjusted annually by an independent fiduciary on each anniversary date of the Loan to a rate equal to the prime rate then being charged by the National Bank of North America (NBNA), New York, New York. The interest rate will not be reduced below 14 percent. If at the time of closing the prime rate is higher than 14 percent, the interest rate will be fixed at the higher amount.

Based upon Plan assets of $1,033,299, the initial sum to be disbursed at closing will be approximately $260,000 or 25 percent of the assets of the Plan. The Plan will disburse the remaining $90,000 in not more than three payments so that as the Plan assets increase at no time will the aggregate value of the funds disbursed pursuant to the Loan exceed 25 percent of the fair market value of the Plan's assets. In addition, the repayment period will not exceed 15 years from the date of the initial disbursement.

5. To secure the Loan, the Partnership will execute a first mortgage (the Mortgage) on the Real Property and obtain mortgage title insurance from the Title Guarantee Company and Pioneer National Title Insurance Company. The deed to the Real Property as well as the Mortgage will be recorded. The Real Property consists of a two story industrial-type commercial building purchased by the Partnership for $400,000 on August 4, 1981 from G and C Realty Associates, an unrelated party. On February 25, 1983, the Real Property was appraised at $525,000 by Mr. Melvyn Trepper, an M.A.I. appraiser affiliated with William A. White and Sons of 51 East 42nd Street, New York, New York.

6. The Mortgage will contain the following additional provisions: (a) A requirement that the Partnership will be required to pledge additional collateral for the Loan should the independent fiduciary designated to oversee the Loan determine that the fair market value of the Real Property has fallen below 150 percent of the principal balance then due on the Loan based upon an independent appraisal of the Real Property; (b) a "due on sale" clause to provide that the then remaining principal and accrued interest will become due and payable in the event of a sale of the Real Property; (c) a "due on encumbrance" clause to provide that the remaining principal and accrued interest will become due and payable if a junior lien is placed on the Real Property; and (d) a penalty of 2 percent of the payment due on the Loan will be assessed against the Partnership in the event any payment is received more than 15 days after the due date.

7. The Real Property will be leased to the Employer under the Lease which is a 15 year "net-net" lease. The Lease will provide for a minimum rental of $7,000 per month and it will include rental adjustments. The Lease obligates the Employer to pay all real estate taxes, assessments, utilities, water and sewer rents, repairs and alterations, casualty insurance, rent insurance, etc. and by its terms is made subordinate to the Mortgage. The Lease will operate to assign to the Plan the Partnership's rights to the rents, issues and profits derived from the Real Property in the event of default by the Partnership. Pursuant to the terms of the Mortgage, the assignment will continue in effect until the Loan is paid.

8. NBNA will serve as the independent fiduciary for the Loan. NBNA does not presently have, nor has it had in the past, any commercial relationship with the Employer, the Plan or the other parties in interest involved in the proposed transaction. Under the terms of an Investment Management Agreement which will be entered into between NBNA and the Trustees, NBNA will have the sole and exclusive authority to monitor, manage and implement the terms and conditions of the Loan to ensure that the rights of the Plan participants are protected. Among its duties, NBNA will be empowered to approve the initial and subsequent disbursements and certify to the Trustees that the disbursements will not exceed the foregoing limitations, adjust the interest rate for the Loan annually, ensure that the Loan collateral remains at least 150 percent of the outstanding Loan balance, and take all necessary and appropriate actions in the event of a default on the Loan.

NBNA believes that as an investment, the interest rate for the Loan and the type of collateral pledged are appropriate for the transaction and are typical of mortgage transactions presently being entered into in New York City. Based on an examination of the Plan's investment portfolio which is composed of approximately $1 million in short-term investments, NBNA represents that the Loan will be proper in light of the Plan's cash flow and liquidity needs. Thus, the Loan should not necessitate any sale of assets to meet these needs. In addition, NBNA states that the Plan's portfolio, including the Mortgage, will be sufficiently liquid and diversified in view of the overall investment scheme of the Plan.

9. In summary, it is represented that the proposed transaction will satisfy the statutory criteria of section 408(a) of the Act because: (a) The Loan will be secured by the Real Property or other collateral which will at all times represent at least 150 percent of the amount borrowed; (b) all rents due under the Lease will be assigned to the Plan in the event of a default on the Loan; and (c) NBNA, which has determined that the Loan is an appropriate investment for the Plan, will approve and monitor the terms of the Loan as an independent fiduciary and take all appropriate actions, if necessary, to enforce the rights of the Plan.

For Further Information Contact: Ms. Jan D. Broady of the Department, telephone (202) 523-8971. (This is not a toll-free number.)

The Hillerich and Bradsby Retirement Plan (the Plan) Located in Louisville, Kentucky

[Application No. D-3983]

Proposed Exemption

The department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of sections 406(a) 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to the sale for $374,000 in cash of certain Real property (the real Property) by Hillerich and Bradsby (the Employer) to the Plan, provided the amount paid for the Real Property is not more than its fair market value at the time the transaction is consumated.

Summary of Facts and Representations

1. The Plan is a defined benefit pension plan with approximately 128 participants and total assets of $2,375,646 as of August 31, 1982. The trustee of the Plan (the Trustee) is Citizens Fidelity Bank and Trust Company of Louisville, Kentucky. The Trustee makes investment decisions for the Plan.

2. The Employer is a Kentucky corporation which has been in existence since 1911. The Employer is engaged in the manufacture and distribution of sporting goods consisting of wooden and aluminum baseball and softball bats, golf clubs, hockey sticks, gloves, mitts and batting gloves. The Employer is the manufacturer of the "Louisville Slugger" baseball bat and "Powerbilt" golf clubs. The Employer maintains its principal offices at 200 West Broadway, Louisville, Kentucky.

3. Beginning in 1932, the Employer commenced acquiring portions of the Real Property from unrelated parties for the purpose of storing timber for use in the production of baseball bats. The Real Property is located at 311 Gaulbert Street, Louisville, Kentucky. Adjoining tracts of land were acquired by the Employer between 1947 and 1952 from other unrelated parties and during this period, certain improvements consisting of open sheds under which timber could be stored were erected on the Real Property.

4. On or about October 1977, the Employer began leasing a portion of the Real Property to the Kentucky-Indiana Lumber Company (K-I) of Louisville, Kentucky. (K-I is an unrelated entity.) The leasing arrangement continued until August 1982 when all of the Real Property was leased to K-I. At that time, the lease between the Employer and K-I was renegotitated to provide for lease payments of $47,400 per year from August 1, 1982 through June 30, 1983 and then $52,404 per year for the remainder of the term. On September 15, 1982, the Employer and K-I executed a new lease, which is triple net, for a term of seven years commencing on July 1, 1984 and ending on June 30, 1991. The annual rental to be paid under this lease is $54,996.

5. The Real Property was appraised initially by Mr. William F. Lippy (Mr. Lippy), an M.A.I., S.R.E.A. appraiser from Louisvillle, Kentucky. Mr. Lippy determined that the Real Property had a fair market value of $374,000 as of September 15, 1981. In an updated appraisal of February 8, 1983, Mr. Lippy concluded that the value of the Real Property as encumbered by the lease is $441,000.

6. The Trustee is requesting an exemption to permit the sale of the Real Property by the Employer to the Plan. The Plan will take the Real Property subject to the existing lease. The purchase price for the Real Property will be $374,000 the appraised value as determined by Mr. Lippy in September 1981. The Plan will pay the full purchase price in cash on the date of closing. The Plan will not be required to pay any real estate fees or commissions in connection with the sale.

7. The Trustee has agreed to act as the independent fiduciary for the Plan with respect to the proposed transaction. No director or officer of the Employer is involved in the management or directorship of the Trustee bank. Similarly, no director or officer of the Trustee is involved in the management or directorship of the Employer. As of September 30, 1982, the Trustee had deposits in excess of $1.4 billion and loans to customers in excess of $1.2 billion. Between September 30, 1981 and September 30, 1982, the Employer's deposits with the Trustee averaged $500,000 or less than .03 percent of the Trustee's deposits. The Employer's long term indebtedness to the Trustee as of September 30, 1982 totaled $2 million or less than .16 percent of the total loans of the bank. In addition, the Trustee made a loan commitment to the Employer for $4 million but little of this line of credit was used. As of September 24, 1982, $500,000 was still owing. The Trustee had also issued $513,815 in letters of credit for the benefit of the Employer.

The Trustee believes the proposed transaction is an appropriate and suitable investment for the Plan and in the interests of and protective of the Plan and its participants and beneficiaries. The Trustee has reviewed Mr. Lippy's appraisals and it thinks the proposed acquisition of the Real Property will present an opportunity for the Plan to diversify its portfolio and acquire an asset which may appreciate in value. The Trustee has reviewed the terms of the proposed transaction and it has determined the terms satisfy commercial standards and have been reached in an arm's length manner. The Trustee will review and monitor the proposed sale and it will take all steps that are necessary and proper to protect the interests of the Plan and its participants and beneficiaries.

8. In summary, it is represented that the proposed sale will satisfy the statutory crieteria of section 408(a) of the Act because: (a) the Trustee has determined the proposed transaction is in the best interests of the Plan and protective of its participants and beneficiaries; (b) the sales price for the Real Property has been determined by Mr. Lippy, an independent appraiser; and (c) the Plan will not be required to pay any real estate commissions or fees incidental to its pruchase of the Real Property.

For Further Information Contact: Ms. Jan D. Broady of the Department, telephone (202) 523-8971. (This is not toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisons of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code,

the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(3) The proposed exemptions, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(4) The proposed exemptions, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete, and that each application accurately describes all material terms of the transactions which is the subject of the exemption.

Signed at Washington, D.C., this 14th day of April, 1983.

Alan D. Lebowitz,

Assistant Administrator for Fidicuary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 83-10383 Filed 4-18-83; 8:45 am]

BILLING CODE 4510-29-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel Meetings

AGENCY: National Endowment for the Humanities.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended) notice is hereby given that the following meetings of the Humanities Panel will be held at the Old Post Post Office, 1100 Pennsylvania Avenue, N.W., Washington, D.C. 20506.

Date: May 2, 1983.
Time: 8:30 a.m. to 5:00 p.m.
Room: 415
Program: This meeting will review applications submitted for Humanistic Projects in Media, (Special Deadline for Children's Media and Continuing Projects that have already received NEH support and need notification before April 1, 1984 that they can move to the next phase of their projects.) Division of General Programs, for Projects beginning after October 1, 1983.

Date: May 12-13, 1983.
Time: May 12, 8:30 a.m. to 5:00 p.m.; May 13, 8:30 a.m. to 5:00 p.m.
Room: 415
Program: This meeting will review applications submitted for Humanistic Projects in Media, (Special Deadline for Children's Media and Continuing Projects that have already received NEH support and need notification before April 1, 1984 that they can move to the next phase of their projects.) Division of General Programs, for Projects beginning after October 1, 1983.

Date: May 15-16-17, 1983
Time: 8:30 a.m. to 5:00 p.m. each day
Room: 315
Program: This meeting will review applications submitted for Special Projects/Program Development, Division of General Programs, for projects beginning after October 1, 1983.

Date: May 9-10, 1983
Time: 8:30 a.m. to 5:00 p.m.
Room: 415
Program: This meeting will review applications submitted for Special Projects/Program Development, Division of General Programs, for projects beginning after October 1, 1983.

The proposed meetings are the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meetings will consider information that is likely to disclose: (1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential; (2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and (3) information the disclosure of which would significantly frustrate implementation of proposed agency action; pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that these meetings will be closed to the public pursuant to subsections (c) (4), (6) and (9)(B) of section 552 of Title 5, United States Code.

Further information about these meetings can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, D.C. 20506, or call (202) 786-0322.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 83-10390 Filed 4-18-83; 8:45 am]

BILLING CODE 7536-01-M

NATIONAL SCIENCE FOUNDATION

Presidential Young Investigator Awards; Guidelines

The following guidelines describe a new initiative of the National Science Foundation. These guidelines, incorporated into a packet that includes nomination forms, are now being printed, and national distribution is scheduled for on or about May 1, 1983. Copies will be sent to the Presidents of U.S. doctoral degree granting institutions and the chairpersons (by title) of all their engineering, mathematics, life and physical sciences departments. Additional copies will be available shortly afterwards from the National Science Foundation. For further information, contact Michael M. Frodyma, phone (202) 357-7536.

Presidential Young Investigator Awards

The National Science Foundation announces a new program of Presidential Young Investigator Awards. These awards provide cooperative research support for the Nation's most outstanding and promising young [1] science and engineering faculty. With participation of the industrial sector, the awards are intended to improve the capability of universities to respond to the demand for highly qualified scientific and engineering personnel for academic and industrial research.

Science and engineering are essential components of the economic well-being and overall vitality of the Nation. Excellence in some areas of science and engineering is limited by a shortage of highly qualified faculty for research and teaching. The effect of this shortage on academic research and the education of scientific and engineering personnel is a cause of national concern.

The President of the United States, in addressing this concern, has asked the National Science Foundation to initiate a program of awards for cooperative research support for young science and engineering faculty. The combined efforts of the Federal and industrial sectors in sponsoring these awards will provide research support for up to five years for promising young faculty committed to an academic career in fields where needs exist. The objectives of these awards are:

- To assure the highest quality and relevance in science and engineering education in U.S. colleges and universities; and

[1] "Young" in this context refers to academic age—no more than seven years since receiving the doctorate.

• To relieve shortages of highly qualified faculty in science and engineering fields.

Eligibility

U.S. institutions granting doctorates in fields supported by the Foundation are invited to nominate outstanding faculty members who are early in their careers. Nominees must have received their doctorates after September 1, 1976, and must hold full-time, regular appointments in tenure track or tenure positions when nominated. Graduate and postdoctoral students who have accepted appointments to such positions may also be nominated. Citizens or nationals of the United States and permanent residents are eligible to receive these awards.

Those nominated may conduct research in any branch of the mathematical, physical, and biological sciences and engineering. Emphasis will be directed to those fields where there are substantial needs for faculty development.

Support and Commitments

A maximum of 200 new Presidential Young Investigator Awards will be made each year. It is anticipated that in the first year up to 100 awards will be made in the fields of engineering; up to 60 awards in the mathematical and physical sciences; up to 25 in the biological sciences; and up to 15 in the astronomical, atmospheric, earth and ocean sciences. Awards will be made for up to five years based on an annual determination of satisfactory performance and subject to the availability of funds.

Minimum Presidential Young Investigator Awards will consist of $25,000 of Federal funds. However, in accordance with the objective of developing improved links between the academic and industrial sectors, the Foundation will provide up to $37,500 of additional funds on a dollar-for-dollar matching basis to contributions from industrial sources, resulting in total support of up to $100,000.

In addition, nominating institutions are expected to make a significant commitment to support individuals who receive these awards. The institution is responsible for providing full academic year salary for the awardee and arranging for the industrial support. Up to 10 percent of the Foundation funds may be used to defray administrative expenses in lieu of indirect costs.

Application Procedures

Individuals must be nominated by the sponsoring institution. The nomination submission must include:

• A nomination from the departmental chairperson or analogous administrative head using the Nomination Form provided, which includes a statement of the institutional commitment to provide the academic year salary and arrange for the matching industrial support;

• A complete, up-to-date *curriculum vitae*, including a one-page description of research interests and a complete list of the nominee's publications;

• A statement signed by the nominee regarding commitment to an academic career;

• Recommendations from three referees not from the nominating institution who are familiar with the research interests and capability of the nominee.

After an awardee has been selected, the nominating institution will be asked to prepare a budget in support of the awardee's research activities for a period of up to five years. The budget should show both the amount requested from the Foundation and the sources and amounts of industrial support. This information will be used in determining the amount of the award and other terms and conditions. Except as otherwise provided in this announcement, the terms and conditions, as well as the expected institutional commitment, will be analogous to those stated in the publication, NSF 82-79, *Grants for Scientific and Engineering Research.*

Evaluation and Selection

Selection will be based on an evaluation of the nominee's ability and potential for contributing to the future vitality of the Nation's scientific and engineering effort as evidenced by accomplishments, including original research contributions and commitment to an academic career. Recommendations; suitability of the sponsoring institution for the nominee's research and academic career; probable impact of the award on the future career development of the nominee; scientific quality of the research likely to emerge; and the potential impact of the award on the research field in question will be considered. The selection of individuals to receive Presidential Young Investigator Awards will be made by the National Science Foundation with the advice of panels of outstanding scientists and engineers.

Inquiries

Inquiries regarding the awards may be addressed to the Presidential Young Investigator Awards, National Science Foundation, Washington, D.C. 20550, or telephoned inquiries to (202) 357-7536.

Dated: April 13, 1983.

Michael M. Frodyma,

Program Director, Postdoctoral Fellowships.

[FR Doc. 83-10275 Filed 4-18-83; 8:45 am]

BILLING CODE 7555-01-M

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review

AGENCY: Railroad Retirement Board

ACTION: In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Board has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

Summary of Proposal(s)

(1) Collection title: Application for Survivor Death Benefits.

(2) Form(s) submitted: AA-21, AA-11a, G-131, G-273a.

(3) Type of request: Revision.

(4) Frequency of use: On occasion.

(5) Repondents: Individuals, Funeral Directors.

(6) Annual responses: 30,000.

(7) Annual reporting hours: 11,175.

(8) Collection description: The collection obtains the information needed to pay death benefits and annuities due but unpaid at death under the RRA. Benefits are paid to designated beneficiaries or to survivors in a priority designated by law.

Additional Information or Comments

Copies of the proposed forms and supporting documents may be obtained from Pauline Lohens, the agency clearance officer (312-751-4692). Comments regarding the information collection should be addressed to Pauline Lohens, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611 and the OMB reviewer, Milo Sunderhauf (202-395-6880), Office of Management and Budget, Room 3201, New Executive Office Building, Washington, D.C. 20503.

William A. Oczkowski,

Director of Planning and Information Management.

[FR Doc. 83-10323 Filed 4-18-83; 8:45 am]

BILLING CODE 7905-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 13158; 812-5384]

John Hancock Tax-Exempt Cash Management Trust and John Hancock Distributors, Inc.; Filing of Application

April 12, 1983.

Notice is hereby given that John Hancock Tax-Exempt Cash Management Trust ("Fund"), John Hancock Place, P.O. Box 111, Boston, Massachusetts 02117, registered under the Investment Company Act of 1940 (the "Act") as an open-end, diversified managment investment company, and John Hancock Distributors, Inc. (hereinafter referred to jointly with the Fund as the "Applicants"), John Hancock Place, P.O. Box 111, Boston, Massachusetts 02117, the proposed principal underwriter of the Fund's shares, filed an application on November 24, 1982, and an amendment thereto on March 1, 1983, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting the Fund from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder, to the extent necessary to permit the Fund to use the amortized cost method of valuing its portfolio securities. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below. Such persons are also referred to the Act and the rules thereunder for the complete text of those provisions thereof from which exemption is being sought.

Applicants state that the Fund is a "money market" fund, investing in high quality, short-term securities which are exempt from Federal income tax. Applicants state that the Fund's investment objective is to provide the greatest current income exempt from Federal income tax that is consistent with capital preservation and liquidity. Applicants state that the Fund's assets will be invested in high quality, short-term tax-exempt securities commonly referred to as "municipal obligations". Applicants state that the Fund's investments in municipal obligations will include certain industrial development bonds, short-term municipal notes, project notes secured by the full faith and credit of the United States Government, and tax-exempt municipal commercial paper. Applicants state that, in addition, the Fund is authorized under its investment objective to invest in certificates of participation in industrial development bonds.

Applicants also state that the Fund may purchase variable or floatng rate municipal obligations. Applicants submit that, at present, the Fund intends to purchase variable rate obligations with a demand feature permitting the Fund to redeem them by tendering them back to the issuer at par value on demand prior to maturity. Applicants further submit that the Fund does not presently intend to purchase certificates of participation in variable rate industrial development bonds, although it may do so in the future. Applicants represent that the maturity of variable rate or floating rate obligations in which the Fund invests presently or in the future will be determined in accordance with the procedures set forth in proposed Rule 2a–7 under the Act or, if the rule should ultimately be adopted, in accordance with the procedures set forth in the rule as adopted.

Applicants state that the Fund intends to maintain a net asset value of $1.00 per share. Applicants state that the Fund's net asset value is calculated by adding the value of all its investments and other assets, deducting its actual and accrued liabilities, and dividing by the number of shares outstanding. Applicants submit that the Trustees of the Fund believe it would be in the best interests of the Fund's potential shareholders to use the "amortized cost" method of valuation of the Fund's assets to maintain the $1.00 per share value. Applicants further submit that the amortized cost valuation would permit relatively steady daily dividends to shareholders and, at the same time, shareholders would have the convenience of being able to value their holdings simply by knowing the number of shares they own. Applicants represent that the Trustees have determined that, absent unusual circumstances, amortized cost value would be appropriate and would represent the fair value of the Fund's portfolio securities.

Applicants state that the Fund's net income will be declared as a dividend each business day. Applicants state that net income consists of all interest income accrued in the Fund's portfolio, plus net realized gain or minus net realized losses, and less all expenses and liabilities chargeable against income. Applicants state that interest income includes discount earned (including both original issue and market discount) on investments purchased at a discount, less amortization of premium, accrued ratably to the date of maturity. Applicants state that expenses, including the advisory fee payable to the Fund's investment adviser, are accrued each day.

Applicants assert that in Investment Compay Act Release No. 9786 the Commission issued an interpretation of Rule 2a–4 which would require money market funds to "value debt securities with greater than 60 days remaining to maturity based upon current market quotations if readily available or, if such quotations are not readily available, in such a manner as to take into account any unrealized appreciation or depreciation due to changes in interest rates and other factors which would influence the current fair values of such securities". The application states that, accordingly, Applicants believe that without the requested exemption, the Fund may be prohibited from determining its per share net asset value in the manner proposed.

Section 6(c) of the Act provides, in part, that the Commission may, upon application, conditionally or unconditionally exempt any person, security or transaction, or any class of persons, securities or transactions, from any provision or provisions of the Act or the rules thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants submit that the issuance of the requested order is necessary and appropriate in the public interest and consistent with the protection of investors and purposes fairly intended by the policy and provisions of the Act, within the meaning of Section 6(c) of the Act.

Applicants consent to the following conditions to the order granting the exemptions requested:

1. In supervising the Fund's operations and delegating special responsibilities involving portfolio management to the Fund's investment adviser, the Trustees of the fund undertake—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and the fund's investment objective, to stabilize the Fund's net asset value per share, as computed for the purpose of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by the Trustees of the Fund shall be the following:

(a) Review by the trustees of the Fund, as they deem appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net

asset value per share as determined by using available market quotations from the $1.00 amortized cost price per share, and the maintenance of records of such review. To fulfill this condition, Applicants state that the Fund intends to use actual quotations or estimates of market value reflecting current market conditions chosen by the Trustees in the exercise of their discretion to be appropriate indicators of value, which may include, *inter alia,* (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market instruments published by reputable sources.

(b) In the event such deviation from the $1.00 amortized cost price per share exceeds ½ of 1 percent, a requirement that the Trustees will promptly consider what action, if any, should be initiated.

(c) Where the Trustees determine that the extent of any deviation from the Fund's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, they shall take such action as they deem appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which may include: redemption of shares inkind; the sale of portfolio instruments prior to maturity to realize capital gains or losses, or to shorten the Fund's average portfolio maturity; suspending dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. The Fund will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that the Fund will not (a) purchase any instrument with a remaining maturity at the date of acquisition of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days. In fulfilling this condition, the Fund agrees that if the disposition of a portfolio instrument results in a dollar-weighted average portfolio maturity in excess of 120 days, the Fund will invest its available cash in such a manner as to reduce its dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

4. The Fund will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above; the Fund will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the Trustees' considerations and actions taken in connection with the discharge of their responsibilities, as set forth above, to be included in the minutes of the meetings of the Trustees. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act as though such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. The Fund will limit its portfolio investments to those United States dollar-denominated instruments which the Trustees determine present minimal credit risks and which are of "high quality" as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by the Trustees.

6. If any action pursuant to condition 2(c) is taken the Fund will include in its next quarterly report, as an attachment to Form N–1Q, a statement describing the nature and circumstances of such action.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than May 6, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicants at the addresses stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83–10393 Filed 4–18–83; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 19665; SR–NASD–82–17]

National Association of Securities Dealers, Inc.; Order Approving Proposed Rule Change

April 11, 1983.

The National Association of Securities Dealers, Inc. ("NASD"), 1735 K Street, NW., Washington, D.C. 20006, submitted on September 17, 1982, copies of a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") and Rule 19b–4 thereunder, to amend Schedule C of its By-Laws to require new and current members who do not maintain an office in the United States responsible for preparing and maintaining financial reports required to be filed with the Commission and NASD ("foreign members") to meet certain requirements for membership. The requirements include: preparing all reports and a ledger chart of accounts in English and U.S. dollars; providing an individual fluent in English and knowledgeable in financial and securities matters during examinations; and utilizing the services of a registered broker-dealer, registered clearing agency or bank located in the United States to clear all transactions involving NASD members unless both parties to the transaction agree otherwise.

The NASD proposed the rule change in order to enable it to determine that foreign members are in compliance with NASD rules and the federal securities laws. Although the rule change imposes additional program requirements on foreign members, the NASD believes that such requirements are necessary to assist the NASD's inspections and to ensure that the NASD's non-foreign members are not subjected to unnecessary financial exposure in their dealings with foreign members.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission Release (Securities Exchange Act Release No. 19105, October 6, 1982), and by publication in the **Federal Register** (47 FR 46014, October 14, 1982). In addition, on February 3, 1983, the NASD filed an amendment to the proposed rule change to clarify the clearing requirements for foreign members. The amendment was noticed in Securities Exchange Act Release No. 19549 (February 28, 1983), 48 FR 9413, March 4, 1983. No comments were received with respect to the proposed rule filing or the amendment.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities association and, in particular, the requirements of Section 15A of the Act and the rules and regulations thereunder.

It is therefore ordered, pursuant to

Section 19(b) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[1]

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-10396 Filed 4-18-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19667; SR-PSE-83-5]

Pacific Stock Exchange, Inc.; Order Approving Proposed Rule Change

April 12, 1983.

The Pacific Stock Exchange, Inc. ("PSE"), 301 Pine Street, San Francisco, CA 94104, submitted on February 15, 1983, copies of a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b-4 thereunder, to adopt a new Equity Floor Procedure Advice 2-B, Dissemination of Quotations in Local Issues (the "Advice"). The proposed new Advice requires specialists to disseminate quotations in their assigned local issues prior to 7:30 a.m., Pacific Time. The Exchange's quotation system does not allow quotations to be entered prior to 7:00 a.m., Pacific Time. In addition, the proposed Advice authorizes the Joint Equity Floor Trading Committee to fine specialists for repeated violations of the requirement and sets forth guidelines for penalties to be imposed, based upon the number of violations for a particular local security.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission Release (Securities Exchange Act Release No. 19554 (March 3, 1983) and by publication in the **Federal Register** (48 FR 9722, March 8, 1983). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6, and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-10395 Filed 4-18-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19666; SR-Phlx-82-16]

Philadelphia Stock Exchange, Inc.; Order Approving Proposed Rule Change

April 11, 1983.

The Philadelphia Stock Exchange, Inc. ("Phlx") 1900 Market Street, Philadelphia, PA 19103, submitted on December 9, 1982, copies of a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b-4 thereunder, that would amend Phlx's certificate of incorporation by providing that foreign currency options participants would receive, upon liquidation of Phlx, assets attributable to unexpended contributions from such participants and to earnings from Phlx's foreign currency options market.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission Release (Securities Exchange Act Release No. 19329, December 13, 1982) and by publication in the **Federal Register** (47 FR 58421, December 30, 1983).[1] No comments were received with respect to the proposed rule change.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6, and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-10395 Filed 4-18-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19668; File No. SR-OCC-82-24]

Proposed Rule Change Submitted by the Options Clearing Corporation ("OCC"); Order Approving Proposed Rule Change

April 13, 1984.

On November 3, 1982, OCC submitted a proposed rule change (SR-OCC-82-24) under Section 19(b)(2) of the Securities Exchange Act of 1934 (the "Act") that would allow OCC's participants to make escrow deposits for short call positions in options on Government National Mortgage Association securities ("GNMAs"), U.S. Treasury bonds, bill and notes, and bank certificates of deposit ("CSs") (collectively "debt options"). In addition, the proposed rule change expands OCC's Escrow Receipt Depository program ("ERD program") to include escrow deposits of these underlying non-equity financial products ("debt securities"). The Commission published notice of the proposal in the **Federal Register** on November 26, 1982, and invited interested persons to comment.[1] No letters of comment were received by the Commission. Subsequently, on February 25, 1982, the Commission received a letter amending the filing and the Debt Securities Supplement.

The proposed rule change would allow OCC debt options clearing members,[2] in lieu of depositing margin with OCC, to cover short call positions in debt options by making escrow deposits of GNMAs, Treasury bills, bonds, and notes, and bank CDs (collectively, "debt securities") through OCC's ERD program.[3]

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[1] 17 CFR 200.30-3(a)(12).

[1] At the time this notice was published, Phlx had not yet formally filed the certificate amendment with the State of Delaware, Phlx's state of incorporation. By Amendment No. 1 to this filing, submitted on April 8, 1983, Phlx indicated that the amendment was filed with the State of Delaware on March 28, 1983.

[1] Securities Exchange Act Release No. 19242 (November 16, 1982), 47 FR 53548 (November 26, 1982).

[2] As a prerequisite to clearing transactions in debt options, OCC requires clearing members to meet OCC's operational and financial capacity standards for successful clearance and processing of transactions in debt options.

[3] OCC's current ERD program, as approved by the Commission in Securities Exchange Act Release No. 18844 (June 25, 1982), 47 FR 29046 (July 2, 1982) is an automated system through which book-entry deliveries of escrow and depository receipts relating to the short call equity options positions of participating OCC clearing members are made directly to OCC on behalf of those clearing members by custodian banks approved by OCC to participate in the ERD program ("ERD banks"). Premium settlement for options transactions that involve escrow deposits also is effected through the ERD program. Under OCC's ERD Program, when a clearing member writes an equity call option for a customer, that customer may authorize an ERD bank to escrow the securities needed to cover the clearing member's short equity call option position. The ERD bank effects that escrow deposit by submitting to OCC the appropriate form. Withdrawals and rollovers (*see infra* note 7) of escrowed securities are effected similarly. OCC, as

In OCC's proposed rule changes that enabled OCC to clear and settle certain standardized debt options,[4] debt options clearing members were not permitted to cover their short call debt option positions with escrow receipts. OCC states in this filing that this prohibition seemed necessary at that time because (i) OCC was reluctant to expand the use of escrow receipts, thereby imposing on OCC, its clearing members and escrow custodians a substantial paper-handling burden; and (ii) before underlying debt securities could safely be deposited to cover short call debt option positions, OCC had to design special procedures regarding when deposited debt securities become undeliverable under OCC's rules.[5] With the Commission's approval and OCC's successful implementation of the ERD program, however, OCC now believes that the first basis for the prohibition no longer exists. With respect to OCC's second basis for the prohibition, OCC has devised a number of procedures, which are included in the proposed rule change, that OCC believes adequately address the undeliverability problem. Thus, having developed what OCC believes are operational solutions to both problems, OCC believes that, at this time, the prohibition should be lifted, and the ERD program should be expanded to enable the escrow deposit of underlying debt securities. To accomplish this objective, OCC's proposal, among other things, would amend OCC Rules 1301, 1401 and 1501 to authorize such deposits.

In addition, the proposal sets forth various procedures that allow OCC and ERD banks to take certain remedial actions if the escrowed debt securities become undeliverable under OCC's rules and that ensure that the deposited underlying securities remain in good deliverable form. Specifically, if escrowed debt securities become undeliverable, OCC's proposal would require that the ERD bank either seek and obtain replacement debt securities from the depositing clearing member or initiate a withdrawal of the escrow deposit. Until such time as the escrowed debt securities are replaced or withdrawn, the ERD bank must retain custody of those debt securities or their proceeds for the benefit of OCC. If, in the meantime, the depositing clearing member is assigned an exercise notice that affects the undeliverable escrow deposit, OCC, under the proposed rule change, may take possession of, and sell out, the undeliverable escrowed debt securities. The funds generated by the sell-out would be applied by OCC to the purchase of debt securities in good deliverable form that would be used to satisfy the exercise assignment. Similarly, if the ERD bank has custody of proceeds because the escrowed debt securities have matured, OCC may take possession of the proceeds and use those proceeds to buy-in deliverable debt securities to satisfy the exercise assignment. In either case, if the proceeds from the sell-out or maturity are insufficient to purchase deliverable debt securities, OCC would charge the depositing clearing member for the amount of that deficiency.

Finally, if the ERD bank (or, for that matter, the depositing clearing member) decides to initiate the withdrawal of the escrowed debt securities, OCC will permit the withdrawal instruction only if the depositing clearing member has on deposit at OCC sufficient margin under OCC's margin rules. In any event, OCC may require margin from the depositing clearing member on short call positions covered by escrow deposits that have become undeliverabe.[6]

Finally, the proposed rule change includes a debt Securities Supplement to the Escrow Deposit Agreement which sets forth the debt securities eligible for deposit under the ERD program. It also establishes the contractual responsibilities of ERD banks with respect to debt security escrows and conforms those responsibilities to OCC's rules and procedures. For example, the ERD bank is responsible, under the Supplement, to verify that the substitute debt securities are in good deliverable form whenever a deposition clearing member "rolls-over"[7] debt securities on deposit. Furthermore, under the Supplement, an ERD bank may initiate the withdrawal of an escrow deposit of debt securities by submitting the appropriate form to both OCC and the clearing member. As noted above, OCC will accept the bank initiated withdrawal instruction if that clearing member has sufficient margin on deposit at OCC to collateralize the resulting uncovered short call position. If the clearing member's margin is inadequate, OCC will not permit withdrawal until the clearing member provides OCC with additional margin collateral sufficient to satisfy the deficiency. In addition, notwithstanding OCC's release of the escrow pursuant to the bank initiated withdrawal, the Supplement would prohibit the ERD bank from returning the escrowed debt securities to the customer, until the depositing clearing member authorizes the bank to do so.[8]

The Commission believes that the expansion of the ERD program to encompass escrow deposits of debt securities is appropriate for a number of reasons. Among other things, under the ERD program, OCC's debt options clearing members will be able to reduce their OCC margin obligations efficiently since those members now can cover their short call debt options positions through enhanced automated arrangements. (For example through the

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agent for the ERD banks and clearing members on whose behalf the escrow deposit was made ("depositing clearing member"), places all escrow information in an automated system in book-entry form, constantly updates the escrow activity, and forwards various automated reports to ERD banks and clearing members. To participate in the ERD Program, banks must execute an "Escrow Deposit Agreement" which sets forth the banks' and OCC's respective contractual responsibilities. The ERD program significantly reduces the physical handling of traditional escrow receipts and depository receipts. *See* File No. SR–OCC–82–6.

[4] The Commission approved OCC's proposed rule changes relating to GNMA options (SR–OCC–82–21) and Treasury options (SR–OCC–81–12) on October 14, 1982. *See* Securities Exchange Act Release Nos. 19125, 47 FR 46934 (October 21, 1982) and 19127, 47 FR 46941 (October 21, 1982), respectively. On December 14, 1982, the Commission, in Securities Exchange Act Release No. 19333, 47 FR 57377 (December 23, 1982), approved OCC's rule change regarding CD options (SR–OCC–82–27). At this time, trading markets in both GNMA and CD options have not yet begun.

[5] GNMAs for example, can become undeliverable either because the current production rate changes or because payments and prepayments of principal reduce the remaining unpaid principal balance below the minimum deliverable amount ($97,500.01 per contract). In general, treasury bills and CDs can become undeliverable by maturing, and CDs can also become undeliverable if OCC ceases to classify the DC issuer as a "top-tier" bank. *See*, OCC Rules 1301, 1401, and 1501, respectively.

[6] If escrowed underlying GNMA's become undeliverable because the principal payments have reduced the remaining unpaid principal balance below $97,500.01, and the sum of the such unpaid balance plus the principal payments retained by the ERD bank exceeds $97,500, OCC will not consider the escrowed securities as "null and void" for OCC margin purposes until the fourth business day prior to the end of the month in which the remaining unpaid principal balance had fallen below $97,500.01.

[7] "Rollover" is the method by which escrowed securities may be reallocated to cover a different short call position without the return and reissuance of an escrow receipt. To effect the rollover under the ERD program, depositing clearing members must execute properly and forward to OCC an Escrow Rollover Form.

[8] OCC, in its filing, explains that, when an ERD bank, rather than the depositing clearing members, initiates the withdrawal of a deposit of escrowed debt securities, OCC cannot presume that the customer has met his obligations to that clearing member. The customer may have failed either to replace the undeliverable escrowed debt securities or, in lieu thereof, to provide sufficient margin to the clearing member. (With respect to customer margin, *see* Regulation T of the Board of Governors of the Federal Reserve System (12 CFR Part 220)). Thus, absent OCC's requiring a clearing member's consent to bank-initiated withdrawals, the clearing member would be financially exposed since the bank could return to the customer the escrowed debt securities without a margin substitution.

ERD program, securities can be rolled over to cover new or modified short call positions without the release and redelivery of physical receipts.) Also, OCC has proposed suitable and safe ERD procedures that should eliminate the potential complications to the smooth operation of the ERD program posed by the undeliverability of deposited debt securities.

Accordingly, the Commission believes that the proposed rule change is consistent with the Act, and, in particular, Section 17A(b)(3)(F), in that it promotes the prompt and accurate clearance and settlement of securities transactions by extending the efficiences and safety features associated with OCC's existing escrow services. In addition, the proposal will reduce costs for both OCC and its clearing members.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-10391 Filed 4-18-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19668; File No. SR-SCCP-82-6]

Proposed Rule Change Submitted by the Stock Clearing Corporation of Philadelphia ("SCCP"); Order Approving Proposed Rule Change

April 13, 1983.

On August 20, 1982, the Stock Clearing Corporation of Philadelphia ("SCCP") submitted to the Commission a proposed rule change (SR-SCCP-82-6) under Section 19(b)(2) of the Securities Exchange Act of 1934 (the "Act"). That proposed rule change, together with a subsequently filed amendment,[1] would eliminate SCCP's pre-settlement guarantee of, and mandatory pre-settlement marks-to-the-market relating to, most trades between Philadelphia Stock Exchange ("Phlx") members executed on Phlx and cleared and settled in SCCP's continuous net settlement system ("CNS").[2]

The proposal was published for comment by the Commission on November 15, 1982.[3] No comments were received by the Commission.[4] SCCP, however, solicited comments from its participants before filing the proposal to determine whether its policy of guaranteeing CNS trades from trade date and marking those trades to the market should be modified. Forty-four completed questionnaires were returned to SCCP.[5] SCCP included in its filing copies of those questionnaires.

Under the proposed rule change, SCCP no longer would guarantee all of its participants' CNS trades from trade date and no longer would collect from its participants mandatory pre-settlement marks-to-the-market [6] on a regular basis.[7] SCCP, however, would continue to guarantee from trade date both sides of trades that (1) are executed on the floor of the Phlx by specialists with SCCP participants; and (2) are recorded initially in a SCCP margin account. This continuing guarantee would extend only to both sides of spcialist trades aggregating 1,000 shares per issue per trading day with each *contra* party. Also, under the amendment to the proposal, SCCP would continue to collect from its participants mandatory pre-settlement marks-to-the-market to the extent of the limited guarantee and would remain authorized to collect from all participants marks-to-the-market regarding all trades whenever necessary in SCCP's judgment. Finally, SCCP will coninue to guarantee and collect marks-to-the-market regarding all CNS trades on and after the fifth business day after trade date, *i.e.*, settlement day.

In its filing, SCCP states that the purpose of the proposal is to adjust SCCP's current pre-settlement guarantee of CNS trades and its marks-to-the-market program to recent economic developments. In the past, when financing costs were relatively low, the pre-settlement guarantee, on balance, was attractive to SCCP and to participants. SCCP, by guaranteeing all CNS trades from trade date, hoped to attract more order flow to the Phlx, and SCCP participants were assured that all of their Phlx trades would be completed. Recently, however, with the advent of high interest rates, SCCP participants' costs incident to financing their daily marks-to-the-market have increased significantly. Under current policies, each business day SCCP must collect from participant substantial marks-to-the-market. SCCP now believes that because of those high rates, the pre-settlement guarantee and the marking policy may have reduced both order flow to the Phlx floor, expecially from large retail broker-dealers, and the use of SCCP's services. Thus, to meet these changed circumstances and at the same time to accommodate the interests of the Phlx specialist community,[8] SCCP fashioned the proposed rule change as a compromise. In its filing, SCCP further believes that the proposal is consistent with the provisions of Section 17A(b)(3)(F) of the Act in that it assures the safeguarding of securities and funds which are in SCCP's control.

The Commission agrees with SCCP that the proposal is consistent with Section 17A(b) of the Act. By circumscribing SCCP's previously unlimited pre-settlement guarantee, the proposal will reduce SCCP's overall financial exposure from participant default and, at the same time, encourage increased volume at Phlx. Moreover, even though the proposal still provides a limited guarantee of certain specialist trades, that exposure is met by requiring marks-to-the-market from parties to those trades to the extent of that guarantee.[9] In addition, the proposal

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[1] SCCP filed the amendment with the Commission on April 4, 1983.

[2] In a CNS system, settlement obligations run between each participant and the system which, on settlement day, generates to participants by issue net obligations to deliver securities to the system against payment or to receive securities from the system and the make payment for them. Each settlement day's fails to receive or to deliver securities are included in the netting process for the next settlement day.

[3] Securities Exchange Act Release No. 19236 (November 15, 1982), 47 FR 52840 (November 23, 1982).

[4] In the Commission's publication notice, the Commission specifically requested comment on whether the proposal is consistent with Section 17A(b)(3)(A) of the Act which provides, among other things, that a clearing agency may not be registered unless it is organized and has the capacity to safeguard securities and funds in its custody or control, or for which it is responsible. *See* note 2 *supra*.

[5] All nine Phlx specialists responding to the questionnaire favored continuation of the current trade date guarantee and the marks-to-the-market program. The balance of the responses were from a cross-section of SCCP participants and were almost evenly divided on the issue.

[6] The purpose of SCCP's marks-to-the-market program is to protect SCCP from the risks that a participant, on any day, will default in its CNS settlement obligations, and, because of SCCP's trade guarantee, that SCCP will have to buy-in or sell-out the defaulting participants' positions at unfavorable market prices to complete its settlement responsibilities. Under the current program, SCCP collects from its participants an amount equal to the difference between the contract price and the current market value of each unsettled CNS trade.

[7] SCCP is the only registered clearing corporation that routinely guarantees CNS trades, and marks those trades to the market, from trade date.

[8] On specialist firm, in its questionnaire, responded that "[r]emoval of the trade date guarantee would place our equity specialist at a great deal of exposure since the specialist * * * is the central figure in * * * daily trading [and must] stand ready to deal with all [Phlx members] * * * [;] we rely on the marking to market from trade date and the guaranteeing of trades to ensure * * * confidence that all trades that we enter into will be consummated."

[9] SCCP had decided in its business judgment to continue its policy of guaranteeing certain trades

continues SCCP's authority to levy marks-to-the-market, to be used, however, only extraordinary circumstances. Thus, for example, if SCCP does not, prior to settlement day, guarantee trades between two Phlx floor brokers, and if SCCP become aware of financial or operational difficulties at one of the brokers, SCCP may require that floor broker to provide SCCP with marks, as appropriate, for its protection against the increased risk of default. Finally, the Commission believes that the proposal will reduce financing costs for many SCCP participants, enabling those participants to use those funds for other purposes.

On the basis of the foregoing, the Commission believes that the proposal should be approved.

Accordingly, it is therefore ordered, pursuant to Section 19(b) of the Act, that the proposed rule change (SR–SCCP–82–6) be, and hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-10382 Filed 4-18-83; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Region II Advisory Council; Public Meeting

The U.S. Small Business Administration Region II Advisory Council, located in the geographical area of New York, will hold a public meeting at 9:30 a.m., on Wednesday, April 27, 1983, at the Jacob Javits Federal Building, 26 Federal Plaza, Room 2936 (29th floor), New York, New York, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Harry S. Tishelman, District Director, U.S. Small Business Administration, 26 Federal Plaza, New York, New York 10278 (212) 264–1318.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.

April 13, 1983.

[FR Doc. 83-10378 Filed 4-18-83; 8:45 am]

BILLING CODE 8025-01-M

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prior to settlement day. Because SCCP has made that decision, the Commission believes, and SCCP recognizes, that a marking program to the extent of that guarantee is an important safeguard.

Region IV—Advisory Council; Public Meeting

The Small Business Administration Region IV Advisory Council, located in the geographical area of Charlotte, N.C. will hold a public meeting at 9:00 a.m. on Monday, May 9, 1983, at North Carolina National Bank, One NCNB Plaza, 12th Floor Auditorium, Charlotte, North Carolina, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Larry D. Cherry, District Director, U.S. Small Business Administration, 230 South Tryon Street, Suite 700, Charlotte, North Carolina 28202, (704) 371–6561.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.

April 13, 1983.

[FR Doc. 83-10377 Filed 4-18-83; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice 859]

State Department Performance Review Board Members

In accordance with Section 4314(c) (1) through (5) of the Civil Service Reform Act of 1978 (Pub. L. 95–454), the Executive Resources Board of the Department of State has appointed the following additional persons to the State Department Performance Review Board Register, and in so doing amends accordingly Department of State Public Notice No. 703 (45 FR 6877–6878, January 30, 1980), effective March 15, 1983:

Francis J. Meehan, former Ambassador to Poland, Career Minister, Member of Senior Foreign Service;

William B. Jones, former Ambassador to Haiti, Minister-Counselor, Member of Senior Foreign Service;

Robert M. Smalley, Deputy Assistant Secretary, Bureau of Public Affairs;

Stephen W. Bosworth, Director, Policy Planning Staff, Career Minister, Member of Senior Foreign Service.

Dated: March 28, 1983.

Joan M. Clark,

Director General of the Foreign Service and Director of Personnel.

[FR Doc. 83-10324 Filed 4-18-83; 8:45 am]

BILLING CODE 4710-15-M

Office of the Secretary

[CM-8/618]

Integrated Services Digital Network (ISDN) Working Party of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Meeting

The Department of State announces that the ISDN Working Party of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on April 27, 1983 at 9:30 a.m. in Room 1107 of the Department of State, 2201 C Street, N.W., Washington, D.C. This Working Party deals with the evoluation of ISDN.

The agenda for the meeting is as follows:

1. Report of the ISDN Technical Working Group Meeting;
2. Report of the Study Group XI Working Party XI/6;
3. Consideration of contributions for CCITT Study Group XVIII and for Study Group VII Rapporteurs on questions 16 and 20;
4. Any other business.

The Chairman of the U.S. ISDN Working Party serves as U.S. representative to CCITT Study Group XVIII whose mandate including the Integrated Services Digital Network and which will meet to consider ISDN matters in June–July at ITU Headquarters in Geneva. He is departing for Europe on April 29 on other ITU business. To ensure timely distribution of U.S. inputs for the Study Group XVIII meeting, he must handcarry to Geneva the documents resulting from the April 27 meeting. Receipt of U.S. inputs by international participants in the Study Group XVIII prior to their departure for Geneva is essential, and it is for this reason that the required 15 day advance notice for this meeting has necessarily been foreshortened.

Members of the general public may attend the meeting and join in the discussion subject to the instructions of the Chairman. Admittance of public members will be limited to the seating available. In that regard entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. It is suggested that prior to April 27 members of the general public who plan to attend the meeting so advise Mr. Dexter Anderson, Office of International Communications Policy, Department of State, Washington, D.C. 20520, telephone (202) 632–6583. All attendees must use the C Street entrance to the building. Entry will be facilitated 15 minutes before and after the meeting begins.

Dated: April 14, 1983.

Earl S. Barbely,

Director, Office of International Communications Policy.

[FR Doc. 83-10379 Filed 4-18-83; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF THE TREASURY

[Dept. Circ. Public Debt Series No. 11-83]

Series T-1985; Interest Rate

April 14, 1983.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of Chapter 31 of Title 31, United States Code, invites tenders for approximately $7,750,000,000 of the United States securities, designated Treasury Notes of April 30, 1985, Series T-1985 (CUSIP No. 912827 PK 2). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The securities will be dated May 2, 1983, and will bear interest from that date, payable on a semiannual basis on October 31, 1983, and each subsequent 6 months on April 30 and October 31 until the principal becomes payable. They will mature April 30, 1985, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any posession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Securities registered as to principal and interest will be issued in denominations of $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of registered and book-entry securities, and the transfer of registered securities will be permitted. Bearer securities will not be available, and the interchange of registered or book-entry securities for bearer securities will not be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Standard time, Wednesday, April 20,1983. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, April 19, 1983, and received no later than Monday, May 2, 1983.

3.2. The face amount of securities bid for must be stated on each tender. The minimum bid is $5,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender, and the amount may not exceed $1,000,000.

3.3. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their postions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are permitted to submit tenders only for their own account.

3.4. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loans associations; States, and the political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.5. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.750. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.6. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will be notified only if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.4., must be made or completed on or before Monday, May 2, 1983. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Thursday, April 28, 1983. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrended. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, and to receive payment for and make delivery of securities on full-paid allotments.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Carole J. Dineen,

Fiscal Assistant Secretary

[FR Doc. 83-10404 Filed 4-15-83; 10:17 am]

BILLING CODE 4810-40-M

Customs Service

Removal of Prohibition on Importation of Tuna and Tuna Products From Ecuador and Peru

AGENCY: Customs Service, Treasury.

ACTION: General notice.

SUMMARY: This notice is to advise that under the Fishery Conservation and Management Act of 1976 ("the Act"), the Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs has notified the Secretary of the Treasury that the reasons for the imposition of the prohibition on the importation of tuna and tuna products from Ecuador and Peru no longe prevail.

EFFECTIVE DATE: The prohibition against the entry for consumption or withdrawal from warehouse for consumption of tuna and tuna products from both Ecuador and Peru are removed effective April 19, 1983.

FOR FURTHER INFORMATION CONTACT: Harrison C. Feese, Entry, Examination, and Liquidation Branch, Duty Assessment Division, Office of Operations, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-8651).

SUPPLEMENTARY INFORMATION:

Background

Section 205(a)(4)(C) of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801, *et seq.*), provides that the Secretary of State shall certify to the Secretary of the Treasury any determination that a fishing vessel of the United States, while fishing in waters beyond any foreign nation's territorial sea, to the extent that such sea is recognized by the United States, has been seized by a foreign nation as a consequence of a claim of jurisdiction not recognized by the United States. The responsibility for this certification was delegated to the Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs by Department of State Delegation of Authority No. 138 of April 29, 1977.

Pursuant to section 205(b) of the Act, upon receiving the certification, the Secretary of the Treasury is required to take such action as may be necessary and appropriate to prohibit the importation of all fish and fish products from the fishery involved.

Section 205(c) of the Act provides that if the Secretary of State finds that the reasons for the import prohibition under section 205 no longer prevail, the Secretary of State shall notify the Secretary of the Treasury, who shall promptly remove the import prohibition.

Ecuador

On November 21, 1980, a notice was published in the **Federal Register** (45 FR 77219) advising that under section 205(a)(4)(C) of the Act, on October 21, 1980, the Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs certified to the Secretary of the Treasury that three United States fishing vessels,

while fishing in waters beyond any foreign nation's territorial sea, to the extent that such sea is recognized by the United States, where seized by Ecuador as a consequence of a claim of jurisdiction which is not recognized by the United States. Under the authority of sections 205 (b) and (c) of the Act, on November 4, 1980, the Secretary of the Treasury determined that the entry for consumption or withdrawal from warehouse for consumption of tuna and tuna products from Ecuador was prohibited until the Department of State notified the Secretary of the Treasury that the reasons for this prohibition no longer prevailed.

On March 3, 1983, the Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs informed the Secretary of the Treasury that the reasons for the imposition of the import prohibition on tuna and tuna products from Ecuador no longer prevail. Accordingly, the prohibition against the entry for consumption or withdrawal from warehouse for consumpton of tuna and tuna products from Ecuador is removed.

Peru

On February 22, 1980, a notice was published in the **Federal Register** (45 FR 11971) advising that under section 205(a)(4)(C) of the Act, on November 13, 1979, the Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs certified to the Secretary of the Treasury that eight United States fishing vessels, while fishing in waters beyond any foreign nation's territorial sea, to the extent that such sea is recognized by the United States, were seized by Peru as a consequence of a claim of jurisdiction which is not recognized by the United States. Under the authority of sections 205 (b) and (c) of the Act, on February 7, 1980, the Secretary of the Treasury determined that the entry for consumption or withdrawal from warehouse for consumption of tuna and tuna products from Peru was prohibited until the Department of State notified the Secretary of the Treasury that the reasons for this prohibition no longer prevailed.

On March 4, 1983, the Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs informed the Secretary of the Treasury that the reasons for the imposition of the import prohibition on tuna and tuna products from Peru no longer prevail. Accordingly, the prohibition against the entry for consumption or withdrawal from warehouse for consumption of tuna and tuna products from Peru is removed. However, it should be noted that imports of yellowfin tuna and tuna products from Peru are still prohibited under the Marine Mammal Protection Act.

Drafting Information

The principal author of this document was James S. Demb, Regulations Control Branch, U.S. Customs Service. However, personnel from other offices of the Customs Service and the Treasury Department participated in its development.

Dated: April 8, 1983.

John M. Walker, Jr.,

Assistant Secretary of the Treasury.

[FR Doc. 83-10381 Filed 4-18-83; 8:45 am]

BILLING CODE 4820-02-M

VETERANS ADMINISTRATION

Advisory Committee on Cemeteries and Memorials; Meeting

The Veterans Administration gives notice that a meeting of the Administrator of Veterans Affairs' Advisory Committee on Cemeteries and Memorials, authorized by section 1001, title 38, United States Code, will be held in the Veterans Administration Central Office, 810 Vermont Avenue, NW, Washington, DC 20420, on May 16 and 17, 1983 in Room 119, Veterans Administration Central Office Conference Room, 1st Floor. The opening day session will begin at 9 a.m.

The meeting will be open to the public. However, because of extensive changes recently made in the membership of this Committee, the majority of the members will be meeting for the first time. Consequently, this meeting will be devoted mainly to administrative matters and background briefings necessary for the proper orientation of the new members in relation to the purpose of the Committee and the scope of its functions. It is not contemplated that any issues or substantive matters will be considered by the Committee at this meeting.

Those wishing to attend should contact Ms. Anne Chase in the Office of the Chief Memorial Affairs Director (phone 202–389–5202), not later than 12 noon, EDT May 13, 1983. Any interested person may attend, appear before, or file a statement with the Committee. Individuals wishing to appear before the Committee should indicate this in a letter to the Chief Memorial Affairs Director (4) at the address furnished above. In any such letters, the writers must fully identify themselves and state the organization or association or person they represent. Also, to the extent practicable, the letter should indicate the subject matter they want to discuss. Oral presentations should be limited to 10 minutes in duration. Those wishing to file written statements to be submitted to the Committee must also mail, or otherwise deliver, them to the Chief Memorial Affairs Director. Letters and written statements as discussed above must be mailed or delivered in time to reach the Chief Memorial Affairs Director by 12 noon, EDT May 13, 1983. Oral statements will be heard only between 12 noon and 1 p.m. on May 17, 1983.

Dated: April 12, 1983.

By direction of the Administrator.

Rosa Maria Fontanez,

Committee Management Officer.

[FR Doc. 83-10288 Filed 4-18-83; 8:45 am]

BILLING CODE 8320-01-M

Agency Form Under OMB Review

AGENCY: Veterans Administration.

ACTION: Notice.

The Veterans Administration has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). This document consists of an extended form. The entry contains the following information: (1) The department or staff office issuing the form; (2) The title of the form; (3) The agency form number, if applicable; (4) How often the form must be filled out; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to fill out the form; and (8) An indication of whether section 3504(H) of Pub. L. 96–511 applies.

ADDRESSES: Copies of the proposed form and supporting documents may be obtained from Patricia Viers, Agency Clearance Officer (004A2), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC, 20420 (202) 389–2146. Comments and questions about the items on this list should be directed to the VA's OMB Desk Officer, Joseph Lackey, Office of Management and Budget, 726 Jackson Place, NW, Washington, DC 20503, (202) 395–7316.

DATE: Comments on the form should be directed to the OMB Desk Officer within 60 days of this notice.

Dated: April 11, 1983.

By direction of the Administrator.

Dominick Onorato,

Associate Deputy Administrator for Information Resources Management.

Extended Form

(1) Information and Regulations Staff.
(2) Application of Service Representative for Placement on Veterans Administration Mailing List.
(3) VA Form 00–3215.
(4) Once per applicant.
(5) Service organizations desiring to have a representative on the VA mailing list.
(6) 150 responses per annum.
(7) 25 hours.
(8) Not applicable under 3504(H).

[FR Doc. 83–10250 Filed 4–18–83; 8:45 am]

BILLING CODE 8320–01–M

Veterans Administration Wage Committee; Meetings

The Veterans Administration, in accordance with Pub. L. 92–463, gives notice that meetings of the Veterans Administration Wage Committee will be held on:

Thursday, April 28, 1983
Thursday, May 12, 1983
Thursday, May 26, 1983
Thursday, June 9, 1983
Thursday, June 23, 1983

The meetings will begin at 2:30 p.m. and will be held in Room 304, Veterans Administration Central Office, 810 Vermont Avenue, NW., Washington, DC 20420.

The Committee's purpose is to advise the Chief Medical Director on the development and authorization of wage schedules for Federal Wage System (blue-collar) employees.

At these meetings the Committee will consider wage survey specifications, wage survey data, local committee reports and recommendations, statistical analyses, and proposed wage schedules.

All portions of the meetings will be closed to the public because the matters considered are related solely to the internal personnel rules and practices of the Veterans Administration and because the wage survey data considered by the Committee have been obtained from officials of private business establishments with a guarantee that the data will be held in confidence. Closure of the meetings is in accordance with subsection 10(d) of Pub. L. 92–463, as amended by Pub. L. 94–409, and as cited in 5 U.S.C. 552b(c) (2) and (4).

However, members of the public are invited to submit material in writing to the Chairman for the Committee's attention.

Additional information concerning these meetings may be obtained from the Chairman, Veterans Administration Wage Committee, Room 1175, 810 Vermont Avenue, NW., Washington, DC 20420.

The appearance of this notice at least 15 days in advance of the meeting has been hindered due to delays in administrative processing.

Dated: April 11, 1983.

By direction of the Administrator:

Rosa Maria Fontanez,

Committee Management Officer.

[FR Doc. 83–10289 Filed 4–18–83; 8:45 am]

BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 76
Tuesday, April 19, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL RESERVE SYSTEM

(Board of Governors)

TIME AND DATE: 10 a.m., Monday, April 25, 1983.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed renovation and expansion of the Federal Reserve Bank of Chicago. (This item was originally announced for a meeting on January 5, 1983)

2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452–3204.

Dated: April 15, 1983.

James McAfee,

Associate Secretary of the Board.

[S–544–83 Filed 4–15–83; 2:56 pm]

BILLING CODE 6210–01–M

2

NATIONAL COUNCIL ON THE HANDICAPPED

TIME AND DATE:

9–5:30, Monday, May 2, 1983
8:30–5:30, Tuesday, May 3, 1983
9–12, Wednesday, May 4, 1983

PLACE: Map Room, Kalorama Room, Conservatory, Washington Hilton Hotel, 1919 Connecticut Ave., Washington, D.C. 20009.

STATUS: Open meeting.

MATTERS TO BE CONSIDERED:

General Business including:
- Approval of minutes
- Approval of agenda
- Budget review
- Staffing
- Future meeting dates

Committee Meeting:
- Developing implementation plans for five issues areas.

Presentations:
- Private Sector Involvement "Priorities for the 1980's"

Note.—Any person requiring an interpreter or other special services, please contact NCH staff, no later than April 25, 1983

PERSON TO CONTACT FOR MORE INFORMATION: Hilda Gay Legg, Acting, Executive Director, National Council on the Handicapped, telephone: 245–3498.

[S–452–83 Filed 4–15–83; 10:52 am]

BILLING CODE 4000–01–M

3

SECURITIES AND EXCHANGE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCMENT: 48 FR 15216, April 7, 1983.

STATUS: Open meeting.

PLACE: 450 5th Street NW., Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Monday, April 4, 1983.

CHANGES IN THE MEETING: Additional item. The following additional item was considered at an open meeting scheduled for Thursday, April 14, 1983, at 10:00 a.m.:

Consideration of a release announcing the adoption of proposed amendments to Securities Exchange Act Rule 10b–10 (17 CFR 240.10b–10) to : (1) Permit broker-dealers to use monthly account statements in lieu of immediate confirmations in connection with transactions in shares of certain investment companies that seek to maintain a constant net asset value, and (2) require various confirmation disclosures relating to yield and call features of debt securities. For further information, please contact Ardith Eymann at (202) 272–2844.

Chairman Shad and Commissioners Evans and Longstreth determined that Commission business required the above change and that no earlier notice thereof was possible.

At times changes in commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any matters have been added, deleted or postponed, please contact: Jerry Marlatt at (202) 272–2092.

April 14, 1983.

[S–543–83 Filed 4–15–83; 11:25 am]

BILLING CODE 8010–01–M

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federal register

Tuesday
April 19, 1983

Part II

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

Surface Mining and Reclamation Operations Federal Program; South Dakota

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 941

Surface Mining and Reclamation Operations Under a Federal Program for the State of South Dakota

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Interim final rule.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) of the Department of the Interior promulgates a Federal program for regulation of coal exploration and surface coal mining and reclamation operations on non-Federal and non-Indian lands in South Dakota. This includes surface effects of underground coal mining. This program is necessary in order to regulate surface coal mining activities in the absence of a State program.

DATES: Written comments will be accepted until 5:00 pm M.s.t. August 17, 1983, at the address below. The effective date of this program is May 19, 1983.

ADDRESSES: For information with respect to implementation of the program, contact, by mail, Office of Surface Mining, Wyoming Field Office, P.O. Box 1420, Mills, Wyoming 82644; or, in person, Office of Surface Mining, Wyoming Field Office, Freden Building, 935 Pendell Boulevard, Mills, Wyoming 82644. Telephone: (307) 261–5778.

FOR FURTHER INFORMATION CONTACT: James M. Kress, Office of Surface Mining, Branch of Regulatory Programs, Room 222, 1951 Constitution Avenue, NW, Washington, D.C. 20240; Telephone: (202) 343–5866.

SUPPLEMENTARY INFORMATION:

Availability of Copies

Copies of the final regulatory program are available for inspection and may be obtained at the OSM office listed above in "ADDRESSES."

Public Comment Period

Because the date for promulgating Federal programs for States that do not have primacy has passed, the effective date for the South Dakota Federal program will be May 19, 1983. However, because OSM has not promulgated pending revisions to the permanent program regulations on which the South Dakota program is based, persons may wish to make comments about the new regulations and their effect on South Dakota as applied through the South Dakota Federal program. OSM, therefore, will accept comments on the South Dakota Federal program as it is affected by OSM's revisions to the permanent program regulations until the close of business on August 17, 1983 at the location listed under "**ADDRESSES.**"

All written comments received, summaries of public meetings held at the request of any person or organization to receive advice and recommendations concerning the program with representatives of OSM, and other documents comprising the administrative record on the South Dakota Federal program will be made available for public review during regular business hours at the location listed above under "ADDRESSES."

Comments should be as specific as possible, focus on the issues of this rulemaking, and provide reasons for any recommendations. OSM will not consider comments that do not pertain to the issues in this rulemaking. Nor can OSM ensure consideration of comments recieved after the comment period ends or those delivered to an address other than that specified.

Because a public hearing was held for the proposed South Dakota Federal program, none will be scheduled during the interim final rule comment period. Persons wishing to meet with OSM officials should contact the person listed above under "**FOR FURTHER INFORMATION CONTACT**" in order to schedule such a meeting.

Background

Under Section 504(a) of the Surface Mining Control and Reclamation Act of 1977 (the Act), Pub. L. 95–87, 30 U.S.C. 1201 *et seq.*, the Secretary of the Interior (the Secretary) is required to promulgate a Federal program within 34 months after passage of the Act if a State fails to submit a program to assume responsibility for regulating surface mining activities, fails to resubmit a program within 60 days of disapproval, or fails at any time to implement, enforce, or maintain an approved State program. The time for submitting State programs was extended by seven months to March 3, 1980, as the result of litigation, *In re: Permanent Surface Mining Regulation Litigation*, 13 Envir. Rep. Cas. 1447 (July 25, 1979). The date for the required implementation of a Federal program in any State which did not submit a program to obtain primary regulatory responsibility has passed.

An additional standard for the promulgation of a Federal program is found in 30 CFR Part 736. It requires the implementation of a Federal program for a State where the Director of OSM (the Director) "reasonably expects coal exploration or surface coal mining and reclamation operations to exist on non-Federal and non-Indian lands * * * at any time before June 1985 * * * " 30 CFR 736.11(a)(1).

The State has identifiable coal reserves, but failed to submit a program to the Secretary to obtain primary regulatory responsibility. There is a reasonable expectation that either coal exploration or surface coal mining will occur in South Dakota on non-Federal and non-Indian lands before June 1985. Therefore, pursuant to 30 CFR 736.11, the Director must promulgate and implement a Federal program.

Once a decision has been made that a Federal program is necessary for a State, the Secretary must make several determinations before promulgating a program. Section 504(a) of the Act requires that, in implementing a Federal program, the Secretary must take into consideration the nature of the State's terrain, climate, biological, chemical, and other relevant physical conditions. This requirement is also found in the regulations for Federal programs, 30 CFR 736.22(a)(1). The Act (Section 505(b)) and the regulations (Section 736.23(b) also provide that if a State has more stringent land use and environmental laws or regulations, they shall not be construed to be inconsistent with the Act or the Secretary's regulations. The Secretary believes that the requirements of Section 505(b) can best be met by identifying State laws and regulations which impose more stringent environmental controls and listing them in this Federal program. Those South Dakota laws which establish more stringent standards than does the Act or the Secretary's regulations, or which regulate or protect an aspect of the environment which neither the Act nor the Secretary's regulations protect, have been listed at § 941.700(e) and are specifically preserved under this Federal program. However, by identifying more stringent State environmental controls in a Federal program, OSM does not assume any responsibility for enforcing such State laws. That would be left to the State.

Also, in promulgating a program for a State, Section 504(g) specifies that any State statutes or regulations which regulate surface mining and reclamation operations and which interfere with the achievement of the purposes and requirements of the Act and Federal program are to be identified by the Secretary and superseded and preempted. This provision is reinforced by Section 505(a) of the Act which states that only those State laws which are inconsistent with the Act shall be

superseded by the Federal program. Thus, State statutes and rules regulating the same activities as those covered by the Federal law and regulations and which do not provide as much protection as do the Federal law and regulations are considered to interfere with achievement of the purposes of the Act. Accordingly, they must be identified and preempted by OSM.

Federal programs are based on the Secretary's permanent program regulations. 30 CFR Subchapters A, F, G, J, K, L, and M. The permanent program regulations implement the procedures and performance standards of the Act, and form the benchmark for State programs. In order for a State to have a program approved by the Secretary, Section 503(a)(7) requires that the State's rules and regulations be consistent with the Secretary's regulations.

The parts of the permanent program regulations that must be included in a Federal program are listed at 30 CFR 736.22(b). They include general requirements and definitions (Parts 700 and 701), the exemption for coal extraction incident to government-financed highway or other construction (Part 707), the designation of lands unsuitable for surface mining (Parts 760, 761, 762, and 765), permits and permit applications (Subchapter G), reclamation bonding (Subchapter J), performance standards (Subchapter K), inspection and enforcement (Parts 842, 843 and 845), and blaster training and certification (Subchapter M). In addition, the provision in the permanent regulations on protection of employees (Subchapter P) and restrictions on financial interests (Part 706) are applicable to Federal employees who perform functions or duties under the Act.

The rules for the permanent program are found in 30 CFR Parts 700 through 707 and 730 through 865. Part 705 was published October 20, 1977 (42 FR 56064). Parts 795 and 865 (originally Part 830) were published December 13, 1977 (42 FR 62639). The other permanent program regulations were published at 44 FR 15323–15393 (March 13, 1979). Subchapter M was published on December 12, 1980 (45 FR 82098). Corrections were published at 44 FR 15485 (March 14, 1979); 44 FR 53507–53509 (September 14, 1979); 44 FR 66195 (November 19, 1979); 45 FR 26001 (April 16, 1980); 45 FR 37818 (June 5, 1980); and 45 FR 47424 (July 15, 1980). Amendments to the rules have been published at 44 FR 60969 (October 22, 1979) as corrected at 44 FR 75143 (December 19, 1979); at 44 FR 77440–77447 (December 31, 1979); 45 FR 2626–2629 (January 11, 1980); 45 FR 25998–26001 (April 16, 1980); 45 FR 33928–33927 (May 20, 1980); 45 FR 39446–39447 (June 10, 1980); 45 FR 52306–52324 (August 6, 1980); 45 FR 52375 (August 7, 1980); 45 FR 58780–58786 (September 4, 1980); and 45 FR 76932 (November 20, 1980); 46 FR 37232 (July 17, 1981); 46 FR 41702 (August 17, 1981); 46 FR 47720 (September 29, 1981); 46 FR 53376 (October 28, 1981); 46 FR 59934 (October 26, 1981); 46 FR 32942 (July 30, 1982); 47 FR 33431 (August 2, 1982); 47 FR 35620 (August 16, 1982); 47 FR 38486 (August 31, 1982); 47 FR 44942 (October 12, 1982); 47 FR 47212 (October 22, 1982); 47 FR 51316 (November 12, 1982); 48 FR 1160 (January 10, 1983); and 48 FR 2266 (January 18, 1983).

Representatives of industry, two States and several environmental groups challenged the permanent regulatory program in the U.S. District Court for the District of Columbia. These suits were consolidated and heard in a single lawsuit entitled *In re: Permanent Surface Mining Regulation Litigation* (Civil Action No. 79–1144). In response to the arguments raised in the challenges, the Secretary voluntarily suspended several permanent program regulations. These suspensions were announced in the **Federal Register** on November 27, 1979 (44 FR 67942); December 31, 1979 (44 FR 77447–77454); January 30, 1980 (45 FR 6913); and August 4, 1980 (45 FR 51547–51550). In two opinions the Court remanded certain other regulations which had been challenged in the lawsuit. These opinions were issued on February 26, 1980, and May 16, 1980. Many of the issues decided by the District Court were appealed to the Court of Appeals for the District of Columbia Circuit. *In re: Permanent Surface Mining Regulation Litigation*, Nos. 80–1810, 80–1811, 80–1812, 80–1813 and 80–1823. The appeals were remanded to the District Court for the District of Columbia on February 1, 1983, in order for the issues to be reconsidered in light of revision of the permanent program rules discussed below.

South Dakota Federal Program

In the **Federal Register** on August 10, 1982, (47 FR 34760) OSM proposed a program to regulate coal exploration and surface coal mining and reclamation in South Dakota and announced a comment period that extended from the date of proposal to October 12, 1982. Two written requests were received asking that the hearing date initially set for September 20, 1982, be moved back so more time would be available to prepare. The hearing date was moved to October 5, 1982, by a notice in the **Federal Register** on September 17, 1982, 47 FR 41142. Two persons presented testimony at the hearing and two organizations submitted written comments on the proposed regulatory program. Their comments are discussed below under "Disposition of Public Comments."

As mentioned above, when promulgating a Federal program for a State, the Secretary is required by section 504(a) of the Act to take into consideration the nature of the terrain, climate, biological, chemical, and other relevant physical conditions of that State. The Secretary has fulfilled this mandate by reviewing South Dakota laws and regulations on the assumption that those laws accurately reflect unique or unusual environmental conditions found in the State and by considering comments submitted on the proposed South Dakota Federal program.

Pursuant to section 504(a), the Secretary becomes the regulatory authority when a Federal program is implemented for a State. The permanent program regulations contain references to "the regulatory authority" and to "the State regulatory authority," both of which mean the Secretary when a Federal program is involved. Section 701(22) of the Act. The Secretary has delegated all authority for surface coal mining activities to the Director of the Office of Surface Mining (the Director), who is the official responsible for implementing the South Dakota Federal program.

One commenter, as indicated below under "Disposition of Comments," requested that OSM further postpone promulgation of the South Dakota Federal program until after promulgation of OSM's revisions of the permanent program rules on which this Federal program is based. OSM recognizes the difficulty created by the contemporaneous promulgation of this program and the revisions of the permanent program rules, and the complications that presents in light of the use of cross-referencing, as explained below, for the substance of the program rules. Nevertheless, OSM believes that the Act does not allow such a delay in the promulgation of this program, since section 504(a) of the Act sets a deadline by which Federal programs must be promulgated. However, OSM has chosen to publish the South Dakota Federal program as an interim final rule in order to facilitate any required modification resulting from the imminent promulgation of revisions to the permanent program rules on which it is based.

As announced above, there will be a public comment period of 120 days from the date of publication of this interim final rule. The revisions to the permanent program rules are expected to have been published by the end of the post-publication comment period. This 120-day period will allow commenters to review the South Dakota Federal program as it is affected by OSM's imminent revisions of the permanent program rules. Should readers believe that the changes in those rules make modifications to the South Dakota Federal program necessary or desirable, those suggested modifications should be brought to OSM's attention during the post-publication comment period. OSM will consider any comments submitted during this period, and by further rulemaking notice will either modify or affirm the South Dakota Federal program as promulgated today.

Explanation of Cross-Referencing

To take advantage of the results which revision of the permanent program regulations will achieve, OSM has developed and promulgated this Federal program in the following manner. Rather than repeating the full text of the permanent regulations, there is instead only a cross-reference to the appropriate permanent program regulations. For example, criteria for the designation of lands unsuitable for surface coal mining are provided by making the criteria in 30 CFR Part 762 applicable to this program (see § 941.762).

One effect of the cross-referencing to the permanent program regulations is that as the permanent program regulations are revised, this Federal program will be similarly revised. Over time, all of the permanent program regulations will undergo review and many will be revised. No separate rulemaking will be undertaken or necessary for revision of this program, however, unless OSM determines that special conditions are present which necessitate different rules for South Dakota. In any case, the promulgation of this cross-referencing Federal program does not modify the substance of OSM's permanent program rules.

In the general notice of intent to promulgate Federal programs of May 16, 1980 (45 FR 32228), OSM stated that each Federal program would be specific to the particular State and would implement the permanent program procedures and environmental protection provisions of the Act (45 FR at 32229). However, except for changes to incorporate more stringent State environmental protection standards, to accommodate unique or unusual environmental conditions, and to list other State laws requiring permits for which coordination is required, OSM believes that few changes are needed in the permanent program regulations for any particular State for which a Federal program must be promulgated.

A notice concerning both the proposed and final permanent program rules appeared on July 13, 1982, in connection with the availability of a draft supplemental environmental impact statement on the permanent program rules. 47 FR 30266–67. It advised the public that any change in a permanent program rule would also result in a corresponding change in this program, absent special conditions. The statement invited comments on necessary modifications to accommodate unique or unusual aspects of surface mining in any Federal program State so that the Federal program for such a State could be tailored as necessary.

Several provisions of the permanent program regulations are already applicable to all Federal programs because they were fully promulgated for application to all regulatory programs and, therefore, need not be cross-referenced here. Those provisions are 30 CFR Chapter VII, Subchapter P—Protection of Employees; Part 706—Restrictions on Financial Interests of Federal Employees; and Part 769—Petition Process for Designation of Federal Lands Unsuitable for Surface Coal Mining. 30 CFR Part 764—Designating Areas Unsuitable for Surface Coal Mining has been included in this program by a cross-reference under § 941.764 to provide a petition process on non-Federal lands in South Dakota. Also, Part 760 has not been included because its provisions do not include any substantive requirements. Instead, they impose requirements on the Secretary and his delegates which need not be incorporated in each Federal program. Part 765 was also not included because it is directly applicable to a Federal program State without being incorporated or cross-referenced.

With regard to bonding regulations (Subchapter J), only Part 800 is cross-referenced because OSM has proposed to revise Subchapter J to include just one part, Part 800. 46 FR 45082 (September 9, 1981). Should the South Dakota Federal program become effective before the final rule notice revising the bonding regulations appears, and the bonding rules not be revised by the time a permit under this Federal program is to be issued, as a condition of issuance of that permit the applicant will be required to abide by the then-effective bonding rules until such rules are superseded.

Content and Organization of the Program

The content and organization of the South Dakota Federal program generally follow the permanent program regulations. But, as discussed above, instead of the full text appearing here, each section includes only a reference to the pertinent permanent program regulations. To examine the full text of the permanent program regulations, reference must be made to the cited sections of Title 30 of the Code of Federal Regulations.

Sections 941.700 (e) and (f), respectively, identify State statutes that are more stringent than, and those that are inconsistent with the Act. Where specific provisions are needed for South Dakota that are different from the permanent program regulations, a separate paragraph has been added to the appropriate section.

The rulemaking notice proposing this program indicated that legislation recently enacted in South Dakota to regulate mined land reclamation, HB 1001 and HB 1002, which were to take effect on July 1, 1982, would be largely superseded by the Federal program. Those bills have been codified at Chapters 45–6B and 45–6C of South Dakota compiled laws annotated (S.D. Comp. Laws Ann.) (1967). The State statutes identified in § 941.700(f) (1) and (2) are superseded except for S.D. Comp. Laws Ann. Chapters 45–6B and 45–6C, Sections 45–6B–33(1)–(5) and 45–6C–16, –19, –27, and –28. The just-cited sections have not been superseded, since they set more stringent standards than do the corresponding Federal permanent program rules, and are identified in § 941.700(e) (1) and (2) as being specifically preserved.

Other State laws which were identified in the proposed rulemaking notice as setting more stringent standards than the Federal rules are also listed in the final program rules in § 941.700(e)(3)–(8). These are State laws governing weed control, S.D. Comp. Laws Ann. Chap. 38–22; the protection of fishing waters, S.D. Comp. Laws Ann. Chap. 41–13; remedies for the protection of the environment, S.D. Comp. Laws Ann. Chap. 34A–10; air pollution control, S.D. Comp. Laws Ann. Chap. 34A–1; water pollution control, S.D. Comp. Laws Ann. Chap. 34A–2; and solid waste disposal, S.D. Comp. Laws Ann. Chap. 34A–6. The basis for OSM's determination that these State statutes set more stringent land use and

environmental controls than do the Federal Act and regulations is explained in the proposed rule notice, 47 FR 34763–64. No regulations have yet been promulgated by the State pursuant to the mined land reclamation and mineral exploration laws, S.D. Comp. Laws Ann. Chap. 45–6B and 45–6C. Thus, there are at present no such regulations either to preserve or supersede.

Section 941.700(e), preserving South Dakota's groundwater law at S.D. Comp. Laws Ann. Chap. 46–6, has been added in response to public comment (see Comment 8, below).

Three States statutes were identified in proposed § 941.770(b) as those with which the Secretary would coordinate the issuance of the Federal surface mining permit and permits required by South Dakota: (1) air pollution control, S.D. Comp. Laws Ann. Chap. 34A–1; (2) water pollution control, S.D. Comp. Laws Ann. Chap. 34A–2; and (3) solid waste disposal, S.D. Comp. Laws Ann. Chap. 34A–6. These laws are also listed in the final rule.

The proposed rule provided that no person could conduct coal exploration or surface coal mining and reclamation operations regulated under a Federal program without also having a permit issued under the three State statutes. A Paragraph (c) has been added to the § 941.770 in the final rule to provide that the Federal permit will not be issued until an applicant has obtained the permits identified in Paragraph (b). This makes issuance of a Federal permit contingent on an operator having first demonstrated compliance with State laws by having obtained the South Dakota permits listed in Paragraph (b).

Proposed §§ 941.815(b), 941.816(b), and 941.817(b) have been deleted from the final rule, because it is neither required nor desirable that OSM enforce State laws. This deletion does not affect any responsibility operators may have to comply with, or South Dakota to enforce, State laws not specifically superseded under § 941.700(f). The Secretary believes that the coordination mechanism created under § 941.770(b), as discussed above, adequately enables OSM and South Dakota to carry out their respective enforcement responsibilities without either gaps or duplication.

OSM has revised Part 850 of the permanent program rules. The revision transfers the responsibility for setting standards, training, and certifying blasters from OSM to the States. Because this leaves States with Federal programs without a blaster certification program, OSM will promulgate standards for blaster training and certification for Federal program States at a later date.

Disposition of Public Comments

Substantive comments were received from three parties: representatives of the South Dakota Department of Water and Natural Resources who testified at the hearing; the U.S. Fish and Wildlife Service; and the Technical Information Project, representatives of which both testified at the hearing and submitted written comments.

1. The representatives of the South Dakota Department of Water and Natural Resources, which is the State agency regulating mining, stated that coordination was needed between their agency and OSM to avoid duplication in the permit process, and implied that the State would continue to issue permits under its laws regulating mining.

The Federal program promulgated here supersedes South Dakota's laws regulating coal exploration and surface coal mining and reclamation, except to the extent some provisions are specifically preserved in § 941.700(f). There would than be no State mining permit required for coal. State permits, however, would be required under other State laws identified in § 941.770(b), and the Secretary fully intends to coordinate issuance of the SMCRA permit with South Dakota's action on the permits listed there.

The State agency representatives also mentioned that the public hearing process required under State law could be meshed with the public involvement required by OSM in the permitting process. OSM agrees, and will coordinate with the State for public involvement under the South Dakota laws identified in § 941.770(b). However, since the public involvement provisions of South Dakota's mined land reclamation and mineral exploration laws are superseded by the Federal program, they are no longer applicable under this program.

2. The Acting Regional Director of the Fish and Wildlife Service in Denver raised two issues of concern to that agency. First, he requested that provisions be included in the South Dakota Federal progam for implementing the Endangered Species Act, 16 U.S.C. Section 1531 *et seq.*, and the Fish and Wildlife Coordination Act, 16 U.S.C. Sections 661–667, as required by 30 CFR 736.22(a), and for the solicitation of comments from agencies having special expertise, as required in 30 CFR 736.13(a).

Section 941.786(a) of the South Dakota Federal program provides for compliance with the Endangered Species Act. That section cross-references 30 CFR Part 786—Review, Public Participation, and Approval or Disapproval of Permit Applications and Permit Terms and Conditions. Section 786.19(c) of that part requires the regulatory authority, when issuing a permit, to find that the activities would not affect endangered or threatened species or result in the destruction or adverse modification of their critical habitats.

The South Dakota Federal program also requires compliance with the Fish and Wildlife Coordination Act, 16 U.S.C. 661 *et seq.*, particularly the consultation requirement of Section 662(a) of that Act. Under the Coordination Act, consultation with the Fish and Wildlife Service is required if any project would require a dam or diversion of a stream or body of water in order to conserve wildlife resources. Section 786.17(a)(2) requires the regulatory authority to determine whether a fish and wildlife plan submitted by an operator is adequate. In doing so, the regulatory authority must consult with Federal and State fish and wildlife management agencies. Although no fish and wildlife plan is required of a permit applicant, as discussed below, the consultation requirement of the regulation remains, as does the statutory requirement under the Coordination Act. Therefore, no additional provision need be added to the South Dakota program.

The Fish and Wildlife Service also requested that 30 CFR 779.20 and 780.16, requiring fish and wildlife resources information and a plan from a permit applicant, be included in the South Dakota program.

The Federal District Court in *In re: Permanent Surface Mining Regulations Litigation*, Cir. No. 79–1144, D.C., remanded 30 CFR 779.20 and 780.16. The District Court in its memorandum opinion of February 26, 1980, 14 Envir. Rep. Cas. 1083, 1098, remanded the two regulations because it could find no support for the information and plan requirements in the permit information section of the Act, Section 507. Only the performance standards of the Act, Section 515(b)(7), provide for the protection of fish and wildlife. The Court held that OSM had no authority to require the information; therefore, OSM cannot now reimpose these requirements.

3. The Technical Information Project (TIP) raised a number of issues. Their initial comment questioned whether adequate public notice of the proposed program had been given, especially in light of the extensive revision of the permanent program regulations on which the South Dakota Federal

program is based. They requested that the comment period be extended, so they could have an adequate opportunity to review the pending revisions to the permanent program regulations as they affect South Dakota.

OSM agrees that more time would be helpful for some reviewers, but believes also that the Act and circumstances compel promulgation of the South Dakota Federal program now. The publication of this program as an interim final rule, however, is intended to allow OSM to meet its statutory mandate while enabling reviewers more time for their analyses.

4. The TIP next asked four questions about the cross-referencing of the permanent program rules and revision of the rules. First, they asked whether notice of the revisions to the permanent program rules, which form the basis for the Federal program, would be given in local newspapers in South Dakota.

Notice of the revision to the permanent program rules is required and given only in the **Federal Register**. In instances such as the large scale revision to the OSM rules, notice is given also to persons, States, and organizations known by OSM to be interested in or affected by the rules. No notice is required or given in local newspapers.

5. The TIP next asked for clarification as to whether public hearings on the permanent program rules revision would be held on "a National level, and not in South Dakota."

Hearings on the permanent program rules revisions were held in Denver, Colorado and Washington, D.C. No other public hearings were held, although meetings with OSM officials to discuss the revisions could have been held in any OSM field office.

6. The TIP also asked for clarification of the comment period on the draft supplemental Environmental Impact Statement (EIS), and whether it was closed to comments on possible effects the proposed changes may have on South Dakota.

A notice of availability of the draft supplemental EIS was published in the **Federal Register** on June 18, 1982 (47 FR 26405), and a comment period of 60 days was initially provided. A notice which appeared on July 13, 1982 (47 FR 30266), announced that the comment period on proposed rule revisions would close on August 25, 1982, and invited comments on those proposed rules as they might affect particular States for which Federal programs were being prepared.

The EIS comment period was extended to a total of 85 days to allow comments made at a congressional oversight hearing in early September to be considered. Further extension of the comment period on the EIS would have delayed an already lengthy process, which first began in June 1981. OSM chose not to extend the EIS comment period, because it would have imposed an unacceptable delay in the final EIS and final promulgation of the revised permanent program rules. As there currently is no coal mining in South Dakota, OSM concluded that this Federal program could be promulgated now and modified as comments or circumstances make advisable without undue hardship on those regulated by, or otherwise interested in the program. Therefore, OSM is promulgating the South Dakota Federal program as an interim final rule with a comment period of 120 days to allow comment on the program as it is affected by the pending revisions to the permanent program rules.

7. The TIP's final question on promulgation was whether there will be another review of South Dakota's laws to determine if they are more stringent than the final revised permanent program rules.

No such review of State laws is planned after the permanent program regulation revisions become final. OSM agrees, however, that the revision of a Federal rule could result in it being less stringent than a State statute or regulation. Therefore, OSM invites comment on whether and how OSM's revisions to the permanent program regulations affect the determinations made under § 941.700 (e) and (f) of this program after OSM has completed publication of the revised rules.

8. The TIP also made technical comments. The Project first commented on the depletion of water in aquifers containing coal seams in neighboring areas of North Dakota causing a loss of groundwater to ranches and farms. They questioned whether South Dakota's groundwater law (S.D. Comp. Laws Ann. Chap. 46–6, particularly Section 46–6–3.1), which prohibits the withdrawal of water from an aquifer exceeding its average estimated recharge capacity is not more stringent than the Federal standards.

OSM agrees and accepted this comment. There is no provision in the Federal Act or regulations which limits the withdrawal of groundwater. Section 515(b)(10) of the Act only requires that the effect of mining on the hydrologic balance be minimized by, *inter alia*, restoring the recharge capacity of the mined area to its premining conditions. Thus, the cited South Dakota provision is more stringent and has been added to the listing of State laws in § 941.700(c).

9. The TIP stated that OSM has not incorporated any special provisions to take into consideration any of South Dakota's particular terrain and climate or other physical conditions as specified in section 504(a) of the Act. They stated that the management plan for the Sioux Ranger District of the Custer National Forest concluded that there is lack of proven reclamation for the area and that surface mining should not be approved in the District. They suggested that OSM should consider whether the conditions in the Custer National Forest which make mining unsuitable are not also present in northwestern South Dakota, where the State's coal deposits are located. Furthermore, they pointed out there are numerous wooded draws in the area where lignite outcrops are discharging water used by wildlife and livestock. These draws also are covered by diverse vegetation. They suggested that OSM incorporate reclamation standards to reconstruct the wooded areas.

OSM has not accepted this comment. Section 522 of the Act provides for the designation of lands as unsuitable for surface coal mining and establishes a petition process for doing so, although Section 504(a) specifies that the petition process cannot begin until one year after the promulgation of a Federal program. *See* § 941.764. Further, section 522(e)(2)(B) of the Act does not permit surface coal mining within the boundaries of the Custer National Forest. Finally, Section 522(e) of the Act prohibits coal mining within the boundaries of national parks, wildlife refuges, wilderness areas, scenic rivers, and, with some qualifications, on Federal lands in a national forest. The petition process mentioned above is the appropriate mechanism by which the public may request that the Secretary prohibit surface coal mining in areas they believe to be unsuitable to mining. The Secretary believes that these provisions, along with the other requirements of the Act and this Federal program, ensure adequate protection for South Dakota.

As for the suggestion that the wooded draws in the northwest section of the State constitute a "special condition," the Technical Information Project has provided too little information on which OSM could base a decision to add to or modify the requirements of the South Dakota Federal program as proposed. The Secretary believes that the Federal Act and the program promulgated here already impose sufficiently stringent standards to require that draws be reconstructed. For example, section 515(b)(2) requires that the land be

restored to a condition capable of supporting the premining uses or higher or better ones.

10. The Technical Information Project also pointed out that the lignite deposits in South Dakota frequently contain uranium in economic concentrations. They suggested that OSM require a person who has relinquished rights to other minerals that may be found with coal to so indicate in order that OSM's regulating of exploration in such an instance would be exclusive. They also suggested that the State's laws and regulations on radiation exposure control may have more stringent requirements, such as a pre-operational radiological monitoring plan.

The Federal program promulgated here regulates only coal exploration and surface coal mining and reclamation. Regulation of radiological monitoring under the State's law, S.D. Comp. Laws Ann. Chap. 34–21, would not interfere with the purposes of a Federal program, and therefore, has not been superseded. Further, Section 505(b) of the Act does not require that more stringent State laws be identified in a Federal program; they need only be construed as not inconsistent with a Federal program. Thus, State laws do not necessarily have to be listed in § 941.700(e) of the Federal program to be preserved.

However, because the presence of radioactivity in the coal may be unique to South Dakota, a new paragraph has been added to § 941.700 to allow for a variance from specified performance standards to be granted. The basis for this provision is Section 504(a) of the Act, which requires the Secretary to take into consideration environmental conditions in a State in promulgating a Federal program. In part, OSM fulfills that requirement by reviewing State laws to determine whether any set more stringent standards than do the Act and the permanent program rules. This is based on the presumption that if there are any special or unique environmental conditions in a State, the State will have recognized them and provided for protection of those values through State laws. The Secretary recognizes, however, that there can be instances where environmental conditions exist which are not specially treated under State law. Section 941.700(g) has been added to the final rule to provide for those special circumstances. It requires a permit applicant to make an affirmative demonstration that a variance from particular performance standards in §§ 941.815 through 941.828 is necessary due to South Dakota's unique terrain and climate or biological, chemical, or other relevant physical conditions. OSM solicits comment of the addition of this provision.

11. The TIP also requested that OSM require persons exploring for coal who have relinquished rights to the discovery of any other minerals, so to indicate in order to assure that uranium exploration is not involved.

OSM has not accepted this suggestion. There is no basis in the Act or regulations for establishing such a requirement, nor is there any conflict between OSM regulation of coal exploration and State regulation of uranium exploration under S.D. Comp. Laws Ann. Chap. 45–6D.

12. The TIP next pointed out that with what TIP termed the "relaxation" of the permanent program rule standards it may be more difficult to convince ranchers of successful reclamation of mined lands.

Ranchers who own the subsurface coal underlying their lands are in a position to prevent development simply by refusing to sell or lease the coal. However, where the coal is owned by the Federal government and the surface is subject to a lease or permit issued by the Federal government, the application for a permit must include the written consent of the permittee or lessee, or show in lieu thereof, evidence of a bond, in addition to a performance bond, which would secure payment of any damages to the surface estate. (*See* Section 715 of the Act).

13. Finally, The TIP inquired whether Carson, Dewey, and Ziebach Counties, which have coal resources underlying them, would be regulated as Indian lands since they fall entirely within the Cheyenne River and Standing Rock Indian reservations.

This program extends only to non-Federal and non-Indian lands. The term "Indian lands" is defined in Section 701(9) as all lands within the exterior boundaries of a Federal Indian reservation. The coal resource in the three counties would be regulated under 25 CFR Part 216, even if owned in fee by non-Indians.

Other Information

The information collection requirement(s) contained in §§ 941.764, 941.770, 941.771, 941.795, and 941.800 do not require approval by the Office of Management and Budget under 44 U.S.C. 3507, because there are fewer than ten respondents annually. If in the future the number of respondents appears to be increasing, the proper forms, if they differ from those already approved, will be submitted to the Office of Management and Budget with accompanying notices in the Federal Register, in accordance with the requirements of 44 U.S.C. Ch. 35

The Department of the Interior has determined that this document is not a major rule under E.O. 12291 and certifies that it will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

The reasons underlying this determination are as follows: This Federal program would not result in significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or foreign markets; nor would it increase costs or prices for consumers, individual industries, Federal, State, or local governmental agencies or geographic regions. There will be no significant demographic effects, direct costs, indirect costs, nonquantifiable costs, competitive effects, enforcement costs, or aggregate effects on small entities.

The Office of Surface Mining Reclamation and Enforcement has determined that this rule is categorically excluded from compliance with the National Environmental Policy Act in accordance with 40 CFR 1507.3

Drafing Information

These regulations were drafted by David E. Jones, Office of the Solicitor, and James M. Kress, Branch of Regulatory Programs, Office of Surface Mining.

List of Subjects in 30 CFR Part 941

Coal mining, Intergovernmental relations, Surface mining, Underground mining, Reporting requirements.

Dated: March 29, 1983.

William P. Pendley,

Acting Assistant Secretary, Energy and Minerals.

30 CFR Chapter VII is amended by adding Part 941 to read as follows:

PART 941—SOUTH DAKOTA

Sec.

941.700 South Dakota Federal Program.
941.701 General.
941.707 Exemption for coal extraction incident to Government-financed highway or other construction.
941.761 Areas designated unsuitable for surface coal mining by act of Congress.
941.762 Criteria for designating areas as unsuitable for surface coal mining operations.
941.764 Process for designating areas unsuitable for surface coal mining operations.

Sec.
941.770 General requirements for permit and exploration procedures.
941.771 General requirements for permits and permit applications.
941.776 General requirements for coal exploration.
941.778 Surface mining permit applications—minimum requirements for legal, financial, compliance, and related information.
941.779 Surface mining permit applications—minimum requirements for information on environmental resources.
941.780 Surface mining permit applications—minimum requirements for reclamation and operations plan.
941.782 Underground mining permit applications—minimum requirements for legal, financial, compliance, and related information.
941.783 Underground mining permit applications—minimum requirements for information on environmental resources.
941.784 Underground mining permit applications—minimum requirements for reclamation and operation plan.
941.785 Requirements for permits for special categories of mining.
941.786 Reviews, public participation, and approval or disapproval of permit applications and permit terms and conditions.
941.787 Administrative and judicial review of decisions on permit applications.
941.788 Permit review, revisions, and renewals, and transfer, sale, and assignment of rights granted under permits.
941.795 Small operator assistance.
941.800 General requirements for bonding of surface coal mining and reclamation operations.
941.815 Performance standards—coal exploration.
941.816 Performance standards—surface mining activities.
941.817 Performance standards—underground mining activities.
941.818 Special performance standards—concurrent surface and underground mining.
941.819 Special performance standards—Auger mining.
941.822 Special performance standards—operations in Alluvial valley floors.
941.823 Special performance standards—operations on prime farmland.
941.824 Special performance standards—mountaintop removal.
941.826 Special performance standards—operations on steep slopes.
941.827 Special performance standards—coal processing plants and support facilities not located at or near the minesite or not within the permit area for a mine.
941.828 Special performance standards—in situ processing.
941.842 Federal inspections.
941.843 Federal enforcement.
941.845 Civil penalties.

Authority: Pub. L. 95–87, The Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201 *et seq.*, 91 Stat. 445.

§ 941.700 South Dakota Federal Program.

(a) This Part contains all rules that are applicable to surface coal mining operations in South Dakota which have been adopted under the Surface Mining Control and Reclamation Act of 1977.

(b) The rules in this part cross-reference pertinent parts of the permanent program regulations in this chapter. The full text of a rule is in the permanent program rule cited under the relevant section of the South Dakota Federal program.

(c) The rules in this part apply to all surface coal mining operations in South Dakota conducted on non-Federal and non-Indian lands. The rules in Subchapter D of this chapter apply to operations on Federal lands in South Dakota.

(d) The information collection requirements contained in §§ 941.764, 941.770, 941.771, 941.795, and 941.800 do not require approval by the Office of Management and Budget under 44 U.S.C. 3507 because there are fewer than ten respondents annually.

(e) The following provisions of South Dakota laws provide, where applicable, for more stringent environmental control and regulation of surface coal mining operations than do the provisions of the Act and the regulations in this chapter. Therefore, pursuant to section 505(b) of the Act, they shall not be construed to be inconsistent with the Act:

(1) South Dakota Compiled Laws Annotated (S. D. Comp. Laws Ann.) Chap. 45–6B, Section 33(1)–(5) on lands unsuitable for mining.

(2) S. D. Comp. Laws Ann. Chap. 45–6C, Sections 16, 19, 27, and 28.

(3) Weed Control, S. D. Comp. Laws Ann. Chap. 38–22.

(4) Protection of fishing waters, S. D. Comp. Laws Ann. Chap. 41–13.

(5) Remedies for protection of the environment, S. D. Comp. Laws Ann. Chap. 34A–10.

(6) Air pollution control, S. D. Comp. Laws Ann. Chap. 34A–1.

(7) Water pollution control, S. D. Comp. Laws Ann. Chap. 34A–2.

(8) Solid waste disposal, S. D. Comp. Laws Ann. Chap. 34A–6.

(9) Groundwater, S. D. Comp. Laws Ann. Chap. 46–6.

(f) The following are South Dakota laws that interfere with the achievement of the purposes and requirements of the Act and are, in accordance with Section 504(g) of the Act, preempted and superseded with respect to surface coal mining, except to the extent that they regulate surface coal mining operations which affect two acres or less, or which otherwise are not regulated by the Surface Mining Control and Reclamation Act.

(1) S. D. Comp. Laws Ann. Chap. 45–6B, except with respect to the criteria for designating lands unsuitable for mining, Section 33(1)–(5).

(2) S. D. Comp. Laws Ann. Chap. 45–6C, except with respect to the requirements to consult with the owner of surface lands to be explored and the right of the owner to establish reasonable restrictions on exploration travel (Section 16), the requirement to post an exploration reclamation bond (Section 19), the prohibition of explosives use in exploration within one-half mile of a flowing water well or a domestic water well without the owner's permission (Section 27), and the requirement to cap, plug, and seal all exploration test holes (Section 28).

(g) The Secretary may grant a limited variance from the performance standards of §§ 941.815 through 941.828 of this Part if the applicant for coal exploration approval or a surface mining permit submitted pursuant to §§ 941.770 through 941.788 of this Part demonstrates in the application that: (1) Such variance is necessary because of the unique nature of South Dakota's terrain, climate, biological, chemical, or other relevent physical conditions; and (2) the proposed alternative will achieve equal or greater environmental protection than does the performance requirement from which the variance is requested.

§ 941.701 General.

Sections 700.5, 700.11, 700.12, 700.13, 700.14, 700.15 and Part 701 of this chapter shall apply to surface coal mining operations in South Dakota.

§ 941.707 Exemption for coal extraction incident to Government-financed highway or other construction.

Part 707 of this chapter, *Exemption for Coal Extraction Incident to Government-Fiananced Highway or Other Construction*, shall apply to surface coal mining and reclamation operations.

§ 941.761 Areas designated unsuitable for surface coal mining by act of Congress.

Part 761 of this chapter, *Areas Designated by Act of Congress*, shall apply to surface coal mining and reclamation operations.

§ 941.762 Criteria for designating areas as unsuitable for surface coal mining operations.

Part 762 of this chapter, *Criteria for Designating Areas Unsuitable for Surface Coal Mining Operations*, shall apply to surface coal mine operations.

§ 941.764 Process for designating areas unsuitable for surface coal mining operations.

Part 764 of this chapter, *State Processes for Designating Areas Unsuitable for Surface Coal Mining Operations,* pertaining to petitioning, initial processing, hearing requirements, decisions, data base and inventory systems, public information, and regulatory responsibilities shall apply to surface coal mine operations beginning one year after the effective date of this program.

§ 941.770 General requirements for permits and exploration procedures.

(a) Part 770 of this chapter, *General Requirements for Permit Systems Under State Programs,* shall apply to surface coal mining and exploration operations.

(b) No person shall conduct coal exploration which results in the removal of more than 250 tons of coal, nor shall any person conduct surface coal mining operations without a permit issued by the Secretary pursuant to 30 CFR Part 770, and permits, leases and certificates required by the State of South Dakota including compliance with: (1) air pollution control, S. D. Comp. Laws Ann. Chap. 34A–1; (2) water pollution control, S. D. Comp. Laws Ann. Chap. 34A–2; (3) and solid waste disposal, S. D. Comp. Laws Ann. Chap. 34A–6.

(c) No person shall be granted a permit to conduct exploration which results in the removal of more than 250 tons of coal or shall conduct surface coal mining unless that person has acquired all required permits, leases, and certificates listed in Paragraph (b) of this section.

§ 941.711 General requirements for permits and permit applications.

(a) Part 771 of this chapter, *General Requirements for Permits and Permit Applications,* shall apply to any person who makes application for a permit to conduct surface coal mine operations.

(b) A person who wishes to conduct new surface coal mining and reclamation operations or who wishes a revision of his permit shall file a complete application at least 12 months prior to the date upon which permit issuance or revision is desired, and shall pay to the Secretary a permit fee in accordance with § 736.25 of this chapter.

§ 941.776 General requirements for coal exploration.

(a) Part 776 of this chapter, *General Requirements for Coal Exploration,* shall apply to any person who conducts or seeks to conduct coal exploration operations.

(b) The Office shall make every effort to act on an exploration application within 60 days of receipt or such longer time as may be reasonable under the circumstances. If additional time is needed, OSM shall notify the applicant that the application is being reviewed, but more time is necessary to complete such review, setting forth the reasons and the additional time that is needed.

§ 941.778 Surface mining permit application—minimum requirements for legal, financial, compliance and related information.

Part 778 of this chapter, *Surface Mining Permit Applications—Minimum Requirements for Legal, Financial, Compliance, and Related Information,* shall apply to any person who makes application for a permit to conduct surface coal mining and reclamation operations.

§ 941.779 Surface mining permit applications—minimum requirements for information on environmental resources.

Part 779 of this chapter, *Surface Mining Permit Applications—Minimum Requirements for Information on Environmental Resources,* shall apply to any person who makes application to conduct surface coal mining and reclamation operations.

§ 941.780 Surface mining permit applications—minimum requirements for reclamation and operation plan.

(a) Part 780 of this chapter, *Surface Mining Permit Applications—Minimum Requirements for Reclamation and Operation Plan,* shall apply to any person who makes application to conduct surface coal mining and reclamation operations.

(b) Each applicant for a permit shall demonstrate compliance with the South Dakota laws on air pollution, S. D. Comp. Laws Ann. Chap. 34A–1, water pollution control, S. D. Comp. Laws Ann. Chap. 34A–2, and solid waste disposal, S. D. Comp. Laws Ann. Chap. 34A–6.

§ 941.782 Underground mining permit applications—minimum requirements for legal, financial, compliance, and related information.

Part 782 of this chapter, *Underground Mining Permit Applications—Minimum requirements for Legal, Financial, Compliance, and Related Information,* shall apply to any person who makes application for a permit to conduct underground mining operations.

§ 941.783 Underground mining permit applications—minimum requirements for information on environmental resources.

Part 783 of this chapter, *Underground Mining Permit Applications—Minimum Requirements for Information on Environmental Resources,* shall apply to any person who submits an application to conduct underground mining operations.

§ 941.784 Underground mining permit applications—minimum requirements for reclamation and operation plan.

Part 784 of this chapter, *Underground Mining Permit Applications—Minimum Requirements for Reclamation and Operation Plan,* shall apply to any person who makes application to conduct underground mining.

§ 941.785 Requirements for permits for special categories of mining.

Part 785 of this chapter, *Requirements for Permits for Special Categories of Mining,* shall apply to each person who makes application for a permit to conduct certain categories of surface coal mining and reclamation operations.

§ 941.786 Review, public participation, and approval or disapproval of permit applications and permit terms and conditions.

Part 786 of this chapter, *Review, Public Participation, and Approval or Disapproval of Permit Applications and Permit Term and Conditions,* shall apply to the review of applications made by any person for surface coal mining and reclamation operations.

§ 941.787 Administrative and judicial review of decisions on permit applications.

Part 787 of this chapter, Administrative and Judicial Review of Decisions on Permit Applications, shall apply to the review of decisions on permit applications for surface coal mining and reclamation operations.

§ 941.788 Permit reviews, revisions, and renewals, and transfer, sale, and assignment of rights granted under permits.

Part 788 of this chapter, *Permit Reviews, Revisions, and Renewals, and Transfer, Sale, and Assignment of Rights Granted Under Permits,* shall apply to review, revision, and renewal of permits for surface coal mine operations, and to transfer, sale, and assignment of rights granted under permits.

§ 941.795 Small operator assistance.

Part 795 of this chapter, *Small Operator Assistance,* shall apply to any person making application for assistance under the small operator assistance program.

§ 941.800 General requirements for bonding of surface coal mining and reclamation operations.

Part 800 of this chapter, *General Requirements for Bonding of Surface Coal Mining and Reclamation*

Operations Under Regulatory Programs, shall apply to all surface coal mining and reclamation operations.

§ 941.815 Performance standards—coal exploration.

Part 815 of this chapter, *Permanent Program Performance Standards—Coal Exploration*, shall apply to any person conducting coal exploration operations.

§ 941.816 Performance standards—surface mining activities.

Part 816 of this chapter, *Permanent Program Performance Standards—Surface Mining Activities*, shall apply to any person who conducts surface coal mining and reclamation operations.

§ 941.817 Performance standards—underground mining activities.

Part 817 of this chapter, *Permanent Program Performance Standards—Underground Mining Activities*, shall apply to any person who conducts underground mining operations.

§ 941.818 Special performance standards—concurrent surface and underground mining.

Part 818 of this chapter, *Special Permanent Program Performance Standards—Concurrent Surface and Underground Mining*, shall apply to any person who conducts combined surface and underground mining operations.

§ 941.819 Special performance standards—auger mining.

Part 819 of this chapter, *Special Permanent Program Performance Standards—Auger Mining*, shall apply to any person who conducts surface coal mining operations which include auger mining.

§ 941.822 Special performance standards—operations in alluvial valley floors.

Part 822 of this chapter, *Special Permanent Program Performance Standards—Operations in Alluvial Valley Floors*, shall apply to any person who conducts surface coal mining and reclamation operations on alluvial valley floors.

§ 941.823 Special performance standards—operations on prime farmland.

Part 823 of this chapter, *Special Permanent Program Performance Standards—Operations on Prime Farmland*, shall apply to any person who conducts surface coal mining and reclamation operations on prime farmlands.

§ 941.824 Special performance standards—mountaintop removal.

Part 824 of this chapter, *Special Permanent Program Performance Standards—Mountaintop Removal*, shall apply to any person who conducts surface coal mining operations constituting mountaintop removal mining.

§ 941.826 Special performance standards—operations on steep slopes.

Part 826 of this chapter, *Special Permanent Program Performance Standards—Operations on Steep Slopes*, shall apply to any person who conducts surface coal mining and reclamation operations on steep slopes.

§ 941.827 Special performance standards—coal processing plants and support facilities not located at or near the minesite or not within the permit area for a mine.

Part 827 of this chapter, *Special Permanent Program Performance Standards—Coal Processing Plants and Support Facilities Not Located at or Near the Minesite or Not Within the Permit Area for a Mine*, shall apply to any person who conducts surface coal mining and reclamation operations which include the operation of coal processing plants and support facilities not located at or near the minesite or not within the permit area for a mine.

§ 941.828 Special performance standards—in situ processing.

Part 828 of this chapter, *Special Permanent Program Performance Standards—In Situ Processing*, shall apply to any person who conducts in situ processing activities.

§ 941.842 Federal inspections.

(a) Part 842 of this chapter, *Federal Inspections*, shall apply to all exploration and surface coal mining and reclamation operations.

(b) The Office will furnish a copy of any inspection report or enforcement action taken to the South Dakota Department of Water and Natural Resources upon request.

§ 941.843 Federal enforcement.

(a) Part 843 of this chapter, *Federal Enforcement*, shall apply when enforcement action is required for violations on surface coal mining and reclamation operations.

(b) The Office will furnish a copy of each enforcement action and order to show cause issued pursuant to this section to the South Dakota Department of Water and Natural Resources upon request.

§ 941.845 Civil penalties.

Part 845 of this chapter, *Civil Penalties*, shall apply when civil penalties are assessed for violations on surface coal mining and reclamation operations.

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Part III

Department of Agriculture

Food and Nutrition Service

Food Stamp Program; Energy Assistance and Restoration of Lost Benefits

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Parts 272 and 273

[Amendment No. 225]

Food Stamp Program; Energy Assistance and Restoration of Lost Benefits

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: This action will amend Food Stamp Program regulations to ensure that the income and resource exclusion for State and local energy assistance is allowed only for legitimate energy assistance programs. This rule will also limit restoration of lost benefits to a one year period, calculated from the point in time that the State agency learns of the household's request for restoration. These changes are required by Pub. L. 97–98, the Food Stamp and Commodity Distribution Amendments of 1981, and are intended to reduce Program costs, waste and abuse. These changes were proposed on September 14, 1982 at 47 FR 40443.

EFFECTIVE DATE: This rule is effective on May 19, 1983; except for § 273.9 which contains information collection requirements which will be submitted for approval to the Office of Management and Budget.

FOR FURTHER INFORMATION CONTACT: Judith M. Seymour, Acting Supervisor, Eligibility and Certification Section, Program Design and Rulemaking Branch, Family Nutrition Programs, Food and Nutrition Service, USDA, Alexandria, VA 22302. Phone (703)756–3429.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507), the reporting or recordkeeping provisions that are included in this final rule will be submitted for approval to the Office of Management and Budget (OMB). They will not be effective until OMB approval has been obtained.

Classification

This final rule has been reviewed under Executive Order 12291 and Secretary's Memorandum No. 1512–1 and has been classified "not major". The final rule will not have an annual effect on the economy of $100 million or more, nor is it likely to result in a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies or geographic regions. This final rule will not affect the business community and will not result in significant adverse effects on competition, employment, investment, productivity, innovation or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. This final rule will to some extent reduce Program costs, waste and abuse by requiring more careful scrutiny of excluded State or local energy assistance.

Regulatory Flexibility Act

This final rule has also been reviewed in relation to the requirements of the Regulatory Flexibility Act of 1980 (Pub. L. 96–354, 94 Stat. 1164, September 19, 1980). Robert E. Leard, Acting Administrator of the Food and Nutrition Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. The final rule will affect State agencies, some State and local legislatures, and a relatively small number of food stamp recipients.

Background

Resource/Income Exclusion for Energy Assistance

On September 14, 1982 the Department published (at 47 FR 40443) a proposed rule on the treatment of energy assistance payments in the Food Stamp Program. The preamble of the proposal discussed several statutory changes enacted between February 1980 and December 1981 as Congress focused and clarified its intent as to how energy assistance payments should be treated in other assistance programs such as food stamps. In our proposal, energy assistance payments received by applicants or participants would have been excluded from consideration as a resource or income or both in determining eligibility or benefit levels. To be excluded the energy assistance must be a bona fide effort by a state or local legislative body to provide energy assistance in addition or regular amounts of public or general assistance, it must be designated as energy assistance by the State or local legislative body authorizing the payments, and it must be calculated as if provided on a seasonal basis for an aggregate of not more than six months.

FNS retained the authority to decide on the legitimacy of such designation, applying the appropriate criteria contained in the law and supporting documentation. For a complete understanding of the several statutory enactments and their implications in this rulemaking it is suggested that the September 14, 1982 proposed rule and preamble be reviewed.

The Department received 29 comments on the proposal. In this preamble we will discuss the areas of greatest concern and any changes in the final rule arising from our analysis of them. We will also address concerns expressed by commenters on parts of the proposal that are unchanged. Comments not related to provisions of the proposal have not been addressed.

Consistently through the legislative history of the enactments just referred to, the intent of Congress was that State and local energy assistance payments would be scrutinized by the Department to establish the legitimacy of purpose of the energy assistance. In the preamble of the proposal we enumerated five factors which were, as we said, "intended simply to provide guidance to State agencies regarding the types of considerations" FNS would take into account in determining the legitimacy of purpose for energy assistance programs. About two-thirds of the energy assistance comments we received reflected some confusion over the so-called purpose test contained in § 273.9(c)(11)(i) and how it would be used in the FNS review of State or local plans. The commenters who objected to one or more of the factors misconstrued these guidelines as a set of rigid criteria against which state and local plans would be evaluated. Because we said the list was not all-inclusive, some commenters were apprehensive that other unstated criteria would also be applied during FNS review. To resolve this issue the regulatory language has been changed. It can reasonably be assumed, however, that if a State or local government plan meets most of the factors, it will probably be approved for exclusion. If it does not, it probably will not be approved. FNS review will be on a case-by-case basis. During the comment analysis for this final rule another indicator was suggested: the actual designation of energy assistance payments as such. Because it appears that this indicator would make the guidelines more helpful to State and local governments, it has been added to the guidelines proposed. In addition, two of the proposed guidelines have been combined. If the energy assistance payments are combined with payments made by another agency, FNS review of excludability could include contact with that agency.

In § 273.9(c)(11)(ii) we identified as a requirement for excludability that "the payments or allowances are clearly identified in State or local law as energy assistance." One commenter argues that

our requirement of a designation in State or local law goes beyond the statute's requirement of designation by "the State or local legislative body." The commenter points out that such a designation may be made in documents or reports accompanying local legislation. We agree; it was not our intention to impose a restriction beyond Congressional intent. However, the statutory wording just cited shows clearly that Congress intended that the energy assistance designation should reflect the intent of the legislative body enacting the energy assistance. State or local intent, it is clear, may be expressed in the formal legislative history. The legitimacy of purpose would not necessarily be attested to by the report of one chamber's subcommittee, or the comments of an individual member which may be found in the formal legislative history of a local enactment. The Department would point out that, for the purposes of ascertaining food stamp excludability, the best way for a state or local legislative body to express its intent in response to this rulemaking would be to make the designation of energy assistance as the purpose of a program in the enabling or appropriations enactment. If the designation is contained only in supporting documentation it must clearly reflect the intent of both chambers of a bicameral legislature or the intent of a majority of members of a town council or county board. Documentation that would show a majority intent of an enacting body could take the form of a legislative resolution, the preamble and body of county regulations, county or town ordinances, or similar measures that represent the wishes of an entire legislative body.

Our proposal sought to prevent the designation of energy assistance applied *ex post facto* during the course of a legislative session following enactment of some other kind of assistance payments which are clearly unrelated to energy assistance in an attempt to make them excludable for food stamps. Regulatory language has been amended accordingly.

One commenter on § 273.9(c)(11)(iii) argued that requiring energy assistance payments to be calculated "based on the seasonal home energy needs of a typical household" could be stringently applied by FNS to deny excludability to programs in which energy assistance payments are calculated on the basis of only *increased* energy needs. Such a strict reading was not our intention. Regulatory language has been added accordingly.

Another comment on the same subsection expressed the opinion that States in parts of the country that do not have seasons should not be prevented from providing energy assistance payments that would be excludable. In this connection the Department must point out that Congress was quite clear that excludability was tied to calculations of needs based on seasonal energy consumption patterns (Pub. L. 97–98, Section 1306, 7 U.S.C. 2014). It would be, in our opinion, exceeding mandatory provisions to extend excludability to energy assistance payments in areas that do not have "seasonal home energy needs."

There were several comments on the energy assistance regulation in general. One State agency expressed the point of view that FNS had no authority to decide the legitimacy of the designation of energy assistance payments. As we pointed out in the preamble of the September 14, 1982 proposed rule, House Report No. 96–788, on page 123, shows clearly that Congress intended that excludability of energy assistance payments depended on the Department's satisfaction with the legitimacy of purpose for any designations of energy assistance.

Two other State agencies thought that the review for FNS approval would be time consuming and delay participants' benefitting from the exclusion. A public interest group commented that FNS should confine its review to a specific timeframe and that approval should be automatic at the end of the time allotted for review. FNS intends to respond to requests for approval of energy assistance program excludability as quickly as possible, with a response deadline of 30 days. However, FNS cannot commit itself to automatic approval of submitted programs if we exceed the 30 day approval deadline.

Some commenters believe that participants that receive energy assistance payments prior to FNS approval of excludability and have those payments counted as income should be entitled to retroactive benefits. The Department, however, finds no statutory authority for retroactive benefits in the amendments this rulemaking addresses. State agencies that are planning to implement an energy assistance program are encouraged to work with FNS during the development phases of the program to avoid problems and delays in the FNS review process. The State agency should implement the income exclusion within 30 days following FNS notification of its approval.

We received a comment from a State agency whose energy assistance payments have been approved for exclusion under current regulations and one from a public interest group based in that State. Both comments requested that the excludability not be subjected to a second review after publication of the final rule. Energy assistance payments currently approved for exclusion will continue to be approved under the final regulation, but, within six months of final rule publication all plans have to be reviewed to ensure that they comply with new mandatory provisions. In many cases FNS will probably not need new information submitted from State or local agencies to approve continued excludability of their energy assistance payments. State agencies now operating such programs should contact FNS as soon as possible to learn of any new requirements applicable to them.

The only other aspect of the energy assistance payment exclusion regulation that received a significant amount of attention in comments was the implementation timeframes and we will address these issues below under the Implementation heading.

Restoration of Lost Benefits

Our September 14, 1982 proposed rule addressed provisions in sections 1320 (a) and (b) of Pub. L. 97–98 which mandated a twelve month limit on restoration of lost benefits. Three State agencies commented in support of the proposed changes. Several commenters pointed out that although the regulation appears to absolutely limit restored benefits to twelve months, there are circumstances in which more than one year's benefits would be restored. For instance, if a currently participating household requests a restoration of benefits for a one year period and it takes the certification office two months to establish the household's entitlement, the household would receive fourteen or fifteen months of benefit restoration. The Department agrees that restoration may be for a longer period if resolution of a request occurs some months after the State agency is made aware of the request.

Two advocacy groups pointed out that our proposal for restoration of lost benefits requests removed the distinction between intentional Program violation (fraud) reversals and all other requests for benefit restoration. (Prior to enactment of Pub. L. 97–98 FNS had limited restoration of lost benefits to twelve months but for intentional Program violation determination reversals there was no time limit.) One

commenter argues that Pub. L. 97-98 only mandates the regulations currently in effect and does not remove the exception to the twelve-month limit for later reversals of wrongful intentional Program violation decisions. Congress did not refer specifically to these reversals in the 1981 Amendments. However, in actual Program operation the twelve-month limitation dates back from the point in time at which the State agency first learns that a household has requested a restoration of lost benefits. In cases where the household contests an intentional Program violation allegation by participation in an administrative disqualification hearing it is logical to expect that it is the household's intention to seek restoration of any benefits they will lose. Thus, in cases of contested assertions of intentional Program violation that are later reversed, the State agency should interpret the household's participation in the administrative disqualification hearing as a notification of the household's request for restoration of lost benefits. Language has been added to the final regulation to make this clear.

Implementation

State or local governments that currently provide energy assistance are required to bring their energy assistance programs into compliance with these new provisions within six months of publication of these rules. If State or local governments fail to meet this deadline, their energy assistance will no longer be excludable. Four State agencies and one FNS Regional Office commented that the six-month implementation timeframe was too short and would create administrative difficulties. However, the six-month deadline, as we pointed out in our proposal, was indicated in the Conference Report on Pub. L. 97-98, and was intended to allow State and local legislatures sufficient time to revise their laws and programs. S. Rpt. No. 97-290, 97th Cong., 1st Sess., p. 217. In view of Congressional intent indicated in the Conference Report, no change is made in the final rule. Following publication of the final rule, State or local energy assistance which is not already being excluded will not be approved for exclusion unless it is established in compliance with the new provisions.

The new provisions concerning restoration of lost benefits shall be implemented no later than 120 days following publication of the final rule.

List of Subjects

7 CFR Part 272

Alaska, Civil rights, Food stamps, Grant programs—Social programs, Reporting and recordkeeping requirements.

21 CFR Part 273

Administrative practice and procedure, Aliens, Claims, Food stamps, Fraud, Grant programs—Social programs, Penalties, Reporting and recordkeeping requirements, Social Security, Students.

Accordingly, 7 CFR Parts 272 and 273 are amended as follows:

PART 272—REQUIREMENTS FOR PARTICIPATING STATE AGENCIES

1. In § 272.1, a new subparagraph (46) is added to paragraph (g) to read as follows:

§ 272.1 General terms and conditions.

* * * * *

(g) *Implementation.* * * *

(46) *Amendment 225.* The State agency shall obtain FNS approval for the exclusion of energy assistance provided under any State or local program, in accordance with the criteria set forth in §§ 273.8(e)(14) and 273.9(c)(11), within six months of the date of publication of the final rule. State or local energy assistance which is not approved during this six month period shall cease to be excluded at the end of the period. The new provisions concerning restoration of lost benefits in §§ 273.17 (a) and (e) shall be implemented no later than 120 days following publication of the final rule.

* * * * *

2. In § 272.3, paragraph (a)(1)(ix) is amended by removing the citation "§ 273.8(e)(11)(viii) and § 273.9(c)(10(v)", and inserting in lieu thereof the citation "§ 273.8(e)(14) and § 273.9(c)(11)".

PART 273—CERTIFICATION OF ELIGIBLE HOUSEHOLDS

3. In § 273.8, paragraph (e)(11)(viii) is removed, paragraphs (e)(11) (ix) and (x) are redesignated as (e)(11)(viii) and (e)(11)(ix), respectively; and, a new paragraph (e)(14) is added to read as follows:

§ 273.8 Resource eligibility standards.

* * * * *

(e) *Exclusions from resources.* * * *

(14) Energy assistance payments or allowances excluded as income under § 273.9(c)(11).

* * * * *

4. In § 273.9 paragraph (c)(10)(v) is removed and paragraphs (c)(10) (vi), (vii), (viii), (ix), and (x) are redesignated as (c)(10) (v), (vi), (vii), (viii), and (ix), respectively; and a new paragraph (c)(11) is added to read as follows:

§ 273.9 Income and deductions.

* * * * *

(c) *Income exclusions.* * * *

(11) Payments or allowances made under any Federal law for the purpose of providing energy assistance. In addition, any payments or allowances, including tax credits, under State or local law which are so designated and made for the purpose of providing energy assistance shall be excluded from consideration as income, provided that FNS has approved the exclusion of such payments or allowances. Notification of FNS approval will contain a specific date on which it becomes effective, but in no case will that date be later than 30 days following FNS notification to the State agency. The payments shall include but not be limited to assistance which is combined in a single payment with public assistance (PA) or general assistance (GA). The State agency shall submit documentation to FNS to show that the State or local energy assistance to be excluded meets the purpose designation as follows:

(i) The State or local payments or allowances are made for the purpose of providing energy assistance to households. Some indicators of purpose are:

(A) The energy assistance is not limited to households which receive PA or GA;

(B) The energy assistance is provided only to households which actually incur home energy costs;

(C) If the energy assistance payments are made separately or combined with other assistance payments, such as PA or GA, the energy assistance results in an increase in total assistance to the household (not counting food stamps) when compared to the assistance level as of the first day of the State or local legislative session during which the energy assistance is authorized or increased;

(D) The energy assistance is based on studies, surveys, or reports evaluating home energy costs. The energy assistance levels should be directly tied to the findings of such studies, surveys, or reports; and

(E) The energy assistance payments are designated as such by the legislative body enacting them;

(ii) The payments or allowances are clearly designated, (A) in State or local law, or (B) in documentation supporting or accompanying the statute, as energy

assistance, distinct from other assistance. If the designation is contained only in supporting documentation it must clearly reflect the intent of both chambers of a bicameral legislature or the intent of a majority of members of a town council or county board. Documentation that would show a majority intent of an enacting body could take the form of a legislative resolution, the preamble and body of county regulations, county or town ordinances, or similar measures that represent the wishes of an entire legislative body; and

(iii)The levels of State or local engergy assistance payments or allowances are calculated based on the seasonal home energy needs of typical households over an aggregate period not exceeding six months per year. If the State or local energy assistance is actually provided over a period longer than this aggregate, then the State agency shall document the reasons why it is administratively infeasible or impracticable to provide the energy assistance within the aggregate period on which it is based. If the legislation enacting the energy assistance program requires calculation of the energy assistance payments on the basis of only *increased* seasonal home energy needs, such payments may be excluded.

* * * * *

5. In § 273.17, paragraph (a)(1) is revised, paragraph (a)(2) is redesignated as (a)(3), a new paragraph (a)(2) is added, and paragraph (e) is revised. The changes read as follows:

§ 273.17 Restoration of lost benefits.

(a) *Entitlement.* (1) The State agency shall restore to households benefits which were lost whenever the loss was caused by an error by the State agency or by an administrative disqualification for intentional Program violation which was subsequently reversed as specified in paragraph (e) of this section, or if there is a statement elsewhere in the regulations specifically stating that the household is entitled to restoration of lost benefits. Benefits shall be restored for not more than twelve months prior to whichever of the following occurred first:

(i) The date the State agency receives a request for restoration from a household; or

(ii) The date the State agency is notified or otherwise discovers that a loss to a household has occurred.

(2) The State agency shall restore to households benefits which were found by any judicial action to have been wrongfully withheld. If the judicial action is the first action the recipient has taken to obtain restoration of lost benefits, then benefits shall be restored for a period of not more than twelve months from the date the court action was initiated. When the judicial action is a review of a State agency action, the benefits shall be restored for a period of not more than twelve months from the first of the following dates:

(i) The date the State agency receives a request for restoration:

(ii) If no request for restoration is received, the date the fair hearing action was initiated; but

(iii) Never more than one year from when the State agency is notified of, or discovers, the loss.

* * * * *

(e) *Lost benefits to individuals disqualified for intentional Program violation.* Individuals disqualified for intentional Program violation are entitled to restoration of any benefits lost during the months that they were disqualified, not to exceed twelve months prior to the date of State agency notification, only if the decision which resulted in disqualification is subsequently reversed. For example, an individual would not be entitled to restoration of lost benefits for the period of disqualification based solely on the fact that a criminal conviction could not be obtained, unless the individual successfully challenged the disqualification period imposed by an administrative disqualification in a separate court action. For each month the individual was disqualified, not to exceed twelve months prior to State agency notification, the amount to be restored, if any, shall be determined by comparing the allotment the household received with the allotment the household would have received had the disqualified member been allowed to participate. If the household received a smaller allotment than it should have received, the difference equals the amount to be restored. Participation in an administrative disqualification hearing in which the household contests the State agency assertion of intentional Program violation shall be considered notification that the household is requesting restored benefits.

* * * * *

Authority: 91 Stat. 958 (7 U.S.C. 2011–2029).

(Catalog of Federal Domestic Assistance Program No. 10.551, Food Stamps)

Dated: April 8, 1983.

Robert E. Leard,

Administrator.

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7 CFR Parts 271 and 285

[Admt. 248]

Food Stamp Program; Termination of the Food Stamp Program in the Commonwealth of Puerto Rico

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final Rule.

SUMMARY: The 1981 Omnibus Budget Reconciliation Act initiates a nutrition assistance grant to replace the Food Stamp Program in the Commonwealth of Puerto Rico effective July 1, 1982. On April 30, 1982, the Department published an interim rule at 47 FR 18567 which implemented those technical and procedural provisions which would govern the termination of the Federal Food Stamp Program in the Commonwealth of Puerto Rico and the transition into the Nutrition Assistance Grant Program. This rulemaking finalizes the provisions of the interim rule.

EFFECTIVE DATE: Interim § 285.11 which is herein redesignated as § 285.10 and revised, and which allows the Commonwealth of Puerto Rico to retain 25 percent of the value of nonfraud claim recoveries that did not result from administrative error was effective April 30, 1982. The requirement to delete reference to Puerto Rico in 7 CFR 273.9 and 273.10 was effective July 1, 1982, also, § 271.2 is effective July 1, 1982. All other provisions in the interim rule adopted by this final action were effective April 30, 1982.

FOR FURTHER INFORMATION CONTACT: Judith M. Seymour, Acting Supervisor, Eligibility and Certification Section, Program Design and Rulemaking Branch, Family Nutrition Programs, Food and Nutrition Service, USDA, Alexandria, Virginia 22302; (703) 756–3429.

SUPPLEMENTARY INFORMATION:

Classification

This rule has been reviewed under Executive Order 12291 and Secretary's Memorandum No. 1512–1. The Department has determined that this rule does not constitute a major rule. This rule implements the technical aspects of the conversion of the Food Stamp Program in the Commonwealth of Puerto Rico to a Nutrition Assistance Grant Program. The provisions of the nutrition assistance grant itself were implemented through a rule published by the Department on March 12, 1982 at 47 FR 10767.

In addition, this rule will not result in a major increase in costs to State (Commonwealth) or local government agencies in Puerto Rico. This rule will also not result in a major increase in costs or prices for consumers or individuals and will not have a significant effect on competition, employment, productivity, investment, or foreign trade. Further, this rule is unrelated to the ability of United States-based enterprises to compete with foreign-based enterprises. Moreover, pursuant to section 4(a) of the E.O. 12291, the Department has determined that the rule is within the authority delegated by law and consistent with Congressional intent.

This rule has been reviewed with regard to the requirements of the Regulatory Flexibility Act, Pub. L. 96–354. Robert E. Leard, Acting Administrator of the Food and Nutrition Service, has certified that this action will have a broad but minor economic impact on a substantial number of small entities. The action will implement those provisions that govern the conversion of the Federal Food Stamp Program in the Commonwealth of Puerto Rico to a nutrition assistance grant program. The State and local welfare agencies are affected to the extent that they administer the current program. The Department has determined that the potential impact on retail food sales will be minimal since the government of the Commonwealth of Puerto Rico has chosen to replace the present Food Stamp Program in the Commonwealth of Puerto Rico with a cash nutrition assistance program.

Information collection requirements contained in this regulation (§ 285.11(c)) have been approved by the Office of Management and Budget under the provision of the Paperwork Reduction Act of 1980 (Pub. L. 96–511) and have been assigned OMB control number 40–R4067.

Background

The Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35, 95 Stat. 357, August 13, 1981) provides for the conversion of the Food Stamp Program in the Commonwealth of Puerto Rico to a nutrition assistance grant program effective July 1, 1982. The Department has divided the implementation of the grant legislation and related matters into two sets of rulemakings. The Department published an interim rule on March 12, 1982 at 47 FR 10767 and a final rule on June 29, 1982 at 47 FR 28087 which implemented the provisions of the nutrition assistance grant legislation.

On April 30, 1982, the Department published an interim rule at 47 FR 18567 which established those provisions that, although not mandated by the grant legislation are necessary to ensure a smooth and orderly transition from a Food Stamp Program to a nutrition assistance grant program. This rulemaking finalizes the provisions of that interim rule.

Many provisions of the interim rule concerned Program functions that would have to be terminated by certain dates. These functions were store authorizations, bank redemption deadlines and the like. All of the dates for termination of these functions have now passed and the activities involved have ceased. Thus the provisions of the interim rule that established the termination dates have been deleted in the final rule.

The April 30, 1982, interim rule had a 30-day comment period during which one comment was received. The FNS Southeast Regional Office recommended clarification in the regulatory language regarding the acceptance of food coupons for redemption by banks located outside of the Commonwealth of Puerto Rico. The interim rule states that banks in the Commonwealth of Puerto Rico could accept coupons from authorized retail food stores and wholesale food concerns until August 27, 1982 and that no banks would accept coupons after that date. With the passing of the termination dates just referred to it is no longer necessary to address this issue so no change is needed in regulatory language.

Section 271.2, Definitions, in the paragraph giving the meaning of the word "State", Puerto Rico is mentioned since the Commonwealth was included in the definition for Program purposes. This inclusion is no longer appropriate, so this final rule adds language to delete "Puerto Rico" from the definition of "State".

Except for the changes just addressed those provisions of 7 CFR Parts 271 and 285 that remain unchanged from the interim rule are adopted as set forth in the interim rule. These Parts are set out below for the convenience of the reader. The reader should note that the section entitled "Termination of the Food Stamp Program in the Commonwealth of Puerto Rico" was incorrectly designated in the interim rule as § 285.11. The final rule correctly designates the section as § 285.10.

List of Subjects

7 CFR Part 271

Administrative practice and procedures, Food stamps, Grant programs—social programs.

7 CFR Part 285

Accounting, Food assistance programs, Grant programs—agriculture, Grant programs—social programs, Intergovernmental relations, Puerto Rico, Technical assistance, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, the amendments to 7 CFR Parts 271, and 285 are adopted as final as follows:

PART 271—GENERAL INFORMATION AND DEFINITIONS

1. In § 271.1 paragraph (b) the addition of a sentence to the end of the paragraph which appeared as interim final at 47 FR 18567 on April 30, 1982 is adopted as final to read as follows:

§ 271.1 General purpose and scope.

* * * * *

(b) * * * Part 285 describes the general terms and conditions under which grant funds are provided to the Commonwealth of Puerto Rico.

2. In § 271.2, Definitions, the definition of the word "State" is revised to remove the words "Puerto Rico". This paragraph now reads as follows:

§ 271.2 Definitions.

* * * * *

"State" means any one of the fifty States, the District of Columbia, Guam, the Northern Mariana Islands, the Virgin Islands of the United States, and the reservation of an Indian tribe whose ITO meets the requirements of the Food Stamp Act of 1977 for participation as a State agency or as a wholesale food concern.

* * * * *

PART 285—PROVISION OF A NUTRITION ASSISTANCE GRANT FOR THE COMMONWEALTH OF PUERTO RICO

3. Section 285.11 which appeared as interim at 47 FR 18567 on April 30, 1982, is adopted as final, is redesignated as § 285.10, and is revised to read as follows:

§ 285.10 Termination of the Food Stamp Program in the Commonwealth of Puerto Rico.

Retention of funds collected from claims. (a) The Commonwealth of Puerto Rico shall retain the value of funds collected for both fraud and nonfraud claims. This amount includes the total value of allotment reductions to collect fraud claims but does not include the value of the reduction of allotments resulting from a disqualification. The Commonwealth of Puerto Rico's letter of

credit will be amended on a quarterly basis to reflect the Commonwealth of Puerto Rico's retention of 25 percent of the value of those nonfraud claims which did not result from error on the part of the State agency and 50 percent of the value of fraud claims collected, as well as full retention by FNS of all administrative error overissuance recoveries.

(b) The Commonwealth of Puerto Rico shall submit monthly a Form FNS–209, Status of Claims Against Households, to detail its activities relating to claims against households. This report is due no later than 30 days after the end of each calendar month in which the Commonwealth of Puerto Rico undertakes claims-related activities. In addition to reporting the amount of funds recovered from fraud claims each month on Form FNS–209, the Commonwealth of Puerto Rico shall also report these amounts on other letter of credit documents as required. In accounting for fraud claims collections, the Commonwealth of Puerto Rico shall include cash repayments and the value of allotments recovered or offset against restoration of lost benefits. However, the value of allotments reduced during periods of disqualification shall not be considered recovered allotments and shall not be used to offset a fraud claim. In addition, the Commonwealth of Puerto Rico shall establish controls to ensure that officials responsible for fraud determinations will not benefit from the Commonwealth of Puerto Rico's share of recoveries.

(c) In cases where FNS has billed the Commonwealth of Puerto Rico for negligence, any amounts collected from households for which overissuances were caused by the Commonwealth of Puerto Rico's negligence will be credited by FNS. When submitting these payments, Puerto Rico shall include a note in the remarks section of the FNS–209 which shows the amount that should be credited against the Commonwealth of Puerto Rico's bill.

(91 Stat. (7 U.S.C. 2011–2029))

(Catalog of Federal Domestic Assistance Program, No. 10.551, Food Stamps)

Dated: April 7, 1983.

Robert E. Leard,

Administrator.

[FR Doc. 83–10087 Filed 4–18–83; 8:45 am]

BILLING CODE 3410–30–M

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Parts 272 and 273

[Amdt. 247]

Food Stamp Program; Disclosure of Information and Noncompliance with Other Programs

AGENCY: Food and Nutrition Service, USDA.

ACTION: Proposed rulemaking.

SUMMARY: This rule contains proposed regulations based on provisions of the Food Stamp and Commodity Distribution Amendments of 1981 and the Food Stamp Act Amendments of 1982 relating to the disclosure of information and noncompliance with other programs. The proposal would provide for disclosure of casefile information to the Comptroller General, law enforcement officials, and persons responsible for administering other Federal assistance programs and federally assisted State assistance programs. In addition, this rulemaking would prohibit State agencies from increasing the benefits to households which have decreased income resulting from penalties imposed for intentional failure to comply with the requirements of another means-tested program. These changes would provide those persons responsible for administering or enforcing the requirements of the Food Stamp Program and other means-tested programs additional mechanisms for detecting recipients who have incorrectly reported their household's circumstances and taking appropriate action to ensure program integrity.

DATE: Comments on this proposed rulemaking must be received on or before June 20, 1983 to be assured of consideration.

ADDRESS: Comments should be submitted to Judith M. Seymour, Acting Supervisor, Eligibility and Certification Section, Program Design and Rulemaking Branch, Family Nutrition Programs, Food and Nutrition Service, USDA, Alexandria, Virginia, 22302. All written comments will be open to public inspection at the office of the Food and Nutrition Service during regular business hours (8:30 a.m. to 5:00 p.m., Monday through Friday), at 3101 Park Center Drive, Alexandria, Virginia, Room 708.

FOR FURTHER INFORMATION CONTACT: Questions regarding this proposed rulemaking should be directed to Ms. Seymour at the above address or by telephone at (703) 756–3429.

SUPPLEMENTARY INFORMATION:

Classification

This proposed rule has been reviewed under Executive Order 12291 and Secretary's Memorandum No. 1512–1, and has been classified "not major." The proposed rule will not have an annual effect on the economy of $100 million or more, nor is it likely to result in a major increase in costs of prices for consumers, individual industries, Federal, State or local government agencies or geographic regions. Because this proposed rule would not affect the business community, it would not result in significant adverse effects on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

The proposed rule has also been reviewed with regard to the requirements of the Regulatory Flexibility Act of 1980 (Pub. L. 96–354), and Robert E. Leard, Administrator of the Food and Nutrition Service, has certified that the proposal would not have a significant impact on a substantial number of small entities. The proposal would implement those provisions of the Food Stamp and Commodity Distribution Amendments of 1981 and the Food Stamp Act Amendments of 1982 relating to the disclosure of information and noncompliance with other programs. State and local welfare agencies will be affected to the extent that they administer the Program. Those most affected will be individuals participating in the Program who are suspected of having provided incorrect information to obtain benefits under another means-tested program or who have experienced decreases in income as result of penalties imposed under other such means-tested programs.

Paperwork Reduction Act

This regulation does not contain reporting and recordkeeping requirements subject to approval by the Office of Management and Budget (OMB).

Background

The Food Stamp and Commodity Distribution Amendments of 1981 (Pub. L. 97–98, enacted on December 22, 1981) contained a provision (Section 1319) which states that State plans of operation shall provide for access to applicant and recipient records by the Comptroller General of the United States for audit and examination purposes, and by local, State of Federal law enforcement officials for the purpose of investigating possible violations of the Food Stamp Act and regulations. This proposed rulemaking would incorporate this provision of the Food Stamp and Commodity Distribution Amendments of 1981 into the federal regulations.

The Food Stamp Act Amendments of 1982 (Pub. L. 97–253, enacted on September 8, 1982) contained a provision (Section 169) stating that State plans of operation shall provide for access to information included in food stamp applications by administrators of other Federal assistance programs and federally assisted State assistance programs. This proposed rule would also incorporate into Federal Regulations this provision of the 1982 Amendments. For purposes of clarity, this proposed rule identifies such programs as means-tested programs.

In addition, the 1982 Amendments contained a provision (Section 164) which prohibits any increase in food stamp benefits to households on which penalties, resulting in decreases in income, have been imposed for *intentional failure to comply* with Federal, State or local welfare laws. This provision of the 1982 Amendments would also be implemented through this proposed rulemaking, thereby ensuring that the Food Stamp program does not mitigate the penalties imposed by other programs in which food stamp recipients also participate.

Disclosure of Information

Current Food Stamp Program regulations limit the use or disclosure of information obtained from applicant households to persons directly connected with the administration or enforcement of the Food Stamp Act or regulations, the Food Distribution Program, other federally aided, means-tested assistance programs such as Aid to Families with Dependent Children (AFDC), Medicaid, Supplemental Security Income (SSI), and General Assistance (GA) programs subject to the joint processing requirements. The regulation also permits the sharing of Food Stamp Program participation lists with the Food Distribution Program.

In implementing the 1982 amendment permitting the disclosure of information to officials administering or enforcing Federal assistance programs or federally assisted State programs, the Department is proposing deletion from the regulation of the reference to specific programs and insertion of the broader statutory language.

Congress included the provision in the Food Stamp and Commodity Distribution Amendments of 1981 which states that the State plans of operation shall provide to the Comptroller General access to Food Stamp Program records containing data on individual program recipients to clarify that it never meant to deny GAO access to such records. (Vol. 127 Cong. Rec. H7612 (daily ed. October 22, 1881) (remarks of Rep. Wampler)). In order to clarify that local, State, and Federal law enforcement officials are considered to be directly connected with the enforcement of the Food Stamp Program when conducting investigations of alleged Program violations, language was included in the 1981 Amendments stating that State plans of operation shall provide for access to applicant information by such officials. The proposed rule would, therefore, add language to the current regulations to clarify the access authority of the Comptroller General and local, State and Federal law enforcement officials. (See 7 CFR 272.1(c)).

Noncompliance with Other Programs

Pursuant to the 1977 Food Stamp Act, as amended, current Food Stamp Program regulations allow for an increase in food stamp benefits whenever a household has its income reduced for any reason. Consequently, when a welfare program penalizes a food stamp recipient household by imposing a reduction in cash benefits for intentional failure to comply with its requirements, food stamp benefits *increase* because the household has less countable income. Congressional action taken in the 1982 Food Stamp Amendments (Section 164) prohibits such an increase.

Legislative history states "Substantial testimony before the Committee has indicated that the food stamp program should reinforce, not mitigate, the penalties imposed by the other programs that food stamp recipients also participate in, and the Committee's amendment would do so". (S. Rep. No. 97–504, 97th Cong. 2nd Sess. 144(1982)). A portion of testimony stated that no household should benefit in one program from receiving benefits fraudulently in another. Further testimony suggested that the money owed because of a fraud situation is really a debt that the recipient owes, and should be treated like any other debt, and therefore the full amount to which the recipient is entitled to before the reduction should be counted as income.

When drafting this proposed rulemaking the Department considered defining "intentional failure to comply". The Department is not proposing to further define intentional failure to comply beyond the language in the statute. Instead, when another program has determined that a recipient action is an intentional failure to comply, the Food Stamp Program will accept that determination. The Department also considered which programs would be identifies as "Federal, State or local welfare programs." The Department considers these programs to be any that are means-tested and in which public funds are used to pay for the benefits. Such programs would include SSI, AFDC, GA, and other means-tested assistance programs under other titles. The Department does not believe that the statutory language contemplates application of this provision to non-means-tested programs, such as Social Security, Railroad Retirement, Veterans' Benefits, etc.

This proposed rule would require that each State agency take appropriate action to ensure that food stamp benefits do not increase as a result of such noncompliance. Even if a recipient's benefit level in another program is reduced to zero as a result of recoupment because of intentional failure to comply with that program's rules, food stamp benefits will not be increased. Following is an example of how to handle such benefit reductions in means-tested programs. If an AFDC recipient has intentionally underreported his or her income, the AFDC benefit is first reduced to reflect the corrected income and then further reduced by the recoupment amount. In this instance, the food stamp calculations would reflect the initial, reduced amount *before* recoupment. The Department believes that each State agency can best decide how to ensure that food stamp benefits do not increase in such situations and, consequently, the proposed rule does not specify the procedures to be followed.

Implementation

State agencies would begin implementing the portions of this rule regarding the disclosure of information and regarding noncompliance with other programs no later than the first day of the month 30 days following publication of the final rule. In the instance of noncompliance, State agencies would take appropriate action as instances arise. There is no requirement that a casefile search should be done upon implementation, but State agencies may take such action if they wish.

List of Subjects

7 CFR Part 272

Alaska, Civil rights, Food stamps, Grant programs—social programs, Reporting and recordkeeping requirements.

7 CFR Part 273

Administrative practice and procedure, Aliens, Claims, Food stamps, Fraud, Grant programs—social programs, Penalties, Reporting and recordkeeping requirements, Social security, Students.

Accordingly, it is proposed that 7 CFR Parts 272 and 273 be amended as follows:

PART 272—REQUIREMENTS FOR PARTICIPATING STATE AGENCIES

1. In § 272.1, paragraph (c)(1) is revised and a new subparagraph (62) added to paragraph (g). The revisions and additions read as follows:

§ 272.1 General terms and conditions.

* * * * *

(c) *Disclosure.* (1) Use or disclosure of information obtained from food stamp applicant households, exclusively for the Food Stamp Program, shall be restricted to the following persons:

(i) Persons directly connected with the administration or enforcement of the provisions of the Food Stamp Act or regulations, other Federal assistance programs, or federally assisted State programs which provide assistance, on a means-tested basis, to low income individuals;

(ii) Employees of the Comptroller General's Office of the United States for audit and examination authorized by any other provision of law; and

(iii) Local, State or Federal law enforcement officials, upon their request, for the purpose of investigating an alleged violation of the Food Stamp Act or regulations.

* * * * *

(g) *Implementation.* * * *

(62) *Amendment 247.* State agencies would implement the provisions relative to disclosure of information and noncompliance with other programs no later than the first day of the month 30 days following publication.

PART 273—CERTIFICATION OF ELIGIBLE HOUSEHOLDS

2. In § 273.10, a new subparagraph (vi) is added to paragraph (e)(2) to read as follows:

§ 273.10 Determining household eligibility and benefit levels.

* * * * *

(e) *Calculating net income and benefit levels—(1) Net Monthly Income.* * * *

(2) *Eligibility and benefits:* * * *

(vi) For households whose income has been reduced as a result of noncompliance with other program requirements, income calculation shall take into account specific procedures in § 273.11(j).

* * * * *

3. In § 273.11, a new paragraph (j) would be added to read as follows:

§ 273.11 Action on households with special circumstances.

* * * * *

(j) *Households with a decrease in income due to failure to comply.* The State agency shall ensure that there is no increase in food stamp benefits to households on which a penalty resulting in a decrease in income has been imposed for intentional failure to comply with a Federal, State, or local welfare program which is means-tested and distributes publicly funded benefits. The procedures for determining food stamp benefits when there is such a decrease in income are as follows:

(1) When a recipient's benefits under a Federal, State, or local means-tested program (such as but not limited to SSI, AFDC, GA) are decreased due to intentional noncompliance, the State agency shall identify that portion of the decrease which is a penalty for intentional noncompliance.

(2) The State agency shall calculate the food stamp benefits using the benefit amount which would be issued by that program if no penalty had been deducted from the recipient's income.

(91 Stat. 958 (7 U.S.C. 2011–2029))

(Catalog of Federal Domestic Assistance Programs No. 10.551, Food Stamps)

Dated: April 11, 1983.

John H. Stokes, III,

Acting Administrator.

[FR Doc. 83-10088 Filed 4-18-83; 8:45 am]

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federal register

Tuesday
April 19, 1983

Part IV

Department of the Interior

Fish and Wildlife Service

Geological and Geophysical Exploration of the Coastal Plain, Arctic National Wildlife Refuge, Alaska; Final Rule

Record of Decision for Oil and Gas Exploration Within the Coastal Plain of the Arctic National Wildlife Refuge, Alaska; Rule-Related Notice

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 37

Geological and Geophysical Exploration of the Coastal Plain, Arctic National Wildlife Refuge, Alaska

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This rulemaking establishes guidelines governing the carrying out of exploratory activities on the coastal plain of the Arctic National Wildlife Refuge. The promulgation of guidelines by regulation is required by subsection 1002(d)(1) of the Alaska National Interest Lands Conservation Act (ANILCA). These guidelines are based on the results of the continuing baseline study required by subsection 1002(c) and other information available to the Department of the Interior. They prescribe how to obtain approval to conduct exploratory activities and limitations on the ways in which such activities may be conducted. The purpose of such exploration is to obtain data and information about the oil and gas production potential of the coastal plain, which will be used in preparing a report to Congress. The report will contain, among other things, a recommendation on the desirability of further oil and gas exploration, development, and production in the area and an evaluation of their adverse effects on the refuge's fish and wildlife, their habitats, and other resources.

EFFECTIVE DATE: April 19, 1983.

ADDRESS: Those wishing to comment may mail their comments to: Robert A. Jantzen, Director, U.S. Fish and Wildlife Service, Attention: Associate Director for Wildlife Resources, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Mr. James Gillett, Chief, Division of Refuge Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, (202) 343–4311.

SUPPLEMENTARY INFORMATION: These regulations were prepared by a Task Force headed by David McGillivary, Ecological Services, Region 7, U.S. Fish and Wildlife Service and Wilma Zellhoefer, Fish and Wildlife Biologist, Arctic National Wildlife Refuge, U.S. Fish and Wildlife Service.

Proposed rulemaking was published at 47 **Federal Register** 41060–41074 on September 16, 1982, and comments were invited for 45 days through November 1, 1982. Over 500 written comments were received from 71 sources including individuals, industry, conservation groups, academia, and Federal, State, and local government agencies, and Members of Congress. The U.S. Fish and Wildlife Service (Service) conducted two public hearings in Alaska to receive comments on the proposed regulations and accompanying draft Environmental Impact Statement (EIS). At these hearings, 13 people provided formal testimony on October 7, 1982 in Anchorage and 16 people provided formal testimony on October 12, 1982 in Kaktovik, where several others also participated in a general discussion.

The Service appreciates the interest shown in these guidelines. In very broad terms, commenters expressed two divergent points of view. Some thought that the guidelines are unnecessarily burdensome or restrictive, and some thought that they do not provide an adequate level of protection for refuge resources and values.

The following discussion summarizes the comments, suggestions and actions taken and presents itself in a section-by-section analysis of the final guidelines.

§ 37.1 Purpose. Amongst the few commentors specifically commenting on this section, there was a difference of opinion on whether the proposed rule correctly stated the purpose of the § 1002 program. While one commenter said that it accurately reflected congressional intent, another suggested that the § 1002 program is intended to have the dual goals of data collection and resource protection and that the proposed § 37.1 incorrectly subordinated the objective of avoiding significant harm to the objective of obtaining the best possible data. The Service disagrees with the latter view. Section 1002's purpose is to facilitate the controlled collection of data and information to be used by the Executive and Legislative Branches in deciding whether further exploration through stratigraphic test wells, development, and production of oil and gas within the coastal plain should be permitted, and if so whether any additional legal authorities are necessary to minimize or avoid adverse effects therefrom on the refuge's resources. While the guidelines fix ascertainment of the best possible data and information concerning oil and gas within the coastal plain as the goal of the § 1002 program in order to foster sound decisionmaking, implementation of this goal is not without constraint. The "no significant adverse effect" standard of § 1002(d)(1) is a limitation on the manner in which data collection activities may be authorized and carried out, which would not be necessary in the absence of data collection. The goal of conserving the refuge's resources is instead reflected in § 303(2) of ANILCA, 94 Stat. 2389 and 2390, 16 U.S.C. 668dd note, redesignating the refuge as a unit of the National Wildlife Refuge System (NWRS), and § 304(a) of ANILCA, 94 Stat. 2393, affirming application, except to the extent limited by ANILCA, of the laws governing administration of the NWRS to it. Nonetheless, without changing its intent, the Service has adopted this commenter's suggestion for changing and combining the third and fourth sentences of § 37.1 because the suggested language is simpler. Section 37.1 now states that the goal of the § 1002 program is to ascertain the best possible data and information without significantly adversely affecting the wildlife, its habitat, or the environment and without unnecessary duplication of exploratory activities. A few commenters criticized the rule as flawed for failing to state that the purpose of these guidelines is to provide maximum protection for the coastal plain's resources. This issue is discussed in the summary of comments on § 37.11.

Relying on § 1002(a) which says that the purpose of § 1002 is to "authorize" exploratory activity within the coastal plain, a few commenters criticized the second sentence of § 27.1 which says that § 1002 mandates an oil and gas exploration program. This statement is based on § 1002(d)(1) which directs the Secretary of the Interior to establish a regulatory framework for governing exploratory activities that are carried out on the coastal plain and § 1002(e)(2) which requires the Secretary to approve all exploration plans found to be consistent with the regulations. The Service realizes that no one, including the United States Geological Survey (GS), is required to submit an exploration plan and that it is possible that no exploration will be carried out.

A few commenters construed these guidelines as establishing a pre-leasing program. The Service disagrees with this construction. By their nature, the guidelines must focus on exploration, but § 37.4 is a disclaimer to the notion that authorization to conduct exploration confers in any manner a right to any discovered oil or gas, which includes any preferential leasing right.

Section 37.2 Definitions. Sixteen commenters made various comments on several of the definitions included in the proposed rule. Their remarks, plus the Service's changes in § 37.2, are summarized below.

Section 37.2(a) "Act." This definition was modified to reflect the amendment of section 1002 which was enacted on December 30, 1982 by section 110 of Pub.

L. 97–394, 96 Stat. 1982. This amendment added the following proviso to section 1002(e)(2)(C):

> And *Provided*, That the Secretary shall prohibit by regulation any person who obtains access to such data and information from the Secretary or from any person other than a permittee from participation in any lease sale which includes the areas from which the information was obtained and from any commercial use of the information. The Secretary shall require that any permittee shall make available such data to any person at fair cost.

The Service plans to implement this proviso on an interim basis through the adoption of §§ 37.4(b), 37.22(d)(3), 37.53(g) and 37.54(d). These interim final rules have been adopted without the benefit of public review and comment. They have been adopted to avoid the hiatus that would otherwise occur if the disqualifications against participation in future lease sales, the prohibition against commercial use of data and information obtained from the Secretary, and the requirement that permittees make raw data and information available to any person at fair cost, which are required to be implemented by regulation, were not implemented at the time these guidelines go into effect. The Service does, however, invite any person who is interested in commenting on §§ 37.4(b), 37.22(d)(3), 37.53(g) and 37.54(d) to submit written comments to Robert A. Jantzen, Director, U.S. Fish and Wildlife Service, Attention: Associate Director for Wildlife Resources, Department of the Interior, Washington, D.C. 20240 by June 3, 1983. Commenters may also offer their own suggestions for implementing section 110 of Pub. L. 97–394, as well as any amendments to the remainder of 50 CFR Part 37 that they feel are needed because of section 110.

Section 37.2(b) "Adequate protective cover." The definition of adequate protective cover drew several comments. Most commenters recommended that a specific physical standard be established for the minimum depths of snow and frost which would be considered adequate cover. The Service disagrees with this approach. Adequate protective cover is a concept which varies according to the substrate to be protected and the method of access used. For example, a rubber-tired Rolligon would have relatively less effect than a six-unit cat-train when travelling over tussock tundra with six inches of snow cover. Conversely, a D–9 Caterpillar tractor may cause no disturbance when travelling over a frozen mudflat with no snow cover, while potentially causing significant disturbance to an area of high microrelief cover by an average of six inches of snow. Because of the great variety in topography in the coastal plain, and the large number of different vehicles which may be used in the exploration program, the Service believes that a performance-based standard is a more effective safeguard than an operational standard and is, therefore, retaining the definition proposed.

The application of this standard will require to some degree the exercise of personal judgment, as two commenters noted. However, the permittee's compliance with this standard will be enforced by professionally trained and experienced Field Monitors who will be exercising their professional judgment as to whether the standard is being met under specific field conditions.

Section 37.2(e) Cultural resource. One commenter felt that this definition was too narrow and should be broadened to include contemporary Native culture. The Service disagrees. This provision is consonant with §§ 106 and 110 of the National Historic Preservation Act (NHPA), as amended, 16 U.S.C. 470f and 470h–2, its implementing regulations, 36 CFR Parts 60 and 800, and Executive Order 11593, 36 FR 8921 (May 13, 1971), 16 U.S.C. 470 note, concerning the protection of historic and cultural properties. This definition encompasses sites, structures, and objects significant in American history, including Native history and pre-history, but it properly does not cover resources of strictly contemporary Native cultural value, such as some recent sacred sites and cemeteries. Such contemporary cultural values are covered under other authorities and procedures, *e.g.*, the National Environmental Policy Act, 42 U.S.C. 4321 *et seq.*, the American Indian Religious Freedom Act, 42 U.S.C. 1996, and Title VIII of ANILCA, 16 U.S.C. 3112–3126, concerning subsistence. For more information, see also the discussions of §§ 37.22 and 37.32 below.

Section 37.2(i) "Exploratory activities." One commenter criticized the proposed definition for encompassing all geophysical activities.

Although the Service rcognizes that its regulatory definition is broader than the definition found in Section 1002(b)(2), which defines "exploratory activity" to mean surface geological exploration or seismic exploration, or both, for oil and gas within the coastal plain, it believes that the rule is not inconsistent with the statute. As suggested in the preamble to the proposed regulations, the Service wishes to enable a permittee to design an integrated exploration plan using phased exploratory methods, whereby reconnaisance-level data obtained by geophysical exploration methods other than seismic exploration, such as aerogravimetric and aeromagnetic surveys, can be used, should a permittee wish to do so, to help focus its attention on those areas where detailed seismic exploration may be warranted. In order to be approved, a permittee's exploration plan must be found to be consistent with the Service's guidelines. Therefore, so that an exploration plan involving geophysical survey methods other than seismic exploration could be approved, the Service has adopted a definition of exploratory activities which covers other geophysical exploration methods, in addition to seismic exploration. If, instead, the Service adopted *verbatim* the statutory definition, it and the interested applicants could run the risk that the omission from its guidelines of other geophysical methods could be construed to preclude their authorization and use.

Two commenters criticized the proposed rule for encompassing aerial exploration. As noted in the EIS, surface geological survey parties are often transported by helicopter. The possibilities of conducting seismic exploration by use of a helicopter-transported conventional survey technique (subsurface explosives) or of a helicopter-transported air-shot operation (surface explosives) are also discussed in the EIS. The proposed rule was drafted to include aerial exploration because of the use of helicopters in carrying out these exploratory activities and conventional aerogravimetric surveys. However, these types of activities typically involve surface landings in the area being explored, as do conventional aerogravimetric surveys.

The final rule has been modified to clarify the Service's intent. It covers surface geological exploration, by which the Service means to include even those geological survey parties that are transported from place to place within the coastal plain by helicopters or fixed-wing aircraft; seismic exploration, by which the Service means to include seismic surveys conducted by use of helicopters or fixed-wing aircraft, as well as by other means; and any other type of geophysical exploration of the coastal plain which involves or is a component of an exploration program for the coastal plain which involves surface use of refuge lands. By this definition the Service does not intend to regulate fully airbone surveys, *i.e.*, surveys which are conducted by traversing the navigable airspace and without the benefit of any surface use of

refuge lands, that are separate and not a part of any exploration plan involving surface use of refuge lands, even though their purpose is to gather data about the oil and gas potential of the coastal plain.

Section 37.2(j) "Harass." Four commenters recommended rewriting this rule so as to broaden it to include such terms as "pursue", "hunt", "drive", etc. In an effort to bring this rule into closer conformity with other federal law and to clarify its intent, the Service has rewritten the rule. One commenter felt that the rule is overly broad in that omissions are included. The Service disagrees.

Section 37.2(k) "Hazardous substances." The single commenter addressing this definition asserted that the rule is too broad. It was recommended that the definition be made more specific and more consistent with existing law. As the commenter noted, there are many existing federal statutes and regulations which control the items mentioned in the definition. However, those laws are intended to regulate certain classes of materials, while this rule is intended to regulate the use of a broad spectrum of materials in a localized area. Accordingly, the Service believes the definition is useful. Minor changes have been made in the definition by deleting the reference to shot wire and transferring it to the "waste" definition § 37.2(z) and by inserting "significant" after the word "cause."

Section 37.2(n) "Plan of operation." One commenter complained that no reason was articulated as to why operation plans must be limited to 12 months duration. A number of changes in the rules on operation plans have been made, which are discussed below. They are limited in duration because they are intended to correlate generally with the permittee's field seasons.

Section 37.2(o) "Processed, analyzed and interpreted data or information." Three commenters recommended that the proposed rule be modified by the addition of a sentence describing the term "processing" as including analog to digital conversion, selective filtration, 'weathering', differential modification or amplification, and signal summing or stacking. This recommendation was made to ensure that seismic field tapes would be treated as processed data rather than raw data and information, and, therefore, would be exempt from public disclosure for a number of years in accordance with § 37.54. One of these commenters added that all geophysical data, which the permittee develops only after a considerable financial investment and by virtue of its technical expertise, should be considered as processed data and, therefore, not subject to immediate public release. Another commenter recommended that the rule be modified to include any processing accomplished by programmed, second-stage electronic equipment installed in the field recording equipment. One commenter recommended that the rule be rewritten to cover any data and information collected under a permit and subsequently changed so as to facilitate interpretation.

The Service has not made any changes in the rule based on these comments because of the intervening amendment of Section 1002(e)(2)(C) by Section 110 of Pub. L. 97-394, quoted above. The Service considers the commenter's concerns about the harm that could be done to the competitive positions of permittees should their seismic tapes be made available to the public and their competitors as raw data and the consequent disincentive that the Service's disclosure provisions provided to participation in the exploration program to have been mooted by the passage of Section 110. Section 110 should restore the economic incentive needed by industry to participate in exploration of the coastal plain. According to its legislative history, the purpose of Section 110 is to put all commercial interests on an equal footing by denying any company that gets data and information from the Department or from any party other than a permittee from participating in a subsequent lease sale of the land to which such data and information pertain. H.R. Rep. No. 978, 97th Cong., 2d Sess. 27 (Dec. 17, 1982).

Section 37.2(p) "Raw data and information." One commenter recommended that this rule be reworded so that seismic field tapes would not be included as original recordings in electronic form obtained during field operations. Another commenter stated that the differentiation made in the proposed rules between raw and processed, analyzed and interpreted data was too artificial to justify the difference in their availability and recommended that the definition of raw data be more limited. A few commenters recommended that raw data be defined as all data except processed, analyzed or interpreted data. These changes have not been made for the reason stated above and because of Section 110, according to the legislative history, is also to preserve the right of public access to raw data and information for the purpose of full public discussion and debate on whether the refuge should be opened to leasing in the future. H.R. Rep. No. 97-978, above, at 28. One commenter stated that the raw data should include seismic record sections and therefore wanted § 37.53(d) modified to cover interpretations of seismic record sections. The Service does not agree since seismic record sections are created from the processing of seismic tapes.

Section 37.2(bb) "Year." One commenter stated that there is no reason to tie the definition of year to the government's fiscal year rather than the calendar year. The need for this definition has been eliminated by referring to the fiscal year in § 37.24. By requiring permittees to submit their plans of operation on a fiscal-year basis, § 37.24 enables them to avoid the necessity of submitting two plans of operation for each winter field season. Whenever used elsewhere in the regulations, the term "year" means calendar year.

Section 37.3 Other applicable laws. One commenter suggested that the phrase "the requirements of which are not inconsistent with this part" be deleted from § 37.3(a) on the basis that a federal regulation cannot overrule a federal statute. The commenter misconstrued the rule. This phrase is only intended to apply to state and local laws. The words "and local" have been added to § 37.3(a).

One commenter characterized the proposed §§ 37.3(b) and (c) as passive and charged the Service with the duty of acting to resolve permit conflicts among federal, state, and local governments. Since permittees, not the Service, conduct exploratory activities, it is appropriate that permittees obtain any additional authorizations that may be needed.

But, also in an effort to assist applicants in avoiding conflicts, the preamble to the proposed regulations encouraged any applicant submitting an exploration plan covering activities which would affect land and water uses in Alaska's coastal zone to consult with the State of Alaska's Division of Policy Development and Planning early in its planning effort so that in the submission of its exploration plan to the Service the applicant can satisfy the certification requirement of § 307(c)(3)(A) of the Coastal Zone Management Act, 86 Stat. 1285, as amended, 16 U.S.C. 1456(c)(3)(A), to the extent that it applies to the applicant's proposed activities. The North Slope Borough (NSB), in commenting on the proposed guidelines, requested the Service to point out the importance of similar consultation with it. The NSB was not mentioned in the preamble to the proposed guidelines because its coastal zone management program was not then

in effect. It has informed the Service that it expects its coastal management program to be completed in 1983. Therefore, applicants are also encouraged to consult with the NSB if their planned activities would affect land and water uses in the coastal zone covered by the NSB's management program.

Two commenters stated that § 37.3(c) should refer to the need to obtain the concurrence of native allotment holders for use of their lands. By virtue of the Act of May 17, 1906, 34 Stat. 197, as amended, and Section 1 of the Act of March 8, 1922, 42 Stat. 415, as amended, 43 U.S.C. 270–11, native allotments were made subject to a reservation to the United States of the oil and gas contained therein and of the right to prospect therefor. Because of this reservation, the Service has decided not to adopt this suggestion for the holders of approved Native allotments. The Service has added, instead, a new § 37.23(b), requiring the Regional Director to consult with the approved native allotment holder for the purpose of developing mitigating permit conditions before issuing a special use permit for exploration involving the use of its lands. In addition, § 37.32(e) provides an added measure of protection by authorizing the Regional Director to designate allotted lands, as well as Kaktovik Inupiat Corporation lands, as special areas in which exploratory activities may be restricted.

As to the Kaktovik Inupiat Corporation's lands, the proposed § 37.3(c) is intended only to apply to those lands which are within the coastal plain. By virtue of the map referred to in section 1002(b)(1), lands in which the surface estate has already been conveyed to the Kaktovik Inupiat Corporation pursuant to sections 12 and 14 of the Alaska Native Claims Settlement Act (ANCSA), 85 Stat. 701 and 702, as amended, 43 U.S.C. 1611 and 1613, are excluded from the coastal plain and, therefore, a permit issued pursuant to § 1002 cannot authorize exploration of those lands. As those lands are within the exterior boundaries of the refuge, they continue, by virtue of section 22(g) of ANCSA, 85 Stat. 713, 43 U.S.C. 1621(g), to be subject to other applicable refuge laws and regulations notwithstanding section 103(c) of ANILCA, 94 Stat. 2377, 16 U.S.C. 3103(c). 126 Cong. Rec. H11113 (daily ed. November 21, 1980). Anyone wishing to explore for oil and gas within this excluded area, which was not intended to be covered by the proposed § 37.3(c), should file a separate application for doing so at the time of filing to explore the section 1002 area.

There are six sections of selected Corporation lands within the coastal plain. Because under ANSCA the Corporation can acquire only the surface estate and because the section 1002 program involves exploration of the subsurface estate of a congressionally defined area, which is presently owned by the United States, the Service has decided not to adopt, as a matter of policy, the requirement for obtaining the Corporation's concurrence in the final rule. Therefore, § 37.3(c) has been eliminated. But, the Corporation is covered by §§ 37.23(b) and 37.32(e), which are discussed above.

Section 37.4 Disclaimer and Disqualification. The heading of this section was changed to reflect the addition of § 37.4(b), which implements the first two prohibitions required by § 110 of Pub. L. 97–394. Public comments are invited on § 37.4(b). See the discussion under § 37.2(a) above.

Section 37.11 General standards for exploratory activities. Paragraph 37.11(a) prohibits the conduct of exploratory activities without a special use permit. Although concurring with the use of a special use permit as the final authorizing instrument, one commenter recommended that approval of an exploration plan, rather than issuance of a permit, be the vehicle for the imposition of operational stipulations. This recommendation was based on the absence in the guidelines of a separate, structured opportunity for public review and comment on the terms and conditions of a permit.

The Service views the exploration plan as the applicant's proposal for conducting exploratory activities in a manner consistent with the guidelines. In the process of approving an exploration plan, the Regional Director may require, as a condition of approval, modifications in the plan, such as exploration in assigned areas, joint exploration, or other changes, which will have the effect of limiting operations. However, the Service regards the permit as an additional safeguard necessary to impose detailed or site-specific stipulations. As more information and new situations arise, § 37.31(a) authorizes the Service to impose additional stipulations. These provisions are necessary to enable the Service to supervise adequately exploratory activities. The Service feels that the opportunity afforded the public to review and comment on the exploration plan will be sufficient for the public to identify those aspects of an applicant's proposed operations of concern to the public and to recommend the manner by which they should be controlled or disallowed. Accordingly, no change in the guidelines has been made on the basis of this recommendation.

As was explained in the preamble to the proposed guidelines, the general standards governing the conduct of exploratory activities are stated in § 37.11 and amplified by the environmental protection provisions of Subpart D. The prohibition in § 37.11(d) against the drilling of exploratory wells is not intended to prevent drilling operations necessary for placing explosive charges, where authorized pursuant to an approved exploration plan and special use permit, for seismic exploration.

A number of commenters criticized the Service for reiterating in § 37.11(b)(1) the standard found in section 1002(d)(1) that exploratory activities shall be conducted so that they "do not significantly adversely affect" the refuge's fish and wildlife, their habitats or the environment. They deemed the guidelines as a whole to be deficient in satisfying the level of protection that they construed Congress to intend by this standard.

This criticism has essentially two aspects. One, some commenters felt that the guidelines apply the wrong standard or misapply the statutory standard so as to provide an inadequate degree of protection against the environmental impacts of exploration. Two, a few commenters felt that "significant adverse effect" should be explicitly defined because the standard is otherwise too vague and discretionary.

Those commenters who felt that the guidelines incorrectly apply the "no significant adverse effect" standard argued that Congress intended to authorize the Service to permit only those exploratory methods and techniques that would result in the least damage or assure the maximum protection of the refuge's resources. Their views were summarized by one commenter who suggested that the statutory standard encompasses both a technology-based standard of least damaging technology and a performance-based standard of maximum resource protection. As a corollary, these commenters often thought that the Service should impose a specific exploratory method and/or technique on permittees, usually either by prohibiting access to the coastal plain by surface vehicles (i.e., by cat trains) or by requiring or giving preference to seismic surveys to be conducted by helicopter during the

winter. Expressing the contrary view, an oil company stated that to choose between helicopter-transported seismic surveys and seismic work done by ground vehicle on the basis of apparent environmental compatibility addresses only half of the Service's responsibility and may not produce adequate data quality to evaluate the coastal plain's oil and gas potential. Noting its own experience and record using the heliportable technique in the Kenai Moose Range and the vibration technique on the North Slope, it asserted that seismic exploration can be done with minimum damage to the wildlife and its habitat. For these reasons, it requested the Service to give operators the option of selecting the most appropriate technique.

The Service believes that the meaning of section 1002 must, in the first instance, be sought in the language in which it is itself framed and that the words of Congress, as expressed in section 1002, are themselves the most reliable source from which to ascertain legislative intent. Subsection 1002(a) states that it is the purpose of the statute to authorize exploratory activity within the coastal plain in a manner that "avoids significant adverse effects" on the fish and wildlife and other resources. Subsection 1002(d)(1) states that the guidelines shall include such prohibitions, restrictions, and conditions on carrying out exploratory activities as the Secretary deems necessary or appropriate to ensure that exploratory activities "do not significantly adversely affect" the fish and wildlife, their habitats, or the environment. Subsection 1002(f) states that, whenever the Secretary determines that continuation of further activities will "significantly adversely affect" fish or wildlife, their habitat, or the environment, he may suspend them.

Thus, it is clear from the plain language of Section 1002 that the protection standard adopted by Congress is based on the impact to the resource and not on the technology to be used in carrying out exploration. Furthermore, the statute does not prohibit all adverse impacts or require the least possible amount of adverse impact. Instead, the statute only precludes the Service from authorizing permittees from conducting those exploratory activities that would result in adverse environmental impacts of such consequence as to be significant. Had the congress intended otherwise, it could have easily deleted the word "significantly" or used the phrase "maximum protection", "best available technology", or "least damaging technology" as the standard of protection to be afforded to the refuge's resources. Examination of other environmental legislation demonstrates that when Congress intends to mandate any kind of technology standard, a technology-based standard of least damaging technology, or a performance-based standard of maximum resource protection, it is fully capable of drafting the express statutory language needed to do so. Compare Section 1002 of ANILCA with the Clean Air Act, as amended, 42 U.S.C. 7411(a)(1)(C), 7475(a)(4), and 7503(2), the National Emission Standards Act, 42 U.S.C. 7521(a)(3)(A)(iii), and the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1311(b)(1)(A)(i) and (2)(A)(i) and 1316(a)(1). But as Congress did not use such or similar language in writing Section 1002, the Service believes that its guidelines correctly reflect the standard and level of environmental protection congressionally intended.

Not only does the Service's interpretation give separate meaning each to "significantly" and "adversely", it also makes sense in light of the other provisions of Section 1002. It is clear from Section 1002(e) that Congress intended the needed oil and gas data and information to be obtained with the aid of the private sector. Two Members of Congress noted in their comments on the proposed guidelines that "Congress has recognized that the private sector has historically done a better job of collecting geophysical and seismic data compared to any governmental agency—the private sector is simply better equipped to do the work and, thus, the data is more useful." Also, by labeling the Service's regulations as "guidelines" in Section 1002(d)(1), Congress itself has suggested that they should leave some discretion as to which particular exploratory methods and techniques are to be permitted, as long as they do not cause significant adverse effects.

For these reasons and because the baseline study and EIS required by Section 1002(c) and (d)(2) do not demonstrate the need to eliminate all surface access or to restrict seismic exploration to helicopter-transported seismic surveys conducted during the winter in order to protect the refuge's resources from significant adverse effects, the Service chooses not to adopt such limitations. this decision is also based on the Service's doubt about the technical feasibility and data-gathering efficacy of either suggested approach. One commenter urged the Service to stress the need for quality exploration programs which will give the highest level of environmental protection. As was stated in the preamble to the draft guidelines, the Service encourages applicants to design plans that will maximize resource protection consistenty with the data gathering objective stated in § 37.1.

As noted above, a few commenters wanted "significant adverse effect" to be defined. One commenter asserted that the failure to do so constitutes an abdication of administrative responsibility and leaves the final determination of avoidance of significant harm to the permittee. The Service disagrees with these comments. The guidelines do contain prohibitions, restrictions, and conditions, such as, for example, those dealing with the operation of ground vehicles, the use of explosives, the harassment of wildlife, and the disposal of waste, which are in the Service's judgment necessary and appropriate to prevent significant adverse effects or to mitigate the significance of adverse effects. The Service feels that to go beyond these limitations by expressly defining "significant adverse effect" in both infeasible and undesirable. Within the framework of present knowledge, it is not possible to define what could constitute a "significant adverse effect" for every aspect of the coastal plain's ecosystem that requires protection. Past experience has also shown that a blanket rule is sometimes counterproductive to environmental protection, as well as developmental interests.

The Service's approach reflects the proper mix of rule and discretion so as to permit administrative discretion to be, where feasible, fairly predictable and yet to be tailored to the unique facts and circumstances of concrete situations as they arise. The absence of a statutory definition for the phrase "significantly adversely affect" suggests a similar congressional recognition of the wisdom of and necessity for implementing this standard through the application of professional judgment to the facts of each case. This realism in no way means that the Service is yielding its supervisory responsibilities to its permittees.

Subparagraph 37.11(b)(2) provides that a permittee's exploratory activities shall not be unnecessarily duplicative or unnecessarily duplicate the exploratory activities of another permittee. Several commenters criticized the guidelines' lack of a definition for "unnecessary duplication." Avoidance of unnecessary duplication is not an independent goal of the section 1002 program, but rather one aspect of the requirement to avoid

significant adverse effects on the fish and wildlife, their habitats and the environment. At least one commenter failed to recognize that section 1002(d)(1)(D) proscribes only unnecessary duplication, as distinguished from necessary duplication or replication. This distinction is underscored by § 37.11(c), which allows the Regional Director to permit reexamination of an area if he deems it necessary to correct data deficiencies or to refine or improve data or information already gathered. One commenter expressed concern about the Regional Director's qualification to make such a judgment. In technical and operational matters such as this, the Regional Director plans to obtain the technical advice and recommendations of GS and/or the Bureau of Land Management (BLM), as well as that of the Fish and Wildlife Service, pursuant to a tripartite agreement to be worked out between these agencies.

Two commenters mentioned the need to conduct field experimentation because the effectiveness of different seismic methods and techniques varies from area to area. The Service feels that §§ 37.11(c) and 37.21(d)(6) accommodate this need.

One commenter urged the Service to insist on a group exploration plan that allows for a one-time-only survey over the minimum land surface necessary to provide the desired data. Preferring to see the kind and number of exploration plans submitted for approval, the Service chooses not to require by regulation group participation or to limit exploration of any area to a single survey. However, § 37.13 authorizes the Regional Director to require group participation and § 37.22(a) authorizes him to assign areas or require joint exploration in order to avoid unnecessary duplication. Two industry representatives, noting the expense of conducting seismic exploration in remote areas like the refuge, stated that it is unlikely that any company or group of companies would squander financial resources on data gathering activities that serve no useful purpose. The State of Alaska suggested that for this reason the actual difficulty in dealing with unnecessary duplication is not likely to be great. The Service, too, expects no more than a few exploration plans to be submitted for approval. Consequently, the Service agrees with the State's suggestion to deal with this issue not on a theoretical level, but on the practical level during plan evaluation. Therefore, the Service has not adopted by regulation any of the various suggestions made on what does and does not constitute unnecessary duplication.

Three commenters asked whether the Regional Director will use data that are now or become available to him to eliminate portions of the coastal plain from unnecessary duplication. This question presumes that all geological and geophysical data are of like or equal value in assessing the oil and gas potential of the coastal plain. As explained in the EIS, the value of such data differs considerably according to the exploration method used. The data obtained in the past have already been used to delineate that area of the refuge most prospective for oil and gas and, therefore, worthy of further study through seismic exploration. Accordingly, the Regional Director will not use existing geological and geophysical data to reduce further the area within the coastal plain available for exploration. The guidelines do not require a permittee to use any specific data to restrict the scope of its activities. Rather, § 37.21(d)(6) puts the burden on an applicant to design an integrated exploration plan which avoids unnecessary duplication in its exploratory activities.

Two commenters suggested that due to the confidentiality of seismic work, one permittee will have difficulty anticipating whether its activities will unnecessarily duplicate or unreasonably interfere with another permittee's activities. This concern seems overstated as exploration plans will be public documents. In addition, by virtue of § 37.22(a), the Regional Director shares the burden of applying the standards in § 37.11(b) to his decisionmaking, and, by virtue of §§ 37.31(a), 37.43, and 37.44, he has the power to remedy their abuse.

Section 37.12 Responsibilities of permittee. Two comments criticized the directive in § 37.12(a) that the permittee shall comply with all reasonable stipulations, demands and orders issued by the Regional Director. They felt that inclusion of the modifier "reasonable" would weaken compliance during field operations. One comment stated that this directive confused the need for orders to be reasonable with the time and forum for challenging their reasonableness (i.e., the appellate process). The Service does not expect this result because failure to comply with the Regional Director's order can lead to a costly suspension or even a costlier revocation of a permit. Given that reasonableness is a requirement of administrative law, the Service sees no harm in reiterating its intention to be reasonable, while at the same time satisfying its statutory duties. Language has been added to § 37.12(a) to clarify a permittee's accountability for the compliance of its employees, officials, contractors, subcontractors and agents.

Paragraph 37.12(b) has been modified to require the information concerning the identities of the permittee's general and field representatives and their alternates and the procedures for contacting them, which was to be included in the permittee's exploration plan under the proposed § 37.21(d)(2), to be submitted at the same time the permittee's first plan of operation is submitted. This change was made because the Service realizes that a permittee may not know who its field representative will be at the time its exploration plan is submitted.

Paragraph 37.12(c) allows field operations to be conducted by a permittee's designee, provided the designee is approved by the Regional Director. One company objected to this approval requirement on the grounds that selection of a designee ought to be the prerogative of the company risking its investment and that it is unnecessary since such designation does not relieve the permittee of its permit obligations. The Service disagrees with this comment. The government has a valid interest in a designee's capacity to perform the authorized field activities and its history for responsible compliance with permit terms. This same commenter was unclear as to whether a designee could be an individual or a company. While it could be either, in most instances it will probably be a company; it is the entity responsible to the permittee for carrying out its field operations.

Two commenters suggested that a provision be added to § 37.12(c) to avoid undue delay in acting on a permittee's designation of a designee. One commenter suggested a period of 10 working days and the other suggested no more than 30 days. The Service has adopted the latter suggestion. A new sentence has been added to § 37.12(c) to require the Regional Director to act within 30 days following the receipt of such information from the permittee and designee as he may require to approve or disapprove the designation. On its own initiative, the Service also increased the notice required in § 37.12(c) to 10 working days.

Paragraph 37.12(d) has been clarified by the addition of language indicating that the Service wants to be informed of persons who actually participate as group participants to an exploration plan or who otherwise share in the resulting data and information. This

information has become particularly important to the Department in light of section 110 of Pub. L. 97–394.

One commenter suggested insertion of "reasonable" between "all" and "precautions" in § 37.12(e). This suggestion has been adopted.

Section 37.13 Group participation. Although a number of commenters supported the concept of group participation, they felt that rules dealing with the structure of and process for establishing such a business arrangement were unnecessarily detailed and restrictive. Several commenters shared the view that common business practices within the geophysical exploration industry are sufficient to ensure broad sponsorship and participation. Section 37.13 has been modified on the basis of these comments. The Simplification of this rule should also satisfy the criticism that the requirements of the proposed § 37.13 worked against group cooperation. To be consistent with this change, the requirement in the proposed § 37.21(d)(13) for a description of provisions facilitating group participation in an exploration plan has been deleted. One commenter recommended placing a high priority on group participation as a means of minimizing adverse environmental impacts. This can be done without a change in the rule whenever the Regional Director considers group participation appropriate to avoid unnecessary duplication.

Section 37.14 Bonding. Whereas three commenters felt that a minimum bond of $100,000 would be insufficient, two others felt that $100,000 should be the maximum amount of the bond. One commenter felt the bond should be increased to $500,000, and another $1,000,000. One commenter thought that a variable amount between these two figures should be required, depending on the area covered and the technique used. The Service has added language in § 37.14(a) to allow for increasing the amount of any bond or requiring a new bond or security if additional coverage is needed to secure performance or as a consequence of default. One commenter wanted the rule explicity to allow self-insurance. The Service feels that self-insurance would not provide the same degree of protection for governmental interests. No changes have been made in the rule on the basis of this comment. The Service has, however, added language to § 37.14(a) requiring the bond to be furnished by a qualified surety company approved by the Department of Treasury and to be maintained until the Regional Director notifies the permittee that its period of liability is ended because it has satisfied all of its obligations or because the Regional Director otherwise consents to the bond's cancellation or termination.

In addition, the rule has been changed to require the bond or other security to be furnished to the Service between the time an applicant's exploration plan is approved and its special use permit is issued. Accordingly, § 37.23(a) has been modified to clarify that permit issuance is conditioned upon compliance with § 37.14(a).

Section 37.21 Application requirements. One commenter suggested that § 37.21(a) be reworded to strongly encourage applicants to engage in pre-submission consultation. Although the Service agrees with this concept, no rule change is deemed warranted.

A few commenters urged the Service to expedite approval of exploration plans so that seismic work could commence in February, 1983. The delay in implementation caused by litigation over the section 1002 program and the legal requirements for establishment of these guidelines and public review of exploration plans made this goal impossible. The Service has, however, made several changes to streamline sections 37.21–37.24 in response to comments that the proposed application process was too time consuming and that plan of operation should be eliminated or subject to public review. These changes include shifting proposed requirements for a plan of operation to an exploration plan and eliminating sections 37.21(e)(1)–37.21(e)(7). Subparagraph 37.21(d)(4), previously section 37.21(d)(5), has been changed to require a map, rather than a statement, of the geographic areas in which exploratory activities are proposed and the approximate locations of the applicant's proposed geophysical survey lines (previously proposed in section 37.21(e)(6)), travel routes to and within the refuge, fuel caches, and major support facilities (previously in section 37.21(e)(4)). Subparagraph 37.21(e)(3) has been inserted as section 37.21(d)(7), with the word "detailed" omitted before "schedule" and the word "approximate" added before "dates". Methods of access which were previously required to be described in the proposed section 37.21(d)(5), are now required to be in section 37.21(d)(9), together with the applicant's proposed equipment, support facilities and personnel. By "description" in section 37.21(d)(9), the Service means to be included the approximate number, type, and size of each of the various kinds of equipment and support facilities and the numbers and duties associated with each of the kinds of personnel positions proposed to be used by the applicant to carry out exploratory activities, in addition to any other information which the applicant wishes to furnish to aid the review of its plan. The verbs "use" and "store" have been added to section 37.21(d)(10). Since hazardous substances are defined in section 37.2(k) to include explosives, this change is to clarify that the description of the storage and use of explosives previously proposed in section 37.21(e)(5) is not subsumed in section 37.21(d)(10). Additional changes made to streamline the application process and permit issuance are explained elsewhere below.

The Service took the initiative to remove from section 37.21(b) the last sentence regarding exploration plan approval and to restate the Regional Director's obligation regarding the approval of qualifying exploration plans affirmatively in section 37.22(a), where it is more appropriately addressed.

Two commenters sought clarification as to whether section 37.21(b) means that applications (*i.e.*, exploration plans) can only be filed on the dates specified. Yes, this is the intent of section 37.21(b). Its purposes are to ensure that the public review period runs concurrently on all exploration plans covering the period and submitted on the dates specified in section 37.21(b), and to facilitate comparison of plans in the application of these guidelines. If an applicant wishes to hand deliver its exploration plan or plans to the Regional Director's office in order to ensure timely submission, that is its choice.

In designing these guidelines, the Service has also sought by using filing dates to balance the need for an integrated and planned program of exploration and the possible foreclosure of additional beneficial geophysical evaluation. Therefore, only two opportunities have been provided for applying by interested applicants. The date of the second opportunity for submitting and exploration plan or plans has been changed from March 1, 1983 to March 1, 1984. In addition, section 37.21(b) has been changed so that plans submitted on the first filing date may cover the entire exploration program, from its inception through May 31, 1986, or such portions thereof as the applicant may choose. As originally proposed, an applicant's initial plan could only have covered up to September 30, 1983. This would have required all permittees interested in a multi-year program to submit additional applications. This requirement has been eliminated.

Nonetheless, section 37.21(b) still allows an applicant to submit separate exploration plans on both dates, if it wishes to use the data and information recovered during its initial exploration plan to design better its subsequent exploration plan. Paragraph 37.21(c) merely requires the applicant to state in its initial plan how the activities under its subsequent plan will be integrated with those first undertaken. A permittee having an approved exploration plan which runs beyond October 1, 1984 may, if it wishes, use the second filing date to submit a new exploration plan, which, if approved, would supersede its original plan. If the new plan were not approved, the original plan would continue in effect for the period specified in it unless otherwise modified, revised, suspended, revoked, or relinquished in accordance with these regulations. An applicant need not have filed on the first filing date in order to file on the second. However, any exploration plan filed on the second filing date will be evaluated against exploration plans already authorized and continuing in force. Consequently, it may run a greater risk that its cumulative effects will cross the threshold of significant adverse effects and unnecessary duplication, and, thereby, result in its disapproval. One commenter recommended that a sentence be added to the end of section 37.21(b) stating that exploration plans employing the best possible techniques for ensuring maximum environmental protection will be given preference for a given area. For the reasons explained elsewhere in this preamble, this recommendation was not followed.

The Service has amended section 37.21(b) in an effort to assure that preliminary field investigations and surface geological exploration may commence during the summer of 1983. The amendment would allow the Regional Director to expedite approval of a portion of an exploration plan submitted on the first application date, which portion would encompass only preliminary field investigations and surface geological exploration to be commenced prior to August 1, 1983. This procedure is necessary because the tentative schedule for completing approvals of exploration plans submitted on the first application date would be too late for a permittee to conduct a summer program. The Service believes it to be in the public interest to assure that preliminary investigations are permitted prior to the first winter season of seismic activities. The information gained could then be used by the permittee to refine its subsequent exploratory activities. It would also allow for archeological investigations to be conducted by the permittee prior to commencing seismic exploration. It is intended that the expedited approval would be a one-time-only occurrence, and would only pertain to the relatively benign surface geological exploration and preliminary field investigations, not seismic exploration. That part of the review process involving publication of and public hearings on the exploration plans would not be changed; the preliminary portion would be evaluated by both the public and the Regional Director in the context of the entire plan.

Several commenters found the information requirements set out in section 37.21(d) to be excessive or unnecessary. The Service has adopted the suggestion to delete stockholder information from section 37.21(d)(1).

One commenter suggested that section 37.21(d)(2), proposed as section 37.21(d)(3), be clarified so that it does not cover crew members. Because the commenter correctly construed the rule, the Service does not feel that any textual change is needed. It is intended to cover the participants to a voluntary "group shoot".

Although two commenters objected to the requirement in section 37.21(d)(3), proposed as section 37.21(d)(4), for information on the applicant's background, two others endorsed the propriety of the Service's concern over an applicant's environmental record and ability to carry out its exploration plan. As noted earlier, the Service has a valid interest in an applicant's qualifications and proven experience and will not, therefore, change this rule. Doubts about the Service's competence to assess an applicant's technical proficiency should be assuaged by the Service's plan to use an interdisciplinary team, consisting of representatives from the Service, BLM and GS, to evaluate exploration plans and advise the Regional Director.

On commenter said that the proposed section 37.21(d)(6), now section 37.21(d)(5), should be broadened to require an applicant to describe its strategy for applying non-seismic geophysical techniques, prior to implementation of seismic operations. Another commenter said that the regulation should require the integration of aeromagnetic data into planning seismic line designation. By these guidelines, the Service does not seek to impose any particular scenario on applicants, but section 37.21(d)(6), formerly section 37.27(d)(7), does require an applicant to show how the exploratory methods and techniques it wishes to use will be coordinated in an integrated fashion. Nor should section 37.21(d)(6) be construed to require an applicant to include more than one exploration method or technique in its exploration plan should it only wish to use one.

A few commenters objected that, because an applicant cannot be expected to know prior to submission whether its proposal will unnecessarily duplicate another's activities, it would not be possible to describe how it would avoid doing so in its exploration plan. Accepting this as a valid objection, the Service has eliminated this requirement from section 37.21(d)(6), formerly section 37.21(d)(7). One commenter suggested that the words "to ensure maximum environmental protection and" be inserted after "integrated fashion" in section 37.21(d)(6). This has not been done for the reasons discussed in the summary of comments on section 37.11.

One commenter recommended that § 37.21(d)(12) also require an applicant to submit a schedule for implementing its monitoring procedures. This change has not been made because the Service expects such procedures to be ongoing and contemporaneous with implementation of the exploration plan.

Two commenters stated that it would also be impossible to make a statement on data quality and type prior to the commencement of data recovery. On the other hand, another commenter, while noting the impossibility of making a definitive statement on data quality before data collection and processing, found it reasonable for the Service to expect the applicant's standards of data utility and quality assurance and control program to be described. Finding these comments to be valid, the Service has modified § 37.21(d)(14), formerly § 37.21(d)(15) to require an applicant to describe its data quality assurance and control program rather than the type and quality of data that it expects to collect. To a limited extent, the later information can be ascertained by the reviewer by knowing the exploratory methods and techniques that the applicant intends to employ, which are required to be identified in its exploration plan by § 37.21(d)(5), formerly § 37.21(d)(6).

One commenter objected to § 37.21(d)(15), formerly § 37.21(d)(16), on the ground that requirements for an exploration plan should be spelled out before a survey begins and not as it progresses. The Service agrees with this comment. Paragraph 37.21(d)(15) is intended to permit the Regional Director to identify additional information, the need for which becomes apparent during pre-submission consultation.

Two commenters suggested that, in the description of an exploration plan, it

should be stated that items susceptible of being discarded will be marked as to their owner as a way of discouraging their discard in the coastal plain. The Service feels that this addition is not necessary. Shot wire, included in the definition of waste in § 37.2(z), will be cleaned up pursuant to § 37.31(e)(2). Fuel drums must be marked according to § 37.31(e)(5) and disposed of as waste in a manner acceptable to the Regional Director according to § 37.31(e)(2). The Service intends to use its monitoring program to enforce these provisions so that it does not expect any shot wire or fuel drums to be discarded within the coastal plain.

Lastly, the Service adopted the suggestion of one commenter to shorten the period in the proposed § 37.21(e) for submission of the plan of operation from 90 days to 45 days prior to commencement of field operations. As part of its effort to simplify its permit issuance process, the requirement for a plan of operation to accompany initially the submission of an exploration plan has been eliminated, and the remainder of § 37.21(e), as modified, has been shifted to § 37.24. Thus, approval of a plan of operation has been removed as a step in the permit issuance process. This change is consistent with eliminating annual permits and shifting some of the information that was proposed to be in a plan of operation to an exploration plan. These changes also clarify the original purpose of the plan of operation, *i.e.*, to serve as an informational document to facilitate the Service's planning.

Section 37.22 Approval of exploration plan. Questioning the Regional Director's expertise in making decisions on when, where, and how exploratory activities should be conducted, five commenters expressed opposition to the Regional Director's authority to assign areas for exploration or require joint exploration. The Service feels that giving the Regional Director the authority to assign areas for exploration is desirable for assuring proper coverage of the coastal plain and adequate data recovery, and that giving him the authority to require joint exploration is desirable for preventing unnecessary duplication of exploratory activities and, thereby, protecting the coastal plain from significant adverse environmental effects. Having this authority does not necessarily mean, however, that the Regional Director will find it necessary to exercise it. Moreover, as suggested earlier, the Regional Director plans to seek the technical advice of GS and BLM, as well as that of the Service, in reviewing and approving exploration plans. In addition to questioning its wisdom, one commenter questioned the legality of giving the Regional Director the authority to assign areas or require joint participation. This authority is based on section 1002(d)(1) of ANILCA, which states,

> [T]he guidelines shall include such prohibitions, restrictions, and conditions on the carrying out of exploratory activities as the Secretary deems necessary or appropriate to ensure that exploratory activities do not significantly adversely affect the fish and wildlife, their habitats, or the environment, including, but not limited to—* * * (D) requirements that exploratory activities be coordinated in such a manner as to avoid unnecessary duplication.

Obviously, the Service recognizes that it cannot force an applicant to carry out an exploration plan which has been approved under certain conditions, if such conditions are unacceptable to the applicant. In the event that an applicant does not wish to participate in exploration of the coastal plain under the conditions of its approved plan, the applicant need only notify the Regional Director that it is withdrawing.

One commenter suggested that an independent panel, comprised of private citizens interested in and knowledgeable about the refuge and having as their primary concern the protection of its environment, be established to review exploration plans and monitor exploratory activities. In view of the statutory and regulatory provisions providing for public review and comment on exploration plans, a citizens' advisory panel is not considered necessary.

Two commenters criticized § 37.22(a) for giving the Regional Director unfettered discretion in assigning areas or requiring joint exploration. They failed to note that the Regional Director's discretion in exercising this authority is limited by the prefatory language "[i]n order to meet the objective and limitations stated in § 37.1, enforce the standards stated in § 37.11(b), or minimize adverse impacts on subsistence uses." One commenter stated that the last sentence of § 37.22(a) establishes totally unnecessary pre-conditions for plan approval and should be deleted. For the reason stated earlier in the discussion of comments on § 37.21(d)(3), the Service disagrees with this comment.

Accordingly, no changes were made in § 37.22(a) on the basis of these comments. However, to be consistent with the change in § 37.21(d)(1), the reference in § 37.22(a) to shareholders of more than 5% interest has been deleted. In addition, the reference to December 3, 1982 has been deleted as that date has now passed.

As part of its efforts to streamline its entire permitting process, the Service has shortened the period stated in § 37.22(b) for reviewing an exploration plan to no more than 90 days, unless the Regional Director extends it for up to another 30 days by notifying the applicant of the extension in writing. This is responsive to comments suggesting that the statutory 120-day period is unnecessarily long. The Service expects that 90 days will be an adequate amount of time in which to publish the exploration plans, hold public hearings, consider public comments and evaluate the plans. If the Service can complete this process in a shorter period, it will do so. But, if it finds that more time is needed, § 37.22(b) has been written to allow it to use up to the full statutory period.

One commenter, who found the procedures leading to the issuance of a special use permit to be lengthy and cumbersome, stated that there should be no need for a public hearing for every exploration plan submitted. Perhaps the commenter does not know that the statute requires a hearing. The Service does not intend, however, to hold a separate hearing for each plan submitted, but rather to hold a combined hearing for all plans submitted on the same filing date. Four commenters requested the public hearing on the exploration plan to be held in Kaktovik. At the present time, the Service contemplates holding such hearings in Anchorage and Kaktovik. One commenter requested the texts of exploration plans to be sent to the city of Kaktovik. The Service foresees no problems in accommodating this suggestion. The commenter also wanted the rules to stipulate that information covered by §§ 37.13 and 37.14 be provided to the city. This change is not necessary as the city's access to this information is covered by the last sentence of § 37.54(a). A few commenters stated that plans of operation should be made available for public review, as well as exploration plans. In light of the changes that have been made in §§ 37.21–37.24, public hearings on plans of operation are not considered necessary, nor would they be likely to be productive.

After considering the criticism, discussed earlier, of § 37.21(d)(15), the Service has added language to § 37.22(b) recognizing that the Regional Director may need to confer with an applicant during plan evaluation. This need may arise, for example, because of questions generated by public comments on the

applicant's plan, because of modifications to the plan being contemplated by the Service, or because of a request received under § 37.21(c) for an expedited review and approval of part of the applicant's exploration plan.

One commenter recommended that § 37.22(b) provide explicitly for the review of proposed exploration plans by state and federal agencies and indicate how the Regional Director will accommodate their comments. The Service plans to solicit and consider the views of other interested agencies, along with other public comments, but it feels that the guidelines, which are to govern how exploratory activities are to be carried out, need not address such internal administrative procedures.

Although one commenter endorsed vesting final decisional authority in the Service's Director, four commenters urged the appeals process outlined in § 37.22(c) to make use of the Interior Board of Land Appeals. Three of these commenters suggested alternatively that provision should be made for appeals to the Secretary. By its own rules, the Board's appellate jurisdiction does not extend to the review of the Regional Director's decisions. 43 CFR 4.410. These final regulations have been modified, however, by the addition of a sentence in § 37.22(c) permitting the Assistant Secretary for Fish and Wildlife and Parks or the Secretary to take jurisdiction at any stage of such an appeal, to review the decisions of the Regional Director and the Director, and to direct them to reconsider their decisions.

One commenter suggested that the Regional Director's decision on an exploration plan should be upheld unless it is determined on appeal to have been clearly erroneous. The "clearly erroneous" rule is the standard for appellate review of a trial court's findings of fact set forth in Rule 52(a) of the Federal Rules of Civil Procedure. This suggestion has not been adopted because it fails to account for the differences between judicial and administrative decisionmaking.

Four commenters suggested that § 37.22(c) be amended to permit non-applicants to appeal the Regional Director's decisions on exploration plans. One commenter also stated members of the public and local governments should have the right to intervene in an appeal filed by an applicant. The Service has not adopted these suggestions because it believes that the interests of other individuals, organizations, and agencies can be adequately vindicated by their participation in the public hearing assured by § 37.22(b). Judicial review remains the basic remedy against illegal administrative action. A non-applicant aggrieved by the Regional Director's decision may challenge its legality in court. One of these commenters also urged the Director to publish a notice of appeal and his decision. Although neither of these steps are contemplated, it should be relatively easy, given the standardized filing dates and specified time frames for subsequent actions, for interested persons to ascertain from the Service whether appeals of the Regional Director's decisions have been filed. In addition, the Director's decision on appeal, which must be in writing, will be available to the public under the Freedom of Information Act.

One commenter stated that the appeal process outlined in § 37.22(c) should extend to suspensions, which are covered in § 37.43. The penultimate sentence of § 37.43 says that "[r]econsideration of the Regional Director's actions under this section may be obtained by employing the procedures described in § 37.22(c)." The Service construes this language as applying to suspension of activities under an exploration plan and/or permit. To appeal a suspension, the application of the procedures in § 37.22(c) would require the permittee to (1) state fully the basis for its disagreement with suspension, (2) provide a statement or documentation in support of its position, and (3) indicate whether or not it requests an informal hearing before the Director.

One commenter recommended that the "no significant effects" standard of section 1002 be used under § 37.22(e) to trigger the Regional Director's compliance with the procedural requirements stated in Section 810(a)(1)–(3) of ANILCA, 16 U.S.C. 3120(a)(1)–(3). This recommendation was not followed because it confuses subsistence uses with subsistence resources and the requirements of Sections 810 and 1002. The commenter's objection to the rule was apparently based on two considerations. One, the commenter was concerned that the information required to be included in exploration plans would be too general to permit a determination of the significance of the restrictions on subsistence uses that could result from approving an exploration plan. The Service disagrees with this assessment, particularly in view of the changes that have been made in § 37.21(d). Two, the commenter felt that reliance on the § 810 threshold in § 37.22(e) weakens the application of Section 1002. The commenter misconstrues the rule; its purpose is to ensure that section 810 is followed in the course of evaluating an exploration plan. If the Regional Director determines that the exploration plan, if approved, would significantly restrict subsistence uses, the rule enables him to combine the public hearing required by section 810(a)(2) with the public hearing required on the exploration plan.

Protection of subsistence uses was also a major concern raised at the public hearings in Kaktovik and Anchorage. Under § 37.22(a) the Regional Director may modify an exploration plan and under § 37.23 he may structure a special use permit to minimize adverse impacts on subsistence uses.

One commenter asked for assurance that, if public hearings are held for the purpose of considering potential impacts of exploration plans on subsistence use, one of those hearings be held in Kaktovik. The Service intends to do so.

One commenter was concerned that access for the purpose of subsistence use not be restricted. The Service is guided not only by section 810, discussed above, but also by section 811(a) of ANILCA, 16 U.S.C. 3121(a), which requires that reasonable access to subsistence resources be assured.

Section 37.23 Special use permit. Five commenters, critical of the delay in obtaining authorization to commence exploratory activities, recommended that a special use permit be issued concurrently with the approval of an exploration plan. Although the Service has not adopted this recommendation, it has reduced the maximum period allowed following plan approval from 60 days to 45 days.

Among its efforts to streamline the permitting process, the Service has deleted references to the plan of operation contained in the proposed § 37.23 which, if adopted, would have had the effect of requiring a plan of operation to be approved before a special use permit could be issued. In addition, the Service has removed language from the proposed §§ 37.2(w) and 37.23 that, if adopted, would have limited the term of a special use permit to one year. Upon reflection, the Service judged such a limitation to be unwarranted, burdensome, and likely to introduce artificial uncertainty into a permittee's planning. The term of a special use permit will run concurrently with the term of the approved exploration plan or portion thereof covered by the permit.

Language has been added to § 37.23(a) to enable the Regional Director to issue a special use permit to authorize preliminary field investigations and/or surface geological exploration to be conducted during the summer of 1983 should he receive a request for

expedited review and approval of an exploration plan incorporating such activities pursuant to § 37.21(c). Should he approve that part of the plan covering such activities, § 37.23(a) would enable him to issue a permit to authorize the activities covered by that part of the plan. An additional permit would then be issued for any remainder of the plan that may be subsequently approved.

Paragraph 37.23(a) has been modified to clarify that a permit may be amended from time to time as the Regional Director deems necessary and appropriate to carry out section 1002 of ANILCA and these regulations. One commenter criticized the use of permit stipulations to define the nature and extent of authorized operations, arguing that such restrictions should be imposed through approval of the exploration plan. The Service disagrees with this criticism. To the extent that environmental restrictions and safeguards are set forth in the guidelines, the Service expects that an applicant will design its exploratory activities and its exploration plan in a way that it feels will be likely to win approval of its plan on the basis of its consistency with such restrictions and safeguards. To the extent that the need for particular environmental restrictions cannot be foreseen or should not uniformly be applied through rules of general application, the special use permit, which can be amended as the need arises, is a more efficient tool for assuring protection of the coastal plain.

Paragraph 37.23(b) has been added to require the Regional Director to seek to consult with holders of approved native allotments and the Kaktovik Inupiat Corporation before issuing permits authorizing exploratory activities that would affect the surface use of their lands. This paragraph is also discussed in the summary of comments on § 37.3 above.

Section 37.24 Plan of operation. This rule has been rewritten so that approval of a plan of operation is no longer a requirement and so that the function of a plan of operation as an aid to the Service's monitoring program is clarified. The plan of operation will continue to inform the Service in detail on how the permittee intends to carry out its approved exploration plan during that fiscal year. For this reason, § 37.24 permits the Regional Director to require the permittee to make such modification in its plan of operation as he deems necessary and appropriate to ensure its consistency with the permittee's approved exploration plan, and §§ 37.12, 37.14, 37.31, and 37.41–37.44 permit the Service to sanction a permittee for its failure to comply with its plan of operation. Consistent with these changes, the deadline for furnishing the Regional Director with a plan of operation has been changed from 90 to 30 days before field operations are to be commenced for the year, or portion thereof, that it covers, or 10 days before operations are to be commenced in the case of preliminary field investigations or surface geological exploration to be done during the summer of 1983. As the deadline for submitting a plan of operation is not tied to permit issuance, a permittee's first plan of operation may have to be filed before its permit is received. Therefore, prospective permittees should be alert to this deadline.

Section 37.25 Revision. Twenty-five commenters recommended that this rule be amended so that a public hearing is required every time an exploration plan is changed. Two commenters endorsed the flexibility allowed under the rule to make changes consistent with the guidelines, and one commenter agreed that publication and hearings should not be required for minor revisions. The Service feels that both data recovery and resource protection will be better served if permittees are permitted to make minor changes in their exploration plans without being encumbered by the delay that would necessarily result if a public hearing were required before any change, no matter how insignificant, could be implemented. Therefore the recommendation has not been adopted.

Two commenters objected to language in the proposed rule suggesting that revisions might be automatically approved. The objectionable language has been deleted. The final rule says that no revision of an exploration plan shall be implemented unless the Regional Director gives his permission for the revision. But, it also states that a permittee's requested revision shall be deemed to be granted on the 10th working day following its receipt unless the Regional Director takes one of the actions outlined in § 37.25(a). Thus, the rule puts the burden on the Regional Director to act, but it gives him sufficient escape clauses should he not be able to act within the 10-day period or not wish to grant the request.

One commenter noted that what is now § 37.25(a) was internally inconsistent, as proposed, in that the proposed rule stated that a major revision of an exploration plan would have to be subjected to publication and a public hearing before it could be acted upon and that approval of any revision would be subject to the conditions stated in § 37.22(b) and § 37.22(c) to the extent applicable. The reference to § 37.22(b) and § 37.22(c) was erroneous; it has been changed to § 37.22(d).

One commenter suggested that some discretion be given to the Regional Director's Field Monitors to approve revisions. No change in this rule is necessary because by the definition of Regional Director given in § 37.2(r), which includes his authorized representative, a Field Monitor can approve a revision which is consistent with these guidelines upon a delegation of that authority to him by the Regional Director.

Consistent with the changes in §§ 37.21–37.24 previously discussed, a new § 37.25(b) has been added to deal specifically with revisions of plans of operation. The final rule permits a revision to a plan of operation to be implemented following notice, provided that the revision is consistent with the exploration plan to which the plan of operation pertains and with these guidelines. The final rule also permits the Regional Director to require the permittee to defer, modify or rescind its revision when necessary and appropriate to ensure such consistency.

Section 37.31 Environmental protection. Two commenters suggested that the opening statement be reworded to state that operations are to be conducted in a manner which provides the highest degree of environmental protection. This has not been done for the reasons stated above.

One commenter objected to this rule, stating that the special use permit should contain all stipulations attendant to the proposed scope of work. The Service disagrees. It needs the flexibility afforded by this rule to adjust to new and changing operating conditions and to benefit from actual field experience.

One commenter stated that under § 37.31(a) the Regional Director should have both the right and the obligation to perform the permittee's duties should the permittee fail to do so. The Service disagrees with this comment. The provision to which the comment is addressed is intended to give the Service an additional discretionary remedy should a permittee not carry out its obligations. However, because the totality of a permittee's obligations under its exploration plan, special use permit, plan of operation, etc., may be greater than actions which the Service may regard as necessary to protect human health and safety and refuge resources and values, the Service should be free to decide when to invoke this remedy.

One commenter criticized § 37.31(a) for not containing any cost control

measures to protect private industry and suggested the rule be modified to notify the permittee of the Department's estimated cost prior to action or to limit recovery to "reasonable expense". The final rule does not adopt either suggestion. A permittee can avoid being billed for costs which it fears may be unreasonable by performing the required action upon demand. In addition, a permittee can use § 37.46(h) to dispute any costs charged to it which it feels were not actually incurred. These provisions provide sufficient safeguards to the permittee. Moreover, as § 37.31(a) will most likely be invoked in emergencies, it would be unreasonable to require an advance notice of estimated departmental costs.

Section 37.31(b) Terrestrial environment. One commenter recommended that § 37.31(b)(1) be rewritten to specify that vehicles shall be operated in a manner such that the vegetative mat or soil is not disturbed, and that blading of snow on trails and campsites shall be limited so as to leave an adequate protective cover. The Service believes that the minor disturbance of the vegetative mat or soil that may occur due to the operation of ground vehicles during the winter does not constitute a significant adverse effect. The Service agrees, however, that blading of snow can and must be limited so as to leave an adequate protective cover. This can be done by exercising the necessary degree of caution. Field Monitors will make on-site visits to ensure that, where snow comprises an important aspect of the surface's protective cover, its removal will be kept to the absolute minimum necessary and that it will be left in place if necessary to provide adequate protection to the underlying soil and vegetation. For these reasons, the recommended change in the first sentence of § 37.31(b)(1) is considered to be unwarranted and the recommended change in the second sentence of § 37.31(b)(1) has been adopted.

One commenter suggested that only flexitrack surface vehicles be permitted to operate in the coastal plain and that bladed vehicles used for snow removal be required to use surface guide skids. The Service disagrees with these suggestions. The guidelines are designed to accommodate the Service's judgment that while a flexitrack configuration may be necessary under certain conditions, there will also be situations where rigid tracks and sleds can be safely utilized without significant harm to the refuge's resources.

One commenter incorrectly construed § 37.31(b)(2) to preclude use of ground vehicles in areas where no snow is present even though they may be sufficiently frozen to support vehicles and naturally barren of vegetation and, therefore, this commenter felt § 37.31(b)(2) to be too rigid. The final rules provide for protection of vegetation and soil by requiring that adequate protection cover in the form of snow and/or a frostline be present. In areas where a frostline alone gives adequate protection, such as frozen mud flats, ground vehicles will be allowed.

One commenter suggested that, in view of the decreased potential for harming wildlife in the winter as compared to the summer, and the likelihood of getting better data during the winter, the regulations should state that winter operations are encouraged. Both the level of impact experienced and the quality of data obtained will depend on season and exploratory method and techniques. With the exception of precluding summer access by ground vehicle, which is known to cause significant impacts, the Service does not wish to limit options or creativity by favoring one season and method and/or technique over others.

One commenter recommended that specific months be named to identify winter and spring under § 37.31(b)(2) and that the use of ground vehicles be permitted in October. The references to winter and spring are intended to connote general climatic conditions rather than specific time periods. Although winter on the coastal plain is generally considered to extend from October through April and spring from May through June, ground vehicles will only be allowed to operate during times of adequate protective cover, which may not occur until December and end in early May. The specific periods and areas in which surface vehicle use will be allowed will be determined by the Regional Director or his Field Monitors. Several commenters thought that the use of large surface vehicles should be precluded throughout the year. The Service has not adopted this suggestion because such vehicles can be used without causing significant adverse effects when properly operated under correct conditions. The Service feels that the guidelines provide the necessary safeguards and limitations to assure their proper use. This issue is also discussed in the summary of comments on §37.11.

One commenter recommended that § 37.31(b)(3) be rewritten to prohibit the movement of equipment through riparian willow stands, except where no feasible and prudent alternative exists and with the Regional Director's express approval. The final rule will prevent equipment movement through riparian willow stands unless it is specifically approved by the Regional Director or his authorized representatives, to the extent they are authorized to act for him in this regard. Approval to intrude into willows will not be granted unless a real need exists. The suggested change would not result in improved protection nor would it alter the intent of the existing provision.

One commenter stated that heavy equipment should be prohibited from crossing riparian willow stands where the tips of willow shrubs protrude beyond the snow level. Again, the Service feels that no change in the rule was warranted by this comment. Whether a crossing will be permitted in such circumstances will depend on the exercise of professional judgment, after the examination of such matters as need, alternatives, and likely impact.

In response to criticism that the proposed § 37.31(b)(5) was too restrictive, the final rule has been revised to allow camping on lagoons which may not be frozen solidly to the bottom. The Service has, however, retained the restriction against camping on river ice in order to protect potential fish overwintering holes.

For clarity, the words "of waste" have been added to the requirement in § 37.31(b)(6) to keep campsites and trails clean.

Turning to § 37.31(b)(7) regarding the treatment of gray water, one commenter asked whether gray water includes sewage. It does not. Sewage is considered "waste" and it must be handled in accordance with § 37.31(e)(2). One commenter asked if the standard stated in § 37.31(b)(7) regarding the discharge of gray water is acceptable to the Alaska Department of Environmental Conservation. This question has prompted no change in the rule, as permittees are required by § 37.3(a) to obtain appropriate state permits, one of which is a wastewater discharge permit. In commenting on the proposed guidelines, the State did not criticize § 37.31(b)(7) as being inconsistent with state discharge standards.

The provision for the rehabilitation of disturbed areas found in § 37.31(b)(9) was criticized by one commenter as inconsistent with the mandate to avoid significant harm. The suggestion was made that rehabilitation be required to repair unauthorized cutting and disturbance, but that surface access not be permitted where it would result in disturbance to vegetation. These guidelines require that ground vehicles be operated only where there is protective cover sufficient to protect the vegetation and soil from significant adverse effects. No rehabilitation plan is

required to be included in the permittee's exploration plan, although a promise to comply with these guidelines and the Regional Director's orders is. The requirement for rehabilitation will be instituted by order by the Regional Director if surface disturbance or damage should occur which in his judgment warrants rehabilitation. For this reason the Service has not adopted the suggestion of one commenter that the rule state that rehabilitation shall be undertaken as soon as possible. Recognition that there may be a need for rehabilitation does not mean that the Service intends to permit significant harm to occur. One commenter asserted that the provision in § 37.31(b)(9) restricting rehabilitation to the use of endemic species of plants is overly restrictive and impractical. The Service disagrees. The use of endemic species has been proven successful, and practical methods for such rehabilitation have been developed on the North Slope.

Whereas one commenter felt that the proposed regulations infringed impermissibly on the jurisdiction of the Federal Aviation Administration (FAA) to regulate use of the navigable airspace and aircraft traffic, another commenter urged the Service to change the word "should" to "shall" in the last sentence of § 37.31(b)(10) in order to protect wildlife from aircraft from harassment. Another commenter wanted a specific rule dealing with the use of aircraft, including helicopters, and minimum flight altitudes. Another commenter wanted helicopter traffic to be carefully controlled and monitored. It is the Service's position that it does not have the legal authority to regulate aircraft use of the navigable airspace and, therefore, that it cannot establish minimum flight altitudes above the coastal plain. The Service does have the authority, however, under the Airborne Hunting Act, 16 U.S.C. 742j–1, to prevent the harassment of wildlife where such harassment is accomplished through the use of aircraft. Therefore, § 37.31(b)(10) is worded to prohibit the harassment of wildlife by any manner, including close approach by aircraft and to advise, rather than to require, permittees to maintain their aircraft at an altitude of at least 1500 feet above ground level whenever practicable. In effect, this rule means that overflight at less than 1500 feet will be viewed as a possible indication of harassment. By being so worded, the rule avoids infringing on the FAA's regulatory jurisdiction over use of the navigable airspace while at the same time protecting wildlife from harassment through the use of aircraft. The Service will closely monitor the use of aircraft for harassment. The correctness of the Service's position on regulating use of the navigable airspace for oil and gas exploration on the coastal plain is being litigated in a declaratory judgment action entitled "Trustees for Alaska v. Robbins", Civ. No. A82–340 (D.Ak., filed August 20, 1982). The words "at least" have been added to the advisory provision to clarify that the Service has no wish to discourage overflights at higher altitudes whenever they are practicable. One commenter urged that the 1500-foot advisory provision be limited only to fixed-wing aircraft, arguing that helicopters can operate effectively at lower altitudes without disturbing wildlife. The Service disagrees. Helicopters can be just as, and sometimes more, disturbing to wildlife.

One commenter urged the Service to establish a minimum forward speed for aircraft. This has not been done because establishment of such a requirement is also regarded as being beyond the authority of the Service.

The rule prohibiting detonation of explosives within ½ mile of a known denning brown or polar bear or any muskox herd was questioned as to its adequacy by one commenter. The rule is based on biological studies and the professional judgment of Service biologists. The rule has been expanded to prohibit detonation of explosives within ½ mile of any caribou herd.

Though not opposed to § 37.31(b)(14), one commenter noted that hunting, fishing and trapping rules are set by the Alaska Department of Fish and Game. Although this observation is correct as to resident wildlife, the Service has the authority to increase the restrictions on the taking of wildlife on refuge lands. Another commenter was concerned that the Service not prohibit local residents from hunting on the refuge. The Service does not intend to restrict fishing, hunting or other subsistence activities of non-permittees through § 37.31(b)(14).

Section 37.31(c) Aquatic environment. The need was suggested by one commenter for requirements limiting exploratory activities in coastal lagoon areas in order to protect ringed seals and migratory bowhead whales. The Service disagrees with the need for such requirements. Bowhead whales do not utilize the marine waters encompassed by the coastal plain, which are primarily shallow enclosed lagoons. Technical limitations will likely preclude the use of boat-based exploratory activities. Even if seismic exploration were to be conducted on lagoons during the open-water season, it would have little effect on either bowhead whales or ringed seals because these creatures generally stay well offshore of the area. Additionally, there is no need to restrict exploration on lagoon ice in the winter to protect ringed seals during their vulnerable pupping period, as has been recommended for offshore exploration programs in other areas, because of the lack of seal use of the coastal plain.

Subparagraph 37.31(c)(1) has been changed in accordance with the suggested wording of the State of Alaska to prohibit the alteration of banks and to require snow bridges to be free of dirt and debris, except that "significantly" has been inserted before "alter" to comport with the protection standard stated in section 1002(d)(1). The phrase "whichever occurs first" has been added to the end of § 37.31(c)(1) in response to the comment that the removal of snow bridges should be required prior to breakup whether or not their use has terminated.

Two commenters believed that § 37.31(c)(2) is too restrictive of water withdrawal, while several other commenters criticized the rule as being too permissive. The former argued that either specific streams, rivers, and lakes should be designated as water supply bodies or that field monitors should be delegated responsibility for on-site decisions as to use of water. The latter group of commenters argued variously that water withdrawal should never be allowed, never be allowed during the winter, or never be allowed during the winter in fish-bearing waters. As a major objective of the rule is to maintain fish habitat during the critical winter period, the rule has been clarified to simply prohibit water removal in fish bearing waters during the winter, per the State's suggestion. This will allow water use from surface sources devoid of fish, and will alleviate the necessity for time-consuming inspections of potential sources by monitors. The proposed § 37.31(c)(5) has been subsumed in § 37.31(c)(2). This should answer one commenter's question about how exploration personnel will know about the location of river pools.

Although two commenters suggested that the ⅛ mile limit on the detonation of explosives near water proposed in § 37.31(c)(3) was inadequate, the State of Alaska commented that it was too restrictive. Subparagraph 37.31(c)(3) has been revised in accordance with language recommended by the State, except that use of charges in excess of 100 pounds are required to be approved. One commenter suggested that the prohibition against disturbance of fish

spawning areas in § 37.31(c)(4) be expanded to include fish overwintering and nursery areas. The Service agrees and has so modified the rule. Another commenter recommended that the term "significant" and the phrase "identified by the Regional Director" be deleted from § 37.31(c)(4). This commenter argued that "significance" with respect to siltation or pollution of water bodies is difficult to ascertain until after the fact, especially in winter. Use of the term "significant" is based on the plain language of section 1002(d)(1), as discussed previously. It would be unreasonable to penalize a permittee for causing minor amounts of siltation or water pollution where they do not constitute significant adverse effects. The fact that the location of all fish spawning, over wintering and nursery areas are not known lead the Service to conclude that the most fair and effective course is to identity these areas for special protection as they become known.

The proposed § 37.31(c)(7) has been eliminated because of the changes to § 37.32 which are discussed below.

Section 37.31(d) Cultural resources. One commenter stated that the protections provided for cultural resources are inadequate and suggested that the regulations unnecessarily restrict the Regional Director's authority to fully protect the resources. The Service disagrees. The final rule is congruous with the requirements of Sections 106 and 110 of the NHPA, as amended, 16 U.S.C. 470f and 470h–2, its implementing regulations, 36 CFR Parts 60 and 800, and Executive Order 11593, 36 FR 8921 (May 13, 1971). These authorities permit both beneficial and adverse uses of some historic and archeological sites, provided proper measures are taken to consider and mitigate adverse effects. Thus, these guidelines recognize the flexibility underlying the statutory scheme for the protection of historic and archeological resources. Another commenter noted that, because of the limited quantity of baseline information on cultural resources available, the Regional Director should take a conservative position on their protection. The Service is following this approach by means of the terrestrial and general environmental safeguards contained in §§ 37.31 (b) and (e) and the stipulations that will be included in individual permits, as well as the provisions of § 37.31(d).

One commenter construed §§ 37.11(b)(2), 37.13(a), and 37.22(a), providing for avoidance of unnecessary duplication of exploratory activities as including avoidance of unnecessary duplication of archeological and historic survey requirements. The Service agrees and the stipulations and orders instituted by the Regional Director in implementing § 37.31(d) will further serve to guard against unnecessary duplication. One commenter suggested the need for a procedure to be used by the Service to notify the National Park Service of the discovery of archeological and historic resources eligible for the National Register of Historic Places during exploration. A programmatic memorandum of agreement between the Service, the Advisory Council on Historic Preservation (ACHP) and the State Historic Preservation Officer (SHPO) will provide for expeditious treatment of emergency discovery situations. Reference to the agreement has been added to § 37.31(d)(3).

Three commenters expressed concern that the guidelines improperly delegate the Service's historic preservation responsibilities to its permittee. This is not the case. The Service is taking full responsibility for assuring that historic and archeological resources are properly identified, evaluated and protected. The final rules establish the means by which the Regional Director can require a permittee to carry out certain survey and analytical tasks and mitigation measures, which are made, be necessary at this time by the permittee's authorized exploration. The Regional Director will carry out certain consultation activities that will remain Service responsibilities in accordance with Sections 106 and 110 of the NHPA. The Regional Director will establish standards for the permittee's work which are consistent with 36 CFR Parts 60 and 800, monitor performance, and work with the permittee to assure that the standards for avoidance and data recovery are met.

Two commenters criticized the proposed § 37.31,(d)(2)(iii) on the ground that the discharge of petroleum or petroleum products should not be permitted anywhere within refuge boundaries. Adopting the suggestion that the prohibition against deliberate discharges should be all-inclusive, the service has moved it to § 37.31(e)(3) and included toxic materials with its scope.

Two minor changes have been made in § 37.31(d)(3). The phrase, "after September 30, 1983" has been deleted because, with the delay in the promulgation of these guidelines and the changes in § 37.21(b) noted above, it no longer serves a meaningful function. In addition, language has been added to clarify that the Regional Director, in accordance with the programmatic memorandum of agreement, can tell a permittee how to mitigate or avoid significant adverse effects on properties eligible for the National Register. Lastly, the heading of § 37.31(d) has been changed from "Human environment" to"Cultural resources" to conform more closely to the scope of the rule and standard usage.

Section 37.31(e) General. One commenter questioned whether oil spills are intended to be included under § 37.31(e)(1). Yes, that is the Service's intent. Oil is a petroleum product and, therefore, under the definition given to hazardous substances in § 37.2(k), oil spills are covered by §§ 37.31(e) (1) and (3).

Based upon a comment received from the State of Alaska, § 37.31(e)(2) has been modified to require all non-combustible solid waste, which includes fuel drums and shot wire, to be returned to a permittee's base of operations and all combustible solid waste to be incinerated or returned to a permittee's base of operations. Because section 37.31(e)(8) prohibiting permanent structures and facilities precludes a permittee's base of operations from being located within the coastal plain, the effect of § 37.31(e)(2) is to preclude the disposal of solid waste on refuge lands.

Subparagraph 37.31(e)(4) is one of the rules being adopted to implement section 1002(d)(1)(C). The words "per year" have been removed because its purpose is to restrict the number of survey crews working for all permittees anywhere within the coastal plain at any particular point in time and not the total that may work for all permittees throughout one year. It has also been modified to specify the maximum number of surface geological survey crews that will be allowed to work at any one time. These crews and their necessary equipment, facilities, and personnel are in addition to the maximum number of seismic crews, and their necessary equipment, facilities, and personnel, that may be permitted.

One commenter suggested that § 37.31(e)(5) be reworded to require the Regional Director's approval for the location of only permanent fuel storage facilities near water bodies. This suggestion has not been adopted. The Service agrees that there will be a need for small caches of fuel in the vicinity of temporary campsites. The wording of § 37.31(e)(5) enables the Regional Director to allow temporary fuel storage within flood plains when necessary. However, the Service intends to discourage this practice when there are viable alternatives as it increases the

risk of water contamination due to fuel spills. Under § 37.31(e)(8), no permanent fuel storage facilities are permitted within the coastal plain.

Another commenter recommended that the normal 100-foot buffer around other water bodies provided for in § 37.31(e)(5) be increased to 500 feet and that the rule also require fuel containers to be surrounded by impermeable dikes. The suggested changes are deemed unnecessary. As indicated above, the Service feels that the existing rule is sufficient to protect water bodies. The Service believes that the damage to soil resulting from berm construction has a greater potential for adversely impacting surface values than does the relatively minor and local risk of fuel spillage. In addition, a new sentence has been added to § 37.31(e)(5) requiring large fuel containers to have double walls.

One commenter recommended that all shot wire, in addition to all fuel containers, be required to be identified by owner. The Service considers the marking of shot wire to be inpracticable. Moreover, littering will not be allowed. Removal of debris will be enforced by on-site monitoring.

Several commenters recommended that support facilities, staging areas, and base camps be located only at existing developed sites, such as Camden Bay, Beaufort Lagoon, or Barter Island, or outside of the refuge entirely. There appears to be a misunderstanding by the commenters on the use of these terms. The Service considers permanent structures or facilities to include such things as airstrips and workpads built on gravel, base camps or bases of operations, and staging areas, and, therefore, as such, they are precluded from being located anywhere within the coastal plain by § 37.31(e)(8). Furthermore, the installation of temporary structures and facilities, such as ice airstrips and navigational towers, requires the prior approval of the Regional Director. As to these kinds of facilities, the Service does not intend to limit their location solely to the three areas mentioned above as they are too distant from all areas of the coastal plain to meet a permittee's needs and because they have relatively little impact. Cat-train or other mobile or temporary camps are not regarded as temporary facilities for the purposes of § 37.31(e)(8); their location is instead governed by § 37.31(b)(5).

The Service feels that no change in the guidelines is warranted by the suggestion of one commenter that the people of Kaktovik should be consulted and given the right of first refusal if a staging area or base camp were proposed to be located there. Nothing in the guidelines mandates the location of a staging area or base camp at Kaktovik, nor do they preclude Kaktovik from exercising any of its options in response to such a proposal.

One commenter urged the Service to reword § 37.31(e)(8) to allow for the implacement of new permanent survey markers by permittees to aid exploratory activities. This change was not adopted because the Service feels that other survey techniques and sufficient geodetic land survey monuments already exist to serve this need.

The Service has, however, reworded § 37.31(e)(8) slightly. First, the term "coastal plain" has been substituted for "refuge" because it is more accurate; this change should not be misconstrued to mean that the Service intends to permit permanent structures to be located on refuge lands outside of the coastal plain. Rather, it simply clarifies that this rule is not intended to preclude a permittee's operations from being staged from Kaktovik should such arrangements be worked out. Second, the word "facilities" has been added to clarify that the rule also covers sites that might be developed in conjunction with exploration operations. Lastly, the word "ice" has been inserted to clarify that airstrips built on ice are considered to be temporary facilities. Airstrips built on gravel, as distinguished from those using existing gravel bars, are regarded as permanent facilities and, therefore, precluded by the rule.

Section 37.32 Special areas. Three commenters criticized the proposed rule for incorporating by reference maps which were not published in the EIS or elsewhere. Three commenters criticized the proposed rule for lacking specificity as to the types of restrictions that would apply to designated areas. One commenter recommended that special areas be designated for birdlife and overwintering fish. One commenter stated that no exploratory activities should be allowed in muskoxen calving areas, in polar bear denning areas or in the Sadlerochit Spring area. One criticized the rule for not closing the entire coastal plain to exploratory activities during the caribou calving and post-calving seasons and for suggesting that exploratory activities might be restricted rather than entirely prohibited in other special areas. One commenter stated that the rule should give the Regional Director more flexibility for citing closures dates on sensitive caribou calving and post-calving areas.

Section 37.32 has been rewritten in response to these comments. Rather than designating special wildlife areas in which no or limited exploratory activities are permitted by reference to maps on file at the refuge office, the rule requires the Regional Director to designate within certain generally described areas specific special wildlife areas which are closed to exploratory activities for specific periods determined by the Regional Director to be necessary or appropriate to protect such wildlife from significant adverse effects. Subparagraph 37.32(a) requires the Regional Director to designate caribou calving and post-calving special areas within the coastal plain which are closed to all exploratory activities at specified times. Not all portions of the coastal plain are used every year for caribou calving and post-calving activities, nor do such activities occur at the same times or at the same places within the coastal plain in successive years. Thus, closure of the entire coastal plain to exploration during the caribou calving and post-calving seasons is not necessary to ensure that calving and post-calving caribou are protected from significant adverse effects. One commenter wanted the term for the closure of caribou special areas to be extended through August. Subsection 1002(d)(1)(A) concerns caribou during the calving and post-calving phases. The post-calving aggregation stage is normally completed by July 15. Even though there may be small groups of caribou widely dispersed throughout the coastal plain after this date, these caribou are must less vulnerable to exploratory activities because their post-calving aggregation phase has ended. Accordingly, the term was not extended through August.

Because muskoxen and snow geese move around within the coastal plain, the rule seeks to inform the reader of those general areas within the coastal plain in which the specific areas used by calving muskoxen or staging snow geese will be located. The rule on the muskoxen special area does not cover the period normally used for muskoxen post-calving, as was suggested by one commenter, because it is not well established that this is a period of heightened biological sensitivity for this species.

Paragraph 37.32(e) gives the Regional Director the discretion to designate additional special areas, such as, for example, major waterbird nesting areas, in which exploratory activities may be prohibited, conditioned or restricted by the Regional Director. Such designated areas may cover lands the surface estate in which is owned by holders of approved native allotments or the Kaktovik Inupiat Corporation. This was added to enable the Regional Director to

protect improvements and prevent conflicts with other surface uses, including subsistence, by imposing conditions on exploratory activities.

Paragraph 37.32(f) states that the Regional Director shall notify the permittee of the locations of the special areas designated pursuant to §§ 37.32(a) through (e) and of the applicable limitations on its activities as far in advance as possible. Because the locations of such special areas, as well as the dates during which the areas are used for such special purposes, may vary from year to year, it may not be possible to notify the permittee until shortly before the applicable limitation goes into effect. The Service intends to work as closely as possible with permittees in carrying out this rule to minimize disruption of their scheduled activities. The last sentence of § 37.32(f) has been added to clarify the Regional Director's authority to modify or remove limitations on exploration when they are no longer needed.

Paragraph 37.32(g) effects a permanent, year-round closure of the area surrounding Sadlerochit Spring. The Service did not adopt a ¾ mile radius buffer around the spring, as was suggested by one commenter, because it does not feel that such a wide buffer is necessary.

Section 37.33 Environmental briefing. One commenter suggested that at least two environmental briefings be held per field season. Though not adopting this specific suggestion, the Service has modified the final rule to permit the Regional Director to require a permittee to have its field personnel participate in additional environmental briefings whenever the Regional Director determines that they are needed.

One commenter recommended that the North Slope Borough be consulted during the structuring of the environmental briefing materials. Of course, the NSB is free to offer its suggestions to the Service at any time, but the most appropriate time for the NSB to make its environmental concerns known is during the public review and comment period for exploration plans. Beyond this, the Service does not envision formal consultations with the NSB for the purpose of preparing its briefing materials.

Section 37.41 Responsibilities of the Regional Director. One commenter criticized these guidelines for giving too much discretion to the Regional Director. The Service disagrees with this criticism. The final rules provide appropriate controls for the exercise of the Regional Director's discretion. These controls encompass both standards and procedures for decisionmaking. At the same time, the final rules preserve the discretion that is necessary to tailor administrative decisions to particular factual situations and to ensure fairness in the application of governmental powers.

Another commenter stated that § 37.41 should require the Regional Director to consult with the Minerals Management Service (MMS) and GS on all matters relating to approval and administration of exploration plans. As noted earlier, the Regional Director intends to seek the technical advice and assistance of BLM (into which all of MMS' onshore mineral management functions were consolidated by Secretarial Order No. 3087 (December 3, 1982)) and GS in such matters. This will be done through the more appropriate vehicle of a memorandum of understanding and, therefore, the suggested change is not needed.

Five commenters opposed and one commenter supported vesting adminstrative responsibility for the section 1002 program in the Regional Director. Those opposed to the Regional Director's role construed the guidelines as removing the Refuge Manager and thus his knowledge of local conditions from the decisionmaking process for the program. This assumption is erroneous. Paragraph 37.2(r) defines "Regional Director" to include his authorized representative. As such, the Refuge Manager, as well as his staff, will be actively involved in the supervision of field activities. The sound policy grounds for vesting primary control in the Regional Director include his greater capacity as a regional official to shift and commit personnel and other resources necessary to carry out the many tasks associated with implementation of the section 1002 program and to obtain and coordinate needed cooperation between the Service and other agencies. Moreover, despite the suggestions of some of these commenters, the management needs for controlling the oil and gas leasing program at the Kenai National Wildlife Refuge are not comparable to those for authorizing oil and gas exploration of the coastal plain. The oil and gas leasing program at Kenai is well established and the administrative procedures associated with it have become routine. On the hand, the § 1002 program covers a larger geographic area with more species of international significance, is highly controversial, and calls for the resolution of novel questions.

Two technical amendments have been made to § 37.41. The words "and disapprove" have been added to the opening clause merely for clarity and the word "approved" has been deleted as an adjective for plan of operation since the final rules do not require such plans to be approved.

One commenter stated that this rule should also cover expressly the identification of cultural resources. This rule is not intended to list explicitly all of the Regional Director's duties. Those not listed are adequately covered by "perform all other duties assigned".

Section 37.42 Inspection and Monitoring. A number of commenters felt that the proposed rule was inadequate. Eight commenters apparently construed the first sentence of § 37.42 to mean that the Service's monitoring program will be discretionary. That is not the Service's intent. The Service intends to have an active monitoring program, but it does not agree with the views of twenty-six commenters that a full-time monitoring program, in which Field Monitors are assigned to accompany all work crews, is necessary. Indeed, the Service feels that a constant association between Field Monitors and work crews might undercut effective enforcement. The important provision to focus on is the one which states that the Regional Director, which includes his authorized representatives and his Field Monitors, has a continuing right of access for inspection and monitoring.

Whereas one commenter stated that the Field Monitors should be full-time Service employees and not volunteers, state officials, or parties working under contract, five other commenters felt that local and regional representatives should be formally included in the monitoring program. Three commenters suggested the need for an interdisciplinary team of Field Monitors. The Service intends to use an interdisciplinary team of professionals to do its field monitoring. It is possible that local and regional representatives may occasionally accompany Field Monitors on a space-available basis where such arrangements can be worked out with the permittee. On those occasions, the local and regional representatives would not be representatives of the Regional Director or authorized to exercise his authorities, and the permittee would not be expected to underwrite their expenses. One commenter suggested that a program be established under § 37.42 to allow local residents to inform the Service of any violations that they observe. This is a good suggestion, but no change in the rule is necessary to accommodate it.

One commenter thought the proposed rule gave the Field Monitors too much authority, but another thought they were

given too little. Five commenters stated that Field Monitors should be empowered to issue stop work orders. The rule has been modified to provide that a Field Monitor may exercise such authority of the Regional Director as is provided by delegation. But, the rule precludes the Regional Director from authorizing one acting as a Field Monitor to revoke a permittee's special use permit pursuant to § 37.44. It also requires the concurrence of the Regional Director or his authorized representative in any order issued by a Field Monitor suspending a permittee's entire field operations. The rule does not, however, require the concurrence of the Regional Director or his authorized representative in any order issued by a Field Monitor ordering the permittee to stop specific exploratory activities or suspending the permittee's authorization to carry out specific exploratory activities. For example, the rule does not preclude the Regional Director from delegating to a Field Monitor the authority to issue, without having obtained his concurrence, an order ordering a permittee to stop detonation of explosives in a particular area or suspending exploratory activities in that area if the Field Monitor finds that the permittee is detonating explosives within ½ mile of a know denning bear.

Three commenters endorsed the requirement that advance notice be given to permittees when the Service wishes them to supply its Field Monitors with lodging, meals, and other services. One of these commenters urged the qualifying phrase "whenever possible" to be deleted from the last sentence of § 37.42 on the ground that advance notice should always be possible, and also, along with another, suggested that the word "written" be deleted on the ground that verbal notice would be adequate. The one commenter favoring written notice stated that it should include the names of visitors, their titles, expected duration of visit, the type of logistical support required, and the specific purpose of their visit. The Service feels that the required notice need not specify more than is indicated. However, as a practical matter and depending on the circumstances, such additional information may be voluntarily supplied. One commenter stated that advance notice of inspections should not be required because they should be unanticipated to be effective. This commenter misconstrued the purpose of the last sentence of § 37.42. It does not require advance notice of all monitoring and inspection activities. Rather, it requires advance notice, whenever possible, of the need for logistical support to be supplied by permittees for Field Monitors or other representatives of the United States. Such support may not always be needed. Based on these comments, the last sentence of § 37.42 has been changed to eliminate the requirement for such notice to be written.

Two commenters suggested that the Service's monitoring program should include field documentation of monitoring activities. The Service agrees with the suggestion, but does not feel that the details of its monitoring program need to be incorporated into the rule.

Section 37.43 Suspension and Modification. Four commenters objected to a provision in the proposed rule that, if adopted, would have allowed the Regional Director to suspend exploratory activities when he deemed them to be no longer necessary. These commenters questioned the legality of the proposed provision as well as the competence of the Regional Director to make such a judgment. The Service has deleted the provision on the belief that the rule otherwise provides the Regional Director with adequate authority to suspend exploratory activities should he have the need to do so.

Three commenters suggested that the Regional Director should be required to consult with a permittee before suspending its exploratory activities or modifying its exploration plan or special use permit, and two commenters suggested that the rule be modified to give a permittee the opportunity to correct any deficiency before allowing the Regional Director to act thereunder. Neither suggestion has been adopted because the Service does not wish to so constrain the Regional Director's authority. However, the Service recognizes that suspension of exploratory activities and/or modification of an exploration plan or permit are serious remedies and, for that reason, feels that both suspension and modification are unlikely to occur without prior notice and/or consultation. One commenter recommended that the rule be modified to limit suspensions and modifications for reason of non-compliance to significant or substantial non-compliance. Again, the Service does not wish to so constrain the Regional Director's discretion, but it does not expect that he will take his authority lightly. One commenter suggested that the rule be modified to provide for an extension of the permit term for a period equivalent to the period of suspension. In view of the change allowing multi-year permits, this change is not necessary.

One commenter expressed concern that the waiver provision could result in a reduction in environmental protection. The Service does not intend to grant a waiver if doing so would result in significant adverse effects to the refuge's resources. However, circumstances change and experience may lead the Regional Director to conclude that performance or enforcement of particular permit provisions, some of which may have nothing to do with environmental concerns, is not necessary. For this reason the Service does not agree with the view point of some commenters that no waiver should be permitted or that the rule provides an inadequate check on the exercise of the Regional Director's discretion.

Section 37.44 Revocation and relinquishment. Consistent with the changes in §§ 37.21–37.24, the word "approved" has been deleted as a modifier of the term "plan of operation". The words "or relinquishment" have been added to the third sentence of this rule to clarify that, by relinquishing or giving up its authorization to conduct exploratory activities, a permittee cannot terminate its liability for clean-up costs incurred under § 37.31(a), its obligation under § 37.53(a) to submit all data and information that it has acquired or processed, etc., as a result of carrying out exploratory activities, its obligation under § 37.53(g) to inform the Department on request of the persons to whom it has provided raw data and information at fair cost, and other obligations.

Section 37.45 Exploration by the U.S. Geological Survey. One commenter stated that all sections of 50 C.F.R. Part 37 should apply to GS and its subcontractors should its exploration plan be approved. The Service does not agree. Since GS can only conduct exploratory activities in those areas where no one else has submitted a plan which satisfies the regulations of Part 37, it is likely that if GS conducts any exploration it will be in areas where others have no interest. Therefore, it is not sensible to make § 37.13 concerning group participation applicable to GS or its contractors and subcontractors. Little would be gained by applying the requirements of § 37.46 concerning cost reimbursement to GS and its contractors and subcontractors. Little would be gained by applying the requirements of § 37.46 concerning cost reimbursement to GS and its contractors and subcontractors because doing so would ultimately only lead to the government reimbursing itself. Accordingly, a new

sentence has been added to § 37.45 clarifying the application of Part 37 to GS' contractors and subcontractors. In addition, the exemption for GS from the bonding and civil penalty provisions of Part 37 has been retained as it makes no sense to apply them to another governmental agency. GS and its contractors and subcontractors have been exempted from the provisions dealing with processed, analyzed and interpreted data or information, as data acquisition, processing, analysis and interpretation done by GS or on its behalf is financed by public funds and, therefore, the Department has no intention of withholding such data and information from the public. Access to such data and information may be obtained by invoking the Freedom of Information Act (FOIA). GS has been exempted from § 37.54(d) because the last sentence of that paragraph is not intended to apply to intradepartmental transfers of information or transfers made under §§ 37.54(b) and (c).

Section 37.46 Cost reimbursement. Eight commenters objected to this rule as unfair for various reasons. Some felt that it was designed to recover all of the goverment's regulatory and administrative costs for the section 1002 program. This is not the case. Section 37.46 does not permit the Department to recover its costs in doing the baseline study required by section 1002(c), in promulgating these guidelines or preparing the associated environmental impact statement, in handling the litigation that has already occurred over the section 1002 program, or in preparing the report to Congress that is required by section 1002(h).

Some felt that the government and the public and not the permittees, are the principal beneficiaries of the program and, therefore, that the charges allowable under the rule are not comparable to standard user changes. The benefits the government and the public may receive from access to geological and geophysical data and information obtained through their privately funded exploratory efforts in no way diminish the benefits that permittees will receive from participating in the program. These include permission to use refuge lands to conduct exploration and the opportunity to gather data and information that can be used by the permittees to participate on an informed basis in the public debate over the future use of the refuge; to urge Congress to open the refuge to leasing, should such exploration lead to the conclusion that the coastal plain possesses oil and gas reserves worthy of development and production; to participate in future lease sales, should leasing be authorized; and to sell such data and information to those interested in participating in future lease sales. Obviously, private companies would not be willing to invest the millions of dollars that will be necessary to carry out oil and gas exploration on the coastal plain without the expectation of receiving substantial benefits in return for their investment. The charges allowable under the rule are for expenses that would not necessarily be incurred but for the desire of applicants and permittees to explore the coastal plain.

Three commenters objected to this rule because applicants and permittees have no control over the costs that they may be required to be reimbursed. While this may be true, the rule does require the Regional Director to notify an applicant or permittee of estimated reimbursable costs at various stages and provides a mechanism to contest costs that are changed to an applicant or permittee.

§ 37.47 Civil penalties. One commenter requested that this rule be broadened to allow restitution for the loss or impairment of subsistence rights and life styles. This has not been done because the purpose of § 37.47 and the statutory provision on which it is based, § 1002(g), is the punishment of certain violations and not the recovery of damages that might be associated with those violations. For this reason, the suggestion that subsistence users or the city of Kaktovik be given the right to appeal the decision of an administrative law judge under § 37.47(h)(1) has not been adopted.

Without being more explicit, one commenter stated that the rule appears to go far beyond section 1002(g) of ANILCA. The Service disagrees. The rule merely provides the procedures for implementing section 1002(g).

One commenter stated that any mailings required of the government under § 37.47 should be of such a nature as to assure receipt by the permittee. The rule has been modified to require notices of violations and notices of assessment to be served personally or by registered mail. This change should assure receipt by the respondent. This change should also eliminate this commenter's due process concern about the requirement in § 37.47(e) that a request for a hearing be received within 45 days of the date of the issuance, rather than the service, of the notice of assessment.

One commenter suggested that § 37.47 provide for notice and demand, accompanied by a reasonable time to correct any deficiency before a notice of violation is issued. The Service does not feel that this change is necessary. Because initiation of the civil penalty process is a serious matter, it is highly likely that the respondent will be informed, through warnings and efforts by the Service to secure compliance, of the grounds that provide the basis for the notice of violation. In addition, no civil penalty can be assessed until 45 days after the notice of violation. This gives the respondent time to correct any deficiency. In assessing the civil penalty, the Solicitor must take into account the respondent's good faith efforts to achieve timely compliance after receiving notice of the violation.

One commenter criticized § 37.47(a) for appearing to exclude from its coverage violations of stipulations and orders which are applied outside of a special use permit. Subsection 1002(g) authorizes the Secretary to penalize a violation of any provision of an approved exploration plan, of any term or condition of a special use permit, or of any act prohibited by these guidelines. Some stipulations and orders issued by the Regional Director or his Field Monitors may be issued as amendments of a permittee's permit. If they are, § 37.47(a) would apply to them. But when they are not, the permittee may still be penalized under § 37.47(a) for conduct not in compliance with such stipulations and orders if that conduct also constitutes a violation of its approved exploration plan or an act prohibited by the guidelines.

One commenter criticized § 37.47(j) for permitting the Solicitor to remit any civil penalty which is imposed pursuant to § 37.47. Remission is an equitable remedy, which permits the government for reasons of equity to mitigate the harshness of a penalty. Paragraph 37.47(h) is based on Section 1002(g)(4). An act of remission does not acquit a petitioner from the existence of a civil penalty.

Section 37.51 Operational reports. Three commenters recommended that monthly rather than bi-weekly progress reports be required under § 37.51(a). This recommendation has not been adopted because the requirement for progress reports to be submitted every two weeks, as the rule is now worded, is reasonable.

One commenter wanted the city of Kaktovik to be included at the end of the first sentence in § 37.51(a). One commenter wanted free access to all operational reports for the North Slope Borough and the people of Kaktovik. One commenter erroneously stated that the regulations do not specifically allow

for public access to operational reports, and noted that making them accessible under the FOIA would be consistent with § 1002. It is the Service's intent that access to these reports would be handled by the last sentence of § 37.54(a), which refers to FOIA.

One commenter recommended that semiannual reports be submitted on February 1 and August 1 in order to allow more time for data processing and evaluation. This recommendation was adopted together with language allowing the Regional Director the flexibility to require their submittal at other times should he wish to do so. Of course, if the Regional Director invokes this clause, he will require their submittal in time for them to be used in preparing the report to Congress required by Section 1002(h) of ANILCA.

One commenter assumed that the adverse effects on cultural resources referred to in § 37.51(b)(4)(ii) were those acceptable to the Service, the ACHP and the SHPO. No, this is not the Service's intent. Mitigation or avoidance of adverse effects that can be anticipated is covered by § 37.31(d). The provision here deals with unanticipated and inadvertent adverse effects.

Section 37.52 Records. One commenter questioned the significance of the date, September 2, 1989. Another stated that the requirement to keep records for inspection until September 2, 1989 is costly and burdensome and, instead, suggested 3 years as a reasonable period for keeping records. The date, September 2, 1989, is three years after the date by which the Secretary must submit the report required by Section 1002(h) to Congress. The three-year period is borrowed from federal procurement regulations.

Section 37.53 Submission of data and information. For simplicity, the second sentence of § 37.53(a) has been rewritten to refer to raw data and information and processed, analyzed and interpreted data or information since these terms are defined in § 37.2. This change is not intended to change the intent of this rule.

One commenter opined that mandatory submission of proprietary geophysical and geological data constitutes an unconstitutional taking of property. The Service disagrees. The required submission of such data is the *quid pro quo* for permission from the government to explore refuge lands. Three commenters recommended that all data and information submitted under this rule be submitted solely to the Secretary. The Secretary's Office does not have the facilities necessary to receive and handle such data and information.

Two commenters asked that the government reimburse a permittee for the cost of reproducing data and information submitted under the rules and for the cost of putting such data and information in any form requested by the Regional Director that is not usually used by the permittee. This has not been done because Section 1002(e) does not authorize the Department to reimburse a permittee for such costs.

One commenter doubted whether the Service realizes the enormity of the material required to be submitted under § 37.53 and suggested, along with another commenter, that a permittee, instead, notify the Regional Director about what is available on a monthly basis and supply that which he then requests. In response to this comment, the last sentence of § 37.53(a) has been modified by insertion of ", unless directed otherwise by the Regional Director" and by substitution of "annual quarter" for "month".

The phrases ", if obtained," and "as much as possible" have been added to §§ 37.53(b)(1) and 37.53(c) respectively at the suggestion of another commenter. For the convenience of those required by § 37.53 to furnish data and information, the proposed § 37.54(b), dealing with the marking of confidential information, has been inserted as § 37.53(e), and its text has been modified slightly on account of this move.

One commenter suggested that the proposed § 37.54(b), now § 37.53(e), be modified to provide for the marking of tapes and other types of data and information not amenable to page marking. This has been done.

Two commenters wanted "raw" to be substituted for "processed" in § 37.53(c) to facilitate public use of raw data. The Service feels that a permittee's compliance with §§ 37.53(a) and (b) should be sufficient to satisfy our obligation a permittee has to the public in this regard.

Five commenters stated that a submitter should be given notice and an opportunity to comment before the Department changes its "confidential" classification of data and information. No change in § 37.53(f) was made on account of this recommendation because departmental procedures for implementing FOIA, which are incorporated by reference in § 37.54, require, under 43 CFR 2.13(h), the official responsible for processing a FOIA request to seek, when it is administratively feasible to do so, the views of the submitter on whether the record requested should be released.

Paragraph 37.53(g) has been added as a final rule on an interim basis to give the Department a means of enforcing the prohibitions mandated by section 110 of Pub. L. 97–394. Comments on § 37.53(g) are invited. For more information, see the discussion of § 37.2(a) above.

Section 37.54 Disclosure. Twenty-four commenters objected to this rule because they thought that it does not require the disclosure of enough information to the public, and twenty-four others objected because they thought that it requires the disclosure of too much information to the public. The first group wanted all data and information gathered as a result of exploration to be made public. The second group's primary concern was that the disclosure of raw data, as defined in § 37.2(p), would enable a permittee's non-participating competitors to process the data and obtain processed, analyzed and interpreted data or information at substantially reduced costs. Several also expressed the concern that, due to the Service's broad definition of raw data, the fear that the disclosure provisions would be unfairly used to the competitive and economic disadvantage of the permittee would undermine the statutory goal of having private industry undertaken and fund exploration of the coastal plain. These commenters offered several solutions. Some thought that all geological and geophysical information should be treated confidentially. Some thought the definition of raw data should be narrowed. One of these suggested limiting raw data to field observation notes and survey plans. Three recommended prohibiting any commercial use of disclosed raw data. Ten recommended charging a user fee for any data disclosed comparable to the cost that a purchaser or group participant would pay. Seven recommended adjusting the timing on when raw data could be released, by deferring their availability until the report required by section 1002(h) is submitted to Congress or for a period of years after a lease sale of the area from which they were obtained or for a reasonable period of time. The Service considers the need for changes in that part of the rule dealing with the disclosure of raw data on account of these comments to have been abrogated by the passage of section 110 of Pub. L. 97–394 for the reasons discussed above under the commentary on §§ 37.2(a), 37.2(o) and 37.2(p). The Service has, however, decided not to make raw data available public disclosure until the Secretary submits the report required by § 1002(h) of ANILCA to Congress. Deferral of availability for public disclosure until that date will eliminate the endless and more importantly,

perhaps erroneous speculation that might otherwise occur should raw data and information be disclosed in a piecemeal fashion as they are submitted to the Regional Director, while at the same time preserving the congressional goal of assuring access to such data and information so as to enable a full public discussion and debate on the future use and development of the refuge.

The Service has also, after considering the recommendations of several commenters, lengthened the period of confidentiality provided for processed, analyzed, and interpreted data and information. This has been done to prevent the competitive harm that might otherwise occur due to the extrapolation of a permittee's processing, analytical and interpretive methodologies from the disclosure of processed, analyzed and interpreted data or information. That period is now 10 years from submission or 2 years from lease sale, whichever is longer.

One commenter pointed out that federal law allows the Department to withhold from the public information on the location of important archeological and historic properties if its disclosure might result in their harm. Nothing in §§ 37.21(d) and 37.31(d) requires such site-specific information to be located in an exploration plan. Furthermore, the last sentence of § 37.54(a) enables the Department to invoke such statutes through application of exemption 3 to the FOIA, 5 U.S.C. section 552(b)(3), to withhold such information.

One commenter contended that the disclosure provisions violate exemptions 4 and 9 to FOIA, 5 U.S.C. § 552(b)(4) and (9). The Service disagrees with the conclusion. This commenter recommended that § 37.54(a) be rewritten to require the withholding of data or information that could be used to the unfair competitive disadvantage of any permittee by invocation of exemptions 3, 4, and 9 to the FOIA.

This change was not adopted because of the enactment of section 110 of Pub. L. 97–394, discussed above.

One commenter recommended the addition of language to § 37.54(b), formerly § 37.54(c), the subject any government employee, agent or third party to a court action for civil damages. The Service's authority to impose this remedy by regulation is questionable. In any case, internal disciplinary measures should provide a sufficient deterrent against unlawful disclosures by employees. The Service has simplified the language of § 37.54(b). In doing so, it has not intended to affect its meaning or scope. The Service continues to construe it to permit the Department to disclose processed, analyzed and interpreted data or information to agents or third parties for reproducing, processing, reprocessing, analysis and interpretation, as well as for other authorized activities. One commenter recommended the phrase "whenever practicable" be deleted from § 37.54(b). This suggestion was not adopted. The Service considers the guidelines adequate to meet the needs and concerns of this commenter.

Another commenter recommended that processed data be provided to the Alaska Department of Natural Resources. This suggestion has been accommodated by including the State of Alaska in § 37.54(c). The phrase "upon proper request" has also been added to this paragraph. This addition is not intended to change the paragraph's purpose, which is to notify permittees of the possibility that under certain circumstances the Department will give their confidential data and information to those entities listed. This phrase has been added to clarify, however, that the Service does not foresee doing so routinely.

Paragraph 37.54(d) was added as a final rule to implement on an interim basis the mandatory prohibition in section 110 of Pub. L. 97–394 against the commercial use of data and information obtained from the Department. It includes a requirement for a certified statement acknowledging this prohibition and the disqualification stated in the first sentence of § 37.4(b) as a condition of obtaining access to any data and information under § 37.54. Such a certified statement will help to educate requesters about the consequences of obtaining such data and information from the Department and the restraint on their use, as well as help the Department to enforce them. Comments on § 37.54(d) are invited. For more information, see the discussion of § 37.2(a) above.

In addition to the changes mentioned above, a number of minor and technical changes have been made on these guidelines to conform to the changes discussed above or to correct typographical errors and omissions made in the publication of the proposed rules in the **Federal Register**.

Determination of Effects. The Department has determined that this document is not a major rule under Executive Order 12291 and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The determination that the guidelines do not constitute major rule is based on estimated annual operating costs of $30 million to $40 million for permittees and $1 million to $2.2 million for the federal government. Furthermore, no major increases in costs or prices for consumers, individual industries, government agencies, or geographic regions and no adverse effects on investment, productivity, competition, or employment are predicted to result from their implementation. The certification that the guidelines will not have any significant economic effect on a substantial number of small entities is based on the fact that they contain no special requirements for utilizing unusual or untested exploratory methods and techniques that would be costly or available only to a small set of companies and they afford small entities an opportunity to pool their financial and operational resources in applying for approval to conduct exploratory activities.

Paperwork Reduction Act. The guidelines contain provisions for collecting information that are designed to implement or facilitate performance of section 1002(e)–(h) of ANILCA. However, the information collection requirements contained in 50 CFR Part 37 do not require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*, because there are fewer than 10 respondents annually.

Environmental Impact Statement. In accordance with subsection 1002(d)(2) of ANILCA, the Service prepared an Environmental Impact Statement (EIS) to accompany the guidelines and on February 23, 1983 the Service filed the final EIS with EPA, which announced its availability to the public in accordance with 40 CFR 1506.10(a) at 48 **Federal Register** 9365 on March 4, 1983. Comments received on the EIS which related to the guidelines were considered by the Task Force along with the comments addressed directly to the proposed rules in order to integrate environmental issues raised by EIS comments with environmental and other factors considered in the development of the regulations. All substantive comments on the draft EIS were responded to in the final EIS.

In addition, public comments submitted on the final EIS were reviewed and considered before the decision to adopt the regulatory approach incorporating these final rules (Alternative 3 of the EIS) was made. Copies of these comments are available from the Division of Refuge Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. None of these comments required revision of or supplement to the final EIS or guidelines. The record of decision for

the selection of Alternative 3 is being published separately as a notice also in Part IV of this issue. Copies of the final EIS may be obtained from Doug Fruge, Division of Refuges, Alaska Regional Office, U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, Alaska 99503.

Effective Date. These guidelines, including the provisions specifically designed to implement Section 110 of Pub. L. 97-394, take effect immediately upon their publication in the **Federal Register** because the need to accept, evaluate, modify, if necessary, and approve qualifying applications or exploration plans, and to issue permits in time to authorize preliminary field investigations and surface geological exploration to be conducted during the summer of 1983 and to enable winter seismic exploration to be conducted during the 1983–1984 field season constitutes good cause for waiving the 30-day notice normally afforded in accordance with 5 U.S.C. 553(d). The need to avoid a hiatus in the Service's regulatory program that would otherwise be created at this time, if rules were established to address the acquisition, submission and disclosure of geological and geophysical data and information, but not the use of such data and information, also constitutes good cause for giving immediate effect to the provisions designed to implement Section 110, notwithstanding the invitation of public comment found above under the discussion of 50 CFR 37.2(a). Moreover, the advance public notice of the guidelines' contents afforded by virtue of their inclusion as preliminary final regulations in Appendix A of the final EIS is thought to mitigate any hardship that might otherwise derive from this waiver of the 30-day period provided in 5 U.S.C. 553(d).

List of Subjects in 50 CFR Part 37

Alaska, Oil and gas exploration, Wildlife refuges.

For the reasons set out in the preamble, the EIS and the record of decision, and under the authorities of section 1002 of the Alaska National Interest Lands Conservation Act, 94 Stat. 2449, as amended by section 110 of Pub. L. 97-394, 96 Stat. 1982 (16 U.S.C. 3142); section 110 of Pub. L. 89-665, as added by section 206 of Pub. L. 96-515, 94 Stat. 2996 (16 U.S.C. 470h-2); section 401 of Pub. L. 148, 49 Stat. 383, as amended (16 U.S.C. 715s); 31 U.S.C. 9701; 5 U.S.C. 301; and 209 DM 6.1; 50 CFR Part 37 is added to Chapter I, Subchapter C, and established as follows.

Dated: April 4, 1983.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

PART 37—GEOLOGICAL AND GEOPHYSICAL EXPLORATION OF THE COASTAL PLAIN, ARCTIC NATIONAL WILDLIFE REFUGE, ALASKA

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Appendix I—Legal Description of the Coastal Plain, Arctic National Wildlife Refuge, Alaska.

Authority: Sec. 1002, Pub. L. 96-487, 94 Stat. 2449, as amended by Sec. 110, Pub. L. 97-394, 96 Stat. 1982 (16 U.S.C. 3142); Sec. 110, Pub. L. 89-665, as added by Sec. 206, Pub. L. 96-515, 94 Stat. 2996 (16 U.S.C. 470h-2); Sec. 401, Pub. L. 148, 49 Stat. 383, as amended (16 U.S.C. 715s); 31 U.S.C. 9701; 5 U.S.C. 301; 209 DM 6.1.

Note.—The information collection requirements contained in this part do not require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*, because there are fewer than 10 respondents annually.

Subpart A—General Provisions

§ 37.1 Purpose.

These regulations implement the requirement of section 1002(d) of the Alaska National Interest Lands Conservation Act, 94 Stat. 2450, as amended, 16 U.S.C. 3142(d), that the Secretary establish guidelines governing surface geological and geophysical exploration for oil and gas within the coastal plain of the Arctic National Wildlife Refuge. Section 1002 mandates an oil and gas exploration program for the refuge's coastal plain. The program shall culminate in a report to Congress which contains, among other things, the identification of those areas within the coastal plain that have oil and gas production potential, an estimate of the volume of oil and gas concerned, the description of the wildlife, its habitat, and other resources that are within the areas identified, and an evaluation of the adverse effects that the carrying out of further exploration for, and the development and production of, oil and gas within such areas will have on the refuge's resources. It is the objective of this program to ascertain the best possible data and information concerning the probable existence, location, volume, and potential for further exploration, development, and production of oil and gas within the coastal plain without significantly adversely affecting the wildlife, its habitat, or the environment and without unnecessary duplication of exploratory activities. These regulations prescribe the requirements and procedures for obtaining authorization for and the conduct of such exploratory activities, and for submitting to the Department the resulting data and information. These regulations also describe other matters relating to the administration of the program.

§ 37.2 Definitions.

The following definitions are applicable to the sections of this part.

(a) "Act" means section 1002 of the Alaska National Interest Lands Conservation Act, 94 Stat. 2449, as amended by section 110 of Pub. L. 97-394, 96 Stat. 1982, 16 U.S.C. 3142.

(b) "Adequate protective cover" means snow or a frostline, or both, sufficient to protect the vegetation and soil from significant adverse effects due to the operation of surface equipment, as determined by the Regional Director.

(c) "Coastal lagoons" means the waters and submerged lands between the mainland and the offshore barrier islands that lie between Brownlow Point and the Aichilik River within the coastal plain.

(d) "Coastal plain" means that area shown on the map entitled "Arctic National Wildlife Refuge", dated August

1980, and legally described in Appendix I of this Part.

(e) "Cultural resource" means any district, site, building, structure, or object significant in American history, architecture, archeology, engineering or culture, as determined in accordance with 36 CFR 60.6.

(f) "Department" means the Department of the Interior and any of its component bureaus and offices.

(g) "Director" means the Director of the U.S. Fish and Wildlife Service of his authorized representative.

(h) "Exploration plan" means the way in which a program of exploratory activities is proposed to be arranged and carried out.

(i) "Exploratory activities" means surface geological exploration or seismic exploration or both of the coastal plain and all related activities and logistics required for either or both, and any other type of geophysical exploration of the coastal plain which involves or is a component of an exploration program for the coastal plain involving surface use of refuge lands and all related activities and logistics required for such exploration.

(j) "Harass" means to pursue, hunt, take, capture, molest, collect, harm, shoot or kill or attempt to engage in any of the preceding by either intentional or negligent act or omission.

(k) "Hazardous substances" means petroleum, petroleum products, toxic materials, chemical effluent, explosives, or other materials which are likely to cause significant adverse effects to the refuge's wildlife, its habitat, the environment, or humans.

(l) "Permittee" means the person authorized by a special use permit issued pursuant to this part to conduct exploratory activities on the coastal plain; any official, employee, contractor, subcontractor or agent of the permittee or of the permittee's designee; and any participant to the permittee's permit.

(m) "Person" means any individual, partnership, firm, corporation, association, organization, or agency.

(n) "Plan of operation" means detailed procedures, covering a period not to exceed 12 months, proposed for executing an exploration plan.

(o) "Processed, analyzed and interpreted data or information" means any data or information which results from any subsequent modification, processing, analysis, or interpretation of raw data and information by human or electronic means, on or off the refuge.

(p) "Raw data and information" means all original observations and recordings in written or electronic form and samples obtained during field operations.

(q) "Refuge" means the Arctic National Wildlife Refuge.

(r) "Regional Director" means the Regional Director, Region 7 of the U.S. Fish and Wildlife Service, or his authorized representative.

(s) "Rehabilitation" means the act of returning the landform and vegetation to as near its original shape and condition as practicable, as determined by the Regional Director.

(t) "Secretary" means the Secretary of the Interior or his authorized representative.

(u) "Service" means the U.S. Fish and Wildlife Service.

(v) "Solicitor" means the Solicitor of the Department of the Interior or his authorized representative.

(w) "Special use permit" means a revocable, nonpossessory privilege issued in writing by the Regional Director and authorizing the permittee to enter and use the refuge for a specified period to conduct exploratory activities, and other activities necessary thereto.

(x) "Support facilities" means facilities on or near the refuge used to provide logistical support for the field exploratory activities.

(y) "Third party" means any person other than a representative of the permittee or the United States government.

(z) "Waste" means all material for discard from exploratory activities. It includes, but is not limited to, human waste, trash, garbage, refuse, fuel drums, shot wire, survey stakes, explosives boxes, ashes, and functional and nonfunctional equipment.

(aa) "Wildlife" means fish or wildlife or both.

§ 37.3 Other applicable laws.

(a) Nothing in this part shall be construed to relieve a permittee or any person from complying with any applicable federal laws or any applicable state and local laws, the requirements of which are not inconsistent with this part.

(b) Until the litigation between the United States and the State of Alaska over title to the submerged lands of the coastal lagoons, "United States v. Alaska", Sup. Ct., No. 84, Orig. (1979), is resolved, the permittee shall satisfy both federal and state requirements for conducting oil and gas exploration in the coastal lagoons. In the event of an inconsistency between such requirements the permittee shall satisfy that requirement which provides the greatest environmental protection.

§ 37.4 Disclaimer and disqualification.

(a) Authorization granted under this part to conduct exploratory activities shall not confer a right to any discovered oil, gas, or other mineral in any manner.

(b) Any person who obtains access pursuant to § 37.54 to data and information obtained as a result of carrying out exploratory activities shall be disqualified from obtaining or participating in any lease of the oil and gas to which such data and information pertain. Any person who obtains access to data and information obtained as a result of carrying out exploratory activities from any person other than the permittee who obtained such data and information shall be disqualified from obtaining or participating in any lease of the oil and gas to which such data and information pertain.

Subpart B—General Requirements

§ 37.11 General standards for exploratory activities.

(a) No exploratory activities shall be conducted without a special use permit. Requirements and procedures for obtaining a special use permit are prescribed in §§ 37.21 through 37.23.

(b) Exploratory activities shall be conducted so that they do not:

(1) Significantly adversely affect the refuge's wildlife, its habitat, or the environment;

(2) Unnecessarily duplicate exploratory activities of the permittee or another permittee; and

(3) Unreasonably or significantly interfere with another permittee's activities.

(c) Reexamination of an area may be permitted by the Regional Director if necessary to correct data deficiencies or to refine or improve data or information already gathered.

(d) Drilling of exploratory wells is prohibited.

§ 37.12 Responsibilities of permittee.

(a) The permittee shall comply and shall be responsible for the compliance of its officials, employees, contractors, subcontractors and agents with the regulations of this part, the terms and conditions of its special use permit, the provisions of its approved exploration plan and plan or operation, and all reasonable stipulations, demands and orders issued by the Regional Director. All actions by the permittee inconsistent with this part are prohibited.

(b) The permittee shall designate a general representative who shall be the person primarily accountable for managing the permittee's authorized activities, and a field representative who shall be the person primarily accountable for supervising the

permittee's field operations, and their alternates. The Regional Director shall be informed of the names, addresses, and telephone numbers of the persons designated pursuant to this paragraph and of the procedures for contacting them on a 24-hour basis, including the radio frequency for field operations, at the time the permittee submits its first plan of operation pursuant to § 37.24. The permittee shall notify the Regional Director promptly of any changes in such personnel or the procedures for contacting them.

(c) Field operations shall be conducted by the permittee or a designee approved by the Regional Director. Assignment of a designee shall be in a manner and form acceptable to the Regional Director. The Regional Director shall approve or disapprove a permittee's designee within 30 days following the receipt of such information as the Regional Director may require from the permittee and designee in order to reach his decision. Acceptance of a designee to act for the permittee in matters relating to the conduct of exploratory activities does not relieve the permittee of responsibility for compliance with applicable laws, its special use permit, exploration plan, plan of operation, and all reasonable stipulations, demands and orders of the Regional Director. The designee will be considered the agent of the permittee and will be responsible for complying fully with the obligations of the permittee. The serving of stipulations, demands, orders, and notices on the permittee's designee, when delivered personally or by radio or mail, will be deemed to be service upon the permittee. The permittee shall notify the Regional Director in writing when assignment of a designee has been cancelled. A designee cannot reassign its designation to another party. The permittee or designee shall notify the Regional Director 10 working days in advance of its intention to commence field operations for each season that it conducts exploratory activities.

(d) The permittee shall submit to the Regional Director 30 days prior to the commencement of field operations for each year covered by its exploration plan an updated list of the names and addresses of all persons participating in the exploratory activities covered thereby or sharing in the data and information resulting therefrom through a cost-sharing or any other arrangement.

(e) The permittee shall perform operations and maintain equipment in a safe and workmanlike manner. The permittee shall take all reasonable precautions necessary to provide adequate protection for the health and safety of life and the protection of property and to comply with any health and safety requirements prescribed by the Regional Director.

§ 37.13 Group participation.

(a) To avoid unnecessary duplication of exploratory activities, the permittee shall, if ordered by the Regional Director, afford all interested persons, through a signed agreement, an opportunity to participate in its exploratory activities. Within 60 days following such order, the permittee shall provide evidence satisfactory to the Regional Director of its compliance therewith. The permittee shall provide the Regional Director with the names and addresses of all additional participants, as they join.

(b) If, with the approval of the Regional Director, the permittee at any time changes any provisions of its approved exploration plan relating to areal extent, intensity of exploratory activities, or logistical support, and the Regional Director determines such changes to be significant, the Regional Director may require the permittee to afford all interested persons another opportunity to participate in the permitted exploratory activities in accordance with paragraph (a) of this section.

(c) The requirements of this section do not preclude the permittee from initiating field operations as authorized under its special use permit.

(d) All participants shall be bound by the regulations of this part, the permittee's special use permit, approved exploration plan and plan of operation and any reasonable stipulations, demands and orders issued by the Regional Director.

§ 37.14 Bonding.

(a) Before the issuance of its special use permit, any applicant whose exploration plan has been approved under § 37.22 shall furnish to the Service a surety bond of not less than $100,000, or other security satisfactory to the Service, to secure performance of its exploration plan and plan(s) of operation and compliance with the permit and this part. Such surety bond shall be issued by qualified surety companies approved by the Department of the Treasury (see Department of the Treasury Circular No. 570). Such bond shall be maintained by the permittee for the benefit of the Service until the Regional Director notifies the permittee in writing that all terms and conditions of its exploration plan, special use permit, plan of operation, and this part have been met or otherwise consents to its cancellation or termination. Any bond furnished or maintained by a person under this section shall be on a form approved or prescribed by the Regional Director. The Regional Director may require an increase in the amount of any bond or other security to be furnished and any outstanding bond or security or require a new bond or security whenever additional coverage is needed to secure performance of its exploration plan and plan(s) of operation and compliance with the permit and this part or is needed as a consequence of default.

(b) Whenever a permittee's exploration plan, plan of operation, or special use permit is revised or modified, the permittee shall provide to the Regional Director within 30 days thereafter an acknowledgement by the surety that its bond continues to apply to the exploration plan, plan of operation or special use permit, as revised or modified, unless a waiver of notice to the surety is contained in the bond or the surety is not otherwise released by the revision or modification, or unless the permittee provides to the Service an increased or additional bond.

(c) Recovery of the amount specified in the permittee's bond or other security shall not preclude the Department from seeking specific performance by the permittee of any obligations not satisfied by enforcement of the bond or security, or compensation for any damages, losses or costs due to the permittee's activities which exceed the amount recovered, by pursuing the Department's legal remedies.

Subpart C—Exploration Plans

§ 37.21 Application requirements.

(a) Prior to submitting an exploration plan, applicants may meet with the Regional Director to discuss their proposed plans and exploratory activities and the requirements of this part.

(b) Any person wanting to conduct exploratory activities may apply for a special use permit by submitting for approval one or more written exploration plans, in triplicate, to the Regional Director, Region 7, U.S. Fish and Wildlife Service, 1011 East Tudor Road, Anchorage, Alaska 99503. To be considered, exploration plans covering the period from the inception of the program through May 31, 1986 or any portions thereof must be received by the Regional Director during normal business hours on May 20, 1983 and exploration plans covering the period from October 1, 1984 through May 31, 1986 or any portions thereof must be

received by the Regional Director during normal business hours on March 1, 1984.

(c) In addition to containing the information required in paragraph (d) of this section, any exploration plan submitted shall describe the applicant's plan for carrying out an integrated program of exploratory activities in such a manner as will satisfy the objective and limitations stated in § 37.1. If an applicant submits an exploration plan on May 20, 1983 with the intention of submitting another exploration plan on March 1, 1984, the applicant shall describe in its initial plan how its future exploratory activities will be integrated with those proposed under its initial plan. Any applicant submitting an exploration plan on May 20, 1983 which incorporates preliminary field investigations and/or surface geological exploration proposed to commence before August 1, 1983 may submit a written request to the Regional Director for an expedited review and approval of that portion of the exploration plan covering such preliminary investigations and/or exploration. Each exploration plan submitted must be published and be the subject of a public hearing in accordance with requirements of § 37.22(b).

(d) An exploration plan shall set forth in general terms such information as is required by this part and by the Regional Director in determining whether the plan is consistent with this part, including, but not limited to:

(1) The name and address of any person who will conduct the proposed exploratory activities, i.e., the applicant/permittee, and, if that person is an agency, firm, corporation, organization, or association, the names and addresses of the responsible officials, or, if a partnership, the names and addresses of all partners;

(2) The names and addresses of all persons planning at the time of plan submittal to participate in the proposed exploratory activities or share in the data and information resulting therefrom through a cost-sharing or any other arrangement;

(3) Evidence of the applicant's technical and financial ability to conduct integrated and well designed exploratory activities in an arctic or subarctic environment and of the applicant's responsibility in complying with any exploration permits previously held by it;

(4) A map at a scale of 1:250,000 of the geographic areas in which exploratory activities are proposed and of the approximate locations of the applicant's proposed geophysical survey lines, travel routes to and within the refuge, fuel caches, and major support facilities;

(5) A general description of the type of exploratory activities planned, including alternate exploratory methods and techniques if proposed, and the manner and sequence in which such activities will be conducted;

(6) A description of how various exploratory methods and techniques will be utilized in an integrated fashion to avoid unnecessary duplication of the applicant's own work;

(7) A schedule for the exploratory activities proposed, including the approximate dates on which the various types of exploratory activities are proposed to be commenced and completed;

(8) A description of the applicant's proposed communication technniques;

(9) A description of the equipment, support facilities, methods of access and personnel that will be used in carrying out exploratory activities;

(10) A hazardous substances control and contingency plan describing actions to be taken to use, store, control, clean up, and dispose of these materials in the event of a spill or accident;

(11) A general description of the anticipated impacts that the proposed exploratory activities may have on the refuge's wildlife, its habitat, the environment, subsistence uses and needs, and cultural resources, and a description of mitigating measures which will be implemented to minimize or avoid such impacts;

(12) A description of the proposed procedures for monitoring the environmental impacts of its operation and its compliance with all regulatory and permit requirements;

(13) A statement that, if authorized to conduct exploratory activities, the applicant shall comply with this part, its special use permit, its approved exploration plan, plan of operation, and all reasonable stipulations, demands and orders issued by the Regional Director;

(14) A description of the applicant's proposed data quality assurance and control program; and

(15) Such other pertinent information as the Regional Director may reasonably require.

§ 37.22 Approval of exploration plan.

(a) An exploration plan shall be approved by the Regional Director if he determines that it satisfies the requirements of §§ 37.21(c) and 37.21(d) and is otherwise consistent with the Act and the regulations of this part. In order to meet the objective and limitations stated in § 37.1, enforce the standards stated in § 37.11(b), or minimize adverse impacts on subsistence uses, the Regional Director may approve or disapprove any exploration plan in whole or in part or may require, as a condition of approval, an applicant to conduct its exploratory activities in an assigned area or jointly with other applicants or to make such modification in its exploration plan as he considers necessary and appropriate to make it consistent with this part. No plan shall be approved if the applicant submitting it does not demonstrate to the reasonable satisfaction of the Regional Director its adequate technical and financial ability to conduct integrated and well designed exploratory activities in an arctic or subarctic environment, and a history of responsible compliance with any exploration permits that it or its responsible officials or partners may have previously held.

(b) Upon receipt of an exploration plan submitted in accordance with § 37.21(b), the Regional Director shall promptly publish notice of the application and text of the plan in the **Federal Register** and newspapers of general circulation in the State of Alaska. The Regional Director shall determine within 90 days after the plan is submitted whether the plan is consistent with this part. The Regional Director may extend this 90-day period for up to 30 additional days upon written notice to the applicant. Before making his determination, the Regional Director shall hold at least one public hearing in the State for the purpose of receiving public comments on the plan and may confer with the applicant whenever he deems it necessary. The Regional Director shall give the applicant written notice of his determination.

(c) Whenever the Regional Director disapproves an exploration plan in whole or in part, he shall notify the applicant in writing of the reasons for his disapproval. The applicant may request the Director to consider that which was disapproved by the Regional Director by filing a written request with the Director, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, within 30 days from the date of disapproval. Such a request shall not operate to stay the Regional Director's disapproval. The request shall:

(1) State fully the basis for the applicant's disagreement with the Regional Director's determination;

(2) Include any statement or documentation, in addition to that already submitted by the applicant with its application, which demonstrates that the applicant's exploration plan is consistent with this part; and

(3) Indicate whether or not the applicant requests an informal hearing before the Director.

The Director shall provide an informal hearing if requested by the applicant. Within 30 days of the receipt of the applicant's request for reconsideration or of the applicant's hearing, if any, whichever is later, the Director shall affirm, reverse, or modify the Regional Director's determination. Written notice of the Director's decision and the reasons therefor shall be provided promptly to the applicant. The Director's decision shall constitute the final administrative decision of the Secretary in the matter. Nothing in this part shall be construed to deprive the Secretary or the Assistant Secretary for Fish and Wildlife and Parks of the authority to take jurisdiction at any stage of any appeal or request for reconsideration and render the final decision in the matter after holding any informal hearing that may be required, to review any decision of the Regional Director or Director, or to direct the Regional Director or Director to reconsider a decision.

(d) The Regional Director, as a condition of approval of any exploration plan under this section, shall:

(1) Require that all data and information (including processed, analyzed and interpreted information) obtained as a result of carrying out the plan shall be submitted to the Regional Director, as provided in § 37.53;

(2) Make such data and information available to the public, except that any processed, analyzed and interpreted data or information shall be held confidential by the Department for a period of not less than 10 years following the submission of such data or information to the Regional Director or 2 years following any lease sale including the area within the refuge from which the information was obtained, whichever period is longer, as provided in § 37.54; and

(3) Require that all raw data and information obtained as a result of carrying out the plan shall be made available by the permittee to any person at fair cost.

(e) In the course of evaluating an exploration plan, the Regional Director shall also evaluate the effect of the proposed exploratory activities on subsistence uses and needs, the availability for exploration of alternate areas within the coastal plain, and alternatives to the proposed activities which would reduce or eliminate the use of areas within the coastal plain needed for subsistence purposes. If the Regional Director finds that the exploration plan, if approved, would significantly restrict subsistence uses, he shall satisfy the requirement to hold a hearing on this isssue by incorporating it in any hearing held pursuant to paragraph (b) of this section and shall otherwise satisfy the procedural requirements of section 810(a) of the Alaska National Interest Lands Conservation Act, 94 Stat. 2427, 16 U.S.C. 3120, before approving the plan.

§ 37.23 Special use permit.

(a) Within 45 days, or sooner if practicable, of approving an exploration plan, or portion thereof, the Regional Director shall, unless prohibited by law, issue a special use permit to authorize the permittee to proceed with those exploratory activities described and approved in its exploration plan, or portion thereof, provided that the requirements of § 37.14(a) have been satisfied. The special use permit may contain such terms and conditions and may be amended from time to time as the Regional Director deems necessary and appropriate to carry out the Act and this part.

(b) Before issuing a special use permit to authorize exploration of lands within the coastal plain allotted pursuant to the Act of May 17, 1906, 34 Stat. 197, as amended by the Act of August 2, 1956, 70 Stat. 954, or on lands within the coastal plain the surface estate in which has been selected by or conveyed to the Kaktovik Inupiat Corporation pursuant to Sections 12 and 14 of the Alaska Native Claims Settlement Act, 85 Stat. 701 and 702, 43 U.S.C. 1611 and 1613, the Regional Director shall seek the views of the holder of such approved native allotment or the Corporation for the purpose of developing permit conditions designed to mitigate the effects of such exploration on its interests.

§ 37.24 Plan of operation.

Each approved exploration plan shall be supplemented by a written plan of operation for each fiscal year, or portions thereof, covered by the exploration plan. Each plan of operation shall specify the field operations for implementing that exploration plan during the year, or portions thereof, covered by the plan of operation. Each plan of operation shall be submitted to the Regional Director at least 30 days before field operations are to be commenced thereunder, except that any plan of operation supplementing a portion of an exploration plan that received expedited review and approval pursuant to § 37.21(c) shall be submitted 10 days before field operations are to be commenced thereunder. A plan of operation shall set forth such specific information as is required by the Regional Director in determining whether the plan is consistent with the exploration plan to which it pertains and with this part. The permittee shall make such modifications in its plan of operation as are deemed at any time by the Regional Director to be necessary and appropriate to ensure such consistency. Reconsideration of the Regional Director's actions under this section may be obtained by employing the procedures described in § 37.22(c).

§ 37.25 Revision.

(a) A permittee may request the Regional Director for permission to revise its approved exploration plan. Until the Regional Director grants the permittee's request, no revision of its exploration plan shall be implemented. Such request shall be deemed to be granted on the 10th working day following its receipt unless the Regional Director denies the request; advises the permittee that the proposed revision is major and, therefore, must satisfy the publication and hearing requirements of § 37.22(b) before it can be acted upon; by timely written notice extends the period for considering the request; conditionally approves the proposed revision with such modifications as he stipulates are necessary and appropriate; or, unconditionally approves the proposed revision within a shorter period. No revision of an exploration plan shall be approved that is inconsistent with the Act or this part. Approval of any revision is subject to the conditions stated in § 37.22(d) to the extent that they are pertinent.

(b) Upon 10 working days advance notice to the Regional Director of its proposed revision, or within such lesser period as may be concurred in by the Regional Director, a permittee may implement a revision of its plan of operation, provided that such revision is consistent with the exploration plan to which the plan of operation pertains and this part. The Regional Director may require the permittee to defer, modify, or rescind such revision whenever he determines that such action is necessary and appropriate to ensure such consistency.

(c) Reconsideration of the Regional Director's actions under this section may be obtained by employing the procedures described in § 37.22(c). A request for reconsideration shall not operate to stay the Regional Director's actions unless such stay is granted in writing by the Director.

Subpart D—Environmental Protection

§ 37.31 Environmental protection.

(a) The permittee shall conduct operations in a manner which avoids significant adverse effects on the refuge's wildlife, its habitat, and environment. The Regional Director may impose stipulations to supplement the permittee's special use permit and issue other orders as needed to ensure that the permittee's activities are conducted in a manner consistent with this part. If, after 30 days, or in emergencies such shorter periods as shall not be unreasonable, following a demand by the Regional Director, the permittee shall fail or refuse to perform any action required by this part, its exploration plan, plan of operation, special use permit, or a stipulation or order of the Refuge Manager, the department shall have the right, but not the obligation, to perform any or all such actions at the sole expense of the permittee. Prior to making such demand, the Regional Director shall confer with the permittee, if practicable to do so, regarding the required action or actions included in the demand. Reconsideration of the Regional Director's demands under this section may be obtained by employing the procedures described in § 37.22(c). A request for reconsideration shall not operate to stay the Regional Director's demands or the Department's performance pursuant to this section unless such stay is granted in writing by the Director.

(b) *Terrestrial environment.* (1) Vehicles shall be operated in a manner such that the vegetative mat or soil is not significantly damaged or displaced. Blading of snow on trails or campsites shall be limited so as to maintain an adequate protective cover.

(2) Ground vehicles shall be of the type causing the least practicable harm to the surface, such as Nodwell FN–110 or FN–60 or Bombardier track vehicles, mobile camps on flexible tracks or skids, vibrator units on flexible tracks or wheels, D–7 Caterpillar tractors, or their equivalent. They shall be operated only in the winter and where there is adequate protective cover. Vehicle operation shall cease in the spring when the Regional Director determines that the protective cover is no longer adequate. Operation of ground vehicles in the summer is prohibited.

(3) Movement of equipment through riparian willow stands shall be avoided, except when approved by the Regional Director.

(4) Above ground explosive charges shall be utilized in a manner to minimize damage to the vegetative mat.

(5) Campsites may be located on lakes which are frozen throughout, including botton sediments, on durable ground, and on lagoons which are frozen to sufficient depth to ensure safety of personnel, but shall not be located on river ice. Durable ground can include gravel or sand bars or vegetated ground with adequate protective cover.

(6) Campsites and trails shall be kept clean of waste.

(7) Gray water may be discharged to the surface provided it is filtered, disinfected, and not discharged directly into lakes and rivers.

(8) The permittee shall take all precautionary measures necessary to prevent and suppress man-caused tundra fires and shall notify the Regional Director of the occurrence of any tundra fires immediately or as soon as communication can be established.

(9) Rehabilitation of disturbed surface areas shall be accomplished by the permittee in accordance with schedules and a plan required and approved by the Regional Director. Revegetation shall be accomplished exclusively with endemic species.

(10) The permittee shall not harass wildlife in any manner, including, but not limited to, close approach by surface vehicles or aircraft. Aircraft should maintain an altitude of at least 1500 feet above ground level whenever practicable.

(11) No explosives shall be detonated within ½ miles of any known denning brown or polar bear or any muskoxen or caribou herd.

(12) The permittee shall operate in such a manner as not to impede or restrict the free passage and movement of large mammals, including caribou, muskoxen, moose, polar bear, and brown bear.

(13) Feeding of wildlife is prohibited. This includes the leaving of garbage or edibles in a place which would attract wildlife. Garbage shall be kept in covered animal-proof containers while awaiting incineration.

(14) Hunting, fishing, and trapping by the permittee within the refuge are prohibited during the conduct of exploratory activities. Employing firearms in defense of life and property is allowed.

(c) *Aquatic environment.* (1) The permittee shall not significantly alter the banks of streams, rivers, or lakes while conducting exploratory activities. Crossings of stream, river, or lake banks shall utilize a low angle approach or, if appropriate, snow bridges. If snow bridges are utilized for bank protection they shall be free of dirt and debris and shall be removed after use or prior to breakup each year, whichever occurs first.

(2) No water shall be removed from any subsurface source. Removal of water or snow cover from or compaction of snow cover on streams, rivers or lakes identified by the Regional Director as inhabited by fish shall be prohibited during the winter.

(3) To protect fish and other aquatic fauna, high explosives shall not be detonated within, beneath, on or in close proximity to fish-bearing waters unless prior drilling indicates that the water body, including its substrate, is solidly frozen. The minimum acceptable offset from fishing-bearing waters for various size charges is:

1 pound charge—50 feet
2 pound charge—75 feet
5 pound charge—125 feet
10 pound charge—150 feet
25 pound charge—250 feet
100 pound charge—500 feet

Use of a charge in excess of 100 pounds shall be approved by the Regional Director and shall be in a manner prescribed or approved by him.

(4) All operations shall be conducted in a manner that will not impede the passage of fish, disrupt fish spawning, overwintering or nursery areas identified by the Regional Director or block or change the character or course of, or cause significant siltation or pollution of any stream, river, pond, pothole, lake, lagoon, or drainage system.

(5) Ground vehicles shall not cross active spring areas.

(d) *Cultural resources.* (1) Prior to implementing any plan of operation, the permittee shall obtain from the Regional Director copies of the cultural resource reconnaissance reports, maps and other available documents which identify all known cultural resource sites and areas of predicted high probability of containing cultural resources. The Regional Director may reasonably restrict or prohibit exploratory activities in these areas and, in accordance with 36 CFR Part 800, thereby mitigate, minimize or avoid any adverse effects thereon.

(2) Unless otherwise specified by the Regional Director, the following prohibitions shall be in effect:

(i) No vehicle of any type shall pass over or through a known cultural resource site with standing structures; and

(ii) No seismic train shall camp on a known cultural resource site.

(3) If any exploratory activities require entry into areas known to contain historic or archeological resources, high probability areas, or

areas previously unsurveyed for cultural resources, prior to the initiation of such activities, the permittee shall, if ordered by the Regional Director, locate, identify and evaluate properties eligible for listing on the National Register of Historic Places, recover for the Department historic and archeological data contained in such properties, and take other measures, as directed by the Regional Director, designed to mitigate, minimize or avoid to the extent practicable any significant adverse effects on them. Such efforts shall be done in a manner prescribed or approved by the Regional Director in accordance with a programmatic memorandum of agreement among the Service, the State Historic Preservation Officer and the Advisory Council on Historic Preservation, and without expense or liability to the Department.

(e) *General.* (1) All spills or leakages of any hazardous substances, fires, fatalities, and any other conditions which threaten the refuge's resources, the environment, or human safety, shall be reported by the permittee to the Regional Director immediately or as soon as communication can be established. Other notifications shall be made by the permittee as required by applicable laws.

(2) All combustible solid waste shall be incinerated or returned to the permittee's base of operations for disposal in accordance with applicable federal, state and local standards. All non-combustible solid waste, including, but not limited to, fuel drums and shot wire, shall be returned to the permittee's base of operations for disposal in accordance with applicable federal, state and local standards.

(3) No discharge of petroleum, petroleum products, or toxic materials shall be made within the refuge. All hazardous subtances utilized and/or generated in conducting exploratory activities shall be contained, controlled, and cleaned up in accordance with the permittee's approved hazardous substances control and contingency plan. Such measures shall take precedence over all other matters except human safety.

(4) Unless exigencies warrant, in any field operations employing surface geological exploration, the equipment, facilities, and personnel used within the coastal plain shall not exceed that necessary to support a maximum of 6 simultaneously operating surface geological survey crews, and in any field operations employing seismic exploration methods, the equipment, facilities, and personnel used within the coastal plain shall not exceed that necessary to support a maximum of 6 simultaneously operating seismic survey crews.

(5) No fuel storage facilities shall be placed within the annual floodplain of fish-bearing watercourses or within 100 feet of any other water body, and no vehicle refueling shall occur within such areas except when approved by the Regional Director. All fuel storage sites shall be approved by the Regional Director. Fuel containers shall be properly stored and marked with the permittee's name, type of fuel, and last date of filling. All fuel containers with a storage capacity greater than 55 gallons shall be of double-wall construction. All fuels containers, including those emptied, shall be capped when not in actual use. All fuel containers placed within the annual floodplain of fish-bearing watercourses shall be removed prior to breakup.

(6) The permittee shall not disturb or damage any geodetic land survey monuments. If any monument is disturbed or damaged, the permittee shall reestablish it in a manner acceptable to the Regional Director.

(7) The timing and location of the detonation of explosives shall be approved in advance by the Regional Director.

(8) No permanent structures or facilities will be erected within the coastal plain. The type and location of temporary structures and facilities including, but not limited to, ice airstrips, for use in support of exploratory activities must be approved by the Regional Director.

§ 37.32 Special areas.

(a) *Caribou Calving and Post-Calving Special Areas.* The Regional Director shall designate within the coastal plain specific caribou calving and post-calving special areas which shall be closed to all exploratory activities for such periods between May 10 and July 15 of each year as those areas are determined by the Regional Director to be used for caribou calving and post-calving or both so as to ensure that exploratory activities do not significantly adversely affect calving and post-calving caribou. No exploratory activities shall be conducted in such designated areas during such periods.

(b) *Muskoxen Calving Special Areas.* Whenever he deems it necessary or appropriate to ensure that exploratory activities do not significantly adversely affect calving muskoxen, the Regional Director shall designate within the following areas specific areas which shall be closed to all exploratory activities for such periods between April 15 and June 5 of each year as those areas are determined by the Regional Director to be used for muskoxen calving. No exploratory activities shall be conducted in such designated areas during such periods.

(1) One generally encompassing the Tamayariak uplands bordered on the east by the Tamayariak River, on the northwest by the Canning River, on the east by a north-south line intersecting the benchmark "Can", and on the south by an east-west line also intersecting the benchmark "Can".

(2) One generally encompassing the Carter Creek uplands, bordered on the east by the Sadlerochit River, on the north by the mainland coastline, on the west by Carter Creek, and on the south by an east-west line approximately six miles inland from the coastline.

(3) One generally encompassing the Niguanak hills, bordered on the east by the Angun River, on the north by the mainland coastline, on the west by a line parallel to and two miles west of the Niguanak River, crossing portions of the Okerokovik River, and extending south to the southern boundary of the coastal plain, and on the south by the southern boundary of the coastal plain.

(c) *Brown Bear and Polar Bear Denning Special Areas.* Whenever he deems it necessary or appropriate to ensure that exploratory activities do not significantly adversely affect denning bears, the Regional Director shall designate within the coastal plain brown bear and polar bear denning sites within ½ mile of which all exploratory activities shall be prohibited for such periods between October 1 of one year and April 30 of the following year as are prescribed by the Regional Director.

(d) *Snow Goose Staging Special Areas.* Whenever he deems it necessary or appropriate to ensure that exploratory activities do not significantly adversely affect staging snow geese, the Regional Director shall designate within the general area bordered on the east by the Aichilik River, on the north by the mainland coastline, on the west by the Hulahula River, and on the south by the southern boundary of the coastal plain, specific snow goose staging special areas which shall be closed to all exploratory activities during such periods between August 20 and September 10 of each year as those areas are determined by the Regional Director to be used for snow goose staging. No exploratory activities shall be conducted in such designated areas during such periods.

(e) In addition, the Regional Director may designate specific areas within the coastal plain that are important for other wildlife or that encompass lands the surface estate in which is owned by

holders of approved native allotments or the Kaktovik Inupiat Corporation as special areas in which exploratory activities may be prohibited, conditioned or otherwise restricted in such manner and for such period as prescribed by the Regional Director to avoid significant adverse effects from exploratory activities.

(f) The Regional Director shall notify the permittee of the locations of designated special areas and of the applicable limitations on its exploratory activities as far in advance of the effective dates of such limitations as is possible. The Regional Director may modify or remove such designations and limitations whenever he determines that they are no longer necessary to protect the resources or values of such special areas from significant adverse effects.

(g) No exploratory activities shall be conducted by any permittee at any time within ⅛ mile of the source of the Sadleochit Spring or within ¼ mile on either side of Sadlerochit Spring Creek for a distance of 5 miles downstream from its source.

§ 37.33 Environmental briefing.

The permittee shall provide opportunities for the Regional Director to conduct environmental and other pertinent briefings for all of its personnel involved in field operations prior to commencement of field work and periodically thereafter as the Regional Director may determine. The permittee shall require the attendance of its personnel and arrange the time and place for such briefings upon the request of the Regional Director. In addition, the permittee shall provide a copy of this part to each employee involved with its exploratory activities.

Subpart E—General Administration

§ 37.41 Responsibilities of the Regional Director.

The Regional Director is authorized to approve and disapprove exploration plans; issue special use permits; inspect and regulate exploratory activities; require compliance with the permittee's approved exploration plan, plan of operation, this part, and other statutes and regulations under which the refuge is administered; and perform all other duties assigned to the Regional Director by this part. The Regional Director may issue written or oral stipulations, demands and orders to carry out his responsibilities, and amend and terminate them as he deems appropriate. Any oral stipulation, demand or order shall be confirmed in writing within 3 working days from its issuance.

§ 37.42 Inspection and monitoring.

The Regional Director may designate field representatives, hereinafter known as Field Monitors, to monitor the exploratory activities in the field. A Field Monitor may exercise such authority of the Regional Director as is provided by delegation, except that a Field Monitor may not revoke a permittee's special use permit, and provided that any order issued by a Field Monitor which suspends all of a permittee's field activities shall, except in emergencies, require the concurrence of the Regional Director. The Regional Director shall have a continuing right of access to any part of the exploratory activities at any time for inspection or monitoring and for any other purpose that is consistent with this part. A permittee, upon request by the Regional Director, shall furnish lodging, food, and reasonable use of its communication and surface and air transportation systems, to the Field Monitors and other representatives of the United States for the purposes of inspecting and monitoring the permittee's exploration activities in the field and for any other purpose consistent with this part. Whenever possible, the Regional Director shall give advance notice of the need for such services and facilities, including the names of persons to be accommodated.

§ 37.43 Suspension and modification.

If at any time while exploratory activities are being carried out under an approved exploration plan and special use permit, the Regional Director, on the basis of information available to him, determines that continuation of further activities under the plan or permit will significantly adversely affect the refuge's wildlife, its habitat, or the environment, or significantly restrict subsistence uses, or that the permittee has failed to comply with its approved exploration plan, plan of operation, special use permit, any reasonable stipulation, demand or order of the Regional Director, or any regulation of this part, the Regional Director may, without any expense or liability to the Department, suspend activities under the plan and/or permit for such time, or make such modifications to the plan and/or permit, or both suspend and so modify, as he determines necessary and appropriate. Such suspensions shall state the reasons therefore and be effective immediately upon receipt of the notice. Suspensions issued orally shall be followed by a written notice confirming the action within 3 days, and all written notices will be sent by messenger or registered mail, return receipt requested. A suspension shall remain in effect until the basis for the suspension has been corrected to the satisfaction of the Regional Director. For good cause, the Regional Director may also grant at the permittee's request, a written waiver of any provision of its special use permit, so long as such waiver will not be likely to result in significant adverse effects on the refuge's resources. Reconsideration of the Regional Director's actions under this section may be obtained by employing the procedures described in Section 37.22(c). A request for reconsideration shall not operate to stay the Regional Director's actions unless such stay is granted in writing by the Director.

§ 37.44 Revocation and relinquishment.

For nonuse, for failure to comply with Section 37.14, or for any action of the permittee not consistent with this part, the Regional Director may revoke or a permittee may relinquish a special use permit to conduct exploratory activities at any time by sending to the other a written notice of revocation or relinquishment. Such notice shall state the reasons for the revocation or relinquishment and shall be sent by registered mail, return receipt requested, at least 30 days in advance of the date that the revocation or relinquishment will be effective. Revocation or relinquishment of a permit to conduct exploratory activities shall not relieve the permittee of the obligation to comply with all other obligations specified in this part and in its special use permit, approved exploration plan and plan of operation. Reconsideration of the Regional Director's actions under this section may be obtained by employing the procedures described in Section 37.22(c). A request for reconsideration shall not operate to stay the Regional Director actions unless such stay is granted in writing by the Director.

§ 37.45 Exploration by the U.S. Geological Survey.

Notwithstanding the requirement found in § 37.21(b) on when exploration plans shall be submitted, the U.S. Geological Survey may at any time apply for a special use permit to conduct exploratory activities by submitting for approval one or more exploration plans in accordance with the requirements of this part and the Act. No plan submitted by the Survey will be approved unless (1) no other person has submitted a plan for the area involved which satisfies the regulations of this part and (2) the information which would be obtained from the Survey is needed to make an adequate report to Congress pursuant to

the Act. Sections 37.13, 37.14, 37.22(d)(3), 37.46, 37.47, and 37.54(d) and the provisions of §§ 37.22(d)(2), 37.53(e), and 37.54 on processed, analyzed and interpreted data or information shall not apply to the Survey. If authorized to conduct exploratory activities, the Survey shall comply with this part in all other respects. All contractors and subcontractors used by the Survey to conduct exploratory activities shall be subject to all of the regulations of this part excepting §§ 37.13 and 37.46 and the provisions of §§ 37.22(d)(2), 37.53(e), and 37.54 on processed, analyzed and interpreted data or information.

§ 37.46 Cost reimbursement.

(a) Each applicant for or holder of a special use permit issued under this part shall reimburse the Department for its actual costs incurred, including, but not limited to, its direct costs and indirect costs as established by the indirect cost rate of the charging bureau or office, in publishing, reviewing (which includes, but is not limited to, conducting any public hearings thereon), modifying, and approving or disapproving the applicant's or permittee's exploration plan(s); reviewing evidence of the permittee's compliance with any order given by the Regional Director under § 37.13; preparing and issuing the permittee's special use permit; reviewing and acting on the permittee's plan(s) of operation; inspecting, monitoring, and enforcing the permittee's compliance with its approved exploration plan(s), plan(s) or operation, special use permit and this part; performing the permittee's obligations pursuant to § 37.31(a); and identifying, evaluating and preserving historic, archeological and cultural resources in areas to be explored by the permittee; as further delineated by the Regional Director.

(b) Each applicant shall submit with each exploration plan submitted a payment, the amount of which shall be an estimate made by the Regional Director of the costs which will be incurred by the Department in publishing, reviewing, modifying and approving or disapproving the applicant's exploration plan.

(1) If the applicant's plan is disapproved or if the applicant withdraws its application before a decision is reached on its plan, the applicant shall be responsible for such costs incurred by the Department in processing the applicant's application up to the date on which the plan is disapproved or the Regional Director receives written notice of the applicant's withdrawal, and for costs subsequently incurred by the Department in terminating the application review process. If the costs actually incurred exceed the estimate paid at the time of application, reimbursement by the applicant of such additional costs shall be due within 30 days of receiving notice from the Regional Director of the additional amount due. If the actual costs incurred are less than the estimate paid by the applicant, the excess shall be refunded to the applicant.

(2) If the applicant's plan is approved, the applicant shall pay an estimate made by the Regional Director of the costs which will be incurred by the Department in preparing and issuing to the applicant a special use permit. The first quarterly payment made by the applicant pursuant to paragraph (c) of this section will be adjusted upward or downward, as warranted, to accurately reflect the actual costs incurred by the Department in processing the permit. If an applicant withdraws after its plan is approved, but before its special use permit is issued, the applicant shall be responsible for such costs incurred by the Department in preparing the applicant's permit up to the date on which the Regional Director receives written notice of the applicant's withdrawal and for costs subsequently incurred by the Department in terminating permit preparation and issuance.

(3) When two or more applications are filed which the Regional Director determines to be in competition with each other, each applicant shall reimburse the Department for such actual costs incurred in processing its exploration plan and special use permit, if issued, except that those costs which are not readily identifiable with one of the applicants, shall be paid by each of the applicants in equal shares.

(c) Upon issuance of a special use permit, the permittee shall make an initial advance payment covering that current fiscal year quarter and quarterly payments thereafter to cover the actual costs incurred by the Department in administering the permittee's permit for its duration. Such costs shall include, but are not limited to, those direct costs and indirect costs, as established by the indirect costs rate of the charging bureau or office, incurred in reviewing and acting on permittee's plan(s) of operation; reviewing evidence of the permittee's compliance with any order given by the Regional Director under § 37.13; preparing and issuing the permittee's special use permit; inspecting monitoring, and enforcing the permittee's compliance with its approved exploration plan, plan(s) of operation, special use permit and this part; performing the permittee's obligations pursuant to § 37.31(a); and identifying, evaluating and preserving historic, archeological and cultural resources in areas to be explored by the permittee. Each quarterly payment will be paid at the outset of the quarter and will cover the estimated cost of that quarter as adjusted by the Regional Director by reason of any adjustment warranted by paragraph (b) of this section or by overpayments or underpayments in previous quarters for which adjustment has not already been made. Upon termination of the permittee's special use permit, reimbursement or refundment of any outstanding amounts due the Department or the permittee shall be made within 180 days.

(d) Estimates required by this section shall be made by the Regional Director on the basis of the best available cost information. However, reimbursement shall not be limited to the Regional Director's estimate if actual costs exceed projected estimates.

(e) All payments required by this section shall be made payable to the Service. No applicant or permittee shall set off or otherwise deduct any debt due to or any sum claimed to be owed to it by the United States from any payment required by this section. Overpayments shall be credited or refunded to the person making them.

(f) When through partnership, joint venture or other business arrangement more than one person applies for or participates in a special use permit, each shall be jointly and severally liable for reimbursing the Department's cost under this section.

(g) Any lodging, food, communication, and transportation provided by a permittee under § 37.42 shall be deemed to be costs paid to the Department in kind for services rendered in inspecting and monitoring the permittee's exploratory activities. At the end of each quarter, the permittee shall furnish the Regional Director with a report, in a format approved or prescribed by him, on the goods and services provided during that quarter, and the names of the individuals to whom they were provided.

(h) Any dispute between an applicant or permittee and the Regional Director as to costs actually incurred by the Department and charged to the applicant or permittee shall be finally decided for the Secretary by the Director, using the procedures described in § 37.22(c).

§ 37.47 Civil penalties.

(a) This section prescribes the procedures for assessing a civil penalty

for the violation of any provision of an approved exploration plan, any term or condition of the special use permit issued under § 37.23, or any prohibition contained in this part. The civil penalty remedy afforded by this section is in addition to all other remedies available to the Secretary.

(b) *Notice of violation.* (1) The notice of violation shall be issued by the Solicitor and served personaliy or by registered mail upon the person named in the notice (hereinafter the respondent) or his authorized representative. The notice shall contain:

(i) A summary of the facts believed to show a violation by the respondent;

(ii) A specific reference to the provision, term, condition or prohibition allegedly violated; and

(iii) The amount of the penalty proposed to be assessed. The notice may also contain an initial proposal for compromise or settlement of the action.

(2) The notice of violation shall also advise respondent of his right to:

(i) Respond to the notice within 45 calendar days from the date of its issuance by: (A) Undertaking informal discussions with the Solicitor; (B) Accepting the proposed penalty or the compromise, if any, offered in the notice; or (C) Filing a petition for relief in accordance with paragraph (c) of this section; or

(ii) Take no action and await the Solicitor's notice of assessment. Such response must be received by the Solicitor on or before the 45th day during normal business hours at the address stated in the notice.

(3) Any notice of violation may be amended, but any nontechnical amendment will extend the running of the respondent's 45 day period for response from the date of the notice to the date of the amendment.

(4) Acceptance of the proposed penalty or the compromise, if any, stated in the notice of violation shall be deemed to be a waiver of the notice of assessment required in paragraph (d) of this section and of the respondent's right to an opportunity for a hearing described in paragraph (e) of this section.

(c) *Petition for relief.* If the respondent chooses, he may ask that no penalty be assessed or that the amount be reduced and he may admit or contest the legal sufficiency of the Solicitor's charges and allegations of facts, by filing a petition for relief at the address specified in the notice within 45 calendar days from the date thereof. Such petition must be received by the Solicitor on or before the 45th day during normal business hours. The petition shall be in writing and signed by the respondent. If the respondent is a corporation, partnership, association or agency, the petition must be signed by an officer or official authorized to sign such document. It must set forth in full the legal or other reasons for the relief requested.

(d) *Notice of assessment.* (1) After 45 calendar days from the date of the notice of violation or any amendment thereof, the Solicitor may proceed to determine whether the respondent committed the violation alleged and to determine the amount of civil penalty to be assessed, taking into consideration the information available and such showing as may have been made by the respondent. The Solicitor shall notify the respondent of his determinations by a written notice of assessment, which shall also set forth the basis for his determinations. The notice of assessment shall be served on the respondent personally or by registered mail.

(2) The notice of assessment shall also advise the respondent of his right to request a hearing on the matter in accordance with paragraph (e) of this section.

(e) *Request for a hearing.* Within 45 calendar days from the date of the issuance of the notice of assessment, the respondent may request a hearing to be conducted on the matter in accordance with 5 U.S.C. 554 through 557 by filing a dated, written request for hearing with the Hearings Division, Office of Hearings and Appeals, Department of the Interior, 4015 Wilson Blvd., Arlington, Virginia 22203. Such request must be received at this address on or before the 45th day during normal business hours. The respondent shall state the respondent's preference as to the place and date for a hearing. The request must enclose a copy of the notice of violation and the notice of assessment. A copy of the request shall be served upon the Solicitor personally or by mail at the address specified in the notice of assessment.

(f) *Finality of decision.* If no request for a hearing is filed in accordance with this section, the assessment stated in the notice of assessment shall be effective and constitute the final administrative decision of the Secretary on the 45th calandar day from the date of the notice of assessment. If the request for hearing is timely filed in accordance with this section, the date of the final administrative decision in the matter shall be as provided in paragraph (g) or (h) of this section. When a civil penalty assessed under this section becomes final, the respondent shall have 20 calendar days from the date of the final administrative decision within which to make full payment of the penalty assessed. Payment will be timely only if received in the Office of the Solicitor during normal business hours on or before the 20th day.

(g) *Hearing.* (1) Upon receipt of a request for a hearing, the Hearings Division will assign an administrative law judge who shall have all the powers accorded by law and necessary to preside over the parties and the hearing and to make decisions in accordance with 5 U.S.C. 554 through 557. Notice of such assignment shall be given promptly to the respondent and to the Solicitor at the address stated in the notice of assessment. Upon notice of the assignment of an administrative law judge to the case, the Solicitor shall file all correspondence and petitions exchanged between the Solicitor and the respondent which shall become a part of the hearing record.

(2) The hearing shall be conducted in accordance with 5 U.S.C. 554 through 557 and with 43 CFR Part 4 to the extent that it is not inconsistent with this part. Subject to 43 CFR 1.3, the respondent may appear in person, by representative, or by counsel. The hearing shall be held in a location established by the administrative law judge, giving due regard to the convenience of the parties, their representatives and witnesses. Failure to appear at the time set for hearing shall be deemed a waiver of the right to a hearing and consent to the decision on the record made at the hearing. The judge shall render a written decision on the record, which shall set forth his findings of facts and conclusions of law and the reasons therefore, and an assessment of a civil penalty if he determines that the respondent committed the violation charged.

(3) Discovery shall be obtained by employing the procedures described 43 CFR 4.1130 through 4.1141. In addition, discovery of facts known and opinions held by experts, otherwise discoverable under 43 CFR 4.1132(a) and acquired and developed in anticipation of administrative adjudication or litigation, may be obtained only as follows:

(i)(A) A party through interrogatories require any other party to identify each person whom the other party expects to call as an expert witness, to state the subject matter on which the expert is expected to testify, and to state the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion. (B) Upon motion, the administrative law judge may order further discovery by other means, subject to such restrictions as to scope and such provisions under paragraph

(g)(3)(iii) of this section concerning fees and expenses, as the administrative law judge may deem appropriate.

(ii) A party may discover facts known or opinions held by an expert, who has been retained or employed by another party in anticipation of administrative adjudication or litigation or preparation therefore and who is not expected to be called as a witness, only upon a showing of exceptional circumstances under which it is impracticable for the party seeking discovery to obtain facts or opinions on the same subject by other means.

(iii) Unless manifest injustice would result, (A) the administrative law judge shall require the party seeking discovery to pay the expert, or the Department if the expert is an employee of the United States, a reasonable fee for time spent in responding to paragraphs (g)(3)(i)(B) and (g)(3)(ii) of this section; and (B) with respect to discovery under paragraph (g)(3)(i)(B) of this section the administrative law judge may require and with respect to discovery under paragraph (g)(3)(ii) of this section the administrative law judge shall require, the party seeking discovery to pay the other party a fair portion of the fees and expenses reasonably incurred by the latter party in obtaining facts and opinions from the expert.

(4) Unless the notice of appeal is filed in accordance with paragraph (h) of this section, the administrative law judge's decision shall constitute the final administrative decision of the Secretary in the matter and shall become effective 30 calendar days from the date of the decision.

(h) *Appeal.* (1) Either the respondent or the Solicitor may seek an appeal from the decision of an administrative law judge as to the respondent's violation or penalty or both by the filing of a notice of appeal with the Director, Office of Hearings and Appeals, United States Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203, within 30 calendar days of the date of the administrative law judge's decision. Such notice shall be accompanied by proof of service on the administrative law judge and the opposing party.

(2) Upon receipt of such a request, the Director, Office of Hearings and Appeals, shall appoint an ad hoc appeals board to determine whether an appeal should be granted, and to hear and decide an appeal. To the extent they are not inconsistent herewith, the provisions of 43 CFR Part 4, Subpart G shall apply to appeal proceedings under this subsection. The determination of the board to grant or deny an appeal, as well as its decision on the merits of an appeal, shall be in writing and become effective as the final administrative determination of the Secretary in the matter on the date it is rendered, unless otherwise specified therein.

(i) *Amount of Penalty.* The amount of any civil penalty assessed under this section shall not exceed $10,000 for each violation. Each day of a continuing violation shall, however, constitute a separate offense. In determining the amount of such penalty, the nature, circumstances, extent, and gravity of the violation committed, and, with respect to the respondent, his history of any prior offenses, his demonstrated good faith in attempting to achieve timely compliance after being cited for the violation, and such other matters as justice may require shall be considered.

(j) *Petition for remission.* The Solicitor may modify or remit, with or without conditions, any civil penalty which is subject to imposition or which has been imposed under this paragraph unless the matter is pending in court for judicial review or for recovery of the civil penalty assessed. A petition for remission may be filed by the respondent with the Solicitor at any time from the date of the notice of violation referred to in paragraph (b) of this section until 90 days after the date of final administrative decision assessing a civil penalty. The petition must set forth in full the legal and other reasons for the relief requested. Any petition that is not timely filed will not receive consideration. The Solicitor's decision shall be the final administrative decision for the Secretary on the petition.

Subpart F—Reporting and Data Management

§ 37.51 Operational reports

(a) Each permittee shall submit reports every 2 weeks on the progress of exploratory activities in a manner and format approved or prescribed by the Regional Director. These shall include, but are not limited to, a daily log of operations, and a report on the discovery of any springs, hydrocarbon seeps, and other unusual phenomena.

(b) Each permittee shall submit to the Regional Director a semiannual report of exploratory activities conducted within the periods from December through May and June through November. These semiannual reports shall be submitted on August 1 and February 1 or, as otherwise specified by the Regional Director, and shall contain the following:

(1) A description of the work performed;

(2) Charts, maps, or plats depicting the areas in which any exploratory activities were conducted, specifically identifying the seismic lines and the locations where geological exploratory activities were conducted, and the locations of campsites, airstrips and other support facilities utilized;

(3) The dates on which exploration was actually performed.

(4) A narrative summary of any: (i) Surface occurrences of hydrocarbon or environmental hazards, and (ii) adverse effects of the exploratory activities on the refuge's wildlife, its habitat, the environment, cultural resources, or other uses of the area in which the activities were conducted; and

(5) Such other information as may be reasonably specified by the Regional Director.

(c) Each permittee shall also submit such other reports as are specified in this part.

§ 37.52 Records.

The permittee shall keep accurate and complete records relating to its exploratory activities and to all data and information, including, but not limited to, raw, processed, reprocessed, analyzed and interpreted data and information, obtained as a result thereof. Until September 2, 1989, the Secretary shall have access to and the right to examine and reproduce any records, papers, or other documents relating to such activities, data and information in order to ascertain the permittee's compliance with this part, ability to perform under any special use permit, and reliability and accuracy of all data, information and reports submitted to the Regional Director.

§ 37.53 Submission of data and information.

(a) The permittee shall submit to the Regional Director free of charge all data and information obtained as a result of carrying out exploratory activities. Such data and information include copies of all raw data and information and all processed, analyzed and interpreted data or information. The permittee shall, unless directed otherwise by the Regional Director, submit such data and information within 30 days after the end of the annual quarter during which they become available to it at every level of data gathering or utilization, i.e., acquisition, processing, reprocessing, analysis, and interpretation.

(b) Each submission of geophysical data or information shall contain, unless otherwise specified by the Regional Director, the following:

(1) An accurate and complete record of each geophysical survey conducted under the permittee's permit, including digital navigational data, if obtained,

and final location maps of all survey stations; and,

(2) All seismic data developed under the permit, presented in a format prescribed or approved by the Regional Director and of a quality suitable for processing.

(c) Processed geophysical information shall be submitted with extraneous signals and interference removed as much as possible, and presented in a format and of a quality suitable for interpretive evaluation, reflecting state-of-the-art processing techniques.

(d) Processed, analyzed and interpreted data or information required to be submitted by the Act and this section shall include, but not be limited to, seismic record sections, and intepretations thereof; geologic maps, cross sections, and intepretations thereof; maps of gravitational and magnetic fields and interpretations thereof; and chemical or other analyses of rock samples collected on the refuge and interpretations thereof.

(e) Any permittee or other person submitting processed, analyzed and interpreted data or information to the Regional Director shall clearly identify them by marking the top of each page bearing such data or information with the words "PROCESSED, ANALYZED AND INTERPRETED DATA OR INFORMATION". All pages so marked shall be physically separated by the person submitting them from those not so marked, unless doing so will destroy the value or integrity of the data or information presented. In that event or in the event that an item is submitted which is not susceptible to marking by page, the document or item submitted will be accompanied by a summary identifying the location of all processed, analyzed and interpreted data or information which are not segregated or marked by page, and expalning the reasons therefore. All pages not marked with this legend, all other data and information not identified as bearing such data or information, and all other data and information incorrectly identified as bearing such data or information shall be treated as raw data and information and shall be made available to the public upon request in accordance with § 37.54(a). The Department reserves the right to determine whether any page or item is correctly identified as constituting processed, analyzed and interpreted data or information.

(f) If the permittee proposes to transfer any data or information covered by this section to a third party or the third party proposes to transfer such data or information to another third party, the transferor shall notify the Regional Director at least 10 days in advance and shall require the receiving third party, in writing, to abide by the obligations of the permittee as specified in this section as a condition precedent to the transfer of such data or information.

(g) Upon request by the Department, a permittee shall identify each person to whom the permitttee has provided data and information pursuant to § 37.22 (d)(3) and provide a description of the area to which such data and information pertain.

§ 37.54 Disclosure.

(a) The Department shall make raw data and information obtained as a result of carrying out exploratory activities and submitted by the permittee or a third party available to the public upon submittal to the Congress of the report required by subsection (h) of the Act in accordance with subsection (e)(2)(C) of the Act, this section, and the procedural requirements of the Freedom of Information Act, 5 U.S.C. 552, and 43 CFR Part 2. The Department shall withhold from the public all processed, analyzed and interpreted data or information obtained as a result of carrying out exploratory activities and submitted by the permittee or a third party, if they have been properly marked and correctly identified in accordance with § 37.53(e), until 10 years after the submission of such data or information to the Regional Director or until 2 years after any lease sale including the area within the refuge from which such data or information were obtained, whichever period is longer, by invoking subsection (e)(2)(C) of the Act and exemption 3 to the Freedom of Information Act, 5 U.S.C. 552(b)(3). Thereafter, the Department shall treat such data or information as raw data and information. The Department shall make all other records, except exploration plans which must be published in accordance with § 37.22(b), submitted by a permittee or a third party relating to the activities covered by the Act and this part available to the public in accordance with the Freedom of Information Act, 5 U.S.C. 552, and 43 CFR Part 2.

(b) The Department reserves the right to disclose any data and information obtained as a result of carrying out exploratory activities and submitted by a permittee or a third party and any other information submitted by a permittee or a third party which may be exempt from public disclosure under the Freedom of Information Act, 5 U.S.C. 552, to an agent or third party in order to carry out the Department's statutory authorities. When practicable, the Department shall notify the permittee who provided the data or information of its intent to disclose the data or information to an agent or third party. Prior to any such disclosure, the recipient shall be required to execute a written commitment not to transfer or to otherwise disclose any data or information to anyone without the express consent of the Department. The recipient shall be liable for any unauthorized use by or disclosure of such data or information to other third parties.

(c) The Department reserves the right to disclose upon proper request any processed, analyzed and interpreted data and information and any other confidential information to the State of Alaska, to the Congress and any committee or subcommittee of the Congress having jurisdiction over the refuge or this exploration program, and to any part of the Executive and Judicial Branches of the United States for official use. The recipient shall be responsible for maintaining the confidentiality of such data and information in accordance with the Act.

(d) Commercial use by any person of data or information obtained as a result of carrying out exploratory activities and disclosed pursuant to this section is prohibited. No person shall obtain access from the Department, pursuant to paragraph (a) of this section, to any data or information obtained as a result of carrying out exploratory activities and submitted by the permittee or a third party until such person provides the Department with a statement certifying that person's awareness of the prohibition contained in this paragraph and the disqualification stated in the first sentence of § 37.4(b).

Appendix I—Legal Description of the Coastal plain, Arctic National Wildlife Refuge, Alaska

Beginning at the meander corner of section 35 on the First Standard Parallel North on the line of mean high water on the left bank of the Canning River, T. 5 N., R. 23 E., Umiat Meridian;

Thence easterly, along the First Standard Parallel North, approximately 40¾ miles to the closing corner of T. 4 N., Rs. 30 and 31 E., Umiat Meridian;

Thence southerly, between Rs. 30 and 31 E., approximately 6 miles to the corner of Tps. 3 and 4 N., Rs. 33 and 34 E., Umiat Meridian;

Thence easterly, between Tps. 3 and 4 N., approximately 18 miles to the corner of Tps. 3 and 4 N., Rs. 33 and 34 E., Umiat Meridian;

Thence southerly, between Rs. 33 and 34 E., approximately 6 miles to the corner of Tps. 2 and 3 N., Rs. 33 and 34 E., Umiat Meridian;

Thence easterly, between Tps. 2 and 3 N., approximately 21 miles to the meander corner

of sections 4 and 33, on the line of mean high water on the left bank of the Aichilik River, Tps. 2 and 3 N., R. 37 E., Umiat Meridian;

Thence northeasterly, along the line of mean high water on the left bank of the Aichilik River, approximately 32 miles to a point at the line of mean high tide of the Beaufort Lagoon, located in section 28, T. 6 N., R. 40 E., Umiat Meridian;

Thence on an approximate forward bearing of N. 65 degrees E., approximately 7,800 feet to a point on the northerly boundary of the Arctic National Wildlife Refuge located in section 22, T. 6 N., R. 40 E., Umiat Meridian at the line of extreme low tide;

Thence northwesterly, along the northerly boundary of the Arctic National Wildlife Refuge at the line of extreme low tide on the seaward side of all offshore bars, reefs and islands, approximately 28 miles, to a point in section 33, T. 9 N., R. 36 E., that is due north of the corner of T. 8 N., Rs. 36 and 37 E., Umiat Meridian;

Thence due South, approximately ¾ mile to the corner of T. 8 N., Rs. 36 and 37 E., Umiat Meridian;

Thence southerly between Rs. 36 and 37 E., approximately 3 miles to the corner of sections 13, 18, 19, and 24, T. 8. N., Rs. 36 and 37 E., Umiat Meridian;

Thence westerly, between sections 13 and 24, approximately 1 mile to the corner of sections 13, 14, 23 and 24, T. 8. N., R. 36 E., Umiat Meridian;

Thence northerly, between sections 13 and 14, approximately 1 mile to the corner of sections 11, 12, 13 and 14, T. 8. N., R. 36 E., Umiat Meridian;

Thence westerly, between sections 11 and 14, 10 and 15, 9 and 16, 8 and 17, approximately 4 miles to the corner of sections 7, 8, 17 and 18, T. 8 N., R. 36 E., Umiat Meridian;

Thence southerly, between sections 17 and 18, 19 and 20, 29 and 30 to the corner of sections 29, 30, 31 and 32, T. 8. N., R. 36 E., Umiat Meridian;

Thence westerly, between sections 30 and 31, approximately 1 mile to the corner of sections 25, 30, 31 and 36, T. 8. N., Rs. 35 and 36 E., Umiat Meridian;

Thence southerly, between sections 31 and 36, approximately 1 mile to the corner of Tps. 7 and 8 N., Rs. 35 and 36 E., Umiat Meridian;

Thence westerly, between Tps. 7 and 8 N., approximately 1 mile to the corner of sections 1, 2, 35 and 36, Tps. 7 and 8 N., R. 35 E., Umiat Meridian;

Thence Northerly, between sections 35 and 36 and 25 and 26, 23 and 24, approximately 3 miles to the corner of sections 13, 14, 23 and 24, T. 8 N., R. 35 E., Umiat Meridian;

Thence westerly, between sections 14 and 23, 15 and 22, 16 and 21, 17 and 20, 18 and 19, 13 and 24, 14 and 23, 15 and 22, 16 and 21, 17 and 20, approximately 10 miles to the corner of sections 17, 18, 19 and 20, T. 8 N., R. 34 E., Umiat Meridian;

Thence northerly, between sections 17 and 18, approximately 1 mile to the corner of sections 7, 8, 17 and 18, T. 8 N., R. 34 E., Umiat Meridian;

Thence westerly, between sections 17 and 18, approximately 1 mile to the corner of sections 7, 12, 13 and 18, T. 8 N., Rs. 33 and 34 E., Umiat Meridian;

Thence southerly, between Rs. 33 and 34 E., approximately 1 mile to the corner of sections 13, 18, 19 and 24, T. 8 N., Rs. 33 and 34 E., Umiat Meridian;

Thence westerly, between sections 13 and 24, 14 and 23, 15 and 22, approximately 3 miles to the corner of sections 15, 16, 21 and 22, T. 8 N., R. 33 E., Umiat Meridian;

Thence southerly, between sections 21 and 22, approximately 1 mile to the corner of sections 21, 22, 27 and 28, T. 8 N., R. 33 E., Umiat Meridian;

Thence westerly, between sections 21 and 28, approximately one mile to the corner of sections 20, 21, 28 and 29, T. 8 N., R. 33 E., Umiat Meridian;

Thence southerly, between sections 28 and 33, 29 and 32, approximately 2 miles to the corner of sections 4, 5, 32 and 33, Tps. 7 and 8 N., R. 33 E., Umiat Meridian;

Thence westerly, between Tps. 7 and 8 N., approximately 2 miles to the corner of Tps. 7 and 8 N., Rs. 32 and 33 E., Umiat Meridian;

Thence southerly, between section 1 and approximately 1 mile to the corner of sections 1, 6, 7, and 12, T. 7 N., Rs. 32 and 33 E., Umiat Meridian;

Thence westerly, between sections 1 and 12, approximately 1 mile to the corner of sections 1, 2, 11 and 12, T. 7 N., R. 32 E., Umiat Meridian;

Thence northerly, between sections 1 and 2, 35 and 36, approximately 2 miles to the corner of sections 25, 26, 35 and 36, T. 8 N., R. 32 E., Umiat Meridian;

Thence westerly, between sections 26 and 27, 34 and 35, approximately 2 miles to the corner of sections 27, 28, 33 and 34, T. 8 N., R. 32 E., Umiat Meridian;

Thence southerly, between sections 33 and 34, approximately one mile to the corner of sections 3, 4, 33 and 34, Tps. 7 and 8 N., R. 32 E., Umiat Meridian;

Thence westerly, between Tps. 7 and 8 N., approximately 3 miles to the corner of Tps. 7 and 8 N., Rs. 31 and 32 E., Umiat Meridian;

Thence northerly, between sections 31 and 32 E., approximately 3½ miles to a point on the northerly boundary of the Arctic National Wildlife Refuge at the line of extreme low tide located between sections 13 and 18, T. 8 N., Rs. 31 and 32 E., Umiat Meridian;

Thence westerly, along the northerly boundary of the Arctic National Wildlife Refuge approximately 57 miles along the line of extreme low water of the Arctic Ocean, including all offshore bars, reefs, and islands, to the most westerly tip of the most northwesterly island, westerly of Brownlow Point, section 6, T. 9 N., R. 25 E., Umiat Meridian;

Thence on an approximate forward bearing of S. 56½ degree W. approximately 3¼ miles to the mean high water line of the extreme west bank of the Canning River in section 15, T. 9 N., R. 24 E., Umiat Meridian;

Thence southerly, along the mean high water line of the west bank of the Canning River approximately 32 miles to the meander corner on the First Standard Parallel North at a point on the southerly boundary of section 35, T. 5 N., R. 23 E., Umiat Meridian, the point of beginning.

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50 CFR Part 37

Record of Decision for Oil and Gas Exploration Within the Coastal Plain of the Arctic National Wildlife Refuge, Alaska

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Rule-related notice.

SUMMARY: This notice makes available to the public the Record of Decision (ROD) on oil and gas exploration within the coastal plain of the Arctic National Wildlife Refuge in Alaska. The ROD was prepared in accordance with Council on Environmental Quality regulations, 40 CFR 1505.2. The ROD reflects the recommendations of the Fish and Wildlife Service to the Assistant Secretary for Fish and Wildlife and Parks for implementing Section 1002(d) of the Alaska National Interest Lands Conservation Act (ANILCA). The recommendations of the Fish and Wildlife Service were based on the information contained in: the Final Environmental Impact Statement, which was filed with the Environmental Protection Agency on February 23, 1983, and became available to the public on March 4, 1983; the Baseline Study Reports published in April, 1982, and January, 1983, as required by Section 1002(c) of ANILCA; other pertinent scientific and technical data; and public comments received on the proposal. The ROD selects Alternative 3 of the proposal as the best alternative for implementing Section 1002(d)(1) of ANILCA. The regulatory guidelines representing Alternative 3 are being published separately also in Part IV of this same issue of the **Federal Register** as Final Rules under 50 CFR Part 37.

The Fish and Wildlife Service will hold a workshop for those interested parties wishing to submit applications for a permit to conduct exploratory activities on the coastal plain of the Arctic National Wildlife Refuge. The purpose of the workshop is to clarify application procedures and information requirements consistent with the provisions specified in 50 CFR Part 37. This workshop wil be conducted in Anchorage, Alaska approximately one week from the publication of this Notice in the **Federal Register**. For specific date(s), place, and time contact Mr. Doug Fruge of the Fish and Wildlife Service Regional Office at the address listed below.

FOR FURTHER INFORMATION CONTACT: Mr. Doug Fruge, 1011 East Tudor Road, Anchorage, Alaska, 99503, (907) 786-3381.

SUPPLEMENTARY INFORMATION: The Record of Decision follows:

Section 1002 of the Alaska National Interest Lands Conservation Act, Pub. L. 96-487 (ANILCA) provides for: a comprehensive and continuing baseline inventory and assessment of the fish and wildlife resources of the Arctic National Wildlife Refuge's coastal plain; an analysis of the impacts of oil and gas exploration, development and production; and authorization of surface exploration for oil and gas in a manner that avoids significant adverse effects on the fish and wildlife, their habitats, or the environment. Exploratory drilling is specifically excluded from this exploration program. The Secretary of the Interior is required to establish, by regulation, initial guidelines governing the conduct of these exploratory activities. The guidelines are to be based on the results of the baseline study and other information available to the Secretary, and are to be accompanied by an Environmental Impact Statement (EIS) on exploratory activities. The initial report of the baseline study was published in April 1982, and the first update was published in January 1983. The final EIS was filed with the Environmental Protection Agency (EPA) on February 23, 1983, and EPA's Notice of its availability was published in the **Federal Register** on March 4, 1983.

The Fish and Wildlife Service (FWS) has recommended adoption of Alternative 3 of the final EIS. The regulations proposed to implement this alternative reflect a moderate level of regulatory guidance and are designed to provide limitations and environmental safeguards to prevent significant adverse effects while allowing applicants a choice among geological and geophysical exploratory methods and techniques. The applicant's exploration plan must satisfy the requirements of the regulations and Section 1002 before approval to conduct exploration activities will be given.

Alternatives Considered

The following alternative regulatory strategies were considered in reaching a decision:

1. Regulations authorizing government-prescribed operations. These would provide the most detailed guidance and strongest governmental control of the alternatives considered by specifying which exploration methods and techniques are to be used when and where within the coastal plain.

2. Regulations authorizing applicant-defined operations. These would provide only general guidance to ensure environmental protection within the broad standards of Section 1002 by leaving it to each applicant to devise protection strategies to assure avoidance of significant adverse effects with a minimum of guidance as to which particular resources are considered important or sensitive.

3. Regulations as proposed reflecting an intermediate level of guidance and control. This alternative represents a mix of the regulatory strategies outlined in Alternatives 1 and 2 inasmuch as these regulations provide performance standards for assuring avoidance of significant adverse effects which will aid in the design of exploratory plans.

4. No Action Alternative. This would be the decision not to establish guidelines by regulation for oil and gas exploration on the ANWR coastal plain. It would result in a continuation of the fish and wildlife management programs currently being practiced on the ANWR coastal plain as a part of the National Wildlife Refuge System. Surface exploration for oil and gas resources within the coastal plain would not occur under this alternative and, therefore, the oil and gas resource information sought by Congress would not be provided.

Basis for the Decision

Under Alternative 1 all exploratory activities would be controlled on the basis of the impacts which would occur in the most sensitive areas until more information becomes known in order to avoid any significant adverse effects, with the attendant closure of areas to exploration as a precautionary measure and the possible absence of adequate data on which to base the required assessment of the coastal plain's oil and gas resources. It is believed that operations conducted under this alternative could result in essentially the same types, though fewer or less severe, of environmental impacts that would occur under the proposed alternative. This alternative would prevent the flexibility necessary to quickly alter exploratory activities as field experience is gained or as conditions change with respect to protective cover and animal distribution and abundance. Imposing detailed, site-specific guidance could constrain applicants in terms of the types of exploratory methods and techniques, equipment, and support facilities that could be used and the time frames permitted for work. The Service believes this, in turn, would undermine the FWS's goal of fostering sound decisionmaking on the future use of the ANWR and the congressional intent that the Department make use of the private sector's expertise and experience in obtaining the quality of data and information needed. This alternative would be administratively more burdensome and require an increase in current levels of personnel and funding to design the detailed and site-specific guidelines that would be necessary for permittees to carry out government-prescribed field operations and to monitor their activities.

Under Alternative 2 the absence of specific guidance inherent in the omission of specific performance standards under this alternative could impose a greater burden on the applicant to design an exploration plan that would assure avoidance of significant adverse effects. At the same time this would give the Regional Director less control over his consistency determinations and ultimately result in the approval of more plans. Operations permitted under this regulatory alternative would result in essentially the same types of impacts as those under Alternative 3, but the numbers and magnitude of these impacts could be greater. For this reason and because enforcement of the Section 1002 standard of no significant adverse effect under this regulatory approach would necessarily rely on more on-site monitoring rather than on initial avoidance, Alternative 2 risks a greater potential for impacts approaching or crossing the limits of the no significant adverse effects standard before enforcement action could be taken.

The EIS analysis indicates that Alternative 3 provides a reasonable balance between the data collection and environmental protection requirements of Section 1002. This moderate regulatory scheme reflects a mix of prohibitions, restrictions, and performance standards necessary to prevent significant adverse impacts to fish and wildlife, their habitats, or the environment, while ensuring that quality data can reasonably be acquired, within the time frame allotted by Congress, by enabling the private sector to utilize its exploration expertise in designing exploration plans subject to the constraints imposed by the FWS.

The No Action Alternative (Alternative 4) presents an option for decision that precludes any impact to the surface resources of the coastal plain of the ANWR from exploration activities. This is the environmentally preferable alternative. However, Congress has not set a standard of "no impacts" to the resources of the coastal plain resulting from the proposed activity, but rather has set a standard of "no significant adverse effect". Also, selection of the No Action Alternative precludes the gathering of seismic data and information on the oil and gas

resources which are necessary to make the report to Congress required by Section 1002(h).

The FWS believes that the statutory standard of no significant adverse effect to the fish and wildlife, their habitats, and the environment can be met together with its goal for data collection on the oil and gas resources under the proposed regulatory approach of Alternative 3. The FWS considers Alternative 3 as the preferred alternative since it will best achieve the aims of Congress by producing the quality of data and information needed to reach sound and lasting decisions on the future use of ANWR while preventing significant adverse effects on the fish and wildlife, their habitats and the environment of the coastal plain. I concur in these judgments. All practicable means to avoid or minimize harm that might result from allowing applicants a choice of geological and geophysical exploration methods and techniques, provided that they meet the FWS's performance standards, have been built into the guidelines developed to implement this regulatory approach.

Terms and Conditions for Implementing Decision

The FWS will implement Alternative 3 by administering the regulations developed for that purpose in the manner described in the preamble to the regulations and the EIS. This will include a monitoring program, with the objective of ensuring compliance with the specific requirements of the exploration plan, regulations, any site-specific stipulations imposed as a condition of the special use permits, and any additional orders that may be issued. The results of monitoring activities will be used to determine the necessity to suspend and/or modify operations for ensuring prevention of significant adverse effects. Acquisition of baseline information relative to vegetation, fish and wildlife, and other resources of the coastal plain of the ANWR will be ongoing, and will be formally summarized annually in interim baseline reports which will be available to the public. Geological and geophysical data and information obtained under this program will be made available to the public in the manner described in the regulations.

Conclusion

Based on a careful review and consideration of Section 1002, the results of the baseline study, the EIS, public comments on both the EIS and the proposed regulations, and other relevant factors, I am selecting Alternative 3 as the best alternative for implementing Section 1002(d)(1) of ANILCA.

Dated: April 4, 1983.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 83-10231 Filed 4-18-83; 8:45 am]

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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.) Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

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List of Public Laws

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This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (phone 202–275–3030).

S.J. Res. 52 / Pub. L. 98–19 To authorize and request the President to designate the week of April 10, 1983, through April 16, 1983, as "National Mental Health Week". (Apr. 15, 1983; 97 Stat. 63) Price: $1.75

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Agricultural Marketing Service

Mobile Homes
Federal Housing Commissioner—Office of Assistant Secretary for Housing

Pesticides and Pests
Environmental Protection Agency

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 28

Cotton Standards; Deletion of Geographical Limitations on Standards Storage and Miscellaneous Amendments

AGENCY: Agricultural Marketing Service, U.S.D.A.

ACTION: Final rule.

SUMMARY: In compliance with the requirements for the periodic review of existing regulations, the Agricultural Marketing Service (AMS) has reviewed and is effecting changes to regulations under the United States Cotton Standards Act, 7 CFR Part 28, Subpart C, along with the changes thus necessitated in Subpart A. The Cotton Classing, Testing, and Standards regulations are revised by removing the requirement that sets of cotton standards be stored "in the District of Columbia." This action permits the Department to realize a cost savings through relocation of the storage space to Memphis, Tennessee.

EFFECTIVE DATE: May 20, 1983.

FOR FURTHER INFORMATION CONTACT: Harvin R. Smith, Chief, Standards and Testing Branch, Cotton Division, Agricultural Marketing Service. U.S. Department of Agriculture, Washington, D.C. 20250 (202/447–2167).

SUPPLEMENTARY INFORMATION: This final rule has been reviewed in accordance with Executive Order 12291 and Secretary's Memorandum 1512–1. The action has been classified as nonmajor because it does not meet the criteria for a major regulation as established by the Order.

William T. Manley, Deputy Administrator, Marketing Program Operations, has determined that this action would not have a significant impact on a substantial number of small entities as defined by the Regulatory Flexibility Act (5 U.S.C. 601) because this final rule primarily changes the storage location of the standards only for cost savings purposes and will not affect the performance of inspection service.

The original physical standards representing the various grades of American Upland cotton and Pima cotton are presently kept in a vault at the Department of Agriculture, Washington, D.C. The regulations (7 CFR Part 28) specify that these physical forms will be kept in "the District of Columbia."

It has been determined that a savings could be realized by storing the original physical standards in either an enclosure built in the present warehouse space of the Cotton Division of AMS in Memphis, Tennessee or in a federally licensed and properly bonded warehouse in that city. The primary considerations for selecting a storage facility would be the maintenance of proper control and security over the standards, and maintenance of a properly controlled atmospheric environment to minimize the changes in color which occur in all cottons over time.

The AMS Cotton Division estimates that secure space in Memphis with a controlled environment would have an initial cost of $10,000 to $12,000 with an annual operating and maintenance expense of $1,200. The present cost of standards storage in Washington, D.C. is $8,300 per year, with an increase expected soon. Furthermore, the refrigeration unit needs to be replaced at a cost of $20,000. These figures clearly show that relocating the standards to Memphis would save several thousands of dollars per year.

In order to provide the Department the flexibility to take advantage of this potential savings, the geographical limitations presently in the regulations are being deleted. The changes are in conformance with the provisions and objectives of the U.S. Cotton Standards Act.

The review of the Regulations included (1) a determination of continued need for the standards, (2) a review of changes in marketing and other factors affecting the standards, and (3) a review of changes in technological and economic conditions in the area affected by the standards. The objective of the review was to assure that the standards continue to serve the needs of the market to the greatest possible extent. Also considered was that: (1) the Omnibus Budget Reconciliation Act of 1981 (P. L. 97–35) specifies that the "Secretary shall take such action as may be necessary to insure that the universal cotton standards system . . . [be] preserved . . . ," (2) the standards are essential to the process of classing cotton, and (3) the standards are recognized and used worldwide.

The physical standards are regularly reviewed by the Cotton Division for (1) relevance to the needs of the cotton industry and (2) representativeness of the U.S. cotton crop. Modifications are proposed, as considered appropriate, both by the Cotton Division and representatives of the U.S. cotton industry. Representatives from the signatory associations to the Universal Cotton Standards Agreement meet every three years to review the physical standards, to approve the "key" sets, and to discuss any suggested modifications to the standards.

Options Analysis. The only option would be to keep the geographical limitations, thus foregoing the possibility of realizing a savings. This option has been rejected in favor of deleting the provision that the original physical standards must be stored in the District of Columbia. Other options considered would not maintain required security and control.

This action also amends section 28.107 by deleting the reference to wax seals. While the cotton standards are to be sealed, methods other than wax seals can be used. Therefore, this change is being made to provide flexibility.

Proposed rulemaking was published on pages 4477–4478 of the **Federal Register** of February 1, 1983, and invited comments for 60 days ending April 4, 1983. No comments were received. Therefore, this final rule does not differ from the proposed rule.

List of Subjects in 7 CFR Part 28

Cotton, grades, samples, standards.

Accordingly, 7 CFR Part 28 is amended as follows:

PART 28—COTTON CLASSING, TESTING AND STANDARDS

1. The authority citation for Part 28, Subparts A and C reads as follows:

Subpart A:

Authority: Sec. 10, 42 Stat. 1519; 7 U.S.C. 61, unless otherwise noted.

Subpart C:

Official Cotton Linters Standards of the United States for Grade

Authority: Secs. 28.201 to 28.208 issued under sec. 10, 42 Stat. 1519; 7 U.S.C. 61. Interpret or apply sec. 6, 42 Stat. 1518, as amended; 7 U.S.C. 56.

Official Cotton Standards of the United States for the Grade of American Upland Cotton

Authority: Secs. 28.402 to 28.481 issued under sec. 10, 42 Stat. 1519; 7 U.S.C. 61. Interpret or apply sec. 6, 42 Stat. 1518, as amended, 7 U.S.C. 56.

Official Cotton Standards of the United States for the Grade of American Pima Cotton

Authority: Secs. 28.501 to 28.510 issued under sec. 10, 42 Stat. 1519; 7 U.S.C. 61. Interpret or apply sec. 6, 42 Stat. 1518, as amended; 7 U.S.C. 56.

2. Paragraph (a) of § 28.107 is revised to read as follows:

§ 28.107 Original cotton standards and reserve sets.

(a) The containers of the original Universal Standards and other official cotton standards of the United States currently adopted, whenever such official standards are represented by practical forms, shall be marked as prescribed in the order or orders of their establishment, and shall be wrapped and sealed. After being so marked, wrapped and sealed, they shall be held in secure storage in the custody of the U.S. Department of Agriculture. The Director may authorize the temporary removal of such containers from storage and the transporting of the containers to other locations for purposes of Universal Cotton Standards Conferences and other purposes as deemed necessary by the Director. Such containers shall remain in the control and custody of the Director until the original standards contained therein are superseded by new or revised standards.

* * * * *

3. Section 28.107(b) is amended by removing the sentence "The Division shall store the set designated as the Second Reserve Set in the vault of the Division in Washington, D.C., in the control and custody of the Director," and replacing it with "The Division shall keep the set designated as the Second Reserve Set in secure storage."

4. Section 28.107(c) is amended by removing the sentence "The Director shall arrange for removal of the Second Reserve Set from its storage place in Washington, D.C., and the transport of such set to the site of the conference," and replacing it with "The Director shall arrange for removal of the Second Reserve Set from its storage place and for the transport of such set to the site of the conference."

§ 28.402, 28.403, 28.405, 28.407, 28.409, 28.411, 28.413, 28.431, 28.432, 28.433, 28.434, 28.442, 28.443, 28.444, 28.501, 28.502, 28.503, 28.504, 28.505, 28.506, 28.507, 28.508, 28.509. [Amended]

5. In all of the sections above the words " * * * in the District of Columbia * * *" are removed with no other changes.

Dated: April 14, 1983.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 83-10535 Filed 4-19-83; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 53

Increase in Fees for Federal Livestock Grading and Certification Services

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Agricultural Marketing Service is adopting without change as a final rule, the interim final rule published in the December 7, 1982, **Federal Register** (47 FR 54925), in which § 53.18 of the regulations was revised to increase fees for services so as to reflect increased program costs.

EFFECTIVE DATE: May 20, 1983.

FOR FURTHER INFORMATION CONTACT: James A. Ray, Chief, Livestock and Grain Market News Branch; Livestock, Meat, Grain, and Seed Division; Agricultural Marketing Service; U.S. Department of Agriculture; Room 2623, South Agriculture Building; Washington, D.C. 20250 (Telephone: 202-447-6231).

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This action has been reviewed under Executive Order 12291 and USDA Secretary's Memorandum 1512-1 implementing Executive Order 12291, and it has been determined that this is not a major rule. Although this rule will directly affect users of Federal livestock grading and certification services, it will not result in an annual effect on the economy of $100 million or more. There will be no major increase in production costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. Additionally, this rule will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Accordingly, a regulatory impact analysis is not required.

This regulation has been reviewed for cost effectiveness under USDA Secretary's Memorandum 1512-1 implementing Executive Order 12291. It increases fees to cover escalating costs of providing Federal livestock grading and certification services. Federal law requires that users pay for these services. It is anticipated that these increases will not have a significant economic effect on producers, meatpackers, and other members of the livestock industry. An alternative to increasing fees would be to significantly reduce the amount of supervision and training of livestock grading and certification personnel. This could result in nonuniform application of U.S. grade standards and specifications causing economic inequities among segments of the livestock industry. The uniform and accurate application of grade standards and specifications nationwide is essential to maintaining the effectiveness and integrity of grading and certification services.

Regulatory Flexibility Act

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), because the fees merely reflect a minimal increase in the cost-per-unit graded and/or certified currently borne by those entities utilizing the services. Additionally, the increased fees will not affect normal competition in the marketplace.

Comments

On December 7, 1982, the Agricultural Marketing Service published in the **Federal Register** (47 FR 54925) an interim final rule increasing the fees for Federal livestock grading and certification services, effective December 13, 1982. Comments on this amendment were requested by January 6, 1983. No comments were received.

The Agricultural Marketing Act of 1946, as amended, provides for the collection of fees approximately equal to

the cost of providing livestock grading and certification services. The fees for these services are determined by the grader's salary and fringe benefits, cost of supervision, travel, training, and other overhead and administrative costs. Since the last fee increase on November 29, 1981, program costs have continued to rise. Federal employees have received pay increases in conformity with the Federal Pay Comparability Act of 1970. In addition, the grade level or pay scale of graders currently performing service has shifted to a higher level due to longevity and progressive promotion to the journeyman market reporter level. Similarly, there have been significant increases in other costs such as supervisory travel, rent, and other associated overhead and administrative costs. In addition, annual delivery units have diminished, and at the same time, minimum staffing requirements have increased costs per unit.

In view of the situations described above, the base hourly rate for livestock grading and certification services performed between the hours of 6 a.m. and 6 p.m., Monday through Friday, except on legal holidays, was increased from $23.20 to $29.40 per hour. For work performed on Saturday or Sunday and before 6 a.m. or after 6 p.m., Monday through Friday, except legal holidays, the hourly rate was increased from $28.20 to $32.80 per hour. For all work performed on legal holidays, the hourly rate was increased from $46.40 to $58.80 per hour.

It has been found over the course of time that the minimum charge of one-half hour is not sufficient to recover minimum operating costs, including services not directly related to the actual delivery procedure. Further, the cost projections for the hourly fee are based on a minimum 1-hour charge to effectively recover operating costs of the program. The minimum hourly fee has a minor impact on the value of a par delivery unit. The cost of grading and certification represent less than 0.2 percent of the value of a delivery unit.

Accordingly, under the authority contained in sections 203 and 205 of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622, 1624), § 53.18 of the regulations published on December 7, 1982, as an interim final rule at 47 FR 54925 is adopted without change as a final rule, effective May 20, 1983.

List of Subjects in 7 CFR Part 53

Cattle, Hogs, Livestock, Sheep.

(Aug. 14, 1946, Ch. 966, Title II, Secs. 203 and 205, 60 Stat. 1087, 1090; 7 U.S.C. 1622, 1624 as amended)

Done at Washington, D.C., April 14, 1983.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 83-10536 Filed 4-19-83; 8:45 am]

BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service

7 CFR Part 319

[Docket No. 83-301]

Cut Flowers

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule.

SUMMARY: This document, with certain changes, affirms an interim rule which amended the cut flowers regulations to require certain cut flowers found upon inspection at the port of entry to be infested with agromyzids (insects of the family Agromyzidae) to be fumigated with methyl bromide. The provisions of the rule are necessary to clarify the regulations concerning these matters and to prevent the movement of injurious agromyzids into the United States.

EFFECTIVE DATE: April 20, 1983.

FOR FURTHER INFORMATION CONTACT: Frank Cooper, Staff Officer, Regulatory Services Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 637, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8248.

SUPPLEMENTARY INFORMATION: In a document published in the **Federal Register** on August 30, 1982 (47 FR 38101-38103), the Department established an interim rule which amended the cut flowers regulations (7 CFR 319.74 through 319.74-7).

The interim rule provided that cut flowers imported from any country or locality and found upon inspection at the port of entry to be infested with agromyzids (insects of the family Agromyzidae) shall be fumigated at the time of importation with methyl bromide until specified conditions, except that such fumigation shall not be required for cut flowers imported from Canada or Mexico because of the finding of agromyzids and shall not be required for cut flowers of *Chrysanthemum* spp. imported from Colombia because of the finding of agromyzids of the species *Liriomyza trifolii* (Burgess) (referred to below as *L. trifolii*). These provisions were in effect prior to the amendments, except for the provisions concerning cut flowers of *Chrysanthemum* spp. from Colombia found to be infested with agromyzids. Previously, such cut flowers of *Chrysanthemum* spp. from Colombia were not required to be fumigated at the time of importation even though found to be infested with agromyzids. Under the amended regulations such infested cut flowers must be treated unless the agromyzids are determined to be *L. trifolii*. Agromyzids are leaf-eating insects which burrow tunnels within the leaves. Left unchecked, they will cause significant damage to the agricultural product.

Based on the reasons set forth in this document and in the document of August 30, 1982, the provisions of the interim rule are affirmed with certain changes explained below.

The document of August 30, 1982, invited interested persons to submit written comments concerning the amendments on or before October 29, 1982. Four comments were received. The comments were received from representatives of a nurserymen's association, a rose growers' association, an association of producers of cut flowers, and a general farm organization. The representative of the nurseymen's association endorsed the interim rule as published. The other three commenters stated objections to the interim rule.

The representative of the association of producers of cut flowers stated that there is no basis for the amendment. It was asserted that *Liriomyza huidobrensis* (referred to below as *L. huidobrensis*) is not "new to, or not theretofore known to be widely prevalent or distributed within and throughout the United States." As stated in the interim rule, it was determined that *L. huidobrensis* is not widespread within the United States, and could cause a substantial reduction in the marketability of cut flowers and other agricultural products grown in the United States. Within the United States *L. huidobrensis* is found to occur only in certain areas in the West. It appears that it could spread into many other vegetable and flower growing areas in other portions of the United States. Accordingly, it is not "known to be widely prevalent or distributed within and throughout the United States." Further, if *L. huidobrensis* were to spread to uninfested areas where vegetables and flowers are grown, it could cause significant damage.

It was also asserted that the rule should be changed to provide that cut flowers of *Chrysanthemum* spp. from Colombia found to contain agromyzids at the time of importation should be

allowed to be imported without treatment unless the agromyzids were determined to be *L. huidobrensis*. Otherwise, treatment could be required in cases in which agromyzids are not *L. huidobrensis*. No changes are made based on this comment. Changing the rule to require treatment only when the species of agromyzids are identified as *L. huidobrensis* would not be adequate protection against *L. huidobrensis*. Some of the unidentified agromyzids could be *L. huidobrensis* which could spread into uninfested areas of the United States. Accordingly, it is necessary as a condition of importation, to continue requiring treatments for cut flowers of *Chrysanthemum* spp. from Colombia found to contain agromyzids, unless the agromyzids are determined to be *L. trifolii*.

Representatives of the general farm organization and the rose grower's association question whether the amendments would provide adequate protection against the introduction of *L. huidobrensis*. It was asserted that *L. trifolii* and *L. huidobrensis* cannot be distinguished in the egg stage or in the first three days of nonrefrigerated time after the egg has been deposited in the chrysanthemum leaf. The Department does not dispute this assertion. However, no changes are made based on this comment. Under the amendments, such cut flowers found to be infested with agromyzids that cannot be identified as *L. trifolii* would be required to be fumigated regardless of the stage of development of the agromyzids. Accordingly, the amendments are adequate to protect against the introduction of *L. huidobrensis*.

Two commenters questioned whether protection is needed against the introduction of *L. trifolii*. It was asserted that *L. trifolii* from Colombia may have developed resistance to the pesticides United States growers have or may have available against *L. trifolii*. No changes are made based on these comments. The assertions were not accompanied by any supporting data. Further, it appears that there is no evidence to suggest that the pesticide resistance of the *L. trifolii* population in Colombia differs from the pesticide resistance of the *L. trifolii* population in the United States. If the *L. trifolii* population in Colombia were found to be a more injurious population than the *L. trifolii* population found in the United States, amendment of the regulations would be considered. However, as stated in the document of August 30, 1982, it has been determined that *L. trifolii* is widespread within the United States, and it appears that it is not necessary to take action against *L. trifolii* since its movement into the United States would not cause significant additional damage to cut flowers or other agricultural products grown in the United States.

The interim rule provided that the treatment procedure consists of fumigation with specified amounts (in lbs.) of methyl bromide at normal atmospheric pressure in a chamber or under a tarpaulin in accordance with one of the specified schedules. It is understood in the industry that the specified amounts of methyl bromide would be such amounts "per 1000 cu. ft." Accordingly, for purposes of clarity "per 1000 cu. ft." is added after each stated amount of methyl bromide. As an example, "1½ lbs. for 2 hours at 80°–90° F" would be changed to "1½ lbs. per 1000 cu. ft. for 2 hours at 80°–90° F."

Executive Order 12291 and Regulatory Flexibility Act

This rule is issued in conformance with Executive Order 12291 and Secretary's Memorandum No. 1512–1, and has been determined to be not a "major rule." Based on information compiled by the Department, it has been determined that this rule will have an annual effect on the economy of between $35,000 and $150,000; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not cause significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Under the circumstances explained above, any effect on the economy caused by the amendments would be limited to cut flowers of *Chrysanthemum* spp. imported from Colombia and found to be infested with agromyzids not determined to be *L. trifolii*.

Approximately 475 million individual cut flowers of *Chrysanthemum* sp. valued at approximately $60 million at the time of importation, are imported into the United States annually from Colombia. Based on pest interception records and a recent survey in Colombia, it is projected that approximately .5 percent to 2 percent of these cut flowers would require fumigation at the time of importation because of the finding of agromyzids not identified as *L. trifolii*. It is estimated that the total costs for fumigation of such cut flowers and any resulting damage would be between $35,000 and $150,000 annually.

Cut flowers of *Chrysanthemum* spp. imported from Colombia compete on the market in the United States with cut flowers grown in the United States and cut flowers imported from many parts of the world. It appears that the number of cut flowers of *Chrysanthemum* spp. from Colombia which would be required to be fumigated because of agromyzids would be substantially less than 1 percent of the cut flowers imported into the United States. Further, there are many small entities which import cut flowers of *Chrysanthemum* spp. from Colombia into the United States and thousands of small entities in the United States which sell cut flowers of *Chrysanthemum* spp. from Colombia.

Alternatives were considered in connection with the rule. Alternatives considered were (1) to allow the importation without fumigation of any cut flowers of *Chrysanthemum* spp. from Colombia found to be infested with any agromizyds, (2) to require fumigation for any cut flowers of *Chrysanthemum* spp. imported from Colombia found to be infested with any agromyzids, or (3) to require fumigation for any cut flowers of *Chrysanthemum* spp. imported from Colombia because of a finding of agromyzids unless the agromyzids are determined to be *L. trifolii*.

Alternative (1) is not adopted because under this alternative there would be a substantial risk of spread of *L. huidobrensis* within the United States.

Alternative (2) is not adopted because it would be unnecessarily restrictive. Alternative (3) is adopted because under the conditions imposed by the interim rule, cut flowers of *Chrysanthemum* spp. from Colombia can be imported without a significant risk of spreading injurious agromyzids into noninfested areas of the United States. As previously stated in this document, the fumigation procedures set forth in this document are the only know feasible methods of destroying agromyzids in cut flowers. Therefore, it appears that there are no other feasible alternatives to consider in compliance with the requirement that agencies choose the alterative that maximizes net benefits to society at the lowest net cost.

Also, under the circumstances explained above, James O. Lee, Jr., Acting Administrator of the Animal and Plant Health Inspection Service, has determined that this action would not have a significant economic impact on a substantial number of small entities.

List of Subjects in 7 CFR Part 319

Agricultural commodities, Imports, Plants pests, Plants (agriculture), Quarantine, Transportation, Flowers.

PART 319—[AMENDED]

Accordingly, paragraph (d) of § 319.74–3 of "Subpart—Cut Flowers" in 7 CFR Part 319 is amended by adding "1000 cu ft." immediately after the terms "lbs." each of the five times the terms "lbs." appears in the paragraph.

(Secs. 5 and 9, 37 Stat. 316, 318, as amended, 7 U.S.C. 159, 162; 7 CFR 2.17, 2.51, and 371.2(c))

Done at Washington, D.C., this 14th day of April 1983.

Harvey L. Ford,

Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 83–10448 Filed 4–19–83; 8:45 am]

BILLING CODE 3410–34–M

Agricultural Marketing Service

7 CFR Part 917

[Peach Reg. 14, Amdt. 3; Plum Reg. 19, Amdt. 3]

Pears, Plums, and Peaches Grown in California; Amendment of Grade and Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends grade and size requirements for fresh shipments of peaches and plums grown in California. These requirements are designed to promote marketing of suitable quality and sizes of fresh fruit in the interest of producers and consumers.

EFFECTIVE DATE: April 25, 1983.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Chief, Fruit Branch, F & V, AMS, USDA, Washington, D.C. 20250, telephone 202–477–5975.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. The action is designed to promote orderly marketing of the California peach and plum crops for the benefit of producers, and will not substantially affect costs for the directly regulated handlers.

The amended regulations are issued under the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh pears, plums and peaches grown in California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). Shipments of California peaches and plums are regulated by grade and size under Peach Regulation 14, and Plum Regulation 19 (7 CFR Part 917), issued in July 1981. Because these regulations change infrequently from season to season they were issued on a continuing basis subject to amendment, modification, or suspension of regulations as may be recommended by the committees and apporved by the Secretary.

The Peach Commodity Committee and the Plum Commodity Committee met November 18, 1982, and recommended amendment of the grade and size requirements for peaches and plums. This final rule is based upon those recommendations and information submitted by the committees, and upon other available information. It is hereby found that these actions will tend to effectuate the declared policy of the Act.

This final rule amends requirements for peaches and plums by regulating (by size) several varieties now produced in commercially significant quantities, by deleting from size regulation several varieties no longer produced in significant quantities, and by changing the size requirements for some peach varieties to bring them into conformity with current industry practices. For peaches, § 917.459 is amended to add size requirements for two new varieties (Spring Lady and Flavor Red) and to delete size requirements for six varieties (Cardinal, Indian Red, Otani, Tizz, Jody Gaye, and Early Redhaven). For plums § 917.460 is amended to add size requirements for one new variety (Carolyn Harris) and to delete size requirements for three varieties (Tragedy, Rosa Grande and Elephant Heart).

The amended regulations are necessary to prevent the shipment of California fruit not meeting the specified requirements, and are designed to provide ample supplies of good quality fruit in the interest of producers and consumers pursuant to the declared policy of the Act.

It is found that it is impracticable and contrary to the public interest to postpone the effective date of this final rule until 30 days after publication in the **Federal Register** (5 U.S.C. 553), and good cause exists for making these regulatory provisions effective as specified in that; (1) California handlers have been apprised of these requirements and the effective date; (2) growers need sufficient time to change their cultivation practices; (3) this rule in some cases relieves restrictions on handlers; (4) these changes should be made as soon as possible because shipments of 1983 tree fruit will begin shortly; and (5) no useful purpose would be served by delaying the effective date of this document.

List of Subjects in 7 CFR Part 917

Marketing agreements and orders, Pears, Plums, Peaches, California.

PART 917—[AMENDED]

Therefore, §§ 917.459 and 917.460 are amended as follows:

1. Paragraphs (a)(2), (a)(3) introductory text, (a)(3)(ii), (a)(4) introductory text, (a)(4)(ii), (a)(5) introductory text and (c)(2) of § 917.459 are revised to read as follows:

§ 917.459 Peach Regulation 14.

(a) * * *

* * * * *

(2) Any package or container of Armgold, Desertgold, Royal April, Royal Gold, variety peaches unless:

* * * * *

(3) Any package or container of any type of Springold variety peaches unless:

* * * * *

(ii) Such peaches when packed in a No. 12B standard fruit (peach) box are of a size that will pack, in accordance with the requirements of standard pack, not more than 65 peaches in the box; or

* * * * *

(4) Any package or container of Babcock, Bonjour, Early Coronet, Early Royal May, Firecrest, First Lady, Flavorcrest, JJK–1, June Lady, May Lady, Merrill Gemfree, Royal May, Springcrest, Royal Crest, May Crest, Golden Lady, Spring Lady, Flavor Red, Coronet, Merrill Gem, Redhaven, Redtop, or Regina variety peaches unless:

* * * * *

(ii) Such peaches when packed in a No. 12B standard fruit (peach) box are of a size that will pack, in accordance with

the requirements of standard pack, not more than 65 peaches in the box; or

* * * * *

(5) Any package or container of Angelus, Autumn Gem, Cassie, Belmont, Cal Red, Carnival, Early Fairtime, Early O'Henry, Elegant Lady, Fairtime, Fay Elberta, Fayette, Fiesta, Fire Red, Flamecrest, Fortyniner, Franciscan, Gem Crest, Halloween, July Elberta (Early Elberta, Kim Elberta, and Socala), July Lady, Kearney, Mardigras, Merricle, O'Henry, Pacifica, Parade, Paradise, Preuss Suncrest, Red Cal, Redglobe, Red Lady, Elberta, Rio Oso Gem, Scarlet Lady, Sparkle, Summerset, Suncrest, Sun Lady, Toreador, or Windsor variety peaches unless:

* * * * *

(c) * * *

* * * * *

(2) Such peaches when packed in a No. 12B standard fruit (peach) box are of a size that will pack, in accordance with the requirements of standard pack, not more than 65 peaches in the box; or

* * * * *

2. Paragraphs (a), (b) and (c) table are revised to read as follows:

§ 917.460 Plum Regulation 19.

(a) No handler shall ship any lot of packages or containers of any plums, other than varieties named in paragraph (b) hereof, unless such plums grade at least U.S. No. 1: *Provided,* That maturity shall be determined by the application of color standards by variety or such other tests as determined to be proper by the Federal or Federal-State Inspection Service; and *Provided further,* That internal discoloration not considered serious damage will be permitted.

(b) No handler shall ship:

(1) Any lot of packages or containers of Tragedy or Kelsey plums unless such plums grade U.S. No. 1 with additional tolerance of 10 percent for defects not considered serious damage: *Provided,* That internal discoloration not considered serious damage will be permitted; and *Provided further,* That maturity shall be determined by the application of color standards by variety or such other tests as determined to be proper by the Federal or Federal-State Inspection Service.

(2) Any lot of packages or containers or Angee, Autumn Queen, Casselman, Empress, Freedom, Grand Rosa, Improved Late Santa Rosa, King David, Late Santa Rosa, Linda Rosa, Red Rosa, Rosa Grande, Roysum, SW-1, and Swall Rosa plums unless such plums grade U.S. No. 1, except that healed cracks emanating from the stem end which do not cause serious damage shall not considered as a grade defect with respect to such grade, *Provided,* That, maturity shall be determined by the application of color standards, by variety or such other test as determined to be proper by the Federal-State Inspection Service; and *Provided further,* That, internal discoloration not considered serious damage will be permitted.

(c) * * *

TABLE I

Column A, variety	Column B, plums per sample
Ace	55
Amazon	64
Andys Pride	69
Angeleno	67
Autumn Rosa	72
Bee Gee	65
Black Beaut	74
Black Knight	53
Carolyn Harris	61
Casselman	63
Durado	74
Early Hawaiian Ann	60
Ebony	66
El Dorado	68
Empress	57
Freedom	58
Fresno Rosa	62
Friar	56
Frontier	61
Gay Rosa	71
Golden Glow	60
Grand Rosa	54
July Red	64
July Santa Rosa	69
Kelsey	47
King David	50
King's Black	58
Laroda	58
Late Santa Rosa (including improved Late Santa Rosa and Swall Rosa)	64
Linda Rosa	63
Mariposa	61
Midsummer	63
Milwaukee	56
Nubiana	56
President	57
Queen Ann	50
Queen Rosa	53
Red Beaut	74
Red Rosa	64
Redroy	58
Rosa Ann	69
Rosemary	50
Rose Ann	60
Royal Red	74
Roysum	74
Santa Rosa	69
Simka, Arrosa, New Yorker	50
Spring Beaut	74
Standard	63
Wicksón	51

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 15, 1983, to become effective April 25, 1983.

D. S. Kuryloski,

Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 83–10537 Filed 4–19–83; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Parts 100 and 103

Statement of Organization; Powers and Duties of Service Officers; Availability of Service Records; Organization Changes

Correction

In FR Doc. 83–8066, beginning on page 13146, in the issue of Wednesday, March 30, 1983, on page 13147, in the second column, in § 100.2(b)(2), in the sixth line "activities" should read "activities and".

BILLING CODE 1505-01-M

8 CFR Part 238

Contracts with Transportation Lines; Addition of Middle East Airlines

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule adds Middle East Airlines to the list of carriers which have entered into agreements with the service to guarantee the passage through the United States in immediate and continuous transit of aliens destined to foreign countries.

EFFECTIVE DATE: March 31, 1983.

FOR FURTHER INFORMATION CONTACT: Stanley J. Kieszkiel, Acting Instructions Officer, Office of Policy Directives and Instructions, Immigration and Naturalization Service, 425 Eye Street, NW., Washington, D.C. 20536, Telephone: (202) 633–3048.

SUPPLEMENTARY INFORMATION: This amendment to 8 CFR 238.3(b) is published pursuant to 5 U.S.C. 552. The Commissioner of Immigration and Naturalization Service entered into an agreement with Middle East Airlines on March 31, 1983, to guarantee passage through the United States in immediate and continuous transit of aliens destined to foreign countries.

The agreement provides for the waiver of certain documentary requirements and facilitates the air travel of passengers on international flights while passing through the United States.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because the amendment merely makes editorial changes to the listing of transportational lines.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that the rule will

not have a significant impact on a substantial number of small entities.

This order constitutes a notice to the public under 5 U.S.C. 552 and is not a rule within the definition of section 1 (a) of E.O. 12291.

List of Subjects in 8 CFR Part 238

Air carriers, Airlines, Aliens, Common carriers, Government contracts, Inspections, Transportation, Travel restriction, Treaties.

PART 238—CONTRACTS WITH TRANSPORTATION LINES

Accordingly, 8 CFR Part 238 is amended as follows:

§ 238.3 [Amended]

In § 238.3 Aliens in immediate and continuous transit, the listing of transportation lines in paragraph (b) *Signatory lines* is amended by:

1. Adding in alphabetical sequence, "Middle East Airlines."

(Secs. 103, 66 Stat. 173 (8 U.S.C. 1103); 238, 66 Stat. 202 (8 U.S.C. 1228))

Dated: April 13, 1983.

Andrew J. Carmichael Jr.,

Associate Commissioner for Examinations, Immigration and Naturalization Service.

[FR Doc. 83-10447 Filed 4-19-83; 8:45 am]
BILLING CODE 4410-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 3

Associated Persons of Commodity Pool Operators and Commodity Trading Advisors; Notice and Procedures for "No-Action" Position

AGENCY: Commodity Futures Trading Commission.

ACTION: Rule related notice.

SUMMARY: The Commodity Futures Trading Commission ("Commission") is publishing the text of a letter it has transmitted to all registered commodity pool operators ("CPOs") and commodity trading advisors ("CTAs"). In that letter, the Commission advised those CPOs and CTAs of recent amendments to the registration requirements administered by the Commission under the Commodity Exchange Act ("Act") which, effective May 11, 1983, may require individuals engaged in certain specified activities on behalf of a CPO or a CTA to register under the Act as associated persons ("APs") of a CPO or of a CTA. That letter further advises CPOs and CTAs of procedures which have been established by the Commission by which a CPO or CTA may obtain a "no-action" position from the Commission with respect to its associated persons. The Commission is publishing that letter in the **Federal Register** to provide affected persons additional notice of those procedures and to advise other interested members of the public of the requirements that have been established by the Commission.

FOR FURTHER INFORMATION CONTACT: Kenneth M. Rosenzweig, Assistant Chief Counsel, or Robert P. Shiner, Assistant Director for Registration, Division of Trading and Market, Commodity Futures Trading Commission, 2033 K Street N.W., Washington, D.C. 20581. Telephone: (202) 254-8955 or 254-9703, respectively.

SUPPLEMENTARY INFORMATION: The Futures Trading Act of 1982 has amended the Commodity Exchange Act to require the registration with the Commission of associated persons of commodity pool operators and commodity trading advisors.[1] Although the Commission has recently proposed rules which, when adopted, would govern the registration of these persons (48 FR 14933 (April 6, 1983)), the Commission recognizes that affected individuals will not be able to become registered pursuant to rules adopted by the Commission prior to the May 11, 1983 statutory deadline. The Commission has therefore sent the following letter to all registered CPOs and CTAs to advise them of procedures adopted by the Commission which, if complied with in every respect, will allow the employees of CPOs and CTAs to continue to act in a capacity which would otherwise require them to be registered as associated persons.[2]

The procedures specified in the letter reprinted below will allow commodity pool operators, commodity trading advisors, and their associated persons to continue to operate without the disruption of their business activities that would otherwise result if those associated persons were not allowed to continue to solicit pool participations or clients for discretionary account programs. The "no-action" position being made available by the Commission will remain in effect until such time as the Commission processes the applications for the registration of APs of CPOs and APs of the CTAs filed pursuant to this "no-action" position or the "no-action" is otherwise terminated as provided in the letter. The Commission finds that notice and public comment on these procedures is impracticable because the procedures must be complied with immediately in order for a "no-action" to be granted as of May 11, 1983. For the same reasons, the Commission finds that these procedures should be made effective immediately.

The text of the letter sent by the Commission to all registered commodity pool operators and commodity trading advisors on April 14, 1983 is set forth below. Although the attachments to that letter are not, however, being reprinted in this **Federal Register** notice, they are available to interested persons from the Commission's Registration Unit at the address provided earlier in this notice.

List of Subjects in 17 CFR Part 3

Associated persons of commodity pool operators, Associated persons of commodity trading advisors.

Issued in Washington, D.C. on April 14, 1983, by the Commission.

Jane K. Stuckey,

Secretary of the Commission.

April 14, 1983.

Re: *Registration of Associated Persons of Commodity Pool Operators and Commodity Trading Advisors.*

Dear Commodity Pool Operator or Commodity Trading Advisor: As you may know, recently-enacted legislation will make significant changes in certain of the registration requirements administered by the Commodity Futures Trading Commission ("Commission") under the Commodity Exchange Act ("Act"). Specifically, the Futures Trading Act of 1982[1] has extended the requirements that govern the registration of associated persons ("APs") so that individuals who are associated with a commodity pool operator ("CPO") or with a commodity trading advisor ("CTA") in certain specified capacities will be required to register as an AP of a "sponsoring" CPO or CTA.

Section 4k(2) of the Act, as amended, provides with respect to commodity pool operators and their associated persons that:

It shall be unlawful for any person to be associated with a commodity pool operator as a partner, officer, employee, consultant, or agent (or any person occupying a similar status or performing similar functions), in any capacity that involves (i) the solicitation of funds, securities, or property for a participation in a commodity pool or (ii) the supervision of any person or persons so engaged, unless such person is registered with the Commission under this Act as an associated person of such commodity pool operator and such registration shall not have

[1] Futures Trading Act of 1982, Pub. L. No. 97-444, section 212, 96 Stat. 2304-05.

[2] The Commission has sent a similar letter to all registered futures commission merchants ("FCMs") to advise those FCMs and their agents of the procedures which have been adopted by the Commission to allow agents and their associated persons to obtain an appropriate "no-action" position from the Commission.

[1] Pub. L. No. 97-444, 96 Stat. 2294 (January 11, 1983).

expired, been suspended (and the period of suspension has not expired), or been revoked. It shall be unlawful for a commodity pool operator to permit such a person to become or remain associated with the commodity pool operator in any such capacity if the commodity pool operator knew or should have known that such person was not so registered or that such registration had expired, been suspended (and the period of suspension has not expired), or been revoked. Any individual who is registered as a floor broker, futures commission merchant, introducing broker, commodity pool operator, or as an associated person of another category of registrant under this section (and such registration is not suspended or revoked) need not also register under this subsection. The Commission may exempt any person or class of persons from having to register under this subsection by rule, regulation, or order.[3]

Section 4k(3) of the Act, as amended, similarly provides with respect to commodity trading advisors and their associated persons that:

It shall be unlawful for any person to be associated with a commodity trading advisor as a partner, officer, employee, consultant, or agent (or any person occupying a similar status or performing similar functions), in any capacity which involves (i) the solicitation of a client's or prospective client's discretionary account or (ii) the supervision of any person or persons so engaged, unless such person is registered with the Commission under this Act as an associated person of such commodity trading advisor and such registration shall not have expired, been suspended (and the period of suspension has not expired), or been revoked. It shall be unlawful for a commodity trading advisor to permit such a person to become or remain associated with the commodity trading advisor in any such capacity if the commodity trading advisor knew or should have known that such person was not so registered or that such registration had expired, been suspended (and the period of suspension has not expired), or been revoked. Any individual who is registered as a floor broker, futures commission merchant, introducing broker, commodity trading advisor, or as an associated person of another category of registrant under this section and (such registration is not suspended or revoked) need not also register under this subsection. The Commission may exempt any person or class of persons from having to register under this subsection by rule, regulation, or order.[4]

These new registration requirements will become effective on May 11, 1983,[5] and, absent appropriate relief, it would be unlawful for any person to engage in the activities described above and for CPO or CTA to employ such a person unless that person was properly registered under the Act or qualified for one of the exemptions from registration provided therein. Although the Commission has recently published proposed regulations in the Federal Register which would establish registration requirements for these two new categories of associated persons,[6] the Commission recognizes that affected individuals will not be able to become registered pursuant to rules adopted by the Commission prior to that statutory deadline. The Commission is, therefore, making available procedures which, if complied with in every respect, will allow those individuals who are engaged in activities which will require AP registration to continue in business on and after May 11, 1983 even though they have not been registered under the Act as associated persons. These procedures will similarly allow CPOs and CTAs to employ those individuals even though they have not yet been registered as associated persons.

Specifically, the Commission will not take enforcement action against any commodity pool operator, commodity trading advisor, or any associated person of a commodity pool operator or commodity trading advisor based solely on the failure of an individual to be registered as an AP if the CPO or CTA is registered as such and submits to the Commission a Certification, in the form specified in the supplement to this letter, indicating: (1) The name of each individual who will be associated with the CPO or CTA as an associated person; (2) that the CPO or CTA has caused that individual to complete a Form 8–R (as modified by the instructions attached thereto) and a fingerprint card unless that individual is or would be exempt from registration as an associated person;[8] (3) that none of those individuals has answered "Yes" to any of the questions in the Disciplinary History portion of the Form 8–R (Questions 16–21, inclusive); and (4) that none of those individuals is subject to a "statutory disqualification," as that term is defined in Section 8a(2) of the Act.[7] That Certification must be *received* by the Commission on or before May 11, 1983 at the following address: Andrea M. Corcoran, Director, Division of Trading and Markets Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581.

The completed Form 8–Rs and fingerprint card[9] may be returned with the required Certification and, if not completed and filed at that time, *must* be received by the Commission at that address no later than June 1, 1983. Retain a copy of the Certification and of each Form 8–R for your files.

For purposes of this "no-action" position, the Commission will not allow any additions to the list submitted by the CPO or CTA as part of its Certification once that Certification has been filed with the Commission. Thus, as a practical matter, until the Commission makes effective appropriate regulations and the necessary applications for registration are processed, a CPO or CTA will not be able to permit new employees to perform the tasks described in Sections 4k(2) and 4k(3) of the Act during that interim period unless those employees are already validly registered as associated persons (for example, as APs of a futures commission merchant).

You should be aware, however, that not only do Sections 4k(2) and 4k(3) of the Act (quoted above) provide certain exemptions from these registration requirements but furthermore that the Commission has proposed to provide additional exemptions from AP registration. Specifically, the Commission has proposed to exempt any individual who is registered as a commodity trading advisor from registration as an AP of a CPO. The Commission has similarly proposed to exempt any individual who is registered as a commodity pool operator from registration as an AP of a CTA. Finally, the Commission has proposed to exempt from registration as an associated person of a commodity pool operator any individual who is registered with the National Association of Securities Dealers as a "registered representative" or as a "registered principal."[9] Therefore, upon adoption by the Commission of final rules, some (or all) of your employees[10] may not be required to register as associated persons. Although such individuals will not be required to complete a Form 8–R and a fingerprint card, they *must* be included in the Certification if they are to continue to function as associated persons on and after May 11, 1983.[11]

The "no-action" position granted to a CPO or CTA will terminate automatically if a CPO or CTA fails to submit the required Form 8–R and fingerprint card for each of its associated persons who is not (or would not be) exempt from registration as an AP of a CPO and/or of a CTA by June 1, 1983. The Commission will also terminate its "no-action" position

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[3] *Id.*, Section 212, 96 Stat. 2304.

[4] *Id.*, Section 212, 96 Stat. 2304–05.

[5] *Id.*, Section 239, 96 Stat. 2327.

[6] 48 FR 14933 (April 6, 1983). Those proposed regulations would also establish registration and other regulatory requirements for introducing brokers and their associated persons; the Commission has separately sent a letter to all registered FCMs to advise those FCMs and their agents of the procedures established by the Commission for a "no-action" position with respect to the registration requirements which will become applicable to introducing brokers and their associated persons on May 11, 1983.

[8] Each individual who is engaged in activities which are specified in Sections 4k(2) or 4k(3) of the Act *must* be included in the CPO's or CTA's Certification even if that individual is exempted from registration by Sections 4k(2) or 4k(3) of the Act or, as discussed later in this letter, would be exempt from registration under the Commission's regulations. Such an individual does not have to complete a Form 8–R and a fingerprint card, however.

[7] *See* Futures Trading Act of 1982, Pub. L. No. 97–444, Section 224(1), 96 Stat. 2310. The text of Section 8a(2) of the Act, as amended, is attached to this letter.

[9] Additional fingerprint cards are available from the Commission's Registration Unit at the address specified in the attached Form 8–R and at the address specified at the end of this letter as well as from the Commission's regional offices in New York, Los Angeles, and Kansas City, Missouri.

[6] Proposed regulation § 3.12(h), 48 FR 14933, 14967 (April 6, 1983).

[10] For purposes of this letter, the term "employee" includes partners, officers, employees, consultants, or agents, or any person occupying a similar status or performing similar functions, as described in Sections 4k(2) and 4k(3) of the Act.

[11] If the Commission does not adopt these proposed exemptions, or if they are adopted in a more limited form, the Commission will provide affected individuals and firms with adequate time in which to apply for registration prior to any enforcement of the registration requirements that would then be applicable to such persons.

with respect to a CPO or CTA if it determines, in the course of its audits for compliance with the terms of the "no-action" position or otherwise, that a CPO or CTA is employing any individual who is not included in the Certification submitted to the Commission by the CPO or CTA. The Commission will also terminate a CPO's or CTA's "no-action" position and that of an employee if a Form 8–R completed by that individual does, in fact, contain self-declared derogatory information (Questions 16–21, inclusive).[10] Similarly, the Commission may terminate its "no-action" position for a CPO or CTA if any of its employees is subject to a statutory disqualification or if the Commission is in possession of information which calls into question an individual's fitness for registration. (The Commission's "no-action" position will, of course, be terminated for any employee with respect to whom the CPO or CTA does not comply with the terms of the Commission's "no-action" position and, depending on the facts and circumstances of a particular case, may be terminated for all of a CPO's or CTA's employees.) Finally, the "no-action" position will terminate automatically for individual employees upon the registration of those individuals as APs of a CPO or CTA or when an employee ceases to be associated with the CPO or CTA who obtained the "no-action" position for that individual.

Any CPO or CTA who would like confirmation of the Commission's "no-action" position must include an extra copy of the Certification *and* a self-addressed, postage-paid envelope for that purpose. The Commission will return a time-stamped copy of that Certification but, in view of existing resource limitations, will not provide any additional notice of the qualification of a CPO, CTA, or associated person for a "no-action" position.

If you have any questions regarding these procedures, or if you need additional copies of the modified Form 8–R or additional fingerprint cards, please contact the Registration Unit, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581 ((202) 254–9703).

Sincerely,

Jane K. Stuckey,

Secretary of the Commission.

APPLICATION FOR "NO-ACTION" POSITION WITH RESPECT TO ASSOCIATED PERSONS OF A COMMODITY POOL OPERATOR AND/OR COMMODITY TRADING ADVISOR

Name	CFTC ID Number [1]	Exempt [2]

[10] In this regard, you are reminded that willful falsification, misrepresentation, or omission of any material fact required to be stated on an application for registration or a Certification submitted in accordance with the procedures set forth in this letter constitutes cause for denial, suspension, or revocation of registration and prosecution under criminal statutes of the individual and firm submitting the application for registration or Certification. *See, e.g.*, 7 U.S.C. 9, 12a, 13; 18 U.S.C. 1001.

[1] Provide CFTC ID Number only if already assigned (for example, to a principal); if not, enter "N/A."

[2] If individual does not need to complete a Form 8–R and a fingerprint card because that individual is or will be exempt from registration as an AP, make one or more of the following entries: "AP" (if that individual is already registered as an associated person); "FB" (if already registered as a floor broker); "CPO" (if already registered as a commodity pool operator); "CTA" (if already registered as a commodity trading advisor); "FCM" (if already registered as a futures commission merchant); "NASD" (if already registered with the National Association of Securities Dealers as a "registered representative" or as a "registered principal"); you must also provide the NASD Central Registration Depository identification number for each such individual).

Certification

The undersigned Commodity Pool Operator and/or Commodity Trading Advisor represents that the individuals specified herein: (1) will be associated with the Commodity Pool Operator and/or Commodity Trading Advisor as an associated person within the meaning of Sections 4k(2) and 4k(3) of the Commodity Exchange Act (Pub. L. No. 97–444, section 212, 96 Stat. 2304–05); (2) has completed a Form 8–R (as modified by the instructions attached hereto) and a fingerprint card unless any such individual is or would be exempt from registration as an associated person of a Commodity Pool Operator and/or as an associated person of a Commodity Trading Advisor; (3) have not answered "YES" to any of the questions in the Disciplinary History portion of the Form 8–R (Questions 16–21, inclusive); (4) are not subject to a "statutory disqualification" as defined in Section 8a(2) of the Commodity Exchange Act (Pub. L. No. 97–444, section 224, 96 Stat. 2310–12); and (5) will be diligently supervised with a view to preventing violations of the Commodity Exchange Act and the rules, regulations, and orders thereunder. The undersigned Commodity Pool Operator and/or Commodity Trading Advisor acknowledges that it is fully responsible for the conduct of each individual specified herein as though each such individual had been registered as an associated person of the Commodity Pool Operator and/or Commodity Trading Advisor in accordance with the provisions of 17 CFR 3.12.

Name of Commodity Pool Operator: [1]	Name of Commodity Trading Advisor: [1]
For the Commodity Pool Operator:	For the Commodity Trading Advisor:
Signature and Date	Signature and Date
Print Name and Title (Corporate Officer, General Partner, or Sole Proprietor)	Print Name and Title (Corporate Officer, General Partner, or Sole Proprietor)

[1] Provide exact name under which registered as a Commodity Pool Operator and/or as a Commodity Trading Advisor. If registered in both capacities, provide the required information for each capacity.

Attach Continuation Sheet If Necessary

[FR Doc. 83–10468 Filed 4–19–83; 8:45 am]

BILLING CODE 6351–01–M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 143

[T.D. 83–82]

Informal Entry for United States Goods Returned; Correction

AGENCY: Customs Service, Treasury.

ACTION: Final rule; correction.

SUMMARY: This document corrects an error in the designation of a new paragraph in § 143.21, Customs Regulations (19 CFR 143.21), as amended by T.D. 83–82 and published in the **Federal Register** on April 5, 1983 (48 FR 14595).

EFFECTIVE DATE: May 5, 1983.

FOR FURTHER INFORMATION CONTACT: Charles D. Ressin, Regulations Control Branch, U.S. Customs Service, Washington, D.C. 20229 (202) 556–8237.

SUPPLEMENTARY INFORMATION: By T.D. 82–116, published in the **Federal Register** on June 24, 1982 (47 FR 27260), § 143.21 was amended by redesignating paragraph (i) as paragraph (j) and adding a new paragraph (i).

Section 143.21, as amended by T.D. 83–82, should have added a new paragraph (k), rather than new paragraph (j) on page 14597 of the **Federal Register** of April 5, 1983.

To correct this error, this document amends § 143.21 by:

1. Removing the word "and" at the end of paragraph (i);

2. Removing the period at the end of paragraph (j) and adding a semicolon and the word "and" in its place; and

3. Redesignating new paragraph (j) appearing on page 14597 of the **Federal Register** of April 5, 1983, as new paragraph (k)

Dated: April 13, 1983.

B. James Fritz,

Director, Regulations Control and Disclosure Law Division.

[FR Doc. 83–10380 Filed 4–19–83; 8:45 am]

BILLING CODE 4820–02–M

UNITED STATES INFORMATION AGENCY

22 CFR Part 514

Exchange-Visitor Program

AGENCY: United States Information Agency.

ACTION: Final Rule.

SUMMARY: The United States Information Agency is amending the

definition of "Graduate medical education or training" in § 514.1, is amending § 514.13(a)(4) to revise paragraph (ii), adding new paragraphs (iii), (iv), and (v), is making technical changes in Part 514 to delete references to the "International Communication Agency" and replace that term, where appropriate, with the Agency's new name, the "United States Information Agency."

The regulations establish the criteria for determining the duration of an alien physician's participation in programs of graduate medical education or training. The duration of such participation is limited to the time typically required to complete a specific program taking into consideration the published requirements of the medical speciality boards in the latest edition of the Directory of Medical Specialists and requirements of Pub. L. 97-116.

A general limitation of stay of five years is established for research assistants sponsored by the National Institutes of Health.

EFFECTIVE DATE: March 30, 1983.

FOR FURTHER INFORMATION CONTACT: Richard L. Fruchterman, Assistant General Counsel, United States Information Agency, Washington, D.C. 20547; (202) 724-9055.

SUPPLEMENTARY INFORMATION: A notice of interim rules on the duration of alien physicians' participation in programs of graduate medical education or training was published in the Federal Register on October 12, 1982 (47 FR 44726). Comments were received from interested government agencies and from the public. Several comments suggested language less cumbersome and these were adopted. Two comments suggested that the term "obtainable only by means of an extension of length of stay" in § 514.13(a)(4)(ii)(A) be deleted since it could result in the denial of an extension in a situation in which the training was available in any other country. This suggestion was adopted. Two comments suggested that the duration be extended to permit the alien physician to take an examination if such was required for certification by a speciality board. While this suggestion was not accepted, the language of § 514.13(a)(4) was modified slightly to emphasize a more positive approach to extending the period to include time necessary to take an examination. The definition of "Graduate medical education or training" as modified to ensure that a directly related medical subspecialty was included within the program description. The name of the Agency was changed where necessary to reflect the current name of the Agency.

List of Subjects in 22 CFR Part 514

Educational exchange-graduate students.

E.O. 12291 Federal Regulation

USIA has determined that this is not a major rule for the purposes of E.O. 12291, Federal regulation, because it will not result in: (1) An annual effect on the economy of $100 million or more; (2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

PART 514—EXCHANGE VISITOR PROGRAM

1. Part 514 of Chapter V, Title 22 of the Code of Federal Regulations is amended by revising the definition of "Graduate medical education or training", and amending the definitions of "Exchange visitor program" and "Director", in § 514.1; by amending § 514.13(a)(4) to revise paragraph (ii) and adding new paragraphs (iii), (iv), and (v) all to read as follows:

§ 514.1 Definitions.

* * * * *

"Graduate medical education or training" means participation in a program in which the alien physician will receive graduate medical education or training, which generally consists of a residency or fellowship program involving health care services to patients, but does not include participation in a program involving observation, consultation, teaching or research in which there is no element or only incidental elements of patient care. This program may consist of a medical specialty and a directly related medical subspecialty or either of the two.

* * * * *

a. In the definitions of "Exchange-Visitor Program" and "Director" remove the words "International Communication Agency" and substitute "United States Information Agency."

b. In § 514.13(a)(4), remove the words "of the International Communication Agency"; ((a)(4)(ii) is revised; and (iii), (iv), and (v) are added as follows:)

§ 514.13 [amended]

(a) * * * * *

(4) * * *

(ii) The duration of the alien physician's participation in the program of graduate medical education or training for which the alien physician is coming to the United States is limited to the time typically required to complete such program. The duration shall be determined by the Director of the United States Information Agency at the time of the alien physician's entry into the United States. The determination shall be based on criteria which are established in coordination with the Secretary of Health and Human Services and which take into consideration the published requirements of the medical specialty boards in the latest edition of the Directory of Medical Specialists published for the American Board of Medical Specialties by Marquis Who's Who; except that

(A) Such duration is further limited to seven years unless the alien physician has demonstrated to the satisfaction of the Director that the country to which the alien physician will return at the end of such specialty education or training has an exceptional need for an individual with the additional qualifications, and

(B) The alien physician may, once and not later than two years after the date the alien physician enters the United States as an exchange visitor or acquires exchange visitor status, change his designated program of graduate medical education or training if the Director approves the change and if the requirements of paragraphs (a)(4) and (a)(4)(i) of this section are met for the newly designated specialty or

(iii) Subject to the limitations contained in paragraph (a)(4)(ii)(A) of this section, the phrase "time typically required to complete such program" means a length of stay within the United States which is required to complete all necessary graduate medical education and training, which may enable the alien physician to meet the eligibility requirements for certification (but not actual certification) by an American specialty board. For good cause, this period will be extended beyond the training period to include the time necessary to take an examination required for certification by a specialty board. The Director may include within the duration of the program a period of supervised medical practice in the United States if this is required for eligibility for certification by a specialty board.

(A) Alien physicians shall be permitted to undertake graduate medical education or training in a specialty or subspecialty program whose board requirements are not published in the

Directory of Medical Specialists if the Board requirements are certified to the Director and to the Educational Commission for Foreign Medical Graduates by the Executive Secretary of the cognizant component board of the American Board of Medical Specialties. The Director, for good cause shown, may grant an extension of authorized length of stay to permit an alien physician to repeat one year of clinical medical training.

(B) The alien physician must furnish the Attorney General each year with an affidavit (Form I-644) that attests the alien physician: (i) Is in good standing in the program of graduate medical education or training in which the alien physician is participating, and (2) will return to the country of his nationality or last residence upon completion of the education or training for which he came to the United States.

(iv) Aliens who entered the United States or acquired exchange visitor status on or after January 10, 1978, and before December 29, 1981, and are participating in graduate medical education or training programs, have until December 29, 1983 to apply for a change in their designated graduate medical education or training programs, subject to the requirements of paragraph (a)(4)(ii)(B) of this section.

(v) The Educational Commission for foreign Medical Graduates will serve as liaison between the medical specialty boards and the United States Information Agency.

* * * * *

§ 514.13 [Amended]

2. In § 514.13(a)(6), remove the words "of the International Communication Agency."

3. In § 514.13(a)(7), remove the words "of the International Communication Agency."

4. In § 514.13(a)(8)(ii), remove the words "of the International Communication Agency."

5. Section 514.23 (a)(1)(IV) is revised and (a)(1)(ix) is added as follows:

§ 514.23 General limitations of stay.

(a) * * *

(1) * * *

(iv) Professional Trainee—an alien who is a graduate of a medical school pursuing graduate medical education or training in the United States is limited to the time typically required to complete such program and is limited to a maximum of seven years unless exceptional circumstances are present.

* * * * *

(ix) Research assistants sponsored under contract, grant or cooperative agreement by the National Institutes of Health—5 years.

(Pub. L. 97-116, 75 Stat. 527, 536, 536; 8 U.S.C. 110(a)(15)(J); 95 Stat 1611, 1612, 1613 (8 U.S.C. 118(a)(15)(J)), Reorg. Plan No. 2 of 1977; E.O. 12048 of March 27, 1978; Pub. L. 97-241, 96 Stat. 291; USIA Delegation Order No. 83-5 (48 FR 2490))

Dated: March 30, 1983.

Jonathan W. Sloat,

General Counsel and Congressional Liaison.

[FR Doc. 83-10428 Filed 4-19-83; 8:45 am]

BILLING CODE 8230-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 1F2500, 1F2531, 2F2695, 2F2732/R517A; PH-FRL 2350-2]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Metalaxyl; Corrections

AGENCY: Environmental Protection Agency (EPA).

ACTION: Rule; correction.

SUMMARY: This document corrects a regulation that established tolerances for the combined residues of the fungicide metalaxyl and its metabolites in or on certain raw agricultural commodities. The regulation was requested in a petition submitted by Ciba-Geigy Corporation.

EFFECTIVE DATE: Effective on January 26, 1983.

FOR FURTHER INFORMATION CONTACT: Henry Jacoby, Product Manager (PM) 21, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 227, CM No. 2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1900).

SUPPLEMENTARY INFORMATION: In the FR Doc. 83-2136, published in the Federal Register of January 26, 1983 (48 FR 3599), EPA established tolerances for the combined residues of the fungicide metalaxyl [*N*-(2,6-dimethylphenyl)-*N*-(methoxyacetyl)alanine, methyl ester] and its metabolites containing the 2,6-dimethylaniline moiety, and *N*-(2-hydroxymethyl-6-methylphenyl)-*N*-(methoxyacetyl)alanine, methyl ester each expressed as metalaxyl in or on certain raw agricultural commodities.

In the list of commodities on page 3606, second column, the commodity poultry liver is added at 0.4 part per million (ppm). This commodity was inadvertently omitted in the regulation. The tolerance level for melons, erroneously listed at 0.1 ppm, is corrected to read 1.0 ppm.

Dated: April 11, 1983.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

PART 180—[Amended]

Therefore, 40 CFR 180.408 is amended by adding and alphabetically inserting the commodity poultry liver and correcting the tolerance level for melons to read as follows:

§ 180.408 Metalaxyl; tolerances for residues.

* * * * *

Commodities	Parts per million
Melons	1.0
Poultry, liver	0.4

[FR Doc. 83-10452 Filed 4-19-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP 2E2724/R536; PH-FRL 2348-7]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Ethyl 3-Methyl-4-(Methylthio) Phenyl (1-Methylethyl) Phosphoramidate

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for the combined residues of the nematocide ethyl 3-methyl-4-(methylthio) phenyl (1-methylethyl) phosphoramidate and its cholinesterase-inhibiting metabolites in or on the raw agricultural commodity okra. This regulation is to establish a maximum permissible level for residues of the nematocide in or on the commodity was requested in a petition submitted by the Interregional Research Project No. 4 (IR-4).

EFFECTIVE DATE: Effective on April 20, 1983.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs, Emergency Response Section (TS-767C), Registration Division, Environmental Protection Agency, Rm. 716B, CM #2, 1921

Jefferson Davis Highway, Arlington, VA 22202, (703–557–1192).

SUPPLEMENTARY INFORMATION: EPA issued a proposed rule, published in the **Federal Register** of February 23, 1983 (48 FR 7592), that announced that the Interregional Research Project No. 4 (IR–4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, had submitted pesticide petition 2E2724 to EPA on behalf of the IR–4 Technical Committee and the Agricultural Experiment Stations of Alabama, Georgia, and Florida.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for the combined residues of the nematocide ethyl 3-methyl-4-(methylthio) phenyl (1-methylethyl) phosphoramidate and its cholinesterase-inhibiting metabolites in or on the raw agricultural commodity okra at 0.3 part per million (ppm).

There were no comments or requests for referral to an advisory committee received in response to the proposed rule.

The data submitted in the petition and other relevant material have been evaluated and discussed in the notice of proposed rulemaking. The pesticide is considered useful for the purpose for which the tolerance is sought. It is concluded that the tolerance would protect the public health and is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346(a)(e)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: April 6, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR 180.349 is revised to read as follows:

§ 180.349 Ethyl 3-methyl-4-(methylthio) phenyl (1-methylethyl) phosphoramidate; tolerances for residues.

Tolerances are established for combined residues of the nematocide ethyl 3-methyl-4-(methylthio) phenyl 1-(methylethyl) phosphoramidate and its cholinesterase-inhibiting metabolites in or on the following raw agricultural commodities:

Commodities	Parts per million
Bananas	0.1
Brussels sprouts	0.1
Cabbage	0.1
Cottonseed	0.05
Okra	0.3
Peanuts	0.02
Peanuts, hulls	0.4
Soybeans	0.05

[FR Doc. 83–10265 Filed 4–19–83; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 761

[OPTS–211009; TSH–FRL 2325–4]

Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce and Use Prohibitions; Denial of Citizen's Petition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Rule Related Notice.

SUMMARY: This notice announces EPA's decision to deny a citizen's petition submitted by MET Electrical Testing Company, Inc. (MET) under section 21 of the Toxic Substances Control Act (TSCA) (15 U.S.C. 2620). MET requested that EPA amend its polychlorinated biphenyl (PCB) regulations (40 CFR Part 761) to create a new regulatory classification for transformers that contain less than 250 parts per million (ppm) PCBs, and to change the definition of in-service use to eliminate the requirement that the temperature of the dielectric fluid be raised to 50°C. EPA has determined that no new substantive issues were identified in the petition, and that further action is not warranted.

ADDRESS: Copies of the petition and all related information are located in: Document Control Office (TS–793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–107, 401 M St., SW., Washington, D.C. 20460. They are available for review and copying from 8 a.m. to 4 p.m. Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: Jack P. McCarthy, Director, Industry Assistance Office (TS–799), Office of Toxic Substances, Environmental Protection Agency, Rm. E–509, 401 M St., SW., Washington, D.C. 20460, toll free: [800–424–9065], In Washington, D.C.: [554–1404], Outside the U.S.A.: [Operator 202–554–1404].

SUPPLEMENTARY INFORMATION:

I. Background

EPA issued a final rule in the **Federal Register** of August 25, 1982 (47 FR 37342) which authorized the use of PCBs in capacitors and the use and servicing of PCBs in electromagnets, circuit breakers, voltage regulators, reclosers, cable, switches, and transformers other than railroad transformers (Electrical Use Rule). The Electrical Use Rule designates transformers containing greater than 500 ppm PCBs as "PCB-Transformers," those containing 50–500 ppm PCBs as "PCB-Contaminated Electrical Equipment," and those containing less than 50 ppm PCBs as "non-PCB Transformers." The Electrical Use Rule establishes use and servicing restrictions for PCB-Transformers and use restrictions and some minor servicing restrictions for PCB-Contaminated Electrical Equipment, but leaves non-PCB Transformers essentially unregulated by EPA (40 CFR 761.30).

The Electrical Use Rule allows the reclassification of a PCB-Transformer to PCB-Contaminated Electrical Equipment or to a non-PCB Transformer provided that the transformer is drained, refilled, or otherwise serviced to reduce the PCB concentration in the transformer. In order to reclassify a transformer, the transformer's dielectric fluid must contain less than 500 ppm PCBs (for reclassification to PCB-Contaminated Electrical Equipment) or less than 50 ppm PCBs (for reclassification to a non-PCB Transformer) after a minimum of three months of in-service use. In-service means that the transformer is used electrically under loaded conditions that raise the temperature of the dielectric fluid to at least 50° C (40 CFR 761.30(a)(2)(v)).

On January 13, 1983, MET petitioned the EPA under section 21 of TSCA to amend its PCB regulations governing the use and servicing of PCBs in electrical equipment. The petition seeks: (1) a new regulatory classification for retrofilled

PCB-Transformers that contain less than 250 ppm PCBs (including a new name for this category of transformer), and (2) a change of the definition of in-service use to eliminate the requirement that the temperature of the dielectric fluid in the retrofilled transformer reach 50° C for purposes of reclassification.

MET argues that EPA should grant its request for the following reasons:

1. The term PCB-Contaminated Transformer for transformers containing less than 250 ppm PCBs is misleading and does not recognize that 250 ppm PCBs is much less hazardous than a concentration of 500 ppm.

2. It is not practically possible to reduce PCB levels in a PCB-Transformer to below 50 ppm for reclassification as a non-PCB Transformer.

3. The creation of a new category will promote the retrofilling of PCB-Transformers.

4. A limited survey suggests that some transformers do not reach 50° C during in-service use.

II. Decision

In the Electrical Use Rule, the Agency issued its determination that the use and servicing of transformers in the manner described in the Rule does not pose an unreasonable risk to public health or the environment. In making this determination, EPA considered the effects of PCBs on human health and the environment, the magnitude of exposure resulting from the use and servicing of electrical equipment, the benefits of PCBs and the availability of substitutes, and the economic and environmental impacts of different regulatory options.

The three classifications for transformers that contain PCBs and the regulatory requirements for these transformers that appear in the Electrical Use Rule were created only after careful consideration of the costs and benefits of many different regulatory options. EPA has reviewed the contents of the MET petition and has concluded that the MET proposal offers no additional benefits to public health or the environment, provides no discernible relief to regulated industries, and raises no new substantive issues that were not already dealt with during the Electrical Use Rulemaking.

EPA has concluded that PCB-Transformers can be reclassified to non-PCB Transformers through retrofilling operations. Information provided during the Electrical Use Rulemaking indicates that the PCB concentration in a mineral oil PCB-Transformer (ranging between 500 ppm and 1,000 ppm) can be reduced to below 50 ppm and allow the PCB-Transformer to be reclassified to a non-PCB Transformer. In addition, although askarel PCB-Transformers (with an average PCB concentration level of 60 percent in the dielectric fluid) are more difficult to reclassify to non-PCB-Transformers, EPA is aware of at least two companies that have indicated that they have successfully reduced the PCB concentration to below 50 ppm. Although MET has indicated that retrofilling of askarel transformers with the intent of achieving 50 ppm on a permanent basis is not feasible because of PCBs leaching from the core and coil assembly, EPA has concluded that the petition lacks data to support this determination.

EPA has concluded that there is no need for a new regulatory category for reclassified PCB-Transformers that contain less than 250 ppm PCBs. EPA has already recognized the reduced risks posed by transformers containing less than 500 ppm PCBs by eliminating or reducing use and disposal requirements for these transformers. The MET proposal to create a new subcategory neither provides relief to affected industries nor offers discernible benefits to public health or the environment. Similarly, the proposal to create a new name for transformers that contain below 250 ppm provides no discernible benefits.

MET is also seeking a change in the definition of in-service use to eliminate the requirement that the temperature of the dielectric fluid reach 50° C for purposes of reclassification. MET has provided information that indicates that the dielectric fluid in some transformers does not reach 50° C during in-service use. EPA has concluded that the existing regulation provides an adequate alternative to in-service use for purposes of reclassification. Companies may simulate in-service use provided the methodology for the simulation has been approved by the Assistant Administrator for Pesticides and Toxic Substances (40 CFR 761.30(a)(2)(v)). The Assistant Administrator has approved four requests under this provision of the Electrical Use Rule. EPA has concluded that this mechanism could provide the relief requested in the MET petition.

Accordingly, MET's petition for an amendment to the PCB regulations is denied.

III. Official Record for the Petition

The following documents constitute the record for this action:

1. MET Petition to the Environmental Protection Agency, dated January 10, 1983.

2. Official Rulemaking Record from "Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce and Use Prohibitions; Use in Electrical Equipment" published in the Federal Register of August 25, 1982, (47 FR 37342).

3. Record of Telephone Conversation between EPA and Jim Caldwell of Positive Technologies, dated March 1, 1983.

4. Record of Meeting between EPA and Ted Topolski of Environmental International, Inc., dated January 25, 1983.

Dated: April 13, 1983.

Lee L. Verstandig,

Acting Administrator.

[FR Doc. 83-10038 Filed 4-19-83; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 2200

[Circular No. 2525]

Amendments To Modify Appraisal Procedure and Provide Segregation of Public Lands Subject to Exchange

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rulemaking.

SUMMARY: This final rulemaking amends the existing regulations on exchanges to clarify and simplify the exchange process. The final rulemaking makes a significant change in the appraisal standards used in determining equal value of the lands and interests in lands subject to an exchange.

EFFECTIVE DATE: May 20, 1983.

ADDRESS: Suggestions or inquiries should be sent to: Director (320), Bureau of Land Management, 1800 C Street, NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: David Hemstreet, (202) 343-8663, or Robert C. Bruce, (202) 343-8735.

SUPPLEMENTARY INFORMATION: Proposed rulemaking amending the existing regulations on exchanges was published in the Federal Register on September 23, 1982 (47 FR 42086). Comments were invited for 60 days, ending on November 22, 1982. Comments were received from 25 sources, 13 from business interests, 8 from Federal agencies, 2 from State governments and 2 from conservation organizations.

General Comments

Most of the comments were favorable to the amendments made by the proposed rulemaking to the existing regulations on land exchanges. Only one comment expressed the view that the

existing regulations were satisfactory and should not be changed. A number of the comments were of the opinion that the amendments made by the proposed rulemaking did not go far enough and made suggestions for other amendments. The comments have been carefully analyzed and suggested changes have been incorporated into the final rulemaking wherever possible.

Specific Comments

Section 2200.0–5 Definitions.

One comment recommended that the phrase "as determined by the authorized officer pursuant to § 2201.3 of this part" be inserted in this definition immediately after the amendment made by the proposed rulemaking. This recommendation has not been adopted in the final rulemaking because it is not an appropriate part of the definition of the term "equal value exchange." Further, § 2201.5 gives the authorized officer the authority to determine if an exchange is acceptable, including a determination of whether the lands are of equal value, while § 2201.3 gives the Secretary of the Interior the authority for making the final determination of the value of lands and interests in lands proposed for exchange.

A comment pointed out that the phrase "fair market value," while being removed from most sections of the existing regulations by the proposed rulemaking, was left in paragraph (i) of the definitions section and to make that paragraph consistent with other sections of the regulation, should be removed by the final rulemaking. The final rulemaking amends paragraph (i) removing the phrase "fair market" and replacing it with the word "equal".

Section 2200.3 Lands acquired by exchange.

Most the comments on the amendment of this section made by the proposed rulemaking were favorable to the change. However, two of the comments were of the view that land exchanges should not be exempt from the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. The final rulemaking adopts the amendment of the proposed rulemaking that removes the requirement that exchanges be covered by the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act. The reason an exchange should not be subject to that Act is that an exchange is a voluntary action agreed to by the person whose lands are acquired by the United States. No condemnation or eminent domain proceedings are involved. In addition, the other participant in the exchange receives lands from the United States that have been found acceptable or the exchange would not have been completed. An exchange does not fit the type of transaction envisioned by the provisions of the Uniform Relocation Assistance and Real Property Acquisitions Policies Act.

Section 2200.1 Lands subject to disposal by exchange.

One of the comments on the amendment to this section made by the proposed rulemaking requested that the final rulemaking contain language making it clear that an amendment requiring the preparation of an environmental impact statement under § 1601.6–3(b)(2) not be included in the new notice requirements, but require the issuance of a notice of realty action. The language of the amendment specifically limits the coverage of the land use planning notice provision to lands covered by § 1601.6–3(b)(1). In those instances where an environmental impact statement is required in connection with an amendment to the land use plan in order to complete an exchange, a notice of realty action will be issued after the amendment has been completed and the exchange found to be a use covered by the plan.

Another comment on the amendment to this section recommended that the final rulemaking expand the amendment to include lands covered by §1601.6–3(b)(2). This recommendation was not adopted by the final rulemaking for the reasons set out earlier in this paragraph and because the more complicated requirements of an amendment that require the preparation of an environmental impact statement do not lend themselves to a combined notice.

One comment on this proposed amendment to § 2200.1 suggested that the amendment was more properly a part of § 2201.1(a) than of § 2200.1. The suggestion has been adopted by the final rulemaking and the language of the amendment moved to § 2201.1 because it is more appropriately a part of that section.

Several comments accurately pointed out that the public comment period for notices issued under §1601.6–3(b)(1) is 30 days while the public comment period for notices of realty action is 45 days. A few of the comments went on to point out that the publication and distribution requirements of the two notices are different and that the final rulemaking should provide that the notice issued under §1601.6–3(b)(1) meet the requirements of a notice of realty action for publication and distribution. The final rulemaking amends the language of the proposed rulemaking to clarify both of these points.

Among the comments on this section were several that recommended that land exchange proposal be divorced from the land use planning criteria in 43 CFR Part 1600 and processed exclusively under the public interest criteria of section 206 of the Federal Land Policy and Management Act. The comments made the point that section 206 contains its own mini-planning requirements and there is no legal compulsion to process an exchange under both the planning and public exchange provisions of the Act. The comments were of the view that the removal of what they regarded as a duplicative review process would streamline the exchange process, making it less burdensome and cumbersome. While the suggestions made in the comments have not been adopted by the final rulemaking, the change made by the final rulemaking to this section does streamline the exchange process and uses a single notice system to provide for the required reviews.

A final comment on this section suggested that the final rulemaking amend the regulations to provide for segregation of the public lands covered by an exchange proposal upon posting of the land records that a proposal has been received or initiated. This suggestion has not been adopted by the final rulemaking because of the potential for removal of large acreages of the public lands from apropriation under the public land laws, including the mining laws, for exchange proposals that have little or no chance of being completed. As now required in the regulations, segregation is appropriate at the time the notice of realty action is published, a point in the exchange process when the exchange is likely to be completed.

Section 2201.2 Proposals.

Six comments objected to the proposed rulemaking's removal from section 2201.2 of the requirement that a notice of realty action be published within 10 days of receipt or initiation of an exchange proposal. The reasons for the objection ranged from "the public notice is required by the Federal Land Policy and Management Act" to "the publication requirement clearly facilitates public participation and should not be eliminated, " among others. Section 2201.1 of the existing regulations sets the public participation requirements for a notice of realty action, which alerts the public to the

fact that an exchange is being pursued. The requirement in the existing regulations for publication of a notice 10 days after the filing of an exchange proposal is not needed in most instances because the proposal will never become an active exchange case. Many proposals prove unworkable upon close examination and are dropped. The final rulemaking does provide language that will permit the authorized officer to publish a notice if he/she determines that such publication is appropriate. This would permit the authorized officer to publish a notice when the exchange proposal is promising and early public participation is desired, and yet not require publication when the proposal appears to be one that has little or no chance of being completed.

Most comments on the addition of a new paragraph (e) made by the proposed rulemaking were favorable. One of the comments was of the opinion that the new language was not needed because "the possibility that the Department (of the Interior) would have two simultaneous proponents to exchange the same public land seems remote." The final rulemaking adopts the language of the proposed rulemaking because the regulations should provide a process for handling the unlikely event of two proponents filing an exchange proposal for the same public lands.

Another comment on this amendment, while supporting it, recommended that the word "rejection" be substituted for the word "non–acceptance" because of the feeling that the use of the word "non–acceptance" is a derogation of the importance of non–federally initiated exchange proposals. No derogation of the importance of non–federally initiated exchanges was intended in the language of the proposed rulemaking, which has been adopted by the final rulemaking.

Section 2201.3 Valuations.

Thirteen of the comments received on this section of the proposed rulemaking supported the amendment and urged that methods of valuation other than fair market value determinations be extended to all minerals and not limited to oil shale as was done in the proposed rulemaking. An additional two comments on this section recommended that the Department of the Interior go forward with the implementation of the new valuation process for oil shale now but give careful consideration to making it applicable to all minerals in the near future. Only two of the many comments on this section opposed the proposed amendment to this section, stating that it was their view that fair market value appraisals are required by § 102(a)(9) of the Federal Land Policy and Management Act and neither that Act nor any other law exempts the Department from using fair market value determinations in the case of land exchanges.

Several comments requested that the final rulemaking clarify that alternate valuation methods can only be used for mineral appraisals and then only when the specific conditions of § 2201.3(b) of the proposed rulemaking apply. Other comments pointed out that there are methods other than the one published in the **Federal Register** on October 12, 1982 (47 FR 44888), that could be used to determine equal value of minerals and mineralized lands. The comments asked if the published method is the only alternative to fair market value appraisal under the uniform appraisal standards. The comments outlined a number of alternative methods and recommended that they be included in the final rulemaking. A final comment on this section correctly indicated that although equal value transactions are required by the Federal Land Policy and Management Act, they are not expressly required in the regulations and recommends that the final rulemaking add it to this section.

Section 206(b) of the Federal Land Policy and Management Act provides * * * "(T)he values of the lands exchanged by the Secretary * * * shall be equal." In contrast, the authority for sales of public lands in section 203 of that Act requires public lands to be sold * * * "at a price not less than fair market value * * *" it is clear that Congress established different standards for exchange and sales of public lands, requiring fair market value for lands sold, but only that the values of lands exchanged be equal. Therefore, so long as the Secretary of the Interior, acting through the Bureau of Land Management, determines that lands being exchanged are of equal value, any valid criteria or methodology can be employed in reaching that determination. The determination of the fair market value of each tract is only one acceptable method. The choice of methods to be used depends in large part on the factual situation. The final rulemaking specifies one specific alternative valuation method that may be used only for lands containing oil shale and any associated minerals. After a period of reviewing the effectiveness of this methodology and its application to oil shale lands, other methods and minerals may be added to the regulations. Each time this methodology for determining equal value is utilized, its use must be confirmed by the Director, Bureau of Land Management. In addition, its use must be fully explained in the notice of realty action and be open to public comment. The final rulemaking revises the language of the proposed rulemaking to clarify the intent of the regulations, to respond to some of the concerns raised in the comments and to include language requiring that an exchange be approved only if it is an equal value exchange.

While not directly related to this section, a comment recommended that the equal valuation methodology be incorporated in the coal lease exchange regulations at § 3435.3–4. This suggestion cannot be adopted as part of this final rulemaking because this final rulemaking cannot amend anything other than Part 2200.

Section 2201.6 Exchange agreement.

Even though this section was not included in the proposed rulemaking, a comment suggested that it be amended to provide for implementation of an exchange agreement prior to completion of field work and issuance of the notice of realty action. The reason given for the suggestion was to provide for early identification of areas of responsibility and conditions of the exchange and to assure the exchange will be pursued in a diligent manner. The suggestion has not been adopted in the final rulemaking for the reason that the exchange agreement, when used, is intended to be a binding document on all parties to the transaction. It is not until after public comments are received and analyzed, formal appraisals are completed on both properties and agreement is reached that values are equal, that enough is known about the exchange for the parties to bind one another in an agreement. However, nothing prevents the parties from entering early in the process into a non-binding written intent to complete an exchange, setting forth the steps to be taken, who is responsible for each step and setting target dates for completing each step. In fact, this approach is encouraged.

Section 2201.7 Acceptance of conveyance and removal of improvements.

A comment suggested the elimination of § 2201.7(a) of the existing regulations which requires the publication of a notice and issuance of conveyance documents in the **Federal Register** upon completion of an exchange. This suggestion has not been adopted by the final rulemaking because that publication provides final constructive notice to the public of completion of the exchange.

The principal author of this final rulemaking is David C. Hemstreet, Division of Lands, Bureau of Land Management, assisted by the staff of the Office of Legislation and Regulatory Management, Bureau of Land Management.

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 and that it will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

The changes made by this final rulemaking are designed to simplify the exchange process and to speed the processing of exchange proposals. The changes will impact all entities equally and will benefit all of them because the exchange process is open to anyone, regardless of whether a large or small business or other entity wishing to exchange their lands or interests in lands for lands or interests in lands owned by the United States.

List of Subjects in 43 CFR Part 2200

Administrative practices and procedures, National forests, Public lands—classification.

Under the authority of sections 205, 206 and 302 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1715, 1716, 1732), Part 2200, Group 2200, Subchapter B, Chapter II of Title 43 of the Code of Federal Regulations is amended as set forth below.

Dated: February 28, 1983.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

§ 2200.5 [Amended]

1. Section 2200.0–5 is amended by: removing the phrase "where fair market value appraisals" and replacing it with the phrase "where valuations."

(a) Amending paragraph (h) by removing the phrase "where fair market value appraisals" and replacing it with the phrase "where valuations"; and

(b) Amending paragraph (i) by removing the phrase "fair market" and replacing it with the word "equal".

§ 2200.3 [Amended]

2. Section 2200.3(e) is removed in its entirety.

3. Section 2201.1 is amended by:

§ 2201.1 [Amended]

(a) Amending paragraph (a) by adding at the end thereof the sentence "The notice published under § 1601.6–3(b)(1) of this title may, if so designated in the notice, serve as the notice of realty action required by this section and may segregate the public lands covered by the exchange proposal to the same extent that they would have been under a notice of realty action issued under this section if so stated in the notice. Any such notice given under § 1601.6–3(b)(1) shall be published and distributed under the requirements of this section and provide a 45-day comment period."; and

(b) Amending paragraph (e) by removing the phrase "or past" from the last sentence thereof.

§ 2201.2 [Amended]

4. Section 2201.2 is amended by:

a. Amending paragraph (a) by removing from the last sentence thereof the word "shall" and replacing it with the word "may"; and

b. Adding a new paragraph (e) to read:

* * * * *

(e) Where 2 or more exchange proposals are submitted covering the same public lands, in whole or in part, the authorized officer shall review the proposals and advise the exchange proponents as to the acceptance or nonacceptance of their proposals in the same manner as specified in paragraphs (b) through (d) of this section.

5. Section 2201.3 is revised to read:

§ 2201.3 Valuations.

(a) No exchange shall be deemed suitable if it is not an equal value exchange; however, such exchange may include a money equalization pursuant to § 2201.5(c) of this title.

(b) Appraisals to determine whether the lands and interests in lands to be exchanged are of equal value shall be in accordance with the principles in the Interagency Department of Justice publication entitle "Uniform Appraisal Standards for Federal Land Acquisitions.

(c) The authorized officer shall use the "Methodology for an Alternative Method of Determining the Value of Lands for Exchange Containing Oil Shale and Associated Minerals," a guidance document for determining equal value in lieu of an appraisal to determine equal value only for lands containing oil shale and any associated minerals when he/she determines an appraisal to be inappropriate. The Director, Bureau of Land Management, shall review the use of this alternative methodology to determine if it has been properly applied in lieu of an appraisal. When the authorized officer uses the procedures contained in the methodology described herein to determine equal value, the notice of realty action issued in connection with the exchange shall state that the methodology procedures are being used pursuant to a determination by the Director.

[FR Doc. 83-10472 Filed 4-19-83; 8:45 am]
BILLING CODE 4310-84-M

43 CFR Public Land Order 6368

[W-74730]

Wyoming; Withdrawal for Recreation Site

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order withdraws 528.23 acres of public land from surface entry and mining to protect the recreational, scientific, and educational values of Horsethief and Natural Trap Caves. This withdrawal shall remain in effect for a period of 20 years.

EFFECTIVE DATE: April 20, 1983.

FOR FURTHER INFORMATION CONTACT: W. Scott Gilmer, Wyoming State Office, 307–772–2540.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Subject to valid existing rights, the following described public lands are hereby withdrawn from settlement, sale, location and entry under the general land laws, including the mining laws (30 U.S.C. Ch. 2), and reserved for the protection of their recreational, scientific, and educational values.

Sixth Principal Meridian

T. 58 N., R. 94 W.,
Sec. 20, lots 1 to 8 inclusive, and S½N½;
Sec. 21, lots 4, 5, and SW¼NW¼;
Sec. 28, S½SE¼.

The area described contains 528.23 acres in Bighorn County, Wyoming.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

3. This withdrawal shall remain in effect for a period of 20 years from the effective date of this order.

Inquiries concerning the lands should be addressed to the Chief, Branch of Land Resources, Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyoming 82001.

Dated: April 11, 1983.
Garrey E. Carruthers,
Assistant Secretary of the Interior.
[FR Doc. 83-10428 Filed 4-19-83; 8:45 am]
BILLING CODE 4310-84-M

43 CFR Public Land Order 6373

[ORE-016753]

Oregon; Withdrawal of Public Lands for the Elk Creek Reservoir Project

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order withdraws 840.59 acres of public land from surface entry and mining for a period of 100 years in aid of programs of the Corps of Engineers for construction of the Elk Creek Reservoir Project. The land has been and will remain open to mineral leasing.

EFFECTIVE DATE: April 20, 1983.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is hereby ordered as follows:

1. Subject to valid existing rights, the following described public lands which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from settlement, sale, location, or entry, under the general land laws, including the mining laws (30 U.S.C. Ch. 2), in aid of the programs of the Corps of Engineers, U.S. Department of the Army, for construction of the Elk Creek Reservoir Project, and for the protection of valuable public resources values, including recreation:

Willamette Meridian

T. 33 S., R. 1 E.,
Sec. 30, E½E½ and NW¼NE¼.

Revested Oregon and California Railroad Grant Lands

T. 32 S., R. 1 E.,
Sec. 33, NE¼NE¼NW¼, S½NE¼NW¼, and SE¼NW¼.
T. 33 S., R. 1 E.,
Sec. 5, NE¼SW¼SE¼ and S½SW¼SE¼;
Sec. 9, W½NE¼NW¼;
Sec. 17, lots 5 and 6;
Sec. 19, E½W½NE¼, NE¼SE¼, E½NW¼SE¼, S½SW¼NW¼SE¼, and SW¼SE¼;
Sec. 21, S½NW¼SW¼NW¼ and SW¼SW¼NW¼
Sec. 29, NW¼, N½SW¼, and SW¼SW¼.

The areas described aggregate 840.59 acres in Jackson County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws, under the administration of the Bureau of Land Management. The terms and conditions for use and management of the described lands and their related resources will be governed by the February 2, 1973, Memorandum of Agreement between the Secretaries of the Army and the Interior relative to management of land and water resources at existing or proposed projects of the Corps of Engineers located within or partially within areas of lands under the jurisdiction of the Bureau of Land Management and any amendments thereto as well as by any supplemental agreements for the Elk Creek Reservoir Project which may be entered into by the Bureau of Land Management and the Corps of Engineers.

3. The withdrawal shall remain in effect for a period of 100 years from the effective date of this order.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: April 11, 1983.
Garrey E. Carruthers,
Assistant Secretary of the Interior.
[FR Doc. 83-10492 Filed 4-19-83; 8:45 am]
BILLING CODE 4310-84-M

FEDERAL MARITIME COMMISSION

46 CFR Parts 510, 512, 514, 523, 524, 527, 531, 533, 536, 540, 542, 543, 544, 547, and 551

OMB Clearance Information

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: Regulations containing OMB clearance information are amended to reflect OMB clearance for the reporting requirements contained therein and to delete reference to the expiration dates. The amendment is necessary to comply with the Paperwork Reduction Act of 1980.

EFFECTIVE DATE: April 20, 1983.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, D.C. 20573, telephone: (202) 523-5725.

SUPPLEMENTARY INFORMATION: 44 U.S.C. 3504 requires the Office of Management and Budget (OMB) to review information collection requests from 10 or more persons undertaken by Federal agencies.

This Commission has received an extension of clearance from OMB for 46 CFR Parts 512, 514 and 544. 44 U.S.C. 3504(c)(3)(A) also requires that notice of OMB's clearance appear in the information collection requests.

The clearance information is presently included in the aforementioned CFR parts; however, they must be amended to reflect OMB's latest clearance advice that expiration dates need not be shown in the Commission's regulations. To minimize future **Federal Register** publishing costs, as well as staff and administrative costs, other regulations in the CFR are also amended to delete reference to OMB expiration dates.

List of Subjects in 46 CFR Parts 510, 512, 514, 523, 524, 527, 531, 533, 536, 540, 542, 543, 544, 547 and 551

Maritime carriers, Passenger vessels, Rates and fares, Freight forwarders, Environmental protection.

Accordingly, applicable portions of 46 CFR Chapter IV are amended as follows:

PART 510—LICENSING OF INDEPENDENT OCEAN FREIGHT FORWARDERS

1. The Authority citation for Part 510 reads as follows:

Authority: Secs. 16, 18, 21, 43, and 44, Shipping Act, 1916; 46 U.S.C. 815, 817, 820, 841a and 841b, unless otherwise noted.

2. Revise the OMB clearance language following the SOURCE information to read as follows: "OMB Control No. 3072-0018."

PART 512—FINANCIAL REPORTS OF COMMON CARRIERS BY WATER IN THE DOMESTIC OFFSHORE TRADES

1. The Authority citation for Part 512 reads as follows:

Authority: Secs. 18, 21 and 43 of the Shipping Act, 1916 (46 U.S.C. 817, 820 and 841(a) and secs. 1, 2, 3(a), 3(b), 4 and 7 of the Intercoastal Shipping Act, 1933 (46 U.S.C. 843, 844, 845, 845(a) and 847).

2. Revise the OMB clearance language following the SOURCE information to read as follows: "OMB Control No. 3072-0008."

PART 514—FINANCIAL EXHIBITS AND SCHEDULES NON-VESSEL OPERATING COMMON CARRIERS IN THE DOMESTIC OFFSHORE TRADES

1. The Authority citation for Part 514 reads as follows:

1. Authority: Secs. 18, 21 and 43 of the Shipping Act, 1916 (46 U.S.C. 817, 820 and 841(a)) and secs. 1, 2, 3(a), and 3(b), 4 and 7 of the Intercoastal Shipping Act 1933 (46 U.S.C. 843, 844, 845, 845(a) and 847).

2. Revise the OMB clearance language following the SOURCE information to read as follows: "OMB Control No. 3072–0031."

PART 523—ADMISSION, WITHDRAWAL AND EXPULSION PROVISIONS OF STEAMSHIP CONFERENCE AGREEMENTS

1. The Authority citation for Part 523 reads as follows:

Authority: Secs. 15 and 43, Shipping Act, 1916; 46 U.S.C. 814 and 817.

2. Revise the OMB clearance language following the SOURCE information to read as follows: "OMB Control No. 3072–0038."

PART 524—EXEMPTION OF CERTAIN AGREEMENTS FROM THE REQUIREMENTS OF SECTION 15, SHIPPING ACT, 1916

1. The Authority citation for Part 524 reads as follows:

Authority: Secs. 15, 35 and 43, Shipping Act, 1916; 46 U.S.C. 814, 833a and 841a, unless otherwise noted.

2. Revise the OMB clearance language following the SOURCE information to read as follows: "OMB Control No. 3072–0039."

PART 527—SHIPPERS' REQUESTS AND COMPLAINTS

1. The Authority citation for Part 527 reads as follows:

Authority: Secs. 15, 21, and 43; 46 U.S.C. 814, 820, and 841a.

2. Revise the OMB clearance language following the AUTHORITY citation to read as follows: "OMB Control No. 3072–0007."

PART 531—PUBLISHING, FILING AND POSTING OF TARIFFS IN DOMESTIC OFFSHORE COMMERCE

1. The authority citation for Part 531 reads as follows:

Authority: Secs. 15, 16, 18(a), 21 and 43 of the Shipping Act, 1916 (46 U.S.C. 814–815, 817(a), 820, and 841(a); secs 2, 3, and 4 of the Intercoastal Shipping Act, 1933 (46 U.S.C. 844–845a).

2. Revise the OMB clearance language following the SOURCE information to read as follows: "OMB Control No. 3072–0005."

PART 533—FILING OF TARIFFS BY TERMINAL OPERATORS

1. The authority citation for Part 533 reads as follows:

Authority: Secs. 17, 21, 43; 46 U.S.C. 816, 820 and 841a.

2. Revise the OMB clearance language following the SOURCE information to read as follows: "OMB Control No. 3072–0002."

PART 536—PUBLISHING AND FILING TARIFFS BY COMMON CARRIERS IN THE FOREIGN COMMERCE OF THE UNITED STATES

1. The authority citation for Part 536 reads as follows:

Authority: Secs. 14b, 15, 16, 17, 18(b), 18(c), 21 and 43 of the Shipping Act, 1916 (46 U.S.C. 813a, 814, 815, 816, 817(b), 817(c), 820, and 841a), unless otherwise noted.

2. Revise the OMB clearance language following the SOURCE information to read as follows: "OMB Control Nos. 3072–0009, 3072–0042, and 3072–0036."

PART 540—SECURITY FOR THE PROTECTION OF THE PUBLIC

1. The authority citation for Part 540, subpart A reads as follows:

Authority: Sec. 3, Pub. L. 89–777, 80 Stat. 1357; (46 U.S.C. 817e).

1. The authority citation for Part 540, Subpart B reads as follows:

Authority: Sec. 2, Pub. L. 89–777, 80 Stat. 1356; (46 U.S.C. 817d).

2. Revise the OMB clearance language following the SOURCE information in both subparts to read as follows: "OMB Control No. 3072–0011."

PART 542—FINANCIAL RESPONSIBILITY FOR WATER POLLUTION

1. The authority citation for Part 542 reads as follows:

Authority: Sec. 311(p) of the Federal Water Pollution Control Act (33 U.S.C. 1321(p), 86 Stat. 862), as amended by the Clean Water Act of 1977 (Pub. L. 95–217, 91 Stat. 1566), and section 3 of Executive Order 11735 (38 FR 21243, 1973).

2. Revise the OMB clearance language following the SOURCE information to read as follows: "OMB Control No. 3072–0019."

PART 543—FINANCIAL RESPONSIBILITY FOR OIL POLLUTION—ALASKA PIPELINE

1. The authority citation for Part 543 reads as follows:

Authority: Sec. 204, Trans-Alaska Pipeline Authorization Act; sec. 311, Federal Water Pollution Control Act (86 Stat. 870); sec. 3, Executive Order 11735.

2. Revise the OMB clearance language following the SOURCE information to read as follows: "OMB Control No. 3072–0016."

PART 544—FINANCIAL RESPONSIBILITY FOR OIL POLLUTION—OUTER CONTINENTAL SHELF

1. The authority citation for Part 544 reads as follows:

Authority: Sec. 305(a)(1) of the Outer Continental Shelf Lands Act Amendments of 1978 and secs. 1–201 and 1–203 of Executive Order 12123 of Feb. 26, 1979.

2. Revise the OMB clearance language following the SOURCE information to read as follows: "OMB Control No. 3072–0025."

PART 547—PROCEDURES FOR ENVIRONMENTAL POLICY ANALYSIS

1. The authority citation for Part 547 reads as follows:

Authority: Sec. 43 of the Shipping Act, 1916 (46 U.S.C. 841a), sec. 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(b)), unless otherwise noted.

2. Revise the OMB clearance language following the SOURCE information to read as follows: "OMB Control No. 3072–0035."

PART 551—TRUCK DETENTION AT THE PORT OF NEW YORK

1. The authority citation for Part 551 reads as follows:

Authority: Secs. 17 and 43 Shipping Act, 1916; (46 U.S.C. 816 and 841a).

2. Revise the OMB clearance language following the SOURCE information to read as follows: "OMB Control No. 3072–0010."

Effective date. Notice, public procedure and delayed effective date are not necessary for the promulgation of this amendment because of its nonsubstantive nature. Accordingly, this amendment shall be effective upon publication in the **Federal Register.**

By the Commission, April 12, 1983.

Francis C. Hurney,

Secretary.

[FR Doc. 83–10440 Filed 4–19–83; 8:45 am]

BILLING CODE 6730–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

[Docket No. 30408-55]

Foreign Fishing—Northwest Atlantic Ocean Fishery

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule; technical amendment.

SUMMARY: This document amends a regulation for foreign fishing in the Northwest Atlantic fishery that designates the time and location of U.S. Coast Guard broadcasts to conform to current practice. The broadcasts specify the location of U.S. fixed gear. The U.S. Coast Guard has requested this amendment for the convenience of the fishermen enabling them to access an additional channel to receive these broadcasts.

EFFECTIVE DATE: April 20, 1983.

FOR FURTHER INFORMATION CONTACT: Shirley Whitted, 202-634-7432.

SUPPLEMENTARY INFORMATION:

List of Subjects in 50 CFR Part 611

Fish, Fisheries, Foreign relations, Reporting requirements.

§ 611.50 [Amended]

Accordingly, NOAA amends 50 CFR 611.50 by adding after the first sentence in paragraph (d)(2) a new sentence to read as follows: "Broadcast is made on 8502 kHz via simultaneous keying."

(16 U.S.C. 1801 *et seq.*, unless otherwise noted)

Dated: April 15, 1983.

Carmen J. Blondin,

Acting Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

[FR Doc. 83-10511 Filed 4-19-83; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 48, No. 77
Wednesday, April 20, 1983

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 967

Celery Grown in Florida; Proposed Reestablishment and Reapportionment of Committee Membership

AGENCY: Agricultural Marketing Service, Agriculture.

ACTION: Proposed rule.

SUMMARY: This proposed rule would reduce the number of members serving on the Florida Celery Committee from sixteen to twelve, to reflect the declining number of celery producers and handlers in Florida. The reduction in committee size would eliminate three positions in the South Florida District and one position in the Central Florida District.

DATE: Comments due April 26, 1983.

ADDRESSES: Comments should be sent to: Hearing Clerk, Room 1077–S, U.S. Department of Agriculture, Washington, D.C. 20250. Two copies of all written comments shall be submitted, and they will be made available for public inspection at the office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Charles W. Porter, Chief, Vegetable Branch, Fruit and Vegetable Division, Washington, D.C. 20250 (202) 447–2615.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "nonmajor" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. This action relates to industry representation on the marketing order administrative committee and will not significantly affect costs for the handlers regulated under the program.

Marketing Agreement No. 149 and Order No. 967, both as amended (7 CFR Part 967), regulate the handling of celery grown in Florida. The program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The Florida Celery Committee, established under the order, is responsible for its local administration.

The order currently provides for a committee of sixteen members and their alternates. One member represents the public, and the remaining fifteen are industry representatives. Due to a decline in the number of Florida celery growers and handlers, it has been difficult to fill all positions on the committee. For this reason, the order was recently amended to authorize the reestablishment of the number of industry members on the committee.

After careful consideration of all relevant factors, including the total number of growers and handlers currently active in the production area, the committee unanimously recommended that it be reestablished to consist of twelve members by reducing the number of industry representatives from 15 to 11. Such a change would result in more efficient administration of the program.

The committee further recommended that this reduction be accomplished by eliminating three positions in the South Florida District and one position in the Central Florida District. Representation of the other groups would remain unchanged. The committee has determined that such a reapportionment would provide adequate and equitable industry representation in view of the current distribution of celery production and shipments among the five established groups.

List of Subjects in 7 CFR Part 967

Marketing agreements and orders, Celery, Florida.

PART 967—CELERY GROWN IN FLORIDA

Sections 967.135 and 967.136 would be added to read as follows:

§ 967.135 Reestablishment of committee.

Pursuant to § 967.25(b), the Florida Celery Committee is reestablished to consist of 12 members, including eleven producer or handler members and one public member.

§ 967.136 Reapportionment of committee membership.

Pursuant to § 967.27(g), industry membership on the Florida Celery Committee shall be reapportioned among groups as follows:

(a) Group 1—Two members and their alternates.

(b) Group 2—Two members and their alternates.

(c) Group 3—Two members and their alternates.

(d) Group 4—Two members and their alternates.

(e) Group 5—Three members and their alternates.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 14, 1983.

D. S. Kuryloski,

Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 83-10385 Filed 4-19-83; 8:45 am]

BILLING CODE 3410-02-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Parts 543, 544, 552, 563b, and 569

[No. 83–195]

Charters and Bylaws Available to Federal Associations and Savings Banks

Dated: April 6, 1983.

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed rule.

SUMMARY: The Federal Home Loan Bank Board ("Board") is proposing certain revisions to its regulations regarding the charters and bylaws of Federally chartered mutual and stock saving and loan associations and savings banks. The proposed amendments would establish a single charter requirement for Federal mutual institutions, whether they are savings and loan associations or savings banks, and a single charter requirement for both of those types of Federal stock institutions. The provisions of the proposed new Federal charters would be updated and, where necessary, clarified. The Board also

proposes to eliminate prescribed bylaws and instead to adopt regulatory standards by which Federal institutions could fashion their own bylaws. The Board would retain updated versions of the current bylaws as models for Federal institutions. The charters and bylaws of existing institutions would not be affected by the amendments except to the extent an institution chose to amend its charter or bylaws to conform to the revised regulations. The Board also proposes to amend the rules governing proxies for interests in mutual institutions to require that certain proxies run to the board of directors in order to ensure operational continuity. The proposal is intended to simplify and streamline the regulations governing charters and bylaws by updating and clarifying the charters and replacing bylaw requirements with standards governing internal management.

DATE: Comments Must be Received by: June 19, 1983.

ADDRESS: Send comments to Director, Information Services Section, Office of the Secretariat, Federal Home Loan Bank Board, 1700 G Street NW., Washington, D.C. 20552. Comments will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT: In regard to Federally chartered mutual institutions, David A. Permut, Attorney, Division of Corporate and Regulatory Structure, Office of General Counsel (202–377–6962), and in regard to Federally chartered stock institutions, James C. Stewart, Attorney, Division of Securities and Corporate Analysis, Office of General Counsel (202–377–6457), Federal Home Loan Bank Board, at the above address.

SUPPLEMENTARY INFORMATION:

Background

The Board proposes to revise the charters and bylaws prescribed for Federal savings and loan associations and Federal savings banks (collectively referred to as "Federal institutions"). The basic chartering authority of the Board is stated in Section 5(a) of the Home Owners' Loan Act of 1933 (HOLA), as amended by Section 311 of the Garn-St Germain Depository Institutions Act of 1982:

> In order to provide thrift institutions for the deposit or investment of funds and for the extension of credit for homes and other goods and services, the Board is authorized, under such rules and regulations as it may prescribe, to provide for the organization, incorporation, examination, operation, and regulation of associations to be known as Federal savings and loan associations, or Federal savings banks, and to issue charters therefor, giving primary consideration to the best practices of thrift institutions in the United States. The lending and investment authorities are conferred by this section to provide such institutions the flexibility necessary to maintain their role of providing credit for housing.

Pub. L. No. 97–320, section 311, 96 Stat. 1469, 1496 (1982). Within these parameters, it has often been stated, the Board has the authority to regulate Federal institutions from their corporate cradles to their corporate graves. *People* v. *Coast Federal Savings and Loan Ass'n*, 96 F. Supp 311, 316 (S.D. Cal. 1951). The breadth of this authority has been affirmed by the Supreme Court which has recently written that the predecessor language of Section 5(a) expressed no limits on the authority of the Board to regulate the operations of federal associations. *Fidelity Federal Savings and Loan Ass'n* v. *de la Cuesta*, 50 U.S.L.W. 4916, 4921 (U.S. June 28, 1982).

Pursuant to its chartering authority under Section 5(a) of the Home Owners' Loan Act, the Board has traditionally required Federal institutions to adopt the charters and bylaws set forth in the Regulations for the Federal Saving and Loan System ("Federal Regulations"). *See* 12 CFR 544.1(a)–(c); 544.5; 544.5–1 552.2; and 552.5. Whenever the statutory authority of Federal institutions has been expanded or altered, new charters were introduced and Federal institutions were given the option of adopting the new charters or retaining their old charters. This procedure has resulted in a variety of available charters, some of which have outmoded provisions. In addition, the practice of prescribing bylaws has unnecessarily involved the Board in routine matters of corporate governance, since under the current regulations every deviation from the prescribed bylaws is required to be approved by the Board. Accordingly, the Board has undertaken to simplify and streamline the regulations governing charters and bylaws. Specifically, the Board proposes to update and clarify the charters and to replace the current system of prescribed bylaws with a body of regulatory standards governing internal management.

A. Charters

1. Federal Mutual Savings and Loan Associations and Mutual Savings Banks

The charters for both Federal mutual savings and loan associations (Charters L and N (Rev.)) and Federal mutual savings banks (Charter B (Rev)) are currently contained in § 544.1 of the Federal Regulations. The Charter N (Rev.) is set out at § 544.1(a), the Charter L appears at § 544.1(b), and the Charter B (Rev.) at § 544.1(c). Preapproved amendments to the savings and loan association charters appear at § 544.2, while preapproved amendments to the savings bank charters appear at § 544.2–1 and 544.2–2.

The Board proposes to amend § 544.1 to create one Federal mutual charter. Any existing institution may retain its present charter and adopt any or all of the proposed changes in accordance with its current charter provisions. As proposed, the new charter would contain many of the previously preapproved amendments to Federal charters and would remove outmoded sections. The preapproved amendments remaining at § 544.2 would contain sections providing increased operating options to Federal mutual-type institutions.

The proposed Federal mutual charter contains a simple statement of purpose and powers. Some legal writers, however, recommend that corporate charters include a detailed statement of powers because the directors of a corporation are more likely to refer to their charter than to regulations in determining their authority. K. Pantzer & R. Deer, *The Drafting of Corporate Charters and Bylaws* 34–40 (ALI–ABA 1968). To accommodate both schools of thought, the Board proposes to give mutual institutions the option of adopting a more detailed powers section by enacting the additional preapproved language found at § 544.2(a). Federal mutual savings banks would include an additional sentence describing their expanded powers, whether or not they choose the optional detailed powers section.

The proposal would allow for a board of directors or trustees of five to fifteen members unless otherwise approved by the Board, but would require that an odd number be set. Federal mutual savings banks could denominate their board of directors or trustees, in recognition of the many Federal mutual savings and loan associations which have expressed an intention to convert into Federal mutual savings banks. Pursuant to § 543.11, converting state-chartered savings banks choosing the Federal savings bank charter could add a provision to phase in over a six-year period the election of their boards to conform to the charter requirements.

The proposal would make savers and holders of demand accounts the only voting members. Borrowers and credit card holders would no longer have voting rights. However, an existing institution with borrowers or credit card holders as members could grandfather such members if it chose to adopt the

new charter. The Board specifically requests comment on whether the maximum number of votes a member may exercise should be increased to 1,000 from the current maximum of 400.

The proposed charter would remove language regarding record dates and make such provision part of the bylaws. The withdrawals provision would be removed entirely; the Board has found that the shorter withdrawals provision currently found in the Charter N (Rev.) is unnecessarily redundant in view of the coverage of the statement of purposes and that the longer withdrawals provision currently found in the Charter L, with its system of rotation, is outmoded and unnecessary. The redemption provision would also be deleted because it is covered by the regulations where necessary, although the Board would allow an institution choosing the longer powers provision to mention the possibility of redemption.

In addition to modernizing language, the proposed charter would significantly change the amendment process. Currently, the separate amendment provisions require associations or savings banks to submit proposed amendments, including preapproved amendments, to the Board prior to submission to its members. If approved by the Board and adopted by the members, a proposed amendment must still be resubmitted to the Board for final approval. The Board believes this amendment procedure is cumbersome and unnecessary. Accordingly, the Board proposes to require, instead of a final approval, merely a filing with the Board in accordance with newly established filing procedures set out at § 544.2. Such filing would include evidence that the preapproved amendment has been approved by the members at a legal meeting. Any other amendment would still need to be preliminarily submitted to and approved by the Board, prior to member approval.

Under the proposal, any or all sections of the new charters or the preapproved charter amendments could be adopted by any existing institution by a vote of the members and a filing with the Board as described above. Any charter amendment not specified in §§ 544.1 or 544.2 would require prior approval by the Board before it could be adopted by an institution. Several sections of Part 543 would be amended to reflect that the Board would no longer issue the actual charter or bylaw documents.

2. Federal Stock Savings and Loan Associations and Stock Savings Banks

The charters for both Federal stock savings and loan associations (Charter S) and Federal stock savings banks (Charter T) are currently contained in § 552.3 of the Federal Regulations. Preapproved optional charter provisions are set forth in § 552.4.

The proposal retains the basic format of Charters S and T. The more general term "institution" would be substituted for the terms "association" and "bank". The first four sections of the proposed stock charter (dealing with title, home office, duration, and powers) would employ the simplified language of the new mutual charter. The current short Purpose and Powers Section (renumbered as Section 4) would be retained. Federal stock savings banks would include an additional sentence describing their expanded powers.

It is required under current Section 5 that a stock institution secure shareholder approval before issuing shares of authorized capital stock exceeding 15 percent of the capital stock then outstanding. This provision is not found in the corporation statutes of most states, and it may subject Federal stock institutions to a competitive financing disadvantage compared to state-chartered institutions. Therefore, the Board proposes to delete this provision as a required provision. Federal Regulation § 552.13(i)(3), which requires a stockholder vote in the event voting shares issued by a resulting institution in connection with a merger exceed 15 percent of the outstanding shares will continue to apply to Federal stock institutions. In addition, the Board proposes to include the 15 percent provision as a preapproved amendment in § 552.5 so that the provision could still be adopted by institutions that consider its benefits to shareholders to outweigh its disadvantages. Moreover, the Board specifically requests comments addressing the general question of what voting rights should be extended to stockholders in connection with all forms of significant transactions. In Section 5, the Board also proposes to clarify the circumstances in which Federal institutions may take property in payment for shares by adding appropriate limiting language.

Section 7, which establishes a liquidation account for the protection of former members of a converted mutual association, would no longer be included in the basic stock charter since that requirement would be made part of the Board's Conversion Regulations. 12 CFR Part 563b. The only change proposed for Section 8 governing directors is that the authorized number of directors must not be even and must not be more than fifteen. The minimum number would remain at seven.

The Board proposes to revise the procedures for charter amendment. Currently, Section 9 requires institutions to submit proposed amendments other than preapproved amendments to the Board prior to submission to the shareholders. If approved by the Board and adopted by the shareholders, the amendment must be resubmitted to the Board for final approval. As discussed in connection with the similar proposed revision of the mutual charter, it has been the Board's experience that the final approval procedure is essentially ministerial since proposed amendments are reviewed as part of the preliminary approval process. Accordingly, the Board proposes to dispense with final approvals. Properly authorized and adopted amendments would become effective upon filing with the Secretary to the Board. A copy of the amendment would also be sent to the Supervisory Agent. Such filing would entail no substantive review. Institutions would be responsible for ensuring that the amendments comport substantively and procedurally with the regulations since inconsistent charter provisions would be invalid.

The Board also is proposing additional changes to the preapproved optional provisions of § 552.4. The optional provisions regarding name changes and net-worth certificates would be retained. The proposal would add an additional preapproval for an amendment to redesignate the home office after the institution had complied with Federal Regulation § 545.15.

The Board also proposes to revise the language used in describing the voting powers of preferred stock. Optional Section 5 currently forbids class voting by preferred shareholders except with respect to an amendment to the charter which would "adversely change the specific terms of the class." The Board proposes to expand the circumstances under which preferred sharesholders may vote to include class voting on defaults in dividend payments or scheduled redemptions and on major corporate transactions such as mergers or consolidations. These revisions reflect the minimum voting critiera for preferred stock listed on the New York Stock Exchange. *See* New York Stock Exchange Company Manual section A15. The exact circumstances for the exercise of voting power would be established by the institution's board of directors in supplemental sections to Section 5.

The other major proposed revisions to optional Section 5 involve a restructuring of the provisions for issuance of preferred stock. Currently,

Federal stock institutions have a choice of issuing preferred stock in separate classes with different preferences or as a single class in series with the same preference but differences in terms. The Board proposes to consolidate these provisions to allow Federal stock institutions to authorize classes of preferred which subsequently may be issued in series. Each new class would require a charter amendment and approval of the Board. Series within a class could be established by the board of directors if this were permitted by shareholders. No approval by the Board of the terms of preferred stock would be required. The current permissible distinctions between series of preferred would remain unchanged under the new charter.

In its recent amendments to the Conversion Regulations, 12 CFR Part 563b, in Resolution No. 83–149, dated March 17, 1983, the Board eliminated the prescribed language for anti-takeover provisions formerly contained in § 552.4. That resolution also amended the Conversion Regulations to allow converted institutions to adopt any charter provision limiting acquisitions of stock not inconsistent with state law. At present, any other stock institution would have to submit such a proposed amendment to the Board for preliminary approval. The Board requests comment on whether § 552.4 should contain guidance for stock institutions with respect to the terms of permissible anti-takeover provisions or whether the present open-ended procedure is preferable.

3. Effect on Existing Charters

The Board does not propose to require Federal institutions to amend their charters to conform with the proposal. Institutions that desire to adopt specific provisions or entirely new charters would be free to do so in accordance with procedures of their current charters.

To clarify the effect of changes in the regulations and charters of existing institutions, the Board proposes to add new provisions at §§ 554.6 and 552.16 stating that the legality of any transaction undertaken by an institution shall be judged by the bylaws and charter then in effect notwithstanding any amendment to either. The Board also proposes to adopt a new § 543.14 to clarify that the corporate existence of an institution which converts or amends its charter continues.

B. Bylaws

The Board currently has prescribed bylaws for Federally chartered institutions and all proposed amendments to those bylaws must be approved by the Board. The Board believes that its resources will be most effectively used if the concept of prescribed bylaws were eliminated in favor of regulatory requirements for internal corporate governance. Federal institutions would be required to adopt bylaws that complied with those requirements.

1. Federal Mutual Institutions

The Charter L and Charter N (Rev.) bylaws are successors to the bylaws in connection with the original Charter K, an early type of Federal association charter adopted by the Board. The Charter K bylaws were a compilation of the best practices of state association bylaws at that time. Charter B (Rev.) bylaws, for Federal mutual savings banks, were drafted and adopted by the Board in 1979. These bylaws are similar to the Charter N (Rev.) and Charter L bylaws. Over the years, the bylaws for Federal mutual savings and loan associations were standardized and became mandatory to ensure fairness in the operation of such institutions. The Board has become aware, however, that 50 years of usage of these bylaws has led to a policy of inflexible uniformity, unless an institution could show that a proposed change in the bylaws should be made for all Federal institutions.

The Board believes that Federal institutions should have flexibility in internal operations, especially in today's deregulated, competitive environment. Of course, certain requirements are necessary to ensure sound corporate governance, fairness to shareholders or accountholders, and conformity with applicable federal statutes, rules, and regulations, and the institution's charter.

Under the proposal, all Federal mutual institutions would be permitted to adopt bylaws in accordance with these changes whether or not a new charter were adopted.

The Board proposes to amend §§ 554.5, 554.5–1, 554.6 and 554.6–1 of its regulations to delete the existing bylaw language and allow an institution to create its own bylaws as long as such bylaws at least cover the areas listed below. This arrangement is in accordance with the Model Business Corporation Act ("MBCA") and the best practice of state-chartered mutual associations as derived from state corporate codes. At a minimum the bylaws would:

1. Require an annual meeting
2. Specify notice procedures for the annual meeting
3. Fix a record date to determine voting rights
4. Establish procedures for voting by proxy pursuant to 12 CFR Part 569
5. Determine the number of directors/trustees
6. Establish procedures to govern meetings of directors/trustees
7. Specify powers of the board of directors/trustees
8. Govern communications between members pursuant to 12 CFR 545.28
9. Establish procedures for amending the bylaws

A more extensive discussion of each of the above areas is provided in new § 545.5. The proposal also provides model language for bylaws to be located as an appendix after section 544.5. Use of the model language would assure an institution's compliance with regulatory requirements. However, such language should in no way preclude an institution from adopting its own bylaws to meet its own internal operating needs as long as such bylaws are in accordance with law and Board regulations. The proposal would require the filing of all bylaws and amendments thereto with the Secretary to the Board.

2. Federal Stock Institutions

In formulating proposed requirements, the Board has focused on those matters essential to sound corporate governance. In so doing, the Board does not wish to diminish the current rights of shareholders or relieve management of its responsibilities. The proposed requirements draw heavily on the MBCA, on which the current bylaws are also based.

a. *Rights of Shareholders.* Proposed § 552.6 is concerned with the rights of shareholders, a matter currently addressed in Article II of the mandatory bylaws. Paragraph (a) of proposed section 552.6 would retain the current requirement that the institution hold an annual shareholders' meeting within 120 days after the end of its fiscal year. Paragraph (a) also would preserve the right of the board of directors and of holders of more than ten percent of the institution's outstanding stock to call a special meeting. All meetings would be required to be held, at such place as the board of directors may determine, in the state in which the institution has its principal place of business. The shareholder notice provisions of Article II, Section 5 would be incorporated in § 552.6(b). This section differs slightly from the MBCA in that it specifies an additional notice to shareholders when a meeting is adjourned for more than thirty days. The proposal, however, would delete the requirement of posting notice at the office of the institution.

Paragraph (c) of § 552.6 would incorporate the Article II, Section 5 record date period of twenty and sixty days. Unlike the MBCA, the Board's rules do not provide for closing the transfer books of the institution prior to the meetings. Paragraph (d) would adopt the Article II, Section 6 requirements regarding the preparation and dissemination of shareholder lists. Proposed paragraph (d) of § 552.6 would also incorporate the optional provision for disseminating shareholder communications now found in § 552.14, which would be deleted. The shareholder quorum requirement of Article II, Section 8 would appear as paragraph (e) of § 552.6. Paragraph (f) would govern shareholder voting and incorporate provisions from Article II, Sections 9, 11, 12. Paragaph (f)(1) would authorize voting by proxy and establish a maximum lifetime of eleven months for proxies not coupled with an interest. Paragraph (f)(2) would state the general prohibition against a corporation voting its own shares. *See* MBCA section 33. Paragraph (f)(3) would set forth the procedure for exercise of the cumulative voting rights conferred by Section 5 of the stock charter. Paragraph (g) would maintain the right of The shareholders to submit nominations and new business for consideration at annual meetings. Although not found in the MBCA, the Board is of the view that this is a significant right that should not be abridged.

b. *Board of Directors.* The most essential provisions of Article III regarding the board of directors would be placed in Section 522.6–1. Paragraph (a) would establish the basic responsibility of the board of directors for the management of the institution. It also would establish the offices of chairman and president both of whom must be appointed annually. Paragraph (b) would limit the number of directors on the board and would require their separation into three classes with three-year terms. The latter provision is generally optional with private corporations but, in the Board's view, fosters management continuity. Paragraph (c) would continue the requirement of a directors' meeting immediately following the annual meeting of shareholders. In order to prevent deadlocks, paragraph (d) would require only a majority of directors for a quorum. Vacancies on the board would be filled in accordance with paragraph (e), which would incorporate the existing provisions of Article III, Section 11. Paragraph (f) would provide a procedure based on MCBA section 39 for removal of directors for cause or by vote of the shareholders. Reflecting the proposed expanded voting power of preferred shareholders, paragraph (f) would set forth special provisions for directors elected by preferred shareholders voting as a class. Consistent with past policy, however, directors could only be removed with cause. Paragraph (g) would define the authority of the board of directors to establish executive and other committees. Paragraph (h) would incorporate the notice provisions of Article III, Section 5, but delete the five-day deadline of the current bylaw. Paragraph (i) would provide the board of directors with the authority to take action without a meeting and follows MBCA section 44. Paragraph (j) would continue the presumption that a director has assented to any action taken at a board meeting unless the director has registered a dissent or abstention.

c. *Officers.* Section 552.6–2 would authorize the board of directors to delegate management authority to officers. Paragraph (b) would require that officers be subject to removal for cause. Paragraph (b) also refers to 12 CFR 545.25–1 to clarify the contractual terms on which officers may be retained. The remaining provisions of Article V regarding officers and Article VI governing delegations of authority for specific acts such as making loans would be left to the discretion of the board of directors.

d. *Shares, Fiscal Year, Annual Audit.* Section 552.6–3 would incorporate the requirements for share certificates and certificate transfers currently found in Article VII of the bylaws. Section 552.6–4 would require the bylaws to state a fiscal year for the institution and would continue the requirement of an annual audit.

The provisions of current Article IX, which reserve to the directors the right to declare dividends, would not be set forth since this power is implicit in Section 5 of the stock charter.

e. *Amendment of Bylaws.* The current bylaws require that all amendments be approved by the Board. As proposed, Board review of bylaw amendments would no longer be required since bylaws that do not comply with the Board's regulations simply would be invalid. However, to preserve flexibility, proposed § 552.5 would provide that the Board could approve a bylaw that did not comply with §§ 552.6 through 552.6–4.

D. Proxies

The Board also proposes to revise the language used in Part 569 concerning the holders of proxies for Federally chartered mutual savings and loan associations and savings banks. The Board has become aware of a number of situations where proxies of Federal mutual institutions have run to persons other than the elected board of directors as a whole. In some cases, such proxies have been used either to negate the management policies of the institution or to hamper day-to-day operations. The Board believes that any member has the right to vote at a meeting, but that if a proxy is given with a term greater than eleven months or is solicited at the expense of the institution, it must run to the board of directors or trustees as a whole. This would ensure that the functions and responsibilities of the board of directors are not preempted and would promote continuity of operations. Accordingly, the Board is proposing to amend § 569.3 to so provide. The Board suggests that management could easily come into compliance with the amendment to § 569.3 by arranging for assignment of proxies to the appropriate board as a whole. The Board specifically seeks comments as to the proposed required timing, August 31, 1983, for the resolicitation of proxies.

Initial Regulatory Flexibility Analysis

Pursuant to Section 3 of the Regulatory Flexibility Act, Pub. L. No. 96–354, 94 Stat. 1164 (1980), the Board is providing the following regulatory flexibility analysis:

1. *Reasons, objectives and legal bases underlying the proposed rule.* These elements are incorporated above in the supplementary information regarding the proposal.

2. *Small entities to which the proposed rules would apply.* The proposed rules would apply equally to all institutions chartered by the Board.

3. *Overlapping or conflicting federal rules.* There are no known federal rules that may duplicate, overlap, or conflict with the proposal.

4. *Alternatives to the proposed rules.* To the extent that any institution determines to adopt a new charter or amend its bylaws, the proposed regulation would benefit its operations. Increased flexibility as well as increased powers for Federal institutions would result from this regulation. The proposed regulation would not have a disproportionate impact on small institutions. The Board is willing to consider and specifically solicits comments regarding alternative proposals.

List of Subjects in 12 CFR Parts 543, 544, 552, 563b, and 569

Savings and loan associations, Savings banks.

Accordingly, the Board hereby proposes to amend Parts 543, 544, and 552 of Subchapter C, and Parts 563b and 569 of Subchapter D, Chapter V of Title 12, Code of Federal Regulations, as set forth below.

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 543—INCORPORATION, ORGANIZATION, AND CONVERSION OF FEDERAL MUTUAL ASSOCIATIONS

§ 543.1 [Amended]

1. Amend § 543.1(b) by removing the phrase "§ 544.2(i) or § 544.2–2" and inserting in lieu thereof the reference "§ 544.2(b)(1)".

2. Amend § 543.2 by adding a sentence after the third sentence of paragraph (b) as follows:

§ 543.2 Application for permission to organize.

* * * * *

(b) *Form; supporting information.* * * * The applicants shall provide a copy of the proposed charter and bylaws including any preapproved charter provisions specifically requested. * * *

* * * * *

§ 543.5 Issuance of charter.

Board approval of the organization of a Federal mutual institution or the conversion of an insured institution to Federal mutual form shall constitute issuance of a charter and shall be final, provided that the institution files its charter with the Board in accordance with the procedures set out at § 544.2(a) of this subchapter. The charter shall conform with the requirements of § 544.1 of this Subchapter, the permissible provisions of § 544.2, or other provisions specifically approved by the Board.

§ 543.11 [Amended]

4. Amend § 543.11(a) by inserting the parenthetical phrase "(who may also be known as a board of directors)" after the word "trustees", and by removing the phrase "issued pursuant to § 544.2–2" and inserting in lieu thereof the phrase "approved by the Board pursuant to § 544.1 of this Subchapter".

5. Add a new § 543.14 to read as follows:

§ 543.14 Continuity of existence.

The corporate existence of an institution converting under this Part or under § 544.3 shall continue in its successor. Each savings accountholder shall receive a savings account or accounts in the converted institution equal in amount to the value of accounts held in the former institution.

PART 544—CHARTER AND BYLAWS

6. Revise § 544.1 as follows:

§ 544.1 Federal mutual charter.

When the board approves an Application for Permission to Organize for a Federal mutual institution that is a Federal savings and loan association or savings bank, or approves an Application for Conversion to a Federal savings and loan association or savings bank pursuant to §§ 543.8 and 543.9 of this Subchapter or § 544.3 of this Part, the instutition shall have a charter in the following form, or a form which includes any of the additional provisions set forth in § 544.2 of this Part, if such provisions are specifically requested. A charter for a Federal mutual savings bank shall include the following sentence at the end of Section 4: "In addition, the institution may make any investment and engage in any activity as may be specifically authorized by action of the Board, including by delegated authority, in connection with action approving the issuance of the charter."

Federal Mutual Charter

1. *Corporate title.* The full corporate title of the Federal institution hereby chartered is _____.

2. *Office.* The home office shall be located at _____.

3. *Duration.* The duration of the institution is perpetual.

4. *Purpose and powers.* The purpose of the institution is to pursue any or all of the lawful objectives of a Federal mutual institution chartered under Section 5 of the Home Owners' Loan Act and to exercise all the express, implied, and incidental powers conferred thereby and by all acts amendatory thereof and supplemental thereto, subject to the Constitution and laws of the United States as they are now in effect, or as they may hereafter be amended, and subject to all lawful and applicable rules, regulations, and orders of the Federal Home Loan Bank Board ("Board").

5. *Capital.* The institution may raise capital by accepting payments on savings and demand accounts and by any other means authorized by the Board.

6. *Members.* All holders of the institution's savings, demand, or other authorized accounts are members of the institution. In the consideration of all questions requiring action by the members of the institution, each holder of an account shall be permitted to cast one vote for each $100, or fraction thereof, of the withdrawal value of the member's account. [Institutions adopting this charter with existing borrower members may grandfather only those borrower members who were members as of the date of issuance of the new charter by the Board. Borrowers as of the date of this charter shall continue to have one vote for the period of time such borrowings are in existence.] No member, however, shall cast more than 400 votes. Voting may be by proxy, which is subject to the rules and regulations of the Board. Any number of members present at a regular or special meeting of the members shall constitute a quorum. A majority of all votes cast at any meeting of the members shall determine any question. All accounts shall be nonassessable.

7. *Directors [Trustees].* The institution shall be under the direction of a board of directors [trustees]. The authorized number of directors [trustees] shall not be an even number and shall not be fewer than five nor more than fifteen persons, as fixed in the institution's bylaws, except that the number of directors [trustees] may be increased to a number greater than fifteen with the prior approval of the Board. Each director [trustee] of the institution shall be a member of the institution. Directors [trustees] of the institution shall be elected by its members by ballot: *Provided*, that the event of a vacancy on the board, the board of directors [trustees] may fill such vacancy, if the members of the institution fail to do so, by electing a director [trustee] to serve until the next annual meeting of the members. Directors [trustees] shall be elected for periods of three years and until their successors are elected and qualified, but provision shall be make for the election of approximately one-third of the board each year.

[State-chartered savings banks converting into Federal savings banks may include alternative provisions for the election and term of office of trustees [directors] so long as such provisions: (i) Are authorized by the Board, including authorization pursuant to delegated authority, and (ii) provide for compliance with the standard provisions of this section no later than six years after the conversion to a Federal institution.]

8. *Reserves, surplus, and distribution of earnings.* The institution shall maintain for the purpose of meeting losses the amount of general reserves that the Board requires by regulation; such reserves shall include the reserve required for insurance of accounts. Any losses may be charged against general reserves. The institution shall distribute net earnings on its accounts on such basis and in accordance with such terms and conditions as may from time to time be authorized by the Board: *Provided*, that the institution may establish minimum balance requirements for accounts to be eligible for distribution of earnings.

All holders of accounts of the institution shall be entitled to equal distribution of assets, *pro rata* to the value of their accounts, in the event of voluntary or involuntary liquidation, dissolution, or winding up of the institution. Moreover, in any such event, or in any other situation in which the priority of such accounts is in controversy, all such accounts shall, to the extent of their withdrawal value, be debts of the institution having the same priority as the claims of general creditors of the institution not having priority (other than any priority arising or resulting from consensual subordination) over other general creditors of the institution.

9. *Amendment of charter.* Adoption of any preapproved charter amendment pursuant to § 544.2 or 544.3 of the Board's regulations shall be effective upon filing the amendment with the Board in accordance with regulatory procedures, after such preapproved amendment has been submitted to and approved by the members at a legal meeting. Any other amendment, addition, alteration, change, or repeal of this charter must be submitted to and preliminarily approved by the Board prior to submission to and approval by the members at a legal meeting. Any amendment, addition, alteration, change, or repeal so acted upon and approved shall be effective upon filing with the Board in accordance with regulatory procedures.
Federal Home Loan Bank Board.
Attest: Secretary _____
By: _____

* * * * *

7. Revise § 544.2 as follows:

§ 544.2 Charter amendments.

(a) Whenever a Federal mutual institution completes the procedures necessary to amend its charter, or add supplementary sections thereto, the institution shall submit one signed and three conformed copies of such amendment, along with a certification by the secretary of the institution that the amendment is validly authorized and approved, to the Secretary to the Board who shall return a copy of the charter amendment stamped to demonstrate its filing to the institution. The institution shall also file one copy of such amendment with the Federal Home Loan Bank of which it is a member.

(b) This section constitutes preliminary approval by the Board of any of the following amendments to the charter of a Federal mutual institution, including the adoption of any or all sections of the Federal mutual charter as set forth in § 544.1 of this Part: *Provided,* that the institution follows the requirements of its charter in adopting the amendments.

(1) *Purpose and powers.* Add a second paragraph to Section 4 as follows:

4. *Purpose and powers.* * * * The institution shall have the express power: (i) To act as fiscal agent of the United States when designated for that purpose by the Secretary of the Treasury, under such regulations as the Secretary may prescribe, to perform all such reasonable duties as fiscal agent of the United States as may be required, and to act as agent for any other instrumentality of the United States when designated for that purpose by any such instrumentality; (ii) To sue and be sued, complain and defend in any court of law or equity; (iii) To have a corporate seal, affixed by imprint, facsimile or otherwise; (iv) To appoint officers and agents as its business shall require and allow them suitable compensation; (v) To adopt bylaws not inconsistent with the Constitution or laws of the United States and rules and regulations adopted thereunder and under this Charter; (vi) To raise capital, which shall be unlimited, by accepting payments on savings, demand, or other accounts, as are authorized by regulations made by the Board, and the holders of all such accounts or other accounts as shall, to such extent as may be provided by such regulations, be members of the institution and shall have such voting rights and such other rights as are thereby provided; (vii) To issue notes, bonds, debentures, or other obligations, or securities, provided by or under any provision of Federal statute as from time to time is in effect; (viii) To provide for redemption of insured accounts; (ix) To borrow money without limitation and pledge and otherwise encumber any of its assets to secure its debts; (x) To lend and otherwise invest its funds as authorized by statute and the rules and regulations of the Board; (xi) To wind up and dissolve, merge, consolidate, convert, or reorganize; (xii) To purchase, hold, and convey real estate and personalty consistent with its objects, purposes, and powers; (xiii) To mortgage or lease any real estate and personalty and take such property by gift, devise, or bequest; and (xiv) To exercise all powers conferred by law. In addition to the foregoing powers expressly enumerated, this institution shall have power to do all things reasonably incident to the accomplishment of its express objects and the performance of its express powers.

(2) *Title change.* A Federal mutual institution that has complied with § 543.1(b) of this Subchapter may amend its charter by substituting a new corporate title in Section 1.

(3) *Home office.* A Federal mutual institution that has complied with § 545.15 of this Subchapter may amend its charter by substituting a new home office in Section 2.

(4) *Mutual capital certificates.* Renumber existing Section 9 as Section 10, add new Section 9 to read as set forth below, and add an additional provision to renumbered Section 10 as provided below:

Section 9. *Mutual capital certificates.* The institution may issue mutual capital certificates pursuant to the rules and regulations of the Board. Subject to such rules and regulations and without the prior approval of the members, the board of directors [trustees] of the institution is authorized by resolution(s) from time to time adopted by it, to provide in supplementary sections hereto for the issuance of mutual capital certificates and to fix and state the voting powers, designations, preferences and the relative participating, optional or other special rights of the certificates, and the qualifications, limitations, and restrictions thereon.

Members of the institution shall not be entitled to preemptive rights with respect to the issuance of mutual capital certificates, nor shall holders of such certificates be entitled to preemptive rights with respect to any additional issues of mutual capital certificates.

Section 10. *Amendment of charter.* * * * Additional provisions may be added to the section to grant holders of mutual capital certificates the right to vote on amendments, additions, alterations, changes, or repeal of this charter in any of the instances set forth in § 563.7–4 of the Board's regulations.

§ 544.2–1 [Removed]

8. Remove § 544.2–1.

§ 544.2–2 [Removed]

9. Remove § 544.2–2.

10. Revise § 544.4 as follows:

§ 544.4 Issuance of charter.

Issuance by the Board of a charter to a Federal mutual institution within the meaning of § 543.5 of this Subchapter constitutes the incorporation of that institution by the Board.

11. Revise § 544.5 as follows:

§ 544.5 Federal mutual institution bylaws.

(a) A Federal mutual institution shall operate under bylaws that contain provisions which comply with all requirements specified by the Board in this section and which are not otherwise inconsistent with the provisions of this section, the institution's charter, and all other applicable laws, rules, and regulations. Bylaw provisions which adopt the language of the model bylaws set out as an appendix to this Part shall be deemed to comply with the requirements of this section. A copy of all bylaws and amendments thereto shall be filed with the Secretary to the Board in accordance with the procedure for filing amendments to charters set out at § 554.2 of this Part.

(b) The following requirements are applicable to Federal mutual institutions:

1. *Annual meeting of members.* An institution shall provide for and conduct an annual meeting of its members for the election of directors [trustees] and at which any other business of the institution may be conducted. Such meeting shall be held, as designated by its board of directors [trustees], at a location within the state that constitutes the principal place of business of the institution and at a date and time within 120 days after the end of the institution's fiscal year. At each annual meeting, the officers shall make a full report of the financial condition of the institution and of its progress for the preceding year and shall outline a program for the succeeding year.

2. *Special meetings of members.* Procedures for calling any special meeting of the members and for conducting such a meeting shall be set forth in the bylaws. The subject matter of such special meeting must be established in the notice for such meeting. The board of directors [trustees] of the institution or the holders of 10 percent or more of the voting rights shall be entitled to call a special meeting.

3. *Notice of meeting of members.* Notice specifying the time and place of the annual meeting or any special meeting and adequately describing any business to be conducted shall be published for two successive weeks immediately prior to the week in which such meeting shall convene in a newspaper of general circulation in the city

or county in which the principal place of business of the institution is located, or mailed postage prepaid at least 15 days and not more than 45 days prior to the date on which such meeting shall convene, to each of its members of record at the last address appearing on the books of the institution. A similar notice shall be posted in a conspicuous place in each of the offices of the institution during the 14 days immediately preceding the date on which such meeting shall convene. The bylaws may permit a member to waive in writing any right to receive personal delivery of the notice.

4. *Fixing of record date.* For the purpose of determining members entitled to notice of or to vote at any meeting of members or any adjournment thereof, or in order to make a determination of members for any other proper purpose, the bylaws shall provide for the fixing of a record date and a method for determining from the books of the institution the members entitled to vote. Such date shall be not more than 60 days nor less than 20 days prior to the date on which the action, requiring such determination of members, is to be taken.

5. *Voting by proxy.* Procedures shall be established for voting at any annual or special meeting of the members by proxy pursuant to the rules and regulations of the Board, including the placing of such proxies on file with the secretary of the institution, for verification, prior to the convening of such meeting. All proxies with a term greater than eleven months or solicited at the expense of the institution must run to the board of directors [trustees] as a whole.

6. *Communications between members.* Provisions relating to communications between members shall be consistent with § 545.28 of the Board's regulations.

7. *Number of directors [trustees].* The number of directors [trustees] shall not be an even number and shall be not fewer than five nor more than fifteen, except where authorized by the Board.

8. *Meetings of the board.* The board of directors [trustees] shall determine the place, frequency, time, procedure for notice, which shall be at least 24 hours, unless waived by the directors [trustees], and waiver of notice for all regular and special meetings. The meetings shall be under the direction of a chairman, appointed annually by the board. The board may also permit telephonic participation at meetings. The bylaws may provide for action to be taken without a meeting if written consent is obtained for such action. A majority of the directors [trustees] shall constitute a quorum for the transaction of business. The act of a majority of the directors [trustees] present at any meeting at which there is a quorum shall be the act of the board.

9. *Officers, employees, and agents.* The bylaws shall contain provisions regarding the officers of the institution, their functions, duties, and powers. The officers of the institution shall consist of a president, one or more vice presidents, a secretary, and a treasurer, each of whom shall be elected annually by the board of directors [trustees]. Such other officers and assistant officers and agents as may be deemed necessary may be elected or appointed by the board of directors [trustees] or chosen in such other manner as may be prescribed in the bylaws. Any two or more offices may be held by the same person, except the offices of president and secretary.

All officers and agents of the institution, as between themselves and the institution, shall have such authority and perform such duties in the management of the institution as may be provided in the bylaws, or as may be determined by resolution of the board of directors [trustees] not inconsistent with the bylaws. In the absence of any such provision, officers shall have such powers and duties as generally pertain to their respective offices.

Any indemnification provision must provide that any indemnification is subject to applicable law, rules, and regulations.

10. *Resignation or removal of directors [trustees].* The bylaws shall set out the procedure for the resignation of a director, which shall be by written notice or by any other procedure established in the bylaws. Directors [trustees] may only be removed for cause.

11. *Powers of the board.* The board of directors [trustees] shall have the power—

(a) By resolution, to appoint from among its members, and remove, an executive committee and one or more other committees, which committee(s) shall have and may exercise all the powers of the board between the meetings of the board, but no such committee shall have the authority of the board to amend the charter or bylaws, adopt a plan of merger, consolidation, dissolution or provide for the disposition of all or substantially all the property and assets of the institution. Such committee shall not operate to relieve the board, or any member thereof, of any responsibility imposed by law;

(b) To fix the compensation of directors [trustees], officers, and employees; and to remove any officer or employee at any time with or without cause;

(c) To exercise any and all of the powers of the institution not expressly reserved by the charter to the members.

12. *Execution of instruments, generally.* The board shall establish procedures for the execution, verification, acknowledgment, and delivery of instruments or writings of any nature.

13. *Nominations for directors [trustees].* The bylaws shall provide that nominations for directors may be made at the annual meeting by any member and shall be voted upon, except, however, the bylaws may require that nominations by a member must be submitted to the secretary and then prominently posted in the home office, at least 10 days prior to the date of the annual meeting. However, if such provision is made for prior submission of nominations by a member, then the bylaws must provide for a nominating committee, which must submit nominations to the secretary and have such nominations similarly posted, at least 15 days prior to the date of the annual meeting.

14. *New business.* The bylaws shall provide procedures for the introduction of new business at the annual meeting. Those provisions may require that such new business be stated in writing and filed with the secretary prior to the annual meeting, at least 30 days prior to the date of the annual meeting.

15. *Seal.* The institution may have a corporate seal which may be altered at pleasure, and to use the same by causing it, or a facsimile thereof, to be impressed or affixed or in any other manner reproduced.

16. *Amendment.* Bylaws may include any provision for their amendment pursuant to § 544.5 of the Board's regulations, as long as any such amendment would be consistent with applicable law, rules, and regulations, and adequately addresses its subject and purpose. Amendments shall be effective upon filing with the Board in accordance with regulatory procedures after approval by a two-thirds affirmative vote of the entire board, or by a vote of the members of the institution.

17. *Miscellaneous.* The bylaws may also address the subjects of age limitations for directors or officers, emergency preparedness and any other subjects necessary or appropriate for effective operation of the institution.

12. Add an appendix at the end of Part 544, as follows:

Appendix to Part 544—Model Bylaws for Mutual Institutions

1. *Annual meetings of members.* The annual meeting of the members of the institution for the election of directors [trustees] and for the transaction of any other business of the institution shall be held, as designated by the board of directors [trustees], at a location within the state that constitutes the principal place of business of the institution at (insert date and time within 120 days after the end of the institution's fiscal year), if not a legal holiday or if a legal holiday then on the next succeeding day not a legal holiday. The annual meeting may be held at such other time on such day or at such other place in the same state as the board of directors [trustees] may determine. At each annual meeting, the officers shall make a full report of the financial condition of the institution and of its progress for the preceding year, and shall outline a program for the succeeding year.

2. *Special meetings of members.* Special meetings of the members of the institution may be called at any time by the president or the board of directors [trustees], and shall be called by the president, a vice president, or the secretary upon the written request of members of record holding in the aggregate at least one-tenth of the capital of the institution. Such written request shall state the purpose of the meeting and shall be delivered at the principal place of business of the institution addressed to the president. Annual and special meetings shall be conducted in accordance with the most current edition of Roberts' Rules of Order.

3. *Notice of meeting of members.* (a) Notice of each annual meeting shall be either published once a week for the two successive calendar weeks (in each instance on any day of the week) immediately prior to the week in which such annual meeting shall convene, in a newspaper printed in the English language and of general circulation in the city or county in which the principal place of business of the institution is located, or mailed postage prepaid at least (insert

number not less than 15) days and not more than (insert number not more than 45) days prior to the date on which such annual meeting shall convene, to each of its members of record at the last address appearing on the books of the institution. Such notice shall state the name of the institution, the place of the annul meeting, the time when it shall convene, and the matters to be considered. A similar notice shall be posted in a conspicuous place in each of the offices of the institution during the 14 days immediately preceding the date on which such annual meeting shall convene. If any member, in person or by authorized attorney, shall waive in writing notice of any annual meeting of members, notice thereof need not be given to such member.

(b) Notice of each special meeting shall be either published once a week for the two consecutive calendar weeks (in each instance on any day of the week) immediately prior to the week in which such special meeting shall convene, in a newspaper printed in the English language and of general circulation in the city or county in which the principal place of business of the institution is located, or mailed postage prepaid at least (insert number not less than 15) days and not more than (insert number not more than 45) days prior to the date on which such special meeting shall convene to each of its members of record at the member's last address appearing on the books of the institution. Such notice shall state the name of the institution, the purpose(s) for which the meeting is called, the place of the special meeting and the time when it shall convene. A similar notice shall be posted in a conspicuous place in each of the offices of the institution during the 14 days immediately preceding the date on which such special meeting shall convene. If any member, in person or by authorized attorney, shall waive in writing notice of any special meeting of members, notice thereof need not be given to such member.

4. *Fixing of record date.* For the purpose of determining members entitled to notice of or to vote at any meeting of members or any adjournment thereof, or in order to make a determination of members for any other proper purpose, the board of directors [trustees] shall fix in advance a record date for any such determination of members. Such date shall be not more than 60 days nor fewer than 20 days prior to the date in which the action, requiring such determination of members, is to be taken. The member entitled to participate in any such action shall be the member of record on the books of the institution on such record date. The number of votes which each member shall be entitled to cast at any meeting of the members shall be determined from the books of the institution as of such record date. Any member of such record date who ceases to be a member prior to such meeting shall not be entitled to vote at the meeting.

5. *Voting by proxy.* Voting at any annual or special meeting of the members may be by proxy pursuant to the rules and regulations of the Board, it being provided that no proxies shall be voted at any meeting unless such proxies shall have been placed on file with the secretary of the institution, for verification, prior to the convening of such meeting. All proxies with a term greater than eleven months or solicited at the expense of the institution must run to the board of directors [trustees] as a whole.

6. *Communication between members.* Communication between members shall be subject to any applicable rules or regulations of the Board.

7. *Number of directors [trustees].* The number of directors [trustees] of the institution shall be ———.

8. *Meetings of the board.* The board of directors [trustees] shall meet regularly without notice at the principal place of business of the institution at least once each month at an hour and date fixed by resolution of the board, provided that the place of meeting may be changed by the directors [trustees]. Special meetings of the board may be held at any place specified in a notice of such meeting and shall be called by the secretary upon the written request of the chairman or of three directors [tustees]. All Special meeting shall be held upon at least three days' written notice to each director [trustee] unless notice is waived in writing before or after such meeting. Such notice shall state the place, time, and purposes of such meeting. A majority of the directors [trustees] shall constitute a quorum for the transaction of business. The act of a majority of the directors [trustees] present at any meeting at which there is a quorum shall be the act of the board. The meetings shall be under the direction of a chairman, appointed annually by the Board.

9. *Officers, employees, and agents.* Annually at the meeting of the board of directors [trustees] of the institution next following the annual meeting of the members of the institution, the board shall elect a president, one or more vice presidents, a secretary, and a treasurer: *Provided,* that the offices of secretary and treasurer may be held by the same person, and a vice president may also be either the secretary or the treasurer, but not both. The board may appoint such additional officers and such employees and agents as it may from time to time determine. The term of office of all officers shall be one year or until their respective successors are elected and qualified; but any officer may be removed at any time by the board. In the absence of designation from time to time of powers and duties by the board, the officers shall have such powers and duties as generally pertain to their respective offices.

Any indemnification by the institution of the institution's personnel is subject to any applicable rules or regulations of the Board.

10. *Resignation or removal of directors [trustees].* Any director [trustee] may resign at any time by sending a written notice of such resignation to the office of the institution delivered to the secretary. Unless otherwise specified therein such resignation shall take effect upon receipt by the secretary. More than three consecutive absences from regular meetings of the board, unless excused by resolution of the board, shall automatically constitute a resignation, effective when such resignation is accepted by the board.

At a meeting of members called expressly for that purpose, directors [trustees] may be removed in the manner provided in this section. Any director [trustee] or the entire board may be removed, only with cause, by a vote of the holders of a majority of the shares then entitled to vote at an election of directors [trustees].

11. *Powers of the board.* The board of directors [trustees] shall have the power—

(a) By resolution, to appoint from among its members, and remove, an executive committee, which committee shall have and may exercise the powers of the board between the meetings of the board, but no such committee shall have the authority of the board to amend the charter or bylaws, adopt a plan of merger, consolidation, dissolution or provide for the disposition of all or substantially all the property and assets of the institution. Such committee shall not operate to relieve the board, or any member thereof, of any responsibility imposed by law;

(b) To appoint and remove by resolution the members of such other committees as may be deemed necessary and prescribe the duties thereof;

(c) To fix the compensation of directors [trustees], officers, and employees; and to remove any officer or employee at any time with or without causes;

(d) To extend leniency and indulgence to borrowing members who are in distress and generally to compromise and settle any debts and claims;

(e) To limit payments on capital which may be accepted;

(f) To reject any application for an account or membership; and

(g) To exercise any and all of the powers of the institution not expressly reserved by the charter to the members.

12. *Execution of instruments, generally.* All documents and instruments or writings of any nature shall be signed, executed, verified, acknowledged and delivered by such officers, agents, or employees of the institution or any of the them and in such manner as from time to time may be determined by resolution of the board. All notes, drafts, acceptances, checks, endorsements, and all evidences of indebtedness of the institution whatsoever shall be signed by such officer or officers or such agent or agents of the institution and in such manner as the board may from time to time determine. Endorsements for deposit to the credit of the institution in any of its duly authorized depositaries shall be made in such manner as the board may from time to time determine. Proxies to vote with respect to shares or accounts of other institutions or stock of other corporations owned by or standing in the name of the institution may be executed and delivered from time to time on behalf of the institution by the president or a vice president and the secretary or an assistant secretary of the institution or by any other persons so authorized by the board.

13. *Nominating committee.* The chairman, at least 30 days prior to the date of each annual meeting, shall appoint a nominating committee of three persons who are members of the institution. Such committee shall make nominations for directors [trustees] in writing and deliver to the secretary such written nominations at least 15 days prior to the date

of the annual meeting, which nominations shall then be posted in a prominent place in the principal place of business for the 15-day period prior to the date of the annual meeting. Provided such committee is appointed and makes such nominations, no nominations for directors [trustees] except those made by the nominating committee shall be voted upon at the annual meeting unless other nominations by members are made in writing and delivered to the secretary of the institution at least 10 days prior to the date of the annual meeting, which nominations shall then be posted in a prominent place in the principal place of business for the 10-day period prior to the date of the annual meeting. Ballots bearing the names of all persons nominated by the nominating committee and by other members prior to the annual meeting shall be provided for use by the members at the annual meeting.If at any time the chairman shall fail to appoint such nominating committee, or the nominating committee shall fail or refuse to act at least 15 days prior to the annual meeting, nominations for directors [trustees] may be made at the annual meeting by any member and shall be voted upon.

14. *New business.* Any new business to be taken up at the annual meeting, including any proposal to increase or decrease the number of directors [trustees] of the institution, shall be stated in writing and filed with the secretary of the institution at least 30 days before the date of the annual meeting, and all business so stated, proposed and filed shall be considered at the annual meeting, but no other proposal shall be acted upon at the annual meeting. Any member may make any other proposal at the annual meeting and the same may be discussed and considered; but unless stated in writing and filed with the secretary 30 days before the meeting, such proposal shall be laid over for action at an adjourned, special, or regular meeting of the members taking place at least 30 days thereafter. This provision shall not prevent the consideration and approval or disapproval at the annual meeting of the reports of officers and committees, but in connection with such reports no new business shall be acted upon at such annual meeting unless stated and filed as herein provided.

15. *Seal.* The seal shall be two concentric circles between which shall be the name of the institution. The year of incorporation, the word "incorporated," or an emblem may appear in the center.

16. *Amendment.* Adoption of any bylaw amendment pursuant to § 584.5 of the Board's regulations, as long as consistent with applicable law, rules and regulations, and which adequately addresses the subject and purpose of the stated bylaw section, shall be effective upon filing with the Board in accordance with regulatory procedures after such amendment has been approved by a two-thirds affirmative vote of the entire board, or by a vote of the members of the institution.

17. *Age limitations.* (a) *Directors [trustees].* No person [fill in any age, 70 or above] years of age shall be eligible for election reelection, appointment or reappointment to the board of the institution. No director [trustee] shall serve as such beyond the annual meeting of the institution immediately following the director [trustee] becoming (fill in age used above), except that a director [trustee] serving on (fill in bylaw adoption date) may complete the term as director [trustee]. This age limitation does not apply to an advisory director [trustee].

(b) *Officers.* No person (fill in any age, 70 or above) years of age shall be eligible for election, reelection, appointment, or reappointment as an officer of the institution. No officer shall serve beyond the annual meeting of the institution immediately following the officer becoming (fill in age used above), except that an officer serving on (fill in bylaw adoption date) may complete the term. However, an officer shall, at the option of the board, retire at age ———— if the officer has served in an executive or high policy-making post for at least two years immediately prior to retirement, and is immediately entitled to nonforfeitable annual retirement benefits of at least ———— (must be in accordance with ERISA).

§§ 544.5–1 and 544.6–1 [Removed]

13. Remove §§ 544.5–1 and 544.6–1

14. Revise § 544.6 as follows:

§ 544.6 Effect of subsequent charter or by-law change.

Notwithstanding any subsequent change to its charter or bylaws, the authority of a Federal mutual institution to engage in any activity or transaction need conform only to such institution's charter or bylaws then in effect.

PART 552—STOCK ASSOCIATIONS

15. Amend § 552.1 by revising the introductory text and paragraphs (a) and (b) as follows:

§ 552.1 Definitions.

As used in this Part, the following terms shall have the meanings set forth below.

(a) *Federal stock institution.* The term "Federal stock institution" means a Federal savings and loan association or Federal savings bank which has been issued a charter in the form prescribed in § 552.3 of this Part, or such other form as authorized by the Board.

(b) *Federal stock charter.* A charter of a Federal stock institution in the form specified in § 552.3, or permitted by § 552.4 of this Part, or other action of the Board.

* * * * *

16. Revise § 552.3 as follows:

§ 552.3 Charters for Federal Stock institutions.

(a) The charter of a Federal stock institution shall be in the following form, except that an institution that has converted from the mutual form pursuant to Part 563b of this chapter shall include in its charter a section establishing a liquidation account as required by § 563b.3(c)(13). A charter for a Federal stock savings bank shall include the following sentence at the end of Section 4: "In addition, the institution may make any investment and engage in any activity as may be specifically authorized by action of the Board, including authorization by delegated authority, in connection with action approving the issuance of the charter." Charters may also include any preapproved optional provision contained in § 552.4.

Federal Stock Charter

Section 1. *Corporate title.* The full corporate title of the institution is ————.

Section 2. *Office.* The home office shall be located in ————.

Section 3. *Duration.* The duration of the institution is perpetual.

Section 4. *Purpose and powers.* The purpose of the institution is to pursue any or all of the lawful objectives of a Federal institution chartered under Section 5 of the Home Owners' Loan Act and to exercise all of the express, implied, and incidental powers conferred thereby and by all acts amendatory thereof and supplemental thereto, subject to the Constitution and laws of the United States as they are now in effect, or as they may hereafter be amended, and subject to all lawful and applicable rules, regulations, and orders of the Federal Home Loan Bank Board ("Board").

Section 5. *Capital stock.* The total number of shares of all classes of the capital stock which the institution has the authority to issue is ————, all of which shall be common stock of par [or stated] value of ———— per share. The shares may be issued from time to time as authorized by the board of directors without the approval of its stockholders, except as otherwise provided in this Section 5 or to the extent that such approval is required by governing law, rule, or regulation. The consideration for the issuance of the shares shall be paid in full before their issuance and shall not be less than the par [or stated] value. Neither promissory notes nor future services shall constitute payment or part payment for the issuance of shares of the institution. The consideration for the shares shall be cash, tangible or intangible property (to the extent direct investment in such property would be permitted), labor, or services actually performed for the institution, or any combination of the foregoing. In the absence of actual fraud in the transaction, the value of such property, labor, or services, as determined by the board of directors of the institution, shall be conclusive. Upon payment of such consideration, such shares shall be deemed to be fully paid and nonassessable. In the case of a stock dividend, that part of the surplus of the institution which is transferred to stated capital upon the issuance of shares as a share dividend shall be deemed to be the consideration for their issuance.

Except for shares issuable in connection with the conversion of the institution from the mutual to stock form of capitalization, no shares of common stock (including shares

issuable upon conversion, exchange or exercise of other securities) shall be issued, directly or indirectly, to officers, directors or controlling persons of the institution other than as part of a general public offering or as qualifying shares to a director, unless their issuance or the plan under which they would be issued has been approved by a majority of the total votes eligible to be cast at a legal meeting.

The holders of the common stock shall exclusively possess all voting power. Each holder of shares of common stock shall be entitled to one vote for each share held by such holder, except as to the comulation of votes for the election of directors. Subject to any provision for a liquidation account, in the event of any liquidation, dissolution, or winding up of the association, the holders of the common stock shall be entitled, after payment or provision for payment of all debts and liabilities of the institution, to receive the remaining assets of the institution available for distribution, in cash or in kind. Each share of common stock shall have the same relative rights as and be identical in all respects with all the other shares of common stock.

Section 6. *Preemptive rights.* Holders of the capital stock of the institution shall not be entitled to preemptive rights with respect to any shares of the institution which may be issued.

Section 7. *Directors.* The institution shall be under the direction of a board of directors. The authorized number of directors, as stated in the institution's bylaws, shall not be even and shall not be fewer than seven nor more than fifteen except when a greater number is approved by the Board.

Section 8. *Amendment of charter.* Except as provided in Section 5, no amendment, addition, alteration, change, or repeal of this charter shall be made, unless such is first proposed by the board of directors of the institution, then preliminarily approved by the Board, which preliminary approval may be granted by the Board pursuant to regulations specifying preapproved charter amendments, and thereafter approved by the shareholders by a majority of the total votes eligible to be cast at a legal meeting. Any amendment, addition, alteration, change, or repeal so acted upon shall be effective upon filing with the Board in accordance with regulatory procedures.

Attest: Secretary ————————

By: ————————

17. Revise § 552.4 as follows:

§ 552.4 Charter amendments.

(a) Whenever a Federal stock institution completes the procedures necessary to amend its charter, or add supplementary sections thereto, the institution shall submit one signed and three conformed copies of such amendment, along with a certification by the secretary of the institution that the amendment is validly authorized and approved, to the Secretary to the Board who shall return a copy of the charter amendment stamped to demonstrate its filing to the institution. The institution shall also file one copy of such amendment with the Federal Home Loan Bank of which it is a member.

(b) This section constitutes preliminary approval by the Board of the proposal to shareholders by the board of directors of any Federal stock institution of the following amendments to such institution's charter, including the adoption of any or all sections of the Federal stock charter as set forth in § 552.3 of this Part: *Provided,* that the institution follows the requirements of its charter in adopting the amendments.

(1) A Federal stock institution that has complied with § 543.1(b) of this Subchapter may amend its charter by substituting a new corporate title in Section 1.

(2) A Federal stock institution that has complied with § 545.15 of this Subchapter may amend its Charter by substituting a new home office in Section 2.

(3) Amend the charter of a Federal stock institution to change the number of authorized shares and of each class of shares and the par or stated value of such shares.

(4) Amend the charter of a Federal stock institution by revising Section 5 to read as follows:

Section 5. *Capital stock.* The total number of shares of all classes of the capital stock which the institution has the authority to issue is ————, of which ———— shall be common stock of par [or stated] value of ———— per share and of which [list the number of each class of preferred and the par or stated value per share of each such class.] The shares may be issued from time to time as authorized by the board of directors without further approval of stockholders, except as otherwise provided in this Section 5 or to the extent that such approval is required by governing law, rule, or regulation. The consideration for the issuance of the shares shall be paid in full before their issuance and shall not be less than the par [or stated] value. Neither promissory notes nor future services shall constitute payment or part payment for the issuance of shares of the institution. The consideration for the shares shall be cash, tangible or intangible property (to the extent direct investment in such property would be permitted), labor, or services actually performed for the institution, or any combination of the foregoing. In the absence of actual fraud in the transaction, the value of such property, labor, or services, as determined by the board of directors of the institution, shall be conclusive. Upon payment of such consideration, such shares shall be deemed to be fully paid and nonassessable. In the case of a stock dividend, that part of the surplus of the institution which is transferred to stated capital upon the issuance of shares as a share dividend shall be deemed to be the consideration for their issuance.

Except for shares issuable in connection with the conversion of the institution from the mutual to the stock form of capitalization, no shares of capital stock (including shares issuable upon conversion, exchange or exercise of other securities) shall be issued, directly or indirectly, to officers, directors or controlling persons of the institution other than as part of a general public offering or as qualifying shares to a director, unless their issuance or the plan under which they would be issued has been approved by a majority of the total votes of eligible to be cast at a legal meeting.

Nothing contained in this Section 5 (or any supplementary sections hereto) shall entitle the holders of any class of a series of capital stock to vote as a separate class or series or to more than one vote per share, except as to the cumulation of votes for the election of directors: *Provided,* that this restriction on voting separately by class or series shall not apply:

(i) To any provisions which would authorize the holders of preferred stock, voting as a class or series, to elect some members of the board of directors, less than a majority thereof, in the event of default in the payment of dividends on any class or series of preferred stock;

(ii) To any provision which would require the holders of preferred stock, voting as a class or series, to approve the merger or consolidation of the institution with another corporation or the sale, lease, or conveyance (other than by mortgage or pledge) of properties or business in exchange for securities of a corporation other than the institution if the preferred stock is exchanged for securities of such other corporation: *Provided,* that no provision may require such approval for transactions undertaken with the assistance or pursuant to the direction of the Federal Savings and Loan Insurance Corporation;

(iii) To any amendment which would adversely change the specific terms of any class or series of capital stock as set forth in this Section 5 (or in any supplementary sections hereto), including any amendment which would create or enlarge any class or series ranking prior thereto in rights and preferences. An amendment which increases the number of authorized shares of any class or series of capital stock, or substitutes the surviving institution in a merger or consolidation for the institution, shall not be considered to be such an adverse change.

A description of the different classes and series (if any) of the institution's capital stock and a statement of the designations, and the relative rights, preferences, and limitations of the shares of each class of and series (if any) of the capital stock are as follows:

A. *Common Stock.* Except as provided in this Section 5 (or in any supplementary sections thereto) the holders of the common stock shall exclusively possess all voting power. Each holder of shares of common stock shall be entitled to one vote for each share held by such holder, except as to the cumulation of votes for the election of directors.

Whenever there shall have been paid, or declared and set aside for payment, to the holders of the outstanding shares of any class of stock having preference over the common stock as to the payment of dividends, the full amount of dividends and of sinking fund.

retirement fund or other retirement payments, if any, to which such holders are respectively entitled in preference to the common stock, then dividends may be paid on the common stock and on any class or series of stock entitled to participate therewith as to dividends out of any assets legally available for the payment of dividends.

In the event of any liquidation, dissolution, or winding up of the institution, the holders of the common stock (and the holders of any class or series of stock entitled to participate with the common stock in the distribution of assets) shall be entitled to receive, in cash or in kind, the assets of the institution available for distribution remaining after: (i) Payment or provision for payment of the institution's debts and liabilities; (ii) distributions or provision for distributions in settlement of its liquidation account; and (iii) distributions of provision for distributions to holders of any class or series of stock having preference over the common stock in the liquidation, dissolution, or winding up of the institution.

Each share of common stock shall have the same relative rights as and be identical in all respects with all the other shares of common stock.

B. *Preferred Stock.* The institution may provide in supplementary sections to its charter for one or more classes of preferred stock, which shall be separately identified. The shares of any class may be divided into and issued in series, with each series separately designated so as to distinguish the shares thereof from the shares of all other series and classes. The terms of each series shall be set forth in a supplementary section to the charter. All shares of the same class shall be identical except as to the following relative rights and preferences, as to which there may be variations between different series:

(a) The distinctive serial designation and the number of shares constituting such series;

(b) The dividend rate or the amount of dividends to be paid on the shares of such series, whether dividends shall be cumulative and, if so, from which date(s) the payment date(s) for dividends, and the participating or other special rights, if any, with respect to dividends;

(c) The voting powers, full or limited, if any, of shares of such series;

(d) Whether the shares of such series shall be redeemable and, if so, the price(s) at which, and the terms and conditions on which, such shares may be redeemed;

(e) The amount(s) payable upon the shares of such series in the event of voluntary or involuntary liquidation, dissolution, or winding up of the institution;

(f) Whether the shares of such series shall be entitled to the benefit of a sinking or retirement fund to be applied to the purchase or redemption of such shares, and if so entitled, the amount of such fund and the manner of its application, including the price(s) at which such shares may be redeemed or purchased through the application of such fund;

(g) Whether the shares of such series shall be convertible into, or exchangeable for, shares of any other class or classes of stock of the institution and, if so, the conversion price(s) or the rate(s) of exchange, and the adjustments thereof, if any, at which such conversion or exchange may be made, and any other terms and conditions of such conversion or exchange;

(h) The price or other consideration for which the shares of such series shall be issued; and

(i) Whether the shares of such series which are redeemed or converted shall have the status of authorized but unissued shares of serial preferred stock and whether such shares may be reissued as shares of the same or any other series of serial preferred stock.

Each share of each series of serial preferred stock shall have the same relative rights as and be identical in all respects with all the other shares of the same series.

The board of directors shall have the authority to divide, by the adoption of supplementary charter sections, any authorized class of preferred stock into series, and, within the limitations set forth in this section and the articles of incorporation, fix and determine the relative rights and preferences of the shares of any series so established.

Prior to the issue of any preferred shares of a series established by a supplementary charter section adopted by the board of directors, the institution shall file with the Secretary to the Board in accordance with regulatory procedures, a dated copy of that supplementary section of this charter establishing and designating the series, and fixing and determining the relative rights and preferences thereof.

(5) Amend the charter of a Federal stock institution to require any of the following: (i) That shareholder approval be obtained for any issuance of shares of common stock exceeding 15 percent of the total number of shares of common stock then outstanding; (ii) that shareholder approval be required for the adoption of any separate series of a class of preferred stock; (iii) that shareholder approval be obtained for any issuance of preferred stock which accounts for 15 percent (or a higher percentage) of (A) any class of preferred stock then outstanding, and/or (B) total voting rights in the institution.

(6) Amend the charter of a Federal stock institution by renumbering existing sections as appropriate and adding a new Section 6 as follows. Where appropriate, a Federal savings bank the deposits of which are insured by the Federal Deposit Insurance Corporation shall substitute that Agency for the Federal Savings and Loan Insurance Corporation.

Section 6. *Net worth certificates.* Notwithstanding any provisions of Section 5, *Capital Stock*, the institution may issue net-worth certificates to the Federal Savings and Loan Insurance Corporation (the "Corporation") in exchange for appropriate consideration, including promissory notes of the Corporation, in accordance with the rules, regulations, and policies of the Board. Subject to such rules, regulations, and policies, the board of directors of the institution is authorized without the prior approval of the stockholders of the association and by resolution(s) from time to time adopted by the board of directors to cause the issuance of net-worth certificates to the Corporation and to fix the designations, preferences, and relative, participating, optional, or other special rights of the certificates, and the qualifications, limitations, and restrictions thereon. Stockholders of the institution [or bank] shall not be entitled to preemptive rights with respect to the issuance of net worth certificates nor shall holders of such certificates be entitled to preemptive rights with respect to any additional issuance of net-worth certificates.

18. Revise § 552.5 as follows:

§ 552.5 Bylaws.

(a) At its first organizational meeting, the board of directors of a Federal stock institution shall adopt a set of bylaws for the administration and regulation of its affairs. Bylaws may be adopted, amended, or repealed by either a majority of the shareholders or majority of the board of directors. The bylaws shall contain sufficient provisions to govern the institution in accordance with the requirements of §§ 552.6 through 552.6–4 of this Part and shall not contain any provision which is inconsistent with those sections or with applicable laws, rules, or regulations, or the charter, except that a bylaw inconsistent with §§ 552.6 through 552.6–4 may be adopted with prior approval of the Board.

(b) Bylaw provisions which adopt the language of the model bylaws set out as an appendix to this Part shall be deemed to comply with the requirements of this section.

(c) A copy of all bylaws and amendments thereto shall be filed with the Secretary to the Board in accordance with the procedure for filing charters and amendments set out at § 552.4 of this Part.

19. Revise § 552.6 as follows:

§ 552.6 Shareholders.

The bylaws of a Federal stock institution shall be governed by the following requirements regarding shareholders meetings and rights.

(a) *Shareholder meetings.* An annual meeting of the shareholders of the institution for the election of directors and for the transaction of any other business of the institution shall be held annually within 120 days after the end of the institution's fiscal year. Special meetings of the shareholders may be called by the board of directors or on the request of the holders of ten percent or more of the shares entitled to vote at the meeting, or by such other persons as

may be specified in the bylaws of the institution. All annual and special meetings of shareholders shall be held at such place as the board of directors may determine in the State in which the institution has its principal place of business.

(b) *Notice of shareholder meetings.* Written notice stating the place, day, and hour of the meeting and the purpose or purposes for which the meeting is called shall be delivered not fewer than 20 nor more than 50 days before the date of the meeting, either personally or by mail, by or at the direction of the chairman of the board, the president, the secretary, or the directors or other persons calling the meeting, to each shareholder of record entitled to vote at such meeting. If mailed, such notice shall be deemed to be delivered when deposited in the mail, addressed to the shareholder at the address appearing on the stock transfer books or records of the institution as of the record date prescribed in paragraph (c) of this section, with postage thereon prepaid. When any shareholders' meeting, either annual or special, is adjourned for 30 days or more, notice of the adjourned meeting shall be given as in the case of an original meeting.

(c) *Fixing of record date.* For the purpose of determining shareholders entitled to notice of or to vote at any meeting of shareholders or any adjournment thereof, or shareholders entitled to receive payment of any dividend, or in order to make a determination of shareholders for any other proper purpose, the board of directors shall fix in advance a date as the record date for any such determination of shareholders. Such date in any case shall be not more than 60 days and, in case of a meeting of shareholders, not less than 20 days prior to the date on which the particular action, requiring such determination of shareholders, is to be taken. When a determination of shareholders entitled to vote at any meeting of shareholders has been made as provided in this section, such determination shall apply to any adjournment thereof.

(d) *Voting lists.* (1) At least 20 days before each meeting of the shareholders, the officer or agent having charge of the stock transfer books for shares of the institution shall make a complete list of the shareholders entitled to vote at such meeting, or any adjournments thereof, arranged in alphabetical order, with the address and the number of shares held by each. This list of shareholders shall be kept on file at the home office of the institution and shall be subject to inspection by any shareholder at any time during usual business hours, for a period of twenty days prior to such meeting. Such list shall also be produced and kept open at the time and place of the meeting and shall be subject to the inspection of any shareholder during the entire time of the meeting. The original stock transfer book shall constitute prima facie evidence of the shareholders entitled to examine such list or transfer books or to vote at any meeting of shareholders.

(2) In lieu of making the shareholders list available for inspection by any shareholders as provided in the paragraph (d)(1), the board of directors may perform such acts as required by paragraphs (a) and (b) of Rule 14a–7 of the General Rules and Regulations under the Securities and Exchange Act of 1934 as may be duly requested in writing, with respect to any matter which may be properly considered at a meeting of shareholders, by any shareholder who is entitled to vote on such matter and who shall defray the reasonable expenses to be incurred by the institution in performance of the act or acts required.

(e) *Shareholder quorum.* A majority of the outstanding shares of the institution entitled to vote, represented in person or by proxy, shall constitute a quorum at a meeting of shareholders. The shareholders present at a duly organized meeting may continue to transact business until adjournment, notwithstanding the withdrawal of enough shareholders to leave less than a quorum.

(f) *Shareholders voting.* (1) *Proxies.* At all meetings of shareholders, a shareholder may vote in person or by proxy executed in writing by the shareholder or by a duly authorized attorney in fact. Proxies solicited on behalf of the management shall be voted as directed by the shareholder or, in the absence of such direction, as determined by a majority of the board of directors. No proxy shall be valid more than eleven months from the date of its execution except for a proxy coupled with an interest.

(2) *Shares controlled by institution.* Neither treasury shares of its own stock held by the institution nor shares held by another corporation, if a majority of the shares entitled to vote for the election of directors of such other corporation are held by the institution, shall be voted at any meeting or counted in determining the total number of outstanding shares at any given time for purposes of any meeting.

(3) *Cumulative voting.* Every shareholder entitled to vote at an election for directors shall have the right to vote, in person or by proxy, the number of shares owned by the shareholder for as many persons as there are directors to be elected and for whose election the shareholder has a right to vote, or to cumulate the votes by giving one candidate as many votes as the number of such directors to be elected multiplied by the number of shares shall equal or by distributing such votes on the same principle among any number of candidates.

(g) *Nominations and new business submitted by shareholders.* Nominations for directors and new business submitted by shareholders shall be voted upon at the annual meeting if such nominations or new business are submitted in writing and delivered to the secretary of the institution at least five days prior to the date of the annual meeting. Ballots bearing the names of all the persons nominated shall be provided for use at the annual meeting.

20. Add new §§ 552.6–1, 552.6–2, 552.6–3, and 552.6–4 as follows:

§ 552.6–1 Board of directors.

The bylaws of a Federal stock institution shall be governed by the following requirements regarding the board of directors.

(a) *General powers and duties.* The business and affairs of the institution shall be under the direction of its board of directors. The board of directors shall annually elect a chairman of the board from among its members and shall designate, when present, the chairman of the board to preside at its meetings.

(b) *Number and term.* The board of directors shall consist of not fewer than seven nor more than fifteen as prescribed in the bylaws, but shall not be set at an even number. The directors shall be divided into three classes as nearly equal in number as possible. The numbers of each class shall be elected for a term of three years and until their successors are elected and qualified. One class shall be elected by ballot annually.

(c) *Regular meetings.* A regular meeting of the board of directors shall be held immediately after, and at the same place as, the annual meeting of shareholders.

(d) *Quorum.* A majority of the number of directors shall constitute a quorum for the transaction of business at any meeting of the board of directors. The act of the majority of the directors present at a meeting at which a quorum is present shall be the act of the board of directors, unless a greater number is prescribed by regulation of the Board.

(e) *Vacancies.* Any vacancy occurring in the board of directors may be filled

by the affirmative vote of a majority of the remaining directors although less than a quorum of the board of directors. A director elected to fill a vacancy shall be elected to serve until the next election of directors by the shareholders. Any directorship to be filled by reason of an increase in the number of directors may be filled by election by the board of directors for a term of office continuing only until the next election of directors by the shareholders.

(f) *Removal of directors.* (1) At a meeting of shareholders called expressly for that purpose, directors may be removed in the manner provided in this section. Any director may be removed for cause by a vote of the holders of a majority of the shares then entitled to vote at an election of directors.

(2) If less than the entire board is to be removed, no one of the directors may be removed if the votes cast against the removal would be sufficient to elect him if then cumulatively voted at an election of the class of directors of which he is a part.

(3) Whenever the holders of the shares of any class are entitled to elect one or more directors by the provisions of the articles of incorporation, the provisions of this section shall apply, in respect to the removal of a director or directors so elected, to the vote of the holders of the outstanding shares of that class and not to the vote of the outstanding shares as a whole.

(g) *Executive and other committees.* The board of directors, by resolution adopted by a majority of the full board, may designate from among its members an executive committee and one or more other committees each of which, to the extent provided in the resolution or bylaws of the institution, shall have and may exercise all of the authority of the board of directors, except no committee shall have the authority of the board of directors with reference to: the declaration of dividends; the amendment of the charter or bylaws of the institution; or recommending to the stockholders a plan of merger, consolidation, or conversion; the sale, lease, or other disposition of all, or substantially all of the property and assets of the institution otherwise than in the usual and regular course of its business; a voluntary dissolution of the association; a revocation of any of the foregoing or the approval of a transaction in which any member of the executive committee, directly or indirectly, has any material beneficial interest. The designation of any committee and the delegation of authority thereto shall not operate to relieve the board of directors, or any director, of any responsibility imposed by law or regulation.

(h) *Notice of special meetings.* Written notice of at least 24 hours regarding any special meeting of the board of directors or of any committee designated thereby shall be given to each director in accordance with the bylaws, although such notice may be waived by the director. The attendance of a director at a meeting shall constitute a waiver of notice of such meeting, except where a director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. Neither the business to be transacted at, nor the purpose of, any meeting need be specified in the notice or waiver of notice of such meeting. The bylaws may provide for telephonic participation at a meeting.

(i) *Action without a meeting.* Any action required or permitted to be taken by the board of directors at a meeting may be taken without a meeting if a consent in writing, setting forth the action so taken, shall be signed by all of the directors.

(j) *Presumption of assent.* A director of the institution who is present at a meeting of the board of directors at which action on any institutional matter is taken shall be presumed to have assented to the action taken unless his or her dissent or abstention shall be entered in the minutes of the meeting or unless a written dissent to such action shall be filed with the person acting as the secretary of the meeting before the adjournment thereof or shall be forwarded by registered mail to the secretary of the institution within five days after the date on which a copy of the minutes of the meeting is received. Such right to dissent shall not apply to a director who voted in favor of such action.

§ 552.6–2 Officers.

The bylaws of a Federal stock instition shall be governed by the following requirements regarding officers.

(a) *Positions.* The officers of the institution shall be a president, one or more vice presidents, a secretary, and a treasurer, each of whom shall be elected by the board of directors. The board of directors may also designate the chairman of the board as an officer. The president shall be the chief executive officer, unless the board of directors designates the chairman of the board as chief executive officer. The president shall be a director of the institution. The offices of the secretary and treasurer may be held by the same person and a vice president may also be either the secretary or the treasurer. The board of directors may designate one or more vice presidents as executive vice president or senior vice president. The board of directors may also elect or authorized the appointment of such other officers as the business of the institution may require. The officers shall have such authority and perform such duties as the board of directors may from time to time authorize or determine. In the absence of action by the board of directors, the officers shall have such powers and duties as generally pertain to their respective offices.

(b) *Removal.* Any officer may be removed by the board of directors whenever in its judgment the best interests of the institution will be served thereby, but such removal, other than for cause, shall be without prejudice to the contractual rights, if any, of the person so removed. Employment contracts shall conform with § 545.25–1 of this Subchapter.

§ 552.6–3 Certificates for shares and their transfer.

The bylaws of a Federal stock institution shall be governed by the following requirements regarding certification for shares and their transfer.

(a) *Certificates for shares.* Certificates representing shares of capital stock of the institution shall be in such form as shall be determined by the board of directors and approved by the Board. The certificates shall be signed by the chief executive officer or by any other officer of the institution authorized by the board of directors, attested by the secretary or an assistant secretary, and sealed with the corporate seal or a facsimile thereof. The signatures of such officers upon a certificate may be facsimiles of the certificate is manually signed on behalf of a transfer agent or a registrar other than the institution itself or one of its employees. Each certificate for shares of capital stock shall be consecutively numbered or otherwise identified. The name and address of the person to whom the shares are issued, with the number of shares and date of issue, shall be entered on the stock transfer books of the institution. All certificates surrendered to the institution for transfer shall be cancelled and no new certificate shall be issued until the former certificate for a like number of shares shall have been surrendered and cancelled, except that in case of a lost or destroyed certificate, a new certificate may be issued therefor upon such terms and indemnity to the

institution as the board of directors may prescribe.

(b) *Transfer of shares.* Transfer of shares of capital stock of the institution shall be made only on its stock transfer books. Authority for such transfer shall be given only by the holder of record thereof or by a legal representative, who shall furnish proper evidence of such authority, or by an attorney authorized by power of attorney duly executed and filed with the institution. The transfer shall be made only on surrender for cancellation of the certificate for the shares. The person in whose name shares of capital stock stand on the books of the institution shall be deemed by the institution to be the owner thereof for all purposes.

§ 552.6–4 Fiscal year; annual audit.

The bylaws shall specify the end of the fiscal year for the institution. The institution shall be subject to an annual audit as of the end of its fiscal year by independent public accountants appointed by and responsible to the board of directors. The appointment of such accountants shall be subject to annual ratification by the shareholders.

§ 552.12 [Removed]

21. Remove § 552.12.

22. Add a new § 552.16 as follows:

§ 552.16 Effect of subsequent charter or bylaw change.

Notwithstanding any subsequent change to its charter or bylaws, the authority of a Federal stock institution to engage in any activity or transaction need conform only to the institution's charter or bylaws then in effect.

23. Add an appendix at the end of Part 552 as follows:

Appendix to Part 552—Model Bylaws for Stock Institutions

Article I—Home Office

The home office of the institution shall be at ———— in the County of ————, in the State of ————.

Article II—Shareholders

Section 1. *Place of Meetings.* All annual and special meetings of shareholders shall be held at the home office of the institution or at such other place in the State in which the principal place of business of the institution is located as the board of directors may determine.

Section 2. *Annual Meeting.* A meeting of the shareholders of the institution for the election of directors and for the transaction of any other business of the institution shall be held annually within 120 days after the end of the institution's fiscal year on the ———— of ———— if not a legal holiday, and if a legal holiday, then on the next day following which is not a legal holiday, at ————, or at such other date and time within such 120-day period as the board of directors may determine.

Section 3. *Special Meetings.* Special meetings of the shareholders for any purpose or purposes, unless otherwise prescribed by the regulations of the Federal Home Loan Bank Board ("Board") (which as hereinafter used includes the Federal Savings and Loan Insurance Corporation), may be called at any time by the chairman of the board, the president, or a majority of the board of directors, and shall be called by the chairman of the board, the president, or the secretary upon the written request of the holders of not less than one-tenth of all of the outstanding capital stock of the institution entitled to vote at the meeting. Such written request shall state the purpose or purposes of the meeting and shall be delivered at the home office of the institution addressed to the chairman of the board, the president, or the secretary.

Section 4. *Conduct of Meetings.* Annual and special meetings shall be conducted in accordance with the most current edition of Robert's Rules of Order unless otherwise prescribed by regulations of the Board, or these bylaws. The board of directors shall designate, when present, either the chairman of the board or president to preside at such meetings.

Section 5. *Notice of Meeting.* Written notice stating the place, day, and hour of the meeting and the purpose(s) for which the meeting is called shall be delivered not fewer than 20 nor more than 50 days before the date of the meeting, either personally or by mail, by or at the direction of the chairman of the board, the president, or the secretary, or the directors calling the meeting, to each shareholder of record entitled to vote at such meeting. If mailed, such notice shall be deemed to be delivered when deposited in the mail, addressed to the shareholder at the address as it appears on the stock transfer books or records of the institution as of the record date prescribed in Section 5 of this Article II with postage thereon prepaid. When any shareholders' meeting, either annual or special, is adjourned for 30 days or more, notice of the adjourned meeting shall be given as in the case of an original meeting. It shall not be necessary to give any notice of the time and place of any meeting adjourned for fewer than 30 days or of the business to be transacted at the meeting, other than an announcement at the meeting at which such adjourment is taken.

Section 6. *Fixing of Record Date.* For the purpose of determining shareholders entitled to notice of or to vote at any meeting of shareholders or any adjournment thereof, or shareholders entitled to receive payment of any dividend, or in order to make a determination of shareholders for any other proper purpose, the board of directors shall fix in advance a date as the record date for any such determination of shareholders. Such date in any case shall be not more than 60 days and, in case of a meeting of shareholders, not fewer than 20 days prior to the date on which the particular action, requiring such determination of shareholders, is to be taken. When a determination of shareholders entitled to vote at any meeting of shareholders has been made as provided in this section, such determination shall apply to any adjournment thereof.

Section 7. *Voting Lists.* At least 20 days before each meeting of the shareholders, the officer or agent having charge of the stock transfer books for shares of the institution shall make a complete list of the shareholders entitled to vote at such meeting, or any adjournment thereof, arranged in alphabetical order, with the address and the number of shares held by each. This list of shareholders shall be kept on file at the home office of the institution and shall be subject to inspection by any shareholder at any time during usual business hours for a period of 20 days prior to such meeting. Such list shall also be produced and kept open at the time and place of the meeting and shall be subject to inspection by any shareholder during the entire time of the meeting. The original stock transfer book shall constitute prima facie evidence of the shareholders entitled to examine such list or transfer books or to vote at any meeting of shareholders.

In lieu of making the shareholder list available for inspection by shareholders as provided in the preceding paragraph, the board of directors may elect to follow the procedures prescribed in § 552.6(d) of the Board's regulations as now or hereafter in effect.

Section 8. *Quorum.* A majority of the outstanding shares of the institution entitled to vote, represented in person or by proxy, shall constitute a quorum at a meeting of shareholders. If less than a majority of the outstanding shares is represented at a meeting, a majority of the shares so represented may adjourn the meeting from time to time without further notice. At such adjourned meeting at which a quorum shall be present or represented, any business may be transacted which might have been transacted at the meeting as originally notified. The shareholders present at a duly organized meeting may continue to transact business until adjournment, notwithstanding the withdrawal of enough shareholders to constitute less than a quorum.

Section 9. *Proxies.* At all meetings of shareholders, a shareholder may vote by proxy executed in writing by the shareholder by his duly authorized attorney in fact. Proxies solicited on behalf of the management shall be voted as directed by the shareholder or, in the absence of such direction, as determined by a majority of the board of directors. No proxy shall be valid more than eleven months from the date of its execution except for a proxy coupled with an interest.

Section 10. *Voting of Shares in the Name of Two or More Persons.* When ownership stands in the name of two or more persons, in the absence of written directions to the institution to the contrary, at any meeting of the shareholders of the institution any one or more of such shareholders may cast, in person or by proxy, all votes to which such ownership is entitled. In the event an attempt is made to cast conflicting votes, in person or by proxy, by the several persons in whose names shares of stock stand, the vote or votes to which those persons are entitled shall be cast as directed by a majority of

those holding such and present in person or by proxy at such meeting, but no votes shall be cast for such stock if a majority cannot agree.

Section 11. *Voting of Shares by Certain Holders.* Shares standing in the name of another corporation may be voted by any officer, agent or proxy as the bylaws of such corporation may prescribe, or, in the absence of such provision, as the board of directors of such corporation may determine. Shares held by an administrator, executor, guardian, or conservator may be voted by him or her, either in person or by proxy, without a transfer of such shares into his or her name. Shares standing in the name of a trustee may be voted by him or her, either in person or by proxy, but no trustee shall be entitled to vote shares held by him or her without a transfer of such shares into his or her name. Shares standing in the name of a receiver may be voted by such receiver, and shares held by or under the control of a receiver may be voted by such receiver without the transfer thereof into his or her name if authority to do so is contained in an appropriate order of the court or other public authority by which such receiver was appointed.

A shareholder whose shares are pledged shall be entitled to vote such shares until the shares have been transferred into the name of the pledgee and thereafter the pledgee shall be entitled to vote the shares so transferred.

Neither treasury shares of its own stock held by the institution nor shares held by another corporation, if a majority of the shares entitled to vote for the election of directors of such other corporation are held by the institution, shall be voted at any meeting or counted in determining the total number of outstanding shares at any given time for purposes of any meeting.

Section 12. *Cumulative Voting.* Every shareholder entitled to vote at an election for directors shall have the right to vote, in person or by proxy, the number of shares owned by the shareholder for as many persons as there are directors to be elected and for whose election the shareholder has a right to vote, or to cumulate the votes by giving one candidate as many votes as the number of such directors to be elected multiplied by the number of shares shall equal or by distributing such votes on the same principle among any number of candidates.

Section 13. *Inspectors of Election.* In advance of any meeting of shareholders, the board of directors may appoint any persons other than nominees for office as inspectors of election to act at such meeting or any adjournment thereof. The number of inspectors shall be either one or three. Any such appointment shall not be altered at the meeting. If inspectors of election are not so appointed, the chairman of the board or the president may, or on the request of not fewer than ten percent of the votes represented at the meeting shall, make such appointment at the meeting. If appointed at the meeting, the majority of the votes present shall determine whether one or three inspectors are to be appointed. In case any person appointed as inspector fails to appear or fails or refuses to act, the vacancy may be filled by appointment by the board of directors in advance of the meeting or at the meeting by the chairman of the board or the president.

Unless otherwise prescribed by regulations of the Federal Home Loan Bank Board, the duties of such inspectors shall include: determining the number of shares and the voting power of each share, the shares represented at the meeting, the existence of a quorum, and th authenticity, validity and effect of proxies; receiving votes, ballots or consents; hearing and determining all challenges and questions in any way arising in connection with the rights to vote; counting and tabulating all votes or consents; determining the result; and such acts as may be proper to conduct the election or vote with fairness to all shareholders.

Section 14. *Nominating Committee.* The board of directors shall act as a nominating committee for selecting the management nominees for election as directors. Except in the case of a nominee substituted as a result of the death or other incapacity of a management nominee, the nominating committee shall deliver written nominations to the secretary at least 20 days prior to the date of the annual meeting. Upon delivery, such nominations shall forthwith be posted in a conspicuous place in each office of the association. No nominations for directors except those made by the nominating committee shall be votd upon at the annual meeting unless other nominations by shareholders are made in writing and delivered to the secretary of the institution at least five days prior to the date of the annual meeting. Upon delivery, such nominations shall forthwith be posted in a conspicuous place in each office of the association. Ballots bearing the names of all persons nominated by the nominating committee and by shareholders shall be provided for use at the annual meeting. However, if the nominating committee shall fail or refuse to act at least 20 days prior to the annual meeting, nominations for directors may be made at the annual meeting by any shareholder entitled to vote and shall be voted upon.

Section 15. *New Business.* Any new business to be taken up at the annual meeting shall be stated in writing and filed with the secretary of the association at least five days before the date of the annual meeting, and all business so stated, proposed and filed shall be considered at the annual meeting but no other proposal shall be acted upon at the annual meeting. Any shareholder may make any other proposal at the annual meeting and the same may be discussed and considered, but unless stated in writing and filed with the secretary at least five days before the meeting such proposal shall be laid over for action at an adjourned, special, or annual meeting of the shareholders taking place thirty days or more thereafter. This provision shall not prevent the consideration and approval or disapproval at the annual meeting of reports of officers, directors, and committees, but in connection with such reports no new business shall be acted upon at such annual meeting unless stated and filed as herein provided.

Section 16. *Informal action by shareholders.* Any action required to be taken at a meeting of the shareholders, or any other action which may be taken at a meetng of shareholders, may be taken without a meeting if consent in writing, setting forth the action so taken, shall be given by all of the shareholders entitled to vote with respect to the subject matter thereof.

Article III—Board of directors

Section 1. *General Powers.* The business and affairs of the institution shall be under the direction of its board of directors. The board of directors shall annually elect a chairman of the board and a president from among its members and shall designate, when present, either the chairman of the board or the president to preside at its meetings.

Section 2. *Number and Term.* The board of directors shall consist of ———— members and shall be divided into three classes as nearly equal in number as possible. The members of each class shall be elected for a term of three years and until their successors are elected and qualified. One class shall be elected by ballot annually.

Section 3. *Regular Meetings.* A regular meeting of the board of directors shall be held without other notice than this bylaw immediately after, and at the same place as, the annual meeting of shareholders. The board of directors may provide, by resolution, the time and place, within the institution's normal lending territory, for the holding of additional regular meetings without other notice than such resolution.

Section 4. *Qualification.* Each director shall at all times be the beneficial owner of not less than 100 shares of capital stock of the association unless the institution is a wholly-owned subsidiary of a holding company.

Section 5. *Special Meetings.* Special meetings of the board of directors may be called by or at the request of the chairman of the board, the president, or one-third of the directors. The persons authorized to call special meetings of the board of directors may fix any place, within the association's normal lending territory, as the place for holding any special meeting of the board of directors called by such persons.

Members of the board of directors may participate in special meetings by means of conference telephone or similar communications equipment by which all persons participating in the meeting can hear each other. Such participation shall constitute presence in person but shall not constitute attendance for the purpose of compensation pursuant to Section 11 of this Article.

Section 6. *Notice.* Written notice of any special meeting shall be given to each director at least two days prior thereto when delivered personally or by telegram or at least five days prior thereto when delivered by mail at the address at which the director is most likely to be reached. Such notice shall be deemed to be delivered when deposited in the mail so addressed, with postage thereon prepaid if mailed or when delivered to the telegraph company if sent by telegram. Any director may waive notice of any meeting by a writing filed with the secretary. The attendance of a director at a meeting shall constitute a waiver of notice of such meeting, except where a director attends a meeting for

the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. Neither the business to be transacted at, nor the purpose of, any meeting of the board of directors need be specified in the notice of waiver of notice of such meeting.

Section 7. *Quorum.* A majority of the number of directors fixed by Section 2 of this Article III shall constitute a quorum for the transaction of business at any meeting of the board of directors, but if less than such majority is present at a meeting, a majority of the directors present may adjourn the meeting from time to time. Notice of any adjourned meeting shall be given in the same manner as prescribed by Section 5 of this Article III.

Section 8. *Manner of Acting.* The act of the majority of the directors present at a meeting at which a quorum is present shall be the act of the board of directors, unless a greater number is prescribed by regulation of the Board or by these bylaws.

Section 9. *Action Without a Meeting.* Any action required or permitted to be taken by the board of directors at a meeting may be taken without a meeting if a consent in writing, setting forth the action so taken, shall be signed by all of the directors.

Section 10. *Resignation.* Any director may resign at any time by sending a written notice of such resignation to the home office of the association addressed to the chairman of the board or the president. Unless otherwise specified therein such resignation shall take effect upon receipt thereof by the chairman of the board or the president. More than three consecutive absences from regular meetings of the board of directors, unless excused by resolution of the board of directors, shall automatically constitute a resignation, effective when such resignation is accepted by the board of directors.

Section 11. *Vacancies.* Any vacancy occurring on the board of directors may be filled by the affirmative vote of a majority of the remaining directors although less than a quorum of the board of directors. A director elected to fill a vacancy shall be elected to serve until the next election of directors by the shareholders. Any directorship to be filled by reason of an increase in the number of directors may be filled by election by the board of directors for a term of office continuing only until the next election of directors by the shareholders.

Section 12 *Compensation.* Directors, as such, may receive a stated salary for their services. By resolution of the board of directors, a reasonable fixed sum, and reasonable expenses of attendance, if any, may be allowed for actual attendance at each regular or special meeting of the board of directors. Members of either standing or special committees may be allowed such compensation for actual attendance at committee meetings as the board of directors may determine.

Section 13. *Presumption of Assent.* A director of the association who is present at a meeting of the board of directors at which action on any association matter is taken shall be presumed to have assented to the action taken unless his or her dissent or abstention shall be entered in the minutes of the meeting or unless he or she shall file a written dissent to such action with the person acting as the secretary of the meeting before the adjournment thereof or shall forward such dissent by registered mail to the secretary of the institution within five days after the date of a copy of the minutes of the meeting is received. Such right to dissent shall not apply to a director who voted in favor of such action.

Article IV—Executive and Other Committees

Section 1. *Appointment.* The board of directors, by resolution adopted by a majority of the full board, any designate the chief executive officer and two or more of the other directors to constitute an executive committee. The designation of any committee pursuant to this Article IV and the delegation of authority thereto shall not operate to relieve the board of directors, or any director, of any responsibility imposed by law or regulation.

Section 2. *Authority.* The executive committee, when the board of directors is not in session, shall have and may exercise all of the authority of the board of directors except to the extent, if any, that such authority shall be limited by the resolution appointing the executive committee; and except also that the executive committee shall not have the authority of the board of directors with reference to: the declaration of dividends; the amendment of the charter or bylaws of the association, or recommending to the stockholders a plan of merger, consolidation, or conversion; the sale, lease, or other disposition of all or substantially all of the property and assets of the association otherwise than in the usual and regular course of its business; a voluntary dissolution of the association; a revocation of any of the foregoing; or the approval of a transaction in which any member of the executive committee, directly or indirectly, has any material beneficial interest.

Section 3. *Tenure.* Subject to the provisions of Section 8 of this Article IV, each member of the executive committee shall hold office until the next regular annual meeting of the board of directors following his or her designation and until a successor is designated as a member of the executive committee.

Section 4. *Meetings.* Regular meetings of the executive committee may be held without notice at such times and places as the executive committee may fix from time to time by resolution. Special meetings of the executive committee may be called by any member thereof upon not less than one day's notice stating the place, date, and hour of the meeting, which notice may be written or oral. Any member of the executive committee may waive notice of any meeting and no notice of any meeting need be given to any member thereof who attends in person. The notice of a meeting of the executive committee need not state the business proposed to be transacted at the meeting.

Section 5. *Quorum.* A majority of the members of the executive committee shall constitute a quorum for the transaction of business at any meeting thereof, and action of the executive committee must be authorized by the affirmative vote of a majority of the members present at a meeting at which a quorum is present.

Section 6. *Action without a meeting.* Any action required or permitted to be taken by the executive committee at a meeting may be taken without a meeting if a consent in writing, setting forth the action so taken, shall be signed by all of the members of the executive committee.

Section 7. *Vacancies.* Any vacancy in the executive committee may be filed by a resolution adopted by a majority of the full board of directors.

Section 8. *Resignations and removal.* Any member of the executive committee may be removed at any time with or without cause by resolution adopted by a majority of the full board of directors. Any member of the executive committee may resign from the executive committee at any time by giving written notice to the president or secretary of the association. Unless otherwise specified theron, such resignation shall take effect upon its receipt; the acceptance of such resignation shall not be necessary to make it effective.

Section 9. *Procedure.* The executive committee shall elect a presiding officer from its members and may fix its own rules of procedure which shall not be inconsistent with these bylaws. It shall keep regular minutes of its proceedings and report the same to the board of directors for its information at the meeting thereof held next after the proceedings shall have been taken.

Section 10. *Other committees.* The board of directors may by resolution establish an audit committee, a loan committee or other committees composed of directors as they may determine to be necessary or appropriate for the conduct of the business of the association and may prescribe the duties, constitution and procedures thereof.

Article V—Officers

Section 1. *Positions.* The officers of the association shall be a president, one or more vice presidents, a secretary and treasurer, each of whom shall be elected by the board of directors. The board of directors may also designate the chairman of the board as an officer. The president shall be the chief executive officer, unless the board of directors designates the chairman of the board as chief executive officer. The president shall be a director of the association. The offices of the secretary and treasurer may be held by the same person and a vice president may also be either the secretary or the treasurer. The board of directors may designate one or more vice presidents as executive vice president or senior vice president. The board of directors may also elect or authorize the appointment of such other officers as the business of the association may require. The officers shall have such authority and perform such duties as the board of director may from time to time authorize or determine. In the absence of action by the board of directors, the officers shall have such powers and duties as generally pertain to their respective offices.

Section 2. *Election and Term of Office.* The officers of the institution shall be elected annually at the first meeting of the board of

directors held after each annual meeting of the stockholders. If the election of officers is not held at such meeting, such election shall be held as soon thereafter as possible. Each officer shall hold office until a successor has been duly elected and qualified or until the officer's death, resignation or removal in the manner hereinafter provided. Election or appointment of an officer, employee, or agent shall not of itself create contractual rights. The board of directors may authorize the association to enter into an employment contract with any officer in accordance with regulations of the Board; but no such contract shall impair the right of the board of directors to remove any officer at any time in accordance with Section 3 of this Article V.

Section 3. *Removal.* Any officer may be removed by the board of directors whenever in its judgment the best interests of the institution will be served thereby, but such removal, other than for cause, shall be without prejudice to the contractual rights, if any, of the person so removed.

Section 4. *Vacancies.* A vacancy in any office because of death, resignation, removal, disqualification, or otherwise, may be filed by the board of directors for the expired portion of the term.

Section 5. *Remuneration.* The remuneration of the officers shall be fixed from time to time by the board of directors.

Article VI—Contracts, Loans, Checks and Deposits

Section 1. *Contracts.* To the extent permitted by regulations of the board, and except as otherwise prescribed by these bylaws with respect to certificates for shares, the board of directors may authorize any officer, employee, or agent of the association to enter into any contract or execute and deliver any instrument in the name of and on behalf of the institution. Such authority may be general or confined to specific instances.

Section 2. *Loans.* No loans shall be contracted on behalf of the institution and no evidence of indebtedness shall be issued in its name unless authorized by the board of directors. Such authority may be general or confined to specific instances.

Section 3. *Checks, Drafts, etc.* All checks, drafts or other orders for the payment of money, notes or other evidences of indebtedness issued in the name of the institution shall be signed by one or more officers, employees or agents of the institution in such manner as shall from time to time be determined by the board of directors.

Section 4. *Deposits.* All funds of the institution not otherwise employed shall be deposited from time to time to the credit of the institution in any of its duly authorized depositories as the board of directors may select.

Article VII—Certificates for Shares and Their Transfer

Section 1. *Certificates for Shares.* Certificates representing shares of capital stock of the institution shall be in such form as shall be determined by the board of directors and approved by the Board. Such certificates shall be signed by the chief executive officer or by any other officer of the institution authorized by the board of directors, attested by the Secretary or an assistant secretary, and sealed with the corporate seal or a facsimile thereof. The signatures of such officers upon a certificate may be facsimiles if the certificate is manually signed on behalf of a transfer agent or a registrar other than the institution itself or one of its employees. Each certificate for shares of capital stock shall be consecutively numbered or otherwise identified. The name and address of the person to whom the shares are issued, with the number of shares and date of issue, shall be entered on the stock transfer books of the institution. All certificates surrendered to the institution for transfer shall be cancelled and no new certificate shall be issued until the former certificate for a like number of shares has been surrendered and cancelled, except that in case of a lost or destroyed certificate, a new certificate may be issued therefor upon such terms and indemnity to the institution as the board of directors may prescribe.

Section 2. *Transfer of Shares.* Transfer of shares of capital stock of the institution shall be made only on its stock transfer books. Authority for such transfer shall be given only by the holder of record thereof or by his or her legal representative, who shall furnish proper evidence of such authority, or by his or her attorney authorized by power of attorney duly executed and filed with the institution. Such transfer shall be made only on surrender for cancellation of the certificate for such shares. The person in whose name shares of capital stock stand on the books of the institution shall be deemed by the institution to be the owner thereof for all purposes.

Article VIII—Fiscal Year; Annual Audit

The fiscal year of the institution shall end on the ——— of ——— of each year. The institution shall be subject to an annual audit as of the end of its fiscal year by independent public accountants appointed by and responsible to the board of directors. The appointment of such accountants shall be subject to annual ratification by the shareholders.

Article IX—Dividends

Subject to the terms of the institution's charter and the regulations and orders of the Board, the board of directors may, from time to time, declare, and the institution may pay, dividends on its outstanding shares of capital stock.

Article X—Corporate Seal

The board of directors shall provide an institution seal which shall be two concentric circles between which shall be the name of the institution. The year of incorporation or an emblem may appear in the center.

Article XI—Amendments

These bylaws may be amended at any time by a two-thirds vote of the full board of directors, or by a majority vote of the votes cast by the stockholders of the institution at any legal meeting.

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 563B—CONVERSIONS FROM MUTUAL TO STOCK FORM

24. Amend § 563b.3 by adding the following at the end of paragraph (c)(13):

§ 563b.3 General principles for conversions.

* * * * *

(c) *Required provisions in plan of conversion.*

(13) * * * An institution converting to a Federally chartered stock savings and loan association or savings bank shall include in its charter the following section:

Liquidation account. Pursuant to the requirements of Board's regulations (12 CFR Subchapter D) the institution shall establish and maintain a liquidation account for the benefit of its savings accountholders as of ——— ("eligible savers"). In the event of a complete liquidation of the institution, it shall comply with such regulations with respect to the amount and the priorities on liquidation of each of the institution's eligible saver's inchoate interest in the liquidation account, to the extent it is still in existence: *Provided,* that an eligible saver's inchoate interest in the liquidation account shall not entitle such eligible saver to any voting rights at meetings of the institution's stockholders.

* * * * *

PART 569—PROXIES

25. Amend § 569.3 by redesignating paragraph (a) as new paragraph (b); redesignating paragraph (b) as new paragraph (c)(1); and adding new paragraphs (a) and (c)(2); as follows:

§ 569.3 Holder of proxies.

(a) No proxy of a Federally chartered mutual institution with a term greater than eleven months or solicited at the expense of the institution may designate as holder anyone other than the board of directors or board of trustees as a whole.

* * * * *

(c) * * *

(2) Any proxy of a Federally chartered mutual institution outstanding on [effective date of final regulation] and not in compliance with paragraph (a) of this section, shall be valid until August 31, 1983.

(Sec. 5, 48 Stat 132, as amended (12 U.S.C. 1464); Secs. 402, 403, 407, 48 Stat. 1256, 1260, as amended (12 U.S.C. 1725, 1726, 1730); Reorg. Plan No. 3 of 1947; 3 CFR, 1943–1948 Comp., p. 1071)

By the Federal Home Loan Bank Board.
J. J. Finn,
Secretary.

[FR Doc. 83-10360 Filed 4-19-83; 8:45 am]
BILLING CODE 6720-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 3282

[Docket No. R-83-1077]

Manufactured Home Procedural and Enforcement Regulations

AGENCY: Office of Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Proposed rule.

SUMMARY: In 1976, under the authority granted by section 620 of the Manufactured Housing Construction and Safety Standards Act of 1974, the Secretary established a monitoring inspection fee of $19 per unit inspected. The process of revising the fee by amending the regulation (24 CFR 3282.454) which established it however is a cumbersome one.

The proposed rule would amend 24 CFR 3282.454 to permit the Secretary of Housing and Urban Development to raise or lower the manufactured home monitoring inspection fee by placing a notice of the new fee in the **Federal Register.**

DATES: Comment due date: June 20, 1983.

ADDRESS: Interested persons are invited to submit comments regarding this rule to the Office of General Counsel, Rules Docket Clerk, Room 10278, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. Comments should refer to the above docket number and title. A copy of each comment submitted will be available for public inspection during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT: John S. Mason, Director, Enforcement Branch, Manufactured Housing Standards Division, Room 3244, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410, telephone (202) 755-6920. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Section 614(a) of the Manufactured Housing Construction and Safety Standards Act of 1974 (the Act), 42 U.S.C. 5413(a), authorizes the Secretary of Housing and Urban Development (the Secretary) to conduct such inspections and investigations as are necessary to enforce the Act and to carry out the Secretary's duties thereunder. Section 614(b) of the Act, 42 U.S.C. 5413(b), permits the Secretary to contract with state and local governments as well as private organizations to assist in carrying out these activities. In order to pay for these activities, Section 620 of the Act, 42 U.S.C. 5419, permits the Secretary to establish and impose such fees as may be necessary to offset the expenses incurred in conducting the inspections.

In 1976, under the authority granted by Section 620 of the Act, the Secretary established a monitoring inspection fee of $19.00 per unit inspected. (24 CFR 3282.454) This fee is paid by manufactured home builders to the Secretary. Since 1976, the amount of the fee has been temporarily lowered on two occasions, both times by amending 24 CFR 3282.454. 46 FR 46126 (September 17, 1981) and 47 FR 33264 (August 2, 1982). It is likely that the fee will have to be revised again, either temporarily or permanently, to reflect changes in costs or changes in the level of inspection-related activity. The process of revising the fee by amending the regulation which established it, however, is a cumbersome one. The Secretary has determined that the fee can be revised more quickly by placing a notice of the new fee in the **Federal Register**. By using the faster procedure, the Secretary would more quickly be able to collect additional fees needed to conduct inspections or reduce the fee and more quickly pass along this reduced cost to the manufacturers and ultimately to the consumers.

In order to adopt the new procedure for revising the monitoring inspection fee, 24 CFR 3282.454 which establishes the fee at $19.00 must be revised. This proposed rule would make the necessary revisions.

Under this proposed rule public comment would not be formerly requested before a new fee is published. Nevertheless, HUD will entertain any comments and suggestions it receives from the public which pertain to an existing fee.

This rule does not constitute a "major rule" as that term is defined in Sec. 1(b) of the Executive Order 12291 on Federal Regulation issued on February 17, 1981. Analysis of the rule indicates that it does not: (1) Have an annual effect on the economy of $100 million or more; (2) cause a major increase in cost or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Pursuant to 24 CFR 50.30(c), a Finding of No Significant Impact with respect to the environment is unnecessary because the rule is purely administrative in nature, is clearly unrelated to environmental concerns and has no potential for significantly affecting the human environment.

Pursuant to the provisions of 5 U.S.C. 650(b) (the Regulatory Flexibility Act), the Undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities because the rule does not change the fee which is currently in effect.

This rule was not listed in the Department's Semi-Annual Agenda of Regulations published on October 28, 1982 (47 FR 48422) pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

The Catalog of Federal Domestic Assistance program number is 14.804.

List of Subjects in 24 CFR Part 3282

Mobile homes.

PART 3282—MANUFACTURED HOME PROCEDURAL AND ENFORCEMENT REGULATIONS

Accordingly, the Department proposes to amend 24 CFR Part 3282 by revising § 3282.454 to read as follows:

§ 3282.454 Monitoring inspection fee.

(a) The Secretary may establish by notice in the **Federal Register** a monitoring inspection fee which is to be paid by manufacturers for each manufactured home manfactured in nonapproved and conditionally approved states as described in § 3282.210.

(b) The monitoring inspection fee to be established by approved states under § 3282.307(a) shall be in the amount determined by the Secretary.

(c) The Secretary may at any time revise the amount of the fees established in paragraphs (a) and (b) of this section by placing a notice of the amount of the new fee in the **Federal Register.**

(Sec. 620, National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5419); Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)))

Dated: March 14, 1983.

Philip Abrams,

Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 83-10160 Filed 4-19-83; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR-243-81]

Designation of Principal Campaign Committee; Proposed Rulemaking

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to the designation by a candidate for Congress of a principal campaign committee. Changes to the law were made by the Economic Recovery Tax Act of 1981. The regulations would provide candidates for Congress and their principal campaign committees with the guidance needed to comply with that Act.

DATES: Written comments and requests for a public hearing must be delivered or mailed by June 20, 1983. The amendments are proposed to be effective for taxable years beginning after December 31, 1981.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, 1111 Constitution Avenue, NW., Attention: CC:LR:T, Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Susan K. Thomas of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 (Attention: CC:LR:T, 202-566-3294).

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 527 of the Internal Revenue Code of 1954. These amendments are proposed to conform the regulations to section 128 of the Economic Recovery Tax Act of 1981 (95 Stat. 172, 203) and are to be issued under the authority contained in section 527(h)(2)(B)(i) of the Internal Revenue Code of 1954 (95 Stat. 203; 26 U.S.C. 527(h)(2)(B)(i)) and section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

Designation Requirement

Section 128 of the Economic Recovery Tax Act of 1981 adds new section 527(h) to the Internal Revenue Code of 1954. That section provides that the political organization taxable income of a "principal campaign committee" of a candidate for Congress shall be taxed at the appropriate corporate rate specified in section 11(b) of the Code rather than at the highest rate specified in that section. The highest corporate rate of tax is the rate of tax applicable to other political organizations. In order to qualify for the more favorable rate of tax, a committee must be designated in writing as a "principal campaign committee" by a candidate for Congress. A copy of this written designation, which may be made on Federal Election Commission Form 2 or equivalent documents, must be appended to the Form 1120 (POL) filed by the principal campaign committee. Only a candidate for Congress, and not a candidate for other Federal or State office, may make a designation of a principal campaign committee. A candidate for Congress may have only one designation under 527(h) in effect at any time.

Regulatory Flexibility Act

Although this document is a notice of proposed rulemaking which solicits public comment, the Internal Revenue Service has concluded that the regulations proposed herein are interpretative and that the notice and public procedure requirements of 5 U.S.C. 553 do not apply. Accordingly, these proposed regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6).

Nonapplication of executive order 12291

The Treasury Department has determined that this regulation is not subject to review under Executive Order 12291 or the Treasury and OMB implementation of the Order dated April 28, 1982.

Comments and Requests for a Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably seven copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the **Federal Register.**

Drafting Information

The principal author of these proposed regulations is Susan K. Thompson of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

List of Subjects in 26 CFR 1.501(a)-1-1.528-10

Income taxes, Exempt organizations, Foundations, Nonprofit organizations, Cooperatives, Political organizations, Homeowners associations.

Proposed Amendments to the Regulations

The proposed amendments to 26 CFR Part 1 are as follows:

PART 1—[AMENDED]

Paragraph 1. Section 1.527-1, relating to political organizations, generally, is amended by removing the last sentence and adding the following in its place: "The taxation of newsletter funds is provided under section 527(g) and § 1.527-7. A special rule for principal campaign committees is provided under section 527(h) and § 1.527-9."

Par. 2. Section 1.527-2 is amended by adding a new paragraph (e) immediately following paragraph (d). New paragraph (e) reads as follows:

§ 1.527-2 Definitions.

* * * * *

(e) *Principal campaign committee.* A "principal campaign committee" is the political committee designated by a candidate for Congress as his or her principal campaign committee for purposes of section 302(e) of the Federal Election Campaign Act of 1971 (2 U.S.C. section 432(e)), as amended, and section 527(h) and § 1.527-9.

Par. 3. Section 1.527-8(d) is revised to read as follows:

§ 1.527-8 Effective date; filing requirements; and miscellaneous provisions.

* * * * *

(d) *Effective date.* Except as provided in paragraph (b)(2) of § 1.527-6 and in paragraph (a) of § 1.527-9, the regulations under section 527 apply to taxable years beginning after December 31, 1974.

Par. 4. A new § 1.527-9 is added immediately following § 1.527-8. New § 1.527-9 reads as follows:

§ 1.527–9 Special rule for principal campaign committees.

(a) *In general.* Effective with respect to taxable years beginning after December 31, 1981, the tax imposed by section 527(b) on the political organization taxable income of a principal campaign committee shall be computed by multiplying the political organization taxable income by the appropriate rates of tax specified in section 11(b). The political organization taxable income of a campaign committed not a principal campaign committee is taxed at the highest rate of tax specified in section 11(b). A candidate for Congress may designate one political committee to serve as his or her principal campaign committee for purposes of section 527(h)(1). If a designation is made, it shall be made in accordance with the requirements of paragraph (b) of this section. A candiate for Congress may have only one designation in effect at any time. Under 11 CFR 102.12, no political committee may be designated as the principal campaign committee of more than one candidate for Congress. Further, no political committee that supports or has supported more than one candiate for Congress may be designated as a principal campaign committee.

(b) *Manner of designation.* If a candidate for Congress elects to make a designation under section 527(h) and this section, he or she shall designate his or her principal campaign committee by appending a copy of her Statement of Candidacy (that is, the Federal Election Commission Form 2 or equivalent statement that the candidate filed with the Federal Election Commission under 11 CFR 101.1(a)), to the Form 1120 (POL) filed by the principal campaign committee. This designation may also be made by appending to the Form 1120 (POL) a statement containing the following information: The name and address of the candidate for Congress; his or her taxpayer identification number; his or her party affiliation and the office sought; the district and State in which the office is sought; and the name and address of the principal campaign committee. Only a candidate for Congress may make a designation in accordance with this paragraph.

(c) *Manner of revoking designation.* A designation of a principal campaign committee that has been filed in accordance with this section may be revoked only with the consent of the Commissioner. In general, the Commissioner will grant such consent in every case where the candidate for Congress has revoked his of her designation in compliance with the requirements of the Federal Election Commission by filing an amended Statement of Organization or its equivalent pursuant to 11 CFR 102.2(a)(2). In the case of the revocation of the designation of a principal campaign committee by a candidate followed by the designation of another principal campaign committee by such candidate, for purposes of determining the appropriate rate of tax under section 11(b) for a taxable year, the political organization taxable income of the first principal campaign committee shall be treated as that of the subsequent principal campaign committee. In a case where consent to revoke a designation of a principal campaign committee is granted and a new designation is filed, the Commissioner may condition his consent upon the agreement of the candidate for Congress to insure compliance with the preceding sentence.

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 83-10558 Filed 4-19-83; 8:45 am]

BILLING CODE 4830-01-M

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26 CFR Part 1

[EE-3-81]

Affiliated Service Groups; Proposed Rulemaking

Correction

In the issue of Wednesday, April 13, 1983, on page 15930, a document correcting § 1.414(m)–1(c) appeared. In the third line of the correction "page 8206" should read "page 8296".

BILLING CODE 1505-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 9E2166/P259; PH-FRL 2350-5]

Dicamba; Proposed Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that tolerances be established for the combined residues of the herbicide dicamba and its metabolite in or on the raw agricultural commodities proso millet grain and straw. The proposed regulation to establish maximum permissible levels for residues of the herbicide in or on the commodities was submitted, pursuant to a petition, by the Interregional Research Project No. 4 (IR–4).

DATE: Comments must be received on or before May 20, 1983.

ADDRESS: Written comments to: Emergency Response Section, Process Coordination Branch, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 716B, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs (703–557–1192) at the above address.

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR–4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition 9E2166 to EPA on behalf of the IR–4 Technical Committee and the Agricultural Experiment Stations of Colorado, Kansas, Minnesota, Nebraska, North Dakota, South Dakota and Wyoming.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of tolerances for the combined residues of the herbicide dicamba (3,6-dichloro-*o*-anisic acid) and its metabolite 3,6-dichloro-5-hydroxy-*o*-anisic acid in or on the raw agricultural commodities proso millet grain and straw at 0.05 parts per million (ppm). The petition was later amended to propose tolerance levels of 0.5 part per million (ppm) in or on the commodities.

That data submitted in the petition and other relevant material have been evaluated. The pesticide is considered useful for the purpose for wihich the tolerances are sought. The toxicological data considered in support of the proposed tolerances included a 2-year rat feeding/oncogenic study with a no-observed-effect level (NOEL) greater than 500 ppm (25 mg/kg) for oncogenic and systemic effects under the conditions of the study; a 2-year dog feeding study with a systemic NOEL greater than 50 ppm (1.25 mg/kg); a 3-generation rat reproduction study with a NOEL greater than 500 ppm (25 mg/kg); two teratology studies, rabbit and rat, with NOEL's greater than 10 mg/kg/day and 160 mg/kg, respectively.

The acceptable daily intake (ADI), based on a NOEL of 1.25 mg/kg/day (2-year dog feeding study) and using a 100-fold safety factor, is calculated to be 0.0125 mg/kg of body weight (bw)/day. The maximum permitted intake (MPI) for a 60-kg human is calculated to be 0.75 mg/day. The theoretical maximum residue contribution (TMRC) from existing tolerances for a 1.5 kg daily diet

is calculated to be 0.2740 mg/day; the current action will increase the TMRC by 0.00023 mg/day (0.08 percent). Published tolerances utilize 36.5 percent of the ADI; the current action will utilize an additional 0.03 percent of the ADI.

The nature of the residues is adequately understood and an adequate analytical method, gas chromatography, is available for enforcement purposes. Although there are presently no actions pending against the continued registration of this chemical, the dimethylamine formulation of dicamba was analyzed and found to contain the nitrosoamine impurity dimethyl nitrosoamine (DMNA) at levels up to 3.0 ppm. Based on the Agency's calculations, treated millet seed could contain a maximum of 0.7 part per billion (ppb) DMNA. For the purpose of this petition, a risk analysis shows that the carcinogenic upper limits of risk associated with dietary intake of 0.7 ppb DMNA in treated millet seed is 1×10^{-6}. This risk level does not exceed the 1×10^{-6} risk criteria for nitroso compounds, as defined in the **Federal Register** of June 25, 1980 (45 FR 42854).

Based on the above information considered by the Agency and the fact that there is no reasonable expectation of secondary residues in meat, poultry and eggs (residues in milk are not expected to exceed the currently established tolerance), the tolerances established by amending 40 CFR 180.227 would protect the public health. It is proposed, therefore, that the tolerances be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this notice in the **Federal Register** that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, [PP 9E2166/P259]. All written comments filed in response to this petition will be available in the Emergency Response Section, Registration Division, at the address given above from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: April 11, 1983.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, it is proposed that 40 CFR 180.227(a) be amended by adding and alphabetically inserting the raw agricultural commodities proso millet grain and straw to read as follows:

§ 180.227 Dicamba; tolerances for residues.

(a) * * *

Commodities	Parts per million
* * * * *	
Millet, proso, grain	0.5
Millet, proso, straw	0.5
* * * * *	

[FR Doc. 83-10455 Filed 4-19-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 83-365; RM-4303]

TV Broadcast Stations in Albuquerque, New Mexico; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of UHF Television Channel 41 to Albuquerque, New Mexico, as its eight television assignment, in response to a petition filed by Dennis H. Owen.

DATES: Comments must be filed on or before May 31, 1983, and reply comments must be filed on or before June 15, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Proposed Rule Making

In the matter of an amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations. (Albuquerque, New Mexico); MM Docket No. 83-365, RM-4303.

Adopted: March 23, 1983.

Released: April 14, 1983.

By the Chief, Policy and Rules Division.

1. The Commission herein considers a petition for rule making, filed January 6, 1983, by Dennis H. Owen ("petitioner"), seeking the assignment of UHF Television Channel 41 to Albuquerque, New Mexico, as its eight television assignment. The channel can be assigned in compliance with the minimum distance separation requirements and other criteria.

2. Albuquerque (population 331,767),[1] seat of Bernalillo County (population 419,700) is located in north-central New Mexico. Petitioner submitted information in support of the proposal and expressed his interest in applying for the channel, if assigned.

3. In view of the fact that Albuquerque could receive its eighth television service, we shall seek comments on the proposal to amend the Television Table of Assignments, § 73.606(b) of the Commission's Rules with respect to the following community:

City	Channel No.	
	Present	Proposal
Albuquerque, New Mexico.	4+, *5+, 7+, 13+ 14-, 23-, *32+	4+, 5*+, 7+, 13+, 14-, 23-, *32+, 41

4. The Commission's authority to institute rule making proceedings, showing required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before May 31, 1983, and reply comments on or before June

[1] Population figures are taken from the 1980 U.S. Census Advance Report.

15, 1983, and are advised to read the Appendix for the proper procedures.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend § 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981..

7. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a *Notice of Proposed Rule Making* is issued until the matter is no longer subject to Commission consideration, of court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitute an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83–10516 Filed 4–19–83; 8:45 am]
BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 83–364; RM–4291]

TV Broadcast Stations in Bloomington, Indiana; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes a third commercial television assignment to Bloomington, Indiana, in response to a petition filed by William V. Johnson.

DATES: Comments must be filed on or before May 31, 1983, and reply comments on or before June 15, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau (202) 634–6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Proposed Rule Making

In the matter of an Amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations. (Bloomington, Indiana); MM Docket No. 83–364, RM–4291.

Adopted: March 23, 1983.

Released: April 14, 1983.

By the Chief, Policy and Rules Division.

1. William V. Johnson ("petitioner"), on December 30, 1982, submitted a petition for rule making requesting the assignment of UHF Television Channel 42 to Bloomington, Indiana, as third commercial television assignment. Petitioner stated that he, or an entity of which he is a part, will apply for the channel, if assigned.

2. Bloomington, (population 51,646) [1], seat of Monroe County (population 98,387), is located in southern Indiana, approximately 75 kilometers (48 miles) southwest of Indianapolis. Bloomington, is presently assigned commercial Channels 4 and 63; and noncommercial educational Channel *30.

3. In support of his proposal, petitioner submitted population data and statistics on the consumer spendable income and retail sales for Monroe County.

4. We believe that the petitioner's proposal warrants consideration. The proposed assignment meets all spacing

[1] Population figures are taken from the 1980 U.S. Census Advance Report.

requirements and could provide for a third local commercial television station at Bloomington, Indiana. In view of the above, comments are invited on the proposal to amend the Television Table of Assignments, with regard to the following community.

City	Channel No.	
	Present	Proposed
Bloomington, Indiana	4,*30-,63+	4,*30-,42+, 63+

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before May 31, 1983, and reply comments on or before June 15, 1983, and are advised to read the Appendix for the proper procedures.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making To Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Montrose H. Tyree, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a *Notice of Proposed Rule Making* is issued until the matter is no longer subject to Commission consideration, or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. As *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. Number of Copies. In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-10517 Filed 4-19-83; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 83-363; RM-4376]

Television Broadcast Station in Lubbock, Texas; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign UHF television Channel 16 to Lubbock, Texas, in response to a petition filed by Kyle R. Wesley. The proposed assignment could provide Lubbock with a fifth commercial television broadcast service.

DATES: Comments must be filed on or before May 31, 1983, and reply comments on or before June 15, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Proposed Rule Making

In the matter of an amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations. (Lubbock, Texas); MM Docket No. 83-363, RM-4376.

Adopted: March 23, 1983.

Released: April 14, 1983.

By the Chief, Policy and Rules Division.

1. A petition for rule making was filed February 4, 1983, by Kyle R. Wesley ("petitioner"), seeking the assignment of UHF television Channel 16 to Lubbock, Texas, as that community's fifth commercial television allocation. Petitioner has failed to indicate that he will apply for the channel, if assigned, and should do so by the date set forth herein for filing comments.

2. Lubbock (population 173,979),[1] the seat of Lubbock County (population 211,651), is located in the northwestern portion of the State, and is approximately 470 kilometers (290 miles) northwest of Dallas. Currently, Lubbock is assigned four commercial, and one non-commercial educational channels.

3. UHF television Channel 16 can be assigned to Lubbock in compliance with the minimum distance separation requirements of § 73.610 of the Commission's Rules. Therefore, in order to give further consideration to the request, the Commission proposes to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules, as follows:

Channel No.	City	
	Present	Proposed
Lubbock, Texas	*5-, 11, 13-, 28, 16+, 13-, 34-	*5-, 11, 13-, 28, 34

4. The commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before May 31, 1983, and reply comments on or before June 15, 1983, and are advised to read the Appendix for the proper procedures.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR, 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Nancy V. Joyner, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any commnent which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Commmunications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the TV Table of Assigments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in intial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-10518 Filed 4-19-83; 8:45 am]

BILLING CODE 6712-01-M

[1] Population figures were extracted from the 1980 U.S. Census, Advance Reports.

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47 CFR Part 73

[MM Docket No. 83-358; RM-4374]

FM Broadcast Stations in Juneau, Alaska; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 292Ato Juneau, Alaska, in response to a petition filed by KINY Associates. The proposal could provide a fourth FM service to that community.

DATES: Comments must be filed on or before May 31, 1983, and reply comments must be filed on or before June 15, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634–6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Proposed Rule Making

In the matter of an amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Juneau, Alaska); MM Docket No. 83–358, RM–4374.

Adopted: March 23, 1983.
Released: April 14, 1983.

By the Chief, Policy and Rules Division.

1. A petition for rule making was filed January 28, 1983, by KINY Associates ("petitioner") seeking the assignment of FM Channel 292A to Juneau, Alaska, as its fourth FM assignment.[1] Petitioner submitted information in support of its proposal and expressed an interest in applying for the channel, if assigned. The channel can be assigned in compliance with the minimum distance separation requirements.

2. Since the proposed assignment of Channel 292A to Juneau, Alaska, is within 320 kilometers (200 miles) of the U.S.-Canadian border, Canadian concurrence must be obtained.

3. In view of the fact that the proposed assignment could provide a fourth FM service to Juneau, the Commission believes it is appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with respect to the following community.

City	Channel No.	
	Present	Proposed
Juneau, Alaska	282, 286	264, 282, 286, 292A

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

[1] A proposal to assign Channel 264 as a third FM assignment is now pending (RM–4323).

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before May 31, 1983, and reply comments on or before June 15, 1983, and are advised to read the Appendix for the proper procedures.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification That Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making To Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules,* 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a *Notice of Proposed Rule Making* is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-10513 Filed 4-19-83; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-367; RM-4380]

FM Broadcast Stations in East Grand Forks, Minnesota; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule.

SUMMARY: This action proposes to substitute Class C FM Channel 282 for Channel 280A in East Grand Forks, Minnesota, and to modify the Class A license for Station KRRK-FM accordingly, in response to a petition filed by KRAD, Inc.

DATES: Comments must be filed on or before May 31, 1983, and reply comments must be filed on or before June 15, 1983

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Proposed Rule Making

In the matter of an amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (East Grand Forks, Minnesota); MM Docket No. 83-367, RM-4380.

Adopted: March 23, 1983.
Released: April 14, 1983.

By the Chief, Policy and Rules Division.

1. A petition for rule making was filed February 8, 1983, by KRAD, Inc.[1] ("petitioner"), which seeks to substitute Class C Channel 282 for Channel 280A at East Grand Forks, Minnesota, and to modify the license for Station KRRK-FM (Channel 280A) to specify operation on Class C Channel 282.

2. Petitioner submitted information in support of the petition. It noted that the substitution of Class C Channel 282 for Channel 280A would enable the station to better serve the audience in this thinly populated agricultural area.

[1] Petitioner is the licensee of Station KRRK-FM (Channel 280A) at East Grand Forks, Minnesota.

3. We believe that the petitioner's proposal warrants consideration. The channel can be substituted in compliance with the minimum distance separation requirements. In accordance with our established policy, we shall propose to modify the license of Station KRRK-FM to specify operation on Channel 282. However, if another party should indicate an interest in the Class C assignment, the modification could not be implemented. Instead, an opportunity for the filing of a competing application would be provided. See *Cheyenne, Wyoming*, 62 F.C.C. 2d 63 (1976).

4. Since the proposed channel substitution in East Grand Forks, Minnesota, is within 320 kilometers (200 miles) or the U.S.-Canadian border, Canadian concurrence must be obtained.

5. In view of the apparent need for a wide coverage area FM station, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, as it pertains to the following community.

City	Channel No.	
	Present	Proposed
East Grand Forks, Minnesota	280A	282

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before May 31, 1983, and reply comments on or before June 15, 1983, and are advised to read the Appendix for the proper procedures.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. However, members of the the public should note that from the time a *Notice of Proposed Rule Making* is issued until the matter is no longer subject to Commission consideration, or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-10614 Filed 4-19-83; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 83-366; RM-4285]

TV Broadcast Stations Santa Barbara, California; Proposed Changes in Table Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign UHF Television Channel 38 to Santa Barbara, California, in response to a petition filed by William V. Johnson. The assignment could provide Santa Barbara with its fifth television allocation.

DATES: Comments must be filed on or before May 31, 1983, and reply comments on or before June 15, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C., 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Mass Media Bureau (202) 634-6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Proposed Rule Making

In the Matter of an amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations. (Santa Barbara, California); MM Docket No. 83-366, RM-4285.

Adopted: March 23, 1983.

Released: April 14, 1983.

By the Chief, Policy and Rules Division.

1. A petition for rule making was filed December 29, 1982, by William V. Johnson ("petitioner"), seeking the assignment of UHF Television Channel 38 to Santa Barbara, California, as that community's fifth television allocation. Petitioner indicated that he, or an entity of which he is a part, will apply for the channel, if assigned.

2. Santa Barbara (population 74,542),[1] the seat of Santa Barbara County (population 298,660), is located approximately 135 kilometers (85 miles) northwest of Los Angeles. At the present time, Channels 3-(Station KEYT), 14 *20, and *32 are assigned to Santa Barbara.

3. We believe the petitioner's proposal warrants consideration. The channel can be assigned in conformity with the minimum distance separation requirements of § 73.610 of the Commission's Rules. However, since Santa Barbara is located within 199 miles of the common Mexican-U.S. border. Mexican concurrence in the proposal is required.

4. In view of the foregoing, the Commission finds it would be in the public interest to seek comments on the proposal to amend the Television Table of Assignments, § 73.606(b) of the Commission's Rules, with regard to Santa Barbara, California, as follows:

[1] Population figures were extracted from the 1980 U.S. Census, Advance Reports.

City	Channel No.	
	Present	Proposed
Santa Barbara, California	3-, 14,[1] *20,[1] *32	3-, 14,[1] *20,[1] *32, 38

[1] Following the decision in Docket No. 18261, channels so indicated will not be available for television use until further action by the Commission.

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before May 31, 1983, and reply comments on or before June 15, 1983, and are advised to read the Appendix for the proper procedures.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend § 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Nancy V. Joyner, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a *Notice of Proposed Rule Making* is issued until the matter is no longer subject to Commission consideration, or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-10515 Filed 4-19-83; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 83-362; RM-4349]

Television Broadcast Stations Paducah, Kentucky; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign UHF television Channel 49 to Paducah, Kentucky, in response to a petition filed by William T. Conner. The assignment could provide Paducah with its third television allocation.

DATES: Comments must be filed on or before May 31, 1983, and reply comments on or before June 15, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Proposed Rule Making

In the Matter of an Amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations, (Paducah, Kentucky); MM Docket No. 83-362, RM-4349.

Adopted: March 23, 1983.

Released: April 14, 1983.

By the Chief, Policy and Rules Division.

1. A petition for rule making was filed January 14, 1983, by William T. Conner ("petitioner") seeking the assignment of UHF television Channel 49 to Paducah, Kentucky, as that community's third commercial television allocation. Petitioner indicated that he, or an entity of which he is a part, will apply for the channel, if assigned.

2. Paducah (population 29,315),[1] the seat of McCracken County (population 61,310), is located in western Kentucky, approximately 285 kilometers (178 miles) southwest of Louisville. Presently, Paducah is assigned two commercial television channels.

3. UHF television Channel 49 can be assigned to Paducah consistent with the minimum distance separation requirements of § 73.610 of the Commission's Rules. Therefore, we believe the petitioner's proposal warrants consideration since the proposed assignment could provide Paducah with its third commercial television broadcast service. Accordingly, the Commission proposes to amend the Television Table of Assignments, § 73.606(b) of the Commission's Rules, as follows:

City	Channel No.	
	Present	Proposed
Paducah, Kentucky	6+, 29	6+, 29, 49+

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before May 31, 1983, and reply comments on or before June 15, 1983, and are advised to read the Appendix for the proper procedures.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

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[1] Population figures were extracted from the 1980 U.S. Census, Advance Reports.

7. For further information concerning this proceeding, contact Nancy V. Joyner, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the dicision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83–10519 Filed 4–19–83; 8:45 am]
BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 83–361; RM–3626]

TV Broadcast Stations Cleveland, Tennessee; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign UHF Television Channel 53 to Cleveland, Tennessee, as its first television assignment, in response to a petition filed by Peggy Ann Rothchild.

DATES: Comments must be filed on or before May 31, 1983, and reply comments must be filed on or before June 15, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634–6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

In the Matter of an amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations (Cleveland, Tennessee); MM Docket No. 83–361, RM–4336.

Proposed Rule Making

Adopted: March 23, 1983.

Released: April 14, 1983.

By the Chief, Policy and Rules Division.

1. The Commission herein considers a petition for rule making, filed January 6, 1983, by Peggy Ann Rothchild ("petitioner"), seeking the assignment of UHF Television Channel 53 to Cleveland, Tennessee, as its first television assignment.

2. Cleveland (population 26,415),[1] seat of Bradley County (population 67,547), is located in southeastern Tennessee, approximately 200 kilometers (125 miles) southeast of Nashville, Tennessee.

3. Petitioner submitted information in support of the proposal and expressed an interest in applying for the channel, if assigned. A site restriction of 9.7 miles southeast of Cleveland is required to avoid short-spacing to Station WKGB (Channel 53) in Bowling Green, Kentucky.

4. In view of the fact that Cleveland could receive its first local television service, the Commission finds that it would be in the public interest to seek comments on the proposal to amend the Television Table of Assignments (§ 73.606(b) of the Commission's Rules) for the following community.

City	Channel No.	
	Present	Proposed
Cleveland, Tenn.		53

[1] Population figures are taken from the 1980 U.S. Census Advance Report.

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note. A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before May 31, 1983, and reply comments on or before June 15, 1983, and are advised to read the Appendix for the proper procedures.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration, or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in intital comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate it present intention to apply for the channel if it is assigned, and, if authorized, to build a station promply. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this preceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in intitial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See §1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rule and regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Rely comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rule and Regulation, and original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-10530 Filed 4-19-83; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 83-360; RM-4369]

TV Broadcast Stations in Novato, California, Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign UHF Television Channel 68 to Novato, California, as its first television assignment in response to a petition filed by Stephen J. Mewhort.

DATES: Comments must be filed on or before May 31, 1983, and reply comments must be filed on or before June 15, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass media Bureau, (202) 634–6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Proposed Rule Making

In the matter of an amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations. (Novato, California); MM Docket No. 83–360, RM–4369.

Adopted: March 23, 1983.

Released: April 14, 1983.

By the Chief, Policy and Rules Division.

1. The Commission herein considers a petition for rule making filed February 1, 1983, by Stephen J. Mewhort ("petitioner") seeking the assignment of UHF Television Channel 68 to Novato, California, as that community's first television assignment.

2. Novato (population 43,916)[1], in Marin County (population 222,952), is

[1] Population figures are taken from the 1980 U.S. Census Advance Report.

located approximately 35 kilometers (22 miles) north of San Francisco, California.

3. Petitioner submitted information in support of the proposal and expressed his interest in applying for the channel, if assigned. A site restriction of 2.4 miles northeast of Novato is required in order to avoid short-spacing to Station KTEH (Channel 54) in San Jose, California, and to applications for Channel 66 in Vallejo, California.

4. In view of the fact that Novato could receive a first local television service, the Commission finds that it would be in the public interest to seek comments on the proposal to amend the Television Table of Assignments (§ 73.606(b) of the Commission's Rules) for the following community:

City	Channel No.	
	Present	Proposed
Novato, Calif		66

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before May 31, 1983, and reply comments on or before June 15, 1983, and are advised to read the Appendix for the proper procedures.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a *Notice of Proposed Rule Making* is issued until the matter is no longer subject to Commission consideration, or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-10521 Filed 4-19-83; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 83-359; RM-4375]

FM Broadcast Stations Baker, Montana; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to substitute Class C Channel 263 for Channel 265A in Baker, Montana, and to modify the permit for Station KFLN-FM accordingly, in response to a petition filed by the permittee, Empire Broadcasting Corporation.

DATES: Comments must be filed on or before May 31, 1983, and reply comments must be filed on or before June 15, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634–6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Proposed Rule Making

In the matter of an amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Baker, Montana); MM Docket No. 83–359, RM–4375.

Adopted: March 23, 1983.

Released: April 14, 1983.

By the Chief, Policy and Rules Division.

1. A petition for rule making was filed February 2, 1983, by Empire Broadcasting Corporation[1] ("petitioner"), which seeks to substitute Class C Channel 263 for Channel 265A in Baker, Montana, and to modify the construction permit for Station KFLN–FM (Channel 265A) to specify operation on Channel 263. Petitioner has submitted information in support of its proposal noting that the proposed Class C FM station would serve a large rural area.

2. We believe that the petitioner's proposal warrants consideration. The channel can be substituted in compliance with the minimum distance separation requirements. In accordance with our established policy, we shall propose to modify the permit of Station KFLN–FM (Channel 265A) to specify operation on Channel 263. However, if another party should indicate an interest in the Class C assignment, the modification could not be implemented. Instead, an opportunity for the filing of a competing application must be provided. See, *Cheyenne, Wyoming*, 62 F.C.C. 2d 63 (1976).

3. Since the proposed channel substitution is within 320 kilometers (200 miles) of the U.S.-Canadian border, Canadian concurrence must be obtained.

4. In view of the apparent need for a wide coverage FM station, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Rules, for the following city:

City	Channel No.	
	Present	Proposed
Baker, Mont.	265A	263

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

[1] Petitioner is the permittee of Station KFLN(FM) (Channel 265A) at Baker, Montana.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before May 31, 1983, and reply comments on or before June 15, 1983, and are advised to read the Appendix for the proper procedures.

7. The Commission has determined that the relevant provisons of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 734–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to the Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or

other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-10522 Filed 4-19-83; 8:45 am]
BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 227

Review of Regulations Concerning the Taking of Sea Turtles for Subsistence Purposes

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Review of regulations concerning the taking of sea turtles for subsistence purposes.

SUMMARY: The Service has been requested by residents and the Governments of Guam and Hawaii to review the regulations prohibiting taking of sea turtles for subsistence purposes, except for the taking of the green sea turtles (*Chelonia mydas*) by residents of the Trust Territory of the Pacific Islands. In response to those requests the Service announces its intent to review Special Rule 50 CFR Part 227 Subpart D to determine whether the subsistence regulations for the Trust Territory of the Pacific Islands should be modified and whether the taking of sea turtles for subsistence purposes should be allowed in other areas of the Central and Western Pacific Ocean. To ensure that this review is comprehensive the Service is soliciting comments and information on all aspects of the use of sea turtles for subsistence purposes and will conduct several public meetings as specified below. The Service will determine if it is appropriate to modify existing regulations based upon the following: comments, information, and testimony received; review of the administrative record compiled prior to promulgation of the existing regulations; and a legal analysis of the subsistence issue being prepared by the National Oceanic and Atmospheric Administration's Office of General Counsel.

DATES: Comments and information must be received by June 20, 1983. Public meetings will be held as follows:

May 10, 1983—Hilo, Hawaii, County Council Room, 2nd Floor, 25 Aupuni St. 7–9 p.m.
May 11, 1983—Kailua-Kona, Hawaii, Kona Hilton, Endeavor Room, 7–9 p.m.
May 12, 1983—Wailuku, Maui, Baldwin High School, Multipurpose Bldg., Lecture Hall, Kaahumanu Highway, 7–9 p.m.
May 16, 1983—Lanai City, Lanai, ILWU Hall, 840 Ilima Avenue, 7–9 p.m.
May 17, 1983—Kaunakakai, Molokai, Kaunakakai Elementary School Cafeteria, Kamehameha V Highway, 7–9 p.m.
May 18, 1983—Honolulu, Oahu, Prince Jonah Kuhio Federal Building, 5th Floor Cafeteria, 300 Ala Moana Blvd., 7–9 p.m.
May 19, 1983—Lihue, Hawaii, Kauai Regional Library, 4344 Hardy Street, 7–9 p.m.
June 6, 1983—Agana, Guam, Guam Reef Hotel, 7–9 p.m.
June 7, 1983—Saipan, Northern Mariana Islands Saipan Grand Hotel, 7–9 p.m.
June 8, 1983—Pago Pago, American Samoa, Rainmaker Hotel, Convention Center, 5:30–7:30 p.m.

Public meetings may be held in the Trust Territory of the Pacific Islands in June 1983. The dates and locations of those public meetings will be published in the **Federal Register** as an addendum to this notice at least 30 days prior to the first meeting.

ADDRESS: Please address correspondence to Mr. Alan W. Ford, Regional Director, Southwest Regional Office, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731.

FOR FURTHER INFORMATION CONTACT: Alan W. Ford, Regional Director, Southwest Regional Office, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731, telephone (213) 548–2575 or FTS–796–2575; or Doyle E. Gates, Administrator, Western Pacific Program Office, Southwest Region, National Marine Fisheries Service, P.O. Box 3830, Honolulu, Hawaii 96812, telephone (808) 955–8831.

SUPPLEMENTARY INFORMATION:

Background

The Endangered Species Act (ESA) of 1973, as amended, is administered jointly by the Departments of the Interior (Fish and Wildlife Service) and Commerce (NMFS). In general, the Department of Commerce is responsible for listed marine species and the Department of the Interior for terrestrial and aquatic species. The two Departments share jurisdiction of sea turtles with Interior having responsibility for sea turtles in the terrestrial environment and Commerce have responsibility for sea turtles in the marine environment. On July 28, 1978, pursuant to the authority of section 4 of the ESA, NMFS and the Fish and Wildlife Service published in a Final Rule in the **Federal Register** listing and protecting loggerhead sea turtles (*Caretta caretta*), as threatened species and populations of green (*Chelonia mydas*) and olive ridley (*Lepidochelys Olivacea*) sea turtles as threatened or endangered species. Breeding populations of green sea turtles in Florida and on the Pacific Coast of Mexico and of olive ridley sea turtles on the Pacific Coast of Mexico are listed as endangered species; the remaining population of both species are listed as threatened species.

The Final Rule also amended 50 CFR by adding a new Part 227, which, with few exceptions, prohibits commercial trade in and the taking of threatened species of sea turtles. Among the exception to the prohibition on takings is the taking of "any member of the species of the green sea turtle (*Chelonia mydas*) in waters seaward of mean low tide for personal consumption by residents of the Trust Territory of the Pacific Islands if such taking is customary, traditional, and necessary for the subsistence of such resident and his immediate family." The existing regulations do not allow any other taking of sea turtles for subsistence purposes. The exception was founded on information submitted by the Government of the Trust Territory of the Pacific Islands which documented the traditional use of green sea turtles by natives of the Trust Territory. This exception was not extended to other areas of the Central and Western Pacific because NMFS thought a complete prohibition was necessary in the other areas to control commercial trade in turtle shells, meat, and other products. Also, evidence was presented indicating that the green sea turtle population in Hawaii had declined, and NMFS concluded that a subsistence take in Hawaii might contribute to a further decline of that population.

Purpose of Review

The Service received requests from residents and the Governments of Guam and Hawaii to review existing regulations that prohibit the taking of sea turtles for subsistence purposes in Guam and Hawaii. The requests indicate that the regulations may discriminate against residents of Guam and native Hawaiians. The Service is responding to those requests by

reviewing the existing regulations to determine whether the subsistence regulations for the Trust Territory of the Pacific Islands should be modified and whether the taking of sea turtles for subsistence purposes should be allowed in other areas of the Central and Western Pacific Ocean.

Scope of Review

Because of the shared jurisdiction of sea turtles under the Endangered Species Act, during this review the Service will consider only the subsistence take of green sea turtles in the marine environment (seaward of mean low tide). Subsistence taking of green sea turtles or eggs on beaches is under the jurisdiction of the Department of the Interior and will not be considered. The Service will coordinate this review with the Department of the Interior.

Information Solicited

To ensure that the review is complete and based upon the best available information, the Service is soliciting information concerning all aspects of subsistence use(s) of green sea turtles including, but not limited to, the need for subsistence taking for nutritional reasons, the historical use(s) of green sea turtles in the areas in question, and the impact(s) of subsistence taking on the affected populations and their recovery. The Service requests that comments and information be accompanied by supporting documentation such as maps, bibliographic references, or reprints of pertinent publications. All correspondence should include the author's name, address, and any association, institution or business affiliation being represented. This request pertains only to information that was not considered during the rulemaking process leading to the Final Rule published in the **Federal Register** on July 28, 1978 (pp 32800–32811).

List of Subjects in 50 CFR Part 227

Endangered and threatened wildlife, Fisheries.

Dated: April 12, 1983.

Richard B. Roe,

Acting Director, Office of Protected Species and Habitat Conservation.

[FR Doc. 83–10402 Filed 4–19–83; 8:45 am]

BILLING CODE 3510–22–M

Notices

Federal Register
Vol. 48, No. 77
Wednesday, April 20, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Coronado National Forest Grazing Advisory Board; Meeting

The Coronado National Forest Grazing Advisory Board will meet at 10:00 a.m., May 17, 1983, at the Federal Building, 301 West Congress, Room 7X, Tucson, Arizona. The purpose of this meeting is to discuss allotment managment planning including the Coronado National Forest Plan and EIS, and the use of range betterment funds.

The meeting will be open to the public. Persons who wish to attend should notify Larry Allen, Coronado Supervisor's Office, telephone 602–629–6418. Written statements will be filed with the board before or after the meeting.

The board has established the following rule for public participation: Nonmembers are asked to withhold comments until the close of business.

Larry S. Allen,

Acting Forest Supervisor.

April 12, 1983.

[FR Doc. 83–10429 Filed 4–19–83; 8:45 am]

BILLING CODE 3410–11–M

Office of the Secretary

Forms Under Review by Office of Management and Budget

April 15, 1983.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) an indication of whether section 3504(h) of Pub. L. 96–511 applies; (9) Name and telephone number of the agency contact person.

Comments and questions about the items in the listing should be directed to the agency person named at the end of each entry. If you anticipate commenting on a form but find that preparation time will prevent you from submitting comments promptly, you should advise the agency person of your intent as early as possible.

Copies of the proposed forms and supporting documents may be obtained from: Marshall L. Dantzler, Acting Department Clearance Officer, (202) 447–6201.

Revised

- Food and Nutrition Service
- Adminstrative Review Report (Sponsor) and Civil Rights Racial Data Collection Form for Administrative Review Report (Site)

FNS 19–1, FNS 19–2
Nonrecurring
State or local governments and businesses or other institutions: 3,786 responses; 28,902 hours; not applicable under 3504(h)
Norma Ball (703) 756–3888

- Food and Nutrition Service

Application for Participation—Sponsor and Site Information Sheet (SFSP)
FNS–81, FNS–81–1
Annually
State or local governments and businesses or other institutions: 15,988 responses; 52,860 hours; not applicable under 3504(h)
Norma Ball (703) 756–3888

- Statistical Reporting Service

June and December Enumerative Surveys
Semiannually
Farms: 151,995 responses; 51,901 hours; not applicable under 3504(h)
Lee Sandberg (202) 447–6820

Reinstatement

- Agricultural Stabilization and Conservation Service Farm Operating Plan for Payment Limitation

ASCS–561
On occasion and annually
Farms: 3,500 responses; 1,460 hours; not applicable under 3504(h)
Jackie Stonfer (703) 382–9881

Marshall L. Dantzler,

Acting Department Clearance Officer.

[FR Doc. 83–10474 Filed 4–19–83; 8:45 am]

BILLING CODE 3410–01–M

CIVIL RIGHTS COMMISSION

Alabama Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Alabama Advisory Committee to the Commission will convene at 11:00a and will end at 2:30p, on May 5, 1983, in the Seaboard Room, at the Sheraton Riverfront, 200 Coosa Street, Montgomery, Alabama, 36104. The purpose of this meeting is to discuss the proposed project on the Montgomery police/community relations.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Abigail Turner, Post Office Box 2963, Mobile, Alabama, 36601, (205) 433–7409 or the Southern Regional Office, Citizen Trust Bank Building, 75 Piedment Avenue, North East, Room 362, Atlanta, Georgia, 30303, (404) 221–4391.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 19, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83–10722 Filed 4–19–83; 11:20 am]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 9–83]

Proposed Foreign-Trade Zone Wilmington and Kent County, Delaware; Application and Public Hearing

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board) by the State of Delaware through the Delaware Development Office (DDO), requesting authority to established a

general-purpose foreign-trade zone with sites in the City of Wilmington and in Kent County, adjacent to the Wilmington Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on April 5, 1983. The applicant is authorized to make this proposal under Chapter 75, Title 6 of the Delaware Code.

The proposed foreign-trade zone will involve two separate sites totaling 660 acres. Site 1 would encompass the 615-acre Port of Wilmington, which is owned and operated by the City of Wilmington. A 144,000 square foot building near the terminal area will be made available for initial zone activity. Operation of the project will be a cooperative effort between DDO and the City and Port of Wilmington.

Site 2 involves an industrial area covering 45 acres on Southern Boulevard in and adjacent to the Town of Wyoming, Kent County. DDO will assume jurisdiction and control of the site from the owner, Quality Kitchen Foods, Inc., and develop the facility as a public industrial park in cooperation with the Town of Wyoming and Kent County. An existing 30,000 square foot structure is currently being renovated as a refrigerated warehouse to be used by Quality Kitchen for storage of orange juice concentrate. Public warehouse facilities are planned.

The application contains evidence of the need for zone services in Delaware. Several firms have indicated an interest in using zone procedures for warehousing/distribution operations involving orange juice concentrate, seafood and other food products, machinery and components, electronic products, medical equipment, and vaccines. No approvals are being requested for manufacturing at this time. Such requests would be made to the Board on a case-by-case basis.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of: John J. Da Ponte, Jr. (Chairman), Director, Foreign-Trade Zones staff, U.S. Department of Commerce, Washington, D.C. 20230; Edward A. Goggin, Assistant Regional Commissioner, U.S. Customs Service, Northeast Region, 100 Summer Street, Boston, Massachusetts 02110; and Lt. Colonel Roger L. Baldwin, District Engineer, U.S. Army Engineer Distict Philadelphia, 2nd and Chestnut Streets, Philadelphia, Pennsylvania 19106.

As part of its investigation, the examiners committee will hold a public hearing on May 4, 1983, beginning at 9:00 a.m., in the City Council Chambers of the City-County Building, Wilmington. Interested parties are invited to present their views at the hearing. Persons wishing to testify should notify the Board's Executive Secretary in writing at the address below or by phone (202/377–2862) by May 2. Written statements may be submitted in accordance with the Board's regulations to the examiners committee, care of the Executive Secretary, at any time from the date of this notice through June 3, 1983. A copy of the application will be available during this time for public inspection at each of the following locations:

Port Director's Office, U.S. Customs Service, New Federal Bldg., Room 1218 F, 844 King Street, Wilmington, Delaware 19801

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 1872, 14th and Pennsylvania, N.W., Washington, D.C. 20230

Dated: April 15, 1983.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 83-10508 Filed 4-19-83; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF COMMERCE

International Trade Administration

Certain Steel Pipes and Tubes From Japan; Allowance of Security in Lieu of Estimated Duty Pending Early Determination of Antidumping Duty

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of allowance of security in lieu of estimated duty pending early determination of antidumping duty.

SUMMARY: The Department of Commerce has determined that, on the basis of information received from the only manufacturer currently subject to the antidumping duty order on certain steel pipes and tubes from Japan, Sumitomo Metal Industries, Ltd., we have a sufficient basis to conduct an expedited review of the order. The Department will determine the appropriate foreign market values and United States prices by May 30, 1983. We will permit Sumitomo Metal Industries, Ltd. to post bonds or other security in lieu of the cash deposit of estimated antidumping duties for merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice and before May 30, 1983.

EFFECTIVE DATE: April 20, 1983.

FOR FURTHER INFORMATION CONTACT: Jonathan Seiger or John R. Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: 377–5255/3601.

SUPPLEMENTARY INFORMATION: On March 1, 1983, the Department of Commerce ("the Department") published in the **Federal Register** an antidumping duty order on certain steel pipes and tubes ("CSPT") from Japan (48 FR 8522). The Department announced that, in addition to deposits of estimated normal customs duties, Customs officers were to require a cash deposit of estimated antidumping duties on all merchandise entered, or withdrawn from warehouse, for consumption on or after March 1, 1983.

On February 25, 1983, Sumitomo Metal Industries, Ltd. ("SMI") requested that the Department waive the requirement for cash deposit of estimated antidumping duties and conduct an expedited review pursuant to section 736(c) of the Tariff Act of 1930, as amended ("the Tariff Act").

Before granting a waiver of cash deposits of estimated antidumping duties we must be satisfied that, based upon the information presented by SMI, we will be able to determine the appropriate foreign market values and United States prices within 90 days after the date of publication of the order.

After reviewing the information submitted by SMI, the Department is satisfied that it will be able to determine the appropriate foreign market values and United States prices.

Accordingly, the Department is instructing the Customs Service to waive cash deposits of estimated antidumping duties and accept bonds or other security for entries of CSPT manufactured by SMI entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice.

Interested parties may submit written comments within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days after the date of publication. The Department will publish the results of this expedited review by May 30, 1983, including the results of its analysis of any such comments or hearing.

This notice is published in accordance with section 736(c)(2)(A) of the Tariff Act (19 U.S.C. 1675(c)(2)(A)).

April 7, 1983.

Gary N. Horlick,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 83-10501 Filed 4-19-83; 8:45 am]

BILLING CODE 3510-25-M

Leather Wearing Apparel From Colombia; Preliminary Results of Administrative Review of Suspension Agreement

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary results of administrative review of suspension agreement.

SUMMARY: The Department of Commerce has conducted an administrative review of the agreement suspending the countervailing duty investigation on leather wearing apparel from Colombia. The review covers the period September 1, 1981 through June 30, 1982. As a result of the review, the Department has preliminarily determined that Confecciones Amazonas Orinoco, a Colombian exporter of leather wearing apparel to the United States, has complied with the terms of the suspension agreement. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: April 20, 1983.

FOR FURTHER INFORMATION CONTACT: Susan Silver or Joseph Black, Office of Compliance, Room B099, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On September 15, 1982 the Department of Commerce ("the Department") published in the **Federal Register** (47 FR 40679) the final results of its last administrative review of the agreement suspending the countervailing duty investigation on leather wearing apparel from Colombia (46 FR 19963, April 2, 1981) and announced its intent to conduct the next administrative review by the end of April 1983. As provided for in section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that administrative review.

Scope of the Review

Merchandise covered by the review includes men's, boys', women's, girls' and infants' leather coats and jackets and other leather wearing apparel (such as vests, pants and shorts), as well as parts and pieces thereof. Such imports are currently classifiable under items 791.7620, 791.7640 and 791.7660 of the Tariff Schedules of the United States Annotated. The review covers the period September 1, 1981 through June 30, 1982 and the only program found to constitute a subsidy in the preliminary affirmative determination in the original investigation, the Tax Reimbursement Certificate Program ("CAT").

Analysis of Program

Under the CAT program, exporters of leather wearing apparel receive tax certificates equal to a percentage of the domestic value-added content of each shipment. Since our last review, the value-added content as a percentage of total value declined significantly. The potential rate of subsidy under this program was 6.48 percent *ad valorem* during the review period.

Compliance with Agreement

In the suspension agreement, Confecciones Amazonas Orinoco ("CAO") renounced all CAT benefits associated with exports of leather wearing apparel to the United States, and agreed not to accept substitute or equivalent benefits. On the basis of information provided by the Banco de la Republica (the Central Bank of Colombia) and the Colombian government, we have found that CAO did not apply for nor has it received benefits under the GAT program during the review period. The government has also certified that no substitute or equivalent benefits were available to CAO either directly or indirectly. The agreement can remain in force only so long as the shipments covered by the agreement account for at least 85 percent of exports of such merchandise to the United States. Our information indicates that CAO continued to account for at least 85 percent of U.S. imports during the period of review.

Preliminary Results of the Review

As a result of our review, we preliminarily determine that CAO has complied with the terms of the suspension agreement for the period September 1, 1981 through June 30, 1982.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 45 days after the date of publication or the first workday thereafter. Any request for an administrative protective order must be made no later than 5 days after the date of publication. The Department will publish the final results of the administrative review, including the results of its analysis of any issues raised in such written comments or at a hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

Dated: April 13, 1983.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-10500 Filed 4-19-83; 8:45 am]

BILLING CODE 3510-25-M

Perchlorethylene From France; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of final results of administrative review of antidumping finding.

SUMMARY: On November 17, 1982, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on perchlorethylene from France. The review covers the only known exporter of this merchandise to the United States, Chloe Chimie, and the period May 1, 1981 through April 30, 1982. There were no known shipments of this merchandise to the United States during the period and there are no known unliquidated entries.

Interested parties were given an opportunity to submit oral or written comments on the preliminary results. Chloe Chimie submitted one comment. Based on our analysis of the comments, the final results of review are unchanged from those presented in the preliminary results of review.

EFFECTIVE DATE: April 19, 1983.

FOR FURTHER INFORMATION CONTACT: Arthur N. DuBois or Susan Crawford, Office Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377-3601.

SUPPLEMENTARY INFORMATION:

Background

On May 18, 1979, the Treasury Department published in the **Federal Register** (44 FR 29045) a dumping finding with respect to perchlorethylene from France. On November 17, 1982, the Department of Commerce ("the Department") published in the **Federal Register** (47 FR 51779) the preliminary

results of its last administrative review of the finding. The Department has now completed that administrative review.

Scope of the Review

Imports covered by the review are shipments of perchlorethylene, including technical grade and purified grade perchlorethylene. Perchlorethylene is a clear water-white liquid at ordinary temperature with a sweet order and is completely capable of being mixed with most organic liquids. It is a chlorinated solvent used mainly for day cleaning of clothing, but is also used in other applications such as vapor degreasing of metals. Perchlorethylene is currently classifiable under item 429.3400 of the Tariff Schedules of the United States Annotated.

The review covers the one known exporter of French perchlorethylene to the United States, Chloe Chime, and the period May 1, 1981 through April 30, 1982. There were no known shipments of this merchandise to the United States during the period and there are no known unliquidated entries.

Analysis of Comments Received

Interested parties were given an opportunity to submit oral or written comments on our preliminary results. We received one comment from Chloe Chimie.

Comment: Chloe Chimie argues that the Department's policy of minimum time requirements for revocation, as described in the preliminary results of review, is arbitrary and capricious, wholly unexplained, and unsupported by law or fact. Chloe Chimie contends that, because it has not shipped for three years and seven months (from February 2, 1979, the date of suspension of liquidation through August 31, 1982, the date Chloe Chimie first requested revocation), it has met all statutory and regulatory conditions for revocation. Our refusal to consider its application for revocation at this time will create substantial prejudice to it because, under our existing practice, we are not required to conduct our next administrative review until May 1984.

Department's Position

The Commerce Regulations do not establish minimum time requirements for revocation in cases where a firm ceased exporting to the United States for a number of years. Section 353.54(b) of the Commerce Regulations provides only that a firm selling to the U.S. must have two years of sales at not less than fair value before it is eligible for revocation. It is within the Department's discretion to establish a similar eligibility requirement for firms with no exports.

We disagree that our refusal to consider Chloe Chimie's request at this time creates any prejudice to the firm. We will consider its request in our next administrative review. We expect to complete the next review in an expeditious manner.

Final Results of the Review

Based on our analysis of the comment received, the final results of our review are the same as those presented in the preliminary results of review.

As provided for § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties of 47.82 percent, based on the most recent margin calculated for the firm, shall be required on all shipments of French perchlorethylene entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice.

This deposit requirement shall remain in effect until publication of the final results of the next administrative review. The Department intends to begin immediately the next administrative review. The Department encourages interested parties to review the public record and submit applications for protective orders, if desired, as early as possible after the Department's receipt of the information during the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Dated: April 13, 1983.

Gary N. Horlick

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-10602 Filed 4-19-83; 8:45 am]

BILLING CODE 3510-25-M

Pig Iron From Canada; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary results of administrative review of antidumping finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on pig iron from Canada. The review covers the six known exporters of this merchandise to the United States and the period July 1, 1981 through June 30, 1982. The review indicates the existence of a *de minimis* dumping margin in the period for one exporter.

As a result of the review, the Department has preliminarily determined to assess dumping duties for that firm equal to the calculated differences between United States price and foreign market value on each of its sales during the period of review. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: April 20, 1983.

FOR FURTHER INFORMATION CONTACT: Alfredo Montemayor or Susan Crawford, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377-5255.

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1982, the Department of Commerce ("the Department") published in the Federal Register (47 FR 36683) the final results of its last administrative review of the antidumping finding on pig iron from Canada (36 FR 13780, July 24, 1971) and announced its intent to conduct the next administrative review by the end of July 1983. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that administrative review.

Scope of the Review

Imports covered by the review are shipments of pig iron, currently classifiable under item numbers 606.1300 and 606.1500 of the Tariff Schedules of the United States Annotated.

The review covers the six known exporters of Canadian pig iron to the United States and the period July 1, 1981 through June 30, 1982. Two exporters did not export Canadian pig iron to the United States during the review period. The estimated antidumping duty cash deposit rates for these exporters will be the most recent information for each exporter.

United States Price

In calculating United States price the Department used purchase price as defined in section 772 of the Tariff Act. Purchase price was based on the ex-mill price or FOB price to the first unrelated purchaser in the United States. Where applicable, deductions were made for Canadian inland freight and freight equalization. Freight equalization is a price adjustment that allows a manufacturer to sell at the same price to customers located at different distances from that manufacturer. No other adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value the Department used home market price, as defined in section 773 of the Tariff Act, since sufficient quantities of such or similar merchandise were sold in the home market to be used as a basis of comparison. Home market price was based on the ex-mill price of FOB price to the first unrelated purchaser. Where applicable, deductions were made for Canadian inland freight and freight equalization. No other adjustments were claimed or allowed.

Preliminary Results of the Review

As a result of our comparison of United States price to foreign market value, we preliminary determine that the following margins exist for the period July 1, 1981 through June 30, 1982:

Manufacturer/Exporter	Margin (%)
Abex Industries, Limited	[1]0
Algoma Steel Corporation, Ltd	0
Dofasco Inc	0
Stelco Inc /Hickman Williams Canada, Ltd	0
Philip Brothers (Canada), Ltd	[1]7.30
Stelco Inc	0.007

[1] No shipments during the period.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 45 days after the date of publication or the first workday thereafter. Any request for an administrative protective order must be made within 5 days after the date of publication.

The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on all appropriate entries made with purchase dates during the time period involved. Individual differences between United States price and foreign market value may vary from the percentage stated above. The Department will issue appraisement instructions directly to the Customs Service.

Further, as provided for by § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties based upon the above margins shall be required on all shipments of Canadian pig iron from these firms entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. Since the margin for Stelco, Inc. is less that 0.5 percent and, therefore, *de minimis* for deposit purposes, the Department waives the requirement of a cash deposit for Stelco, Inc. on future entries. No cash deposit shall be required for any future shipment from a new exporter not covered in this or prior reviews, whose first shipments occurred after June 30, 1982 and who is unrelated to any reviewed firm. These deposit requirements and the waiver for Stelco shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

April 13, 1983.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-10504 Filed 4-19-83; 8:45 am]

BILLING CODE 3510-25-M

Portland Cement, Other Than White, Nonstaining Portland Cement From the Dominican Republic; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary results of administrative review of antidumping finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on portland cement, other than white, non-staining portland cement from the Dominican Republic. The review covers the only known exporter of this merchandise to the United States and the period June 1, 1981 through May 31, 1982.

As a result of the review, because the firm failed to respond to our questionnaire, the Department has preliminarily determined to assess dumping duties on the firm's sales during the period of review using the best information available. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: April 20, 1983.

FOR FURTHER INFORMATION CONTACT: Al Jemmott or John R. Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377-5255/3601.

SUPPLEMENTARY INFORMATION:

Background

On August 2, 1982, the Department of Commerce ("the Department") published in the Federal Register (47 FR 33307-8) the final results of its last administrative review of the antidumping finding on portland cement, other than white, non-staining portland cement from the Dominican Republic (28 FR 4507-8, May 4, 1963) and announced its intent to conduct the next administrative review by the end of May 1983. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that administrative review.

Scope of the Review

Imports covered by the review are shipments of portland cement, other than white, non-staining portland cement, currently classifiable under item numbers 511.1420 and 511.1440 of the Tariff Schedules of the United States Annotated.

The review covers the only known exporter of portland cement, other than white, non-staining portland cement from the Dominican Republic to the United States, Fabrica Dominicano de Cemento, C. por A., and the period June 1, 1981 through May 31, 1982. The exporter failed to respond to our questionnaire. For this non-responsive firm the Department will use the best information available for assessment and estimated antidumping duty cash deposit purposes. The best information available is the most recent rate for the firm.

Preliminary Results of the Review

As a result of our review, we preliminarily determine that a margin of 10.33 percent exists for the period June 1, 1981 through May 31, 1982.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 45 days after the date of publication or the first workday thereafter. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on all appropriate entries made with purchase dates during the time period involved. The Department will issue appraisement instructions directly to the Customs Service.

Further, as provided for in § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties of 10.33 percent shall be required on all shipments of portland cement, other than white, non-staining portland cement from the Dominican Republic entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. This deposit requirement shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (9 CFR 353.53).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

April 13, 1983.

[FR Doc. 83-10503 Filed 4-19-83; 8:45 am]

BILLING CODE 3510-25-M

Applications For Duty-Free Entry of Scientific Instruments

The following are notices of the receipt of applications for duty-free entry of scientific instruments published pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

Interested persons may present their views with respect to the question of whether an instrument or apparatus or equivalent scientific value for the purposes for which the instrument is intended to be used is being manufactured in the United States. Comments must be filed in accordance with § 301.5(a) (3) and (4) of the regulations. They are to be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the **Federal Register**.

A copy of each application is on file in the Department of Commerce, and may be examined between 8:30 A.M. and 5:00 P.M., Monday through Friday, Room 1523, 14th and Constitution Avenue NW., Washington, D. C. 20230.

Docket No. 83-162. Applicant: University of Southern California, University Park, Los Angeles, CA 90089-0482. Instrument: Circular Dichroism Spectropolarimeter, Model #J500C. Manufacturer: Japan Spectroscopic Co., Ltd., Japan. Intended use of instrument: The instrument is intended to be used for studies of primarily chemical and biochemical solutions. Experiments will be conducted to obtain circular dichroism spectra of various materials at various temperatures. The objectives of these experiments are: (i) to develop quantitative methods of assessing the structure of the molecules under study; (ii) to study subtle changes in the structure with temperature; and (iii) to compare predicted and experimental structures. Application received by Commissioner of Customs: March 30, 1983.

Docket No. 83-166. Applicant: State University of New York, Downstate Medical Center, 450 Clarkson Ave., Brooklyn, NY 11203. Instrument: Electron Microscope Model #EM 109 complete with Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of instrument: The instrument is intended to be used for the following purposes:

(1) Investigation of human renal biopsy material,

(2) Study of human solid and lymphoid tumors,

(3) Study of human renal allografts,

(4) Investigation of the occurrence, evolution, and response to, therapy of lesions in renal biopsies from children with recently diagnosed diabetes,

(5) Examination of human bronchial biopsies from patients with bronchiectasis to identify ultrastructural abnormalities e.g., Immotile-Cilia Syndrome, and

(6) Examination of human biopsies of warts, condylomas, and dysplasias to identify etiologic agents, e.g., viruses.

In addition, the instrument will be used in the training of residents in anatomic pathology. Application received by Commissioner of Customs: March 30, 1983.

Docket No. 83-169. Applicant: President and Fellows of Harvard College, 9 Oxford Street, Gordon McKay Lab, Cambridge, MA 02138. Instrument: Electron Microscope, Model #EM 420T with Accessories. Manufacturer: N.V. Philips, Electronic Instruments, The Netherlands. Intended use of instrument: The instrument is intended to be used to obtain real space images and diffraction information of a broad range of materials—including semiconductors, superconductors, and metallo-organics, polymers, metallic alloys, ceramics and compositionally modulated compounds. In the process of obtaining the broad range of research objectives, the instrument will be used to train graduate students in chemistry, materials science, geology and applied physics—the techniques of electron optics, imaging and analysis. Instruction will be formally presented in the courses Applied Physics 210, Engineering Science 190, and Physics 247. Application received by Commissioner of Customs: March 31, 1983.

Docket No. 83-170. Applicant: University of Wisconsin—Madison, Chemistry Department, 1101 University Avenue, Madison, WI 53706. Instrument: Excimer Laser, Model TE-861T-4 with Standard Multigas Electrode Assembly and Model 727 Capacitor. Manufacturer: Lumonics, Canada. Intended use of instrument: The instrument will be used to excite six dye lasers that will excite nonlinear processes of atoms in flames and of low temperature organic samples with the purpose of performing a qualitative analysis of those samples. The instrument will be required by six students who are studying for their doctorates in a course labeled Chemistry 992—Research in Analytical Chemistry. Application received by Commissioner of Customs: April 5, 1983.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-10505 Filed 4-19-83; 8:45 am]

BILLING CODE 3510-25-M

National Bureau of Standards

National Voluntary Laboratory Accreditation Program; Quarterly Report (January 1-March 31, 1983)

AGENCY: National Bureau of Standards, Commerce.

ACTION: Publication of NVLAP quarterly report.

SUMMARY: The National Bureau of Standards (NBS) announces laboratory accreditation actions for the first quarter of 1983. In addition, the status of all NVLAP laboratory accreditation programs (LAPs) is summarized.

FOR FURTHER INFORMATION CONTACT: Mr. John W. Locke, Manager, Laboratory Accreditation, National Bureau of Standards, TECH B141, Washington, D.C. 20234, (301) 921-3431.

SUPPLEMENTARY INFORMATION: This report has been prepared in accordance with §§ 7a.17(a), 7b.17(a), and 7c.17(a) of the National Voluntary Laboratory Accreditation Program (NVLAP) Procedures (15 CFR Parts, 7a, 7b, and 7c). In addition, to fulfill NVLAP

requirements for monthly reporting of accreditation actions, notice of such actions taken under NVLAP for the month of March is included in this report.

NVLAP accreditation does not relieve the laboratories from the necessity of observing and complying with existing Federal, State, and local statutes, ordinances, and regulations that may be applicable to their operations, including consumer protection and antitrust laws.

Accreditation is granted for a period of one year. However, before expiration, accreditation may be terminated at the request of the laboratory or may be revoked due to violation of the accreditation criteria or other conditions of the laboratory's accreditation. The criteria are described in §§ 7a.19–7a.30 of the NVLAP Procedures (15 CFR Parts 7a, 7b, and 7c).

New Accreditations Granted

Six laboratories were newly accredited during March 1983. The name and address of each laboratory, the test methods and the accreditation renewal date for which accreditation was granted are listed below.

Gold Bond Building Products, A National Gypsum Division Research Center

[Attn: Joseph Volk, 1650 Military Road, Buffalo, NY 14217, Phone: (716) 873–9750. Accreditation renewal date: April 1, 1984]

NVLAP code	Designation	Short title
08/E21	AMA–1–II–67	Ceiling sound Transmission Test by Two-Room Method.

Jim Walter Research Corporation

[Attn: Alan P. Conroy, 10301 9th Street North, St. Petersburg, FL 33702, Phone: (813) 576–4171. Accreditation renewal date: January 1, 1984]

NVLAP code	Designation	Short title
08/P03	ANSI/ASTM C423–81	Sound Absorption and Sound Absorption Coefficients.

Manville Corporation R & N Center

[Attn: Robert L. Mason, P.O. Box 5108, Denver, Colorado 80217, Phone: (303) 978–5553. Accreditation renewal date: January 1, 1984]

NVLAP code	Designation	Short title
08/P02	ANSI/ASTM C384–77	Impedance and Absorption of Acoustical Materials.
08/P04	ASTM C522–80	Airflow Resistance of Acoustical Materials.

Owens-Corning Fiberglas Corp., Technical Center Laboratory

[Attn: Harland E. Fargo, P.O. Box 415, Route 16, Granville, OH 43023, Phone: (614) 587–7010. Accreditation renewal date: January 1, 1984]

NVLAP code	Designation	Short title
08/P01	ANSI/ASTM C367–78	Strength Properties, Prefabricated Architectural Acoustical Materials.
08/P02	ANSI/ASTM C384–77	Impedance and Absorption of Acoustical Materials.
08/P03	ANSI/ASTM C423–81	Sound Absorption and Sound Absorption Coefficients.
08/P04	ASTM C522–80	Airflow Resistance of Acoustical Materials.
08/P05	ASTM C523–68 (81)	Light Reflectance of Acoustical Materials.
08/P06	ANSI/ASTM E90–82	Airborne Sound Transmission Loss of Building Partitions.
08/P10	ANSI S1.31–80	Sound Power Levels, Broad-Band Noise Sources in Reverberation Rooms (100 to 10,000 Hz).
08/P13	ANSI S1.32–80	Sound Power Levels, Discrete-Frequency and Narrow-Band Noise Sources in Reverberation Rooms (100 to 10,000 Hz).
08/E21	AMA–1–II–67	Ceiling Sound Transmission Test by Two-Room Method.

Riverbank Acoustical Laboratory

[Attn: Owen J. Viergutz, P.O. Box 189, 1512 Batavia, Geneva, IL 60134, Phone: (312) 567–4703. Accreditation renewal date: April 1, 1984]

NVLAP code	Designation	Short title
08/P03	ANSI/ASTM C423–81	Sound Absorption and Sound Absorption Coefficients.
08/P05	ASTM C523–68 (81)	Light Reflectance of Acoustical Materials.
08/P06	ANSI/ASTM E90–82	Airborne Sound Transmission Loss of Building Partitions.
08/P07	ANSI/ASTM E492–82	Impact Sound Transmission Through Floor-Ceiling Assemblies.
08/P10	ANSI S1.31–80	Sound Power Levels, Broad-Band Noise Sources in Reverberation Rooms (100 to 10,000 Hz).
08/P17	ISO 3741–75	Sound Power Levels, Broad-Band Sources in Reverberation Rooms (direct method only) (100 to 10,000 Hz).
08/E01	ANSI B71.1–80 (para. 9 and 21).	Sound Level Tests; Power Lawn Mowers, Lawn and Garden Tractors and Lawn Tractors.

Virginia Concrete Laboratory

Attn: Richard A. Buckelew, Box 666, Springfield, VA 22150, Phone: (703) 354–6111. Accreditation renewal date: April 1, 1984]

NVLAP code	Designation	Short title
02/M01	ASTM C31	Making and Curing Concrete Test Specimens in the Field.
02/M03	ASTM C172	Sampling Fresh Concrete.
02/P01	ASTM C143	Slump of Portland Cement Concrete.

Virginia Concrete Laboratory—Continued

Attn: Richard A. Buckelew, Box 666, Springfield, VA 22150, Phone: (703) 354–6111. Accreditation renewal date: April 1, 1984]

NVLAP code	Designation	Short title
02/W01	ASTM C138	Unit Weight, Yield, and Air Content (Gravimetric) of Concrete.
02/A01	ASTM C231	Air Content of Freshly Mixed Concrete by the Pressure Method.
02/S01	ASTM C39	Compressive Strength of Cylindrical Concrete Specimens.
02/A02	ASTM C173	Air Content of Freshly Mixed Concrete by the Volumetric Method.

Jim Walter Research Corporation, Manville Corporation R&D Center, and Owens-Corning Fiberglas Corp. Technical Center are also accredited for certain test methods in the Insulation LAP.

Accreditation for STS Consultants, LTD, Raleigh, North Carolina expired on April 1, 1983, because it did not complete the evaluation process.

Accreditation for Additional Test Methods

Two previously accredited laboratories added a test method to their list of accredited test methods. The laboratories and the test methods are:

Jim Walter Research Corporation, St. Petersburg, FL previously accredited under the Thermal Insulation Materials LAP added ASTM E84, Surface burning characteristics; building materials, to their test method list.

Salem Carpet Laboratory, Chatsworth, GA previously accredited under the Carpet LAP added ASTM E648, Radiant Panel (Carpet) to their test method list.

Renewed Accreditations

The following laboratories were reaccredited during the first quarter of 1983 for one or more test methods available under NVLAP. Each laboratory received a certificate of accreditation and a corresponding list of test methods for which each is accredited. Anyone wishing to know the test methods for which each laboratory has been reaccredited should request the listing from the laboratory directly or from Mr. Locke at the address given above. Note that laboratories may change the test methods for which they are accredited from year to year, so the user should secure the current list of accredited test methods.

A & H/Flood Engineering, Hillside, IL
American Testing Laboratories, Inc., Lancaster, PA
Arizona Sand & Rock Company, Phoenix, AZ
Associated Testing Laboratories, Wayne, NJ

Atlantic Testing Laboratories, Inc., Cicero, NY
Engineering Testing Laboratory, City of Akron, Akron, OH
West Virginia Department of Highways, Materials Control, Soil and Testing, Charleston, WV

Insulation LAP Status

The LAP for thermal insulation materials has 63 test methods for which accreditation may be granted. 33 laboratories are currently accredited to perform one or more of these test methods.

Concrete LAP Status

The LAP for freshly mixed field concrete has two groups of test methods and one optional test method for which accreditation can be granted. 47 laboratories are currently accredited under the Concrete LAP.

Carpet LAP Status

The LAP for carpet has 12 test methods for which accreditation may be granted. 23 laboratories are currently accredited for one or more of these test methods.

Stove LAP Status

The LAP for solid fuel room heaters has 21 test methods in three categories for which accreditation may be granted. Six laboratories are currently accredited for one or more of these test methods.

Acoustics LAP Status

The LAP for acoustical testing services has 49 test methods for which accreditation may be granted. Accreditation certificates were issued to the first group of laboratories listed above under *New Accreditations Granted.* The evaluation of other laboratories which have applied for accreditation is proceeding. Plans for proficiency testing for ASTM Test Method C423 and E90 are being drafted.

LAPs under Development

Dosimetry LAP—Comments have been received from the industry overview committee on the draft LAP Handbook. Responses to the request for proposal (RFP) for procuring the services of a testing laboratory have been received and are being evaluated. An award is expected to be made during the second quarter of 1983. Fifty-one persons have indicated interest in serving as technical experts, and evaluation of these is presently in progress. We expect to announce the formal establishment of this LAP during the second quarter of 1983.

Electromagnetic Calibration Services LAP—A draft LAP Handbook is expected to be ready during the third quarter of 1983. Final details for the proficiency testing and the relationship of a Measurement Assurance Program are still being developed.

Dated: April 15, 1983.

Ernest Ambler,

Director, National Bureau of Standards.

[FR Doc. 83-10489 Filed 4-19-83 8:45 am]

BILLING CODE 3510-13-M

National Oceanic and Atmospheric Administration

National Marine Fisheries Service; Extension of Comment Period on Permit Application

On March 17, 1983, Notice was published in the **Federal Register** (48 FR 11310) that an application was received from Sea World, Inc., 1720 South Shores Road, Mission Bay, San Diego, California 92109, for a Scientific Research/ Public Display Permit under the Marine Mammal Protection Act of 1972 to take killer whales (*Orcinus orca*).

On April 5, 1983, Sea World, Inc. requested an extension of the comment period to allow more time for all interested parties to submit comments.

Notice is hereby given that the comment period for this application is extended until May 19, 1983. Written data or views should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Washington, D.C. 20235. Information concerning this notice or the application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731; and Regional Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802.

Dated; April 14, 1983.

Richard B. Roe,

Acting Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 83-10510 Filed 4-19-83; 8:45 am]

BILLING CODE 3510-22-M

National Marine Fisheries Service; Issuance of Permit

On February 18, 1983, Notice was published in the **Federal Register** (48 FR 7244), that an application had been filed with the National Marine Fisheries Services by Dr. Bruce R. Mate, Oregon State University, Newport, Oregon 97365 to take by acoustic harassment up to 35,000 pinnipeds and cetaceans over a five year period for scientific research.

Notice is hereby given that on April 12, 1983, and as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a Permit to Dr. Bruce R. Mate, to take the marine mammal species requested subject to certain conditions set forth therein.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.;

Regional Director, National Marine Fisheries Service, Northwest Region, 7600 Sand Point Way, N.E. BIN C15700, Seattle, Washington 98115; Regional Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1688, Juneau, Alaska 98802; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731..

Dated: April 12, 1983.

Richard B. Roe,

Acting Director, Office of Protected Species & Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 83-10509 Filed 4-19-83; 8:45 am]

BILLING CODE 3510-22-M

Receipt of Application for Permit; Dr. Daniel P. Costa

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:

a. Name, Dr. Daniel P. Costa (P227F).

b. Address, Center for Coastal Marine Studies, University of California, Santa Cruz, California 95064.

2. Type of permit, Scientific Research.

3. Name and Number of Animals: Stellar sea lion (*Eumetopias jubatus*), 70.

4. Type of take: Forty (40) adult females will be paint marked; and thirty (30) suckling pups will be captured, held a short period for energy transfer studies, tagged, released and recaptured up to three (3) times.

5. Location of activity: Ano Nuevo, California.

6. Period of activity: 2 years.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. This holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.; and Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731.

Dated: April 12, 1983.

R. B. Brumsted,

Acting Chief, Protected Species Division, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 83-10399 Filed 4-19-83; 8:45 am]

BILLING CODE 3510-22-M

Receipt of Application for Permit; John M. Francis etc.

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mannal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:

a. Name Mr. John M. Francis, Ms. Carolyn B. Heath, and Dr. Daniel Costa (P227E).

b. Address, Center for Coastal Marine Studies, University of California at Santa Cruz, Santa Cruz, California 95064.

2. Type of permit; Scientific Research.

3. Name and number of animals: California sea lions (*Zalophus californianus*); 260.

4. Type of take: Capture, tissue sample, radio tag and recapture and release 25 animals per year. Capture stomach lavage and release 60 over 4 years.

5. Location of activity: Channel Islands, California.

6. Period of activity: 4 years.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commeroe, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.; and Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: April 12, 1983.

Richard B. Roe,

Acting Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 83-10400 Filed 4-19-83; 8:45 am]

BILLING CODE 3510-22-M

Issuance of Permit; Maine Department of Marine Resources

On March 11, 1983, Notice was published in the **Federal Register** (48 FR 10421), that an application has been filed with the National Marine Fisheries Service by the Maine Department of Marine Resources, State House Station 21, Augusta, Maine 04333, for a permit to take shortnose sturgeon (*Acipenser brevirostrum*) for scientific purposes.

Notice is hereby given that on April 12, 1983, and as authorized by the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), the National Marine Fisheries Service issued a Scientific Purposes Permit for the above taking to the Maine Department of Marine Resources subject to certain conditions set forth therein.

Issuance of this Permit, as required by the Endangered Species Act of 1973, is based on the finding that such Permit: (1) Was applied for in good faith; (2) will not operate to the disadvantage of the endangered species which is the subject of the Permit; and (3) will be consistent with the purposes and policies set forth in Section 2 of the Act.

The Permit is available for review in the following offices: Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and Regional Director, Northeast Region, National Marine Fisheries Service, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930.

Dated: April 12, 1983.

Richard B. Roe,

Acting Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 83-10401 Filed 4-19-83; 8:45 am]

BILLING CODE 3510-22-M

Request for a Modification to a General Permit

On February 22, 1983 (48 FR 8113, February 25, 1983) a Category 1 General Permit was issued to the German Democratic Republic authorizing the taking of 4 cetaceans and 9 phocid seals during 1983 in the North Atlantic Ocean within the U.S. fishery conservation zone. .

The vessels operating under this general permit are also licensed to participate in the joint venture fishery for squid. As a result of this joint venture fishery, the vessel *Stubnitz* has reported a highter than anticipated incidental take under its quota. Although U.S. vessels are considered to be doing the taking of marine mammals, in transferring their cod ends to the GDR vessel, any marine mammals taken in the net land onboard the processing vessel, a taking under the MMPA. General Permit Holders have the option of including this incidental take under their quota.

For that reason, on March 14, 1983, the Joint Trawlers (North America) Limited, acting as agent for vessels for the German Democratic Republic, requested a take for an additional 20 small cetaceans during 1983 to account for their joint venture operations.

Interested parties may submit written comments on this request for permit modification. Comments must be received within 30 days of the date of this notice and should be addressed to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235.

Dated: April 12, 1983.

Richard B. Roe,

Acting Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 83-10398 Filed 4-19-83; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

April 8, 1983.

The USAF Scientific Advisory Board Logistics Cross-Matrix Panel will meet at Andrews Air Force Base, DC on May 25–27, 1983. The purpose of the meeting will be to review selected AFSC projects related to logistics and supportability of weapon systems. The meeting will convene at 8:30 a.m. and adjourn at 5:00 p.m. each day.

The meeting concerns matters listed in Section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at 202–697–8845.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer

[FR Doc. 83-10486 Filed 4-19-83; 8:45 am]

BILLING CODE 3910-01-M

USAF Scientific Advisory Board; Meeting

April 8, 1983.

The USAF Scientific Advisory Board Ad Hoc Committee on the Potential Military Utility of a Manned National Space Station will meet at the Pentagon, Washington, DC on May 23–24, 1983. The purpose of the meeting will be to review NASA contractors' studies. The meeting will convene at 8:30 a.m. and adjourn at 5:00 p.m. each day.

The meeting concerns matters listed in Section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at 202–697–8845.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 83-10489 Filed 4-19-83; 8:45 am]

BILLING CODE 3910-01-M

Department of the Army

Army Science Board; Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (92–463), announcement is made of the following Committee Meeting:

Name of Committee: Army Science Board (ASB).

Dates of Meeting: Thursday and Friday, 5–6 May 1983.

Times: 0830–1700 hours (closed) both days.

Place: 5 May 1983—Chemical Systems Laboratory, Aberdeen Proving Ground, MD

6 May 1983—Pentagon, Washington, DC

Agenda: The Army Science Board Ad Hoc Subgroup on the Decontamination Program will meet for classified briefings and discussions on decontamination materiel research, development, testing and acquisition programs, and chemical warfare threat. This meeting will be closed to the public in accordance with Section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C. App. 1, subsection 10(d). The classified and nonclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Helen M. Bowen, may be contacted for further information at (202) 695–3039 or 697–9703.

Helen M. Bowen,

Administrative Officer.

[FR Doc. 83-10575 Filed 4-19-83; 8:45 am]

BILLING CODE 3710-08-M

Public Information Collection Requirement Submitted to OMB for Review

The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of Submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposal may be obtained.

Extension

Application for Department of the Army Permit.

The regulatory program concerns not only the integrity of navigation channels but also the quality of U.S. inland waters. Public completes the application to obtain permission to alter U.S. waters.

Individuals or firms making structural changes affecting the navigational waters of the U.S.; 16,000 responses; 80,000 hours.

Forward comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, D.C. 20503, and John V. Venderoth, DOD Clearance Officer, OASD(C), DIRMS, IRAD, Room 1A658, Pentagon, Washington, D.C. 20301, telephone (202) 697–1195.

A copy of the information collection proposal may be obtained from David O. Cochran, DAAG–OPI, Room 1D667, Pentagon, Washington, D.C. 20310, telephone (202) 695–5111.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

April 15, 1983.

[FR Doc. 83-10539 Filed 4-19-83; 8:45 am]

BILLING CODE 3710-08-M

Public Information Collection Requirement Submitted to OMB for Review

The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of Submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of

the information proposal may be obtained.

Renewal

Dependency Affidavits, DD Form 137–3 USAFAC Forms.

In compliance with Dependence Act of 1950, financial information is needed to screen applicants for dependent assistance. If the applicant meets the requirement of the act, assistance is provided.

Dependents of Army Service Members: 12,600 responses; 18,900 hours.

Forward Comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, D.C. 20503, and John V. Wenderoth, DOD Clearance Officer, OASD(C), DIRMS, IRAD, Room 1A658, Pentagon, Washington, D.C. 20301, telephone (202) 697–1195.

A copy of the information collection proposal may be obtained from David O. Cochran, DAAG–OPI, Room 1D667, Pentagon, Washington, D.C. 20310, telephone (202) 695–5111.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

April 15, 1983.

[FR Doc. 83–10540 Filed 4–19–83; 8:45 am]

BILLING CODE 3710–08–M

Department of the Army; Corps of Engineers

National Dredging Study

AGENCY: Water Resources Support Center, U.S. Army Corps of Engineers, Defense.

ACTION: Announcement of study.

SUMMARY: The U.S. Army Corps of Engineers has asked the National Research Council of the National Academy of Sciences, through its Marine Board, to undertake a study of national needs and capabilities for dredging of ports and harbors and of navigational channels.

DATES: Comments must be received by May 23, 1983.

ADDRESSES: Send written comments to Aurora Gallagher, Staff Officer, Study of National Dredging Issues, Marine Board, National Academy of Sciences, 2101 Constitution Avenue, NW., Washington, D.C. 20418.

SUPPLEMENTARY INFORMATION: A committee appointed by the National Research Council will undertake an interdisciplinary assessment of national needs for improvement and maintenance dredging in coastal ports and harbors, including their navigational channels. These needs will be evaluated as a function of (1) demands for shipborne trade, (2) likely trends in the world shipping fleet to carry that trade, (3) relationship of inland and marine transportation systems, (4) design criteria for safe and efficient navigation of the projected ship types and levels of traffic, (5) identification of opportunities for improvement dredging or development or alternatives such as deepwater ports, ships of high beam-to-draft ratios, and others, as well as critically needed maintenance dredging. The period covered by the study is the near-term and mid-term future (to about the year 2000).

In making its assessment, the committee will consider the likelihood and value of trade for various channel and port configurations, appropriateness of various institutional and financial arrangements, design criteria and disposal plans for dredge materials, mutual implications of port development and the physical and biological environment, and needed research and development.

Of particular interest of the Marine Board in the conduct of this study are the judgments of those with interests in the navigational channels and other facilities of the coastal ports created or maintained by dredging. Examples of areas to be addressed include (1) the extent of the current and future national dredging needs, (2) whether existing regulatory and institutional arrangements for dredging are adequate, and (3) the implications for the marine and inland environment of dredging operations and disposal of dredged materials.

Comments may be general or directed to specific concerns: general comments should be supported by facts or examples. Interested people are invited to participate in this study by submitting written data, views, suggestions, or other statements, or by offering to make their expertise available in the course of the study. Commentators should include their affiliation and reasons for comments.

Dated: April 13, 1983.

John O. Roach II,

DA Liaison Officer with The Federal Register.

[FR Doc. 83–10434 Filed 4–19–83; 8:45 am]

BILLING CODE 3710–08–M

Defense Logistics Agency

Privacy Act of 1974; Deletion of Notices for Systems of Records

AGENCY: Defense Logistics Agency, Defense.

ACTION: Deletion of notices for systems of records.

SUMMARY: The Defense Logistics Agency (DLA) proposes to delete the notices for 12 systems of records subject to the Privacy Act of 1974.

DATES: This action will be effective without further notice on May 20, 1983.

ADDRESSES: Send any comments to: Mr. Preston B. Speed, Chief, Administrative Management Branch, HQ Defense Logistics Agency, Cameron Station, Alexandria, VA 22314, Telephone: 202/274–6234.

FOR FURTHER INFORMATION CONTACT: Mr. Speed at the above address and telephone number.

SUPPLEMENTARY INFORMATION: The DLA notices for systems of records subject to the Privacy Act of 1974, as amended, Title 5, United States Code, SEction 552a, were last published in the **Federal Register** at 47 FR 2544, January 18, 1982.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

April 15, 1983.

DELETIONS

S111.11 DCRA–AA

SYSTEM NAME:

Atlanta Personnel Data Bank System.

REASON:

This system is covered by OPM GOVT–1.

S111.11 DCRT–E

SYSTEM NAME:

Defense Contract Administration Services Region (DCASR) Dallas Personnel Data Bank.

REASON:

This system was scheduled for deletion and is now covered by OPM GOVT–1.

S111.11 DDTC–R

SYSTEM NAME:

Civilian Personnel Data Bank.

REASON:

This sytem is covered by OPM GOVT–1.

S150.20 DLA–T

SYSTEM NAME:

Security Violations File.

REASON:

This system is no longer required.

S214.10 DCRN-MA

SYSTEM NAME:

Emergency Transportation of Essential Personnel.

REASON:

This system is no longer required.

S322.35 DLA-M

SYSTEM NAME:

Officer/Enlisted Evaluation Report File and File Summary.

REASON:

This system is no longer required.

S330.15 DPSC-G

SYSTEM NAME:

Authorization File.

REASON:

This system is no longer required.

S330.50 DPSC

SYSTEM NAME:

Defense Personnel Support Center (DPSC) Civilian Personnel File.

REASON:

This system is now covered by S434.15 DLA-KP.

S330.60 DCRT-E-Z

SYSTEM NAME:

Dallas Internal Personnel Management Information System (DIPMIS).

REASON:

This system is no longer in existence.

S335.80 DLA-Q

SYSTEM NAME:

Quality Assurance Staff Development Program.

REASON:

This system was replaced by S355.02 DCIDO, DLA-Intern Records.

S390.05 DCRB-M

SYSTEM NAME:

Boston Equal Employment Opportunity (EEO) Skills Bank.

REASON:

This system is no longer required by management.

S690.01 DISC-W

SYSTEM NAME:

Car Pool Program in Participants File.

REASON:

This system is no longer required.

[FR Doc. 83-10536 Filed 4-19-83; 8:45 am]
BILLING CODE 3810-01-M

Office of the Secretary

Public Information Collection Requirement Submitted to OMB for Review

The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of Submissions; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposal may be obtained.

1. New.
2. Questionnaire for Net Technical Assessment.
3. Science Applications, Inc., under a Department of Defense contract, has developed a questionnaire to assist in the gathering of data and information concerning some of the recent scientific and technical exchanges between the U.S. and USSR/East Europe.
4. Participating U.S. scientists/engineers.
5. 40 responses.
6. 40 hours.
7. Forward comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, D.C. 20503, and John V. Wenderoth, DoD Clearance Officer, OASD(C), DIRMS, IRAD, Room 1A658, Pentagon, Washington, D.C. 20301, telephone (202)697-1195.
8. A copy of the information proposal may be obtained from Dr. O. Lomacky, Room 3B1060, Pentagon, Washington, D.C. 20301, telephone (202) 694-4777.

M. S. Healy,

OSD Federal Register, Liaison Officer, Department of Defense.

April 14, 1983.

[FR Doc. 83-10473 Filed 4-19-83; 8:45 am]
BILLING CODE 3810-01-M

DEPARTMENT OF EDUCATION

AGENCY: National Commission on Excellence in Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule of a full meeting of the National Commission on Excellence in Education. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act.

DATE: April 26, 1983 (Time 2:00 p.m.-3:00 p.m.).

LOCATION: Ramada Renaissance Hotel, 1143 New Hampshire Avenue, N.W., Washington, D.C., New Hampshire Ballroom.

FOR FURTHER INFORMATION CONTACT: Milton Goldberg, Executive Director, 1200 19th Street, N.W., Washington, D.C. 20208, (202) 254-7920 or Penny McDonald.

The National Commission on Excellence in Education is governed by the provisions of Part D of the General Education Provisions Act (Pub. L. 90-247 as amended; 20 U.S.C. 1233 *et seq.*) and the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. Appendix I) which set forth standards for the formation and use of advisory committees. The Commission is established to advise and make recommendations to the nation and to the Secretary of Education.

The meeting of the Commission is open to the public. The agenda will include:

- Completion of the Commission's work;
- Discussions of Plans for Dissemination and Follow-up of Commission's work.

The public is being given less than fifteen days notice because the work of the Commission has only recently progressed to the point at which this meeting is warranted.

Records are kept of all Commission proceedings and are available for public inspection at the office of the National Commission on Excellence in Education, 1200 19th Street, N.W., Room 222, from the hours of 8:00 a.m. to 5:00 p.m

Dated: April 18, 1983.

Fred Decker,

Deputy Assistant Secretary for Educational Research and Improvement.

[FR Doc. 83-10731 Filed 4-19-83; 12:13 pm]
BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Hideca Petroleum Corp.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice of an Amended Proposed Remedial Order which was issued to Hideca Petroleum Corp. (Hideca), One Riverway, Suite 2480, Houston, Texas 77056. This Amended Proposed Remedial Order alleges violations in the pricing of crude oil of 10 CFR 212.186, 212.183, 210.62(c), and 205.202 during the period October 1978 through November 1979. The Amended Proposed Remedial Order also alleges violations in the pricing of crude oil of 10 CFR 212.183 during the period December 1979 through December 1980. The principal amount of the alleged violations for the period October 1978 through December 1980 is $14,358,652.48.

A copy of the Amended Proposed Remedial Order, with confidential information deleted, may be obtained from: U.S. Department of Energy, Economic Regulatory Administration, ATTN: Sandra K. Webb, Director, One Allen Center, Suite 610, 500 Dallas Street, Houston, Texas 77002.

Within fifteen (15) days of publication of the Notice any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, U.S. Department of Energy, Room 3304, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C 20461, in accordance with 10 CFR 205.193.

Issued in Houston, Texas, on the 8th day of April, 1983.

Sandra K. Webb,

Director, Houston Office, Economic Regulatory Administration.

[FR Doc. 83-10405 Filed 4-19-83; 8:45 am]

BILLING CODE 6450-01-M

Office of Energy Research

Magnetic Fusion Advisory Committee; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: Magnetic Fusion Advisory Committee.

Date and Time: Tuesday, May 3, 1983—9:00 a.m. to 5:00 p.m. Wednesday, May 4, 1983—9:00 a.m. to 5:00 p.m.

Place: Princeton Plasma Physics Laboratory, Princeton University, M. A. Gottlieb Auditorium, Princeton, NJ 08540.

Contact: Lenore R. Ledman, Office of Fusion Energy, ER-50.2, U.S. Department of Energy, Mail Stop—G-226, Washington, DC 20545, Telephone: 301-353-3598.

Purpose of the Committee: To provide advice to the Secretary of Energy on the Department's Magnetic Fusion Energy Program, including periodic reviews of elements of the program and recommendations of changes based on scientific and technological advances or other factors; advice on long-range plans, priorities, and strategies to demonstrate the scientific and engineering feasibility of fusion; advice on recommended appropriate levels of funding to develop those strategies and to help maintain appropriate balance between competing elements of the program.

Tentative Agenda: Briefings and discussions of:

- Review of Charges to MFAC Panels Reviewing MFTF-B Upgrade Options (Panel #4) and the Long-Range Role of Universities in the Fusion Program (Panel #5)—Davidson
- Interim Report by Panel #5—Gross.
- Panel #4 Findings and Recommendations—Forsen, Gilleland and Morgan.
- Discussion.
- Formulation of MFAC Findings and Recommendations.
- New Charge Areas—Davidson.
- Public comment (10 minute rule).

Public Participation: The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Lenore R. Ledman at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. The Chairperson of the Committee is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Minutes: Minutes of the meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC on April 15, 1983.

Howard H. Raiken,

Deputy Advisory Committee Management Officer.

[FR Doc. 83-10461 Filed 4-19-83; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 6009-001]

Cascade Irrigation District; Surrender of Preliminary Permit

April 15, 1983.

Take notice that Cascade Irrigation District, Permittee for the proposed Strawberry Flats Power Project No. 6009, has requested that its preliminary permit be terminated. The permit was issued on July 26, 1982, and would have expired January 31, 1984. The project would have been located on the Yakima River in Kittitas County, Washington.

The Permittee filed its request on March 14, 1983, and the surrender of the preliminary permit for Project No. 6009 is deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-10525 Filed 4-19-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5909-001]

City of Ocean Shores, Washington; Surrender of Preliminary Permit

April 15, 1983.

Take notice that City of Ocean Shores, Washington, Permittee for the proposed East Fork Humptulips River Project No. 5909, has requested that its preliminary permit be terminated. The permit was issued on August 25, 1982, and would have expired on February 28, 1984. The project would have been located on East Fork Humptulips River, in Grays Harbor County, Washington.

The Permittee filed its request on March 1, 1983, and the surrender of the preliminary permit for Project No. 5909 is deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-10526 Filed 4-19-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5907-001]

City of Ocean Shores, Washington; Surrender of Preliminary Permit

April 15, 1983.

Take notice that City of Ocean Shores, Washington, Permittee for the proposed Donkey Creek Project No. 5907, has requested that its preliminary permit be terminated. The permit was issued on May 19, 1982, and would have expired on May 31, 1984. The project would have been located on the Donkey Creek in Grays Harbor County, Washington.

The Permittee filed its request on March 1, 1983, and the surrender of the preliminary permit for Project No. 5907

is deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-10527 Filed 4-19-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6079-001]

Energenics Systems, Inc.; Surrender of Preliminary Permit

April 15, 1983.

Take notice that Energenics Systems, Inc., Permittee for the Deer Creek Project No. 6079 located on Deer Creek in Pickaway County, Ohio, has requested that its preliminary permit be terminated. The preliminary permit was issued on August 6, 1982, and would have expired on February 28, 1984. The Permittee states that Energenics has made engineering and other investigations and acquired data sufficient to determine that the proposed project is infeasible.

Energenics Systems, Inc.'s request was filed March 11, 1983. The surrender of the permit for Project No. 6079 is in the public interest and is accepted as of the date of issuance of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-10528 Filed 4-19-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6102-001]

Energenics Systems, Inc.; Surrender of Preliminary Permit

April 15, 1983.

Take notice that Energenics Systems, Inc. (ESI) Permittee for the Oologah Lake Dam Project No. 6102, located on the Verdigris River in Rogers and Nowata Counties, Oklahoma has requested that its preliminary permit be terminated. The preliminary permit was issued on September 2, 1982, and would have expired on February 28, 1984.

ESI states that the lack of adequate head and flow have rendered the project infeasible.

ESI's request was dated March 9, 1983. The surrender of the aforementioned permit is accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-10529 Filed 4-19-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5988-001]

Stephen E. and George S. Austin; Surrender of Preliminary Permit

April 15, 1983.

Take notice that Stephen E. and George S. Austin, Permittees for the Browns Mill Project No. 5988, located on the Paul Stream in Maidstone County, Vermont, have requested that their preliminary permit be terminated. The preliminary permit was issued on September 27, 1982, and would have expired August 31, 1984.

The Applicants request the surrender due to economic infeasibility.

The Applicants' request was dated March 25, 1983. The surrender of the permit is accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-10530 Filed 4-19-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5987-001]

Stephen E. and George S. Austin; Surrender of Preliminary Permit

April 15, 1983.

Take notice that Stephen E. and George S. Austin, Permittees for the Mile One Rapids Project No. 5987, located on the Paul Stream in Brunswick County, Vermont have requested that their permit be terminated. The preliminary permit was issued on September 27, 1982, and would have expired August 31, 1984.

The Applicants request the surrender due to economic infeasibility.

The Applicants' request was dated March 25, 1983. The surrender of the permit is accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-10531 Filed 4-19-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP77-62-018, RP80-97-013, RP81-54-002, RP82-10-003, RP82-12-004, RP81-80-000 (Phase I)]

Tennessee Gas Pipeline Co., a Division of Tenneco, Inc., and Consolidated Gas Supply Corp., Oral Argument

Issued: April 15, 1983.

The captioned proceedings involve certain rate filing by Tennessee Gas Pipeline Company (Tennessee) and Consolidated Gas Supply Corporation (Consolidated) which were permitted to become effective subject to refund and are pending before the Commission for final decision. In both proceedings the return to be allowed on invested capital is a contested issue. In *Tennessee* the parties agree on the capital structure but contest the return on equity while in *Consolidated* capital structure and return on debt and equity are at issue.

The parties in both proceedings have requested oral argument before the Commission on the rate of return issue. The Chairman has determined that oral argument limited to this issue, including the capital structure to be used in *Consolidated*, may be beneficial in its resolution of these cases.

Notice is hereby given that an oral argument will be heard in these proceedings in Hearing Room A of the Commission's offices at 825 North Capitol Street, NE., Washington, D.C., on Friday May 13, 1983, commencing at 9:00 a.m. Argument will be scheduled for approximately one and one-half hours.

By April 25, 1983, the parties desiring to participate shall submit a statement indicating the amount of time requested. Because of the number of parties involved and the time available for oral argument, parties with similar interests are urged to arrange common representation for purposes of the oral presentations. Final determination of the division of time and order of presentation will be set out in a subsequent notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-10532 Filed 4-19-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5238-001]

Vidler Tunnel Water Co., Surrender of Preliminary Permit

April 15, 1983.

Take notice that Vidler Tunnel Water Company, Permittee for the proposed Snake River Hydro Power Project No. 5238, has requested that its preliminary permit be terminated. The permit was issued on March 17, 1982, and would have expired on August 31, 1983. The project would have been located on the Snake River in Summit County, Colorado.

Vidler Tunnel Water Company has determined that the lack of flow at the site and the difficulty of construction and operation of this project make the economics very poor. It was concluded that this project would be economically unfeasible at this time.

The Permittee filed its request on March 17, 1983. The surrender of the preliminary permit for Project No. 5238

is deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-10533-Filed 4-19-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 96-003, et al.]

Pacific Gas & Electric Co., et al. Applications Filed With the Commission

Take notice that the following hydroelectric applications have been filed with the Federal Energy Regulatory Commission and are available for public inspection:

1. a. Type of Application: Revised Exhibit S.

b. Project No: 96-003.

c. Date Filed: December 13, 1982.

d. Applicant: Pacific Gas and Electric Company.

e. Name of Project: Kerckhoff.

f. Location: On San Joaquine River in Fresno and Madera Counties, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. W.M. Gallavan, Vice President, Rates and Valuation, Pacific Gas and Electric Company, 77 Beale Street, Room 1087A, San Francisco, California 94106.

i. Comment Date: June 2, 1983.

j. Description: PG&E filed a revised Exhibit S on December 13, 1982, pursuant to Article 44 of the license for the Kerckhoff Projects, FERC Project No. 96. The revised Exhibit S includes fish, and wildlife mitigation plans, agreements with the California Department of Fish and Game, costs of implementing the plans, and a listing of dates of consultation with the appropriate state and Federal agencies.

k. This notice also consists of the following standard paragraphs: B, C and D2.

2a. Type of Application: Amendment of License (Revised Exhibit).

b. Project No: 2157-012.

c. Date Filed: February 9, 1983.

d. Applicant: Public Utility District No. 1 of Snohomish County and the City of Everett, Washington.

e. Name of Project: Sultan River.

f. Location: On Sultan River in Snohomish County, Washington.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. W.G. Hulbert, Jr., Manager, Public Utility District No. 1 of Sonohomish County, P.O. Box 1107, Everett, Washington, 98206.

i. Comment Date: June 1, 1983.

j. Description: The revised Exhibit S was filed by the Licensee pursuant to Article 53 of the Commission Order issued October 16, 1981, authorizing Stage II of the Sultan River Project, FERC No. 2157. The Exhibit S was prepared in consultation with the State and Federal fish and wildlife agencies and the Tulalip Tribes, and contains measures to mitigate the impacts of the Sultan River Project on aquatic and terrestrial resources. These measures include: changes in project design, erosion control and water quality control plans during construction, instream flow releases, fish stocking, long-term preservation and enhancement of terrestrial habitat, and additional studies to further refine specific mitigative measures. Many of the measures proposed to protect and enhance aquatic resources were contained in a settlement agreement approved by the Commission on February 3, 1983. The Licensee's proposed mitigation for terrestrial resources has not yet been agreed to by the resource agencies, and remains a point of contention.

k. This notice also consists of the following standard paragraphs: B, C and D2.

3a. Type of Application: Application for License (under 5 MW).

b. Project No: 3450-001.

c. Date Filed: February 22, 1983.

d. Applicant: Beaver Falls Municipal Authority.

e. Name of Project: Eastvale Water Power Project.

f. Location: Beaver River in Beaver County, Pennsylvania.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Charles M. Andrews, Beaver Falls Municipal Authority, 1425 Eighth Avenue, P.O. Box 400, Beaver Falls, Pennsylvania 15010.

i. Comment Date: June 13, 1983.

j. Description of Project: The proposed project would be run-of-the-river and would consist of: (1) an existing dam, approximately 490 feet long and 12.4 feet high, constructed of rock-filled timber cribs and concrete with an overflow crest elevation at 730.7 feet m.s.l.; (2) a reservoir having minimal pondage; (3) an existing intake structure, at the left river bank, containing 7 gates preceded by a fish deflector; (4) an existing headrace channel, 75 feet long and 45 feet wide, leading to (5) separate gated channels integral with an old powerhouse to be equipped with 4 new turbine-generator units rated at 110 kW each for a total rated capacity of 440 kW; (6) a tailrace returning flow to Beaver River approximately 90 feet downstream of the dam; (7) a new transmission line, approximately 100 feet long; and (8) appurtenant facilities. The applicant estimates that the average annual energy output would be 3,220,000 kWh. Project energy would be sold to the Duquesne Light Company. Project facilities are owned by the Applicant.

k. This notice also consists of the following standard paragraphs: A2, B, C and D.

4a. Type of Application: Application for License (5 MW or Less).

b. Project No: 3459-001.

c. Date Filed: February 28, 1983.

d. Applicant: Cascade Water Power Development Corporation.

e. Name of Project: Mason Dam Hydroelectric.

f. Location: On the Powder River in Baker County, Oregon at the U.S. Bureau of Reclamation's Mason Dam.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: George L. Smith, Vice President, National Hydro Corporation, P.O. Box Box 1016, Idaho Falls, Idaho 83402 with a copy to: Brian French, Manager of Engineering, National Hydro Corporation, 77 Franklin Street, Boston, MA 02110.

i. Comment Date: June 20, 1983.

j. Description of Project: The proposed project would consist of: (1) a 48-inch-diameter, 100-foot-long penstock connected to the existing 56-inch-diameter outlet pipe 35 feet upstream of the existing valve house; (2) a powerhouse containing a single 2.6-MW generating unit capable of an average annual generation of 7,000 MWh; (3) a substation adjacent to the powerhouse; and (4) a 280-foot-long, 24.9-kV transmission line. Applicant estimates that construction of the project will cost $2,280,000.

k. Purpose of Project: Project power would be sold.

l. This notice also consists of the following standard paragraphs: A2, B, C, and D1.

5a. Type of Application: Application for License (under 5 MW).

b. Project No: 3603-001.

c. Date Filed: February 25, 1983.

d. Applicant: The City of Aspen and Pitkin County, Colorado.

e. Name of Project: Ruedi.

f. Location: On the Fryingpan River in Pitkin and Eagle Counties, Colorado.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Curtis Steward, County Manager, Pitkin County, 506 E. Main, Aspen, Colorado 81611 and Wayne Chapman, City Manager, City of Aspen, 130 South Galena, Aspen, Colorado 81611.

i. Comment Date: June 20, 1983.

j. Description of Project: The proposed project would utilize the U.S. Bureau of Reclamation's Ruedi Dam and would

consist of: (1) a 54-inch-diameter penstock about 130 feet long connected to the existing outlet structure; (2) a powerhouse with two turbine-generator units with a total installed capacity of 3,200 kW and provisions for future installation of a third unit; (3) a tailrace; (4) a transmission line; and (5) other appurtenances. Applicants estimate an average annual generation of 20,000,000 kWh. This application was filed during the term of Applicants' preliminary permit for Project No. 3603.

k. Purpose of Project: Project energy would be sold to the Public Service Company of Colorado or distributed to local customers.

l. This notice also consists of the following standard paragraphs: A2, B, C and D1.

6 a. Type of Application: License (under 5 MW).

b. Project No.: P–4037–001.

c. Date Filed: January 31, 1983.

d. Applicant: Richard Charles Young and George Robert Young.

e. Name of Project: Montgomery Creek Project.

f. Location: On Montgomery Creek, near Taylorsville, in Plumas County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Richard C. Young, P.O. Box 32, Taylorsville, California 95983.

i. Comment Date: June 20, 1983.

j. Description of Project: The proposed run-of-the-river project would consist of: (1) a 20,000 gallon infiltration galley diversion system on Montgomery Creek; (2) a 30-inch-diameter, 4,970-foot-long, steel penstock; (3) a powerhouse containing two generating units with a total installed capacity of 1,100 kW and an average annual generation of 4.0 GWh; (4) a concrete tailrace returning flows to Indian Creek; and (5) appurtenant facilities. Project power would be sold to Pacific Gas and Electric Company. The project would affect 12.0 acres of Plumas National Forest Lands.

k. This notice also consists of the following standard paragraphs: A2, B, C and D1.

7 a. Type of Application: Exemption (5MW).

b. Project No.: 4293–001.

c. Date Filed: March 17, 1983.

d. Applicant: Christopher M. Anthony.

e. Name of Project: Waverly Avenue.

f. Location: Sebasticook River, Town of Pittsfield, Somerset County, Maine.

g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980, Pub. L. 96–294, 94 Stat. 611 (16 U.S.C. 2705 and 2708 as amended).

h. Contact Person: Christopher M. Anthony, 46 Somerset Avenue, Pittsfield, Maine 04967.

i. Comment Date: May 31, 1983.

j. Description of Project: The proposed project would consist of: (1) an existing 11-foot-high, 220-foot-long, concrete encased, timber crib dam; (2) an existing 40-foot-long gate section at the west dam abutment; (3) a 560 acre reservoir with a storage capacity of 560 acre-feet at elevation 213.0 feet M.S.L.; (4) an existing forebay/intake structure; (5) a new powerhouse located at the south forebay wall containing turbine-generators with a total rated capacity of 700 kW; (6) a 200-foot-long transmission line; and (7) appurtenant facilities. The project would generate up to 2,500,000 kWh annually. The dam is owned by the Town of Pittsfield.

K. This notice also consists of the following standard paragraphs: A1, B, C and D3a.

8 a. Type of Application: License (Minor).

b. Project No.: 4539–001.

c. Date Filed: Feburary 28, 1983.

d. Applicant: Yakima-Tieton Irrigation District.

e. Name of Project: Clear Lake Hydroelectric.

f. Location: On North Fork Tieton River partially within the Wenatchee National Forest in Yakima County, Washington.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Warren E. Dickman, Manager, Yakima-Tieton Irrigation District, Route 6, Box 193, Yakima, Washington 98908

i. Comment Date: June 17, 1983.

j. Description of Project: The proposed project would entail tapping into the southern gravity abutment of the existing United States Bureau of Reclamation's Clear Lake Dam, with 78-inch-diameter steel penstock. The project would consist of: (1) a powerhouse at the foot of the dam, containing a single generating unit with a rated capacity of 1,230 kW; (2) a 900-foot-long, 7.2-kV transmission line; and (3) an existing 4,500-foot-long transmission line to be upgraded. The estimated 3.9 million kWh of annual project energy would be partially used by the Applicant with the remainder sold to a local utility or the Bonneville Power Adminstration.

k. This notice also consists of the following standard paragraphs: A2, B, C and D1.

9a. Type of Application: Exemption from Licensing.

b. Project No: 4739–001.

c. Date Filed: February 28, 1983.

d. Applicant: Mac Hydro-Power Company, Inc.

e. Name of Project: East Fork Stuart Fork Creek Hydroelectric.

f. Location: On East Fork Stuart Fort Creek, within the Shasta-Trinity National Forest, near Weaverville, Trinity County, California.

g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980, 16 U.S.C. 2705 and 2708 *as amended.*

h. Contact Person: Mr. H. L. "Pete" Childers, Mac Hydro-Power Company, Inc., 9200 Shanley Lane, Auburn, California 95603.

i. Comment Date: June 20, 1983.

j. Description of Project: The proposed project would consist of: (1) a 4-foot-high, 30-foot-long concrete diversion structure at elevation 3,850 feet; (2) a 4,000-foot-long, 30-inch-diameter low pressure conduit; (3) a 1,200-foot-long, 30-inch-diameter penstock; (4) a powerhouse containing one generating unit with an installed capacity of 910 MW; and (5) a 2.5-mile-long, 12.5kV transmission line from the powerhouse to an existing PG&E transmission line. The Applicant estimates the average annual energy production at 6.5 million kWh.

k. Purpose of Project: Project power would be sold to Pacific Gas and Electric Company.

l. This notice also consists of the following standard paragraphs: A1, B, C, and D3a.

10a. Type of Application: License Minor.

b. Project No: 4948–002.

c. Date Filed: March 10, 1983.

d. Applicant: Energeology, Inc. and Lower Powder River Irrigation District.

e. Name of Project: Thief Valley Dam.

f. Location: At Thief Valley Dam and Reservoir, on Powder River in Union and Baker Counties, Oregon, under the jurisdiction of the Bureau of Reclamation.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: James L. Cannon, Energeology, Inc., 7525 W. Deschutes Place, Suite 2–D, Kennewick, Washington, 99336.

i. Comment Date: June 20, 1983.

j. Description of Project: The proposed project would consist of: (1) an intake structure and a 170-foot-long, 54-inch-diameter steel penstock to be installed in the existing 73-foot-high concrete Thief Valley Dam owned by the Bureau of Reclamation; (2) a powerhouse containing 5 generating units, one rated at 112 kW and four rated at 150 kW each; (3) a tailrace; and (4) a 10.616-mile-long transmission line. The average

annual energy generation is estimated to be 2.9 million kWh at a head of 40 feet.

k. Purpose of Project: Energy will be sold to C.P. National, a local utility.

l. This notice also consists of the following standard paragraphs: A2, B, C and D1.

11a. Type of Application: Exemption of Conduit Hydroelectric Facility.

b. Project No: 5163–000.

c. Date Filed: July 31, 1981.

d. Applicant: California Department of Water Resources.

e. Name of Project: Sutter-Butte Project.

f. Location: On the Sutter-Butte Canal in Butte County, California.

g. Filed Pursuant to: Section 30 of the Federal Power Act, 16 U.S.C. 823(a).

h. Contact Person: Mr. Ronald B. Robie, Director, Department of Water Resources, P.O. Box 388, Sacramento, California 95802.

i. Comment Date: June 1, 1983.

j. Competing Application: Project No. 4490–001. Date Filed: March 19, 1982.

k. Description of Project: The proposed project would consist of: (1) a transition structure connecting to the existing outlet structure; (2) two 102-inch-diameter penstocks; (3) a powerhouse containing two 1,200-kW generating units; and (4) a 1-mile-long transmission line. Applicant estimates the project would have an average annual energy production of 9,650 MWh.

l. Competing Applications: Any qualified license, conduit exemption, or small hydroelectric exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing license, conduit exemption, or small hydroelectric exemption application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing license, conduit exemption, or small hydroelectric exemption application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permit will not be accepted in response to this notice.

A notice of intent must conform with 18 CFR 4.33 (b) and (c) and 18 CFR 4.104(d).

m. Filing and Service of Responsive Documents: Any filings must bear in all capital letters the title "NOTICE OF INTENT TO FILE COMPETING APPLICATION" or "COMPETING APPLICATION" as applicable, and the Project Number of the particular application to which the filing is in response. Either of the above named documents must be filed by providing the original and the number of copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Project Management Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent or competing application must also be served upon each representative of the Applicant specified in the particular application.

12a. Type of Application: Major License (Over 5 MW)—Existing Dam.

b. Project No: 5922–001.

c. Date Filed: July 29, 1982.

d. Applicant: Cordua Irrigation District.

e. Name of Project: DaGuerre Point Water Power Project.

f. Location: On Yuba River in Yuba County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Charles Mathews, Director, Cordua Irrigation District, Box 110, Marysville, California 95901.

i. Comment Date: June 17, 1983.

j. Description of Project: The proposed project would consist of: (1) a gated intake structure at the existing Corps of Engineers' 30-foot-high concrete DaGuerre Point Dam; (2) a 12-foot-diameter, 150-foot-long penstock; (3) a powerhouse containing two generating units with a total installed capacity of 6.48 MW and an estimated average annual energy production of 29.34 million kWh; and (4) appurtenant facilities. The project would be located on lands administered by the U.S. Corps of Engineers.

k. Purpose of Project: Power would be sold to a local utility.

l. This notice also consists of the following standard paragraphs: A2, B, C, D2.

13a. Type of Application: Exemption (5 MW or Less).

b. Project No: 6390–001.

c. Date Filed: December 8, 1982.

d. Applicant: Lawrence J. McMurtrey.

e. Name of Project: Sloan Creek.

f. Location: Sloan Creek within Snoqualmie-Mt. Baker National Forest in Snohomish County, Washington.

g. Filed Pursuant to: Energy Security Act of 1980, Section 408 (16 U.S.C. 2705 and 2708 as amended).

h. Contact Person: Lawrence J. McMurtrey, 12122—196th, N.E., Redmond, Washington 98052.

i. Comment Date: June 2, 1983.

j. Competing Application: Project No. 6531–000. Date Filed: July 16, 1982. Notice Issued: October 19, 1982.

k. Description of Project: The proposed project would consist of: (1) two 2-foot-high diversion structures on Sloan Creek; (2) a 36-inch, and 18-inch-diameter, 12,000-foot and 4,000-foot-long penstock respectively; (3) a powerhouse containing a generating unit with a rated capacity of 3.62 MW; and (4) appurtenant facilities. The Applicant estimates a 19.04 GWh average annual energy production.

l. Purpose of Project: Power would be sold to local utilities.

m. This notice also consists of the following standard paragraphs: A1, B, C and D3a.

14a. Type of Application: Major License (Under 5 MW).

b. Project No: 6515–001.

c. Date Filed: September 10, 1982, and revised on January 24, 1983.

d. Applicant: SNC Hydro Inc. and Adirondack Hydro Inc.

e. Name of Project: Boyd Dam.

f. Location: on East Branch Fish Creek, Town of Lewis, Lewis County, New York.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Christopher McGill, P.O. Box 145, Wilmington, New York 12997.

i. Comment Date: May 20, 1983.

j. Competing Application: Project No. 6484. Date Filed: 7/6/82.

k. Description of Project: The proposed project would utilize existing facilities owned, operated, and maintained by the City of Rome, New York, consisting of: (1) the 525-foot-long, 85-foot-high, Boyd Dam having a 440-foot-long concrete-gravity section with a 150-foot-long ogee-type spillway and an 85-foot-long earthfill section; (2) the separate 7-foot-high, 310-foot-long, earth dike located along the reservoir left (east) bank; (3) the Tagasoke Reservoir having a surface area of 210 acres and a storage capacity of 4,300 acre-feet at spillway crest elevation 1,280 feet M.S.L.; and (4) a gated intake structure and two 36-inch outlet conduits.

Applicant proposes to: (1) repair the dam; (2) modify the dike; (3) modify the intake structure; (4) install a 7-foot-diameter, 300-foot-long penstock; (5) construct a powerhouse on the right bank containing a generating unit having a rated capacity of 1,800 kW operated at a 65-foot net head and a flow of 412 cfs; (6) excavate a tailrace; (7) install a 120-foot-long buried 4.8-kV power cable; (8) install a 1,600-foot-long, 4.8-kV transmission line; (9) convert a 4.2-mile-long single-phase transmission line to a

three-phase 4.8-kV transmission line; and (10) construct a 1,600-foot-long access road.

Applicant estimates that the proposed project would cost $4,000,000.

l. Purpose of Project: Project energy would be sold to Niagara Mohawk Power Corporation. Applicant estimates that the average annual energy output would be 7.3 million kWh.

m. This notice also consists of the following standard paragraphs: A2, B, C and D1.

15 a. Type of Application: License (under 5 MW).

b. Project No: 6779–000.

c. Date Filed: October 19, 1982.

d. Applicant: Enviro Hydro, Incorporated.

e. Name of Project: Soda Creek Water Power.

f. Location: on Soda Creek near the town of Belden within the Plumas and Lassen National Forests in Plumas County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. H. L. "Pete" Childers, President, Enviro Hydro, Inc., 9200 Shanley Lane, Auburn, California 95603.

i. Comment Date: June 20, 1983.

j. Description of Project: The proposed project would consist of: (1) a 3-foot-high diversion structure with crest elevation of 4,400 feet (mean sea level); (2) a 10,000-foot-long, 36-inch-diameter low pressure pipe/penstock combination; (3) a powerhouse containing a single generating unit with a rated capacity of 1,700 kW; (4) a 3-mile-long, 12-kV transmission line to connect the powerhouse to an existing Pacific Gas and Electric Company's (PG&E) line near the Butte Valley Reservoir Road; and (5) appurtenant facilities.

k. Purpose of Project: The estimated 6 million kWh project energy would be sold to PG&E.

l. This notice also consists of the following standard paragraphs: A2, B, C and D1.

16 a. Type of Application: License (5 MW or Less).

b. Project No: 6781–000.

c. Date Filed: October 19, 1982.

d. Applicant: Enviro Hydro, Incorporated.

e. Name of Project: Grizzly Creek Water Power.

f. Location: on Grizzly Creek near the town of Belden within the Plumas and Lassen National Forests in Plumas County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r)

h. Contact Person: Mr. H. L. "Pete" Childers, President, Enviro Hydro, Inc., 9200 Shanley Lane, Auburn, California 95603.

i. Comment Date: June 20, 1983.

j. Description of Project: The proposed project would consist of: (1) a 3-foot-high concrete diversion structure with crest elevation of 5,360 feet (mean sea level); (2) a 20,000-foot-long, 36-inch-diameter low pressure pipe/penstock combination; (3) a powerhouse containing a single generating unit with a rated capacity of 3,500 kW; (4) a 3-mile-long, 12-kV transmission line connecting the powerhouse to an existing Pacific Gas and Electric Company's (PG&E) line southeast of the powerhouse; and (5) appurtenant facilities.

k. Purpose of Project: The estimated 11.9 million kWh project energy would be sold to PG&E.

l. This notice also consists of the following standard paragraphs: A2, B, C and D1.

17 a. Type of Application: License (5 MW or Less).

b. Project No: 6782–000.

c. Date Filed: October 20, 1982.

d. Applicant: Enviro Hydro, Incorporated.

e. Name of Project: Fall River Water Power.

f. Location: on Fall River near the town of Feather Falls within the Plumas National Forest in Butte County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. H. L. "Pete" Childers, President, Enviro Hydro, Inc., 9200 Shanley Lane, Auburn, California 95603.

i. Comment Date: June 23, 1983.

j. Description of Project: The proposed project would consist of: (1) a 3-foot-high concrete diversion structure with crest elevation of 3,000 feet (mean sea level); (2) a 5,300-foot-long, 48-inch-diameter low pressure pipe/penstock combination; (3) a powerhouse containing a single generating unit with a rated capacity of 4,900 kW; (4) a 4.5-mile-long, 12-kV transmission line connecting the powerhouse with an existing Pacific Gas and Electric Company's (PG&E) line near Feather Falls; and (5) appurtenant facilities.

k. Purpose of Project: The estimated 17.5 million kWh project energy would be sold to PG&E.

l. This notice also consists of the following standard paragraphs: A2, B, C and D1.

18a. Type of Application: Exemption Under 5 MW.

b. Project No.: 6791–000.

c. Date Filed: October 25, 1982.

d. Applicant: Stony Creek Hydro Company.

e. Name of Project: Stony Creek Project.

f. Location: On Stony Creek, near Paradise, in Butte County, California.

g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980, 16 U.S.C. 2705 and 2708 *as amended.*

h. Contact Person: Mr. James E. Helmich, California Hydro Systems, Inc., 1330—21st Street, Suite 105, Sacramento, California 95814.

i. Comment Date: May 31, 1983.

j. Description of Project: The proposed run-of-the-river project would consist of: (1) a 32-inch-high, 30-foot-long, concrete diversion structure; (2) a 5,964-foot-long, 16-inch-diameter steel flume; (3) a 3,633-foot-long, 16-inch-diameter steel penstock; (4) a powerhouse containing two generating units with a total installed capacity of 1,350 W and producing an estimated annual generation of 8.8 GWh; (5) a 3-foot-wide, 30-foot-long concrete tailrace; and (6) appurtenant facilities. Project power would be sold to Pacific Gas and Electric Company. The project would affect Plumas National Forest lands.

An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

k. This notice also consists of the following standard paragraphs: A1, B, C and D3a.

19a. Type of Application: Exemption Under 5 MW.

b. Project No.: 6793–000.

c. Date Filed: October 25, 1982.

d. Applicant: Stony Creek Hydro Company.

e. Name of Project: Dogwood Creek Project.

f. Location: On Dogwood Creek, near Paradise, in Butte County, California.

g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980, 16 U.S.C. 2705 and 2708 *as amended.*

h. Contact Person: Mr. James E., Helmich, California Hydro Systems, Inc., 1330—21st Street, Suite 105, Sacramento, California 95814.

i. Comment Date: May 27, 1983.

j. Description of Project: The proposed run-of-the-river project would consist of: (1) a 4-foot-high, 40-foot-long, concrete diversion structure; (2) a 2,640-foot-long, 24-inch-diameter steel flume; (3) a 1,955-foot-long, 24-inch-diameter steel penstock; (4) a powerhouse containing two generating units with a total installed capacity of 2,025 kW and producing an estimated annual generation of 7.0 GWh; (5) a 3-foot-wide,

30-foot-long concrete tailrace; and (6) appurtenant facilities. Project power would be sold to Pacific Gas and Electric Company. The project would affect Plumas National Forest lands.

An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

k. This notice also consists of the following standard paragraphs: A1, B, C and D3a.

20a. Type of Application: Small Conduit Exemption.

b. Project No.: 6812–000.

c. Date Filed: November 1, 1982.

d. Applicant: Sheep Creek Irrigation Company.

e. Name of Project: Upper Antelope.

f. Location: On Sheep Creek, Daggett County, Utah.

g. Filed Pursuant to: Section 30 of the Federal Power Act [16 U.S.C. 823(a)].

h. Contact Person: Mr. Albert H. Neff, Executive Secretary, Sheep Creek Irrigation Company, Manila, Utah 84046.

i. Comment Date: May 31, 1983.

j. Description of Project: The proposed project would consist of: (1) a new canal headworks structure, approximately 15 feet high and 17 feet long; (2) a new trapezoidal canal section, 15,030 feet long and 12 feet wide at the bottom; (3) three new low head pipeline sections, totaling 3,080 feet long and 60 inches in diameter; (4) a new 1,480-foot-long, 48-inch diameter steel penstock; (5) a new 23 by 63-foot powerhouse containing three turbine/generator units with a total capacity of 1550 kW at an average head of 153 feet; (6) either a 0.5-mile long, 14.4-kV or a 1.0-mile long, 69-kV transmission line; and (7) appurtenant facilities.

k. Purpose of Project: The average annual generation of 3.35 million kWh will be sold to the Bridger Valley Electric Association.

l. This notice also consists of the following standard paragraphs: A3, B, C and D3b.

21 a. Type of Application: Small Conduit Exemption.

b. Project No. 6813–000.

c. Date Filed: November 1, 1982.

d. Applicant: Sheep Creek Irrigation Company.

e. Name of Project: South Valley.

f. Location: on Sheep Creek, Daggett County, Utah.

g. Filed Pursuant to: Section 30 of the Federal Power Act [16 U.S.C. 823(a)].

h. Contact Person: Mr. Albert H. Neff, Executive Secretary, Sheep Creek Irrigation Company, Manila, Utah 84046.

i. Comment Date: May 31, 1983.

j. Description of Project: The proposed project would consist of: (1) a new intake structure, measuring approximately 10 feet wide and 10 feet high; (2) a new earth-lined trapezoidal canal 1500 feet long and 8 feet wide at the bottom; (3) a steel or RPM penstock, 6,075 feet long and 48 inches in diameter (4) a new powerhouse 23 by 64 feet in plan and housing three turbine-generator units with a total capacity of 1780 kW at an average head of 273 feet; (5) either a 0.5-mile, 14.41-kv or a slightly longer 69-kV transmission line; and (6) appurtenant facilities.

k. Purpose of Project: The average annual generation of 3.98 million kWh will be sold to the Bridger Valley Electric Association.

l. This notice also consists of the following standard paragraphs: A3, B, C and D3b.

22a. Type of Application: Small Conduit Exemption.

b. Project No. 6814–000.

c. Date Filed: November 1, 1982.

d. Applicant: Sheep Creek Irrigation Company.

e. Name of Project: Lower Antelope.

f. Location: on Sheep Creek, Daggett County, Utah.

g. Filed Pursuant to: Section 30 of the Federal Power Act [16 U.S.C. 823(a)].

h. Contact Person: Mr. Albert H. Neff, Executive Secretary, Sheep Creek Irrigation Company, Manila, Utah 84046.

i. Comment Date: May 27, 1983.

j. Competing Application: Project No. 5037–001. Date Filed: 1/19/82.

k. Description of Project: The proposed project would consist of: (1) a new intake structure measuring approximately 13 feet wide and 13 feet high; (2) a new earth-lined trapezoidal canal 1250 feet long and 13 feet wide at the bottom; (3) a steel or RPM penstock 1460 feet long and 48 inches in diameter; (4) a new reinforced concrete powerhosue, measuring 23 by 63 feet, containing three turbine/generator units with a total installed capacity of 1425 kW at an average head of 140 feet; (5) either a 0.5-mile, 14.41-kv or a slightly longer 69-kV transmission line; and (6) appurtenant facilities.

l. Purpose of Project: The average annual generation of 3.05 million kWh will be sold to the Bridger Valley Electric Association.

m. This notice also consists of the following standard paragraphs: A3, B, C and D3b.

23a. Type of Application: 5 MW or Less Exemption.

b. Project No. 6824–000.

c. Date Filed: November 3, 1982.

d. Applicant: Colenergy, Inc.

e. Name of Project: Silver Creek Hydroelectric.

f. Location: On Silver Creek, within Mt. Baker National Forest, near Greenwater, in Pierce County, Washington.

g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980, 16 U.S.C. 2705 and 2708 as amended.

h. Contact Person: Mr. Robert C. Cole, Colenergy, Inc., 1555 Union Avenue, N.W. No. 65, Renton, Washington 98056.

i. Comment Date: June 2, 1983.

j. Description of Project: The proposed project would consist of: (1) a 9-foot-high, 10-foot-long concrete diversion structure at an elevation of 3,760 feet; (2) a 14,950-foot-long, 36-inch-diameter conduit; (3) A powerhouse containing two generating nits with a total rated capacity of 3,200 kW; and (4) a 500-foot-long, 12.5-kV trnasmission line connecting the powerhouse to an existing Puget Sound Power and Light Company transmission line. The applicant estimates the average annual energy production at 13.09 million kWh.

k. Purpose of Project: Project power would be sold to Puget Sound Power and Light Company.

l. This notice also consists of the following standard paragraphs: A1, B, C, and D3a.

24a. Type of Application: 5 MW or Less Exemption.

b. Project No.: 6825–000.

c. Date Filed: November 3, 1982.

d. Applicant: Colenergy, Inc.

e. Name of Project: Goat Creek Hydroelectric.

f. Location: On Goat Creek, within Mt. Baker National Forest, near Greenwater, in Pierce County, Washington.

g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980, 16 U.S.C. 2705 and 2708 as amended.

h. Contact Person: Mr. Robert C. Cole, Colenergy, Inc., 1555 Union Avenue, N.E., No. 65, Renton, Washington 98056.

i. Comment Date: June 2, 1983.

j. Description of Project: The proposed project would consist of: (1) a 5-foot-high, 10-foot-long concrete diversion structure at an elevation of 3,680 feet; (2) a 5,700-foot-long, 27-inch-diameter conduit; (3) a powerhouse containing one generating unit with a total rated capacity of 1,800 kW; and (4) a 600-foot-long, 12.5-kV transmission line connecting the powerhouse to an existing Puget Sound Power and Light Company transmission line. The Applicant estimates the average annual energy production at 8.88 million kWh.

k. Purpose of Project: Project power would be sold to Puget Sound Power and Light Company.

l. This notice also consists of the following standard paragraphs: A1, B, C, and D3a.

25a. Type of Application: 5 MW Exemption.

b. Project No.: 6878–001.

c. Date Filed: January 27, 1983.

d. Applicant: Taft Hydro Power Co., Inc.

e. Name of Project: Adams Power Project.

f. Location: Sandy Creek, Jefferson County, New York.

g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980 (Act), 16 U.S.C. 2705 and 2708 as amended, and part I of the Federal Power Act.

h. Contact Person: Lawrence R. Taft, 10315 Caughdenoy Road, Central Square, New York 13036.

i. Comment Date: May 27, 1983.

j. Description of Project: The proposed project would consist of: (1) an existing concrete gravity dam, 9 feet high and 135 feet long; (2) a reservoir having a storage capacity of 16.75 acre-feet, a surface area of 3.7 acres, and a normal water surface elevation of 610 feet m.s.l.; (3) a new intake structure; (4) a new powerhouse with 4 generating units with a total capacity of 358 kW; (5) an existing tailrace; (6) a new 13.2-kV transmission line 400 feet long; and (7) appurtenant facilities. The existing dam is owned by the Applicant. The Applicant estimates the average annual energy production would be 1,200,000 kWh. All project power would be sold to the Niagara Mohawk Power Corporation.

k. Purpose of Project: All project power would be sold to the Niagara Mohawk Power Corporation.

l. This notice also consists of the following standard paragraphs: A1, B, C, and D3a.

m. Purpose of Exemption: An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

26a. Type of Application: License (under 5 MW).

b. Project No.: 7021–000.

c. Date Filed: January 24, 1983, and revised on March 11, 1983.

d. Applicant: Auburn Hydro, Inc.

e. Name of Project: Shoe Form.

f. Location: On the Owasco Lake Outlet in the City of Auburn, Cayuga County, New York.

g. Filed Pursuant to: 16 U.S.C. 791(a)–825(r).

h. Contact Person: James J. Glass, P.O. Box 845, Auburn, New York 13021.

i. Comment Date: May 23, 1983.

j. Competing Application: Project No. 6784–000. Date Filed: October 20, 1982.

k. Description of Project: The proposed project would consist of the following existing facilities: (1) a 14-foot-high 80-foot-long stone and concrete dam and a 30-foot-long breached section at the left (west) bank; (2) an inoperative waste gate; (3) an intake structure and powerhouse at the right (east) bank; (4) a tailrace; and (5) appurtenant facilities.

Applicant proposes to redevelop the existing facilities and would: (1) repair the dam intake structure, and powerhouse; (2) construct a new 30-foot-long dam section; (3) replace the waste gate; (4) recreate a reservoir with a surface area of 1.5 acres and a gross storage capacity of 7.5 acre-feet at spillway crest elevation 596.5 feet m.s.l.; (5) install a new generating unit having a rated capacity of 450-kW under a 15-foot head and at a flow of 460 cfs; (6) install new electrical switchgear; and (7) construct a 300-foot-long 15-kV transmission line. Applicant estimates that the proposed project would cost $1,593,000.

l. Purpose of Project: Project energy would be sold to New York State Electric and Gas Corporation. Applicant estimates that the average annual energy output would be 1,960,000 kWh.

m. This notice also consists of the following standard paragraphs: A2, B, C, and D1.

27a. Type of Application: Preliminary Permit.

b. Project No: 7032–000.

c. Date Filed: January 28, 1983.

d. Applicant: Richard R. Gresham.

e. Name of Project: Gresham Brothers Lake Creek #3.

f. Location: Shoshone County, Idaho; Lake Creek.

g. Filed pursuant to: Federal Power Act, 16 U.S.C. 791(a)—825(r).

h. Contact Person: Richard R. Gresham, P.O. Box 52, Kellog, Idaho 83837.

i. Comment Date: June 13, 1983.

j. Description of Project: The proposed project would consist of: (1) a 2.9-foot-high diversion structure; (2) a 3,500-foot-long, 10-inch-diameter pipe; (3) a powerhouse with a total installed capacity of 185 kW; (4) a substation; and (5) an 1,100-foot-long underground cable connecting the substation with an existing 13-kV transmission line owned by Washington Water Power Company. The proposed project would affect United States lands within Coeur'Alene National Forest. A preliminary permit does not authorize construction. The Applicant seeks a 24-month permit to study the feasibility of constructing and operating the project. These studies are estimated to cost $13,000 and would not require construction of any new roads.

k. Purpose of Project: The estimated annual output of 1.1 million kWh would be sold to the Washington Water Power Company.

l. This notice also consists of the following standard paragraphs: A4b, A4c, A4d, B, C, D2.

28a. Type of Application: Preliminary Permit.

b. Project No: 7056–000.

c. Date Filed: February 9, 1983.

d. Applicant: Walker River Irrigation District.

e. Name of Project: West Branch Walker River.

f. Location: On West Branch Walker River, within Toiyabe National Forest, near Bridgeport, in Mono County, California.

g. Filed pursuant to: Federal Power Act, 16 U.S.C. 791(a)—825(r).

h. Contact Person: Jim Weishaupt, Walker River Irrigation District, P.O. Box J, Yerington, Nevada 89447.

i. Comment Date: June 13, 1983.

j. Description of Project: The proposed project would contain three facilities known as the Upper, Middle and Lower Facility. The Upper Facility would consist of: (1) a 40-foot-high, 200-foot-long concrete diversion dam creating a reservoir with a storage capacity of 69 acre-feet; (2) a 5000-foot-long, 60-inch-diameter conduit; (3) a powerhouse containing 2 generating units with a total rated capacity of 6.48 MW and (4) a 7000-foot-long, 12-kV transmission line. The Middle facility would consist of: (1) a 40-foot-high, 300-foot-long concrete diversion dam creating a reservoir with a storage capacity of 1,660 acre-feet; (2) a 10,000-foot-long, 60-inch-diameter conduit; (3) a powerhouse containing a single generating unit with a rated capacity of 1.94 MW; and (4) a 0.5-mile-long, 12-kV transmission line. The Lower Facility would consist of: (1) a 80-foot-high, 250-foot-long concrete diversion dam; (2) a 26,000-foot-long, 72-inch-diameter conduit; (3) a powerhouse containing three generating units with a total rated capacity of 14.1 MW; and (4) a 100-foot-long, 12-kV transmission line. The Applicant estimates that the average annual energy production from the three facilities would be 167 million kWh.

A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct technical, environmental and economic studies. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of

undertaking these studies would be $200,000.

k. Purpose of Project: Project power would be utilized by the Applicant. Any surplus power would be sold to a local utility.

l. This notice also consists of the following standard paragraphs: A4b, A4c, A4d, B, C, and D2.

29a. Type of Application: Preliminary Permit.

b. Project No: 7060–000.

c. Date Filed: February 8, 1983.

d. Applicant: Greene County Electric Co., Inc.

e. Name of Project: Burgess Falls Dam Hydro Project.

f. Location: Cookvile, Putnam County, Tennessee on the Falling Water River.

g. Filed pursuant to: Federal Power Act, 16 U.S.C. 791(a)—825(r).

h. Contact Person: Daniel E. Burgner, Rt. 10, Box 183A, Greenville, Tennessee 37743.

i. Comment Date: June 13, 1983.

j. Description of Project: The proposed project would consist of: (1) an existing concrete dam approximately 369 feet long and 40 feet high; (2) an existing reservoir with a surface area of 25 acres and storage capacity of 250 acre-feet; (3) a proposed powerhouse with a total installed capacity of 450 kW; (4) new transmission lines; and (5) appurtenant facilities. Applicant estimates the average annual generation to be 1.3 GWh. All power generated would be sold to a local utility.

l. This notice also consists of the following standard paragraphs: A4a, A4c, A4d, B, C, and D2.

30a. Type of Application: Preliminary Permit.

b. Project No: 7061–000.

c. Date Filed: February 8, 1983.

d. Applicant: American Hydro Power Company.

e. Name of Project: Cowanesque.

f. Location: On the Cowanesque River near Lawrenceville in Lawrence and Nelson Townships, Tioga County, Pennsylvania.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r)

h. Contact Person: Peter A. McGrath, Two Aldwyn Center, Villanova, Pennsylvania 19085.

i. Comment Date: June 24, 1983.

j. Description of Project: The proposed project would utilize the existing Corps of Engineers Cowanesque Dam and would consist of: (1) a 950-foot long 12-foot wide, 14-foot high horseshoe-shaped outlet tunnel converted to use as a penstock; (2) a new powerhouse containing four generating units having a total rated capacity of 1,875 kW under an 80-foot head and at a flow of 250 cfs; (3) a tailrace; (4) a 2,000-foot long 34.5–kV Transmission line; and (5) appurtenant facilities.

k. Purpose of Project: Project energy would be sold to Pennsylvania Electric Company/General Public Utilities Corp. Applicant estimates that the average annual generation would be 11,122,820 kWh.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C, and D2.

m. A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 18 months, during which time it would perform studies and, if feasible, would prepare an application for an FERC license. Applicant estimates the cost of the work under the permit would be $50,000.

31a. Type of Application: Preliminary Permit.

b. Project No: 7062–000.

c. Date Filed: February 8, 1983.

d. Applicant: Olympus Energy Corporation.

e. Name of Project: Pine Mountain Project.

f. Location: South Fork Soleduck River, near Fairholm, within Olympic National Forest, in Clallam County, Washington.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r)

h. Contact Person: Mr. Jerome E. Livingston, President, Olympus Energy Corporation, 201 215 St. SE., Bothell, Washington 98011.

i. Comment Date: June 13, 1983.

j. Description of project: The proposed project would consist of: (1) a 5-foot-high, 75-foot-long diverson structure on South Fork Soleduck River; (2) a 48-inch-diameter, 15,000-foot-long pipeline/penstock; (3) a powerhouse with a total installed capacity of 4.5 MW; and (4) a 35-kV, 7,500-foot-long transmission line. The Applicant estimates that the average annual energy production would be 28 million kWh and would be sold to the Bonneville Power Administration or to other service utilities.

A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a 30-month preliminary permit to conduct technical, environmental and economic studies, and also prepare an FERC license application at an estimated cost of $150,000.

k. This notice also consists of the following standard paragraphs: A4a, A4c, B, C and D2.

32a. Type of Application: Preliminary Permit.

b. Project No. 7082–000.

c. Date Filed: February 14, 1983.

d. Applicant: Fall Creek Associates

e. Name of Project: Fall Creek Hydroelectric Project.

f. Location: Fall Creek Reservoir, on Fall Creek, in Lane County near Eugene, Oregon.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contract Person: Mr. Tom Forbes, P.O. Box 421, Mercer Island, Washington 98040.

i. Comment Date: June 23, 1983.

j. Description of Project: the proposed project would consist of a powerhouse at the base of the existing Corps of Engineers' Fall Creek Reservoir dam. The powerhouse would have an installed capacity of 6 MW, generating about 29.5 million kWh under a head of 175 feet. An existing 2-mile-long transmission line would be upgraded to interconnect with the Pacific Power and Light Company's system or the Bonneville Power Administration's system. The Applicant seeks a 36-month permit to study the feasibility of constructing and operating the project and to prepare and FERC license application. No new road would be required to conduct the studies.

k. This notice also consists of the following standard paragraphs: A4a, A4c, B, C and D2.

33a. Type of Application: Exemption (5 MW or Less).

b. Project No.: 7089–000.

c. Date Filed: February 18, 1983.

d. Applicant: Alfred Teufel Nursery.

e. Name of Project: Alfred Teufel Nursery.

f. Location: On Cedar Mill Creek, near Cedar Mill, in Washington County, Oregon.

g. Filed Pursuant to: Energy Security Act of 1980, Section 408, 16 U.S.C. 2708 and 2708 *as amended*.

h. Contact Person: Thomas Teufel, Alfred Teufel Nursery, 12345 NW Barnes Road, Portland, Oregon 97229.

i. Comment Date: May 31, 1983.

j. Description of Project: The proposed project would consist of: (1) a 4-foot-high, 45-foot-long concrete diversion dam; (2) a 30-inch-diameter, 45-foot-long steel penstock; (3) a powerhouse containing two generating units, each rated at 20 kW; and (4) a short transmission line. The average annual generation is estimated to be 87,000 kWh.

k. Purpose of Project: Power will be sold to Portland General Electric Company.

l. This notice also consists of he following standard paragraphs: A1, B, C and D3a.

34a. Type of Application: License (over 5 MW).

b. Project No.: 7093–000.
c. Date Filed: February 18, 1983.
d. Applicant: Hydro Development Group, Inc. and the Shelton Canal Company.
e. Name of Project: Derby-Shelton.
f. Location: Housatonic River, in the towns of Derby, Shelton, Monroe, Oxford and Seymour, Fairfield and New Haven counties, Connecticut.
g. Filed Pursuant to: 16 U.S.C. 791(a)—825(r).
h. Contact Person: Mark E. Quallen, V.P., Hydro Development Group, Inc., Box 58, Dexter, New York 13634.
i. Comment Date: May 23, 1983.
j. Competing Application: Project No. 6066–001; Date Filed: May 21, 1982.
k. Description of Project: The proposed project would consist of: (1) an existing 26–foot-high, 675–foot-long concrete capped, stone masonry, spillway dam with 1.4–foot-high flashboards; (2) an existing 382 acre reservoir with a usable storage capacity of 500 acre-feet at elevation 25.1 feet N.G.V.D.; (3) an existing gatehouse and the 2,135-foot-long, 40-foot-wide Derby Canal; (4) an existing 400-foot-long earth dike with a maximum height of 10 feet, located at the east dam abutment oriented in a northwest-southeast direction; (5) an existing gatehouse and 1,960-foot-long, 90-foot-wide section of the Shelton Canal; (6) an existing navigation lock located at the Shelton Canal; (7) a new powerhouse located at the head of the Derby Canal and adjacent to the east dam abutment containing two turbine-generators with a total rated capacity of 6.5 MW; (9) a tailrace channel; (10) a 500-foot-long, 13.8-kV transmission line. The existing Derby Canal would be modified for its first 180 feet to a 15-foot-wide, 10-foot-deep concrete lined section of which 80 feet would be underground. The project would produce up to 27,400,000 kWh annually. The existing project works are owned by the Shelton Canal Company.
l. Purpose of Project: Energy produced at the project would be sold to Connecticut Light and Power Company
m. This notice also consists of the following standard paragraphs: A3, B, C and D2.
35a. Type of Application: Preliminary Permit.
b. Project No.: 7107–000.
c. Date Filed: February 24, 1983.
d. Applicant: F & T Services Corporation.
e. Name of Project: Felsenthal Project.
f. Location: On the Ouachita River in Union County, Arkansas.
g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)—825(r).
h. Contact Person: Mr. Ralph L. Laukhuff, Jr., P.O. Box 64844, Baton Rouge, Louisiana 70896.
i. Comment Date: June 13, 1983.
j. Description of Project: The proposed project would utilize the U.S. Army Corps of Engineers existing Felsenthal Dam and Reservoir and would consist of: (1) a new power inlet channel, approximately 25 feet wide and 400 feet long; (2) a new generating station housing, either a five meter bulb turbine or two tube turbines with a total rated capacity of 5,000 to 8,000 kW; (3) a new tailrace channel approximately 300 feet in length; (4) a proposed transmission line approximately 1,200 feet long; and (5) appurtenant facilities. Applicant estimates that the average annual energy generation would be 18,000,000 kWh.
k. Purpose of Project: The proposed market for the generated energy is the Arkansas Power & Light Company.
l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C and D2.
m. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time the Applicant would perform studies, investigations and tests, would prepare required plans, and specifications that are necessary to determine the feasibility of the project, and, if feasible would prepare an application for FERC License.
36a. Type of Application: 5 Megawatt Exemption.
b. Project No.: 7108–000.
c. Date Filed: February 28, 1983.
d. Applicant: Rockfish Corporation.
e. Name of Project: Grove Mill.
f. Location: Middle River, Augusta County, Virginia.
g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980 (16 U.S.C. 2705, and 2708, *as amended*).
h. Contact Person: Mr. John K. Pollock, General Manager, Rockfish Corporation, Rt. 1, Box 413, Afton, Virginia 22920.
i. Comment Date: May 27, 1983.
j. Description of Project: The proposed project would consist of: (1) an existing concrete gravity dam, 6 feet high and 200 feet long; (2) a small impoundment covering 4 acres and having a storage capacity of about 20 acre-feet; (3) two renewed 5 by 4-foot wooden head gates; (4) a refurbished mill race, 200 feet long, 6 feet deep and 15 feet wide; (5) a new small wooden shed to house the single 94 kW turbine/generator unit operating under a head of 8 feet; (6) an existing tailrace extending 200 feet before rejoining the river; (7) a new 7.2-kV transmission line 75 feet long; and (8) appurtenant facilities.
k. Purpose of Project: The average annual generation of 520,000 kWh will be sold to the Virginia Electric Power Company.
l. This notice also consists of the following standard paragraphs: A1, B, C and D3a.
m. Purpose of Exemption: An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.
37a. Type of Application: Preliminary Permit.
b. Project No.: 7109–000.
c. Date Filed: February 28, 1983.
d. Applicant: F & T Services Corporation.
e. Name of Project: Calion Project.
f. Location: On the Ouachita River in Union County, Arkansas.
g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).
h. Contact Person: Mr. Ralph L. Laukhuff, Jr., P.O. Box 64844, Baton Rouge, Louisiana 70896.
i. Comment Date: June 22, 1983.
j. Description of Project: The proposed project would utilize the U.S. Army Corps of Engineers Calion Dam and Reservoir (now under construction and scheduled for completion in 1985) and would consist of: (1) a new power inlet channel, approximately 25 feet wide and 400 feet long; (2) a new generating station housing, either a five meter bulb turbine or two tub turbines with a total capacity of 3,000 to 5,000 kW; (3) a new tailrace channel approximately 300 feet in length; (4) a proposed transmission line approximately 1,200 feet long; and (5) appurtenant facilities. Applicant estimates that the average annual energy generation would be 8,000,000 kWh.
k. Purpose of Project: The proposed market for the generated energy is the Arkansas Power & Light Company.
l. This notice also consists of the following standard paragraphs: A4b, A4d, B, C and D2.
m. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time the Applicant would perform studies, investigations and tests, and would prepare required plans and specifications that are necessary to determine the feasibility of the project, and, if feasible would prepare an application for FERC license.

38a. Type of Application: Preliminary Permit.

b. Project No.: 7111–000.

c. Date Filed: February 28, 1983.

d. Applicant: Chris Williams.

e. Name of Project: Wright Creek.

f. Location: On Wright Creek in Grays Harbor County and the Olympic National Forest near the Town of Quinalt, Washington.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Paul M. Williams, Williams and Marts, Attorneys at Law, 143—5th Avenue N., Edmonds, Washington 98020.

i. Comment Date: June 13, 1983.

j. Description of Project: The proposed project would consist of: (1) a 5-foot-high, 12-foot-long concrete and stone diversion structure on Wright Creek at elevation 775 feet; (2) a 3,000-foot-long, 12-inch-diameter steel penstock; (3) a powerhouse containing a single 200-kW generating unit; (4) a short tailrace discharging flows back into Wright Creek at elevation 380 feet; and (5) a 0.6-mile-long, 12.5-kV transmission line. Applicant estimates that the project would have an annual energy output of 876,000 kWh.

A preliminary permit, if issued, does not authorize any construction. During the term of the preliminary permit Applicant would conduct environmental, economic, and engineering feasibility studies and prepare an FERC license application. No new roads would be required to conduct the studies.

k. Purpose of Project: Project energy would be sold to Grays Harbor County Public Utility District.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C and D2.

39 a. Type of Application: Preliminary Permit.

b. Project No: 7119–000.

c. Date Filed: March 3, 1983.

d. Applicant: Rick K. Bennetts.

e. Name of Project: Dale Creek Project.

f. Location: On Dale Creek in Siskiyou County near the Town of Weed, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Rick K. Bennetts, 15A West Lake Street, Weed, California 96094.

i. Comment Date: June 17, 1983.

j. Description of Project: The proposed project would consist of: (1) a diversion structure on Dale Creek at elevation 3,900 feet; (2) a 4,000-foot-long, 24- to 36-inch-diameter steel penstock; (3) a powerhouse containing a generating unit with a total capacity of 200 to 400 kW; and (4) a 3,400-foot-long transmission line. Applicant estimates that the project would have an annual generation of 1,700 MWh.

A preliminary permit, if issued, does not authorize construction of the project. Applicant has requested a preliminary permit with a term of 36 months during which period Applicant would study the economic, environmental, financial, and engineering feasibility of the project.

k. Purpose of Project: Project energy would be sold to the Pacific Power and Light Company.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C and D2.

40 a. Type of Application: Preliminary Permit.

b. Project No: P–7121–000.

c. Date Filed: March 3, 1983.

d. Applicant: Mr. Lawrence Leland Johnson.

e. Name of Project: Goodyear Bar, Rock Creek.

f. Location: On Rock Creek in Sierra County, California, within the Tahoe National Forest near the town of Downieville.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Bart M. O'Keeffe, President, Mutual Energy Company, Inc., 1250 Pine Street, Suite 100, Walnut Creek, California 94596.

i. Comment Date: June 24, 1983.

j. Description of Project: The proposed project would consist of: (1) a 5-foot-high, 30-foot-long diversion-intake structure at elevation 3,960 feet; (2) a 27-inch-diameter, 2,800-foot-long pipeline; (3) a 22-inch-diameter, 3,600-foot-long penstock; (4) a powerhouse containing a single generating unit with a rated capacity of 1,700 kW, operating under a head of 1,220 feet; and (5) a 2-mile-long, 12-kV transmission line tying into an existing Pacific Gas and Electric Company line. The average annual energy output would be 4,470,000 kWh.

A preliminary permit, if issued, does not authorize construction. The Applicant seeks a 36-month permit to study the feasibility of constructing and operating the project. No new access roads will be required for the purpose of conducting these studies. Applicant estimates that the cost for conducting these studies ranges between $75,000.00 and $100,000.00.

k. Purpose of Project: Project power will be sold to one of California's private utility companies.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C, and D2.

41a. Type of Application: Preliminary Permit.

b. Project No: 7135–000.

c. Date Filed: March 10, 1983.

d. Applicant: Mountain West Hydro, Inc.

e. Name of Project: Lemiti Hydroelectric.

f. Location: On Clackamas River, within Mt. Hood National Forest near Estacada, Marion County, Oregon.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. David L. Browning, Mountain West Hydro, Inc., 2155 Christina N.W., Salem, Oregon 97304.

i. Comment Date: June 17, 1983.

j. Description of Project: The project would consist of: (1) an 8-foot-high, 50-foot-long concrete diversion structure at an elevation of 3,680 feet; (2) a 7,260-foot-long, 34-inch-diameter pipeline; (3) a powerhouse containing one generating unit with an installed capacity of 1,230 kW; and (4) a 19,800-foot-long, 69-kV transmission line. The Applicant estimates that the average annual energy production would be 6.92 million kWh.

A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for period of 36 months during which it would conduct technical, environmental and economic studies. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $83,000.

k. Purpose of Project: Project power would be sold to Portland General Electric Company.

l. This notice also consists of the following standard paragraphs: A4b, A4c, A4d, B, C and D2.

42a. Type of Application: Preliminary Permit.

b. Project No: 7149–000.

c. Date Filed: March 16, 1983.

d. Applicant: Brazos River Authority.

e. Name of Project: De Cordova Bend Project.

f. Location: On Brazos River, Hood County, Texas

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Carson H. Hoge, General Manager, Brazos River Authority, 4400 Cobbs Drive, P.O Box 7555, Waco, Texas 76710.

i. Comment Date: June 20, 1983.

j. Description of Project: The proposed project would consist of: (1) the existing De Cordova Bend Dam, an earthfill dam with a total length (including a 691-foot-long spillway) of 2,220 feet and a height of 84 feet; (2) Lake Granbury which at the normal maximum operating level of 693 feet m.s.l. has a total storage

capacity of 153, 485 acre-feet and covers 8,700 acres; (3) a new intake facility; (4) a new penstock; (5) a new reinforced concrete powerhouse containing turbine/generator units with a total rated capacity of 16,200 kW; (6) either a 1.0-mile-long, 138-kV or a 0.5-mile-long, 69 or 345-kV transmission line; and (7) appurtenant facilities.

k. Purpose of Project: The average annual generation of 31 million kWh would be sold to either the Texas Power and Light Company or the Brazos Electric Power Cooperative, Inc.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C, and D2.

m. Proposed Scope of Studies under Permit: Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would perform surveys and geological investigations, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. Applicant estimates the costs of studies under the permit would be $50,000.

43a. Type of Application: Preliminary Permit.

b. Project No: P–7164–000.

c. Date Filed: March 21, 1983.

d. Applicant: The Grisdale Hill Company.

e. Name of Project: Hidden Dam Hydro.

f. Location: On the Fresno River in Madera County, California.

g. Fileld Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Ms. Joy Leong, Morrison, and Foster, 1920 N Street N W., Washington, D.C. 20036.

j. Description of Project: The proposed project would consist of a powerhouse, containing a single generating unit with a rated capacity of 2,100 kW, located at the existing outlet of the U.S. Army Corps of Engineers' Hidden Dam and appurtenant facilities.

Applicant requested a 24-month preliminary permit to perform feasibility studies.

k. Purpose of Project: The estimated 6 million kWh of energy produced by the project would be sold to local utilities.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C, and D2.

44a. Type of Application: License (Over 5 MW).

b. Project No: 3109–001.

c. Date Filed: September 29, 1982.

d. Applicant: Eugene Water and Electric Board.

e, Name of Project: Blue River Dam.

f. Location: On Blue River, near Blue River, in Lane County, Oregon.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Keith Parks, General Manager, Eugene Water & Electric Board, 500 East 4th Avenue, P.O. Box 10148, Eugene Oregon 97440.

i. Comment Date: June 6, 1983.

j. Description of Project: The proposed project would consist of: (1) the modification of the intake structure and outlet tunnel of the existing 270-foot-high rockfill Blue River Dam, owned and operated by the U.S. Army Corps of Engineers; (2) a 600-foot-long, 10-foot-diameter steel penstock; (3) a powerhouse containing two generating units, each rated at 7,325 kW; (4) a tailrace; (5) an access road; and (6) a 1.5-mile-long transmission line. The average annual energy generation is estimated to be 34.5 million kWh utilizing only flows released from the dam for other beneficial uses.

k. Purpose of Project: The energy generated by the project will be used to serve Applicant's customers.

l. This notice also consists of the following standard paragraphs: A2, B, C, and D2.

45 a. Type of Application: Major License (5 MW or less).

b. Project No: P–3991–002.

c. Date Filed: December 28, 1982, and revised on February 22, 1983

d. Applicant: Energenics Systems, Inc.

e. Name of Project: Cross Cut Diversion.

f. Location: On Henry's Fork of the Snake River near St. Anthony Fremont County, Idaho.

g. Filed Pursuant to: 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Granville J. Smith II, 1717 K Street, N.W., Suite 706, Washington, D.C. 20006.

i. Comment Date: June 6, 1983.

j. Description of Project: The proposed run-of-river project would utilize the existing Cross Cut Diversion Dam facilities constructed by the Bureau of Reclamation and operated by the Fremont Madison Irrigation District and would consist of: (1) a new 63-foot-long 91-foot wide forebay at the left (east) bank; (2) a new powerhouse containing two generating units having a total rated capacity of 1, 754-kW operated at a 10.5-foot head and a flow of 2,300 cfs; (3) a new 15-foot-long tailrace; (4) a new 4.16/12.47–kV switchyard; (5) a new 0.6-mile-long 12.47–kV transmission line; and (6) appurtenant facilities.

Applicant would relocate the existing Cross Cut Canal intake structure. Hydroelectric power production would be subordinate to the facility's primary purpose of irrigation water diversion. Applicant estimates that the proposed project would cost $5,382.000. The application was filed during the term of the Applicant's preliminary permit for Project No. 3991.

k. Purpose of Project: Project energy would be sold to Utah Power & Light Company or to Idaho Power Company. Applicant estimates that the average annual energy output would be 10,851,600 kWh.

l. This notice also consists of the following standard paragraphs: A2, B, C and D1.

46 a. Type of Application: License (Under 5 MW).

b. Project No: 4202–001.

c. Date filed: November 24, 1982.

d. Applicant: Pumkin Hill Power Company.

e. Name of Project: Lowell Tannery Dam.

f. Location: Passadumkeag River, Town of Lowell, Penobscot County, Maine.

g. Filed Pursuant to: 16 U.S.C. 791(a)–825(r).

h. Contact Person: Robert G. Kelly, Manager, Pumpkin Hill Power Company, Pumpkin Hill Farm, RFD Box 147, Enfield, Maine 04433.

i. Comment Date: June 6, 1983.

j. Description of Project: The proposed project would consist of: (1) an existing 230-foot-long, 17.4-foot-high concrete gravity dam, including 30 and 80-foot-long spillway sections topped by 3-foot-high flashboards; (2) a 68.5-acre reservoir with a usable storage capacity of 100 acre-feet at elevation 187.5 feet M.S.L.; (3) an existing powerhouse located near the north abutment containing two new turbine-generators with a total rated capacity of 875 kW; (4) a fishway located adjacent to the powerhouse; (5) a tailrace channel; (6) an 8.5-mile long, 12–kV transmission line; and (7) appurtenant facilities. The project would generate up to 4,466,000 kWh annually. The project dam is owned by Lincoln Pulp and Paper Company.

k. Purpose of Project: Energy produced by the project would be sold to Bangor Hydro-Electric Company.

l. This notice also consists of the following standard paragraphs: A2, B, C and D1.

47. a. Type of Application: Preliminary Permit.,

b. Project No: 7116–000.

c. Date Filed: March 1, 1983.

d. Applicant: China Flat Company.

e. Name of Project: Kirkham Creek Power Project.

f. Location: On Kirkham Creek in Humboldt County in the Six Rivers National Forest near the Town of Willow Creek, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Albert E. Hodgson, Chairman, China Flat Company, P.O. Box 269, Willow Creek, California 95573.

i. Comment Date: June 8, 1983.

j. Description of Project: The proposed project would consist of: (1) a 4-foot-high, 40-foot-long natural rock and concrete diversion structure at elevation 1240 feet; (2) a 5,000-foot-long, 24-inch-diameter low pressure conduit; (3) a 1,700-foot-long, 20-inch-diameter steel penstock; (4) a powerhouse containing generating units with a total generating capacity of 500 kW; and (5) a 700-foot-long, 12.5-kV transmission line. Applicant estimates that the project would have an annual energy output of 4.4 million kWh.

A preliminary permit, if issued, does not authorize any construction. Applicant has requested a 36-month preliminary permit during which period Applicant would conduct economic, environmental, and engineering feasibility studies and prepare an FERC license application. No new roads would be required to conduct the studies. Applicant estimates that the studies conducted during the term of the permit would cost between $10,000 and $15,000.

k. Purpose of Project: Project energy would be sold to the Pacific Gas and Electric Company.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C and D2.

48 a. Type of Application: 5MW Exemption.

b. Project No.: 6643–001.

c. Date Filed: January 24, 1983.

d. Applicant: Lee R. & A. Leon Thayn.

e. Name of Project: Thayn Hydroelectric Project.

f. Location: The Green River in Emery and Grand Counties, Utah.

g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 *as amended).*

h. Contact Person: George L. Smith, Monana Hydro, P.O. Box 1016, Idaho Falls, Idaho 83402.

i. Comment Date: May 31, 1983.

j. Description of Project: The proposed run-of-river would consist of: (1) an existing rock and timber crib diversion dam, approximately 840.0 feet long and 8.0 feet high; (2) an existing canal extending from the diversion dam to the pumping plant approximately 2500 feet long; (3) an existing upper slide gate structure with 8 wood leaf gates, each 6.0 feet long and 6.0 feet high; (4) an existing lower slide gate structure with 2 wood leaf gates, each 5.0 feet long and 5.0 feet high; (5) a proposed powerhouse, approximately 114.0 feet long and 63.0 feet wide, containing two generating units of 1800 kW each, giving a total installed capacity of 3600 kW; (6) proposed 12.5-kV transmission lines, approximately 6.0 miles long; and (7) appurtenant facilities. Project power would be sold to the Utah Power and Light Company. The Applicant estimates that the average annual energy output would be 22,490 MWh. Parcels of land within the project boundaries are owned by the Applicant, Lee R. & A. Leon Thayn, the Green River Canal Company, the U.S. Bureau of Land Management, and the State of Utah.

k. This notice also consists of the following standard paragraphs: D3a, A1, B and C.

l. Purpose of Exemption: An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, the protects the Exemptee from permit or license applicants that would seek to take or develop the project.

49a. Type of Application: License (5 MW or Less).

b. Project No.: 6712–000.

c. Date Filed: September 23, 1982.

d. Applicant: Gold Run Hydro Associates.

e. Name of Project: Gold Run Pipe Power.

f. Location: On Lower Boardman Canal in Placer County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Eddy Balocco, 2855 Mitchell Drive, Suite 140 Walnut Creek, California 94598,

i. Comment Date: May 25, 1983.

j. Competing Application: Project No. 6040. Date Filed: February 26, 1982. Notice Issued: March 26, 1982.

k. Description of Project: The proposed project would consist of: (1) a 20-foot-long, 30-inch-diameter bifurcation section connected to an existing unpressurized 30-inch-diameter penstock, and the new powerhouse; (2) a powerhouse containing a turbine-generating unit with a rated capacity of 120 kW; (3) a 100-foot-long transmission line connecting to an existing Pacific Gas and Electric line; and (4) a 20-foot-long tailrace feeding into a new canal section with a header into Gold Run pipeline. The Applicant estimates a 737,840 kWh annual energy production.

l. Purpose of Project: Power will be sold to local utilities.

m. This notice also consists of the following standard paragraphs: A2, B, C, and D1.

50a. Type of Application: Preliminary Permit.

b. Project No.: 7026–000.

c. Date Filed: January 31, 1983.

d. Applicant: Richard R. Gresham.

e. Name of Project: Gresham Brothers Canyon Creek #2.

f. Location: Shoshone County, Idaho, Canyon Creek.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. Sections 791(a)—825(r).

h. Contact Person: Richard R. Gresham, P.O. Box 52, Kellog, Idaho 83837.

i. Comment Date: June 15, 1983.

j. Description of Project: The proposed project would consist of: (1) a 2.9-foot-high diversion structure; (2) a 4,100-foot-long, 16-inch-diameter pipe; (3) a powerhouse with a total installed capacity of 300 kW; (4) a substation; (5) a 300-foot-long underground cable connecting the substation with an existing 48-kV transmission line owned by Washington Water Power Company. The proposed project would affect United States lands within Coeur D'Alene National Forest. A preliminary permit does not authorize construction. The applicant seeks a 24-month permit to study the feasibility of constructing and operating the project. These studies are estiamted to cost $13,000 and would not require construction of any new roads.

k. Purpose of Project: The estimated annual output of 1.1 million kWh would be sold to the Washington Water Power Company.

l. This notice also consists of the following standard paragraphs: A4b, A4c, A4d, B, C, and D2.

51a. Type of Application: License (5 MW or Less).

b. Project No.: 6716–000.

c. Date Filed: September 23, 1982.

d. Applicant: Gold Run Hydro Associates.

e. Name of Project: Hayford Pipe Power.

f. Location: On Lower Boardman Canal in Placer County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–8255(r).

h. Contact Person: Eddy Balocco, 2855 Mitchell Drive, Suite 140, Walnut Creek, California 94598.

i. Comment Date: May 25, 1983.

j. Competing Application: Project No. 6049. Date Filed: February 26, 1982. Notice Issued: March 26, 1982.

k. Description of Project: The proposed project would consist of: (1) a 20-foot-long, 30-inch-diameter bifurcation section connected to an existing unpressurized 30-inch-diameter penstock, and the new powerhouse; (2) a powerhouse containing a turbine-

generating unit with a rated capacity of 130 kW; (3) a 100-foot-long transmission line connecting to an existing Pacific Gas and Electric line; and (4) a 20-foot long tailrace feeding into Lower Boardman Canal. The Applicant estimates a 797,160 kWh annual energy production.

l. Purpose of Project: Power will be sold to local utilities.

m. This notice also consists of the following standard paragraphs: A2, B, C, D1.

52a. Type of Application: License (5 MW or Less).

b. Project No.: 6714–000.

c. Date Filed: September 23, 1982.

d. Applicant: Gold Run Hydro Associates.

e. Name of Project: Cape Horn Chute Pipe Power.

f. Location On Lower Boardman Canal in Placer County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Eddy Balocco, 2855 Mitchell Drive, Suite 140, Walnut Creek California 94598.

i. Comment Date: May 25, 1983.

j. Competing Application: Project No. 6046. Date Filed: February 26, 1982. Notice Issued: March 24, 1982.

k. Description of Project: The proposed project would consist of: (1) a 20-foot-long, 30-inch-diameter bifurcation section connected to an existing unpressurized 30-inch-diameter penstock, and the new powerhouse; (2) a powerhouse containing a turbine-generating units with a rated capacity of 136 kW; (3) a 100-foot-long transmission line connecting to an existing Pacific Gas and Electric line; and (4) a 20-foot long tailrace feeding into Lower Boardman Canal. The Applicant estimates a 833,950 kWh annual energy production.

l. Purpose of Project: Power will be sold to local utilities.

m. This notice also consists of the following standard paragraphs: A2, B, C, D1.

53a. Type of Application: Exemption of a 5MW or less Hydroelectric facility.

b. Project No.: 7077–000.

c. Date Filed: February 14, 1983.

d. Applicant: Frontier Land and Power.

e. Name of Project: Genesee Power.

f. Location: On Little Grizzly Creek in Plumas County, California within Plumas National Forest, near the town of Genesee.

g. Filed Pursuant to: Energy Security Act 1980 (16 U.S.C. 2705 and 2708 as amended).

h. Contact Person: Mr. Bruce McDowell, Vice-President, Frontier Land and Power, P.O. Box 131, Taylorsville, California 95983.

i. Comment Date: May 25, 1983.

j. Description of Project: The proposed project would consist of: (1) a 5-foot-high, 12-foot-long diversion structure at elevation 4,180 feet; (2) a 42-inch-diameter, 7,000-foot-long partially buried penstock; (3) a powerhouse contianing four generating units with a combined rated capacity of 2,000 kW, operating under a head of 380 feet; (4) a tailrace; and (5) a transmission line to tie into an existing Pacific Gas and Electric Company line. The average annual energy output would be 5,935 million kWh.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

k. Purpose of Project: Project power will be sold to Pacific Gas and Electric Company.

l. This notice also consists of the following standard paragraphs: A1, B, C, and D3a.

54a. Type of Application: Exemption for a Small Conduit Hydroelectric Facility.

b. Project No.: 7058–000.

c. Date Filed: February 7, 1983.

d. Applicant: Wolf Creek Highway Water District.

e. Name of Project: Wolf Creek Power Generation Project.

f. Location: On a water conduit from the City of Portland, near Beaverton, in Washington County, Oregon.

g. Filed Pursuant to: Section 30 of the Federal Power Act [16 U.S.C. 823(a)].

h. Contact Person: Mr. Gene A. Seibel, Administrator, Wolf Creek Highway Water District, 1850 S.W., 170th Avenue, Beaverton, Oregon 97006.

i. Comment Date: May 12, 1983.

j. Description of Project: The proposed project, to be located on the existing 54-inch-diameter water conduit conveying potable water from the City of Portland to the Applicant, would consist of a powerhouse to contain one 120-kW generating unit operating under a head of 67 feet and producing about 545,000 kWh annually; and appurtenant facilities.

k. This notice also consists of the following standard paragraphs: D3b, B and C.

55a. Type of Application: Preliminary Permit.

b. Project No.: 7041–000.

c. Date Filed: February 1, 1983.

d. Applicant: Potter Township, Pennsylvania.

e. Name of Project: Emsworth Hydroelectric Project.

f. Location: On the Ohio River in Allegheny County, Pennsylvania.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Dennis M. DiMartini, Esq., Gee Bee Plaza, Monaca, Pennsylvania 15061.

i. Comment Date: June 2, 1983.

j. Description of Project: The proposed project would utilize the U.S. Army Corps of Engineers Emsworth Dam and Reservoir and would consist of: (1) an approach channel leading from the upper pool above the existing dam to the powerhouse; (2) a proposed powerhouse containing two horizontal shaft bulb-type turbine-generators, each rated at 10,000 kW, giving a total installed capacity of 20,000 kW; (3) an outlet channel leading from the powerhouse to the lower pool; (4) a proposed 138,000-volt transmission line; and (5) appurtenant facilities. Applicant estimates that the average annual energy output would be 122,000,000 kWh.

k. Purpose of Project: The most likely market for the energy produced at the proposed project would be Duquesne Light Company and adjacent public utility companies.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C and D2.

m. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which time the Applicant would perform studies to determine the feasibility of the project and, if feasible, prepare an application for FERC license. Applicant estimates the cost of these studies would be $150,000.

56a. Type of Application: License (Over 5 MW).

b. Project No.: 5841–001.

c. Date Filed: September 21, 1982.

d. Applicant: County of Sierra.

e. Name of Project: North Yuba River Water Power project.

f. Location: On North Yuba River, within Sierra National Forest, near Downieville, in Sierra County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Frank B. Clendenen, Sierra Hydro, Inc., 12405 Locksley Lane, Auburn, California 95603.

i. Comment Date: June 3, 1983.

j. Description of Project: The proposed project would consist of: (1) a 6-foot-high, 80-foot-long concrete diversion

structure; (2) a 3,200-foot-long, 58-inch-diameter low pressure conduit; (3) a 7,300-foot-long, 54-inch-diameter steel; penstock; (4) a powerhouse containing one generating unit with an installed capacity of 7,500 kW; (5) a 45-foot-long tailrace conduit; (6) a 1.3-mile-long, 12-kV underground transmission line connecting the powerhouse to a proposed Southern Pacific Land Company 60-kV transmission line and (7) appurtenant facilities. The Applicant estimates that the average annual energy production would be 16 million kWh.

k. Purpose of Project: The project power will be sold to the Pacific Gas and Electric Company.

l. This notice also consists of the following standard paragraphs: A2, B, and C.

57a. Type of Application: License (5 MW or Less).

b. Project No: P–4450–002.

c. Date Filed: January 13, 1983.

d. Applicant: North Valley Land Corporation.

e. Name of Project: Hatchet Creek.

f. Location: Shasta County, California; on Hatchet Creek near Town of Montgomery Creek.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)—825(r).

h. Contact Person: C. Donald Nelson, North Valley Land Corporation, 50 Wilshire Drive, Redding, California 96002 with a copy to Ronald F. Ott, Ott Water Engineers, 2334 Washington Ave., Redding, California 96002.

i. Comment Date: June 2, 1983.

j. Description of Project: The proposed project would consist of: (1) a 65-foot-long, 8-foot-high grouted rock diversion structure on Hatchet Creek at elevation 2,268 feet; (2) a screened intake structure; (3) a 9,000-foot-long, 51-inch-diameter low pressure buried pipeline; (4) a 2,500-foot-long, 48-inch-diameter elevated steel penstock; (5) a powerhouse containing two generating units, rated at 3.3 MW and 1.7 MW respectively, discharging into Roaring Creek near its confluence with the Pit River; (6) a switchyard adjacent to the powerhouse; (7) a 1.4-mile-long, 12.3-kV transmission line; and (8) 7,800 feet of gravel surfaced access roads from Cove Road to the diversion structure and the powerhouse. Applicant estimates that the average annual generation of the project would be 19,000 MWh.

k. Purpose of Project: Project power would be sold to the Pacific Gas and Electric Company.

l. This notice also consists of the following standard paragraphs: A2, B, C and D1.

58a. Type of Application: Preliminary Permit.

b. Project No: 7036–000.

c. Date Filed: 1/31/83.

d. Applicant: Great Northern Hydro Company.

e. Name of Project: Stillaguamish Tributaries Hydropower.

f. Location: Stillaguamish River Tributaries (Rotary, Hawthorn, Triple, Heather, Twentytwo, Hemple, Black and Bear Creeks) in Snohomish County, Washington.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)—825(r).

h. Contact Person: Ed Grant, President, Great Northern Hydro Company, 210 10th Street, Gold Bar, Washington 98251.

i. Comment Date: June 2, 1983.

j. Description of Project: The proposed project would consist of seven sites. Site 1 on Rotary Creek would consist of: (1) a diversion structure with a maximum height of 4 feet; (2) a 24-inch-diameter, 9,000-foot-long penstock; and (3) a powerhouse containing a generating unit with a maximum rated capacity of 1,600 kW. Site 2 on Hawthorn Creek would consist of: (1) a diversion structure with a maximum height of 4 feet; (2) a 24-inch-diameter, 9,500-foot-long penstock; and (3) a powerhouse containing a generating unit with a maximum rated capacity of 1,575 kW. Site 3 on Triple Creek would consist of: (1) a diversion structure with a maximum height of 2 feet; (2) a 12-inch-diameter, 9,500-foot-long penstock; and (3) a powerhouse containing a generating unit with a maximum rated capacity of 840 kW. Site 4 on Heather Creek would consist of: (1) a diversion structure with a maximum height of 56 inches; (2) a 28-inch-diameter, 9,500-foot-long penstock; and (3) a powerhouse containing a generating unit with a maximum rated capacity of 2,050 kW. Site 5 on Twentytwo Creek would consist of: (1) a diversion structure with a maximum height of 56 inches; (2) a 28-inch-diameter, 7,500-foot-long penstock; and (3) a powerhouse containing a generating unit with a maximum rated capacity of 1,810 kW. Site 6 on Hemple Creek would consist of: (1) a diversion structure with a maximum height of 4 feet; (2) a 24-inch-diameter, 9,000-foot-long penstock; and (3) a powerhouse containing a generating unit with a maximum rated capacity of 2,340 kW. Site 7 on Black and Bear Creeks would consist of: (1) two diversion structures with a maximum height of 4 feet, and 6 feet, respectively; (2) a 24 and 36-inch-diameter, 6,000 and 6,500-foot-long penstock, respectively; and (3) a powerhouse containing a generating unit with a maximum rated capacity of 3,580 kW. The Applicant estimates a maximum combined total of 62.60-GWh of average annual energy production from the project. The Applicant has requested a 36-month permit in which to do feasibility studies and prepare a license application at a cost of $100,000.00.

k. Purpose of Project: Power would be sold to local utilities.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C, & D2.

59a. Type of Application: License (Over 5 MW).

b. Project No.: 7022–000.

c. Date Filed: January 25, 1983.

d. Applicant: Malta Irrigation District, et al.

e. Name of Project: Tiber Dam Power Project.

f. Location: On the Marias River in Liberty County, Montana.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Sever Enkerud, Tampico Route, Glasgow, Montana 59230.

i. Comment Date: May 13, 1983.

j. Competing Application: Project No. 6432–001 Dated Filed: July 13, 1982.

k. Description of Project: The proposed project would utilize the existing U.S. Bureau of Reclamation Tiber Dam and consist of: (1) an existing 1,600-foot-long, auxilliary outlet works; (2) a proposed powerhouse containing an installed generating capacity of 12 MW; (3) a proposed 7-mile-long, 115kV transmission line; and (4) appurtenant facilities. The project would utilize approximately 12 acres of U.S. Government land. The Applicant estimates that the average annual energy generation will be 75,020 MWh.

l. The notice also consists of the following standard paragraphs A3. B, C, and D1.

60a. Type of Application: Preliminary Permit.

b. Project No.: 6967–000.

c. Date Filed: December 27, 1982.

d. Applicant: California Hydroelectric.

e. Name of Project: Fall Creek Project.

f. Location: On Fall Creek in Nevada County, California within the Tahoe National Forest.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. James R. Doolittle, 18611 Pebble Place, Nevada City, California 95959.

i. Comment Date: June 3, 1983.

j. Description of Project: The proposed project would consist of: (1) a 6-foot-high, 23-foot-long diversion structure; (2) a 36-inch-diameter, 5,287-foot-long buried pipeline; (3) a 24-inch-diameter, 3,300-foot-long penstock; (4) a powerhouse to contain a single

generating unit with a rated capacity of 4,900 kW, operating under a head of 2,000 feet; and (5) a 1-mile-long, 69-kV transmission line to tie into the existing Pacific Gas and Electric transmission line. The average annual energy output is 11 million kWh.

A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months to study the feasibility of constructing and operating the project. The estimated cost for conducting these studies is $40,000. No new access roads will be required for the purpose of conducting these studies.

k. Purpose of Project: Project power will be sold to Pacific Gas and Electric Company.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C and D2.

61a. Type of Application: Exemption of a 5 MW or Less Hydroelectric Facility.

b. Project No.: 7057–000.

c. Date Filed: February 7, 1983.

d. Applicant: Mega Hydro, Inc.

e. Name of Project: Clover Leaf Ranch.

f. Location: On Clover Creek in Shasta County, California near the town of Oak Run.

g. Filed Pursuant to: Energy Security Act 1980 (16 U.S.C. 2705 and 2708 as amended).

h. Contact Person: Mr. Richard L. Bean, 2576 Hartnel Ave., Redding, California 96002.

i. Comment Date: June 2, 1983.

j. Description of Project: The proposed project would consist of: (1) an existing 4-foot-high, 28-foot-long diversion structure owned by the applicant (to be rebuilt) at elevation 2,594 feet; (2) an existing 1,994-foot-long ditch owned by the applicant; (3) an intake structure; (4) a 24-inch-diameter, 738-foot-long penstock; (5) a powerhouse containing two generating units with a combined capacity of 200 kW, operating under a head of 127 feet; and (6) a 1,764-foot-long, transmission line tying into an existing Pacific Gas and Electric Company line. The average annual energy output would be 861,800 kWh.

Purpose of Exemption: An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

k. Purpose of Project: Project power will be sold to the Pacific Gas and Electric Company.

l. This notice also consists of the following standard paragraphs: A1, B, C and D3a.

62a. Type of Application: Preliminary Permit.

b. Project No: 7081–000.

c. Date Filed: February 14, 1983.

d. Applicant: County of Mono, California.

e. Name of Project: Leavitt Meadows Hydroelectric.

f. Location: On the West Walker River, within the Toiyabe National Forest in Mono County, California.

g. Filed Pursuant to: Federal Power Act, (16 U.S.C. 791(a)–825(r)).

h. Contact Person: Dr. Roy McDonald, Project Manager, County Courthouse, Bridgeport, California 93517.

i. Comment Date: June 6, 1983.

j. Description of Project: The proposed project would consist of: (1) a 96-foot-high, 1,150-foot-long concrete gravity or rock fill dam; (2) a reservoir with 26,000 acre-feet storage at normal pool elevation 7,211 feet; (3) a 5,500-foot-long pipeline; (4) a 60-inch-diameter, 650-foot-long penstock; (5) a powerhouse at approximate elevation 6,700 feet containing one or more generating units with a total capacity of 6.2 MW and an average annual output of 37 GWh; and (6) an approximately 3-mile-long transmission line.

A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a 36-month preliminary permit to conduct engineering, economic and environmental studies to ascertain project feasibility and to support an application for a license to construct and operate the project. Those studies would include core borings and test pits at the dam site, penstock route and powerhouse site. The Applicant has stated that new access roads are not necessary and that all disturbed lands would be restored. The estimated cost of the above activities is $200,000.

k. This notice also consists of the following standard paragraphs: A4b, A4c, A4d, B, C, and D2.

63a. Type of Application: Preliminary Permit.

b. Project No: 7087–000.

c. Date Filed: February 1, 1983.

d. Applicant: Southern Hydro Systems.

e. Name of Project: Startex Hydro Project.

f. Location: Startex, Spartanburg County, South Carolina.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: George Cooper, Route 1, Box 303, Piedmont, South Carolina 29673.

i. Comment Date: June 2, 1983.

j. Description of Project: The proposed project would consist of: (1) an existing concrete dam approximately 54-foot high and 183-foot long; (2) a reservoir with an estimated storage capacity of 7 acres; (3) a steel penstock; (4) a powerhouse with a total installed capacity of 250 kW; (5) new transmission lines; and (6) appurtenant facilities. The Applicant estimates the average annual generation to be 1.0 GWh. All power generated would be sold to Duke Power Company.

k. This notice also consists of the following standard paragraphs: A4a, A4c, B, C, and D2.

Competing Applications

A1. Exemptions for Small Hydroelectric Power Project under 5MW Capacity—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1982). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d).

A2. Applications for License—Anyone desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either the competing application itself (see 18 CFR 4.33 (a) and (d), and Part 16, where applicable) or a notice of intent (see 18 CFR 4.33 (b) and (c)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c) or §§ 4.101 to 4.104 (1982).

A3. Public notice of the filing of the initial application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing application for license, exemption or preliminary permit, or notices of intent to file competing applications, will be accepted for filing in response to this notice (see 18 CFR 4.30 to 4.33 or §§ 4.101 to 4.104 (1982), as appropriate).

Any application for license or exemption from licensing, or notice of intent to file a license or an exemption application, must be filed in accordance with the Commission's regulations (see 18 CFR 4.30 to 4.33 or §§ 4.101 to 4.104 (1982), as appropriate).

Preliminary Permits

A4a. Existing Dam or Natural Water Feature Project—Anyone desiring to file a competing application for preliminary permit for a proposed project at an existing dam or natural water feature project, must submit the competing application to the Commission on or before 30-days after the specified comment date for the particular application (see 18 CFR 4.30 to 4.33 (1982)). A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

A4b. No Existing Dam—Anyone desiring to file a competing application for preliminary permit for a proposed project where no dam exists or there are proposed to be major modifications, must submit to the Commission on or before the specified comment date for the particular application, the competing application itself, or a notice of intent to file such an application (see 18 CFR 4.30 to 4.33 (1982)).

A4c. The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before the specified comment date for the particular application. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations (see 18 CFR 4.30 to 4.33 or §§ 4.101 to 4.104 (1982), as appropriate).

A4d. Submission of a timely notice of intent to file an application for preliminary permit allows an interested person to file an acceptable competing application for preliminary permit no later than 60 days after the specified comment date for the particular application.

B. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR §§ 385.210, 385.211, 385.214 (1982). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST" or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing is in response. Any of the above named documents must be filed by providing the original and the number of copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Agency Comments

D1. License applications (5 MW or less capacity)—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88-29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments with the Commission within the time set for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D2. Preliminary permit applications—Federal, State, and local agencies are invited to file comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D3a. Exemption applications (5 MW or less capacity)—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the State Fish and Game agency(ies) are requested, for the purposes set forth in Section 408 of the Act, to file within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D3b. Exemption applications (Conduit)—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the State Fish and Game agency(ies) are requested, for the purposes set forth in Section 30 of the Act, to file within 45 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 45 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's

comments must also be sent to the Applicant's representatives.

Dated: April 15, 1983.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-10523 Filed 4-19-83; 8:45 am]

BILLING CODE 6717-01-M

Energy Information Administration

Publication of Alternative Fuel Price Ceilings and Incremental Price Threshold for High Cost Natural Gas

The Natural Gas Policy Act of 1978 (NGPA) (Public Law 95-621) signed into law on November 9, 1978, mandated a new framework for the regulation of most facets of the natural gas industry. In general, under Title II of the NGPA, interstate natural gas pipeline companies are required to pass through certain protions of their acquistion costs for natural gas to industrial users in the form of a surcharge. The statute requires that the ultimate costs of gas to the industrial facility should not exceed the cost of the fuel oil which the facility could use as an alternative.

Pursuant to Title II of the NGPA, Section 204(e), the Energy Information Administration (EIA) herewith publishes for the Federal Energy Regulatory Commission (FERC) computed natural gas ceiling prices and the high cost gas incremental pricing threshold which are to be effective May 1, 1983. These prices are based on the prices of alternative fuels.

FOR FURTHER INFORMATION CONTACT:

Leroy Brown, Jr. Energy Information Administration, 1000 Independence Avenue SW., Room BE-034, Washington, D.C. 20585, Telephone: (202) 252-6077.

Section I.

As required by FERC Order No. 50, computed prices are shown for the 48 contiguous States. The District of Columbia's ceiling is included with the ceiling for the State of Maryland. FERC, by an Interim Rule issued on March 2, 1981, in Docket No. RM79-21, revised the methodology for calculating the monthly alternative fuel price ceilings for State regions. Under the revised methodology, the applicable alternative fuel price ceiling published for each of the contiguous States shall be the lower of the alternative fuel price ceiling for the State or the alternative fuel price ceiling for the multistate region in which the State is located.

The price ceiling is expressed in dollars per million British Thermal Units (BTU's). The method used to determine the price ceilings is described in Section III.

State	Dollars per million Btu's
Alabama	3.48
Arizona [1]	3.52
Arkansas [1]	3.43
California	3.46
Colorado [2]	3.51
Connecticut	3.82
Delaware [1]	3.69
Florida	3.36
Georgia [1]	3.60
Idaho [2]	3.51
Illinois [1]	3.41
Indiana	3.37
Iowa [1]	3.73
Kansas [1]	3.73
Kentucky [1]	3.41
Louisiana	3.41
Maine	3.86
Maryland [1]	3.69
Massachusetts	3.80
Michigan	3.40
Minnesota	3.55
Mississippi [1]	3.60
Missouri [1]	3.73
Montana [2]	3.63
Nebraska [1]	3.73
Nevada [1]	3.52
New Hampshire [1]	3.87
New Jersey	3.60
New Mexico	3.04
New York	3.67
North Carolina [1]	3.60
North Dakota [1]	3.73
Ohio	3.28
Oklahoma [1]	3.43
Oregon [1]	3.52
Pennsylvania [1]	3.69
Rhode Island [1]	3.87
South Carolina [1]	3.60
South Dakota [1]	3.73
Tennessee [1]	3.60
Texas [1]	3.43
Utah [2]	3.51
Vermont [1]	3.87
Virginia [1]	3.60
Washington [1]	3.52
West Virginia [1]	3.41
Wisconsin [1]	3.41
Wyoming [2]	3.51

[1] Region based price as required by FERC Interim Rule, issued on March 2, 1981, in Docket No. RM-79-21.
[2] Region based price computed as the weighted average price of Regions E, F, G, and H.

Section II. Incremental Pricing Threshold for High Cost Natural Gas

The EIA has determined that the volume-weighted average price for No. 2 distillate fuel oil landed in the greater New York City Metropolitan area during February 1983 was $33.68 per barrel. In order to establish the incremental pricing threshold for high cost natural gas, as identified in the NGPA, Title II, Section 203(a)(7), this price was multiplied by 1.3 and converted to its equivalent in millions of BTU's by dividing by 5.8. Therefore, the incremental pricing threshold for high cost natural gas, effective May 1, 1983, is $7.55 per million BTU's.

Section III. Method Used To Compute Price Ceilings

The FERC, by Order No. 50, issued on September 29, 1979, in Docket No. RM79-21, established the basis for determining the price ceilings required by the NGPA. FERC also, by Order No. 167, issued in Docket No. RM81-27 on July 24, 1981, made permanent the rule that established that only the price paid for No. 6 high sulfur content residual fuel oil would be used to determine the price ceilings. In addition, the FERC, by Order No. 181, issued on October 6, 1981, in Docket No. RM81-28, established that price ceilings should be published for only the 48 contiguous States on a permanent basis.

A. Data Collected

The following data were required from all companies identified by the EIA as sellers of No. 6 high sulfur content (greater than 1 percent sulfur content by weight) residual fuel oil: for each selling price, the number of gallons sold to large industrial users in the months of December 1982, January 1983, and February 1983.[1] All reports of volume sold and price were identified by the State into which the oil was sold.

B. Method Used To Determine Alternative Price Ceilings

(1) Calculation of Volume-Weighted Average Price. The prices which will become effective May 1, 1983, (shown in Section I) are based on the reported price of No. 6 high sulfur content residual fuel oil, for each of the 48 contiguous States, for each of the 3 months, December 1982, January 1983, and February 1983. Reported prices for sales in December 1982 were adjusted by the percent change in the nationwide volume-weighted average price from December 1982 to February 1983. Prices for January 1983 were similarly adjusted by the percent change in the nationwide volume-weighted average price from January 1983 to February 1983. The volume-weighted 3-month average of the adjusted December 1982 and January 1983, and the reported February 1983 prices were then computed for each State.

(2) *Adjustment for Price Variation.* States were grouped into the regions identified by the FERC (see Section III.C.). Using the adjusted prices and associated volumes reported in a region during the 3-month period, the volume-weighted standard deviation of prices was calculated for each region. The volume-weighted 3-month average price (as calculated in Section 11. B. (1) above) for each state was adjusted

[1] Large Industrial User—A person/firm which purchases No. 6 fuel oil in quantities of 4,000 gallons or greater for consumption in a business, including the space heating of the business premises. Electric utilities, governmental bodies (Federal, State, or Local), and the military are excluded.

downward by two times this standard deviation for the region to form the adjusted weighted average price for the State.

(3) *Calculation of Ceiling Price.* The lowest selling price within the State was determined for each month of the 3-month period (after adjusting up or down by the percent change in oil prices at the national level as discussed in Section III.B (1) above). The products of the adjusted low price for each month times the State's total reported sales volume for each month were summed over the 3-month period for each State and divided by the State's total sales volume during the 3 months to determine the State's average low price. The adjusted weighted average price (as calculated in Section III. (2)) was compared to this average low price, and the higher of the values was selected as the base for determining the alternative fuel price ceiling for each State. For those States which had no reported sales during one or more months of the 3-month period, the appropriate regional volume-weighted alternative fuel price was computed and used in combination with the available State data to calculate the State alternative fuel price ceiling base. The State's alternative fuel price ceiling base was compared to the alternative fuel price ceiling base for the multistate region in which the State is located and the lower of these two prices was selected as the final alternative fuel price ceiling base for the State. The appropriate lag adjustment factor (as discussed in Section III.B .4) was then applied to the alternative fuel price ceiling base. The alternative fuel price (expressed in dollars per gallon) was multiplied by 42 and divided by 6.3 to estimate the alternative fuel price ceiling for the State (expressed in dollars per million BTU's).

There were insufficient sales reported in Region G for the months of December, January 1983, and February 1983. The alternative fuel price ceilings for the States in Region G were determined by calculating the volume weighted average price ceilings for Region E, Region F, Region G, and Region H.

(4) *Lag Adjustment.* The EIA has implemented a procedure to partially compensate for the two-month lag between the end of the month for which data are collected and the beginning of the month for which ceiling prices become effective. It was determined that *Platt's Oilgram Price Report* publication provides timely information relative to the subject. The prices found in *Platt's Oilgram Price Report* publication are given for each trading day in the form of high and low prices for No. 6 residual oil in 21 cities throughout the United States. The low posted prices for No. 6 residual oil in these cities were used to calculate a national lag adjustment factor was obtained by calculate a national and a regional lag adjustment factor. The national lag adjustment factor was obtained by calculating a weighted average price for No. 6 high sulfur residual fuel oil for the ten trading days ending April 14, 1983, and dividing that price by the corresponding weighted average price computed from prices published by Platt's for the month of February 1983. A regional lag adjustment factor was similary calculated for four regions. These are: one for FERC Regions A and B combined; on for FERC Region C; one for FERC Regions D, E, and G combined; and one for FERC Regions F and H combined. The low of the national or regional lag factor was then applied to the alternative fuel price ceiling for each State in a given region as calculated in Section III.B. (3).

Listing of States by Region

States were grouped by the FERC to form eight distinct regions as follows:

Region A	*Region B*
Connecticut	Delaware
Maine	Maryland
Massachusetts	New Jersey
New Hampshire	New York
Rhode Island	Pennsylvania
Vermont	

Region C	*Region D*
Alabama	Illinois
Florida	Indiana
Georgia	Kentucky
Mississippi	Michigan
North Carolina	Ohio
South Carolina	West Virginia
Tennessee	Wisconsin
Virginia	

Region E	*Region F*
Iowa	Arkansas
Kansas	Louisiana
Missouri	New Mexico
Minnesota	Oklahoma
Nebraska	Texas
North Dakota	
South Dakota	

Region G	*Region H*
Colorado	Arizona
Idaho	California
Montana	Nevada
Utah	Oregon
Wyoming	Washington

Issued in Washington, D.C., April 19, 1983.

Albert H. Linden, Jr.,
Deputy Administrator, Energy Information Administration.

[FR Doc. 83-10707 Filed 4-19-83; 10:30 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Cases Filed; Week of March 25 Through April 1, 1983

During the Week of March 25 through April 1, 1983, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Dated: April 14, 1983.

George B. Breznay,
Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of March 25 through April 1, 1983]

Date	Name and location of applicant	Case No.	Type of Submission
Mar 28, 1983	Cape Cod Hospital, Hyannis, Massachusetts	HEE-0064	Exception to the Energy Conservation Program. If granted: The Cape Cod Hospital would receive an exception from the provisions of 10 CFR Part 455, the Institutional Conservation Grant Program, regarding its application for an energy conservation grant.
Mar 28, 1983	Economic Regulatory Administration/Don's Shell, San Francisco, California	HRW-0015	Remedial Order, Finalization. If granted: A Proposed Remedial Order issued to Don's Shell on March 31, 1981, would be issued as a final Remedial Order.
Mar 28, 1983	Economic Regulatory Administration/Gorman Mobil, San Francisco, California.	HRW-0010	Remedial Order, Finalization. If granted: A Proposed Remedial Order issued to Gorman Mobil on January 17, 1981, would be issued as a final Remedial Order
Mar 28, 1983	Economic Regulatory Administration/Joe's Service Station—Mobil, San Francisco, California.	HRW-0012	Remedial Order, Finalization. If granted: A Proposed Remedial Order issued to Joe's Service Station—Mobil on March 26, 1981, would be issued as a final Remedial Order
Mar 28, 1983	Economic Regulatory Administration/Mac Brown Shell Service, San Francisco, California.	HRW-0014	Remedial Order, Finalization. If granted: A Proposed Remedial Order issued to Mac Brown Shell Service on May 29, 1981, would be issued as a final Remedial Order
Mar 28, 1983	Economic Regulatory Administration/Perkins Chevron Service, San Francisco, California.	HRW-0013	Remedial Order, Finalization. If granted: A Proposed Remedial Order issued to Perkins Chevron Service on May 29, 1981, would be issued as a final Remedial Order
Mar 28, 1983	Economic Regulatory Administration/Ray's Auto Service Center, San Francisco, California.	HRW-0016	Remedial Order, Finalization. If granted: A Proposed Remedial Order issued to Ray's Auto Service Center on March 31, 1981, would be issued as a final Remedial Order
Mar 28, 1983	Economic Regulatory Administration/William Blue, d.b.a. ARCO Service, San Francisco, California.	HRW-0011	Remedial Order, Finalization. If granted: A Proposed Remedial Order issued to William Blue d.b.a ARCO Service on March 26, 1981, would be issued as a final Remedial Order
Mar 28, 1983	Tommy Oil Company, Washington, D.C.	HRH-0120, HRD-0120.	Motions for Discovery and Evidentiary Hearing. If granted: Discovery would be granted and an evidentiary hearing would be convened in connection with the Statement of Objections submitted by Tommy Oil Company in response to a Proposed Remedial Order issued to the firm (Case No. HRO-0120)
Mar 29, 1983	Sigmund Diamond, New York, New York	HFA-0132	Appeal of an Information Request Denial. If granted: The March 14, 1983, Freedom of Information Request Denial issued by the Pennsylvania Section of the DOE Records Management Division would be rescinded and Sigmund Diamond would receive access to certain DOE information.
Mar 31, 1983	Office of Special Counsel, Washington, D.C.	HRZ-0141	Interlocutory Order. If granted: Texaco Inc. would be required to file a Statement of Legal Objections to the May 1, 1979, Proposed Remedial Order issued to the firm (Case No. DRO-0199).
Mar 31, 1983	W.R. Thomason, Inc., Martinez, California	HFA-0133	Appeal of an Information Request Denial. If granted: The March 9, 1983, Freedom of Information Request Denial issued by the DOE Idaho Operations Office would be rescinded and W.R. Thomason, Inc. would receive access to the certified payroll records of Bingham Mechanical and Metal Products, Inc., a DOE subcontractor
Apr. 1, 1983	Consolidated Materials, Inc., New Orleans, Louisiana	HRD-0121, HRH-0121	Motions for Discovery and Evidentiary Hearing. If granted: Discovery would be granted and an evidentiary hearing would be convened in connection with the Statement of Objections submitted in response to the Proposed Remedial Order issued to Consolidated Materials, Inc. (Case No. HRO-0107).

REFUND APPLICATIONS RECEIVED

[Week of March 25 to April 1, 1983]

Date	Name of refund proceeding/name of refund applicant	Case No.
Mar. 30, 1983	Richardson/Enterprises, Products, Inc.	RF26-3.
Mar. 28, 1983 through Apr. 1, 1983	Amoco Refund Applications	RF21-5237 through RF21-5716.

[FR Doc. 83-10460 Filed 4-19-83; 8:45 am]

BILLING CODE 6450-01-M

Establishment of New Subsystem of Records

AGENCY: Energy Department.

ACTION: Notice of Proposal to Establish a New Subsystem of Records.

SUMMARY: This Notice states the intent of the Department of Energy (DOE) to add a new subsystem to an existing system of records. The new Subsystem C, entitled Residential Energy Consumption Surveys (RECS), will be a part of DOE's system of records DOE-67, Participants in Experiments, Studies, and Surveys. DOE-67 was last published in full on April 2, 1982, at 47 FR 14325.

DATE: May 20, 1983.

ADDRESS: Written comments should be forwarded to Wendel Thomson, EI-621, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT:

Joseph F. Harris, FOI and Privacy Acts Branch, MA-232, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 252-5955

Barbara Sherman, Office of General Counsel, GC-41, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 252-8618

SUPPLEMENTARY INFORMATION: The new subsystem is part of the Residential Energy Consumption Survey (RECS) currently being performed by the Energy Information Administration (EIA). The survey involves interviewing households regarding their energy consumption and contacting the household's fuel suppliers. The EIA has contracted with Response Analysis Corporation to collect the data. The authority for the RECS is Section 52 of the Federal Energy Administration Act of 1974 (15 U.S.C. 761 *et seq.*; Pub. L. 93-275), as amended. The information from RECS will be used by the government and private groups for monitoring, modeling, and policymaking regarding energy consumption in U.S. households. In order to preserve the confidentiality of the data and to protect the privacy of the respondents, the contract provides that no individually identifiable data will be turned over to the EIA. The EIA will receive the detailed information for each household but without names, addresses, and other potentially identifying information. The data will be collected on Form EIA-457A-H; these forms have been approved by the Office of Management and Budget. In order to

collect additional data on household energy consumption and to identify changing patterns of enregy use, the collected data must be maintained in name retriveable form so as to allow for follow-up interviews.

Issued in Washington, DC, April 13, 1983.

William S. Heffelfinger,

Director of Administration.

DOE–67

SYSTEM NAME:

Participants in Experiments, Studies and Survey

* * * * *

Subsystem C: EIA–457 Survey Reports (Residential Energy Consumption Survey)

SYSTEM LOCATION:

* * * Subsystem C: Response Analysis Corporation, Route 206, Research Park, Princeton, NJ 08540. Portions of the system may be located with contractors or other entities involved in conducting the experiments, studies, or surveys, or in any DOE office. The contract with Response Analysis Corporation provides for the transfer of the subsystem directly to another contractor in the event the contract changes hands.

SECURITY CLASSIFICATION:

* * * Subsystem C: Unclassified.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

* * * Subsystem C: Persons responding to the Form EIA–457 (Residential Energy Consumption Survey) or a subsample thereof.

CATEGORIES OF RECORDS IN THE SYSTEM:

* * * Subsystem C: Name, age, sex, home address and telephone number, education, income, family size and composition, characteristics of housing unit and household vehicles, name and address of landlord, name and address of fuel suppliers and records of energy purchases.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

* * * Subsystem C: 5 U.S.C. 301, Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*, including authorities transferred to, and vested in, the Secretary of Energy under Title III of the Department of Energy Organization Act; Executive Order 12009; and Section 13(b) of the Federal Energy Administration Act of 1974.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

* * * Subsystem C: The records are used by EIA to analyze energy consumption in U.S. households. Information in this system may be disclosed to Federal agencies as well as other entities which are participating in research in connection with which the data were obtained. Information in the possession of the EIA must be disclosed upon request to any DOE office which determines that the information relates to its functions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

* * * Subsystem C: Paper records, magnetic tape

RETRIEVABILITY:

* * * Subsystem C: By name, identification number and geographic location.

SAFEGUARD:

* * * Subsystem C: The paper records are kept in a secured building with access limited to those whose official duties require access; the building is locked during non business hours. Use of the records is permitted only to authorized employees of the contractor who sign an agreement that they will not disclose the records unless authorized to do so. In addition, access to the records on magnetic tape is controlled by a password known only to authorized employees who must work with the records.

RETENTION AND DISPOSAL:

* * * Subsystem C: It is expected that identification of individuals will be destroyed five (5) years after the information is collected under EIA–457.

SYSTEM MANAGER(S) AND ADDRESS:

* * * Subsystem C: Administrator, Energy Information Administration (or designee), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585.

NOTIFICATION PROCEDURES:

* * * Subsystem C:

a. Requests by an individual to determine if a system of records contains information about him/her should be directed to the Freedom of Information and Privacy Acts Branch, Department of Energy, Washington, DC 20585 in accordance with DOE's Privacy Act Regulations (10 CFR Part 1008 (45 FR 61576, September 16, 1980)).

b. Required identifying information: Complete name at the time of study, current name, address, and telephone number.

RECORDS ACCESS PROCEDURES:

* * * Subsystem C: Same as notification procedures above.

CONTESTING RECORD PROCEDURES:

* * * Subsystem C: Same as notification procedures above.

RECORDS SOURCE CATEGORIES:

* * * Subsystem C: The subject individual and utility companies authorized by the individuals to disclose consumption and bill information.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

* * * Subsystem C: None.

New System Report—New System of Records Subject to the Privacy Act

Residential Consumption Surveys Description of the Purpose of the Proposed System of Records:

Description of the Purpose of the Proposed System of Records: This system of records is the principal data collected by the Energy Information Administration (EIA) to satisfy the needs of the U.S. Government, State governments, industry, and the public for information at the national and subnational levels on the consumption and expenditures for fuels used by American homes. The data also include energy-related housing characteristics, appliance use, thermal characteristics of the housing unit, conservation measures taken by the household, demographic features of the household, weather conditions, vehicles and their use (mileage and fuel purchased). The EIA disseminates these data through published reports used by a wide range of public and private groups, special statistical reports to U.S. Government agencies, and distribution of the basic data on computer data files properly edited to protect the identity of the household.

Authority Under Which System Will Be Maintained: 5 U.S.C. 301, Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*, including authorities transferred to, and vested in, the Secretary of Energy under Title III of the Department of Energy Organization Act; Executive Order 12009; and Section 13(b) of the Federal Energy Administration Act of 1974.

Effect of the System on the Privacy of Individuals: The data in the system of records will be collected by Response Analysis Corporation. The information will be used by government and private groups for monitoring, modeling and policymaking regarding energy use in U.S. households. In order to preserve the confidentiality of the data and to protect the privacy of the respondents, the contract provides that no individually identifiable data will be turned over to EIA. The data received by EIA will be detailed for each household but without names, addresses or other potentially identifying information.

Risk of Unauthorized Disclosure: The paper records are kept in a secured building with access limited to those whose official duties require access; the building is locked during nonbusiness hours. Use of the records is permitted only to authorized employees of the contractor who sign an agreement that they will not disclose the records unless authorized to do so. In addition, access to the records on magnetic tape is controlled by a password known only to authorized employees who must work with the reports

[FR Doc. 83-10459 Filed 4-19-83; 8:45 a m.]

BILLING CODE 6450-01-M

DEPARTMENT OF ENERGY

NUCLEAR REGULATORY COMMISSION

Compliance With Section 223 of the Nuclear Waste Policy Act of 1982

Correction

In FR Doc. 83-8149 beginning on page 13253 in the issue of Wednesday, March 30, 1983, the heading should have carried the names of the two agencies as set forth above. This was a joint document issued by the Department of Energy and the Nuclear Regulatory Commission.

BILLING CODE 1505-01-M

ENVIRONMENTAL PROTECTION AGENCY

[PF-322; PH-FRL 2350-3]

Certain Companies; Pesticide and Feed Additive Petitions; Ciba-Geigy Corp. et al.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received pesticide and feed additive petitions relating to the establishment of tolerances for residues of certain pesticide chemicals in or on certain commodities.

ADDRESS: Written comments to: Product Manager (PM) 21, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 227, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Written comments may be submitted while the petitions are pending before the Agency, the comments are to be identified by the document control number [PF-322] and the petition number. All written comments filed in response to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: Henry Jacoby, (703-557-1930).

SUPPLEMENTARY INFORMATION: EPA gives notice that the Agency has received the following pesticide and feed additive petitions relating to the establishment of tolerances for residues of certain pesticide chemicals in or on certain commodites in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues, where required, is given in each petition.

A. Initial Filing

1. *FAP 3H5389.* Ciba-Geigy Corp., PO Box 18300, Greensboro, NC 27419. Proposes amending 21 CFR 561.273 by establishing a regulation permitting the combined residues of the fungicide metalaxyl [*N*-(2,6-dimethylphenyl)-*N*-(methoxyacetyl)alanine methyl ester] and its metabolites containing the 2,6-dimethylaniline moiety, and *N*-(2-hydroxymethyl-6-methylphenyl)-*N*-(methoxyacetyl)alanine methyl ester each expressed as metalaxyl in or on the commondities apple pomace, wet at 0.4 parts per million (ppm) and apple pomace, dry at 2.0 ppm.

2. *PP 3F2847.* Ciba-Geigy Corp. PO Box 18300, Greensboro, NC 27419.Proposes amending 40 CFR 180.408 by establishing a tolerance for the combined residues of the fungicide metalaxyl and the metabolites in or on the raw agricultural commodity apples at 0.2 ppm. The proposed analytical method for determining residues is gas chromatography with an alkali flame ionization detector.

3. *PP 3F2848.* Ciba-Geigy Corp. Proposed amending 40 CFR 180.408 by establishing a tolerance for the combined residues of the fungicide metalaxyl and the metabolites in or on the raw agricultural commodity raspberries at 0.5 ppm. The proposed analytical method for determining residues is gas chromatography with an alkali flame ionization detector.

4. *PP 3F2854.* Mobay Chemical Corp., PO Box 4913, Hawthorn Road, Kansas City, MO 64120. Proposes amending 40 CFR Part 180 by establishing tolerances for the combined residues of the fungicide beta-(4-chlorophenoxy-alpha-(1,1-dimethylethyl)-1*H*-1,2,4-triazole-1-ethanol and its metabolite 4-(4-chlorophenoxy)-2,2-dimethyl-4-(1*H*-1,2,4-triazol-1-yl)-1,3-butanediol in or on the raw agricultural commodities corn fresh (including sweet) (K+CWHR), grain of barley, corn, (including field and popcorn), oats, rye, and wheat, meat, fat, and meat byproducts of poultry at 0.05 ppm; green forage of barley, oats, rye, and wheat at 2.5 ppm; corn forage at 1.0 ppm; corn fodder, straw of barley, oats, rye, and wheat at 0.1 ppm; meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep at 0.2 ppm; eggs at 0.005 ppm; and milk at 0.01 ppm. The proposed analytical method for determining residues is gas chromatography with an alkali flame detector.

(Sec. 408(d)(1), 68 Stat. 512 (7 U.S.C. 136)), (Sec. 409(b)(5), 72 Stat. 1786, (21 U.S.C. 348))

Dated: April 11, 1983.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 83-10453 Filed 4-19-83; 8:45 am]

BILLING CODE 6560-50-M

[OPP-240030; PH-FRL 2350-4]

State Registration of Pesticides; Arizona et al.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received notices of registration of pesticides to meet special local needs under section 24(c) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) from 17 States. A registration issued under this section of FIFRA shall not be effective for more than 90 days if the Administrator disapproves the registration or finds it to be invalid within that period. If the Administrator disapproves a registration or finds it to be invalid after 90 days, a notice giving that information will be published in the **Federal Register**.

DATE: The last entry for each item is the date the State registration of the product became effective.

FOR FURTHER INFORMATION CONTACT: Sandra English, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 1122, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-2126).

SUPPLEMENTARY INFORMATION: Most of the registrations listed below were received by EPA in December, 1982. Receipts by EPA of State registrations will be published periodically. Except as indicated by (CUP) in 6 of the registrations listed below, there is no charged use pattern involved in any of these registrations.

Arizona

EPA SLN No. AZ 82 0021. Sandoz, Inc. Registration is for Thuricide HP WP, to be used on basil and coriander to control cabbage loopers. December 22, 1982.

EPA SLN No. AZ 82 0022. Sandoz, Inc. Registration is for Thuricide HPC, to be

used on basil and coriander to control cabbage loopers. December 22, 1982.

EPA SLN No. AS 82 0023. Sandoz, Inc. Registration is for Thuricide 32B, to be used on basil and coriander to control cabbage loopers. December 22, 1982.

Arkansas

EPA SLN No. AR 82 0032. FMC Corp. Registration is for Furadan 15G, to be used on soybeans to control nematodes. December 3, 1982.

EPA SLN No. AR 82 0034. FMC Corp. Registration is for Furadan 15G, to be used on young pine plantations and pines planted for Christmas trees to control Nantucket pine tip moths. December 3, 1982.

California

EPA SLN No. CA 82 0118. California Dept. of Health Services. Registration is for Baytex 4 Emulsifiable Insecticide, to be used on mosquito breeding areas to control mosquitoes. December 1, 1982.

EPA SLN No. CA 82 0119. Mallinckrodt, Inc. Registration is for Ornalin Contact Fungicide, to be used on roses to control gray mold. (CUP). December 20, 1982.

EPA SLN No. CA 82 0120. E. I. du Pont de Nemours and Co. Registration is for Du Pont Benlate Fungicide, to be used on seed crops to control powdery mildew. (CUP). December 30, 1982.

Florida

EPA SLN No. FL 82 0092. Rohm and Haas Co. Registration is for Dithane FL with Zinc, to be used on corn (field and popcorn) to control *Helminthosporium* leaf blight. (CUP). December 1, 1982.

EPA SLN No. FL 82 0093. Fairfield American Corp. Registration is for Permanone Tick Repellent, to be used on clothing to control ticks. December 7, 1982.

EPA SLN No. FL 82 0094. Gustafson, Inc. Registration is for Vitavax=200 FL Fungicide, to be used on rye to control seed and seedling diseases and loose smut. (CUP). December 7, 1982.

Georgia

EPA SLN No. GA 82 0020. FMC Corp. Registration is for Furadan 15 GR, to be used on young southern pine plantations and pines planted for Christmas trees to control Nantucket pine tip moths. December 15, 1982.

Louisiana

EPA SLN No. LA 82 0037. FMC Corp. Registration is for Furadan 15G, to be used on soybeans to control nematodes. December 13, 1982

EPA SLN No. LA 82 0038. FMC Corp. Registration is for Furadan 15G, to be used on pine Christmas trees to control Nantucket pine tip moths. December 13, 1982.

Minnesota

EPA SLN No. MN 82 0014. Ciba-Geigy Corp. Registration is for Princep 4G Herbicide, to be used on tree plantations for timber to control annual weeds. December 3, 1982.

EPA SLN No. MN 82 0015. ICI Americas Inc. Registration is for Gramoxone Paraquat Herbicide, to be used on Kentucky bluegrass seed fields for desiccation to facilitate burning. December 21, 1982.

EPA SLN No. MN 82 0016. Diamond Shamrock Corp. Registration is for Ectrin Insecticide 10 Water Dispersible Liquid, to be used on livestock and their premises to control flies, lice, and ticks. December 21, 1982.

Mississippi

EPA SLN No. MS 82 0047. Platte Chemical Co. Registration is for Clean Crop Methyl Parathion 4–E, to be used on cottonwood plantations to control cottonwood borers. December 6, 1982.

Nebraska

EPA SLN No. NE 82 0023. O. M. Scott and Sons Co. Registration is for Scotts Proturf Insecticide 4, to be used on golf course fairways, tees, greens, and roughs to control white grubs, sod webworms, chinch bugs, mole crickets, and *Hyperodes* weevils. December 21, 1982.

EPA SLN No. NE 82 0024. Helena Chemical Co. Registration is for Aatram 20G, to be used on sorghum to control weeds. December 21, 1982.

New Jersey

EPA SLN No. NJ 82 0023. ICI Americas Inc. Registration is for Ectiban EC, to be used on dairy cattle, goats, horses, sheep, poultry, and swine and their premises to control flies, mosquitoes, ticks, lice, sheep keds, ear ticks, northern fowl mites, and manage. December 10, 1982.

EPA SLN No. NJ 82 0024. E.I. du Pont de Nemours and Co. Registration is for Du Pont Sinbar Weed Killer, to be used on alfalfa to control weeds. December 20, 1982.

New Mexico

EPA SLN No. NM 82 0023. E.I. du Pont de Nemours and Co. Registration is for Du Pont Velpar L Weed Killer, to be used on rangelands to control undesirable woody plants. December 23, 1982.

New York

EPA SLN No. NY 82 0012. E.I. du Pont de Nemours and Co. Registration is for Du Pont Benlate Fungicide, to be used on *Brassica* crops to control seed-borne blacklegs. (CUP). December 21, 1982.

Oklahoma

EPA SLN No. OK 82 0029. Ciba-Geigy Corp. Registration is for Bicep Herbicide, to be used on Bermuda grass along highways to control annual weeds. December 9, 1982.

Tennessee

EPA SLN No. TN 82 0025. FMC Corp. Registration is for Furadan 15G, to be used on soybeans to control nematodes. December 14, 1982.

EPA SLN No. TN 82 0026. FMC Corp. Registration is for Furadan 15 GR, to the used on young southern pine plantations and pines planted for Christmas trees to control Nantucket pine tip moths. December 22, 1982.

EPA SLN No. TN 82 0027. FMC Corp. Registration is for Furadan 15 GR, to the used on dark-fired tobacco to control flea beetles. December 22, 1982.

Texas

EPA SLN No. TX 82 0061. FMC Corp. Registration is for Pounce 3.2, to be used on spinach to control cabbage loopers and other insects. December 15, 1982.

EPA SLN No. TX 82 0062. ICI Americas Inc. Registration is for Ambush EC, to be used on spinach to control cabbage loopers and other insects. December 15, 1982.

EPA SLN No. TX 82 0063. Valley Co-op Oil Mill. Registration is for Methyl Parathion 4–EC, to be used on cotton to control thrips, yellow-striped armyworms, cotton leafworms, boll weevils, and bollworms. December 17, 1982.

Virginia

EPA SLN No. VA 82 0038. Olin Corp. Registration is for Terraclor 10% GR, to be used on peanuts to control *Sclerotinia* blight (*Sclerotinia minor*). (CUP). December 29, 1982.

Washington

EPA SLN No. WA 82 0074. FMC Corp. Registration is for Thiodan 50 W, to be used on Douglas fir Chirstmas trees, seed orchards, and nurseries to control colley spruce gall aphids, and Douglas fir needle midges. December 6, 1982.

Dated: April 11, 1983.

Robert V. Brown,

Acting Director, Registration Division.

[FR Doc. 83–10454 Filed 4–19–83; 8:45 am]

BILLING CODE 6560–50–M

[PF-321; PH FRL 2348-5]

Certain Companies; Pesticide, Food and Feed Additive Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received pesticide, food, and feed additive petitions relating to the establishment and/or amendments of tolerances for residues of certain pesticide chemicals in or on certain commodities.

ADDRESS: Written comments to: Product Manager (PM) 12, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Written comments may be submitted while the petitions are pending before the Agency. The comments are to be identified by the document control number [PF-321] and the petition number. All written comments filed in response to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: Jay Ellenberger, 703-557-2386.

SUPPLEMENTARY INFORMATION: EPA gives notice that the Agency has received the following pesticide, food, and feed additive petitions relating to the establishment and/or amendments of tolerances for residues of certain pesticide chemicals in or on certain commodities in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues, where required, is given in each petition.

Initial Petitions

1. *PP 3F2843.* E.I. du Pont de Nemours & Co., Wilmington, DE 19898. Proposes amending 40 CFR 180.253 by establishing tolerance for the residues of the insecticide methomyl (S-methyl *N*-[(methylcarbamoyl)oxyl] thioacetimidate in or on the commodities; pineapples at 0.2 part per million (ppm), and pineapple forage at 1.0 ppm. The proposed analytical method for determining residues is microcoulometric gas chromatography.

2. *FAP 9H5217.* ICI American Inc., Wilmington, DE 19897. Proposes amending 21 CFR Part 561 by establishing a regulation permitting residues of the insecticide pirimiphos-methyl, *O*-(2-diethylamino-6-methylpyrimidin-4-yl) *O,O*-dimethylphosphorothioate, the metabolite *O*-2-ethylamino-6-methylpyrimidin-4-yl) *O,O*-dimethylphosphorothioate and in free and conjugated form the metabolites 2-diethylamino-6-methylpyrimidin-4-ol, 2-ethylamino-6-methylpyrimidin-4-ol and 2-amino-6-methylpyrimidin-4-ol on the commodities rice hulls at 60.0 ppm, rice milling fractions at 50.0 ppm, and wheat milling fractions at 50.0 ppm.

3. *FAP 9H5217.* ICI Americas Inc. Proposes amending 21 CFR Part 193 by establishing a regulation permitting residues of pirimiphos-methyl and the above metabolite in or on the commodities rice milling fractions at 50.0 ppm, and wheat milling fractions at 50.0 ppm.

Amended Petitions

1. *PP 2F2631.* Shell Oil Co., 1025 Connecticut Ave., NW., Washington, D.C. 20036. EPA issued a notice published in the **Federal Register** of March 3, 1982 (47 9068) that announced that Shell Oil Co. had submitted pesticide petition 2F2631 to the Agency proposing to amend 40 CFR 180.362 by increasing tolerances for the combined residues of hexakis (2-methyl-2-phenylpropyl)distanoxane and its organotin metabolite calculated as haxakis (2-methyl-2-phenylpropyl)-distanoxane in or on raw agricultural commodities apples, pears, and citrus fruits from 4.0 to 15.0 ppm.

Shell has amended the petition further by increasing the tolerance on citrus fruits from 15.0 to 20.0 ppm. The proposed analytical method for determining residues is gas-liquid chromatography using a tin selective flame photometric detector.

2. *FAP 2H5336.* Shell Oil Co. EPA issued a notice published in the **Federal Register** of March 3, 1982 (47 FR 9068) that announced that Shell had submitted a feed additive petition 2H5336 to the Agency proposing to amend 21 CFR 561.255 by increasing tolerances for the established tolerance levels for the combined residues of hexakis and its organotin metabolites in or on the commodities dried apple pomace from 20.0 to 75.0 and dried citrus pomace from 7.0 to 30.0 ppm.

Shell now amends the petition by increasing the tolerance level on dried citrus pomace from 30.0 ppm to 35.0 ppm.

3. *PP 3F2778.* Dow Chemical Co., P.O. Box 1706, Midland, MI 48640. EPA issued a notice published in the **Federal Register** of December 22, 1982 (47 FR 57128), that announced that Dow Chemical Co. had submitted pesticide petition 3F2778 to the Agency proposing to amend 40 CFR 180.342 by establishing tolerances for the combined residues of the insecticide chloropyrifos (*O,O*-diethyl *O*-(3,5,6-trichloro-2-pyridyl) phosphorothioate) in or on the commodities almonds at 0.05 ppm, walnuts at 0.2 ppm, and almond hulls at 12.0 ppm.

Dow has amended the petition by increasing the tolerance level on almonds from 0.05 to 0.2 ppm. The proposed analytical method for determining residues is gas chromatography using electron capture detector.

4. *PP OF2423.* Dow Chemical Co. EPA issued a notice published in the **Federal Register** of October 23, 1980 (45 FR 70312) that announced that Dow Chemical Co., has submitted pesticide petition OF2423 to the Agency proposing to amend 40 CFR 180.342 by establishing tolerances for the combined residues of the insectide chloropyrifos-methyl [*O,O*-dimethyl *O*-(3,5,6-trichloro-2-pyridyl) phosphorothioate] and its metabolite 3,5,6-trichloro-2-pyridyinol in or on the following raw agricultural commodities: barley, corn, oats, rice, sorghum, and wheat grain at 6.0 ppm; eggs at 0.05 ppm; milk, fat at 0.1 ppm; milk, whole at 0.02 ppm; meat of cattle, goats, hogs, horses, and sheep at 0.1 ppm; fat of cattle, goats, and sheep at 0.2 ppm; fat of hogs and horses at 0.3 ppm; meat byproducts of cattle, goats, and sheep at 1.0 ppm; meat byproducts of hogs and horses 0.5 ppm; and meat fat and meat byproducts of poultry at 0.05 ppm.

Dow has amended the petition by increasing the tolerances on poultry fat from 0.05 to 0.1 ppm, and milk fat from 0.1 to 0.5 ppm. The proposed analytical method for determining residues is by liquid chromatography.

(Sec. 408(d)(1), 68 Stat. 512, (7 U.S.C. 136); 409(b)(5), 72 Stat. 1786, (21 U.S.C. 348))

Dated: April 7, 1983.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 83-10284 Filed 4-19-83; 8:45 am]

BILLING CODE 6560-50-M

[OPP-66100; PH-FRL 2346-3]

Certain Pesticide Products; Intent To Cancel Registration: Shell Oil Co. et al.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice lists the name of firms requesting voluntary cancellation of registration of their pesticide products in compliance with section 6(a)(1) of the

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended. Production of these products after the effective date of cancellation will be considered a violation of the Act unless continued registration is requested.

EFFECTIVE DATE: May 20, 1983.

ADDRESS: Written comments to: Program Support Division (TS–757C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 236, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202

FOR FURTHER INFORMATION CONTACT: Lela Sykes, Process Coordination Branch (TS–767C), Registration Division, Office of Pesticide Programs, Environmental Protection Agency, Rm. 706, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–7406).

SUPPLEMENTARY INFORMATION: EPA has been advised by the following firms of their intent to voluntarily cancel registration of their pesticide products.

Registration No.	Product name	Registrant	Date registered
201–350	Shell D–D/PIC Soil Fumigant	Shell Oil Company, 1025 Connecticut Ave. NW., Washington, D.C. 20036	Nov. 6, 1973.
279–2222	PCNB 10ZINEB 10 Soil Treater	FMC Corporation, 2000 Market Street, Philadelphia, PA 19103	June 8, 1965.
279–2354	Lanstan 10 PCNB 4 Granular	do	Dec. 9, 1965.
279–2975	Captan Terraclor 10–10 Soil Treater	do	Oct. 31, 1968.
299–122	Martin's Wettable Dusting Sulfur	C. J. Martin Company, P.O. Box 1089, Nacogdoches, TX 75961	Apr. 25, 1967.
399–5	Triple-X Sulphur Candles	Triple X Chemcial Lab., 841 Skokie Road, Lake Bluff, IL 60044	Jan. 31, 1973.
400–338	TH Servin 5 Thiodan 1.5 Dust	Uniroyal Chemical, 74 Amity Road, Bethany, CT 06525	May 16, 1969.
400–342	TH Thiodan Miscible with Pyrenone Insecticide.	do	Apr. 21, 1972.
524–303	Granular Ramrod Atrazine 24	Monsanto Company, 1101 17th St. NW., Suite 604, Washington, D.C. 20036	Jan. 22, 1973.
539–67	Sears Wettable Dusting Sulphur	Sears Roebuck & Company, Sears Tower, Department 766, 68th Floor, Chicago, IL 60684.	July 21, 1949.
557–1458	Vigoro Rose & Floral Spray	Estech General Chemicals Corp., 30 N. LaSalle Street, Chicago, IL 60602	Jan. 27, 1964.
595–268	Haviland Atrazine Linuron Weed Killer	Haviland Agricultural Chem. Co., 1845 Sterling, NW, Grand Rapids, MI 495502	Mar. 21, 1966.
635–239	E–Z Flo Cooper Zinc Chromate Thiodan 6–3 Dust.	Grower Service Corp., P.O. Box 18037, Lansing, MI 48901	Jan. 10, 1962.
635–391	E–Z Flo Thiodan Copper 1.5–6 Dust	do	Aug. 18, 1965.
635–506	3% Thiodan Dust (TSB)	do	Aug. 6, 1966
769–433	Security Methomyl 2% Dust	Woolfolk Chemical Works, Inc., P.O. Box 938, Fort Valley, GA 31030	Aug. 15, 1973.
802–41	Miller's Crater 96 Dusting Sulphur	The Chas. H. Lilly Co., 7737 NE Killingsworth, Portland, OR 97218	Sept. 2, 1949.
802–207	Sulfo 95 Wettable Sulphur	do	Aug. 22, 1957.
1022–421	Chapman Weed-Free ABC–8P	Chapman Chemical Company, P.O. Box 9158, Memphis, TN 38109	Apr. 4, 1968.
1023–8	Tuco Acti-Dione 5%	The Upjohn Company, 7171 Portage Road, Kalamazoo, MI 49001	Apr. 17, 1952.
1023–13	Acti-Dione BR Concentrate	do	Dec. 10, 1957.
1258–760	Olin Terraclor-Super-X Pre-Mix Dust	Olin Corporation, Agricultural Products Dept., P.O. Box 991, Little Rock, AR 72203	Feb. 28, 1966.
1258–800	Sperlox S	do	Aug. 31, 1967.
1258–801	Olin Terraclor Liquid	do	Oct. 25, 1967.
1258–803	Sperlox SZ	do	Nov. 3, 1967.
1258–814	Olin Terra-Coat L–41	do	June 4, 1968.
1258–819	Olin Terra-Coat WP–6015	do	Oct. 7, 1974.
1258–824	Olin Terra Coat WP–4010 with Moly	do	July 16, 1969.
1258–830	Olin Terra-Coat L–105	do	Jan. 6, 1970.
1258–944	Olin Terra-Coat 205–LF	do	Mar. 23, 1973.
1258–964	Olin Terraclor 20% Granular	do	July 11, 1973.
1269–93	Dewitt Formula 161 Weed Killer Non-Selective Type.	Dewitt Chemical Co., P.O. Box 2015, Atlanta, GA 30301	Nov. 6, 1967.
1348–50	Selco Chlordane 46% Emulsifiable Conc	Selco Supply Company, 650 "O" Street, Greeley, CO 80631	Apr. 25, 1952.
1348–58	Selco Chlordane 73% Emulsifiable	do	Oct. 29, 1952.
1386–521	Unico Spraying Sulphur	Universal Cooperative, Inc., P.O. Box 460, Minneapolis, MN 55440	Oct. 9, 1967.
1526–356	50% Dusting Sulphur	Arizona Agrochemcial Co., P.O. Box 21537, Phoenix, AZ 85036	Oct. 23, 1964.
1526–392	Phoenix Brand Dusting Sulphur	do	Apr. 11, 1967.
1677–34	Sollax Bowl Cleanse	Economics Lab Inc., Osborn Building, St. Paul, MN 55102	Mar. 9, 1967.
2269–114	Thiodan 3 Parathion 1 Tobacco Dust	Gold Kist Inc., P.O. Box 2210, Atlanta, GA 30301	June 12, 1968.
2269–136	New Tobacco Bug Blaster	do	July 9, 1970.
2342–849	Copper 7 Thiodan 3 Dust	Kerr-McGee Chemical Corp., Kerr-McGree Center, Oklahoma City, OK 73125	Aug. 24, 1973.
2342–850	Sevin 5 Thiodan 1.5 dust	do	Apr. 12, 1967.
2342–853	Maneb Thiodan Dust	do	Aug. 24, 1973.
4000–85	Mil-Du-NIX	Southern Chemical Products Co., P.O. Box 205, Macon, GA 31297	Sept. 17, 1975.
4887–6	Stephenson Chemicals Wettable Dusting	Stephenson Chemcial Company, Inc., P.O. Box 87188, College Park, GA 30337	Feb. 15, 1956.
6783–8	They-Go Insecticide	Arcal Chemicals, Inc., 7320 86th Ave., Seat Pleasant, MD 20027	Sept. 22, 1971.
8501–17	Moss Stop	Pace National Corp., 500 7th Ave., South, Kirkland, Washington 98033	Jan. 17, 1972.
8590–229	Agway Wettable Sulfur Dust or Spray	Agway, Inc., P.O. Box 4741, Syracuse,, NY 13221	Aug. 10, 1966.
8590–271	Agway Corn Herbicide	do	Apr. 11, 1967.
9241–5	Poco Q-San	The Powell Company, Inc., 700 North Main Street, Lima, OH 45801	Oct. 19, 1962.
9779–248	Harlequin Vegetable Dust	Riverside Chemical Company, A Subsidiary of Terra Chemicals Int'l. Inc., P.O. Box 1828, Sioux City, IA 51102.	Sept. 16, 1976.
9792–1	Copercyd Pure Metalic Cooper Anitfouling Boat Bottom Coating.	James B. Day & Company, Company Day Lane, Carpentersville, IL 60110	Nov. 24, 1967.
10184–1	Pomas #101 Antifouling Gel Coate	PMS Consolidated, 109 New Brunswick Road, Somerset, NJ 08873	Apr. 14, 1969.
10184–2	Pomas #102 Antifouling Gel Coate	do	Apr. 14, 1969.
34704–148	E–Z Flo Dichlone 3 Dust	Platte Chemical Company, P.O. Box 667, Greeley, CO 80632	Feb. 27, 1959.
34704–166	E–Z Flo Phygon Sulfur Dust	do	Mar. 26, 1965.
34704–184	E–Z Flo Dichlone Sulfur 1–5.–30 Dust	do	Sept. 8, 1966.
44313–1	Roach–Kil	R–Value Inc., P.O. Box 2235, Smyrna, GA 30080	May 23, 1980.
46946–80	De-Pester Thio, Karathan 3–1	Uniroyal Chemical, 74 Amity Road, Bethany, CT 06525	Nov. 13, 1967.
46946–85	De-Pester Thio 4% Dust	do	Feb. 16, 1968.
46946–62	De–Pester Thio 3% Dust	do	Aug. 16, 1966.
46946–101	De-Pester Thio-Sulfur 4–50	do	June 5, 1968.
46946–102	De-Pester Thio-Sulfur 3–50	do	May 28, 1968.
46946–116	De-pester Thio-Sulfur A–75	do	Feb. 4, 1969.
46946–189	TH Thiodan 3 Dust Insecticide	do	Apr. 21, 1972.

The Agency has agreed that such cancellation shall be effective May 20, 1983 unless within this time the registrant, or other interested person with the concurrence of the registrant, requests that the registration be continued in effect. The registrants were notified by certified mail of this action.

The Agency has determined that the sale and distribution of these products produced on or before the effective date of cancellation may legally continue in commerce until the supply is exhausted, or for 1 year after the effective date of cancellation, whichever is earlier; provided that the use of these products is consistent with the label and labeling registered with EPA. Furthermore, the sale and use of existing stocks have been determined to be consistent with the purposes of FIFRA as amended. production of these products as pesticide formulations after the effective date of cancellation will be considered to be a violation of the Act.

Requests that the registration of these products be continued, may be submitted in triplicate to the Process Coordination Branch, Registration Division (TS–767), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460.

Comments may be filed regarding this notice. Written comments should bear a notation indicating the document control number "[OPP–66100]" and the specific registration number. Any comments filed regarding this notice will be available for public inspection in the Rm. 236, CM#2, at the above address from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

Sec. 6(a)(1) of FIFRA as amended 86 Stat. 973 89 Stat. (751, 7 U.S.C. 136))

Dated: April 6, 1983.

James M. Conlon,

Director, Office of Pesticide Programs.

[FR Doc. 83-9828 Filed 4-19-83; 8:45 am]

BILLING CODE 6560-50-M

[OPP–240028; PH–FRL 2346–1]

State Registration of Pesticides; Alabama et al.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received notices of registration of pesticides to meet special local needs under section 24(c) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) from 23 States. A registration issued under this section of FIFRA shall not be effective for more than 90 days if the Administrator disapproves the registration or finds it to be invalid within that period. If the Administrator disapproves a registration or finds it to be invalid after 90 days, a notice giving that information will be published in the **Federal Register**.

DATE: The last entry for each item is the date the State registration of the product became effective.

FOR FURTHER INFORMATION CONTACT: Sandra English, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 1122, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–2126).

SUPPLEMENTARY INFORMATION: Most of the registration listed below were received by EPA in October 1982. Receipts by EPA of state registrations will be published periodically. Except as indicated by (CUP) in 8 of the registrations listed below, there is no changed use pattern involved in any of these registrations.

Alabama

EPA SLN No. AL 82 0036. Red Panther Chemical Co. Registration is for Red Panther Ethylene Dibromide 90, to be used on soybeans to control lance, spiral, sting, and moderate infestations of cyst and root-knot nematodes. October 7, 1982.

Arizona

EPA SLN No. AZ 82 0019. E. I. du Pont de Nemours and Co. Registration is for Du Pont Lannate Insecticide, to be used on onions (green and dry) to control beet armyworms, thrips, and variegated cutworms. October 29, 1982.

EPN SLN No. AZ 82 0020. E. I. du Pont de Nemours and Co. Registration is for Du Pont Lannatre L Insecticide, to be used on onions (green and dry) to control beet armyworms, thrips, and variegated cutworms. October 29, 1982.

California

EPA SLN No. CA 82 0078. Diamond Shamrock Corp. Registration is for Ectrin Insecticide 10% Water Dispersible Liquid, to be used on livestock and their premises to control flies, lice, and ticks. October 18, 1982.

EPA SLN No. CA 82 0088. Shell Chemical Co. Registration is for D.D., to be used on nursery stock growing grounds to control plant parasitic nematodes. (CUP). October 12, 1982.

EPA SLN No. CA 82 0100. Chevron Chemical Co. Registration is for Ortho Paraquat CL, to be used on grapes to control emerged annual weeds and grasses. October 4, 1982.

EPA SLN No. CA 82 0101. Mobay Chemical Corp. Registration is for Nemacur 3, to be used on cotton to control nematodes and thrips. (CUP). October 4, 1982.

EPA SLN No. CA 82 0102. ICI Americas Inc. Registration is for Gramoxone Paraquat Herbicide, to be used on grapes to control emerged annual weeds and grasses. October 4, 1982.

EPA SLN No. CA 82 0103. Mobay Chemical Corp. Registration is for Metasystox R Spray Concentrate to be used on peppers to control leafhoppers. October 29, 1982.

EPA SLN No. CA 82 0104. Mobay Chemical Corp. Registration is for Metasystox R Spray Concentrate to be used on melons to control leafhoppers. October 29, 1982.

EPA SLN No. CA 82 0107. Vertac Chemical Corp. Registration is for Premerge 3, to be used on dormant grapes to control dead arm and susceptible broadleaf and grassy weeds October 18, 1982.

EPA SLN No. CA 82 0108. California Dept. of Agriculture. Registration is for Bromo Gas (liquid) Dow Fume MC 2, to be used on nursery stock growing grounds to control *Phytophthora cinnamoni* and plant parasitic nematodes. October 26, 1982.

EPA SLN No. CA 82 0109. Sonoma County Agricultural Commissioner. Registration is for Pocket Gopher Bait Strychnine Treated Grain (2.63%), to be used in artificial burrows to control gophers. October 26, 1982.

EPA SLN No. CA 82 0110. Sonoma County Agricultural Commissioner. Registration is for Pocket Gopher Bait Strychnine Treated Grain (0.29%), to be used in artificial burrows to control gophers. October 26, 1982.

EPA SLN No. CA 82 0112. Orange County Agricultural Commissioner. Registration is for Feral Pigeon and Crow Bait Starlicide Treated Grain (0.37%), to be placed in feeding areas to control pigeons and crows. October 28, 1982.

Florida

EPA SLN No. FL 82 0084. The Land, Epcot Center. Registration is for Orthene 75 S, to be used on various crops to control thrips, fleahoppers, whiteflies, cutworms, and aphids. October 12, 1982.

EPA SLN No. FL 82 0085. The Land, Epcot Center. Registration is for Dibrom 8 Emulsive, to be used on various crops to control grasshoppers, mites, cutworms, whiteflies, and aphids. October 12, 1982.

EPA SLN No. FL 82 0086. The Land, Epcot Center. Registration is for Ridomil 2E, to be used on various crops to control Pythium damping-off and *Phytophthora*. (CUP). October 12, 1982.

EPA SLN No. FL 82 0087. The Land, Epcot Center. Registration is for Phaltan 50 Wettable, to be used on various crops to control powdery and downy mildew. (CUP). October 12, 1982.

EPA SLN No. FL 82 0088. The Land, Epcot Center. Registration is for Orthocide 50 WP, to be used on various crops to control *Botrytis*, Pythium damping-off, gray leaf spot, and downy mildew. (CUP). October 12, 1982.

Georgia

EPA SLN No. GA 82 0019. Mobay Chemical Corp. Registration is for Oftanol 5% GR, to be used on turf grasses to control white grub larvae, *Hyperodes* weevils, billbugs, chinch bugs, and sod webworms larvae. October 6, 1982.

Idaho

EPA SLN No. ID 82 0031. American Hoechst Corp. Registration is for Hoelon 3EC Herbicide, to be used on fall-planted wheat to control downy brome and ripgut brome as germination occurs. October 1, 1982.

Illinois

EPA SLN No. IL 82 0021. Mobay Chemical Corp. Registration is for Furadan 10 GR, to be used on cucurbits (cucumbers, melons, squash, and pumpkins) to control nematodes and striped and spotted cucumber beetles. October 7, 1982.

EPA SLN No. IL 82 0022. Motomco Ltd. Registration is for Contrax-P, to be used on orchards or groves to control meadow and pine mice and voles. October 22, 1982.

Kansas

EPA SLN No. KS 82 0020. Mobay Chemical Corp. Registration is for Sencor 50% WP, to be used on winter wheat to control grasses and broadleaf weeds. October 5, 1982.

EPA SLN No. KS 82 0021. Mobay Chemical Corp. Registration is for Sencor 4 FL, to be used on winter wheat to control grasses and broadleaf weeds. October 5, 1982.

EPA SLN No. KS 82 0022. Mobay Chemical Corp. Registration is for Sencor DF, to be used on winter wheat to control grasses and broadleaf weeds. October 5, 1982.

EPA SLN No. KS 82 0023. Philips Roxane, Inc. Registration is for Anchor Permectrin 25% WP Long Lasting Barn and Premise Fly Spray, to be used on horse, beef, dairy, swine, and poultry premises to control house, stable, and false stable flies. October 29, 1982.

Mississippi

EPA SLN No. MS 82 0043. Monsanto Co. Registration is for Roundup Herbicide, to be used on roadside Bermuda grass to control Johnson grass. October 25, 1982.

Montana

EPA SLN No. MT 82 0013. American Hoechst Corp. Registration is for Hoelon 3EC Herbicide, to be used on winter wheat to control downy brome and ripgut brome as germination occurs. October 19, 1982.

EPA SLN No. MT 82 0014. Burroughs Welcome Co. Registration is for Atroban 11% EC, to be used on livestock premises to control files, mites, ticks, and lice. October 26, 1982.

New Jersey

EPA SLN No. NJ 82 0018. Stauffer Chemical Co. Registration is for Captan 50 WP—Captan 80 WP, to be used on blueberries to control *Botrytis* fruit rot, anthracnose fruit rot, and mummy berries. (CUP). October 6, 1982.

North Carolina

EPA SLN No. NC 82 0028. Shell Chemical Co. Registration is for Pydrin Insecticide 2.4 EC, to be used on soybeans to control Mexican bean beetles, green cloverworms, velvetbean caterpillars, potato leafhoppers, cabbage loopers, corn earworms, southern green stinkbugs, and bean leaf beetles. October 21, 1982.

EPA SLN No. NC 82 0029. E.I. du Pont de Nemours and Co. Registration is for Du Pont Tersan 1991 Turf Fungicide, to be used on Bermuda grass turf to control spring deadspot disease. (CUP). October 21, 1982.

EPA SLN No. NC 82 0030. U.S. Dept. of Agriculture. Registration is for Proturf Insecticide, to be used on turf to control grubs. October 21, 1982.

North Dakota

EPA SLN No. ND 82 0019. Agsco, Inc. Registration is for Agsco DB-Green + Vitavax Seed Treatment, to be used on wheat, oats, barley, and corn seeds to control smuts, seed decay, and seedling blight and for temporary protection of seeds and seedlings against wireworms. October 20, 1982.

EPA SLN No. ND 82 0020. Farmers Union Central Exchange, Inc. Registration is for Cenex E.P. Herbicide to be used on spring barley and spring and winter wheat to control broadleaf weeds. October 21, 1982.

Ohio

EPA SLN No. OH 82 0019. Mobay Chemical Corp. Registration is for Furadan 4 F, to be used on soybeans to control root-knot, cyst, stunt, ring, spiral, lesion, lance, dagger and stubby-root nematodes. October 28, 1982.

EPA SLN No. OH 82 0020. Fairfield American Corp. Registration is for Permanone Tick Repellent, to be used on clothing to control ticks. October 28, 1982.

Oklahoma

EPA SLN No. OK 82 0028. Burroughs Wellcome Co. Registration is for Atroban 11% EC, to be used on animals and their premises to control flies. October 1, 1982.

Oregon

EPA SLN No. OR 82 0066. American Hoechst Corp. Registration is for Hoelon 3EC Herbicide, to be used on fallplanted wheat to control bromes. October 1, 1982.

EPA SLN No. OR 82 0067. Wilbur-Ellis Co. Registration is for Wilbur-Ellis Snail and Slug Bait, to be used on all crops to control slugs or snails. October 4, 1982.

EPA SLN No. OR 82 0068. The Chas. H. Lilly Co. Registration is for Miller's Wipe Out Slug and Snail Bait (pelleted), to be used on clover and wheat to control slugs and snails. October 13, 1982.

EPA SLN No. Or 82 0069. Chevron Chemical Co. Registration is for Ortho Slug-Geta Snail and Slug Bait, to be used prior to planting crops such as clover or wheat to control slugs and snails. October 15, 1982.

Pennsylvania

EPA SLN No. PA 82 0022. ICI Americas Inc. Registration is for Gramoxone Paraquat Herbicide, to be used on alfalfa to control weeds between cuttings. October 8, 1982.

EPA SLN No. PA 82 0023. Burroughs Wellcome Co. Registration is for Atroban 11% EC, to be used on livestock and their premises to control flies, lice, and ticks. October 25, 1982.

South Dakota

EPA SLN No. SD 82 0010. Shell Chemical Co. Registration is for Shell Bladex 80W Herbicide and Bladex 4L, to be used on corn to control grasses and broadleaf weeds. October 18, 1982.

Tennessee

EPA SLN No.TN 82 0024. O.M. Scott and Sons Co. Registration is for Proturf Insecticide, to be used on cool season grasses to control sod webworms, chinch bugs, mole crickets, and *Hyperodes* weevils. October 18, 1982.

Texas

EPA SLN No. TX 82 0057. Ciba-Geigy Corp. Registration is for D Z N Diazinon AG500, to be used on winter wheat to control white grubs. October 20, 1982.

EPA SLN No. TX 82 0058. Ciba-Geigy Crop. Registration is D Z N Diazinon

50W, to be used on winter wheat to control white grubs. October 20, 1982.

EPA SLN No. TX 82 0059. Ciba-Geigy Crop. Registration is for D Z N Diazinon 14G, to be used on winter wheat to control white grubs. October 20, 1982.

Utah

EPA SLN No. UT 82 0011. Dow Chemical U.S.A. Registration is for Tordon 22K Weed Killer, to be used on rangeland and permanent grass pastures to control yellow star thistles, scotch thistles, must thistles, ox-eye daisies, diffuse knapweeds, spotted knapweeds, henbanes, buffalo burs, rabait brush . *spp.*, tansy ragworts, Canada thistles, rush skeletonweeds, Russian knapweeds, dalmation toadflaxes, gorses, leafy spurges, larkspurts, field bindweeds, and poison oak. October 22, 1982.

Washington

EPA SLN No. WA 820062. E. I. du Pont de Nemours and Co. Registration is for Du Pont Krovar I Weed Killer, to be used on noncropland to control grass and broadleaf weeds. October 1, 1982.

EPA SLN No. WA 82 0063. Great Lakes Chemical Corp. Registration is for Terr-O-Gas 75, to be used on onions (dry bulb) to control White rot. (CUP) October 19, 1982.

EPA SLN No. WA 82 0064. American Hoechst Corp. Registration is for Heolon 3EC Herbicide, to be used on fallplanted wheat to control certain bromes. October 1, 1982.

EPA SLN No. WA 82 0065. Platte Chemical Co., Inc. Registration is for Clean Crop Spud Nic 4, to be used on potatoes to prevent sprouting. October 19, 1982.

West Virginia

EPA SLN No. WV 82 0010. ICI Americas Inc. Registration is for Gramoxone Paraquat Herbicide, to be used on alfalfa for weed control between cuttings. October 1, 1982.

Dated: April 6, 1983.

James W. Akerman,

Acting Director, Registration Division.

[FR Doc. 83-9829 Filed 4-19-83; 8:45 am]

BILLING CODE 6560-50-M

[OPP-240029; PH-FRL 2346-2]

State Registration of Pesticides; Alabama et al.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received notices of registration of pesticides to meet special local needs under section 24(c) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) from 23 States. A registration issued under this section of FIFRA shall not be effective for more than 90 days if the Administrator disapproves the registration or finds it to be invalid within that period. If the Administrator disapproves a registration or finds it to be invalid after 90 days, a notice giving that information will be published in the **Federal Register**.

DATE: The last entry for each item is the dat the State registration of the product became effective.

FOR FURTHER INFORMATION CONTACT: Sandra English, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 1122, CM No. 2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–2126).

SUPPLEMENTARY INFORMATION: Most of the registrations listed below were received by EPA in November, 1982. Receipts by EPA of State registrations will be published periodically. Except as indicated by (CUP) in seven of the registrations listed below, there is no changed use pattern involved in any of these registrations.

Alabama

EPA SLN No. AL 82 0037. Diamond Shamrock Corp. Registration is for Ectrin Insecticide 10 Water Dispersible Liquid, to be used on livestock and their premises to control flies, lice, and ticks. November 30, 1982.

California

EPA SLN No. CA 82 0059. Degesch America, Inc. Registration is for Degesch Phostoxin Coated Pellets-Prepak, New Coated Tablets-R, and Phostoxin Coated Pellets, to be used on animal feed to control Hessian flies. November 22, 1982.

EPA SLN No. CA 82 0105. Stanislaus County Dept. of Agriculture. Registration is for Plictran 50W Miticide and Ortho Plictran 50W Miticide, to be used on almonds, nectarines, peaches, plums, prunes, and walnuts to control mites. November 1, 1982.

EPA SLN No. Ca 82 0106. Merced County Dept. of Agriculture. Registration is for Plictran 50 W Miticide and Ortho Plictran 50 W Miticide, to be used on strawberries to control mites. November 1, 1982.

EPA SLN No. CA 82 0111. Stanislaus County Dept. of Agriculture. Registration is for Ortho Paraquat CL Devrinol 50 WP, to be used on nonbearing kiwis to control weeds listed on the registered labels. November 1, 1982.

EPA SLN No. CA 82 0113. San Benito County Agriculture Commissioner. Registration is for Orthocide 10 Dust, Orthocide 4 FL, Orthocide 50 W, to be used on peppers to control *Botrytis* rot. (CUP). November 1, 1982.

EPA SLN No. CA 82 0115. Placer County Dept. of Agriculture. Registration is for DZN Diazinon 50 W, to be used on dormant apple and pear bare root nursery stock to control wooly apple aphids, November 15, 1982.

EPA SLN No. CA 82 0116. Kocide Chemical Corp. Registration is for Kocide 101, to be used on crops for frost injury protection. (CUP). November 23, 1982.

EPA SLN No. CA 82 0117. Riverside County Agriculture Dept. Registration is for Maintain CF 125, to be used on ornamental olive trees for fruit prevention. November 29, 1982.

Connecticut

EPA SLN No. CT 82 0011. FMC Corp. Registration is for Furadan 15 GR, to be used during seeding time on pure alfalfa to control nematodes, potato leafhoppers, alfalfa blotch leafminers, and clover root circulios. November 5, 1982.

EPA SLN No. CT 82 0012. FMC Corp. Registration is for Furadan 15 GR, to be used on sweet corn at planting to control flea beetles and sweet corn pests. November 5, 1982.

Delaware

EPA SLN No. DE 82 0013. FMC Corp. Registration is for Furadan 15 GR, to be used on sweet corn at planting to control flea beetles and northern corn rootworms. November 15, 1982.

EPA SLN No. DE 82 0014. FMC Corp. Registration is for Furadan 15 GR, to be used on non-bearing peach, nectarine, and apple trees to control nematodes. November 15, 1982.

EPA SLN No. DE 82 0015. FMC Corp. Registration is for Furadan 15 GR, to be used on pure seeded alfalfa to control clover root curculios, nematodes, potato leafhoppers, and alfalfa blotch leafminers. November 15, 1982.

EPA SLN No. DE 82 0016. FMC Corp. Registration is for Furadan 15 GR, to be used on potatoes to control European corn borers. November 15, 1982.

Florida

EPA SLN No. FL 82 0089. Mobay Chemical Corp. Registration is for Furadan 10 GR, to be used on peanuts to control root-knot, lesion, and ring nematodes. November 15, 1982.

EPA SLN No. FL 82 0090. FMC Corp. Registration is for Pounce 3.2 EC Insecticide, to be used on cotton to

control boilworms and tobacco budworms. November 15, 1982.

EPA SLN No. 82 0091. The Land, Epcot Center. Registration is for Orthene Tree and Ornamental Spray, to be used on trees and ornamentals to control gypsy moths, aphids, thrips, budworms, and cankerworms. November 2, 1982.

Idaho

EPA SLN No. ID 82 0032. PBI/Gordon Corp. Registration is for Ultra-Sulv Amine, to be used on small grains, pastures, rangelands, fallow lands, and non-crop areas to control broadleaf weeds. (CUP). November 15, 1982.

EPA SLN No. ID 82 0033. O. M. Scott and Sons Co. Registration is for Proturf Insecticide, to be used on golf course fairways, tees, greens, and roughs to control sod webworms, chinch bugs, mole crickets, and *Hyperodes* weevils. November 30, 1982.

EPA SLN No. ID 82 0034. Mobay Chemical Corp. Registration is for Kaygon 1.67, to be used outdoors to control adult mosquitoes. November 30, 1982.

Illinois

EPA SLN No. IL 82 0023. Mobay Chemical Corp. Registration is for Oftanol 5% GR, to be used on turf grasses to control white grub larvae, *Hyperodes* weevils, chinch bugs, billbugs, and sod webworm larvae. November 5, 1982.

Kansas

EPA SLN No. KS 82 0024. Dow Chemical U.S.A. Registration is for Tordon 22K Weed Killer, to be used on rangelands and permanent grass pastures to control mush thistles. November 1, 1982.

Maryland

EPA SLN No. MD 82 0018. E.I. du Pont de Nemours and Co. Registration is for Du Pont Sinbar Weed Killer and Du Pont Karmek, to be used on blueberries to control weeds. November 19, 1982.

Michigan

EPA SLN No. MI 82 0025. FMC Corp. Registration is for Furadan 15G Insecticide-Nematicide, to be used on cucurbits (cucumbers, melons, squash, pumpkins) to control nematodes and striped and spotted cucumber beetles. November 17, 1982.

Mississippi

EPA SLN No. MS 82 0044. FMC Corp. Registration is for Furadan 15G, to be used on soybeans to control nematodes. November 2, 1982.

EPA SLN No. MS 82 0045. FMC Corp. Registration is for Furadan 15G, to be used on young pine plantations and pines planted for Christmas trees to control Nantucket pine tip moths. November 2, 1982.

EPA SLN No. MS 82 0046. FMC Corp. Registration is for Furadan 15G, to be used on sugarcane to control sugarcane beetles. November 2, 1982.

Nevada

EPA SLN No. NV 82 0014. Mobay Chemical Corp. registration is for Baygon 1.67, to be used on outdoor areas to control mosquitoes. November 5, 1982.

New Hampshire

EPA SLN No. NH 82 0004. FMC Corp. Registration is for Furadan 4 FL, to be used on strawberries to control root weevils. November 1, 1982.

New Jersey

EPA SLN No. NJ 82 0019. Stauffer chemical Co. Registration is for Devrinol 10–G, to be used on cranberries to control nutsedge, rice cutgrass, and purple stem beggarticks. November 12, 1982.

EPA SLN No. NJ 82 0020. FMC Corp. Registration is for Furadan 15 GR, to be used on non-bearing peach, apple, and nectarine trees to control nematodes. November 18, 1982.

EPA SLN No. NJ 82 0021. FMC Corp. Registration is for Furadan 15 GR, to be used at seeding time on pure alfalfa to control nematodes, potato leafhoppers, alfalfa blotch leafminers, and clover root curculious. November 18, 1982.

EPA SLN No. NJ 82 0022. FMC Corp. Registration is for Furadan 15 GR, to be used on sweet corn at planting to control flea beetles, northern corn rootworms, and nematodes. November 18, 1982.

New Mexico

EPA SLN No. NM 82 0024. FMC Corp. Registration is for Furadan 15G, to be used on sugarbeets to control beet leafhoppers, aphids, and flea beetles. November 10, 1982.

EPA SLN No. NM 82 0025. FMC Corp. Registration is for Furadan 15G, to be used on peppers to control flea beetles, green peach aphids, and thrips. November 10, 1982.

North Carolina

EPA SLN No. NC 82 0031. Mobay Chemical Corp. Registration is for Furadan 4F, to be used on alfalfa to control clover root curculios, potato leafhoppers, crickets, and grasshoppers. November 1, 1982.

EPA SLN No. NC 82 0032. Mobay Chemical Corp. Registration is for Furadan 10GR, to be used on alfalfa to control clover root curculios, potato leafhoppers, crickets, and grasshoppers. November 1, 1982.

EPA SLN No. NC 82 0033. Mobay Chemical Corp. Registration is for Furadan 15G, to be used on alfalfa to control clover root curculios, potato leafhoppers, crickets, and grasshoppers. November 1, 1982.

EPA SLN No. 82 0034. Philips Roxane, Inc. Registration is for Bio-ceutic Overtime 25% WP Long Acting Livestock Premise Insecticide, to be used on livestock premises to control flies. November 3, 1982.

EPA SLN No. 82 0035. Philips Roxane, Inc. Registration is for Anchor Permectrin 25% WP Long Lasting Barn and Premise Fly Spray, to be used on livestock premises to control flies. November 3, 1982.

EPA SLN No. NC 82 0036. International Two thousand, Inc. Registration is for Mr. Rat Guard II, to be used on orchards to control pine voles and meadow voles. November 18, 1982.

North Dakota

EPA SLN No. ND 82 0021. Platte Chemical Co. Registration is for Clean Crop Spud Nic 4, to be used on potatoes while in storage to control sprouting. November 18, 1982.

Ohio

EPA SLN No. OH 82 0021. Burroughs Wellcome Co. Registration is for Atroban 11% EC, to be used on beef and dairy cattle and horses to control face, stable, house, horse, and horn flies and lice, and on beef and dairy cattle, to control ticks and psoroptic (scabies) mites, and on swine to control hog lice and mange mites. November 17, 1982.

EPA SLN No. OH 82 0022. Diamond Shamrock Corp. Registration is for Ectrin Insecticide 10 Water Dispersible Liquid, to be used on livestock and their premises to control flies, lice, and ticks. November 17, 1982.

Oklahoma

EPA SLN No. OK 82 0030. O.M. Scott and Sons Co. Registration is for Proturf Insecticide 4 to be used on golf course fairways, tees, greens, and roughs to control white grubs (cool season grasses only), sod webworms, chinch bugs, mole crickets, and *Hyperodes* weevils. November 29, 1982.

Oregon

EPA SLN No. OR 82 0070. Rohm and Hass Company. Registration is for Kerb 50–W Herbicide, to be used on fallowed lands that will be planted back in the following year with winter wheat,

barley, or oats to control winter annual grasses and volunteer grains. November 16, 1982.

EPA SLN No. OR 82 0071. Occidental Chemical Co. Registration is for Snail and Slug Bait M, to be used on fallow lands to control slugs and snails. November 12, 1982.

Texas

EPA SLN No. TX 82 0060. Chevron Chemical Co. Registration is for Orthocide 50 W, to be used on spinach to control downy mildew. (CUP). November 18, 1982.

Virginia

EPA SLN No. VA 82 0031. Virginia Division of Forestry. Registration is for Zinc Phosphide 2%, to be used on pine plantations to control voles. November 1, 1982.

EPA SLN No. VA 82 0032. Virginia Division of Forestry. Registration is for Chlorophacinone-Liphadione .005% A/I, to be used on pine plantations to control voles. November 1, 1982.

Washington

EPA SLN No. WA 82 0066. PureGro Co. Registration is for PureGro Dinoseb-5, to be used on alfalfa, trefoil, and clover grown for seed only to control weeds. November 24, 1982.

EPA SLN No. WA 82 0067. Rohm and Hass Co. Registration is for Kerb 50–W Herbicide, to be used on fallow lands rotated to winter wheat, barley, or oats to control weeds. November 16, 1982.

EPA SLN No. WA 82 0068. Dow Chemical U.S.A. Registration is for Tordon 22K Weed Killer, to be used on rangelands and permanent grass pastures to control weeds. November 18, 1982.

EPA SLN No. WA 82 0069. Shell Chemical Co. Registration is for D–D Soil Fumigant, to be used on white potatoes to control nematodes, especially Columbia root-knot nematodes. (CUP). November 17, 1982.

EPA SLN No. WA 82 0070. Oregon Rodent Control Outfitters. Registration is for Orco Field Mouse Bait, to be used on newly planted seedlings to control field mice. November 17, 1982.

EPA SLN No. WA 82 0071. Pennwalt Corp. Registration is for Tricarbamix ZN Fungicide, to be used on apples to control bull's eye rot. (CUP). November 18, 1982.

EPA SLN No. WA 82 0072. Aceto Agricultural Chemicals Corp. Registration is for Aceto Simazine 80W Herbicide, to be used on cabbage grown for seed to control annual weeds, chickweed, groundsel, smartweed, prostrate knotweed, wild buckwheat, annual bluegrass, and pineappleweed. (CUP). November 19, 1982.

EPA SLN No. WA 82 0073. Wilbur-Ellis Co. Registration is for Wilbur-Ellis Parathion 8 FL, to be used on cranberries to control raspberry crown borers. November 20, 1982.

Dated: April 6, 1983.

James W. Akerman,

Acting Director, Registration Division.

[FR Doc. 83–0927 Filed 4–19–83; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

Advisory Committee for the 1985 ITU World Administrative Radio Conference on the Use of the Geostationary Satellite Orbit and the Planning of the Space Services Utilizing It

April 13, 1983.

Working Group C: Available U.S. Options & Strategies.

Chairman: P. G. Ackerman (213) 648–4134.

Date: Wednesday, April 20, 1083.

Time: 2:00–4:00 p.m.

Location: Communications Satellite Corporation, 950 L'Enfant Plaza, SW., Room 3262, Washington, D.C.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83–10409 Filed 4–19–83; 8:45 am]

BILLING CODE 6712–01–M

Advisory Committee for the 1985 ITU World Administrative Radio Conference on the Use of the Geostationary Satellite Orbit and the Planning of the Space Services Utilizing It

April 13, 1983.

Task Group A–2 of Working Group A: Facilities & Technology.

Chairman: Jeffrey Binckes (202) 863–6864.

Date: Tuesday, May 10, 1983.

Time: 9:30 a.m.–2:00 p.m.

Location: Communications Satellite Corporation, 950 L'Enfant Plaza, SW., Room 2169, Washington, D.C.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83–10408 Filed 4–19–83; 8:45 am]

BILLING CODE 6712–01–M

National Industry Advisory Committee Long Range Planning Committee; Meeting

Pursuant to the provisions of the Pub. L. 92–463, announcement is made of a public meeting of the Long Range Planning Committee of the National Industry Advisory Committee (NIAC) to be held on Wednesday, May 4, 1983. The Committee will meet at the National Association of Broadcasters, located at 1771 N Street, NW., Washington, D.C. at 9:30 a.m.

Purpose: To consider emergency communications matters

Agenda: As follows:

1. Opening remarks
2. Report of the NIAC Common Carrier Communications Subcommittee
3. Report of the NIAC Radio Communications Subcommittee
4. Discussion and presentations concerning the Emergency Broadcast System
   —How it works
   —Current problems
   —Future issues
5. Other business
6. Adjournment

Any member of the public may attend or file a written statement with the Committee either before or after the meeting. Any member of the public wishing to make an oral statement must consult with the Committee prior to the meeting. Those desiring more specific information about the meeting may telephone the NIAC Executive Secretary in the FCC Emergency Communications Division at (202) 634–1549.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83–10410 Filed 4–19–83; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed De Novo Nonbank Activities; First Chicago Corp.

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce

benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically and questions of a fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *First Chicago Corporation*, Chicago, Illinois (trust activities; Illinois, Arizona, Florida): To engage, through its existing subsidiary, First Chicago Trust Company of Arizona, in performing or carrying on any one or more of the functions of activities that may be performed or carried on by a trust company (including activities of a fiduciary, agency or custodial nature) from a new (additional) office of the subsidiary located in Sun City, Arizona. This office will service Sun City and the surrounding area. Comments on this application must be received not later than May 11, 1983.

B. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Northwest Bancorporation*, ("Northwest"), Minneapolis, Minnestota (financing and insurance activities; Ohio): To continue to engage, through its subsidiaries, Dial Finance Company of Ohio ("Dial Finance/Ohio") and Dial Finance Company of Ohio No. 1, Inc. ("Dial Finance/Ohio No. 1"), in the activities of sales and consumer finance, and in the sale of credit life, credit accident and health, and property and casualty insurance, directly related to extensions of credit by said subsidiaries; and to engage *de novo*, through these subsidiaries, in the activity of commercial finance. Dial Finance/Ohio and Dial Finance/Ohio No. 1 engaged in consumer and sales finance and in the above credit-related insurance activities in California at the time of their acquisition by Northwest, which acquisition occurred pursuant to a binding written contract entered into on or before May 1, 1982, thereby rendering said activities permissible under the terms of Section 601(D) of the Garn-St Germain Depository Institutions Act of 1982. This application is for the relocation within the same city of an existing office in Warren, Ohio; and requests permission to engage *de novo* in the activity of commercial finance from said office, as relocated. Additionally, by this application, First Dial, Inc., also a subsidiary of Northwest, proposes to engage *de novo* in the aforementioned activities at this same office. Upon relocation, this office will serve Warren, Ohio. Comments on this application must be received not later than May 10, 1983.

2. *Northwest Bancorporation* ("Northwest"), Minneapolis, Minnesota (financing and insurance activities; Colorado): To continue to engage, through its subsidiary, Dial Finance Company of Colorado ("Dial Finance/Colorado"), in the activities of consumer and sales finance, and in the sale of credit life, and credit accident and health, insurance, direcly related to extensions of credit by said subsidiary; and to engage *de novo*, through its Dial Finance/Colorado subsidiary, in the activity of commercial finance. Dial Finance/Colorado engaged in consumer and sales finance and in the above credit-related insurance activities in California at the time of its acquisition by Northwest, which acquisition occurred pursuant to a binding written contract entered into on or before May 1, 1982, thereby rendering said activities permissible under the terms of Section 601(D) of the Garn-St Germain Depository Institutions Act of 1982. This application is for the relocation of an existing office in Denver, Colorado, to Arvada, Colorado and requests permission to engage *de novo* in the activity of commercial finance from said office, as relocated. Upon relocation, this office will serve Arvada, Colorado, other nearby suburbs of Denver, Colorado, and the City of Denver. Comments on this application must be received not later than May 4, 1983.

3. *Northwest Bancorporation* ("Northwest"), Minneapolis, Minnesota (financing and insurance activities; Oklahoma): To continue to engage, through its subsidiary, Dial Finance Company of Oklahoma Inc. ("Dial Finance/Oklahoma"), in the activities of consumer and sales finance and in the sale of credit life, credit accident and health, and property and casualty insurance, directly related to extensions of credit by said subsidiary, and to engage *de novo*, through its Dial Finance/Oklahoma subsidiary, in the activity of commercial finance. Dial Finance/Oklahoma engaged in consumer and sales finance and in the above credit-related insurance activities in Oklahoma at the time of its acquisition by Northwest, which acquisition occurred pursuant to a binding written contract entered into on or before May 1, 1982, thereby rendering said activities permissible under the terms of Section 601(D) of the Garn-St Germain Depository Institutions Act of 1982. This application is for the relocation within the same city of an existing office in Oklahoma City, Oklahoma, and requests permission to engage *de novo* in the activity of commercial finance from said office, as relocated. Upon relocation, this office will serve Oklahoma City, Oklahoma. Comments on this application must be received not later than May 10, 1983.

4. *Northwest Bancorporation* ("Northwest"), Minneapolis, Minnesota (financing and insurance activities; Alabama): To continue to engage, through its subsidiary, Dial Finance Company of Alabama ("Dial Finance/Alabama"), in the activities of consumer and sales finance, and in the sale of credit life, credit accident and health, and property and casualty insurance, directly related to extensions of credit by said subsidiary; and to engage *de novo*, through its Dial Finance/Alabama subsidiary, in the activity of commercial finance. Dial Finance/Alabama engaged in consumer finance and the above credit-related insurance activities in Alabama at the time of its acquisition by Northwest, which acquisition occured pursuant to a binding written contract entered into on or before May 1, 1982, thereby rendering said activities permissible under the terms of Section 601(D) of the Garn-St Germain Depository Institutions Act of 1982. This application is for the relocation within the same city of an office in Florence, Alabama; and requests permission to engage *de novo* in the activity of commercial finance, as relocated. Upon relocation, this office will serve Florence, Alabama. Comments on this application must be received not later than May 10, 1983.

C. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Omnibancorp*, Denver, Colorado (insurance underwriting activities; Colorado: To act as underwriter for credit life and credit accident and health

insurance policies directly related to extensions of credit sold by its bank subsidiaries, Omnibank Louisville, Louisville, Colorado, Omnibank University Hills, N.A., Denver, Colorado, and Omnibank Parker Road, N.A., Aurora, Colorado. This activity will be conducted in the State of Colorado. Comments on this application must be received not later than May 12, 1983.

D. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *CVB Financial Corp.* Chino, California (trust activities; California): To engage *de novo* directly or indirectly in acting as a trustee under deeds of trust, through acquisition of Community Trust Deed Services, San Bernardino, California. The area to be served is the State of California. Comments on this application must be received not later than May 4, 1983.

2. *First Security Corporation,* Salt Lake City, Utah (mortgage banking activities; Texas): To engage through its existing subsidiary, Utah Mortgage Loan Corporation, in making or acquiring loans and other extensions of credit such as would be made by a mortgage banking company, including making both residential and commercial mortgage loans for its own portfolio and for sale to others, and the servicing of such loans for others. These activities would be conducted from an office in San Antonio, Texas. This office will serve San Antonio and all of Bexar County, Texas. Comments on this application must be received not later than May 9, 1983.

3. *First Security Corporation,* Salt Lake City, Utah (mortgage banking activities; Texas): To engage through its existing subsidiary, Utah Mortgage Loan Corporation, in making or acquiring loans and other extensions of credit such as would be made by a mortgage banking company, including making both residential and commercial mortgage loans for its own portfolio and for sale to others, and the servicing of such loans for others. These activities would be conducted from an office in Austin, Texas. This office will serve Travis, Caldwell, Bastrop, Hays and Williamson Counties, Texas. Comments on this application must be received not later than May 9, 1983.

4. *First Security Corporation,* Salt Lake City, Utah (mortgage banking activities; Colorado): To engage through its existing subsidiary, Utah Mortgage Loan Corporation, in making or acquiring loans and other extensions of credit such as would be made by a mortgage banking company, including making both residential and commercial mortgage loans for its own portfolio and for sale to others, and the servicing of such loans for others. These activities would be conducted from an office in Colorado Springs, Colorado. This office will serve El Paso, Fremont, Pueblo, Crowley and Lincoln Counties, Colorado. Comments on this application must be received not later than May 9, 1983.

5. *First Security Corporation,* Salt Lake City, Utah (mortgage banking activities; Utah): To engage through its existing subsidiary, Utah Mortgage Loan Corporation, in making or acquiring loans and other extensions of credit such as would be made by a mortgage banking company, including making both residential and commercial mortgage loans for its own portfolio and for sale to others, and the servicing of such loans for others. These activities would be conducted from an office in Roy, Utah. This office will serve Davis and Weber Counties, Utah. Comments on this application must be received not later than May 9, 1983.

6. *The Wilshire Bancorporation,* Los Angles, California (investment or financial advisor, management consulting activities; California): To engage directly in conducting interest rate sensitivity analyses on behalf of subscribers, furnishing pro-forma policies, procedures, and internal controls to subscribing financial institutions and non-bank depository institutions. Applicant also proposes to engage from time to time in providing consulting to subscribers on topics generally encompassing effects on interest rate sensitivity on earnings, traditional methods of adjusting asset-liability interest rate sensitivity on earnings, traditional methods of adjusting asset-liability interest rate sensitivity mismatches, and regulated means of interest income protection. These activities would be conducted from an office in Los Angeles, California, serving the State of California. Comments on this application must be received not later than May 13, 1983.

Board of Governors of the Federal Reserve System, April 14, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-10414 Filed 4-19-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies; Martinius Corp. et al.

The companies listed in this notice have applied for the Board's approval under section 3(a)(1)) of the Bank Holding Company Act (12 U.S.C. 1842(a) (1) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Martinius Corporation,* Rogers, Minnesota; to become a bank holding company by acquiring 91.1 percent of the voting shares of State Bank of Rogers, Rogers, Minnesota. Comments on this application must be received not later than May 12, 1983.

B. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Union of Texas Bancshares, Inc.,* Houston, Texas; to become a bank holding company by acquiring 80 percent of the voting shares of Union Bank of Houston, Houston, Texas. Comments on this application must be received not later than May 13, 1983.

C. **Board of Governors of the Federal Reserve System** (William W. Wiles, Secretary) Washington, D.C. 20551:

1. *Dartmouth National Corporation,* Hanover, New Hampshire; to become a bank holding company by acquiring 100 percent of the voting shares of Dartmouth National Bank of Hanover, Hanover, New Hampshire. This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Boston. Comments on this application must be received not later than May 4, 1983.

Board of Governors of the Federal Reserve System, April 14, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-10413 Filed 4-19-83; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Immigration and Nationality Act; Delegation of Authority

Notice is hereby given that in furtherance of the March 4, 1983 delegations from the Assistant Secretary for Health to the Administrator, Health Resources and Services Administration (HRSA), of the authorities under Section 5(e) of the Immigration and Nationality Act Amendments of 1981, Pub. L. 97–116 (8 U.S.C. 1101 note), and Sections 212(a)(32) and 212(j) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), as amended, the Administrator has delegated all of the authorities under Section 5(e) and Sections 212(a) and 212(j) to the Director, Bureau of Health Professions, with authority to redelegate.

The May 13, 1981 delegation (HRA Delegation No. 43, Revised) made by the Administrator, Health Resources Administration, to the Director, Bureau of Health Professions, of authorities pertaining to Sections 212(a)(32) and 212(j) of the Immigration and Nationality Act has been superseded.

Provision was made for previous delegations and redelegations of authorities made to HRSA officials under Sections 212(a)(32) and 212(j) to continue in effect for no more than 90 days from March 4, 1983, provided they are consistent with this delegation.

This delegation was effective on April 9, 1983.

Robert Graham,

Administrator, Health Resources and Services Administration.

[FR Doc. 83–10415 Filed 4–19–83; 8:45 am]

BILLING CODE 4160–16–M

Social Security Administration

Privacy Act of 1974; Report of New Matching Program

AGENCY: Social Security Administration, Health and Human Services Department.

ACTION: Notice of a Matching Program—Social Security Administration (SSA)/ Department of Labor (DOL).

SUMMARY: SSA is issuing public notice of its intent to conduct a matching program with DOL. SSA, Office of System Requirements, will perform the match using certain data provided by DOL. The matching program will be an interface between an extract from DOL's Office of Worker's Compensation Programs Black Lung Claimant Information File (**Federal Register**, dated July 13, 1982, page 30365) and SSA's Master Beneficiary Record (MBR) (**Federal Register**, dated October 13, 1982, pages 45626–45628). The purpose of the match is to detect and/or prevent overpayments of SSA benefits.

DATE: Data exchange will begin in fiscal year 1983 and, unless comments are received which will result in a contrary determination, will recur periodically.

ADDRESS: Interested individuals may comment on this proposal by writing to the Privacy Officer, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235. All comments received will be available for public inspection at 3–F–1 Operations Building at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. Frank Bowings, Chief, Disability Systems Branch, Office of System Requirements, 3–M–11 Operations Building, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, area code (301) 594–8818.

SUPPLEMENTARY INFORMATION: The matching program which SSA will conduct will be a computerized interface between an extract from DOL's Office of Worker's Compensation Programs Black Lung Claimant Information File (**Federal Register**, dated July 13, 1982, page 30365) and SSA's MBR (**Federal Register**, dated October 13, 1982, pages 45626–45628). The purpose of the match is to detect and/or prevent overpayments of SSA benefits. DOL pays Part C Black Lung benefits to individuals who may also receive title II disability benefits. Part C payments come within the purview of section 224 of the Social Security Act and must be considered the same as other workmen's compensation payments in applying an offset to Social Security benefits. Since SSA offsets the beneficiary's disability benefits by the amount of the Part C Black Lung benefit, SSA will conduct a matching operation with DOL to detect and/or prevent overpayments of SSA benefits.

Presently, Black Lung Part C data are obtained through voluntary reporting by beneficiaries. Very often, beneficiaries claim to be unaware of the need to report initial receipt of, or changes in, Part C Black Lung benefits. SSA is, therefore, unable to make a timely and proper offset of benefits, thus creating an overpayment. Obtaining Part C Black Lung benefit data through a matching operation with DOL will permit timely, proper payment of disability benefits and detect and/or prevent overpayments.

Further information regarding the matching program including the authority for the program, a description of the program, the personal records to be matched, the dates of the program, security safeguards, and plans for disposition of the records are provided in the text below. This information is required by paragraph 5.f.1. of the Revised Supplemental Guidance for Conducting Matching Programs (**Federal Register**, May 19, 1982, pages 21657–21658). A copy of this notice has been provided to both Houses of Congress and the Office of Management and Budget.

Dated: April 13, 1983.

John A. Svahn,

Commissioner of Social Security.

Report of a Matching Program Social Security Administration Matching with Department of Labor Records

a. *Authority:* Section 224 of the Social Security Act.

b. *Description of Matching Program:*

1. *Organizations Involved:* The Social Security Administration (SSA) and the Department of Labor (DOL) are the involved components.

2. *Purpose:* DOL pays Part C Black Lung benefits to individuals who may also receive title II disability benefits. Part C payments come within the purview of section 224 of the Social Security Act and must be considered the same as other worker's compensation payments in applying an offset to Social Security benefits. Since SSA offsets the beneficiary's disability benefit by the amount of Part C Black Lung benefit, SSA will conduct a matching operation with DOL to prevent and/or detect overpayments. Presently, Black Lung Part C DOL date are obtained through voluntary reporting by beneficiaries. Very often, beneficiaries claim to be unaware of the need to report changes in the amount or initial receipt of Part C Black Lung benefits. Obtaining Part C Black Lung benefit data through a matching operation with DOL will give SSA relevant information earlier and permit more timely action to detect and prevent overpayments of SSA benefits.

3. *Procedures:* DOL will furnish SSA an extract file containing: Social Security number, name, current benefit amount data, effective date, date of birth, date of entitlement, and payment status of all Part C beneficiaries. This file will be processed against SSA's record of all title II beneficiaries. For those records matched, action will be taken to assure disability benefits are offset appropriately. SSA will make no subsequent contacts as part of this

matching program with DOL after DOL furnishes the extract file, except in specific cases where there is an inconsistency.

c. *Records to be Matched:* SSA will match the Master Beneficiary Record (MBR) (HHS/SSA/OURV 09–60–0090, **Federal Register** dated October 13, 1982, pages 45626–45628), which contains all data pertinent to the payment of Social Security recipients, with an extract from DOL, Office of Worker's Compensation Programs Black Lung Claimant Information File (DOL/ESA–8, **Federal Register** dated July 13, 1982, page 30365).

d. *Projected Starting and Ending Dates:* The match will begin in fiscal year 1983 and will be a continuing process except that subseqent files from DOL will contain only changes on previously reported individuals and additions of newly entitled Black Lung recipients.

e. *Security Safeguards:* Security safeguards pertaining to the MBR as reflected in the **Federal Register** dated October 13, 1982, pages 45626–45628, will apply. All magnetic tapes and discs are within an enclosure attended by security guards. Anyone entering or leaving this enclosure must have special badges which are issued only to authorized personnel. The same safeguards will apply to DOL tapes while they are in the possession of SSA. All microfilm and paper files are accessible only by authorized personnel with a need to know.

f. *Disposition of Records:* Data received will be returned to DOL after the matching operation. Information regarding "hits" will be incorporated into the MBR as necessary.

g. *Other Comments:* For those records matched, SSA will take proper action to assure that disability benefits are offset appropriately.

[FR Doc. 83–10433 Filed 4–19–83; 8:45 am]

BILLING CODE 4190–11–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Group 834]

California; Filing of Plat of Survey

April 11, 1983

1. This plat of survey of the following described land will be officially filed in the California State Office, Sacramento, California immediately:

Humboldt Meridian

T. 8 N., R. 1 W.

2. This plat, representing the meanders of the exterior boundaries of lots 4 and 6, and the survey of Lots 4, 5, and 6 (former Lot 37), of section 26, T. 8 N., R. 1 W., Humboldt Meridian, under Group No. 834, California was accepted March 29, 1983.

3. The plat will immediately become the basic record for describing the land for all authorized purposes. The plat has been placed in the open files and is available to the public for information only.

4. This survey was executed to meet certain administrative needs of this Bureau.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E–2841, Sacramento, California 95825.

Herman J. Lyttge,

Chief, Records and Information Section.

[FR Doc. 83–10424 Filed 4–19–83; 8:45 am]

BILLING CODE 4310–84–M

[Group 756]

California; Filing of Plat of Survey

April 11, 1983

1. This plat of survey of the following described land will be officially filed in the California State Office, Sacramento, California immediately:

Mount Diablo Meridian, California

T. 19 N., R. 11 W.

2. This plat, representing the dependent survey of the south and west boundaries and portions of the north and east boundaries and subdivisional lines, of T. 19 N., R. 11 W., Mount Diablo Meridian, under Group No. 756, California, was accepted March 24, 1983.

3. The plat will immediately become the basic record for describing the land for all authorized purposes. The plat has been placed in the open files and is available to the public for information only.

4. This survey was executed to meet certain administrative needs of U.S. Department of Agriculture Forest Service, and this Bureau.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E–2841, Sacramento, California 95825.

Herman J. Lyttge,

Chief, Records and Information Section.

[FR Doc. 83–10425 Filed 4–19–83; 8:45 am]

BILLING CODE 4310–84–M

[Group 776]

California; Filing of Plat of Survey

April 11, 1983.

1. This plat of survey of the following described land will be officially filed in the California State Office, Sacramento, California immediately:

Mount Diablo Meridian, California

T. 19 N., R. 10 W.

2. This plat, representing the dependent resurvey of a portion of the south boundary and subdivisional lines, and survey of the subdivision of section 18, T. 19 N., R. 10 W., Mount Diablo Meridian, under Group No. 776, California, was accepted March 24, 1983.

3. The plat will immediately become the basic record for describing the land for all authorized purposes. The plat has been placed in the open files and is available to the public for information only.

4. This survey was executed to meet certain administrative needs of U.S. Department of Agriculture Forest Service, and the Bureau.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E–2841, Sacramento, California 95825.

Herman J. Lyttge,

Chief, Records and Information Section.

[FR Doc. 83–10426 Filed 4–19–83; 8:45 am]

BILLING CODE 4310–84–M

[Group 802]

California; Filing of Plat of Survey

April 11, 1983.

1. This plat of survey of the following described land will be officially filed in the California State Office, Sacramento, California immediately:

Mount Diablo Meridian, California

T. 33 N., R. 8 W.

2. This plat, representing the dependent resurvey of the Henry Clay Gold Quartz Mine, Lot 40, Mineral Survey No. 1966, located in section 11, T. 33 N., R. 8 W., Mount Diablo Meridian, under Group No. 802, California, was accepted March 24, 1983.

3. The plat will immediately become the basic record for describing the land for all authorized purposes. The plat has been placed in the open files and is available to the public for information only.

4. This survey was executed to meet certain administrative needs of this Bureau.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E–2841, Sacramento, California 95825.

Herman J. Lyttge,

Chief, Records and Information Section.

[FR Doc. 83–10427 Filed 4–19–83; 8:45 am]

BILLING CODE 4310–84–M

Carson City District Advisory Council; Meeting

SUMMARY: The Carson City District Advisory Council will meet in Hawthorne, Nevada, at 7:00 p.m., May 20, 1983, in the El Capitan Lodge.

SUPPLEMENTARY INFORMATION: The agenda will include a presentation on mineral resources management. The meeting is open to the public, and the public may appear before the Council at 8:30 p.m. After the meeting the Council will take a tour of a nearby mining operation on May 21.

FOR FURTHER INFORMATION CONTACT: Steve Weiss, Public Affairs Officer, 1050 E. William St., Suite 335, Carson City, NV 89701, (702) 882–1631.

Dated: April 8, 1983.

James W. Elliott,

Acting District Manager.

[FR Doc. 83–10417 Filed 4–19–83; 8:45 am]

BILLING CODE 4310–84–M

Wilderness Recommendations; California; Hearing

AGENCY: USDI, Bureau of Land Management, Interior.

ACTION: Notice of Public Hearing: Preliminary Wilderness Recommendations for the Alturas Resource Area, Susanville District and Redding Resource Area, Ukiah District, California.

SUMMARY: Pursuant to Section 202(f) and 603(a) of the Federal Land Policy Management Act of 1976 and Section 102(c) of the National Environmental Policy Act of 1969, the Bureau of Land Management has prepared draft environmental impact statements (EIS) concerning prelimiary wilderness recommendations for the Alturas Resource Area, Susanville District and the Redding Resource Area of the Ukiah District, California.

The preferred alternative is to designate a portion (5,880 acres) of Pit River Wilderness Study Area (WSA) CA–020–103 as suitable with the remainder (5,695 acres) as unsuitable. The Tule Mountain WSA CA–020–211 (16, 950 acres); the Timbered Crater WSA CA–030–201 (18, 690 acres) and the Lava WSA CA–030–203 (11,632 acres) are recommended as unsuitable for inclusion in the National Wilderness Preservation System. The Pit River and Tule Mountain WSA's are included in the Alturas Resource Management Plan (RMP) EIS which had four alternatives; All Wilderness, Preferred Alternative, No Wilderness, and No action. The Timbered Crater and Lava WSA's are included in the North Central California Wilderness, Study Area Draft EIS. The alternatives considered were: All Wilderness, Partial Wilderness, Multiple Use Limited, Multiple Use Intensive, and No Action.

DATE: A joint public hearing on both the Alturas RMP/EIS WSAs and the North Central California Wilderness EIS WASs will be held from 7:30 p.m. to 9:30 p.m. on May 23, 1983, at the Lion's Hall Highway 299, McArthur, California. All interested persons are invited to attend and present their views on two points: (a) the suitability or nonsuitability of the areas for wilderness designation, and (b) the draft EIS's.

Comments on the draft environmental impact statements are being solicited from public agencies and interested individuals and organizations. The Bureau of Land Management invites written comments on the Draft Alturas RMP/EIS (Pit River and Tule Mountain WSA's) to be received by July 14, 1983. Comments should be addressed to: Area Manager, Alturas Resource Area, Bureau of Land Management, P. O. Box 771, Alturas, California 96101. Telephone (916) 233–4666. Comments on the Draft North Central California Wilderness Study Area EIS (Timbered Crater and Lava WSA's) are to be received by July 30, 1983. Comments should be addressed to: Area Manager, Redding Resource Area, 3555 Hemsted Drive, Redding, California 96001. Telephone (916) 246–5325.

ADDRESSES: A limited number of copies of the draft environmental impact statements are available at the Alturas and Redding Resource Area Offices and at the following locations:

Alturas RMP/EIS

Susanville District Office, Bureau of Land Management, P. O. Box 1090, 705 Hall Street, Susanville, California 96130, Telephone (916) 257–5381

North Central California Wilderness Study EIS

Ukiah District Office, Bureau of Land Management, 555 Leslie Street, Ukiah, California 95482

Alturas RMP/EIS and North Central California WSA EIS

California State Office, Bureau of Land Management, 2800 Cottage Way, Sacramento, California 95825, Telephone (916) 484–4541

Washington Office Bureau of Land Management, Interior Building 18th and C Street NW., Washington, D.C. 20240

FOR FURTHER INFORMATION CONTACT:

Alturas RMP/EIS

Richard Drehobl, Alturas Resource Area manager, P. O. Box 771, Alturas, California 96101, Telephone (916) 233–4666

North Central California WSA EIS

Robert C. Korfhage, Chief, Branch of Lands and Resources, 355 Hemsted Drive, Redding, California 96001, Telephone (916) 246–5325

Ben F. Collins,

Acting Susanville District Manager.

[FR Doc. 83–10418 Filed 4–19–83; 8:45 am]

BILLING CODE 4310–84–M

Fish and Wildlife Service

Intent To Prepare an Environmental Impact Statement for the Comprehensive Conservation Plan for Kodiak National Wildlife Refuge

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: This notice advises to public that the Service intends to gather information necessary for the preparation of an Environmental Impact Statement (EIS) and a comprehensive conservation plan for the Kodiak National Wildlife Refuge in southcentral Alaska. Public meetings regarding preparation of this plan and the EIS also will be held. This notice is being furnished as required by the National Environmental Policy Act (NEPA) Regulations (40 CFR 1501.7) to obtain suggestions and information from other agencies and the public on the scope of issues to be addressed in the EIS. Comments and participation in this scoping process are solicited.

DATES: Written comments should be received by July 7, 1983. Public meetings regarding the Kodiak National Wildlife Refuge plan and EIS will be held at:

Kodiak—East Elementary School Multi-purpose Room 7:30 pm, May 7, 1983.

Achorage—Central Junior High School Multi-purpose Room 7:30 pm June 7, 1983.

In addition, public meetings will be held at Old Harbor, Akhiok, Larsen Bay, and Karluk during the period May 18–May 24, weather permitting.

ADDRESSES: Comments should be addressed to: Regional Director, U.S. Fish and Wildlife Service: 1011 E. Tudor Road; Anchorage, Alaska 99503.

FOR FURTHER INFORMATION CONTACT: Mike Evans, Public Affairs Specialist, Refuge Planning, U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, Alaska 99503.

SUPPLEMENTARY INFORMATION: This comprehensive conservation plan is being prepared to fulfill requirements of the Alaska National Interest ands Conservation Act of 1980, section 304 g. The environmental review of the project will be conducted in accordance with the requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4371 et seq.), Council of Environmental Quality Regulations (40 CFR Parts 1500–1508), other appropriate Federal regulations, and FWS procedures for compliance with those regulations.

We estimate the Draft Environmental Impact Statement and plan will be made available to the public by October 1984.

Dated: April 12, 1983.

Le Roy W. Sowl,

Acting Regional Director.

[FR Doc. 83–10534 Filed 4–19–83; 8:45 am]

BILLING CODE 4310-55-M

Minerals Management Service

Outer Continental Shelf (OCS), Oil and Gas Information Program; Availability of "Arctic Summary Report—January 1983"

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of Availability.

SUMMARY: A revision to the initial "Arctic Summary Report—October 1981" has been published in accordance with the OCS Lands Act Amendments of 1978 and 30 CFR 252.4. The report is a synthesis of recent data concerning OCS leasing activities, including current oil and gas resource estimates, magnitude and timing of offshore development, oil and gas transportation strategies, facilities and impacts.

An update to "Arctic Summary Report—January 1983" is expected to be published September 1983 by the Minerals Management Service.

EFFECTIVE DATE: The report will be available in May 1983.

ADDRESS: Copies of the reports may be obtained from the OCS Information Program, Minerals Management Service, 12203 Sunrise Valley Drive, MS 640, Reston, VA 22092

FOR FURTHER INFORMATION CONTACT: David A. Nystrom, OCS Information Program, Minerals Management Service, 12203 Sunrise Valley Drive, MS 640, Reston VA 22092 (703) 860–7166

Dated: April 11, 1983.

Robert L. Rioux,

Associate Director for Offshore Minerals Management.

[FR Doc. 83–10490 Filed 4–19–83; 8:45 am]

BILLING CODE 4310-MR-M

Outer Continental Shelf (OCS), Oil and Gas Information Program; Availability of "Mid-Atlantic Summary Report 2," "Gulf of Mexico Summary Report 3," and "Pacific Summary Report—December 1982"

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of availability.

SUMMARY: A revision to the initial "Mid-Atlantic Summary Report—November 1979," a second revision of the initial "Gulf of Mexico Summary Report—September 1980," and a second revision to the initial "Pacific Summary Report—May 1980" have been published in accordance with the OCS Lands Act Amendments of 1978 and 30 CFR 252.4. The reports are syntheses of recent data concerning OCS leasing activities, including current oil and gas resource estimates, magnitude and timing of offshore development, oil and gas transportation strategies, and nature and location of nearshore and onshore facilities.

The next revision of the "Mid-Atlantic Summary Report" is tentatively scheduled for October 1983. The next revisions of the "Gulf of Mexico Summary Report" and the "Pacific Summary Report" are expected to be published in August and September, 1983, respectively. Updated reports for the North Atlantic and South Atlantic OCS planning areas are expected to be published in April 1983, by the Minerals Management Service.

EFFECTIVE DATE: The report is available immediately.

ADDRESSES: Copies of the reports may be obtained from the OCS Information Program, Minerals Management Service, 12203 Sunrise Valley Drive, MS 640, Reston, VA 22092.

FOR FURTHER INFORMATION CONTACT: David A. Nystrom, OCS Information Program, Minerals Management Service, 12203 Sunrise Valley Drive, MS 640, Reston, VA 22092 (703) 860–7166.

Dated: April 11, 1983.

Robert L. Rioux

Associate Director for Offshore Minerals Management.

[FR Doc. 83–10491 Filed 4–19–83; 8:45 am]

BILLING CODE 4310-MR-M

Environmental Documents Prepared for Proposed Oil and Gas Operations on the Atlantic Outer Continental Shelf (OCS)

ACTION: Notice of availability of environmental documents prepared for OSC mineral exploration proposals on the Atlantic OCS.

SUMMARY: The Minerals Management Service (MMS), in accordance with Federal regulations (40 CFR 1501.4 and 1506.6) that implement the National Environmental Policy Act (NEPA), announces the availability of NEPA-related Environmental Assessments (EA's) and Findings Of No Significant Impact (FONIS's) prepared by the MMS for the following oil and gas exploration activities proposed on the Atlantic OCS. This listing includes all proposals for lease operations for which environemtnal documents were prepared by the Atlantic OCS Region in the 3-month period preceding this Notice.

Operator/activity	Location	FONSI date
Shell/exploration plan.	OCS lease No. A 0337, block 587, protraction diagram No. NJ 18–6 (96 miles southeast of Atlantic City, N.J.).	Jan. 26, 1983.

Persons interested in reviewing environmental documents for the proposal listed above or obtaining informatioin about EA's and FONSI's prepared for activities on the Atlantic OCS are encouraged to contact the appropriate offices in the Atlantic OCS Region.

FOR FURTHER INFORMATION CONTACT: Regional Supervisor, Field Operations, Atlantic OCS Region, Minerals Management Service, Suite 601, 1951, Kidwell Drive, Vienna, Virginia 22180, (703) 285–2169, FTS–8–285–2169. For copies contact: Records Management Section, Minerals Management Service, Suite 601, 1951 Kidwell Drive, Vienna, Virginia 22180, (703) 285–2191, FTS–8–285–2191. The total cost of providing reproductions of the EA and related Exploration Plan and Environmental Report is $28.00. Check or money order should be made payable to the Minerals

Management Service—Department of the Interior.

SUPPLEMENTARY INFORMATION: The MMS prepares EA's and FONI's for proposals which relate to exploration for oil and gas resources on the Atlantic OCS. The EA's examine the potential environmental effects of activities described in the proposals and present MMS conclusions regarding the significance of those effects. EA's are used as a basis for determining whether or not approval of the proposals constitutes major Federal actions that significantly affect the quality of the human environment in the sense of NEPA 102(2)(C). A FONSI is prepared in those instances where the MMS finds that approval will not result in significant effects on the quality of the human environment. The FONSI briefly presents the basis for that finding and includes a summary or copy of the EA.

This Notice constitutes the public notice of availability of environmental documents required under the NEPA regulations.

Dated: April 8, 1983.

Donald P. Truesdell,

Acting Regional Manager, Atlantic OCS Region.

[FR Doc. 83-9808 Filed 4-19-83; 8:45 am]

BILLING CODE 4310-MR-M

Office of the Secretary

Arizona; Amendment of Wilderness Inventory Decision

AGENCY: Interior Department.

ACTION: Amendment of Wilderness Inventory Decision.

SUMMARY: This notice designates one area totaling 2,065 acres for wilderness consideration pursuant to Section 202 of the Federal Land Policy and Management Act of 1976 (FLPMA).

EFFECTIVE DATE: April 20, 1983.

FOR FURTHER INFORMATION CONTACT: Arizona State Director, Bureau of Land Management, 2400 Valley Bank Center, Phoenix, Arizona 85073, telephone (602) 261–3873.

Amendment of Wilderness Inventory Decisions

This notice continues action necessary with respect to Bureau of Land Management (BLM) wilderness study areas in Arizona to bring the BLM wilderness review into compliance with recent decisions of the Interior Board of Land Appeals. Previous action on this subject was published in the Federal Register on December 30, 1982 (47 FR 58372).

The following area has been designated for wilderness consideration pursuant to Section 202 of FLPMA. This area was formerly identified as a wilderness study area under Section 603 of FLPMA, but is was eliminated from that category on December 30, 1982.

Area Name: Baboquivari Peak
Number: AZ–020–203B
Acreage: 2,065
County: Pima

This is a final decision of the Department of the Interior and is not subject to appeal under 43 CFR Part 4.

Dated: April 12, 1983.

Garrey E. Carruthers,

Assistant Secretary.

[FR Doc. 83-10611 Filed 4-9-83; 8:45 am]

BILLING CODE 4310-84-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-143]

Certain Amorphous Metal Alloys and Amorphous Metal Articles; Order

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge Janet D. Saxon as Presiding Officer in this investigation.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the Federal Register.

Issued: April 11, 1983.

[FR Doc. 83-10607 Filed 4-19-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-144]

Certain Direct Current Brushless Axial Flow Fans; Order

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge Janet D. Saxon as Presiding Officer in this investigation.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the Federal Register.

Issued: April 11, 1983.

[FR Doc. 83-10608 Filed 4-19-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-145]

Certain Rotary Wheel Printers; Investigation

AGENCY: International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on March 16, 1983, under section 337 of the Tariff Act of 1930, as amended, (19 U.S.C. 1337), on behalf of Qume Corporation, 2530 Qume Drive, San Jose, California 95131. The complaint alleges unfair methods of competition and unfair acts in the importation into the United States of certain rotary wheel printers, or in their sale, by reason of alleged infringement of claims 1, 6 and 11 of U.S. Letters Patent No. 4,118,129. The complaint further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

The complaint requests the Commission to institute an investigation and, after a full investigation, to issue both a permanent exclusion order and a permanent cease and desist order.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930 and in § 210.12 of the Commission's Rules of Practice and Procedure (19 CFR 210.12).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission on April 13, 1983, ORDERED THAT—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, an investigation be instituted to determine whether there is a violation of subsection (a) of section 337 in the unauthorized importation into the United States of certain rotary wheel printers, or their sale, by reason of alleged infringement of claims 1, 6 and 11 of U.S. Letters Patent No. 4,118,129, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is: Qume Corporation, 2530 Qume Drive, San Jose, California 95131.

(b) The respondents are the following companies, alleged to be in violation of section 337, and are the parties upon which the complaint is be served:

Nippon Electric Co., Ltd., 33–1, Shiba, Gochome, Minato-ku, Tokyo, 108, Japan

Tokyo Electric Co., Ltd, 14–10, 1-chome, Uchikanda, Chiyoda-ku, Tokyo 101, Japan

C. Itoh & Co., Ltd., 5–2, Kita-Aoyama 2-chome, Minato-ku, Tokyo 107, Japan
Ricoh Company, Ltd., 15–5, Minami-Aoyama 1-chome, Minato-ku, Tokyo 107, Japan
Fujitsu Limited, 6–1, Marunouchi 2-chome, Chiyoda-ku, Tokyo 100, Japan
Daisy Systems Holland B.V., Nieuweweg 279, Postbus 125, 6600 AC Wijchen, The Netherlands

(c) Oreste Russ Pirfo, Esq., Unfair Import Investigations Division, U.S. International Trade Commission, 701 E Street NW., Room 126, Washington, D.C. 20436, shall be the Commission investigative attorney, a party of this investigation; and

(3) For the investigation so instituted, Donald K. Duvall, Chief Administrative Law Judge, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, shall designate the presiding officer.

Responses must be submitted by named respondents in accordance with § 210.21 of the Commission's Rules of Practice and Procedure (19 CFR 210.21). Pursuant to §§ 201.16(d) and 201.21(a) of the rules, such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting a response will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the presiding officer and the Commission, without further notice to respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings.

The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street, NW., Room 156, Washington, D.C. 20436, Phone 202–523–0471.

FOR FURTHER INFORMATION CONTACT: Oreste Russ Pirfo, Esq., Unfair Import Investigations Division, Room 126, U.S. International Trade Commission, telephone 202–523–4693.

By order of the Commission.

Issued: April 15, 1983.

Kenneth R. Mason,
Secretary.

[FR Doc. 83–10496 Filed 4–19–83; 8:45 am]
BILLING CODE 7020–02–M

[332–149]

Competitive Assessment of the U.S. Metalworking Machine Tool Industry.

AGENCY: International Trade Commission.

ACTION: The Commission will hold a public hearing for the purpose of affording all interested parties an opportunity to present views on the competitive position of the U.S. metalworking machine tool industry. The initial notice of the investigation indicating the scope of the study, contact persons, and other related information was published in the **Federal Register** of December 8, 1982 (47 FR 55343); notice of the Commission's extension of the deadline for the filing of written submissions from interested parties was published in the **Federal Register** of February 15, 1983 (48 FR 6793).

Public Hearing: A public hearing in connection with the investigation will be held in the Commission Hearing Room, 701 E Street NW., Washington, D.C. 20436, beginning at 10:00 a.m., e.d.t., on June 28, 1983, to be continued on June 29, 1983, if required. All persons shall have the right to appear by counsel or in person, to present information and to be heard. Requests to appear at the public hearing should be filed with the Secretary, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, not later than June 21, 1983.

Written Submissions: In lieu of or in addition to appearance at the public hearing, interested persons are invited to submit written statements concerning the investigation by June 25, 1983. Commercial or financial information which a submitter desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of § 201.6 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persons. All submissions should be addressed to the Secretary at the Commission's office in Washington, D.C.

By order of the Commission.

Issued: April 11, 1983.

Kenneth R. Mason,
Secretary.

[FR Doc. 83–10499 Filed 4–19–83; 8:45 am]
BILLING CODE 7020–02–M

[Investigation No. 731–TA–103 (Final)]

Cotton Shop Towels From the People's Republic of China; Antidumping Investigation

AGENCY: International Trade Commission.

ACTION: Institution of a final antidumping investigation and scheduling of a hearing to be held in connection with the investigation.

EFFECTIVE DATE: April 14, 1983.

SUMMARY: As a result of an affirmative preliminary determination by the U.S. Department of Commerce that there is a reasonable basis to believe or suspect that imports from the People's Republic of China (China) of shop towels of cotton, provided for in item 366.2740 of the Tariff Schedules of the United States Annotated, are being, or are likely to be, sold in the United States at less than fair value (LTFV) within the meaning of section 731 of the Tariff Act of 1930 (19 U.S.C. 1673), the United States International Trade Commission hereby gives notice of the institution of investigation No. 731–TA–103 (Final) under section 735(b) of the act (19 U.S.C. 1673d(b)) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of such merchandise. The Department of Commerce has notified us that the investigation will be extended, and that it will make its final dumping determination in the case on or before August 10, 1983. The Commission will make its final injury determination by September 23, 1983 (19 CFR 207.25).

FOR FURTHER INFORMATION CONTACT: Ms. Marilyn C. Borsari (202–523–5703), Office of Industries, U.S. International Trade Commission.

SUPPLEMENTARY INFORMATION:

Background.—On October 8, 1982, the Commission determined, on the basis of the information developed during the course of its preliminary investigation, that there was a reasonable indication that an industry in the United States was threatened with material injury by reason of imports of cotton shop towels from China which are alleged to be sold at LTFV. The preliminary investigation was instituted in response to a petition

filed on August 24, 1982, by counsel of Milliken and Company.

Participation in the investigation.—Persons wishing to participate in this investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's Rules of Practice and Procedure (19 CFR 201.11), not later than 21 days after the publication of this notice in the **Federal Register**. Any entry of appearance filed after this date will be referred to the Chairman, who shall determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Upon the expiration of the period for filing entries of appearance, the Secretary shall prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to the investigation, pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)). Each document filed by a party to this investigation must be served on all other parties to the investigation (as identified by the service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service (19 CFR 201.16(c), as amended by 47 FR 33682, Aug. 4, 1982).

Staff report.—A public version of the staff report containing preliminary findings of fact in this investigation will be placed in the public record on August 5, 1983, pursuant to § 207.21 of the Commission's rules (19 CFR 207.21).

Hearing.—The Commission will hold a hearing in connection with this investigation beginning at 10:00 a.m., on August 18, 1983, at the U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C. 20436. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on August 5, 1983. All persons desiring to appear at the hearing and make oral presentations should file prehearing briefs and attend a prehearing conference to be held at 10:00 a.m., on August 9, 1983, in room 117 of the U.S International Trade Commission Building. The deadline for filing prehearing briefs is August 15, 1983.

Testimony at the public hearing is governed by § 207.23 of the Commission's rules (19 CFR 207.23, as amended by 47 FR 33682, Aug. 4, 1982). This rule requires that testimony be limited to a nonconfidential summary and analysis of material contained in prehearing briefs and to information not available at the time the prehearing brief was submitted. All legal arguments, economic analyses, and factual materials relevent to the public hearing should be included in prehearing briefs in accordance with § 207.22 (19 CFR 207.22, as amended by 47 FR 33682, Aug. 4, 1982). Posthearing briefs must conform with the provisions of § 207.24 (19 CFR 207.24) and must be submitted not later than the close of business on August 25, 1983.

Written submissions.—As mentioned, parties to this investigation may file prehearing and posthearing briefs by the dates shown above. In addition, any person who has not entered an appearance as a party to the investigation may submit a written statement of information pertinent to the subject of the investigation on or before August 25, 1983. A signed original and fourteen (14) true copies of each submission must be filed with the Secretary to the Commission in accordance with § 201.8 of the Commission's rules (19 CFR 201.8). All written submissions except for confidential business data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any business information for which confidential treatment is desired shall be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of § 201.6 of the Commission's rules (19 CFR 201.6).

For further information concerning the conduct of the investigation, hearing procedures, and rules of general application, consult the Commission's Rules and Practice and Procedure, Part 207, Subparts A and C (19 CFR Part 207, as amended by 47 FR 33682, Aug. 4, 1982), and Part 201, Subparts A through E (19 CFR Part 201, as amended by 47 FR 33682, Aug. 4, 1982.

This notice is published pursuant to § 207.20 of the Commission's rules (19 CFR 207.20).

By order of the Commission.

Issued: April 15, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-10495 Filed 4-19-83; 8:45 am]

BILLING CODE 7020-02-M

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 731-TA-125 and 126 (Preliminary)]

Potassium Permanganate From the People's Republic of China and Spain

Determinations

On the basis of the record [1] developed in the subject investigations, the Commission unanimously determines, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), that there is a reasonable indication that an industry in the United States is materially injured,[2] by reason of imports from the People's Republic of China (China) and Spain of potassium permanganate, provided for in item 420.28 of the Tariff Schedules of the United States, which are alleged to be sold in the United States at less than fair value (LTFV).

Background

On February 22, 1983, counsel for Carus Chemical Co. filed a petition with the U.S. International Trade Commission and the U.S. Department of Commerce alleging that an industry in the United States is materially injured or is threatened with material injury, by reason of imports from China and Spain of potassium permanganate which are allegedly being sold at LTFV. Accordingly, effective Feburary 22, 1983, the Commission instituted preliminary antidumping investigations under section 733(a) of the Act (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of such merchandise.

Notice of the institution of the Commission's investigations and of a conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notice in the **Federal Register** on March 3, 1983 (48 FR 9091). The conference was held in Washington, D.C. on March 21, 1983, and all persons who requested the opportunity were permitted to appear in person or by counsel.

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[1] The record is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).

[2] Commissioner Stern determines that there is a reasonable indication that an industry in the United States is materially injured, or threatened with material injury, by reason of the subject imports.

The Commission transmitted its report on the investigations to the Secretary of Commerce on April 8, 1983. A public version of the Commission's report, *Potassium Permanganate from the People's Republic of China and Spain* (investigations Nos. 731–TA–125 and 126 (Preliminary), USITC Publication 1369, 1983), contains the views of the Commission and information developed during the investigations.

By Order of the Commission.

Issued: April 15, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83–10493 Filed 4–19–83; 8:45 am]

BILLING CODE 7020–02–M

Report to the President

April 15, 1983.

To the President:

In accordance with Executive Order 11377 of October 23, 1967 to assist the President in the exercise of his authority under headnote 3 to schedule 7, part 8, subpart A, of the *Tariff Schedules of the United States* (TSUS) (79 Stat. 948; 19 U.S.C. 1202), the U.S. International Trade Commission herein reports its judgment as to the estimated domestic consumption of broom corn brooms for the year 1982, the basis for that estimate, and information on U.S. consumption, production, imports, and exports of other types of brooms considered to be competitive with broom corn brooms for 1982. For convenience, the Commission also reports corresponding data for broom corn brooms for the years 1980 and 1981 and data for competitive brooms for 1980.

Estimated Consumption of Broom Corn Brooms

In the judgment of the Commission, consumption of brooms wholly or in part of broom corn in the calendar years 1980, 1981, and 1982 was as follows:

Brooms wholly or in part of broom corn: U.S. consumption, 1980–82.

(In dozens)

Type of broom	1980 [1]	1981 [2]	1982
Whiskbrooms of a kind provided for in TSUS items 750.26 to 750.28, inclusive	342,414	252,335	215,658
Other brooms of a kind provided for in TSUS items 750.29 to 750.31, inclusive	2,061,176	1,707,309	1,811,915
Total	2,403,590	1,959,644	2,027,573

[1] As reported to the President on April 14, 1981.
[2] As reported to the President on March 31, 1982.

Source: Compiled from data supplied by U.S. producers and the U.S. Customs Service.

Aggregate apparent consumption of broom corn brooms amounted to 2.0 million dozen in 1982, up 3 percent from 1981. Consumption of whiskbrooms of broom corn, which accounted for 11 percent of total consumption in 1982, was down 15 percent from 1981, while consumption of other brooms of broom corn, 89 percent of total consumption in 1982, increased by 6 percent over 1981.

Basis for the Commission's Judgment With Respect to Broom Corn Brooms

The Commission estimated consumption of broom corn brooms in 1982 by the same methods it used to estimate consumption in its previous reports pursuant to Executive Order 11377. Apparent annual consumption was determined by adding the quantity of shipments by domestic producers to the quantity of imports and then subtracting the quantity of exports. Data on imports were obtained from the U.S. Customs Service; data on shipments and exports were estimated from responses to questionnaires sent to all known domestic producers of broom corn brooms.

Issued: April 15, 1983.

By Order of the Commission

Kenneth R. Mason,

Secretary.

[FR Doc. 83–10494 Filed 4–19–83; 8:45 am]

BILLING CODE 7020–02–M

INTERSTATE COMMERCE COMMISSION

[OP5MCF–182]

Motor Carriers; Decision-Notice; Finance Applications

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by 49 CFR 1182.1 of the Commission's Rules of Practice. See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1182.2. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1182.2(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impedimentss) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: April 14, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler and Fortier.

Agatha L. Mergenovich,

Secretary.

MC–F–15223, filed March 31, 1983. GELCO COURIER SERVICES, INC., (GELCO), (P.O. Box 1975, St. Paul, MN 55111)—PURCHASE—McBREEN TRUCKING, INC., (McBREEN), (3641 NW. Front Ave., Portland, OR 97210). Representatives: Sally G. Galway, P.O. Box 1975, St. Paul, MN 55111; Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, OR 97210. Gelco seeks to purchase all of the interstate operating rights of McBreen. Gelco's noncarrier parent, International Couriers Corporation (ICC) also controls B.D.C., Ltd. (MC–150871). ICC is controlled by Gelco Corporation (GC) which in turn controls Brooks Transportation, Inc. (MC–142559), Federal Freight System, Inc. (MC–143790) and Gelco Rail Car (MC–160442) a licensed property broker. Gelco, and, in turn, ICC and GC, seek authority to acquire control of McBreen's rights through the transaction. The interstate operating rights being purchased are contained in Certificate No. MC–112188 and Sub-Nos. 6, 8, 10 and 12 issued October 25, 1963, March 17, 1964, October 28, 1965, November 7, 1966, and May 12, 1980, respectively, authorizing the transportation as summarized: (A) over regular routes, (1) films and articles associated with the exhibition of motion pictures, as described in Descriptions in Motor Carrier Certificates, 61 M.C.C. 766, (a) between Portland, OR, and LaGrande, OR, and (b) between Hood River, OR, and White Salmon, WA, and (2) motion picture films, theatre advertising matter, and motion picture machine parts and accessories, (a) between Portland, OR, and Ashland, OR, (b) between McMinnville, OR, and Myrtle Point, OR, (c) between Portland, OR, and junction Oregon Hwy 47 and US Hwy 99W near McMinnville, OR, (d) between Oregon City, OR, and Salem, OR, (e) between Salem, OR, and junction Oregon Hwy 22 and US Hwy 99W at Rickreall, OR, (f) between Albany, OR, and Sweet Home, OR, and (g) between Sweet Home, OR, and Halsey, OR, serving specified immediate points, and (B) over irregular routes, (1) motion picture film, theatre advertising matter, and motion picture machine parts and accessories, (a) between Portland, OR, on the one hand, and, on the other, Baker and Freewater, OR, (2) bread, pies, and pastries (a) from Portland, OR, to Walla Walla, WA, and points within 10 miles thereof and return shipments, (3) blood specimens, (a) from Vancouver, WA, and points in Oregon to Portland, OR, (4) time-dated magazines and advertising material moving in connection therewith and (5) paperback books, from Portland, OR, to Baker, Coos Bay, Corvallis, Roseburg, Eugene, LaGrande, Medford, Salem, The Dalles, Klamath Falls, and Bend, OR, (6) magazines, paperback and books, periodicals, and printed matter, between points in Oregon and Washington, and (7) newspapers from Portland, OR, to Walla Walla, WA. Gelco is presently authorized to operate as a motor contract and common carrier under MC–114533 (Sub-Nos. 372, 373, and 375X) to transport, over irregular routes, commercial papers, documents and written instruments as are used in connection with the business of banking and banking institutions between all points in the United States; commercial documents, business records, accounting and audit media, automated data processing media, and advertising materials, between points in Oregon and Washington; and shipments weighing 100 pounds or less, between all points in the United States.

[FR Doc. 83–10437 Filed 4–19–83; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Decision-Notice Finance Applications

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 C.F.R. 1181.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice The notice will recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

Agatha L. Mergenovich,

Secretary.

Please direct status inquiries to Team 2, (202) 275–7030.

Volume No. OP2–172

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC–FC–81063. By decision of April 13, 1983, issued under 49 U.S.C. 10928 and the transfer rules at 49 CFR Part 1181, Review Board Number 2, approved the transfer to M & J SUMMERS TRUCKING, INC., Covington, IN, of authority issued to AGRI CARRIERS, INC., Covington, IN, in Certificate No. MC–154312, authorizing the transportation of fertilizer, anhydrous ammonia and agricultural limestone, between points in IL, KY, OH, and IN, on the one hand, and, on the other, points in Warren, Vermillion and Fountain Counties, IN, and Vermilion County, IL, fertilizer, between Danville, IL, on the one hand, and on the other, points in IN, salt, between points in IL and MI, on the one hand, and on the other, points in Fountain, Warren, Vermillion, and Park Counties, IN, sand and gravel, between points in Warren County, IN, on the one hand, and on the other, points in Vermilion, Champaign, Piatt, Iroquois, and Macon Counties, IL, steel and steel products, between Covington, IN, on the one hand, and, on the other, points in IL and MO, agricultural equipment and machinery, between points in IA, WI, MI, and ports of entry on the international boundary line between the U.S. and Canada, on the one hand, and, on the other, points in Vermillion County, IN, farm equipment and machinery and parts and garden tractors and parts, between points in IA, IL, KS, WI, and ports of entry on the international boundary line between the U.S. and Canada, on the one hand, and, on the other, points in Fountain County, IN, and farm equipment and machinery and parts and garden tractors and parts, between points in ND, MI, and IA, on the one hand, and, on the other points in Warren

County, IN. Representative: Richard C. Kraege, 777 Chamber of Commerce Bldg., Indianapolis, IN, 46204. Transferee holds authority under MC–156022.

For the following, please direct status calls to Team 3 at 202–5223.

Volume No. OP3–MCFC–160

Decided: April 11, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC–FC 81353. By decision of April, 11, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 2. approved the transfer to FLEMING TRANSPORTATION SERVICE, INC., Oklahoma City, OK 73126, of Permit No. MC–144624, issued May 15, 1979, to AMERICAN STREVELL TRANSPORT, INC., Salt Lake City, UT 84126, authorizing the transportation of building equipment and supplies and such commodities as are used by or dealt in by wholesale or retail department, grocery and hardware stores and warehouses (except commodities in bulk, in tank vehicles and except machinery and uncrated store fixtures moving from Rockdale County, GA, and Marshall, MI), (1) from points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NM, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, WI, and DC, to points in AZ, CA, CO, ID, MT, NV, OR, UT, WA, and WY; and (2) between AZ, CA, CO, ID, MT, NV, OR, UT, WA, and WY, under continuing contract(s) with American Strevell, Inc., of Salt Lake City, UT. Transferee holds authority from the Commission under MC–157336. Applicant's Representative: Colin Barrett, 11764 Indian Ridge Road, Reston, VA 22091. (703) 860–8521.

Volume No. OP3–MCFC–161

Decided: April 8, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing. (Member Ewing not participating.)

MC–FC 81258. By Decision of 4–8–83 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 2 approved the transfer to EDWARD LYNDE & JOSEPH LYNDE, DOING BUSINESS AS LLL TRUCKING, Jordan Valley, OR 97910, of Certificate Nos. MC–141695 Sub 6, issued June 15, 1978, MC–141695 Sub 7, issued August 11, 1981, and MC–141695 Sub 8, issued December 4, 1981, to JORDAN VALLEY TRUCKING CO., INC., of Jordan Valley, OR 97910, authorizing the transportation of (1) general commodities with exceptions, over regular and irregular routes, and (2) commodities in bulk, with exceptions generally between points in Oregon and Idaho, serving all intermediate points, and specified off-route points, between Jordan Valley and Sheaville, OR, on the one hand, and, on the other, the facilities of DE Lamar Silver Mine, at De Lamar (Owyhee County) ID, and between points in OR and ID, on the one hand, and, on the other, points in the U.S. (except AK and HI). Representative: Timothy R. Stivers, P.O. Box 2576, Boise, ID 83701.

Volume. No. OP3–MCFC–162.

Decided: April 11, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing. (Member Williams not participating.)

MC–FC 81301. By decision of April 11, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 2 approved the transfer to LITTLE BEAR SERVICE, INC., Casper, WY, of Certificate No. MC–150204 Sub 1F, issued June 12, 1981, to CAL RENTAL TOOL & SUPPLY, INC., Mills, WY, authorizing the transportation of machinery, materials, equipment, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts (except complete oil drilling rigs), between points in WY, CO, UY, MT, and ND. Representative: Robert Jones, Box 813, Casper, WY 82602.

MC–FC 81339. By decision of April 11, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 2 approved the transfer to CONSOLIDATED TRANSPORTATION SERVICES, INC., of Duluth, GA of Certificate No. MC–148665 Sub 6, issued July 28, 1982, and Permit No. MC–148665 and Subs 2, 3, 4, 5, and 6, issued March 9, 1981, March 9, 1981, August 27, 1981, June 4, 1982, and April 6, 1982, respectively, to CFS CONTINENTAL TRANSPORTATION COMPANY, of Chicago, IL, authorizing (1) *foodstuffs* (except in bulk), and *materials, equipment and supplies* used in the manufacture and distribution of foodstuffs, between points in Cook and Will Counties, IL, on the one hand, and, on the other, those points in the U.S. in and east of MT, WY, CO, and NM, (2) *such commodities* as are dealt in or used by grocers, restaurants, and institutional food manufacturers and distributors (except commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with CFS Continental, Inc., and its subsidiaries Continental Coffee Co., of Houston, CFS Continental Dallas, Continental Dayton, Inc., Continental Decatur, Inc., Continental Indianapolis, Inc., Continental Iowa, Inc., Continental Michigan, Inc., and Continental Minnesota, Inc., all of Chicago, IL, (3) *general commodities* (except household goods and classes A and B explosives), between points in the U.S., under continuing contract(s) with Texas Shippers Association, Inc., of Chicago, IL, (4) *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Anchor Hocking Corporation, of Lancaster, OH, (5) *general commodities* (except classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with Continental-Topper, Inc., of Eighty-Four, PA, Sugar Food Corporation, of Columbus, OH, Continental Big Red, Inc., of Fargo, ND, Continental Crystal, Inc., of Duluth, MN, Continental-South Dakota, of Sioux Falls, SD, Continental-Atlanta, Inc., of Doraville, GA, Continental Coffee Company of Florida, of Miami, FL, Continental-Institutional, Inc., of Macon, GA, Continental-Arctic, Inc., of Renton, WA, Continental-Los Angeles, Inc., of Vernon, CA, CFS Continental-Phoenix, Inc., of Phoenix, AZ, Houston Foods, Inc., of Chicago, IL, Shari Candies, Inc., of Mankato, MN, Melster Candies, of Cambridge, WI, Continental-Central Florida, Inc., of Sanford, FL, Continental Kiel, Inc., of Billings, MT, Continental-San Diego, Inc., of San Diego, CA, Barg & Foster, of Shorewood, WI, Harold Freund Baking Company (San Jose), of San Jose, CA, CFS Continental-Fresno, Inc., of Fresno, CA, CCC Utah, Inc., of Salt Lake City, UT, Harold Freund Baking Company, of City of Industry, CA, Harold Freund Baking Company (Florida), of St. Petersburg, FL, and Continental-Avard, Inc., of Union City, CA, (6) *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with W. W. Grainger, Inc., of Chicago, IL, and (7) *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with ITOFCA, Inc., of Downers Grove, IL. Representative: Richard M. Tettelbaum, 1225 19th St., N.W., Suite 340, Washington, DC 20036.

Note.—An application for temporary authority has been filed.

Volume No. OP3–MCFC–166

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

Decided: April 12, 1983.

MC–FC 81200. By decision of April 12, 1983 issued under 49 U.S.C. 10926 and the transfer rules of 49 CFR Part 1181, Review Board Number 3 approved the transfer to MASTER VAN & STORAGE, INC., Marysville, CA, of Certificate No. MC–135514 Sub 1, issued July 5, 1972, to LYLE M. MOREY, doing business as CONTRACT MOVING SERVICE, Sacramento, CA, authorizing the transportation of *used household goods*, between points in Alpine, Amador, El Dorado, NV, Placer, Sacramento, and Yolo Counties, CA. Restriction: The operations authorized herein are subject are restricted to the transportation of traffic having a prior or subsequent movement in containers, beyond the points authorized and to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic. Representative: Floyd L. Farano, 2555 E. Chapman Avenue, Suite 415, Fullerton, CA 92631, (714) 773–4111.

[FR Doc. 83–10642 Filed 4–19–83; 8:45 am]
BILLING CODE 7035–01–M

[Volume No. OP–5–184]

Motor Carriers; Permanent Authority Decision; Decision-Notice

Decided: April 12, 1983.

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 252 of the Commission's General Rules of Practice (49 CFR 1100.252).

Persons wishing to oppose an application must follow the rules under 49 CFR 1160.40–1160.49. Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements as to the finance application *or* to the following operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board Number 1, Members Parker, Chandler and Fortier (member Parker not participating).

Agatha L. Mergenovich,

Secretary.

MC 167178, filed April 1, 1983. Applicant: METROPLEX FREIGHT SERVICE OF OKLAHOMA, INC., 901 Enterprise Ave., Oklahoma City, OK 73128. Representative: D. Paul Stafford, Suite 1125—Frito Lay Tower, P.O. Box 45538, Dallas, TX 75245, (214) 358–3341. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in OK, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Note.—Applicant has filed a directly related petition for control exemption in No. MC–F–15230, published in this same issue.

[FR Doc. 83–10436 Filed 4–19–83; 8:45 am]
BILLING CODE 7035–01–M

[Volume No. OP4–228]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: April 13, 1983.

The following restriction removal applications, are governed by 49 CFR Part 1165. Part 1165 was published in the Federal Register of December 31, 1980, at 45 FR 86747 and redesignated at 47 FR 49590, November 1, 1982.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1165.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with the criteria set forth in 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Review Board No. 2, Members Carleton, Williams and Ewing.

Agatha L. Mergenovich,

Secretary.

Please direct status inquiries to Team 4, at (202) 275–7669.

MC 134616 (Sub-5)X, filed April 5, 1983. Applicant: KEARNEY'S TRUCKING SERVICE, INC., P.O. Box 264, Portland, PA 18351. Representative: Raymond Talipski, 121 S. Main St., Taylor, PA 18517, (717) 344–8030. MC 129459 (Sub-15) permit: (1) broaden salt,

in bulk to "such commodities as are dealt in by grocery stores", and (2) expand to between points in the United States (except AK and HI), under continuing contract(s) with the named shippers.

[FR Doc. 83-10441 Filed 4-19-83; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decision; Decision-Notice

Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water Carriers; Household Goods Brokers. The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers are governed by Supart A of Part 1160 of the Commission's General Rules of Practices. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers filed on or after November 19, 1982 are governed by Subpart D of 49 CFR Part 1160, published in the **Federal Register** on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). Persons wishng to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United Code, and the Commission's regulations.

We make an additional preliminary finding with respect to each of the following types of applications as indicated: common carrier of property-that the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier—that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract, carrier of property, freight forwarder, and household goods broker—that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, The authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,
Secretary.

Note. All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Applications filed under 49 U.S.C. 10922(c)(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly noted.

Please direct status inquiries to Team 4 at (202) 275-7669.

Volume No. OP4-224

Decided: April 12, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 134387 (Sub-98), filed April 4, 1983. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Ave., South Gate, CA 90280. Representative: Andrew D. Shafer, 1200 IBM Bldg., Seattle, WA 98101, (202) 624-7373. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Safeway Stores, Inc., of Oakland, CA.

MC 144557 (Sub-25), filed April 6, 1983. Applicant: HUDSON TRANSPORTATION, INC., P. O. Box 847, Troy, AL 36081. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P. O. Box 1240, Arlington, VA 22210, (703) 525-4050. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 144697 (Sub-1), filed April 6, 1983. Applicant: GIBCO MOTOR EXPRESS, INC., 3200 Haythorne Ave., P. O. Box 478, Terre Haute, IN 47805. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204, (317) 638-1301. Transporting *commodities in bulk*, between points in IA, IL, IN, KY, MI, MN, MO, NE, OH, PA, TN, WI, and WV.

MC 147876 (Sub-8), filed April 4, 1983. Applicant: SHAY COMPANY, INC., P.O. Box 2081, Clarksville, IN 47130. Representative: K. Edward Wolcott, Suite 1200, 235 Peachtree St., NE, Atlanta, GA 30303, (404) 522-2322. Transporting *metal products*, between points in Butler County, OH, on the one hand, and on the other, points in Ripley County, IN and Coffee County, TN.

MC 148628 (Sub-1), filed April 5, 1983. Applicant: JACK CLOSE, d.b.a. CLOSE TRUCKING, Route #3, Millersburg, OH 44654. Representative: Earl N. Merwin, 85 E. Gay St., Columbus, OH 43215, (614) 224-3161.Transporting *general commodities (except classes A and B explosives, household goods, commodities in bulk), between points in OH and PA, on the one hand, and on the other, points in the U.S. (except AK and HI).*

MC 151736 (Sub-4), filed March 25, 1983. Applicant: MANCHESTER MOVERS, INC., 85 Colonial Rd., Manchester, CT 06040. Representative: Frank N. Serignese (same address as applicant), (203) 646–3333.Transporting *household goods* between points in CT, on the one hand, and, on the other, points in AR, AZ, CA, CO, IA, ID, KS, LA, MN, MO, MS, MT, NE, ND, NM, NV, OK, OR, SD, TX, UT, WA, WI and WY.

MC 157497 (Sub-3), filed March 28, 1983. Applicant: IVAN HABECK, Route 1, Box M–8, Ipswich, SD 57451. Representative: John T. Wirth, 717–17th St., Suite 2600, Denver, CO 80202–3357, (303) 892–6700. Transporting *lumber and wood products*, between points in the U.S. (except AK and HI).

Volume No. OP4–226

Decided: April 13, 1983.

By the Commission, Review Board No. 3, members Krock, Joyce, and Dowell.

MC 138926 (Sub-10), filed April 7, 1983. Applicant: GENCOM, INC., R.R. #4, Box 697, Marshall, MO 65340. Representative: Thomas P. Rose, P.O. Box 205, Jefferson City, MO 65102, (314) 636–2321. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in MO and KS, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 140787 (Sub-2), filed April 4, 1983. Applicant: GIVENS TRUCKING COMPANY, INC., 1720 S Military Hwy, Chesapeake, VA 23320. Representative: Frank B. Hand, Jr., P.O. Box 145G, Berryville, VA 22611, (703) 662–0927. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Givens, Incorporated of Chesapeake, VA.

MC 142397 (Sub-1), filed April 4, 1983. Applicant: DENNIS J. LAUGHLIN, d.b.a. DENNIS J. LAUGHLIN TRUCKING, 130 Sawyer Ave., Tonawanda, NY 14150. Representative: Michael R. Werner, 241 Cedar Lane, Teaneck, NJ 07666, (201) 836–1144. Transporting *those commodities which because of their size or weight require the use of special handling or equipment and transportation equipment*, between points in NY, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 143656 (Sub-6), filed April 7, 1983. Applicant: GOLD LEAF TRUCKING COMPANY, 2927 Retnag Rd., Petersburg, VA 23803. Representative: David B. Kearney, 1400 Ross Bldg., Richmond, VA 23219, (804) 644–4131. Transporting *tobacco products*, between points in Middlesex County, NJ, and Chesterfield County, VA, on the one hand, and, on the other, Petersburg, VA, and points in Bibb County, GA.

MC 144587 (Sub-4), filed April 5, 1983. Applicant: DON E. KEITH, 2990 Pierce Rd., Bakersfield, CA 93308. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306, (805) 872–1106. Transporting *petroleum, natural gas and their products*, between points in CA, on the hand, and, on the other, points in AZ.

MC 144667 (Sub-27), filed April 7, 1983. Applicant: ARTHUR E. SMITH & SON TRUCKING, INC., P.O. Box 1054, Scottsbluff, NE 69361. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. Transporting *general commodities*, (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 148116 (Sub-1), filed April 7, 1983. Applicant: TOM JOSEPH ENTERPRISES, INC., 8000 Cleveland Ave., N, N Canton, OH 44720. Representative: Boyd B. Ferris, 50 W Broad St., Columbus, OH 43215, (614) 464–4103. Transporting *transportation equipment*, between points in the U.S. (except AK and HI).

MC 152117 (Sub-4), filed April 8, 1983. Applicant: LITTLE GINNEY TRANSPORT SYSTEMS, INC., 1112 29th Ave., S.W., Cedar Rapids, IA 52406. Representative: Virginia A. Wilson (same address as applicant), (319) 366–0347. Transporting *general commodities*, (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 152176 (Sub-4), filed April 8, 1983. Applicant: SAIN & HEAVNER TRUCKING, Route 1, Box 316, Vale, NC 28168. Representative: Frank A. Graham, Jr., P.O. Box 11864, Columbia, SC 29211, (803) 799–9122. Transporting *glass and glassware*, between points in NC and FL, under continuing contract(s) with PPG Industries, Inc., of Pittsburgh, PA.

MC 166806, filed March 15, 1983. Applicant: DES PLAINES SOD CENTER, INC., d.b.a. D.S.C. TRANSPORTATION, P.O. Box 380, Algonquin, IL 60102. Representative: Donald S. Mullins, 1033 Graceland Ave., Des Plaines, IL 60016, (312) 298–1094. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

Volume No. OP4–229

Decided: April 13, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing. (Member Carleton not participating.)

MC 35756 (Sub-2), filed April 5, 1983. Applicant: HARRY E. CULBERTSON, INC., 1235 Crease St., Philadelphia, PA 19125. Representative: James H. Sweeney, P.O. Box 9023, Lester, PA 19113, (215) 365–5141. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in DE, MD, NJ, NY, PA and DC.

MC 42866 (Sub-23), filed April 5, 1983. Applicant: NATIONAL VAN LINES, INC., 2800 Roosevelt Rd., Broadview, IL 60153. Representative: John P. Torpats (same address as applicant), (312) 450–2900. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Robert Lipin, d.b.a. RPL Associates, Inc., of Southfield, MI.

MC 139666 (Sub-6), filed April 4, 1983. Applicant: AIRCRAG CORPORATION, 12255 N.E. Whitaker Way, Portland, OR 97230. Representative: Manuel G. Garcia, (same address as applicant), (503) 256–4326. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA, and WY.

MC 145557 (Sub-20), filed April 5, 1983. Applicant: LIBERTY TRANSPORT, INC., P.O. Box 9182, Kansas City, MO 64168. Representative: George M. Butler (same address as applicant), (816) 241–5164. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 153457 (Sub-4), filed April 6, 1983. Applicant: TEXAS U.S. TRUCKING, INC., 3061 Hardy St., Fort Worth, TX 76106. Representative: A. C. McAdams (same address as applicant), (817) 625–4191. Transporting *rubber, plastic and related products*, between points in TX, on the one hand, and, on the other, points in the U.S. (except HI).

MC 154428 (Sub-4), filed April 4, 1983. Applicant: DITZFELD TRANSFER, INC., 104 W. Pacific, Sedalia, MO 65301. Representative: Jeremiah D. Finnegan, 4225 Baltimore Ave., Kansas City, MO 64111, (816) 753–1122. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in

MO and KS, on the one hand, and, on the other, points in the U.S. (except HI).

MC 156537 (Sub-1), filed April 4, 1983. Applicant: CARBEC, INC., 108 Montcalm N., Candiac, Quebec, Canada J5R 3L8. Representative: Ronald I. Shapss, 450 7th Ave., New York, NY 10123, (212) 239–4610. Transporting *general commodities* (except classes A and B explosives and household goods), between points in NJ, NH, MA, RI, ME, VA, NC, SC, GA, FL, WV, NY, VT, PA, MD, DE, CT, IL, MI, OH, TX, and DC.

MC 160787 (Sub-8), filed April 6, 1983. Applicant: LADD TRANSPORTATION, INC., #1 Plaza Center, Box HP 3, High Point, NC 27261. Representative: Beverly C. Davis (same address as applicant), (919) 889–0333. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Covington Diesel, Inc., of Greensboro, NC.

MC 164337 (Sub-1), filed April 5, 1983. Applicant: FORT WASHINGTON TRUCKING CO., Suburban Trust Bank Bldg., 5410 Indian Head Hwy, Suite 300, Oxon Hill, MD 20745. Representative: Delma L. Reese, II (same address as applicant), (301) 567–1322. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

MC 165226 (Sub-2), April 6, 1983 Applicant: WISCONSIN ILLINOIS STAGES, INC., Rt. 3, Box 349B, Theatre Rd., Delavan, WI 53115. Representative: Steven L. Weiman, Suite 200, 444 N. Frederick Ave., Gaithersburg, MD 20877, (301) 840–8565. (A) In interstate or foreign commerce, transporting *passengers*, (1) between junction of Walworth County Hwy BB and Willow Rd., southwest of Lake Geneva, WI and Chicago, IL: from junction Walworth County Hwy BB and Willow Rd., over Willow Rd. to junction WI Hwy 120, then over WI Hwy 120 to the WI–IL State line, then over IL Hwy 47 to junction U.S. Hwy 14, then over U.S. Hwy 14 to junction IL Hwy 53, then over IL Hwy 53 to junction Interstate Hwy 90, then over Interstate Hwy 90 to Chicago, IL, serving all intermediate points, and (2) between junction WI Hwy 120 and Walworth County Hwy BB, south of Lake Geneva, WI and the junction of WI Hwy 120 and Willow Rd., over WI Hwy 120, serving all intermediate points, and the off-route point of Powers Lake, WI. (B) In interstate, intrastate, and foreign commerce, transporting *passengers*, between junction IL Hwy 47 and the WI–IL State line, and Chicago, IL: from junction IL Hwy 47 and the WI–IL State line, over IL Hwy 47 to junction U.S. Hwy 14, then over U.S. Hwy 14 to junction IL Hwy 53, then over IL Hwy 53 to junction Interstate Hwy 90, then over Interstate Hwy 90 to Chicago, IL, serving all intermediate points. Note: Applicant seeks to provide regular-route service in interstate or foreign commerce and in intrastate commerce under 49 U.S.C. 10922(c) (2)(B) over the same route. (C) In intrastate commerce, transporting *passengers*, between Antioch, IL and Chicago, IL: from Antioch over IL Hwy 173 to junction Interstate Hwy 94, then over Interstate Hwy 94 to junction Interstate Hwy 294, then over Interstate Hwy 294 to junction Interstate Hwy 90, then over Interstate Hwy 90 to Chicago, IL, serving all intermediate points.

Note.—Applicant intends to tack this authority with its existing authority. Applicant seeks to provide regular-route service in interstate of foreign commerce.

Note.—Applicant seeks to provide regular-route service in intrastate commerce under 49 U.S.C. 10922(c)(2(B).

MC 166126, filed April 4, 1983. Applicant: KWIK-WAY-WEST, INC., 925 West Main St., Rock Hill, SC 29730. Representative: C. Jack Pearce, 1000 Connecticut Ave. NW, Suite 1200, Washington, DC 20036, (202) 785–0048. Transporting *such commodities* as are dealt in or used by retail stores, between points in York County, SC, on the one hand, and, on the other, points in the U.S. (except AK and HI). under continuing contract(s) with Smith Enterprises, Inc., of Rock Hill, NC.

MC 167246, filed April 5, 1983. Applicant: ASSOCIATED FOOD STORES, INC., Airport Rd., P.O. Box 4069, Helena, MT 59601. Representative: William E. O'Leary, 111 N. Last Chance Gulch, 4G Arcade Bldg., Helena, MT 59601, (406) 443–4010. Transporting *food and related products*, between points in WA, OR, CA, ID, MT, UT, and AZ.

For the following, please direct status calls to Team 5 at 202–275–7289.

Volume No. OP5–185

Decided: April 13, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Parker not participating.)

MC 5428 (Sub-16), filed April 5, 1983. Applicant: LYON VAN LINES, INC., P.O. Box 5011, Carrollton, TX 75006. Representative: J. B. Stuart (same address as applicant), (214) 446–1500. Transporting *household goods*, between poins in the U.S., under continuing contract(s) with Gould, Inc., of Rolling Meadows, IL.

MC 41096 (Sub-106), filed April 6, 1983. Applicant: GLOBAL VAN LINES, INC., One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K St., NW, Washington, DC 20006 (202) 833–8884. Transporting *household goods*, between points in the U.S., under continuing contract(s) with ITT-Grinnell Corporation, of providnce, RI and its subsidiaries.

MC 164979 (Sub-1), filed April 4, 1983. Applicant: MERCED TRANSPORTATION COMPANY, d.b.a. VIA CHARTER LINES, 300 Grogan Avenue, Merced, CA 95304. Representative: Eldon M. Johnson, 650 California St., Suite 2808, San Francisco, CA 94108, (415) 986–8696. Transporting *passengers*, between Merced, CA, and Yosemite National Park, CA, over U.S. Hwy 140, serving all intermediate points.

Note.—Applicant seeks to provide regular-route service in interstate or foreign commerce and in intrastate commerce under U.S.C 10922(c)(2)(B) over the same route.

MC 165929, filed March 28, 1983. Applicant: SHING KEE TRANSPORT, 107 Alta Vista Way, Daly City, CA 94014. Representative: Michael G.W. Lee, 407 Sansome St., Second Floor, San Francisco, CA 94111, 415–788–9000.Transporting *food and related products*, between points in the U.S. (except AK and HI).

MC 166909(a), filed March 28, 1983. Applicant: DON ADAMS LIVESTOCK TRUCKING, INC., 415 So. 25th St., Billings, MT 59101. Representative: Charles A. Murray, Jr., 2822 Third Ave. N., Billings, MT 59101, (406) 252–4165. Transporting *foodstuffs* between points in Yellowstone County, MT, on the one hand, and, on the other, points in CA, OR, WA, ID, NV, AZ, WY, MT, CO, NM, and UT.

Note.—Applicant also seeks authority in MC–166909(b) published in this same Federal Register.

MC 167119, filed April 6, 1983. Applicant: HARRIS CORPORATION, 1025 W. Nasa Blvd., Melbourne, FL 32919. Representative: Steven L. Weiman, Suite 200, 444 N. Frederick Ave., Gaithersburg, MD 20877, 301–840–8565. Transporting *general commodities* (except classes A and B explosives, household good, and commodities in bulk) between points in the U.S. (except HI) under continuing contract(s) with Harris Graphics Corporation of Melbourne, FL.

[FR Doc. 83–10443 Filed 4–19–83; 8:45 am]
BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (fitness-only); Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods). The following applications for motor common of contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** on December 31,1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in the **Federal Register** on November 24, 1982, at 49 FR 53271. For compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E.

These applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please direct status inquiries to Team 2, (202) 275–7030.

Volume No. OP2–173

Decided: April 11, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 141872 (Sub-3), filed March 29, 1983. Applicant: MATS, INC., P.O. Box 1615, St. Paul, MN 55111. Representative: Andrew R. Clark, 1600 TCF Tower, Minneapolis, MN 55402, (612) 333–1341. Transporting *shipments weighing 100 pounds or less* if transported in a vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI).

MC 144602 (Sub-3), filed March 31, 1983. Applicant: CONTINENTAL LIMOUSINE SERVICE, INC., 1137 N. Highland St., Arlington, VA 22201. Representative: Andrew J. Carraway, Suite 1301, 1600 Wilson Blvd., Arlington, VA 22209, 703–522–0900. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note:—Applicant seeks to provide privately-funded charter and special transportation.

MC 153043 (Sub-2), filed March 8, 1983. Applicant: WEST SHORES LEASING CORP., 3102 W. Buckeye Rd., Phoenix, AZ 85009. Representative: Donald R. Hedrick, P.O. Box 4334, Santa Ana, CA 92702, 714–667–8107. Transporting (a) *passengers*, over *regular routes* (1) between Chandler, AZ and El Centro, CA: from the Chandler over AZ Hwy 87 to junction U.S. Hwy 80, then over U.S Hwy 80 to junction Interstate Hwy 8, then over Interstate Hwy 8 to El Centro, CA, (2) between El Centro and San Ysidro, CA: from El Centro over Interstate Hwy 8 to junction Interstate Hwy 805, then over Interstate Hwy 805 to San Ysidro, CA, (3) between San Ysidro and San Diego, CA over Interstate Hwy 5, (4) between San Diego and Los Angeles, CA: from San Diego over Interstate Hwy 5 to junction Interstate Hwy 10, then over Interstate Hwy 10 to Los Angeles, return over the same routes, and (5) serving all intermediate points in routes (1) thru (4) above, (b) *passengers*, in charter and special operations, between points in the U.S. (except HI), and (c) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except HI).

Notes:—(1) In part (a) applicant seeks to provide regular route service in interstate or foreign commerce and in intrastate commerce under 49 U.S.C. 10922 (c)(2)(b) over the same route. (2) In part (b) applicant seeks to provide privately-funded charter and special transportation. Part (a) is published in the **Federal Register**, this issue, with "regular applications".

MC 159703 (Sub-1), filed March 24, 1983. Applicant: DIXON BUS SERVICE, INC., d/b/a TRIPLE E, 2510 Woodberry St., Hyattsville, MD 20782. Representative: Ecks Steve Dixon, Sr. (same address as applicant), 301–422–8718. Transporting *passengers*, in special and charter operations, between points in the U.S. (except AK and HI).

Note: Applicant seeks to provide privately-funded charter and special transportation.

MC 166973, filed March 22, 1983. Applicant: SCHMIDT, PRITCHARD & CO., INC., 4849 North Scott St., Schiller Park, IL 60176. Representative: Thomas J. Garibaldi (same address as applicant) (312) 671–5130. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 166842, filed March 31, 1983. Applicant: CHARLES P. O'DELL d.b.a. EAST WEST MOTOR EXPRESS, 1705

Morningside Drive, Rapid City, SD 57701. Representative: J. Maurice Andren, 1734 Sheridan Lake Rd., Rapid City, SD 57701, 605–343–4036. Transporting (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI), (2) *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI), (3) *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in CO, MT, NE, ND, SD, and WY, on the one hand, and, on the other, points in the U.S. (except AK and HI), and (4) as a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

Note.—Part (3) is published in the Federal Register, this issue, with "regular applications".

MC 166993, filed March 23, 1983. Applicant: PARADISE COACH LINES, INC., 625 Tenth St. East, Palmetto, FL 33561. Representative: Baldwin R. Hatcher, Jr. (same address as applicant), 813–722–3444. Transporting *passengers*, in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 167003, filed March 24, 1983. Applicant: DAVID H. ETHERIDGE, 65 Fairland Court, Madison, WI 53713. Representative: Charles E. Dye, Swan Lake Village, Saddle Ridge No. 832, Portage, WI 53901, (606) 742–3579. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 167012, filed March 23, 1983. Applicant: REVITE, INC., 889 Frelinghuysen Ave., Newark, NJ 07114. Representative: Ronald I. Shapss, 450 Seventh Ave., New York, NY 10123, (212) 239–4610. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 167063, filed March 28, 1983. Applicant: BURROWS TRAVEL & LEASING, INC., 3112 Kathleen, Longview, TX 75604. Representative: Charles E. Munson, 500 West Sixteenth St., P.O. Box 1945, Austin, TX 78767, (512) 478–9808. Transporting *passengers*, in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 167133, filed March 29, 1983. Applicant: PAT & GORDON, INC., 270 Gloucester Pike, Lawnside, NJ 08045. Representative: Raymond Talipski, 121 S. Main St., Taylor, PA 18517, 717–344–8030. Transporting *passengers*, in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 167182, filed March 31, 1983. Applicant: RAYMOND W. MILLER, JR., d.b.a. CRICKETT LIMOUSINE & VAN SERVICE, R.D. No. 2, P.O. Box 190, Hanover, PA 17331. Representative: John Wills Beach, 34 West Middle St., Gettysburg, PA 17325, 717–334–9121. Transporting *passengers*, in special operations, beginning and ending at points in Adams, Cumberland, Lancaster, and York Counties, PA, and extending to points in DE, MD, NJ, NY, VA, WV, and DC.

Note.—Applicant seeks to provide privately-funded special transportation.

For the following, please direct status calls to Team 4 at 202–275–7669.

Volume No. OP4–230

Decided: April 13, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing. (Member Carleton not participating.)

MC 167087, filed March 29, 1983. Applicant: J. SCOTT, d.b.a. EXPERT FREIGHT BROKERS, 1717 N. Broadway, St. Louis, MO 63102. Representative: J. Scott (same address as applicant), (314) 231–6300. Transporting (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, (3) *used household goods* for the account of the United States Government incidental to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S. (except AK and HI), and (4) As a *broker of general commodities* (except household goods), between points in the U.S.

For the following, please direct status calls to Team 5 at 202–275–7289.

Volume No. OP5–186

Decided: April 13, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Parker not participating.)

MC 158549 (Sub-1), filed April 6, 1983. Applicant: NATIONAL BUS LINES, INC., 8046 Lakecrest Dr., Greenbelt, MD 20770. Representative: Steven L. Weiman, Suite 200, 444 N. Frederick Ave., Gaithersburg, MD 20877, 301–840–8565. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166909 (b), filed March 28, 1983. Applicant: DON ADAMS LIVESTOCK TRUCKING, INC., 415 So. 25th St., Billings, MT 59101. Representative: Charles A. Murray, Jr., 2822 Third Ave. N., Billings, MT 59101 (406) 252–4165. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

Note.—Applicant also seeks authority in MC–166909(b) published in this same **Federal Register**.

MC 167198, filed March 29, 1983. Applicant: G. G. & C. BUS COMPANY, INC., 2896 Jefferson Avenue, Washington, PA 15301. Representative: David N. Rutt, 321 Washington Trust Bldg., Washington, PA 15301 (412) 225–7660. Transporting *passengers*, in charter and special operations, between points in PA, WV, and OH.

Note.—The Board concludes that applicant is a privately funded carrier seeking to provide charter and special operations, notwithstanding the receipt of governmental financial assistance.

MC 167248, filed April 5, 1983. Applicant: GEORGE H. HOENES, JR., INC., P.O. Box 183, Cologne Ave. & Whitehouse Pike, Cologne, NJ 08213. Representative: Raymond Talipski, 121 South Main St., Taylor, PA 18517 (717) 344–8030. Transporting *passengers*, in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 167249, filed April 5, 1983. Applicant: DALE HUTCHINSON, Kenneth Ave., Webster, MA 01570.

Representative: Dale Hutchinson (same address as applicant), (617) 943–8933. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 167278, filed April 7, 1983. Applicant: LORNE HAMPTON, 33587 Church Rd., Warren, OR 97053. Representative: Lorne Hampton (same address as applicant), (503) 397–3167. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 167279, filed April 7, 1983. Applicant: BUSH MOVING, INC., d.b.a. ARIZONA TRAVELER CHARTER AND TOURS OF ARIZONA, 15242 N. 23rd Drive, Phoenix, AZ 85023. Representative: Ronald V. Meeks, 2924 North 24th Ave., Phoenix, AZ 85015 (602) 253–2700. Transporting *passengers*, in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

[FR Doc. 83–10444 Filed 4–19–83; 8:45 am]
BILLING CODE 7035–01–M

Motor Carrier; Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with provisions of 49 CFR 1131.3 These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the applicaiton is on file, and can be examined at the ICC Regional Office to which protest are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

The following applications were filed in Region 2. Send protests to: ICC, Fed. Res. Bank Bldg., Philadelphia, PA 19106.

MC 107012 (Sub-II–281TA), filed March 31, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Marget S. Vegeler (same as applcant). Contract, irregular: *General commodities*, (except household goods, classes A&B explosives, and commodities in bulk) between points in the U.S. under continuing contract(s) with Lumex, Inc., of Ronkonkoma, NY, and its divisions and subsidiaries. An underlying ETA seeks 120 days authority. Supporting shipper: Lumex, Inc., 2100 Smithtown Avenue, Ronkonkoma, NY 11779.

MC 107012 (Sub-II–282TA), filed March 31, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). Contract irregular: *household goods*, between points in the U.S., under continuing contract(s) with Intergraph Corporation, Huntsville, AL, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Intergraph Corp., P.O. Box 5183, Huntsville, AL 35807.

MC 107012 (Sub-II–283–ta), filed April 4, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). Contract irregular: *household goods* between points in the U.S., under continuing contract(s) with Systematics, Inc., of Little Rock, AR, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Systematics, Inc., 4001 Rodney Parham Rd., Little Rock, AR 72212.

MC 107012 (Sub-II–284–ta), filed April 4, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). Contract irregular: *household goods* between points in the U.S., under continuing contract(s) with Alpha Industries, Inc., of Woburn, MA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Alpha Industries, Inc., 20 Sylvan Rd., Woburn, MA 01801.

MC 107012 (Sub-II–285–ta), filed April 7, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). Contract irregular: *household goods* between points in the U.S., under continuing contract(s) with Sun Refining and Marketing Company of Phila., PA, for 270 days. Supporting shipper: Sun Refining and Marketing Co., Ten Penn Center, 1801 Market St., Phila., PA 19103.

MC 107012 (Sub-II–286–ta), filed April 8, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). Contract irregular: *household goods* between points in the U.S., under continuing contract(s) with Days Inn of America, Inc., of Atlanta, GA; for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Days Inn of America, Inc., 2751 Buford Highway, Atlanta, GA 30324.

This was first published in the **Federal Register** dated March 21, 1983.

MC 61334 (Sub-II–2TA), filed February 28, 1983. Applicant: TRANS-BRIDGE LINES, INC., 2012 Industrial Dr., Bethlehem, PA 18017. Representative: W. C. Mitchell, 370 Lexington Ave., New York, NY 10017. Common, regular: *Passengers and their baggage in the same vehicle with passengers*, between Bethlehem, PA and New York, NY. From Bethlehem, PA, over US Hwy 22 to junction Int. Hwy 78 at Still Valley, NJ, then over Int Hwy. 78 to junction Int. Hwy 287 at Pluckemin, NJ, then over Int. Hwy 287 to junction Int. Hwy 95 near Fords, NJ, then over Int. Hwy 95 and through the Lincoln Tunnel to New York, NY, and return over the same route, serving all intermediate points in PA and those in NJ, between Phillipsburg and Clinton, both inclusive, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): There ae twenty-one supporting statements to this application which may be examined at the Phila. Regional office. The purpose of this re-publication is to include baggage in description which was not shown in the previous publication.

This was first published in the **Federal Register** dated March 21, 1983. MC 158923 (Sub-II–4TA), filed February 22,

1983. Applicant: JOHN R. VALENTINO TRUCKING, R. D. #2, Box 9B, Cochranville, PA 19330. Representative: John R. Valentino (same address as applicant). *General commodities (except household goods as defined by the Commission, Classes A & B explosives, secret and sensitive weapons and munitions)* between points in NJ, NY, DE, PA, MD, DC, VA, CT, RI and MA. Applicant intends to tack this authority with its authority in MC–158923. Restricted to U.S. Government traffic. An underlying ETA seeks 120 days authority. Supporting Shipper(s): Veterans Administration Supply Depot, VASD Route 206, Somerville, NJ 08876. The purpose of this re-publication is to show tacking which was omitted in the previous publication.

MC 144672 (Sub-II–4–ta), filed March 28, 1983. Applicant: VICTORY EXPRESS, INC., P.O. Box 26189, Trotwood OH 45426. Representative: Richard H. Schaefer (same as applicant). *Building materials* between Lockland, OH and points in the states of IL, IN, IA, KY, MI, MO, NC, PA, TN, VA, WV, and WI for 270 days. An underlying eta seeks 120 days authority. Supporting shipper(s) Jim Walter Corp., P.O. Box 22602, 1500 N. Dole Mabry, Tampa, FL 33622.

Note.—Applicant holds contract authority in MC 55822 and subnumbers therefore dual operations may be involved.

MC 150522 (Sub-II–10TA), filed April 5, 1983. Applicant: VIRGINIAN POWER TRANSPORT CO., INC., P.O. Box 603, Poca, WV 25159. Representative: John M. Friedman, 2930 Putnam Ave., P.O.B. 426, Hurricane, WV 25526. *Materials, supplies and equipment used in the manufacture, production, maintenance and sale of aquariums* between Staley, NC, Lyndhurst, NJ, and Mineral Wells, WV, on the one hand, and, on the other, points in FL, NE, OH, MD, MO, SC, IN, NC, NJ, IL, and VA for 270 days. Supporting shipper(s) : Emix Corp, Blair Ave., Mineral Wells, WV 26150.

MC 30237 (Sub-II–11TA), filed April 5, 1983. Applicant: YEATTS TRANSFER COMPANY., P.O. Box 666, Altavista, VA 24517. Representative: J. Johnson Eller, Jr., 712 Main St., Altavista, VA 24517. *Plastic or rubber atricles* between points in Middlesex County, NJ, Erie County, NY, Hillsboro County, NH and Buncombe County, NC, on the one hand, and, on the other, points in Campbell County, VA. Supporting shipper: Abbott Laboratories Hospital Products Div., P.O Drawer 650, Altavista, VA 24517.

The following applications were filed in Region 3. Send protests to: ICC, Regional Authority Center, Room 300, 1776 Peachtree Street, NE., Altanta, GA 30309.

MC 164399 (Sub-3–3TA), filed April 7, 1983. Applicant: L. S. TRUCKING, INC., 9003 Tara Boulevard, Jonesboro, GA 30236. Representative: Philip L. Martin, 3537 Habersham at Northlake, P.O. Box 450107, Atlanta, GA 30345. *Contract:* Irregular: *Alcoholic beverages, materials and supplies and related items* between points in the US, under continuing contract with Dixie Distributing Co. Supporting Shipper: Dixie Distributing Co., 1350 Talbetton Road, Columbus, GA 31702.

MC 682 (Sub-3–9TA), filed April 7, 1983. Applicant: BURNHAM VAN SERVICE, INC., 5000 Burnham Boulevard, Columbus, GA 31907. Representative: David Earl Tinker, 1000 Connecticut Avenue, N.W., Suite 1112, Washington, DC 20036–5391. *Contract,* Irregular *graphic arts cameras and supplies* from Tamarac, FL; South Hackensack, NJ; Elmhurst, IL; Arlington, TX; Garden Grove, CA, to points in the United States, with return of equipment from points in the United States to those points listed above, under continuing contract(s) with Visual Graphics Corporation, of Tamarac, FL. Supporting shipper: Visual Graphics Corporation, 5701 N.W. 94th Avenue, Tamarac, FL 33321.

MC 166038 (Sub-3–6TA), filed April 6, 1983. Applicant: AMERICAN TARA CORPORATION, 5667 New Peachtree Rd., Atlanta, GA 30326.Representative: Bruce E. Mitchell, Suite 520, 3390 Peachtree Rd., NE, Atalanta, GA 30326. *Irregular routes: contract carrier: business forms, stock tabs, and related materials, equipment and supplies used by office business supply houses,* between the facilities of Computer Business Forms located at or near Greensboro, NC and Atlanta, GA under contract or continuing contracts with Computer Business Forms of Greensboro, NC.

MC 166038 (Sub-3–7 TA), filed April 6, 1983. Applicant: AMERICAN TARA CORPORATION, 5667 New Peachtree Rd., Atlanta, GA 30341. Representative: Bruce E. Mitchell, Suite 520, 3390 Peachtree Rd., NE, Atlanta, GA 30326. *Irregular routes: contract carrier: business forms, stock tabs and related materials, equipment and supplies,* between the facilities of DSI Forms, Inc. located at or near Palatka, FL and Norcross, GA under contract or continuing contracts with DSI Forms, Inc.

MC 166038 (Sub-3–2TA), filed April 6, 1983. Applicant: AMERICAN TARA CORPORATION, 5667 New Peachtree Road, Atlanta, GA 30341 Representative: Bruce E. Mitchell, Suite 520, 3390 Peachtree Road, NE, Atlanta, GA 30326. *Contract:* irregular:;*business forms, stock tabs and related materials, equipment and supplies used by office business supply houses,* between the facilities of Office Electronics, Inc. located at or near Belmar, NJ, Atlanta, GA, Minneapolis MN, Milwaukee, WI, St. Louis and Kansas City, MO, Houston, TX, and Itasca, IL under contract or continuing contracts with Office Electronics, Inc. of Oakbrook, IL.

MC 166038 (Sub-3–5 TA),Filed April 6, 1983. Applicant: AMERICAN TARA CORPORATION, 5667 New Peachtree Rd., Atlanta, GA 30341. Representative: Bruce E. Mitchell, Esquire, Serby & Mitchell, P.C., Suite 520, 3390 Peachtree Rd., NE, Atlanta, GA 30326. *Irregular Routes: contract carrier: business forms, stock tabs and related materials, equipment and supplies used by office business supply houses,* (1) between the facilities of Texas Stock Tab at or near Coppell, TX and Kearnysville, WV, and Duluth, GA; and (2) between the facilities of Texas Stock Tab located at St. Louis, MO and Chicago, IL under contract or continuing contracts with Texas Stock Tab of Coppell, TX.

MC 166038 (Sub-3–3TA), filed April 6, 1983. Applicant: AMERICAN TARA CORPORATION, 5667 New Peachtree Rd., Atlanta, GA 30341. Representative: Bruce E. Mitchell, Suite 520, 3390 Peachtree Rd., NE, Atlanta, GA 30326. *Irregular routes: contract carrier: business forms, stock tabs and related materials, equipment and supplies used by office business supply houses,* between the facilities of Unified Data Products Corporation of Vermont, at or near Grafton, VT, and Fairlawn and Rutherford, NJ under contract or continuing contracts with Unified Data Products Corporation of Vermont.

MC 128117 (Sub-3–16TA), filed April 5, 1983. Applicant: NORTON-RAMSEY MOTOR LINES, INC., P.O. Box 896, Hickory, NC 28601. Representative: Edward T. Love, 4401 East West Highway, Suite 404, Bethesda, MD 20814. *New furniture and furniture parts,* between points in Sumter County, SC, on the one hand, and, on the other, points in Harris County, TX. Supporting shipper: Finger Furniture Company, Inc., 4001 Gulf Freeway, Houston, TX 77003.

MC 166038 (Sub-3–4TA), filed April 6, 1983. Applicant: AMERICAN TARA CORPORATION, 5667 New Peachtree Rd., Atlanta, GA 30341. Representative: Bruce E. Mitchell, Suite 520, 3390 Peachtree Rd., NE, Atlanta, GA 30326. *Irregular routes: contract carrier: business forms, stock tabs and related*

materials, equipment and supplies, between the facilities of Better business Forms, Inc. at or near Pinellas Park, FL and Atlanta, GA under contract or continuing contracts with Better Business Forms, Inc. of Pinellas Park, FL.

MC 166868 (Sub-3–1TA), filed April 5, 1983. Applicant: EXECUTIVE EXPRESS OF ALABAMA, 1031 South 21st Street, Birmingham, AL 35205. Representative: Ted A. Holder (same address as applicant. *Passengers, special operations* between Birmingham, AL and its Commercial Zone and Atlanat, GA and its commercial zone. Supporting shippers: There are six statements in support of this application which may be examined at the I.C.C. Regional Office, Atlanta, GA.

MC 144218 (Sub-3–6TA), filed April 5, 1983. Applicant: FELDSPAR TRUCKING COMPANY, INC., P.O. Box 858 Spruce Pine, NC 28777. Representative: Joseph L. Steinfeld, Jr., 915 Pennsylvania Building, 425 13th Street, NW, Washington, DC 20004. *Machinery and machinery parts and supplies,* over irregular routes, between the facilities of Homelite, Division of Textron, Inc., located at or near Gastonia, NC, on the one hand, and, on the other, Pine Brook, NJ, Chicago, IL, Dallas, TX, Denver, CO, Sacramento, CA, Milwaukee, Kohler, Grafton, and Clintonville, WI, and Indianapolis, IN, and points in their commercial zones. Supporting shipper: Homelite, Division of Textron, Inc., P.O. Box 1500, Gastonia, NC 28052.

MC 144218 (Sub-3–5TA), filed April 5, 1983. Applicant: FELDSPAR TRUCKING CO., INC., P.O. Box 858, Spruce Pine, NC 28777. Representative: Joseph L. Steinfeld, Jr., 915 Pennsylvania Building, 425 13th Street, NW, Washington, DC 20004. *Contract* carrier, irregular: *such commodities as are dealt in or used by fabric stores,* between Charlotte, NC, and points in its commercial zone, on the one hand, and, on the other, points in the U.S. in and east of TX, AR, MO, IA, and MN, under continuing contract(s) with Minnesota Fabrics, Inc., of Charlotte, NC. Supporting shipper: Minnesota Fabrics, Inc., P.O. Box 32806, Charlotte, NC 28232.

MC 162900 (Sub-3–TA), filed April 5, 1983. Applicant: BEN R. COX d.b.a. COX TRUCKING COMPANY 414 South Road P.O. Box 5105, High Point, North Carolina 27262. Representative: Mrs. Jean Cox (same address as applicant). *Contract:* irregular: *fibreboard boxes and related products used in the manufacture, sale and distribution of fibreboard boxes* between points in NY, MA, PA, WV, VA, SC, GA, TN, OH, FL, AL, LA, MS, AR, NJ, MD, DE, CT, NC. Supporting shipper: Container Corporation of America, P.O. Box 1225, Stone Mountain, Georgia, 30086.

MC 146869 (Sub-3–11TA), filed April 4, 1983. Applicant: CARRIER FREIGHT LINES, INC., P.C. Box 813, Hickory, NC 28601. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Building, Charlotte, NC 28204. *Wine, brandy and alcoholic beverages,* from Modesto, CA to Atlanta, and Savannah, GA. Supporting Shipper: Empire Distributors, Inc., 6100 Emmanuel Drive, S.W., Atlanta, GA 30336.

The following applications were filed in region 5. Send protest to: Consumer Assistance Center Interstate Commerce Commission, 411 West 7th Street, Suite 500, Fort Worth, TX 76102.

MC 61396 (Sub-5–27TA), filed April 6, 1983. Applicant: HERMAN BROS. INC., P. O. Box 189, Omaha, NE 68101. Representative: Jack L. Shultz. P.O. Box 82028, Lincoln, NE 68501–2028. *Petroleum products,* between points in Pottawattamie County, IA on the one hand, and, on the other, points in CO, IA, ID, IL, KS, MO, MN, NE, ND, OK, SD, TX, and WY. Supporting shipper: McCollister & Co., Council Bluffs, IA.

MC 147676 (Sub-5–15TA), filed April 7, 1983. Applicant: KEATON TRUCK LINES, INC., P.O. Box 1187, Texarkana, TX 75504. Representative: Patsy R. Washington (same as above). *Cleaning Compounds and materials and supplies used in the manufacturer thereof* between a 50-mile radius of Atlanta, GA on the one hand, and, on the other, all points in the contiguous U.S. Supporting shipper: Diversey-Wyandotte Corp., Tucher, GA.

MC 147676 (Sub-5–16TA), filed April 7, 1983. Applicant: KEATON TRUCK LINES, INC., P.O. Box 1187, Texarkana, TX 75504. Representative: Patsy R. Washington (same above). *General Commodities except items in bulk, class A & B explosives, and items of unusual value,* between a 50-mile radius of Atlanta, GA and Chicago, IL, on the one hand; and, on the other, all points in the contiguous U.S. Supporting shipper: Hoyne Industries, Inc., Conyers, GA.

MC 150809 (Sub-5–13TA), filed April 6, 1983. Applicant: CENTURY CONCRETE CO., d.b.a. FLYNN CENTURY CONCRETE CO., East 12th Street, Dubuque, IA 52001. Representative: Carl E. Munson, P.O. Box 796, Dubuque, IA 52001. *Cement,* from points in Rock Island County, IL, to points in IA. Supporting shipper: Dundee Cement Company, Clarksville, MO.

MC 152117 (Sub-5–6TA), filed April 6, 1983. Applicant: LITTLE GINNY TRANSPORT SYSTEMS, INC., 1112 29th Avenue, S.W., Cedar Rapids, IA 52408. Representative: Virginia A. Wilson (same). *General Commodities* (except Classes A and B Explosives, commodities in bulk, those commodities which because of their size or weight require the use of special handling or equipment and household goods) between points in the U.S. (excluding AK & HI). Support shippers: 15.

MC 161236 (Sub-5–2TA), filed April 8, 1983. Applicant: BARBARA KRAKLIO, d.b.a. K & K TRUCKING, R.R. #1, Box 106, Eldridge, IA 52748. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. (1) *Silica sand,* between Scott County, IA, on the one hand, and, on the other, Ottawa County, OK, and points in IL and (2) *crushed glass,* between Polk County, IA, on the one hand, and, on the other, Okmulgee County, OK; St. Louis, MO; and points in IL. Supporting Shipper: Container Recovery, Inc., Des Moines, IA and Marthens Company, Davenport, IA.

MC 165947 (Sub-5–2TA), filed April 6, 1983. Applicant: HOWARD LOVE MACHINERY AND SUPPLY CO., 1717 East Loop, Suite 330, Houston, TX 77029. Representative: Doyle G. Owens, P.O. Box 7735, Beaumont, TX 77706. *Hot Coal Tar and Asphalt, in bulk,* between Lone Star, TX and Schererville, IN. Supporting shipper: Midwest Pipe Coating, Inc., Schererville, IN.

MC 166644 (Sub-5–1TA), filed April 6, 1983. Applicant: FAST DELIVERY SERVICE, 1001 South Main Street, Nashville, AR 71852. Representative: Frank Wilkins, 1001 South Main Street, Nashville, AR 71852. *General Commodities express service limited to 1000 lbs. or less per shipment* between Texarkana, TX, Texarkana, AR, Commercial Zone and the following counties in AR, Little River, Sevier, Howard, Pike, and Hempstead. Supporting shippers: 10.

MC 166736 (Sub-5–2TA), filed April 7, 1983. Applicant: RKM EQUIPMENT & TRUCKING, INC., P.O. Box 767, Yukon, OK 73099. Representative: William P. Parker, P.O. Box 54657, Oklahoma City, OK 73154. (1) *Metal Products,* from Pryor, OK and Van Buren, AR to points in the U.S. (except AK and HI) and (2) *Machinery,* between points in the U.S. (except AK and HI) restricted to traffic moving for the account of Harris Machine Tools, Inc. and Bob Kaufman Machinery Corp. Supporting shipper(s): Harris Machine Tools, Inc., Houston, TX; Bob Kaufman Machinery Corp., North Chicago, IL; HEM, Inc., Pryor, OK.

MC 166923 (Sub-5–1TA), filed April 8, 1983. Applicant: KAPEX, 6455 Parker Road, St. Louis, MO 63033. Representative: James P. Main (Same as

applicant). Toys and Plastic molded objects, between the facilities of Alma Plastics at or near Edinbergh, IN on the one hand, and, on the other the facilities of Learning Products at or near St. Louis, MO. Alma Plastics, Edinbergh, IN; Learning Products, St. Louis, MO.

MC 167139 (Sub-5–1TA), filed April 8, 1983. Applicant: DANMARR TRANSIT, INC., 24 Royale Dr., Van Buren, AR 72956. Representative: Marr Lynn Bearden (same as above). *Paper and Paper Products,* between AR, OK, KS, MO, TX, TN and GA. Supporting Shipper: Inland Container Corp., Ft. Smith, AR.

MC 167251 (Sub-5–1TA), filed April 6, 1983. Applicant: FLEETWOOD EXPRESS, INC., 2813 18th Avenue, Scottsbluff, NE 69361. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501–2028. *Fertilizer* in *bulk,* between points in Laramie County, WY, on the one hand, and, on the other, points in Scotts Bluff, Morrill, Box Butte, Banner and Cheyenne Counties, NE. Supporting shipper: Panhandle Co–op Association, Scottsbluff, NE.

MC 167284 (Subs-5–1TA), Filed April 8, 1983. Applicant: SOIL FERTILITY OF TEXAS, INC., P.O. Box 815, Nacogdoches, TX 75961. Representative: Nelson M. Davidson, Jr., P.O. Box 1148, Austin, TX 78767. *Fertilizer and fertilizer materials* from Nacogdoches, Tyler, Galena Park and Freeport, TX, to points in AR and LA. Supporting Shipper: American Plant Food Corp., Galena Park, TX.

The Following Applications Were Filed In Region 6. Send Protests to: Interstate Commerce Commission, Region 6 Motor Carrier Board, 211 Main St. Suite 501, San Francisco, CA 94105.

MC 167196 (Sub-6–1TA), filed April 7, 1983. Applicant: ROBERT E. DAY, d.b.a. CORDOVA AIRPORTER, P.O.B. 2309, Cordova, AK 99574. Representative: Lawrence N. Minch, Two Embarcadero Center, San Francisco, CA 94111. *General Commodities* (except Classes A & B explosivies) between points within a 25–mile radius of the city limits of Cordova, AK, including Cordova, AK, for 270 day. An underlying ETA seeks 120 days authority. Supporting Shippers: Foss Alaska Line, Inc., P.O.B. 80887, Seattle, WA 98108; Harbor Hydraulic & Welding, Cordova, AK 99574; Redden of Cordova, Inc., P.O.B. 2323, Cordova, AK 99574; Morpac, Inc., No. 1 Cannery Row Cordova AK 99574.

MC 167264 (Sub-6–1TA), filed April 6, 1983. Applicant: FRANKLIN A. DICKTEN ROBERT E. and AGORASTOS, a partnership d.b.a. D & A TRANSPORTATION, 15833 Slover Ave., Fontana, CA 92335. Representative: Roy Gray, P O Box 344, Bloomington, CA 92316. Clay, concrete, glass, stone, fabricated metal products and non metallic minerals, from points in AZ, CA, CO, MT, NM, NV, MO, OK, TX, UT, for 270 days. *Supporting shippers:* Kaygor Inc., 1243 Transit St., Pomona, CA 91769: EXPAC Inc., P.O. Box 804, Rancho Cucamonga, CA 91709; J and R Concrete Products, Inc., 11050 Redwood Ave., Fontana, CA 92335.

MC 167263 (Sub-6–1TA), filed April 6, 1983. Applicant: ANDRESA DULAY, 1925 Dover St., Delano, CA 93215. Representative: M. Dwain Smith, 1120 Kensington, Delano, CA 93215. *Passengers,* between Delano, CA and Las Vegas, NV, for 270 days. *Supporting shippers:* There are 5 shippers. Their statements may be examined at the regional office listed above.

MC 41098 (Sub-6–25TA), filed April 7, 1983. Applicant: GLOBAL VAN LINES, INC., One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K St., N.W., Washington, D.C. 20006. *Contract carrier,* irregular routes, transporting *household goods* between points in the U.S. under continuing contract(s) with The Hertz Corporation of New York, NY for 270 days. *Supporting shipper:* The Hertz Corporation, 660 Madison Avenue, New York, NY 10021.

MC 41098 (Sub-6–26TA), filed April 7, 1983. Applicant: GLOBAL VAN LINES, INC., One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K St., N.W., Washington, D.C. 20006. *Contract,* irregular, *Household goods* between points in the U.S. under continuing contract(s) with Gould Inc. of Rolling Meadows, IL and its subsidiaries, for 270 days. *Supporting shipper:* Gould Inc., 10 Gould Center, Rolling Meadows, IL 60008.

MC 164274 (Sub-6–1TA), filed April 7, 1983. Applicant: L & D ENTERPRISES, INC., 14909 NE 26th Street, Vancouver, WA 98664. Representative: David C. White, 2400 SW Fourth Ave., Portland, OR 97201. *Styrofoam cups* and *lids,* between p;oints in Contra Costa and Marin Counties, CA, on the one hand, and, on the other, points in AZ, UT and WA, for 270 days. ETA has been filed seeking 120 days' authority. *Supporting shipper:* Handi-Cup Company, 195 Tamal Vista, Corte Madera, CA 94925.

MC 167265 (Sub-6–1TA), filed April 6, 1983. Applicant: EMIL J. SAYLES, P.O.B. 1047, Evansville WY 82636. Representative: Sandra L. Sayles, 8450 Weld County Road 64, Windsor, CO 80550. *Oilfield equipment, materials and supplies used for same,* between points in WY, CO, KS, ME, OK, TX, LA, NM for 270 days. Supporting shipper: Black Hills Bentonite Co., POB 9, Mills, WY 82644.

MC 121366 (Sub-6–1TA), filed April 6, 1983. Applicant: DALLAS SMITH TRANSPORT CORP., 1102 E. Tonto St., Phoenix, AZ 85034. Representative: Andrew V. Baylor, 337 E. Elm St., Phoenix, AZ 85012. *Motor vehicles* between points in IL, MI and WA for 270 days. Interline privileges requested. An underlying ETA seeks 120 days authority. Supporting shipper: Ford Motor Company, 1 Parklane Blvd, Parklane Towers East, Suite 200, Dearborn, MI 48126.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–10445 Filed 4–19–83; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Proposed Exemptions

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemptions.

SUMMARY: The motor carriers shown below seek exemptions pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property Under 49 U.S.C. 11343,* 367 I.C.C. 113 (1982), 47 FR 53303 (November 24, 1982).

DATE: Comments must be received within 30 days after the date of publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Warren C. Wood (202) 275–7977.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

By the Commission. Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

Volume No. OP3–163

Decided: April 13, 1980.

Maislin Industries, Ltd.—Continuance in Control Exemption—Contract Trucks, Inc., Maislin Transport, Ltd., Maislin Transport of Delaware, Inc., Gateway Transportation Co., Inc., Quinn Freight Lines, Inc., and Port Express International, Inc. MC–F–15184, Maislin Transport, Ltd. (MTL) (MC–108006), Maislin Industries, Ltd., (MIL), a non-carrier holding company, (MTL's parent

holding company) and Maislin Industries U.S., Inc. (MIUS), a non-carrier holding company (owned by MIL) seek an exemption from the requirement under section 11343 of prior regulatory approval for their continuance in control of Contract Truckers, Inc. (CTI) (an applicant for initial operating authority in MC–156254) (which is owned by MIUS). MTL also owns the stock of Maislin Transport of Delaware, Inc. (MTD)— (MC–60580) and Gateway Transportation Co., Inc. (MC–80430) and has temporary control of Quinn Freight Lines, Inc. (MC–4941). MIL also controls Port Express International, Inc., a Canadian non-carrier Corporation which is seeking to acquire a portion of the operating rights of Quinn in a separate proceeding (MC–F–14615).

Send comments to:

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423
and
(2) A. David Millner, 7 Becker Farm Road, P.O. Box Y, Roseland, NJ 07068.

Comments should refer to No. MC–F–15184.

Volume No. OP5–MCF–183

Decided: April 12, 1982.

Metroplex Freight Service, Inc.—Control Exemption—Metroplex Freight Service of Oklahoma, Inc.—MC–F–15230. Metroplex Freight Service, Inc., seeks an exemption from the requirement under section 11343 of prior regulatory approval for its control of Metroplex Freight Service of Oklahoma, Inc. (No. MC 167178).

Send comments to:

(1) Motor Section, Team 5, Room 2414, Interstate Commerce Commission, Washington, DC 20423
and
(2) Petitioner's representative D. Paul Stafford, Suite 1125—Frito Lay Tower, P.O. Box 45538, Dallas, TX 75245.

Comments should refer to No. MC–F–15230.

Note.—Metroplex Freight Service of Oklahoma, Inc. has filed a directly-related application in No. MC 167178, published in this same issue.

[FR Doc. 83–10440 Filed 4–19–83; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 30152]

Rail Carriers; Dillingham Holdings, Inc.—Control Exemption—Dillingham Corporation

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: Pursuant to 49 U.S.C. 10505, the Interstate Commerce Commission exempts from the requirements of prior approval under 49 U.S.C. 11343 the acquisition of common control of Amador Central Railroad, Eagle Motor Lines, Inc., Foss L&T, Inc., and Propane Transport, Inc.

DATES: This exemption will be effective on April 20, 1983. Petitions to reopen must be filed by May 10, 1983.

ADDRESSES: Send pleadings referring to Finance Docket No. 30152 to: (1) Rail Section, Room 5349, Interstate Commerce Commission, Washington, D.C. 20423; and (2) Petitioner's representative: Barbara Campbell, 21 Dupont Circle NW., Washington, D.C. 20036.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275–7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision contact: T. S. InfoSystems, Inc., Room 2227, c/o Interstate Commerce Commission, 12th and Constitution Ave. NW., Washington, D.C. 20423; or telephone: (202) 289–4357 (D.C. Metropolitan area), (800) 424–5403 (toll free-outside the D.C. area).

Decided: April 12, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–10438 Filed 4–19–83; 8:45 am]

BILLING CODE 7035–01–M

[No. 19610]

Rail Carriers; Switching Rates in Chicago Switching District

AGENCY: Interstate Commerce Commission.

ACTION: Notice of reopening to eliminate prescription.

SUMMARY: Several rail carriers operating in the Chicago Switching District have petitioned for relief from the minimum rate prescription entered in this proceeding, 177 I.C.C. 669 (1931), and subsequent decisions. The Commission has provisionaly decided to vacate the prescription in its entirety. Additional petitions, for special permission, are denied for lack of jurisdiction.

DATES: Comments are due on May 20, 1983. The relief will become effective on June 20, 1983, unless, in response to comments filed, the Commission issues a further decision modifying or withdrawing this relief.

ADDRESS: Send an original and, if possible, 15 copies of comments to: Rail Section, Room 5344, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275–7245; or Wendy Tillis, (202) 275–6445.

SUPPLEMENTARY INFORMATION: The Indiana Harbor Belt Railroad Company, the Chicago Short Line Railway Company, and the Baltimore & Ohio Chicago Terminal Railroad Company, each filed petitions requesting that rates prescribed in No. 19610, *supra*, be vacated for their single-line movements. The Elgin, Joliet & Eastern Railway and 16 other railroads have requested similar relief for their joint-line movements. Several of the petitioners have also requested that, should the order be vacated, they be allowed to supplement or reissue existing tariffs, increasing or reducing rates, on one day's notice.

In this case, originally decided over 50 years ago, the Commission prescribed minimum intrastate single-car rates for one, two, and three-line movements within the Chicago Switching District. The action was taken to remove discrimination against interstate commerce. These minimum rates, periodically revised by general increases, are still in effect today. The present rate for a single-car, single-line movement is 63 cents per 100 pounds at the RCCR–X002 level. (The two-line rate is 65 cents per 100 pounds, and the three-line rate is 68 cents per 100 pounds, minimum weight 60,000 pounds).

Petitioners agrue that the competitive environment has changed substantially since this proceeding originated. They contend also that since motor carriers operate free of regulation within the Chicago Commercial Zone, rail carriers, which must charge prescribed minimum rates, operate at a competitive disadvantage.[1] Petitioners note that the Staggers Rail Act and the National Rail Transportation Policy encourage rail carrier rate-making freedom and competition between modes of transportation. They indicate also, that the Commission has granted relief to the Elgin, Joliet & Eastern Railway Company (EJ&E) on single-line movements (STA-No. 81–6000 S, June 2, 1982) and that this places other rail carriers at a disadvantage vis-a-vis the EJ&E.

Circumstances have changed, and minimum rate prescriptions in this

[1] The commercial zone and terminal area exemptions are statutory. The limits of these zones are set by the Commission.

proceeding no longer appear warranted. Today's regulatory scheme encourages ratemaking freedom and competition among and between modes of transportation. The petitioning railroads allege that they no longer need the protection of minimum rate orders while their removal would be harmonious with elements of the rail transportation policy. Removal would (1) allow competition and demand to set reasonable rate levels, (2) reduce Federal regulatory control, (3) enhance competition among modes, and (4) foster sound economic conditions in transportation. In the circumstances, there no longer appears to be a valid regulatory purpose served by the outstanding order.

It does not appear that this decision will significally affect the quality of the human environment or conservation of energy resources.

49 U.S.C. 10321, 10701, 10702, and 10704)

Decided: April 8, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-10436 Filed 4-19-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 83-7726 beginning on page 12802 in the issue of Friday, March 25, 1983, make the following correction:

On page 12804, center column, MC 159224 (Sub-1), Henry's Van Service, Inc., lines 8 through 10, "(except classes A and B explosives, household goods, and commodities in bulk)" should have read "(except classes A and B explosives and commodies in bulk)".

BILLING CODE 1505-01-M

[Ex Parte No. 55 (Sub-No. 43D)

Certification of Canadian or Mexican Ownership or Control of Applicants for Motor Common or Contract Carrier Authority

AGENCY: Interstate Commerce Commission.

ACTION: Modification of temporary procedure.

SUMMARY: On September 27, 1982, the Commission modified temporarily its procedures for applying for motor carrier operating rights authority in order to comply with the statutory prohibition against issuance of certificates or permits to certain applicants as set forth in the Bus Regulatory Reform Act of 1982. All applicants were required to make certification with respect to Canadian or Mexican domicile, ownership or control. In accordance with the Bus Regulatory Reform Act of 1982, the President ended the moratorium as it pertained to Canada, and certification with respect to Canada is no longer required. Certification is still required with respect to Mexico. Failure to make the required certification will result in rejection of the application..

EFFECTIVE DATE: This procedure becomes effective April 20, 1983.

FOR FURTHER INFORMATION CONTACT:
Joseph B. O'Malley, Jr., (202) 275-7928
or
Howell I. Sporn, (202) 275-7691.

SUPPLEMENTARY INFORMATION: As enacted, Section 6(g) of the Bus Regulatory Reform Act of 1982 (Pub. L. No. 97-261) imposed a moratorium on the Commission's issuance of certificates or permits to motor carriers domiciled in Canada or Mexico or owned or controlled by Mexicans or Canadians. The Act authorizes the President to remove the moratorium in whole or in part upon determination that such action is in the national interest.

The President made an initial determination that, effective September 21, 1982, a partial suspension of the moratorium with respect to Canada was in the national interest, and he excepted certain categories or operating authority from the coverage of the moratorium. See 47 FR 7778. To enable the Commission to comply with the terms of the moratorium, as modified by the President, we adopted on September 27, 1982, a temporary procedure in Ex Parte No. 55 (Sub-No. 43D) published in the **Federal Register** on September 29, 1982 (47 FR 42948). That procedure required all motor carrier applicants for operating authority of any nature to provide certain certification regarding Canadian or Mexican domicile, ownership or control.

Subsequently, the President removed the moratorium for Canada, effective November 30, 1982. Accordingly, certification regarding Canadian domicile, ownerhip or control is no longer required and need not be submitted by motor carrier applicants. All motor carrier applicants, however, must continue to certify that they are neither domiciled in Mexico, nor owned or controlled by persons of that country. This certification must be in the following form:

I certify that the applicant in this proceeding is not domiciled in Mexico. Moreover, the applicant is not owned by or controlled by persons of that country.

This certification must appear on the first page of a verified statement immediately following the name and address of applicant. Details need not be furnished at this stage, but failure to include the certification will result in rejection of the application. A person desiring to challenge an applicant's representation of domicile, ownership or control may do so as part of the normal protect procedure applicable to the type of application filed.

Because this temporary procedural change is merely a change in agency procedure or practice, notice to the public and opportunity to comment prior to adoption of the temporary procedure is not required. 5 U.S.C. 553(b)(3)(A). In addition, notice and comment would be both impractical and unnecessary. 5 U.S.C. 553(b)(3)(B). As noted when we adopted the previous certification procedure in September 1982, the mandate of the statutory provision is clear and leaves no discretion with the Commission. In our procedures we have attempted to follow its language and intent, as modified by the President, as closely as possible without placing an undue burden on motor carrier applicants. The uncertain duration of the moratorium militates against any lengthy consideration of public input in our decision. For the above reasons, we find that there is good cause to dispense with notice and comment procedures. Similarly, there is good cause under 5 U.S.C. 553(d)(3) for making the procedure effective on less than 30 days' notice. The removal of Canadian applicants from the prohibitions of the moratorium is already in effect, and our modification of the temporary procedure here merely recognizes that fact and clarifies the type of information presently needed by the Commission.

This action will not have a significant impact on the quality of the human environment or conservation of energy resources.

The provisions of 5 U.S.C. 603 require that the Commission examine the impact of our action on small businessses and small organizations. We can perceive no significant economic impact on small entities as a result of this temporary procedure.

This action is taken under the authority of 49 U.S.C. 10321, and 10922(1), and 5 U.S.C. 553.

Decided: April 13, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-10440 Filed 4-19-83 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Proposed Consent Decree In Action To Enforce the Clean Water Act; City of Jacksonville

In accordance with Departmental policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on April 4, 1983, a proposed consent decree in *United States* v. *City of Jacksonville*, Civil Action No. 79-65-Civ-J-M, was lodged with the United States District Court for the Middle District of Florida.

The proposed consent decree resolves an action by the United States against the City of Jacksonville seeking injunctive relief and civil penalties under the Clean Water Act.

The Department of Justice will receive for a period of thirty (30) days from the date of this notice written comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General for the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *City of Jacksonville*, D.J. No. 90-5-1-1-1980.

A copy of the proposed consent decree may be examined at the Office of the United States Attorney, Middle District of Florida, 409 Post Office Building, 311 West Monroe Street, Jacksonville, Florida 32201; the Environmental Protection Agency, 345 Courtland Street, N.E., Altanta, Georgia 30365; and the Environmental Enforcement Section, Land and Natural Resources Division, United States Department of Justice, Room 1515, Ninth Street and Pennsylvania Avenue, NW., Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 83-10432 Filed 4-19-83; 8:45 am]

BILLING CODE 4410-01-M

Proposed Consent Decree In Action To Enjoin Emission Of Air Pollutants; State Of New York Facilities Development Corp. et al.

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that a proposed consent decree in *United States* v. *State of New York Facilities Development Corporation, et al.*, Civil Action No. 81-CV-482, has been lodged with the United States District Court for the Northern District of New York. The proposed consent decree would establish a compliance program for the State of New York's Rochester Pyschiatric Center and Marcy Psychiatric Center, to bring those facilities into compliance with the Clean Air Act, 42 U.S.C. 7401 *et seq.*

The Department of Justice will receive for thirty (30) days from the date of publication of this notice, written comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530 and should refer to *United States* v. *State of New York Facilities Development Corporation, et al.*, D.J. Ref. No. 90-5-2-1-252.

The proposed consent decree may be examined at the office of the United States Attorney, Northern District of New York, Federal Building, Syracuse, New York 13201; at the Region II office of the Environmental Protection Agency, 26 Federal Plaza, New York, New York 10278; and the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1515, Ninth Street and Pennsylvania Avenue, NW., Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount of $1.10 (10 cents per page reproduction charge) payable to the Treasurer of the United States.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 83-10430 Filed 4-19-83; 8:45 am]

BILLING CODE 4410-01-M

Proposed Consent Decree In Action Under Clean Water Act To Require Defendant To Cease Illegal Discharges of Pollutants at the Gary Sanitary Wastewater Treatment Facility in Gary, Indiana

In accordance with Departmental policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that a proposed consent decree in *United States of America* v. *City of Gary and Gary Sanitation District*, Civil No. H 78-29, was lodged with the United States District Court for the Northern District of Indiana on March 25, 1983.

The proposed consent decree requires the City of Gary and the Gary Sanitation District to undertake certain measures to ensure that its wastewater treatment plant is operated in compliance with the Clean Water Act, 33 U.S.C 1251 *et seq.*, including the restoration and reconstruction of existing equipment, and the implementation of operation, maintenance and staffing procedures and requirements.

The proposed consent decree may be examined at the office of the United States Attorney, Room 312 Federal Building, 507 State Street, Hammond, Indiana; at the Region V office of the Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois; and at the Office of the Enviromental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1515, Tenth and Pennsylvania Avenue, NW., Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. Please forward a check in the amount of $1.60 ($.10 per page) for each copy requested.

The Department of Justice will receive written comments relating to the proposed consent decree for a period of thirty days from the date of this notice. Comments should be directed to the Assistant Attorney General for the Land and Natural Resources Division of the Department of Justice, Tenth and Pennsylvania Avenue, NW., Washington, D.C. 20530 and should refer to *United States of America* v. *City of Gary and Gary Sanitation District*, D. J. Ref. 90-5-1-1-860.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 83-10431 Filed 4-19-83; 8:45 am]

BILLING CODE 4410-01-M

Drug Enforcement Administration

Importer of Controlled Substances; Registration

By Notice dated March 11, 1982, and published in the **Federal Register** on March 19, 1982, (47 FR 11995), Stepan Chemical Company, Natural Products Department, 100 West Hunter Avenue, Maywood, New Jersey 07607, made application to the Drug Enforcement Administration to be registered as an importer of Coca Leaf (9040), a basic class of controlled substance listed in Schedule II.

No comments or objections have been received. Therefore, pursuant to Section 1008(a) of the Controlled Substances Import and Export Act and in accordance with Title 21 Code of Federal Regulations § 1311.42, the above firm is granted registration as an importer of the basic class of controlled substance listed above.

Dated: April 11, 1983.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 83-10464 Filed 4-19-83; 8:45 am]

BILLING CODE 4410-09-M

Manufacturer of Controlled Substances; Registration

By Notice dated February 22, 1982, and published in the **Federal Register** on February 29, 1982, (47 FR 13249), Stepan Chemical Company, Natural Products, 100 West Hunter Avenue, Maywood, New Jersey 07607, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Cocaine (9041)	II
Ecgonine (9180)	II

No comments or objections having been received and pursuant to Section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and Title 21, Code of Federal Regulations, § 1301.54(e), the Deputy Assistant Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed above is granted.

Dated: April 11, 1983.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 83-10463 Filed 4-19-83; 8:45 am]

BILLING CODE 4410-09-M

Manufacturer of Controlled Substances; Registration

By Notice dated February 1, 1983, and published in the **Federal Register** on February 1, 1983 (48 FR 6059), Pharmaceuticals Division, Ciba-Geigy Corporation, 556 Morris Avenue, Summit, New Jersey 07901, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of Methylphenidate (1724), a basic class of controlled substance listed in Schedule II.

No comments or objections have been received. Therefore, pursuant to Section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and Title 21, Code of Federal Regulations, § 1301.54(e), the Deputy Assistant Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic class of controlled substance listed above is granted.

Dated: April 11, 1983.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 83-10462 Filed 4-19-83; 8:45 am]

BILLING CODE 4410-09-M

MERIT SYSTEMS PROTECTION BOARD

Appointment of Members to the Performance Review Board

AGENCY: Office of the Special Counsel.

ACTION: Notice of appointment of members to the Performance Review Board.

SUMMARY: This notice publishes the names of Performance Review Board Members as required by 5 U.S.C. 4314 (c)(4).

The following persons have been appointed to, and will serve on the Performance Review Board for Senior Executives in the Office of the Special Counsel: Paul E. Klein, Baruch Fellner, Kenneth G. Caplan, Stephen L. Sharfman, Ernest Russell and Robert W. Butler.

EFFECTIVE DATE: April 12, 1983.

FOR FURTHER INFORMATION CONTACT: William E. Caldwell, Director, Operations Management Division, Office of the Special Counsel, 1120 Vermont Avenue, NW, Washington, D.C. 20419, (653-7144).

Dated: April 13, 1983.

For the Office of the Special Counsel. Approved:

K. William O'Connor,

Special Counsel.

[FR Doc. 83-10551 Filed 4-19-83; 8:45 am]

BILLING CODE 7400-02-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-364]

Alabama Power Co.; Grant of Relief From ASME Section XI Inservice Testing Requirements

The U.S. Nuclear Regulatory Commission (the Commission) has granted relief from certain requirements of the ASME Code, Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components" to Alabama Power Company (the licensee). The relief relates to the inservice testing program for the Joseph M. Farley Nuclear Plant, Unit No. 2 (the facility) located in Houston County, Alabama. The ASME Code requirements are incorporated by reference in to the Commission's rules and regulations in 10 CFR Part 50. The relief is effective as of April 8, 1983.

The relief permits the licensee to test certain designated pumps and valves in a manner or on a schedule different from that prescribed in Section XI of the ASME Boiler and Pressure Vessel Code and applicable Addenda, as required by 10 CFR Part 50, because of inaccessibility, configuration of components, radiation level, or other valid reasons.

The request for relief complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the letter granting relief.

The Commission has determined that the granting of this relief will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this relief.

For further details with respect to this action, see (1) the application for relief

dated March 12, 1986, as revised March 17 and August 6, 1982, (2) the Commission's letter dated April 8, 1983 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the George S. Houston Memorial Library, 212 W. Burdeshaw Street, Dothan, Alabama 36303. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 8th day of April, 1983.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 83-10546 Filed 4-19-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-334]

Duquesne Light Co., et al; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 68 to Facility Operating License No. DPR-66 issued to Duquesne Light Company, Ohio Edison Company, and Pennsylvania Power Company (the licensees), which revised Technical Specifications for operation of the Beaver Valley Power Station, Unit No. 1 (the facility) located in Beaver County, Pennsylvania. The amendment is effective as of the date of issuance.

The amendment removes the accuracy requirement on control rod position indication for Modes 3, 4, and 5.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazard consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated September 29, 1982, supplemented by letters dated December 8, 1982 and February 9, 1983, (2) Amendment No. 68 to License No. DPR-66 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001. A copy of items (2) and (3) may be obtained upon request addressed to the U. S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 13th day of April, 1983.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 83-10547 Filed 4-19-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-142-OLA; (ASLPB No. 80-444-05 LA)]

The Regents of the University of California; Reconstitution of Board

Pursuant to the authority contained in 10 CFR 2.721 (1980), the Atomic Safety and Licensing Board for *The Regents of the University of California*, UCLA Argonaut-Type Research Reactor, Docket No. 50-142-OLA, is hereby reconstituted by appointing Glenn O. Bright to the Board in place of Dr. Oscar H. Paris, who because of a schedule conflict, is no longer able to serve.

As reconstituted, the Board is comprised of the following Administrative Judges: John H. Frye, Chairman; Emmeth A. Luebke, and Glenn O. Bright.

All correspondence, documents and other material shall be filed with the Board in accordance with 10 CFR 2.701 (1980). The address of the new Board member is:

Administrative Judge Glenn O. Bright, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555

Issued at Bethesda, Maryland this 12th day of April, 1983.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc.83-10548 Filed 4-19-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-259]

Tennessee Valley Authority (Browns Ferry Nuclear Plant, Unit 1); Exemption

I

The Tennessee Valley Authority (TVA/licensee) is the holder of Facility Operating License No. DPR-33 which authorizes the operation of the Browns Ferry Nuclear Plant, Unit 1 (the facility) at steady-state power levels not in excess of 3293 megawatts thermal. The facility is a boiling water reactor (BWR) located at the licensee's site in Limestone County, Alabama. The license provides, among other things, that it is subject to all rules, regulations and Orders of the Commission now or hereafter in effect.

II

Section 50.54(o) of 10 CFR Part 50 requires that primary reactor containments for water cooled power reactors be subject to the requirements of Appendix J to 10 CFR Part 50. Appendix J contains the leakage test requirements, schedules, and acceptance criteria for test of the leak-tight integrity of the primary reactor containment and systems and components which penetrate the containment. Section III.D.3 of Appendix J requires that Type C tests—which are defined as "tests intended to measure containment isolation valve leakage rates"—"shall be performed during each reactor shutdown for refueling but in no case at intervals greater than 2 years". Appendix J was published on February 14, 1973. At that time, all light water reactors were on a nominal annual refueling cycle. However, most light water reactors are now on an 18-month or two-year refueling cycle.

By letter dated March 29, 1983, TVA requested an exemption from the Type C test interval requirements of 10 CFR Part 50, Appendix J for eleven isolation valves at Browns Ferry Unit No. 1 to permit continued operation until Unit 2 is ready to restart following an extended outage. Unit 1 is currently scheduled to shut down for the Cycle 5 refueling outage on April 15, 1983. For the eleven isolation valves, the two-year test interval specified in Appendix J expires on April 11, or April 12, 1983. To account for a possible delay in returning Browns Ferry Unit 2 to power following the torus load tests now scheduled to be completed on April 10, 1983 (and which in turn is responsible for the postponement in shutting down Unit 1), TVA has requested an extension to the two-year test internal to May 6, 1983

(i.e., a maximum extension of 25 days for any isolation valve).

The Browns Ferry units are on a nominal 18-month refueling cycle. During the past several years, the refueling outages have extended over a period of six to eight months. The extended outages have resulted from the various modifications being performed, the most significant of which has been the Mark I torus modifications. Browns Ferry Unit 1, which is the subject of this exemption, was scheduled to shutdown for refueling on March 1, 1983. However, the outage of Browns Ferry Unit 2 which shutdown on July 30, 1982, extended to March 18, 1983—over two months beyond that which had been projected. To avoid simultaneous multi-unit outages, TVA has been operating Unit 1 in a coastdown mode and rescheduled the refueling outage to April 15, 1983—about the time the startup tests are expected to be completed on Unit 2.

Browns Ferry Unit 1 shutdown for the last refueling modification in April 1981. The eleven isolations valves which are covered by this exemption were individually leak tested in accodance with Appendix J on April 11 and 12, 1981. Unit 1 did not startup until October 1, 1981, so there was a period of almost six months—about 25% of the two year Appendix j test interval—during which the valves were not exposed to any significant temperature, pressure or conditions which would likely degrade the valves.

We have determined that the exemption from the Type C testing frequency of Appendix J requested by the licensee for the eleven isolation valves identified in TVA's letter of March 29, 1983 should be granted on the following bases:

1. The condition of the eleven isolation valves is not expected to change significantly during the requested extension period, which is short in comparison with the two-year test interval specified in Appendix J. The extension in the test interval is for a maximum of 25 days for any valve; if Browns Ferry Unit 1 shuts down for refueling as presently scheduled on April 15, 1983, the extension in time for testing any valve would be a maximum of four days.

2. The intent of Appendix J was that isolation valves be tested during refueling outages. It was not the intent of Appendix J to require a shutdown solely to test isolation valves. The reason for the request by the licensee is to extend the test interval to coincide with the scheduled shutdown for refueling.

3. None of the eleven isolation valves are located on major primary systems; in the event of an accident, they would not constitute a significant leakage pathway to the environment.

4. The two-year test interval specified for Type C tests in Appendix J was based on two years of expected exposure of valves to service. However, for about one quarter of the two-year period since the eleven valves were tested, Browns Ferry Unit 1 was in an extended outage during which the valves were not exposed to an operating environment. This should reduce any potential degradation of the valves.

III

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, an exemption is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest. Therefore, the Commission hereby approves the following exemption request:

Exemption is granted from the requirements of Section III.D.3 of Appendix J pertaining to the test frequency for conducting Type C tests on the eleven isolation valves identified in TVA's letter of March 29, 1983. The test interval may be extended to the next refueling outage of Browns Ferry Unit 1 but in no case shall extend beyond May 6, 1983.

The NRC staff has determined that the granting of this exemption will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4), an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

Dated at Bethesda, Maryland this 8th day of April, 1983.

For the Nuclear Regulatory Commission.

Darrell Eisenhut,

Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 83-10549 Filed 4-19-83; 8:45 am]

BILLING CODE 7590-01-M

Vermont Yankee Nuclear Power Corp.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 78 to Facility Operating License No. DPR-28, issued to Vermont Yankee Nuclear Power Corporation which revised Technical Specifications for operation of the Vermont Yankee Nuclear Power Station (the facility) located near Vernon, Vermont. The amendment is effective as of its date of issuance.

The amendment modifies the Technical Specifications to permit the disconnecting of the electrical input to the local power range monitors during refueling outages.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated February 22, 1983, (2) Amendment No. 78 to License No. DPR-28, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Brooks Memorial Library, 224 Main Street, Brattleboro, Vermont 05301. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 11th day of April 1983.

For the Nuclear Regulatory Commission.

Domenic B. Vassallo,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 83-10550 Filed 4-19-83; 8:45 am]

BILLING CODE 7901-01-M

RAILROAD RETIREMENT BOARD

Report Under Section 22 of the Railroad Retirement Act; Correction

AGENCY: Railroad Retirement Board.

ACTION: Notice of a report submitted to the President, the Speaker of the House, and the President of the Senate; correction.

SUMMARY: This document corrects the notice of a report submitted to the President, the Speaker of the House, and the President of the Senate on February

18, 1983, and which was published March 17, 1983 (48 FR 11363). This action is necessary to correct typographical errors appearing in that document. The errors mentioned below are very minor, do not change the substance of the information reported, and would not have required a printed correction except for item 2. The other changes are mentioned simply because a correction document is being prepared for item 2.

DATE: April 20, 1983.

The notice is corrected as follows:

1. On page 11364, column 2, second full paragraph, line 6, "estimates of hypothetical levels of" is corrected to read "estimates to hypothetical levels of".

2. On page 11364, column 2, the last paragraph is incomplete. The paragraph, as printed with a portion omitted, read:

"Balance I" represents the balance in the Railroad Retirement Account on May 1 of the indicated year, assuming that the Railroad Unemployment Insurance Account after September 30, 1983. A negative balance indicates that the Railroad Account is in debt to the general fund; the magnitude of the negative number is the amount of the outstanding loan.

This paragraph, as reported to the President and the Congress, and for purposes of publication, is corrected to read:

"Balance I" represents the balance in the Railroad Retirement Account on May 1 of the indicated year,assuming that the Railroad Unemployment Insurance Account is allowed to continue borrowing from the retirement account. "Balance II" differs from Balance I in that it is based on the assumption that no loans are made from the Railroad Retirement Account to the Railroad Unemployment Insurance Account after September 30, 1983. A negative balance indicates that the Railroad Retirement Account is in debt to the general fund; the magnitude of the negative number is the amount of the outstanding loan.

3. On page 11365, column 1, item 3, line 5, the word "account" is corrected to read "Account".

4. On page 11365, column 2, last paragraph, lines 7 and 8, the words "Railroad Account" are corrected to read "Railroad Retirement Account."

Dated April 12, 1983.

By Authority of the Board.

James T. Brown,

Chief Executive Officer, Railroad Retirement Board.

[FR Doc. 83-10419 Filed 4-19-83; 8:45am]

BILLING CODE 7905-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 22912; 70-6855]

Allegheny Power System, Inc.; Proposed Issuance and Sale of Common Stock

April 14, 1983.

Allegheny Power System, Inc. ("APS"), 320 Park Avenue, New York, New York, 10022, a registered holding company, has filed a declaration with the Commission pursuant to Sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50(a)(5) promulgated thereunder.

APS proposes to issue and sell from time to time not more than 3,000,000 shares of its authorized and unissued common stock, par value $2.50 per share ("Additional Common Stock") pursuant to its Dividend Reinvestment and Stock Purchase Plan ("Dividend Plan") and its Tax Credit Employee Stock Ownership Plan ("PAYSOP"). The PAYSOP was formerly called the Tax Reduction Act Employee Stock Ownership Plan ("TRASOP"). By orders dated August 5, 1977, and April 29, 1980 (HCAR Nos. 20131 and 21542), the Commission authorized the issuance by APS of an aggregate of 3,000,000 shares under these plans, of which 1,899,073 and 690,938 shares have been issued pursuant to the Dividend Plan and the PAYSOP, respectively, as of December 30 1982, the last date on which shares were issued under either of the plans. As of March 15, 1983, APS is authorized to issue 55,000,000 shares of its common stock, of which 47,587,242 shares are outstanding.

The Dividend Plan makes the following options available, on a voluntary basis, to all holders of record from time to time of common stock of APS: (a) To invest cash dividends automatically, on each quarterly dividend payment date, in Additional Common Stock, (b) to make optional cash purchases of not less than $50 and not more than $5,000 per quarter of Additional Common Stock provided that in each quarter the maximum aggregate amount of Additional Common Stock to be made available for purchase shall not exceed the number of shares which have been offered to, but not purchased by, the holders of shares of common stock with cash dividends, and (c) both (a) and (b).

In each case the price of the Additional Common Stock will be equal to the average of the daily high and low market prices of APS common stock as published in the Wall Street Journal Report of New York Stock Exchange Composite Transactions for the 10 Trading days prior to the dividend payment date. All costs and charges of participation in the Dividend Plan are paid by APS. A shareholder may withdraw from the Dividend Reinvestment part of the Dividend Plan at any time by giving appropriate written notice, and such withdrawal will have no effect on such shareholder's right to continue to make optional cash purchases. APS reserves the right to direct the administrator of the Dividend Plan to purchase shares in the open market, subject to any applicable regulatory requirements, with funds provided from participants' cash dividends and optional cash payments. In such event the price of any such shares to the participant will be the average cost of the shares excluding any related brokerage fees or commissions, which will be paid by APS. In the event optional cash payments exceed the number of shares available for optional cash purchases, that is the number of shares which have been offered to but not purchased by the holders of shares with cash dividends in that quarter, the available shares will be alloted among those who have made optional cash payments, in proportion to the amount of their optional cash payments, and any excess cash remaining will be refunded to participants without interest.

With respect to the PAYSOP, APS proposes to issue the Additional Common Stock to a trust created for the benefit of qualified employees of all system companies pursuant to the requirements of the Tax Reduction Act of 1975, as amended by the Tax Reform Act of 1976 and the Economic Recovery Tax Act of 1981. The amount of employer contributions which may be made to the trust (and hence the value of shares of Additional Common Stock so issued) is determined by applicable provisions of the Internal Revenue Code. In brief, contributions in respect of Plan years or portions thereof after December 31, 1982, are equal to varying percentages of Compensation (as defined) paid to Plan members less certain recaptured tax credits. The number of shares of Additional Common Stock to which each qualified employee shall be entitled will be computed in the proportion that the Compensation of each of them (not in excess of $100,000 a year) bears to the total of all Compensation not in excess of $100,000 of all such qualified employees in that year. The price of the shares will be equal to the daily average of the closing prices as published in the Wall Street Journal Report of New York Stock Exchange Composite Transactions for the 20 business days preceding the day

the stock is issued to the trust. The Additional Common Stock issued to the trust will be in consideration for the past labor and services of qualified APS System employees. All costs of administration of the PAYSOP, in excess of those allowed to be paid from contributions to the trust, will be paid by APS.

The proceeds from the issuance of the Additional Common Stock under the Dividend Plan and the tax savings which will be realized as a result of the PAYSOP, the total amount of which cannot be determined, will be used by APS to make capital contributions to its direct and advances to its indirect subsidiaries, to acquire notes or stock of such subsidiaries, and to finance other corporate needs.

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by May 9, 1983, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as filed or as it may be amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-10679 Filed 4-19-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13159; 812-5144]

American Trading and Production Corp.; Filing of Application

April 13, 1983.

Notice is hereby given that American Trading and Production Corporation ("Applicant"), One North Charles Street, Baltimore, Maryland 21201, a Maryland corporation, filed an application on March 11, 1982, and an amendment thereto on September 30, 1982, pursuant to Section 3(b)(2) of the IInvestment Company Act of 1940 ("Act"), for an order of the Commission declaring that Applicant is primarily engaged in a business or businesses other than that of investing, reinvesting owning, holding, or trading in securities, either directly or through wholly-owned subsidiaries, or through controlled companies. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant represents that it is a closely-held company, not subject to the registration and reporting requirements of the Securities Exchange Act of 1934, and that it has never made a public offering of its securities. It further represents that it is currently, and for a number of years has been, actively engaged in certain operating businesses: i.e., oil and gas exploration and development, marine transportation, real estate and manufacturing. It further states, however, that it falls within the definition of investment company set forth in Section 3(a)(3) of the Act, which defines as an "investment company" any issuer which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities and owns or proposes to acquire investment securities having a value exceeding 40 percent of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis. Applicant falls within this definition, it is stated, by reason of its ownership of the securities of the following issuers, in each of which it holds a less-than-majority interest: Crown Central Petroleum Corporation ("Crown Central"), Standard Oil Company (Indiana) ("Indiana"), Exxon Corporation ("Exxon"), Union Trust Bancorporation ("Union Trust") and U.S. F. & G. Corporation ("U.S.F. & G.").[1]

Notwithstanding its status according to the provisions of Section 3(a)(3), Applicant contends that its operating activities and those of its wholly-owned subsidiaries, together with the operation of Crown Central, in which Applicant holds a controlling interest and through which it claims to be doing business, afford a basis upon which the Commission should find, pursuant to the provisions of Section 3(b)(2) of the Act, that Applicant is primarily engaged in businesses other than that of investing in, owning, or holding securities. Section 3(b)(2) of the Act excludes from the definition of investment company, any issuer which the Commission, upon application by such issuer, finds and by order declares to be primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities, either directly or (A) through majority-owned subsidiaries, or (B) through controlled companies conducting similar types of business. Applicant asserts, in general, that its historical development, public representations of policy, the nature of its present assets and the sources of its present income support the conclusion that it is primarily engaged in operating businesses rather than the business of investing in securities.

Applicant traces its origins to the period before 1920, when Louis Blaustein and his son Jacob became engaged in the oil and gas business (it is stated that all of Applicant's existing stockholders received their interests from Louis and Jacob Blaustein, their descendants or the spouses of their descendants, or as the result of recapitalization and stock dividends). Applicant states that the Blausteins originally operated their businesses in partnership form, later organizing them as wholly-owned corporations, Lord Baltimore Filling Stations, Inc., ("Lord Baltimore") organized in 1921, and The American Oil Company ("American Oil"), organized in 1922. These companies (jointly referred to as "American Oil"), Applicant states, were basically distributors of petroleum products, such as gasoline and kerosene, and did not have refineries, facilities for crude oil production, or bulk transportation capability. Therefore, it is stated, it was necessary for American Oil to purchase all of the gasoline it marketed from Standard Oil Company of New Jersey ("Jersey Standard"), American Oil's principal competitor. To alleviate this disadvantage, Applicant states, in 1923 the Blausteins sold half of

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[1] Indiana is a major "integrated" oil company, engaged primarily in the production, refining, transportation and marketing of petroleum and petroleum products, including petrochemicals. Applicant states. Crown Central, it is stated, is a "semi-integrated", domestic independent refiner-marketer of petroleum and petroleum products, also engaged in crude oil and natural gas production; through a subsidiary, Crown Central writes individual and group life and health insurance and individual annuities. Exxon, it is stated, is a major integrated, international oil company. Union Trust Bancorp is a bank holding company, the principal subsidiary of which is Union Trust Company of Maryland, which is engaged in the commercial banking and trust business, Applicant states. It is stated that the shares of Union Trust Bancorp presently held by Applicant were acquired by it in 1972 pursuant to the organization of Union Trust Bancorp as a bank holding company in exchange for the common stock of Union Trust Company of Maryland. Lastly, Applicant states the U.S.F. & G. is an insurance holding company which is engaged through subsidiaries in writing all types of insurance. Applicant represents that it acquired its holdings of Union Trust Bancorp and U.S.F. & G. through open-market purchases, from stock dividends and splits, and through rights offerings from 1942 through 1960.

the stock of American Oil to Pan American Petroleum and Transport Company ("Old Pan-Am"), which was not a competitor and which engaged in crude oil production, refining and transportation, but did not have sales outlets or marketing facilities. An agreement providing for the management of American Oil and a long-term supply contract for gasoline accompanied this transfer, Applicant states.

It is further stated, however, that difficulty with this arrangement arose from the acquisition by 1930 of most of the stock of Old Pan-Am by Indiana, the management of which wanted to transfer Old Pan-Am's crude oil refining properties to Jersey Standard, thereby making American Oil again dependent upon a competitor for products. To avert that result, Applicant states, the Blausteins advocated that American Oil acquire an interest in Crown Central, which had refining facilities that could be developed to meet American Oil's requirements. Indiana management, Applicant states, would not agree to this proposal; therefore, in November 1930, the Blausteins themselves acquired a nearly 50 percent interest in Crown Central. At this time, Applicant notes, Crown Central was a small corporation engaged principally in producing and selling at wholesale refined products from a single refinery in Texas, having annual revenues of less than $4,000,000.

It is further stated that as friction between the Blausteins and Indiana management continued, and because it would be necessary to borrow in order to bring about the expansion of Crown Central, in 1931 the Blausteins decided to organize Applicant, and transfer to it their entire investment in Crown Central [2] and approximately half of their interest in American Oil in exchange for all of Applicant's capital stock. In acquiring the American Oil interest, it is stated, Applicant would obtain an asset which it could utilize as security to obtain financing for the Crown Central expansion.

After the Crown Central acquisition, Applicant states, Henry A. Rosenberg, a son-in-law of Louis Blaustein and formerly an executive of American Oil, became president and chief executive officer of Crown Central, while remaining a director of Applicant.[3] The Blausteins, it is stated, continued as principal officers, and directors, of American Oil, but also became participants in importan management decisions regarding Crown Central.

Applicant further states that in 1933 the strategy of marketing Crown Central products through American Oil was deferred in conjunction with the reorganization of Old Pan-Am into a new entity, also named Pan-American Petroleum and Transport Company ("New Pan-Am"), which acquired all of the stock of American Oil owned by the Blausteins, by Applicant, and by Old Pan-Am. It was intended that New Pan-Am would construct a refinery with capital funds provided by Indiana, and would, in general, combine with American Oil into an integrated oil company. The Blausteins became officers and directors of New Pan-Am and various subsidiaries in the aftermath of this restructuring. It is further stated, however, that plans for an integrated oil operation did not materialzed to the Blaustein's satisfaction, and in 1937, they sued Indiana to compel Indiana to co-operate with them in the management of New Pan-Am in the manner allegedly contemplated by the 1933 reorganization. With the advent of this lawsuit, Applicant states, the Blausteins resigned as officers of New Pan-Am, but various officers and directors of Applicant remained directors of New Pan-Am and its subsidiaries as well as members of management committees of these entities. Substantial amounts of time were expended by Applicant's officer and other employees on the Indiana litigation, it is also stated.

The Blaustein's proceeding against Indiana was finally settled in 1954, Applicant states, with the merger of New Pan-Am into Indiana. In that merger, it is stated, Applicant received shares of Indiana stock for its shares of New Pan-Am. On the basis of those Indiana shares, Applicant states, it has received dividends from time to time paid in capital stock of Jersey Standard, and in 1972, Applicant's shares of Jersey Standard were converted in a reorganization into shares of Exxon.[4]

Applicant states, in addition, that from the time of the Indiana reorganization in 1954, until the death of Jacob Blaustein in 1970, officers and employees of Applicant continued to administer on-going operations at Indiana, although the amount of time they devoted to Indiana was substantially reduced. Since 1970, it is stated, no one associated with Applicant has been a director of Indiana, and activities on the part of Applicant with regard to Indiana have been limited to attendance at stockholders' meetings and occasional informational meetings with Indiana's management.

With respect to its relationship to Crown Central, Applicant states that it exercises effective control of the large petroleum producer through ownership of Crown Central voting securities, noting that its Crown Central stock has represented over half of the total shares present and voting at every meeting of Crown Central stockholders since 1931. It is further stated that although pursuant to agreement Applicant and Crown Central have never had common officers, there have been three common directors of the two companies at all times since Applicant became a Crown Central securityholder.[5] It is conceded that from 1955 to 1971, the chief executive officer of Crown Central was not a director of Applicant, but it is further noted that during that period Henry A. Rosenberg, Jr., who was a director of Applicant, was also a director and an employee of Crown Central, becoming president and chief executive officer of Crown Central in

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[2] Applicant presently owns approximately 49.15 percent of Crown Central Class A Common Stock, and approximately 42.26 percent of Crown Central Class B Common Stock.

[3] It is noted that Mr. Rosenberg's son, Henry A. Rosenberg, Jr., is the current chief executive officer and president of Crown Central.

[4] In Applicant's view, the origin of its acquisition of the investment securities it now holds, as described hereinabove, tends to diminish the importance of these assets in the determination of whether Applicant is primarily engaged in the business of investing in securities. In a related vein, Applicant finds support for the contention that it is not primarily engaged in the business of investing in securities in the fact that none of its more than 1,300 employees is engaxged in trading or investing in securities, not has it sold any investment securities since the passage of the Act in 1940, other than certain concurrent sales and repurchases of identical numbers of shares of Jersey Standard for tax purposes, and sales of fractional shares received in reorganizations and pursuant to stock dividends. Applicant also notes that less than 2 percent of the total working hours of its senior executive oficers is allocated to matters which relate to Applicant's investment securities (it may be inferred from this representation that included within the less-than-2 percent limitation is the time allocated by the two directors of Applicant who are also directors of Union Trust Bancorp to their responsibilities as members of the bank holding company's board, and the hours expended by the director of Applicant who is also a director of U.S.F.&G. in connection with his directorship of that insurance holding company; also included within the less-than-2 percent ceiling may be the hours consumed by the senior executive officers of Applicant in attending annual meetings of Union-Trust Bancorp, U.S.F.&G. and Indiana). Lastly, Applicant asserts that it is engaged in the businesses in which Crown Central is engaged and that therefore, Applicant's Crown Central stock should not be regarded as investment securities for purposes of ascertaining whether Applicant is primarily engaged in the business of investing in securities.

[5] It is stated that Crown Central currently has 14 directors, three of whom are also directors of Applicant, and another of whom is a member of a law firm which is general counsel to both Applicant and Crown Central.

1971. In addition, the advisory committee of Applicant's board of directors regularly considers action that may be taken in connection with the operation of Crown Central, Applicant states, and two of Applicant's directors occupy positions on the Crown Central executive committee, while one of Applicant's directors is a member of the audit committee of Crown Central. With regard to decisions affecting Crown Central requiring stockholder approval, it is stated that such matters are normally discussed by Crown Central's management with Applicant's management, but that Applicant has not otherwise participated in management of Crown Central since 1970 save through the functions of common directors.

In brief, Applicant asserts that its role in the administration of Crown Central's businesses is in many respects as extensive as that of a parent corporation in the operation of a majority-owned subsidiary sufficiently large to have its own full-time executive and administrative personnel.

Crown Central's operations have grown dramatically since the 1930's, such that currently the company produces more 3,6000 barrels of crude oil per day, Applicant states, and has over nine million barrels of reserves. It is further stated that Crown Central produces over 35,800 MCF (thousand cubic feet) of gas per day, and has over 52,000,000 MCF of reserves. Crown Central also owns a 100,000 barrel-per-day refinery, as well as marketing facilities and pipelines, it is stated. Applicant notes that for 1981 Crown Central was ranked No. 242 on the *Fortune* list of the 500 largest industrial companies, with revenues of $1,500,000,000, and assets exceeding $540,000,000. Applicant has participated actively in the planning and implementation of all of the significant stages of the Crown Central expansion, it is also stated.

Applicant further states that Crown Central's operations are similar to the oil and gas operations which Applicant conducts directly and through subsidiaries. It is stated that Applicant has engaged in exploration for oil and gas in the United States since 1936, and in Canada since 1969. An average of 62 full-time executive, professional, administrative and support personnel are currently employed in this business, it is stated. Applicant further states that drilling operations are conducted for it by independent contractors, but that Applicant owns outright all of its oil and gas properties. It is also stated that while in certain cases Applicant owns 100% of the operating interests in particular properties, in many instances it owns only an undivided fraction of the entire operating interest.

It is further stated that Applicant's marine transportation business was an outgrowth of petroleum and natural gas operations in which it was involved in the 1930's. It initial endeavor in the field of marine transportation began in 1938, Applicant states, with the shipment of petroleum products primarily for Crown Central, by means of a single oil tanker. Following World War II, it is stated, Applicant's transport operations were diversified and augmented, such that, Applicant currently (though subsidiaries) owns and operates five oceangoing vessels engaged in the transportation of petroleum products, other liquid commodities such as alcohol and petrochemicals, and grain. Applicant represents that on December 31, 1981, its vessels had a deadweight tonnage (carrying capacity) of 190,000 tons, and that three additional tankers which have been under construction will increase the deadweight tonnage of Applicant's fleet by 132,000 tons. It is further stated that the operation of five tankers currently in use requirements that Applicant employ the equivalent of 92 officers and 217 crew members working 40 hours per week. Applicant states that it maintains a supervisory staff of 27 executive, administrative, professional and support personnel to oversee its marine transportation business. Overall, Applicant states, the number of persons it employs in tanker operations exceeds 210.

The remaining businesses in which Applicant states that it is engaged are real estate and manufacturing. Since the 1950's, Applicant states, it has conducted substantial real estate operations, initially involving urban renewal projects in Baltimore, MD, and presently including the construction, ownership and operation of commercial and residential properties. Applicant represents that its current operating properties consist of seven office buildings (having more than 1,700,000 rentable square feet), a 262-unit apartment project, two parking garages, a shopping mall/office tower complex, and a recreational property associated with a condominium project. An additional office building having approximately 122,000 square feet of rentable space has recently been completed, it is stated. Applicant states that it employs over 210 persons in its real estate business.

Applicant states, in addition, that its manufacturing operations had their inception in 1961 and that its products presently include microphone stands and accessories, horn-type loudspeakers, alarm devices and lamination stampings used in electric motors and transformers. It is further stated that Applicant's consumer products consist of a wide range of serving accessories and giftware sold under the trade names Kromex, Etco and Ernest Sohn Creations. At December 31, 1981, Applicant states, 203 executive, administrative, professional and support personnel were engaged in Applicant's manufacturing operations, while 529 production employees were engaged in these functions.

In further support of its contention that it is not primarily engaged in the business of investing in, owning, or holding securities, Applicant represents that it has never held itself out as an investment company, either to its own securityholders or to the general public. For example, Applicant cites the statement of its business purposes contained in its certificate of incorporation, and the summaries of its business operations contained in its annual reports to shareholders for 1980 and 1981.

Applicant further represents that it has been described in reports issued by Dun & Bradstreet, Inc. as a producer of crude oil and natural gas, manufacture of giftwares; communication equipment and lamination; owner and operator of a tanker fleet; and developer and operator of commercial property. It is stated that these reports also disclose that a substantial part of Applicant's net worth is represented by stock investments not included in current assets. In addition, in sales literature pertaining to one of its real estate ventures, Applicant states, Applicant has been described as a "substantially diversified, privately held corporation," which is directly engaged in "the exploration and production of crude oil and natural gas; the ownership and operation of a fleet of ocean-going tankers; and the manufacturing of electronic communications equipment and quality kitchenware and giftware . . ."

Applicant further states that in proxy statements distributed by companies in which it has invested, Applicant has generally been described as a diversified industrial company engaged in marine transportation, oil and gas development, real estate development and manufacturing. For example, it is stated that in Crown Central's proxy statement Applicant is said to be engaged in "oil and gas exploration and production; tanker transportation; commercial and residential real estate; [and] diversified manufacturing."

In analyzing the nature of its present assets, Applicant emphasizes the lengthy chronology of developments leading up to its current position, citing the fact that over 99% (excluding Crown Central stock) of the market value of its investment securities consist of stock (shares of Indiana and Exxon) acquired as the result of reorganizations, recapitalizations, stock dividends and similar non-purchase transactions evolving from the assets with which the Blausteins initially capitalized Applicant in 1931. Substantial gains in the market values of these passive investments, Applicant notes, have accompanied the diversification and expansion during this period of Applicant's operating businesses. Hence, in Applicant's case, it is asserted, it may be unrealistic to evaluate Applicant's status under the Act by measuring the worth of its investment securities by current market prices, while looking solely to net book values (historical cost minus depreciation, depletion, and amoritization) in valuing operating assets. In this regard, Applicant further states that in the course of certain valuations of its assets made recently by investment bankers, the financial advisers expressed the opinion that the several businesses conducted directly by Applicant and its subsidiaries have aggregate values which substantially exceed those that are indicated by a simple examination of balance sheets prepared in accordance with generally accepted accounting principles. Applicant notes further that the Commission itself has recognized that in the case of oil and gas operations, traditional accounting principles, which give effect only to historical cost minus depletion and depreciation and do not reflect proven oil and gas reserves as assets, do not produce meaningful reporting of earnings and financial condition.

With regard to its sources of present income, Applicant states that it derives revenue from three sources: its directly-operated businesses, including wholly-owned subsidiaries, dividends from Crown Central, and dividends from the four remaining non-subsidiary companies in which it holds interests. Applicant concedes that the net income after taxes that it receives from dividends in respect of investment securities (excluding its Crown Central stock) is currently, and in prior years has been, greater than the net after-tax income Applicant derives from its operating businesses. Applicant states, however, that the receipt of dividend income involves minimal expenses, whereas the production of operating income involves substantial costs and expenses, which are deducted to arrive at pre-tax earnings. Moreover, non-cash items such as depreciation and depletion further reduce Applicant's operating income and thus the ratio of this class of income to after-tax earnings, but, Applicant states, as a practical matter, by sheltering income from taxation, these non-cash deductions actually increase the amount of funds available for further expansion of business operations. Applicant further notes that the reduction of operating income by pre-tax deductions is particularly significant in the case of a company as Applicant, engaged in substantial oil and gas exploration activities, because, under the successful efforts method of accounting, which Applicant utilizes, unsuccessful drilling ventures are immediately charged to current expense, rather than capitalized.

Thus, Applicant believes that rather than focusing upon after-tax earnings, its status as an operating company, rather than an investment company, can more appropriately be ascertained by comparing its investment income with total revenues, or with total earnings before taxes. Applicant also cites the ratio of its dividends from non-controlled companies to total funds provided from all operations in support of its assertion that it is primarily engaged in businesses other than that of investing in securities. In summary, it is stated that Applicant derives more revenue, pre-tax earnings and available funds from the conduct of its operating businesses than from dividends paid by non-controlled companies in which it has investments.

Lastly, Applicant directs attention to the growth experienced by its operating businesses as indicative that earnings from these segments may be expected to advance, rather than recede, in relation to investment income in future years. It is stated, for example, that revenues derived by Applicant from crude oil and natural gas exploration and production are more than 300 times greater today than in 1937, Applicant's first full year of production. It is further stated that since 1938, a more than 12-fold increase in the deadweight tonnage of applicant's marine transportation fleet has been attained, concomitant with a greater than 60-fold increase in freight revenues. Moreover, Applicant also states that it is presently engaged in a major expansion of its fleet as a result of which deadweight tonnage should increase by more than 69% and total investment (before depreciation) in vessels should quadruple. In addition, it is noted that Applicant's 1981 results represent a more than 3,000% increase in total sales by its manufacturing operations, and that planned improvements on building sites that applicant owns will more than double Applicant's gross investment in real estate properties. Finally, Applicant represents that its policy, established by its board of directors and communicated to its shareholders, is to use available funds to meet the needs of its operating businesses, and to expand and increase those businesses, and that the great majority of funds retained after payment of dividends and retirement of capital stock and long-term debt, has been utilized in this manner is each of the past five years.

In view of the foregoing, Applicant submits that it is entitled to an order pursuant to Section 3(b)(2) of the Act declaring that it is primarily engaged, both directly and through subsidiaries and controlled companies, in businesses other than that of investing, reinvesting, owning, holding, or trading in securities.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than May 9, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for his/her request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-10477 Filed 4-19-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13161; 812-5452]

BC Funding, Inc.; Filing of Application

April 14, 1983.

Notice is hereby given that BC Funding, Inc. ("Applicant"), 165 Broadway, New York, NY 10080, a Delaware corporation, filed an application on February 8, 1983, with amendments thereto on March 30, 1983

and April 5, 1983, for an order of the Commission pursuant to Section 6(c) of the Investment Company Act of 1940 (the "Act"), exempting Applicant from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Applicant represents that its sole business will consist of selling Applicant's commercial paper notes in the United States and utilizing the proceeds to purchase promissory notes of Barclays Bank of Canada ("Barclays Canada"), a Canadian banking corporation, and that substantially all of Applicant's assets will consist of a master promissory note of Barclays Canada payable to the order of Applicant ("Deposit Note"), evidencing purchases by Applicant ("Purchases") of indetedness of Barclays Canada. The maturity of each Purchase will match the maturity of the commercial paper note issued by Applicant to fund that Purchase. To support repayment of the indebtedness evidenced by the Deposit Note, the New York branch of Barclays Bank International Limited ("New York Branch") will issue an irrevocable letter of credit ("Letter of Credit") in favor of Applicant for the account of Barclays Canada. Neither Barclays Canada nor Barclays Bank International Limited ("BBI"), nor any of their affiliates, will own, directly or indirectly, any equity or other securities of Applicant.

Applicant states that Barclays Canada is a wholly-owned subsidiary of BBI, a commercial bank organized under the laws of the United Kingdom. BBI is a wholly-owned subsidiary, and the international banking arm, of Barclays Bank PLC ("Barclays"), a commercial bank organized under the laws of the United Kingdom. Each of Barclays Canada, BBI and Barclays has received an order exempting it from all provisions of the Act in connection with its offering of commercial paper in the United States (Barclays Canada on March 9, 1982/Release No. IC–12281; BBI on March 14, 1980/Release No. IC–11089; and Barclays on March 14, 1980/Release No. IC–11090).

Applicant proposes to issue and sell in the United States, short-term negotiable promissory notes of the type exempt from the registration requirements of the Securities Act of 1933 ("Securities Act") by virtue of paragraph 3(a)(3) thereof and generally referred to as commercial paper ("Notes"). Applicant represents that the Notes will be sold in minimum denominations of $100,000, will have a maturity not exceeding 270 days, and will neither be payable on demand prior to maturity nor eligible for any extension, renewal, or automatic "rollover" at the option of either the holder or the issuer.

Applicant undertakes not to market any Notes prior to receiving an opinion of counsel to the effect that the proposed offering of Notes is exempt from the Securities Act's registration requirements by virtue of paragraph 3(a)(3) thereof. Applicant further undertakes that, in respect of any future offerings of Applicant's debt securities in the United States other than the Notes, Applicant will obtain an opinion of counsel as to the availability of an exemption from the registration requirements of the Securities Act. Applicant does not request Commission review or approval of counsel's opinion regarding the availability of an exemption for the Notes under paragraph 3(a)(3) of the Securities Act.

Applicant states that, except for amounts needed to pay fees due Applicant's commercial paper dealer, Applicant will utilize all proceeds from the sale of the Notes to make Purchases. Applicant states that the proceeds of the Purchases will be used by Barclays Canada for current transactions. Applicant states that it will issue Notes only pursuant to requests from Barclays Canada with a specified range of rates and maturities. Applicant represents that it will issue Notes only in aggregate amounts substantially equal to the amount of indebtedness which Barclays Canada requests Applicant to purchase.

Applicant undertakes to select the corporate trust department of a major commercial bank to act as its issuing and paying agent for the Notes ("Depository"). The Depository will receive the proceeds from Applicant's sales of the Notes and will collect payments made in respect of the Deposit Note upon maturity. As trustee for the benefit of the holders of the Notes, the Depository will receive an assignment of all of the Applicant's rights, title and interest in and to the Deposit Note. The New York Branch will issue the Letter of Credit in favor of Applicant to support payment by Barclays Canada to Applicant of amounts due in respect of the Deposit Note. The Letter of Credit will provide that funds drawn thereunder will be payable to the Depositary, as trustee for the benefit of the holders of the Notes. Any drawing required to be made under the Letter of Credit to obtain funds in respect of Barclays Canada's obligations to Applicant will be made by the Depositary on behalf of Applicant.

Applicant represents that each Purchase will have the same maturity date as, and will be made on a discount or interest-bearing basis at, a rate not less than the rate of the Notes issued by Applicant to obtain funds to make the Purchase. Payments will be made into a special purpose trust account established by the Depositary ("Commercial Paper Account") to be applied to the payment of Notes. Applicant represents that the Deposit Note will be a direct liability of Barclays Canada and will rank *pari passu* with all other unsecured indebtedness of Barclays Canada, including deposit liabilities of Barclays Canada (except to the extent deposits are secured or subject to priorities created by Canadian laws). Applicant estimates that in the first year in which the Notes are issued, the aggregate face amount outstanding will average approximately $200,000,000.

Applicant represents that the amount of the Letter of Credit will be not less than the amount payable by Barclays Canada to Applicant in respect of the Deposit Note. Applicant expects that maturing Notes will be repaid from payments received by Applicant in respect of the Deposit Note. Applicant represents that the Letter of Credit will provide that the Depositary may make drawings thereunder to the extent that Barclays Canada fails to pay into the Commercial Paper Account any amount owed to Applicant by Barclays Canada in respect of the Deposit Note. Applicant represents that the Letter of Credit will rank *pari passu* with all other unsecured and unsubordinated indebtedness of BBI, including deposit liabilities of BBI, except tp the extent that such deposits are secured or subject to priorities created by English, New York State or Federal law.

Applicant represents that the Notes will be offered publicly, through one or more major commercial paper dealers, only to the types of sophisticated and largely institutional investors that ordinarily participate in the United States commercial paper market. Applicant states that, while an announcement of the establishment of the commercial paper facility may be made as a matter of record, the offering will not be advertised. Applicant undertakes to ensure that each offeree of the Notes will be furnished with a memorandum describing the businesses of Barclays Canada, BBI and Applicant and containing the most recent publicly available audited financial statements of Barclays Canada and BBI. Each memorandum will be at least as comprehensive as memoranda

customarily used in offering commercial paper in the United States Each memorandum will also include a description of material differences between generally accepted accounting principles followed in the United States and those followed in Canada or the United Kingdom. In the event of subsequent offerings, each memorandum will be updated at the time thereof to reflect material changes in the respective financial positions of Barclays Canada and BBI.

Applicant represents that Barclays Canada and BBI will submit to the jurisdiction of any State or Federal court in the City of New York, and Barclays Canada and BBI will authorize an agent to accept service of process in any action against Barclays Canada, based on the Deposit Note, or against BBI, based on the Letter of Credit. Applicant further represents that the consents of Barclays Canada and BBI to jurisdiction, and appointment of an agent to accept service of process, will be irrevocable until all amounts due and to become due in respect of the Notes have been paid.

Applicant represents that, prior to their issuance, the Notes, and any future issue of Applicant's debt securities other than the Notes, offered for sale in the United States, will have received one of the three highest investment grade ratings from at least one nationally recognized statistical rating organization and that is United States counsel will have certified that such rating has been received. However, no such rating shall be required with respect to any future issue of Applicant's debt securities other than the Notes if, in the opinion of counsel, an exemption is available for the issue pursuant to Section 4(2) of the Securities Act.

Section 6(c) of the Act provides that the Commission by order upon application may conditionally or unconditionally exempt any person, security, or transaction from the provisions of the Act if and to the extent that such exempt is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In support of the exemptive relief requested, Applicant states that the Bank Act prohibits the establishment of foreign branches or foreign subsidiaries by foreign-owned Canadian banks. As a result, Barclays Canada has determined that the most economical means of gaining access to the United States commercial paper market is through Applicant, which is unaffiliated through ownership with Barclays Canada. Applicant asserts that, except for that lack of affiliation, its operations would be virtually identical to the operations of foreign bank subsidiaries which have been granted exemptions under Section 6(c) of the Act and, like the operations of those subsidiaries, would be conducted for the sole purpose of providing funds to a foreign bank which is not an investment company.

Applicant maintains that denial of its requested exemption would have the unintended effect of reinforcing, to the detriment of foreign parents of Canadian banks, the provisions of Canadian banking law which discriminate against foreign-owned Canadian banks and place them at a competitive disadvantage *vis-a-vis* Canadian-owned banks. In addition, a failure to exempt Applicant would channel the benefits of the capital raised in the United States commercial paper markets for the account of Canadian banks to Canadian-owned banks rather than to both Canadian-owned and non-Canadian-owned Canadian banks. Applicant contends that since its purpose, characteristics, and operations would be virtually identical to those of the United States subsidiaries established by foreign banks to which the Commission previously has granted exemptions under Section 6(c) of the Act, it would be in the public interest to grant Applicant an exemption which would have the effect of placing foreign-owned Canadian banks on the same footing as competing Canadian-owned Canadian banks. Applicant asserts that the Commission's grant of the exemption requested in this application would not confer on Barclays Canada any advantage over United States banks in connection with issuances of commercial paper.

Applicant asserts that approval of the application would be consistent with the protection of investors. Applicant maintains that its limited business purpose and its obligation to invest only in the Deposit Note, the repayment of which is supported by the Letter of Credit, obviate the need for the regulatory safeguards provided by the Act. Applicant further maintains that, as a special purpose corporation created solely to sell the Notes and utilize the proceeds of the sales to make Purchases from Barclays Canada, its only "investment" activity would be the acquisition of a Canadian bank promissory note supported by letters of credit issued by the New York branch of a major foreign bank.

In addition, Applicant asserts that the rationale underlying the exemptions which have been granted to foreign bank subsidiaries formed for the purpose of selling commercial paper in the United States and advancing the proceeds to the subsidiaries' parents extends to Applicant. Applicant states that, as in the case of foreign bank subsidiaries, its sole activity will be to provide funds for a foreign bank—Barclays Canada—when and in the amounts requested by Barclays Canada. Applicant further states that, as in the case of foreign bank subsidiaries, because the maturity of each Purchase is identical to the maturity of the Notes issued by Applicant to obtain funds to make the Purchase and because the amount payable by Barclays Canada in respect of the Deposit Notes is at least equal to the amount payable by Applicant in respect of the Notes, repayment of the Notes is, in effect, guaranteed by substantial banking entities—in Applicant's case both Barclays Canada, the obligor on the Deposit Notes, and BBI, the issuer through the New York Branch of the Letter of Credit supporting Barclays Canada's obligations with respect to the Deposit Notes.

Applicant asserts that Barclays Canada and BBI, like United States banks which are exempted from the Act pursuant to paragraph 3(c)(3) of the Act, are each subject to a comprehensive bank regulatory scheme which, like the regulatory schemes applicable to banks organized under the laws of the United States or under State law, adequately protects depositors; in addition, the Depositary, as trustee on behalf of the holders of the Notes, will have the benefit of the Letter of Credit. Applicant states that the characteristics of the Notes themselves also limit the possible exposure of United States investors.

Finally, Applicant contends that approval of this application would be consistent with the purposes intended by the policy and provisions of the Act. Applicant contends that, as a special purpose corporation established solely to issue commercial paper in the United States to obtain funds to make Purchases from Barclays Canada, Applicant's operations do not lend themselves to the abuses against which the Act was directed.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than May 9, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above.

Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A Fitzsimmons,

Secretary.

[FR Doc. 83-10486 Filed 4-19-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 851; 803-25]

Bogey Enterprises, Inc.; Filing of Application

April 13, 1983.

Notice is hereby given that Bogey Enterprises, Inc. ("Applicant"), 2020 K Street N.W., Washington, D.C., 20006, a District of Columbia corporation, registered as an investment adviser under the Investment Advisers Act of 1940 ("Act"), filed an application on July 20, 1982, with amendments thereto on January 28, 1983, March 4, 1983, and April 12, 1983, requesting an order of the Commission pursuant to Section 206A of the Act, exempting the performance-based fee arrangement between Applicant and its investment advisory clients, from the provisions of Section 205(1) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act for the text of Section 205(1) thereof.

Applicant states that it specializes in the provision of investment advice and related financial services to individuals, primarily professional athletes, who have substantial incomes but do not have the time or inclination personally to oversee their investment portfolios. Applicant further states that, while it has custody of its clients' funds, it does not have investment discretion with respect to such funds; investment recommendations made by Applicant are effected only at the client's direction.

Applicant states that the individual needs of most of its clients are for investments which provide capital appreciation and/or long-term income. Applicant states that the majority of its recommendations have been of investments in real estate or in oil and gas concerns. Applicant futher states that it encourages its clients to keep a lesser percentage of their assets in relatively high-yielding, high quality investments, both for liquidity purposes and on an interim basis, pending investment elsewhere.

Applicant states that it currently supervises 41 accounts with an approximate aggregate value of $1,392,692. Applicant further states that the fee which it presently charges its clients is an annual retainer equal to the greater of 2% of the total value of assets under management, or $5,000; it charges clients for whom Applicant's chief executive officer, Mr. Richard A. Bennett, Jr. ("Mr. Bennett") also performs significant legal services, a retainer equal to the greater of such 2%, or $3,000.

Applicant proposes to restructure its fee arrangements as follows. The new fee structure would feature an annual fee, for investment advice, of two percent of assets under management. There would be a separate charge for administrative services to clients, currently provided by Applicant without separate compensation. With respect to investments made in certain real estate and oil and gas partnerships, two additional fees would be payable to Applicant and/or Mr. Bennett. The first, a management fee equal to 15% of the partnership's net operating income, would be payable quarterly to the general partner(s) of each partnership ("advisory partners"). The second fee would be a fee based on a percentage of capital gains ("performance-based fee"), payable to the advisory partners, that is the subject matter of this application.

Applicant states that the performance-based fee would be payable only with respect to investments which have at least the following attributes. Each investment would be a limited or general partnership interest in a partnership engaged in the real estate or the oil and gas business; Applicant and/or Mr. Bennett would serve as a general partner of each partnership. As general partner, the advisory partner(s) would make an aggregate capital contribution to each partnership of at least one percent of the aggregate capital contribution of all partners and would have in the aggregate at least a one percent interest in the profits and losses of each partnership. No advisory partner would be permitted to withdraw or reduce its minimum capital contribution. Interests in each partnership would be offered and sold pursuant to an exemption from the prospectus delivery requirements of Section 5 of the Securities Act of 1933 and, in most instances, pursuant to Regulation D under the Securities Act of 1933. Each partnership would have at least one limited or general partner who was not advised by, or affiliated with, Applicant and who was either an accredited investor (as defined in Regulation D) or was advised with respect to the investment by a purchaser representative (as defined in Regulation D), unaffilated with Applicant. At least one of the unaffiliated investors in each partnership would have (or would be advised by a purchaser representative having) such knowledge and experience in financial and business matters that he would be capable of evalutating the merits and risks of the prospective investment ("unaffiliated sophisticated investor"). Applicant states that its clients would not be allowed to acquire interests in any one partnership if the purchase price of the interest would exceed 15% of the client's total assets, at the time of such investment, nor would the aggregate purchase price of interests in all such partnerships exceed 33% of a client's total assets at the time such purchase is made. In addition the amount invested in any one partnership by each of Applicant's clients would not exceed the largest amount invested in that partnership by an unaffiliated sophisticated investor. Each of Applicant's clients would have assets in addition to the investment account advised by Applicant. Both Applicant's clients and the investors who are not Applicant's clients would acquire interests in the partnerships which were identical in all respects other than the amount.

With respect to the performance-based fee which the advisory partners seek to receive in their capacity as general partners, the general partner(s) would determine for each partnership, for each quarter, the realized capital gains for that quarter, if any, net of all realized capital losses and unrealized capital depreciation for that quarter and for all prior quarters ("Net Capital Gains"). Net Capital Gains distributed to the partners in the partnership (including, but not limited to, Applicant's clients) would be reduced by the advisory partners' performance-based fee in the following manner:

1. five percent (5%) of the first five percent (5%) of distributed Net Capital Gains;

2. ten percent (10%) of the second five percent (5%) of distributed Net Capital Gains;

3. fifteen percent (15%) of the third five percent (5%) of distributed Net Capital Gains; and

4. twenty percent (20%) of distributed Net Capital Gains in excess of fifteen percent (15%).

The performance-based fee would be calculated by reference to the cost to the partnership of the asset giving rise to such gains. Such calculation would be made on a cumulative basis, commencing as of January 1, 1983. Capital gains realized upon the sale of all or substantially all of the partnership's assets or upon its dissolution would be subject to the same performance-based fee. If a partnership had more than one general partner, the allocation of the performance-based fee among the general partners would be determined in accordance with the partnership agreement.

Applicant represents that the proposed performance-based fee, described above, would be received by the advisory partners only in those instances where they were serving as a general partner of the particular partnership and, accordingly, might be characterized as other than an investment advisory fee. Applicant states that, without conceding that the proposed performance-based fee is an investment advisory fee, solely for purposes of obtaining the exemptive relief requested in this application, it will assume that the performance-based fee which Applicant proposes to receive, would be proscribed by Section 205(1) of the Act.

Section 206A of the Act provides, in pertinent part, that the Commission may, by rules and regulations, upon its own motion, or by order upon application, conditionally or unconditionally exempt any person or transaction or any class or classes of persons or transactions, from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In support of the relief requested, Applicant asserts that the purpose of the Act's prohibition against performance-based fees, contained in Section 205(1), is to prevent investment advisers from investing clients' funds in unduly speculative securities and from manipulating portfolio investments in a manner inconsistent with their clients' interests. Applicant asserts that since its proposed performance-based fee would be calculated net of realized capital losses and unrealized capital depreciation, the deterrent of Section 205(1) would be unnecessary. Applicant further asserts that the graduated structure of its proposed performance-based fee arrangement provides a disincentive to undue speculation or manipulation. In addition, Applicant argues that the requirement that the advisory partners acquire and maintain at least a 1% investment interest in each partnership's profits and losses further protects the interests of Applicant's clients and serves as a deterrent to undue speculation. Applicant represents that the advisory partners would be barred from withdrawing their minimum 1% capital contribution.

Applicant argues that the requirement that each partnership would have at least one sophisticated investor, unaffiliated with Applicant, provides further protections for Applicant's clients. Applicant submits that this requirement ensures that the particular investment would be examined by independent purchasers who would provide the necessary element of external, professional review, sufficient to protect those of Applicant's advisory clients, who should also decide to participate in that particular partnership. Applicant states that this requirement is an adaptation of the concept of accredited investor. Applicant asserts that the accredited investor concept, which had its origins in the Commission's Rule 242 and is presently contained in Regulation D, represents a basic conclusion by the Commission that there are certain persons fitting within that category who are sufficently knowledgeable and experienced in financial matters that they do not need the protection given them by the registration provisions of the Securities Act of 1933. Applicant maintains that Rule 242 before it, and now Regulation D, permit a certain number of other investors to participate in an offering where an accredted investor has led the way. Applicant states that, in adapting that concept to these circumstances, one could view Applicant's advisory clients as "free-riding" on the investigation, research, intellectual skills, and judgment possessed by others. Applicant contends that, although the investor protections that would be provded to Applicant's advisory clients would be derivative, they would also be verifiable, tangible, and quite real.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than May 9, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-10478 Filed 4-19-83; 8:45 am]
BILLING CODE 8010-01-M

[File No. 1-8213]

Chessco Industries, Inc.; Application to Withdraw from Listing and Registration

April 13, 1983.

In the matter of Chessco Industries, Inc., Common Stock, $.10 Par Value, Warrants to Purchase Common Stock, $.10 Par Value.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to Section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified securities from listing and registration on the Boston Stock Exchange, Inc. ("BSE").

The reasons alleged in the application for withdrawing these securities from listing and registration include the following:

The common stock and warrants of Chessco Industries, Inc. ("Company") have been listed and registered on the BSE since September 1981. The Company has determined that in light of the small and infrequent volume of trading on the BSE the expense of continued listing is no longer justified. In addition, the Company desires to include its stocks in NASDAQ.

Any interested person may, on or before May 4, 1983, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the

Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-10004 Filed 4-19-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13154; 812-5443]

Hutton Municipal Fund Inc., et al.; Filing of Application

April 12, 1983.

Notice is hereby given that Hutton Municipal Fund Inc., Hutton California Municipal Fund Inc., and Hutton New York Municipal Fund Inc. (the "Funds"), and E.F. Hutton & Company Inc. ("E.F. Hutton") (collectively referred to as "Applicants"), One Battery Park Plaza, New York, New York, 10004, filed an application on February 4, 1983, for an order of the Commission, pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act"), for exemptions from Sections 22(d) and 12(d)(3) of the Act to the extent necessary to permit: (i) The sale of shares of the Funds at net asset value without imposition of a sales charge and without regard to minimum initial investment requirements to participants in a reinvestment program to be offered to unitholders of the E.F. Hutton Tax-Exempt Trust (the "Trust") or any other existing or future unit investment trust which E.F. Hutton sponsors or co-sponsors which invests in municipal obligations (collectively, the "Trusts"); and (ii) to permit the Funds to acquire rights to sell their portfolio securities to brokers or dealers. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and are referred to the Act and the rules thereunder for further information as to the provisions to which the exemptions apply.

The Funds, all open-end, diversified, series-type, management investment companies, seek to obtain as high a level of interest income exempt from federal income taxes as is consistent with preservation of capital. To further fulfull their investment objectives, where appropriate, the Funds also seek as high a level of interest income exempt from state and local income taxes as is consistent with preservation of capital. Each fund offers its shares to the public at an offering price which includes a sales charge of not more than 4% of the public offering price. The minimum initial investment is $500; subsequent investments must be at least $250. E.F. Hutton serves as investment adviser and as distributor for each of the Funds.

A series unit investment trust registered under the Act, the Trust's objectives are tax-exempt income and conservation of capital through investment in a diversified portfolio of municipal bonds. The sale of Trust shares includes a sales charge equal to 4% of the public offering price per unit.

Applicants propose to establish a reinvestment plan ("Reinvestment Program") to permit unitholders of existing and future series of the Trusts to purchase shares of the Funds through reinvestment of Trust distributions at net asset value (without a sales load) and without regard to any minimum investment requirements of the Funds. Upon request, unitholders of the Trusts will receive a current prospectus of the appropriate fund and an authorization form, execution of which constitutes an election to enroll in the Reinvestment Program. An election will be effective until revoked by written notice to the Trust's trustee. Disclosure regarding the Reinvestment Program will be included in the prospectus of all future series of the Trust. E.F. Hutton, the Funds' principal underwriter, will bear the offering expenses of the Reinvestment Program. Once a unitholder elects to participate in the Reinvestment Program, his account with a fund will be handled in the same manner as the account of any other fundshareholder. Applicants have reserved the right to discontinue the Reinvestment Program.

Applicants submit that the requested exemption from the provisions of Section 22(d) would be in the public interest, beneficial to the investors in the Trusts and the Funds, and consistent with the purposes of Section 22(d) of the Act. To the extent operating expenses do not increase proportionately with assets, Applicants contend that the Reinvestment Program would decrease the Funds' average expenses by increasing their asset bases. Applicants assert that the Funds could also benefit from an increased cash flow which would enable the Funds to more readily meet redemptions without liquidating portfolio investments, decrease assets held as cash reserves, and diversify and enlarge their investment positions. Applicants contend that E.F. Hutton will realize economies of scale in sales expense—little or no additional sales costs need be allocated to fund shares marketed through the Reinvestment Program—which benefits Reinvestment Program participants because such participants will be able to invest their distributions at net asset value.

The Funds also request an exemption from Section 12(d)(3) of the Act to the extent necessary to permit them to acquire "puts" or "stand-by" commitments from brokers or dealers. The Funds characterize a put or stand-by commitment as a right granted by a broker, dealer, or other financial institution to an investment company upon the purchase of a municipal obligation entitling the investment company to sell the same principal amount of such securities back to the seller, at the investment company's option, at a specified price. Acquiring such rights, the Funds assert, would enhance their liquidity by allowing them to be as fully invested as practicable in municipal securities while preserving the flexibility necessary to meet redemptions.

Applicants state that the Funds will acquire puts which will have the following characteristics: (1) They will be in writing and will be physically held by the Funds' custodian; (2) they may be exercised by a Fund at any time prior to the maturity of the underlying security; (3) they will be entered into only with dealers, banks, and brokers who in the investment adviser's opinion present a minimal risk of default; (4) the Funds's right to exercise the puts will be unconditional and unqualified; (5) although the puts will not be transferable, the underlying securities could be sold to a third party at any time, even though the put was outstanding; and (6) the exercise price of the put will be (i) the Funds' acquisition cost of the underlying security (excluding any accrued interest which the Funds paid on their acquisition), less any amortized market premium or plus any amortized market or original issue discount during the period the Fund owns the security, plus (ii) all interest accrued on the security since the last interest payment date during the period the security was owned by the Fund.

According to the application, the Funds expect that puts will generally be available without the payment of any direct or indirect consideration. If necessary and advisable, however, the Funds state that they will pay for puts, either separately in cash or by paying a higher price for the underlying securities. The Funds have stated an intent that the total amount "paid" in either manner for outstanding puts held in any of their portfolios will not exceed ½ of 1% of the value of the total assets of such portfolio calculated immediately after any put is acquired. Acknowledging the difficulty of evaluating the likelihood of exercise or the potential benefit of a put. Applicants

expect that the Funds' directors will determine that puts have a "fair value" of zero, regardless of whether any direct or indirect consideration is paid. Where a Fund has paid for a put, its cost will be reflected as unrealized depreciation in the underlying security for the period during which the commitment is held. The Funds have not sought a favorable ruling from the Internal Revenue Service ("IRS") with respect to stand-by commitments. In the absence of a favorable tax ruling or opinion of counsel, the Funds will not engage in the purchase of securities subject to stand-by commitments.

Applicants submit that an exemption from Section 12(d)(3) of the Act to permit the Funds to acquire stand-by commitments from brokers or dealers would be consistent with the standards set forth in Section 6(c) of the Act. Applicants do not expect that the acquisition of puts would affect the Funds' net asset values per share for purposes of sales and redemptions, but rarther will improve the Funds' liquidity and ability to meet redemptions (Applicants point out that certain investment techniques used to obtain liquidity by taxable funds are not available to the Funds since they entail adverse tax consequences). Applicants state that the acquisition of puts will not expose the Funds' assets to the entrepreneurial risks of the investment banking business, nor require them to evaluate the credit of dealers in determining their net asset value. Applicants recognize that the failure of a broker or a dealer to fulfill its obligation under a put could result in a loss to the Funds, but contend that such risk of loss is not quantitatively different from the risk of loss faced by any investment company which is holding securities pending settlement after having agreed to sell the securities to a broker or dealer in the ordinary course of business. Applicants declare that the Funds will not acquire puts to provide reciprocal practices, to encourage the sale of their shares, or to obtain research services. Finally, Applicants assert, as with their Section 22(d) proposal, that the exemption requested is appropriate and in the public interest, consistent with the protection of investors, and consistent with the purposes fairly intended by the policy and provisions of the Act.

Section 6(c) of the Act permits the Commission, among other things, to grant an exemption by order upon application from any provision or provisions of the Act, provided such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than May 9, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for his/her request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-10481 Filed 4-19-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13155; 812-5410]

Municipal Fund for California Investors, Inc., and Henry M. Watts, Jr.; Filing of Application

April 12, 1983.

Notice is hereby given that Municipal Fund for California Investors, Inc. ("Fund"), Suite 204, Webster Building, 3411 Silverside Road, Wilmington, Delaware 19810, an open-end, diversified, management investment company, and Henry M. Watts, Jr., a director of the Fund, Mitchel, Schreiber, Watts & Co., Inc., 20 Broad Street, New York, New York 10005 (collectively, "Applicants") filed an application on December 22, 1982, and an amendment thereto on March 23, 1983, pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission declaring that Mr. Watts shall not be deemed to be an "interested person" of the Fund within the meaning of Section 2(a)(19) of the Act solely by reason of his being an officer, director and employee of Mitchel, Schreiber, Watts & Co., Inc. ("Mitchel, Schreiber"), a broker-dealer registered under the Securities Exchange Act of 1934. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act for the complete text of the provisions to which the exemption applies.

The application describes the Fund as a Maryland corporation whose proposed investment objective is to provide investors with as high a level of current interest income exempt from federal and California state personal income taxes as is consistent with the preservation of capital and relative stability of principal. Applicants state that in furtherance of its investment objective, the Fund intends to offer shares in a portfolio consisting primarily of debt obligations issued by or on behalf of the state of California and other states, territories and possessions of the United States, the District of Columbia and their authorities, agencies, instrumentalities and political subdivisions ("municipal securities"). According to the application, the Fund will maintain at least 80 percent of its assets in municipal securities except during defensive periods or when acceptable securities are unavailable for investment, will not knowingly purchase securities the income from which is subject to federal income tax, and will have at least 50 percent of its assets invested in California governmental debt obligations at the close of each quarter of the Fund's fiscal year. The application states further that the Fund may hold uninvested cash reserves pending investment during defensive periods or if, in the opinion of its investment adviser, suitable tax-exempt obligations are unavailable. The Fund if said is said to be primarily designed for California institutional investors, such as banks acting in a fiduciary, advisory, agency or similar capacity; insurance companies; investment counselors; and brokers seeking tax-exempt income.

Applicants state that the Fund's distributor is Shearson/American Express Inc. ("Shearson"). According to Applicants, purchase and redemption orders for Fund shares placed directly by shareholders with Shearson without the assistance of a broker-dealer will be processed without charge (except redemption orders submitted by Shearson for its own brokerage customers). The Fund's investment adviser is Provident Institutional Management Corporation ("PIMC"), and its sub-adviser is Provident National Bank ("Provident"). Applicants state that in connection with the execution of portfolio transactions on behalf of the Fund, PIMC will seek to obtain the best net price and the most favorable execution of its orders. Brokerage commissions, Applicants allege, will not

normally be paid on investments by the Fund since purchases and sales of portfolio securities will usually be principal transactions. The Fund's administrator is The Boston Company Advisors, Inc. ("Boston Advisors"). According to the application, Boston Advisors, as administrator, will assist in supervising all Fund operations (other than those performed under the Fund's advisory, custodian and transfer agency agreements). Boston Advisors is a wholly-owned subsidiary of Shearson.

The application states that Mr. Watts is a director of the Fund and an officer, director emeritus and employee of Mitchel, Schreiber. Mitchel, Schreiber is, purportedly, wholly-owned by Angeles Corporation, a financial services corporation with operating subsidiaries engaged in real estate, investment counseling and investment advisory services. Applicants represent that, historically, Mitchel, Schreiber's business has been limited to the technical execution and clearance of exchange-traded securities on behalf of other broker-dealers; it did not provide research analysis or other financial services and did not act as a dealer with respect to any securities. The application states that at the present time, however, Mitchel, Schreiber conducts no active business other than occasional real estate transactions on behalf of its parent, although Mitchel, Schreiber also makes its seat on the New York Stock Exchange available to its parent. The application asserts further that in light of Mitchell, Schreiber's current business inactivity it is unlikely that Mitchel, Schreiber would ever have occasion to act as a broker or dealer directly or indirectly for the Fund.

Applicants state that Mitchel, Schreiber has no direct business relationship with PIMC, Provident, Boston Advisors or Shearson. Pursuant to a prior order of the Commission, Mr. Watts currently is deemed not to be an "interested person" of Shearson, PIMC, Provident and certain investment companies distributed or advised by them within the meaning of Section 2(a)(19) of the Act by reason of his being an officer, director, and employee of Mitchel, Schreiber.

Section 6(c) of the Act permits the Commission to grant an exemption by order upon application from any provision or provisions of the Act, provided such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants maintain that Mr. Watts should not be deemed to be an "interested person" of the Fund by virtue of his association with Mitchel, Schreiber because Mitchel, Schreiber will have no occasion to have any direct or indirect relationship with the Fund and will have no direct business relationship with PIMC, Provident, Boston Advisors or Shearson. Applicants maintain that, as a result, Mr. Watts' affilation with Mitchel, Schreiber will not impair or otherwise affect his ability to exercise independent, disinterested judgment in the conduct of his office as a director of the Fund. Applicants submit that the requested exemption is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In connection with the application, the following representations have also been made:

1. The Fund represents that it will not use Mitchel, Schreiber for portfolio transactions or for the distribution of its shares so long as Mr. Watts is a director of the fund and also a director, director emeritus, officer or employee of Mitchel, Schreiber; and

2. The Fund, to the best of its knowledge, and Mr. Watts represent that since at least October 1, 1978, Mr. Watts has not had a material business or professional relationship with PIMC, Provident, Boston Advisors or Shearson, or with the principal executive officers of or any person controlling, controlled by or under common control with PIMC, Provident, Boston Advisors or Shearson.

Notice is further given any interested person wishing to request a hearing on the application may, not later than May 12, 1983, at 5:30 p.m. do so by submitting a written request setting forth the nature of his/her interest, the reasons for his/her request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-10462 Filed 4-19-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13160; 812-5463]

Real Estate Associates Limited VI, et al.; Filing of Application

April 13, 1983.

Notice is hereby given that Real Estate Associates Limited VI, a California limited partnership ("REAL VI"), and its general partners, National Partnership Investments Corp. and National Partnership Investments Associates ("General Partners") (REAL VI together with General Partners, collectively referred to hereinafter as "Applicants"), 1880 Century Park East, Los Angeles, California, 90067 filed an application on March 1, 1983, pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act"), for an order of the Commission exempting REAL VI from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants state that REAL VI was formed under the California Limited Partnership Act on November 8, 1982, and is designed to implement the policy of Title IX of the Housing and Urban Development Act of 1968 to provide private investors with a means of acquiring equity interests in government-assisted low and moderate income housing. REAL VI will acquire limited partnership interests in local limited partnerships ("Local Limited Partnerships") which own or lease government-assisted rental housing projects for low and moderate income persons.

Applicants state that REAL VI is organized as a limited partnership because a limited partnership is the only form of organization which provides an investor with both liability limited to his capital investment and the ability to claim on his individual tax return the deductions, losses, credits and other tax items a partnership can pass through to its partners. Therefore, REAL VI will operate as a "two-tier" partnership; i.e., REAL VI, a limited partnership, has invested and will invest primarily in other limited partnerships (Local Limited Partnerships) which, in turn, will be engaged in the development, building, ownership or leasing of

government-assisted housing for low and moderate income persons. Applicants further represent that one of the primary objectives of REAL VI is to pass through to its partners during the early years of the partnership net losses which may be used to offset other taxable income.

Applicants represent that REAL VI has filed a registration statement under the Securities Act of 1933, which will cover the sale of 240 to 2,000 Units at $5,000 per Unit. Each Unit consists of two limited partnership interests and a warrant to purchase two additional limited partnership interests, exercisable in January, 1984 (the "Warrants"). The Warrants will entitle an investor to purchase the related limited partnership interests for $2,500 each, the equivalent price per limited partnership interest acquired pursuant to the purchase of a Unit. It is also stated that in the event that any Warrant is not exercised, the respective limited partnership interests may be sold by REAL VI to other qualifying offerees.

Offers to sell and sales of the Units to the public are proposed to be effected through E. F. Hutton & Company Inc. and other selected members of the National Association of Securities Dealers, Inc., none of which will own or owns any interest in either of the General Partners or will have or has any other material relationship with their directors, officers or partners. Such broker-dealers will use their best efforts as agents for REAL VI to obtain subscriptions for Units in REAL VI and thereafter to sell any limited partnership interests available upon the non-exercise of the Warrants.

The application states that no subscription for Units or limited partnership interests will be accepted unless it is approved by the General Partners, which approval shall be conditioned upon representations as to suitability of the investment to each such subscriber, and it is claimed that the Units and additional limited partnership interests will be sold only to relatively sophisticated investors who have special qualifications. The application states that the subscribing investor will represent in the Subscription Agreement for Units (1) that he has a net worth (exclusive of home, furnishings, and automobiles) of at least $30,000 and an annual gross income of at least $30,000, or that he has a net worth (exclusive of home, furnishings, and automobiles) of at least $200,000, or that he is purchasing in a fiduciary capacity for a person or entity which has such net worth and annual gross income; and (2) that he is aware of the risks involved in investing in REAL VI. He also must represent that some part of his annual income for 1983 will be taxable at the federal tax rate of 38% or more, and that he anticipates some part of his income for the next four years will, but for the effect of his investment in the Units and limited partnership interests or other tax shelters, be taxable at such 38% rate. In addition, the Restated Certificate and Agreement of Limited Partnership Agreement of REAL VI ("Partnership Agreement") will require that until January 1, 1989 each transferee of limited partnership interests must represent that he meets the suitability standards set forth above.

Applicants state that the General Partners will be entitled to receive 1% of REAL VI's profits, losses and distributions subject to the conditions that their 1% share of net cash flow will be reduced each year by the amount of annual management fees which are paid or payable to them in that year. In addition to their 1% participation in REAL VI's profits, losses and distributions, the General Partners will receive certain fees for overseeing the conduct of REAL VI's affairs and the continuing operation of each project. Applicants represent that these fees are in substantial conformity with the standards imposed by the North American Securities Administrators Association, Inc. and the California Corporations Commissioner, and that to the best of their knowledge all such fees are in compliance with the current rules promulgated by such authorities.

During REAL VI's operational period, the General Partners will receive, in consideration for their management services rendered to local limited partnerships owning government-assisted housing projects, an annual fee in an amount equal to 0.5% of invested assets to be paid out to REAL VI's general funds to such local limited partnerships. As noted above, this annual management fee will be applied against the General Partners' 1% shares of REAL VI's net cash flow. Finally, when a project is sold, the General Partners will receive a liquidation fee based upon the net proceeds only after payment to the limited partners of their invested capital in the project, plus an amount sufficient to pay their federal and state taxes.

Applicants further note that REAL VI states that it will file with the Commission pursuant to Section 15(d) of the Securities Exchange Act of 1934 all required annual reports, quarterly reports, and current reports on Forms 10–K, 10–Q and 8–K, as well as any other reports required by such Act. The General Partners will also send each limited partner a year-end report containing financial statements audited by REAL VI's independent accountants and tax information necessary for the preparation of each limited partner's federal income tax return. In addition, each limited partner will receive a report at least semiannually of REAL VI's activities and the operational status of its investment, as well as interim reports regarding acquisitions.

Applicants state that under the California Limited Partnership Act, and under the terms of the Partnership Agreement, the corporate General Partner, which has registered as an investment adviser under the Investment Advisers Act of 1940, and the non-corporate General Partner, are fiduciaries of REAL VI and its limited partners. Applicants state that under the Partnership Agreement, the officers and directors of the corporate General Partner and the partners of the non-corporate General Partner will be indemnified only when a court finds that such persons' conduct fairly and equitably merit indemnity in the amount claimed.

Without conceding that REAL VI is an investment company as defined in the Act, Applicants request that REAL VI be exempted from the provisions of the Act pursuant to Section 6(c). Section 6(c) of the Act provides that the Commission may exempt any person, security or transaction from any provision of the Act and rule thereunder if, and to the extent that, such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants contend that the exemption of REAL VI from all provisions of the Act is both necessary and appropriate in the public interest. Applicants assert that the form of organization REAL VI, *i.e.*, a limited partnership, which is necessary to limit the liability of private investors investing in subsidized low and moderate income housing, is incompatible with the regulatory framework of the Act. Applicants contend that to discourage the two-tier limited partnership arrangement by application of the Act would elmininate the primary means of attracting private equity capital into government-assisted housing and would frustrate the national policy declared by Congress "to encourage the widest possible participation by private enterprise in the

provision of housing for low and moderate income persons."

Notice is further given that any interested person wishing to request a hearing on the application may, not later than May 9, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicants at the address stated above. Proof of service (by afidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unles the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-10480 Filed 4-19-83; 8:45]

BILLING CODE 8010-01-M

[Release No. 19672; File No. SR-MSRB-83-1]

Self Regulatory Organizations; Filing of Proposed Rule Change by Municipal Securities Rulemaking Board

April 13, 1983.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on January 17, 1983, the Municipal Securities Rulemaking Board ("MSRB") 1150 Connecticut Avenue, N.W., Washington, D.C. 20036, filed with the Commission the proposed rule change described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change reviews the application of MSRB rules to private placement of municipal securities and interprets the application of MSRB Rules G-1, G-3 and G-23 to financial advisory services rendered to a corporate obligor on an issue of industrial development bonds ("IDB"). With respect to private placement activity for IDBs by a bank, the interpretation notes that it must be conducted through the registered dealer department of the bank. The MSRB warns bank dealers to review their organizations to ensure that all departments or units of the bank which engage in private placement of IDBs are designated on the bank's Form MDS and other applicable bank records as part of its separately identifiable department or division pursuant to Rule G-1. The MSRB also states that private placements must be effected and supervised by persons qualified pursuant to the requirements of Rule G-3.

The proposed rule change also interprets the application of MSRB Rules G-1, G-3, and G-23 to financial advisory services rendered to a corporate obligor for an issue of IDBs. Rule G-1 defines a separately identifiable department or division of a bank. Rule G-3 prescribes the classification and qualification requirements for persons engaged in underwriting, providing financial advisory services to issuers, clearance, research and investment advice related to municipal securities, recordkeeping and training. Rule G-23 prescribes ethical standards and disclosure requirements for brokers, dealers and municipal securities dealers who act as financial advisors to issuers of municipal securities.

The proposed MSRB interpretation states that these thre rules do not apply to financial advisory services given to a corporate obligor for an IDB issue, if such financial advisory services are limited to advice on the structure, timing, terms, and other similar matters concerning a proposed issue. The MSRB states, however, that other financial advisory services, such as participating in negotiations with prospective purchasers or engaging in placement of the issue, would be subject to Rules G-1 and G-3. The MSRB states that its rules would continue to apply to any advisory relationship with a governmental unit or direct communication with public customers. At this time, however, the MSRB is not aware of problems associated with the furnishing of financial advisory services to corporate obligors on IDBs which indicate a need for MSRB regulation. The MSRB states that it does not believe it is appropriate or necessary at this time to extend its regulatory reach to persons who are in the business of advising corporations about various financing alternatives merely because one alternative involves the issuance of tax-exempt securities.

The MSRB has proposed the rule change pursuant to subsections (A), (C) and (H) of Section 15B(b)(2) of the Act. The MSRB states that it does not believe the proposed rule change will have an effect on competition.

In order to assist the Commission in determining whether to approve the proposed rule change or institute proceedings to determine whether the proposed rule change should be disapproved, interested persons are invited to submit written data, views and arguments concerning the submission within 21 days after the date of publication in the **Federal Register.** Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Reference should be made to File No. SR-MSRB-83-1.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communictions relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal of office of the MSRB.

For the Commission, by the Division of Market Regulations, pursuant to delegated authority.[1]

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-10485 Filed 4-19-83; 8:45 am]

BILLING CODE 8010-01-M

Boston Stock Exchange, Inc., Applications for Unlisted Trading Privileges and of Opportunity for Hearing

April 14, 1983.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Alpha Industries, Inc., Common Stock, $.25 Par Value (File No. 7-6562)
Hanna Mining Company, Common Stock, $1 Par Value (File No. 7-6563)
Harris Bankorp, Inc., Common Stock, $8 Par Value (File No. 7-6564)
Logicon, Inc., Common Stock, $.10 Par Value (File No. 7-6566)
North American Philips Corp., Common Stock, $5 Par Value (File No. 7-6567)
Paine Webber, Inc., Common Stock, $1 Par Value (File No. 7-6568)

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[1] 17 CFR 200.30-3(a)(12).

Pillsbury Company, Common Stock, NoPar Value (File No. 7–6569)
Pulte Home Corp., Common Stock, $1 Par Value (File No. 7–6570)
Union Camp Corporation, Common Stock, $1 Par Value (File No. 7–6571)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before May 5, 1983 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington , D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83–10463 Filed 4–19–83; 8:45 am]

BILLING CODE 8010–01–M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 77
Wednesday, April 20, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 11:10 a.m. on Friday, April 15, 1983, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to make funds available for the payment of insured deposits in Sparta-Sanders State Bank, Sparta, Kentucky, which was closed by the Acting Commissioner of Banking and Securities for the State of Kentucky on Friday, April 15, 1983.

At the same meeting, the Board of Directors considered a personnel matter.

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C. T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(2), (c)(6), (c)(8), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2), (c)(6), (c)(8), and (c)(9)(B)).

Dated: April 15, 1983.

Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.
[S-548-83 Filed 4-18-83; 2:51 p.m.]
BILLING CODE 6714-01-M

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FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, April 25, 1983, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Application for consent to convert into a non-FDIC insured institution:

BancOne of Connecticut, Bridgeport, Connecticut.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 45,569–NR (Amended): United States National Bank, San Diego, California
Case No. 45,672–L: Franklin National Bank, New York, New York

Memorandum and Resolution re: Amendment to the Policy Statement for Corporate Audit Activities.

Reports of committees and officers:

Minutes of actions approved by the standing committees of the Corporation pursuant to authority delegated by the Board of Directors.

Reports of the Division of Bank Supervision with respect to applications or requests approved by the Director or Associate Director of the Division and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Discussion Agenda:

No matters scheduled.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: April 18, 1983.
Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.
[S-549-83 Filed 4-18-83; 2:51 pm]
BILLING CODE 6714-01-M

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FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, April 25, 1983, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors, pursuant to sections 552b(c)(2), (c)(6), (c)(8), and (c)(9)(A)(ii) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Application for capital assistance pursuant to section 13(i) of the Federal Deposit Insurance Act:

Name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii)).

Discussion Agenda:

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to provisions of subsection (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Request for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: April 18, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–550–83 Filed 4–18–83; 2:51 pm]

BILLING CODE 6714–01–M

4

INTERNATIONAL TRADE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 16376, April 15, 1983.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 2:30 p.m., Monday, April 25, 1983.

CHANGES IN THE MEETING: Emergency action to close a portion of the meeting originally announced as open to the public.

Pursuant to the specific exemptions of 5 U.S.C. 552b(c)(4) and in conformity with 19 CFR 201.36(b)(4), Commissioners Eckes, Stern, and Haggart voted by action jacket SE–83–06 to hold a portion of the discussion with respect to item No. 5 (Investigations 731–TA–127, –128, and –129 (Preliminary) (Thin Sheet Glass from Switzerland, Belgium, and the Federal Republic of Germany)—briefing and vote) in closed session.

Commissioners Eckes, Stern, and Haggart determined pursuant to 19 CFR 201.37(b) that Commission business requires the change in the determination of the Commission to open or close this portion of the meeting and directed the issuance of this notice at the earliest practicable time.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523–0161.

[S–545–83 Filed 4–18–83; 2:51 pm]

BILLING CODE 7020–02–M

5

PAROLE COMMISSION

[3P0401]

TIME AND DATE: 10 a.m., Wednesday, April 27, 1983.

PLACE: Room 420–F, One North Park Building, 5550 Friendship Boulevard, Chevy Chase, Maryland 20815.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Referral from a Regional Commissioner of 1 case in which an inmate of a Federal prison is contesting a reopening of his case due to new and significant adverse information.

CONTACT PERSON FOR MORE INFORMATION: Linda Wines Marble, Chief Case Analyst, National Appeals Board, United States Parole Commission. (301) 492–5987.

[S–551–83 Filed 4–18–83; 3:01 pm.]

BILLING CODE 4410–01–M

6

RAILROAD RETIREMENT BOARD

TIME AND DATE: 9 a.m., April 26, 1983.

PLACE: Board's meeting room, eighth floor, headquarters building, 844 Rush Street, Chicago, Illinois, 60611.

STATUS: The entire meeting will be open to the public.

MATTERS TO BE CONSIDERED:

(1) Employer status of Burlington Northern (Manitoba) Limited.
(2) Canadian service (General Counsel Opinion L–83–79).
(3) Appeal of Southern Pacific Transportation Company.
(4) Bureau of audit and investigation—independence of the internal auditor.
(5) Audit priorities.
(6) Proposed revisions to Board Orders 75–1 and 75–6.
(7) Field office hours.
(8) Unemployment benefits—14-day registration cycle.
(9) Taskforce report on disability earnings limitation.
(10) Parts 216–237 of regulations on annuity eligibility, applications and evidence.
(11) Proposed disability regulations (Part 220).
(12) Proposed regulation under Section 22 of the Railroad Retirement Act of 1974.
(13) Supplemental budget request.
(14) Litigation case (Denberg v. RRB).
(15) Report on benefit accuracy recommendations.

CONTACT PERSON FOR MORE INFORMATION: Beatrice Ezerski, COM No. 312–741–4920; PTS No. 387–4920.

[S–547–83 Filed 4–18–83; 10:58 am]

BILLING CODE 7905–01–M

7

SYNTHETIC FUELS CORPORATION

Meeting of the Board of Directors

ACTION: Notice of meeting.

SUMMARY: Interested members of the public are advised that a meeting of the Board of Directors of the United States Synthetic Fuels Corporation will be held on the date and at the time and place specified below by telephone conference call. This public announcement is made pursuant to the open meeting requirements of Section 116(f)(1)) of the Energy Security Act (9 Stat. 611, 637; 42 U.S.C. 8701, 8712(f)(1)) and Section 4 of the Corporation's Statement of Policy on public access to Board Meetings.

MATTERS TO BE CONSIDERED: Approval of Competitive Solicitation for Gulf Province Lignite Gasification Projects.

In addition, the Board of Directors will consider such other matters as may be properly brought before the meeting.

DATE AND TIME: April 25, 1983 at 3 p.m. (e.s.t.)

PLACE: Room 403, 2121 K Street NW., Washington, D.C. 20586.

PERSON TO CONTACT FOR MORE INFORMATION: If you have any questions regarding this meeting, please contact Mr. Owen J. Malone, Office of General Counsel (202) 822–6336.

United States Synthetic Fuels Corporation.

Jimmie R. Bowden,

Executive Vice President.

April 15, 1983.

[S–548–83 Filed 4–18–83; 9:29 am]

BILLING CODE 0000–00–M

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federal register

Wednesday
April 20, 1983

Part II

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LIST OF LIBRARIES THAT HAVE ANNOUNCED AVAILABILITY OF FEDERAL REGISTER AND CODE OF FEDERAL REGULATIONS

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Government Documents Department
Birmingham Public Library
2020 Park Place
Birmingham, AL 35203
(205) 254–2551

Gadsden:
Gadsden Public Library
254 College Street
Gadsden, AL 35901
(205) 547–1611

Mobile:
Governmental Information Division
Mobile Public Library
564 Davis Avenue
Mobile, AL 36603
(205) 438–7092

Montgomery:
Alabama Public Library Service
6030 Monticello Drive
Montgomery, AL 36130
(205) 277–7330

Tuscaloosa:
University of Alabama Library
Reference Department
Box S
University, AL 35486
(205) 348–6046

ALASKA

Anchorage:
Alaska Resources Library
U.S. Department of the Interior
701 C Street, Box 36
Anchorage, AK 85513

Office of the Solicitor, Law Library
U.S. Department of the Interior
510 L Street, Suite 408
Anchorage, AK 99501

Fairbanks:
Bureau of Land Management
Library
Fairbanks District Office
P.O. Box 1150
North Post of Ft. Waynewright
Fairbanks, AK 99707

Rasmuson Library
Government Documents Section
University of Alaska
Fairbanks, AK 99701

Juneau:
Alaska State Library
8th Floor, New State Office Bldg.
Pouch G
Juneau, AK 99811
(907) 465–2920

ARIZONA

Glendale:
Velma Teague Library
7010 N. 58th Avenue
Glendale, AZ 85301
(602) 931–5576

Phoenix:
Office of the Field Solicitor, Law Library
U.S. Department of the Interior
Valley Bank Center, Suite 2080
201 North Central Avenue
Phoenix, AZ 85073

Phoenix Public Library
Business, Science & Technology—Documents
12 E. McDowell Road
Phoenix, AZ 85004
(602) 262–6451

Tempe:
Arizona State University
College of Law Library
Government Documents
Tempe, AZ 85281

Government Documents Department
Arizona State University Library
Tempe, AZ 85281

Window Rock:
Field Solicitor, Law Library
U.S. Department of the Interior
Window Rock, AZ 86515

ARKANSAS

Little Rock
Government Documents Department
UALR Library
University of Arkansas at Little Rock
33rd and University Avenue
Little Rock, AR 72204
(501) 569–3120

Searcy:
Beaumont Memorial Library
Harding University
P.O. Box 928
Searcy, AR 72143
(501) 268–6161

CALIFORNIA

Arcata:
Documents Department
The Library
Humboldt State University
Arcata, CA 95521

Burlingame:
The San Mateo Foundation*
1204 Burlingame Avenue
P.O. Box 627
Burlingame, CA 94010
(415) 342–2477

Glendale:
City of Glendale
Glendale Public Library
222 East Harvard Street
Glendale, CA 91205

La Jolla:
Government Documents, Maps, Microforms Department
Central University Library C–075–P
University of California, San Diego
La Jolla, CA 92093
(714) 452–3338

Lakewood:
Angelo M. Iacoboni Library
5020 Clark Avenue
Lakewood, CA 90712
(213) 866–1777

Long Beach:
Government Publications
Long Beach Public Library and Information Center
101 Pacific Avenue
Long Beach, CA 90802
(213) 437–2949, ext. 40

Long Beach Safety Council Library
121 Linden Avenue
Long Beach, CA 90802

Menlo Park:
U.S. Geological Survey Library
345 Middlefield Road
Menlo Park, CA 94025

Oakland:
Holy Names College Library
3500 Mountain Blvd.
Oakland, CA 94619

Orange:
Thurmond Clarke Memorial Library
Chapman College
333 North Glassell Street
Orange, CA 92666

CALIFORNIA—Continued
Pasadena:
City of Pasadena
Pasadena Public Library
285 E. Walnut Street
Pasadena, CA 91101
(213) 577–4054
Redwood City:
Redwood City Public Library
881 Jefferson Avenue
Redwood City, CA 94063
(415) 369–6251, ext. 288
San Mateo County Superintendent of Schools Office
Educational Resources Center
333 Main Street
Redwood City, CA 94063
(415) 364–5600
Richmond:
Richmond Public Library
Civic Center Plaza
Richmond, CA 94804
Riverside:
Field Solicitor, Law Library
U.S. Department of the Interior
3610 Center Avenue, Suite 104
Riverside, CA 92506
Riverside City and County Public Library
(Current CFR only)
3581 Seventh Street
P.O. Box 468
Riverside, CA 92502
(714) 787–7203
Sacramento:
Regional Solicitor, Law Library
U.S. Department of the Interior
Room E–2753
2800 Cottage Way
Sacramento, CA 95825
San Diego:
Western State University
College of Law
1333 Front Street
San Diego, CA 92101
(714) 231–0300
San Francisco:
Field Solicitor, Law Library
U.S. Department of the Interior
450 Golden Gate Avenue
Box 36064
San Francisco, CA 94102
University of California
Hastings College of the Law
Library
198 McAllister Street
San Francisco, CA 94102
San Rafael:
Marin County Free Library
Civic Center Administration Building
San Rafael, CA 94903
(415) 499–6051
Vallejo:
California Maritime Academy*
P.O. Box 1392
Vallejo, CA 94590
(707) 644–5601

COLORADO
Denver:
Bureau of Land Management
Denver Service Center Library
Building 50
Denver Federal Center
Denver, CO 80225
Bureau of Reclaimation Library
Engineering and Research Center
P.O. Box 25007, Denver Federal Center
Denver, CO 80225
Colorado State Library
1362 Lincoln Street
Denver, CO 80203
Regional Solicitor, Law Library
U.S. Department of the Interior
Room 1400, Bldg. 67, Denver Federal Center
P.O. Box 25007
Denver, CO 80225
Rocky Mountain Regional Office Library
National Park Service
655 Parfect Street
P.O. Box 25287
Denver, CO 80225
Fort Collins:
Documents Department
The Libraries
Colorado State University
Fort Collins, CO 80523
Greeley:
James A. Michener Library
Government Publications Service
University of Northern Colorado
Greeley, CO 80639
Lakewood:
Villa Library*
455 South Pierce Street
Lakewood, CO 80226
(303) 936–7407

CONNECTICUT
Bloomfield:
Prosser Public Library
1 Tunxis Avenue
Bloomfield, CT 06002
Danielson:
Quinebaug Valley Community College
P.O. Box 59
Danielson, CT 06239
774–1130
East Haven:
Hagaman Memorial Library*
227 Main Street
East Haven, CT 06512
(203) 468–3223
Fairfield:
Nyselius Library
Fairfield University
North Benson Road
Fairfield, CT 06430
(203) 255–5411, Ext. 2451
Hartford:
The Stanley Osborne Library*
Third Floor
The Connecticut State Department of Health Services
79 Elm Street
Hartford, CT 06115
(203) 566–2198
Middletown:
Olin Library
Wesleyan University
Middletown, CT 06457
Stamford:
Ferguson Library
96 Broad Street
Stamford, CT 06901
Waterbury:
Silas Bronson Public Library
Business, Industry & Technology Department
267 Grand Street
Waterbury, CT 06702
Wethersfield:
Wethersfield Public Library
515 Silas Deane Highway
Wethersfield, CT 06109

DISTRICT OF COLUMBIA
Natural Resources Library
U.S. Department of the Interior
Washington, DC 20240
Office of the Federal Register
1100 L Street, N.W.
Room 8301
Washington, DC 20408
(202) 523–4986

FLORIDA
Melbourne:
Government Documents Department
Florida Institute of Technology Library
University Blvd.
Melbourne, FL 32901
(305) 723–3701
Sarasota:
The University of Sarasota
2080 Ringling Blvd.
Sarasota, FL 33577
(813) 955–4228
Tallahassee:
Documents Section
State Library of Florida
R. A. Gray Building
Tallahassee, FL 32301
(904) 487–2651
Tampa:
Tampa–Hillsborough County Public Library
900 North Ashley Street
Tampa, FL 33602
(813) 223–8969

GEORGIA
Athens:
University of Georgia Libraries
Government Reference Department
Athens, GA 30602

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Atlanta:
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U.S. Department of the Interior
148 Cain Street, N.E., Suite 405
Atlanta, GA 30303
Dublin:
Laurens County Library
801 Bellevue Ave.
Dublin, GA 31021
Elberton:
Southeastern Power Administration
Law Library
U.S. Department of Energy
Samuel Elbert Building
Elberton, GA 30635
Savannah:
Chatham–Effingham–Liberty Regional Library
2002 Bull Street
Savannah, GA 31499
(912) 234–5127

IDAHO
Boise:
Field Solicitor, Law Library
U.S. Department of the Interior
Federal Building, U.S. Courthouse
Box 20
Boise, ID 83724
Pocatello:
The Library
Idaho State University
Pocatello, ID 83209

ILLINOIS
Bloomington:
Illinois Wesleyan University
Library
Bloomington, IL 61701
Chicago:
Government Publications Department
Chicago Public Library
425 N. Michigan Avenue
Chicago, IL 60611
(312) 269–3002

University of Chicago Law Library
1121 East 60th Street
Chicago, IL 60637

Documents Department
University of Illinois at Chicago Circle
The Library, P.O. Box 8198
Chicago, IL 60680
(312) 996–2716/996–2738
Lockport:
Lewis University
Route 53
Lockport, IL 60441
(815) 838–0500
Macomb:
Government Publications and Legal Reference Library
Western Illinois University
Macomb, IL 61455
(309) 298–2411
Niles:
Niles Public Library District
6960 Oakton Street
Niles, IL 60648
(312) 967–8554
Normal:
Milner Library
Illinois State University
Normal, IL 61761
Oak Park:
Oak Park Public Library
834 Lake Street
Oak Park, IL 60301
(312) 383–8200
Rockford:
Rockford Public Library
215 North Wyman Street
Rockford, IL 61101
(815) 965–6731
Springfield:
Energy Information Library*
Illinois Institute of Natural Resources, Room 300
325 W. Adams Street
Springfield, IL 62706
Waukegan:
County of Lake
Law Library
18 North County Street
Waukegan, IL 60085
(312) 689–6654

INDIANA
Fort Wayne:
The Public Library of
Fort Wayne and Allen County
900 Webster Street
Fort Wayne, IN 46802
(219) 424–7241
Indianapolis:
Reference and Loan Division
Indiana State Library
140 N. Senate Ave.
Indianapolis, IN 46204
(317) 232–3675
Muncie:
Ball State University Library
Government Publications Service
Muncie, IN 47305
(317) 285–6195
South Bend:
Indiana University at South Bend
1700 Mishawaka Avenue
South Bend, IN 46615
(219) 237–4440

IOWA
Ames:
Library—Government Publications Department
Iowa State University
Ames, IA 50010
(515) 294–2834
Des Moines:
State Library Commission of Iowa
Law Library
Capitol Building
Des Moines, IA 50319
(515) 281–5125

State Library Commission of Iowa
Historical Building
East 12th & Grand
Des Moines, IA 50319
Dubuque:
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Eleventh and Bluff Streets
Dubuque, IA 52001
(319) 583–9197
Wahlert Memorial Library
Loras College
1450 Alta Vista
Dubuque, IA 52001

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Colby Community College
1255 South Range
Colby, KS 67701
(913) 462–3984
Lawrence:
University of Kansas Law Library
Green Hall
Lawrence, KS 66045
(913) 864–3025
Pittsburg:
Library
Pittsburg State University
Pittsburg, KS 66762
Topeka:
Washburn University of Topeka
School of Law Library
Topeka, KS 66621
(913) 295–6660

KENTUCKY
Bowling Green:
Western Kentucky University
Helm–Cravens Library
Bowling Green, KY 42101
Frankfort:
Government Document Section
State Library Division
Kentucky Department of Library & Archives
Berry Hill
Frankfort, KY 40602
(502) 564–2480
Highland Heights
Northern Kentucky University
Library
Government Documents Department
Highland Heights, KY 41076
Lexington:
University of Kentucky Libraries
Government Publications Department
Lexington, KY 40506

Law Library
University of Kentucky
Lexington, KY 40506
Louisville:
University of Louisville
The Library
Louisville, KY 40208
Pikeville:
CITAC Library
Pikeville College
Armington Science Center
Pikeville, KY 41501
(606) 432–9396

LOUISIANA

Baton Rouge:
Library, Department of Urban & Community Affairs
5790 Florida Boulevard
Baton Rouge, LA 70806

Louisiana State Library
P.O. Box 131
760 N. Riverside Mall
Baton Rouge, LA 70821
(504) 389–6651

Lafayette:
University of Southwestern Louisiana
University Libraries
Lafayette, LA 70501

New Orleans:
U.S. Court of Appeals Library
5th Circuit
600 Camp Street
Room 106
New Orleans, LA 70130
(504) 589–6510

MAINE

Lewiston:
George and Helen Ladd Library
Bates College
Lewiston, ME 04240

Portland:
Donald L. Garbrecht Law Library
246 Deering Avenue
Portland, ME 04102
(207) 780–4350

MARYLAND

Aberdeen:
Department of the Army
U.S. Army Environmental Hygiene Agency
ATTN: Librarian, Bldg. E–2100
Aberdeen Proving Ground, MD 21010

Annapolis:
Maryland State Law Library
Courts of Appeal Building
361 Rowe Boulevard
Annapolis, MD 21401

Baltimore:
Enoch Pratt Free Library
400 Cathedral Street
Baltimore, MD 21201

Cumberland:
Allegany Community College Library
Willow Brook Road
P.O. Box 1695
Cumberland, MD 21502
(301) 724–7700, ext. 36

Oakland:
Garrett County Planning Office*
323 East Oak Street
Oakland, MD 21550
(301) 334–4200

Rockville:
Medical Library
Food & Drug Administration
5600 Fishers Lane
Room 11B40
Rockville, MD 20857

Department of Public Libraries
Montgomery County
99 Maryland Avenue
Rockville, MD 20850
(301) 279–1966

MASSACHUSETTS

Boston:
Government Documents Department
Boston Public Library
Copley Square
Boston, MA 02117

Gloucester:
Gloucester Lyceum and Sawyer Free Library*
General Reference Section
2 Dale Avenue
Gloucester, MA 01930
(617) 283–0376

Newton Corner:
Office of the Regional Solicitor, Law Library
Suite 306
1 Gateway Center
Newton Corner, MA 02156

Springfield:
The City Library
Central Library
220 State Street
Springfield, MA 01103

Woburn:
Commonwealth of Massachusetts
Trial Court of the Commonwealth
District Court Department
Fourth Eastern Middlesex Division
Woburn, MA 01801
(617) 935–4000

MICHIGAN

Ann Arbor:
Washtenaw Community College
4800 East Huron River Drive
Ann Arbor, MI 48106
(313) 973–3300

Detroit:
Downtown Library*
Detroit Public Library
121 Gratiot
Detroit, MI 48226

Detroit Public Library
5201 Woodward Avenue
Detroit, MI 48202

Municipal Reference Library
Detroit Public Library
1004 City–County Building
Detroit, MI 48226

Arthur Neef Law Library
Wayne State University
468 W. Ferry Mall
Detroit, MI 48202
(313) 577–3925

East Lansing:
Documents Department
Michigan State University Library
East Lansing, MI 48824

Flint:
Flint Public Library
General Reference Department
1026 E. Kearsley Street
Flint, MI 48502
(313) 232–7111

Lansing:
Thomas M. Cooley Law School Library
U.S. Documents Collection
217 South Capitol Avenue
Lansing, MI 48901
(517) 371–5140

Marquette:
Government Documents Department
Olson Library
Northern Michigan University
Marquette, MI 49855
(906) 227–2112

Mount Clemens:
Macomb County Library
16480 Hall Road
Mount Clemens, MI 48044
469–5300

Mt. Pleasant:
Library – Documents Department
Central Michigan University
Mt. Pleasant, MI 48859
(517) 774–3414

Pontiac:
Adams–Pratt Oakland County Law Library
1200 N. Telegraph Road
Pontiac, MI 48053

Oakland Schools Library*
2100 Pontiac Lake Road
Pontiac, MI 48054

Rochester:
Kresge Library
Documents Department
Oakland University
Squirrel/Walton
Rochester, MI 48063
(313) 377–2476

Saginaw:
Public Libraries of Saginaw
505 Janes
Saginaw, MI 48605
(517) 755–0904

Traverse City:
Mark Osterlin Library
Documents Department
Northwestern Michigan College
1701 East Front Street
Traverse City, MI 49684
(616) 946–5650, ext. 540

University Center:
Learning Resources Center
Delta College
University Center, MI 48710

MINNESOTA

Bemidji:
Documents Section
A. C. Clark Library
Bemidji State University
Bemidji, MN 56601
(218) 755–2958

Blaine:
Anoka County Library
707 Highway 10
Blaine, MN 55434

Cambridge:
East Central Regional Library*
Cambridge, MN 55008

Duluth:
Duluth Public Library
520 W. Superior Street
Duluth, MN 55802
(218) 723–3804

Edina:
Southdale–Hennepin Area Library
7001 York Avenue South
Edina, MN 55435
(612) 830–4900

MINNESOTA—Continued
Minneapolis:
Minnesota Hospital Association Library
2333 University Ave. S.E.
Minneapolis, MN 55414
(612) 331–5571

Government Publications Division
409 Wilson Library
University of Minnesota
Minneapolis, MN 55455
(612) 373–7813

St. Paul:
Minnesota State Law Library
117 University Avenue
St. Paul, MN 55155
(612) 296–2775

Government Publications Office
St. Paul Public Library
90 West Fourth Street
St. Paul, MN 55102
292–6178

Stillwater:
Stillwater Public Library
223 North Fourth Street
Stillwater, MN 55082
439–1675

Twin Cities:
Field Solicitor, Law Library
U.S. Department of the Interior
686 Federal Building, Fort Snelling
Twin Cities, MN 55111

Winona:
Maxwell Library
Government Documents
Winona State University
Winona, MN 55987
(507) 457–5148

MISSISSIPPI

Gulfport:
Harrison County Law Library
1st Judicial Courthouse
1801 23rd Avenue
Gulfport, MS 39501
(601) 864–5161 ext. 336

Jackson:
H. T. Sampson Library
Jackson State University
Jackson, MS 39217

MISSOURI

Jefferson City:
Missouri State Library
308 E. High Street
P.O. Box 387
Jefferson City, MO 65102
(314) 751–4552

St. Louis:
Missouri Botanical Garden*
(back issues held 1 year)
2345 Tower Grove Avenue
St. Louis, MO 63110
(314) 772–7600

Thomas Jefferson Library
University of Missouri–St. Louis
8001 Natural Bridge Road
St. Louis, MO 63144
(314) 453–5954

Sedalia:
State Fair Community College Library
1900 Clarendon Road
Sedalia, MO 65301

Springfield:
Southwest Missouri State University
The Library
Springfield, MO 65802
(417) 831–1561

MONTANA

Billings:
Bureau of Land Management
Library
P.O. Box 30157
Billings, MT 59107

Field Solicitor, Law Library
U.S. Department of the Interior
P.O. Box 1538
Billings, MT 59103

NEBRASKA

Kearney:
Calvin T. Ryan Library
Kearney State College
Kearney, NE 68847

Lincoln:
Nebraska Library Commission
1420 P Street
Lincoln, NE 68508
(402) 471–2045

University of Nebraska–Lincoln Libraries
Lincoln, NE 68588

Norfolk:
Northeast Technical Community College
801 E. Benjamin Avenue
Norfolk, NE 68701
(402) 371–2020

Wayne
U. S. Conn Library
Wayne State College
Wayne, NE 68787
(402) 375–2200, ext. 213

NEVADA

Boulder City:
Field Solicitor, Law Library
U.S. Department of the Interior
P.O. Box 427, Park Street
Boulder City, NV 89005

Reno:
Government Publications Department
University of Nevada Library
Reno, NV 89557
(702) 784–6579

NEW HAMPSHIRE

Concord:
Law Division, State Library
Supreme Court Building
Loudon Road
Concord, NH 03301
(603) 271–3777

New London:
Fernald Library
Colby–Sawyer College
New London, NH 03257

NEW JERSEY

Bloomfield:
Bloomfield Public Library
90 Broad Street
Bloomfield, NJ 07003
(201) 429–9292

Bridgeton:
Cumberland County Library
800 East Commerce Street
Bridgeton, NJ 08302

Elmer:
Arthur P. Schalick High School
Elmer–Centerton Road
R.D. 1
Elmer, NJ 08318

Hackensack:
Johnson Free Public Library
Hackensack Area Reference Library
275 Moore Street
Hackensack, NJ 07601

Jersey City:
Hudson Health Systems Agency Library
871 Berger Avenue
Jersey City, NJ 07306

Lawrenceville:
Franklin F. Moore Library
Rider College
Lawrenceville, NJ 08648
(609) 896–5115

Mahwah:
Ramapo College Library
505 Ramapo Valley Road
Mahwah, NJ 07430

Newark:
Newark Public Library
5 Washington Street
P.O. Box 630
Newark, NJ 07101
(201) 733–7782

Paterson:
Paterson Free Public Library
250 Broadway
Paterson, NJ 07501
(201) 881–3750

Pomona:
Stockton State College
Pomona, NJ 08240
(609) 652–1776, ext. 266

Toms River:
Ocean County College
Learning Resources Center
College Drive
Toms River, NJ 08753
(201) 255–4000 ext. 385

Trenton:
New Jersey State Law Library
185 West State Street
P.O. Box 1898
Trenton, NJ 08625
(609) 292–6230

Voorhees:
Camden County Library
Echelon Urban Center
Laurel Road
Voorhees, NJ 08043
(609) 772–1636

NEW JERSEY—Continued

Wayne:
Wayne Public Library
475 Valley Road
Wayne, NJ 07470
(201) 694–4272

NEW MEXICO

Albuquerque:
Field Solicitor, Law Library
U.S. Department of the Interior
P.O. Box 1696
Albuquerque, NM 87103

The University of New Mexico
General Library
Albuquerque, NM 87131
(505) 277–4241 and 277–5441

The University of New Mexico
School of Law Library
1117 Stanford NE
Albuquerque, NM 87131
(505) 277–6236

Las Vegas:
New Mexico Highlands University
Donnelly Library
Las Vegas, NM 87701

Portales:
Golden Library
Documents Department
Eastern New Mexico University
Portales, NM 88130

Santa Fe:
New Mexico State Library
300 Don Gaspar
Santa Fe, NM 87503
(505) 827–2033

Office of the Solicitor, Law Library
U.S. Department of the Interior
U.S. Courthouse, Room 224
P.O. Box 1042
Santa Fe, NM 87501

Silver City:
Miller Library
Western New Mexico University
Silver City, NM 88061

NEW YORK

Albany:
The New York State Library
The State Education Department
Cultural Education Center
Empire State Plaza
Albany, NY 12230

Brooklyn:
Brooklyn Public Library
Business Library
280 Cadman Plaza West
Brooklyn, NY 11201
(212) 780–7800

Corning:
The Arthur A. Houghton, Jr. Library
Corning Community College
Corning, NY 14830
(607) 962–9251

Garden City:
Adelphi University
Swirbul Library
South Avenue
Garden City, NY 11530
(516) 294–8700 ext. 7345

Geneseo:
State University of New York at Geneseo
Milne Library
Government Documents
Geneseo, NY 14454

Greenvale:
C. W. Post Center—Long Island University
B. Davis Schwartz Memorial Library
Greenvale, NY 11548

Niagara Falls:
Niagara Falls Public Library
1425 Main Street
Niagara Falls, NY 14305
(716) 278–8113

Oswego:
State University of New York at Oswego
Oswego, NY 13126
(315) 341–4267

Rochester:
Rochester Public Library
Business and Social Science Division
115 South Avenue
Rochester, NY 14604
(716) 428–7342

Schenectady:
Schenectady County Public Library
Liberty and Clinton Streets
Schenectady, NY 12305

Syracuse:
Reference Department
Onondaga County Public Library
335 Montgomery Street
Syracuse, NY 13202
475–8458

Uniondale:
Nassau Library System
900 Jerusalem Avenue
Uniondale, NY 11553
(516) 292–8920

NORTH CAROLINA

Asheboro:
Asheboro Public Library
201 Worth Street
Asheboro, NC 27203
(919) 629–3329

Boone:
Regional Information Center
Region D Council of Governments
P.O. Box 1820
Boone, NC 28607

Charlotte:
Public Librarty of Charlotte and Mecklenburg County
310 N. Tryon Street
Charlotte, NC 28202
(704) 374–2540

Durham:
William Perkins Library
Public Documents Department
Duke University
Durham, NC 27706
(919) 684–2380

Gastonia:
Gaston County Public Library*
Headquarters: Gaston–Lincoln Regional Library
1555 East Garrison Boulevard
Gastonia, NC 28052
(704) 865–3418

Raleigh:
Documents Department
The D. H. Hill Library
North Carolina State University
Box 5007
Raleigh, NC 27650

Winston–Salem:
Forsyth County Public Library
660 West Fifth Street
Winston–Salem, NC 27101
(919) 727–2220

NORTH DAKOTA

Bismarck:
Bismarck Junior College*
Schafer Heights
Bismarck, ND 58501

North Dakota State Library
Highway 83 North
Bismarck, ND 58505
224–2490

Office of Program Planning*
All Nations Circle – Bldg. 35
United Tribes Educational Technical Center
3315 South Airport Road
Bismarck, ND 58501

OHIO

Athens:
Government Documents Department
Ohio University Library
Athens, OH 45701
(614) 594–5604

Cincinnati:
Municipal Reference Library
224 City Hall
Cincinnati, OH 45202

National Institute for Occupational Safety and Health
Division of Technical Services
Robert A. Taft Laboratories
4676 Columbia Parkway
Cincinnati, OH 45226

Ohio River Basin Commission Library
Suite 208–20, 36 East 4th Street
Cincinnati, OH 45206
(513) 684–3831

Cleveland:
Cleveland Public Library
325 Superior Avenue
Cleveland, OH 44114

OHIO—Continued

Cleveland Regional Sewer District*
Library
Administrative Offices
801 Rockwell Avenue
Cleveland, OH 44114
(216) 781–6600 ext. 219

Cleveland Heights:
Cleveland Heights—University Heights Public Library
2345 Lee Road
Cleveland Heights, OH 44118
(216) 932–3600

Columbus
The State Library of Ohio
65 South Front Street
Columbus, OH 43215
(614) 466–2694

Dayton:
University Library
Wright State University
Dayton, OH 45435

Findlay:
Marathon Oil Company
Law Library, Room 854–M
539 South Main Street
Findlay, OH 45840
(419) 422–2121 ext. 3376

Shafer Library
Findlay College
1000 N. Main Street
Findlay, OH 45840
(419) 422–8313

Marion:
Marion Public Library*
445 E. Church Street
Marion, OH 43302
(614) 387–0992

Toledo:
Toledo–Lucas County Public Library
Social Science Department
325 Michigan Street
Toledo, OH 43624
(419) 242–7361 ext. 241

Wooster:
Andrews Library
The College of Wooster
Wooster, OH 44691

OKLAHOMA

Aradarko:
Field Solicitor, Law Library
U.S. Department of the Interior
P.O. Box 397
Aradarko, OK 73005

Muskogee:
Office of the Field Solicitor, Law Library
U.S. Department of the Interior
P.O. Box 1508
Muskogee, OK 74401

Norman:
Law Library
University of Oklahoma
300 Timberdell
Norman, OK 73019

Oklahoma City:
Oklahoma Department of Libraries
U.S. Documents Regional Depository
200 N.E. 18th Street
Oklahoma City, OK 73105
(405) 521–2502

Pawhuska:
Field Solicitor, Law Library
U.S. Department of the Interior
c/o Osage Agency
Pawhuska, OK 74056

Stillwater:
Documents Department
Edmon Low Library
Oklahoma State University
Stillwater, OK 74074
(405) 624–6546

Tulsa:
Office of the Regional Solicitor, Law Library
U.S. Department of the Interior
P.O. Box 3156
Tulsa, OK 74101

OREGON

Eugene:
University of Oregon Library
Government Documents Section
Eugene, OR 97403
(503) 686–3070

Portland:
Library Association of Portland
(Multnomah County Library)
801 S.W. 10th Avenue
Portland, OR 97205
223–7201

Salem:
Oregon State Library
State Library Building
Salem, OR 97310
(503) 378–4276

PENNSYLVANIA

Aliquippa:
B.F. Jones Memorial Library*
Aliquippa District Center
663 Franklin Avenue
Aliquippa, PA 15001
(412) 375–7174

Allentown:
The John A. W. Haas Library
Muhlenberg College
Allentown, PA 18104

Dallas:
Library
College Misericordia
Dallas, PA 18612

Harmony:
Library
Seneca Valley Senior High School*
Southwest Butler County School District
R.D. 2
Harmony, PA 16037

Harrisburg:
State Library of Pennsylvania
Box 1601
Harrisburg, PA 17126
(717) 787–7343

Hazleton:
Hazleton Area Public Library
Church and Maple Streets
Hazleton, PA 18201
454–2961/454–0244

Lancaster:
Fackenthal Library
Franklin and Marshall College
P.O. Box 3003
Lancaster, PA 17604
(717) 291–4210

Loretto:
Pius XII Memorial Library
Saint Francis College
Loretto, PA 15940

Millersville:
Millersville State College
Millersville, PA 17551

Vein
Stayer R & L Center
Millersville State College
Millersville, PA 17551
(717) 872–5411 ext. 552, 542

Newtown:
The Library
Bucks County Community College
Newtown, PA 18940

Philadelphia:
Government Publications Department
Free Library of Philadelphia
Logan Square
Philadelphia, PA 19103

Pittsburgh:
Baldwin Borough Public Library
3344 Churchview Avenue
Pittsburgh, PA 15227

U.S. Bureau of Mines
Library
4800 Forbes Avenue
Pittsburgh, PA 15213

Shippensburg:
Ezra Lehman Memorial Library
Shippensburg State College
Shippensburg, PA 17257

Somerset:
Somerset State Hospital Library
Box 631
Somerset, PA 15501
(814) 445–6501, ext. 216

Swarthmore:
The Swarthmore College Library
The McCabe Library
Swarthmore, PA 19081
(215) KI 4–7900

Washington:
Washington County Law Library
Courthouse
Washington, PA 15301
(412) 228–6747

West Chester:
Francis Harvey Green Library*
West Chester State College
West Chester, PA 19380
(215) 436–2869

Wilkes–Barre:
Institute of Regional Affairs*
Wilkes College
Wilkes–Barre, PA 18703

RHODE ISLAND

Kingston:
Government Publications Office
University of Rhode Island
Library
Kingston, RI 02881
(401) 792–2602

Providence:
Brown University Library
Documents Department
Providence, RI 02912
(401) 863–2522

Providence Public Library
150 Empire Street
Providence, RI 02903
(401) 521–7722

Rhode Island College
James P. Adams Library
Documents Department
600 Mt. Pleasant Avenue
Providence, RI 02908
(401) 274–4900 ext. 331

Warwick:
Warwick Public Library
600 Sandy Lane
Warwick, RI 02886
(401) 739–5440

SOUTH CAROLINA

Charleston:
Baptist College of Charleston
P. O. Box 10087
Charleston, SC 29411

Charleston County Library
404 King Street
Charleston, SC 29403

Citadel
Charleston, SC 29409

College of Charleston
66 George Street
Charleston, SC 29401

Clemson:
Clemson University
Clemson, SC 29631

Columbia:
Benedict College
Blanding & Harden Streets
Columbia, SC 29204

Richland County Public Library
1400 Sumter Street
Columbia, SC 29201

South Carolina State Library
1500 Senate Street
Columbia, SC 29201

University of South Carolina
Columbia, SC 29208

Conway:
Coastal Carolina (of University of SC)
Route 6
Conway, SC 29526

Due West:
Erskine College*
Due West, SC 29639

Florence:
Florence County Library
319 S. Irby Street
Florence, SC 29501

Francis Marion College
Florence, SC 29501

Greenville:
Furman University
Greenville, SC 29613

Greenville County Library
300 College Street
Greenville, SC 29601

Greenwood:
Larry A. Jackson Library
Lander College
Greenwood, SC 29646

Orangeburg:
South Carolina State College
College Avenue
Orangeburg, SC 29117

Rock Hill:
Winthrop College
Rock Hill, SC 29733

Spartanburg:
Spartanburg County Library
P. O. Box 2409
333 S. Pine Street
Spartanburg, SC 29304

SOUTH DAKOTA

Aberdeen:
Field Solicitor, Law Library
U.S. Department of the Interior
P.O. Box 549
Aberdeen, SD 57401

Brookings:
H. M. Briggs Library
South Dakota State University
Brookings, SD 57007
(605) 688–5106

Rapid City:
Devereaux Library
South Dakota School of Mines &
Technology
Rapid City, SD 57701
(605) 394–2418

TENNESSEE

Chattanooga:
Hamilton County Bicentennial Library
Business, Science and Technology
Department
1001 Broad Street
Chattanooga, TN 37402
(615) 757–5312

Clarksville:
Woodward Library
Austin Peay State University
Clarksville, TN 37040
(615) 648–7346

Nashville:
Documents Unit
Joint University Libraries
Nashville, TN 37203

Tennessee State Library
Tennessee State Library and Archives
403 Seventh Avenue North
Nashville, TN 37219
(615) 741–2451

TEXAS

Amarillo:
Amarillo Public Library*
City of Amarillo
P.O. Box 2171
413 E. 4th
Amarillo, TX 79189

Field Solicitor
U.S. Department of the Interior
P.O. Box H–4393, Herring Plaza
Amarillo, TX 79101

College Station:
Documents Division
University Libraries
Texas A & M University
College Station, TX 77843

Dallas:
U.S. Environmental Protection Agency
Region VI
1201 Elm Street
Dallas, TX 75270

Denton:
Texas Woman's University Library
Box 23715, TWU Station
Denton, TX 76204
(817) 566–6415

El Paso:
El Paso Public Library
Documents Section
501 North Oregon Street
El Paso, TX 79901
(915) 543–3808

Hurst:
Hurst Public Library
901 Precinct Line Road
Hurst, TX 76053
(817) 485–5320

Lubbock:
School of Law Library
Texas Tech University
Lubbock, TX 79409

Victoria:
Documents Department
VC/UHVC Library
2602 N. Ben Jordan
Victoria, TX 77901
(512) 576–3151, ext. 201
(512) 573–3291

UTAH

Cedar City:
Southern Utah State College Library
Cedar City, UT 84720

Ephraim:
Lucy A. Phillips Library
Snow College
Ephraim, UT 84627

Logan:
Documents Department
Merrill Library, UMC 30
Utah State University
Logan, UT 84322

Ogden:
Weber State College Library
Ogden, UT 84403

UTAH—Continued
Provo:
Harold B. Lee Library
Documents and Maps Section
Brigham Young University
Provo, UT 84602
Law Library
Brigham Young University
Provo, UT 84602
Salt Lake City:
Regional Solicitor
U.S. Department of the Interior
Suite 6201, Federal Building
125 South State Street
Salt Lake City, UT 84138

Supreme Court Library
State Capitol
Salt Lake City, UT 84114

College of Law Library
University of Utah
Salt Lake City, UT 84112

Government Documents
Eccles Health Sciences Library
University of Utah, Bldg. 89
Salt Lake City, UT 84112

Government Documents Division
Marriott Library
University of Utah
Salt Lake City, UT 84112

Utah State Library Commission
2150 South 300 West, Suite 16
Salt Lake City, UT 84115

VERMONT
Burlington:
Bailey/Howe Library
Documents Department
University of Vermont
Burlington, VT 05405
Middlebury:
Egbert Starr Library
Government Documents Department
Middlebury College
Middlebury, VT 05753
South Royalton:
Law Library
Vermont Law School
South Royalton, VT 05068
(802) 763–8303

VIRGINIA
Alexandria:
Alexandria Library*
717 Queen Street
Alexandria, Va. 22314
(703) 750–6351
Arlington:
Office of Hearings and Appeals
Library
U.S. Department of the Interior
4015 Wilson Boulevard
Arlington, VA 22203
Danville:
Danville Community College Library
1009 Bonner Avenue
Danville, VA 24541
(804) 797–3553
Fairfax:
Fairfax City Central Library
3915 Chain Bridge Road
Fairfax, VA 22030
(703) 691–2741
Lynchburg
The Library
Lynchburg College
Lynchburg, VA 24501
Norfolk:
Norfolk Public Library System
301 East City Hall Avenue
Norfolk, VA 23510
Reston:
U.S. Geological Survey
Library
National Center, Mail Stop 950
Reston, VA 22092
Richmond:
Learning Resources Center
Parham Road Campus
J. Sargeant Reynolds Community
College
P.O. Box 12084
Richmond, VA 23241
(804) 264–3220

Municipal Library
County of Henrico
Hungary Springs & Parham Roads
Richmond, VA 23228

Virginia State Library
11th & Capitol Streets
Richmond, VA 23219
Roanoke:
Roanoke Law Library
210 Campbell Avenue, SW
Roanoke, VA 24011
Virginia Beach:
Public Law Library
Municipal Center
City of Virginia Beach
Virginia Beach, VA 23456
Williamsburg:
Documents Department
Earl Gregg Swem Library
College of William and Mary
Williamsburg, VA 23185

WASHINGTON
Bellingham:
Documents Division, Wilson Library
Western Washington University
516 High Street
Bellingham, WA 98225
(206) 676–3075
Cheney:
Eastern Washington University
The Library
Cheney, WA 99004
(509) 359–2475
Everett:
Everett Public Library
2702 Hoyt Avenue
Everett, WA 98201
(206) 259–8857

Snohomish County Law Library
County Courthouse
Everett, WA 98201
(206) 259–5326
Olympia:
Washington State Law Library
Temple of Justice
Olympia, WA 98504
Port Angeles:
North Olympic Library System
207 So. Lincoln
Port Angeles, WA 98362
Seattle:
NW Federal Regional Council Library
Room 1023 Arcade Plaza Building
1321 Second Avenue
Seattle, WA 98101
(206) 442–5554
Spokane:
Gonzaga University Law Library
E. 600 Sharp Avenue
P.O. Box 3528
Spokane, WA 99220

WEST VIRGINIA
Beckley:
National Mine Health and Safety
Academy
Learning Resources Center
P.O. Box 1166
Beckley, WV 25801
Charleston:
Kanawha County Public Library
123 Capitol Street
Charleston, WV 25301
(304) 343–4646
Montgomery:
Vining Library
West Virginia Institute of Technology
Montgomery, WV 25136
Weirton:
Mary H. Weir Public Library
3442 Main Street
Weirton, WV 26062
(304) 748–7070

WISCONSIN
Appleton:
Appleton Public Library
121 South Oneida Street
Appleton, WI 54911
734–7171
Green Bay:
University of Wisconsin—Green Bay
Library Learning Center
Government Publications
Green Bay, WI 54302
Kenosha:
Library/Learning Center
University of Wisconsin–Parkside
Wood Road
Kenosha, WI 53141
Ladysmith:
Mount Senario College Library
Ladysmith, WI 54848

WYOMING
Gillette:
George Amos Memorial Library
412 S. Gillette Avenue
Gillette, WY 82716
(307) 682–3223
Laramie:
Coe Library—Documents Division
University of Wyoming
Box 3334, University Station
Laramie, WY 82071
(307) 766–2174

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federal register

Wednesday
April 20, 1983

Part III

Department of the Interior

Bureau of Land Management

Geothermal Resources Leasing Program; Final Rule

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Parts 3200, 3210, 3220, 3230, 3240 and 3250

[Circular No. 2523]

General Amendments to the Geothermal Resources Leasing Program

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rulemaking.

SUMMARY: The final rulemaking will eliminate burdensome, outdated and unneeded provisions of the existing geothermal leasing regulations. The specific amendments to the existing regulations resulted from public comments on the proposed rulemaking, and an intensive review of the existing regulations by personnel in the Bureau of Land Management responsible for the geothermal leasing program.

EFFECTIVE DATE: May 20, 1983.

ADDRESS: Any suggestions or inquiries should be sent to: Director (530), Bureau of Land Management, 1800 C Street, NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Karl F. Duscher, (202) 343–7753.

SUPPLEMENTARY INFORMATION: The proposed rulemaking amending the existing regulations for the geothermal leasing program was published in the **Federal Register** on April 30, 1982 (47 FR 18828). Comments were invited for a 60 day period during which time a total of 20 comments were received. Ten comments were received from the energy development industry, five comments were from other Federal agencies, two were from associations, two were from state agencies, and one was received from an individual.

Most of the comments received supported the proposed rulemaking. The sections which were most controversial and received adverse comments were those addressing diligent exploration/escalating rental requirements and environmental analysis/surface management provisions. The Bureau's response to these and other comments is given under each section heading.

Section 3200.0–5 (k)(3)

Although no specific change was proposed to this section, comments and suggestions for a new definition of "competitive interest" were invited. This section defines "competitive interest", one of the criteria used by the Secretary to classify lands as "known geothermal resource areas" (KGRA's), as existing whenever two or more noncompetitive lease applications are filed for the same lands during the same filing period which is defined as a calendar month. Once lands are classified as KGRA's, all noncompetitive lease applications are required to be rejected and the lands are then offered at a competitive lease sale.

The comments received generally concluded that, if the concept of KGRA determination based on the number of bids received during a filing period is to be retained in the geothermal leasing program, the number of overlapping lease applications necessary to trigger a KGRA classification should be increased. Several comments indicated that reliance on any particular number of lease applications is a poor criterion for KGRA classification and that the Secretary should give greater weight to geologic indices. These comments held that the existence of competitive interest, regardless of definition, should not compel a KGRA classification.

The Department appreciates the comments submitted on this section. Following further review by the Bureau of Land Management a determination will be made as to whether a rule change is needed. Provision for more extensive use of the Secretary's discretion, as noted above, may alleviate much of the problem with the existing definition of competitive interest.

Section 3200.0–6

This section, concerning preleasing environmental review procedures, received the most comments. The effect of the proposed change would be to liberalize the preleasing procedures in line with flexibility allowed under the Council on Environmental Quality guidelines. The existing regulations imply that a multi-agency, comprehensive environmental review will be completed prior to lease issuance. However, the section does allow this to be postponed until "the need arises" The Department believes that multi-agency, comprehensive reviews should not be undertaken until the need arises. In addition, the level and intensity of the review should be dictated by the action proposed and the significant environment values that may be placed at risk by the action. In only rare instances has the need for comprehensive major environmental reviews arisen prior to lease issuance or even upon actual development on a leasehold. Only three environmental impact statements have ever been prepared in the program. One of these was a programmatic document prepared at the program's inception.

Several industry comments expressed concern that inadequate environmental reviews would be done and that leases would be issued without full identification of constraints that may seriously affect lease rights. This is a valid concern. Given the Federal government's board discretionary authority to control operations on leaseholds, prelease compliance with the National Environmental Policy Act could become a very routine matter. However, the Bureau of Land Management's policy is to conduct a prelease review that not only satisfies the National Environmental Policy Act, but also provides to potential lessees information relative to obvious, major concerns that may influence postlease operations.

Some industry comments also expressed concern that exhaustive environmental review, if not completed prior to lease issuance, would be required after lease issuance with the proposed change. It was believed that such reviews might consume much of the running time of leases while preventing exercise of lease rights. As stated above, the major environmental concerns are identified prior to lease issuance. In most cases, it is expected that lessees will submit development proposals that accommodate the concerns identified. Although the need for an exhaustive postlease environmental review should very rarely arise, identification of concerns prior to lease issuance should serve to alert all parties of the possibility.

Comments from environmental interests expressed a preference for retaining or even expanding the existing provisions addressing prelease environmental review procedures. These comments expressed the view that the various types of reviews used by the Bureau should be described in detail for the public. However, environmental procedures are already contained in the Department Manual, available to the public, which allows flexibility so that environmental reviews can be completed in a cost effective manner. These comments also cautioned that failure to adequately identify development constraints prior to lease issuance may lead to environmental concessions at the time development is proposed, under pressure from lessees to allow exercise of lease rights. With respect to this comment, adequate controls and responsibilities exist to protect all valid environmental concerns regardless of whether the concerns have been identified prior to or after lease issuance. The Department of the Interior is aware of no instance in which

environmental damage has occurred due to a valid concern not being noted in a prelease geothermal review.

After reviewing all comments received, the Department of the Interior has decided that the proposed amendment should be retained in the final rulemaking. Geothermal leases involving lands administered by the Bureau of Land Management will only be issued after necessary environmental reviews and identification of major development constraints.

Sections 3203.5 and 3205.3–3

The purpose of the proposed changes to these sections was to simplify the reporting and recordkeeping associated with diligent exploration and payment of escalating rentals. The change would have accomplished this by replacing the existing diligent "work" requirement with a higher lease rental. It was thought that the higher rental would serve as an incentive to lessees to explore and establish production, at which time they would be relieved of paying the higher rental. Comments were very supportive of the efforts to reduce reporting and recordkeeping burdens. With respect to higher rentals, only one commenter supported the increase, suggesting that it be increased even more to serve as a true incentive. However, industry commenters unanimously opposed a higher lease rental. These comments expressed the view that the speculative nature of geothermal resources was too great to justify higher rentals at this time. It was contended that higher rentals would not serve to speed development but simply increase the cost of doing business and likely lead to premature relinquishments. Some of these comments suggested that a higher rental would be acceptable provided it could be offset by expenditures made for diligent exploration as would be allowed under the proposed rulemaking for existing leases.

The industry comments on these sections were accepted. The final rule continues the diligent exploration "work" requirement, while allowing lessees the option of paying a higher rental for lease years in which, for one reason or another, diligent exploration was not justified. In recognition of the speculative nature of geothermal resources, these requirements will not apply until leases enter their sixth year.

The reduction in reporting and recordkeeping contained in the proposed rule is retained in the final rulemaking. Finally, a number of suggested changes have been incorporated to clarify the meaning of diligent exploration.

Section 3204.1

This section presently is lengthy and lists numerous terms and conditions which already generally appear in the standard lease form or in the Geothermal Resources Operational Orders. The proposed rulemaking deleted the terms and conditions from the existing regulations since they are also found on the lease form.

Few comments were received on this proposed change. Comments that were received suggested retaining the terms and conditions in the regulations. They stated that the standard lease form or a geothermal operation order could not adequately substitute for a provision in the regulations since a form or a geothermal operating order may be modified without inviting public comment. The Department believes that the terms involved, whether they appear in regulations, forms or Geothermal Resources Operational Orders constitute substantive rules. In accordance with the Administrative Procedures Act (5 U.S.C. 553), changes to substantive rules require a formal solicitation of public comments. In addition, the Paperwork Reduction Act (44 U.S.C. 3501, et seq.) requires notice and public comment whenever forms are being revised.

Section 3205.3–1

Comments received recommended clarification of the wording of this section. The suggested changes were incorporated into the final rulemaking.

Section 3205.3–3

This section has been deleted in its entirety consistent with the change made to § 3203.5. Comments concerning this section are addressed under the discussion of comments received for § 3203.5.

Section 3206.8

Only one comment was received on this proposed change which would allow oil and gas lease bonds to be amended to include coverage for geothermal leases. The comment expressed concern that there would be possible dilution of bond coverage if a single bond were allowed to cover both oil and gas operations and geothermal operations. Separation of bonding for geothermal operations was recommended in order to adequately protect the interests of the United States.

The Department does not agree that allowing geothermal bond coverage under an existing oil and gas bond would greatly dilute coverage since geothermal operations are likely to be only a small percentage of a lessee's total potential liability. Therefore, the proposed change is included in the final rulemaking.

Sections 3210.2–1(d), 3211.1(d), 3211.2(g) and 3220.6(d).

A few comments suggest retaining these provisions of the existing regulations that require prelease exploration or development plans. It was suggested that such plans are necessary to allow an accurate prelease review. Other comments expressed support for the proposed rulemaking because of its time and cost saving features.

All comments were considered and it has been determined that the existing requirements for prelease plans should be deleted as provided in the proposed rulemaking. Experience has shown that prior to lease issuance, there is little certainty on the part of potential lessees as to exactly where exploration or development will take place.

Precise plans can be costly to develop since they require geologic and engineering findings. Although potential lessees do invest money in identifying leasing prospects, it is unrealistic to expect them to invest the much greater amount of money necessary to identify drilling locations prior to obtaining leases. For this reason, the proposed changes are made final. However, the Bureau has already consolidated the regulations in Part 3210 and Part 3211 in final rulemaking published in the Federal Register on February 11, 1983 (48 FR 6336).

Section 3210.3

Few comments were received on the proposed change to this section. The proposed change involves the definition of competitive interest, which is currently under review. Therefore, the Department of the Interior has decided to withdraw the proposal for change at this time.

Part 3230

The proposed deletion of this section received no comment and the deletion is made in the final rulemaking.

Section 3241.1–1(c)

Several comments requested that § 3241.1–1(c) not be amended. However, as written, this section is inconsistent with provisions of the Geothermal Steam Act (30 U.S.C. 1001–1025) regarding adjustment of lease terms. Readjustment of lease terms at less than 10 year intervals is specifically prohibited by the Act. The proposed

change is therefore adopted in the final rulemaking.

Sections 3421.2–1 and 3250.0–3

No comments were received regarding the proposed changes to these sections. And the changes are made in the final rulemaking.

Section 3250.0–5(e)

A comment made the recommendation that the phrase "power generation facility" be deleted and replaced by the phrase "utilization facilities". This suggestion is consistent with other changes in subpart 3250 and has been adopted in the final rulemaking.

Section 3250.0–6

No negative comments were received on this section and the proposed amendment is adopted in the final rulemaking.

Section 3250.1–1

In response to comments, the first paragraph of § 3250.1–1 has been simplified in the final rulemaking to remove unnecessary wording and possible misunderstandings regarding qualifications required of applicants for an exploration license.

Several comments were received concerning this section. One noted that the information required in § 3250.1–1(d)(3) of the proposed rules appeared to go beyond that required to make a land management decision concerning power plant siting. Another suggested removing § 3250.1–1(d)(3) entirely since all necessary information should already be on file in accordance with the requirements of 30 CFR Part 270. However, the information that would be required by § 3250.1–1(d)(3) under the proposed rulemaking would already be a considerable simplification of provisions of the present regulations. The remaining information requested is necessary for a basic understanding of the scope and nature of the proposed utilization facility. Therefore, the proposed rules are adopted in the final rulemaking.

Section 3250.3

Comments similar to those received on the proposed change to § 3200.0–6 were received on this section. For reasons stated under the discussion of comments under § 3200.0–6, the change proposed in § 3250.3 is retained in the final regulations.

Section 3250.6–1

A suggestion was made in a comment to remove "and operate" from the first sentence of § 3250.6–1(b). This suggestion was adopted in the final rulemaking to more accurately state the intended requirements. A comment was also received suggesting replacing the words "Area Geothermal Supervisor" with the word "Supervisor" in order to be consistent with § 3200.0–5(g). This suggestion was also adopted in the final rulemaking.

Sections 3250.6–2 and 3250.7

No comments were received on the changes proposed for these sections and the changes are incorporated into the final rulemaking.

Section 3250.6–3

One comment stated that the minimum of $10 per acre rental provided in the proposed rulemaking for non-electrical purposes was to low too ensure "fair return". It was recommended that the rate be raised to $25. However, rentals for utilization licenses are established through standard appraisal procedures. The minimum $10 rental will only be charged in cases where the appraisal results in a lower fee.

The principle author of this final rulemaking is Karl F. Duscher of the Division of Oil, Gas, and Geothermal, Bureau of Land Management, Washington, D.C. assisted by the staff of the Office of Legislation and Regulatory Management, Bureau of Land Management.

It is hereby determined that this final rulemaking is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(C)) is required.

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 and will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

This rulemaking is not anticipated to have a significant economic impact. The reduction in burden imposed on individuals or institutions seeking to develop geothermal resources is expected to have a positive economic effect due to an associated reduction in paperwork and related administrative costs. Such reductions should not create any additional costs for other sectors of the economy.

The information collection requirements contained in 43 CFR Part 3250 have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1004–0063.

List of Subjects

43 CFR Part 3200

Environmental protection, Geothermal energy, Mineral Royalties, Public lands: classification, Public lands: mineral resources, Surety bonds.

43 CFR Parts 3210, 3220 and 3230

Geothermal energy, Public lands: mineral resources.

43 CFR Part 3240

Geothermal energy, Mineral royalties, Public lands: mineral resources, Water resources.

43 CFR Part 3250

Electric power, Geothermal energy, Public lands—mineral resources.

Under the authority of the Geothermal Steam Act of 1970 (30 U.S.C. 1001–1025), the regulations at Group 3200, Subchapter C, Chapter II of Title 43 of the Code of Federal Regulations are amended as set forth below:

Dated: February 10, 1983.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

PART 3200—GEOTHERMAL RESOURCES LEASING; GENERAL

1. Section 3200.0–6 is revised to read:

§ 3200.0–6 Preleasing procedures.

When an area is initially considered for geothermal leasing or when the need arises, the authorizing officer shall complete, in a timely manner, any environmental review determined to be necessary to conform with the National Environmental Policy Act of 1969 (42 U.S.C. 43323).

§ 3201.1–5 [Amended]

2. Section 3201–5 is amended by removing paragraph (b) in its entirety and removing the designation "(a)" at the beginning of the first paragraph of that section.

§ 3201.2 [Amended]

3. Section 3201.2(d) is amended by removing subparagraphs (3) and (4) in their entirety.

4. Section 32301.2(d) is revised to read:

§ 3203.5 Diligent exploration.

Each geothermal lease shall include provisions requiring diligent exploration until there is a well(s) capable of commerical production on the leased lands. Diligent exploration means postlease field operations, conducted by the lessee or designated operator, on or related to the leased lands. Diligent exploration operations include, but are not limited to, geochemical surveys, heat

flow measurement, core drilling or test drilling of test wells. To qualify as diligent exploration, the results and associated expenditures of operation shall be submitted to the supervisor in accordance with applicable regulations. In addition, to qualify after the fifth year of the lease, operations shall exceed minimum per acre expenditure in accordance with the following table:

Lease year	Expenditure per acre
6	$4
7	6
8	8
9	10
10–15	12

All expenditures qualifying as diligent exploration during the first 5 years of a lease, and all expenditures during any subsequent year in excess of the minimum requirement, shall be credited by the supervisor against the requirement for successive years. However, in lieu of performing the minimum required diligent exploration in any lease year in which a minimum requirement is specified, the lessee may exercise the option of paying an additional rental of $3 per acre or fraction thereof. Failure to either pay the additional rental or complete the minimum required diligent exploration by the end of a lease year shall subject the lease to cancellation.

5. Section 3204.1 is revised to read:

§ 3204.1 General.

A lessee shall comply with all of the standard lease terms and conditions, any special lease stipulations added by the authorized officer and all Geothermal Resource Operational Orders issued pursuant to 30 CFR 270.11.

§ 3204–2 [Removed]

6. Section 3204.2 is removed in its entirety.

§ 3204.3 [Redesignated as § 3203.9]

7. Section 3204.3 is renumbered § 3203.9.

§ 3204.4 [Redesignated as § 3203.7]

8. Section 3204.4 is renumbered § 3203.7.

§ 3204.5 [Redesignated as § 3203.8]

9. Section 3204.5 is renumbered § 3203.8.

§ 3204.6 [Removed]

10. Section 3204.6 is removed in its entirety.

§ 3205.3–1 [Amended]

11. Section 3205.3–1 is amended by:

a. Revising the second sentence to read as follows:

"An application accompanied by a payment of the first year's rental which is deficient by not more than 10 percent shall be accepted by the authorized officer provided all other requirements are met, but if the additional rental is not paid within 30 days after receipt of notice the application shall be rejected or the lease, if issued, will be cancelled.

b. Revising the last sentence to read as follows:

"If the annual rental established for the lease to be issued is more than $1 per acre or fraction thereof, the applicant shall submit the additional rental due within 30 days after receipt of notice of the application shall be rejected."

§ 3205.3–3 [Removed]

12. Section 3205.3–3 is removed in its entirety.

§ 3206.8 [Amended]

13. Section 3206.8 is amended by revising the first sentence to read. "The provisions of these regulations may be made applicable to any oil and gas nationwide or statewide bond by filing in the proper BLM office a written consent to that effect and an agreement to be bound by the provisions of this section executed by the principal and surety."

§ 3209.3 [Amended]

14. Section 3209.3 is amended by revising the last sentence to read "Within 90 days after the filing of such 'Notice of Completion,' the authorized officer shall notify the party who had conducted the operations whether all the terms and conditions set out by the regulations in this subpart and in the Notice of Intent have been met, or whether additional measures shall be taken to correct any unacceptable damage to the lands, specifying the nature and extent of such measures."

PART 3210—NONCOMPETITIVE LEASES

§ 3210.2–1 [Amended]

15. Section 3210.2–1 is amended by removing paragraph (d) in its entirety and renumbering paragraph (e) as paragraph (d).

§ 3210.2–2 [Amended]

16. Section 3210.2–2 is amended by revising the first sentence to read "Applications for leases under this subpart shall be submitted only during application filing periods." and by removing the third sentence in its entirety.

PART 3220—COMPETITIVE LEASES

§ 3220.6 [Amended]

17. Section 3220.6(d) is amended by revising the first sentence to read "If the lease is awarded, 3 copies of the lease shall be sent to the successful bidder who shall execute them within 30 days from receipt thereof, pay the first year's rental and file the required bond(s)."

PART 3230—RIGHTS TO CONVERSION TO GEOTHERMAL LEASES OR APPLICATION FOR GEOTHERMAL LEASES [REMOVED]

18. Part 3230 is removed in its entirety.

PART 3240—RULES GOVERNING LEASES

§ 3241.1–1 [Amended]

19. Section 3241.1–1 is amended by removing paragraph (c) in its entirety.

§ 3241.2–1 [Amended]

20. Section 3241.2–1 is amended by inserting in the first sentence immediately after the word "approval" the words "or validation."

21. The title of subpart 3250 is revised to read:

Subpart 3250—Utilization of Geothermal Resources

Note.—The information collection requirements contained in this subpart have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1004–0063. This information is needed to permit the authorized officer to determine if a permit should be granted for use of the public lands for utilization of geothermal resources. The obligation to respond is required to obtain a benefit.

PART 3250—UTILIZATION OF GEOTHERMAL RESOURCES

§ 3250.0–1 [Amended]

22. Section 3250.0–1 is amended by removing the phrase "for the purpose of generating electric power" at the end of the paragraph.

§ 3250.0–3 [Amended]

23. Section 3250.0–3 is amended by revising the last sentence to read "The right to use lands under geothermal lease for the purpose of utilizing geothermal resources may be exercised only in accordance with these regulations."

24. Section 3250.0–5 is amended by revising paragraph (d) and adding a new paragraph (e) to read:

§ 3250.0–5 Definitions.

* * * * *

(d) "Utilization site" means that tract of Federal lands under geothermal lease authorized for utilization of geothermal energy including, but not limited to, substations, switch yards, waste disposal and storage facilities, utility service lines, transmission lines, loading docks, processing plants, greenhouses, gasohol plants, crop dryers and appurtenant structures.

(e) "Joint Utilization Agreement" means the arrangement between the holder of a geothermal resource lease and a third party for utilization of geothermal steam and associated geothermal resources produced from a leasehold, for operation of utilization facilities.

* * * * *

§ 3250.0–6 [Amended]

25. Section 3250.0–6 is amended by removing from the last sentence the phrase "a power plant site" and replacing it with the phrase "any proposed utilization."

26. Section 3250.1–1 is amended by revising the introductory text, paragraphs (d)(2) and (d)(3) to read:

§ 3250.1–1 Requirements for application.

Any lessee or any party to a joint utilization agreement or a sales contract who desires a license to use the surface of lands under Federal geothermal lease for construction of utilization facilities, other than as provided in 30 CFR Part 270 and § 3250.4 of this title, shall file an application with the authorized officer."

* * * * *

(d) * * *

(1) * * *

(2) A map or maps showing the boundaries of the site and the location and dimensions of buildings, cooling towers or ponds, waste disposal or storage sites, switch yards, roads, pipelines, utility service lines, transmission lines and all other structures or facilities used in connection with the utilization of the geothermal steam and associated geothermal resources. In addition, the authorized officer may require maps showing the general location of proposed facilities to be used in connection with utilization of the geothermal resources but outside the license area.

(3) A description of the proposed facility including pertinent information about any substations included in the facility, indicating whether the proposed facility is to be interconnected with other facilities and whether the energy produced is to be sold to others or used by the applicant.

* * * * *

27. Section 3250.3 is revised to read:

§ 3250.3 Environmental analysis.

The authorized officer shall complete, in a timely manner, any environmental review determined to be necessary to conform with the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

§ 3250.5–1 [Amended]

28. Section 3250.5–1 is amended by removing from the first sentence of both paragraph (a) and paragraph (b) the phrase "a power plant site utilizing" and replacing it with the phrase "utilization facilities for".

§ 3250.5–2 [Amended]

29. Section 3250.5–2 is amended by removing the phrase "a power plant site utilizing " and replacing it with the phrase "utilization facilities for".

30. Section 3250.6–1 is revised to read:

§ 3250.6–1 Area covered by license.

(a) The area approved for the proposed utilization site shall be reasonably compact as determined by the authorized officer and shall be limited to as much of the surface of the lands applied for as the authorized officer determined necessary for the adequate utilization of the geothermal resources.

(b) Prior to commencing any surface disturbance activities related to the construction of a utilization facility licensed under provisions of this group, a permit to construct a utilization facility shall be obtained from the Supervisor. The application for such permit shall be filed in triplicate under the regulations in 30 CFR Part 270.

§ 3250.6–2 [Amended]

31. Section 3250.6–2 is amended by removing from paragraph (a) the phrase "an electrical power plant" and replacing it with the phrase "a utilization facility" and by removing from paragraph (c) the phrase "power plant" and replacing it with the phrase "utilization facility".

§ 3250.6–3 [Amended]

32. Section 3250.6–3 is amended by revising the first sentence to read "Rental at a rate to be determined by the authorized officer shall be paid annually, but said rental shall not be less than $100 per acre if the utilization facility is for electrical generation, or not less than $10 per acre if the utilization facility is for nonelectrical purposes."

33. Section 3250.7 is amended by revising paragraph (c)(2) to read:

§ 3250.7 Bonds.

(a) *Surety bond.* The licensee of an electrical generating facility shall furnish and maintain a surety bond of not less than $100,000, conditioned upon compliance with all the terms and conditions of the license. The licensee for a nonelectrical utilization facility may be required to furnish a surety bond in an amount specified by the authorized officer. The authorized officer may determine not to require a surety bond in circumstances where it is determined that the nonelectrical uses have a low potential for causing damage to the environment.

* * * * *

(c) * * *

(2) indemnify the United States against any liability for damages or injury to life, person or property arising from the occupancy or use of the lands under license. Where a utilization facility license is granted under this subpart to a State or other governmental agency which does not have the authority to assume such liability with respect to damages caused by it to lands or property, such agency shall be responsible for repair or all such damages

* * * * *

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Wednesday
April 20, 1983

Part IV

Department of Education

Office of Elementary and Secondary Education

Financial Assistance to State Educational Agencies To Improve the Interstate and Intrastate Coordination of Migrant Education Activities; Proposed Rule and Application Notice for Fiscal Year 1983 (Program Year 1983–84)

DEPARTMENT OF EDUCATION

Office of Elementary and Secondary Education

34 CFR Part 205

Chapter 1 of the Education Consolidation and Improvement Act of 1981; Financial Assistance to State Educational Agencies To Improve the Interstate and Intrastate Coordination of Migrant Education Activities

AGENCY: Department of Education.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Secretary proposes regulations for the Migrant Education Interstate and Intrastate Coordination Program authorized under the Education Consolidation and Improvement Act of 1981. This program provides financial assistance to State educational agencies (SEAs) for projects designed to improve the interstate and intrastate coordination of migrant education activities, including those activities conducted under the Migrant Education Program.

DATE: Comments must be received on or before June 6, 1983.

ADDRESS: Comments should be addressed to Mr. Vidal A. Rivera, Jr., Acting Director, Migrant Education Programs, Office of Elementary and Secondary Education, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 1100, Donohoe Bldg.), Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Mr. Vidal A. Rivera, Jr. Telephone No. (202) 245–2222.

SUPPLEMENTARY INFORMATION:

A. Overview of Chapter 1

Chapter 1 of the Education Consolidation and Improvement Act of 1981 (Chapter 1) was enacted as part of Subtitle D of Title V of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35). Chapter 1 supersedes Title I of the Elementary and Secondary Education Act of 1965, as amended (Title I). The purpose of Chapter 1 is to continue to provide financial assistance to State and local educational agencies (LEAs) to meet the special educational needs of educationally deprived children, on the basis of entitlements calculated under Title I, but to do so in a manner which will eliminate burdensome, unnecessary, and unproductive paperwork and free the schools of unnecessary Federal supervision, direction, and control.

These proposed regulations apply only to that portion of Chapter 1 that provides financial assistance to SEAs for special projects designed to improve interstate and intrastate coordination among State and local educational agencies of educational programs available for migratory students.

B. Overview of These Proposed Regulations

These proposed regulations relate to—

- General matters such as the purpose of this program, eligibility as a grantee, and regulations and definitions that apply to this program;
- How an SEA applies for a grant, including the required contents of an application and how an SEA must develop its application; and
- How a grant is made to an SEA, including how an application is evaluated, the selection criteria for reviewing an application, and the factors considered in awarding a grant.

c. Application of Other Statutes and Regulations

(1) Recipients of funds under Chapter 1 must comply with Federal civil rights laws generally applicable to recipients of Federal financial assistance; consequently, those laws, as well as the regulations that implement them, apply to all Chapter 1 programs. The applicable civil rights regulations are found in 34 CFR Parts 100, 104, and 106. Although regulations implementing the Age Discrimination Act of 1975 have not yet been published, recipients of Chapter 1 funds must comply with the provisions of that Act.

(2) Section 596 of the ECIA makes certain sections of the General Education Provisions (Act (GEPA) specifically applicable to Chapter 1 programs. Subject to the exceptions noted below, the Secretary adopts the interpretation that the other provisions of GEPA are applicable to Chapter 1. These proposed regulations reflect that intepretation.

Even though GEPA generally applies to Chapter 1, some specific provisions of GEPA are inapplicable because: they are specifically made inapplicable by the ECIA, they are superseded by specific provisions of the ECIA, or for other reasons explained in the following paragraphs. Other provisions of GEPA, though not inapplicable, have been superceded by the Department of Education Organization Act or are otherwise irrevelent to the operation of the Chapter 1 program. After a careful consideration of the ECIA and its legislative history, the Secretary interprets the following sections of GEPA as inapplicable to Chapter 1 as a matter of law:

(a) Section 408(a)(1) of GEPA (authorizing the Secretary to promulgate regulations), 20 U.S.C. 1221e–3(a)(1), is superseded by Section 591(a) of the ECIA.

(b) Section 425 of GEPA, 20 U.S.C. 1231b–2, provides complex procedures regarding certain actions by an SEA that affect applicants or recipients under an applicable program. Section 425 also provides for Federal Review of an SEA's action under that section. The Secretary believes that this provision was not intended to apply to Chapter 1. Section 425 applies only the programs in which assistance is provided "in accordance with a State Plan approved by the Secretary." Chapter 1 is not such a program. Further, Section 425 is clearly inconsistent with Section 552 of Chapter 1 which provides: "The Congress declares it to be the policy of the United States to continue to provide financial assistance to State and local educational agencies to meet the special educational needs of educationally deprived children * * * but to do so in a manner which will * * * free the schools of unnecessary Federal supervision, direction, and control."

(c) Section 426(a) of GEPA (relating to technical assistance from the Department), 20 U.S.C. 1231(a), is superseded by Section 591(b) of the ECIA.

(d) Section 427 of GEPA, 20 U.S.C. 1231d, directs the promulgation of Federal regulations or criteria relating to parental participation where the Secretary determines that parental participation at the State or local level will increase the effectiveness of a Federal program. The Secretary believes that Section 427 should not be invoked with respect to Chapter 1 even in the context of a determination of general GEPA applicability. The matter of parental invovlement is covered in Section 556(b)(3) of Chapter 1, and the Secretary regards this section as preemptive and rendering unnecessary the issuance of regulations or criteria under Section 427 of GEPA.

(3) Sections 1741 (distribution of block grant funds), 1742 (reports on the proposed use of funds and public hearings), 1743 (transition provisions), and 1745 (State audit requirements) of the Omnibus Budget Reconciliation Act of 1981 do not apply to Chapter 1. However, Section 1744 regarding access to records by the Comptroller General by its own terms does apply.

(4) The Education Department General Administrative Regulations (EDGAR) do apply to projects funded under these proposed regulations for the Migrant Education Interstate and

Intrastate Coordination Program. Those portions of EDGAR that apply to the Program are found in 34 CFR Parts 74, 75, 77 and 78.

The President's Task Force on Regulatory Relief has named EDGAR as a target for review. Therefore, the Department of Education will review EDGAR for the purpose of identifying opportunities to reduce paperwork and other burdens. Deregulation resulting from this review will be reflected in the final EDGAR regulations.

For the most part, EDGAR is inapplicable to programs funded under Chapter 1 of the Education Consolidation and Improvement Act. See, Final Regulations for programs of financial assistance to meet special educational needs of disadvantaged children, 45 FR 52340 (November 8, 1982), and Proposed Regulations for agencies to meet special educational needs of migratory children, handicapped, and neglected or delinquent children in institutions, 45 FR 54718 (December 3, 1982). However, EDGAR is applicable to these proposed regulations for the Migrant Education Interstate and Intrastate Coordination Program because unlike the others, the Program distributes funds to State educational agencies on the basis of a competitive application process.

Executive Order 12291

These proposed regulations have been reviewed in accordance with Executive Order 12291 of February 17, 1981 and are classified as non-major because they do not meet the criteria for major regulations published in the Order.

The purpose of Executive Order 12291 is to relieve regulatory burdens. The Order requires the Department of Education (ED), when promulgating new regulations, to—

(a) Base administrative decisions on adequate information concerning the need for, and consequences of, proposed Government action;

(b) Ensure that a regulation's benefits to society outweigh its costs to society;

(c) Choose regulatory objectives that maximize the net benefits to society; and

(d) Choose the regulatory approach involving the least net cost to society.

The Secretary has, to the maximum extent possible, incorporated these requirements as part of the Department's procedures for promulgating regulations. To assist the Department in complying with the specific requirements of Executive Order 12291 and its overall requirement of reducing regulatory burden, public comment is especially invited on whether there may be further opportunities to reduce any regulatory burden found in these proposed regulations.

Regulatory Flexibility Act

The Secretary certifies that these proposed regulations will not have a significant economic impact on a substantial number of small entities. Under these proposed regulations, grants are available only to State agencies. As defined in the Regulatory Flexibility Act, "small entities" only includes small businesses, small organizations, and small governmental jurisdictions. The definitions of "small governmental jurisdiction" does not include States or State agencies.

Invitation To Comment

Interested persons are invited to submit comments and recommendations regarding these proposed regulations. Written comments and recommendations may be sent to the address given at the beginning of this preamble. All comments received on or before June 6, 1983, will be considered in developing the final regulations.

All comments submitted in response to these proposed regulations will be available for public inspection, during and after the comment period, in Room 1100, Donohoe Building, 400 Sixth Street, S.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

List of Subjects in 34 CFR Part 205

Education, of disadvantaged, Elementary and secondary education, Grant programs—education, Migrant labor.

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parentheses on the lne following each substantive provision of these proposed regulations. Reference to "Sec." in these citations refer to sections of the Education Consolidation and Improvement Act of 1981 and to Title I of the Elementary and Secondary Education Act, as amended, respectively.

(Catalog of Federal Domestic Assistance No. 84.144; Migrant Education/Interstate and Intrastate Coordination Program)

Dated: April 14, 1983.

T. H. Bell,

Secretary of Education.

The Secretary proposes to amend Title 34 of the Code of Federal Regulations by revising Part 205 to read as follows:

PART 205—CHAPTER 1 OF THE EDUCATION CONSOLIDATION AND IMPROVEMENT ACT OF 1981—FINANCIAL ASSISTANCE TO STATE EDUCATIONAL AGENCIES TO IMPROVE THE INTERSTATE AND INTRASTATE COORDINATION OF MIGRANT EDUCATION ACTIVITIES

Subpart A—General

Sec.

205.1 Purpose.
205.2 Eligibility to participate as a grantee.
205.3 Regulations that apply.
205.4 Definitions that apply.
205.5 Acronyms.

Subpart B—Types of Activities That the Secretary Assists Under This Program

205.10 Type of projects that may be funded.

Subpart C—How To Apply for a Grant

205.20 Information required in an application.
205.21 Specific information required in a group application.
205.22 Consultation with other agencies.

Subpart D—How Grants Are Made

205.30 Application evaluation.
205.31 Selection criteria for reviewing an application.
205.32 Factors considered in awarding a grant.

Authority: Section 554(a) of Chapter 1 of the Education Consolidation and Improvement Act of 1981 (Pub. L. 97–35) (20 U.S.C. 3803(a)) and Section 143 of Title I, Elementary and Secondary Education Act of 1965, as amended by the Education Amendments of 1978 (Pub. L. 95–561) (20 U.S.C. 2763), unless otherwise noted.

Subpart A—General

§ 205.1 Purpose.

The Migrant Education Interstate and Intrastate Coordination Program is designed to provide financial assistance to State educational agencies (SASs) for projects designed to improve interstate and intrastate coordination of migrant education activities among SEAs and local educational agencies (LEAs). The projects may be designed to include SEAs, LEAs, and other operating agencies participating in the Chapter 1 Migrant Education Program.

(Sec. 552, 20 U.S.C. 3801; Sec. 554(a), 20 U.S.C. 3803(a), Title I, Sec. 143, 20 U.S.C. 2763)

§ 205.2 Eligibility to participate as a grantee.

Only SEAs, either individually or cooperatively (i.e., through a group or consortium), may apply for a grant under this program.

(Sec. 554(a), 20 U.S.C. 3803(a), Title I, Sec. 143, 20 U.S.C. 2763)

§ 205.3 Regulations that apply.

The following regulations apply to this program:

(a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 74, 75, 77, and 78.

(b) The regulations in this Part 205.

(Sec. 554(a), 20 U.S.C. 3803(a), Title I, Sec. 143, 20 U.S.C. 2763)

§ 205.4 Definitions that apply.

The definitions in the regulations for the Chapter 1 Migrant Education Program (34 CFR Part 201) published on ——————[1] apply to this program.

(Sec. 554(a), 20 U.S.C. 3803(a), Title I, Sec. 143, 20 U.S.C. 2763)

§ 205.5 Acronyms.

The following acronyms are used frequently in these regulations:

"LEA" stands for local educational agency.

"SEA" stands for State educational agency.

(Sec. 554(a), 20 U.S.C. 3803(a), Title I, Sec. 143, 20 U.S.C. 2763)

Subpart B—Types of Activities that the Secretary Assists Under this Program

§ 205.10 Types of projects that may be funded.

The Secretary may make grants to an SEA or SEAs to carry out among State and local educational agencies projects designed to improve the interstate and intrastate coordination of the educational programs available for migratory students.

(Sec. 554(a), 20 U.S.C. 3803(a), Title I, Sec. 143, 20 U.S.C. 2763)

Subpart C—How to Apply for a Grant

§ 205.20 Information required in an application.

In applying for a grant, an SEA shall follow the procedures and meet the requirements stated in Subpart C of 34 CFR Part 75.

(Sec. 554(a), 20 U.S.C. 3803(a), Title I, Sec. 143, 20 U.S.C. 2763)

§ 205.21 Specific information required in a group application.

In applying for a grant, an SEA shall provide information relevant to any proposed consortium of SEAs (for a group application only) as required by Subpart C of 34 CFR Part 75. In addition, the application must include—

(a) An identification of each SEA proposed to participate in the consortium;

(b) A description of the proposed objectives of the consortium; and

(c) A description of how each SEA proposed to participate in the consortium was involved in the development of the proposed objectives and activities of the project.

(Sec. 554(a), 20 U.S.C. 3803(a), Title I, Sec. 143, 20 U.S.C. 2763)

§ 205.22 Consultation with other agencies.

An applicant SEA under the Migrant Education Interstate and Intrastate Coordination Program shall plan and develop its project in consultation and coordination with other SEAs or with participating LEAs, as appropriate.

(Sec. 554(a); 20 U.S.C. 3803(a), Title I, Sec. 143, 20 U.S.C. 2763)

Subpart D—How Grants are Made

§ 205.30 Application evaluation.

(a) The Secretary evaluates an application under this program on the basis of the criteria in § 205.31 of these regulations.

(b) The Secretary awards up to 100 possible points for meeting these criteria.

(c) The maximum number of points possible for meeting each individual criterion is indicated in parentheses after the heading for that criterion.

(Sec. 554(a); 20 U.S.C. 3803(a); 20 U.S.C. 1221e–3(a)(1), Title I, Sec. 143, 20 U.S.C. 2763)

§ 205.31 Selection criteria for reviewing an application.

(a) *Interstate and intrastate consultation and coordination* (30 points)

(1) The Secretary reviews each application for information that shows the quality of the applicant SEA's proposed consultation and coordination with other SEAs or with participating LEAs, as appropriate to effect improved interstate and intrastate coordination of programs available for migratory students (10 points).

(2) The Secretary reviews each application to determine the extent to which the proposed activities address unmet national needs (10 points).

(3) The Secretary looks for information that shows that the applicant SEA—

(i) Has consulted and coordinated adequately with other SEAs or participating LEAs, as appropriate, in planning, developing, and disseminating its project (5 points); and

(ii) Will consult and coordinate adequately with other SEAs or participating LEAs, as appropriate, in implementing and evaluating its project (5 points).

(b) *Plan of operation.* (25 points)

(1) The Secretary reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Secretary looks for information that shows the following:

(i) High quality in the design of the project.

(ii) An effective plan of management that insures proper and efficient administration of the project.

(iii) A clear description of how the objectives of the project relates to the purpose of the program.

(iv) A clear description of the way that the applicant SEA plans to use its resources and personnel to achieve each objective of the project.

(v) A clear description of how the applicant SEA will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(iv) A clear description of how the applicant SEA will provide an opportunity for participation of students enrolled in private schools.

(c) *Quality of key personnel.* (15 points)

(1) The Secretary reviews each application for information that shows adequate qualifications of the key personnel the applicant SEA plans to use in the project.

(2) The Secretary looks for information that shows the following:

(i) The qualifications of the project director (if one is to be used).

(ii) The qualifications of each of the other key personnel to be used in the project.

(iii) The time that each person referred to in paragraphs (b)(2)(i) and (ii) of this section plans to commit to the project.

(iv) The extent to which the applicant SEA, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(3) To determine personnel qualifications, the Secretary considers experience and training—in field related to the objectives of the project—as well

[1] Proposed regulations were published on December 3, 1982 at 47 FR 54718.

as other information that the applicant SEA provides.

(d) *Budget and cost effectiveness.* (15 points)

(1) The secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows the following:

(i) The budget for the project is adequate to support the project activities.

(ii) Costs are reasonable in relation to the objectives of the project.

(e) *Evaluation plan.* (10 points)

(1) The Secretary reviews each application for information that shows the quality of the evaluation plan for the project.

Cross-reference. See 34 CFR 75.590 of EDGAR (Evaluation by the grantee).

(2) The Secretary looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(f) *Adequacy of resources.* (5 points)

(1) The Secretary reviews each application for information that shows that the applicant SEA plans to devote adequate resources to the project.

(2) The Secretary looks for information that shows the following:

(i) The facilities that the applicant SEA plans to use are adequate.

(ii) The equipment and supplies that the applicant SEA plans to use are adequate.

(See. 544(a), 20 U.S.C. 3803(a); 20 U.S.C. 1221e–3(a)(1), Title I, Sec. 143 20 U.S.C. 2763)

§ 205.32 Factors considered in awarding a grant.

In awarding grants, the Secretary considers—

(a) The amount of funds available for grants under the program; and

(b) The rank order of the applications—as determined by using the criteria listed in § 205.31 of these regulations.

(Sec. 544(a); 20 U.S.C. 3803(a); 20 U.S.C. 1221e–3(a)(1), Title I, Sec. 143, 20 U.S.C. 2763)

[FR Doc. 83–10807 Filed 4–19–83; 8:45 am]
BILLING CODE 4000–01–M

DEPARTMENT OF EDUCATION

Office of Elementary and Secondary Education

Grants to State Educational Agencies To Improve the Interstate and Intrastate Coordination of Migrant Education Activities

AGENCY: Department of Education.

ACTION: Application Notice for Fiscal Year 1983 (Program Year 1983–84).

Applications are invited for new grants under the Migrant Education Interstate and Intrastate Coordination Program to improve the coordination of activities conducted under Chapter 1 of the Education Consolidation and Improvement Act (ECIA) of 1981 (Pub. L. 97–35), Migrant Education Basic State Formula Grant Program.

The authority for this special coordination program is contained in Section 554(a) of Chapter 1, ECIA. (The text of Section 143 of Title I of the Elementary and Secondary Education Act (Title I, ESEA as amended by Pub. L. 95–561) (20 U.S.C. 2763) contains the specific language authorizing the program. Section 554(a) of Chapter 1, ECIA provides continued authority to make payments based on the amount of, and eligibility for, grants as determined under the applicable sections of Title I, ESEA.) Funds are made available through a reservation from the total Chapter I Migrant Education Program appropriation. (The reservation of funds is authorized by Section 143(b) of Title I, ESEA, the Education Amendments of 1979 (Pub. L. 96–46).)

(U.S.C. 3803(a))

Eligible applicants are State educational agencies (SEAs).

The purpose of this program is to provide grants to SEAs, that may apply individually or cooperatively (i.e., as a group or consortium), to plan and implement special projects designed to improve the interstate and intrastate coordination of migrant education activities. Applicants under Section 415 of the Department of Education Organization Act (Pub. L. 96–88) (20 U.S.C. 3475) and the Federal Grant and Cooperative Agreement Act of 1977 (Pub. L. 95–224) (41 U.S.C. 501 *et. seq.)*

Closing Date for Transmittal of Applications: An application for a grant must be mailed or hand delivered by June 6, 1983.

Applications Delivered by Mail: An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: 84.144, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) a legibly-dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Secretary of Education. If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark; or (2) A mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant SEA should check with its local post office.

An applicant is encouraged to use registered or first class mail. Each late applicant will be notified that its application will not be considered.

Applications Delivered by Hand: An application that is hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (eastern standard time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Program Information: The Secretary awards grants under this program to SEA's to support special projects designed to promote and enhance the interstate and intrastate coordination of migrant education activities conducted under the Migrant Education Basic State Formula Grant Program. The basic program provides instructional and support services to meet the special educational needs of migratory children.

Available Funds: The Secretary estimates that there will be $2,065,600 available for FY 1983 grants. The Secretary estimates that these funds will support 15 projects with most awards between $80,000 and $200,000. These estimates, however, do not bind the U.S. Department of Education to a specific number of grants nor to the amount of any grant unless that amount is otherwise specified by statute or regulations.

Application Forms: The U.S. Department of Education's Migrant Education Programs office will mail application forms and program information packages to all eligible SEA's. An applicant SEA may obtain additional forms and program information packages by writing to Mr. Dustin Wilson, Migrant Education Programs, Office of Elementary and Secondary Education, U.S. Department of Education, 400 Maryland Ave. S.W., (Donohoe Building, Room 1100), Washington, D.C. 20202.

An applicant SEA must prepare and submit its application in accordance with the regulations, instructions, and forms included in the program information package. However, the program information package is only intended to aid the applicants in applying for assistance under this program. Nothing in the grant application package is intended to impose any paperwork, application content, reporting, or grantee performance requirements beyond those specifically imposed under the statute and regulations governing this program. The Secretary strongly urges that the narrative portion of an application not exceed 30 pages. The Secretary also urges that an applicant not submit information that is not requested.

Special Procedures: The application is subject to the State and areawide clearinghouse review procedures under OMB Circular A–95.

An applicant should check with its appropriate Federal regional office to obtain the name(s) and address(es) of the clearinghouse(s) in its State. OMB Circular A–95 requires an applicant to give the clearinghouse(s) sufficient time for review, consultation, and comments on its application.

In its application, an applicant must provide–

(1) The comments of each clearinghouse that commented on its application; or

(2) A statement that the applicant used the procedures of Part 1 of OMB Circular A–95 but did not receive any clearinghouse comments.

Applicable Regulations: The regulations that apply to this program include the following:

(a) Regulations governing the Migrant Education Interstate and Intrastate Coordination Program as proposed in 34 CFR Part 205. (Applications are being accepted based on the notice of proposed rulemaking for the Migrant Interstate and Intrastate Coordination Program which is published in this issue of the **Federal Register.** If any substantive changes are made in the final regulations for this program, applicants will be given an opportunity to revise their applications.)

(b) The Education Department Genertal Administrative Regulations (EDGAR) (34 CFR Parts 74, 75, 77, and 78).

Further Information: For further information, contact Mr. Dustin Wilson, Director, Division of Program Operations, Migrant Education Programs, Office of Elementary and Secondary Education, 400 Maryland Avenue, S.W., (Donohoe Building, Room 1100), Washington, D.C. 20202. Telephone (202) 245–9231.

(20 U.S.C. 3803(a))

(Catalog of Federal Domestic Assistance No. 84.144; Migrant Education/Interstate and Intrastate Coordination Program)

Dated: April 14, 1983.

Lawrence F. Davenport,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 83–10508 Filed 4–19–83; 8:45 am]

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Proclamation 5053 of April 19, 1983

Jewish Heritage Week, 1983

By the President of the United States of America

A Proclamation

American Jews have made significant contributions to every phase of American life. They have served this Nation by fighting for her freedom, building her industry, working for her goals, and nurturing her dreams. They have brought distinction to every field of American endeavor and have participated in the cultural development, economic growth, and spiritual progress of America.

The Jewish people remain dedicated to ancient and revered traditions which have been severely tested over the centuries. From the observance of Passover, which tells the story of the passage from bondage to freedom and rekindles the hope for all who are oppressed, through the participation in the National Days of Remembrance honoring the victims and survivors of the Holocaust and the anniversary of the Warsaw Ghetto Uprising, Jews pay tribute to their past.

Each spring, the American Jewish community remembers its struggles, celebrates its achievements, and renews its commitment to a future of continued advancement. It is during this time that American Jews renew their common heritage with Jews throughout the world by celebrating such occasions as Israel's Independence Day and Solidarity Day for Soviet Jews. In particular, these Jewish traditions have been honored in 1983 by the American Gathering of Holocaust Survivors.

In recognition of the special significance of this time of year to American Jews, in tribute to the important contributions they have made to American life, and in tribute to the cultural diversity of the American people, the Congress of the United States, by House Joint Resolution 80, has authorized and requested the President to proclaim April 17 through April 24, 1983, as Jewish Heritage Week.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning April 17, 1983, as Jewish Heritage Week. I call upon the people of the United States, Federal, State and local government officials, and interested organizations to observe that week with appropriate ceremonies, activities, and reflection.

IN WITNESS WHEREOF, I have hereunto set my hand this 19th day of April, in the year of our Lord nineteen hundred and eighty-three, and of the Independence of the United States of America the two hundred and seventh.

Ronald Reagan

[FR Doc. 83-10825
Filed 4-20-83; 10:53 am]
Billing code 3195-01-M

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Presidential Documents

Proclamation 5054 of April 20, 1983

Death of Federal Diplomatic and Military Personnel in Beirut, Lebanon

By the President of the United States of America

A Proclamation

As a mark of respect for the American diplomats, military personnel and loyal staff members who died violently in the performance of their duty on April 18, 1983, in the tragic bombing of the United States Embassy in Beirut, Lebanon, I hereby order, by virtue of the authority vested in me as President of the United States of America by Section 175 of Title 36 of the United States Code, that the flag of the United States shall be flown at half-staff upon all public buildings and grounds, at all military posts and naval stations, and on all naval vessels of the Federal government in the District of Columbia and throughout the United States and its Territories and possessions through Tuesday, April 26, 1983. I also direct that the flag shall be flown at half-staff for the same length of time at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand this 20th day of April, in the year of our Lord nineteen hundred and eighty-three, and of the Independence of the United States of America the two hundred and seventh.

Ronald Reagan

[FR Doc. 83-10826
Filed 4-20-83; 10:54 am]
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Rules and Regulations

Federal Register
Vol. 48, No. 78
Thursday, April 21, 1983

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 905

[Orange, Grapefruit, Tangerine, and Tangelo Reg. 6, Amdt. 22]

Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Amendment of Grade Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule relaxes grade requirements currently in effect for fresh domestic and export shipments of pink seedless grapefruit and Honey tangerines to U.S. No. 2 Russet for the period April 25–August 21, 1983. This action is designed to increase the supply of such grapefruit and tangerines in recognition of demand conditions and the available remaining supplies in the interest of growers and consumers.

EFFECTIVE DATE: April 25, 1983.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone (202) 447–5975.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. This action is designed to promote orderly marketing of the Florida pink seedless grapefruit and Honey tangerine crops for the benefit of producers, and will not substantially affect costs for the directly regulated handlers.

This final rule is issued under the marketing agreement and Order No. 905 (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon recommendations and information submitted by the Citrus Administrative Committee, and upon other available information. It is hereby found that amendment of the regulation currently in effect for pink seedless grapefruit and Honey tangerines, as hereinafter provided, will tend to effectuate the declared policy of the Act.

The minimum grade requirements, specified herein, reflect the Committee's and Department's appraisal of the need to revise the grade requirements applicable to pink seedless grapefruit and Honey tangerines. Such revision will augment the total available supply of pink seedless grapefruit and Honey tangerines, available for shipment to market by handlers.

Under section 8e of the Act (7 U.S.C. 608e–1), whenever specified commodities, including grapefruit, are regulated under a Federal marketing order, imports of that commodity must meet the same or comparable grade, size, quality or maturity requirements as those in effect for the domestically produced commodity. Thus, grade requirements for imported pink seedless grapefruit will also change to conform to the grade requirements for domestic shipments of Florida pink seedless grapefruit.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this final rule is based and the effective date necessary to effectuate the declared purposes of the Act.

Interested persons were given an opportunity to submit information and views on the revisions of the grade requirements at an open meeting. This final rule relieves restrictions on the handling of pink seedless grapefruit and Honey tangerines. Handlers have been apprised of such provisions and the effective date.

List of Subjects in 7 CFR Part 905

Marketing agreements and orders, Florida, Grapefruit, Oranges, Tangelos, Tangerines.

Accordingly, the provisions of § 905.306 are amended by revising the following entries in Table I, paragraph (a) applicable to domestic shipments, and Table II, paragraph (b), applicable to export shipments, to read as follows.

§ 905.306 Orange, Grapefruit, Tangerine and Tangelo Regulation 6.

(a) * * *

TABLE I

Variety	Regulation period	Minimum grade	Minimum diameter (in.)
(1)	(2)	(3)	(4)
*	*	*	*
Grapefruit:			
Seedless, pink.	4/25/83–8/21/83.	U.S. No. 2 Russet.	3/5/16
	On and after 8/22/83.	Improved No. 2 (External) U.S. No.1 (Internal).	3–9/16
Tangerines:			
Honey	4/25/83–8/21/83.	U.S. No. 2 Russet.	2–4/16
	On and after 8/22/83.	Florida No. 1	2–6/16
*	*	*	*

(b) * * *

TABLE II

Variety	Regulation period	Minimum grade	Minimum diameter (inches)
(1)	(2)	(3)	(4)
*	*	*	*
Grapefruit:			
Seedless, pink.	4/25/83–8/21/83.	U.S. No. 2 Russet.	3–5/16
	On and after 8/22/83.	Improved No. 2 (External) U.S. No. 1 (Internal).	3–5/16
Tangerines:			
Honey	4/25/83–8/21/83.	U.S. No. 2 Russet.	2–4/16
	On and after 8/22/83.	Florida No. 1	2–6/16
*	*	*	*

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 15, 1983.

D. S. Kuryloski,

Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 83-10833 Filed 4-20-83; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 907

[Navel Orange Regs. 575 and 574, Amdt.]

Navel Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period April 22–28, 1983, and increases the quantity of such oranges that may be so shipped during the period April 15–21, 1983. Such action is needed to provide for orderly marketing of fresh navel oranges for the period specified due to the marketing situation confronting the orange industry.

DATES: This regulation becomes effective April 22, 1983, and the amendment is effective for the period April 15–21, 1983.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202–447–5975.

SUPPLEMENTARY INFORMATION:

Findings

This rule has been reviewed under USDA procedures and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. This action is designed to promote orderly marketing of the California-Arizona navel orange crop for the benefit of producers and will not substantially affect costs for the directly regulated handlers.

This regulation and amendment are issued under the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendation and information submitted by the Navel Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the Act.

This action is consistent with the marketing policy for 1982–83. The marketing policy was recommended by the committee following discussion at a public meeting on September 21, 1982. The committee met again publicly on April 19, 1983 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navel oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for navel oranges is continuing a little slow.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the Act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of navel oranges. It is necessary to effectuate the declared purposes of the Act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 907

Marketing agreements and orders, California, Arizona, Oranges (navel).

1. Section 907.875 is added as follows:

§ 907.875 Navel orange regulation 575.

The quantities of navel oranges grown in California and Arizona which may be handled during the period April 22, 1983 through April 28, 1983, are established as follows:

(1) District 1: 1,600,000 cartons;
(2) District 2: Unlimited cartons;
(3) District 3: Unlimited cartons;
(4) District 4: Unlimited cartons.

2. Section 907.874, Navel Orange Regulation 574 (48 FR 16025), is hereby amended to read:

§ 907.874 Navel orange regulation 574.

* * * * *

(1) District 1: 1,700,000 cartons;
(2) District 2: Unlimited cartons;
(3) District 3: Unlimited cartons;
(4) District 4: Unlimited carton.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 20, 1983.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 83-10844 Filed 4-20-83; 11:34]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 100

Statement of Organization; Powers and Duties of Service Officers

Correction

In FR Doc. 83–8066 beginning on page 13146 in the issue of Wednesday, March 30, 1983 make the following correction.

On page 13147, column two, §100.2(b)(2), line six, "and" should appear after "activities".

BILLING CODE 1505-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 82-AGL-31]

Alteration of Control Zone

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this federal action is to convert the Williston, North Dakota, control zone from a part-time status to a full-time status. The intended effect of this action is to ensure segregation of the aircraft using approach procedures in instrument weather conditions from other aircraft operating under visual weather conditions on a 24-hour basis.

EFFECTIVE DATE: June 9, 1983.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace, Procedures, and Automation Branch, Air Traffic Division, AGL–530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694–7360.

SUPPLEMENTARY INFORMATION: This action was initiated as a result of notification from Sloulin Field International Airport officials that required weather reporting is currently available on a 24-hour basis. The National Weather Service operates a full-time weather bureau facility located

at the Sloulin Field International Airport and observes and disseminates weather 24 hours per day, 7 days per week. The alteration in this case deletes the two sentences: "This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will, thereafter, be continuously published in the Airport/Facility Directory.", from the published description for the Williston, North Dakota, control zone.

Aeronautical maps and charts will continue to reflect the defined area which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

History

On page 7468 of the **Federal Register** dated February 22, 1983, the FAA proposed to amend § 71.171 of the Federal Aviation Regulations (14 CFR Part 71) so as to alter the control zone near Williston, North Dakota. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rulemaking.

Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.171 of Part 71 of the Federal Aviation Regulations was published in Advisory Circular AC 70-3A dated January 3, 1983.

List of Subjects in 14 CFR Part 71

Control zones, Aviation safety.

Adoption of the Amendment

PART 71—[AMENDED]

Accordingly, pursuant to the authority delegated to me, § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 GMT, June 9, 1983, as follows:

Williston, ND

Within a 5-mile radius of the Sloulin International Airport (latitude 48°10'37" N., longitude 103°36'18" W.); within 1.5 miles each side of the Williston VORTAC, and within 2 miles north and 3 miles south of the 126° bearing from the Sloulin International Airport, extending from the 5-mile radius area to 10 miles southeast of the airport.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)) and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, it is certified that this—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on April 7, 1983.

Monte R. Belger,

Acting Director, Great Lakes Region.

[FR Doc. 83-10450 Filed 4-20-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 82-AGL-30]

Alteration of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This notice proposes to alter the Superior, Wisconsin, transition area by designating an additional amount of airspace necessary for a new VOR-A instrument approach procedure to serve Sky Harbor Airport, Duluth, Minnesota.

The intended effect of this action is to insure segregation of the aircraft using approach procedures in instrument weather conditions from other aircraft operating under visual weather conditions in controlled airspace.

EFFECTIVE DATE: June 9, 1983.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace, Procedures, and Automation Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The airspace involved would be an area within a 5-mile radius of the Sky Harbor Airport, excluding the portion overlying the Duluth, Minnesota, 700' transition area. The floor of the controlled airspace in this area will be lowered from 1,200' above ground to 700' above ground. The development of the proposed instrument procedure requires that the FAA lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700' controlled airspace.

Aeronautical maps and charts will reflect the defined areas which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

History

On page 7467 of the **Federal Register** dated February 22, 1983, the FAA proposed to amend § 71.181 of the Federal Aviation Regulations (14 CFR Part 71) so as to alter the transition area airspace near Superior, Wisconsin. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rulemaking.

Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.181 of Part 71 of the Federal Aviation Regulations was published in Advisory Circular AC 70-3A dated January 3, 1983.

List of Subjects in 14 CFR Part 71

Transition areas, Aviation safety.

Adoption of the Amendment

PART 71—[AMENDED]

Accordingly, pursuant to the authority delegated to me, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 G.m.t., June 9, 1983, as follows:

Superior, WI

That airspace extending upward from 700' above the surface within a 5-mile radius of the Richard I. Bong Airport (latitude 46°40'55"N., longitude 92°05'35"W.); within a 5-mile radius of the Sky Harbor Airport (latitude 46°43'18"N., longitude 92°02'36"W.); excluding those portions within the Duluth, Minnesota, 700' transition area.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)) and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, it is certified that this—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on April 7, 1983.

Monte R. Belger,

Acting Director, Great Lakes Region.

[FR Doc. 83-10451 Filed 4-20-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 83-ASO-10]

Redesignation of Control Zones, Savannah, Georgia; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction of final rule.

SUMMARY: This action corrects the descriptions of the amended Savannah, Georgia, control zones. The final rule published in the **Federal Register** (48 FR 10038) on Thursday, March 10, 1983, altered the Savannah, Georgia, control zone by establishing two separate control zones in the vicinity of Savannah Municipal Airport and Hunter AAF. When the control zones were redefined, the geographical coordinates of Hunter AAF and the northern limits of the control zone were erroneously listed. The purpose of this amendment is to correct the defectively written description. Since this action is editorial in nature, further notice and public procedure are not necessary. The effective date of this correction coincides with the effectivity of the original amendment. To avoid confusion, the complete description, as corrected, is presented in the text of this corrective amendment.

EFFECTIVE DATE: 0901 G.m.t., June 9, 1983.

FOR FURTHER INFORMATION CONTACT: Donald Ross, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7646.

List of Subjects in 14 CFR Part 71

Aviation safety, Airspace, Control zone.

SUPPLEMENTARY INFORMATION:

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) (as amended) is further amended, effective 0901 G.m.t., June 9, 1983, as follows:

Savannah Municipal Airport, GA—Revised

Within a 5-mile radius of Savannah Municipal Airport (Lat. 32°07'39"N., Long. 81°12'09"W.); within two miles each side of Savannah ILS Runway 36 Localizer south course, extending from the 5-mile radius area to the LOM.

Savannah Hunter AAF, GA—New

Within a 5-mile radius of Hunter AAF (Lat. 32°00'35"N., Long. 81°08'45"W.); excluding that airspace north of latitude 32°02'30"N.

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in East Point, Georgia, on April 7, 1983.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 83-10557 Filed 4-20-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 83-ASO-2]

Alteration of Transition Area, Augusta, Georgia

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment increases the size of the Augusta, Georgia, transition area to accommodate Instrument Flight Rule (IFR) operations at Burke County Airport. This action will lower the base of controlled airspace form 1,200 to 700 feet above the surface. An instrument approach procedure, based on a new nondirectional radio beacon which is to be installed on the airport, is being developed to serve the airport and additional controlled airspace is required to protect IFR operations. In addition, the coordinates of several airports already contained within the transition area, as well as the name of an airport, are being revised so that the description will be technically correct.

EFFECTIVE DATE: 0901 G.m.t., June 9, 1983.

FOR FURTHER INFORMATION CONTACT: Donald Ross, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7646.

SUPPLEMENTARY INFORMATION:

History

On Thursday, January 27, 1983, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by increasing the size of the Augusta, Georgia, transition area to provide additional controlled airspace for containment of aeronautical operations in the vicinity of Burke County Airport. A nondirectional radio beacon is being established on the airport to support instrument flight rule activities by aircraft and this action will provide necessary controlled airspace. In addition, the coordinates of several airports already contained within the transition area description, as well as the name of an airport, are being revised so that the description is technically correct (48 FR 3768). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments were received in response to circularization. Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3A dated January 3, 1983.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations increases the size of the Augusta, Georgia, transition area to accommodate aeronautical activities at Burke County Airport.

List of Subjects in 14 CFR Part 71

Aviation safety, Airspace, Transition area.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) (as amended) is further amended, effective 0901 G.m.t. June 9, 1983, as follows:

Augusta Bush Field, Georgia—Revised

That airspace extending upward from 700 feet above the surface within an 11-mile radius of Bush Field (Lat. 33°22'11" N., Long. 81°57'55" W.); within 9.5 miles west and 4.5 miles east of Augusta ILS localizer south course, extending from the 11-mile radius area to 18.5 miles south of the LOM; within a 9-mile radius of Daniel Field (Lat. 33°28'00" N., Long. 82°02'30" W.); within a 7-mile radius of Thomson-McDuffie County Airport (Lat. 33°31'45" N., Long. 82°31'00" W.); within 9.5 miles north and 4.5 miles south of the 090° bearing from McDuffie RBN (Lat. 33°31'45" N., Long 82°26'19" W.), extending from the 7-mile radius area to 18.5 miles east of the RBN;

within a 6.5-mile radius of Burke County Airport (Lat. 33°02'25" N., Long. 82°00'00" W.); within 3.5 miles each side of the 249° bearing from the Burke County RBN (Lat. 33°02'32" N., Long. 82°00'16" W.), extending from the 6.5-mile radius area to 8.5 miles southwest of the RBN.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in East Point, Georgia, on April 6, 1983.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 83-10558 Filed 4-20-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 82-AGL-11]

Designation of Control Zone

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to designate an airport control zone to serve Grand Rapids/Itasca County Airport, Grand Rapids, Minnesota. This results from a request by the Grand Rapids/Itasca County Airport Commission. The intended effect of this action is to ensure segregation of the aircraft using approach procedures in instrument weather conditions from other aircraft operating under visual weather conditions.

EFFECTIVE DATE: June 9, 1983.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace, Procedures, and Automation Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The airspace required would lower the floor of controlled airspace from 700 feet above the surface down to the surface within a five statute mile radius of the geographic center of Grand Rapids/Itasca County Airport. The control zone would be effective during the specific dates and times established in advance by a Notice of Airmen. The effective date and time would thereafter be continuously published in the Airport/Facility Directory. In addition, aeronautical maps and charts will reflect the defined area which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

History

On page 4292 of the Federal Register dated January 31, 1983, the FAA proposed to amend § 71.171 of the Federal Aviation Regulations [14 CFR Part 71) so as to establish a control zone near Grand Rapids, Minnesota. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rulemaking.

Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.171 of Part 71 of the Federal Aviation Regulations was published in Advisory Circular AC 70-3A dated January 3, 1983.

List of Subjects in 14 CFR Part 71

Control zones, Aviation safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 G.m.t., June 9, 1983, as follows:

Grand Rapids, MN

Within a 5-mile radius of the Grand Rapids-Itasca County Airport (latitude 47°12'45"N., longitude 93°31'00"W.).

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)) and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, it is certified that this—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on April 7, 1983.

Monte R. Belger,

Acting Director, Great Lakes Region.

[FR Doc. 83-10476 Filed 4-20-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 82-AGL-27]

Alteration of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to alter the Vincennes, Indiana, transition area by designating an additional amount of airspace necessary for a newly established NDB Runway 4 instrument approach procedure to serve Mt. Carmel, Illinois, Municipal Airport.

The intended effect of this action is to insure segregation of the aircraft using approach procedures in instrument weather conditions from other aircraft operating under visual weather conditions in controlled airspace.

EFFECTIVE DATE: June 9, 1983.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace, Procedures, and Automation Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The development of the proposed procedure requires that the FAA alter the designated airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700-foot controlled airspace.

The airspace involved would be an area approximately 3.5 miles by 6 miles located southwest of the airport and extending from the 5-mile radius area to 8.5 miles south of the Mt. Carmel Municipal Airport.

Aeronautical maps and charts will reflect the defined areas which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

History

On page 4799 of the **Federal Register** dated February 3, 1983, the FAA proposed to amend § 71.181 of the Federal Aviation Regulations (14 CFR Part 71) so as to alter the transition area airspace near Vincennes, Indiana. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rulemaking.

Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.181 of Part 71 of the Federal Aviation Regulations was published in Advisory Circular AC 70-3A dated January 3, 1983.

List of Subjects in 14 CFR Part 71

Transition areas, Aviation safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 G.m.t, June 9, 1983, as follows:

Vincennes, Indiana

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Lawrenceville-Vincennes Municipal Airport (latitude 38°45'35" N, longitude 87°36'27" W.); within 3 miles each side of the 186° bearing from the airport, extending from the 7-mile radius to 8 miles south; and 3 miles each side of the 352° bearing from the airport, extending from the 7-mile radius to 8 miles north; within 3 miles each side of the 102° bearing from the airport, extending from the 7-mile radius to 8 miles east; and within a 5.5-mile radius of O'Neal Airport (latitude 38°41'29" N., longitude 87°33'08" W.); and within 3 miles each side of the 258° bearing from the O'Neal Airport, extending from the 7-mile and 5½-mile radius area to 8 miles west of the O'Neal Airport; and within a 5-mile radius of the Mt. Carmel Municipal Airport (latitude 38°36'24" N., longitude 87°43'34" W.); within 3 miles either side of the 038° bearing from the Mt. Carmel Airport, extending from the 5-mile radius area northeast to join the Lawrenceville and O'Neal radius areas; and within 3 miles either side of the 196° bearing from the Mt. Carmel Airport extending from the 5-mile radius area to 8.5 miles south of the airport.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)) and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, it is certified that this—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on April 7, 1983.

Monte R. Belger,

Acting Director, Great Lakes Region.

[FR Doc. 83-10475 Filed 4-20-83; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 909

Policies and Procedures Regarding Disclosure of Information and NOAA Employee Testimony in Litigation Not Involving the United States

AGENCY: National Oceanic and Atmospheric Administration, Commerce

ACTION: Final rule; Amendment.

SUMMARY: This amendment updates National Oceanic and Atmospheric Administration (NOAA) office addresses for requesting certified copies of NOAA records and/or requesting the appearance of NOAA employees to give testimony in litigation not involving the United States.

EFFECTIVE DATE: April 21, 1983.

FOR FURTHER INFORMATION CONTACT: John S. Brookbank Jr., Office of General Counsel (GCW), National Weather Service, NOAA, Silver Spring, MD 20910. Telephone: (301) 427-7053.

SUPPLEMENTARY INFORMATION:

List of Subjects in 15 CFR Part 909

Courts, Administrative practice and procedure.

PART 909—[AMENDED]

1. Section 909.2 is amended by revising paragraphs (b) and (c) to read as follows:

§ 909.2 Disclosure and certification of information and records.

* * * * *

(b) Certified copies of NOAA records will be provided upon request. Requests for certified copies of these types of information should be referred to the following offices: Weather and Climatological Records; Director, National Climatic Data Center, National Environmental Satellite, Data, and Information Service, NOAA, Federal Building, Asheville, NC 28801. Weather Forecasts and Warnings; Aviation Services Branch (W/OM13), National Weather Service, NOAA, Silver Spring, MD 20910. Aeronautical Charts; Aeronautical Charting Division (N/CG3), National Ocean Service, NOAA, Rockville, MD 20852. Nautical Charts; Chart Information Section (N/GC222), National Ocean Service, NOAA, Rockville, MD 20852. Other; Office of the General Counsel, National Oceanic and Atmospheric Administration, Washington, DC 20230. (c) Requests for the appearance of NOAA employees to give testimony in litigation not involving the United States should be addressed to the Office of General Counsel at the address shown in paragraph (b) of this section.

Dated: April 8, 1983.

Francis J. Balint,

Chief, Information and Management Services Division.

[FR Doc. 83-10214 Filed 4-20-83; 8:45 am]

BILLING CODE 3510-12-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 270

[Release No. IC-13163]

Filing of Materials With the Commission

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Commission is adopting a technical amendment to rule 0-2(a) under the Investment Company Act of 1940 that will expand the rule to provide that, when the last day for timely filing of papers required to be filed by the Act falls on a Saturday, Sunday or holiday, the time within which required papers may be filed with the Commission will be extended until the following business day.

EFFECTIVE DATE: April 21, 1983.

FOR FURTHER INFORMATION CONTACT: Jane A. Kanter, Special Counsel (202) 272-2115, or Larry L. Greene, Esq. (202) 272-7320, Office of Disclosure Legal Services, Division of Investment Management, Securities and Exchange Commission, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Commission is today adopting a technical amendment to rule 0-2(a) [17 CFR 270.0-2(a)] under the Investment Company Act of 1940 (the "1940 Act") [15 U.S.C. 80a-1 *et seq.*] to provide that

when the last day for the timely filing of papers required to be filed by the 1940 Act falls on a Saturday, Sunday or holiday, the time within which required papers may be timely filed with the Commission will be extended until the following business day. Currently, no provision is made in rule 0–2(a) to accommodate situations in which the last day for the timely filing of required papers falls on a Saturday, Sunday or holiday. The amendment adopted today revises that rule to provide if the last day on which papers can be accepted as timely filed falls on a Saturday, Sunday or holiday, such papers may be filed on the following first business day.

Discussion

It has come to the Commission's attention that the filing requirements under the 1940 Act may, on occasion, result in a shortening of the filing period for materials required to be filed with the Commission when the last day of the filing period falls on a Saturday, Sunday or holiday. Currently, no provision is made in rule 0–2(a) under the 1940 Act to accommodate situations in which the last day for the timely filing of required papers falls on a Saturday, Sunday or holiday. Consequently, when the last day of the filing period is a Saturday, Sunday or holiday the filing must be made on the prior business day in order to be filed timely. The Commission has previously taken the position that shortened filing periods impose an unnecessary hardship on the responsible party. On May 17, 1971,[1] the Commission amended rule 22(j) [17 CFR 201.22(j)] of its Rules of Practice with respect to proceedings before the Commission. That rule was amended to provide, in pertinent part, that in computing any period of time prescribed or allowed by the Rules of Practice or by order of the Commission for the filing of papers in proceedings before the Commission, the last day of the time period so computed will be included unless that day is a Saturday, Sunday or holiday. In that case, the time period will be permitted to run until the end of the next day that is neither a Saturday, Sunday or legal holiday. Similarly, on March 29, 1974,[2] the Commission adopted an amendment to rule 0–3 [17 CFR 240.0–3] under the Securities Exchange Act of 1934 [15 U.S.C. 78a *et seq.*] relating to the filing of materials with the Commission under that Act. The amendment to rule 0–3 provides that if the last day on which papers can be accepted as timely filed falls on a Saturday, Sunday or holiday, such papers may be filed with the Commission on the next business day.

The Commission finds, in light of these other rules concerning the computation of the time periods prescribed or allowed for filing materials with the Commission, that present rule 0–2(a) under the 1940 Act is inconsistent with the Commission's view that shortened filing periods impose an unnecessary hardship on the responsible party. Consequently, the Commission hereby adopts a technical amendment to rule 0–2(a) to amend the requirements of that rule by providing that if the last day on which papers can be accepted as timely filed falls on a Saturday, Sunday or holiday, such papers may be filed on the first business day following.[3] The amendment also incorporates language that makes rule 0–2 specifically applicable to papers required to be filed pursuant to the Act or the rules and regulations thereunder. As discussed more fully below, in view of the Commission's determination that prior notice and comment are unnecessary under the circumstances, this technical amendment is being adopted without prior notice and comment, and will be effective immediately upon publication in the **Federal Register.**

Adoption of the Technical Amendment Without Prior Notice

The Administrative Procedure Act [5 U.S.C. 551 *et seq.*] ("APA") generally requires that any agency or commission publish a notice of proposed rule-making that provides adequate opportunity for comment by interested persons. Section 553(b)(B) of the APA provides an exception from this requirement in situations where the agency for good cause finds that prior notice and comment are "impractical, unnecessary, or contrary to the public interest." These standards are incorporated in rule 4(b) of the Commission's Rules of Practice [17 CFR 201.4(b)], which requires publication of prior notice of proposed rule amendments "[e]xcept where the Commission finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest."

In addition, the APA provides in section 553(d) that an adopted rule must be published at least 30 days prior to the rule's effective date. However, section 553(d)(1) contains an exception to this required publication of an adopted rule and 30 day delay in effectiveness when the rule is a substantive one that grants an exception or relieves a restriction.

The purpose of this technical amendment to rule 0–2(a) of the 1940 Act is to relieve an unnecessary filing burden. The Commission believes that this amendment to rule 0–2(a), however, would not significantly alter the rule and would have no detrimental impact on the rights of persons subject to the rule. In addition, the Commission believes that there is little likelihood that any interested person would object to the rule's adoption. Accordingly, the Commission has determined that prior notice and comment are unnecessary. Further, the Commission finds that a 30 day delay in effectiveness is not required pursuant to section 553(d)(1) of the APA because this amendment to rule 0–2(a) grants an exception or relieves a restriction. Therefore, this amendment to rule 0–2(a) will become effective immediately upon publication in the **Federal Register.**

List of Subjects in 17 CFR Part 270

Investment companies, Reporting and recordkeeping requirements, Securities.

Text of Technical Amendment to Part 270

In accordance with the foregoing, Chapter II, Title 17 of the Code of Federal Regulations, Part 270 is amended as follows:

PART 270—GENERAL RULES AND REGULATIONS UNDER THE INVESTMENT COMPANY ACT OF 1940

In § 270.0–2, paragraph (a) is revised as follows:

§ 270.0–2 General requirements of papers and applications.

(a) *Filing of papers.* All papers required to be filed with the Commission pursuant to the Act or the rules and regulations thereunder shall, unless otherwise provided by the rules and regulations in this part, be delivered through the mails or otherwise to the Securities and Exchange Commission, Washington, D.C. 20549. Except as otherwise provided by the rules and regulations, the date on which papers are actually received by the Commission shall be the date of filing thereof. If the last day for the timely filing of such papers falls on a Saturday, Sunday, or holiday, such papers may be filed on the first business day following.

* * * * *

Statutory Authority

The technical amendment to rule 0–2(a) [17 CFR 270.0–2(a)] is being adopted

[1] Investment Company Act Release No. 6524 (May 17, 1971) [36 FR 9664 (May 29, 1971)].

[2] Securities Exchange Act Release No. 10707 (March 29, 1974) [39 FR 12661 (April 9, 1974)].

[3] It should be noted, however, that today's amendment to rule 0–2 does not affect the treatment of intermediate Saturdays, Sundays or holidays.

pursuant to section 38 of the 1940 Act [15 U.S.C. 37].

By the Commission.

George A. Fitzsimmons,

Secretary.

April 15, 1983.

[FR Doc. 83-10822 Filed 4-20-83; 8:45 am]

BILLING CODE 6310-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 282

[Docket No. RM81-17-000]

Definition of Agricultural Use in Section 282.202(a) of the Commission's Incremental Pricing Regulations; Order Denying Rehearing and Request for Exemptive Rule

Issued: April 12, 1983.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order denying rehearing and request for exemption rule.

SUMMARY: On November 16, 1981, the Federal Energy Regulatory Commission (Commission) issued a final rule expanding the list of agricultural uses of natural gas set forth in § 282.202(a) which are exempt from incremental pricing surcharges (Order No. 189, 46 FR 57469, Nov. 24, 1981). A timely petition for rehearing of Order No. 189 or, in the alternative, for an exemptive rule under section 206(d) of the Natural Gas Policy Act of 1978 was filed by Humko Chemical. For the reasons discussed below and in Order No. 189, the Commissioin denies the petition for rehearing and request for exemptive rule.

DATE: Issued April 12, 1983.

FOR FURTHER INFORMATION CONTACT: Barbara K. Christin, Office of General Counsel, 825 North Capitol Street, NE., Washington, D.C. 20426; (202) 357-8033.

SUPPLEMENTARY INFORMATION:

On November 16, 1981, the Federal Energy Regulatory Commission (Commission) issued a final rule in this docket amending its regulations on incremental pricing (18 CFR Part 282) under Title II of the Natural Gas Policy Act of 1978 (15 U.S.C. 3301-3432) (NGPA). The final rule (Order No. 189, 46 FR 57469, November 24, 1981) amended § 282.202(a), which contains the list of agricultural uses of natural gas exempt from incremental pricing surcharges. The amendment added additional uses to the list.

A timely petition for rehearing of Order No. 189 was filed by Humko Chemical. On January 15, 1982, the Commission granted the petition solely for purposes of further consideration.

In its petition for rehearing, Humko Chemical requested the Commission to reconsider its decision in the final rule that the production of fatty chemicals from agricultural products and by-products, including tallow, tall oils, fish oils, and vegetable oils is not an agricultural use of natural gas for purposes of an incremental pricing exemption. Petitioner asserts, as it did in comments filed in response to the Notice of Proposed Rulemaking,[1] that its processing activities constitute natural fiber processing, agricultural production, and food processing, and that some of the fatty chemicals which it produces are essential to food quality maintenance.[2]

Although some of the products which Humko processes (such as tallow, tall oils, fish oils, and vegetable oils) may be derived from fibrous materials, they are not natural fiber. Therefore, the processing of these oils and the other materials is not natural fiber processing. Furthermore, the Commission's definition of agricultural use in § 282.202(a) of its regulations as it relates to "agricultural production" is generally limited to the on-farm use of natural gas for the production of crops or the raising of livestock.[3] Thus, although the raw materials which are processed by Humko Chemical may be agricultural in nature, the use of natural gas for this purpose does not fall within the "agricultural production" category as defined by the Commission.

Finally, petitioner's arguments that its use of natural gas to process agricultural products and by-products into chemical intermediates qualifies as food processing and is essential to food quality maintenance were considered by the Commission and addressed in the preamble to the final rule. (*Mimeo* at 12-14.) Further discussion here would not be helpful.

Accordingly, for the reasons discussed above and in the preamble to the final rule, the Commission denies rehearing of the final rule.

Petitioner requests in the alternative that the Commission issue a rule under section 206(d) of the NGPA to exempt its use of natural gas from incremental pricing surcharges. Section 206(d) grants the Commission authority to exempt any industrial facility or category of facilities from incremental pricing. Pursuant to section 206(d)(2), however, any exemptive rule is subject to Congressional review before becoming effective. Petitioner argues that the considerations underlying the Commission's decision in Order No. 177 are applicable here.[4] That order was issued pursuant to section 206(d) of the NGPA and exempted from incremental pricing natural gas used in the manufacture of fertilizer, agricultural chemicals, animal feed and food.

The Commission denies the request for an exemptive rule under section 206(d) Of the NGPA. The exemption granted by Order No. 177 was limited to the group of industries specifically enumerated in section 206(b)(3)(B) of the NGPA.[5] Petitioner's use of natural gas in the processing of agricultural products and by-products into fatty chemicals does not fall within this group.

The Commission orders

Humko Chemicals' petition for rehearing or, in the alternative, for an exemptive rule under section 206(d) of the NGPA, is denied.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-10813 Filed 4-20-83; 8:45 am]

BILLING CODE 6717-01-M

18 CFR Part 385

[Docket No. RM83-58-000; Order No. 289]

Rules of Practice and Procedure; Citation Form

Issued: April 12, 1983.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is amending its Rules of Practice and Procedure by establishing an official citation form for documents filed with

[1] Issued April 20, 1981, 46 FR 23487 (April 27, 1981).

[2] Section 206(b)(3)(A) defines "agricultural use" as follows:

(b)(3) Agricultural Use Defined.—For purposes of this subsection, the term "agricultural use," when used with respect to natural gas, means the use of natural gas to the extent such use is—

(A) for agricultural production, natural fiber production, natural fiber processing, food processing, food quality maintenance, irrigation pumping, or crop drying; or * * *.

[3] Order No. 114, Docket No. RM80-48, issued December 5, 1980, 45 FR 82915, 82918 (December 17, 1980).

[4] Order No. 177, Docket No. RM80-16, issued September 24, 1981, 46 FR 50080 (October 9, 1981).

[5] Section 206(b)(3)(B) defines, as an agricultural use, the use of natural gas "as a process fuel or feedstock in the production of fertilizer, agricultural chemicals, animal feed, or food."

the Commission. Accordingly, the Commission is adopting *A Uniform System of Citation* as its official citation manual.

EFFECTIVE DATE: May 23, 1983.

FOR FURTHER INFORMATION CONTACT: Kenneth J. Malloy, Rulemaking and Legislative Analysis Section, Office of General Counsel, 825 North Capitol Street, N.E., Room 8602–A, Washington, D.C. 20426; (202) 357–8033.

SUPPLEMENTARY INFORMATION: The Federal Energy Regulatory Commission (Commission) is amending its Rules of Practice and Procedure (18 CFR Part 385) by establishing an official citation form for documents filed with the Commission. The Commission does so by adopting *A Uniform System of Citation* [1] as its official citation manual.

I. Background

Accurate and uniform citation to legal authority is essential to effective and efficient regulatory writing and research. The Commission frequently receives pleadings, briefs, comments on rulemakings, and other documents that contain incomplete, inaccurate, or misleading citations. These inadequacies often consume time and staff resources and may impede Commission processes. Accordingly, the Commission believes that it is necessary to affirm the importance of citation form by using standard guidelines.

The Commission's rules, opinions, orders, and public information materials are published in a variety of places. For example, the Commission's rules are published in both the Code of Federal Regulations and the **Federal Register;** opinions and orders are published in the *FERC Reports;* and some types of orders and opinions are available only from the Commission in their typographic or photocopied form. The Commission also publishes much of this material in its looseleaf series called *Federal Energy Guidelines,* which is currently marketed to the public in identical looseleaf format by Commerce Clearing House (CCH).[2] The advantage of these "looseleaf" publications is that they contain most of the Commission's documents and thus provide easy accessibility to the primary source material. A standardized method of citing to these materials will be a welcomed aid to the Commission and the public alike.

The CCH publications are convenient for Commission personnel and regular practitioners, and the Commission recommends them. However, the series is not yet readily available to the general public and, therefore, the Commission has decided not to require citation to them. If a person using *FERC Statutes and Regulations* has the correct bluebook citation, it is generally a simple matter to locate the material in the Commission's publication.[3]

II. The Rule

The Commission is promulgating Rule 2003(c) (to be published at 18 CFR 385.2003(c)) to establish the most current edition of *A Uniform System of Citation* (currently in its 13th edition) as the preferred method of citation in all Commission filings and documents. The Commission believes that *A Uniform System of Citation* (known in the legal community as the "bluebook") is the preeminent authority on citation form and its use will minimize confusion. By invoking the *Uniform System,* this final rule also requires all persons to cite to certain preferred sources when filing documents. For example, statutes should be cited to *United States Code,* regulations to the *Code of Federal Regulations,* opinions and orders to *FERC Reports,*[4] and unpublished material to the Commission's typographic issuance.

This rule departs from *A Uniform System of Citation* in one respect. Rather than permit the use of any of the several citation forms discussed in Rule 1 of the *Uniform System,* the Commission adopts only the form for law reviews,[5] and specifically excepts Rule 1.1 (which applies to briefs and legal memoranda). The law review form is the proper one for any document containing substantial footnotes, as do most documents at the Commission. The bluebook contains numerous examples of footnotes in the law review form. In addition, the use of parallel citations, such as the docket or order numbers, is encouraged.

The following are examples of correct footnote citations for Commission documents.

Orders and Opinions: Tenneco Oil Co., 21 FERC ¶ 61,320 (1982),[6] *on remand of* Air Prod. & Chem., Inc. v. FERC, 650 F.2d 687 (5th Cir. 1981), *remanding and vacating* Tenneco Oil Co., 2 FERC ¶ 61,247 (1978), 3 FERC ¶ 61,257 (1978), and 4 FERC ¶ 61,070 (1978),[7] *modifying* Tenneco Oil Co., 57 F.P.C. 1306 (1977)[8] and 59 F.P.C. 2134 (1977).[9]

Statutes: Natural Gas Act § 7, 15 U.S.C. § 717f (1976 and Supp. IV 1980)

Rules: Settlements Involving Headwater Benefits, 18 CFR 13.1 (1982)

Proposed Rules, Rules not in CFR, and Regulation Preambles: Incremental Pricing: Definition of Agricultural Use, 46 FR 57,469 (1981).[10]

Impact of the NGPA on Current and Projected Natural Gas Markets, 47 FR 19,157, 19,159 (1982) (notice of inquiry issued April 28, 1982).[11]

The Administrative Procedure Act does not require notice and comment for "rules of agency organization, procedure, or practice." 5 U.S.C. 553(b)(A) (1976). Accordingly, this amendment to the Rules of Practice and Procedure is being made without prior notice and comment.

The final rule is effective on May 23, 1983.

(Department of Energy Organization Act, 42 U.S.C. 7101–7352 (Supp. IV 1980); Exec. Order No. 12,009, 3 CFR 142 (1978))

List of Subjects in 18 CFR Part 385

Administrative rules of practice and procedure.

In consideration of the foregoing, the Commission amends Part 385 of Title 18, Chapter I, *Code of Federal Regulations,* as set forth below.

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[1] Harvard Law Review Ass'n, A Uniform System of Citation (13th ed. 1981). This book is available in most law bookstores.

[2] Inquiries on the Commerce Clearing House publication may be directed to Order Department, Commerce Clearing House, Inc., 4025 West Peterson Avenue, Chicago, Illinois 60646, (Phone: (312)583–8500).

[3] There are instances in which there is a notation in one volume (*e.g., FERC Reports*) that the full text of an order or opinion appears in another volume (*e.g., FERC Statutes and Regulations*). In these instances, the citation to the publication in which the full text appears should be used.

[4] In addition to *FERC Reports, Federal Energy Regulatory Commission Appeals Dicisions* is a one volume publication containing Commission decisions reviewing certain Department of Energy matters between August 1978 and June 1981. Decisions after June 1981 are integrated into *FERC Reports.*

[5] Rule 1.3 states that one may use large and small capital letters or regular roman type in footnotes. Since most documents prepared at or for the Commission are typed, ordinary roman type should be used.

[6] A parallel citation might add: Op. No. 10–B, Docket No. CI75–45.

[7] A parallel citation might add: Op. Nos. 10 and 10–A, Dock. No. CI75–45. Tenneco Oil Co., 4 FERC ¶ 61,070 (1978), was not assigned an opinion number. It was an "Order Clarifying Opinion No. 10 and Denying Stay."

[8] A parallel citation might add: Op. No. 788.

[9] A complete citation or prior history such as this example would generally be unnecessary, unless the history of the case were discussed.

[10] A parallel citation might add: [Reg. Preambles 1977–1981] FERC Stat. & Reg. ¶ 30,313 (1981), Order No. 169, Docket No. RM81–17.

[11] A parallel citation might add: 4 FERC Stat. & Reg. ¶ 35,512, Docket No. RM82–20–000.

By the Commission. Commissioner Richard concurred with a separate statement attached.

Kenneth F. Plumb,

Secretary.

PART 385—[AMENDED]

Section 385.2003 is amended by adding a new paragraph (c) to read as follows:

§ 385.2003 Specifications (Rule 2003)

* * * * *

(c) *Citation form.* Any filing with the Commission should comply with the rules of citation, except Rule 1.1, set forth in the most current edition of *A Uniform System of Citation,* published by The Harvard Law Review Association.

Final Rule to Adopt the *Uniform System of Citation;* Docket No. RM83–58–000.

Issued: April 12, 1983.

Richard, Commissioner, concurring:

Administrative Law Judge David Benkin has a speech that he gives on the evils of "secret law" at the Commission. He is referring to the unwritten policies and procedures that are mysterious and inaccessible to those who do not regularly appear before us. In recent years great strides have been taken to dispel that atmosphere. The Commission has resumed publication of its decisions;[1] the Rules of Practice and Procedure for hearings and general matters have been issued;[2] and discovery rules are being developed. (In my personal view, the discovery rules cannot be completed too soon).

Still, the regulatory environment is complex, replete with technical jargon and legal terms. Initiates have a tendency to speak in shorthand of energy regulation. Quick allusions to "the *South Georgia* exemption"[3] or to "Order 30"[4] may be unavoidable in day-to-day conversation, but in written documents, unless they are accompanied by complete and accurate citations, such references only serve to heighten the impression of "secret law" or to confuse novitiates (and new Commissioners).[5]

It is easy to go overboard with rules of form. Satirists have suggested that "the basic belief of the fundamentalists is that every word in the bluebook is literally true * * *. Thus, when the bluebook commands, 'discussions in selective case reports are cited: Annot., 12 A.L.R. 2d 382 (1950) * * *,' they cite 12 A.L.R. 2d 382 (1950) regardless of which annotation they are relying upon."[6] I do not think we need to go this far nor do we need to employ a squad of editors wielding blue pencils to police the proper use of italics. We do not expect strict compliance with the minutiae of the bluebook, however, the adoption of the rule before us today should be viewed as a serious mandate to end secret law at this Commission by fully citing legal authority.

Oliver G. Richard III,

Commissioner.

[FR Doc. 83–10814 Filed 4–20–83; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF STATE

22 CFR Part 11

[Dept. Reg. 108.831]

Appointment of Members of the Foreign Service; Revised Regulations

Correction

In FR Doc. 83–8103 beginning on page 13161 in the issue of Wednesday, March 30, 1983 make the following correction:

On page 13164, column three, line six should read "Dated March 25, 1983."

BILLING CODE 1505–01–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 401

[T.D. 7886]

Temporary Procedure and Administration Regulations Under the Tax Equity and Fiscal Responsibility Act of 1982; Certain Requirements for Release of Liens

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document provides temporary regulations governing the issuance of a release of a notice of Federal tax lien filed with respect to internal revenue taxes. Changes to the applicable tax law were made by the Tax Equity and Fiscal Responsibility Act of 1982. These regulations affect all persons against whom a notice of Federal tax lien has been filed for outstanding Federal taxes and Internal Revenue Service personnel who file a notice of Federal tax lien and will provide them with guidance necessary to comply with the law.

DATE: The regulations apply to a notice of Federal tax lien filed after December 31, 1982, notice of Federal tax lien satisfied after December 31, 1982, and notice of Federal tax lien for which a taxpayer after December 31, 1982, requests that a certificate of release be issued on the grounds that the tax liability was satisfied or has become legally unenforceable.

FOR FURTHER INFORMATION CONTACT: Neil W. Zyskind of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224. Attention: CC:LR:T, (202) 566–3289, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

A new Part 401 , Temporary Procedure and Administration Regulations under the Tax Equity and Fiscal Responsibility Act of 1982, is added by this document to Title 26 of the Code of Federal Regulations. In addition, this document contains temporary regulations under new Part 401 relating to certain requirements for the issuance of a release of a notice of Federal tax lien under section 6325(a) of the Internal Revenue Code of 1954, as amended by section 348 of the Tax Equity and Fiscal Responsibility Act of 1982 (Pub. L. 97–248, 96 Stat. 638). The temporary regulations provided by this document will remain in effect until superseded by the final regulations on this subject.

The temporary regulations contain provisions relating to the issuance of a certificate or release of a notice of Federal tax lien under section 6325(a) of the Code. Section 401.6325–1(a) sets forth the general requirements for the release of a notice of Federal tax lien.

Section 401.6325–1(b) grants the district director the authority to file a notice of Federal tax lien containing a certificate of release which will become effective as a release as of a date prescribed in the document containing the notice of Federal tax lien and certificate of release. The authority to combine these documents will reduce the administrative difficulties in monitoring tax liens which have become legally unenforceable and will relieve the district director of the burden of

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[1] Due to limited resources, in 1979 publication of the *F.P.C.* and *F.E.R.C. Reports* was backlogged through 1973.

[2] 18 CFR Part 385 (1982).

[3] South Georgia Natural Gas Co., (May 5, 1978) (unpublished letter order in Dock. No. RP77–32). *See* Natural Gas Pipeline of America, 13 F.E.R.C. ¶ 61,288 (Dec. 23, 1980).

[4] Transportation Certificates for Natural Gas for the Displacement of Fuel Oil, 44 FR 30,323 (1979) (codified at 18 CFR 284.200–284.208 (1980)). There are many situations in which the subsequent history of Order 30 should also be included in the citation.

[5] New Commissioners have been surprised to learn that circuit court cases relied upon by outside parties or staff were affirmed or overturned by the Supreme Court, a fact omitted from the participants' footnotes. A few surprises of this sort have made me realize that my staff and I must scrutinize each and every citation of authority.

[6] Book Review, 65 Geo. L.J. 671 n. 7 (1977) (reviewing The Columbia Law Review, The Harvard Law Review Association, The University of Pennsylvania Law Review, and the Yale Law Journal, *A Uniform System of Citation* (12th ed. 1976).

issuing a separate certificate of release. Furthermore, the cost of filing a release, which is charged to a taxpayer, will be reduced by combining the documents.

Section 6325(a) requires that the Secretary issue a certificate of release of a notice of Federal tax lien no later than 30 days after the day on which the Secretary finds that the liability for the tax has been fully satisfied or has become legally unenforceable. Under paragraph (c) of § 401.6325–1, satisfaction of the tax liability occurs either when (1) the district director determines, as soon as practicable after tender of payment, that the entire tax liability has been satisfied in full, or (2) when the taxpayer provides the district director with proof of full payment of the tax liability. Section 401.6325–1(d) defines the term "proof of full payment."

Paragraph (e) of § 401.6325–1 provides that when a notice of Federal tax lien lists multiple tax liabilities, the district director shall issue a certificate of release when all of the tax liabilities have been fully satisfied or have become legally unenforceable. In addition, if the taxpayer requests that a certificate of release be issued for one of the liabilities listed in the notice of Federal tax lien and such liability has been fully satisfied or has become legally unenforceable, the district director shall issue a certificate of release. Thus, for example, if a notice of Federal tax lien is filed in 1983 covering an employment tax liability assessed for the third quarter of 1982 and an employment tax liability assessed for the fourth quarter of 1982, a release will not automatically be issued until the entire employment tax liabilities for the third and fourth quarters of 1982 have been satisfied or have become legally unenforceable. However, if the taxpayer paid the employment tax liability for the third quarter of 1982, the taxpayer can request that a certificate of release be issued for the third quarter tax liability and the district director shall issue a release. This provision will substantially reduce the burden, both administratively and economically, on the taxpayer and district director.

Section 401.6325–1(f) contains provisions relating to the necessary information required to be set forth in the taxpayer's request for the issuance of a certificate of release from a notice of Federal tax lien. Section 401.6325–1(g) contains the effective dates for the changes made to section 6325(a).

Non-Applicability of Executive Order 12291

The Treasury Department has determined that this temporary regulation is not subject to review under Executive Order 12291 or the Treasury and OMB implementation of the Order dated April 28, 1982.

Regulatory Flexibility Act

No general notice of proposed rulemaking is required by 5 U.S.C. 553 (b) for temporary regulations. Accordingly, the Regulatory Flexibility Act does not apply and no Regulatory Flexibility Analysis is required for this rule.

Drafting Information

The principal author of these temporary regulations is Neil W. Zyskind of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

List of Subjects in 26 CFR Part 401

Release of liens, Tax Equity and Fiscal Responsibility Act of 1982.

Adoption of Amendments to the Regulations

Accordingly, a new Part 401, Temporary Procedure and Administration Regulations under the Tax Equity and Fiscal Responsibility Act of 1982, is added to Title 26 of the Code of Federal Regulations. Part 401 reads as follows:

PART 401—TEMPORARY PROCEDURES AND ADMINISTRATION REGULATIONS UNDER THE TAX EQUITY AND FISCAL RESPONSIBILITY ACT OF 1982 (PUB. L. 97–248)

Sec.
401.6325–1 Release of liens.

Authority. Sections 6325(a) and 7805 of the Internal Revenue Code of 1954 (68A Stat. 781, 917; 26 U.S.C. 6325(a), 7805).

§ 401.6325–1 Release of liens.

(a) *In general.* The district director shall issue a certificate of release for a filed notice of Federal tax lien not later than 30 days after the date on which the district director finds that the entire tax liability listed in such notice of Federal tax lien has been fully satisfied (as defined in paragraph (c) of this section) or has become legally unenforceable.

(b) *Certificate of release for a lien which has become legally unenforceable.* The district director shall have the authority to file a notice of Federal tax lien which also contains a certificate of release pertaining to those liens which become legally unenforceable. Such release will become effective as a release as of a date prescribed in the document containing the notice of Federal tax lien and certificate of release.

(c) *Satisfaction of tax liability.* For purposes of paragraph (a) of this section, satisfaction of the tax liability occurs when—

(1) The district director determines that the entire tax liability listed in a notice of Federal tax lien has been fully satisfied. Such determination will be made as soon as practicable after tender of payment; or

(2) The taxpayer provides the district director with proof of full payment (as defined in paragraph (d) of this section) with respect to the entire tax liability listed in a notice of Federal tax lien together with the information and documents set forth in paragraph (f) of this section. See paragraph (e) of this section if more than one tax liability is listed in a notice of Federal tax lien.

(d) *Proof of full payment.* As used in paragraph (c)(2) of this section, the term "proof of full payment" means—

(1) An internal revenue cashier's receipt reflecting full payment of the tax liability in question;

(2) A canceled check in an amount sufficient to satisfy the tax liability for which the release is being sought; or

(3) Any other manner of proof acceptableto the district director.

(e) *Notice of a Federal tax lien which lists multiple liabilities.* When a notice of Federal tax liens lists multiple tax liabilities, the district director shall issue a certificate of release when all of the tax liabilities listed in the notice of Federal tax lien have been fully satisfied or have become legally unenforceable. In addition, if the taxpayer requests that a certificate of release be issued with respect to one or more tax liabilities listed in the notice of Federal tax lien and such liability has been fully satisfied or has become legally unenforceable, the district shall issue a certificate of release. For example, if a notice of Federal tax lien lists two separate liabilities and one of the liabilities is satisfied, the taxpayer may request the issuance of a certificate of release with respect to the satisfied tax liability and the district director shall issue a release. See paragraph (c) of this section in determining when a tax lien has been fully satisfied. A request made by the taxpayer shall be made to the district director in accordance with the procedures in paragraph (f) of this section.

(f) *Taxpayer requests.* A request for a certificate of release with respect to a notice of Federal tax lien shall be submitted in writing to the district director (marked for the attention of the

Chief, Special Procedures Function) of the district in which the notice of Federal tax lien was filed. The request shall contain the following—

(1) Name and address of the taxpayer;

(2) A copy of the notice of Federal tax lien affecting the property; and

(3) The grounds upon which the issuance of a release is sought.

(g) *Effective date.* The provisions of this section are effective with respect to a notice of Federal tax lien (1) which is filed after December 31, 1982, (2) which is satisfied after December 31, 1982, or

(3) with respect to which the taxpayer after December 31, 1982, requests that district director to issue a certificate of release on the grounds that the liability was satisfied or legally unenforceable.

There is a need for immediate guidance with respect to the provisions contained in this Treasury decision. For this reason, it is found impracticable to issue it with notice and public procedure under section (b) of section 553 of Title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

This Treasury decision is issued under the authority contained in sections 6325(a) and 7805 of the Internal Revenue Code of 1954 (68A Stat. 781, 917; 26 U.S.C. 6325(a), 7805).

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: April 6, 1983.

John E. Chapoton,

Assistant Secretary of the Treasury.

[FR Doc. 83-10054 Filed 4-20-83; 8:45 am]

BILLING CODE 4830-01-M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2606

Rules for Administrative Review of Agency Decisions

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This final rule amends the Pension Benefit Guaranty Corporation's regulation on Administrative Review of Agency Decisions by changing the definition of the PBGC's Appeals Board to provide for a Board consisting of three senior agency officials, one of whom is designated chairperson, and to provide for three ex officio members. The purpose of this rule is to provide for a more effective appeals process.

EFFECTIVE DATE: April 21, 1983.

FOR FURTHER INFORMATION CONTACT: Deborah West, Attorney, Office of the General Counsel, Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006; (202) 254-3010. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On July 19, 1979, the PBGC published a final rule regarding administration review of agency decisions (44 FR 42161). The purpose of the regulation is to ensure that persons who are adversely affected by certain initial determinations of the PBGC are provided with an opportunity to obtain review of those determinations. The current regulation applies to eleven types of determinations and provides for two types of agency review. Seven types of initial determinations are subject to appeal to the Appeals Board; four are subject to reconsideration by an official in the office that issued the initial determination, at a level higher than that of the person who issued the initial determination.

The term "Appeals Board" is defined in § 2606.2 of the regulation to mean a board consisting of the Director of the Office of Program Operations, the Director of the Office of Financial Operations, and the General Counsel, or their designees. The regulation is being amended to provide that the Appeals Board will consist of three senior agency officials appointed by the PBGC's Executive Director, one of whom shall be designated chairman by the Executive Director. If a person is unable to serve on the Appeals Board with respect to a particular case, he or she will be replaced by another senior agency official designated by the Executive Director. The purpose of this change is to provide for a chairperson and to ensure that Appeals Board matters are considered by an Appeals Board comprised of senior agency officials. The definition also provides that the Executive Director or, if unavailable, the Deputy Executive Director and the General Counsel are ex officio members of the Appeal Board and that the General Counsel may vote on any matter before the Board. If a tie results, the appeal will be referred to the Executive Director.

The Pension Benefit Guaranty Corporation has determined that this amendment is not a "major rule" for the purposes of Executive Order 12291, because it will not have an annual effect on the economy of $100 million or more; or create a major increase in costs or prices for consumers, individual industries, or geographic regions; or have significant adverse effects on competition, employment, investment, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. This conclusion is based on the fact that the amendment is procedural, and advises the public of a change in agency organization.

Because this regulation deals only with matters of agency organization and procedure, a general notice of proposed rulemaking is not required. See 5 U.S.C. 553(b). Further, since a general notice of proposed rulemaking is not required, this rule is not covered by the Regulatory Flexibility Act, 5 U.S.C. 601(2).

Pursuant to 5 U.S.C. 553(d), the agency finds that an immediate effective date for this amendment is needed to effectively administer the PBGC's appeals process and further finds that because it is a rule of agency organization, there is no public advantage in delay. Accordingly, the agency finds good cause to waive the 30-day service period.

List of Subjects in 29 CFR Part 2606

Pensions and pension insurance.

In consideration of the foregoing, Part 2606 of Chapter XXVI of Title 29, Code of Federal Regulations is hereby amended as follows:

1. The authority citation for Part 2606 is revised to read as follows:

Authority: Sec. 4002(b)(3), Pub. L. 93-406, as amended by sec. 403(e), Pub. L. 96-364, 94 Stat. 1208, 1302 (1980) (29 U.S.C. 1302(b)(3)).

2. In § 2606.2, the definition of "Appeals Board" is revised to read as follows:

§ 2606.2 Definitions

* * * * *

"Appeals Board" means a board consisting of a Chairperson appointed by the Executive Director of the PBGC and two senior agency officials appointed by the Executive Director to serve as regular members. Other senior agency officials may serve as alternate members in the event that a regular member is not available to serve or is unable to serve. Such alternates shall be appointed pursuant to a list designated by the Executive Director and shall serve in the order designated in that list. The General Counsel and the Executive Director or Deputy Executive Director shall be ex officio members. The General Counsel as an ex officio member of the Appeals Board may, if he or she chooses, vote on any matter before the Board for a decision. Appeals shall be decided by a majority vote of the Board members, but if the General Counsel votes on an appeal and that results in a tie vote, the appeal will be

referred to the Executive Director as specified in Section 2606.61. A person may not serve on the Appeals Board with respect to any case in which he or she made a determination with respect to the merits of the initial determination.

* * * * *

Issued at Washington, D.C. on this 15th day of April 1983.

Edwin M. Jones,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 83-10524 Filed 4-20-83; 8:45 am]

BILLING CODE 7708-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 946

Approval of Modification of the Virginia Permanent Regulatory Program Under the Surface Mining Control and Reclamation Act of 1977

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Interim final rule.

SUMMARY: OSM is announcing interim final approval of a modification of the Virginia permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA) which would subject interim program operations to the penalty and enforcement provisions of the Virginia program. By letter dated March 22, 1983, Virginia submitted a proposed program amendment consisting of amendments to the Virginia Surface Mining Control and Reclamation Act of 1979.

DATES: Effective April 21, 1983. Public comment is invited on the action set forth herein. Written comments must be received on or before 4:00 p.m. on May 23, 1983, to be considered.

ADDRESSES: Written comments should be mailed or hand delivered to: Ralph Cox, Director, Virginia Field Office, Office of Surface Mining Reclamation and Enforcement, Highway 23, South, P.O. Box 626, Big Stone Gap, Virginia 24219, Telephone: (703) 523-4303.

Copies of the Virginia program, the March 22, 1983, letter containing the modification to the program, and all written comments received in response to this notice will be available for review at the OSM Offices and the Office of the State regulatory authority listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays:

Office of Surface Mining Reclamation and Enforcement, Room 5315, 1100 "L" Street, N.W., Washington, D.C. 20240;

Office of Surface Mining Reclamation and Enforcement, Highway 23, South, Big Stone Gap, Virginia 24219;

Office of Surface Mining Reclamation and Enforcement, Flannagan and Carroll Streets, Lebanon, Virginia 24266;

Virginia Division of Mined Land Reclamation, 620 Powell Avenue, Big Stone Gap, Virginia 24219.

FOR FURTHER INFORMATION CONTACT: Ralph Cox, Director, Virginia Field Office, Office of Surface Mining, P.O. Box 626, Big Stone Gap, Virginia 24219, Telephone: (703) 523-4303.

SUPPLEMENTARY INFORMATION: The Virginia program was conditionally approved by the Secretary of the Interior on December 15, 1981 (46 FR 61088-61115). Information pertinent to the general background, revisions, modifications, and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Virginia program can be found in the December 15, 1981 Federal Register (46 FR 61088-61115).

Background

When Virginia's permanent regulatory program was conditionally approved on December 15, 1981, it was OSM's understanding, pursuant to Section 506(a) of SMCRA, that a coal mining operation did not have to meet the permanent program *performance standards* until a permanent program permit was obtained.

However, this delay in the applicability of the permanent program performance standards does not apply to the *enforcement* aspects of State programs; Section 506(a) states that after eight months from program approval or longer if the operator submitted his permit application on time but the State has not yet processed it, no one is to mine without a permanent program permit. The purpose of the Section 506(a) exemption is to prevent the termination of ongoing operations due to bureaucratic delay. This exemption from the permanent program permit requirement should not be construed to allow the interim program enforcement mechanisms to continue. States with approved programs must have adequate staff and authority to carry out enforcement similar to Sections 517 and 521 of SMCRA and sanctions which meet the requirements of Section 518. State enforcement is to begin as soon as the program is approved. This enforcement must include cessation orders and notices of violation and must comply with the other Federal inspection and enforcement requirements mandated by SMCRA and approved in the State program.

Section 45.1-220, Article 1, Chapter 19 of the Virginia Code states in part that the provisions of Chapter 17, Title 45.1, will continue in effect for the regulation of operations which have been permitted pursuant to Chapter 17 until the completion of the processing of their applications for permanent program permits under Chapter 19 of Title 45.1. (Chapter 19 of the Virginia Code is the permanent regulatory program; Chapter 17, the interim regulatory program.) Virginia interpreted this section to mean that *all* aspects of the permanent coal surface mining regulatory program in Virginia take effect on the date on which the surface mining operation receives its permanent program permit. Due to this interpretation, questions were raised concerning how the State could implement, enforce and maintain its program, as required by SMCRA.

Pursuant to an ongoing dialogue between OSM and Virginia, an agreement was reached in November 1982 whereby the State would introduce legislation in the Virginia General Assembly to amend the Virginia Surface Mining Control and Reclamation Act (Virginia SMCRA) to provide Virginia officials with immediate authority to issue notices of violation and cessation orders, to impose civil penalties, etc. against existing mine permits prior to repermitting those operations under the State's permanent regulatory program. Upon enactment of this legislation, OSM agreed to withdraw all of the additional Federal inspectors sent into Virginia in July 1982 to ensure adequate inspection and enforcement of mining operations in the State.

On March 22, 1983, Virginia submitted as a program amendment an act passed by the Virginia General Assembly which amends Section 45.1-234.A. of the Virginia Surface Mining Control and Reclamation Act (Virginia SMCRA) to subject interim program operations to the penalty and enforcement provisions of Sections 45.1-245, 45.1-246, 45.1-247, 45.1-249, 45.1-250, 45.1-251 of the Virginia SMCRA and the penalty and enforcement regulations implementing those Sections (Administrative Record No. VA 483).

Also, in the March 22, 1983 letter, Virginia submitted two additional proposed revisions to the Virginia SMCRA. One of the proposed revisions

amends Section 45.1–240 to correct an erroneous cross-reference in the Virginia SMCRA. The other proposed revision amends Sections 45.1–249 and 45.1–251 of the Virginia SMCRA to satisfy condition "q" set by the Secretary in his conditional approval. These additional proposed amendments are the subject of a separate **Federal Register** notice.

Findings

The Director finds, in accordance with SMCRA and 30 CFR 732.17 and 732.15, that the program amendment, which subjects interim program operations to the penalty and enforcement provisions of the Virginia SMCRA and its implementing regulations, submitted by Virginia on March 22, 1983, meets the requirements of SMCRA and 30 CFR Part VII.

The approval of this amendment is effective April 21, 1983. To satisfy the public participation requirements for approval or disapproval of State program amendments, the Director is inviting public comment for 30 days on the action set forth herein. Following OSM's review of the comments received, OSM will issue a final rule to announce the Director's final decision on this modification of the Virginia program.

Additional Determinations

1. *Compliance with the National Environmental Policy Act:* The Secretary has determined that, pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule would not impose any new requirements; rather, it would ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. *Paperwork Reduction Act:* This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 946

Coal mining Intergovernmental relations, Surface mining, Underground mining.

Dated: April 15, 1983.

Carson W. Culp, Jr.,

Acting Director, Office of Surface Mining.

Part 946 of Title 30 is amended by revising § 946.10 to read as follows:

§ 946.10 State regulatory program approval.

(a) The Virginia State Program, as submitted on March 3, 1980, as amended and clarified on June 16, 1980, as resubmitted on August 13, 1981, and clarified in a meeting with OSM on September 21 and 22, 1981, and in a letter to the Director of the Office of Surface Mining on October 15, 1981, was conditionally approved, effective December 15, 1981. Beginning on that date, the Department of Conservation and Economic Development, Division of Mined Land Reclamation, was deemed the regulatory authority in Virginia for all surface coal mining and reclamation operations and all exploration operations on non-Federal and non-Indian lands. Beginning on July 21, August 19, September 21, and December 13, 1982, January 18, and February 28, 1983, the program also included program amendments submitted on January 28, July 9, July 8, August 13, September 30, and December 20, 1982, respectively. Further, beginning on (Insert: date of publication of this notice) the program includes a program amendment submitted on March 22, 1983.

(b) Copies of the conditionally approved program, as amended, are available for review at:

Virginia Division of Mined Land Reclamation, Drawer U, 622 Powell Avenue, Big Stone Gap, Virginia 24219;

Virginia Department of Conservation and Economic Development, 1100 State Office Building, Richmond, Virginia 23219;

Office of Surface Mining Reclamation and Enforcement, Flannagan and Carroll Streets, Lebanon, Virginia 24266;

Office of Surface Mining Reclamation and Enforcement, Room 5315, 1100 L Street, N.W., Washington, D.C. 20240.

[FR Doc. 83–10841 Filed 4–20–83; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 366

[DoD Directive 5141.1]

Director, Program Analysis and Evaluation

AGENCY: Office of the Secretary, DoD.

ACTION: Final rule.

SUMMARY: The Secretary of Defense has assigned responsibilities and functions to the Director, Program Analysis and Evaluation (DPA&E), and has delegated specific authorities. This rule (DoD Directive 5141.1) serves as the instrument that authorizes the DPA&E to carry out his charter.

EFFECTIVE DATE: This rule was approved and signed by the Deputy Secretary of Defense on September 2, 1982, and is effective as of that date.

FOR FURTHER INFORMATION CONTACT: Mr. Arthur H. Ehlers, Director for Organizational and Management Planning, Office of the Deputy Assistant Secretary of Defense (Administration), Washington, D.C. 20301; telephone 202–695–4278.

SUPPLEMENTARY INFORMATION: In FR Doc. 79–2233 appearing in the **Federal Register** on January 22, 1979 (44 FR 4470), the Office of the Secretary of Defense (OSD) published the charter of the then Assistant Secretary of Defense (Program Analysis and Evaluation) (ASD(PA&E)). The OSD has revised this part to update the charter and to reflect the renaming of the position from ASD(PA&E) to DPA&E.

List of Subjects in 32 CFR Part 366

Organization and functions (government agencies), DoD programs.

Accordingly, 32 CFR is amended by revising Part 366, reading as follows:

PART 366—DIRECTOR, PROGRAM ANALYSIS AND EVALUATION

Sec.

366.1 Purpose.
366.2 Definition.
366.3 Responsibilities.
366.4 Functions.
366.5 Relationships.
366.6 Authorities.

Authority: 10 U.S.C. 125.

§ 366.1 Purpose.

This part is reissued and establishes, pursuant to the authority vested in the Secretary of Defense under 10 U.S.C. 125, the position of Director, Program Analysis and Evaluation (DPA&E), with

the responsibilities, functions, and authorities as prescribed herein.

§ 366.2 Definition.

DoD Components. The Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff, the Unified and Specified Commands, and the Defense Agencies.

§ 366.3 Responsibilities.

The Director, Program Analysis and Evaluation, as the principal staff assistant to the Secretary of Defense for DoD program analysis and evaluation, shall:

(a) Develop policies, provide advice, make recommendations, and participate in the preparation of planning, fiscal, and materiel support guidance upon which DoD program projections are based.

(b) Perform analyses and evaluations of plans, programs, and budget submissions in relation to projected threats, estimated costs, resource constraints, and U.S. defense objectives and priorities.

(c) Identify issues and evaluate alternative programs.

(d) Initiate programs, actions, and taskings to ensure adherence to DoD policies and national security objectives; ensure that programs are designed to accommodate operational requirements and promote the readiness and efficiency of the U.S. Armed Forces.

(e) Review, analyze, and evaluate programs for carrying out approved policies and standards.

(f) Ensure that the costs of DoD programs are presented accurately and completely.

(g) Assess the effects of DoD spending on the U.S. economy, and evaluate alternative policies to ensure that the DoD program can be implemented efficiently.

(h) Provide leadership in developing and promoting improved methods for analyzing national security planning and the allocation of resources.

(i) Serve on boards, committees, and other groups pertaining to the DPA&E's functional areas, and represent the Secretary of Defense on PA&E matters outside the Department of Defense.

(j) Perform such other duties as the Secretary of Defense may assign.

§ 366.4 Functions.

In executing assigned responsibilities, the DPA&E shall:

(a) Carry out the responsibilities described in § 366.3 for the following functional areas:

(1) General purpose force structure, both active and reserve.

(2) Strategic and theater nuclear force structure.

(3) Mobility force structure and prepositioning plans.

(4) Force readiness and capabilities.

(5) Weapon systems and major items of materiel.

(6) Implications for manpower resources of specific force structure plans.

(7) Support systems.

(8) Contingency plans.

(9) Materiel support programs and war reserve stocks.

(10) Deployment plans and overseas basing requirements.

(11) Mobilization plans.

(12) Effects of the DoD program on the economy and the industrial base.

(13) Security assistance programs.

(14) Allied and foreign military requirements and capabilities.

(15) Nuclear warhead requirements.

(16) Such other areas as the Secretary of Defense may from time to time prescribe.

(b) Perform critical reviews of requirements, performance, and life-cycle costs of current and proposed weapon systems.

(c) Provide leadership and support to the Cost Analysis Improvement Group in accordance with DoD Directive 5000.4.

§ 366.5 Relationships.

(a) In the performance of his duties, the DPA&E shall:

(1) Coordinate and exchange information with other DoD organizations having collateral or related functions.

(2) Use existing facilities and services of the Department of Defense or other federal agencies to avoid duplication and achieve maximum efficiency and economy.

(b) Heads of DoD Components shall coordinate with the DPA&E on all matters related to the functions cited in § 366.4.

§ 366.6 Authorities.

The DPA&E is hereby delegated authority to:

(a) Issue instructions and one-time directive-type memoranda, consistent with DoD Directive 5025.1, that carry out policies approved by the Secretary of Defense in assigned fields of responsibility. Instructions to the Military Departments shall be issued through their Secretaries or designees. Instructions to Unified and Specified Commands will be issued through the Joint Chiefs of Staff.

(b) Obtain such reports, information, advice, and assistance consistent with the policies and criteria of DoD Directive 5000.19, as necessary.

(c) Communicate directly with heads of DoD Components. Communications to the Commanders of the Unified and Specified Commands shall be coordinated with the Joint Chiefs of Staff.

(d) Establish arrangements for DoD participation in those nondefense governmental programs for which the DPA&E has been assigned primary cognizance.

(e) Communicate with other government agencies, representatives of the legislative branch, and members of the public, as appropriate, in carrying out assigned functions.

April 18, 1983.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 83-10856 Filed 4-20-83; 8:45 am]

BILLING CODE 3810-01-M

Department of the Army

32 CFR Part 632

Army Regulation 190-28, Use of Force by Personnel Engaged in Law Enforcement and Security Duties

AGENCY: Department of the Army, DOD.

ACTION: Final rule.

SUMMARY: This regulation establishes policy and procedures governing the use of force by personnel engaged in law enforcement and security duties. It requires that only the minimum amount of force needed to accomplish law enforcement and security duties will be used and further identifies situations where deadly force is authorized. This regulation also delineates training requirements that must be completed by all personnel assigned to law enforcement, security, or U.S. military prisoner guard duties prior to performing these duties.

EFFECTIVE DATE: April 21, 1983.

FOR FURTHER INFORMATION CONTACT: Major Ronald S. Phillips, (202) 756-1896.

SUPPLEMENTARY INFORMATION: Proposed rulemaking was published on pages 8790-8791 of the **Federal Register** of March 2, 1982, and invited comments to be submitted on or before April 1, 1982. Comments were received from one source. The following summarizes the comments, suggestions, and actions taken.

Comment One: Some doubt was created relative to the applicability of the proposed rule on civilian contract

guards who perform security duties for the Department of the Army.

Action Taken: Section 632.2(a) was revised to include civilian contract guards.

Comment Two: The authority citation should be 10 USC 3012.

Action Taken: The authority citation was changed to read 10 USC 3012.

Regulatory Review: This regulation is not significant under the requirements of Executive Order 12044, and a regulatory analysis is not required. The Department of the Army has also determined as required by the Regulatory Flexibility Act (Pub. L. 96-354) that the proposed rule poses no burden upon small entities.

List of Subjects in 32 CFR Part 632

Law enforcement, Security measures, Military personnel.

Dated: April 15, 1983.

John O. Roach II,

Army Liaison Officer with the Federal Register.

Accordingly, 32 CFR is amended by adding new Part 632.

PART 632—USE OF FORCE BY PERSONNEL ENGAGED IN LAW ENFORCEMENT AND SECURITY DUTIES

Sec.

632.1 Purpose.
632.2 Applicability.
632.3 Policy.
632.4 Deadly force.
632.5 Use of firearms.
632.6 Administrative instructions.

Authority: 10 U.S.C. 3012.

§ 632.1 Purpose.

This regulation implements DOD Directive 5210.65. It sets uniform policy for use of force by DA law enforcement and security personnel.

§ 632.2 Applicability.

(a) This regulation applies to all DA including Army National Guard and Army Reserve and civilian personnel engaged in law enforcement or security duties, and those civilian contract guard personnel performing security duties. These duties include guarding U.S. Military prisoners and interior guard duties.

(b) Except for personnel guarding U.S. military prisoners, this regulation does not apply to persons assigned to—

(1) A wartime combat zone.

(2) A non-wartime hostile fire area.

(3) Duties with the U.S. Secret Service.

(4) Civil disturbance control. (See para 4-12, FM 19-15.)

§ 632.3 Policy.

(a) Law enforcement and security personnel will use force only when they cannot fulfill their duties without it. They will use the minimum force needed; only as a last resort will they use deadly force. (See § 632.3(c), 632.4, and 632.5.)

(b) Commanders are encouraged to substitute nonlethal devices (such as night sticks) for firearms when adequate for law enorcement and security personnel to safely fulfill their duties.

(c) In evaluating the degree of force needed for specific law enforcement or security situations, consider these options:

(1) Verbal persuasion.

(2) Unarmed defense techniques.

(3) Chemical aerosol irritant projectors (M36). (May be subject to host nation or local restrictions.)

(4) MP club.

(5) MP working dogs.

(6) Deadly force. (§ 632.4)

(d) Entrapment, i.e., inducing someone to commit an offense in order to prosecute that person, is not permitted in law enforcement or security duties.

(e) Use MP working dogs in accordance with the provisions of AR 190-12. Release dogs only if a lesser measure of force would not be effective.

(1) Releasing a sentry dog to apprehend a suspect is a greater measure of force than releasing a patrol dog.

(2) Before releasing a military dog for attack, give a challenge or order to halt.

§ 632.4 Deadly force.

(a) Deadly force is destructive physical force directed against a person or persons (e.g., firing a lethal weapon). Use it only in extreme need, when all lesser means have failed or cannot reasonably be used. Use deadly force for one or more of the following reasons only:

(1) In self-defense, when in imminent danger of death or serious injury.

(2) To protect property related to national security, when reasonably necessary to prevent—

(i) Threatened theft, damage, or espionage aimed at property or information specified by a commander or other competent authority as vital to national security. (See § 632.4(b) below.)

(ii) Actual theft, damage, or espionage aimed at property or information which, though not vital, is substantially important to national security. (See § 632.4(b) below.)

(iii) Escape of an individual whose unauthorized presence near property or information vital to national security is a reasonable threat of theft, sabotage, or espionage.

(3) To prevent actual theft or sabotage of property (such as operable weapons or ammunition) which could cause deadly harm to others in the hands of an unauthorized person.

(4) To prevent serious offenses against a person or persons (e.g., armed robbery, rape, or violent destruction of property by arson, bombing).

(5) To apprehend a suspect believed to have committed any of the types of offenses named in (a) (2), (3), and (4) of this section.

(6) To prevent the escape of a prisoner (when authorized by a commander or other competent authority and reasonably necessary).

(7) To obey lawful orders from higher authority governed by this regulation.

(b) A commander or other competent authority will specify that property or information is—

(1) Vital to national security only when its loss, damage, or compromise would seriously harm national security or an essential national defense mission.

(2) Substantially important to national security based on the mission and the material or information required to perform it.

(c) To comply with local law or international agreement or arrangements, a commander may impose further restrictions on using deadly force. (Restrictions should not unduly compromise U.S. security interests).

(d) Security criteria and standards for protection of nuclear weapons (§ 632.4(c) AR 50-5-1) and for chemical agents (§ 632.4(c) AR 50-6-1) also apply.

§ 632.5 Use of firearms.

(a) If it becomes necessary to use a firearm in any of the circumstances described in § 632.4 above, observe the following precautions when possible:

(1) Give an order to halt before firing.

(2) Do not fire if shots are likely to harm innocent bystanders.

(3) Since warning shots could harm innocent bystanders, avoid firing them. However, when lesser degrees of force have failed, the law enforcement or security person may judge that warning shots would help to control the situation without using deadly force. If able to avoid hazards to innocent persons in these cases, fire warning shots.

(4) Aim to disable. At times it may be difficult to fire with enough precision to ensure disabling rather than killing. If the use of firearms are otherwise authorized by this regulation, such circumstances will not rule out their use.

§ 632.6 Administrative instructions.

(a) Commanders will ensure that all persons assigned to law enforcement, security, or US military prisoners' guard duties will, before performing these duties—

(1) Receive instructions on regulations regarding use of force.

(2) Show knowledge and skill in the use of—

(i) Unarmed defense techniques.

(ii) MP club.

(iii) Individual chemical aerosol irritant projectors.

(iv) Their assigned firearms.

(b) Commanders will also—

(1) Provide periodic refresher training to ensure continued proficiency and updated knowledge in these skills. (Include applicable host nation requirements.)

(2) Require MPs with law enforcement duties to qualify yearly with their assigned handguns.

(3) Require interior guards to receive instructions regarding use of force. (Give periodic refresher training to ensure continued familiarity with regulations.)

(c) Requirements concerning use of the MP club and chemical aerosol irritant projectors apply only when these weapons are issued items or are carried on duty.

(d) FM 19–5 contains procedures and methods for using unarmed defense techniques and the MP club.

[FR Doc. 83–10487 Filed 4–20–83; 8:45 am]

BILLING CODE 3710-03-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD11 11-27-83]

Establishment of Special Local Regulations for the "Annual Spring Regatta"

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Special local regulations are being adopted for the Annual Spring Regatta on the Colorado River. This event will be held on 7 and 8 May 1983, at Headgate Rock Dam. The regulations are needed to provide for the safety of life on navigable waters during the event.

EFFECTIVE DATE: These regulations become effective on 7 May 1983 and terminate on 8 May 1983.

FOR FURTHER INFORMATION CONTACT: Lt N. M. Turner, Commander(bpa), Eleventh Coast Guard District, 400 Oceangate, Long Beach, California 90822, (213) 590–2213.

SUPPLEMENTARY INFORMATION: A notice of proposed rule making has not been published for these regulations and they are being made effective in less than 30 days from the date of publication. There was not sufficient time to publish proposed rules in advance of the event or to provide for a delayed effective date.

Drafting Information: The principal individuals involved in drafting this rule are Lt Noris M. Turner, Chief, Boating and Public Affairs Branch, Eleventh Coast Guard District, and Lt Catherine M. Kelly, Project Attorney, Legal Office, Eleventh Coast Guard District.

Discussion of Regulations: The Southern California Speedboat Club's "Annual Spring Regatta" will be conducted beginning 7 May 1983, starting from Headgate Rock Dam. This event will have 50 to 60 13- to 22-foot racing hydroplanes and runabouts that could pose hazards to navigation. Vessels desiring to transit the regulated area may do so only with clearance from a patrolling law enforcement vessel or an event committee boat.

Evaluation: These regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. This conclusion follows from the fact that the regulated area will be open for the passage of commercial vessels and can be opened periodically to recreational vessels.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

Final Regulations: In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, is amended by adding the following section:

§ 100.35–11–1127 Southern California Speedboat Club/Annual Spring Regatta.

(a) *Regulated area:* The following regulated area will be closed intermittently to all vessel traffic from 8:00 am to 7:00 pm each day on 7 and 8 May 1983: That portion of the Colorado River north of the city of Parker, Arizona, starting from Headgate Rock Dam, thence northeasterly along the natural flow of the river for one (01) mile, on Moovalya Lake.

(b) *Special Local Regulations:* (1) No person or vessel may enter or remain in the regulated area unless participating in the event or authorized by the sponsor of the event to do so.

(2) Procedures For Transiting: The regulated area will be opened every hour on the hour or after each heat or race for minimum of ten (10) minutes for the safe transit of nonparticipant water craft.

(3) These regulations are temporary in nature and shall cease to be in effect or further enforced at the end of the period set forth.

(46 U.S.C. 454; 49 U.S.C. 1655(b)(1); 33 CFR 1.46(b))

Dated: April 12, 1983.

A. P. Manning,

Rear Admiral, U.S. Coast Guard, Commander, Eleventh Coast Guard District.

[FR Doc. 83–10648 Filed 4–20–83; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 117

[CGD3 (83–007)]

Drawbridge Operation Regulations; Appoquinimink River, Delaware

AGENCY: Coast Guard, DOT.

ACTION: Final rule, Revocation.

SUMMARY: This amendment revokes the regulations for the Delaware State Highway Route 9 drawbridge, mile 3.5 at Fennimores, Delaware because the bridge has been removed and replaced by a fixed bridge as authorized by Coast Guard Bridge Permit 162–71. Notice and public procedure have been omitted from this action due to the removal of the drawbridge concerned.

EFFECTIVE DATE: This rule becomes effective on April 21, 1983.

FOR FURTHER INFORMATION CONTACT: William C. Heming, Bridge Administrator, Third Coast Guard District, (212) 668–7994.

SUPPLEMENTARY INFORMATION: This action has no economic consequences. It merely revokes regulations that are now meaningless because they pertain to a drawbridge that no longer exists. Consequently, this action cannot be considered to be a major rule under Executive Order 12291. Furthermore, it has been found to be nonsignificant under the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5–2–80), and does not warrant preparation of an economic evaluation. Because no notice of proposed rulemaking is required under 5 U.S.C. 553, this action is exempt from the Regulatory Flexibility Act (5 U.S.C. 605(b)). It is certified that this action will not have a significant effect on a substantial number of small entities.

Drafting Information:

The drafters of this rule are Ernest J. Feemster, project manager, and LCDR Frank E. Couper, project attorney.

List of Subjects in 33 CFR Part 117

Bridges.

PART 117—[AMENDED]

§ 117.236 [Removed]

In consideration of the foregoing, Part 117 of Title 33, Code of Federal Regulations, is amended by removing § 117.236.

(33 U.S.C. 499; 49 U.S.C. 1655(g)(2) 49 CFR 1.46(c)(5) 33 CFR 1.05–1(g)(3))

Dated: April 4, 1983.

W. E. Caldwell,

Vice Admiral, U.S. Coast Guard Commander, Third Coast Guard District.

[FR Doc. 83–10886 Filed 4–20–83; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 165

[Reg. 83–02]

COTP Wilmington, NC, Safety Zone Regulations; Port of Morehead City, North Carolina

AGENCY: Coast Guard, DOT.

ACTION: Emergency rule.

SUMMARY: The Coast Guard is establishing Safety Zones around the perimeter of the State Ports at Morehead City, North Carolina and Radio Island at Beaufort, North Carolina. These zones are needed to conduct training in special port operations. Entry into these zones is prohibited unless authorized by the Captain of the Port.

EFFECTIVE DATE: This regulation becomes effective at 1900, Eastern Standard Time, April 17, 1983. It terminates at 1600, Eastern Daylight Savings Time, April 27, 1983.

FOR FURTHER INFORMATION CONTACT: LT K. C. Olds, Chief, Operations Department, Coast Guard Marine Safety Office, Wilmington, North Carolina, 28401, Phone: 919–343–4882.

SUPPLEMENTARY INFORMATION: A notice of proposed rule making was not published for this regulation and is being made effective in less than 30 days after **Federal Register** publication. Publishing a NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to prevent possible damage to the port facilities and vessels involved.

Drafting Information: The drafters of this regulation are Lieutenant K. C. Olds, project officer, for the Captain of the Port and Commander D. J. Kanter, project attorney, Fifth Coast Guard District Legal Office.

Discussion of Regulations: The port operations requiring this regulation will begin at 1900, Eastern Standard Time, April 17, 1983. Due to training exercises by various military units in the vicinity of State Ports and Radio Island, the need exists to control access and control vessel movement within these areas. Landside and waterborne traffic will be prohibited from entering or remaining in the safety zone without prior proper identification and authorization from the Captain of the Port or his designated representative.

List of Subjects in 33 CFR Part 165

Harbors, marine safety, Navigation (water) Security measures, Vessels, Waterways.

PART 165—[AMENDED]

In consideration of the foregoing, Part 165 of Title 33, Code of Federal Regulations is amended by adding a new § 165.T502 to read as follows:

§ 165.T502 Safety zone

(a) *Location:* The following locations are safety zones: The area of the State Ports at Morehead City, North Carolina and the perimeter waters extending out to 500 feet; the area of Radio Island, Beaufort, North Carolina and the perimeter waters extending out to 500 feet.

(b) *Regulations:* (1) In accordance with the General Regulations in § 165.23 of this part, entry into these zones is prohibited unless authorized by the Captain of the Port.

(33 U.S.C. 1225 and 1231; 49 CFR Part 146; 33 CFR 165.3)

Dated: April 18, 1983.

C. M. Holland,

Capt, USCG Executive Secretary, Maine Safety Council.

[FR Doc. 83–10851 Filed 4–20–83; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 165

[Reg. 83–07]

COTP Hampton Roads, VA; Safety Zone Regulations; James River, Newport News, Virginia

AGENCY: Coast Guard, DOT.

ACTION: Emergency rule.

SUMMARY: The Coast Guard is establishing a safety zone in the James River, Newport News, Virginia. The zone is needed to protect watercraft from possible damage during the launching of the submarine USS OLYMPIA from Newport News Shipbuilding Shipway No. 6. Entry into this zone is prohibited unless authorized by the Captain of the Port.

EFFECTIVE DATE: This regulation becomes effective at 11:00 AM, Eastern Daylight Time, 30 April 1983. It terminates at 1:30 PM, Eastern Daylight Time, 30 April 1983.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander W. K. Six, Chief, Port Operations Department, Coast Guard Marine Safety Office, Hampton Roads, Norfolk, Virginia 23510, (804) 441–3296.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was not published for this regulation and it is being made effective in less than 30 days after **Federal Register** publication. Publishing an NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to safeguard watercraft and their occupants.

Drafting Information: The drafter of this regulation is Lieutenant Commander W. K. Six, project officer for the Captain of the Port.

Discussion of Regulation: To prevent possible damage to watercraft and possible injury to their occupants during the launching, no watercraft will be permitted to remain in, enter, moor in, anchor in, or transit this safety zone unless specifically authorized by the Captain of the Port, Hampton Roads, Virginia. U. S. Coast Guard patrol vessels will be on scene to enforce the safety zone monitoring VHF-FM channels 16 and 13. This action is necessary due to the hazards involved in moving a vessel the size of the USS OLYMPIA into a restricted waterway such as the James River. During the launching the USS OLYMPIA will be out of control until assisting tugs can secure the vessel. This rule is in response to a request by the Newport News Shipbuilding and Drydock Company for Coast Guard assistance in providing traffic control and vessel escorts for the launching of the USS OLYMPIA. This action is designed to prevent damage to watercraft and injury to their occupants in the event of collision with the USS OLYMPIA and will accomplish this end by preventing all such traffic from entering the safety zone.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

Regulation: In consideration of the foregoing, Part 165 of Title 33, Code of Federal Regulations, is amended by

adding a new § 165.T518 to read as follows:

§ 165.T518 Safety Zone: James River, Newport News, Virginia.

(a) *Location:* The waters and waterfront facilities located within the following boundaries constitute a safety zone: A line beginning at 36–58–48N Latitude, 76–26–26W Longitude, thence to 36–58–14N Latitude, 76–27–06W, Longitude, thence to 36–59–06N Latitude, 76–28–00W Longitude, thence to 36–59–12N Latitude, 76–26–39W Longitude, thence along the shoreline to the point of beginning. The safety zone will commence at 11:00 AM, Eastern Daylight Time, 30 April 1983 and terminates at 1:30 PM, Eastern Daylight Time, 30 April 1983.

(b) *Regulations:* (1) In accordance with the general regulations in 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port.

(33 U.S.C. 1225 and 1231; 49 CFR 1.46; 33 CFR 165.3)

Dated: April 8, 1983.

D. C. O'Donovan,

Captain, U. S. Coast Guard, Captain of the Port, Hampton Roads, U.S. COAST GUARD.

[FR Doc. 83–10680 Filed 4–20–83; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 165

[Reg. 83–01]

COTP Wilmington, NC, Safety Zone Regulations; Approaches to Cape Fear River at Southport, North Carolina

AGENCY: Coast Guard, DOT.

ACTION: Emergency rule.

SUMMARY: The Coast Guard is establishing a safety zone covering the area of Lockwood's Folly Inlet, North Carolina Explosive Anchorage (as defined in 33 CFR 110.170) and around U.S. Army LCU's transiting the Cape Fear River from Military Ocean Terminal Sunny Point south to Cape Fear River lighted bouy #3 thence in a straight line to the eastern most point of the Lockwood's Folly Inlet Explosive Anchorage. This zone is needed to protect watercraft from possible damage during the transiting operations of the U.S. Army LCU's. Entry into these zones is prohibited unless authorized by the Captain of the Port.

EFFECTIVE DATES: This regulation becomes effective at 0700, Eastern Daylight Savings Time, May 7, 1983. It terminates at 0700, Eastern Daylight Savings Time, May 13, 1983.

FOR FURTHER INFORMATION CONTACT: Lt K. C. Olds, Chief, Operations Department, U.S. Coast Guard Marine Safety Office, Suite 20, 201 N. Front St., Wilmington, North Carolina 28401, Phone: 919–343–4892.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was not published for this regulation and is being made effective in less than 30 days after **Federal Register** publication. Publishing a NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to prevent possible damage to the vessels involved.

Drafting Information: The drafters of this regulation are Lieutenant K. C. Olds, project officer, for the Captain of the Port and Commander D. J. Kanter, project attorney, Fifth Coast Guard District Legal Office.

Discussion of Regulations: The hazard requiring this regulation will begin at 0700, Eastern Daylight Savings Time, May 7, 1983. The restricted nature of the Cape Fear River, the carriage of hazardous cargo and the reduced amount of visibility and maneuverability of the loaded U.S. Army LCU's pose a threat to other watercraft in the area. This safety zone will only be in effect for U.S. Army LCU's transiting in a loaded condition from the Explosive Anchorage east to the Cape Fear River bouy #3 and thence north to Military Ocean Terminal Sunny Point. Waterborne traffic will be prohibited from entering or remaining in the safety zone when in effect without prior Captain of the Port approval.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

PART 165—[AMENDED]

In consideration of the foregoing, Part 165 of title 33, Code of Federal Regulations is amended by adding a new § 165.T501 to read as follows:

§ 165.T501 Safety Zone: Cape Fear River and approaches, Southport, North Carolina.

(a) *Location.* The following locations are safety zones: The Lockwood Folly Inlet, North Carolina Explosive Anchorage (as defined in 33 CFR 110.170). Circles with a radius of 500 yards with the U.S. Army LCU's as their center while transiting easterly from the Explosive Anchorage to Cape Fear River Bouy #3 thence north in the Cape Fear River to Military Ocean Terminal Sunny Point, Southport, North Carolina.

(b) *Regulations:* (1) In accordance with the General Regulations in § 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port.

(33 U.S.C. 1225 and 1231; 49 CFR Part 146; 33 CFR 165.3)

Dated: April 18, 1983.

C. M. Holland,

Capt, USCG, Executive Secretary, Marine Safety Council.

[FR Doc. 83–10682 Filed 4–20–83; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A–1– FRL 2331–6; Docket No. NH–1067]

Approval and Promulgation of Implementation Plans New Hampshire; PSD Permit Notice and Hearing Procedures

AGENCY: Environmental Protection Agency (EPA)

ACTION: Final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the State of New Hampshire. This revision will allow the State to carry out its Prevention of Significant Deterioration (PSD) program delegation in accordance with federal requirements.

DATES: This action will be effective June 20, 1983, unless notice is received on or before May 23, 1983, that adverse or critical comments will be submitted.

ADDRESSES: Comments may be mailed to Harley F. Laing, Director, Air Management Division, Room 2312, JFK Federal Building, Boston, MA 02203. Copies of the State submittal are available for public inspection during normal business hours at the Environmental Protection Agency, Room 2111, JFK Federal Building, Boston, MA 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; Office of the Federal Register, 1100 L Street, NW Room 8401, Washington, DC 20408 and the New Hampshire Air Resources Commission, Health and Welfare Building, Hazen Drive, Concord, NH 03301.

FOR FURTHER INFORMATION CONTACT: Miriam R. Fastag, State Air Programs Branch, Environmental Protection Agency, Region I, JFK Federal Building, Boston, MA 02203, (617) 223–5130.

SUPPLEMENTARY INFORMATION: On November 19, 1982, New Hampshire submitted a revision to its SIP. This revision specifies that the State shall

follow the federal permit notice and hearing procedures of 40 CFR 52.21 in processing new source permit applications subject to federal regulations governing PSD. The purpose of this revision is to comply with the condition in EPA's delegation of authority for implementing the PSD program to New Hampshire on March 18, 1982, that the State would follow the public notice and hearing procedures of the federal rules.

EPA is approving this revision without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. This action will be effective 60 days from the date of this **Federal Register** unless, within 30 days of its publication, notice is received that adverse or critical comments will be submitted. If such notice is received, this action will be withdrawn before the effective date by publishing two subsequent notices. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period. If no such comments are received, the public is advised that this action will be effective (60 days from today).

Action

EPA is approving the revision to New Hampshire's permit notice and hearing procedures for permit applications subject to federal PSD requirements.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by (60 days from today). This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

Pursuant to the provisions of the Regulatory Flexibility Act, I certify that this rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, and Hydrocarbons.

(Secs. 110(a) and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410(a) and 7601(a)))

Note.—Incorporation by reference of the State Implementation Plan for the State of New Hampshire was approved by the Director of the Federal Register on July 1, 1982.

Dated: April 12, 1983.

Lee L. Verstandig,

Acting Administrator.

PART 52—[AMENDED]

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart EE—New Hampshire

Section 52–1520 is amended by adding paragraph (c)(24) as follows:

§ 52.1520 Identification of plan.

* * * * *

(c) * * *

(24) A revision specifying the State will follow federal permit notice and hearing procedures for applications subject to PSD requirements was submitted by the Air Resources Commission on November 19, 1982.

[FR Doc. 83-10456 Filed 4-20-83; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 86

[AMS-FRL 2279-8]

Revised Motor Vehicle Exhaust Emission Standards for Oxides of Nitrogen (NO_x) for 1981 Through 1984 Model Year Light-Duty Diesel Vehicles; Summary of Decision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This amended regulation establishes interm oxides of nitrogen (NO_x) emission standards for 1984 model year light-duty vehicles belonging to three classes or categories of light-duty vehicles ("engine families") for which EPA has granted waivers from standards otherwise applicable under section 202(b)(6)(B) of the Clean Air Act, as amended ("Act"), 42 U.S.C. 7521(b)(6)(B). Specifically, this amendment applies to one new diesel engine family of American Motors Corporation ("AMC") and two new diesel engine families of Toyota Motor Corporation ("Toyota") which I have determined qualify under the statutory criteria for waivers of the NO_x standard for model year 1984. This action has the effect of setting interim NO_x standards at the most stringent level that will permit AMC and Toyota to market their diesel engine families in model year 1984.

EFFECTIVE DATE: May 23, 1983.

ADDRESSES: Information relevant to this rule, including the accompanying decision document, is contained in Public Docket EN–82–08 at the Central Docket Section of the Environmental Protection Agency, Gallery I, 401 M Street, SW., Washington, D.C. 20460, and is available for review between the hours of 8:00 a.m. and 4:00 p.m. As provided in 40 CFR Part 2, EPA may charge a reasonable fee for copying services. Interested parties may also obtain the decision document by contacting the Manufacturers Operations Division as indicated below.

FOR FURTHER INFORMATION CONTACT: Peter J. Murtha, Attorney/Adviser, Manufacturers Operations Division (EN–340), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 382–2521.

SUPPLEMENTARY INFORMATION: Section 202(b)(1)(B) of the Act requires that light-duty vehicles or engines manufactured during or after the 1981 model year shall be subject to regulations containing standards limiting NO_x emissions from such vehicles or engines to no more than 1.0 grams per vehicles mile (g/mi).

Section 202(b)(6)(B) of the Act authorizes the Administrator, upon application by any manufacturer, to waive the statutory NO_x standard for the 1981 through 1984 model years for any light-duty diesel engine families for which the Administrator can make the required statutory finding. I am required to promulgate interim NO_x standards applicable to the subject engine families for those model years for which I have granted waivers.

AMC and Toyota have each submitted a waiver application for their new diesel engine families for model year 1984. My decision to grant the waiver applications is based on the statutory criteria and my determinations about the engine families covered by the applications. My reasoning is explained in detailed in a decision document which may be obtained as noted above.

In that decision document, I granted waivers covering AMC's 1.6 liter (L) new diesel engine family and Toyota's 1.8l. new naturally aspirated and turbocharged diesel engine families for the 1984 model year. AMC and Toyota each demonstrated, and I concluded, that these waivers are necessary to permit the use of diesel technology because there is a substantial risk that these new engine families would not be able to meet the NO_x emission standard during the waiver period without encountering significant engine durability and performance problems as well as increased particulate and hydrocarbon emissions.

Moreover, granting these waivers for these engine families will not endanger

public health, because there will not be a significant increase in ambient NO_x levels. In fact, denying these waivers could result in the production of diesel vehicles emitting more particulate matter. Finally, AMC and Toyota have demonstrated that these engine families have met the fuel economy and long-term air quality benefit criteria for receiving waivers.

Having decided to grant these waiver applications, I am simultaneously promulgating regulations adopting emission standards prohibiting NO_x emissions from 1984 model year vehicles of these engine families from exceeding 1.5 g/mi. EPA has afforded interested parties an opportunity to comment on the waiver applications and to participate in a public hearing to consider these requests. No testimony or comments were received. For these reasons, I find that providing notice and an opportunity to comment on this rulemaking before final promulgation is unnecessary. *See* 5 U.S.C. 553(b).

Note.—The Office of Management and Budget (OMB) has exempted this action from the requirements of sections 3 and 7 of Executive Order 12291.

Under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, EPA is required to determine whether a regulation will have a significant economic impact on a substantial number of small entities so as to require a regulatory flexibility analysis. The interim NO_x standards established by this rulemaking apply to AMC and Toyota only, which are not "small entities" under the Regulatory Flexibility Act. Therefore, pursuant to 5 U.S.C. 605(b), I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities.

These amendments are issued pursuant to sections 202 and 301(a) of the Clean Air Act, as amended, 42 U.S.C. 7521 and 7601(a).

List of Subjects in 40 CFR Part 86

Administrative practice and procedure, Labeling, Motor vehicle pollution, Reporting and recordkeeping requirements.

Dated: April 15, 1983.

Lee Verstandig,

Acting Administrator.

PART 86—[AMENDED]

For the reasons set forth above, 40 CFR 86.082–8(a)(1)(iii) is revised to read as follows:

§ 86.082–8 Emissions standards for 1982 and later model year light-duty vehicles.

(a)(1) * * *

(ii) * * *

(iii) Oxides of nitrogen—1.0 grams per vehicle mile, except that: (A) Oxides of nitrogen emissions from 1982 model year light-duty vehicles manufactured by American Motors Corporation shall not exceed 2.0 grams per vehicle mile; (B) oxides of nitrogen emissions from light-duty diesel vehicles of the following 1982 and later model year engine families shall not exceed the prescribed levels:

Manufacturer and engine family	Model years	Standard (g/mi)
General Motors Corp.:		
1.8 Liter (L)	1982, 1983, 1984	1.5
4.3L	1982, 1983, 1984	1.5
5.7L	1982, 1983, 1984	1.5
EF–C	1983, 1984	1.5
Daimler-Benz AG:		
2.0L	1984	1.5
2.4L-Naturally aspirated (NA)	1982, 1983, 1984	1.25
3.0L–NA	1982	1.5
3.0L–turbocharge (TC)	1982, 1983, 1984	1.5
AB Volvo:		
2.4L–NA	1982, 1983, 1984	1.5
2.4L–TC	1983, 1984	1.5
Peugeot:		
2.3L–TC–XD2S	1982	1.5
XD2S/XD3S–TC	1983, 1984	1.5
2.3L–NA–XD2C	1982, 1983	1.2
1.9L–NA–XUD9	1983, 1984	1.5
Volkswagen AG:		
1.6L–NA–2250 pound inertia weight class (I.W.).	1982, 1983, 1984	1.3
1.6L–TC–2250 I.W.	1982, 1983, 1984	1.3
1.6L–NA.2500 and 2750 I.W.	1982, 1983, 1984	1.4
1.6L–TC–2500 and 2750 I.W.	1982, 1983, 1984	1.4
2.0L–NA	1982, 1983, 1984	1.5
2.0L–TC	1982, 1983, 1984	1.5
Nissan Motor Co.:		
2.8L	1982, 1983, 1984	1.5
XM1	1983, 1984	1.5
Isuzu Motors Ltd., 1.8L	1982, 1983, 1984	1.5
Renault, 2.0L	1982, 1983, 1984	1.5
BL Cars, Ltd.:		
2.4L–TC	1983, 1984	1.5
3.6L–TC	1983, 1984	1.5
Chrysler Corp., 1.9L–NA	1984	1.5
Ford Motors Co.: 2.4L–TC TX1	1984	1.5
BMW, 2.4L–TC	1984	1.5
Vehicle Technology, Inc.:		
4–88 HTA	1982, 1983	1.5
4–92 HTA	1982, 1983	1.5
5–92 HTA	1982, 1983	1.5
6–92 HTA	1982, 1983	1.5
Toyo Kogyo Co., Ltd., TX1	1984	1.5
American Motors Corp., 1.6L	1984	1.5
Toyota Motor Corp.:		
1.6L–NA	1984	1.5
1.6L–TC	1984	1.5

[FR Doc. 83–10619 Filed 4–20–83; 8:45 am]

BILLING CODE 6560–50–M

DEPARTMENT OF AGRICULTURE

Office of the Secretary

41 CFR Part 4–1

Amendment of Agriculture Procurement Regulations

AGENCY: Office of Operations, USDA.

ACTION: Final rule.

SUMMARY: This rule amends the Agriculture Procurement Regulations by revising the section covering debarment, suspension and the resulting ineligibility of government contractors. It implements the new govermentwide debarment regulations issued by the Office of Federal Procurement Policy. The intent of this amendment is to establish responsibilities, authorities, and procedures to conduct debarment and suspension activity for the purpose of ensuring that contracts are awarded to responsible contractors.

EFFECTIVE DATE: April 21, 1983.

FOR FURTHER INFORMATION CONTACT: Douglas L. Metzger, Office of Operations, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–5729.

SUPPLEMENTARY INFORMATION: This amendment to the Agriculture Procurement Regulations implements the new governmentwide debarment and suspension regulations contained in FPR Temporary Regulation 65 (47 FR 43692, October 4, 1982). The basis for the temporary regulation is Office of Federal Procurement Policy (OFPP) Policy Letter 82–1 which was issued on June 24, 1982, (47 FR 28854, July 1, 1982).

These regulations are prescribed for contracts involving personal property (including agricultural commodities), leases of real property, and nonpersonal services, including construction. While these regulations are applicable only to procurement transactions governed by the Federal Procurement Regulations, they may be adopted by any agency within the Department having the authority to conduct debarment and suspension actions relating to their programs, including the Commodity Credit Corporation.

This rule relates to agency contracting. Therefore, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and other public procedures with respect thereto are impracticable and contrary to the public interest, and good cause is found for making this rule effective less than 30 days after publication in the **Federal Register.** Furthermore, rules relating to agency contracting have been exempted from

the provisions of Executive Order 12291. Lastly, this action is not a rule as defined in Pub. L. 96–354, the Regulatory Flexibility Act, thus, it is exempt from the provisions of that Act.

Lists of Subjects in 41 CFR Part 4–1

Government procurement and administration practices and procedures. Accordingly, Part 4–1, Title 41, Code of Federal Regulations, is amended as follows:

1. The authority citation for Part 4–1 reads as follows:

Authority: 5 U.S.C. 301, 40 U.S.C. 486(c).

PART 4–1—GENERAL

2. The Table of Contents for Subpart 4–1.6 is revised to read as follows:

Subpart 4–1.6—Debarment, Suspension, and Ineligibility

4–1.600 Scope of subpart.
4–1.603 Establishment and maintenance of a list of debarred, suspended, and ineligible contractors and agency records.
4–1.603–1 Consolidated list of debarred, suspended, and ineligible contractors.
4–1.604 Treatment to be accorded listed contractors.
4–1.604–1 General.
4–1.604–3 Continuation of current contracts.
4–1.605 Debarment.
4–1.605–3 Procedures.
4–1.606 Suspension.
4–1.606–3 Procedures.
4–1.650 Appeals.

3. Subpart 4–1.6 is revised to read as follows:

Subpart 4–1.6—Debarment, Suspension, and Ineligibility

§ 4–1.600 Scope of subpart.

(a) This subpart implements and supplements Subpart 1–1.6 of this title by prescribing policies and procedures related to debarment and suspension of contractors under contracts involving personal property (including agricultural commodities), leases of real property, and nonpersonal services, including construction. The policies and procedures in this subpart and Subpart 1–1.6 of this title are not prescribed for sales contracting, however, agencies involved in such activity may wish to adopt these regulations.

(b) Pursuant to the Secretary's delegations of authority in 7 CFR 2.25 and 2.75, the Director, Office of Operations, has been designated as the Department Debarring Officer. The Department Debarring Officer serves as the debarring official as defined in § 1–1.602(h) of this title and is authorized to perform the functions of this subpart and Subpart 1–1.6 of this title. The Department Debarring Officer has delegated debarring authority to the Agricultural Marketing Service for contracts under the School Lunch and Surplus Removal Programs (42 U.S.C. 1755 and 7 U.S.C. 612c).

§ 4–1.603 Establishment and maintenance of a list of debarred, suspended, and ineligible contractors and agency records.

§ 4–1.603–1 Consolidated list of debarred, suspended, and ineligible contractors.

The Department Debarring Officer shall be the Department's single point of contact with GSA for debarment and suspension actions taken under this subpart. The debarring officer in the Agricultural Marketing Service shall notify the Department Debarring Officer of each debarment and suspension action by promptly submitting a copy of the debarment or suspension notice and any later changes to the debarment or suspension status. The Department Debarring Officer will forward a copy of the notice to GSA for inclusion in the governmentwide consolidated list.

§ 4–1.604 Treatment to be accorded listed contractors.

§ 4–1.604–1 General.

Contracting officers shall not knowingly solicit offers or bids from, award contracts to, review or otherwise extend the duration of an existing contract with, or consent to a subcontract with any contractor currently listed on the consolidated list, unless there is a compelling reason for such action. Compelling reasons are considered to be present where failure to contract with the debarred or suspended contractor would seriously harm the agency's programs and prevent them from accomplishing their mission requirements. Such an action must be fully justified, and a written determination made by the appropriate agency head of the procuring agency or authorized designee.

§ 4–1.604–3 Continuation of current contracts.

Determinations to terminate a contract under § 1–1.604–3 of this title shall be made by the appropriate agency head of the procuring agency or authorized designee.

§ 4–1.605 Debarment.

§ 4–1.605–3 Procedures.

Whenever a contracting officer becomes aware of possible irregularities or any information which may be sufficient cause for debarment, the case should be immediately referred through agency channels to the appropriate debarring official. The case must be accompanied by a complete statement of the facts (including a copy of any criminal indictments, if applicable) along with a recommendation for action. Where the statement of facts indicates the irregularities to be possible criminal offenses, or for any other reason further investigation is considered necessary, debarring officials should request the Office of Inspector General to assume the investigation. The Office of Inspector General shall advise the debarring official of its findings.

§ 4–1.606 Suspension.

§ 4–1.606–3 Procedures.

Whenever a contracting officer becomes aware of possible irregularities or any information which may be sufficient cause for suspension, the case should be immediately referred through agency channels to the appropriate debarring official. The case must be accompanied by a complete statement of the facts along with a recommendation for action. Where the statement of facts indicates the irregularities to be possible criminal offenses, or for any other reason further investigation is considered necessary, the debarring official shall request the Office of Inspector General to assume the investigation. The Office of Inspector General shall advise the debarring official of its findings.

§ 4–1.650 Appeals.

Decisions of the debarring officer may be appealed by mailing or otherwise furnishing a written notice within 90 days from the date of the decision to the U.S. Department of Agriculture Board of Contract Appeals, Washington, D.C. 20250. A copy of the notice of appeal shall be furnished to the debarring officer from whose decision the appeal is taken. Appeals under this Subpart, 4–1.6 of this title, shall be governed by the rules and procedures of the U.S. Department of Agriculture Board of Contract Appeals set forth in 7 CFR Part 24.

Authority: This amendment is made under the authority of 5 U.S.C. 301, 40 U.S.C. 486(c).

Done at Washington, DC, this 18th day of April, 1983.

Frank Gearde, Jr.,

Director, Office of Operations.

[FR Doc. 83–10632 Filed 4–20–83; 8:45 am]

BILLING CODE 3410–98–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6374

[CA-13275]

California; Partial and Total Revocation of Executive Orders

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially and totally revokes two Executive orders which reserved 34.75 acres of public land for lighthouse purposes for use by the U.S. Coast Guard. The lands are included in a pending Recreation and Public Purposes Application and therefore remain closed to operation of the public land laws and mining. The lands will be opened to mineral leasing.

EFFECTIVE DATE: April 21, 1983.

FOR FURTHER INFORMATION CONTACT: Marie M. Getsman, California State Office, 916-484-4431.

By virtue of the authority contained in Section 204(a) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714; it is ordered as follows:

1. Executive Orders of June 8, 1866, and September 10, 1902, which reserved public lands for use of the U.S. Coast Guard, Department of Commerce, for lighthouse purposes are hereby revoked so far as they affect the following described lands:

Humboldt Meridian

Lot 37, Section 26, Township 8 North, Range 1 West, Humboldt Meridian. Humboldt County, California, containing 42.79 acres.

Excluding the following described parcels as shown on that certain Record of Survey prepared by Hansa Engineering Corporation at the request of the Commander, Twelfth Coast Guard District and filed September 29, 1976, at Book 33 of Surveys at Page 46, Humboldt County Records:

Parcel 1

Beginning at Point P.I.C; thence S 52°23'40" E 87.62 feet to point P.I.D; thence East 850 feet more or less to the mean high tide line of the Pacific Ocean; thence southwesterly and northwesterly along said tide line to a point which is S 32°08'56" W from the Point of Beginning; thence 275 feet more or less to the Point of Beginning; containing 7.1 acres more or less.

Parcel 2

Beginning at Point P.I.F.; thence N 19°37'45" E 216.20 feet to Point P.I.G; thence S 71°12'24" E 185.38 feet to Point P.I.H.; S 18°44'56" W 215.79 feet to Point P.I.I.; thence N 71°19'31" W 188.70 feet to the Point of Beginning; containing 0.94 acres more or less.

The area described aggregates approximately 34.75 acres in Humboldt County.

2. The surface estate of these lands has been classified suitable for disposal to the City of Trinidad under the Recreation and Public Purposes Act of June 14, 1926, as amended, 43 U.S.C. 869; therefore, unless and until appropriate rules and regulations are issued, the lands will not be open to location under the United States mining laws.

3. These lands shall immediately be made available for issuance of patent under the Recreation and Public Purposes Act to the City of Trinidad, California.

4. At 10 a.m., on May 20, 1983, the lands will be open to applications and offers under the mineral leasing laws.

Inquiries concerning these lands should be addressed to the Bureau of Land Management, Room E-2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

Dated: April 14, 1983.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 83-10805 Filed 4-20-83; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 74

[BC Docket No. 81-794; RM-3893; FCC 83-153]

Experimental, Auxiliary and Special Broadcast and Other Program Distributional Services; Rules To Permit Shared Use of Broadcast Auxiliary Facilities With Other Broadcast and Non-Broadcast Entities and To Establish New Licensing Policies for Television Broadcast Auxiliary Stations

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action amends several rules in Part 74, Subpart F of the Commission's Rules relating to the operation of televison broadcast auxiliary stations. Specifically, the rules are amended to permit shared use of auxiliary facilities with other broadcast licensees and non-licensees. Broadcasters choosing to share their facilities will be permitted to do so for a profit. Several changes in licensing policy are also made, including the elimination of exclusive channel assignments, the elimination of the limit on the number of channels any one licensee can use, and the establishment of a use priority system for resolving interference disputes. These actions are taken to promote the more efficient and cost-effective use of the increasingly crowded electromagnetic spectrum.

EFFECTIVE DATE: May 23, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Michael A. McGregor, Mass Media Bureau, (202) 632-7792.

List of Subjects in 47 CFR Part 74

Television auxiliary broadcast.

Report and Order (Proceeding Terminated)

In the matter of an amendment of Part 74, Subpart F of the Commission's Rules to Permit Shared Use of Broadcast Auxiliary Facilities with Other Broadcast and Non-broadcast Entities and to Establish New Licensing Policies for Television Broadcast Auxiliary Stations; BC Docket No. 81-794, RM-3893.

Adopted: April 7, 1983.

Released: April 15, 1983.

By the Commission: Commissioner Fogarty absent; Commissioner Rivera concurring and issuing a statement.

I. Introduction

1. Before the Commission is a *Notice of Proposed Rule Making*, 46 FR 60024 (1981), in which we solicited comment on a number of proposed amendments to Part 74, Subpart F of our Rules dealing with television broadcast auxiliary stations. The *Notice* was divided into three major sections. The first section, prompted by a petition for rule making filed by the Public Broadcasting Service and a request for waiver submitted by Westinghouse Broadcasting Company, proposed to amend the auxiliary station rules to permit licensees to share their facilities with other entities. The second section proposed to expand the permissible uses of multiplexed audio signals transmitted on broadcast auxiliary stations. The third section of the *Notice* proposed various changes in our auxiliary station licensing policies. We concluded that the proposed amendments, if adopted, would represent a substantial deregulation of the television broadcast auxiliary service.

2. A total of 23 comments representing 42 parties was received. Four parties filed reply comments. A list of those parties submitting comments is included as Appendix C.[1] Not all parties

[1] The text of the rules amended as a result of this proceeding is included as Appendix A. Appendix B contains amendments to FCC Form 313, the application form for auxiliary stations.

addressed every proposal set forth in the *Notice*. Rather than presenting an initial detailed comment summary, we will summarize the comments pertaining to each issue as we address that issue in this *Report and Order*.

II. The PBS and Westinghouse Proposals To Permit Shared Use of Television Auxiliary Facilities

3. *Channel Sharing—The Proposal.* Current Commission rules provide that television auxiliary stations are intended primarily for the transmission of program material to be broadcast by television stations owned by or under common control of the licensee of the auxiliary station. When the material transmitted is so used by the licensee, the programming also may be broadcast by any other television station. With limited exceptions, additional uses of auxiliary stations are forbidden. In the *Notice*, we proposed to broaden significantly the permissible use of broadcast auxiliary facilities yet retain the primary broadcast-related purpose of the service. Under the proposed rule, licensees of television auxiliary stations would be permitted to transmit any material—broadcast or non-broadcast—to any other entity whenever the auxiliary station is not being used to feed the licensee's broadcast station. The proposed rule contained no limitations on the amount of time that a facility could be used for alternative purposes. We sought comment on whether such unrestricted shared use ultimately might subvert the nature of the broadcast auxiliary service.

4. *The Comments.* The proposal to permit shared use of auxiliary facilities resulted in nearly unanimous support from the commenters. Of the parties commenting on this issue, only NBC asserts that auxiliary frequencies should be reserved exclusively for broadcast use. The commenters generally express the opinion that permitting shared use of existing facilities would promote the more efficient use of the spectrum and would obviate the need to construct costly parallel facilities. Because some auxiliary stations are used to transmit material to and from satellite earth facilities, Group W states that unlimited shared use will help develop a nationwide domestic satellite network and promote competitive sources of television programming. Educational broadcasters in particular express strong support for the time-sharing proposal. A group of noncommercial licensees filing jointly ("noncommercial licensees") states that by permitting the collection of additional revenues, the proposed amendments could aid in the formation of new statewide educational television networks and the strengthening of existing networks. PBS adds that facility sharing will further Congressional objectives by allowing public broadcasters to enhance their revenue-generating activities.

5. NBC, however, claims that the proposals will have an adverse effect on already crowded microwave frequencies in larger urban areas. NBC opines that where excess capacity is exhausted or unavailable, intense demand for additional spectrum could siphon frequencies from their primary intended use. According to NBC, the time-sharing proposals could exacerbate congestion in many markets to the point where use of frequencies for broadcast purposes may become impossible "* * * such as when a news emergency creates peak load pressure." If non-broadcast use of auxiliary facilities is allowed, NBC urges that the Commission take necessary precautions to preserve the essential character of the service.

6. Although arguing in favor of shared use arrangements, many commenters express some concern that excessive shared use may subvert the primary function of the broadcast auxiliary service. The Commission expressed similar concerns in the *Notice* and asked for suggestions on how to prevent misuse of auxiliary frequencies. We specifically sought comment on whether a particular limitation should be placed on alternate uses of facilities, such as a 50 percent limit on the total time that a facility could be used for non-broadcast purposes. Cox, Fetzer, and Multimedia, filing jointly ("Cox"), support a 50 percent use limitation. They contend that such a limit represents the minimum protection necessary to prevent a *de facto* reallocation of frequencies. They also assert that a limitation would deter broadcasters from acquiring "or even stockpiling" auxiliary licenses. Cox would enforce the 50 percent limitation by adding a "yes/no" box to the broadcast renewal form asking whether a licensee had complied with the policy. NAB supports a 50 percent limitation on the secondary use of mobile stations licensed in the broadcast auxiliary service. NAB claims that without some limit, unused mobile facilities might be turned into *de facto* fixed links used exclusively for non-broadcast purposes. NAB states that such exclusive non-broadcast use might create prolonged interference. NBC suggests that, if non-broadcast use of auxiliary stations is permitted, television pickup facilities should be restricted to broadcast use between the hours of 3:00 p.m. and 7:00 p.m. According to NBC, such a restriction would ensure the legitimate broadcast use of the service during peak news periods.

7. The other parties specifically addressing this issue argue against the adoption of any percentage limitations. The limitations are opposed as preventing the maximum efficient use of the spectrum. It is asserted that such artifical limitations would encourage wasteful construction of parallel facilities or force the use of high-cost alternatives that would prevent experimentation and the development of specialized uses. Group W states that essential broadcast demands will ensure the integrity of the service. According to Group W, basic broadcast needs and growing scarcity will ensure that only truly excess capacity is utilized for non-broadcast purposes. The commenters representing noncommercial broadcasting interests argue most strenuously against any limitations. According to PBS, about one-half of all public stations use broadcast auxiliary stations to receive regional and national programming. Frequently, these stations are used less than nine hours per day. A 50 percent limitation would limit further use of the facilities for non-broadcast purposes to only 12 of the remaining 15 hours per day. The Ohio Educational Bradcasting Network Commission states that a 50 percent limitation on the use of auxiliary stations "* * * creates burdensome responsibilities on broadcasters in terms of record keeping and reporting without so much as a scintilla of evidence that there is any corresponding public benefit." In reply comments, PBS rebuts NAB's concerns about misuse of mobile facilities as a largely conjectural problem that should be dealt with on an *ad hoc* basis. PBS suggests that such a limitation would not reduce interference unless the total number of pick-up authorizations is reduced.

8. Several commenters indicate that concern over the misuse of broadcast auxiliary facilities could be addressed best through the licensing process. Bonneville International states that broadcasters must be prevented from obtaining auxiliary licenses for the sole purpose of transmitting non-licensee or non-broadcast materials. NAB adds that new authorizations should be granted only to those broadcasters needing a facility for broadcast-related uses. PBS agrees and would require all applicants for new facilities to demonstrate a legitimate broadcast need for the facility. The noncommercial licensees suggest that renewal applicants should be required to show that only excess capacity was leased.

9. *Discussion.* After careful review of the comments, we believe that broadcasters should be given the widest possible latitude in the use of excess capacity on license broadcast auxiliary facilities. We will therefore permit broadcasters to share their facilities with any other entity for the transmission of any material, broadcast or non-broadcast.[2] These measures are intended to promote the more efficient use of the increasingly crowded electromagnetic spectrum. Allowing such shared use, without limitation, should prevent any necessity to construct costly parallel facilities where existing facilities can handle an increased load. These measures also will make the construction of new facilities more cost-effective because the expenses incurred to build and operate new facilities can be partially recouped through shared use.[3]

10. In order to take the fullest advantage of the spectrum efficiencies that shared use will provide, and to afford broadcast licensees maximum flexibility in offering excess capacity to other entities, we will adopt no time limitations on the shared use of television auxiliary facilities. So long as a licensee utilizes its auxiliary stations primarily for legitimate and essential broadcast use, we see no reason to restrict the licensee's station-sharing activities. Forcing auxiliary stations to remain idle when legitimate demands for frequencies exist is precisely the situation that we are attempting to avoid. In the context of this proceeding, we believe shared use limitations would be inefficient and counterproductive to the attainment of our objectives.

11. We have also decided to delete from proposed § 74.631(f) the restriction limiting alternative uses to times when the station is not being used to transmit program material to its associated broadcast station. Technology is available that allows the simultaneous transmission of two video channels on one microwave link. Thus, one channel could feed the licensee's associated broadcast station while the second could be used for alternative purposes. The above-noted restriction, however, would preclude such simultaneous transmissions. We wish to encourage the development of these spectrum-efficient technologies, and the deletion of the proposed restriction clearly facilitates this policy.[4]

12. As indicated in the comment summary, several parties suggest that use limitations are necessary to preserve the primary purpose and continued utility of the television auxiliary service. Although we share some of the concerns voiced by the proponents of such limitations, we believe other, less obtrusive, means should be implemented to assure that the primary function of the service is maintained. To this end we are establishing several safeguards designed to ensure the integrity of the auxiliary service. First and foremost, we will not change our policy of granting broadcast auxiliary authorizations only to licensed television broadcasters. Thus, we will not allow non-broadcast entities to receive licenses in the television auxiliary service.[5] As a result, the television broadcast industry itself will retain complete control over, and responsibility for, the proper use of television auxiliary facilities. Individual television licensees will specify the conditions under which they will share their equipment. If use of a licensee's equipment by another party causes harmful interference, it is the responsibility of the sharing licensee to correct the problem expeditiously. The Commission will hold the broadcast licensee responsible for any interference or misuse of the facilities that occurs during operation by the non-licensed user. We fully expect that television licensees will take these responsibilities seriously since the willful or repeated misuse of auxiliary facilities would certainly impact upon a licensee's qualifications to hold a broadcast authorization.

13. Second, it is important to keep in mind the fact that we are authorizing only the shared use of an existing station's excess capacity. We will not grant new authorizations to licensees seeking only to provide secondary service. Also, we will not permit licensees to obtain additional authorizations in order to divide their primary transmissions between two or more facilities, thereby generating additional excess capacity. Such activity would not only tend to subvert the primary function of the broadcast auxiliary service, but it would also negate much of the spectrum efficiency we are seeking to promote. As suggested by several commenters, oversight of these licensing restrictions will be accomplished by the addition of three questions to the broadcast auxiliary station application, FCC Form 313. The first new question will request a brief statement regarding the primary purpose of the requested auxiliary link. The second question will seek information on the amount of sharing that the applicant anticipates for the new link. Third, we will ask the applicant to tell us the number of auxiliary authorizations already held and the approximate amount of time that these existing stations are being used by other entities. We readily admit that in most instances we are hesitant to add new reporting requirements. However, these new requirements represent a miniscule burden on the licensee while allowing the Commission to implement its important new facility-sharing policies.

14. We also wish to make it clear that the non-broadcast uses authorized in this proceeding are strictly secondary to the primary function of the broadcast auxiliary service. To emphasize this point, we are making two additions to the rules as proposed in the *Notice*. First, we are adding a "non-broadcast use" category to the newly established set of priorities found in § 74.604(c). This addition makes it clear that for the purpose of interference protection, any facility being used for non-broadcast purposes must give way to other facilities being used for *bona fide* transmissions to a licensee's associated broadcast station.[6] Second, we are adding language to new § 74.631(f) that obligates licensees to coordinate their channel sharing activities with other broadcast licensees in the area. This requirement is similar to the provisions recently adopted in BC Docket 81-497, in which we authorized broadcasters to utilize auxiliary frequencies for up to 30 days per year without notifying the Commission.[7] With respect to fixed link

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[2] Facility sharing will not be permitted on the four Band B channels between 6.425 MHz and 6.525 MHz that were recently allocated to the Broadcast Auxiliary Service on a secondary basis. *Amendment of Part 2 of the Commission's Rules Governing Frequency Allocations*, 50 RR 2d 1106 (1982). The 6.425 MHz—6.525 MHz band is still allocated primarily to the Local Television Transmission Service, and it would be inappropriate to allow broadcast licensees to share those frequencies to which they have only secondary rights.

[3] In the Notice, we solicited comments concerning the degree to which the instant proposal could satisfy several requests for additional spectrum for aural broadcast STL and intercity relay stations. Although no comment was received in this issue, we encourage aural broadcasters, wherever possible, to use channels that may become available as a result of our action in this docket.

[4] At their current state of development, these channel compression techniques decrease picture quality somewhat. Although we doubt that such operations will become widespread due to this decrease in quality, in particular situations a licensee may deem the quality loss acceptable. So long as the use of these techniques does not interfere with the licensee's primary broadcast-related transmissions or other licensee's uses of the spectrum, we see no reason to prohibit the utilization of these new technologies.

[5] See also paragraph 30, *infra*.

[6] The priority system established in this *Report and Order* is discussed in detail in Section IV, *infra*.

[7] *Amendment of Part 74 of the Commission's Rules to Provide for Short-Term Operation Without Prior Approval*, 50 RR 2d 1492 (1982); § 74.24.

services, this notification process should not pose any particular hardship on the licensee. The obligation to notify other area licensees is most crucial with respect to the shared use of mobile facilities, which have a greater potential for causing interference. We believe this process is more desirable than the restrictions on the use of mobile facilities urged by NAB and NBC. No absolute restrictions are placed on mobile facility sharing, but licensees offering excess capacity for shared use have an affirmative responsibility to inform other licensees of proposed uses. This should enable all area licensees to coordinate the use of their auxiliary facilities in order to prevent interference and disruption of service.[8]

15. The flexible facility-sharing activities that we are authorizing herein represent a significant deregulation of the broadcast auxiliary service. However, with this increased freedom comes increased responsibility. Licensees choosing to share their facilities must be willing to accept that responsibility and conduct their channel sharing affairs accordingly. Certainly we will not hesitate to revisit our actions if it appears that licensees are misusing their auxiliary facilities to the detriment of the broadcast auxiliary service.

16. *Profit Making vs. Nonprofit Sharing of Facilities—The Proposal.* At paragraph 10 of the *Notice*, we solicited comment on whether licensees should be able to sell their excess capacity to other entities for a profit or instead be limited to nonprofit, cost-sharing arrangements. We noted our concern that licensees operating on a for-profit basis may take on certain characteristics of communications common carriers, but that broadcast licensees had traditionally not been subject to common carrier regulation under Title II of the Communications Act. Before deciding this issue, we noted that "* * * a record should be developed that adequately addresses all the relevant legal and policy ramifications and associated common carrier implications * * *" of the proposal to sell excess capacity for a profit.

17. *The Comments.* With one exception, all parties commenting on this issue urge that licensees be free to make a profit on their shared use of broadcast auxiliary facilities.[9] As a matter of policy, Cox contends that allowing licensees to charge for their excess time is consistent with a marketplace approach. Cox also asserts that profit making will allow greater licensee flexibility while creating more incentives for efficiency, innovation and experimentation. The Christian Broadcasting Network states that in addition to encouraging new links and program services, permitting profit making will avoid economic distortions that might develop if cost-sharing were mandated. According to CBN, cost sharing may result in overdemand for broadcast auxiliary facilities. PBS adds that there is no compelling regulatory interest to justify a prohibition on profit making so long as auxiliary facilities are used and obtained primarily for broadcast purposes. Group W contends that the line between cost sharing and profit making is sufficiently blurred to preclude restrictions on profit making. Group W avers that the differences between costs saved and dollars earned are more semantic than real. According to Group W, the record keeping and accounting burdens on licensees plus the policing burden on the FCC are further reasons not to adopt the cost-sharing option. The noncommercial licensees filing jointly aver that making a profit on the sale of excess capacity is essential. They contend that the measure will provide sorely needed revenues at a time of diminishing federal support for noncommercial stations. Several other noncommercial entities suggest that the profit-making option is consistent with Commission attempts to promote the financial self-sufficiency of public broadcasters and is just what Congress had in mind when it passed Section 399B of the Communications Act which permits public broadcasters to engage in the offering of services for remuneration. The Ohio Educational Broadcasting Network Commission states that auxiliary facilities should join earth stations, studios, towers, and remote equipment among the facilities available for resale.

18. *Discussion.* We are of the opinion that broadcast licensees should be permitted to offer the excess capacity of their auxiliary facilities to others on a for-profit basis. Several factors lead us to this conclusion. First, it clearly reflects the intent of Congress in its recent decision to permit noncommercial broadcast stations to offer their facilities to others for remuneration.[10] The noncommercial broadcasters commenting on this issue indicate that the additional revenues gained through offering their auxiliary stations to others may prove crucial in their efforts to overcome reduced federal funding. By allowing profit making, we are continuing our efforts to develop a regulatory environment that permits public broadcasters to make the most efficient use of their facilities and thereby supplement their revenues in the face of dwindling federal financial support.

19. The argument of Group W, that the distinction between dollars earned and costs saved is often more semantic than real, also supports our decision. Group W intends to transmit a programming package to various buyers across the country via its interconnected auxiliary station/satellite earth station network. Consumers will be purchasing a delivered finished product. It makes little sense to require Group W, for example, to charge for the distribution of the package on a cost-sharing basis when the company can then charge a higher price for the programming component. The total price to the buyer would remain the same. Because it would be nearly impossible to allocate monies consistently to one function or the other, establishing a cost-sharing scheme for the distribution segment of such a service would be meaningless at best and possibly counterproductive due to increased administrative costs.

20. Finally, we do not anticipate that profit making will impede the proper functioning of the broadcast auxiliary service. Any broadcasters who may be tempted to subordinate the public interest to their own private pecuniary interests run the risk of jeopardizing their standing as licensees. Also, our resolve not to permit new authorizations for secondary uses forecloses the possibility of licensees seeking additional facilities solely to engage in profit making channel sharing activities. In short, profit making offers potential

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[8] We also note that, although available to broadcasters only on a secondary basis, licensees may utilize the spectrum between 6.425 MHz and 6.525 MHz solely for television broadcast operations. Of course, use of those channels must be cleared first with the local LTTS operator. See n. 2, *supra*.

[9] The California State Communications Division was the only commenter supporting nonprofit, cost-sharing use of auxiliary facilities. The Division, however, offered no reasons for its position. Bonneville International, while having no fundamental objection to profit making in this context, believes that guidelines should be established to prevent broadcasters from subverting public interest programming considerations to profit-making objectives. Bonneville, however, offered no suggestions as to the content of any such guidelines.

[10] Omnibus Budget Reconciliation Act of 1981, section 1231, 47 U.S.C. 399B(b)(1). The Act further requires that such an offering "shall not interfere with the provision of public television services." Because we are enacting several safeguards to prevent the misuse of auxiliary frequencies, we do not believe that permitting channel sharing will in any way interfere with the provision of public television services.

benefits to all licensees—particularly noncommercial broadcasters—without, we believe, adversely affecting the auxiliary service.

21. *Common Carrier Regulation—The Comments.* With nearly unanimous agreement, the commenters contend that offering broadcast facilities on a for-profit basis does not require the Commission to engage in common carrier regulation of such activity.[11] The parties claim that licensees will be highly selective in allowing use of auxiliary facilities by others so as not to disturb the facilities' principal broadcast use. Licensees must retain control of their facilities in order to make them available for essential broadcast purposes. Therefore, licensees will not hold out their facilities indiscriminately on a first come, first serve basis, but will make individualized decisions for each potential user. The parties argue that, under the rationale of *National Association of Regulatory Utility Commissioners* v. *FCC*, 525 F. 2d 630 (D.C. Cir. 1976), *cert. denied*, 425 U.S. 992 (1976) (*"NARUC I"*), entities that make individualized decisions whether and on what terms to deal are not common carriers subject to Title II regulations.

22. Individual commenters make several other arguments against the imposition of common carrier status. According to the Florida Public Broadcasting Service ("FPBS"), the intent of the Omnibus Budget Reconciliation Act and the Public Telecommunications Financing Act is to allow public stations to hold out facilities for hire without incurring common carrier status. FPBS also states that selling excess capacity on satellite earth stations is not a common carrier activity, and that selling excess capacity on broadcast auxiliary stations should be accorded similar treatment. Finally, Christian Broadcasting Network and Fisher suggest that any instances of common carrier activity arising from the sale of broadcast auxiliary capacity would be infrequent. Fisher adds that there is no danger of monopoly pricing practices because there will be an abundance of competition. CBN and Fisher conclude that if common carrier activity becomes substantial, the Commission can revisit the area and take appropriate action at that time.

23. *Discussion.* As most of the commenting parties stressed, the District of Columbia Circuit Court of Appeals in *NARUC I* specifically stated that a carrier will not be a common carrier where its pratice is to make individualized decisions, in particular cases, whether and on what terms to deal. 525 F. 2d at 641. The Court noted that a common carrier need not serve the whole public, and private carriers may serve a significant clientele. The Court then proceeded:

> Since given private and common carriers may therefore be indistinguishable in terms of the clientele actually served, it is difficult to envision a sensible line between them which does not turn on the manner and terms by which they approach and deal with their customers. *Id.* at 642.

The Court then stated that in determining whether a particular carrier should be accorded common carrier status, a finding must be made as to whether any legal compulsion to serve indifferently exists, or whether there are resons implicit in the nature of the operation to expect an indifferent holding out.

24. Clearly there exists no legal compulsion for licensees to offer their facilities in an indifferent manner. Such a requirement would be directly contrary to the primary broadcast-related purpose of the broadcast auxiliary service, which is intended to serve the program distribution needs of the television industry. Thus, we can not discern, nor would we establish, any legal requirement that broadcast licensees offer their broadcast auxiliary facilities on an indifferent basis.

25. With respect to the second test for classifying common carriers, whether there are reasons implicit in the nature of the operation to expect an indifferent holding out, we believe that such holding out is unlikely to occur. The demands of the licensee's broadcast transmission needs should preclude a general and indifferent holding out to all potential users. We suspect, and the commenters on this issue state, that licensees will negotiate with and select users on a highly selective basis due to licensees' own demands for the facilities. Because licensees must retain complete control of their facilities to ensure the integrity of their broadcast services, it does not appear that they will be in a position to offer indifferently their facilities to other users.[12] Moreover, with respect to the distribution services envisioned by Group W and PBS, it appears that they would be marketed on the basis of long-term syndication contracts with potential buyers. Both of these factors—the individualized selection of clients and the establishment of service through long-term contracts—were factors thought by the Court in *NARUC I* to be inconsistent with common carrier status. 525 F. 2d at 643. We can find no basis for believing that anything inherent in the channel sharing activities of broadcast licensees will lead them to make indifferent offerings of excess channel capacity. Thus, we find the imposition of common carrier regulation inappropriate in this context.

26. The Court in *NARUC I* warned that, if common carrier activity did ensue, it would be incumbent on the Commission to determine the extent to which traditional Title II regulation should be applied. *Id.* at 644. Because of the essential nature of the broadcast services performed by auxiliary facilities, and because of the safeguards we are establishing to prevent licensees from obtaining new stations solely for nonbroadcast use, we do not anticipate that our initial analysis will be proven wrong. However, in the event that licensees do begin behaving like common carriers, by indiscriminately offering their facilities to all potential users, we can certainly revisit this issue and make appropriate changes in our treatment of licensee channel sharing activities, either by treating the activity as a common carrier offering subject to Title II and state regulation, or by not permitting it to continue.

27. *Reporting Requirements/Oversight of Sharing Agreements—The Comments and Discussion.* In response to our queries regarding whether the Commission should institute any continuing reporting requirements or undertake to review any facilities-sharing agreements, the commenters universally state a lack of need for any such regulations. With respect to facility-sharing agreements, PBS notes that similar agreements concerning the use of satellite facilities are no longer submitted routinely to the Commission. PBS states that because many distribution systems utilize satellite earth stations and auxiliary stations, the Commission's treatment of both types of facilities should be the same. Aside from

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[11] PBS suggests that even if common carrier regulation is imposed, broadcasters should have the option of filing tariffs and making a profit or offering their facilities on a nonprofit, cost-sharing basis.

[12] We realize that it is technologically possible, using channel compression techniques, for a licensee to transmit two video signals simultaneously on a single microwave link. Thus, a licensee theoretically could use these techniques to generate a full-time video channel of excess capacity. We do not anticipate, however, that licensees will make widespread or routine use of these channel compression techniques because at this stage of their development they result in decreased picture quality. Nor do we expect, given broadcasters' continuing need for a high quality video signal pathway, that licensees will be any less selective in their offering of such compression-based capacity than they would if only a single video channel were available to them. Thus, we do not believe that our common carrier analysis will be significantly affected.

the minimal additions we are making to the auxiliary station application form discussed at paragraph 12, we will not initiate any continuing reporting requirements to monitor the use of auxiliary facilities. We do not expect any problems to arise from our rule amendments, and reporting requirements would constitute a needless and costly burden on licensees. Because we are imposing no restrictions on the shared use of licensee facilities, we see no valid purpose in requiring licensees to submit copies of their shared use agreements to the Commission. Again, such a requirement would exact a burden on licensees with no corresponding benefit to the Commission or the public. Therefore, user agreements need not be filed with the Commission.[13]

28. *Miscellaneous Issues.* Several commenters raise additional issues concerning shared use of auxiliary facilities. The California State Communication Division urges the Commission to allow broadcast auxiliary licensees to interconnect their facilities with terrestrial microwave stations in the Private Operational Fixed Microwave Service (POFMS) that are operated by public entities. To the extent that broadcast auxiliary licensees utilize only their excess capacity, nothing would prevent such interconnection. However, as stated previously, we will not license new broadcast auxiliary stations for non-broadcast purposes. Thus, we would not authorize a new auxiliary station merely for interconnection with, or extension of, a POFMS network.

29. Gill Industries and Hughes Aircraft Company, Microwave Communications Products ("Hughes"), ask that the time sharing proposals being implemented in this docket be extended to Community Antenna Relay Service (CARS) operators licensed under Part 78 of the Commission's Rules. They contend that the same reasons supporting shared use for broadcast facilities also apply to CARS facilities. We agree that the logic of our actions easily might be extended to CARS. However, CARS facilities are utilized by an entirely different set of licensees, and we believe that it would be both unfair and unwise to extend our actions to CARS without first notifying those licensees of our intentions. Nothing in the instant *Notice* remotely suggested that we might extend our actions to CARS facilities, and, absent such prior notice, we will not do so.[14]

30. In the same vein, Entertainment and Sports Program Network (ESPN) asserts that non-broadcast entities should be permitted to obtain licenses in the broadcast auxiliary service. ESPN states that, because they are neither broadcasters nor cable system operators, certain entities such as ESPN which produce and distribute programming are not eligible to receive auxiliary licenses. However, because their material is intended for broadcast or cablecast purposes, they likewise are precluded from obtaining facilities in the private radio services. ESPN avers that the shared use proposals will not adequately remedy this problem, and that the only satisfactory answer is for such program producers to receive their own authorizations. We recognize ESPN's problem, but we do not believe that this proceeding is the proper forum for resolving it. As with the proposal to expand our actions to CARS, the *Notice* contained no reference to expansion of the entities eligible for broadcast auxiliary authorizations. Indeed, one of the principal safeguards against misuse of broadcast auxiliary facilities is our resolve to limit licensing to broadcast station licensees. Further, allowing non-broadcast entities to receive Part 74 licenses surely would constitute a reallocation of frequencies that must be preceded by public notice. For these reasons, we decline to act on ESPN's request in this docket.

III. Expanded Use of Multiplexed Audio Signals Transmitted Over Television Auxiliary Broadcast Stations

31. *The Proposal.* Under current Commission policy, the transmitter of a television broadcast auxiliary station may be multiplexed to provide additional communication channels for the transmission of aural program material and operational communications. However, multiplexed audio material may be used only by AM, FM, or TV broadcast stations owned by or under the common control of the licensee of the broadcast auxiliary station. Thus, broadcast or non-broadcast entities may not utilize the multiplexed audio material transmitted over another licensee's auxiliary facilities. By contrast, video programming transmitted over auxiliary facilities may be utilized by any other broadcaster if the subject programming is broadcast by the transmitting licensee. In the *Notice* we stated that the discrepancy in the permitted uses between audio and video programming transmitted via television broadcast auxiliary stations made little sense, and we proposed to allow the greatest possible latitude in the use of audio signals transmitted over television broadcast auxiliary stations.

32. *The Comments.* Fourteen of the comments filed in this proceeding specifically addressed this topic. Most of those comments merely express support for the proposal for much the same reasons they supported the facility-sharing proposals discussed above. However, several parties offer more specific comments. National Public Radio supports the proposals as promoting spectrum efficiency and providing opportunities for licensees to recoup some of the cost of maintaining auxiliary facilities. NPR specifically favors the multiplexing proposal because facilities then could be made available to public radio which would aid in the production and distribution of radio programming. The Christian Broadcasting Network argues against placing any restrictions on the type of material transmitted over broadcast auxiliary stations or on the permissible receiver of multiplexed material. Such a nonrestrictive policy would have clear spectrum and cost efficiencies, according to CBN.

33. The National Association of Broadcasters considers parallel regulation of audio and video transmission essential. NAB notes that either the multiplexed audio channels or the primary video transmission (or both) may possess excess capacity, and it concurs in the Commission's proposal to permit the greatest possible latitude in the use of multiplexed audio signals. However, NAB points out that proposed § 74.631(d) makes no specific reference to the number of audio channels or control signals that may be multiplexed, except for the general provision against causing harmful interference to stations transmitting television broadcast material. NAB contends that interference can be caused to facilities on adjacent channels by exceeding the allowable emission bandwidth and that the number of possible channels that can be multiplexed without exceeding that bandwidth is limited. NAB suggests that the Commission consider specific technical requirements "which do not preclude the number and nature of available multiplexed transmissions, yet provide a mechanism whereby a licensee can ensure that its auxiliary facility cannot reasonably be expected

[13] As suggested in the *Notice*, we will also delete the reporting requirements from § 74.631(h) of the Commission's Rules.

[14] We note that Westinghouse Broadcasting and Cable, Inc. recently filed a petition for rule making proposing, *inter alia*, that channel sharing be permitted for CARS licensees.

to cause adjacent channel interference to other television auxiliary facilities."

34. *Discussion.* The comments clearly demonstrate that greater discretion should be afforded broadcasters in their use of multiplexed audio signals transmitted over broadcast auxiliary stations. No commenter opposed expanding the permissible uses of such signals, and those commenters favoring the rule amendments argued for the widest possible latitude in the transmission of multiplexed material. In the *Notice* we proposed the unrestricted use of multiplexed audio material. However, at this time we see no need to limit multiplexed signals to audio material. We will therefore permit the transmission of all multiplexed material, such as data, telemetry, or facsimile. Thus, aside from the prevention of harmful interference to other broadcast auxiliary station licensees, we will impose no restrictions on a broadcaster's use of multiplexed signals. To the extent that a licensee has excess capacity, that capacity may be utilized to transmit any type of material to any entity. Also, for the same reasons outlined in Section II, above, licensees will be permitted to sell their excess capacity to other users on whatever basis they choose. We also do not intend to institute any reporting or oversight regulations of these secondary uses of broadcast auxiliary stations. As with sharing of the primary video channel, licensees must retain complete control of their facilities and are wholly responsible for their proper use.

35. With respect to the suggestion of NAB that we adopt specific technical standards to prevent adjacent channel interference, we believe such standards are unnecessary. As NAB notes in its comments, there is a limited number of channels that can be multiplexed without exceeding the emission limitations set forth in § 74.637 of the Rules. These emission limitations have proved adequate in the past and there is no evidence that they will be less so in the face of more intensive multiplexing. Accordingly, in view of the flexibility provided by the proposed rule, we believe that no additional action on this question is warranted at the present time.

IV. Licensing Policy

36. *The Proposals.* The final section of the *Notice* dealt with various aspects of our licensing policy and proposed to bring the Commission's rules in line with actual Commission licensing practice. First we noted that due to increased demand for auxiliary channels, exclusive channel assignments were no longer granted. We therefore sought comment on our proposals to eliminate any reference in our rules to exclusive assignments and to rescind all existing exclusive assignments. In order to further promote the more efficient use of the spectrum, we proposed to grant only single frequency authorizations for fixed link services. We also proposed to end current restrictions on the number of authorizations any one licensee could possess. In recognition of the fact that the Commission staff no longer conducts frequency coordination for every application for a new authorization that is submitted, we proposed relying on licensee assurances that the frequency selected for a proposed station was appropriate and calculated to avoid creating interference to existing services. Under the proposed rule, applicants for new stations would be free to conduct their own frequency coordination studies or rely on information provided them from local frequency coordination committees where they exist. We stated that whether the frequency coordination was done through a committee or individually, assuming the other aspects of the application were in order, the application would be granted on the assumption that the frequencies requested would not interfere with existing services.

37. Assuming that some interference complaints would be brought to the Commission, we proposed implementing a priority system as a mechanism for resolving interference disputes between existing licensees. The priority system would also be used to determine which channels would be withdrawn in case over-crowding resulted in a new licensee being unable to obtain a vital auxiliary link. Under the system proposed, STLs and CARS links were afforded highest priority. Intercity relay stations and television pickup stations tentatively were assigned the second and third priorities, respectively. Fourth priority was proposed for fixed links operating outside a licensee's local service area and translator relay stations. Lowest priority was proposed for normally unused alternate or backup facilities and television pickup stations operating outside a licensee's local service area. In the *Notice*, we anticipated utilizing the priority list for resolving interference disputes and for withdrawing existing authorizations in the unlikely event that overuse of the spectrum made additional channels unavailable.

38. *Exclusive Channels—The Comments.* The Commission's rules provide that licensees may request and obtain the right to operate exclusively on a particular frequency in a given market. In the *Notice* we sought comment on our proposal to eliminate these exclusive channel assignments. Comments in response to this proposal were mixed. CBS, Cox, Fisher, Gill, and Hughes support the elimination of exclusive assignments while NAB, two sets of noncommercial educational licensees, and NBC favor retaining at least some exclusive authorizations. Acknowledging that the Commission has not granted exclusive assignments in several years, CBS asserts that the rules should be amended to reflect the actual practice of the Commission. CBS further contends that exclusive assignments are not an efficient use of the spectrum. CBS argues that existing exclusive authorizations should be allowed to expire at the end of the licensee's current license term. Cox suggests that existing exclusive assignments could be terminated prior to expiration of the license term since the termination would be the result of a rule making of general applicability. Based on its experience in the use of Band D frequencies, Hughes states that the same frequencies can be reused extensively in the same geographic area on different azimuths. According to Hughes, exclusives preclude such reuse and are therefore wasteful.

39. NAB opposes the rescission of existing exclusive assignments and suggests that such assignments should be "grandfathered" subject to voluntary relinquishment by agreement of the licensee. NAB states that if existing exclusive authorizations are eliminated, licensees should be given advance notice of the rescissions. NBC avers that, at the very least, every licensee should be granted one exclusive assignment for use as the licensee sees fit. The noncommercial licensees state that we should retain exclusive authorizations for STLs, but otherwise allow nonexclusive grants on a strict, non-interfering basis. A second group of noncommercial licensees, represented by Schwartz, Woods & Miller (hereinafter "Schwartz"), asserts that Commission policy must be founded on the protection of essential auxiliary services, and that elimination of exclusive authorizations would preclude these necessary protections. Schwartz contends that exclusive assignments must be maintained to guarantee a legitimate expectancy of continued uninterrupted use. According to Schwartz, severe economic costs will result from disruptions in service and instability if exclusive assignments are eliminated. Schwartz states that frequency coordination costs will

increase and program disruptions will become more common and opines that these factors will offset any resulting gains in spectrum efficiency.

40. *Discussion.* As stated in the *Notice*, due to the increasing demand for channels in the bands allocated to the television broadcast auxiliary service, the Commission has not granted exclusive channels for the past several years. The commenters present no evidence that the absence of additional exclusive authorizations has jeopardized in any way the proper functioning of television broadcast stations. Further, as Hughes correctly points out, the same frequencies can be used within a market so long as the transmit and receive points are taken into consideration. For these reasons, we will formalize our recent practice and eliminate any reference in our rules to the issuance of new exclusive authorizations in the television broadcast auxiliary service. Further, nothing in the comments persuades us that existing exclusive assignments should be retained. Those existing exclusive assignments represent an inefficient use of increasingly crowded spectrum. We wish to emphasize that all licensees still will have the protected use of a particular frequency on a specific pathway. Proper frequency coordination in a given market effectively should preclude interference on those protected pathways. Thus, we do not foresee any change in circumstances for those licensees losing the "exclusive" status of their existing authorizations. At the expiration of a licensee's present license period, any exclusive authorization held by that licensee will lapse. Those auxiliary licenses will be renewed as usual, but not on an exclusive basis. This action should help alleviate the congestion arising in the use of auxiliary frequencies without making any perceptible change in the level of interference that licensees currently experience.[15]

41. *Frequency Coordination and Application Procedures—The Comments.* Section 74.604(a) of the current rules states that the Commission no longer conducts frequency coordination for the auxiliary service. We stated in the *Notice* that we grant licenses on an inference of noninterference to existing users and sought comment on whether our inferences were well-founded. We also asked interested parties to respond to our proposal to acknowledge formally the existence of local frequency coordination committees and rely on those committees to provide frequency selection information to applicants for new authorizations. Again, we received mixed reactions to our proposals and no consensus among the commenters exists. Most of the parties addressing this issue agree that frequency coordination at the local level makes sense, and they support the use of local frequency coordination committees as a reliable clearinghouse for area frequency use information. Fisher specifically endorses the use of local frequency coordination committees and adds that in Seattle and Portland local coordination is an ongoing process which to date has been quite successful. With respect to frequency selection, CBS would require applicants to make a reasonable search of other auxiliary licensees in an area and the frequencies assigned to those licensees. CBS states that the approval and recommendation of certain frequencies by a local coordinating committee should be considered *prima facie* evidence of reasonableness. In an effort to facilitate local frequency coordination, several parties suggest that the Commission establish and make available a nationwide auxiliary frequency data base, with users reimbursing the Commission for costs.

42. Although the noncommercial licensees filing jointly do not oppose local frequency studies by prospective licensees, they do object to giving local coordination committees any authority to assign frequencies or resolve disputes. According to these licensees, such committees are susceptible to local political pressures that could conceivably affect their impartiality. Another group of noncommercial licensees (Schwartz) opposes giving local committees any authority. Schwartz asserts that the Commission should not shirk its statutory responsibilities nor abdicate its essential licensing role. Cox argues that the FCC must retain an active role in frequency assignment and coordination. Citing Sections 303(a)-(d) of the Communications Act of 1934, as amended, Cox contends that the Commission is obligated to assign frequencies and locations in the public interest. Cox maintains that our proposals give local frequency coordination committees too much power. Instead, local committees should be limited to providing information. Cox suggests that any rule adopted should emphasize that the role of local coordination committees is advisory and that the Commission has ultimate authority to assign frequencies.

43. *Discussion.* After carefully reviewing the comments, we continue to believe that local frequency coordination remains the most efficient process for licensees to select appropriate television auxiliary frequencies. The Commission simply does not have the resources to coordinate every auxiliary application submitted, and the comments contain no implications that this system of local frequency coordination has created any problems for licensees. However, in light of the fears expressed by some parties over the authority we proposed to give local coordination committees, we will modify slightly the rules which we initially proposed. First, we will not include in new § 74.602(b) any reference to who may perform a frequency coordination study. Instead, we merely have added a requirement that applicants for auxiliary frequencies comply with the frequency selection provisions of § 74.604 of the Rules. Applicants must also affirm that the requested frequency will cause no interference to existing users in the area. Section 74.604, which deals with frequency selection to avoid interference, indicates that frequency selection is the primary responsibility of the applicant. This section does permit an applicant to consult a local frequency coordination committee where one exists, but such consultation is at the option of the applicant. Section 74.602(b) makes it clear that the Commission has ultimate licensing authority and that frequencies other than those requested will be assigned if the Commission deems such action appropriate.

44. This system guarantees that area licensees will retain great flexibility in the way they handle their frequency coordination matters. In areas where committees exist and function effectively, coordination of additional auxiliary authorizations should be as simple as consulting a master file of those frequencies already in use in the area.[16] Where committees do not exist, or where a particular applicant chooses not to work with an existing committee, the licensee must take it upon himself to select a frequency that will cause no interference to other users. Whichever procedure is utilized, it is clear that the Commission retains the ultimate

[15] It appears that most existing exclusive assignments are for fixed link services. As discussed below, such services retain the highest priority for purposes of interference protection.

[16] We note that private frequency coordination has worked well in the private radio service for many years. Indeed, the authority given to frequency coordinating committees in the private radio service is at least as extensive as the advisory role contemplated for such committees in this proceeding.

licensing authority and may reject the request for a particular frequency if such action is warranted.

45. With respect to the idea that a nationwide auxiliary frequency data base be established to facilitate frequency coordination, the Commission at this time does not have the resources to make such information widely available. We are in the process of expanding and updating our master frequency data base. Public access to this data base has been and will continue to be available. Concerning regional coordination, if broadcast auxiliary service coordination committees advise us as to the markets or areas they serve and provide us with information concerning their name, address, telephone number, principal staff members, geographic area, participating broadcast stations, and spectrum coordinated, we will attempt to make this information available to other broadcasters or spectrum users.

46. *Interference Protection and Channel Priorities—The Comments.* Recognizing that no system of frequency coordination is foolproof, we stated that some mechanism should be established to settle those few cases in which existing stations cause interference to one another. In response to our proposals concerning the resolution of interference disputes, several commenters opine that such disputes are handled better at the local level. For example, NAB suggests that any interference dispute mechanism adopted by the Commission should be flexible enough to take account of local procedures instituted by area coordination committees. The Ohio Educational Broadcasting Network Commission agrees that local coordination committees are the proper forum for resolving interference problems and states that in the past interference has been resolved through a "limited number of telephone calls among television chief engineers."

47. With respect to our proposed priority scheme for interference protection, most parties support the priority concept and agree that STLs and CARS stations should be afforded highest priority in terms of protection from interference. However, virtually every noncommercial licensee addressing this issue urges that intercity relay stations receive a similar priority. They reason that ICRs perform the exact same function as STLs in that they provide a "life blood" link from a central production center to noncommercial stations throughout the state. CBS and Cox argue that, because STLs are essential to maintaining a reliable signal to the public, STL backup facilities should be given the same priority as the primary STL facility. CBS states that backup facilities must be free of interference when used and that a lower priority endangers a backup's reliability while increasing the risks of interruption. Cox submits that auxiliary facilities for low power television stations should receive a lower priority than backup facilities for full service stations. Cox avers that this is consistent with the secondary status of the low power service. NBC adds that at least some provision should be made for activating backup facilities on a first priority basis if the primary facilities fail.

48. Several other suggestions were offered with respect to our interference resolution procedures. Hughes would grant second priority to all other fixed links in regular use, third priority to mobile facilities of all kinds, and fourth priority to back-up facilities. PBS suggests giving priority to all existing services over new entrants. NBC states that when ICRs and television pickups operate together to produce news material, the pickup frequency should acquire the same priority as the ICR. The Ohio Educational Broadcasting Network Commission and a group of noncommercial licensees indicate that mobile facilities present the greatest potential for interference. The noncommercial licensees urge that mobile facilities should not be authorized to operate on frequencies used by STLs within the STL's geographic area. The Ohio Commission asserts that the obligation to correct interference should rest with mobile users in disputes between mobile and fixed services. Finally, Cox and CBN state that a final priority should be added to the list indicating that non-broadcast uses of auxiliary facilities have the lowest priority with respect to interference disputes.

49. In addition to providing a mechanism for resolving interference disputes between existing stations, the priority list we proposed also was to be used as a guide for withdrawing channels in a given area. If no additional channels are available in a market, we stated that we would withdraw authorizations being utilized for low priority purposes in order to provide licensees with channels for a higher priority use. In deciding which channels to withdraw, we stated that we would take into consideration the number of channels authorized to individual licensees. Those licensees with the most channels would be more likely to lose an authorization. We also proposed to consider the recommendation of a local coordination committee as to which channel to withdraw in an area. These proposals came under sharp attack from two noncommercial commenters, Schwartz and the WGBH Educational Foundation ("WGBH"). Schwartz states that forcing existing licensees to terminate operations that conflict with proposed higher priority uses clearly is inefficient and patently unfair. Lower priority users then will be forced to seek alternative frequencies, leading to investment instability and uncertainty. This scenario will deter the operation of lower priority facilities which, Schwartz opines, is antithetical to the public interest. Schwartz suggests a requirement that higher priority users compensate and underwrite the continuation of any lower priority service forced to relinquish the use of its channel. WGBH states that existing microwave systems are fundamental to public broadcasting. WGBH asserts that deleting channels from the licensee holding the most channels ignores the reality that licensees covering the entire state are apt to have the most assignments. Further, elimination of existing microwave relays would damage WGBH by loss of capital investment and would leave it without an economically feasible alternative. As a result, WGBH claims that proven broadcast service would be traded for unproven new services such as STLs for low power television stations. WGBH concludes that the Commission should recognize the importance of microwave systems to educational broadcasting by preserving the priority of existing microwave networks.

50. *Discussion.* Based on the comments of the parties, we have decided to make a number of changes in the interference protection and channel withdrawal mechanisms proposed in the *Notice.* Briefly, the priority system we are adopting will apply only to those complaints brought to the Commission for resolution. Individual licensees acting together either on an *ad hoc* basis or through a formal coordinating committee may adopt whatever interference resolution procedures they choose. Also, the actual priority listing we are adopting is more simplified than the proposed set of priorities. Finally, we have decided against adopting any formal channel withdrawal mechanism. The following paragraphs explain these decisions more fully.

51. In the *Notice,* we stated that local frequency coordination of new authorizations should eliminate the possibility of harmful interference. In

the unlikely event that licensed stations did cause interference, we felt that some mechanism should be in place for resolving those disputes. To this end, we proposed a priority system for interference protection. In fashioning our proposed channel priorities, we asked for comment on the possibility of allowing local frequency coordination committees to set their own standards. We believe that resolving interference disputes at the local level should be encouraged. Those licensees who addressed the issue indicate that local procedures are effective and that eliminating interference often can be as easy as making a few well-placed telephone calls. We therefore see no reason to impose on all licensees a rigid interference resolution mechanism that may be inappropriate for local needs and conditions. Accordingly, licensees who choose to act together to resolve interference disputes will be afforded the utmost discretion. This decision complements our determination to leave initial frequency coordination at the local level. With respect to resolving interference disputes, the interference resolution priority system described below will be utilized only when the affected parties cannot agree among themselves and petition the Commission.

52. While most parties support the creation of an interference protection priority system, there is some disagreement on the actual prioritizing of the various broadcast auxiliary services. In an effort to make our priority system more equitable and easier to administer, we have simplified the priority listing. First priority will be given to all fixed link stations that serve full service broadcast stations and cable systems. This includes STLs, CARS links, and intercity relays. We have taken this action primarily for the reasons expressed in the comments by the noncommercial entities. Regardless of the label placed on fixed links, if the practical use of the links essentially is the same, we see no reason to distinguish between the stations.[17] Second priority for the purpose of resolving interference disputes will be accorded television pickup stations utilized in a licensee's local service area. We will also include cable television relay service pickup stations because the services share the same frequencies and have similar purposes. Third priority belongs to translator relay stations and those links used to feed low power television stations. This priority is appropriate for translators and low power stations as it recognizes that these services are secondary to full service broadcast stations.[18] Fourth priority will be given to backup facilities and television pickup stations operating outside a licensee's local service area. Although several commenters argued strenuously that backup facilities should be given the same priority as primary facilities, we conclude that the present crowding of the spectrum does not allow us the luxury of providing each licensee with two or more high priority fixed link authorizations.[19] The final and lowest priority is given to the transmission of material during times when the station is not being used to transmit program material to its associated broadcast station. Thus, the expanded uses of auxiliary facilities, which we discussed in Section II of this decision, are accorded secondary status and must always give way to *bona fide* broadcast transmissions. Disputes involving stations in the same priority category will be resolved in favor of the licensee that has held its authorization on a particular path the longest.

53. The establishment of these priorities should address adequately many of the concerns advanced by the commenting parties. For example, several parties indicate that mobile facilities present the greatest interference threat. The noncommercial licensees filing jointly suggest that mobile facilities should not be authorized to operate on frequencies used by STLs within the STL's geographic area. The priority system we have devised makes it clear that mobile facilities must yield to fixed links when interference is present. Yet, this system retains the flexibility necessary for the efficient functioning of television pickup stations. Many television pickups are authorized on multiple frequencies to take advantage of frequency-agile transmission equipment. It would be impractical to force broadcasters to refrain from using those frequencies in situations where interference is not likely to occur as, for example, when a news crew operates outside the local market. Adopting the position of the noncommercial licensees would foreclose this flexibility.

54. After careful consideration, we have decided not to implement the channel withdrawal procedures proposed in the *Notice*. We believe that summarily withdrawing an existing authorization would have a destabilizing effect on the industry and would create legal and practical problems that far outweigh any countervailing benefits. Accordingly, we will leave questions of possible channel withdrawal to local determination in the context of initial frequency coordination for new channels. As previously stated, we believe that frequency coordination matters are handled best at the local level, either by the individual applicant or through a local coordination committee. Should a case arise where existing usage in a market precludes additional uses on a particular frequency, we believe that the parties involved are well situated to come to a reasonable accommodation. If a new entrant desires the use of an unavailable frequency, the new user could negotiate with existing users for relief that could take a variety of forms, including channel sharing or offering to reimburse an existing licensee for the expenses necessary to move to another channel.[20] As we stated in the *Notice*, we do not anticipate the spectrum becoming so crowded that an existing authorization will have to be withdrawn permanently from one licensee to accommodate another licensee's use. Nonetheless, should such a situation arise, we prefer giving the parties directly involved in the matter the flexibility to fashion the most appropriate and reasonable solution possible. Our decision not to

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[17] We recognize that by lumping all fixed links together, we may be including some links that do not perform "life blood" functions, but for administrative convenience we choose not to attempt to subcategorize every conceivable fixed link use. Should a dispute arise involving a non-essential fixed link station, we can certainly take that fact into account in resolving the dispute.

[18] In some cases, translators may be providing a network service otherwise not available in an area. In those instances, it may be argued that the translator relay providing the network feed is a higher priority than, for example, a third or fourth TV pickup for a full service station in the area. We intend to remain flexible in our administration of the priority system so that such conflicts can be resolved equitably. Similarly, a fixed link providing a "life blood" service to a low power television station might also, in a given situation, be considered a higher priority than additional pickups for a full service television station. We are confident that most disputes concerning such conflicting uses will be resolved locally. However, if a situation does arise where a low power station is not able to function because of an inability to acquire an auxiliary link, we will give expedited treatment to any request for relief brought to our attention.

[19] Of course, backup facilities providing "hot standby" on the same frequency as the primary transmitter would assume the same priority by virtue of its operating on the same frequency. Also, we recognize that several areas of the country at times experience atmospheric inversions that necessitate using alternate frequencies. We encourage licensees in such areas to come to their own agreements regarding the priority that should be given to alternate facilities in those situations.

[20] The Commission long has recognized the propriety of one licensee reimbursing another for changes in operating frequency when such changes permit the initiation of additional services. This concept is particularly useful in the area of FM and television assignments. *See, e.g., Circleville, Ohio*, 8 F.C.C. 2d 189, 193–94 (1967).

apply a rigid set of channel priorities to such disputes gives the affected licensees that necessary flexibility. Of course, in those instances when the parties cannot agree, the Commission retains the authority to take whatever action is necessary to resolve the situation.

55. *Miscellaneous Amendments.* Two proposed rule changes suggested in the *Notice* received little or no comment. The first involved our proposal to end our present limitations on the number of channels any one licensee may obtain. As a practical matter, the restrictions have not been followed in recent years, and in the absence of comments opposing this change, we will amend our rules to reflect our actual practice. A second change in the rules would limit fixed link services to single frequency authorizations. No party commented on this amendment, and we will adopt it as proposed in order to maximize the efficient use of the spectrum. Finally, because the priority system adopted today has more to do with the avoidance of interference than frequency assignment, we are placing the interference resolution procedures in § 74.604 rather than § 74.602 as originally proposed. We are also making an editorial change in the title of § 74.604 to conform the title to the new addition.

V. Conclusion

56. The actions taken today serve to deregulate substantially the television broadcast auxiliary service. By allowing licensees to utilize the excess capacity heretofore unused, we are promoting the efficient use of the increasingly crowded spectrum and giving licensees an additional revenue generating opportunity. This is important especially for noncommercial licensees faced with cutbacks in federal financial support. Our decision recognizes that in appropriate circumstances, the marketplace is an effective substitute for government regulation, and that market forces should be allowed to operate freely when possible. This concept also is evident in our revised licensing procedures, which acknowledge that individual licensees working together can act efficiently and expeditiously to assure their common interests. As broadcast operations become more efficient and the costs associated with government regulation are reduced, licensees can direct more resources to serving television consumers. Thus, the viewing public is the ultimate beneficiary of our actions.

57. *Regulatory Flexibility Act Final Analysis.* The action taken in this proceeding significantly deregulates the use of television broadcast auxiliary stations by expanding their permissible uses and allowing licensees to generate additional revenues by sharing excess capacity with other users. The amendments to our auxiliary station licensing policies for the most part conform the rules to existing Commission practice and do not constitute a substantive change in policy. Greater emphasis on local frequency coordination and interference resolution gives licensees greater flexibility in the conduct of their affairs and substantially reduces the government's presence in this area. These actions may benefit the approximately 900 Commission licensees currently holding broadcast auxiliary authorizations.

58. No party participating in this proceeding raised any regulatory flexibility issues. With minor exceptions, the rules are being adopted essentially as proposed. Those significant options not adopted are options which, in the judgement of the Commission, are more burdensome than necessary to meet our established objectives. Such options would either increase the burdens on licensees without any corresponding public benefit or result in unnecesary Commission oversight of licensee conduct.

59. Accordingly, pursuant to the authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, it is ordered, That effective May 23, 1983, Part 74 of the Commission's Rules is amended as set forth in Appendix A.

60. It is further ordered, that subject to approval by the Office of Management and Budget, FCC Form 313 is amended as set forth in Appendix B.

61. It is further ordered, That this proceeding is terminated.

62. For further information concerning this proceeding, contact Michael A. McGregor, Mass Media Bureau, (202) 632–7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix A

PART 74—[AMENDED]

Part 74 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 74.601 (a), (b), (c), and (d) are revised as follows:

§ 74.601 Classes of TV broadcast auxiliary stations.

(a) *TV pickup stations.* A land mobile station used for the transmission of TV program material and related communications from scenes of events occurring at points removed from TV broadcast station studios to TV broadcast or low power TV stations or other purposes as authorized in § 74.631.

(b) *TV STL station (studio-transmitter link).* A fixed station used for the transmission of TV program material and related communications from the studio to the transmitter of a TV broadcast or low power TV station or other purposes as authorized in § 74.631.

(c) *TV relay station.* A fixed station used for transmission of TV program material and related communications for use by TV broadcast and low power TV stations or other purposes as authorized in § 74.631.

(d) *TV translator relay station.* A fixed station used for relaying programs and signals of TV broadcast stations to LPTV, TV translator, and to other communications facilities that the Commission may authorize or for other purposes as permitted by § 74.631.

* * * * *

2. Section 74.602 (b), (c), and (g) are revised and paragraphs (d) and (e) are removed and reserved as follows:

§ 74.602 Frequency assignment.

* * * * *

(b) Subject to the conditions of paragraph (a) of this section, frequency assignments will normally be made as requested, provided that the frequency selection provisions of § 74.604 have been followed and that the frequency requested will cause no interference to existing users in the area. The Commission reserves the right to assign frequencies other than those requested if, in its opinion, such action is warranted.

(c) Fixed link stations will be authorized to operate on one channel only.

* * * * *

(g) In the event that a TV broadcast station licensee engages a communications common carrier to provide TV pickup or TV STL service, the frequencies available to the licensee may be assigned to the communications common carrier for the purpose of providing such service to that licensee.

* * * * *

3. Section 74.604 is revised as follows:

§ 74.604 Interference avoidance.

(a) Because the Commission does not undertake frequency coordination, applicants for new TV broadcast

auxiliary authorizations are responsible for selecting the frequency assignments that are least likely to result in mutual interference with other licensees in the same area. Applicants may consult local coordination committees, where they exist, for information on frequencies available in the area. In selecting frequencies, consideration should be given to the relative locations of receiving points, normal transmission paths, and the nature of the contemplated operation.

(b) Where two or more licensees are assigned a common channel for TV pickup, TV STL, or TV relay purposes in the same area and simultaneous operation is contemplated, they shall take such steps as may be necessary to avoid mutual interference, including consultation with the local coordination committee, if one exists. If a mutual agreement to this effect cannot be reached, the Commission must be notified and it will take such action as may be necessary, including time sharing arrangements, to assure an equitable distribution of available frequencies.

(c) For those interference disputes brought to the Commission for resolution, TV broadcast auxiliary channels will have the following priority for purposes of interference protection:

(1) All fixed links for full service broadcast stations and cable systems.

(2) TV and CARS pickup stations.

(3) Fixed or mobile stations serving translator or low power TV stations.

(4) Backup facilities; TV pickup stations used outside a licensee's local service area.

(5) Any transmission, pursuant to § 74.631(f), that does not involve the delivery of program material to a licensee's associated TV broadcast station.

(d) Interference between two stations having the same priority shall be resolved in favor of the station licensed first on a particular path.

4. Section 74.631 (d), (f), and (h) are revised as follows:

§ 74.631 Permissible service.

* * * * *

(d) The transmitter of an STL, TV relay station or TV translator relay station may be multiplexed to provide additional communication channels. A TV broadcast STL or TV relay station will be authorized only in those cases where the principal use is the transmission of television broadcast program material for use by its associated TV broadcast station. However, STL or TV relay stations so licensed may be operated at any time for the transmission of multiplexed communications whether or not visual program material is being transmitted, provided that such operation does not cause harmful interference to TV broadcast pickup, STL or TV relay stations transmitting television broadcast program material.

* * * * *

(f) A TV broadcast pickup, STL, or TV relay station may be used for the transmission of material to be used by others, including but not limited to other broadcast stations, cable television systems, and educational institutions. This use shall not interfere with the use of these broadcast auxiliary facilities for the transmission of programs and associated material intended to be used by the television station or stations licensed to or under common control of the licensee of the TV pickup, STL, or TV relay station. This use of the broadcast auxiliary facilities must not cause harmful interference to broadcast auxiliary stations operating in accordance with the basic frequency allocation, and the licensee of the TV pickup, STL, or TV relay station must retain exclusive control over the operation of the facilities. Prior to operating pursuant to the provisions of this Section, the licensee shall, for the intended location or area-of-operation, notify the appropriate frequency coordinatioin committee or any licensee(s) assigned the use of the proposed operating frequency, concerning the particulars of the intended operation and must provide the name and telephone number of a person who may be contacted in the event of interference.

* * * * *

(h) TV broadcast auxiliary stations authorized pursuant to this subpart may additionally be authorized to supply programs and signals of TV broadcast stations to cable television systems or CARS stations. Where the licensee of a TV broadcast auxiliary station supplies programs and signals to cable television systems or CARS stations, the TV auxiliary licensee must have exclusive control over the operation of the TV auxiliary stations licensed to it. Contributions to capital and operating expenses may be accepted only on a cost-sharing, non-profit basis, prorated on an equitable basis among all parties being supplied with program material.

5. Section 74.632(a) is revised as follows:

§ 74.632 Licensing requirements.

(a) A license for a TV pickup, TV STL, or TV relay station will be issued only to licensees of TV broadcast stations and, on a secondary basis, licensees of low power TV stations. A separate application is required for each fixed station and the application shall be specific with regard to the frequency requested. A mobile station license may be issued for any number of mobile transmitters to operate in a specific area or frequency band and the applicant shall be specific with regard to the frequencies requested. In lieu of specifying specific transmitter types, applicants shall certify that the transmitter used or to be used at the requested facility is type accepted, or was manufactured before October 1, 1981. Applications for consolidation of individual mobile station licenses into a system license will be accepted only at the time application is made for renewal of the main (Part 73) station license.

* * * * *

Appendix B

1. Form 313, Application for Authorization in the Auxiliary Radio Broadcast Service, is amended by adding the following three questions:

* * * * *

17. Describe briefly the primary broadcast-related purpose of the requested authorization.

18. For television auxiliary stations, state the anticipated percentage of time for which the station will be used for secondary uses. Secondary uses are transmissions of material at times when the station is not being used to transmit program material to its associated broadcast station.

19. For television auxiliary licensees, list the total number of existing auxiliary authorizations and indicate the combined percentage of time for which these stations are presently used for secondary uses.

Appendix C

Parties Submitting Comments in BC Docket No. 81-794

Bonneville International Corporation
California State Communications Division
California Public Broadcasting Commission
CBS Inc.
Christian Broadcasting Network, Inc.
Dow, Lohnes & Albertson Joint Comments
  Cox Broadcasting Corporation
  Fetzer Television Corporation
  Multimedia, Inc.
Entertainment and Sports Programming Network, Inc.
Fisher Broadcasting Inc.
Florida Public Broadcasting Service, Inc.
Gill Industries
Hughes Aircraft Company, Microwave Communications Products
National Association of Broadcasters
National Association of Public Television Stations
National Public Radio

Noncommercial Television Licensees Joint Comments
Central California Educational Television
Connecticut Educational Telecommunications Corporation
KQED, Inc.
University of Maine
University of New Hampshire
New Jersey Public Broadcasting Authority
The Ohio State University
School District No. 1, City and County of Denver and State of Colorado
South Carolina Educational Television Commission
South Central Education Broadcasting Council
University of Vermont and State Agricultural College
Virginia Department of Telecommunications
Ohio Educational Broadcasting Network Commission
Oklahoma Educational Television Authority
Public Service Satellite Consortium
The Public Broadcasting Service
Schwartz, Woods & Miller Joint Comments
Arizona Board of Regents for Arizona State University
Maryland Public Broadcasting Commission
Mississippi Authority for Educational Television
Mohawk-Hudson Council on Educational Television, Inc.
Rhode Island Public Telecommunications Authority
The Greater Toledo Educational Television Foundation
Western New York Public Broadcasting Association
Storer Broadcasting Company
Westinghouse Broadcasting Company, Inc.
WGBH Educational Foundation

Reply comments

National Association of Broadcasters
National Broadcasting Company, Inc.
The Public Broadcasting Service
Westinghouse Broadcasting Company, Inc.

[FR Doc. 83-10512 Filed 4-20-83; 8:45 am]
BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 107, 173, and 177

[Docket No. HM-138A; Amdt. Nos. 107-11, 173-181, 177-58]

Exemption and Enforcement Procedures and Related Miscellaneous Provisions; Corrections

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.

ACTION: Final rule; corrections.

SUMMARY: This document makes four editorial corrections to section or office designations as published in the Federal Register on January 20, 1983 (48 FR 2846) under Docket HM-138A (FR Document 83-1241) relating to exemptions and enforcement procedures. In addition, a reference is added to § 173.22(a)(2)(i) to reflect Department of Defense (DOD) hazardous materials regulations, and two references to § 173.22 in Part 177 are corrected. Finally, § 107.319 is amended to provide that requests for hearings are made to the official who issued the notice of probable violation.

EFFECTIVE DATE: These corrections and additions are effective April 21, 1983.

FOR FURTHER INFORMATION CONTACT: George W. Tenley, Jr., Office of Chief Counsel, Research and Special Programs Administration, Room 8420, 400 Seventh Street, S.W., Washington, D.C. 20590 (202) 755-4973.

SUPPLEMENTARY INFORMATION: Three of the corrections made herein are necessary to reflect proper references, either to the assignment of responsibilities within the MTB or to the appropriate cross referenced section.

At 48 FR 2651, under Subpart C—Preemption, the blanket change of "OE" and "OOE" to "HMR" and "OHMR" failed to recognize language in § 107.205(b) which referred to "OHMR or OOE." Consequently, in order to make complete within Part 107 the assignment of the inconsistency ruling responsibility to the Office of Hazardous Materials Regulation, § 107.205(b) has been amended to delete the words "or OOE."

At 48 FR 2655, under Part 173, there is an incorrect reference in § 173.22(a)(3) to "paragraph (a)(1) of this section." The correct reference is to "paragraph (a)(2) of this section," and is changed accordingly.

Also with regard to § 173.22, the redesignation of paragraph (b) to paragraph (c) inadvertently changed a reference to § 173.22(b) appearing in § 177.825(e) and paragraph VI. A of Appendix A to Part 177 which was adopted under HM-164 (46 FR 5317; January 19, 1981). Accordingly, in order to keep the requirements of HM-164 complete, the reference in § 177.825(e) and the Appendix reference to "§ 173.22(b)" have been changed to read "§ 173.22(c)."

In addition to the corrections noted above, two additional changes have been made. First, in adopting the provisions of § 107.319 pertaining to hearing requests, the official to whom the request should be made was not identified. Although under previous requirements in § 107.353 it was the Associate Director for Operations and enforcement to whom requests were submitted, the change adopted herein requires hearing requests to be made to the official who issued the notice. This is appropriate because in a hearing matter, the Associate Director is not involved in the proceeding. The general language adopted will cover any administrative reorganizations or redelegations that might occur in the future.

Second, an additional change to § 173.22 has been made at the recommendation of the Department of Defense. As adopted under HM-138A, § 173.22(a)(2) required that the person offering a package for transportation determine that it had been manufactured, assembled, and marked in accordance with Part 178 or 179, a DOT specification in effect on the date of manufacture, or an exemption or approval. However, as noted by the DOD, and as adopted, this section presently fails to recognize shipments made by DOD in accordance with DOD requirements, as provided in § 173.7(a). Therefore, in paragraph (a)(2)(i) of § 173.22 a reference to § 173.7(a) is being added.

I. Classification of Rule; Reporting Requirements; and Impact on Small Entities

A. *Non-Major Rule.* The Materials Transportation Bureau has determined that this regulatory amendment is not a major rule under terms of Executive Order 12291 or significant under DOT's regulatory procedures (44 FR 11034), and does not require a Regulatory Impact Analysis, nor does it require an environmental impact statement under the National Environmental Policy Act (42 U.S.C. 4321 et. seq.) This determination is made on the basis that: (1) The final rule will have an annual effect on the economy not exceeding $100 million, (2) there will be no major increase in costs or prices for consumers, individual industries, Federal, State, or local governmental agencies, or geographic regions, (3) it will not result in significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets, and (4) no impacts (negative or positive) on the environment are anticipated by these minor rule changes and corrections. A regulatory evaluation is not warranted since the anticipated impact would be so minimal.

B. *Paperwork Reduction Act.* The rule change contains no information collection requirements nor does it result in any paperwork reduction.

C. *Impact on Small Entities.* Based on limited information available concerning size and nature of entities likely to be affected, I certify that this amendment

will not, as promulgated, have a significant economic impact on a substantial number of small entities primarily because this amendment contains a relatively few corrections to a rulemaking issued January 20, 1983.

II. Final Rule Without Notice and Without Usual Delay in Effective Date.

Since this rule change consists of minor editorial changes or minor corrections and it does not impose additional requirements, notice and procedures thereon are considered unnecessary. For the same reasons it is considered unnecessary to delay the effective date for the usual period of time.

Thesaurus of Indexing Terms. The following list of Federal Register Thesaurus of Indexing Terms apply to this rulemaking:

List of Subjects

49 CFR Part 107

Hazardous materials program procedures.

49 CFR Part 173

Hazardous materials transportation, Regulations and definitions.

49 CFR Part 177

Carriage by public highway.

In consideration of the foregoing, **Federal Register** Doc. 83–1241 appearing at page 48 FR 2646 in the issue of January 20, 1983, is corrected as follows, and additional amendments under Docket HM–138A are made to Parts 107, 173, and 177:

PART 107—HAZARDOUS MATERIALS PROGRAM PROCEDURES

§ 107.205 [Amended]

1. In § 107.205(b), the words "or OOE" are removed.

2. In § 107.319, the period at the end of paragraph (b)(3) is removed and replaced with a semicolon and the word "and"; and a new paragraph (4) is added to paragraph (b) to read as follows:

§ 107.319 Request for a hearing.

* * * * *

(b) * * *

(4) Be addressed to the official who issued the notice.

* * * * *

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

3. In § 173.22, paragraph (a)(2)(i) is revised, and paragraph (a)(3), appearing at page 48 FR 2655 is corrected, as follows:

§ 173.22 Shipper's responsibility.

(a) * * *

(2) * * *

(i) Section 173.7(a) and Parts 173, 178, or 179 of this subchapter;

* * * * *

(3) In making the determination under paragraph (a)(2) of this section, the person may accept—

* * * * *

PART 177—CARRIAGE BY PUBLIC HIGHWAY

§ 177.825 [Amended]

4. § 177.825(e), the reference to "§ 173.22(b)" is changed to read "§ 173.22(c)."

§ 172.22 [Amended]

5. In paragraph VI.A. of Appendix A to Part 177, the reference to "§ 177.22(b)" is changed to read "§ 173.22(c)."

(49 U.S.C. 1803, 1804, 1808, and 1809; 49 CFR 1.53, App. A. to Part 1)

Issued in Washington, D.C. on April 15, 1983.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 83–10830 Filed 4–20–83; 8:45 am]

BILLING CODE 4910–60–M

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49 CFR Parts 171, 172 and 173

[Docket No. HM–166L; Amdt. Nos. 171–72, 172–79, 173–163]

Regulation of Consumer Commodities; Paint and Paint Related Material Adhesive

AGENCY: Research and Special Programs Administration, DOT.

ACTION: Final rule.

SUMMARY: This action is being taken to reduce the shipping names associated with paint and paint related products from 28 to 7. This action will eliminate confusion over shipping names used by DOT and those used in the freight classification system. This action will result in a reduced burden in the shipment of these commodities without compromising safety. The proposal to expand the coverage of the consumer commodity category for flammable liquids by lowering the flash point limitation for one gallon inside containers is not adopted.

DATE: This amendment is effective April 1, 1984. However, compliance with the regulations as amended herein, is authorized April 21, 1983.

FOR FURTHER INFORMATION CONTACT: Darrell L. Raines, Chief, Exemptions and Regulations Termination Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau, 400 7th Street, SW., Washington, D.C. 20590 (202–472–2728).

SUPPLEMENTARY INFORMATION: On Monday, February 1, 1982, the Materials Transportation Bureau (MTB) published a Notice of Proposed Rulemaking (NPRM) Docket Number HM–166L (47 FR 4538) which addressed paints and paint related materials. The NPRM proposed to reduce the number of shipping names associated with paint in the Hazardous Materials Table (49 CFR 172.101) from approximately 28 to 7. In addition, the NPRM proposed to relax certain shipping requirements for paint and paint related material by allowing a flammable liquid with a flash point higher than 20°F. to be shipped as "Consumer commodity," ORM–D when in inside packagings of one gallon or less. At present, the Hazardous Materials Regulations (HMR) restrict the volume of flammable liquids having flash points below 73°F. being shipped as "Consumer commodity" to one quart. The effect of such change would be to allow four one gallon metal cans of paint in fiberboard boxes to be shipped without requiring that they be labeled or accompanied by shipping papers except when carried aboard aircraft.

MTB received a total of 37 comments in response to the NPRM. While the paint manufacturing industry and carriers generally favored the proposal, persons interested in fire protection strongly opposed those portions of the notice which would have allowed the increased quantity of paint with a flash point below 73°F. to be shipped as "Consumer commodity, ORM–D". There was little opposition to consolidation of shipping names and much support for it. Fourteen comments received from industrial firms that manufacture or ship paints and adhesives support the NPRM without exception. One manufacturer did want the shipping names "varnish" and "enamel" retained because products with these names are used to coat electrical wires, a use which most people do not associate with "paint." The purpose of shipping names in the hazardous materials table is not to pinpoint the ultimate use of a product with great exactitude, but rather to provide a standardized format which succeeds in communicating the basic properties, or kinds of hazardous materials in transportation.

In addition to industrial firms, seven trade associations, representing paint producers, carriers, and shippers supported the NPRM.

MTB received comments from four carriers. Two supported the NPRM. One air carrier expressed concern that the

relaxed requirements would exclude shipments by air and would cause confusion and inadvertent violation of the regulations because shippers may not know that one portion of a journey might be accomplished by air, requiring shipping papers. Since the package would not be labeled and marked so the contents could be identified, a violation might ensue if the package was shipped by air with no shipping papers. A rail carrier expressed concern that the proposed shipping names would not identify whether the hazardous material was a hazardous substance identified under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA or "Superfund"). The identification of CERCLA hazardous substances is addressed at length in a previous MTB publication (see Docket No. HM–145C, 46 FR 17738, March 19, 1981). It is extremely unlikely that a hazardous substance, as presently defined in the HMR, in packagings addressed in this NPRM would be a constituent of paint in sufficient quantity to constitute a reportable quantity (RQ). If a hazardous substance were present in sufficient quantity, the marking provisions of § 172.324 would apply and the package would have to be marked with the name of the hazardous substance and the letters "RQ".

If a package contains a material which is listed in the CERCLA List (§ 172.101) but which is not a hazardous material or "hazardous substance" as presently defined in § 171.8, that material is not subject to the requirements of the HMR regardless of whether it is a "Consumer commodity" or not. This issue is discussed at length in Docket HM–145C and this final rule has no effect on it.

The Air Transport Association (ATA) expressed concern that the NPRM did not include all paint related items that appear in the ICAO Technical Instructions, specifically paint driers and thinners. One purpose of the NPRM was to reduce the number of shipping names associated with paint, including thinners, driers, removers and reducers. MTB feels that these materials can all be safely shipped under the shipping names "Paint" or "Paint related material" with separate entries for the flammable liquid, combustible liquid and corrosive material hazard classes.

MTB received comments from the fire departments of 7 municipalities, two from Members of the International Associations of Fire Chiefs, one from a fire protection engineer, and one from the National Fire Protection Association, all opposing the relaxation of shipping requirements (the use of the Consumer commodity, ORM–D hazard class) for flammable liquids as proposed in the NPRM. Comments from the fire departments and fire chiefs opposed relaxation of the communications requirements (labels and shipping papers) associated with shipments under the ORM–D hazard class. They expressed the opinion that the absence of labels and shipping papers would increase the danger to fire service personnel, or the general public, or both. The fire protection engineer expressed the view that the present regulations are consistent with National Fire Protection Association (NFPA) requirements and OSHA regulations and if the NPRM became final, the HMR would no longer be consistent. He also thought that there would be precedence for opening up the Consumer commodity, ORM–D hazard class to other flammable liquids which are not paints.

Comments received from the NFPA expressed the view that hazards at warehouses storing paints would be greatly increased. The comments stated that DOT labels and markings on outside containers are used for purposes of material classification of flammable liquids into various NFPA subclasses based on flash point and that this classification system is vital to the nationally recognized and widely used Flammable and Combustible Liquids Code, NFPA 30–1981, and without it the NFPA maintained there could be severe "fire overloading" of storage and warehousing facilities.

An evaluation of the merits of the comments reveals some concern for relaxation of shipping requirements, as proposed in the NPRM, is justified. It is true that accident data compiled from incident reports do not reveal a serious fire problem with paint as it is now shipped, however, an argument can be raised that this condition exists because of the adequacy of the present regulations and that relaxation of requirements would produce more problems than benefits. Prior to issuing the notice, MTB did not fully consider the problems that could arise if paints were inadvertently shipped by air as pointed out by the air carrier, or the non-transportation impacts of the proposals, such as the storage classification problem pointed out by the NFPA. In addition, while the comments from fire service personnel did not provide any factual data to support their concerns for increased risk to fire fighters and the public, the opinions of fire protection professionals should be given further consideration before action is taken. Because of these factors MTB has decided to withdraw those portions of the NPRM which would allow paints with flash points between 20°F. and 73°F. to be shipped as "Consumer commodity, ORM–D".

The NPRM explained the reasons why a change was needed for the entry "Adhesive, n.o.s. *See* Cement, liquid, n.o.s." However, it has been noted that "liquid, n.o.s." is not a part of the proper shipping name for the entry "Adhesives" in the United Nations Recommendations for the Transportation of Dangerous Goods and "liquid, n.o.s." is not a part of the proper shipping name for the entry "Cement" in the IMDG Code. For these reasons, "liquid, n.o.s." has been deleted from both shipping names in the § 172.101 Table. Also, § 173.132 has been changed accordingly.

List of Subjects

49 CFR Part 171

Hazardous materials transportation, Regulations and definitions.

49 CFR Part 172

Hazardous materials transportation, Labeling, Packaging and containers.

49 CFR Part 173

Hazardous materials transportation, Packaging and containers.

In consideration of the foregoing, Parts 171, 172, and 173 of 49 CFR are amended to read as follows:

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

1. In § 171.16, paragraph (c)(3) is revised to read as follows:

§ 171.16 Detailed hazardous materials incident reports.

* * * * *

(c)* * *

(3) Paint and paint related material when shipped in packagings of five gallons or less.

* * * * *

PART 172—HAZARDOUS MATERIALS TABLES AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

2. In § 172.101 the Hazardous Materials Table is amended by adding and removing the following named entries to read as follows:

§ 172.101 Hazardous Materials Table

(1)	(2)	(3)	(3A)	(4)	(5)		(6)		(7)		
					Packaging		Maximum net quantity in one package		Water shipments		
+ EAW	Hazardous materials descriptions and proper shipping names	Hazard class	Identification number	Label(s) required (if not excepted)	(a) Exceptions	(b) Specific requirements	(a) Passenger carrying aircraft or railcar	(b) Cargo only aircraft	(a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
	•	•	•	•	•		•	•			
	(Remove)										
	•	•	•	•	•		•	•			
	Adhesive, *See* Cement, liquid, n.o.s.										
	Aluminum, liquid. *See* Paint, Enamel, Lacquer, Stain, Shellac, Varnish, *etc.*										
Cement, liquid, n.o.s	Combustible liquid	NA1133	None	173.118a	None	No limit	No limit	1,2	1,2		
	Cement, liquid, n.o.s.	Flammable liquid	NA1133	Flammable liquid	173.118	173.132	1 quart	10 gallons	1,2	1	
	Compound, enamel	do	NA1263	do	173.118	173.128	do	55 gallons	1,2	1	
	Compound, lacquer, paint, *or* varnish, removing, reducing, *or* thinning, liquid.	Combustible liquid	NA1142	None	173.118a				1,2	1,2	
	Compound, lacquer, paint, *or* varnish, removing, liquid.	Corrosive material	NA1760	Corrosive	173.244	173.245	do	1 gallon	1,2	1,2	
	Compound, lacquer, paint, *or* varnish, removing, reducing, *or* thinning, liquid.	Flammable liquid	NA1142	Flammable liquid	173.118	173.128	do	55 gallons	1,2	1	
	Drier. See Paint drier, liquid.										
	Enamel. *See* Paint, Enamel, Lacquer, *etc.*										
	Lacquer, *See* Paint, Enamel, Lacquer, Stain, *etc.*										
	Lacquer base, liquid. *See* Paint, Enamel, Lacquer, Stain, *etc.*										
	Lacquer removing, reducing, *or* thinning, compound. *See* Compound, lacquer, paint, *or* varnish, removing, reducing *or* thinning liquid.										
	Mortar stain, liquid	Combustible liquid	UN1263	None	173.118a	None	No limit	No limit	1,2	1,2	
	do	Flammable liquid	UN1263	Flammable liquid	173.118	173.128	1 quart	55 gallons	1,2	1	
	Paint drier, liquid	Combustible liquid	UN1168	None	173.118a	None	No limit	No limit	1,2	1,2	
	do	Flammable liquid	UN1168	Flammable liquid	173.118	173.128	1 quart	55 gallons	1,2	1	
	Paint, Enamel, Lacquer, Stain, Shellac, *or* Varnish; Aluminum, Bronze, Gold, Wood filler, liquid *or* Lacquer base, liquid.	Combustible liquid	UN1263	None	173.118a	None	No limit	No limit	1,2	1,2	
	Paint, Enamel, Lacquer, Stain, Shellac, *or* Varnish; Aluminum, Bronze, Gold, Wood filler, liquid *or* Lacquer base, liquid.	Flammable liquid	UN1263	Flammable liquid	173.118	173.128	1 quart	55 gallons	1,2	1	

(1)	(2)	(3)	(3A)	(4)	(5)		(6)		(7)		
					Packaging		Maximum net quantity in one package		Water shipments		
+EAW	Hazardous materials descriptions and proper shipping names	Hazard class	Identification number	Label(s) required (if not excepted)	(a) Exceptions	(b) Specific requirements	(a) Passenger carrying aircraft or railcar	(b) Cargo only aircraft	(a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
	Paint, reducing or thinning compound. See Compound, lacquer, paint, *or* varnish, removing, reducing *or* thinning, liquid.										
	Reducing compound, paint, varnish, lacquer, etc. See Compound, lacquer, paint *or* varnish, removing, reducing, *or* thinning, liquid.										
	Removing compound, paint, varnish, lacquer, etc. See Compound, lacquer, paint *or* varnish, removing, reducing, *or* thinning, liquid.										
	Shellac, *See* Paint, Enamel, Lacquer, Stain, Shellac, Varnish; *etc.*										
	.....do.....										
	Thinning compound, paint, varnish, lacquer, etc. See Compound, lacquer, paint *or* varnish, removing, reducing *or* thinning, liquid.										
	Varnish. *See* Paint, Enamel, Lacquer, Stain, Shellac, Varnish; *etc.*										
	Varnish drier. See Paint drier, liquid.										
	Varnish remover or reducer. See Compound, lacquer, paint *or* varnish, removing, reducing, *or* thinning, liquid.										
	Varnish thinning compound. See Compound, lacquer, paint *or* varnish, removing, reducing, *or* thinning, liquid.										
	Wood filler, liquid. *See* Paint, Enamel, Lacquer, Stain, Shellac, Varnish; *etc.*										
	•	•	•	•	•		•	•			
	•	•	•	•	•		•	•			
	(Add).....	•	•	•	•		•	•			
	•										
	Adhesive.....	Combustible liquid.....	UN1133.....	None.....	173.118a	None	No limit.....	No limit.....	1,2	1,2	
	.....do.....	Flammable liquid.....	UN1133.....	Flammable liquid.....	173.118	173.132	1 quart.....	10 gallons.....	1,2	1	
	Cement.....	Combustible liquid.....	NA1133.....	None.....	173.118a	None	No limit.....	No limit.....	1,2	1,2	
	.....do.....	Flammable liquid.....	NA1133.....	Flammable liquid.....	173.118	173.132	1 quart.....	10 gallons.....	1,2	1	
	Driers, paint *or* varnish, liquid, n.o.s.	Combustible liquid.....	UN1136.....	None.....	173.118a	None	No limit.....	No limit.....	1,2	1,2	

(1)	(2)	(3)	(3A)	(4)	(5)		(6)		(7)		
					Packaging		Maximum net quantity in one package		Water shipments		
+EAW	Hazardous materials descriptions and proper shipping names	Hazard class	Identification number	Label(s) required (if not excepted)	(a) Exceptions	(b) Specific requirements	(a) Passenger carrying aircraft or railcar	(b) Cargo only aircraft	(a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
	do	Flammable liquid	UN1168	Flammable liquid	173.118 173.128	173.128	1 quart	55 gallons	1,2	1	
	Paint	Combustible liquid	UN1263	None	173.118a	None	No limit	No limit	1,2	1,2	
	do	Flammable liquid	UN1263	Flammable liquid	173.118 173.128	173.128	1 quart	55 gallons	1,2	1	
	Paint *or* paint related material	Corrosive material	NA1760	Corrosive	173.244	173.245	do	1 gallon	1,2	1,2	
	Paint related material	Combustible liquid	NA1263	None	173.118a	None	No limit	No limit	1,2	1,2	
	do	Flammable liquid	NA1263	Flammable liquid	173.118 173.128	173.128	1 quart	55 gallons	1,2	1	

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

3. In § 173.128, the heading and the introductory text of paragraph (a) are revised, paragraph (c) is redesignated paragraph (b), and a new paragraph (c) is added to read to follows:

§ 173.128 Paint and paint related material (flammable liquids).

(a) Except as otherwise provided in this part, the description "Paint" is the proper shipping name for paint, lacquer, enamel, stain, shellac, varnish, liquid aluminum, liquid bronze, liquid gold, liquid wood filler, and liquid lacquer base. The description "Paint related material" is the proper shipping name for a paint thinning, reducing or removing compound. However, if a more specific description is listed in § 172.101, that description must be used. Paint and paint related material must be packaged as follows:

* * * * *

(c) Special exceptions for shipment of paint and paint related material in the ORM–D class are provided in subpart N of this Part.

4. In § 173.132, the heading, introductory text of paragraph (a), and paragraph (b) are revised to read as follows:

§ 173.132 Adhesive; cement; container cement; linoleum cement; pyroxylin cement; rubber cement; tile cement; wallboard cement, and coating solution.

(a) Except as otherwise provided in this Part, a flammable liquid which is an adhesive; cement; container cement; linoleum cement; pyroxylin cement; rubber cement; tile cement; wallboard cement, or coating solution must be packaged as follows: * * *

* * * * *

(b) The adhesive and cements identified in paragraph (a) of this section, except any adhesive or cement containing carbon bisulfide (carbon disulfide), in glass or leakproof packagings consisting of a fiberboard body and metal tops and bottoms of not over 1-quart capacity each, or metal packagings of not over 5 gallons capacity each, further overpacked in a strong outside packaging are excepted from the specification packaging requirements of this Part.

* * * * *

(49 U.S.C. 1803, 1804, 1806; 49 CFR 1.53, App. A to Part 1)

Note.—The Materials Transportation Bureau has determined that this document will not result in a "major rule" under the terms of Executive Order 12291 or a significant regulation under DOT's regulatory policy and procedures (44 FR 11034), nor require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.). Based on information available concerning size and nature of entities likely to be affected by this amendment, I certify that this amendment will not have a significant economic impact on a substantial number of small entities because the overall economic impact of this amendment will be minimal. A regulatory evaluation and environmental assessment are available for review in the docket.

Issued in Washington, D.C. on April 14, 1983.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 83–10031 Filed 4–20–83; 8:45 am]

BILLING CODE 4910–60–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 658

[Docket No. 30316–39]

Shrimp Fishery of the Gulf of Mexico

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: NOAA issues a final rule amending the regulations for the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico. NOAA is modifying, temporarily, the boundary of the Tortugas Shrimp Sanctuary to reduce the area closed to trawl fishing. This action will enable fishermen to harvest marketable-sized shrimp from a small area that was previously closed. NOAA also corrects a definition for the phrase "fishery conservation zone".

EFFECTIVE DATES: April 15, 1983.

ADDRESS: A copy of the regulatory impact review may be obtained from Jack T. Brawner, Regional Director, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

FOR FURTHER INFORMATION CONTACT: Jack T. Brawner, 813–893–3141.

SUPPLEMENTARY INFORMATION:

Background

The Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico (FMP) was prepared by the Gulf of Mexico Fishery Management Council (Council) and was approved by the Assistant Administrator for Fisheries, NOAA, on November 7, 1980, under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act). Final regulations implementing the FMP were effective May 20, 1981 (46 FR 27489). The Council prepared an FMP amendment that provides for modification of the closed area, identified in 50 CFR 658.22 as the Tortugas Shrimp Sanctuary (Sanctuary). The FMP amendment was approved on December 28, 1981. A notice of availability and a request for comments on the amendment was published on January 28, 1982 (47 FR 4104). No written comments were received on the FMP amendment during the public comment period which ended on March 15, 1982. A proposed rule which would amend the regulations under the provisions of the

FMP amendment was published for public comment on November 26, 1982 (47 FR 53427).

The proposed rulemaking discussed in detail the reason for the management measure (i.e., temporary geographic modification of the Sanctuary through August 14, 1983, and correction of the definition of the fishery conservation zone). This information is not repeated here.

Response to Comments

The Council was the only commenter on the proposed regulations during the 45-day public comment period which ended Janauary 10, 1983. The Council requested that the proposed termination date for the temporary geographic modification of the Sanctuary be extended from August 14, 1983, to August 14, 1984. NOAA has complied with this request because there would not be sufficient time to evaluate the modification if the termination date remained August 14, 1983.

Classification

The Assistant Administrator for Fisheries, NOAA, has determined that this amendment to the regulations complies with the national standards, other provisions of the Magnuson Act, and other applicable law.

The Administrator, NOAA, has determined that this amendment is not a major rule requiring the preparation of a regulatory impact analysis under Executive Order 12291. The regulatory impact review indicated that potential benefits are significantly greater than expected costs. The rule reduces a restriction on fishermen, slightly reduces enforcement requirements and costs, and is expected to increase shrimp landings.

The Assistant Administrator has determined that there is good cause to waive the 30-day period of delayed effectiveness required under the Administrative Procedure Act (APA). The regulations re-define the geographic scope of the Sanctuary and permit fishing within a portion of the Sanctuary as it is currently defined. The primary purpose of this modification is to obtain data on the migration patterns of shrimp as they move out of the Sanctuary. It is necessary to implement this geographic modification as quickly as possible for fishing to take place during the peak spring season this year. Since the modification to the geographic scope of the Sanctuary will be in effect only through August 14, 1984, information collected this spring will significantly increase the effectiveness of this action.

The Coastal Zone Office for the State of Florida, which is the only State adjacent to the management area, was provided a copy of coastal zone consistency statement for review as to consistency with its approved Coastal Zone Management Program. NOAA concluded that, to the maximum extent practicable, implementation of these rules is consistent with the Coastal Zone Management Program of Florida.

List of Subjects in 50 CFR Part 658

Fish, fisheries, Fishing.

Dated: April 14, 1983.

Roland Finch,

Director, Office of Fisheries Management, National Marine Fisheries Service.

PART 658—[AMENDED]

For the reasons set forth in the preamble, 50 CFR Part 658 is amended as follows:

1. The authority citation for Part 658 reads as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. The definition of fishery conservation zone in § 658.2 is revised to read as follows:

§ 658.2 Definitions.

* * * * *

Fishery conservation zone (FCZ) means that area adjacent to the United States which, except where modified to accommodate international boundaries, encompasses all waters from the seaward boundary of each of the coastal States to a line on which each point is 200 nautical miles from the baseline from which the territorial sea of the United States is measured.

* * * * *

3. Section 658.22 and Figure 1 are revised to read and appear as follows:

§ 658.22 Tortugas shrimp sanctuary.

(a) The area commonly known as the "Tortugas Shrimp Sanctuary," off the State of Florida, is closed to all trawl fishing. The area is that part of the fishery conservation zone shoreward of a line connecting the following points (see Figure 1):

Point	Latitude	Longitude	Common name
N	25°52.9'N.	81°37.95'W.	Coon Key Light.
F	24°50.7'N.	81°51. 3'W.	
G	24°40.1'N.	82°26. 7'W.	New Grounds Shoals Light.
H	24°34.7'N.	82°35. 1'W.	Rebecca Shoals Light
P	24°35 'N.	82°08 'W..	Marqueesas Keys.

(b) Notwithstanding the provisions of paragraph (a), effective through August 14, 1984, trawl fishing is allowed within that portion of the Sanctuary circumscribed by lines connecting the following points:

Point	Latitude	Longitude
F	24°50.7'N.	81°51.3'W.
Q	24°46.0'N.	81°52.4'W.
R	24°44.6'N.	82°11.3'W.
F	24°50.7'N.	81°51.3'W.

BILLING CODE 3510-22-M

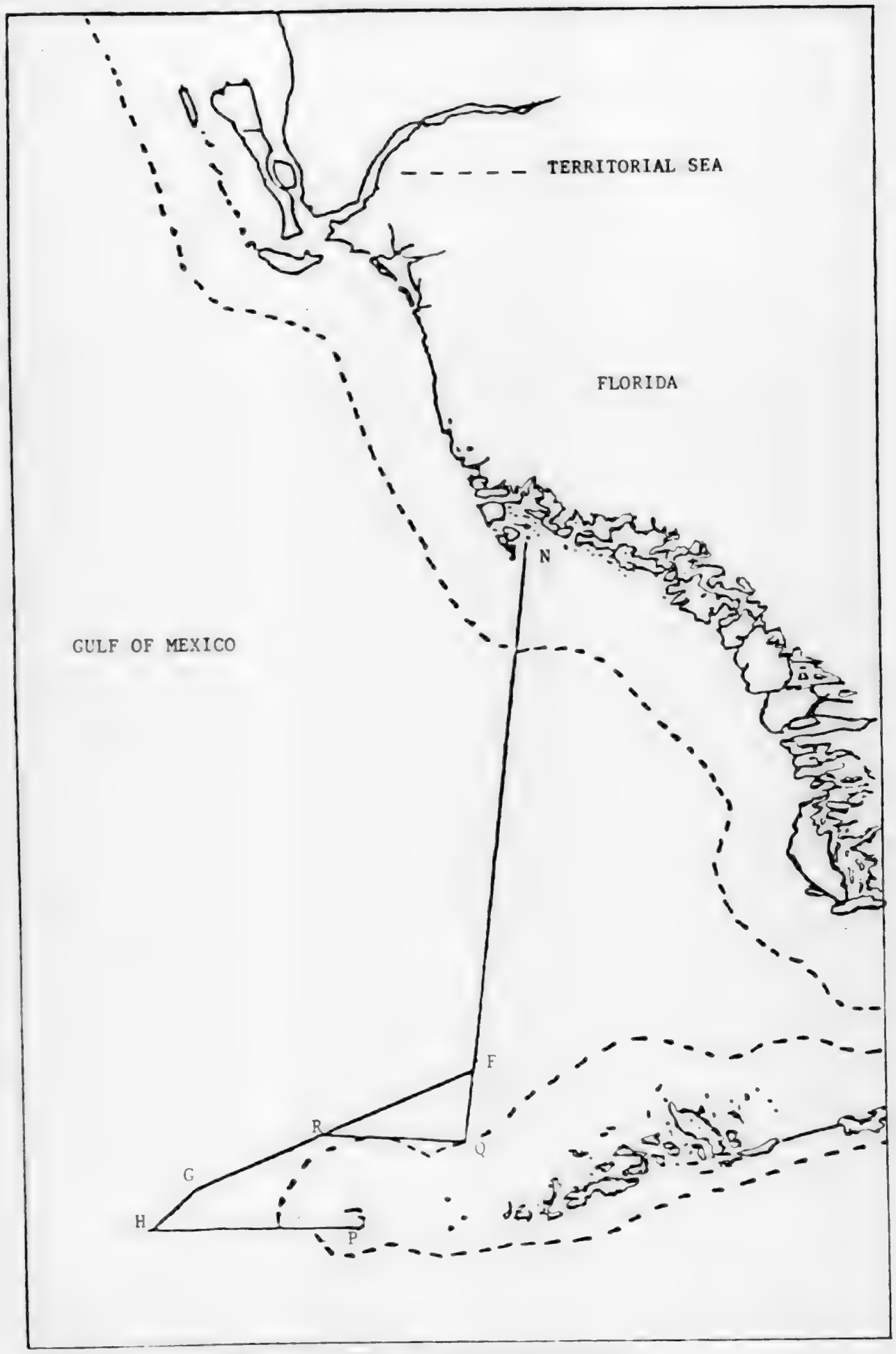

FIGURE 1. LOCATION OF TORTUGAS SHRIMP SANCTUARY.

[FR Doc. 83-10397 Filed 4-15-83; 10:02 am]
BILLING CODE 3510-22-C

Proposed Rules

Federal Register
Vol. 48, No. 78
Thursday, April 21, 1983

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

OFFICE OF MANAGEMENT AND BUDGET

Implementation of Executive Order 12372, Intergovernmental Review of Federal Programs; Public Meeting and Reopening of Comment Period

AGENCY: Office of Management and Budget; in conjunction with the following Departments: Agriculture, Commerce, Defense (including the Corps of Engineers), Education, Energy, Health and Human Services, Housing and Urban Development, Interior, Justice, Labor, State, Transportation, and Treasury; and in conjunction with the following agencies: ACTION, Environmental Protection Agency, Equal Employment Opportunity Commission, Federal Emergency Management Agency, General Services Administration, National Aeronautics and Space Administration, National Endowment for the Arts, National Endowment for the Humanities, National Science Foundation, Office of Personnel Management, Postal Service, Small Bussiness Administration, Tennessee Valley Authority, and the Veterans Administration.

ACTION: Notice of public meeting and reopening of public comment period.

SUMMARY: This document announces reopening of the public comment period for 28 documents previously published concerning the implementation of Executive Order 12372, "Intergovernmental Review of Federal Programs." A second public meeting has been scheduled.

The comment period is being reopened to allow the public greater time to review the various policies set forth in the proposed rules and to consider several areas of proposed change to the rules resulting from the amending of the Executive Order to include an additional statutory reference.

DATES: The public meeting will be held beginning at 9:30 A.M. on May 5, 1983. The reopened comment period on the notices of proposed rulemaking and the notices of proposed program exclusions will close on May 19, 1983.

ADDRESSES: The public meeting will be held at the GSA Auditorium, 18th and F Streets, N.W., Washington, D.C. Comments on the proposed rules during the reopened period should be sent to the addresses which agencies listed for receipt of comments in their previously published notices.

FOR FURTHER INFORMATION CONTACT: Walter S. Groszyk Jr., Office of the Deputy Associate Director for Management Reform, Office of Management and Budget, Room 10208, 726 Jackson Place N.W., Washington, D.C. 20503. Telephone (202) 395–3050. (Note: The Office of the Deputy Associate Director was recently reorganized and retitled from the Office of the Deputy Associate Director for Intergovernmental Affairs that appeared in earlier notices.)

The individual department and agency notices previously published also contain the names and addresses of individuals who can be contacted for further information on the notices.

SUPPLEMENTARY INFORMATION: Executive Order 12372, "Intergovernmental Review of Federal Programs," was signed by President Reagan on July 14, 1982. On January 24, 1983, all but two of the federal departments and agencies listed above published in the Federal Register either a notice of proposed rulemaking or a notice proposing their programs not be subject to the provisions of the Executive Order.The Department of Housing and Urban Development published a notice of proposed rulemaking on February 23, 1983 and the Tennessee Valley Authority published its notice of proposed rulemaking on March 4, 1983. A public meeting on the proposed rules was held on March 2, 1983. The Executive Order established a date of April 30, 1983 for implementing the policies of the Order. This effective date was extended by the President to September 30, 1983; 48 FR 15587, April 11, 1983.

Reopening of the Comment Period

While the public comment period of most agencies ended on March 10, 1983, the public comment periods for the Department of Housing and Urban Development and the Tennessee Valley Authority ended on April; 11, and April 4, 1983, respectively. The Department of the Interior on March 24, 1983 extended the public comment period on part of its notice until April 1, 1983. The federal departments and agencies listed above are reopening the comment period for all notices effective immediately. The comment period will now end on May 19, 1983. Any comments that were received subsequent to the end of the comment period and prior to this reopening of the comment period will be included in the agency dockets and considered.

Date, Time, and Location of Public Meeting

A public meeting will be held on May 5, 1983 to discuss possible changes to the proposed policies presented in the notices of proposed rulemaking. The meeting will be held in the Auditorium of the General Services Administration Building, 18th and F Streets, N.W., Washington, D.C., beginning at 9:30 A.M. The public meeting will be structured to allow federal officials to outline proposed changes, to discuss these changes with parties attending the public meeting, and to receive the views of the public on the proposed rules and changes contemplated to the proposed rules. If any additional federally-prepared material on proposed changes is given to those attending the public meeting, that material will also be provided to all parties previously submitting comments on the content of the proposed rules. Any additional material can also be obtained by requesting such from Walter Groszyk whose address appears above.

Areas of Change to the Proposed Rules

These changes to the proposed rules are intended to reflect the April 8, 1983, amendment of the Executive Order that cites additional statutory authority for the policies of the Order. These changes also respond to numerous commenters who sought clarification of whether and how the proposed rules would implement the provisions of Section 401 of the Intergovernmental Cooperation Act of 1968, 42 U.S.C. 4231, and Section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, 42 U.S.C. 3334. The changes would encompass the entirety of Section 401. These changes do not represent final decisions on how best to carry out the amended Executive Order or to respond

to the public comments, but are possible solutions to concerns raised by the commenters and to the citation of additional statutory authority. Further public comment is sought. Alternatives to these possible solutions are also welcome. The section of the proposed rules affected by these possible solutions is identified in parentheses.

A number of other changes to the proposed rules are contemplated based on the many public comments received to date. These contemplated changes are not discussed in this notice. Public comment continues to be solicited on all of the previously published notices. Specific suggestions on the most effective means for linking assistance applications with comments by state, local, regional, or areawide entities would be particularly helpful.

Federal Agency Programs and Activities to be Covered: Agencies proposed program exclusions for public comment based on a set of government-wide criteria. Although some commenters were satisfied with the proposed exclusions and inclusions, many commenters wanted all programs included or fewer exclusions. —The scope of programs and activities covered by th Executive Order would be broadened to reflect the provisions of section 401 of the Intergovernmental Cooperation Act and Section 204 of the Demonstration Cities and Metropolitan Development Act. (—.3)

Federal Agency Responsibilities for Programs or Activities not Selected for Review: A few commenters wanted local governments to be able to select programs not included in the state process. —The manner of selecting programs or activities would be clarified, including an indication of federal responsibilities to local, regional, or areawide entities where programs or activities are not selected for inclusion under the state process. (—.5)

The Role of Areawide Agencies in Intergovernmental Review: Several commenters sought clarification on whether the proposed rules implemented all of Title IV of the Intergovernmental Cooperation Act and Section 204 of the Demonstration Cities and Metropolitan Development Act. —The rules would be changed to implement the applicable provisions of these two Acts. Section 204 allows areawide agencies established by state or local law to review and comment on applications for federal assistance for planning or construction of certain type facilities or utilities. For those programs or activities subject to areawide review which the state has included under its process, the state process would be required to pass through all comments from areawide agencies that differed from the state process recommendation. In the absence of a state process and for those programs and activities not included within a state process, applicants must provide a 60 day period for areawide agency review and comment, with comments then considered and taken into account by the appropriate federal agency. The federal agency would "accommodate or explain" any consensus comments from an areawide agency that were sent through the state single point of contact, even for programs and activities not included under the state process. (—.6)

Role of the Single Point of Contact: Many commenters did not understand the proposed role of the single point of contact or wanted it changed. —The role and responsibility of the single point of contact would be clarified. The single point of contact would transmit official, priority state process views. (The concept of priority views is being proposed as a means of highlighting for federal agency attention those recommendations involving areas of importance to state and local elected officials.) In addition, to assure federal agency awareness of views differing from a state process recommendation, the single point of contact would pass through to the federal agency all differing views, of state, local, regional, or areawide entities and officials. The single point of contact could also transmit a consensus of state, local, areawide, or regional views, as appropriate. (—.6)

Consensus Building between State and Local Officials: Comments were received suggesting that the state process foster consensus building between state and local officials. —A federal department or agency would be required to accommodate or explain (in cases of nonaccommodation) only those views transmitted by a single point of contact that represent either a state process recommendation or a consensus of state, local, areawide, or regional views, as appropriate, in the absence of a state process recommendation. Differing views passed through by the single point of contact would be considered, but the "accommodate or explain" obligation would not apply. (—.7)

Office of Management and Budget

Notices published on January 24, 1983, 48 FR 3074 and 48 FR 3079.

Dated: April 15, 1983.

Harold I. Steinberg,

Associate Director for Management.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Parts 3015, 1901, 1942, 1944, 1948, and 1980, 36 CFR 219, 7 CFR Parts 225, 227, 246, 247, 250, 253, and 282.

Notice of Proposed Rulemaking published on January 24, 1983, 48 FR 3082; proposed rule related notice published on January 25, 1983, 48 FR 3375.

Dated: April 15, 1983.

Richard E. Lyng,

Deputy Secretary, Department of Agriculture.

DEPARTMENT OF COMMERCE

Office of the Secretary

13 CFR Parts 303, 307, and 309, 15 CFR Parts 13, 905, 920, 921, 923, 930, 931, and 2301, 50 CFR Part 401.

Notice of Proposed Rulemaking published on January 24, 1983, 48 FR 3096.

Dated: April 15, 1983.

Malcolm Baldrige,

Secretary of Commerce.

DEPARTMENT OF DEFENSE

32 CFR Part 243.

Notice of Proposed Rulemaking published on January 24, 1983, 48 FR 3106.

Dated: April 13, 1983.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

Department of the Army;

Corps of Engineers

33 CFR Part 384.

Notice of Proposed Rulemaking published on January 24, 1983, 48 FR 3111.

Dated: April 14, 1983.

Paul F. Kavanaugh,

Colonel, Corps of Engineers, Executive Director of Civil Works.

DEPARTMENT OF EDUCATION

34 CFR Parts 75, 76, and 79.

Notice of Proposed Rulemaking published on January 24, 1983, 48 FR 3120.

Dated: April 15, 1983.

T. H. Bell,

Secretary of Education.

DEPARTMENT OF ENERGY

10 CFR Parts 600 and 1005.

Notice of Proposed Rulemaking published on January 24, 1983, 48 FR 3130.

Dated: April 15, 1983.

Eric J. Fygi,

Deputy General Counsel.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

42 CFR Parts 51c, 52b, 55a, 56, and 122, 45 CFR parts 100, 224, and 1351.

Notice of Proposed Rulemaking published on January 24, 1983, 48 FR 3140.

Dated: April 15, 1983.

Margaret M. Heckler,

Secretary of Health and Human Services.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Parts 50, 52, 570, 590, 590, 720, 841, 870, 881, 883, 883, 885, and 891.

Notice of Proposed Rulemaking published on February 23, 1983, 48 FR 7688.

Dated: April 14, 1983.

Donald I. Hovde,

Under Secretary.

DEPARTMENT OF THE INTERIOR

43 CFR Part 9.

Notice of Proposed Rulemaking published on January 24, 1983, 48 FR 3152; extension of comment period published on March 24, 1983, 48 FR 12409.

Dated: April 14, 1983.

Richard R. Hite,

Principal Deputy Assistant Secretary.

DEPARTMENT OF JUSTICE

Office of the Attorney General

28 CFR Part 30.

Notice of Proposed Rulemaking published on January 24, 1983, 48 FR 3162.

Dated: April 14, 1983.

Edward C. Schmults,

Acting Attorney General.

DEPARTMENT OF LABOR

29 CFR Part 17, 30 CFR Part 48.

Notice of Proposed Rulemaking published on January 24, 1983, 48 FR 3172.

Dated: April 15, 1983.

Raymond J. Donovan,

Secretary of Labor.

DEPARTMENT OF STATE

Notice published on January 24, 1983, 48 FR 3183.

Dated: April 14, 1983.

Davis R. Robinson,

Legal Adviser.

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Part 152, 23 CFR Parts 420, 650, and 740, 49 CFR Parts 17, 25, 266, and 450.

Notice of Proposed Rulemaking published on January 24, 1983, 48 FR 3186.

Dated: April 15, 1983.

Rosalind A. Knapp,

Deputy General Counsel.

DEPARTMENT OF THE TREASURY

Office of the Secretary

Notice published on January 24, 1983, 48 FR 3197.

Dated: April 14, 1983.

Peter J. Wallison,

General Counsel.

ACTION

45 CFR Part 1233.

Notice of Proposed Rulemaking published on January 24, 1983, 48 FR 3200.

Dated: April 15, 1983.

Thomas W. Pauken,

Director, ACTION.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 29, 30, 35, 40, 51, and 255.

Notice of Proposed Rulemaking published on January 24, 1983, 48 FR 3208.

Dated: April 13, 1983.

Lee M. Thomas,

Acting Deputy Administrator.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Notice published on January 24, 1983, 48 FR 3219.

Dated: April 15, 1983.

Clarence Thomas,

Chairman.

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Parts 4, 9, 59, 60, 76, 300, and 302.

Notice of Proposed Rulemaking published on January 24, 1983, 48 FR 3222.

Dated: April 11, 1983.

George W. Jett,

General Counsel.

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101–6.

Notice of Proposed Rulemaking published on January 24, 1983, 48 FR 3232.

Dated: April 14, 1983.

Charles S. Davis III,

Acting Administrator.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1204.

Notice of Proposed Rulemaking published on January 24, 1983, 48 FR 3240.

Dated: April 15, 1983.

James M. Beggs,

Administrator.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

45 CFR 1152

Notice of Proposed Rulemaking published on January 24, 1983, 48 FR 3248.

Dated: April 15, 1983.

Francis S. M. Hodsoll,

Chairman.

National Endowment for the Humanities

Notice published on January 24, 1983, 48 FR 3258.

Dated: April 14, 1983.

William J. Bennett,

Chairman.

NATIONAL SCIENCE FOUNDATION

45 CFR Part 660.

Notice of Proposed Rulemaking published on January 24, 1983, 48 FR 3262.

Dated: April 12, 1983.

Charles H. Herz,

General Counsel.

OFFICE OF PERSONNEL MANAGEMENT

Notice published on January 24, 1983, 48 FR 3270.

Dated: April 14, 1983.

Loretta Cornelius,

Deputy Director, Office of Personnel Management.

POSTAL SERVICE

39 CFR Parts 775, 776, 778.

Notice of Proposed Rulemaking published on January 24, 1983, 48 FR 3274.

Dated: April 13, 1983.

Fred Eggleston,

Assistant General Counsel, Legislative Division.

SMALL BUSINESS ADMINISTRATION

13 CFR Part 135.

Notice of Proposed Rulemaking published on January 24, 1983, 48 FR 3282.

Dated: April 15, 1983.

Heriberto Herrera,

Deputy Administrator.

TENNESSEE VALLEY AUTHORITY

18 CFR Part 1311

Notice of Proposed Rulemaking published on March 4, 1983, 48 FR 9496.

Dated: April 14, 1983.

W. F. Willis,

General Manager.

VETERANS ADMINISTRATION

38 CFR Part 40

Notice of Proposed Rulemaking published on January 24, 1983, 48 FR 3290.

Dated: April 13, 1983.

Everett Alvarez, Jr.,

Deputy Administrator.

[FR Doc. 83-10815 Filed 4-20-83; 8:45 am]

BILLING CODE 3110-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 1120, 1126, 1132, and 1138

[Docket Nos. AO-231-A50, et al.]

Milk in Texas and Certain Other Marketing Areas; Rescheduling of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

7 CFR Parts	Marketing area	AO Numbers
1126	Texas	AO-231-A50.
1120	Lubbock-Plainview, Texas	AO-328-A24.
1132	Texas Panhandle	AO-262-A34.
1138	Rio Grande Valley	AO-335-A29.

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Rescheduling of public hearing on proposed rulemaking.

SUMMARY: This notice reschedules for June 27, 1983, a public hearing to consider industry proposals relative to the orders regulating the handling of milk in the marketing areas listed above. One of the proposals would merge the marketing areas under one order and expand the merged area to include additional territory in the States of Texas, New Mexico, and Arkansas. The hearing was initially scheduled to begin on April 26, 1983. A cooperative association and proprietary handlers requested the rescheduling, indicating that they need additional time to prepare for the hearing.

DATE: The hearing will convene at 1:30 p.m. on June 27, 1983.

ADDRESS: The hearing will be held at the Sheraton Grand Hotel, Dallas-Ft. Worth Airport, Highway 114 and Esters Boulevard, Dallas, Texas 75261.

FOR FURTHER INFORMATION CONTACT: Robert F. Groene, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-4824.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding: Notice of Hearing—Issued March 30, 1983, published April 5, 1983 (48 FR 14613).

A notice was issued on March 30, 1983, giving notice of a public hearing to be held April 26, 1983, with respect to proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the aforesaid specified marketing areas.

Notice is hereby given, pursuant to the rules of practice applicable to these proceedings (7 CFR Part 900), that the said hearing is rescheduled to be held at the Sheraton Grand Hotel, Dallas-Ft. Worth Airport, Highway 114 and Esters Boulevard, Dallas, Texas 75261, beginning at 1:30 p.m., local time, on June 27, 1983.

List of Subjects in 7 CFR Parts 1120, 1126, 1132, and 1138

Milk marketing orders, Milk, Dairy products.

Signed at Washington, D.C., on April 15, 1983.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 83-10834 Filed 4-20-83; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 33

[Docket No. 82-ANE-49, Notice No. SC-83-1-NE]

Special Conditions; General Electric Company CT7 Series Turboprop Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed special conditions.

SUMMARY: This notice proposes special conditions for type certification of the General Electric Company CR7 series turboprop engines. These engines will have novel or unique design features associated with a propeller brake for which the applicable airworthiness regulations do not contain adequate or appropriate safety standards. This notice proposes the safety standards which the Administrator finds necessary to establish a level of safety equivalent to that established in the regulations.

DATE: Comments must be received by June 1, 1983.

ADDRESSES: Comments on this proposal may be mailed in duplicate to Federal Aviation Administration, Office of the Regional Counsel, Attn: Rules Docket No. 82-ANE-49, 12 New England Executive Park, Burlington, Massachusetts 01803. Comments in the Rules Docket may be examined weekdays, except Federal holidays, between 8:00 a.m. and 4:30 p.m.

FOR FURTHER INFORMATION CONTACT: Donald F. Perrault, Engine and Propeller Standards Staff, ANE-110, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (617) 273-7330.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to comment on these special conditions by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communciations received on or before the closing date for comments specified above will be considered by the Administrator before taking action on this proposal. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available both before and after the closing date in the Rules Docket for examination by interested persons.

The applicable airworthiness standards for the General Electric Company CT7 series turboprop engines are those regulations designated in accordance with § 21.21 and are known as the "Type Certification Basis" for the engine design. Special conditions may be issued and amended, as necessary, as part of the type certification basis if the Administrator finds that the airworthiness standards designated in accordance with § 21.17(a)(1) do not contain adequate or appropriate safety standards because of novel or unusual design features of the engine. Special Conditions are now being proposed in accordance with § 21.16, to become part

of the type certification basis in accordance with § 21.17(a)(2).

On August 6 and 14, 1981, General Electric Company, 1000 Western Avenue, Lynn, Massachusetts 01907, filed applications for type certification of its CT7–5A and –7 model turboprop engines, respectively, under Part 33 of the Federal Aviation Regulations (FAR). The CT7–5A and –7 engines are takeoff-rated at 1630 and 1700 shaft horsepower, respectively. Since these engines are turboprop derivatives of the existing type certificated CT7 turboshaft series engines, the Special Conditions proposed herein will be made applicable to the CT7 series turboprop engines to also cover future models within this engine series. The type certification basis for the CT7–5A and –7 engines is proposed to be Part 33, effective February 1, 1965, as amended by Amendments 33–1 through 33–5, Special Condition No. 33–76NE–2 (to be amended), and the Special Condition proposed herein.

The CT7–5A and –7 turboprop engines incorporate a propeller brake which will allow the propeller to be brought to a stop, while the gas generator portion of the engine remains in operation, and remain stopped during operation of the engine as an auxiliary power unit ("APU Mode").

The applicable airworthiness requirements do not contain adequate or appropriate safety standards for the type certfication of this unusual design feature.

Proposed Special Conditions

Accordingly, the FAA proposes the following Special Conditions for the General Electric Company CT7 series turboprop engines equipped with a propeller brake:

In addition to the requirement of FAR 33.87, the applicant must conduct the folowing runs:

1. Ground locking. A total of at least 45 hours with the propeller brake engaged in a manner which clearly demonstrates its ability to function without adverse effects, while the engine is operating in the "APU Mode" under the maximum conditions of engine speed, torque, temperature, air bleed, and power extraction as specified by the applicant.

2. Dynamic braking. A total of at least 400 application-release cycles of brake engagements must be made in a manner which clearly demonstrates its ability to function, without adverse effects, under the maximum conditions of engine acceleration/deceleration rate, speed, torque, and temperature. The propeller must be stopped prior to brake release.

3. Conduct at least 100 engine starts and stops with the propeller brake engaged.

This testing may be performed in conjunction with the endurance test schedule of FAR 33.87(b) if system parameter conditions permit.

List of Subjects in 14 CFR Part 33

Engines, Propellers, Aircraft safety.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c). Department of Transportation Act (49 U.S.C. 1655(c); and 14 CFR 11.28, 11.29(b), 11.45)

Note.—This action is not a proposed rule of general applicability and is therefore not covered under Executive Order 12291 or the Regulatory Flexibility Act. The FAA has determined that this document is not considered to be significant as defined in Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the regulatory evaluation prepared for this action is contained in the docket. A copy of it may be obtained by contacting the person identified as the information contact.

Issued in Burlington, Massachusetts, on April 7, 1983.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 83–10168 Filed 4–20–83; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Ch. I

[Summary Notice No. PR–83–3]

Petitions for Rulemaking; Summary of Petitions Received and Dispositions of Petitions Denied or Withdrawn

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for rulemaking and of dispositions of petitions denied or withdrawn.

SUMMARY: Pursuant to FAA's rulemaking proivisions governing the applications, processing, and disposition of petitions for rulemaking (14 CFR Part 11), this notice contains a summary of certain petitions requesting the initiation of rulemaking procedures for the amendment of specified provisions of the Federal Aviation Regulations and of denials or withdrawals of certain petitions previously received. The purpose of this notice is to improve the public's awareness of this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and be received on or before, June 21, 1983.

ADDRESSES: Send comments on the petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC–204), Petition Docket No. ———, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–204), Room 916, FAA Headquarters Building (FOB–10A), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426–3644.

This notice is published pursuant to paragraphs (b) and (f) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C. on April 15, 1983.

Richard C. Beitel,

Acting Assistant Chief Counsel, Regulations and Enforcement Division.

PETITIONS FOR RULEMAKING

Docket No.	Petitioner	Description of the petition
23525	Leonard E. Wolff	*Description of petition:* Amendment of § 21.191 to allow operation of an aircraft of which 41% has been fabricated and assembled by persons who have constructed the aircraft solely for the purpose of their own education or recreation. *Regulations affected:* 14 CFR 21.191(g).

PETITIONS FOR RULEMAKING—Continued

Docket No.	Petitioner	Description of the petition
23544	Raisbeck-Weslorn	*Petitioner's reason for rule:* The existing rule penalizes and discriminates against those aircraft designers whose aircraft designs meet the overall tone and purpose of § 21.191(g) but do not meet the "over 50%" condition of the rule. Changing the rule would result in an increased activity in amateur-built aircraft, which in turn will stimulate the economy by creating additional demands for engines, parts, accessories, etc. This in turn will result in a stronger aircraft industry. The rules applying to this part are 20 to 30 years old. The rules were developed at a time when the methods of construction entailed primary usage of wood, fabric, steel tubing and aluminum. Today's composite structure (reinforced plastics) are evident in a number of new designs. The methods of construction differ with each design, and eliminates some of the actual fabrication. Therefore, the present 51" requirement is not consistent with present day composite structure (Kits) technology. *Description of petition:* To amend § 21.195 to permit aircraft modifiers to use those aircraft for market survey purposes in the same manner as airfram manufacturers. *Regulations affected:* 14 CFR 21.195(a). *Petitioner's reason for rule:* The existing rule penalizes and discriminates against those aircraft modifiers who should be allowed to use their aircraft for Market Survey the same as aircraft manufacturers.

PETITIONS FOR RULEMAKING: WITHDRAWN OR DENIED

Docket No.	Petitioner	Description and disposition of the rule requested
None this period		

[FR Doc. 83-10559 Filed 4-20-83; 8:45 am]
BILLING CODE 4910-13-M

CIVIL AERONAUTICS BOARD

14 CFR Part 212

[EDR-457; Docket 41415]

Charter Trips by Foreign Air Carriers

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The CAB proposes to prohibit some foreign air carriers from advertising and selling charters until they receive permission to perform those charters. This action is taken to protect potential passengers and U.S. international aviation interests.

DATES: Comments by: May 23, 1983.

Comments and relevant information received after this date will be considered by the Board only to the extent practicable.

Requests to be put on Service List by: May 6, 1983.

The Docket Section prepares the Service List and sends it to each person listed on it, who then serves comments on others on the list.

ADDRESSES: Twenty copies of comments should be sent to Docket 41415, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C., as soon as they are received.

FOR FURTHER INFORMATION CONTACT: David Schaffer, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428 (202) 673-5442.

SUPPLEMENTARY INFORMATION: Section 212.4 of the Board's rules (14 CFR 212.4) prohibits a foreign air carrier from performing certain charters until it receives approval from the Board. The charters subject to this prior approval requirement are fifth freedom charters (charters that originate and terminate in countries other than the foreign carrier's home country), long-term wet leases (leases for more than 60 days where the lessor provides both aircraft and crew), part charters (flights carrying both charter and scheduled passenger traffic), and other charters for which the Board requires prior approval under § 212.4 (e) or (f). A foreign carrier's application for approval must be filed between 5 and 45 days before the proposed flight depending on the type of charter or the reasons that the Board has imposed the prior approval requirement on it.

Recently, the Board has become concerned that foreign carriers may undermine the prior approval system by advertising and selling passenger charter flights before receiving the required approval. This presents both international aviation and consumer protection problems.

The Board adopted the prior approval system to monitor and control charter activity by foreign air carriers and thereby ensure that there was charter flight reciprocity between the United States and foreign countries. It is now based on the Congressional directives in sections 102(a)(12) and 1102(b) of the Federal Aviation Act (49 U.S.C. 1302(a)(12) and 1502(b)) and section 2(a) of the Fair Competitive Practices Act (49 U.S.C. 1159b(a)) to ensure equal competitive opportunities for U.S. carriers.

The prior approval requirement gives the Board the opportunity to review aviation relations with the foreign country involved and decide whether there are problems that would warrant denial of the charter request. If the charter in question has already been marketed and sold to prospective passengers, however, those persons' plans would be disrupted if the Board took the strong action that might be necessary to protect U.S. aviation interests. Advertising and selling may therefore place pressure on the Board to grant approval even where reciprocity problems might call for a denial. The rule proposed here, by making advertising and selling contingent on prior Board approval, would relieve some of that pressure.

An additional benefit of the proposed rule is that it would tend to prevent travelers from being deceived about the status of their charter flight. Section 411 of the Act (49 U.S.C. 1381) prohibits foreign air carriers from engaging in unfair and deceptive practices. The Board tentatively concludes that advertising and selling transportation on a flight that is unlikely to be performed is a violation of that section. Most prospective passengers are not aware that a flight is subject to government approval, or if they are, assume that approval is merely a formality. They make plans based on the reasonable assumption that, barring some unexpected event such as bad weather, the flight will run more or less on schedule. If the Board must disapprove the charter for foreign policy reasons, however, their travel plans will be disrupted. Section 411 and this rule are designed to avoid such disruptions.

Of course, not all charters subject to prior approval are likely to be disapproved by the Board. Where there are no reciprocity problems, the Board grants the necessary approval as a

matter of course. Therefore, to apply this advance marketing prohibition to all foreign air carrier charters would be an unwarranted departure from our general policy of allowing the charter industry the greatest degree of freedom consistent with the public interest. The proposed prohibition is needed only where the Board has found reciprocity defective and has imposed extraordinary prior approval requirements under § 212.4(e) of the Board's rules. Currently only ten nations' carriers are subject to these procedures.

Since the basis for this rule is in part passenger protection, its restrictions would not apply to cargo charters. In the case of cargo charters, the carrier normally does not seek Board approval under Part 212 until the flight has been chartered by the shipper.

Regulatory Flexibility Act

In accordance with 5 U.S.C. 605(b), as added by the Regulatory Flexibility Act, Pub. L. 96–354, the Board certifies that this rule would not, if adopted, have a significant economic impact on a substantial number of small entities. The change proposed here will affect only foreign airlines providing international air service. These are typically not small airlines.

Because of the important U.S. aviation and consumer protection interests that remain unprotected in the absence of this rule, the Board finds that it is in the public interest to allow only 30 days for comments. In addition, the increasing popularity of charters and the fact that the high season for charters is almost upon us justify a shorter than normal comment period. For the same reasons, if adopted the Board expects to make the rule effective less than 30 days after it is published in the **Federal Register**. Carriers subject to this rule would have to stop advertising and selling unapproved passenger charters after the effective date.

List of Subjects in 14 CFR Part 212

Air transportation—foreign, Charter flights, Reporting requirements, Surety bonds, Travel agents.

PART 212—[AMENDED]

Accordingly, the Board proposes to amend paragraph (a) of § 212.4 of 14 CFR Part 212, *Charter Trips by Foreign Air Carriers*, by adding another sentence at the end thereof so that it would read as follows:

§ 212.4 Prior authorization requirements.

(a) A foreign air carrier shall not perform any charter trip for which a statement of authorization is required until one has been granted by the Board. In addition, if the carrier is one that is required to obtain a statement of authorization under paragraph (e) of this section, it shall not advertise or sell any passenger charter services except those that have been specifically authorized by the Board.

* * * * *

(Secs. 204, 402, 407, 411, 416, 1102, Pub. L. 85–726, as amended, 72 Stat. 743, 757, 766, 769, 771, 94 Stat. 42, 49 U.S.C. 1324, 1372, 1377, 1381, 1386, 1502)

Dated: April 7, 1983.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83–10647 Filed 4–20–83; 8:45 am]

BILLING CODE 6320-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 210 and 239

[Release Nos. 33–6461; 34–19674; File No. S7–968]

Accounting for Internal Costs of Developing Computer Software for Sale or Lease to Others

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rules.

SUMMARY: The Commission is proposing to prohibit the capitalization of internal costs of developing computer software for sale or lease to others by registrants that have not previously disclosed the adoption of such a practice. This action is proposed in order to prevent further divergence in practice in accounting for such costs. The proposed rules would also require registrants that have previously disclosed the adoption of such a practice to disclose the effect on net income of not expensing all such costs as incurred. When the authoritative accounting literature provides better guidance for determining (1) which activities associated with developing such computer software are not research and development activities, and (2) the appropriate accounting for costs of those activities, if any, which are not research and development activities, the Commission will reconsider any rules adopted by it in this area.

DATE: Comments should be received by the Commission on or before May 31, 1983.

ADDRESS: Comment letters should refer to File No. S7–968 and should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 450 5th Street, NW., Washington, D.C. 20549. All comments received will be available for public inspection and copying in the Commission's Public Reference Room, 450 5th Street, NW., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Marc D. Oken or Robert K. Herdman (202/272–2130), Office of the Chief Accountant, or Howard P. Hodges 272–2553), Division of Corporation Finance, Securities and Exchange Commission, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION:

Background

The Commission believes that most registrants engaged in the business of selling, leasing or otherwise marketing computer software to others expense all internal software development costs as incurred. However, the Commission is concerned about the increasing number of registrants that are capitalizing internal costs of developing computer software. Since these costs can constitute a significant percentage of operating costs incurred by registrants in the computer software industry, the method of accounting for them can have a material impact on financial position and results of operations. Furthermore, the existence of differing accounting practices has created a source of incomparability between the financial statements of those registrants that are capitalizing such costs and others in the industry that are expensing them.

As discussed further below, two separate pronouncements of the Financial Accounting Standards Board ("FASB") and an FASB staff technical bulletin have addressed the accounting for internal software development costs in the context of the relationship of computer software development activities to research and development activities.[1] Nonetheless, the existing literature has not prevented the diversity of practice which is developing. Because of the increasing diversity of practice in this area, the Commission believes that the existing accounting literature should be clarified to provide more explicit guidance for determining which computer software development activities do not constitute research and development activities and to specify the appropriate accounting for the costs of any such activities that are

[1] In Statement of Financial Accounting Standards No. 2, "Accounting for Research and Development Costs" ("SFAS No. 2"), the FASB required that the costs of research and development activities be charged to expense as incurred.

determined not to be research and development activities.

In recognition of this need for clarification, the Accounting Standards Executive Committee ("AcSEC") of the AICPA and the Association of Data Processing Service Organizations ("ADAPSO") have formed a joint task force to develop issues papers for consideration by the FASB. The Commission understands that the objectives of the proposed issues papers are to clarify the requirements for accounting for software development costs, as well as to address other financial reporting issues of importance to the computer software industry (such as principles governing revenue recognition and guidance concerning amortization periods for purchased and any internally developed software that is capitalized). The Commission is concerned that until such time as the accounting literature is clarified for software development activities, the present diversity in practice will lead to increased use of the capitalization method without adequate guidance as to either its propriety or the proper subsequent accounting of costs that have been capitalized. Therefore, the Commission is issuing this release to propose a prohibition on the capitalization of such costs by any registrant that has not previously followed that practice. When adequate guidance has been developed, the Commission will reconsider any rules adopted by it in this area.

Existing Accounting Literature

The FASB's conclusion in SFAS No. 2 (October 1974) that the costs of all research and development activities should be expensed as incurred was stated to be based on both the uncertainty of future benefits derived from such activities and the lack of causal relationship between expenditures made and any future benefits.[2] SFAS No. 2 provides general examples, applicable to companies in all industries, of activities that typically would be included in or excluded from the definition of research and development. In paragraph 31, it also provides the following example specifically applicable to computer software development:

> [E]fforts to develop a new or higher level of computer software capability intended for sale (but not under a contractual arrangement) would be a research and development activity encompassed by this Statement.

[2] SFAS No. 2, paragraphs 30–41. The concept of future benefits discussed by the FASB includes commercial success in the marketplace.

Soon thereafter, in February 1975, the FASB issued FASB Interpretation No. 6, "Applicability of FASB Statement No. 2 to Computer Software" ("Interpretation No. 6"), in an effort to explain further the relationship of costs incurred to develop computer software to the general examples used in SFAS No. 2 for the identification of research and development costs. Paragraph 7 of Interpretation No. 6 addresses development of software as a product or process to be sold, leased, or otherwise marketed. It provides that:

> [I]f the development of software is undertaken to create a new or significantly improved product or process without any contractual arrangement, costs incurred for *conceptual formulation or the translation of knowledge into a design* would be research and development costs. Other costs, including those incurred for programming and testing software, are research and development costs when incurred in the search for or the evaluation of product or process alternatives or in the design of a pre-production model. On the other hand, costs for programming and testing are *not* research and development costs when incurred, for example, in routine or other on-going efforts to improve an existing product or adapt a product to a particular requirement or customer's need. (Emphasis in original.)

This language basically tracks the general examples of SFAS No. 2 in an equally broad manner and, until recently, has generally been interpreted in practice as requiring that all internal computer software development costs, other than those incurred for relatively minor modifications of existing products, be expensed.

Finally, in December 1979 the FASB staff issued Technical Bulletin No. 79–2, "Computer Software Costs" (TB 79–2"), in response to a request by the software industry for clarification of SFAS No. 2 and Interpretation No. 6. In TB 79–2, by reference to the criteria of SAFS No. 2, the FASB staff stated that not all computer software *production* costs must necessarily be considered research and development costs.[3] However, neither a specific definition of production nor any other guidance as to the activities which are not research and development activities was provided.

[3] "Production" is a term generally used by the industry to denote programming and testing activities. In this regard, the Commission staff has learned that some believe that the nature of production activities is such that they should never be considered to be research and development activities. They base this conclusion on their opinion that these activities represent routine implementation of a program's design, and point out that a working pre-production model does not exist in the conventional sense. Thus, they would consider production activities associated with both new products and routine enhancements of existing products to be other than research and development activities.

TB 79–2 did, however, add the warning that "a determination that software production costs are not research and development costs does not necessarily mean that they would be inventoriable or deferrable to future operations. Those decisions can only be made in light of all of the facts and circumstances surrounding the particular situation."

Recent Developments

The Commission's staff has recently noted that an increasing number of registrants in the computer software sales and service industry are capitalizing material amounts of internal software development costs. Through the comment process, the staff has learned that these registrants believe that the existing accounting literature permits such capitalization because they have expensed costs that they consider to be related to research and development activities (essentially those incurred through the "conceptual formulation and design" phase), and have capitalized only what they consider to be "production" costs. In some instances these registrants have limited capitalization to projects which contend are intended to result in "routine improvements of existing products."[4] Other registrants have also capitalized production costs associated with new products.

The Commission is concerned about the propriety of capitalization of costs of all production activities in the absence of more definitive guidance. The nature of the attendant programming and testing functions may continually require revisions to the original plans such that the "conceptual formulation or the translation of knowledge into a design" phase may continue throughout the length of the project. Further, even

[4] Following are two examples of the types of products characterized as routine improvements by these registrants. The first involves adaptation of a previously developed software application to a higher level of computer hardware capability. The second involves integration of a new processing application into a previously developed package of applications. In some cases, the package of applications can be marketed either with or without the new application; in others, only the upgraded package can be marketed. In both situations, as well as in the development of new products, these activities have often required that significant costs be expended over an extensive period of time. In order to distinguish their activities from the development of new products, the registrants have contended that, since their basic "product" has already been developed, the current activities are "routine or other on-going efforts to improve an existing product" which are assured of successful completion. The Commission believes, however, that because of the nature of these activities, the amounts expended, and the extended development period, these efforts might also be viewed as the "creation of a new or significantly improved product or process."

though the companies may engage in these activities only after studying market needs, there typically is uncertainty whether any products ultimately produced will effectively meet those needs, or that the needs will still exist when the development project is completed. For example, others may develop programs that perform the application more efficiently or may create the same capability with a reduced expenditure of cost, thus creating a competitive advantage. Also, rapid changes in industry technology may result in some product obsolescence by the time the product is introduced. These latter considerations were among the factors inherent in the FASB's conclusions on accounting for research and development costs in general. They should also be important facts and circumstances to be evaluated in connection with a descision to capitalize production costs.

Conclusion

The above matters are expected to be addressed by the joint task force AcSEC, and ultimately by the FASB so that registrants in the computer software development industry will have sufficient guidance in accounting for the various costs involved to ensure comparable financial reporting for similar situations. In view of these anticipated private sector actions, the Commission has concluded that it should not seek to develop definitive accounting guidelines in this area at the present time. However, the Commission is concerned that the current trend toward capitalization will continue until such time as appropriate clarification of the existing standards is accomplished. This would increase the incomparability of financial information among registrants in the computer software industry and also may result in inappropriate capitalization of costs by some registrants.

Accordingly, the Commission has determined to propose a new Rule 3–21 of Regulation S–X [17 CFR Part 210]. This rule would provide that companies which had not disclosed the practice of capitalizing internal computer software development costs [5] either in audited financial statements issued prior to the date of this release,or in a report or registration statement filed with the Commission prior to the date of this release, shall not follow such a practice in financial statements filed with the Commission after that date.[6] Companies which have so disclosed such a practice prior to that date may continue to apply it on a consistent basis to the extent the methods of applying the practice are not inconsistent with the accounting literature that does exist. In view of the Commission's understanding as to the predominant accounting practice of the industry, the proposed rules would also require disclosure by registrants that are permitted to continue to capitalize such costs, of the effect on net income (and earnings per share) of following such a practice as opposed to charging to expense all such costs as incurred.

The Commission also reminds registrants that have capitalized such costs that their financial statements should include disclosure of the policies being followed, together with the amounts of such costs and related amortization. The method and period of amortization, as well as the bases therefor, should also be disclosed in the notes to the financial statements.

In reviewing specific registrant cases, the Commission staff has noted that the period over which capitalized costs of purchased and internally developed software are currently being amortized has ranged from three years to as many as seven years. In determining an appropriate amortization period based on the relevant facts and circumstances, registrants should carefully consider the rapid pace of technological development and the increased competition and growth in this industry. The Commission believes that such factors dictate the use of very short amortization periods.

List of Subjects in 17 CFR Parts 210 and 239

Accounting, Reporting and recordkeeping requirements, Securities.

Text of Proposed Rules

Chapter II Title 17 of the Code of Federal Regulations is proposed to be amended as follows:

PART 210—FORM AND CONTENT OF AND REQUIREMENTS FOR FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, INVESTMENT COMPANY ACT OF 1940, AND ENERGY POLICY AND CONSERVATION ACT OF 1975

1. By adding § 210.3–21 to read as follows:

§ 210.3–21 Special provisions as to financial statements of companies engaged in marketing computer software.

(a) Companies which had not disclosed the practice of capitalizing internal costs of developing computer software as a product or process to be sold, leased, or otherwise marketed to others in either: (1) Audited financial statements issued prior to April 14, 1983; or (2) a report or registration statement filed with the Commission prior to April 14, 1983; shall not follow such a practice in financial statements filed with the Commission after April 14, 1983.

(b) Because the term product also encompasses services that are sold, leased, or otherwise marketed to others, the prohibition in paragraph (a) of this section applies, for example, to a data processing service bureau or a computer time-sharing company.

(c) A company which, pursuant to paragraph (a) of this section continues to follow the practice of capitalizing internal costs of developing computer software as a product or process to be sold, leased, or otherwise marketed to others, shall disclose for each period for which an income statement is required to be presented, the effect on net income (and earnings per share) of not charging all such costs to expense as incurred.

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

2. By adding Item 21(j) in Form S–18 in § 239.28 to read as follows (Form S–18 does not appear in the Code of Federal Regulations):

§ 239.28 [Form S–18, amended]

* * * * *

Item 21(j) Special instructions for companies engaged in marketing computer software

(1) Companies which had not disclosed the practice of capitalizing internal costs of developing computer software as a product or process to be sold, leased, or otherwise marketed to others in either: (1) Audited financial statements issued prior to April 14, 1983; or (2) a report or registration statement filed with the Commission prior to April 14, 1983; shall not follow such a practice in financial statements filed with the Commission after April 14, 1983.

(2) Because the term product also encompasses services that are sold, leased, or otherwise marketed to others, the prohibition in (1) above applies, for example, to a data processing service bureau or a computer time-sharing company; or

(3) A company which, pursuant to (1) above, continues to follow the practice of capitalizing internal costs of developing computer software as a product or process to be sold, leased, or otherwise marketed to others, shall disclose for each period for which an income statement is required to be

[5] This conclusion applies to all development of software as a product or process to be sold, leased, or otherwise marketed. For the reasons set forth in paragraph 7 of Interpretation No. 6, it also applies to internal costs incurred in developing software to be used by a data processing service bureau or a computer time-sharing company.

[6] A revision to form S–18 is also proposed since financial statements included in registration statements on that form are not prepared pursuant to all of the provisions of Regulation S–X.

presented, the effect on net income (and earnings per share) of not charging all such costs to expense as incurred.

* * * * *

Authority: These rules are being proposed pursuant to the authority in Sections 5, 6, 7, 10, 19a and Schedule A(25) and (26) of the Securities Act of 1933, 15 U.S.C. 77e, 77f, 77g, 77j, 77s(a), 7nn(25) and (26); and Sections 12, 13, 14, 15(d), and 23(a) of the Securities Exchange Act of 1934, 15 U.S.C. 78l, 78m, 78n, 78o(d), 78w(a).

Pursuant to Section 23(a)(2) of the Securities Exchange Act, the Commission has considered the impact of these proposals on competition and it is not aware at this time of any burden that such rules, if adopted, would impose on competition. However, the Commission specifically invites comments as to the competitive impact of these proposals, if adopted.

In addition, the Commission is mindful of the cost to registrants and others of its proposals and recognizes its responsibilities to weigh with care the costs and benefits which result from its rules. Accordingly, the Commission specifically invites comments on the costs to registrants and others of the adoption of the proposals published herein.

By the Commission.

George A. Fitzsimmons,

Secretary.

April 14, 1983.

Initial Regulatory Flexibility Analysis

This initial regulatory flexibility analysis, which relates to proposed rules for financial statements of companies engaged in marketing computer software, has been prepared in accordance with 5 U.S.C. 603.

1. *Reasons for Proposed Action*—The Commission is proposing amendments to Regulation S–X and Form S–18 to prohibit the capitalization of internal costs of developing computer software for sale or lease to others by registrants that had not previously adopted such a practice.

As discussed in the section of the release entitled, "Recent Developments," the Commission staff has recently noted that an increasing number of registrants in the computer software sales and service industry are capitalizing material amounts of internal software development costs. Because cost registrants in the industry continue to expense all such costs as incurred, the trend towards capitalization has created a source of incomparability between the financial statements of those registrants that are capitalizing such costs and those registrants that are expensing them.

While the private sector has initiated activities intended ultimately to result in clarification of the requirements for accounting for such costs, the Commission is concerned that, until such time as appropriate clarification occurs, the present diversity in practice will lead to increased use of the capitalization method without adequate guidance as to either its propriety or the proper accounting for costs that have been capitalized. Should this occur, incomparability of financial information among registrants in the computer software industry would increase. Also, inappropriate capitalization of costs by some registrants might occur.

2. *Objectives*—As stated in the "Summary" to the release, the primary objective of the proposed rules is to prevent further divergence in practice in accounting for internal computer software development costs. To that end, the proposed rules would prohibit the capitalization of internal costs of developing computer software for sale or lease to others by registrants that had not previously adopted such a practice. When the accounting literature provides better guidance for determining (1) which activities associated with developing such computer software are not research and development activities, and (2) the appropriate accounting for costs of those activities, if any, which are not research and development activities, the Commission will reconsider any rules adopted by it in this area.

Further, in order to facilitate comparison of financial information of registrants engaged in such activities, and in view of the Commission's understanding as to the predominant accounting practice of the industry, the proposed rules would also require disclosure by registrants that have capitalized such costs of the effect on net income of following such a practice as opposed to charging to expense all such costs as incurred.

3. *Legal Basis*—The Commission is proposing the rules for financial statements of companies engaged in marketing computer software pursuant to the authority in Sections 5, 6, 7, 10, 19a and Schedule A(25) and (26) of the Securities Act of 1933, 15 U.S.C. 77e, 77f, 77g, 77j, 77s(a), 77nn(25) and (26); and Sections 12, 13, 14, 15(d), and 23(a) of the Securities Exchange Act of 1934, 15 U.S.C. 78l, 78m, 78n, 78o(d), 78w(a).

4. *Small Entities Subject to Rule*—For purposes of this analysis, the Commission is using the definition of "small business" as adopted in Securities Act Release No. 6380.[7] That release provides that when used in reference to the Securities Act, small business means any issuer whose total assets on the last day of its most recent fiscal year were $3 million or less and is engaged or proposes to engage in "small business financing." [8] When used with reference to an issuer or a person other than an investment company under the Securities Exchange Act, small business means an issuer or person that, on the last day of its most recent fiscal year, had total assets of $3 million or less. Accordingly, the amendments would affect all entities engaged in marketing computer software which fall within the Commission's definition of a "small entity." Since Form S–18 is available to non-reporting entities seeking to raise $5 million through the sale of their securities, a substantial portion of the registrants using the form would be "small businesses" as described above. It is not possible to estimate the number of small businesses that would be affected by the proposal, since issuers may use Form S–18 when they elect to make a public offering based on, among other things, general economic and market conditions and trends within the particular industry.

5. *Reporting, Recordkeeping, and Other Compliance Requirements*—The proposed rules would introduce no new data collection or recordkeeping requirements for any companies which are engaged in marketing computer software. Information about internal costs of developing such software is already generally available as an integral part of existing accounting records and the proposed rules would only affect whether such costs are expensed as incurred or capitalized and amortized over future periods. For companies for which the latter accounting practice is permitted, the proposed requirement to disclose the effect on net income of not charging all internal software development costs to expense as incurred can be satisfied by a relatively simple calculation based on data already generally available as an integral part of existing accounting records.

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[7] Securities Act Release No. 6380 (January 28, 1982) [47 FR 5215].

[8] Small business financing is defined to mean conducting or proposing to conduct an offering of securities which does not exceed the dollar limitation prescribed by Section 3(b) of the Securities Act. The Section 3(b) limitation is presently $5 million.

Because the proposed rules would prohibit registrants from capitalizing internal software development costs if they had not disclosed such practice in the past, the proposed rules could have a significant impact on an individual registrant's reported net income. (There will be no effect on actual cash flows.) However, in view of the Commission's understanding that the predominant practice in the industry is to charge all such costs to expense as incurred, the Commission does not believe that this potential book income impact will have an effect on competitive position or the ability to sell securities in the capital markets.

6. *Overlapping or Conflicting Federal Rules*—The Commission believes that no present Federal rules duplicate or conflict with the proposals.

7. *Significant Alternatives*—Because the proposed rules are intended to prevent further incomparability of financial information among registrants in the computer software industry, the Commission believes that an exemption or an alternative approach designed particularly for small entities would not be appropriate. With respect to the reporting requirements of the proposed rules, the consideration of differing reporting or compliance requirements is not necessary since the proposed rules would not change the recordkeeping requirements or other compliance burdens.

In the Commission's view, the use of performance rather than design standards was not applicable since the proposals are not related to either performance or design standards.

8. *Solicitation of Comments*—The Commission encourages the submission of comments with respect to any aspect of this initial regulatory flexibility analysis and such comments will be considered in the preparation of the final regulatory flexibility analysis if the proposed amendments are adopted. The Commission is especially interested in any empirical data on the costs and/or benefits of the proposed amendments. Persons wishing to submit written comments should file four copies thereof with George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 450 5th Street, N.W., Washington, D.C. 20549. All submissions should refer to File No. S7–968 and will be available for public inspection at the Commission's Public Reference Room, 450 5th Street, N.W., Washington, D.C. 20549.

[FR Doc. 83–10823 Filed 4–20–83; 8:45 am]

BILLING CODE 8010–01–M

17 CFR Part 240

[Release No. 34–19673; File No. S7–967]

Initiation or Resumption of Quotations Without Specified Information

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rulemaking.

SUMMARY: The Commission is reevaluating whether there is a continuing need to regulate the publication by broker-dealers of quotations for certain over-the-counter securities. In connection with this examination, it is proposing for comment amendments to an existing rule that regulates the submission and publication of such quotations. The amendments would require those broker-dealers to maintain information concerning certain issuers of securities, including foreign issuers. The Commission is considering whether these actions are necessary to protect investors against fraudulent, deceptive and manipulative practices. Alternatively, the Commission is considering whether to rescind the Rule.

DATE: Comments must be received on or before June 14, 1983.

ADDRESSES: Interested persons should submit three copies of their written data, views and arguments to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549 and should refer to File No. S7–967. All submissions will be made available for public inspection at the Commission's Public Reference Section, Room 1024, 450 Fifth Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Kenneth B. Orenbach at (202) 272–7391; Office of Legal Policy and Trading Practices, Division of Market Regulation, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission is today proposing for comment amendments to Rule 15c2–11 (the "Rule") [1] under the Securities Exchange Act of 1934 (the "Act").[2] Rule 15c2–11 generally requires a broker-dealer to have information concerning an issuer before the broker-dealer may publish quotations in the issuer's securities. As more fully discussed in this release, the Commission has decided to review whether Rule 15c2–11 achieves its intended purposes and whether there is a continuing need for it. In connection with that review, the Commission is proposing amendments that would strengthen the Rule, particularly as it applies to foreign securities and certain other securities traded over-the-counter.

One of the proposed amendments would modify paragraph (f)(2), which currently excepts quotations regarding securities issued by certain foreign non-reporting issuers.

The proposal would require broker-dealers to maintain in their files the information that such issuers have furnished to the Commission during the preceding fiscal year pursuant to Rule 12g3–2(b). The proposal also requires broker-dealers that initiate quotations in American Depositary Receipts to maintain certain information concerning the issuer of the deposited foreign shares.

The Commission is also proposing an amendment which would extend the information maintenance and other requirements of the Rule to brokers and dealers who submit unpriced entries to inter-dealer quotation media. Unpriced entries based on unsolicited customer orders or indications of interest would continue to be excepted. Another amendment would prohibit the initiation of quotations for the securities of reporting companies that are delinquent in meeting their filing obligations under the Act.

In addition, the Commission is announcing that it is undertaking a review of paragraph (f)(3) of the Rule. Paragraph (f)(3), commonly known as the "piggyback" provision, excepts quotations from the substantive requirements of the Rule if the security being quoted has been the subject of two-way priced quotations on a certain number of days within the last thirty calendar days. This review will determine whether current compliance practices under the piggyback provision are consistent with the purposes of the Rule.

Finally, the Commission is soliciting comment on the compliance burdens associated with the information requirements of the Rule, and whether these burdens are warranted in view of the regulatory purposes of the Rule.

I. Background

Adopted in 1971,[3] Rule 15c2–11 was designed primarily to prevent certain manipulative and fraudulent trading schemes that had arisen in connection with the distribution and trading of unregistered securities issued by companies that had little or no assets,

[1] 17 CFR 240.15c2–11.

[2] 15 U.S.C. 78a–jj.

[3] Securities Exchange Act Release No. 9310 (Sept. 13, 1971).

earnings, or operations ("shell companies") [4] or other companies having outstanding but infrequently traded securities. The Rule was intended to prevent brokers and dealers from furnishing arbitrary initial quotations, and activity that was critical to the success of many of the unlawful schemes.

The Rule prohibits a broker or dealer from entering a quotation for a security in a quotation medium at a price unless it has specified information concerning the quoted security and the issuer [5] and, with respect to certain quotations, it furnishes certain information to the appropriate quotation medium two days prior to the publication of such quotation.[6] The Rule does not, however, apply to the publication of any entry in a quotation medium that is not a specified price ("name only entries").[7] It also excepts from its coverage the publication of quotations in securities that are quoted regularly (*i.e.*, that are the subject of both bid and asked quotations for a specified number of days during the preceding 30 day period) ("piggyback provision") as well as quotations for most exchange-traded and all municipal securities.

Today, most entries of quotations or indications of interest in inter-dealer quotation systems are not subject to the Rule. There are several reasons for this. In 1971 the NASD inaugurated an automated inter-dealer quotation system—NASDAQ—in which market-makers enter quotations for securities on a "real-time" basis and generally quote securities continuously. Those quotations therefore are eligible for an exception from Rule 15c2–11. The enhanced efficiency of the NASDAQ system over pre-existing inter-dealer quotation systems, such as The National Daily Quotation Service (the "pink sheets"), has caused most eligible securities to be quoted in that system. As a result, NASDAQ has become the principal quotation system for many over-the-counter securities while other inter-dealer quotation systems, such as the pink sheets, are now used as the principal quotation medium for the generally less frequently traded securities of lesser-known issuers or as a supplement to the typically more active securities in NASDAQ.

In fact, most securities that are quoted in the pink sheets relate to the thousands of lesser-known securities that are traded in what might be called the "residual" over-the-counter market.[8] Compared with "third market" stocks and the majority of over-the-counter stocks quoted in the NASDAQ system, those pink sheet securities are, in general, characterized by low levels of trading activity and dealer competition. Information concerning such stocks is often not readily available to the market place, few professional analysts regularly follow these stocks, and there is no tape or electronic display system designed to disseminate widely current quotations and other market information about these securities. Moreover, pink sheet stocks generally do not enjoy substantial liquidity, owing in large part to a lack of broad-based investor interest and dealer competition and the absence of any rules requiring the maintenance of continuous markets or firm priced quotes for such securities. Because the residual over-the-counter stocks are not quoted in NASDAQ, the pink sheets are critical to the dissemination of quotations by broker-dealers that wish to make a market in such securities. Rule 15c2–11 is the Commission's only oversight mechanism secifically designed to ensure that such quotations (and any upward movement in such quotations) are not clearly inconsistent with available information about the security being quoted.

In addition, perhaps because of the availability of priced quotations on a real-time basis in the NASDAQ system, broker-dealers using other inter-dealer quotation media, particularly the pink sheets, have increasingly elected to advertise their interest in a particular security by publishing name only entries, which are not subject to the Rule, rather than priced quotations, which may in those systems be stale when published.

Finally, as discussed more fully in this release, other practices appear to have developed under the piggyback provision that have decreased the efficacy of the Rule.

As a result of these developments, the Commission has determined to review all aspects of the Rule, including whether the self-regulatory surveillance mechanisms play, or can play, an important role in assuring compliance with the Rule. In that connection, the Commission is publishing for comment a number of proposed amendments to the Rule. The proposed amendments are discussed below.

II. Proposed Amendments

A. Rescission of Exemption for Foreign Issuers Granted by Paragraph (f)(2) of the Rule

Rule 15c2–11 does not apply, by reason of paragraph (f)(2), to securities of foreign issuers that are exempt from Section 12(g) of the Act pursuant to Rule 12g3–2(b). Although Section 12(g) applies to many foreign issuers, Rule 12g3–2(b) represents the Commission's resolution of the problem associated with imposing the burdens and obligations of Section 12(g) on foreign issuers that have not taken any initiative to introduce those securities into, or to promote, U.S. markets for those securities.[9]

Most securities of foreign issuers that are not listed on an exchange but otherwise would be required to be registered under, and subject to the reporting provisions of, Section 12(g) of the Act are exempted from those requirements by Rule 12g3–2(b).[10]

The Commission is concerned, however, about the increasing frequency with which unregistered foreign securities are quoted in inter-dealer quotations systems, including NASDAQ, often under circumstances where little or no current information about the issuer of the securities is available to the market place. For non-reporting foregin securities that satisfy the information-supplying exemption of

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[4] *See* Securities Exchange Act Release Nos. 9310 (Sept. 13, 1971) and 8909 (June 24, 1970).

There were several typical practices. One, for example, involved the acquisition of publicly-held shell companies by promoters who then engaged in various activities designed to raise the market price of the securities and, along with other insiders, took advantage of the subsequent price rise by selling their shares to the public at an inflated price Securities Exchange Act Release No. 4982 (July 2, 1969).

[5] The information requirements of the Rule are set forth in paragraph (a). They generally require a broker or dealer that wishes to enter a quotation for the securities of an issuer to maintain (i) in the case of an issuer that has conducted a recent public offering that was registered under the Securities Act of 1933 or effected pursuant to Regulation A, a copy of the prospectus or offering circular or (ii) in the case of a company that is required to file certain reports pursuant to Sections 13 or 15(d) of the Act or is an insurance company of the kind specified in Section 12(g)(2)(G), the issuer's most recent annual report and interim reports that have been filed thereafter. In the alternative, or where the issuer falls into none of the categories described above, the broker or dealer may acquire and maintain the information specified in paragraph (a)(4), including certain financial information.

[6] 17 CFR 240.15c2–11(d).

[7] Rule 15c2–11(e)(3) defines "quotation" as "any bid or offer at a specified price with respect to a security." Consequently, if a broker or dealer furnishes an entry in name only, offer wanted ("OW") or bid wanted ("BW"), it is not subject to the Rule. See text at n. 14, *infra*.

[8] In this regard, *see* Rogoff, *Legal Regulation of Over-the-Counter Market Manipulation: Critique and Proposal*, 28 Maine L. Rev. 149, 198 (1976).

[9] *See* generally H.R. Rep. No. 1418, 88th Cong., 2d Sess. 11 (1964).

[10] The Rule 12g3–2(b) exemption is conditioned upon, among other things, a requirement that the issuer (or an appropriate government agency in its domicile) furnish to the Commission copies of certain information required to be made public pursuant to the law of its domicile (or which is otherwise made available to its shareholders).

Rule 12g3–2(b), the Commission is proposing to amend Rule 15c2–11 to add a new paragraph (a)(4) that would require a broker or dealer quoting securities of a foregin private issuer that furnishes information to the Commission pursuant to Rule 12g3–2(b) to maintain in its records (and make available to investors upon request) the information furnished to the Commission since the beginning of the issuer's last fiscal year.[11] The broker or dealer would be permitted to rely on such information if it had no reasonable basis for believing that the materials so furnished and in its records were not true and correct. Such a proposal is consistent with the requirements and purpose of Rule 12g–3–2(b), but would also enhance investor protection without imposing undue burdens on broker-dealers or issuers.

The Commission also has certain concerns that arise when brokers or dealers make a market in American Depositary Receipts ("ADRs") that represent shares of a foreign issuer deposited with a depositary. In many instances, the information provided in Form F–6 under the Securities Act of 1933 will not relate to the issuer of the deposited security, notwithstanding that the ADR is the functional equivalent of shares of such issuer's securities.[12] Accordingly, in order to ensure that market-makers in ADRs maintain information concerning the issuer of the deposited foreign shares represented by the ADRs, the Commission is proposing for comment certain additional modifications to Rule 15c2–11.

First, the Commission is proposing to amend paragraph (a)(1) of the Rule, which permits quotations if the broker or dealer has in its records the prospectus relating to a registration statement under the Securities Act of 1933 which became effective within 90 days, to exclude specifically Form F–6 from the registration statements as to which paragraph (a)(1) is available, since a registration statement on that form relates to the ADRs and not to the issuer of the deposited foreign shares.

In addition, the Commission is proposing a new paragraph (e)(4) that will specifically provide that, for purposes of Rule 15c2–11, the issuer of the deposited foreign shares shall be deemed to be the issuer of any ADR proposed to be quoted under the Rule. The effect of this amendment would be to require brokers and dealers that wish to publish quotations for ADRs to maintain the information required by the Rule concerning the issuer of the deposited shares.

These amendments should not, as a practical matter, impose an undue burden on brokers and dealers. Form F–6 requires that the foreign private issuer of foreign shares represented by ADRs registered on that form be in compliance with the periodic reporting requirements of the Act or Rule 12g3–2(b).[13] Consequently, the information required by Rule 15c2–11 will be publicly available. At the same time, the amendments would ensure that a market-maker in an ADR maintains information regarding the issuer of the foreign shares as if it were quoting the foreign shares directly.

B. Amendment to Paragraph (e): Unpriced Entries Subject to the Rule

The Commission is also proposing an amendment to the Rule that would require a broker or dealer to comply with its provisions when such broker-dealer publishes an entry without stating a price at which it would be willing to effect a transaction in the security.[14]

As originally published for comment in 1970, the Rule would have covered all unpriced entries.[15] At that time, however, commentators argued that the publication by a broker or dealer of an unpriced entry should not be made subject to the Rule's requirements because such a requirement would impose a substantial burden on brokers and dealers who effect isolated transactions in a security but do not have any interest in making a market in the security.[16] It was noted that a firm may publish an unpriced entry on behalf of a customer solely for the purpose of executing an unsolicited buy or sell order or when it is interested only in acquiring an investment position in a security. In adopting the Rule, the Commission decided to exclude all unpriced entries from its requirements.

As previously noted, since the adoption of the Rule, the practice of publishing unpriced entries, instead of priced quotations, has become increasingly common in quotation media that permit such entries. The result has been that dealers interested in making a market in a security on a continuous basis can and frequently do so without having to comply with the Rule. Specifically, such dealers can publish unpriced entries daily in quotation media and, when contacted regarding their trading interest, furnish quotations in the security. Those quotations may be the primary indications of trading interest in a security and the broker or dealer may influence the development of an active trading market that would not otherwise have existed. As a result of the increased use of this practice, the Rule may no longer reach activities that it was intended to cover. Accordingly, the Commission has determined to publish for comment an amendment that would require a broker or dealer to comply fully with the Rule if it publishes an unpriced entry. Another amendment proposed today would, however, exclude from the Rule all entries that represent unsolicited customer orders and thus should largely resolve the concerns that lay behind the original exclusion of unpriced entries.

C. Amendment to Paragraph (f): Exception for Quotations Representing Unsolicited Customer Orders

When an order is unsolicited, the trading interest is not initiated by the broker, and the broker generally would not have a motive to affect the market price for the security involved. If a quotation or indication of interest represents such an order, there appears to be little potential for manipulative abuse. Accordingly, the Commission is

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[11] Existing paragraph (a)(4) would be redesignated paragraph (a)(5). The Commission has also proposed amendments to Rule 12g3–2 that would require issuers to become reporting companies if their securities are to be quoted in NASDAQ. *See* Securities Act Release No. 6433 (October 28, 1982)

[12] The Commission recently adopted Form F–6, which replaces Form S–12. The new F–6 is a form for the registration of ADRs under the Securities Act of 1933. *See* Securities Act Release No. 6459 (March 18, 1983). Form F–6, among other things, requires that the foreign private issuer of securities represented by the ADR become a reporting company or comply with the information supplying exemption of Rule 12g3–2(b).

[13] In contrast, Form S–12 contained an undertaking pursuant to which the depositary agreed, among other things, to furnish to the Commission any information that it actually received from the issuer of the underlying securities.

[14] Brokers and dealers may indicate their trading interest in an inter-dealer quotation system in several ways. In certain systems, such as the pink sheets, a broker or dealer may enter a priced quotation on both the buy and sell sides or on one side only. As an alternative, a broker or dealer may advertise that it is interested in buying or selling a particular security without entering a bid or offer price. Specifically, it may insert (i) "OW" (offer wanted), indicating that the firm is interested in receiving quotations from persons who want to sell the security; (ii) "BW" (bid wanted), indicating that it is interested in receiving quotations from persons who want to buy the security; or (iii) the firm's name only, indicating that the firm wants to advertise its general interest in both purchasing and selling the security. In the NASDAQ system, however, a firm may insert only two-sided quotations, *i.e.*, entries at a price on both the buy and sell sides of the market.

[15] Securities Exchange Act Release No. 8909 (June 24, 1970).

[16] *See* letter from Gordon S. Macklin, President, National Association of Securities Dealers, Inc., to Orval L. DuBois, Secretary, SEC, dated July 27, 1970, and letter from Carl W. Schneider, Esq., to Orval L. DuBois, Secretary, SEC, dated August 12, 1970, which are contained in the Commission's public file relating to the original rulemaking proceeding for the Rule.

proposing an amendment to the Rule that would except from its provisions the publication or submission of any quotation on behalf of a customer whose order was unsolicited.[17] The exception would not be available if the quotation represented an unsolicited order from another registered broker or dealer.

D. Review of the "Piggyback" Provision and Existing Compliance Practices

Paragraph (f)(3) excepts from the Rule's provisions any quotation with respect to a security that has been the subject of both bid and asked quotations on at least twelve of the preceding thirty days and for which no more than four consecutive business days during that period have elapsed since such a two-way quotation has been published. This provision, which is commonly referred to as the "piggyback" provision, is designed to limit the application of the Rule to securities that have not been actively quoted in the recent past.[18] Because of certain procedures in the National Quotation Bureau's application process, however, brokers and dealers may be able to enter quotations in the pink sheets for a security in purported reliance on the piggyback provision during the thirty days after the publication of any other quotation or unpriced entry for the same security, although it is not clear to what extent this practice has become prevalent.[19]

The practice described above is not permissible under the current piggyback provision and may undermine the original purpose of the provision.[20] It raises particular concerns in the context of trading suspensions, many of which are associated with an issuer's failure to satisfy its statutory disclosure obligations. If, after a trading suspension expires, brokers and dealers resume quoting securities before a disclosure deficiency has been cured in reliance on quotations that were entered before the trading suspension began, those quotations may be made on the basis of inadequate information about the issuer. Strict compliance with the piggyback provision would normally prevent broker-dealers from entering quotations in reliance on it if at any time during the previous thirty days there had been a trading suspension in the security.[21]

The Commission intends to review current compliance practices under the provision and specifically solicits the views of interested persons on current compliance practices under it. The review is designed to determine whether current practices by broker-dealers are satisfactory and whether any modification of the provision by the Commission would be appropriate, and specifically, whether there are other formulations that would achieve the same result while at the same time imposing fewer constraints on brokers and dealers.

E. Amendment to Present Paragraph (a)(4): Information Requirement Concerning Reporting Companies and Exempt Insurance Companies

Present paragraph (a)(4) of the Rule (to be redesignated paragraph (a)(5)) permits a broker or dealer to publish or submit quotations for a security if it maintains in its records certain specified financial and other information relating to the issuer and the security. The paragraph does not specify the type of issuer with respect to which, or the circumstances under which, brokers and dealers may rely upon paragraph (a)(4). Consequently, although the provision was intended primarily to regulate quotations for the securities of small non-reporting companies that have not conducted recent public offerings, in its current form, it would permit a broker or dealer to rely on paragraph (a)(4) in other circumstances.

When a reporting company is delinquent in complying with its periodic reporting requirements under the Act, or an exempt insurance company has not filed its required annual statement with the appropriate state regulatory agency, brokers and dealers may not rely on paragraph (a)(3) to quote the company's securities. As currently drafted, however, paragraph (a)(4) would permit a broker or dealer to publish quotations for the company's securities if it had the requisite information specified in that paragraph. That result would obtain under the Rule even though the information called for under paragraph (a)(4) frequently would fall short of the information the company is required to make public under the Act.

The Commission believes that brokers and dealers should not be permitted to enter quotations for the securities of a company that is delinquent in meeting its statutory disclosure obligations. In the Act, the Congress established a system of continuous disclosure by issuers that (i) have a class of equity securities traded on a national securities exchange, (ii) meet certain minimum criteria relating to assets and number of shareholders, or (iii) have sold securities to the public pursuant to an effective registration statement.[22] In enacting this framework, the Congress determined that such issuers have a special obligation to their shareholders to makes certain information available to investors and the market place.

In view of the congressional policy concerning disclosure by issuers, it seems inappropriate to permit brokers and dealers to enter quotations concerning the securities issued by companies that have not met their reporting obligations. Consequently, the Commission is proposing an amendment that would prohibit a broker or dealer from relying on paragraph (a)(4) (new paragraph (a)(5)) when it enters quotations for the securities of a reporting company or an exempt insurance company.

III. Deregulatory Alternative

As noted above, the Commission believes that the purposes of Rule 15c2–11 cannot be fully achieved unless certain changes are made. At the same time, however, the Commission recognizes that such changes may be accompanied by certain additional

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[17] If the amendment that subjects all unpriced entries to the Rule is adopted, this amendment would except all unpriced entries, as well as priced quotations, on behalf of customers whose orders are unsolicited.

[18] As a practical matter, subsequent to the initiation of quotations, securities quoted in NASDAQ today are excepted from the operation of the Rule by the piggyback provision, since these securities are the subject of two-sided quotations for at least 12 days during the preceding 30 day period without a four day interruption. Because securities quoted on NASDAQ generally raise none of the concerns on which the Rule is based, the Commission invites comment on whether the Rule should be amended to except NASDAQ securities. Commentators are also requested to address the question whether such an exception, if appropriate, should exclude securities in the system that have been summarily suspended from trading for ten days by the Commission on the basis of a disclosure deficiency by the issuer, since such securities would no longer qualify for the piggyback provision and information relating to the security would not be current until the deficiency is cured.

[19] This practice, if permitted, would allow piggybacked quotations to be made without requiring current information to be maintained about an issuer and under circumstances in which significant market activity for the security may not exist.

[20] In this connection, the Commission seeks comment as to whether market-makers generally maintain, apart from the requirements of the Rule, "due diligence" files containing current information on some or all over-the-counter stocks in which they make markets.

[21] Summary trading suspensions under Section 12(k) of the Act typically last ten days. Such a cessation in trading and in activities designed "* * * to induce the purchase or sale of, any security in which trading is so suspended," would preclude brokers and dealers from complying with the strict terms of the piggyback provision because they would be unable to show that there has been "* * * no more than four business days in succession without * * * a two-way quotation * * *" during the previous thirty days, as required by the piggyback provision.

[22] *See* Sections 12(b), 12(g) 13(a), 13(b) and 15(d) of the Act; 15 U.S.C. 78*l*(b), 78*l*(g) 78m(a), 78m(b), and 78*o*(d).

regulatory restraints on some broker-dealers and the markets which they serve.

The proposed revisions to the Rule would require some broker-dealers to obtain and maintain information that they otherwise might not acquire. Also, tighter enforcement of the piggyback provision might cause some broker-dealers to discontinue placing quotations in the pink sheets for some thinly traded securities. This might decrease market liquidity. Similar arguments might be made against application of the Rule to quotations not at a price or the proposed requirement that certain information be maintained respecting securities of foreign issuers exempt from Section 12(g) of the Act.

In this regard, the Commission intends to reevaluate Rule 15c2–11 in its entirety and determine whether there is a continuing need for some or all of its provisions. In this connection, the Commission invites comments on the following questions:

1. What are the burdens on issuers of preparing the information required by the Rule and providing it to requesting broker-dealers and how should these costs be weighed against the purposes of the Rule?

Can some portion of the information requirement of the Rule be rescinded with little additional risk to investors but substantial savings to issuers?

2. What are the burdens to broker-dealers associated with obtaining the information required by the Rule and are these burdens significant in light of the regulatory purposes of the Rule?

3. Will a significant number of broker-dealers cease market-making in securities subject to the Rule rather than comply with its provisions as proposed to be amended?

4. To what extent do market-makers that publish quotations currently excepted from the Rule nevertheless maintain the information required by the Rule?

IV. Summary of Initial Regulatory Flexibility Analysis

The Commission has prepared an Initial Regulatory Flexibility Analysis in accordance with 5 U.S.C. 603 regarding the proposed amendments to Rule 15c2–11. The Analysis notes that the objective of requiring the Rule to apply to ADRs as well as foreign issuers that furnish information to the Commission pursuant to Rule 12g3–2(b) is to ensure that brokers and dealers have adequate information upon which to evaluate initial quotations for foreign securities and ADRs. The Analysis further states that the proposal to subject unpriced entries to the Rule lessens the possibility that brokers and dealers can engage in manipulative conduct by publishing unpriced entries on a regular basis without being subject to the Rule. Finally, the Analysis notes the inappropriateness of allowing broker-dealers to rely on present paragraph (a)(4) to quote securities of reporting companies that are delinquent in their statutory reporting obligations.

A copy of the Initial Regulatory Flexibility Analysis may be obtained by contacting Kenneth B. Orenbach, Division of Market Regulation, Securities and Exchange Commission, Washington, D.C. 20549 (202–272–7391).

List of Subjects in 17 CFR Part 240

Reporting requirements, Securities.

V. Statutory Basis and Text of Proposed Rule

Pursuant to sections 3, 10, 15, 17 and 23, 15 U.S.C. 78c, 78j, 78o, 78q and 78w, the Commission proposes to amend § 240.15c2–11 in Chapter II of Title 17 of the Code of Federal Regulations by revising paragraphs (a)(1), (e)(3) and (f)(2); redesignating paragraph (a)(4) as (a)(5) and inserting a new introductory clause in paragraph (a)(5); and adding new paragraphs (a)(4) and (e)(4) to read as follows:

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

§ 240.15c2–11 Initiation or resumption of quotations without specified information.

(a)* * *

(1) The issuer has filed a registration statement under the Securities Act of 1933, other than a registration statement on Form F–6, which became effective less than 90 calendar days prior to the day on which such broker or dealer publishes or submits the quotation to the quotation medium, *Provided* That such registration statement has not thereafter been the subject of a stop order which is still in effect when the quotation is published or submitted, and such broker or dealer has in his records a copy of the prospectus specified by Section 10(a) of the Securities Act of 1933;

* * * * *

(4) (i) The issuer is exempt from Section 12(g) of the Act by reason of compliance with the provisions of § 240.12g3–2(b), and

(ii) The broker or dealer wishing to submit for publication a quotation for such security has in its records, and makes reasonably available upon request to any person expressing an interest in a proposed transaction in the security with such broker or dealer, the information furnished to the commission pursuant to § 240.12g3–2(b) since the beginning of the issuer's last fiscal year, which the broker or dealer has no reasonable basis for believing is not true and correct; or

* * * * *

(5) The issuer of the security is not required to file reports pursuant to Section 13 or 15(d) of the Act, and is not an issuer exempted from Section 12(g) of the Act by Section 12(g)(2)(B) or (G) of the Act, and * * *

* * * * *

(e) * * *

(3) Except as otherwise specified in this rule, "quotation" shall mean any bid or offer at a specified price with respect to a security, or any indication of interest by a broker or dealer in receiving bids or offers from others for a security, or any indication by a broker or dealer that it wishes to advertise its general interest in buying or selling a particular security.

(4) "Issuer," in the case of quotations represented by American Depositary Receipts, shall mean the issuer of the deposited shares represented by such American Depositary Receipts.

(f) * * *

(2) The publication or submission by a broker or dealer, on behalf of a customer (other than a broker or dealer), of a quotation that represents the customer's indication of interest and a transaction not involving the solicitation of the customer's order.

* * * * *

VI. Solicitation of Comments

All interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should submit three copies thereof to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549, not later than June 14, 1983.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83–10646 Filed 4–20–83; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 64

[DOD Directive 1352.xx]

Management and Mobilization of Regular and Retired Military Members

AGENCY: Defense Department.

ACTION: Proposed rule.

SUMMARY: This proposed rule is being issued to implement the provisions of the Defense Officer Personnel Management Act and to implement Section 672(a) (as amended December 23, 1980), Pub. L. 96–584. This proposed rule provides specific DOD guidance on the peacetime management of retired military personnel, both regular and reserve, in preparation for their use during a mobilization or other emergency.

DATE: Written comments must be received by May 23, 1983.

ADDRESS: Office of the Deputy Assistant Secretary of Defense (Reserve Affairs), the Pentagon, Room 3C980, Washington, D.C. 20301.

FOR FURTHER INFORMATION CONTACT: Major Robert F. Norton, USAR, 202–697–0824.

SUPPLEMENTARY INFORMATION: This proposed rule is being submitted to the **Federal Register** under 5 U.S.C. 552(a)(1)(D) and 1 CFR 305.76–2.B.

List of Subjects in 32 CFR Part 64

Retired regular and reserve military personnel, Mobilization of retired military personnel.

Accordingly, it is proposed to amend Chapter I, 32 CFR by adding a new Part 64, reading as follows:

PART 64—MANAGEMENT AND MOBILIZATION OF REGULAR AND RETIRED MILITARY MEMBERS

Sec.
64.1 Purpose.
64.2 Applicability.
64.3 Definitions.
64.4 Policy.
64.5 Procedures.
64.6 Responsibilities.

Authority: 10 U.S.C. 688 and 672(a).

§ 64.1 Purpose.

This Part implements sections 688 and 672(a) of Title 10, United States Code by prescribing uniform policy and procedures governing the peacetime management of retired military personnel, both regular and reserve, in preparation for this use during a mobilization.

§ 64.2 Applicability.

This Part applies to the Office of the Secretary of Defense, the Military Departments (including their National Guard and reserve components), the Organization of the Joint Chiefs of Staff, and the Defense Agencies (hereafter referred to collectively as "DoD Components"). The term "Military Services," as used herein, refers to the Army, Navy, Air Force, Marine Corps, and Coast Guard (by agreement with the Department of Transportation).

§ 64.3 Definitions.

(a) *Key Employee.* A civilian employee who is vital to the defense of the United States in his or her civilian capacity and cannot be mobilized with the Military Services in the event of an emergency (see Part 44 of this title).

(b) *Retired Military Members* (hereafter called "military retirees"). All regular and reserve officers and enlisted members who retire from the Military Services under Chapters 61, 63, 65, 67, 367, 571, 573, or 867 of Title 10, United States Code and Chapters 11 and 21 of Title 14, United States Code; all reserve officers and enlisted members who are otherwise eligible for retirement under one of the above provisions of law but who have not reached age 60 and who have not elected discharge or are not members of the Ready Reserve or Standby Reserve (including members of the inactive Standby Reserve who meet the above criteria); and all members of the Fleet Reserve and the Fleet Marine Corps Reserve under section 6330 of Title 10, United States Code.

(c) *Military Retiree Categories.* (1) *Category I.* Nondisability military retirees under age 60 who have been retired less than 5 years.

(2) *Category II.* Nondisability military retirees under age 60 who have been retired 5 years or more.

(3) *Category III.* Military retirees, including those retired for disability, other than category I or II retirees.

§ 64.4 Policy.

It is the policy of the Department of Defense to use military retirees to meet the demands of mobilization or other emergencies. The Secretaries of the Military Departments are authorized to order any retired regular member to active duty at any time to perform duties deemed necessary in the interests of national defense in accordance with section 688 of Title 10, United States Code. Military retirees, both regular and reserve, may be ordered to active duty by the Secretaries of the Military Departments to satisfy mobilization requirements.

§ 64.5 Procedures.

(a) *Premobilization.* (1) *Preassignment of Categories I and II Military Retirees.* Generally, military retirees who are physically qualified shall be preassigned in peacetime, either voluntarily or involuntarily, to installations or to mobilization positions that must be filled within 30 days after mobilization and that are determined appropriate for retirees by the Secretary of the Military Department concerned. Key employees and category III retirees will not be preassigned. Severe hostilities may prevent the transmittal of mobilization orders to military retirees. Therefore, all military retirees preassigned to mobilization positions or installations, either voluntarily or involuntarily, shall be issued preassignment or contingent preassignment orders.

(2) *Category III Military Retirees.* The nature and extent of the mobilization of category III retirees shall be determined by each Military Service based on the retiree's military skill and the nature and degree of the retiree's disability. Age or disability alone may not be basis for excluding a retiree from service during mobilization.

(3) *Military Retirees Living Overseas.* Military retirees who live overseas shall be preassigned in peacetime to the maximum extent possible, as determined by the Military Service concerned, to meet mobilization augmentation requirements at overseas U.S. or an Allied military installations or activities that are near their places of residence. Preassignment orders shall be sufficiently complete so that written confirmation after the start of a mobilization is not necessary. Military retirees who do not reside within reasonable distances from U.S. military installations or activities shall have included in their preassignment orders a statement ordering them to report to the nearest U.S. military activity with follow-on reporting to their unit of assignment.

(4) *Military Retiree Information.* The development and maintenance of current information pertaining to the mobilization availability of military retirees shall be the responsibility of the Military Services. Such information shall include, but not be limited to, date of retirement, date of birth, current address, and military qualifications. In addition, the Military Services shall maintain information on categories I and II military retirees concerning availability for mobilization and physical condition. Indication of physical condition may be from certification by the individual military retiree. Moreover, each Military Service shall develop procedures for identifying categories I and II retirees and shall conduct screening of retirees using Part 44 of this title as guidance in formulating screening criteria.

(5) *Refresher Training.* Each Military Service shall determine the necessity for and the frequency of refresher training of military retirees, based on the needs of the Military Service and the specific military skill of the military retiree.

(b) *Mobilization.* (1) *General.* The Military Services shall establish plans and procedures to use, during a

mobilization, military retirees who meet specific skill and experience requirements.

(2) *Involuntary Order to Active Duty.* (i) *Regular.* The Secretary of a Military Department may order any retired regular member to active duty at any time to perform duties deemed necessary in the interests of national defense in accordance with section 688 of 10 U.S.C.

(ii) *Reserve.* The Secretary of a Military Department may order a retired member of a reserve component of a Military Service to active duty for the duration of a war or emergency and for 6 months thereafter on the basis of required skills, provided:

(A) War or national emergency has been declared by the Congress.

(B) The Secretary of the Military Department concerned, with the approval of the Secretary of Defense, determines there are not enough qualified reserves in an active status or in the Inactive National Guard, pursuant to 10 U.S.C. 672(a).

(3) *Time-Phased Mobilization.* The Military Services shall develop plans and procedures for ordering military retirees to active duty in accordance with a schedule that includes pre- and post-M-day requirements. These procedures shall consider mobilization manpower requirements and the incremental mobilization of National Guard and reserve components.

(4) *Partial Mobilization.* The Military Services shall develop plans and procedures for ordering to active duty only the number of military retirees required during partial mobilizations.

§ 64.6 Responsibilities.

(a) The *Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics)* shall establish policy for the management and mobilization of military retirees.

(b) The *Secretaries of the Military Departments* shall ensure that plans for the management and mobilization of military retirees are consistent with this Directive.

(c) The *Heads of the Military Services* shall:

(1) Prepare plans and establish procedures for mobilization of military retirees in conformance with this Directive.

(2) Determine the extent of military retiree mobilization requirements based on existing inventories and inventory projections for mobilization of qualified reservists in an active status in the Ready Reserve, the Inactive National Guard, or the Standby Reserve.

(3) Develop procedures for identifying category I and II retirees and conduct screening of retirees using Part 44 of this title for guidance.

(4) Maintain personnel records for military retirees and other necessary records, including date of birth, date of retirement, current address, documentation of military technical skills, and, for categories I and II military retirees and key employees, availability for mobilization, civilian employment as necessary, and physical condition. Data shall be maintained on retired reserve members in accordance with Part 114 of this title.

(5) Advise military retirees of their duty to provide the Military Services with accurate mailing addresses and any changes in civilian employment, military qualifications, availability for service, and physical condition.

(6) Preassign retired members, as necessary.

(7) Determine refresher training requirements.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

April 18, 1983.

[FR Doc. 83-10855 Filed 4-20-83; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD3 82-034]

Drawbridge Operation Regulations; South River, New Jersey

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of Consolidated Railroad Corporation, the Coast Guard is considering a change to the regulations governing the South River railroad drawbridge at South River, New Jersey. It is being proposed that the bridge be left in the open position from June 1 through October 31 except for the transit of a train. From November 1 through May 31 the draw would be opened upon 12 hours notice Monday through Friday, while openings on Saturdays and Sundays would require that notice be given prior to 6 p.m. on the preceeding Friday. This proposal is being made because there have been few requests to open the draw from November through May. This action should relieve the bridge owner of the burden of having a person constantly available to open the draw, and should still provide for the reasonable needs of navigation.

DATE: Comments must be received on or before June 6, 1983.

ADDRESS: Comments should be submitted to and are available for examination from 9 a.m. to 3 p.m., Monday. through Friday, except holdays, at the office of the Commander (oan-br), Third Coast Guard District, Bldg. 135A, Governors Island, New York 10004. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: William C. Heming (212) 668–7994.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data, or arguments. Persons submitting comments should include their name and address, identify the bridge, and give reasons for concurrence with or for any recommended change in the proposal. Persons desiring acknowledgment that their comments have been received should enclose a stamped, self-addressed postcard or envelope.

The Commander, Third Coast Guard District, will evaluate all communications received and will determine a final course of action on this proposal. The proposed regulations may be changed in light of comments received.

Drafting Information: The drafters of this notice are Richard A. Gomez, project manager and LCDR Frank E. Couper, project attorney.

Discussion of Proposed Regulations: The South River drawbridge provides access across South River for rail freight traffic traveling between East Brunswick and South River, New Jersey. This drawbridge provides a vertical clearance of four feet above mean high water when in the closed position. The waterway is used principally by recreational boaters, so it is being proposed that the bridge remain in the open postion from June 1 until October 31 except for closure for passage of about four trains per day. The bridge would require 12 hours notice from November 1 through May 31 except that notice would have to be given prior to 6 p.m. on Friday to obtain openings on Saturday and Sunday, or on the last working day to obtain openings before a holiday. A draft economic evalution has not been prepared since the bridge will remain in the open position (except for passage of a train) during the prime boating season.

Economic Assessment and Certification: These proposed regulations have been reviewed under the provisions of Executive Order 12291

and have been determined not to be a major rule. In addition, these proposed regulations are considered to be nonsignificant in accordance with guidelines set our in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5–22–80). As explained above, an economic evaluation has not been conducted since its impact is expected to be minimal. In accordance with section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)), it is certified that these rules, if promulgated, would not have a significant economic impact on a substantial number of small entities because there are none above the drawbridge that will be impacted as a result of this rule.

List of Subjects in 33 CFR Part 117

Bridges.

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Proposed Regulations: In consideration of the foregoing, the Coast Guard proposes to amend Part 117 of Title 33, Code of Federal Regulations by adding a new § 117.210(h) immediately after § 117.210(g) to read as follows:

§ 117.210 Raritan River and Arthur Kill and their navigable tributaries; bridges.

* * * * *

(h) South River, mile 2.8, (CONRAIL bridge) at South River, NJ. From June 1 through October 31, the draw shall remain in the open position except for passage of a train. From November 1 through May 31, the draw shall open on signal upon 12 hours notice during weekdays, and the draw shall open on signal on Saturday, Sunday, and holidays upon notice given prior to 6 p.m. on Friday or the last workday before a holiday.

(33 U.S.C. 499; 49 U.S.C. 1655(g)(2); 49 (CFR 1.46(c)(5); 33 CFR 1.05–1(g)(3))

Dated: April 4, 1983.

W. E. Caldwell,

Vice Admiral, U.S. Coast Guard Commander, Third Coast Guard District.

[FR Doc. 83–10849 Filed 4–20–83; 8:45 am]
BILLING CODE 4910–14–M

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33 CFR Part 165

[Reg. 83–03]

COTP Wilmington, NC, Safety Zone Regulations; Upper Cape Fear River, North Carolina

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is considering a proposal to close the Cape Fear River to all traffic from the Hilton Bascule Bridge down river to the Cape Fear Lighted Daymark #57 during the period of the annual Riverfest raft race on Sunday, 2 October 1983. The regulations are intended to reduce river congestion and ensure the safety of the participants in the Riverfest raft race.

DATE: Comments must be received on or before June 6, 1983.

ADDRESSES: Comments should be mailed to Commanding Officer, Marine Safety Office, 201 N. Front St., Suite 20, Wilmington, NC 28401. The comments will be available for inspection and copying at the Marine Safety Office, 201 N. Front St., Suite 20, Wilmington, NC. Normal office hours are between 7:30 a.m. and 4:00 p.m., Monday through Friday except holidays. Comments may also be hand delivered to this address.

FOR FURTHER INFORMATION CONTACT: Lieutenant K. C. Olds, Chief, Operations Department, Coast Guard Marine Safety Office, Wilmington, North Carolina, Phone: (919) 343–4892.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rule making by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this notice COTP Regulation 83–03 and the specific section of the proposal to which their comments apply, and give reasons for each comment. Receipt for comments will be acknowledged if a stamped self-addressed post card or envelope is enclosed. The rules may be changed in light of the comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

Drafting Information: The drafters of this notice are Lieutenant K. C. Olds, project officer for the Captain of the Port and Commander D. J. Kanter, project attorney, Fifth Coast Guard District Legal Office.

Discussion of Proposed Regulations: The Coast Guard received a proposal for a safety zone from Captain F. S. Conlon, USN (Ret) on behalf of Old Wilmington Riverfront, Inc., requesting that traffic on the Cape Fear River from the Hilton Bascule Bridge to the Cape Fear Lighted Daymark #57 be halted during the period of the annual Riverfest raft race on Sunday, October 2, 1983. More specifically, the proposed safety zone would prohibit any vessel (sailboat, pleasure craft, commercial vessel) other than designated safety boats and raft race participants, from movement within or through the safety zone. This will eliminate the extreme safety hazard created by moving vessels throwing large wakes, thereby upsetting raft race participants. The tenative duration of this safety zone will be from 1100 to 1500 on Sunday, October 2, 1983.

Economic Assessment and Certification: This proposed regulation is considered to be non-significant in accordance with DOT Policies and Procedures for Simplification, Analysis and Review of Regulations (DOT Order 2100.5). Its economic impact is expected to be minimal since the period of closure to river traffic will only be four hours. Vessel movement records indicate that commercial river traffic in this area of the Cape Fear River would be minimal during the period of closure and scheduling of commercial vessel movements can be adjusted if necessary to avoid the area during the closure times. The most impact, though non-economic, will be to the pleasure boat operators who have in past years lined the riverbanks during past raft races. They have in the past created safety hazards and much congestion in this area of the river during the raft race. Based upon this assessment, it is certified in accordance with Section 805(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that this regulation, if promulgated, will not have a significant economic impact on a substantial number of small entities. Also, the regulation has been reviewed in accordance with Executive Order 12291 of February 17, 1981, on Federal Regulation and has been determined not to be a major rule under the terms of that order.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

PART 165—[AMENDED]

In consideration of the foregoing, Part 165 of Title 33, Code of Federal Regulations is amended by adding a new § 165.T503 to read as follows:

§ 165.T503 Safety Zone.

(a) *Location.* The following area is a safety zone: The Northeast Cape Fear River from the Hilton Bascule Bridge down river to Point Peter and the Cape Fear River from Point Peter down river to Cape Fear Lighted Daymark #57.

(b) *Regulations.* (1) In accordance with General Regulation in § 165.23 of this part entry into or remaining in this

zone is prohibited unless authorized by the Captain of the Port.

(33 U.S.C. 1225 and 1231; 49 CFR Part 146; 33 CFR 165.3)

Dated: April 18, 1983.

C. M. Holland,

Captain, USCG, Executive Secretary, Marine Safety Council.

[FR Doc. 83-10653 Filed 4-20-83; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 86

[AMS-FRL-2351-1]

Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines; Gaseous Emission Regulations for 1985 and Later Model Year Heavy-Duty Engines

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability of information and extension of comment period.

SUMMARY: This Notice announces the availability of an EPA staff paper on certain issues related to emission standards and test procedures for 1985 and later model year heavy-duty engines (HDEs) and an extension of the comment period available for written comment on these issues. These actions are being taken as a continuation of EPA's rulemaking process to establish final regulations for 1985 and later HDEs.

DATES: The comment period on those issues covered in the staff paper will remain open until May 6, 1983.

ADDRESSES: The staff paper has been placed in Public Docket No. A-81-11, located at the Environmental Protection Agency, Central Docket Section, West Tower Lobby, Gallery 1, 401 M Street SW., Washington, D.C. 20460. The docket is open for inspection weekdays between 8:00 a.m. and 4:00 p.m. A reasonable fee may be charged for copying.

In addition, single copies of the staff paper may be obtained by contacting: Mrs. Jennifer A. Criss, Emission Control Technology Division, U.S. Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, MI 48105, (313) 668-4272.

Those persons desiring to provide written comment on the Staff paper should submit those comments to Docket No. A-81-11 at the Central Docket Section address given earlier.

Commenters desiring to submit proprietary information should clearly distinguish such information from other comments to the greatest extent possible, and label it "Confidential Business Information." Submissions containing such proprietary information should be sent directly to the EPA contact person indicated below, and not to the Public Docket, to ensure that proprietary information is not inadvertently placed in the docket.

Information covered by such a proprietary claim will be disclosed by EPA only to the extent, and by means of the procedures, set forth in 40 CFR Part 2. If no claim of confidentiality accompanies the information when it is received by EPA, it may be made available to the public without further notice to the commenter.

FOR FURTHER INFORMATION CONTACT: Mr. Glenn W. Passavant, Emission Control Technology Division, U.S. Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, MI 48105, (313) 668-4408.

SUPPLEMENTARY INFORMATION:

Background

EPA published a proposal in 1982 (47 FR 1642, January 13, 1982) to revise certain portions of the emission regulations for 1984 and later model year light-duty trucks and HDEs. In January 1983, the Agency finalized provisions for the 1984 model year (48 FR 1406, January 12, 1983) and proposed revised useful-life provisions for 1985 and later model years (48 FR 1472, January 12, 1983).

Today's Notice provides commenters further opportunity to comment on issues dealing with intermediate and long-term standards for HDEs and implementation of transient test procedures. These issues are discussed in depth in the EPA staff paper.

II. Review of EPA Staff Paper

The following discussion provides a brief overview of the staff paper's contents.

In approaching the issue of emission standards, the paper develops five options beginning with a baseline case and progressing in stringency to the implementation of the statutory 90 percent reduction levels on all HDEs. After considering the factors of cost, technical feasibility, and environmental impact, the analysis in the paper indicates that an intermediate strategy is the most desirable. That strategy involves heavy-duty diesel engines meeting the statutory standards of 1.3 grams per brake horsepower-hour (g/BPH-hr) hydrocarbon (HC) and 15.5 g/BHP-hr carbon monoxide (CO) in 1985, while heavy-duty gasoline engines would meet non-catalyst standards of 2.5 g/BHP-hr HC and 35 g/BHP-hr CO beginning in 1985. Beginning in either 1987 or 1988, (the choice of model year is discussed in the staff paper, but not resolved) emissions from heavy-duty gasoline engines would be further reduced by requiring those engines used in gasoline-engine powered trucks sold in Gross Vehicle Weight (GVW) categories IIB and III (less than 14,000 lbs. GVW) to meet the statutory levels of 1.3 g/BHP-hr HC and 15.5 g/BHP-hr CO.

Turning to test procedures, the staff paper analyzes questions surrounding alternative test procedures to the EPA transient test. The analysis suggests that, if alternative test procedures are allowed, they should be accompanied by adjustments in the emission standards to maintain equivalent emission rates to the statutory standards under the EPA test.

III. Public Participation

The Agency held a public workshop on April 6, 1983 to provide interested parties an opportunity to ask EPA questions regarding the contents of the staff paper, as well as to provide an opportunity for public reaction to the paper. No formal transcript of the workshop was taken, but it was recorded and a summary of the proceedings will be prepared and placed in the docket.

All previous commenters on this rulemaking were notified of the workshop by advance mail and given copies of the staff paper for review. In addition, it was EPA's intent to publish this Notice in advance of the public workshop. However, due to an inadvertent oversight this was not accomplished. The workshop was still held as scheduled, since all know parties to the rulemaking had been notified by mail. It is EPA's belief that this approach has not denied any party adequate opportunity to participate in the rulemaking. Any party questioning whether they have been afforded adequate opportunity should contact EPA through the person identified earlier under the heading "**For Further Information Contact:**."

Written comments on EPA's staff paper are invited. The record will remain open until May 6, 1983 and comments should be submitted to the EPA docket identified above. It is also requested, but not required, that a copy of any submittal be sent directly to the contact person indicated above.

Dated: April 11, 1983.

Kathleen M. Bennett,

Assistant Administrotor for Air, Noise and Radiation.

[FR Doc. 83-10817 Filed 4-20-20 83, 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

46 CFR Part 298

Vessel Obligation Guarantees; Waivers for Foreign Built Main Diesel Engines

AGENCY: Maritime Administration, DOT.

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: One of the requirements for eligibility to receive vessel obligation guarantees under Title XI of the Merchant Marine Act, 1936 (46 U.S.C. 1271–1279) is that the vessel be of United States construction. The applicable Maritime Administration (MARAD) regulation implementing this requirement is at 46 CFR 298.11. MARAD proposes to issue an amendment to this regulation that would adopt a policy to allow all applications for waiver of the "Buy American" requirement with respect to foreign-built high and medium speed diesel engines that are not built in the United States and which afford a specified energy savings.

DATE: All written comments by interested persons received on or before June 20, 1983, will be considered. Anyone submitting comments who wishes acknowledgment of its receipt by MARAD should include a stamped, self-addressed post card.

ADDRESS: Send the original and five copies of comments to the Secretary, Maritime Administration, Room 7300, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590.

All comments will be made available for inspection during normal business hours in Room 7300 at this address.

FOR FURTHER INFORMATION CONTACT: Mr. John Walter, Office of Ship Construction, Room 2103, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590, (202) 426-5727.

SUPPLEMENTARY INFORMATION: The Maritime Administration recognizes that there is an increased interest in the use of ship propulsion diesel engines that are capable of burning residual blended fuel. The availability of such engines from U.S. manufacturers, in certain power levels, is severely limited. The utilization of blended fuels in these diesel engines can result in substantial savings in vessel operating costs and will also conserve valuable distillate fuels. Accordingly, MARAD is giving consideration to a change in the Title XI regulations (§ 298.11 "Vessel requirements"). This amendment would adopt a policy to allow all applications for waivers to use foreign-built high and medium speed diesel engines, where the use of foreign engines would: (1) Result in a 10 percent energy savings (on a thermal basis); or (2) allow vessel operation using a lower quality fuel such that the magnitude of the distillate fuel consumed by the engine would be reduced by 50 percent over the best comparable U.S. built engine. Waiver procedures would follow current practice. Slow speed diesels would be covered by the existing MARAD Slow Speed Diesel Policy.[1] The cost of these foreign-built engines would be included in the total "actual cost" of the vessel, which is the basis for determining the limit for vessel obligation guarantees.

After reviewing the comments, MARAD will determine whether to proceed by publishing a Notice of Proposed Rulemaking, proposing specific changes to the regulations in 46 CFR Part 298. Pursuant to DOT Order 2100.5, this would be considered to be a nonsignificant regulation.

List of Subjects in 46 CFR Part 298

Banks, Banking, Loan programs—transportation, Mortgages, Mortgage insurance, Maritime carriers, and Uniform system of accounts.

Dated: April 15, 1983.

By Order of the Maritime Administrator.

Georgia P. Stamas,

Secretary

[FR Doc. 83-10804 Filed 4-20-83, 8:45 am]

BILLING CODE 4910-81-M

[1] **Federal Register** Notice Vol. 41, No. 90 of May 7 1976 (41 FR 18896) announced that: The Maritime Administration (MarAd) has determined that an exclusively domestic capability for the manufacturer of slow speed diesel engines for ship propulsion would be a valuable asset towards the national goal of having a modern and efficient U.S Merchant Marine * * *, that such a capability does not presently exist, * * * that a substantial time period as well as a significant capital expenditure will be required for its development * * * [and] that domestic manufacturers could produce slow speed diesel engines in a much shorter time period if certain foreign components may temporarily be incorporated therein. In view of the foregoing considerations, MarAd has determined that, as a matter of policy and under the authority provided by the "so far as practicable" exception of Section 505 * * * it, for a period of time reasonably required for the development of domestic sources for such components, will not withhold approval, for purposes of Title V [CDS], of vessel designs incorporating slow speed diesels solely on the basis of the presence of foreign components therein.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 649

American Lobster Fishery; Availability of Fishery Management Plan and Request for Comments

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of availability of a fishery management plan and request for comments.

SUMMARY: NOAA issues this notice that the New England Fishery Management Council has submitted a fishery management plan for the American lobster for Secretarial review and is requesting comments from the public. The plan proposes measures for managing the American lobster fishery in the Northwest Atlantic. Copies of the plan may be obtained from the address below.

DATE: Comments on the plan should be submitted on or before July 1, 1983.

ADDRESS: All comments should be sent to Mr. Allen E. Peterson, Jr., Regional Director, National Marine Fisheries Service, Northeast Regional Office, 14 Elm Street, Gloucester, MA 01930. Clearly mark, "Comments on Lobster Plan", on the envelop.

Copies of the plan are available upon request from Mr. Douglas G. Marshall, Executive Director, New England Fishery Management Council, Suntaug Office Park, 5 Broadway (route 1), Saugus, MA 01906.

FOR FURTHER INFORMATION CONTACT: Bruce Nicholls, Lobster Management Coordinator, 617–281–3600, ext. 324.

SUPPLEMENTARY INFORMATION: The Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) requires that each regional fishery management council submit any fishery management plan or plan amendment it prepares to the Secretary of Commerce (Secretary) for review and approval or disapproval. The act also requires that the Secretary, upon receiving the plan or amendment, must immediately publish a notice that the plan or amendment is available for public review and comment. The Secretary will consider the public comments in determining whether to approve the plan or plan amendment.

The plan proposes measures for managing the American lobster fishery in the Northwest Atlantic. On September 24, 1982, the Environmental

Protection Agency published a notice of availability of a draft environmental impact statement for this plan (47 FR 42157).

Regulations proposed by the Council and based on this plan are scheduled to be published within 30 days.

(16 U.S.C. 1801 *et seq.*)

Dated: April 18, 1983.

Joe P. Clem,

Acting Chief, Plan Review Division, National Marine Fisheries Service.

[FR Doc. 83-10845 Filed 4-20-83; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 48, No. 78
Thursday, April 21, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Judicial Review; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. No. 92–463), notice is hereby given of a meeting of the Committee on Judicial Review of the Administrative Conference of the United States, to be held at 10 a.m. Tuesday, May 3, 1983, in the seventh floor conference room at Cadwalader, Wickersham & Taft, 1333 New Hampshire Avenue, NW., Washington, D.C. The Committee will meet to discuss a draft recommendation on certification of claims under the Contract Disputes Act, based on a study by Thomas Madden and a study by Professor Colin Diver on articulation of agency policies.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Office of the Chairman of the Administrative Conference at least two days in advance. The Committee chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this meeting contact Mary Candace Fowler, Office of the Chairman, Adminsitrative Conference of the United States, 2120 L Street, NW., Suite 500, Washington, D.C. (Telephone: 202–254–7065.) Minutes of the meeting will be available on request.

Dated: April 18, 1983.

Richard K. Berg,

General Counsel.

[FR Doc. 83–10881 Filed 4–20–83; 8:45 am]
BILLING CODE 6110–01–M

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

1983 Crop Upland Cotton; Determinations Regarding 1983 Upland Cotton Loan Rate, Established (Target) Price, Advance Deficiency Payment Rate, Acreage Reduction Program, Paid Diversion Program, and Seed Cotton Loan Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice of determinations of the 1983 upland cotton loan rate, established (target) price, advance deficiency payment rate, acreage reduction program, paid diversion program, and seed cotton loan program.

SUMMARY: This notice affirms the following determinations made by the Secretary of Agriculture September 27, 1982 with respect to the 1983 crop of upland cotton: (1) A loan rate for Strict Low Middling one-and-one-sixteenth-inch upland cotton (micronaire 3.5 through 4.9) of 55.00 cents per pound; (2) an established (target) price of 76 cents per pound; (3) an advance deficiency payment rate of 6.4 cents per pound; (4) an acreage reduction program of 20 percent; (5) a paid land diversion program of up to 5 percent; and (6) the availability of a seed cotton loan program. These determinations are required to be made in accordance with sections 103 (g) and 107C of the Agricultural Act of 1949, as amended (hereinafter referred to as the "Act").

EFFECTIVE DATE: September 27, 1982.

ADDRESS: Director, Analysis Division, ASCS, USDA, Room 3741 South Building, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Charles V. Cunningham, Deputy Director, Analysis Division, USDA–ASCS, P.O. Box 2415, Washington, D.C. 20013, (202) 447–7954. The Final Regulatory Impact Analysis describing the options considered in developing these determinations is available on request from the above named individual.

SUPPLEMENTARY INFORMATION: These determinations have been reviewed in accordance with the provisions of Executive Order 12291 and Secretary's Memorandum No. 1512–1 and have been designated as "major." These determinations have been designated as "major" because they are expected to affect the supply and price of upland cotton during the 1983–84 marketing year, which will in turn impact upon producers, processors, exporters and consumers of cotton and cotton products.

The titles and numbers of the federal assistance programs that this notice applies to are: Title—Commodity Loans and Purchases, number 10.051, and Title—Cotton Production Stabilization, number 10.052, as found in the Catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice since there is no requirement that a notice of proposed rulemaking be published in accordance with 5 U.S.C. 553 or anyi other provisions of law with respect to the subject matter of these determinations.

1. *Loan Rate for Upland Cotton.* Section 103(g)(1) of the Act provides that the loan level for 1983-crop upland cotton must reflect for Strict Low Middling one-and-one-sixteenth-inch upland cotton (micronaire 3.5 through 4.9) at average location in the United States, the smaller of: (1) 85 percent of the average price (weighted by market and month) of Strict Low Middling one-and-one-sixteenth-inch cotton as quoted in the designated United States spot markets during three years of the five-year period ending July 31, 1982, excluding the years of the highest and lowest average prices, or (2) 90 percent of the average, for the fifteen week period beginning July 1, 1982, of the five lowest priced growths of the growths quoted for Middling one-and-three-thirty-seconds-inch cotton, C.I.F. northern Europe (adjusted downward by the average difference during the period April 15, 1982 through October 15, 1982 between such average northern European quotation and quotations in the designated United States spot markets for Strict Low Middling one-and-one-sixteenth-inch cotton (micronaire 3.5 through 4.9)). The loan level cannot be less than 55 cents per pound. If the northern European calculation is less than the spot market calculation, the Secretary may adjust the loan level upward, not to exceed the spot market calculation. The 1983 loan rate must be announced not later than

November 1, 1982 and cannot thereafter be changed.

2. *Established (Target) Price.* Section 103(g)(3)(B) of the Act provides that the established price for 1983-crop upland cotton shall not be less than the higher of: (a) 76 cents per pound plus any adjustments for changes in production costs or (b) 120 percent of the loan level determined in accordance with section 103 (g)(3)(1). Section 103(g)(3)(c) provides that the price of 76 cents per pound quoted in the preceding sentence may be adjusted as the Secretary determines to be appropriate to reflect any change in (a) the average adjusted cost of production per acre for the two crop years immediately preceding the year for which the determination is made (1981 and 1982) from (b) the average adjusted cost of production per acre for the two crop years immediately preceding the year previous to the one for which the determination is made (1980 and 1981). The adjusted cost of production for each of such years may be determined by the Secretary on the basis of such information as the Secretary finds necessary and appropriate and may include variable costs, machinery ownership costs, and general farm overhead costs, allocated to the crops involved on the basis of the proportion of the value of the total production derived from each crop.

3. *Advance deficiency payments.* Section 107C(b)(1) of the Act provides that if the Secretary establishes an acreage reduction program for the 1983 crop of upland cotton and determines that deficiency payments will likely be made, the Secretary shall make available advance deficiency payments to producers who agree to participate in such program. Section 107C(b)(2) further provides that advance deficiency payments shall be made as soon as practicable after the producer files a notice of intention to participate in such program, but in no case prior to October 1, 1982. The advance deficiency payments shall be in such amounts as the Secretary determines to be appropriate to encourage adequate participation in the program, except that any such amounts may not exceed an amount determined by multiplying the estimated farm program acreage for the crop times the farm program payment yield for the crop times 50 percent of the projected payment rate, as determined by the Secretary.

4. *Acreage Reduction Program.* Section 103(g)(9)(A) of the Act provides that the Secretary may establish a limitation on planted acreage if the Secretary determines that the total supply of upland cotton, in the absence of such limitation, will be excessive taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices and to meet a national emergency. Such limitation shall be achieved by applying a uniform percentage reduction to the acreage base for each cotton-producing farm. Producers who knowingly produce cotton in excess of the permitted acreage determined for a farm shall be ineligible for cotton loans and payments with respect to that farm. The acreage base for any farm for the purpose of determining any reduction required to be made for any year shall be the acreage planted on the farm to upland cotton for harvest in the immediately preceding year or, at the discretion of the Secretary, the average acreage planted to upland cotton for harvest in the two crop years immediately preceding the year for which the determination is made. For the purpose of determinng the acreage base, the acreage planted to upland cotton for harvest shall include any acreage which producers were prevented from planting to cotton or other nonconserving crop in lieu of cotton because of a natural disaster or other condition beyond the control of the producers. The Secretary may make adjustments to reflect established crop-rotation practices and such other factors as the Secretary determines necessary to establish a fair and equitable base. A number of acres on the farm determined by dividing (a) the product obtained by multiplying the number of acres required to be withdrawn from the production of upland cotton times the number of acres actually planted to upland cotton, by (b) the number of acres authorized to be planted to upland cotton in accordance with the acreage limitation established by the Secretary shall be devoted to approved conservation uses in accordance with regulations issued by the Secretary. If an acreage limitation is in effect for any crop, the national program acreage, program allocation factor, and voluntary reduction provisions of section 103(g) of the Act are not applicable to such crop. The individual farm program acreage shall be the acreage planted on the farm to upland cotton for harvest within the permitted upland cotton acreage established for the farm under the acreage reduction program.

5. *Land Diversion Program.* Section 103(g)(9)(B) of the Act provides that the Secretary may make land diversion payments, whether or not an acreage limitation is in effect, if the Secretary determines that such payments are necessary to assist in adjusting the total national acreage of upland cotton to desirable goals. Such land diversion payments shall be made to producers who, to the extent prescribed by the Secretary, devote to approved conservation uses an acreage of cropland on the farm in accordance with land diversion contracts entered into by the Secretary with such producers.

6. *Seed Cotton Loan Program.* Section (103)(g)(18) of the Act provides that in order to assist producers in the orderly ginning and marketing of their cotton production, the Secretary shall make recourse loans available to such producers on seed cotton in accordance with authority vested in the Secretary under the Commodity Credit Corporation Charter Act (15 U.S.C. 714 *et seq.*).

Production of upland cotton in 1982 is projected to be approximately 10.9 million bales. With estimated beginning stocks of 6.4 million bales, the total 1982 supply of upland cotton is projected to be 17.4 million bales. Total disappearance of upland cotton during the marketing year that began on August 1, 1982 is estimated to be 11.8 million bales. If these estimates are accurate, then carryover stocks on August 1, 1982 will equal about 5.7 million bales, which is deemed an excessive level.

Because of the large projected beginning stock level, it is likely that the supply of cotton in the 1983–84 marketing year again will be excessive. Therefore, options for an acreage reduction program ranging from 0 to 20 percent and options for a paid diversion program ranging from 0 to 10 percent were considered to reduce the production of upland cotton in 1983. A 20 percent acreage reduction program in combination with a 5 percent voluntary paid diversion program was selected because it was deemed the most cost-effective option to reduce supplies, raise market prices, and improve farm income.

A notice that the Secretary was preparing to make determinations with respect to these provisions was published in the **Federal Register** on July 16, 1982 (47 FR 31025). A total of forty-one comments was received, seventeen from producer associations and marketing cooperatives, twenty-three from individual producers, and one from a member of Congress. A summary of responses with respect to the 1983 crop of upland cotton is as follows:

1. *Loan rate:* Twenty-three respondents commented on the 1983 upland cotton loan rate. Five favored the statutory minimum of 55 cents; three suggested that the loan rate be

increased from 55 cents; five recommended a loan rate of between 60 and 65 cents; one requested a loan rate of 70 percent of parity; one a loan rate of 90 to 100 percent of parity; one favored a loan rate equal to production costs; one recommended establishing the loan rate at the cost of production plus a profit; two respondents suggested a loan rate equal to 90 percent of the cost of production if no acreage reduction program is implemented; one asked that production costs be considered; one recommended a loan rate of 95 cents; and two proposed that the loan program be discontinued altogether.

2. *Target price:* Fifteen respondents comment on the target price. Seven respondents favored a target price of 76 cents; one suggested a target price of 76 cents with no limitation on the amount of deficiency payments which a producer could receive; one recommended a target price of 81 cents; one recommended a target price of 86 cents; one recommended a target price of 88 cents; one respondent suggested a target of 70 cents for short staple cotton and 86 cents for longer staples; one respondent requested an increase of 30 percent in the target price; and two comments favored a target price commensurate with the cost of production.

3. *Acreage reduction program:* Nineteen comments were received with respect to the implementation of an acreage reduction program separate from a paid land diversion program. One respondent favored a 30 percent acreage reduction program with a 30 percent increase in the target price for program participants; four comments proposed a 25 percent acreage reduction program; one favored a mandatory 25 percent acreage reduction; one suggested a 15 to 20 percent acreage reduction; one recommended a mandatory 20 percent acreage reduction; two respondents favored a 15 percent acreage reduction; one suggested a reduction of at least 15 percent in combination with a cotton reserve program; one recommended a 10 percent acreage reduction; three recommended mandatory acreage reductions with no level specified; one favored an acreage reduction, if needed; one suggested an acreage reduction with no level specified; one favored an acreage reduction if 90 to 100 percent participation could be achieved; and one respondent opposed an acreage reduction program.

4. *Land diversion program.* Thirteen comments were received with respect to the implementation of a paid land diversion program separate from an acreage reduction program. Eight comments favored a paid diversion with no level specified; three comments suggested a 15 percent paid diversion; one recommended a 25 percent paid diversion; and one respondent opposed a paid diversion.

5. *Acreage reduction program in combination with a land diversion program.* Fourteen comments were received with respect to the combination of an acreage reduction program and a land diversion program. One respondent suggested a 50 percent acreage reduction with a 25 percent paid diversion; one favored a 25 percent acreage reduction with a 25 percent paid diversion; one proposed a 20 percent acreage reduction with a 15 percent paid diversion; three respondents recommended a 15 percent acreage reduction with a 10 percent paid diversion; one requested a total reduction of 25 percent; one proposed a 10 to 15 percent acreage reduction with a 10 percent paid diversion; one recommended a 15 to 20 percent acreage reduction with a 5 percent paid diversion; one favored a 15 percent acreage reduction with a 5 percent paid diversion; one comment suggested a 10 percent acreage reduction in combination with a 15 percent paid diversion; and three respondents recommended that the Secretary of Agriculture use all available resources to reduce the cotton carryover to 3.5 to 4.0 millon bales as rapidly as possible.

6. *Diversion payment rate.* Seven comments were received on the appropriate level for the diversion payment rate. Two respondents favored a diversion payment rate of 30 cents per pound; two suggested a rate of 20 cents per pound; one recommended 20 cents per pound times 75 percent of the farm program yield; one proposed that the government pay the costs of conservation practices which are required to be installed on diverted acres; and one recommended that a rate be established which would maximize program participation by producers.

7. *Seed cotton loan rate.* Seven comments were received with respect to the loan rate for seed cotton. Four respondents favored establishing a loan rate for seed cotton at the same level as the loan rate which is established for lint cotton adjusted to a lint basis. One comment suggested a rate of from 57.2 to 62.2 cents; one suggested 50 percent of the estimated yield at the lint rate; and one opposed a seed cotton loan rate.

8. *National program acreage (NPA).* Two comments were received on the national program acreage. One respondent favored an NPA level that would assure an adequate, but not excessive, supply and one suggested an NPA of 12,066,400 acres.

All comments received were duly considered by the Secretary. The purpose of this notice is to affirm determinations which were announced by the Secretary with respect to the 1983 crop of upland cotton in a press release issued on September 27, 1982. The following determinations were made by the Secretary on that date with respect to the 1983 crop of upland cotton:

Determinations

1. *Upland Cotton Loan Rate.* Based on the formula prescribed in Section 103(g)(1) of the Act, the loan rate for Strict Low Middling, one-and-one-sixteenth-inch upland cotton (micronaire 3.5 through 4.9) at average location in the United States is determined to be 55.00 cents per pound. This loan rate is the minimum statutory level specified by Section 103(g)(1).

The spot market calculation is as follows: (1) Weighted average spot market prices for Strict Low Middling one-and-one-sixteenth-inch upland cotton, micronaire 3.5 through 4.9:

August 1977 through July 1978—51.15 cents;
August 1978 through July 1979—61.01 cents;
August 1979 through July 1980—68.87 cents;
August 1980 through July 1981—83.77 cents;
August 1981 through July 1982—57.66 cents;

(2) Average of the five years, excluding the highest and lowest years: $61.01+68.87+57.66/3=62.51$ cents; and (3) Loan rate based on U.S. spot market calculation: $62.51\times0.85=53.13$ cents.

The northern European calculation is as follows:

(1) Average northern European quotation for Middling one-and-three-thirty-seconds-inch cotton July 1 through October 13, 1982	75.35
(2) Average difference between average northern European quotation and the U.S. spot market average for Strict Low Middling one-and-one-sixteenth-inch, (micronaire 3.5 through 4.9) April 15 through October 15, 1982	13.85
(3) Adjusted northern European average	61.50
(4) 90 percent of adjusted average	55.35

The smaller of the two calculations is the spot market calculation. Since the loan rate based on the spot market calculation is less than the statutory minimum loan rate of 55 cents per pound, the 1983 loan rate is 55 cents per pound.

2. *Established (Target) Price.* In accordance with the provisions of section 103(g)(3) of the Act, the 1983 established (target) price for upland cotton is determined to be 76 cents per pound, the statutory minimum level.

3. *Advance deficiency payments.* In accordance with the provisions of Section 107 C of the Act, it is hereby

determined that advance deficiency payments shall be made for the 1983 crop of upland cotton. The rate of payment is determined to be 6.4 cents per pound, which is 50 percent of the estimated 1983 deficiency payment rate.

4. *Acreage Reduction Program (ARP).* In accordance with the provisions of Section 103(g)(9)(A) of the Act, it is hereby determined that an acreage reduction program shall be in effect for the 1983 crop of upland cotton. The reduction shall be achieved by applying a uniform reduction of 20 percent to the acreage base for each cotton-producing farm. Acreage bases for farms which participated in the 1982-crop acreage reduction program shall be the same as the acreage bases established for the 1982 crop, in order to assure fair and equitable treatment of program participants. Acreage bases on farms that did not comply with the 1982-crop acreage reduction program shall be established using the average of the acres planted to upland cotton in 1981 and 1982. An acreage reduction program is being established because it has been determined that the total supply of upland cotton will be excessive in the absence of a program.

Producers who knowingly produce cotton in excess of the permitted acreage shall be ineligible for loans and payments under the Upland Cotton Program with respect that farm. A number of acres equal to 25.0 percent of the planted acres (not to exceed the acres permitted to be planted) must be devoted to approved conservation uses in accordance with regulations issued by the Secretary. It is hereby determined that, because an acreage reduction program has been established, the national program acreage, program allocation factor, and voluntary reduction provisions shall not be applicable to the 1983 crop of upland cotton.

5. *Land Diversion Program (LDP).* It is hereby determined that a 5 percent land diversion program shall be in effect for the 1983 crop of upland cotton in accordance with the provisions of Section 103(g)(9)(B) of the Act. Producers who comply with the acreage reduction program shall have the option of reducing an additional 0 to 5 percent of their acreage bases in order to be eligible to receive diversion payments at a rate of 25 cents per pound times the acres diverted times the farm program yield. The maximum acres eligible to receive diversion payments shall be 6.67 percent times the acres actually planted to upland cotton not to exceed the permitted acres under the combined acreage reduction and land diversion programs. Acres reduced under the land diversion program must be devoted to conservation uses approved by the Secretary in accordance with regulations issued by the Secretary. Producers who file a notice of intention to comply with the land diversion program may receive advance diversion payments at a rate of 12.5 cents per pound, which is 50 percent of the diversion payment rate.

6. *Seed Cotton Loan Program.* It is hereby determined that a recourse seed cotton loan program shall be available for upland cotton. Seed cotton shall be converted to a lint basis for loan-making purposes and loan levels with respect to such cotton will be the same as those applicable to lint cotton.

(Secs. 4, 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c); secs. 101, 103 (g)(1), 107 C and 401, 66 Stat. 758, as amended, 95 Stat. 1234, as amended, 96 Stat. 766, 63 Stat. 1054, as amended (7 U.S.C. 1441, 1444, 1445b–2, 1421))

Signed at Washington, D.C. on April 15, 1983.

C. Hoke Leggett,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 83–10859 Filed 4–20–83; 8:45 am]

BILLING CODE 3410–05–M

CIVIL AERONAUTICS BOARD

[Docket 41390]

California-Toronto/Montreal Service Case; Prehearing Conference

Notice is hereby given that a prehearing conference in the above-title proceeding will be held on May, 5, 1983, at 10:00 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C., before the undersigned.

In order to facilitate the conduct of the conference, parties, including the bureau of International Aviation, are instructed to submit one copy to each party and six copies to the Judge of: (1) Proposed statements of issues; (2) proposed stipulations; (3) proposed requests for information and evedence; (4) statements of position; and (5) proposed procedural dates. The Bureau's material shall be submitted on or before April 26, 1983, and that of the other parties on or before May 3, 1983.

Dated at Washington, D.C., April 18, 1983.

William A. Kane, Jr.,

Administrative Law Judge.

[FR Doc. 83–10681–Filed–4–20–83; 8:45 am]

BILLING CODE 6320–01–M

CIVIL RIGHTS COMMISSION

Kentucky Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Kentucky Advisory Committee to the Commission will convene at 1:00 p.m. and will end at 4:00 p.m., on May 17, 1983, in the White Hart Room, at the Executive Inn East, 978 Phillips Lane, Louisville, Kentucky, 40213. The purpose of this meeting is to discuss followup plans to the Community Development Block Grant study.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, James M. Rosenblum, 33 Ten Broeck Way, Louisville, Kentucky, 40222; (502) 636–1411 or the Southern Regional Office, Citizens Trust Bank Building, 75 Piedmont Street, North East, Room 362, Atlanta, Georgia, 30303; (404) 221–4391.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 18, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83–10827 Filed 4–20–83; 8:45 am]

BILLING CODE 6335–01–M

Mississippi Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Mississippi Advisory Committee to the Commission will convene at 4:00 p.m. and will end at 7:30 p.m., on May 6, 1983, in the Magnolia Room, at the Sheraton Regency, 750 North State Street, Jackson, Mississippi, 39201. The purpose of this meeting is to discuss program plans for Fiscal Years 1983 and 1984.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mary L. Ramberg, 1514 Gay Street, Jackson, Mississippi, 39211; (601) 982–2432 or the Southern Regional Office, Citizen Trust Bank Building, 75 Piedmont Avenue, North East, Room 362, Atlanta, Georgia, 30303; (404) 221–4391.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 18, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83-10628 Filed 4-20-83; 8:45 am]

BILLING CODE 6335-01-M

Ohio Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Ohio Advisory Committee to the Commission will convene at 10:00 a.m., and will end at 3:00 p.m., on May 14, 1983, in Room 1115, at the Holiday Inn, 404 West First, Dayton, Ohio 45402. The purppose of this meeting is to discuss the subcommittee report on Hispanic educational issues and the re-use of urban renewal land in Akron.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Marian A. Spencer, 940 Lexington Avenue, Cincinnati, Ohio 45229; (513) 221-5656 or the Midwestern Regional Office, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604; (312) 353-7479.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 18, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83-10629 Filed 4-20-83; 8:45 am]

BILLING CODE 6335-01-M

South Carolina Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the South Carolina Advisory Committee to the Commission will convene at 1:00 p.m., and will end at 3:30 p.m., on May 11, 1983, in Room 405, at the Gressette Senate Office Building, State Capitol Complex, Columbia, South Carolina 29201. The purpose of this meeting is to review the draft report on Block Grand Education Funds, Chapter 2.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Oscar P. Butler, Jr., Post Office Box 1705, South Carolina State College, Orangeburg, South Carolina 29115; (803) 536-7040 or the Southern Regional Office, Citizens Trust Bank Building, 75 Piedmont Street, North East, Room 362, Atlanta, Georgia 30303; (404) 221-4391.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 18, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83-10660 Filed 4-20-83; 8:45 am]

BILLING CODE 6335-01-M

Washington Advisory Committee; Agenda and Notice Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Washington Advisory Committee to the Commission will convene at 2:00 p.m. and will end at 5:00 p.m., on May 5, 1983, in the Conference Room, at the Seattle Hilton, Sixth and University, Seattle, Washington, 93101. The purpose of this meeting is to discuss plans for future Committee Activities.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Kathjarine M. Bullitt, 1125 Harvard Avenue, East, Seattle, Washington, 98102; (206) 447-9800 or the Northwestern Regional Office, 915 Second Street Room 2852, Seattle, Washington, 98174; (206) 442-1246.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 18, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83-10628 Filed 4-20-83; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Termination of Countervailing Duty Investigation; Prestressed Concrete Steel Wire Strand From Brazil

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Termination of countervailing duty investigation.

SUMMARY: Since the U.S. International Trade Commission (ITC) determined that an industry in the United States is not materially injured or threatened with material injury, nor is the establishment of an industry in the United States materially retarded, by reason of subsidized imports of prestressed concrete steel wire strand (PC strand) from Brazil, the countervailing duty investigation on that product is terminated. Further, the suspension agreement on PC strand from Brazil has no force or effect.

EFFECTIVE DATE: March 23, 1983.

FOR FURTHER INFORMATION CONTACT: Francis R. Crowe, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, telephone: (202) 377-3051.

SUPPLEMENTARY INFORMATION:

Product Description

The product covered by this notice is prestressed concrete steel wire strand manufactured in Brazil and exported, directly or indirectly, from Brazil to the United States. The term "prestressed concrete steel wire strand" covers wire strand of steel other than stainless steel for prestressed concrete, as currently provided for in item 642.1120 of the *Tariff Schedules of the United States Annotated.*

Case History

On the basis of a petition filed on behalf of the U.S. industry producing PC strand, we initiated a countervailing duty investigation on March 30, 1982 (47 FR 13396).

On April 19, 1982, the ITC determined that there is a reasonable indication that these imports are materially injuring, or threatening to materially injure, a U.S. industry (47 FR 18200).

On August 2, 1982, we preliminarily determined that the government of Brazil was providing its manufacturers, producers, or exporters of PC strand with benefits that constitute subsidies (47 FR 34609).

On October 15, 1982, the Department and the government of Brazil signed an agreement suspending the investigation (47 FR 47048). Under the agreement, the government of Brazil agreed to offset completely by an export tax the amount of the net subsidy determined by the Department to exist on Brazilian exports of PC strand to the United States.

By letter of November 12, 1982, counsel for the petitioners requested that the investigation be continued under 19 U.S.C. 1671c(g). Accordingly, we completed the investigation and determined that certain benefits that constitute subsidies within the meaning of the countervailing duty law are being provided to manufacturers, producers or exporters in Brazil of PC strand (48 FR 4516).

On March 23, 1983, the ITC published notice of its unanimous final determination that an industry in the

U.S. is not materially injured or threatened with material injury, nor is the establishment of an industry in the United States materially retarded by reason of subsidized imports of PC strand from Brazil (48 FR 12143).

Since the ITC made a final negative injury determination, the suspension agreement on PC strand from Brazil between the Department and the government of Brazil has no force or effect and the investigation on this product is terminated (19 U.S.C. 1671c(f)(3)).

Dated: April 15, 1983.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-10642 Filed 4-20-83; 8:45 am]

BILLING CODE 3510-25-M

Office of the Secretary

Advisory Committees; Availability of Report on Closed Meetings

AGENCY: Department of Commerce.

ACTION: Announcing Public Availability of Report on Closed Meetings of Advisory Committees.

SUMMARY: The Department of Commerce has prepared its report on the activities of closed or partially-closed meetings of advisory committees, as required by the Federal Advisory Committee Act.

ADDRESSES: Copies of the reports have been filed and are available for public inspection at two locations:

Library of Congress, Newspaper and Current Periodicals Reading Room, Room 1026, John Adams Building, 2nd and Independence Avenue, SE., Washington, D.C. 20540.

Department of Commerce, Central Reference and Records Inspection Facility, Room 6628, Herbert C. Hoover Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230, telephone (202) 377-4217, Attention Mrs. G. LeBoo or Mr. A. Pinkney.

SUPPLEMENTARY INFORMATION: The reports cover the closed and partially-closed meetings held in 1982 for 25 of the Department's 36 advisory committees and several subcommittees, the names of which are listed below. The (*) indicates the committees whose reports are not included with this submission but will be submitted under separate cover. Their availability will be announced in the **Federal Register**.

Committee (Subcommittee)

Advisory Committee on East-West Trade
*Committee of Chairmen of the Industry Sector Advisory Committee (ISAC) for Trade Policy Matters (TPM)
Computer Peripherals, Components, and Related Test Equipment Technical Advisory Committee
Computer Systems Technical Advisory Committee
—Hardware Subcommittee
*Electronic Instrumentation Technical Advisory Committee
*Industry Functional Advisory Committee on Customs Matters for Trade Policy Matters
Industry Functional Advisory Committee on Standards for Trade Policy Matters
Industry Policy Advisory Committee for Trade Policy Matters
*ISAC on Aerospace Equipment for TPM
ISAC on Capital Goods for TPM
ISAC on Chemicals and Allied Products for TPM
ISAC on Consumer Goods for TPM
*ISAC on Electronics and Instrumentation for TPM
ISAC on Energy for TPM
ISAC on Ferrous Ores and Metals for TPM
ISAC on Footwear, Leather, and Leather Products for TPM
*ISAC on Industrial and Construction Materials and Supplies for TPM
ISAC on Lumber and Wood Products for TPM
*ISAC on Nonferrous Ores and Metals for TPM
ISAC on Paper and Paper Products for TPM
*ISAC on Services for TPM
*ISAC on Small and Minority Business for TPM
*ISAC on Textiles and Apparel for TPM
*ISAC on Transportation, Construction, and Agricultural Equipment for TPM
ISAC on Wholesaling and Retailing for TPM
Land Remote Sensing Advisory Commission
Marine Fisheries Advisory Committee
New England Fishery Management Council
Numerically Controlled Machine Tool Technical Advisory Committee
Pacific Fishery Management Council
President's Export Council
President's Export Council Subcommittee on Export Administration
Sea Grant Review Panel
Semiconductor Technical Advisory Committee
—Discrete Semiconductor Device Subcommittee
—Microcircuit Subcommittee
—Semiconductor Manufacturing Materials and Equipment Subcommittee
Telecommunications Equipment Technical Advisory Committee
—Fiber Optic Subcommittee
—Switching Subcommittee
Western Pacific Fishery Management Council

At the end of the year the Department of Commerce had 44 other advisory committees which did not hold any closed or partially-closed meetings during the reporting period.

FOR FURTHER INFORMATION CONTACT: Mrs. Yvonne Barnes, Committee Management Analyst, U.S. Department of Commerce, Washington, D.C. 20230, telephone (202) 377-4217.

Dated: March 31, 1983.

Marilyn S. McLennan,

Chief, Information Policy and Management Division, Office of Information Management.

[FR Doc. 83-10641 Filed 4-20-83; 8:45 am]

BILLING CODE 3510-CW-M

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board: Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (92-463), announcement is made of the following Committee Meeting:

Name of committee: Army Science Board (ASB).

Dates of meeting: Friday, 13 May 1983.

Times: 0830-1700 hours (Closed).

Place: Pentagon, Washington, D.C.

Agenda: The Army Science Board Ad Hoc Subgroup on Army Initiatives—Equipment Upgrade will meet for classified briefings and discussions on recent Army actions regarding planned combat capability upgrades to existing equipment and on the emerging need for innovative technology for application to future equipment. This meeting will be closed to the public in accordance with Section 552b(c) of Title 5 U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C. App. 1, subsection 10(d). The classified and nonclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Helen M. Bowen, may be contacted for further information at (202) 695-3039 or 697-9703.

Helen M. Bowen,

Administrative Officer.

[FR Doc. 83-10561 Filed 4-20-83; 8:45 am]

BILLING CODE 3710-08-M

Military Traffic Management Command; Military Personal Property Symposium; Open Meeting

Announcement is made of a meeting of the Military Personal Property Symposium. This meeting will be held

on May 19, 1983 at Headquarters, Military Traffic Management Command, 5611 Columbia Pike, Falls Church, VA and will convene at 0930 hours.

Proposed agenda: The purpose of the Symposium is to provide an open discussion and free exchange of ideas with the public on procedural changes to the Personal Property Traffic Management Regulation (DOD 4500.34–R), and the handling of other matters of mutual interest relating to the movement and/or storage of household goods and unaccompanied baggage, as well as proposed changes and innovations in the Department of Defense Personal Property Movement and Storage Program.

All interested persons desiring to submit topics to be discussed should submit them in writing to the Commander, Military Traffic Management Command, ATTN: MT–PPM, Washington, DC 20315. Topics to be discussed should be received on or before May 2, 1983.

Dated: April 8, 1983.

John O. Roach, II,

Army Liaison Officer with the Federal Register.

[FR Doc. 83–10625 Filed 4–20–83; 8:45 am]

BILLING CODE 3710–92–M

Department of the Army; Corps of Engineers

National Dredging Study

AGENCY: Water Resources Support Center, U.S. Army Corps of Engineers.

ACTION: Announcement of study.

SUMMARY: The U.S. Army Corps of Engineers has asked the National Research Council of the National Academy of Sciences, through its Marine Board, to undertake a study of national needs and capabilities for dredging of ports and harbors and of navigational channels.

DATES: Comments must be received by May 23, 1983.

ADDRESSES: Send written comments to Aurora Gallagher, Staff Officer, Study of National Dredging Issues, Marine Board, National Academy of Sciences, 2101 Constitution Avenue, NW., Washington, D.C. 20418.

SUPPLEMENTARY INFORMATION: A committee appointed by the National Research Council will undertake an interdisciplinary assessment of national needs for improvement and maintenance dredging in coastal ports and harbors, including their navigational channels. These needs will be evaluated as a function of (1) demands for shipborne trade, (2) likely trends in the world shipping fleet to carry that trade, (3) relationship of inland and marine transportation systems, (4) design criteria for safe and efficient navigation of the projected ship types and levels of traffic, (5) identification of opportunities for improvement dredging or development or alternatives such as deepwater ports, ships of high beam-to-draft ratios, and others, as well as critically needed maintenance dredging. The period covered by the study is the near-term and mid-term future (to about the year 2000).

In making its assessment, the committee will consider the likelihood and value of trade for various channel and port configurations, appropriateness of various institutional and financial arrangements, design criteria and disposal plans for dredged materials, mutual implications of port development and the physical and biological environment, and needed research and development.

Of particular interest of the Marine Board in the conduct of this study are the judgments of those with interests in the navigational channels and other facilities of the coastal ports created or maintained by dredging. Examples of areas to be addressed include (1) the extent of the current and future national dredging needs, (2) whether existing regulatory and institutional arrangements for dredging are adequate, and (3) the implications for the marine and inland environment of dredging operations and disposal of dredged materials.

Comments may be general or directed to specific concerns: general comments should be supported by facts or examples. Interested people are invited to participate in this study by submitting written data, views, suggestions, or other statements, or by offering to make their expertise available in the course of the study. Commentators should include their affiliation and reasons for comments.

Dated: April 13, 1983.

John O. Roach, II,

DA Liaison Officer with the Federal Register.

[FR Doc. 83–10624 Filed 4–20–83; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF EDUCATION

National Advisory Council on Vocational Education

AGENCY: National Advisory Council on Vocational Education, Education

ACTION: Amendment of notice.

SUMMARY: This document is intended to notify the general public of the locations of coming Forums on Industry and Vocational Education, and change of date of one Forum, first published in the **Federal Register** on March 31, 1983, Pages 13479–13480. The Forums are being conducted by the National Advisory Council on Vocational Education in cooperation with the National Commission for Employment Policy, and the State Advisory Councils on Vocational Education. Notice of these meetings is required under Section 10(a)(2) of the Federal Advisory Committee Act, and is intended to notify the general public of its opportunity to attend. The schedule follows:

Dates and locations:

May 3, 1983, the Clift Hotel, Geary & Taylor Streets, San Francisco, CA;

May 17, 1983, the Standard Oil Building, 200 East Randolph Drive, Chicago, IL (Changed from the 19th);

May 24, 1983, Visiting Nurse Association of Boston, 100 Boylston Street.

SUPPLEMENTARY INFORMATION: These regional forums are open to the public. The purpose of the Forums is to hear from representatives of the private sector regarding their views on the condition of vocational education. The Forums will elicit business community perspectives on the effectiveness of vocational education at the secondary and postsecondary levels, the ability of vocational education to respond to changes in technology and training methods, the degree to which business works with vocational education to help upgrade program and instruction, examples of good working relationships and cooperative effort between business and education, and other education/business linkages. The panels at each Forum will be made up of Members of the National Advisory Council on Vocational Education, the National Commission for Employment Policy, and State Advisory Councils. A report with findings and recommendations drawn from the proceedings will be prepared.

Records are kept of Council proceedings and are available for public inspection at the office of the National Advisory Council on Vocational Education from 9:00 a.m. to 5:00 p.m., 425 13th Street, NW., Suite 412, Washington, DC 20004. For further information contact: Virginia Solt, NACVE Staff, at above address. Telephone (202) 376–8873.

Signed at Washington, DC on April 18, 1983.

James W. Griffith,

Executive Director, National Advisory Council on Vocational Education.

[FR Doc. 83-10590 Filed 4-20-83; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Office of Conservation and Renewable Energy

[Case No. F-008]

Energy Conservation Program for Consumer Products; Petition for Waiver of Furnace Test Procedures From Duo-Matic/Olsen, Inc.

AGENCY: Department of Energy.

SUMMARY: Today's notices publishes a "Petition for Waiver" from Duo-Matic/Olsen, Inc., of Ontario, Canada, requesting a waiver from the existing Department of Energy (DOE) test procedures for furnaces. Duo-Matic/Olsen manufactures and plans to market in the U.S. a gas-fired forced air condensing furnace. The petition requests DOE to grant relief from the test procedure requirements relating to the annual fuel utilization efficiency (AFUE) improvement attributable to the condensing of flue gases. Duo-Matic/Olsen seeks to use a National Bureau of Standards (NBS) condensate test method for AFUE instead of the present DOE test procedures which base condensation calculations on the average flue gas temperature. Duo-Matic/Olsen further seeks to modify the NBS test method in order to calculate steady state efficiency improvement due to condensing of flue gases in order to determine output capacity. DOE is soliciting comments, data, and information respecting the petition.

DATE: DOE will accept comments, data, and information not later than May 23, 1983.

ADDRESS: Written comments and statements shall be sent to: Department of Energy, Office of conservation and Renewable Energy, Case No. F-008, Mail Stop CE-113.1, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT:

Michael J. McCabe, U.S. Department of Energy, Office of Conservation and Renewable Energy, Mail Station CE-113.1, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585; (202) 252-9127;or

Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Mail Station GC-33, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585; (202) 252-9513.

SUPPLEMENTARY INFORMATION:

Background

The energy Conservation Program for Consumer Products (other than automobiles) was established pursuant to the Energy Policy and Conservation Act (EPCA), Pub. L. 94-163, 89 Stat. 917, as amended by the National Energy Conservation Policy Act (NECPA), Pub. L. 95-619, 92 Stat. 3266, which requires DOE to prescribe standardized test procedures to masure the energy consumption of certain consumer products, including furnaces. The intent of the test procedures is to provide a comparable measure of energy consumption that will assist consumers in making purchasing decisions. These test procedures appear at 10 CFR Part 430, Subpart B.

DOE has amended the prescribed test procedures by adding 10 CFR 430.27, Petitions for Waiver, to allow the Assistant Secretary for Conservation and Renewable Energy temporarily to waive test procedures for a particular basic model. 45 FR 64108 (September 26, 1980.) Waivers may be granted when one or more design characteristics of a basic model either prevent testing of the basic model according to the prescribed test procedures or lead to results so unrepresentative of the model's true energy consumption as to provide materially inaccurate comparative data.

The Duo-Matic/Olsen petition seeks a waiver from the DOE test method basing condensation calculations on the average flue gas temperature. Instead, Duo-Matic/Olsen requestes the use of the condensate measureing method as set forth in Appendix C of National Bureau of Standards Interagency Report 80-2210, "Recommended Testing and Calculation Procedures for Estimating the Seasonal Performance of Residential Condensing Furnaces and Boilers," dated April 1980, to determine the AFUE of its condensing furnace. The firm also is requesting to use a similar condensate measurement method for determining the steady state efficiency improvement of its condensing furnace instead of using the flue loss method in the existing test procedures.

Pursuant to paragraph (b) of 10 CFR 430.27, DOE is hereby publishing the "Petition for Waiver" in its entirety including the additional request. The petition contains no confidential information. DOE solicits comments, data, and information respecting the petition.

Issued in Washington, D.C. April 18, 1983.

Howard S. Coleman,

Principal Deputy Assistant Secretary, Conservation and Renewable Energy.

Re: Energy Conservation Program for Consumer Products, Petition for Waiver of Furnace Test Procedures

Gentlemen: Under the provisions of 10 CFR 430.27 a petition for waiver from the test procedures in 10 CFR Part 430, Subpart B, Appendix N, dated August 12, 1980, is requested by Duo-Matic/Olsen Inc., Tilbury, Ontario.

Duo-Matic/Olsen Inc. manufactures a complete line of residential heating equipment. At the present time we are manufacturing and have available a gas fired forced air condensing furance in Canada. Plans to market this gas fired forced air condensing furnace in the United States requires testing under the provisions of 10 CFR Part 430, Subpart B, Appendix N.

Duo-Matic/Olsen Inc. requests a waiver from the existing Department of Energy test procedure requirements relating to the measurement of losses due to cycling in determining the annual fuel utilization efficiency (AFUE) improvement attributable to the condensing of flue gases. We ask that the waiver be granted to permit the optional use of tests outlined in the National Bureau of Standards document NBS1R 81-2110, April 1981, entitled, "Recommended Testing and Calculation Procedures for Estimating the Seasonal Performance of Residential Condensing Furnaces and Boilers."

Duo-Matic/Olsen Inc. also seeks to use a direct measurement method to determine the steady state efficiency improvement attributable to the condensing of flue gases needed to determine output capacity. The disclosure of the direct measurement method is published in the **Federal Register** Notice of December 3, 1982, "Energy Conservation Program for Consumer Products, Petition for Waiver of Furnace; Test Procedures From Amana Refrigeration, Inc."

If there is any other information required regarding this petition, please contact us.

Yours truly,

Duo-Matic/Olsen Inc.

Dennis Koestler,

P. Eng., Project Engineer.

[FR Doc. 83-10638 Filed 4-20-83; 8:45 am]

BILLING CODE 6450-01-M

Energy Information Administration

Agency Forms Under Review by the Office of Management and Budget

AGENCY: Energy Information Administration, Energy.

ACTION: Notice of submission of request for clearance to the Office of Management and Budget.

SUMMARY: Under provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), Department of Energy (DOE) notices of proposed collections under review will be published in the **Federal Register** on the Thursday of the week following their submission to the Office of Management and Budget (OMB). Following this notice is a list of the DOE proposals sent to OMB for approval since Thursday, April 14, 1983. The listing does not contain information collection requirements contained in regulations which are to be submitted under 3504(h) of the Paperwork Reduction Act.

Each entry contains the following information and is listed by the DOE sponsoring office: (1) The form number; (2) Form title; (3) Type of request, e.g., new, revision, or extension; (4) Frequency of collection; (5) Response obligation, i.e., mandatory, voluntary, or required to obtain or retain benefit; (6) Type of respondent; (7) An estimate of the number of respondents; (8) Annual respondent burden, i.e., an estimate of the total number of hours needed to fill out the form; and (9) A brief abstract describing the proposed collection.

DATES: Last Notice published Thursday, April 14, 1983.

FOR FURTHER INFORMATION CONTACT:

John Gross, Director, Forms Clearance and Burden Control Division, Energy Information Administration, M.S. 1H-023, Forrestal Building, 1000 Independence Ave., NW., Washington, DC 20585; (202) 252-2308;

Jefferson B. Hill, Department of Energy Desk Officer, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503; (202) 395-7340; or

Vartkes Broussalian, Federal Energy Regulatory Commission Desk Officer, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503; (202) 395-3087.

SUPPLEMENTARY INFORMATION: Copies of proposed collections and supporting documents may be obtained from Mr. Gross. Comments and questions about the items on this list should be directed to the OMB reviewer; comments should also be provided Mr. Gross. If you anticipate commenting on a form, but find that time to prepare these comments will prevent you from submitting comments promptly, you should advise the OMB reviewer of your intent as early as possible.

Issued in Washington, D.C. April 15, 1983.

Yvonne M. Bishop,

Director, Statistical Standards, Energy Information Administration.

DOE FORMS UNDER REVIEW BY OMB

Form No. (1)	Form title (2)	Type of request (3)	Response frequency (4)	Response obligation (5)	Respondent description (6)	Estimated number of respondents (7)	Annual respondent burden (8)	Abstract (9)
FERC: FERC-16A.	Winter supply report monitoring program.	Revision	Annually; every 2 weeks during winter	Mandatory	Natural gas pipeline companies	28	1,688	Data are collected to ensure that the FERC has timely information available for analyzing the natural gas supply available for the winter months and to determine potential areas where shortages or surplus supplies may exist or develop. Data are published in the "Impact of Winter Gas Supplies for Twenty-Eight Pipeline Companies."

[FR Doc. 83-10636 Filed 4-20-83; 8:45 am]

BILLING CODE 6450-01-M

[Form EIA-119M]

Monthly Report of Electric Energy, Capability and Peak Load; Cancellation

Correction

In FR Doc. 83-6468 beginning on page 10732 in the issue of Monday, March 14, 1983, the Draft-Form EIA-714 which began in the first column of page 10733 and ended on page 10734 should have read as follows:

BILLING CODE 1505-01-M

DRAFT-FORM EIA-714-DRAFT
ANNUAL UTILITY OPERATIONS REPORT
SCHEDULE 5

NET GENERATION, ENERGY RECEIPTS AND DELIVERIES AND SYSTEM PEAKS BY MONTHS FOR THE YEAR

General Instructions

1. In column 2, show the total net generation of system plants by months for the year.

2. In columns 3, 4, 5, and 6 give a monthly accounting of all energy transfers to and from the facilities of other systems during the year, including gross sales for resale, purchases, interchanges and transfers for resale, whether on a firm interchange or any other basis, and all energy received from small power producers, cogenerators, other industrial power, or off-system share of jointly owned units.

Energy Transfer Instructions Part A & B

Part A is for the recording of "air-lead", other systems's in-load, and borderline energy transfers; and Part B is for the recording of all other energy transfers.

Part A

A1. Show in column 3 the amounts of energy received as firm purchases and reported as firm sales for resale by the other system. Firm sales for resale are full or partial requirement power intended to meet the full customer load requirement of another system or the partial customer load of another system taking into account the other system's generation resources. If customers of respondent received energy directly from another system for the account of the respondent, (border-line receipts), such transfers should be included in column 3. If part of the energy deliveries to systems were delivered as firm sales and reported in column 4 are received back into the reporting system through another interconnection, such receipts should also be entered in column 3. All other receipts should be entered in column 5.

A2. Show in column 4 the amounts of energy delivered as firm sales for resale. If the respondent's system delivered energy to customers of another system ("border-line customers"), such deliveries should be included in column 4.

Part B

B1. Report in column 5 all energy (except that reported in column 3) received from each utility system, small power producer, cogenerator, or off-system generating plant or unit as the case may be.

B2. Report in column 6 the amounts of energy delivered for resale except those amounts reported in column 4. Do not report sales to industrial customers.

3. In column 10, enter the total maximum load which a generating unit, generating station, or other apparatus can carry under specific conditions without exceeding approved limits of temperature and stress at the time of the monthly peak load which were owned or operated by the respondent regardlessof whether they were available or unavailable for load at the time of the peak load. This should be the respondent's best estimate of the net generating capability of the system at the time of the monthly peak load.

4. In column 11, enter the capability of respondent-owned or -operated generating units that were unavailable at the time of the peak load due to scheduled maintenances, full forced outages, and other outages. These other outages may be partial outages, legal restriction on generating unit or plant output, or derating not considered in the determination of generating unit capability according to the system's rating criteria.

5. In column 12, show the maximum megawatt load on the system for each month of the year. Load data in this column should be the maximum integrated demand based on net energy for load as computed in column 7 for 60-minute clock-hour intervals. Enter the numerical day of the reporting month and hour of the day in columns 13 and 14, respectively. Where integrated demands for 60-minute clock-hour intervals are not available, it is desired that available data be adjusted to approximate such intervals. Adjustments made should be explained in notes. Where such adjustments cannot be made, load data should be furnished in the form available.

6. In column 15, the minimum hourly loads experienced during each month should be based on net energy for load as computed in column 7.

DRAFT-FORM EIA-714-DRAFT
ANNUAL UTILITY OPERATIONS REPORT

SCHEDULE 5

NET GENERATION, ENERGY RECEIPTS AND DELIVERIES AND SYSTEM PEAKS BY MONTHS FOR THE YEAR

Mon. (1)	System Net Generation (2)	Energy Transfers - MWh Part A Receipts (3)	Part A Deliveries (4)	Part B Receipts (5)	Part B Deliveries (6)	Net Energy for Load-MW col 2+5-6 MWh (7)	Net Energy for System-MW col 7+3-4 MWh (8)
Jan							
Feb							
Mar							
Apr							
May							
Jun							
Jul							
Aug							
Sep							
Oct							
Nov							
Dec							
Year							

Mon. (9)	Total Capability at Time of Pk Ld MW (10)	Unavailable Capability at Time of Peak (11)	Load Data Peak Load MW (12)	Demand Interval Date (13)	Clock-hour End (14)	Minimum Hourly Load (15)
Jan						
Feb						
Mar						
Apr						
May						
Jun						
Jul						
Aug						
Sep						
Oct						
Nov						
Dec						
Year						

NOTES:

BILLING CODE 1505-01-C

Federal Energy Regulatory Commission

[Docket No. ER83-451-000]

Carolina Power & Light Co.; Filing

April 15, 1983.

The filing Company submits the following:

Take notice that Carolina Power & Light Company (Carolina) on April 8, 1983, tendered for filing changes outlined below in its agreement with Lumbee River EMC and Randolph EMC.

1. *Lumbee River EMC.*

Laurinburg 23 KV—The termination and removal of special metering facilities that had been required to provide metering pulse information. The metering pulse information was provided under the Company's additional facilities plan. The name of the point of delivery also was changed to reflect the delivery voltage.

Red Springs 23 KV—The termination and removal of special metering facilities that had been required to provide metering pulse information. The metering pulse information was provided under the company's additional facilities plan. The name of the point of delivery also was changed to reflect the delivery voltage.

Rockfish 115 KV—Customer has allowed Company to purchase energy generated from a hydroelectric facility located on customer's distribution facilities served from the Rockfish 115 KV POD. The name of the point of delivery also was changed to reflect the delivery voltage.

2. *Randolph EMC.*

Gray's Chapel 115 KV—A change in delivery voltage from 69 KV to 115 KV.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before May 3, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-10606 Filed 4-20-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-455-000]

Centel Corp; Filing

April 15, 1983.

The filing Company submits the following:

Take notice that on April 8, 1983, Centel Corporation-Western Power tendered for filing an addendum to its Rate Schedule FPC No. 75, with CMS Electric Cooperative, Inc., providing for the addition of one point of delivery.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before May 3, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-10607 Filed 4-20-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-454-000]

Centel Corp.; Filing

April 15, 1983

The filing Company submits the following:

Take notice that on April 8, 1983, Centel Corporation-Western Power tendered for filing an addendum to its Rate Schedule FPC No. 81, with Smoky Hill Electric Cooperative Association, Inc., providing for the addition of one point of delivery and increased capacities at two existing points of delivery.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before May 3, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-10608 Filed 4-20-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-453-000]

Centel Corp.,

April 15, 1983.

The filing Company submits the following:

Take notice that Centel Corporation-Western Power on April 8, 1983, tendered for filing an addendum to its Rate Schedule FPC No. 79, with Ninnescah Rural Electric Cooperative Association, providing for an increase in capacity at one existing point of delivery.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before May 3, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-10609 Filed 4-20-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-452-000]

Central Illinois Public Service Co.; Filing

April 15, 1983.

The filing Company submits the following:

Take notice that on April 8, 1983, Central Illinois Public Service Company (CIPS) tendered for filing Appendix A—CIPS–IP Connection 2—North Pana.

dated February 28, 1983, to the Interconnection Agreement between CIPS, Illinois Power Company and Union Electric Company dated February 18, 1972. Also included in the filing is Appendix "T" dated February 28, 1983, to the Facility Use Agreement between CIPS and Illinois Power Company dated February 14, 1972.

Copies of this filing were sent to the Public Service Commission of Missouri, Union Electric Company, Illinois Power Company and the Illinois Commerce Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before May 3, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-10610 Filed 4-20-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-449-000]

Duke Power Co.; Filing

April 15, 1983.

The filing Company submits the following:

Take notice that on April 6, 1983, Duke Power Company (Duke) tendered for filing an interconnection agreement between Duke and the South Carolina Public Service Authority (Santee Cooper) dated March 7, 1983. This agreement provides for an interconnection between Duke and Santee Cooper at the Southeastern Power Administration's Clarks Hill Project and for the delivery of capacity and energy pursuant to service schedules included as part of such agreement.

Duke states that the rates filed are the same as the rates previously filed for similar contracts and accepted for filing by the Commission.

Duke has requested that the contract become effective on the date of tender for filing or May 1, 1983, or as soon as the Commission deems appropriate. If waiver is not granted, however, Duke requests an effective date no later than sixty days after the date of tender for filing or June 6, 1983.

Copies of the filing were served on the South Carolina Public Service Authority, The North Carolina Utilities Commission, and the South Carolina Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protests with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 28, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-10611 Filed 4-20-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-450-000]

Pennsylvania Power & Light Co.; Filing

April 15, 1983.

The filing Company submits the following:

Take notice that Pennsylvania Power & Light Company (PP&L) tendered for filing on April 6, 1983, as a rate schedule an executed agreement dated as of March 1, 1983 between PP&L and Niagara Mohawk Power Corporation (Niagara Mohawk). The proposed rate schedule provides for the sale of interruptible energy by PP&L to Naiagra Muhawk.

PP&L states that the rate schedule provides for a maximum energy reservation charge rate of $24.70 per megawatt hour and an energy charge rate based upon the incremental cost of providing the energy.

PP&L requests an effective date of April 6, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing have been served upon Niagara Mohawk and the Pennsylvania Public Utility Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 28, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-10612 Filed 4-20-83; 8:45 am]

BILLING CODE 6717-01-M

Office of the Secretary

International Atomic Energy Agreement; Proposed Subsequent Arrangement; European Atomic Energy Community and Sweden

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended, and the Agreement for Cooperation Between the Government of the United States of America and the Government of Sweden Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreements involves approval for the following retransfer: RTDF/SW(EU)-125, from the Federal Republic of Germany to Sweden, 8000 kilograms of uranium, enriched to 3.5% in U-235. This material is being returned to Sweden after purification of unirradiated scrap, for use as power reactor fuel.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

Dated: April 18, 1983.

For the Department of Energy.

George Bradley,

Principal Deputy Assistant Secretary for International Affairs.

[FR Doc. 83-10630 Filed 4-20-83; 8:45 am]

BILLING CODE 6450-01-M

International Atomic Energy Agreements; Proposed Subsequent Arrangement; Japan

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval of the following sale:
Contract Number S–JA–330, to the Japan Atomic Energy Research Institute, 20 grams of uranium-235, 20 grams of uranium-238, and 14.8 grams of plutonium-239, to be used as standards for small sample perturbation measurements at the fast critical assembly.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

Dated: April 18, 1983.

For the Department of Energy.

George Bradley,

Principal Deputy Assistant Secretary for International Affairs.

[FR Doc. 83–10640 Filed 4–20–83; 8:45 am]

BILLING CODE 6450–01–M

Oak Ridge Operations Office; Trespassing on DOE Property

AGENCY: Department of Energy.

ACTION: Designation of cylinder storage yard K–1066–K as off-limits area.

SUMMARY: The Department of Energy hereby designates the Cylinder Storage Yard K–1066–K an Off-Limits Area in accordance with 10 CFR Part 860, making it a federal crime under 42 U.S.C. 2278a for unauthorized persons to enter into or upon the Cylinder Storage Yard K–1066–K. If unauthorized entry into or upon the site is into an area enclosed by a fence, wall, roof, or other standard barrier, conviction for such unauthorized entry may result in a fine of not more than $5,000 or imprisonment for not more than one year or both. If unauthorized entry into or upon the site is into an area not enclosed by a fence, wall, roof, or other standard barrier, conviction for such unauthorized entry may result in a fine of not more than $1,000.

FOR FURTHER INFORMATION CONTACT:

William Luck, Office of General Counsel, U.S. Department of Energy, 1000 Independence Ave. SW., Washington, D.C. 20585, (202) 252–6975; or

James Leonard, Supply Division, U.S. Department of Energy, Oak Ridge Operations Office, P.O. Box E, Oak Ridge, Tennessee 37830; (615) 576–0999.

Notice: Pursuant to section 229 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2278a), Section 104 of the Energy Reorganization Act of 1974 (42 U.S.C. 5814), as implemented by 10 CFR Part 860 published in the **Federal Register** on July 9, 1975 (40 FR 28789), and Section 301 of the Department of Energy Organization Act (42 U.S.C. 7151), the Department of Energy hereby gives notice that the Cylinder Storage Yard K–1066–K is designated an Off-Limits Area and prohibits the unauthorized entry and the unauthorized introduction of weapons or dangerous materials, as provided in 10 CFR 860.3 and 860.4 into or upon the Cylinder Storage Yard K–1066–K of the Oak Ridge Operations Office of the Department of Energy.

The Cylinder Storage Yard K–1066–K is located in the Third Civil District, Roane County, Tennessee, within the corporate limits of the City of Oak Ridge, on Perimeter Road, approximately 1.3 miles in a northerly direction from the point of intersection between State Route 58 and Perimeter Road. This facility covers approximately 11.9 acres of land, bounded on the east by Perimeter Road which circumscribes the Oak Ridge Gaseous Diffusion Plant, bounded on the north, west, and south by open Federal Government land, and is enclosed by a chain link fence seven feet in height, topped by three strands of barbed wire.

Notices stating the pertinent prohibitions of 10 CFR 860.3 and 860.4 and penalties of 10 CFR 860.5 will be posted at all entrances of said areas and at intervals along its perimeter as provided in 10 CFR 860.6.

Dated at Washington, D.C. this 31 day of March 1983.

Troy E. Wade, II,

Acting Assistant Secretary for Defense Programs.

[FR Doc. 83–10637 Filed 4–20–83; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS–53048; TSH–FRL 2350–6]

Premanufacture Notices; Monthly Status Report for March 1983

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(d)(3) of the Toxic Substances Control Act (TSCA) requires EPA to issue a list in the **Federal Register** at the beginning of each month reporting the premanufacture notices (PMNs) pending before the Agency and the PMNs for which the review period has expired since publication of the last monthly summary. This is the report for March 1983.

DATE: Written comments are due no later than 30 days before the applicable notice review period ends on the specific chemical substance. Nonconfidential portions of the PMNs may be seen in Rm. E–106 at the address below between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

ADDRESS: Written comments are to be identified with the document control number "[OPTS–53048]" and the specific PMN number should be sent to: Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–409, 401 M Street, SW., Washington, D.C. 20460, (202–382–3532).

FOR FURTHER INFORMATION CONTACT:

Kirk Maconaughey, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–208, 401 M Street, SW., Washington, D.C. 20460, (202–382–3746).

SUPPLEMENTARY INFORMATION: The monthly status report published in the **Federal Register** as required under section 5(d)(3) of TSCA (90 stat. 2012 (15 U.S.C. 2504)), will identify: (a) PMNs received during March; (b) PMNs received previously and still under review at the end of March; (c) PMNs for which the notice review period has ended during March; (d) chemical substances for which EPA has received a notice of commencement to manufacture during March; and (e) PMNs for which the review period has been suspended. Therefore, the March 1983 PMN Status Report is being published.

Dated: April 12, 1983.

Linda A. Travers,

Acting Director Management Support Division.

PMN No.

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Premanufacture Notices Monthly Status Report, March 1983

I. 87 Premanufacture Notices Received During the Month

PMN No.	Identity and generic name	FR citation	Expiration date
83-520	Generic name: Polyester polycarboxylate salt	48 FR 10470 (3/11/83)	May 29, 1983
83-521	Generic name: Carbomonocyclic ester	48 FR 10470 (3/11/83)	Do.
83-522	Reaction product of succinic anhydride and 1,2-ethanediamine, N-[3-(trimethoxysilyl)propyl]	48 FR 10470 (3/11/83)	Do.
83-523	1,1'[isopropylidenebis(6-hydroxy-m-phenylene)]bis(tetrahydrothiophenium hydroxide) mixed salts	48 FR 10470 (3/11/83)	Do.
83-524	Generic name: Polymer of trisubstituted methane, alkyl phenol and substituted bis benzene derivative	48 FR 10470 (3/11/83)	Do.
83-525	Generic name: Substituted benzindolium, salt	48 FR 10470 (3/11/83)	Do.
83-526	Generic name: Isocyanate-derived polyamide	48 FR 10470 (3/11/83)	Do
83-527	Generic name: Sulfonaphtholazonaphthol, chromium complex	48 FR 10470 (3/11/83)	May 30, 1983
83-528	Generic name: Dimer-trimer triglycidyl ester	48 FR 10470 (3/11/83)	Do.
83-529	Generic name: Dicarboxylic acid, polyamine polymer	48 FR 10470 (3/11/83)	Do.
83-530	Generic name: Disubstituted carbomonocyclic ester	48 FR 10470 (3/11/83)	Do
83-531	Generic name: Polyoxo arylene triazino epoxy derivative	48 FR 10470 (3/11/83)	Do
83-532	Generic name: Glyceryl propoxy diacrylate	48 FR 10470 (3/11/83)	Do.
83-533	Generic name: Alkaneamine, alkane acid epoxy propyl ester, alkane aldehyde polymer	48 FR 11500 (3/18/83)	June 1, 1983
83-534	Generic name: Etheric aromatic ester	48 FR 11500 (3/18/83)	Do.
83-535	N,N'-bis(2,2,6,6-tetramethyl-4-piperidyl) hexamethylenediamine polymer with ethane-1,2-dibromo	48 FR 11500 (3/18/83)	June 4, 1983.
83-536	Polymer of poly(oxytetramethylene)diol, toluene diisocyanate polymer, isocyanate terminated and benzenamine, 4,4'-methylenebis and 2-butanone oxime.	48 FR 11500 (3/18/83)	Do
83-537	Generic name: Waterborne urethane-acrylic polymer	48 FR 11500 (3/18/83)	Do
83-538	Generic name: Polymer of diethylenetriamine and higher polyamine with dibasic ester	48 FR 11500 (3/18/83)	June 5, 1983.
83-539	Generic name: Substituted aralkylsilanes	48 FR 11500 (3/18/83)	Do.
83-540	Generic name: Polyamidoamine	48 FR 11500 (3/18/83)	Do.
83-541	Generic name: Polymer of carbonic acid and mixed aromatic diols containing sulfone diol	48 FR 11500 (3/18/83)	Do
83-542	Generic name: Alkyl, alkylene maleate	48 FR 11500 (3/18/83)	Do
83-543	Generic name: Polymer of diethylenetriamine and higher polyamines with dibasic esters, reacted with epichlorohydrin	48 FR 11500 (3/18/83)	June 6, 1983
83-544	Generic name: Unsaturated polyester	48 FR 11501 (3/18/83)	June 7, 1983
83-545	Benzene, 1-3-bis(isocyanatomethyl)	48 FR 11501 (3/18/83)	Do.
83-546	Generic name: Substituted phenolazo, substituted pyrazolone	48 FR 11501 (3/18/83)	Do
83-548	Carboxylic acids, C_6-C_{10} mono-and C_6-C_{10} di-, C_6-C_{11} di-, polymers with phthalic anhydride and propylene glycol	48 FR 11501 (3/18/83)	Do
83-549	Generic name: Substituted acetamide	48 FR 11501 (3/18/83)	Do.
83-550	Generic name: Polymer of formaldehyde and substituted phenols	48 FR 12590 (3/25/83)	June 8, 1983
83-551	Generic name: Modified polymer of formaldehyde and substituted phenols	48 FR 12590 (3/25/83)	Do.
83-552	Generic name: Phenol formaldehyde butanol resin	48 FR 12591 (3/25/83)	Do.
83-553	Ethanesulfonic acid, 2-[bis (2-cyanoethyl)phosphinol]-potassium salt	48 FR 12591 (3/25/83)	June 11, 1983
83-554	Generic name: 1,3-benzenedicarboxylic acid, 5-substituted polymer with 1,2-ethanediol and oxo-heteropolycycle	48 FR 12591 (3/25/83)	Do.
83-555	Generic name: 1,3-benzenedicarboxylic acid, 5-substituted polymer with 1,2-ethanediol and oxo-heteropolycycle	48 FR 12591 (3/25/83)	Do.
83-556	Generic name: Polyester polyurethane	48 FR 12591 (3/25/83)	June 12, 1983
83-557	Generic name: Disubstituted heteromonocycle	48 FR 12591 (3/25/83)	Do.
83-558	Generic name: Modified epoxy resin	48 FR 12591 (3/25/83)	Do.
83-559	Generic name: Organo phosphate	48 FR 12591 (3/25/83)	Do.
83-560	Generic name: Organo phosphate polymer	48 FR 12591 (3/25/83)	Do.
83-561	Generic name: Acrylic alkyd polymer	48 FR 12591 (3/25/83)	Do
83-562	Generic name: Acrylic alkyd polymer	48 FR 12591 (3/25/83)	Do
83-563	Generic name: Substituted indolium, salt	48 FR 12591 (3/25/83)	Do.
83-564	Generic name: Dialkyl cycloaliphatic diester	48 FR 12591 (3/25/83)	Do.
83-565	Generic name: Sodium salt of a polymer of acrylic acid, acrylamide, and substituted acrylamide	48 FR 12592 (3/25/83)	June 13, 1983.
83-566	Generic name: Substituted chlorobenzene	48 FR 12592 (3/25/83)	June 14, 1983
83-567	Generic name: Modified acrylic copolymer	48 FR 12592 (3/25/83)	Do.
83-568	Generic name: Substituted styrene	48 FR 12592 (3/25/83)	Do.
83-569	Generic name: Phenyl substituted butane	48 FR 12592 (3/25/83)	Do.
83-570	Generic name: Subetituted alkane diols	48 FR 14035 (4/1/83)	June 15, 1983
83-571	Generic name: Fatty acids, carbomonocyclic ester	48 FR 14035 (4/1/83)	Do.
83-572	Generic name: Polyester polycarboxylate salt	48 FR 14035 (4/1/83)	Do.
83-573	Generic name: Unsaturated polyester	48 FR 14035 (4/1/83)	Do
83-574	Polymer of malonic acid, diethyl ester, trimethylolpropane, 1,6-hexanediol, neopentylglycol	48 FR 14035 (4/1/83)	Do
83-575	Polymer of bisphenol A-oxirane polymer neodecanoic acid, 2,3-epoxypropyl ester, diethylaminopropylamine, diethanolamine	48 FR 14035 (4/1/83)	Do
83-576	Generic name: Polymer of diphenylmethane diisocyanate, alkyl epoxides, alkane triol, and tnsubstituted alkanol	48 FR 14035 (4/1/83)	Do.
83-577	Generic name: 2-(2-haloaryl)amino-6-(N,N-dialkylamino)fluoran	48 FR 14036 (4/1/83)	June 18, 1983
83-578	Generic name: Alkoxymethylpolysilazanes	48 FR 14036 (4/1/83)	Do.
83-579	Invalid		
83-580	Generic name: Thio-substituted aromatic amine	48 FR 14036 (4/1/83)	Do.
83-581	Generic name: (Substituted-acetacetanilidylazophenyl)-(substituted) benzothiazole alkanolamine salt	48 FR 14036 (4/1/83)	June 19, 1983
83-582	Dimethylsila-14-crown-5	48 FR 14036 (4/1/83)	Do
83-583	Generic name: Organotrimethoxysilane	48 FR 14036 (4/1/83)	Do
83-584	Generic name: Blocked isocyanate	48 FR 14036 (4/1/83)	Do
83-585	Generic name: Polymer of styrene, mixed acrylates and acrylic amide	48 FR 14036 (4/1/83)	June 20, 1983
83-586	Generic name: Mixed acrylic copolymer	48 FR 14036 (4/1/83)	Do
83-587	Generic name: Mixed metal oxide	48 FR 14036 (4/1/83)	June 21, 1983
83-588	2,6-bis(pcrylamino)pyridine	48 FR 15180 (4/7/83)	June 22, 1983
83-589	2,6-bis(pcrylamino)-3,5-dinitropyridine	48 FR 15180 (4/7/83)	Do
83-590	Generic name: Arylsulfonic acid, [[(arylamino) phenyl]azol] compound with alkanolamine	48 FR 15180 (4/7/83)	Do
83-591	Generic name: Styrene-acrylic terpolymer	48 FR 15181 (4/7/83)	Do
83-592	Generic name: Acrylic acid polymer	48 FR 15181 (4/7/83)	Do
83-593	Generic name: Dialkylamino xylenol	48 FR 15181 (4/7/83)	Do
83-594	Generic name: Alkyl amino propyl carbamide	48 FR 15181 (4/7/83)	Do
83-595	Generic name: Alkyl amino propyl amine	48 FR 15181 (4/7/83)	Do.
83-596	Generic name: Modified acrylic polymer	48 FR 15181 (4/7/83)	June 26, 1983
83-597	Generic name: Cycloaliphatic isocyanate-amine based polyol prepolymer	48 FR 15181 (4/7/83)	Do.
83-598	Generic name: Polyester resin of aliphatic polyols, mixed aromatic diacids and aliphatic diacid	48 FR 15181 (4/7/83)	Do.
83-599	Generic name: Polyester resin of aliphatic polyol, mixed aromatic diacids, aliphatic diacid, and aromatic diisocyanate	48 FR 15181 (4/7/83)	Do
83-600	Generic name: Modified rosin ester	48 FR 15181 (4/7/83)	Do

I. 87 Premanufacture Notices Received During the Month—Continued

PMN No.	Identity and generic name	FR citation	Expiration date
83-601	Generic name: Halogenated alkene acid ester	48 FR 15181 (4/7/83)	Do.
83-602	Generic name: Brominated polyol diester	48 FR 15181 (4/7/83)	June 27, 1983.
83-603	Generic name: Substituted nitrile	48 FR 15181 (4/7/83)	Do.
83-604	Generic name: Reaction product of a mixture of mono and disubstituted dioxocarbopolycyclic compounds and 1,4-disubstituted benzene with sulfur.	48 FR 15182 (4/7/83)	June 28, 1983.
83-605	Anthraquinone, 2,2'-benzo[1,2-d:4,5-d']bisthiazole-2,6-diylbis[1-amino-	48 FR 15182 (4/7/83)	Do.
83-606	9,10-Anthracenedione, 2-methyl-1-nitro	48 FR 15182 (4/7/83)	Do.
83-607	Generic name: Di (mixed alkyl) magnesium	48 FR 15182 (4/7/83)	Do.

II. 74 Premanufacture Notices Received Previously and Still Under Review at the End of the Month:

PMN No.	Identity and generic name	FR citation	Expiration date
83-445	Iso hexadecyl isostearate	48 FR 6588 (2/14/83)	May 1, 1983.
83-447	Generic name: Polyvinyl alcohol derivative	48 FR 6589 (2/14/83)	Do.
83-448	2,6-bis(picrylamino)-3,5-dinitropyridine	48 FR 6589 (2/14/83)	Do.
83-449	2-ethyl-2-methyl butanoic acid	48 FR 6589 (2/14/83)	Do.
83-450	2,2-dimethyl pentanoic acid	48 FR 6589 (2/14/83)	Do.
83-451	Generic name: Disubstituted bis(phenylazo) 4-amino-5-hydroxy-2,7-naphthalenedisulfonic acid, alkali metal salt	48 FR 6589 (2/14/83)	May 2, 1983.
83-452	Generic name: Substituted 2-phenylazo-1-hydroxy-3-naphthalenesulfonic acid, metal complex, alkali metal salt	48 FR 6589 (2/14/83)	Do.
83-453	Generic name: Polymer of mixed alkane diols, alkane triol, propylene oxide, alkanoic acid, aliphatic isocyanate, and isophorone diisocyanate.	48 FR 6589 (2/14/83)	Do.
83-454	Generic name: Acrylamide copolymer	48 FR 6589 (2/14/83)	May 3, 1983.
83-455	Generic name: Alkenoyl disubstituted cycloalkane	48 FR 6589 (2/14/83)	Do.
83-456	Generic name: Substituted anthraquinone	48 FR 6589 (2/14/83)	Do.
83-457	N,N'-hexanedioyl-bis[3,4,5,6-tetrahydro-2(1H) pyrimidinone]	48 FR 7299 (2/18/83)	May 4, 1983
83-458	Generic name: Substituted polyhydric alcohol	48 FR 7300 (2/18/83)	Do.
83-459	Generic name: Dialkyl dithiophosphate	48 FR 7300 (2/18/83)	Do.
83-460	Generic name: Dialkyl dithiophosphate	48 FR 7300 (2/18/83)	Do.
83-461	Generic name: Substituted alkoxy silane	48 FR 7300 (2/18/83)	Do.
83-462	Generic name: Succinate ester amide	48 FR 7300 (2/18/83)	May 7, 1983.
83-463	Generic name: Amino aliphatic propoxylate	48 FR 7300 (2/18/83)	Do.
83-464	Generic name: Sodium sulfosuccinate of ethoxylated substituted phenol	48 FR 7300 (2/18/83)	Do.
83-465	Generic name: Metal polyisobutenylsuccinate	48 FR 7300 (2/18/83)	Do.
83-466	Generic name: Ether-olefin-sulfone terpolymer	48 FR 7300 (2/18/83)	Do.
83-467	Generic name: Alkyl cyclohexane carboxaldehyde	48 FR 7300 (2/18/83)	Do.
83-468	Complex sodium polyethylene glycolate salt	48 FR 7300 (2/18/83)	Do.
83-469	Generic name: Aromatic polyamide solution	48 FR 7300 (2/18/83)	May 8, 1983.
83-470	Generic name: Polymer of substituted acrylic ester and substituted acrylamide	48 FR 7300 (2/18/83)	Do.
83-471	Generic name: Metal salt of saccharin	48 FR 7301 (2/18/83)	Do.
83-472	2-propenoic acid, (2,4,6-trioxo-1,3,5-triazine-1,3,5 (2H, 4H, 6H)-triyl) di-2,1-ethanediyl ester	48 FR 7301 (2/18/83)	Do.
83-473	2-propenoic acid, (2,4,6-trioxo-1,3,5-triazine-1,3,5 (2H, 4H, 6H)-triyl) di-2,1-ethanediyl ester	48 FR 7301 (2/18/83)	Do.
83-474	2-propenoic acid, (2,4,6-trioxo-1,3,5-triazine-1,3,5 (2H, 4H, 6H)-triyl) di-2,1-ethanediyl ester	48 FR 7301 (2/18/83)	Do.
83-475	Generic name: Chlorendic anhydride based alkyd polymer	48 FR 7301 (2/18/83)	Do.
83-476	Generic name: Polyether modified alkyd	48 FR 7301 (2/18/83)	Do.
83-477	Generic name: Aliphatic phosphite ester	48 FR 7301 (2/18/83)	May 9, 1983
83-478	Generic name: Carboxylic acid derivatives of alkoxylated phenol derivatives and alkoxylated polyamines	48 FR 7301 (2/18/83)	Do.
83-479	Generic name: Monoazo substituted aromatic	48 FR 7301 (2/18/83)	Do.
83-480	Aminopropyl aminoethyl piperazine	48 FR 7301 (2/18/83)	May 10, 1983.
83-481	C_{11}-C_{14} alkoxy propylamino propylamine	48 FR 7301 (2/18/83)	Do.
83-482	Generic name: Modified polyester of a carbomoncyclic anhydride and a substituted alkanediol	48 FR 7301 (2/18/83)	Do.
83-483	Generic name: Mixed fatty acids, alkanopolyol; benzenecarboxylic acids polymer	48 FR 7302 (2/18/83)	Do.
83-484	Generic name: Copolymer of unsaturated organic compounds with polyols and isocyanates	48 FR 8343 (2/28/83)	May 14, 1983.
83-485	Generic name: Alkyl branched alkanoate	48 FR 8343 (2/28/83)	Do.
83-486	Generic name: Zirconium propanoate, substituted	48 FR 8343 (2/28/83)	May 15, 1983.
83-487	Generic name: Alkyl sulfide	48 FR 8343 (2/28/83)	Do.
83-488	Generic name: Polymer of acrylic ester and substituted acrylamide	48 FR 8344 (2/28/83)	Do.
83-489	Generic name: Styrene, acrylate methacrylate copolymer	48 FR 8344 (2/28/83)	Do.
83-490	Generic name: Modified coconut-phthalic-mixed polyol alkyd polymer	48 FR 8344 (2/28/83)	May 16, 1983.
83-491	Generic name: Sodium carboxyalkyl thiosulfate	48 FR 8344 (2/28/83)	May 17, 1983.
83-492	4-(4-methyl-1-pipendinyl) pyridine	48 FR 8344 (2/28/83)	Do.
83-493	Generic name: Alkoxylated alcohol compounds	48 FR 8344 (2/28/83)	Do.
83-494	Generic name: Propylene glycol compounds	48 FR 8344 (2/28/83)	Do.
83-495	Generic name: Metal complexed substituted aromatic salt	48 FR 9366 (3/4/83)	May 18, 1983.
83-496	Generic name: Polyester from a carbomonocyclic anhydride and alkanediol	48 FR 9366 (3/4/83)	May 22, 1983
83-497	Generic name: Reaction product of 1,3-benzenediamine, hydroxybenzene, and oxo alkane with sodium sulfide	48 FR 9366 (3/4/83)	Do.
83-498	Generic name: Polymer of alkyl diamine and substituted oxiranes	48 FR 9366 (3/4/83)	Do.
83-499	Generic name: Reaction product of polyalkylene polyamines, phenols and polymeric epoxide derivatives	48 FR 9366 (3/4/83)	Do.
83-500	Generic name: Reaction product of polyalkylene polyamines, phenols and polymeric epoxide derivatives	48 FR 9366 (3/4/83)	Do.
83-501	Generic name: Modified rosin condensation	48 FR 9366 (3/4/83)	Do.
83-502	Generic name: Aminoheterocyclyl branched alkane	48 FR 9366 (3/4/83)	Do.
83-503	Generic name: Substituted alkoxy silane	48 FR 9366 (3/4/83)	Do.
83-504	Generic name: α-cyano carbocyclccarboxylate	48 FR 9366 (3/4/83)	Do.
83-505	Generic name: Polyester resin-saturated	48 FR 9367 (3/4/83)	Do.
83-506	Generic name: Modified acrylic polymer	48 FR 9367 (3/4/83)	May 23, 1983.
83-507	Generic name: Monocyclic sulfur derivative	48 FR 9367 (3/4/83)	Do.
83-508	Generic name: Substituted benzenesulfonic acid salt	48 FR 10468 (3/11/83)	May 25, 1983.
83-509	Generic name: Disubstituted benzotriazole	48 FR 10469 (3/11/83)	Do.
83-510	Generic name: Reaction product of an aromatic dianhydride with a substituted C_{8-14} alcohol and epichlorohydrin	48 FR 10469 (3/11/83)	Do.
83-511	Generic name: Polyester	48 FR 10469 (3/11/83)	Do.
83-512	Generic name: Polymer of amino-alkyl-carbomono-cycle, hexamethylene diisocyanate, propylene oxide, alkane triol, alkan-one, and disubstituted alkane diol.	48 FR 10469 (3/11/83)	Do.
83-513	Generic name: Polymer of isophorone diisocyanate, alkanoic acid, mixed alkane diols, alkane triol, oxo-heteropolycycle, and neopentyl glycol.	48 FR 10469 (3/11/83)	Do.
83-514	Generic name: Substituted indolium, salt	48 FR 10469 (3/11/83)	Do.
83-515	Generic name: Styrene co-polymer	48 FR 10469 (3/11/83)	Do.
83-516	Generic name: Aromatic polyester with substituted alkanes	48 FR 10469 (3/11/83)	Do.
83-517	Generic name: Polyurethane polymer, with an aromatic polyester	48 FR 10469 (3/11/83)	Do.

II. 74 PREMANUFACTURE NOTICES RECEIVED PREVIOUSLY AND STILL UNDER REVIEW AT THE END OF THE MONTH:—Continued

PMN No.	Identity and generic name	FR citation	Expiration date
83-518	1, 1' [isopropylidenebis (6-hydroxy-m-phenylene)]bis[tetrahydiathiophenium hydroxide) bis (inner salt) tetrahydrate	48 FR 10469 (3/11/83)	Do
83-519	Generic name: Functionalized acrylic polymer	48 FR 10469 (3/11/83)	Do

III. 191 PREMANUFACTURE NOTICES FOR WHICH THE NOTICE REVIEW PERIOD HAS ENDED DURING THE MONTH. (EXPIRATION OF THE NOTICE REVIEW PERIOD DOES NOT SIGNIFY THAT THE CHEMICAL HAD BEEN ADDED TO THE INVENTORY)

PMN No.	Identity and generic name	FR citation	Expiration date
83-23	Generic name: Substituted phenol	47 FR 46373 (10/18/82)	Mar. 22, 1983
83-24	Generic name: Substitute pyridine	47 FR 46373 (10/18/82)	Mar. 19, 1983
83-35	Generic name: Sulfophenylazonaphthyl dye	47 FR 47067 (10/22/82)	Mar. 27, 1983
83-38	Generic name: Sulfophenylazonaphthyl dye	47 FR 47068 (10/22/82)	Do.
83-49	Generic name: Substituted pyridine	47 FR 49073 (10/29/82)	Mar. 30, 1983
83-75	Generic name: Sodium 2-substituted propanoate	47 FR 50339 (11/5/82)	Mar. 9, 1983
83-111	Generic name: Aromatic acid diester	47 FR 52223 (11/19/82)	Mar. 4, 1983
83-129	Syncrude (full range, dewaxed dearsenited shale oil)	47 FR 54357 (12/2/82)	Mar. 31, 1983
83-130	Light straight run naphtha (shale oil)	47 FR 54357 (12/2/82)	Do.
83-131	Heavy straight run naphtha (shale oil)	47 FR 54357 (12/2/82)	Do
83-132	Straight run middle distillate (shale oil)	47 FR 54357 (12/2/82)	Do
83-133	Straight run gas oil (shale oil)	47 FR 54357 (12/2/82)	Do
83-134	Atmosphere tower residuum (shale oil)	47 FR 54357 (12/2/82)	Do.
83-135	Vacuum tower condensate (shale oil)	47 FR 54357 (12/2/82)	Do.
83-136	Light vacuum gas oil (shale oil)	47 FR 54357 (12/2/82)	Do
83-137	Heavy vacuum gas oil (shale oil)	47 FR 54357 (12/2/82)	Do
83-138	Vacuum residuum (shale oil)	47 FR 54357 (12/2/82)	Do
83-139	Full range catalytic cracked naphtha (shale oil)	47 FR 54357 (12/2/82)	Do
83-140	Light catalytic cracked distillate (shale oil)	47 FR 54357 (12/2/82)	Do
83-141	Catalytic cracked clarified oil (shale oil)	47 FR 54357 (12/2/82)	Do.
83-142	Catalytic cracked light olefins (shale oil)	47 FR 54357 (12/2/82)	Do
83-143	Full range catalytic reformed naphtha (shale oil)	47 FR 54357 (12/2/82)	Do.
83-144	Full range alkylate naphtha (shale oil)	47 FR 54357 (12/2/82)	Do.
83-145	Light hydrocracked naphtha (shale oil)	47 FR 54357 (12/2/82)	Do.
83-146	Heavy hydrocracked naphtha (shale oil)	47 FR 54357 (12/2/82)	Do.
83-147	Light hydrocracked distillate (shale oil)	47 FR 54357 (12/2/82)	Do.
83-148	Light thermal cracked naphtha (shale oil)	47 FR 54357 (12/2/82)	Do.
83-149	Heavy thermal cracked naphtha (shale oil)	47 FR 54357 (12/2/82)	Do.
83-150	Light thermal cracked distillate (shale oil)	47 FR 54357 (12/2/82)	Do.
83-151	Heavy thermal cracked distillate (shale oil)	47 FR 54357 (12/2/82)	Do
83-152	Coke (shale oil)	47 FR 54357 (12/2/82)	Do
83-153	Sweetened naphtha (shale oil)	47 FR 54357 (12/2/82)	Do
83-154	Hydrodesulfurized heavy naphtha (shale oil)	47 FR 54357 (12/2/82)	Do
83-155	Hydrodesulfurized middle distillate (shale oil)	47 FR 54357 (12/2/82)	Do
83-156	Full range straight run naphtha (shale oil)	47 FR 54357 (12/2/82)	Do.
83-157	Straight run kerosive (shale oil)	47 FR 54357 (12/2/82)	Do.
83-158	Light paraffinic distillate (shale oil)	47 FR 54357 (12/2/82)	Do
83-159	Heavy paraffinic distillate (shale oil)	47 FR 54357 (12/2/82)	Do
83-160	Light catalytic cracked naphtha (shale oil)	47 FR 54357 (12/2/82)	Do
83-161	Heavy catalytic cracked naphtha (shale oil)	47 FR 54357 (12/2/82)	Do
83-162	Intermediate catalytic cracked distillate (shale oil)	47 FR 54357 (12/2/82)	Do.
83-163	Heavy catalytic cracked distillate (shale oil)	47 FR 54357 (12/2/82)	Do
83-165	Light catalytic reformed naphtha (shale oil)	47 FR 54357 (12/2/82)	Do
83-166	Heavy catalytic reformed naphtha (shale oil)	47 FR 54357 (12/2/82)	Do
83-167	Catalytic reformer fractionator residue (shale oil)	47 FR 54357 (12/2/82)	Do
83-168	Light alkylate naphtha (shale oil)	47 FR 54357 (12/2/82)	Do
83-169	Heavy alkylate naphtha (shale oil)	47 FR 54357 (12/2/82)	Do
83-170	Alkylate distillate (shale oil)	47 FR 54357 (12/2/82)	Do
83-171	Polymerization naphtha (shale oil)	47 FR 54357 (12/2/82)	Do
83-172	Viscous polymer (shale oil)	47 FR 54357 (12/2/82)	Do
83-173	Isomerization naphtha (shale oil)	47 FR 54357 (12/2/82)	Do
83-174	Heavy hydrocracked distillate (shale oil)	47 FR 54357 (12/2/82)	Do
83-175	Hydrocracked residuum (shale oil)	47 FR 54357 (12/2/82)	Do
83-176	Sweetened middle distillate (shale oil)	47 FR 54357 (12/2/82)	Do
83-177	Normal paraffins (shale oil)	47 FR 54357 (12/2/82)	Do
83-178	Sorption process raffinate (shale oil)	47 FR 54357 (12/2/82)	Do
83-179	Solvent refined light naphtha (shale oil)	47 FR 54357 (12/2/82)	Do
83-180	Solvent refined heavy naphtha (shale oil)	47 FR 54357 (12/2/82)	Do
83-181	Solvent refined middle distillate (shale oil)	47 FR 54357 (12/2/82)	Do
83-182	Solvent refined gas oil (shale oil)	47 FR 54357 (12/2/82)	Do
83-183	Solvent refined light paraffinic distillate (shale oil)	47 FR 54357 (12/2/82)	Do
83-184	Solvent refined heavy paraffinic distillate (shale oil)	47 FR 54357 (12/2/82)	Do
83-185	Solvent deasphalted residual oil (shale oil)	47 FR 54357 (12/2/82)	Do
83-186	Solvent decarbonized heavy paraffinic distillate (shale oil)	47 FR 54357 (12/2/82)	Do
83-187	Solvent refined residual oil (shale oil)	47 FR 54357 (12/2/82)	Do
83-188	Solvent refined spent lube oil (shale oil)	47 FR 54357 (12/2/82)	Do
83-189	Light naphtha solvent extract (shale oil)	47 FR 54357 (12/2/82)	Do
83-190	Heavy naphtha solvent extract (shale oil)	47 FR 54357 (12/2/82)	Do.
83-191	Middle distillate solvent extract (shale oil)	47 FR 54357 (12/2/82)	Do
83-192	Gas oil solvent extract (shale oil)	47 FR 54357 (12/2/82)	Do
83-193	Light paraffinic distillate solvent extract (shale oil)	47 FR 54357 (12/2/82)	Do
83-194	Heavy paraffinic distillate solvent extract (shale oil)	47 FR 54357 (12/2/82)	Do
83-195	Residual oil solvent extract (shale oil)	47 FR 54357 (12/2/82)	Do
83-196	Heavy paraffinic distillate decarbonization raffinate (shale oil)	47 FR 54357 (12/2/82)	Do
83-197	Clay treated light paraffinic distillate (shale oil)	47 FR 54357 (12/2/82)	Do.
83-198	Clay treated heavy paraffinic distillate (shale oil)	47 FR 54357 (12/2/82)	Do
83-199	Clay treated paraffin wax (shale oil)	47 FR 54357 (12/2/82)	Do.
83-200	Chemically neutralized spent lube oil (shale oil)	47 FR 54357 (12/2/82)	Do.
83-201	Hydrotreated light naphtha (shale oil)	47 FR 54357 (12/2/82)	Do.
83-202	Hydrotreated heavy naphtha (shale oil)	47 FR 54357 (12/2/82)	Do

III. 191 PREMANUFACTURE NOTICES FOR WHICH THE NOTICE REVIEW PERIOD HAS ENDED DURING THE MONTH. (EXPIRATION OF THE NOTICE REVIEW PERIOD DOES NOT SIGNIFY THAT THE CHEMICAL HAD BEEN ADDED TO THE INVENTORY)—Continued

PMN No.	Identity and generic name	FR citation	Expiration date
83-203	Hydrotreated light distillate (shale oil)	47 FR 54357 (12/2/82)	Do
83-204	Hydrotreated middle distillate (shale oil)	47 FR 54357 (12/2/82)	Do
83-205	Hydrotreated light paraffinic distillate (shale oil)	47 FR 54357 (12/2/82)	Do.
83-206	Hydrotreated heavy paraffinic distillate (shale oil)	47 FR 54357 (12/2/82)	Do.
83-207	Hydrotreated paraffin wax (shale oil)	47 FR 54357 (12/2/82)	Do
83-208	Hydrotreated microcrystalline wax (shale oil)	47 FR 54357 (12/2/82)	Do.
83-209	Hydrotreated vacuum gas oil (shale oil)	47 FR 54357 (12/2/82)	Do
83-210	Hydrotreated residual oil (shale oil)	47 FR 54357 (12/2/82)	Do
83-211	Solvent dewaxed light paraffinic distillate (shale oil)	47 FR 54357 (12/2/82)	Do
83-212	Solvent dewaxed heavy paraffinic distillate (shale oil)	47 FR 54357 (12/2/82)	Do
83-213	Solvent dewaxed residual oil (shale oil)	47 FR 54357 (12/2/82)	Do
83-214	Slack wax (shale oil)	47 FR 54357 (12/2/82)	Do.
83-215	Petrolatum (shale oil)	47 FR 54357 (12/2/82)	Do.
83-216	Foots oil (shale oil)	47 FR 54357 (12/2/82)	Do
83-217	Paraffin wax (shale oil)	47 FR 54357 (12/2/82)	Do.
83-218	Microcrystalline wax (shale oil)	47 FR 54357 (12/2/82)	Do.
83-219	Catalytic dewaxed naphtha (shale oil)	47 FR 54357 (12/2/82)	Do.
83-220	Catalytic dewaxed middle distillate (shale oil)	47 FR 54357 (12/2/82)	Do
83-221	Catalytic dewaxed light paraffinic oil (shale oil)	47 FR 54357 (12/2/82)	Do.
83-222	Catalytic dewaxed heavy paraffinic oil (shale oil)	47 FR 54357 (12/2/82)	Do.
83-223	Hydrodesulfurized light naphtha (shale oil)	47 FR 54357 (12/2/82)	Do.
83-224	Hydrosulfurized kerosine (shale oil)	47 FR 54857 (12/2/82)	Do.
83-225	Hydrosulfurized gas oil (shale oil)	47 FR 54357 (12/2/82)	Do.
83-226	Hydrodesulfurized atmospheric tower residuum (shale oil)	47 FR 54357 (12/2/82)	Do.
83-227	Hydrodesulfurized heavy vacuum gas oil (shale oil)	47 FR 54357 (12/2/82)	Do.
83-228	Hydrodesulfurized heavy vacuum gas oil (shale oil)	47 FR 54357 (12/2/82)	Do
83-229	Steam cracked residuum (shale oil)	47 FR 54357 (12/2/82)	Do.
83-230	Light aliphatic solvent naphtha (shale oil)	47 FR 54357 (12/2/82)	Do.
83-231	Medium aliphatic solvent naphtha (shale oil)	47 FR 54357 (12/2/82)	Do.
83-232	Heavy aliphatic solvent naphtha (shale oil)	47 FR 54357 (12/2/82)	Do.
83-233	Light aromatic solvent naphtha (shale oil)	47 FR 54358 (12/2/82)	Do.
83-234	Heavy aromatic solvent naphtha (shale oil)	47 FR 54358 (12/2/82)	Do.
83-235	Calcined coke (shale oil)	47 FR 54358 (12/2/82)	Do.
83-264	Condensation polymer of ethyl acrylate and ethanol amine	47 FR 55423 (12/9/82)	Mar. 1, 1983
83-265	Generic name: Substituted alkyl polyalkylene oxy quaternary ammonium chloride compound	47 FR 55423 (12/9/82)	Do.
83-266	Generic name: Poly(oxyalkyl disubstituted silane) alkyl, alkoxy-terminated, polymer with titanium alkoxide	47 FR 57333 (12/23/82)	Mar 2, 1983
83-267	Generic name: Polyester from carbomonocyclic anhydrides and substituted alkanediols	47 FR 57333 (12/23/82)	Do
83-268	Generic name: Azobis-(nitrosulfophenyl-alkylsulfobenzene) compound with oxyalkylamine	47 FR 57333 (12/23/82)	Do.
83-269	Generic name: Substituted naphthalenylazo naphthalenedsulfonic acid salt	47 FR 57333 (12/23/82)	Do.
83-270	Generic name: Tetra(substituted sulfonic acid) derivative of transition metal—arylcyanine complex	47 FR 57333 (12/23/82)	Do.
83-271	Generic name: Hydrocarbon complex with platinum halide	47 FR 57333 (12/23/82)	Do.
83-272	Generic name: Substituted pyridine	47 FR 57333 (12/23/82)	Mar 8, 1983
83-273	Generic name: Blocked isocyanate	47 FR 57333 (12/23/82)	Mar 5, 1983
83-274	Generic name: Polymer of alkane polyols, alkanedioic acids and aromatic polyacid	47 FR 57333 (12/23/82)	Do
83-275	Generic name: Modified polyisocyanate	47 FR 57333 (12/23/82)	Do.
83-276	Generic name: Modified polyisocyanate	47 FR 57333 (12/23/82)	Do.
83-277	2-Oxepanone, polymer with 2,2'-[oxybismethylene)] bis[2-(hydroxymethyl)-1,3-propanediol	47 FR 57333 (12/23/82)	Do.
83-278	2-Oxepanone, polymer with 2,2-bis[3-(hydroxy-2,2-bis(hydroxymethyl)propoxy]methyl]-1,3-propanediol	47 FR 57333 (12/23/82)	Do.
83-279	Generic name: Chlorinated, oleated hydrocarbon polymer	47 FR 57334 (12/2/82)	Do.
83-280	Generic name: 2-Anthracenesulfonic acid, 1-amino-9,10-dihydro-9,10-dioxo-4-[(substituted phenyl)amino]	47 FR 57334 (12/23/82)	Mar. 6, 1983
83-281	Generic name: Benzenesulfonamide salt	47 FR 57334 (12/23/82)	Do.
83-282	Generic name: Polyester based complex alkanediol	47 FR 57334 (12/23/82)	Do.
83-283	Generic name: Substituted cyclosiloxane	47 FR 57334 (12/23/82)	Do.
83-284	Generic name: Polyester polyol	47 FR 57334 (12/23/82)	Do.
83-285	Generic name: Phosphate ester	47 FR 57334 (12/23/82)	Do
83-286	Generic name: 1,1-dimethyl ethyl peroxyester	47 FR 57334 (12/23/82)	Do.
83-287	Generic name: 1,1-dimethylpropyl peroxyester	47 FR 57334 (12/23/82)	Do.
83-288	Generic name: 1-methyl-1-phenyl ethyl peroxyester	47 FR 57334 (12/23/82)	Do.
83-289	Copolymer from acrylonitrile, styrene and p-isopropenylphenol	47 FR 57334 (12/23/82)	Do.
83-290	Generic name: Asphalt styrenated resin	47 FR 57334 (12/23/82)	Do.
83-291	Generic name: Vinylic copolymer	47 FR 57334 (12/23/82)	Do.
83-292	Generic name: N-substituted-N-mixed alkoxy-propylmaleamic acid derivatives	47 FR 57335 (12/23/82)	Mar. 7, 1983
83-293	Hydrogenated acrylonitrile-butadiene copolymer (H-NBR)	47 FR 57335 (12/23/82)	Do.
83-294	Generic name: Organophosphorus compound	47 FR 57335 (12/23/82)	Do.
83-295	Generic name: Organosulfur compounds	47 FR 57335 (12/23/82)	Mar. 8, 1983
83-296	Generic name: Rosin metallic salt	47 FR 57335 (12/23/82)	Do.
83-297	Generic name: (Substituted) anthracenylimino-(substituted) carbomonocylic acid alkylamine salt	47 FR 57336 (12/23/82)	Mar. 9, 1983
83-303	Polymer of: trimethyl pentane diol, adipic acid and phthalic anhydride	47 FR 57336 (12/23/82)	Do.
83-304	Bis (benzyl-thioureidoethyl)-dithio carbamic acid-s-propoylester- -sulfonic acid sodium	47 FR 57337 (12/23/82)	Do.
83-305	Generic name: Urethane polyester prepolymer acrylate capped	47 FR 57337 (12/23/82)	Mar. 12, 1983
83-311	3-dimethylureidyimethyl-3,5,5-trimethylcyclo-hexyl dimethyl urea	47 FR 57337 (12/23/82)	Mar 18, 1983
83-312	Generic name: Aromatic aliphatic branched polyester resin	47 FR 57337 (12/23/82)	Do.
83-313	Generic name: Polymer of alkane polyols, alkane dioic acid and aromatic acid	47 FR 57337 (12/23/82)	Do.
83-314	Generic name: Ester of aromatic acids and aliphatic polyols	47 FR 57337 (12/23/82)	Do.
83-315	Generic name: 2-substituted propanoic acid	47 FR 57337 (12/23/82)	Do.
83-316	Generic name: Modified ethylene-chlorotri-fluoroethylene polymer	47 FR 57338 (12/23/82)	Mar 14, 1983
83-317	Generic name: Modified polyester polyurethane from substituted alkanediols, alkandioic acid and a disocyanate		

III. 191 PREMANUFACTURE NOTICES FOR WHICH THE NOTICE REVIEW PERIOD HAS ENDED DURING THE MONTH. (EXPIRATION OF THE NOTICE REVIEW PERIOD DOES NOT SIGNIFY THAT THE CHEMICAL HAD BEEN ADDED TO THE INVENTORY)—Continued

PMN No.	Identity and generic name	FR citation	Expiration date
83-318	Generic name: Acrylic copolymer of styrene and methacrylate monomers	47 FR 57338 (12/23/82)	Mar. 15, 1983.
83-319	Generic name: Modified alkyd polymer from mixed fatty oils, carbomonocyclic anhydride, carbomonocyclic acid and a substituted alkane diol.	47 FR 57338 (12/23/82)	Do.
83-320	Generic name: Polymeric acrylate	47 FR 57338 (12/23/82)	Do.
83-321	Generic name: Mixed glycol oligoesters of mixed dicarboxylic acids	48 FR 72 (1/3/83)	Mar. 16, 1983
83-322	Generic name: Polyester of aliphatic polyol, mono basic acids and aromatic diacids	48 FR 72 (1/3/83)	Do.
83-323	Generic name: Polyester of aliphatic polyols, vegetable oil, and aromatic dibasic acid	48 FR 72 (1/3/83)	Do.
83-324	Generic name: Modified bisphenol A, epichlorohydrin polymer	48 FR 72 (1/3/83)	Do.
83-325	Generic name: Polyester polyurethane from carbomonocyclic anhydride, alkanediols and diisocyanates	48 FR 72 (1/3/83)	Do.
83-326	Generic name: Functionalized acrylic polymer	48 FR 72 (1/3/83)	Do.
83-327	Generic name: Blocked isocyanate	48 FR 72 (1/3/83)	Do.
83-328	Generic name: Modified copolymer of alkenoic esters and substituted alkenoic esters with styrene	48 FR 72 (1/3/83)	Do.
83-329	Generic name: Substituted phenyl, azo substituted naphthalenedisulfonic acid, sodium salt	48 FR 72 (1/3/83)	Do.
83-330	Generic name: Substituted phenate	48 FR 73 (1/3/83)	Do.
83-331	Generic name: Bis-alkylated phenol	48 FR 73 (1/3/83)	Do.
83-332	Generic name: Aromatic alkyd—silicone modified	48 FR 73 (1/3/83)	Do.
83-334	Generic name: Polymer of alkane polyols, alkanedioic acid, and aromatic diacid	48 FR 73 (1/3/83)	Do.
83-336	Methanesulfonic acid, tin (2+) salt	48 FR 73 (1/3/83)	Do.
83-337	Methanesulfonic acid, lead (2+) salt	48 FR 73 (1/3/83)	Do.
83-338	Generic name: Substituted-1,8-triphenodioxazine-disulfonic acid, sodium salt	48 FR 862 (1/7/83)	Mar. 26, 1983
83-339	Generic name: 5-[4-chloro-6-[3-[2-(hydroxy-sulfonyloxy)ethylsulfonyl]anilino]-1,3,5-triazin-2-ylamino]-3-[1,5-disulfo-2-naphthylazo)-4-hydroxy-2, 7-naphthalenedisulfonic acid, pentasodium salt.	48 FR 862 (1/7/83)	Do.
83-340	Generic name: 3-[4-[4-[4-chloro-6-[3-[2-(hydroxysulfonyloxy)ethylsulfonyl]anilino]-1,3,5-triazin-2-ylamino]-5-sulfonaphthylazo]-6-sulfonaphthylazo-1,5-naphthalenedisulfonic acid, pentasodium salt.	48 FR 862 (1/7/83)	Do.
83-342	Generic name: 3-[5-[4-chloro-6-[3-[2-(hydroxysulfonyloxy)ethylsulfonyl]anilino]-1,3,5-triazin-2-ylamino]-2-sulfophenylazo]-4-hydroxy-5-propionylamino-2,7-naphthalenedisulfonic acid tetrasodium salt.	48 FR 862 (1/7/83)	Do.
83-343	Generic name: 4-amino-6-[5-[4-chloro-[3-[2-(hydroxysulfonyloxy)ethylsulfonyl]anilino]-1,3,5-triazin-2-ylamino]-2-sulfophenylazo]-5-hydroxy-3-(4-sulfophenylazo]-2,7-naphthalenedisulfonic acid, pentasodium salt.	48 FR 862 (1/7/83)	Do.
83-344	Generic name: Mercapto-substituted, heterocyclic nitrogen compound	48 FR 862 (1/7/83)	Do.
83-345	Generic name: Alkyl thiocyanate	48 FR 862 (1/7/83)	Do.
83-346	Polymer of 2-propenoic acid, 2-methyl-, methyl ester and 1,3-butylenegiycol diacrylate	48 FR 862 (1/7/83)	Do.
83-347	Partially hydrogenated polybenzylated toluene	48 FR 862 (1/7/83)	Mar. 27, 1983
83-348	Polybenzylated toluene	48 FR 862 (1/7/83)	Do.
83-349	Generic name: Poly polymethacrylate	48 FR 862 (1/7/83)	Do.
83-351	Polymer of trimethylol propane, ethylene glycol, adipic acid, phthalic anhydride	48 FR 862 (1/4/83)	Mar. 29, 1983
83-352	Generic name: Aliphatic secondary naphthalene	48 FR 862 (1/14/83)	Do.
83-353	Generic name: Aliphatic secondary naphthalene	48 FR 862 (1/14/83)	Do.
83-354	Generic name: Aliphatic bis(secondary naphthalene amine)	48 FR 862 (1/14/83)	Do.
83-355	Generic name: Substituted aromatic secondary naphthalene amine	48 FR 862 (1/14/83)	Do.

IV. 53 CHEMICAL SUBSTANCES FOR WHICH EPA HAS RECEIVED NOTICES OF COMMENCEMENT TO MANUFACTURE

PMN No.	Chemical identification	FR citation	Date of commencement
80-50	Polymer of: methyl methacrylate; methyl acrylate; butylacrylate; 2-hydroxyethyl acrylate	45 FR 25131 (4/14/80)	Mar. 5, 1983.
80-223	1,6-Hexanediol, terephthalic acid, neopentyl glycol, trimelletic anhydride, adipic acid, and isophthalic acid	45 FR 61019 (9/15/80)	Oct. 9, 1981
80-327	Generic name: Toluene diisocyanate blocked prepolymer	45 FR 83020 (12/17/80)	Feb. 10, 1983.
81-51	Polymer of tall oil fatty acids, neopentyl glycol, pentaerythritol, isophthalic acid, and benzoic acid	46 FR 16319 (3/12/81)	Feb. 9, 1983.
81-64	Polymer of neopentyl glycol, adipic acid, trimellitic anhydride, and an aromatic aliphatic ester	46 FR 16933 (3/16/81)	Apr 15, 1982.
81-226	Polymer of acrylic acid, acrylonitrile, butylacrylate, 2-hydroxyethyl acrylate, and vinylidene chloride	46 FR 31940 (6/16/81)	Mar 5, 1983
81-331	Generic name: Acrylic modified alkyd resin	46 FR 38580 (7/28/81)	Feb. 17, 1983
81-464	Generic name: Alkyl styrenated acrylate terpolymer	46 FR 47855 (9/30/81)	Aug. 3, 1982
81-500	2-dodecyl-9-H-thioxanthen-9-one	46 FR 50147 (10/9/81)	Feb. 15, 1983.
81-621	Generic name: Polyester of propanediol, adipic acid, phthalic anhydride, aromatic aliphatic ester	46 FR 60982 (12/14/81)	Apr. 7, 1982.
81-625	Generic name. Blocked isocyanate	46 FR 61505 (12/17/81)	Mar. 4, 1983.
81-656	Generic name: Halogenated nitrotoluene derivative	47 FR 1020 (1/8/82)	Dec 16, 1982
82-59	Generic name: Aromatic disazo dye	47 FR 5330 (2/4/82)	June 21, 1982
82-233	Generic name: Organic salt of phosphorus	47 FR 15407 (4/9/82)	Mar 21, 1983
82-272	Generic name: Heterocyclic-alkylphenyl azo substance	47 FR 18405 (4/16/82)	Dec. 9, 1982.
82-277	Generic name: Polymer of aliphatic and aromatic diacids and an aliphatic diol	47 FR 17666 (4/23/82)	Mar. 7, 1983.
82-319	Generic name: Alkyl oligoglycosides	47 FR 19782 (5/7/82)	Feb. 21, 1983.
82-327	Generic name: Hydroxy, amine-substituted anthraquinone	47 FR 20853 (5/14/82)	Oct. 11, 1982.
82-386	Generic name: Metal complex of disazo aromatic acids, sodium salt	47 FR 25400 (6/11/82)	Sept. 21, 1982.
82-483	Generic name: Polymer of acrylic acid and acrylic esters	47 FR 31063 (7/16/82)	Mar. 10, 1983
82-485	Generic name: Chlorotriazine modified copper phthalocyanine, sodium salt	47 FR 31063 (7/16/82)	Oct. 21, 1982
82-567	Generic name: Alkylbenzenesulfonic acid compound with dialkyl amine	47 FR 39242 (9/7/82)	Feb. 14, 1983.
82-502	Generic name: Mixed glycol oligoesters of mixed dicarboxylic acids	47 FR 39243 (9/7/82)	Mar. 7, 1983.
82-630	Generic name: Unsaturated alkyl fatty amine	47 FR 39885 (9/10/82)	Mar. 4, 1983.
82-631	Generic name: Unsaturated amine adduct	47 FR 39885 (9/10/82)	Mar. 8, 1983.
82-661	Generic name: Modified polyurethane	47 FR 42152 (9/24/82)	Mar. 4, 1983.
82-662	Generic name: Modified polyurethane	47 FR 42152 (9/24/82)	Do.
82-663	Generic name. Modified diol	47 FR 42152 (9/24/82)	Do.
82-671	Generic name: Vinyl chloride-ethylene copolymer	47 FR 42153 (7/16/82)	May 2, 1983
82-683	Generic name: Halogenated ketone	47 FR 43161 (9/30/82)	Mar. 15, 1983
82-701	Generic name: Aromatic disazo dye	47 FR 44809 (10/8/82)	Feb. 25, 1983
82-702	Generic name: Metal complexed, substituted aromatic azo compound	47 FR 44809 (10/8/82)	Feb. 14, 1983.
83-24	Generic name: Substituted pyridine	47 FR 46373 (10/18/82)	Mar. 16, 1983.
83-32	Generic name: Modified polyester polyurethane from substituted alkanediols, alkanedioic acid and a diisocyanate	47 FR 47067 (10/22/82)	Feb. 17, 1983.
83-51	Generic name: Alkoxylated alkyl amine	47 FR 49072 (10/29/82)	Mar. 17, 1983.
83-91	Polymer of tall oil rosin, gum rosin, paraformaldehyde, calcium hydroxide, phenol	47 FR 52222 (11/19/82)	Feb. 8, 1983.
83-105	1,2-benzenediamine, 4-ethoxy, sulfate (1:1)	47 FR 52223 (11/19/82)	Feb. 28, 1983.
83-119	Generic name: Polyester from a carbomonocyclic anhydride and substituted alkanediols	47 FR 52224 (11/19/82)	Feb. 15, 1983.
83-127	Polymer of acrylic acid, butyl acrylate, 2-hydroxy ethyl acrylate, methyl acrylate, and 2-ethylhexyl acrylate	47 FR 53782 (11/29/82)	Mar. 5, 1983.
83-242	Generic name: Polymer of aliphatic polyols, aliphatic and aromatic dicarboxylic acids	47 FR 53783 (11/29/82)	After Mar. 1, 1983.
83-258	Generic name: Polymer of styrene, methacrylate ester, acrylic ester, and acrylic acid	47 FR 55422 (12/9/82)	Do.
83-261	2,2-bis[4-(4-amino phenoxy)phenyl] hexafluoro-propene	47 FR 55422 (12/9/82)	Mar. 7, 1983.

IV. 53 Chemical Substances for Which EPA Has Received Notices of Commencement To Manufacture—Continued

PMN No.	Chemical identification	FR citation	Date of commencement
83-269	Generic name: Substituted naphthalenylazo naphthalenedisulfonic acid salt	47 FR 57333 (12/23/82)	Mar. 3, 1983.
83-270	Generic name: Tetra(substituted sulfonic acid) derivative of transition metal-acrylcyanine complex	47 FR 57333 (12/23/82)	Do.
83-271	Generic name: Hydrocarbon complex with platinum halide	47 FR 57333 (12/23/82)	Do.
83-290	Generic name: Asphalt styrenated resin	47 FR 57334 (12/23/82)	Mar. 11, 1983.
83-291	Generic name: Vinylic copolymer	47 FR 57334 (12/23/82)	Mar. 6, 1983.
83-294	Generic name: Organophosphorus compound	47 FR 57335 (12/23/82)	Mar. 8, 1983.
83-295	Generic name: Organosulfur compound	47 FR 57335 (12/23/82)	Do.
83-382	Generic name: N-substituted-N-mixed alkyloxy-propylmaleamic acid derivatives	47 FR 57334 (12/23/82)	Apr. 15, 1983.
83-383	Generic name: N-substituted-N-mixed alkyloxy-propylmaleamic acid derivatives	47 FR 57334 (12/23/82)	Do.
83-384	Generic name: N-substituted-N-mixed alkyloxy-propylmalmeamic acid derivatives	47 FR 57334 (12/23/82)	Do.
83-385	Generic name: N-substituted-N-mixed alkyloxy-propylmalmeamic acid derivatives	47 FR 57334 (12/23/82)	Do.

V. 142 Premanufacture Notices for Which the Review Period Has Been Suspended

PMN No.	Identity and generic name	FR citation	Date suspended
80-137	Benzeneamine, 4,4'-methylene bis [N-(1-methylbutylidene)]	45 FR 48243 (7/18/80)	Sept. 22, 1980.
80-138	Benzeneamine, 4,4'-methylene bis [N-(1-methylbutylidene)]	45 FR 48243 (7/18/80)	Do.
80-146	Phosphorodithioic acid O,O'-di(isohexyl, isoheptyl, isooctyl, isononyl, isodecyl) mixed esters, zinc salt	45 FR 49153 (7/23/80)	Sept. 17, 1980.
80-147	Phosphorodithioic acid O,O'-di(isohexyl, isoheptyl, isooctyl, isononyl, isodecyl) mixed esters	45 FR 49153 (7/23/80)	Do.
80-254	Generic name: benzeneamine, [N-(1-methylhexylidene)-N-(1-methyl butylidene)-4,4'-methylene bis]	45 FR 73127 (11/4/80)	Dec. 24, 1980.
81-558	4-hydroxy-3-(5-(2-hydroxysulfonyloxy) ethyl-sulfonyl)-2-methoxyphenylazo)-7-succinyl-amino-2-naphthalenesulfonic acid disodium salt.	46 FR 55146 (11/6/81)	Jan. 27, 1982.
81-561	4-[4-[2-(hydroxysulfonyoxy)ethylsulfonyl]-5-methyl-2-methoxyphenylazo]-3-methyl-1-(3-sulfophenyl)-5-pyrazolone disodium salt	45 FR 55146 (11/6/81)	Do.
81-660	4-hydroxy-3-(2-methoxy-5-methyl-4-(2-(hydroxy-sulfonyloxy)ethylsulfonyl)phenylozo)-1-naphthalene sulfonic acid disodium salt	47 FR 1021 (1/8/82)	Mar. 28, 1982
81-661	4-hydroxy-3-(2-methoxy-5-methyl-4-(2-(hydroxy-sulfonyloxy)ethylsulfonyl)phenylazo)-6-(3-sulfophenyl)amino-2-naphthalenesulfonic acid trisodium salt.	47 FR 1021 (1/8/82)	Do.
82-60	Generic name: Zinc, O,O-bis alkylphosphoro dithioate	47 FR 5932 (2/9/82)	Apr. 15, 1982.
82-387	Phosphorodithioic acid, O,O', secondary butyl and isooctyl mixed esters	47 FR 25401 (6/11/82)	July 30, 1982.
82-388	Phosphorodithioic acid, O,O', secondary butyl and isooctyl mixed esters, zinc salt	47 FR 25401 (6/11/82)	Do.
82-678	Generic name: Chlorinated aromatic azo anthraquinone pigment	47 FR 43161 (9/30/82)	Nov. 22, 1982.
82-679	Generic name: Chlorinated aromatic azo pigment	47 FR 43161 (9/30/82)	Do.
83-1	Generic name: Polyhalogenated aromatic alkylated hydrocarbon	47 FR 46371 (10/18/82)	Oct. 22, 1982.
83-25	Generic name: Substituted pyridine	47 FR 46373 (10/18/82)	Dec. 24, 1982.
83-36	Generic name: Acrylated alkoxylated aliphatic glycol	47 FR 47068 (10/22/82)	Dec. 27, 1982.
83-37	Generic name: Acrylated alkoxylated aliphatic glycol	47 FR 47068 (10/22/82)	Do.
83-110	Generic name: Saturated acid diester	47 FR 52223 (11/19/82)	Jan. 26, 1983
83-129	Syncrude (full range, dewaxed deasensted shale oil	47 FR 54357 (12/2/82)	Mar. 1 through 31, 1983.
83-130	Light straight run naphtha (shale oil)	47 FR 54357 (12/2/82)	Do
83-131	Heavy straight run naphtha (shale oil)	47 FR 54357 (12/2/82)	Do.
83-132	Straight run middle distillate (shale oil)	47 FR 54357 (12/2/82)	Do.
83-113	Straight run gas oil (shale oil)	47 FR 54357 (12/2/82)	Do.
83-134	Atmosphere tower residuum (shale oil)	47 FR 54357 (12/2/82)	Do.
83-135	Vacuum tower condensate (shale oil)	47 FR 54357 (12/2/82)	Do.
83-136	Light vacuum gas oil (shale oil)	47 FR 54357 (12/2/82)	Do.
83-137	Heavy vacuum gas oil (shale oil)	47 FR 54357 (12/2/82)	Do.
83-138	Vacuum residuum (shale oil)	47 FR 54357 (12/2/82)	Do.
83-139	Full range catalytic cracked naphtha (shale oil)	47 FR 54357 (12/2/82)	Do.
83-140	Light catalytic cracked distillate (shale oil)	47 FR 54357 (12/2/82)	Do.
83-141	Catalytic cracked clarified oil (shale oil)	47 FR 54357 (12/2/82)	Do.
83-142	Catalytic cracked light olefins (shale oil)	47 FR 54357 (12/2/82)	Do.
83-143	Full range catalytic reformed naphtha (shale oil)	47 FR 54357 (12/2/82)	Do
83-144	Full range alkylate naphtha (shale oil)	47 FR 54357 (12/2/82)	Do
83-145	Light hydrocracked naphtha (shale oil)	47 FR 54357 (12/2/82)	Do.
83-146	Heavy hydrocracked naphtha (shale oil)	47 FR 54357 (12/2/82)	Do.
83-147	Light hydrocracked distillate (shale oil)	47 FR 54357 (12/2/82)	Do
83-148	Light thermal cracked naphtha(shale oil)	47 FR 54357 (12/2/82)	Do
83-149	Heavy thermal cracked naphtha (shale oil)	47 FR 54357 (12/2/82)	Do
83-150	Light thermal cracked distillate (shale oil)	47 FR 54357 (12/2/82)	Do
83-151	Heavy thermal cracked distillate (shale oil)	47 FR 54357 (12/2/82)	Do.
83-152	Coke (shale oil)	47 FR 54357 (12/2/82)	Do
83-153	Sweetened naphtha (shale oil)	47 FR 54357 (12/2/82)	Do.
83-154	Hydrodesulfurized heavy naphtha (shale oil)	47 FR 54357 (12/2/82)	Do.
83-155	Hydrodesulfurized middle distillate (shale oil)	47 FR 54357 (12/2/82)	Do.
83-156	Full range straight run naphtha (shale oil)	47 FR 54357 (12/2/82)	Do.
83-1a57	Straight run kerosive (shale oil)	47 FR 54357 (12/2/82)	Do.
83-158	Light Paraffinic distillate (shale oil)	47 FR 54357 (12/2/82)	Do.
83-159	Heavy paraffinic distillate (shale oil)	47 FR 54357 (12/2/82)	Do.
83-160	Light catalytic cracked naphtha (shale oil)	47 FR 54357 (12/2/82)	Do
83-161	Heavy catalytic cracked naphtha (shale oil)	47 FR 54357 (12/2/82)	Do.
83-162	Intermediate catalytic cracked distillate (shale oil)	47 FR 54357 (12/2/82)	Do.
83-163	Heavy catalytic cracked distillate (shale oil)	47 FR 54357 (12/2/82)	Do.
83-165	Light catalytic reformed naphtha (shale oil)	47 FR 54357 (12/2/82)	Do
83-166	Heavy catalytic reformed naphtha (shale oil)	47 FR 54357 (12/2/82)	Do.
83-167	Catalytic reformer fractionator residue (shale oil)	47 FR 54357 (12/2/82)	Do.
83-168	Light alkylate naphtha (shale oil)	47 FR 54357 (12/2/82)	Do.
83-169	Heavy alkylate naphtha (shale oil)	47 FR 54357 (12/2/82)	Do.
83-170	Alkylate distillate (shale oil)	47 FR 54357 (12/2/82)	Do.
83-171	Polymerization naphtha (shale oil)	47 FR 54357 (12/2/82)	Do.
83-172	Viscous polymer (shale oil)	47 FR 54357 (12/2/82)	Do.
83-173	Isomerization naphtha (shale oil)	47 FR 54357 (12/2/82)	Do
83-174	Heavy hydrocracked distillate (shale oil)	47 FR 54357 (12/2/82)	Do.
83-175	Hydrocracked residuum (shale oil)	47 FR 54357 (12/2/82)	Do.
83-176	Sweetened middle distillate (shale oil)	47 FR 54357 (12/2/82)	Do.
83-177	Normal paraffins (shale oil)	47 FR 54357 (12/2/82)	Do.
83-178	Sorpton process raffinate (shale oil)	47 FR 54357 (12/2/82)	Do.
83-179	Solvent refined light naphtha (shale oil)	47 FR 54357 (12/2/82)	Do

V. 142 PREMANUFACTURE NOTICES FOR WHICH THE REVIEW PERIOD HAS BEEN SUSPENDED—Continued

PMN No	Identity and generic name	FR citation	Date suspended
83-180	Solvent refined heavy naphtha (shale oil)	47 FR 54357 (12/2/82)	Do
83-181	Solvent refined middle distillate (shale oil)	47 FR 54357 (12/2/82)	Do
83-182	Solvent refined gas oil (shale oil)	47 FR 54357 (12/2/82)	Do
83-183	Solvent refined light paraffinic distillate (shale oil)	47 FR 54357 (12/2/82)	Do
83-184	Solvent refined heavy paraffinic distillate (shale oil)	47 FR 54357 (12/2/82)	Do
83-185	Solvent deasphalted residual oil (shale oil)	47 FR 54357 (12/2/82)	Do
83-186	Solvent decarbonized heavy paraffinic distillate (shale oil)	47 FR 54357 (12/2/82)	Do
83-187	Solvent refined residual oil (shale oil)	47 FR 54357 (12/2/82)	Do
83-188	Solvent refined spent lube oil (shale oil)	47 FR 54357 (12/2/82)	Do
83-189	Light naphtha solvent extract (shale oil)	47 FR 54357 (12/2/82)	Do
83-190	Heavy naphtha solvent extract (shale oil)	47 FR 54357 (12/2/82)	Do
83-191	Middle distillate solvent extract (shale oil)	47- FR 54357 (12/2/82)	Do
83-192	Gas oil solvent extract (shale oil)	47- FR 54357 (12/2/82)	Do
83-193	Light paraffinic distillate solvent extract (shale oil)	47- FR 54357 (12/2/82)	Do
83-194	Heavy paraffinic distillate solvent extract (shale oil)	47- FR 54357 (12/2/82)	Do
83-195	Residual oil solvent extract (shale oil)	47- FR 54357 (12/2/82)	Do
83-196	Heavy paraffinic distillate decarbonization raffinate (shale oil)	47- FR 54357 (12/2/82)	Do
83-197	Clay treated light paraffinic distillate (shale oil)	47- FR 54357 (12/2/82)	Do
83-198	Clay treated heavy paraffinic distillate (shale oil)	47- FR 54357 (12/2/82)	Do
83-199	Clay treated paraffin wax (shale oil)	47- FR 54357 (12/2/82)	Do
83-200	Chemically neutralized spent lube oil (shale oil)	47- FR 54357 (12/2/82)	Do
83-201	Hydrotreated light naphtha (shale oil)	47- FR 54357 (12/2/82)	Do
83-202	Hydrotreated heavy naphtha (shale oil)	47- FR 54357 (12/2/82)	Do
83-203	Hydrotreated light distillate (shale oil)	47- FR 54357 (12/2/82)	Do
83-204	Hydrotreated middle distillate (shale oil)	47- FR 54357 (12/2/82)	Do
83-205	Hydrotreated light paraffinic distillate (shale oil)	47- FR 54357 (12/2/82)	Do
83-206	Hydrotreated heavy paraffinic distillate (shale oil)	47- FR 54357 (12/2/82)	Do
83-207	Hydrotreated paraffin wax (shale oil)	47- FR 54357 (12/2/82)	Do
83-208	Hydrotreated microcrystalline wax (shale oil)	47- FR 54357 (12/2/82)	Do
83-209	Hydrotreated vacuum gas oil (shale oil)	47- FR 54357 (12/2/82)	Do
83-210	Hydrotreated residual oil (shale oil)	47- FR 54357 (12/2/82)	Do
83-211	Solvent dewaxed light paraffinic distillate (shale oil)	47- FR 54357 (12/2/82)	Do
83-212	Solvent dewaxed heavy paraffinic distillate (shale oil)	47- FR 54357 (12/2/82)	Do
83-213	Solvent dewaxed residual oil (shale oil)	47- FR 54357 (12/2/82)	Do
83-214	Slack wax (shale oil)	47- FR 54357 (12/2/82)	Do
83-215	Petrolatum (shale oil)	47- FR 54357 (12/2/82)	Do
83-216	Foots oil (shale oil)	47- FR 54357 (12/2/82)	Do
83-217	Paraffin wax (shale oil)	47- FR 54357 (12/2/82)	Do
83-218	Microcrystalline wax (shale oil)	47- FR 54357 (12/2/82)	Do
83-219	Catalytic dewaxed naphtha (shale oil)	47 FR 54358 (12/2/82)	Do
83-220	Catalytic dewaxed middle distillate (shale oil)	47 FR 54358 (12/2/82)	Do
83-220	Catalytic dewaxed light paraffinic oil (shale oil)	47 FR 54358 (12/2/82)	Do
83-222	Catalytic dewaxed heavy paraffinic oil (shale oil)	47 FR 54358 (12/2/82)	Do
83-223	Hydrodesulfurized light naphtha (shale oil)	47 FR 54358 (12/2/82)	Do
83-224	Hydrosulfurized kerosene (shale oil)	47 FR 54358 (12/2/82)	Do
83-225	Hydrosulfurized gas oil (shale oil)	47 FR 54358 (12/2/82)	Do
83-226	Hydrodesulfurized atomospheric tower residuum (shale oil)	47 FR 54358 (12/2/82)	Do
83-227	Hydrodesulfurized heaby vacuum gas oil (shale oil)	47 FR 54358 (12/2/82)	Do
83-228	Hydrodesulfurized heavy vacuum gas oil (shale oil)	47 FR 54358 (12/2/82)	Do
83-229	Steam cracked residuum (shale oil)	47 FR 54358 (12/2/82)	Do
83-230	Light aliphatic solvent naphtha (shale oil)	47 FR 54358 (12/2/82)	Do
83-231	Medium aliphatic solvent naphtha (shale oil)	47 FR 54358 (12/2/82)	Do
83-232	Heavy aliphatic solvent naphtha (shale oil)	47 FR 54358 (12/2/82)	Do
83-233	Light aromatic solvent naphtha (shale oil)	47 FR 54358 (12/2/82)	Do
83-234	Heavy aromatic solvent naphtha (shale oil)	47 FR 54358 (12/2/82)	Do
83-235	Calcined coke (shale oil)	47 FR 54358 (12/2/82)	Do
83-237	Generic name: Substituted pyridine	47 FR 53782 (11/29/82)	Jan. 25, 1983
83-[illegible]	Generic name: Dicarboxylic acid monoester	47 FR 54537 (12/3/82)	Feb. 17, 1983
83-263	Generic name: Substituted thiocyclic compound	47 FR 56423 (12/9/82)	Feb. 27, 1983
83-298	Generic name: Toluene alkylate	47 FR 57336 (12/23/82)	Mar. 4, 1983
83-299	Generic name: Toluene alkylate	47 FR 57336 (12/23/82)	Do
83-300	Generic name: Dialkyl benzene	47 FR 57336 (12/23/82)	Do
83-301	Generic name: Dialkyl benzene	47 FR 57336 (12/23/82)	Do
83-302	Generic name: Alkyl benzene	47 FR 57336 (12/23/82)	Do
83-306	Generic name: Poly alkyl benzene sulfonate	47 FR 57337 (12/23/82)	Do
83-307	Generic name: Poly alkyl benzene sulfonate	47 FR 57337 (12/23/82)	Do
83-308	Generic name: Poly alkyl benzene sulfonate	47 FR 57337 (12/23/82)	Do
83-309	Generic name: Poly alkyl benzene sulfonate	47 FR 57337 (12/23/82)	Do
83-310	Generic name: Benzene alkyl sulfonate	47 FR 57337 (12/23/82)	Do
83-333	Generic name: Reaction product of polycyclesulfonic acid salt with phosphorus halide/halogen, subsequent reaction with an amine subsequent reaction with an aldehyde/sodium busulfite alkali.	48 FR 73 (1/3/83)	Mar. 14, 1983
83-335	Generic name: ((Substituted phenyl)azo) naphthalenesulfonic acid, sodium salt.	48 FR 73 (1/3/83)	Mar. 17, 1983
83-341	Generic name: 7-[4-[4-chloror-6-[3-[2-[hydroxy-sulfonyloxy)ethylsulfonyl]anilino]-1,3,5-triazin-2-ylamino]-2-ureidophenylazo]-1,3,6-naphthalenetrisulfonic acid, tetrasodium salt.	48 FR 862 (1/7/83)	Mar. 21, 1983
83-350	2-propoxyethyl acetate	48 FR 862 (1/7/83)	Do

[FR Doc. 83-10457 Filed 4-20-83 8:45 am]

BILLING CODE 6560-5—M

ENVIRONMENTAL PROTECTION AGENCY

[SAB-FRL 2352-1]

Science Advisory Board, High-Level Radioactive Waste Disposal Subcommittee; Amended Notice of Meeting

Under Pub. L. 92-463, notice is hereby given of a change in the location of the May 2-3, 1983 meeting of the High-Level Radioactive Waste Disposal Subcommittee of the Science Advisory Board, notice of which was published in the **Federal Register**, 47 FR 15950, April 13, 1983.

The Subcommittee will meet as scheduled on May 2-3, 1983, in Room 3906/3908, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. The meeting will begin at 9:00 a.m. and last until 5:00 p.m. each day.

Terry F. Yosie,

Staff Director, Science Advisory Board

April 14, 1983.

[FR Doc. 83-10739 Filed 4-20-83, 8:45 am]

BILLING CODE 6560-50-M

[OPTS-51451B; TSH-FRL 2351-7]

Naphthalenetrisulfonic Acid, Chlorotriazinylamino-Methoxymethylphenylazo; Premanufacture Notice; Extension of Review Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is extending the review period for an additional 90 days for premanufacture notice (PMN) PMN 83-401, under the authority of section 5(c) of the Toxic Substances Control Act (TSCA). The review period will now expire on July 16, 1983.

FOR FURTHER INFORMATION CONTACT: Richard Green, Chemical Control Division (TS-794), Environmental Protection Agency, Rm. E-201, 401 M St., SW., Washington, D.C. 20460; (202-382-3740).

SUPPLEMENTARY INFORMATION: Under section 5 TSCA, anyone who intends to manufacture or import a new chemical substance for commercial purposes in the United States must submit a PMN to EPA 90 days before manufacture or import begins. Under section 5(c) EPA may, for good cause, extend the notice period for additional periods, not to exceed a total of 180 days from the date of receipt.

On January 18, 1983, EPA received PMN 83-401 to be imported for use as an industrial dye for fibers and fabric. The submitter of the PMN claimed its identity, and the specific chemical identity to be confidential business information. Notice of receipt of the PMN was published in the **Federal Register** of February 4, 1983 (48 FR 5304). The original 90-day review period is scheduled to expire on April 17, 1983.

EPA's detailed analysis of the substance described in the PMN addressed the following: chemical analysis of the PMN substance, effects on human health, human exposure, import volume, environmental release, ecological effects, degree of risk relative to available commercial substitutes, potential marketability, and the identification of other information which may be required to resolve outstanding issues.

As a result of this analysis, EPA has reason to believe the following:

1. Human exposure to the PMN substance may result in adverse health effects, among which may be carcinogenicity.

2. During processing of the PMN substance, the potential exists for significant worker exposure.

3. Processing and use of the PMN substance may result in its release to waterways.

4. Consumers may be exposed to the PMN substance in drinking waters.

Based on this analysis, EPA finds that there is a possibility that the substance submitted for review in PMN 83-401 may be regulated under section 5(e) of TSCA. The Agency requires an extension of the review period to further investigate potential health effects and use conditions, to examine its regulatory options and to prepare the necessary documents, should regulatory action be required. An administrative order under section 5(e) must be issued no later than 45 days prior to expiration of the review period. Therefore, EPA has determined that good cause exists to extend the review period for an additional 90 days, to July 16, 1983.

PMN 83-401 is available for public inspection in Rm. E-107, at the EPA Headquarters, address given above, from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

Dated: April 14, 1983.

Don R. Clay,

Acting Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 83-10620 Filed 4-20-83, 8:45 am]

BILLING CODE 6560-50-M

FEDERAL HOME LOAN BANK BOARD

New North Mississippi Federal Savings and Loan Association; Oxford, Mississippi; Appointment of Conservator

Notice is hereby given that, pursuant to the authority contained in section 5(d)(6)(A) of the Home Owners' Loan Act of 1933, as amended ("HOLA") (12 U.S.C. 1464(d)(6)(A) (1976)), section 5(d)(6)(B) of the HOLA, as amended by the Garn-St Germain Depository Institutions Act of 1982, Pub. L. No. 97-320 ("Garn-St Germain Act"), 114, 96 Stat. 1469, 1475 (to be codified as amended at 12 U.S.C. 1464(d)(6)(B)), section 406(a) of the National Housing Act, as amended ("NHA") (12 U.S.C. 1729 (a)(1976)), and section 406 (b)(1)(A)(iv) of the NHA, as amended by the Garn-St German Act, 122(b), 96 Stat. 1469, 1481-1482 (to be codified as amended at 12 U.S.C. 1729(b)(1)(A)(iv)), the Federal Home Loan Bank Board appointed and designated H. Lawrence Stacy as Conservator of New North Mississippi Federal Savings and Loan Association, Oxford, Mississippi, effective as of April 11, 1983.

Dated: April 18, 1983.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 83-10644 Filed 4-20-83; 8:45 am]

BILLING CODE 6720-01-M

North Mississippi Savings and Loan Association; Oxford, Mississippi; Appointment of Receiver

Notice is hereby given that pursuant to the authority contained in section 408(c)(1)(B) of the National Housing Act ("NHA") as added by the Garn-St Germain Depository Institutions Act of 1982, Pub. L. No. 97-320, 122(d), 96 Stat. 1469, 1482 (to be codified at 12 U.S.C. 1729(c)(1)(B)), the Federal Home Loan Bank Board appointed and designated the Federal Savings and Loan Insurance Corporation as sole receiver for North Mississippi Savings and Loan Association, Oxford, Mississippi, on April 11, 1983.

Dated: April 18, 1983.

J. J. Finn,

Secretary.

[FR Doc. 83-10643 Filed 4-20-83, 8:45 am]

BILLING CODE 6720-01-M

FEDERAL RESERVE SYSTEM

Acquisition of Bank Shares by a Bank Holding Company; First Illinois Corp.

The company listed in this notice has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated. With respect to the application, interested persons may express their views in writing to the address indicated. Any comment on the application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *First Illinois Corporation*, Evanston, Illinois; to acquire 100 percent of the voting shares or assets of the Wilmette Bank, Wilmette, Illinois. Comments on this application must be received not later than May 16, 1983.

Board of Governors of the Federal Reserve System, April 15, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-10592 Filed 4-20-83; 8:45 am]

BILLING CODE 6210-01-M

Acquisition of Bank Shares by Bank Holding Companies; Independence Bancorp, Inc.

The companies listed in this notice have applied for the Board's approval under section 3 (a)(3) of the Bank Holding Company Act (12 U.S.C. 1842 (a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842 (c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Federal Reserve Bank of Philadelphia (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *Independence Bancorp, Inc.*, Perkasie, Pennsylvania; to acquire 100 percent of the voting shares or assets of Union Bank and Trust Company of Eastern Pennsylvania, Bethlehem, Pennsylvania. Comments on this application must be received not later than May 13, 1983.

Board of Governors of the Federal Reserve System, April 15, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-10593 Filed 4-20-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies; Belmont Bancorp

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Cleveland** (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Belmont Bancorp*, Bridgeport, Ohio; to become a bank holding company by acquiring 100 percent of the voting shares of Belmont County National Bank, St. Clairsville, St. Clairsville, Ohio. Comments on this application must be received not later than May 16, 1983.

B. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *First United Bancorp, Inc.*, Florence, Alabama; to become a bank holding company by acquiring 100 percent of the voting shares of The First National Bank of Florence, Florence, Alabama. Comments on this application must be received not later than May 16, 1983.

C. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Clearlake Bancorp, Inc.*, Clearlake, Wisconsin; to become a bank holding company by acquiring 80.6 percent of the voting shares of Bank of Clearlake, Clearlake, Wisconsin. Comments on this application must be received not later than May 16, 1983.

Board of Governors of the Federal Reserve System, April 15, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-10591 Filed 4-20-83; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities; Barclays Bank PLC

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would aggrieved by approval of that proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for a hearing should identify clearly the specific application to which they relate, and should be submitted in writing and

received by the appropriate Federal Reserve Bank not later than the date indicated.

A. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Barclays Bank PLC* and its subsidary, Barclays Bank International Limited, each a bank holding company whose principal office is in London, England (consumer finance and insurance activities; North Carolina): To engage through their subsidiaries, BarclaysAmerican/Financial, Inc. ("BAF"), BarclaysAmerican/Mortgage, Inc. ("BAM"), and BarclaysAmerican/Financial Services, Inc. ("BAFS"), all of which are subsidiaries of BarclaysAmerican Corporation ("BAC"), in making direct consumer loans, including loans secured by real estate, and purchasing sales finance contracts representing extensions of credit such as would be made or acquired by a consumer finance company, and wholesale financing (floor planning); and acting as agency for the sale of related credit life, credit accident and health and credit property insurance. Credit life and credit accident and health insurance sold as agent may be underwritten or reinsured by BAC's insurance underwriting subsidiaries. These activities would be conducted from an office of BAF, BAM and BAFS in Kinston, North Carolina, serving customers in Kinston and surrounding areas in North Carolina. This notification is for the relocation of an existing office located in Kinston, North Carolina. Comments on this application must be received not later than May 10, 1983.

B. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Texas Commerce Bancshares, Inc.*, Houston, Texas (insurance activities; Texas): To engage *de novo* through its subsidiary, Pyramid Agency, Inc. in acting as a managing general agency with respect to property and casualty insurance directly related to extensions of credit by its banking subsidiaries. These activities would be conducted from a branch office of Pyramid Agency, Inc. in El Paso, El Paso County, Texas, serving the State of Texas. Comments on this application must be received not later than May 13, 1983.

C. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *BankAmerica Corporation*, San Francisco, California (financing, servicing, and insurance activities; Florida): To engage, through its two indirect subsidiaries, FinanceAmerica Corporation and FinanceAmerica Industrial Plan Inc., both Florida corporations, in the activities of making or acquiring for its own account loans and other extensions of credit such as would be made or acquired by a finance company; servicing loans and other extensions of credit; and offering credit-related life insurance and credit-related accident and health insurance. The aforementioned types of credit-related insurance permissible under Section 4(c)(8)(A) of the Bank Holding Company Act of 1956, as amended by the Garn-St Germain Depository Institutions Act of 1982. Credit-related property insurance will not be offered. Such activities will include, but not be limited to, making consumer installment loans, purchasing installment sales finance contracts, making loans secured by real and personal property, and offering credit-related life and credit-related accident and health insurance directly related to extensions of credit made or acquired by FinanceAmercia Corporation and FinanceAmercia Industrial Plan Inc. Credit-related life and credit-related accident and health insurance may be reinsured by BA Insurance Company, Inc., an affiliate of both FinanceAmerica Corporation and FinanceAmerica Industrial Plan Inc. these activities will be conducted from a *de novo* office located in Gainesville, Florida serving the entire State of Florida. Comments on this application must be received not later than May 13, 1983.

Board of Governors of the Federal Reserve System, April 15, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-10594 Filed 4-20-83; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities; Manufacturers Hanover Corp.

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The applications may be inspected at the office of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Manufacturers Hanover Corporation*, New York, New York (finance and insurance activities; Idaho, Utah): To continue to engage through its subsidiary, Finance One Mortgage of Arizona, Inc. ("Finance One"), in the activities of arranging, making, or acquiring, for its own account or the account of others, extensions of credit, such as could be made by a finance company, and of selling as agent or broker credit life and credit accident and health insurance directly related to extensions of credit by Finance One. These activities are permissible under section 601(A) of the Garn-St Germain Depository Institutions Act of 1982. These activities would continue to be conducted from Finance One's existing office in Phoenix, Arizona, after this office expands its service area to include the states of Idaho and Utah. This application does not involve the commencement of any new activities. Comments on this application must be received not later than May 17, 1983.

B. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Citizens and Southern Georgia Corporation*, Atlanta, Georgia (finance and insurance activities; Florida): To engage, through its subsidiaries, Family Credit Services, Inc., Family Credit Services, Inc. (FLA), and Family Mortgage Brokers, Inc., in consumer and commercial finance activities, including

the extension of direct loans to consumers, the discount of retail and installment notes or contracts, the purchase of real estate notes, the extension of direct loans to dealers for the financing of inventory (floor planning), and for working capital purposes and the making, acquiring, or soliciting, for its own account or for the account of others, loans and other extensions of credit; and to engage, through Family Credit Service, Inc. and Family Credit Services, Inc. (FLA), in the activity of acting as agent for the sale of credit life, accident and health, and physical damage insurance directly related to their extensions of credit. These insurance activities are permissible pursuant to Section 601 (A) and (D) of the Garn- St Germain Depository Institutions Act of 1982, since both subsidiaries engaged in these insurance activities prior to May 1, 1982. These activities would be conducted from offices located in St. Petersburg and South Daytona, Florida, serving the areas in and surrounding Tampa/St. Petersburg and South Daytona, Florida, and central Florida. Comments on this application must be received not later than May 10, 1983.

C. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Franklin Capital Corporation,* Wilmette, Illinois (servicing activities; Illinois): To engage, through its subsidiary, Affiliated Secured Lending Services, Inc., in servicing asset based loans for the account of affiliated banks. The activity would be performed from an office in Wilmette, Illinois, serving the State of Illinois. Comments on this application must be received not later than May 11, 1983.

Board of Governors of the Federal Reserve System, April 15, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-10595 Filed 4-20-83: 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

Health Financing Research and Demonstration Grants; Availability of Funds for Grants

Correction

In FR Doc. 83-9021 appearing on page 15006 in the issue of Wednesday, April 6, 1983, make the following correction:

In the third column of page 15006, seventh line from the top, "not possible" should have read "now possible".

BILLING CODE 1505-01-M

Office of Human Development Services

Federal Council on the Aging; Meeting

Agency Holding the Meeting: Federal Council on the Aging.

Time and Date: Meeting begins at 8:45 a.m. on Monday, May 16, 1983 and ends at 12:30 p.m. on Tuesday, May 17, 1983.

Place: Room 800, Hubert H. Humphrey Building (HHH), 200 Independence Avenue, SW, Washington, DC 20201 on May 16, 1983 from 8:45 a.m.–2:30 p.m. Rooms 303–305A on May 16, from 3:30 p.m.–5:30 p.m. and on May 17, from 9:00 a.m.–12:30 p.m.

Status: Meeting is open to the public.

Contact Person: Rita Lowry, Room 309D, HHH Building, 245–2451.

The Federal Council on the Aging (FCA) was established by the 1973 Amendments to the Older Americans Act of 1965 (Pub. L. 93–29, 42 U.S.C. 3015) for the purpose of advising the President, the Secretary of Health and Human Services, the Commissioner on Aging and the Congress on matters relating to the special needs of older Americans.

Notice is hereby given pursuant to the Federal Advisory Committee Act (Pub. L. 92–453, 5 U.S.C. App. 1, Sec. 10, 1976) that the Council will hold a meeting May 16 and 17, 1983.

As part of the activities in celebration of Older Americans Month, the Federal Council on the Aging, in conjunction with the Administration on Aging (AoA), will participate in the AoA-sponsored symposium on Community-Based Care on May 16, from 8:45 a.m.–2:30 p.m. in Room 800, HHH Building. At 2:30 p.m., the FCA will convene in Rooms 303–305A, HHH Building, at which time committee discussions will take place. FCA Committees will reconvene on May 17, from 9:00 a.m.–12:30 p.m. in Rooms 303–305A, HHH Building.

Dated: April 18, 1983.

Adelaide Attard,

Chairperson, Federal Council on the Aging.

[FR Doc. 83-10676 Filed 4-20-83: 8:45 am]

BILLING CODE 4130-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Information Collection Submitted for Review

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Bureau Clearance Officer and the Office of Management and Budget Interior Desk Officer, at (202) 395–7340.

Title: Special Grants for Economic Development and Core Management Grants to Small Tribes.
Bureau Form Numbers: None.
Frequency: On occasion.
Description of Respondents: Indian Tribes.
Annual Responses: 210.
Annual Burden Hours: 25,500.
Bureau Clearance Office: Diana Loper (202) 343–3574.

John W. Fritz,

Acting Assistant Secretary, Indian Affairs.

[FR Doc. 83-10679 Filed 4-20-83: 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

[M 53205-B(SD)]

South Dakota; Order Providing for Termination of Classification and Opening of Public Lands

AGENCY: Bureau of Land Management, Interior.

ACTION: Order.

SUMMARY: This order restores certain lands which were segregated from settlement, sale, location or entry under the public land laws including the mining laws to the operation of those laws. The segregation took effect on February 12, 1982, when the State of South Dakota filed an application to select these and other lands under the provisions of Sections 2275 and 2276 of the Revised Statutes. The application included lands in excess of the States entitlement and since the full amount of land due has been certified to the State and they have withdrawn their application for these lands, this

segregation serves no purpose. The order also revokes the classification made pursuant to the petition included in the application.

EFFECTIVE DATE: May 31, 1983.

FOR FURTHER INFORMATION CONTACT: Roland F. Lee, Montana State Office; 406–657–6090.

By virtue of the authority vested in me it is ordered as follows:

1. The segregative effect of the application filed by the South Dakota Commissioner of School and Public Lands on February 12, 1982 pursuant to Sections 2275 and 2276 of the Revised Statutes, as amended, 43 U.S.C. 851, 852 (1976) shall terminate on the effective date of this order. The lands affected by this order are described as follows:

Black Hills Meridian

T. 20 N., R. 10 E.,
Sec. 5, Lot 4.
T. 3 S., R. 22 E.,
Sec. 12, E½NW¼;
Sec. 17, SW¼NW¼;
Sec. 29, NW¼NW¼.
T. 2 S., R. 23 E.,
Sec. 33, S½SE¼.
T. 3 S., R. 23 E.,
Sec. 2, SE¼SW¼;
Sec. 3, SE¼SE¼.
T. 2 S., R. 24 E.,
Sec. 25, S½SE¼.

Fifth Principal Meridian

T. 103 N., R. 73 W.,
Sec. 5, Lot 1 and S½NE¼.
T. 104 N., R. 73 W.,
Sec. 32, SE¼SE¼.
T. 103 N., R. 75 W.,
Sec. 22, Lot 4.

Aggregating 617.12 acres.

2. The order classifying the lands described in Paragraph 1 pursuant to Section 7 of the Act of June 28, 1934, as amended, 43 U.S.C. 315(f)(1976) was published as **Federal Register** Document No. 82–19138 on pages 30877 and 30878 of the issue of July 15, 1982. That classification shall terminate on the effective date of this order.

3. At 8 a.m. on the effective date of this order the lands described in Paragraph 1 shall be open to settlement, sale, location and entry under the public land laws subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All applications received prior to that time shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The lands described in Paragraph 1 will be open to location under the mining laws at 8 a.m. on the effective date of this order. They remain open to applications and offers under the mineral leasing laws.

Inquiries concerning these lands should be addressed to the Chief, Branch of Land Resources (934), Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107.

Dated: April 14, 1983.

Kannon Richards,

Acting State Director.

[FR Doc. 83–10586 Filed 4–20–83; 8:45 am]

BILLING CODE 4310–84–M

[M 58046]

Montana; Invitation Coal Exploration License Application

Members of the public are hereby invited to participate with Western Energy Company in a program for the exploration of coal deposits owned by the United States of Amercia in the following described lands located in Big Horn and Treasure Counties; Montana:

T. 1 N., R. 38 E., P.M.M.,
Sec. 22, all;
Sec. 23, SW¼;
Sec. 26, all;
Sec. 28, Lots 1,2, E½;
Sec. 34, NE¼.
T. 2 N., R. 38 E., P.M.M.,
Sec. 10, W½SE¼;
Sec. 14, S½NE¼;
Sec. 22, W½;
Sec. 28, Lots 1,2, E½NE¼.

1961.45 acres, Big Horn County.
648.50 acres, Treasure County.
2609.95 Total Acres.

Any party electing to participate in this exploration program shall notify, *in writing* both the State Director, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107; and Western Energy Company, P.O. Box 1899, 115 N. Broadway, Billings, Montana 59101. Such written notice must refer to serial number M 58046 and be received no later than 30 calendar days after publication of this Notice in the **Federal Register** or 10 calendar days after the last publication of this Notice in the Hardin Herald, whichever is later. This Notice will be published for two consecutive weeks.

This proposed exploration program is fully described and will be conducted pursuant to an exploration plan to be approved by the District Mining Supervisor, Bureau of Land Management, 2525 4th Avenue North, Billings, Montana, and the Bureau of Land Management, Montana State Office, Granite Tower Building, 222 North 32nd Street, Billings, Montana. The exploration plan is available for public inspecton at either of these offices at the addresses given.

Dated: April 13, 1983.

Judith I. Reed,

Acting Chief, Branch of Adjudication

[FR Doc. 83–10583 Filed 4–20–83; 8:45 am]

BILLING CODE 4310–84–M

Wyoming Availability of Draft Environmental Assessment and Public Comment Period

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of availability of draft environmental assessment and public comment period.

SUMMARY: In the matter of Wyoming; Amoco Production Company, Cave Creek Pipeline Project Draft, Environmental Assessment (DEA), Uinta County, Rock Springs District, Wyoming, Rich and Summit Counties, Salt Lake District, Utah.

Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, notice is hereby given that the Bureau of Land Management, U.S. Department of the Interior, has prepared a draft environmental assessment for a gas transmission and gathering system proposed from the Cave Creek and Deep Yellow Creek fields to the Whitney Canyon gas plant, Uinta County, Wyoming, and has made copies available for public review and comment.

Amoco Production Company proposes to construct and operate a 40-mile gas gathering and transmission system and related central facility. The transmission system would consist of a 12-inch sour gas pipeline, a 6-inch sour condensate liquid pipeline, and a 4.5-inch sweet fuel gas pipeline. The gathering system would include a combination of 8.6-inch, 6.6-inch, and 4.5-inch flowlines, and a 4.5-inch fuel gas line. A central facility for dehydration, gas-liquid separation, and line heating, would be constructed. An above-ground 4.16 KV powerline would be necessary to service the central facilities.

The DEA also analyzes the impacts of alternatives to the proposed location of the transmission system pipelines, central facility location, and no action.

DATES: Written comments on the proposal contained in the draft environmental assessment will be accepted up to and including June 13, 1983.

ADDRESSES: Written comments on the proposal in the document are to be addressed to: Kemmerer Resource Area Manager, Bureau of Land Management, Kemmerer Resource Area, P.O. Box 632,

Kemmerer, Wyoming 83101; (307) 877–3933.

A limited number of single copies of the DEA may be obtained from the above address. Copies are also available at the following locations:

Bureau of Land Management, Rock Springs District Office, P.O. Box 1869, Rock Springs, Wyoming 82901; (307) 382–5350; or

Bureau of Land Management, Bear River Resource Office, 2370 South 2300 West, Salt Lake City, Utah 84119; (801) 524–5348.

Donald Sweep,

District Manager.

[FR Doc. 83–10584 Filed 4–20–83; 8:45 am]

BILLING CODE 4310–84–M

Colorado, Filing of Plats of Survey and Protraction Diagrams

April 14, 1983.

The plats of survey of the following described lands were officially filed in the Colorado State Office, Bureau of Land Management, Denver, Colorado, effective 10:00 a.m., April 14, 1983.

Sixth Principal Meridian

T. 17 S., R. 72 W.

The plat representing the corrective dependent resurvey of a portion of the south boundary, T. 17 S., R. 71 W., portions of the south and west boundaries and subdivisional lines, T. 17 S., R. 72 W., Sixth Principal Meridian, Colorado, Group No. 721, was accepted March 14, 1983.

T. 1 N., R. 80 W.

The plat representing the dependent resurvey of a portion of the subdivisional lines, the survey of the subdivision of section 15, and a portion of the center line of U.S. Highway No. 40, T. 1 N., R. 80 W., Sixth Principal Meridian, Colorado, Group No. 731, was accepted March 23, 1983.

These surveys were executed to meet certain administrative needs of this Bureau.

Protraction diagrams of the following described lands approved March 25, 1983, will be officially filed in the Colorado State Office, Bureau of Land Management, Denver, Colorado, effective June 3, 1983.

Sixth Principal Meridian

T. 1 N., R. 77 W.

Protraction Diagram No. 33, prepared to delineate the remaining unsurveyed public lands in T. 1 N., R. 71 W., Sixth Principal Meridian, Colorado, was approved March 25, 1983.

New Mexico Principal Meridian

T. 48 N., R. 15 W.

Protraction Diagram No. 34, prepared to delineate the remaining unsurveyed public lands in T. 48 N., R. 15 W., New Mexico Principal Meridian, Colorado, was approved March 25, 1983.

These diagrams were prepared to meet certain administrative needs of this Bureau.

All inquiries about these lands should be sent to the Colorado State Office, Bureau of Land Management, 1037 20th Street, Denver, Colorado 80202.

Harold R. Martin,

Chief, Division of Operations.

[FR Doc. 83–10585 Filed 4–20–83; 8:45 am]

BILLING CODE 4310–84–M

Roswell District Advisory Council Meeting

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of district advisory council meeting.

SUMMARY: The Bureau of Land Management Roswell District Advisory Council will meet May 12, 1983. The primary objectives of the meeting will be briefings on recent and upcoming District activities. The meeting will be held May 12, 1983, in the Roswell District Office Conference Room, 1717 W. 2nd Street, Roswell, New Mexico, beginning at 1:00 p.m. The meeting will conclude by 4:00 p.m.

SUPPLEMENTARY INFORMATION: Agenda items scheduled for the advisory council briefing are:

1. BLM Minerals and Realty programs;
2. WIPP Site;
3. Roswell Land Use Plan;
4. Asset Management;
5. Public Land Access.

The meeting is open to the public. Interested persons may make oral statements to the council or may file written statements for the Council's consideration. Anyone wishing to make oral statements may do so at 3:00 p.m. the day of the meeting.

Summary minutes of the Council Meeting will be maintained in the District Office and will be available during regular business hours for public inspection or a copy can be obtained for the cost of duplication within 30 days following the meeting.

Jim Gillham,

Acting District Manager.

[FR Doc. 83–10588 Filed 4–20–83; 8:45 am]

BILLING CODE 4310–84–M

Salem District Advisory Council; Meeting

Notice is hereby given in accordance with Section 309 of the Federal Land Policy and Management Act of 1976 that the first meeting of the newly appointed Salem District Advisory Council will be held on May 19, at 8:30 a.m. at the BLM Salem District Office, 1717 Fabry Road SE, Salem, Oregon.

Agenda for the meeting will include:

1. Introduction of members.
2. Discussion of the function of the council.
3. Election of officers.
4. Briefing and discussion of Salem District programs.
5. A review of the West Salem Decision Document.
6. Oral statements from public.

The meeting is open to the public. Anyone wishing to make an oral statement must notify the District Manager at the Salem District Office, 1717 Fabry Road SE, Salem, Oregon 97302 by May 12, 1983. Written comments will also be received for the council's consideration.

Summary minutes will be maintained in the District Office and will be available for public inspection and reproduction during regular business hours within 30 days following the meeting.

Dated: April 12, 1983.

Joseph C. Dose,

District Manager.

[FR Doc. 83–10582 Filed 4–20–83; 8:45 am]

BILLING CODE 4310–84–M

[M–56401]

Realty Action—Proposed Modified Competitive Sale of Public Land in McCone County, Montana

AGENCY: Bureau of Land Management, Miles City District Office, Interior.

ACTION: Notice of realty action M–56401, proposed modified competitive sale of public land in McCone County.

SUMMARY: The following described lands have been examined and identified as suitable for disposal by sale pursuant to Section 203 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1713 (1976), at no less than the fair market value:

Principal Meridian

T. 25 N., R. 47 E.,

Sec. 4, NE¼SW¼, NE¼SE¼.

The area described contains 80 acres.

The land will be offered for sale by sealed bid utilizing modified competitive bidding procedures at 9 a.m. on July 20, 1983, at: Montana State Office, Bureau of Land Management, 222 North 32nd Street, P.O. Box 30157, Billings, Montana 59107.

The subject lands are currently leased by Delbert Vine of Vida, Montana, for grazing purposes and are within his allotment boundary. This sale will be conducted as a modified competitive

bid, allowing Mr. Vine the right to meet any high bid.

The 40-acre tract in the NE¼SW¼ is isolated, adjoined by Montana State land on the west side and deeded land around the remainder. There is no legal access and physical access is available via 2-wheel drive vehicle across country trails. There are no improvements on this tract, and vegetation is native grasses with some brush species in a small drainage on the south end. A reservoir on adjoining deeded land backs water on about 5 acres of this tract. Oil and gas lease M–30545 is in effect on this tract.

The 40-acre tract in the NE¼SE¼ is isolated, adjoined by 40 acres of public land on the east side and deeded land around the remainder. Legal and physical acess are available via the county road which traverses the east side of this tract from north to south. There is one range improvement of record, a fence on the east side. A water well drilled by the U.S. Geological Survey (USGS) is present on this tract but will not be available for use, as it is for research purposes by that agency. Vegetation is native grasses with brush species in the small drainage on the south end. An oil and gas lease (M–30545) is in effect on this tract.

The proposed sale is consistent with the Bureau's planning system and McCone County government officials have been notified of the sale. The transfer of the tract into private ownership will benefit the public interest and provide for better land management.

Terms and Conditions:

The terms and conditions applicable to this sale are as follows:

1. Delbert Vine of Vida, Montana, will be the designated bidder and will have the right to meet any high bid if he so chooses.
2. Only the surface estate will be patented. All minerals and the right to construct and use ditches and canals will be reserved to the United States.
3. No bids less than the appraised fair market value of $8,000 will be accepted. Any bid must be for the entire 80 acres.
4. Rights of record which will be coveted in the patent will be—the county road right-of-way and the USGS well in the NE¼SE¼.
5. If Mr. Vine is not the successful bidder, the successful bidder must compensate Mr. Vine for the fence on public land in the NE¼SE¼, Section 4, T. 25 N., R. 47 E., as per the regulations in 43 CFR 4120.6–6(c).

FOR FURTHER INFORMATION CONTACT: For a period of 45 days from the date of this "Notice", interested parties may submit comments to the Miles City District Manager, P.O. Box 940, Miles City, Montana 59301. A copy of the Land Report/EAR is available at this address for review. Any comments will be evaluated by the District Manager and forwarded to the State Director for final determination.

SUPPLEMENTARY INFORMATION: *Bidder Qualifications:* The bidder must be a U.S. citizen or, in the case of a corporation, subject to the laws of any state or the U.S. a state, state instrumentality or political subdivision submitting a bid must be authorized to hold property. Any other entity submitting a bid must be legally capable of holding and conveying lands or interests therein under the laws of the State of Montana. Bids must be made by the principal or his agent.

Bid Standards: No bid will be accepted for less than the appraised value of $8,000, and bids must include all of the land identified in this notice.

Method of Bidding: The land will be sold by sealed bid. Each bid must be accompanied by a certified check, postal money order, bank draft or cashier's check, made payable to the Bureau of Land Management for not less than one-fifth of the amount bid.

The sealed bid envelope must be marked in the lower left hand corner as follows: Public Land Sale M–56401, July 20, 1983.

The sealed bid must be received at the following address prior to July 20, 1983: Bureau of Land Management, Montana State Office, P.O. Box 30157, Billings, Montana 59107.

Modified Bidding: For a period of 30 days following the date of the sale, Delbert Vine, the designated bidder, will be offered the right to meet the highest qualifying bid. The designated bidder must submit a bid of at least the fair market value prior to the sale date to be considered under the modified bidding provisions. If he meets the highest bid, the land will be sold to him and the other bid will be returned. His refusal to meet the highest bid or to submit any bid at all prior to the sale date shall consitute a waiver of such bidding provisions.

Final Details: Once a high bid is accepted, the successful bidder shall submit the remainder of the full bid price within the time period designated by the authorized officer. Failure to submit the required amount within the allotted time will result in cancellation of the sale and the deposit will be forfeited.

All bids will be either returned, accepted or rejected within 60 days of the sale date. If no bids are received prior to the sale date, the land will remain available for sale on a countinuing basis until a sale is completed, and any sealed bids received will be opened at 9:00 a.m. on each succeeding first and third Wednesdays.

Alan R. Pierson,

District Manager, Acting for the State Director.

[FR Doc. 83–10587 Filed 4–20–83; 8:45 am]

BILLING CODE 4310–84–M

[CA 8297]

California; Proposed Withdrawal and Reservation of Land

April 14, 1983.

The Bureau of Indian Affairs, U.S. Department of the Interior, has filed application to amend Serial No. CA 8297 to withdraw from settlement sale, location, or entry, including the mining and mineral leasing laws, the following described public land, subject to valid existing rights, in aid of legislation as an addition to the Bridgeport Indian Colony, California. The land is located in Mono County and adjoins the Bridgeport Indian Colony to the east. Acquisition of this parcel will provide homesites and economic development for the Indian people residing in the region.

Mount Diablo Meridian

T. 5 N., R. 25 E.,
Sec. 21, E½NE¼, NE¼SE¼, S½SE¼;
Sec. 28, N½NE¼, SW¼NE¼.

The area described aggregates 320 acres within Mono County, California.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned authorized officer of the Bureau of Land Management.

Pursuant to Section 204(h) of the Federal Land Policy and Management Act of 1976, notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal. All interested persons who desire to be heard on the proposed withdrawal must submit a written request for a hearing to the undersigned. Notice of the public hearing will be published in the **Federal Register**, giving the time and place of such hearing. The public hearing will be scheduled and conducted in accordance with BLM Manual Section 2351.16.B.

The Department of the Interior's regulations provide that the authorized officer of the BLM will undertake such investigations as are necessary to

determine the existing and potential demands for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of assuring that the area sought is the minimum essential to meet the applicant's needs, providing for the maximum concurrent utilization of the lands for purposes other than the applicant's, and reaching agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior, who will determine whether or not the lands will be withddrawn and reserved as requested by the applicant agency. The determination of the Secretary on the application will be published in the **Federal Register.** The Secretary's determination shall, in a proper case, be subject to the provisions of Section 204(C) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2752.

For a period of two years from the date of publication of this notice in the **Federal Register,** the lands will be segregated from entry as specified above, unless the application is rejected or the withdrawal is approved prior to that date. If the withdrawal is approved by the Congress, it will be segregated for a period of 20 years from date of approval, or for such period of time as designated in the Act.

All communications in connection with this proposed withdrawal should be addressed to the undersigned, Bureau of Land Management, Department of the Interior, Room E–2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

Eleano Wilkinson,

Chief, Lands and Locatable Minerals Section, Branch of Lands and Minerals Operations.

[FR Doc. 83–10589 Filed 4–20–83; 8:45 am]

BILLING CODE 4310–84–M

[ES 32062, Survey Group 110]

Minnesota; Filing of Plat of Survey

1. On October 1, 1982, the plat representing the reestablishment of the record meander lines and a survey of new meander lines to include lands omitted from the original survey in Sec. 31, T. 62 N., R. 1 E., fourth Principal Meridian, Minnesota, was accepted. It will be officially filed in the Eastern States Office, Alexandria, Virginia at 7:30 a.m. on June 6, 1983.

The lots listed below describe the lands omitted from the original survey.

Fourth Principal Meridian, Minnesota

T. 62 N, R. 1 E.,
Sec. 31, Lots 9, 10, 11, 12, 13, 14, 15, 16, and 17.

2. The greater portion of omitted land in Sec. 31 is of a rolling nature with ridges approximately 110 feet above the mean high water line of Monker Lake; however, there are some legal subdivisions that are swamp in character. The soil content within the omitted area is mostly stoney clay loam in the upland and muskeg in the swamp land.

The omitted land is covered mostly by fir, birch, black spruce, poplar, maple, and cedar. Only the pine timber has been logged. The size of the remaining pine stumps and the character of the land attest to its existence at the time of the original survey.

3. Lots 15, 16 and 17, Sec. 31, were found to be over 50 percent swamp and overflowed in character within the purview of the Swamp Lands Act of September 28, 1850 (9 Stat. 519). Therefore, these lots will only be open to selection by the State of Minnesota, under that Act. Lots 9, 10, 11, 12, 13, and 14 sec. 31, were found to be over 50 percent upland in character within the purview of the Act mentioned above. They are therefore held to be public lands.

45. All inquiries relating to these lands should be sent to the Deputy State Director for Lands and Minerals Operations, 350 South Pickett Street, Alexandria, Virginia 22304 on or before June 6, 1983.

Jeff O. Holdren,

Deputy State Director for Lands and Minerals Operations.

[FR Doc. 83–10576 Filed 4–20–83; 8:45 am]

BILLING CODE 4310–84–M

[ES 32063, Survey Group 110]

Minnesota; Filing of Plat of Survey

1. On October 12, 1982, the plat representing an extension survey and the reestablishment of a portion of the record meander lines and the survey of a portion of the new meander lines of Pickerel Lake to include lands omitted from the original survey in Secs. 11 and 12, T. 62 N., R. 1 E., Fourth Principal Meridian, Minnesota was accepted. It will be oficially filed in the Eastern States Office, Alexandria, Virginia, at 7:30 a.m., on June 6, 1983.

The lots listed below describe the lands omitted from the original survey.

Fourth Principal Meridian, Minnesota

T. 62 N., R. 1 E.,
Sec. 11, Lots 9 and 10; and
Sec. 12, Lots 8, 9 and 10.

2. The greater portion of omitted land in Secs. 11 and 12 is of a rolling nature with ridges approximately 40 feet above the mean high water line of Pickerel Lake. There is no evidence that a lake has ever existed in this area at all. The soil content within the omitted area is mostly gravelly loam soils in the upland, while in the lowland, swamp areas of highly organic soils are found on a base of sand and gravel.

Both tracts are covered mostly by pine, fir, birch, black spruce, poplar, maple, and cedar. Large pine stumps show evidence that the area was once logged. The pine stumps, located south of the lake, were estimated to be over 100 years old. The east end of the lake was dotted with old cedar trees that are 12 to 16 inches in diameter. The size of the remaining pine stumps and the character of the land attest to its existence at the time of the original survey.

3. Lots 9 and 10 Sec. 11, and Lots 8, 9 and 10 Sec. 12, were found to be over 50 percent upland in character within the purview of the Swamp Lands Act of September 28, 1850 (9 Stat. 519). They are therefore held to be public lands.

4. All inquiries relating to these lands should be sent to the Deputy State Director for Lands and Minerals Operations, 350 South Pickett Street, Alexandria, Virginia 22304 on or before June 6, 1983.

Jeff O. Holdren,

Deputy State Director for Lands and Minerals Operations.

[FR Doc. 83–10577 Filed 4–20–83; 8:45 am]

BILLING CODE 4310–84–M

[ES 32064, Survey Group 110]

Minnesota; Filing of Plat of Survey

1. On October 19, 1982, the plat representing the reestablishment of the record meander lines of Binagami Lake, a partial subdivision of Sec. 12, and the survey of new meanders to include lands omitted from the original survey in Sec. 19, T. 62 N., R. 1 E., Fourth Principal Meridian, Minnesota, was accepted. It will be officially filed in the Eastern States Office, Alexandria, Virginia at 7:30 a.m., on June 6, 1983.

The lots listed below describe the lands omitted from the original survey.

Fourth Principal Meridian, Minnesota

T. 62 N., R. 1 E.,
Sec. 19, Lots 10, 11, 12, 13, and 14.

2. The omitted area is of a rolling nature with portions of swamp lying therein. The upland ranges up to 40 feet above the lake. Drainage of this land is to the lake and small ponds by small

streams. The soil is a heavy clay-sand, interspersed with large rocks and gravel deposits. The formation is of glacial origin. The soil in the swamps is a thin organic muck, overlying boulder beds.

Distinct vegetative types are related to topographic position. Most of the upland area is forested with birch, poplar, maple, and pine. Cedar, balsam fir, and tamarack are found in the lowland boggy sites. Large pine stumps show evidence that the area was once logged. The size of the remaining pine stumps and the character of the land attest to its existence at the time of the original survey.

3. Lot 10 Sec. 19, was found to be over 50 percent swamp and overflowed in character within the purview of the Swamp Lands Act of September 28, 1850 (9 Stat. 519). Therefore, this lot will only be open to the State of Minnesota under that Act.

Lots 11, 12, 13, and 14 were found to be over 50 percent upland in character within the purview of the Act referenced above. They are therefore held to be public lands.

4. All inquiries relating to these lands should be sent to the Deputy State Director for Lands and Minerals Operations, 350 South Picket Street, Alexandria, Virginia 22304 on or before June 6, 1983.

Jeff O. Holdren,

Deputy State Director for Lands and Minerals Operations.

[FR Doc. 83-10578 Filed 4-20-83; 8:45 am]

BILLING CODE 4310-84-M

[ES 32065, Survey Group 110]

Minnesota; Filing of Plat of Survey

1. On October 12, 1982, the plat representing an extension survey and the reestablishment of record meander lines in T. 62 N., R. 1 E., Fourth Principal Meridian, Minnesota, was accepted. It will be officially filed in the Eastern States Office, Alexandria, Virginia, at 7:30 a.m., on June 6, 1983.

The lots listed below describe the lands omitted from the original survey

Fourth Principal Meridian, Minnesota

T. 62 N., R. 1 E.,
Sec. 25, Lot 2;
Sec. 26, Lot 2;
Sec. 35, Lot 4, 5 and 6; and
Sec. 36, Lot 3.

2. The greater portion of omitted land in Secs. 25 and 26 is swamp in nature. This area consists of dense cedar and alder swamp. The size of the cedar stumps and trees attest to its existence at the time of the original survey.

The omitted land in Sec. 35 consists of rolling hills ranging up to 40 feet above the portions of swamp and marsh. Little Lake is located almost entirely within the omitted area in Sec. 35. There is no evidence that Little Lake was ever any larger than it is now and it appears to have been a non-navigable body of water at the time of statehood.

The omitted land in Sec. 36 is mostly upland in nature with ridges approximately 80 feet above the mean high water line of Little Lake. The omitted areas found in Secs. 35 and 36 are covered mainly by poplar, fir, birch, maple, and cedar trees. Large pine stumps are found throughout this area. This along with the character of the land attest to its existence at the time of the original survey.

The soil content in the omitted areas consists primarily of gravelly loam in the upland with muskeg in the swamp areas. Large boulders were found on the uplands.

3. Lot 2 Sec. 25, Lot 2 Sec. 26, and Lot 4 Sec. 35 were found to be over 50 percent swamp and overflowed in character within the purview of the Swamp Lands Act of September 28, 1850 (9 Stat. 519). Therefore, these lots will only be open to the State of Minnesota under that Act

Lots 5 and 6 Sec. 35, and Lot 3 Sec. 36, were found to be over 50 percent upland in character within the purview of the Act referenced above. They are therefore held to be public lands.

4. All inquiries relating to these lands should be sent to the Deputy State Director for Lands and Minerals Operations, 350 South Pickett Street, Alexandria, Virginia 22304 on or before June 6, 1983.

Jeff O. Holdren,

Deputy State Director for Lands and Minerals Operations.

[FR Doc. 83-10579 Filed 4-20-83; 8:45 am]

BILLING CODE 4310-84-M

[ES 32066, Survey Group 110]

Minnesota; Filing of Plat of Survey

1. October 12, 1982, the plat representing an extension survey, the reestablishment of a portion of the record meander lines, and the survey of a portion of the new meander lines of Elbow Lake to include lands omitted from the original survey in Secs. 10, 11, 14, 15, and a partial subdivision of Sec. 14, T. 62 N., R. 1 E., Fourth Principal Meridian, Minnesota, was accepted. It will be officially filed in the Eastern States Office, Alexandria, Virginia, at 7:30 a.m. on June 6, 1983.

The lots listed below describe the lands omitted from the original survey.

Fourth Principal Meridian, Minnesota

T. 62 N., R. 1 E.,
Sec. 10, Lots 6 and 7;
Sec.11, Lot 11;
Sec.14, Lots 7 and 8; and
Sec. 15, Lots 8, 9, 10, 11, and 12.

2. The omitted land area is of a rolling nature with portions of swamp lying therein. The upland ranges up to 65 feet above the lake. Drainage of this land is by Elbow Creek and other small creeks. The soil in the omitted area consists mainly of a heavy clay-sand, interspersed with large rocks and gravel deposits. The formation is of glacial origin. The soil in the swamps is a thin organic muck, overlying boulder beds.

Distinct vegetative types are related to topographic position. Most of the upland area is forested with birch, poplar, maple, and pine. Cedar, balsam fir, and tamarack are found in the lowland boggy sites. Large pine stumps show evidence that the area was once logged. The size of the remaining pine stumps and the character of the land attest to its existence at the time of the original survey.

3. Lot 7 Sec. 14, was found to be over 50 percent swamp and overflowed in character within the purview of the Swamp Lands Act of September 28, 1850 (9 Stat. 519). Therefore, this lot will only be open to the State of Minnesota under that Act.

Lots 6 and 7 Sec. 10, Lot 11 Sec. 11, Lot 8 Sec. 14, and Lots 8, 9, 10, 11 and 12 Sec. 15, were found to be over 50 percent upland within the purview of the Act mentioned above. They are therefore held to be public land. 4. All inquiries relating to these lands should be sent to the Deputy State Director for Lands and Minerals Operations, 350 South Pickett Street, Alexandria, Virginia 22304 on or before June 6, 1983.

Jeff O. Holdren,

Deputy State Director for Lands and Minerals Operations.

[FR Doc. 83-10580 Filed 4-20-83; 8:45 am]

BILLING CODE 4310-84-M

Minerals Management Service

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Pennzoil Exploration and Production Company has submitted a Development and Production Plan describing the activities it proposes to conduct on

Leases OCS-G 2078 and 1140, Blocks 228 and 215, Vermilion Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

Dated: April 13, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-10571 Filed 4-20-83; 8:45 am]

BILLING CODE 4310-MR-M

Office of the Secretary

[516 DM 6, App. 9]

National Environmental Policy Act; Revised Implementing Procedures

AGENCY: Department of the Interior.

ACTION: Notice of final revised instructions for the Bureau of Reclamation.

SUMMARY: This notice announces revisions to the actions categorically excluded from the NEPA process for the Bureau of Reclamation. The proposed revised instructions were published in the **Federal Register** on December 16, 1981 (46 FR 61337).

EFFECTIVE DATE: April 13, 1983.

FOR FURTHER INFORMATION CONTACT: Bruce Blanchard, Director, Office of Environmental Project Review, Office of the Secretary, Department of the Interior, Washington, DC 20240; telephone (202) 343–3891. For Bureau of Reclamation, contact Wayne Deason; telephone (202).

SUPPLEMENTARY INFORMATION: This is a final revision to Section 9.4 of Appendix 9 to Chapter 6, Part 516 of the Departmental Manual (516 DM 6, App. 9.4). It revises and updates categorical exclusions previously published in the **Federal Register**, July 17, 1980 (45 FR 47944). The Department's NEPA procedures (516 DM 1–6) were published on April 23, 1980 (45 FR 47941). This revision is based on continued experience with the NEPA process in the Bureau of Reclamation.

Response to Comments

One letter of comment was received from the Missouri River Coordinator, Office of the Governor, Des Moines, Iowa, indicating that all water service contracts should be considered major Federal actions having significant impacts on the environment and, therefore, these minor contracts should not be categorically excluded. This comment was directed to 9.4D(4) which had been proposed to read "approval, execution, and implementation of water service contracts for minor amounts of long-term water use, or temporary or interim water use, where the action does not lead to long-term changes."

Our experience has been that contracts for small amounts of water have not historically involved or caused significant impacts, and, therefore, should be categorically excluded from the NEPA process, subject to the Departmental exceptions in 516 DM 2.3A(3). We have, however, further qualified this exclusion with the clause "and where the impacts are expected to be localized."

We do recognize that major water service contracts may cause significant impacts and have already indicated this in the list of actions that normally require an EIS in Section 9.3A(3).

Minor changes in wording have been made in other categorical exclusions and for ease in reference Section 9.4 in its entirely is published herewith.

Dated: April 13, 1983.

Wm. D. Bettenberg,

Deputy Assistant Secretary, Policy, Budget and Administration.

516 DM 6, Appendix 9—Bureau of Reclamation

9.4 *Categorical Exclusions.* In addition to the actions listed in the Departmental categorical exclusions outlined in Appendix 1 of 516 DM 2, many of which the Bureau also performs, the following Bureau actions are designated categorical exclusions unless the action qualifies as an exception under 516 DM 2.3A(3):

A. General Activities

1. Changes in regulations or policy directives and legislative proposals where the impacts are limited to economic and/or social effects.

2. Training activities of enrollees assigned to the various youth programs. Such training may include minor construction activities for other entities.

3. Research activities, such as nondestructive data collection and analysis, monitoring, modeling, laboratory testing, calibration, and testing of instruments or procedures and nonmanipulative field studies.

B. Planning Activities

1. Routine planning investigation activities where the impacts are expected to be localized, such as land classification surveys, topographic surveys, archeological surveys, wildlife studies, economic studies, social studies, and other study activity during any planning, preconstruction, construction, or operation and maintenance phases.

2. Special, status, concluding, or other planning reports that do not contain recommendations for action, but may or may not recommend further study.

3. Data collection studies that involve test excavations for cultural resources investigations or test pitting, drilling, or seismic investigations for geologic exploration purposes where the impacts will be localized.

C. Project Implementation Activities

1. Classification and certification of irrigable lands.

2. Minor acquisition of land and rights-of-way or easements.

3. Minor construction activities associated with authorized projects which correct unsatisfactory environmental conditions or which merely augment or supplement, or are enclosed within existing facilities.

4. Approval of land management plans where implementation will only result in minor construction activities and resultant increased operation and maintenance activities.

D. Operations and Maintenance Activities

1. Maintenance, rehabilitation, and replacement of existing facilities which may involve a minor change in size, location and/or operation.

2. Transfer of the operation and maintenance of Federal facilities to water districts, recreation agencies, fish and wildlife agencies, or other entities where the anticipated operation and maintenance activities are agreed to in a contract or a memorandum of agreement, follow approved Reclamation policy, and no major change in operation and maintenance is anticipated.

3. Administration and implementation of project repayment and water service contracts, including approval of organizational or other administrative changes in contracting entities brought about by inclusion or exclusion of lands in these contracts.

4. Approval, execution, and implementation of water service contracts for minor amounts of long-term water use or tempoarary or interim water use where the action does not lead to long-term changes and where the impacts are expected to be localized.

5. Approval of changes in pumping power and water rates charged contractors by the Bureau for project water service or power.

6. Execution and administration of recordable contracts for disposal of excess lands.

7. Withdrawal termination, modification, or revocation where the land would be opened to discretionary land laws and where such future discretionary actions would be subject to the NEPA process, and disposal or sale of acquired lands where no major change in usage is anticipated.

8. Renewal of existing grazing, recreation management, or cabin site leases which do not increase the level of use or continue unsatisfactory environmental conditions.

9. Issuance of permits for removal of gravel or sand by an established process from existing quarries.

10. Issuance of permits, licenses, easements, and crossing agreements which provide right-of-way over Bureau lands where the action does not allow for or lead to a major public or private action.

11. Implementation of improved appearance and soil and moisture conservation programs where the impacts are localized.

12. Conduct of programs of demonstration, educational, and technical assistance to water user organizations for improvement of project and on-farm irrigation water use and management.

13. Follow-on actions such as access agreements, contractual arrangements, and operational procedures for hydropower facilities which are on or appurtenant to Bureau facilities or lands which are permitted or licensed by the Federal Energy Regulatory Commission (FERC), when FERC has accomplished compliance with NEPA (including actions to be taken by the Bureau) and when the Bureau's environmental concerns have been accommodated in accordance with the Bureau/FERC Memorandum of Understanding of June 22, 1981.

14. Approval, renewal, transfer, and execution of an original, amendatory, or supplemental water service or repayment contract where the only result will be to implement an administrative or financial practice or change.

15. Approval of second party water sales agreements for small amounts of water (usually less than 10 acre-feet) where the Bureau has an existing water sales contract in effect.

16. Approval and execution of contracts requiring the repayment of funds furnished or expended on behalf of an entity pursuant to the Emergency Fund Act of June 26, 1948 (43 U.S.C. 502) where the action taken is limited to the original location of the damaged facility.

17. Minor safety of dams construction activities where the work is confined to the dam, abutment areas, or appurtenant features, and where no major change in reservoir or downstream operation is anticipated as a result of the construction activities.

E. Grant and Loan Activities

1. Rehabilitation and Betterment Act loans and contracts which involve repair, replacement, or modification of equipment in existing structures or minor repairs to existing dams, canals, laterals, drains, pipelines, and similar facilities.

2. Small Reclamation Projects Act grants and loans where the work to be done is confined to areas already impacted by farming or development activities, work is considered minor, and where the impacts are expected to be localized.

3. Distribution System Loans Act loans where the work to be done is confined to areas already impacted by farming or developing activities, work is considered minor, and where the impacts are expected to be localized.

[FR Doc. 83-10570 Filed 4-20-83; 8:45 am]

BILLING CODE 4310-09-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-123]

CT Scanner and Gamma Camera Medical Diagnostic Imaging Apparatus; Cancellation of Commission Hearing on the Presiding Officer's Recommended Determination, Remedy, the Public Interest, and Bonding

AGENCY: U.S. International Trade Commission.

ACTION: Cancellation of a public hearing in investigation No. 337-TA-123, Certain CT Scanner and Gamma Camera Medical Diagnostic Imaging Apparatus, previously scheduled for Friday, April 22, 1983, in the Commission's Hearing Room, 701 E Street NW., Washington, D.C. 20436, beginning at 10:00 a.m.

SUMMARY: In the **Federal Register** of March 23, 1983 (48 FR 12141), the Commission announced the scheduling of a public hearing in this investigation for the purpose of hearing: (a) Oral arguments on the presiding officer's recommended determination that there is no violation of section 337 of the Tariff Act of 1930 in this case and (b) presentations concerning the appropriate remedy, the effect that such remedy would have upon the public interest, and the proper amount of the bond during the Presidential review period (in the event that the Commission determines that there is a violation and that relief should be granted). Notice is hereby given that the hearing is cancelled.

SUPPLEMENTARY INFORMATION: On March 4, 1983, the presiding officer issued a recommended determination that there is no violation of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the unauthorized importation into the United States and in the sale of the CT scanner and gamma camera imaging apparatus that are the subject of the investigation. The presiding officer's recommendation and the record upon which it is based were certified to the Commission for review and a Commission determination. All parties filed written exceptions to the recommended determination on March 23, 1983.

On April 8, 1983, the complainant, Technicare Corp., filed a motion to withdraw its complaint and terminate the investigation in its entirety (Motion No. 123-21C). The Commission investigative attorney subsequently filed a response supporting the complainant's motion. On April 15, 1983, the respondents, Elscint Ltd. and Elscint, Inc., filed an alternate motion to terminate (Motion No. 123-23C). Since the period of time for the non-moving parties to respond to each motion has not yet expired, these motions are not ripe for decision. The Commission cancels the public hearing in this investigation pending a ruling on Motions Nos. 123-23C.

Copies of the nonconfidential version of the recommended determination, the parties exceptions, the motions to terminate, and any other documents on the public record of the investigation may be obtained by contacting the Office of the Secretary, Docket Section, U.S. International Trade Commission, 701 E Street NW., Room 156, Washington, D.C. 20436, telephone 202-523-0176.

The notice instituting this investigation was published in the **Federal Register** of June 3, 1982, 47 FR 24232.

FOR FURTHER INFORMATION CONTACT: P. N. Smithey, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-0350.

By order of the Commission.

Issued: April 19, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-10738 Filed 4-20-83; 8:45 am]

BILLING CODE-7020-02-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Notice of Approved Exemptions

Correction

In FR Doc. 83-8113 beginning on page 13283 in the issue of Wednesday, March 30, 1983, make the following correction

On page 13284, first column, the following motor carrier was

inadvertently omitted and should be inserted above MC–F–15052:

MC–F–15046, UNITED VAN BUS DELIVERY—continuance in control exemption—SERVICE EXPRESS TRANSPORT, INC. Send pleadings to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423, and (2) Petitioner's representative: Andrew R. Clark, 1600 TCF Tower, Minneapolis, MN 55402. Pleadings should refer to MC–F–15.46. Under 49 U.S.C 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343(a), the continuance in control by United Van Bus Delivery Nos. MC–139066 and MC–141620), and, in turn, Arnie Hillman, who owns stock in United, of Service Express Transport LTD, upon institution of operations by Service under the authority it seeks in MC–165235.

BILLING CODE 1505–01–M

Motor Carriers; Approved Exemptions

AGENCY: Interstate Commerce Commission.

ACTION: Notices of approved exemptions.

SUMMARY: The motor carriers shown below have been granted exemptions pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property Under 49 U.S.C. 1343,* 367 I.C.C. 113 (1982), 47 FR 53303 (November 24, 1982).

DATES: The exemptions will be effective on May 23, 1983. Petitions for reconsideration must be filed by May 11, 1983. Petitions for stay must be filed by May 2, 1983.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood (202) 275–7977.

SUPPLEMENTARY INFORMATION: For further information, see the decision(s) served in the proceeding(s) listed below. To purchase a copy of the full decision contact: TS Infosystems, Inc., Room 2227, 12th and Constitution Ave., NW, Washington, DC 20423; or call (202) 289–4357 in the DC metropolitan area; or (800) 424–5403 Tool-free outside the DC area.

Agatha L. Mergenovich,

Secretary.

MC–F–15043, Wendy Roche, David Roche, and Lloyd B. Clark—Continuance in Control Exemption—Pawtuxet Valley Motor Express, Inc., and C–Line, Inc.

Addresses: Send pleadings to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423; and (2) Petitioner's representatives: Ronald N. Cobert, Joseph Michael Roberts, 1730 M Street, N.W., Suite 501, Washington, DC 20036.

Pleadings should refer to No. MC–F–15043.

Decided: April 13, 1983.

Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement for prior reivew and approval under 49 U.S.C. 11343(a), the continuance in control by Wendy Roche, David Roche, and Lloyed B. Clark of Pawtuxet Valley Motor Express, Inc., (MC–39507) and C-Line, Inc. (MC–138861).

By the Commission, Division 1, Commissioners Andre, Taylor and Sterrett. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

MC–15051, Bob's Transport and Storage Company Inc.—Purchase Exemption—Haulmark Transfer, Inc.

Addresses: Send pleadings to: (1) Motor Section, Team 5, Room 2139, Interstate Commerce Commission, Washington, DC 20423; and (2) Petitioner's representative: Michael R. Werner, 241 Cedar Lane, Teaneck, NJ 07666.

Pleadings should refer to No. MC–F–15051.

Decided: April 14, 1983.

Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343(a), the purchase by Bob's Transport and Storage Company, Inc., (MC–148624) of a portion of Haulmark Transfer Inc., (MC–127579 (Sub-No. 40)) authorizing the transportation of general commodities (with exceptions) between points in the conterminous United States.

By the Commission, Division 1, Commissioners Andre, Taylor and Sterrett. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

MC–F–15071, Leaseway Transportation Corp.—Continuance in Control Exemption—Leaseway Deliveries, Inc., et al.

Addresses: Send pleadings to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423; and (2) Petitioner's representative: J. Andrew Kundtz, Thompson, Hine and Flory, 1100 National City Bank Building, Cleveland, OH, 44114.

Pleadings should refer to No. MC–F–15071.

Decided: April 14, 1983.

Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343(a), the continuance in control by Leaseway Transportation Corp. of its subsidiary, Leaseway Deliveries, Inc. (MC–164713), and of the other carriers presently controlled by Leaseway Transportation: Amac Trucking, Inc. (MC–140619); Anchor Motor Freight, Inc. (MC–808); Better Home Deliveries, Inc. (MC–150511); Charlton Transport (Quebec) Limited (MC–141250); Contract Trucking Corporation (MC–156146); Cryogenic Carriers, Inc. (MC–157690); Custom Deliveries, Inc. (MC–142963); Dedicated Freight Systems, Inc. (MC–139583); Fleet Transport Company, Inc. (MC–103051 and MC–114106); General Trucking Service, Inc. (MC–143308); Gypsum Haulage, Inc. (MC–112113); LDF, Inc. (MC–147101); Leaseway Trucking, Inc. (MC–153610); Max Binswanger Trucking (MC–116314); Balser Truck Co. (MC–96630), which is controlled by Max Binswanger; Geo. McNeil Teaming Company (MC–153315); Midwestern Distribution, Inc. (MC–144901); Mitchell Transport, Inc. (MC–124212); Pep Lines Trucking Co. (MC–130184 and MC–135280); Refiners Transport & Terminal Corporation (MC–50069); A. R. Gundry, Inc. (MC–25562), which is controlled by Refiners Transport; Signal Delivery Service Inc. (MC–108393); Stam-Win, Inc. (MC–147294 and MC–150185); Sugar Transport, Inc. (MC–115924); United Home Delivery, Inc. (MC–153685); and Vernon Equipment, Inc. (MC–150412)

By the Commission, Division 1, Commissioners Andre, Taylor, and Sterrett. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

MC–F–15081, Murrell Enterprises, Inc.—Continuance in Control Exemption—Earl C. Smith, Inc. and Magra, Inc.

Address: Send pleadings to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423; and (2) Petitioner's representatives: Ronald J. Mastej and Neill T. Riddell, 900 Guardian Building, Detroit, MI 48226.

Pleadings should refer to No. MC–F–15081.

Decided: April 14, 1983.

Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirements of prior review and approval under 49 U.S.C. 11343(a), the continuance in control by Murrell Enterprises, and in turn, by Ronald C. Murrell, Lorraine M. Burman,

Robert S. Boris and James Byrne, of Earl C. Smith, Inc. (No. MC–80498) and Magra, Inc. (No. MC–164848).

By the Commission, Division 1, Commissioners Andre, Taylor, and Sterrett. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

MC–F–15076, Anderson & Webb Trucking Co. Inc.—Purchase Exemption—Cal-Tex, Inc.

Send pleadings to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423; and (2) Petitioner's representative: Eric Meierhoefer, Sims Meierhoefer, Walker, & Steinfeld, 915 Pennsylvania Building, 425 13th Street, N.W., Washington, DC 20004.

Pleadings should refer to No. MC–F–15076.

Decided: April 14, 1983.

Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343(a), the purchase by Anderson & Webb Trucking Co., Inc., (No. MC–14415) of the operating rights of Cal-Tex, Inc. in Nos. MC–141097 and MC–146041 and subnumbers thereunder.

By the Commission, Division 2, Commissioners Gradison, Taylor, and Sterrett. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

MC–F–15085, Etranco, Inc.—Control Exemption—Ecoff Trucking, Inc., and Liquid Transport Corp.

Addresses: Send pleadings to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423; and (2) Petitioner's representative: Robert W. Loser II, 512 Chamber of Commerce Bldg., Indianapolis, IN 46204.

Pleadings should refer to No. MC–F–15085.

Decided: April 14, 1983.

Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343(a)(4), the acquisition of control of Ecoff Trucking, Inc. (MC–119934 and MC–128161) and Liquid Transport Corp. (MC–119226) by Etranco, Inc., a noncarrier holding company controlled by Rex V. Ecoff.

By the Commission, Division 1, Commissioners Andre, Taylor, and Sterrett. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

MC–F–15087, Patrick M. Porritt—Continuance in Control Extension—Kramer Trucking Co., Inc. and Gabor Trucking, Inc.

Send pleadings to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423; and (2) Petitioner's representative: Patrick M. Porritt, P.O. Box 687, Detroit Lakes, MN 56501.

Pleadings should refer to No. MC–F–15087.

Decided: April 13, 1983.

Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343(a), the continuance in control of the operating rights of Kramer Trucking Inc. (No. MC–116923) and Gabor Trucking, Inc. (No. MC–118838), motor common carriers.

By the Commission, Division 1, Commissioners Andre, Taylor, and Sterrett. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

MC–F–15101, Flatlands Express, Inc.—Purchase Exemption—Midwest Refrigerated Express, Inc.

Addresses: Send pleadings to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423; and (2) Petitioner's representative: Arlyn L. Westergren, Westergren, Hauptman & O'Brien, P.C., Suite 201, 9202 W. Dodge Road, Omaha, NE 68114.

Pleadings should refer to No. MC–F–15101.

Decided: April 14, 1983.

Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11344(e), the purchase by Flatlands Express, Inc. (No. MC–127602) of a portion of the operating authority of Midwest Refrigerated Express, Inc. (No. MC–124774).

By the Commission, Division 1, Commissioners Andre, Taylor, and Sterrett. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

[FR Doc. 83–10800 Filed 4–20–83; 8:45 am]
BILLING CODE 7035–01–M

Motor Carrier; Finance Applications; Decision Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1181.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

Agatha L. Mergenovich,

Secretary.

For the following, please direct status calls to Team 3 at 202–275–5223.

Volume No. OP3–MCFC–167

Decided: April 13, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC–FC–81240. By decision of April 13, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 3 approved the transfer to WINONA AIR EXPEDITING, INC., Winona, MN of a portion of Certificate No. MC–153114 (Sub-No. 3) (Part 2), issued October 6, 1981, to Olympic Express, Inc., of Bloomington, MN, authorizing the transportation of *general commodities* (except classes A and B explosives), between points in LaCrosse and Douglas Counties, WI, and Goodhue, Olmsted, St. Louis, Wabash and Winona Counties, MN, on the one hand, and, on the other, points in Anoka, Carver, Dakota, Hennepin,

Ramsey, Scott and Washington Counties, MN. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Suite 307, Edina, MN 55424, (612) 927–8855.

For the following, please direct status calls to Team 5 at 202–275–7289.

Volume No. OP5–FC–187

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC–FC 81336. By decision of April 13, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 1, approved the transfer to H.T.L. Inc., d.b.a., HUNTER TRUCK LINE, of Council Bluffs, IA, of all of the authority in Certificate No. MC–141489 and in Permit No. MC–145064. In No. MC–141489 Sub 16X, issued July 15, 1981, and the underlying authority thereto in MC–141489 issued November 7, 1980, and in Sub 2, issued March 14, 1980, Sub 3, issued July 29, 1980, Sub 6, issued September 22, 1981, Sub 8, issued November 23, 1979, Sub 10, issued March 9, 1981, Sub 12, issued November 6, 1980, Sub 15, issued January 5, 1981, Subs 16, 17, 18, and 19, issued August 28, 1980, No. MC–140241 Sub 44 and 46 reentitled issued July 29, 1980, and that portion of No. MC–138328 issued July 26, 1974 (acquired and authorized in MC–F–13639). MC–141489 Sub 9 issued September 24, 1980, and Sub 14, issued January 5, 1981. Permit No. MC–141489 Sub 19 issued June 22, 1982. In permit No. MC–145064 Sub 13X, issued August 7, 1981 and the underlying authority thereto in Sub 3, issued October 10, 1979, Sub 4, issued July 14, 1980, Sub 6, issued April 18, 1979, Sub 9, issued July 28, 1980, Sub 10, issued April 28, 1981 and Permit No. MC–136817 issued November 22, 1972 (acquired and authorized in MC–F–13639). Permit No. MC–145064 Sub 7 issued September 7, 1979, Sub 8, issued April 18, 1979 and Sub 12, issued May 5, 1981 to Hunter Trucking, Inc., of Council Bluffs, IA. Such authority authorizes the transportation of specified commodities over regular and irregular routes, between specified points in the U.S. Representative: James F. Crosby, 7363 Pacific Street, Suite 210B, Omaha, NE.

MC–81354. By decision of April 14, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 1, approved the transfer to K–C & CO. TRUCKING, INC., of Evanston, WY, of Certificate No. MC–155428 issued June 28, 1982, to K–C & CO. Trucking of Lima, MT, authorizing the transportation of Mercer commodities (a) between points in Idaho, Montana, Nevada, Utah, and Wyoming, and (b) between points in Idaho, Montana, Nevada, Utah, and Wyoming, on the one hand, and, on the other, points in Colorado, North Dakota, Oregon, South Dakota, Washington, and Wyoming. Representative: Wayne Koerner, P.O. Box 1196, Evanston, WY 82930.

MC–FC–81372. By decision of April 13, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 1, approved the transfer to B. J. McCONNELL AND JACK HELMS, d/b/a ALASKA MOBILE HOME MOVERS of Anchorage, AK, of Certificate No. MC–119558 Sub 8X issued September 7, 1982 and the underlying authority thereto in Sub 7 issued July 15, 1982, to Glenn Phillips and Cecil Blanton, d/b/a. Alaska Mobile Home Movers of Anchorage, AK, authorizing the transportation of lumber or wood products, except furniture, including buildings, and mobile homes, (1) between points in AK, and (2) mobile homes, between points in AK, and points in CO, ID, IN, KS, MI, MN, MT, NE, OK, SD, WA, and WI. An application for temporary authority has been filed. Representative: Arthur R. Hauver, 750 West Second Ave., Suite 200, Anchorage, AK 99501.

MC–FC–81382. By decision of April 14, 1983, issued under 49 U.S.C. 10926 and the transfer rules of 49 CFR Part 1181, Review Board Number 1 approved the transfer to SEA RAIL CARTAGE, INC., of Portland, OR, of Certificate No. MC–149118 issued December 12, 1980, authorizing the transportation of (1) contractors equipment, materials and supplies, and (2) commodities which, because of their size or weight, require the use of special equipment (except those in (1) above), between points in Oregon, Washington, and Del Norte, Siskiyou, Modoc, Trinity and Shasta Counties, CA, restricted to the transportation of traffic originating at or destined to the facilities of Pacific Power & Light Company, MC–149118 Sub 1F issued January 5, 1981, authorizing the transportation of equipment, materials and supplies used in the transmission and switching of telephonic communications and empty telephone cable reels, between points in Oregon, Washington, and Nez Perce Counties, ID, restricted to transportation of traffic from, to, or between the facilities of Pacific Northwest Bell Telephone Company, MC–149118 Sub 2F issued January 21, 1981, authorizing the transportation of general commodities (except household goods as defined by the Commission, hazardous or secret materials, and sensitive weapons and munitions), for the United States Government, between points in United States, and MC–149118 Sub 3F issued March 20, 1981, authorizing the transportation of commodities, which because of size or weight, require the use of special equipment, beween points in Oregon and Washington, Transferee holds authority under MC–162578. Representative: Lawrence V. Smart, Jr., 419 23rd Ave., Portland, OR 97210.

[FR Doc 83–10569 Filed 4–20–83; 8:45 am]

BILLING CODE 7035–01–M

Motor Carrier; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (fitness-only); Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods).

The following applications for motor common or contract carriage of property and for a borker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** on December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in the **Federal Register** on November 24, 1982, at 49 FR 53271. For compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E.

These applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service in for a named shipper "under contract."

Please direct status inquiries to Team 1, (202) 275–7992.

Volume No. OP1–140

Decided: April 15, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 167230, filed April 4, 1983. Applicant: SCHUEFFNER TRUCKING, INC., Route 2, Sheboygan Falls, WI 53085. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719, (608)–273–1003. Transporting (1) *food and other edible products and by-products intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, and (2) for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

MC 167301, filed April 8, 1983. Applicant: JOE SCHMID, d.b.a. JS INTERNATIONAL CUSTOMHOUSE BROKER, 110 W. Ocean Blvdi, Suite 361, Long Beach, CA 90802. Representative: Frank Rivera (same address as applicant), (213) 436–9927. As a *broker* of *general commodities* (except household goods), between points in the U.S.

For the following, please direct status calls to Team 3 at 202–275–5223.

Volume No. OP3–158

Decided: April 13, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 76574 (Sub-6), filed March 23, 1983. Applicant: ARMSTRONG TRANSFER AND STORAGE CO., INC., 3927 Winchester Rd., Memphis, TN 38118. Representative: Carroll B. Jackson, 1810 Vincennes Rd., Richmond, VA 23229, (804) 282–3809. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 155114 (Sub-1), filed April 6, 1983. Applicant: LONERGAN'S CHARTER SERVICE, INC., 1109 Boucher Ave., Annapolis, MD 21403. Representative: Steven L. Weiman, Suite 200, 444 N. Frederick Ave., Gaithersburg, MD 20877, (301) 840–8565. Transporting *passengers*, in special and charter operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded special and charter transportation.

MC 165344, filed March 22, 1983. Applicant: WAYNE A. LOVE, d.b.a. LOVE TRANSPORTATION, 1799 Harvey Ave., Kelowna, B. C. Canada V1Y 6G4. Representative: Wayne A. Love (same address as applicant), (604) 860–2665. Transporting *passengers*, in charter and special operations, beginning and ending at ports of entry on the international boundary line between the United States and Canada, in WA, MT, ND, and MN, and extending to points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded special and charter transportation.

MC 166985, filed March 23, 1983. Applicant: MICHAEL A. ZOZ, RR 1, Alvo, NE 68304. Representative: (Same as applicant), (402) 867–3482. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 167154, filed March 29, 1983. Applicant: GUST TRANSPORTATION, INC., P.O. Box 9426, Fresno, CA 93792. Representative: Arden Riess, P.O. Box 7965, Stockton, CA 95207, (209) 957–6128. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 167255, filed April 4, 1983. Applicant: WASHINGTON TOURS, INC., 11212 Grandview Ave., Suite 102, Wheaton, MD 20902. Representative: Russell R. Sage, P.O. Box 11278, Alexandria, VA 22312, (703) 750–1112. Transporting *passengers*, in special and charter operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

Volume No. OP3–164

Decided: April 14, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 113105 (Sub-4), filed April 4, 1983. Applicant: SHERIDAN-INDIANAPOLIS BUS LINE, INC., 144 S. Union St., Westfield, IN 46074. Representative: Walter F. Jones, Jr., 1111 E. 54th St., Suite 155, Indianapolis, IN 46220, (317) 257–4066. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 96345 (Sub-8), filed April 4, 1983. Applicant: AMERICAN EAGLE MOTOR COACH, INC., 72 Sycamore St., Fairhaven, MA 02719. Representative: Robert J. Brooks, 1828 L St., N.W., Suite 1111, Washington, D.C. 20036, (202) 466–3892. Transporting *passengers*, in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 167075, filed March 28, 1983. Applicant: JEN-BAR CONSTRUCTION, INC., 6405 Harford Road, Baltimore, Md

21214. Representative: James A. Barron (same address as applicant), (301) 428–3015. As a *broker* of *general commodites* (except household goods), between points in the U.S.

MC 167204, filed April 1, 1983. Applicant: AIRTRAN-O'HARE, INC., 26W161 Plank Rd., P.O. Box 896, Naperville, IL 60566. Representative: William D. McCreary (same address as applicant), (312) 961–5500. Transporting *passengers,* in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

[FR Doc. 83–10601 Filed 4–20–83; 8:45 am]

BILLING CODE 7035–01–M

Motor Carrier; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water Carriers; Household Goods Brokers. The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the **Federal Register** on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, U.S.C., and the Commission's regulations.

We make an additional preliminary finding with respect to each of the following types of applications as indicated: common carrier of property—that the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier—that the transportion to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, and household goods broker—that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the U.S.C.

These presumptions shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Applications filed under 49 U.S.C. 10922(c)(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly noted.

Please direct status inquiries to Team 4 at (202) 275–7669.

Volume No. OP4–232

Decided: April 14, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 162756, filed March 22, 1983. Applicant: CARROLS DEVELOPMENT CORPORATION, 966 James St., Syracuse, NY 13203. Representative: James Robert Evans, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722–2848. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Iceland Seafood Corporation of Camp Hill, PA; Golden West Foods, Inc., a subsidiary of McCormick & Co., Inc., of Bedford, VA; Paul de Lima Coffee Company, of Syracuse, NY; and Dopaco, Inc. of Downingtown, PA.

MC 3647 (Sub-472), filed April 6, 1983. Applicant: NJ TRANSIT BUS OPERATIONS, INC., 180 Boyden Ave., Maplewood, NJ 07040. Representative: Irwin I. Kimmelman, McCarter Hwy and Market St., P.O. Box 10009, Newark, NJ 07101, (201) 648–6908. Over regular routes, transporting *passengers,* (1) Between Paterson, and East Rutherford, NJ: From Paterson at junction Main St. and Broadway, then over Broadway to junction Curtis Place, then over Curtis Place to junction Ellison St., then over Ellison St. to junction Washington St., then over Washington St. to junction Market St., then over Market St. to junction Madison Ave., then over Madison Ave. to junction Park Ave., then over Park Ave. to junction Vreeland Ave., then over Vreeland Ave., to junction East Thirty Ninth St., then over East Thirty Ninth St. to junction Market St., then over Market St. to junction Lakeview Ave., then over Lakeview Ave. and access roads to Market St., then over Market St. to

junction River Dr., then over River Dr. to U.S. Hwy 46 East, then over U.S. Hwy 46 East to junction Main St., then over Main St. to junction Liberty St., then over Liberty St. to junction Moonachie Rd., then over Moonachie Rd. to junction Washington Ave., then over Washington Ave. and NJ Hwy 20 to junction NJ Hwy 3 to East Rutherford and return over NJ Hwy 20 and Washington St. to junction Moonachie Rd., then over Moonachie Rd. to junction Liberty St., then over Liberty St. to junction Main St., then over Main St. to junction Phillips Ave., then over Phillips Ave. to junction U.S. Hwy 46 West, then over U.S. Hwy 46 to junction River Dr., then over River Dr. to junction Market St., then over Market St. to junction Vreeland Ave., then over Vreeland Ave. to junction Park Ave., then over Park Ave. to junction Market St., then over Market St. to junction Main St., then over Main St. to junction Van Houten St., then over Van Houten St. to junction Curtis Place, to Paterson, serving all intermediate points. (2) Between Teterboro and Moonachie, NJ: From junction U.S. Hwy 46 and Industrial Ave., then over Industrial Ave. to junction Railroad Ave., then over Railroad Ave. to junction Industrial Ave., then over Industrial Ave. to junction Moonachie Ave., then over Moonachie Ave. to junction Moonachie Rd., to Moonachie, serving all intermediate points. (3) Between Hasbrouck Heights and Passaic, NJ: From junction U.S. Hwy 46 and NJ Hwy 17, then over NJ Hwy 17 south to junction Williams Ave., then over Williams Ave. and Union St. to junction Memorial Dr., then over Memorial Dr. to junction Passaic Ave., then over Passaic Ave. to junction Passaic St., then over Passaic St. to junction Wall St., then over Wall St. to junction Passaic St., then over Passaic St. to junction Main St., then over Main St. to junction Lexington Ave., to Passaic, NJ, and return over Lexington Ave. to junction Monroe St., then over Monroe St. to junction Main St., then over Main St. to junction Prospect St., then over Prospect St. to junction Passaic St., then over Passaic St., to junction Wall St., then over Wall St. to junction Passaic St., then over Passaic St. to junction Passaic Ave., then over Passaic Ave. to junction Memorial Dr., then over Memorial Dr. to junction Union St., then over Union St. and Williams Ave. to junction U.S. Hwy 46 and NJ Hwy 17 to Hasbrouck Heights, serving all intermediate points. (4) Between Hackensack and Ridgefield Park, NJ: From junction Anderson St. and Main St., then over Main St. to junction Ward St., then over Ward St. to junction State St., then over State St. to junction Mercer St., then over Mercer St. to junction Moore St., then over Moore St. to junction Atlantic St., then over Atlantic St. to junction Moore St., then over Moore St. to junction Court St., then over Court St. and W. Fort Lee Rd. to junction River Rd., then over River Rd. to junction Main St., then over Main St. to junction Palisade Ave., then over Palisade Ave. to junction North Ave., then over North Ave. to junction Main St. and Queen Anne Rd., to Ridgefield Park, and return over North Ave. to junction Palisade Ave., then over Palisade Ave. to junction Main St., then over Main St. to junction River Rd., then over River Rd. to junction W. Fort Lee Rd., then over W. Fort Lee Rd. and Bridge St. to junction Moore St., then over Moore St. to junction Atlantic St., then over Atlantic St. to junction Moore St., then over Moore St. to junction Mercer St., then over Mercer St. to junction Main St., then over Main St. to junction Anderson St., to Hackensack, serving all intermediate points. (5) Between points in Little Ferry, NJ: From junction U.S. Hwy 46 and Little Ferry Traffic Circle, then over U.S. Hwy 46 to junction Liberty St., then over Liberty St. to junction Main St., serving all intermediate points. (6) Between Fairview, NJ and North Bergen, NJ: From junction Anderson Ave. and Fairview Ave., then over Fairview Ave. to junction Woodcliff Ave., then over Woodcliff Ave. to junction Boulevard East to North Bergen, serving all intermediate routes.

Note.—Applicant intends to tack the above authority to its present authorized operations and seeks to provide regular route service in interstate or foreign commerce.

MC 37127 (Sub-5), filed April 12, 1983. Applicant: MECCA & SON TRUCKING CORP., 580 Henderson St., Jersey City, NJ 07302. Representative: Thomas F.X. Foley, P.O. Box F, Colts Neck, NJ 07722, (201) 946–2020. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in CT, NJ, NY, and PA, on the one hand, and, on the other, points in CT, DE, IL, IN, MD, MA, NJ, NY, OH, PA, RI, VA, and DC.

MC 42487 (Sub-1073), filed April 11, 1983. Applicant: CONSOLIDATED FREIGHTWAYS, CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208, (503) 226–4692. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Kendavis Industries International, Inc., of Fort Worth, TX, and its wholly owned subsidiaries.

MC 142126 (Sub-17), filed April 11, 1983. Applicant: FOAM TRANSPORT, INC., 201 Ballardvale St., Wilmington, MA 01887. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108, (617) 742–3530. Transporting *rubber and plastic products,* and *pulp, paper and related products,* between points in the U.S. (except AK and HI), under continuing contract(s) with Ampco Packaging, Inc., of Jersey City, NJ, Cushion Pak, Inc., of Marlboro, NJ, and Astro Packaging, Inc., of Hawthorne, NJ.

For the following, please direct status calls to Team 1 at 202–275–7992.

Volume No. OP1–141

Decided: April 15, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 36531 (Sub-7), filed April 5, 1983. Applicant: MAIN TRUCKING COMPANY, 52 Rainbow Ave., Sunbury, OH 43074. Representative: James R. Stiverson, 1396 W. Fifth Ave., P.O. Box 12241, Columbus, OH 43212, (614) 481–8821. Transporting *lime, limestone and limestone products, and commodities in bulk,* between points in IN, KY, MI, OH, PA and WV.

MC 75840 (Sub-173), filed April 8, 1983. Applicant: MALONE FREIGHT LINES, INC., P.O. Box 11103, Birmingham, AL 35202. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210, (703) 525–4050. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Diamond Shamrock Corporation, of Irving, TX, Kaiser Aluminum & Chemical Corporation, of Oakland, CA, Kimberly Clark Corporation, of Coosa Pines, AL, and Cascade West Transportation Brokers, of Lake Oswego, OR.

MC 136291 (Sub-25), filed April 7, 1983. Applicant: CUSTOMIZED PARTS DISTRIBUTION, INC., 3600 N.W. 82nd Ave., Miami, FL 33166. Representative: Dale A. Tibbets (same address as applicant) (305) 593–3204. Transporting *such commodities* as are dealt in by tobacco, candy and food distributors, between points in the U.S. (except AK and HI), under continuing contract(s) with (1) International Tobacco Wholesalers Alliance, Ltd., of Livonia, MI, and (2) Midwest Natural Foods Distributors, Inc., of Ann Arbor, MI.

MC 141871 (Sub-29), filed April 6, 1983. Applicant: WNI, INC., 8560 S.W. Salish Lane, Wilsonville, OR 97070. Representative: John R. Patterson, P.O. Box 2298, Green Bay, WI 54306, (414) 498–7688. Transporting *general commodities* (except classes A and B explosives and household goods), between those points in the U.S. in and east of ND, SD, NE, KS, OK, AND TX.

MC 151880 (Sub-4), filed April 6, 1983. Applicant: K & K TRUCKING, INC., 806 Cullum St., Carthage, TN 37030. Representative: J. Greg Hardeman, 618 United Southern Bank Bldg., Nashville, TN 37219, (615 244–8100) Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between Davidson County, TN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Note.—Applicant intends to tack this authority with its existing regular route operations.

MC 147101 (Sub-6), filed April 5, 1983. Applicant: LDF, INC. 30 Enterprise Ave., Secaucus, NJ 07094. Representaive: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114, (216) 566–5639. Transporting *such commodities* as are dealt in or used by retail department stores, between points in the U.S., under continuing contract(s) with Macy's New York, Inc., of New York, NY.

MC 148791 (Sub-42), filed April 7, 1983. Applicant: TRANSPORT–WEST, INC., 1850 South 1100 West, Woods Cross, UT 84087. Representative: Rick J. Hall, P.O. Box 2465, Salt Lake City, UT 84110, (801) 531–1777. Transporting *disposable medical and surgical supplies,* between points in the U.S. (except AK and HI), under continuing contract(s) with Surgikos, Inc., of Arlington, TX.

MC 148791 (Sub-43), filed April 7 1983. Applicant: TRANSPORT–WEST, INC., 1850 South 1100 West, Woods Cross, UT 84087. Representative: Rick J. Hall, P.O. Box 2465, Salt Lake City, UT 84110, (801) 531–1777. Transporting *pulp, paper and related products,* between points in the U.S. (except AK and HI), under continuing contract(s) with Packaging Corporation of America, of Evanston, IL.

MC 152621 (Sub-11), filed April 5, 1983. Applicant: RUSH TRANSPORT, INC., 163 Main St., Route 131, Sturbridge, MA 01566. Representative: James Burns, 1365 Main St., Suite 403, Springfield, MA 01103, (413) 781–8205. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 158651 (Sub-9), filed April 8 1983. Applicant: GRAEBEL VAN LINES, INC., 719 North Third Avenue, Wausau, WI 54401. Representative: John E. Koci (same address as applicant), (715) 675–9481. Transporting *household goods,* between points in the U.S., under continuing contract(s) with Allen Bradley Company, of Milwaukee, WI.

MC 158651 (Sub-10), filed April 8 1983. Applicant: GRAEBEL VAN LINES, INC., 719 North Third Ave., Wausau, WI 54401. Representative: John E. Koci (same address as applicant), (715) 675–9481. Transporting *household goods,* between points in the U.S., under continuing contract(s) with Deloitte Haskins & Sells, of New York, NY.

MC 158651 (Sub-11), filed April 8, 1983. Applicant: GRAEBEL VAN LINES, INC., 719 North Third Ave., Wausau, WI 54401. Representative: John E. Koci (same address as applicant), (715) 675–9481. Transporting *household goods,* between points in the U.S., under continuing contract(s) with Texas Air Corporation, of Houston, TX.

MC 161231, filed February 23, 1983, previously published in the Federal Register on March 21, 1983. Applicant: PLATEAU EXPRESS, INC., Rt. 11, Box 226, McMinnville, TN 37110. Representative: Roland M. Lowell, Fifth Floor, 501 Union St., Nashville, TN 37219, (615) 255–0540. Transporting (1) *metal products,* (2) *lumber and wood products,* (3) *electric motors,* (4) *clay, concrete, glass or stone products,* and (5) *waste or scrap materials not identified by industry producing,* (a) between points in IL, MS and PA, and (b) between points in IL, MS, PA and TN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Note.—This republication corrects the territorial application.

MC 164140 (Sub-1), filed April 8, 1983. Applicant: BELT'S TRANSPORTATION SERVICES, INC., 936 Fell Street, Baltimore, MD 21231. Representative: Robert K. Goren, 11300 Rockville Pike, Suite 1017, Rockville, MD 20852, (301) 984–6266. Transporting *general commodities* (except classes A and B explosives, commodities in bulk and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Belt's Wharf Warehouses, Inc., of Baltimore, MD.

MC 165911, filed March 28, 1983. Applicant: GULF CARRIERS, INC., P.O. Box 42888, Dept. 288, Houston, TX 77042. Representative: Larry Strickland, 11410 Valley Spring, Houston, TX 77043, (713) 453–5247. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in TX, on the one hand, and, on the other, points in AL, AR, LA, MS and TX.

MC 165930, filed April 6, 1983. Applicant: COLORADO AIR FREIGHT EXPRESS, INC., 3955 Newport St., Suite B, Denver, CO 80207. Representative: Robert E. Butts (same address as applicant), (303) 399–6735. Transporting *truck parts and accessories,* between points in CO, WY, and NM, under continuing contract(s) with Drive Train Industries, Inc., of Denver, CO.

MC 166221, filed April 5, 1983. Applicant: CENTURY FURNITURE COMPANY, P.O. Box 608, Hickory, NC 28601. Representative: Terrell Price, 800 Briar Creek Rd., Ste. DD504, Charlotte, NC 28205, (704) 372–8212. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Shuford Mills, of Hickory, NC.

MC 166820, filed April 5, 1983. Applicant: GREENVILLE TRUCK LEASING CO., INC., Route 5, Box 452, Simpsonville, SC 29681. Representative: Mitchell King, Jr., P.O. Box 5711, Greenville, SC 29606, (803)–288–6000. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Globe Industries, Inc., of Chicago, IL.

MC 167220, filed March 30, 1983. Applicant: GENERAL FREIGHTWAYS CO., P.O. Box 103, Clearmont, WY 82835. Representative: Vernon A. Tietjen (same address as applicant), (307) 758–4473. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in AZ, CA, CO, ID, KS, MT, NE, NM, NV, ND, OK, OR, SD, TX, UT, WA, and WY.

MC 167221, filed April 4, 1983. Applicant: THE STRATEGISTS, INC., 9007 Tahoe Lane, Boulder, CO 80301. Representative: Thaddeus Makowski (same address as applicant), (303) 665–9007. As a *broker* of *household goods,* between points in the U.S.

MC 167231, filed April 4, 1983. Applicant: RIVERSIDE SCRAP IRON & METAL CORPORATION, 2993 6th St., P.O. Box 5288, Riverside, CA 92517. Representative: Daniel Jay Frankel (same address as applicant), (714) 686–2120. Transporting *newsprint rolls,* between points in Riverside County, CA.

MC 167250, filed April 4, 1983. Applicant: WILLIAM L. WATSON, 3069 Connell, Central Point, OR.

Representative: William L. Watson (same address as applicant), (503) 779-1156. Transporting *general commodities* (except classes A and B explosives and household goods) between points in the U.S. under continuing contract(s) with R & R Truck Brokers, Inc., of Medford, OR.

MC 167251, filed April 6, 1983. Applicant: FLEETWOOD EXPRESS, INC., 2813 18th Ave., Scottsbluff, NE 69361. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501, (402)-475-6761. Transporting *fertilizer*, between points in Laramie County, WY, on the one hand, and, on the other, points in Scotts Bluff, Morrill, Box Butte, Banner and Cheyenne Counties, NE.

MC 167271, filed April 7, 1983. Applicant: MR. J'S, INC., 315 Second Ave., SE, Watertown, SD 57201. Representative: John C. Wiles, P.O. Box 235, 3 East Kemp, Suite 200, Watertown, SD 57201, (605) 886-6900. Transporting *flyash*, between points in IA, SD, MN, ND and NE, under continuing contract(s) with (1) Hallett Ready Mix, Inc., (2) Jimco Ready Mix Co., and (3) Concrete Dakota & Brick, each of Watertown, SD, and (4) R.E. Lien, Inc., of Milbank, SD.

MC 167300, filed April 8, 1983. Applicant: FRANCES I. HURD, d.b.a. FRITZ HURD TRUCKING, 953 Deschutes Rd., Palo Cedro, CA 96073. Representative: Roberta L. Hurd, 2355 Smith Ave., Redding, CA 96001. Transporting *lumber and wood products and building materials*, between points in CA, OR, WA, AZ, and NV.

[FR Doc 83-10602 Filed 4-20-83, 8:45 am]
BILLING CODE 7035-01-M

[Vol. No. OP1-139]

Motor Carriers; Proposed Exemptions

AGENCY: Interstate Commerce Commission.

ACTION: Notices of proposed exemptions.

SUMMARY: The motor carriers shown below seek exemptions pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property Under 49 U.S.C. 11343*, 367 I.C.C. 113 (1982), 47 FR 53303 (November 24, 1982).

DATE: Comments must be received within 30 days after the date of publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Joyce D. Lannon, (202) 275-7992.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: April 15, 1983.

By the Commission, Herber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,
Secretary.

Petitioners

MC-F-15216. Eby Bros. Inc., No. MC-114840, seeks an exemption from the requirement of prior regulatory approval for its purchase of authorities issued to Shoemaker Trucking Company in No. MC-138875, paragraphs 1, 6 and a portion of paragraph 27 of Sub-No. 312X which involve the transportation of building materials and lumber and wood products between certain points in Idaho and Arizona, New Mexico and Wyoming and waste or scrap materials between certain points in Idaho and Oregon, Utah, Wyoming, Nevada, California, Oregon and Washington. This purchase would necessarily entail the transfer of paragraphs 5 and 13 of Sub-No. 1, paragraph 1 of Sub-No. 22 and Sub-Nos. 62 and 72, which were superceded by paragraphs 1, 6 and a portion of 27 Sub-No. 312X. *Stewart Trucking Company*, MC-FC-79592 (December 1, 1982). Petitioner's Gateway application to tack these authorities with its existing authority has already been dismissed. Send comments to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423, and (2) Petitioner's Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701. Comments should refer to MC-F-15216.

MC-F-15226, filed: April 4, 1983. STATE TRANSPORTATION, INC. (State) (P.O. Box 1349, Portsmouth, NH 03801)—purchase exemption—ADAMS TRUCKING, INC. (Adams) (P.O. Box 890, Sanford, ME 04073). State Transportation, Inc. (No. MC-145895), and Adams Trucking, Inc. (No. MC-157101), seek an exemption from the requirement of prior regulatory approval for the purchase by State of all of Adams' operating rights. Joseph J. O'Brien, who controls State, and who also controls Rockingham Carriage Service, Inc. (No. MC-153553) and North American Driveway, Inc. (No. MC-144983), seeks authority to acquire control of the said rights through the transaction. No application for TA has been filed. Send comments to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423. (2) Petitioner's representative: Robert G. Parks, Suite 101, 20 Walnut St., Wellesley Hills, MA 02181. Comments should refer to No. MC-F-15226.

MC-F-15227, ROBERT P. LAYMAN—Continuance in Control Exemption—ALEX CITY SALT TERMINAL, INC. and NORTH ALABAMA EXPRESS, INC. Robert P. Layman seeks an exemption from the requirement under section 11343 of prior regulatory approval for his continuance in control of Alex City Salt Terminal, Inc. (No. MC-158507) and North Alabama Express, Inc. (No. MC-97260), both motor common carriers. Addresses: Send Comments to: Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423, and (2) Petitioner's representative, Donald B. Sweeney, Jr., Esq., P.O. Box 2366, Birmingham, AL 35201. Comments should refer to No. MC-F-15227.

[FR Doc. 83-10598 Filed 4-20-83, 8:45 am]
BILLING CODE 7035-01-M

[Finance Docket No. 30169]

Indiana Hi-Rail Corporation; Temporary Exemption; Lease and Operate Between New Castle and Rushville, IN

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission temporarily exempts the Indiana Hi-Rail Corporation's (IHR) lease and operation of a 22.21-mile rail line between Rushville and New Castle, IN from prior approval under 49 U.S.C. 10901.

DATES: This exemption shall be effective on April 15, 1983. Petitions to reopen must be filed by May 5, 1983.

ADDRESSES: Send pleadings referring to Finance Docket No. 30169 to:

(1) Rail Section, Room 5349, Interstate Commerce Commission, Washington, DC 20423; or
(2) Petitioner's representative: Anthony J. Ciccone, Jr., 2033 K Street NW., Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the entire decision, write to T. S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423 or call 289-4357 (D.C. Metropolitan Area) or toll free 800-424-5403.

Decided: April 15, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-10596 Filed 4-20-83; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 388; Sub-20]

State Intrastate Rail Rate Authority, Pub. L. 96-448, New Hampshire

AGENCY: Interstate Commerce Commission.

ACTION: Extension of time for filing to notice of certification decision and filing schedule for new plans.

SUMMARY: In the **Federal Register** notice of January 27, 1983 (48 FR 3892), the date comments were due in this proceeding was March 14, 1983, which date was subsequently extended to April 13, 1983, by order not published. At the request of the New Hampshire Public Utilities Commission, the date has been postponed another 30 days to May 13, 1983.

DATES: Revised standards and procedures are due May 13, 1983. Comments of interested parties on the submission are due June 13, 1983.

ADDRESS: Send an original and, if possible, 15 copies of all comments to: Rail Section, Room 5344, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Douglas Galloway, (202) 275-7278.

By the Commission, Reese H. Taylor, Jr., Chairman.

Dated: April 14, 1983.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 10597 Filed 4-20-83; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387]

Exemptions for Contract Tariffs; Burlington Northern Railroad Co. et al.

AGENCY: Interstate Commerce Commission.

ACTION: Notices of provisional exemptions.

SUMMARY: Provisional exemptions are granted under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e), and the below-listed contract tariffs may become effective on one day's notice. These exemptions may be revoked if protests are filed.

DATE: Protests are due within 15 days of publication in the **Federal Register.**

ADDRESS: An original and 6 copies should be mailed to: Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Douglas Galloway, (202) 275-7278.

SUPPLEMENTARY INFORMATION: The 30-day notice requirement is not necessary in these instances to carry out the transportation policy of 49 U.S.C. 10101(a) or to protect shippers from abuse of market power; moreover, the transaction is of limited scope. Therefore, we find that the exemption requests meet the requirements of 49 U.S.C. 10505(a) and are granted subject to the following conditions:

These grants neither shall be construed to mean that the Commission has approved the contracts for purposes of 49 U.S.C. 10713(e) not that the Commission is deprived of jurisdiction to institute a proceeding on its own initiative or on complaint, to review these contracts and to determine their lawfulness.

Sub-No	Name of railroad, contract No., and specifics	Review Board [1]	Decided date
897	Burlington Northern Railroad Co., ICC-BN-C-0289, (Grain or grain products) via ports in State of Washington	1	4-14-83
898	Southern Pacific Transportation Co., ICC-SP-C-0496, (Plate or sheet, iron or steel)	2	4-14-83
899	Southern Pacific Transportation Co., ICC-SP-C-0495, (Plate or sheet, iron or steel)	3	4-14-83

[1] Review Board No. 1, Members Parker, Chandler, and Fortier. Review Board No. 2, Members Carleton, Williams, and Ewing. Review Board No. 3, Members Krock, Joyce, and Dowell.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

Authority: 49 U.S.C. 10505.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-10439 Filed 4-20-83; 8:45 am]

BILLING CODE 7035-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Music Advisory Panel; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Music Advisory Panel (Composers Prescreening) to the National Council on the Arts will be held on May 9-20, 1983, from 9:00 a.m.-5:30 p.m. in Room 730-731 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, N.W., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

Dated: April 13, 1983.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 83-10572 Filed 4-20-83; 8:45 am]

BILLING CODE 7537-01-M

Visual Arts Advisory Panel Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Visual Arts Advisory Panel (Artist Nominations Section) to the National Council on the Arts will be held on May 12, 1983, from 10:00 a.m.-5:00 p.m. at Neptune & Thomas Associates, 1560 West Colorado Boulevard, Pasadena, CA.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation regarding the selection of artists to be commissioned to create works of art for Federal buildings under construction or renovation. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9 (b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc.83-0573 Filed 4-20-83; 8:45 am]

BILLING CODE 7537-01-M

Humanities Panel Meetings

AGENCY: National Endowment for the Humanities.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, as amended) notice is given that the following meetings of the Humanities Panel will be held at the Old Post Office, 1100 Pennsylvania Avenue, NW., Washington, D.C. 20506:

Date: May 12–13, 1983.
Time: 8:00 a.m. to 5:30 p.m.
Room: 315.
Program: This meeting will review applications submitted for General Research: Conference Panel, Division of Research Programs, for projects beginning after October 1, 1983.

Date: May 16–17, 1983.
Time: 8:30 a.m. to 5:00 p.m.
Room: 415.
Program: This meeting will review applications submitted for Humanistics Projects in Media, Division of General Programs, for projects beginning after October 1, 1983.

Date: May 19–20, 1983.
Time: 8:30 a.m. to 5:00 p.m.
Room: 415.
Program: This meeting will review applications submitted for Humanistics Projects in Media. (Special Deadline for Children's Media and Continuing Projects that have already received NEH support and need notification before April 1, 1984 that they can move to the next phase of their projects.) Division of General Programs, for Projects beginning after October 1, 1983.

The proposed meetings are for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meetings will consider information that is likely to disclose: (1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential; (2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and (3) information the disclosure of which would significantly frustrate implementation of proposed agency action; pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that these meetings will be closed to the public pursuant to subsections (c) (4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information about these meetings can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, D.C. 20506, or call (202) 786–0322.

Stephen J. McCleary,
Advisory Committee Management Officer.

[FR Doc. 83–10577 Filed 4–20–83; 8:45 am]
BILLING CODE 7536–01–M

Music Advisory Panel (Composers Prescreening); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Music Advisory Panel (Composers Prescreening) to the National Council on the Arts will be held on May 17–20, 1983, from 9:00 a.m.–5:30 p.m. in Room 730–731 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, N.W., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,
Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 83–10574 Filed 4–20–83; 8:45 am]
BILLING CODE 7537–01–M

National Council on the Humanities Advisory Committee; Amendment to Notice of Meeting

AGENCY: National Endowment for the Humanities.

ACTION: Amendment to notice of meeting.

SUMMARY: On April 11, 1983 the National Endowment for the Humanities published a notice in the **Federal Register** at page 15554 (48 FR 15554) of a meeting of the National Council on the Humanities to be held May 4–6, 1983. That notice is hereby amended by the following addition to the agenda for May 4, 1983. The Council Committee on the 1984 Jefferson Award and Address will meet from 9:30 a.m. to 5:00 p.m. in the Chairman's Conference Room, Room 506, Old Post Office, 1100 Pennsylvania Avenue, N.W., Washington, D.C. This portion of the meeting will not be open to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code for the reasons stated in the original notice.

Stephen J. McCleary,
Advisory Committee Management Officer.

[FR Doc. 83–10678 Filed 4–20–83; 8:45 am]
BILLING CODE 7536–01–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–440–OL and 50–441–OL]

Cleveland Electric Illuminating Company, et al. (Perry Nuclear Power Plant, Units 1 and 2); Hearing

April 15, 1983.

May 23–27 and May 31–June 3, 1983, the Atomic Safety and Licensing Board (Board) will receive limited appearance statements and conduct an evidentiary hearing at the Lake County Administration Center, Public Assembly Room, 105 Main Street, Painesville, Ohio. The principal purpose of the hearing is to receive evidence on the adequacy of Cleveland Electric Illuminating Company, *et al.*'s system for assuring itself that its contractors are doing quality work, consistent with the safety of the Perry Nuclear Power Plant and the surrounding community.

Ordinary hours of hearing, on May 24 to May 27 and June 1 to June 3, will be from 9 a.m. to 5 p.m., subject to periodic recesses and to extension of hours in order to complete the hearing during the scheduled time period.

Members of the public who are not parties to the proceeding are invited to submit written limited appearance statements and to make brief oral presentations to the Board during a limited-appearance session to be held beginning at 7:30 p.m. on May 23 and 31, 1983. The principal purpose of these statements is to inform the Board about safety and environmental issues that have been place before it by the parties or about other issues of such importance that the Board may decide to consider them even though the parties have not raised them.

Although statements generally will be permitted regardless of their direct relevance, the Board's authority is limited; in particular, it is prohibited from reaching decisions contrary to the Commission's rules and regulations. Consequently, some questions may be more effectively addressed in petitions

to the Nuclear Regulatory Commission or the Congress of the United States.

Limited appearance statements will become part of the record of the case. Generally, written statements are not limited in length. However, oral presentations will be limited to 5 minutes, subject to extension at the Board's discretion. Oral presentations should summarize the key points made in written testimony and, if additional time may be needed, these statements should indicate the specific subjects to be discussed if an extension of time is granted.

People wishing to appear may notify the Board of their intention by writing to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Attention: Docketing and Service Branch, Washington, D.C. 20555. Please refer to the Docket Nos. 50–440 and 50–441. People unable to provide advance notice of their intention to participate may schedule an oral appearance by notifying the Board of their intention, in writing, no later than 10 a.m. on Friday morning, May 20, 1983.

For the Atomic Safety and Licensing Board.

Peter B. Bloch,

Chairman, Administrative Judge.

[FR Doc 83–10662 Filed 4–20–83; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–255]

Consumers Power Co.; Order Confirming TMI Commitments; Correction

On March 23, 1983 (48 FR 12170) an Order issued by the U.S. Nuclear Regulatory Commission (NRC) was published in the **Federal Register**. This Order confirms commitments made by the Consumers Power Company for Post-TMI related issues involving the Palisades Plant, which is located in Van Buren County, Michigan.

The March 1, 1983 completion date for Item II.F.1, Accident Monitoring, appearing in Page 4 of the Order and Attachment 1 thereto, has been changed to July 1, 1983.

For additional details, see NRC's letter to the licensee dated April 14, 1983.

Dated at Bethesda, Maryland, this 14th day of April 1983.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch #5, Division of Licensing.

[FR Doc 83–10663 Filed 4–20–83; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–409]

Dairyland Power Cooperative, La Crosse Boiling Water Reactor; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 33 to Provisional Operating License No. DPR–45, issued to Dairyland Power Cooperative (the licensee), which revised the Technical Specifications for operation of the La Crosse Boiling Water Reactor (the facility) located in Vernon County, Wisconsin. This amendment is effective as of its date of issuance.

The amendment authorizes Technical Specification changes pertaining to the required frequency of certain surveillance tests to preclude requiring the plant to shut down from power operation to perform certain routine surveillance tests.

The applications for amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see: (1) The applications for amendment dated July 14, 1980, September 29, 1982, October 29, 1982, and supplement thereto dated April 6, 1983, and application dated February 3, 1983; (2) Amendment No. 33 to License No. DPR–45; and (3) the Commission's related Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the La Crosse Public Library, 800 Main Street, La Crosse, Wisconsin 54601. A single copy of item (2) may be obtained by request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 15th day of April 1983.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch #5, Division of Licensing.

[FR Doc 83–10664 Filed 4–20–83; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–369 and 50–370]

Duke Power Co.; Issuance of Amendments Facility Operating License Nos. NPF–9 and NPF–17

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 20 to Facility Operating License No. NPF–9 and Amendment No. 1 to Facility Operating License No. NPF–17, issued to Duke Power Company (licensee) for the McGuire Nuclear Station, Units 1 and 2 (the facilities) located in Mecklenburg County, North Carolina. These amendments are effective as of their dates of issuance.

These amendments increase the maximum flow rate for the centrifugal charging pump and correct several typographical errors in the initial issuance of the Technical Sspecifications.

Issuance of these amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see: (1) Duke Power Company letter dated March 24, 1983. (2) Amendment No. 20 to Facility Operating License No. NPF–9, (3) Amendment No. 1 to Facility Operating License No. NPF–17, and (4) the Commission's related Safety Evaluation.

These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and the Atkins Library, University of North Carolina, Charlotte (UNCC Station), North

Carolina 28223. A copy of these items may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 13th day of April 1983.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

Chief, Licensing Branch No. 4, Division of Licensing, NRR.

[FR Doc. 83-10665 Filed 4-20-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-315 and 50-316]

Indiana and Michigan Electric Co.; Issuance of Amendment To Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 71 to Facility Operating License No. DPR-58, and Amendment No. 53 to Facility Operating License No. DPR-74 issued to Indiana and Michigan Electric Company (the licensee), which revised Technical Specifications for operation of Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2 (the facilities) located in Berrien County, Michigan. The amendments are effective as of the date of issuance.

The amendment revise the Technical Specifications to reflect revised surveillance requirements for safety-related snubbers. These amendments also add a section 4.0.5 to the Unit 1 Technical Specifications on surveillance requirements for inservice inspection and testing of components and deletes a portion of section 4.0.4 in Unit 1 and 4.0.5.a.1 in Unit 2, which are no longer applicable. These latter changes are made to clarify the Technical Specifications and make them consistent with Standard Technical Specification requirements.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see: (1) The application for amendments dated November 11, 1981, as supplemented February 25, 1983, (2) Amendment Nos. 71 and 53 to License Nos. DPR-58 and DPR-74, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Maude Reston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 13th day of April 1983.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 83-10666 Filed 4-20-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-387]

Pennsylvania Power & Light Co., and Allegheny Electric Cooperative, Inc.; Issuance of Amendment to Facility Operating License and Exemption From Regulations

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 13 to Facility Operating License No. NPF-14, issued to Pennsylvania Power & Light Company and Allegheny Electric Cooperative, Inc., for Susquehanna Steam Electric Station, Unit 1 (the facility) located in Luzerne County, Pennsylvania. The amendment incorporates, as an administrative change, Change M of the Susquehanna Steam Electric Station Physical Security Plan into the license condition regarding the physical security plan. This amendment also provides an exemption from the requirements of Appendix J to 10 CFR Part 50 for the first fuel cycle when performing local leak rate testing of Residual Heat Removal (RHR) relief valves in accordance with Technical Specification 4.6.1.2. The amendment and exemption are effective as of the date of issuance.

The application for the amendment and for the exemption complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment and exemption will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment and exemption.

For further details with respect to this action, see: (1) The application for amendment dated March 14, 1983, (2) Amendment No. 13 to License; NPF-14, dated April 14, 1983; and (3) the Commission's evaluation dated April 14, 1983. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at the Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701. A copy of items (1), (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 14th day of April 1983.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 83-10667 Filed 4-20-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-259]

Tennessee Valley Authority; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 89 to Facility Operating License No. DPR-33 issued to Tennessee Valley Authority (the licensee), which revised the Technical Specifications for operation of the Browns Ferry Nuclear Plant, Unit No. 1 (the facility) located in Limestone County, Alabama. The amendment was effective January 25, 1983.

This amendment changed the Technical Specifications to permit operation of 50% power between January 25, 1983 and January 31, 1983

with one recirculation loop out of service.

The application for this amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see: (1) The application for amendment dated January 25, 1983 (2) Amendment No. 89 to License No. DPR-33, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Athens Public Library, South and Forrest, Athens, Alabama 35611. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 14th day of April 1983.

For the Nuclear Regulatory Commission.

Domenic B. Vassallo,

Chief, Operating Reactors Branch #2, Division of Licensing.

[FR Doc. 83-10668 Filed 4-20-83; 8:45 am]

BILLING CODE 7590-01-M

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review

AGENCY: Railroad Retirement Board.

ACTION: In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Board has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

Summary of Proposal(s):

(1) Collection title: Statement of death by funeral director.

(2) Form(s) submitted: G-273.

(3) Type of request: Revision.

(4) Frequency of use: On occasion.

(5) Respondents: Funeral home directors.

(6) Annual responses: 12,000.

(7) Annual reporting hours: 600.

(8) Collection description: The railraod retirement Act provides for payment of benefits to qualified individuals due to death of a railroad worker. The statement will obtain information needed to support a claim for death benefits.

Additional Information or Comments: Copies of the proposed forms and supporting documents may be obtained from Pauline Lohens, the agency clearance officer (312-751-4692). Comments regarding the information collection should be adressed to Pauline Lohens, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611 and the OMB reviewer, Milo Sunderhauf (202-395-6880), Office of Management and Budget Room 3201, New Executive Office Building, Washington, D.C. 20503.

William A. Oczkowski,

Director of Planning and Information Management.

[FR Doc. 83-10680 Filed 4-20-83; 8:45 am]

BILLING CODE 7905-01-M

SECURITIES AND EXCHANGE COMMISSION

Cincinnati Stock Exchange; Application for Unlisted Trading Privileges and of Opportunity for Hearing

April 15, 1983.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of:

BSN Corp.

Common Stock, $.01 Per Value (File No. 7-6572)

This security is listed and registered on one or more other national securities exchange and is reported on the consolidated transaction reporting system.

Interested persons are invited to submit on or before May 6, 1983 written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extension of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-10671 Filed 4-20-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19682; File No. SR-Amex-83-7]

Filing and Immediate Effectiveness Of Proposed Rule Change by the American Stock Exchange, Inc.

April 15, 1983.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on April 7, 1983, the American Stock Exchange, Inc. ("Amex") filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The Amex's proposed rule change provides that "all-or-none" option orders entrusted to a specialist be disclosed to the trading crowd if they match or better the bid or offer for the series. The orders would be announced to the trading crowd as part of the quoted market, but not as part of the bid or offer.

The foregoing change has become effective, pursuant to Section 19(b)(3)(A) of the Act and subparagraph (e) of rule 19b-4 under the Act. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments concerning the submission within 21 days after the date of publication in the **Federal Register**. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, DC 20549. Reference should be made to File No. SR-Amex-83-7.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed

rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc 83-10673 Filed 4-20-83; 8:45 am]

BILLING CODE 8010-01-M

Midwest Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

April 15, 1983.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Acco World Corporation
Common Stock, $.05 Par Value (File No. 7-6573)
Grubb & Ellis Co.
Common Stock, $1 Par Value (File No. 7-6574)
Perry Drug Stores, Inc.
Common Stock, $.05 Par Value (File No. 7-6575)
Prairie Producing Co.
Common Stock, $.01 Par Value (File No. 7-6576)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before May 6, 1983 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-10675 Filed 4-20-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-19675; File No. SR-NASD 83-1]

Self-Regulatory Organizations; Proposed Rule Change By National Association of Securities Dealers, Inc.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on January 20, 1983, the National Association of Securities Dealers, Inc. ("Association") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing the notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change adds a new section to Schedule D to Article XVI of the Association's By-Laws for the purpose of implementing a system for the exchange of information on direct participation program (primarily limited partnership) securities ("System"). The provisions of the proposed rule change describe qualifications for subscribers to the System and the securities on which information may be entered into the System.

II. Self-Regulatory Organization's Statement Regarding the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these comments may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) *Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change.* This proposed rule change is the result of many months study by the Association's Real Estate Committee of possible means for developing a system for the exchange of information on direct participation program securities, during which a survey of members was conducted in early 1980 to determine interest in such a System. Almost 20 percent of the membership responded, with 68 percent favoring establishment of a System.

In order to implement such an information system, the Association is proposing to amend Schedule D to Article XVI of the Association's By-Laws to incorporate certain technical rules as new Part XV. This proposed rule change is consistent with Sections 15A(b)(6) and 15A(b)(11) of the Securities Exchange Act of 1934, as amended ("Exchange Act").

Description of System

The proposed rule change would enable the Association to establish an "electronic bulletin board" that will provide a means of communications for an exchange of information but no execution capability. Broker/dealers participating in the System will not be required to maintain firm, continuous or two-sided quotations and will not necessarily function as market-makers in the normal sense. The System will be accessed through NASDAQ terminals and will provide subscribing members with on-line ability to enter and update indications of interest in any security approved for the System and to query a data base to review information on individual securities or groups.

Analysis of Proposed Amendment To Schedule D to By-Laws

Following is a discussion of the provisions of proposed part XV to Schedule D.

Section A: General. Section A contains a general prohibition on the entry of information into the System except in accordance with the proposed rule.

Section B: Definitions. Section B incorporates definitions of "direct participation program system," "eligible broker/dealer," "authorized security," and "trading unit" into the proposed rule. The terms defined in Section B are, for the most part, self-explanatory. The term "trading unit" is defined to be the minimum number of direct participation program securities which can be transferred as a unit pursuant to the terms contained in the partnership agreement of the program.

Section C: Eligible Broker/Dealers. Paragraph 1 of Section C sets forth the qualifying criteria which a broker/

dealer must meet in order to be considered eligible to enter information into the System. The first two criteria, Subparagraphs 1.a. and b., are the familiar requirements that a broker/dealer must be registed with the Securities and Exchange Commission and a member in good standing of the Association, as well as qualified with the Association to conduct a general securities business or a business in direct participation programs.

Subparagraph 1.c. of Section C requires that a broker/dealer must maintain net capital of at least $25,000 to be eligible to enter information into the System. The Association's interpretation of the $25,000 net capital requirement relates only to actual capital held and not to the firm's ability to hold customer funds or securities. Under this interpretation, a firm can elect to participate in the System by obtaining the requisite additional capital, although the firm is not qualified to handle customer funds and securities.

In addition, the Association has determined that broker/dealers unable to meet the $25,000 net capital standard may be able to arrange to have access to the System through other broker/dealers. Under this interpretation, a firm without sufficient net capital may be able to enter into a relationship with a firm with the requisite $25,000 net capital to clear the transaction in the System.

Paragraph 2 of Section C establishes the general requirement that a broker/dealer entering information into the System must have reasonable grounds to believe that the information represents a bona fide indication of interest in the purchase or sale of a trading unit of securities. In addition, where the indication of interest is for the sale of a trading unit, the broker/dealer must have reasonable grounds to believe that the unit will be transferred to a purchaser.

Section D: Authorized Securities. Paragraph 1 of Section D requires that the security be issued by a direct participation program and be currently registered under Section 12(g) of the 1934 Act; that the issuer be current in its reporting requirements under the 1934 Act; that the partnership have issued and outstanding at least 10,000 trading units owned by not less than 300 persons; and that at least one broker/dealer stands ready to enter information into the System on the security.

Paragraph 2 of Section D describes the circumstances under which an otherwise eligible security shall not be authorized for entry into the System and an authorized security will be subject to suspension or cancellation of its authorization. Such circumstances include the suspension of the security from being traded over-the-counter, failure by the issuer to promptly disclose to the public any material information which may affect the value of its securities or influence investors' decisions, and the fact that the security is no longer registered under Section 12(g) of the 1934 Act. Paragraph 2 of Section D also includes the restriction that an eligible security is not authorized where the security is the subject of a public offering which has not yet been terminated.

(B) *Self-Regulatory Organization's Statement on Burden on Competition.* The proposed rule change will promote competition to the extent that the System will provide a more efficient means to publicize offers to buy or sell partnership securities, resulting in a more efficient pricing mechanism for such securities. At the same time, the proposed rule change will have an impact on competition to the extent that only members of the Association qualified to deal in direct participation program securities that maintain net capital of at least $25,000 will be eligible to enter information into the System, while other members of the Association and non-members will not be similarly eligible. However, the Association believes that the burden imposed is not unduly burdensome or inappropriate in light of the regulatory objectives sought to be achieved in furtherance of the Association's obligations under the Exchange Act.

(C) *Self-Regulatory Organization's Statement of Comments on the Proposed Rule Change Received from Members, Participants, or Others.* The proposed rule change was published for member comment in Notice to Members 82-13 (March 9, 1982). The Association received a total of 18 comments on the rule proposal. After due consideration of the comments received, the Board of Governors approved an amended version of the rule.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the publication of this Notice in the Federal Register or within such longer period: (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, D.C. Copies of such filings will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation pursuant to delegated authority.

April 14, 1983.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-10672 Filed 4-20-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13164; (812-5493)]

Sun Life Assurance Company of Canada (U.S.), et al.; Application

April 15, 1983.

Notice is hereby given that Sun Life Assurance Company of Canada (U.S.) ("Company"), Sun Life of Canada (U.S.) Variable Account A and Sun Life of Canada (U.S.) Variable Account B ("Accounts A and B"), and Sun Life of Canada (U.S.) Variable Account C ("Account C"), separate accounts of the Company registered under the Investment Company Act of 1940 ("Act") as unit investment trusts, Money Market Variable Account, Capital Appreciation Variable Account, and High Yield Variable Account ("3 Accounts"), separate accounts registered under the Act as management investment companies, Suncan Equity Services Company, 1 Sun Life Executive Park, Wellesley Hills, MA 02181, and

Clarendon Insurance Agency, Inc., 200 Berkeley Street, Boston, MA 02116, (collectively, "Applicants"), filed an application on March 11, 1983 and an amendment thereto on April 14, 1983 for an order pursuant to Section 11 of the Act approving the terms of certain offers of exchange. All interested persons are referred to the application and amendment on file with the Commission for a statement of the representations contained therein, which are summarized below, and are referred to the Act for a statement of the relevant statutory provision.

The Company established Accounts A and B, Account C, and the 3 Accounts to fund variable annuity contracts. Suncan Equity Services Company is the distributor of the Account A and B contracts. Clarendon Insurance Agency, Inc. is the distributor of the Account C and 3 Account contracts.

Applicants propose to permit Account A contractowners to exchange their contracts for tax qualified Account C or 3 Account contracts. Applicants also propose to permit Account B contractowners to exchange their contracts for 3 Account contracts. Applicants represent that exchanges of the contracts will be made on the basis of the relative net asset values of the contracts to be exchanged without the deduction of any fees or charges. Additionally, the contingent deferred sales charge imposed on the Account C or 3 Account contract received in exchange will not be imposed on purchase payments made for the exchanged Account A or B contract or on any appreciation attributable thereto transferred pursuant to the exchange. Finally, Applicants state that the company will pay its agents a fixed amount per contract regardless of whether such contract is exchanged as reimbursement for such agents' expenses associated with this exchange offer.

Applicants request an order pursuant to Section 11 of the Act to the extent necessary approving the terms of the proposed offer of exchange described in the application.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than May 10, 1983, at 5:30 p.m., do so by submitting a written request setting forth the natue of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon applicants at the addresses stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 10674 Filed 4-20-83; 8:45 am]

BILLING CODE 8010-01-M

Forms Under Review By Office of Management and Budget

Agency Clearance Officer: Kenneth A. Fogash (202) 272-2142.

Upon written request copy available from: Securities and Exchange Commission, Office of Consumer Affairs and Information Services, 450 Fifth Street, NW., Washington, D.C. 20549.

Proposed Revisions Regarding Accounting for Internal Costs of Developing Computer Software for Sale or Lease to Others
No. 270-3 (Regulation S-X)
No. 270-119 (Form S-18)

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.), the Securities and Exchange Commission has submitted for clearance proposed amendments to Regulation S-X and Form S-18 relating to the accounting for internal costs of developing computer software for sale or lease to others. A copy of this submission is available for public inspection and copying at the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, D.C. 20549. Inquiring parties should refer to File No. 270-3.

Comments should be submitted to Mr. Robert Veeder, OMB Desk Officer, Office of Information and Regulatory Affairs, Room 3235 NEOB, Washington, D.C. 20503.

Dated: April 15, 1982.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-10669 Filed 4-20-83; 8:45 am]

BILLING CODE 8010-01-M

Forms Under Review By Office of Management and Budget

Agency Clearance Officer: Kenneth Fogash 202-272-2142.

Upon written request copy available from: Securities and Exchange Commission, Office of Consumer Affairs and Information Services, Washington, D.C. 20549.

Amendment

Rule 15c2-11

No. 270-196. Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission has submitted for clearance a proposed amendment to Rule 15c2-11 under the Securities Exchange Act of 1934 (the "Act") which concerns initiation and resumption of quotations of securities by brokers and dealers. The potential respondents are broker-dealers that publish quotations for over-the-counter securities in certain quotation media. The proposed amendments would: (a) Extend the Rule's information-maintenance and other substantive requirements to brokers and dealers who submit unpriced entries to inter-dealer quotation media, (b) require brokers and dealers that publish quotations for American Depository Receipts or securities of a foreign private issuer that furnishes information to the Commission pursuant to Rule 12g3-2(b) of the Act to maintain in their records certain information furnished to the Commission, and (c) prohibit the initiation of quotations for the securities of reporting companies that are delinquent in meeting their filing obligations under the Act.

Submit comments to OMB Desk Officer: Robert Veeder 202-395-4814.

George A. Fitzsimmons,

Secretary.

April 14, 1983.

[FR Doc. 83-10670 Filed 4-20-83; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 09/09-5272]

Los Angeles Capital Corp.; Application for a License To Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 *et seq.*), has been filed by Los Angeles Capital Corporation with the Small business Administration (SBA), pursuant to 13 CFR 107.102 (1983).

The officers, directors, and stockholders of the Applicant are as follows:

Kuytae Hwang, 2280 Hobart Boulevard, Los Angeles, California 90027, President, CEO, Director (50 Percent Stockholder);

Whami Hwang, 2280 N. Hobart Boulevard, Los Angeles, California 90027, Secretary, Treasurer, Director (50 Percent Stockholder);
Richard Young Lim, 5232 Los Grandes Way, Los Angeles, California 90027, Vice President.

The Applicant, a California Corporation, with its principal place of business at 1177 Myra Avenue, Suite A, Los Angeles, California 90029, will begin operations with $506,500 of paid-in capital and paid-in surplus.

The Applicant will conduct its activities principally in the State of California.

As a small business investment company under Section 301(d) of the Act, the Applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended, from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the application include the general business reputation and character of shareholders and management, and the probability of successful operations of the new compnay in accordance with the Act and Regulations.

Notice is hereby given that any person may not later than 15 days from the date of publication of this Notice, submit written comments to the Associate Administrator for Finance and Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this notice will be published in a newspaper of general circulation in Los Angeles, California.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: April 15, 1983.

Edwin T. Holloway,

Associate Administrator for Finance and Investment.

[FR Doc. 83-10658 Filed 4-20-83; 8:45 am]

BILLING CODE 8025-01-M

Region IV—Advisory Council; Public Meeting

The Small Business Administration Region IV Advisory Council, located in the geographical area of Birmingham, Alabama, public meeting has been cancelled for Friday, April 29, 1983, and rescheduled for Wednesday, May 11, 1983, 10:00 a.m.—12:00 noon, in the Senate Chambers, Alabama State Capitol, Montgomery, Alabama 36130, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call James C. Barksdale, District Director, U.S. Small Business Administration, 908 South 20th Street, Room 202, Birmingham, Alabama (205) 254-13451.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.

April 15, 1983.

[FR Doc. 83-10657 Filed 4-20-83; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Radio Technical Commission for Aeronautics (RTCA) Executive Committee; Meeting

Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the RTCA Executive Committee to be held on May 13, 1983, in RTCA conference Room, 1425 K Street, N.W., Suite 500, Washington, D.C. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Approval of Minutes of Meeting Held on March 25, 1983; (2) Chairman's Report on RTCA Administration and Activities; (3) Special Committee Activities Report for March and April, 1983; (4) Approval of RTCA fiscal year 1984 Budget; (5) Approval of Procedures and Guidelines for RTCA Special Committee Activities; (6) Consideration of Establishing New Special Committees; (7) Approval of Special Committee 136 Report on Minimum Operational Performance Standards For Emergency Locator Transmitters (ELT) Operating on 121.5 and 243 Megahertz; (8) Approval of Special Committee 147 Report on Functional Guidelines for Traffic Alert and Collision Avoidance System Type 1 (TCAS-1); (9) Approval of Special Committee 147 Report on Minimum Operational Performance Standards for Traffic Alert and Collision Avoidance System Airborne Equipment; and (10) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1425 K Street, N.W., Suite 500, Washington, D.C. 20005, (202) 682-0266. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C. on April 13, 1983.

Karl F. Bierach,

Designated Officer.

[FR Doc. 83-10467 Filed 4-20-83; 8:45 am]

BILLING CODE 4910-13-M

Central Region Field Element Change

AGENCY: Federal Aviation Administation (FAA), DOT.

ACTION: Notice of Field Element Change.

SUMMARY: Notice is hereby given that on May 1, 1983, the General Aviation District Offices at Des Moines, Iowa, Lincoln, Nebraska, and Wichita, Kansas will be redesignated as Flight Standards District Offices (FSDOs). Each FSDO will assume responsibility for all Flight Standards functions within its present geographic area of jurisdiction, including those subject to Federal Aviation Regulations Part 121. This information will be reflected in the FAA Organization Statement the next time it is reissued.

EFFECTIVE DATE: May 1, 1983.

FOR FURTHER INFORMATION CONTACT: James O. Robinson, Manager, Flight Standards Division (ACE-200), Central Region, Federal Aviation Administration 601 East 12th Street, Kansas City, Missouri 64106; Telephone (816) 374-5003.

(Sec. 313(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a))

Issued in Kansas City, Missouri, on April 1, 1983.

Murray E. Smit,

Director, Central Region.

[FR Doc. 83-10328 Filed 4-20-83; 8:45 am]

BILLING CODE 4910-13-M

National Airspace Review; Meeting

AGENCY: Federal Aviation Administration, Department of Transportation.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) notice is hereby given of a meeting of Task Group 2-1 of the Federal Aviation Administration (FAA) National Airspace Review Advisory Committee. The agenda for this meeting is as

follows: An evaluation of the Severe Weather Avoidance Plan.

DATE: Beginning May 9, 1983, at 11 a.m., continuing daily, except Saturdays, Sundays, and holidays, not to exceed two weeks.

ADDRESS: The meeting will be held at the Federal Aviation Administration, conference room 9 A/B, 800 Independence Avenue, SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: National Airspace Review Program Management Staff, Room 1005, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, (202) 426–3560. Attendance is open to the interested public, but limited to the space available. To insure consideration, persons desiring to make statements at the meeting should submit them in writing to the Executive Director, National Airspace Review Advisory Committee, Air Traffic Service, AAT–1, 800 Independence Avenue, SW., Washington, D.C. 20591, by May 4, 1983. Time permitting and subject to the approval of the chairman, these individuals may make oral presentations of their previously submitted statements.

Issued in Washington, D.C., on April 8, 1983.

Anthony Borden,

Acting Manager, Special Projects Staff, Air Traffic Service.

[FR Doc. 83–10465 Filed 4–20–83; 8:45 am]

BILLING CODE 4910–13–M

Federal Highway Administration

Environmental Assessment: New Castle County, Delaware

AGENCY: Federal Highway Administration (FHWA) DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental assessment will be prepared for a proposed highway project in New Castle County, Delaware.

FOR FURTHER INFORMATION CONTACT:

George Ostensen, Field Operations Engineer, Federal Highway Administration, Delaware Division, P.O. Box 517, Dover, Delaware, 19901, Telephone: (302) 734–5323;

Nicholas S. Blendy, Environmental Planner, Environmental Studies Office, Delaware Department of Transportation, P.O. Box 778, Dover, Delaware, 19903, Telephone (302) 736–4642.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Delaware Department of Transportation, has prepared an environmental assessment (EA) for a proposal to improve Delaware Route 7 in northern New Castle County, Delaware. The intent to process an EA differs from the original intent to prepare an Environmental Impact Statement (EIS) as announced in the July 31, 1980, **Federal Register** (Vol. 45, No. 149). This reduction in scope of the environmental document is a result of scoping and an ongoing location planning study that has enabled FHWA to conclude that the proposed action will lack any significant social, economic or environmental impacts. The location planning study is being undertaken for the portion of Delaware Route 7 from the existing Interstate I–95 Interchange near the town of Christiana south to U.S. Route 13, a distance of approximately six miles. The purpose is to establish an alignment for a relocated Delaware Route 7 within the corridor area. Improvements to the corridor are considered necessary to provide for the existing and projected traffic demand. Also included in this proposal will be a crossing of the Christina River and interchange connections with U.S. Route 13, U.S. Route 40 and the proposed Christiana Bypass (route 273).

Alternatives considered to date have included: (1) Taking no action; (2) widening the existing two-lane highway to four lanes; and (3) constructing a four-lane facility on new location. Alignment and preliminary design variations have been incorporated into and studied with the various build alternatives. A series of public information meetings and formal scoping meetings were held.

Comment or questions concerning this proposed action and the EA should be directed to the FHWA address provided above.

Issued on April 8, 1983.

George Ostensen,

Acting Division Administrator, Dover, Delaware.

[FR Doc. 83–10420 Filed 4–20–83; 8:45 am]

BILLING CODE 4910–22–M

[FHWA Docket No. 83–10]

Construction and Maintenance: Use of Innovative Technologies

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice and request for comments.

SUMMARY: The purpose of this document is to set forth the text of an FHWA Notice which contains procedures to increase the Federal-aid matching share for highway construction projects using innovative technologies. Section 142 of the Surface Transportation Assistance Act of 1982 (Pub. L. 97–424, 96 Stat. 2097) authorized the Secretary of Transportation to increase the Federal-aid matching share by 5 percent for certain highway projects, submitted by State highway departments, which would employ materials produced from recycled materials or contain asphalt additives to strengthen such materials. To be eligible, significant amounts of asphalt additives or recycled materials must be used in the project. Approvals for increased Federal-aid shares under this program are authorized only through September 30, 1985. Section 142 further required that a procedure be established within ninety days to implement this program. Such procedures are established by the FHWA Notice, which was issued on April 6, 1983. While the program will have effect only for a limited period, comments from the public are invited and will be fully considered should any later amendment or further guidance be deemed appropriate.

DATE: Comments must be received on or before June 20, 1983.

ADDRESS: Submit written comments, preferably in triplicate to the Federal Highway Administration, FHWA Docket No. 83–10, Room 4205, HCC–10, 400 Seventh Street, SW., Washington, D.C. 20590. All comments received will be available for examination at the above address between 7:45 a.m. and 4:30 p.m. ET, Monday through Friday. Those persons desiring notification of receipt of comments must include a self-addressed, stamped postcard.

FOR FURTHER INFORMATION CONTACT: Mr. Gary L. Kleindinst, Chief, Geotechnical and Materials Branch, Construction and Maintenance Division, (202) 426–0355, or Mr. James R. Dann, Office of the Chief Counsel, (202) 426–0786, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

Issued on: April 15, 1983.

R. A. Barnhart,

Federal Highway Administrator, Federal Highway Administration.

Use of Innovative Technologies

1. *Purpose.* To describe the procedures to increase the Federal-aid matching share for projects as prescribed by Section 142, Innovative Technologies, of

the Surface Transportation Assistance Act (STAA) of 1982.

2. *Definitions.* a. *Asphalt Additive*—a substance added to an asphalt paving mixture. Additives include rubber, chemical and/or natural products. Such materials as mineral fillers, chemical anti-strip agents, and defoaming agents or any other additive product routinely used should not be considered under this program. Asphalt additives could include any product not routinely used which has been proven to improve the asphalt mixture, achieve longer pavement life cycles, and lower maintenance costs.

b. *Binding Agents*—cement, asphalts, and other agents that impart increased stability to the recycled materials.

c. *Bituminous Paving Materials*—those paving materials consisting of a mixture of mineral aggregates and asphalt binder.

d. *Paving Materials*—those materials used for highway and bridge surfacing and resurfacing.

e. *Pavement*—composite of all the paving materials placed above the subgrade.

f. *Recycled Paving Materials*—a paving material containing a significant amount of salvaged materials, such as ground rubber tires, and also contains the addition of a binding agent. Salvaged materials include suitable industry by-products.

3. *Discussions.* The need to conserve energy and optimize expenditures in highway construction requires that special effort be made to identify and make maximum use of procedures that will result in reduced energy usage and minimum cost. Congress has found it to be in the national interest to encourage and promote utilization of highway materials which are produced from recycled material or which contain asphalt additives to strengthen the materials, prolong the life of the pavement, and lower maintenance costs. In an effort to support these technologies, the Congress authorized a Federal-aid share increase of 5 per centum for projects utilizing significant amounts of these materials.

a. The only additive specifically mentioned in Senate Report 97–676 was recycled rubber tires; however, reference was also made to "United States patented asphalt strengthening additives." It is also clear that the project share increase was being proposed for only those products where were "proven" to prolong pavement life and lower maintenance costs. Criteria set forth in paragraph 4a(1)(a) were developed as an aid in determining whether an asphalt additive is "proven."

b. The provisions in paragraph 4a are intended to enable the 5 per centum increase in Federal share to apply to an entire highway and bridge 3R or paving project which incorporates the qualifying paving materials as described in 4a(1)(a) and 4a(1)(b).

4. *Procedures.* When preparing plans and specifications the State may select cost-effective innovative technologies which will meet its needs for a particular project and incorporate them into its proposed plans and specifications. States that utilize a "permissive specification" which allows the contractor, at his/her option, to incorporate recycled materials qualifying for this program should have the contractor declare at bid opening the intended use of such qualifying recycled material. This is necessary to determine if the 5 per centum increase in the Federal-aid share will be applicable.

a. *Approval.* (1) On or before September 30, 1985, the Division Administrator may approve an increase in the Federal-aid share by 5 per centum for the entire project cost on highway and bridge surfacing, resurfacing, or restoration type projects, if the project:

(a) incorporates bituminous paving matrials which contain an asphalt additive in amounts consistent with standard practice and which has been proven to increase the strength of the materials and prolong the life of the pavement through a systematic evaluation program. This program shall include appropriate laboratory testing and successful in-service performance on at least three projects containing similar traffic, environmental factors, and pavement structure as the proposed project, and/or

(b) incorporates a significant amount of recycled paving materials.

(2) For the purpose of projects approved under Section 142 of STAA, proprietary products or materials meeting the above description have been determined to meet the public interest requirement as set forth in Federal-Aid Highway Program Manual (FHPM) 6–4–1–16, General Materials Requirements, paragraph 7c.

(3) Items of work or projects considered maintenance are not applicable for Federal-aid participation. The FHWA Notice N 5040.19, Resurfacing, Restoring, and Rehabilitation (R-R-R) Work, dated June 28, 1976, sets forth guidance on items of work considered maintenance.

(4) The total Federal-aid share may not exceed 100 per centum for any Federal-aid highway project.

b. *Fiscal Procedures.* (1) The amount of additional Federal funds approved by FHWA will be entered on the form FHWA-37, Project Status Record, and reported as a separate line (number 89). No special appropriation codes will be used for the increased Federal share.

(2) Normal reporting procedures will be followed as prescribed in FHWA Order H 4500.2, Fiscal Management Information System Handbook, except for the following:

(a) line number 89 will be reserved only for reporting the additional Federal funds authorized by section 142 of the STAA of 1982,

(b) line number 89 will be coded the same as the line containing the predominant cost of paving materials, except data entered in the "miles" column will not be repeated on this line, and

(c) an amount equal to the additional Federal funds reported on line number 89 will be deducted from the total cost of the predominant line and entered as the total cost column for line number 89. (The amount in the total cost field cannot be less than the amount in the Federal funds field.)

(3) The Form FHWA PR–2, Project Agreement, will contain the following statement:

> Additional Federal funds of $——— have been approved in accordance with Pub. L. 97–424, Section 142. The Federal-aid participation is——— percent.

5. *Reporting.* All projects covered by this Notice should be reported on Form FHWA 1517, Innovative Technology Report (RCS No. HHO–30–27). This form should be submitted to the Office of Highway Operations, construction and Maintenance Division (HHO–30).

[FR Doc. 83–10555 Filed 4–20–83; 8:45 am]
BILLING CODE 4910–22–M

Federal Highway Administration (FHWA)

Environmental Impact Statement; Cuyahoga County, Ohio

AGENCY: Federal Highway Administration, DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement (EIS) is being prepared for a proposed highway project in Cuyahoga County, Ohio.

FOR FURTHER INFORMATION CONTACT: Mr. John W. McBee, Division Administrator, or Mr. David M. Hall, District Engineer, Federal Highway Administration, 200 North High Street, Columbus, Ohio 43215. Telephone: (614) 469–5148.

SUPPLEMENTARY INFORMATION: The Federal Highway Administration (FHWA), in cooperation with the Ohio Department of Transportation (ODOT) and the City of Cleveland, has been preparing a draft environmental impact statement (EIS) since 1975 on the proposed construction of approximately 1.5 miles of limited access divided highway in the City of Cleveland, Ohio. The proposed facility designated Interstate Route 490, would connect Interstate Routes 90 and 71 on the west with Interstate Route 77 on the east. It would terminate at East 55th Street, a short distance east of Interstate Route 77.

The project represents a connecting link and the interchanges with the Interstates have been constructed. The required right-of-way has been largely acquired and cleared. Residential relocation has been completed.

Because of the long history of planning for this project, the fixing of the termini by construction of the interchanges with the existing Interstate Routes, the near completion of right-of-way acquisition, and the constraints of existing urban development, only one build alternative and the no-build alternative are now under consideration.

The proposed project would provide Cleveland with another route crossing the Cuyahoga River and bypassing the central business district. The proposed facility would link two major north-south freeways and increase the efficiency of Cleveland's free network. Congestion on a number of local streets would be alleviated.

To date, there has been extensive federal, state, local and public involvement with the proposed project. It is envisioned that such involvement will continue throughout further development of the project and, therefore, a formal scoping meeting has not been scheduled.

To insure that the full range of issues related to this proposed action are addressed and that all significant issues are identified, comments or questions concerning this action and the EIS should be addressed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The provisions of OMB Circular No. A-95 regarding state and local clearinghouse review of Federal and federally assisted programs and projects apply to this progam)

Issued on: April 14, 1983.

James J. Steele,
Acting Division Administrator, Columbus, Ohio

[FR Doc. 83-10569 Filed 4-20-83; 8:45 am]
BILLING CODE 4910-22-M

Research and Special Programs Administration

Grants and Denials of Applications for Exemptions

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Notice of Grants and Denials of Applications for Exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given of the exemptions granted in March 1983. The modes of transportation involved are identified by a number in the "Nature of Exemption Thereof" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft. Application numbers prefixed by the letters EE represent applications for Emergency Exemptions.

RENEWAL AND PARTY TO EXEMPTIONS

Application No	Exemption No	Applicant	Regulation(s) affected	Nature of exemption thereof
1862-X	DOT-E 1862	Green Hydraulics, Inc., Los Angeles, CA	49 CFR 173.302(a)(1), 175.3	To authorize the shipment of nitrogen in hydraulic accumulators. (Modes 1, 2, 3, 4.)
2587-P	DOT-E 2587	Welding & Therapy Service, Incorporated, Louisville, KY	49 CFR 173.315(a)(1)	To become a party to Exemption 2587 (Mode 1.)
2708-X	DOT-E 2708	Union Carbide Corporation, Danbury, CT	49 CFR 173.315(a), 173.316	To authorize shipment of a flammable liquefied compressed gas in non-DOT specification cargo tanks. (Mode 1.)
2709-P	DOT-E 2709	United Technologies, Sunnyvale, CA	49 CFR 173.52, 173.93, 177.821, 177.834(L)(1), 177.835(k)	To become a party to Exemption 2709 (Mode 1.)
2805-X	DOT-E 2805	SunOlin Chemical Company, Claymont, DE	49 CFR 172.101, 173.315(a)(1)	To authorize shipment of liquefied ethylene in non-DOT specification insulated cargo tanks. (Mode 1.)
3109-X	DOT-E 3109	Raytheon Company, Lowell, MA	49 CFR 173.301(e), 173.302(a)(1), 175.3	To authorize use of non-DOT pressure vessels for shipment of a nonflammable, nonliquefied compressed gas. (Modes 1, 2, 3, 4, 5.)
3109-X	DOT-E 3109	U.S. Department of Defense, Washington, DC	49 CFR 173.301(e), 173.302(a)(1), 175.3	To authorize use of non-DOT pressure vessels for shipment of a nonflammable, nonliquefied compressed gas. (Modes 1, 2, 3, 4, 5.)
3216-X	DOT-E 3216	Pennwalt Corporation, Philadelphia, PA	49 CFR 173.314(c)	To authorize use of a proposed DOT Specification 110A3000W tank car tank, for transportation of certain flammable compressed gases. (Modes 1, 3.)
3353-X	DOT-E 3353	Kerr-Mcgee Chemical Corporation, Oklahoma City, OK	49 CFR 173.163(a)(7), 173.239a(a)(2)	To authorize shipment of certain oxidizing material, in a non-DOT specification steel or aluminum portable tank. (Modes 1, 2.)
4242-X	DOT-E 4242	U.S. Department of Defense, Washington, DC	49 CFR 173.134, 173.87	To authorize use of a non-DOT specification pressure vessel, for transportation of certain pyrofonc mixture. (Mode 1.)
4453-P	DOT-E 4453	Pacific Powder Company, Tenino, WA	49 CFR 173.114a(h)(3)	To become a party to Exemption 4453 (Mode 1.)
4453-X	DOT-E 4453	Wampum Hardware Company, New Galilee, PA	49 CFR 173.114a(h)(3)	To authorize use of a non-DOT specification bulk, hopper-type tank for transportation of blasting agent, n.o.s., or ammonium nitrate-fuel oil mixture. (Mode 1.)
4453-P	DOT-E 4453	Pacific Motor Transport, Inc., Tenino, WA	49 CFR 173.114a(h)(3)	To become a party to Exemption 4453 (Mode 1.)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
4726-X	DOT-E 4726	U.S. Department of Energy, Washington, DC	49 CFR 173.245	To authorize transport of certain liquid metal fluourides, in non-DOT specification seamless monel cylinders, overpacked in a strong wooden box with cushioning material. (Mode 1.)
4884-X	DOT-E 4884	Union Carbide Corporation, Danbury, CT	49 CFR 173.302(a)(1), 175.3, 178.61	To authorize shipment of gas-calibration mixtures of compressed gases, in non-DOT specification steel cylinders complying with DOT Specification 4BW, with certain exceptions. (Modes 1, 2, 3, 4, 5.)
5206-X	DOT-E 5206	Atlas Powder Company, Dallas, TX	49 CFR 173.114a	To authorize privately operated bulk hopper-type units, for transportation of an oxidizing material. (Mode 1.)
5248-X	DOT-E 5248	3M Company, St. Paul, MN	49 CFR 173.389(g), 175.3	To authorize shipment of a certain quantity of polonium-210 in any DOT Specification approved outer Type A packaging. (Modes 1, 2, 4, 5.)
5643-X	DOT-E 5643	Union Carbide Corporation, Danbury, CT	49 CFR 172.101, 173.315(a)(1)	To authorize shipment of a nonflammable gas in vacuum insulated non-DOT specification portable tanks. (Modes 1, 3.)
6113-P	DOT-E 6113	Commonwealth Gas Company, Southborough, MA	49 CFR 172.101, 173.315(a)	To become a party to Exemption 6113. (Mode 1.)
6126-X	DOT-E 6126	Dow Chemical Company, Midland, MI	49 CFR 173.253(a)	To authorize shipment of chloracetyl chloride in DOT Specification 6D/2S or 2SL composite packaging. (Modes 1, 3.)
6218-X	DOT-E 6218	Messer Griesheim Industries, Inc., Valley Forge, PA.	49 CFR 173.315(a)	To authorize shipment of argon or nitrogen pressurized liquid, in insulated non-DOT specification cargo tanks. (Mode 1.)
6218-X	DOT-E 6218	Welding & Therapy Service, Inc., Louisville, KY	49 CFR 173.315(a)	To authorize shipment of argon or nitrogen pressurized liquid, in insulated non-DOT specification cargo tanks. (Mode 1.)
6267-X	DOT-E 6267	Bio-Lab, Incorporated, Conyers, GA	49 CFR 173.217(a)	To authorize transport of certain oxidizers in non-DOT specification double-faced fiberboard boxes. (Modes 1, 2, 3.)
6296-X	DOT-E 6296	Platte Chemical Company, Fremont, NE	49 CFR 173.377(g)	To authorize additional bag packagings, for transportation of certain Class B poisons in DOT Specification 44D multi-wall paper bags. (Modes 1, 2.)
6296X	DOT-E 6296	American Cyanamid Company, Wayne, NJ	49 CFR 173.377(g)	To authorize additional bag packagings, for transportation of certain Class B poisons in DOT Specification 44D multi-wall paper bags. (Modes 1, 2.)
6432-X	DOT-E 6432	Messer Griesheim Industries, Inc., Valley Forge, PA.	49 CFR 173.315(a)	To authorize shipment of liquefied argon, nitrogen and oxygen, in non-DOT Specification vacuum insulated cargo tanks. (Mode 1.)
6464-P	DOT-E 6464	Commonwealth Gas Company, Southborough, MA	49 CFR 172.101, 173.315(a)	To become a party to Exemption 6464. (Mode 1.)
6686-X	DOT-E 6686	Chilton Metal Products Division, Chilton, WI	49 CFR 173.304, 178.65	To authorize use of a modified DOT Specification 39 steel cylinder, for transportation of a certain flammable gas. (Modes 1, 2.)
6762-P	DOT-E 6762	The Keeler Company, Inc., Shillington, PA	49 CFR 173.286(b)(2), 175.3	To become a party to Exemption 6762. (Modes 1, 2, 3, 4.)
6762-P	DOT-E 6762	Suhm Laboratories, Inc., Greendale, WI	49 CFR 173.286(b)(2), 175.3	To become a party to Exemption 6762. (Modes 1, 2, 3, 4.)
6762-X	DOT-E 6762	Green Chemical Company, Inc., Winchester, VA	49 CFR 173.286(b)(2), 175.3	To authorize transport of chemical kits in plastic inside bottles, packed in plastic boxes overpacked in fiberboard boxes. (Modes 1, 2, 3, 4.)
6762-P	DOT-E 6762	United Laboratories, Inc., Addison, IL	49 CFR 173.286(b)(2), 175.3	To become a party to Exemption 6762. (Modes 1, 2, 3, 4.)
6762-P	DOT-E 6762	Oxford Chemicals, Inc., Atlanta, GA	49 CFR 173.286(b)(2), 175.3	To become a party to Exemption 6762. (Modes 1, 2, 3, 4.)
6762-X	DOT-E 6762	Aquaphase Laboratories, Inc., Adrian, MI	49 CFR 173.286(b)(2), 175.3	To authorize transport of chemical kits in plastic inside bottles, packed in plastic boxes overpacked in fiberboard boxes. (Modes 1, 2, 3, 4.)
6773-X	DOT-E 6773	E. I. du Pont de Nemours & Company, Inc., Wilmington, DE.	49 CFR 173.314(c)	To authorize shipment of a flammable compressed gas, in a DOT Specification 105A600W tank can. (Mode 2.)
6774-X	DOT-E 6774	HR Textron Inc., Pacoima, CA	49 CFR 173.302.(a)(2), 175.3	To authorize use of non-DOT specification cylinders complying with DOT Specification 3HT, with certain exceptions, for shipment of a nonflammable gas. (Modes 1, 4.)
6874-P	DOT-E 6874	Mitsui & Company (USA), Inc., New York, NY	49 CFR 172.101, 173.370(a)(13)	To become a party to Exemption 6874. (Modes 1, 2, 3.)
7052-P	DOT-E 7052	Leigh Instruments Limited, Corleton Place, Ontario	49 CFR 172.101, 175.3	To become a party to Exemption 7052. (Modes 1, 2, 3, 4.)
7052-P	DOT-E 7052	AMS Hellesens, Soborg, Denmark	49 CFR 172.101, 175.3	To become a party to Exemption 7052. (Modes 1, 2, 3, 4.)
7249-X	DOT-E 7249	E. I. du Pont de Nemours & Company, Inc., Wilmington, DE.	49 CFR 173.128(a)	To authorize use of containers not otherwise permitted by the Hazardous Materials Regulations, for transportation of certain flammable liquids. (Mode 1.)
7413-X	DOT-E 7413	Chilton Metal Products Division, Chilton, WI	49 CFR 173.302(a), 173.304(a)(1), 175.3, 178.42	To authorize transport of carbon dioxide or nitrogen, in a non-DOT specification brazed steel cylinder. (Modes 1, 2, 4.)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
7455-X	DOT-E 7455	E. I. du Pont de Nemours & Company, Inc., Wilmington, DE.	49 CFR 176.177(g), 176.177(h), 176.177(n), 176.177(q), 176.177(r), 176.410(e).	To authorize handling and stowage of explosive material in an anchored and unmanned barge. (Mode 3.)
7495-X	DOT-E 7495	General American Transportation Corporation, Chicago, IL.	49 CFR 173.315(a)(1)	To authorize manufacture, marking and sale of non-DOT specification portable tanks, for transportation of chlorine or sulfur dioxide. (Modes 1, 2, 3.)
7505-X	DOT-E 7505	Platte Chemical Company, Greeley, CO.	49 CFR 173.28(m), 173.346(a)(2), 173.358(a)(2), 173.359(a)(2), 173.359(b)(2).	To authorize use of DOT Specification 17C drums, previously used for shipment of class B poisons and reconditioned (decontaminated) (Mode 1.)
7513-X	DOT-E 7513	MG Burdett Gas Products Company, Incorporated, Reading, PA.	49 CFR 173.315(a)(1)	To authorize shipment of pressurized liquid oxygen, in DOT Specification MC-331 cargo tanks. (Mode 3.)
7543-X	DOT-E 7543	Monsanto Company, St. Louis, MO	49 CFR 173.154.	To authorize shipment of a flammable solid in a DOT Specification 56 portable tank. (Mode 1.)
7625-X	DOT-E 7625	Hydrite Chemical Company, Milwaukee, WI.	49 CFR 173.245, 173.249, 173.263, 173.266, 173.272.	To authorize transport of certain corrosive liquids, in DOT Specification 56 portable tanks. (Mode 1.)
7700-X	DOT-E 7700	U.S. Department of Argiculture, Washington, DC	49 CFR 175.310(d)	To authorize transport of gasoline in the baggage and or passenger compartment of helicopters. (Mode 5.)
7735-X	DOT-E 7735	Rheem Manufacturing Company, Linden, NJ	49 CFR 173.119, 173.264(a), 173.272(g), 173.346, 173.358, 173.359.	To authorize manufacture, marking and sale of DOT Specification 34 containers, for shipment of certain flammable liquids, corrosive materials and class B poisonous liquids. (Modes 1, 2, 3.)
7768-X	DOT-E 7768	Plaze-Drum Corporation, Lockport, IL.	49 CFR 173.154, 173.217, 173.245b, 173.365, 178.19.	To authorize manufacture, marking and sale of non-DOT specification blow-molded, high molecular weight polyethylene drums, with removable head, for shipment of oxidizers, corrosive, flammable and poison B solids. (Modes 1, 2, 3.)
7769-X	DOT-E 7769	Brunswick Corporation, Lincoln, NE	49 CFR 173.302(a)(1), 175.3	To authorize manufacture, marking and sale of non-DOT Specification fiber reinforced plastic full composite cylinder, for transportation of certain nonflammable compressed gas. (Modes 1, 2, 3, 4, 5.)
7849-P	DOT-E 7849	Welding Products of Georgia (HOLOX), Atlanta, GA.	49 CFR 173.315(a)	To become a party to Exemption 7849. (Mode 1.)
7876-P	DOT-E 7876	Micro Image Inc., Orange, CT	49 CFR 173.299(a), 175.3	To become a party to Exemption 7876 (Modes 1, 2, 3, 4.)
7879-X	DOT-E 7879	Gearhart Industries, Inc., Fort Worth, TX	49 CFR 173.245, 175.3, 178.42	To authorize shipment of bromine trifluoride, in non-DOT specifiations seamless cylinders. (Modes 1, 2, 3, 4.)
7957-X	DOT-E 7957	Process Engineering, Incorporated, Plaistow, NH	49 CFR 173.315(a)(1), 173.33(a), 177.824(c)(4), 178.337	To authorize manufacture, marking and sale of non-DOT specification aluminum cargo tanks, for transportation of carbon dioxide, liquefied. (Mode 1.)
7963-X	DOT-E 7963	Stauffer Chemical Company, Westport, CT	49 CFR 173.245, 173.360(a)(5)	To authorize transport of perchloromethyl mercaptan and thiophene-2-acetyl chloride, in monel tanks constructed in accordance with DOT Specification 51, with certain exceptions. (Modes 1, 2, 3.)
7971-P	DOT-E 7971	Walter Kidde, Division of Kidde, Inc., Wilson, NC	49 CFR 173.302, 173.304, 175.3, 178.53	To become a party to Exemption 7971 (Modes 1, 2, 3, 4, 5.)
8083-P	DOT-E 8083	Matson Navigation Company, Honolulu, Hawaii	49 CFR 172.101, Column 7(c) only	To become a party to Exemption 8083 (Mode 3.)
8086-X	DOT-E 8086	Boeing Aerospace Company, Seattle, WA.	49 CFR 172.101, 172.102, 173.118(b), 173.119, 173.206, 173.87.	To authorize transport of a cruise missle containing hazardous materials. (Mode 1.)
8108-X	DOT-E 8108	Allied Chemical, Morristown, NJ	49 CFR 173.24(c)(6), 173.245(a)(27)	To authorize use of a DOT Specification 33A polystyrene case containing four 5-pint glass bottles, for shipment of corrosive liquids. (Modes 1, 2, 3.)
8129-P	DOT-E 8129	CECOS International, Inc., Buffalo, NY	49 CFR 177.834(k), Part 173, Subparts D, E, F, H, Subparts K, L, M, O	To become a party to Exemption 8129 (Mode 1.)
8129-X	DOT-E 8129	Iowa State University, Ames, IA	49 CFR 177.834(k), Part 173, Subparts D, E, F, H, Subparts K, L, M, O	To authorize shipment of various waste hazardous materials packed in bottles surrounded by absorbent material overpacked in DOT Specification 37A, 17H, or 6J drums. (Mode 1.)
8129-X	DOT-E 8129	University of Maryland, College Park, MD	49 CFR 177.834(k), Part 173, Subparts D, E, F, H, Subparts K, L, M, O	To authorize shipment of various waste hazardous materials packed in bottles surrounded by absorbent material overpacked in DOT Specification 37A, 17H, or 6J drums. (Mode 1.)
8129-P	DOT-E 8129	Midwest Research Institute, Kansas City, MO	49 CFR 177.834(k), Part 173, Subparts D, E, F, H, Subparts K, L, M, O.	To become a party to Exemption 8129. (Mode 1.)
8129-P	DOT-E 8129	ARCO Chemical Company, Newtown, Square, PA	49 CFR 177.834(k), Part 173, Subparts D, E, F, H, Subparts K, L, M, O	To become a party to Exemption 8129 (Mode 1.)
8129-P	DOT-E 8129	American Scientific Products, McGaw Park, IL	49 CFR 177.834(k), Part 173, Subparts D, E, F, H, Subparts K, L, M, O.	To become a party to Exemption 8129. (Mode 1.)
8129-X	DOT-E 8129	Triangle Resource Industries, Laurel, MD	49 CFR 177.834(k), Part 173, Subparts D, E, F, H, Subparts K, L, M, O	To authorize shipment of various waste hazardous materials packed in bottles surrounded by absorbent material overpacked in DOT Specification 37A, 17H, or 6J drums. (Mode 1.)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8129-X	DOT-E 8129	Kenn-McGee Chemical Corporation, Oklahoma City, OK.	49 CFR 177.834(k), Part 173, Subparts D, E, F, H, Subparts K, L, M, O.	To authorize shipment of various waste hazardous materials packed in bottles surrounded by absorbent material overpacked in DOT Specification 37A, 17H, or 6J drums. (Mode 1).
8129-P	DOT-E 8129	Lion Technology Inc., Lafayette, NJ	49 CFR 177.834(k), Part 173, Subparts D, E, F, H, Subparts K, L, M, O.	To become a party to Exemption 8129. (Mode 1.)
8156-P	DOT-E 8156	Union Carbide Corporation, Danbury, CT	49 CFR 173.121, 173.302(a)(4), 173.302(f), 173.304(a)(1).	To become a party to Exemption 8156. (Modes 1, 2.)
8156-P	DOT-E 8156	Scientific Gas Products, Inc., South Plainfield, NJ	49 CFR 173.121, 173.302(a)(4), 173.302(f), 173.304(a)(1).	To become a party to Exemption 8156. (Modes 1, 2.)
8184-X	DOT-E 8184	Trojan Corporation, Salt Lake City, UT	49 CFR 173.65	To authorize transport of flake trinitrotoluene in a non-DOT specification multi-wall paper polyethylene jute composite bag with net weight not exceeding 100 pounds. (Modes 1, 2, 3.)
8220-X	DOT-E 8220	Applied Enviornments Corporation, Woodland Hills, CA.	49 CFR 173.320(a), 175.3	To authorize use of non-DOT specification girth welded steel cylinder, for transportation of nonflammable compressed gases. (Modes 1, 2, 4.)
8221-X	DOT-E 8221	Applied Environments Corporation, Woodland Hills, CA.	49 CFR 173.302(a), 175.3	To authorize use of non-DOT specification high pressure cylinders of welded construction for military missile systems use only. (Modes 1, 2, 4.)
8237-X	DOT-E 8237	Sanders Associates, Inc., Nashua, NH	49 CFR 172.101, 173.302(a)(2), 175.3	To authorize transport of a device containing lithium batteries and a cylinder containing compressed nitrogen in a wooden box. (Modes 1, 4.)
8426-X	DOT-E 8426	Martin Tank Manufacturing, Inc., Wilmington, CA	49 CFR 173.119(a), (m), 173.245(a), 173.346(a), 178.340-7, 178.342-5, 178.343-5.	To authorize manufacture, marking and sale of non-DOT specification cargo tanks complying with DOT Specification MC-307/312 with certain exception, for transportation of liquid and semi-solid waste materials. (Mode 1.)
8445-X	DOT-E 8445	Rohm and Haas Company, Philidelphia, PA	49 CFR Part 173, Subpart D, E, F, & H	To authorize shipment of various hazardous substances and wastes packed in inside plastic, glass, earthenware or metal containers, overpacked in a DOT Specification removable head steel, fiber or polyethylene drum, only for the purposes of disposal, repackaging or reprocessing. (Mode 1.)
8451-P	DOT-E 8451	Ethyl Corporation, Ferndale, MI	49 CFR 173.65, 173.66(e), 175.3	To become a party to Exemption 8451 (Modes 1, 2, 4.)
8518-X	DOT-E 8518	Pacific Tank and Manufacturing, Long Beach, CA	49 CFR 173.119(a), (m), 173.245(a), 173.346(a), 178.340-7, 178.342-5, 178.343-5.	To authorize manufacture, marking, and sale of non-DOT Specification cargo tanks complying generally with DOT specification MC-307/312 except for bottom outlet valve variations, for transportation of flammable or corrosive waste liquids or semi-solids. (Mode 1.)
8519-X	DOT-E 8519	Atlantic Container Line, Elizabeth, NJ	49 CFR 176.905(L)	To authorize stowage of motor vehicles containing gasoline, in their fuel tanks, classed as a flammable liquid in the same cargo compartment with other hazardous materials on specially equipped roll-on/roll-off cargo vessels. (Mode 3.)
8520-X	DOT-E 8520	Atlas Powder Company, Dallas, TX	49 CFR 173.114a (b)(6)	To authorize use of a "pipe test" on a material being evaluated as a blasting agent, instead of fire test prescribed in 173.114a(b)(6). (Modes 1, 2, 3, 4.)
8523-X	DOT-E 8523	Dehon Services, Paris, France	49 CFR 173.304, 173.315	To authorize use of non-DOT Specification IMCO Type 5 portable tanks, for transportation of flammable and non-flammable compressed gases. (Modes 1, 2, 3.)
8523-X	DOT-E 8523	Fauvet-Girel, Paris, France	49 CFR 173.304, 173.315	To authorize use of non-DOT Specification IMCO Type 5 portable tanks, for transportation of flammable and nonflammable compressed gases. (Modes 1, 2, 3.)
8526-X	DOT-E 8526	National Starch and Chemical Corporation, Bridgewater, NJ.	49 CFR 177.834(L)(2)(i)	To authorize shipment of flammable liquids and/or flammable gases in temperature controlled equipment. (Mode 1.)
8526-X	DOT-E 8526	PPG Industries, Inc., Pittsburgh, PA	49 CFR 177.834(L)(2)(i)	To authorize shipment of flammable liquids and/or flammable gases in temperature controlled equipment. (Mode 1.)
8550-X	DOT-E 8550	Environmental Sciences Associates, Inc., Bedford, MA.	49 CFR 173.119(m)(6), 175.3	To authorize shipment of a hydrochloric acid/propanol mixture, classed as a flammable liquid, in non-DOT specification one-pint polyethylene bottles, not to exceed 6 bottles to one outside DOT Specification 12B fiberboard box. (Modes 1, 2, 3, 4, 5.)
8551-X	DOT-E 8551	Huber Manufacturing, Incorporated, Gulfport, MS	49 CFR 173.119(a), (m), 173.245(a), 173.346(a), 178.340-7, 178.342-5, 178.343-5.	To authorize manufacture, marking and sale of non-DOT specification cargo tanks complying generally with DOT Specification MC-307/312 except for bottom outlet valve variations and certain other features for transportation of flammable, corrosive, or poisonous waste liquids or semi-solids. (Mode 1.)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8554-P	DOT-E 8554	Cordeiro Trucking, Dania, FL	49 CFR 173.114a, 173.93	To become a party to Exemption 8554. (Mode 1.)
8554-P	DOT-E 8554	Floride Explosives, Inc., Hialeah Gardens, FL	49 CFR 173.114a, 173.93	To become a party to Exemption 8554. (Mode 1.)
8558-X	DOT-E 8558	Trojan Corporation, Spanish Fork, UT	49 CFR 173.53	To authorize the transport of a pharmaceutical described as an initiating explosive in a non-DOT specification polyethylene pail, overpacked in a 15 gallon DOT Specification 37A steel drum. (Mode 1.)
8565-X	DOT-E 8565	PPG Industries, Inc., Pittsburgh, PA	49 CFR 173.217(a)(3), 178.224	To authorize shipment of calcium hypochlorite mixture, dry, classed as oxidizer, in a DOT Specification 21C drum having an inner ply consisting of a lamination of polyester film mounted on aluminum foil. (Modes 1, 2, 3.)
8565-X	DOT-E 8565	Pennwalt Corporation, Philadelphia, PA	49 CFR 173.217(a)(3), 178.224	To authorize shipment of calcium hypochlorite mixture, dry, classed as oxidizer, in a DOT Specification 21C drum having an inner ply consisting of a lamination of polyester film mounted on aluminum foil. (Modes 1, 2, 3.)
8569-X	DOT-E 8569	General Dynamics Corporation, Fort Worth, TX	49 CFR 172.101(6)(b), 173.276, 175.3	To authorize shipment of 6.6 gallons of hydrazine, aqueous solution in non-DOT specification F-16 emergency fuel tanks. (Modes 1, 3, 4.)
8569-X	DOT-E 8569	U.S. Department of Defense, Washington, DC	49 CFR 172.101(6)(b), 173.276, 175.3	To authorize shipment of 6.6 gallons of hydrazine, aqueous solution in non-DOT specification F-16 emergency fuel tanks. (Modes 1, 3, 4.)
8571-X	DOT-E 8571	EM Science, Cincinnati, OH	49 CFR 173.119(a)(28), (b)	To authorize shipment of various flammable liquids packaged in a DOT Specification 12A corrugated fiberboard box, with two inside metal containers not over 10 liters capacity each. (Mode 1.)
8592-X	DOT-E 8592	Beech Aircraft Corporation, Boulder, CO	49 CFR 173.315	To authorize use of a non-DOT specification demountable cargo tank, for transportation of flammable gases. (Mode 1.)
8620-X	DOT-E 8620	Polar Tank Trailer, Inc., Holdingford, MN	49 CFR 173.119(a), 173.119(m), 173.245(a), 173.346(a), 178.340-7, 178.342-5, 178.343-5.	To authorize manufacture, marking and sale of non-DOT specification cargo tanks complying generally with DOT Specification MC-307/312 except for bottom outlet valve variations for transportation of flammable or corrosive waste liquids or semi-solids. (Mode 1.)
8627-P	DOT-E 8627	Champion Chemicals, Inc., Houston, TX	49 CFR 173.119, 173.245, 178.253	To become a party to Exemption 8627. (Mode 1.)
8720-X	DOT-E 8720	Applied Environments Corporation, Woodland Hills, CA.	49 CFR 173.302(a), 175.3	To authorize manufacture, marking and sale of non-DOT specification welded high pressure non-refillable cylinders, for shipment of nonflammable and nonliquefied gases. (Modes 1, 2, 4.)
8732-P	DOT-E 8732	ICI Americas Inc., Wilmington, DE	49 CFR 173.245	To become a party to Exemption 8732 (Mode 1.)
8839-X	DOT-E 8839	Poly Processing Company, Inc., Monroe, LA	49 CFR 173.266, 178.19, Part 173, Subpart F	To authorize manufacture, marking and sale of non-DOT specification nationally molded, cross-linked polyethylene portable tanks, for shipment of corrosive liquids and an oxidizer (Modes 1, 2, 3.)
8878-P	DOT-E 8878	Preussag AG Metall, Bosler, West Germany	49 CFR 173.245	To become a party to Exemption 8878. (Mode 1.)
8925-X	DOT-E 8925	Military Sealift Command, Washington, DC	49 CFR 46 CFR 146.29-35(f), 49 CFR, Part 107 Appendix B, Subparagraph 1, Subparagraph 2	To authorize installation and operation of electrical dehumidification equipment in the hold of a vessel (Gulf Shipper) containing Class A, B, and C explosives. (Mode 3.)

NEW EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8877-N	DOT-E 8877	PCR, Incorporated, Gainesville, FL	49 CFR 173.119(m)(3), 173.245, 175.3	To authorize shipment of certain materials described as flammable liquids, corrosive, n.o.s. (corrosive to skin only) and corrosive liquids, n.o.s., in DOT-12B65 fiberboard boxes with inside glass bottles having a capacity not to exceed one-gallon or an all-18-gauge DOT-17E steel drum (Modes 1, 2, 3, 4, 5.)
8901-N	DOT-E 8901	Soweco, Inc., Amarillo, TX	49 CFR 173.357	To authorize shipment of chloropicrin, in polyethylene bottles overpacked in non-DOT specification triple-wall, corrugated fiberboard boxes. (Mode 1.)
8954-N	DOT-E 8954	Air Products and Chemicals, Inc., Allentown, PA.	49 CFR 173.315, 178.76(b)	To authorize use of non-DOT specification vacuum insulated cargo tanks, for transportation of certain nonflammable gases. (Mode 3.)
8958-N	DOT-E 8958	Goex, Inc., Moosic, PA	49 CFR 172.101, 173.60	To authorize transportation of limited quantities of black powder, classed as a flammable solid, in DOT Specification 12H fiberboard boxes. (Modes 1, 2, 3.)
8967-N	DOT-E 8967	Hercules Incorporated, Wilmington, DE	49 CFR 173.93(a)(11)	To authorize shipment of a solid propellant explosive, in a non-DOT specification fiberboard tube, overpacked in a non-DOT specification palletized metal cage. (Mode 1.)

NEW EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8972-N	DOT-E 8972	Union Carbide Corporation, Danbury, CT	49 CFR 173.247(a)(18)	To authorize shipment of anhydrous thionyl chloride and mixtures thereof with non-hazardous inorganic salt, in DOT Specification 3E stainless steel cylinders. (Mode 1.)
8979-N	DOT-E 8979	Freeman Industries, Inc., Tuckahoe, NY	49 CFR 173.270(a)(2)	To authorize shipment of phosphorous tribromide, in non-DOT specification lead-lined steel drums, overpacked with polyethylene bags which are overpacked in removable-head steel drums. (Mode 1.)
8944-N	DOT-E 8944	Union Carbide Corporation, Danbury, CT	49 CFR 173.302(c)(2), 173.302(c)(3), 173.302(c)(4), 173.34(e)(1), 173.34(e)(3), 173.34(e)(4), 173.34(e)(6), Part 107 Appendix B.	To authorize the retest of DOT Specification 3AAX or 3T cylinders by acoustical emission equipment and procedures. (Mode 1.)

NOTE—The provisions of DOT-E 8944 are not conducive to party status under Section 107.111.

EMERGENCY EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
EE 6064-P	DOT-E 6064	Sodyeco, Inc., Charlotte, NC	49 CFR 173.65(e), 187.24-4(a)	To become a party to Exemption 6064. (Mode 1.)
EE 6468-P	DOT-E 6468	Sodyeco, Inc., Charlotte, NC	49 CFR 173.365	To become a party to Exemption 6068. (Mode 1.)
EE 8303-P	DOT-E 8303	Sodyeco, Inc., Charlotte, NC	49 CFR 172.101, 173.154	To become a party to Exemption 8303. (Mode 1.)
EE 9019-N	DOT-E 9019	Completion Services, Inc. Lafayette, LA	49 CFR 173.118a, 173.119, 173.125, 173.263, 173.264, 173.277, 173.510, 46 CFR 64.9.	To authorixe use of a marine portable tank, for transportation of flammable, corrosive and combustible liquids. (Mode 1.)
EE 9020-N	DOT-E 9020	Vought Corporation, Dallas, TX	49 CFR 173.57, 173.66, 175.3, 175.30	To authorize shipment of rocket ammunition with explosive projectile and separately packaged component parts (Class A explosives). (Mode 4.)
EE 9021-N	DOT-E 9021	American Cylinder Corporation, Glen Burnie, MD.	49 CFR 173.28, 178.65	To authorize one time refilling and recharging of DOT Specification 39 cylinders, for transportation of a compressed gas. (Mode 1.)
EE 9022-N	DOT-E 9022	NL Baroid/NL Industries, Incorporated, Houston, TX.	49 CFR 172.101 column 6(b), 175.30, 175.320(a).	To authorize transport of shaped charges in DOT Specification wooden or fiberboard boxes. (Mode 1.)
EE 9031-N	DOT-E 9031	Raufoss Amunisjonsfabrikker (RA), Oslo, Norway.	49 CFR 173.56, 173.66, 175.30	To authorize shipment of rocket ammunition with explosive projectile and separately packaged explosive projectiles. (Mode 4.)

WITHDRAWALS

Application No.	Applicant	Regulations(s) affected	Nature of exemption thereof
8525-X	Associated Container Transportation (USA), New York, NY.	49 CFR 173.389(o)(1), 173.392(c), 176.700(h)(1), 176.700(h)(2).	To authorize shipment of mineral monazite sand, classed as radioactive material, low specific activity, n.o.s. under modified exclusive use provisions. (Modes 1, 2, 3.)

Denials

8627-P Request by Nalco Chemical Company, Oak Brook, IL to authorize shipment of various flammable liquids on corrosive materials (oil well treating compounds) contained in 6 separate 60 gallon steel tanks firmly mounted on the chassis of a truck denied March 16, 1983.

8807-N Request by Natico, Incorporated, Chicago, IL to reconsider denial of their request to manufacture, mark and sell non-DOT specification tight head 55-gallon steel drums similar to DOT Specification 17E except top and bottom heads are 20 gauge steel secured by 7 ply chime, for shipment of commodities authorized in 17E drums denied March 28, 1983.

8868-N Request by Brea Agricultural Service, Stockton, CA to authorize transport of a corrosive liquid containing sulfuric acid in DOT Specification MC-306, MC-310, MC-311 and MC-312 cargo tanks without phenolic linings denied March 22, 1983.

8956-N Request by Clif Mock Company, Conroe, TX to manufacture, mark and sell certain steel cylinders for transporting samples of liquefied petroleum gas, oil well natural gas, and other petroleum hydrocarbon gases or liquids denied March 8, 1983.

8966-N Request by All Pure Chemical Company, Inc., Tracy, CA to authorize shipment of 12.5% sodium hypochlorite, 31.44% hydrochloric acid and 38.5% sulfuric acid, in polyethylene (PE) bottles, in a corrugated fiberboard box complying with DOT Specification 12B except for handholes in the side pannels of the box denied March 3, 1983.

8974-N Request for Fabricated Metals, Inc., San Leandro, CA to manufacture DOT Specification 56 portable tanks from an aluminum alloy which does not have the mechanical properties specified in 49 CFR 178.251-2(d)(1) denied March 28, 1983.

8989-N Request by C-I-L Inc., North York, Ont., Canada to authorize shipment of an initiating explosive (pentaerythrite tetranitrate) Class A explosive, in fiberboard boxes wet with not less than 25 percent by weight of water with boxes marked "P.E.T.N." denied March 14, 1983.

9008-N Request for Reynolds Manufacturing Company, McAllen, TX to manufacture, mark and sell certain vacuum tanks made to MC-307 without internal valves on each tank outlet denied March 25, 1983.

Note.—Inadvertently omitted from the 47 FR 244 publication of Exemptions issued during December 1982 is the following:

8762-N Appeal by O. I. Corporation, College Station, TX to authorize shipment of chromic acid solution, containing less than 35% chromic acid by weight, classed as corrosive liquid, n.o.s. contained in glass ampules packed in styrofoam containers overpacked in a fiberboard box denied December 6, 1982.

Issued in Washington, DC, on April 12, 1983

J. R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 83-10389 Filed 4-20-83; 8:45 am]

BILLING CODE 4910-60-M

Urban Mass Transportation Administration

Availability of UMTA Circular 5010.1, "Project Management Guidelines for Grantees"

AGENCY: Urban Mass Transportation Administration, DOT.

ACTION: Notice.

SUMMARY: By this notice, the Urban Mass Transportation Administration (UMTA) announces that UMTA Circular 5010.1, "UMTA Project Management Guidelines for Grantees," is available to the public. This circular provides project management guidelines for recipients of grants for mass transportation activities

pursuant to Sections 3, 5, 6, 8, 9, and 10 of the Urban Mass Transportation Act, as amended (49 U.S.C. 1601 et seq.) and sections 103(e)(4) and 142 of Title 23 of the United States Code.

EFFECTIVE DATE: April 21, 1983.

FOR FURTHER INFORMATION CONTACT: Timothy B. Wolgast, Urban Mass Transportation Administration, Office of Administration, 400 7th Street, SW., Washington, D.C. 20590; telephone (202) 426–4022. A copy of UMTA Circular 5010.1 may be obtained from UMTA Regional Offices or by contacting Joseph F. Vocke, Office of Administration, Room 7427, at the above address; telephone (202) 426–4865.

SUPPLEMENTARY INFORMATION:

Significant Features of New Guidelines

UMTA Circular 5010.1 provides grantees with procedures and guidelines to be applied in administering UMTA grants, cooperative agreements, and loans. The guidance incorporates various statutory and regulatory requirements; Office of Management and Budget, and Department of Treasury control agency circulars; and specific UMTA program information which is instrumental in maintaining proper grantee project management responsibilities and practices.

UMTA Circular 5010.1 provides guidance and instructions on three areas: Project Management and Administration; Financial Management; and Payment Procedures. The Project Management and Administration chapter includes information on project reporting, budget revisions and amendments, disposition of project property, record retention, closeout procedures, and other special requirements important to grantees. The circular's Financial Management chapter details responsibilities and procedures on internal controls, cost allocation plans and cost standards, program income, financial reporting, and audit requirements. The Payment Procedures section discusses the various methods and forms used in making cash payments to grantees.

This circular was approved for publication while the 1982 amendments to the Urban Mass Transportation Act of 1964 were being passed by Congress and sent to the President for approval. Therefore, the circular does not include new project management guidelines for provisions contained in Title III of the Surface Transportation Assistance Act of 1982 (Pub. L. 97–424), enacted January 6, 1983. Guidelines for the implementation and management of Title III will be published by UMTA in a separate circular and will be made available in the next few weeks.

Background

On September 11, 1980, UMTA published the information in this circular as a Notice of Proposed Rulemaking (NPRM) in the **Federal Register** (45 FR 60306). This material was intended to be issued as a regulation, but UMTA determined that the necessary program guidance could be more effectively issued in a non-regulatory matter. The NPRM was formally withdrawn on January 25, 1982 (47 FR 3391).

Twenty-six interested parties commented on the NPRM. The comments assisted UMTA in drafting the circular. Some significant comments and UMTA's response follow: (1) Inconsistencies between language in the NPRM and that in OMB Circular A–102, "Uniform Requirements for Assistance to State and Local Governments" (1/81), upon which the NPRM was based, were noted. UNTA has revised the language in all such cases to assure consistency with A–102; (2) Inconsistencies between the NPRM and OMB Circular A–87, "Cost Principles for State and Local Governments" (1/15/81), with respect to travel costs and the submission of a cost allocation plan, were noted. UMTA has eliminated the inconsistency involving travel cost and the requirement to submit a complete cost allocation plan with each application; (3) There were comments requesting the easing of budget revision requirements, such as permitting the transfer of funds between direct and indirect costs. UMTA has revised the circular to allow the transfer of funds budgeted for direct cost items to absorb authorized increases in indirect costs for nonconstruction grants; (4) A commenter requested that UMTA clarify proposed Appendix III, Section 1(b), Payroll and Distribution of Time, as it would have applied to Section 8 technical study grants. The optional format contained in this appendix has been eliminated. Grantees who prefer to use another method, such as the one used in the UMTA regulation on Urban Transportation Planning (49 CFR Part 613, Subpart A&B) may do so; and (5) Concern was expressed about the proposed cash-drawdown procedures in Chapter III, that provided a 3-day limitation in the Letter of Credit procedures. A commenter felt it would make more sense if drawdowns could be requested on a quarterly basis to satisfy cash requirements for vendor payments. The 3-day limitation procedures have been eliminated to parallel the language in Treasury Circular 1075. However, drawdowns should not be made on a quarterly basis, and must be made as close to the disbursing date as possible in accordance with Department of Treasury policy.

Issued on: April 14, 1983.

Arthur E. Teele, Jr.,

Administrator.

[FR Doc. 83–10552 Filed 4–20–83; 8:45 am]

BILLING CODE 4910–57–M

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 83–39]

Decision Denying Domestic Interested Party Petition Requesting Reclassification of Certain Plywood Panels; Petitioner's Desire to Contest the Decision

AGENCY: Customs Service, Treasury.

ACTION: Notice of: (1) Decision on domestic interested party petition, and (2) receipt of notice of petitioner's desire to contest the decision.

SUMMARY: In response to a petition from a domestic interested party requesting that certain plywood panels that have been processed, be reclassified for tariff purposes under the provision for softwood plywood, in item 240.21, Tariff Schedules of the United States (TSUS), Customs invited comments with regard to the correctness of the present classification. After consideration of the comments received and further review of the matter, Customs has advised the petitioner that such plywood panels would continue to be classified as building boards, in item 245.80, TSUS. Upon being informed that its petition had been denied, the petitioner filed a notice of its desire to contest the decision.

FOR FURTHER INFORMATION CONTACT: John G. Hurley, Classification and Value Division, Office of Regulations and Rulings, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202–566–8181).

SUPPLEMENTARY INFORMATION:

Background

On March 4, 1982, a petition was filed under section 516, Tariff Act of 1930, as amended (19 U.S.C. 1516), by the American Plywood Association, a trade association which represents American manufacturers of softwood plywood, requesting that certain imported plywood panels that have been processed (i.e., tongue and grooved, edge-worked, or shiplapped), be

reclassified as plywood with a face ply of softwood, in item 240.21, Tariff Schedules of the United States (TSU) (19 U.S.C. 1202), presently dutiable at 21 percent ad valorem. Such plywood panels have been classified by Customs under the provision for building boards not specially provided for, whether or not face finished, laminated boards bonded in whole or in part, or impregnated, with synthetic resins, in item 245.80, TSUS, at a lower rate of duty, following Customs ruling 069190 JLJ, dated February 12, 1982.

Specifically, the petitioner alleges that the provision for softwood plywood in TSUS item 240.21, is more specific than the provision for building boards in TSUS item 245.80, and therefore it should govern the classification of the imported panels. It is Customs position that edge-working changes plywood panels, dedicates them to a special use (i.e., as building boards), and thus prevents them from satisfying the definition of plywood in Schedule 2, Part 3, headnote 1(b), TSUS.

A notice of receipt of the petition was published in the **Federal Register** on August 13, 1982 (47 FR 35391), inviting public comment. Written comments were to have been received on or before October 12, 1982. Two comments were received in response to the notice. Both opposed any change in the classification of the panels, supporting Customs position that they are correctly classified as building boards in item 245.80, TSUS.

Decision on Petition and Receipt of Petitioner's Notice of Desire To Contest

In a letter dated December 13, 1982, the petitioner was advised that Customs had decided to continue its practice of classifying such plywood panels in item 245.80, TSUS. In response, by letter dated January 5, 1983, the petitioner filed a notice of its desire to contest the decision in accordance with section 516(c), Tariff Act of 1930, as amended, (19 U.S.C. 1516(c)), and § 175.23, Customs Regulations (19 CFR 175.23).

After careful analysis of the comments received in response to the notice and further review of the matter, Customs remains of the opinion that its practice of classifying the subject panels under item 245.80, TSUS, is correct. This practice will continue provided that no decision of the United States Court of International Trade or the United States Court of Appeals for the Federal Circuit not in harmony with this practice is rendered.

Authority: This notice is being published in accordance with section 516(c), Tariff Act of 1930, as amended (19 U.S.C. 1516(c)), and § 175.24, Customs Regulations (19 CFR 175.24).

Drafting Information

The principal author of this document was Jesse V. Vitello, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Dated: March 18, 1983.

Alfred R. De Angelus,

Acting Commissioner of Customs.

[FR Doc. 83-7989 Filed 4-20-83; 8:45 am]

BILLING CODE 4820-02-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Motorcycle Import Relief Determination

On April 1, 1983, the President transmitted the following memorandum to the United States Trade Representative setting forth his decision to provide import relief for the heavyweight motorcycle industry.

Frederick L. Montgomery,

Chairman, Trade Policy Staff Committee.

April 1, 1983.

The White House, Washington

Memorandum for the United States Trade Representative

Subject: Motorcycle Import Relief Determination

Pursuant to Section 202(b)(1) of the Trade Act of 1974 (Pub. L. 93-618, 88 Stat. 1978), I have determined the action I will take with respect to the report of the United States International Trade Commission (USITC), transmitted to me on February 1, 1983, concerning the results of its investigation of a petition for import relief filed by the Harley-Davidson Motor Co., Inc., and Harley-Davidson York, Inc., producers of heavyweight motorcycles, provided for in Item 692.50 of the Tariff Schedules of the United States (TSUS).

After considering all relevant aspects of the case, including those set forth in Section 202(c) of the Trade Act of 1974, I have determined that granting import relief is consistent with our national economic interest. Therefore, I will proclaim the USITC five-year import relief remedy with one modification. I will impose tariff increases of 45 percent *ad valorem* in the first year, declining to 35, 20, 15 and 10 percent above scheduled rates in subsequent years. Imposition of these tariff increases should allow the heavyweight motorcycle industry to adjust to the threat of injury caused by increased imports, which have raised inventories to twice their normal level.

To assure small volume producers who have not contributed to that threat of injury continued access to U.S. markets for heavyweight motorcycles, I will modify the USITC remedy by proclaiming tariff-rate quotas of 5,000 units (increasing yearly to 6,000, 7,000, 8,500 and 10,000) for imports of motorcycles manufactured in the Federal Republic of Germany, and 4,000 units (increasing yearly by 1,000) for imports from all other countries except Japan. The additional duties will apply to all imports above the tariff-rate quotas. In order to treat Japan fairly I will also proclaim a tariff-rate quota of 6,000 units (increasing 1,000 yearly) for motorcycles imported from Japan.

I also direct you to keep the issue under close review so that, should the U.S. motorcycle industry no longer need this level of relief, you may, in consultation with the Trade Policy Committee, obtain other necessary advice and propose changes in the terms of relief. If no earlier review is initiated by such conditions, you are to undertake such a review in two years. The objectives of this review would be to assess the effectiveness of import relief and Harley-Davidson's trade adjustment efforts.

Ronald Reagan.

[FR Doc. 83-10554 Filed 4-20-83; 8:45 am]

BILLING CODE 3109-01-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 78
Thursday, April 21, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL ELECTION COMMISSION

Federal Register No. 525

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, April 21, 1983, 10 a.m.

CHANGES IN MEETING: Pursuant to 11 CFR 3.5(d)(1), the Commission determined that Commission business so required, and that no earlier announcement of these changes was possible, and accordingly added the following matters to the agenda for the open meeting for this date:

Whether or not to withdraw nonpartisan communications by corporations or labor organizations—11 CFR 114.3 and 114.4
Letter to House Administration Task Force on Elections—Travel and subsistence reimbursement

DATE AND TIME: Tuesday, April 26, 1983, 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Compliance. Personnel. Litigation. Audits.

DATE AND TIME: Thursday, April 28, 1983, 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C. (fifth floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings
Correction and approval of minutes
Eligibility reports for candidates to receive Presidential primary matching payments
Draft AO 1983–9: Robert I. Bogin, on behalf of The Curry Exploratory Committee
Finance Committee report
Routine Administrative matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Information Officer, telephone: 202–523–4065.

Marjorie W. Emmons,
Secretary of the Commission.

[S–553–83 Filed 4–19–83; 3:32 pm]
BILLING CODE 6715–01–M

2

FEDERAL HOME LOAN BANK BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 16375, Friday, April 15, 1983.

PLACE: Board room, sixth floor, 1700 G Street NW., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Ms. Gravlee (202–377–6970).

CHANGES IN THE MEETING: The following items have been added to the open portion of the Bank Board meeting scheduled Wednesday, April 20, 1983, at 10 a.m.:

Acquistion of non-cash assets
Interstate operations of insured institutions
[No. 33, April 19, 1983]

[S–554–83 Filed 4–19–83; 3:38 pm]
BILLING CODE 6720–01–M

3

FEDERAL MARITIME COMMISSION

TIME AND DATE: 9 a.m., April 27, 1983.

PLACE: Hearing Room One, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Agreement No. T–4091: Terminal lease between the Board of Trustees of the Galveston Wharves and Trans Freight Lines, Inc.
2. Agreements Nos. 9767–1 and 9925–2: PACE/ACTA Modifications Seeking Intermodal Authority.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523–5725.

[S–552–83 Filed 4–19–83; 12:27 pm]
BILLING CODE 6730–01–M

federal register

Thursday
April 21, 1983

Part II

Department of Health and Human Services

Public Health Service

National Toxicology Program; Fiscal Year 1983 Annual Plan

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

[NTP–82–119]

National Toxicology Program; Fiscal Year 1983 Annual Plan

The Director of the National Toxicology Program (NTP) announces the availability of the NTP Annual Plan for Fiscal Year 1983 and the quarterly NTP Technical Bulletins, solicits comments on the Annual Plan and urges all interested persons to propose chemicals(s) for testing by NTP.

Background

The National Toxicology Program develops scientific information about potentially toxic and hazardous chemicals which can be used for protecting the health of the American people and for the primary prevention of chemically-induced disease. The NTP centralizes and strengthens the Department of Health and Human Services' (DHHS') activities in toxicology research, testing, and test development/validation efforts and provides the necessary toxicological information needed by health research and regulatory agencies. Four specific goals continue to be emphasized:

- Expand the spectrum of toxicologic information obtained on the chemicals nominated, selected, and being tested;
- Increase the numbers of chemicals tested in various short-term assays, within funding limits;
- Develop, coordinate, and validate a series of tests/protocols more appropriate for regulatory needs;
- Communicate Program plans and results to governmental agencies, the medical and scientific communities, and the public.

To accomplish these four major aims the NTP was formed by bringing together the relevant toxicological programs, people, and resources from the Public Health Service.

The four DHHS agencies whose relevant toxicology programs comprise the NTP are the National Cancer Institute, National Institutes of Health (NIH); National Institute of Environmental Health Sciences, NIH; National Center for Toxicological Research, Food and Drug Administration; and National Institute for Occupational Safety and Health, Centers for Disease Control.

The NTP Executive Committee provides linkage between DHHS research and regulatory agencies to ensure that the toxicology research, testing and test development activities carried out under the aegis of the NTP are responsive to the needs of those agencies and to the needs of the public. This unique and important aspect of the NTP brings together the research agencies doing fundamental biomedical research and the regulatory agencies. The governmental agencies that comprise the NTP Executive Committee are listed in the 1983 Annual Plan.

The NTP Board of Scientific Counselors provides scientific oversight of the NTP. The NTP Board advises the NTP Director and the NTP Executive Committee on scientific content, philosophy, and policy and evaluates the merit and overall quality of the science conducted in the NTP components. The members (enumerated in the 1983 Annual Plan) are appointed by the Secretary of the Department of Health and Human Services.

The program segments of the NTP are grouped into two categories—toxicological research and testing, and coordinative management activities. Individual NTP scientists are identified as leaders of the major program segments and subprogram activities and serve as the focus or contact persons for their particular program activities. Program and project leaders are identified in the 1983 Annual Plan.

The development and approval of the NTP Annual Plan remain central to the effective planning, coordination, and operation of the National Toxicology Program. As NTP Director, Dr. David P. Rall (also the Director of the National Institute of Environmental Health Sciences) reports to the Assistant Secretary for Health.

The National Toxicology Program's fifth annual plan consists of two parts published separately: (1) "NTP Annual Plan for Fiscal Year 1983" (NTP–82–119), describes current year research, testing and validation efforts, resources and past year program accomplishments. (This first part is printed in full following this announcement.) (2) "Review of Current DHHS, DOE and EPA Research Related to Toxicology" (NTP–83–001), lists chemicals being tested by DHHS agencies, the Department of Energy, and the Environmental Protection Agency, and describes toxicology methods currently being developed by these agencies.

Written comments on the FY 1983 Annual Plan are requested and welcome. These should be addressed to Dr. Larry Hart, Assistant to the Director, National Toxicology Program, P.O. Box 12233, Research Triangle Park, NC 27709 (telephone: (919) 541–3971 or FTS 629–3971).

Regarding chemical nomination, NTP urges all those interested in proposing chemical(s) for testing to do so, and at a minimum to give the rationale for the nomination and to recommend the type test(s) to be considered. In addition, it would be desirable (but not essential) to supplement each nomination with the following information, if known.

I. Chemical identification.

II. Production, use, occurrence, and analysis.

III. Toxicology.

IV. Disposition and structure-activity-relations.

V. Ongoing toxicological and environmental studies in government, industry, and academia.

To bridge the yearly gap between Annual Plans, NTP started a quarterly NTP Technical Bulletin in FY 1980 to keep those persons or groups interested in the NTP informed about the NTP's most current and proposed activities. The NTP Technical Bulletins augment the Annual Plans by more timely and frequent announcements of the NTP research activities and specific actions.

To receive the NTP Annual Plan for Fiscal Year 1983; the FY 1983 Review of Current DHHS, DOE, and EPA Research Related to Toxicology; or NTP Technical Bulletins, please indicate which publications you wish to receive and submit this information to: NTP Public Information Office, P.O. Box 12233, Research Triangle Park, NC 27709, (telephone: (919) 541–3991 or FTS 629–3991).

Dated: April 1, 1983.

David P. Rall,

Director, National Toxicology Program.

Note.—All fiscal assumptions are based on the President's proposed FY 1983 budget.

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Executive Summary National Toxicology Program Annual Plan for Fiscal Year 1983 [1]

The National Toxicology Program (NTP) will begin its fifth year of operation in FY 1983. The NTP was established in November 1978 as a Department of Health and Human Services (DHHS) cooperative effort to coordinate and manage the Department's program to develop the scientific information necessary to protect the health of the American public from exposure to hazardous chemicals. DHHS Secretary Richard S. Schweiker granted permanent status to the Program in October 1981.

At the present time, the NTP represents a major Federal resource for chemical testing, and represents a principal Federal effort in assessing current methods or developing better methodology for determining toxic potential of chemicals. This interagency program comprises one of the largest scientific data resources in genetic toxicity and animal carcinogenicity. There are also significant toxicology research, testing and test methods development activities ongoing in other Federal agencies. Current information on many of these efforts may be found in the NTP's FY 1983 *Review of Current DHHS, DOE and EPA Research Related to Toxicology.*

Within the framework of its charge to identify those chemicals potentially toxic to humans, as well as to develop and validate new and better integrated test methods, the NTP continues to emphasize four specific goals: (1) expand the spectrum of toxicologic information obtained on the chemicals being tested; (2) increase the numbers of chemicals tested in various short-term assays within funding limits; (3) develop and validate a series of test protocols more appropriate for regulatory needs; and (4) establish a coordinated communications network to collect, evaluate, and disseminate toxicology information generated by the Program.

The NTP's predominant long-term objective centers on the development, validation, and application of better, less expensive, more specific test methodologies. However, chemical testing for toxicology continues to be a central focus and still utilizes the most resources. By broadening the protocols to better characterize the chemical toxicologic profile, the NTP is successfully implementing a comprehensive approach to assessing chemical toxicity which includes carcinogenesis, genetic toxicity, chemical disposition (absorption, distribution, metabolism, and excretion), fertility and reproductive assessment, and major organ toxicity.

Accomplishments of NTP programs during FY 1982 and program plans for FY 1983 are described in the following sections of the FY 1983 Annual Plan. This year, accomplishments and plans are described separately by agency under each scientific and management section. The name of a key staff person is given for each project and program activity. A complete listing of program leaders and contact persons, along with addresses and phone numbers, appears in the Appendix. A bibliography of recent NTP-related publications, arranged alphabetically by the last name of the first author and by type of publication, is also included in the Appendix.

Important Accomplishments of the NTP in FY 1982 Include:

- Implemented a more comprehensive approach to assessing chemical toxicity including genetic toxicity, chemical disposition, fertility and reproductive assessment, major organ toxicity, and carcinogenesis.

[1] Page numbers correspond to the bound version of the plan available from the NTP Public Information Office.

- Focused testing efforts on characterizing toxic properties associated with classes of chemicals with similar structures—e.g., benzidine congener dyes and phthalic acid esters.
- Continued an interagency effort on benzidine and cogener-based dyes wth regard to their chemical disposition and mutagenic, carcinogenic, and chronic toxic effects.
- Initiated studies with selected esters of ortho phthalic acid to assess genetic toxicity, dermal absorption, reproductive toxicity, and carcinogenic potential and mechanisms.
- Incorporated a set of cellular and genetic toxicology assays into prechronic testing phases for all chemicals being considered for long-term testing—gene mutations in bacterial and mammalian cells, chromosome damage, mammalian cell transformations, and DNA damage/repair.
- Completed testing on 288 chemicals in the *Salmonella typhimurium* mutagenesis assay.
- Completed testing on 48 chemicals for heritable genetic effects in *Drosophila melanogaster*, (fruit flies) and completed cytogenetics testing on 65 chemicals using Chinese hamster ovary cells.
- Began evaluating new methods for monitoring mutagenic activity in human lymphocytes and urine.
- Completed peer review of the technical reports for 21 carcinogenesis bioassays.
- Developed a protocol which will significantly modify the histopathology requirements for future two-year bioassays while retaining sensitivity for tumor detection. Addition of an interim kill near 15 months should enhance detection and characterization of non-tumor toxic lesions.
- Proposed enhancing the experimental design of the two-year bioassay (e.g., 4-doses) to provide better data for low-dose toxicology evaluation and for risk assessment while retaining power for detecting a cancer response in rodents.
- Initiated a research program investigating the utility of *in vivo* rodent liver tumor models for evaluating initiation/promotion mechanisms of chemical carcinogenesis.
- Continued long-term studies assessing etiology of cancer in occupational environments and conducted animal bioassays on materials ranging from single chemicals to mixtures using routes by which humans are exposed in the workplace.
- Added evaluation of male and female reproductive dysfunction to the 90–120 day prechronic test phase.
- Continued development of short-term prescreens of chemicals for teratologic effects and fertility assessment.
- Continued a collaborative inter laboratory behavioral teratology initiative.
- Initiated development and evaluation of a new model for percutaneous absorption of chemicals.
- Characterized an animal model (monkey) of human occupationally induced asthma.
- Evaluated pulmonary function indices as being more sensitive to low level chemically-induced lung damage than more traditional morphologic assessments.
- Implemented an immunotoxicology assay panel in prechronic testing phase for selected chemicals.
- Proceeded with implementation of the interagency toxicology data management system (TDMS) at bioassay contractor laboratories.

The NTP's completed, ongoing and planned activities in toxicology research, testing, test methods development and validation efforts, as well as other key program activities, are described in capsule form in the following pages, and in more detail in the main body of the *Annual Plan.*

Cellular and Genetic Toxicology (See pages 32 to 100)

During FY 1982, tests were completed on 288 chemicals in the initial testing phase for chemical mutagens, the *in vitro* microbial assay in *Salmonella typhimurium.* Testing was completed for heritable genetic effects on 48 chemicals in *Drosophila melanogaster* (fruit files) and for cytogenetic effects on 66 chemicals in the *in vitro* mammalian cell culture system (Chinese hamster ovary cells). In FY 1983, testing in *Salmonella* will continue with completion of about 300 chemical tests, with 75 tests completed in *Drosophila* and 100 tests completed in the mammalian cell culture system.

Cellular and genetic toxicology continues to be the largest single area of test methods development and validation in the Program with emphasis being placed on both *in vitro* and *in vivo* systems for measuring somatic mutations, chromosome aberrations, aneuploidy, heritible mutations, cellular transformation, and DNA damage and repair. Among new initiatives are measures for monitoring mutational events in human lymphocytes and urine.

Carcinogenesis Testing (See pages 101 to 136)

During FY 1982, 21 two-year bioassays were completed and the reports containing the data and conclusions were approved by the external peer review panel associated with the NTP Board of Scientific Counselors. In FY 1983, the NTP expects to complete 26 bioassays through peer review, and initiate 16 new starts in the prechronic phase of the bioassay, all with the incorporation of special studies for providing more comprehensive assessment of chemical toxicity.

A major addition to the prechronic phase of the toxicology and carcinogenesis bioassay process was inclusion of a group of five *in vitro* short-term cellular and genetic toxicology assays for measuring gene mutations (bacterial and mammalian cells), chromosome damage, mammalian cell transformation, and DNA damage/repair. A three-year program was initiated to evaluate and clarify the nature of biological responses associated with the two-year bioassay, especially initiation/promotion mechanisms, using selected *in vivo* rodent tumor models. Initiated or continued were a number of new or ongoing long-term carcinogenesis studies concerned with chemicals or mixtures of chemicals which humans may encounter in the workplace.

Toxicologic Characterization (See pages 137 to 141)

The 14-day and 90–120 day experiments with chemicals selected for carcinogenic evaluation provide a comprehensive approach to assessing chemical toxicity which includes genetic toxicity, chemical disposition, effects on reproduction and fertility, and other major organ toxicity. Test efforts are being focused on characterizing toxic properties associated with chemical class rather than chemical-by-chemical assessment. For example, studies are being initiated with selected ortho phthalic acid esters including evaluation of genetic toxicity, reproductive toxicity, dermal absorption, and carcinogenic potential and mechanisms of several esters. Chemical disposition studies are being done on all chemicals selected for long-term bioassays.

Benzidine-Dye Initiative (See pages 142 to 147)

Chemical disposition studies at the National Institute of Environmental Health Sciences (NIEHS), the National Center for Toxicological Research (NCTR), and the National Institute for Occupational Safety and Health (NIOSH) on the benzidine congeners and selected derivatives were largely completed in FY 1982. Since metabolic activation of benzidine and congener derivatives is a prerequisite for production of genetic toxicity, priority was given to developing a protocol for anaerobic metabolism of the derivatives. Short-term *in vivo* toxicity and carcinogenesis studies were initiated. In FY 1983, long term bioassays will begin on the dimethyl- and dimethoxy-benzidine congeners and a derivative of each.

Chemical Pathology (See pages 163 to 177)

The chemical pathology program has increased efforts in the areas of toxicologic and experimental pathology while continuing the major function of detecting and characterizing specific lesions in prechronic and chronic bioassay studies. Modifications in pathology requirements for the bioassay were proposed and revised after peer review and agency and public comment, and are being implemented to orient towards select organs and tissues examined histopathologically at 24 months while retaining the detection potential for neoplasia and increasing the ability to measure non-tumor pathology through use of an interim kill and histopathologic examination after 15 months.

Immunological Toxicology (See pages 182 to 185)

In FY 1982, the comprehensive panel of immunology and host resistance assays was implemented in the prechronic testing phase of the bioassay. A select number of chemicals were examined indepth for effects on the immune system. There will be continuing investigations in FY 1983 aimed at better correlating changes in immune function with altered host resistance, and at development of virus challenge models.

Neurobehavioral Toxicology (See pages 186 to 188)

In-depth neurological studies continued in developing and mature animals to elucidate the effects of chlordecone and 2,4-dichlorophenoxyacetic acid (2,4-D). Studies have been initiated to assess neurotoxicity in animals using naturally occurring home cage

behaviors, such as spontaneous motor activity and eating-related behaviors. Methods development/evaluation of human neurotoxicity tests to be used at the worksite are continuing as well as validation of reflex activity tests in animal and human laboratory studies.

Pulmonary Toxicology (See pages 192 to 195)

A panel of pulmonary function tests was determined to be more sensitive for the detection of lung damage from low levels of specific inhaled pollutants than traditional histopathologic techniques. A model of human occupational asthma developed in the monkey was further characterized, and screening of organic allergens using this non-human primate model will be initiated in FY 1983.

Reproductive and Developmental Toxicology (See pages 198 to 210)

Primary emphasis continued on (1) developing short-term tests in both reproductive toxicology and teratology, including both *in vivo* and *in vitro* teratologic test systems and a continuous breeding assay for fertility assessment, and on (2) using existing methodology to evaluate toxicity. In FY 1982, "conventional" teratology testing was completed on eight chemicals and was in progress on nine others. An interlaboratory behavioral teratology project using known behavioral teratogens continued. A class study remains in progress on the reproductive and developmental toxicology of the glycol ethers.

Resources and Planning Assumptions (See pages 12 to 16)

The President's budget for FY 1983 provides a funding level of $71.4 million. Increasing emphasis on short-term test methods development and validation coupled with a decreased emphasis on standard testing, particularly in the two-year bioassay, will continue. Major portions of these resources must still be placed on chemical testing because of the relatively high costs of the bioassay and because tests started two to three years ago are entering the pathology, data evaluation, report preparation, and peer review phases.

Oversight and Review (See pages 17 to 22)

The Executive Committee provides primary oversight and coordination for the Program, while the Board of Scientific Counselors provides scientific review and evaluation. During the year, the Board reviewed programs in inhalation toxicology and neurobehavioral toxicology, examined proposed modifications in the experimental design and pathology requirements for the two-year bioassay, and provided peer review and priority ranking of 57 chemicals nominated for testing. The Board on two occasions provided special peer review of chronic bioassays for the Food and Drug Administration. A Subcommittee aided by an *ad hoc* panel of experts peer reviewed in public session 21 toxicology and carcinogenesis bioassay reports.

Organization (See pages 25 to 27)

The toxicology Research and Testing Program (TRTP) NIEHS, was established in FY 1981 to integrate the Carcinogenesis Bioassay Program, transferred from the National Cancer Institute (NCI), and the NIEHS toxicology testing and methods development activities. Representing most of the National Institutes of Health (NIH) component of the NTP, the TRTP is composed of six branches: Cellular and Genetic Toxicology, Chemical Pathology, Systemic Toxicology, Carcinogenesis and Toxicology Evaluation, Program Resources, and Program Operations.

Data Management and Analysis (See pages 258 to 264)

Implementation of the Toxicology Data Management System (TDMS) began in FY 1982 with specially designed microprocessors being delivered and put in use for support of bioassay experiments at five contract laboratories. A chemical management and tracking system is being implemented. Possible statistical modifications of the basic experimental design of the two-year carcinogenesis bioassay were peer reviewed and are being revised. These modifications are aimed at improving the information obtained for low dose extrapolation while retaining the detection power of the bioassay.

Chemical Nomination and Chemical Selection (See pages 213 to 238)

During FY 1982, 28 chemicals were nominated for toxicological testing by the NTP, while 151 chemicals representing 10 chemical classes and one use class were nominated for mutagenicity testing. The Board of Scientific Counselors reviewed and made testing recommendations on 57 chemicals. The Executive Committee selected 26 chemicals as the NTP FY 1982 priority chemicals for in-depth toxicologic evaluation, and selected 24 chemicals for the FY 1983 priority list.

Information Generation and Dissemination (See pages 270 to 275)

An NTP/EPA interagency effort was initiated to establish a worldwide clearinghouse on phthalate research activities. A data form was sent to persons involved in phthalate testing or research. Also, information was sought from readers of the NTP Technical Bulletin.

Annual Report on Carcinogens (See pages 276 to 277)

The Third Annual Report on Carcinogens will be published in the first half of FY 1983.

Introduction

The National Toxicology Program (NTP) will begin its fifth year of operation in FY 1983. The NTP was established in November 1978 as a Department of Health and Human Services (DHHS, formerly Department of Health, Education and Welfare) cooperative effort to coordinate and provide information about potentially toxic chemicals to regulatory and research agencies and to strengthen the science base in toxicology. Because the Public Health Service of DHHS is responsible for safeguarding the public's health, and prevention of human exposure to toxic substances is integral to disease prevention, the establishment of the NTP was a logical outgrowth from the need for better coordination and program integration of the DHHS toxicology research and testing activities. Thus, the NTP was envisioned as a means of bringing together the Department's major toxicological research and testing activities—most of which had been developed to support different organizational missions—to mount a coordinated attack on the problems associated with toxic chemicals.

The NTP has realized already some of its potential by generating and disseminating scientific information needed for protecting the population from chemical health hazards. The NTP represents a major Federal resource for chemical testing, and represents a principal Federal effort in evaluating current methods and developing better methodology for assessing toxic potential of chemicals. There are also significant toxicology research, testing and test methods development activities ongoing in other Federal agencies. Current information on many of these efforts may be found in the NTP's FY 1983 *Review of Current DHHS, DOE and EPA Research Related to Toxicology*. The Program is a scientific data resource in genetic toxicity and animal carcinogenicity. Perhaps, most importantly, the NTP has developed an open and objective testing process which is beneficial and useful to other Government agencies, industry, the scientific community and the public.

Two recent organizational changes should increase Program stability and —effectiveness. The Program, on an experimental status since inception, was granted permanent status by DHHS Secretary Richard S. Schweiker in October 1981. This action will enable better integrated long-range planning. Second, the transfer of the NCI carcinogenesis bioassay program, including personnel and resources, to the NIEHS was approved by the Secretary in July 1981. This has enhanced the overall integration, coordination, and management of the NIH component of the NTP.

The NTP consists of the relevant toxicology activities of the National Institutes of Health's National Cancer Institute (NIH/NCI) and National Institute of Environmental Health Sciences (NIH/NIEHS); the Food and Drug Administration's National Center for Toxicological Research (FDA/NCTR); and the Centers for Disease Control's National Institute for Occupational Safety and Health (CDC/NIOSH). Resources for the program originate from the budgets of these agencies. The NTP activities to which these agencies allocate their resources are planned and accomplished as a coordinated effort under the leadership of the Program Director, Dr. David P. Rall, who also is Director of the NIEHS. For purposes of the NTP, he reports to Dr. Edward N. Brandt, Jr., Assistant Secretary for Health, DHHS.

Objectives of the Program—Within the framework of its charge to identify those chemicals potentially toxic to humans, the broad goal of the NTP is to coordinate and strengthen the activities of the Department of Health and Human Services in testing chemicals of public health concern, as well as to develop and validate new and better integrated test methods. Four specific goals are identified:

—Expand the spectrum of toxicologic information obtained on the chemicals nominated, selected, and being tested.
—Increase the numbers of chemicals tested in various short-term assays, within the funding limits.
—Develop, coordinate, and validate a series of tests and protocols more appropriate for regulatory needs.
—Communicate Program plans and results to governmental agencies, the medical and scientific communities, and the public.

During the first four years, the NTP has made considerable progress towards these objectives and related goals. Some of the more significant recent accomplishments are described briefly as follows:

• Although the Program allocates a majority of resources to chemical testing, more priority emphasis is given to development and implementation of new initiatives in areas of toxicology methods development.

• The Program is systematically reviewing and restructuring the sequence and approach to toxicity assessment of chemicals, and implementing major changes in the approach to testing for chemical carcinogenicity by utilizing chemical disposition, genetic toxicity, reproduction and fertility assessment, and major organ toxicity data and modifying the approach to histopathological evaluation of tissues.

• Test efforts are oriented more toward characterizing toxic properties associated with classes of chemicals rather than chemical-by-chemical assessment.

Among proposed and/or near-term research objectives are the following:

• Current methods for assessing carcinogenic potential of chemicals basically provide qualitative information. Better methods are needed to permit a general understanding of the major processes associated with carcinogenic responses and enable quantitative estimates of risk. Approximately three dozen chemicals have strong epidemiologic evidence for carcinogenicity in humans. All chemicals shown to cause cancer in humans also induce cancer in laboratory animals. The NTP proposes an initiative to characterize in animals the specific biological effects of these human carcinogens using current toxicology test methodologies. These data should provide insight on the utility of various methods for detecting or predicting carcinogenic risk. Of long-term value the results would serve as a reference data base to compare the utility of emerging test methods and to design future systems.

• A number of short-term *in vivo* research models which are organ specific have been developed which should help distinguish whether a chemically-induced carcinogenic response is through an initiation or promotion mechanism. A research program was initiated late in FY 1982 to investigate rodent liver tumor models. Investigation of these models will be expanded to include bladder tumor responses.

• With regard to applicability of NIP research results for extrapolation, there will be an intensification of efforts to validate emerging test methodologies with respect to comparability of interlaboratory results and extrapolation to humans.

• Efforts to identify the major processes involved in chemically-induced toxic effects will allow more broadened toxicologic profiles for chemicals. A current example is the FY 1982 initiative to better define the factors involved in rodent liver non-neoplastic and tumor responses which are observed in a majority of positive bioassays.

• Similarly, increased emphases are placed on chemical disposition, effects on reproduction and fertility, neurobehavioral toxicity, and other types of major organ toxicity. For example, evidence is accruing that animal and human male fertility may be a target site for certain chemicals (chlordecone, 1, 2-dibromo-3-chloropropane, 2,5-hexanedione). Current test methods will be refined to determine if the toxic action is mediated through pituitary function, testicular endocrine function, or direct effects on spermatogonia.

• Several methods have been developed to assess heritable genetic damage. Each method has limitations in that the assay detects for effects on only 10 to 18 gene loci. It is proposed to investigate the feasibility of using the same test animals to detect deleterious effects that may be under polygenic influences. Candidate indices for assessment include general tumor response, life span, fertility, and immune system profiles.

• The NTP will continue to expand and improve effects in: (1) Scientific coordination and (2) communication of the results of the Program's research, test methods development and validation, and testing. With respect to scientific coordination, NTP continues to seek additional input from the scientific community, industry, and the public into NTP research and testing activities. For instance, public briefings on chemicals and chemical classes of public health concern will continue. This has been done successfully by bringing together research and regulatory agencies with industry and the public to discuss benzidine-based dyes and phthalate esters.

With respect to enhanced communication, the NTP aims to increase and accelerate public dissemination of research and testing results. For instance, comprehensive technical reports are published, and abbreviated articles on the results (including toxicologic characterization and special studies from the prechronic phases of the long-term bioassay process) are published in recognized archival journals. This permits not only wider availability but also submits the data and interpretations to the most accepted and rigorous peer review system. Further, the NTP Technical Bulletin, published quarterly, will continue to serve as a means to alert the public and scientific community to upcoming NTP meetings and publications as well as to solicit comments on nominated chemicals and research proposals. Additionally, meeting announcements and solicitations for comments will be published in the **Federal Register**.

The Annual Plan separates annual report information (FY 1982) from planned activities (FY 1983 and beyond). In last year's Plan, programs and projects were associated with a contact person. This will be continued, and to further identify the agency responsible for a project or activity, the accomplishments and plans will be described separately by agency under each scientific and management section where appropriate.

The following chapters discuss Program resources, oversight and review, coordination and communication, organization structure, and describe in detail the NTP's ongoing and planned efforts in toxicology research, testing, and test methods development and validation as well as other key program activities such as chemical nomination and selection, information generation and dissemination, and data management and analysis.

Resources and Planning Assumptions

The NTP relies on voluntary allocations from the member DHHS agencies. The resources allocated to the NTP are specified in memoranda of understanding, prepared after each agency receives their funding through the Congressional appropriations process. In July 1981, DHHS Secretary Richard Schweiker transferred the carcinogenesis bioassay program from the NCI to the NIEHS; this action strengthened overall integration, coordination, and management of the NIH component of the NTP, and gave the NTP Director and central staff direct responsibility for about 85 percent of the Program's resources.

The NTP's FY 1982 obligations were $72.9 million. Using the member agencies' current NTP allocations, the President's budget for FY 1983 would provide for a funding level of $71.4 million. The estimated budget for FY 1983, compared with the actual obligations for FYs 1979, 1980, 1981, and 1982, is shown in Figure 1.

Over the first four years of the Program an increasing emphasis has been centered on short-term test methods development and validation coupled with a decreasing emphasis on standard testing, particularly in the long-term bioassay. A second major shift in program emphasis has been to broaden the experimental design protocols through inclusion of various additional toxicology studies for the prechronic phases of the long-term animal bioassay, thereby establishing the prechronic-chronic interface as a major decision point on whether or not to do a long-term bioassay. This has served two purposes: set priorities of the fewer numbers of compounds committed to chronic tests and provide more information on toxic endpoints other than cancer. Modifications to the two-year bioassay were studied and proposed in FY 1982 which would: (1) Enhance the information generated for possible use in risk estimation while retaining the detection power of the bioassay and (2) redefine significantly the list of organs and tissues undergoing histopathology while retaining detection power for cancer and enhancing the ability of the bioassay to detect non-tumor pathologic effects through addition of an interim sacrifice.

Although the Program's emphasis is changing, major resources are still focused on chemical testing, primarily reflecting the relatively high costs of the two-year animal bioassay. However, dollar allocations for testing have increased only slightly from FY

1981 to 1983 (Figure 2). Figure 3 divides the funding levels in FY 1982 for testing, methods development, and test validation for the four major program areas. The continuing large numbers of dollars for testing reflect, in large part, the costs for long-term bioassays initiated prior to NTP involvement. Starting in FY 1982, this investment is gradually scaling down with fewer bioassay starts and more funds being devoted to development of tests as alternatives to the bioassay.

Thus, in the coming years, the NTP will devote more resources and attention to the critical task of test methods development and validation. Emphasis will be placed on: (1) Completing validation of test methods now under development; (2) identifying and defining underdeveloped areas in toxicology, and beginning to develop, within resource limitations, research and test methods in newly identified areas; (3) developing the research tools and knowledge needed to study the problem of chemical mixtures, their interactions, and their toxic effects; (4) developing methodologies to permit low-dose extrapolation from test species to other species, including humans; and (5) continuing incorporation of improvements, in the prechronic and chronic testing phases of the bioassay.

Oversight and Review

Because of the interdisciplinary scientific tasks assigned to the NTP, and the need to integrate the programmatic activities of a variety of agencies, the NTP established two complementary oversight and review groups. The Executive committee and the Board of Scientific Counselors have helped ensure integration of NTP efforts and coordination of activities among the health research and health regulatory agencies, as well as with industry. Through these mechanisms, the NTP is assured that:

- Program planning and balance are designed with input from the health research and health regulatory agencies, as well as from the public, industry, and other non-government groups;
- Testing and test methods development and validation activities are responsive to the needs of the other agencies, are coordinated with those activities undertaken by other agencies and industry, and are complementary to efforts undertaken elsewhere;
- Research and testing efforts receive extensive peer review for scientific adequacy, merit, and relevance;
- Applied research needs are identified and can be targeted;
- Chemicals selected for testing are evaluated thoroughly; and
- Planning and decision-making processes are open, with opportunity provided for public input and comment.

The agencies, other than the NTP members, associated with the Program through the Executive committee also contribute and profit from these NTP oversight and review mechanisms. These agencies are assured of:

- Participation in the nomination, evaluation, and selection of chemicals for testing;
- Involvement in developing test protocols pertinent to their research and regulatory needs;
- Input into science policy issues that impact on their programs and activities;
- A role in overseeing test progress and participating in appropriate and necessary modifications;
- Early access to test results to aid in health and regulatory policy analysis;
- Timely information exchange, not only with the other research and regulatory agencies, but with industry as well; and
- A primary source within Government to serve as the repository for information on testing and test methods development and validation, as well as a source for consultation on issues related to chemical toxicology.

NTP Executive Committee provides primary oversight for the National Toxicology Program. The Executive Committee, composed of the heads of the research and regulatory agencies, serves as NTP's major advisory group and meets about four times a year. The Committee advises the NTP Director on research and testing needs and on selecting and setting priorities for the specific chemicals to be tested. This interagency group also serves as a forum for discussion of science policy issues and provides for timely information exchange among the various agencies as well as with industry and other interested groups. One of the key tasks for the Executive Committee is review and approval of the NTP Annual Plan.

Current members of the Executive Committee are:

Mr. Thorne G. Auchter, Assistant Secretary of Labor for Occupational Safety and Health Administration, Department of Labor
Dr. Edward N. Brandt, Jr., Assistant Secretary for Health, Department of Health and Human Services (non-voting)
Dr. Vincent T. DeVita, Jr., Director, National Cancer Institute
Mrs. Anne Gorsuch, Administrator, Environmental Protection Agency
Dr. Arthur H. Hayes, Jr., Commissioner, Food and Drug Administration (Chairperson)
Dr. James B. Wyngaarden, Director, National Institutes of Health
Dr. J. Donald Millar, Director, National Institute for Occupational Safety and Health
Dr. David P. Rall, Director, National Institute of Environmental Health Sciences
Mrs. Nancy Steorts, Chairman, Consumer Product Safety Commission

The Chairperson is elected by the Committee and serves a one-year term.

Through this interactive and cooperative mechanism, the NTP is assured of a continuing interface with the health research and health regulatory agencies and of receiving input into critical phases of NTP operation, including oversight of program planning and balance.

Board of Scientific Counselors provides scientific oversight. The Board, composed of eight non-governmental scientists appointed by the Secretary of DHHS, reviews the Program for scientific adequacy and merit and helps identify program needs. The Board meets an average of three times a year in sessions open to the public. Additionally, scientists with expertise in particular scientific areas are invited on an *ad hoc* basis to assist and supplement the Board for review of specialized segments of the Program.

Current members of the Board are:

Leila Diamond, Ph. D., Professor, Wistar Institute
Curtis Harper, Ph. D., Associate Professor of Pharmacology, University of North Carolina School of Medicine
Margaret Hitchcock, Ph. D., Assistant Professor of Pharmacology, Yale University Medical School
Jerry B. Hook, Ph. D., Professor and Director, Center for Environmental Toxicology, Michigan State University
Marjorie G. Horning, Ph. D., Professor of Biochemistry, Baylor University College of Medicine
Norton Nelson, Ph. D., Professor of Environmental Medicine, New York University School of Medicine (Chairperson)
James A. Swenberg, D.V.M., Ph. D., Chief, Pathology Department, Chemical Industry Institute of Toxicology
Alice S. Whittemore, Ph. D., Adjunct Professor of Family, Community and Preventive Medicine, Stanford University

The Board of Scientific Counselors held three open meetings during FY 1982. These meetings are summarized as follows:

October 22–23, 1981 Meeting, Cincinnati, Ohio (NIOSH)

The major agenda items included peer review of NTP programs at NIOSH and NIEHS in inhalation toxicology and neurobehavioral toxicology. The Board reviewed and approved concepts for one new initiative and two continuing actitivies in cellular and genetic toxicology. The Board reviewed 26 chemicals which had been nominated for testing and previously evaluated by the NTP interagency Chemical Evaluation Committee; their recommendations and priority rankings were incorporated into the literature summaries sent to the Executive Committee.

March 10–12, 1982 Meeting, Research Triangle Park, NC (NIEHS)

The Board, augmented by an *ad hoc* international group of scientists expert in chemical carcinogensis, mutagenesis, pathology, and biostatistics, met to review NIH/NTP proposed modifications in the experimental design and pathology requirements of the two-year carcinogensis and toxicology bioassay, and the proposed development and utilization of *in vivo* rodent liver tumor models. There was extensive discussion on these issues and the Board endorsed these new directions. Concept approval was given for research and development of the *in vivo* rodent tumor models, as well as for renewal and inclusion of inhalation exposure capabilities in contract activities of the NIH/NTP chemical disposition program.

September 23–24, 1982 Meeting, Research Triangle Park, NC (NIEHS)

An overview was given, as orientation for the three new Board members of the history, organizational structure and objectives of the

NTP as well as information on current activities in chemical testing, methods development and validation. A status report was presented on revisions made in the modified pathology protocol which had been originally reviewed at the March 1982 Board meeting. In part, revisions reflected responses to comments and suggestions from other Federal agencies, academia and industry. There was a discussion of problems encountered when trying to utilize a NCI/NTP historical control data base in analyzing the results of NTP bioassays, and of efforts being made to resolve these problems. A working paper was presented and discussed which dealt with guidelines for combining benign and malignant neoplasms as an aid in determining evidence of carcinogenicity. Seven contract or interagency agreement initiatives dealing with new or continuing cellular and genetic toxicology testing and methods development/validation activities were reviewed for concept by the Board; six were approved. One reproductive and development toxicology initiative was reviewed for concept and approved. The Board reviewed 31 chemicals which had been nominated for testing and previously evaluated by the NTP Chemical Evaluation Committee, and their recommendations and priority rankings were incorporated into the literature summaries sent to the Executive Committee.

Special Reviews for the Bureau of Foods, FDA

The Board met on March 9, 1982 in Washington, DC, at the request of the Bureau of Foods, Food and Drug Administration (FDA), to review the data from the chronic carcinogenesis bioassay of D&C Green No. 5. The Board met again on August 11, 1982 in Washington, DC, to review the data from the chronic carcinogenesis bioassay of FD&C Blue No. 2. These bioassays were submitted to the FDA to support permanent listing of the dyes. The Board was augmented by expert consultants in pathology and biostatistics for each review.

Summary minutes of the three regular and two special Board meetings held in FY 1982 are available on request. (CONTACT PERSON: Dr. L. G. Hart)

Peer Review: Peer review of NTP projects is a multi-level process involving review of project concepts, project proposals, and completed technical bioassay reports. Internally, the NIP Steering Committee (see Organization section) performs an initial review of the NIH/NTP research and testing proposals to determine if these should be developed further. The Board of Scientific Counselors performs external concept peer review for the Program; and reviews all NTP proposals to determine their relevance, need, and priority.

Once grant applications or contract proposals for projects are submitted to the NIH/NTP, they are evaluated for scientific merit by the Environmental Health Sciences Review Committee (ESRC). The ESRC, which was established as part of the NIH-wide peer review process, is composed of 21 members with expertise in pharmacology, toxicology, pathology, biochemistry, mutagenesis, and clinical disciplines.

When projects are completed and technical bioassay reports on the results are prepared, the Technical Rports Review Subcommittee of the Board of Scientific Counselors, supplemented by an *ad hoc* panel of expert reviewers, evaluates the reports for technical and scientific merit. Through this extensive and public review, the NTP is better assured that its program efforts are of acceptable quality and relevance. During FY 1982, the Subcommittee and panel met in open session in December, June, and September. Peer review was completed on 21 carcinogenesis bioassay reports. (See Table 10 in the Carcinogenesis Testing section). Summary minutes of the report reviews are available. (CONTACT PERSON: Dr. L. G. Hart).

The members of the Subcommittee and panel of experts during FY 1982 were as follows:

Technical Reports Review Subcommittee Members

- Dr. Margaret Hitchcock (Chairperson).
- Dr. Curtis Harper.
- Dr. James Swenberg.
- Dr. Alice Whittemore.

Ad Hoc Review Panel Members

- Dr. Norman Breslow, Professor of Biostatistics, Department of Biostatistics, University of Washington.
- Dr. Robert M. Elashoff, Jonsson Comprehensive Cancer Center, University of California at Los Angeles.
- Dr. Joseph H. Highland, School of Engineering and Applied Sciences, Princeton University.
- Dr. J. Michael Holland, Department of Biology, Oak Ridge National Laboratory.
- Dr. Frank Mirer, Assistant Director, Social Security Department, International Union, United Auto Workers.
- Dr. Robert A. Scala, Exxon Corporation.
- Dr. Bernard A. Schwetz, Director, Toxicology Research Laboratory, Dow Chemical Company.
- Dr. Stan D. Vesselinovitch, Professor, Department of Radiology and Pathology, University of Chicago.
- Dr. Mary Vore, Assistant Professor, Pharmacology Department, University of Kentucky, College of Medicine.

Operations Management System—The Secretary, DHHS, established this management tracking system in FY 1980 for the purpose of overseeing specific, major operational achievements. The Operations Management System (OMS) monitors progress and effectiveness of selected program initiatives by measuring actual monthly and quarterly achievements against projected goals set at the beginning of the fiscal year. The carcinogenesis bioassay and mutagenesis testing programs of the NTP, as well as the development of the Annual Report on Carcinogens, continued to be monitored in FY 1982.

In FY 1982, the NTP divided its current OMS carcinogenesis testing initiative into two distinct categories: general toxicologic characterization and two-year bioassays; these more accurately reflect current testing.

Coordination and Communication

Communication of Program activities and results of chemical testing and test development efforts, and coordination of related scientific programs among agencies represent two key elements essential to Program success.

NTP Annual Plan—Central to both elements is the development and approval of the *Annual Plan* to which the DHHS member agencies (NIH, NCTR, and NIOSH) contribute. The *Annual Plan* is the principal instrument for describing the coordination of toxicology research, test development, and chemical testing among the relevant health research and regulatory agencies. This annual document represents NTP's strategy for testing, test methods development and validation, and contains an annual report detailing the NTP's accomplishments in the preceding year. The *Annual Plan* is distributed widely and is also published in the Federal Register. Part II of the *Annual Plan* is printed separately and reviews current DHHS, Environmental Protection Agency (EPA), and Department of Energy (DOE) research related to toxicology, including methods development and chemical testing. To foster greater awareness regarding toxicology research of the Government, chemical toxicology activities in other Federal agencies may be included in future volumes. The *NTP Technical Bulletin*, published four times a year, serves as the major medium for more frequent communication of NTP's past, current, and upcoming activities, including abbreviated experimental results.

Open Meetings—The NTP Open Meetings are one of the ways NTP gives the public the opportunity to provide comment on and receive information about the Program. Specifically, the Open Meeting: (1) Gives the NTP staff a public forum to provide information on current and planned research, test development, and testing activities, (2) allows public comment on these activities and on the *Annual Plan*, and (3) encourages nominations of chemicals for testing. Past meetings have been held in Washington, DC, and most recently in San Diego, in conjunction with the Annual Meeting of the Society of Toxicology. Other sites are being considered for future meetings.

Interagency Coordination—The NTP is an active center for information and scientific collaboration for those individuals or groups concerned with current and common problems of chemical toxicology. As examples, two efforts begun in fiscal year 1981 dealing with chemical classes continue and are illustrative of the role that NTP performs in interagency coordination.

- The Benzidine Dye Initiative was developed to study the metabolism, toxicology, and carcinogenicity of a class of dyes derived from benzidine, 3,3'-dimethylbenzidine (DMB), and 3,3'-dimethylbenzidine (DMOB). The objectives and approaches were formulated by scientists from EPA, CPSC, OSHA, NIH/NTP, NCTR, and NIOSH in response to the needs of the regulatory agencies. The research *per se* is a collaborative effort between NIH/NTP, NCTR, and NIOSH. Through the judicious selection of chemicals for testing a set of basic principles is being established which can be applied to the entire class of

benzidine-based dyes, serve as a model for future chemical class studies, and provide scientific information required for making regulatory decisions. The activities cover three main areas of research and testing: (1) Chemical disposition and metabolism, (2) genetic toxicology, and (3) *in vivo* toxicology and carcinogenicity testing. The fiscal year 1982 accomplishments and future plans are described in the section on the Benzidine Dye Initiative. (CONTACT PERSON: Dr. J. Mennear, NIEHS)

• A key recommendation made at the June 1981 Conference on Phthalates held in Washington, DC, co-sponsored by the Interagency Regulatory Liaison Group (IRLG) and the NTP, was that the NTP should create a clearinghouse of toxicological data on this class of compounds. NTP consulted with scientists from Federal health regulatory and research agencies as well as from the Chemical Manufacturers Association, all of whom supported the clearinghouse and contributed to its development. The Environmental Protection Agency (EPA) was particularly committed to this project because of its involvement in the testing of alkyl phthalates under the Toxic Substances Control Act and together with the NTP sponsored the formation of the Clearinghouse in fiscal year 1982. Persons or organizations planning, conducting, or having completed research on the toxicological effects of these compounds are requested to contact Ms. Joan Chase, NTP/EPA Clearinghouse on Phthalates, Room 3A–06, Landow Building, National Institutes of Health, Bethesda, MD 20205, 301–496–1152, FTS 8–496–1152. In addition, a research program on phthalates was initiated by the NTP aimed at providing information complementary to that from previous NTP studies and efforts completed or ongoing by other groups. These studies are described in more detail in the section on Ortho Phthalic Acid Esters-Safety Evaluation. (CONTACT PERSON: Dr. W. Kluwe, NIEHS)

Interagency and International Liaison—The NTP continues liaison with foreign agency counterparts including the World Health Organization's (WHO's) International Program on Chemical Safety, the International Agency for Research on Cancer, the United Nations Environment Program's (UNEP's) International Registry of Potentially Toxic Chemicals, the International Commission for Protection Against Environmental Mutagens and Carcinogens (ICPEMC), and the National Institute of Hygienic Sciences (Japan).

During fiscal year 1982, as part of the Public Health Service's assistance to the Spanish government for investigating the toxic oil-associated epidemic, the NTP was assigned lead responsibility for providing laboratory testing and consultation with respect to animal toxicological studies of the disease. This work would be conducted in part through existing collaboration with the WHO, and working in cooperation with laboratories of CDC, FDA, and NIH. Additionally, NTP staff persons have served previously in a consultative role after public health disasters involving toxic chemicals, e.g., the dioxin episode in Seveso, Italy, and the polybrominated biphenyl (PBB) disaster in Michigan.

NTP staff continue to participate in interagency liaison groups, including the DHHS Committee to Coordinate Environmental and Related Programs, the Task Force on Environmental Cancer and Heart and Lung Disease, and the Interagency Collaborative Group on Carcinogenesis.

Organization

The NTP is a consortium of independent agencies within the Public Health Service which are linked by common goals: to strengthen the science base in chemical toxicology, develop and validate new or improved toxicological test methods, and evaluate substances or classes of substances that might pose threats to the public health, while eliminating or at least minimizing duplication of effort.

Currently, there are three organizational components of the Program. The National Institutes of Health component in NIEHS represents the majority of the NTP budget, and is under direct administrative and management control by the Director, Deputy Director and central NTP staff located within the NIEHS. The Centers for Disease Control (NIOSH) and Food and Drug Administration (NCTR) components are not under direct NTP management; however, each continues to cooperate and participate fully in overall NTP activities. The NTP Steering Committee, formed in 1980, has strengthened coordination and promoted interagency working relationships within the Program. Composed of the NTP Director and the operating heads of the contributing agencies, along with key support staff, the Committee meets approximately quarterly. The group plans agendas for upcoming NTP meetings, reviews ongoing programs and projects as well as proposed programs, resolves interagency problems, and makes agency allocations for chemicals approved for testing by the Executive Committee. Within the agencies, individual NTP staff members are identified as leaders of the major scientific and program support segments, and serve as the focus for their particular program activities.

The program segments of the NTP can be grouped broadly into two categories—toxicologic research and testing, and coordinative management activities. These activities are described briefly by agency as follows:

NIEHS—The Toxicology Research and Testing Program (TRIP) combines under NIEHS management the chemical toxicity testing efforts transferred from the NCI with the NIEHS testing, test development, and management activities. The TRIP, headed by the NTP Deputy Director, Dr. J. A. Moore, is responsible for all NIH/NTP operations and is composed of six branches:

Cellular and Genetic Toxicology Branch

—Develops and validates a variety of *in vivo* and *in vitro* methods to detect and define effects of chemicals on genetic components.
—Investigates somatic as well as heritable gene damage.
—Studies effects of chemicals on experimental organisms (primarily) and on human populations.

Chemical Pathology Branch

—Provides pathology support to all segments of the Program, especially critical to carcinogenesis bioassays.
—Develops standards for tumor and non-tumor pathology diagnoses and nomenclature.
—Develops clinical chemistry parameters for assessing cellular and organ function.

Systemic Toxicology Branch

—Develops methods for assessing toxic effects involving immune, pulmonary, reproductive and renal function.
—Performs studies to develop basic knowledge of chemical absorption, distribution, metabolism, and excretion.

Carcinogenesis and Toxicology Evaluation Branch

—Principal group for designing, conducting and interpreting carcinogenesis and related studies on chemicals.
—Works closely with other programs to develop data that elucidates general mechanisms that may be involved in a toxic effect.

Program Operations Branch

—Provides logistical support for coordinating and scheduling the contract testing functions, and monitors quality assurance and good laboratory practices at the testing laboratories.

Program Resources Branch

—Serves as resource for chemical acquisition and storage, laboratory animals breeding and allocation, and general laboratory health and safety.

The Program Resources and Program Operations Branches along with information generation and dissemination activities (managed from the Office of the Director, TRIP) and data management and analysis functions (provided by the Data Management and Analysis group of the NIEHS Biometry and Risk Assessment Program) constitute a major segment of *coordinative management* activities which facilitate and support the research and testing efforts and provide information on program plans and progress.

The heads of the six branches along with a few other key staff persons form the TRIP Management Committee. The Committee, chaired by the Director, TRIP, was established to ensure coordination and communication among the NIH components. The committee, which meets at least monthly, is responsible for planning, review and implementation of NIH/NTP activities.

NIOSH—The Division of Biomedical and Behavioral Science has the lead responsibility for the NIOSH occupational toxicology program. The program consists of research concerned with the toxicity of chemicals found in the workplace with emphasis in the areas of carcinogenesis, reproduction and fertility, neurobehavioral effects, cutaneous toxicity, and organ specific effects. Emphasis is given to inhalation and dermal routes of exposure.

NCTR—The National Center for Toxicological Research contributes to the NTP effort, primarily in:

—Chemical Nomination and Selection
—Reproductive and Developmental Toxicity
—Cellular and Genetic Toxicology
—Chemical Disposition
—Chemical Evaluation
—Toxicology Data Management System

Two coordinative mamagement activities, in particular, involve all NTP member agencis: Chemical nomination and selection, and chemical and laboratory test management. The former involves evaluation and priority ranking of chemicals by staff from all the agencies on the Executive Committee and coordination by staff from NCTR and NIEHS. Staff members at each agency are assigned as chemical managers for individual compounds to serve as a focus for the scientific aspects of the studies on that chemical. Laboratory management is carried out by scientists serving as project officers to ensure that each toxicological study is conducted in a proper and timely fashion (see Chemical and Laboratory Test Management section).

Toxicology Research and Testing Overview

Toxicology research and testing activities within the NTP are divided into four major program areas: cellular and genetic toxicology (mutagenesis); carcinogenesis; toxicologic characterization; and fertility and reproduction (reproductive and developmental toxicology). Through coordination and integration of the activities of the member agencies (NIH, NCTR, NIOSH), the NTP develops the capabilities in toxicologic research and testing necessary not only to improve testing of chemicals by means of a comprehensive approach to evaluating chemical toxicity, but also to put greater emphasis on development and validation of new assay methods, as well as to provide better information for risk estimation. Through open and active communication with other Federal agencies and the private sector, the NTP is able to minimize duplication and avoid unnecessary testing.

The NTP has broadened and strengthened the toxicology and carcinogenesis bioassay especially in the prechronic phases to provide information about genetic toxicity, immunotoxicity, renal toxicity, neurobehavioral toxicity, reproductive toxicity and fertility assessment, clinical chemistry, and chemical disposition. The comprehensive toxicologic data obtained are then used to better design long-term studies or to make decisions that further studies may not be necessary. Presumptive information developed may also be used to design and conduct more indepth studies of a chemical's toxic effects on specific target organs or organ systems. This has resulted in major improvements in testing efforts, related mainly to the mandate to guarantee a more complete toxicologic dossier on chemicals selected for study. Further, the NTP is selectively focusing test efforts on characterizing toxic properties associated with chemical class, e.g., benzidine-based dyes, phthalate esters, glycol ethers, etc. The Program is systematically reviewing and restructuring where appropriate the sequence and approach to toxicity assessment of chemicals, and implementing needed changes in the approach to testing for chemical carcinogenicity. This is being accomplished by utilizing chemical disposition and genetic toxicity data and by modifying the approach to histopathological evaluation. These integrated and rational approaches to testing permit a more effective use of the Government's testing resources.

The NTP's major long-term objective remains the development, validation, and application of better, more specific test methodologies. Priority areas are determined by: (1) The identification of novel means by which chemicals may exert a toxic effect, (2) circumstances where current test methods are inadequate, and (3) innovative approaches to existing methods which would provide toxicologic results in a faster or more definitive manner. In FY 1982, the NTP continued development and validation of short-term prescreens for teratogenesis and assessment of effects on fertility and reproduction: initiated a three-year program to develop and validate *in vivo* rodent tumor models for carcinogenesis; initiated development and evaluation of new models for percutaneous absorption of chemicals: began using the immunotoxicology test panel to examine relationships between carcinogenicity and immunotoxicity with chemicals identified as human carcinogens; continued development and validation of tests for better assessment of neurotoxicity in humans; and continued validation of pulmonary function tests as sensitive measures of detecting and characterizing chemically-induced pulmonary toxicity. The largest single area of test methods development and validation continues to be cellular and genetic toxicoloy, where emphasis is being placed on both *in vitro* and *in vivo* test systems for measuring somatic mutations, chromosome aberrations, aneuploidy, heritable mutations, cellular transformations, and DNA damage and repair. New initiatives are evaluating and monitoring mutagenic activity in human lymphocytes and urine.

The major research and testing initiatives for FY 1982 and FY 1983 are briefly summarized below (more detailed descriptions of specific program activities are given in the following sections).

Cellular and Genetic Toxicology—Tests were completed in the *Salmonella typhimurium* assay system for 288 chemicals in FY 1982. Testing for heribtable genetic effects was completed on 48 chemicals in the *Drosophila melanogaster* system and testing for cytogenetic effects was completed on 66 chemicals in cultured mammalian cells (Chinese hamster ovary). Testing will continue yearly at levels of about 300 completions in *Salmonella* and up to 75 to 100 tests completed in *Drosophila* and up to 100 tests completed in cultured mammalian cell systems. At NIEHS, newly initiated and ongoing activities include development and evaluation of an *in vivo* mouse assay for chemically-induced cytogenetic damage; development and validation of a multiple endpoint mutation system in cultured mammalian cells; development of assays for induction of aneuploidy in *Drosophila* and in yeast; an *in vitro* assay in mammalian cells for induced DNA damage; and a dual laboratory evaluation of three mammalian cell transformation systems. The final phase of evaluation for another cell system for chemical transformation, Balb/c 3T3, is in progress.

Other developmental projects include an effort to develop a standardized protocol by which frequencies of chromosome aberrations and sister chromatid exchanges (SCE's) can accurately and reproducibly be measured in human lymphocytes. Efforts to measure germinal mutations in mice include studies with the morphological specific locus assay and the search for electrophoretic variant isozymes resulting from chemical exposure. A new project beginning in FY 1982 is aimed at organ specificity of chemicals. Research with *Salmonella* tester strains, yeast (*Saccharomyces*), and fruit flies (*Drosophila*) is aimed at improving their value as test systems and gaining better understanding of mutational processes including the relationship between DNA damage/repair and mutagenesis.

At NCTR, a standardized protocol for a sequential fertility test method of the heritable translocation assay with empirically determined mis-classification error has been successfully developed for use in evaluating NTP compounds. NCTR and NIEHS are collaborating on a project using the primary hepatocyte DNA repair system to detect potential genotoxicity of up to 24 chemicals. The NIOSH/NTP efforts are concerned with: (1) Monitoring airborne particles from coal liquefaction plants as well as complex mixtures and industrial chemicals found in various workplaces for mutagenic activity, and (2) developing and using suitable assay systems for measuring mutagenic effects in biological samples from workers such as lymphocytes and urine.

Carcinogenesis—The NIEHS/NTP continued to use broadened protocols epecially in prechronic testing to give information on toxicity other than cancer, to help in experimental design, and to assist in determining whether or not to do long-term testing. All chemicals started in prechronic testing during FY 1982 had one or more special studies incorporated in the protocols. During FY 1982, 21 bioassays were completed through peer review. There were 27 new starts in prechronic testing, and a total of 45 bioassays in prechronic and 172 in chronic testing at the end of FY 1982. There are 16 starts projected for the prechronic phase of the bioassay in FY 1983 and 26 bioassays are expected to be completed through peer review in FY 1983.

A major addition to the prechronic phase was inclusion of a group of five *in vitro* short-term cellular and genetic toxicology assays. These assays will measure gene mutations in bacterial and mammalian cells, chromosome damage, mammalian cell transformation, and DNA damage/repair.

Mathematical simulations were used to investigate modifications in bioassay design which might improve use of the bioassay for low-dose extrapolation while retaining power to detect cancer. Modifications were proposed in pathology requirements aimed at greater efficiency while retaining the detection potential for neoplasia and also

increasing the ability to measure non-tumor pathology through use of an interim kill at 15 months into the study. In FY 1983, NTP will complete, summarize, and evaluate the data from a two-laboratory validation of the pulmonary tumor assay in Strain A mice. Initiated in late FY 1982 was a three-year program to evaluate and clarify the nature of carcinogenic responses using selected *in vivo* rodent tumor models. The study will evaluate the ability of selected chemicals to act as initiators, promotors, or complete carcinogens.

The NIOH/NTP efforts included continuation of long-term studies emphasizing the etiology of cancer in occupational evnrionments. Bioassays with materials ranging from single chemicals to complex mixtures of substances collected at the workplace were also conducted. In addition, efforts are underway to develop efficient *in vitro* and *in vivo* methods for identifying cocarcinogens found at the workplace. At NCTR, a number of bioassays were either initiated or are ongoing. Microencapsulation was studied as a mode for dosing by the oral route with volatile or unstable chemicals.

Toxicologic Characterization—In the NIEHS program, major testing initiatives continue to be 14-day, and 90-120 day experiments with chemicals originally nominated and selected for evaluations of carcinogenic potential; during these phases broadened protocols give information on all types of toxicity as well as allow better experimental design of long-term studies. Measures of reproductive dysfunction in rodents were added to the 90-day study—testicular pathology, epididymal weights, sperm counts and morphology in males, and vaginal cytology in females. There has been an expansion of the chemical pathology program especially in the areas of toxicologic and experimental pathology. Chemical disposition studies are now being done on all chemicals selected for long-term bioassays; special projects include benzidine-based and other dyes, halogenated alkyl and aromatic compounds, aromatic amines, and cyclic and inorganic compounds. There is a continuing activity in development and validation of test methodologies for measuring toxic effects of chemicals on several target organ systems. The immunotoxicology assay panel was implemented in prechronic testing and a number of chemicals were examined indepth for effects on the immune system. Standardization and validation of a neurobehavioral test battery used in prechronic studies was completed. In FY 1983, automated procedures will be under development to assess neurotoxicity in animals using naturally occurring home cage behaviors.

Special studies to evaluate the toxicology of chemical classes were underway in FY 1982 and will be continued in FY 1983. For instance, selected members of the psoralen class are being examined with respect to mutagenicity, carcinogenicity, pharmacokinetics and metabolism, and effects on skin enzyme levels in rodents. Studies are being initiated with selected ortho phthalic acid esters including investigations of the genetic toxicity and carcinogenic mechanisms of di(2-ethylhexyl) phthalate, and the reproductive toxicity, dermal absorption, and carcinogenic potential of several esters.

Toxicologic characterization studies at NIOSH in pulmonary toxicology indicated that a panel of pulmonary function tests were more sensitive for the detection of lung damage from levels of inhaled pollutants than traditional histopathologic techniques. There is continuing development and evaluation of human neurotoxicity tests to be used at worksites as well as validation of tests for changes in reflex activity in animal and human laboratory studies. In FY 1982 and 1983, behavioral teratologic effects will be characterized for two classes of chemicals, the glycol ethers and straight-chain carbon compounds. Efforts began to refine, validate, and apply two model systems for measuring dermal absorption of chemicals.

Chemical disposition studies at NIEHS, NCTR, and NIOSH on the benzidine congeners and selected derivatives were largely completed in FY 1982. In genetic toxicology, emphasis was given to developing a protocol for enabling anaerobic metabolism of derivatives, a prerequisite for metabolic activation. Short-term *in vivo* toxicity and carcinogenesis studies were initiated. In FY 1983 long-term bioassays will begin on the dimethyl and dimethoxy congeners of benzidine and a derivative of each.

Fertility and Reproduction—Primary emphasis continues on: (1) Developing short-term tests in both reproductive toxicology and teratology, including both *in vivo* and *in vitro* teratologic test systems and a continuous breeding assay for fertility assessment, and (2) using existing methodology to evaluate toxicity. In the NCTR program in FY 1982, conventional teratology testing was completed on eight chemicals and was in progress on nine others. The interlaboratory behavioral teratology validation initiative continued using known behavioral teratogens. In the NIOSH program, a short-term *in vivo* teratology assay was being validated while *Drosophila* were being evaluated as a potential teratology screening system. Attention was focused on inhalation teratology studies. A chemical class study continued on the reproductive and developmental toxicology of the glycol ethers. In the NIEHS program, fertility assessment using continuous breeding is being evaluated as a test which may take half as long to complete and at half the cost of the three generation study yet may yield comparable information on fertility effects and, perhaps, more information about the affected sex or target organ for chemical insults.

Cellular and Genetic Toxicology

The cellular and genetic toxicology programs at the three NTP agencies in many instances have parallel objectives. The NIEHS through the Cellular and Genetic Toxicology Branch is directly involved in imporvement and validation of short-term tests for mutagens and carcinogens, the application of tests designed to detect and characterize chemicals that may pose carcinogenic or genetic risks to humans, and in basic research on mutagenesis and related genotoxic processes.

The NCTR program is focused on: (1) Modifying the heritable translocation assay (HTA) to imporve the test's precision and reliability while developing an in-house capability for performing HTA studies, and (2) using the primary hepatocyte/DNA repair system to detect potential genotoxicity of selected NTP chemicals.

The NIOSH program is concerned primarily with: (1) Monitoring airborne particles from coal liquefaction plants as well as complex mixtures and industrial chemicals found in workplaces for mutagenic activity, and (2) developing and using suitable assay systems for measuring mutagenic effects in biological samples for workers, such as urine and lymphocytes.

NIEHS; Cellular and Genetic Toxicology Branch

The goal of the Cellular and Genetic Toxicology Branch is to provide and integrated research and testing program using short-term test systems to evaluate the genetic toxicity of selected chemicals. The program is also aimed at developing an understanding of the mechanisms of cellular and genetic toxicity to provide a better basis for further tests system development and interpretation of test results. Emphasis is currently placed on short-term tests that measure mutagenicity and aneuploidy in microbial cells as well as mutagenicity, DNS and cytogenetic damage, and oncogenic transformation in mammalian cells. Test data are used to set priorities for further testing and in the design and interpretation of long-term animal carcinogenicity mutagenicity, and toxicity studies.

An implicit goal of the cellular and genetic toxicology effort is to establish a scheme of short-term testing which can be used to predict chemical carcinogenicity and mutagenicity and thereby reduce the need for *in vivo* assays or assist in setting testing priorities for long-term animal bioassays. However, for short-term tests to be predictive, several criteria must be fulfilled. These include both a knowledge of the reproducibility of individual test results and the relationship of the endpoint measured to carcinogenicity, mutagenicity, or other *in vivo* toxic effects. The application of a group of complementary tests which meet these criteria should ultimately result in an effective system for testing chemicals. An important part of the Branch program is to produce sufficient short-term test data, particularly across chemical classes, and to relate short-term test results to carcinogenic effects in animals and man. Even with the appropriate use of available test systems, some potential carcinogens (or cocarcinogens or tumor promotors) may not be identified, particularly those that do not induce damage leading to observable gene mutations or chromosomal changes. It is therefore important that we continue to develop new methods capable of detecting carcinogens not identified by the assays currently in use and to distinguish chemicals which "promote" tumor development. In order to accomplish these goals, it is important that the program

remains involved in and responsive to basic research developments together with their potential applications.

A substantial portion of Branch resources are committed to studies of chemically-induced mutations. These mutation studies can be divided into two categories: (1) Somatic cell; and (2) germ cell mutation studies. The major difference between the two is that mutations arising in germ cells can be transmitted to subsequent generations, while somatic cell mutations can only be expressed in the affected individual. *In vitro* test systems are considered relevant for somatic mutation because they measure mutagenicity in mitotically dividing cells. However, the information gained from tests using *in vitro* systems also has implications for heritable mutation risk because a chemical that is mutagenic *in vitro* has the potential to be mutagenic in germ cells *in vivo*. (By the same argument, germ cell mutagens are likely to be somatic cell mutagens.)

The portion of the program concerned with assay validation and testing is performed through extramural contracts, and interagency agreements while basic research, test development or modification, and data management and analysis activities are generally performed intramurally.

The key extramural contract activities include microbial (*Salmonella*), *Drosophila*, and mammalian cell mutagenesis testing; *in vitro* cytogenetic testing (chromosome aberrations and sister chromatid exchanges) and the development and evaluation of an *in vivo* mouse assay for chemically-induced cytogenetic damage; development and validation of a multiple endpoint mutation system in cultured mammalian cells; the development of assays for induction of aneuploidy in *Drosophila* and in yeast; an *in vitro* assay in mammalian cells for induced DNA damage; a dual laboratory coded compound evaluation of three mammalian cell transformation systems including Syrian hamster embryo (SHE) cells, SHE cells infected with Simian adenovirus (SA7), and retrovirus infected rat cells (the latter two systems measure chemical enhancement of viral transformation); and the final evaluation of the BALB/c-3T3 transformation assay.

A coordinated effort was initiated in fiscal year 1981 to assess the genetic toxicity of 19 chemicals which were priority candidate bioassay chemicals for 1982. Other developmental projects include an effort to develop a standardized protocol by which the frequencies of chromosome aberrations (CA's) and sister chromatid exchanges (SCE's) can be accurately and reproducibly measured in human lymphocytes with particular emphasis on understanding the sources of variation that may affect the measurement of these endpoints. Efforts to measure chemically-induced germ cell mutations in mice involve both the morphological and biochemical specific locus assays. Other developmental projects include identification of mutagens produced in cooked foods and an attempt to develop an assay for specific sequence transpositions in mammalian cells.

Intramural research efforts involve both prokaryotes and eukaryotes. Studies on *Salmonella typhimurium* tester strains include attempts to increase our understanding of the test system, to improve the sensitivity and efficiency of protocols currently in use and to use the *Salmonella* test as a tool to study *in vitro* and *in vivo* metabolism of mutagenic chemicals. Studies with the yeast *Saccharomyces cerevisiae* are directed at the meiotic process in an effort to better understand the genetic events of meiosis at molecular and enzymological levels; to determine the role of DNA repair mechanisms in mutational processes and to understand meiotic and mitotic recombination and DNA repair processes. Studies in *Drosophila melanogaster* are directed at characterization of the relationship between DNA repair and mutagenesis using mutagen sensitive mutants, many of which are defective in DNA repair. Such repair-defective mutants have also been combined with certain naturally occurring transposable elements to allow the study of interactions that occur in double mutant combinations. Alterations in gene structure and expression, which may result from chemical and physical toxic/carcinogenic agents, are also being analyzed in mammalian cells by recombinant DNA techniques with particular attention to potential gene or sequence transpositions. Finally, a new project has been added that is directed at the organ specificity of chemical carcinogens. Using liver and bladder cells, organ and species specificities of the chemical activation of several carcinogen classes are being investigated. Details of these respective projects are described in the accompanying project reports.

In summary, the Branch is directly involved in improvement and validation of short-term tests for mutagens and carcinogens, the application of tests designed to detect and characterize chemicals that may pose carcinogenic or genetic risks to humans, and in basic research on mutagenesis and related genotoxic processes.

Extramural Program

Fiscal Year 1982 Accomplishments and Fiscal Year 1983 Program Plans

Somatic Mutation and Cellular Transformation

• *In Vitro* Microbial Test Systems

Microbial Mutagenesis Testing—The *Salmonella typhimurium* test developed by Ames has been generally proposed as an initial screening test to identify mutagenic chemicals. *Salmonella typhimurium* tester strains, TA–98, TA–100, TA–1535, and TA–1537, are being used to test environmental and commercial chemicals for mutagenicity using a preincubation modification of the Ames *Salmonella* microsome assay in three laboratories (Case Western Reserve University, Dr. W. Speck; Microbiological Associates, Dr. S. Haworth; and SRI International, Dr. K. Mortelmans). All chemicals are incubated with tester strains in suspension prior to addition to soft agar and plating for detection of induced mutants. Exogenous metabolic activation is provided by liver S–9 preparations from Aroclor 1254-induced Sprague-Dawley rats and Syrian hamsters. All chemicals are tested blind at five doses, in triplicate, in each *Salmonella* strain. Also, all chemicals are retested at least one week following the first test. Results are entered directly into minicomputers at the test laboratories for transfer to the data-base system. Results have been received from these laboratories on a total of 692 test samples to date encompassing 545 unique chemicals. In fiscal year 1982, 308 tests were completed on 288 unique chemicals. These results are listed in Table 1.

Chemicals positive for mutagenicity or producing equivocal responses in *Salmonella* are analyzed for identity and purity and are tested in the *Drosophila* sex-linked recessive lethal test, as are a selected number of negatives. Equivocal chemicals are also tested in the *in vitro* cytogenetics assay along with selected *Salmonella* positives and negatives. Additionally, the *Salmonella* results are used along with other toxicology data by the NTP to assist in making decisions regarding further testing of the chemicals, and by NTP chemical managers to provide additional information pertinent to the evaluation of chronic studies. The *Salmonella* data is also used in the selection of chemicals for additional *in vitro* and *in vivo* genetic toxicology studies.

Numerous requests for information and data on specific chemicals tested have been received from Government personnel and from the private sector. All information requested has been provided, where possible.

FY 1983 Program Plans

In FY 1983, 330 tests are scheduled to be completed in *Salmonella*. Most of the chemicals to be tested will be selected from the listing in Table 2. Undoubtedly, some of these chemicals will not be tested due to unavailability, high cost or for other reasons while other chemicals may be added in response to urgent agency needs. (CONTACT PERSON: Dr. E. Zeiger).

Salmonella/Microsome Testing—Evaluation of Predictive Value of Carcinogenic Potential of Chemicals—This cooperative study, aimed at evaluating and validating microbial mutagenicity assays for their reproducibility and predictive value in assessing carcinogenic potential of chemicals, was completed in FY 1982. An overall evaluation is being compiled on intralaboratory variation, variation among the four laboratories, comparison of activation systems, and comparison with *in vivo* and other microbial test results. This evaluation will be completed in FY 1983. (CONTACT PERSON: Dr. E. Zeiger)

Modification of the Salmonella Test for Chemicals that may be Metabolized to Mutagens under Reductive Conditions—The standard protocols which use *in vivo* metabolic activation for mutagenesis studies are based on the assumption that the substances to be tested require aerobic metabolism for their activation. However, many substances, such as azo-containing dyes (including benzidine dyes), may be metabolized only by reductive pathways. These pathways occur in the mammalian liver *in situ* and in the mammalian gut through the action of the normal gut flora.

Therefore, azo-containing chemicals which may be metabolized to mutaghens *in vivo* may appear to be non-mutagenic when tested using the standard metabolic (aerobic) activation protocols.

The objectives of this contract are the development of *Salmonella* test protocols for detection of chemicals requiring reductive/anaerobic metabolism for expression of mutagenic activity, and the testing of chemicals for mutagenicity using these protocols. Among the chemicals tested will be a series of benzidine congener-based dyes. Urine samples from rats given benzidine dyes will also be tested.

Dr. Charles King, The Michigan Cancer Foundation, is investigating modifications of the *Salmonella* preincubation protocol which permit reductive metabolism followed by oxidative metabolism to measure the mutagenicity of benzidine-containing dyes. In addition, rat cecal flora preparations are being used in an attempt to develop an alternate activation system which is representative of the metabolism that occurs in the gut.

This contract has recently been initiated and the majority of effort so far has been the definition of different metabolic activation systems and the investigations of chemical methods for purification of benzidine-based dyes. The sensitivity of various mutagenicity protocols to benzidine, dimethylbenzidine, dimethoxybenzidine and some model benzidine metabolites in rat urine is being determined in preparation for a survey of urine from rats administered benzidine dyes.

FY 1983 Program Plans

After the protocols have been standardized, a number of benzidine congener-based dyes will be tested. In addition, urine samples from rats administered a number of benzidine congener dyes will be tested for mutagenicity. (CONTACT PERSON: Dr. E. Zeiger)

Estimating Toxicity in Salmonella Mutagenesis Assays—A limitation of the *Salmonella* mutagenicity assay is its limited ability to measure the toxicity of a test chemical. The number of revertants formed is directly related to the dose of the chemical only if the chemical is not toxic to the cells. If the compound is both mutagenic and bactericidal, then the number of revertants observed may be a function of both properties. For a mutagenic compound, high toxicity may distort the mutagenic response of the cells and make potency calculations unreliable. The objective of this work is to develop reliable methods to determine the toxicity of a chemical in the *Salmonella* assay and to develop methods to use this information in the interpretation of results.

Two approaches were taken to estimate the toxicity of a chemical to the cells. In the standard *Salmonella* assay, strains with known point mutations in the histidine operon form colonies upon reversion to prototrophy. The *his*$^+$(mutant) macrocolonies appear against a thin film of *his*$^-$ microcolonies. These microcolonies are attributable to the small quantity of histidine present in the medium. These auxotrophs grow to form microcolonies until histidine is depleted unless the test compound is toxic. The number of *his*$^+$ revertant macrocolonies is related to the mutagenic properties of the chemical. The number and size of the background microcolonies is a function of its toxicity.

In the first approach, the number of microcolonies that survive treatment with a test chemical is being measured with an automatic colony counter. The greater the toxicity, the fewer and larger the colonies. Toxicity data are derived directly from the "mutagenicity plate" and the decision to obtain toxicity information need not be made until after the experiment is performed.

This toxicity assay employs a second plate designed to mimic the environment of the plate in which revertants are counted (mutagenicity plate). Two sets of strains, isogenic to the five *Salmonella* tester strains, have been constructed. One set consists of histidine double mutants unable to revert to histidine independence; these are called "filler cells". These "filler cells" are used to mimic the 10^8 bacteria that are normally plated in the mutagenicity assay. The other set consists of specially constructed *his*$^+$ bacteria that are plated at a concentration of about 500 colony forming units in the presence of the 10^8 "filler cells." The "filler cells" stop growing or die upon depletion of minimal histidine and simulate the background growth of the mutagenicity test. The *his*$^+$ bacteria form colonies simulating histidine revertants. Survival is calculated from the number of *his*$^+$ colonies at the end of the experiment. This "toxicity plate" is run in parallel with the "mutagenicity plate".

The importance of the "filler cells" in the toxicity test was demonstrated in a series of experiments in which the concentration of the "filler cells" was altered. The survival of the *his*$^+$ cells varied with the varying concentrations of the "filler cells". Generally, survival increases with increasing concentrations of "filler cells". This result suggests that measurements of toxicity in which 400 cells are plated and survivors counted may not accurately estimate the toxicity observed on the "mutagenicity plate".

Experiments have been designed to determine whether toxicity greatly affects the number of revertants observed. Preliminary results suggest that below a threshold toxicity the number of revertants are not seriously affected by toxicity. However, above the toxic threshold the number of revertants rapidly decreases. (CONTACT PERSON: Dr. W. Caspary)

• *In Vitro* Mammalian Test Systems

In Vitro Mammalian Cell Mutagenesis—This study was designed to evaluate the L5178Y mouse lymphoma cell system as an *in vitro* assay for detecting mutagenic chemicals. The evaluation includes protocol development, determination of reproducibility of responses under field conditions, development of quality control standards, development of response categories based on mathematical definitions and development of a data management system including statistical support to aid in the interpretation of results.

Two laboratories tested the same compounds under code. Based on this work, a reliable biological assay protocol was established. Cultures are exposed to the test chemical for four hours at preselected doses, then washed and the cells are placed in 20ml of growth medium at a density of $3x10^5$ cells/ml to allow recovery, growth and expression. At the end of the first day of expression the cells are counted. The cells, are then adjusted to a density of $3x10^5$ cells/ml and placed in 20 ml of growth medium. At the end of the second day of expression the cells are counted. Ten milliliters of cells are seeded in soft agar plates with selection medium (trifluorothymidine) and the resistant (mutant) colonies are counted after a ten- to twelve-day incubation period (total mutant counts). To determine the actual number of cells capable of forming colonies, 600 cells from the cell suspension are also cloned in normal (nonselective) agar plates. The colonies are counted after ten to twelve days incubation (total viable clones).

The measured mutant frequency, defined as the mutant count divided by the product of the cloning efficiency and the number of cells plated for mutant count, is the critical experimental parameter to be derived from this assay. The cloning efficiency, which is the probability that a cell grows in the agar plate, is defined as total viable clones/600 cells where 600 cells are plated for viable count.

The assay protocol requires that doses be done in duplicate, positive controls in triplicate, and solvent controls in quadruplicate. Experiments must be repeated to assess the reproducibility of the cellular response, though the doses used may be different in the replicate experiment. Agreement of responses within and between laboratories was greater than 90%.

A major effort was also initiated to establish a data management system for the mouse lymphoma system. This consists of the development of quality control criteria, experimental response categories, test response categories and statistical support to aid the interpretation of data.

The quality control criteria are based on an analysis of over 400 experiments performed at SRI International and Litton Bionetics. Quality control criteria are those minimum criteria that must be met before an experiment is evaluated further for its response. Experiments that meet these minimum criteria may be rejected upon further evaluation.

The response categories are defined in terms of the significance of an individual dose and the significance of the trend of the dose response. For a response to be considered *positive*, both factors have to be significant. A *questionable* response lacks one of these factors. A *not positive* response lacks both factors. Significance is defined in terms of a statistical model developed to aid in the interpretation of the data. The response categories for a test are based on an evaluation of the results of the replicate experiments.

The statistical approach is based on an estimate of the variance of the mutant frequency, the measured parameter obtained from this assay. This estimate is made by developing a mathematical model of the biological protocol. The mathematical model

relates the mutant progenitor frequency (MPF), which is the number of cells with genetic damage at the TK locus after exposure to the test chemical, to the mutant frequency (MF):

$$MF = r_s \times r_c MPF$$

where r_s is the ratio of suspension growth of the mutant and mutant progenitor population to that of the wild type population and r_c is the ratio of cloning efficiencies of these populations. The estimated variance is then applied to making statistical interpretations of the mutation assay data.

Test results for chemicals tested in the L5178Y mouse lymphoma cell system during FY 1982 are given in Table 3. (CONTACT PERSON: Dr. W. Caspary)

Mouse Lymphoma L5178Y Forward Mutation Assay—Based on the results of studies on the mouse lymphoma system, the successful development of a working protocol and an effective data management system, the program issued a new RFP to test chemicals and to build a data base from results of this mammalian mutagenesis assay. Recently, it has been reported that the occurrence of small colonies from mutagen-treated cultures represents the induction of chromosomal damage. At present, however, evidence is not conclusive that measurements of small colonies are necessarily a measure of chromosomal mutation. The ability to measure chromosomal damage with an assay that is demonstrated to measure point mutations would be beneficial and cost effective. The purpose of this contract initiative is to test the ability of the mouse lymphoma cell system as a reliable indicator of gene and chromosomal mutation

FY 1983 Program Plans

It is projected that testing will be completed on 70 chemicals in the L5178Y mouse lymphoma cell system in FY 1983. Most of the chemicals will be selected from the listing in Table 4. (CONTACT PERSON: Dr. W. Caspary)

In Vitro Cytogenetics in Mammalian Cells—Chromosome aberrations (CA's) and sister chromatid exchanges (SCE's) are used as indicators of genotoxic effects of chemical agents. While the literature is extensive on the nature of cytogenetic events and the effects of particular chemicals, there have been few attempts to develop a highly reliable and reproducible system for detecting chemically-induced cytogenetic damage. A protocol using Chinese hamster ovary (CHO) cells has been developed in a dual laboratory study over the past two years. Several coded compounds were examined using this protocol with comparable results obtained in the two laboratories. To enhance the reliability of the system, several control and test experiments are being done to determine the best statistical approach to the data. It is clear that variability within an experiment is very low, thus greatly enhancing the sensitivity of the assays.

An essential feature of this program is the examination of a large number of chemicals. Testing was completed on 67 samples, consisting of 66 unique chemicals, in FY 1982. Results are given in Table 5. The use of the assay has now been extended to a third laboratory.

FY 1983 Program Plans

It is anticipated that testing will be completed on 100 samples. Most of the chemicals to be tested in CHO cells for detection of chromosome aberrations and sister chromatid exchanges will be selected from the listing in Table 6. In addition, the results of previous testing will be published. (CONTACT PERSONS: Dr. E. Zeiger and Dr. M. A. Resnick)

Development and Validation of a Multiple Endpoint Mutation System in Cultured Mammalian Cells—Because they can both produce human genetic disease, two major types of effects of concern in genetic toxicology are gene and chromosome mutations. Genotoxic chemicals usually induce both types of effects but the extent to which gene mutations or chromosome mutations are induced by any individual chemical is not predictable at this time.

Typically, induction of gene mutations in mammalian cells is detected in one of a number of different cell lines and the induction of chromosome mutations is usually detected using the same or different cell lines in laboratories specializing in cytogenetics. As a result, it is difficult to determine the relative frequencies induced and the effective doses. Yet a comparison between gene and chromosome mutations as a function of chemical dose is needed as a reference when moving from results obtained with cells in culture to predicted effects in treated animals. Such an extrapolation is necessary when only one type of mutagenic effect can be measured *in vitro* but it may be important to estimate the sum of both effects.

Two contracts were recently awarded to develop, refine and test a protocol (or series of protocols) using mammalian cells in culture to determine the frequencies of chemically-induced gene and chromosomal mutations. The possibility of determining other genetically-related endpoints such as sister chromatid exchange (SCE), DNA damage and repair, DNA adduct formation and aneuploidy are being considered. Once an acceptable protocol is developed, a number of coded chemicals will be tested.

Allied Corporation (Dr. G. Brewen) is investigating two cell lines, a human epithelial cell, HSBP, and Chinese hamster ovary (CHO) cells; Bioassay Systems Corporation (Dr. K. Loveday) is using a different CHO line. Both laboratories will standardize the culture and treatment conditions for each endpoint. The majority of efforts has been to define the optimum culture and treatment conditions for the different cell lines and to develop protocols for synchronizing the cells. Preliminary experiments have been run to determine the responses of the cells to a standard mutagen.

FY 1983 Program Plans

Optimization of the cell systems will be continued and a number of mutagens will be used to induce gene mutations (at the HGPRT, and possibly the OUA locus), chromosome aberrations (CA's), SCE's and aneuploidy. Measurements of DNA damage and repair and DNA-adduct formation will be made. In addition the effects of liquid holding on the mutagenic and other responses will be determined. (CONTACT PERSON: Dr. E. Zeiger)

In Vitro Mammalian Cell Transformation—For many classes of chemicals there is a high degree of relationship between the ability of the chemical to induce neoplastic transformation in certain mammalian cells in culture and the concomitant induction of tumors *in vivo*. Several cell culture systems including primary cultures, continuous lines, and virus infected cells have been used to detect potentially carcinogenic chemicals. Included among these are the BALB/c3T3 cell line currently being evaluated by the NTP; the C3H10T½ cell line which is being evaluated through the Division of Cancer Cause and Prevention, NCI; and the BHK cell line which is being studied in Europe. Three other systems which have been evaluated to some degree include: primary Syrian hamster embryo (SHE) cells; and two viral mediated transformation systems: SHE cells infected with Simian adenovirus 7 (SA7), and rat cells infected with Rauscher leukemia virus (RLV). However, sufficient across-chemical and across-system data do not exist to permit an evaluation of which system or systems may be most useful and to determine what characteristic advantages or limitations each system may have in the identification of potential carcinogens. Therefore, we have initiated a multiple laboratory coded compound evaluation of these latter transformation assays.

The initial objectives of this project involve the development of a standardized protocol, indetification of the sources of intra-and interlaboratory variability, and establishment of interlaboratory reproducibility of the respective test systems. Results of previous contract supported studies and published results have shown that these assays detect chemical carcinogens. This project is an effort to systematically evaluate and compare the three assays for oncogenic transformation and to determine which system or systems may be most applicable. In the SHE assay, cells are collected, frozen, characterized for their response to known carcinogens, and then exposed to concentrations of a test chemical. The exposures are based upon preliminary tests for toxicity; after 7 to 10 days the treated cultures are examined for foci of transformed cells. In the SHE/SA7 assay, the cells are prepared from pooled 13-day gestation embryos. Transforming virus is obtained from standardized stocks with a defined plaque forming unit/focus forming unit (PFU/FFU) ratio and the cells are infected with virus prior to or after treatmemt with doses of the test chemical. These doses are selected on the basis of acute toxicity. The treated cultures are examined for foci of transformed cells 7 to 10 days after exposure. In the retrovirus infected rat cell system (RLV), infected (2FR450) and uninfected (2FRN) cell lines were recovered from passage 7 frozen cells. The cells are first exposed to chemicals to determine acute toxicity. Subsequently, selected doses are applied and the cells are tested for neoplastic

transformation by the aggregation (survival) assay which detects the preferential ability of transformed cells to survive under the test conditions.

For the first year of this project, the major goals included: (1) Standardization of test protocols; (2) identification of key test reagents and materials; (3) selection of optimal doses of reagents and materials following preliminary testing; (4) acquisition of sufficient quantities of critical reagents (from identical sources by the respective contract laboratories; and (5) testing of representative chemicals, positive and negative for transformation, for toxicity and transformation to establish interlaboratory reproducibility of the method. Each contract laboratory has the responsibility of focusing on key components of the system, e.g., identification of suitable frozen cell pools, identification of optimal serum and medium stocks. Progress has been made in all areas, although some technical aspects require further evaluation before final protocols can be defined. Preliminary toxicity and transformation assays of the standard chemicals are being performed in the test laboratories and the results of these independent tests will be the basis for determining the degree of interlaboratory reproducibility.

FY 1983 Program Plans

One of the major technical issues have been resolved and a standardized test protocol has been adequately developed and validated, all of the laboratories will begin to test coded chemicals. The results of these studies will be used to determine whether *in vitro* transformation systems offer significant advantages in time and cost over animal bioassays for carcinogens. In addition, the systems will be evaluated for their ability to provide information for mechanistic inferences on the toxicity of chemicals. It is important that the use of such test systems include the application of standardized protocols which provide for a high degree of interlaboratory reproducibility and an understanding of the biological limitations of the test systems. (CONTACT PERSON: Dr. R. W. Tennant)

In Vitro Transformation of BALB/c–3T3 Cells—The purpose of this project is to develop and standardize methods for performing *in vitro* transformation assays with BALB/c–3T3 cells. The BALB/c–3T3 neoplastic transformation assays is used to measure the ability of chemical agents to induce alterations in a population of cells (derived from mouse embryo fibroblasts) from a pattern of controlled monolayer growth to one exhibiting foci of disorientation and piled up growth against a background monolayer. Toxicity is used to determine the high dose (10–20% cell survival) at which a chemical will be tested. Dishes for transformation are plated with cells expanded from frozen stock at 10^4 cells per 60 mm Falcon plate. Twenty-four hours later, the test chemicals are added to the appropriate plates in the final volume of 0.1 or 0.2 ml. After a three-day treatment, the medium is removed and the plates are washed and replenished with fresh medium and incubated for an additional four weeks. The medium is changed twice weekly during the incubation period. At the end of the incubation period, the plates are fixed with methanol and stained with 2–3% Giemsa or May-Grumwald-Giemsa and then scored for foci of transformed cells.

A number of factors that affect the quantitative assessments of transformation were examined. The results showed that the survival of cells in mass culture is invariably greater at toxic doses than one would expect from extrapolation of direct cloning data. Also, the number of cells surviving till the end of treatment was dependent on the source of insult and was not reflected in the direct cloning data. These observations suggest that the use of direct cloning data to estimate the number of cells at risk in the transformation assay grossly underestimates the actual population of cells exposed to the test chemical.

A study was conducted to correlate anchorage-independent growth and *in vivo* tumorigenicity with progression of Type III foci in cell passage. It was found that the transformed population (Type III foci) acquired the ability to grow in soft agar at the earliest passage. However, although most Type III cell populations grew tumors in irradiated syngeneic animals, the cell populations did not exhibit quantitative correlation of growth in soft agar with tumorigenicity. Tumorigenicity of transformed populations contrary to growth in soft agar, was dependent on cell passages in culture. This suggests that populations of clone I–13 contain premalignant cells, which develop tumorigenic potential after extensive passage in cluture.

Due to the fact that growth in soft agar was not found to be a consistent marker of oncogenicity for BALB/c–3T3 cells, another proposed marker, basal cathepsin C activity, was examined. However, this marker was not found to correlate with either the ability of populations to grow in soft agar or to grow tumors in animals.

In comparative tests run between cells of the I–13 clone and other cells, there were varied results. Cells from the I–11 clone showed no spontaneous background transformation frequency, but were less sensitive to chemical treatment. Clone I–11 cells also showed little response when their enhancement with promoter was attempted. A comparison of the metabolism of methylcholanthrene (MCA) by I–13 and C3H–10½ cells showed differences in kinetics between the two populations. However, no simple relationship between the rate of MCA metabolism and transformation of cells by MCA could be obtained.

The testing of seventy coded samples has been completed using the BALB/c–3T3 system and the data obtained are currently being analyzed.

Additionally, studies were designed to investigate the effects of various activation systems. Preparations of rat liver 900 x g supernatant fraction (S–9) proved toxic. Experiments with primary rat hepatocytes were designed so that only minimal modifications would be made on the established standard protocol for the transformation assay without metabolic activation. The target BALB/c–3T3 cells were plated at 10^4 cells/plate either prior to or after plating of primary rat hepatocytes. Treatement with chemicals was carried out for 1–3 days. The remainder of the procedure was the same as that used in assays without metabolic activation. None of the procarcinogens tested (N-2-fluorenylacetamide, 2-aminofluorene, dinitrosopiperazine and nitrsos-2,6-dimethylmorpholine) appeared to be activated by the hepatocytes to transform BALB/c–3T3 cells in a consistant manner.

A second approach was designed in which protocols followed were similar to those used in mammalian mutagenesis assays. Two sets of experimental conditions were tested, differing primarily in the density of target cells. Under one condition, BALB/c–3T3 cells were plated at or near confluence. Primary rat hepatocytes were then plated on top of the target cells. This plating condition facilitates maximum contact between BALB/c–3T3 cells and hepatocytes, where the monolayer or BALB/c–3T3 cells serves as a feeder layer for attachment of hepatocytes and maintenance of their metabolic capabilities. Alternatively, BALB/c–3T3 cells were plated at a moderately high density (2×10^5 plate), but still being in the exponential growth stage, they were unable to undergo division during the chemical treatment period. Under both conditions, the cells were trypsinized and replated at a low density (10^4/plate) after the chemical exposure period to allow for development of foci as in a standard transformation assay. The results suggested that for the transformation of BALB/c–3T3 cells, primary rat hepatocytes were not very effective in the activation of carcinogenic nitrosamines. (CONTACT PERSON: Dr. W. Caspary).

• Special Applications—*In Vitro* and *In Vivo* or *In Vitro* Mammalian Testing

Mutagens Formed from the Cooking of Foods—The objectives of this interagency agreement with the Department of Energy at Lawrence Livermore National Laboratory are to identify the mutagens produced in foods cooked under approximately normal household conditions and determine the mechanism(s) of mutagen formation, assess the spectrum of genetic toxicity caused by these mutagens using *in vitro* and *in vivo* short-term tests, devise strategies to limit or prevent mutagen formation and to estimate the normal dietary intake of these mutagens.

Hamburger is fried under normal cooking conditions, extracted and the extracts tested for mutagenicity using the *Salmonella* plate test with S–9 preparations from mice, rats, and hamsters pretreated with various inducers. Extracts exhibiting the highest levels of mutagenicity are separated in an attempt to isolate and identify the mutagenic components. Similar work is being done with other fried meats, fried eggs and beef extracts. Mutagenicity studies are being performed in *Salmonella* and in cultured CHO cells. Metabolism studies are being done *in vitro* using S–9 fraction in the incubation vessel.

A series of extraction procedures have been developed for hamburger which greatly increase the yield of extracted mutagen. The hamburger mutagens require metabolic

activation and revert only those *Salmonella* strains which are reverted by frameshift mutagens. Studies on the kinetics of hamburger mutagen formation showed that the cooking temperature, rate of heat transfer and level of dehydration all affect the level of mutagenicity. Following a Japanese report which identified imidazoquinoline (IQ) and methylimidazoquinoline (MeIQ) as beef mutagens, studies were performed, using preparative TLC followed by GC/MS and HPLC. A number of mutagenic fractions have been identified; the presence of IQ in one of the fractions has not been confirmed. Cold IQ and radiolabelled IQ have been synthesized and chemistry and mutagenicity studies have been initiated. Methyl-imidazoquinoline will be synthesized in the near future. Extracts will be spiked with IQ and its location in the fractions identified.

A number of metabolites of ^{3}H-IQ have been separated from an *in vitro* S–9 system. The metabolism of IQ is mediated by cytochrome P/448. Only one of the metabolites, as yet undefined, is a direct mutagen for TA1538. Purification and identification of these metabolites is underway.

Trp–P–2 and IQ are both potent mutagens in *Salmonella*. Trp–P–2 is a potent mutagen in mammalian cells (CHO), inducing gene mutations, SCE's CA's and micronuclei, but IQ was only weakly positive for these endpoints, and only in repair-deficient CHO cells. These results are in contradiction to the relative *Salmonella* results and studies are underway to resolve this problem. CHO cells will be treated with the direct mutagen metabolite of IQ.

Boiling beef to produce stock results in the formation of a product that is mutagenic to *Salmonella* in the presence of liver S–9. The highest level of mutation is found with extracts prepared at pH4 and pH9. Results from proteolytic digests of beef extracts implied that soluble amino acids or polypeptides could influence the formation of mutagens. Enhancement of mutagenic activity at pH4 is optimal after addition of tryptophan and creatinine PO_4 and results from reactions with components of less than 500 molecular weight in the soluble portion of the beef extract. Addition of ferrous sulfate further stimulates mutagen formation. The mutagens in boiled beef and Difco beef extract have been separated chromatographically and also have been reacted with nitrite. Results are consistent with the presence of at least two mutagenic components, one of which may be IQ.

Extracts of fried eggs were also mutagenic, although the extraction and purification procedure that was optimal for fried beef was not optimal for fried egg. Studies are underway to identify the optimum extraction procedure for fried eggs and to determine why the mutagenic activity of egg extract appeared to be suppressed by the beef extraction procedure. (CONTACT PERSON: Dr. E. Zeiger)

Rapid in Vitro Test Project—This project was designed to provide genetic toxicity data to aid in setting priorities for chemicals to be entered into the long-term carcinogenicity bioassays and for use by NTP experimental disign groups. An *in vitro* testing capability was developed to utilize five broad classes of genetic toxicity assays. Use of NTP resources for implementation of this project was coordinated in a manner that utilized both ongoing and new contracts to perform the assays. One-year interagency agreements were initiated with the Environmental Protection Agency and the National Center for Toxicological Research to perform the following assays among three of the five classes indicated:

Class I: Gene mutations in mammalian cells: The L5178Y mouse lymphoma cell TK$^+$/$^-$ mutation assay

Class II: Mammalian cell transformation assay:

a. The BALB/C–3T3 *in vitro* transformation assay;

b. The enhancement of DNA virus transformation by chemical carcinogens using Syrian hamster embryo (SHE) cells and Simian adenovirus (SA7) assay.

Class III: DNA damage/repair:

a. The *in vitro* unscheduled DNA synthesis (UDS) in rat liver primary cell culture assay;

b. The *in vivo—in vitro* unscheduled DNA synthesis (UDS) in rat liver primary cell culture assay.

Twenty-five to thirty chemicals have been assigned and scheduled for testing in the assays cited above. The chemicals include those 19 chemicals selected in FY 1982 for testing in the prechronic phase of the long-term carcinogenesis bioassay. The testing of these same 19 chemicals has also been coordinated by the project officer in two other classes of genetic toxicity tests which are performed through ongoing Branch contract projects.

These two classes are:

Class IV: Gene mutations in bacteria: The *Salmonella*/microsome test.

Class V: Chromosome damage in mammalian cells: The *in vitro* cytogenetics assay in Chinese hamster ovary (CHO) cells for detection of chromosome aberrations and sister chromatid exchanges.

Results on the 19 bioassay-candidate chemicals are expected to be completed in FY 1982.

FY 1983 Program Plans

Emphasis will continue to be placed on providing genetic toxicity test information in a timely manner on chemicals to be considered for the long-term carcinogenesis bioassays, and for use by NTP experimental design groups. A capacity for testing 25–30 chemicals/year will be implemented through both existing and new contracts, and coordinated so that the test chemicals can be evaluated in the five classes of *in vitro* short-term tests listed above. These five test components comprise a broad range of potential mechanisms of genotoxicity. The choice of these systems does not constitute an "NTP battery" but rather represents a selection of available tests. New test systems will be used to supplement or replace these existing tests when data sufficient to justify such changes become available. The results of this project will provide important and useful information on the genetic toxicity of chemicals of priority interest to the Program. (CONTACT PERSON: Dr. J. W. Spalding)

DNA Damage and Repair—In Vitro Unscheduled DNA Synthesis (UDS) in Rat DNA Liver Primary Cell Culture—The induction of DNA repair measured as unscheduled DNA synthesis (UDS) in non-dividing cells has been shown to be a useful indicator of the genetic toxicity of chemicals. Several different cell types and cell lines, including those of human origin, have been utilized for the measurement of UDS. The UDS assay, which employs primary cultures of rat hepatocytes, offers the advantage of a short-term test using a metabolically competent target cell, thus eliminating the need for exogenous activation preparations or the presence of other cell types.

In vivo—In vitro UDS in Primary Rat Hepatocyte Culture—The *in vivo—in vitro* hepatocyte DNA repair assay Carcinogenesis *1*, 821–825, 1980) represents an important modification and extension of the *in vitro* rat hepatocyte DNA repair assay, since it involves the treatment of whole animals rather than the administration of chemicals directly to cells in culture. The *in vivo—in vitro* assay permits the administration of the test chemical to the animal in a manner analogous to the route of exposure in humans. Direct administration of the chemical to the animal also has the advantage that important factors related to uptake, metabolic activation, distribution, detoxification and elimination which are absent from *in vitro* systems are included. After appropriate treatment intervals, primary hepatocyte cultures are prepared from the treated animals, and the incorporation of ^{3}H-cultured cells serves as an indication of the degree of an induced DNA repair response. While the number of chemicals tested to date in this assay is small, it has been demonstrated that this *in vivo—in vitro* assay is responsive to the genotoxicity of some classes of chemicals, e.g., the nitroaromatics, to which the *in vitro* UDS rat primary hepatocyte culture assay does not respond.

FY 1983 Program Plans

It is planned to evaluate 30 test chemicals per year in both the *in vitro* and *in vivo—in vitro* UDS rat primary hepatocyte culture assays. These assays will provide another test component for the evaluation of chemicals being considered for long-term bioassays and for use by NTP experimental design groups. In addition, the responsiveness of the two DNA damage/repair assays to different classes of chemicals with genotoxic potential will be compared relative to each other and to other assay systems. (CONTACT PERSON: Dr. J. W. Spalding)

• *In Vivo Mammalian Test Systems.*

Rodent Bone Marrow Cytogenetics—Through collaboration between two laboratories, methods are being developed for the routine screening of chemicals for the induction of chromosome aberrations (CA's) and sister chromatid exchanges (SCE's) in mice. It is known that CA and SCE both are endpoints associated with the genetic effects induced by many chemical mutagens and carcinogens. As such, these endpoints are potentially important as predictors of

chemical genotoxicity, particularly when conducted in whole mammals where factors such as metabolism, distribution, excretion, etc., are more reflective of the human situation than are *in vitro* studies. The studies provide direct evidence of genotoxic effects in laboratory mammals, which can be compared to similar effects in exposed humans. Further, the studies are being carried out in the mouse strain ($B6C3F_1$) used in the NTP carcinogenesis bioassay program, and, hence, will permit a more direct comparison of induced somatic-cell genetic effects with carcinogenic effects. In addition to providing a potential screen for carcinogens, comparisons may permit a better understanding of the relationship between induced cytogenetic effects and induced cancer. The primary objectives of this study are to develop and assess a testing protocol for the simultaneous determination of CA and SCE and to test approximately 40 chemicals using the protocol.

Although the basic methods for conducting these tests (*Mutat. Res. 87*, 143–166, 1981; *Mutat. Res. 87*, 17–62, 1981) are available and have been used extensively, there remains a need for an acceptable protocol of demonstrated utility for use in routine testing. The protocol under development will use current technology to apply accepted techniques for determining the frequency of CA and SCE in the bone marrow cells of $B6C3F_1$ mice.

In the preliminary phases of the study, male mice, 8–10 weeks old, are treated by intraperitoneal injection with the test compounds. Chromosomal aberrations are determined in bone marrow cell preparations. Sister chromatid exchange frequencies and cell proliferation kinetics are determined with 5-bromodeoxyuridine (BU) substituted chromosomes. Bone marrow cell proliferation kinetics are being investigated after administration of Mitomycin C, 7, 12-dimethylbenzanthracene, and cyclophosphamide. These same reference mutagens are being used to investigate the effect of the time-of-administration of the test agent relative to BU administration. A computerized data management system has been developed and is being used for storage of experimental details and storage and analysis of data.

It is anticipated that by the end of FY 1982, a testing protocol will be available and can be assessed using coded chemicals in the two laboratories. Following the successful outcome of that assessment, the laboratories will begin screening chemicals for cytogenetic effects.

FY 1983 Program Plans

In FY 1983 the testing protocol will be assessed through testing in both laboratories of five coded chemicals of known cytogenetic activity. Following the successful completion of this phase, ten NTP selected chemicals will be tested for cytogenetic activity. (CONTACT PERSON: Dr. M. D. Shelby)

• Special Applications—Human Genetic Monitoring.

Human Lymphocyte Cytogenetics—Determination of cytogenetic damage in peripheral lymphocytes offers a practical means of detecting exposures of humans to genotoxic agents. The basic technique has been used for many years to detect human exposure to ionizing radiation. It has been applied to a lesser extent in connection with exposures to chemical agents. The protocols for the cytogenetic studies that have been performed on persons exposed to chemical agents have been varied, usually precluding cross comparison of results. They also often have been flawed in one respect or another so that definite conclusions could not be made. Thus, the development of a standard protocol for cytogenetic monitoring is needed, as is background information on the frequencies of chromosome aberrations (CA's), particularly chromatidtype aberrations, and sister chromatid exchanges (SCE's), their variability, and the sources of variability. Such information is needed for the proper design and interpretation of cytogenetic studies of populations exposed to potential chromosome damaging agents. (Guidelines for Studies of Human Populations Exposed to Mutagenic and Reproductive Hazards, Arthur D. Bloom (Ed.) March of Dimes Birth Defects Foundation, 1981, 163 pp.).

A project has been undertaken in which two laboratories are collaborating: (1) To develop and standardize a protocol by which the frequencies of CA's and SCE's in human lymphocytes can be accurately and reproducibly determined; and (2) to investigate the variation of these frequencies as affected by the protocol and, to the extent possible, by the circumstances of the individuals from whom blood samples are obtained.

It has been demonstrated that blood samples can be stored at 4°C, shipped by airfreight and cultured within 24 hours without a significant loss in growth potential of the lymphocytes. A reduced quality of chromosome differentiation for SCE analysis was noted in shipped samples. This appeared to be a result of shipping/handling and not of storage since the phenomenon was not observed in cells maintained at 4°C for 24 hours at the site of collection. Reproducibility of scoring both SCE and CA on common slides has been demonstrated at the two laboratories. Determinations of first, second, and third division cells in 48 hour cultures (the fixation time normally chosen to ensure scoring of first division cells) produced somewhat surprising results in that an average of 16% of cells are in their second mitosis at this time.

FY 1983 Program Plans

Once the protocol has been defined, agreed upon and demonstrated to provide reproducible results in the two participating laboratories, the second phase of the study will begin. Phase two is intended to investigate and to the extent possible, identify sources of variation in the frequencies of CA and SCE. Variables to be investigated include age, sex, and race. Cytogenetic analyses will be conducted on approximately 150 individuals in FY 1983. (CONTACT PERSON: Dr. M. D. Shelby)

Germ Cell Mutation

• Heritable Effects—Nonmammalian Assays.

Drosophila Mutagenesis Testing—Standard sex-linked recessive lethal and reciprocal translocation tests in *Drosophila melanogaster* are being used in three laboratories (Bowling Green State University, Dr. R. Woodruff; Brown University, Dr. S. Zimmering; and University of Wisconsin at Madison, Drs. R. Valencia and S. Abrahamson). Chemicals are selected based on results obtained from previous mutagenicity tests using *Salmonella*. Chemicals are administered in feed for the sex-linked recessive lethal test. If the results are negative, the test is repreated using injection; if the results are again negative, the chemical is considered nonmutagenic in *Drosophila* for the endpoint. If the results are positive, the chemical is tested in the reciprocal translocation test using the means of administration which gave the positive result. In the reciprocal translocation test, sperm is stored to enhance the ability to recover chromosome breaks induced by the chemicals. Results are entered on data forms and transferred to a computerized data base system. Results have been received on a total of 52 test samples to date, which includes 47 unique chemicals. Results for 48 chemicals tested in FY 1982 are shown in Table 7.

FY 1983 Program Plans

Testing will continue on these contracts with testing expected to be completed on 75 chemicals. Most of the chemicals tested in *Drosophila* will be selected from the listings in Table 8. In addition, the results from initial testing will be published. (CONTACT PERSON: Dr. J. Mason)

Aneuploidy Test Systems—Three systems are being developed for the monitoring of chemically-induced aneuploidy, a genetic endpoint not monitored by other mutagenesis test systems. Two of these systems measure germinal or meiotic events in *Drosophila* and the yeast *Saccharomyces cerevisiae*, and a third follows mitotic aneuploidy in yeast. For purposes of comparison, these systems will also have the capability of monitoring chemical effects on recombination and mutation induction. These assay systems in combination with other short-term tests expand the opportunities to evaluate chemically-induced genetic damage. The use of whole animal and single cell systems will allow interspecies comparisons in terms of germinal events. Since the relevance and the mechanism of mitotic and meiotic aneuploidy may differ, development of the two systems within the same organism will prove useful.

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The development stages are nearly complete and during the coming year testing of chemicals, known or suspected to induce aneuploidy, for purposes of validation will begin. (CONTACT PERSON: Drs. M. Resnick and J. Mason)

• Heritable Effects—Mammalian Assays.

Mouse Morphological Specific Locus Study—Exposure of humans to mutagenic chemicals poses the risk of induced mutations in germ cells, the transmission of these mutations to subsequent generations and an increase in frequency of genetically determined diseases in the human population. Determining the risk of such

health effects must presently be approached through whole mammal assays since tests involving lower organisms or mammalian cells *in vitro* have the disadvantages of not addressing heritability of induced mutations, germ cell stage specificity, and special metabolic, physiological and transport factors that might exist during the reproductive cell cycle. The morphological specific-locus method is, at present, the most practical and reliable means available in mammals for detecting induced heritable mutations.

The test employs two strains of mice to detect mutations at seven loci that affect visible characteristics (coat color, eye color, and ear shape). In the standard test (Cold Spring Harbor Symp. Quant. Biol. *16*, 327–336, *1951*), C3Hx101 hybrid males homozygous for the wild-type alleles at the seven loci are treated with the test agent. Treated males are mated to T-stock females that are homozygous for recessive mutant alleles at the seven loci. Offspring are expected to be heterozygous at the seven loci and appear as wild-type having inherited dominant wild-type alleles from their fathers. Variant animals will appear if the male germ cell carried a mutant allele (either spontaneous or induced). Offspring are scored at weaning and variants are tested by breeding studies to determine the genetic basis for their variation.

The two basic objectives of this project are: (1) To conduct an in-depth study of chemically-induced mutation processes in mammalian germ cells using N-ethyl-N-nitrosourea (ENU) as a model mutagen; and (2) to investigate five environmentally significant chemicals for germ cell mutagenicity. In the past year, major emphasis has been on the use of ENU to investigate germ cell mutagenesis. A dose response curve has been determined for ENU-induced mutations in spermatogonia at eight doses from 0 to 250 mg/kg. There is a strong indication that the curve is not linear for points below 100 mg/kg, falling below a straight line fit to the control value. Fractionated dose experiments have shown that 10 injections of 10 mg/kg ENU yield a much lower frequency of mutants than a single injection of 100 mg/kg indicating an efficient repair of ENU-induced damage. Experiments are underway to investigate further male post meiotic germ-cell stages, effects on female germ cells, and age effects. Dosimetry studies using tritiated ENU show a much higher level of ethylation in the liver than in the testes. In testicular DNA, there appears to be a linear relationship between dose administered intraperitoneally and ethylation over a dose range from 10 to 100 mg/kg.

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Major efforts anticipated during the next year are:

(1) The completion of the spermatogonial dose response curve with ENU, i.e., additional data will be obtained at low-dose points;

(2) Experiments to determine the stage sensitivity of male germ cells to ENU will be completed; and

(3) The germ cell mutagenicity of 1,2-dibromo-3-chloropropane and hexamethylphosphoramide will be investigated. (CONTACT PERSON: Dr. M. D. Shelby)

Mouse Biochemical Specific Locus Study—The problem of heritable health risks resulting from exposure to mutagenic chemicals and the use of animal models to investigate this risk was introduced in the report on the mouse morphological specific locus study. The biochemical specific locus assay offers a second animal model by which to investigate the ability of chemicals to induce heritable mutations in mammalian germ cells. The biochemical specific locus assay has two particularly desirable features.

First, the assay detects changes in specific enzymes and offers the opportunity to relate chemically/induced mutations to changes in enzyme structure and function and ultimately to effects on health or fitness. Second, the potential availability of a large number of loci for analysis means that fewer animals than for the morphological specific locus test might be required to obtain a given amount of information.

The objectives of this study are: (1) To investigate chemically-induced mutation processes in mouse germ cells by studying cell stage specificity in both sexes and establishing a dose-response curve in spermatogonia using the mutagen N-ethyl-N-nitrosourea (ENU); and (2) investigating three environmentally significant chemicals for germ cell mutagenicity.

In this assay (Genetics *97*, 113–124, 1981; *Proc. Natl. Acad. Sci.* USA *78*, 3138–3141, 1981), induced mutant frequencies are determined by treating one parent (C57B1/6J or DBA/2J), usually the male, with ENU or a test chemical and then mating to the alternate strain to obtain progeny. Blood and kidney samples are taken from the F_1 progeny and tissue preparations of these samples are subjected to starch gel electrophoresis. After staining, the electrophoretic patterns of 21 proteins are observed on the gels and altered mobility patterns or missing bands are noted as variants. Breeding tests with the animals from which the altered proteins were obtained, along with additional electrophoretic analyses, are used to confirm or refute the mutational basis of the variants. At this early stage of the project, ENU treatments have been carried out and matings begun for: (1) Postmeiotic germ cells in both C57B1/6J and DBA/2J males; (2) the 200 mg/kg spermatogonial dose point; and (3) 250 and 100 mg/kg treatments in females. Insufficient progeny have been screened to draw conclusions from any of these studies. However, among 250 mg/kg treated C57B1/6J females, litters were obtained from matings beyond three weeks post-treatment. The 100 mg/kg females produced litters from matings during the first week following treatment. No electrophoretic variants have been obtained from these 100 mg/kg females but one apparent dominant coat color female mutant was detected among the progeny. The nature of this variant will be determined when she is old enough to mate. A stain specific for the esterase, Es-10, is being adapted for use in the screening system and, if incorporated, will increase the number of loci screened to 22.

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Several ENU studies initiated in fiscal year 1982 will be completed including those on the spermatogonial dose response curve and male and female germ cell stage sensitivities. Ethylene oxide and ethylene dibromide will be investigated for germ cell mutagenicity. (CONTACT PERSON: Dr. M. D. Shelby)

Mouse Heritable Translocation Testing—The thorough assessment of human genetic risk associated with exposure to mutagenic chemicals is complex and remains subject to many questions. Not only is such an assessment dependent upon extrapolation from results obtained in non-human test organisms but must also take into consideration a variety of genetic events that are known to be induced by chemical mutagens (e.g., gene mutations, chromosomal damage, and aneuploidy). All such events are known to be associated with human genetic disease. Genetic risk assessments are further complicated by the fact that some classes of genetic damage affect the first generation following the occurrence of the damage while in other cases effects may not be manifest for a few or many generations.

Heritable translocations resulting from the exchange of segments between non-homologous chromosomes are known to result in serious human health effects as in Downs and the *cri du chat* syndromes. The fact that serious genetic disease can result from heritable translocations, together with the fact that radiation and a number of chemicals are known to induce heritable translocations in mammalian germ cells, clearly demonstrates the need for testing chemicals for the ability to induce heritable translocations.

The purpose of this study is to gather additional information on the heritable genetic effects of chemicals being tested in the morphological specific locus assay. Six chemicals will be investigated over a two-year period using the same strains; chemicals, and treatment regimens used in the specific locus assay.

Heritable translocations are detected by treating male mice with test chemicals, mating the treated males and then testing F_1 males for fertility. Partially or completely sterile F_1 males are confirmed as translocation carriers by additional matings and cytogenetic analyses (*Mutat. Res. 76*, 191–215, 1980).

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A heritable translocation study on inhaled ethylene oxide began in late FY 1982 and will be completed in FY 1983 along with the testing of three additional chemicals. (CONTACT PERSON: Dr. M. D. Shelby)

Collaborative Activities

Proposed International Study on Short-term In Vitro Tests for Detecting Chemical Carcinogens—The NTP is represented on the International Program on Chemical Safety (WHO) *Ad Hoc* Working Group on the Application of Short-Term Tests to Predict Mutagenic and Carcinogenic Potential, and will participate in a proposed international study on short-term *in vitro* and *in vivo* tests.

The objective of the proposed study is to identify and select one or more *in vitro* tests in eukaryotes which, in a battery testing approach, will complement bacterial gene mutation assays by reliably detecting chemical carcinogens that are not readily detected with bacterial systems. This is to be accomplished through the testing of eight selected carcinogens, (hexamethyl-phosphoramide, safrole, ortho-toluidine, benzene, acrylonitrile, di(2-ethylhexyl)phthalate, phenobarbital, and diethylstilbestrol), and two chemicals (benzoin and caprolactam) for which there is good evidence of noncarcinogenicity. It is recognized that such complementary assays cannot be selected strictly on the basis of the proposed study. Therefore, utilization of other major sources of data such as the International Program for the Evaluation of Short-Term Tests for Carcinogens (IPESTTC) and the EPA Gene-Tox Program is anticipated. Since much of the groundwork for the proposed study has been covered in the IPESTTC, and to keep the study to a manageable size, the specific assays will be selected from those: (1) Which were conducted in the IPESTTC; and (2) with additional endpoints which have a demonstrated or anticipated likelihood of detecting the carcinogens under test.

Letters of invitation to participate in the study have gone out to laboratories around the world and most invited participants have responded. Arrangements have been made for the acquisition and shipping of chemicals. The *in vitro* phase of the study is to begin in the summer of 1982 and will require one year to complete. The *in vivo* phase of the study in which two carcinogen/putative noncarcinogen pairs (2-acetylaminofluorene/4-acetylaminofluorene and benzo(a)pyrene/pyrene) will be tested, will begin after the *in vitro* testing phase is underway and should also require approximately one year to complete. (CONTACT PERSON: Dr. M. D. Shelby).

International Collaborative Study on Genetic Drift in the Ames Tester Strains—As part of a thirty-eight laboratory international study, stocks of five *Salmonella typhimurium* tester strains used by the Cellular and Genetic Toxicology Branch were compared with reference cultures for their reponse to the mutagen4-nitroquinoline-N-oxide. This comparison was done using multiple experiments and a standardized protocol.

For the analysis phase of this study, the Branch in concert with the Biometry and Risk Assessment Program is one of three groups analyzing the data generated by the thirty-eight laboratories (the other analysis groups are in England and Italy). In this analysis we are evaluating the in-house vs. reference culture response in each laboratory, and across all laboratories; the day-to-day variation within and between laboratories; laboratory-to-laboratory variability; and the degree of variability within experiments for each laboratory and between laboratories. Preliminary analyses were presented at The Environmental Mutagen Society Annual Meeting in Boston, MA in March, 1982 and at The European Environmental Mutagen Society Meeting in Helsinki, Finland, June, 1982, along with the analyses of the British and Italian investigators.

Preliminary analyses show that disagreements or differences between laboratories are probably due to the way the laboratory performs the test and not to the genetic constitution of the *Salmonella* strains used in the different laboratories. Even when a fixed protocol is used as in this study, the analyses indicate that the performance of the protocol may be as important as the protocol itself. Additional analyses are in progress. These findings have a number of implications for the conduct and interpretation of results from the *Salmonella* test and can aid in the resolution of disagreements between laboratories. (CONTACT PERSON: Dr. F. Zeiger).

Support Activities

Development of a Computerized Data Base Management System for the Cellular and Genetic Toxicology Branch—The NIEHS/NTP testing projects generate large volumes of data and experimental information on all chemicals tested for genetic toxicity. A computerized data base management system is needed to capture this information in an interactive mode in the testing laboratory, store, process, and analyze the data, and provide summary analyses to the experimenter and to the Branch project officers. This system will also allow the staff to follow the course of testing with time in a large number of laboratories regardless of the genetic toxicity test system being used.

The PROPHET system, developed and managed by Bolt, Beranek and Newman under contract to the Division of Research Resources/NIH, was selected for collection and retrieval of *Salmonella, Drosophila* and cytogenetics data. Work has been completed by the contractor on a laboratory data entry terminal to be used for data collection and on the data base structure and software required to store this data in PROPHET. The data entry terminals are in place in the *Salmonella* testing laboratories and are being used to transmit data directly to PROPHET thereby obviating the need for data forms. Once in PROPHET the data is checked for completeness and made available to the Branch project officer in an easily readable form for approval. After approval, the data is stored in readily accessible tables for future reference, and summary management tables are updated with the new information. *Drosophila* and cytogenetics data are being entered into the PROPHET system at NIEHS.

Analytical Techniques required to perform mutagenicity and quality control determinations are being developed by NTP scientists for addition by the contractor into PROPHET. Finally, the contractor has developed additional interactive and batch report generation routines to facilitate the mangement of the mutagenicity results.

Presently work is progressing on the development of an in-house data base management system on the VAX computer. It will contain data from all the testing projects in the Branch and will allow for immediate retrieval and management of the data. (CONTACT PERSON: Mr. R. M. Rowley)

Intramural Program

FY 1982 Accomplishments and FY 1983 Program Plans

Salmonella Mutagenesis Reserch—Research with *Salmonella typhimurium* tester strains can be divided into two major projects: (1) Studies on the *Salmonella* strains and protocols in order to increase understanding of the test and improve the sensitivity and effeciency of the protocols currently in use, and (2) use of the *Salmonella* test as a tool to sutdy the *in vitro* anb *in vivo* metabolism of mutagenic chemicals.

Studies designed to improve understanding of the test include: (1) Kinetics of generation and appearance of spontaneous and induced mutant colonies; (2) factors affecting the mutation response: (3) identification of sources of variability or error in the test; (4) enhancement of the sensitivity of the protocols and improvement of the efficiency of currently used protocals; and (5) characterization of the factors needed to define a positive mutagenic response. Examples of these studies are the development of a rapid plate test for characterization of the phenotypes of the various tester strains; the identification of chemicals which interfere with the appearance of histidine revertant colonies on the plate test in the absence of toxicity as normally measured in the test; and the demonstration that the test can differentiate between the two mutagenic enantiomers of styrene oxide.

We have shown that prostaglandin endoperoxide synthetase (PES) can metabolize dihydrodiol derivatives of polycyclic aromatic hydrocarbons to mutagens and tht this metabolism was more selective than that effected by liver microsomal enzymes. These studies have been extended to the metabolism of aromatic amines where PES was also more selective than liver microsomal enzymes.

The study with purified cytochromes has extended to include rat liver cytochrome P448's synthesized in response to different inducers. The ability of these different cytochromes to metabolize aromatic amines and other substances to mutagens is being studied. (CONTACT PERSON: Dr. E. Zeiger)

Genetic Studies in Drospphila—The characterization of the relationship between DNA repair and mutagenesis in *Drosophila melanogaster* is being studied in several ways. First, X-linked mutagen-sensitive mutants have been isolated and characterized, many being shown to be defective in DNA repair. Two mutants at one locus decrease spontaneous mutation frequency but mutants at nine other loci show no effect. A fine structure map of the *mei-41* locus is being constructed to ascertain the allelism relation ship between *mei-41* and *mus-104*, and to confirm the large size of *mei-41* that has been indicated by mutational analysis. Many *mei-41* alleles are temperature sensitive and are being mapped with the intention of localizing the coding region of the gene. It should be possible to confirm the size of the locus further by the mapping of MR-induced *mei-41* mutations.

Also, DNA repair-defective mutants have been combined with certain maturally occurring transposable elements to allow the study of the interactions which occur in the double mutant combinations. Chromosome transmission is affected.

In addition, a mutant which increases mutation frequency (a mutator) has been identified and mapped. The mutator appears defective in repair of double strand breaks. Its presence results in the recovery of many X-ray induced mutations, most of which appear to be terminal deficinecies. Based on both cytological and genetic evidence, the broken chromosomes which are recovered are considered to be deficient for a telomere. The comparison of the effects of neutrons and high LET particles with X-ray and chemicals is being made to determine their effect on the induction of chromosom damage, mutation and telomore loss in the mutants. (CONTACT PERSON: Dr. J. Mason)

Molecular Mechanisms of Recombination and DNA Repair in Yeast—Meiosis is a fundamental developmental stage which occurs in nearly all eukaryotes. Although there is considerable information on the genetic and morphological changes that take place, relatively little is known about DNA metabolic events, DNA repair, or mechanisms of mutation. The purpose of this research is threefold: (1) To better understand the genetic events of meiosis at the molecular and enzymological level; (2) to determine the role of DNA repair mechanisms in the process of meiosis and in dealing with external insults; and (3) to relate meiotic and mitotic recombination and DNA repair processes. Using the yeast Saccharomyces cerevisiae, we have examined the mitotically Using the yeast *Saccharomyces cerevisiae*, we have examined the mitotically defined excision, postreplication and double-strand break repair pathways in meiosis. There is only one excision-repair pathway available to cells undergoing meiosis; however, in its absence cells lacking this pathway can still tolerate a considerable amount of damage due to an ability to replicate past the damage. We have shown that the damage does not cause recombination; on the contrary it suppresses normal meiotic recombination several-fold implying that unexcised damage can have considerable genetic effects on meiotic cells. In the absence of DNA damage cells undergoing meiosis do not require the excision repair pathway' however, the mitotically defined DNA double-strand break repair pathway is essential at the beginning of meiosis. In mutants lacking the *RAD52* gene product, cells begin to die as they enter meiosis. The enzyme involved is an alkaline deoxyribonuclease and based on physical studies of meiotic DNA, it processes intermediates in molecular recombination.

Studies are underway to characterize the *RAD52* controlled gene products and understand their role in normal meiotic recombination and damage-induced recombination. Recent work has demonstrated that recombinational events associated with DNA double-strand breaks occur in a directed fashion. Further molecular characterizations will be accomplished using various recombinant DNA techniques, immuno-precipitation procedures, 2-D protein gel analysis and mathematical modeling approaches.

Some of the repair processes described above may also be relevant to mutation induction. We are examining the nature of mutagenic events at the molecular level. Replication by yeast crude extracts on DNA templates which have been damaged by various agents is being examined to determine factors which may allow synthesis past damage. During the course of these studies, it should be possible to determine the coding nature of damaged DNA. (CONTACT PERSON: Dr. M. A. Resnick)

Molecular Analysis of Genotoxic/Carcinogenic Events in Mammalian Cells—The mechanism of chemically or physically-induced genetic toxicity/carcinogenesis by gene rearrangement and/or structural alternations and how these events relate to normal cell differentiation processes is of considerable importance in contemporary biomedical research. The ability to detect such events in a sensitive and precise manner, and the ability to identify chemical and physical agents with the potential to cause such effects, are fundamental goals of the Cellular and Genetic Toxicology Branch. This project is aimed at providing basic information concerning such processes and providing data on which reliable assay systems can be based.

The goal of this project is to analyze, by recombinant DNA techniques, sequence transpositions and alternations in gene structure and expression which result from chemical and physical toxic/carcinogenic agents. Molecular clones of the "transposon-like" endogenous ecotropic viral genomes of BALB/c and RFM/Un mice have been constructed and characterized. Subgenomic regions have been subcloned to provide molecular probes to specifically detect the ecotropic provirus and any long terminal repeat (LTR) containing genetic regulatory elements. Detailed analysis of a large population of cloned genomes of the BALB/c endogenous retrovirus has revealed a significant variability in the U3 region of the LTR. These findings are intriguing due to the important multi-functional role of this region, including "transposon-like" integration and regulation of gene transcription. Ongoing and future studies involve the molecular cloning of the reintegrated or transposed proviral genomes when identified in cultured and primary radiation-induced myeloid leukemia cells. Analysis of alterations in gene expression due to the relocation of these elements will be performed using cloned DNA probes from adjacent cellular regions.

The long-range goal of this project is to clarify the role which chemical and physical environmental agents have in initiating the transposition or structural alteration of genes and regulatory elements and how these events result in genetic toxicity. An immediate goal is to identify and characterize transpositions of genetic elements which may be causually related to radiation-induced myeloid leukemia. The initial model will be based on the "transposon-like" endogenous provirus of RFM/Un mice.

Recombinant DNA techniques will be used to generate molecular probes from endogenous retroviral genomes. Primary (germ line provirus) and secondary (transpositions and reintegrations) loci will be molecularly cloned from normal cells and radiation-induced myeloid leukemia cells. Restriction endonuclease mapping, nucleic acid sequencing and characterization of specific RNA transcript will be employed.

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Recombinant DNA clones of the endogenous ecotropic viral genomes of BALB/c and RFM/Un mice have been constructed and characterized. Subgenomic regions have been subcloned to provide molecular probes to specifically detect the ecotropic *env* gene and the viral LTR. Detailed mapping of the LTR region of a population of clones has revealed that a particular segment of the "U3" component of the LTR appears to be a 'hyper variable' region. The LTR is known to be involved in "transposon-like" integration and regulation of viral gene transcription and promotion of transcription of adjacent cellular genes. Continued work is to be aimed at the mechanism of generating this diversity and its biological significance. Ongoing and fufure studies will focus on the molecular cloning of the primary and secondary loci and characterization of gene expression patterns in adjacent regions in normal and neoplastic cells. (CONTACT PERSON: Dr. L. R. Boone)

In Vitro Systems to Study Organ and Species Specificities of Chemical Carcinogens—In vitro approaches for studying organ, species, strain and cell-type variations in the metabolic activation of chemical carcinogens have been developed (Carcinogenesis, *2*, 851, 1981; *Banbury Report*, in press; Nature *276*, 277, 1978). Rat, mouse, hamster, bovine and canine species have been most widely used with liver, lung and urinary bladder being the primary organs studied (Carcinogenesis, *2*, 851, 1981; *Envir. Health Perspect.*, in press). Both intact cells and cell homogenates from each tissue are used for metabolic activation as these systems can differ from each other and from *in vivo* activation of the carcinogen (*Environ. Health Perspect.*, in press). Two metabolic activation systems have been coupled with the two target cell systems, Chinese hamster V–79 and *Salmonella typhimurium*, to measure multiple endpoints including cytotoxicity, sister chromatid exchange (SCE) induction and mutation. Measurement of multiple genetic endpoints has proven to provide better predictability of a chemical's genotoxic activity than measurement of any single endpoint (*Mutat. Res.*, in press).

The methodologies for measuring Chinese hamster V–79 cell mutagenesis have been previously reported (PNAS, *75*, 2864, 1978); ouabain and/or 6-thioguanine will be used as the selective agents. *Salmonella* mutagenesis will be measured as described by Ames (*Mutat. Res.*, *31*, 347, 1975), with the modification where intact cells are used for metabolism (*Environ. Health Perspect.*, in press). This project was initiated in FY 1982, and the results to date indicate the following: (1) Intact liver and bladder cells can be used for carcinogen activation with V–79 cells or *Salmonella* as targets: (2) bladder epithelial cells from cows and rats are metabolically

active and can activate hydrocarbons, aromatic amines, and nitrosamines to mutagens: (3) species differences in the metabolic activity of bladder cells appear to exist with preliminary studies indicating cow>rat>dog; (4) for the aromatic amines, *Salmonella* mutagenesis is a more sensitive endpoint while for nitrosamines, V–79 mutagenesis is more sensitive; and (5) the extent of mutagenic activity observed when S–9 or intact cells (from liver or bladder) are used for metabolic activation depends on the chemical and no general pattern has yet emerged.

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This project is directed specifically at investigating the role of the liver and bladder in the initation of bladder tumors in various species including humans. Know bladder-specific carcinogens will be studied. Bladder cells and cell homogenates, and liver cells and cell homogenates will be used for metabolic activation with V–79 cells and *Salmonella* as the targets for detecting the production of mutagenic intermediates. Furthermore, by employing both intact cells and cell homogenates for metabolic activation, these two most commonly used metabolic activation systems will be compared.

The studies will provide basic information on the mechanism of initiation of bladder cancer in various species. From such studies, a short-term screening system for detecting bladder carcinogens should emerge. Additionally, by comparing the two most commonly used metabolic activation system, their relative merits can be assessed and hopefully better *in vitro* activation systems can be devised. (CONTACT PERSON: Dr. R. Langenbach)

NCTR Heritable Translocation Assay Program

The initial objectives of the NCTR/NTP Heritable Translocation Assay (HTA) Program have been: (1) To identify components of the test procedure which may be modified to improve test precision and reliability, and then make and evaluate appropriate modifications; and (2) to develop an in-house capability for performing HTA studies which can provide quality data for use in regulatory evaluation of mutagens, specifically those of interest to the National Toxicology Program (NTP). An HTA test capability has now been achieved at the NCTR which can contribute not only to the testing and evaluating of compounds of interest to NTP but also to answering questions related to the extrapolation of animal model data to humans and the identification of significant human health risks.

Experimental Design: Two projects have been implemented: (1) "Selection of stocks of mice for use in HTA studies at the NCTR" (E–243); and (2) "Validation of the NCTR HTA test procedure" (E–244).

The first project (E–243) consists of two phases. The first phase, which was completed in FY 1980, involved comparative evaluation of the breeding performance of six stocks of mice identified by a literature review as potentially appropriate for use in HTA studies. These six stocks are:

0D—CD–1 random bred
0F—(AE×BALB/c) F_1 hybrid
0G—(SEC×C57BL/10) F_1 hybrid
0H—(A*×SEC) F_1 hybrid
0N—(C57BL/6N×C3H) F_1 hybrid
0R—(C57BL/6J×BALB/c) F_1 hybrid

The specific aim of this study was to determine the theoretical misclassification error rate associated with the potential use of any of the above six stocks as "tester" females in a sequential fertility test protocol (Generoso, *et al, Chemical Mutagens*, Vol. 5, 1978). The variability of litter size for "tester" females used in fertility test protocols has been shown to have a significant effect upon the misclassification error rate and, consequently, the overall test error rate. In general, the greater the standard deviation from the mean, the greater the misclassification error, (Bishop and Kodell, *TCM*, Vol. 1, 1980).

Fifty single pair matings of females from each of these stocks with CD–1 males were established for a 10-month mating period and all litters recorded upon birth. The mean and standard deviation of litters 2–4 produced by each female stock were calculated and used in published equations (Bishop and Kodell, *TCM*, Vol. 1, 1980) to determine the theoretical false negative misclassification error (b-error) using our protocol strategy where false positive misclassification errors (a-errors) are controlled below one-half percent by appropriate selection of the "decision value" (Weimann and Lang, *Mutat. Res.*, 1978).

The second phase of this project, where five experiments have been conducted to date, involves comparison of response of the different stocks in Dominant Lethal Tests (DLT). The specific aims of this study were to determine whether the frequency of fetal death induced by selected chemicals differs significantly with the stock of F_o female and/or male used (Generoso, *et al, PNAS*, 1979) and whether (by comparison with HTA data collected in the second project) this difference correlates positively with HTA test results and thereby might be used in selecting F_o stocks for maximizing (or moderating) test sensitivity.

Experiments one and two each consisted of treating 48 0D male mice with isopropylmethane sulfonate (IMS) or ethylmethane sulfonate (EMS), respectively, and mating each male for an appropriate post-treatment interval to three females from either the 0D, 0F, 0G, 0H, 0N or 0R stocks (8 males/24 females/stock). Experiments three, four and five each consisted of treating 16 0D, 16 0N and 16 0R males with IMS, EMS, or triethylene melamine (TEM), respectively, and mating each of them for an appropriate post-treatment interval to three females from either the 0N or 0R stocks (8 males/24 females/male-female stock combination). Concurrent control groups of equal size and design were run for each experiment. Mean fetal death rates were calculated for each stock combination and compared by an analysis of variance and a Duncan's multiple range test after "clustering" by the method of Whorton (*TCM, 1*, p. 353–360, 1981).

The second project (E–244) consists of two positive control HTA studies of basically identical design but using different chemical mutagens, TEM for the first study and cyclophosphamide for the second study. The first study was to have been completed by June 1982.

In each study 120 0D males are treated with the chemical and mated (3 females/male) to females from either the 0N or 0R stock. F_1 males are weaned and then 500 of them are randomly selected for testing by the "sequential fertility test" method (Generoso, *et al, Chemical Mutagens*, Vol. 5, 1978) using our specific decision strategy (Weimann and Lang, *Mutat. Res.*, 1978; Bishop and Kodell, *TCM*, Vol. 1, 1980) to identify probable translocation heterozygotes. Upon completion of the fertility test, all 500 males are screened by the "Cytogenetic Test Method," (Adler, *TCM*, Vol. 1, 1980) for multivalent meiotic chromosomes characteristic of translocation heterozygotes and/or by analysis of banded mitotic chromosomes prepared from stimulated peripheral blood cells (Barren, *et al, Nutat. Res.*, 104, 1982).

Comparison of the translocation frequency detected by our "sequential fertility test" methd with that confirmed by cytogenetic evaluation will be used for empirical determination of the misclassification error for our fertilty test procedure. In addition to validating an HTA test procedure which the NCTR can use in future evaluation of NTP compounds, findings from this project will allow us to identify and correct logistical problems which might be associated with handling such large populations of animals.

FY 1982 Accomplishments

Selection of Stocks of Mice for Use in HTA Studies at the NCTR—A final report and draft manuscript of the results of this experiment have been prepared and submitted for NCTR internal review. Theoretical misclassification errors were calculated for the six stocks of mice. Evaluation of the breeding data on the six stocks of mice resulted in identification of 0N as the preferred stock to use as "tester" female because of the relative minimal probability of F_1 male misclassification (0.0012). Additionally it was observed that the relative order of male stock sensitivity for EMS and TEM was similar. This is in agreement with the results of Generoso *et al, PNAS*, 1979.

Validation of the NCTR HTA Test Procedure—The positive control study with TEM was completed in June 1981. The results of this study are presented in Table 9. Of the 400 F_1 male progeny of untreated F_1 hybrid females mated to CD–1 males injected i.p. with 0.18 mg/kg TEM and screened for translocation heterozygotes (TH's) by both fertility and cytogenetic test methods, 97 were classified suspect TH. Of these, 27 were completely sterile and 54 were partially sterile with both tester stocks. For the (C57BL/6NxC3H) and (C57BL/6JxBALB/c) F_1 hybrid tester stocks, the frequency of cytogenetically normal males which were classified as suspect TH (i.e., false positives) was 0.033 and 0.025, respectively. The frequency of cytogenetically confirmed translocation carriers which were missed by the fertility test with (C57BL6NxC3H) and (C57BL/6JxBALB/c) F_1 hybrids (i.e., false

negatives) was 0.05 and 0.025, respectively. *Thus, a standardized protocol for a sequential fertility test method of the HTA with empirically determined misclassification error has been successfully developed for use in evaluation of NTP compounds at the NCTR.* The mathematical model proposed by Bishop and Kodell (*TCM*, Vol. 1, 1980) is being adjusted based upon the empirical results of this study. A final report and a manuscript describing the overall results of this study are in preparation and expected to be completed in FY 1982. (CONTACT PERSON: Dr. J. B. Bishop)

FY 1983 Program Plans

Selection of Stocks for Use in HTA Studies at the NCTR—All final reports and manuscripts for this experiment were completed in FY 1982. The manuscript will be submitted for publication in FY 1983. No additional dominant lethal studies are planned at this time.

Validation of the NCTR HTA Test Procedure—A final report and manuscript describing the results of this experiment will be completed in FY 1982. The manuscript will be submitted for publication in FY 1983. In addition, at least one additional manuscript, the statistical considerations for adjustment of the mathematical model of Bishop and Kodell, will be prepared in FY 1983.

An experimental protocol designed to assess potential immunodeficiencies in the F_1 animals is being prepared and will be submitted during FY 1982. If funded, this study will be implemented and completed in FY 1983.

In addition, a manuscript will be prepared in FY 1983 which outlines a proposed model for risk assessment with the HTA, reviews available animal model and human epidemiological data that can be used to estimate significant human health effects from translocations, and describes a procedure for incorporating this and future information of a similar nature into the model. (CONTACT PERSON: Dr. J. B. Bishop)

Utilization of the Primary Hepatocyte/DNA Repair System to Detect Potential Genotoxicity of NTP Chemicals

It is known that DNA is the target for various cytotoxic, mutagenic, and carcinogenic chemicals. It is thought that a majority of chemical carcinogens or their metabolites are electrophiles that react with cellular nucleophiles such as nucleic acids and proteins. One result of nucleic acid binding is DNA repair. This is accomplished by excision of the adduct and subsequent polymerization and ligation of the DNA strand. One method for detecting DNA repair is the use of autoradiographic techniques to measure labelled thymidine incorporation into DNA of mammalian cells outside of the normal phase of DNA synthesis (unscheduled DNA synthesis, UDS). A variety of cell systems have been developed to detect UDS, ranging from rodent to human cells in culture, and these systems have been advocated for inclusion into a battery of assays to assess hazardous chemicals. One such system is the primary hepatocyte/DNA repair system. This system is useful because the cells are non-proliferating and inhibition of scheduled DNA synthesis is not required. Further, the cells are capable of metabolically activating many precarcinogens and premutagens to their active forms allowing measurement of UDS in the same cells that activate the test chemicals.

The objective of this cooperative project with NIEHS/NTP is to test 24 coded NTP-selected chemicals in the primary hepatocyte/DNA repair system. The standard protocol uses primary hepatocytes isolated following *in situ* perfusion of rat livers with collagenase; the cells are plated in Willians' medium E and attached to coverslips for 1–2 hours. This attachment allows for selection of only viable cells. The coverslip cultures are incubated either in petri plates or Leighton tubes, depending upon the volatility of the test chemical. The hepatocytes are exposed for 18–24 hours at 37°C to a series of concentrations (dependent upon solubility) of the test chemical in Williams' medium E containing ^{3}H-thymidine. After incubation, the test medium is removed and the cells are washed and fixed; the coverslips are dried and then attached to microscope slides. The slides are dipped in diluted NTB2 autoradiographic emulsion, dried and the emulsion is then exposed at 4°C in the dark for about one week. The cells are stained with Giemsa and the grains in the emulsion over the nuclei and cytoplasm are counted with an electronic counter.

An appropriate positive control agent (2-AAF or 7,12-DMBA) is used to monitor the metabolic state of the hepatocyte preparation. Additionally, the repair capacity is also monitored by using 200–300 erg/mm UV-irradiation. Depending upon the nature of the chemical being evaluated, the negative control is the solvent used to dissolve the chemical and if the solvent is organic, e.g., DMSO, ethanol, or acetone, the final concentration will not exceed one percent. Dosage selection for the UDS assay is based on the cytotoxic information obtained either from the NTP or based on preliminary cytotoxicity testing (e.g., dye exclusion, isotopically labelled leucine incorporation into protein, or morphological evaluations). A concentration which exhibits a cytotoxic response (or the highest soluble concentration, in the absence of cytotoxicity) is selected as the highest concentration for the UDS assay and the remaining four doses are selected over a 2-logarithm range.

The cells are examined microscopically and silver grains representing incorporation of ^{3}H-TdR during UDS are observed and counted using oil immersion (100x) optics. The net nuclear grain count (nuclear grain counts—cytoplasmic grain counts) are determined for 50 randomly selected cells on each coverslip. The mean net nuclear grain count is determined from triplicate coverslips for each treatment condition. The test agent is considered positive if the results demonstrate a concentration-related, statistically significant increase in UDS over negatige control values and/or a reproducible, statistically significant increase in UDS at one concentration. A negative conclusion is reached in the absence of a positive response, as defined above, when the test compound has been tested to cytotoxic levels or to the limits of solubility.

FY 1982 Accomplishments

This project was begun December 31, 1981, and is scheduled to continue to December 31, 1982. Fourteen of the 24 chemicals have been delivered and solubility characteristics have been determined for 10 of these 14 chemicals. In addition, cells have been exposed to six of these chemicals in two separate experiments and have been carried to the nuclear grain counting phase. We are presently counting grains and developing the data on these six chemicals and exposing cells of the other four for which we have solubility data. We expected to complete all but data analysis for the 14 chemicals by the end of July 1982. (CONTACT PERSON: Dr. D. Casciano)

NIOSH

Mutagenic Monitoring for High Risk Workers

Background Information and Objectives: It is known that many chemical agents and mixtures are produced during coal gasification and liquefaction processes (DHS–NIOSH Publication No. 79–113). In the near future, coal gasification and liquefaction may become important energy industries owing to the Nation's attempt to alleviate natural gas and oil shortages. As these industries and plants proliferate, thousands of workers will be employed and, inadvertently, they may be exposed to the by-products associated with these operations. Any of these by-products which are mutagenic may represent a genetic hazard. To protect workers from any potential mutagenic hazard, mutagenic monitoring of plant personnel and the workplace environment are necessary. By monitoring, mutagenic agents may be detected early and identified. Awareness of this potential occupation-related hazard and adoption of proper procedures to safeguard workers from exposure to this class of industrial by-products would benefit directly the health of workers and/or their offspring. The information obtained could also be used in the future to determine whether there is any relationship between the results of mutagenic monitoring and epidemiological findings.

The objectives of this project are to determine whether: (1) The mutagenic activity of air particles form coal liquefaction plants are higher than the activity of particles from the outside environment; (2) mutagenic activities, if any, of urine samples collected from plant workers are higher than those collected from a control population; (3) the frequencies of sister chromatid exchanges (SCE's) and chromosome aberrations (CA's) in peripheral lymphocytes of workers are higher than those of the control group; and (4) there is any relationship among the objectives (1), (2), and (3).

Experimental Design: Two coal liquefaction pilot plants, if possible, will be used for ths study. Air particles from both plants will be collected with high volume samplers by pulling air through glass fiber filters. Solvent extracted organic materials will be tested for mutagenic activity with the *Salmonella*/microsome pre-incubation test and for induction of SCE with the cultured Chinese hamster ovary (CHO) cells assay system. Thirty workers who have been working in the plant for at least one month

and 30 unexposed local individuals near each plant will be selected as a source of blood (10 ml per participants) and urine (400–600 ml) samples.

A questionnaire will be administered to all participants. This questionnaire will be used to elicit the information necessary for matching the control group to the worker group and to properly assess the results of the bioassays.

The collected blood samples will be analyzed for the frequencies of SCE's and CA's. Appropriate numbers of cells will be scored to determined statistically significant increases in SCE and CA frequencies. Urine samples will be concentrated with an XAD–2 column. The solvent eluted concentrates will be tested for mutagenic activity with the *Salmonella*/microsome assay system. All experiments will be repeated one month after concluding the first experiment. A third experiment will be conducted if the results of the first and second experiments are not in qualitative agreement.

FY 1982 Accomplishments

The project protocol developed by the contractor, Litton Bionetics, has been reviewed by outside experts and approved by the NIOSH Human Subject Review Board. The approved protocol is now ready for submission to coal liquefaction plan officials to seek entry permission for the studies.

FY 1983 Program Plan

Sampling of air particles and collection of biological specimens will be completed if entry permission can be obtain before the first quarter of FY 1983. Mutagenic and cytogenic analyses of the collected specimens will be initiated in FY 1983. (CONTACT PERSON: Dr. T. Ong)

All chemicals known to induce cancer in humans cause cancer in laboratory animals with the possible exception of arsenic. Thus, reducing exposure to chemicals known or suspected to cause cancer in humans or animals will reduce chemically-induced cancer in humans. This public health stance of preventive oncology stands as one of the primary goals of the NTP: identify with certainty in well-conducted experiments those chemicals most likely to be hazardous to humans. From a preventive health view, the NTP underscores the concept that chemicals found to cause cancer in animals must be considered capable of causing cancer in humans.

The NTP strives to accomplish this by evaluating those large volume chemicals known to have a high index of human exposure. This scientific appraisal process comprises an integrated toxicological characterization approach: chemical disposition (absorption, distribution, metabolism, excretion), genetic toxicology, fertility and reproductive assessment, systemic toxicology (14-day and 90-120 day exposures), specific studies as needed (immunological, biochemical, and inhalation toxicology), clinical pathology where applicable (hematology, urinalysis, endocrine function, and clinical chemistry), and long-term (two-year) carcinogenesis bioassays.

The "standard" two-year carcinogenesis bioassay remains as the most definitive method for detecting chemical carcinogens in animals. The standard protocol as developed by the NCI typically uses two rodent species (usually Fischer 344 rats and B6C3F$_1$ mice), both sexes, and administration of multiple dose levels (concurrent controls, low dose, and high dose) of a chemical to groups of 50 animals, beginning at weaning and ending after two years. These experiments are designed primarily to determine whether selected chemicals produce cancer in animals.

Chemicals tested in the NTP carcinogenesis bioassay program are chosen primarily on the basis of human exposure, available (or lack of) toxicology data, level of production, and chemical structure. Selection per se is not an indicator of a chemical's carcinogenic potential.

Negative results, in which the test animals do not have a greater incidence of cancer than control animals, do not mean necessarily that a test chemical is not a carcinogen, inasmuch as the experiments are conducted under a limited set of conditions. Positive results demonstrate that a test chemical is carcinogenic for animals under the conditions of the test and indicate that exposure to the chemical is a potential hazard to humans. The determination of the risk to humans from chemicals found to be carcinogenic in animals often requires a wider analysis which at present extends beyond the purview of these studies.

The results of the bioassay also serve as the reference base for the validation of short-term carcinogenesis assays. Two additional objectives have been identified as priority items: (1) To expand the bioassay experimental protocols to extend and better characterize the toxicologic profile of chemicals; and (2) to investigate, develop, and validate accurate, less costly, and more rapid methods for detecting carinogenic potential.

Under the NTP, the carcinogenesis bioassay procedure(s) has been and continues to be changed to meet the objective of a broadened toxicologic characterization of chemicals, and further, to lead or stay abreast of advancing scientific developments. Prior to NTP involvement, the prechronic phases of the bioassay—which include single dose (acute), 14-day repreated dose, and 90- to 120-day repeated dose studies—were conducted to determine gross toxicity and general target organ effects at different dose levels as a primary basis for setting appropriate doses for the two-year bioassay studies. Now, the NTP has begun to gather routinely other information related to target organ effects: chemical disposition, fertility and reproduction, urinalysis, clinical chemistry, and hematology also are obtained from the prechronic studies—especially the 90-day study; certain other specific studies as applicable are included in the chronic two-year studies as well. Once those parameters that may be altered through exposure to the tested chemicals are identified, then suspect chemicals are referred to specific organ system groups for more detailed study of the functional, biochemical, and morphologic effects of the test compounds. Also, wider analysis of the quantitative and comparative absorption, distribution, metabolism, and excretion patterns may be desired. All chemicals selected for chronic bioassay will be profiled for chemical disposition patterns. Further, a group of five *in vitro* short-term cellular and genetic toxicology assays were added to the prechronic phases in FY 1982. All chemicals started on test in FY 1981 and FY 1982 had an expanded design including other select studies. The goal is to ensure that all major toxic effects will be identified for each chemical being considered for long-term bioassays.

These data, together with other prechronic bioassay information, are used by the experimental design groups for preparing appropriate study protocols and are used by staff for assisting in establishing priorities for chemicals queued into the long-term carcinogenesis bioassay. A key decision that must be made at this juncture between the completion of the prechronic phase and the beginning of the chronic study centers directly on whether indeed the lifetime bioassay should be done at all.

With this composite information base, the doses for the chronic study are selected. The high dose, termed the estimated maximum tolerated dose (EMTD), represents the highest dose of a chemical or substance given during a chronic study that can be predicted not to alter the treated animals' normal longevity from toxic effects other than carcinogenicity. The low dose ordinarily equals one-half EMTD. Other empirical factors include weight gain/food consumption data; for instance, a decrease in weight gain near 10–20% (not associated with a tumorigenic response) is often used as a general indication that the EMTD was achieved.

Thus, while the lifetime animal bioassay remains the best procedure for determining the carcinogenic potential of chemicals, NTP does not ordinarily use a standardized design. Rather the design is adapted to the special testing needs identified for the particular chemical. The NTP tailors its testing protocol to each chemical, based on the results from the prechronic testing phases, on available literature, and on structure-activity relationships. These new protocols permit better, more specific information to be generated for the tested compounds, which increases the effectiveness of the tests for potential human risk estimations. Such protocols also will be useful as guidelines for testing undertaken by other agencies and by industry. As examples, the NTP continues to pursue actively other design methodologies—increase the number of dose levels, "unbalanced" distribution of animals among dose groups, interim kills, modified protocols for histopathology, and so on.

While the majority of NIP Long–term bioassays are being managed and conducted by the NIEHS component of the Program, a number are being carried out by the NCTR component and are described in subsequent pages of this section.

Long-term studies by the NIOSH component specifically emphasize study of the etiology of cancer in the occupational environment. A number of long-term carcinogenesis bioassays are in progress on materials ranging from single chemicals to

mixtures administered by various routes analogous to likely routes of human exposure in the workplace.

NIEHS

FY 1982 Accomplishments

Testing—Prechronic and Two-Year Bioassays

During FY 1982, 21 bioassays were completed and the reports of the findings were approved by the *ad hoc* scientific peer review panel associated with the NTP Board of Scientific Counselors (Table 10). Under the conditions of these carcinogenesis bioassays, 12 (57%) were considered positive, 7 (33%) negative, and 2 (10%) equivocal. Since the NIP has become actively involved in the bioassay technical report review process, 59 experimental studies initiated by the NCI or the NTP have been completed and peer reviewed (with final reports issued or in press). Of these, 32 (54%) were positive, 22 (37%) were negative, and 5 (9%) were equivocal for carcinogenicity. Single copies of the NTP Technical Reports are available or will be available (for those in press from the NTP Public Information Office, (P.O.) Box 12233, Research Triangle Park, NC 27709.

There were 27 new chemical starts in the prechronic phases of the bioassay process in FY 1982, and a total of 45 bioassays in the prechronic phases at the end of the fiscal year (Table 11). There were 172 bioassays in the chronic testing phase at the end of the fiscal year (Table 12). This includes bioassays in the histopathology/diagnosis phase.

Since FY 1980, all new bioassays have been under direct NTP management while testing activities initiated prior to FY 1980 continued to proceed through the prime contract mechanism. Direct management and supervision of each chemical test was initiated to enable better monitoring and quality control of the testing program, especially with the inclusion of the various special studies. The process is described in the Chemical and Laboratory Test Management section. In conjunction with NTP initiation of direct arrangements with testing laboratories, a number of scientific support contracts awarded in FY 1980 continued in FY 1981 and FY 1982. These include pathology support, health and safety activities, chemical repositories, chemical analytical services, animal production and literature support.

A gradual phase out of the prime contract began in FY 1982 and is scheduled to be completed in the third quarter of FY 1983. Management of the bioassay subcontractors and support functions now carried out by the prime contractor will be assumed directly by the NTP.

To do the expanded toxicological characterization studies included in bioassays started under the NTP, the NTP continues a contracting mechanism (a master agreement) under which laboratories and their personnel are qualified for standard bioassays and in each of the various special study areas. The pool of qualified laboratories currently stands at 19. (CONTACT PERSON: Dr. M. Vernon)

Other Long-Term Studies—Standard two-year bioassays with six-week-old animals were initiated in FY 1982 concurrently with two bioassays where exposure began *in utero* and continued during the neonatal period. The chemicals being tested are phenytoin and ethylene thiourea; a third bioassay with polybrominated biphenyl mixture (Firemaster FF1) will be initiated in FY 1983. The objective is to determine whether extending long-term chemical exposure of animals to the gestational and neonatal periods will result in altered sensitivity to the induction of carcinogenesis and/or other types of toxic effects. (CONTACT PERSON: Dr. R. Chhabra)

Test Methods Development and Validation

Prechronic Testing Phase—Starting in FY 1982, during the prechronic phase, all chemicals undergo cellular and genetic toxicology testing in at least five *in vitro* short-term assays: (1) Gene mutations in bacteria—*Salmonella typhimurium*/microsome; (2) gene mutations in mammalian cells—mouse lymphoma (L5178Y, thymidine kinase); (3) chromosome damage in mammalian cells—cytogenetic damage and sister chromatid exchange in Chinese hamster ovary (CHO) cells; (4) a mammalian cell transformation assay—(BALB/c-3T3); and (5) a direct measure of DNA damage/repair (which does not necessarily result in mutation or transformation)—unscheduled DNA synthesis (rat hepatocytes). (CONTACT PERSON: Dr. J. W. Spalding)

Animal Bioassay Methodology—The NTP in March 1982 presented to the Board of Scientific Counselors a series of biomathematical simulations aimed at improving the basic experimental design of the two-year bioassay to provide information useful for low-dose extrapolation while retaining the power of the bioassay for detecting carcinogenic effects. Three and four-dose designs were examined. The optimal design involved four groups (control plus low, medium, and high dose). The estimated maximum tolerated dose (EMTD) would be the high dose, the middle dose one-half the EMTD, and the low dose 10-30% of the EMTD. The most appropriate designs are being considered for possible future implementation for long-term carcinogenicity bioassays, and are also discussed in the Data Management and Analysis section. (CONTACT PERSON: Dr. C. Portier)

Two studies planned for initiation in FY 1982, one focusing on the possible influence of the Sendai virus on chemically-induced carcinogenesis in mice, and the other aimed at evaluating strains other than the B6C3F1 mouse for carcinogenesis is bioassays, were deferred due to resource limitations.

Short-Term Carcinogenesis Assays—In-Life portions of the pulmonary tumor studies in Strain A mice at Oak Ridge National Laboratories will be completed by the end of FY 1982

A three-year research program using short term *in vivo* liver carcinogenesis models to help clarify the nature of the hepatocarcinogenic responses frequently associated with two-year rodent bioassays began at the end of FY 1982. A major objective of this program is to assess the ability of selected chemicals to act as initiators, promotes, or complete carcinogens in these models. Initial emphasis is to be directed toward aspects of model development including assessment of chemical dosimetry. The research will include attempts to quantitatively assess response through the use of preneoplastic markers and correlate these results with histomorphologic tumor endpoints. Initial selection of chemicals will focus on those known to induce liver tumors in rodents, taking into account their genetic toxicity. Current program plans estimate 24–36 chemicals will be tested in *in vivo* liver tumor models. (CONTACT PERSON: Dr. R. Maronpot)

FY 1983 Program Plans

Testing—Prechronic and Two-Year Bioassays

During FY 1983, the NTP plans to start 18 chemicals in the prechronic phase of the bioassay process (Table 13). It is expected that 28 two-year bioassays will be completed and the resultant draft reports will be peer reviewed in FY 1983 (Table 14). All new bioassays will include broadened protocols with various special studies integrated into the experimental design. (CONTACT PERSON: Dr. J. Douglas)

Test Methods Development and Validation

Short-Term Caricinogenesis Assays—Final summarization and evaluation of the data from the pulmonary tumor studies in Strain A mice will be completed in FY 1983. These results should help to determine the feasibility of using this short-term assay in carcinogenicity testing of chemicals. (CONTACT PERSON: Dr. R. Maronpot)

NCTR

FY 1982 Accomplishments and FY 1983 Program Plans

Testing—Prechronic and Long-Term Bioassays

Rotenone—Femal Wistar rats were used in an experiment entitled "Tumorigenic Potential of Rotenone and its Specificity for Mammary Tissue", at doses of 2.5 and 25 μM/Kg with 72 animals in each dosed and control group. The 25 μM/Kg doses proved toxic so groups at 5.0 μM/Kg were added. Animals were injected 5 days a week for a period of 8 weeks and monitored for an additional 15 months. The animals were then sacrificed.

Evaluation of gross necropsy data and microscopic pathology data revealed no dosed related lesions, either grossly or microscopically. A final report and manuscript are in preparation. (CONTACT PERSON: Dr. W. Allaben)

Gentian Violet and Sulfamethazine—Gentian violet and sulfamethazine are NTP selected compounds and are being evaluated as comprehensive bioassessment studies. The toxicological investigations are intended to examine the FDA's proposed Sensitivity of Method (SOM) requirements and established tolerances for use as an additive in chicken and swine feed with regard to their subsequent potential toxicity as residues in chickens and pork used for human consumption. Because of this, the

investigation of each chemical includes several phases.

The gentian violet study status is as follows: The 90-days MTD (rat and mouse) subchronic study final report is in progress. Metabolism studies, some under contract, will be completed in FY 1982. The dosing of the mice lifespan was completed in July, 1982. The rat multigeneration study is scheduled for completion in July, 1983.

The sulfamethazine study status is as follows: The 90-day MTD (rat and mouse) final report is in progress. Metabolism studies, some under contract, will be completed in FY 1983. A restarted mouse lifespan study is scheduled to be completed in July, 1984. A restarted rat multigeneration study will be completed in December, 1984. (CONTACT PERSON: Dr. N. Littlefield)

Antihistamines—Bioassays of the antihistamines were initiated following compound identity, and purity tests and stability trials. At present all data from the subchronic phase are being reviewed and final reports are being prepared. Details of the studies are as follows:

Pyrilamine

14-Day Repeated Dose Study: Dose levels used were: Mice—3200, 1600, 800, 400 and 200 ppm (free amine); Rats—6400, 3200, 1600, 800 and 400 ppm (free amine). Pyrilamine maleate was 99.9% pure and found to be sufficiently stable in rodent feed to use feed as the vehicle of administration. All animals gained weight during the experiment with a trend for less gain in the higher two doses in both rats and mice. There were no clinical observations noted that were considered dose related.

Gross pathology of sacrificed rats and mice showed no remarkable lesions for mice and rats. Microscopic pathology revealed no significant findings for mice. In rats there were mild fatty metamorphoses of the liver and mild lymphoid accumulations in the lung distributed equally in control and high dose animals.

90-Day Subchronic Study: Dose levels were: Mice—6000, 3000, 1500, 750 and 375 ppm; Rats—12,000, 6000, 3000, 1500, 750 ppm. The only clinical observations that occurred regulary were hair loss and hunched and skinny appearance occurring only in the 12,000 ppm dose group in rats. There was a general dose related decrease in weight gain throughout the study with much greater effects at the high dose in both rats (12,000 ppm) and mice (6000 ppm). Statistical analyses have not been performed as yet.

Gross pathologic evaluation of rats and mice showed no unusual dose related lesions. Histopathologic evaluation of all tissues has been completed and a final report is in progress. (CONTACT PERSON: Dr. W. Allaben)

Doxylamine

14-Day Repeated Dose Study: Dose levels were: Rats and Mice—2000, 1000, 500, 250, 100 ppm (free amine). Only the highest dose level had any effect on weight gain in either species. Gross pathology of sacrificed animals showed no remarkable lesions.

90-Day Subchronic Study: Dose levels were: Mice—1500, 750, 325, 162 and 80 ppm; Rats—6325, 2530, 1012, 405 and 162 ppm. The subchronic study has been completed and the data are presently being verified and analyzed for preparation of the final report.

Tripelennamine

14-Day Repeated Dose Study: Dose levels used were: Rats and Mice—6000, 2400, 1200, 600, 300, 150 ppm (free amine). Tripelennamine was found to be sufficiently stable in rodent feed to use feed as the vehicle of administration. Gross pathology of sacrificed rats and mice showed no remarkable lesions.

90-Day Subchronic Study: Dose levels were set at: Rats—150, 300, 600, 1200, 2400 ppm; Mice—300, 600, 1200, 2400 and 4800 ppm. A dose response relationship between dose and reduction in weight gain was observed in male and female rats. Less toxicity was observed in mice. Pathology data are presently being evaluated for preparation of a final report. (CONTACT PERSON: Dr. C. D. Jackson)

Thenyldiamine

14-Day Repeated Dose Study: Dose levels used were: Rats and Mice—4000, 2000, 1000, 500, 250 ppm (free amine). A dose dependent decrease in weight gain was observed in rats of both sexes. Gross pathology of sacrificed rats and mice showed no remarkable lesions.

90-Day Subchronic Study: Dose levels were: Rats—125, 250, 500, 1000 and 2000 ppm: Mice—250, 500, 1000, 2000, 4000 ppm. Analysis of generated data collected during the study are being analyzed for final report. (CONTACT PERSON: Mr. G. Cronin)

Methapyrilene (Neutral)

14-Day Repeated Dose Study: Dose levels were: Mice—2000, 4000, 8000, 16000, 24000 ppm (free amine); Rats—400, 800, 1200, 1600, 2000 ppm (free amine). In mice a linear dose-response was observed with 2000 ppm producing a 4% reduction in weight gain and 16000 ppm reducing weight gain by 40% in both males and females. Pathology data are being analyzed at present.

90-Day Subchronic Study: Dose levels were: Mice—500, 1000, 2000 and 8000 ppm; Rats—100, 200, 400, 800, 1200 ppm. All experimental data are presently being analyzed in preparation of the final report. (CONTACT PERSON: Dr. C. D. Jackson)

Methapyrilene (Acid)

14-Day Repeated Dose Study: Dose levels were: Mice—1000, 2000, 4000, 8000, 16000 ppm (free amine); Rats—200, 400, 600, 800 and 1000 ppm (free amine). The drinking water was acidified with HC1 to pH 2.0. All experimental data presently are being analyzed in the preparation of a final report. (CONTACT PERSON: Dr. C. D. Jackson)

Caffeine—Acute Toxicity Studies—At each of five (5) dose levels, six (6) animals per sex per species were given a single dose of caffeine in (a) aqueous sodium (Na^+) benzoate solutions or (b) trioctanoin suspensions. The doses used were: Rats (mg/kg)—50, 100, 200, 400, 800; Mice (mg/kg)—125, 250, 500, 750, 1500. The animals were held for observation for 14 days after dosing. Twice daily checks were performed for observations. Water and feed were given *ad libitum.*

All animals dosed with caffeine/Na^+ benzoate that died did so within 24 hours of dosing. The LD_{50} was calculated to be 400 mg/kg for female and male rats and 180 mg/kg for female and male mice. All animals dosed with caffeine/trioctanoin suspension that died did so within 24 hours after receiving the caffeine dose. The LD_{50} was calculated to be 400 mg/kg for female and male rats and 370 mg/kg for female and male mice.

14-Day Repeated Dose Study—Six animals per sex per species at each of five (5) dose levels were given doeses of caffeine continuously in water for 14 days. Control animals received water only. Dose levels were: Rats (ppm)—0, 100, 200, 400, 800, 1600; Mice (ppm)—0, 50, 100, 200, 400, 800.

90-Day Subchronic Study—Data from acute and 14-day continuous feeding studies were used to establish dose levels for the subchronic study as follows: Rats (ppm) 0, 188, 374, 750, 1500, 3000; Mice (ppm) 0, 94, 188, 375, 750, 1500. The rats went on dose on October 13, 1981 and the mice one week later. The animals were fed Purina 5010M meal throughout the study; caffeine was administered via the drinking water. Both food and water consumption were measured. A final report is being prepared. (CONTACT PERSON: Dr. W. Allaben)

Test Methods Development and Validation

After extensive feasibility studies 1,8-Cineole and cinnamaldehyde were microencapsulated. This cost-saving method allows administration of volatile or unstable chemicals to test animals by the oral route. Animals were on repeated studies during the summer of 1982. (CONTACT PERSON: Dr. H. Schumacher)

The following Table 15 provides information about the testing schedule of different NTP compounds under test at NCTR.

NIOSH

Testing—Long-Term Studies With Emphasis on Occupational Carcinogenesis

The following NTP programs and projects emphasize the study of the etiology of cancer in the occupational environment and include: (1) The assessment of the carcinogenic potential of complex mixtures encountered by workers; (2) modification of carcinogenesis by known and potential promoters and cocarcinogens such as dusts, irritants, heat, and sunlight that may be part of the work environment; and (3) other factors which influence the carcinogenicity of workplace chemicals such as work practices, medications, and personal habits. This combination of applied and basic research is intended to identify needs for epidemiological studies and to elucidate the etiology of the carcinogenic process in various workplace environments.

FY 1982 Accomplishments

A number of long-term carcinogenesis studies, not formally part of the bioassay program, were initiated, completed, or in progress during FY 1982. Studied were materials ranging from single chemicals to mixtures administered by various routes

analogous to likely routes of human exposure in the workplace. Studies included: (1) Synthetic machine oils, (2) pyrolysis effluents from different foundry mold binders, (3) various substitutes for silica sand in foundry molds, (4) interaction of either ethanol or disulfiram with 1,2-dichloroethane, (5) fibrogenicity and pulmonary carcinogenesis, (6) individual chemicals—ethylene oxide, propylene oxide, N,N'-dimethylformamide, (7) mixtures—diesel exhaust, coal dust, fibrous glass, short asbestos fibers, a new postal ink formulation, and two azo dyes (Acid Black 52 and Disperse Yellow 3), and (8) asphalt and coal tar fumes and their interaction with simulated sunlight. (CONTACT PERSON: Dr. B. Johnson)

Inhalation or Intratracheal Studies—The chronic toxicities of ethylene oxide (ETO) and propylene oxide (PO) were evaluated in a two-year inhalation study (7 hours/day, 5 days/week). Eighty male weanling Fischer 344 rats and 12 adult male Cynomolgus monkeys were exposed at 0, 50 and 100 ppm ETO and 100 and 300 ppm PO. The purpose of the rat exposures was to conduct a rodent bioassay while the monkeys were utilized to evaluate effects of these epoxides on major organ systems. Preliminary findings in rats exposed to ETO indicated dose-response effects for decreased body weight gain and survival. The frequency of chromosomal aberrations and prevalence of sister chromatid exchanges in peripheral lymphocytes exhibited dose-response increases in monkeys exposed to ETO. PO decreased weight gain in rats in a dose-response relationship; however, no clastogenic responses to PO were observed. Other results, including histopathology and sperm analyses, are still being analyzed.

An inhalation study is being performed under contract with Litton-Bionetics to determine the long-term biological effects of dimethylformamide (DMF) in rats and mice. A 90-calendar-day study to determine the maximum tolerated dose of DMF for rats and mice was completed in FY 1982. The results of this pilot inhalation study enabled the initiation of a chronic study at 500 ppm and 250 ppm concentrations with the same animal species. Rats and mice will be exposed to DMF for 24 months and allowed to live for an additional six months or until there is 75% mortality in the low dose or control group, whichever comes first. Animals will be exposed to DMF for 6 hours/day, 5 days/week. The animals will be observed for hepatotoxicity, gastrointestinal disorders and development of neoplasms. The metabolic profiles of DMF will be monitored using blood. These indices may result in markers that may be used in mass diagnostic screens for appropriate industrial workers and should provide data applicable to the evaluation of DMF as an agent identified with worker health effects. Occupational lung disease, cancer and neurotoxic illness are of primary concern. Workers overexposed to DMF have exhibited a myriad of symptoms— cyanosis, confusions, dizziness and gastrointestinal disorder leading to colicky pain. DMF has also been incriminated in causing liver and pancreatic damage in humans. Kommineni in 1973 reported that intraperitoneal injections of DMF induced epithelial and nonepithelial neoplasms of the gastrointestinal tract in rats. The observation is of major interest in relation to the supposed conversion of colonic adenomatous polyps to carcinomas in humans.

A study was completed in FY 1982 whose purpose was to determine the type and extent of pulmonary fibrosis induced experimentally in hamsters by intractracheal instillations of quartz, fibrous glass, hydrated alumina, or a 1:1 mixture of quartz and ferric oxide. The objective was to determine a dose of each material which would induce a pronounced pulmonary fibrosis without compromising the life expectancy of the hamster. These and related data would then be used in a subsequent study to assess the role of particulate materials as potential pulmonary cocarcinogens. Four dose levels of each of the materials were administered in 15 weekly intratracheal instillations to groups of 25 hamsters beginning at 11 weeks of age. Survival and microscopic evidence of pulmonary fibrosis were determined and results compared to similar data from a group instilled with saline alone and a cage control group. Dose-related decreases in survival were evident for the groups instilled with the two highest doses of quartz or quartz and ferric oxide. A correlation between the incidence and severity of alveolar septal fibrosis and the dose of instilled material was evident in most groups, being strongest in those groups exposed to quartz or quartz and ferric oxide. These materials induced the most intense pulmonary fibrotic response (CONTACT PERSON: Dr. T. Lewis)

A continuing study assessed the pulmonary and/or systemic effects in rats of three mineral slags, novaculite, and a plagioclase feldspar by intratracheal instillation. The mineral slag testing is a follow-up to previous NIOSH work with coal and copper slags (FY 1973 project VOT–8379). Six groups of Fischer 344 rats (85 per group) were injected with 20 mg of either a mineral slag (two copper, one nickel), novaculite, plagioclase feldspar, or Min-U-Sil (a positive fibrosis control). A seventh group received distilled water (vehicle control). During FY 1981 serial sacrifices of rats in each group were completed at 6 and 12 months post injections. Histologic evaluation of the 6-month rats showed both the Min-U-Sil and novaculite to be fibrogenic. During FY 1982, the 18-month and terminal sacrifices were completed. Histological evaluation of collected tissues is in progress. (CONTACT PERSON: Dr. L. Stettler)

Other Studies—Another FY 1982 project was to determine the effect of fluoride (either ingested or injected) on the ability of mineral fibers (asbestos, chrysotile) to induce mesotheliomas in rats and mice. Experiments with animals have shown that fluorides potentiate the biological activity of quartz (SiO_2). It is reasonable to suggest that fluorides may also potentiate the biological effects of silicates, e.g., chrysotile. Untreated commercial chrysotile, chrysotile pretreated with hydrogen fluoride (HF), and chrysotile in combination with CaF_2 will be injected intraperitoneally into rats and mice. In addition, NaF will be administered in drinking water to other groups of rats and mice injected intraperitioneally with untreated chrysotile. All animals will be sacrificed at 24 months, and their tissues examined grossly and microscopically. The incidence of tumors in each group will be calculated and statistical comparisons made between groups. Results of these studies will be used to reevaluate the existing health standards for various types of asbestos, other mineral fibers and fluroides. During FY 1982 this project was peer reviewed and rewritten to incorporate the ideas and advice from the reviewers. Additional literature was reviewed to obtain information on the rates of reaction of HF on silicates. The experimental phase of the project was initiated. (CONTACT PERSON: Dr. D. Groth)

Test Methods Development and Validation

Short-Term Carcinogenesis Assays—A comprehensive literature review was completed and submitted to CRC Critical Reviews in Toxicology on the available *in vitro* short-term tests for detecting promoter/cocarcinogenic activity. Contracts were awarded to three laboratories to compare results on 25 coded chemicals, including promoters and cocarcinogens, in the V–79 metabolic cooperation system. FY 1983 efforts will include a multiple award contract to study these same chemicals in the 10T½ cell system potentially forming Type III foci. In-house efforts are employing neonatal epidermal cells from four mouse strains in culture to investigate early markers of tumor promotion/cocarcinogenesis, such as ornithine decarboxylase and DNA activities. (CONTACT PERSON: Dr. J. Bohrman)

FY 1983 Program Plans

Testing—Other Long-Term Studies

Two long-term carcinogenesis studies, not formally included in the bioassay program, will be initiated in FY 1983 to examine: (1) The cause of increased risk of oropharyngeal and lung cancer experienced by newsprint pressroom workers, and (2) the cocarcinogenic/promoting activity of roofing asphalt fumes. Other long-term studies ongoing or initiated in FY 1982 will continue. (CONTACT PERSON: Dr. R. Niemeier)

Human Studies

A newly designed project for FY 1983 has as its objective to devise and evaluate innovative control techniques for use by roofers to reduce their risk to the carcinogenic hazards of asphalt and coal tar pitch materials. While certain hazards are subject to permanent controls, many hazards depend upon job site, suggesting the need for worker involvement and use of innovative control techniques at each job site. The purpose of this project is to apply NIOSH-proven methodology in worker training/reinforcement approaches to a more difficult situation and to use this as a model for further applications in carcinogen-exposed working populations. (CONTACT PERSON: Dr. R. Mason)

Toxicologic Characterization

Most chemicals selected for testing by NTP are chosen because the potential exists for human exposure and too little is known about their toxicologic profile. In the toxicologic

characterization program two prinicipal areas of activity are defined: (1) General toxicology which identifies the toxicity of a chemical by species, sex, dose, and essential organ function; and (2) characterization of specific toxicologic effects—immunological, neurobehavioral, pulmonary, fertility and reproductive, and others.

The testing activities of the NIP toxicologic characterization program are composed primarily of intermediate-term (14-day), and subchronic (90–180 day) experiments. These efforts are often in tandem with or the same as the prechronic testing phases of the animal bioassay and have been described in the Carcinogenesis Testing section. All chemicals selected for testing in the two-year bioassay undergo short-term cellular and genetic toxicologic testing to determine potential for inducing gene mutations, chromosome damage, germ cell sensitivity, DNA damage and cellular transformation as well as dose-response information. Also, all are studied to delineate their absorption, metabolism, distribution, and excretion patterns to improve the reliability and precision of dose setting for chronic studies. Routinely gathered, especially in prechronic studies, is information related to target organ effects, fertility and reproduction, urinalysis, clinical chemistry and hematology. Chemical pathology—including tumor pathology, toxicologic pathology, experimental pathology and histology and electron microscopy—is an essential component of toxicologic characterization and is fully described in a separate section of the Plan.

Research activities in toxicologic characterization are concerned primarily with development and validation of better test methods, and with more in-depth characterization of the toxic effects and the mechanisms of effects identified in the various testing phase or by others. Specific disciplinary and target organ areas include: biochemical toxicology and renal toxicology which are described in this section, chemical disposition, chemical pathology, cutaneous toxicology, immunological toxicology, neurobehavioral toxicology and pulmonary toxicology which are described in ensuing sections.

NIEHS

FY 1982 Accomplishments

General Toxicology—Broadened protocols continued to be used which included measurements of organ weights, broadened pathology in acute and subchronic experiments, hematology, selected organ function assessment (including liver, kidney, immunologic, fertility, and neurobehavioral effects), and chemical disposition. Additions to the general toxicology screen during FY 1982 included efforts to develop and evaluate clinical chemistry procedures for organ function assessment. Also added were measures of reproductive dysfunction at the end of the 90-day subchronic phase—testicular pathology, epididymal weights, sperm counts and morphology in male animals and vaginal cytology in female animals. Efforts continue to be implemented to develop toxicity priniciples for certain chemical classes, especially chlorinated dibenzofurans, psoralems (see Cutaneous Toxicology section), phthalates (see section on Ortho Phthalic Acid Esters—Safety Evaluation), and benzidine derivatives (see section on The Benzidine Dye Initiative).

Although not a major FY 1982 accomplishment, the completion and evaluation of the 90-day study results remains a major decision point in the NTP. At this point, results from the 14-day and 90-day studies along with other information may indicate that a two-year bioassy need not be done or that the standard experimental bioassay design should be modified or that detailed special studies (e.g., reproductive toxicology), which would be done separately, are necessary to validate a presumptive toxic effect and to better characterize the toxic potential of the particular chemical. Some select areas that could be included in special studies are metabolism, clinical chemistry (hematology and urinalysis), pharmacokinetis, neuro-behavioral toxicology, organ function, immunology, and endocrinology (these special studies may be integrated into the prechronic or chronic testing phases, or both). The purpose of the special studies varies. These may, for example, focus on target organ toxicity, perhaps unrelated to carcinogenicity, or on problems of comparative toxicology, metabolism, pathology, and physiology which would strengthen an evaluation of the animal selected for the carcinogenesis bioassay. (CONTACT PERSON: Dr. J. Moore)

The acute and chronic toxic effects of 1,2-dibromo-3-chloropropane (DBCP) on the liver, testis, epididymis and stomach of male, F344 rats were studied. Acute injury of the testis and epididymis occurred coincident with depletion of reduced glutathione, although target organ concentrations of reduced glutathione were not generally affected. These data suggested that a threshold for acute DBCP injury existed commensurate with saturation of hepatic detoxication systems. The effects of the purported DBCP metabolites, 3-chloropropan-1,2-oxide (epichlorohydrin) and 3-chloropropan-1,2–diol (α-chlorohydrin), on the testis and epididymis were similar to those of DBCP, suggesting that DBCP may be toxic to the gonads secondary to metabolism to epichlorohydrin or α-chlorohydrin. A single administration of DBCP causes dose-dependent progressive seminiferous tubular atrophy and both immediate and prolonged infertility in male rats. No evidence of dominant lethal mutations was demonstrated with either single or 5 daily exposures. (CONTACT PERSON: Dr. W. M. Kluwe)

Biochemical Toxicology—The objectives of this study are to identify and characterize changes which occur in subspecies of cytochrome P–450 in rat liver after treatment with polychlorinated biphenyls (PCBs), 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD) and other environmental chemicals, and to assess the implications of these changes. Present work includes purification and characterization of a subspecies of cytochrome P–450 from livers of rats treated with 3,4,5,3',4',5'-hexachlorobiphenyl (HCB) and comparison with P–450PB and P–450_{MC} isolated from phenobarbital (PB) and 3-methylcholanthrene (3–MC) treated rats and development of a radioimmune assay to better quantitate amounts of these enzymes in tissues. This work will also attempt to assess the contribution of these cytochrome enzymes to the formation of mutagenic products.

The P-450 system is the principle enzyme system which catalyzes metabolic conversion of foreign chemicals including carcinogens to the ultimate labile carcinogen. Many endogenous compounds (lipids and hormones) are also metabolized by this electron transport system. Present investigations are particularly oriented toward changes in the metabolism of potential carcinogens and mutagens after exposure to environmental chemicals. Changes in lipid metabolism will also be investigated and may be important factors in PCB and TCDD-induced toxicity. (CONTACT PERSON: Dr. J. Goldstein)

FY 1982 Accomplishments

(1) Three subspecies of cytochrome P-450 have been purified (10-19 nmol/mg) from livers of 3–MC, HCB and PB treated rats. Cytochrome P-450_{HCB} differs from the major cytochrome isolated from phenobarbital or 3-MC treated rats in its immunochemical properties, molecular weight (52,000), peptide maps, and spectral properties. Its oxidized spectrum peaks at 392 nm (high spin) and its CO-reduced spectrum at 448 nm. Ouchterlony double-diffusion plates indicate the three proteins are immunologically distinct.

(2) The catalytic activities of the three enzymes have been compared after reconstitution with cytochrome c reductase and lipid. Catalytically, P-450_{HCB} differs from P-450_{PB} and P-450_{MC} in that it has low catalytic activity toward the substrates, benzphetamine, benzo[a]pyrene (aryl hydrocarbon hydroxylase) or ethoxyresorufin. However, it has high catalytic activity toward the precarcinogen, 2-acetylaminofluorene (AAF). Both P-450_{MC} and P-450_{HCB} metabolize AAF, but P-450_{HCB} produces more of the mutagenic N-OH metabolite. P-450_{HCB} also has high activity toward amines such as acetanilide and aniline. Km's and Vmax's for each substrate have been estimated.

(3) Specific antibodies have been developed for P-450_{MC} and P-450_{HCB} by the use of immunoabsorbents. A radioimmunoassay (RIA) has been developed which shows less than 0.50% cross reactivity. This RIA indicates that all 3-MC type inducers tested (3-MC, 3,4,5,3',4',5'-HCB and TCDD) induce both P-450_{MC} and P-450_{HCB} by 50–100 fold. Neither cytochrome is a major constitutive enzyme.

(4) The monospecific antibodies have been titrated against each of the reconstituted catalytic activities. Anti-P-450_{MC} is very active against the catalytic site.

(5) Mutagenesis experiments have been initiated. P-450_{HCB} is more active than the other two P-450s toward AAF (N-hydroxylation). Determination of activity toward other precarcinogens is underway.

Renal Toxicology—The mechanisms of chemical nephrotoxicity, particularly that caused by halogenated aliphatic hydrocarbon compounds, are being studied with the aid of both *in vivo* and *in vitro* techniques. Of major

concern are species differences in toxic response, organ-specific chemical detoxication and toxification reactions, dose-response relationships and acute versus chronic toxic response. Methodology for detecting and quantifying nephrotoxic response to single and to multiple chemical exposures continues to be developed and assessed.

FY 1982 Accomplishments

The acute nephrotoxic effects of the nematocide, 1,2-dibromo-3-chloropropane (DBCP), were dependent on the depletion of hepatic, but not renal, reduced glutathione concentrations. These results suggest that conjugation of DBCP metabolites with hepatic glutathione is a detoxication reaction. The renal effects of DBCP were dissimilar from those caused by its purported metabolites, 3-chloropropan-1,2-diol, 3-chloropropan-1,2-oxide and oxalic acid.

Several indices of renal cell function (e.g., intracellular potassium concentration, gluconeogenesis, accumulation of organic ions, rate of respiration) can be studied *in vitro* using tissues from naive animals incubated in the presence of nephrotoxic chemicals. Using such techniques it was shown that rat renal cells exposed *in vitro* to 1,2-dibromoethane, 1,2-dibromo-3-chloropropane or hexachloro-1,3-butadiene responded similarly to renal cells derived from animals treated *in vivo* with these same chemicals, indicating that *in vitro* exposures can be used to study the nephrotoxic effects of these compounds.

Acute chemical nephrotoxicoses often are manifested as polyuria, glucosuria, proteinuria and enzymuria, suggesting that renal injury can be diagnosed by noninvasive urinalysis techniques. Upon continued treatment with mercuric chloride ($HgCl_2$), however, such functional parameters return to normal ranges despite continued evidence of residual or recurring morphological abnormalities in the kidney. (CONTACT PERSON: Dr. W. M. Kluwe)

FY 1983 Program Plans

General Toxicology—The role of glutathione in detoxication during prolonged exposure to DBCP will be studied. In addition, rats will be treated with multiple doses of DBCP for 70 consecutive days to determine the dose-dependencies, inter-relationships and reversibilities of infertility and tissue injuries. Recovery will be followed for up to 90 days. (CONTACT PERSON: Dr. W. M. Kluwe)

Biochemical Toxicology—Antibody experiments with whole liver microsomes will be used to identify which pathways are mediated by the respective enzymes. Mutagenesis experiments with additional substrates are in progress. RIA experiments will be used to determine whether environmental chemicals affect these enzymes in extrahepatic tissues and in the embryo. The immunoprecipitation and *in vitro* translation of the 3-MC inducible messages will be examined to determine whether these messages are expressed co-ordinately. We will examine and attempt to isolate additional enzymes including the constitutive enzymes from control animals. (CONTACT PERSON: Dr. J. Goldstein)

Renal Toxicology—The mechanisms of chemical nephropathy will be studied, particularly those of halogenated aliphatic hydrocarbon compounds. Comparisons will be made of morphological (light and electron microscopic) and biochemical (e.g., DNA and protein synthesis, enzyme activities) alterations at early times post-exposure to develop cause and effect relationships in toxic response. *In vitro* cell preparations (isolated renal tubules) will be developed both for mechanistic studies in rodents and for rapid inexpensive interspecies comparisons.

Urinalyses will continue to be studied as indicators (qualitative and quantitative) of nephrotoxicity in rodents both in acute and chronic exposure regimens. Of particular interest will be low molecular weight proteinurias.

Existing NTP toxicity reports will be reviewed to associate chemicals with target organs. Assessments will be made of the propensities of chemical classes to injure specific organs, including kidney. Sex and species differences in toxic reponse, and dose-response relationships will also be examined for these chemical classes. For those chemicals with a history of demonstrated human toxicity, response of the rodent models and man will be compared. (CONTACT PERSONS: Dr. W. M. Kluwe)

NIOSH

FY 1982 Accomplishments

General Toxicology—In FY 1982, studies were conducted to evaluate the comparative cardiac toxicity of inhaled amines on a structure-activity basis. Selected amines are being used to determine the effect of chain length and extent of substitution on the amino nitrogen of the amine on subsequent cardiac toxicity. One hundred and twenty day inhalation studies with allylamine and triethylamine were initiated and completed. Data analyses have been initiated.

FY 1982 Program Plans

General Toxicology—In FY 1983 the camparative cardiac toxicity of ethylamine will be evaluated, thereby completing the toxic evaluation of the ethylamines (diethylamine and triethylamine having being studied previously). This effort is part of NIOSH's initiative in cardiovascular disease and evaluates the effects of amines on the heart and blood vessels by monitoring clinical chemistry, electrocardiographic, and gross and histopathologic indices. (CONTACT PERSON: Mr. D. Lynch)

The Benzidine-Dye Initiative

The benzidine-dye initiative is a program designed to study the toxicology and carcinogenicity of a class of dyes which are derived from either benzidine; 3,3'-dimethylbenzidine (DMB) (o-Tolidine), or 3,3'-dimethoxybenzidine (DMOB) (o-Dianisidine). This group of dyes includes some 82 discrete chemicals which are available in the United States. During 1978 the combined domestic production and import volumes of these dyes totaled 4.1 million pounds. Exposure of the general public to these materials is through contact with finished products (paper, fabrics, leather) to which the dyes have been applied, packaged dyes for home use, and the use of arts and crafts products such as spray paints, enamels, and lacquers. The Dyes Environmental and Toxicology Organization (DETO) has estimated that approximately 1,000 workers are exposed to these materials during dye manufacturing and that perhaps as many as 15,000 workers are exposed in the various dye application industries.

Benzidine is recognized as a human carcinogen, causing cancer of the urinary bladder. Both DMB and DMOB have been reported to induce tumors in rats, prompting the International Agency for Research on Cancer to classify these agents as animal carcinogens. There is no evidence to show that either DMB or DMOB are human carcinogens. Earlier research has demonstrated that many benzidine and benzidine congener-based dyes are metabolized to their respective parent aromatic amines by laboratory animals. These observations suggest that the dyes may be animal carcinogens.

Because of the high cost and time required for long-term bioassays, no attempts will be made to routinely test all benzidine and benzidine congener dyes in the NTP bioassay program. Instead, an interdisciplinary chemical class toxicology program was designed and testing begun in FY 1981. The objective of this program is to develop an integrated body of scientific knowledge concerning the pharmacokinetics, genetic toxicology, and the *in vivo* toxicity and carcinogenicity of the benzidine congeners *per se* and selected prototypical dyes. Through the judicious selection of chemicals for testing it will be possible to establish basic principles which can be applied to the entire class of benzidine-based dyes.

This program was developed in response to the needs of the EPA, CPSC, and OSHA. The scientific objectives and approaches were formulated by scientists from the EPA, CPSC, OSHA, NIH/NTP, NCTR, and NIOSH. As designed, the program will provide the scientific information required for making regulatory decisions about the benzidine and benzidine congener-based dyes, serve as a model for future chemical class studies, and conserve program resources. (CONTACT PERSON: Dr. J. Mennear, NIEHS)

FY 1982 Accomplishments

The benzidine-dye initiative involves activities conducted at NIEHS, NCTR, NIOSH, and three contract laboratories. These activities are divided into three discrete yet closely integrated areas of research work: (1) Chemical disposition and metabolism (NIEHS, NCTR, and NIOSH), (2) Genetic toxicology (NIEHS and a contract laboratory), and (3) *in vivo* toxicology and carcinogenicity testing (NIEHS and contract laboratories) (Table 16).

Chemical Disposition Studies—Employing electron-capture gas chromatography and high pressure liquid chromatography methods developed during FY 1981, the metabolism of selected bisazobiphenly dyes was studied in F344 rats. The dyes were administered by gavage and urine was collected and assayed for the parent aromatic amines and their respective metabolites. Nine dyes—four

DMB-based (Direct Red 39, Direct Blue 14, Direct Blue 53, and Direct Orange 6), for DMOB-based (Direct Blue 8, Direct Black 114, Direct Blue 10, and Direct Violet 32), and one dichlorobenzidine-based (Direct Red 46) were studied. The results indicate that the dyes are all significantly metabolized to the parent amines by the rat as evidenced by the presence of the metabolites of the amines in the urine collected after dosing. (CONTACT PERSON: Dr. L. Lowry, NIOSH and Mr. C. Nony, (NCTR)

Detailed metabolism, distribution and excretion studies with ^{14}C-labeled benzidine, DMB, and DMOB were completed. The results of these studies indicate that all three compounds were readily absorbed from the gastronintestinal tract of the rat. These compounds were extensively metabolized and metabolites (n-acetylated derivatives and sulfate and glucuronide conjugates) were excreted in both urine and feces. (CONTACT PERSON: Dr. H. B. Matthews, NIEHS)

Direct Blue 6 (a benzidine-based dye) and Acid Red 114 (a DMB-based dye were synthesized from ^{14}C-labeled parent aromatic amines. The results of absorption, distribution, metabolism and excretion studies showed that neither of these dyes was well absorbed from the gastrointestinal tract. However, both dyes were subject to the azo reductase activity of the intestinal flora with the resulting production of free parent amine which is readily absorbed and metabolized as described above. The nonreduced dye remaining in the gastrointestinal tract is largely excreted unchanged in the feces. (CONTACT PERSON: Dr. H. B. Matthews, NIEHS)

Direct Blue 15, the 3,3'-dimethoxybenzidine congener of Direct Blue 6, has also been found to be susceptible to the azo reductase activity of the gastrointestinal tract. The resulting parent amine is absorbed and metabolized as described earlier. (CONTACT PERSON: Mr. L. Lowry, NIOSH)

The methodology and results of these studies are discussed in greater detail in the Chemcial Disposition section of the Plan.

Genetic Toxicology—Standard protocols employed for the *in vitro* assessment of mutagenic activity routinely provide for the metabolic activation of the agent being tested. For the most part the metabolic activation system catalyzes oxidative metabolism. Some chemicals, such as the benzidine congener dyes, are believed to require both reductive and oxidative metabolism for biologic activity to occur. Reductive metabolism frees the parent aromatic amine (benzidine, DMB or DMOB) from the chromophore and subsequent oxidative metabolism activates the aromatic amine. In the absence of a redutive metabolizing system it is possible that the mutagenic activity of the benzidine congener dyes (if any) would go undetected.

During FY 1982 a contract was awarded to develop *in vitro* test protocols for the detection of chemicals requiring reductive/anaerobic metabolism for the expression of their mutagenic activity. Also, this contract will assess the mutagenic activities of urine samples collected during the dye metabolism studies. (CONTACT PERSON: Dr. E. Zeiger, NIEHS)

Detailed methodology and progress are presented in the Cellular and Genetic Toxicology section of the Plan.

In Vivo Toxicology and Carcinogenicity Testing—Research was initiated on comparative studies of the toxicity and carcinogenicity of DMOB and Direct Blue 15, and DMB and Acid Red 114 in rats. These chemicals are being administered in the drinking water with doses of the parent aromatic amine (DMOB, DMB) selected to be molar equivalents of the amine content of the respective dye. Thus, if the rats completely enzymatically reduced and absorbed the dye administered, they would receive the same amount of parent amine as those animals being treaded with the amine *per se*. This approach will allow us to compare the relative potencies of the dyes and their parent amines. The studies will include 14-day repeated dose studies, 13-week subchronic studies and two-year bioassays. In addition, selected clinical chemistry measurements and urinalyses (for chemical metabolites) will be done.

The 14-day repeated dose studies were completed for all four chemicals and the results were used in the selection of does to be used in the 13-week studies. The rats appeared to tolerate the dyes better than they tolerated equimolar doses of the parent amines. This is probably a reflection of the fact that the dyes are not completely reduced within the gastrointestinal tract (see Chemical Disposition section) and the intact dye remaining is simply excreted in the feces. (CONTACT PERSON: Dr. J. H. Mennear, NIEHS)

Research was initiated on the toxicity of Direct Blue 213, a copper chelate of Direct Blue 15. A hypothesis being tested during this phase of the research effort is that copper chelation protects the azo bonds from reduction by enzymes in the intestinal flora. Since the intact molecule is a highly ionized, water soluble azo derivative, it is not expected to be well absorbed from the gastronintestinal tract. If this is true, it is likely that a two-year bioassay study will not be required. A final decision will be made on this point when both chemical disposition and 13-week subchronic studies are completed. The acute toxicity study (single gavage dose) of Direct Blue 218 was completed and the doses for the 14-day repeated dose study were selected. The results of the acute study did not afford evidence of whether or not the chemical is susceptible to azo reductase, but it did give evidence of absorption of the intact dye molecule. At necropsy the internal organs of both mice and rats were stained blue. (CONTACT PERSON) Dr. J. H. Mennear, NIEHS)

Earlier workers had reported that the administration (dosed feed) of three benzidine derived dyes (Direct Blue 6, Direct Black 38, and Direct Brown 95) produced hepatocellular carcinomas in rats. The carcinomas were diagnosed as early as four weeks. The rapidity of the onset of these tumors suggested that the carcinogenicity was due to more that simple metabolism of the dyes to benzidine. NTP staff are currently reviewing the data and selected pathology slides from this earlier study. During FY 1982 the comparative toxicity and carcinogenicity of Direct Blue 6 and equimolar doses of benzidine were assessed in female rats. The test chemicals were administered in drinking water at concentrations which approximated the daily doses used in the earlier study. Animals were on the treatment regimen for up to 90 days.

Based upon animal survival, body weight gains, clinical chemistry values, and histopathological lesions, the conclusion was reached that benzidine is more toxic than an equimolar dose of Direct Blue 6. This difference in toxicity is probably a reflection of the fact that the dye is not completely reduced to the parent amine and chromophore. Thus, dye treated rats did not receive the same exposure to benzidine as did the animals that were treated with benzidine *per se*. Neither treatment produced hepatocellular carcinomas; however, they both produced severe hepatic lesions (regenerative nodule formation) which were considered to be signs of initial hepatotoxicity and subsequent hepatic regeneration. (CONTACT PERSON: Dr. J. H. Mennear, NIEHS)

FY 1983 Program Plans

Chemical Disposition Studies—The chemical disposition portion of the benzidine dye initiative has been largely completed. The single remaining study will be an assessment of the absorption, distribution, metabolism and excretion of Direct Blue 218. This portion of the project will entail the synthesis of ^{14}C-labeled Direct Blue 218 and conduct of the *in vivo* portions of the experiment. This work will be completed during FY 1983. (CONTACT PERSONS: Dr. C. W. Jameson and Dr. H. B. Matthews, NIEHS)

Genetic Toxicology—During FY 1983 protocols for the anaerobic preincubation of the benzidine congener dyes, followed by aerobic incubation and mutagenicity testing will be developed. This will be followed by the testing to the 13 benzidine congener dyes as well as the three parent amines. Also, urine samples collected during the completed metabolism studies will be tested for mutagenicity. (CONTACT PERSON: Dr. E. Zeiger, NIEHS)

In vivo Toxicology and Carcinogenicity Testing—The two-year bioassays of DMB, DMOB, Direct Blue 15 and Acid Red 114 will be initiated. These studies will be conducted only in rats and will include up to four dose levels of each chemical and interim sacrifices which might allow for an early termination of the studies, depending on the findings. (CONTACT PERSON: Dr. J. H. Mennear, NIEHS)

The 13–week study of the toxicity and carcinogenicity of Direct Blue 213 will be completed during FY 1983. The results of this study will be considered along with the results of the absorption, distribution, metabolism and excretion study on Direct Blue 218 in making a decision on the need for a two-year bioassay on this dye. (CONTACT PERSON: Dr. J. H. Mennear, NIEHS)

Studies will be conducted on the nature and mechanism of hepatic lesions produced by benzidine and Direct Blue 6 in rats. Rats will be treated with benzidine and Direct

Blue 6 for various periods (up to 13-weeks) and histopathological examinations will be made at regular intervals to assess the nature of the early hepatic lesions and to study their progession in order to determine if these lesions can be considered to be preneoplastic in nature. (CONTACT PERSON: Dr. J. H. Mennear, NIEHS)

Chemical Disposition

Knowledge of chemical disposition—the rates and degrees of absorption, tissue distribution, metabolism and excretion of chemicals by intact animals—is fundamental to determination of the mechanisms by which exposure to various chemicals induces toxicity.

The chemical dispositon program involves laboratories at NIEHS, NIOSH and NCTR. New and ongoing activities for the most part fall into one of three general categories: (1) Chemicals and classes of chemicals chosen for toxicology and/or carcinogenesis bioassays which provide an opportunity for a study of structure-activity relationships; (2) chemicals which are benzidine congeners and derived dyes, part of the NTP initiative; and (3) chemicals to which industrial workers are exposed.

NIEHS

The immediate objective of most studies of chemical disposition done in support of the NTP is to determine the effective disposition of candidate chemicals chosen for study in the NTP bioassay or to help explain anomalous results observed in the bioassay. That is, studies of chemical disposition done prior to initiation of the bioassay are designed to determine the rate and degree of absorption and metabolism, tissue distribution and rate and route of clearance of the chemical in question by intact animals. These studies also consider the effect of dose and route of administration on these parameters and are thereby designed to facilitate the choice of optimal doses to be used in the bioassay. Studies of chemical dispositon done after the completion of the bioassay to help explain anomalous results are designed to answer more specific questions. For example, if sex or species related differences were observed in response to the bioassay, studies would be designed to compare the metabolism and disposition of the chemical in question in each sex or species involved.

The long-range goals of chemical disposition studies done under the NTP are to develop and publish data which will permit a better appreciation of those factors which influence the disposition are designed to permit a better assessment of the chemical structure-activity relationships which determine rates of absorption, metabolism, distribution and persistence in tissues and influence rates of clearance from the body. Thus, the ultimate goal of this work is to provide basic information on chemical disposition which will facilitate the extrapolation of laboratory data to man.

Studies of chemical disposition for the NTP are conducted through an inhouse program and four contracts which are administered by in-house personnel. Nomination of chemicals for chemical disposition studies is open to every professional within the NTP and interested individuals outside the NTP. Nominations must be from the list of chemicals chosen for NTP bioassay or closely related chemicals which provide an opportunity for a study of structure-activity relationships. The standard approach to a study of chemical disposition is to use the available literature data, e.g. LD_{50}'s, chemical structure and properties, and anticipated route of human exposure, to design the protocol for the preliminary study, i.e., to set doses and choose the vehicle and route of exposure. In most instances these studies follow the disposition of carbon-14 labeled chemicals in the adult male rat; however, when it is desirable or necessary, studies are designed to use other analytical techniques, other species or ages or female animals.

FY 1982 Accomplishments

Work on the Benzidine Congener Initiative has continued; major findings through FY 1982 are as follows:

(1) The metabolism, distribution and excretion of 3,3'-dimethoxybenzidine-^{14}C (DMOB) have been studied in the rat. This compound was readily absorbed from the gastrointestinal (GI) tract, metabolized and excreted primarily in bile and subsequently in feces. DMOB was metabolized to more than 20 metabolites most of which are excreted in the form of glucuronide and sulphate conjugates. N-acetyl metabolites of DMOB are formed, but they are not as prevalent as was previously observed for benzidine. This work is complete and a manuscript describing it has been completed and submitted for publication.

(2) A disposition study of 3,3'-dimethylbenzidine-^{14}C (DMB) has been completed in the rat. This benzidine congener is also readily absorbed, rapidly metabolized, and excreted almost exclusively in the form of metabolites. Excretion in bile and feces is three times greater than in urine. The metabolites excreted include glucuronide, sulphate and N-acetyl conjugates. A manuscript describing the work has been prepared and submitted for publication.

(3) Direct Blue 6, a benzidine based dye, with a ^{14}C label in the benzindine nucleus has been the subject of a metabolism and disposition study in rat. Results indicate the intact dye is not well adsorbed from the GI tract. The azo linkages binding the ^{14}C-benzidine nucleus to the chromophores are reduced by intestinal microbes releasing significant amounts of free benzidine which is absorbed from the GI tract and metabolized as described previously. That portion of the dose not metabolized is excreted in feces

(4) Acid Red 114, synthesized with as ^{14}C label in the 3,3'-dimethylbenzidine (DMB) nucleus, was metabolized in the rat by azo reduction to release DMB which is further metabolized and excreted as described above. The relatively large Acid Red 114 molecule is not absorbed and most of an oral dose not reduced by intestinal microbes to DMB is excreted intact in the feces.

(5) 3,3'-Dichlorobenzidine-^{14}C was readily absorbed by the rat, extensively metabolized. Greater than 70% of the dose is excreted in bile and feces as mono- and diacetyl-3,3'-dichlorobenzidine, N-glucuronides and hydroxylated metabolites. The parent compound was mutagenic in *Salmonella* in the presence of S-9 fraction and some of the metabolites of this compound appear to be even more mutagenic in this system than the parent compound. The results of this study are being prepared for publication.

Most of the work done as part of the NTP program in Chemical Disposition is more diversified than the Benzidine Congener Initiative and has included studies of halogenated alkyls and aromatics, aromatic amines, and dyes and dye intermediates as well as studies of cyclic and inorganic compounds. Major findings in these studies in FY 1982 are as follows:

(1) Studies of the absorption metabolism and clearance of the sparingly soluble dye intermediate, 1-amino-2,4-dibromoanthraquinone-^{14}C (ADQ), revealed that GI absorption of this compound was highly dose dependent. Based on $^{14}CO_2$ exhaled following ADW administration, GI absorption decreased from approximately 90% at a dose of 2 mg/kg to 21% at 120 mg/kg to approximately 2% at 814 mg/kg. Therefore the total ADQ absorbed at the two higher doses was not significantly different and these results have direct relevance to studies involving chronic administration of ADQ. The absorbed fraction was readily metabolized and excreted in bile and feces. There was no evidence of ADQ accumulation in tissues.

(2) After intravenous (iv) administration of 0.78 mg/kg ^{14}C-cyclohexane to adult male F344 rats, 54% of the dose was excreted in the breath in the first hour, 80% in 24 hours, and 83% in 72 hours. After oral administration at doses of 2000, 1000, 200 and 100 mg/kg, 78, 76, 62 and 63%, respectively, of the dose was expired over 72 hours with the maximum rate of excretion usually from 2–8 hours. Twelve, 15, 29 and 29%, respectively, was excretion in urine, compared to 14% excreted in urine after the iv dose. Greater excretion of polar metabolites in urine following the smaller oral doses is attributed to relatively greater metabolism in liver following absorption from the GI tract. No significant excretion of ^{14}C in feces was observed. Cyclohexane accounted for 93–99% of the radiolabel excreted in breath, but less than 0.1% of that in the urine. A maximum of 0.04–0.4% of the dose was excreted in breath as the more toxic cyclohexa-none and 0.09–0.6% as cyclohexanol. Less than 0.1% of the dose was excreted in the urine as either of these compounds. Cyclohexane was concentrated primarily in adipose tissues, but this accumulation was very transient and total excretion was quite rapid.

(3) The disposition of a commonly used dye, CI Vat Blue 1 (Blue 1), was studied in the rat following oral, dermal and iv-administration. Results indicate Blue 1 was poorly absorbed following both oral and dermal administration, due primarily to extreme insolubility in biological media. The dosage form administered also plays an important role in absorption. For example dermal absorption of Blue 1 was approximately 1.7 $\mu g/cm^2$/week following dermal administration of 550 $\mu g/cm^2$ of dry

dye, and 5.2 μg/cm²/week when applied in a polyethylene glycol based ointment. Disposition studies following iv administration of a small dose, 0.22 mg/kg, indicated slow metabolism and elimination primarily in feces. Blue 1 may have some potential for bioaccumulation with chronic exposure.

(4) The disposition of hexachlorocyclopentadiene-^{14}C (HCP) was studied in the rat following admmistration or oral or iv doses or after inhalation of the vaporized chemical. Following oral administration of HCP to the rat most of the HCP reacted with stomach and gut contents and was never absorbed. Following iv administration, HCP reacted with blood components, primarily hemoglobin, to form unextractable complexes. Following inhalation, HCP reacted with lung tissue in addition to being absored and distributed to most of the major tissues. The reactivity of HCP in biological systems was confirmed *in vitro* by showing that it forms unextractable complexes when incubated with blood, liver or feces. The reactivity of HCP in the GI tract decreasing its absorption versus that observed following inhalation explains why this compound is much more toxic when inhaled than when ingested. The results of this study are being prepared for publication.

(5) The GI absorption of a series of highly insoluble compounds is being studied in the rat. Studies with three pigments, CI Pigment Red 3, CI Pigment Red 23, and CI Pigment Yellow 74, have shown that GI absorption of intact pigments is minimal. Even after large doses, 60–600 mg/kg, tissue levels of these pigments are below the limits of detection, 5 ppb. The effect of microbial action on these chemicals and the possibility of absorption of the resulting metabolites are also being investigated.

(6) Allyl isothiocyanate-^{14} C (AITC), in male and female F344 rats, is readily absorbed, metabolized and excreted in the form of several metabolites. Approximately 60–70% of the dose is excreted in urine and 2–3% in feces within 24 hours in both sexes after either oral or iv administration of AITC. Whole body half-life was less than 24 hours in both sexes. high concentrations of AITC-derived radioactivity were present in blood and lung 15 minutes after, and in liver, muscle, skin and adipose tissue 45 minutes after oral administration. Very small amounts of AITC were present 24 hours after administration. This compound appears to have little or no potential for bioaccumulation in any tissue assayed. The metabolism and disposition of AITC will also be studied in male and female B6C3F$_1$ mice. The results of this study will be compared to those obtained from male and female F344 rats in an attempt to explain differences in AITC-induced urinary bladder tumor formation among sexes and species.

(7) Halogenated biphenyl transport by components of rat blood was studied under both *in vivo* and *in vitro* conditions. Fractionation of plasma components indicate halogenated biphenyls are associated with each major class of plasma proteins but are most concentrated in the lipoproteins. A significant portion of the total halogenated biphenyls in whole blood is also associated with the cellular components. Halogenated biphenyls are readily exchanged between plasma and the cellular components and between lipoproteins and other classes of plasma proteins. Partition experiments indicated that the relative affinity of a biphenyl for each fraction was directly proportional to the lipid solubility of the biphenyl. The major portion of the halogenated biphenyls in blood is not thought to be bound to specific sites on blood proteins but rather is believed to be associated non-specifically with hydrophobic sites on plasma proteins or the cellular components of blood. The rapid transfer of these compounds to tissues is thought to be by partition to similar sites on cellular proteins.

(8) 1,3-diphenylguanidine (DPG), a rubber acclerator, was readily absorbed from the GI tract of male Fischer rats and rapidly distributed throughout the body. Absorption and disposition of DPG were not significantly affected by the route of administration or by the dose over the 1.5 to 150 mol/kg dose range. Most of a dose of DPG was excreted in the urine and feces in approximately equal amounts within 24 hours after oral or iv administration, and greater than 99% was cleared into the urine and feces within 3 days. Approximately 50–80% of the DPG-derived radioactivity excreted in urine was the parent compound, while the remainder was present as one major and two minor metabolites. Close to 90% of the radioactivity excreted in bile was as a single major metabolite. Administration of multiple doses resulted in accumulation of DPG-derived radioactivity in the liver but not in other tissues.

(9) p-Nitroaniline (PNA) was readily absorbed from the GI tract, distributed to all tissues, and rapidly excreted. PNA was excreted in urine as a number of metabolites. Half-life for most tissues was less than 12 hours and little PAN-derived radioactivity remained in the body after 24 hours. Trace levels of PNA persisted in blood, possibly due to reaction with hemoglobin. Metabolites of PNA were excreted primarily as sulphate conjugates in urine and bile. Excretion of parent compound accounted for a small part of the dose.

(10) 4-Chloro-2-nitroaniline (CNA) was almost completely absorbed from the GI tract after oral doses of 0.136, 1.36, and 13.6 mg/kg body wt. The distribution pattern was the same by oral or iv administration. Adipose tissue was the major depot of CNA, with moderate amounts being redistributed to the skin. More than 65% was excreted in the urine in 7 hours. CNA-derived radioactivity excreted in the urine over 3 days was approximately 75%, and in the bile about 12%. CNA was readily metabolized to at least nine metabolites with the major metabolite identified as a sulfate conjugate of the parent compound. This metabolite accounts for 65% of the total dose and is excreted almost exclusively in urine.

(11) The disposition of 2,4-dinitroaniline (DNA) was independent of dose or route of administration when administered orally at doses of 1, 10 or 90 μ mol/kg or by iv injection of 10 μ mol/kg. Absorption from the GI tract was near vomplete throughout the range of oral doses. Excretion in urine accounted for 90% of the dose within 24 hours. Most of the DNA-derived material excreted was in the form of conjugates of various metabolites. There was no evidence to indicate that the parent compound or any of its metabolites were tetained in any of fifteen major tissue assyed.

(12) o-Nitroanisole-^{14} C (ONA) was absorbed following either oral or dermal exposure with the half-life for dermal absorption being approximately 20 hours in rat. After iv administration, ONA was rapidly distributed to all tissues assayed, readily metabolized and eliminated in a biphasic manner with an initial half-life of 1 to 2 hours and a terminal half-life of approximately 4 days. The initial component of the biphasic elimination of ONA accounted for approximately 90% of the dose, and there was little evidence of ONA accumulation or persistance in tissues. ONA distribution and metabolism were independent of route of administration or does in the range of 5–50 mg/kg. However, at an oral dose of 500 mg/kg there was some evidence that the mechanisms responsible for ONA metabolism and/or elimination were saturated. ONA was excreted primarily in urine, 85% and almost exclusively, 99%, as a variety of metabolites. Major metabolites were o-nitrophenyl-sulfate, 63%, and o-nitrophenylglucuronide, 11%. These results are being prepared for publication.

(13) p-Chloroaniline-^{14} C (PCA) was readily absorbed from the GI tract and very rapidly metabolized in the rat. Clearance from tissues was also rapid and virtually all of the PCA excreted was in the form of metabolites. The elimination half-life for PCA-derived radioactivity from most tissues was 1.5 to 3 hours and the major route of elimination was in urine (>80%). The major metabolite of PCA was p-chloroacetanilide. Disposition kinetics for PCA appear to be independent of route of administration and dose in the range studied (0.3 to 30 mg/kg).

(14) 1,2,3-Trichloropropane-^{14}C (TCP) was studied in the rat following oral doses of 0.32, 3.2 and 32 mg/kg and an iv dose of 3.6 mg/kg. No effect of dose on metabolism and disposition of TCP was observed. After iv administration, TCP was the component of the decay curve having the shorter half-life accounting for most of the dose. Highest tissue concentrations were in adipose tissue, but this and all other tissue concentrations were transient and 78% of the dose was excreted within 8 hours following iv administration. Except for 5% of the dose eliminated in the exhaled air as parent compound, TCP was cleared from the body as metabolites. The major route of excretion was urine which accounted for the elimination of 46% of the dose, primarily as glutathione conjugates; 25% of the dose was expired as COOG52, and 23% was eliminated in feces.

(15) p-Nitrotoluene-^{14}C (PNT) was readily absorbed from the GI tract of rats, rapidly metabolized and excreted primarily in urine. There was no effect of dose on absorption, metabolism or excretion at the doses studied, 1, 10 and 100 mg/kg. After iv administration PNT was metabolized rapidly and no parent

compound could be detected in any tissue by 4 hours. PNT metabolites were rapidly cleared from the body and 70% of the dose was excreted in urine by 4 hours. Excretion in feces was minimal, but studies with bile cannulated animals indicate that a significant portion of the dose is eliminated in bile prior to enterohepatic circulation and subsequent elimination in urine. This observation may be relevant in view of the fact that enterohepatic circulation is thought to contribute to the carcinogenicity of dinitrotoluene. Major metabolites of PNT were 4-nitrobenzoic acid and 2-hydroxy-4-nitrotoluene, accounting for 50–60% of the PNT derived radioactivity in urine. Minor metabolites were primarily conjugates and included the glucuronide of p-nitrobenzyl alcohol

(16) Studies of gallium arsenide (GA) disposition have concentrated on methods for the preparation of GA for animal dosing and analysis of these elements in biological media. The proper oxidation state can be maintained if GA is ground under nitrogen to a powder of 1–5 micron particle size. Most forms of GA are insoluble, but *in vitro* studies of GA in the powdered form indicate that it has rapid and substantial solubility in buffered media. A technique has been devised for the analysis of arsenic in tissues in ng quantities using atomic absorption with a sensitivity of 2–5 ppb. Atomic absorption is also used for analysis of gallium, but present limits of the assay are only 1–2 parts per million. Work to improve this assay for use in a study of the disposition of GA in rats is continuing.

(17) A continuing project to study the metabolism of three polychlorinated biphenyl (PCB) isomers in *in vitro* preparations from dog, monkey and human liver is yielding data which corroborates data obtained in previous *in vivo* studies. That is, the species as well as the degree and position of chlorination have profound effects on the rate at which PCBs are metabolized. Enzyme kinetic studies of the metabolism of 4,4'-dichlorobiphenyl (4, 4–DCB) and 2, 3, 6, 2', 3', 6'-hexachloro-biphenyl (2, 3, 6–HCB) by microsomal prepartions from human liver yielded the following values for 4,4–DCB and 2, 3,6-HCB, respectively:

Km = 10 μmolar
Vmax = 5.4 p mol/mg protein/min
Km = 10 μmolar
Vmax = 1.2 p mol/mg protein/min

The major metabolite formed from 4,4-DCB was 3-hydroxy-4,4'-dichlorobiphenyl. The major metabolites formed from 2,3,6-HCB were 4- and 5-hydroxy-2,3,6,2',3',6'-hexachlorobiphenyls. Similar metabolites and kinetic parameters were obtained with microsomal preparations from monkey liver, but neither human nor monkey liver was able to metabolize the third PCB studied, 2,4,5,2',4',5'-hexachlorobiphenyl (2,4,5-HCB). On the other hand, microsomal preparations from dog liver can metabolize 4,4-DCB and 2,3,6-HCB more rapidly than those from human or monkey liver, and dog liver microsomes can metabolize 2,4,5-HCB at an appreciable rate. The results of these studies indicate that the monkey is a better animal model for human metabolism of PCBs than the dog. Efforts to accurately predict rates of *in vivo* metabolism based on results obtained *in vitro* are continuing.

(18) 1,2,3,4,6,7-Hexabromonaphthalene (HBN), in the rat, was imcompletely absorbed from the gut and initially concentrated in the liver. Some of the compound was rapidly metabolized in the liver and excreted via the bile into the feces. The remainder was rapidly distributed to the fat and skin from where in slowly returned to the liver where it persisted. During the first few days after acute exposure, metabolities were excreted in the feces. Almost no radioactivity appeared in the urine. Following this initial excretion, little HBN-derived radioactivity was excreted from 3 to 35 days. The basis for the rapid initial metabolism and excretion of HBN followed by the persistence of the remainder in liver is being investigated.

(19) Studies of the chemical disposition of 2,3,7,8-tetrachlorodibenzofuran (TCDF) demonstrated how the disposition and toxicity of this compound varies with both species and strain of animal exposed. Little metabolism of TCDF can be detected in guinea pigs. When fat is mobilized as an energy source, TCDF is redistributed back to the liver. Upon repeated exposure to low levels of TCDF, no TCDF intoxication occurs until a critical body burden is reached. When this occurs, extensive weight loss and death ensue rapidly. The repeat dose studies indicate that the fat content affects the amount of TCDF needed to reach toxicity. Mature animals have larger fat deposits and have a higher LD_{50} than observed for young animals. The time to death also seems to increase with age while a lower percentage of the body weight seems to be lost before death occurs.

The disposition of TCDF in two mouse strains was affected by their differential content of adipose tissue. C57BL/6J mice had about half as much fat as DBA/2J mice and half of the whole body half-life. The greater amount of adipose tissue in DBA mice served to retain the TCDF and thus decrease its availability for metabolism and excretion. The enhanced size of the fat depot in these animals may in part explain the lessened sensitivity of this strain to the toxicity of halogenated polyaromatics.

(20) The disposition of 1,2,4,6,8,9-hexachlorodibenzofuran (HCDF) has been examined in order to extend the structure/activity relationships for polyhalogenated aromatics. HCDF is incompletely absorbed from the gut, but that portion of the dose which is absorbed was quite persistent, tending to accumulate more in the liver than in the fat. Small amounts of metabolites are excreted in the feces, but overall metabolism is minimal.

(21) Altered pharmacological responses as a result of aging have also been investigated as part of the program in Chemical Disposition. Changes in the disposition of two polychlorinated biphenyls (PCBs) in aging rats have been examined. 2,3,6,2',3',6'-Hexachlorobiphenyl (236-HCB) and 2,4,5,2',4',5'-hexachlorobiphenyl (245-HCB) are symmetrical isomers whose distribution, metabolism, and excretion have been studied previously in young rats. In the present study, senescent rats (22–24 months old) were given a single iv dose of the HCB, sacrificed at times ranging from 1 hour to 21 days, and distribution of the ^{14}C-labeled dose (0.6 mg/kg) was examined in tissues and excreta. The half-lives and pool sizes were increased for both compounds, suggesting a slower rate of metabolism. Increased metabolite/parent compound ratios in the tissues suggested a slower elimination of metabolites in the old rats. The effects of aging seem to be more pronounced for 245-HCB than for 236-HCB. Thus, senescence may more markedly affect the disposition of more persistent PCBs.

Lymphatic tissues and associated cells, including thymus, spleen, and macrophages, were examined for age-related changes in intermediary metabolism. Key enzymes from the hexose monophosphate shunt, the glycolytic pathway, and the Krebs cycle were compared in rats of 6, 12, 18, and 24 months of age. Pyruvate kinase and lactate dehydrogenase decreased in thymus, but increased in spleen. Glucose-6-phosphate dehydrogenase, isocitrate dehydrogenase, and malate dehydrogenase activities all decreased in pulmonary macrophages. These data suggest that the biochemical supports for phagocytosis and cell-mediated immunity are diminished during aging in macrophages and in the thymus, while the humoral immune response mediated by splenic B cells may not be compromised in senescent rats.
(CONTACT PERSON: Dr. H. B. Matthews)

FY 1983 Program Plans

The NIH/NTP program in Chemical Disposition will continue to provide metabolism and disposition data for as many chemicals as possible. The immediate goals of this work will be to assist chemical managers in the design and interpretation of NTP bioassays for chronic toxicity. Therefore, the Chemical Disposition Program always remains open to requests for such studies as they are needed. However, a number of studies are planned for the coming year. These plans include basic disposition studies for 1,2-dichloro-5,5'-dimethyl-hydantoin, 2-bromo-4,6-dinitroaniline, benzo(f)quinoline and toluene-2,6-diisocyanate. A comparative study of the metabolism and disposition of triortho-, trimeta- and triparacresylphosphate will be done in the rat and at least one species which is sensitive to the neurotoxicity of triorthocresyl phosphate.

A relatively large study on phthalic acid esters will be conducted to provide an evaluation of the effects of chemical structure on the dermal and gastrointestinal absorption, disposition and clearance of a series of representatives from this chemical class. The chemicals to be studied are phthalic acid, dimethyl-, diethyl-, di-n-butyl-, diisobutyl-, di-n-hexyl-, di-n-octyl-, di(2-ethylhexyl)-, diisodecyl- and butyl benzyl phthalates plus 3 or 4 monoalkyl phthalates. In addition to these studies a comparative metabolism and disposition study in rats and mice will be done for diallyl phthalate. Plans for FY 1983 also call for a comparative metabolism, disposition and covalent binding and how chlorination of the p-phenylenediamine molecule increases its binding to subcellular macromolecules.

The Chemical Disposition Program has lacked the capability to study volatile compounds. Plans for FY 1983 call for

initiation of a new contract or interagency agreement to study the fate of chemicals administered by inhalation or eliminated primarily by exhalation. This contract or interagency agreement will replace a contract which will terminate at the end of FY 1982 so the actual number of contracts will remain at four. However, the contract allowing inhalation studies should significantly increase the capacity of the Chemical Disposition Program to respond to the need for studies of a broader range of chemicals. (CONTACT PERSON: Dr. H. B. Matthews)

NIOSH

FY 1982 Accomplishments

Chemicals Chosen as Part of The NTP Benzidine Congener Initiative—Studies on the metabolism and structure-activity relationships of 9 benzidine congener dyes in the rat were completed by NCTR. All dyes tested (Direct Red 39, Direct Blue 14, Direct Blue 53, Direct Orange 6, Direct Blue 8, Direct Black 114, Direct Blue 10, Direct Violet 32, and Direct Red 46) were metabolized to their respective congeners. This program is associated with activities of the NTP Benzidine Dyes Metabolism Workgroup. (CONTACT PERSON: Dr. L. Lowry, NIOSH, and Mr. C. Nony, NCTR)

Chemicals Chosen with Known or Potential Exposure of Industrial Workers—The metabolism and tissue distribution study in rats of the benzidine congener dyes, Direct Blue 15 and Direct Red 2 (IA 80–34, Metabolism of Azo Dyes to Aromatic Amines, NIOSH-NCTR), was completed during FY 1982. There was extensive metabolism of the dyes with the free benzidine congeners being identified in the urine. A major publication/final report "Metabolism and Distribution of Two ^{14}C-Benzidine-Congener-Based Dyes in Rats as Determined by Gas Chromatography, High-Pressure Liquid Chromatography, and Radioassays" will be published in the Journal of Analytical Toxicology (1982). (CONTACT PERSON: Dr. L. Lowry)

NCTR

FY 1982 Accomplishments

Azo Dyes—The primary thrust of this research was to develop sensitive and specific analytical chemical methodolgy so that valid studies of azo dye metabolism in experimental animals could be conducted. Another goal of this research was the development of an analytical capability to determine parts per billion levels of certain dye metabolites so urine analysis could be used to determine if industrial workers had been exposed to azo dyes.

Prior research was concentrated on the water soluble benzidine-based, tris azo dye, Direct Black 38, and the 3,3'-dichlorobenzidine-based water insoluble compound, Pigment Yellow 12. The development of analytical methodology, the stability and purification of the dye and pigment, and metabolism of these compounds in the hamster are complete and have been published in the literature (Nony 1979, 1980; Bowman 1981, and Lowry 1980).

The methodology for 3,3'-dimethylbenzidene (*o*-tolidine) and 3,3'-dimethoxybenzidene (o-dianisidine) and their mono- and diacetylated derivatives (synthesized at the NCTR) has been completed for assaying rat urine by high-pressure liquid chromatography (concentrations to 50 ppb) or rat, hamster or human urine by electron-capture gas chromatography (concentrations to 1 ppb). This has been reported by Nony (1981, 1982). Results of the metabolism of Direct Red 2 in the rat and hamster also has been reported (Nony 1981, 1982).

The regulatory agencies through the auspices of the National Toxicology Program arranged with the NCTR to participate in a joint initiative to determine whether metabolism of certain azo dyes occurs in Fischer 344 rats and to elucidate structure-activity relationships of the different dyes. The dyes selected for this experiment were Direct Red 39, Direct Blue 8, Direct Blue 14, Direct Blue 53, Direct Red 46, Direct Orange 6, Direct Black 114, Direct Blue 10, and Direct Violet 32. All of these dyes have been analyzed for purity and stability and given as single gavage doses to rats. The urine samples, collected under dry ice, were assayed for corresponding free amines, their mono- and diacetylated derivatives and alkaline hydrolyzable conjugates and reported to the Chairman for Metabolism Studies. As agreed upon by the Interagency Committee, the results were released by the Chairman when the study was completed; a summary of results is reported in Table 17. A technical report by Nony (1982) and papers by Bowman (1982) and Levine (1982) are in press.

An interagency agreement between NIOSH and NCTR that calls for metabolism, absorption and tissue distribution studies in rats using ^{14}C-labelled Direct Red 2 and Direct Blue 15 is complete. A technical report by Oller (1982) and a paper by Bowman (1982) describing the results are in press. No azo dye related NTP work is anticipated in FY 1983. All planned aspects of this program were completed in FY 1982. (CONTACT PERSON: Mr. C. Nony)

Gentian Violet— The metabolism of this triphenylmethane dye, which is added to poultry feed as a preservative, is being elucidated in the chicken (target animal) and in the Fischer 344 rat and B6C3F$_1$ mouse (test animals). Metabolite profiles of extracts of some chicken and rodent tissues have been obtained. Excretion of gentian violet (hexamethyl-p-rosaniline chloride) in rat liver bile has been measured, and initial experiments on microbiological metabolism have been conducted.

The multidose metabolism study with ^{14}C-gentian violet has been conducted with both sexes of Cornish-White Rock broilers. The chickens were dosed orally by gelatin capsule three times daily for seven days. The females and males were administered a total of 1.45 mg and 1.72 mg daily, respectively, based on the amount of gentian violet present in feed at a 15 ppm level. The dose was calculated on the basis of daily feed consumption of 97 g and 115 g for broilers at 6 weeks of age.

Group of five animals per sex were sacrificed starting at six hours after the last dose. Tissues were excised, frozen and stored at −70°C until analysis. The raising, dosing, sacrifice and necropsy of the chickens were performed under an interagency agreement with the Comparative Animal Research Laboratory at Oak Ridge National Laboratory (ORNL). Preparation of doses and analysis of biological samples were handled at the NCTR.

Duplicate samples were cut from partially thawed liver, kidney, breast muscle, thigh muscle, heart and gizzard for weighing and combustion in a tissue oxidizer. The entire skin with adhering fat was homogenized in water before duplicate aliquots were taken for combustion. The total residues were expressed as ppb of ^{14}C-gentian violet equivalents. A notable feature of the preliminary date is the slow depletion of label from the tissues, especially from liver. Excreta were collected and frozen daily from each chicken in the 240-hour sacrifice group. Weighted samples were homogenized in water before aliquots were taken for combustion analysis. Over 90% of the label was recovered in the excreta.

A procedure consisting of extraction, solvent partitioning, alumina and reversed phase high performance liquid chromatography (hplc) has been applied to the preliminary analysis of pooled tissues from the 6-hour sacrifice group to reveal an average of 40% bound residues and extensive metabolism of the ^{14}C-gentian violet. Gentian violet is a minor component of the extractable residue in liver. However, in gizzard gentian violet constitutes up to 70% of the extractable residues. The demethylated products pentamethylpararosaniline, N,N,N',N'-tetramethylpararosaniline, and N,N,N',N''-tetramethylpararosaniline comprise the major identified metabolites in liver, kidney, gizzard, breast, heart, and skin with adhering fat. In the skin extracts, however, there are as yet major unidentified metabolites which account for over 50% of the extractable residue. There seems to be no difference in metabolite profile between sexes in this early sacrifice group.

Although radioactivity from an iv injection of 1 uCi (85 μg) of ^{14}C-gentian violet appears in the bile of anaesthetized Fischer 344 rats within 10 minutes after administration, only 18–26% of the dose is collected over 12 hours. The biliary excretion of a gentian violet dose given by gavage is only 8–9% over a 12-hour period. In each case, at least 10 metabolites were observed with unchanged gentian violet accounting for no more than 10% of the total radioactivity.

We have preliminary indications that several pure cultures of anaerobic bacteria and cultures of mixed microflora from rat intestine reduce gentian violet under conditions of anaerobic incubation. In the most active cultures, the blue color of gentian violet fades within 2 hours of incubation. Extracts of the culture medium when subjected to analysis by hplc are found to contain increasing amounts of the uncharged reduction product, leuco gentian violet. The kinetics of this reaction are under investigation. This product has not yet been identified in tissue extracts of test animals.

Sulfamethazine—Work in progress on the metabolism of sulfamethazine in swine, the

target animal of this study, is being condcuted through an interagency agreement at the Metabolism and Radiation Research Laboratory (MRRL) of the Regional Laboratory of the U.S. Department of Agriculture (USDA) at Fargo, North Dakota. Furthermore, tissue samples for the study of depletion kinetics in edible tissues of swine administered labeled sulfamethazine have been provided to MRRL under an interagency agreement with the Comparative Animal Research Laboratory (CARL) at ORNL. All analyses of swine tissues and excreta are being performed at MRRL.

Combustion analyses of tissues have been completed both for the "steady state" experiments at MRRL and for tissues from the depletion study supplied by CARL. The "steady-state" experiments involve analysis of tissues obtained 8 hours after the last dose from swine fed 115 ppm of ^{14}C-sulfamethazine in two daily meals for 3, 5, or 7 days. Preliminary data on combustion analysis indicate that total radioactivity reaches a plateau in the tissues after five days of dosing.

For the depletion study, tissues from swine fed 115 ppm of ^{14}C-sulfamethazine in two daily meals for 7 days were collected at 8, 24, 48, 120, and 240 hours after the last dose. Values for total radioactivity of tissues for common time points in the steady state and depletion experiments agree well. (CONTACT PERSON: Dr. J. McDonald)

FY 1983 Program Plans

Gentian Violet—It is anticipated that nearly all work on the metabolism of gentian violet will be completed in 1982.

Sulfamethazine—Metabolism studies on rodents are scheduled to begin at NCTR in July 1982. Purification and identification of major metabolites will be completed in FY 1983. Review of the swine metabolism work performed by MRRL will be performed at NCTR In FY 1983 upon receipt of the final report from MRRL supplying details on the identification and depletion of various metabolites of sulfamethazine from swine tissues.

In response to suggestions by Giera *et al.* that the glucopyranosyl derivative of sulfamethazine in swine tissue may be an artifact due to extraction or storage conditions, the proper control experiments will be initiated at MRRL. By spiking unmedicated swine tissues with ^{14}C-sulfamethazine and comparing extracts of aliquots frozen at various time periods with the t=o sample, a quantitative determination can then be made of presumed artifactual formation of the glucopyranosyl derivative of sulfamethazine, earlier identified in swine at MRRL.

The present experimental protocol for the metabolism of sulfamethazine in rodents involves a 7-day dosing period with labeled compounds. To test the effect of possible enzyme induction and alteration by intestinal microflora of the sulfa drug on the metabolite profile in tissues, a preconditioning experiment is being proposed. The total radioactivity in tissues, and sulfamethazine metabolite profiles will be used to evaluate the effect of preconditioning or accumulation of metabolites in comparison to non-pretreated rats.

Because of the recent concern about the production of a transplacental mutagen from the interaction of nitrite with sulfanilamide it is proposed that *in vivo* and *in vitro* studies be undertaken involving the reactions of sulfamethazine with nitrite. Desaminosulfamethazine has been detected in swine tissues, and it now appears from work with the closely chemically-related sulfadiazine that nitrite is involved through formation of the intermediate diazonium ion followed by "reductive deamination."Treatment of sulfanilamide itself with nitrite under simulated acidic gastric conditions leads to the formation of a transplacentally mutagenic triazene resulting from condensation of the intermediate diazonium ion with sulfanilamide.

In vivo studies of the interaction of sulfamethazine with nitrite will comprise a variation of the preconditioning study in which nitrite will be administered to rats in drinking water. It is expected that the desamino-sulfamethazine accumulating in tissues will then be pulse labeled during the 7-day dosage with ^{14}C-sulfamethazine. Nitrite will continually be provided in drinking water during this period. Tissues will then be analyzed for extractable desamino and triazene derivatives. Tissues will be analyzed for bound residues which may be expected to accumulate by interaction of cellular components with the chemically reactive deazonium ion intermediate. The importance of the desamino derives from the fact that the related desaminosulfadiazine is depleted very slowly from swine tissues.

Direct demonstration of the diazonium ion intermediate will be attempted *in vivo* through the use of a diazonium trapping agent such as 2-naphthol. Fischer 344 rats provided with nitrite in drinking water will be gavaged with a mixture of C-sulfamethazine and a trapping agent. Excreta will be collected and analyzed for the azo coupling product. A control will be run without trapping agent to check for any inhibition of labeling of tissues.

The contribution of intestinal microflora to the metabolism of sulfamethazine will be investigated by incubation of substrate in pure cultures and in cultures of mixed inocula from rat intestine. Pathways have recently been proposed for the conversion of 3,4-dichloroaniline to biphenyl, azo, and triazene derivatives through incubation with pure bacterail cultures in the presence of nitrate. The reaction requires reducing conditions. Sulfamethazine, a substituted aniline, will be incubated under anaerobic conditions with pure cultures and rat intestinal inocula in the presence of nitrite to test for similar reactions. Some attention will also be paid to the detection of these possible products in tissues of the test and target animals in the metabolism experiments. Investigations will continue into the possible N-ovidation of sulfamethazine to a reactive metabolite. (CONTACT PERSON: Mr. J. McDonald)

Chemical Pathology

NIEHS

The Chemical Pathology Branch is responsible for monitoring the quality of all aspects of anatomic and clinical pathology associated with studies conducted at NIEHS under the auspices of the National Toxicology Program (NTP). In addition the Branch provides histology, electron microscopy, and collaborative support to the Intramural Research Program (IRP) of the NIEHS. The Branch's research efforts are directed toward evaluating and developing short-term *in vivo* carcinogenesis assays and characterizing and defining specific lesions observed in bioassay studies. To accomplish its mission the Branch is composed of four integrated Sections: Tumor Pathology, Toxicologic Pathology, Experimental Pathology, and Histology and Electron Microscopy.

Tumor Pathology

The Tumor Pathology Section assures that pathology evaluation if NTP chronic bioassays is precise, accurate, and state-of-the-art. The major emphasis in FY 1982 has been on improving the quality of histological sections, standardizing tumor nomenclature and establishing uniform criteria for classification of neoplasms. In a workshop this past year, criteria for proliferative lesions of the pituitary, thyroid and adrenal glands were presented to Program pathologists. In FY 1983, workshops defining diagnostic criteria for lymphoreticular and pancreatic lesions will be held. In addition, there is more Program emphasis on non-neoplastic lesions than in past years.

FY 1982 Accomplishments

Chronic Pathology Studies Reviewed—During FY 1982, pathology reviews of 39 chronic bioassays were held (Table 18). Each chronic bioassays was given a quality assurance (QA) evaluation by an independent pathology laboratory; this included evaluation of the histotechnique, verification of computer tables with the original animal data records, verification of slide and tissue counts and the initial pathology evaluation of all target tissues and all tumors. The QA report with a list of differences of diagnostic opinion between the QA pathologist and the original (bioassay laboratory) pathologist(s) was sent to the Head of the Tumor Pathology Section who reviewed the report and selected members for a Pathology Working Group (PWG). A PWG consists of 4–6 pathologists, some of whom are selected because of research experience with lesions peculiar to the bioassay being evaluated. The PWG pathologists are affiliated with the NTP, industry and academia. The PWG members independently evaluate "blindly" those slides where diagnostic differences of opinion occur and attempt to arrive at a consensus diagnosis. If the consensus diagnosis is different from that of the original pathologist, the appropriate slides are returned to the original pathologist for re-evaluation. The original pathologist's re-evaluation becomes the final data of record. However, if it is significantly different from the PWG consensus, an additional set of pathology data may be included in the NTP Technical Report to reflect the PWG opinion. In most cases this is not necessary.

The PWG also has the responsibility of determining the overall quality of the

histotechnique and the initial pathologist's evaluation. If an undue number of deficiencies are noted, the study may be considered inadequate and a partial or complete pathology re-evaluation may be required before acceptance by the NTP.

The workings of the QA and PWG assure more accurate and uniform pathology arising out of chronic bioassays. PWG members are also helpful in assessing biological potential of chemically-induced lesions. The PWG chairperson submits a pathology narrative on each bioassay to the chemical manager incorporating PWG opinions on induced lesions plus a detailed pathological description of the pertinent lesions. This information is used in writing the NTP Technical Report. (CONTACT PERSON: Dr. G.A. Boorman)

Tumor Nomenclature and Criteria—In March 1981 a workshop on proliferative lesions of the pituitary, thyroid and adrenal glands was held for the Program contractor pathologists. The impetus for this workshop was that in most studies these lesions constitute a frequent source of diagnostic confusion. Speakers included NTP, contractor and academia pathologists. Following the workshop a slide study set of typical lesions with diagnoses and criteria were produced for each laboratory in the Program.

In three studies during FY 1982 pancreatic acinar cell lesions were found that appeared to be treatment related. Since it appears that some of these lesions may have been overlooked in the past because of their subtle nature, a complete review of the pancreases from control animals in six recently completed studies was undertaken with special emphasis on differences between untreated and vehicle control (corn oil) animals. Results of this study will be used for a future workshop for Program pathologists on rodent pancreactic lesions.

Proliferative pulmonary lesions of rats and mice are currently being reviewed for presentation and publication through the ISLAR series. Interest in this series of lesions was stimulated by the recently completed NIEHS inhalation study of asbestos in which a variety of lung tumors were found. (CONTACT PERSON: Dr. G. A. Boorman)

Myelotoxicity/Immunotoxicology—In collaboration with the scientific staff of the NIEHS/NTP Immunotoxicology section the Tumor Pathology section provided pathology support and myelotoxicity evaluation for several mouse studies (Table 19). Myelotoxicity evaluation included bone marrow cellularity, pleuripotent stem cell assay (CFU–S), macrophage granulocyte assays (CFU–GM) plus a measure of erythropoiesis (Fe^{59} uptake). In addition to screening chemicals for myelo/immunotoxicity, efforts included methods development for evaluating and understanding mechanisms of myelotoxicity.

The results of a series of studies involving estrogenic substances (e.g., zearalenone and estradiol) were interpreted as indicating that these substances have a similar "A"-region to diethylstilbestrol (DES), and produce macrophage activation but not the DES myelotoxicity. In other studies estrogenic myelotoxic effects were reversed by progesterone and according to preliminary results an intact thymus may be required for expression of estradiol myelotoxicity.

Mice exposed to chrysotile asbestos had depressed bone marrow parameters at 2, 12 and 26 weeks following a three-day exposure. These mice also had enhanced IgA levels, analogous to humans with radiological evidence of asbestosis. While myelotoxicity has not been widely recognized in asbestos exposed patients, there is evidence that Canadian miners exposed to asbestos have depressed circulating leukocytes possibly due to myelotoxicity. *In vitro* exposure of pulmonary macrophages to asbestos results in prostaglandin E (PGE) release. PGE has a known negative feedback effect on the bone marrow. Based on these studies, the mouse model may prove useful in characterizing the nature of the immune dysfunction that has been reported to occur in asbestos exposed patients.

The subchronic (90-day) bioassay results for the NTP chemical, ochratoxin A, suggested a degree of bone marrow hypocellurarity consistent with myelotoxicity. To better characterize this chemical, it was included in the immunotoxicology program. In this study ochratoxin was shown to depress hematopoietic stem cell proliferation and antibody plaque forming cell response. (CONTACT PERSON: Dr. G. A. Boorman)

Toxicologic Pathology

The Toxocologic Pathology section assures the quality of pathology from acute and subchronic studies in mice and rats, established diagnostic nomenclature for toxicology pathology, and defines organ specific toxic lesions.

FY 1982 Accomplishments

Prechronic Pathology Studies Reviewed—During FY 1982, 63 bioassays were reviewed by the Toxicologic Pathology section (Table 20). Prechronic studies (usually 90-day duration) conducted under the prime contract are quality assessed by the prime contractor and reviewed by the Head of the Toxicologic Pathology section. Repeat dose (14-day) and prechronic studies on chemicals contracted and managed directly by NTP through a master agreement are quality assessed as described in the Tumor Pathology section. Attention is given to quality of histotechnique tissue counts, slide inventory, accuracy of diagnosis, and dosage recommendations for subsequent studies. These findings are then reviewed by the section head. Selected slides are put together for a Pathology Working Group (PWG), consisting of 3 to 4 pathologists and a chairperson, which reviews all discrepancies in diagnoses, major target organs, and selected spontaneously occurring lesions observed in the study. A report is then prepared by the section head describing the results of the PWG and interpretation of the study up to that point. Points addressed in the report include a narrative description of target organ lesions, differences in opinion between the initial pathologist and quality assessment (QA) pathologist, the quality of work performed by both the initial pathologist and the QA pathologist, and an assessment of the quality of histotechnique. Dosage recommendations are suggested based upon the results of the pathology portion of the study.

This extensive review of prechronic studies has resulted in better communication between the NTP and contract laboratory pathologists, more uniformity in the classification of toxic lesions, better clarification of NTP goals, more emphasis on descriptive pathology narratives, better monitoring of the quality of histotechnique at contracting laboratories, and revisions in the master agreement statement of work, where necessary. (CONTACT PERSON: Dr. C. A. Montgomery)

Pathology Data Base for Prechronic Studies—Historically, 90-day studies have not been entered into the computerized Carcinogenesis Bioassay Data System (CBDS) for retrieval purposes. Thirty-one prechronic bioassays have been identified that have been completed and have Individual Animal Data Reports (IADR's) in the repository. Summary tables of the incidence of neoplastic and non-neoplastic lesions from these studies will be generated under the CBDS contract. Pathology data from these 31 chemical studies were selected based on the following criteria:

(1) Positive (chemical effect) prechronic bioassay.

(2) Representation of several different laboratories.

(3) All bioassays were quality assessed.

(4) Very few changes made in the IADR's after review of the study.

Data generated from this project will be used for two specific purposes:

(1) Control animal data will be analyzed for the incidence of spontaneously occurring lesions in various organs, both neoplastic and non-neoplastic;

(2) Dosed animals will be analyzed for target organ specificity and evaluation of toxicologic pathology nomenclature used in prior studies. This latter information will be used to evaluate the Toxicology Data Management System (TDMS) micropathlogy glossary. (CONTACT PERSON: Dr. C. A. Montgomery)

Cause of Death Project—The National Toxicology Program has recently made a firm decision to determine th probable "cause of death" in chemical bioassays. One of the difficulties in this type of judgement is the problem of determining whether a neoplasm actually resulted in death or only contributed to the animal's demise. Pathologists in the Chemical Pathology Branch have recently taken the most common tumors of the Fischer 344 rat and B6C3F_1 hybrid mouse and categorized them based on high risk, low risk, or no risk of causing death. Using this data, members of the Biometry and Risk Assessment Program (NIEHS) will retrospectively examine studies and determine whether our knowledge of Tumor behavior in these rodent species is enough to prognosticate whether these tumors could kill an animal in a given time frame. (CONTACT PERSON: Dr. C. A. Montgomery)

Toxicology Data Management System (TDMS)—In 1981, a major decision was made to implement the Toxicology Data Management System (TDMS) in the NTP bioassay contract laboratories. At that time,

the pathology portion of this system was considered inadequate. The micropathology glossary, as it existed in July 1981, was primarily designed for the specific needs of the National Center for Toxicologic Research. To date, approximately 90% of the micropathology glossary has been rewritten and restructured. The system entails a build-a-block diagnosis concept, using base terms such as inflammation or degeneration with appropriate modifiers to describe these lesions. Lesions may be diagnosed by specific anatomic site down to subtopography. This should result in a more detailed data base of chemically-induced lesions for NTP studies.

The gross pathology portion of TDMS had not been developed prior to October 1981. An *ad hoc* committee composed of pathologists from academia, government, and industry met and developed the gross pathology glossary. Pathology forms and summary reports are nearing completion. TDMS has recently been implemented for the first time at one of the contractor laboratories. Tissues from the bioassay of C. I. Pigment Red 3 were evaluated microscopically using TDMS. It appears at this time that the micropathology glossary is adequate and the hardware, for the most part, is satisfactory.

The TDMS is presently being implemented in seven different laboratories. This will result in the establishment of a new data base for naturally occurring and chemically-induced lesions of the Fischer 344 rat and $B6C3F_1$ mouse. Retrieval of such data is not anticipated for at least one year. (CONTACT PERSON: Dr. C. A. Montgomery)

Experimental Pathology

The Experimental Pathology section develops and validates animal models for chemical toxicity and carcinogenicity, investigates the pathogenesis of lesions observed in toxicity and carcinogenicity studies, and develops and standardizes clinical pathology procedures for use in rodent studies.

Fiscal Year 1982 Accomplishments

Strain A Mouse Pulmonary Tumor Validation Study—During fiscal year 1982 data from strain A mouse bioassays for 60 chemicals were examined to determine if this short-term bioassay would identify carcinogenic chemicals. The initial conclusion is that the strain A mouse pulmonary adenoma model has limited utility for identifying chemicals which were carcinogenic in conventional rat and/or mouse two-year bioassays. Furthermore, there was poor agreement in strain A bioassay results on the same chemicals tested in two separate laboratories. The initial conclusions regarding this validation exercise were comprehensively reviewed when remaining test data were made available in September 1982. (CONTACT PERSON: Dr. R. R. Maronpot)

Hepatocarcinogenesis Research—A study is currently underway utilizing a short-term rat liver tumor model to investigate the 2-hit hypothesis of carcinogenesis. Following a single intraperitoneal dose of diethylnitrosamine (DEN), the population of initiated hepatocytes is expanded by promotion for two months with dietary phenobarbital. After a second dose of DEN, an expanded population of cells with prior initiation (1-hit) will be available for a second initiation (2nd-hit) ultimately resulting in a greater production of liver neoplasms, if the 2-hit hypothesis of carcinogenesis is operative. Stereologic measurements of phenotypically altered (γ-glutamyl transpeptidase positive) preneoplastic foci will be made in addition to documentation of hepatocellular neoplasms. In-life portions of this study were completed in October 1982. (CONTACT PERSON: Dr. R. R. Maronpot)

Pathogenesis of Furfuryl Alcohol Toxicity—As a result of unusual liver lesions observed in $B6C3F_1$ mice in the prechronic furfuryl alcohol study, a special study to investigate the pathogenesis of these lesions was carried out. Following a single intraperitoneal injection of furfuryl alcohol (3 dose levels), male and female $B6C3F_1$ mice were killed at several intervals. Liver, kidney, lung, heart and tissues were fixed for microscopic and ultrastructural study. Sera from these mice were submitted for clinical chemistry measurements and ultimate correlation with morphologic findings. Livers from mice in the furan study (3 dose levels) were also similarly tested for comparison with toxicity patterns and lesion progression elicited by furfuryl alcohol. Microscopic evaluation of tissues is underway. In addition to liver lesions, kidney lesions and unusual peribronchial lung lesions are being documented in treated rats. Completion of microscopic tissue evaluation and subsequent ultrastructural studies will be completed during the next year. (CONTACT PERSON: Dr. R. R. Maronpot)

Ultrastructural Study of Lung Lesions Found in the Prechronic 2,3-Dibromo-1-propanol Study—Enlarged bronchiolar lining cells were observed in several treated and control mice in the 2,3-dibromo-1-propanol prechronic study. Since this observation has been made in other mouse toxicity studies, it was important to identify these enlarged bronchiolar cells. Paraffin blocks of affected lungs from six mice were retrieved from the NTP tissue archives and processed for transmission electron microscopic examination. In most instances affected bronchioles were lined by contiguous Clara cells. (CONTACT PERSON: Dr. R. R. Maronpot)

Fibrogenic and Carcinogenic Potential of Asbestos and Man-made Mineral Fibers—A joint study on the fibrogenic and carcinogenic potential of chrysotile asbestos and man-made mineral fibers was conducted in conjunction with the Pneumoconiosis Research Unit, Medical Research Council (MRC), Penarth, Wales, United Kingdom. An additional objective of the study was to determine the comparability of results using the same protocol at two geographically different locations.

The basic protocol consisted of the exposure of male and female F344 rats to the fibers (inhalation chamber) for 6 hours/day, 5 days/week for 12 months. The rats were then held for lifetime observations. Interim kills were conducted after 3 and 12 months exposure and 12 months postexposure. Fibers studied at both facilities were UICC chrysotile B asbestos and microglass fiber (JM-100). In addition, short and long range (fiber length) chrysotile asbestos was studied at NIEHS while various types of rock wools were evaluated at MRC. The results of this joint study were similar at both facilities. Fibrosis and neoplasia occurred with the asbestos fibers but not with the microglass fibers. (CONTACT PERSON: Dr. E. E. McConnell)

Clinical Pathology Studies—Several clinical pathology base-line studies were carried out to provide data useful in the design and interpretation of clinical pathology portions of NTP toxicity studies. These base-line studies included: sequential bleeding, effect of decreased body weight gain on hematologic measurements in rats, effects of fasting and water deprivation on hematologic and clinical chemistry measurements in rats, effects of freezing and frozen storage of rat sera on clinical chemistry values, comparison of reticulocyte counts in young vs. old Fischer 344/N rats, and within-day and between-day precision studies for commonly measured analyses. (CONTACT PERSON: Dr. R. R. Maronpot)

Histology and Electron Microscopy

The Histology and Electron Microscopy Section is primarily a support facility providing services to both the Intramural Research Program (80%) and Toxicology Research and Testing Program (20%). The histology laboratory provides basic cutting and staining services and has limited capability for special stains and techniques. The electron microscopy laboratory also provides routine cutting and staining services. In addition it provides technical help in the use of electron microscopy and interpretation of these observations.

FY 1982 Accomplishments

During FY 1982 the histology laboratory supported 41 NIEHS scientists. In pursuing this effort the laboratory sectioned and stained a total of 28,464 tissues.

The electron microscopy laboratory supported 24 NIEHS scientists in their needs for ultrastructural examination of animal materials. (CONTACT PERSON: Mr. F. A. Talley)

Chemical Pathology

Other FY 1982 Accomplishments

The Chemical Pathology Branch developed a protocol which will significantly modify the amount of microscopic pathology required on future chronic bioassays. The current procedure requires that 42 sections from 32 tissues be examined microscopically from all animals that die during the bioassay and from those that survive the 104-week treatment period. Analyses of the results from previous NCI and NTP bioassays indicated that significant reductions in the number of tissues examined could be implemented without compromising the ability to detect chemically-induced tumors. Further, the quality of the toxicologic pathology could be markedly improved through examination of some animals at a time period earlier than 24 months, when normal aging lesions often interfere with the

detection and interpretation of chemical related lesions.

Based on discussions with the NTP Board of Scientific Counselors and expert consultants, NTP developed the following protocol:

1. *Interim evaluation*—Ten animals/dose/sex/species will be added to the design protocol. At 15 months into the chronic study, these animals will be sacrificed and evaluated as follows: (1) Organ Weights—liver, kidney, brain; (2) Chemical Pathology—including complete blood count and selected serum chemistry; (3) Complete necropsy of all animals; and (4) Complete histopathology (32 tissues) of the high dose and control groups, tracking to lower dose groups where indicated (same procedure used for the 90-day prechronic studies).

2. *Necropsy Evaluation*—All animals from all dose groups which die or are killed during and at the end of the experiment receive a complete necropsy examination. All tissues from animals from all dose groups will be preserved for possible histopathologic examination (same procedure as currently done).

3. *Histopathologic Examination*—Interim deaths (before 21 months of study) are subjected to a complete histopathologic examination (no change from current protocol). The remaining animals in the high dose and control groups receive an essential, yet limited, histopathologic examination (see below). Only selected tissues from animals in the lower dose groups will be examined histopathologically.

4. *Essential Histopathology*—Sixteen (female) or eighteen (male) organs or tissues (21–23 sections) from the remaining animals from the high dose and control groups are prepared and examined microscopically. Included are:

Liver—left and right anterior lobe	Urinary bladder
Kidney—left and right	Spleen
Lung	Thyroid and Parathyroid glands
Brain—3 sections	Adrenal gland—left and right
Pituitary gland	Ovary/uterus
Pancreas	Testis/epididymis
Heart	Prostrate/seminal vesicles
Stomach	Lymph node—submandibular

Additional tissues examined microscopically include: Nasal cavity and turbinates (inhalation studies, 3 sections), skin (dermal study), all gross lesions detected at necropsy, and target organs identified in prechronic studies or in animals which died or where sacrificed during the two-year bioassay.

5. *Extended Histopathology*—Once the 16 or 18 organs are examined microscopically and pathologic effects are identified, tissues from all animals in lower dose groups are examined using the following convention: all gross lesions detected at necropsy; organs in which neoplasms were found significantly increased ($p < 0.10$) compared to controls; organs in which rare tumors were found even if the comparison with controls does not achieve the $p < 0.10$ level; and organs in which toxic lesions were observed.

6. *General Guidelines*—If the survival rate of the animals at the highest dose is decreased by 15% or more compared to survival of concurrent controls because of toxicity, then the next lower dose is used as the baseline for pursuing lesions examined microscopically in the high dose animals. If the decrease in survival is due to tumor related, deaths this caveat does not apply. Additional tissues will be examined at lower doses as deemed appropriate. Necropsy, trimming, and staining procedures are the same as those established in the current protocol.

When possible the pathologist should establish a *probable* cause of death. In animals with neoplasia, the pathologist should determine if the neoplasm could have been a *contributing factor* in the cause of death.

It is felt that the modified protocol will yield equivalent pertinent information to the previous protocol with regard to carcinogenic potential of a chemical. The inclusion of an interim kill at 15 months should permit a better delineation of chronic toxicity. The Quality Assurance review and the Pathology Working Group exercises will be conducted as currently practiced and should reveal deficiencies in pathologic interpretation. This new protocol is straight-forward and should be easily implemented in contractor pathology laboratories although a higher level of management on the part of the pathologist will be required. (CONTACT PERSON: Dr. E. E. McConnell)

FY 1983 Program Plans

Pathology Review and Workshop Activites—In FY 1983 Quality Assurance and Pathology Working Group functions will be continued for prechronic and chronic bioassays to maintain a uniform high quality of pathology for the Program. This workload will increase significantly over that of FY 1982 since a large number of bioassays are scheduled for completion during the next twelve months. A workshop dealing with rodent leukemias and lymphomas was held for contract laboratory pathologists in November 1982. The subject matter for a similar workshop in the spring of 1983 will be selected based upon Program needs.

Tumor Combination and Interpretation Guidelines—Uniform guidelines for combining and interpreting tumors which occur in chronic bioassays will be established in FY 1983 based upon imput from NTP pathologists and the NTP Board of Scientific Counselors. For specific organs where there is clear evidence of tumor progression, the benign and malignant tumors will be tabulated separately for statistical purposes and may be combined to more clearly delineate the carcinogenic potential of a given chemical. Guidelines for combining of tumors will also be established for biologically similar tumors that occur in the same organ such as fibromas and fibroadenomas of the rat mammary gland. Similarly, ground rules for documenting tumor multiplicity in a given organ and in paired organs will be established in FY 1983. Once these guidelines are established, recommendations will be made for how the various separate, combined and mutiple tumor frequencies should be interpreted for purposes of judging the evidence of carcinogenicity. (CONTACT PERSON: Dr. E. E. McConnell)

Investigation of Use of Plastic Embedded Thin Sections—During FY 1983 the feasibility and utility of using one-micron sections from plastic embedded tissues for better characterization of subtle renal and hepatic lesions will be determined.

Investigation of Morphometric Analysis of Teased Nerve Preparations—Since routine histologic procedures are relatively insensitive for assessing structural alterations in peripheral nerves, special procedures may be indicated for chemicals which are suspected of producing peripheral neuropathy. Morphometric analysis of tested nerve preparations and use of one-micron cross sections of nerves should permit detection of early structural alterations. Use of these special procedures will be investigated during FY 1983.

Study of the Pathogenesis of Furan-Inducted Liver Lesions—Using a sequential kill protocol, the development of furan-induced liver lesions in the rats will be investigated. This in-house study will include light microscopy, histochemistry, and clinical chemistry. Furan causes toxic liver changes with subsequent nodular regenerative hyperplasia. This regenerative hyperplasia has been interpreted by some pathologists to represent neoplasia. The proposed furan study will be designed to clarify the biological significance of the liver lesions. (CONTACT PERSON: Dr. R. R. Maronpot)

Baseline Clinical Pathology Studies—Clinical pathology studies to generate information useful in the design and interpretation of rodent toxicity bioassays will be continued during FY 1983. In addition, clinical pathology protocol guidelines and standard operating procedures will be developed for use in NTP contract laboratories.

Investigation of Mechanisms of Carcinogenesis—Through contactual mechanisms, an effort will be mounted to clarify the nature of the rodent liver tumor response frequently observed in two-year bioassays. Following refinement of short-term rat in vivo liver tumor models, selected chemicals will be tested for initiating and promoting activity. This is primarily a research rather than a testing effort.

During FY 1983 a collaborative in-house study using a short-term *in vivo* rat urinary bladder tumor model will be started to investigate the urinary bladder carcinogenic response associated with recently bioassayed chemicals. (CONTACT PERSON: Dr. R. R. Maronpot)

Evaluation of the Reduced Pathology Protocol for Bioassays—During FY 1983 results of the implementation of the modified pathology protocol for bioassays will undergo initial evaluation. Since final evaluation will require the completion of several chronic bioassays, the impact of this Program decision will not be realized for 3 to 5 years.

Cutaneous Toxicology

A common target for injury and disease, the skin serves as a route of entry for toxic chemicals present in drugs, cosmetics, the workplace and other environments. Within

NTP, research activities are focused on toxicologic assessments of the potential of chemicals for producing skin irritation, sensitization, and tumors, and on the ability of chemicals to enter the body through the skin. The latter aspect is of increasing concern where exposures may occur to chemicals which affect reproduction, growth and development, chemical carcinogenesis and neurotoxicity. Also being evaluated are the effects of repeated mechanical trauma to the skin. Chronic trauma is associated with disfigurement and breakdown in the barrier function of the skin.

FY 1982 Accomplishments

A working group was formed to identify and coordinate research activities within NTP and to determine future research needs. Interaction was initiated with the DHHS Ad Hoc Interagency Dermatology Working Group as a means of obtaining input from Government agencies outside of NTP and incorporating this information into future NTP planning and research activities. These activities will also serve to identify experts within and outside of NTP to participate in peer review of projects and manuscripts.

NIOSH

Research within NIOSH is focused on studying the extent and rate of dermal absorption of chemicals, and on evaluating the effects on the skin of chemicals found in the workplace. During the past year, design, construction and testing began on two methods for studying *in vivo* percutaneous absorption using small laboratory animals (hairless mouse). The methods involve a body-only exposure system to study the dermal absorption of gases and vapors and a second system for quantitatively assessing the rate and extent of absorption of volatile liquids which contact the skin. Initial experiments are being accomplished using benzene and carbon disulfide.

As part of NIOSH's Health Hazard Evaluation Program, Azamine T810, a tertiary amine used during solvent extraction of vanadium oxides, was evaluated for its ability to produce skin irritation and sensitization. When applied under a patch for 24 hours, the substance was found to be irritating to rabbit skin at concentrations as low as 0.1% (in 95% ethanol). When applied daily for twenty days to nonoccluded sites on the backs of guinea pigs the test substance was shown to be irritating at concentrations as low as 0.5% but not at 0.1%. Skin sensitization was not observed even at concentrations which were irritating to the skin.

To identify job categories and workers affected by chronic repeated mechanical insults to the skin, a report is being developed, under contract, which will provide an estimate of the extent of the problem. Potentially, the report will be used to focus on worker populations where a combination of skin trauma and chemical exposures may lead to increased disease or illness. (CONTACT PERSON: Dr. A. Susten)

NIEHS

NIEHS is investigating the carcinogenic and toxicologic properties of a number of chemicals following chronic applications to the skin of the Fischer 344 rat and B6C3F1 mouse (Table 21). The ability of the flame retardant 2,2-bis(bromomethyl)-1, 3-propandiol (BMP) to be absorbed through the skin is being evaluated as part of that toxicologic protocol. Results will be compared with levels obtained during feeding studies.

The toxicologic properties of the psoralens with and without ultraviolet light are being studies in the Fischer 344 rat and HRA/skin hairless mouse. The FDA has recommended the study of psoralens because psoralen plus ultraviolet light (320–380 nm), commonly referred to as PUVA therapy, is a widely used treatment for psoriasis in clinical studies conducted by FDA, and systemic animal toxicology has not been performed. It is estimated that 1–3% of the world's population suffers from psoriasis, and in 1978 an estimated 35,000 Americans received this treatment.

The NTP program is investigating a variety of psoralens with different chemical formulas including the most widely used psoralen, 8-methoxypsoralen. These studies include mutagenicity, pharmacokinetics and metabolism, long-term bioassays, and effects of treatment on skin enzyme levels. During the past year the NTP has determined the dark and light DNA binding parameters of 8-methoxypsoralen and other related psoralens. This information will be correlated with the toxic response of animals to the psoralens, in order to determine the relationship between DNA interaction and mutagenicity and/or carcinogenicity.

As part of the psoralen program, the NTP sponsored a conference on the "Photobiologic, Toxicologic and Pharmacologic Aspects of Psoralens" on March 1–3, 1982 at NIEHS, Research Triangle Park, NC. The conference discussed various aspects of psoralens including: photobiologic properties; pharmacokinetics and pharmacodynamics; mutagenicity; carcinogenic and immunologic aspects of psoralen (PUVA) therapy; safety and therapeutic effectiveness; and the analytic aspects of psoralen activity. The proceedings of this conference will be published as a monograph by the *Journal of the National Cancer Institute*. (CONTACT PERSON: Dr J K. Dunnick)

FY 1983 Program Plans

NIOSH

Testing and validation of the two percutaneous absorption systems will continue. Due to the interest in the adverse reproductive effects of certain glycol ethers, the rates of dermal absorption of two glycol ethers, (ethylene glycol monoethyl ether and ethylene glycol monomethly ether), will be evaluated. Data from these studies will be correlated with the toxicologic and tissue distribution profiles currently being conducted by NIOSH. (CONTACT PERSON: Dr. A. Susten)

As a part of the chronic trauma initiative, a small workshop is planned for the spring of 1983. The workshop will bring together a number of international experts to discuss problems related to chronic mechanical trauma to the skin and provide insight into controlling or reducting these work-related hazards.

NIEHS

Research activities under the psoralen program will continue. Additional compounds to be tested by the skin route will be selected and tested. (CONTACT PERSON: Dr. J. K. Dunnick)

Immunological Toxicology

The immune system imparts host defenses, maintenance of homeostasis and surveillance, most notably against infectious agents or tumor development. Three classes of undesirable effects may potentially occur when the immune system is perturbed by advertent (e.g., drugs) or inadvertent (e.g., environmental pollutants) exposure to chemicals and include: (1) Those which result in immunodeficiency or suppression; (2) those which result in alteration of host defense mechanisms; and (3) those which result in induction of hypersensitivity or allergy either nonspecifically or directly against the chemical antagonist.

NIEHS

The primary objectives of the NIEHS immunotoxicology program are to select, refine and validate a panel of immunology and host resistance procedures to define immunotoxicity of chemicals and to correlate changes in immune function with changes in host resistance. The comprehensive assay panel which has been developed evaluates: (1) Host resistance to bacterial, parasitic and tumor cell challenges; (2) cell mediated immune functions; (3) humoral mediated immune functions; (4) macrophage functions; (5) natural killer cell activity; and (6) myelotoxicity.

In addition selected chemicals of environmental concern are being examined using this panel. Most of these chemicals are known or suspected human carcinogens and are examined to determine: (1) The carcinogenic-immunotoxic relationship; (2) structure-activity relationship; and (3) mechanism(s) of immunotoxicity. These studies are ultimately designed to better define immunotoxicity, determine no effect levels and obtain a data base for accurate assessment of human health risk.

FY 1982 Accomplishments

During FY 1982 several chemicals were examined for immunotoxicity in NTP intramural laboratories using our comprehensive panel. B6C3F1 mice were exposed to mercuric chloride for 7 weeks in drinking water. Specific immunotoxic and biochemical alterations occurred in lymphoid organs of mice at dosages of mercury which did not induce other signs of toxicity such as altered liver enzymes, body weight or histopathology. The immunological defects were consistent with altered T-cell function as evidenced by deceases in both T-cell mitogen, mixed leukocyte responses, and T-cell mediated host resistance parameters. There was a particular association between the T-cell defects and inhibition of thymic pyruvate kinase, the rate limiting enzyme for glycolysis. The differences in the pattern of enzyme responses among lymphoid organs

implied that two mechanisms of mercury toxicity were operative—one at high concentrations that caused physiochemical enzyme inhibition and another at low concentrations that caused indirect enzyme inhibition. *In vitro* studies have established that mercury-induced immunotoxicity is due to binding of intracellular sulfhydryl groups since addition of cell-penetrating but not cell-impermeable sulfhydryl-containing compounds are capable of protecting the lymphocytes from mercury-induced suppression.

Several inhalation studies were also conducted in FY 1982 to determine the potential of inhaled pollutants to affect systemic immunity. The effects of chrysotile asbestos exposure on immune and bone marrow parameters were examined in mice at 2, 12, and 26 weeks following a 3-day exposure. Proliferation of bone marrow hematopoietic stem cells was decreased at all time periods. In general, immune alterations were not present in mice at one and three months following exposure but selected effects were found at five months. This correlated with histopathological findings where evidence of asbestos-related centriacinar pulmonary fibrosis and histiocytosis was first found at five months. Immune alterations included elevated numbers and enhanced activity of pulmonary alveolar macrophages and, as reported to occur in humans who develop asbestosis, increased antibody response and serum immunoglobulin (IgA) levels. These studies indicated that inhalation of asbestos fibers can produce delayed systemic immune alterations in mice. This mouse model should prove useful in characterizing the nature of immune dysfunction that has been reported to occur in asbestos exposed humans.

In other studies mice were exposed by inhalation to 1000 ppm of vinyl chloride for 30 days. Liver pathology (accentuation of the hepatic lobular patterns) was observed in treated mice which was consistent with known effects of high dose vinylchloride exposure. However, vinyl chloride exposure failed to alter immune function or host resistance.

In earlier studies, we reported that female mice treated with diethylstilbestrol (DES) developed severe thymic atrophy, profound suppression of lymphocyte function and activation of resident macrophages. A similar degree of effect can be obtained by treating mice with 17-β-estradiol at concentrations 10-fold higher than with DES. Administration of estrogenic mycotoxins (e.g., zearalenone) which possess "A"-region similarities to DES and estradiol induce a similar degree of macrophage activation as DES or estradiol, on a molar basis, without the concommitant suppression of lymphocyte responses or myelotoxicity. This functional disassociation can also be evident when examining response kinetics and functional inhibition by progesterone and various anti-estrogens. Furthermore, macrophage activation but not lymphocyte suppression can be reversed by thymectomy in adult animals prior to chemical treatment. These studies indicated a direct relationship exists between estrogenicity and suppression of lymphocyte activation. Thymic factors, however, appear related to macrophage activation which probably occurs through indirect mechanisms.

Several chemicals examined in FY 1982 were of interest because they appeared to have selective effects on the immune system. Systemic exposure to polyvinylpyrrolidone, like many maleic anhydride-vinyl ether copolymers, activated peritoneal macrophages, induced interferon, and enhanced antitumor activity in the B16F10 transplantable tumor model, but only at high doses. In preliminary studies, ochratoxin (from *Aspergillus ochraceus*) selectively affected hematopoietic stem cell proliferation and antibody plaque forming cell responses. Ochratoxin-producing fungi are widespread in nature and are termed the "storage fungi." (CONTACT PERSON: Dr. M. Luster)

Several of the procedures selected by the immunotoxicology program are being employed by contract laboratories to examine suspect immunotoxic chemicals. The abbreviated assay panel has been implemented in the prechronic testing phase of NTP's chemical bioassay program. These procedure are only performed in those bioassay contract laboratories which have demonstrated competence by the performance criteria specified in the immune assessment protocol and which have prior approval of the immunotoxicology program. (CONTACT PERSON: Dr. M. Luster)

In FY 1982, NTP held a conference/wordshop at NIEHS entitled "Immunologic Hypersensitivity Resulting from Exposure to Environmenal Agents." A multi-disciplinary group of over 85 scientists and clinicians were brought together for this conference. The objectives of this program were as follows:

(1) To evaluate the present state of knowledge regarding the role of environmental pollutants in allergic and sensitivity reactions;

(2) To discuss animal models and clinical methods for detecting hypersensitivity to environmental chemicals;

(3) To discuss epidemiological and clinical data regarding the extent of environmental and occupationally-induced allergy and hypersensitivity reactions; and

(4) To identify research needs in this important area of immunotoxicology. (CONTACT PERSON: Dr. M. Luster)

A collaborative agreement for immunotoxicology methods development and validation is in progress between NTP participating agencies. During the past year the Microbiology Division of the FDA has been involved in the quantitation of lymphokines, particularly interferon, as well as evaluating *in vitro* antibody assays for examining immunotoxic chemicals. These assays are being correlated with host resistance challenge models being used at NIEHS. (CONTACT PERSON: Dr. M. Luster)

In February 1981 two research and development contracts were awarded to the Medical College of Virginia and the Illinois Institute of Technology Research Institute. In FY 1982 the contract laboratories validated and further refined the immunological procedures used to examine suspect immunotoxic chemicals. Furthermore, substantial progress has been made in developing sensitive and reproducible host resistance assays using prototype immunotoxicants, including diethylstibestrol, cyclophosphamide and dexamethasone.

FY 1983 Program Plan

Emphasis in the NTP immunotoxicology program will continue on methods development and validation, correlations between changes in immune function parameters and altered host resistance, development of virus challenge models, and examination of the mechanisms of immunotoxicity for the projects described. NTP contract laboratories will continue the interlaboratory immunology methods validation. (CONTACT PERSON: Dr. M. Luster)

NIOSH

FY 1982 Accomplishments

A study was initiated in FY 1982 to determine if inhaled isobutylnitrite will induce suppression of the immune system in a widely used inbred mouse model. Male and female BALB/c mice were exposed to the maximum tolerated concentration of isobutylnitrite vapor (6 hr/day, 5 days/wk for 12 weeks) to evaluate effects of this chemical on the immune system. Mice will be sacrificed after 3, 6, and 12 weeks of exposure. The immunosuppressive effects of isobutylnitrite will be evaluated at each sacrifice using both *in vivo* and *in vitro* tests. Data generated in this study will have a significant impact on recently reported occurrences of immunosuppression expressed as opportunistic infections and Kaposi's sarcoma in persons who have used alkylnitrites, including isobutylnitrite, as chemicals of abuse. (CONTACT PERSON: Mr. D. Lynch)

Neurobehavioral Toxicology

The central nervous system has evolved as a highly specialized organ designed to accept signals from the internal and external environments and to initiate metabolic and behavioral responses of the total organism appropriate to its survival. The complex structure and function of the brain and the need for it to be simultaneously protected from and responsive to the environment make this organ uniquely susceptible to environmental insults. Behavioral and neurologic alterations in response to environmental pullutants often represent the earliest manifestations of toxicity in animals. Thus, neurobehavioral test systems must be developed further and chemicals must be tested for neurobehavioral effects.

The NTP neurobehavioral program involves the formation of a strategy for the development, standardization, and validation of neuobehavioral screening tests. Such a test battery would provide a general indication of the presence of neurotoxicity and would possibly indicate the type of nature of neurotoxicity in terms of neurobehavioral function that may be affected. Known representative neurotoxicants are studied using the test battery to determine the level of sensitivity and selectivity of each component test. This battery with continuing refinements is used as part of the general

toxicology screen and in the prechronic phase of the two-year toxicology and carcinogenesis bioassay. Additionally, there will be continued development and evaluation of human neurotoxicity tests to be used at the worksite or in the laboratory.

An additional objective is the development of a test capability for more extensive in-depth toxicological characterization of selected chemicals either identified in preliminary neurobehavioral screening or which are of public health concern, and including behavioral teratologic evaluation.

NIEHS

FY 1982 Accomplishments

Neurobehavioral test battery—The NIEHS laboratory completed the standardization and validation phase for a neurobehavioral test battery to be used in subchronic studies with rats. The results of this work have been submitted for publication. The battery was designed to detect the presence of sensorimotor deficits, to provide information concerning the neurobehavorial function that is affected, and to yield an estimation of relative overall toxicity for several chemical agents. The test battery was validated using known neurotoxicants (acrylamide, arsenic trioxide, chlordecone, monosodium salicylate, methyl mercury, lead acetate, tetraethyl tin, and triethyl lead). (CONTACT PERSON: Dr. H. Tilson)

Neurobehavioral Effects—Mature Animals—In research on the neurological effects of 2,4-dichlorophenoxyacetic acid (2,4,-D), rats exposed repeatedly to various doses of 2,4-D were found to display a progressive alteration in neuromuscular function. The effect was dose- and time-related and followed either subcutaneous or oral administration. The neurological effects of 2,4-D were reversible. Other signs of neurotoxicity (i.e., tremor, convulsions, hyperexcitability, etc.) were not observed.

Research on chlordecone (Kepone®) continued during FY 1982. Chlordecone is a polycyclic chlorinated hydrocarbon insecticide known to produce hyperexcitability, tremor, and cognitive deficits. One of the most prominent effects of chlordecone toxicity is tremor. An animal model was developed to study the mechnanism of this neurological effect. Chlordecone-induced tremor in rats was quantified and found to be dose- and time-related. Subsequent experiments with pharmacological challenges have suggested that chlordecone-induced tremor has spinal and supraspinal origins. More importantly, chlordecone-induced tremor appears to be mediated, at least in part, by gabaminergic mechanisms. Addtional studies are underway to determine more precisely the site of action of chlordecone.

Other studies done with chlordecone in mature animals have indicated that it has marked neurohumoral effects. Exposure to chlordecone was found to disturb the balance of the hypothalamic-pituitary-adrenal axis, possibly by producing a massive release of steroids which elicits associated feedback mechanisms. (CONTACT PERSON: Dr. H. Tilson)

Neurobehavioral Effects-Developmental Period—Research in FY 1982 continued to emphasize the effects of chlordecone on developing animals. Perinatal or neonatal exposure to chlordecone was found to produce a decrease in serum and adrenal steriods when measured in exposed animals during adulthood. These changes in neurohumoral status appear to be associated with alterations in behavioral reactivity as measured by several neurobehavioral procedures. (CONTACT PERSON: Dr. H. Tilson)

FY 1983 Program Plans

Research planned or proposed in FY 1983 will continue to emphasize chlordecone. Experiments to localize the site of tremor induced by chlordecone are currently underway. In addition, more studies on the nature and extent of neurobehavioral dysfunctions following developmental exposure are planned.

Work has been initiated to develop automated procedures to assess toxicity in animals using naturally occuring domiciliary behaviors, such as spontaneous motor activity and ingestive related behaviors. One of the first signs of chemical toxicity is loss of body weight and alterations in locomotor movements, and it is predicted that alterations in the diurnal cycle or pattern of home cage behaviors may precede overt signs of toxicity. Over the next three years, plans are to develop a monitoring system and evaluate six chemicals (acrylamide, arsenic, chlordecone, methyl mercury, tetraethyl tin, and triethyl lead) in a chronic repeated dosing paradigm. (CONTACT PERSON: Dr H. Tilson)

NIOSH

FY 1982 Accomplishments

Human Studies—During FY 1982, NIOSH conducted on-site testing of persons employed as structural fumigators who were using methyl bromide as a fumigant. A total of 156 fumigators and unexposed control persons from 36 companies and two California state agencies participated in a two-hour test battery at 11 sites in California Symptoms of acute and subchronic methyl bromide poisoning that were assessed included neuromotor (coordination, weakness, tremor), sensory (vertigo, paresthesia, vision) and cognitive effects.

In addition, a review of test methods used to characterize neurotoxicity in human worker populations and a critical review of previous worksite studies were completed and will be published as chapter in upcoming books on neurotoxicology.

Animal Studies—Behavioral studies were completed which compared animals exposed to triorthocresyl phosphate and acrylamide. New methods of neurobehavioral evaluation were evaluated in these studies. Classical teratological studies of four glycol ethers were completed in preparation for behavioral teratological studies intended to characterize the structure activity relationships within this class of chemicals. (CONTACT PERSON: Dr. W. K. Anger)

FY 1983 Program Plans

NIOSH proposes to continue evaluation and development of human neurotoxicity tests to be used at the worksite as well as validation of tests of reflex activity in animal and human laboratory studies. A new 4-person human test laboratory for experimental inhalation exposures will be brought on line to test for acute effects of methyl ethyl ketone, methyl isobutyl ketone, and acetone. The data obtained will be used to develop more accurate Short Term Exposure Limits (STELS).

Workers using carbon tetrachloride/carbon disulfide mixtures for commodity fumigation will be evaluated with neurobehaviorial tests at the worksite (pending the results of a contract effort characterizing the extent of exposures and work patters in such jobs).

Work in behaviorial teratology will complete characterization of structure activity relationships of cellosolves with a behaviorial/neurochemical analysis of ethylene glycol monomethyl ether. Animal experiments will also be directed toward developing structure/activity relationships of straight-chain carbon compounds using tests of reflex response following acute and subchronic exposures to select compounds. (CONTACT PERSON: Dr. W. K. Anger)

In 1983, NIOSH will co-sponsor, with the World Health Organization (WHO), an international workshop on the subject of neurotoxicology. The meeting will be held in Cincinnati, Ohio, and will emphasize the needs of developing countries. The product of the workshop will be a WHO monograph that describes the current state of knowledge in neurotoxicology, with recommended actions that will prevent working populations from experiencing illness due to neurotoxic chemicals.

ORTHO Phthalic Acid Esters—Safety Evaluation

The results of two-year bioassays recently reported by the National Toxicology Program (NTP) have identified di(2-ethylhexyl)phthalate (DEHP) and di(2 ethylhexyl)adipate (DEHA) as hepatocarcinogens in rodents. A third compound tested by the NTP, butyl benzyl phthalate (BBP), increased the incidence of myelogenous leukemia in female rats, an effect judged to be of equivocal biological significance. BBP was not demonstrated to be carcinogenic in mice, while the test in male rats was inadequate because of early BBP induced deaths. The detection of carcinogenic effects of DEHP and DEHA in rodents has stimulated interest in the chronic toxic potentials of phthalate esters and related chemicals, many of which are used in plastics or for other purposes that results in extensive human exposures. Recognizing the technical and economic importance of phthalates and the limited scientific basis for extrapolating rodent bioassay data to human health effects, the NTP continues to study the deleterious effects of DEHP and to probe the mechanisms of action of phthalates. In addition, the NTP continues to evaluate the toxic potentials of several other phthalate esters, both individually and in a comparative manner.

The NTP is aware of the testing of phthalate esters currently being conducted by several independent, governmental and private organizations, including a

comprehensive class study by the Chemical Manufacturers Association.[1] Some of these programs were discussed publicly at the recent Conference on Phthalates.[2] The sets of studies described herein are intended to be complementary both to previous NTP studies and to the endeavors of other groups. Of primary interest to the NTP at the present time is an assessment of the mechanisms, dose response relationships and species-dependencies of toxic responses to DEHP, parameters relevant to predicting human response to various levels of DEHP exposure. Of secondary interest are structure-activity correlates that would indicate the relative propensities of similar chemicals to produce "DEHP-like" toxic effects.

The major areas of planned study—DEHP genotoxicity, mechanisms of DEHP carcinogenicity, reporductive toxicity, characteristics of dermal absorption and the carcinogenic potentials of diallyl-, diethyl- and butyl benzyl phthalates—are described below.

Genotoxic Potential—The lack of mutagenic response of DEHP in several systems indicates little value for such tests in predicting the carcinogenic potentials of other phthalates in rodent bioassays. One plausible theory of DEHP carcinogenicity is that DEHP-induced proliferation of hepatic peroxisomes (a subcellular organelle) results in the increased presence of hydrogen peroxide or hydroxy radicals. Such reactive molecules could injure both genetic and non-genetic cellular materials. Peroxisomes are not present in 9,000xg liver supernatant fractions (S9) or other mammalian activating systems commonly used in mutagenicity assays. Moreover, the DEHP-induced peroxisomes may differ functionally from normal peroxisomes. The following experiments, therefore, have been designed to incorporate peroxisomal influences into an assessment of the genotoxic potential of DEHP:

(1) Measurement *in vitro* of unscheduled DNA synthesis after single and repeated *in vivo* exposures of female rats to DEHP using the *in vivo/in vitro* hepatocyte primary culture [HPC] unscheduled DNA synthesis [UDS] assay;

(2) Cytogenetic analysis (chromosomal aberrations and sister chromatid exchanges in bone marrow) in $B6C3F_1$ mice after repeated (approximately two weeks) treatment with DEHP;

(3) *In vitro* cytogenetic analysis (Chinese hamster ovary cells) in the presence of a DEHP-induced peroxisome-enriched liver fraction.

Mechanisms of Carcinogenicity—In the absence of a probable mechanism of carcinogenic action it is prudent to assume a linear relationship between chemical dose and the occurrence of tumors. Development of neoplasia, however, can also be influenced by chemical effects other than direct malignant transformation, and such effects may occur at exposure levels that greatly alter normal anatomical, biochemical or physiological interrelationships. Recognized biological effects of DEHP, in addition to hepatocarcinogenicity, include hypolipidemia, enzyme inhibition, peroxisome proliferation and pituitary hypertrophy (male rats only). The relationships of these effects to the toxic manifestations are unknown. To study the dependencies of toxic response on biochemical or physiological abnormalities, the NTP will conduct a subchronic feeding study in rats and mice at various doses of DEHP, including those which have produced liver tumors. Among the parameters measured will be circulating concentrations of several pituitary hormones, serum lipids, peroxisomes (visual enumeration and enzyme activities), and oxidative injury to the liver. Dose-dependent damage to DNA *in vivo* will be assessed if studies in the HPC/UDS system (see Genotoxic Potential) indicate the DEHP can produce this type of lesion.

The NTP will also attempt to reproduce the hepatic effects of DEHP, *in vitro* with cultured hepatocytes, and to use this system for interspecies comparisons.

Reproductive Toxicity—The teratogenic actions of dietary DEHP in rats and mice will be defined, as well as the potential for neonatally-administered DEHP to produce morphological or behavioral abnormalities. Further studies in a single species will define structure-activity relationships and evaluate possible mechanisms of action.

The chemosterilizing effects of DEHP and the potential for dominant lethal mutations in germ cells will be studied in male rats and mice administered multiple doses in the diet. The relationships of zinc and possible endocrinological abnormalities to the development of the gonadal lesions will be evaluated.

Dermal Absorption—A paucity of information on the rate and extent of dermal absorption of phthalate esters complicates the extrapolation of toxic response data from feeding or gavage studies to dermal exposures. Therefore, the NTP will conduct a cursory study of dermal absorption by monitoring urinary and fecal excretion of radioactivity following dermal application of radiolabelled phthalate esters. The excretion of intravenously-administered compounds will be measured for comparative purposes. Structure-absorption characteristics will be evaluated by the use of the following phthalates:

phthalic acid	di-n-hexyl phthalate
dimethyl phthalate	di-n-octyl phthalate
diethyl phthalate	di(2-ethylhexyl)phthalate
di-n-butyl phthalate	diisodecyl phthalate
diisobutyl phthalate	butyl benzyl phthalate

In addition, the dermal absorption of mono(2-ethylhexyl)phthalate, mono-n-butylphthalate and benzyl phthalate will be studied to determine the effects of ester hydrolysis on skin absorption.

Carcinogenicity Bioassays

1. Butyl benzyl phthalate (BBP)—The subchronic feeding study in male Fischer 344 rats will be repeated with emphasis on determining the cause of early deaths in the previous study, and on an assessment of reproductive function. The dose-dependent disposition and metabolism of BBP in rats will be studied to more appropriately correlate toxicity with pharmacokinetics and to ascertain amounts of the metabolites, n-butanol and benzyl alcohol, released (the latter chemical is currently in a chronic bioassay).

A chronic carcinogenicity bioassay of BBP in male rats will be initiated subsequent to an adequate subchronic study.

2. Diallylphthalate—A chronic bioassay in mice is currently being interpreted, while that in rats is nearing completion. Pharmacokinetic studies in mice and rats will be conducted to assess the possible implications of metabolism of diallylphthalate to known carcinogens or mutagens (allyl alcohol, acrolein, various epoxides) and to provide a reasonable basis for species differences in toxic responses.

3. Diethylphthalate—A chronic carcinogenicity bioassay by dermal exposure will be initiated. Tests for initiation and promotion of skin tumorigenesis may be included in this assessment.

Pulmonary Toxicology

It is widely recognized that inhalation is the most important means of toxic exposure both occupationally and environmentally. This importance is evident when consideration is given to the uniquely extensive surface area ($80m^2$ in man) of the pulmonary system that is brought into intimate contact with any agent having a positive vapor pressure or in an aerosolized state. As a result, the lung is frequently the target or organ of entry for a wide variety of air-borne toxicants. Currently, epidemiologists are finding that pulmonary dysfunction is a principal predictor of mortality resulting from pulmonary and non-pulmonary disease. It is reasoned that pulmonary dysfunction leads to increased accumlation of toxicants and thereby acts as initiator, promotor, or cofactor in the pathogenesis of numerous diseases. Hence, the evaluation of toxicants by the inhalation route of exposue and the toxicologic evaluation of the structure and function of the lung are of critical importance.

One of the objectives of the NTP program in Pulmonary Toxicology is to compare pulmonary function and pathologic indices as predictors of pulmonary function in animal species—tests of mechanical properties, gaseous distribution, static and dynamic lung volumes, distribution of inspired air, and more recently, ventilatory performance. A key issue in the decision to perform pulmonary fuction testing for detection of toxicity to the lung from inhaled substances is whether such tests provide any additional toxicologic information beyond the pathologic evaluation of lung injury. Pulmonary function tests must be reproducible, sensitive, specific, and capable of large-scale utilization if they are to be used effectively in the diagnosis of early and subtle pulmonary lesions in experimental animal models for chemically-induced pulmonary disease in humans.

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[1] Phthalate Esters, Voluntary Test Program under Section 4 of the Toxic Substances Control Act, Chemical Manufacturers Association, Washington, DC, 1981.

[2] Conference on Phthalates, Washington, DC, June 11–13, 1981.

NIOSH

FY 1982 Accomplishments

Effects of Chemical on the Pulmonary System—In FY 1982 studies continued at the Brookhaven National Laboratory (BNL) assessing the potential role of pulmonary fuction tests in the evaluation of airborne agent toxicity and relating fuctional changes to observed pathologic and lung compositional changes. Two further products from the study of the effect of subchronic multidose ozone exposure in rats were delivered. A "Statistical Addendum to: Sixty-two Exposure Day Study in Fischer 344 Rats Exposed to Three Concentrations of Ozone (BNL Informal Report No. 29084)" was completed. Secondly, results of the study were presented at an International Oxidants Conference (Pinehurst, NC, March 14–18, 1982). The data presented centered on the pulmonary functional, structural, and compositional findings of the BNL-NTP study.

A final report was received from BNL describing biologic responses in Fischer 344 rats exposed at 0.0, 04, 1.2 or 4.0 ppm acrolein for 6 hours/day, 5 days/week for 62 days. Responses were dramatic at 4.0 ppm—32 of 57 exposed males died, weight gain was depressed, bronchiolar epithelial sloughing and necrotic lesions were observed, focal pulmonary edema was present, increased lung dry weights, and substantial decrements in pulmonary function occurred. While the pulmonary function of the 4.0 ppm group suggested an obstructive lesion, the data from the 0.4 group indicated a restrictive lung lesion; pulmonary function of the 1.2 ppm grup was between that of the low and high-dose groups and was nearly identical to that of control animals.These data suggested the development of two functional lesions exhibiting distinctly different effects on the pulmonary function measurements. The physiologic impairment in animals exposed to 0.4 ppm was not morphologically evident upon histopathologic examination. Increases in lung weight were due to increased cellularity, lung connective tissue, elastin and hydroxyproline content. No reproductive or clastogenic responses occurred under these acrolein exposure conditions. These data were presented in three poster sessions at the 1982 society of Toxicology meeting in Boston, Mass. (Feb. 22–26, 1982).

Data analyses are underway on rats exposed intermittently at 0.0, 0.5, 1.5 and 5.0 ppm chlorine. Pathologic examinations show that these subchronic exposures did not result in significant exposure-related respiratory lesions in Fischer 344 rats. subtle tracheal changes including loss of cilia and focal erosion of the epithelium were observed in the 5.0 ppm group. Such changes will be examined further to determine if they are related to chlorine exposure in a dose dependent manner.

Exposure of rats to silica dust (MIN-U-SIL 5) was initated on Feb. 1, 1982. The dust atmospheres were generated by fluidizing bed generators. Groups of Fischer 344 rats were exposed to either filtered air, 2, 10, or 20 mg SiO_2m^3 for 6 hours daily, 5 days per week. Exposures were for 127 workdays with interim and final pulmonary function testing; a portion of the rats are being held for six months following exposure and then will be assessed (CONTACT PERSON: Dr. T. Lewis)

Chronic effects of ethylene oxide and propylene oxide on pulmonary fuction parameters of monkeys were evaluated. Some individual subjects showed mechanical and ventilatory dysfunction. The data are currently being analyzed statistically. (CONTACT PERSON: Mr. W. Moorman)

Comprehensive pulmonary function testing is being conducted in both monkeys and rats chronically exposed to diesel exhaust, coal dust and an equal mixture of the two. Preliminary findings denote several physiologic responses characteristic of chronic obstructive airway disease (coal dust exposures) and restrictive lung disease (diesel particulate exposures). These data are being analyzed statistically to validate these observations. Two species are being studied to assess the potential differences which may relate to the anatomical and physiological features unique to each specie. (CONTACT PERSON: Dr. T. Lewis)

The two most common methods of producing forced vital capacity maneuvers in anesthetized subjects will be compared for sensitivity in detecting obstructive impairment in rats. Initially, flow and volume differences will be evaluated in control rats to characterize specific differences relatable to the test methods. Then, rats serially impaired with elastase (at IT 6 units and 12 units) will be tested by each test method. Evaluation of method defferences and sensitivity will lead to better animal model systems for obstructive lung disease in man. (CONTACT PERSON: Mr. W. Moorman)

Animal Model of Occupational Asthma—During FY 1982, a monkey model of human occupational asthma, first developed in 1980, was further characterized. Efforts included the evaluation of dose-response relationships of exposure and the significance of co-asthmagenic irritant/oxidant exposures on the severity and incidence of the disease. The significance of pre-exposure airway status was evaluated by methacholine dose-response investigations. The primate model was used for passive cutaneous anaphylactic evaluations identifying a heretofore unidentified sensitivity to palladium in platinum refinery workers. Current research is directed towards assessing the fact that pharmacologic (versus immunologic) hypersensitivity may play an important role in the development of clinical symptoms in the occupational setting. During FY 1982, a paper was presented before the Federation of American Societies for Experimental Biology entitled "Passive Transfer in the Monkey of Human Immediate Hypersensitivity to Complex Salts of Platinum and Palladium". (CONTACT PERSON: Mr. W. Moorman)

Other Studies—A draft final report has been prepared which characterized toxicological effects of fibrous glass in rats and monkeys during long-term inhalation exposure. Four fiber geometries were evaluated with varying diameters and fiber lengths. Findings indicate minimal physiologic changes and no fibrogenic or carcinogenic pulmonary responses. The most severe pulmonary lesions were observed in the group exposed to short length microfibers. A significantly increased incidence of Fischer rat leukemia was also observed among all fiber exposed rats. (CONTACT PERSON: Mr. W. Moorman)

FY Program Plans

Effects of Chemicals on the Pulmonary System—Experiments to assess the relative sensitivities and specificities of pulmonary pathology and pulmonary physiology will be continued in FY 1983. Data collection and analysis will continue on the crystalline quartz study. Other compounds for study include (1) Cadmium chloride and (2) tungsten carbide, with and without concomitant inhaled cobalt exposures.

Evaluation of pulmonary function in rats and monkeys exposed to diesel exhaust, coal dust and combined diesel exhaust/coal dust at airborne concentrations of 2 mg/m^3 respirable dust will continue. These studies, coupled with epidemiological and industrial hygiene surveys of coal mines utilizing diesel equipment, will provide a compreshensive and integrated assessment of respiratory and other health hazards posed by diesel exhaust emissions. (CONTACT PERSON: Dr. T. Lewis

Animal Model of Occupational Asthma—There will be further assessment of the allergic and pharmacologic aspects of occupational lung disease. Exposures to vanadium pentoxide in combination with ozone will be performed to investigate the potential of V_2O_5 to induce asthma. Screening of organic allergens, e.g., those of agricultural origin, for activity in the model will be initiated. (CONTACT PERSON: Mr. W. Moorman)

NIEHS

The research program of the inhalation toxicology group of the NIEHS/NTP is divided into three areas: (1) Studies in cardiac toxicology using isolated perfused hearts and other cardiac tissues, (2) studies of the carcinogenic potential of simultaneous exposure to nitrogen dioxide and nitrosatable amines, and (3) a project identified as the inhalation toxicology of environmental chemicals, which currently includes a study of the effects of exposure profiles with time-varying concentrations on expressions of inhalation toxicology as well as a study of the vascular toxicology of carbon disulfide. (CONTACT PERSON: Dr. E. Van Stee)

Reproductive and Developmental Toxicology

The number of chemicals being evaluated for effects on reproductive function and development has increased significantly during FY 1982. This increase is due to the development of several new shorter-term test procedures that are being evaluated as potential screening tests. In one case, this has involved incorporation of reproductive endpoints into the prechronic bioassay to obtain additional information on animals already being studied for spectrum of toxic effects. This approach allows the testing of a much larger number of chemicals and priority-setting for more in-depth study of those chemicals which present a significant risk for human exposure. Thus, resources within the program are being used most efficiently, and eventually will provide for the ability to address questions about the magnitude of problems in reproductive and

developmental toxicology and about mechanisms of action.

FY 1982 Accomplishments

The Coordinating Group, made up of representatives from NCTR, NIEHS and NIOSH, met quarterly to review activities within the individual groups regarding reproductive and developmental toxicology, to select appropriate chemicals for evaluation of new test procedures, and to plan further efforts for addressing the needs in this program area. Information on studies which are completed or underway is currently being entered into the NTP computer tracking system.

The shorter-term testing approaches developed in FY 1981 for both reproductive and developmenal toxicology are now being evaluated. These include Fertility Assessment by Continuous Breeding, the Sperm Morphology and Vaginal Cytology Assay, the Short-Term *In Vivo* Reproductive Toxicity Assay, and *In Vitro* Teratology Test Development.

NCTR Accomplishments

Conventional Teratology Testing—The routine teratologic evaluation of chemicals has continued on contract in FY 1982 and a number of studies were completed or are still in progress. Testing is in progress on 9 chemicals, and evaluations were completed on 8 chemicals (Table 22). Data on the sulfamethazine study which showed teratogenic effects at doses below those producing maternal toxicity were presented at the Teratology Society meeting in June, 1982. A few of the conventional teratology studies are being followed up with postnatal functional studies, including a behavioral teratology study on diphenhydramine hydrochloride and behavioral and reproductive function studies in mice and rats on di(2-ethylhexyl) phthalate. Chemical selection for FY 1983 is in progress. (CONTACT PERSON: Dr. C. Kimmel)

Collaborative Behavioral Teratology Study—Methods are being evaluated for the behavioral assessment of postnatal animals following prenatal chemical exposure. A standardized protocol is being tested in the collaborative behavioral teratology study. The six behavioral tests in the protocol are being evaluated for reliability within and between five separate laboratories (two academic, two private, one government). The sensitivity of the tests is also being evaluated following exposure to two known positive behavioral teratogens (d-amphetamine sulfate and methylmercuric chloride). The laboratories began the study on d=amphetamine in October, 1981, and completed this study in July, 1982. The methylmercury study began in July, 1982. The intramural pilot study on d=amphetamine is completed and results were presented at the Teratology Society meeting, June, 1982. (CONTACT PERSON: Dr. C. Kimmel)

In Vitro Teratology Test Development—The proceedings of the consensus Workshop in *In Vitro* Teratogenesis Testing will be published as a separate issue of *Teratogenesis, Carcinogenesis, and Mutagenesis* (982). The proceedings include an overview of the workgroup discussions as well as a description of individual assay systems. The specific questions that were addressed and discussed at the workshop focused on validation criteria, and the overview focuses on the current state of our knowledge relative to the development of *in vitro* tests as indicators of teratogenic potential. The definition and discussion of many points including acceptable endpoints, developmental relevance, metabolism and test design are now more clearly defined and will serve as as guide to the future validation process of all *in vitro* assays. One outcome of the workshop was to establish a panel to develop a list of agents that could be used in validation studies. This panel met during the summer of 1982. When the list of agents is agreed upon, attempts to create a central repository for these agents will be initiated. (CONTACT PERSON: Dr. C. Kimmel)

NIOSH Accomplishments

Inhalation Teratology Testing—Inhalation teratology studies in rats and rabbits were completed with n-Butyl acetate, ethylene oxide and propylene oxide (Table 23). Ethylene oxide exposures had no toxic effects on maternal rabbits, and there were no adverse effects on the growth and development of fetal rabbits. Ethylene oxide at 150 ppm was maternally toxic and fetotoxic in rats. There was no evidence of a teratogenic effect. Propylene oxide at 500 ppm was maternally toxic for rabbits, but embryotoxicity was not seen. Maternal rats were severely affected by 500 ppm propylene oxide and embryotoxic effects were noted in exposed litters. Also observed was a reduction in the number of corpora lutea in rats exposed to 500 ppm propylene oxide for 3 weeks before breeding. n-Butyl acetate at 1,500 ppm was toxic for maternal rats, but maternal rabbits were essentially unaffected. Fetotoxicity was observed in both species. (CONTACT PERSON: Mr. B. Hardin)

Short term In Vivo Reproductive Toxicity Assay—This mouse reproductive test is being evaluated under four contracts awarded in FY 1981. A total of 30 chemicals (Table 24) were screened in this test system Contracts were developed to continue application of this system with the evaluation approximately 25 chemicals to be selected from NIOSH and NTP priority lists. (CONTACT PERSON: Mr. R. Schuler)

Reproductive and Developmental Toxicity of Glycol Ethers—Investigations of the reproductive and developmental toxicity of the glycol ethers were continued in FY 1982. In addition to the short-term *in vitro* reproductive toxicity assay (see above and Table 24), the teratogenicity in rats of ethylene glycol (EG) monoethly ether was investigated by cutaneous exposure (Table 25). Undiluted EG monoethyl ether, in volumes of 0.25 or 0.50 ml, was applied 4-times daily on days 7–16 of gestation to the shaved interscapular region of rats. In the control, 0.25 ml and 0.50 ml groups 0%, 48% and 100%, respectively, of the litters were totally resorbed. Among live fetuses in the 0.25 ml group, there was a statistically significant increase in the incidence of cardiovascular defects, enlarged lateral ventricles, and of various skeletal variations, including incomplete ossification and 14th ribs.

Contracts were developed to evaluate the 15 glycol ethers listed in Table 24 for male reproductive/mutagenic potential in three test systems: mouse dominant lethal, mouse sperm head morphology, and *Drosophila* sex-linked recessive lethal tests. A contract was also developed for inhalation teratology tests in mice and rats using three glycol ethers selected as probable reproductive toxicants on the basis of results in the short-term *in vivo* reproductive toxicity assay (see above). (CONTACT PERSON: Mr. B. Hardin)

Since previous in-house research at NIOSH demonstrated behavioral and neurochemical alterations in offspring of rats exposed to 100 ppm of EG monoethyl ether, three structurally related glycol ethers were screened for teratogenic effects (Table 25). It was found that EG monomethyl ether was teratogenic at 50 and 100 ppm. EG monoethyl ether acetate was equivalent in teratogenicity to EG monoethyl ether with congenital malformations at 390 ppm; 130 ppm appeared to be near the teratogenic threshold, producing a single defect. EG monobutyl ether was not teratogenic at 200 ppm but was maternally toxic at higher concentrations. (CONTACT PERSON: Mr. B. K. Nelson)

Short-Term Test Methods Development in Drosophila—Development of a standard test protocol and scoring methodology was completed for use of the fruit fly (*Drosophila melanogaster*) as an "*in vitro* " teratogenesis test system. Validation studies are in progress involving tests with known mammalian teratogens. Test chemicals are incorporated into the medium on which untreated flies deposit eggs. Emerging adults are scored, according to the standard methodology, for morphologic defects resulting from larval exposure to the test chemicals. (CONTACT PERSON: Mr. R. Schuler)

Reproductive Effects–Testing—Testing was completed and results compiled on 20 priority chemicals (Table 26) being screened for potential reproductive effects using *in vivo* and *in vitro* test systems: *Drosophila* sex-linked recessive lethal (SLR), rat dominant lethal (DL), mouse sperm head morphology (SHM), rat bone marrow cytogenetics (BMC), and unscheduled DNA synthesis (UDS) in cultured human fibroblasts. (CONTACT PERSON: Dr. R. Niemeier)

NIEHS Accomplishments

Fertility Assessment by Continuous Breeding—Two contracts were awarded in fiscal year 1982 to evaluate this testing system. Eight tests were scheduled at each of the two testing laboratories. These first 16 tests started in fiscal year 1982 and will be completed in fiscal year 1983 (Table 27). Sixteen new tests will begin in fiscal year 1983. Chemicals for fiscal year 1983 testing will be selected in late fiscal year 1982.

Like the multigeneration assays, the continuous breeding protocol uses a prolonged chemical exposure. However, while the multigeneration study tests mating at a specified and limited time, in this new test system male and female mice are housed in breeding pairs continuously for 100 days. This allows the generation of an index of cumulative fertility for each breeding pair. In

the first 100 days the offspring are counted and then discarded, to allow continuous mating of the pairs. Between 100 and 120 days, offspring are saved for fertility evaluation, but they are studied only when the parents are unaffected. When the chemical is toxic to reproductive function, the affected animals (parents or offspring) are necropsied and the reproductive organs are examined carefully to identify target organs. (CONTACT PERSON: Dr. J. Lamb)

Sperm Morphology and Vaginal Cytology Evaluation—A contract was awarded in fiscal year 1982 to centralize slide evaluation and data collection of the reproductive toxicology special studies for the bioassay program. In the bioassay program, approximately 25 new chemicals per year are being tested for prechronic toxicity in both rats and mice (Table 28). Many of the animals already selected for prechronic tests are being used and the effect of 90-day chemical exposure on sperm number and morphology and vaginal cyclicity is being studied.

For male rats and mice, a protocol has been designed which calls for special collection of reproductive organs at the scheduled 90-day necropsy. The bioassay laboratories have been instructed in how to collect and measure epididymal sperm concentrations and sperm motility. The bioassay laboratories prepare slides for sperm morphology and send them to an NTP-designated laboratory. Since one laboratory is reading all of the sperm morphology slides, findings can be compared from different bioassay laboratories. This NTP-designated laboratory also gives technical direction to the bioassay laboratories.

In the females, vaginal cyclicity is being evaluated in addition to the routine histopathological studies. This was chosen because a large number of chemicals, representing a wide range of chemical structures, have been shown to possess hormonal activity. Vaginal cyclicity would most likely be affected by estrogens or antiestrogens acting on the female genital tract and by chemicals acting on the ovaries, pituitary or hypothalamus. The vaginal cytology slides are prepared by the bioassay laboratories and sent to the same NTP-designated laboratory which reads the slides and assembles the data. While these prescreens do not necessarily identify the target organ, they do indicate which compounds deserve closer scrutiny. (CONTACT PERSON: D. J. Lamb)

Effects of Chemicals on Male and Female Fertility—In-house research studies have continued on the influence of 1,2-dibromo-3-chloropropane (DBCP) on male fertility. These studies are assessing the etiology of testicular lesions in rats exposed to DBCP and the reversibility of the lesions. Studies have also progressed using chlordecone (Kepone) as a model compound causing reproductive toxicity in females. These studies have focused on the response of the female Fischer-344 rat endocrine system to chlordecone. The reproductive toxicity of chlordecone has been attributed to its estrogenic potential. Studies comparing chlordecone to the estrogen diethylstilbestrol (DES) have shown that the compounds do share some chemical activities in the rat uterus and pituitary but chlordecone does not mimic all *in vivo* estrogenic properties of DES, especially in the pituitary. (CONTACT PERSON: Dr. J. Lamb)

FY 1983 Program Plans

The Coordinating Group will continue to meet quarterly to integrate activities among the three participating agencies. Results from the shorter-term tests will be studied to determine which chemicals should be tested further. The NTP tracking system will be used to generate individual chemical reports on the status and results of reproductive and developmental toxicology studies. Efforts will be made to interact more closely with chemical managers in order to assure thorough evaluation of chemicals that are selected for testing by NTP.

NCTR Plans

Conventional Teratology Testing—Current studies will be completed in FY 1983 and a number of new studies will be undertaken. Bisphenol A has been selected for testing, and other chemicals tested will be based on the outcome of any of the shorter-term test procedures or on the basis of NTP priorities. Additional postnatal studies may also be undertaken, depending on the outcome of the conventional teratology studies or on other considerations. (CONTACT PERSON: Dr. C. Kimmel)

Collaborative Behavioral Teratology Study—The second year of the study which involves methylmercury exposure will be completed in FY 1983. Summarization and analysis of the data will continue into FY 1984. (CONTACT PERSON: Dr. C. Kimmel)

In Vitro Teratology Test Development—For *in vitro* teratology testing, three areas of activity will be pursued: (1) Development of a repository for agents that make up the list of compounds to be used for validation; (2) initial validation studies of various systems depending on availability of research support; and (3) investigation of a literature review system for maintaining an update of advances in *in vitro* teratology testing. (CONTACT PERSON: Dr. G. Kimmel)

NIOSH Plans

Short-Term In Vivo Reproductive Toxicity Assay—Testing will continue under contracts developed and awarded in FY 1982. Approximately 25 chemicals selected from NIOSH and NTP lists will be evaluated in this test to determine which, if any, should be more thoroughly investigated in more conventional test systems. (CONTACT PERSON: Mr. R. Schuler)

Reproductive Toxicity of Glycol Ethers—Contracts developed in FY 1982 to test the male reproductive/mutagenic effects of 15 glycol ethers will be monitored. The FY 1982 contract for inhalation teratologic evaluations of three glycol ethers will also be monitored. Follow-up investigations will be initiated as appropriate. (CONTACT PERSON: Mr. B. Hardin)

Effects of Glycol Ethers on Postnatal Development—Based upon the results of the screening studies on glycol ethers in FY 1982, the solvent, EG monomethyl ether, will be evaluated following gestational exposure at sub-teratogenic exposure levels for behavioral and neurochemical effects in offspring which, also, will be evaluated following paternal exposure to EG monomethyl ether. (CONTACT PERSON: Mr. B. K. Nelson)

Short-Term Methods Development in Drosophila—Feasibility and validation studies will continue to establish the potential of *Drosophila* as an *in vitro* teratogenesis screening system. In addition to the continuation of in-house efforts, a contract will be developed to investigate the reproducibility of test results in other laboratories and to increase the number of known teratogenic and non-teratogenic chemicals tested. (CONTACT PERSON: Dr. R. Schuler)

NIEHS Plans

Fertility Assessment Using Continuous Breeding—When compared to the three generation study, the continuous breeding protocol takes less than half as long to complete and is less than half as expensive to perform, but may prove to yield comparable information on fertility and give even more information about the affected sex or target organs. The two test validation contracts are using several chemicals which have been tested in multigeneration test systems (Table 27), and each laboratory can test eight chemicals per year. In the first four of the same chemicals are being tested in the two laboratories. Thus, the test system is being evaluated versus another test system as well as being evaluated in an interlaboratory comparison study. The protocol will be modified, if needed, at the end of the first year. In the second year, evaluation will continue and testing will begin on two chemical classes which have been identified by the NTP for major testing initiatives, the phthalate esters and the glycol ethers. (CONTACT PERSON: Dr. J. Lamb)

Sperm Morphology and Vaginal Cytology Evaluation—The specimen collection and data evaluation began on the first 24 selected chemicals in FY 1982 and will continue into FY 1983. Approximately 15 of the new bioassay chemicals will be added to the list in FY 1983. The protocol will be modified as necessary to improve the data quality or cost effectiveness. (CONTACT PERSON: Dr. J. Lamb)

Effects of Chemicals on Male and Female Fertility—Studies are continuing on the toxicity of DBCP in male rats. Further investigations are planned in FY 1983 on the effects of DBCP and several other testicular toxicants. These investigations will evaluate the morphological response of the testis to selected toxicants acting on different cellular compartments in the testis. We intend to follow up the morphological findings with specialized biochemical assays of Sertoli cell function and of Androgen Binding Protein (ABP) secretion by Sertoli cells.

In vivo studies have demonstrated that chlordecone does not always parallel the estrogen action of DES in female rat pituitaries. A pituitary cell culture system has been established to compare pituitary cell function after *in vivo* exposure to DES and chlordecone. The effects of direct *in vitro* incubation of pituitary cells with DES and chlordecone and other chemicals will also be

evaluated. This cell culture system may prove valuable as a screen for certain toxicants of the endocrine system. (CONTACT PERSON: Dr. J. Lamb)

Coordinative Management Activities

Chemical Nomination and Chemical Selection

The chemical nomination and selection process remains integral to the effective long-term operation of the NTP with respect to both the testing of chemicals using current methodologies and the validation of new methodologies.

The following discussion briefly summarizes the current NTP chemical nomination and selection process. The process is shown schematically in Figure 4. (CONTACT PERSON: Dr. D. Canter)

NTP Chemical Nomination—Member agencies of the National Toxicology Program and other sources (other Federal agencies, state agencies, the public, labor, industry) submit to the NTP nominations of chemicals for various types of toxicologic testing. The nominating source should submit the name of the chemical and the particular toxicologic tests desired; the rationale for the nomination; and the available background data on production, use, exposure, environmental occurrence, and extent of toxicologic characterization in a supporting summary document (Table 29). However, all nominations are considered regardless of the depth of the information submitted. Nominations should be addressed to: Chemical Nominations, National Toxicology Program, Room 2B–55, Building 31, National Institutes of Health, Bethesda, Maryland 20205.

All nominated chemicals are first referred to the NTP chemical selection coordinator for review to determine which chemicals have been tested, are already on test or scheduled for test, or have been previously considered and rejected for testing by the NTP or its predecessors. This involves preliminary examination of the nominations with minimal searches of existing on-line data bases and reference books. The nominations and background information are then forwarded to the Chemical Review staff at the National Center for Toxicological Research (NCTR) who examine the available literature, assess the relevant data, and prepare draft Executive Summaries of this information. (Executive Summaries are not prepared for chemicals nominated solely for mutagenicity testing.) Included in each draft Executive Summary are these sections: Chemical Identification, Surveillance Index (production, use, occurrence, analysis), Toxicological Effects, and Source of and Reason for Nomination. (CONTACT PERSON: Dr. L. Fishbein)

Evaluation of Nominated Chemicals—The Chemical Review staff sends the draft Executive Summaries to the Chemical Evaluation Committee (CEC), composed of representatives from the Consumer Product Safety Commission (CPSC), Environmental Protection Agency (EPA), Food and Drug Administration (FDA), Occupational Safety and Health Administration (OSHA), National Cancer Institute (NCI), National Institute of Environmental Health Sciences (NIEHS), National Institute for Occupational Safety and Health (NIOSH), National Center for Toxicological Research (NCTR), and National Toxicology Program (NTP). The CEC evaluates the draft Executive Summaries and recommends the types of testing to be performed. Primary and secondary reviewers are assigned to each chemical after consideration of the nature of exposure so that, to the extent possible, appropriate regulatory concerns will be addressed. Members are requested to search data bases unique to their agencies for further information on the nominated chemicals (and structurally related compounds) to improve the evaluation process.

At the CEC meeting the primary reviewer for each chemical summarizes the data on that chemical and makes recommendations for testing. The secondary reviewer presents additional information, where available, and also discusses the merits of testing the compound. Following a general discussion, the Committee votes on the recommended types of testing and assigns priorities for types of testing. The recommendations are based upon whether the chemical satisfies one or more of the eight NTP chemical selection principles (Table 30). Following the meeting, the Chemical Review Staff revises the Executive Summaries as needed and adds a section on the CEC testing recommendations.

Public Comment—A **Federal Register** notice is published which lists the chemicals reviewed by the CEC and the recommended types of testing. Also, the notice solicits comments from interested parties as well as information on completed, ongoing, and planned testing in the private sector. Responses are requested within 30 days of the date of publication. The list of chemicals is also published in the *NTP Technical Bulletin* along with a request for comments. These steps are taken to enable other individuals and groups to provide data useful to the NTP chemical evaluation process.

Peer Review—The revised Executive Summaries and public comments on the nominated chemicals are then forwarded to the NTP Board of Scientific Counselors for review. The Board subsequently meets to evaluate these data and to make testing recommendations based on the available information.

Chemical Selection—The Chemical Review Staff then incorporates both the Board's ratings and comments and pertinent public input into final Executive Summaries which are submitted to the NTP Executive Committee. The Committee decides whether to test, defer, or delete each of the nominated chemicals for the various types of testing. Executive Committee decisions are published in the *NTP Technical Bulletin*. The Committee also recommends priorities for testing and test development/validation to the NTP.

Following Executive Committee action, the NTP Steering Committee (see Organization section) meets to refer the chemicals to one or more of the three organizational units participating in the NTP: NIEHS, NIOSH, and NCTR. Following referral of the chemical to a participating unit, a chemical manager is assigned who evaluates both the data developed during the NTP chemical evaluation process and other information retrieved from detailed searches of the published literature. The manager also consults with industrial sources on such issues as planned or ongoing testing and availability of the chemical for testing. The manager then presents a proposal to the Toxicology Design Committee (TDC) either to perform appropriate toxicologic testing or to delete the chemical from consideration for testing. The TDC, which consists of research scientists from NIEHS and NTP, assesses the proposal and either develops a final protocol for testing or returns the chemical to the Executive Committee with a recommendation not to pursue testing. The recommendation may be based upon technical difficulties in testing, budgetary reasons, or the existence of adequate outside testing.

All chemicals selected as a result of this process are then tested as time and resources permit.

Results of toxicological testing of selected chemicals are routinely reviewed to determine whether further types of testing are appropriate. Candidates for additional testing are then submitted to the NTP chemical nomination and selection process for evaluation and decision making.

FY 1982 Accomplishments

NTP Chemical Nomination—During FY 1982, 31 chemicals and black newsprint inks were nominated for toxicologic testing by the NTP. Table 31 lists the nominated chemicals, their CAS numbers, the source of the nominations and the recommended tests. In addition, 151 chemicals representing 10 chemical classes (acetyl amides, amides, aniline derivaties, aminophenols, aminimides, nitriles, chlorohydrins, bromohydrins, alkyltins, and peroxides and hydroperoxides) and one use class (corrosion inhibitors) were nominated solely for mutagenicity testing in the *Salmonella* assay.

As of June 1, 1982, draft Executive Summaries for 36 nominated chemicals were prepared and submitted to the Chemical Evaluation Committee for its use in recommending chemicals which should be tested and for which types of toxic effects. The total number of Executive Summaries submitted to NTP to date is 410.

Evaluation of Nominated Chemicals—During FY 1982, the Chemical Evaluation Committee reviewed 47 chemicals previously nominated to the Program. On December 9, 1981, the CEC evaluated 15 chemicals; on March 3, 1982, 16 chemicals; and on July 15, 1982, 16 chemicals. Of these, seven chemicals were recommended for chronic carcinogenicity testing, two for subchronic studies, two for reproductive effects testing, one for nurotoxicity studies, and 17 for one or more tests for mutagenicity. Table 32 lists the 47 chemicals and the testing recommendations.

Ninety two chemicals nominated in FY 1981 for mutagenicity testing in the *Salmonella* assay by NIOSH, on the basis of occupational exposure, were approved for such testing. In addition, the 151 chemicals nominated for testing in the *Salmonella* assay as representatives of particular classes of

chemicals were selected for testing, as well as two additional alkyl nitrile compounds referred to the Program by the Interagency Testing Committee.

Public Comment—To solicit public input into the chemical nomination and selection process, **Federal Register** notices were published on the chemicals evaluated for in-depth toxicologic testing at the December, 1981, and March, 1982, CEC meetings. These notices requested both comments and the submission of relevant data.

As a result of these notices, information on production and/or toxicology data were submitted by interested parties on the following chemicals: carminic acid, 2-ethylhexanol, fumaric acid, linoleic acid, linolenic acid, potassium iodide, and vitamin E. Addenda to the Executive Summaries of these compounds were prepared for use by the Board of Scientific Counselors at its review of nominated chemicals in September, 1982.

Peer Review—In October 1981, the NTP Board of Scientific Counselors reviewed the 26 chemicals evaluated by the CEC at their April 6 and May 19, 1981 meetings. Approved recommendations, priority for testing, and additional remarks and/or caveats are summarized in Table 33. The Board reviewed the 31 chemicals evaluated by the CEC at the December, 1981 and March, 1982 meetings and made testing recommendations of its own at its September, 1982 meeting (Table 34).

Chemical Selection—In October, 1981, the NTP Executive Committee selected 26 chemicals as the NTP FY 1982 priority chemicals for in-depth toxicologic evaluation. The research and regulatory agencies participated in the selection of the chemicals which are listed in Table 35.

In July 1982, the Executive Committee selected 24 compounds as the FY 1983 priority chemicals for in-depth toxicologic evaluation (Table 36).

FY 1983 Program Plans

Evaluation of Nominated Chemicals—The Chemical Evaluation Committee expects to review approximately 30 compounds nominated for toxicology testing during FY 1983 and to select up to 300 compounds for mutagenicity testing in the *Salmonella* assay

Public Comment—A **Federal Register** notice will be published in October, 1982 to solicit input on the 16 chemicals evaluated by the CEC in July, 1982. Notices will be published on chemicals evaluated during FY 1983

Peer Review—At its first meeting in FY 1983, the Board of Scientific Counselors will review the 16 chemicals evaluated at the July 15, 1982 CEC meeting. Additional chemicals evaluated by the CEC in FY 1983 will be reviewed by the Board later in the year

Chemical Selection—The Executive Committee will select up to 20 compounds as the FY 1984 priority chemicals for in-depth toxicologic evaluation.

Identification of Toxic and Potentially Toxic Chemicals for Consideration by the National Toxicology Program—"Testing Needs Study"—The National Academy of Sciences (NAS) was awarded a three-year contract to address two major issues: (1) The percentage of those chemicals to which man may be exposed, either directly or through the environment, that might have public health considerations; and (2) the development and testing of an approach for consideration by NTP that will integrate the intensity of selected toxicity data elements, including absense of any data that might be used by NTP to set priorities among chemicals that would be candidates for toxicity testing.

The NAS-NRC initial report, "Strategies to determine Needs and Priorities for Toxicity Testing, Volume 1, Design," may be obtained from the National Academy Press, Publications Office, 2101 Constitution Ave., N.W., Washington, D.C. 20418 for the sum of $11.39 per copy. This report outlines the procedures and then uses them to obtain a random sample of 100 chemicals selected from a larger population of pesticides, cosmetics, drugs, food additives and other chemicals in commerce. Of these 100 chemicals, 85 of them are listed in the NAS-NRC report, 15 were subsequently added. For each of these 100 randomly-selected chemicals there is some toxicity information available. An in-depth assessment of the quality of these individual data bases will be conducted and the results reported in the second report from the NAS-NRC. This second report will discuss further development of the priority-setting scheme for consideration by NTP for possible use in the ranking of chemicals submitted for NTP consideration for testing. (CONTACT PERSON: Dr. R. E. Shapiro, NIEHS)

Chemical and Laboratory Test Management

Once a chemical has been selected for extensive testing and referred to the particular program area, a Chemical Manager is assigned to ensure that the chemical receives a complete scientific evaluation. The Chemical Manager follows the progress of the chemical through each of the various testing phases and has the responsibility to: (1) Know and understand the relevant scientific literature; (2) present draft protocol designs to the Toxicology Design Committee to ensure that testing is designed to measure relevant endpoints; (3) keep up-to-date on the experiment's progress and maintain current awareness; (4) provide liaison with groups doing special studies on the chemical; (5) assist in data evaluation; (6) draft the technical bioassay report; (7) be available to present test results at the Technical Reports Review Subcommittee meetings; (8) prepare the final technical report and journal manuscripts; and (9) respond to requests for information on that chemical after obtaining clearance from the agency which regulates the chemical. The Chemical Manager also maintains liaison with the party (Government, public, industry) who nominated the chemical and with the industry that manufactures or uses the chemical.

As an adjunct, the Pathology Working Group, the Data Analysis Group, and the Quality Assurance-Good Laboratory Practices Section perform quality control functions. These groups ensure that an independent pathology laboratory examines all target organ slides and 10 percent of all others, that studies are designed properly with regard to statistical requirements, and that the bioassay reports accurately reflect the data found.

Project Officers are responsible for monitoring the overall operations of the commercial laboratories performing prechronic and long-term studies for the Program and for ensuring that good laboratory practices are being followed. To ensure that the tests are well conducted in an efficacious manner (scientifically, cost-wise, and timely), these scientists inititate: (1) Annual program reviews by peer groups of scientists, (2) quarterly site visits, (3) *ad hoc* visits by experts in various scientific disciplines as needed, (4) communication with the laboratory and principal investigator through periodic reports and telephone calls, and (5) interaction with NTP contract specialists. (CONTACT PERSON: Dr. J. Douglas)

Quality Maintenance Procedures in the NTP—Because attainment and maintenance of quality in NTP scientific programs is essential to the validity, credibility and reproducibility of the results obtained, the following detailed description of quality procedures in the NTP is provided.

"Quality " is a virtue greatly desired but not attained without considerable thought, effort and constant vigilance of all concerned. It is define by Webster as "a distinguishing attribute". There are three procedures for providing quality which are often referred to interchangeably; however, these three aspects are different in their approach to ensuring quality. Since NTP uses all three of these parameters as active parts in providing a quality program, it is important to understand each and how they work together. These three aspects are as follows:

1. Quality Control (QC) is defined by Webster as "an aggregrate of activities designed to ensure quality of a manufactured product." For NTP the ultimate product is the final report on the laboratory study.

2. Quality Assessment (QAS) can be defined as determining the importance, size or *value* of quality. Assessment is defined by Webster as "appriaisal", therefore, QAS is the appraisal of quality. In NTP, we assess the quality of the laboratory by the quality of the facilities, equipment, personnel and ultimately the quality of the work it produces.

3. Quality Assurance (QA) is the culmination of QC and QAS. Webster defined assurance as "freedom from doubt, confidence of mind or matter * * *." Today, Quality Assurance generally refers to those aspects related to Good Laboratory Practices (GLP) Regulations as defined by the Flood and Drug Administration (part 58—Good Laboratory Practices for Nonclinical Laboratory Studies).

Since quality cannot be added on at the end, it must be built into each aspect of the program. This means the first parameter of quality is the NTP personnel. This includes the management, the chemical managers, the scientific discipline leaders, and the project officers.

The second parameter of NTP quality is the contract laboratory engaged to carry out toxicological studies. Through contractual

procedures, a group of qualified laboratories is established under a master agreement for the Bioassay Program. Only these qualified laboratories are allowed to bid on most of the bioassay packages of studies to be assigned to contract laboratories. Qualification (QAS) is established through a peer review of proposals by outside experts from academia and industry and site visits by NTP discipline leaders.

Various NTP internal controls (QC) are in place to ensure the best possible experimental design for the study. The Chemical Manager is responsible for identifying the parameters to be included in the toxicology experimental design. This is done by literature survey and conferring with various discipline leaders within the NTP program, with scientists expert in regulatory needs regarding the toxicity data required for a specific chemical, and with experts in academia and industry. All this information is peer reviewed (QC) by the Toxicology Design Committee made up of NTP colleagues with diverse backgrounds and interests. Each aspect of the study is scrutinized for logic, need and value added before approval by the Committee. This final experimental design is used to prepare a protocol for review by NTP management prior to assembly of material for competition among the approved laboratories. QC is performed to assure that the protocol package is consistent with the current statement of work and procedures for specific toxicologic parameters to be determined. The bid packages are assembled based on special requirements of each protocol and sent to laboratories qualified for specific dose administration routes (dosed feed, dosed water, gavage, skin painting, inhalation) and specific toxicological effects (immunotoxicology, enzymology, etc). Each of these QC steps is important in ensuring a successful study.

Prior to initiation of a study at any laboratory a series of QC events occur to assure the quality of the study. These result in providing high quality resources for the NTP program, that is, animals and chemicals. To provide high quality rodents of uniform genetic background, NTP provides the contract breeding facility with known NIH breeding stock to be used in rederiving their breeder stock in isolators. All rederived rats and mice are inoculated with "bacterial cocktail" to obtain uniformity between animal sources. Each production colony is monitored for parasites and serum titers for a variety of rodent viruses. The genetic quality of these animals is monitored on a routine basis to ensure genetic uniformity. Retired breeders are also examined grossly and selected tissues reviewed microscopically to determine the overall state of health.

Also prior to initiation of a bioassay, the chemical is procured by our contract analytical laboratory. As a part of QC, the analytical laboratory determines the identity, purity, stability under various storage conditions, solubility, procedures for homogenous mixing for dosed feed studies, vehicle and mixing procedures for drinking water, gavage and skin painting studies and the best procedure for analysis based on the equipment available at the bioassay laboratories and the dose levels anticipated for testing. For inhalation the bioassay laboratory, in conjunction with the analytical contractor, undertakes an extensive study to determine the best way of producing an atmosphere containing the chemical which depends upon the nature of the chemical (particulate, gas or aerosol mist). The chamber concentration is monitored throughout the exposure period on a daily basis.

QC and QAS activities for analytical chemistry continue throughout the study. The bioassay laboratory determines the purity of the bulk chemical on receipt and every four months while on study. Each bioassay laboratory analyzes dose preparation regularly and in addition, referee analysis is carried out by an independent analytical contractor twice yearly on paired samples to assure the dose preparations are properly prepared and analyzed. This is done for each chemical at regular intervals starting with the first preparation for the subchronic study.

NTP monitoring of contract research can be considered QAS. This monitoring takes several forms on the bioassay. The first line of monitoring is the project officer who makes an initial visit to the laboratory to determine readiness to start the study and quarterly site visits thereafter. These visits include very technical, as well as financial, aspect of the contract. If problem areas develop, specific discipline leaders—chemistry, pathology, health and safety, animal care, specific toxic effects and quality assurance—are consulted and, if required, they will make a special site visit to the laboratory. In addition to the quarterly site visits, an annual program review is held in which all discipline leaders visit the contract laboratories. These have proved very useful in detecting and solving problems (QAS and QC).

Monitoring also occurs through review of the monthly status reports from the laboratories. These reports have been structured to allow review by the project officer, the discipline leaders, chemical managers and management. This allows early detection of problem areas and a resolution of these problems and serves as both QAS and QC.

QAS and QA activities are a major part of the pathology program for NTP. All contract pathologist must be approved (QAS) before they can participate in the bioassay program. As a bioassay progresses, random slides are reviewed for QAS of the histological preparation of tissues. Workshops are held to standardize pathological diagnostic terms so that specific terms are used to describe the same toxic effect (QC).

When a subchronic or chronic study is completed, all slides and diagnoses are sent to a contract laboratory for QAS. They determine if all slides are present and contain all the required tissues and assess the quality of the slides. In addition, all masses and all target tissues are examined as well as all tissues from 10% of the animals selected at random. As a further QA and QAS step, slides showing differences in diagnostic opinion between original pathologist and QA pathologist are examined for specific organ or toxic effects by a Pathology Working Group (PEG) consisting of both NTP pathologists and outside expert pathologists from industry or academia. This review leads to a consensus diagnosis of toxic effects.

Hematology, urinalysis and clinical chemistry studies also have a QAS procedure. Prior to performing these procedures for a study, a new laboratory must demonstrate they can carry out the studies and obtain reproducible results. Many of our bioassay laboratories participate in a proficiency testing program.

The animal health is monitored (QAS) at regular intervals throughout the bioassay by collecting sera from sentinel animals housed under the same conditions as the test animal. This sera is tested for antibody titers to a variety of rodent viruses. If tests indicate an infection, cultures are made and histopathological examinations carried out to determine the cause. Monitoring of the condition will continue as long as needed.

The bioassay laboratory personnel are responsible for an active QC program to assure all data is collected correctly, calculations are correct, and the environmental conditions meet program requirements. All facilities are equipped with emergency power to ensure adequate temperature control even during power outage. All data entered into the Chemical Bioassay Data System (CBDS) or the Toxicology Data Management System (TDMS) are totally validated for correctness of input.

Quality Assurance (QA) is primarily the responsibility of the Quality Assurance Unit (QAU) established at each facility to meet the requirements of GLP compliance. The QUA personnel must have no conflicting interest with the programs to be reviewed. They must be qualified in a diversity of disciplines to meet the needs of the laboratory. It is their responsibility to inspect and audit the various critical phases of each study carried out under GLP compliance. Critical phases have been defined as those which have the potential for invalidating the study if done incorrectly or not in a timely fashion. The working protocol is the initial critical phase as it represents the principal investigator's interpretation of what is to be done by the contract laboratory. It is the responsibility of the project officer to check each working protocol prepared by the laboratory against the protocol prepared by the chemical manager and to approve the laboratory working protocol prior to the start of the study. Any changes or deviations from this protocol must be documented. Other critical phases of a bioassay consist of animal identity, chemical analysis, dosing, special toxicology studies, necropsy, data collection and report preparation. The less critical phases are considered to be randomization, clinical signs, animal weights, tissue weights, cage and rack changing, and environmental conditions. Although these are critical to obtaining a good study, errors generally do not invalidate a study.

During 1981, the NTP–QA program leader and QA manager for the bioassay prime contractor, Tracor Jitco, made a concerted effort to bring all bioassay laboratories into compliance with FDA–GLPs. Currently, the

machinery is in place for compliance by all bioassay laboratories and extensive audits of data are being carried out on selected studies. The contracts have been modified to require GLP compliance. A final report is prepared by the principal investigator and audited by QAU at the laboratories are being made by the NTP–QA laboratory prior to submission to NTP. Annual visits to all bioassay program leader. These visits include an inspection of the QAU organization, capabilities and activities. Generally, at least one inspection is made of some technical procedure and data are audited. The Standard Operating Procedures for various technical activities are reviewed. A facility inspection is made. The personnel training files and safety procedure are reviewed. When problems are found, followup visits or responses to action items are required. The discipline leaders, project officers and chemical managers are informed of the findings of the QA site visits.

In September, 1981, a QA workshop was held for the bioassay laboratory prinicpal investigators and QAU managers. All NTP and Tracor Jitco discipline leaders and project officers attended. The theme of this workshop was to define the duties of each members of the team—NTP, Tracor Jitco, and the contract laboratory.

The next problem in the area of QA is the implementation of GLP compliance and monitoring of the bioassay data collected on the Toxicology Data Management System (TDMS). The NTP QA program leader is investigating the design of procedures to assure the quality of this computer collected data in collaboration with other members of the team responsible for implementation of TDMS and will work with the bioassay laboratories in their QAU efforts.

One final step remains to be discussed in the GLP compliance program for bioassays—that is—the archiving of the raw data. NTP provides an archives for secured storage of the raw data and a repository for the slides, wet tissues and tissue blocks. The laboratories will be required to inventory all raw data sent to the archives and arrange them according to a format designed for easy access. Consideration is being given to microfilming this material for long-term storage. All data and slides are available for examination at the repository and archives but these data cannot be removed from the archives. Fire protection is provided for raw data and laboratory reports.

During 1982 a program was initiated to bring other aspects of NTP testing and validation studies under GLP compliance. This has required the site visiting of a variety of studies including teratology and cellular and genetic toxicology screening and validation testing. The immunotoxicology and pharmacokinetics programs will also be site visited. Collaboration has been established with the NIOSH Quality Assurance manager and four NIOSH/NTP teratogenesis validation studies have been site visited. In collaboration with the project officer at NCTR, five contracts for the validation of behavioral toxicology testing procedures have been site visited in preparation for GLP compliance during the next contract year.

Through establishment of GLP compliance NTP is making every effort to establish a level of quality which will provide "freedom from doubt" as Webster defines "assurance". (CONTACT PERSON: Dr. C. Whitmire)

Chemistry Resources

The chemistry program serves as a central resource for all testings and research activities of the NTP. Maintained to assure chemical quality and to minimize testing results variability due to external sources, the chemistry needs are facilitated via integrated contract mechanisms and cooperation and interaction with other NTP operations. The chemistry capabilities provide for procurement, chemical analysis, analytical methods development, purification and synthesis of test chemicals. In addition, a chemical repository resource has been established for the receipt, handling, long-term storage, shipment and preparation of chemical safety data handling sheets for approximately 3,000 chemicals. (See section on Chemical Repositories).

Capabilities are provided for analysis of bulk chemicals, chemicals in test vehicles, methods development for quality assurance, including purity, stability (both bulk chemical and chemical/vehicle mixtures) and concentration determinations, chemical residue analysis for body tissues and fluids and special handling for residual and reprocured chemicals. In addition, capabilities exist for purification, derivatization and synthesis of test chemicals. Trace level analysis of test chemicals for potential contaminants are available, when required, as well as provisions for percent level purity, stability and recovery analyses. Trace level chemical analysis may be necessary when known toxic impurities are suspected to be present in the test material. There may also be a requirement for trace analysis when toxicity tests of chemical mixtures or impure chemicals are positive and it is necessary to identify specific components that may be associated with the observed toxic effect.

NIEHS

FY 1882 Accomplishment

The analytical services support contract established in FY 1980 continued to support a large number of NTP programs. As in the past, the majority of the work was in support of the carcinogenesis bioassay program. Nineteen chemicals which started carcinogenesis bioassays in FY 1982 were procured, analyzed and shipped to the respective bioassay laboratories for testing. In addition, 14 of the 15 chemicals recently approved to start prechronic studies in FY 1983 have either been procured and analyzed or are currently in the procurement process.

The chemistry performed at the bioassay laboratories is constantly monitored by review of the monthly reports received from the laboratories and by annual chemistry discipline site visits to all bioassay laboratories. In some instances, it has been necessary to visit a laboratory more often than the regular annual visit to address chemistry related problems associated with the bioassay studies. During FY 1982, with the exception of procurement delays on several chemicals, There were no major chemistry related problems at any of the bioassay laboratories.

The analytical chemistry resources continued to support the NTP teratology program. During FY 1982, five new chemicals were obtained for teratology studies (Table 37). These chemicals were procured and analyzed in a similar manner to that of the chemicals for the carcinogenesis program, including complete purity and identity assays and methods development for bulk chemical stability and chemical/vehicle mixing, stability and concentration assay methods. In addition, interim bulk chemical reanalysis for purity was provided for all chemicals and tissue residue analysis for one chemical was provided for the teratology studies. All information generated during the analyses of these chemicals was provided to the teratology program leader and the contract laboratory. Also, technical input in the area of chemistry was given to the teratology program by means of the site visits to the teratology contract laboratory.

The chemistry resources initiated support of a reproductive toxicology program contract initiative started in FY 1982. Twelve chemicals were obtained (Table 38) for study in the program and distributed to the contract laboratories. These chemicals were procured and analyzed in a similar manner to those obtained for the teratology program. In addition, the chemistry resource provides routine dose analysis for all chemicals on test in the program as well as interim bulk chemical reanalysis for purity. All information generated during the analysis of these chemicals is provided to the project officer and contract laboratories. Technical input in the area of chemistry is provided by constant communication with both the project officer and contract laboratories.

The chemistry resources have also initiated support of the NTP's immunology program contract research by providing analytical chemistry services for the four chemicals currently on study under this initiative (Table 39). These services include bulk chemical analysis for purity and identity; methods development for bulk chemical stability and chemical/vehicle mixing, stability and concentration assay methods. Support in the area of routine dose analysis, interim bulk chemical reanalysis for purity and tissue residue analysis is also provided.

The chemistry resources continue to support the NTP psoralen initiative. Four chemicals (Table 40) were obtained from various sources and analyzed for identity and purity. In addition, routine dosed feed analysis on samples received from the contract laboratories is provided.

Another major initiative accomplished in FY 1982 was the completion of the routine chemical services performed in support of NTP studies at the NCTR. This activity was undertaken in order to allow NCTR chemists the opportunity to participate in the NTP's Benzidine Congener Dye Initiative. The services provided for the NCTR included surveillance of incoming supplies for experimental animals such as: feed, potable water, bedding and cardboard feeder boxes and certification that the dosed feed for the NTP studies of sulfamethazine and hexamethyl-p-rosaniline (gentian violet) contained the correct concentration of the

chemical. The chemical support provided by the chemistry resources was for an 18-month period and NCTR took back responsibility for these analyses in February 1982.

Continued support was provided to several NTP investigators in the area of chemical synthesis, tissue residue, bulk chemical and dose mixture analyses (Table 41). During FY 1982, tissue or body fluid residue analysis was performed on samples from a reproductive toxicology study of chlordecone (kepone) and diethylstilbestrol, teratology studies of di(2-ethylhexyl)phthalate, immunology studies of cadmium chloride and bioassays studies of chloramphenicol and titanocene dichloride.

The chemistry program also provides primary repository assistance to the genetic toxicology and carcinogenesis testing programs. The two repositories, which operate under similar standard operating procedures, have undertaken numerous joint projects that demonstrate the functional integration of the two programs. (CONTACT PERSON: Dr. C. W. Jameson)

FY 1983 Program Plans

During FY 1983, the chemistry resource will continue to support the carcinogenesis testing program by procuring and analyzing all new bioassay chemicals. The chemistry resource will also continue to support the teratology, reproductive toxicology, immunology and psoralen contract efforts and begin support of the short-term *in vivo* rat liver tumor model program which will initiate contract efforts in FY 1983. Continued collaboration with in-house investigators will be maintained, especially in the areas of reproductive toxicology and immunology. Continued effort for developing analytical chemistry services support for in-house NTP studies will be pursued. (CONTACT PERSON: Dr. C. W. Jameson)

Chemical Repositories

The NTP Chemical Repository program provides repository assistance to the carcinogenesis bioassay, cellular and genetic toxicology, chemical pathology and systemic toxicology programs. This includes not only storage but location and acquisition of approximately 1,000 chemicals with a final capacity of 5,000 chemicals, cataloging of Wisweisser Line Notations (WLNS), Chemical Abstract Service (CAS) numbers and numerous other pertinent information on chemical, physical and toxicological properties. This information is put into a custom designed computer program which also generates randomized codes for various aliquots that are to be tested blind. Tracking and monitoring of repository functions are accomplished by this computerized data base management system which allows multi-tier access into a hierarchical system of data retrieval and file security. The repository, upon searching through on-line computer data bases, edits and produces chemical specific handling documents both for day to day safe handling as well as for emergency situations, performs quality assurance (QA) tests for numerous NTP contract laboratories and ships these chemicals to national as well as international laboratories. Finally, upon completion of the bioassay studies, the repository receives and aliquots an archive sample of the chemical, then arranges for the environmentally safe disposal of surplus test chemicals. The NTP Chemical Repository is thus involved in the entire toxicity testing cycle from beginning to end. Two repositories have been established which operate under similar standard operating procedures; both divide the chemicals into three groups, when quantities permit: a testing lot, an archive sample and a public allotment. Present contractual requirements prohibit combination of the repositories at this time.

NIEHS

FY 1982 Accomplishments

More than 1,000 aliquots (Table 42) were sent to investigators in FY 1982 either as coded blind samples or as uncoded shipments for toxicity testing. This is a 50% increase in repository shipments and is primarily due to expansion of NTP cellular and genetic toxicology efforts. Redesignated chemical specific safe handling documents and emergency procedure documents have provided clearer and more explicit handling procedures for these potentially toxic test compounds.

Flash point determinations of liquid test chemicals were initiated to meet Department of Transportation shipping requirements when this information was unavailable from the literature. A total of 50 compounds have been tested by the closed cup method.

A method of direct probe insertion mass spectrometry was developed to enable impurities separated by high performance thin layer chromatography to be identified.

An apparatus for determining the permeation of glove materials by NTP test chemicals has been constructed and validation of the method by ASTM standards was completed. The purpose of this work was to provide valuable information to help enable NTP laboratory researchers to conduct studies on test chemicals in a safe manner. Glove permeability tests on 20 compounds with 4 different glove materials have been studied.

A method for gas transfer from large cylinders to smaller lecture bottles was accomplished and monitored using sulfur hexafluoride as a market compound. The design of this sampling procedure has allowed effective guidelines to be formulated for the safe handling of gaseous samples.

More effective and explicit packaging and shipping requirements were written to permit transfer of approximately 60 shipments of bulk chemicals to the repository for removal of archive samples and final disposal of surplus bioassay chemicals.

Completion of an addition to the Hazardous Materials Laboratory will now enable storage of approximately 5000, 500-gram samples at 4 different temperature levels (25°C, 5°C, −20°C and −70°C). A safe is also available for storage of narcotics. (A full Drug Enforcement Administration (DEA) license has been approved). (CONTACT PERSON: Dr. D. B. Walters)

FY 1983 Program Plans

During FY 1983 the Chemical Repository program will continue to provide assistance to all branches of NTP. Increased shipments are anticipated due to the expanded high priority testing battery of the Cellular and Genetic Toxicology program.

A more refined computer software and hardware package for tracking and monitoring is being investigated to meet the expanding needs of the NTP. It is anticipated that approximately 50 compounds will be tested for glove permeability to assist in development of possible structure-activity relationships.

Combination of the repositories has been delayed due to contract restraints but plans are proceeding to accomplish this at the end of FY 1984. (CONTACT PERSON: Dr. D. B. Walters)

Pathology Repository and Archives

The NTP maintains a centralized repository of histopathology materials collected during the bioassay studies. This is done in accordance with Good Laboratory Practice procedures and to provide a complete history of the pathology findings. Storage facilities are provided for wet tissues, paraffin blocks, microscopic slides, and printouts of the data that appear in the technical reports. User facilities complete with microscopes are provided for investigators to view the materials. For more information or scheduling of user facilities, contact Dr. E. E. McConnell, Chief, Chemical Pathology Program, National Toxicology Program, P.O. Box 12233, Research Triangle Park, NC 27709; or 919-541-3440 (commercial), 629-3440 (FTS).

Data Management and Analysis

NTP programs generate a large volume of complex data that must be acquired, validated, and stored so that these are easily and quickly retrievable, eventually at multiple locations. Thus, a continuing priority commitment is to develop efficient automatic data processing systems to capture various types of management and experimental data, and to make this information available for periodic examination, updating, summarization and statistical analyses. Furthermore, the complexity of the system requirements demands that systems for NTP not be developed as isolated units but rather that there be centralized coordination and management of the systems so that services are distributed according to established priorities and resources are used most efficiently and without duplication of effort.

Statistical research efforts include continued investigation of possible modification of the basis experimental design of the two-year carcinogenesis bioassay. The purpose of these modifications will be to provide the low-dose information needed for extrapolation without adversely affecting the power of the bioassay for detecting carcinogenic effects. The problem of incorporating historical control information into statistical analysis of bioassay data is being studied. Stastistical methodology is being developed that will take into account extrabinomial variability due to differences in test laboratory, animal sources, and other factors.

NIEHS

FY 1982 Accomplishments

Data Processing Systems—The Toxicology Data Management System (TDMS) being developed to support the animal bioassay program continued toward implementation. Specially designed microprocessors were delivered and are in use for live support of bioassay experiments at five contract laboratories. These early studies have shown the animal room data (animal weights, clinical observations, dosages, deaths, etc.) collection modules to be effective. Another component of the system being tested is for collection of micropathology information. A system to collect gross pathology observations is under development. Development of modules for statistical and summary reports is ongoing. More detailed information on TDMS may be found in the NCTR entry in this section. CONTACT PERSONS: For Systems—Mr. A. Konvicka, NCTR: for toxicology—Dr. M. Dieter, NIEHS)

In support of the Cellular and Genetic Toxicology program, a laboratory data collection and management system was developed. Data are entered into the system via intelligent data entry terminals at the laboratories which allows easy validation of data for each laboratory. Periodically the data base is updated into a host computer where the data are used for data analyses, quality control, and report generation. Efficient data structures and an automatic archiving system allow the data to be stored at a fraction of the usual cost. The system was installed and is operating in *Salmonella* testing laboratories at SRI International, Case Western Reserve University, and EG&G/ Mason Research Institute. A fourth terminal, located at NIEHS was installed to collect *Drosophila*, cellular transformation and cytogenetics data. CONTACT PERSON: Dr. E. Zeiger and Mr. M. Rowley.

An NTP chemical management and tracking system (CHEMTRACK) has been developed on the Model 204 Data Base System at the Parklawn Computer Center. CHEMTRACTK provides the NTP with the capability to interactively query information on chemical status, nomination, test results, milestones and publications. Procedures have been developed which will allow NTP scientists and administrators with little computer experience to generate queries and batch reports on NTP chemicals. User and system documentation have been developed and training of NTP personnel begun. (CONTACT PERSONS: Mr. M. Rowley and Ms. F. Jordan)

The system that has been supporting the animal bioassay program, the carcinogenesis bioassay data system (CBDS), continued to collect animal weight and pathology information for chronic studies. The system routinely produced the reports and basic statistics required for the program. In addition, systems were maintained to collect and report data for *in vitro* studies and for the Strain A mouse pulmonary adenoma studies. To aid in program management, several systems which collect and report fiscal and experimental statuses were utilized. Plans are being made for the orderly transition of CBDS activities, procedures and data to the TDMS. (CONTACT PERSON: Mr. M. Rowley)

Statistical Studies—Possible statistical modifications of the basic experimental design of the NTP's two-year carcinogenesis bioassay continued to be evaluated during FY 1982. Changes under consideration include additional dose levels, reallocation of animals among experimental and control groups, and the selection dose levels other than the traditional MTD (maximum tolerated dose) and one-half MTD. Monte Carlo simulation was used to compare several hundred two- and three-dose designs with respect to the precision of low-dose risk estimation, assuming a multistage model for carcinogenesis. A general class of designs was located which yields adequate power for testing and the high precision needed for extrapolation. The traditional NTP design was in this class of optimal designs. In addition, the number of animals utilized in the bioassay was investigated with respect to the power for testing and the precision of low-dose estimation. The results show that additional animals (beyond the standard 150 per sex species group) would only slightly improve the extrapolation but could greatly improve power. A bioassay using between 150 and 300 animals would yield sufficient power in an optimal design. (CONTACT PERSON: Dr. C. Portier)

Patterns of tumor incidence in the two-year cancer bioassay feeding studies in Fischer rats were investigated. It was found that the overall frequencies of statistically significant ($P<0.01$) increases and decreases in tumor incidence in treated groups relative to controls were approximately the same. The decreases were due primarily to mammary gland fibroadenomas in females (which were clearly associated with decreased weight gain in the treated groups) and leukemia/ lymphoma in both sexes (which were frequently associated with increased liver tumor incidences in the treated groups). A clear explanation for this latter association is not apparent. The increased tumor incidences in the treated groups relative to controls were due primarily to liver neoplastic nodules. (CONTACT PERSON: Dr. J. Haseman)

During FY 1982, a standardized statistical report format was developed for summarizing the results of statistical analyses of data from NTP prechronic and "special" studies. The analyses are currently provided under contract by Program Resources, Incorporated. Prechronic data are being maintained in a standard format for eventual transfer to the toxicology data management system (TDMS). Efforts are also underway to ensure that the statistical capabilities currently available through CBDS will be maintained when TDMS becomes fully operational. (CONTACT PERSON: Dr. J. Haseman)

Microbial mutagenicity experiments, especially large-scale collaborative studies, continued to receive substantial statistical research attention in FY 1982. Primary focus has been on sources of variability, such as within- and between-day, and especially the possibility of genetic draft. Research also was performed to determine the adequacy of statistical methods used to analyze recessive lethal test data, such as for *Drosophila*. Preliminary results indicate that there is room for substantial improvement. (CONTACT PERSON: Dr. B. Margolin)

FY 1983 Program Plans

Data Processing Systems—The CBDS will continue to collect pathology data and produce reports until it is completely replaced by the TDMS. (CONTACT PERSONS: Mr. M. Rowley and Mr. J. Washington)

Additional components of TDMS will be tested in FY 1983. The most important of these are the gross pathology system and the query language processor. As these major components are completed, more attention will be directed toward implementing the system in as many as ten additional NTP contract laboratories. Particular attention will be given to identifying the special needs of NTP users and to expanding the system to accommodate additional types of data collection within the bioassay program. (CONTACT PERSON: For systems—Mr. A. Konvicka, NCTR: for toxicology—Dr. M. Dieter, NIEHS)

Plans are being developed to move the laboratory data management system supporting cellular and genetic toxicology programs to an NTP in-house computer, a DEC VAX 11/780. A data base management system obtained from DEC and a graphics and query system currently under development will be utilized to provide the NTP with extensive data review, statistical analyses and graphics capabilities. (CONTACT PERSON: Mr. M. Rowley)

Additional report generation and query software will be developed for CHEMTRACK. Special reports will include those for teratology, immunotoxicology and pharmacokinetics programs. In FY 1983, CHEMTRACK will continue to provide the NTP with interactive query and report generation capabilities. Data will be loaded into CHEMTRACK from all NTP program areas. CHEMTRACK will function as the primary source of nomination/selection information and will provide a data base of information on NTP committee actions. (CONTACT PERSONS: Mr. M. Rowley and Ms. F. Jordan)

Statistical Studies—During FY 1983, further research will be carried out with regard to the utilization of historical control data in NTP carcinogenesis bioassays. Computer simulation techniques will be employed to compare the operating characteristics of three procedures that have recently been proposed to incorporate historical control data into a formal statistical analysis. (CONTACT PERSON: Dr. D. Hoel)

A related effort is underway to identify factors responsible for the extrabinomial variation present throughout the historical control data base. Potential sources of variation include time, laboratory, pathologist, animal supplier, and length of study. (CONTACT PERSON: Dr. J. Hasemen)

Statistical research will continue concerning possible modifications of the chronic bioassay design. Goodness-of-fit and the exact size of the trend tests will be considered. (CONTACT PERSON: Dr. C. Portier)

The current NTP historical control data bases maintained on CBDS will be re-defined during FY 1983. Early NCI studies not subject to the rigorous pathology quality assurance procedures currently employed by the NTP will be eliminated: Nomenclature inconsistencies will be resolved. Additional computer programs will be generated and/or existing programs revised to increase the usefulness of the data base to chemical managers and other interested scientists. (CONTACT PERSON: Dr. K. Chu)

Analyses of three separate *Salmonella* test databases will be pursued further, and assay reproducibility will be studied quantitatively. Research focus has broadened and now included *in vitro* and *in vivo* cytogeneticity assays. (CONTACT PERSON: Dr. B. Margolin)

NCTR

Toxicology Data Management Systems

The Division of Toxicology Data Management Systems (TDMS) actively supports the NTP in several areas. Currently, this includes:

- Site Support (Contract Laboratories)
- Software Maintenance and Enhancement
- Software Development
- Central Computer Facilities
- Other projects as defined by NTP

FY 1982 Accomplishments

Site Support—Involved was shipping, installing, and maintaining terminals, printers, modems and balances at the following NTP contract laboratories:

- Battelle-Columbus
- International Research and Development Corporation
- Hazelton Laboratories
- E.G. & G. Mason Research
- Microbiological Associates
- Southern Research Institute

There was development and implementation of training programs for the support of the TDMS Protocol Analysis System, Experiment Information System (EIS), and the Administrative System.

Initial visits were made to all the sites listed above. These visits were to introduce TDMS to the personnel at each facility and, when possible, to complete PAS manual forms for use in the Protocol Analysis System (PAS) on the laboratories first study using TDMS. Two of the laboratories each had two studies that began on manual forms rather than direct entry via computer terminals; therefore, these facilities were also trained on the use of EIS manual forms in the animal rooms during the initial visits. The data collected on these manual forms was sent to NCTR for entry into the system by TDMS personnel. Training sessions were held or have been scheduled at all sites.

TDMS prepared "first draft" user guides for all the systems. This documentation will be available to the user soon and will prove to be an invaluable aid during system use.

Software Maintenance and Enhancement Support—The Protocol Analysis System (PAS) was modified to accomodate multiple users. This allowed the concurrent entry of the PAS data of multiple experiments by two or more users. A copy function was also added which allows the user to copy a segment from one experiment to another. This tool is very valuable in that it saves hours of data entry time for segments that do not vary from test to test. The manual forms went through several revisions to accommodate NTP requirements, and a new segment—Responsible Parties—was added to the forms and the data base.

The Experiment Information System (EIS) was revised to include several enhancements and modifications which make this EIS version much more user oriented. A number of reports are now available at each laboratory site which provide information on experiments, e.g., dosing, food consumption.

Reports available only via the mainframe were modified in accordance with NTP's request. Provisions were made for batch submission and for running reports to accommodate users with or without memorex type terminals. Also, additional selection criteria options enable the user to specify a range of dates and/or a range of cages to run the report against.

The Administrative System (Diskette Control Subsystem) was modified to include the following functions: (1) Creation and verification of new floppy diskettes that can be introduced into the system; (2) backup of all floppy diskettes, along with the means of disk recovery for a backup in case of disk loss or failure; (3) an automated method of transmitting data from the remote microcomputer to the host system. Additionally, reports and software may be sent from the host system to the proper floppy diskette on the remote microcomputer; and (4) managment of transaction files including retransmissions in case of transmission error and deletion after the data had been received and verified by the host computer.

Software Development Support—The Micropathology System portion of the Post Experiment Information System (PEIS) will collect, store, and report microscopic pathology data. This system is currently being modified to include the NTP requirements for version 2, which includes site accountability, expanded target and other organ requirements. A version 2 design document was produced and reviewed by NTP and TDMS personnel. After receiving the revised pathology protocol for chronic studies, it was necessary to review the original design for handling target organ processing.

After defining an NTP tentative standard pathology protocol for prechronic experiments, the micropathology system was implemented at Southern Research Institute (SORI).

During the final review of the Pathology Code Table (PCT), several changes were made. To implement the NTP requirement of forced qualification to a specific qualifier group and to allow sorting of the observations, it was necessary to regroup the qualifiers into a more logical grouping sequence. New PCT micropathology reports were generated to reflect the changes. The gross pathology glossary received an intensive review by NTP pathologists and the resulting changes were implemented in PCT. All of the PCT reports have been designed and programmed with the exception of the gross lesion report. In addition to a series of mainframe reports on neoplastic and non-neoplastic pathology, a number of local (microcomputer) reports have been developed.

The pathology manual forms were sent to SORI to begin data collection during the necropsy process. At the request of the NTP, these forms were revised to more closely reflect the type of animal data to be collected for NTP studies.

The internal review process was begun on the pathology terminal operators guide. After the necessary revisions are made the manual will be ready for an external review.

The Gross Pathology System of the PEIS will collect, store and report gross (necropsy, trimming and receiving) pathology data. The external design document has been prepared and includes descriptions for data collection, pathology code table, protocol entry and validation, download, mainframe receipt and storage, and transmission. Report formats and descriptions for all aspects were also included. It is important to note that, after review by NTP, there are some possible changes in the design philosophy regarding data entry.

An analysis is being conducted which will determine the definition of a system to provide mechanisms and reports to fulfill the following primary functions: (1) Assure experimental protocol has been established before a study is initiated; (2) monitor experimental activity during the study; (3) verify and validate data for consistency and accuracy; and (4) provide summarization and analysis of data for evaluation of the study upon completion.

Central Computer Support—Procedures were developed and implemented for updating the animal room system data base separate from the other bases. Procedures for updating the pathology system data base have been developed and implemented. Currently in planning is a process which will make validation a separate job step from update. A feasibility study is also being conducted of commercially available data base management system products with regard to TDMS needs.

The Software Control System is currently in the requirements phase, with the objectives having been developed. This system will control all software elements, developmental or productional, with the main objective being that no software, either newly developed or just enhanced, will become productional without having passed through the Software Control System.

Fiscal Year 1983 Program Plans

Plans for the TDMS for FY 1983 include an expansion in both the number of laboratory sites and the number of studies being supported by TDMS. All new chronic study starts on existing contracts will be fully supported by TDMS as well as all chronic studies from newly awarded bioassay contracts. In accordance with NTP direction, TDMS will be implemented for support of selected 90-day prechronic studies. In addition, for certain ongoing chronic studies selected by NTP, support will be implemented for collection and management

of the pathology data generated by those studies. Among new initiatives requested by NTP will be the development of TDMS modules for support of hematology and clinical chemistry data. (CONTACT PERSON: Mr. A. Konvicka)

Laboratory Animal and Quality Control

The laboratory animal production program provides genetically defined rodents for the NTP bioassay and other testing studies. This resource is designed to assure the use of high quality, disease free rodents for chemical testing. The production of animals is facilitated via interaction between animal production facilities, contract bioassay laboratories, and the NTP.

Three breeding laboratories are currently under contract to provide F-344 rats and B6C3F$_1$ hybrid mice for the NTP bioassay programs. Rodents are also supplied by the Division of Cancer Treatment, NCI, at Frederick Cancer Research Facility (FCRF). Disease monitoring continues to be a major priority of this program. Two diagnostic laboratories are responsible for monitoring the production facilities. The sentinel animal program, initiated in FY 1980, continues to serve as the monitoring source for viral diseases in each animal room at testing laboratories under contract to the NTP.

NIEHS

FY 1982 Accomplishments

Genetic integrity of the production and test rodents is monitored by histocompatability (tail graft) or biochemical (isozyme electrophoresis) means under two contracts to FCRF. At the beginning of this year, it was discovered that the C3H production mice at one breeding facility were not homozygous at all loci. The heterogeneous production stock were killed and replaced with genetically homogeneous C3H breeder stock. Importantly, the rate at which chemicals were placed on test was not altered due to unavailability of test animals.

The use of detergents containing essential oils has been eliminated in chemical test animal rooms at contract laboratories, thereby removing a potential source of toxic reactions in the experimental animals. A new and innovative approach to diagnosing mycoplasma and mouse hepatitis virus infections was instituted in conjunction with the sentinel animal program. Using the ELISA method, we can now diagnose these infections with a much greater degree of precision and accuracy. Information from these and other assays over the past two to three years are currently being entered into a data file for future analyses.

FY 1983 Program Plans

The animal care and production resource will continue to produce quality rodents for the NTP testing programs. Additionally, achievement of three major objectives is planned:

1. Reduce animal production to approximately 60% of FY 1982 levels, while maintaining, and improving, the quality of animals.

2. Correlate information from the sentinel animal data file with result of the bioassay. For example, Sendai virus-pulmonary tumor associations can be ascertained.

3. A biochemical and immunochemical genetic monitoring program at both production and testing facilities will be continued and upgraded through institution of a support contract to the Program Resources Branch, TRTP/NIEHS.

Each of these objectives extends the overall goal of the animal resources program to produce sufficient numbers of healthy rodents to serve as NTP bioassay test systems. (CONTACT PERSON: Dr. C. K. Grieshaber)

Chemical Health and Safety

The scope of activities in the NTP is necessarily broad and involves research and testing of diverse types of potentially hazardous materials. The safety program serves to guard against excessive exposure of laboratory personnel and the surrounding environment to test materials, metabolites, and degradation products. In addition, every effort is made to integrate and coordinate the NTP health and safety requirements and guidelines with the operational work practices used in toxicity testing procedures to minimize any impact on the timeliness, efficiency and effectiveness of performing NTP research and testing.

Each contract laboratory develops and implements their own health and safety and environmental protection programs. The NTP chemical health and safety program sets standards, establishes guidelines and recommendations and ensures that pertinent local, State, and Federal regulations are followed. In addition, the chemical health and safety program has responsibility for monitoring and evaluating the effectiveness of individual laboratories' compliance to established standards, and renders advice in the event of emergency situations. The evaluation of chemical specific health and safety guidelines, safe handling documents and emergency procedures documents for all NTP test chemicals also constitutes a significant part of the program's functions.

The NTP chemical health and safety concerns differ considerably from those of academic or production facilities and require basic understanding and experience in chemistry, industrial hygiene, engineering control, non-routine specialized analytical chemistry, biological monitoring and medical surveillance, human factors and ergonomics, personal protective equipment evaluation and development, sampling strategies and biological testing procedures.

NIEHS

FY 1982 Accomplishments

Annual health and safety program reviews and site visits were conducted at all carcinogenesis bioassay contract laboratories. An evaluation as well as a description of action items were submitted to each laboratory with recommendations for corrections.

Two laboratories were monitored for specific test chemicals during industrial hygiene surveys. Five laboratories were monitored for formaldehyde levels involved in necropsy and tissue trimming operations observed during baseline health and safety surveys. A study was initiated using fluorescein to compare weighing procedures commonly used in *in vitro* research utilizing balances placed in hoods versus placement on open laboratory benches. The results were used as a basis for formulation of NTP minimum health and safety requirements for cellular and genetic toxicology laboratories. Gaseous marker chemicals representing chemicals scheduled for cellular and genetic toxicology testing were monitored at the repository and the test laboratory prior to testing of the more hazardous compounds (e.g., hydrogen cyanide). As a result a revised protocol was suggested.

Waste disposal procedures at all carcinogenesis bioassay laboratories were surveyed and reviewed for consistency and compliance with RCRA regulations. The high temperature system used for incineration of NTP surplus carcinogenesis bioassay chemicals was evaluated for efficacy in addition to evaluation of procedures used for disposal of chemicals not amenable to incineration. An on-site bioassay contract incinerator was evaluated for possible use in combustion of polybrominated biphenyls and determined to be inadequate for this use; alternate disposal recommendations were provided. NTP requirements were instituted for shipment to the repository of surplus bioassay chemicals scheduled for disposal.

Preliminary development studies have been completed for chemical-specific biological monitoring using 15 test chemicals as markers to assist medical surveillance of carcinogenesis bioassay laboratory personnel. Additional work is under consideration pending review of the results and recommendations of the study.

Approximately 40 cellular and genetic toxicology, carcinogenesis bioassay, pathology and program resources contract laboratories have been visited and baseline health and safety surveys were conducted with recommendations provided. Mechanisms are continuing for the health and safety evaluation, onsite inspection and monitoring, where necessary, of NTP laboratories which handle potentially hazardous materials. Plans have been instituted for evaluation and inspection of new laboratories as they join the program as well as periodic reinspection of current contractors. Guidelines and minimum requirements have been approved for all NTP programs except systemic toxicology, which is planned for FY 1983. These minimum requirements will be used in support of NIH Guidelines for Laboratory Use of Chemical Carcinogens, OSHA requirements, and other pertinent Federal, State and local regulations.

Approximately 25 chemical-specific health and safety guidelines have been prepared, reviewed and evaluated for new test chemicals and have been distributed to the respective chemical managers and other pertinent personnel.

A project was initiated to improve the fundamental design of tissue trimming stations in order to provide better capture of formaldehyde, fixatives and trace quantities of potentially hazardous test chemicals. The resultant design incorporated ventilation and ergonomics and can be applied to related work stations such as histopathology and necropsy.

An extensive study of the complex local exhaust ventilation system employed at one bioassay laboratory was undertaken as a result of potentially hazardous conditions. Modifications necessary to improve and rectify existing problems were suggested. Rapid response to an emergency situation was initiated to alleviate potentially hazardous conditions at a cellular and genetic toxicology contract laboratory.

FY 1983 Program Plans

The evaluation, program reviews, site visits, inspections, monitoring and other programs described as FY 1982 accomplishments will be continued. Health and safety evaluations and on-site inspections of all NTP contract laboratories are planned. Chemical-specific health and safety guidelines for new NTP test chemicals will be prepared and reviewed as necessary in addition to evaluation and inspection of new NTP contract laboratories. Efforts to improve and finalize guidelines and minimum requirements for all NTP contract laboratories will be completed for existing programs. A program for in-house NIEHS/NTP research laboratories to be visited, evaluated and, where necessary, monitored, will be instituted with close coordination with NIEHS safety personnel. Plans for the formulation of health and safety guidelines and requirements for in-house research will be considered. In addition, plans call for inspection of all systemic toxicology contract laboratories and formulation of health and safety guidelines and minimum standards for these laboratories. Waste management procedures for surplus NTP chemicals will be closely monitored to ensure that all potentially hazardous waste products are disposed of properly and in accordance with RCRA regulations. Studies will continue on program specific human factors and ergonomic evaluations at particular laboratories in seeking ways to improve worker safety coupled with worker effectiveness. A survey of NTP training efforts will be conducted and plans to assist and fulfill training needs will be initiated. (CONTACT PERSON: Dr. D. Walters)

Information Generation and Dissemination

Scientific information and communication about toxic and potentially toxic chemicals remains a critical aspect for program success. The National Toxicology Program must ascertain the toxicology of selected chemicals and assure that results will have scientific and regulatory significance. The end product is information—scientific information necessary in deciding social issues relative to public health and the environment. To provide that information, the NTP identified two important aspects; first, information must be disseminated to other scientists so that peer review and feedback assure scientific quality; second, since the scientific product helps society evaluate identified toxicological risks, information must be disseminated to not only the regulators responsible for protecting against potentially hazardous risks, but also to those exposed to the risks. Thus, the NTP has established and uses a coordinated communications network to disseminate toxicological information.

The value of information produced by NTP depends in part upon the quality and timeliness of information the Program receives. The NTP therefore actively seeks information from many sources: Federal, state and local governments; trade assoications; industry; labor; academia; professional societies; public interest groups; the press; individuals; other countries; and other interested parties. This includes nominations of chemicals to be tested; critiques and questions about scientific procedures, policies, priorities, and resource allocations; suggestions for program improvement; and most importantly, information about planned, ongoing, and recently completed studies on chemicals being considered or being tested by the NTP.

Scientific Coordination and Information Dissemination—To encourage public participation in the Program, the NTP holds public meetings to introduce the current year's program plans and to solicit comments and advice. The fourth NTP Open Meeting is in the planning stage and further information will be published in the *NTP Technical Bulletin*. Additionally, the NTP Board of Scientific Counselors convenes three times a year in open forum, as does the Board's Technical Reports Review Subcommittee and its *ad hoc* Panel of Experts to conduct peer review of technical reports on toxicology and carcinogenesis bioassays.

NTP must be aware of scientific procedures and results produced by other laboratories. Part II of the *Annual Plan*, the *Review of Current DHHS, DOE and EPA Research Related to Toxicology*, a major contribution towards this goal, provides overviews of research programs as well as extensive tabular information on chemical testing and test methods development and validation activities in the various agencies. Active efforts to learn about work in progress and to establish better communication links among investigators worldwide are integrated with many national and international organizations and are being pursued with others.

Fundamental to current awareness is the provision to NTP staff scientists and administrators of comprehensive searches and reviews of the world's scientific and technical literature on a given compound, in advance of decisions about priorities and experimental test designs. This is of special importance for the carcinogenesis bioassay program, where the testing process for each chemical represents a major commitment of time, labor, materials and funds for up to a five-year period.

Toxicologic research and testing require comprehensive scientific coordination for information generation and dissemination. To better utilize the concepts and the latest retrieval systems of information science, the on-line services available to the NTP from the National Library of Medicine (NLM) are particularly valuable: CHEMLINE, TOXLINE, RPROJ (Research Projects), MEDLINE, CANCERLINE, TOXICOLOGY DATA BANK, RTECS (Registry of Toxic Effects of Chemical Substances), and others. These and other sources are used by the Toxicology Information Response Center (TIRC) at the Oak Ridge National Laboratory (ORNL) to prepare dossiers on chemicals nominated for test and to provide information for the design of test protocols. Also, new information services will need to be located or developed for toxicology specialties not yet covered adequately in existing systems, for example, neurotoxicology, chemical immunotoxicology, ecotoxicology and chemical-chemical interactions. (CONTACT PERSONS: Dr. P. Craig, NLM, and Ms. J. Chase, NIEHS)

The Environmental Mutagen Information Center (EMIC), supported by the NTP, collects, organizes, and disseminates, primarily, published information on chemicals tested for mutagenicity. Located since its inception in 1969 at the ORNL, the EMIC computerized data file contained (as of May 1982) 40,841 records on 13,325 unique chemicals, 34,798 of which are available on-line from TOXLINE (at the NLM) and 40,115 from RECON (at the ORNL). Each record contains bibliographic information, assay systems, and keywords defining agents tested and organisms studied. (CONTACT PERSONS: Dr. J. Huff, NIEHS; Dr. P. Craig, NLM; and Mr. J. S. Wassom, ORNL)

The Environmental Teratology Information Center (ETIC), established in 1975 at ORNL and also supported by the NTP, maintains a computerized collection of published information on 5,407 chemicals tested for or known to induce teratogenic effects. The ETIC file contains references to 25,799 literature citations; 24,899 records are available from TOXLINE and from RECON. (CONTACT PERSONS: Ms. F. Jordan, NIEHS; Dr. P. Craig, NLM; and Ms. E. von Halle, ORNL)

The NTP, and in particular technical information specialists in cooperation with the various agencies' libraries, supplies information to Congress, scientists, the public, regulatory agencies, consumer advocates, labor, legal organizations, industry, and others.

Application of Structure-Activity Toxicity Estimation Programs—In FY 1982, on an experimental basis for NIP, the NLM/NIP group has prepared estimates of the probability of carcinogenesis, mutagenesis, teratogenesis, and of rat oral LD_{50} values for almost 200 chemicals which were nominated to NTP for consideration in various testing programs. The estimation programs used are those developed by Craig and Enslein for NIOSH and NCI. Where no published reports of experimental test values have been located, or when conflicting results have been reported, these estimates were included by the Chemical Evaluation Committee in its evaluation of about fifty chemicals in FY 1982. (CONTACT PERSON: Dr. P. Craig)

Technical Report Preparation and Dissemination—The NTP Toxicology Information and Scientific Evaluation Group has the major responsibility of providing the Program's chemical managers (toxicologists) with the most relevant information necessary to design experiments and to oversee the progress of a compound from selection through toxicology and carcinogenesis testing to final report preparation and distribution. Preparation of the technical report begins with selection of a chemical for testing and the appointment of a chemical manager. Each

manager is responsible for recommending and designing the appropriate experiment, for records management throughout the test/research period, for preparation of the draft toxicology and carcinogenesis bioassay reports, and for presenting/defending these reports before the Peer Review Panel. While experiments are in progress, the chemical manager interacts with other Government agencies and serves as resource person for scientific inquiries concerning the chemical and its possible adverse effects. Lists of chemicals nominated and scheduled for testing, those on test, and those completed are published routinely in the **Federal Register**, the NTP *Annual Plan*, an the *NTP Technical Bulletin* as well as being distributed to a variety of newsletters and scientific magazines.

An important activity within the Program centers on preparation, interpretation, and evaluation of the toxicology and carcinogenesis technical reports. Data from the toxicologic characterization studies and the chronic exposure experiments are collected into comprehensive and evaluative technical reports. These compilations receive considerable staff attention during generation, initial data analyses, and draft report preparation; further intense focus is devoted to the draft report by the NTP staff as an iterative review process. After the draft receives internal approval, copies are sent for external peer review to the NTP Board of Scientific Counselors' Technical Reports Review Subcommittee (Peer Review Panel). At this stage draft reports are made available by the Toxicology Information and Scientific Evaluation Group to any individual or organization seeking or requesting copies as long as supplies last. The *ad hoc* panel, comprised of non-government scientists, then reviews critically these draft reports and voices their opinions and findings in sessions open to the public. [Routinely, comments and questions are requested from the individuals or groups attending these open meetings.] When the draft reports are considered by staff and the peer review panel to be scientifically acceptable and soundly based, the technical reports undergo a final technical and style edit prior to printing and distribution.

Meetings to perform peer review of NTP draft bioassay technical reports are held three times yearly either in Bethesda, MD or Research Triangle Park, NC. A list of the reports to be reviewed, reviewer assignments, review forms, and other information about a particular meeting are sent to Peer Review Panel members at least one month prior to the meeting date. At the same time notices about the meeting are published in the **Federal Register** and in the *NTP Technical Bulletin*. [Draft reports are also made available to anyone upon request.] (CONTACT PERSON: Ms. J. Chase, NIEHS)

Members of the Peer Review Panel receive copies of *all* reports to be reviewed during the designated meeting. Two and sometimes three principal reviewers are assigned for each report and each gives an oral critique at the meeting accompanied by written comments. Panel members are asked to provide the NTP with a critical review of each report in advance of the meeting. Deficiencies in design, conduct, or interpretation of the study should be identified, and errors or omissions in the draft report should be stated. Further, panel members are requested to read all reports scheduled for a particular meeting and to contribute their opinions and other criticisms during the discussion period on each report. The recommendations of the reviewers and summary comments recorded at the meeting are incorporated where appropriate and relevant in the final revision of the report.

Following the meeting, draft summary minutes for each report review are prepared and are sent to the reviewers for any necessary corrections and alterations. The edited minutes are then made available for distribution to any interested party. Likewise, soon after the peer review, reports are readied for publication. Subsequently reports are printed, and made available for distribution and sale by the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161. (Telephone: 703–487–4650). Also, the Public Information Office maintains a mailing list of those who wish to receive all technical reports as published. A limited number of technical reports are available without charge by writing the NTP Public Information Office, MD–B2–04, P.O. Box 12233, Research Triangle Park, NC 27709. (CONTACT PERSON: Mr. S. d'Arazien, NIEHS)

Further, NTP uses various toxicological information resources for extensive literature searching and acquistion of scientific papers. Included are a number of information organizations in the private sector which extend the capability of the NTP, and these organizations are available on short notice through interagency or basic ordering agreements. Comprehensive literature searches and quarterly updates to those searches were performed for the chemical manager by the Toxicology Information Response Center (TIRC). From these, the most important references are selected for inclusion in an experimental design package sent to reviewers for generating the protocols for carcinogenesis bioassay testing. (CONTACT PERSONS: Ms. J. Chase and Ms. F. Jordan, NIEHS)

Tracking of Chemical and Test Status—The Program Resources Branch updates the computerized status file for chemicals in various stages of carcinogenicity testing, producing a computerized listing of all chemicals. These lists are distributed quarterly on an individual basis to those who want to know about progression of chemicals through the Program.

Records from the carcinogenesis bioassay data system may be obtained from the Toxicology Information and Scientific Evaluation Group. These include protocols for the various bioassays and individual animal pathology tables as these are verified and entered into the system, often before the final report has been released. (CONTACT PERSONS: Ms. J. Chase and Ms. L. Juodeika, NIEHS)

A chemical management and tracking system (CHEMTRACK) has been developed that will provide information on NTP chemical nomination, selection, test status, and summary results. This is described further in the Data Management and Analysis section.

Among the activities of the NLM/NTP information group related to chemical tracking were the following:

Assignment of NTP numbers reached 1,300 in FY 1982, an increase of some 200 from the number assigned in FY 1981. The data concerning test assignments were computerized and merged with the NTP numbers and Chemical Abstracts Service (CAS) Registry Numbers to generate the tables contained in the FY 1981 and FY 1982 NTP *Annual Plans*. The first edition of the *NTP Chemical Registry Handbook* was completed and distributed to senior NTP personnel in FY 1981. The *Handbook* contains for each NTP chemical the CAS registry number, structure, molecular formula, tests being conducted, and synonyms. Copies are available from the National Technical Information Service (NTIS) for sale and distribution (NTIS, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Va 22161, 703/487–4150; Order No. PB. 82–142977).

The toxicology testing tables and indexes for the FY 1982 *Review of Current DHHS, DOE and EPA Research Related to Toxicology* were prepared by the NLM/NTP group. A "Master List of Chemicals of Concern as Possible Carcinogens" which will list chemicals regulated by U.S. agencies as carcinogens or which are under consideration for possible regulation is being constructed for NTP at ORNL under NLM direction. Printed listings will become available early in FY 1983. (CONTACT PERSON: Dr. P. Craig)

International Coordination—In partnership with the international community, the NTP strives to formulate a universally-based communication network of toxicologic information, and in particular, in the area of chemical carcinogenesis. Concomitantly, the NTP is seeking active participation from toxicologists throughout the world. The NTP will continue to expore and develop liaison with foreign agency counterparts. For instance, contacts have been established with the World Health Organization (WHO), with the International Program on Chemical Safety (IPCS), with the International Agency for Research on Cancer (IARC), with the International Registry of Potentially Toxic Chemicals (IRPTC), with the United Nations Environment Program (UNEP), with the European Chemical Industry Ecology and Toxicology Center (ECETOX), and with governments and individual scientists throughout the world. As an example, in July 1981, an agreement was entered into with the IARC to establish and maintain an international registry of persons exposed to phenoxy herbicides and contaminants, particularly the chlorinated dibenzodioxins and dibenzofurans. This registry will complement the national effort under the guidance of NIOSH.

An NTP/EPA interagency effort has been initiated to establish a worldwide clearinghouse on phthalate research activities. Information is being collected, catalogued, and stored, primarily about ongoing research and testing efforts; an international registry of scientists engaged in

phthalates research is being assembled, and in certain voluntary instances preliminary or recently completed research and testing results will be received and made available. In FY 1982, a data form was sent to persons involved in phthalate testing or research. In addition, a form was inserted in the April 1982 issue of the Technical Bulletin to encourage all parties not reached by the separate mailing to report work recently completed, in progress, or contemplated. (CONTACT PERSONS: Ms. J. Chase, NIEHS, and Dr. D. Canter, NIEHS)

Public Awareness and Inquiry Responses—Public awareness of the NTP increased during FY 1982. NTP meetings, Program results, and other activities were reported widely in the trade press and occasionally in the general media. The mailing list for the NTP *Annual Plan, Annual Report on Carcinogens, Technical Bulletin* and Technical Reports includes 6,300 names and addresses. Results from surveys of those receiving the *NTP Annual Plan* and the *Annual Report on Carcinogens* indicate that users are concentrated among: industry (28 percent), research or consulting (17 percent), academic or educational (17 percent), Federal Government (15 percent), health care (6 percent), labor and public interest (6 percent), state government (5 percent), trade or professional associations (3 percent) law firms (2 percent), and local governments (1 percent). This mailing list contains names of about 200 media representatives and over 500 foreign addressees.

A readership survey was sent to those receiving Volume II of *The 1981 NTP Annual Plan, (Review of Current DHHS, DOE, and EPA Research Related to Toxicology),* and the responses are being considered in preparation of current and future volumes. The Public Information Office (PIO) will periodically survey NTP readership to update mailing lists and to determine how information is used to make the Program more responsive to the needs of environmental health researchers and public health professionals.

The PIO, working with the Toxicology Information and Scientific Evaluation Group, answers public inquiries and conducts an outreach program to assure that the results of NTP testing and test methods development programs reach those involved in toxicology and public health policy. The PIO prepares press releases and **Federal Register** notices detailing NTP activities and program results.

The PIO has produced a 20-page pamphlet explaining the NTP's mission to the general public. This pamphlet was distributed with the *Second Annual Report on Carcinogens.* As resources become available, it is hoped that other general interest publications can be made available and outreach activities can be broadened. The PIO is also responsible for the Program's contact with the press. (CONTACT PERSON: Mr. S. d'Arazien, NIEHS)

The PIO maintains the NTP mailing list and distributes the following documents:

- The *NTP Annual Plan* (including Volume II, *Review of Current DHHS, DOE, and EPA Research Related to Toxicology);*
- The *NTP Technical Bulletin* (a quarterly publication which presents the latest program plans and results);
- A summary of the *Annual Report on Carcinogens;*
- NTP Technical Reports

Requests should be sent to: NTP Public Information Office, MD B2–04, P.O. Box 12233, Research Triangle Park, NC 27709.

Annual Report on Carcinogens

The *Third Annual Report on Carcinogens* will be published in the first half of FY 1983. The report was prepared by the NTP staff and its member agencies pursuant to a 1978 amendment (Section 301(b)(4)) to the Public Health Service Act which requires that the Secretary of the Department of Health and Human Services publish annually a list of "all substances which are either known to be carcinogens or which may reasonably be anticipated to be carcinogens and to which a significant number of persons residing in the United States are exposed * * *." Each annual report also contains available information on the nature and degree of exposure to such carcinogens and on the extent to which Federal regulations are effective in reducing the risk to public health.

The *Third Annual Report on Carcinogens* includes 116 entries on substances, chemicals, or manufacturing processes (Table 43). Included is information on 88 entries in last year's second annual report. These entries are included because the International Agency for Research on Cancer (IARC) has determined that there is "sufficient evidence of carcinogenicity in experimental animals" to classify them as animal carcinogens, because they are regulated by the Federal government as carcinogens, because they have been found to cause cancer in bioassays conducted by the National Cancer Institute or the NTP, or because their inclusion was suggested by the agencies involved in preparing the *Annual Report.*

Among the entries are naturally-occurring substances, additives to food or cosmetics, pesticides, pharmaceuticals, and many which are either associated with industrial production or are by-products of manufacture.

The fact that a substance is not included in the report does not mean that the agent is not a confirmed or suspected carcinogen. There are additional substances which represent potential health hazards to the population. The available data are being examined and these agents will be added to future reports.

Each of the entries includes information on the human and animal evidence for carcinogenicity, on production and occurrence and use, and on what is known about the route and amount of human exposure. The specific regulations promulgated by various Federal agencies are included as well.

The *Annual Report* also contains an extensive list of the common synonyms for the chemicals included, a glossary of terms and acronyms and, as required by law, a list of requests to the Department of Health and Human Services for information about carcinogens.

The information provided in the *Third Annual Report on Carcinogens* was developed by the following Federal regulatory and research agencies: The Centers for Disease Control/National Institute for Occupational Safety and Health; the Consumer Product Safety Commission; the Environmental Protection Agency; the Food and Drug Administration; the National Cancer Institute; the National Institute of Environmental Health Sciences; the National Library of Medicine; and the Department of Labor/Occupational Safety and Health Administration. (CONTACT PERSON: Dr. R. Shapiro, NIEHS)

Copies of the summary of the *Third Annual Report on Carcinogens* may be obtained without charge by contacting: NTP Public Information Office, MD B2–04, P.O. Box 12233, Research Triangle Park, NC 27709. Telephone: (919) 541–3991; FTS 629–3991.

Copies of the complete *Third Annual Report on Carcinogens* will be made available for a fee from the National Technical Information Service (NTIS) (NTIS, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, VA 22161, 703/407–4150).

Tables

To conserve space and minimize cost, results are not given in the tables. Results are available in the bound version of the NTP Fiscal Year 1983 Annual Plan which may be ordered from: NTP Public Information Office, P. O. Box 12233, Research Triangle Park, NC 27709, (919) 541–3991 or (FTS) 629–3991.

Questions or Additional Information

Questions or requests for information about the Annual Plan and the National Toxicology Program should be addressed to: Dr. Larry Hart, National Toxicology Program, P.O. Box 12233, Research Triangle Park, NC 27709; (919–541–3971; FTS 629–3971).

If readers of the Annual Plan are aware of planned or ongoing studies on chemicals mentioned in the Plan, they are encouraged to make such information known to the NTP, so that unnecessary duplicative studies can be avoided or minimized.

Errors or Omissions

Although every effort is made to ensure that the Annual Plan is error free, mistakes may occur. Any errors or omissions noted by the reader in the body of the Annual Plan, or the index, should be called to the attention of Dr. Larrry Hart (see above for address).

Index

Numbers in the index refer to the number of the table in which the chemical is listed *except* where prefixed with a P. These entries are found in the text and P refers to the page number in the bound version of the Plan.

BILLING CODE 4140–41–M

TABLE 1

CHEMICALS TESTED FOR MUTAGENICITY IN SALMONELLA ASSAYS
IN FY 1982 FOR WHICH RESULTS ARE AVAILABLE FROM NTP

Acetonitrile
AF-2
Allyl isothiocyanate
9-Aminoacridine HCL H20
2-Aminoanthracene
P-Aminobenzoic acid
2-Amino-4-nitrophenol
2-Amino-5-nitrophenol
Ampicillin trihydrate
N-Amylamine
Anethole
P-Anisidine
Anthracene
Benzethonium chloride
Benzidine
Benzophenone
O-Benzyl-p-chlorophenol
4-Biphenylamine
2,2-Bis(bromomethyl)-1,3-propanediol
Bis(2-chloroethyl)ether
N,N'-Bis(1,4-dimethylpentyl)-p-phenylenediamine
1,2-Bis(2,4,6-tribromophenoxy)ethane
Boric acid
Bromoacetonitrile
Bromodichloromethane
2-bromo-4,6-dinitroaniline
Brucine
1,4-Butanediol diglycidyl ether
Tert-Butylamine
n-Butylamine
Butyl anthranilate
Butyl(2,4-dichlorophenoxy) acetate
Butyl methacrylate
o-sec-Butylphenol
Butyl(2,4,5-trichlorophenoxy) acetate
Butyraldehyde
gamma-Butyrolactone
Cadmium oxide
Carvyl acetate
Chlorambucil
Chlordane
Chlordecone (Kepone)
Chlordecone alcohol
Chloroacetonitrile
2-Chloroethyltrimethyl-ammonium chloride
2-Chloromethylpyridine hydrochloride
4-Chloro-2-nitroaniline
Chlorothen
3-Chloro-p-toluidine
5-Chloro-o-toluidine
Chlorpheniramine maleate
Choline chloride
C.I. Acid Red 114
C.I. Direct Blue 218
C.I. Direct Blue 1
C.I. Direct Blue 15
C.I. Direct Blue 53
C.I. Direct Blue 25
C.I. Direct Green 1
C.I. Direct Red 2
C.I. Pigment Violet 1
C.I. Vat Blue 1
C.I. Vat Brown 3
C.I. Vat Yellow 4
1,8- Cineol
Citral
Colchicine
Cresyl diphenyl phosphate
Curcumin
Cyclohexane
Cyclohexylamine
Diallylamine
Diallyl phthalate
1,4-Diamino-2,6-dichlorobenzene
4,4'-Diaminodicyclohexylmethane
1,3-Diaminopropane
Di-n-amylamine
Diarylanilide Yellow
Dibromoacetonitrile
2,3-Dibromo-2-butene-1,4-diol
Dibromomannitol
2,3-Dibromopropylmethacrylate
2,3-Dibromopropyl acrylate
Dibutyl phthalate
Dibutyltin diacetate
3,3'-Dichlorobenzidine dihydrochloride
2,7-Dichlorodibenzo-p-dioxin
Dichloroisocyanuric acid
1,3-Dichloropropene
2,3-Dichloroquinoxaline
Dicyclohexyl phthalate
Dicyclopentadiene
Diesel fuel marine
DI(2-ethylhexyl) phthalate
Diethylamine
(Diethylamino)ethanol
Diethylene glycol
Diethylenetriamine
DI(2-ethylhexyl)sebacate
DI(p-ethylphenyl)dichloroethane
N,N'-Diethylthiourea
Diglycidyl resorcinol ether
2,2'-Dihydroxy-4-methoxy-benzophenone
Diisobutyl phthalate
Diisodecyl phthalate
Diisononyl phthalate
Diisopropylamine
Dimenhydrinate
3-Dimethylamino-propylamine
N,N'-Dimethylaniline
Dimethylcarbamoyl chloride
Dimethylethanolamine
Dimethyl hydrogen phosphite
Dimethyloldihydroxyethyleneurea
Dimethyl phthalate
Dimethyl terephthalate
2,4-2,4-Dinitroaniline
2,4-Dinitrotoluene
Dioctyl phthalate
Dioxathion
DI(n-hexyl)phthalate
Ditridecyl phthalate
Diundecyl phthalate
Divinylbenzene
Dodecenylsuccinic anhydride
Endosulfan
Epibromohydrin
Epichlorhydrin
1,2-Epoxyhexadecane
1,2-Epoxy-3,3,3-trichloropropane
Erythromycin stearate
Monoethanolamine
2-2-Ethoxyethyl p-methoxy-cinnamate
Ethyl anthranilate
N,N'-Ethylene-bis(tetrabromo-phthalimide)
Ethylene thiourea
2-Ethylhexanol
Mono(2-ethylhexyl) adipate
2- Ethylhexyl 2-cyano-3,3-diphenylacrylate
2-Ethylhexyl diphenyl phosphate
2-Ethylhexyl-p-methoxycinnamate
Mono(2-ethylhexyl)phthalate
Ethylidenenorbornene
Ethyl ethanesulfonate
Ethylvanillin
4-Fluoro-dl-phenylalanine
5-Fluorouracil
Furfuryl acetate
Gibberellic acid
Glutaraldehyde
Halothane
Heptachlor
Hexabromocyclododecane
Hexamethyl-p-rosaniline chloride
Hexanamide
N-Hexane
1,6-Hexanediamine
Hexylresorcinol
Hydrochlorothiazide
Hydroquinone monomethyl ether
2-Hydroxy-4-methoxybenzophenone
L-5-Hydroxytryptophan
3.3'-Iminobis(propylamine)
Indomethacin
Beta-Ionone
Isoamyl nitrite
Isobutylamine
Isobutyl anthranilate
Isobutyl nitrite
Isobutyraldehyde
Isoeugenol
Isoprene
Isopropyl glycidyl ether
Isoproterenol hydrochloride

TABLE 1

CHEMICALS TESTED FOR MUTAGENICITY IN SALMONELLA ASSAYS
IN FY 1982 FOR WHICH RESULTS ARE AVAILABLE FROM NTP (CONT.)

Lead dioxide
Linoleic acid
Malathion
Mercaptobenzothiazole
Mercuric chloride
p-Methane-1,8-diamine
Methoxychlor
alpha-Methylbenzyl alcohol
alpha-Methyl cinnamaldehyde
N-Methyldiethanolamine
4,4'-Methylenebis(2-chloroaniline)
N-Methylethanolamine
Methyleugenol
O-Methylhydroxylamine HCL
Methyl isocyanate
Methyl methanesulfonate
N-Methyl-2-pyrrolidone
Mirex
Monoethylamine
Monuron
Myleran
o-Nitroacetophenone
p-Nitroacetophenone
p-Nitroaniline
o-Nitroanisole
4-Nitroanthranilic acid
p-Nitrobenzoyl chloride
p-Nitrobenzyl chloride
o-Nitrobenzyl chloride
o-Nitrophenethyl alcohol
o-Nitrophenol
4-Nitro-o-phenylenediamine
Oleic acid
O,O-Diethyl S-(1,1-dimethylethyl) thioOmethyl)phoshorodithioate
Parathion
Pentabromodiphenyl oxide
2,3,4,5,6-Pentabromoethylbenzene
Pentabromophenol
Pentabromotoluene
Phenthiazine
o-Phenanthroline
Pheniramine maleate
Phenolphthalein
D-Phenylalanine
N-Phenylhydroxylamine
1-Phenyl-3-methyl-5-pyrazolone
Phthalamide
Phthalic anhydride
Pichloram
Piperazine
Piperonalacetone
Potassium chloride
Prednisone
Promethazine hydrochloride
Propiolactone
Propionaldehyde
Propylenediamine
Pyrilamine
p-Quinone
Resorcine blue
Saccharin
Sodium diethyldithiocarbamate
Stannous chloride
Sulfamethazine
Sulfamethizole
Sulfamethoxazole
Sulfan blue
Sulfathiazole
Tetrabromobisphenol A
Tetrabromophthalic anhydride
1,2,4,5-Tetrachlorobenzene
1,1,1,2-Tetrachloroethane
Tetracycline hydrochloride
Tetraethylenepentamine
Tetraethylthiuram disulfide
N,N,N',N'-Tetramethyl-1,3-butanediamine
N,N,N',N'-Tetramethylethylenediamine
4,4-Thiobis(6-tert-butyl-m-cresol)
Thonzylamine hydrochloride
Toluene diisocyanate
Toxaphene
Triamylamine
S-Triazine-2,4,6(1H,3H,5H)-trione, 1,3-dichloro-, potassium salt
2,4,6-Tribromophenol
Trichloroacetonitrile
Trichloroethylene
Trichlorofluoromethane
2,4,5-Trichlorophenol
2,4,5-T isobutyl ester
Triethylamine
Triethylenetetramine
Triethyllead chloride
Triethyl phosphate
Triisopropanolamine
Trimellitic anhydride
Trimetacresyl phosphate
Trimethoprim
2,4,5-Trimethoxybenzaldehyde
Trimethylamine
3,3,5-Trimethylcyclohexyl
Trimethylthiourea
Tripelennamine
Triphenyl phosphate
Tris(2-chloroethyl)phosphite
Tris(1,3-dichloro-2-propyl) phosphate
Trixylenyl phosphate mixed isomers
Turmeric oil
Vanillin
Veratraldehyde
Vinyl cyclohexene dioxide
Witch hazel
Wollastonite calcium silicates
Zinc pyrithione
Zirconium oxychloride

TABLE 2

CHEMICALS SELECTED FOR MUTAGENICITY TESTING IN SALMONELLA IN FY 1983

Acetaldehyde
Acetanilide
Acetic anhydride
Acetoacetanilide
2-Acetylamino-4-methylphenol
N-Acetyl-m-aminophenol
1-Acetyl-2-phenyl hydrazide
N-Acetyl-m-Toluidine
N-Acetyl-p-Toluidine
Acrylamide
Acrylic acid
Acrylonitrile
Adiponitrile
Agaritine
Alloxan
Allyl acrylate
Allylamine
Allyl anthranilate
Allyl propyl disulfide
Allylthiourea
p-Amino acetanilide
m-Aminoacetanilide
2-Aminoacetanilide
5-(4-Aminobenzamido)-2,3-cresotic acid
2-Aminobenzenesulfonic acid
3-Aminobenzenesulfonic acid
4-Aminobenzenesulfonic acid
2-Aminobenzimidazole
2-Amino-4-chloro-5-nitrophenol
2-Amino-4-chloro-6-nitrophenol
2-Amino-6-chloro-4-nitrophenol
2-Amino-4-chlorophenol
6-Amino-4-chloro-1-phenol-2-sulfonic acid
2-Amino-4,6-dichlorophenol
2-Amino-4,6-dinitrophenol
4-Amino-4'-hydroxy-3-methyldiphenylamine
2-Amino-4-methylphenol
3-Amino-6-methylphenol
3-Amino-4-methylphenol
2-Amino-4-(methylsulfonyl)phenol
2-Amino-6-nitrobenzothiazole
2-Amino-5-nitro-4-methylphenol
2-Amino-3-nitro-4-methylphenol
4-Amino-2-nitrophenol
6-Amino-4-nitro-1-phenol-2-sulfonic acid
2-Amino-6-nitro-1-phenol-4-sulfonic acid
3-Aminophenol
4-Aminophenol
2-Amino-1-phenol-4-sulfonic acid
2-Aminopyridine
5-Amino-3-sulfosalicylic acid
3-Amino-5-sulfosalicylic acid
3-Aminotriazole

TABLE 2

CHEMICALS SELECTED FOR MUTAGENICITY TESTING IN SALMONELLA IN FY 1983 (CONT.)

2-Amino-3,4,6-trichlorophenol
Amphetamine sulfate
Amphotericin B
Amyl nitrite
Antergan hydrochloride
Anthralin
o-Anthranilic acid
Atrazin
Azathioprine
Azinphosmethyl
Benomyl
Benzamide
Benzene sulfonic acid
Benzimidazole
Benzimidazol-2-ylurea
Benzonitrile
Benzo(f)-quinoline
p-Benzoquinone monooxime
Benzothiazole, 2,2'-dithiobis
Benzotriazole
Benzoyl chloride
Benzoyl peroxide
Benzyl chloride
Benzyltrimethyl ammonium chloride
2-Biphenylol, sodium salt
2,4-Bis(p-aminobenzyl) aniline
1,3-Bis(2-benzothiazolylmercapto-methyl) urea
1,3-Bis(tert-butyldioxyiso-propyl)benzene
Bismuth subsalicylate
Bisphenol A diglycidyl ether
Bis(tributyltin)oxide
N-Bromoacetamide
p-Bromoaniline
3-Bromo-2,2-bis(bromomethyl) propanol
Bromochloroacetaldehyde
Bromochloroacetonitrile
2-Bromo-1-ethanol
2-Bromoethyl acrylate
Beta-bromo-beta-nitrosostyrene
3-Bromo-1-propanol
1-Bromo-2-propanol
2,3-Butanedione 2-oxime
Mono-sec-butanolamine
N-Butyl acrylate
sec-Butylamine
tert-Butyl chromate
Butyl cyclohexyl phthalate
tert-Butyl perbenzoate
tert-Butylphenyl diphenyl phosphate
Butyltin-tris(isooctyl-mercaptoacetate)
tert-Butyltoluene
Butyric acid
Cadinene
Caprolactam
Carbarsone
4-(3-Carbazoylamino)phenol
Carbendazim
((O-Carboxyphenyl)thio)ethyl-mercury sodium salt
Carisoprodol
Carminic acid
Carveol
Castor oil
Chloral
Chloramphenicol sodium succinate
Chlorinated trisodium phosphate
Chloroacetophenone (CN)
N-(3-Chloroallyl)hexaminium chloride
m-Chloroaniline
o-Chloroaniline
o-Chlorobenzalmalononitrile
4-Chloro-2-(2,4-dinitroanilino) phenol
Chloroethyl acrylate
3-Chloromethylpyridine hydrochloride
Chloroneb
4-Chloro-O-phenylenediamine
3-Chloro-1,2-propanediol
2-Chloro-1,3-propanediol
1-Chloro-2-propanol
2-Chloro-1-propanol
3-Chloro-1-propanol
o-Chlorostyrene
Chlorotrianisene
2-Chloro-6-(trichloro-methyl)pyridine
Chlorotrimethylsilane
C.I. Acid Blue 74
C.I. Acid Orange 10
C.I. Acid Orange 3
C.I. Acid Red 14
C.I. Basic Orange 2
C.I. Basic Red 9
C.I. Basic Violet 14
C.I. Direct Black 114
C.I. Direct Blue 2
C.I. Direct Blue 8
C.I. Direct Blue 10
C.I. Direct Brown 2
C.I. Direct Red 39
C.I. Direct Yellow 11
C.I. Disperse Blue 1
C.I. Disperse Yellow 3
C.I. Pigment Green 36
C.I. Pigment Orange 43
C.I. Pigment Orange 7
C.I. Pigment Red 2
C.I. Pigment Red 8
C.I. Pigment Red 69
C.I. Pigment Yellow 74
C.I. Solvent Red 5
C.I. Solvent Yellow 14
Cinnamaldehyde ethylene glycol acetal
Citral diethyl acetal
Clonitralid
Coconut diethanolamide
Codeine
Copper acetoarsenite
p-Cresidine
p-Cresol glycydyl ether
Cumene hydroperoxide
4-Cumylphenyldiphenyl phosphate (CPDPP mixed isomers)
Cyclohexanone cyanohydrin cyclohexim1de
Cyclohexyl anthranilate
Cytarabine
Cytarabine hydrochloride
Cytembena
Dacarbazine
Decyl methacrylate
Dehydroemetine hydrochloride
Diaminomaleonitrile
Diazoaminobenzene
Dibromoacetaldehyde
Dibromochloropropane
1,2-Dibromo-4-(1,2-dibromoethyl) cyclohexane
Dibromodulcitol
2-(Dibutylamino)ethanol
Di-tert-butyl peroxide
Dibutyl phenyl phosphate
Dibutyltin-bis(laurylmercaptide)
Dibutyltin dilaurate
Dichloran
Dichloroacetaldehyde
2,5-Dichloroaniline
3,4-Dichloroaniline
1,2-Dichloroethane
4,5-Dichloro-6-methyl-2-methyl-sulfonylpyrimidine
1,1-Dichloro-1-nitroethane
1,3-Dichloro-2-propanol
2,3-Dichloro-1-propanol
Dichlorvos
Dicumyl peroxide
Dicyclohexylamine
Dicyclohexylamine nitrite
5-Diethylamino-2-nitroso-4-methylphenol
5-Diethylamino-2-nitrosophenol
3-Diethylaminophenol
N,N-Diethyl aniline
Diethylbutylamine
Diethyldichlorosilane
Diethylene glycol bis-glycidyl ether
Diethylstilbestrol
2,4-Difluoroaniline
Dihexylamine
1,2-Dihydro-2,2,4-trimethyl-quinoline
3,3'-Dihydroxybenzidine
1,8-Dihydroxy-4,5-dinitro-anthraquinone
Dihydroxyurea
Diisobutylamine
2,6-Diisocyanatotoluene
Diisopropanolamine
Di(isopropylphenyl)phenyl phosphate (DIPP)
N,N-Dimethylacetamide
2-(Dimethylamino)ethyl acrylate
3-Dimethylamino-4-methylphenol
5-Dimethylamino-2-nitroso-4-methylphenol
3-Dimethylaminophenol
3,3'-Dimethylbenzidine
2,5-Dimethyl-2,5-bis(tert-butyl-peroxy)hexane
1,3-Dimethylbutylamine

TABLE 2

CHEMICALS SELECTED FOR MUTAGENICITY TESTING IN SALMONELLA IN FY 1983 (CONT.)

N-(1,3-Dimethibutyl)-n-phenyl -p-phenylenediamine
Trans-1,3-Dimethylcyclopentane
1,1-Dimethyl-1-(2-hydroxpropyl- amine)methacrylimide
1,1-Dimethyl-1-(2-hydroxypropyl- amine)tetradecanimide
Dimethyl morpholinophosphonate
Dimethyl sulfoxide
2-(2,4-Dinitroanilino)phenol
4-(2,4-Dinitroanilino)phenol
2,4-Dinitro-6-(1-methyl- heptyl)phenol
2,4-Dinitrophenol
Di(n-octyl)tin-S,S'-bis (isooctylmercaptoacetate)
Di(n-octyl)tin maleate
1,3'-Diphenylguanidine
Diphenylurea
Di-n-Propylamine
Direct Violet 32
Di-sec-butanolamine
Dodecyl alcohol, ethoxylated
N-Dodecylmercaptan
Doxylamine succinate
Econazole
Emetine hydrochloride
Ephedrine sulfate
Epinephrine
2,3-Epoxy-1,4-dichlorobutane
1,2-Epoxy-1,1,2,3,3,3- hexafluoropropane
Ergotamine tartrate
Estragole
N-(3-Ethoxyphenyl)acetamide
3-Ethylamino-4-methylphenol
3-Ethylaminophenol
N-Ethyl aniline
Ethylbenzene
Ethyl chloride
S-Ethyl dipropylthiocarbamate
2-Ethylhexyl acrylate
Ethyl methacrylate
N-Ethylmorpholine
N-Ethyl-N-phenyl benzylamine
Ethyl 3-phenylglycidate
N-Ethyl-O-toluenesulfonamide
FD and C Red No. 32
Formulated fenaminosulf
Formamide
Formanilide
Fumaric acid
Furfuralacetone
Furfuryl alcohol
Furosemide
beta-2-Furylacrolein
Glycidol
Griseofulvin
Halazone
HC Blue 1
HC Blue 2
HC Red 3
2-Heptadecyl-3-hydroxyethyl- imidazoline
1,2,3,6,7,8-Hexachloro- dibenzo-p-dioxin
Hexachloronaphthalene
Hexadecylamine
Hexafluoroacetone
Hexafluoro-1-propanol
Hexahydro-1,3-tris(2-hydroxy- ethyl)triazine
1,6-Hexamethylene diacrylate
1,3,6-Hexanetricarbonitrile
n-Hexyl methacrylate
Hycanthone methanesulfonate
Hydrocyanic acid
Hydroxyacetonitrile
2-Hydroxybenzamide
N-Hydroxybenzamide
alpha-Hydroxybenzeneacetonitrile
N-(Hydroxyethel)ethylenediamine
Hydroxylamine, hydrochloride
2-Hydroxy-2-methylpropanenitrile
2-Hydroxy-1,4-naphthoquinone
3-Hydroxy-n-phenylaniline
2-Hydroxypropanenitrile
3-Hydroxypropanenitrile
8-Hydroxyquinoline sulfate
Iodinated glycerol
Iodoacetic acid
Iodochlorohydroxyquinoline
beta-Ionone
Isatin-5-sulfonic acid
Isobutyl acrylate
Isobutyl methacrylate
Isodecyl diphenyl phosphate
Isophorone diisocyanate
Monoisopropanolamine
Isopropylamine
N-Isopropylaniline
Isopropyl methacrylate
Isopropyl phenyl diphenyl phosphate (IPDP mixed isomers)
N-Isopropyl-N'-phenyl-p- phenylenediamine
Lauric acid
Lauric acid diethanolamine
Laurylethanolamide
Linalyl anthranilate
Malaoxon
Maleic hydrazide diethanolamine
Malonic dinitrile
Maltol
Manganese sulfate
para-Menthane hydroperoxide
2-Mercaptobenzimidazole
Methacrylonitrile
Methapyrilene hydrochloride
Methdilazine hydrochloride
3-((Methoxycarbonyl)amino)phenyl N-(3-methylphenyl)carbamate
O-Methoxycinnamaldehyde
Methoxyethyl mercury chloride
Methoxyflurane
4-Methoxy-3-nitro-N-phenyl- benzamide
Methyl acrylate
Monomethylamine
3-Methylamino-4-methylphenol
N-Methyl aniline
Methyl anthranilate
N-Methylbenzamide
2-Methylbenzamide
cis-2-Methyl-2-butenenitrile
trans-2-Methyl-2-butenenitrile
2-Methyl-3-butenenitrile
Methyl 2-cyanoacrylate
Methyl demeton
Methyldopa
N,N'-Methylenebisacrylamide
Methylenebis(4-cyclohexyl isocyanate)
Methylenedianiline
Methylglutaronitrile
Methyl mercuric chloride
Methylmercury hydroxide
Methyl methacrylate
4-Methyl-4-methoxy-2-pentanone
N-Methylolacrylamide
Methylphenidate
N-Methyltaurine
Methyltin-tris(isooctylmercapto- acetate)
Methyltrifluoromethanesulfonate
Metronidazole
Mexacarbate
Mezerein
Monosodium glutamate
Musk ambrette
Musk ketone
Nalidixic acid
1,4-Naphthalenediamine
4-(2-Naphthylamino)phenol
2-Naphthyl lactate
Neohesperidin dihydrochalcone
N-Ethyl-N-butylamine
Nickel carbonyl
Ninhydrin
NTA(Nitrilotriacetic acid)
m-Nitroacetophenone
o-Nitroaniline
m-Nitroaniline
m-Nitrobenzamide
p-Nitrobenzamide
o-Nitrobenzamide
p-Nitrobenzoic acid
o-Nitrobenzoic acid
m-Nitrobenzoic acid
m-Nitrobenzoyl chloride
o-Nitrobenzoyl chloride
m-Nitrobenzyl chloride
p-Nitrophenethyl alcohol
p-Nitrophenethyl alcohol, acetate
o-Nitrophenethyl alcohol, acetate
m-Nitrophenol
(o-Nitrophenyl)acetonitrile
1-(4-Nitrophenyl)-2-chloropropane
N-Nitrosodiethanolamine
N-Nitroso-N-ethylurethane
Nonamethyleneimine
Nonanal
Nonylphenyl diphenyl phosphate (NPDPP mixed isomers)
Noscapine
Ochratoxin A
Octachlorodibenzodioxin
Octachloronaphthalene
Octadecylamine
N-Octyl methacrylate
Oleic acid diethanolamine

TABLE 2

CHEMICALS SELECTED FOR MUTAGENICITY TESTING IN SALMONELLA IN FY 1983 (CONT.)

Olivetol
Oxethazaine
Papaverine hydrochloride
Pentabromochlorocyclohexane
Pentachloroanisole
Pentaerythritol triacrylate
Pentaethylenehexamine
cis-2-Pentenenitrile
trans-2-Pentenenitrile
3-Pentenenitrile
p-tert-Pentylphenol
Peracetic acid
Perchloromethyl mercaptan
Phenamiphos
Phenesterin
Phenethyl anthranilate
o-Phenetidine
p-Phenetidine
m-Phenetidine
Phenformin hydrochloride
Phenoxybenzamine hydrochloride
Phenylacetonitrile
N-Phenylbenzenamine
Phenylephrine hydrochloride
2-Phenyl-2-ethylmalondiamide
Phenylphosphine
Photodieldrin
Piperonyl acetate
2-Pivalyl-1,3-indandione
Polyethylene glycol 200
Polyethylpotassium 2-benzyl-4-chlorophenate
Polyvinylchloride latex
Polyvinylpyrrolidone polymers
Potassium p-tert amylphenate
Primaclone
Procarbazine hydrochloride
Propanedial, ion(1-), sodium
2-Propanol, 1-chloro-, phosphate (3:1)
Propantheline bromide
Propionitrile
Propylene
Propylene cyanohydrin
1,3-Propylene oxide
3-Propylidenephthalide
N-Propyl methacrylate
Quaternary ammonium compounds, benzyl-C8-18-alkyldimethyl, chlorides
Quinacrine dihydrochloride
Quinacrine mustard
Quinidine
D & C Red 9
Rhodamine 6G
Riddelline
Roxarsone
Salicylazosulfapyridine
Scopolamine
Senecphylline
Sodium arsenilate
Sodium cyanurate
Sodium iodomethanesulfonate
Sodium mercaptobenzothiazole
Monosodium methane arsenate
Sodium methohexital
Stearatochromic chloride complex
Succinic anhydride
Succinonitrile
5-Sulfoanthranilic acid
Sunset Yellow FCF 6
L-Taurine
1,2,4,5-Tetrabromo-3,6-dimethylbenzene
O-Tetrabromoxylene
Tetrachlordiphenylethane
Tetrachloronaphthalene
Tetrachlorvinphos
Tetraethyldithiopyrophosphate
Tetraethylene glycol diacrylate
Tetrafluoroethylene
1-trans-Delta-9-tetrahydrocannabinol
Tetramethylsuccinonitrile
1,1,3,3-Tetramethyl-2-thiourea
Thenyldiamine hydrochloride
Theophylline
Thiabendazole
Thiazole
2,2'-Thiobis(4-chlorophenol)
2,2'-Thiobis(4,6-dichlorophenol)
Thiocid
Thioglycolic acid
Thiophanate M
Thiophen
Thiourea
D-alpha tocopheryl succinate
Tolazamide
o-Tolualdehyde
o-Toluidine
m-Toluidine
m-Toluidine hydrochloride
p-Toluidinium chloride
o-Tolunitrile
p-Tolunitrile
m-Tolunitrile
Tolytriazole
Triallylamine
Triamiterene
Tribromoacetonitrile
2,4,6-Tribromophenyl carbonate
Tri-sec-butanolamine
Tributylamine
Trichlorfon
4,4,4-Trichloro-1,2-epoxybutane
Trichloromelamine
Triclorcarban
Triethanolamine stearate
Triethylene glycol diglycidyl ether
Trifluorothymidine
Triisobutylamine
Trimethyloxonium hexachloroantimonate
2,4,6-Trinitroaniline
2,4,6-Trinitrotoluene
Trioctyl phosphate
1,3,5-Trioxane (9Cl)
Triphenylamine
Triphenyl phosphite
Tri-n-Propylamine
Urethane
Urotropine
Valeronitrile
Vinylidene Fluoride
Vinyl Toluene
Vitamin D
Xylenes, commercial mixture
2,3-Xylidine
2,4-Xylidine
2,5-Xylidine
3,4-Xylidine
3,5-Xylidine
Zinc potassium chromate
Zineb

TABLE 3

CHEMICALS TESTED FOR MUTAGENICITY IN L5178Y MOUSE LYMPHOMA CELLS IN FY 1982 FOR WHICH RESULTS ARE AVAILABLE FROM NTP

Aldicarb
4-Amino-2-nitrophenol
2-Amino-5-nitrothiazole
Aniline
Anthracene
Benzo(e)pyrene
4,4'-Bis(dimethylamino) benzophenone
p-Chloroaniline
3-Chloromethylpyridine hydrochloride
C.I. Basic Red 9
N,N'-dicyclohexylthiourea
Diethylstilbestrol
Ethylene dibromide
Lead acetate
Lithocholic acid
Methyl carbamate
4,4'-Methylenebis(N,N'-dimethylaniline)
3-Nitropropionic acid
p-Phenylenediamine dihydrochloride
Pyrene
Sucrose
Thioacetamide
Thiourea

TABLE 4

CHEMICALS SELECTED TO BE TESTED FOR MUTAGENICITY
IN L5178Y MOUSE LYMPHOMA CELLS IN FY 1983

2-Amino-4-nitrophenol
2-Amino-5-nitrophenol
Ampicillin trihydrate
Anilazine
o-Anthranilic acid
Benzidine, dihydrochloride
Benzyl alcohol
Bromoform
2-Butanone peroxide
Beta-Cadinene
Chloramphenicol sodium succinate
Monochloroacetic acid
p-Chloroaniline
o-Chlorobenzalmalononitrile
Chloroform
3-Chloro-2-methylpropene
2,4-Diaminophenol dihydrochloride
Dichlorodiphenyltrichloroethane
2,4-Dichlorophenol
Dichlorvos
3,3'-Dimethoxybenzidine dihydrochloride
4-Dimethylaminoazobenzene
3,3'-Dimethylbenzidine
Dimethylcarbamoyl chloride
Dimethylformamide
Dimethyl methylphosphonate
Dimethyl morpholinophosphonate
Dimethylvinyl chloride
Erythromycin stearate
Ethylene glycol
Ethylene thiourea
Fluorene, 2-nitro
Furfural
Geranyl acetate
Glutaraldehyde
Hexylresorcinol
Hydrochlorothiazide
Hydroquinone
Hydroxylamine, hydrochloride
Mercuric chloride
Methylazoxymethanol acetate
Methyl carbamate
Methyl methacrylate
Nalidixic acid
2-Naphthylamine
Nitrofurazone
p-Nitrosodiphenylamine
Oxytetracycline hydrochloride
Penicillin VK
Phenacetin
Phenylbutazone
o-Phenylphenol
Potassium chloride
Progesterone
Resorcinol
Safrole
Sodium fluoride
Tetrachloroethylene
Tetracycline hydrochloride
3,3',5,5'-tetramethylbenzidine
Titanium oxide
Toluene
Triamterene
1,1,1-Trichloroethane
1,1,2-Trichloroethane
Trichloroethylene
Triphenyltin hydroxide
Trisodium nitrilotriacetate monohydrate
Vinyl cyclohexene dioxide
Vinyl toluene

TABLE 5

CHEMICALS TESTED FOR CYTOGENETIC EFFECTS IN CHINESE HAMSTER
OVARY CELLS IN FY 1982 FOR WHICH RESULTS ARE AVAILABLE FROM NTP

Acetonitrile
Acrolein
11-Aminoundecanoic acid
Benzidine
o-Benzyl-p-chlorophenol
Bis(2-chloro-1-methylethyl) ether
Bromobenzene
Bromoform
Butyraldehyde
Beta-Cadinene
Chlordecone (kepone)
Monochloroacetic acid
p-Chloroaniline
4-Chloro-2-nitroaniline
4-Chloronitrobenzene
m-Chloronitrobenzene
Choline chloride
C.I. Direct Blue 15
C.I. Direct Blue 6
Cinnamaldehyde
Cinnamyl anthranilate
Croton oil
2,4-Diaminophenol dihydrochloride
1,4-Dichlorobenzene
Dichlorodiphenylethylene
cis & trans 1,2-Dichloroethylene
2,4-Dichlorophenoxyacetic acid
1,2-Dichloropropane
3,3'-Dimethylbenzidine
Diphenylhydantoin
2-Ethoxyethanol
Formaldehyde
Glutaraldehyde
Halothane
Hydrazobenzene
Hydroquinone
Isoproterenol hydrochloride
Maleic hydrazide
Melamine
Methdilazine hydrochloride
p-Nitroaniline
o-Nitroanisole
2-Nitropropane
m-Nitrotoluene
p-Nitrotoluene
o-Nitrotoluene
Pentachlorophenol
Phthalic anhydride
Piperonyl butoxide
Promethazine hydrochloride
Propantheline bromide
Quinoline
Reserpine
2,3,7,8-Tetrachlorodibenzo-p-dioxin
1,1,2,2-Tetrachloroethane
2,3,5,6-Tetrachloronitrobenzene
Thiocarbanilide
Triamterene
Trichloroethylene
2,4,6-Trichlorophenol
2,4,5-Trichlorophenoxyacetic acid
1,2,3-Trichloropropane
Tricresyl phosphate
Triethanolamine
Trifluralin
Trimethoprim

TABLE 6

CHEMICALS SELECTED TO BE TESTED FOR CYTOGENETIC EFFECTS IN CHINESE HAMSTER OVARY CELLS IN FY 1983

Acetaldehyde
Acrylonitrile
Allyl isothiocyanate
2-Amino-4-nitrophenol
2-Amino-5-nitrophenol
Aniline
o-Anisidine
p-Anisidine
m-Anisidine
Benzoin
Benzo(a)pyrene
Benzyl acetate
Bisphenol A
2-Butanone peroxide
Butylated hydroxytoluene
Cadmium chloride
Caprolactam
Carbon disulfide
Chlordecone alcohol
Chlorobenzilate
2-Chloromethylpyridine hydrochloride
3-Chloromethylpyridine hydrochloride
2-Chloronitrobenzene
Chlorothalonil
3-Chloro-p-toluidine
5-Chloro-o-toluidine
4-Chlor-o-toluidine hydrochloride
Chlorpromazine hydrochloride
C.I. Acid Red 114
C.I. Direct Blue 218
C.I. Direct Brown 95
1,8-Cineol
Colchicine
Coumarin
Cyclophosphamide
o.p'-DDD
1,1-Dichloroethylene
1,1-Dichloroethylene
Dicofol
Dieldrin
N,N'-Diethylthiourea
Dimethoate
2,5-Dithiobiurea
Ethylene thiourea
2-Ethylhexanol
Ethyl-3-methyl-3-phenylglycidate
Ethyl tellurac
Eugenol
Fenthion
Geranyl acetate
Hexachlorobenzene
Hexachlorocyclopentadiene
Hexachloroethane
Hexamethyl-p-rosaniline chloride
Hexylresorcinol
Hydrochlorothiazide
Iodoform
Isoamyl nitrite
Isobutyl nitrite
Lead dimethyldithiocarbamate
Lindane
Malathion
Methyl parathion
Mirex
Monuron
N-(1-Naphthyl)ethylenediamine dihydrochloride
Nickelocene
4-Nitroanthranilic acid
Nitrobenzene
p-Nitrobenzoyl chloride
Nitrofurazone
1-Nitronaphthalene
4-Nitro-o-phenylenediamine
Parathion
Pentachlorobenzene
Pentachloroethane
Pentachloronitrobenzene
Phenazopyridine hydrochloride
Pheniramine maleate
Phenylbutazone
Piperonyl sulfoxide
Propionaldehyde
Pyrimethamine
Succinic acid 2,2-dimethyl-hydrazide
Sulfanilamide
4,4'-Sulfonyldianiline
1,1,1,2-Tetrachloroethane
Tetrachlorophthalic anhydride
Tetraethylthiuram disulfide
Tetrahydrofuran
O-Toluidine hydrochloride
1,1,1-Trichloroethane
tris(2-Chloroethyl) phosphate
Witch hazel
2,6-Xylidine
Zearalenone

TABLE 7

CHEMICALS TESTED FOR HERITABLE GENETIC EFFECTS IN DROSOPHILA IN FY 1982 FOR WHICH RESULTS ARE AVAILABLE FROM NTP

Acetoin
Allyl glycidyl ether
9-Aminoacridine HCL H20
o-Aminophenol
11-Aminoundecanoic acid
Aniline
o-Anisidine
Azodicarbonamide
p-Benzoquinone dioxime
tert-Butyl hydroperoxide
Calcium cyanamide
Chloral hydrate
Chlorobenzilate
Chlorothalonil
C.I. Direct Brown 95
Coumarin
Cyclophosphamide
Dibromochloropropane
2,3-Dibromo-1-propanol
3,4-Dichloronitrobenzene
2,4-Dichloronitrobenzene
2,3-Dichloronitrobenzene
Di(2-ethylhexyl) phthalate
3,3'-Dimethoxybenzidine
Dimethylcarbamoyl chloride
2,6-Dimethyl morpholine
N,N-Dimethyl-p-nitrosoaniline
1,4-Dioxane
1,2-Epoxybutane
1-fluoro-2,4-dinitrobenzene
Glutaraldehyde
Hydrazine sulfate
Hydrazobenzene
Lasiocarpine
Lead dimethyldithiocarbamate
Maleic hydrazide
2-Methyl-1-nitroanthraquinone
3-Nitro-p-acetophenetide
5-Nitro-o-anisidine
N-Nitrosopiperidine
Promethazine hydrochloride
Propanthelline bromide
Streptomycin sulfate
Sulfacetamide
2,3,5,6-Tetrachloronitrobenzene
Triethanolamine
Trifluralin
2,4,5-Trimethylaniline

TABLE 8

CHEMICALS SELECTED TO BE TESTED FOR HERITABLE GENETIC EFFECTS IN DROSOPHILA IN FY 1982

Acetaldehyde
Acetamide
Acetonitrile
AF-2
Alloxan
Allyl isothiocyanate
Allyl isovalerate
Amiben
2-Aminoanthracene
3-Amino-4-ethoxyacetanilide
3-Amino-9-ethylcarbazole
3-Aminotriazole
1-Aziridineethanol
Benomyl
Benzaldehyde
2-Biphenylamine
Bis(2-chloro-1-methylethyl) ether
Bromoform
Butyl benzyl phthalate
Butyraldehyde
Cadmium chloride
Carbendazim
Chlorambucil
2-Chloromethylpyridine HCL
3-Chloromethylpyridine HCL
Chloroneb
4-Chloro-2-nitroaniline
Chloropicrin
C.I. Acid Red 114
C.I. Acid Yellow 73
C.I. Direct Blue 15
C.I. Direct Blue 6
C.I. Direct Blue 53
Cinnamaldehyde
Colchicine
Crotonaldehyde
Croton oil
Cytembena
Diallyl phthalate
Dibromoacetonitrile
Dibutyltin diacetate
Dichloran
Dichloroacetonitrile
1,3-Dichloro-5,5-dimethyl-hydantoin
Dichlorodiphenylethylene
1,2-Dichloropropane
1,3-Dichloropropene
Dicofol
Di(2-ethylhexyl)adipate
N,N'-Diethylthiourea
Diglycidyl resorcinol ether
1,8-Dihydroxy-4,5-dinitro-anthraquinone
Dimenhydrinate
Dimethoxane
3,3'-Dimethylbenzidine
Dimethylformamide
Dimethyl hydrogen phosphite
2,4-Dinitroaniline
Diphenylhydantoin
1,2-Epoxypropane
1,2-Epoxy-3,3,3-trichloropropane
2-Ethoxyethanol
Ethyl acrylate
S-Ethyl dipropylthiocarbamate
Ethylene chlorohydrin
Ethylene thiourea
Ethyl tellurac
2-Fluorobenzoyl chloride
5-Fluorouracil
Formaldehyde
Furfural
Halothane
HC Yellow 4
Hexachlorobutadiene
Hexamethyl-p-rosaniline chloride
Hydrochlorothiazide
Iodoacetic acid
Isobutyl nitrite
Isobutyraldehyde
Isoproterenol hydrochloride
Manganese sulfate
3-Methylcholanthrene
2'-Methyl-4-dimethylaminobenzene
4,4'-Methylenebis(2-chloro-aniline)
Methylhydrazine
Methyl mercuric chloride
Mezerein
N-(1-Naphthyl)ethylenediamine dihydrochloride
Nickelocene
NTA(Nitrilotriacetic acid)
5-Nitroacenaphthene
P-Nitroaniline
4-Nitroanthranilic acid
5(6)-Nitrobenzimidazole
1-Nitronaphthalene
P-Nitrosodiphenylamine
Phenazopyridine hydrochloride
Phenol
O-Phenylphenol
Pichloram
Piperonyl sulfoxide
Propanedial, ion(1-), sodium
Pyridine
Quinacrine dihydrochloride
Riddelline
Sodium azide
Sodium (2-ethylhexyl)alcohol sulfate
Sulfanilamide
1,1,2,2-Tetrachloroethane
Tetrachloroethylene
Tetrachlorophthalic anhydride
Tetrahydrofuran
Titanocene dichloride
2,4,6-Trichlorophenol
1,2,3-Trichloropropane
Triethyllead chloride
Trihydroxybutyrophenone
Trimethoprim
Trimethylthiourea
Tris(2-chloroethyl)phosphite
Witch hazel

TABLE 9

HERITABLE TRANSLOCATION ASSAY - RESULTS OF THE POSITIVE CONTROL STUDY WITH TEM

FERTILITY TEST RESULTS
Tester Strains

	ØN	ØR
N(x≥11)	308	311
(x>6)	27	29
(x≤6)	36	31
S(x=0)	26/397	26/397

CYTOGENETIC TEST RESULTS FOR MALES MATED TO ØN TESTER FEMALES

	Cyto Pos	Cyto Neg
N(x≥11)	4	304
(x>6)	14	13
PS (x≤6)	36	0
S(x=0)	26*/80	0/317

*5 of the 25 sterile males are suspected to be TH's but cytogenetic evaluations are inconclusive due to an absence of meiotic figures and incomplete mitotic analysis.

a-error = 13/317 = 0.033

b-error = 4/80 = 0.05

CYTOGENETIC TEST RESULTS FOR MALES MATED TO ØR TESTER FEMALES

	Cyto Pos	Cyto Neg
N(x≥11)	2	309
(x>6)	21	8
PS (x≤6)	31	0
s(x=0)	26*/80	0/317

*5 of the 26 sterile males are suspected to be TH's but cytogenetic evaluations are inconclusive due to an absence of meiotic figures and incomplete mitotit analysis.

a-error = 8/317 = 0.025

b-error = 2/80 = 0.025

TABLE 10

TOXICOLOGY AND CARCINOGENESIS BIOASSAYS COMPLETED
IN FY 1982 FOR WHICH RESULTS ARE AVAILABLE FROM NTP

Allyl isovalerate
Asbestos, amosite
L-Ascorbic acid
Benzyl acetate
Bis(2-chloro-1-methylethyl) ether
Diallyl phthalate
Geranyl acetate
D-Mannitol
Melamine
Methylene chloride
4,4'Methylenedianiline dihydrochloride
Ortho-dichlorobenzene
Propyl gallate
Sodium (2-ethylhexyl) alcohol sulfate
1,1,1,2-Tetrachloroethane
Toluene diisocyanate
Tremolite
Trichloroethylene
2,6-Xylidine
Zearalenone
Ziram

TABLE 11

CHEMICALS IN PRECHRONIC PHASE OF TOXICITY TESTING AT THE END OF FY 1982

Acetonitrile
1-Amino-2,4-dibromoanthraquinone
Azodicarbonamide
o-Benzyl-p-chlorophenol
2,2-Bis (bromomethyl)-1,3-propanediol
Caffeine
Chloramphenicol sodium monosuccinate
C.I, Acid Red 114
C.I, Direct Blue 15
C.I. Direct Blue 218
1,8-Cineol (eucalyptol)
Cinnamaldehyde
3,3'-Dimethoxybenzidine
3,3'-Dimethylbenzidine
Dimethyloldihydroxyethyleneurea
Dimethyloldihydroxyethyleneurea
Doxylamine
HC Yellow 4
Isobutyl nitrite
Isoproterenol hydrochloride
Manganese sulfate
Mercuric chloride
Methapyrilline (acidified water)
Methapyrilline (neutral water)
Methdilazine
o-Nitroanisole
p-Nitroaniline
Nitrobenzene
Nitrobenzene
Palladium (II) chloride
Pentachloroanisole
Polybrominated biphenyl (FF-1)
Promethazine
Propantheline bromide
Pyrilamine
Riddelliine
Tetrahydrofuran
Thenyldiamine
Titanocene dichloride
Triamterene
1,2,3-Trichloropropane
Tricresyl phosphate
Trimellitic anhydride
Tripelennamine
Turmeric, oleoresin (curcumin)

TABLE 12

CHEMICALS IN THE CHRONIC PHASE OF THE BIOASSAY AT THE END OF FY 1982

Allyl glycidyl ether
2-Amino-4-nitrophenol
2-Amino-5-nitrophenol
Amphetamine sulfate
Ampicillin trihydrate
Asbestos, chrysotile (SR) + (IR)
Asbestos, crocidolite
Benzaldehyde
Benzene
Benzofuran
Benzyl alcohol
Benzyl chloride
Boric acid
Bromodichloromethane
Bromoform
1,3-Butadiene
2-Butanone peroxide
t-Butyl alcohol
n-Butyl chloride
gamma-Butyrolactone
d-Carvone
Castor oil
Chloramine
Chlorendic acid
Chlorinated trisodium phosphate
Chloroacetophenone
p-Chloroaniline
Chlorobenzene
o-Chlorobenzalmalonitrile
Chlorodibromomethane
3-Chloro-2-methylpropene
Chlorowax 40
Chlorowax 500C
Chlorpheniramine maleate
C.I. Acid Orange 3
C.I. Acid Yellow 73
C.I. Basic Red 9(p-rosaniline)
C.I. Disperse Blue 1
C.I. Pigment Red 3
C.I. Pigment Red 23
Coconut oil acid diethanolamin con (2/1)
Cyclohexanone
Decabromodiphenyl oxide
Diallylphthalate
2,4-Diaminophenol hydrochloride
2,3-Dibromo-1-propanol
p-Dichlorobenzene
2,4-Dichlorophenol
1,2-Dichloropropane
1,3-Dichloropropene (telone)
Dichlorvos
Diethanolamine
(DGRE)Diglycidylresorcinol ether
Diesel fuel marine
Dimethoxane
N,N-Dimethylaniline
DMBA(dimethylbenzanthracene)/TPA (Tetrad)
DMBA(dimethylbenzanthracene)/TPA (Tetrad)
N,N-Dimethylformamide
Dimethyl hydrogenphosphite
Dimethyl methylphosphonate
Dimethyl morpholinophosphoramidate
Dimethylvinylchloride
Diphenhydramine hydrochloride
Diphenyl hydantoin (phenytoin)
Ephedrine sulfate
Epinephrine hydrochloride
1,2-Epoxybutane
1,2-Epoxyhexadecane
Erythromycin stearate
Ethyl acrylate
Ethyl bromide
Ethyl chloride
Ethylene chlorohydrin
Ethylene glycol
Ethylene glycol monoethyl ether
Ethylene oxide
Ethylenethiourea
Furan
Furfural
Furosemide
Gentian violet
Gilsonite
Glutaraldehyde
Glycidol
HC Blue 1
HC Blue 2
HC Red 3
Hexachloroethane
Hexylresorcinol
Hydrochlorothiazide
Hydroquinone
4-Hydroxyacetanilide
8-Hydroxyquinoline
Iodinated glycerol
Isophorone
Lauric acid diethanolamine con (1/1)
d-Limonene
Malonaldehyde
2-Mercaptobenzothiazole
Methapyrilline (acidified water)
8-Methoxypsoralen
alpha-Methylbenzyl alcohol
Methyl carbamate
Methyl dopa
Methylene chloride
Methyl methacrylate
N-Methylolacrylamide
Mirex (A + B)
Monochloroacetic acid
Monuron
Nalidixic acid
Navy fuels JP5 (petroleum derived)
Nitrofurantoin
Nitrofurazone
p-Nitrophenol
Ochratoxin A
Oleic acid diethanolamine con (1/1)
Oxytetracycline HCL
Penicillin V potassium
Pentachloronitrobenzene
Pentachlorophenol, dowicide EC-7
Pentachlorophenol, technical
Pentaerythritol tetranitrate
Phenylbutazone
Phenylephrine hydrochloride
N-Phenyl-2-naphthylamine
o-Phenylphenol
Polysorbate 80
Probenecid
Propylene
Propylene oxide
Pyridine
Quercetin
Resorcinol
Rhodamine 6G
Rotenone
Rotenone
Roxarsone
Sodium azide
Sodium dodecyl sulfate
Sodium fluoride
Styrene oxide
Succinic anhydride
Succinic anhydride
Sulfamethazine
Tetrachloroethylene
Tetrachloroethylene (long evans rat)
Tetrachloroethylene (fisher rat)
Tetrachloroethylene (wistar rat)
Tetrachloroethylene (sherman rat)
Tetracycline hydrochloride
Tetranitromethane
THPC(Tetrakis(hydroxymethyl) phosphonium
THPS(Tetrakis(hydroxymethyl) phosphonium
Toluene, commercial
Tris(2-chloroethyl) phosphate
1,1,1-Trichloroethane
Trichlorfon
Trichloroethylene (marshall rat)
Trichloroethylene (ACI rat)
Trichloroethylene (august 28807 rat)
Trichloroethylene (osborne-mendel rat)
Tris(2-ethylhexyl)phosphate
4-Vinylcyclohexene
1-Vinyl-3-cyclohexene dioxide
Vinyl toluene
Witch hazel
Xylenes
Xylene sulfonic acid, Na salt

TABLE 13

CHEMICALS SCHEDULED TO START IN PRECHRONIC PHASE OF TOXICITY TESTING IN FY 1983

Barium chloride dihydrate
Carisoprodol
4-Chloro-2-nitroaniline
Hexachlorocyclopentadiene
1,6-Hexanediamine
Isobutyraldehyde
2-Mercaptobenzimidazole
Methyl bromide
Methylphenidate
Molybdenum trioxide
p-Nitrotoluene
Talc
1-Trans-delta9-tetrahydro-cannabinol
Triprolidine
Tungsten carbide
Vinylidine fluoride

TABLE 14

CHEMICALS FOR WHICH CARCINOGENESIS BIOASSAYS WILL BE COMPLETED IN FY 1983

Asbestos, chrysotile (SR) + (IR)
Asbestos, crocidolite
Chlorobenzene
C.I. Acid Yellow 73
1,2-Dichloropropane
1,3-Dichloropropene (telone)
(DGRE)Diglycidylresorcinol ether
DMBA(dimethylbenzanthracene)/TPA (Tetrad)
DMBA(dimethylbenzanthracene)/TPA (Tetrad)
Dodecyl alcohol, ethoxylated
Ethyl acrylate
Ethylene chlorohydrin
Gilsonite
HC Blue 1
Mirex (A + B)
Monuron
Propylene
Propylene oxide
Rotenone
Sodium dodecyl sulfate
Tetrachloroethylene (long evans rat)
Tetrachloroethylene (fischer rat)
Tetrachloroethylene (wistar rat)
Tetrachloroethylene (sherman rat)
1,1,1-Trichloroethane
Tris(2-ethylhexyl) phosphate

TABLE 15

NCTR -- NTP-TYPE BIOASSAYS

Methapyriiene
Methapyriiene
Doxylamine
Pyrilamine
Tripelennamine
Thenyldiamine
Chlorothen
Caffeine
Cineole
Cinnamaldehyde
Trimellitic anhydride
Rotenone
Gentian Violet
Sulfamethazine

TABLE 16

SUMMARY OF THE NTP BENZIDINE CONGENER INITIATIVE

Benzidine
C.I. Direct Blue 6
o-Dianisidine
C.I. Direct Black 114
C.I. Direct Blue 8
C.I. Direct Blue 10
C.I. Direct Blue 15
C.I. Direct Blue 218
C.I. Direct Violet 32
o-Tolidine
C.I. Acid Red 114
C.I. Direct Blue 25
C.I. Direct Blue 53
C.I. Direct Orange 6
C.I. Direct Red 2
C.I. Direct Red 39

TABLE 17

SUMMARY OF COMPLETED METABOLISM STUDIES WITH BENZIDINE-CONGENER-BASED AZO DYES IN RATS

Direct Red 39
Direct Blue 8
Direct Blue 14
Direct Blue 53
Direct Orange 6
Direct Red 46
Direct Black 114
Direct Blue 10
Direct Violet 32
Direct Red 2
Direct Blue 15

TABLE 18

CHRONIC BIOASSAYS REVIEWED DURING FY 1982

Allyl isovalerate
Asbestos, amosite
Asbestos, chrysotile
Chlorobenzene
C.I. Acid Yellow 73
Cyclohexanone
Cyclohexanone
1,2-Dichlorobenzene
1,2-Dichloropropane
1,3-Dichloropropene
Diglycidyl resorcinol ether
DMBA-TPA
Dodecyl alcohol (ethoxylated)
Ethyl acrylate
Gilsonite
HC Blue 1
Hexamethyl-p-rosaniline chloride
Malaoxon
Malathion
Methylene chloride
Methylene chloride
Methylene chloride
Monuron
Propylene
Propylene oxide
Propylene oxide
Sodium (2-ethyl hexyl) alcohol sulfate
Sodium dodecyl sulfate
Tetrachloroethylene
Tetrachloroethylene
Tetrachloroethylene
Tetrachloroethylene
2,4-Toluene diisocyanate
Tremolite
1,1,1-Trichloroethane
Trichloroethylene
Trichloroethylene
Trichloroethylene
2,6-Xylidine

TABLE 19

PATHOLOGY EVALUATION ON IMMUNOTOXICOLOGY STUDIES

Asbestos, chrysotile
Estradiol
Estradiol metabolites
Estradiol plus progesterone
Mercuric chloride
Ochratoxin A
Phenobarbital
Phorbol ester
Polyvinyl pyrrolidone
Promethazine
Urethane
Zearalenone

TABLE 20

PRECHRONIC BIOASSAYS REVIEWED BY A NTP PATHOLOGY WORKING GROUP DURING FY 1982

Prime Contract

Bromobenzene
Catechol
Chloramine
Chloroacetophenone
Chlorowax 40
o-Chlorobenzalmononitrile
2,3-Dibromo-1-propanol
Epinephrine HCL
1,2-Epoxybutane
Ethyl bromide
Ethyl chloride
Formaldehyde
Hydrochlorothiazide
Hydroquinone
1,5-Hydroxytryptophane
Pentachlorophenol-dow DP-2
Pentachlorophenol-dowicide EC-7
Pentachlorophenol-pure grade
Pentachlorophenol-technical grade
p-Quinone
Sodium floride
Sodium floride (dental study)
Succinic anhydride
Tetranitromethane
Trichloroethylene
Vinyl toluene

Master Agreement

Amphetamine sulfate
Azodicarbonamide
Benzaldehyde
Cadinene
d-Carvone
p-Chloroaniline
Chlorpromazine hydrochloride
Coumarin
2,4-Diaminophenol dihydro-chloride
4,4'-Diamino-2,2'-stilbenedi-sulfonic acid
Diethyl phthalate
3,4-Dihydrocoumarin
Dimethoxane
Ethylenediamine
Ethylene glycol
Furan
Furfural
Furfuryl alcohol
Gamma-Butyrolactone
Hexachlorocyclopentadiene
Hexachloroethane
4-Hydroxyacetanilide
6-Methylcoumarin
N-Methylolacrylamide
Monochloroacetic acid
Ochratoxin A
Pentaerythritol tetranitrate
Polysorbate 80
Probenecid
Resorcinol
Sodium azide
Titanium ferrocene
Toluene (inhalation)
Toluene (oral)
Tris(2-chloroethyl)phosphate
Vinylcyclohexane diepoxide (skin paint)

NIEHS Studies

Ethylenethiourea

TABLE 21

CHEMICALS UNDER STUDY BY THE SKIN APPLICATION ROUTE

2,2-Bis(bromomethyl)-1,3-propanediol
2-Butanone peroxide
2,3-dibromo-1-propanol
Coconut oil acid diethanolamine
Diesel fuel marine
DMBA/TPA
1,2-Epoxyhexadecane
Ethylene chlorohydrin
Glutaraldehyde
Lauric acid diethanolamine
Navy fuels JP-5 (petroleum derived)
Nitrobenzene
p-Nitrophenol
Oleic acid diethanolamine
o-Phenylphenol
1-Vinyl-3-cyclohexane dioxide
Witch hazel

TABLE 22

DEVELOPMENTAL TOXICITY STUDIES COMPLETED OR IN PROGRESS IN FY 1982
FOR WHICH RESULTS ARE AVAILABLE FROM NTP

Diphenhydramine hydrochloride
Ethylene oxide
Ethylene chlorohydrin
Hexamethyl-p-rosaniline
Isoproterenol
Sulfamethazine
Phenol
Carbon disulfide
Chlorpromazine hydrochloride
Di(2-ethylhexyl) phthalate
Hexamethyl-p-rosaniline
5-Hydroxytryptophan
Isoproterenol
Oxytetracycline hydrochloride
Sulfamethazine
Diphenhydramine hydrochloride
Di-(2-ethylhexyl)phthalate

TABLE 23

INHALATION TERATOLOGY STUDIES COMPLETED IN FY 1982
FOR WHICH RESULTS ARE AVAILABLE FROM NTP

n-Butyl acetate
Ethylene oxide
Propylene oxide

TABLE 24

CHEMICALS SELECTED FOR TESTING IN THE SHORT-TERM
IN VIVO REPRODUCTIVE TOXICITY ASSAY IN FY 1982

Aniline
Benzyl alcohol
Diethylene glycol
Diethylene glycol dibutyl ether
Diethylene glycol diethyl ether
Diethylene glycol dimethyl ether
Diethylene glycol monobutyl ether
Diethylene glycol monoethyl ether
Diethylene glycol monomethyl ether
N,N-Dimethylaniline
Dimethylphthalate
2,4-Dinitrotoluene
Ethylenediamine
Ethylene glycol
Ethylene glycol diethyl ether
Ethylene glycol dimethyl ether
Ethylene glycol monobutyl ether
Ethylene glycol monoethyl ether
Ethylene glycol monomethyl ether
Ethylenethiourea
Naphthalene
p-Nitroaniline
Nitrofurazone
p-Nitrophenol
Sodium selenite
Toluene
2,4-Toluenediamine
Triethylene glycol
Triethylene glycol dimethyl ether
Trimellitic anhydride

TABLE 25

DEVELOPMENTAL TOXICITY OF GYCOL ETHERS: STUDIES COMPLETED IN FY 1982
FOR WHICH RESULTS ARE AVAILABLE FROM NTP

Ethylene glycol monobutyl ether
Ethylene glycol monoethyl ether
Ethylene glycol monoethyl ether acetate
Ethylene glycol monomethyl ether

TABLE 26

REPRODUCTIVE TOXICITY STUDIES COMPLETED IN FY 1982
FOR WHICH RESULTS ARE AVAILABLE FROM NTP

Acrolein
Allyl chloride
Bis (2-methoxyethyl) ether
n-Butyl acetate
Butylene oxide
Cyclohexanone
N,N-dimethylacetamide
Dimethylformamide
Ethyl benzene
Ethylene glycol monoethyl ether
Ethylene glycol monomethyl ether
Ethylene oxide
Hexachlorobutadiene
Methyl bromide
N-Methyl dicyclohexylamine
2-Nitropropane
Propylene oxide
Styrene oxide
1,1,2,2-Tetrachloroethane
Vinyl toluene

TABLE 27

CHEMICALS SELECTED FOR REPRODUCTIVE TOXICITY STUDIES IN FY 1982
FERTILITY ASSESSMENT BY CONTINUOUS BREEDING:

Bisphenol A
Caffeine
1,2-dibromo-3-chloropropane
Di(2-ethylhexyl)phthalate
Diethylstilbestrol
Lead acetate
Methyl salicylate
Sulfamethazine
Caffeine
Diethylstilbestrol
Ethylene glycol monoethyl ether
Ethylene glycol
Lead acetate
Methyl salicylate
Saccharin
Theobromine

TABLE 28

CHEMICALS SELECTED FOR REPRODUCTIVE TOXICITY STUDIES IN FY 1982:
SPERM MORPHOLOGY AND VAGINAL CYTOLOGY ASSAY

Acetonitrile
Barium chloride
Caffeine
4-Chloro-2-nitroaniline
Cinnamaldehyde
Dimethyl methyl phosphonate
Isoproterenol
Manganese sulfate
Methdilazine
Methylphenidate
Nitrobenzene
p-Nitroaniline
p-Nitrotoluene
Promethazine
Propanetheline bromide
Riddelliine
Tetrahydrofuran
Thenyldiamine
Toluene
1-Trans^{9}-tetrahydrocannabinol
Tricresyl phosphate
Trimellitic anhydride
Tris-(2-chloroethyl)phosphate

TABLE 29

NTP CHEMICAL NOMINATION ELEMENTS

I. Chemical Identification
   a. Chemical Abstracts Service (CAS) preferred name
   b. Common or generic name and synonyms
   c. CAS Registry Number
   d. Chemical class and related compounds
   e. Physical and chemical properties
      i. Physical description
      ii. Structural and molecular formula and molecular weight
      iii. Melting and boiling points
      iv. Solubility
      v. Stability and reactivity
      vi. Other relevant information
   f. Commercial product(s) composition
   g. References
II. Production, Use, Occurrences, and Analysis
   a. Production
      i. Source and synthesis, year and pathway of first production
      ii. Current production and pathway
   b. Uses
   c. Occurrence in the Environment
      i. Naturally occurring
      ii. Air, water, and soil
      iii. Occupational
   d. Analysis
   e. References
III. Toxicology
   a. Human data, case reports, and epidemiological studies
   b. Experimental animal information
   c. In vitro and other short-term tests
   d. Other relevant information
   e. References

TABLE 29

NTP CHEMICAL NOMINATION ELEMENTS (CONT.)

IV. Disposition and structure-activity-relations

a. Absorption, distribution, metabolism and excretion

b. Structure-activity correlations and considerations

c. References

V. Ongoing toxicological and environmental studies in the government, industry, and academia

VI. Rationale for Recommendation and Suggested Studies

TABLE 30

NTP CHEMICAL SELECTION PRINCIPLES

The NTP Executive Committee operates under the principle that industry will test chemicals for health and environmental effects as intended and mandated by the Congress under legislative authorities. Therefore, the NTP, acting under its chemical selection principles, will test:

1. Chemicals found in the environment that are not closely associated with commercial activities;

2. Desirable substitutes for existing chemicals, particularly therapeutic agents, that might not be developed or tested without Federal involvement;

3. Chemicals that should be tested to improve scientific understanding of structure-activity relationships and thereby assist in defining groups of commercial chemicals that should be tested by industry;

4. Certain chemicals tested by industry, or by others, the additional testing of which by the Federal government if justified to verify the results;

5. Previously tested chemicals for which other testing is desirable to cross-compare testing methods;

6. "Old chemicals" with the potential for significant human exposure which are of social importance but which generate too little revenue to support an adequate testing program (some of these may be "grandfathered" under FDA laws);

7. Two or more chemicals together, when combined human exposure occurs (such testing probably cannot be required of industry if the products of different companies are involved); and

8. In special situations, as determined by the Executive Committee, marketed chemicals which have potential for large-scale and/or intense human exposure, even if it may be possible to require industry to perform the testing.

The selection of a chemical by the Executive Committee does not automatically commit the NTP to testing the chemical. The NTP is committed to ascertain the specific toxicologic and regulatory concerns; evaluate the adequacy of existing data or current efforts in government, academic, or private laboratories; and then propose and conduct specific tests that are needed. Occasionally new information is obtained that answers the questions posed in the nomination and selection process. Sometimes testing is not done because chemicals are withdrawn by the nominator, because others are or will be testing the chemical, or because the chemical is not available, or no longer produced.

TABLE 31

CHEMICALS NOMINATED FOR TOXICOLOGICAL TESTING IN FY 1982

Arsine
Atrazine
Black newsprint inks
Butyl benzyl phthalate
C.I. Acid Yellow 151
C.I. Basic Red 18
C.I. Direct Red 80
C.I. Direct Yellow 4
C.I. Disperse Brown 1
p-Chlor-a,a,a-triflourotolune
Chromic acid mist
Cromolyn Sodium
1,3-Dinitropyrene
1,6-Dinitropyrene
1,8-Dinitropyrene
Formic acid
Linolelaidic acid
Luminol
Malathion
Methyl isobutyl ketone
Nitromethane
1-Nitropyrene
Ordram (molinate)
Picloram
beta-Pinene
Roundup (glyphosate isopropyl-amine salt)
1,2,4,5-Tetrachlorobenzene
2,3,4,6-Tetrachlorophenol
1,3,6,8-Tetranitropyrene
Thiophene
2,4,7-Trinitrofluorenone
1,3,6-Trinitropyrene

TABLE 32

CHEMICALS REVIEWED BY THE CHEMICAL EVALUATION COMMITTEE IN FY 1982 FOR WHICH TESTING RECOMMENDATIONS ARE AVAILABLE FROM NTP

2-Amino-6-nitrobenzothiazole
Benzonitrile
Benzo(f)quinoline
(4,4'-Bithiazole)-2,2'-diamine
Butyl benzyl phthalate
Carminic acid
Cholesterol
Cholesterol 5alpha, 6alpha-expoxide
1-Chloro-2-propanol
2-Chloro-1-propanol
C.I. Basic Red 29
Colchicine
Cromolyn sodium
L-Cysteine
Cytidine
5,6-Dichloro-2-benzothiazolamine
N,N-Diethyl-4-((5-nitro-2-thiazolyl)azo)benzenamine
2-Ethylhexanol
Ferrous sulfate
Folic acid
D-Fructose
Fumaric acid
Guanine
L-Isoleucine
Linoleic acid
Linolenic acid
L-Lysine
2-Mercapto-4-methyl-5-thiazolyl methyl ketone
6-Methoxy-2-benzothiazolyl)olamine
4-(6-Methyl-2-benzo thiazolyl-) benzenamine
3-Methyl-5-isothiazolamine
Methylene bis(2-choraniline)
Mono(2-ethylhexyl) phthalate
m-Nitrobenzoyl chloride
p-Nitrobenzoyl chloride
2-Octyl-3-isothiazolone
Phenamiphos
5-Phenyl-2,4-diaminothiazole
Potassium iodide
Pyruvic acid
Riboflavin
Thiabendazole
Thiamin hydrochloride
2-Thiazolamine
Thiazole
L-Tyrosine
Vitamin E

TABLE 33

CHEMICALS REVIEWED BY THE NTP BOARD OF SCIENTIFIC COUNSELORS ON OCTOBER 23, 1981 FOR WHICH TESTING RECOMMENDATIONS ARE AVAILABLE FROM NTP

April 8 Chemicals

Benzethonium chloride
Benzotrichloride
Benzoyl chloride
t-Butyl perbenzoate
Butyric anhydride
m-Chloroaniline
Methyl trifluoromethane sulfonate
Ninhydrin
O-Phenanthroline
Tetrachlorophthalic anhydride
Triethanolamine
2,4,5-Trimethoxybenzal dehyde
Tumeric

May 19 Chemicals

Codeine
Gallium arsenide
Mercuric oxide, yellow
Methiodal sodium
Nickel oxide
N-Methyl-N-nitroso-p-toluene-sulfonamide
Salicylazosulfa-pyridine
Scopolamine
Sodium chromate
Sulfamethizole
Sulfanilamide
Sulfathiazole
Theophylline

TABLE 34

CHEMICALS REVIEWED BY THE NTP BOARD OF SCIENTIFIC COUNSELORS ON SEPTEMBER 24, 1982 FOR WHICH TESTING RECOMMENDATIONS ARE AVAILABLE FROM NTP

2-Amino-6-nitro-benzothiazole
Benzonitrile
Benzo(f)quinoline
Carminic acid
Cholesterol
Cholesterol 5 ,6 -epoxide
Colchicine
L-Cysteine
Cytidine
2-Ethylhexanol
Ferrous sulfate
Folic acid
Fumaric acid
Guanine
L-Isoleucine
Linoleic acid
Linolenic acid
L-Lysine
Methylene bis (o-chloroaniline)
Mono(2-ethylhexyl) phthalate
m-Nitrobenzoyl chloride
p-Nitrobenzoyl chloride
Phenamiphos
Potassium iodide
1-Chloro-2-propanol
2-Chloro-1-propanol
Pyruvic acid
Riboflavin
Thiamin hydro-chloride
L-Tyrosine
Vitamin E

TABLE 35

FY 1982 PRIORITY CHEMICALS FOR IN-DEPTH TOXICOLOGICAL EVALUATION

2-Bromo-4,6-dinitroaniline
beta-Bromo-beta-nitrostyrene
C.I. Direct Yellow 11
C.I. Vat Blue 1
Cadmium nitrate
Carisoprodol
1,3-Dichloro-5,5-dimethyl-hydantoin
1,8-Dihydroxy-4,5-dinitro-anthraquinone
2,4-Dinitroaniline
Estragole
Ethyl benzene
n-Hexane
1,6-Hexanediamine.
Isobutyraldehyde
N-isopropyl-N'-phenyl-p-phenyl-enediamine
2-Mercaptobenzimidazole
Methyl bromide
Molybdenum trioxide
d-Phenylalanine
Polyvinyl chloride latex
Sucrose
Talc
1-Trans-delta9-tetrahydro-cannabinol
Tocopherol
Vanadium pentoxide
Zinc oxide

TABLE 36

FY 1983 PRIORITY CHEMICALS FOR IN-DEPTH TOXICOLOGICAL EVALUATION

9-Aminoacridine hydrochloride
Benzethonium chloride
Benzoyl chloride
Bromobenzene
t-Butyl perbenzoate
m-Chloroaniline
Citral
Cobalt sulfate
Codeine
Crotonaldehyde
1,2-Dihydro-2,2,4-trimethyl-quinoline
2-Hydroxy-4-methoxybenzophenone
Methyleugenol
Nickel oxide
Salicylazosulfapyridine
Scopolamine
Sodium chromate
Tetrachlorophthalic anhydride
Tetrafluoroethylene
Theophylline
4,4'-Thiobis(6-tert-butyl-m-cresol)
Triethanolamine
2,4,5-Trimethoxybenzaldehyde
Zinc potassium chromate

TABLE 37

CHEMICALS PROCURED AND ANALYZED FOR TERATOLOGY STUDIES IN FY 1982

Bisphenol A
Chlorpromazine hydrochloride
Di(2-ethylhexyl)phthalate
Diphenhydramine hydrochloride
Methyl mercuric chloride

TABLE 38

CHEMICALS PROCURED AND ANALYZED FOR
REPRODUCTIVE TOXICOLOGY STUDIES IN FY 1982

Bisphenol A
Caffeine
1,2-Dibromo-3-chloropropane
Di(2-ethylhexyl)phthalate
Diethylstilbestrol
Ethylene glycol
Ethylene glycol monoethyl ether
Lead acetate
Methyl salicylate
Saccharin
Sulfamethazine
Theobromine

TABLE 39

CHEMICALS PROCURED AND/OR ANALYZED FOR IMMUNOLOGY STUDIES IN FY 1982

Cadmium Chloride
Diethylstilbestrol
Pentachlorophenol, EC-7 Grade
Pentachlorophenol, Technical Grade

TABLE 40

CHEMICALS OBTAINED AND ANALYZED FOR PSORALEN STUDIES IN FY 1982

3-Carbethoxypsoralen
5-Methoxypsoralen
8-Methoxypsoralen
5-Methylisopsoralen

TABLE 41

SPECIAL CHEMISTRY RESOURCES SUPPORT FOR NTP STUDIES IN FY 1982

Allylisothiocyanate	Chlordecone (Kepone)	Diethylstilbestrol
Benzidine	C.I. Direct Blue 6	Diethylstilbestrol derivatives
Cadmium chloride	C.I. Direct Blue 218	Dimethylmethyl-phosphonate
Chloramphenicol	Di(2-ethylhexyl)-phthalate	Titanocene dichloride

TABLE 42

NTP CHEMICAL REPOSITORY HOLDINGS AND ACTIVITIES IN FY 1982

	Cellular and Genetic Toxicology Repository	Toxicology and Carcinogenesis Bioassay Repository
1. Control chemicals in inventory	17	--
2. Total number of unique chemicals	856	440
3. Test chemicals shipped for Salmonella testing in FY 1982	360	--
4. Test chemicals shipped for Drosophila testing in FY 1982	90	--
5. Test chemicals shipped for cytogenetics testing in FY 1982	90	--
6. Test chemicals shipped for aneuploidy testing in FY 1982	15	--
7. Test chemicals shipped for cellular and genetic toxicology testing other than 3, 4, 5, 6	350	--
8. Aliquots shipped in FY 1982	905	125
9. Chemicals synthesized	1	--
10. Purity analyses performed	40	--
11. Quality Assurance samples analyzed	5	5
12. Aliquots transferred to Cellular and Genetic Toxicology Repository	--	29
13. Chemicals selected for FY 1982 Salmonella testing	140	--
14. Chemicals selected for FY 1982 Drosophila testing	55	--
15. Chemicals selected for FY 1982 cytogenetics testing	62	--
16. Number of chemicals analyzed for flash point	50	--
17. Number of chemicals tested in glove permeability study	20	--
18. Number of chemicals analyzed for solubility	330	--

TABLE 43

CHEMICALS, SUBSTANCES AND MANUFACTURING PROCESSES INCLUDED IN THE THIRD ANNUAL REPORT ON CARCINOGENS

2-Acetylaminofluorene
Acrylonitrile
Aflatoxins
2-Aminoanthraquinone
4-Aminobiphenyl
1-Amino-2-methylanthraquinone
Amitrole
o-Anisidine hydrochloride
Aramite
Arsenic and certain arsenic compounds
Asbestos
Auramine, manufacture of
Benz(a)anthracene
Benzene
Benzidine
Benzo(b)fluoranthene
Benzo(a)pyrene
Beryllium & beryllium compounds
N,N-Bis(2-chloroethyl)-2-naphthylamine
Bis(chloromethyl)ether & TG chloromethylmethyl ether
Cadmium and certain cadmium compounds
Carbon tetrachloride
Chlorambucil
Chloroform
Chromium & chromium compounds
Coke oven emissions
p-Cresidine
Cupferron
Cycasin
Cyclophosphamide
2,4-Diaminoanisole sulfate
2,4-Diaminotoluene
Dibenz(a,h)acridine
Dibenz(a,j)acridine
Dibenz(a,h)anthracene
7H-Dibenzo(c,g)carbazole
Dibenzo(a,h)pyrene
Dibenzo(a,l)pyrene
1,2-Dibromo-3-chloropropane
1,2-Dibromoethane
Dichlorobenzidine
1,2-Dichloroethane
Diepoxybutane
Di(2-ethylhexyl)phthalate
Diethylstilboestrol
3,3'-Dimethoxybenzidine
3,3'-Dimethylbenzidine
4-Dimethylaminoazobenzene
Dimethylcarbamoyl chloride
Dimethyl sulfate
1,4-Dioxane
Direct Black 38
Direct Blue 6
Ethylene thiourea
Formaldehyde
Haematite underground mining
Hexachlorobenzene
Hydrazine
Hydrazine sulfate
Hydrazobenzene
Indeno(1,2,3-cd)pyrene
Iron dextran
Isopropyl alcohol
Kepone
Lead acetate
Lead phosphate
Lindane & hexachlorocyclohexane isomers
Melphalan
4,4'-Methylene bis(2-chloroaniline)
4,4'-Methylene bis(N,N-dimethyl) benzenamine
Michler's ketone
Mirex
Mustard gas
2-Naphthylamine
Nickel refining
Nitrilotriacetic acid
Nitrofen
5-Nitro-O-anisidine
N-Nitrosodi-n-butylamine
N-Nitrosodiethanolamine
N-Nitrosodiethylamine
N-Nitrosodimethylamine
p-Nitrosodiphenylamine
N-Nitrosodi-n-propylamine
N-Nitroso-N-ethylurea
N-Nitroso-N-methylurea
N-Nitrosomethylvinylamine
N-Nitrosomorpholine
N-Nitrosonornicotine
N-Nitrosopiperidine
N-Nitrosopyrolidine
N-Nitrososarcosine
Oxymetholone
Phenacetin
Phenazopyridine hydrochloride
Phenytoin
Polybrominated biphenyls
Polychlorinated biphenyls
Procarbazine
Procarbazine hydrochloride
beta-Propiolactone
Reserpine
Saccharin
Safrole
Selenium sulfide
Soots, tars & mineral oils
Streptozotocin
Sulfallate
2,3,7,8-Tetrachlorodibenzo-p-dioxin
Thioacetamide
Thiourea
Thorium dioxide
o-Toluidine hydrochloride
Toxaphene
2,4,6-Trichlorophenol
Tris(1-aziridinyl)phosphine sulfide
Tris(2,3-dibromopropyl)phosphate
Urethane
Vinyl chloride

FIGURE 1

NATIONAL TOXICOLOGY PROGRAM
Agency origin and amounts of funding (millions)

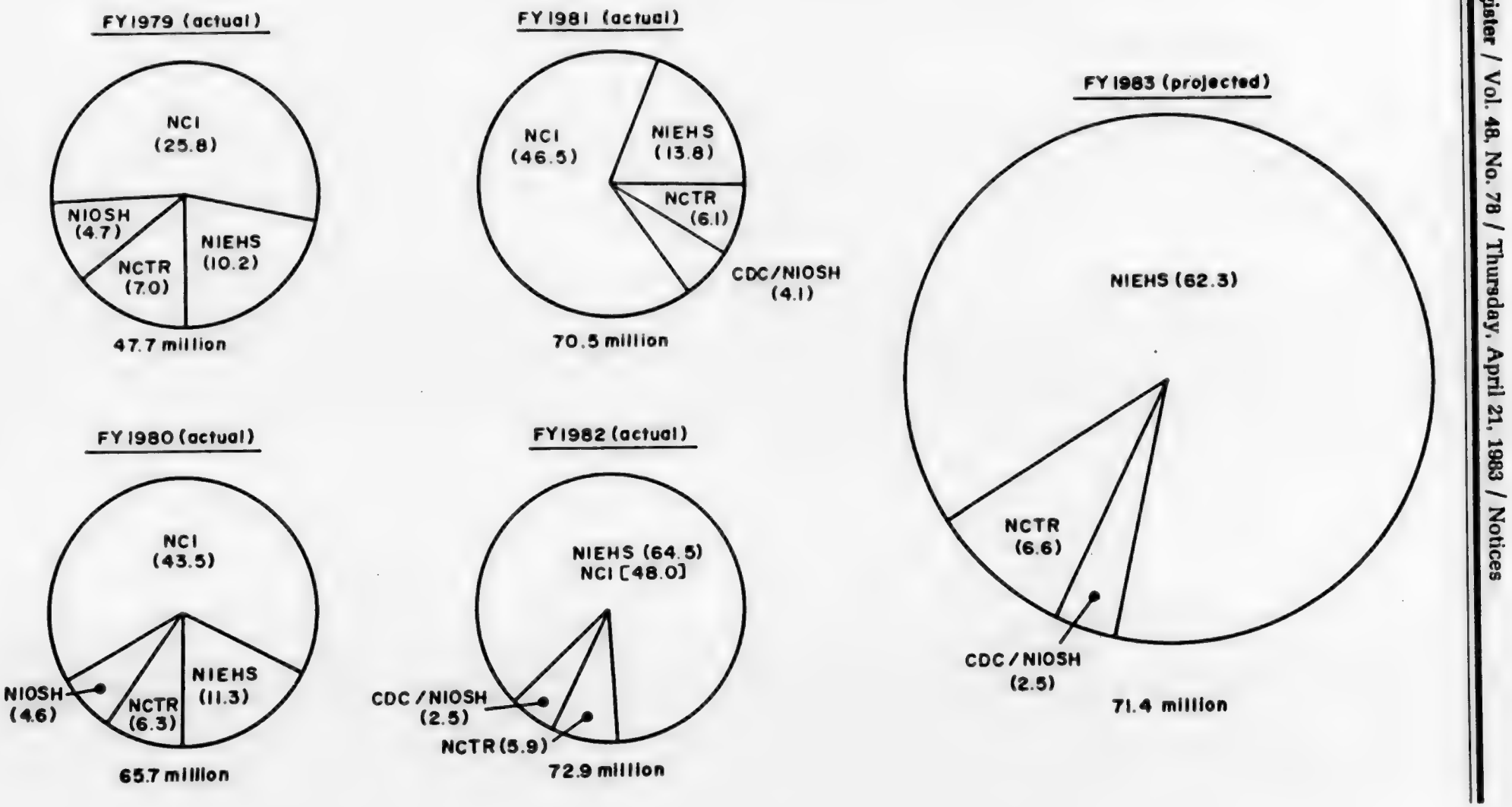

FIGURE 2

FIGURE 2

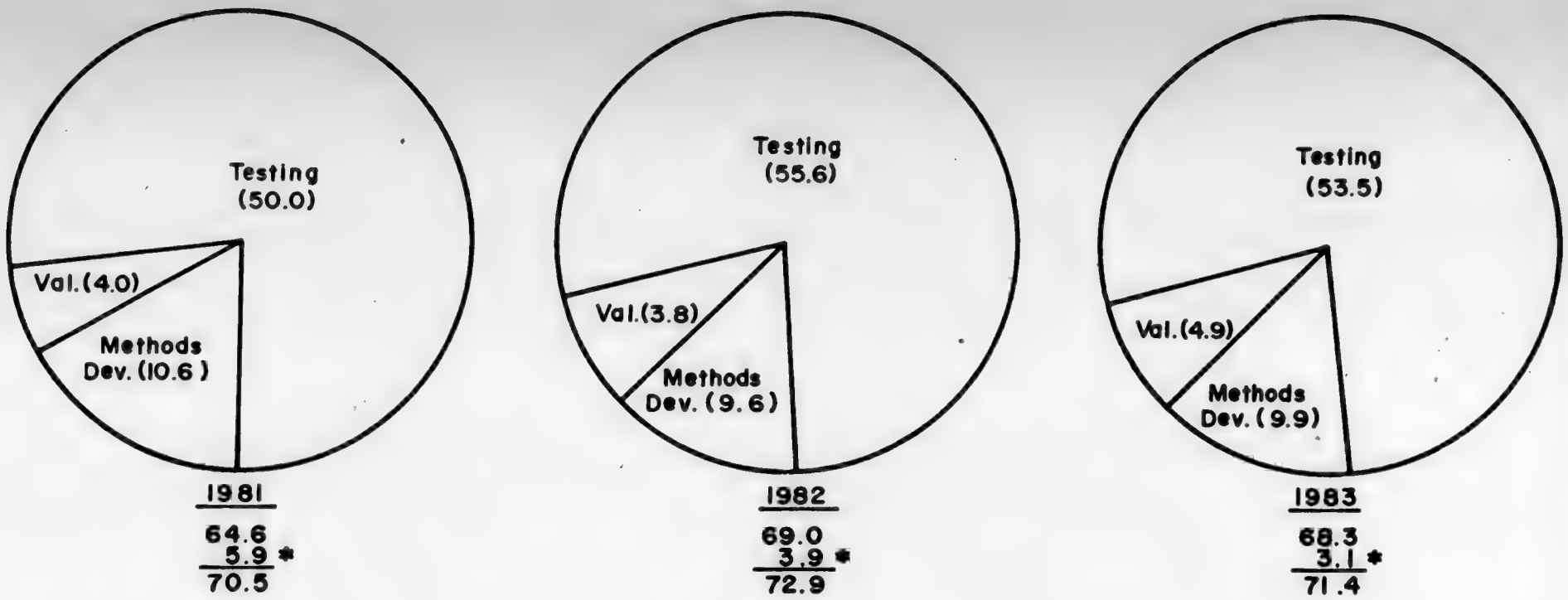

*Other activities such as grants, WHO Cooperative Center, dioxin registry, core staff, indirect operational support, etc.

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FIGURE 3

NATIONAL TOXICOLOGY PROGRAM (millions)
1982

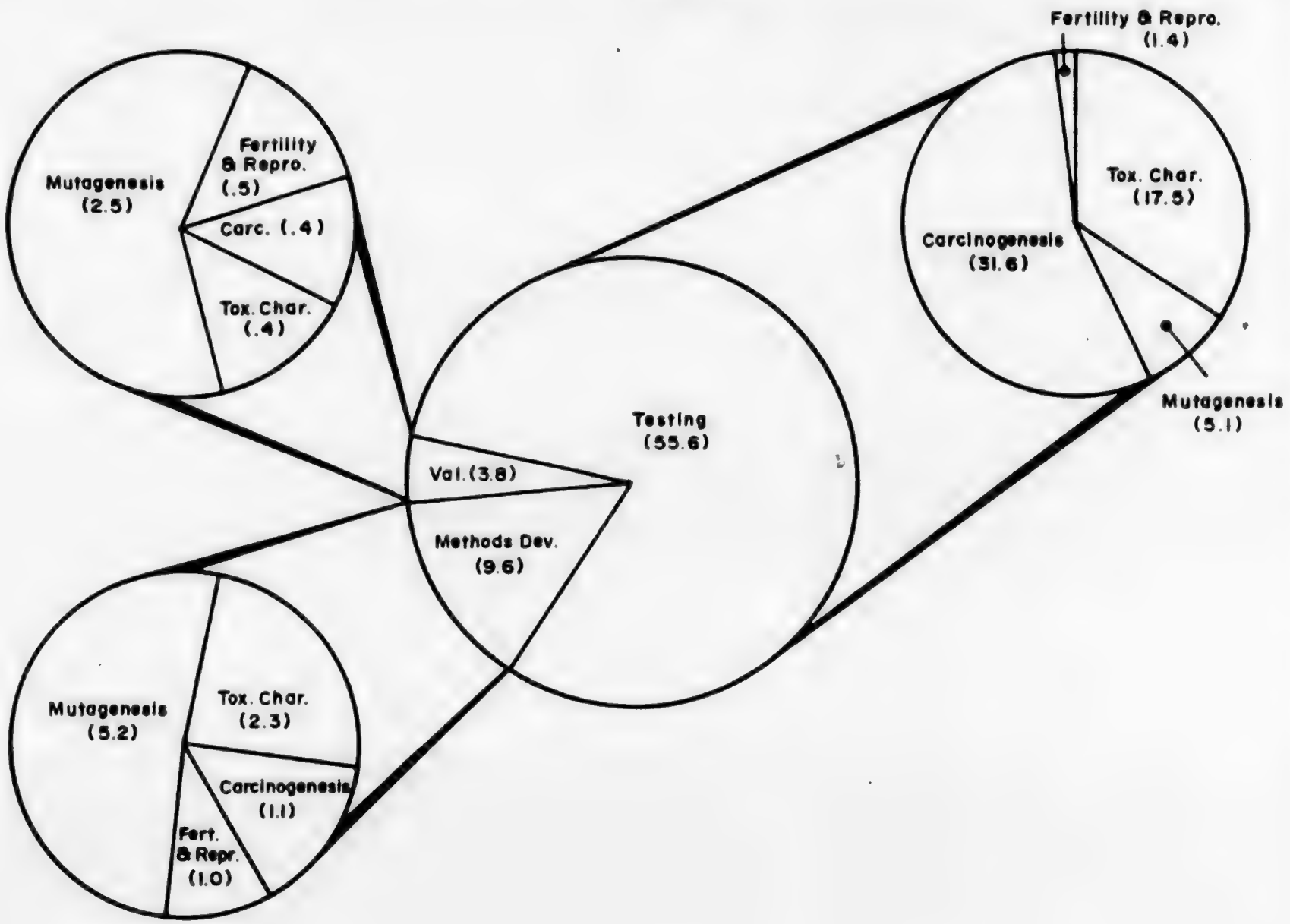

FIGURE 4

FIGURE 4

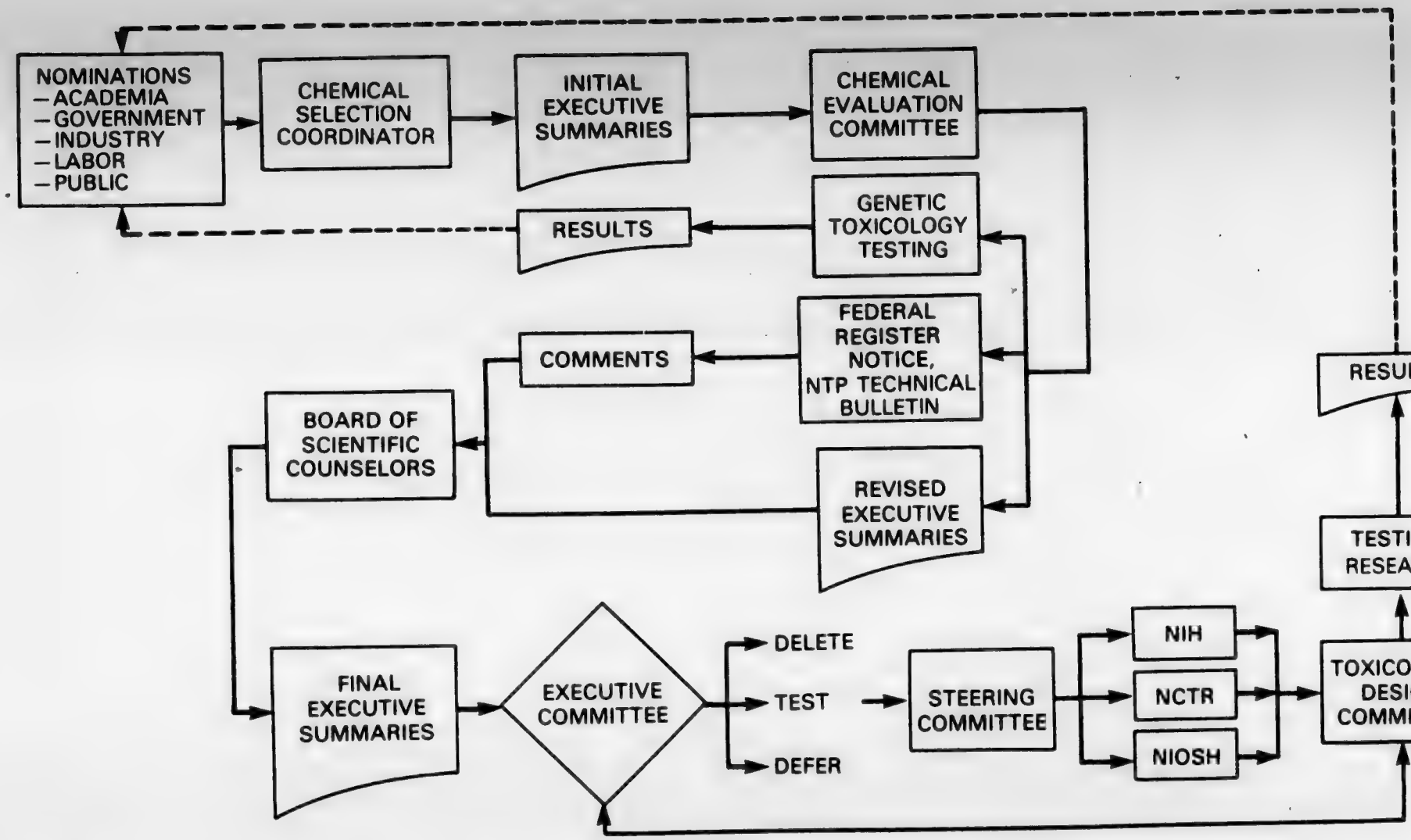
NTP CHEMICAL NOMINATION AND SELECTION PROCESS
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– GOVERNMENT
– INDUSTRY
– LABOR
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ALPHABETIC INDEX TO TABLES

CHEMICAL	TABLE NO.
Acetaldehyde	2
Acetaldehyde	6
Acetaldehyde	8
Acetamide	8
Acetanilide	P/139
Acetanilide	2
Acetic anhydride	2
Acetoacetanilide	2
Acetoin	7
Acetone	P/188
Acetonitrile	1
Acetonitrile	5
Acetonitrile	8
Acetonitrile	11
Acetonitrile	28
N-Acetyl-m-aminophenol	2
N-Acetyl-n-toluidine	2
N-Acetyl-p-toluidine	2
1-Acetyl-2-phenyl hydrazide	2
2-Acetylamino-4-methylphenol	2
2-Acetylaminofluorene	P/54
2-Acetylaminofluorene	P/139
2-Acetylaminofluorene	43
4-Acetylaminofluorene	P/54
Acid Black 52	P/133
Acid Red 114	P/143
Acid Red 114	P/144
Acid Red 114	P/145
Acid Red 114	P/149
Acrolein	P/192
Acrolein	5
Acrolein	26
Acrylamide	P/186
Acrylamide	P/187
Acrylamide	P/188
Acrylamide	2
Acrylic acid	2
Acrylonitrile	P/53
Acrylonitrile	2
Acrylonitrile	6
Acrylonitrile	43
Adiponitrile	2
AF-2	1
AF-2	8
Aflatoxins	43
Agaritine	2
Aldicarb	3
Alloxan	2
Alloxan	8
Allyl acrylate	2
Allylamine	P/141
Allylamine	2
Allyl anthranilate	2
Allyl chloride	26
Allyl glycidyl ether	7
Allyl glycidyl ether	12
Allyl isothiocyanate	P/151
Allyl isothiocyanate	1
Allyl isothiocyanate	6
Allyl isothiocyanate	8
Allyl isothiocyanate	41
Allyl isovalerate	8
Allyl isovalerate	18
Allyl isovalerate	10
Allyl propyl disulfide	2
Allylthiourea	2
Amiben	8
m-Aminoacetanilide	2
p-Amino acetanilide	2
2-Aminoacetanilide	2
9-Amino acridine HCL H20	1
9-Amino acridine HCL H20	7
9-Aminoacridine hydrochloride	36
2-Aminoanthracene	1
2-Aminoanthracene	8
2-Aminoanthraquinone	43
5-(4-Aminobenzamido)-2,3-cresotic acid	2
2-Aminobenzenesulfonic acid	2
3-Aminobenzenesulfonic acid	2
4-Aminobenzenesulfonic acid	2
2-Aminobenzimidazole	2
p-Aminobenzoic acid	1
4-Aminobiphenyl	43
2-Amino-4-chloro-5-nitrophenol	2
2-Amino-4-chloro-6-nitrophenol	2
2-Amino-6-chloro-4-nitrophenol	2
2-Amino-4-chlorophenol	2
6-Amino-4-chloro-1-phenol-2-sulfonic acid	2
1-Amino-2,4-dibromoanthraquinone	11
1-Amino-2,4-dibromoanthraquinone	P/150
2-Amino-4,6-dichlorophenol	2
2-Amino-4,6-dinitrophenol	2
3-Amino-9-ethylcarbazole	8
3-Amino-4-ethoxyacetanilide	8
4-Amino-4'-hydroxy-3-methyl-diphenyl-amine	2
1-Amino-2-methylanthraquinone	43
2-Amino-4-methylphenol	2
3-Amino-4-methylphenol	2
3-Amino-6-methylphenol	2
2-Amino-4-(methylsulfonyl)phenol	2
2-Amino-6-nitro-benzothiazole	34
2-Amino-6-nitrobenzothiazole	2
2-Amino-6-nitrobenzothiazole	32
2-Amino-3-nitro-4-methylphenol	2
2-Amino-5-nitro-4-methylphenol	2
2-Amino-4-nitrophenol	4
2-Amino-4-nitrophenol	6
2-Amino-4-nitrophenol	12
2-Amino-4-nitrophenol	1
2-Amino-5-nitrophenol	1
2-Amino-5-nitrophenol	4
2-Amino-5-nitrophenol	6
2-Amino-5-nitrophenol	12
4-Amino-2-nitrophenol	2
4-Amino-2-nitrophenol	3
2-Amino-6-nitro-1-phenol-4-sulfonic acid	2
6-Amino-4-nitro-1-phenol-2-sulfonic acid	2
2-Amino-5-nitrothiazole	3
3-Aminophenol	2
4-Aminophenol	2
o-Aminophenol	7
2-Amino-1-phenol-4-sulfonic acid	2
2-Aminopyridine	2
3-Amino-5-sulfosalicylic acid	2
5-Amino-3-sulfosalicylic acid	2
3-Aminotriazole	2
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Benzethonium chloride	33
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Benzidine	5
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Benzonitrile	2
Benzonitrile	32
Benzonitrile	34
Benzophenone	1
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p-Benzoquinone monooxime	2
Benzothiazole, 2,2'-dithiobis	2
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Benzoyl chloride	33
Benzoyl chloride	36
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Benzyl acetate	6
Benzyl alcohol	4
Benzyl alcohol	12
Benzyl alcohol	24
Benzyl chloride	2
Benzyl chloride	12
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1,3-Bis(2-benzothiazolylmercaptomethyl) urea	2
2,2-Bis (bromomethyl)-1,3-propanediol	11
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N,N-Bis(2-chloroethyl)-2-naphthylamine	43
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Bis(2-chloro-1-methylethyl) ether	10
Bis(2-chloro-1-methylethyl) ether	5
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4,4'-Bis(dimethylamino)benzophenone	3
N,N'-Bis(1,4-dimethylpentyl)-p-penyl-enediamine	1
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Bromoacetonitrile	1
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Bromobenzene	5
Bromobenzene	20
Bromobenzene	36
3-Bromo-2,2-bis(bromomethyl)propanol	2
Bromochloroacetaldehyde	2
Bromochloroacetonitrile	2
Bromodichloromethane	1
Bromodichloromethane	12
2-Bromo-4,6-dinitroaniline	P/155
2-Bromo-4,6-dinitroaniline	35
2-Bromo-4,6-dinitroaniline	1
2-Bromo-1-ethanol	2
2-Bromoethyl acrylate	2
Bromoform	4
Bromoform	5
Bromoform	8
Bromoform	12
Beta-bromo-beta-nitrosostyrene	2
Beta-bromo-beta-nitrostyrene	35
1-Bromo-2-propanol	2
3-Bromo-1-propanol	2
Brucine	1
1,3-Butadiene	12
1,4-Butanediol diglycidyl ether	1
2,3-Butanedione 2-oxime	2
Mono-sec-butanolamine	2
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2-Butanone peroxide	6
2-Butanone peroxide	12
2-Butanone peroxide	21
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n-Butyl acetate	26
n-Butyl acrylate	2
t-Butyl alcohol	12
n-Butylamine	1
tert-Butylamine	1
sec-Butylamine	2
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Butylated hydroxytoluene	6
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Butyl benzyl phthalate	31
Butyl benzyl phthalate	32
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tert-Butyl chromate	2
Butyl cyclohexyl phthalate	2
Butyl(2,4-dichlorophenoxy) acetate	1
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Tert-butyl hydroperoxide	7
Butyl methacrylate	1
tert-Butyl perbenzoate	2
t-Butyl perbenzoate	33
t-Butyl perbenzoate	36
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tert-Butylphenyl diphenyl phosphate	2
Butyltin-tris(isooctylmercaptoacetate)	2
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Butyl(2,4,5-trichlorophenoxy) acetate	1
Butyraldehyde	1
Butyraldehyde	5
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gamma-Butyrolactone	20
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C.I. Acid Orange 3	12
C.I. Acid Orange 10	2
C.I. Acid Red 14	2
C.I. Acid Red 114	1
C.I. Acid Red 114	6
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C.I. Acid Yellow 73	12
C.I. Acid Yellow 73	14
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C.I. Basic Red 29	32
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C.I. Direct Black 114	16
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C.I. Direct Blue 6	5
C.I. Direct Blue 6	8
C.I. Direct Blue 6	16
C.I. Direct Blue 6	41
C.I. Direct Blue 8	2
C.I. Direct Blue 8	16
C.I. Direct Blue 10	2
C.I. Direct Blue 10	16
C.I. Direct Blue 15	1
C.I. Direct Blue 15	5
C.I. Direct Blue 15	8
C.I. Direct Blue 15	11
C.I. Direct Blue 15	16
C.I. Direct Blue 25	1
C.I. Direct Blue 25	16
C.I. Direct Blue 53	1
C.I. Direct Blue 53	8
C.I. Direct Blue 53	16
C.I. Direct Blue 218	1
C.I. Direct Blue 218	6
C.I. Direct Blue 218	11
C.I. Direct Blue 218	16
C.I. Direct Blue 218	41
C.I. Direct Brown 2	2
C.I. Direct Brown 95	6
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C.I. Direct Red 2	1
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C.I. Pigment Green 36	2
C.I. Pigment Orange 7	2
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C.I. Pigment Red 3	12
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C.I. Pigment Red 8	2
C.I. Pigment Red 23	P/151
C.I. Pigment Red 23	12
C.I. Pigment Red 69	2
C.I. Pigment Violet 1	1
C.I. Pigment Yellow 74	2
C.I. Solvent Red 5	2
C.I. Solvent Yellow 14	2
C.I. Vat Blue 1	1
C.I. Vat Blue 1	35
C.I. Vat Blue 1	P/150
C.I. Vat Brown 3	1
C.I. Vat Yellow 4	1
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Beta-Cadinene	4
Beta-Cadinene	5
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Cadmium chloride	41
Cadmium nitrate	35
Cadmium oxide	1
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Caffeine	15
Caffeine	27
Caffeine	27
Caffeine	28
Caffeine	38
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Caprolactam	6
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Carbendazim	8
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Carbon disulfide	6
Carbon disulfide	22
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Carisoprodol	13
Carisoprodol	35
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Carminic acid	32
Carminic acid	34
Carveol	2
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d-Carvone	20
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Castor oil	12
Catechol	20
Chloral	2
Chloral hydrate	7
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Chlorambucil	8
Chlorambucil	43
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Chloramphenicol sodium succinate	2
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Chlordecone (Kepone)	5
Chlordecone (Kepone)	41
Chlordecone (Kepone)	1
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Chlordecone alcohol	12
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Chloroacetonitrile	12
Chloroacetophenone	20
Chloroacetophenone	2
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m-Chloroaniline	2
o-Chloroaniline	3
p-Chloroaniline	4
p-Chloroaniline	5
p-Chloroaniline	12
p-Chloroaniline	20
p-Chloroaniline	33
m-Chloroaniline	36
m-Chloroaniline	12
o-Chlorobenzalmalonitrile	2
o-Chlorobenzalmalononitrile	4
o-Chlorobenzalmalononitrile	20
o-Chlorobenzalmononitrile	12
Chlorobenzene	14
Chlorobenzene	18
Chlorobenzene	6
Chlorobenzilate	7
Chlorobenzilate	12
Chlorodibromomethane	2
4-Chloro-2-(2,4-dinitroanilino)phenol	2
Chloroethyl acrylate	1
2-Chloroethyltrimethylammonium chloride	4
Chloroform	43
Chloroform	4
3-Chloro-2-methylpropene	12
3-Chloro-2-methylpropene	1
2-Chloromethylpyridine hydrochloride	6
2-Chloromethylpyridine hydrochloride	8
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3-Chloromethylpyridine hydrochloride	

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4-Chloro-2-nitroaniline	28
2-Chloronitrobenzene	6
4-Chloronitrobenzene	5
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4-Chloro-o-phenylenediamine	2
Chloropicrin	8
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2-Chloro-1,3-propanediol	2
3-Chloro-1,2-propanediol	2
1-Chloro-2-propanol	2
1-Chloro-2-propanol	32
1-Chloro-2-propanol	34
2-Chloro-1-propanol	2
2-Chloro-1-propanol	32
2-Chloro-1-propanol	34
3-Chloro-1-propanol	2
o-Chlorostyrene	2
Chlorothalonil	6
Chlorothalonil	7
Chlorothen	1
Chlorothen	15
3-Chloro-p-toluidine	6
3-Chloro-p-toluidine	1
5-Chloro-o-toluidine	1
5-Chloro-o-toluidine	6
4-Chlor-o-toluidine hydrochloride	6
Chlorotrianisene	2
2-Chloro-6-(trichloromethyl)pyridine	2
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Chlorotrimethylsilane	2
Chlorowax 40	12
Chlorowax 40	20
Chlorowax 500C	12
Chlorpheniramine maleate	1
Chlorpheniramine maleate	12
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Chlorpromazine hydrochloride	20
Chlorpromazine hydrochloride	22
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Cholesterol	34
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Choline chloride	5
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1,8-Cineol	6
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Cinnamaldehyde	11
Cinnamaldehyde	28
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Citral	1
Citral	36
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Codeine	36
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Colchicine	6
Colchicine	8
Colchicine	32
Colchicine	34
Colchicine	2
Copper acetoarsenite	6
Coumarin	7
Coumarin	20
Coumarin	2
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p-Cresidine	2
p-Cresol glycydyl ether	1
Cresyl diphenyl phosphate	31
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Croton oil	8
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Cyclohexanone	18
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Cyclohexanone	2
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Cyclophosphamide	43
Cyclophosphamide	32
L-Cysteine	34
L-Cysteine	2
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1,4-Diamino-2,6-dichlorobenzene	1
4,4'-Diaminodicyclohexylmethane	1
Diaminomaleonitrile	2
2,4-Diaminophenol dihydro-chloride	20
2,4-Diaminophenol dihydrochloride	4
2,4-Diaminophenol dihydrochloride	5
2,4-Diaminophenol hydrochloride	12
1,3-Diaminopropane	1
4,4'-Diamino-2,2'-stilbenedisulfonic acid	20
2,4-Diaminotoluene	43
Di-n-amylamine	1
o-Dianisidine	16
Diarylanilide Yellow	1
Diazoaminobenzene	2
Dibenz(a,h)acridine	43
Dibenz(a,j)acridine	43
Dibenz(a,h)anthracene	43
7H-Dibenzo(c,g)carbazole	43
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Dibenzo(a,l)pyrene	43
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1,2-Dibromo-3-chloropropane	38
1,2-Dibromo-3-chloropropane	43
Dibromochloropropane	2
Dibromochloropropane	7
1,2-Dibromo-4-(1,2-dibromoethyl) cyclohexane	2
Dibromoacetaldehyde	2
Dibromoacetonitrile	1
Dibromoacetonitrile	8
Dibromodulcitol	2
1,2-Dibromoethane	P/140
1,2-Dibromoethane	43
Dibromomannitol	1
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2,3-Dibromo-1-propanol	7
2,3-Dibromo-1-propanol	12
2,3-Dibromo-1-propanol	20
2,3-Dibromo-1-propanol	
2,3-Dibromopropyl acrylate	1
2,3-Dibromopropylmethacrylate	1
Di-sec-butanolamine	2
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Di-tert-butyl peroxide	2
Dibutyl phenyl phosphate	2
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Dibutyl phthalate	1
Dibutyltin-bis(laurylmercaptide)	2
Dibutyltin diacetate	1
Dibutyltin diacetate	8
Dibutyltin dilaurate	2
Dichloran	2
Dichloran	8
Dichloroacetaldehyde	2
Dichloroacetonitrile	8
2,5-Dichloroaniline	2
3,4-Dichloroaniline	2
1,4-Dichlorobenzene	5
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Dichlorodiphenylethylene	8
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1,2-Dichloroethane	43
Cis & Trans 1,2-Dichloroethylene	5
1,1-Dichloroethylene	6
1,1-Dichloroethylene	6
Dichloroisocyanuric acid	1
4,5-Dichloro-6-methyl-2-methyl-sulfonylpyrimidine	2
3,4-Dichloronitrobenzene	7
2,4-Dichloronitrobenzene	7
2,3-Dichloronitrobenzene	7
1,1-Dichloro-1-nitroethane	2
2,4-Dichlorophenol	4
2,4-Dichlorophenol	12
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2,4-Dichlorophenoxyacetic acid	5
2,6-Dichloro-p-phenylenediamine	P/156
1,2-Dichloropropane	5
1,2-Dichloropropane	8
1,2-Dichloropropane	12
1,2-Dichloropropane	14
1,2-Dichloropropane	18
1,3-Dichloro-2-propanol	2
2,3-Dichloro-1-propanol	2
1,3-Dichloropropene	1
1,3-Dichloropropene	8
1,3-Dichloropropene	18
1,3-Dichloropropene (Telone)	12
1,3-Dichloropropene (Telone)	14
2,3-Dichloroquinoxaline	1
Dichlorvos	2
Dichlorvos	4
Dichlorvos	12
Dicofol	6
Dicofol	8
Dicumyl peroxide	2
Dicyclohexylamine	2
Dicyclohexylamine nitrite	2
Dicyclohexyl phthalate	1
N,N'-Dicyclohexylthiourea	3
Dicyclopentadiene	1
Dieldrin	6
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5-Diethylamino-2-nitrosophenol	2
3-Diethylaminophenol	2
N,N-Diethyl aniline	2
Diethylbutylamine	2
Diethyldichlorosilane	2
O,O-Diethyl S-(1,1-dimethylethyl) thio-methyl)phosphorodithioate	1
Diethylene glycol	1
Diethylene glycol	24
Diethylene glycol bis-glycidyl ether	2
Diethylene glycol dibutyl ether	24
Diethylene glycol diethyl ether	24
Diethylene glycol dimethyl ether	24
Diethylene glycol monobutyl ether	24
Diethylene glycol monoethyl ether	24
Diethylene glycol monomethyl ether	24
Diethylenetriamine	1
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Di(2-ethylhexyl)phthalate	37
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Di(p-ethylphenyl)dichloroethane	1
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N,N'-Diethylthiourea	1
N,N'-Diethylthiourea	6
N,N'-Diethylthiourea	8
2,4-Difluoroaniline	2
Diglycidyl resorcinol ether	1
Diglycidyl resorcinol ether	8
Diglycidyl resorcinol ether	18
(DGRE)Diglycidylresorcinol ether	12
(DGRE)Diglycidylresorcinol ether	14
Dihexylamine	2
Di-n-hexyl phthalate	P/191
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Di(n-hexyl)phthalate	1
3,4-Dihydrocoumarin	20
1,2-Dihydro-2,2,4-trimethyl-quinoline	2
1,2-Dihydro-2,2,4-trimethyl-quinoline	36
3,3'-Dihydroxybenzidine	2
1,8-Dihydroxy-4,5-dinitroanthraquinone	2
1,8-Dihydroxy-4,5-dinitroanthraquinone	8
1,8-Dihydroxy-4,5-dinitroanthraquinone	35
2,2'-Dihydroxy-4-methoxybenzophenone	1
Dihydroxyurea	2
Diisobutyl phthalate	P/191
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2,6-Diisocyanatotoluene	2
Diisodecyl phthalate	P/191
Diisodecyl phthalate	1
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Diisononyl phthalate	1
Diisopropanolamine	2
Diisopropylamine	1
Di(isopropylphenyl)phenyl phosphate (DIPP)	2
Dimenhydrinate	1
Dimenhydrinate	8
N-(1,3-Dimethylbutyl)-N-phenyl-p-phenylenediamine	2
Dimethoate	6
Dimethoxane	8
Dimethoxane	12
Dimethoxane	20
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N,N-Dimethylacetamide	2
N,N-dimethylacetamide	26
4-Dimethylaminoazobenzene	4
4-Dimethylaminoazobenzene	43
2-(Dimethylamino)ethyl acrylate	2
3-Dimethylamino-4-methylphenol	2
5-Dimethylamino-2-nitroso-4-methylphenol	2
3-Dimethylaminophenol	2
3-Dimethylamino-propylamine	1
N,N'-Dimethylaniline	1
N,N-Dimethylaniline	12
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3,3'-Dimethylbenzidine	2
3,3'-Dimethylbenzidine	4
3,3'-Dimethylbenzidine	5
3,3'-Dimethylbenzidine	8
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Dimethylcarbamoyl chloride	4
Dimethylcarbamoyl chloride	7
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Dimethylethanolamine	1
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Dimethylformamide	8
N,N-Dimethylformamide	12
Dimethylformamide	26
Dimethyl hydrogen phosphite	1
Dimethyl hydrogen phosphite	8
Dimethyl hydrogen phosphite	12
1,1-Dimethyl-1-(2-hydroxypropyl-amine)methacrylimide	2
1,1-Dimethyl-1-(2-hydroxypropyl-amine)tetradecanimide	2
Dimethylmethyl-phosphonate	41
Dimethyl methyl phosphonate	28
Dimethyl methylphosphonate	4
Dimethyl methylphosphonate	12
2,6-Dimethyl morpholine	7
Dimethyl morpholinophosphonate	2
Dimethyl morpholinophosphonate	4
Dimethyl morpholinophosphoramidate	12
N,N-Dimethyl-p-nitrosoaniline	7
Dimethyloldihydroxyethyleneurea	1
Dimethyloldihydroxyethyleneurea	11
Dimethyloldihydroxyethyleneurea	11
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Dimethyl phthalate	P/191
Dimethyl phthalate	1
Dimethyl sulfate	43
Dimethyl sulfoxide	2
Dimethyl terephthalate	1
Dimethylvinylchloride	12
Dimethylvinyl chloride	4
1,4-Dinitroaniline	P/152
2,4-Dinitroaniline	8
2,4-Dinitroaniline	35
2,4-Dinitroaniline	1
2-(2,4-Dinitroanilino)phenol	2
4-(2,4-Dinitroanilino)phenol	2
2,4-Dinitro-6-(1-methylheptyl)phenol	2
2,4-Dinitrophenol	2
1,3-Dinitropyrene	31
1,6-Dinitropyrene	31
1,8-Dinitropyrene	31
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2,4-Dinitrotoluene	1
2,4-Dinitrotoluene	24
Dioctyl phthalate	1
Di-n-octyl phthalate	P/191
Di-n-octyl phthalate	P/155
Di(n-octyl)tin maleate	2
Di(n-octyl)tin-S,S'-bis(isooctyl-mercaptoacetate	2
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1,4-Dioxane	43
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Diphenylhydantoin	8
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Direct Violet 32	2
Direct Violet 32	17
Disperse Yellow 3	P/133
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2,5-Dithiobiurea	6
Ditridecyl phthalate	1
Diundecyl phthalate	1
Divinylbenzene	1
DMBA-TPA	18
DMBA/TPA	21
DMBA(dimethylbenzanthracene)/TPA(Tetrad	12
DMBA(dimethylbenzanthracene)/TPA(Tetrad	12
DMBA(dimethylbenzanthracene)/TPA(Tetrad	14
DMBA(dimethylbenzanthracene)/TPA9Tetrad	14
Dodecenylsuccinic anhydride	1
Dodecyl alcohol (ethoxylated)	18
Dodecyl alcohol, ethoxylated	2
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Ephedrine Sulfate	2
Ephedrine Sulfate	12
Epibromohydrin	1
Epichlorhydrin	1
Epinephrine	2
Epinephrine HCL	20
Epinephrine hydrochloride	12
1,2-Epoxybutane	7
1,2-Epoxybutane	12
1,2-Epoxybutane	20
2,3-Epoxy-1,4-dichlorobutane	2
1,2-Epoxyhexadecane	1
1,2-Epoxyhexadecane	12
1,2-Epoxyhexadecane	21
1,2-Epoxy-1,1,2,3,3,3-hexafluoropropane	2
1,2-Epoxypropane	8
1,2-Epoxy-3,3,3-trichloropropane	1
1,2-Epoxy-3,3,3-trichloropropane	8
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Erythromycin stearate	1
Erythromycin stearate	4
Erythromycin stearate	12
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Estradiol plus progesterone	19
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Estragole	35
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2-Ethoxyethanol	5
2-Ethoxyethanol	8
2-Ethoxyethyl -p-methoxycinnamate	1
N-(3-Ethoxyphenyl)acetamide	2
Ethoxyresorufin	P/139
Ethyl acrylate	8
Ethyl acrylate	12
Ethyl acrylate	14
Ethyl acrylate	18
Ethylamine	P/141
3-Ethylamino-4-methylphenol	2
3-Ethylaminophenol	2
N-Ethyl aniline	2
Ethyl anthranilate	1
Ethylbenzene	2
Ethyl benzene	26
Ethyl benzene	35
Ethyl bromide	12
Ethyl bromide	20
N-Ethyl-N-butylamine	2
Ethyl chloride	2
Ethyl chloride	12
Ethyl chloride	20
S-Ethyl dipropylthiocarbamate	2
S-Ethyl dipropylthiocarbamate	8
N-Ethyl-N-phenyl benzylamine	2
N,N'-Ethylene-bis(tetrabromophthalimide	1
Ethylene chlorohydrin	8
Ethylene chlorohydrin	12
Ethylene chlorohydrin	14
Ethylene chlorohydrin	21
Ethylene chlorohydrin	22
Ethylenediamine	20
Ethylenediamine	24
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Ethylene glycol	4
Ethylene glycol	12
Ethylene glycol	20
Ethylene glycol	24
Ethylene glycol	27
Ethylene glycol	38
Ethylene glycol diethyl ether	24
Ethylene glycol dimethyl ether	24
Ethylene glycol monobutyl ether	P/198
Ethylene glycol monobutyl ether	24
Ethylene glycol monobutyl ether	25
Ethylene glycol monoethyl ether	P/179
Ethylene glycol monoethyl ether	P/197
Ethylene glycol monoethyl ether	P/198
Ethylene glycol monoethyl ether	12
Ethylene glycol monoethyl ether	24
Ethylene glycol monoethyl ether	25
Ethylene glycol monoethyl ether	26
Ethylene glycol monoethyl ether	27
Ethylene glycol monoethyl ether	38
Ethylene glycol monoethyl ether acetate	25
Ethylene glycol monoethyl ether-acetate	P/198
Ethylene glycol monomethyl ether	P/179
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Ethylene glycol monomethyl ether	24
Ethylene glycol monomethyl ether	25
Ethylene glycol monomethyl ether	26
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Ethylene oxide	P/193
Ethylene oxide	P/197
Ethylene oxide	12
Ethylene oxide	22
Ethylene oxide	23
Ethylene oxide	26
Ethylene thiourea	P/104
Ethylene thiourea	1
Ethylene thiourea	4
Ethylene thiourea	6
Ethylene thiourea	8
Ethylene thiourea	43
Ethylenethiourea	12
Ethylenethiourea	20
Ethylenethiourea	24
Ethyl ethanesulfonate	1
2-Ethylhexanol	P/215
2-Ethylhexanol	1
2-Ethylhexanol	6
2-Ethylhexanol	32
2-Ethylhexanol	31
2-Ethylhexyl acrylate	2
2-Ethylhexyl diphenyl phosphate	1
2-Ethylhexyl 2-cyano-3,3-diphenyl-acrylate	1
2-Ethylhexyl-p-methoxycinnamate	1
Ethylidenenorbornene	1
Ethylmethane sulfonate	P/93
Ethyl methacrylate	2
Ethyl-3-methyl-3-phenylglycidate	6
N-Ethylmorpholine	2
N-Ethyl-N-nitrosourea	P/51
N-Ethyl-N-nitrosourea	P/52
N-Ethyl-N-phenyl benzylamine	2
Ethyl 3-phenylglycidate	2
Ethyl tellurac	6
Ethyl tellurac	8
Ethylvanillin	1
Eugenol	6
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Fluorene, 2-nitro	4
N-2-Fluorenylacetamide	P/43
Fluoride	P/134
2-Fluorobenzoyl chloride	8
1-Fluoro-2,4-dinitrobenzene	7
4-Fluoro-DL-phenylalanine	1
5-Fluorouracil	1
5-Fluorouracil	8
Folic acid	32
Folic acid	34
Formaldehyde	5
Formaldehyde	8
Formaldehyde	20
Formaldehyde	43
Formamide	2
Formanilide	2
Formic acid	31
Formulated fenaminosulf	2
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Fumaric acid	2
Fumaric acid	32
Fumaric acid	34
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Furan	12
Furan	20
Furfural	4
Furfural	8
Furfural	12
Furfural	20
Furfuralacetone	2
Furfuryl acetate	1
Furfuryl alcohol	P/168
Furfuryl alcohol	2
Furfuryl alcohol	20
Furosemide	2
Furosemide	12
beta-2-Furylacrolein	2
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Gentian violet	P/128
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Gentian violet	12
Gentian violet	15
Geranyl acetate	10
Geranyl acetate	4
Geranyl acetate	6
Gibberellic acid	1
Gilsonite	12
Gilsonite	14
Gilsonite	18
Glutaraldehyde	1
Glutaraldehyde	4
Glutaraldehyde	5
Glutaraldehyde	7
Glutaraldehyde	12
Glutaraldehyde	21
Glycidol	2
Glycidol	12
Griseofulvin	2
Guanine	32
Guanine	34
Haematite underground mining	43
Halazone	2
Halothane	1
Halothane	5
Halothane	8
HC Blue 1	2
HC Blue 1	12
HC Blue 1	14
HC Blue 1	18
HC Blue 2	2
HC Blue 2	12
HC Red 3	2
HC Red 3	12
HC Yellow 4	8
HC Yellow 4	11
Heptachlor	1
2-Heptadecyl-3-hydroxyethylimidazoline	2
Hexabromocyclododecane	1
1,2,3,4,6,7-hexabromonaphthalene	P/154
Hexachlorobenzene	6
Hexachlorobenzene	43
2,3,6,2',3',6'-Hexachlorobiphenyl	P/153
2,3,6,2',3',6'-Hexachlorobiphenyl	P/155
2,4,5,2',4',5'Hexachlorobiphenyl	P/154
2,4,5,2',4',5'-Hexachlorobiphenyl	P/155
3,4,5,3',4',5'Hexachlorobiphenyl	P/138
Hexachlorobutadiene	8
Hexachlorobutadiene	26
Hexachloro-1,3-butadiene	P/140
Hexachlorocyclopentadiene	P/150
Hexachlorocyclopentadiene	6
Hexachlorocyclopentadiene	13
Hexachlorocyclopentadiene	20
1,2,3,6,7,8-Hexachlorodibenzo-p-dioxin	2
1,2,4,6,8,9-Hexachlorodibenzofuran	P/154
Hexachloroethane	6
Hexachloroethane	12
Hexachloroethane	20
Hexachloronaphthalene	2
Hexadecylamine	2
Hexafluoroacetone	2
Hexafluoro-1-propanol	2
Hexahydro-1,3-tris(2-hydroxy-ethyl)triazine	2
1,6-Hexamethylene diacrylate	2
Hexamethyl-phosphoramide	P/53
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Hexamethyl-p-rosaniline	22
Hexamethyl-p-rosaniline	22
Hexamethyl-p-rosaniline chloride	1
Hexamethyl-p-rosaniline chloride	6
Hexamethyl-p-rosaniline chloride	8
Hexamethyl-p-rosaniline chloride	18
Hexanamide	1
n-Hexane	1
n-Hexane	35
1,6-Hexanediamine	1
1,6-Hexanediamine	13
1,6-Hexanediamine	35
2,5-Hexanedione	P/10
1,3,6-Hexanetricarbonitrile	2
N-Hexyl methacrylate	2
Hexylresorcinol	1
Hexylresorcinol	4
Hexylresorcinol	6
Hexylresorcinol	12
Hycanthone methanesulfonate	2
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Hydrochlorothiazide	6
Hydrochlorothiazide	8
Hydrochlorothiazide	12
Hydrochlorothiazide	20
Hydrocyanic acid	2
Hydrogen fluoride	P/135
Hydroquinone	4
Hydroquinone	5
Hydroquinone	12
Hydroquinone	20
Hydroquinone monomethyl ether	1
4-Hydroxyacetanilide	12
4-Hydroxyacetanilide	20
Hydroxyacetonitrile	2
2-Hydroxybenzamide	2
N-Hydroxybenzamide	2
alpha-Hydroxybenzeneacetonitrile	2
N-(Hydroxyethel)ethylenediamine	2
Hydroxylamine, hydrochloride	2
Hydroxylamine, hydrochloride	4
2-Hydroxy-4-methoxybenzophenone	1
2-Hydroxy-4-methoxybenzophenone	36
2-Hydroxy-2-methylpropanenitrile	2
2-Hydroxy-1,4-naphthoquinone	2
3-Hydroxy-N-phenylaniline	2
2-Hydroxypropanenitrile	2
3-Hydroxypropanenitrile	2
8-Hydroxyquinoline	12
8-Hydroxyquinoline sulfate	2
L-5-Hydroxytryptophan	1
5-Hydroxytryptophan	22
1,5-Hydroxytryptophane	20
Imidazoquinoline (IQ)	P/44
3,3'-Iminobis(propylamine)	1
Indeno(1,2,3-cd)pyrene	43
Indomethacin	1
Iodinated glycerol	2
Iodinated glycerol	12
Iodoacetic acid	2
Iodoacetic acid	8
Iodochlorohydroxyquinoline	2
Iodoform	6
beta-Ionone	1
beta-Ionone	2
Iron dextran	43
Isatin-5-sulfonic acid	2
Isoamyl nitrite	1
Isoamyl nitrite	6
Isobutyl acrylate	2
Isobutylamine	1
Isobutyl anthranilate	1
Isobutyl methacrylate	2
Isobutyl nitrite	1
Isobutyl nitrite	6
Isobutyl nitrite	8
Isobutyl nitrite	11
Isobutylnitrite	P/185
Isobutyraldehyde	1
Isobutyraldehyde	8
Isobutyraldehyde	13
Isobutyraldehyde	35
Isodecyl diphenyl phosphate	2
Isoeugenol	1
L-Isoleucine	32
L-Isoleucine	34
Isophorone	12
Isophorone diisocyanate	2
Isoprene	1
Isopropyl alcohol	43
Isopropylamine	2
N-Isopropylaniline	2
Isopropyl glycidyl ether	1
Isopropyl methacrylate	2
Isopropylmethane sulfonate	P/93
Isopropyl phenyl diphenyl phosphate (IPDP Mixed Isomers)	2
N-Isopropyl-N'-phenyl-p-phenylenediamin	2
N-Isopropyl-N'-phenyl-p-phenylenediamin	35
Isoproterenol	22
Isoproterenol	22
Isoproterenol	28
Isoproterenol hydrochloride	1
Isoproterenol hydrochloride	5
Isoproterenol hydrochloride	8
Isoproterenol hydrochloride	11
Kepone	43
Laslocarpine	7
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Lead acetate	27
Lead acetate	27
Lead acetate	38
Lead acetate	43
Lead dimethyldithiocarbamate	6
Lead dimethyldithiocarbamate	7
Lead dioxide	1
Lead phosphate	43
d-Limonene	12
Linalyl anthranilate	2
Lindane	6
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Linoleic acid	1
Linoleic acid	32
Linoleic acid	34
Linolelaidic acid	31
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Linolenic acid	32
Linolenic acid	34
Lithocholic acid	3
Luminol	31
L-Lysine	32
L-Lysine	34
Malaoxon	2
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Malathion	1
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m-Nitrobenzoyl chloride	32
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D-Phenylalanine	35
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Phenylbutazone	6
Phenylbutazone	12
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N-Phenylhydroxylamine	1
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N-Phenyl-2-Naphthylamine	12
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o-Phenylphenol	8
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Sulfamethizole	33
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Sulfanilamide	33
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Part III

Department of Labor

Occupational Safety and Health Administration

Occupational Exposure to Ethylene Oxide; Proposed Rule

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. H-200]

Occupational Exposure to Ethylene Oxide

AGENCY: Occupational Safety and Health Administration (OSHA), Department of Labor.

ACTION: Proposed rule and notice of hearing.

SUMMARY: By this notice, the Occupational Safety and Health Administration (OSHA) is proposing to amend its existing occupational standard that regulates employee exposure to ethylene oxide (EtO). The basis for this action is a determination by the Assistant Secretary, based on animal and human data, that exposure to EtO at OSHA's current permissible exposure limit (PEL) of 50 parts EtO per million parts of air (50 ppm) as an eight (8)-hour time-weighted average (TWA) is inadequate for employee health protection. OSHA proposes to reduce the PEL for EtO to a TWA of 1 ppm. An "action level" of 0.5 ppm as a TWA is included in the proposal as a mechanism for exempting an employer from the obligation to comply with certain requirements, such as employee exposure monitoring and medical surveillance, in instances where the employer can demonstrate that the employees exposures are at very low levels. The proposal would provide for among other requirements certain methods of exposure control, personal protective equipment, measurement of employee exposures, training, medical surveillance, signs and labels, regulated areas, emergency procedures and recordkeeping.

DATES: Comments concerning the proposed standard and notices of intention to appear at the informal rulemaking hearing must be postmarked on or before June 17, 1983. Parties requesting more than 10 minutes for their presentations at the hearing, and parties submitting documentary evidence at the hearing, must submit the full text of their testimony and all documentary evidence no later than July 1, 1983. The informal public rulemaking hearing is scheduled to begin July 19, 1983.

ADDRESSES: Comments are to be submitted to the Docket Officer, Docket No. H-200, Room S-6212, U.S. Department of Labor, Third and Constitution Avenue, N.W., Washington, D.C. 20210.

Notices of intention to appear at the informal rulemaking hearing, testimony and documentary evidence are to be sent to: Tom Hall, OSHA Division of Consumer Affairs, Docket No. H-200, Room N-3635, U.S. Department of Labor, Third Street and Constitution Avenue, N.W., Washington, D.C. 20210; telephone 202-523-8024. The informal public hearing will begin July 19, 1983, at 10:00 A.M. in the Auditorium, Frances Perkins Building, Third and Constitution Avenue, N.W., Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT: Mr. James F. Foster, OSHA, U.S. Department of Labor, Office of Public Affairs, Rm. N-3641, 200 Constitution Avenue, N.W., Washington, D.C. 20210, Telephone (202) 523-8151.

SUPPLEMENTARY INFORMATION:

I. General

The preamble to the proposed standard on occupational exposure to ethylene oxide (EtO) discusses the events leading to the proposal, physical properties of EtO, manufacture and use of EtO, health effects of exposure to EtO, comments received in response to the Advance Notice of Proposed Rulemaking (ANPR) (47 FR 3566 January 26, 1982), and an analysis of the technological and economic feasibility and impact, and the rationale behind the specific provisions set forth in the proposed standard.

This proposed standard would apply to all employments in all industries covered by the Act, namely "general industry," construction, and maritime.

Public comment on the data discussed in this Notice and other relevant issues is requested for the purpose of assisting OSHA in its reevaluation of the adequacy of the present standard and the development of a new standard for exposure to EtO. OSHA also requests that interested parties submit any pertinent health data not discussed in this notice.

Comment is requested on the following issues relating to health effects, technological and economic feasibility, and provisions which should be considered for inclusion in a final EtO standard. Specifically, scientific and technical data and expert analysis and opinion are sought on the following issues:

1. Would the proposed provisions provide adequate worker protection from all health hazards associated with EtO exposure?

2. Are there additional, data or information on health care providers concerning the feasibility of complying with the proposed standard?

3. Is a short-term or ceiling exposure limit for EtO exposure necessary for the PEL or action level in view of recent information regarding increased spontaneous abortions and chromosome changes in workers exposed to EtO? What monitoring methods and control technology are available to meet such a short-term limit and what would be the economic burdens, if any, of such a limit?

4. What are the most suitable methods for determining compliance with EtO exposure permissible exposure limits (PEL's) of 0.5 and 1 ppm as 8-hour time-weighted averages and for ceilings ranging from 5 to 50 ppm for 30 minutes or less? What are the problems associated with such monitoring methods? Do they require special training or experience? Are there serious limitations as to the accuracy or precision of the available sampling techniques?

5. Are there other risk assessments besides that developed by OSHA that specifically deal with the risk of cancer or other disease at 50 ppm and the proposed PEL of 1 ppm? Can the risk of adverse reproductive effects resulting from exposure to 1 ppm or less be adequately quantified?

6. Is there any group of workers who, because of lifestyle, concurrent exposure to other chemicals, or physiological makeup, are likely to have an increased sensitivity to ethylene oxide? If so, what consideration, if any, should be provided for such workers in the final standard?

7. Are the proposed medical surveillance provisions, including the suggested examinations found in Appendix D to the proposal, adequate for the purpose of providing protective medical monitoring of affected employees? Should an examination also be required to be offered at the termination of employment? Should the standard be more specific in the elements required for medical examinations of exposed employees?

8. Specific provisions for skin and eye protection against contact with liquid EtO are not included in the proposal. Requirements found in § 1910.132 and 1910.133 require the employer to provide protective equipment (gloves, goggles, etc) where skin and eye exposure to hazardous liquids may occur. Is reliance on these two general provisions sufficient for protecting against potential dermal and eye hazards for liquid EtO? If not, explain and specify what additional provisions are necessary?

9. Should genetic screening, chromosome analysis, male fertility testing and pregnancy testing be provided as part of the routine physical examination? Should these tests be offered to employees exposed to emergency situations, or provided for these persons wishing to procreate? Should medical removal, protection (i.e., the employers shall maintain the earnings, seniority and other benefits and employment rights of an employee removed from exposure to EtO due to the risk of materials impairment to health; see OSHA lead standard 29 CFR 1910.1025) be provided for those wishing to procreate and, if so, under what circumstances?

10. In view of the uncertainty as to what constitutes an appropriate physical examination, should a mult-physician review be required if requested by the employee? Should employees who believe that they are suffering from symptoms associated with EtO overexposure be offered an interim medical examination?

11. What is the incidence of persistence of quadriradial or other chromosomal aberrations and sister chromated exchanges in peripheral lymphocytes over time after exposure to EtO ceases? Is this persistence or lack of persistence a function of dose and/or duration of exposure?

12. What length of time is needed for affected employers to reduce employee exposure to the proposed PEL through engineering and work practice controls? What technical and economic considerations form the basis for these time frames?

13. To what extent are hopitals and other health care facilities able to commit resources to obtain state-of-the-art monitoring equipment and plans?

14. Is it necessary for affected employers to develop written compliance plans as specified in paragraph (1)(2)(ii) of the proposal? Should only those employers with a large number of exposed employees (what number) or with high exposure conditions in the workplace be required to develop written compliance plans?

15. Are there conditions under which respirator use should be permitted in addition to those proposed? What respirator fit testing requirements should be included in the final standard and when should such testing be performed?

16. What additional information is available regarding the economic and technological feasiblity of complying with the proposal for small entities using EtO in the medical products manufacturing sector?

17. What has industry experience been in complying with the application and use requirements imposed by the Environmental Protection Agency's pesticides labeling? To what extent would those requirements conflict or overlap with the provisions of OSHA's proposed standard? What procedures are currently followed in complying with the requirements set forth on the labels for EtO pesticides?

II. Pertinent Legal Authority

Authority for issuance of this standard is found primarily in sections 6(b), 8(c), and 8(g)(2) of the Occupational Safety and Health Act of 1970 (the Act), 29 U.S.C. 655 (b), 657(c), and 657(g)(2). Section 6(b)(5) governs the issuance of occupational safety and health standards dealing with toxic materials or harmful physical agents. Section 3(8) of the Act, 29 U.S.C. 652(8), defines an occupational safety and health standard as:

> (A) standard which requires conditions, or the adoption or use of one or more practice, means, methods, operations, or processes, reasonably necessary or appropriate to provide a safe or healthful employment and places of employment.

The Supreme Court has said that section 3(8) applies to all permanent standards promulgated under the Act and requires the Secretary, before issuing any standard, to determine that it is reasonably necessary and appropriate to remedy a significant risk of material health impairment. *Industrial Union Department* v. *American Petroleum Institute*, 448 U.S. 607 (1980).

The "significant risk" determination constitues a finding that, absent the change in practices mandated by the standard, the workplaces in question would be "unsafe" in the sense that workers would be threatened with a significant risk of harm. *Id.* at 642. This finding is not unlike the threshold finding that a substance is toxic or a physical agent is harmful. *Id.* at 643, n. 48. A significant risk finding, however, does not require mathematical precision or anything approaching scientific certainty if the "best available evidence" does not warrant that degree of proof. *Id.* at 655–656; 29 U.S.C. 665(b)(5). Rather, the Agency may base its finding largely on policy considerations and has considerable leeway with the kinds of assumptions it applies in interpreting the data supporting it. *Id.* The Court's opinion indicates that risk assessments, which may involve mathematical estimates with some inherent uncertainties, are a means of demonstrating the existence of significant risk.

After OSHA has determined that a significant risk exists and that such risk can be reduced or eliminated by the proposed standard, it must set the standard "which most adequately assures, to the extent feasible on the basis of the best available evidence, that no employees will suffer material impairment of health * * *." Section 6(b)(5) of the Act. The Supreme Court has interpreted this section to mean that OSHA must enact the most protective standard possible to eliminate a significant risk of material health impairment, subject to the constraints of technological and economic feasibility. *American Textile Manufacturers Institute, Inc.* v. *Donovan*, 452 U.S. 490 (1981). The Court held that "cost-benefit analysis is not required by the statute because feasibility analysis is." *Id.* at 509.

Authority to issue this standard is also found in section 8(c) of the Act. In general, this section empowers the Secretary to require employers to make, keep, and preserve records regarding activities related to the Act. In particular, section 8(c)(3) gives the Secretary authority to require employers to "maintain accurate records of employee exposures to potentially toxic materials or harmful physical agents which are required to be monitored or measured under section 6." Provisions of OSHA standards which require the making and maintenance of records of medical examinations, exposure monitoring, and the like are issued pursuant to section 8(c) of the Act.

The Secretary's authority to issue this proposed standard is further supported by the general rulemaking authority granted in section 8(g)(2) of the Act. This section empowers the Secretary "to prescribe such rules and regulations as he may deem necessary to carry out (his) responsibilities under the Act"—in this case as part of or ancillary to, a section 6(b) standard. The Secretary's responsibilities under the Act are defined largely by its enumerated purposes, which include:

> Encouraging employers and employees in their efforts to reduce the number of occupational safety and health hazards at their places of employment, and to stimulate employers and employees to institute new and to perfect existing programs for providing safe and healthful working conditions (29 U.S.C. 651 (b)(l);
>
> Authorizing the Secretary of Labor to set mandatory occupational safety and health standards applicable to business affecting interstate commerce, and by creating an Occupational Safety and Health Review Commission for carrying out adjudicatory functions under the Act; (29 U.S.C. 651 (b)(3);
>
> Building upon advances already made through employee and employer initiative for providing safe and health working conditions (29 U.S.C. 651(b)(5);

By providing for the development and promulgation of occupational safety and health standards; providing for appropriate reporting procedures with respect to occupational safety and health which procedures will help achieve the objectives of this Act and accurately describe the nature of the occupational safety and health problem; exploring ways to discover latent diseases, establishing causal connections between diseases and work in environmental conditions * * *. (29 U.S.C. 651 (b)(6);

Encouraging joint labor-management efforts to reduce injuries and diseases arising out of employment (29 U.S.C. 651 (b)(13);

And developing innovative methods, techniques, and approaches for dealing with occupational safety and health problems (19 U.S.C. 651(b)(5).

Because the ethylene oxide standard is reasonably related to these statutory goals, the Secretary finds that this standard is necessary to carry out his responsibilities under the Act. In addition to its status as a section 6(b) standard, therefore, it also falls within the broader class of section 8 regulations.

In addition, section 4(b)(2) of the Act provides for OSHA standards to apply to construction and other work places where the secretary determines these standards to be more effective than existing standards which otherwise apply to those workplaces.

III. Physical Properties, Manufacture and Uses of Ethylene Oxide

Ethylene oxide (EtO), also known as 1, 2-epoxyethane, oxirane, and dimethylene oxide, is a colorless gas with a characteristic ether-like odor. Its chemical formula is C_2H_4O, molecular weight is 44.06 and CAS Registry Number is 75–21–8. Although several processes exist for the production of EtO, all United States producers currently manufacture EtO through the catalytic oxidation of ethylene in the presence of a silver catalyst. EtO is completely miscible with water, alcohol, acetone, benzene, ether, carbon tetrachloride and most organic solvents. It is also highly reactive and potentially explosive when heated or when in the presence of alkali metal hydroxides and highly active catalytic surfaces. EtO is relatively stable in aqueous solutions or when diluted with carbon dioxide (CO_2) or halocarbons. In order to reduce explosion hazards when EtO is used as a fumigant or sterilant, it is often used in gaseous mixtures (such as 10% EtO and 90% CO_2, or 12% EtO and 88% halocarbon).

Since its first domestic production in 1925, EtO has developed into a major industrial chemical and is presently one of the 25 chemicals of highest production volume in the United States. During the period from 1967 to 1978, for example, the average rate of growth in the EtO industry was 6.7 percent. In 1980, over 5.2 billion pounds of EtO were produced domestically. Current production capacity is about 6.7 billion pounds per year (Ex. 2–14).

The primary use of EtO is as an intermediate in the manufacture of other products. Over 99% of total EtO production is used in the manufacture of other products, and almost 90% is consumed by the EtO manufacturers themselves. On a volume basis, the largest use of EtO is as an intermediate in the production of ethylene glycol, a major component of automotive and other anti-freeze products and as an intermediate in the production of polyethylene terephthalate (PET) polyester fibers, bottles and films. Approximately 70% of all domestically produced EtO goes into the manufacture of ethylene glycol.

EtO is also widely employed in the production of non-ionic surface-active agents which are used in household detergents and as industrial surfactants. Other products manufactured from EtO include: (1) Ethanolamines, used in sweetening natural gas and in the production of specialty chemicals, detergents and cosmetics; (2) glycol ethers, utilized as a jet fuel additive and in the formulation of coatings, cleaners, automotive brake fluids and inks; (3) diethylene and triethylene glycol, used in drying natural gas and in the manufacture of polyester resins, emulsifiers, lubricants and plasticizers; (4) tetraethylene glycol, utilized to extract aromatic hydrocarbons from nonaromatic hydrocarbons; (5) polyethylene glycols, from which cosmetics, plasticizers, lubricants and dispersants are created; (6) polyethylene glycols, used for water-soluble packaging and for warp sizing, and (7) crown ethers, used for extraction of liquids.

A small fraction of EtO production (less than 0.5 percent) is consumed by sterilant or fumigant users. EtO is utilized as a sterilizing agent for heat and/or moisture sensitive materials by various facets of the health care industry and is employed as a fumigant for a number of miscellaneous items, such as spices, black walnut meats, books, furniture, textiles, empty bin equipment, empty cargo holds, cosmetics and dairy packaging.

IV. Events Leading to the Proposed Standard

The present OSHA standard for EtO (29 CFR 1910.1000, Table Z–1) requires employers to ensure that the level of employee exposure to EtO does not exceed 50 parts per million parts of air (50 ppm), determined as an 8-hour time-weighted average (TWA). This standard was adopted in 1971 from an existing Walsh-Healey Federal standard. The source of the Walsh-Healey standard was the Threshold Limit Value (TLV) recommended in 1968 by the American Conference of Governmental Industrial Hygienists (ACGIH) (Ex. 2–2).

The documentation for the exposure level recommended by the ACGIH in 1968 consisted of limited data from 6 month inhalation animal studies which showed no adverse effects at levels below 50 ppm and one study of employees exposed for more than 10 years to EtO at levels of 5 to 10 ppm with no reported effects (Ex. 2–3). No indications of potential carcinogenicity were available at that time. Since that time, however, a substantial number of new studies have become available that have added significantly to the body of knowledge regarding potential health effects related to EtO exposure.

In 1977, the National Institute for Occupational Safety and Health (NIOSH) issued a "Special Occupational Hazard Review" (Ex. 2–5) on EtO, in which it recommended the adoption of a ceiling limit of 75 ppm (based on a 15-minute sampling period) for EtO in addition to the 50 ppm TWA (Ex. 2–4). Based upon observations of changes in the genetic material of cells in at least 13 biological species following EtO exposure and covalent chemical bonding between EtO and DNA, NIOSH also concluded that occupational exposure to EtO might increase the frequency of mutations in exposed populations. Although these observations raised concern regarding the potential carcinogenicity of EtO, no epidemiologic studies or long-term animal bioassays were available to assess it carcinogenic potential for humans.

In 1979, ACGIH published a Notice of Intended Change for EtO to 10 ppm TWA, with no proposal for a short-term exposure limit (STEL) (Ex. 2–6). This change was adopted in 1981. ACGIH based its recommendation on a number of short-term, *in vitro* studies which provided positive mutagenic responses for EtO, and on a 1979 case report by Hogstedt et al. (Ex. 2–8) regarding the occurrence of 3 cases of leukemia in a group of 230 workers (more fully discussed below).

The 1981 ACGIH publication (Ex. 2–7) also designated EtO as a substance suspected of having carcinogenic potential in humans, and proposed to further lower the TLV for EtO to 5 ppm, based on the positive results from a two

year inhalation study on rats conducted at the Bushy Run Research Center (Ex. 2–9) (discussed below). On June 10, 1982, ACGIH adopted a proposal to lower the TLV to 1 ppm, such change to be effective in 1984. At that time, ACGIH decided not to recommend the adoption of an STEL.

On May 22, 1981, NIOSH issued a "Current Intelligence Bulletin" (Ex. 2–10) to inform employees and employers about the potential carcinogenic hazard of exposure to EtO. NIOSH recommended that EtO be regarded as a potential occupational carcinogen and that the current OSHA standard be reexamined in light of the information which had become available subsequent to the original adoption of that standard.

On January 26, 1982, OSHA published an ANPR (47 FR 3566) announcing its intention to conduct a reevaluation of the EtO standard. Interested parties were invited to submit data, views and comments with respect to the development of a new standard for EtO and particularly with respect to a number of specified questions. Responses to the ANPR are discussed in detail in Section VIII of this preamble. The data and views obtained through the ANPR as well as other information obtained by OSHA were used to develop this proposal.

In August 1981, prior to publication of the ANPR, Public Citizen Health Research Group (Public Citizen) petitioned OSHA to issue an Emergency Temporary Standard (ETS) reducing the permissible exposure limit for EtO to an eight-hour time-weighted average of 1 ppm (Ex. 2–11). OSHA denied Public Citizen's petition in September 1981 on the grounds that the available evidence did not indicate that an emergency situation existed to trigger the issuance of an ETS in accordance with section 6(c) of the Act (Ex. 2–12). Prior to the denial of the petition, Public Citizen brought suit in U.S. District Court for the District of Columbia to obtain an order requiring the Agency to issue an ETS *(Public Citizen Health Research Group et al.* v. *Auchter, D.C. Civil Action No. 81–02343). On January 5, 1983, the District Court Judge ruled that OSHA's determination not to issue an ETS represented a "clear error of judgment," and ordered the Agency to promulgate an ETS within 20 days of the Court's decision (Ex. 6–1). OSHA then sought and obtained a temporary stay of the District Court order pending review on the merits by the U.S. Court of Appeals for the District of Columbia Circuit.*

On March 15, 1983, the Court of Appeals rendered its decision on the merits in *Public Citizen Health Research Group et al.* v. *Auchter et al.*, No. 83–1071 (Ex. 6–2). In that decision, the Court ruled that the District Court had "impermissibly substituted its evaluation for that of OSHA" in ordering an ETS to be issued. Slip op. at p. 6. However, the Court then determined that because in the Court's terms a "significant risk of grave danger" exists with regard to EtO exposures, the failure of the Agency to publish a proposed standard on EtO for 18 months after the Advance Notice of Proposed Rulemaking constituted rulemaking action "unreasonably delayed," under section 6(g) of the OSH Act (29 U.S.C. 655(g)), and sections 555(b) and 706(1) of the Administrative Procedure Act (5 U.S.C. 555(b), 706(1)). Therefore, the Court ordered the Agency to expedite its development of a proposed rule on EtO, and to issue its proposal within 30 days of the Court decision. The publication of this proposed standard has been duly expedited to comply with the timeframe established by the Court.

In its January 5 decision, the District Court considered OSHA's assertions that the Environmental Protection Agency (EPA) had exercised its statutory authority over working conditions involving the application and use of EtO as a sterilant and fumigant under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136 *et seq.*, and that this exercise served to preempt OSHA regulation of these same working conditions pursuant to section 4(b)(1) of the OSHA Act. The District Court determined, and the Court of Appeals subsequently agreed, that OSHA coverage of EtO was not preempted in "areas—such as the health care industry—where EPA has apparently exercised *minimal, if any regulatory authority in an overlapping manner."* (emphasis added) (District Court slip op. pp. 14–15; Court of Appeals slip op. p. 13, fn 23).

Pursuant to the court decision, the proposed rule being published today is intended to cover EtO exposures resulting from the application of EtO as a sterilant or fumigant, including hospital and health care uses.

In determining that OSHA retains authority to regulate working conditions involving the use of EtO as a pesticide, the Court stated that EPA's exercise of authority over working conditions under FIFRA did not "overlap" sufficiently to preempt OSHA regulation Because of OSHA's concern as to the interelationship between EPA pesticide labeling and OSHA regulation of EtO, the Issues section of this preamble contains several questions which are relevant to resolution of the problem. Comments and data on matters related to the interaction of EPA and OSHA regulation in this area are solicited for the rulemaking record.

V. Health Effects

The ACGIH's TLV of 50 ppm was established in 1968 on the basis of toxic effects to EtO encountered in industry resulting from cutaneous contact with aqueous solutions of the compound (Ex. 6–3). These solutions cause primary irritation and sensitization of the skin. Chronic human intoxication of humans by EtO had not been reported up to 1968.

The 1966 documentation did discuss several experimental studies with laboratory animals that showed that exposure to high concentrations of EtO vapor (204–841 ppm) caused irritation of the respiratory passages, growth depression, and injury to various organs. Repeated exposures for 6 or 7 months (at 113 and 49 ppm) in rats caused no effects except for a growth depression and a moderate increase in lung weight at 113 ppm. The 1966 documentation also noted that repeated exposure of dogs, rats and mice at 100 ppm for six months caused no significant effects except for slight anemia in the dogs. The ACGIH's 1971 documentation for EtO (Ex. 6–4), however, described a 10 year study in an EtO production unit. Exposure concentrations were reported as ranging from 5–10 ppm with very few exposures exceeding 50 ppm. No adverse effects from exposure to EtO were seen in this study. The ACGIH concluded in 1966 and in 1971 that "the results from * * * these investigations of the chronic toxicity of ethylene oxide indicate that a threshold limit value of 50 ppm offers an adequate margin of safety from ostensible systemic effects."

New information regarding the possible occupational hazards of EtO has emerged over the past few years. These reports regarding the chronic toxicity, carcinogenicity, mutagenicity and possible reproductive hazards of EtO have been rviewed by OSHA to ascertain the extent to which any of these possible hazards may exist for employees exposed at the current PEL of 50 ppm to determine whether the current risks, if any, need to be reduced, and to estimate the effectiveness of various exposure limits in reducing risks. OSHA presents its review of the recent studies below.

a. *Carcinogenicity.* Morgan et al. (Ex. 6–5) reported on a mortality study of a cohort of 767 production workers potentially exposed to EtO. Industrial hygiene measurements revealed no detectable EtO levels in the production area. At the sources of EtO (pump,

valve, pipe flanges, spigots, and gauges), less than 10 ppm was recorded. Only during tank car loading operations were levels of approximately 6,000 ppm EtO recorded. All other measurements were below 50 ppm. The researchers saw fewer than expected deaths from all causes and fewer than expected deaths from total malignancies. The standardized mortality ratios were 58 and 79, respectively. No death from leukemia was observed as compared to 0.70 expected. There were, however, a total of 8 deaths reported for pancreatic cancer, bladder cancer, brain and CNS cancer and Hodgkin's disease compared to 2.16 expected for this group.

Hogstedt et al. (1979) (Ex. 2–8) reported 3 cases of leukemia, between 1972 and 1977, among 230 Swedish workers in a factory where a mixture of EtO and methyl formate had been used to sterilize hospital equipment; 0.2 cases would have been expected based on age- and sex-specific Swedish national rates for 1972. Though exposures were not well characterized, two of the cases (females) were estimated to have been exposed to EtO at an estimated eight-hour TWA of 20 ppm. The exposure history of the third case (male) was not specified, but he was also known to have had some occupational exposure to benzene in his laboratory work. The cases of leukemia were classified as acute myeloid leukemia and acute myelogenic leukemia in the women, and as macroglobulinemia in the man. The study is limited by the small size of the worker population, co-exposure of one of the cases to benzene (a human leukemia-inducing agent), and poor exposure histories.

Hogstedt et al. (1979) (Ex. 2–22) also reported the results of an historical prospective mortality investigation of workers in an EtO production facility. Workers who had been employed in 1961, had a minimum of one year of employment or exposure, and had achieved at least a ten year latency period from the start of exposure to EtO and the beginning of the observation period, were followed through 1977. Among the 89 full time workers in the EtO produciton areas, an excess of total mortality was observed (23 deaths observed, 13.5 expected, p less than 0.05). Significant excesses total cancer mortality (9 observed, 3.4 expected, p less than 0.01) and in deaths from diseases of the circulatory system (12 observed, 6.3 expected, p less than 0.05) were also reported. Site specific excess cancer mortality was noted for leukemia (2 observed, 0.14 expected, p less than 0.01) and stomach cancer (3 observed, 0.4 expected, p less than 0.01). No statistically significant excess mortality was noted among 86 maintenance workers from the same facility who had intermittent EtO exposure or among the 66 workers who never worked in EtO production areas, however, the statistical power to detect an effect was very low. One leukemia death was noted among the maintenance workers. Exposure to EtO in the EtO production areas was estimated to range up to the odor threshold of 700 ppm in the 1940's, 6–28 ppm during the 1950's and 1960's, and 0.6–6 ppm in the 1970's. Average exposure was believed to be below 14 ppm during the 1950's and 1960's.

The workers who were exposed to EtO were also exposed to ethylene, ethylene dichloride, ethylene chlorohydrin and bis 2-chloroethyl ether. Because of these multiple exposures, the authors were unable to attribute the excess cancer incidence to a specific chemical, although they speculated that EtO and ethylene dichloride were prime suspects.

After reviewing the two Hogstedt studies, NIOSH, in its Current Intelligence Bulletin on EtO concluded:

> These epidemiological investigations cannot be cited as definitive evidence of an excess risk of cancer resulting from ETO exposure, but they should be considered evidence that excess risk of cancer may exist for the EtO workers studied.

Taken singly, the two studies by Hogstedt and the study by Morgan are not remarkable. They attempted to characterize relatively rare events in small populations and might be disregarded because of small numbers regardless of statistical significance. Taken together with all their limitations, however, OSHA believes they suggest that exposure to EtO may increase the risk of malignancies, particularly leukemia.

The final report on the results of an inhalation toxicity study of EtO conducted at the Bushy Run Research Center was released in January 1981 (Ex. 2–9). This was a chronic two year inhalation study in which three groups of male and female Fischer 344 rats (120 rats per sex per group) were exposed to EtO concentrations of 100, 33 and 10 ppm, for 6 hours per day, 5 days per week. Two groups of rats were exposed to air only and served as controls.

Based on histological evaluation, the Bushy Run researchers concluded that the incidences of mononuclear cell leukemia and of peritoneal mesothelioma were significantly increased as a result of exposure to EtO. The incidence of mononuclear cell leukemia in female rats was dose-related, increasing with exposure concentration. A statistically significant increase in mononuclear cell leukemia was observed only in the group of female rats exposed at 100 ppm. For females exposed at 33 ppm, the cumulative percentage of animals developing leukemia was significantly higher than that for one control group and for both control groups combined, but was not higher than the incidence for the second control group. However, the incidence for the females exposed at 33 and 10 ppm did indicate a dose response. The regression analysis of leukemia incidence versus exposure concentration was significant with a correlation coefficient of +0.99, indicating that induction of the leukemia was highly correlated to exposure at each concentration.

An increase in peritoneal mesothelioma was reported in the male rats exposed at 33 and 100 ppm. Among the males exposed at 100 ppm, the cumulative percentage developing a tumor of this type was reported to be statistically significantly higher than that of the controls beginning with the 21st month of exposure. The incidence of these tumors in males exposed at 33 ppm was not appreciably higher than in the controls until the final month of the study. These peritoneal tumors originated in the testicular mesothelium and were confined to the abdominal cavity.

In addition, the Bushy Run investigators reported that EtO exposure was associated with a higher frequency and/or earlier onset of mononuclear cell leukemia in male rats. The researchers also reported that a mortality-adjusted trend analysis indicated that the normal occurrence of pituitary adenoma in male and female rats was significantly accelerated by exposure to EtO. They also concluded there was a dose-related increase in all other combined cancers.

Preliminary results from a two-year, NIOSH-conducted chronic inhalation study on male rats and male monkeys were reported at the 1982 meeting on the Society of Toxicology (Ex. 6–6). In that study, groups of 80 male Fischer 344 rats and 12 male Cynomolgus monkeys were exposed to 50 ppm and 100 ppm of EtO. Two groups, 80 rats and 12 monkeys, were used as controls and exposed to conditioned, filtered ambient air. During the study, all of the rat groups became infected with *Mycoplasma pulmonis* which, beginning with the sixteenth month, caused the death of a large segment of the rat population.

The preliminary results of the available histopathological evaluations of the spleen indicate an exposure-related increase of mononuclear cell

leukemia in male rats exposed to EtO at 50 ppm but not at 100 ppm. NIOSH has acknowledged that these preliminary results must be interpreted in light of the known spontaneous incidence of leukemia in Fischer 344 rats. It should be noted, however, that excess mortality has occurred in the 100 ppm group (19% survived as compared to 49% of the controls). At the terminal kill a significant higher frequency of leukemia was found only in the group exposed to 100 ppm of EtO. Of equal or greater importance, however, is the apparent dose-related finding of gliomas in the rats of the NIOSH study. This tumor is rare in Fischer 344 rats. Gliomas were found in 5 of 79 rats exposed at 100 ppm and 2 of 77 rats exposed at 50 ppm. There were none in the 76 control rats. A significant association of exposure and an occurrence of peritoneal mesothelioma was found for rats exposed to 100 ppm EtO, but not to 50 ppm EtO. These results parallel those from the Bushy Run study. A more comprehensive evaluation of the chronic studies is planned by NIOSH, but only after all of the data are statistically analyzed and interpreted.

None of the monkeys in the NIOSH study have demonstrated any evidence of leukemia. Two of the monkeys in each exposure group were sacrificed for neuropathological evaluation. The only significantly finding was an increase of axonal dystrophy in the nucleous gracilis of the experimental monkey as compared to the two controls and demyelination of portions of the gracile tract in one of the monkeys in each of the low and high dose groups. Based on this limited evidence, the researchers were not able to reach any conclusions as to the cause or significance of these findings, but they remain noteworthy in view of the findings of gliomas in the rats.

In 1979, Dunkelberg (Ex. 2–16) reported preliminary results of a long-term carcinogenicity bioassay in mice, in which EtO was administered by subcutaneous injection to 100 female NMRI mice in weekly dosages of 0.1, 0.3, or 1.0 mg per animal. Two control groups, 200 untreated and 100 tricaprylin treated mice, were used. After 91 weeks of treatment, it was reported that the number of sarcomas at the injection site increased in the experimental groups, but not in the control groups. The first tumor appeared in the fiftieth week of treatment. The number of subcutaneous tumors at sites distant from the injection sites were not significantly greater in the treated groups than in the control groups.

Three earlier studies of EtO carcinogenicity should also be noted. Walpole (1957) (Ex. 2–20) subjected 12 "stock" rats to repeated subcutaneous injections of a dose of 1 g/kg EtO in Archis oil for 94 days. The small sample of animals was observed for their lifetime and no tumors were observed. Van Duuren et al. (1955) Ex. 2–21) applied 0.1 ml of a 10% EtO solution in acetone to the dorsal skin of 30 female Swiss Millerton mice three times per week for life. No tumors were observed.

Reyniers et al. (1964) (Ex. 2–19) reported tumors in 63 of 83 female mice accidentally exposed to EtO-treated bedding for 150 days and then moved to untreated bedding for the remainder of their lifespans. In contrast, no tumors were reported in 83 female mice that had not been exposed to the EtO-treated bedding. This report was not of a scientifically designed study.

In summary, OSHA has determined that EtO is carcinogenic in laboratory animals and that a significant cancer risk exists for employees exposed to EtO. This finding is supported by the available epidemiological evidence of the effects of EtO in the workplace.

The Bushy Run study clearly indicates that EtO is carcinogenic in both male and female rats. This finding is buttressed by the epidemiological studies of Hostedt et al. which are considered to strongly suggest that excess risk of cancer may exist for workers exposed to EtO. The work of Morgan et al. is also supportive of this conclusion. In addition, other animal studies, though not necessarily as well reported or documented as the Bushy Run study, confirm the carcinogenic hazard of EtO. For example, the preliminary reports from the NIOSH rat study confirms the Bushy Run study results and indentifies the brain as another possible target site for cancer in animals. NIOSH has asked that the investigators at the Bushy Run Research Center review their slides with this finding in mind.

In the following section, reports on the mutagenic effects of EtO have been reviewed. The positive findings of a mutagenic hazard support the findings of potential risk by identifying the mechanism of cancer induction by EtO to be genotoxic in nature.

b. *Evidence of Reproductive Effects and Mutagenicity.* In 1982, Hemminki et al. (Ex. 6–7) published a report which suggests that women occupationally exposed to ethylene oxide may be at an increased risk of spontaneous abortion. With a postal questionnaire, women employed during 1980 in chemical sterilization of instruments using ethylene oxide, glutaraldehyde and formaldehyde were identified by nursing supervisors in all Finnish general hospitals (about 80 hospitals). Later, questionnaires were sent to all hospital staff engaged in sterilizing instruments and to an equal number of unexposed nurse auxiliaries (controls) who were selected from the same hospital's staff by the supervising nurses. The response rate was greater than 90% for both groups. Information collected on the questionnaires permitted the researchers to adjust the data for age, parity, decade of reported pregnancy, coffee and alcohol consumption, and smoking habits using a linear logistic regression model.

No effect on spontaneous abortion rate was observed when the crude rate for the entire sterilizing staff was compared to the crude rate for the nurse auxiliary controls. A significant increase (p less than 0.001) in the spontaneous abortion rate was observed when the experience of sterilizing staff exposed to sterilizing agents during pregnancy (adjusted rate 15.1) was compared to the experience of the sterilizing staff without exposure during pregnancy (adjusted rate 4.6). The controls had an intermediate spontaneous abortion rate (adjusted rate 10.5).

Hemminki et al. were able to stratify the sterilizing staff by exposure to specific sterilizing agents during pregnancy. Although the numbers in some of the categories were relatively small, significant increases (p less than 0.05) were observed in the adjusted spontaneous abortion rates for total pregnancies exposed to ethylene oxide (with and without other agents), ethylene oxide (or glutaraldehyde) or ethylene oxide alone compared to total pregnancies not exposed to these chemicals. (In the papers, the category "ethylene oxide (with glutaraldehyde)" should read "ethylene oxide (or glutaraldehyde)". Correction explained in "exhibit No. 6–25.)

The authors also noted that the rate of spontaneous abortion (adjusted for parity) among non-exposed sterilizing staff during the calendar time period 1961–70 was significantly lower than the rate for nurse auxiliary controls over the entire study period 1951–81. However, the analysis is not considered appropriate as adjustment for calendar time period of reported pregnancy, a factor associated with spontaneous abortion, was not made in this analysis. There did appear to be a slightly lower rate of spontaneous abortion among the non-exposed sterilizer operators as compared to the nurse auxiliary controls during each decade of pregnancy. This

difference was not explained by the authors. The appearance of a significantly reduced adjusted rate among the non-exposed sterilizers, which could not be determined from the study, might lead one to conclude that the control group was not comparable to the sterilizer operators.

Finally, the authors ascertained data on pregnancy outcome from the Finnish hospital discharge register for sterilizing staff and controls for the years 1973–79. The data demonstrated a significant excess in the crude rate of spontaneous abortion among only EtO exposed staff as compared to controls (22.6% vs. 9.2%, p less than 0.05). Since spontaneous abortion is known to affect subsequent pregnancy outcome, data were then eliminated for women who had more than one spontaneous abortion. One woman in the EtO exposed group and two women in the control group had two spontaneous abortions. When the data for these women were eliminated from the analysis, the crude abortion rates was 17.2% for EtO exposed as compared to 8.2% for the controls (Ex. 6–25). While these rates are based on small numbers, they indicate that the elimination of data for women with more than one spontaneous abortion did not change the trend seen in the analysis of the total data set. These findings from a second independent source tends to corroborate the findings observed in the questionnaire aspect of the study.

In response to OSHA's request for further information concerning the of the nature of EtO exposure, Dr. Hemminki responded:

> * * * ethylene oxide concentrations in sterilization units of the Finnish hospitals, measurements have been carried out only since 1976, independently from our study. In many hospitals, it was noted that immediately after opening of the sterilizing chamber, a 20 min average ethylene oxide concentration of 5 to 10 ppm was measured. This would amount to an 8 h TWA of probably less than 1 ppm. Some supervisors of sterilizing activity assume that in early 1970's the gas concentrations could have been higher, even though the same procedures and, in many instances, the same instruments were used. (Ex. 6–8)

Therefore, the available information suggests that the excess in spontaneous abortion among sterilizing staff exposed to EtO may have resulted from one short-term peak exposure per day, though the information on exposure is sparce.

The Hemminki et al. data provide suggestive evidence of increased risk of spontaneous abortions in women exposed to EtO. Other reproductive problems, such as decreased fertility, were not addressed by this study.

EtO has been evaluated for toxic and teratogenic effects in New Zealand white rabbits (Ex. 6–9). When EtO was administered intravenously at 0, 9, 18, or 36 mg/kg/day on gestation days 6–9, maternal toxicity was minimal and no evidence of fetotoxicity or teratogenicity was found. This may be because implantation in the rabbit does not occur until gestation day 7 or 8. Administered daily on gestation days 6–14 by intravenous injection, EtO at doses of 0, 9, 18, or 36 mg/kg/day failed to produce evidence of an exposure-related teratogenic effect, even at levels producing maternal and fetal toxicity. There was evidence of fetotoxicity directly related to increasing dose, including increases in the percentage of resorptions and nonlive fetuses per litter, and decreases in live litter size and in the percentage of males per litter. This study supports the work of Hemminki et al., in that it confirms the potential fetotoxicity of EtO.

The final report of a one-generation reproduction study in rats conducted at the Bushy Run Research Center (Ex. 2–23) is also available. Both male and female rats were exposed to EtO vapor at air concentrations of 100, 33, or 10 ppm for 6 hours per day, 5 days per week for 12 weeks prior to mating and for 6 hours per day, 7 days per week for two weeks during and after mating. The major treatment related adverse effect was that significantly fewer pups were born per litter for rats exposed to 100 ppm EtO. A dose-related decrease in fertility was observed at the 100 ppm and 33 ppm exposure levels, while no effect occurred following exposure to 10 ppm EtO.

Snellings et al. (Ex. 2–23) of the Bushy Run Research Center, also reported that no developmental effects occurred when female Fischer 344 rats were exposed by inhalation to 10, 33, and 100 ppm EtO for 6 hr/day on days 6 through 15 of gestation.

In a similar type of study sponsored by NIOSH, female rats and rabbits were exposed to 150 ppm ETO, 7 hr/day (Hackett et al. 1982, Ex. 6–10). There were no adverse reproductive effects observed in the rabbits. In litters from female rats exposed prior to mating and during gestation, there was an increase in fetal deaths (resorptions). Fetal growth indices were reduced in the ethylene oxide exposed rats, particularly those receiving both pregestational and gestational exposure. Reduced ossification in fetal skulls and sternebrae were higher in the EtO exposed rats than in the controls. These effects may be related to inhibited fetal growth which could have been caused secondarily by maternal toxicity.

LaBorde and Kimmel (Ex. 2–24) reported evidence of a teratogenic effect in CD–1 mice from intravenous exposure to EtO. They found that EtO was toxic to pregnant mice at doses of 150 mg/kg when administered intravenously during days 4–6, 8–10 or 10–12 of gestation, but not when administered during days 6–8. A significant increase in the percentage of malformed fetuses was noted as a result of EtO administration during days 6–8 and 10–12 of gestation.

Embree et al. (1977)(Ex. 2–35) have shown that EtO causes mutation in Long-Evans rats in the dominant-lethal assay. Male rats were exposed to 1000 ppm of EtO for 4 hours and each male was mated to 2 females each week for 10 weeks. A significant increase was observed in post-inplantation deaths at 1, 2, 3 and 5 weeks after treatment, indicating that gametes in various stages of development from spermatocyte through mature sperm were adversely affected.

Generoso et al. (1980) (Ex. 2–36) reported the induction of dominant-lethal effects in rats resulting from a single intraperitoneal injection of 150 mg/kg of EtO (maximum tolerated dose). In a heritable translocation assay, male rats were given intraperitoneal EtO injections of either 60 or 30 mg/kg body weight 5 days a week for 5 weeks. In addition to observed dominant lethal effects, an increased frequency of heritable translocation was reported or groups exposed to EtO.

An inhalation study on mice performed by Cummings et al. (1981) (Ex. 2–37) found that unscheduled DNA synthesis in the testis was increased after male (101 x C3H) F1 hybrid mice were exposed at 300 or 500 ppm EtO in a work-week type exposure regimen (8 hours per day for 5 days). EtO at doses of 600 and 800 ppm was found to inhibit the repair of DNA damage, as measured by a reduction in unscheduled DNA synthesis after 4 hours of exposure.

The mutagenicity of EtO has been observed or reported in a wide range of biological systems, including submammalian and mammalian species. An increased frequency of cell mutations has been reported in 13 different species, including *Salmonella*, *Neurospora*, barley, *Tradescantia*, *Drosophila*, and *E. Coli*. While these tests are not definitive determinants of chemical carcinogenesis, it is recognized that correlative and functional relations have been demonstrated between these two end points. For example, McCann et al. (1975) (Ex. 6–11) showed an extremely good correlation between the results of microbial mutagenesis tests and *in vivo* rodent carcinogenesis

assays. Futhermore, these types of studies establish that EtO acts directly on DNA and is to be considered genotoxic. Thus, the level of human exposure must be stringently evaluated.

The 1982 NIOSH chronic study on rats and monkeys (previously discussed) was also designed to explore the cytogenic effects from EtO exposure in the monkeys. Specifically, groups of Fischer 344 rats and Cynomolgus monkeys were exposed by inhalation to ethylene oxide for 7 hours/day, 5 days/week for 24 months. Each experimental group consisted of 80 rats and 12 monkeys. One group was exposed at 50 ppm ethylene oxide, a second group at 100 ppm ethylene oxide, and a third group, not exposed to ethylene oxide, was used for comparison to the exposed animals. Cytogenetic and spermatogenic evaluation of the monkeys was performed after the twenty-fourth month. Peripheral lymphocytes were cultured and examined for chromosomal aberrations and sister chromatid exchange.

NIOSH reported that exposure to ethylene oxide significantly increased the frequency of chromosomal aberrations in peripheral lymphocytes of monkeys in both exposed groups. In animals exposed at 100 ppm, 4.2 percent of the cells were found to be abnormal. At 50 ppm. the percent of abnormal cells was 2.2. This is about a 3 fold increase in abnormal cells for animals exposed at 50 ppm, and about a 5.6 fold increase in animals exposed at 100 ppm, compared to the rate of aberrations found in the unexposed animals.

NIOSH reported that the prevalence of sister chromatid exhanges (SCE) was also significantly increased in ethylene oxide exposed monkeys. The mean number of SCEs per 42 chromosomes was 5.7 in the unexposed group compared to 10.2 SCEs per 42 chromosomes in animals exposed at 50 ppm, and 16.8 SCEs per 42 chromosomes in monkeys exposed at 100 ppm ethylene oxide. There was also an increase in micronuclei in the polychromatic erythrocytes from bone marrow of EtO exposed monkeys (5 per 1000 cells) as compared to controls (1–2 per 1000 cells) in the monkeys examined per dose level. NIOSH stated that these results support the cytogenetic toxicity of ethylene oxide. The total sperm count and the percentage of motile sperm was reduced and sperm drive range was increased in primates exposed to either 50 or 100 ppm EtO for 24 months.

Pero et al. (1982) (Ex. 6–12) examined the effects of EtO exposure on unscheduled DNA synthesis, a step in the enzymatic repair of DNA lesions. Peripheral blood lymphocytes were obtained from five male workers expose to EtO at TWA concentrations of 0.5–1 ppm for 0.3–5 years. Control samples were obtained from 12 men employed in a nearby industry where no known mutagens were in use. The controls were matched for age and smoking habits. A significant decrease in DNA repair proficiency was associated with EtO exposure, indicating that EtO is genotoxic.

In another study, Pero et al. (1981) (Ex. 6–13) examined the effects of exposure to EtO on unscheduled DNA synthesis induced by N-acetoxy-2-acetylaminofluorene and on chromosomal aberrations in peripheral lymphoctyes of female employees at a Swedish factory manufacturing disposable medical equipment. Seventeen workers and 11 matched controls working at the same plant were examined. Group A consisted of 12 packers (mean age 40.6 years) exposed to an average of 0.5–1 ppm for 1–8 years. Group B was composed of 5 sterilizer/technicians (mean age 32.0 years) who had been exposed for 0.8–3.0 years for 1 hour/day at concentrations of 5–10 ppm. Chromosomal aberrations were scored for both breaks and gaps. A significant increase in both total aberrations and breaks was found for group B and for groups A and B combined as compared to controls. Unscheduled DNA synthesis was inhibited significantly in group A. When this test was repeated 9 months after measures had been taken to lower exposure to EtO to 0–0.5 ppm, results for the group of exposed workers had returned to normal. From these tests and *in vitro* studies of EtO, the authors suggested that EtO, inhibits DNA repair.

Johnson and Johnson submitted preliminary results of an ongoing chromosome study being conducted at three of their facilities (Ex. 4–17) The worksites selected were chosen on the basis of potential exposure to EtO prior to September 1980, with one site representing high exposure (5–200 ppm, 8-hour TWA), another representing moderate exposure (1–10 ppm, 8-hour TWA) and the third low exposure (less than 1 ppm, 8-hour TWA). All participants exposed to EtO were employed in sterilizing areas and they were classified within each plant according to whether their potential for exposure to EtO was high or low. Controls were randomly selected from other areas of the plant on the basis of sex and age. At two plants, a dose related trend was observed for increases in sister chromatid exchanges, and at the highest exposure plant, the increase in the frequency of complex aberrations was also dose-related.

After preliminary experimental studies with rats, Ehrenberg and Hallstrom (1967) (Ex. 2–38) conducted hematologic studies among personnel of a factory manufacturing and using ethylene oxide. In 1960, they conducted medical examinations and compared the results of hematologic studies for 31 EtO exposed personnel with those for 26 unexposed employees from other departments of the same factory. Significantly lower ($p=0.05$) hemoglobin values were found for the exposed group. Three cases of anisocytosis and one case of chronic lymphatic leukemia were identified in the EtO exposed group, whereas none were identified among the controls. When currently ill persons were excluded from the analysis, the EtO exposed group had a significantly higher average white cell count. Subsequent to these findings, ventilation and safety measures in the factory were improved, and in 1961, further study was conducted. Lymphocyte counts were still significantly higher in the exposed than in the unexposed group among those persons who had participated in the 1960 study, indicating that the control measures were inadequate or that the effects were persistent. When additional employees were added to the study, including those who were intermittently exposed to EtO or had been exposed to EtO at some time in the past, the overall differences between the enlarged exposed and control groups in lymphocyte counts decreased so that they were not significantly different from each other. This effect would be expected with the addition of persons with poorly defined EtO exposure to the exposed group.

Ehrenberg and Hallstrom (1967 also examined blood values for 8 factory workers accidentally exposed to high concentrations of EtO. Exposure that resulted when a tube burst in the factory during repair work led to acute adverse health effects, with two persons hospitalized for respiratory difficulties. Blood values were followed for these 8 subjects for six weeks after the accident. Large variations in the numbers of lymphocytes and neutrophils were noted. No control group was studied. Eighteen months after the accident, chromosome studies were conducted for seven of the acutely exposed persons and ten unexposed personnel from the same factory. The authors concluded that acute exposure to EtO for approximately two hours induced significantly greater numbers of chromosomal aberrations (breaks, gaps, and exchanges) than in a comparable control group (p less than 0.05). It was

not stated whether the accidentally exposed workers had additional exposures to EtO prior to or subsequent to the accident.

Garry et al. (1979) (Ex 6–14)) studied a group of 15 employees who worked in an EtO sterilization facility. Most of these employees reported clinical symptoms of the upper respiratory tract and central nervous system. Twelve exposed employees and 12 unexposed individuals were studied for SCE's. Four chronically exposed persons who reported upper respiratory and neurologic symptoms showed a significantly increased number of sister chromatid exchanges at 3 weeks and again at 8 weeks after the last known exposure. Another group of eight persons with fewer complaints studied as late as the ninth week of exposure showed a significant increase in the number of exchanges. The measured concentrations of ethylene oxide were repeated to be less than 50 ppm.

A company using EtO in manufacturing and distributing health care products has reported the results of a medical examinations that included cytogenetic evaluations, of 75 workers with potential EtO exposure at nine facilities (Abrahams, 1980) (Ex. 2–39)). Workers were exposed for an average of 2.9 years. A group of 37 workers with no known EtO exposure served as a comparison group for the cytogenetic evaluation. The data indicated that the facilities had complied with the OSHA PEL of 50 ppm as an 8-hour TWA, although there were instances then the NIOSH recommendation for a maximum 15-minute exposure of 75 ppm had been exceeded. The physical examination revealed no unusual findings among exposed persons. A statistically significant increase in the number of chromosome abberrations in peripheral lymphocytes among the exposed workers was noted when compared to the number in the nonexposed group. Some workers had an increased incidence of sister chromatid exchanges compared to nonexposed workers. Data from the sperm analysis were inconclusive.

The significance of this investigation is difficult to evaluate because of the manner in which the data are presented and the design of the study. However, the chromosomal aberrations in exposed workers included quadriradial chromosomes; the occurrence of this rare type of aberration should be viewed with concern.

Conclusion

OSHA's determination that EtO is a potential occupational carcinogen was generated by the positive findings of the chronic inhalation study performed at the Bushy Run Research Center. This is supported by the strongly suggestive epidemiological findings of Morgan et al. and Hogstedt et al. Many positive effects from *in vitro* mutagenic investigations establish the genotoxic mechanism of cancer induction. The work of Callaman et al. suggest that EtO may elicit this action by alkylation of DNA.

The work of Pero et al. and the data submitted by Johnson and Johnson establish that EtO exposure at relatively low levels produce effects in man related to its probable carcinogenic mechanism.

The recent report of Hemminki et al. suggests the EtO exposure may cause an increase in spontaneous abortions. The fetotoxic hazard of EtO with regard to exposure of the female is supported by positive findings in the animal studies performed by Hackett et al., Jones-Price et al., and La Borde and Kimmel. This type of an effect could be induced by changes in the DNA and many alkylating agents are known to induce them. OSHA feels that the adverse spermatogenic effects of EtO on the primates alone, which are consistent with effects on DNA, are suggestive of an effect on the male reproductive capacity. This conclusion is supported by the one generation study in rats conducted at the Bushy Run Research Center. Furthermore, the establishment of the dominant lethal effect by Embree et. al., the heritable translocations by Generoso et al., and alteration of DNA in testes of experimental animals establish the hazard of heritable changes following exposure to the male.

In summary, findings in humans and experimental animals exposed to EtO are indicative of damage to the genetic material (DNA). These include hemoglobin alkylation, unscheduled DNA synthesis, sister chromatid exchange, chromosomal aberrations, and functional sperm abnormalities. In addition, evidence from *in vivo* studies shows that in animals and man, DNA damage may occur in the form of increased incidence of cancer, mutation in offspring, and spontaneous abortions following exposure to EtO.

c. *Risk Assessment.* The United States Supreme Court, in the recent *Benzene* and *Cotton Dust* cases, (*Industrial Union Department, AFL–CIO* v. *American Petroleum Institute*, 448 U.S. 607 (1980); and *American Textile Manufacturers Institute* v. *Donovan*, 452 U.S. 490 (1981), respectively), has ruled that OSHA may not promulgate a standard unless it has determined, based on substantial evidence in the record considered as a whole, that there is a significant risk of health impairment at existing permissible exposure levels and that issuance of a new standard is necessary to achieve a significant reduction in that risk. Although the Court in the *Cotton Dust* case rejected the use of cost-benefit analysis in setting OSHA standards, it reaffirmed its earlier holding in *Benzene* that a risk assessment relating to worker health is not only appropriate, but is in fact required in order to identify a significant worker health risk and to determine whether a proposed standard will achieve a reduction in that risk. Although the Court did not require OSHA to perform a *quantitative* risk assessment in every case, the Court implied, and OSHA as a policy matter agrees, that such assessments should be put in quantitative terms to the extent possible.

1. *Preliminary Quantitative Risk Assessment: Data Base for Quantitative Risk Assessment.* In order to estimate the potential risk of cancer to workers exposed to EtO, OSHA performed a quantitative risk assessment. OSHA extrapolated the data from the two year inhalation study on rats performed at the Bushy Run Research Center (Snellings et al., 1981, Ex. 2–9) in an effort to quantify the lifetime excess risk of cancer to humans. OSHA chose lifetime EtO exposure levels of 50, 10, 5, 1, and 0.5 ppm as possible scenarios to examine. The following discussion summarizes the data and conclusions of OSHA's preliminary quantitative risk assessment. The full text of the assessment, including technical appendices, has been placed in the EtO docket, and is available for review and copying at the OSHA docket office (Ex. 6–18).

In the Bushy Run study, Fischer 344 rats were exposed to airborne concentrations of 100, 33 or 10 ppm of ethylene oxide vapor for 6 hours per day, 5 days per week for approximately two years. Two control groups were exposed to air only under similar conditions. Initially, 120 rats per sex per group were exposed, and at each 6-month interval a portion of the animals was sacrificed to determine possible treatment-related effects. Interim evaluations included hematology, serum clinical chemistry, urinalysis, body weight, organ weight, bone marrow cytogenetic, and gross and histologic examinations.

Two different neoplastic lesions were observed to have significantly increased incidence over the controls: peritoneal

mesothelioma in the male rats, and mononuclear cell leukemia in the females. No other types of malignant neoplasms were observed. The investigators employed two independent control groups (air only) in the study to gain a better assessment of variability in the non-treated animals. Results in the two control groups (for the tumors of interest) were not significantly different and the two groups were combined for purposes of the quantitative risk assessment.

The Bushy Run study was selected for the quantitative risk assessment because it provided, by far, the best quantitative information available from any study on EtO and it had the following characteristics:

1. There was a statistically significant increase in the incidence of malignant neoplastic changes.
2. A dose-response relationship was observed.
3. The study was run with a concurrent control group.
4. The dosing regimen was completely specified including route of exposure, duration of exposure, observation period and age of animals.
5. This study had the added advantage that the routes of exposure are identical for both the animal experiments and the major occupational exposure.

General Assumptions

The following general assumptions were carried through in performing the quantitative risk assessment:

1. The mathematical model fit to the measured data is assumed to hold for doses outside the range of measurement.
2. There is no threshold effect assumed.
3. The absorption rate for both rats and humans is assumed to be 100 percent.
4. Estimation of risk factors for a particular malignancy in animals is not assumed to correlate directly to a risk for that particular tumor in humans. The predicted risk simply indicates an excess risk of cancer to humans at a given level.
5. Experimental doses were scaled to "equivalent human doses" using milligrams of EtO inhaled per kilogram of body weight per day (mg/kg/day). This scaling procedure has been shown empirically to accurately predict human carcinogenic potency for several chemical substances (Crump and Howe, 1980, Ex. 6–17). Additional scaling factors were applied to correct for differences in length of lifetime exposure, though, calculations on the length of exposure also show that the rats and humans are exposed for approximately the same proportion of their lives (approximately 18% of the lifetime). Details of the calculations of scaling factors can be found in Appendix B of the Preliminary Quantitative Risk Assessment which has been submitted to the OSHA docket.

Incidence and dose data are presented in Table 1.

TABLE 1.—PATHOLOGIES IN RATS AFTER EXPOSURE TO ETHYLENE OXIDE

Tumor type	Animal	100 ppm [1]	33 ppm	10 ppm	Control I + II
Peritoneal Mesothelioma	Males	22/96 [2]	7/82	3/88	4/187
	P value [3]	<.0001*	.0213	.3963	
	Females [4]				
Mononuclear cell Leukemia	Males	25/98	25/77	21/77	38/193
	P value	.1192	.0202	.1163	
	Females	28/73	24/72	14/71	22/186
	P value	<.0001*	.0001*	.0791	

[1] Dose used in risk assessment was expressed in mg/kg/day. Dose was calculated as d(mg/kg/day) = d(ppm) x S, where S is a scaling factor. For male rats S = 0.1930324; for female rats S = 0.2393601; for humans S = 0.129698.
[2] Number of tumor-bearing animals/Effective number of animals at risk.
[3] P value from Fisher's Exact test, (upper tail probability) when compared to combined controls. A Bonferroni correction was used in evaluating the significance at the .05 level of the probabilities for use in the quantitative risk assessment * indicates P less than .05/r where r is the number of test doses.
[4] Data not available.

TABLE 2.—EXCESS LIFETIME RISK OF CANCER PER 10,000 WORKERS FROM EXPOSURE TO ETHYLENE OXIDE [1]

Exposure level [5]	Multistage [2]		One hit [3]		Multistage [4]	
	MLE [6]	UCL [7]	MLE	UCL	MLE	UCL
50	634	1,008	746	1,018	1,093	1,524
10	118	211	154	213	229	326
5	58	106	77	107	115	164
1	12	21	15	21	23	33
0.5	6	11	8	11	12	16
χ^2 [8]	0.0579(1)		0.2360(2)		4.3255(2)	
P [9]	0.81		0.89		0.12	

[1] Extra risk per 10,000 workers [$P_E = (P(d)-P(0))/(1-P(0))$]. Lifetime exposure is assumed to be 8 hours per day, 5 days per week, 46 weeks per year for 45 years in a 54 year lifespan since initial exposure.
[2] Multistage model with 3 parameters: $q_0 = 0.020965$, $q_1 = 0.008905$, $q_2 = 0.000184$. Extrapolated from male rats.
[3] One hit model with parameters $q_0 = 0.019682$, $q_1 = 0.011943$. Extrapolated from male rats.
[4] The multistage model fit a one hit model in this case, with parameters $q_0 = 0.14700$ and $q_1 = 0.017841$. Extrapolated from female rats.
[5] ppm.
[6] Maximum Likelihood Estimate of Excess Risk.
[7] 95% Upper Confidence Limit On Excess Risk.
[8] One-tailed Chi-squared goodness-of-fit test. (Degrees of freedom are in parentheses)
[9] -value associated with χ^2.

Statistical Methods and Predictions

The predictions of risk from two mathematical models for cancer initiation are presented in Table 2. The multistage model is a mathematical model for carcinogenesis based on the biological theory that carcinogens induce cancer through a series of stages. The multistage theory was proposed by Armitage and Doll in 1916 and is in wide use for performing quantitative risk assessments. The onehit model is a special case of the multistage model where there is only one stage. The estimates were produced using the computer program GLOBAL 82, a program used to extrapolate dichotomous animal carcinogenicity data to low doses (Howe and Crump, 1982, Ex. 6–17).

The curvefitting and predictions of risk are based on assumptions discussed above and a worker's lifetime exposure scenario of 8 hours per day, 5 days per week, 46 weeks per year for 45 years. Predictions of risk from the male and female rats are listed separately, and can be used to formulate a range of predicted risk. As can be seen from the table, the multistage model predicts a lifetime excess risk of cancer from occupational exposure to ethylene oxide at the current PEL of 50 ppm as 634 to 1093 per 10,000 workers, with 95% upper confidence limits on the excess risk of 1008 to 1524 deaths per 10,000 workers. Upper confidence limits are useful in assessing the amount of statistical variation found in the data being used for the quantitative risk assessment. A reduction in the PEL from 50 ppm to 1 ppm would constitute a 98% reduction in the estimated risk. lastly, Chi-squared goodness-of-fit test results are given in order to judge the fit of a given model to the data. The closer the P value

associated with a chi-square goodness-of-fit statistic is to one, the better the fit. (The lack of fit of the multistage model (and other models) to the female rat data is discussed in more detail in the full text, Exhibit 6–18.)

Other Models

In addition to the multistage and onehit models, four other models were considered for the data: the probit, logit, Weibull, and gamma multihit models. Each of these curves is signoid in shape and was formulated in terms of tolerance to a given toxic agent. These models have the property that, at lower doses, the curves tend to approach zero more quickly than the multistage model, though the probit model, by far, most strongly exhibits this characteristic.

The estimates of risk from the other models agree generally with those from the multistage model (a three-fold difference in estimates from different models falls well within the range of "acceptable" discrepancy. See Tables V(i) and V(ii) of Preliminary Risk Assessment). Thus, the estimates from the multistage model, though slightly conservative, generally represent the level of risk predicted by all of the models but the probit model.

Information and comment are sought on all aspects of the quantitative risk assessment, including aspects of risk assessment not explicitly addressed in this proposal.

Other Risk Assessments

Calleman and colleagues (1978 Ex. 6–19) have presented a risk assessment for ethylene oxide based on a comparison of the degree of alkylation of histidine in hemoglobin in EtO-exposed workers and workers exposed to ionizing radiation. By such comparisons the authors calculated the "rad-equivalence" for certain alkylating agents, that is, the number of rads of acute gamma radiation that gives the same effect as a unit dose of the chemical.

Calleman et al. employed data from epidemiologic studies of populations exposed to EtO and those exposed to ionizing radiation. The authors speculated that compounds such as EtO would induce a "spectrum of cancers similar to that observed following whole body exposure to penetrating low-LET [linear energy transfer] radiation." Since radiation-induced leukemias tend to have shorter latency times (approximately 10 years) than most solid tumors median latency of 25 years) the authors recommend that special attention should be directed toward the incidence of leukemia in EtO-exposed populations.

Based on EtO exposure profiles, Calleman and his co-workers estimated that exposure to 1 ppm per hour of ethylene oxide resulted in a risk of 10 mrad-equivalents of effects in a genetic mechanism. Thus, in industrial work environments with an average exposure level in the range of 5–10 ppm of EtO, Calleman et al. estimated that the mid-point of the range would correspond to approximately 120 rad-equivalents per year. On this basis they predicted that a group of 100 workers exposed at the 5–10 level for 10 years could expect 3.6 cases of leukemia, one of which would be expected to appear before the end of the 10-year period.

Expanding upon these findings, Rantanen et al. (1982, Ex. 6–20) point out that the limit of occupational risk recommended by the International Commission on Radiological Protection corresponds to whole body exposure of 5 rads per year of low LET radiation. The comparative exposure dose of EtO would be an average concentration of 0.25 ppm (using conversion formula of Calleman et al.).

The EPA Carcinogen Assessment Group (CAG) performed a preliminary risk assessment (October 16, 1979, Ex. 6–21) based on the report of leukemia in three out of 230 workers in Sweden (Hogstedt et al., 1979, Ex 2–8).

The CAG estimated the lifetime probability of death from leukemia from breathing 1 ppm of EtO is:

$$P=[a(R-1)X_1]/X_2$$

where a is the background lifetime probability of dying from leukemia in the U.S., R is the relative risk, X_1 is the exposure at 1 ppm and X_2 is the exposure experienced by the workers. After converting from ppm to mg/m^3 (1 ppm = 1.80 mg/m^3), the CAG predicted a lifetime probability of dying from leukemia from breathing 1 mg/m^3 of EtO as 0.00012 (.12 per 1000) based on an occupational exposure of 9 years as reported in the study.

The CAG noted that this might be an underestimate of the risk for two reasons: (1) There might have been insufficient latency in the study to detect the total number of potential cancers (only 9 years); and (2) since the number of person-years of exposure was not reported, the CAG assumed that all workers were exposed for 9 years, an assumption which also underestimates the risk of exposure over a working lifetime. In making its estimates the CAG noted that it could not definitively judge the effect that the mixed exposures to EtO and methyl formate reported in the Swedish study would have on the CAG risk estimates for EtO alone.

2. *Dose-Response Analysis.* OSHA performed its preliminary quantitative risk assessment on the carcinogenic response in the Bushy Run animal study. OSHA believes this study provided the most appropriate data on which to base the risk assessment, particularly since most low-dose extrapolation methods currently in use rely on theories of carcinogensis.

The data on other adverse health effects discussed earlier were determined to be not as suitable for quantitative risk assessment for a variety of reasons including: (1) Lack of a well-defined endpoint, suitable for risk determination; (2) exposure levels are not defined well enough for predictive purposes; and (3) the small numbers of subjects limit determination of statistical significance and generalizations to a larger worker population. Nonetheless, the demonstration of a dose-response relationship for such adverse health effects in these studies can be used as qualitative supportive evidence in establishing a potential hazard.

There are several studies in humans and other species which demonstrate strong positive dose-response relationships between exposure and noncarcinogenic effects. Such relationships have been displayed within the range of current exposure including adverse effects at and below the current PEL of 50 ppm. Details of the dose-response analysis can be found in Exhibit 6–18. Some observations are summarized below.

In humans, a strong dose-response relationship has been shown between exposure to EtO and the frequency of sister chromatid exchange (Yager, 1982, Ex. 4–61, and Yager, 1983, (Ex. 6–15)). In addition, the Johnson and Johnson (Ex. 4–17) data also showed a dose-effect relationship with mean complex chromosomal aberrations. A similar result has been demonstrated in monkeys exposed to 50 and 100 ppm (NIOSH, 1982 Ex. 6–16). The findings of chromosomal aberrations are qualitative evidence supporting the epidemiologic demonstration of leukemia in EtO-exposed worker populations.

Strong dose-response relationships were also displayed with adverse reproductive effects in rats (Bushy Run Reproductive study Ex. 2–23). Again, this finding comports with a demonstrated association between EtO-exposed sterilizer workers and spontaneous abortion (Hemminki, et al., 1982, Ex. 6–7).

d. *Significance of Risk.* OHSA's overall analytic approach for setting worker health standards is a four-step

process consistent with recent court interpretations of the OSH Act and rational, objective policy formulation. In the first step, quantitative risk assessments are performed where possible and considered with other relevant factors to determine whether the substance to be regulated poses a significant risk to workers. In the second step, OSHA considers which, if any, of the proposed standards being considered for the substance will substantially reduce the risk. In the third step, OSHA looks at the best available data to set the most protective exposure limit that is both technologically and economically feasible. In the fourth and final step, OSHA considers the most cost-effective way to achieve the objective.

In the Benzene decision, the Supreme Court indicated when a reasonable person might well consider the risk significant and take steps to decrease it. The Court stated:

> It is the Agency's responsibility to determine in the first instance what it considers to be a "significant" risk. Some risks are plainly acceptable and others are plainly unacceptable. If, for example, the odds are one in a billion that a person will die from cancer by taking a drink of chlorinated water, the risk clearly could not be considered significant. On the other hand, if the odds are one in a thousand that regular inhalation of gasoline vapors that are 2% benzene will be fatal a reasonable person might well consider the risk significant and take the appropriate steps to decrease or eliminate it. (*IUD* V. API 448 U.S. at p. 655).

The Supreme Court's language indicates that the examples given were of excess risk over a lifetime. It speaks of "regular inhalation" which implies that it takes place over a substantial period of time and refers to the "odds * * * that a person will die," obviously a once in a lifetime occurrence.

The Court indicated, however, that the significant risk determination required by the OSH Act is "not a mathematical straitjacket," and that "OSHA is not required to support its finding that a significant risk exists with any thing approaching scientific certainly." The Court ruled that "a reviewing court [is] to give OSHA some leeway where its findings must be made on the frontiers of scientific knowledge [and that] * * * the Agency is free to sue conservation assumptions in interpreting the data with respect to carcinogens, risking error on the side of overprotection rather than underprotection" (488 US at pp. 655, 656).

In this proposed standard, OSHA has presented data establishing a dose response relationship with regard to cancer in experimental animals, chromosomal changes in man and experimental animals, and reproductive effects in experimental animals. Unlike the data on carcinogenesis, however, OSHA is not confident that the data on mutagenic and reproductive effects have established a sufficient dose response relationship to enable OSHA to perform a *quantitive* risk assessment for effects of EtO exposure other than cancer. Nonetheless, OSHA believes that there is sufficient qualitative evidence of an experimental or laboratory nature to demonstrate that EtO acts to cause alterations in the cellular genetic material and that sufficient clinical evidence is present to indicate that these changes may or do produce adverse reproductive effects, chromosomal changes, as well as cancer.

As discussed in detail earlier, OSHA has performed a quantitive risk assessment for EtO based on the Bushy Run inhalation study on rats. The risk assessment performed resulted in a maximum likelihood estimate of risk of 63 to 109 cancer cases per 1,000 workers exposed at the current permissible exposure limit (50 ppm) assuming such employees have regular exposure to EtO for the period of a working lifetime. Furthermore, upper 95 percent estimates of risk at the current exposure limit were 100 to 152 cancer cases per 1,000 workers. OSHA feels that this upper 95 percent estimate is a conservative assumption allowing error on the side of maximum worker protection.

These estimates of risk for EtO at the current exposure limit are well above the one per thousand guideline suggested by the Supreme Court in the Benzene Decision as representing a "significant risk". The risk for EtO at the current PEL is also comparable to the risk of byssinosis of approximately 13 cases per hundred workers exposed to cotton dust. By comparison, the recent supplemental statement of reasons for the final rule for occupational exposure to arsenic, (43 FR 19548) OSHA determined that the risk at the former permissible exposure levels of 148–425 cases of cancer was significant. The upper confidence limits for risk from EtO exposure are within this range. The risks from EtO exposure are, in turn, far higher than those for coke oven workers (over 10 cancer cases per 1,000 workers) which OSHA determined were sufficient to justify lowering the standard.

While OSHA ultimately relied on the multistage and one hit model to determine risk from exposure to EtO at the current and proposed permissible exposure limit, the Agency did explore the results from other mathematical models. At the current exposure limits, the other models used all gave maximum likelihood estimates from 63 to 173 cancer cases per 1,000 workers. The agency points out that with regard to the estimates of risk based on the finding of leukemia in female rats, these models gave a higher maximum likelihood estimate of risk that the one hit model. These models support OSHA's determination that significant risks exist from exposure to EtO at the current PEL.

Public response to the ANPR indicated general agreement that the current permissible exposure limit for EtO should be lowered and that, indeed, many industries have already voluntarily established limits well below 50 ppm. OSHA believes that these industries have reduced exposures on the basis of recommendations from their scientific staff and on basis of available health data. The agency thus believes that the voluntary action taken by industry and their having recommended a reduction in OSHA's PEL indicate an acceptance by the scientific community of OSHA's determination that there is a significant risk to the health of employees exposed at the current PEL.

OSHA's risk assessment projects that a maximum likelihood estimate of risk of 1 to 2 cancer cases per 1,000 workers will occur from regular occupational exposure at 1 ppm over a working lifetime. The upper confidence limit of this assessment is 2 to 3 cases per 1,000 workers. In addition, at least one study (Hemminki, et at.) has suggested that spontaneous abortions in women may occur when they are exposed to approximately half of the proposed PEL, or 0.5 ppm. OSHA believes that the proposed exposure limit of 1 ppm will not totally eliminate risk from cancer and perhaps not the risk of fetal death, although with regard to the latter, OSHA seeks additional information on these and other health effects and the risk to which employees are exposed.

OSHA's preliminary conclusion is that significant risk is not eliminated at a 1 ppm PEL, with a projected 1 to 2 excess cases of cancer per 1,000 exposed workers. Guidance for the Agency in evaluating significant risk is provided by an examination of occupational risk rates and legislative intent. For example, in the high risk occupations of fire fighting and mining and quarrying the average risk of death from an occupational injury or an acute occupationally related illness from a lifetime of employment (45 years) is 27.45 and 20.16 per 1,000 employees respectively. Typical risk in occupations of average risk are 2.7 per 1,000 for all manufacturing and 1.62 per 1,000 for all

service employment. Typical risks in occupations of relatively low risk are 0.48 per 1,000 in electric equipment and 0.07 per 1,000 in retail clothing. These rates are derived from 1979 and 1980 Bureau of Labor Statistics data from employers with 11 or more employees adjusted to 45 years of employment for 48 weeks per year.

There are relatively few data on risk rates for occupational cancer as distinguished from occupational injury and acute illness. The estimated cancer fatality rate from the maximum permissible occupational exposure to ionizing radiation is 17 to 29 per 1,000. (47 years at 5 rems; Committee on the Biological Effects of Ionizing Radiation (BEIR) III predictions.) However, most radiation standards require that exposure limits be reduced to the lowest level reasonably achievable below the exposure (the ALARA principle). Approximately 95% of radiation workers have exposures less than one-tenth the maximum permitted level. This risk at one-tenth the permitted level is 1.7 to 2.9 per 1,000 exposed employees. (BEIR I estimates are 30 to 60 per 1,000 at 5 rem per year and 3 to 6 per 1,000 at one-tenth that level.)

Congress passed the Occupational Safety and Health Act of 1970 because of a determination that occupational safety and health risks were too high. Based on this it is clear that Congress gave OSHA authority to reduce risks of average or above average magnitude when feasible. OSHA believes that the proposed standard for EtO will reduce risk from a hundred per thousand to nearly one per thousand and, therefore, the Agency is carrying out the Congressional intent within the limits of feasibility and is not attempting to reduce insignificant risks.

Under both the congressional intent and the Supreme Court rationale, OSHA must, if it feasible, seek to reduce risks below those estimates by the risk assessment to persist at a PEL of 1 ppm. However, OSHA expects that the proposed rule as drafted can be expected to reduce the risks of EtO below those estimated using the mathematical model. The estimates of risk only consider the PEL, and do not take into account the other protective provisions of the proposed standard such as respirators and medical surveillance. The decrease in risk to be achieved by these additional provisions cannot be adquately quantified beyond a determination that they will add to the protection provided by the lower PEL alone. OSHA has determined that employers who fulfill the provisions of the standard as proposed will provide protection for their employees from the hazards presented by occupational exposure to EtO well beyond those which would be indicated solely by reduction of the PEL.

In determining the level to which the permissible exposure limit should be lowered, several alternative 8-hour TWA's (10, 5, 1 and 0.5 ppm) were considered by the Agency. OSHA currently believes that compliance with a 1 ppm TWA is technologically and economically feasible based on data that indicate that several industries or industry segments are presently controlling exposures to or very near this level. Regarding the feasibility of compliance with a PEL of 0.5 ppm, however, OSHA does not have sufficient data to demonstrate that a substantial portion of the EtO industry could control exposures to that level. In addition, OSHA is unable to determine what the economic impact would be of establishing a 0.5 ppm PEL. OSHA's preliminary analysis of technological and economic feasibility of the proposal is discussed in the following section of the preamble.

VI. Summary of Regulatory Impact and Regulatory Flexibility Analysis

Introduction

Executive Order 12291 (46 FR 13197, February 19, 1981) requires that a regulatory analysis be conducted for any rule having major economic consequences on the national economy, individual industries, geographical regions, or levels of government. The Regulatory Flexibility Act (5 U.S.C. 601 seq.) similarly requires the Occupational Safety and Health Administration (OSHA) to consider the impact of the proposed regulation on small entities.

In accordance with these requirements, OSHA has prepared a Preliminary Regulatory Impact and Regulatory Flexibility Analysis for the proposed EtO standard. This analysis describes the industries affected by the standard, the non-regulatory environment and regulatory alternatives considered, the costs of compliance with the proposed standard, the technological feasibility of the proposed provisions, and some of the potential benefits that will occur to employees exposed to EtO at their places of work.

The Secretary has determined that this action would not be major as defined by Section 1(b) of Executive Order 12291. The Secretary also certifies that this action would not have a significant impact on a substantial number of small entities as defined by the Regulatory Flexibility Act. The Preliminary Regulatory Impact and Regulatory Flexibility document is available in the rulemaking docket for inspection and copying.

Under Executive Order 12291, OSHA is required, in general, to submit notices of proposed rulemaking for "all rules other than major rules" to the Director of the Office of Management and Budget (OMB) at least ten days prior to publication in the **Federal Register**. However, section 8(a)(2) of the Executive Order provides an exemption from this requirement under the following circumstances:

> (a) The procedures prescribed by this order shall not apply to: * * * (2) Any regulation for which consideration or reconsideration under the terms of this Order would conflict with deadlines imposed by statute or by judicial order, *provided that*, any such regulation shall be reported to the Director together with a brief explanation of the conflict, the agency shall publish in the **Federal Register** a statement of the reasons why it is impracticable for the agency to follow the procedures of this Order with respect to such a rule, and the agency, in consultation with the Director, shall adhere to the requirements of this Order to the extent permitted by statutory or judicial deadlines.

As was discussed in the Background section of this preamble, OSHA has expedited the publication of its proposed EtO standard pursuant to an order issued by the U.S. Court of Appeals for the D.C. Circuit in *Public Citizen Health Research Group* v. *Auchter*, No. 83–1071 (March 15, 1983), which directed the Agency to issue a proposed rule within 30 days. For this reason, it is impracticable for OSHA to submit the notice of proposed rulemaking to OMB for consideration ten days prior to its publication in the **Federal Register**. To the extent permitted by judicial deadlines, OSHA will comply with the Executive Order in the assessment of the regulatory impact of the proposal, and in the development of the final rule.

On March 31, 1983, the Office of Management and Budget published a new 5 CFR Part 1320, implementing the information collection provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* (48 FR 13666). Part 1320, which becomes effective on April 30, 1983, sets forth procedures for agencies to follow in obtaining OMB clearance for collection of information requirements in proposed and final rules. In particular, §1320.13 requires agencies to submit information requirements contained in proposed rules to OMB not later than the date of publication of the proposal in the **Federal Register**. It also requires agencies to include a statement in the

notice of proposed rulemaking, indicating that such information requirements have been submitted to OMB for review under Section 3504 (h) of the Paperwork Reduction Act.

In accordance with the abovementioned provisions of both Paperwork Reduction Act and the regulations issued pursuant thereto, OSHA certifies that it has submitted the information collection requirements contained in its proposed rule on occupational exposure to ethylene oxide to OMB for review under section 3504(h) of that Act. Comments on these information collection requirements may be submitted by interested persons to the Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for OSHA.

Summary of Industry and Exposure Profiles

OSHA estimates that the proposed EtO standard would cover approximately 80,000 directly exposed employees and 144,000 incidentally exposed workers in five industry sectors. Directly exposed workers are defined as those exposed to EtO as part of their regular work assignments. Incidentally exposed employees are defined as those exposed only occasionally. For example, an incidental exposure would occur when an employee inhales airborne EtO that is off-gassing from a product previously sterilized with EtO, or when a poorly functioning ventilation system permits EtO to accumulate in an area normally free of EtO.

The employees covered by the proposed standard work in five industry sectors: EtO producers, EtO ethoxylators (firms using EtO to manufacture other chemical products), health care providers (hospitals that use EtO as a sterilant) manufacturers and sterilizers of medical products (hereafter termed medical products manufacturers), and spice manufacturers. The producer industry is comprised of 13 large firms, only 3 of which had annual sales under $1 billion. OSHA has identified 36 of the 50 firms estimated by the Ethylene Oxide Industry Council (EOIC) (Ex. 4–33) to be in the ethoxylator industry. The 36 ethoxylator firms and 13 producers identified use approximately 98 percent of all EtO produced in the United States to synthesize other chemicals, such ethylene glycol used in antifreeze, and polyester resins and fibers. The smallest ethoxylator firm by revenue had annual sales of $15 million and employs 350 workers. A total of 3,676 employees are currently directly exposed in the producer and ethoxylator sectors.

Three of the industries affected by the proposed standard use EtO to sterilize or fumigate other products: hospitals, medical products manufacturers, and spice manufacturers. Approximately 2 percent of all EtO produced is used to sterilize or fumigate other products but this 2 percent results in most of the employee exposures to EtO. OSHA estimates that EtO is used as a sterilant in 7,700 sterilizers in 6,300 hospitals. Approximately 62,370 employees are estimated to be directly exposed and 25,000 are estimated to be incidentally exposed in U.S. hospitals.

In addition, 14,000 and 116,900 employees are directly and incidentally exposed to EtO, respectively, in the 300 to 400 medical products manufacturing firms that are estimated to use EtO. According to the Health Industry Manufacturers' Association (HIMA), 8 to 10 firms are dominant in this sector. OSHA could not determine the number of small firms in this industry sector and solicits additional information on small business users of EtO in this industry sector. Finally, an estimated 27 spice manufacturing firms use EtO to fumigate spices. These firms have a total of 160 directly exposed employees. Sixty percent of the firms identified in this industry sector have more than 1,000 employees. The two smallest firms identified have 28 and 95 employees and annual sales of $20 and $14 million, respectively.

Summary of Costs

OSHA has examined both the annualized and present value costs (in 1982 dollars) of compliance with the following regulatory alternatives for EtO permissible exposure limits (PELs): 10 ppm, 5 ppm, 1 ppm, and 0.5 ppm. (Ex. 6–22). These costs were determined for all affected industry sectors. The present value of the costs were estimated using a 10 percent discount rate and a 50-year time period. Costs are presented in the regulatory analysis both for the engineering controls necessary to achieve exposure levels of 1 and 0.5 ppm and for other provisions of the standard, such as medical surveillance, exposure monitoring, training, and recordkeeping. This summary presents combined costs only for the proposed 1 ppm PEL and the remaining provisions of the proposed standard.

OSHA estimates that total annualized costs for the proposed standard would be $72.4 million. The total annualized costs for the five industry sectors are: producers, $1.56 million; ethoxylators, $1.03 million; health care providers, $23.65 million; manufacturers of medical products, $45.99 million; and spice manufacturers, $0.17 million. The present value of the costs of the proposed standard over the next 50 years, assuming a 10-percent discount rate, is estimated to be $720.19 million for all affected industry sectors.

The average annualized cost per directly exposed employee by industry sector are: health care providers, $379; producers, $594; ethoxylators, $980; spice manufacturers, $1,050; and medical product manufacturers, $3,282. Most of the employees in the medical manufacturing industry are incidentically exposd. The average annualized cost per employee (including both directly and incidentally exposed employees) for medical product manufacturers is estimated to be approximately $400 per year.

It is not expected that the cost of this proposed standard would have a negative impact on the viability of firms in these five industries or on employment, balance of payments, inflation, or any specific communities.

Summary of Benefits

The reduction in the occurence of occupational illnesses that would result if the proposed EtO standard is promulgated represent the fundamental benefit of the proposed standard. Some aspects of these benefits can be qualified, such as the excess risk of cancer due to direct exposure to EtO. Other impacts, such as the effect of chromosome damage, cannot be quantified due to limited data.

Among the non-quantifiable health impairments attributable to EtO exposure are several types of chromosomal damage including sister chromatid exchanges (faulty exchanges of genetic material among chromosomes), chemical alteration of DNA caused by unscheduled DNA synthesis (a failure of the DNA repair mechanism), and quadriradials (a visually detectable, rare, and complex chromosome aberration). Mutagenic and reproductive effects of EtO exposure that have been observed in experimental animal studies include increases in the frequency of resorption, stillbirths, and deformed offspring. In addition to these animal studies, increases in the number of spontaneous abortions have been observed in an epidemiological study of exposed hospital sterlizer technicians in Finland.

Using a quantitative risk assessment, OSHA has estimated the number of excess cancer cases that are expected to occur among directly exposed workers during the next 50 years. The risk assessment assumes exposures of 6 hours a day, 5 days per week, and 46 weeks a year for 45 years. The directly

exposed population accounts for approximately 80,000 of the estimated 224,000 employees exposed to EtO. OSHA estimates that compliance with its proposed 1 ppm PEL would reduce the number of excess EtO-related cancers over the next 50 years from 958, based on current exposures, to 95, a 90 percent reduction.

This regulatory action would significantly reduce the number of EtO-related cancer cases and the occurrence of the other EtO-related health impairments such as spontaneous abortions and chromosomal abnormalities.

Technological Feasibility

OSHA had determined that the proposed standard is technologically feasible. The methods that can be used to reduce employee exposure to EtO are conventional technology such as air monitoring, exhaust ventilation, double mechanical seals, leak detection, and use of respiratory protection for intermittent exposures. This technology is commonly known and presently used by the affected industries and is discussed in detail in the section of the Regulatory Impact document dealing with costs of compliance.

Regulatory Flexibility Analysis

OSHA has evaluated the expected cost of compliance for relatively small firms in each affected industry sector. In all cases, the annualized cost per firm, expressed as a percent of its annual sales, is less than 0.5 percent. The producers and ethoxylators are generally large chemical corporations. Differential size impact is therefore not a factor in these industries. Because of the price-inelasticity of demand for products that require the use of EtO as a sterilant and fumigant, it is expected that the costs of compliance for the medical product manufacturer, health care provider, and spice manufacture industries would be passed forward to consumers.

Because few medical manufacturers responded to OSHA's ANPR for EtO, little information on the relative impacts on small entities in this sector could be obtained. OSHA expects to obtain additional information on the potential impacts on small entities in the medical product manufacturing industry during this rulemaking.

Pursuant to the Regulatory Flexibility Act, OSHA certifies that the proposed standard would not have a significant adverse economic impact on a substantial number of small entities.

VII. Environmental Assessment—Finding of No Significant Impact

In OSHA's January 26, 1982 AMPR for occupational exposure to EtO, information was solicited from the public on a variety of issues including possible environmental impacts of a proposed revised standard. The information and comments submitted in response to the ANPR have been reviewed in accordance with the requirements of the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321, et seq.), the Guidelines of the Council on Environmental Quality (40 CFR Part 1500), and OSHA's DOL NEPA Procedures (29 CFR Part 11). As a result of this review, the Assistant Secretary has determined that the proposed rule will not have a significant impact on the external environment. Impacts on the workplace environment are discussed in other portions of this preamble.

EtO is used primarily as an intermediate in the production of several industrial products, such as antifreeze, polyester fibers, films, and bottles. EtO is also used as a pesticide, fumigant, and antimicrobial sterilant for medical products and spices, and in limited applications for items such as cosmetics, books, railcars, etc.

The Environmental Protection Agency (EPA) has the authority to regulate the use and application of sterilant and fumigants under the Federal insecticide, Fungicide and Rodenticide Act (FIFRA) as amended (7 U.S.C. 136 et seq.). EPA regulations on the enforcement of FIFRA are founded in 40 CFR Part 162. As a sterilant or fumigant, EtO is regulated under FIFRA, and formulations of EtO pesticides are registered with EPA and are required to be labelled properly as to their toxicity to humans, their particular hazards, their route(s) of exposure, and the precautions to be taken to avoid accident, injury, or damage. Application of these pesticides may only be performed in accordance with the precautions set forth on the label. Under the Clean Air Act (42 U.S.C. 1857 et seq.), and the National Ambient Air Quality Standards for Total Suspended Particulated, EPA is responsible for maintaining ambient air quality by preventing or controlling air pollution. Under the proposed OSHA standard, the current PEL of 50 ppm would be reduced to 1 ppm as an 8-hour, time-weighted average (TWA). This reduction in the exposure limit is not anticipated to impact significantly on the external environment because: (1) The process equipment containing EtO generally consists of tightly closed and highly automated systems; (2) any emissions that occur to the external atmosphere would dissipate and disperse rapidly; and (3) no solid waste is directly associated wht EtO fumigation and sterilization.

Although the removal of increased amounts of EtO from the workplace air might seem to contribute to the pollution of ambient air surrounding EtO operations and applications, this is not anticipated because direct exhaust to the external environment is regulated under EPA air quality standards. In cases where worker exposure is reduced by the use of improved control methods such as chamber ventilation and purge systems, atmospheric emissions of EtO would remain constant, having an insignificant impact on the external environment.

Only mimimal amounts of EtO are released from manufacturing processes as wastewater effluents. Treatment of EtO containing wastes usually involves degradation in water (producing ethylene glycol). Wastewater treatment must comply with the requirements of the Clean Water Act of 1977, and under this standard, conventional biological wastewater treatment would effectively remove EtO from water effluents.

In cases where liquid EtO is transported or stored, there may be some potential for spills or leaks. Because of the nature of EtO, however, such occurrences are not anticipated to impact on the environment, since EtO quickly volatilizes and dissipates. Although instances of waste disposal have not been presented to the record, such disposal would be covered by EPA regulations and transportation would be regulated by the Department of Transportation. The requirements of the proposed standard, therefore, will not alter present methods for waste disposal or transportation of EtO.

Based on this discussion and other information presented in this Notice, OSHA concludes that there will be no significant impact on the general quality of the human environment external to the workplace, particularly in terms of ambient air quality, water quality, or solid waste disposal. OSHA, of course, reserves the right to perform additional environmental analyses based on the information and comments received in response to this Notice.

VIII. Response to the Advance Notice of Proposed Rulemaking (ANPR)

OSHA's ANPR for EtO sought public comment on issues such as appropriate permissible exposure levels, health effects, feasibility of available control methods, current exposures, number and classification of workers exposed,

available exposure measurement methods, and appropriateness of requirements for medical surveillance, protective clothing and equipment, respirators, hygiene facilities, training, and signs and labels. The comments on the ANPR's major issues are summarized briefly in the section. Not every comment received will be alluded to in this discussion. However, for each issue several representative comments will be cited by exhibit number.

There was widespread agreement from commentors that OSHA's existing standard should be revised based on available health data dealing with carcinogenic, reproductive, and cytogenic effects (Exs. 4–9, 13, 17, 19, 21, 23, 24, 25, 26, 28, 38, 47, 52, 60). Concern was expressed by some, however, that the preponderance of data was from high-dose animal experiments rather than human studies (Exs. 4–5, 22, 23, 31, 37). New human and other data have become available to OSHA since publication of the ANPR, however, and are discussed in the "Health Effects" section in this preamble.

Recommendations for a revised permissible exposure limit for EtO generally ranged from 0.5 ppm (Exs. 4–52, 58) to 10 ppm (Exs. 4–2, 23, 45). In addition, many commentors reported that their firms had voluntarily established internal exposure limits below OSHA's existing exposure limit of 50 ppm. For example, Lincoln General Hospital (Ex. 4–2), St. Joseph Hospital (Ex. 4–6), and 3M (Ex. 4–23) have adopted a 10 ppm internal limit; Shell (Ex. 4–28), Union Carbide (Ex. 4–39), and BASF Corp. (Ex. 4–53) have adopted a 5 ppm limit; UpJohn (Ex. 4–46) a 3 ppm limit; Texaco (Ex. 4–46) a 2 ppm limit; and Johnson & Johnson (Ex. 4–17), Dow (Ex. 4–31), the University of Arizona (Ex. 4–36), Celanese (Ex. 4–40), Monsanto (Ex. 4–41), the Smithsonian Institute (Ex. 4–43), and Lederle Laboratories, (Ex. 4–55) have adopted an internal exposure limit of 1 ppm.

The feasibility of achieving compliance with an exposure limit at or below 10 ppm is detailed elsewhere in this preamble and is based on public comment and JRB Associates study of the EtO industry (Ex. 6–20). The views of industry representatives who responded to the ANPR on this issue were generally similar to those expressed in the submission of the Ethylene Oxide Industry Council (EOIC) (Ex. 4–33). The EOIC, a broad based coalition of producers and users of EtO, surveyed its member companies on many issues regarding regulation of EtO, including feasibility. Their conclusions on feasibility, as reflecting by the survey results, were presented as follows:

> With respect to technological feasibility, several producers and non-producer converters have achieved targets of 1 pm (TWA) or below, so that level may be technologically feasible for most producers and converters if respirator protection can be used for certain operations. With respect to the non-producer converters, however, it must be emphasized that the EOIC survey responses constitute a relatively small sample of a diverse industry and that 1 ppm may not be technologically feasible for some members of that industry. There is considerable doubt among most producers and converters as to whether 0.5 ppm (TWA) is technologically feasible and whether available monitoring equipment is sufficiently reliable at that level to determine compliance.
>
> The majority of health product manufacturers have achieved levels of 10 ppm (TWA) or below, so that level may be technologically feasible for most health product manufacturers, if respirator protection can be used for certain operations. There is substantial doubt among most health product manufacturers as to whether 1 ppm (TWA) is technologically feasible by engineering controls alone.

The Health Industry Manufacturers Association (HIMA), a trade organization representing 270 domestic medical device and diagnostic product manufacturers, distributed the EOIC's questionnaire to its members interested in EtO. Regarding prevailing exposure limits in the industry HIMA indicated that:

> 25 out of 28 companies (90%) stated that they have an internal standard. 17 out of 25 companies (68%) are at 10 ppm or below. 18 companies with internal standards (ranging from 1 ppm to 50 ppm) indicated that their internal ETO standard is under review. 3 companies at 1 ppm were not reviewing their internal standard. Of the 18 companies reviewing their internal standard, 10 anticipate lowering that standard. (Ex. 4–51).

HIMA also noted that a total capital cost of $44 million and a period of 3 to 4 years were reported by 17 responding companies as being necessary to achieve compliance with a 1 ppm TWA (Ex. 4–51).

Lederle Laboratories (Ex. 4–55), a major producer of pharmaceutical products, provided specific exposure data for employees engaged in sterilization operations and for other employees present who were not engaged in the actual application of EtO. Lederle reported that the exposure levels of 218 directly exposed employees ranged from 0.2 to 1 ppm for various sterilant operations where exposure duration ranged from 1 to 8 hours per day, 5 days per week. These operations include: chamber operations, maintenance, and validation (use of air supplied respirators which effectively reduces exposure to less than 1 ppm was noted for operation personnel engaged in these activities); sterile room operations (0.5 to 1 ppm); finishing and sterile kitchen operations (0.2 to 1 ppm); surgical supplies packaging (0.2 pmm); and quality control (1 ppm). for incidentally exposed employees Lederle stated that:

> Approximately 165 employees may be exposed to EtO but not engaged in the actual application of the EtO. These employees may be exposed up to 8 hours per day, on normal work shifts to EtO concentrations ranging 0.2 to 1.0 ppm. The work environment is controlled through general ventilation and local exhaust, degassing of sterilized products prior to introduction to the work areas, and administrative controls and schedules to ensure unloading of sterilization chambers during off-shifts to reduce possible exposure to adjacent non-applicators.

A number of commentors provided data on the ability of hospitals and other health care providers to control exposure where EtO was being used as a sterilant in their facilities. St. Annes' Hospital reported that its chamber sterilizer, processing 3 loads per week, resulted in 8-hour TWA readings averaging 2.5 ppm (Ex. 4–8). St. Joseph's Hospital (Ex. 4–6) and Lincoln General Hospital (Ex. 4–2) stated that they have voluntarily adopted an internal exposure limit of 10 ppm. Council Shared Services (CSS) (Ex. 4–14) conducted an EtO hazard survey from 1978 to 1982 in 100 southern California hospitals. Of a total of 278 surveys at 121 different sites in 100 hospitals, CSS reported that personal breathing zone 8-hour TWA exposures were below 5 ppm in all but 7 of the 121 sites. Doylestown hospital (Ex. 4–18) reported that their sterilizer operation TWA exposures ranged from 3 to 6 ppm. The Veterans Administration reported exposure in many of their medical centers to be below 5 ppm (Ex. 4–35). ECRI, an independent nonprofit corporation, provided exposure data from 27 hospitals they surveyed (Ex. 4–53). ECRI reported only 5 out of the 27 hospitals had 8-hours TWA's exceeding 10 ppm during sterilant operations. Nine of the 27 were found to have TWA's at or below 1 ppm. Breathing zone concentrations for aeration activities ranged from 0 to 10 ppm, with one exposure of 19 ppm. Sixteen of the 27 hospitals surveyed revealed exposures to be below 4 ppm. The highest exposure found (19 ppm) was described as involving use of an aerator vented directly into the room surveyed.

Though hospital and health care facility exposure data discussed above

alludes primarily to 8-hour TWA's, it is evident that the exposure profile for their sterilant operations is greatly influenced by the pattern and frequency of EtO sterilization. It is relatively common for sterilizer operators to be exposed to very high breathing zone concentrations of EtO for very brief periods while unloading freshly sterilized materials. The data suggest that stringent control of brief exposures of this nature through engineering or work practice controls may be critical if the health care industry is to reduce their TWA's to a level approaching 1 ppm or below.

Comment regarding the issue of the necessity of establishing a short-term or ceiling limit varied widely. Reasons given in support of inclusion of a short-term exposure limit varied. One commentor suggested that a short-term limit should be established for all carcinogens (Ex. 4–47). Others suggested that such a limit is necessary in order to reduce background exposures for all employees (Exs. 4–28, 36, 55). One commentor (Ex. 4–24) stated that a short-term limit based on the concept of one equivalence (concentration times exposure duration) to the 8-hour TWA may be appropriate in establishing a limit and acceptable duration of exposure. This participant, who has established an internal workplace exposure limit of 3 ppm stated:

> We believe that a short-term exposure limit (STEL) of 40–50 ppm averaged over any 15 minute period in an 8-hour workday, and allowing for no more than two of these 15 minute periods would be sufficient to protect our employees from any adverse health effects due to exposure to EtO.
>
> This STEL is based on the concept of dose equivalence which is the product of concentration (ppm) times exposure duration (minutes). Therefore:
>
> 3 ppm (8-hour TWA) × 8 hrs. (480 min.) = 1440 ppm minutes.
>
> 50 ppm (STEL) × 15 min. × 2 (# of 15 min. periods in 8 hrs.) = 1500 ppm minutes.

A 5 ppm ceiling for 15 minutes was also suggested based on available health data (Ex. 4–52). Additional rationale for establishment of a short-term limit was suggested by the Amalgamated Clothing and Textile Workers Union as follows:

> ACTWU strongly recommends that a protective short term limit be established as part of the standard. Such a limit is needed to allow proper assessment of the intermittent exposure conditions that characterize most EtO user situations. It is doubtful that employer will be able to successfully control their TWA exposures unless they fully understand the contribution made by peak exposures. Glasser (1980) recommended that a ceiling value be used in describing EtO exposures because of the inadequacies of a TWA to indicate the exposure situation. He provides an example where a typical sterilizer operator TWA of 3.18 ppm was produced through a 2 minute, 600 ppm peak; along with some residual exposure and 7 hours at 0 ppm. However, without the 2 minutes of 600 ppm exposure, the resulting TWA is 0.7 ppm. This illustrates the lack of sensitivity of a TWA.
>
> A ceiling limit is also justified in light of the known health effects of EtO. Darby, Martis, and Northrup (1980) note that because of its solubility in blood, it is likely that *all* inhaled ethylene oxide is taken up by the body. Ehrenberg and Hallstrom (1967) report chromomsomal aberrations in humans accidentally exposed to high concentrations of EtO. A TWA standard of 1 ppm without a short-term limit would allow 15 minute exposures as high as 96 ppm. Given the carcinogenic risk from EtO, it is important that exposures be kept as low as possible. A short-term limit is the most effective way to insure that worker health is protected. (Ex 4–25).

Those opposing establishment of a short-term limit contended that the need was not indicated by the health data inasmuch as no acute effects from exposure to EtO have been demonstrated (Exs. 4–31, 33, 40), and that the control necessary to achieve a TWA as low as 5 ppm (or 1 ppm) would tend to preclude the occurrence of high excursions for most EtO operations (Ex. 4–39).

Participants who indicated uncertainty over the appropriateness of a short-term limit suggested that the need and level for such a limit should be based on quantitative assessment of risk of associated health effects.

Though OSHA has not proposed to include a short-term exposure limit for EtO, the Agency is not convinced that there is no need for such a limit. OSHA is closely scrutinizing the implications of the results of the study by Hemminki et al. which reports an increased incidence of spontaneous abortions with high short-term exposures but low 8-hour exposures (see health effects section), and the suggestion by Yager et al. that the increases in observed sister chromatid exchanges among another group of workers may have been caused by high short-term exposures. OSHA is also aware of the common occurrence of high, short duration exposure during sterilization operations. In addition, for some operations, short-term limits may be a good practical engineering and compliance approach for controlling the overall exposure OSHA is seeking full discussion on this issue from all interested parties.

The issue of which work practice and engineering controls are available to the EtO industry for exposure reduction was raised in the ANPR. Comments discussed a variety of controls available to control different EtO operations.

Production and ethoxylation processes were reported to utilize double mechanical seals, double seated valves, check valves, local exhaust systems, recovery systems, pump seal vents, flanged leak seals, plugged vents, closed loop quality control, scrubbers, vent treating systems, nitrogen purge, low temperature storage, emergency dilution, all welded construction where possible, and magnetic level gauges and recovery systems for tank car operations.

Engineering and work practice controls available for use for sterilization and fumigation operations were described by commentors as including: local exhaust above the chamber door; continuous purge after end of cycle; post-vacuum purge; liquid gas separator; 6–10 room air changes per hour; one-way tank connection line valve; exhaust to outside of building; containerization of loads; remote material handling; conveyer system from chamber to off-gassing area; use of isolated sterilization area under negative pressure; ventilation of off-gassing areas; automatic remote chamber door opening devices; automatic chamber door locks until after flushing; preconditioned temperature and humidity in room or chamber; handling of sterilized items with gloves; keeping employees upwind of cart when moving sterilized items; and if manual opening of the door of the sterilization chamber is necessary, opening the door only at the end of cycle and having employees leave the area for several minutes prior to removing items from the chamber.

Regarding the issue of respiratory protection, air supplied respirators and self-contained breathing apparatus (SCBA) were acknowledged by participants as being available for use with EtO (Exs. 4–25, 31, 33, 47). NIOSH-approved air purifying (chemical cartridge/canister) respirators are not available. Commentors expressed concern that air supplied and "SCBA" may not be feasible where extended wearing time or mobility are major considerations, and that employers would be placed in a difficult position if the use of air-purifying respirators were not permitted due to lack of NIOSH approval (Ex. 4–40, 55). (As discussed in the section dealing with respirators under "Summary and Explanation of the Standard" below, however, the proposal would allow for the use of such respirators under certain exposure conditions were stringent sorbent replacement requirements are followed).

The question of the availability of measurement and analytical methods for determining the level of employee exposure to EtO was also raised in the ANPR. Commentors have indicated that methods available for measuring EtO concentrations include the use of charcoal tubes, passive dosimeters, gas sampling bags, impingers, detector tubes, and direct reading instruments. Charcoal tube methods appear to be the most frequently used. As indicated in the EOIC survey (Ex. 4–33) and the HIMA survey (Ex. 4–51), however, all of the methods are employed to some extent.

The proposed standard would permit the use of any of the methods described above or any other method if the employer can demonstrate that the method chosen is capable of determining an employees' 8-hour TWA (breathing zone) with an accuracy of within plus or minus 25% at the PEL (1 ppm) and plus or minus 35% at the action level of 0.5 ppm.

A discussion of EtO sampling methodology was presented in Chicago, Illinois, October 4 and 5, 1982, at the Ethylene Oxide Worker Safety Seminar sponsored by HIMA and EOIC. Edward Zimowski, of the OSHA Health Response Team, attended the seminar and provided a report on the advantages and disadvantages of presently available procedures (Ex. 6–24).

Many commentors provided a description of the sampling methodology and devices they were presently using and, in some cases, a statement of their experience with such devices. The concerns over the deficiencies in the available sampling methods were alluded to by a number of participants who also noted that charcoal tube methodology represents the most throughly validated and accurate method for personal monitoring of EtO exposure (Ex. 4–24, 28, 39, 47). OSHA is aware that industrial hygiene services or commerical sampling devices that are capable of accurately determining an employee's exposure at the proposed PEL of 1 ppm must be available in sufficient quantities in order for the standard to be effective. The OSHA charcoal method (See Appendix D) has been validated at 1 ppm. Submissions to the record indicate that at least two other methods also may be capable of measuring an employees personal 8-hour TWA exposure with acceptable accuracy at the 1 ppm level. Union Carbide reports that its charcoal tube method developed in 1977 (Qazi-Ketchem) has been validated in the laboratory over a range of 0.5–5.00 ppm (Ex. 4–39). 3M Company reports that its passive diffusion monitor is also capable of accurately measuring 1 ppm (Ex. 4–23). 3M states that the method using its monitor has a detection limit of 0.3 ppm for an 8-hour TWA with a working range of up to 75 ppm. Laboratory validation tests performed by 3M were reported as demonstrating the recovery precision of the method to be plus or minus 5% with a mean value of 100% when 14 spiked monitors were compared to 14 matching standards. Field test comparison of the 3M monitor to jumbo charcoal tubes with pumps in a plant environment that was very humid with high ambient temperatures resulted in the charcoal tube/pump method giving much lower values than the 3M monitors.

Some commentors, however, have expressed reservations about passive diffusion samplers. The EOIC states: "This monitoring method using diffusion samplers is subject to the same interference and break through problems as charcoal tubes" (Ex. 4–33). One company stated in the EOIC submission, without discussion, that it had investigated using the 3M diffusion monitor and "was not pleased with them."

Problems associated with charcoal tube methods were also alluded to by other commentors. They included: interference from vinyl chloride, acetaldehyde above 50 ppm, and other organic compounds; limited sample size (affects flow rate and time) because of breakthrough; high relative humidity reducing usable sample volumes, charcoal tubes being large and inconvenient for workers; samples requiring refrigeration to avoid EtO loss; the need to analyze tubes in 3 to 7 days; difficulty of calibration and desorption; and complexity of analysis requiring sophisticated training of laboratory personnel (Ex. 4–33). Comment on the experience of those employing these devices to determine employee exposure and the ability of these and other sampling devices to meet the requirements of the proposed standard is solicited by OSHA.

Finally, as noted previously, OSHA is evaluating the necessity of including a short-term exposure limit for EtO. The Agency's judgment at this time is that such a limit, if established, would probably be between 5 and 50 ppm as measured over a period of up to 30 minutes. The capability of available measurement methodology would be one element in the determination of an appropriate specific short-term limit and sampling duration. Thus, OSHA is seeking data and comment on monitoring methods that reliably characterize an employee's exposure for periods less than 30 minutes at levels ranging up to 50 ppm.

IX. Summary and Explanation, of the Proposed Standard

The proposed requirements set forth in this notice are those which, based on currently available data, OSHA believes are necessary and appropriate to provide adequate protection to employees exposed to EtO. In the development of the proposal, OSHA has considered all recommendations received in response to the ANPR as well as numerous reference works, journal articles, and other data accumulated by OSHA since initiation of this rulemaking.

1. *Paragraph(a). Scope and application.* This proposed standard would apply to all workplaces in all industries, including construction and maritime as well as general industry, where EtO is produced, released, stored, handled, used, or transported, and over which OSHA has jurisdiction. An exemption provision, however, has been provided in the proposal.

This section does not apply to the processing, use, and handling of products containing EtO where objective data demonstrate that the product cannot release EtO above the action level under the expected conditions of processing, use, and handling which will cause the greatest possible release. It is likely that in a number of products made from, containing, or treated with EtO, there may be insignificant residual EtO present to the extent that minimal exposure would be expected. This determination (that air concentrations will not exceed the action level) need not be based on data generated by the processor but may, for example, be based upon information provided by the manufacturer. The provision enables fabricators or users of products made from, containing, or treated with EtO to avoid the burdens of compliance with the standard where exposures are minimal.

It should be noted that where objective data are not available to satisfy the condition for exemption, the employer is required to perform, at the very least, initial monitoring of employee exposures to EtO. If the results of initial monitoring indicate employee exposures are below the action level, the employer may discontinue monitoring for those employees and is relieved of other obligations under the proposal. Thus, even if operations are not specifically exempted from the proposal, exposure

levels below 0.5 ppm will relieve many employers from further duties under the standard, except with respect to labelling. This provision has been incorporated in a number of OSHA standards (acrylonitrile, arsenic).

2. *Paragragh (b). Definitions.* An "action level" of 0.5 ppm (8-hour time-weighted average), is provided in the proposal. The purpose of the action level is to relieve the burden on employers by providing a cut-off point for required compliance activities under the standard. The broad scope of the proposal necessarily encompasses many employers whose employees are exposed to levels of EtO below the permissible exposure limit. Such employers are required either to perform initial monitoring to determine to determine the extent of their employees' exposure to EtO or otherwise to document the employees' exposure by other objective data. If, on the basis of the results of the initial monitoring or other data, an employer can demonstrate that an employee is exposed to EtO below the action level, the employer may then discontinue compliance activities for that employee. The action level concept thus provides an objective means for an employer to determine what further actions are required for compliance with the standard.

The statistical basis for determining the action level has been discussed in connection with several other OSHA health standards (see, for example, acrylonitrile). In brief, although all measurements on a given day may fall below the permissible exposure limit, some possibility exists that on unmeasured days the employee's actual exposure may exceed the permissible limit. Where exposure measurements are above one-half of the permissible exposure limit, i.e. the action level, the employer cannot reasonably be confident that the employee may not be overexposed. (Leidel, N.A. et al., "Exposure Measurement Action Level and Occupational Environmental Variability." DHEW, PHS, DCD, NIOSH, DLCK (August 1975)) (Ex. 6–26). Therefore, requiring periodic employee exposure measurements to begin at the action level provides the employer with a reasonable degree of confidence in the results of his measurement program.

A definition of the term "emergency" is included in the proposed standard. For the purposes of the standard, emergencies are occurrences such as, but not limited to, equipment failure, rupture of containers, or failure of control equipment which are likely to, or do, result in unexpected high exposure to EtO.

3. *Paragrah (c). Permissible exposure limit.* OSHA proposes to revise the PEL for EtO by deleting the current 50 ppm standard contained in 29 CFR 1910.1000, Table Z–1 and setting an 8-hour exposure limit of 1 ppm in paragraph (c) of section 1910.1047. This proposed PEL is based on underlying findings by OSHA that occupational exposure to EtO under current permissible exposure levels presents a significant risk to employees and that the new standard will achieve a significant reduction in that risk.

In making a determination of significant risk, it is appropriate for OSHA to consider a number of different factors. The Supreme Court in the *Benzene* decision provided some general guidance as to the process, stating that "while the Agency must support its finding that a certan level of risk exists with substantial evidence, we recognize that its determination that a particular level of risk is 'significant' will be based largely on policy considerations." 448 U.S. at 655, 656 n. 12. Consistent with rational policy judgment, OSHA has recently identified the following factors as being among those which should be considered: (1) the quality of the underlying data; (2) the reasonableness of the risk assessment; (3) the statistical significance of the findings; (4) the type of risk presented, and (5) the significance of the numerical risk relative to other risk factors. 47 FR 15358, 15365 (April 9, 1982).

These factors have been considered with respect to the EtO risk assessment performed (see Risk Assessment section of this preamble).

OSHA has determined that exposure to EtO at the present standard of 50 ppm clearly presents a significant risk of material impairment to employees. The significance of this risk has already been informally acknowledged by industry, which had reacted to the developing information regarding the potential health effects of EtO by voluntarily reducing exposure among its employees. As previously noted, all producers currently maintain internal exposure guidelines of 5 ppm (TWA) or less, and most converters and other industry segments are also well below the current 50 ppm PEL.

OSHA must also give consideration to the economic and technological feasibility of the proposed new PEL. In order to obtain the information necessary to allow OSHA to perform this analysis, OSHA contracted for the services of JRB Associates of McLean, Virginia. Based on this data, and data provided to the record in response to the ANPR, OSHA believes that achieving compliance with a PEL of 1 ppm is both economically and technologically feasible. (see Regulatory Analysis section).

4. *Paragraph (d). Exposure monitoring.* The exposure monitoring provisions require the employer to determine the exposure for each employee exposed to EtO. This does not require separate measurements for each employee. If a number of employees perform essentially the same job under the same conditions, it may be sufficient to monitor a fraction of such employees to obtain data that are representative of the remaining employees. Representative personal sampling for employees engaged in similar work and exposed to similar EtO levels can be achieved by measuring that member of the exposed group reasonably expected to have the highest exposure. This result would then be attributed to the remaining employees of the group.

In many specific work situations, the representative monitoring approach can be more cost-effective in identifying the exposures of affected employees. However, employers may use any monitoring strategy which correctly identifies the extent to which all employees are exposed.

Because of the nature of the EtO exposure hazard, it is necesary that the scope of the proposal be as broad as possible to protect potentially exposed employees. However, many employers will be required only to perform initial monitoring to determine employee exposures. If the results of initial monitoring demonstrate that an employee's exposure to EtO is below the action level (0.5 ppm), the employer may discontinue monitoring and other activities under the standard for that employee. OSHA anticipates that this provision will greatly reduce the burden on employers, while providing them with an objective means of determining whether they must take additional steps for compliance with the standard.

Where exposure measurements are determined to be above the permissible exposure limit, the employer must monitor every 3 months. Where exposure measurements are above the action level but below the PEL, monitoring need only be repeated at 6 month intervals. "Exposure" here means the airborne concentration in the employee's breathing zone, with no adjustment for the protection provided by any respirator the employee may be wearing.

The employer is also required to perform monitoring again for a

particular job position if any changes in production, processes, control measures, or personnel may result in new or additional exposure to EtO.

A primary concern connected with any health standard is the availability of methods of monitoring and analysis of employee exposures. It is clear from data in the record in that there are several off-the-shelf methods of monitoring for EtO in the range of exposures addressed by the proposal and that many employers are already carrying out periodic monitoring activities. Among methods which have been noted in the comments are the use of charcoal tubes, personal badge-type dosimeters, gas bag "grab samples," detector tubes, and fixed point monitoring systems. The proposal does not require the use of one specific monitoring method, but it does specify that whatever method is chosen must meet the criteria for sensitivity and accuracy set forth in the standard.

The proposed standard requires an employer to notify each employee in writing of his/her exposure within ten (10) working days of obtaining the results of measurement. This requirement can be a written communication to each employee, or other means, such as posting of monitoring results in an appropriate location, so that the employee will definitely be advised of his/her exposures.

5. *Paragraph (e)—Regulated areas.* Where EtO concentrations are in excess of permissible exposure limits, the employer must establish a regulated area. The purpose of establishing regulated areas is to limit EtO exposure to as few employees as possible.

The proposal requires the employer merely to identify, by the posting of signs, for example, and to control access to regulated areas. Comment is requested as to whether demarcation and sign posting of the regulated area are sufficient to restrict access to authorized personnel.

6. *Paragraph (f)—Methods of compliance.* The proposed standard would require the employer to institute engineering and work practice controls to reduce employee exposures to or below the permissible limit. In situations where engineering and work practice controls that can be instituted immediately will not reduce exposures to the permissible exposure limit, these controls must nonetheless be used to reduce exposures to the lowest feasible level and be supplemented by the use of respirators. In addition, a compliance program to reduce exposures to within the permissible exposure limits solely by means of engineering and work practice controls must be developed and implemented. Written plans for this program must be developed and furnished upon request for examination and copying to representatives of the Assistant Secretary, representatives of the Director, and affected employees. These plans must be reviewed and updated annually to reflect the current status of the program. OSHA solicits comments on whether an annual review of the program will be sufficient to assure that engineering and work practice controls are implemented as they become available.

Engineering controls are the preferred means of compliance because they reduce exposure hazards in the workplace environment by removing the airborne contaminant. Engineering controls may include the installation of local exhaust ventilation, modification of a process so as to reduce emission of the contaminant into the workplace, or substitution of another substance. Work practices are often necessary for the effective operation of engineering controls, and they are also a preferred means of controlling exposures.

Respirators are the least satisfactory means of control because of certain difficulties inherent in their use. Respirators are capable of providing adequate protection only if they are properly selected for the concentrations of airborne contaminants present, properly fitted to the employee, properly worn by the employee, properly maintained, and replaced when they have ceased to provide adequate protection. While theoretically it is possible for all of these conditions to be met, it is more often the case that they are not. As a consequence, the protection of employees by respirators is not always effective.

OSHA recognizes that there are certain activities, often involving certain maintenance and repair operations, as well as in emergency situations in which the use of engineering controls to control exposures will not be feasible, regardless of the permissible exposure limits in the standard. Where the employer can show that engineering controls for such operations are not feasible, respirators shall be permitted as a primary means of control.

It has been OSHA policy to require that employers use feasible engineering and work practice controls to prevent excessive employee exposures and that respirators be used as an alternative only when other methods are not adequate, are not feasible, or have not yet been installed. This policy is, in particular, stated in the OSHA Respiratory Protection Standard, 29 CFR 1910.134(a)(1), which applies to all exposures to airborne toxins, and in the Air Contaminant Standard, 29 CFR 1910.1000(e), which applies to exposures to all substances listed in Tables Z–1, Z–2, and Z–3. The policy was inherent in national consensus standards which were adopted by OSHA in 1971 pursuant to the section 6(a) rulemaking provisions of the OSH Act 1970, without public comment.

All of the other health standards in Subpart Z, which were developed through section 6(b) rulemaking proceedings reflect the same preference for engineering and work practice controls over respirators. Each of these latter standards applies only to a specific substance and was developed on the basis of a public record. OSHA recently published an ANPR (48 FR 7473) requesting comments on all relevant issues related to whether OSHA should allow greater reliance on respirators. Comment on the issue of respirators to control EtO exposures is also requested by OSHA.

7. *Paragraph (g). Respiratory protection.* The proposal provides that where respirators are necessary to limit employee exposures to below the permissible exposure limit, the employer must provide the respirators at no cost to the employee, and assure that the employees use them.

Most companies working with EtO are aware of the high toxicity of this chemical, and many have developed respiratory protection programs to deal with the exposure hazard. OSHA has determined, on the basis of information in the record concerning these on-going respirator programs that the provisions in the proposal concerning respirators should pose no undue burden to companies in their compliance efforts, particularly in light of the ready availability of the prescribed equipment.

In the proposal, OSHA has included a table of respirators for use with EtO. The primary basis for the selection and evaluation of respirators in this table (Table I) is experience gained during other rulemakings (e. g., acrylonitrile) regarding this issue. In addition to the table, several other requirements for respirator usage are included concerning approval of respirators, replacement of sorbents and cleaning of respirators.

The proposal does not require, as do some other OSHA standards that where air-purifying respirators are to be used, they must be jointly approved by NIOSH and MSHA specifically for use with EtO. NIOSH does not grant such approval for substances with poor warning qualities. It is not possible for the respirator wearer to detect leakage or breakthrough within the facepiece

until clearly overexposed and there are no end-of-service indicators presently available for use with air-purifying respirators. OSHA has determined, however, that air-purifying respirators, when used in a rigidly controlled program of proper fitting and frequent sorbent replacement, should be permitted for protection against low concentrations of EtO, as prescribed in Table 1 of the standard. When the protection factors in the respirator table are followed, organic vapor canisters may provide adequate protection for employees.

Therefore, under these conditions the proposal would permit full facepiece organic vapor respirators to be used for EtO in concentrations up to 50 ppm. These respirators must be approved by NIOSH for use with organic vapors. We must note however, that there are numerous factors which affect the performance of air-purifying respirators, including the sorbent material itself and the fit of the facepiece on the wearer. Other important factors include wearer acceptance and training.

Proper fit of the respirator is critical. A negative pressure is created within the facepiece when the wearer breathes. This may result in workplace air entering the facepiece through gaps and leaks in the facepiece seal, instead of passing through the sorbent material. Obtaining a proper fit on each employee may require the employer to provide two or three different mask sizes so the employee can select the facepiece with the least leakage around the faceseal.

The employee must be properly trained to wear the respirator, to know why the respirator is needed, and to understand the limitations of the respirator. An understanding of the hazard involved is necessary to enable the employee to take steps for his or her own protection. The respiratory protection program implemented by the employer must conform to that set forth in 29 CFR 1910.134 which contains basic requirements for proper selection, use, cleaning, and maintenance of respirators.

Under § 1910.134, the employer must check to see that the employees' respirators fit properly and that leakage is at a minimum. A rapid simple fit-test can be performed at the start of each shift by each employee wearing a negative-pressure respirator. This test can be either a positive pressure test, in which the exhalation valve is closed and the wearer exhales into the facepiece to produce a positive pressure, or a negative pressure test, in which the inlet is closed and the wearer inhales so that the facepiece collapses slightly. Employees must be trained to perform this test. OSHA requests comments on whether the standard should provide specific quantative or qualitative fit testing provisions to supplement the general requirements of § 1910.134.

The critical issue of frequency of replacement of cartridges and canisters not approved for a specific substance (such as EtO), was discussed in the preamble to the final standard for acrylonitrile (AN) (43 FR 45803). As with EtO, no air-purifying respirators had been approved by NIOSH specifically for use with acrylonitrile for similar reasons that there are no ETO approved cartridges and canisters. Therefore, the discussion in the acrylonitrile standard replacement frequency appears relevant to this proposal and is presented below (record citations are to exhibits in the AN rulemaking record):

> Perhaps the most controversial element of the proposed respirator section involved the frequency of replacement of cartridges or canisters. It was contended by many in industry that the daily replacement of cartridges or canisters was wasteful, particularly if they were only used briefly during the workshift. A system of labeling of cartridges, it was argued, would assure that cartridges and canisters were replaced before the expiration of their service life (Ex. 92). OSHA does not agree with these contentions. As noted earlier, the very use of organic vapor cartridges and canisters for AN, which does not have good warning properties, runs totally counter to the respirator decision logic, and to good industrial hygiene practice. However, OSHA has determined that it is necessary to allow their use under a limited set of circumstances, provided that use is very narrowly restricted. The lack of end-of-service-life indicators for organic vapor cartridges used with AN makes it necessary for OSHA to require the replacement of the sorbent at the completion of each shift (Ex. 11:(6)).
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> It should be noted, in addition, that even changing the sorbent container each shift may not assure protection. Testing data submitted by a respirator manufacturer and by NIOSH indicate that some organic vapor cartridges used for AN may not last for 8 hours, and that they may last for only 4 hours under humid conditions (Ex. 11:(12L); 11:(13L); 11:(14L)). This finding is particularly important in the context of this standard, since there are numerous monomer and polymer production facilities which operate under conditions of high humidity. It is clear that where the service life of a cartridges or canister is less than 8 hours, that cartridge or canister may have to be replaced again at some time during the workshift. The standard allows for such a situation by requiring the employer to replace cartridge or canisters before the end of their service life or at the completion of each shift, whichever comes first. The employer has the obligation to ascertain the service life of the cartridges and canisters to be used in his workplace, in order to assure that they are replaced as required by the standard.

Again, this discussion relative to the situation with acrylonitrile parallels the case with EtO and serves as the rationale for the requirement in this proposal. It is emphasized that the employer must carefully evaluate the conditions under which air-purifying respirators would be used. Relative humidity, temperature, exposure level, presence of other organic vapors, and employee activity level all act to affect the service life of the canister or cartridge being used. Workplace environmental conditions may render the respirator canister or cartridges ineffective after a relatively short period of use. For example, test data gathered by OSHA (Ex. 6–27) on the service life of MSA canisters designed for EtO use showed breakthrough in less than 8 hours in some instances. The canisters were evaluated at 25°C, 85% relative humidity, and at a flow rate of 64 liters per minute. Two chin style canisters (one with an end-of-service life indicator window) and 2 supersize canisters (one also with an indicator window) were tested. MSA is planning to submit the indicator canisters to NIOSH for approval in the near future. The chin style canister with the indicator, challenged with a 100 ppm EtO test atmosphere, showed a 1% breakthrough at 90–120 minutes with the indicator changing color at 60–70 minutes. The other chin style canister challenged at 10 ppm EtO has a 1% breakthrough after 6 hours. The supersize canister with a window indicator showed a 1% breakthrough after 480 minutes when challenged with 1,000 ppm EtO; the indicator changed color at 300 minutes. The other super size canister also tested at 1,000 ppm, had a 1% breakthrough at 12–13 hours. It is apparent from data such as this that employers who choose to use air purifying respirators must fully evaluate and monitor their conditions of use in order to assure that they are adequately protecting the employee.

OSHA is interested in receiving canister test data such as that described above as well as additional comment regarding experiences in using air-purifying respirators and the efficacy of permitting the use of such respirators in the EtO standard.

Finally, the proposal requires that respirators required for protection from exposure to EtO shall be provided at no cost to the employee. OSHA views this allocation of costs to control employee exposure to EtO as being necessary to effectuate the purposes of the Act. The requirement makes explicit an agency position which has long been implicit in

health standards proceedings under section 6(b) of the Act.

8. *Paragraph (h). Emergency situations.* Available health data suggest that elevated short-term exposure to EtO should be viewed with concern. OSHA believes that an unexpected high exposure must be viewed as an emergency situation. The proposed requirements include development of a written plan where there is a possibility of an emergency and means to alert employees in the event that an emergency occurs. Employees involved in correcting the emergency conditions would be required to be provided with appropriate respirators and other protective equipment. Employees not involved in correcting the emergency conditions must be evacuated from area.

OSHA believes that these minimal requirements will provide the necessary means to ensure that affected employees are substantially protected against hazardous exposures.

9. *Paragraph (i). Medical surveillance.* The proposal requires, in paragraph (i)(1), each employer to institute a medical surveillance program for all employees who are or will be exposed at or above the action level for at least 30 days per year. Providing medical surveillance for employees exposed at or above the action level in consistent with other health standards which incorporate an action level and is considered by OSHA to be appropriate for monitoring the adequacy of the exposure limit specified.

Some employees may be assigned to work areas where they may be exposed to EtO at or above the action level on a temporary or short term basis. A cut-off point is, therefore, needed for the required medical surveillance program, since it would not be practical to require medical surveillance for every employee regardless of duration of exposure. It is important that the surveillance period selected be sufficiently inclusive but not administratively impractical. As a result of OSHA's experience gained in the inorganic arsenic and coke oven proceedings, the Agency has determined that 30 exposure days per year is an appropriate cut-off point for deciding which employees will be included in the medical surveillance program.

The proposal requires that the medical surveillance program provide each covered employee with an opportunity for a medical examination. Paragraph (i)(1)(ii) provides that all examinations and procedures be performed by or under the supervision of a licensed physician and be provided without cost to the employee. Clearly, a licensed physician is the appropriate person to be supervising and evaluating a medical examination. However, certain parts of the required examination do not necessarily require the physician's expertise and may be conducted by another person under the supervision of the physician.

The proposal requires that exams must be given at a reasonable time and place. It is necessary that exams be convenient and be provided without loss of pay to the employee to assure that they are taken.

The proposal allows the examining physician to prescribe the specific tests to be included in the medical surveillance program. Information presently available to OSHA is insufficient for the Agency to justify specification of the precise tests to be administered. Thus, it is believed that the examining physician is best qualified to make this judgment. Certain elements of an examination, however, are suggested in Appendix C as being appropriate considering the health data regarding carcinogenic, mutagenic, and reproductive effects. Thus, the proposal lists these elements and suggests that the physician consider their inclusion.

These elements include the following:

(i) Comprehensive medical and work histories with special emphasis directed to symptoms related to eyes, blood, blood forming organs, lungs, nervous and reproductive systems, and skin;

(ii) Comprehensive physical examination, with particular emphasis given to pulmonary, neurologic, reproductive, and ophthalmologic systems, blood forming organs, and the skin;

(iii) Complete blood count to include at least a white cell count, a differential count, hemoglobin, and hematocrit;

(iv) Screening for chromosome damage.

It is important to note that the employer is required to make any prescribed tests available more often than specified if recommended by the examining physician.

The proposal requires the employer to provide physician-recommended examinations to any employee exposed to high EtO exposures under emergency conditions. While little is known about the effects of high short-term exposures, it appears prudent to monitor such affected employees in light of existing health data.

The employer is required, in paragraph (i)(6), to provide the physician with the following information: a copy of this standard and its appendices; a description of the affected employee's duties as they relate to the employee exposure level; and information from the employee's previously medical examinations which is not readily available to the examining physician. Making this information available to the physician will aid in the evaluation of the employee's health in relation to assigned duties and fitness to wear personal protective equipment, when required.

The employer is required to obtain a written opinion from the examining physician containing the results of the medical examinations; the physician's opinion as to whether the employee has any detected medical conditions which would place the employee at increased risk of material health impairment from exposure to EtO; any recommended restrictions upon the employee's exposure to EtO or upon the use of protective clothing or equipment such as respirators; and a statement that the employee has been informed by the physician of the results of the medical examination and of any medical conditions which require further explanation or treatment. This written opinion must not reveal specific findings or diagnoses unrelated to occupational exposure to EtO, and a copy of the opinion must be provided to the affected employee.

The purpose in requiring the examining physician to supply the employer with a written opinion is to provide the employer with a medical basis to aid in the determination of initial placement of employees and to assess the employee's ability to use protective clothing and equipment. The requirement that a physician's opinion be in written form will ensure that employers have had the benefit of this information. The requirement that an employee be provided with a copy of the physician's written opinion will ensure that the employee is informed of the results of the medical examination. The purpose in requiring that specific findings or diagnoses unrelated to occupational exposure to EtO not be included in the written opinion is to encourage employees to take the medical examination by removing the concern that the employer will obtain information about their physical condition that has no relation to present occupational exposures.

10. *Paragraph (j). Employee information and training.* The proposed standard requires that all employers provide a training program for all employees exposed to airborne EtO at or above the action level.

OSHA has determined during other rulemakings that an information and training program is essential to inform employees of the hazards to which they are exposed and to provide employees with the necessary understanding of the

degree to which each employee can contribute toward minimizing health hazard potentials.

The content of the training program is intended to inform employees of: (1) The hazards to which they are exposed; (2) the necessary steps to protect themselves, including those to be taken during emergency situations; (3) limitations and the proper use of respirators and protective equipment; (4) a description of medical examinations and their purpose; (5) implementation of work practices and the use of available engineering controls; and (6) the contents of this standard. Section 6(b)(7) of the Act makes it clear that these are appropriate goals for an employee training program, and the proposed standard includes such provisions.

The employer is required to make a copy of the standard and its appendices available to affected employees and their representatives. This requirement, in combination with the review provided for as part of the training program, is intended to ensure that employees understand their rights and duties under this standard.

The employer is also required to provide, upon request, all materials relating to the training program to the Assistant Secretary and Director. This is intended to provide an objective check of compliance with the requirements under this paragraph.

OSHA recognizes that EtO may be only one of a number of substances to which an employee may be exposed simultaneously in the workplace. The education and training requirements in this standard contain those elements OSHA has determined to be basic. The format and content of the required training and information program are neither rigid nor extensive. An employer, may, if desired, incorporate the required information for EtO into a comprehensive program of training and education to be provided to employees.

The proposed standard requires that the training program be provided at least annually. OSHA believes that an annual training program is both necessary and sufficient to ensure that employees maintain a continuing awareness of the hazards of EtO and their rights and duties under the standard.

To increase the effectiveness of training goals the proposed standard requires that the training material be made available, without cost, to all affected employees or their representatives.

11. *Paragraph (k). Precautionary labels and signs.* The proposed standard requires that regulated areas be posted with signs stating: "Danger, Cancer and Reproductive Hazard, Authorized Personnel Only, Respirators and Protective Clothing May Be Required To Be Worn In This Area". The proposal also requires labelling of containers of EtO except when the EtO content is such as to make unlikely the possibility of exposure to EtO at or above the action level under the conditions of use likely to cause the highest possible exposure. The labels must state, "Danger, Contains Ethylene Oxide, Cancer and Reproductive Hazard" and must provide other appropriate warning against breathing airborne concentrations and contacting liquid EtO.

These requirements are consistent with section 6(b)(7) of the Act, which prescribes the use of labels or other appropriate forms of warning to apprise employees of the hazards to which they are exposed.

It is proposed that required labels would remain affixed to containers leaving the workplace. The purpose of this requirement is to assure that all affected employees, not only those of a particular employer, are apprised to the hazardous nature of EtO exposure where exposure could exceed the action level.

It is OSHA's view that informing employees of the hazards to which they are exposed is an important element in reducing occupational disease and injury, and one of the significant purposes of the Act. Section 6(b)(7) of the Act does not limit an employer's obligation to inform employees of hazardous conditions, to the employer's own employees. When an employer manufactures, formulates, or sells a product, the employer may create exposures not only to his or her own employees, but also to the employees of other employers involved in handling, transporting or using the product. The extent of the obligation to inform should be commensurate with the extent of the exposure. This is especially true where the manufacturer, formulator or seller will, in many cases, be the only employer capable, through his knowledge of the product, of providing the information necessary for protection of employees. A narrower reading of the statutory authority would defeat the protective purposes of the Act by effectively preventing the downstream employee from obtaining adequate information about the hazard Furthermore, the use of labels required by the standard will alert other employers who would not otherwise know of the presence of EtO in their workplace or their obligation to comply with the standard. OSHA therefore feels that this requirement is necessary and appropriate.

The proposal sets forth the specific legend to be used on the label. This language is adoted to provide uniformity with other OSHA standards and to indicate to employers precisely what is required. Requiring the label to include the statement "Cancer and Reproductive Hazard" is proposed as being appropriate in light of the available health data. These proposed requirements would be in addition to those mandated by the OSHA hazard communication standard proposed at 47 FR 12092 (March 19, 1982).

A number of EtO products which are utilized as sterilants are registered by the EPA as pesticides, in accordance with FIFRA. EPA must establish terms and conditions for the registration of such products which are sufficient to ensure that use of the products "will not generally cause unreasonable adverse effects on the environment." These terms and conditions may include restrictions and limitations on use which are specified on the label and which all users are obligated by law to comply with. For these reasons OSHA is proposing that the labeling requirements under this paragraph not apply to any EtO product registered as a pesticide, as such term is defined under FIFRA, for which labeling is required by EPA under FIFRA and regulation issued pursuant there to. OSHA feels that this provision is appropriate to mitigate any dual regulatory requirements pesticide registrants may face with regard to container labeling. It is OSHA's understanding, however, that EPA is presently developing EtO labelling requirements that will provide health warnings similar to those on the OSHA label (e.g., cancer and reproductive hazard).

The standard requires the posting of warning signs to demarcate regulated areas. These signs are intended to supplement the training which employees are required to receive under the standard. Even trained employees will need to be reminded of the locations of regulated areas and the dangers of entering these areas. In addition, other personnel, such as employees of independent maintenance contractors authorized to enter regulated areas, need to be reminded of the locations of regulated areas, the dangers of entering these areas, and the need to use protective equipment. OSHA believes that both signs and training are necessary to apprise employees adequately of the hazards associated with EtO exposure.

The standard specifies the wording of the warning signs for regulated areas to assure that the proper warning is given to employees. The word "Danger" is used to attract the attention of workers, to alert them to the fact that they are in a hazardous area (i.e., an area where the EtO airborne concentration exceeds the PEL) and to emphasize the importance of the message that follows. In addition, the use of the word "Danger" is consistent with recent OSHA health standards dealing with carcinogens. The proposed sign legend: "Respirators and Protective Clothing May Be Required to Be Worn In This Area," recognizes that there may be a difference between the EtO concentration in air, the basis used to determine when a regulated area must be established, and a particular employee's exposure. For example, there may be areas in which EtO concentrations exceed 5 pm but an employee's 8-hour TWA exposure might not exceed that level, because the employee may spend only a short time in that area.

In such instances, the employee may not be required to wear a respirator under the provisions set forth in paragraph (g). (As noted earlier, the proposal does not include any short-term exposure limit for EtO. The use of an STEL could affect many other provisions of the standard including signs and labels and the warnings to be listed thereon).

12. *Paragraph (1): Recordkeeping.* Section 8(c)(3) of the Act provides for the promulgation of regulations requiring employers to maintain accurate records of employee exposures to potentially toxic or harmful physical agents which are required to be monitored or measured.

The proposed standard requires that employers who rely on objective data to be exempted from the standard (paragraph (a)(2)) shall maintain records of such information to demonstrate that employees are not exposed to airborne EtO concentrations at or above the action level. In this respect, the objective data substitute for the initial monitoring requirements.

The proposal provides that records be kept to identify the employee monitored and to reflect the employee's exposure accurately. Specifically, records must include the following information: (a) The names and social security numbers of the employees sampled; (b) the number, duration, and results of each of the samples taken, including a description of the representative sampling procedure and equipment used to determine employee exposure where applicable; (c) a description of the operation involving exposure to EtO which is being monitored and the date on which monitoring is performed; (d) the type of respiratory protective devices, if any, worn by the employee; and (e) a description of the sampling and analytical methods used, and evidence of their accuracy.

The proposed standard also requires that the employer keep an accurate medical record for each employee subject to medical surveillance. Section 8(c) of the Act authorizes the promulgation of regulations requiring any employer to keep such records regarding the employer's activities relating to the Act as are necessary or appropriate for the enforcement of the Act or for developing information regarding the causes and prevention of occupational illnesses. OSHA believes that medical records, like exposure monitoring records, are necessary and appropriate to both the enforcement of the standard and the development of information regarding the causes and prevention of illness.

As explained above, it is necessary to relate employees' medical conditions to their exposures to develop information regarding cause and prevention. Medical records are necessary and appropriate for this purpose. In addition, medical records are necessary for the proper evaluation of the employee's health.

The proposed standard requires that all records required to be kept shall be made available upon request to the Assistant Secretary and the Director of NIOSH for examination and copying. Access to these records is necessary for the agencies to monitor compliance with the standard. These records may also contain essential information which is necessary for the agencies to carry out their other statutory responsibilities.

The proposal provides for employees, former employees, and their designated representative to have access to mandated records upon request. Section 8(c)(3) of the Act explicitly provides "employees or their representative with an opportunity to observe monitoring and to have access to the records of monitoring and exposures to toxic substances; and several other provisions of the Act contemplated that employees and their representatives are entitled to play an active role in the enforcement of the Act. Employees and their representatives need to know relevant information concerning employee exposure to toxic substances and their health consequences if they are to benefit fully from these statutory created rights. OSHA requests information as to whether details on monitoring procedures should be provided to employees who observe monitoring activities under this paragraph.

In addition, the proposal specifies that access to exposure and medical records by employees, designated representatives, and OSHA shall be in accordance with 29 CFR 1910.20. Section 1910.20 is OSHA's recently promulgated generic standard for access to employee exposure and medical records (45 FR 35212). By its terms, it applies as to records required by specific standards, such as this EtO standard, as well as records which are voluntarily created by employers. In general, it provides for unrestricted employee and designated representative access to exposure records. Access to medical records is also provided for employees and, if the employee has given specific written consent, for the employee's designated representatives. OSHA retains unrestricted access to both kinds of records, but its access to personally identifiable records is made subject to rules of agency practice and procedure concerning OSHA access to employee medical records, which have been published at 29 CFR 1913.10. An extensive discussion of the provisions and rationale for § 1920.20 may be found at 45 FR 35312; the discussion of § 1913.10 may be found at 45 FR 35384. It is noted that revisions to the access to records standard are being developed in an ongoing rulemaking proceeding (45 FR 35212). The EtO standard may be affected by any changes which result from that rulemaking effort.

It is necessary to keep records for extended periods because of the long latency periods commonly observed for carcinogens. Cancer often cannot be detected until 20 or 30 more years after onset of exposure. The extened retention period is therefore needed for two purposes. Diagnosis of disease in employees in assisted by having present and past exposure data as well as the results of the medical exams. Retaining records for extended periods also makes it possible at some future date to review the adequacy of the standard.

The time periods proposed for retention of exposure records and medical records are thirty years, and period of employment plus thirty years, respectively. These retention periods are consistent with those in the OSHA records access standard. Comment is requested as to whether the retention periods for exposure records and medical records should be the same, and if so, what those periods should be.

The proposal requires employers to notify the Director in writing at least 3 months prior to the disposal of the records. Section 1910.20(h) also contains

requirements regarding the transfer of records. Therefore, the employer is also required to comply with any additional requirements set forth in that standard.

13. *Paragraph (m). Observation of monitoring.* Section 8(c) of the Act requires that employers provide employees and their representatives with the opportunity to observe monitoring of employee exposures to toxic subtances or harmful physical agents. In accordance with this section, the proposal contains provisions for such observation of monitoring of EtO exposures.

The observer, whether an employee or a designated representative, must be provided with, and is required to use, any personal protective equipment required to be worn by employees working in the area that is being monitored, and must comply with all other applicable safety and health procedures.

14. *Paragraph (n). Effective date*—As proposed, the final rule would become effective thirty (30) days following publication in the **Federal Register**. OSHA requests comment on whether additional time should be privided. The Agency also solicits information and supporting data on "start-up periods" and delayed implementation dates which may be necessary for various provisions of the standard.

15. *Appendices.* Four appendices have been included in this proposed standard. These appendices have been included primarily for purposes of information. None of the statements contained therein should be construed as establishing a mandatory requirement not otherwise imposed by the standards, or as detracting from an obligation which the standard does impose.

The information contained in Appendices A and B is designed to aid the employer in complying with requirements of the standard. The information in Appendix C primarily provides information needed by the physician to evaluate the results of the medical examination. It should be noted that paragraph (i) specifically requires that the information contained in Appendices A and B be provided to employees as part of their information and training program.

Appendix D gives details of the OSHA sampling method for use in monitoring employee exposures to EtO.

28. *References.* The studies and other data listed below as well as the additional material referred to in this document represent the primary sources upon which the proposal is based. A complete set of the references is available for examination and copying at the OSHA Technical Data Center, Docket Office, Room S6212, U.S. Department of Labor, Third Street and Constitution Avenue NW., Washington, D.C. 20210, between 8:30 am. and 4:30 pm, Monday through Friday, legal holidays excepted.

The materials listed below represent documents referred to in this notice (Exhibit 6) that are not referred to in the ANPR (Exhibit 2) or where not submitted to the record by interested parties (Exhibit 4) in response to the ANPR.

1. *Public Citizen Health Research Group* v. *Auchter*, D.C. Civil Action No. 81–02343, (D.C. Vir., Jan. 5, 1983).

1. Public Health Research Group v. Auchter, No. 83–1071 (D.C. Cir. March 15, 1983).

3. TLV Airborne Contaminants Committee: Documentation of the Threshold Limit Values, Third Edition. American Conference of Governmental Industrial Hygienists, Cincinnati, Ohio (1966).

4. TLV Airborne Contaminants Committee: Documentation of the Threshold Limit Values, Third Edition. American Conference of Governmental Industrial Hygienists, Cincinnati, Ohio (1971).

5. Morgan, R. W., Claxton, K. W., Divine, B. J., Kaplan, S. D., and Harris, V. B., 1981. Mortality among ethylene oxide workers. *J. Occup. Med.* 23: 767–770.

6. Lynch, D. W, Lewis, T. R., and W. J. Moorman. 1982. Chronic Inhalation Toxicity of Ethylene Oxide and Propylene Oxide in Rats and Monkeys-A Preliminary Report. *The Toxicologist 2*: 11–12

7. Hemminki, K., Mutanen, P., Saloniemi, I., Niemi, M-L., Vaino, H., 1982. Spontaneous abortions in hospital staff engaged in sterilising instruments with chemical agents. *British Medical Journal.* 285: 1461–1463.

8. Letter dated March, 29, 1983, from Kari Hemminke, M.D., to Dr. Robert P. Beliles.

9. Jones-Price, C., Marks T. A., Ledoux, T. A., Reel, J. R., Fisher, P. W., Langhoff-Paschke, C., and Marr, M.N., December, 1982. Final Report: Teratologic Evaluation of Ethylene Oxide (Cas No. 75–21–8) in New Zealand White Rabbits, Research Triangle Institute. RTI Project No. 31U–1287 and 31U–2312

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12. Pero, W.P., Bryngelsson, T., Widegren, B., Hogstedt, B., and Welinder, H., 1982. A reduced capacity for unscheduled DNA synthesis in lymphocytes from individuals exposed to propylene oxide and ethylene oxide. *Mutation Research.* 104:193–200.

13. Pero, W.P., Widegren, B., Hogstedt, B., Mitelman, F. 1981. In vivo and in vitro ethylene oxide exposure of human lymphocytes assessed by chemical stimulation of unscheduled DNA synthesis. *Mutation Research.* 83:271–289.

14. Garry, V. F., Hozier, J., Jacobs, D., Wade R.L., and Gray D.G. 1979. Ethylene Oxide: Evidence of Human Chromosomal Effects. *Environmental Mutagenesis.* 1:375–382.

15. Yager, J., Hines, C., and Spear, R. 1983. Exposure to ethylene oxide at work increases sister chromatid exchanges in human peripheral lymphocytes. *SCIENCE* 219:1221–1223.

16. National Institute of Occupational Safety and Health. 1982. Chronic inhalation toxicity of ethylene oxide and propylene oxide in rats and monkeys—a prelininary report.

17. Howe, R.B. and Crump, K.S., 1982. GLOBAL 82: A computer program to extrapolate quantal animal toxicity data to low doses. Prepared under contract #41 USC 252 C3, for the Occupational Safety and Health Administration. U.S. Department of Labor.

18. OSHA Preliminary Quantitative Risk Assessment for Ethylene Oxide. Office of Carcinogen Standards. April 11, 1983.

19. Calleman, C.J., Ehrenberg, L., Jansson, B., Osterman-Golkar, Sir, Segerback, D., Svensson, K., and Wachtmeister, C.A. 1978. Monitoring and risk assessment by means of alkyl groups in hemoglobin in persons occupationally exposed to ethylene oxide. *Journal of Environmental Pathology and Toxicology.* 2:427–442.

20. Rantanen, J., Aitio, A., Hemminki, K., Jarvisalo, J., Lindstrom, K., Tossavainen, A., and Vainio, H. 1982. Exposure limits and medical surveillance in occupational health. *American Journal of Industrial Medicine.* 3:363–371.

21. The Carcinogen Assessment Group's Preliminary Risk Assessment on Ethylene Oxide. Type-One Air Program. Environmental Protection Agency. October 16, 1979.

22. Seymour, M., O'Konski, D.P., Adams, A.V., and New, C.B. 1982. Report: Economic and environmental impact study of ethylene oxide. Prepared for the Occupational Safety and Health Administration by JRB Associates. McLean, Virginia.

23. Kovar, J. and Krewski, D. 1981. Risk 81: A computer program for low dose extrapolation of quantal response toxicity data. Health and Welfare Canada.

24. Memorandum dated January 3, 1983, from Edward F. Zimowski, OSHA Health Response Team, to Dr. Robert P. Beliles, Director, Office of Carcinogen Standards, OSHA, regarding ethylene oxide sampling procedures.

25. Memorandum dated February 28, 1983 to R. Leonard Vance, Director, Health Standards Programs, from Peter Infante and Theodora A. Tsongas, Office of Carcinogen Identification and Classification, regarding the study by Hemminki et al.

26. Leidel, N.A., August 1975. Exposure Measurement Action Level and Occupational Environmental Variability. DHEW, PHS, DCD, DLCK.

27. Handwritten notes February 22, 1983 from OSHA's Office of Technical Support regarding the service life of MSA ethylene oxide canisters.

VI. Public Participation—Notice of Hearing

Interested persons are invited to submit written data, views, and arguments with respect to this proposed standard. These comments must be postmarked on or before June 17, 1983, and submitted in quadruplicate to the Docket Officer, Docket No. H–200, Room S–6212, U.S. Department of Labor, Third Street and Constitution Avenue N.W., Washington, D.C. 20210. Written submissions must clearly identify the provisions of the proposal which are addressed and the position taken with respect to each issue.

The data, views, and arguments that are submitted will be available for public inspection and copying at the above address. All timely written submissions will be made a part of the record of the proceeding.

Pursuant to section 6(b)(3) of the Act, an opportunity to submit oral testimony concerning the issues raised by the proposed standard including economic and environmental impacts, will be provided at an informal public hearing scheduled to begin at 10:00 A.M. on July 19, 1983, in the Auditorium, Frances Perkins Building, U.S. Department of Labor, Third Street and Constitution Avenue, N.W., Washington, D.C. 20210.

Notice of Intention To Appear

All persons desiring to participate at the hearng must file in quadruplicate a notice of intention to appear, postmarked on or before June 17, 1983, addressed to Mr. Tom Hall, OSHA Division of Consumer Affairs, Docket No. H–200, Room N–3635, U.S. Department of Labor, Third Street and Constitution Avenue NW., Washington, D.C. 20210; telephone 202–523–8024.

The notices of intention to appear, which will be available for inspection and copying at the OSHA Technical Data Center-Docket Office (Room S6212), telephone 202–523–7895, must contain the following information:

(1) The name, address, and telephone number of each person to appear;

(2) The capacity in which the person will appear;

(3) The approximate amount of time requested for the presentation;

(4) The specific issues that will be addressed;

(5) A detailed statement of the position that will be taken with respect to each issue addressed; and

(6) Whether the party intends to submit documentary evidence, and if so, a brief summary of that evidence.

Filing of Testimony and Evidence Before Hearing

Any party requesting more than 10 minutes for a presentation at the hearing, or who will submit documentary evidence, must provide in quadruplicate the complete text of his testimony, including any documentary evidence to be presented at the hearing, to the OSHA Division of Consumer Affairs. This material must be received by July 1, 1983 and will be available for inspection and copying at the Technical Data Center-Docket Office. Each such submission will be reviewed in light of the amount of time requested in the notice of intention to appear. In those instances where the information contained in the submission does not justify the amount of time requested, a more appropriate amount of time will be allocated and the participant will be notified of that fact.

Any party who has not substantially complied with this requirement may be limited to a 10-minute presentation, and may be requested to return for questioning at a later time.

Conduct of Hearing

The hearing will commence at 10:00 a.m. on Tuesday, July 19, 1983, with resolution of any procedural matters relating to the proceeding. The hearing will be conducted in accordance with 29 CFR Part 1911. In view of the nature of this rulemaking proceeding, the hearing will be conducted in as expedited a manner as possible with a full development of the record and the rights of the parties.

The hearing will be presided over by an Administrative Law Judge who will have all the powers necessary or appropriate to conduct a full and fair informal hearing as provided in 29 CFR Part 1911. Following the close of the hearing or of any posthearing comment period, the presiding Administrative Law Judge will certify the record to the Assistant Secretary of Labor for Occupational Safety and Health. The proposed permanent standard will be reviewed in light of all oral and written submissions received as part of the record, and a permanent standard for occupational exposure to ethylene oxide will be issued, based upon the entire record in this proceeding.

Authority

This document was prepared under the direction of Thorne G. Auchter, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, Third Street and Constitution Avenue N.W., Washington D.C. 20210.

Pursuant to sections 6(b) and 8 of the Occupational Safety & Health Act (29 U.S.C. 655, 657), it is hereby proposed to amend Part 1910 of 29 CFR by adding new § 1910.1047 as set forth below and delete the reference to ethylene oxide from Table Z–1 of section 1910.1000. In addition, pursuant to section 4(b)(2) of the Act, OSHA has determined that this new standard would be more effective than the corresponding standards now in Subpart B of Part 1910, and in Parts 1915, 1918, and 1926 of Title 29, Code of Federal Regulations. Therefore, these corresponding standards would be superseded by this new section 1910.1047. This determination, and the application of the new standard to the maritime and construction industries, would be implemented by adding a new paragraph (h) to § 1910.19.

List of Subjects in 29 CFR Part 1910

Ethylene oxide, Occupational safety and health, Chemicals, Cancer, Health risk—assessment.

(Secs. 4, 6, and 8, of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order 8–76 (41 FR 25059); 29 CFR Part 1911)

Signed at Washington, D.C., this 15th day of April 1983.

Thorne G. Auchter,

Assistant Secretary of Labor.

Part 1910 of Title 29 of the Code of Federal Regulations is therefore proposed to be amended as follows:

1. By adding a new paragraph (h) to § 1910.19 to read as follows:

§ 1910.19 Special provisions for air contaminants.

* * * * *

(h) *Ethylene oxide.* Section 1910.1047 shall apply to the exposure of every employee to ethylene oxide in every employment and place of employment covered by § 1910.12, § 1910.13, § 1910.14, § 1910.15, or § 1910.16, in lieu of any different standard on exposure to ethylene oxide which would otherwise be applicable by virtue of those sections.

§ 1910.1000 [Amended]

2. By removing the entry "Ethylene oxide . . . 50 ppm . . . 90 mg/m ^{3}" from Table Z–1 of § 1910.1000.

3. By adding a new § 1910.1047 to read as follows:

§ 1910.1047 Ethylene oxide.

(a) *Scope and application.* (1) This section applies to all occupational exposures to ethylene oxide (EtO),

Chemical Abstracts Service Registry No. 75-21-8, except as provided in paragraph (a)(2) of this section.

(2) This section does not apply to the processing, use, and handling of products containing EtO where objective data are reasonably relied upon that demonstrates that the product is not capable of releasing EtO in excess of the action level under the expected conditions of processing, use, and handling which will cause the greatest possible release.

(3) Where products containing EtO are exempted under paragraph (a)(2) of this section, the employer shall maintain records of the objective data supporting that exemption and the basis for the employers' reliance on the data, as provided in pargraph (l)(1) of this section.

(b) *Definitions:* For the purpose of this section, the following definitions shall apply:

"*Action level*" means a concentration of airborne EtO of 0.5 ppm calculated as an eight (8)-hour time-weighted average.

"*Assistant Secretary*" means the Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, or designee.

"*Authorized person*" means any person specifically authorized by the employer whose duties require the person to enter a regulated area, or any person entering such an area as a designated representative of employees for the purpose of exercising the right to observe monitoring and measuring procedures under paragraph (m) of this section, or any other person authorized by the Act or regulations issued under the Act.

"*Director*" means the Director of the National Institute for Occupational Safety and Health, U.S. Department of Health and Human Services, or designee.

"*Emergency*" means any occurrence such as, but not limited to, equipment failure, rupture of containers, or failure of control equipment which is likely to, or does result in an unexpected massive release of EtO.

"*Employee exposure*" means exposure to airborne EtO which would occur if the employee were not using respiratory protective equipment.

"*Ethylene oxide*" or "EtO" means the three-membered ring organic compound with chemical formula C_2H_4O.

(c) *Permissible exposure limit (PEL).* The employer shall assure that no employee is exposed to an airborne concentration of EtO in excess of one part of EtO per million parts of air (1 ppm) as an eight (8)-hour time-weighted average (8-hour TWA).

(d) *Exposure monitoring.* (1) *General.* (i) Determinations of employee exposure shall be made from breathing zone air samples that are representative of each employee's exposure to airborne EtO over an eight (8) hour period.

(ii) Representative employee exposure shall be determined on the basis of at least one sample or consecutive samples covering the full shift for each shift for each job classification in each work area.

(iii) Where the employer can document that exposure levels are equivalent for similar operations in different work shifts, the employer shall only be required to determine representative employee exposure for that operation during one shift.

(2) *Initial monitoring.* Each employer who has a workplace or work operation covered by this standard shall perform monitoring to determine accurately the airborne concentrations of EtO to which employees may be exposed, except as provided for in paragraph (a)(2) of this section.

(3) *Monitoring frequency (periodic monitoring).* (i) If the monitoring required by paragraph (d)(2) of this section reveals employee exposure at or above the action level but at or below the PEL, the employer shall repeat such monitoring for each such employee at least every 6 months.

(ii) If the monitoring required by paragraph (d)(2) of this section reveals employee exposure above the PEL, the employer shall repeat such monitoring for each such employee at least every 3 months.

(iii) The employer may alter the monitoring schedule from quarterly to semianually for any employee for whom two consecutive measurements taken at least 7 days apart indicate that the employee exposure has decreased to the PEL or below.

(4) *Termination of monitoring.* (i) If the initial monitoring required by paragraph (d)(2) of this section reveals employee exposure to be below the action level the employer may discontinue the monitoring for that employee.

(ii) If the periodic monitoring required by paragraph (d)(3) of this section reveals that employee exposures, as indicated by at least two consecutive measurements taken at least 7 days apart, are below the action level the employer may discontinue the monitoring for that employee.A

(5) *Additional monitoring.* The employer shall institute the exposure monitoring required under paragraphs (d)(2) and (d)(3) of this section when there has been a change in the production, process, control equipment, personnel or work practices which may result in new or additional exposures to EtO or when the employer has any reason to suspect a change which may result in new or additional exposures.

(6) *Accuracy of monitoring.* Monitoring shall be accurate, to a confidence level of 95 percent, to within plus or minus 25 percent for airborne concentrations of EtO at 1 ppm and to within plus or minus 35 percent for airborne concentrations of EtO at the action level of 0.5 ppm.

(7) *Employee notification of monitoring results.* (i) The employer shall, within 10 working days after the receipt of the results of any monitoring performed under this standard, notify the affected employee of these results in writing either individually or by posting of results in an appropriate location that is accessible to affected employees.

(ii) The written notification required by paragraph(d)(7)(i) of this section shall contain the corrective action being taken by the employer to reduce employee exposure to or below the PEL, wherever the PEL is exceeded.

(3) *Regulated Areas.* (1) The employer shall establish a regulated area wherever the airborne concentration of EtO is above 1 ppm calculated as an 8-hour time-weighted average.

(2) Access to regulated areas shall be limited to authorized persons.

(3) Regulated areas shall be demarcated in any manner that minimizes the number of employees exposed to EtO within the regulated area.

(f) *Methods of compliance.* (1) *Engineering controls and work practices.* (i) The employer shall institute engineering controls and work practices to reduce and maintain employee exposure to or below the PEL, except to the extent that the employer can establish that such controls are not feasible.

(ii) Wherever the feasible engineering controls and work practices which can be instituted are not sufficient to reduce employee exposure to or below the PEL, the employer shall use them to reduce employee exposure to the lowest levels achievable by these controls and shall supplement them by the use of respiratory protection which complies with the requirements of paragraph (g) of this section.

(2) *Compliance program.* (i) The employer shall establish and implement a written program to reduce employee exposure to or below the PEL solely by means of engineering and work practice controls, as required by paragraph (f)(1) of this section. The program shall

include a schedule for periodic leak detection surveys.

(ii) Written plans for such a program shall be developed and furnished upon request for examination and copying to the Assistant Secretary, the Director, affected employees and designated employee representatives. Such plans shall be reviewed at least every 12 months to reflect the current status of the program and revised as necessary.

(g) *Respiratory protection.* (1) *General.* The employer shall provide respirators, and assure that they are used, where required by this section. Respirators shall be used in the following circumstances.

(i) During the interval necessary to install or implement feasible engineering and work practice controls;

(ii) In work operations, such as maintenance and repair activities or vessel cleaning, for which the employer establishes that engineering and work practice controls are not feasible;

(iii) In work situations where feasible engineering and work practice controls are not yet sufficient to reduce exposure to or below the PEL; and

(iv) In emergencies.

(2) *Respirator selection.* (i) Where respirators are required under this section, the employer shall select and provide, at no cost to the employee, the appropriate respirator as specified in Table 1, and shall assure that the employee uses the respirator provided.

(ii) The employer shall select respirators from among those jointly approved for protection against ethylene oxide by the Mine Safety and Health Administration (MSHA) and by the National Institute for Occupational Safety and Healath (NIOSH) under the provisions of 30 CFR Part 11. *Exception:* Air-purifying respirators shall be selected by the employer from those with joint MSHA/NIOSH approval for protection against organic vapors.

(3) *Respirator program.* (i) The employer shall institute a respiratory program in accordance with 29 CFR 1910.134(b), (d), (e), and (f).

(ii) Where air-purifying respirators are used, the air-purifying element shall be replaced prior to the expiration of their service life or at the completion of each shift, whichever occurs first. A label shall be attached to the air-purifying element to indicate the date and time at which it is first installed on the respirator.

TABLE 1.—MINIMUM REQUIREMENTS FOR RESPIRATORY PROTECTION FOR AIRBORNE ETO

Condition of use or concentration of airborne EtO (ppm)	Minimum required respirator
Equal to or less than 50.	(a) Full facepiece respirator with organic vapor gas mask canister, front- or back-mounted.
Equal to or less than 2,000.	(a) Positive-pressure supplied air respirator, equipped with full facepiece, hood, or helmet, or (b) Continuous-flow supplied air respirator (positive pressure) equipped with hood, helmet or suit.
Concentration above 2,000 or unknown concentration (such as in emergencies).	(a) Positive-pressure self-contained breathing apparatus (SCBA), equipped with full facepiece, or (b) Positive-pressure full facepiece supplied air respirator equipped with an auxiliary positive-pressure selfcontained breathing apparatus.
Firefighting	(a) Positive pressure self-contained breathing apparatus equipped with full facepiece.
Escape	(a) Any respirator described above.

(h) *Emergency situations.* (1) *Written plan.* (i) A written paln for emergency situations shall be developed for each workplace where there is a possibility of an emergency. Appropriate portions of the plan shall be implemented in the event of an emergency.

(ii) The paln shall specifically provide that employees engaged in correcting emergency conditions shall be equipped with respiratory protection as required in paragraph (g) of this section until the emergency is abated.

(2) *Alerting employees.* Where there is the possibility of employees exposure to EtO due to an emergency, means shall be developed to alert potentially affected employees of such occurrences promptly. Affected employees shall be immediately evacuated in the event that an emergency occurs.

(i) *Medical Surveillance.* (1)*General.* (i) *Employees covered.* (A) The employer shall institute a medical surveillance program for employees who are or will be exposed to EtO at or above the action level, without regard to the use of respirators, for at least 30 days in the year;

(B) Employees who have been exposed to an emergency shall be provided medical examinations as set forth in paragraph (i) (5) of this section.

(ii) *Examination by physician.* The employer shall assure that all medical examinations and procedures are performed by or under the supervision of a licensed physician, and are provided without cost to the employee, without loss of pay and at a reasonable time and place.

(2) *Initial examinations.* At the time of initial assignment to an area where the employee is likely to be exposed at or above the action level for 30 days or more in the year, and for all employees who have been exposed to an emergency by paragraph (i)(1)(i) of this section, the employer shall provide each employee an opportunity for a medical examination comprised of tests deemed appropriate by the examining physician. It is recommended that the physician consider including at least the elements suggested in Appendix C to this section in the examination:

(3) *Periodic examinations.* The employer shall provide the examinations deemed appropriate by the examining physician as specified in paragraph (i)(2) of this section at least annually for all employees specified in paragraph (i)(1)(i)(A) of this section.

(4) *Additional examination.* If the examining physician determines that any of the examinations should be provided more frequently than specified, the employer shall provide such examinations to affected employees at the frequencies recommended by the physician.

(5) *Examinations upon occurrence of an emergency.* (i) The employer shall provide appropriate medical examinations as described in paragraph (i)(2) of this section to each employee exposed to EtO due to the occurrence of an emergency.

(ii) The physician shall determine the frequency of any periodic examinations and recommend any additional examinations beyond those required by paragraph (i)(2) of this section, if deemed necessary, for each employee exposed the EtO because of an emergency.

(iii) The employer shall provide the examinations recommended by the physician at the frequencies determined necessary by the physician.

(6) *Information provided to the physician.* The employer shall provide the following information to the examining physician:

(i) A copy of this standard and Appendices A, B, and C;

(ii) A description of the affected employee's duties as they relate to the employee's exposure;

(iii) The employee's representative exposure level or anticipated exposure level;

(iv) A description of any personal protective equipment used or to be used; and

(v) Information from previous medical examinations of the affected employee which is not otherwise available to the examining physician.

(7) *Physician's written opinion.* (i) The employer shall obtain a written opinion from the examining physician which shall include:

(A) The physician's opinion as to whether the employee has any detected medical conditions which would place the employee at increased risk of material health impairment from exposure to EtO;

(B) Any recommended limitations on the employee's exposure to EtO or upon the use of personal protective equipment such as clothing or respirators; and

(C) A statement that employee has been informed by the physician of the results of the medical examination and any medical conditions resulting from EtO exposure which require further explanation or treatment.

(ii) The employer shall instruct the physician not to reveal in the written opinion given to the employer specific findings or diagnoses unrelated to occupational exposure.

(iii) The employer shall provide a copy of the physician's written opinion to the affected employee within 15 days from its receipt.

(j) *Employee information and training.* (1) *Training program.*

(i) The employer shall provide a training program for all employees exposed to EtO at or above the action level.

(ii) The training program shall be provided at the time of initial assignment, or upon institution of the training program, and at least annually thereafter. The employer shall assure that each employee is informed of the following:

(A) The information in the substance data sheets for EtO, which are contained in Appendices A and B;

(b) The nature of operations which could result in exposure to EtO above the PEL, includling potential emergency situations and any necessary protective steps;

(C) The purpose, proper use, and limitations of respirators the employee may be required to use;

(D) The purpose and a description of the medical surveillance program required by paragraph (i) of this section and the information contained in Appendix C;

(E) Emergency procedures required by paragraph (h) of this section;

(F) The proper use of engineering and work practice controls, including their functions and the employee's relationship to these controls; and

(G) The content of this standard.

(2) *Access to training materials.* (i) The employer shall make readily available to all affected employees and their representatives, without cost to the employee, a copy of this standard and its appendices and all materials relating to the employee information and training program.

(ii) All materials relating to the employee information and training program shall be provided upon request to the Assistant Secretary and the Director.

(k) *Precautionary labels and signs.* (1) *General.* (i) The employer may use labels or signs required by other statutes, regulations, or ordinances in addition to or in combination with signs and labels required by this paragraph.

(ii) The employer shall assure that no statement appears on or near any sign or label required by this paragraph which contradicts or detracts from the meaning of the required sign or label.

(2) *Labels.* (i) The employer shall assure that precautionary labels are affixed to all containers or EtO, whose contents are capable of causing employee exposure at or above the action level, and that the labels remain affixed when the containers of EtO leave the workplace. For the purposes of this paragraph, reaction vessels, storage tanks, and pipes or piping systems are not considered to be containers.

(ii) Precautionary labels shall bear at least the following legend and information:

(A) DANGER
CONTAINS ETHYLENE OXIDE
CANCER AND REPRODUCTIVE HAZARDS; and

(b) A warning statement against breathing airborne concentrations of EtO.

(iii) The labeling requirements under this section do not apply where EtO is used as a pesticide, as such term is defined in the Federal Insecticide, Fundicide, and Rodenticide Act (7 U.S.C. ss136 et seq.), when it is labeled pursuant to that Act and regulations issued under that Act by the Environmental Protection Agency;

(3) *Signs.* (i) The employer shall post and maintain legible signs demarcating regulated areas and entrances or accessways to regulated areas.

(ii) The sign shall bear the following legend:
DANGER
ETHYLENE OXIDE
CANCER AND REPRODUCTIVE HAZARD
AUTHORIZED PERSONNEL ONLY
RESPIRATORS AND PROTECTIVE CLOTHING MAY BE REQUIRED TO BE WORN IN THIS AREA

(l) *Recordkeeping.* (1) *Objective data for exempted operations.*

(i) Where the processing, use, and handling of products made from or containing EtO are exempted from other requirements of this section under paragraph (a)(2) of this section, the employer shall establish and maintain an accurate record of objective data reasonably relied upon in support of the exemption.

(ii) This record shall include at least the following information:

(A) The product qualifying for exemption;

(B) The source of the objective data;

(C) The testing protocol, results of testing, and/or analysis of the material for the release of EtO;

(D) A description of the operation exempted and how the data support the exemption; and

(E) Other data relevant to the operations, materials, and processing covered by the exemption.

(iii) The employer shall maintain this record for the duration of the employer's reliance upon such objective data.

(2) *Exposure measurements.* The employer shall keep an accurate record of all measurements taken to monitor employee exposure to EtO as prescribed in paragraph (d) of this section.

(i) This record shall include:

(A) The date of measurement;

(B) The operating involving exposure to EtO which is being monitored;

(C) Sampling and analytical methods used and evidence of their accuracy;

(D) Number, duration, and results of samples taken;

(E) Type of protective devices worn, if any; and

(F) Name, social security number and exposure of the employee monitored.

(ii) This record shall be maintained for at least thirty (30) years.

(3) *Medical surveillance.* (i) The employer shall establish and maintain an accurate record for each employee subject to medical suveillance under paragraph (i) of this section.

(ii) The record shall include:

(A) The name and social security number of the employee;

(B) Physican's written opinions;

(C) Any employee medical complaints related to exposure to EtO;

(D) The A copy of the information provided to the physican as required by paragraph (i)(6) of this section; and

(E) The results of the medical examination and tests performed.

(iii) The employer shall assure that this record is maintained for the duration of employment plus thirty (30) years.

(4) *Availability.*

(i) The employer shall make all records required to be maintained by this section available, upon written request, to the Assistant Secretary and the Director for examination and copying.

(ii) Exemption and exposure records required by paragraphs (1)(1) and (1)(2)

of this section shall be provided upon request, for examination and copying, to the affected employees, former employees, designated representatives and the Assistant Secretary.

(iii) Employee medical records required by paragraph (1)(3) of this section shall be provided upon request, for examination and copying, to the subject employee, anyone having the specific written consent of the subject employee, and the Assistant Secretary.

(iv) The employer shall provide the records required under this section in accordance with § 1910.20.

(5) *Transfer of records.* (i) When the employer ceases to do business, the employer shall transfer such records to the successor employer, who shall receive and retain all records required to be maintained by this section for the prescribed period.

(ii) Whenever the employer ceases to do business and there is no successor employer to receive and retain the records required to be maintained by this section for the prescribed period, these records shall be transmitted to the Director.

(iii) At the expiration of the retention period for the records required to be maintained by this section, the employer shall notify the Director in writing at least 3 months prior to the disposal of such records and shall transmit these records to the Director within that period, if so requested by the Director.

(iv) The employer shall also comply with any additional requirements concerning transfer of records set forth in 29 CFR 1910.20(h).

(m) *Observation of monitoring.* (1) *Employee observation.* The employer shall provide affected employees or their designated representatives an opportunity to observe any monitoring of employee exposure to EtO conducted in accordance with paragraph (d) of this section.

(2) *Observation procedures.* When observation of the monitoring of employee exposure to EtO requires entry into an area where the use of protective clothing or equipment is required, the observer shall be provided with and required to use such clothing and equipment and shall comply with all other applicable safety and health procedures.

(n) *Effective date.* This section shall become effective thirty (30) days following publication.

(o) *Appendices.* The information contained in the appendices is not intended by itself to create any additional obligations not otherwise imposed or to detract from any existing obligation.

APPENDIX A—SUBSTANCE SAFETY DATA SHEET FOR ETHYLENE OXIDE

I. Substance Identification

A. *Substance:* Ethylene oxide (C_2H_4O).

B. *Synonyms:* Anprolene, dihydrooxirene, dimethylene oxide, EO, 1,2-epoxyethane, EtO, ETO, oxacyeloropropane, oxane, oxidoethane, alpha/beta-oxidoethane, oxiran, oxirane.

C. Ethylene Oxide can be found as a liquid or vapor.

D. EtO is used in the manufacture of ethylene glycol, polyester fibers, bottles and films, sufacants, ethanolamines, glycol ethers, and other organic chemicals. EtO is also used as a sterilant and fumigant.

E. *Appearance and odor:* Colorless liquid below 10.4°C (50.7°F) or colorless gas with ether-like odor detected at 500 parts EtO per million parts of air (500 ppm).

F. *Permissible Exposure:* Exposure many not exceed 1 part EtO per million parts of air (1 ppm) averaged over the 8-hour work day.

II. Health Hazard Data

A. Ethylene oxide can affect your body if you inhale the vapor (breathing), if it comes in contact with your eyes or skin, or if you swallow it.

B. *Effects of over exposure:*

1. *Short-term exposure:* Ethylene oxide in liquid form can cause eye irritation and injury to the cornea, frostbite, and severe irritation and blistering of the skin upon prolonged or confined contact. Ingestion of EtO can cause gastric irritation and liver injury. Acute effects from inhalation of EtO vapors include respiratory irritation and lung injury, headache, nausea, vomiting, diarrhea, dyspnea and cyanosis.

2. *Long-term-exposure:* EtO has been shown to cause cancer in laboratory animals and has been associated with higher incidences of cancer in humans. Adverse reproductive effects and chromosome damage may also occur from EtO exposure.

3. *Reporting signs and symptoms:* You should inform your employer if you develop any signs or symptoms and suspect that they are caused by exposure to EtO.

III. Emergency First Aid Procedures

A. *Eye exposure:* If EtO gets into your eyes, wash your eyes immediately with large amounts of water, lifting the lower and upper lids occasionally. Get medical attention immediately. Contact lenses should not be worn when working with this chemical.

B. *Skin exposure:* If EtO gets on your skin, immediately wash the contaminated skin with water. If EtO soaks through your clothing, especially you shoes, remove the clothing immediately and wash the skin with water. If symptoms occur after washing, get medical attention immediately. Thoroughly wash the clothing before reusing. Contaminated leather shoes or other leather articles should be discarded.

C. *Inhalation:* If you or any other person breathes in large amounts of EtO, move the exposed person to fresh air at once. If breathing has stopped, perform artificial respiration. Keep the affected person warm and at rest. Get medical attention as soon as possible.

D. *Swallowing:* When EtO has been swallowed, give the person large quantities of water immediately. After the water has been swallowed, try to get the person to vomit by having him touch the back of his throat with his finger. Do not make an unconscious person vomit. Get medical attention immediately.

E. *Rescue:* Move the affected person from the hazardous exposure. If the exposed person has been overcome, notify someone else and put into effect the established emergency procedures. Do not become a casualty yourself. Understand your emergency rescue procedures and know the location of the equipment before the need arises.

F. *Special first aid procedures:* When a person is suspected of receiving an overexposure to EtO, immediately remove that person from the contaminated area using established rescue procedures. Contaminated clothing must be removed and the EtO washed from the skin immediately. Artificial respiration should be started at once if breathing has stopped. Medical aid should be obtained immediately

IV. Respirators and Protective Clothing

A. *Respirators:* You may be required to wear a respirator for nonroutine activities, in emergencies, while your employer is in the process of reducing EtO exposures through engineering controls or where engineering controls are not feasible. If air-purifying respirators are worn, they must have a joint Mine Safety and Health Administration (MSHA or MESA) and National Institute for Occupational Safety and Health (NIOSH) label of approval for use with organic vapors. For effective protection, respirators must fit your face and head snugly. Respirators should not be loosened or removed in work situations where their use is required.

EtO does not have a detectable odor except at levels well above the permissible exposure limits. Do not depend on odor to warn you when a respirator canister is exhausted. Canisters must be labeled as to when they are first put into service and must be changed daily or before the end-of-service life, whichever comes first. Reuse of these may allow gradual penetration of EtO through the filter and cause exposures which you cannot detect by odor. If you can smell EtO while wearing a respirator, proceed immediately to fresh air. If you experience difficulty breathing while wearing a respirator, tell your employer.

B. *Protective clothing:* You may be required to wear impervious clothing, gloves, face shield, or other appropriate protective clothing to prevent skin contact with liquid EtO. Where protective clothing is required, your employer is required to provide clean garments to you as necessary to assume that the clothing protects you adequately.

Replace or repair impervious clothing that has developed leaks.

EtO should never be allowed to remain on the skin. clothing and shoes which are not impervious to EtO should not be allowed to become contaminated with EtO, and if they do, the clothing and shoes should be promptly removed and decontaminated. The

clothing should be laundered or discarded after the EtO is removed. Once EtO penetrates shoes or other leather articles, they should not be worn again.

C. *Eye protection:* You must wear splashproof safety goggles in areas where liquid EtO may contact your eyes. In addition, contact lenses should not be worn in areas where eye contact with EtO can occur.

V. Precautions for Safe Use, Handling, and Storage

A. EtO is a flammable liquid, and its vapors can easily form explosive mixtures in air.

B. EtO must be stored in tightly closed containers in a cool, well-ventilated area, away from heat, sparks, flames, strong oxidizers, strong bases, acetylide-forming metals such as copper, silver, mercury and their alloys, alkalines, and acids.

C. Sources of ignition such as smoking and open flames are prohibited wherever EtO is handled, used, or stored in a manner that could create a potential fire or explosion hazard.

D. You should use non-sparking tools when opening or closing metal containers of EtO, and containers must be bonded and grounded when pouring or transferring liquid EtO.

E. You should immediately remove any nonimpervious clothing that becomes wetted with EtO, and this clothing should not be reworn until the EtO is removed from the clothing.

F. Impervious clothing wet with liquid can be easily ignited. This clothing should be washed down with water before you remove it.

G. If your skin becomes wet with liquid, you should promptly and thoroughly wash or shower with soap or mild detergent to remove any EtO from your skin.

H. You should not keep food, beverages, or smoking materials, nor are you permitted to eat or smoke in regulated areas where EtO concentrations are above the permissible exposure limits.

I. Fire extinguishers and quick drenching facilities must be readily available, and you should know where they are and how to operate them.

J. Ask your supervisor where EtO is used in your area and for any additional plant safety and health rules.

VI. Access to Information

A. Each year, your employer is required to inform you of the information contained in this Substance Safety Data Sheet for EtO. In addition, your employer must instruct you in the proper work practices for using EtO emergency procedures, and the correct use of protective equipment.

B. Your employer is required to determine whether you are being exposed to EtO. You or your representative has the right to observe employee measurements and to record the results obtained. Your employer is required to inform you of your exposure. If your employer determines that you are being overexposed, he or she is required to inform you of the actions which are being taken to reduce your exposure to within permissible exposure limits.

C. Your employer is required to keep records of your exposures and medical examinations. These exposure records must be kept by the employer for at least thirty (30) years. Medical records must be kept for the period of your employment plus thirty (30) years.

D. Your employer is required to release your exposure and medical records to your physician upon your written request.

APPENDIX B—SUBSTANCE TECHNICAL GUIDELINES FOR ETHYLENE OXIDE

I. Physical and Chemical Data

A. Substance identification

1. *Synonyms:* Anprolene, dihydrooxirene, dimethylene oxide, EO, 1,2-epoxyethane, EtO, ETO oxacyclopropane, oxane, oxidoethane, alpha/beta-oxide ethane, oxiran, oxirane.
2. *Formula:* (C_2H_4O).
3. *Molecular weight:* 44.06

B. Physical data

1. Boiling point (760 mm hg): 10.4°C (50.7°F);
2. *Specific gravity (water = 1 at 4°):* 0.87 (at 20°C or 68°F);
3. *Vapor density (air = 1):* 1.49;
4. *Vapor pressure (at 20°C):* 1,095 mm Hg;
5. *Solubility in water:* complete;
6. *Appearance and odor:* Colorless liquid or gas (above 10.4°C or 50.7°F) with ether-like order above 500 ppm.

II. Fire, Explosion, and Reactivity Hazard Data

A. Fire

1. *Flash point:* less than 0°F (open cup)
2. *Stability:* decomposes violently at temperatures above 800°F;
3. *Flammable limits in air, percent by volume:* Lower: 3, Upper: 100
4. *Extinguishing media:* Carbon dioxide for small fires, polymer or alcohol foams for large fires;
5. *Special fire fighting procedures:* Dilution of ethylene oxide with 23 volumes of water renders it non-flammable;
6. *Unusual fire and explosion hazards:* Vapors of EtO will burn without the presence of air or other oxidizers. EtO vapors are heavier than air and may travel along the ground and be ignited by open flames or sparks at locations remote from the site at which EtO is being used.
7. For purposes of compliance with the requirements of 29 CFR 1910.106, EtO is classified as a flammable gas. For example, 7,500 ppm, approximately one-fourth of the lower flammable limit, would be considered to pose a potential fire and explosion hazard.
8. For purposes of compliance with 29 CFR 1910.157, EtO is classified as a Class B fire hazard.
9. For purpose of compliance with 29 CFR 1919.307, locations classified as hazardous due to the presence of EtO shall be Class I.

B. Reactivity

1. *Conditions contributing to instability:* EtO will polymerize violently if contaminated with aqueous alkalies, amines, mineral acids metal chlorides, or metal oxides. Violent decomposition will occur at temperatures above 800°F;
2. *Incompatibilities:* Alkalines and acids;
3. *Hazardous decomposition products:* Carbon monoxide and carbon dioxide.

III. Spill, Leak, and Disposal Procedures

A. If EtO is spilled or leaked, the following steps should be taken:

1. Removal all ignition sources.
2. The area should be evacuated at once and re-entered only after the area has been thoroughly ventilated and washed down with water.
3. If liquid EtO, collect for reclamation or wash down with water into process sewer system.

B. Persons not wearing protective equipment should be restricted from areas of spills or leaks until cleanup has been completed.

C. Waste disposal methods

Waste material shall be disposed of in a manner that is not hazardous to employees or to the general population. Spills of EtO and flushing of such spills shall be channeled for appropriate treatment or collection for disposal. They shall not be channeled directly into the sanitary sewer system. In selecting the method of waste disposal, applicable local, State, and Federal regulations should be consulted.

IV. Monitoring and Measurement Procedures

A. Exposure above the Permissible Exposure Limit

1. Eight-hour exposure evaluation: Measurements taken for the purpose of determining employee exposure under this section are best taken with consecutive samples covering the full shift. Air samples must be taken in the employee's breathing zone (air that would most nearly represent that inhaled by the employee.)

2. Monitoring techniques: The sampling and analysis under this section may be performed by collection of the EtO vapor on charcoal adsorption tubes or other composition adsorption tubes, with subsequent chemical analysis. Sampling and analysis may also be performed by instruments such as real-time continuous monitoring systems, portable direct reading instruments, or passive dosimeters. Analysis of resultant samples should be by gas chromatograph.

Appendix D lists the validated method of sampling and analysis which has been tested by OSHA for use with EtO. The employer has the obligation of selecting a monitoring method which meets the accuracy and precision requirements of the standard under his unique field conditions. The standard requires that the method of monitoring must be accurate, to a 95-percent confidence level, to plus or minus 25 percent for concentrations of EtO at 1 ppm, and to plus or minus 35 percent for concentrations at 0.5 ppm. In addition to the method described in Appendix D, there are numerous other methods available for monitoring for EtO in the workplace. Details on these other methods have been submitted by various companies to the rulemaking record, and are available at the OSHA Docket Office.

B. Since many of the duties relating to employee exposure are dependent on the

results of monitoring and measuring procedures, employers shall assure that the evaluation of employee exposures is performed by a competent industrial hygienist or other technically qualified person.

Employees shall be provided with, and required to wear appropriate protective clothing to prevent any possibility of skin contact with liquid EtO. Protective clothing shall include impermeable coveralls or similar full-body work clothing, gloves, head coverings, as appropriate to protect areas of the body which may come in contact with liquid EtO.

Employers should ascertain that the protective garments are impermeable to EtO. Non impermeable clothing and shoes should not be allowed to become contaminated with liquid EtO. If permeable clothing does become contaminated, it should be promptly removed, placed in a regulated area for removal of the EtO and not worn again until the EtO is removed. If leather footwear or other leather garments become wet from EtO they should be replaced and not worn again, due to the ability of leather to absorb EtO and hold it against the skin.

Any protective clothing which has developed leaks or is otherwise found to be defective should be repaired or replaced. Clean protective clothing should be provided to the employee as necessary to assure its protectiveness. Whenever impervious clothing becomes wet with liquid EtO, it should be washed down with water before being removed by the employee. Employees are also required to wear splash-proof safety goggles where there is any possibility of EtO contacting the eyes.

VI. Housekeeping and Hygiene Facilities

A. The workplace should be kept clean, orderly, and in a sanitary conditons. The employer should institute a leak and spill detection program for operations involving EtO in order to detect sources of fugitive EtO emissions.

B. Adequate washing facilities with hot and cold water are to be provided, and maintained in a sanitary condition. Suitable cleansing agents should also be provided to assure the effective removal of EtO from the skin.

VII. Miscellaneous Precautions

A. Store EtO in tightly closed containers in a cool, well-ventilated area and take all necessary precautions to avoid any explosion hazard.

B. High exposure to EtO can occur when transferring the liquid from one container to another.

C. Non sparking tools must be used to open and close metal containers. These containers must be effectively grounded and bonded prior to pouring.

D. Do not incinerate EtO cartridges, tanks or other containers.

E. Employers shall advise employees of all areas and operations where exposure to EtO could occur.

VIII. Common Operations

Common operations in which exposure to EtO is likely to occur include the following: Manufacture of EtO; synthesis of polyester fibers, bottles and films, surfactants, ethanolamines, glycol ethers, and specialty chemicals, and use as a fumigant and sterilant in the hospital, health product and spice industries.

APPENDIX C—MEDICAL SURVEILLANCE GUIDELINES FOR ETHYLENE OXIDE

I. Route of Entry

Inhalation.

II. Toxicology

Findings in humans and experimental animals exposed to airborne concentrations of EtO are indicative of damage to the genetic material (DNA). These include hemoglobin alkylation, unscheduled DNA synthesis, sister chromatid exchange, chromosomal aberration, and functional sperm abnormalities. Clinical evidence of adverse effects associated with exposure to EtO is present in the form of increased incidence of cancer in laboratory animals (leukemia, stomach), mutation in offspring in animals, and spontaneous abortions in animals and human populations.

Ethylene oxide in liquid form can cause eye irritation and injury to the cornea, frostbite, severe irritation, and blistering of the skin upon prolonged or confined contact. Ingestion of EtO can cause gastric irritation and liver injury. Acute effects from inhalation of EtO vapors include respiratory irritation and lung injury, headache, nausea, vomiting, diarrhea, dyspnea and cyanosis.

III. Signs and Symptoms of Acute Overexposure

Symptoms of overexposure include eye irritation, headache, nausea and vomiting, weakness, and diarrhea. Information is available to suggest that spontaneous abortions may be caused by exposure to high concentrations of EtO. Skin contact with liquid EtO, especially if prolonged or confined, can cause severe irritation and blistering. Irritation and injury to the eye can also occur from contact with liquid EtO.

IV. Surveillance and Preventive Considerations

A. As noted above, exposure to EtO has been linked to an increased incidence of leukemia, stomach cancer, chromosomal damage, and reproductive effects. It has been suggested that acute exposure to EtO is causally related to spontaneous abortion. The physician should be aware of the findings of these studies in evaluating the health of employees exposed to EtO.

Most reported acute effects of occupational exposure to EtO are due to contact with EtO in liquid phase. The liquid readily penetrates leather, and will produce blistering if clothing or footwear contaminated with EtO are not removed.

It is important for the physician to become familiar with the operating conditions in which exposure to EtO may occur. Those employees with skin diseases may not tolerate the wearing of whatever protective clothing may be necessary to protect them from exposure. In addition, those with chronic respiratory disease may not tolerate the wearing of negative-pressure respirators.

The employer is required to institute a medical surveillance program for all employees who are or will be exposed at or above the action level (0.5 parts EtO per million parts of air) for at least 30 days per year, without regard to the use of respirators.

The medical surveillance program must provide each covered employee with an opportunity for medical examination. All examinations and procedures must be performed by or under the supervision of a licensed physician and be provided without cost to the employee.

The examining physician is free to prescribe the specific tests to be included in the medical surveillance program. Information presently available to OSHA is insufficient for the Agency to justify the specification of the precise tests to be administered. Thus, it is believed that the examining physician is best qualified to make this judgment. Certain elements of an examination, however, are suggested as being appropriate by the health data regarding carcinogenic, mutagenic, and reproductive effects. These elements include the following:

(i) comprehensive medical and work histories with special emphasis directed to symptoms related to eyes, blood forming organs, lungs, nervous and reproductive systems, and skin.

(ii) comprehensive physical examination, with particular emphasis given to pulmonary, neurologic, reproductive, and ophthalomolgic systems, blood forming organs, and the skin.

(iii) complete blood count to include at least a white cell count, a differential count, hemoglobin, and hematocrit.

(iv) screening for chromosome damage.

The employer is required to make any prescribed tests available more often than specified if recommended by the examining physician.

The employer is required to provide physician recommended examinations to any employee exposed to emergency conditions. While little is known about the effects of high short-term exposures, it appears prudent to monitor such affected employees closely in light of existing health data.

The employer is required to provide the physician with the following information: a copy of this standard and its appendices; a description of the affected employee's duties as they relate to the employee exposure level; and information from the employee's previous medical examinations which is not readily available to the examining physician. Making this information available to the physician will aid in the evaluation of the employee's health in relation to assigned duties and fitness to wear personal protective equipment, when required.

The employer is required to obtain a written opinion from the examining physician containing the results of the medical examinations; the physician's opinion as to whether the employee has any detected medical conditions which would place the employee at increased risk of material impairment of his or her health from exposure to EtO any recommended restrictions upon the employee's exposure to EtO; or upon the use of protective clothing or equipment such as respirators; and a statement that the employee has been informed by the physician

of the results of the medical examination and of any medical conditions which require further explanation or treatment. This written opinion must not reveal specific findings or diagnoses unrelated to occupational exposure to EtO, and copy of the opinion must be provided to the affected employee.

The purpose in requiring examining physician to supply the employer with a written opinion is to provide the employer with a medical basis to aid in the determination of initial placement of employees and to assess the employee's ability to use protective clothing and equipment.

APPENDIX D—SAMPLING AND ANALYTICAL METHODS FOR ETHYLENE OXIDE

There are a number of methods available for monitoring employee exposures to EtO. Most of these involve the use of charcoal tubes and sampling pumps, with analysis by gas chromatograph. The essential differences between the charcoal tube methods include, among others, the use of different desorbing solvents, the use of different lots of charcoal, and the use of different equipment for analysis of the samples.

Besides charcoal, methods using passive dosimeters, gas sampling bags, impingers, and detector tubes have been utilized for determination of EtO exposure. In addition, there are several portable gas analyzers and monitoring units, available on the open market.

This appendix contains details for the method which has been tested at the OSHA Analytical Laboratory in Salt Lake City. This does not indicate that this method is the only one which will be satisfactory. Copies of the descriptions of other methods available to OSHA are available in the rulemaking record, and may be obtained from the OSHA Docket Office. These include the Union Carbide, Dow Chemical, 3M, and DuPont methods, as well as NIOSH Method S–286.

Employers who note problems with sample breakthrough should try larger charcoal tubes. Tubes of larger capacity are available. In addition, lower flow rate and shorter sampling times should be beneficial in minimizing breakthrough problems.

Whatever method the employer chooses, he must assure himself of the method's accuracy and precision under the unique conditions present in his workplace.

Ethylene Oxide

Method No.: 30.

Matrix: Air.

Target Concentration: 1.0 ppm (1.8 mg/m³).

Procedure: Samples are collected on two charcoal tubes in series and desorbed with 1% CS_2 in benzene. The samples are derivatized with HBr and treated with sodium carbonate. Analysis is done by gas chromatography with an electron capture detector.

Recommended Air Volume and Sampling Rate: 1 liter and 0.05 Lpm.

Detection Limit of the Overall Procedure: 13.3 ppb (0.024 mg/m³). (Based on 1.0 liter air sample.)

Reliable Quantitation Limit: 52.2 ppb (0.094 mg/m ³). (Based on 1.0 liter air sample.)

Standard Error of Estimate: 6.59% (see Backup Section 4.6).

Special Requirements: Samples must be analyzed within 15 days of sampling date.

Status of Method: The sampling and analytical method has been subjected to the established evaluation procedures of the Organic Methods Evaluation Branch.

Date: August, 1981.

Chemist: Wayne D. Potter, Organic Solvents Branch, OSHA Analytical Laboratory, Salt Lake City, Utah.

1. General Discussion

1.1. Background

1.1.1. History of Procedure—Ethylene oxide samples analyzed at the OSHA Laboratory have normally been collected on activated charcoal and desorbed with carbon disulfide. The analysis is performed with a gas chromatograph equipped with a FID (flame ionization detector) as described in NIOSH Method S286 (Ref. 5.1). This method is based on a PEL of 50 ppm and has a detection limit of about 1 ppm.

Recent studies have prompted the need for a method to analyze and detect ethylene oxide at very low concentrations (See Toxic Effects 1.1.2.).

Several attempts were made to form an ultraviolet (UV) sensitive derivative with ethylene oxide for analysis with HPLC. Among those tested that gave no detectable product were: p-anisidine, methylimidazole, aniline, and 2,3,6-trichlorobenzoic acid. Each was tested with catalysts such as triethylamine, aluminum chloride, methylene, chloride and sulfuric acid but no detectable derivative was produced.

The next derivatization attempt was to react ethylene oxide with HBr to form 2-bromoethanol. This reaction was successful. An ECD (electron capture detector) gave a very good response for 2-bromoethanol due to the presence of bromine. The use of carbon disulfide as the desorbing solvent gave too large a response and masked the 2-bromoethanol. Several other solvents were tested for both their response on the ECD and their ability to desorb ethylene oxide from the charcoal. Among those tested were toluene, xylene, ethyl benzene, hexane, cyclohexane and benzene. Benzene was the only solvent tested that gave a suitable response on the ECD and a high desorption. It was found that the desorption efficiency was improved by using 1% CS_2 with the benzene. The carbon disulfide did not significantly improve the recovery with the other solvents. SKC Lot 120 was used in all tests done with activated charcoal.

1.1.2 Physical Properties (Ref. 5.4.–5.6.)

Synonyms: oxirane; dimethylene oxide; 1,2-epoxy ethane; oxane; C_2H_4O; ETO;

Molecular Weight: 44.06

Boiling Point: 10.7° C

Melting Point: −111° C

Description: Colorless, flammable gas

Vapor Pressure: 1095 mm. at 20° C

Odor: Ether-like odor

Lower Explosive Limit: 3.0% (by volume)

Flash Point (TOC): Below 0° F

Molecular Structure: CH_2-CH_2 (with O bridging)

1.2 Limit Defining Parameters

1.2.1. Detection Limit of the Analytical Procedure—The detection limit of the analytical procedure is 12.0 picograms of ethylene oxide per injection. This is the amount of analyte which will give a peak whose height is five times the height of the baseline noise. (See Backup Data Section 4.1 and Figure 4.1).

1.2.2 Detection Limit of the Overall Procedure—The detection limit of the overall procedure is 24.O ng of ethylene oxide per sample (13.3ppb/.024mg/m³). This is the amount of analyte spiked on the sampling device which allows recovery of an amount of analyte equivalent to the detection limit of the analytical procedure

1.2.3. Reliable Quantitation Limit—The reliable quantitation limit is 94.0 nanograms of ethylene oxide per sample (52.2 ppb/0.094 mg/m³). This is the smallest amount of analyte which can be quantitated within the requirements of 75% recovery and 95% confidence limits of ± 25%.

It must be recognized that the reliable quantitation limit and detection limits reported in the method are based upon optimization of the instrument for the smallest possible amount of analyte. When the target concentration of an analyte is exceptionally higher than these limits, they may not be attainable at the routine operating parameters. In this case, the limits reported on analyis reports will be based on the operating parameters used during the analysis of the samples.

1.2.4. Sensitivity—The sensitivity of the analytical procedure over a concentration range representing 0.5 to 2 times the target concentration based on the recommended air volume is 34105 area units per μg/mL. The sensitivity is determined by the slope of the calibration curve (See Backup Data Section 4.3). The sensitivity will vafy somewhat with the particular instrument used in the analysis

1.2.5. Recovery—The recovery of analyte from the collection medium must be 75% or greater. The average recovery from spiked samples over the range of 0.5 to 2 times the target concentration is 88.0% (See backup Section Table 4.4.). At lower concentrations the recovery appears to be non-linear.

1.2.6. Precision (Analytical Method Only)—The pooled coefficient of variation obtained from replicate determination of analytical standards at 0.5X, 1X and 2X the target concentration is 0.036 (See Backup Data Section 4.5.).

1.2.7. Precision (Overall Procedure)—The overall procedure must provide results at the target concentration that are ±25% or better at the 95% confidence level. The precision at the 95% confidence level for the 15 day storage test is ±14.8% (See Backup Data Section 4.6.). This includes an additional ±5% for sampling error.

1.3. Advantages

1.3.1. The sampling procedure is convenient.

1.3.2. The analytical procedure is very sensitive and reproducible.

1.3.3. Reanalysis of samples is possible.

1.3.4. Samples are stable for at least 15 days at room temperature.

1.3.5 Interferences are reduced by the longer GC retention time of the new derivative.

1.4. Disadvantages

1.4.1. Two tubes in series must be used because of possible breakthrough.

1.4.2. The precision of the sampling rate may be limited by the reproducibility of the pressure drop across the tubes. The pumps are usually calibrated for one tube only.

1.4.3. The use of benzene as the desorption solvent increases the hazards of analysis because of the potential carcinogenic effects of benzene.

1.4.4. After repeated injections there can be a buildup of residue formed on the electron capture detector which decreases sensitivity.

1.4.5. Recovery from the charcoal tubes appears to be nonlinear at low concentrations.

2. Sampling Procedure

2.1. Apparatus

2.1.1. A calibrated personal sampling pump whose flow can be determined with ±5% of the recommended flow.

2.1.2. SKC Lot 120 Charcoal tubes: glass tube with both ends flame sealed, 7 cm long with a 6 mm O.D. and a 4-mm I.D., containing 2 sections of coconut shell charcoal separated by a 2-mm portion of urethane foam. The adsorbing section contains 100 mg of charcoal, the backup section 50 mg. A 3-mm portion of urethane foam is placed between the outlet end of the tube and the backup section. A plug of silylated glass wool is placed in front of the adsorbing section.

2.2. Reagents

2.2.1. None required.

2.3. Sampling Technique

2.3.1. Immediately before sampling, break the ends of the charcoal tubes. All tubes must be from the same lot.

2.3.2. Connect two tubes in series to the sampling pump with a short section of flexible tubing. A minimum amount of tubing is used to connect the two sampling tubes together. The tube closer to the pump is used as a backup. This tube should be identified as the backup tube.

2.3.3. The tubes should be placed in a vertical position during sampling to minimize channeling.

2.3.4. Air being sampled should not pass through any hose or tubing before entering the charcoal tubes.

2.3.5. Seal the charcoal tubes with plastic caps immediately after sampling. Also, seal each sample with OSHA sealing tape lengthwise.

2.3.6. With each batch of samples, submit at least one blank tube from the same lot used for samples. This tube should be subjected to exactly the same handling as the samples (break, seal, transport) except that no air is drawn through it.

2.3.7. Transport the samples (and corresponding paperwork) to the lab for analysis.

2.3.8. If bulk samples are submitted for analysis, they should be transported in glass containers with Teflon-lined caps. These samples must be mailed separately from the container used for the charcoal tubes.

2.4. Breakthrough

2.4.1. The breakthrough (5% breakthrough) volume for a 3.0 mg/m ^{3} ethylene oxide sample stream at approximately 85% relative humidity, 22° C and 633 mm is 2.6 liters sampled at 0.05 liters per minute. This is equivalent to 7.8 μg of ethylene oxide. Upon saturation of the tube it appeared that the water may be displacing ethylene oxide during sampling

2.5. Desorption Efficiency

2.5.1. The desorption efficiency, from liquid injection onto charcoal tubes, averaged 88.0% from 0.5 to 2.0 X the target concentration for a 1.0 liter air sample. At lower ranges it appears that the desorption efficiency is non-linear (See Backup Data Section 4.2.).

2.5.2. The desorption efficiency may vary from one laboratory to another and also from one lot of charcoal to another. Thus, it is necessary to determine the desorption efficiency for a particular lot of charcoal.

2.6. Recommended Air Volume and Sampling Rate

2.6.1. The recommended air volume is 1.0 liter.

2.6.2. The recommended maximum sampling rate is 0.05 Lpm.

2.7. Interferences

2.7.1. Ethylene glycol and Freon 12 at target concentration levels did not interfere with the collection of ethylene oxide.

2.7.2. Suspected interferences should be listed on the sample data sheets.

2.7.3. The relative humidity may effect the sampling procedure.

2.8. Safety Precautions

2.8.1. Attach the sampling equipment to the employee so that it does not interfere with work performance.

2.8.2. Wear safety glasses when breaking the ends of the sampling tubes.

2.8.3. If possible, place the sampling tubes in a holder so the sharp end is not exposed while sampling.

3. Analytical Method

3.1. Apparatus

3.1.1. Gas chromatograph equipped with a linearized electron capture detector.

3.1.2. GC column capable of separating the derivative of ethylene oxide (2-bromoethanol) from any interferences and the 1% CS_2 in benzene solvent. The column used for validation studies was: 10 ft x ⅛ inch stainless steel 20% SP–2100, .1% Carbowax 1500 on 100/120 Supelcoport.

3.1.3. An electronic integrator or some other suitable method of measuring peak areas.

3.1.4. Two milliliter vials with Teflon-lined caps.

3.1.5. Gas tight syringe—500 uL or other convenient sizes for preparing standards.

3.1.6. Microliter syringes—10 uL or other convenient sizes for diluting standards and 1 uL for sample injections.

3.1.7. Pipets for dispensing the 1% CS_2 in benzene solvent. The Glenco 1 mL dispenser is adequate and convenient.

3.1.8. Volumetric flasks—5 mL and other convenient sizes for preparing standards.

3.1.9. Disposable Pasteur pipets.

3.2. Reagents

3.2.1. Benzene, reagent grade.

3.2.2. Carbon Disulfide, reagent grade.

3.2.3. Ethylene oxide, 99.7% pure.

3.2.4. Hydrobromic Acid, 48% reagent grade.

3.2.5. Sodium Carbonate, anhydrous, reagent grade.

3.2.6. Desorbing reagent, 99% Benzene/1% CS_2.

3.3. Sample Preparation

3.3.1. The front and back sections of each sample are transferred to separate 2-mL vials.

3.3.2. Each sample is desorbed with 1.0 mL of desorbing reagent.

3.3.3. The vials are sealed immediately and allowed to desorb for one hour with occasional shaking.

3.3.4. Desorbing reagent is drawn off the charcoal with a disposable pipet and put into clean 2-mL vials.

3.3.5. One drop of HBr is added to each vial. Vials are resealed and HBr is mixed well with the desorbing reagent.

3.3.6. About 0.15 gram of sodium carbonate is carefully added to each vial. Vials are again are resealed and mixed well.

3.4. Standard Preparation

3.4.1. Standards are prepared by injecting the pure ethylene oxide gas into the desorbing reagent.

3.4.2. A range of standards ar prepared to make a calibration curve. A concentration of 1.0 μL of ethylene oxide gas per 1 mL desorbing reagent is equivalent to 1.0 ppm air concentration (all gas volumes at 25°C and 760 mm) for the recommended 1 liter air sample. This amount is uncorrected for desorption efficiency (see Backup Data Section 4.2. for desorption efficiency corrections).

3.4.3. One drop of HBr per mL of standard is added and mixed well.

3.4.4. About 0.15 grams of sodium carbonate is carefully added for each drop of HBr. (A small reaction will occur).

3.5. Analysis

3.5.1. GC Conditions
Nitrogen flow rate—10 mL/min.
Injector Temperature—250°C
Detector Temperature—300°C
Column Temperature—100°C
Injection size—0.8 μL
Elution time—3.9 minutes

3.5.2. Peak areas are measured by an integrator or other suitable means.

3.5.3. The integrator results are in area units and a calibration curve is set up with concentration vs. area units.

3.6. Interferences

3.6.1. Any compound having the same retention time of 2-bromoethanol is a potential interference. Possible interferences should be listed on the sample data sheets.

3.6.2. GC parameters may be changed to circumvent interferences.

3.6.3. There are usually trace contaminants in benzene. These contaminants, however, posed no problem of interference.

3.6.4. Retention time data on a single column is not considered proof of chemical

identity. Samples over the 1.0 ppm target level should be confirmed by GC/Mass Spec or other suitable means.

Calculations

3.7.1. The concentration in ug/mL for a sample is determined by comparing the area of a particular sample to the calibration curve, which has been prepared from analytical standards.

3.7.2. The amount of analyte in each sample is corrected for desorption efficiency by use of a desorption curve.

3.7.3. Analytical results (A) from the two tubes that compose a particular air sample are added together.

3.7.5. The concentration for a sample is calculated by the following equation:

$$\text{ETO, ppm} = \frac{AXB}{C}$$

Where:
A = ug/mL.
B = desportion volume in milliliters
C = air volume in liters.

3.7.6. To convert mg/m^3 to parts per million (ppm) the following relationship is used:

$$\text{ETO, ppm} = \frac{mg/m^3 \times 24.45}{44.05}$$

where:
mg/m^3 = results from 3.7.5.
24.45 = molar volume at 25°C and 760 mm Hg.
44.05 = molecular weight of ETO

3.8. Safety Precautions

3.8.1. Ethylene oxide and benzene are potential carcinogens and care must be exercised when working with these compounds.

3.8.2. All work done with the solvents (preparation of standards, desorption of samples, etc.) should be done in a hood.

3.8.3. Avoid any skin contact with all of the solvents.

3.8.4. Wear safety glasses at all times.

3.8.5. Avoid skin contact with HBr because it is highly toxic and a strong irritant to eyes and skin.

4. Backup Data

4.1. Detection Limit Data

The detection limit was determined by injecting 0.8 µL of a 0.015 µL standard of ethylene oxide into 1% CS_2 in benzene. The detection limit of the analytical procedure is taken to be 1.20×10^{-5} µg per injection. This is equivalent to 8.3 ppb (0.015 mg/m^3) for the recommended air volume.

4.2. Desorption Efficiency

Ethylene oxide was spiked onto charcoal tubes and the following recovery data was obtained.

Amount spiked (µg)	Amount recovered (µg)	Percent recovery
4.5	4.32	96.0
3.0	2.61	87.0
2.25	2.025	90.0
1.5	1.365	91.0
1.5	1.38	92.0
.75	.6525	87.0
.375	.315	84.0
.375	.312	83.2
.1875	.151	80.5
.094	070	74.5

At lower amounts the recovery appears to be non-linear.

4.3. Sensitivity Data

The following data was used to determine the calibration curve.

Injection	0.5 × .75 µg/mL	1 × 1.5 µg/mL	2 × 3.0 µg/mL
1	30904	59567	111778
2	30987	62914	106016
3	32555	58578	106122
4	32242	57173	109716
X	31672	59558	108408

Slope - 34,105

4.4. Recovery

The recovery was determined by spiking ethylene oxide onto lot 120 charcoal tubes and desorbing with 1% CS_2 in benzene. Recoveries were done at 0.5, 1.0, and 2.0 × the target concentration (1 ppm) for the recommended air volume.

PERCENT RECOVERY

Sample	0.5 ×	1.0 ×	2.0 ×
1	86.7	95.0	91.7
2	83.8	95.0	87.3
3	84.2	91.0	86.0
4	88.0	91.0	83.0
5	98.0	86.0	.....
		85.0	
X	86.5	90.5	87.0

Weighted average = 88.2.

4.5. Precision of the Analytical Procedure

The following data was used to determine the precision of the analytical method:

	0.5 ×	1 ×	2 ×
Concentration	[1].75	[1] 1.5	[1] 3.0
Injection	.7421	1.4899	3.1184
	.7441	1.5826	3.0447
	.7831	1.4628	2.9149
	.7753	1.4244	2.9185
Average	.7612	1.4899	2.9991
Standard Deviation	.0211	.0674	.0998
CV	0277	.0452	.0333

[1] Microgram per milliliter.

$$\overline{CV} = \sqrt{\frac{3(.0277)^2 + 3(.0452)^2 + 3(.0333)^2}{3+3+3}}$$

$\overline{CV} = 0.036$

4.6. Storage Data

Samples were generated at 1.5 mg/m^3 ethylene oxide at 85% relative humidity, 22°C and 633 mm. All samples were taken for 20 minutes at 0.05 Lpm. Six samples were analyzed as soon as possible and fifteen samples were stored at refrigerated (5°C) and fifteen samples were stored at ambient temperature (23°C). These stored samples were analyzed over a period of nineteen days.

PERCENT RECOVERY

Day analyzed	Refrigerated	Ambient
1	87.0	87.0
1	93.0	93.0
1	94.0	94.0
1	92.0	92.0
4	92.0	91.0
4	93.0	88.0
4	91.0	89.0
6	92.0	
6	92.0	
8		92.0
8		86.0
10	91.7	
10	95.5	
10	95.7	
11		90.0
11		82.0
13	78.0	
13	81.4	
13	82.4	
14		78.5
14		72.1
18	66.0	
18	68.0	
19		64.0
19		77.0

4.7. Breakthrough Data

Breakthrough studies were done at 2 ppm (3.6 mg/m^3) at approximately 85% relative humidity and 22°C (ambient temperature). Two charcoal tubes were used in series. The backup tube was changed every 10 minutes and analyzed for breakthrough. The flow rate was 0.050 Lpm.

Tube No.,	Time (min.)	Percent breakthrough
1	10	[1]
2	20	[1]
3	30	[1]
4	40	1.23
5	50	3.46
6	60	18.71
7	70	39.2
8	80	53.3
9	90	72.0
10	100	96.0
11	110	113.0
12	120	133.9

[1] None.

The 5% breakthrough volume was reached when 2.6 liters of test atmosphere were drawn through the charcoal tubes.

5. References

5.1. "NIOSH Manual of Analytical Methods", 2nd ed. NIOSH: Cincinnati, 1977; Method S286.

5.2. Hine, C. H., and Rowe, V. K. In "Industrial Hygiene and Toxicology", 2nd ed.; Patty, F. A., Fassett, D. W., and Irish, D. D., Eds.; Interscience Publishers: New York, 1963; Vol. II, p. 1627.

5.3. "Current Intelligence Bulletin 33: Ethylene Oxide" NIOSH, May 1981.

5.4. "IARC Monographs on the Evaluation of Carcinogenic Risk of Chemicals to Man", International Agency for Research on Cancer: Lyon, 1976; Vol. II, p. 157.

5.5. Sax., N. I. "Dangerous Properties of Industrial Materials", 4th ed.; Van Nostrand Reinhold Company, New York, 1975; p. 741

5.6. "The Condensed Chemical Dictionary", 9th ed.; Hawley, G. G., ed.; Van Nostrand Reinhold Company, New York, 1977; p. 361.

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Part IV

Department of Agriculture

Animal and Plant Health Inspection Service

Citrus Canker; Imported From Mexico

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 319

[Docket No. 83-317]

Citrus Canker; Imported from Mexico

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Amendment to interim rule.

SUMMARY: This document amends the "Citrus Canker—Mexico" interim regulations to allow any importer to import restricted articles for movement to and use in certain northern parts of Louisiana and Texas in accordance with certain conditions, and to allow restricted articles to be culled and repacked under certain conditions in restricted areas in Texas. This action is warranted in order to lessen unnecessary restrictions with respect to restricted articles.

EFFECTIVE DATE: April 21, 1983.

FOR FURTHER INFORMATION CONTACT: Frank Cooper, Staff Officer, Regulatory Services Staff, Plant Protection and Quarantine, APHIS, USDA, Room 637 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782; 301–436–8248.

Stephen Poe, Plant Pathologist, Emergency Programs, Plant Protection and Quarantine, APHIS, USDA, Room 609 Federal Building, Hyattsville, MD 20782; 301–436–6365.

SUPPLEMENTARY INFORMATION:

Background

This document amends the "Citrus Canker—Mexico" interim regulations (contained in 7 CFR 319.27 *et seq.* and referred to below as the regulations) based on a proposal published in the **Federal Register** on March 10, 1983 (48 FR 10286–10289).

The regulations were initially established on November 17, 1982, by a document published in the **Federal Register** on the same day (47 FR 51723–51729). The regulations were changed effective November 17, 1982, and this was announced in the **Federal Register** on December 2, 1982 (47 FR 54273–54275). The regulations were further changed effective January 20, 1983, by a document published in the **Federal Register** on January 5, 1983 (48 FR 387–393).

The document of March 10 proposed to amend the regulations further to allow any importer to import restricted articles for movement to and use in certain northern parts of Louisiana and Texas in accordance with certain conditions and to allow restricted articles to be culled and repacked under certain conditions in restricted areas in Texas. Based on the rationale set forth in this document and the proposal of March 10, the proposed amendments are adopted except as explained below.

The regulations were established to protect against the introduction of citrus canker disease, which is caused by the infectious bacterium *Xanthomonas campestris* pv. *citri* (Hasse 1915) Dye 1978. This was necessary because of the finding of citrus canker disease in the State of Colima and in the municipio of Coahuayana in the State of Michoacan in Mexico (these areas are referred to below as infected areas).

The regulations provide that any fruit or peel of Mexican lime *(Citrus aurantifolia)* from any area in Mexico, and any other fruit or peel of citrus or citrus relatives (fruit or peel of any genera, species, or varieties of the subfamilies Aurantioideae, Rutoideae, and Toddalioideae of the botanical family Rutaceae) from infected areas in Mexico offered for importation into the United States will be refused imporation unless imported by the U.S. Department of Agriculture for experimental or scientific purposes under certain conditions.

The regulations also designate as restricted articles fruit or peel of ethrog (*Citrus medica*), grapefruit (*Citrus paradisi*), lemon (*Citrus limon*), orange (*Citrus sinensis*), Persian lime (*Citrus latifolia*), and tangerine (*Citrus reticulata*) from uninfected areas in Mexico. Under the regulations any restricted article is allowed to be imported into the United States by the U.S. Department of Agriculture for experimental or scientific purposes under certain conditions and is allowed to be imported by any importer if imported in accordance with certain conditions.

Movement to and Use in Louisiana and Texas

Previously, the regulations provided that a restricted article may be imported only for movement to and use in locations other than Arizona, California, Florida, Hawaii, Louisiana, Puerto Rico, Texas, or the Virgin Islands of the United States. This document amends these provisions to allow restricted articles to be moved to and used in any part of Louisiana not included in that part of Louisiana more than 15 miles south of Interstate Highway 20 and to allow restricted articles to be moved to and used in any part of Texas not included in that part of Texas more than 15 miles south of the direct route from the Louisiana border to the New Mexico border beginning on Interstate Highway 20 and continuing on Interstate Highway 10.

Previously, the regulations also required that a restricted article bear on the outer container the statement "Not to be distributed within Arizona, California, Florida, Hawaii, Louisiana, Puerto Rico, Texas, or the Virgin Islands of the United States." Therefore, in accordance with the amendment to allow restricted articles to be moved to and used in parts of Louisiana and Texas, the regulations are also amended to change the required statement to read "Not to be distributed within Arizona, California, Florida, Hawaii, any part of Louisiana more than 15 miles south of Interstate Highway 20, Puerto Rico, any part of Texas more than 15 miles south of the direct route from the Louisiana border to the New Mexico border beginning on Interstate Highway 20 and continuing on Interstate Highway 10, or the Virgin Islands of the United States."

In addition, the regulations previously provided that a restricted article may be moved from the port of entry to locations other than Arizona, California, Florida, Hawaii, Louisiana, Puerto Rico, Texas or the Virgin Islands of the United States only pursuant to a restricted destination permit issued by an inspector. Therefore, in accordance with the proposed provisions explained above, the regulations are amended to provide that a restricted destination permit also may be issued for movement to locations in the northern parts of Louisiana and Texas decribed above.

Further, the regulations are amended to allow restricted articles to be moved from the port of entry to a wholesale or chain store distributor in the specified parts of northern Louisiana and Texas only if the distributor is operating under a valid compliance agreement whereby the distributor agrees not to reship the restricted articles to areas where they would not be eligible for distribution and use, and agrees not to reship restricted articles to any other wholesale or chain store distributor in a restricted area not operating under such a compliance agreement. Also, the regulations are amended to establish due process requirements for the withdrawal of such compliance agreements for noncompliance with the

regulations or any conditions imposed pursuant thereto.

Culling and Repacking

Previously, the regulations only allowed restricted articles to move from the port of entry to destination and did not allow restricted articles to be culled and repacked in the restricted areas where they would not be eligible for distribution and use.

This document amends the regulations to allow culling and repacking in restricted areas in Texas only if conducted pursuant to a compliance agreement between Plant Protection and Quarantine (the unit of the animal and Plant Health Inspection Service responsible for administering the regulations) and the person conducting the culling and repacking whereby it is agreed that these activities would be conducted under the following conditions:

(1) The culling and repacking, and any related activities would be subject to monitoring by inspectors;

(2) the culling and repacking would be conducted only under conditions found by an inspector as adequate to assure that the restricted articles would not be commingled with nonrestricted articles and would remain identifiable as restricted articles during such activities (i.e., restricted articles must be separated by partition, the equipment used for culling restricted articles may not be used for processing nonrestricted articles until all restricted articles which have been culled by the equipment have been repacked for distribution or put in containers for disposal);

(3) any water used on restricted articles would contain at least 200 parts per million active chlorine;

(4) the outer containers of the repacked restricted articles would plainly and correctly bear the general nature and quantity of the contents, the country or locality of origin, the name and address of repacker, the name and address of consignee, and the statement "Not to be distributed within Arizona, California, Florida, Hawaii, any part of Louisiana more than 15 miles south of Interstate Highway 20, Puerto Rico, any part of Texas more than 15 miles south of the direct route from the Louisiana border to the New Mexico border beginning on Interstate Highway 20 and continuing on Interstate Highway 10, or the Virgin Islands of the United States"; and

(5) any restricted articles taken out of their containers and not repacked for distribution and use in areas where they are elegible for distribution and use must be disposed of daily by returning them to Mexico, or be disposed of daily by incineration or burial in a landfill (the incinerator or landfill must have equipment and use procedures that are determined by the Deputy administrator to be adequate to prevent the dissemination of citrus canker disease and be certified by the responsible State or local official as currently complying with the applicable laws for environmental protection; the incinerator or landfill must also have sufficient fencing and be managed in such a way as to effectively prevent human scavenging); any restricted articles held or moved for disposal must be held or moved in covered containers adequate to prevent spillage of the articles and marked so as to identify them as culled restricted articles; and the return of restricted articles to Mexico and any movements of restricted articles to incinerators or landfills must be made only by persons conducting culling and repacking operations under a compliance agreement.

Also, the regulations are amended to establish due process requirements for the withdrawal of such compliance agreements for noncompliance with the regulations or any specified conditions imposed pursuant thereto.

Miscellaneous

In order to make the regulations more easily understood, the regulations are also amended to define the areas where restricted articles are not allowed to be distributed and used as "restricted areas" and to make certain other nonsubstantive editorial changes in the regulations.

Comments

The document of March 10, 1983, invited the submission of written comments on or before March 30, 1983. Pursuant to requests from fruit and vegetable associations, the comment period was reopened on April 1, 1983 and extended to April 11, 1983. Also, in accordance with the document of March 10, a public hearing concerning the proposal was held in McAllen, Texas on March 24, 1983.

Many of the comments received were fully or partially in favor of the proposed provisions; however, many of the comments opposed the proposed provisions in one or more respects and are discussed below.

Commenters asserted that the boundaries separating restricted areas in Louisiana and Texas from nonrestricted areas in these States are unclear and that it could be difficult to determine precisely where the boundary line is. Further, it was asserted that the boundaries should be clearly identified and demarcated on the ground, such as State boundaries or highways. No changes are made based on these comments. The highways described above are easily identifiable, and it should not be difficult to determine whether a location is less than or more than 15 miles south from the highways. Further, it is obvious that locating the boundary 15 miles south of the highways helps make the boundary more workable in that major urban areas would not be divided by the boundary line.

Commenters asserted that the boundary line to separate restricted areas in Louisiana and Texas from nonrestricted areas in these States should be Interstate Highway 10, and that this highway which runs from Florida to California should separate the restricted areas from nonrestricted areas for all of the United States. No changes are made based on these comments. The boundary lines in Louisiana and Texas were proposed in part because they are at least one hundred fifty miles from areas in Louisiana and Texas where citrus or citrus relatives are grown in significant amounts. This was intended to provide protection against shoppers purchasing restricted articles in areas where restricted articles are allowed and taking the articles back home to restricted areas. Using Interstate Highway 10 as the boundary line in Louisiana or Texas would not provide the same degree of protection because Interstate Highway 10 in some places runs through areas in which citrus is grown and in other places runs through areas within 30 miles of commercial citrus growing areas. Further, Interstate Highway 10 runs through citrus growing areas in Arizona, California, and Florida.

Commenters asserted that the proposal would not be adequate to regulate chain store distributors from moving restricted articles from nonrestricted areas in northern Louisiana and Texas into restricted areas in these States. It was intended that business entities that are in the business of reshipping fruit from restricted areas in Louisiana and Texas should be subject to special requirements in order to keep restricted articles from being reshipped to restricted areas. In this connection, the proposal contained special requirements for wholesale distributors. It was proposed that restricted articles be allowed to be moved from the port of entry to wholesale distributors in nonrestricted areas of northern Louisiana and Texas only if the wholesale distributor is operating under

a valid compliance agreement whereby the wholesale distributor agrees not to reship the restricted articles to areas where they would not be eligible for distribution and use, and agrees not to reship restricted articles to any other wholesale distributor in a restricted area not operating under such a compliance agreement. Since chain store distributors are also in the business of reshipping fruit it has been determined that these compliance agreement requirements should also apply to chain store distributors. Therefore, the provisions are changed accordingly.

Commenters asserted that sufficient personnel and resources are not available to ensure that tourists will not carry restricted articles from nonrestricted areas to restricted areas. No changes are made based on these comments. The regulations are designed to provide protection against the movement of restricted articles into restricted areas by shoppers and commercial distributors. There may be some risk that tourists might carry restricted articles into restricted areas. However, as fully explained in the January 5 document it is extremely unlikely that these restricted articles would cause citrus canker disease to become established (48 FR 389). Further, it appears that amounts of citrus taken to restricted areas by tourists would be negligible. Because of the well known availability of commercially produced fresh citrus in the restricted areas, tourists visiting these restricted areas would likely wait until they arrive in the restricted area before purchasing citrus.

One commenter opposed allowing restricted articles to be imported into the specified northern areas of Louisiana and Texas because of the possibility that "dooryard, homeowner" citrus is grown in these areas. No changes are made based on this comment. "Dooryard, homeowner" citrus is not grown in these areas. Typical winter temperatures in these areas reach below 20° F. All citrus species are subtropical and cannot be grown where winter temperatures routinely fall below 28° F. for more than a period of several hours.

Commenters asserted that the proposal to allow culling and repacking of restricted articles in restricted areas should be withdrawn because no request was made in writing in this regard and because no Rio Grande Valley packers presented testimony at the hearing for the need to allow culling and repacking in restricted areas. Additionally an official of the Texas State Department of Agriculture requested that the Department reconsider its proposal to allow culling and repacking of restricted articles in restricted areas because no Rio Grande Valley producers presented testimony at the hearing for the need to repack. No changes are made based on these comments. Several fruit packers from the Rio Grande Valley made such requests by telephone prior to the rulemaking proceeding. Further, many written comments from fruit packers received after the hearing supported this portion of the proposal.

One commenter questioned whether city garbage services could be depended upon for timely pickup and disposal of culled articles. It was intended that only the persons conducting the culling and repacking activities under a compliance agreement would be allowed to transport the culls for disposal. This is necessary in order to assure that persons moving the culled articles understand and agree to comply with the culling and repacking requirements which require timely disposal. Accordingly, the provisions are clarified in this respect.

Commenters asserted that culled articles should not be allowed to be disposed of at landfills because of possible sources of contamination by human scavengers at the dump site, and by birds or insects. No changes are made because of birds or insects since birds and insects that would be present at such landfills are not attracted to citrus fruit. Further, as fully explained in the January 5 document it is extremely unlikely that these culled restricted articles would cause citrus canker disease to become established (48 FR 389). However, it does appear that without precautions it would be possible for human scavengers to remove culled articles from incinerators or landfills. Accordingly, the provisions are amended to specify that incinerators or landfills must have sufficient fencing and be managed in such a way as to effectively prevent human scavenging.

One commenter asserted that disposal facilities might not be able to meet the requirements for the disposal of culled articles. No changes are made based on this comment. The regulations provide for culled articles to be disposed of by incineration or burial at a facility that has equipment and procedures that are determined by the Deputy Administrator to be adequate to prevent the dissemination of citrus canker disease and certified by the responsible State or local official as currently complying with the applicable laws for environmental protection. As explained above the regulations also provide that landfills must be fenced and managed in such a way as to effectively prevent human scavenging. APHIS agrees that some facilities may not meet these requirements. However, unless a facility meets these requirements it would not be authorized to be used for disposal of culled articles.

Commenters asserted that the provisions concerning culling and repacking should contain additional provisions to require decontamination of individuals, clothing, equipment, containers, and packages involved in the culling and repacking process. No changes are made based on these comments. As a condition of importation restricted articles are required to be treated to destroy any surface contamination by citrus canker bacteria. However, there is a possibility that the articles could contain citrus canker bacteria in pores or wounds of the fruit. Any bacteria trapped in the pores or wounds would be in extremely small numbers. Further the survival time for bacteria on individuals, clothing, equipment, containers, or packages would be very short, and therefore APHIS believes that new infections would not be caused by these means. In addition, bacteria released from wounds or pores of fruit would likely result from openings in the skin of the fruit sufficient to release juice, the natural acid of which will quickly kill the bacteria.

One commenter asserted that water provides an almost ideal medium for transmitting citrus canker bacteria from fruit to fruit, and that washing fruit during the culling and repacking process could spread bacteria from restricted articles destined for distribution in citrus producing areas. As a condition of movement into the United States from the port of entry, restricted articles are required to have been thoroughly wetted with a solution containing at least 200 parts per million active chlorine for a period of at least two minutes. This treatment is adequate to destroy any surface contamination of citrus canker bacteria. However, in order to destroy any bacteria from wounds or pores that might be released during any additional washing during the culling and repacking process, it has been determined that such water must contain at least 200 parts per million active chlorine. Therefore, the interim rule is amended accordingly.

Commenters asserted that restricted articles stored in restricted areas might contaminate other articles stored nearby. No changes are made based on these comments. As a condition of importation restricted articles are required to be treated to destroy any

surface contamination by citrus canker bacteria. This is adequate to prevent the spread of bacteria during storage.

Commenters asserted that on-sight inspections during all culling and repacking operations would be necessary to prevent inadvertent or deliberate commingling of restricted articles. Commenters also asserted that APHIS should exercise close supervision over disposal operations, and that the unsupervised return of restricted articles to Mexico for disposal should be prohibited. No changes are made based on these comments. Persons conducting any of the culling and repacking operations would be required to conduct the operations under a compliance agreement. This would assure that they understand and agree to comply with the provisions designed to prevent commingling of restricted articles with nonrestricted articles, and designed to assure proper disposal of culled articles. Further, inspectors will conduct unannounced monitoring for all of these activities. APHIS believes this is adequate to assure compliance with the regulations.

Commenters asserted that there are insufficient funds and personnel to conduct the necessary monitoring activities to ensure compliance with the provisions allowing restricted articles to be moved into and used in northern parts of Louisiana and Texas, and to be culled and repacked in restricted areas in Texas. No changes are made based on these comments. These comments in part appear to assume that additional personnel would be required to accomplish effective monitoring. It is not intended that additional personnel be hired to accomplish the monitoring, but rather that trained inspectors already stationed throughout Louisiana and Texas conduct whatever monitoring is required in their own areas. Further, APHIS does not believe that it is necessary to have inspectors present at all times for any of the activities. Many of the regulated activities would be conducted under compliance agreements. Further it is intended that monitoring will include unannounced inspections. APHIS believes that this system will be adequate to ensure compliance with the regulations.

It was asserted by a representative of the Texas Department of Agriculture that the APHIS District Field Office in Austin, Texas which is scheduled to be abolished should remain and that APHIS hire additional inspection staff to conduct the necessary enforcement activities, or that APHIS should provide funding so that Texas could hire extra inspection staff for enforcement activities. APHIS is taking action to abolish the District Field Office in Austin, Texas as part of an overall field reorganization plan. However, this will not lessen the number of APHIS inspection personnel available in the Austin area. Further, APHIS believes that adequate personnel are available in the affected areas to conduct the necessary inspection activities.

Commenters questioned the validity of statements in the document of March 10 indicating that the proposal was made, in part, based on requests from State officials. Although State officials did not make the initial request that the interim rule be amended, the information in the document of March 10 is correct, since they did request that if the regulations were to be amended that they contain certain precautionary measures. These requests were made in telephone conversations with APHIS officials prior to the publication of the proposed rule, by Mr. David A. Ivie, Director, Agriculture and Environmental Sciences, Texas Department of Agriculture, and by Dr. John W. Impson, State Entomologist, Office of Agricultural and Environmental Science, Louisiana Department of Argiculture.

Under the heading "Executive Order 12291 and Regulatory Flexibility Act" the proposal, among other things, provides that:

> It is necessary to complete this rulemaking proceeding as quickly as possible in order to take any warranted action to relieve unnecessary restrictions. The emergency nature of this action makes it impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this action.

Several commenters disagreed that this action was of an emergency nature. However, as discussed in the proposal APHIS believes that prompt action was warranted to relieve unnecessary restrictions.

One commenter questioned whether importers "who have no direct investment in citrus production" are allowed to petition for the type of changes specified in this rulemaking proceeding. In this connection, it should be noted that the provisions of 5 U.S.C. 553(e) provide that any interested person (regardless of whether the person has an investment in citrus production) has the right to petition for the issuance, amendment, or repeal of a rule.

One commenter asserted that instead of the imposition of restrictions the Department should take action to protect citrus growers and importers by "providing an insurance policy" to cover any losses. No changes are made based on this comment. The interim regulations are established under laws designed to prevent the introduction and spread of plant pests by the imposition of prohibitions and restrictions. These laws do not authorize insurance programs for losses because of citrus canker disease.

Many commenters asserted that the proposed amendments essentially were based on economic factors that favor a small number of importers of restricted articles. Other commenters asserted that comments in opposition to the proposal were essentially based on economic factors favoring domestic growers of fruit. Also, assertions were made that the adoption of the proposal would create a risk of introducing citrus canker disease that would be too great in comparison with the benefits that would accrue. No changes are made based on these comments. The amendments are designed to relieve unnecessary restrictions while providing adequate protection against the introduction and spread of citrus canker disease. The amendments are based upon sound biological data, not economic factors favoring either importers of restricted articles or domestic growers of fruit. It is the policy of APHIS to impose the least drastic requirements that would provide adequate protection against the introduction and spread of plant pests. It has been determined that the action taken by this document is consistent with this policy.

A number of the comments which were submitted in this rulemaking proceeding are the same as comments discussed in the document of January 5, 1983. These comments are as follows:

1. It was asserted that there is a likelihood that restricted articles would be infected with citrus canker disease (48 FR 390).

2. It was asserted that restricted articles could have bacteria trapped in the pores or wounds of the fruit (48 FR 390).

3. It was asserted that restricted articles should not be allowed to be imported into citrus producing areas in the United States (48 FR 390).

4. It was asserted that buffer zones should be established around citrus growing areas in the United States and that restricted articles should not be allowed to be shipped to areas in buffer zones (48 FR 390, 391).

5. It was asserted that not enough is known about citrus canker disease at this time to make a judgment concerning what measures should be taken to prevent its spread (48 FR 391).

6. It was asserted that Mexican limes would be prohibited from moving out of the infected areas (48 FR 391).

7. It was asserted that it is unknown what effect citrus canker disease would have on citrus or citrus relatives in the United States because of differences between temperature and rainfall levels in the areas in Mexico where citrus canker occurs and the citrus producing areas in the United States (48 FR 391).

8. It was asserted that bacteria causing this disease could mutate and attack the fruit of citrus or citrus relatives or attack additional plants of citrus or citrus relatives (48 FR 391).

9. It was asserted that the citrus canker disease in Mexico is a new strain and there has not been adequate field testing to determine what types of citrus or citrus relatives in the United States are susceptible to danger from this disease (48 FR 391).

10. It was asserted that there are no adequate control measures which could be taken if the citrus canker disease were to become established in citrus growing areas in the United States (48 FR 391).

11. It was asserted that Mexico may not have the capability and willingness to exercise controls, particularly to assure that adequate measures are taken and that the Mexican control program would be comprised by bribes (48 FR 392).

12. It was asserted that Mexico should be required to establish a feasible program to eradicate the citrus canker disease (48 FR 392).

13. It was asserted that Mexican limes should be prohibited from moving from the infected areas into the State of Veracruz, the principal Persian lime growing area in Mexico (48 FR 391).

14 It was asserted that citrus canker disease was observed in Colima on citrus other than limes (48 FR 392).

15. It was asserted that citrus canker disease could be transmitted by boxes, and equipment from Mexico (48 FR 391).

No changes are made based on these comments. The amendments made by this document will not cause a significant risk of causing the introduction of citrus canker disease. Except as otherwise explained in this document, the Department still adopts the rationale that was explained in the document of January 5, 1983, concerning these comments.

Assertions were made that restricted articles should not be allowed to be imported unless a buffer zone is established in northern Mexico into which Mexican limes and other restricted articles would not be allowed to move. No changes are made based on these comments. The issue of whether any of these articles should be allowed to move from infected areas to any noninfected areas in Mexico is fully discussed in the document of January 5, and APHIS still adopts the rationale explained in that document concerning the movement of these articles in Mexico.

Recent experiments conducted by USDA at Beltsville, Maryland, have indicated that it is possible under greenhouse conditions to artificially infect fruit of Mexican limes. This infection only occurs when the fruit is innoculated by artificial wounding and when the fruit is subsequently incubated in the greenhouse under optimum conditions. It should be noted that despite numerous surveys and inspections, infected fruit has not been found to occur in the field in Mexico. The rationale for the provisions of the interim regulations is based in part on the finding that citrus canker disease does not infect fruit in Mexico, and it still appears that citrus canker disease does not infect fruit in Mexico.

Executive Order 12291 and Regulatory Flexibility Act

This amendment to the interim rule is issued in conformance with Executive Order 12291 and Secretary's Memorandum No. 1512–1, and has been determined to be not a "major rule." Based on information compiled by the Department, it has been determined that this would not have a significant effect on the economy; would not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and would not cause significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign based enterprises in domestic or export markets. Also, it is necessary to complete this rulemaking proceeding as quickly as possible in order to relieve unnecessary restrictions. The emergency nature of this action makes it impracticable for the agency to follow the procedure of Executive Order 12291 with respect to this action.

It appears that the restricted articles that would be allowed to be distributed and used in northern parts of Louisiana and Texas would not constitute a significant portion of these types of articles distributed and used within the United States.

Further, it has been determined that the culling and repacking of restricted articles in accordance with the provisions of this amendment in areas in Texas would not constitute a significant portion of the culling and repacking of fruits in the United States and would not constitute a significant portion of these activities involving small entities.

James O. Lee, Jr., Acting Administrator of the Animal and Plant Health Inspection Service, has determined that, under the circumstances explained above, it is anticipated that this action will not have a significant economic impact on a substantial number of small entities.

Effective date

This rule lessens restrictions which have been found to be unnecessary. Accordingly, prompt action should be taken to delete the restrictions. Therefore, in accordance with the administrative procedure provisions of 5 U.S.C. 553, good cause is found for making this action effective less than 30 days after publication in the **Federal Register.**

List of Subjects in 7 CFR Part 319

Agricultural commodities, Citrus Canker, Fruit, Imports, Plant diseases, Plants (agriculture), Transportation.

PART 319—CITRUS CANKER—MEXICO

Under the circumstances referred to above, "Subpart—Citrus Canker—Mexico" in 7 CFR Part 319 is amended as follows:

1. Section 319.27–1 is amended by adding a definition of "Restricted area" in alphabetical order to read as follows:

§ 319.27–1 Definitions.

* * * * *

Restricted area. Any area listed as a restricted area in § 319.27–9.

§ 319.27–5 [Amended]

2. Paragraph (a)(8) of § 319.27–5 is revised to read as follows:

* * * * *

(8) The statement "Not to be distributed within Arizona, California, Florida, Hawaii, any part of Louisiana more than 15 miles south of Interstate Highway 20, Puerto Rico, any part of Texas more than 15 miles south of the direct route from the Louisiana border to the New Mexico border beginning on Interstate Highway 20 and continuing on Interstate Highway 10, or the Virgin Islands of the United States."

3. The provisions of §§ 319.27–9 and 319.27–10 are removed and new §§ 319.27–9 through 319.27–12 are added to read as follows:

§ 319.27–9 Restricted Areas.

The following areas are designated as restricted areas: Arizona, California,

Florida, Hawaii, any part of Louisiana more than 15 miles south of Interstate Highway 20, Puerto Rico, any part of Texas more than 15 miles south of the direct route from the Louisiana border to the New Mexico border beginning on Interstate Highway 20 and continuing on Interstate Highway 10, or the Virgin Islands of the United States.

§ 319.27-10 Destination Requirements.

Any restricted article may be imported only for movement to and use in an area not included as a restricted area except that restricted articles may be culled and repacked in restricted areas in Texas as provided in § 319.27-12.

§ 319.27-11 Restricted Destination Permits.

A restricted article may be moved from the port of entry to a location not in a restricted area only pursuant to a restricted destination permit issued by an inspector. A restricted destination permit will be issued for the movement of a restricted article only upon the presentation of evidence, such as a U.S. Customs bond, an invoice, or other shipping document indicating destination, sufficient to establish that the article would not be shipped in violation of this subpart and would be shipped to a location in the United States not in a restricted area.

§ 319.27-12 Culling and Repacking in Texas; Movement to Areas in Northern Parts of Louisiana and Texas; Compliance Agreements.

(a) Restricted articles may be culled and repacked in restricted areas in Texas in accordance with a valid compliance agreement between Plant Protection and Quarantine and the person conducting such activities whereby it is agreed that any culling or repacking would be conducted under the following conditions:

(1) The culling and repacking, and any related activities would be subject to monitoring by inspectors;

(2) The culling and repacking would be conducted only under conditions found by an inspector as adequate to assure that the restricted articles would not be commingled with nonrestricted articles and would remain identifiable as restricted articles during such activities (i.e., restricted articles must be separated from nonrestricted articles by being in separate rooms or by being separated by a partition, the equipment used for culling restricted articles may not be used for processing nonrestricted articles until all restricted articles which have been culled by the equipment have been repacked for distribution or put in containers for disposal);

(3) Any water used on restricted articles would contain at least 200 parts per million active chlorine;

(4) The outer containers of the repacked restricted articles would plainly and correctly bear the general nature and quantity of the contents, the country or locality of origin, the name and address of repacker, the name and address of consignee, and the statement "Not to be distributed within Arizona, California, Florida, Hawaii, any part of Louisiana more than 15 miles south of Interstate Highway 20, Puerto Rico, any part of Texas more than 15 miles south of the direct route from the Louisiana border to the New Mexico border beginning on Interstate Highway 20 and continuing on Interstate Highway 10, or the Virgin Islands of the United States"; and

(5) Any restricted articles taken out of their containers and not repacked for distribution and use in areas where they are eligible for distribution and use must be disposed of daily by returning them to Mexico, or be disposed of daily by incineration or burial in a landfill (the incinerator or landfill must have equipment and use procedures that are determined by the Deputy Administrator to be adequate to prevent the dissemination of citrus canker disease and be certified by the responsible State or local official as currently complying with the applicable laws for environmental protection; the incinerator or landfill must also have sufficient fencing and be managed in such a way as to effectively prevent human scavenging); any restricted articles held or moved for disposal must be held or moved in covered containers adequate to prevent spillage of the articles and marked so as to identify them as culled restricted articles; and the return of restricted articles to Mexico and any movements of restricted articles to incinerators or landfills must be made only by persons conducting culling and repacking operations under a compliance agreement.

(b) A restricted article may not be moved from the port of entry to any wholesale or chain store distributor of restricted articles in an area in Louisiana or Texas not designated as a restricted area, unless the distributor is operating under a valid compliance agreement between Plant Protection and Quarantine and the distributor whereby the distributor agrees not to reship restricted articles to any restricted area and agrees not to reship restricted articles to any other wholesale or chain store distributor in a restricted area not operating under such a compliance agreement.

(c) Any compliance agreement may be cancelled orally or in writing by the inspector who is supervising its enforcement whenever the inspector finds that such person has failed to comply with the provisions of this subpart or any conditions imposed pursuant thereto. If the cancellation is oral, the decision and the reasons therefor shall be confirmed in writing as promptly as circumstances permit. Any person whose compliance agreement has been cancelled may appeal the decision, in writing, to the Deputy Administrator within ten (10) days after receiving written notification of the cancellation. The appeal shall state all of the facts and reasons upon which the person relies to show that the compliance agreement was wrongfully cancelled. The Deputy Administrator shall grant or deny the appeal, in writing, stating the reasons for such decision, as promptly as circumstances allow. If there is a conflict as to any material fact, a hearing shall be held to resolve such conflict.

(Secs. 105, 106, and 107; 71 Stat. 32-34; 7 U.S.C. 150dd, 150ee, 150ff; secs. 5, 7, and 9; 37 Stat. 316-18; 7 U.S.C. 159, 160, 162; 7 CFR 2.17, 2.51, and 371.2(c).)

Done at Washington, D.C., this 20th day of April, 1983.

William F. Helms,

Acting Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 83-10812 Filed 4-20-83; 10:20 am]

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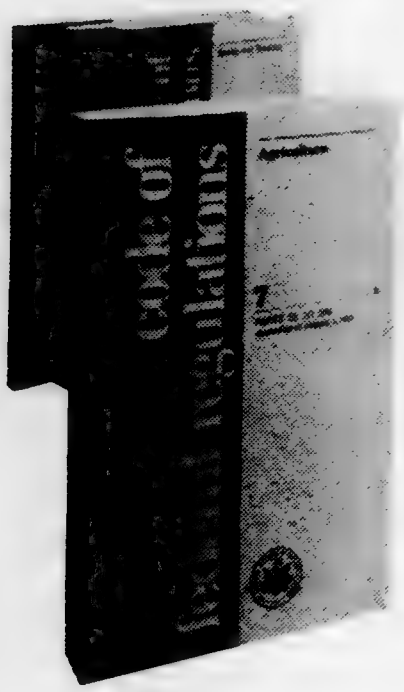

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Rules and Regulations

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

7 CFR Part 57

United States Standards for Hay and Straw

AGENCY: Federal Grain Inspection Service [1] USDA.
ACTION: Final rule.

SUMMARY: In accordance with the requirements established in Executive Order 12291 for the periodic review of regulations, the Federal Grain Inspection Service (FGIS) has reviewed the United States Standards for Hay and Straw and has determined that no substantive changes are to be made to these standards. In the May 26, 1981 issue of the **Federal Register** (46 FR 28170), FGIS proposed no change to the United States Standards for Hay and Straw. Based upon all information available including the comments received regarding the hay standards, this final rule makes no substantive changes to the standards as were proposed, except that certain nonsubstantive organizational and reference changes are being made to update the standards.

EFFECTIVE DATE: May 23, 1983.

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken, Jr., Regulations and Directives management, USDA, FGIS, Room 0667 South Building, 1400 Independence Avenue, SW., Washington, D.C. 20250, telephone (202) 382–1738.

[1] Authority to exercise the functions of the Secretary of Agriculture contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621–1627) concerning inspection and standardization activities related to grain and similar commodities and products thereof, has been delegated to the Administrator, Federal Grain Inspection Service (7 U.S.C. 75a; 7 CFR 68.2(e)).

SUPPLEMENTARY INFORMATION: The U.S. Standards for Hay and Straw were established under the authority of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 *et seq.*; the Act). Pursuant to Section 203(c) of the Act (7 U.S.C. 1622(c)), the Administrator is authorized to develop and improve standards for all assigned agricultural commodities.

Executive Order 12291

This final rule has been issued in conformance with Executive Order 12291 and Secretary's Memorandum 1512–1. The action has been classified as nonmajor because it does not meet the criteria for a major regulation established in the Order.

Regulatory Flexibility Act Certification

Kenneth A. Gilles, Administrator, FGIS, has determined that this final rule will not have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because most users of hay and straw inspection services do not meet the requirement for small entities as defined in the Act.

Standards Review

In compliance with the requirements for the periodic review of existing regulations, FGIS reviewed the U.S. Standards for Hay and the U.S. Standards for Straw. This review included a determination of the continued need for the standards; a review of changes in marketing factors and functions affecting the standards; and a review of changes in technology and economic conditions in the area affected by the standards. The objective was to assure that the standards continued to serve the needs of the market to the greatest extent.

In the December 28, 1979, **Federal Register** (44 FR 76835) a notice requested comments regarding nine proposed grain standardization studies, one of which proposed studying the possible inclusion of objective testing procedures into the hay standards to provide information on the nutrient constituents in hay. Forty-seven comments were received which addressed the need to revise the hay standards. Thirty comments indicated opposition to any revision of the standards while seventeen comments indicated the hay standards should be revised to include objective testing of factors which denote nutrient content.

Many of the commenters who opposed a hay standards revision stated that the inclusion of objective factors in the standards would adversely affect the hay marketing system. It was noted that the use of objective testing procedures in the hay standards would, at that time, be too costly and time-consuming to benefit the hay industry.

The commenters who indicated the hay standards should be revised emphasized the value of analyzing hay for nutrient content when marketing and using hay. It was noted that inclusion of objective factors into the standards would assist in pricing hay according to its feed value and would provide information which could be used to balance a feed ration for livestock.

Based upon those comments received and other information available, FGIS did go forward with the hay standards study. After reviewing all information available including the comments received on the hay standards study, FGIS proposed in a May 26, 1981, **Federal Register** Notice (46 FR 28170) that no changes be made to the hay and straw standards. Eleven comments were received on this proposal. Ten comments opposed the proposal and indicated the hay standards should be revised. One commenter concurred with the proposal to make no changes to the hay standards. No specific comments were received on the straw standards.

The commenters who opposed the proposal indicated the hay standards should be revised to provide information on nutrient content which can be used to price hay and balance a feed ration. Many of these commenters previously commented on the proposed 1979 study. It was also stated that the absence of uniform analysis testing procedures had caused marketing problems in some areas where unofficial quality analysis was being used to market hay, and a revision of the hay standards was necessary to provide uniformity in determination of nutrient content. These areas are limited however.

The commenter who concurred with the proposal to make no changes to the hay and straw standards stated that the inclusion of objective testing procedures into the hay standards would introduce complicated measurements into the hay marketing system which could raise the price of hay.

Although the use of objective testing procedures to measure the nutrient constituents in hay is gaining acceptance in some limited hay marketing areas, opinions vary within the hay industry and research community on which factors and testing methods most accurately denote nutrient quality. Also, hay analysis by near infrared reflectance (NIR) instrumentation, which is the testing method preferred by most hay industry members, is still under evaluation by researchers. FGIS recognizes that various hay industry members may be presently experiencing some marketing problems as a result of nonuniform unofficial analysis procedures between members of the industry but this appears to be minimal at this time. Further, the hay standards should not be revised to permit official determination of objective factors without further industry support or prior to completion of research on analysis testing. At the present time there is no reliable testing procedure that would indicate nutrient constituents which could be included in the standards. Accordingly, no substantive changes are to be made to the U.S. Standards for Hay and Straw.

FGIS will monitor research programs related to hay and straw quality determination, including the development of acceptable correlations between NIR values and approved reference methods. Industry contacts will also be maintained to monitor changes in hay and straw marketing, especially changes related to marketing through the use of quality analysis.

The U.S. Standards for Hay and Straw will again be proposed for review in April, 1988; however, if deemed necessary the standards could be reviewed sooner if rapid and accurate testing methods are developed which would make the inclusion of objective testing procedures into the hay standards beneficial to the marketing system.

Nevertheless, nonsubstantive amendments to references in certain sections of the U.S. Standards for Hay and Straw are being made to reflect changes in organizational structure and responsibility and changes in title of FGIS handbooks.

List of Subjects in 7 CFR Part 57

Hay, Straw, and Export.

PART 57—[AMENDED]

Accordingly, nonsubstantive organizational and reference changes are being made in Subpart A, § 57.1(e), § 57.1(i) Note, § 57.2(a)(6) and (b)(2), § 57.12(a) Note, and Subpart B, § 57.51(a)(2) by removing the words "Grain Division, Consumer and Marketing Service" and inserting in their place the words "Federal Grain Inspection Service." Also, Subpart A, § 57.2(b)(4) is amended by removing the words "Service and Regulatory Announcement No. 147 (revised August 1941) issued by the Agricultural Marketing Service" and inserting in their place the words "Instructions published by the Federal Grain Inspection Service."

(Sec. 203 (c), (h), Pub. L. 79–733, 60 Stat. 1087 (c), (h), (7 U.S.C. 1622 (c), (h)))

Dated: April 8, 1983.

K. A. Gilles,

Administrator.

[FR Doc. 83-10800 Filed 4-21-83; 8:45 am]

BILLING CODE 3410-EN-M

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7 CFR Part 800

Regulation Review—Deceptive Practices

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Final rule, regulation review.

SUMMARY: The Federal Grain Inspection Service (FGIS or Service) is adopting without change as a final rule its proposed rule on Deceptive Practices published in the **Federal Register** on January 17, 1983 (48 FR 1979). This action amends the regulation on Deceptive Practices by substituting the term "agency" or "official agency", thereby clarifying that the regulation is applicable to delegated States as well as designated agencies and the Service.

EFFECTIVE DATE: May 23, 1983.

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken, Jr., Regulations and Directives Management, USDA, FGIS, Room 0667 South Building, 14th Street and Independence Avenue, SW., Washington, D.C. 20250, telephone (202) 382–1738.

SUPPLEMENTARY INFORMATION: Information collection requirements contained in this regulation (section 800.60) have been approved by the Office of Management and Budget under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB #0580–0006.

Executive Order 12291

This final rule has been issued in conformance with Executive Order 12291 and Secretary's Memorandum 1512–1. The action has been classified as nonmajor, because it does not meet the criteria for a major regulation established in the Order.

Regulatory Flexibility Act Certification

Kenneth A. Gilles, Administrator, FGIS, has determined that this final rule will not have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because most users of the inspection and weighing services do not meet the requirements for small entities, and this action poses no new or additional duties or obligations to business entities involved in the loading, weighing, handling, or sampling of grain.

Review of Regulation

The review of the regulation on Deceptive Practices included a determination of the continued need for and consequences of the regulation. An objective was to assure that the language of the regulation is clear and that the regulation is consistent with FGIS policy. FGIS determined that the regulation: is serving the best interest of the U.S. grain industry; affords protection from deceptive practices to buyers and sellers of U.S. grain; is consistent with FGIS policy; and should remain in effect. However, in the January 17, 1983, **Federal Register** (48 FR 1979), FGIS proposed to amend this regulation by substituting the term "agency" for "official agency," thereby clarifying that the regulation is applicable to delegated States as well as designated agencies and the Service. It was originally intended that delegated States would be subject to this provision. Strictly interpreted, the definition for official agency in § 800.0(b)(48) excludes delegated States. Agency is defined in § 800.0(b)(3) as a delegated State or a designated agency, as appropriate. FGIS received no comments to the proposed rule which allowed 60 days for public comment.

List of Subjects in 7 CFR Part 800

Administrative practice and procedure, Export, Grain.

PART 800—[AMENDED]

Accordingly, § 800.60 is revised by substituting the term "agency" for "official agency," to read as follows:

§ 800.60 Deceptive actions and practices.

In the absence of prior adequate notice to appropriate official personnel, any action or practice, including the loading, weighing, handling, or sampling of grain that knowingly causes or is an attempt to cause the issuance by official personnel of a false or incorrect official certificate or other official form, is deemed to be deceptive and, as such, is

a violation of Section 13(a)(3) of the Act. For the purposes of this paragraph, adequate notice is written or oral notice given to an agency or the Service, as applicable, before official personnel begin to perform official inspection or weighing services. If oral notice is given, it must be confirmed in writing within 2 business days. To be adequate, the notice must explain the nature and extent of the action or practice in question and must identify the grain, stowage container, equipment, facility, and the official personnel actually or potentially involved.

(Sec. 15, 18, Pub. L. 94–582, 90 Stat. 2883, 2884; (7 U.S.C. 87b, 87(e)).

Dated: April 11, 1983.

K. A. Gilles,

Administrator.

[FR Doc. 83–10801 Filed 4–21–83; 8:45 am]

BILLING CODE 3410–EN–M

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 408]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period April 24–30, 1983. Such action is needed to provide for orderly marketing of fresh lemons for the period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: April 24, 1983.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291, and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. this action is designed to promote orderly marketing of the California-Arizona lemon crop for the benefit of producers, and will not substantially affect costs for the directly regulated handlers.

This final rule is issued under Marketing Order No. 910, as amended (7 CFR Part 910; 47 FR 50196), regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1982–83. The marketing policy was recommended by the committee following discussion at a public meeting on July 6, 1982. The committee met again publicly on April 19, 1983, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons is good.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared purposes of the act.

Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, Lemons.

PART 910—[AMENDED]

Section 910.708 is added as follows:

§ 910.708 Lemon Regulation 408.

The quantity of lemons grown in California and Arizona which may be handled during the period April 24, 1983, through April 30, 1983, is established at 285,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 21, 1983.

D. S. Kuryloski,

Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 83–10805 Filed 4–21–83; 1:11 pm]

BILLING CODE 3410–02–M

7 CFR Part 1124

Milk in the Oregon-Washington Marketing Area; Order Suspending Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rule.

SUMMARY: This action continues through August 1983 a previous suspension of certain provisions of the Oregon-Washington Federal milk order. The suspension removes the limit on the amount of milk not needed for fluid (bottling) use that may be moved directly from farms to nonpool manufacturing plants and still be priced under the order. The continuation of the earlier suspension for January through April 1983 is made pending the completion of a hearing proceeding that was convened on February 15, 1983. One of the proposals considered at the hearing covered this issue. Based on available information concerning the market's current supply conditions, continuation of the suspension is necessary to accommodate the efficient and orderly disposition of reserve milk supplies that are available to the market.

EFFECTIVE DATE: April 22, 1983.

FOR FURTHER INFORMATION CONTACT: Martin Dunn, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–7311.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established to implement Executive Order 12291 and has been classified as a "non-major" action.

It has been determined that the need for suspending certain provisions of the order on an emergency basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require that this document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication in the **Federal Register.** However, this would not permit the issuance of the suspension in time to include May 1983 in the suspension period. The request for this action was received on April 11, 1983.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that the action would not have a significant economic impact on a substantial number of small entities. This action lessens the regulatory impact of the order on certain milk handlers and would tend to ensure that dairy farmers will continue to have

their milk priced under the order and thereby receive the benefits that accrue from such pricing.

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and of the order regulating the handling of milk in the Oregon-Washington marketing area.

After considering all relevant information, it is hereby found and determined that for the months of May through August 1983, the following provisions of the order do not tend to effectuate the declared policy of the Act:

In the third sentence of pargraphs (a) and (b) of § 1124.11, the word "not".

Statement of Consideration

This action continues through August 1983 a similar suspension for January through April 1983 (47 FR 58216). The suspension removes the limit on the amount of producer milk that a cooperative association or other handlers may divert from pool plants to nonpool plants. The order now provides that during any month a cooperative association may divert a total quantity of producer milk not in excess of the total quantity received during the month from all member producers at pool plants. Similarly, the operator of a pool plant may divert a total quantity of producer milk not in excess of the total quantity received from producers (for which the operator of such plant is the handler during the month) at such pool plant.

A continuation of the suspension is needed because a continuing increase in milk supplies relative to Class I sales may require cooperatives to handle an increasing quantity of reserve milk supplies during the May–August 1983 period. These marketing conditions, and a proposal to amend the order to accommodate them, were considered at a public hearing at Portland, Oregon, on February 15, 1983. Participants at the hearing requested that the suspension be continued pending the completion of the proceeding. The request was reiterated on April 11, 1983.

Based on available information concerning the market's supply conditions, a continuation of the suspension for the months of May through August 1983 is warranted. The suspension will accommodate the pooling and efficient handling of milk supplies for the market pending the completion of the hearing proceeding cited above. In the absence of continuing the suspension, costly and inefficient movements of producer milk have to be made solely for the purpose of pooling the milk of dairy farmers who have been regularly associated with the market. Continuation of the suspension for the period of May through August 1983 will provide the necessary flexibility in the handling of the market's reserve milk supplies and thus prevent uneconomic movements of some milk through pool plants merely for the purpose of qualifying it for producer milk status under the order.

It is hereby found and determined that 30 days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that the most efficient method of handling milk not needed for the fluid market is by direct movements from producers' farms to manufacturing outlets. This suspension allows for such economical movements of milk while the dairy farmers involved retain producer status;

(b) The suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) This suspension has been in effect since January 1983 and this action would continue such suspension pending amendatory procedures based on a public hearing held February 15, 1983.

Therefore, good cause exists for making this order effective upon publication in the **Federal Register.**

List of Subjects in 7 CFR Part 1124

Milk marketing order, Milk, Dairy products.

PART 1124—[AMENDED]

It is therefore ordered, That the aforesaid provisions in § 1124.11 (a) and (b) of the order are hereby suspended for May through August 1983.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

Effective date: Upon publication of this document in the **Federal Register.**

Signed at Washington, D.C., on April 17, 1983.

John Ford,

Deputy Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 83–10724 Filed 4–21–83; 8:45 am]

BILLING CODE 3410–02–M

Commodity Credit Corporation

7 CFR Part 1446

General Regulations Governing 1979 and Subsequent Crops Peanut Warehouse Storage Loans and Handler Operations; Correction

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule; correction.

SUMMARY: This document corrects a section number contained in final regulations for the 1979 and Subsequent Crops Peanut Warehouse Storage Loans and Handler Operations which were published September 10, 1981 (46 FR 45114).

FOR FURTHER INFORMATION CONTACT: David Kincannon (ASCS), 202–382–0154.

SUPPLEMENTARY INFORMATION: At 46 FR 45114, September 10, 1981, former § 1446.15, Disposition and Liquidated Damages on Segregation 3 Peanuts (published at 44 FR 33829, June 13, 1979) was redesignated as § 1446.16. However, § 1446.16, Producer Transfers of Additional Loan Stocks to Quota Pools, was not redesignated as § 1446.17. As a result, two section headings were designated as § 1446.16.

PART 1446—[CORRECTED]

Accordingly, the Commodity Credit Corporation is correcting the title of 7 CFR 1446.16, Producer Transfers of Additional Loan Stocks to Quota Pools, to read as follows:

§ 1446.17 Producer transfers of additional loan stocks to quota pools.

* * * * *

C. Hoke Leggett,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 83–10810 Filed 4–21–83; 8:45 am]

BILLING CODE 3410–05–M

FEDERAL RESERVE SYSTEM

12 CFR Part 204

[Docket No. R–0459]

Regulation D; Reserve Requirements of Depository Institutions; Reporting Requirements

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board of Governors adopted in final form amendments to Regulation D—Reserve Requirements of Depository Institutions (12 CFR Part 204)

to reduce substantially the amount of reporting required from most depository institutions that have total reservable liabilities of $2.1 million or less. Such institutions generally will be required to submit either a six item report each calendar quarter, a two item report once each year, or no report at all, depending upon their total deposit levels. Currently, these institutions that have not previously been deferred from reporting requirements submit a report of at least 22 items either weekly or quarterly. The Board proposed this rule for public comment on March 10, 1983. Comments from the public generally favored adoption of the rule and the reporting procedures in the form proposed. The final rule is substantially identical to the proposed rule.

EFFECTIVE DATE: April 28, 1983.

FOR FURTHER INFORMATION CONTACT: Gilbert T. Schwartz, Associate General Counsel (202/452–3625); Paul S. Pilecki, Senior Counsel (202/452–3281); or Robert G. Ballen, Attorney (202/452–3265), Legal Division; or Cynthia A. Glassman, Section Chief (202/452–3829), Division of Research and Statistics; Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: Section 102 of the Monetary Control Act (Title I of Pub. L. 96–221) ("MCA") authorizes the Board to require reports from any depository institution as the Board may deem necessary or desirable to discharge its responsibility to monitor and control monetary and credit aggregates. In this regard, the Board is permitted to classify depository institutions and impose different reporting requirements on each class (section 11(a) of the Federal Reserve Act, 12 U.S.C. 248(a)).

Section 411 of the Garn-St Germain Depository Institutions Act of 1982 (Pub. L. 97–320; 96 Stat. 1520) ("Act"), which was approved on October 15, 1982, provides that a reserve requirement of zero percent shall apply to reservable liabilities of $2 million or less for each depository institution. The Act also requires that, consistent with the Board's responsibility to monitor and control monetary and credit aggregates, depository institutions with reservable liabilities of $2 million or less are to be subject to less overall reporting requirements than depository institutions that have total reservable liabilities greater than $2 million. The Board also is required to minimize the reporting necessary to determine whether depository institutions have total reservable liabilities of $2 million or less. This $2 million exemption amount is to be adjusted each year for the next succeeding calendar year by 80 per cent of the percentage increase in the total reservable liabilities of all depository institutions, measured on an annual basis as of June 30. No corresponding adjustment is to be made in the event of a decrease in total reservable liabilities of all depository institutions (12 U.S.C. 461(b)(11)). The Board has adjusted this $2 million figure to $2.1 million for 1983 in accordance with the Act.

The Board, on March 10, 1983, proposed for public comment a reporting plan that would reduce substantially the reporting required from most depository institutions that have total reservable liabilities of $2.1 million or less (48 FR 10796; March 14, 1983). Under current Regulation D, depository institutions that have not been deferred from deposit reporting and reserve maintenance requirements[1] submit a 22 item report (Report on Transaction Accounts, Other Deposits and Vault Cash—FR 2900) and a supplement to that report (FR 2900s) either quarterly (if total deposits are less than $15 million) or weekly (if total deposits are $15 million or more) (12 CFR 204.3 (a) and (d)).[2] Under the Board's proposal, a depository institution with total reservable liabilities of $2.1 million or less,[3] with certain exceptions, would be required to submit either a six item report quarterly, a two item report annually, or no report at all, depending upon its level of total deposits.

The Board received a total of 58 comments from the public, primarily from depository institutions and their trade groups. A substantial proportion (over 70 percent) of the comments expressed support for the Board's proposal without suggestion for modification. Many of these commenters noted that significant cost savings would result from implementation of the proposal. The remaining commenters generally supported the proposal but suggested certain modifications, including: reducing reporting requirements for certain depository institutions with more than $2.1 million in total reservable liabilities; exempting depository institutions with less than $2 million in reservable liabilities from all reporting requirements; raising the cutoff level of $15 million in total deposits between weekly, quarterly, and annual reporters to a higher amount such as $25 or $50 million, or eliminating the limit entirely; and making the ongoing adjustments of reporting categories more frequently than once per year.

These suggestions raise issues concerning whether reporting frequency would be sufficient to determine compliance by individual institutions with reserve requirements and whether the Board would be receiving adequate information to monitor and control the monetary aggregates. For example, it was suggested that annual reporting could apply to certain depository institutions with more than $2.1 million in reservable liabilities. However, since such institutions are not exempt from reserve requirements, the reporting of additional information from institutions with more than $2.1 million in reservable liabilities is necessary to assure compliance with reserve requirements. Similarly, without occasional reporting from institutions whose total deposits have approached or are above $2 million, the Federal Reserve would be unable to determine whether or not an institution's level of reservable liabilities remains at or below $2.1 million, thereby maintaining its status as fully exempt from reserve requirements and could allow a number of institutions that should be maintaining reserves to avoid reserve requirements. In addition, since many depository institutions with less than $2.1 million in reservable liabilities have far in excess of that amount of total deposits, an exemption from reporting for such institutions would impair to an unacceptable extent the quality of information obtained for monetary policy purposes.

With respect to raising other cutoff levels between annual, quarterly and weekly reporters, the Board notes that these amounts had been subject to extensive review and believes that the cutoffs are appropriate in view of the need for information for monetary policy purposes. However, the Board will review periodically the various cutoff levels taking into account experience with the reporting procedures regarding reporting burden versus monetary policy considerations.

Several suggestions were made concerning possible modifications to the procedures for ongoing panel adjustments for more frequent ongoing category adjustments so that aberrations on reporting dates would

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[1] The Board previously had deferred most nonmember depository institutions, other than Edge and Agreement Corporations and U.S. branches and agencies of foreign banks, with less than $2 million in total deposits as of December 31, 1979, from deposit reporting and reserve maintenance requirements.

[2] Any institution that obtains funds from foreign sources or that has foreign branches must also submit a five item Report of Certain Eurocurrency Transactions (FR 2950/FR 2951).

[3] This $2.1 million amount will be adjusted annually in accordance with section 411 of the Garn-St Germain Act.

not lock the depository institution into a reporting category that may not reflect its actual deposit history. The Board believes that more frequent panel monitoring than proposed would greatly complicate panel maintenance and would likely lead to errors in measuring the monetary aggregates. The Board notes that panel maintenance procedures also will be reviewed in the future to determine if any institutions had been disadvantaged and consider whether any modifications are appropriate.

After consideration of the comments received, the Board has determined that the plan as proposed for public comment represents the appropriate balance between reducing reporting requirements for smaller depository institutions and obtaining sufficient information to ensure compliance with reserve requirements and to adequately construct, analyze, and control the monetary aggregates. Accordingly, the Board has adopted the reporting plan proposed for public comment as a final rule.

Reporting categories. The following five categories of reporting will be instituted: First, depository institutions with more than $2.1 million in total reservable liabilities and $15 million or more in total deposits will be required to submit form FR 2900 weekly, as under current procedures.[4] Second, institutions with more than $2.1 million in total reservable liabilities and less than $15 million in total deposits will be required to submit form FR 2900 quarterly. Third, institutions with $2.1 million or less in total reservable liabilities and $15 million or more in total deposits will be required to submit a six item report FR 2910q quarterly. All institutions that are required to report quarterly (either form FR 2900 or FR 2910q) shall file this report once each June, September, December, and March for the seven day period that begins on the third Thursday of the given month.[5] Fourth, institutions with $2.1 million or less in total reservable liabilities and $2 million or more but less than $15 million in total deposits will be required to submit a two item report (FR 2910a) annually. These institutions are to file this report as of a single day in June that corresponds to the last day of the seven day period for quarterly reporters. Fifth, institutions with less than $2 million in total deposits will not be required to submit any report if their total deposits or estimates thereof can be derived by the Federal Reserve from existing available sources of data such as Reports of Condition filed with a federal supervisory agency or reports filed with state regulators.[6] Once a year (including 1983), a depository institution may elect to report deposits and maintain reserves—as of the relevant reporting date in September—in accordance with any category requiring a more comprehensive form or the same form filed on a more frequent basis than required of the category in which the institution would otherwise be placed.

Institutions with $2.1 million or less in reservable liabilities that are not required to file the FR 2900 will not be required to submit a Report of Certain Eurocurrency Transactions (FR 2950). However, all institutions required to file the FR 2900 will continue to report Eurocurrency liabilities as under current procedures.

Initial determination of applicable category. Reserve Banks will determine the initial placement of institutions in the appropriate categories and so inform the institutions. The determinations will be made as follows: For an institution currently filing the FR 2900 weekly, if the institution's total reservable liabilities are more than $2.1 million for *any one* of the last 13 reserve computation periods of 1982, that institution will continue to submit the FR 2900, either weekly or quarterly, depending on the largest level of total deposits reported during these same 13 weeks. If an institution's total reservable liabilities are $2.1 million or less for *each* of these 13 weeks, the applicable reporting category (FR 2910q, FR 2910a, or no report at all) will be determined based upon the institution's largest level of total deposits reported during these same 13 computation periods. For an institution currently filing the FR 2900 quarterly, if the institution's total reservable liabilities are more than $2.1 million on either of the last two reports filed in 1982, then the institution must continue to submit the FR 2900. For purposes of determining quarterly or weekly FR 2900 reporting for an institution currently filing the FR 2900 quarterly, total deposits are based on the largest of the institution's last two deposit reports of 1982. If the institution's total reservable liabilities are $2.1 million or less for each of these two reports, the applicable reporting category also will be determined based upon the institution's largest report of total deposits for the last two deposit reports of 1982.

Depository institutions that currently report the FR 2900, but that did not begin reporting until after December 29, 1982, will be treated as follows: For such institutions currently reporting the FR 2900 on a quarterly basis, the procedures for the initial placement of quarterly FR 2900 reporters will be used; however, the particular category into which the institution will be placed will be based upon the institution's daily average total reservable liabilities and total deposits as reported on its one quarterly FR 2900 report submitted in 1983 (i.e. in January, February, or March). For any such institution currently reporting the FR 2900 on a weekly basis, the procedures for the initial placement of weekly FR 2900 reporters will be used; however, the particular category into which the institution will be placed will be based upon the institution's daily average total reservable liabilities and total deposits as reported for each week during 1983 for which the institution submitted the FR 2900.

For depository institutions that currently do not file the FR 2900 weekly or quarterly, the applicable category will be determined from information derived from Reports of Condition submitted to federal supervisory agencies. If no such reports are available, this information will be derived from other sources such as reports filed with state regulators. If the requisite information cannot be derived from any such sources, then the institution will be expected to submit in June 1983 the FR 2910a or FR 2910q as appropriate. The appropriate category for the institution will then be determined from the submitted report.

Institutions with $2.1 million or less in reservable liabilities that currently submit the FR 2900 weekly or quarterly will continue to report under current procedures through the week ending April 27, 1983, at which time they will be relieved of reporting under current procedures. All institutions will begin reporting under the new procedures as of the appropriate reporting date for the institution's category in June 1983 as described above.

Ongoing category adjustment. The Reserve Banks will determine the placement of institutions in the appropriate category and so inform the institutions. Movement to another category on an ongoing basis, beginning in 1984, will be determined as follows: An institution submitting the FR 2900 weekly will move to another category if,

[4] At the same time, the FR 2900 will be revised to incorporate items from the supplement (FR 2900s). The supplement will then be discontinued.

[5] After the implementation of contemporaneous reserve requirements on February 2, 1984, this seven day computation period will begin on the third Tuesday of the given month.

[6] A special filing of the FR 2910a would be required of institutions for which no data sources exist, and therefore whose deposit sizes are unknown. If they report less than $2 million in total deposits, they need not report reservable liabilities.

on the 13 reports ending the last full reporting week of June of a given year, the institution qualified for a different category under criteria described above for initial determinations. This institution will continue to submit the FR 2900 on a weekly basis until the reporting period that begins on the second or third Tuesday in September of that year depending on which is the first week of a reserve computation period under contemporaneous reserve requirements. An institution filing the FR 2900 quarterly or the FR 2910q will move to another category if on the two reports submitted as of March and June of a given year the institution qualified for a different category under the criteria described above for initial determinations. An institution submitting the FR 2910a will move to another category if on the June report of a given year the institution qualified for a different category. Institutions not reporting previously may be asked to submit the FR 2910a for the first time as of that June in order to determine their appropriate reporting category. In all circumstances, the Board may require any depository institution that is experiencing above-normal growth to report on the FR 2900 weekly prior to the annual determination of reporting status.

An institution that is reclassified into the category requiring the FR 2900 on a weekly basis will submit the FR 2900 weekly starting with the weekly reporting period that begins on the second or third Tuesday in September depending on which is the first week of a computation period under contemporaneous reserve requirements. An institution that is reclassified into a category requiring quarterly reports—either the FR 2900 on a quarterly basis or the FR 2910q—will submit the appropriate quarterly report starting with the September reporting date. An institution that is reclassified (on the basis of information through June) into the category requiring the FR 2910a annual report will submit the FR 2910a as of June of the following year.

Exception to the revised reporting procedures. The reporting procedures described above will not apply to Edge and Agreement Corporations and U.S. branches and agencies of foreign banks. These institutions will continue to report weekly as under current procedures. The continuation of the present reporting procedures for these institutions is consistent with the Board's responsibility to monitor and control monetary and credit aggregates in view of the nature of the liabilities of these institutions and the opportunities available to these institutions for the avoidance of reserve requirements. The Board also noted its broad supervisory authority over, including the authority to obtain reports from, Edge and Agreement Corporations pursuant to 12 U.S.C. 601 *et. seq* and 611 *et. seq.* and the specification in the International Banking Act of 1978 that U.S. branches and agencies be subject to the same reporting requirements as similarly situated member banks (12 U.S.C. 3105(a)). In this regard, U.S. branches and agencies, as parts of much larger institutions, should be viewed as similarly situated to large member banks that are required to report weekly under the proposal.

The reduced reporting requirements will not apply before February 2, 1984, to those member banks and former member banks that are subject to reserve requirements pursuant to the reserve requirement structure in effect prior to the passage of the Monetary Control Act of 1980 ("MCA"). These institutions will continue to report under current procedures even if they hold reservable liabilities of $2.1 million or less until the completion of the phase-in of reserve requirements of the MCA (currently scheduled for February 2, 1984), at which time the revised reporting requirements will be applied. Member banks and former member banks with $2.1 million or less in reservable liabilities are required under the MCA to maintain reserve requirements until completion of this phase-in (12 U.S.C. 461(b)(8)). The information that these institutions currently are reporting is necessary to continue to calculate these reserve requirements and to administer properly the phase-in of reserve requirements mandated by the MCA.

Effect on prior amendments and small entities. The Board is amending Regulation D to provide that depository institutions will report in accordance with the procedures described above. These procedures will remain in effect after the October 5, 1982 amendments to implement contemporaneous reserve requirements become effective on February 2, 1984.

The impact of these procedures on small entities has been considered in accordance with section 604 of the Regulatory Flexibility Act (Pub. L. 96-354; 5 U.S.C. 604). As described above, these procedures will reduce significantly the recordkeeping and reporting requirements imposed upon small depository institutions. The Board estimates that these procedures will reduce the net reporting burden of depository institutions by approximately 600,000 hours.

These amendments are being made effective in less than 30 days because they relieve a restriction by providing for a reduced reporting burden for depository institutions.

List of Subjects in 12 CFR Part 204

Banks, banking, Currency, Federal Reserve System, Penalties, Reporting requirements.

Pursuant to its authority under sections 11(a), 19, 25, and 25(a) of the Federal Reserve Act (12 U.S.C. 248(a), 461, 601 *et seq.*, 611 *et seq.*) and under section 7 of the International Banking Act of 1978 (12 U.S.C. 3105), the Board amends § 204.3 of Regulation D (12 CFR Part 204), effective April 28, 1983, as follows:

PART 204—[AMENDED]

1. By amending §204.3(c) by removing the first sentence, *"Computation of required reserves."*, and inserting in its place, *"Computation of required reserves for institutions that report on a weekly basis."*; and by revising the introductory text of paragraph (a) and paragraph (d) (in its entirety) as set forth below.

§ 204.3 Computation and maintenance.

(a) *Maintenance of required reserves.* A depository institution, a U.S. branch or agency of a foreigh bank, and an Edge or Agreement Corporation shall maintain reserves against its deposits and Eurocurrency liabilities in accordance with the procedures prescribed in this section and § 204.4 and the ratios prescribed in § 204.9. Penalties shall be assessed for deficiencies in required reserves in accordance with the provisions of § 204.7. Every depository institution, U.S. branch or agency of a foreign bank, and Edge or Agreement Corporation shall file reports of deposits in accordance with the instructions of the Board, based on the level of its deposits and reservable liabilities consistent with the Board's need for data to carry out its responsibility to monitor and control monetary and credit aggregates. For purposes of this part, the obligations of a majority owned (50% or more) U.S. subsidiary (except an Edge or Agreement Corporation) of a depository institution shall be regarded as obligations of the parent depository institution.

* * * * *

(d) *Computation of required reserves for institutions that report on a quarterly basis.* For a depository

institution that is permitted to report quarterly, required reserves are computed on the basis of the depository institution's daily average deposit balances during a seven-day computation period that begins on the third Thursday of March, June, September, and December. In determining the reserve balance that such a depository institution is required to maintain with the Federal Reserve, the average daily vault cash held during the computation period is deducted from the amount of the institution's required reserves. The reserve balance that is required to be maintained with the Federal Reserve shall be maintained during a corresponding period that begins on the fourth Thursday following the end of the institution's computation period and ends on the third Wednesday after the close of the institution's next computation period. Such reserve balance shall be maintained in the amount required on a daily average basis during each week of the quarterly reserve maintenance period.

* * * * *

2. The Board also amends § 204.3(c), published at 47 FR 44707, October 12, 1982, to become effective February 2, 1984, by removing the first sentence, *"Computation of required reserves.",* and inserting in its place, *"Computation of required reserves for institutions that report on a weekly basis.";* and by revising § 204.3(d), also published at 47 FR 44707, to become effective February 2, 1984, as set forth below:

* * * * *

(d) *Computation of required reserves for institutions that report on a quarterly basis.* For a depository institution that is permitted to report quarterly, required reserves are computed on the basis of the depository institution's daily average deposit balances during a seven-day computation period that begins on the third Tuesday of March, June, September, and December. In determining the reserve balance that such a depository institution is required to maintain with the Federal Reserve, the daily average vault cash held during the computation period is deducted from the amount of the institution's required reserves. The reserve balance that is required to be maintained with the Federal Reserve shall be maintained during a corresponding period that begins on the fourth Thursday following the end of the institution's computation period and ends on the fourth Wednesday after the close of the institution's next computation period.

* * * * *

By order of the Board of Governors, April 19, 1983.

William W. Wiles,

Secretary of the Board.

[FR Doc. 83-10827 Filed 4-21-83; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. 9128]

Ethyl Corp., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: This final order requires the nation's two leading producers of lead-based antiknock gasoline additives, among other things, to cease announcing price changes in advance of the period contractually required for advance notice to customers, and using a "most-favored-nation" clause in any contract for the sale or delivery of lead-based antiknock compounds. Further, when stating a delivered price for any lead-based antiknock compound, the companies must also quote the product's point of origin price, a separate price for shipment, and allow customers to arrange for their own shipping and delivery. While the order does not prohibit the companies when acting individually from selecting their own customers, establishing their own prices, and selling at a delivered price or point of origin in good faith to meet the equally low price of a competitor, it does not exempt the companies' pricing practices from antitrust law.

DATES: Complaint issued May 30, 1979. Final Order issued March 22, 1983.[1]

FOR FURTHER INFORMATION CONTACT: FTC/CS-3, Thomas Keary, Washington, D.C. 20580. (202) 724-1278.

SUPPLEMENTARY INFORMATION: In the Matter of Ethyl Corporation, a corporation, E.I. Du Pont de Nemours and Company, a corporation, PPG Industries, Inc., a corporation, and Nalco Chemical Company, a corporation. The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13 are as follows: Subpart—Aiding, Assisting and Abetting Unfair or Unlawful Act or Practice: § 13.290 Aiding, assisting and abetting unfair or unlawful act or practice. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements: § 13.533-65 Renegotiation and/or amendment of contracts.

[1] Copies of the Complaint, Initial Decision, and Opinion of the Commission filed with the original document.

List of Subjects in 16 CFR Part 13

Gasoline additives, Trade practices.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

The Final Order, including further order requiring report of compliance therewith, is as follows:

[Docket No. 9128]

In the matter of Ethyl Corporation, a corporation, E. I. duPont de Nemours & Company, a corporation, PPG Industries, Inc., a corporation, and Nalco Chemical Company, a corporation.

Final Order

This matter, having been heard by the Commission upon the appeal of respondents and complaint counsel from the Initial Decision and upon briefs and oral agrument, and the Commission for the reasons stated in the accompanying Opinion having determined to deny the appeal of respondents and complaint counsel,

It is ordered that the Initial Decision of the administrative law judge be adopted as Findings of Fact and Conclusions of Law except to the extent inconsistent with the accompanying Opinion. Other Findings of Fact and Conclusions of Law of the Commission are contained in the accompanying Opinion. Pending motions are dismissed or otherwise resolved as provided in the Opinion.

It is further ordered that the following Order to Cease and Desist is hereby entered.

Order

I

Definitions

For the purpose of this Order, the following definitions shall apply:

A. "Lead-based antiknock compound" means additives to gasoline which increase its octane rating and which contain tetraethyl or tetramethyl lead.

B. "Delivered price" means a single undivided price inclusive of product and transportation charges.

C. "Point of origin price" means a price set by a respondent for a purchase by a customer at a mill or distribution point from which a delivered price is quoted to that customer. The point of origin price shall be no greater than the delivered price offered to the customer less the actual transportation costs which would have been incurred by the seller if the sale were made on a delivered basis.

D. "Customer" means any actual or potential purchaser of a lead-based antiknock compound.

E. "Most favored nation agreement" means any contractual provision or understanding that requires, or potentially requires, a price paid by one purchaser of lead-based antiknock compound be offered to one or more other purchasers of the seller.

F. "Respondents" shall mean Ethyl Corporation and E.I. DuPont de Nemours and Company, their successors and assigns, and their officers, agents, representatives and employees, acting directly or indirectly, through any corporation, subsidiary, division or other device, individually or in combination.

II

It is ordered that respondents, in connection with the sale or distribution of lead-based antiknock compound in the United States, shall forthwith cease and desist from:

A. Publishing, distributing or communicating in any manner notice to any person outside the company, other than persons under contract in connection with marketing or sales, concerning any change or modification in the list price of lead-based antiknock compound in advance of the period contractually required for advance notice to customers.

B. Entering into a contract for the sale or delivery of lead-based antiknock compound with any customer containing a most favored nation agreement; or maintaining or complying with a most favored nation agreement in any contract for the sale or delivery of lead-based antiknock compound.

Provided, that nothing in subpart A above, shall be construed to prohibit any respondent from (1) conveying to an actual or potential customer the information necessary to respond in good faith to a request to bid on or engage in negotiations regarding the purchase of any lead-based antiknock compound; (2) contracting to sell any lead-based antiknock compound at a price determined pursuant to such bid or negotiation which is effective on a specified future date subject to neither contingency nor condition; or (3) conveying information in compliance with any order, or in connection with participation in any proceeding, of a court, legislative body or administrative agency.

III

It is further ordered that whenever a respondent offers a delivered price to a customer for the purchase of lead-based antiknock compound, said respondent shall offer the customer the option of a point of origin price at the respondent's production facility from which shipment is to be made, and at the option of any actual or potential customer:

A. Allow any customer to arrange or furnish transportation for any purchased lead-based antiknock compound from the respondent's production facilities; or

B. Offer a separately-stated price for transportation furnished or arranged by the respondent.

IV

It is further ordered that each respondent, individually, shall forthwith make its lead-based antiknock compound sales contracts and other agreements consistent with this Order.

V

It is further ordered that nothing contained in this Order shall be interpreted as prohibiting a respondent when acting individually, (1) from establishing the price at which, and selecting the customers to which, it shall sell; or (2) from selling at a point of origin or delivered price established in good faith to meet the equally low price of a competitor. No pricing practice engaged in by a respondent shall be deemed immune or exempt from the antitrust laws by reason of anything contained in this Order.

VI

It is further ordered that each respondent shall forthwith deliver a copy of this Order to all present and (for a period of ten years from the entry of this Order) future personnel, agents and representatives of respondents having sales, distribution or policy responsibilities regarding lead-based antiknock compound, and each respondent shall forward a copy of this Order to each of its purchasers during the past twelve months of any lead-based antiknock compound in the United States.

VII

It is further ordered that each respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of this Order.

VIII

It is further ordered that each respondent shall, within sixty (60) days after service upon it of this Order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this Order and such additional reports thereafter as the Commission may require.

By the Commission, Chairman Miller dissenting. Commissioner Douglas did not participate.

Issued: March 22, 1983.

Emily H. Rock,

Secretary.

DISSENTING STATEMENT OF CHAIRMAN JAMES C. MILLER III IN ETHYL CORP., ET AL.

[FTC Docket No. 9128]

Today the Commission embarks on a bold new adventure to the frontiers of antitrust law, clearing no path for those who follow, and leaving no signposts to guide the inexperienced traveler. I fear that such a journey is fraught with peril for both explorers and for those required by law to follow the trails we blaze. I therefore decline to join the majority, and hope that the future provides a compass to guide our way along the uncharted path the Commission pioneers.

The Commission's decision creates a new antitrust case of action that, while construed by the majority to be limited to the Commission's enforcement of Section 5 of the FTC Act, may nonetheless alter radically the scope of permissible business practices available to firms in so-called oligopolistic industries. Because I fear the implications of today's decision are potentially both far-reaching and harmful to competition, I must respectfully dissent. And, because of the many troubling aspects of the majority's lengthy opinion, I feel further compelled to abandon the cardinal virtue of civilized dissenters—brevity.

I. Introduction and Summary

In essence, the majority holds today that practices adopted unilaterally by individual firms in an oligopolistic industry may constitute "unfair methods of competition" in violation of Section 5 if such practices "facilitate" interdependent behavior among the oligopolists, even absent any collusive, monopolistic, or predatory conduct. (Maj.Op. at 3 28–29.) [1] In applying this new legal standard, the majority finds that all four U.S. producers of lead-based antiknock compounds ("antiknocks") have violated the antitrust laws by adopting—at different periods of time and for legitimate business reasons—differing combinations of three so-called "facilitating" practices. Specifically, the majority finds all four respondents—DuPont, Ethyl, PPG, and Nalco—liable under Section 5 for use of uniform delivered pricing.

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[1] The following abbreviations are used in this opinion:
Maj. Op.—Majority Slip Opinion
ID—Initial Decision Page Number
IDF—Initial Decision Finding Number
Tr.—Transcript of Testimony Page Number
RDX—Respondent Dupont's Exhibit Number

(*Id.* at 2–3, 91–92, 101–02.) In addition, DuPont and Ethyl are also found to have violated Section 5 by using advance notice of price increases and "most-favored-nation" contract clauses ("MFN clauses"), which require the seller to offer a lower price to all buyers if it is offered to any. (*Id.* at 3, 91–92.)

Employing what it terms a "rule of reason" approach (*Id.* at 28.), the majority finds that the four respondents—which account for 100 percent of U.S. antiknock sales—have violated the "spirit" of Sherman Act Section 1's prohibition of conspiracies in restraint of trade, as enforced by the Commission through Section 5 of the FTC Act. They are held liable even though no agreement—explicit or implicit—was alleged or proven. Rather, the unilateral adoption by each respondent of one or more of the challenged practices is found to be an unfair method of competition under Section 5. The legal standard proposed as a basis for this finding of liability is that Section 5 empowers the Commission to find that practices, which otherwise may be lawful in and of themselves, may, when used at the same time by members of an oligopoly, facilitate a kind of interdependent behavior that leads to the anticompetitive result the framers of the Sherman and FTC Act sought to prevent.

In dissenting from the Commission's decision in this matter, I do not necessarily reject the general concept underlying the new cause of action created by the majority. At the outset of our review of this matter, I did not reject the idea that it may be both prudent antitrust policy and within the scope of this Commission's legal authority to establish an antitrust rule of law governing "facilitating practices" within an oligopoly. I envisioned such a rule as condemning "lock-step", long-term use by all members of an oligopoly of uniform practices that had no legitimate business reasons, and that could be proven to reduce the overall level of competition by facilitating reductions in industry output of a truly homogeneous product—reductions that could not be remedied either by an existing industry renegade, or by a destabilizing new entrant. While such a rule would face both formidable theoretical hurdles and practical problems of proof, the concept nevertheless seemed a plausible one.

The Commission's experience in deciding the instant matter has, however, served to heighten considerably my skepticism about the theoretical bases and practical utility of such a legal theory. Both the legal standard adopted by the majority and the manner of its application to the record evidence here cause me to question whether antitrust prosecutors and adjudicators are sufficiently sophisticated to surmount the obstacles presented by such a theory. Simply put, can the Commission generate more benefits by invoking the theory correctly than the mischief it can create by applying it erroneously?

I need not reach this difficult question today. Rather, laying my skepticism aside and accepting the theoretical possibility that, as the majority contends, the "collusive result" can occur in the absence of collusion, I would nevertheless reject a finding of liability for any of the respondents in this proceeding. I would do so because: (1) the particular legal standard established by the majority may itself be anticompetitive and contrary to the goals of the FTC and Sherman Acts; (2) that standard is too vague and unpredictable to serve as an understandable guide to businesses that must follow it; and (3) the majority has applied its own standard incorrectly to the facts in this record.

Before explaining further the basis for my dissent, several preliminary points bear mentioning. First, I concur in the majority's conclusion that respondents' (now-discontinued) use of press releases announcing future price increases does not violate Section 5. (Maj.Op.at 3, 65–68.) Second, while the majority merely "declines to adopt" the ALJ's conclusion of law (at ID 167.) that the remaining three challenged practices are unlawful as "unfair acts or practices" within the meaning of Section 5 (Maj.Op. at 3, 31.), I see no reason to pause there. I would go further and reverse the ALJ's gratuitous conclusion on this point. Although this alternative "unfairness" cause of action was (regrettably) pleaded in the Commission's 1979 Complaint (¶14), this case seems to me clearly to be an antitrust challenge focusing upon alleged harm to competition, not a consumer protection matter concerned with injury to individual consumers.

II. The Majority's Standard May Be Anticompetitive

The majority's standard may itself be anticompetitive because its focus is too narrow. It fails to capture the essence of a dynamic, competitive market. By focusing on price competition only—and almost exclusively on list-price competition—it ignores the most important elements of competitive rivalry in this and many other American industries. By finding successful entrants liable for using practices that buyers demand, the standard discourages entry into oligopolistic industries. By focusing on a period in which any incentive to expand and earn additional market share was severely constrained by government controls, the standard fails to allow a meaningful test of its inferences and ignores the historical bases for the challenged practices. By focusing solely on the motives and behavior of respondents, it ignores the important influences of their customers, themselves potential entrants via backward vertical integration.

A. The Standard Ignores Non-Price Competition

A standard that focuses exclusively on price competition may be harmful because it ignores other forms of competition that buyers value and that can shape a competitive result. For many years now, many economists have rejected the narrow view that only prices should matter in assessing competition. As Joseph Schumpeter said more than three decades ago:

> Economists are at long last emerging from the stage in which price competition was all they saw. As soon as quality competition and sales effort are admitted into the sacred precincts of theory, the price variable is ousted from its dominant position.[2]

The record here stongly indicates that in the antiknock industry the dominant form of competition is, in fact, along non-price dimensions. These include especially the provision of services related to the safe handling and the safe and efficient use of highly toxic and explosive liquid compounds in the production of high-octane leaded gasoline. Specifically, the ALJ found that safety services are provided because of the "explosive and toxic nature" of the product. (IDF 91.) In addition, complaint counsel's economist expert testified that some of those services are "almost an inevitable part of the [antiknock] product." (IDF 210.) One of the respondents attributed a 35 percent sales gain to ten important customers in 1975 to services it had rendered that year. (IDF 98.) Moreover, there is evidence that the leading firms "literally buried" their customers with services. (IDF 90; *see also* IDFs 91, 99, 102, and 151.) Further, the ALJ found that "the furnishing of services played a significant role in the competitive rivalry between the antiknock suppliers" (IDF 151.), and that "the record is clear that refiners valued the services furnished by respondents and much antiknock business was awarded based on services." (ID 140; *see also* Testimony of Complaint Counsel's Economist Expert, cited at IDF 210.) Remarkably, the majority concedes that this case involves "a market with an emphasis on service rather than price competition" (Maj. Op. at 38.), but ignores the implications of this fact throughout the remainder of its analysis. (*See*, e.g., *Id.* at 39: "The heart of this case is the need to properly analyze *pricing* behavior in the market for these products.")

Economic theory makes clear that such non-price competition cannot be ignored in assessing competitive performance. As Adam Smith noted in his classic treatise:

> In a free trade an effectual combination cannot be established but by the unanimous consent of every single trader, and it cannot last longer than every single trader continues of the same mind.[3]

In this industry the product *cum* services—the antiknock product "package"—varies substantially among the four respondents. One respondent provides very few services internally, hiring outside consultants to provide free advice on matters of health and safety and efficient use of antiknock compounds. (IDF 96.) Another respondent furnishes most of its services through "inhouse expertise", such as direct assistance in designing and building customers' plants. (IDF 91.) Another provides computer programming assistance and training of refiners' employees. (IDF 92.) Others innovated a "tolling" arrangement in which waste products from customers' refineries are recycled and used as "scavengers" to improve the "blend." (IDFs 32, 83; and ID 155.) Yet another respondent, in conjunction with a refiner, developed a new product—tetramethyl lead (TML). When blended with

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[2] J. Schumpeter, *Capitalism, Socialism and Democracy* 84 (1950).

[3] A. Smith, *Wealth of Nations* 129 (1937 ed.).

the existing tetraethyl lead (TEL) product. TML created new product arrays of varying TML/TEL blends, with varying product performance characteristics.

In addition, all four respondents compete with varied and varying billing arrangements, which they strenuously try to keep secret from their competitors. (IDFs 138 and 183.) All deliver antiknocks at older, lower prices after a price increase has gone into effect. (IDF 81.) This practice is so complex that the ALJ found it would take "a major accounting project" to determine the equivalent amounts of price discounts. (ID 139.) One competitor keeps the arrangements secret from its own sales personnel, issuing the concessions in credit statements to its buyers. (IDF 138.)

The ALJ's findings on this record also show that respondents do learn of their competitors' practices, but not always instantaneously or accurately. For example, sometime in 1977 Ethyl learned (apparently for the first time) that DuPont had been (1) picking up invoices for customers' outside consultants, (2) giving away weigh tanks, and (3) shipping antiknock beyond effective dates at old prices. (IDF 141.) Ethyl also discovered that PPG was giving rebates for customers' outside consulting services. (IDF 141.) Sometime within the period 1975 to 1977, one refiner customer revealed to DuPont a special discount arrangement it had begun with Nalco as early as 1974. (IDFs 68 and 140.) Prior to this proceeding, none of the other three respondents even knew of Nalco's use of MFN clauses, and PPG could not confirm that its rivals used such clauses until the Commission's complaint in this matter did them the courtesy of removing that bit of "uncertainty." (IDF 136.) Also, Ethyl erroneously thought Nalco was selling some of its antiknock at F.O.B. prices. (IDF 137.) Both Ethyl and DuPont had difficulty monitoring the "multileg" transactions between PPG and Nalco in which they exchanged or sold TML and TEL. (ID 142.)

If such pricing and quasi-pricing arrangements were difficult for competitors to monitor, it was obviously even more difficult for them to discover the exact value of the numerous varieties of internal service arrangements (such as computer programs, employee training, refinery inspections, and so on). In short, these non-list price competitive arrangements not only benefit refiner-customers, but also make any restriction of output below competitive levels a highly dubious prospect in the antiknock industry. As one commentor observes:

"Under contemporary, multi-vectored, dynamic competition, the probability of tacit collusion among a few producers is negligible because the decision variables are so numerous that no producer is able to anticipate the precise actions of his competitiors. . . . Clearly, measurement of the effectiveness of competition in a market requires an assessment of *all* vectors, and a summation of their competitive effects. The strength of competition cannot be assessed by confining attention to *prices."*[4]

[4] N. Jacoby, *Corporate Power and Social Responsibility* 140 (1973).

Yet, the Commission's decision effectively dismisses the record evidence of non-price competition as undesirable, and ignores its potentially destabilizing influence on any supracompetitive industry equilibrium. The majority's principal citation for such an approach (Maj.Op. at 43 n.60.) is a work by Professor George Stigler, in which, according to the majority, he concludes that "price competition is much more effective in increasing output and reducing profits than non-price competition . . ." [5] In fact, the remainder of the very paragraph cited by the majority makes clear that Stigler was referring to what he characterized as an "empirical judgment." [6] Stigler did not say that a competitive result would not occur where non-price competition is possible. Empirical research subsequent to his cited publication has demonstrated that it can.[7] Moreover, Stigler's analysis assumes the existence of a closed market and a collusive agreement. No such conspiracy was alleged or proven in this case.

As Professor (now Judge) Posner observed:

"[I]f other forms of competition—inventory, product quality, *service,* or whatever—are very important, the only effect of eliminating price competition may be to channel competitive energies into other, and costly, forms of competition." [8] (Emphasis added)

Or, to quote Professor (now Judge) Bork:

There is no difficulty in explaining the prevalence of product rivalry. Those who see in it the peculiar machinations of oligopolists overlook the obvious fact that consumers are sensitive to much more than price. Most products present a bundle of satisfactions, both functional and aesthetic; product rivalry is essential, particularly in complex products, if the variety of consumer tastes is to be satisfied effectively. Intense product rivalry, therefore, signals not lack of competition but its presence.[9]

To adopt a legal standard that disregards these significant non-price aspects of competition—aspects that customers value and that are an integral part of an industry's competitive process—would seem to run directly *counter* to the intent of the authors of the FTC and Sherman Acts that the majority wishes to further. It is indeed ironic that the standard adopted by the majority would tell firms in oligopolistic industries that in the future they should focus their competitive activities on forms of competition more readily detectable by competitors (i.e., list-price competition), thereby making anticompetitive arrangements—whether collusive or interdependent—more readily achievable.

B. The Standard Ignores Discounting Off List-Price

Beyond neglecting the many important types of non-price competition just discussed, the majority's myopic fascination with list-price movements also ignores an equally important characteristic of the antiknock industry. Although the majority characterizes off list-price discounting in this industry as "limited" (Maj.Op. at 51, 111.), the record evidence clearly shows that substantial discounting occurred during the "relevant period." The majority concedes that during the 1974-79 period, PPG discounted in about one-third of its sales, and that *a full 58 percent of PPG's antiknock sales (including co-producer sales) were make at discounts off list-price in 1979. (Id.* at 44, 98.) Nalco's pricing behavior was even more remarkable. As the majority are again forced to admit, *over 80 percent of Nalco's sales were made at a discount off list-price. (Ibid.)* These undisputed figures demonstrate that sales at list price for these two competitors were the exception, not the rule. Indeed, as the majority notes in discussing whether Nalco need be made subject to the Commission's order, Nalco made the "great majority" of its sales at a discount from list (*Id.* at 102.), and "[I]f Nalco's pattern of discounting is continued, most of its sales will actually not be made at list price." (*Ibid.*)

With respect to DuPont and Ethyl, the principal form of competition chosen by these two largest antiknock producers was the provision of services and other non-price aspects. However, while the majority finds otherwise, the ALJ correctly found that DuPont and Ethyl did engage in several practices that amounted to a price discount, such as allowing "forward ordering," late billing, and credit arrangements. (IDFs 80 and 88.) In addition, the record discloses at least one instance in which one of those firms in fact granted a discount to a refiner customer over most of the "relevant period". (See Maj. Op. at 74 n. 75.)

The ALJ found that the respondents took "extreme measures to ensure off-list pricing information is kept strictly confidential" (IDF 183.), and to keep the "transactions prices" of such arrangements confidential. (IDF 138.) Further, notwithstanding the record evidence of aggressive price competition by the two smallest firms, the majority condemns the "participation by PPG and Nalco in the rigid pricing patterns followed by the entire industry" and states (remarkably): "As in the case of PPG, we conclude Nalco's discounting was sufficiently restrained so as not to upset the prevailing market equilibrium." (Maj.Op. at 101.) Whatever one may conclude as to DuPont and Ethyl, I simply do not believe that the record supports this conclusion as to PPG and Nalco. Once again, I find it ironic that the majority—so anxious to increase "uncertainty" in this industry—finds PPG and Nalco liable because their price-cutting was done secretly, rather than by lowering the published list-price. It is difficult to understand how the majority can square its finding of liability as to PPG and Nalco with its own statement: "It is familiar economic theory that the more complex and more hidden the form of competition, the more difficult is the achievement of coordinated, parallel behavior in an oligopoly." (*Id.* at 43-44.) One result of today's decision may well be that future discounting will occur more often on a list-price basis, where all

[5] G. Stigler, *Organization of Industry* 23-28 (1968).

[6] *Ibid.*

[7] *See, e.g.,* J.C. Miller III and G.W. Douglas, "Quality Competition, Industry Equilibrium, and Efficiency in the Price-Constrained Airline Market," 64 *American Economic Review* 657 (1974).

[8] R. Posner, *Antitrust Law* 60 (1976) (hereafter cited as *"Antitrust Law"*).

[9] R. Bork, *The Antitrust Paradox* 190-91 (1978).

competitors can more readily detect it and react, according each respondent greater certainty in setting its list-prices.

C. The Standard Is Too Broad Because It Ensnares PPG and Nalco, Who Were Procompetitive Factors in the Industry

Perhaps the most disturbing implications of today's decision are raised by the majority's finding that PPG and Nalco are equally liable as this industry's two most successful firms, Ethyl and DuPont. Any lingering doubts about the inappropriateness of the legal standard adopted by the Commission today vanish when one examines the record evidence upon which this liability is imposed. Not only did these smaller firms engage in the challenged practices to a lesser extent than DuPont and Ethyl, but the record demonstrates that their influence on the antiknock industry was markedly procompetitive.

The majority finds both PPG and Nalco liable only for using uniform delivered pricing. (Maj. Op. at 2–3, 100–01.) PPG was not even alleged to have used MFN clauses. (*See* Complaint ¶12(b).) The majority finds that Nalco used MFN clauses "in a minority of cases", and concludes (correctly) that "the record does not support a finding that the use of these clauses by Nalco had a significant effect on the overall pricing pattern." (Maj. Op. at 100.)

Moreover, the ALJ found that both PPG and Nalco have been "procompetitive forces" in the antiknock industry since they entered in the early 1960's (ID 161 n.24.), which includes the "relevant period." Even the majority is forced to admit that "It is true that Nalco and PPG have introduced some competitive element into the market." (Maj. Op. at 101.) Even placing all other considerations aside, a legal standard that imposes liability on the smallest members of an "oligopoly" who have been found to be aggressive procompetitive forces in both price and non-price dimensions discussed above—apparently because in the majority's view PPG and Nalco were not able to bring their industry all the way to the perfectly competitive model—simply sweeps too broadly. Whatever the arguments for finding the two largest respondents liable, I think it clear that the complaint against PPG and Nalco should be dismissed.

I suspect it will be cold comfort to PPG and Nalco to discover that, although liable under Section 5, they are not subject to the Commission's order in this case. While the majority's new cause of action is ostensibly confined to Commission enforcement under Section 5, there is no assurance that private litigants will not try their luck at extending it to the Sherman Act. (This might be attempted under either a tacit agreement theory under Sherman Section 1, or as a conspiracy to monopolize theory under Section 2. Such an attempt would find support in the majority's lengthy discussion of why existing Sherman Act precedent involving tacit collusion supports a finding of unlawful conscious parallelism among oligopolists. *(See* Maj. Op. at 16–20.))

More important, in a very real and very significant sence, today's findings of liability as to PPG and Nalco may well engender anticompetitive consequences by the message sent to even small actors in other oligopolistic industries (and to firms contemplating entry into them). That message is that even if those relatively small firms are procompetitive forces and unilaterally and for sound business reasons adopt practices that their (larger) customers desire, they had best keep one eye on the FTC (and perhaps uninhibited private litigants) for a potential lawsuit.

In particular, today's decision may have the unintended effect of deterring entry into oligopolistic industries. Potential entrants (such as those in the position of PPG in 1961 and Nalco in 1964) will no longer be certain they may safely adopt the prevailing trade practices within the target industry, even if the practices are desired by buyer and seller alike and are adopted unilaterally. Oligopolies—where they do not result from government regulation—are usually able to persist only by virtue of significant scale economies or other efficiencies. It would be most unfortunate—and the height of irony—if the majority's actions today deterred new entry into such industries.

D. The Majority's "Relevant Period" Is Inappropriate

A legal standard intended to promote the interests of consumers and the objectives of competition policy should focus upon a time period sufficiently long to constitute a meaningful, representative test of the competitive effects of the challenged practices, and to allow an assessment of their historical bases—whether anticompetitive or efficiency-related. The time period chosen and focused upon by both the ALJ and the majority as "the relevant period" (Maj. Op. at 1.) [10]—January 1974 to May 1979—does neither. Instead, the majority carves out a single (albeit important) five-and-one-half-year "slice" of the antiknock industry's nearly 60-year history in which special factors may account for the effects the majority finds objectionable, and from which it is not possible to determine either the purposes or actual effects of the challenged practices. Because the majority opinion is virtually silent on developments prior to the "relevant period," a brief historical digression is necessary.

1. *The Challenged Practices Were Adopted Before Interdependent Behavior Was Possible.* In 1924, Ethyl's predecessor corporation was formed to market TEL compounds produced under a patent monopoly controlled (indirectly) by the DuPont Corporation. In 1938, Ethyl began producing TEL itself. But until 1948 Ethyl remained the sole U.S. marketer of antiknocks. (IDFs 16–17.) The majority concedes that Ethyl adopted uniform delivered pricing in the 1930's while it was the sole antiknock producer. (Maj. Op. at 77.) Most-favored-nation clauses were also adopted unilaterally by Ethyl while it was the only producer (IDF 156.), as were advance price notices. (Maj. Op. at 55, 62.) In short, none of the three challenged practices were adopted as a result of any decisions by competing firms—conscious or unconscious—to restrict output or promote stability. Rather, as I discuss below in Part IV(C), they were adopted for reasons of efficiency and in response to customer demands.

2. *The "Relevant Period" Is Atypical And Unrepresentative.* In addition, the history of this industry shows that the time period chosen as "relevant"—1974 to 1979—is, in fact, too short to draw any inferences of anticompetitive effects. It is possible that the claimed high prices and profits and stable market penetration cited by the majority (Maj. Op. at 36–39, 40–41, 47.) may all be attributable to the influences of government regulations alone. No such effects prior to the 1974–79 period are demonstrated by the ALJ's or the majority's findings.

From August 1971 to January 1974, federal price controls froze the price of antiknocks (at least for TEL). (RDX 332G.) In the meantime, as the majority notes, in 1973 federal environmental controls were promulgated that would ultimately result in a 90 percent reduction in antiknock industry demand, but with both the exact amount and timing of the reduction unclear. (Maj. Op. at 105; ID, Appendix C.) Originally, respondents believed the controls were to be phased in over a four-year period from 1975 to 1979. But numerous delays resulted in postponing the start until 1978, after which demand fell sharply. (IDFs 43–44; and ID, Appendix C.) One respondent, PPG, is currently in the process of exiting the industry. (Maj. Op. at 102–03.)

Thus, any tendency for prices or profits to rise in the 1974–79 period may be attributable to the substantial risk introduced by government regulations. In addition, the threat of impending extermination or near-extermination substantially weakened any desire to expand and achieve any significant additional market penetration in that period. (IDF 40.)

Finally, in many industries the expiration of price controls was followed by rapid price hikes, as firms subject to controls sought to compensate for years in which output prices were frozen.[11]

In the period preceding the start of the majority's "relevant period" there was significant entry, substantial volatility of market penetrations, stable or falling product prices, and the development of innovative products and processes. From 1948 to 1974, Ethyl's share fell from 100 to 33 percent of the market. From 1961 to 1974, DuPont's share fell from 50 to 38 percent, while Nalco had grown from nothing to 12 percent and PPG from nothing to 16 percent by the start of the "relevant period." (ID, Appendix C.) Meanwhile, from 1960 to 1974 the price of TEL rose by only 17 percent, and the price of TML actually *declined* by 10 percent. (IDF 52.) In sharp contrast, during this same period the overall producer price index rose by 57

[10] The majority opinion asserts that the Commission complaint alleges the challenged practices were followed "over an extended period." (Maj. OP. at 1.) In fact, the complaint is completely silent with respect to the duration of the alleged practices.

[11] M. H. Kosters, *Controls and Inflation: The Economic Stabilization Program in Retrospect* 40–41 (Washington: American Enterprise Institute for Public Policy Research, 1975); M. and R. Friedman, *Free to Choose* 279–80 (1980).

percent.[12] During this same time frame, Nalco developed TML, and both Nalco and PPG developed new production processes for recycling oil refiners' waste products. (IDFs 32 and 83.) All four of the so-called "facilitating" practices challenged in the complaint were in fact in use by two or more respondents during this 1960–74 period. (*See, e.g.,* IDF 124.) The majority fails to explain why these practices did not "facilitate" supracompetitive price increases during this period. Presumably, the majority feels this 14-year period is simply not "relevant."

In sum, the majority has focused exclusively on a time period during which the "aftershock" of price controls rippling through the economy, coupled with the market disruption created by the impending environmental restrictions on leaded gasoline, combined to exert a profound effect on the antiknock market. The majority attributes all of the pricing and profit performance during 1974–79 to respondents' facilitating practices, and none to government intervention. It is readily apparent what serious mischief a legal standard can create when it permits prosecutors to establish a performance-based antitrust law violation upon evidence from a short, unrepresentative, and unusual time period that is viewed in isolation from the remainder of the industry's history. Such a legal standard hardly seems consonant with the goals of competition policy.[13]

E. The Standard Ignores Respondents' Customers

The majority dismisses the actions and potential actions of respondents' customers—petroleum refiners—as irrelevant and "misguided." The basis for this approach is the majority's notion that refiners do not realize that the practices they have demanded of respondents help the refiners individually, but harm them as a group as industry output is allegedly restricted below competitive levels. (Maj. Op. at 75–76.)

The majority concedes—as it must—that respondents' customers are large, sophisticated, and aggressive firms, "many of whom did press for discounts", and that this fact cuts against their anticompetitive inferences. (*Id.* at 35.) However, it then proceeds to ignore the ramifications of this fact for its theory, saying only that it is "inadequate to change [our] overall conclusion." (*Ibid.*) Six antiknock buyers—Exxon, Mobil, Texaco, Gulf, Amoco, and Chevron—are among the ten largest U.S. industrial corporations. (IDF 19.) Many of these refiners are fully capable of integrating backward into the production of antiknocks if services were deficient, or if prices exceeded marginal cost—i.e., if respondents profits were excessive. This is more than a theoretical possibility. The ALJ found that five of the largest antiknock buyers jointly own the export market's largest producer, OCTEL. (IDF 37.) (Tariffs apparently preclude OCTEL from exporting into the U.S. in competition with respondents. (IDF 104.)) One such refiner provided technical and marketing assistance as well as financial help to facilitate Nalco's entry in 1964, and participated in Nalco's successful development of a new product, TML. Other refiners provided financing to both Nalco and PPG (then called Houston) in their inaugural years. (IDFs 50 and 139.)

Thus, when the focus of the analysis is broadened to include the special nature of customers in the antiknock industry, a considerably different picture of the competitive process emerges. In spite of criticisms by some of complaint counsel's refiner witnesses concerning respondents' pricing policies, those refiners appear to be in large measure satisfied with and responsible for the practices they criticized. Many refiners demanded the challenged practices, and felt they saved them money. Much like advertising, refiners relied on the challenged practices to compare prices or to reconsider contracts. (IDFs 112 and 126.)

There were no barriers blocking refiners from entering themselves and taking away business from an unresponsive and uncompetitive antiknock industry. Even if such entry were less likely following the EPA's actions since 1973, the majority does not explain why entry was not feasible before the "relevant period." If prices were too high or services too low at any point in time, the refiners could not only play one seller off against another, but could threaten respondents' very existence in the antiknock market with backward vertical integration. That none of these potential entrants chose to do so at any point in time—especially today when a firm with 17 percent of 1980 sales is exiting the industry and is destroying rather than selling its production facilities—is simply inconsistent with the cartel result. Perhaps the statement of one of complaint counsel's refiner witnesses, a purchasing agent for Exxon Corporation, explains best why refiners did not enter the antiknock market as producers:

> We think it's [respondents' antiknock fluid] a bargain. Even though we fuss at our vendors a lot, it really is a bargain for us as far as achieving higher quality at a lower price. (Steen, Tr. 3457.)

In sum, the record evidence in this case shows that the majority's legal standard disregards the role of respondents' customers, ignores the history of the challenged practices, fails to consider the effects of non-price dimensions of competition, and, I believe, runs counter to the goals of this nation's laws on competition. If a standard of harmful interdependent oligopoly behavior is to be adopted, it should not be so narrow and static that it permits inferences of harm which a broader, dynamic perspective would show to be, in fact, procompetitive and beneficial to competition and consumers. For these reasons alone, I cannot join in the majority's decision.

III. The Standard Is Too Vague and Unpredictable To Serve as a Reasonable Guide to Business Behavior

As the majority intimates, even if a particular legal standard is sound in theory, it may not be sufficiently simple and clear to serve as a guide for business behavior. No matter how conceptually elegant a theory, it is of no practical value if businesses cannot figure out what they are supposed to do and not do until after the fact. Yet this is precisely the result of the standard adopted in this case.

Under the cause of action created today, firms acting independently and adopting one or more practices for legitimate business reasons at the behest of their customers would become liable at some unknowntime when some unknown combination of the practices used by an unknown number of the firms took place. Even firms not found to employ the practices in any objectionable way would be liable for, in effect, "hanging around the wrong crowd." The principal guidance provided by the majority would be a list of four objectionable structural and seven objectionable performance characteristics, with a proviso that "additional" features may be relevant as well. Most of those characteristics are as vaguely stated as the challenged practices, and many exist in both competitive and monopoly situations. (*See* Part IV(A), below.)

This is simply not an understandable rule of law. At best, it would add another dimension of regulatory risk and uncertainty to this and other industries' enviornments. At worst, it would actually deter beneficial, procompetitive behavior, for fear of triggering a Section 5 violation for unknown and unknowable reasons.

A. The Standard Does Not Specify When the Challenged Practices Became Illegal

The majority decision seems to imply that each of the challenged practices in and of itself may be legal—that it is a combination of the practices that is objectionable. (Maj.Op. at 90–94.) Specifically, it allows that grace periods provided with advance price notification might be lawful if it were not for the practice of uniform delivered pricing. (*Id.* at 94.) It further concedes that MFN clauses might be legal if it were not for the practice of advance price notification. (*Ibid.*) Finally, it admits that even then the practices might be legal if a different set of structural and performance variables characterized an industry. (*Id.* at 22, 24–27, 110.)

It is, of course, well and good to have a standard that is sufficiently flexible to allow reasonable behavior. Given that a standard is to be set, it should by no means make interdependent oligopoly behavior a *per se* violation. But there should be sufficient clarity to allow firms a reasonable certainty of liability under a knowable set of circumstances.

A standard should allow future firms in similar circumstances to predict when a set of practices adopted for legitimate business reasons in response to customer demand becomes an antitrust violation. Was Ethyl guilty of a Section 5 violation when it adopted each of the practices unilaterally? Or

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[12] *Economic Report of the President* 227 (1983). The Commission may take official notice of such regularly-prepared statistical compilations published by the federal government. FTC Rule of Practice § 3.43(d), 16 CFR § 3.43(d) (1982). *See also* Fed. R. Evid. 201.

[13] It might be another matter if there were evidence that the industry had lobbied for the regulations in question. Such is not the case here.

did they become a violation when DuPont entered in 1948, and subsequently sought to take away sales from Ethyl by adopting the same business methods Ethyl had found successful? Or did the practices become unlawful when PPG's predecessor (Houston Chemical Company) entered in 1961 and sought to take away sales from Ethyl and DuPont? (PPG gained 16 percent of sales within 13 years as DuPont, the sales leader, lost 12 points in that period.) Or did the illegality arise when Nalco entered in 1964 and gained almost 12 points over the next 10 years—all at the expense of the two leading firms, DuPont and Ethyl? (*See* ID, Appendix C.) To each of these questions, the majority provides no answer.

At no point does the majority explain when the violation was triggered. The most likely inference appears to be that liability followed the imposition of government regulations in the 1970's which threatened extermination of the industry and which, according to the majority's decision, practically eliminated the possibility of further entry. (Maj.Op. at 33.) This is because the decision elsewhere states that it "would not expect such [pricing coordination] practices to have a significant effect unless barriers to entry deterred potential entrants from 'competing away' excess profits earned by firms with supracompetitive prices." (*Id.* at 25.) Since there was significant entry in the 1960's with substantial shifts in sales penetration, *I* can only infer that the decision finds that the violation occurred sometime during the subsequent period of government controls.

If that is the case, it should be so stated so that in the future potential violators will have a better chance of knowing *when* otherwise lawful practices may become a law violation. If it is not the case that government regulation triggered the violations found here, then the "relevant period" should be extended backward in time to determine precisely when the violation occurred, and with what effect on competition and consumers.

B. The Standard Does Not Specify What Combination of the Practices Is Unlawful

There are considerable uncertainties in the majority decision regarding potential liability for alternative combinations of the challenged practices. The clearest implication is that uniform delivered pricing is most objectionable to the majority. All four respondents are found liable for its use. (Maj.Op. at 2, 90, 93, 101.) The majority implies the other challenged practices could be lawful if it were not for uniform delivered pricing. (*Id.* at 94.) Further, the majority intimates that the truly objectionable aspect of advance price notification is the additional "grace period" over and above the notice period contractually required. (*See, e.g.,* Maj.Op. at 101.) Today's decision holds liable two firms—PPG and Nalco—whose only "hard core" challenged practice was uniform delivered pricing. (Nalco did not employ a grace period in conjunction with its advance notification contracts, and PPG did not utilize the grace period to initiate any price increases.) For the reasons discussed in Part IV(D), below, there is no basis in this record to infer anticompetitive effects from use of such delivered pricing by PPG and Nalco, or either of the remaining two respondents.

DuPont and Ethyl are found to have engaged—unlawfully—in *three* of the challenged practices. Nalco is found to have used the same three practices, but to be liable for only *one* (uniform delivered pricing). PPG is found to have employed only *two* of the three practices, but to be liable for only *one* (again, uniform delivered pricing). I suspect it will be difficult indeed for firms operating in "oligopolistic" industries to sort all of this out into any meaningful antitrust compliance guidelines.

Moreover, a legal standard that implies that each of several challenged practices may be lawful by themselves, but then holds liable two firms on the basis of only one of the practices, is less than precise. At best, such a standard may make firms more cautious about entering oligopolistic industries in which one or more of the challenged practices are the prevailing terms of trade.

IV. The Facts in the Record Do Not Meet the Proposed Standard

Even if the majority decision's proposed standard were broad enough and clear enough to serve as a basis for imposing liability, no violation could be found on the facts in the record. The record shows that neither the structure, performance, nor conduct criteria of the standard are satisfied by the facts in this case.

A. The List of "Objectionable" Structural and Performance Variables Do Not Support the Majority Conclusion

The majority decision offers a list of objectionable structural and performance characteristics that are intended to resolve the vagueness problem, and to serve as the theory on the basis of which the inferences of anticompetitive effects may be drawn. The majority argues that the challenged practices can be inferred to be unacceptably anticompetitive (and hence unlawful) if they are associated with certain "structural" and "performance" characteristics. They identify five such structural characteristics: (1) high concentration, (2) high entry barriers, (3) a homogeneous product, (4) inelastic demand, and (5) "additional [structural] factors." They then designate eight performance characteristics: (1) "highly uniform" prices, (2) "lock-step" price changes, (3) "limited" discounting, (4) "stable" market shares, (5) "relatively high" profits, (6) price in excess of marginal cost, (7) rising prices accompanied by both "sluggish demand" and "excess capacity," and (8) "additional [performance] factors." (Maj. Op. at 110–12.)

Each of the cited characteristics is subject to alternative interpretations in the context of almost any real-world industry situation. In addition, the categories labeled "additional factors" contain characteristics that are clearly procompetitive in the antiknock industry. I consider here certain of these structural and performance variables that the majority misinterprets in its analysis.

1. *Structural Factors.* a. *High Concentration.* It is undisputed that the antiknock industry is highly concentrated. It is also true that such concentration lends itself to an awareness that each firm's actions will influence those of its competitors and, ultimately, affects the industry equilibrium levels of price, services, and output. But this is true of all oligopolistic industries, irrespective of whether the practices challenged in this case are utilized. As one commentator observes:

> [O]ligopoly competition may be as virile as competition in an industry with a large number of small- or medium-sized firms. * * * It is immaterial that each oligopolist firm acts with awareness of its competitors as long as it makes its independent decisions on price, quality of product and service, research and innovation, cost and profit factors. * * * Again I stress that the courts have not condemned a mere oligopoly market power as a Sherman Act violation. The Supreme Court has distinguished genuine collusive conduct of oligopolists from mere conscious uniformity of business behavior arising from mutual awareness of common economic or business justifications in harmony with independent self-interest."[14]

Or, more recently, as other observe:

> When there are at least two noncolluding firms in an industry, there is no clear-cut relationship between the number of firms and the degree of competition."[15]

b. *High Entry Barriers.* I heartily concur in the majority's conclusion that the practices challenged in this case cannot lead to supracompetitive results in the absence of effective entry barriers. (Maj. Op. at 25.) However, the majority's definition of an entry barrier is subject to question. As Posner points out, properly viewed, an entry barrier is not a high cost of entry. Rather, it is a high (long-run) cost that entrants must bear in excess of those costs incurred by existing firms.[16] In this case government price controls and environmental regulations weighed equally on all firms, present or potential. Thus, they are not entry barriers in the true economic sense. But even assuming EPA regulations make it unlikely any new firms will enter the antiknock industry, this "structural factor" was not present until the early 1970's. Thus, we must presume the challenged practices were lawful until that

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[14] S. C. Oppenheim, "The Sherman Act and Internal Company Growth," NICB Conference on *Antitrust in an Expanding Economy* 11 (May 16, 1962); *see also* R. Bork, *The Antitrust paradox* 103–04, 163–97 (1978).

[15] E. Fama and A. Laffer, "The Number of Firms and Competition," *American Economic Review*, Vol. LXII, No. 4 (September 1972), p. 674. *See also*, M. A. Adelman, "Effective Competition and the Antitrust Laws," *Harvard Law Review* 1297 (September 1948); G. C. Archibald, "'Large' and 'Small' Numbers in the Theory of the Firm," *Readings in the Economics of Industrial Organization*, edited by Douglas Needham (New York: Holt, Rinehart, and Winston, 1970), p. 166; H. Demsetz, *The Market Concentration Doctrine* (Washington, D.C.: American Enterprise Institute For Public Research, 1973), p. 28; and J. M. Vernon, *Market Structure and Industrial Performance—A Review of Statistical Findings* (Boston: Allyn and Bacon, Inc., 1972), p. 117; J. S. McGee, *In Defense of Industrial Concentration* 129 (1971).

[16] *Antitrust Laws* at 59, citing G. Stigler, "Barriers to Entry, Economies of Scale and Firm Size," *Organization of Industry* 67 (1968).

time. It follows that, under the majority's theory, the imposition of environmental regulations gave rise to an antitrust violation on the part of all industry firms and—in addition to mandating the medium-term demise of the industry—presumably required all four respondents to restructure their traditional business practices.

c. *Homogeneous Product.* The record evidence amply supports the majority's conclusion that antiknock compounds of a given proportion of TML and TEL are identical. (Maj. Op. at 33–34.) However, the record also demonstrates that alternative mixtures of the two compounds (*e.g.*, 75/25 TML/TEL vs 25/75 TML/TEL) have different characteristics and different prices. (*See, e.g.*, IDF 7.) More important, the antiknock product was sold with essential safety services—services that varied substantially among the four respondents. Moreover, the record shows respondents used varying credit terms and delivery dates.[17] (*See* Part II (A), above.) In short, the product—properly defined to include the associated services and delivery arrangements—is, upon close inspection, far from homogeneous. The majority's failure to recognize this explains its decision to ignore the numerous dimensions of price and non-price competition in this industry.

d. *Inelastic Demand.* The majority decision states that inelastic demand is necessary for the existence of supracompetitive prices and profits—to assure that any output restriction results in "price above marginal cost." (Maj. Op. at 25.) If this statement regards *industry* elasticity, it is simply wrong. As Posner observes, inelastic industry demand at the market price—which does prevail in the antiknock industry (IDF 42.)—is inconsistent with a monopoly result, and "is rather good evidence that the sellers are not colluding—at least, not effectively." [18] (This is because where industry demand is inelastic, joint marginal revenue would be negative.) If the majority means that *firm* demand curves are inelastic at the market price, it implies that they were acting irrationally, since marginal revenue would be negative. In addition, any inference of inelastic firm demand is inconsistent with the high degree of price sensitivity shown by buyers in the record. (IDF 27.)

e. *Additional Structural Factors.* The most obvious "additional" structural factor is the undisputed presence of large, sophisticated, and aggressive buyers. As the majority admits, this cuts against any inference of anticompetitive conduct and effects. As previously indicated, this is a crucial factor in this industry, since buyers were the most obvious source of potential entry and could have integrated backwards into the antiknock industry if profits were really excessive.

The additional crucial structural factor needed to support the majority's legal theory (which the majority decision also cites but ignores) is that "price competition [must be] more important than other forms of competition." (Maj. Op. at 22.) As discussed extensively above, the existence of substantial non-price competition—such as the service element in the antiknock industry—substantially reduces the likelihood of anticompetitive effects. The record in this case bears that out.

f. *Summary.* Thus, the majority defines and applies three of its four structural prerequisites in a manner inconsistent with the proper economic meaning of these concepts. Moreover, it omits discussion of two others that point to an absence of anticompetitive effects. When properly analyzed, five of six important structural conditions are not met by the facts in this case. The product—*cum* services and off-list price dimensions of competition—is *not* homogeneous. *Industry* demand at the transactions price is inelastic, while *firm* demand is elastic. Price does *not* appear to be the most important dimension of competition in this industry. Customers *are* large, sophisticated, and aggressive. Although there are import tariffs, entry barriers are *not* high, as evidenced by the entry and successful expansion of two respondents in the period preceding the "relevant period." (This conclusion is bolstered by the fact that respondents' customers could (as they have in other countries) integrate backward into the industry.) The majority's single remaining "structural" factor—industry concentration—is itself the subject of intense debate in the economic literature as to cause and effect.

2. *Performance Factors.* a. *"Highly Uniform Price" and "Lock-Step" Price Changes.* It is clear that the majority views the uniformity of respondents' list-prices and their tendancy to rise in so-called "lock-step" fashion as the heart of this case. (Maj. OP. at 51, 64, 80.) It emphasizes that, of 24 list-price increases during the "relevant period," 20 were identical and occurred for all respondents on the same day. (*Id.* at 48.) The basic problem with this notion is that, as the majority itself recognizes, prices tend towards uniformity in competitive markets as well as non-competitive ones. The decision seeks to resolve this dilemma by saying that it is not so much the uniformity of prices but the rapid speed at which respondents' prices adjust that demonstrates the asserted fact that prices are above competitive levels and that "price leadership" is involved.

First, I note the circularity of the claim that price uniformity (however defined) is anticompetitive because prices are above competitive levels and that prices exceed competitive levels because of price uniformity. Second, the existence of substantial service competition among respondents shows that pricing cannot be discussed in a vacuum. In this industry, any tendency for pricing to rise above marginal cost would be checked by competition along service and other non-price dimensions.

Third, the notion that "price leadership" and simultaneous movements in price provide the key distinctions between competitive and supracompetitive markets is simply erroneous. To quote from a leading economics text:

> *All* prices in all markets are administered in the sense that each person decides at what price he shall sell (in the light of market demand). . . . The prices and sales of firms are interdependent. They watch each other closely and, like dogs chasing a rabbit, move together, even in those cases where there is no leader, simply because they seek the same quarry.
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> * * * * *
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> That the same firm is usually the first to make a price change which others almost always follow does not mean that the leader dictates prices to other firms, nor does it imply some tacit agreement not to compete with prices. It can attest to the lead firm's greater acuity and knowledge of market conditions.
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> * * * * *
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> Simultaneity of price action or "dominance" by one firm is not evidence *for or against* the existence of *effective* collusive agreements. The number of sellers and the coordinated price-search process, whether it be simultaneous of lagging behind some apparent "price leader," are also irrelevant.[19] (Emphasis in original)

Or, as Posner observes:

> To be sure, there are dangers in pressing the "meeting-of-the-minds" approach too far. Suppose that a group of competing firms simultaneously experience an increase in the cost of some raw material that each one uses. In deciding how to respond to the common cost increase, each firm will consider the probable response of its competitors to the increase, since its ability to pass on the cost increase in whole or part to its customers by raising prices will depend on the pricing decisions of its competitors. The process by which the firms arrive at the new equilibrium at a higher price may thus have elements of "tacit agreement." The process is not an anticompetitive one; yet if the firms explicitly coordinated their pricing in reaction to cost change, the law would treat their agreement as illegal collusion—and rightly so, since there would be justifiable suspicion that the agreement was both unnecessary to smooth adjustment to the cost increase and motivated, at least in part, by a desire to raise the market price by more than the cost increase actually requires.
>
> This example shows that the law should not always equate tacit and explicit pricing agreements. Some degree of tacit coordination of pricing in reaction to external shocks, such as the increase in raw-material costs examined above, is inevitable and unobjectionable.[20]

In short, pricing uniformity is the inevitable result of open market processes and is consistent with either competitive or anticompetitive behavior and results. It is the expected condition in so-called oligopoly such as the antiknock industry, with or without use of the challenged practices.

b. *"Relatively High" Profits and Price Above Marginal Cost.* It appears there is simply a failure of proof on the claim that

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[17] For the proposition that differing delivery dates and credit terms can introduce "an element of heterogeneity", *see* J. Hirshleifer, *Price Theory and Applications* 337 (1976).

[18] *Antitrust Laws* at 57.

[19] A. A. Alchian and W. R. Allen, *University Economics*, 345–46, 356 (1971).

[20] *Antitrust Law* at 72. *See also* D. Turner, "The Definition of Agreement Under the Sherman Act: Conscious Parallelism and Refusals to Deal," 75 Harvard L. Rev. 669 (1962).

profits were excessive. First, the accounting method employed failed to use *current* costs (*see, e.g.*, IDF 166.), which are necessary for any inference that entry of equally efficient competitors is being deterred.[21] Second, as Posner notes, where costs vary among firms, the competitive optimum is where price equals cost for the *marginal* seller only.[22] And as Demsetz notes, differential profits among sellers are inconsistent with an anticompetitive situation.[23] PPG's 1978 reduction in capacity and its recent exit are scarcely consistent with price above marginal cost for the marginal firm. In addition the accounting data cited by the ALJ show Ethyl's estimated rates of return before taxes are generally twice as high as those for PPG and Nalco for the "relevant period," with DuPont in between. (IDF, Appendix J.)

Moreover, as Posner also observes, "equality of price and (long-run) marginal cost is efficient only when the market is in an equilibrium, or stable, condition."[24] Such a description scarcely characterizes the antiknock industry during the "relevant period." Even as the market distortions caused by price controls were fading, those caused by environmental regulations were growing. Risk existed in the certain knowledge of near-extermination, with only the timing and pattern of the precipitous decline unclear.

These facts—and the fact that at no time before, during or since the "relevant period" did any of the large oil company buyers attempt to integrate vertically into this industry—are inconsistent with the majority's finding of supracompetitive profits and performance in the antiknock industry.

c. *"Limited" Discounts and "Stable" Market Shares.* The majority's legal standard does not specify when, or in what order of magnitude, these measures are sufficient to rebut an anticompetitive inference. Moreover, the record indicates a non-trivial amount of each, especially when the time horizon is broadened at either end. (*See* Parts II(B) and (D)(2), and III(A), above.)

d. *Rising Prices Accompanied by "Sluggish" Demand and "Excess" Capacity.* As indicated, examining price rises without reference to the effect of government controls can lead to erroneous inferences as to their cause. In this case, the rising prices cited by the majority followed over two years of price controls, and occurred during a period of extreme uncertainty and risk and of frequent raw material shortages. (*See* Part II(D)(2), above.)

Government controls also had a major effect on respondents' decisions on output and capacity. (See Part II(D)(2), above.) These included not only product regulations that, starting in 1974, threatened imminent drastic sales declines, but also EPA plant emissions controls that even made it necessary to invest in maintaining some existing equipment and plant. (IDF 38.) Thus, it is not surprising that two respondents, Ethyl and PPG, reduced plant capacity during the relevant period.

Yet, by 1979, a year plagued by supply problems with lead and sodium inputs (IDF 40.), Ethyl was operating at 95 percent capacity, and in 1980—for which no capacity data are available—it replaced DuPont as the industry leader (IDF 38; ID, Appendix C.) DuPont, which operated at between 84 and 94 percent of capacity in the recession years of 1974 and 1975, achieved 100 percent capacity in 1976. (IDF 39.) While the record is somewhat unclear following that time, the ALJ states that DuPont operated at "excess capacity" through 1979. (IDF 39.)

Nalco operated at from 77 to 89 percent capacity during the 1974 to 1979 period and had supply problems in three of those years. (IDF 41.) The ALJ found that "PPG did not have any significant excess capacity" from 1974–1976, and operated at 86, 100, and 88 percent capacity during the next three years. (IDF 40.) In addition, Nalco was the high-cost producer in the industry, so that any excess capacity on its part is perfectly consistent with price equal to marginal cost for it, the marginal firm—the competitive optimum for an industry with varying firm costs. (See Part IV(A)(2)(b), above.)

Similarly, PPG's current exit and creation of excess facilities that no one wants to buy is itself inconsistent with any idea that profits in this industry *were* during the "relevant period" or are today excessive. This is an important point because economic profit—the kind that is relevant to any assessment of competition—is a forward-looking concept that must take expected future events (such as eventual near-extermination) and uncertainty (such as the timing of the process) into account. (*See* references cited at Part IV(A) (2)(b), above.)

e. *"Additional Factors".* The most important "additional factors" in this case are the various beneficial services and innovations in products and production processes. (See Part II(A), above.) Once again, as in the case of the structural factors these are ignored by the majority opinion.

f. *Summary.* The decision's (mis)application of performance criteria to the record evidence does not provide support for an oligopoly theory under which anticompetitive effects can be inferred from the challenged practices. The majority's facile treatment of these criteria only adds to the confusion caused by the conduct criteria, which fail to explain when the challenged practices become a violation, in what combination, or when adopted by what number of firms.

B. Evidence on Conduct

What seems to trouble the majority most in this case is its perception that there is some sort of intent on the part of each of the four respondents to "maintain" a "stable market" in this industry by unilaterally maintaining the challenged practices. In support of this perception, the majority cites an Ethyl document expressing concern about "maintaining a stable market for antiknocks" in a period of "market shrinkage" and "overcapacity." (Maj. OP. at 52.) It also cites testimony by DuPont's Director of Marketing that selling at F.O.B. to a large customer in this time period could lead to a decline in general prices (*Id.* at. 81.), and statements by him and an Ethyl document about the possible impact of eliminating MFN clauses on industry "marketing practices." (*Id.* at 72–73.) Finally, the majority cites evidence that both DuPont and Ethyl view the practice of advance price notification with grace periods as a way to "test" competitors' reactions before making pricing actions final. (*Id.* at 58–60.)

While the cited statements are subject to varying interpretations, they may reflect little more than expressions of great concern about the inevitable destabilization and monetary losses that would occur once the environmental controls were put into place and phased into completion. Recall that the phasing down was to have begun on January 1, 1974—the beginning of the "relevant period," but after a series of uncertain delays (*ex ante*), the start of the process began on January 1, 1978. (IDF 44.) It was followed by a precipitous drop in demand, over 50 percent in three years (IDF, Appendix C.), as the controls became binding.

Thus, the Ethyl statement about "maintaining" a "stable market," as well as the DuPont and Ethyl statements about the potential for destabilization from changing certain marketing practices, are consistent with fully justified fears about what might happen to them as a result of sudden changes in industry conditions—whether they be caused externally such as by government controls, or internally, such as those initiated unilaterally in the form of new or different marketing practices, products, or production methods.

Moreover, concern expressed (internally) by some business executives from two respondents about the prospect of market destabiliztion does not necessarily imply that price or the price-service equilibrium was at supracompetitive levels. Any resulting destablization could drive existing prices below cost or below the competitive level—the marginal cost of the marginal firm—even from a pre-existing competitive equilibrium, as PPG's recent exit makes clear. In that regard, the cited statements do not establish an intent to increase market stability. It is one thing to adopt actions that might raise prices above competitive levels. It is quite another simply to refrain from actions that might reduce prices below competitive levels.

Another aspect of the challeged practices on which the majority place great reliance in finding liability is the use by some respondents of a grace period that provides notice of price changes over and above that contractually required. Although the majority notes that only DuPont and Ethyl used it (Maj. Op. at 95–96, 98–99.), its opinion attacks the grace period by including all four firms:

By following a consistent practice over the relevant period adhered to by every industry member, the respondents have developed an

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[21] G. Benston, "The FTC's Line of Business Program: A Benefit-Cost Analysis" *(Business Disclosure: Government's Need to Know:* ed. by Harvey J. Goldschmid, 1979), p. 92–94. *See also* F.M. Fisher and J.J. McGowan, "On the Misuse of Accounting Rates of Return to Infer Monopoly Profits", 73 *American Economic Review* 82–91 (March 1983).

[22] *Antitrust Law* at 136.

[23] H. Demsetz, "Two Systems of Belief About Monopoly" *(Industrial Concentration: The New Learning;* ed. by H. Goldschmid, J.M. Mann, and J.F. Weston, 1974), p. 177–79.

[24] *Antitrust Law* at 136.

effective way of signaling pricing intentions. The practice of conveying to a competitor what is, in effect, a price "offer," then waiting for a response—while avoiding different list prices at any time—actually goes beyond the competitive effect in exchanging current price information condemned in *Container Corp.* In that case, the practices which reduced competition consisted of agreements to exchange current price information by firms representing almost all the market. Here firms representing *all* the market have not only developed a system for exchanging current price information but for communicating future information with the opportunity to announce future prices on a contingent basis. (Maj. OP. at 51–52, emphasis in original.)

In fact, the price movements associated with the "grace period" are no more a "signaling tool" in this industry than the actual movement of prices among competitors in any small numbers situation. Where there are few competitors *any* price change is a "signal" to competitors about a firm's intentions, whether that change be in spot or future market contracts.

Moreover, as long as what amounts to a "futures" market in this case (the practice of advance price notification) is allowed to exist, no change in the so-called "testing" behavior can be expected to occur. The very same "testing"—raising, then adjusting prices before they are implemented—can be achieved simply by adjusting the effective dates of the announced price increases after the announcement. In addition, the practice of forward-ordering at the old price can be extended in time to accommodate any disenchanted buyer, without any loss of sales, even after a price rise occurs. Thus, the majority's notion that respondents will be less likely to initiate price rises if the "grace period" is abolished is without support in the record.

C. The Challenged Practices Were Adopted for Legitimate, Procompetitive Business Reasons, and Were Desired by Respondents' Customers

The majority asserts that in assessing the challenged practices under a rule of reason approach, it considers any procompetitive effects of the practices. (Maj. Op. at 22.) It then proceeds to reject all of respondents proffered justifications for the practices, feeling they are outweighed by the assertedly anticompetitive effect of the practices on (list) price. (Maj. Op. at 89–91.) I find respondents' arguments persuasive and more than ample to offset the tenuous inferences upon which the majority's finding of anticompetitive effects is grounded.

Ethyl adopted one of the challenged practices—uniform delivered pricing—just prior to 1938 as a means of encouraging its buyers to receive the highly explosive fluids in tankcars as opposed to drums. (IDF 124.) Today, although some large refiners with plants located close to respondents's plants object to the practice other buyers find that the practice saves state transportation and inventory taxes, which they would have to pay if title passed prior to delivery. They also testified that it simplifies purchasing decisions by allowing quicker evaluation and comparison of respondents's prices. (IDF 126.) The ALJ found that the prices "possibly does eliminate some costs customers would incur under an F.O.B. system" (IDF 126.), and that it is based on "some legitimate business reasons." (IDF 156.) The record indicates that freight savings to buyers located closest to respondents' plants from an F.O.B. system would only be roughly one percent of selling price. (See Part IV(D), below.)

Like uniform delivered pricing, the ALJ found that MFN clauses are also based on "some legitimate business reasons." (ID 156.) The record reflects that refiners desire the clauses (ID 154.), including the small refiners. (IDF 121.) Moreover, one respondent—Nalco—met customer objections when it generally dropped the practice. (IDF 120.) (PPG was not charged with utilizing the practice.)

The ALJ found that refiner witnesses (including those from small refiners) also generally favored respondent's practice of providing advance price notification. (IDF 112.) There is no evidence that it—or the accompanying grace period to which the majority particularly objects—was adopted as a result of any meeting of the minds of respondents. The grace period was not even utilized by Nalco. (Maj. Op. at 98.) PPG's officials testified that it would like to drop the practice. (IDF 110.) Refinery witnesses (including complaint counsel's) testified that they believed the practice saves them money by permitting "forward ordering" at the old price, and that it facilitates their firms' ability to reconsider respondents' contracts and to engage in financial and other planning. (IDF 112.)

D. The Majority's Key Practice—Uniform Delivered Pricing—Was Presumed But Not Proven To Be Anticompetitive

Finally, I discuss what appears to be the lynchpin of the majority's finding of liability—the impact of uniform delivered pricing, a practice respondents' customers utilized to compare prices. Given the majority's extensive treatment of the case law involving uniform delivered pricing, its statement that absent such delivered pricing the practice of advance price notification with grace periods might be lawful, and the fact that liability for two of the four respondents rests solely upon the asserted anticompetitive effects from this one practice, it seems appropriate to analyze the benefits and costs of this practice in some detail.

Curiously, after mentioning respondents' arguments that the practice did not have a substantial influence on antiknock selling prices, the majority's decision makes no attempt to look at the numbers in the record. Instead it chooses to emphasize—erroneously—that as in *Triangle Conduit,*[25]

[25] *Triangle Conduit & Cable v. FTC,* 168 F.2d 175 (7th Cir. 1948), *aff'd by equally divided court sub nom., Clayton Mark & Co. v. FTC,* 336 U.S. 956 (1949).

respondents' plants are "scattered over the United States," so that delivery costs are quite different among them to different refiners. (Maj. Op. at 85, 93.) The majority then invokes its uncertainty theory, and finds that replacing this practice with F.O.B. pricing "would have introduced the complexity of 'masking' discounts because it would have introduced price variations among customers." (*Id.* at 82.)

This claim is supported in the first instance by reference to Nalco's practice of selling its Texas-produced TML to a customer in Antioch, California for the same price as DuPont charges in that location. (*Id.* at 76.) But the record shows that Nalco shipped its TML to Antioch, where it purchased DuPont's TEL for mixing prior to customer purchase. (IDF 89.) Similarly, DuPont would at least sometimes purchase TML from Nalco's Texas plant for mixing prior to delivery (IDF 20.) or, alternatively, ship its TML and TEL products to its mixing plant in Texas. Although DuPont had manufacturing plants in California and New Jersey, it has a mixing plant in Texas. Contrary to the majority's erroneous and misleading assertion that respondents' plants are "scattered across the country" (Maj. Op. at 85, 93.), they are in fact remarkably concentrated. DuPont's mixing plant as well as *all* plants of each of the other three respondents are all located within a 300-mile radius in Texas and Louisiana. (IDFs 1–4: Rand McNally Atlas.)

Thus, for example, when Nalco sold a 50/50 TML/TEL mix to customers in Antioch, California (TML cannot be used without mixing), its price with delivery cost would be identical to its F.O.B. price in either California or Texas or at any point in between. Moreover, the same kind of tendancy toward inter-area price equalization—with or without this challenged practice—occurs when (as is generally true here) the *buyers'* plants are scattered across much of the U.S.

In addition, the ALJ found that average freight costs in the antiknock industry "are small in relation to the total market price." (IDF 190.) The exhibit cited by the ALJ on delivery costs (IDF 127; and RDX 333.) supports this finding. It shows that in 1979, average actual delivered costs among respondents' customers amounted to 1.53¢ per pound (less than 2 percent of list price in that year (IDF, Appendix D)] and that the lowest potential F.O.B. price for the refiner located closest to respondents' plants was 0.3¢ per pound. Thus, the maximum possible effect on such refiners versus the industry average was on the order of 1.2¢ per pound, or little more than 1 percent of selling price.

At the other end, there were two small refiners with shipping costs of 8.1¢ per pound who were, in effect, receiving a discount of that amount—less the 1.5¢ average actual freight costs per pound incurred in delivery. But 59.5 percent of the refiners, and 84.5 percent of shipments, had actual average freight costs of under 2¢ per pound. And 76 percent of the refiners and 94.5 percent of shipments had actual average freight costs of less than 3¢ per pound. Of the ten largest buyers, the spread ranged from 0.5¢ per pound to 2.8¢ per pound. (RDX 333.) Given

the list-price of antiknocks—which DuPont currently places at $1.07 per pound (Maj. Op. at 106.)—it can readily be seen that the ALJ was correct in finding that delivery charges are "small in relation to sales price." (IDF 127.) This fact, coupled with the relatively centralized locations of respondents' plants, demonstrates that use of uniform delivered pricing cannot have had the significant anticompetitive effect attributed to it by the majority.

Given the legitimate business reasons for this practice (including the desire by respondents and their customers that respondents maintain title and liability for the explosive compounds until delivery), given the savings on state taxes and on bookkeeping costs associated with determining where the products went, and given the small fraction of total sales price accounted for by transportation costs, I find insufficient support in the record for the allegation that uniform delivered pricing had any substantial impact on competition in this industry. Elimination of uniform delivered pricing would not introduce substantial F.O.B. price variations among respondents, and its overall cost to customers as a group would likely exceed any conceivable benefits to particular refiners.

V. Conclusion

In sum, taken together the challenged practices—uniform delivered prices, advance price notification with grace periods, and most-favored-nation clause—arguably reduce buyers' search costs and facilitate their ability to find the best price/value among refiners. In light of the intense competition in services and other non-list-price dimensions, moreover, the record fails to prove that these practices are anticompetitive. Their prohibition could well impose costs on consumers without any corresponding benefits. For these reasons, and for a similar lack of any evidence of anticompetitive structure and performance; for the failure to articulate an understandable and predictable standard of liability; and for the use of a criterion whose focus is so narrow as to present a possibly erroneous and harmful view of competition, I dissent.

[FR Doc. 83-10730 Filed 4-21-83; 8:45 am]
BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Subch. E

Change in Format for Publication of New Animal Drug Approvals

AGENCY: Food and Drug Administration.

ACTION: Rule-related notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that **Federal Register** documents amending the animal drug regulations to reflect approval of new animal drug applications and supplements will no longer contain an abstract of the basis of approval. This information will be contained in the freedom of information (FOI) summary.

FOR FURTHER INFORMATION CONTACT: J. Taylor Madill, Bureau of Veterinary Medicine (HFV-231), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3336.

SUPPLEMENTARY INFORMATION: Section 512(i) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360b(i)) requires that upon approval of an original or supplemental new animal drug application (NADA), a notice be published in the **Federal Register** setting forth the name and address of the applicant, conditions and indications of use of the new animal drug, and other necessary information. The notice is effective as a regulation and is codified in the Code of Federal Regulations.

The **Federal Register** document usually contained a brief summary of the basis for approval in the preamble. This summary has included statements of agency conclusions under specific statutory provisions, regulations, or policies. The basis for approval has also been described in more detail in the FOI summary as required by 21 CFR 514.11(e).

To expedite the publication of regulations reflecting approval of NADA's and supplemental NADA's, and to consolidate into one document the summary of the agency's basis for approval, FDA has decided that it will no longer routinely include the brief summary in the preamble. Instead, the preamble will refer readers to the FOI summary for a complete discussion of the basis for approval, including a summary of the data supporting the approval.

Dated: April 15, 1983.

William F. Randolph

Acting Associate Commissioner for Regulatory Affairs

[FR Doc. 83-10561 Filed 4-21-83; 8:45 am]
BILLING CODE 4160-01-M

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21 CFR Part 177

[Docket No. 82F-0190]

Indirect Food Additives; Polymers; High-Temperature Laminates

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of an aliphatic polyurethane laminating adhesive for fabricating retortable pouches and related high-temperature laminates. This action is in response to a food additive petition filed by Fujimori Kogyo Co., Ltd.

DATES: Effective April 22, 1983; objections by May 23, 1983.

ADDRESS: Written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Terry C. Troxell, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of July 13, 1982 (47 FR 30291), FDA announced that a petition (FAP 2B3633) had been filed by Fujimori Kogyo Co., Ltd., 4-16, 1-Chome Nihonbashi, Bakuro-Cho, Chuo-Ku, Tokyo, Japan, proposing that the food additive regulations be amended to provide for the safe use of a 2-component aliphatic polyurethane laminating adhesive for fabricating retortable pouches and other high-temperature laminates identified in § 177.1390(c).

FDA has evaluated the data in the petition and other relevant material and concludes that the proposed food additive use is safe and that § 177.1390 should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Bureau of Foods (address above) by appointment with the information contact person listed above. As provided in § 171.1(h)(2), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding may be seen in the Dockets Management Branch (address above), between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 177

Food additivies, Polymeric food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348)) and under authority

delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Foods (21 CFR 5.61 as revised February 4, 1983; 48 FR 5251), Part 177 is amended in § 177.1390 by revising paragraph (c)(2)(iv)(*b*) to read as follows:

PART 177—INDIRECT FOOD ADDITIVES: POLYMERS

§ 177.1390 High-temperature laminates.

* * * * *

(c) * * *

(2) * * *

(iv) * * *

(*b*) Urethane cross-linking agent comprising not more than 25 percent by weight of the cured adhesive and formulated from 3-isocyanatomethyl-3,5,5-trimethylcyclohexyl isocyanate (CAS Reg. No. 4098–71–9) adduct of trimethylol propane (Cas Reg. No. 77–99–6) and/or 1,3-bis(isocyanatomethyl) benzene (CAS Reg. No. 25854–16–4) adduct of trimethylol propane.

* * * * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before May 23, 1983 submit to the Dockets Management Branch (address above) written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective April 22, 1983.

(Secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348))

Dated: April 12, 1983.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 83–10562 Filed 4–21–83; 8:45 am]

BILLING CODE 4160–01–M

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21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Virginiamycin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by SmithKline Animal Health Products providing for a 4.4 percent virginiamycin premix (20 grams virginiamycin activity per pound) for use in making medicated swine feed and broiler rations.

EFFECTIVE DATE: April 22, 1983.

FOR FURTHER INFORMATION CONTACT: Lonnie W. Luther, Bureau of Veterinary Medicine (HFV–128), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4317.

SUPPLEMENTARY INFORMATION: SmithKline Animal Health Products, Division of SmithKline Corp., 1500 Spring Garden St., Philadelphia, PA 19101, has filed a supplement to NADA 91–513 for Stafac 44 (virginiamycin 4.4 percent, 20 grams virginiamycin activity per pound). The supplement provides for a new premix concentration. The NADA previously provided for virginiamycin premix levels of 2.2 percent and 11 percent (Stafac 22 and Stafac 110).

The supplement is approved and the regulations are amended accordingly.

Approval of this supplement does not change the approved conditions of use of the drug. It permits use of a different premix concentration in addition to those previously approved. The use levels for virginiamycin in the feed remain the same. Approval does not require new effectiveness or safety data. Under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), this is a Category II supplemental approval which does not require reevaluation of the safety and effectiveness data in the original approval. In addition, a freedom of information summary for approval of the supplement is not required.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(iii) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 558.635 is amended by revising paragraph (b)(1) to read as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

§ 558.635 Virginiamycin.

* * * * *

(b) *Approvals.* (1) Premix levels of 2.2 percent (10 grams per pound), 4.4 percent (20 grams per pound), 11 percent (50 grams per pound), and 50 percent (227 grams per pound) granted to No. 000007 in § 510.600(c) of this chapter for use as in paragraph (f).

* * * * *

Effective date: April 22, 1983.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: April 12, 1983.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 83–10563 Filed 4–21–83; 8:45 am]

BILLING CODE 4160–01–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Ch. I

[FHWA Docket No. 83–4, Notice No. 4]

Truck Size and Weight Policy Statement

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Cancellation of certain interim designations.

SUMMARY: The FHWA has made an interim designation of certain highways in each State on the Federal-aid Primary System that must be made available to certain size trucks for the period from April 6 through October 3, 1983. By this notice the FHWA is cancelling the interim designation of those primary system highways in the States of Georgia, Pennsylvania, Vermont, and Alabama that had not been designated by those States. The agency will address the interim designation for qualifying primary system highways in these four

States in a separate proceeding, which will be instituted in the near future.

DATE: This cancellation is effective April 20, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Harry B. Skinner, Office of Traffic Operations, (202) 426–1993, or Mr. David C. Oliver, Office of the Chief Counsel, (202) 426–0825, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday, except legal holidays.

SUPPLEMENTARY INFORMATION: On April 5, 1983, (48 FR 14844) the FHWA published a notice of policy statement that designated, on an interim basis, qualifying Federal-Aid primary system (FAP) routes available to certain size vehicles pursuant to section 411 and 416 of the Surface Transportation Assistance Act of 1982 (STAA) (Pub. L. 97–424, 96 Stat. 2097), as amended by Pub. L. 98–17. The States of Georgia, Pennsylvania, Vermont, and Alabama have instituted actions in United States District Courts to enjoin that designation with respect to those primary system highways that had not been proposed for designation by the individual States in response to an earlier FHWA notice. One of the allegations in these suits was that the States had not had an opportunity to comment upon the safety of particular highway segments in the FHWA designations prior to their issuance.

To clarify the status of highways that will be open to the classes of vehicles covered by the STAA in light of the pending litigation and to accommodate some of the concerns of these States, the FHWA is cancelling the interim designation of all routes added by the FHWA in the April 5 notice beyond those designated by the four States. So that the public is aware of which highways will be open to these vehicles, we are setting out, in an Appendix to this notice, the FAP highways proposed for designation by Georgia, Pennsylvania, and Alabama. (Vermont did not propose for designation any primary highways.) We wish to emphasize that the entire Interstate System in these States remains open to the trucks authorized by the STAA.

The issue of interim qualifying primary system highways four these for States will be addressed in a proceeding that will be instituted in the near future. At that time the States and other interested parties will be able to submit comments on FHWA proposals for interim designations.

This cancellation affects only the States listed above. In other States that have concerns over the FHWA interim designations we are continuing discussions to resolve questions raised about the designations and to delete or add routes to accommodate States' concerns. Discussions have already been concluded with several States and a revised list of interim designations will be published shortly.

Issued on: April 20, 1983.

R. A. Barnhart,

Federal Highway Administrator, Federal Highway Administration.

APPENDIX.—STATE PROPOSED OTHER QUALIFYING HIGHWAYS

Posted route No	Route description
Alabama	
AL 152 (North Bypass)	In the City of Montgomery from I–65 northeasterly to Jackson Ferry Road.
Georgia	
GA 14 Spur	Near Atlanta, From I–85/I–285 interchange east to Welcome All Road.
GA 21	In Savannah, the W. F. Lynes Parkway—from GA 25 Spur southeasterly a distance of 6.2 miles.
GA 316	From I–85 easterly toward Lawrenceville, a distance of 5.1 miles.
GA 365	From I–85 northeasterly to Gainsville.
GA 400	Near Atlanta, from I–285 north to GA 369
GA 410	Stone Mountain Freeway from I–285 near Atlanta easterly to the Dekalb-Gwinnett County Line
GA 411	Near Columbus, the Linsey Creek Bypass from GA 22 south to U.S. 27/280.
Pennsylvania	
U.S. 1	From Morrisville to U.S. 13.
U.S. 13	Controlled access segment south from U.S. 1.
U.S. 15	From Pennsylvania Turnpike (I–76) Interchange 17 northeast to the Harrisburg Expressway south of Camp Hill.
U.S. 15	From PA 642 in Milton to the White Deer Exit at White Deer.
U.S. 15	Controlled access segment north of junction with U.S. 220 at Williamsport.
U.S. 22	From I–279 west to the PA-West Virginia St. Line east of Steubenville, Ohio.
U.S. 22	From west of PA 100 near Fogelsville east to the PA New Jersey St. Line at Easton.
U.S. 30	Greensburg Bypass south of Greensburg
U.S. 30	From a junction with PA 462 west of York to a junction with PA 462 east of Lancaster, excluding the four mile uncontrolled access segment north of York.
U.S. 119	Limited access Bypass west of Uniontown
U.S. 119	From Pennsville north of Pennsylvania Turnpike (I–76) Interchange 8 at New Staton.
U.S. 202	From the south terminus of the West Chester Bypass north and east to I–76 near King of Prussia.

APPENDIX.—STATE PROPOSED OTHER QUALIFYING HIGHWAYS—Continued

Posted route No.	Route description
U.S. 219	From vicinity of Pennsylvania Turnpike southeast of Somerset north to U.S. 422 west of Edensburg.
U.S. 219	From the PA-New York St. Line to just south of Bradford.
U.S. 220	From Pennsylvania Turnpike Interchange 11 north to King
U.S. 220	From PA 147 near Hails, north of Muncy, west to western terminus of controlled access segment at Linden.
U.S. 220	From just south the Athens north to NY 17 at the PA-New York St. Line
U.S. 222/422	Warren Street Bypass and Extension from Princetown Road north of Reading west to Wyomissing.
U.S. 322	Commodore Barry Bridge in Chester
U.S. 422	From eastern terminus of limited access segment southeast of Reading northwest to the Warren Street Bypass.
PA 9	Northeast Extension of Pennsylvania Turnpike from Exit 25 (I–276) southeast of Norristown to Exit 38 at I–81 north of Scranton.
PA 28	From PA 8 near Etna northeast to Creighton, east of the Pennsylvania Turnpike.
PA 33/U.S. 209	From U.S. 22 near Wilson north to I–80 at Interchange 46 near Stroudsburg via U.S. 209 at Snydersville.
PA 60/U.S. 422	From I–80 Interchange 1 southeast of Sharon south to including the New Castle Bypass.
PA 60	From PA 51 west of Beaver Falls south to U.S. 22, excluding the uncontrolled access segment near the Greater Pittsburgh International Airport.
PA 147	From I–80 Interchange 31 near Milton north to a junction with U.S. 220 at Halls north of Adamstown.
PA 222	From U.S. northeast of Lancaster to Pennsylvania Turnpike (I–76) Interchange 21 near Adamstown.
PA 283	From Junction of U.S. 30 north of Lancaster west to I–283 near the Pennsylvania Turnpike Interchange 19.
	Harrisburg Expressway (LR 767) from I–83 west to U.S. 11 west of Camp Hill.
	Airport Access Road (LR 1081 Spura) from PA 283 south to the Harrisburg International Airport at Middletown.
	Reading Outer Loop (LR 1035) from PA 183 near Leinbachs northeast to U.S. 222 near Tuckerton.
U.S. 6	From the Borough of Conneaut Lake east to just north of Meadville at the terminus of the North-South Bypass.
U.S. 11	From Pennsylvania Turnpike Interchange 16 east to the western terminus of the Harrisburg Expressway near Camp Hill.
U.S. 20	From I–90 Interchange 12 west to Northeast (PA 89).
U.S. 30	Uncontrolled access segment of York Bypass from North Hills Road west to a point one mile north of the junction of PA 74.
U.S. 119	Uncontrolled access segment northeast of Uniontown to Pennsville.
U.S. 119	Uncontrolled access segment from the Pennsylvania Turnpike (I–76) Interchange 8 to the Greensburg Bypass.

APPENDIX.—STATE PROPOSED OTHER QUALIFYING HIGHWAYS—Continued

Posted route No.	Route description
U.S. 202	From the PA-Delaware State Line north to West Chester Bypass.
U.S. 322	From the junction of I-83 and I-283 east to the junction of U.S. 422.
U.S. 422	From the junction of U.S. 322 east to the junction of LR 139 at the west end of Hershey.
PA 3	From West Chester Bypass (U.S. 202) east to Garrett Road at Upper Darby.
PA 13	Uncontrolled access segment from PA 413 west of Bristol northeast to the limited access segment just south of U.S. 1.
PA 42	From I-80 interchange 34 south to Bloomsburg at U.S. 11.
PA 51	From U.S. 119 near Uniontown north to the Monongahela River at Elizabeth.
PA 54	From I-80 interchange 33 south to Danville at U.S. 11.
PA 60	Uncontrolled access segment in the vicinity of the Greater Pittsburgh International Airport.
PA 61	From U.S. 222 near Tuckerton north to I-78 interchange 9 at Hamburg.
PA 93	From I-81 interchange 41 east and south to PA 924 at west end of Hazleton.
PA 114	From U.S. 11 near Hogestown north to I-81 interchange 18.
PA 132	From I-95 near Cornwells Heights northwest to Pennsylvania Turnpike Interchange 28 via U.S. 1 connection.
PA 924	From junction with PA 93 west to I-81 interchange 40 near Hazleton.
Vermont	
	None.

[FR. Doc. 83-10847 Filed 4-21-83; 8:45 am]
BILLING CODE 4910-22-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 885

[Docket No. R-82-982]

Housing for the Elderly or Handicapped; Amendment to Implement Cost Savings Procedures; Correction

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Final rule; correction.

SUMMARY: This document makes three technical amendments. It corrects a dollar amount stated as the per-unit cost limit for one bedroom units in non-elevator buildings in the final rule published on March 18, 1983 (48 FR 11432). It adds the category of moderate rehabilitation contracts to the description of contracts between borrowers and general contractors required by § 885.415(m) to be furnished before initial loan closing, consistent with a recent amendment to other provisions of Part 885 (47 FR 51565, November 16, 1982). It also adds one sentence to the paragraph concerning simplified cost certification to make it clear that verification by an independent Certified Public Accountant or an independent public accountant is necessary.

FOR FURTHER INFORMATION CONTACT: Grady J. Norris, Assistant General Counsel for Regulations, Department of Housing and Urban Development, Room 10276, 451 Seventh Street, SW., Washington, D.C. 20410. Telephone (202) 755-7055. (This is not a toll-free number.)

PART 885—[AMENDED]

Accordingly, the following corrections are made to FR Doc. 83-7090 appearing on 11432 in the issue of March 18, 1983:

§ 885.410 [Corrected]

1. On page 11435, column 2, in § 885.410(b)(2), "$24,862" is corrected to read "$24,662".

§ 885.415 [Corrected]

2. On page 11435, column 3, in § 885.415(m), "Construction or Substantial Rehabilitation Contract" is revised to read "Construction, Moderate Rehabilitation or Substantial Rehabilitation Contract."

3. On page 11436, column 2, paragraph (d) of § 885.425 is corrected to read as follows:

§ 885.425 Completion of acquisition with or without moderate rehabilitation, construction or substantial rehabilitation, execution of HAP contract, and cost certification and approvals by HUD.

* * * * *

(d) In lieu of the requirements set forth in paragraphs (c) (1) and (3) of this section, a simplified form of cost certification prescribed by the Secretary may be completed and submitted by the Borrower for projects with mortgages of $500,000 or less. The simplified cost certification shall be verified by an independent Certified Public Accountant or an independent public accountant in a manner acceptable to the Secretary. (Approved by the Office of Management and Budget under OMB control number 2502-0044.)

* * * * *

Dated: April 18, 1983.

Grady J. Norris,

Assistant, General Counsel for Regulations.

[FR Doc. 83-10698 Filed 4-21-83; 8:45 am]
BILLING CODE 4210-27-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 145

[T.D. 7887]

Excise Taxes; Extension of Payment Due Date for Certain Fuel Taxes

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document provides temporary regulations with respect to the extension of payment due date for certain fuel taxes. Changes to the applicable law were made by the Highway Revenue Act of 1982. These regulations affect certain qualified people and provide them with the guidance needed to comply with the law.

DATE: The regulations apply to certain fuel taxes due after March 31, 1983.

FOR FURTHER INFORMATION CONTACT: Ada S. Rousso of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-4336), not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

This document contains temporary regulations relating to the depositary requirements for fuel taxes paid by certain qualified persons under section 4081 of the Internal Revenue Code of 1954 (Code). These depositary requirements were amended by section 518 of the Highway Revenue Act of 1982 (Pub. L. 97-424, 96 Stat. 2097). The temporary regulations provided by this document will remain in effect until superseded by final regulations on this subject.

The Highway Revenue Act of 1982 (Act) was enacted as Title V of the Surface Transportation Assistance Act of 1982. Section 518(a) of the Act authorizes the Secretary to prescribe regulations which permit any qualified person whose liability for tax under section 4081 of the Code is payable with respect to semimonthly periods to have a due date of 14 days after the close of each semimonthly period if payment is made by wire transfer to any government depositary authorized under section 6302(c) of the Code.

Section 518(b) of the Act defines "qualified person" as (1) one whose average daily production of crude oil for the preceding calendar quarter does not

exceed 1,000 barrels, and (2) any independent refiner (within the meaning of section 4995(b)(4) of the Code). In addition, section 518(b)(2) of the Act provides that in determining whether any person's production exceeds 1,000 barrels per day, aggregation rules similar to the rules of section 4992(e) of the Code shall apply.

Where the 14th day after the close of a semimonthly period falls on a Saturday, Sunday, or legal holiday in the District of Columbia, section 518(c) of the Act provides a special rule whereby the due date for payment of fuel taxes shall be the immediately preceding day which is not a Saturday, Sunday or legal holiday in the District of Columbia.

Need for Temporary Regulations

There is a need for immediate guidance with respect to the provisions contained in this Treasury decision. For this reason, it is found impracticable to issue it with notice and public procedure under subsection (b) of section 553 of Title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

Special Analyses

No general notice of proposed rulemaking is required by 5 U.S.C. 553(b) for temporary regulations. Accordingly, the Regulatory Flexibility Act does not apply and no Regulatory Flexibility Analysis is required for this rule. The Commissioner of Internal Revenue has determined that these temporary regulations are not subject to Executive Order 12291.

Drafting Information

The principal author of this regulation is Ada S. Rousso of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

List of Subjects in 26 CFR Part 145

Extended due date for payment of certain fuel taxes, Floor stocks refunds, Floor stocks tax, Highway Revenue Act of 1982, Excise taxes.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR Part 145 is amended as follows:

PART 145—[AMENDED]

There is added in its appropriate place the following new section:

§ 145.3–1 Extension of payment due date for certain fuel taxes.

(a) *In general.* For qualified persons whose liability for tax under section 4081 arises after March 31, 1983, and is payable with respect to semimonthly periods, the due date for each payment is 14 days after the close of the semimonthly period if the payment is made by wire transfer to any government depositary authorized by the Secretary under section 6302(c) and § 48.6302(c)–1(c)(3) relating to the use of government depositaries (or, if the payment is made by transfer between accounts in the same government depositary).

(b) *Qualified person.* For purposes of paragraph (a) of this section, the term "qualified person" means any person whose average daily production of crude oil for the preceding calendar quarter does not exceed 1,000 barrels, or any independent refiner within the meaning of section 4995(b)(4) and § 51.4996–1(h) relating to independent refiners.

(c) *Aggregation rules.* To determine under paragraph (b) of this section whether any person's production exceeds 1,000 barrels per day, the rules of section 4992(e) relating to allocation within related groups shall apply. Thus, for persons who are members of the same related group (within the meaning of section 4992(e)(2)) at any time during the preceding calendar quarter, the 1,000 barrel amount will be reduced for each such person by allocating such amount among all such persons in accordance with the rules of section 4992(e).

(d) *Special rule where 14th day falls on Saturday, Sunday, or legal holiday.* If the payment due date under this section falls on a Saturday, Sunday or legal holiday in the District of Columbia, the due date shall be the immediately preceding day which is not a Saturday, Sunday or legal holiday in the District of Columbia.

(e) *Effective date.* This section will apply to payments due after March 31, 1983.

This Treasury decision is issued under the authority contained in Section 518 of the Highway Revenue Act of 1982 (96 Stat. 2097) and section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917, 26 U.S.C. 7805).

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: April 15, 1983.

John E. Chapoton,

Assistant Secretary of the Treasury

[FR Doc. 83-10764 Filed 4-19-83; 3:40 pm]

BILLING CODE 4830-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 198

[DoD Directive 2001.1]

Visits by Foreign Dignitaries

AGENCY: Office of the Secretary, DoD.

ACTION: Final rule.

SUMMARY: This final rule has been issued to establish uniform DoD policies, assign responsibilities, and provide guidance regarding the expenditure of DoD funds for expenses associated with hosting foreign dignitaries who are visiting the United States as officially invited guests of the Department of Defense.

EFFECTIVE DATE: This rule was approved and signed by the Deputy Secretary of Defense on September 15, 1982, and is effective as of that date.

FOR FURTHER INFORMATION CONTACT: Mr. Arthur H. Ehlers, Director for Organizational and Management Planning, Office of the Deputy Assistant Secretary of Defense (Administration), Washington, D.C. 20301, telephone 202–695–4278.

SUPPLEMENTARY INFORMATION: This rule is being submitted in compliance with 5 U.S.C., Section 552(a)(1)(D) and 1 CFR 305.76–2.B.

List of Subjects in 32 CFR Part 198

Foreign dignitaries, Invitations and visits to the United States, DoD funding for visits by foreign dignitaries.

Accordingly, 32 CFR, Chapter I, is amended by adding a new Part 198, reading as follows:

PART 198—VISITS BY FOREIGN DIGNITARIES

Sec.

198.1 Purpose.
198.2 Applicability.
198.3 Policy.
198.4 Responsibilities.
198.5 Funding Guidelines for Visits by Foreign Dignitaries.

Authority: Title 10, United States Code.

§ 198.1 Purpose.

This Part establishes policies and assigns responsibilities governing the use of DoD funds expended for foreign dignitaries visiting the United States as officially invited guests of the Department of Defense.

§ 198.2 Applicability.

The provisions of this Part apply to the Office of the Secretary of Defense, the Military Departments, the

Organization of the Joint Chiefs of Staff, the Unified and Specified Commands, and the Defense Agencies (referred to collectively as "DoD Components"). The term "Military Services," as used herein, refers to the Army, Navy, Air Force, and Marine Corps.

§ 198.3 Policy.

(a) Invitations to foreign dignitaries to visit the United States at the expense of the Department of Defense shall be extended only by the Secretary of Defense, Deputy Secretary of Defense, Secretaries of the Military Departments, Chairman of the Joint Chiefs of Staff, and Service Chiefs. At their discretion, these officials may delegate, in writing, to other senior DoD officials the authority to host such visits.

(b) To the extent possible, invitations shall be limited to foreign counterparts of the officials designated in § 198.3(a) above, his or her spouse, and no more than two accompanying staff officials. In addition:

(1) Transportation to and from the United States normally shall be the responsibility of the visiting dignitary.

(2) The invitation normally shall be for a period of not more than 10 days.

(3) The tour itinerary shall be based upon the purpose of the visit as determined by the inviting official in coordination with the foreign dignitary.

(4) Whenever possible, travel within the United States shall be by U.S. military aircraft.

(5) U.S. personnel travelling with the official party shall be limited to the minimum number necessary to provide escort, interpreting, security, or other essential services which may be necessary to accomplish the purpose of the visit.

(6) When desired by the foreign official, and in the interests of the Department of Defense, the local Defense or Service Attache may be included in the official party at the discretion of the inviting official.

(c) Unless other funds are specifically authorized for use, financial obligations incurred incident to visits by foreign dignitaries shall be funded from accounts established under the emergency and extraordinary expense limitation contained in the annual operations and maintenance appropriations of the DoD Components. Utilization of these funds shall be consistent with the provisions of DoD Directive 7250.13 and the following:

(1) Expenses normally shall be charged to the accounts of the inviting official's Component. However, when a visit is assigned to a Military Service or the Defense Intelligence Agency under § 198.4(c) below, the designated executive agent shall be responsible for the costs of carrying out the assignment, except for the following:

(i) Expenses incurred in connection with those parts of the visit that are to a DoD installation of another DoD Component, or an industrial facility performing activities related to another DoD Component. These expenses shall be charged to the accounts of the DoD Component visited.

(ii) Expenses incurred in connection with those parts of the visit that are to nonmilitary installations located in the National Capital Region, other points of national interest that are included in the itinerary as a courtesy to the foreign dignitary, and visits to DoD installations solely for the purpose of indoctrination. These expenses shall be charged to the accounts of the Secretary of Defense or Chairman of the Joint Chiefs of Staff, as appropriate.

(2) Guidelines for the type of expenditures for which DoD funds may and may not be used are at § 198.5.

§198.4 Responsibilities.

(a) The *Secretary or Deputy Secretary of Defense, Secretaries of the Military Departments,* and *Chairman of the Joint Chiefs of Staff* are responsible for the overall policy, administration, and approval of expenditures for foreign dignitaries visiting the United States as officially invited guests of the Department of Defense. This responsibility may be delegated to a senior official within their respective organizations.

(b) The *Assistant Secretary of Defense (International Security Affairs)* and the *Assistant Secretary of Defense (International Security Policy)* shall advise the Secretary of Defense and provide policy guidance regarding politico-military matters in their respective geographical and functional areas of responsibility as they pertain to visits by foreign dignitaries.

(c) The *Heads of the Military Services and the Defense Intelligence Agency,* or designees, upon request by the authorities designated in § 198.4(d) and (e), below, shall serve as executive agents for making support service arrangements for foreign dignitaries visiting the United States at the invitation of the Secretary of Defense, Deputy Secretary of Defense, and Chairman of the Joint Chiefs of Staff or their authorized designees.

(d) The *Executive Secretary of the Department of Defense* shall serve as the single point of contact within the Office of the Secretary of Defense to coordinate the tasking of executive agents for visits hosted by the Secretary of Defense and Deputy Secretary of Defense or their authorized designees.

(e) The *Director of the Joint Staff* shall serve as the single point of contact within the Organization of the Joint Chiefs of Staff to coordinate the tasking of executive agents for visits hosted by the Chairman of the Joint Chiefs of Staff or his authorized designees.

(f) The *Executive Secretary, DoD,* and the *Director of the Joint Staff* shall task an executive agent promptly, in writing, and shall include in the written tasking the purpose of the visit and available guidance regarding DoD activities, contractor facilities, and national points of interest to be visited.

(g) *Heads of DoD Components,* or their designees, authorized to expend DoD funds for visits by foreign dignitaries shall monitor their use to ensure that the highest order of propriety and integrity is maintained and that the provisions of this Part and DoD Directive 7250.13 are carefully followed.

§ 198.5 Funding guidelines for visits by foreign dignitaries.

(a) DoD funds used to defray expenses associated with visits by foreign dignitaries must be expended in a manner which ensures that the policy objectives of the United States and the interest of the U.S. taxpayer jointly are served.

(b) This requires the exercise of sound judgment and discretion on the part of all DoD personnel engaged in planning and conducting visits by foreign dignitaries. Accordingly, the following guidelines are provided to assist in making decisions regarding the use of DoD funds.

(1) Expenses for the official party, to include authorized U.S. escort officers, may be paid for the following:

(i) Lodging;

(ii) Meals and refreshments;

(iii) Gratuities for services rendered by nongovernment personnel;

(iv) Official communications;

(v) Taxi fares or rental vehicle fees when government transportation is not available;

(vi) Valet services, such as laundry and dry cleaning, which would normally not have been incurred except for travel associated with the official visit; and

(viii) Entertainment, such as theaters, sports activities and events, concerts, and sightseeing tours.

(2) Expenses may not be paid for the following:

(i) Items of a personal nature, such as clothing, toilet articles, cigarettes, hair and beauty care, shoeshines, souvenirs;

(ii) Personal long distance telephone calls; and

(iii) Gifts or flowers to be presented by the foreign dignitary.

(3) These guidelines are not all inclusive, but are indicative of the nature of items for which DoD funds may and may not be used. In dealing with cases not covered above, individual judgment must be used, employing the above guidelines as a basis for evaluating the particular circumstances and conditions involved.

Dated: April 28, 1983.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc 83-10751 Filed 4-21-83, 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 50

National Capital Parks Regulations; Demonstrations in the White House Area

AGENCY: National Park Service, Interior.

ACTION: Interim rule with request for comments.

SUMMARY: This interim rule with requests for comments amends § 50.19 of Title 36 of the Code of Federal Regulations concerning demonstrations and special events in the National Capital Parks to prohibit signs or placards on the White House sidewalk except those that are carried by an individual. The interim rule also amends § 50.19 of Title 36 of the Code of Federal Regulations and § 50.7(h) of the same title concerning storage of materials in park areas to prohibit the placement or storage of parcels, containers, packages, bundles or other property on the sidewalks surrounding the White House.

DATES: This interim rule is effective April 22, 1983, and will remain in effect until revoked, replaced or modified by a final rulemaking publication. Written comments, suggestions, or objections regarding this interim rule will be accepted until May 23, 1983.

ADDRESS: Written comments regarding this interim rule should be sent to Manus J. Fish, Jr., Regional Director, National Capital Region, National Park Service, 1100 Ohio Drive, S.W., Washington, D.C. 20242.

FOR FURTHER INFORMATION CONTACT: Sandra Alley, Associate Regional Director, Public Affairs, National Capital Region, National Park Service, 1100 Ohio Drive, S.W., Washington, D.C. 20242, telephone (202) 426-6700; Richard G. Robbins, Assistant Solicitor, National Capital Parks, Office of the Solicitor, Department of the Interior, Washington, D.C. 20240, telephone (202) 343-4338.

SUPPLEMENTARY INFORMATION: The following persons participated in the writing of this rule: Richard G. Robbins and Patricia S. Bangert, Office of the Solicitor, Department of the Interior.

Background

Recent events in the Memorial Core parks have increased security concerns for the White House and the President. On December 8, 1982, an individual backed a truck up to the Washington Monument and threatened to blow up the structure with 1,000 pounds of dynamite that he allegedly had stored in the truck. The incident, occurring a mere three blocks from the White House, highlighted the threat that could be potentially caused to the White House and the President by one determined individual.

Since the incident, the National Park Service, along with other law enforcement agencies, have reviewed present regulations applicable to the White House area to determine if regulatory changes could aid in minimizing potential threats to the structure and its occupants. Two areas of concern became evident in that review—signs or placards stationed on the White House sidewalk and parcels, containers, packages, bundles and other property placed or stored on the White House sidewalk and other sidewalks surrounding the structure. (The term White House sidewalk is defined in 36 CFR 50.19(a)(5) as "the south sidewalk of Pennsylvania Avenue, NW., between East and West Executive Avenues, NW.".)

Signs or placards leaning against the White House fence, and parcels and other property placed or stored on the sidewalks, especially those left unattended, represent potential threats to the security of the area. For example, both can potentially conceal explosives or other contraband and both can potentially be used to scale the White House fence. In fact, the Secret Service reports a recent incident in which a large sign was used to facilitate the scaling of the fence.

In addition to security concerns, experience with the recent proliferation of signs or placards and parcels and other property stationed and stored on the White House sidewalk has demonstrated that the policy of allowing such activity impedes the free flow of pedestrian and emergency traffic by and through the White House and significantly diminishes the White House experience for park visitors. For example, two individuals who have in the past and are presently maintaining a daily demonstration in front of the White House have had as many as twenty-five signs or placards leaning against the White House fence. In addition to the signs, paper bags, suitcases and other pracels containing personal belongings obstruct the view of the White House and impede the flow of pedestrian traffic.

It is the judgment of the National Park Service that certain restrictions can be placed upon the stationing of signs or placards and placement or storage of parcels and other property on the White House sidewalk which would enhance the park visitor's experience in viewing the White House and respond to security concerns without impairing the demonstrator's ability to convey a message.

Regulatory Changes

To accomplish the purpose of minimizing potential threats to the White House and the President, and for the other purposes outlined above, the National Park Service is amending present regulations to prohibit signs or placards on the White House sidewalk, except those that are being hand-carried by an individual. The regulation, then, is not applicable to other parks where demonstrations are permitted. (Demonstrations are not permitted on other sidewalks contiguous to the White House. 36 CFR 50.19(c)(1).)

The interim rule would not prohibit the carrying of a sign or placard during demonstrations on the White House sidewalk. Further, it would not place any restriction on the size of the sign or placard, as long as it is in fact being held or carried by an individual. The interim rule would prohibit signs or placards that are not held or carried by individuals, for example, signs that are leaned against the White House fence, signs that are left unattended on the White House sidewalk and signs that are supported by other structures. In fact, the interim rule does not dramatically change the present regulatory scheme—temporary structures are presently prohibited on the White House sidewalk under 36 CFR 50.19(e)(8).

The National Park Service believes that there is a substantial government interest in regulating the use of signs or placards on the White House sidewalk. Signs or placards not hand-carried and those left unattended cannot be easily moved in emergency situations. Signs or placards leaning against the White House fence may conceal dangerous

materials, obscure the view of law enforcement personnel and create other security problems. For example, a sign affixed to a large structure caught fire several weeks ago, seriously damaging the fence and granite post in front of the Old Executive Office Building, a few feet from the White House sidewalk and fence.

In addition, signs or placards leaning against the White House fence can obscure the view of the White House for the thousands of park visitors. Signs or placards stationed on the sidewalk also incommode the passageway and sometimes cause difficulty in maintaining smooth pedestrian flow, which may include park visitors and persons having business in the area.

The interim rule also prohibits the placement or storage of parcels, containers, packages, bundles or other property on the White House sidewalk, the west sidewalk of East Executive Avenue, N.W. between Pennsylvania Avenue, N.W. and E Street, NW., and the north sidewalk of E Street, NW. between East and West Executive Avenues, NW. The rule will not interfere with an individual who is carrying a parcel or other property along the sidewalk. In fact, it will not even subject an individual setting a parcel or other property down on the sidewalk or attending structures for up to one hour to law enforcement action unless that individual either refuses law enforcement personnel requests to search the property, or leaves the property unattended.

The National Park Service concludes, however, that when a parcel, container, package, bundle or other property is placed or stored on the sidewalks contiguous to the White House, potential security problems are created. In addition, the National Park Service concludes that parcels and other property, like signs or placards, may obscure the view of the White House by park visitors and law enforcement personnel, may be difficult to move when the sidewalk must be cleared in an emergency and may incommode the sidewalk and interfere with visitor and business pedestrian traffic.

The National Park Service believes that these minor restrictions on the stationing of signs or placards and the placement or storage of parcels, containers, packages, bundles or other property serve substantial government interests in maintenance of the security of the White House, preservation of the park experience for park visitors, and free passage of pedestrian traffic by and through the White House. The regulation is written in a neutral manner such that all persons are prohibited from stationing signs or placards or storing parcels or other property on the sidewalks surrounding the White House. In addition, it is unrelated to the suppression of free expression and the incidental impact on First Amendment freedoms is only as great as is essential to serve the substantial government interests in security, aesthetics and free passage of pedestrian traffic. Further, the interim rule applies only to sidewalks contiguous to the White House. A substantial number of alternative forums exist close to the White House sidewalks where these restrictions do not apply.

Public Participation

The policy of the Department of the Interior is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the interim rule to the address noted at the beginning of the rulemaking within the time period specified.

Impact Analysis

The National Park Service has determined that this document is not a major rule requiring preparation of a Regulatory Impact Analysis under Executive Order 12291. The National Park Service has also determined that the interim rule will not have a significant economic impact on a substantial amount of small entities and, therefore, does not require a small entity flexibility analysis under Pub. L. 96–354. The interim rule merely places restrictions on the stationing of signs or placards and parcels and other property on sidewalks contiguous to the White House. It will have no substantial impact on any aspect of the economy.

The National Park Service has further determined that this interim rule is not a major Federal action significantly affecting the quality of the human environment.

List of Subjects in 36 CFR Part 50

District of Columbia, National Parks, National Capital Parks.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

Date approved: April 6, 1983.

PART 50—NATIONAL CAPITAL PARKS REGULATIONS

In consideration of the foregoing, §§ 50.19 and 50.7 of Title 36 of the Code of Federal Regulations are accordingly amended.

1. The authority citation for Part 50 reads as follows:

Authority: Sec. 6, Act of July 1, 1898 (30 Stat. 571); secs. 1–3, Act of August 25, 1916 (39 Stat. 535, as amended); sec. 16, Act of March 3, 1925 (43 Stat. 1126, as amended); Act of March 17, 1948 (62 Stat. 81); Act of August 8, 1953 (67 Stat. 495); Act of July 1, 1980 (94 Stat. 872); 16 U.S.C. 1–3; D.C. Code 8–137 (1981); D.C. Code 40–721 (1981).

§ 50.19 [Amended]

2. Section 50.19 is amended by redesignating paragraphs (e)(9) through (11) as (e)(11) through (13) and adding new paragraphs (e)(9) and (e)(10) to read as follows:

* * * * *

(e) * * *

(9) No signs or placards shall be permitted on the White House sidewalk except those signs or placards that are held or worn by an individual.

(10) No parcel, container, package, bundle or other property shall be placed or stored on the White House sidewalk or on the west sidewalk of East Executive Avenue, NW., between Pennsylvania Avenue, NW., and E Street, NW., or on the north sidewalk of E Street, NW., between East and West Executive Avenues, NW.; Provided, however, that a parcel, container, package, bundle or other property, except structures, may be set down on these sidewalks for a maximum of one hour if it is attended at all times within that time period, and law enforcement personnel are permitted to search the property.

* * * * *

§ 50.7 [Amended]

3. Section 50.7(h) is amended by redesignating the existing paragraph as paragraph "(1)" and by adding a paragraph "(2)", as follows:

* * * * *

(h) *Storage.* (1) * * *

(2) No parcel, container, package, bundle or other property shall be placed or stored on the White House sidewalk, as that term is defined in § 50.19(a)(5) of this part, or on the west sidewalk of East Executive Avenue, NW., between Pennsylvania Avenue, NW., and E Street, NW., or on the north sidewalk of E Street, NW., between East and West Executive Avenues, NW.; Provided,

however, that a parcel, container, package, bundle or other property, except structures, may be set down on any of these sidewalks for a maximum of one hour if it is attended at all times within that time period, and law enforcement personnel are permitted to search the property.

[FR Doc. 83-10750 Filed 4-21-83; 8:45 am]
BILLING CODE 4310-70-M

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

36 CFR Part 902

Freedom of Information Act Nomenclature Change

AGENCY: Pennsylvania Avenue Development Corporation.

ACTION: Final rule.

SUMMARY: Responsibility for administration of the Corporation's Freedom of Information Act regulations is changed from the Public Information Officer to the Administrative Officer.

EFFECTIVE DATE: October 14, 1983.

FOR FURTHER INFORMATION CONTACT: Madeleine B. Schaller, Attorney, Pennsylvania Avenue Development Corporation, 425 13th Street, NW., Washington, D.C. 20004, (202) 566-1078.

PART 902—FREEDOM OF INFORMATION ACT

The following sections are amended by removing "Public Information Officer" and substituting in lieu thereof "Administrative Officer": § 902.10; § 902.11; § 902.12 (a) and (b); § 902.13; § 902.15(a); § 902.31(b); § 902.41 (a)(3) and (b); § 902.60 (a) and (b); § 902.70; § 902.83 (a) and (b);

(40 U.S.C. 875; 5 U.S.C. 552, as amended)

Dated: April 1, 1983.

Thomas J. Regan, Jr.,

Executive Director.

[FR Doc. 83-10723 Filed 4-21-83; 8:45 am]
BILLING CODE 7630-01-M

POSTAL SERVICE

39 CFR Part 601

Procurement of Property and Services; Amendments to Postal Contracting Manual

AGENCY: Postal Service.

ACTION: Amendments to the Postal Contracting Manual.

SUMMARY: The Postal Service announces a number of changes to the Postal Contracting Manual, most of which are made to comply with Pub. L. 97-306, the Veterans' Compensation, Education, and Employment Amendments of 1982. The requirements of the statute applicable to the Postal Service include those related to the affirmative action obligations and mandatory listing of jobs by Federal contractors, and the filing of affirmative action plans by Federal entities for hiring, placement, and advancement of disabled veterans. Certain editorial changes were also made to the language of the sections changed.

EFFECTIVE DATE: April 19, 1983.

FOR FURTHER INFORMATION CONTACT: Eugene A. Keller, (202) 245-4818.

SUPPLEMENTARY INFORMATION: The Postal Contracting Manual, which is incorporated by reference in the **Federal Register** (see 39 CFR 601.100), has been amended by the issuance of PCM Circular 83-2, dated April 19, 1983.

In accordance with 39 CFR 601.105, notice of these changes is hereby published in the **Federal Register** and the text of the changes is filed with the Director, Office of the Federal Register. Subscribers to the basic manual will receive these amendments from the Postal Service. (For other availability of the Postal Contracting Manual, see 39 CFR 601.104.)

List of Subjects in 39 CFR Part 601

Government procurement.

Explanation of these amendments to the Postal Contracting Manual follows:

Explanation of Changes

1. PCM 7-104.48, Affirmative Action for Disabled Veterans and Veterans of the Vietnam Era, is changed to correct an omission and deletes paragraph (d) of the veteran's clause in accordance with a Department of Labor notice published in 47 FR 4258.

2. PCM 12-1100 is changed to meet the requirements of Pub. L. 97-306.

3. PCM 12-1102(a) is changed to reflect the text of the Department of Labor regulation (41 CFR 60-250.2) implementing Pub. L. 97-306.

4. PCM 12-1102 (d) and (e) are changed to reflect the exemption provisions of Pub. L. 97-306.

Editorial changes were made in 7-104.48 and 12-1102 (a), (d), and (e) under the Clear-Language Project of the Procurement and Supply Department's Procurement-Modernization Program.

(5 U.S.C. 552(a), 39 U.S.C. 401, 404, 410, 411)

Fred Eggleston,

Assistant General Counsel, Legislative Division.

[FR Doc. 83-10715 Filed 4-21-83; 8:45 am]
BILLING CODE 7710-12-M

39 CFR Part 601

Procurement of Property and Services; Amendments to Postal Contracting Manual

AGENCY: Postal Service.

ACTION: Amendments to the Postal Contracting Manual.

SUMMARY: The Postal Service announces that the Informal Purchasing Limit was raised from $20,000 to $25,000 because the old limit was outdated. In addition, an error in the explanation of changes in PCM Circular 82-1 is corrected, and references are made to Form 7334.

EFFECTIVE DATE: January 13, 1983.

FOR FURTHER INFORMATION CONTACT: Eugene A. Keller, (202) 245-4818.

SUPPLEMENTARY INFORMATION: The Postal Contracting Manual, which has been incorporated by reference in the **Federal Register** (See 39 CFR 601.100), has been amended by the issuance of PCM Circular 83-1, dated January 13, 1983.

In accordance with 39 CFR 601.105, notice of these changes is hereby published in the **Federal Register** and the text of the changes is filed with the Director, Office of the Federal Register. Subscribers to the basic manual will receive these amendments from the Postal Service. (For other availability of the Postal Contracting Manual, see 39 CFR 601.104).

List of Subjects in 39 CFR Part 601

Government procurement, Incorporation by reference.

Explanation of these amendments to the Postal Contracting Manual follows:

Explanation of Changes

1. In PCM Circular 82-1 (9/13/82), Explanation of Changes, policy change 2 misstated the dollar threshold (as $100,000) above which solicitations for construction contracts are subject to legal review. The threshold is $150,000.

2. On 1/13/83, the Informal Purchasing Limit was raised from $20,000 to $25,000 in a *Postal Bulletin* article. This circular revises the *Postal Contracting Manual* to reflect that change.

3. Reference is made to Form 7334, Order-Invoice-Voucher, August 1975 edition in PCM 18-301.3 (a) and (b).

(5 U.S.C. 552(a), 39 U.S.C. 401, 404, 410, 411)

Fred Eggleston,

Assistant General Counsel, Legislative Division.

[FR Doc. 83-10745 Filed 4-21-83; 8:45 am]
BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 50

[A-FRL-2207-5]

National Ambient Air Quality Measurement Methodology

Correction

In FR Doc. 83-32848 beginning on page 54896 in the issue of Monday, December 6, 1982, make the following corrections:

Appendix A—[Corrected]

The following corrections should be made to Appendix A of 40 CFR Part 50:

1. On page 54899, middle column, paragraph 3.1, ninth line, "25 μg SO_2m^3" should have read "25 μg SO_2/m^3".

2. On page 54903, third column, paragraph 8.2.8, eleventh line, "1 N NCl" should have read "1 N HCl".

3. On page 54904, middle column, sixth line from the top, "5° C.[16]" should have read "5°C.(16)".

4. On page 54904, third column, the equation should have been labeled as Equation 5.

5. On page 54905, first column, thirteenth line, "below 25μγSO_2/m^3. (89)." should have read "below 25 μg SO_2/m^3. (8, 9)."

6. On the same page, second column, paragraph 9.3, ninth line, "15±110° C." should have read "15±10° C.".

7. On page 54907, first column, under Equation 6, in the list of symbols, correct "$P_{H_2}0$" and "P_{H_20}" to read "P_{H_2O}".

8. Same page, center column, nine lines from the bottom, "absorbance future" should have read "absorbance during future".

9. Same column, in the third and fourth lines from the bottom, "=A" should have read "A" in both places.

10. Same page, third column, the table should have read as follows:

Sulfite-TCM Solution	Volume of Sulfite-TCM Solution, mL	Volume of TCM, mL	Total μg SO_2 (Approx.)*
working	4.0	6.0	28.8
working	3.0	7.0	21.6
working	2.0	8.0	14.4
dilute working	10.0	0.0	7.2
dilute working	5.0	5.0	3.6
-	0.0	10.0	0.0

*Based on working sulfite-TCM solution concentration of 7.2 μg SO_2/mL; the actual total μg SO_2 must be calculated using equation 11 below.

11. In the twelfth line below the table, "±° C." should have read "±1° C.".

12. Same column, Equation 11 should have read as follows:

$$\mu g\ SO_2 = V_{TCM/SO_2} \times C_{TCM/SO_2} \times D \qquad (11)$$

where

V_{TCM/SO_2} = volume of sulfite-TCM solution used, mL;

C_{TCM/SO_2} = concentration of sulfur dioxide in the working sulfite-TCM, μg SO_2/mL (from equation 4); and

D = dilution factor (D = 1 for the working sulfite-TCM solution; D = 0.1 for the diluted working sulfite-TCM solution).

13. On page 54908, first column, the caption for paragraph 10.3 now reading *"Dynamic California Procedures"* should have read *"Dynamic Calibration Procedures"*.

14. Same page, second column, under Equation 12, the list of symbols, "O_d" and "O_p" should have read "Q_d" and "Q_p".

15. Page 54910, center column, fourth line from the top, "O_s" should have read "Q_s".

16. Same column, eleventh line from the top "at ° ±5° C." should have read "at 5° ±5° C."

17. Same page, third column, fourth line from the bottom, "micrograms to" should have read "micrograms of".

18. Page 54911, first column, under Equation 20, in the list of symbols, "Q_7" should have read "Q_i", and in the entry for Q_f, "sampling is" should have read "sampling in".

19. Same column, at the bottom of the Data Form, "Σxy=_____ Σx^2=_____" should have read "Σxy_____ Σy^2_____".

20. Same page, center column, in the caption for paragraph 12.5, remove "αT1".

21. Same column, under paragraph 13.2, in entry 5, "After hours" should have read "After 24 hours".

Appendix B—[Corrected]

The following corrections should be made to Appendix B of 40 CFR Part 50:

1. Same column, in paragraph 7.9.1, "±° C" should have read "±3° C".

2. Page 54914, first column, paragraph 8.6, ninth line, "loaded in" should have read "loaded and unloaded in".

3. Same column, paragraph 8.10, "start and stop and" should have read "start and stop".

4. Page 54915, second column, paragraph 9.3.7, "$\sqrt{\Delta H(P_2/P_{std})(298/T_2)}$" should have read "$\sqrt{\Delta H(P_2/P_{std})(298/T_2)}$".

5. In the same paragraph, "$Q_{std}=1/m\sqrt{\Delta H(P_2/P_{std})(298/T_2)}-b$" should have read "$Q_{std}=1/m\sqrt{\Delta H(P_2/P_{std})(298/T_2)-b}$".

6. Same column, in paragraph 9.3.9, twenty fifth line, "(750 mm" should have read "(760 mm".

7. On page 54917, first column, the equation in paragraph 10.2 should have read as follows:

$$V-Q_{std}\times t$$

Appendix C—[Corrected]

The following correction should be made to Appendix C of 40 CFR Part 50:

On page 54922, third column, the equation at the top of the page should have read as follows: $V=Q_{std}\times t$

$$[CO]_{OUT} = \frac{[CO]_{STD} \times F_{CO}}{F_D + F_{CO}}$$

BILLING CODE 1505-01-M

40 CFR Part 60

[A-2-FRL-2351-5]

Air Pollution Control; Standards of Performance for New Stationary Sources; Delegation of Authority to the Commonwealth of Puerto Rico

AGENCY: Environmental Protection Agency.

ACTION: Notice of delegation of authority.

SUMMARY: This notice announces the delegation of authority by the Environmental Protection Agency to the Commonwealth of Puerto Rico to implement and enforce additional source categories of the Standards of Performance for New Stationary Sources (NSPS). This delegation was requested by the Puerto Rico Environmental Quality Board (EQB).

NSPS is an air pollution control requirement set under the Clean Air Act. NSPS are applicable to certain categories of new air pollution sources.

EFFECTIVE DATE: This action is effective April 22, 1983.

FOR FURTHER INFORMATION CONTACT: Francis W. Giaccone, Chief Air Facilities Branch, Air & Waste Management Division, Region II Office, 26 Federal Plaza, New York, New York 10278, (212) 264–9627.

SUPPLEMENTARY INFORMATION: Section 111(c) of the Clean Air Act directs the Administrator of the Environmental Protection Agency (EPA) to delegate EPA's authority to implement and enforce Standards of Performance for New Stationary Sources (NSPS) to any state which has submitted adequate procedures. Nevertheless, the Administrator still retains concurrent authority to enforce the standards following delegation of authority to a state.

On June 8, 1982 the Chairman of the Puerto Rico Environmental Quality Board (EQB) requested that the EPA delegate to that Board the authority to implement and enforce certain additional source categories of NSPS. The following is a complete listing of NSPS delegated to the EQB. The source categories now being delegated by today's action are identified with an asterisk(*).

D Fossil-Fuel Fired Steam Generators for Which Construction Commenced After August 17, 1971 (Steam Generators and Lignite Fired Steam Generators)
*Da Electric Utility Steam Generating Units for Which Construction Commenced After September 18, 1978
E Incinerators
F Portland Cement Plants
G Nitric Acid Plants
H Sulfuric Acid Plants
I Asphalt Concrete Plants
J Petroleum Refineries—(Process Gas Combustion, Catalytic Regenerators)
*J Petroleum Refineries—(Sulfur Recovery)
K Storage Vessels for Petroleum Liquids Constructed After June 11, 1973 and Prior to May 19, 1978
*Ka Storage Vessels for Petroleum Liquids Constructed After May 18, 1978
L Secondary Lead Smelters
M Secondary Brass and Bronze Ingot Production Plants
N Iron and Steel Plants
O Sewage Treatment Plants
P Primary Copper Smelters
Q Primary Zinc Smelters
R Primary Lead Smelters
S Primary Aluminum Reduction Plants
T Phosphate Fertilizer Industry: Wet Process Phosphoric Acid Plants
U Phosphate Fertilizer Industry: Superphosphoric Acid Plants
V Phosphate Fertilizer Industry: Diammonium Phosphate Plants
W Phosphate Fertilizer Industry: Triple Superphosphate Plants
X Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities
Y Coal Preparation Plants
Z Ferroalloy Production Facilities
AA Steel Plants: Electric Arc Furnaces
*BB Kraft Pulp Mills
*CC Glass Manufacturing Plants
*DD Grain Elevators
*GG Stationary Gas Turbines
*HH Line Plants

EPA's Findings

EPA's determination that the delegation request should be approved is based on the Agency's review of the Puerto Rico Public Policy Environmental Act, Law No. 9 of 1970, 12 L.P.R.A. Sec. 1121, et. seq. and on the Puerto Rico Regulation for the Control of Atmospheric Pollution. EPA determined that such delegation is, therefore, appropriate and so notified the chairman of the EQB, in a letter dated November 19, 1982. This letter identifies the conditions under which delegation would be approved. EQB, in a letter dated January 5, 1983, requested that the EPA approve minor revisions to some of the conditions for delegation. EPA agreed to these modifications in a January 28, 1983 letter to the Chairman of the EQB. Delegation was subsequently accepted by EQB in a letter dated March 7, 1983. Copies of all correspondence and EPA's delegation letter are available for public inspection in the Office of the Air Facilities Branch at the Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278.

The Office of Management and Budget has exempted this action from the requirements of Section 3 of Executive Order 12991.

PART 60—[AMENDED]

Part 60 of Title 40 of the Code of Federal Regulations is amended by revising paragraph (b)(BBB) of § 60.4 to read as follows:

§ 60.4 Address.

* * * * *

(b) * * *

(BBB) Commonwealth of Puerto Rico: Commonwealth of Puerto Rico Environmental Quality Board, P.O. Box 11488, Santurce, Puerto Rico 00910, Attention: Air Quality Area Director.

* * * * *

This notice is issued under the authority of Section 111 of the Clean Air Act, as amended (42 U.S.C.

Dated: April 7, 1983.

Jacqueline E. Schafer,

Regional Administrator.

[FR Doc. 83-10738 Filed 4-21-83; 8:45 am]

BILLING CODE 6560-50-M

GENERAL SERVICES ADMINISTRATION

41 CFR Ch. 101

[FPMR Temp. Reg. E-77, Supp. 1]

Rounding Requisition Quantities to Bulk Pack

AGENCY: Office of Federal Supply and Services, GSA.

ACTION: Temporary regulation.

SUMMARY: This supplement extends to December 31, 1983, the expiration date of FPMR Temporary Regulation E–77 concerning rounding requisition quantities to bulk pack. FPMR Temporary Regulation E–77 is extended to provide additional time for comments on the regulation. Based on the comments received a decision will be made to continue or discontinue rounding requisition.

DATES:

Effective date: January 1, 1983.
Expiration date: December 31, 1983.

FOR FURTHER INFORMATION CONTACT: James W. Jeremiah, Director, Requisition Management Division ((703) 557–8570)

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; or major increases in costs to consumers or others; or significant adverse effects. The General Services Administration has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

FPMR Temporary Regulation E–77 (41 CFR Chapter 101, Appendix to Subchapter E) is amended by Supplement 1 which is filed with the original document. The text of Supplement 1 will not appear in the CFR volume.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 83–10710 Filed 4–21–83, 8:45 am]

BILLING CODE 6820–AM

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 661

[Docket No. 30419–60]

Ocean Salmon Fisheries Off the Coasts of Washington, Oregon, and California

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Emergency interim rule and request for comment.

SUMMARY: The Secretary of Commerce issues this emergency interim rule to delay the 1983 opening date for the commercial troll salmon fishery for all salmon species except coho between Cape Blanco, Oregon, and Cape Vizcaino, California. This rule responds to an emergency by shortening the commercial troll season. The intended effect is to increase the number of fall chinook salmon that enter the Klamath River for the Indian subsistence fisheries and to continue progress toward achieving the spawning escapement goal for that river system. This action in nondiscretionary and is required by the Magnuson Fishery Conservation and Management Act.

DATES: Interim rule is effective on April 19, 1983 and remains effective until modified or superseded. Comments are invited until May 1, 1983.

ADDRESS: Comments on and inquiries concerning this notice should be directed to H. A. Larkins, Director, Northwest Region, National Marine Fisheries Service (NMFS), 7600 Sand Point Way NE, BIN C15700, Seattle, WA 98115, or Alan W. Ford, Director, Southwest Region, NMFS, 300 South Ferry Street, Terminal Island, CA 90731.

FOR FURTHER INFORMATION CONTACT: H. A. Larkins, 206–527–6150, or Alan W. Ford, 213–548–2575.

SUPPLEMENTARY INFORMATION: Final regulations implementing the 1982 amendment to the fishery management plan for the ocean salmon fisheries off Washington, Oregon, and California (Ocean Salmon FMP), which became effective on August 30, 1982 (47 FR 38545), set open seasons and areas for the commercial troll fishery between Cape Blanco, Oregon, and the U.S.-Mexico border. According to these regulations, the commercial troll season for all salmon species except coho opened on May 1 and ended on May 31 for the area between Cape Blanco, Oregon, and the California-Oregon border. The season opened on May 1 and ended on May 24 for the area between the California-Oregon border and Point Arena, California.

At its March 1983 meeting, the Pacific Fishery Management Council (Pacific Council) adopted a 1983 amendment to its Ocean Salmon FMP that proposes a 38-day (29 percent) reduction in the commercial troll fishing season in the ocean off southern Oregon and northern California. The amendment is expected to achieve an 11.8 percent increase in the number of adult fall chinook entering the Klamath River over the 62,700 in 1982. An essential element of this reduction of the ocean harvest is to delay until May 16 the opening date of the commercial fishing season for all salmon species other than coho in the area between Cape Blanco, Oregon, and Cape Vizcaino, California. An analysis of approximately 2.7 million coded wire tags (CWT) placed in 1976–79 hatchery-reared fall chinook salmon led the Council's Salmon Plan Development Team to conclude that southern Oregon and northern California fisheries have a significant impact on Klamath River fall chinook, particularly the ocean fisheries between Coos Bay, Oregon, and Eureka, California. The Council's amendment also will move northward about 46 miles a salmon management subarea boundary, now located at Point Arena, to Cape Vizcaino, California. Present information indicates that Cape Vizcaino more accurately delineates the southern boundary for most Klamath River chinook. This action anticipates and reflects both the Council's delayed opening date and proposed boundary change.

By unanimous vote at its March 23, 1983, meeting, the Council found that an emergency would exist in the salmon fishery if the commercial troll season between Cape Blanco, Oregon, and Cape Vizcaino, California, was not reduced. The Council estimated that failure to enact the delayed opening date in State and Federal waters between Cape Blanco and Cape Vizcaino could result in an increase in the ocean chinook harvest of about 35,000 to 45,000 chinook salmon for the two-week period between May 1 and May 15. Because about one in four chinook in this region is of Klamath origin and the ratio of the ocean catch to the in-river run of salmon is about 2 to 1 (as estimated by the Salmon Plan Development Team), the in-river run could be reduced by as many as 5,000 adult chinook salmon if this action is not effective before May 1.

The Council felt that this action should be implemented by a separate emergency rule because it doubted that the emergency regulations for the entire amendment could be effective by May 1. Under existing regulations, the commercial fishing season from Point Arena northward through Cape Vizcaino, California, to Cape Blanco, Oregon, opens on May 1. The Council was concerned about providing sufficient notice of a change in the existing regulations to allow the fishing industry a reasonable time for planning. Uncertainty about actual and proposed opening dates and boundaries could also result in potential confusion and frustrate effective enforcement by the states, NMFS, and the U.S. Coast Guard. Of additional concern was the lead time necessary for California to promulgate concurrent regulations for State waters. In California, a minimum of 10 days is required by statute to process emergency regulations after the Federal action is filed for public inspection with the Office of the Federal Register. The salmon seasons in California territorial waters currently are fixed at April 15 to September 30 by the State legislature and must be changed by emergency State regulations to conform to the Council's proposed seasons.

Section 305(e)(2)(A) of the Magnuson Fishery Conservation and Management Act (Magnuson Act), as amended by Pub. L. 97–453 on January 12, 1983, authorizes the Secretary of Commerce (Secretary) to promulgate emergency regulations if the Council finds that an emergency exists involving any fishery within its jurisdiction, whether or not a fishery plan exists for the fishery. If, the Council's finding is by unanimous vote, the Secretary must promulgate emergency regulations to address the fishing emergency. On March 23, 1983, the Council, by unanimous vote, requested the Secretary to promulgate emergency regulations.

Classification

The NOAA Assistant Administrator for Fisheries (Assistant Administrator) concurs with the Council's finding that these modified rules are necessary and appropriate for conservation of the salmon resources off southern Oregon and northern California, an area where a fishery emergency exists. He has determined that the Council's unanimous action is consistent with section 305(e)(2)(A) of the Magnuson Act and that these rules must be implemented as emergency rules. The Assistant Administrator also finds for good cause that the reasons justifying promulgation of these rules on an emergency basis make it impracticable and contrary to the public interest to provide notice and opportunity for comment upon, or to delay for 30 days the effective date of these emergency regulations, under the provisions of section 553 (b) and (d) of the Administrative Procedure Act.

The NOAA Administrator has determined that these rules are not "'major" under E.O. 12291, and that the emergency which justified the promulgation of emergency regulations under section 305(e) of the Magnuson Act also constitutes an emergency situation under § 8(a)(1) of E.O. 12291. This conclusion was reached because the difference between this action and existing regulations for the same area is insignificant and the existing regulations were found to be nonmajor (47 FR 24135). Because it is imperative to implement these rules immediately, it is impracticable to comply with section 3(c)(3) of E.O. 12291, which requires that NOAA transmit to the Director of the Office of Management and Budget (OMB) a copy of every nonmajor rule at least 10 days prior to publication. However, a copy of these emergency regulations has been transmitted to the Director of OMB.

The Council is in the final stages of preparing a 1983 amendment to its Ocean Salmon FMP that, upon approval and implementation, will (among other things) permanently establish these emergency rules. A notice of availability of the draft supplemental environmental impact statement for the 1983 amendment was published on February 4, 1983 (48 FR 5308). When completed, the Council's amendment will include a final supplemental environmental impact statement, a regulatory flexibility analysis as required by the Regulatory Flexibility Act, a determination of the applicability of the Paperwork Reduction Act and a determination of consistency of the amendment with the approved coastal zone management programs of Oregon, Washington, California, and the San Francisco Bay Area as required by section 307(c) of the Coastal Zone Management Act.

List of Subjects in 50 CFR Part 661

Fish, Fisheries, Fishing, Indians.

Dated: April 19, 1983.

Carmen J. Blondin,

Acting Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

PART 661—OCEAN SALMON FISHERIES OFF THE COASTS OF WASHINGTON, OREGON, AND CALIFORNIA

For reasons set out in the preamble, 50 CFR Part 661 is amended as follows:

1. The authority citation for Part 661 reads as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In § 661.20, paragraphs (a)(4)(i) and (5)(i) are revised to read as follows:

§ 661.20 Commercial fishing.

(a) * * *

(4) * * *

(i) The season for all salmon species except coho begins on May 16 and ends on May 31; during this season only the gear specified in § 661.20(b)(2) may be used.

* * * * *

(5) * * *

(i) The season for all salmon species except coho begins on May 16 and ends on May 31—except for the area between Cape Vizcaino and Point Arena, California, where the season for all salmon species except coho begins on May 1 and ends on May 31. During these seasons, only gear specified in § 661.20(b)(2) may be used.

* * * * *

[FR Doc. 83–10804 Filed 4–19–83; 5:01 pm]

BILLING CODE 3510–22–M

50 CFR Part 674

[Docket No. 30318–42]

High Seas Salmon Fishery Off Alaska

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: NOAA issues a final rule modifying a rule implementing the Fishery Management Plan for the High Seas Salmon Fishery off the Coast of Alaska East of 175 Degrees East Longitude. The rule is necessary to clarify the authority of the Director, Alaska Region (Regional Director), National Marine Fisheries Service, NOAA, to limit the harvest of chinook salmon to the appropriate level within the optimum yield range. The Regional Director would be able to prohibit fishing for any or all species of salmon in all or part of the management area by publishing a notice of closure.

EFFECTIVE DATE: May 20, 1983.

ADDRESS: Copies of the RIR/RFA and addendum are available from Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska.

FOR FURTHER INFORMATION CONTACT: Robert W. McVey, 907–586–7221.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for the High Seas Salmon Fishery off the Coast of Alaska East of 175 Degrees East Longitude (FMP) governs this fishery in the fishery conservation zone (FCZ) under the Magnuson Fishery Conservation and Management Act (Magnuson Act). The FMP provides for inseason adjustments by field order to season and area openings and closures. Implementing rules at 50 CFR 674.23 specify the procedures and criteria for issuance of field orders by the Secretary of Commerce (Secretary) under this FMP.

Given the coastwide depressed condition of many naturally produced chinook salmon stocks, the potential for change in year-class strength, and the unpredictability of chinook salmon catches during the season, NOAA sought to clarify formally the closure authority of the Secretary with respect to achieving a specific annual catch level within the optimum yield (OY) range, and to limit this closure authority to the management of chinook salmon. NOAA also proposed to eliminate the current regulatory requirement that the Secretary prohibit salmon fishing if the harvest of any other species is apt to exceed the maximum value of its range

to bring the regulations in conformity with the FMP.

The current OY range of 243,000–272,000 was established in 1981 by Amendment 2 to the FMP. In 1981 NOAA managed to troll fishery to achieve the high end of the OY range (272,000). Due to new information confirming the depressed status of many naturally produced stocks, the North Pacific Fishery Management Council (Council) and NOAA attempted to manage the 1982 fishery for a catch of 255,500 chinook salmon. The Council's recommendation for a 1983 harvest guideline is expected in March following review and analysis of the impacts of the proposed U.S.-Canada Pacific Salmon Interception Treaty. However, in the past some members of the public have argued that the current regulations limit the Secretary's authority to preventing the harvest only from exceeding the maximum OY value, i.e., 272,000, and therefore, that the Council and NOAA could not manage the fishery for a lower harvest level within the OY range. This regulatory amendment clarifies the Council's intent.

On August 6, 1982, NOAA proposed such regulatory modification (47 FR 34167), and requested comments on the proposed modification until September 20, 1982. The discussion of the basis for such modification is contained in 47 FR 34167. No comments were received on the proposed modification during the comment period.

Accordingly, NOAA amends § 674.23(a)(2) to clarify the authority of the Secretary to manage the chinook salmon fishery for a harvest level anywhere within the OY range that he determines to be necessary for conservation and management of chinook salmon. This criterion supplements those included in § 674.23(a)(1), which also authorizes inseason management actions through field orders. In addition, NOAA amends § 674.23(a)(2) to clarify that OY ranges for the other species of salmon will not be treated as quotas. The final rule is identical to the rule proposed at 47 FR 34167.

Classification

The Assistant Administrator, NOAA, has determined that this final rule is necessary and appropriate for the conservation and management of salmon resources in the FCZ off Alaska, and that the action is consistent with the FMP, the national standards of the Magnuson Act, the other provisions of the Magnuson Act, and other applicable law.

An environmental impact statement is not required under the National Environmental Policy Act because the proposal is within the scope of the actions considered in the final and supplemental environmental impact statements for the FMP and both Amendments 1 and 2, which are on file with the Environmental Protection Agency.

The Administrator, NOAA has determined that this final rule is not a "major rule" under criteria specified in Executive Order 12291. The regulatory impact review/regulatory flexibility analysis (RIR/RFA) prepared on Amendment 2 to the FMP considered the current chinook OY range of 243,000–272,000 and alternative harvest levels. The RIR/RFA on Amendment 2 was updated by a 1982 addendum which covers this final regulation in terms of the Regulatory Flexibility Act as well as E.O. 12291. Therefore, the RIR/RFA supports the final regulations which allow the Secretary to fix the harvest level at any value from 243,000–272,000. A copy of the RIR/RFA and addendum may be obtained by writing the Regional Director at the above address.

This final rule neither contains a collection of information requirement nor involves any agency in collecting or sponsoring a collection of information within the meaning of the Paperwork Reduction Act of 1980.

List of Subjects in 50 CFR Part 674

Administrative practice and procedure, Fish, Fishing, Reporting requirements.

Dated: April 19, 1983.

Carmen J. Blondin,

Acting Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

For reasons set forth in the preamble, 50 CFR Part 674 is amended as follows:

PART 674—HIGH SEAS SALMON FISHERY OFF ALASKA

1. The authority citation for Part 674 reads as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In § 674.23, paragraph (a)(2) is revised to read as follows:

§ 674.23 Modifications of time and area limitations.

(a) * * *

(2) Following consultation with ADF&G, the Secretary shall prohibit fishing for any or all species of salmon in all or part of the management area if such a prohibition is necessary to prevent the total harvest of chinook salmon for the fishing season from exceeding either the maximum amount of the optimum yield or any other value within the optimum yield range for chinook salmon that the Secretary determines to be necessary for the conservation and management of chinook salmon. The Secretary will do this by issuing a field order in accordance with paragraph (b) of this section.

* * * * *

[FR Doc. 83-10856 Filed 4-20-83; 12:50 pm]
BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 48, No. 79
Friday, April 22, 1983

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

FEDERAL TRADE COMMISSION

16 CFR Part 300

Amendment to Rules and Regulations Under the Wool Products Labeling Act of 1939

AGENCY: Federal Trade Commission.

ACTION: Notice of rulemaking on proposed amendment.

SUMMARY: The Federal Trade Commission is considering amending Part 300 of the Rules and Regulations under the Wool Products Labeling Act of 1939. The proposed amendment would delete the word "minimum" in § 300.29 and insert, in lieu thereof, the word "average." Section 300.29 sets forth the manner of labeling wool products which consist of, or are made from, miscellaneous cloth scraps comprising manufacturing byproducts and containing various fibers of undetermined percentages. The illustrations in § 300.29 show permissible labeling for wool products. Each of these illustrations requires the disclosure of the minimum percentage of recycled wool on labels.

The amendment being considered by the Commission would require that the average, rather than the minimum, percentage of recycled wool be disclosed on labels.

DATE: Written comments must be received on or before May 23, 1983.

ADDRESS: Comments may be mailed to Secretary, Federal Trade Commission, Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: Jerry R. McDonald, Attorney, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 E Street NW., Washington, D.C. 20580. 202–376–2800.

SUPPLEMENTARY INFORMATION: In the past, the Commission has approved and the courts have issued five final consent judgments or decrees requiring that wool products be labeled with the lowest or minimum percentage of wool or recycled wool shown by fiber content tests.[1] The injunctions in these decrees prohibit the defendants therein from distributing imported wool products unless they test such products for fiber content. If these tests show the percentage of any fiber to be misstated on the labels by more than 3%, the defendants are required to relabel these products with labels showing the lowest percentages of wool or recycled wool and other fibers revealed by the fiber content tests.

The purpose of the Wool Products Labeling Act of 1939 is stated in the preamble to the Act:

> To protect producers, manufacturers, distributors, and consumers from the unrevealed presence of substitutes and mixtures in spun, woven, knitted, felted, or otherwise manufactured wool products, and for other purposes.

The Rule now requires that these products be labeled with the minimum percentage of recycled wool. Labeling with the minimum standard assures that the consumer will receive at least the percentage of recycled wool stated on the label. The Commission is considering changing the Rule to require that these products be labeled with the average percentage of recycled wool. Labeling with the average percentage of recycled wool may provide more accurate information to the consumer concerning the recycled wool content. Lowest percentage labeling may be as misleading as highest because it introduces a downward bias.

The Commission is interested in receiving comments on what standard should apply to labeling the recycled wool content of wool products which consist of, or are made from, miscellaneous cloth scraps comprising manufacturing byproducts and containing various fibers of undetermined percentages. If the rule is amended, the amendment would be propsective and would not require the relabeling of wool products labeled prior to the effective date of the amendment.

Authority: Section 6(a) of the Wool Products Labeling Act of 1939, 15 U.S.C. 68(d). Section 553 of the Administrative Procedure Act, 5 U.S.C. 553.

[1] *United States* v. *Maylis Textile Corp.*, 78 CIV. 5098 (S.D.N.Y., Nov. 13, 1978); *Intaltex, Ltd., et al.*, 81 CIV. 6752 (S.D.N.Y., Nov. 4, 1980); *United States* v. *Britene International Textile Corporation*, 79 CIV. 6773 (S.D.N.Y., Dec. 19, 1979); *United States* v. *Riccardo Pagnini Corp.*, 80 CIV. 6199 (S.D.N.Y., Nov. 6, 1980) and *United States* v. *Ivy International, Ltd., et al.*, 81 CIV. 6752 (S.D.N.Y., Nov. 4, 1981).

Lists of Subjects in 16 CFR Part 300

Labeling, Textile, Trade practices, Warranties, Wool.

PART 300—[AMENDED]

§ 300.29 [Amended]

Based on the comments, the Commission will make a determination whether to amend § 300.29 of Title 16 by substituting the word "average" in place of "minimum".

Issued: March 14, 1983.

By direction of the Commission.

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 83–10747 Filed 4–21–83; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 250

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

Correction

In FR Doc. 83–8409 beginning on page 13440, in the issue of Thursday, March 31, 1983 make the following correction:

On page 13441, column two, "§ 250.81" should read "§ 250.80–1".

BILLING CODE 1505–01–M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101–41

Change In Forms Sequence; SF 1103 Set, U.S. Government Bill of Lading

AGENCY: General Services Administration.

ACTION: Proposed rule.

SUMMARY: The General Services Administration (GSA) proposes to amend the Federal Property Management Regulations to change the sequence of the Standard Form (SF) 1103 set, U.S. Government Bill of Lading, by positioning one copy of SF 1103–A, Memorandum Copy, as the third form in the set and the remaining SF 1103–A's to be positioned following the SF 1103–B. The purpose of this change is to provide a clearer copy for those agencies that

transfer this document to microfilm and to provide a more legible copy for fiscal or administrative use.

DATE: Written comments must be received by May 23, 1983.

ADDRESS: Comments should be sent to the General Services Administration (BWCPR), 18th and F Streets, NW., Washington, D.C. 20405.

FOR FURTHER INFORMATION CONTACT: John W. Sandfort, Chief, Regulations, Procedures, and Claims Branch, Office of Transportation Audits (202–786–3014).

SUPPLEMENTARY INFORMATION: The GSA has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. The GSA has based all administrative decisions underlying this proposed rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this proposed rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

List of Subjects in 41 CFR Part 101–41

Air carriers, Accounting, Claims, Freight, Freight forwarders, Government property management, Maritime carriers, Moving of household goods, Passengers services, Railroads, Transportation.

PART 101–41—TRANSPORTATION DOCUMENTATION AND AUDIT

It is proposed to amend 41 CFR Part 101–41 as follows:

Subpart 101–41.3—Freight Transportation Services Furnished for the Account of the United States

In § 101–41.302–2 paragraphs (a)(3), (4) and (5) are revised to read as follows:

§ 101–41.302–2 Description and distribution of bills of lading.

(a) * * *

(3) SF 1103–A (memorandum copy), one of two or four copies, is for use by the shipper for fiscal and administrative purposes. The remainder of the copies follow the SF 1103–B and may be used by agencies as desired.

(4) SF 1105 (freight waybill (original)) accompanies the shipment or is otherwise sent to destination in compliance with origin carrier's instructions. It also serves as the substitute billing document when the original GBL is lost.

(5) SF 1106 (freight waybill (carrier's copy)) is for disposition by the carrier.

* * * * *

(31 U.S.C. 3726 and Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: March 28, 1983.

Raymond A. Fontaine,

Assistant Administrator for Office of Plans, Programs, and Financial Management, General Services Administration.

[FR Doc. 83–10709 Filed 4–21–83; 8:45 am]

BILLING CODE 6820–34–M

Notices

Federal Register
Vol. 48, No. 79
Friday, April 22, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

1983 Corn, Sorghum, Barley, Oats, and Rye Program; Determination Regarding the Proclamation of 1983-Crop Program Provisions

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice of determination of 1983-crop program provisions for corn, sorghum, barley, oats, and rye.

SUMMARY: The purpose of this notice is to affirm the following determinations which have been made by the Secretary of Agriculture on September 23, 1982 with respect to the 1983 crops of corn, sorghum, barley, oats and rye: (1) The loan and purchase level per bushel shall be $2.65 for corn, $2.52 ($4.50 per cwt.) for sorghum, $2.16 for barley, $1.36 for oats, and $2.25 for rye; (2) the established target level per bushel is $2.86 for corn, $2.72 for sorghum ($4.86 per cwt.), $2.60 for barley, and $1.60 for oats; (3) an acreage reduction program will be in effect for feed grains with a uniform reduction of 10 percent for corn, sorghum, barley, and oats; (4) a cash land diversion program will be in effect which requires a 10 percent conservation use acreage diversion, in addition to the 10 percent acreage reduction program, with a payment per bushel of $1.50 for corn and sorghum, $1.00 for barley and $.75 for oats; (5) barley producers shall be eligible for payments; (6) malting barley shall not be exempt from the feed grain acreage reduction program; (7) grazing of conservation use acreage will not be permitted during the six principal growing months; (8) the feed grain base acreages for 1983 will remain the same as those established for 1982; and (9) neither cross compliance nor offsetting compliance shall be required. These determinations are required to be made in accordance with Sections 105B, 107C, and 110 of the Agricultural Act of 1949 as amended (hereinafter referred to as the "1949 Act").

EFFECTIVE DATE: September 23, 1982.

ADDRESS: Dr. Howard C. Williams, Director, Analysis Division, USDA–ASCS, Room 3741, South Building, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Orville I. Overboe, Agricultural Economist, Analysis Division, ASCS–USDA, P.O. Box 2415, Washington, D.C. 20013 or call (202) 447–4417. The Final Regulatory Impact Analysis describing the options considered in developing this notice of determination is available on request from the above-named individual.

SUPPLEMENTARY INFORMATION: This notice has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Secretary's Memorandum No. 1512–1 and has been designated as "major". It has been determined that these program provisions will result in an annual effect on the economy of $100 million or more.

The title and number of the federal assistance program that this notice applies to are: TITLE—Feed Grain Production Stabilization: Number 10.055 as found in the Catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice since there is no requirement that a notice of proposed rulemaking be published with respect to the subject matter of these determinations in accordance with 5 U.S.C. 553 or any other provision of law.

This notice sets forth determinations with respect to the following issues:

1. *Loan and Purchase Level.* Section 105B(a)(1) of the 1949 Act provides that the Secretary shall make available to producers loans and purchases for 1983 crop corn at such a level, not less than $2.65 per bushel, as the Secretary determines will encourage the exportation of feed grains and not result in excessive total stocks of feed grains after taking into consideration the cost of producing corn, supply and demand conditions, and world prices for corn. Section 105B(a)(2) provides that the Secretary shall make available to producers loans and purchases for the 1983 crops of grain sorghum, barley, oats, and rye at such levels as the Secretary determines is fair and reasonable in relation to the level that loans and purchases are made available for corn, taking into consideration the feeding value of such commodity in relation to corn and certain other factors specified in Section 401(b) of the 1949 Act.

2. *Established (Target) Price.* Section 105B(b)(1)(C) of the 1949 Act provides that the established price for 1983 corn shall not be less than $2.86 per bushel. The Secretary may adjust this established price to reflect any change in (i) the average adjusted cost of production per acre for the two crop years immediately preceding the year for which the determination is made from (ii) the average adjusted cost of production per acre for the two crop years immediately preceding the year previous to the one for which the determination is made. Section 105B(b)(1)(E) of the 1949 Act provides that the payment rate for grain sorghum, oats, and, if designated by the Secretary, barley, shall be such rate as the Secretary determines fair and reasonable in relation to the rate at which payments are made available for corn.

3. *Acreage Reduction Program (ARP).* Section 105B(e)(1) and (2) of the 1949 Act requires the Secretary to provide for a combination of an acreage reduction program and a land diversion program under which the acreage planted to feed grains for harvest on the farm would be limited to the acreage base for that farm reduced by a total of 15 percent, consisting of a reduction of 10 percent under the acreage reduction program and a reduction of 5 percent under the land diversion program. As a condition of eligibility for loans, purchases, and payments on the 1983 crop of feed grains, a producer must comply with the terms and conditions of the combined acreage reduction and land diversion program. The acreage base to be used for a farm under the 1983 program shall be the same as the acreage base applicable to the farm under the acreage reduction program for the 1982 crop, adjusted to reflect established crop rotation practices and to reflect such other factors as the Secretary determines should be considered in determining a fair and equitable base. If an acreage reduction program is in effect for any crop, the national program acreage, program allocation factor and

voluntary acreage reduction provisions are not applicable to such crop. The individual farm program acreage shall be the acreage planted on the farm to feed grains for harvest within the permitted feed grain acreage for the farm.

4. *Exemption of Malting Barley.* In accordance with Section 105B(e)(2) of the 1949 Act, the Secretary may provide that no producer of malting barley shall be required as a condition of eligibility for feed grain loans, purchases, and payments to comply with any acreage limitation if such producer has previously produced a malting variety of barley, plants barley only of an acceptable malting variety for harvest, and meets other conditions as the Secretary may prescribe.

5. *Set-Aside Program.* Sections 105B(e)(1) and (3) of the 1949 Act provide that the Secretary may provide for a set-aside program if he determines that the total supply of feed grains, in the absence of such a program, will be excessive, taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices and to meet a national emergency.

6. *Land Diversion Program.* Section 105B(e)(5) of the 1949 Act, as amended, requires that the Secretary implement a land diversion program for the 1983 crop of feed grains under which the Secretary shall make crop retirement and conservation payments to any producer of the 1983 crop of feed grains whose acreage planted to feed grains for harvest on the farm is reduced so that it does not exceed the feed grain acreage base for the farm less an amount equivalent to 5 percent of the feed grain acreage base in addition to the 10 percent reduction required by the acreage reduction program. Such payments shall be made in an amount computed by multiplying (i) the diversion payment rate, by (ii) the farm program payment yield for the crop by (iii) the additional acreage diverted under the land diversion program. The diversion payment rate shall be established by the Secretary at not less than $1.50 per bushel for corn, except that the rate may be reduced up to 10 percent if the Secretary determines that the same program objective could be achieved with the lower rate. The payment rate for grain sorghums, oats, and if designated by the Secretary, barley, shall be such rate as the Secretary determines is fair and reasonable in relation to the rate at which payments are made available for corn. The Secretary shall make not less than 50 percent of any land diversion program payments to producers of the 1983 crop as soon as practicable after a producer enters into a land diversion contract with the Secretary and in advance of any determination of performance, but in no care prior to October 1, 1982. If a producer fails to comply with a land diversion contract after obtaining an advance payment under this paragraph, the producer shall repay the advance immediately and, in accordance with regulations issued by the Secretary, pay interest on the advance.

7. *The National Program Acreage (NPA).* Section 105B(c)(1) of the 1949 Act provides that the Secretary shall proclaim an NPA for the 1983 crop of feed grains not later than November 15, 1982. The NPA for feed grains shall be the number of harvested acres the Secretary determines (on the basis of the weighted national average of the farm program payment yields for the 1983 crop) will produce the quantity (less imports) that the Secretary estimates will be utilized domestically and for export during the 1983/84 marketing year. The NPA provisions do not apply if an acreage reduction program is implemented for the 1983 crop of feed grains.

8. *Voluntary Reduction Percentage.* Section 105B(c)(3) of the 1949 Act provides that the 1983 individual farm program acreage of feed grains eligible for payments shall not be reduced by appplication of an allocation factor if the producer reduces the acreage of feed grains planted for harvest on the farm from the 1983-crop established feed grains acreage base by at least the percentage recommended by the Secretary in his proclamation of the NPA for the 1983 crop. If an acreage reduction program is implemented for thje 1983 crop of feed grains, the voluntary reduction percentage shall not be applicable to such crop.

9. *Grazing and Haying of Designated Acreage Reduction Program Acreage.* Section 105B(e)(4) of the 1949 Act provides the Secretary may permit all or any part of designated conservation use acreage to be devoted to sweet sorghum, hay and grazing or the production of guar, sesame, safflower, sunflower, castor beans, mustard seed, crambe, plantago ovato, flaxseed, triticale, rye, or other commodity, if he determines such crop production is needed to provide an adequate supply of such commodities, is not likely to increase the cost of price support programs, and will not affect farm income adversely.

10. *Producer Reserve Program.* Section 110 of the 1949 Act provides that the Secretary shall formulate and administer a program under which producers of feed grains will be able to store feed grains when in abundant supply and extend the time for their orderly marketing. Under such program, the Secretary shall make original or extended price support loans to producers at such level of support as the Secretary determines appropriate, except that the loan rate shall not be less than the current level of support provided for under the feed grain program established in accordance with Section 105B of the 1949 Act. The program may provide for (1) repayment of such loans in not less than 3 years nor more than 5 years; (2) payments to producers for storage in such amounts and under such conditions as are determined appropriate to encourage producers to participate in the program; (3) a rate of interest not less than the rate of interest charged the Commodity Credit Corporation by the United States Treasury, except that the Secretary may waive or adjust such interest as the Secretary deems appropriate; (4) recovery of amounts paid for storage, and for the payment of additional interest or other chares if such loans are repaid by producers before the market price for feed grains has reached the trigger release level; and (5) conditions designed to induce producers to redeem and market the feed grains securing such loans without regard to the maturity dates thereof whenever the Secretary determines that the market price for feed grains has attained a specific trigger release level, as determined by the Secretary. The Secretary shall announce the terms and conditions of the producer storage program as far in advanoe of making loans as practicable. In such announcements, the Secretary shall specify the quantity of feed grains to be stored under the program which the Secretary determines appropriate to promote the orderly marketing of feed grains. The Secretary may place an upper limit on the amount of feed grains placed in the reserve but such upper limit may not be less than 1 billion bushels.

11. *Offsetting Compliance.* Section 105B of the 1949 Act provides that the Secretary may implement offsetting compliance requirements as a condition of eligibility for program benefits. If offseting compliance is required, operators and owners of farms would have to ensure that all their farms were complying with program requirements under the feed grain program such as planting within the established feed grain acreage bases or the normal crop

acreage established for these farms in order to be eligible for program benefits.

12. *Advance Payments.* Section 107C of the 1949 Act requires that the Secretary shall make available to producers who participate in the acreage reduction program advance deficiency payments if the Secretary determines that deficiency payments will likely be made.

For the 1983 crop of feed grains if the Secretary establishes an acreage limitation or acreage set-aside program for a crop of feed grains under section 105B(e) and determines that deficiency payments will likely be made for such commodity for such crop, the Secretary shall make available advance deficiency payments to producers who agree to participate in such program.

In any case in which the deficiency payment payable to a producer for a crop, as finally determined by the Secretary under section 105B(b)(1), is less than the amount paid to the producer as an advance deficiency payment for the crop under this section, the producer shall refund an amount equal to the difference between the amount advanced and the amount finally determined by the Secretary, to be payable to the producers as a deficiency payment for the crop concerned.

If the Secretary determines in accordance with section 105B(b)(1) that deficiency payments will not be made available to producers on a crop with respect to which advance deficiency payments already have been made, the producers who received such advance payments shall refund such payments. Any refund required shall be due at the end of the marketing year for the crop with respect to which such payments were made. If a producer fails to comply with the requirements under the acreage reduction or set-aside program involved (and, in the case of the 1983 crops of feed grains, the requirements of the land diversion program involved) after obtaining an advance deficiency payment under this section, the producer shall repay immediately the amount of the advance, plus interest thereon, in such amount as the Secretary shall prescribe by regulations.

A notice that the Secretary was preparing to make determinations with respect to the 1983 crop of feed grains was published in the **Federal Register** on July 27, 1982 (47 FR 32461) and provided for a 30-day comment period. The comment period was limited to 30 days to allow the Secretary sufficient time to properly consider the comments received before the final program determinations were made. A total of 521 comments were received from 30 states. Included in this total were comments from four national organizations and two members of Congress. A summary of the responses is as follows:

1. *Loan and Purchase Level:* There were 249 comments. The majority of those comments (236) pertained to the loan and purchase level for corn with 81 percent favoring an increase in the loan and purchase level, 12 percent favoring the minimum statutory level, 3 percent favoring a reduced level, and 4 percent favoring elimination of any loan and purchase level. Those favoring an increase of the loan and purchase level suggested levels ranging from $2.75 per bushel to 100 percent of parity.

2. *Established (Target) Prices.* Eighty-seven comments were received pertaining to the establishment of the target price level. The majority, 83 percent, favored an increase in the target price of corn above the statutory minimum of $2.86 per bushel, with suggested target prices ranging from $3.00 to $4.00. Most comments favored a target price of $3.00 per bushel.

3. *Voluntary Program Reduction.* Ten comments were received relating to a possible voluntary acreage reduction program. Ninety percent of those comments opposed a voluntary acreage reduction program on the grounds that it would fail to result in a significant reduction of feed grain acreage.

4. *Acreage Reduction Program (ARP).* There were 175 comments relating to possible implementation of an ARP with 87 percent favoring some form of ARP. The majority of those favoring an ARP favored a 10 percent acreage reduction rate although the suggested percentage ranged from 5 to 100 percent.

5. *Acreage Bases for Nonparticipants.* Eighty-eight comments related to the establishment of acreage bases for nonparticipants of an ARP. The majority (67%) favored a formula for establishing acreage bases which would reward those who participate in the 1982 ARP.

6. *Set-Aside Program Provisions.* Ten comments related to the establishment and extent of a set-aside program. All favored a set-aside program and suggested set-aside rates which ranged from 10 to 25 percent, with 40 percent favoring a 10–15 percent set-aside.

7. *Inclusion of Barley in the Feed Grain Program.* Eight comments concerned this issue with the majority favoring inclusion of barley in the feed grain program.

8. *Exclusion of Malting Barley from the ARP.* Of a total thirty-four comments, 74 percent were opposed to excluding malting barley from any ARP.

9. *Grazing and Haying of Designated ARP Acreage.* Twenty-three comments were received regarding whether or not to allow haying and grazing of ARP designated acreage. Sixty-one percent favored provisions which would permit haying and grazing of designated ARP acreage. Another 13 percent favored provisions which would permit grazing only.

10. *Land Diversion Program (LDP).* Eighty-two percent of a total of 251 comments favored establishment of a LDP. Of those favoring a LDP, 47 percent favored a combined LDP and ARP while 35 percent favored a LDP only.

11. *Offsetting Compliance.* Twenty-two comments related to the issue of whether or not offsetting compliance requirements should be imposed. The majority (73%) opposed imposition of any such requirements.

A number of the determinations with respect to the feed grain program are required to be made by Section 105B(e)(1) of the 1949 Act not later than November 15 prior to the calendar year in which the crop is harvested. On September 23, 1982, the Secretary announced by press release the various program determinations for the 1983 crop of feed grains. Accordingly, the purpose of this notice is to affirm the program determinations which have previously been announced on September 23, 1982. Thus, it has been determined that no further public rulemaking is required with respect to the following determinations:

Determinations

1. *Loan and Purchase Level.* In accordance with Sections 105B(a) (1) and (2) of the 1949 Act, it has been determined that the loan and purchase level per bushel shall be $2.65 for corn, $2.52 ($4.50 per cwt.) for grain sorghum, $2.16 for barley, $1.36 for oats, and $2.25 for rye.

2. *Established (Target) Price.* In accordance with Section 105B(b)(1)(C) of the 1949 Act, it has been determined that the established (target) price per bushel shall be $2.86 for corn, $2.72 ($4.86 per cwt.) for grain sorghum, $2.60 for barley, and $1.60 for oats.

3. *Acreage Reduction Program (ARP).* In accordance with Section 105B(e)(2) of the 1949 Act, it has been determined that a 20 percent reduction shall be applicable to the acreage planted to feed grains in 1983. Producers will be required to reduce their acreage bases by 10 percent for the acreage reduction program and 10 percent for the land diversion program for a total of a 20 percent reduction. Producers will be required to reduce their acreage by the combined total of the acreage reduction and the land diversion program in order

to be eligible for loans, purchases, and payments for the 1983 crop of feed grains. The Secretary has determined that the total supply of feed grains, in the absence of such limitations, will be excessive taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices and to meet a national emergency. This option was selected because it provides the best balance between the multiple objectives of providing adequate feed grain supplies for domestic and foreign utilization, while maintaining adequate carryover stocks, supporting farm income, combating inflation, holding down Treasury costs and conserving natural resources.

Land designated for conservation use must be cropland that was devoted to row crops or small grains in two of the last 3 years, except that for land to be designated for conservation use that is in a summer fallow rotation, the requirement is 1 of the last 2 years.

Eligible land on which permanent conservation practices were established in 1982 or a subsequent year will be eligible for designation as conservation use acreage under any acreage reduction, set-aside, or diversion program authorized by the 1949 Act, so long as the conservation practice is maintained. These conservation practices will be eligible for costshare payments under the Agricultural Conservation Program.

4. *Barley.* In accordance with Section 105B(b)(1)(E) of the 1949 Act, it has been determined that barley is eligible for deficiency, disaster, and crash land diversion payments.

5. *Exemption of Malting Barley.* In accordance with Section 105B(e)(2) of the 1949 Act, it has been determined that malting barley shall not be exempt from the feed grain acreage reduction program.

6. *Set-Aside Program.* In accordance with Sections 105B(e) (1) and (3) of the 1949 Act, it has been determined that there will be no set-aside program for the 1983 crop of feed grains since an acreage reduction program has been made applicable to the 1983 crops.

7. *Land Diversion Program (LDP).* In accordance with Section 105B(e)(5) of the 1949 Act, it has been determined that cash land diversion payments are necessary to assist in adjusting the total national acreage of feed grains to desirable goals and, therefore, such payments will be made for the 1983 crop of corn and sorghum at $1.50 per bushel, barley at $1.00 per bushel, and oats at $.75 per bushel multiplied by the farm program yield times the acreage diverted.

8. *National Program Acreage.* In accordance with Sections 105B(c)(1) and 105(B)(e)(2) of the 1949 Act, it has been determined that the NPA will not be applicable for the 1983 crop of feed grains since an acreage reduction program has been announced.

9. *Voluntary Reduction Percentage.* In accordance with Sections 105B(c)(3) and 105B(e)(2) of the 1949 Act, it has been determined that the voluntary reduction percentage will not be applicable for the 1983 crop of feed grains since an acreage reduction program has been announced.

10. *Grazing and Haying of Designated ARP Acreage.* In accordance with Section 105B(e)(4) of the 1949 Act, it has been determined that feed grain producers shall not be permitted to hay or plant alternate crops on designated acreage reduction program acreage. Grazing of the conservation use acreage will be authorized during the six principal non-growing months as determined by the State ASC committees.

11. *Offsetting Compliance.* Offsetting compliance will not be required as a condition of eligibility for a feed grain producer to participate in the 1983 acreage reduction and land diversion programs.

12. *Advance Payments.* Producers, at the time they sign up for the program, may request an advance of 50 percent of the cash diversion payment and of any projected deficiency payment. A producer accepting an advance payment, but who later does not comply with program provisions, must refund the amount of the advance payment with interest. Interest charged will be the rate in effect for commodity loans on the date of the advance payment, plus five percentage points.

Authority: Secs. 105B, 107C, 110, 1001; 95 Stat. 1227, as amended, 96 Stat. 766, 95 Stat. 1257, 91 Stat. 950, as amended (7 U.S.C. 1444d, 1445b–2, 1445e, and 1309).

Signed in Washington, D.C., April 15, 1983.

C. Hoke Leggett,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 83–10725 Filed 4–21–83; 8:45 am]

BILLING CODE 3410–05–M

Soil Conservation Service

Bynum Park RC&D Measure; Richmond County, North Carolina; Environmental Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Coy A. Garrett, State Conservationist, Soil Conservation Service, Room 544, Federal Building, 310 New Bern Avenue, Raleigh, North Carolina 27611, Telephone (919) 755–4210.

Notice: Pursuant to Section 102(2) of the National Environmental Policy Act of 1969, the Council on Environmental Quality Guidelines, (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Bynum Park RC&D Measure, Richmond County, North Carolina.

The environmental assessment of this Federally assisted action indicates that the project will not cause significant local, regional or national impacts on the environment. As a result of these findings, Mr. Coy A. Garrett, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment on a county recreational facility. The planned improvements include installing diversions, grassed waterways, riprap outlets, pedestrian walkways, traffic control barriers, pipes, and grading and seeding bare and eroding areas to permanent vegetation. All treatment is aimed at erosion control and disposing of surface water at a nonerosive velocity.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Coy A. Garrett. An environmental impact appraisal has been prepared and sent to various Federal, State and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable.

Dated: April 7, 1983.

Coy A. Garrett,

State Conservationist

[FR Doc. 83-10421 Filed 4-21-83; 8:45 am]

BILLING CODE 3410-16-M

Cape Hatteras School, RC&D Measure, North Carolina; Environmental Impact

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Cape Hatteras School, RC&D Measure, Dare County, North Carolina.

FOR FURTHER INFORMATION CONTACT: Mr. Coy A. Garrett, State Conservationist, Soil Conservation Service, Room 544, Federal Building, 310 New Bern Avenue, Raleigh, North Carolina 27611, Telephone (919) 755-4210.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Coy A. Garrett, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The planned works of improvement include the installation of approximately 850 linear feet of collection pipe to dispose of excess water through gravity flow. Twelve catch basins will be installed to collect and remove excess surface water. Downspouts will be connected to each individual gutter pipe to direct surface water into catch basins and collection pipe. One flap gate will be attached to outlet pipe to prevent high wind tides from backing into collection system. All disturbed areas will be revegetated using adapted plant materials.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Coy A. Garrett.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register**.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: April 7, 1983.

Coy A. Garrett,

State Conservationist.

[FR Doc. 83-10422 Filed 4-21-83; 8:45 am]

BILLING CODE 3410-16-M

Creswell High School, RC&D Measure, North Carolina; Environmental Impact

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Creswell High School RC&D Measure, Washington County, North Carolina.

FOR FURTHER INFORMATION CONTACT: Mr. Coy A. Garrett, State Conservationist, Soil Conservation Service, Room 544, Federal Building, 310 New Bern Avenue, Raleigh, North Carolina 27611, Telephone (919) 755-4210.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Coy A. Garrett, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for reducing flooding and for improving drainage on the school grounds. The planned works of improvement include installing catch basins, pipes and sub-surface drainage tubing. Grading and shaping will be done to improve surface drainage and to eliminate ponding. All disturbed areas will be seeded with adapted permanent vegetation.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Coy A. Garrett.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register**.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and Local Clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: April 7, 1983.

Coy A. Garrett,

State Conservationist.

[FR Doc. 83-10423 Filed 4-21-83; 8:45 am]

BILLING CODE 3410-16-M

Indian Brook Watershed, N.H.; Intent to Deauthorize Federal Funding

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of Intent to Deauthorize Federal Funding.

SUMMARY: Pursuant to the Watershed Protection and Flood Prevention Act, Pub. L. 83-566, and the Soil Conservation Service Guidelines (7 CFR Part 622), the Soil Conservation Service gives notice of the intent to deauthorize Federal funding for the Indian Brook Watershed project, Coos County, New Hampshire.

FOR FURTHER INFORMATION CONTACT: Richard L. Porter, State Conservationist, Soil Conservation Service, Federal Building, Box G, Durham, NH 03824, telephone (603) 868-7581.

SUPPLEMENTARY INFORMATION: A determination has been made by Richard L. Porter that the proposed works of improvement for the Indian Brook Watershed project will not be installed. The sponsoring local organizations have concurred in this determination and agree that Federal funding should be deauthorized for the project. Information regarding this determination may be obtained from Richard L. Porter, State Conservationist, at the above address and telephone number.

No administrative action on implementation of the proposed

deauthorization will be taken until 60 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: April 12, 1983.

Richard L. Porter,

State Conservationist.

[FR Doc. 83–10867 Filed 4–21–83; 8:45 am]

BILLING CODE 3410–16–M

Turkey-Clay Creek Watershed, South Dakota; Availability of Record of Decision

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of Availability of a Record of Decision.

SUMMARY: Robert D. Swenson, responsible Federal official for projects administered under the provisions of Pub. L. 83–566, 16 U.S.C. 1001–1008, in the State of South Dakota, is hereby providing notification that a record of decision to proceed with the installation of the Turkey-Clay Creek Watershed project is available. Single copies of this record of decision may be obtained from Robert D. Swenson at the address shown below.

FOR FURTHER INFORMATION CONTACT: Robert D. Swenson, State Conservationist, Soil Conservation Service, 200 Fourth Street SW., Huron, South Dakota 57350, telephone 605–352–8651.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable.)

Dated: April 12, 1983.

Robert D. Swenson,

State Conservationist.

Record of Decision, Turkey-Clay Creek Watershed, Clay, Hutchinson, Turner and Yankton Counties, South Dakota

1. *Purpose:* As State Conservationist for the Soil Conservation Service, I am the Responsible Federal Official (RFO) for all Soil Conservation Service projects in South Dakota.

The recommended plan for the Turkey-Clay Creek Watershed involves works of improvement to be installed under authorities administered by the Soil Conservation Service. This project includes the installation of nine single-purpose flood prevention structures, nine sediment basins, 10.2 miles of main channel and 55.3 miles of laterals to be modified, and mitigation.

The Turkey-Clay Creek Watershed plan was prepared under the authority of the Watershed Protection and Flood Prevention Act (Pub. L. 566, 83rd Congress, 68 Stat. 666, as amended) by the Clay, Hutchinson, Turner and Yankton Soil and Water Conservation Districts and the Turkey-Clay Creek Watershed District. Local residents began holding informal meetings in 1965. A steering committee submitted an application for federal assistance to the South Dakota Conservation Commission in May 1966. The Commission conducted a public field examination in September 1966. The South Dakota Conservation Commission approved the application in October 1966, and the South Dakota Water Resources Commission approved the application in January 1967. The application for planning assistance was submitted to the Administrator of the Soil Conservation Service in February 1967.

2. *Measures Taken to Comply with National Environmental Policies:* The Turkey-Clay Creek Watershed project has been planned in accordance with existing Federal legislation concerned with the preservation of environmental values. The following actions were taken to insure that the Turkey-Clay Creek Watershed plan is consistent with national goals and policies.

Several educational programs were conducted to inform people about procedures in organizing and planning a watershed district. The Turkey-Clay Creek Watershed District was officially organized on March 26, 1970. The referendum passed by 72 percent of the 230 votes cast.

The Soil Conservation Service's Watershed Planning Staff began gathering data for the preliminary investigation in 1971 and 1972. A number of public meetings were held to achieve more public participation in determining the problems, concerns, and objectives of the local people and special interest groups. Annual meetings were held, usually in March, to inform the public of planning progress.

Additional meetings were held with various groups to discuss the potential environmental impacts of the project. Such a meeting was held on October 16 and 17, 1973, with several agencies providing comments. The administrator of the Soil Conservation Service issued formal approval to develop a watershed plan in June 1975.

Meetings were held with representatives of the Environmental Protection Agency and the U.S. Fish and Wildlife Service in November 1976 and with the U.S. Fish and Wildlife Service and the South Dakota Department of Game, Fish and Parks on June 20, 1977. The purpose of these meetings was to discuss evaluations of alternative plans and their potential impact on the environment.

As part of the environmental evaluation, two major inventories were initiated. An inventory of land quality and quantity was conducted by the Soil Conservation Service. The purpose of this inventory was to determine the status of land treatment already installed in the watershed and the additional land treatment needed.

The second inventory was an evaluation of water quality conditions in the watershed. This was done under contract. Several other evaluations were made of wetland conditions, wildlife habitat and other factors which might be influenced by structural measures.

The Soil Conservation Service along with input from sponsors was involved in formulating several alternatives. These served as the basis of the national economic development plan, environmental quality plan and other alternatives set forth for considertion by the local sponsors, nd the concerned public. A public meeting was held at Irene, South Dakota on March 23, 1976 with 31 people in attendance. The purpose of this meeting was to provide suggestions and react to the various alternatives being formulated for the Preliminary Investigation Report.

Alternative plans displayed in the Preliminary Investigation Report, dated August 1976, were discussed at a public meeting at Volin, South Dakota on September 13, 1976 with 50 people in attendance. The potential benefits and possible environmental impacts of the various plans were evaluated. This discussion served as a basis for a tentative selection of structural measures to be included in the final plan. (All public meetings were announced in local newspapers and through other media such as radio and television.)

Since submitting their application for assistance, the watershed district board of managers has carried out an educational program designed to inform the general public and watershed residents of planning progress. This included meetings advertised in advance in local newspapers. Public tours of other watersheds have been sponsored by the district board, and public meetings have been held to discuss the various proposed measures.

During project formulation, the Soil Conservation Service, and U.S. Fish and Wildlife Service in consultation with the South Dakota Department of Game, Fish and Parks made a detailed evaluation of environmental impacts for the recommended plan. Mitigation measures recommended by these three agencies were presented to the sponsors on January 9, 1979. The sponsors agreed to the mitigation measures and they were incorporated into the project plan.

Interagency consultation as required by Section 7 of the Endangered Species Act of 1973, amended 1978, was activated on March 28, 1979. The U.S. Fish and Wildlife Service, the responsible agency, advised SCS on April 10, 1979, that the American peregrine falcon (Falco peregrinus anatum) and the bald eagle (Haliaeetus leucocephalus) may be present in the Turkey-Clay Creek project area.

Their findings required a biological evaluation by SCS concerning these two species. This evaluation completed on May 18, 1979, recognizes that the peregrine falcon and bald eagle may make migratory over flights and feeding/resting stops within the watershed, but that the watershed contains no critical habitats for these species. It also recognizes that the project works of improvement will have no adverse impacts on these species or their habitats. The U.S. Fish and Wildlife Service has reviewed the

SCS biological evaluation, and other available data, and have expressed no concerns.

The South Dakota State Archaeologist and the State Historical Preservation Officer were consulted to determine present historical and archaeological resources in the watershed and the impact of the proposed project measures on these resources. The project will not affect any known historical sites. The Soil Conservation Service will contract qualified personnel to conduct archaeological surveys of proposed land disturbance locations, prior to construction. SCS procedures to implement compliance with regulations of executive orders for the protection of historic and cultural properties will be followed. The sponsors are also responsible for compliance with State water laws, Section 10 of the River and Harbor Act, Section 404 of Pub. L. 92–500, and Executive Order 1990.

On October 29, 1980 project sponsors and Soil Conservation Service representatives met and the sponsors approved the Draft Turkey-Clay Creek Watershed Plan and Environmental Impact Statement. About 200 agencies, conservation groups and organizations were asked to comment on the Draft Watershed Plan and Environmental Impact Statement.

The consequences of a full range of reasonable and viable alternatives to specific project features were considered, studied, and analyzed. In reviewing these alternatives, all courses of action that could reasonably accomplish the project purposes were considered. Attempts were made to identify the economic, social, and environmental values affected by each alternative. In accordance with existing policy and procedures, the possibilities of structural and nonstructural alternatives for the project were considered.

3. *Conclusions.* The following conclusions were reached after carefully reviewing the proposed project in light of all national goals and policies, particularly those expressed in the National Environmental Policy Act, and after evaluating the overall merit of possible alternatives to the project:

a. The project will employ a reasonable and practicable means that is consistent with the National Environmental Policy Act while permitting the application of other national policies and interests. These means include, but are not limited to, a project planned and designed to minimize adverse effects on the natural environment, while accomplishing an authorized project purpose.

b. The Turkey-Clay Creek Watershed project was planned using a systematic interdisciplinary approach involving integrated uses of the natural and social sciences and environmental design arts. The results of this review constitutes the basis for the conclusions and recommendations. All conclusions concerning the environmental impact of the project and overall merit of existing plans were based on a review of data and information that would be reasonably expected to reveal significant environmental consequences of the proposed project. These data included additional studies prepared specifically for the project and comments and views of all interested Federal, State and local agencies and individuals.

c. In studying and evaluating the environmental impact of the project, every effort was made to express all environmental values quantitatively. Any failure to quantify particular environmental amenities and values is the result of the absence of a methodology having general scientific acceptance. Nevertheless, every effort was made to identify and give appropriate weight and consideration of nonquantifiable environmental values.

d. Wherever legitimate conflicts of scientific theory and conclusions existed and conclusions led to different views, persons qualified in the appropriate environmental disciplines were consulted. Theories and conclusions appearing to be most reasonable, scientifically acceptable, or both were adopted.

e. Every possible effort has been made to identify those adverse environmental effects which cannot be avoided if the project is constructed.

f. The long-term and short-term resource uses, long-term productivity, and the irreversible and irretrievable commitment of resources are accurately described in the final environmental impact statement.

g. All reasonable and viable alternatives to project features and to the project itself were studied and analyzed with reference to national policies and goals, especially those expressed in the National Environmental Policy Act and the Federal waters resource development legislation under which the project was planned. Each possible course of action was evaluated as to its possible economic, technical, social, and overall environmental consequences to determine the tradeoffs necessary to accommmodate all national policies and interests. Some alternatives may tend to protect more of the present and tangible environmental amenities than the proposed project will preserve. However, no alternative or combination of alternatives will afford greater protection of the environmental values while accomplishing the other project goals and objectives.

h. I conclude, therefore, that the proposed project will be the most effective means of meeting national goals and serving the public interest.

4. *Recommendations.* Having concluded that the proposed Turkey-Clay Creek Watershed project uses all practicable means, consistent with other essential considerations of the national policy, to meet the goals established in the National Environmental Policy Act, that the project will thus serve the overall public interest, that the final environmental impact statement has been prepared, reviewed, and accepted in accordance with the provisions of the Naional Environmental Policy Act as implemented by the Departmental regulations for the preparation of environmental impact statements, and that the project meets the needs of the project sponsors, I propose to implement the Turkey-Clay Creek Watershed project.

Dated: April 12, 1983.

R. D. Swenson,

State Conservationist, Soil Conservation Service, U.S. Department of Agriculture.

[FR Doc. 83-10668 Filed 4-21-83; 8:45 am]

BILLING CODE 3410-16-M

Muddy Creek (Northeast Unit) Watershed, Montana; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Muddy Creek (Northeast Unit) Wasteshed, Teton County, Montana.

FOR FURTHER INFORMATION CONTACT: Glen H. Loomis, Acting State Conservationist, Soil Conservation Service, P.O. Box 970, Bozeman, MT 59715, telephone 406–587–5271, Ext. 4322.

SUPPLEMENTARY INFORMATION: The environmental evaluation of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Glen H. Loomis, Acting State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns a plan for onfarm agricultural water management-irrigation using watershed protection land treatment measures. Planned works of improvement include 4,130 acres of irrigation water management assistance, 690 acres of irrigation land leveling, 12,000 feet of water conveyance systems, 660 acres of automated surface systems, and 2,510 acres of sprinkler irrigation systems.

The Notice of a Finding of No Significant Impact has been forwarded to the Environmental Protection Agency and sent to various federal, state, and local agencies and interested parties. A limited number of copies of the Finding of No Significant Impact and Environmental Assessment are available to fill single copy requests at the above address. Basic data developed during the environmental evaluation are

of file and may be reviewed by contacting Wallace A. Jolly.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the Federal Register.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding state and local clearinghouse review of federal and federally assisted programs and projects is applicable)

Dated: April 13, 1983.

Glen H. Loomis,

Acting State Conservationist.

[FR Doc. 83-10606 Filed 4-21-83; 8:45 am]

BILLING CODE 3410-16-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Cancellation of the Review of Government Versus Contract Operation of Radiosonde Reconditioning

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice.

SUMMARY: Notice is hereby given pursuant to Office of Management and Budget (OMB) Circular A-76 and the Department of Commerce Administrative Order 201-41 implementing OMB Circular A-76, the National Oceanic and Atmospheric Administration (NOAA) is cancelling the review of Government versus contract operation of radiosonde reconditioning at Kansas City, Missouri. Reference Notice of Intent published August 7, 1980 in **Federal Register** Volume 45, Number 154, page 52438. This activity will be included in a larger review of Government versus contract operation of National Reconditioning Center. Reference Notice of Intent to Conduct Reviews published March 15, 1983 in **Federal Register** Volume 48, Number 51, Page 10901.

FOR FURTHER INFORMATION CONTACT: Ivan D. Jones, Chief, National Reconditioning Center, National Weather Service, NOAA, 605 Hardesty Street, Kansas City, Missouri 64124. Telephone—FTS 758-6281.

Dated: April 14, 1983.

Francis J. Balint,

Chief, Information and Management Services Division.

[FR Doc. 83-10757 Filed 4-21-83; 8:45 am]

BILLING CODE 3510-12-M

CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 83-1]

Sun and Sand Imports, Ltd., a Corporation, and Guido Muller, Individually; Prehearing Conference

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of Prehearing Conference.

DATE: This notice announces a prehearing conference to be held in the matter of Sun and Sand Imports, Ltd. on May 9, 1983 at 10:00 a.m.

ADDRESS: The prehearing conference will be in Room 4A-35, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland. For additional information contact: Sheldon D. Butts, Deputy Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, telephone (301) 492-6800.

Notice of Prehearing Conference

Please take notice that a prehearing conference in this proceeding will be held at 10:00 a.m., on May 9, 1983 in room 4A-35, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland for the purposes outlined in 16 CFR 1025.21(a) the issues to be considered in the proceeding are:

(1) Whether respondents are engaged in the importation and sale of Children's Sleepwear: Sizes 0 through 6X and have their office and principal place of business located at 1441 Broadway, Room 1415, New York, New York 10018;

(2) Whether respondents were engaged in the importation into the United States and in the introduction, into commerce, and in the sale or shipment in commerce of wearing apparel as the terms "commerce" and "wearing apparel" are defined in the Flammable Fabrics Act, Sections 2 (b) and (d) 15 U.S.C. 1191 (b) and (d).

(3) Whether respondents have been engaged in the importation into the United States, and caused to be transported in commerce, Children's Sleepwear: Sizes 0 through 6X that are subject to and fail to conform to the Standard for Flammability in violation of Section 3 of the Flammable Fabrics Act, 15 U.S.C. 1192.

(4) Whether the acts and practices complained of, if proven, constitute unfair methods of competition and unfair and deceptive practices in commerce under the Federal Trade Commission Act prohibited under Section 3 of the Flammable Fabrics Act, 15 U.S.C. 1192.

Dated: April 19, 1983.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 83-10762 Filed 4-21-83; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary of the Air Force

Acceptance of Group Application; Henry Keswick Crew Who Served in Defense of Corregidor Island

Under the provisions of Section 401 of Pub. L. 95-202 and DODD 1000.20, the DOD Civilian/Military Service Review Board has accepted an application on behalf of the Henry Keswick Crew Who Served in Defense of Corregidor Island. Persons with information or documentation pertinent to the determination of whether the service of this group was equivalent to active military service are encouraged to submit such information or documentation within 60 days to the DOD Civilian/Military Service Review Board, Secretary of the Air Force (SAF/MIPC), Washington, D.C. 20330. For further information contact Major Phelps, telephone No. 694-5074.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 83-10708 Filed 4-21-83; 8:45 am]

BILLING CODE 3910-01-M

Department of the Air Force

Recision of Notice of Intent To Prepare an Environmental Impact Statement

The United States Air Force announced in the **Federal Register** on July 21, 1982, the intent to prepare an environmental impact statement for siting a Phased Array Warning System radar (PAVE PAWS) in the vicinity of Goodfellow AFB/San Angelo, Texas. Subsequent to the announcement, a scoping meeting was held to define the environmental issues to be analyzed for: Christoval area ranch property located about 17 miles south of San Angelo and within four miles east northeast of Christoval; Mount Susan, about 17 miles south of Goodfellow AFB and within two miles southeast of Christoval; Schleicher County ranch property, located about 35 miles south of Goodfellow AFB; and ranch property in Tom Green County and Schleicher County, about 33 miles south of Goodfellow AFB.

After refining the operational analysis in December, 1982, the Air Force narrowed the proposed sites to the Schleicher County ranch property and Mount Susan. The Air Force also determined that the Schleicher County site would be the proposed action, with Mount Susan designated as the alternative. After a review of the environmental analysis, it was determined that the proposed action, Schleicher County, would not significantly impact the quality of the human environment. Therefore, the environmental analysis has been issued as an environmental assessment with an accompanying finding of no significant impact (FONSI).

Both the environmental assessment and FONSI will be available to interested parties for review for 30 days from the date of this notice before the decision on the location of the radar is implemented.

Additional information may be obtained from HQ ESD/PA Hanscom AFB, MA 01731, (617) 861–4466.

Winnibel F. Holmes,

Air Force Federal Register, Liaison Officer.

[FR Doc. 83–10744 Filed 4–21–83; 8:45 am]

BILLING CODE 3910–01–M

Office of the Secretary

Defense Science Board; Advisory Committee Meeting

The Defense Science Board will meet in closed session on 25–26 May 1983 in the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

At the meeting on 25–26 May 1983 the Board will discuss interim findings and tentative recommendations resulting from ongoing Task Force activities associated with Stategic, Tactical, Intelligence/Command, Control and Communications, and Technology Issues. The Board will also discuss plans for future consideration of scientific and technical aspects of specific strategies, tactics and policies as they may affect the U.S. national defense posture.

In accordance with Section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92–463, as amended (5 U.S.C. App. I, (1976)), it has been determined that this DSB Task Force meeting concerns matters listed in 5 U.S.C. 552b(c) (1) (1976), and that accordingly these meetings will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Service, Department of Defense.

April 19, 1983.

[FR Doc. 83–10761 Filed 4–21–83; 8:45 am]

BILLING CODE 3810–01–M

DEPARTMENT OF EDUCATION

National Center for Research in Vocational Education Advisory Council; Meeting

AGENCY: National Center for Research in Vocational Education Advisory Council.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Center for Research in Vocational Education Advisory Council. This notice also describes the functions of the Council. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATE: May 9, 1983.

ADDRESS: The National Center for Research in Vocational Education, Ohio State University, 1960 Kenny Road, Columbus, Ohio 43210.

FOR FURTHER INFORMATION CONTACT: Dr. Howard F. Hjelm, Director, Division of Innovation and Development, 400 Maryland Avenue, SWl, Rm. 5044, ROB 3, Washington, D.C. 20202, (202) 245–2278.

SUPPLEMENTARY INFORMATION: The National Center for Research in Vocational Education Advisory Council is established under Section 171 of the Vocational Education Act of 1963 as amended by the Education Amendments of 1976 (Pub. L. 94–482) (20 U.S.C. 2401). The primary purpose of the Council is to advise the National Center Director on the operation of the National Center and the Secretary on regional centers. In addition to advising the Director, the Council, at the request of the Secretary, may be consulted on current issues in vocational education as they affect the National Center. Meetings held at the request of the Secretary are conducted in accordance with the Federal Advisory Committee Act (FACA).

That portion of the meeting of the Council under FACA is open to the public on May 9, 1983 from 1:00 p.m. to 4:30 p.m. The proposed agenda includes: 1:00–1:45—Report on Federal Activities; 1:45–4:30—Council Discussion and Recommendations on Technassociates Inc. Evaluation Report.

This meeting will be held in conjunction with a regular meeting of the Council to advise the Center Director.

Records are kept of all Council proceedings and are available for public inspection at the office of Glenn Boerrigter, Program Improvement Systems Branch, 400 Maryland Avenue, SW., Rm 5018, ROB 3, Washington, D.C. 20202; telephone: (202) 245–2617.

Dated: April 19, 1983.

John K. Wu,

Acting Assistant Secretary for Vocational and Adult Education.

[FR Doc. 83–10737 Filed 4–21–83; 8:45 am]

BILLING CODE 4000–01–M

National Advisory Council on Indian Education; Meeting

AGENCY: National Advisory Council on Indian Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the scheduled and proposed agenda of a forthcoming meeting of the full Council. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend the meeting.

DATES: Full Council Meeting: May 9, 1983, 9:00 a.m. to 5:00 p.m.; May 10, 1983, 9:00 a.m. to 5:00 p.m.; and, May 11, 1983, 9:00 a.m. to 5:00 p.m.

Executive Committee Meeting: May 9, 1983, 6:30 p.m. until completion of business.

Standing Committee Meetings: May 10, 1983, 6:30 p.m. until completion of business.

ADDRESS: National Advisory Council on Indian Education, 425 13th Street, NW., Suite 326, Pennsylvania Building, Washington, D.C. 20004 (202/376–8882).

FOR FURTHER INFORMATION CONTACT: Dr. Michael P. Doss, Executive Director, National Advisory Council on Indian Education, 425 13th Street, NW., Suite 326, Pennsylvania Building, Washington, D.C. 20004 (202/376–8882).

SUPPLEMENTARY INFORMATION: The National Advisory Council on Indian Education is established under Section 442 of the Indian Education Act, Title IV of Pub. L. 92–318 (20 U.S.C. 1221g). The Council is established to submit to the Secretary of Education a list of nominees for the position of Director of Indian Education Programs; advise the Secretary of Education with respect to the administration of any program in which Indian children or adults

participate from which they can benefit; review applications for assistance under Title III of the Act of September 30, 1950, and make recommendations to the Secretary with respect to their approval; evaluate programs and projects carried out under any program of the Department of Education in which Indian children or adults can participate or from which they can benefit and disseminate the results of such evaluations; provide technical assistance to local educational agencies and to Indian educational agencies, institutions and organizations; assist the Secretary of Education in developing criteria and regulations for the administration and evaluation of grants made under Section 303(b) of the Act of September 30, 1950; submit to Congress not later than June 30 of each year a report of its activities; and, be consulted by the Secretary of Education regarding the definition of the term Indian.

The meeting will be open to the public. This meeting will be held at the National Advisory Council on Indian Education, 425 13th Street, NW., Suite 326, Pennsylvania Building, Washington, D.C. 20004 (202/376–8882).

The proposed agenda includes:

(1) Official Swearing-in Ceremony.

(2) Formal Orientation by U.S. Department of Education.

(3) Election of Officers and Appointment of NACIE Members to Standing Committees.

(4) Executive Director's Report.

(5) Review of NACIE's FY 1983 Budget.

(6) A Review of the Joint NACIE/ED Search Process for a New Director of the Indian Education Programs, U.S. Department of Education.

(7) Regular Council Business.

(8) Committee Discussions and Reports.

(9) Public Testimony.

The Executive Committee Meeting and Standing Committee Meetings will be open to the public. These committee meetings will be held at the National Advisory Council on Indian Education, 425 13th Street, NW., Suite 326, Pennsylvania Building, Washington, D.C. 20004 (202/376–8882).

The proposed agenda for the Executive Committee includes:

(1) NACIE Budget.

(2) NACIE Planning Meeting.

The proposed agenda for the Standing Committees includes:

(1) Consideration of Agenda Items.

Records shall be kept of all Council proceedings and shall be available for public inspection at the office of the National Advisory Council on Indian Education located at 425 13th Street, NW., Suite 326, Pennsylvania Building, Washington, D.C. 20004.

Dated: April 19, 1983. Signed at Washington, D.C.

Dr. Michael P. Doss,

Executive Director, National Advisory Council on Indian Education.

[FR Doc. 83-10799 Filed 4-21-83; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Langham Petroleum & Development, Inc.; Proposed Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of proposed consent order and opportunity for comment.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a proposed Consent Order with Langham Petroleum & Development, Inc. and provides an opportunity for public comment on the terms and conditions of the proposed Consent Order.

DATE: Comments by May 23, 1983.

ADDRESS: Send comments to: Sandra K. Webb, Director, Houston Office, Economic Regulatory Administration, One Allen Center, Suite 610, 500 Dallas Street, Houston, Texas 77002.

FOR FURTHER INFORMATION CONTACT: Sandra K. Webb, Director, Houston Office, Economic Regulatory Administration, One Allen Center, Suite 610, 500 Dallas Street, Houston, Texas 77002, phone (713) 229–3715. Copies of the Consent Order may be obtained free of charge by writing or calling this office.

SUPPLEMENTARY INFORMATION: On April 18, 1983, the ERA executed a proposed Consent Order with Langham Petroleum & Development, Inc. (Langham) of Houston Texas. Under 10 CFR 205.199J(b), a proposed Consent Order which involves the sum of $500,000 or more, excluding interest and penalties, becomes effective no sooner than thirty days after publication of a notice in the **Federal Register** requesting comments concerning the proposed Consent Order. Although the ERA has signed and tentatively accepted the proposed Consent Order, the ERA may, after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate a modification of the Consent Order or issue the Consent Order as signed.

I. The Consent Order

Langham, with its home office located in Houston, Texas, is a firm engaged in the marketing and reselling of covered products and was subject to the Mandatory Petroleum Price and Allocation Regulations. To resolve certain potential civil liability arising out of the Mandatory Petroleum Allocation and Price Regulations and related regulations, 10 CFR Parts 205, 210, 211, and 212, during the period December 1, 1977 through January 27, 1981 ("the period covered by this Consent Order"), the ERA and Langham entered into a Consent Order the significant terms of which are as follows:

ERA has alleged that in connection with its reselling activities Langham priced crude oil in violation of 10 CFR Part 212, Subparts F and L. ERA has made no allegation concerning Langham's production and first sales of domestic crude oil and those transactions are specifically excluded from the terms of the Consent Order.

With respect to Langham's reselling activities, the ERA and Langham disagree concerning Langham's compliance with the Federal petroleum price and allocation regulations. Notwithstanding the ERA's view as to the proper application of the regulations to Langham's activities, Langham maintains that it has correctly construed and applied the regulations. The Consent Order does not constitute an admission of Langham nor a finding by the ERA of any violation of the Federal petroleum price and allocation regulations. Although the ERA and Langham each believes that their respective positions are meritorious, both parties desire to resolve these matters without resort to complex, lenghty and expensive compliance actions. In addition to its review of Langham's reselling activities, the ERA has also reviewed Langham's expenditures prior to and after the decontrol of crude oil and petroleum products, as well as current financial data of the firm. Based upon that review, the ERA believes that it is in the best interest of the public and the government to reslove these matters now by means of this Consent Order.

II. Refunds

Under this Consent Order, Langham will pay the sum of $32,000,000 in installments as follows: $5,000,000 within 180 days of the effective date of the Consent Order and the balance in 15 annual installments of $1,800,000 each. Langham further agrees that to the

extent that its actual net revenues exceed the net revenues reported in its Form ERA–69 filings by more than 3 percent, Langham will pay $1,000,000 for each full percentage point above 3 percent. Upon full satisfaction of the terms and conditions of this Consent Order by Langham, the DOE will release Langham from any civil claims that the DOE may have arising out of the specified transactions during the period covered by this Consent Order.

III. Submission of Written Comments

Interested persons are invited to submit written comments concerning the terms and conditions of this Consent Order to the address given above. Comments should be identified on the outside of the envelope and on the documents submitted with the designation, "Comments on Langham Consent Order." The ERA will consider all comments it receives by 4:30 p.m., local time, May 23, 1983. Any information or data considered confidential by the person submitting it must be identified as such in accordance with the procedurs in 10 CFR 205.9(f).

Issued in Houston, Texas on the 19th day of April 1982.

Sandra K. Webb,

Director, Houston Office, Economic Regulatory Administration.

[FR Doc. 83–10098 Filed 4–21–83; 8:45 am]

BILLING CODE 6450–01–M

Robert Stephen Langham; Proposed Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of proposed consent order and opportunity for comment.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a proposed Consent Order with Robert Stephen Langham and provides an opportunity for public comment on the terms and conditions of the proposed Consent Order.

DATE: Comments by May 23, 1983.

ADDRESS: Send comments to: Sandra K. Webb, Director, Houston Office, Economic Regulatory Administration, One Allen Center, Suite 610, 500 Dallas Street, Houston, Texas 77002.

FOR FURTHER INFORMATION CONTACT: Sandra K. Webb, Director, Houston Office, Economic Regulatory Administration, One Allen Center, Suite 610, 500 Dallas Street, Houston, Texas 77002, phone (713) 229–3715. Copies of the Consent Order may be obtained free of charge by writing or calling this office.

SUPPLEMENTARY INFORMATION: On April 18, 1983, the ERA executed a proposed Consent Order with Robert Stephen Langham (R. S. Langham) of Houston, Texas. Under 10 CFR 205.199J(b), a proposed Consent Order which involves the sum of $500,000 or more, excluding interest and penalties, becomes effective no sooner than thirty days after publication of a notice in the **Federal Register** requesting comments concerning the proposed Consent Order. Although the ERA has signed and tentatively accepted the proposed Consent Order, the ERA may, after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate a modification of the Consent Order or issue the Consent Order as signed.

I. The Consent Order

R. S. Langham resides in Houston, Texas and is engaged in the marketing and reselling of covered products. During the period December 1, 1977 through January 27, 1981 ("the period covered by this Consent Order"), R. S. Langham was an officer, director and employee of Langham Petroleum & Development, Inc. and was subject to the Mandatory Petroleum Price and Allocation Regulations. To resolve certain potential civil liability arising out of the Mandatory Petroleum Allocation and Price Regulations and related regulations, 10 CFR Parts 205, 210, 211 and 212, the ERA and R. S. Langham entered into a Consent Order the significant terms of which are as follows:

ERA has alleged that during the period covered by this Consent Order, in connection with his reselling activities, R. S. Langham priced crude oil in violation of 10 CFR Part 212, Subparts F and L. ERA has made no allegation concerning R. S. Langham's production and first sales of domestic crude oil and those transactions are specifically excluded from the terms of the Consent Order.

With respect to R. S. Langham's reselling activities, the ERA and R. S. Langham disagree concerning R. S. Langham's compliance with the Federal petroleum price and allocation regulations. Notwithstanding the ERA's view as to the proper application of the regulations to R. S. Langham's activities, R. S. Langham maintains that he has correctly construed and applied the regulations. The Consent Order does not constitute an admission of R. S. Langham nor a finding by the ERA of any violation of the Federal petroleum price and allocation regulations. Although the ERA and R. S. Langham each believes that their respective positions are meritorious, both parties desire to resolve these matters without resort to complex, lengthy and expensive compliance actions. In addition to its review of R. S. Langham's reselling activities, the ERA has also reviewed R. S. Langham's expenditures prior to and after the decontrol of crude oil and petroleum products, as well as his current financial data. Based upon that review, the ERA believes that it is in the best interest of the public and the government to conclude these matters now by means of this Consent Order.

II. Refund

Under this Consent Order, R. S. Langham will pay an amount up to $10,000,000 based upon the after-tax income of R. S. Langham and certain related entities. The amount to be paid will be one-third of the amount by which such income exceeds $13.5 M over the five year period following the effective date of the Consent Order. Upon full satisfaction of the terms and conditions of this Consent Order by R. S. Langham, the DOE will release R. S. Langham from any civil claims that the DOE may have arising out of the specified transactions during the period covered by this Consent Order.

III. Submission of Written Comments

Interested persons are invited to submit written comments concerning the terms and conditions of this Consent Order to the address given above. Comments should be identified on the outside of the envelope and on the documents submitted with the designation, "Comments on R. S. Langham Consent Order." The ERA will consider all comments it receives by 4:30 p.m., local time, May 23, 1983. Any information or data considered confidential by the person submitting it must be identified as such in accordance with the procedures in 10 CFR 205.9(f).

Issued in Houston, Texas, on the 19th day of April, 1982.

Sandra K. Webb,

Director, Houston Office, Economic Regulatory Administration.

[FR Doc. 83–10097 Filed 4–21–83; 8:45 am]

BILLING CODE 6450–01–M

DEPARTMENT OF AGENCY

Cabot Fuel Corporation and Tuco, Inc.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration hereby gives notice of a Proposed Remedial Order which was issued to Cabot Fuel Corporation and its

subsidiary TUCO, Inc. of Amarillo, Texas.

The Proposed Remedial Order charged TUCO, Inc. with pricing violations in the amount of $3,991,784.12, plus accrued interest, in sales of natural gas liquids and natural gas liquid products during the period of October 1, 1974 through October 31, 1978.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from David H. Jackson, Director, Kansas City Office, Economic Regulatory Administration, 324 East 11th Street, Kansas City, Missouri 64106–2466. Within 15 days of publication of this notice, any aggrieved person may file a Notice of Objections with the Office of Hearings and Appeals, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Kansas City, Missouri on the 6th day of April, 1983.

David H. Jackson,

Director, Kansas City Office, Economic Regulatory Administration.

[FR Doc. 83–10717 Filed 4–21–83; 8:45 am]

BILLING CODE 6450–01–M

Northeast Petroleum Industries, Inc.; Proposed Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Proposed Consent Order and Opportunity for Comment.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a proposed Consent Order with Northeast Petroleum Industries, Inc. and provides an opportunity for public comment on the proposed Consent Order.

DATE: Comments by May 23, 1983.

ADDRESS: Send comments to: Robert J. McKee, Jr., Director, Philadelphia Field Office, ERA, 1421 Cherry Street, Philadelphia, Pennsylvania 19102.

FOR FURTHER INFORMATION CONTACT: Robert J. McKee, Jr., Director, Philadelphia Field Office, ERA, 1421 Cherry Street, Philadelphia, Pennsylvania 19102, (215) 597–4550.

Copies of the Consent Order may be obtained free of charge by writing or calling this office.

SUPPLEMENTARY INFORMATION: On April 5, 1983, the ERA executed a proposed Consent Order with Northeast Petroleum Industries, Inc. ("Northeast") of Chelsea, Massachusetts. Under 10 CFR 205.199J(b), a proposed Consent Order which involves the sum of $500,000 or more, excluding interest and penalties, becomes effective no sooner than thirty days after publication of a notice in the **Federal Register** requesting comments concerning the proposed Consent Order. Although the ERA has signed and tentatively accepted the proposed Consent Order, the ERA may, after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate a modification of the Consent Order or issue the Consent Order as signed.

Northeast, with its home office located in Chelsea, Massachusetts, is a firm engaged in the sale of covered petroleum products, and was subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211 and 212 during the period January 1, 1973 through January 28, 1981 ("the period covered by this Consent Order"). An audit conducted by the ERA included a review of Northeast's records relating to compliance with the Federal petroleum price and allocation regulations during the period January 1, 1973 through January 28, 1981 (the audit period). In its audit the ERA reviewed Northeast's pricing and allocation policies and procedures and the manner in which Northeast applied the Federal petroleum price and allocation regulations. Northeast has cooperated with this audit. Northeast has made its books and records available to the auditors of the DOE and the auditors have examined and reviewed a substantial volume of such materials. DOE believes that Northeast has maintained procedures reasonably adapted to achieve compliance with the Federal petroleum price and allocation regulations.

The ERA and Northeast disagree in several respects concerning Northeast's compliance with the Federal petroleum price and allocation regulations during the audit period. Notwithstanding the ERA's view as to the proper application of the regulations to Northeast's activities, Northeast maintains that it has correctly construed and applied the regulations. The ERA and Northeast each believes that its respective positions on the legal issues underlying their disagreements are meritorious. However, both parties desire to resolve the issues raised by the audit without resort to complex, lengthy an expensive compliance actions and therefore have entered into this Consent Order. The ERA believes that the Consent Order is in public interest because it provides a satisfactory resolution of disputed issues and an appropriate conclusion of the Northeast audit.

The Consent Order addresses all aspects of Northeast's compliance with the Federal petroleum price and allocation regulations during the audit period and, except for those issues explicitly excluded, resolves all issues concerning Northeast's compliance with the Federal petroleum price and allocation regulations during the audit period. In settlement of all disputes with the ERA concerning sales of covered petroleum products during the audit period, Northeast has agreed to refund an aggregate amount of $2,000,000. Of this $2,000,000, $800,000 is to be paid to eligible end-user No. 6 residual fuel oil customers, and $1,200,000 is to be paid to the U.S. Treasury for deposit as miscellaneous receipts. The Consent Order also provides details concerning records retention and procedures concerning enforcement of the provisions of the Consent Order.

The Consent Order does not constitute an admission by Northeast nor a finding by the ERA of any violation of the Federal petroleum price and allocation regulations. This notice merely summarizes the Consent Order, and neither limits nor modifies it in any way whatsover. The provisions of 10 CFR 205.199J, including those regarding the publication of this Notice, are applicable to the Consent Order.

Upon full satisfaction of the terms and conditions of this Consent Order by Northeast, the DOE releases Northeast from any civil claims that the DOE may have arising out of the Federal petroleum price and allocation regulations.

Submission of written comments: Interested persons are invited to submit written comments concerning the terms and conditions of this Consent Order to the address given above. Comments should be identified on the outside of the envelope and on the documents submitted with the designation "Comments on Northeast Petroleum Industries, Inc. Consent Order." The ERA will consider all comments it receives by 4:30 pm, local time, on May 23, 1983. Any information or data considered confidential by the person submitting it must be identified as such in accordance with the procedures at 10 CFR 205.9(f).

Issued in Philadelphia on the 6th day of April, 1983.

Robert J. McKee, Jr.,

Director, Philadelphia Field Office, ERA.

[FR Doc. 83–10716 Filed 4–21–83; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. QF83-226-000]

Birch Creek Hydro, Inc.; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

April 18, 1983.

On March 24, 1983, Birch Creek Hydro, Inc., (Applicant) 2210 Wilshire Blvd., No. 789, Santa Monica, California 90403, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The hydroelectric small power production facility will be located near Big Pine, California. The facility will consist of a solar powered pumping system and two hydro powerhouses. The net electric power production capacity of the facility will be 4,928 kilowatts. Applicant owns no other hydroelectric small power production facilities located within one mile of the facility. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-10766 Filed 4-21-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-238-000]

Columbia Gas Transmission Corp.; Request Under Blanket Authorization

April 18, 1983.

Take notice that on March 17, 1983, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP83-238-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) to add new points of delivery to existing wholesale customers under the authorization issued in Docket No. CP83-76-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Columbia proposes to construct and operate tap facilities necessary to provide 3 additional points of delivery to Columbia Gas of Kentucky, 5 additional points of delivery to Columbia Gas of Ohio and 7 additional points of delivery to Columbia Gas of West Virginia. Columbia states that the volumes of natural gas to be provided through the new points of delivery are within its currently authorized level of sales. Such volumes would not affect Columbia's peak day and annual deliveries to which its existing wholesale customer is entitled, it is asserted. Columbia also indicates that its wholesale customers are all served under its Rate Schedule CDS.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-10767 Filed 4-21-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-259-000]

Columbia Gulf Transmission Co.; Application

April 18, 1983.

Take notice that on March 30, 1983, Columbia Gulf Transmission Company (Applicant), P.O. Box 683, Houston, Texas 77001, filed in Docket No. CP83-259-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon certain facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the well connected to 2.0 miles of 4-inch pipeline extending from a producer platform in South Marsh Island Block 268, offshore Louisiana, has been abandoned, and these facilities, constructed to transport gas from this well, are no longer needed as used. Applicant, therefore, proposes the abandonment in place of the 2.0 miles of 4-inch pipeline.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 9, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-10768 Filed 4-21-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-223-000]

El Dorado County Water Agency, et. al., Park Creek; Application For Commission Certification of Qualifying Status of a Small Power Production Facility

April 18, 1983.

On March 16, 1983, the El Dorado County Water Agency, et. al., (Applicant), P.O. Box 1608, 2890 Mosquito Road, Placerville, California 95667, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The hydroelectric facility will be located on Sly Park Creek in El Dorado County, California. The electric power production capacity of the facility will be 6.9 megawatts. The Applicant does not own any other hydroelectric small power production facilities located within one mile of the facility. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedures. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-10769 Filed 4-21-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-219-000]

El Dorado County Water Agency, et al., Plum Creek; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

April 18, 1983.

On March 16, 1983, the El Dorado County Water Agency, et. al. (Applicant), P.O. Box 1608, 2890 Mosquito Road, Placerville, California 95667, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The hydroelectric facility will be located on Plum Creek, in El Dorado County, California. The electric power production capacity of the facility will be 42.7 megawatts. The Applicant does not own any other hydroelectric small power production facilities located within one mile of the facility. No electric utility, electric utility holding company or any combination thereof has an ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-10770 Filed 4-21-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-224-000]

El Dorado County Water Agency, et al., El Dorado 2; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

April 18, 1983.

On March 16, 1983, the El Dorado County Water Agency, et al. (Applicant), P.O. Box 1608, 2890 Mosquito Road, Placerville, California 95667, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The hydroelectric facility will be located near the existing PG&E El Dorado Powerhouse, in El Dorado County, California. The electric power production capacity of the facility will be 60.8 megawatts. The Applicant does not own any other hydroelectric small power production facilities located within one mile of the facility. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-10771 Filed 4-21-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-13-003]

El Paso Natural Gas Co.; Compliance Filing

April 18, 1983.

Take notice that on April 4, 1983, El Paso Natural Gas Co. (El Paso), pursuant to Part 154 of the Federal Energy Regulatory Commission's (Commission) regulations under the Natural Gas Act, submitted for filing the following revised tariff sheets to its FERC Gas Tariff, Original Volume No. 1, to be effective April 15, 1983:

Fourth Revised Sheet No. 89
Fourth Revised Sheet No. 90
Third Revised Sheet No. 91
Second Revised Sheet No. 91-A
First Revised Sheet No. 91-B
Second Revised Sheet No. 91-C
Second Revised Sheet No. 91-D
Second Revised Sheet No. 91-E
First Revised Sheet No. 91-F
Second Revised sheet No. 91-G
First Revised Sheet No. 91-H
First Revised Sheet No. 91-I

On October 27, 1982, El Paso tendered to the Commission, pursuant to Part 154 of the Commission's regulations, revised tariff sheets[1] to its FERC Gas Tariff,

[1] Substitute Twenty-fourth Revised Sheet No. 1, Fourth Revised Sheet Nos. 72 and 73, Third Revised

Original Volume No. 1, which, when accepted and made effective by the Commission, would have replaced the two forms of service agreement (Form A and Form B) presently included in El Paso's Original Volume No. 1 Tariff with a single, new form of service agreement, and updated the Table of Contents thereto to reflect replacement of Forms A and B with the new Form. By order issued November 26, 1982, at Docket No. RP83–13–000, the Commission accepted El Paso's filing, consolidated it with El Paso's pending rate proceedings at Docket Nos. RP82–33–000 and RP83–6–000 for purposes of hearing and decision, and suspended it until April 15, 1983, when the new Form will be permitted to become effective subject to alteration or deletion of terms not found to be just and reasonable. Thereafter, by order issued February 18, 1983, at Docket Nos. RP83–13–001 and RP83–13–002, the Commission rescinded that portion of its November 26, 1982 order which allowed El Paso to delete Forms A and B from its Original Volume No. 1 Tariff, and conditioned acceptance of the new Form upon El Paso's retention of Forms A and B until all executed service agreements patterned after those forms have expired.

To comply with the condition set forth in the Commission's February 18, 1983 order, El Paso submitted revised tariff sheets in substitution for those filed on October 27, 1982 in the captioned proceeding. The revised tariff sheets tendered reflect new pagination which will serve to include the new Form in EL Paso's Original Volume No. 1 Tariff while retaining Forms A and B now contained therein.

El Paso requests that the Commission grant any and all waivers which may be necessary to permit the tendered revised tariff sheets to be substituted for those filed on October 27, 1982, in the captioned proceeding and that such tendered tariff sheets be permitted to become effective April 15, 1983 subject to alteration or deletion as provided for in the Commission's order issued November 26, 1982, as amended.

EL Paso states that a copy of the filing was served upon all parties of record in Docket Nos. RP82–33–000, RP83–6–000 and RP83–13–000, and upon all interested pipeline system customers of El Paso and interested state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before April 27, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commissioin and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–10772 Filed 4–21–83; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. CP83–228–000 and CP83–228–001]

Esperanza Transmission Co.; Application

April 18, 1983.

Take notice that on March 7, 1983, Esperanza Transmission Company (Esperanza), P.O. Box 2447, Corpus Christi, Texas 78403, filed in Docket No. CP83–228–000 an application, as supplemented March 30, 1983, in Docket No. CP83–228–001, pursuant to Section 311(a)(2) of the Natural Gas Policy Act of 1978 for authorization to transport up to 50,000 Mcf of natural gas per day for United Gas Pipe Line Company (United) within the State of Texas, for an extended term of two years beginning June 5, 1983, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Esperanza states that natural gas would be transported from various points in the producing field area to points of interconnection with United in Cherokee, Dewitt, Goliad, Jim Wells and Matagorda Counties, Texas, with Houston Pipe Line Company for United's account in Nueces County, Texas, and with Transcontinental Gas Pipe Line Corporation for United's account in Wharton County, Texas. Esperanza further states that it would charge United a rate of 15.0 cents per Mcf for gas transported.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 9, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–10773 Filed 4–21–83; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP83–239–000]

Florida Gas Transmission Co.; Request Under Blanket Authorization

April 18, 1983.

Take notice that on March 23, 1983, Florida Gas Transmission Company (FGT), P.O. Box 44, Winter Park, Florida 32790, filed in Docket No. CP83–239–000 a request pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) proposing to transport gas in interstate commerce for ultimate consumption in International Minerals and Chemical Corporation's (IMC) new Wales plant locatedin Polk County, Florida, under the authorization issued in Docket No. CP82–553–000 pursuant Section 7 of the Natural Gas Act, all as more fully set forth in its request which is on file with the Commission and open to public inspection.

FGT asserts that the new Wales plant is adjacent to IMC's Kingsford Plant. FGT states that in Docket No. CP66–159 on February 11, 1966 it received authorization to construct and operate approximately four miles of pipeline and to deliver natural gas to IMC, a direct sale customer of FGT. However, FGT states that said order specifically referred to the plant to be served, the Kingsford Plant and the end uses of the gas. Therefore, FGT now requests that it be permitted to deliver gas for use in IMC's New Wales plant.

FGT states that it would not construct any new facilities in order to serve the New Wales plant. Service to the Kingsford and New Wales plants would be made through the existing delivery point and deliveries would remain within IMC's existing FERC established volumetric entitlement, it is asserted.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR

Sheet No. 74, Second Revised Sheet No. 75, Fourth Revised Sheet No. 76, First Revised Sheet No. 77, Third Revised Sheet Nos. 78, 79, and 80, Second Revised Sheet Nos. 81, 82 and 83.

385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-10774 Filed 4-21-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-2-34-001]

Florida Gas Transmission Co., Compliance Filing

April 18, 1983.

Take notice that on April 4, 1983, Florida Gas Transmission Company (FGT) submitted for filing the following substitute tariff sheets:

Original Volume No. 1

Substitute 30th Revised Sheet No. 3-A
Substitute 7th Revised Sheet No. 3-B

Original Volume No. 2

Substitute 20th Revised Sheet No. 128

On February 28, 1983, FGT filed its PGA filing, to be effective April 1, 1983, pursuant to § 154.38 of the Commission's Regulations under the Natural Gas Act and Section 15 of FGT's FERC Gas Tariff (Purchase Gas Adjustment and Incremental Pricing Provisions). FGT's filing was composed of Thirtieth Revised Sheet No. 3-A and Seventh Revised Sheet No. 3-B to Original Volume No. 1, and Twentieth Revised Sheet No. 128 to Original Volume No. 2. By letter order dated March 31, 1983, the Commission conditionally accepted the tariff sheets subject to FGT refiling within fifteen days of the issuance of the Commission's order reduced rates to be effective April 1, 1983, which reflect the proper supplier rates of Southern Natural Gas Company (SNG). FGT has refiled the substitute tariff sheets to reflect SNG's rates to be effective April 1, 1983.

The effect of the adjustments required by the Commission's letter order is to reduce the average cost of gas purchased for the adjustment period from 293.5081¢/Mcf to 293.1245¢/Mcf, or a decrease of .3836¢/Mcf.

FGT states that the copies of the filing were mailed to all customers served under the Rate Schedules affected by the filing and the interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rule 211 or 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before April 28, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-10775 Filed 4-21-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP75-104-032]

High Island Offshore System; Petition to Amend

April 18, 1983.

Take notice that on March 22, 1983, High Island Offshore System (Petitioner), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP75-104-032 a petition to amend the order issued March 29, 1982, in Docket No. CP75-104, *et al.*, pursuant to Section 7(c) of the Natural Gas Act so as to authorize Petitioner to establish a limitation on the volume of condensate to be transported with the gas tendered to Petitioner for transportation by its shippers at each point of receipt, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner explains that its system was originally designed to accommodate a maximum of 10 barrels of condensate per 1,000 Mcf of gas transported. Despite this, Petitioner states, no limitation on condensate transportation is contained in the transportation agreements with Petitioner's shippers or in Petitioner's FERC Gas Tariff and no such limitation was requested or included in its authorization issued in Docket No. CP75-104, *et al.* In response to operating concerns which arise due to transportation of large volumes of condensate, Petitioner states, it has adopted a new operating policy which would limit condensate transportation in Petitioner's system without Petitioner's prior consent to no more than 10 barrels of condensate per 1,000 Mcf of gas delivered at each point of receipt. To implement the policy change, Petitioner requests that the Commission amend ordering paragraph B of the Order Denying Rehearing and Approving Settlement Agreement issued March 29, 1982, to read as follows:

(B) The settlement agreement filed by HIOS on January 18, 1982, is approved and the service specified therein is authorized upon condition that gas tendered to HIOS, at any authorized Point of Receipt, shall not contain more than 10 barrels of condensate per 1,000 Mcf without the prior consent of HIOS or its Operator.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before May 9, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-10776 Filed 4-21-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-255-000]

Houston Pipe Line Co.; Application

April 18, 1983.

Take notice that on March 28, 1983, Houston Pipe Line Company (Applicant), P.O. Box 1188, Houston, Texas 77001, filed in Docket No. CP83-255-000 an application pursuant to Section 311(a)(2) of the Natural Gas Policy Act of 1978 and § 284.127 of the Commission's Regulations for authority to transport certain quantities of natural gas for Texas Eastern Transmission Corporation (Tetco), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it is currently engaged in the transportation of natural gas on behalf of Tetco pursuant to a transportation agreement dated June 14, 1979. It is stated that service under this

agreement commenced June 29, 1979, for an initial term of two years under the self-implementing provisions of § 284.122(a) of the Commission's Regulations and was extended for a period of two years commencing June 29, 1981, pursuant to § 284.125 of the Commission's Regulations. In order that the transportation service might be continued on an uninterrupted basis, Applicant has requested the Commission issue an order authorizing a continuation of the transportation arrangement for a period of two years commencing June 29, 1983, and ending June 28, 1985.

Applicant proposes to transport up to 2,000 Mcf of gas per day for Tetco or such additional daily volumes which Applicant determines that its operating conditions shall reasonably permit. Applicant states that it would transport Tetco's volumes from a point or points located on Applicant's pipeline facilities in Harris, Matagorda, and Colorado Counties, Texas, to a point or points located on Tetco's pipeline facilities in Angelina, Colorado, and Chambers Counties, Texas, and other mutually agreeable point or points. It is stated that pursuant to the original transportation agreement dated June 14, 1979, no rate would be charged by Applicant for the service.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 9, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-10777 Filed 4-21-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-234-000]

Lone Star Gathering Co.; Application

April 18, 1983.

Take notice that on March 16, 1983, Lone Star Gathering Company (Applicant), 301 South Harwood Street, Dallas, Texas 75201, filed in Docket No. CP83-234-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing an increase in the daily contract demand from 5,500 Mcf to 10,500 Mcf under an existing transportation agreement dated November 26, 1973 with Natural Gas Pipeline Company of America (Natural), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is asserted that Applicant is authorized to transport gas produced from the Carthage, JGS, and Penn-Griffith Fields in Panola and Rusk Counties, Texas, for Natural. Applicant proposes pursuant to an amendment dated Febraury 17, 1982, to increase the daily contract demand transported from these fields from 5,500 Mcf to 10,500 Mcf. It is asserted that such increase would enhance Natural's ability to exchange gas with Lone Star Gas Company.

Any person desiring to be heard or to make any protest with reference to said applicant should on or before May 9, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if not motion to intervene is filed within the time required herein, if the Commisison on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-10778 Filed 4-21-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-257-000]

Michigan Consolidated Gas Co., Application and Petition

April 18, 1983.

Take notice that on March 29, 1983, Michigan Consolidated Gas Company (Mich Con), 500 Griswold Street, Detroit, Michigan 48226, filed in Docket No. CP83-257-000 a petition pursuant to § 385.207 of the Commission's Rules of Practice and Procedure (18 CFR 385.207) for an order declaring that Commission authorization is unnecessary to engage in certain transactions of natural gas or, in the alternative, an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Mich Con to engage in transactions incident to the direct sale of surplus natural gas supplies to Sohio Chemical Company (Sohio), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is indicated that pursuant to an agreement dated March 21, 1983, Mich Con has agreed to sell to Sohio up to 25,000,000 dt equivalent of natural gas per year at a maximum daily delivery rate not to exceed 90,000 dt equivalent, subject to interruption to the extent the gas supplies are required by Mich Con to provide adequate service to its distribution customers. It is stated that the term of the agreement is for an initial period of two years commencing from the date of first deliveries and is automatically extendable for successive two-year periods unless cancelled by either party by notification within 30 days of the end of the current two-year term. The proposed rate to be charged by Mich Con would be the sum of the gas-cost component of the commodity rate of Michigan Wisconsin Pipe Line Company's (Mich Wisc) Rate Schedule MC-1 under which Mich Con purchases gas from Mich Wisc plus five cents. Mich Con states that this rate represents its incremental cost of gas plus Mich Wisc's charge for transportation plus three cents and that this total rate is currently $3.45 per million Btu.

Misc Wisc proposes in Docket No. CP83-253-000 to transport the above sales volumes, by displacement, from its existing point of interconnection with Mich Con at Willow Run Station in

Ypsilanti Township, Washtennaw County, Michigan, to Panhandle Eastern Pipe Line Company (Panhandle) at an existing interconnection located in Defiance County, Ohio, which would in turn deliver thermally equivalent volumes to Columbia Gas Transmission Corporation (Columbia) at an existing delivery point in Paulding County, Ohio, which would then redeliver such volumes to Sohio at its Lima, Ohio, plant. Once a proposed interconnection between Mich Wisc and Columbia is constructed and placed into service, redeliveries would be made by Mich Wisc directly to Columbia, it is explained. Mich Con states it would pay Mich Wisc 2.0 cents per dt delivered to either Columbia or Panhandle.

Mich Con indicates that the gas sold to Sohio is a less expensive source of supply than Sohio's traditional supplier, Columbia Gas of Ohio, Inc. and that the proposed sale would result in annual fuel cost savings which would enable Sohio to regain its competitiveness in the ammonia and urea production market. Mich Con further states that upon authorization of the requested service, Sohio would be able to recall approximately 70 of its 271 employees currently laid off.

Mich Con requests the Commission to issue a declaratory order stating that no Commission authorization is necessary to engage in the proposed transactions since the contemplated sale of gas to Sohio is a direct sale to an end-user and not a sale for resale and is exempt from Commission jurisdiction under Section 1(b) of the Natural Gas Act and the transportation of natural gas in interstate commerce necessary for this sale would be accomplished solely by Mich Wisc, Panhandle, and Columbia, and Mich Con would, therefore, not transport the gas in interstate commerce. Mich Con requests that the declaratory order specifically state that Mich Con requires no Commission authorization to undertake the proposed transactions and that none of Mich Con's facilities are or would be subject to the Commission's jurisdiction by virtue of engaging in these transactions.

Mich Con avers that if the Commission should determine that it is necessary for Mich Con to obtain authorization under Section 7(c) of the Natural Gas Act, it is in the present and future public convenience and necessity for such authorization to be granted for a limited term to terminate with the termination of the underlying sales agreement by either party and be expressly conditioned so as not to effect any change in the non-jurisdictional status of any sales, operations, or facilities of Mich Con other than those which are the subject of such limited authorization. Mich Con submits that the Commission should state in any order granting such authorization that acceptance of the certificate would not impair the continued validity of the exclusion from the Commission's jurisdiction previously granted to Mich Con pursuant to Section 1(c) of the Natural Gas Act except to the extent necessary to enforce the terms and conditions of such certificate. Mich Con further requests that any such order expressly waive any and all accounting and reporting requirements except those expressly applicable to the authorized transaction.

Any person desiring to be heard or to make any protest with reference to said application and petition should on or before 5–9–83, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Mich Con to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-10779 Filed 4-21-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-253-000]

Michigan Wisconsin Pipe Line Co.; Application

April 18, 1983.

Take notice that on March 28, 1983, Michigan Wisconsin Pipe Line Company (Applicant), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP83-253-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing (1) an interruptible transportation service for Michigan Consolidated Gas Company (Mich Con), (2) an emergency exchange service between Applicant and Columbia Gas Transmission Corporation (Columbia), and (3) the construction and operation of an interconnection between the pipeline transmission facilities of Applicant and Columbia which is incident to the above transportation and emergency exchange services, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The applicant indicates that pursuant to an agreement dated March 21, 1983, Mich Con has agreed to sell to Sohio Chemical Company (Sohio) an annual quantity of 25,000,000 dt equivalent of natural gas at a maximum daily delivery rate not exceed 90,000 dt equivalent without the concurrence of Mich Con. The agreement states that this service is subject to interruption to the extent the gas supplies are required by Mich Con to provide adequate service to its own distribution customers. It is stated that the term of this agreement is for an initial period of two years commencing from the date of first deliveries and is automatically extendable for successive two year periods unless cancelled by either party by notification within 30 days of the end of the initial two year term or any two year extension. It is indicated that Sohio's Lima, Ohio, ammonia-products plant has lost its ability to compete with manufacturers of similar products due to the cost of natural gas from its present supplier. It is further stated that even small changes in the cost of natural gas have a direct impact on production costs and the economic well being of this plant since natural gas constitutes approximately 80 percent of the cost of ammonia

production. Sohio indicates that production of ammonia, urea, and carbon dioxide at its Lima plant were shut down on July 21, 1982, and that subsequently 70 of its 271 employees have been laid off and additional layoffs are likely if the facilities cannot be restored to full operations.

Applicant states that it has entered into an agreement with Mich Con dated March 23, 1983, which provides for the transportation of up to 90,000 dt equivalent of natural gas for subsequent redelivery of Sohio provided sufficient pipeline capacity is available to provide such service without detriment or disadvantage to Applicant's existing customers. Applicant states that it would receive the natural gas supplies from Mich Con, by displacement, at an existing point of delivery at Applicant's Willow Run Station in Ypsilanti Township, Washtenaw County, Michigan. Redeliveries of thermally equivalent volumes would be made by Applicant to Panhandle Eastern Pipe Line Company (Panhandle) at an existing delivery point located in Defiance County, Ohio, it is asserted. Panhandle would deliver equivalent volumes to Columbia at an existing delivery point and Columbia would deliver equivalent volumes to the Sohio plant in Lima, Ohio, at an existing delivery point, it is explained. Applicant informs that once the proposed interconnection with Columbia is placed into service redeliveries would be made by Applicant directly to Columbia.

Applicant states that Mich Con has agreed to pay it 2.0 cents per dt equivalent redelivered to either Panhandle or Columbia for Mich Con's account. In addition, Applicant states that Mich Con has agreed to pay a metering charge of 2.0 cents per dt equivalent redelivered by Applicant to Columbia at the new interconnection. This metering charge is proposed to be assessed on an aggregate of 28,364,000 dt equivalent of natural gas since Applicant has determined that this quantity is sufficient fully to reimburse Applicant for its cost of service associated with constructing and operating the new interconnection. Applicant states that the term of the agreement is for an intial period of two years commencing from the date of first deliveries and may be extended beyond such date providing notification is received from Mich Con at least 30 days prior to the end of the initial term.

Applicant proposes to construct and operate an interconnection in Paulding County, Ohio, which would connect Columbia's facilities with the mainline transmission system of Applicant. It is stated that this new interconnection would comprise gas measurement, flow control and pressure regulating facilities, and interconnecting pipeline which collectively are estimated to cost $448,920. The cost of constructing this interconnection would be financed by Applicant with funds presently on hand.

The proposed new interconnection would be utilized to effectuate direct deliveries to Columbia of the gas volumes transported by Applicant for the account of Mich Con and to effectuate the proposed gas exchange service between Columbia and Applicant. Applicant states that the new interconnection would be used by Applicant and Columbia to achieve additional operating flexibility and to assist each company in alleviating emergency situations via the exchange of gas. According to the terms of an agreement dated March 23, 1983, Applicant and Columbia have agreed, upon request, and to meet an emergency, to deliver up to 100,000 Mcf of natural gas per day to the other if the deliveries of such can be made without impairment of the service obligations of the delivering party. The agreement states further that as soon as possible, but within a period of 60 days thereafter, the party which received the emergency gas supplies would be obligated to redeliver thermally equivalent quantities at the new interconnection.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 9, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-10780 Filed 4-21-83; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commisson

[Docket Nos. CP83-245-000 and CP83-245-001]

Montana-Dakota Utilities Co.; Application

April 18, 1983.

Take notice that on March 21, 1983, Montana-Dakota Utilities Co. (Applicant), 400 North Fourth Street, Bismarck, North Dakota 58501, filed in Docket No. CP83-245-000 an application as supplemented in Docket No. CP83-245-001 on March 30, 1983, pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of direct sale taps on certain jurisdictional gas pipelines and related facilities, all as more fully set forth in the application, as supplemented, which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate taps on the lines identified below for service to the following:

Name of customer	Location of tap	Class of customer
Terry Carson	Pembina County, ND	Residential.
Richard Brusseau	Pembina County, ND	Residential.
Dennis Bachard	Pembina County, ND	Residential.
Oscar Marcelin	Pembina County, ND	Residential.
Ron Falk	Pembina County, ND	Residential.
Leonard Rollstads	Pembina County, ND	Residential.
Bob Grube	Pembina County, ND	Residential.
Allan Svor	Pembina County, ND	Residential.
Orlo Mostad	Pembina County, ND	Residential.
Bob Hildenbrant	Pembina County, ND	Residential.
Tim Mattson	Burleigh County, ND	Residential.
Jens Traeholt	Burleigh County, ND	Residential.
Dane Fuchs	Morton County, ND	Residential.
Jim Thompson	Morton County, ND	Residential.
Roger Nesham	Ward County, ND	Residential.
Shaun Roll	Stark County, ND	Residential.
Gary Farstveat	Golden Valley, ND	Commercial.
John Rabenberg	Roosevelt County, MT	Residential.

Name of customer	Location of tap	Class of customer
America Colloid Co..	Phillips County, MT	Industrial.
Jim Anderson	Valley County, MT	Residential.
Westley Smith	Richland County, MT	Residential.
Agri-Systems	Big Horn County, MT	Commercial.
Ray Whitten	Carbon County, MT	Commercial.
Big Horn Calcium	Carbon County, MT	Industrial.
Reeves Concrete	Johnson County, WY	Commercial.
Jusher, Inc.	Johnson County, WY	Commercial.
Wayne Linstad	Lawrence County, SD	Residential.
P&S Seed	Phillips County, MT	Commercial.

It is stated that the gas supply for these customers would be from general system supply with impact on Applicant's supply being negligible.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 9, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-10785 Filed 4-21-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP82-13-004]

National Fuel Gas Supply Corp.; Proposed Changes in FERC Gas Tariff

April 18, 1983.

Take notice that on April 11, 1983, National Fuel Gas Supply Corporation (National Fuel) tendered for filing proposed changes in its FERC Gas Tariff, Original Volume Nos. 1 and 2. The proposed changes would reduce National Fuel's rates to the level contained in an amended settlement currently pending before the Commission in Docket No. RP82-13-000, for gas deliveries commencing March 1, 1983.

National Fuel states that the proposed tariff sheets are tendered only on the specific condition precedent that the amended settlement will be approved by the Commission without modification. If the amended settlement is not so approved, National Fuel states that these tariff sheets shall be deemed withdrawn and of no force and effect, *ab initio.*

National Fuel states that copies of this filing were served upon the company's jurisdictional customers and the regulatory commissions of the States of New York, Ohio, Pennsylvania, Delaware and New Jersey.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rule 211 or 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before April 28, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-10786 Filed 4-21-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-261-000]

Panhandle Eastern Pipe Line Co.; Request Under Blanket Authorization

April 18, 1983.

Take notice that on March 31, 1983, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP83-261-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) to add two new delivery points under the authorization issued in Docket No. CP83-261-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Panhandle states that it would construct and operate two new delivery points to serve Indiana Gas Company (Indiana), an existing customer of Panhandle, in Hamilton County, Indiana (the Geist Reservoir delivery point), and Madison County, Indiana (the Reformatory delivery point), pursuant to a gas sales contract dated February 10, 1983. It is indicated that this contract replaces a contract dated June 1, 1981, and authorized by the Commission in Docket No. CP81-451. Panhandle states that sales to Indiana are made under its Rate Schedule G-1 which does not prohibit the addition of new delivery points.

It is asserted that maximum daily deliveries would be 2,500 Mcf at the Geist Reservoir delivery point and 1,000 Mcf at the Reformatory delivery point. It is further asserted that maximum daily deliveries at the Anderson No. 2 delivery point, which were set at 57,500 Mcf in the June 1, 1981, contract, would be reduced to 54,000 Mcf to allow for the maximum daily delivery of 3,500 Mcf at the two new delivery points. Therefore, Panhandle states that this proposal would not increase Indiana's contract demand and would be without detriment to Panhandle's other customers.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-10787 Filed 4-21-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-141-003]

Trunkline Gas Co.; Petition to Amend

April 18, 1983.

Take notice that on March 31, 1983, Trunkline Gas Company (Petitioner), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP82-141-003 a petition to amend the order issued August 6, 1982, in Docket No. CP82-141-000 pursuant to Section 7(c) of the Natural Gas Act so as to authorize the addition of Panhandle Eastern Pipe Line Company (Panhandle) as a party to the transportation and exchange agreement dated December 29, 1981, between Petitioner, Columbia Gas Transmission Corporation (Columbia Gas) and Columbia Gulf Transmission Company (Columbia Gulf), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that by order issued August 6, 1982, Petitioner, Columbia Gas, and Columbia Gulf were authorized to exchange up to 20,000 Mcf of natural gas per day between points in offshore Louisiana. Petitioner further states that pursuant to the transportation and exchange agreement between the parties Columbia Gas delivers volumes of natural gas to Petitioner at Eugene Island Block 392, offshore Louisiana, and Trunkline delivers natural gas to Columbia Gas at Columbia Gulf's facilities in West Cameron Block 624, offshore Louisiana. Petitioner further states that Petitioner and Columbia Gas would receive exchange gas from offshore Louisiana and transport such volumes of natural gas to an existing interconnection between the facilities of Petitioner and Columbia Gulf located near Centerville, St. Mary Parish, Louisiana.

Petitioner proposes herein pursuant to an amendment No. 1, dated May 4, 1982, to the transportation and exchange agreement to make Panhandle a party to the exchange so as to allow Panhandle to deliver volumes of natural gas to Columbia Gulf in West Cameron Block 624 for the account of Petitioner as part of Petitioner's exchange volumes of 20,000 Mcf per day. Petitioner states that except for the addition of Panhandle as a party to the exchange, all other terms and conditions of the transportation and exchange agreement would remain in full force and effect.

It is asserted that the proposed implementation of amendment No. 1 to the transportation and exchange agreement would benefit Petitioner, Columbia Gas, Columbia Gulf, and Panhandle. It is explained that the proposal would enable all parties to utilize their pipeline systems in the most efficient manner possible.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before May 9, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 of 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-10768 Filed 4-21-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP81-166-001]

U-T Offshore System; Amendment

April 18, 1983.

Take notice that on March 30, 1983, U-T Offshore System (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP81-166-001 an amendment to its pending application in Docket No. CP81-166-000 pursuant to Section 7(c) of the Natural Gas Act so as to reflect a total transportation service for its shippers of up to 1,606,097 Mcf of gas per day in lieu of 1,654,490 Mcf per day, all as more fully set forth in the amendment which is on file and open to public inspection.

Applicant states that its pending application in Docket No. CP81-166-000 requests authorization to construct, install, and operate 13,800 horsepower of compression at the Johnson's Bayou plant in Louisiana as well as to render firm transportation service of up to 1,654,490 Mcf of gas per day. Applicant further states that it is now proposing a reduction in proposed firm transportation service designed to conform to the reduced transportation requests contained in an amendment to High Island Offshore System's (HIOS) pending application in Docket No. CP80-408-001. It is explained that the proposed new level of firm transportation service also reflects the addition of 14,197 Mcf per day which is to be delivered to Applicant at West Cameron Block 116 for the account of three shippers.

Despite the reduction in proposed firm transportation authority, Applicant asserts it would be necessary to install the same facilities proposed in its pending application in Docket No. CP81-166-000. Applicant notes that the estimated cost of the facilities proposed in the application has risen from $21,500,000 to $22,914,000.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before May 9 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-10769 Filed 4-21-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-342-000 and Docket No. ER83-343-000]

Vermont Electric Power Co., Inc. and Vermont Yankee Nuclear Power Co.; Order Accepting for Filing and Suspending Proposed Contract Amendments, Noting Interventions, Granting Waiver, Denying Summary Judgment, Consolidating Dockets, and Establishing Procedures

Issued: April 15, 1983.

On February 23, 1983, Vermont Yankee Nuclear Power Corporation (Vermont Yankee) submitted for filing a proposal to amend Section 7 of its Power Contract [1] with the ten owner-sponsors of the 540 MW Vermont Yankee nuclear generating facility.[2] Vermont Yankee seeks to begin collecting the estimated cost of ultimately decommissioning this facility. The revenue increase resulting from this

[1] *See* Attachment A for rate schedule designations.

[2] The Power Contract contains a formula rate through which the sponsors are assessed monthly charges associated with operation of the Vermont Yankee plant in proportion to their respective entitlements in the plant capability.

proposed amendment would be about $8.3 million (7.8%) on an annualized basis for 1983. Vermont Yankee requests an effective date of April 24, 1983, sixty days after filing. The company, however, has stated that it will defer collection of these revenues until September 1, 1983, in order to allow the utilities purchasing the output from the facility to provide for the pass-through of these charges to their customers. Vermont Yankee also seeks waiver of section 35.13 of the Commission's filing regulations, asserting that the instant filing does not amend the design of the existing cost of service formula rate and that submission of all the required data would prove costly while adding no relevant information.

Vermont Yankee has sponsored a study estimating that it will cost $72,770,000 (in 1981 dollars) to dismantle the facility. Based on an assumed 7 percent inflation rate, the company calculates that it will require $422,613,000 to decommission the facility as planned in the year 2007. In addition, based on the assumption that these revenues may be subject to State and Federal taxes, Vermont Yankee also seeks to recover the amounts asociated with such potential tax liability.

Vermont Yankee, however, indicates that it is seeking a ruling from the Internal Revenue Service (IRS) that amounts collected to finance the decommissioning are not subject to taxation.[3] Vermont Yankee, therefore, proposes to place the amounts that it will collect in an interim escrow account prior to obtaining a ruling from the IRS. In the event that a favorable ruling is obtained, Vermont Yankee states that it will refund, with interest, all amounts previously collected and attributable to the taxes. In any event, after a ruling has been obtained, the appropriate funds will be transferred to a trust.[4]

Also on February 23, 1983, Vermont Electric Power Company (VELCO) submitted for filing an amendment to its Three-Party Power Agreement with Central Vermont Public Service Company (Central Vermont) and Green Mountain Power Corporation (Green Mountain). Under that agreement, Central Vermont and Green Mountain, two of the owner-sponsors, assign to VELCO their entitlements to Vermont Yankee capacity and energy, and VELCO, in turn, makes such capacity and energy available to other Vermont utilities. The proposed amendment would permit VELCO to pass on the these utilities the decommissioning costs to be charged by Vermont Yankee.[5] VELCO requests that its submittal become effective coincident with that of Vermont Yankee.

Notices of the Vermont Yankee and VELCO filings were published in the **Federal Register** with comments due on or before March 23, 1983. On March 23, 1983, the Vermont Yankee Department of Public Service (Department) filed notices of intervention in both dockets. The Department states its opposition to the Vermont Yankee and VELCO filings on the basis that the filing utilities have yet to demonstrate that the proposed decommissioning plan (1) will result in the lowest possible cost to ratepayers, and (2) will adequately assign responsibility in the event that the decommissioning fund proves insufficient. The Department notes, in particular, that the tax issues relating to the decommissioning revenues remain unresolved. In addition, the Department has suggested alternative approaches such as the establishment of separate trusts by the individual sponsors, or State collection of decommissioning costs through an excise tax mechanism.

A joint notice of intervention in the Vermont Yankee docket was timely filed by the Connecticut Public Utilities Control Authority, the Massachusetts Department of Public Utilities, the New Hampshire Public Utilities Commission, the Maine Public Utilities Commission, the Rhode Island Division of Public Utilities and Carriers, and the Vermont Department of Public Service. This pleading raised no specific issues. Separate notices of intervention were also timely filed in Docket No. ER83–343–000 by the Maine Public Utilities Commission, and the Attorney General of the State of Rhode Island. The Attorney General states that Vermont Yankee's proposed revenues have not been shown to be reasonable and he requests that the submittal be suspended for five months.

A joint motion to intervene was also timely filed in Docket NO. ER83–343–000 by Central Vermont and Green Mountain. The Vermont Electric Generation and Transmission Cooperative likewise filed a motion to intervene. The cooperative is a stockholder of Vermont Yankee and has a life-of-the-unit entitlement in the facility.

Another motion to intervene in the Vermont Yankee docket was timely filed by 22 Massachusetts Cities [6] who have purchased from certain of the ten owner-sponsors power entitlements totaling 4.6 percent of the capacity and energy of Vermont Yankee. The Cities also filed a supplement to their motion to intervene on March 25, 1983.

The Cities request that the Commission issue a deficiency letter seeking clarification of the mechanics of Vermont Yankee's decommissioning proposal. The Cities also ask that the Commission summarily reduce the proposed revenues by one-half on the grounds that such revenues are excessive and unsupported, and also represent uncertain Federal income tax liability associated with the revenues to finance the decommissioning. Alternatively, the Cities propose that they, instead of Vermont Yankee, be allowed to hold in trust the dollars associated with this potential tax liability. Further, the Cities propose that they be allowed to hold all decommissioning payments in their own trust to minimize total payments in light of their status as tax-exempt entities. According to the Cities, the amounts purportedly required for decommissioning are substantially overstated in a number of specific respects. In addition, the Cities object that the proposed amendment does not specifically state that any refunds will be passed on from the ten sponsors to the nonsponsor utilities.

On April 7, 1983, Vermont Yankee filed an answer to the Cities' protest of March 23, 1983. Vermont Yankee does not object to the Cities' motion to intervene but does oppose their requests for summary reduction of the proposed revenues, for permission to hold funds in their own separate trusts, and for the issuance of a deficiency letter.

Discussion

We shall grant Vermont Yankee's request for waiver of § 35.13 of the Commission's regulations pertaining to the submission of full cost of service data. Vermont Yankee's proposal concerns a single cost item under a formula rate—decommissioning expense—and it has provided a study sufficient in detail to permit a

[3] According to Vermont Yankee, under current Federal tax policy, it will not be able to deduct the costs of decommissioning from taxable income during the life of the facility. Rather, the costs of decommissioning may be expensed and deducted for tax purposes only as they are incurred. However, no benefits will arise from the tax deduction because, at that time, Vermont Yankee will have no revenues or taxable income to be offset by the decommissioning costs.

[4] Vermont Yankee's submittal also includes a proposed interim escrow agreement and trust indenture.

[5] Vermont Yankee and VELCO both request that their filings be consolidated for purposes of hearing and decision.

[6] Holyoke, Taunton, Chicopee, Shrewsbury, Braintree, Peabody Westfield, Danvers, Wakefield, Hingham, Marblehead, Middle-bourough, North Attleboro, Hudson, Ipswich, West Boylston, Hull, Middleton, Georgetown, Paxton, Sterling, and Boylston.

preliminary examination of the proposal. Given this determination, we shall deny the Cities' request that a deficiency letter be issued. The Cities will have the opportunity to address the need for further clarification of Vermont Yankee's proposal during the course of an evidentiary hearing.

We shall also deny the Cities' request to summarily reduce the revenues which Vermont Yankee proposes to collect. The issues of income tax liability, Vermont Yankee's support for its position, the stated amounts required for decommissioning, and alternative strategies for developing an appropriate funding mechanism all present questions of law and fact most appropriately resolved based on a hearing record.

Our preliminary review of the submittals by Vermont Yankee and VELCO indicates that the proposed amendments have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful. Accordingly, we shall accept the submittals for filing and suspend them as ordered below.

In *West Texas Utilities Co.*, Docket No. ER82-23-000, 18 FERC ¶61,189 (1982), we explained that where our preliminary examination indicates that proposed rates may be unjust and unreasonable and may produce substantially excessive revenues, as defined in *West Texas*, we would generally impose a maximum suspension. Review of Vermont Yankee's decommissioning proposal suggests that the proposed charges may produce substantially excessive revenues. Accordingly, we shall suspend the proposed rates for five months from sixty days after filing to become effective on September 24, 1983, subject to refund. Similarly, VELCO's proposal, which provides for the pass-through of the Vermont Yankee decommissioning changes and a coincident effective date, will also be suspended to become effective on September 24, 1983, subject to refund. We shall consolidate the filings made by Vermont Yankee and VELCO as requested, unasuch as common questions of law and fact are clearly presented.

Finally, we note that under Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214), the timely notices of intervention and motions to intervene serve to make the previously listed persons parties to this consolidated proceeding.

The Commission Orders.

(A) Vermont Yankee's request for waiver of section 35.13 of the Commission's regulations is hereby granted.

(B) The Cities' motions for issuance of a deficiency letter or for summary reduction of the revenues proposed by Vermont Yankee are hereby denied.

(C) The amendments proposed by Vermont Yankee and VELCO are hereby accepted for filing and suspended for five months, to become effective on September 24, 1983, subject to refund.

(D) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particulary sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the justness and reasonableness of Vermont Yankee's and VELCO's decommissioning proposals.

(E) Docket Nos. ER83-342-000 and ER83-343-000 are hereby consolidated for purposes of hearing and decision.

(F) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days after the date of this order, in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

(G) The Secretary shall promptly publish this order in the **Federal Register**.

By the Commission.

Kenneth F. Plumb,

Secretary.

Attachment A—Vermont Electric Power Company, Inc., Vermont Yankee Nuclear Power Corporation, Docket Nos. ER83-342-000 and ER83-343-000

Rate Schedule Designations

Designation and Description

Docket No. ER83-342-000: Vermont Electric Power Company, Inc.
Supplement No. 13 to Rate Schedule FPC No. 154—An undated Agreement to Amend the Three-Party Power Agreement
Docket No. ER83-343-000: Vermont Yankee Nuclear Power Corporation
Supplement No. 1 to Rate Schedule FPC No. 1—Amendment No. 2 to Vermont Yankee Power Contract
Supplement No. 2 to Rate Schedule FPC No. 1—Vermont Yankee Decommissioning Fund—Dollar Cost Impact of Customers and life of Unit Secondary Purchases

[FR Doc. 83-10790 Filed 4-21-83; 8:45 am]
BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-2352-3]

Availability of Environmental Impact Statements Filed April 11 Through April 15, 1983 Pursuant to 40 CFR 1506.9

RESPONSIBLE AGENCY: Office of Federal Activities, General Information, (202) 382-5075 or 382-5076.

Corps of Engineers:
EIS No. 830202, Final, COE, AK, Bethel Bank Stabilization Project, Kuskokwim River, Due: May 23, 1983.
Department of the Interior:
EIS No. 830205, Draft, BLM, SEV, WY, MT, Billings Resource Area, Resource Management Plan, Due: July 15, 1983.
Department of Transportation:
EIS No. 830208, Final FHW, TX, I-20 Widening, TX-183 to I-35W, Tarrant County, Due: May 23, 1983.
Department of Housing and Urban Development:
EIS No. 830204, Draft, CDB, MI, Hannah Technology and Research Center, UDAG, Ingham County, Due: June 6, 1983.
Department of Agriculture:
EIS No. 830207, Final, SCS, IN, Twin-Rush Creek Watershed Flood Protection Plan, Washington County, Due: May 23, 1983.
Department of Defense, Air Force:
EIS No. 830206, Draft, UAF, SEV, OR, CA, WA, ID, West Coast Over-the-Horizon Backscatter Radar System, Due: June 10, 1983.
Amended Notice:
EIS No. 830195, FSuppl, UMT, MD, Washington Metrorail System, W Hyattsville Segment, Prince Georges County, Published FR April 15, 1983, Incorrect status and County, Due: May 16, 1983.

Dated: April 19, 1983.

Pasquale A. Alberico,

Acting Director, Office of Federal Activities.

[FR Doc. 83-10765 Filed 4-21-83; 8:45 am]
BILLING CODE 6560-50-M

[OPTS-59121; TSH-FRL 2337-2]

Certain Chemicals; Premanufacture Exemption Applications

Correction

In FR Doc. 83-8477 beginning on page 14036, in the issue of Friday, April 1, 1983 make the following correction:

On page 14037, column one, line eighteen, "TME 83–6" should read "TME 83–36."

BILLING CODE 1505–10–M

[OPTS–51463; BH–FRE 2351–6]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of fifteen PMNs and provides a summary of each.

DATES: Close of Review Period:

PMN 83–627—July 6, 1983.

PMN 83–628, 83–629, 83–630 and 83–631—July 9, 1983.

PMN 83–632, 83–633 and 83–634—July 10, 1983.

PMN 83–635 and 83–636—July 11, 1983.

PMN 83–637, 83–638, 83–639, 83–640 and 83–641—July 12, 1983.

Written comments by:

PMN 83–627—June 6, 1983.

PMN 83–628, 83–629, 83–630 and 83–631—June 9, 1983.

PMN 83–632, 83–633 and 83–634—June 10, 1983.

PMN 83–635 and 83–636—June 11, 1983.

PMN 83–637, 83–638, 83–639, 83–640 and 83–641—June 12, 1983.

ADDRESS: Written comments, identified by the document control number "[OPTS–51463]" and the specific PMN number should be sent to: Document Control Officer (TS–793), Office of Toxic Substances, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–409, 401 M St., SW., Washington, DC 20460, (202–382–3532).

FOR FURTHER INFORMATION CONTACT: Theodore Jones, Acting Chief, Notice Review Branch, Chemical Control Division (TS–794), Office of Toxic Substances, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–216, 401 M St., SW., Washington DC 20460, (202–382–3729).

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete non-confidential document is available in the Public Reading Room E–107.

PMN 83–627

Importer. Allied Corporation.

Chemical. (G) Substituted diyne urethane.

Use/Import. (G) Specialty ink for labeling. Import range: Confidential.

Toxicity Data. Acute oral: > 5 g/kg; Irritation: Skin—Non-irritant, Eye—Non-irritant; Ames Test: Non-mutagenic; Skin sensitization: None.

Exposure. Confidential.

Environmental Release/Disposal. Confidential. Disposal by landfill.

PMN 83–628

Manufacturer. Confidential.

Chemical. (S) Reaction product of diglycidyl ether of bisphenol A, dimer acid, soya fatty acid and dimethylol propionic acid.

Use/Production. (S) Site-limited and industrail resin for manufacturing automotive paint. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Processing, use and disposal: dermal and inhalation, a total of 32 workers, up to 7 hrs/da, up to 250 da/yr.

Environmental Release/Disposal. More than 10,000 kg/yr released to land. Disposal by landfill.

PMN 83–629

Manufacturer. Confidential.

Chemical. (S) Reaction product of 2-butanone oxime and polymethylene polyphenylene isocyanate.

Use/Production. (S) Site-limited and industrial resin for manufacturing automotive paint. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Processing, use and disposal: dermal and inhalation, a total of 32 workers, up to 7 hrs/da, up to 250 da/yr.

Environmental Release/Disposal. More than 10,000 kg/yr released to land. Disposal by landfill.

PMN 83–630

Manufacturer. Confidential.

Chemical. (G) Reaction product of an aromatic diglycidyl ether, an amine and a cyclic ester.

Use/Production. (S) Site-limited and industrial resin for manufacturing automotive paint. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Processing, use and disposal: dermal and inhalation, a total of 32 workers, up to 7 hrs/da, up to 250 da/yr.

Environmental Release/Disposal. More than 10,000 kg/yr released to land. Disposal by landfill.

PMN 83–631

Manufacturer. Confidential.

Chemical. (G) Polymer of formaldehyde and substituted phenols.

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

PMN 83–632

Manufacturer. Confidential.

Chemical. (S) 7-[4-chloro-6-[3-[2-(hydroxy sulfonyloxy) ethylsulfonyl]-N-ethylanilino]-1,3,5-triazine-2-ylamino]-4-hydroxy-3-(4-methoxy-2-sulfophenylazo)-2-naphthalenesulfonic acid, trisodium salt.

Use/Import. (S) Industrial dyestuff. Import range: 500–10,000 kg/yr.

Toxicity Data. Acute oral: >5,000 mg/kg; Irritation: Skin—Very slight, Eye—Mild to negative.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

PMN 83–633

Manufacturer. Confidential.

Chemical. (S) 4-amino-5-hydroxy-3-[3-[2-(hydroxysulfonyloxy)ethylsulfonyl] phenylazo]-6-(1,5-disulfo-2-naphthylazo)-2,7-napthalenedisulfonic acid, pentasodium salt.

Use/Import. (S) Industrial dyestuff. Import range: Confidential.

Toxicity Data. Acute oral. >5,000 mg/kg; Irritation: Skin—Negative, Eye—Moderate to negative.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

PMN 83–634

Importer. Confidential.

Chemical. (G) Substituted mono azo aromatic.

Use/Import. (S) Colorant for industrial coatings on metal. Import range: Confidential.

Toxicity Data. Acute oral: >5,000 mg/kg; Irritation: Skin—Non—irritant, Eye—Non-irritant; Ames Test: Non-mutagenic.

Exposure. Processing: dermal and inhalation, a total of 1 worker, up to 2 hrs/max.

Environmental Release/Disposal. Less than 10 kg/yr released to air.

PMN 83-635

Manufacturer. Confidential.

Chemical. (G) Isocyanate functional polyester urethane prepolymer.

Use/Production. (S) Curative for two part urethane adhesive system. Prod. range: 10,000–40,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal and inhalation, a total of 2 workers/batch, up to 7 hrs/batch, up to 12 batches/yr.

Environmental Release/Disposal. No release. Disposal by Resource Conservation Recovery Act (RCRA)—licensed waste hauler.

PMN 83-636

Manufacturer. Confidential.

Chemical. (G) Modified polyester polyurethane.

Use/Production. (G) Open use. Prod. range: 0–12,900 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture, processing and use: dermal, inhalation and ocular, a total of 39 workers, up to 8 hrs/da, up to 260 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air and water with 10–100 kg/yr to land. Disposal by incineration and landfill.

PMN 83-637

Manufacturer. Confidential.

Chemical. (G) Polyether alkenyl alkanyl esters.

Use/Production.(G) contained use. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture, processing, use and disposal: dermal, a total of 18 workers, up to 2 hrs/da, up to 250 da/yr.

Environmental Release/Disposal. More than 10,000 kg/yr released to water with 100–1,000 kg/yr to land. Disposal by biological treatment system and landfill.

PMN 83-638

Manufacturer. Confidential.

Chemical. (G) Polyether alkenyl alkanyl esters.

Use/Production. (G) Contained use. Prod. range: Confidential.

Toxicity data. No data submitted.

Exposure. Manufacture, processing, use and disposal: dermal, a total of 18 workers, up to 2 hrs/da, up to 250 da/yr.

Environmental Release/Disposal. 1,000–10,000 kg/yr released to water with 1,000–10,000 kg/yr to land. Disposal by biological treatment system and landfill.

PMN 83-639

Manufacturer. Confidential.

Chemical. (G) Trisubstituted benzoxazolium salt.

Use/Production. (G) Low volume site-limited intermediate. Prod. range: 2–35 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and use: dermal and inhalation, minimal.

Environmental Release/Disposal. No release. Disposal by biological treatment system and incineration.

PMN 83-640

Manufacturer. Confidential.

Chemical. (G) Disubstituted benzenamine.

Use/Production. (G) Low volume site-limited intermediate. Prod. range: 1–15 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and use: dermal and inhalation minimal.

Environmental Release/Disposal. No release. Disposal by biological treatment system and incineration.

PMN 83-641

Manufacturer. Confidential.

Chemical. (G) Trisubstituted benzothiazolium salt.

Use/Production. (G) Incorporated as a minor constituent in an article for commercial and consumer use. Prod. range: 1–30 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and use: dermal and inhalation minimal.

Environmental Release/Disposal. No release. Disposal by biological treatment system and incineration.

Dated: April 15, 1983.

Linda A. Travers,

Acting Director, Management Support Division.

[FR Doc 83-10021 Filed 4-21-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL HOME LOAN BANK BOARD

[No. AC-231]

Commonwealth Federal Savings and Loan Association; Lowell, Massachusetts; Final Action Approval of Post-Approval Amendments to Mutual-to-Stock Conversion Application

Notice is hereby given that on April 7, 1983, the General Counsel of the Federal Home Loan Bank Board ("Board"), acting pursuant to authority delegated to him by the Board, approved Post-Approval Amendments No. 4 and 5 to the mutual-to-stock conversion application of Commonwealth Federal Savings and Loan Association, Lowell, Massachusetts ("Association"). The application had been approved by the Board by Resolution No. 81-420, dated July 27, 1981. Copies of the application and all amendments there to are available for inspection at the Secretariat of the Board, 1700 G Street, NW., Washington, D.C. 20552, and at the Office of the Supervisory Agent, Federal Home Loan Bank of Boston, P.O. Box 2196, Boston, Massachusetts 02106.

Dated: April 18, 1983.

By the Federal HOme Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 83-10706 Filed 4-21-83; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-232]

Home Federal Savings and Loan Association of the Rockies; Fort Collins, Colorado; Final Action Approval of Post-Approval Amendments to Mutual-to-Stock Conversion Application

Notice is hereby given that on April 7, 1983, the General Counsel of the Federal Home Loan Bank Board ("Board"), acting pursuant to authority delegated to him by the Board, approved Post-Approval Amendment No. 1 to the mutual-to-stock conversion application of Home Federal Savings and Loan Association of the Rockies, Fort Collins, Colorado ("Association"). The application had been approved on July 13, 1982, by the Office of General Counsel pursuant to authority delegated to it by § 563b.3.3(w)(2) of the Rules and Regulations for Insurance of Accounts. Copies of the application and all amendments thereto are available for inspection at the Secretariat of the Board, 1700 G Street, NW., Washington, D.C. 20552, and at the Office of the Supervisory Agent, Federal Home Loan Bank of Topeka, P.O. Box 176, Topeka, Kansas 66601.

Dated: April 18, 1983.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 83-10705 Filed 4-21-83; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-230]

United Federal Savings and Loan Association; Sarasota, Florida; Final Action Approval of Post-Approval Amendments to Mutual-to-Stock Conversion Application

Notice is hereby given that on April 11, 1983, the General Counsel of the Federal Home Loan Bank Board ("Board"), acting pursuant to authority delegated to him by the Board, approved

Post-Approval Amendment No. 1 to the mutual-to-stock conversion application of United Federal Savings and Loan Association, Sarasota, Florida ("Association"). The application had been approved by the Board by Resolution No. 81–458, August 12, 1981. Copies of the application and all amendments thereto are available for inspection at the Secretariat of the Board, 1700 G Street, NW., Washington, D.C. 20552, and at the Office of the Supervisory Agent, Federal Home Loan Bank of Atlanta, Post Office Box 56527, Atlanta, Georgia 30343.

Dated: April 16, 1983.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 83-10704 Filed 4-21-83; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

Security for Protection of Public Indemnification of Passengers for Nonperformance of Transportation; Issuance of Certificate (Performance)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of Section 3, Pub. L. 89–777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540): Canadian Cruise Lines 1982 Ltd., Suite 401, 1208 Wharf Street, Victoria, British Columbia V8W 3B9, Canada.

Dated: April 19, 1983.

Francis C. Hurney,

Secretary.

[FR Doc. 83-10797 Filed 4-21-83; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Agency Forms Under Review

April 18, 1983.

Background

When executive departments and independent agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act [44 U.S.C Chapter 35]. Departments and agencies use a number of techniques to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibilities under the act also considers comments on the forms and recordkeeping requirements that will affect the public. Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. OMB's usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

List of Forms Under Review

Immediately following the submission of a request by the Federal Reserve for OMB approval of a reporting or recordkeeping requirement, a description of the report is published in the **Federal Register**. This information contains the name and telephone number of the Federal Reserve Board clearance officer (from whom a copy of the form and supporting documents is available). The entries are grouped by type of submission—i.e., new forms, revisions, extensions (burden change), extensions (no change), and reinstatements.

Copies of the proposed forms and supporting documents may be obtained from the Federal Reserve Board clearance officer whose name, address, and telephone number appear below. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF 83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review.

For further information contact:

Federal Reserve Board Clearance Officer—Cynthia Glassman—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202–452–3829)

OMB Reviewer—Richard Sheppard—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, D.C. 20503 (202–395–6880)

Request for Approval of New Reports

1. Report title: Annual Report of Total Deposits and Total Reservable Liabilities; Quarterly Report of Selected Deposits, Vault Cash, and Reservable Liabilities

Agency form number: FR 2910a, FR 2910q

Frequency: Annual, quarterly

Reporters: Depository institutions

SIC Code: 602, 603, 605, 612, 614

Small businesses are affected.

General description of report: respondent's obligation to reply is mandatory [12 U.S.C. 248(a) and 461]; a pledge of confidentiality is promised [5 U.S.C. 552 (b)(4) and (b)(8)].

These reports collect information from those depository institutions (other than Edge Act and Agreement Corporations, U.S. Branches and Agencies of foreign banks, and certain member and former member commercial banks) that are exempt from reserve requirements under the Garn-St Germain Depository Institutions Act of 1982. The reports will provide the minimum amount of information needed for ensuring compliance with reserve requirements and for adequately constructing, analyzing, and controlling the monetary aggregates.

Request for Approval for Revision to Existing Report

1. Report title: Report of Transaction Accounts, Other Deposits and Vault Cash

Agency form number: FR 2900

Frequency: Daily, weekly, quarterly

Reporters: Depository institutions

SIC Code: 602, 603, 605, 612, 614

Small businesses are affected.

General description of report: respondent's obligation to reply is mandatory [12 U.S.C. 248, 461, 3105]; a pledge of confidentiality is promised [5 U.S.C. 552 (b)(4) and (b)(8)].

Package of reports collects information on deposit data for depository institutions that have transaction accounts, or nonpersonal time deposits (FR 2900), Eurocurrency depoists from depository institutions that obtain funds from foreign (non-U.S.) sources or that maintain foreign branches (FR 2950, 2951); and selected items on the FR 2900 in advance from large commercial banks and a sample of small commercial banks (FR 2000, 2001) to ensure compliance and for construction of the monetary aggregates.

Board of Governors of the Federal Reserve System, April 18, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-10718 Filed 4-21-83; 8:45 am]

BILLING CODE 6210-01-M

Independence Bancorp, Inc.; Merger of Bank Holding Companies

Independence Bancorp, Inc., Perkasie, Pennsylvania, has applied for the Board's approval under section 3(a)(5) of the Bank Holding Company Act (12 U.S.C. 1842(a)(5)) to merge with Cheltenham Corporation, Cheltenham, Pennsylvania, a one-bank holding company with respect to Cheltenham Bank, Cheltenham, Pennsylvania. The factors that are considered in acting on

the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Philadelphia. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 14, 1983. Any comment on anapplication that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 18, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-10719 Filed 4-21-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies; State Bancorp, Inc.

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *State Bancorp, Inc.*, Bruceton Mills, West Virginia; to become a bank holding company by acquiring 80 percent of the voting shares of Bruceton Bank, Bruceton Mills, West Virginia. Comments on this application must be received not later than May 18, 1983.

B. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Upper Cumberland Bancshares, Inc.*, Byrdstown, Tennessee: to become a bank holding company by acquiring 100 percent of the voting shares of Peoples Bank and Trust Company of Pickett County, Byrdstown, Tennessee. Comments on this application must be received not later than May 18, 1983.

C. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60609:

1. *First State Bancorp., Inc.;* Marion, Indiana, to become a bank holding company by aquiring 100 percent of the voting shares of First State Bank of Dunkirk, Dunkirk, Indiana. Comments on this application must be received not later than May 18, 1983.

D. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Century State Bancshares, Inc.;* Columbia, Missouri; to become a bank holding company by acquiring 80 percent of the voting shares of Century State Bank, Columbia, Missouri. Comments on this application must be received not later than May 18, 1981.

2. *Faulkner County Bankshares, Inc.;* Conway, Arkansas; to become a bank holding company by acquiring at least 80 percent of the voting shares of The First National Bank of Conway, Conway, Arkansas. Comments on this application must be received not later than May 18, 1983.

E. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 250 Grand Avenue, Kansas City, Missouri 64198:

1. *Platte Valley National Company, Inc.*, Schuyler, Nebraska; to become a bank holding company by acquiring 100 percent of the voting shares of Platte Valley National Bank, Columbus, Nebraska. Comments on this application must be received not later than May 18, 1983.

F. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *Central Bancorporation,* Wenatchee, Washington; to become a bank holding company by acquiring 100 percent of the voting shares of Central Washington Bank, Wenatchee, Washington. Comments on this application must be received not later than May 18, 1983.

Board of Governors of the Federal Reserve System, April 18, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-10720 Filed 4-21-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies; Trans Kentucky Bancorp

The companies listed in this notice have applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Cleveland** (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Trans Kentucky Bancorp,* Pikeville, Kentucky; to become a bank holding company by acquiring 100 percent of the voting shares of The Citizens Bank of Pikeville, Pikeville, Kentucky. Comments on this application must be received not later than May 12, 1983.

B. **Federal Reserve Bank of Altanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Colony Bancorp, Inc.*, Fitzgerald, Georgia; to become a bank holding company by acquiring 100 percent of the voting shares of The Bank of Fitzgerald, Fitzgerald, Georgia. Comments on this application must be received not later than May 13, 1983.

C. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *First Bank Capital Corporation,* Tupelo, Mississippi; to become a bank holding company by acquiring 100 percent of the voting shares of the succesor by merger to First Citizens National Bank, Tupelo, Mississippi. Comments on this application must be received not later than May 13, 1983.

D. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Jena Holding Company,* New Orleans, Louisiana; to become a bank holding company by acquiring 88.6 percent of the voting shares of LaSalle

Bancshares, Inc., Jena, Louisiana, and thereby indirectly acquire LaSalle Bank, Jena, Louisiana. Comments on this application must be received not later than May 13, 1983.

2. *Uvalde Bancshares, Inc.*, Uvalde, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of The Uvalde Bank, Uvalde, Texas. Comments on this application must be received not later than May 13, 1983.

Board of Governors of the Federal Reserve System, April 18, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-10721 Filed 4-21-83; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Line of Business Program; Extension of Comment Period

AGENCY: Federal Trade Commission.

ACTION: Notification of extension of time to May 9, 1983 for receiving comments on the staff analysis of the benefits and costs of the Federal Trade Commission.

SUMMARY: The Commission will consider in the near future whether to resume Line of Business date collection for years subsequent to 1977. The Commission requested comments on the stff analysis by a **Federal Register** announcement of March 10, 1983 (48 FR 10130). A 45-day comment period was established. By this current announcement, the Commission extends the April 25, 1983 deadline for the expiration of the comment period to May 9, 1983. Comments should be submitted in writing to the Secretary of the Commission; twenty copies should be supplied.

ADDRESS: Office of the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, D.,C. 20580.

SUPPLEMENTARY INFORMATION: The staff analysis released for public comment consists of a set of six documents totalling over 1,000 pages containing analysis and recommendations concerning the resumption of line of business data collection. Certain parties requested the Commission for a brief extension of the comment period, stating the length of the documents and difficulties incurred in receiving copies quickly made it difficult to review the material and adequately prepare their comments within the 45-day period allotted by the Commission. Accordingly, the Commission extends the comment period an additional 14 days. By this notice, the Comment period will now expire May 9, 1983.

Copies of the documents may be obtained by writing the Distribution Branch, Office of Public Records, Federal Trade Commission, 6th and Pennsylvania Avenue, N.W., Washington, D.C. 20580, or by calling (202) 523-3598.

FOR FURTHER INFORMATION: Contact FTC/ESL, David F. Lean Washington, D.C. 20580; (202) 634-7332.

Dated:

By direction of the Commission

Michael A. Baggage,

Acting Secretary.

[FR Doc. 83-10838 Filed 4-21-83; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 83F-0096]

American Cyanamid Co.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that American Cyanamid Co. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of acetone-formaldehyde condensate as a component of adhesives intended for use in contact with food.

FOR FURTHER INFORMATION CONTACT: Marvin D. Mack, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, 202-472-5740.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 3B3698) has been filed by American Cyanamid Co., One Cyanamid Plaza, Wayne, NJ 07470, proposing that § 175.105 *Adhesives* (21 CFR 175.105) be amended to provide for the safe use of acetone-formaldehyde condensate as a component of adhesives for use in contact with food.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: April 19, 1983.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 83-10839 Filed 4-21-83; 8:45 am]

BILLING CODE 4160-01-M

CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: April 12, 1983.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 83-10564 Filed 4-21-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 83C-0113]

E.M. Industries, Inc.; Filing of Color Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that E.M. Industries, Inc., has filed a color additive petition proposing that the color additive regulations be amended to provide for the safe use of a chlorophyll-copper complex for imparting visible color in polymethylmethacrylate bone cement used in conjunction with orthopedic surgical procedures.

FOR FURTHER INFORMATION CONTACT: Carl Larson, National Center for Devices and Radiological Health (HFK-410), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-472-7940.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 706(b)(1), 74 Stat. 399-402 as amended (21 U.S.C. 376(b)(1))), notice is given that a petition, CAP 3C0175, has been filed by E.M. Industries, Inc., New York, NY 10532, proposing that the color additive regulations be amended to provide for the safe use of a chlorophyll-copper complex for imparting visible color in polymethylmethacrylate bone cement used in conjunction with orthopedic surgical procedures.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: April 19, 1983.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 83-10839 Filed 4-21-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 83F-0087]

Ironsides Co.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Ironsides Co. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of the following four additives as minor components of surface lubricants used in the manufacture of metallic articles that contact food: benzotriazole; polyoxyethylated (5 moles) tallow amine; sodium petroleum sulfonate, MW 440–450 (CAS Reg. No. 68608–24–4) derived from naphthenic oil having a Saybolt viscosity range of 500–600 SUS at 100° F; and *alpha*-alkyl-*omega*-hydroxypoly(oxyethylene) produced by the condensation of 1 mole of C_{12}-C_{15} straight chain primary alcohols with an average of 3 moles of ethylene oxide.

FOR FURTHER INFORMATION CONTACT: Garnett R. Higginbotham, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 2B3600 has been filed by Ironsides Co., Columbus, OH 43216, proposing that § 178.3910 (21 CFR 178.3910) of the food additive regulations be amended to provide for the safe use of the following four additives as minor components of surface lubricants used in the manufacture of metallic articles that contact food: benzotriazole; polyoxyethylated (5 moles) tallow amine; sodium petroleum sulfonate, MW 440–450 (CAS Reg. No. 68608–24–4) derived from naphthenic oil having a Saybolt viscosity range of 500–600 SUS at 100° F; and *alpha*-alkyl-*omega*-hydroxypoly(oxyethylene) produced by the condensation of 1 mole of C_{12}-C_{15} straight chain primary alcohols with an average of 3 moles of ethylene oxide.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 15, 1983.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 83-10712 Filed 4-21-83; 8:45 am]

BILLING CODE 4160-01-M

Consumer Participation; Open Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the following consumer exchange meetings.

Buffalo District Office, chaired by Lois M. Meyer, Consumer Affairs Officer. The topics to be discussed are: Change in Nutrition Label Format, Updates on Sodium Labeling and Education Programs, Quackery and Economic Deceptions, COPE, Tamper-Resistant Packaging, and Aspartame—Low Calorie Sweetener.

DATE: Thursday, April 28, 1983, 10:00 a.m.

ADDRESS: First Floor Conference Room, Clinton County Government Center, 137 Margaret St., Plattsburh, NY 12901.

FOR FURTHER INFORMATION CONTACT: Lois M. Meyer, Consumer Affairs Officer, Food and Drug Administration, 599 Delaware Ave., Buffalo, NY 14202, 716–846–4483.

Buffalo District Office, chaired by Robert L. Hart, Supervisory CSO, Albany Resident Post, and Lois M. Meyer, CAO, Buffalo District. The topics to be discussed are: Change in Nutrition Label Format, Updates on Sodium Labeling and Education Programs, Quackery and Economic Deceptions, COPE, Tamper-Resistant Packaging, Use of Sulfites, Regulation of Health Foods, Cambridge Diet, MSG, and Guidelines of In-Store Nutrition Programs.

DATE: Friday, April 29, 1983, 10:00 a.m.

ADDRESS: Room 38 (lower level), Leo W. O'Brien Federal Building, Clinton and N. Pearl St., Albany, NY 12207.

FOR FURTHER INFORMATION CONTACT: Lois M. Meyer, Consumer Affairs Officer, Food and Drug Administration, 599 Delaware Ave., Buffalo, NY 14202, 716–846–4483.

New York District Office, chaired by George J. Gerstenberg, District Director. The topics to be discussed are: Proposal to Change Nutrition Label Format, Tamper-Resistant Packaging, and Update on Patient Medication Instruction Program (PMI).

DATE: Friday, April 29, 1983, 1:30 p.m. to 3:30 p.m.

ADDRESS: The Bedford Health Center, 485 Throop Ave., Brooklyn, NY 11221.

FOR FURTHER INFORMATION CONTACT: Marta Buhay, Consumer Affairs Officer, Food and Drug Administration, 850 Third Ave., Brooklyn, NY 11232, 212–965–5043.

SUPPLEMENTARY INFORMATION: The purpose of these meetings is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumer and FDA's District Offices, and to contribute to the agency's policymaking decisions on vital issues.

Dated: April 15, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-10580 Filed 4-21-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 83F-0089]

National Starch and Chemical Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that National Starch and Chemical Corp. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of the partial sodium salt of a copolymer of dimethyldiallylammonium chloride with acrylamide and acrylic acid as a component of paper and paperboard for use in contact with food.

FOR FURTHER INFORMATION CONTACT: Marvin D. Mack, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5740.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 3B3696) has been filed by National Starch and Chemical Corp., P.O. Box 6500, Bridewater, NJ 08807, proposing that § 176.170 (21 CFR 176.170) be amended to provide for safe use of the partial sodium salt of a copolymer of dimethyldiallylammonium chloride with acrylamide and acrylic acid as a component of paper and paperboard for use in contact with food.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the

notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: April 12, 1983.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 83-10566 Filed 4-21-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 83F-0083]

Ohmart Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the Ohmart Corp. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of the isotope Californium-252 as a sealed neutron source for the inspection of food and for controlling food processing.

FOR FURTHER INFORMATION CONTACT: Clyde A. Takeguchi, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 3M3706) has been filed by the Ohmart Corp., Cincinnati, OH 45209, proposing that § 179.21 (21 CFR 179.21) be amended to provide for the safe use of the isotope Californium-252 as a sealed neutron source for the inspection of food. The total neutron irradiation dose absorbed by food shall not exceed 200 millirads.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: April 12, 1983.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 83-10565 Filed 4-21-83; 8:45 am]

BILLING CODE 4160-01-M

[FDA-225-83-0001]

Memorandum of Understanding With the University of Arkansas at Pine Bluff

AGENCY: Food and Drug Administration

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has executed a memorandum of understanding with the University of Arkansas at Pine Bluff (UAPB). The purpose of the understanding is to provide the mechanism for a collaborative program between UAPB and FDA's National Center for Toxicological Research (NCTR) to promote advanced study in the biomedical sciences and to further NCTR's research and training goals.

EFFECTIVE DATE: The agreement became effective March 23, 1983.

FOR FURTHER INFORMATION CONTACT: Walter J. Kustka, Intergovernmental and Industry Affairs Staff (HFC-50), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857; 301-443-1583.

SUPPLEMENTARY INFORMATION: In accordance with § 20.108(c) (21 CFR 20.108(c)) stating that all agreements and memoranda of understanding between FDA and others shall be published in the **Federal Register**, the agency is publishing the following memorandum of understanding:

Memorandum of Understanding Between the University of Arkansas at Pine Bluff and the Food and Drug Administration National Center for Toxicological Research

I. Purpose

This agreement will provide the mechanism for a collaborative program between the University of Arkansas at Pine Bluff (UAPB) and the Food and Drug Administration's National Center for Toxicological Research (NCTR).

II. Background

The University of Arkansas at Pine Bluff is a component of the University of Arkansas system with approximately 3,000 students. One of the major objectives of the University is to produce a pool of students who are well prepared and highly motivated to pursue advanced study in the biomedical sciences.

The National Center for Toxicological Research is a Federal Laboratory specializing in biomedical research. A part of NCTR's goal is to assist in training highly qualified toxicologists. The collaborative program with UAPB provides an opportunity to accomplish this while furthering NCTR's research goals.

III. Substance of Agreement

Through this agreement, NCTR will provide facilities, equipment, materials, and limited supervision for outstanding science students who will serve as guest workers at the Center performing collaborative research with NCTR scientists. In addition, NCTR will provide guest worker positions or appointments to do collaborative research for qualified faculty members of UAPB, if spaces are available during summers or periods of sabbatical leave.

NCTR and UAPB will establish a joint guest lecture and seminar program for the benefit of all members of both institutions to promote exchange of information on the latest developments at both institutions. To further accomplish this objective, members of the staffs of NCTR and UAPB will be granted access to the library facilities of both institutions.

IV. Name and Address of Participating Parties

A. University of Arkansas at Pine Bluff, 1100 University Drive, Pine Bluff, AR 71601.

B. Food and Drug Administration, National Center for Toxicological Research, Jefferson, AR 72079.

V. Liaison Officers

A. For University of Arkansas at Pine Bluff: Chancellor, University of Arkansas at Pine Bluff, (currently Dr. Lloyd V. Hackley); 501-541-4517.

B. For National Center for Toxicological Research: Director, National Center for Toxicological Research, (currently Dr. Ronald W. Hart); 501-541-4517.

IV. Period of Agreement

This agreement becomes effective upon acceptance by both parties and will continue indefinitely. It may be modified by mutual consent or terminated by either party upon a 60-day advance written notice to the other.

Dated; March 23, 1983.

Approved and accepted for the University of Arkansas at Pine Bluff,

Lloyd V. Hackley,

Chancellor.

Dated: March 11, 1983.

Approved and accepted for the Food and Drug Administration.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

Effective date. This memorandum of understanding became effective March 23, 1983.

Dated: April 14, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-10412 Filed 4-21-83; 8:45 am]

BILLING CODE 4160-01-M

Health Resources and Services Administration

Availability of Funds for Community Health Center (CHCs) and Migrant Health Centers (MHCs)

AGENCY: Public Health Service, HHS.

ACTION: Notice.

SUMMARY: The Health Resources and Services Administration (HRSA) announces that applications for supplemental awards are now being accepted from CHCs and MHCs which received fiscal year (FY) 1982 and 1983 operational grant awards under sections 330 and 329 of the Public Health Service (PHS) Act (42 U.S.C. 254c, 254b), respectively. This notice contains information of interest to prospective applicants for such funding.

DATE: To receive consideration as being on time, mailed applications must be postmarked on or before June 1, 1983. Hand delivered applications must be received by COB June 1, 1983.

FOR FURTHER INFORMATION CONTACT: Information may be obtained from, and applications should be mailed to, the appropriate Regional Health Administrator (see Appendix).

SUPPLEMENTARY INFORMATION: On March 24, 1983, the Congress enacted the "Emergency Expenditures to Meet National Needs Act of 1983" (Pub. L. 98–8) which appropriates an additional $65 million for CHCs and MHCs to expand the availability of essential health care services for the disadvantaged and unemployed. In appropriating these funds, the Congress directed that priority is to be given to applications for supplemental grants from centers based on the extent of unemployment in the area in which a center is located and on whether its service area includes a significant number of unserved or underserved people. Because it is anticipated that large numbers of currently funded CHCs and MHCs in high priority areas are in need of and will apply for supplemental grants to expand their services under this notice, the Department is not inviting applications from new centers for these funds at this time. However, the Department notes that a separate notice of availability of funds published on March 16, 1983 (48 FR 11169), does invite new and existing CHCs to apply for approximately $14 million in funds available under the present Continuing Resolution (Pub. L. 97–377).

Of the $65 million, $5 million is available specifically for the provision of home health services through CHCs and MHCs. The balance of $60 million is to be used by CHCs and MHCs to expand the availability of essential health services for the disadvantaged and unemployed. This may be accomplished through the expansion of existing capacities, establishment of satellite clinics, or the provision of services through contracts with other health care providers. Services should be limited to those identified as "primary health services" in sections 329(a)(6) and 330(b)(1) of the PHS Act. Each center may apply up to 20% of any supplemental funds it receives for essential health services, for the purchase (at rates not exceeding those prevailing under the applicable State plan approved under title XIX of the Social Security Act) of inpatient hospital services for delivery and post partum care to pregnant women and infants who have no other source of payment for their care.

Centers currently funded under section 329 or 330 may apply by letter to the appropriate regional office for a supplemental award. The letter should describe the supplemental services proposed to be provided and a justification for such services. Such justification should include data on the unemployment rate in the center's proposed catchment area; a description, including a budget, of how the center plans to serve additional patients; an estimate of the number of new people to be served; a statement describing how funds for inpatient care will be utilized; and, if asking for funds for home health services, the number of home health aides to be hired. In describing how any funds for inpatient care for infants and pregnant women will be utilized, centers should be aware that Pub. L. 98–8 provides $105 million to States for maternal and child health services. Centers are encouraged to document in their applications any coordination arrangements or attempts to coordinate their services for children and pregnant women with State and local maternal and child health programs. Coordination efforts should include contact with State and local maternal and child health program directors.

If a center proposes to provide home health services, the center may request funds to train and employ individuals, including paraprofessionals such as homemaker/home health aides, to provide home health services in the center's service area. If the center is a Medicare certified home health agency, the center may directly train and employ individuals. If the center is not a Medicare certified hoem health agency, the center may enter into a contractual agreement with a Medicare certified home health agency to train and employ individuals.

The Department will approve those requests for funding which best promote the purposes of the legislation. The Congress directed that priority be given to applications for supplemental grants in areas of high unemployment and in areas where there are significant numbers of unserved or underserved individuals. In addition, the Congress directed that the demonstrated administrative, financial and general management capability of applicants be evaluated in awarding these funds. The Department will be taking into consideration a center's performance on the program indicators for MHCs and CHCs as published on March 13, 1979 (44 FR 14640).

While emphasis will be given to the factors described above, all applications will be evaluated in accordance with criteria set forth in the regulations (42 CFR 51c.305 for CHCs and 42 CFR 56.305 for MHCs).

Section 51c.104(b)(5) of the CHC regulations and § 56.104(b)(6) of the MHC regulations require applicants to include letters and other forms of evidence showing efforts to secure financial and professional assistance and support for the project and to secure continuing community involvement. Proposed applicants are advised to seek such evidence of support, from, among others, local officials and medical societies. Evidence that such support was sought will be considered in determining which applicants will be awarded grants under this announcement.

(CHC and MHC programs are listed as No. 13.224 and 13.246 in the OMB *Catalog of Federal Domestic Assistance*, respectively)

Dated: April 17, 1983.

Robert Graham,

Administrator, Assistant Surgeon General.

Regional Health Administrators

Edward J. Montminy, Regional Health Administrator, PHS—Region I, John F.

Kennedy Federal Building, Boston, Massachusetts 02203, (617) 223–6827
Karst J. Besteman, Regional Health Administrator, PHS—Region II, 26 Federal Plaza, New York, New York 10007, (212) 264–2560
William Lassek, M.D., Regional Health Administrator, PHS—Region III, P.O. Box 13716, Philadelphia, Pennsylvania 19101, (215) 596–6637
George A. Reich, M.D., M.P.H. Regional Health Administrator, PHS—Region IV, 101 Marietta Tower, Suite 1007, Atlanta, Georgia 30323, (404) 221–2316
E. Frank Ellis, M.D., Regional Health Administrator, PHS—Region V, 300 South Wacker Drive, Chicago, Illinois 60606, (312) 353–1385
Sam Bell, Regional Health Administrator, PHS—Region VI, 1200 Main Tower Building, Dallas, Texas 75202, (214) 655–3879
Youn Bock Rhee, Regional Health Administrator, PHS—Region VII, 601 East 12th Street, Kansas City, Missouri 64106, (816) 374–3291
Dean Hungerford, Acting Regional Health Administrator, PHS—Region VIII, 19th and Stout Streets, Denver, Colorado 80294, (303) 837–4461
Sheridan L. Weinstein, M.D., Regional Health Administrator, PHS—Region IX, 50 United Nations Plaza, San Francisco, California 94102, (414) 556–5810
Dorothy H. Mann, Regional Health Administrator, PHS/DHHS Region X, 2901 Third Avenue, Mail Stop 501, Seattle, Washington 98121, (206) 442–0430.

[FR Doc. 83–10713 Filed 4–21–83; 8:45 am]
BILLING CODE 4160–17–M

Office of Human Development Services

Additional Federal Allotments to States for Social Services Expenditures Pursuant to the Title XX—Block Grants to States for Social Services

AGENCY: Office of Human Development Services, HHS.

ACTION: Notice of Allocation of Additional Title XX—Social Services Block Grant Allotments for Fiscal Year 1983 pursuant to Public Law 98–8.

SUMMARY: Section 2003 of the Social Security Act, as amended, authorizes $2.45 billion for allocation to the States for Social Services Block Grants—Fiscal Year 1983.

Public Law 98–8, enacted March 24, 1983, appropriates an additional $225 million for Fiscal Year 1983. This notice contains State allotments and explanations of how the allotments were determined; conditions for receipt of these funds and other information.

FOR FURTHER INFORMATION CONTACT:
HDS Regional Administrators.
Dr. A. Kenton Williams, Regional Administrator, HDS, DHHS, Region I, JFK Building, Room 2000, Boston, MA 02203
Mr. John F. Devine, Regional Administrator, HDS, DHHS, Region II, Federal Building, 26 Federal Plaza, New York, NY 10278
Ms. Eileen Bradley, Regional Administrator, HDS, DHHS, Region III, P. O. Box 13716, 3535 Market Street, Philadelphia, PA 19101
Mr. Edwin Schulz, Regional Administrator, HDS, DHHS, Region IV, 101 Marietta Tower, Suite 903, Atlanta, GA 30323
Ms. Carolyn Woodard, Regional Administrator, HDS, DHHS, Region V, 300 South Wacker, 13th Floor, Chicago, IL 60606
Mr. William Acosta, Regional Administrator, HDS, DHHS, Region VI, 1200 Main Tower Bldg., Dallas, TX 75202
Ms. Linda J. Carson, Regional Administrator, HDS, DHHS, Region VII, 601 E. 12th Street, Room 384, Kansas City, MO 64106
Mr. Lemm Allen, Regional Administrator, HDS, DHHS, Region VIII, Federal Office Bldg., 1961 Stout Street, Room 1194, Denver, CO 80294
Ms. Lucy Ellison, Regional Administrator, HDS, DHHS, Region IX, 50 United Nations Plaza, San Francisco, CA 94102
Mr. Edward Singler, Regional Administrator, HDS, DHHS, Region X, 2903 Third Avenue, Mail Stop 503, Seattle, WA 98121

SUPPLEMENTARY INFORMATION: Section 2003 of the Social Security Act, as amended, authorizes $2.45 billion for allocation to the States for Social Services Block Grants—Fiscal Year 1983. The allocation of this amount was promulgated in Vol. 47, No. 190, page 43189 of the **Federal Register** on September 30, 1982.

Public Law 98–8 appropriates funds for a variety of programs and projects "to provide for neglected needs of the Nation which results in productive jobs and humanitarian assistance to the indigent and homeless * * *." Under this statute an additional $225 million has been appropriated for the Social Services Block Grant (SSBG) program for the fifty States, the District of Columbia and Puerto Rico.

The statute provides that for the SSBG program, the funds are to be used "to expand the availability of day care and other social services available to unemployed and disadvantaged Americans, which also shall include expanded Food and Nutrition Education (Nutrition Aids) * * *." The conference report suggests that States and local communities should give a high priority to day care services.

The statute also provides that no grant from this additional amount will be awarded to a State unless the State offers assurances satisfactory to the Secretary that it will use these funds in addition to rather than in lieu of existing Federal or State funds currently available for these purposes. The assurance need only be a factual statement to this effect.

States should send assurances required by Pub. L. 98–8 directly to the addressee below with a copy of the appropriate Regional Office: Department of Health and Human Services, Office of Human Development Services, 330 Independence Avenue, SW, Room 1296, Washington, DC 20201, Attention: Ms. Bettye J. Mobley.

No grants shall be issued until such assurances are received.

There are no requirements for States to report separately on these supplemental funds. Each State must decide whether it needs to amend its pre-expenditure report to cover expenditure of these supplemental funds. Specifically, if a State determines that its intended use of the supplemental funds is consistent with the use and distribution of funds in its current report, no amendment should be prepared. In general, a State need not amend its FY 1983 pre-expenditure report unless substantial changes are made in its activities.

There are no specific time limits in Pub. L. 98–8 which govern the obligations of funds. The statute and the supporting report, however, make it clear that these funds are to be obligated as rapidly as possible so as to quickly assist the unemployed and the needy as well as minimize future year budgetary outlays.

There are no audit requirements for these supplemental funds in Pub. L. 98–8. Therefore, the funds are subject to the normal audit provisions of the block grant statute.

In general, the transfer provisions of the block grant statute apply to the supplemental funds. Nothing in Pub. L. 98–8 prohibits transfer of these funds. However, language of the bill and the committee reports indicate congressional intent that these funds be used for certain purposes as indicated above. States may transfer funds as under current law provided that the transferred funds meet the special

requirements of Pub. L. 98–8, e.g., to maximize immediate creation of jobs.

Public Law 98–8 provides that the additional $225 million appropriated be allocated as follows:

1. One-third, $75.0 million, on the basis of the relative number of unemployed individuals who reside in each State as compared to the total number of unemployed individuals in all of the States;

2. One-sixth, $37.5 million, among "long-term unemployment States" on the basis of the number of unemployed individuals who reside in each such State as compared to the total number of unemployed individuals in all such States;

3. One-half, $112.5 million, as provided in Section 2003 of the Social Security Act, as amended.

For the purpose of allocating this additional appropriation, Pub. L. 98–8 provides that the number of unemployed individuals who reside in each State shall be determined by the Bureau of Labor Statistics of the department of Labor for the month of January 1983 and makes the following definitions:

1. "State" means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico;

2. "Long-term unemployment State" means any State in which the average unadjusted unemployment rate from June 1982 through November 1982 was 9.4 percent or higher.

Subsection 2003(a) of the Social Security Act, as amended, provides that each territory will receive as its anual allotment the same proportion of the total funds available for the year as it was allotted for Fiscal Year 1981. Public Law 98–8 includes only Puerto Rico among the territories. Therefore, additional funds have not been allotted to Virgin Islands, Guam and Northern Mariana Islands.

Subsection 2003(b) provides that the balance of the total funds available be allotted among the several States and the District of Columbia on the basis of their relative populations according to the most recent data available from the Department of Commerce. The Title XX allotments for Fiscal Year 1983, promulgated September 30, 1982, were based upon the Bureau of census 1980 Decennial Census.

The allotments promulgated by this issuance are based upon the Bureau of Census 1980 Decennial Census and Unemployment Statistics determined by the Bureau of Labor Statistics of the Department of Labor for the month of January 1983.

Effective date: October 1, 1982.

FISCAL YEAR 1983 ADDITIONAL FEDERAL ALLOTMENTS TO STATES FOR TITLE XX—SOCIAL SERVICES BLOCK GRANTS—PUBLIC LAW 98–8

	⅓ Based upon unemployed individuals in all States	¼ Based upon unemployed individuals in long-term unemployment States	⅓ Based upon provisions of Section 2003 of the Social Security Act	Total
Alabama	$1,692,032	$1,393,585	$1,922,108	$5,008,725
Alaska	149,304	NA	197,647	346,951
Arizona	874,092	719,492	1,343,005	2,936,589
Arkansas	864,614	538,832	1,129,548	2,322,994
California	8,459,700	6,963,432	11,695,215	27,118,327
Colorado	881,692	NA	1,427,499	2,309,191
Connecticut	774,697	NA	1,535,710	2,310,407
Delaware	142,918	NA	294,000	436,918
District of Columbia	191,321	157,482	315,246	664,049
Florida	2,942,042	NA	4,812,683	7,754,725
Georgia	1,269,085	NA	2,699,846	3,968,931
Guam	NA	NA	NA	NA
Hawaii	151,362	NA	476,822	628,184
Idaho	331,307	NA	466,444	797,751
Illinois	4,459,679	3,670,895	5,641,808	13,772,382
Indiana	2,109,207	1,736,152	2,712,693	6,558,052
Iowa	897,801	NA	1,439,358	2,337,159
Kansas	531,155	NA	1,167,595	1,698,750
Kentucky	1,162,089	956,550	1,808,956	3,927,595
Louisiana	1,203,258	990,437	2,077,260	4,270,955
Maine	291,401	NA	555,879	847,280
Maryland	1,121,758	NA	2,083,190	3,204,948
Massachusetts	1,522,357	NA	2,834,739	4,357,096
Michigan	4,275,580	3,519,358	4,574,519	12,369,457
Minnesota	1,285,901	NA	2,014,508	3,300,409
Mississippi	741,948	610,720	1,245,664	2,598,332
Missouri	1,421,586	NA	2,429,565	3,851,151
Montana	237,411	NA	388,868	626,279
Nebraska	363,596	NA	775,761	1,139,357
Nevada	352,544	290,189	394,798	1,037,531
New Hampshire	243,677	NA	455,080	698,757
New Jersey	1,897,045	NA	3,638,665	5,535,710
New Mexico	369,573	304,206	642,350	1,316,129
New York	4,455,548	NA	8,675,182	13,130,730
North Carolina	1,704,007	NA	2,902,434	4,606,441
North Dakota	167,170	NA	322,658	489,828
North Mariana Islands	NA	NA	NA	NA
Ohio	4,356,418	3,585,898	5,334,963	13,277,279
Oklahoma	644,016	NA	1,494,699	2,138,715
Oregon	1,045,588	860,654	1,301,005	3,207,247
Pennsylvania	4,747,038	3,904,430	5,863,666	14,518,134
Puerto Rico	1,360,633	1,119,978	581,897	3,062,508
Rhode Island	347,658	286,168	467,926	1,101,753
South Carolnia	1,009,765	831,168	1,541,146	3,382,079
South Dakota	142,192	NA	340 940	483,132
Tennessee	1,701,1770	1,400,778	2,268,484	5,371,032
Texas	3,810,022	NA	7,030,272	10,840,294
Utah	381,433	NA	721,902	1,103,335
Vermont	123,010	NA	252,494	375,504
Virgin Islands	NA	NA	NA	NA
Virginia	1,415,396	NA	2,641,540	4,056,936
Washington	1,599,472	1,316,573	2,040,696	4,956,741
West Virginia	929,110	764,778	963,525	2,657,413
Wisconsin	1,913,726	1,575,245	2,324,812	5,813,783
Wyoming	143,296	NA	232,729	376,025
Totals	75,000,000	37,500,000	112,500,000	225,000,000

Dated: April 19, 1983.

David A. Rust,

Director, Office of Policy Coordination and Review.

Approved: April 19, 1983.

Dorcas R. Hardy,

Assistant Secretary for Human Development Services.

[FR Doc. 83-10809 Filed 4-21-83; 8:45 am]

BILLING CODE 4131-01-M

Office of the Secretary

Agency Forms Submitted to the Office Of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was published on April 15.

Public Health Service

National Institutes of Health

Subject: Evaluation of the Impact of the Coronary Primary Prevention Trial and Multiple Risk Factor Intervention Trail (0925–0180)—Extension/no change
Respondents: Physicians
OMB Desk Officer: Fay S. Iudicello

Office of the Assistant Secretary for Health

Subject: National Health Interview Survey (1983 Questionnaire) (0937–0021)—Revision
Respondents: Individuals and households
Subject: Evaluation of the Data Provided for the National Vital Statistics Program—Preliminary plan
Respondents: State vital registration and statistics executives, State health officers, users of vital statistics data
Subject: Pretest of the 1984 Nursing Home Survey—New
Respondents: Nursing homes, their residents, registered nursing staff, and family members of the residents
OMB Desk Officer: Fay S. Iudicello

Centers for Disease Control

Subject: Request for Health Hazard Evaluations (0920–0102)—Extension/no change
Respondents: Employees, employers or employee representatives in general industry and mining
OMB Desk Officer: Fay S. Iudicello

Health Resources and Services Administration

Subject: Analysis of the Current Level of Resources Used in Geriatric Dental Education—New
Respondents: Dental schools
OMB Desk Officer: Fay S. Iudicello

Office of the Secretary

Subject: 1983 Survey of Consumer Finances/Pension Provider Follow-up—New
Respondents: Pension providers of household respondents in the 1988 Survey of Consumer Finances
OMB Desk Officer: Milo Sunderhauf

Copies of the above information collection clearance packages can be obtained by calling the HHS Reports Clearance Officer on 202–245–6511.

Written comments and recommendations for the proposed information collections should be sent directly to both the HHS Reports Clearance Officer and the appropriate OMB Desk Officer designated above at the following addresses:
Joseph F. Costa, Acting HHS Reports Clearance Officer, Hubert H. Humphrey Building, Room 524–F, Washington, D.C. 20201
OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, D.C. 20503, Attn: (name of OMB Desk Officer)

Dated: April 15, 1983.

Dale W. Sopper,

Assistant Secretary for Management and Budget.

[FR Doc. 83–10743 Filed 4–21–83; 8:45 am]

BILLING CODE 4150–04–M

Assistant Secretary for Health; Delegation of Authority

Notice is hereby given that on March 31, 1983 the Secretary of Health and Human Services delegated to the Assistant Secretary for Health, with authority to redelegate, the authority vested in the Secretary under Section 1876 of the Social Security Act (42 U.S.C. 1395mm), as amended, to determine whether an entity is an "eligible organization" within the meaning of section 1876(b).

The May 1, 1978, delegation of authority to the Assistant Secretary for Health under the former section 1876(b)(2)(A) of the Social Security Act was superseded.

Dated: April 14, 1983.

Dale W. Sopper,

Assistant Secretary for Management and Budget/OS.

[FR Doc. 83–10741 Filed 4–21–83; 8:45 am]

BILLING CODE 4160–16–M

Director, Office for Civil Rights; Delegation of Authority

Notice is hereby given that on March 31, 1983, the Secretary of Health and Human Services delegated to the Director, Office for Civil Rights, authority vested in the Secretary by section 304(a)(4) of the Age Discrimination Act of 1975, as amended, (42 U.S.C. 6103(a)(4)) to approve regulations of Federal departments and agencies issued pursuant to the Act. The Director may not redelegate this authority.

Dated: April 14, 1983.

Dale W. Sopper,

Assistant Secretary for Management and Budget.

[FR Doc. 83–10742 Filed 4–21–83; 8:45 am]

BILLING CODE 4150–04–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. N–83–1228]

Section 202 Loans for Housing for Elderly or Handicapped; Announcement of Fund Availability Fiscal Year 1983

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice of fund availability.

SUMMARY: HUD is announcing the availability of Fiscal Year 1983 loan authority under the Section 202 Housing for the Elderly or Handicapped Direct Loan Program. The loan authority will be used to provide direct Federal loans for a maximum term of 40 years under Section 202 of the Housing Act of 1959, as amended, to assist private, nonprofit corporations and consumer cooperatives in the development of housing and related facilities to serve the elderly or handicapped.

EFFECTIVE DATE: April 22, 1983.

FOR FURTHER INFORMATION CONTACT: The HUD Field Office for your jurisdiction.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Title 24, Code of Federal Regulations, Part 885, as amended, that the Department of Housing and Urban Development will be accepting Applications for Fund Reservations from eligible Borrowers (see § 885.5 for the definition of "Borrower" and other terms used herein) for the provision of direct loans for the construction or substantial rehabilitation of Housing and Related Facilities (as defined) for dwelling use by Elderly or Handicapped Families (as defined) under the provisions of Section 202 of the Housing Act of 1959, as amended. Applications may also be accepted for loans for the acquisition with or without moderate rehabilitation of housing and related facilities for use as group homes for the nonelderly handicapped.

The Assistant Secretary for Housing is assigning Section 202 loan fund authority for Fiscal Year 1983 to the HUD Field Offices based on a determination that the fair share distribution pursuant to the formula specified in Section 213(d) of the Housing and Community Development Act of 1974, as amended, is the most equitable means of distributing these funds, even though Section 213(d) is not

applicable to funds available for obligation during Fiscal Year 1983.

While the precise number of units to be funded depends upon actual approvable applications received, the following distribution plan shows the approximate numbers of units and loan authority available for new applications in each Field Office jurisdiction identified below for Fiscal Year 1983.

FISCAL YEAR 1983 SECTION 202 DISTRIBUTION PLAN BY HUD FIELD OFFICE JURISDICTION

	Estimated number of units	Estimated loan authority *
Boston Regional Office:		
Boston AO	294	$15,807,000
Manchester SO (Maine, New Hampshire, Vermont)	127	5,037,000
Providence SO	58	2,402,000
Hartford AO	144	6,561,000
Total	624	29,607,000
New York Regional Office:		
Buffalo AO (Albany)	253	$9,901,000
Caribbean AO	156	6,506,000
Newark AO (Camden)	347	17,342,000
New York AO	619	35,770,000
Total	1387	69,518,000
Philadelphia Regional Office:		
Baltimore AO	123	$5,503,000
Philadelphia AO (Delaware)	391	18,099,000
Pittsburgh AO	217	9,153,000
Charleston SO	86	3,613,000
Richmond AO	193	6,500,000
Washington, D.C. AO (Portions of Maryland and Virginia)	84	3,789,000
Total	1094	46,657,000
Atlanta Regional Office:		
Atlanta AO	222	$8,811,000
Birmingham AO	217	7,718,000
Columbia AO	192	5,949,000
Greensboro AO	321	9,850,000
Jackson AO	143	5,062,000
Jacksonville AO (Coral Gables, Tampa)	703	28,339,000
Knoxville AO	104	3,571,000
Nashville SO (Memphis)	140	4,715,000
Louisville AO	174	7,034,000
Total	2216	81,049,000
Chicago Regional Office:		
Chicago AO (Springfield)	477	$21,810,000
Columbus AO	121	4,348,000
Cleveland SO	270	10,242,000
Cincinnati SO	90	3,498,000
Detroit AO	255	9,437,000
Grand Rapids SO	147	5,003,000
Indianapolis AO	213	8,227,000
Milwaukee AO	211	8,104,000
Minn-St. Paul AO	185	6,443,000
Total	1969	77,112,000
Dallas Regional Office:		
Dallas AO (Albuquerque, Fort Worth, Lubbock)	343	$11,902,000
Little Rock AO	183	5,224,000
New Orleans AO (Shreveport)	173	7,381,000
Oklahoma City AO (Tulsa)	146	5,308,000
Houston SO	176	5,266,000
San Antonio AO	165	5,330,000
Total	1186	40,411,000
Kansas City Regional Office:		
Kansas City AO (Topeka)	229	$7,457,000
Omaha AO	76	2,513,000
Des Moines SO	148	4,734,000
St. Louis AO	139	5,715,000
Total	592	20,419,000
Denver Regional Office:		
Denver (Helena, MT, Fargo, ND, Sioux Falls, SD, Salt Lake City, UT, Casper, WY)	255	$9,277,000
Total	255	9,277,000
San Francisco Regional Office:		
Honolulu AO (Guam)	30	$1,369,000
Los Angeles AO (San Diego, Santa Ana)	485	26,880,000
Phoenix SO	121	4,769,000
San Francisco AO (Fresno, Reno, Las Vegas)	264	13,667,000
Sacramento SO	92	3,354,000
Total	992	49,829,000
Seattle Regional Office:		
Anchorage AO	11	$500,000
Portland AO	124	4,368,300
Seattle AO (Spokane)	136	5,455,700
Total	271	10,324,000

* The estimated loan authority is subject to further breakdown into "metropolitan" and "nonmetropolitan" areas.

The distribution plan set forth above is provided as a guide for prospective Borrowers. It indicates the estimated loan authority that can be expected to be made available for applications for units in each HUD Field Office jurisdiction. However, these unit and loan estimates are subject to change upon Regional and/or Field Office determinations. Such changes may be necessary in order to assure that there is enough loan authority in each Field Office to support housing projects of feasible size. Each HUD Field Office receiving Fiscal Year 1983 loan authority will prepare and publish a single Invitation for Applications for Section 202 Fund Reservation (Invitation) for its jurisdiction which indicates the amount of such authority and the maximum number of units this amount is expected to assist. Further, and in order to provide an equitable geographic distribution of the limited Section 202 units throughout a Field Office jurisdiction, Field Offices may establish a maximum number of units that may be requested under any one application. This unit limitation will vary for each Field Office depending on the number of units available for either the metropolitan or nonmetropolitan category of funds. The maximum unit limitation will be sufficient to support a housing project of a feasible size.

Priority Categories for Selection

Prospective Borroweres interested in applying should be aware of the policies and procedures governing priority categories for selection. The purpose of the priority system for the Section 202 program is to assure that applications from localities which are relatitively underfunded receive priority consideration and are treated in an equitable manner. In view of the limited funds for projects in Fiscal Year 1983 and in order to assure open competition, Field Offices will no longer suballocate funds within the Field Office jurisdiction. However, the Assistant Secretary for Housing has determined that the Section 213(d) requirement for 20–25 percent of funds to be used in "nonmetropolitan" areas is the most practial way to meet rural housing needs, even though Section 213(d) is not applicable to funds available for obligation during fiscal 1983. Field Office Invitations will identify the total number of units available for metropolitan and/or nonmetropolitan areas of its jurisdiction. Therefore, all applications received in metropolitan areas would compete against each other and all applications received in nonmetropolitan areas also would compete against each other. The Department intends, however, to exercise greater flexibility during fiscal 1983 in transferring unused funds from one field office to another at the time of end-of-year selection determinations—without regard to the state redistribution requirements under Section 213. In those instances where a Field Office jurisdiction covers more than one state, separate metropolitan and/or nonmetropolitan allocation areas may be established to the extent practicable for each state's part of the jurisdiction. In view of this revised procedure, there will be no nondesignated allocation areas in Fiscal Year 1983.

Accordingly, approvable applications wil be ranked in order of the following priority categories:

Category A: Applications for projects for the elderly and nonelderly handicapped from localitites whose funding needs *have* previously been underfunded relative to the funding needs of other localities.

Category B: Applications for projects for the elderly and nonelderly handicapped from localities whose funding needs *have not* previously been underfunded relative to the funding needs of other localities.

As mentioned above, interested Section 202 Borrowers will be notified of the total number of units available to metropolitan and nonmetropolitan areas by an Invitation prepared and advertised by the HUD Field Offices.

Schedule for Section 202 Invitations, Workshops and Application Deadline

All applications for Section 202 Fund Reservations submitted by eligible Borrowers must be filed with the appropriate HUD Field Office and must contain all exhibits and additional information as required by § 885.210 of the Regulations. In accordance with the

Paperwork Reduction Act of 1980 (Pub. L. 96–511), the information collection requirements that are included in the Section 202 application requirements referred to in this Notice have been approved by the Office of Management and Budget (OMB) and have been assigned OMB control number 2502–0267.

HUD Field Offices will publish one Invitation in newspapers of general circulation and in minority newspapers where available serving the Field Office jurisdiction. Field Offices will accept applications anytime after publication of the Invitation, but no application will be accepted after the regular closing time of the appropriate Field Office on Thursday, June 23, 1983, unless said final date for submission of applications is extended by the Assistant Secretary for Housing by publication of an extension notice in the **Federal Register**. Applications which are mailed may be accepted provided they bear a postmark date and time which is no later than the regular closing time of the Field Office on June 23, 1983.

Borrowers interested in applying for a Fund Reservation under section 202 are encouraged to provide the appropriate Field Office with the name, address and telephone number of the Sponsor and/or Borrower organization(s), to advise the Field Office whether they wish to attend the workshop described in the following paragraph, and to secure the program handbook and Application Package. Minority organizations are encouraged to participate in this program as Sponsors and/or Borrowers.

Workshops will be conduced by Field Offices during the months of April and May 1983 to explain the Regulations and instructions governing the Section 202 and Section 106(b) Seed Money loan programs, to distribute Application Packages, and to discuss the application procedures, including the Department's modest design and cost containment requirements and required exhibits. It is highly recommended that prospective Borrowers interested in submitting applications attend the local Field Office workshop. Appropriate Field Office personnel will be in attendance to explain the required exhibits their respective disciplines will be reviewing. In addition, the local Field Office will be better able to address local concerns such as local market conditions, building codes, zoning and housing costs for their particular jurisdiction. More detailed information covering the time and place of the particular workshops will be indicated in the Field Office Invitation. Arrangements will be made by the Field Office, if necessary, to assure that any interested handicapped persons are able to attend and participate in the workshop. Such persons should contact the Field Office, so that appropriate arrangements can be made.

Additional Information

Pursuant to § 885.205(a)(4) of the Regulations, this is to serve further notice that:

(1) In keeping with the Department's efforts to contain costs, the Section 202 Application for a Section 202 Fund Reservation has been expanded to include additional submission, design and cost containment requirements to be used in evaluating Fiscal Year 1983 Section 202 Applications, These requirements are set forth in HUD Notice H 83–9, Revised Submission Requirements, Standard Ranking Criteria and Selection Procedures for the Fiscal Year 1983 Section 202 Program-Application for Fund Reservation, dated March 18, 1983 and will be included in the Section 202 Application Package available at the local HUD Field Office the Section 202 workshops to be conducted by HUD Field Offices will include discussions of these and other additional application requirements. Since modest design and cost containment objectives are a significant factor in the ranking process, applicants are encouraged to attend the HUD workshops.

(2) Notice is hereby given that applications submitted this fiscal year will be developed in accordance with the Section 202 Regulatory amendment to Implement Cost Savings Procedures, published in the **Federal Register** on March 18, 1983. The Department anticipates that the Section 202 Regulatory Amendment will become effective on May 2, 1983, well before any funding reservations are distributed among successful borrowers. Accordingly, Borrowers selected for Section 202 Fund Reservation in Fiscal Year 1983 will be required to develop the project in accordance with the revised Section 202 cost limits and the Borrower will be required to competitively bid the construction contract except in certain specified instances.

(3) Religious bodies may serve as Sponsors of Section 202 projects, but the Borrower corporation must be a separate legal entity in order to comply with Constitutional requirements for separation of Church and State. No religious purpose may be included in the Articles of Incorporation or By-laws, etc., of the Borrower corporation. (The mere recital in a Borrower's Articles of Incorporation that it is organized exclusively for religious, charitable, scientific, literary or educational purposes within the meaning of section 501(c)(3) of the Internal Revenue Code will not by itself make a Borrower ineligible.)

(4) Beginning this fiscal year, Section 202 Borrowers will not be permitted to engage, except for natural persons, in any other business or activity, including the operation of any other rental project, or incur any liability or obligation not in connection with the proposed project. The intent of this new requirement is that no obligee exists other than HUD that has claim to the assets of the Borrower corporation under the Regulatory Agreement. Accordingly, prospective applicants are now required to establish a single purpose Borrower corporation which is capitalized by a Sponsor in a sufficient amount to permit the Borrower's acceptability from a financial standpoint.

Sponsors who have previously established separate Borrower corporations for the sole purpose of applying for a Section 202 Fund Reservation and who were not previously selected would not have to establish a new corporation. Our outstanding requirement with regard to evidence of IRS tax exemption under Section 501(c) (3) or (4) is not altered by this new requirement. Borrower corporations must still evidence incorporation and tax exemption or filing for tax exemption under outstanding guidelines prior to the deadline for application receipt.

(5) The Sponsor must have a current exemption ruling from the Internal Revenue Service, and where the Sponsor and Borrower are not the same, the Borrower corporation must have applied for an exemption ruling from the Internal Revenue Service and show evidence of same by the time it submits its application to HUD (i.e., by the deadline date of June 23, 1983).

(6) Applications may be submitted only by eligible Borrowers. The Borrower must be an eligible corporation as defined in Section 885.5 of the Section 202 Regulations and must have been legally incorporated consistent with the requirement of Item (4) above at the time its Application is filed with the appropriate HUD Field Office.

(7) Projects designed exclusively for the chronically mentally ill are eligible under the same conditions and criteria as other projects designed solely for the nonelderly handicapped, except that only group homes for up to 15 persons and independent living complexes to

serve up to 20 persons may be proposed for the chronically mentally ill.

Applicants applying for housing for the chronically mentally ill will be required to complete a Service Program Description, describing how their proposed projects will be linked to supportive services needed to maintain chronically mentally ill persons in the community. As funds for such services cannot be recognized in HUD's loan processing, evidence of funding sources for such services must be provided with assurances that such funds will be secured by the time the project is ready for occupancy.

To assist HUD in its evaluation of the applicant's capabilities with regard to supportive services for the residents of group homes or independent living complexes, a representative from the State Mental Health Authority (SMHA) will be invited by HUD to evaluate and make recommendations concerning the responses to the Service Program Description. To this end, prospective applicants will be required to submit a copy of the Application to the SMHA. The HUD Field Office will advise prospective applicants of further details in this regard. As the review and evaluation is at the option of the State Mental Health Authority, for those States that do not wish to participate in the evaluation, HUD will conduct its own independent review and a copy of the Application would not have to be transmitted to the SMHA.

(8) Outstanding program instructions pertaining to unit limits for housing for the nonelderly handicapped (other than the chronically mentally ill) permit group homes to serve up to 15 persons on one site, and independent living complexes to include up to 40 units on one site. Although up to 40 units are permitted, applicants should be aware that independent living complexes comprised of two or more bedroom units are limited to families and may not be developed to serve large numbers of single, unrelated persons. Also, in an independent living complex, no more than 40 individuals *or* families may occupy units on any one site, regardless of the unit configuration.

(9) Pursuant to § 885.215 of the Regulations, no single Borrower may submit an Application or Applications in any HUD Region in excess of that necessary to finance the construction or substantial rehabilitation of three hundred (300) units of Housing and Related Facilities. Further, there is an administrative requirement which indicates that reservations for projects intended primarily for the elderly generally will not be approved for more than 200 units. The 200-unit limitation includes the number of units of housing for the elderly already on or adjacent to the site, as well as the number of units being requested. This policy is intended to expand the number of areas in the community where the elderly can live in housing specifically designed to meet their needs. This rule is not intended to rule out housing for the elderly in submarket ares of major cities where housing for the elderly, either privately or publicly financed, is already in existence, but to discourge additional housing for the elderly *adjacent* to existing privately or publicly financed facilities where the new units would result in a concentration of over 200 units. This requirement may be waived by the Field Office Manager where, in a given area or locality, there are no other suitable sites available for housing for the elderly.

(10) To be considered responsive to the Invitation, among other requirements, an Application must not request a larger number of units than advertised for the respective metropolitan and/or nonmetropolitan areas designated in the Invitation and must not exceed the maximum number of units per Application as may be established by the local Field Office.

(11) HUD will make contract authority under Section 8 of the United States Housing Act of 1937, as amended, available for successful Borrowers.

(12) Section 202 Fund Reservations will be distributed among successful Borrowers in accordance with the requirements of § 885.220 (Review of Application for Fund Reservation) and on the basis of all of the information furnished by the Borrowers as set forth in the Application Package as modified by HUD Notice H 83-9, Revised Submission Requirements, Standard Ranking Criteria and Selection Procedures for the Fiscal Year 1983 Section 202 Program-Application for Fund Reservation, dated March 18, 1983 and pursuant to § 885.225 (Approval of Applications) of the Regulations.

(13) Applicants who submitted Applications that were not funded due to insufficient Fiscal Year 1982 Section 202 loan authority will have to reapply under this year's Field Office Invitations.

(14) Section 885.410(j) of the Regulatons contains a minimum capital investment requirement for Section 202 Borrowers. This requirement applies to all Section 202 Borrowers receiving HUD Field Office approval of an Application for a Section 202 Fund Reservation (under the provisions of § 885.400 et seq.). Said minimum capital investment which is presently established at one-half of 1 percent (0.5%) of the total HUD-approved mortgage amount, not to exceed $10,000 shall apply to all Section 202 projects receiving Fund Reservations in Fiscal Year 1983. Section 106(b) funds, pursuant to Part 271, may not be used to satisfy the minimum investment requirement.

Borrowers are invited to submit applications for Section 202 Fund Reservations in accordance with this Announcement and Part 885. Additional information regarding the Section 202 program may be found in Part 885.

(The Catalog of Federal Domestic Assistance Program title and number is Housing for the Elderly or Handicapped, 14.157)

Authority: (Section 202, Housing Act of 1950 (12 U.S.C. 1701q), as amended; Section 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)))

Dated: April 19, 1983.

Philip Abrams,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 83-10097 Filed 4-01-83; 8:45 am]
BILLING CODE 4210-27-M

Office of the Secretary

[Docket No. N-83-1229]

Submission of Proposed Information Collections to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirements described below have been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposals.

ADDRESS: Interested persons are invited to submit comments regarding these proposals. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Excutive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, telephone (202) 755-5310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposals described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the

information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) Whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposals should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirements are described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: Application for Approval as Direct Endorsement Mortgagee/ Underwriter Certification
Office: Housing
Form number: HUD–54112 and HUD–54113
Frequency of submission: On Occasion
Affected public: Businesses or Other Institutions (except farms)
Estimated burden hours: 131,250
Status: New
Contact: Robert J. Englestad, HUD, (202) 426–0070; Robert Neal, OMB, (202) 395–7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: April 8, 1983.

Proposal: Application for Transfer of Physical Assets
Office: Housing
Form number: HUD–92266
Frequency of submission: On Occasion
Affected public: Businesses or Other Institutions (except farms)
Estimated burden hours: 27,000
Status: New
Contact: June Foote, HUD, (202) 755–5547; Robert Neal, OMB, (202) 395–7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: April 8, 1983.

Judith L. Tardy,
Assistant Secretary for Administration.

[FR Doc. 83-10699 Filed 4-21-83; 8:45 am]
BILLING CODE 4210-01-M

[Docket No. N–83–1230]

Submission of Proposed Information Collections to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirements described below have been submitted to the Office of Management and Budget (OMP) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposals.

ADDRESS: Interested persons are invited to submit comments regarding these proposals. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, telephone (202) 755–5310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposals described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35)..

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposals should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirements are described as follows:

Notice of Submission of Proposed Information Collection To OMB

Proposal: Claim for Payment of HUD Security Deposit Guarantee and Compensation for Vacancy Loss
Office: Housing
Form Number: HUD–52676
Frequency of Submission: Monthly
Affected Public: Individuals or Households
Estimated Burden Hours: 350,000
Status: Extension
Contact: Myra Newbill, HUD, (202) 755–6596, Robert Neal, OMB, (202) 395–7316

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: April 11, 1983.

Notice of Submission of Proposed Information Collection To OMB

Proposal: Hospital—Section 242 Contractor's Requisition
Office: Housing
Form Number: FHA–2448 (Hosp)
Frequency of Submission: Monthly
Affected Public: Businesses or Other Institutions (except farms)
Estimated Burden Hours: 252
Status: Extension
Contact: Charles P. Storrs, HUD, (202) 426–8730, Robert Neal, OMB, (202) 395–7316

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: April 11, 1983.

Judith L. Tardy,
Assistant Secretary for Administration.

[FR Doc. 83-10700 Filed 4-21-83; 8:45 am]
BILLING CODE 4210-01-M

[Docket No. N–83–1231]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESS: Interested persons are invited to submit comments regarding this

proposal. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, telephone (202) 755–5310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposal should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirement is described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: Request for Acceptance of Changes in Approved Drawings and Specifications
Office: Housing
Form Number: HUD–92577
Frequency of submission: On Occasion
Affected public: Businesses or Other Institutions (except farms)
Estimated burden hours: 5,000
Status: Extension
Contact: A. S. Stephens, HUD, (202) 755–6700; Robert Neal, OMB, (202) 395–7316

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: April 11, 1983

Judith L. Tardy,

Assistant Secretary for Administration.

[FR Doc. 83-10702 Filed 4-21-83; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. N–83–1232]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESS: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D C. 20410, telephone (202) 755–5310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposal should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirement is described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: Notice of Termination, Suspension, or Reinstatement of Assistance Payment Contract
Office: Housing
Form number: HUD–93114
Frequency of submission: On Occasion
Affected public: Businesses or Other Institutions (except farms)
Estimated burden hours: 15,000
Status: Revision
Contact: Richard B. Buchheit, HUD, (202) 755–6672; Robert Neal, OMB (202) 395–7316

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: March 21, 1983.

Judith L. Tardy,

Assistant Secretary for Administration

[FR Doc. 83-10701 Filed 4-21-83; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[M 57980 and M 57980–A]

Montana; Classification of Public Lands for State Indemnity Selection

April 15, 1983.

1. The Montana Commissioner, Department of State Lands, has filed a petition for classification and application to acquire the public lands described in paragraph 5 below, under the provisions of Sections 2275 and 2276 of the Revised Statutes, as amended (43 U.S.C. 851, 852 (1976)), in lieu of certain school lands granted to the State under the Act of February 22, 1889, 25 Stat. 676, that were encumbered by other rights or reservations before the State's title could attach. The application has been assigned serial numbers M 57980 and M57980–A.

2. The Bureau of Land Management will examine these lands for evidence of prior valid rights or other statutory constraints that would bar transfer. Those lands found suitable for transfer will be held to be clasified on June 27, 1983. Classification is pursuant to Title 43 Code of Federal Regulations, Subpart 2400 and Section 7 of the Act of June 28, 1934.

3. Information concerning these lands and the proposed transfer to the State of Montana may be obtained from the

District Manager, Miles City District Office, Bureau of Land Management, P.O. Box 940, Miles City, Montana 59301, (406) 232–4331, or the District Manager, Lewistown District Office, Bureau of Land Management, Airport Road, Lewistown, Montana 59457, (406) 538–7461.

4. For a period of 60 days from the date of publication of this notice in the **Federal Register**, all persons who wish to submit comments or objections on the above classification may present their views in writing to the State Director, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107. Any adverse comments will be evaluated by the State Director who will issue a notice of determination to proceed with, modify, or cancel the action. In the absence of any action by the State Director, this classification action will become the final determination of the Department of the Interior. As provided by Title 43 Code of Federal Regulations, Subpart 2462.1, a public hearing will be scheduled by the State Director if he determines that sufficient public interest exists to warrant the time and expense of a hearing.

5. The lands included in this classification are located in Blaine, Valley, Phillips, Prairie, Custer, and Fallon counties, Montana, and are described as follows: (footnotes correspond to numbered authorized users or applicants listed in Paragraph 6).

Application M 57980–A

Principal Meridian

T. 33 N., R. 17 E.,
Sec. 13, NE¼NW¼, S½NW¼, and SW¼;[1, 32, 82, 88]
Sec. 14, E½SE¼ and E½W½SE¼; and[2, 82, 88]
Sec. 24, N½NW¼.[1, 32, 82, 86, 89]
T. 37 N., R. 20 E.,
Sec. 18, E½; and[3, 33, 83, 90]
Sec. 19, NE¼.[4, 83, 90]
T. 33 N., R. 23 E.,
Sec. 6, lots 6 and 7, E½SW¼ and SE¼.[5, 6, 7, 8, 54, 91]
T. 34 N., R. 24 E.,
Sec. 12, E½, less 1 acre in SE¼SE¼.[9, 34, 56, 92]
T. 35 N., R. 24 E.,
Sec. 26, W½; and[10, 56, 93]
Sec. 35, N½.[10, 56, 93]
T. 34 N., R. 25 E.,
Sec. 7, lots 3 and 4, E½SW¼ and SE¼.[11, 57, 94]
T. 35 N., R. 25 E.,
Sec. 31, all;[12, 34, 58, 95]
Sec. 34, SE¼; and[12, 59]
Sec. 35, E½ and SW¼.[12, 58, 96]
T. 32 N., R. 26 E.,
Sec. 20, S½NW¼, SW¼, and S½SE¼;[60, 97]
Sec. 21, S½SW¼;[60]
Sec. 28, NW¼ and N½SW¼; and[60, 97]
Sec. 29, NE¼ and N½SE¼.[60, 96]
T. 37 N., R. 32 E.,
Sec. 3, lot 4 and SW¼NW¼ and W½SW¼;[13, 36, 61, 99]
Sec. 4, all;[13, 36, 37, 60, 61, 100]
Sec. 5 all;[13, 37, 38, 61, 101]
Sec. 6, lots 1 and 2, S½NE¼ and SE¼;[13, 38, 102]
Sec. 7, all;[13, 14, 36, 62, 103]
Sec. 8, all;[13, 36, 38, 62, 104]
Sec. 9, all;[13, 36, 37, 62, 105]
Sec. 10, W½NW¼ and S½;[13, 37, 63, 106]
Sec. 14, N½ and SW¼;[13, 36, 63, 107]
Sec. 15, all, less 1 acre M&B;[13, 36, 37, 63, 108]
Sec. 17, E½ and S½SW¼;[13, 36, 64, 109]
Sec. 18, lots 1, 2, and 3, S½NE¼, E½NW¼ and NE¼SW¼;[13, 64, 109]
Sec. 19, S½NE¼ and SE¼;[13, 64, 109]
Sec. 20, all;[15, 36, 64, 110]
Sec. 21, N½; and[13, 36, 65, 111]
Sec. 23, NW¼.[13, 37, 63, 112]
T. 32 N., R. 37 E.,
Sec. 30, lots 3 and 4, NE¼ and E½SW¼; and[16, 17, 48, 66]
Sec. 33, W½.[16, 67, 113]
T. 30 N., R. 38 E.,
Sec. 23, S½;[40, 41, 42, 43, 68, 114]
Sec. 26, W½;[19, 42, 43, 68]
Sec. 34, E½SE¼; and[20, 69]
Sec. 35, S½, less 2 acres in SW¼SW¼.[18, 69]
T. 29 N., R. 39 E.,
Sec. 9, SE¼;[21, 70, 115]
Sec. 13, NW¼NE¼, N½NW¼ and SW¼NW¼;[22, 40, 71, 116]
Sec. 19, NE¼, E½NW¼; and[21, 42, 43, 44, 70]
Sec. 20, NW¼ and N½SW¼.[21, 40, 42, 43, 72, 117]
T. 30 N., R. 39 E.,
Sec. 34, SW¼.[23, 73]
T. 36 N., R. 39 E.,
Sec. 25, SW¼.[24, 74, 118]
T. 32 N., R. 40 E.,
Sec. 17, N½SW¼ and SE¼.[25, 45, 46, 75]
T. 34 N., R. 43 E.,
Sec. 25, S½NE¼ and N½SE¼.[26, 76, 119]

Containing 15,084.42 acres.

Application M 57980

Principal Meridian

T. 11 N., R. 50 E.,
Sec. 26, S½; and[27, 47, 77]
Sec. 34, all.[47, 77]
T. 12 N., R. 50 E.,
Sec. 27, lots 1 and 2, E½ of Lot 3, NE¼, E½NE¼NW¼, and NW¼NE¼NW¼.[78]
T. 9 N., R. 53 E.,
Sec. 22, S½;[28, 79, 120]
Sec. 23, all;[28, 48, 80, 121]
Sec. 25, all; and[80, 81, 122]
Sec. 26, all.[49, 81, 123]
T. 10 N., R. 54 E.,
Sec. 6, lots 6 and 7, E½SW¼; and[82, 124]
Sec. 15, all.[50, 83, 125]
T. 8 N., R. 56 E.,
Sec. 13, all;[84, 126]
Sec. 14, N½ and SW¼; and[84, 127]
Sec. 24, S½.[126]
T. 8 N., R. 57 E.,
Sec. 19, all; and[51, 80, 85, 128]
Sec. 24, SW¼.[51, 87, 129]

Containing 6,475.82 acres.
Total Acres in Selection—21,560.24 acres.

6. In addition to the lands shown in paragraph 5, the following described mineral estate is classified for evaluation purposes to equalize land and resource values;

Principal Meridian

T. 8 S., R. 43 E.,
Sec. 10, S½;[131] (Federal Surface, Federal Minerals)
Sec. 14, W½W½; (State Surface, Federal Minerals)
Sec. 15, E½. (State Surface, Federal Minerals)

The lands contain approximately 800 acres of mineral estate.

7. The following listed corporations and individuals are holders of or applicants for leases, permits, withdrawals, and/or rights-of-way on the public lands described in paragraph 5 above:

Oil and Gas Leases

[1] M 49616 John Sheldon, 134 Alida Road, Braintree, MA 02184.
[2] M 49617 John H. Trigg, P.O. Box 520, Roswell, NM 88201.
[3] M 56054 Leister Partnership, 910 Pleaseant St., New Orleans, LA 70115.
[4] M 35834 Xeno, Inc., 808 4th Ave., SW, Calgary, Alberta, Canada T2P OK4.
[5] M 56056 Nelson Bunker Trust, 2500 First National Bank, Dallas, TX 75202.
[6] M 32634 Mar-Win Development Co., P.O. Box 874, Midland, TX 79701.
[7] M 35669 Flare Energy Corp., 860 Anaconda Tower, 555 17th Street, Denver, CO 80202.
[8] 57903 Valero Products, 1512 Larimer Street #310, Denver, CO 80202.
[9] M 57427 B. F. Rudolph, Jr., P.O. Box 1842, Monterey, CA 93940.
[10] M 50022 Hunt Energy Corp., Hassie Hunt Expl. Co., W. H. Hunt Trust Est., Prosper Energy Corp., Hunt Petroleum Corp., H. G. Hunt Trust Est., Lomar Hunt Trust Est., Propel Energy Co., 2500 First National Bank, Dallas, TX 75202.
[11] M 24934 Warren Koch, 211 27th Street, NE, Cedar Rapids, IA 52402.
[12] M 33870 Adobe Oil & Gas Corporation, 1100 Western United Life Building, Midland, TX 79701.
[13] M 52774 Ambra Oil & Gas Company, 47 West 200 St., Suite 510, Salt Lake City, UT 84101.
[14] M 50493 Clifford Cone, P.O. Box 6010, Lubbock, TX 79413.
[15] M 55431 Teresa Hatch, 6702 SE 29th Avenue, Portland, OR 97202.
[16] M 36915 Petroleum, Inc., 500 Colorado State Bank Bldg., Denver, CO 80202.
[17] M 53380 Katherine Prattes, 2451 Northlake Court, Atlanta, GA 30345.
[18] M 39113 D.A.S. Resource Ventures, Inc., 2929 3rd Ave. N., Suite 306, Billings MT 59101.
[19] M 56751 Dever Exploration, P.O. Box 2940, Casper, WY 82602.
[20] 38837 EPX Company, P.O. Box 1492, El Paso, TX 79978.
[21] 40327 Mid-America Petroleum, Inc., 1177 Campbell Centre II, Dallas, TX 75206; Eagle Exploration Co., 200 16th Street, Denver, CO 80202; First Exploration Co., 1616 Glenarm St., Suite 1600, Denver, CO 80202;

Albany Oil & Gas, Ltd., 200 16th Street, Denver, CO 80202; Dr. W. J. Langley, 7777 Lincoln Lane, Suite 309, Dallas, TX 75230.

[22] M 56753 Cactus Basin Partnership, 28990 Pck #214, Malibu, CA 90265.

[23] M 29089 J. M. Kelsch, P.O. Box 1294, Bismarck, ND 58501; Home Petroleum Corporation, 2000 North Loop West, Houston, TX 77092.

[24] M 43808 Saco 1981 Acreage Program, 1800 Glenarm Place, Denver, CO 80202.

[25] M 42322 Exxon Corporation, P.O. Box 2305, Houston, TX 77001.

[26] M 32640 Yellowstone Resources, Inc., 1726 Champa, Suite 300, Denver, CO 80202.

[27] M 26809 Martin Exploration Management Corp., P.O. Box 298, Blue Island, IL 60406.

[28] M 36284 Merle C. Chambers, 7800 E. Union Ave., Suite 1100, Denver, CO 80237.

[29] M 28546 Home Petroleum Corp., 2600 N. Loop West, Houston, TX 77092; J. M. Kelsch, P.O. Box 1543, Bismarck, ND 58501.

[30] M 25998 Diamond Shamrock Corp., 410 17th St., Suite 600, Denver, CO 80202.

[31] M 35851 Marathon Oil Co., P.O. Box 120, Casper, WY 82602.

Rights-of-Way

[32] M 21440 Northern Natural Gas Company, 2223 Dodge Street, Omaha, NE 68102.

[33] M 40972 Triangle Tele. Coop. Assoc., Inc., P.O. Box 1230, Havre, MT 59501.

[34] M 044769 State of Montana, Highway Commission, Helena, MT 59620.

[35] M 45172 Blaine County Comm., P.O. Box 278, Chinook, MT 59523.

[36] M 39347 Triangle Tele. Coop. Assoc., Inc.

[37] M 29897 Northern Border Pipeline Co., 730 15th St., NW, Washington, D.C. 20005.

[38] M 49718 Big Flat Electric Coop., Malta, MT 59538.

[39] M 50677 Northern Border Pipeline, P.O. Box 3330, Omaha, NE 68103.

[40] M 28895 Valley Rural Tele. Coop. Assoc., Inc., P.O. Box 392, Glasgow, MT 59230.

[41] M 034027 Montana-Dakota Utilities Co., 400 N. 4th St., Bismarck, ND 58501.

[42] M 044766 State of Montana Highway Comm.

[43] M 43824 Mountain Bell, 560 North Park, Helena, MT 59601.

[44] M 044685 State of Montana, Highway Comm.

[45] M 044704 State of Montana, Highway Comm.

[46] M 054441 State of Montana, Highway Comm.

[47] M 053759 Bureau of Reclamation, P.O. Box 2553, Billings, MT 59103.

[48] M 25791 Mid-Rivers Tele. Coop., Inc., P.O. Box 280, Circle, MT 59245.

[49] M 044648 Leonard A. Leland, Ismay, MT 59336.

[50] M 36151 Mid-Rivers Tele. Coop., Inc.

[51] M 21958 Montana-Dakota Utilities Co., 400 N. 4th St., Bismarck, ND 58501.

Grazing Lessees

[52] Art Kleinjan, c/o Lohman CSGD, P.O. Box 549, Chinook, MT 59523.

[53] S Bar B Ranch, c/o Coal Creek CSGD, P.O. Box 549, Chinook, MT 59523.

[54] Paul Niederegger, Harlem, MT 59526.

[55] John Mohar, c/o Wayne Creek CSGD, Box 30, Route 1, Harlem, MT 59520.

[56] C. R. Rudolph, Hogeland, MT 59529.

[57] Louis Modic, Jr., c/o Wayne Creek CSGD, Box 30, Route 1, Harlem, MT 59520.

[58] Vernon Halvorson, Turner, MT 59542.

[59] Turner Colony, c/o Wayne Creek CSGD, Box 30, Route 1, Harlem, MT 59520.

[60] Herman Leise, c/o North Phillips CSGD, P.O. Box 189, Malta, MT 59538.

[61] Ben Math, Whitewater, MT 59544; Henry Leibel, Whitewater, MT 59544.

[62] Ben Math, Whitewater, MT 59544; Heronimus Leibel, Whitewater, MT 59544.

[63] Mike Hammond, Whitewater, MT 59544.

[64] Gary Anderson, P.O. Box 45, Whitewater, MT 59544.

[65] Gary Anderson, P.O. Box 45, Whitewater, MT 59544; Ben Math, Whitewater, MT 59544.

[66] Earl Britsch, P.O. Box 146, Hinsdale, Mt 59241; Funk Ranch, Inc., c/o Owen Funk, Hinsdale, MT 59241.

[67] Earl Britsch, P.O. Box 146, Hinsdale, MT 59241.

[68] Ben Borenson Estate, c/o Bernice Barrett, P.O. Box 467, Glasgow, MT 59230; Floyd and Don Nelson, Tampico Route, Glasgow, MT 59230.

[69] Donald Nelson, Tampico Route, Glasgow, MT 59230.

[70] Leonard Swenson, P.O. Box 815, Glasgow, MT 59230.

[71] Golden Meadow Partnership, c/o Dennis Garsjo, P.O. Box 169, Glasgow, MT 59230.

[72] Manson Bailey, Jr., P.O. Box 743, Glasgow, MT 59230.

[73] Walter Riggin, Tampico Route, Glasgow, MT 59230; Louise Christiana, P.O. Box 455, Glasgow, MT 59230; Robert and Harold Potter, P.O. Box 925, Glasgow, MT 59230; Clifford Rice, P.O. Box 211, Glasgow, MT 59230.

[74] Donald Davenport, P.O. Box 31, Opheim, MT 59250.

[75] Robert Keefer, Fergus Route, Roy, MT 59471.

[76] Stan-Fuhr, Inc., c/o Owen Funk, Hinsdale, MT 59241.

[77] David Hess, Terry, MT 59349.

[78] Hines Ranch, c/o Verlan Hines, Terry MT 59349.

[79] Brown Ranch, P.O. Box 645, Terry, MT 59349.

[80] Robert J. Gray, Ismay, MT 59336.

[81] Leland Ranch, Inc., Ismay, MT 59336.

[82] Erling Mathiason, c/o Alan Mathiason, Mildred, MT 59341.

[83] Weldon Birdwell, P.O. Box 1258, Miles City, MT 59301.

[84] Bickle, Inc., Ismay, MT 59336.

[85] Steven Stickney, Ismay, MT 59336.

[86] Hable Sieler, Plevna, MT 59344.

[87] Steffes, Inc., c/o Lawrence Steffes, Plevna, MT 59344.

Range Improvements

[88] Fence 3373, Art Kleinjan.

[89] Reservoir 3737, Art Kleinjan

[90] Fence 3848, Reservoir 3945, S Bar B. Ranch.

[91] BR–78 Reservoir, Paul Niederegger.

[92] Fence 3502, John Mohar.

[93] Fence 3483, C. R. Rudolph.

[94] Fence 3490, Reservoir 3620, Louis Modic, Jr.

[95] Well Windmill 3466, Vernon Halvorson.

[96] Fence 3474, Turner Colony.

[97] Fence 3496, Herman Leise.

[98] Reservoir 3454, Herman Leise.

[99] Pit 1392, Fence 1417, Pit 2000, Math & Leibel.

[100] Fence 1417, Dugout 7069, Math & Leibel.

[101] Fence 1417, Fence 1889, Reservoir 1497 PR–248, Reservoir 1749, Math & Leibel.

[102] Fence 1417, Fence 1889, Reservoir #1 & 2, 1750, Math & Liebel.

[103] Fence 1965, Fence 1889, Reservoir 1488 PR–156, Math & Leibel.

[104] Fence 1889, Reservoir 7071, 7365, 1752, 1500 PR–251, Math & Leibel.

[105] Fence 1889, Reservoirs 1499 PR–250, 1747, Snow Catch Shelterbelt 7228, Math & Leibel.

[106] Fence 384, Pit 2066, Mike Hammond.

[107] Fence 1884, Reservoir 1923, Mike Hammond.

[108] Fence 1884, Reservoir 1463, Pit 1501 PR–252, Mike Hammond.

[109] Fence 1578, Gary Anderson.

[110] Fence 2115, Reservoirs 1470 PR–9, 1801, Gary Anderson.

[111] Fence 1578, Anderson & Math.

[112] Fence and Cattleguard 2095, Reservoir 2069, Mike Hammond.

[113] Fence 312, Cattleguard 216, Earl Britsch.

[114] Fence 0607, Borenson & Nelson.

[115] Reservoir 6942, Leonard Swenson.

[116] Fences 0740 and 0758, Golden Meadow Partnership.

[117] Reservoir 0675, Pit, Manson Bailey.

[118] Reservoir 0053, Donald Davenport.

[119] Fence 0024, Hans Stannebein.

[120] Fences 965, 1004, Brown Ranch.

[121] Fence J–1002, Cattleguard 1001, Reservoir 6760, Robert J. Gray.

[122] Fence 104, Robert J. Gray & Leland Ranch, Inc.

[123] Fence 1004, Reservoir 158, Well 1003, Grass Seeding 4–738, Leland Ranch, Inc.

[124] Fence 882, Erling Mathiason.

[125] Cattleguard 6684, Water Spreaders 996, Weldon Birdwell.

[126] Fence 912, Reservoir 2254, Bickle, Inc.

[127] Fence 912, Reservoir 944, Bickle, Inc.

[128] Well 4040, Steven Stickney.

[129] Fence 7103, Reservoir 185, Hable Sieler.

[130] Reservoir 41, Steffes, Inc.

[131] M 3095 M.J. Harvey, Jr., P.O. Box 8060, Dallas, TX 75205.

8. Rights-of-way granted by the Bureau of Land Management on the above lands will transfer with the land or may be reserved to the United States. Where mineral rights will transfer to the State, existing oil and gas leases will remain in effect under the terms and conditions of the leases. This classification constitutes official notice to grazing lessees that their Bureau of Land Management leases will be terminated in whole or in part upon transfer of the land to the State of Montana. The State Commissioner has agreed to give BLM's grazing permittees a preference right for grazing privileges on lands transferred to the State. The State leases will contain the same terms and conditions included in the present

leases to the fullest extent allowed by State laws. However, the State and the lessees may agree to enter into other tenure arrangements.

For a period of 45 days from the date of first publication indicated below, persons asserting a claim to or interest in the described lands, other than holders of leases, permits or rights-of-way listed above, may file such claim with the State Director, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107, together with evidence that a copy thereof has been served on the Board of Land Commissioners, State of Montana, Capitol Building, Helena, Montana 59620.

Kannon Richards,

Acting State Director.

[FR Doc 83-7518 Filed 4-21-83; 8:45 am]

BILLING CODE 4310-84-M

[Group 629]

Arizona; Filing of Plat of Survey

April 15, 1983.

1. Plat of survey of the land described below will be officially filed in the Arizona State Office, Phoenix, Arizona effective at 7:45 a.m. on June 3, 1983.

Gila and Salt River Meridian, Arizona

UNS. T. 1 S., R. 16 E.

Tract 38

The area described contains 94.74 acres of land.

2. The land described above is located about 5 miles ESE of Globe, Arizona. The average elevation is about 3,500 feet above sea level. The terrain is rolling and drains in an easterly direction. Vegetation consists of oak brush, mesquite, yucca, cacti, crucifixion thorn, cat claw, creosote and scattered juniper.

3. Access to Tract 38 is by way of State Highway No. 70. The southerly right-of-way is identical with the North bdy. of Tract 38.

4. The above described land in Unsurveyed T. 1 S., R. 16 E., was included within the Tonto National Forest by Proclamation 795, of January 13, 1908.

5. The land described in paragraph 1 is included in a Designation Order, Tonto Forest Townsite, pursuant to the Act of July 31, 1958 (72 Stat. 438, 7 U.S.C. 10122, 16 U.S.C. 478a), as amended, and is segregated from appropriation, location or entry under the General Land and Mineral Laws.

6. Inquiries concerning the lands should be addressed to the Arizona State Office, Bureau of Land Management, 2400 Valley Bank Center, Phoenix, Arizona 85073.

Mario L. Lopez,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 83-10691 Filed 4-21-83; 8:45 am]

BILLING CODE 4310-84-M

[N-37930]

Nevada; Airport Lease Application

April 15, 1983.

Notice is hereby given that pursuant to the Act of May 24, 1928 (49 U.S.C. 211-214), All Minerals Corporation has applied for an airport lease for the following land:

Mount Diablo Meridian

T. 12 N., R. 46 E.,
Secs. 11, 14, 15 and 22 (within).

The area described comprises 36 acres in Nye County, Nevada, The application was filed on February 7, 1983, and on that date the land was segregated from all other forms of appropriation under the public land laws.

Interested persons may submit comments to the District Manager, Bureau of Land Management, P.O. Box 194, Battle Mountain, Nevada 89820.

Charles E. Hancock,

Acting Deputy State Director, Operations.

[FR Doc. 83-10692 Filed 4-21-83; 8:45 am]

BILLING CODE 4310-84-M

Wyoming and Montana; Intent to Rank Tracts and Select Combinations of Tracts; Powder River Coal Production Region

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of Intent to rank tracts, select EIS alternatives, and Notice of Regional Coal Team Meeting.

SUMMARY: Pursuant to the responsibilities set forth in 43 CFR 3400.4(c)(b), the Powder River Regional Coal Team (RCT) will meet May 18, 1983, in Billings, Montana, to rank potential lease tracts and to select the combinations of tracts which will comprise the lease alternatives to be addressed in the regional EIS.

Public attendance at the regional coal team meeting is welcomed and encouraged. The opportunity for the public to address the regional coal team will be provided during the meeting.

DATE: The regional coal team meeting will be held May 18, 1983, in Billings, Montana. The meeting is expected to last 1 day and will begin at 9 a.m.

ADDRESS: The meeting will be held at the Ramada Inn, I-90 and Mullowney Lane, Billings, Montana 59102.

FOR FURTHER INFORMATION CONTACT: J. Stan McKee, Project Manager, 307-778-2293, Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyoming 82001.

Dated: April 14, 1983.

J. Stan McKee,

Acting Chief, Branch of Solid Minerals.

[FR Doc. 83-10694 Filed 4-21-83; 8:45 am]

BILLING CODE 4310-84-M

Lakeview District Advisory Council; Meeting

Notice is herby given in accordance with Pub. L. 94-579 and 43 CFR Part 1780 that a meeting of the Lakeview District Advisory Council will be held on May 12, 1983. The meeting will begin at 8:00 A.M. at the Lakeview District Office at 1000 So. Ninth St., Lakeview, Oregon.

The agenda for the meeting will include:

1. Organization and role of the District Advisory Council.
2. Asset Management/DLE's.
3. Range Progam Summary (RPS) Update.

Field tour to discuss:

4. Wilderness
5. State Land Exchange
6. Range Management Topics

Interested persons may make oral statements before the Council or file written statements for the Council's consideration.

Summary minutes of the Council Meeting will be maintained in the District Office and available for public inspection (during regular business hours) within 30 days following the meeting.

Dated: April 4, 1983.

Richard A. Gerity,

District Manager.

[FR Doc. 83-10780 Filed 4-21-83; 8:45 am]

BILLING CODE 4310-84-M

[AA-2763, AA-7005, AA-8226, AA-16841]

Alaska; Termination of Segregative Effect; Correction

This is to correct FR Doc. Vol. 48, No. 4, pages 739 and 741, published January 6, 1983 which contained errors in the land descriptions as follows:

2. Project No 207, line 9 reads 1500 feet. this is corrected to read 1550-foot.

18. Project No. 840, line 17 reads "Exhibit B". This is corrected to read "Exhibit E".

Robert W. Faithful IV

Chief, Division of Conveyances.

[FR Doc. 83-10693 Filed 4-21-83; 8:45 am]

BILLING CODE 4310-84-M

[N-367]

Nevada; Order Providing for Opening of Lands

April 15, 1983.

By quitclaim deed, executed March 8, 1983, the following-described land was reconveyed to the United States:

T. 20 N., R. 19 E., Mt. Diablo Mer., NV
Sec. 27: S½NW¼NW¼.

The area described comprises 20 acres in Washoe County, Nevada.

The purpose of this notice is to inform the public that the Bureau of Land Management, on behalf of the United States, has accepted title to the above-described land. Said land regained public land status on April 8, 1983.

Norman L. Murray,

Acting Carson City District Manager

[FR Doc. 83-10690 Filed 4-21-83; 8:45 am]

BILLING CODE 4310-84-M

Minerals Management Service

Environmental Documents Prepared for Proposed Oil and Gas Operations on the Gulf of Mexico Outer Continental Shelf (OCS)

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Availability of Environmental Documents Prepared for OCS Mineral Exploration, Development/Production, and Pipeline Rights-of-Way Application Proposals on the Gulf of Mexico OCS.

SUMMARY: The Minerals Management Service (MMS), in accordance with Federal Regulations (40 CFR 1501.4 and 1506.6) that implement the National Environmental Policy Act (NEPA), announces the availability of NEPA related environmental assessments (EAs) and findings of no significant impact (FONSIs), prepared by the MMS for the following oil and gas exploration and development/production activities and pipeline rights-of-way applications proposed on the Gulf of Mexico OCS. This listing includes all proposals for which environmental documents were prepared by the Gulf of Mexico OCS Region in the 3-month period preceding this Notice.

Activity/operator, Location and FONSI date

Mobil Producing Texas, and New Mexico Inc., OCS–G 5108, EA No. 506, Plan Control No. N–1099, High Island Area, East Addition, South Extension, Block A–374; (127 mi. southeast of Freeport Texas); February 14, 1983.

Anadarko Production Company, OCS–G 2750 and 2754, EA No. 507, Plan Control No. S–1045, High Island Area, East Addition, South Extension, Blocks A–365 and A–376; (115 mi. southeast of Galveston, Texas); March 1, 1983.

Union Oil Company of California, OSC–G 5149, East Breaks Area, Block 160,—High Island Area, South Addition, Block A–536, (17.15 miles of 10¾" crude oil pipeline); January 20, 1983.

Texas Eastern Transmission Corporation, OCS–G 5156, Vermilion Area, Blocks 75 and 76, (2.98 miles of 10" natural gas pipeline); October 27, 1982.

Tenneco Inc., OCS–G 5157, West Delta Area, Blocks 58 and 59, (0.96 mile of 6" natural gas pipeline); February 11, 1983.

Texas Eastern Transmission Corporation, OCS–G 5227, Chandeleur Area, Block 25,—Main Pass Area, Block 93, (11.42 miles of 12" natural gas pipeline); March 10, 1983.

Texas Eastern Transmission Corporation, OCS–G 5228, Chandeleur Area, Blocks 17 and 25, (1.86 miles of 8" natural gas pipeline); March 14, 1983.

Exxon Pipeline Company, OCS–G 5229, Mississippi Canyon Area, Block 280,—South Pass Area, South Addition, Block 93, (15.21 miles of 12" crude oil and/or gas pipeline); February 7, 1983.

McMoRan Offshore Exploration Co., OCS–G 5230, South March Island Area, South Addition, Block 174,—Eugene Island Area, South Addition, Block 313, (14.02 miles of 6" oil pipeline); February 25, 1983.

Tenneco Inc., OCS–G 5232, West Cameron Area, South Addition, Blocks 493 and 498, (2.48 miles of 6" natural gas pipeline); March 14, 1983.

Person interested in reviewing environmental documents for the proposals listed above or obtaining information about EAs and FONSIs prepared for activities on the Gulf of Mexico OCS are encouraged to contact the MMS office in the Gulf of Mexico OCS Region.

FOR FURTHER INFORMATION CONTACT: Regional Supervisor, Offshore Operations Support, Gulf of Mexico OCS Region, Minerals Management Service, Post Office Box 7944, Metairie, Louisiana 70010, Phone 504/837–4720.

SUPPLEMENTARY INFORMATION: The MMS prepares EAs and FONSIs for proposals which relate to exploration for and the development/production of oil and gas resources on the Gulf of Mexico OCS. The EAs examine the potential environmental effects of activities described in the proposals and present MMS conclusions regarding the significance of those effects. EAs are used as a basis for determining whether or not approval of the proposals constitutes major Federal actions that significantly affect the quality of the human environment in the sense of NEPA & 102(2)(C). A FONSI is prepared in those instances where the MMS finds that approval will not result in significant effects on the quality of the human environment. The FONSI briefly presents the basis for that finding and includes a summary or copy of the EA.

This notice constitutes the public notice of availability of environmental documents required under the NEPA Regulations.

Dated: April 13, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-10685 Filed 4-21-83; 8:45 am]

BILLING CODE 4310-MR-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Amoco Production Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Amoco Production Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Leases OCS–G 0971 and 1880, Blocks 261 and 214, East Cameron Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: April 15, 1983

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-10689 Filed 4-21-83; 8:45 am]

BILLING CODE 4310-MR-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Mark Producing, Inc.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: This Notice announces that Mark Producing, Inc., Unit Operator of the High Island A-462/A-475 Federal Unit Agreement No. 14-08-0001-20236, submitted on April 11, 1983, a proposed initial plan of development/production describing the activities it proposes to conduct on the High Island A-462/A-475 Federal Unit.

The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the plan and that it is available for public review at the offices of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9:00 a.m. to 3:30 p.m., 3301 N. Causeway Blvd., Metairie, Louisiana 70002, phone (504) 837-4720, ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in development and production plans available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: April 14, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-10687 Filed 4-21-83; 8:45 am]

BILLING CODE 4310-MR-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; McMoRan Offshore Exploration Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that McMoRan Offshore Exploration Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Leases OCS-G 3108 and 3466, Blocks 700 and 713, Matagorda Island Area, offshore Texas.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Lousiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd. Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: April 14, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-10686 Filed 4-21-83; 8:45 am]

BILLING CODE 4310-MR-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Union Oil Co. of California

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Union Oil Company of California has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 3786, Block 372, Eugene Island Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Lousiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: April 15, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-10688 Filed 4-21-83; 8:45 am]

BILLING CODE 4310-MR-M

National Park Service

Redwood National Park, California; Availability of Statement of Findings Regarding Floodplain Management and Wetland Protection

SUMMARY: Pursant to the requirements specified in Executive Order 11988 (May 24, 1977), for Floodplain Management, Executive Order 11990 (May 24, 1977) for Protection of Wetlands and their implementing guidelines, and the

National Park Service Floodplain Management and Wetland Protection Guidelines (**Federal Register**, Volume 45, Number 104—Wednesday, May 28, 1980), the National Park Service, Department of the Interior, gives notice that a statement of findings has been prepared for the Redwood Information Center, Redwood National Park, California.

The action calls for the construction of a visitor information center building and parking lot in a previously developed area located within the 100 year flood and the 500 year ???? event. However, the actual building is to be constructed above levels.

FOR FURTHER INFORMATION OR FOR A COPY OF THE STATEMENT OF FINDINGS, CONTACT: Howard H. Chapman, Regional Director, Western Region, National Park Service, P.O. Box 36063, San Francisco, California 94102, Telephone: (415) 556–4196; or Douglas Warnock, Superintendent, Redwood National Park, 1111 Second Street, Crescent City, California 95531, Telephone: (707) 464–6101.

Dated: April 15, 1983.

W. Lowell White,

Acting Regional Director, Western Region.

[FR Doc. 83–10682 Filed 4–21–83; 8:45 am]

BILLING CODE 4310–70–M

Office of the Secretary

Coastal Barrier Resources Act

AGENCY: Office of the Secretary, Interior

ACTION: Notice.

SUMMARY: Consistent with the provisions of Section 4(c) of the Coastal Barrier Resources Act (CBRA) (Pub. L. 97–348), and with the guidelines published in the **Federal Register** on November 19, 1982 (47 FR 52388–52393), the Department has completed making minor and technical modifications to the boundaries of the system units within 180 days after the date of enactment as required by CBRA. The Department provided written descriptions and notice of the proposed minor and technical modifications on March 14, 1983 to the Committee on Merchant Marine and Fisheries in the House of Representatives and to the Committee on the Environment and Public Works in the Senate. This information was also provided to the chief executive officer of each State, county, or equivalent jurisdiction in which a system is located; each State coastal zone management agency in those States which have a coastal zone management plan approved pursuant to section 306 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455) and in which a system is located; and each appropriate Federal agency, as required by CBRA. This information was also made available to the public as published in the **Federal Register** (47 FR 11177–11178) March 16, 1983. Comments on the proposed modifications were accepted through April 13, 1983.

As required, the Department has provided notice and written jusitification of the final minor and technical modifications to the individuals and entities indicated above.

Copies of all comments received and maps showing final modifications are available for public review. Interested individuals may contact the Coastal Barriers Task Force, Room 3149, U.S. Department of the Interior, Washington, DC 20240, prior to May 2, 1983 or the U.S. Fish and Wildlife Service after that date.

ADDRESS: Mr. Ric Davidge, Chairman, Coastal Barriers Task Force, U.S. Department of the Interior, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Mr. Frank McGilvrey, Coastal Barriers Officer, U.S. Fish and Wildlife Service, U.S. Department of the Interior, Washington DC 20240. (202) 343–5000.

Ric Davidge,

Acting Assistant Secretary for Fish and Wildlife and Parks.

April 18, 1983.

[FR Doc. 83–10684 Filed 4–21–83; 8:45 am]

BILLING CODE 4310–70–M

Guidelines for Transactions Between Nonprofit Conservation Organizations and Federal Agencies

AGENCY: Office of the Secretary, Interior.

ACTION: Notice of final guidelines—Request for additional comments.

SUMMARY: The Assistant Secretary for Fish and Wildlife and Parks is publishing final guidelines for transactions between nonprofit conservation organizations and Federal agencies that utilize the Land and Water Conservation Fund (LWCF). These guidelines will provide broad instructions to the four Federal agencies in their use of nonprofit conservation organizations to assist in securing the natural, cultural, wildlife and recreation values in greatest need of protection.

The guidelines will apply to the National Park Service, Fish and Wildlife Service, and the Bureau of Land Management in the Department of the Interior and the Forest Service in the Department of Agriculture.

DATE: Additional comments must be received before May 23, 1983. Unless modified pursuant to notice in the **Federal Register**, these guidelines shall be effective June 21, 1983.

FOR FURTHER INFORMATION CONTACT: Ric Davidge, Chairman, LWCF Policy Group, Room 3156, Department of the Interior, Washington, D.C. 20240.

SUPPLEMENTARY INFORMATION: The public was invited to comment on the proposed guidelines, that appeared in the **Federal Register**, January 28, 1983 (Vol. 48, No. 20, pages 4055–6).

There were several comments received via phone expressing support for the guidelines and an interest in their rapid implementation. Thirty-two written comments were received. Thirty-one fully supported the guidelines and their immediate implementation by all of the Federal agencies using the Land and Water Conservation Fund. One letter supported all of the basic principles except the reqirement that a letter of intent be sent to the nonprofit organization outlining necessary land or interest in land needed, the estimated value, the projected time when the agency intends to acquire the property from the nonprofit organization and an explanation of the limitation of liability to the Government should the Federal agency be unable or decline to purchase the land.

The letter of intent is essential to establishing a common understanding of what is expected from the nonprofit and the Government. The purpose of these guidelines is to clarify the relationships between individual nonprofit organizations and LWCF Act agencies. This policy is primarily applicable when the nonprofit is dependent on Federal funding to conclude a transaction. Obviously, these guidelines are not intended to preclude purely private actions. Any private party can buy land within the boundaries of Federal areas without Federal permission or acquiescence. In those cases, however, where a nonprofit or any individual needs or requests limited Federal assurances prior to proceeding—those limited assurances will be subject to the policy guidelines provided herein. When a nonprofit requires limited assurances before it proceeds, our policy will require that certain ground rules be followed.

The majority of these ground rules were laid out in the proposed guidelines. Furthermore, there is an additional concern—not previously reflected in the guidelines—that full disclosure of financial arrangements be made in each case where the nonprofit has secured the land via an option to purchase and does not and will not own title to the

property prior to receipt of a firm Federal commitment to purchase the tract in question.

In these cases the Government will also want to know the financial background of the transaction. A disclosure of the financial background should indicate the price of the property to the nonprofit, the basis for that price (appraisals, etc.), the costs to the nonprofit, and the price and basis thereof for the subsequent sale to the United States. This additional requirement has now been added. In our view this type of disclosure to the concerned Federal agency is reasonable given the level of Federal commitment that is being requested, prior to nonprofit action. Because this is a new provision—although one applicable only to a very limited situation—additional time is being provided for public review and comment.

Office of Management and Budget and the General Accounting office have urged that guidelines be developed. The General Accounting Office's concerns have been expressed in recent reports including *Overview of Federal Land Acquisition and Management Practices* (CED 81-135), which noted that 4.5 percent of the land acquired by the National Park Service, the Fish and Wildlife Service, and the Forest Service during the period 1965–1979 was acquired through the use of nonprofit conservation organizations, and recommended that the Department develop a written policy for dealing with these groups. Such a policy, the report stated, should provide guidance on "when to use nonprofits, what the working relationship should be, and what unique land acquisition procedures might be appropriate."

Congress, as recently as the Explanatory Statement of the Recommendations of the Senate Committee on Appropriations on the Department of the Interior and Related Agencies Appropriation Bill, 1983 (H.R. 7356), indicated its support and interest in improving the "* * * cooperation between the land acquiring agencies and the nonprofit organizations that are capable of performing a valuable service in helping acquire properties * * *". It is the intent of the guidelines to create an understanding of the benefits and operating procedures of the nonprofit organizations and the Federal agencies and to foster greater cooperation.

The Department of the Interior has determined that this document is not a major rule under E.O. 12291 and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

This rule does not contain information collection requirements that require approval by the Office of Management and Budget under 44 U.S.C. 3501 et seq.

These guidelines do not in themselves constitute a major Federal action significantly affecting the quality of the human environment under the National Environmental Policy Act of 1969 (NEPA). NEPA concerns will be addressed at the individual unit levels on a case-by-case basis.

Nonprofit conservation organizations, like other private landowners, make their own decisions regarding the purchase and sale of real property. However, when dealing with resources to be purchased by the Federal agencies using the Land and Water Conservation Fund, some basic principles should be followed.

The Assistant Secretary for Fish and Wildlife and Parks makes notice of the following guidelines.

Guidelines for Transactions Between Nonprofit Conservation Organizations and Federal Agencies

Introduction

Because of the lengthy time requirements in the budgeting and appropriation process, Federal agencies are frequently unable to acquire land in response to imminent threats to critical resources or to buy needed resources under favorable terms. With the ability to act quickly in the private market and maintain flexible working relationships with landowners, nonprofit conservation organizations can assist and support the Federal land acquisition program. However, the role of nonprofit organizations in acquiring land or interests in land should be clearly and carefully defined in each transaction considering the basic principles listed below.

Basic Principles

Nonprofit conservation organizations are not in any manner agents of the Federal Government. They are private independent groups who freely negotiate real estate actions anywhere and anytime they desire and at their own risk. However, in dealing with the Government agencies, because of statutory, budgetary and policy considerations, the objectives of the Federal agencies must be paramount to those of the nonprofit conservation organizations.

Lands or interests in lands proposed for acquisition through a nonprofit organization should be in accord with priorities outlined by the agency.

Lands or interests in land acquired from nonprofit organizations must be within the boundaries of authorized areas, consistent with existing acquisition authorities, and limited to tracts that the agency has determined need to be acquired.

In each case the proposal of the agency should be outlined in a letter of intent to the nonprofit organization. The letter should provide the nonprofit organization with a minimum of: (1) Land or interest in land needed; (2) the estimated value; (3) the projected time frame as to when the agency intends to acquire the property from the nonprofit organization; and (4) a statement indicating that should the agency be unable or decline for policy reasons to purchase the land within the projected time frame, disposition of the land or interests in land by the nonprofit organization is without liability to the Government.

In cases where a nonprofit conservation agency or individual has secured an option to buy and does not or will not own title prior to a binding Federal commitment to purchase, all financial arrangements including the option price, the sale price to the Federal agency and appraisal data must be disclosed before a decision to purchase is made by the Federal agency.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

April 15, 1983.

[FR Doc. 83-10883 Filed 4-21-83; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Investigation and Suspension Docket No. M-29788]

Motor Carriers; Charge for Shipments Moving on Order; Notify Bill of Lading N.M.F.T.A.

AGENCY: Interstate Commerce Commission.

ACTION: Extension of time to file comments.

SUMMARY: The previously established due date for comments (April 21, 1983) on our requirement that rules and charges unrelated to classification and not prescribed by the Commission be removed from the classification where the scope of the pertinent agreement is limited to classification making (See 47 FR 11572 (March 17, 1983)), has been extended 20 days.

DATE: Comments must be received by May 11, 1983.

ADDRESS: Send comments (original and 15 copies to: I. & S. M–29788, Interstate Commerce Commission, Office of Proceedings, Room 2139, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Jane Morris (202) 275–6434, or Howell I. Sporn (202) 275–7691.

SUPPLEMENTARY INFORMATION: By petition filed April 11, 1983, the National Classification Committee (NCC) requests a 20-day extension of time (until May 11, 1983) fo filing comments in this proceeding. The NCC states that due to the broad scope of the rules covered by our March 22, 1983 decision and the far-reaching impact of that decision on the National Motor Freight Classification, and extension is warranted.

The 20-day extension of time filing of comments in this proceeding is warranted. Given the importance and complexity of this proceeding, an extension will benefit both the parties and the Commission by insuring that the most responsive comments are filed, without unduly delaying the proceeding.

It Is Ordered

The petition is granted. The time for filing comments is extended to May 11, 1983.

Decided: April 15, 1983.

By the Commission, Reese H. Taylor, Jr., Chairman.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–10729 Filed 4–21–83; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or to use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent corporation and address of principal office: Archer Daniels Midland Company, a Delaware corporation, 4666 Faries Parkway, Decatur, Illinois 62525.

2. Wholly owned subsidiaries which will participate in the operations, and address of their respective principal offices:

(1) Ardanco, Inc., 4666 Faries Parkway, Decatur, Illinois
(2) ADM International, S.A., 4666 Faries Parkway, Decatur, Illinois
(3) ADM S.A., 4666 Faries Parkway, Decatur, Illinois
(4) ADM Milling Co., 4550 W. 109th St., Shawnee Mission, Kansas
(5) ADM Trucking, Inc., 4550 W. 109th St., Suite 218, Overland Park, Kansas
(6) Chokee Creek Elevator Co., Chokee Creek, Georgia
(7) The Columbian Peanut Company and Columbian Peanut Company International, P.O. Box 389, Norfolk, Virginia
(8) Desoto Gin and Peanut Co., Desoto, Georgia
(9) Fleischmann Malting Company, Inc., 410 Grain Exchange, Minneapolis, Minnesota
(10) Gooch Feed Mill Corp., 540 South Street, Lincoln, Nebraska
(11) Gooch Foods, Inc., 540 South Street, Lincoln, Nebraska
(12) McMillan Products, Ltd., 818 Ashby Street, N.W., Atlanta, Georgia
(13) Herbert Saliba, Inc., Byromville, Georgia
(14) Supreme Sugar Co., Suite 320, #1 Shell Square, New Orleans, Louisiana
(15) Tabor Grain Co., 4666 Faries Parkway, Decatur, Illinois
(16) Miller Hauling Co., 316 Pike Street, Oakland, Illinois.

1. Parent Corporation and address of principal office: Beatrice Foods Co., Two North LaSalle St., Chicago, IL 60602.

2. Wholly owned subsidiaries and addresses of their principal place of business:

Advance Citrus Co., Inc., 1001 13th Avenue, East, Bradenton, FL 33505
Allison Manufacturing Co., 350 Fifth Avenue, New York, NY 10001
Arizona Sparkling Bottling Water, Inc., 12815 N. 39th Avenue, Phoenix, AZ 85029
Arrowhead Puritas Waters, Inc., 1334 S. Central Avenue, Los Angeles, CA 90021
Aunt Nellie's Foods, Inc., P.O. Box 67, Clyman, WI 53016
B & H Projects, Inc., 1001 13th Avenue, East Bradenton, FL 33505
Berliner & Marx, Inc., 71 White Street, Brooklyn, NY 11206
Bloomfield Industries, 4546 W. 47th Street, Chicago, IL 60632
Brillion Iron Works, 200 Park Avenue, P.O. Box 10, Brillion, WI 54110
Brookside Enterprises, Inc., 9900 Guasti Road, Guasti, CA 91743
The Buckingham Company II, 620 Fifth Avenue, New York, NY 10020
The Buckingham Corporation, 620 Fifth Avenue, New York, NY 10020
Buckingham Distributors, Inc., 620 Fifth Avenue, New York, NY 10020
Buckingham Distributors Company II, 620 Fifth Avenue, New York, NY 10020
CCLA Communications, Inc., 1334 S. Central Avenue, Los Angeles, CA 90021
Cal-Compack Foods, Inc., 4906 W. First Street, Santa Ana, CA 92702
Callard & Bowser (USA) Inc., One N. Broadway #1501, White Plains, NY 10601
Certified Transportation Co., 2068 Lapham Drive, Modesto, CA 95353
Citrus Bowl, Inc., 7–02 154th Street, Whitestone, NY 11357
D. L. Clark Company, 503 Martindale Street, Pittsburgh, PA 15212
Coca-Cola Bottling Co. of Cedar Rapids, 851 66th Avenue SW., Cedar Rapids, IA 52401
Coca-Cola Bottling Co. (Dubuque, IA), 2435 Kerper Blvd., Dubuque, IA 52802
Coca-Cola Bottling Co. of Honolulu, 949 Mapunapuna Street, Honolulu, HI 96819
Coca-Cola Bottling Co. of Los Angeles, 1334 S. Central Avenue, Los Angeles, CA 90021
The Coca-Cola Bottling Co. of Madison/Rockford, 3536 University Avenue/10400 N. 2nd Street, Madison, WI 53705, Rockford, IL 61111
Coca-Cola Bottling Co. of Mason City, 2000 15th Street SW., Mason City, IA 50401
The Coca-Cola Bottling Co. of Mid-America, P.O. Box 500, Shawnee Mission, KS 66201
Coca-Cola Bottling Company of Omaha, 3200 N. 30th Street, Omaha, NE 68111
Coca-Cola Bottling Co. of San Bernardino & Riverside, 1230 N. Arrowhead Avenue, San Bernardino, CA 92405
Coca-Cola Bottling Co. of San Diego, 1348 47th Street, San Diego, CA 92102
Coca-Cola Bottling Co. of Spirit Lake, 907 18th Street, Spirit Lake, IA 51360
Coca-Cola Bottling Company of the Valley, Inc., 1348 47th Street, San Diego, CA 92102
Coca-Cola Bottling Company of Waterloo, c/o Two N. LaSalle Street, Chicago, IL, 60602
Meadow Gold Dairy (formerly Community Creamery), 420 Nora Street, Missoula, MT 59807
County Line Cheese Co., Route 2, Auburn, IN 46706
Culligan International Co., One Culligan Parkway, Northbrook, IL 60062
Cycle Parts Trading Co., 1001 13th Avenue, East Bradenton, FL 33505
Dahlgren & Company, P.O. Box 609, 1220 Sunflower Street, Crookston, MN 56716
Day-Timers, P.O. Box 67, East Texas, PA 18046
Diamond Head Beverages, Inc., 949 Mapunapuna Stret, Honolulu HI 96819
Petere Eckrich and Sons, Inc., P.O. Box 388, Ft. Wayne, IN 46801
Edgar Packing Co., Inc., P.O. Box 195, Edgar, WI 54426
Elite Sounds, Inc., 122 DuPont Street, Plainview, NY 11803

Farmbelt Industries, Inc., 71 White Street, Brooklyn, NY 11206
Fiberite Corporation, 501 W. Third Street, Winona, MN 55987
Fiberite West Coast Corporation, 645 N. Cypress, Orange CA 92666
Fisher Nut Company, 2327 Wycliff Street, St. Paul, MN 55114
G. B. Holding Corporation, c/o Coca-Cola Bottling Co., 1334 S. Central Avenue, Los Angeles, CA 90021
James J. Gallery, Inc., 555 Pleasant St., Watertown, MA 02172
Great Bear Holding Co., II, c/o Coca-Cola Bottling Co., 1334 S. Central Avenue, Los Angeles, CA 90021
Great Bear Spring Company II, Great Bear Plaza, Rt. 46 & Hollister Rd., Teterboro, NJ 07608
Great Bear Spring Co., Great Bear Plaza, Rt. 46 & Hollister Rd. Teterboro, NJ 07608
Harman Automotive, Inc., P.O. Box 329, Bolivar, TN 38008
Harmon Automotive—Puerto Rico (Branch), State Road 2, P.O. Box 696, Vega Alta, Puerto Rico 00762
Hitchcock Products, Inc., 1001 13th Avenue, East, Bradenton, FL 33506
Industrial Glass Co., Inc., 1001 13th Avenue, East, Bradenton, FL 33506
International Container Corp., 1001 13th Avenue, East Bradenton, FL 33506
Kaaawa Farms, Ltd., 949 Mapunapuna Street, Honolulu, HI 96819
E. W. Kneip, Inc., P.O. Box 161, Forest Park, IL 60130
KSS Transportation Corp., c/o Webcraft, P.O. Box 185, Route 1 and Adams Station, North Brunswick, NJ 08902
LaChoy Food Products, P.O. Box 220, 901 Stryker Street, Archbold, OH 43502
Lorden, Inc., 463 South "I" Street, San Bernardino, CA 92410
LouverDrape, Inc., 1100 Colorado Avenue, Santa Monica, CA 90401
LouverDrape International, Inc., 1100 Colorado Avenue, Santa Monica, CA 90401
LouverDrape of New York, 141 E. 44th Street, Room 704, New York, NY 10017
Mantecados Payco, Inc., 113 Calle Bolivia, Box 908, San Juan, Puerto Rico 00919–0908
Mario's Food Products Company, 2440 Floyd Street, Louisville, KY 40217
Market Forge, 35 Garvey Street Everett, MA 02149
Marshalltown Coca-Cola Bottling Co., 1334 S. Central Avenue, Los Angeles, CA 90021
Marshalltown Distributing Co., 1334 S. Central Avenue, Los Angeles, CA 90021
Martha White Foods, Inc., P.O. Box 58, Room 900, 110 21st Avenue South, Nashville, TN 37202
Meadow Gold Products Corp., 400 Calvert Avenue, Alexandria, VA 22313
Meadow Gold Samoa, Ltd., P.O. Box 1360, Pago Pago, American Samoa 96799
Melamine Plastics, Inc., 501 N. Third Street, Winona, MN 55987
Melnor Industries, Inc., One Carol Place, Moonachie, NJ 07074
Mid-America Container Corporation, P.O. Box 500, Shawnee Mission, KS 66201
Minnesota Valley Engineering, 407 7th Street NW, New Prague, MN 56071
E. R. Moore Co., 7230 N. Caldwell Avenue, Niles, IL 60648
Mother's Cookie Co., P.O. Box 16159, 2287 Ralph Avenue, Louisville, KY 40216
National Packaging Corp., 1001 13th Avenue, East, Bradenton, FL 33506
Northeast Cold Storage Corp., 165 Read Street, Portland, ME 04104
Pepes Snacks, Inc., c/o Two N. LaSalle St., Chicago, IL 60602
Pepper Rendering Company, 903 Goodnight Trail, Houston, TX 77060
Plantation Enterprises, Ltd., 1001 13th Avenue, East, Bradenton, FL 33505
Poultry Foods Industries, Inc., P.O. Box C, Russellville, AR 72801
Progress Service, Inc., 1001 13th Avenue, East, Bradenton, FL 33505
Quality Beverages, Inc., 1334 S. Central Avenue, Los Angeles, CA 90021
Quincy Market Cold Storage and Warehouse Co., 555 Pleasant St., Watertown, MA 02172
Rainbo Foods, Inc., 5635 Powell Street, Harahan, LA 70123
Refreshment Vending Service Co., 1334 S. Central Avenue, Los Angeles, CA 90021
St. John's Inc., 130 Gunn St., Cadillac, MI 49601
Salem International Sales, Inc., c/o Two N. LaSalle St., Chicago, IL 60602
Samsonite Corporation, 11200 E. 45th Avenue, Denver, CO 80239
Samsonite Domestic International Sales Corp., 11200 E. 45th Avenue, Denver, CO 80239
Samsonite International Sales Corp., 11200 E. 45th Avenue, Denver, CO 80239
Sanna, Inc., 6501 Grand Teton Plaza, Madison, WI 53705
Sanitary Water Co., 3304 W. 5th Street, Ft. Worth, TX 76107
John Sexton & Co., 222 S. Riverside Plaza, Chicago, IL 60606
Skyline Dairy, Inc., 1300 Two Mile Drive, Kalispell, MT 59901
Taylor Freezer, Blackhawk Blvd., Rockton, IL 61072
Termicold Corporation, 1515 S. W. 5th Avenue, Portland, OR 97201
Tindle Mills, Inc., M.P.O. Box 733, 701 E. Chestnut, Springfield, MO 65801
Tropicana Feed Corporation, 1001 13th Avenue, East, Bradenton, FL 33505
Tropicana International, Ltd., 1001 13th Avenue, East, Bradenton, FL 33505
Tropicana of New York, Inc., c/o Citrus Bowl, 7–02 154th Street, P.O. Box 240, Whitestone, NY 11357
Tropicana Products Sales, Inc., 1001 13th Avenue, East, Bradenton, FL 33506
Tropicana Transportation Corp., 1001 13th Avenue, East, Bradenton, FL 33506
Tropicana Products, Inc., 1001 13th Avenue, East, Bradenton, FL 33506
Waterloo Industries, Inc., 300 Ansborough Avenue, Waterloo, IA 50704
Webcraft Games, Inc., Route 1 and Adams Station, North Brunswick, NJ 08902
Zero Transport, Inc., P.O. Box 22666, Tampa, FL 33622.

1. Parent corporation and address of principal office: Karler Packing Co., Inc. (a New Mexico corporation), P.O. Box 1005, Albuquerque, NM 87103.

2. Wholly owned subsidiary which will participate in the operations and State of incorporation: Karler Trucking, Inc. (a New Mexico corporation).

1. Parent corporation and address of principal office: Lucky Stores, Inc., a California corporation, 6300 Clark Avenue, Dublin, California 94566.

2. Wholly Owned Subsidiaries which will participate in the operations, and States of incorporation:

(a) Atherton Industries, Inc., a Delaware corporation, 6300 Clark Avenue, Dublin, California 94568.

(b) LKS Manufacturing, a California corporation, 6300 Clark Avenue, Dublin, California 94568.

(c) LKS Automotive, a California corporation, 6300 Clark Avenue, Dublin, California 94568.

(d) Hancock Textile Co., Inc., a Mississippi corporation, P.O. Box 1627, Tupelo, Mississippi 38801.

(e) LeGran Corporation, a California corporation, 6300 Clark Avenue, Dublin, California 94568.

(f) Lucky Stores, Inc., a Florida corporation, 6300 Clark Avenue, Dublin, California 94568.

(g) Eagle Stores, Inc., an Indiana corporation, 6300 Clark Avenue, Dublin, California 94568.

(h) T–Chem Products, a California corporation, 6300 Clark Avenue, Dublin, California 94568.

(i) Lucky Stores, Inc., a Nevada corporation, 6300 Clark Avenue, Dublin, California 94568.

(j) Valley Distributing Company, a Delaware corporation, 2540 N. 29th Avenue, Phoenix, Arizona 85009.

(k) Tanne Apparel, Inc., a Delaware corporation, 6300 Clark Avenue, Dublin, California 94568.

(l) Tanne Apparel, Inc., a New Jersey corporation, 6300 Clark Avenue, Dublin, California 94568.

(m) Cal-Pharm, Inc., a California corporation, 6300 Clark Avenue, Dublin, California 94568.

(n) Pharmco, Inc., a Nevada corporation, 6300 Clark Avenue, Dublin, California 94568.

(o) Discount Associates of Santa Ana, Inc., a California corporation, 6300 Clark Avenue, Dublin, California 94568.

(p) Checker Auto Parts, Inc., an Arizona corporation, 2540 N. 29th Avenue, Phoenix, Arizona 85009.

(q) Yellow Front Stores, an Arizona corporation 2540 N. 29th Avenue, Phoenix, Arizona 85009.

(r) Basics Transportation, Inc., a California corporation, 6300 Clark Avenue, Dublin, California 94568.

(s) Margie's, Inc., a Texas corporation, 6300 Clark Avenue, Dublin, California 94568.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-10733 Filed 4-21-83; 8:45 am]

BILLING CODE 7035-01-M

[Nos. 39148 and 39149]

Motor Carriers; Interstate Contract Carrier Corp. and Stoops Express, Inc.; Petition for Exemption From Tariff Filing Requirements

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Two motor contract carriers have each requested exemption from the requirements of 49 U.S.C. 10702, 10761, and 10762. The sought relief is provisionally granted for future as well as existing contracts.

DATES: Comments are due on May 9, 1983. The sought relief will become final on May 24, unless, in response to timely filed adverse comments, the Commission issues a further decision withdrawing the relief.

ADDRESS: Send comments (original and 15 copies) to: Room 2139, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT:

Barbara Gardner, (202) 275-0961
Howell I. Sporn (202) 275-7691.

SUPPLEMENTARY INFORMATION:

Additional information is contained in the Commission's decision. To purchase a copy of the full decision contact:

T. S. InfoSystems, Inc., Room 2227, c/o Interstate Commerce Commission, 12th & Constitution Avenue NW., Washington, DC 20423

or telephone: (202) 289-4357 (D.C. Metropolitan area) (800) 424-5403 (toll free—outside the D.C. area).

Decided: April 14, 1983.

By the Commission, Division 2, Commissioners Gradison, Taylor, and Sterrett. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-10727 Filed 4-21-83; 8:45 am]

BILLING CODE 7035-01-M

[No. 39132 et al.] [1]

Motor Carriers; Milbank Freightways, Inc.; Petition for Exemption From Tariff Filing Requirements

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Eight motor contract carriers have each requested exemption from the tariff filing requirements of 49 U.S.C. 10702, 10761, and 10762. The sought relief is provisionally granted for future as well as existing contracts.

DATES: Comments are due on May 9, 1983. The sought relief will become final May 24, 1983, unless, in response to timely filed adverse comments, the Commission issues a further decision withdrawing this relief.

ADDRESS: Send an original and 15 copies of comments to: Room 2139, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT:

Barbara Gardner, (202) 275-0961

or

Howell I. Sporn, (202) 275-7691.

SUPPLEMENTARY INFORMATION:

Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T. S. Infosystems, Inc., Room 2227, Washington, DC 20423, or call 289-4357 in the DC metropolitan area or toll free (800) 424-5403.

Decided: April 14, 1983.

By the Commission, Division 2, Commissioners Gradison, Taylor, and Sterrett. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-10728 Filed 4-21-83; 8:45 am]

BILLING CODE 7035-01-M

[1] This proceeding embraces Nos. 39133 Barry Transfer & Storage Co., Inc., 39134 Ceco Transport, Inc., 39135 Allen Freight Lines, Inc., 39137 J.R.S. Leasing Charter, Inc., 39138 All-Freight Express, Inc., 39139 Amtrans, Inc., and 39140 Almac of Arizona, Inc.

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (fitness-only); Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods). The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** on December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in the **Federal Register** on November 24, 1982, at 49 FR 53271. For compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E.

These applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional

questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.— All applications are for authority to operate as a motor common carrier in interstate or foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please direct status inquiries to Team 2, (202) 275-7030.

Volume. No. OP2-174

Deicded: April 12, 1983.

By the Commission, Review Board No. 2, members Carleton, Williams, and Ewing.

MC 134942 (Sub-3), filed March 31, 1983. Applicant: INTERSTATE LIMOUSINES LTD., 5309 Harford Rd., Baltimore, MD 21214. Representative: Steven L. Weiman, Suite 200, 444 N. Frederick Ave., Gaithersburg, MD 20877, 301-840-8565. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI). Note: Applicant seeks to provide privately-funded charter and special transportation.

MC 167132, filed March 28, 1983. Applicant: MILTON Z. SASSER, d.b.a. SILVER SADDLE TRANSPORT, 745 E. Dunne Ave., P.O. Box 1495, Morgan Hill, CA 95037. Representative: Donna Carr, Rt. 8, Box 215, Yankima, WA 98908, 509-966-5724. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 167153, filed March 30, 1983. Applicant: BROOKS BUS SERVICE, INC., 17405 Croom Rd., Brandywine, MD 20613. Representative: Thomas E. Brooks (same address as applicant) 301-888-1112. Transporting *passengers*, in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 167163, filed March 28, 1983. Applicant: EASTERN CONNECTION, INC., 101 Tremont St., Suite 215-216, Boston, MA 02108. Representative: Robert R. Berluti, 1350 Main St., Walpole, MA 02081, 617-668-4774. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI).

MC 167193, filed April 1, 1983. Applicant: AIRPORT SERVICE, INC., 851 East Cerritos Ave., Anaheim, CA 92805. Representative: James H. Lyons, 523 West 6th St., Suite 1216, Los Angeles, CA 90014, 213-626-6451. Transporting *passengers*, in charter and special oprations, beginning and ending at points in Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, and Ventura Counties, CA, and extending to points in the U.S. (except HI).

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 167203, filed April 1, 1983. Applicant: W AND A ENTERPRISES, INC., d.b.a. MOREHEAD & ASSOCIATES TRANSPORTATION SERVICES, P.O. Box 21402, 841⅛ Winston St., Greensboro, NC 27420. Representative: J.G. Dail, Jr., P.O. Box LL, McLean, VA 22101, 703-893-3050. Transporting *passengers*, in charter and special operations, beginning and ending at points in NC, and extending to points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

Volume No. 0P2-175

Decided: April 13, 1983.

By the Commission, Review Board No. 2, members Carleton, Williams, and Ewing.

MC 153(Sub-6), filed April 8, 1983. Applicant: SCHENCK TOURS, INC., 372 Jericho Turnpike, Floral Park, NY 11002. Representative: Morton L. Price, 1185 Ave. of the Americas, Rm. 3655, New York, NY 10036, 212-575-8150. Transporting *passengers*, in charter and special operation, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 2832(Sub-16), filed April 5, 1983. Applicant: THE KELLEY TRANSIT COMPANY INC., 30 Railroad Square, Torrington, CT 06790. Representative: Thomas A. Kelley, Jr. (same address as applicant) 203-489-9243. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 146172(Sub-2), filed March 31, 1983. Applicant: UNIVERSAL COACHES, INC., 3833 Frenchmen St. New Orleans, LA 70122. Representative: Maxwell A. Howell, 2554 Massachusetts Ave., NW, Washington, DC 20008, 202-483-8633. Transporting *passengers*, in charter operations, between points in the U.S., under continuing contract(s) with Universal Travel Agency, Inc., of New Orleans, LA.

MC 150823(Sub-2), filed April 1, 1983. Applicant: DATA DISPATCH, INC., 850 Florida Ave. So. Minneapolis, MN 55426. Representative: Timothy H. Butler, 4200 IDS Center, 80 South 8th St., Minneapolis, MN 55402, 612-371-3211. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points, in MN, IA, ND, SD, WI, and IL.

MC 163092(Sub-1), filed April 4, 1983. Applicant: RAYMOND R. CHASE AND JANICE N. CHASE, d.b.a. R. CHASE TRUCKING CO., 2505 Stansberry Way, Sacramento, CA 95826. Representative: Raymond R. Chase (same address as applicant) 916-361-2438. Transporting *food and other edible products and byproducts, intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil*

conditioners by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 167272, filed April 6, 1983. Applicant: CHEETAH TRANSFER LTD, INC., 151 Route 206-Bldg 21, Suite 12, Flanders, NJ 07836. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904, 201–572–5551. As a *broker of general commodities* (except household goods), between points in the U.S.

For the following, please direct status calls to Team 4 at 202–275–7669.

Volume No. OP4–234

Decided: April 14, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 167276, filed April 7, 1983. Applicant: TERRENCE L. BOWERS AND EDWARD J. TAYLOR, d.b.a. BCT EQUIPMENT COMPANY, 5240 Comly St., Philadelphia, PA 19135. Representative: James W. Patterson, 1800 Penn Mutual Tower, 510 Walnut St., Philadelphia, PA 19106 (215) 925–8300. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 167286, filed April 8, 1983. Applicant: O'KEEFE TRUCKING CO., INC., 216 Palisade Ave., Union City, NJ 07087. Representative: Harold L. Reckson, 33–28 Halsey Rd., Fair Lawn, NJ 07410 (201) 791–2270. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 167307, filed April 8, 1983. Applicant: EMBREE BUSES, INC., 303 N. Allen Ave., Pasadena, CA 91106. Representative: Lawrence E. Lindeman, 4660 Kenmore Ave., Suite 1203, Alexandria, VA 22304 (703) 751–2441. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 167317, filed April 11, 1983. Applicant: D & M FREIGHT, INC., d.b.a. D & M TRANSPORT, 24578 Sunnymead Blvd., Unit F, Sunnymead, CA 92388. Representative: Roy Gray, P.O. Box 344, Bloomington, CA 92316 (714) 829–0765. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

[FR Doc. 83–10735 Filed 4–21–83; 8:45 am]
BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water Carriers; Household Goods Brokers. The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the **Federal Register** on November 24, 1982 at 47 CFR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposd on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations.

We make an additional preliminary finding with respect to each of the following types of applications as indicated: common carrier of property—that the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier—that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor carrier of property, freight forwarder, and household goods broker—that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please direct status inquiries to Team 2, (202) 275–7030.

Volume No. OP2–176.

Decided: April 13, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 59583 (Sub-192), filed April 15, 1983. Applicant: THE MASON AND DIXON LINES, INCORPORATED, P.O. Box 969, Kingsport, TN 37662.

Representative: Kim D. Mann, Suite 1301, 1600 Wilson Blvd., Arlington VA 22209, 703–522–0900. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Hills Department Stores, division of SCOA Industries, of Canton, MA.

MC 138512 (Sub-47) filed March 24, 1983. Applicant: ROLLAND'S TRANSPORTATION SERVICE, INC., P.O. Box 1000, 100 N. Waukegan Rd., Lake Bluff, IL 60044. Representative: Robert B. Walker, 915 Pennsylvania Bldg., 425–13th St. NW, Washington, DC 20004, 202–737–1030. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI). Condition: Issuance of a certificate in this proceeding is conditioned upon coincidental cancellation of permits in MC–138512 Subs 2, 8, 9, 12, 14, 15, 19, 21, 23, 27, 30, 31, 32, 34, 35, 39, 40, 41, 42, 43, 44, and 45, issued November 4, 1974, August 16, 1976, October 2, 1975, November 21, 1977, September 12, 1977, April 12, 1978, September 5, 1978, September 21, 1978 January 24, 1979, September 26, 1978, August 30, 1979, October 2, 1979, April 27, 1981, July 28, 1980, February 27, 1981, September 9, 1981, June 23, 1982, June 16, 1982, June 1, 1982, and March 1, 1983, respectively.

Note: The purpose of this application is to convert applicant's contract carrier authority to common carrier authority.

MC 139273 (Sub-8) filed April 8, 1983. Applicant: KINGS COUNTY TRUCK LINES, P.O. Box 1016, Tulare, CA 93275. Representative: B. J. Sparlin (same address as applicant) 209–686–2857. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of food and related products, between points in the U.S. (except AK and HI), under continuing contract(s) with California Citrus Producers, Inc., of Lindsay, CA, Cargill Citro-America, Inc., of Minneapolis, MN, Delano Growers Cooperative Winery, of Delano, CA, Juice Pak, Inc., of Richmond, CA, Knudsen Corporation, of Los Angeles, CA, Mulligan mMm Sales, Inc., of City of Industry, CA, Ralphs Grocery Company, of Compton, CA, Sunkist Growers, Inc., of Ontario, CA, and Vie-Del Company, of Fresno, CA. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(a), submit an affidavit indicating why such approval is unnecessary, or file a petition seeking exemption under 49 U.S.C. § 11343(e) to the Secretary's Office. In order to expedite issuance of any authority, please submit a copy of the affidavit or proof of filing the application(s) for common control to Team 2, Room 2379.

MC 147603 (Sub-3) filed April 8, 1983. Applicant: FROZEN XPRESS, INC., 18770 N.E. 6th Ave., Miami, FL 33179. Representative: Richard B. Austin, 320 Rochester Bldg., 8390 N.W. 53rd St. Miami, FL 33166, 305–592–0036. Transporting *food and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Southern Frozen Foods, Divison of Curtice-Burns, Inc., of Montezuma, GA.

MC 148412 (Sub-11) filed April 1, 1983. Applicant: GRIBBLE TRUCKING, INC., R.D. 3 Rockwood, PA 15557. Representative: George Gross Jr., 124 Lammert Dr., Glenshaw, PA 15116, 412–487–6533. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

Volume No. OP2–177

Decided: April 12, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

W–522 (Sub-20) filed April 1, 1983. Applicant: AMERICAN COMMERCIAL BARGE LINE COMPANY, 1701 East Market St., Jeffersonville, IN 47130. Representative: Paul M. Donovan, Suite 800 1120 G St. NW, Washington, DC 20005, 202–628–2788. To operate as a *contract carrier*, by water, in the transportation of *general commodities*, by non-self-propelled vessels with the use of separate towing vessels, by towing vessels in the performance of towage, and by furnishing vessels to persons other than carriers subject to the Interstate Commerce Act for the transportation of their own property, between points and ports along the Illinois Waterway, Mississippi River, Ohio River, Missouri River, Tennessee River, Cumberland River, Allegheny River, Monongahela River, Kenawha River, Arkansas-Verdigris Waterway, Gulf Intracoastal Waterway and all their respective tributaries and connecting ship channels.

FF–682, filed March 31, 1983. Applicant: DISPATCH FORWARDING CO., P.O. Box 68, Augusta, NJ 07822. Representative: Charles Biter (same address as applicant) 201–383–6565. As a freight Forwarder, in connection with the transportation of *general commodities*, between points in the U.S. (except AK and HI).

MC 32122 (Sub-13), filed March 28, 1983. Applicant: PAZEN TRANSFER LINE, INC., P.O. Box 243, Waukau, WI 54980. Representative: Edward J. Gerrity, P.O. Box 914, Appleton, WI 54912, 414–734–5606. Transporting *metal products*, between points in Outagamie County, WI, points in CT, DE, IL, IN, KY, ME, MD, MA, MI, NH, NJ, NY, OH, PA, RI, VT, VA, AND DC.

MC 103602 (Sub-15), filed March 28, 1983. Applicant: SKJONSBY TRUCK LINE, INC., 1617 1st Ave. No., Unit A, P.O. Box 362, Fargo, ND 58107. Representative: Richard P. Anderson, Federal Square, 112 Roberts St., P.O. Box 2581, Fargo, ND 58108, 701–235–3300. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Gage Brothers Concrete Products, Inc., Of Sioux Falls, SD.

MC 108473 (Sub-65), filed April 6, 1983. Applicant: ST. JOHNSBURY TRUCKING COMPANY, INC., 87 Jeffrey Ave., Holliston, MA 01746. Representative: Harry J. Jordan, Suite 200–1090 Vermont Ave. NW, Washington, DC 20005, 202–783–8131. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Scott Paper Company, of Philadelphia, PA.

MC 121493 (Sub-3), filed April 1, 1983. Applicant: JACK FREEMAN TRUCKING CO., INC., 4948 S. Western Ave., Chicago, IL 60609. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602, 312–726–6525. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in IA, IL, IN, KS, KY, MI, MN, MO, NE, ND, OH, SD, and WI.

MC 125813 (Sub-28), filed March 28, 1983. Applicant: CRESSLER TRUCKING, INC. 691 Orrstown Rd., Shippensburg, PA 17257. Representative: Lawrence E. Lindeman, 4660 Kenmore Ave., Suite 1203, Alexandria, VA 22304, 703–751–2441. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with (a) Baumgardner Oil Company, Inc., of Fayetteville, PA and (b) Lube Tech, of Shippensburg, PA.

MC 129573 (Sub-5), filed March 28, 1983. Applicant: THIBODEAU-FINCH EXPRESS LIMITED, 3049 Devon Drive, P.O. Box 2430, Windsor, Ontario,

Canada N8Y 4S4. Representative: Robert D. Schuler, 100 W. Long Lake Rd., Suite 102, Bloomfield Hills, MI 48013, 313–645–9600. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk) (1) between ports of entry on the international boundary line between the U.S. and Canada on the St. Clair River in MI, on the one hand, and, on the other, points in St. Clair County, MI, and (2) Between ports of entry on the international boundary line between the U.S. and Canada on the Niagara and St. Lawrence Rivers in NY, on the one hand, and, on the other, points in Erie, Niagara, Jefferson, and St. Lawrence Counties, NY.

MC 143433 (Sub-21), filed March 25, 1983. Applicant: B.L. Gilbert, d.b.a. GILBERT TRUCKING COMPANY, 310 South 1st Ave. Stroud, OK 74079. Representative: Greg E. Summy, 208 Century Center Plaza, 100 West Main St., Oklahoma City, OK 73102, 405–235–3661. Transporting *general commodities* (except classes A and B explosives), between points in KS, MO, TX, WI, and WY, on the one hand, and, on the other, points in AL, AR, CO, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, NM, NY, OH, PA, TN, TX, WV, and WY.

MC 143503 (Sub-41), filed April 6, 1983. Applicant: MERCHANTS HOME DELIVERY SERVICE, INC. P.O. Box 5067, Oxnard, CA 93030. Representative: David B. Schneider, 210 West Park Ave., Suite 1120, Oklahoma City, OK 73102, 405–232–9990. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Sears, Roebuck and Company, Inc., of Shreveport, LA.

MC 144173 (Sub-6), filed March 24, 1983. Applicant: PETERSON TRANSPORTATION, INC., P.O. Box 96, Highway 136, Ruskin, NE 68974. Representative: Lavern R. Holdeman, 1610 South 70th, Suite 200, Lincoln, NE 68506, 402–488–0985. Transporting (1) *petroleum products* and (2) *Such commodities* as are used or dealt in by agricultural supply business houses, between points in CO, NE, and KS.

MC 145423 (Sub-9), filed March 24, 1983. Applicant: C. VAN BOXELL TRANSPORTATION, INC., 763 South Oakwood, Detroit, MI 48217. Representative: William B. Elmer, P.O. Box 801, Traverse City, MI 49685–0801, 616–941–5313. Transporting (1) *chemicals and related products* and (2) *building materials*, between Detroit, MI, on the one hand, and, on the other, points in MN, NC, TN, VA, and WV.

MC 151703 (Sub-12), filed March 14, 1983. Applicant: NORSUB, INC., R.D. #1, Box 317, Evans City, PA 16033. Representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222, 412–471–3300. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

MC 166873, filed March 18, 1983. Applicant: DAV-RICK TRANSPORTATION, INC., 83 Kean St., West Babylon, NY 11704. Representative: Ronald I. Shapss, 450 Seventh Ave., New York, NY 10123, 212–239–4610. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Dav-Rick Freight, Inc., of West Babylon, NY.

MC 167053, filed April 6, 1983. Applicant: LARRY VAN HOY, d.b.a. L. VAN HOY TRUCKING, P.O. Box 133, Rufus, OR 97050. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, OR 97210, 503–226–3755. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Superior Transportation Systems, Inc., of Wilsonville, OR.

MC 167192, filed April 1, 1983. Applicant: WILLIAM D. CLEMENT, d.b.a. CLEMENT TRUCKING, 544 South 51st Place, Springfield, OR 97477. Representative: William D. Clement (same address as applicant), 503–726–6401. Transporting *metal products, lumber and lumber mill products, and building materials*, between points in the U.S. (except AK and HI).

MC 167212, filed April 4, 1983. Applicant: EL TORO MOTOR FREIGHT, INC., 155 South Hemlock St., Ventura, CA 93001. Representative: David Robinson, 2228 West Northern Ave.—Suite B–201, Phoenix, AZ 85021, 602–864–0999. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 167213, filed April 4, 1983. Applicant: RALPH L. HACKLER, d.b.a. HACKLER TRUCKING CO., 17104 Evna Rd., Parkton, MD 21120. Representative: Ralph L. Hackler (same address as applicant), 301–357–8910. Transporting *metal products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Novelty Manufacturing Co., of Lancaster, PA.

MC 167242, filed April 5, 1983. Applicant: HARRY CRAWFORD & SONS, INC., d.b.a. TIMBERLAND TRUCKING CO., Box 416, East Millinocket, ME 04430. Representative: Harry J. Crawford, Box. 38, Reed Plantation, ME 04497, 207–746–9394. Transporting *paper and paper products*, between points in the U.S. (except AK and HI).

MC 167243, filed April 5, 1983. Applicant: STOW & DAVIS FURNITURE COMPANY, 25 Summer Ave. NW, Grand Rapids, MI 49504. Representative: Sylvia Van Dyke (same address as applicant), 616–456–9681. Transporting *lumber and wood products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Arrow Door Company, of Grand Rapids, MI.

For the following, please direct status calls to Team 3 at 202–275–5223.

Volume No. OP3–165

Decided: April 15, 1983.

By the Commission, Review Board No. 3, members Krock, Joyce, and Dowell.

MC 15735 (Sub-78), filed March 29, 1983. Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Ave., Broadview, IL 60153. Representative: Richard V. Merrill, P.O. Box 4403, Chicago, IL 60680, (312) 681–8378. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S., under continuing contract(s) with Motorola, Inc. and its subsidiaries of Schaumburg, IL.

MC 44605 (Sub-62), filed March 29, 1983. Applicant: MILNE TRUCK LINES, INC., 2500 W. California Ave., Salt Lake City, UT 84104. Representative: George W. Selby, Jr., 1090 Vermont Ave., N.W., Suite 200, Washington, D. C. 20005, (202) 783–8131. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S., under continuing contract(s) with Rohm and Haas Company of Philadelphia, PA.

MC 139205 (Sub-5), filed March 28, 1983. Applicant: DOLPHIN CARTAGE, INC., 5274 S. Archer Ave., Chicago, IL 60632. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602, (312) 726–6525. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the IL, IN, MI, and WI under continuing contract(s) with Owens-Illinois, of Chicago, IL.

MC 143484 (Sub-2), filed March 29, 1983. Applicant: GLENN'S DELIVERY SERVICE, INC., 211 St. Mihiel Dr., Riverside, NJ 08075. Representative: James W. Patterson, 1800 Penn Mutual Tower, 510 Walnut St., Philadelphia, PA 19106, (215) 925–8300. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in CT, DE, MA, NJ, NY, NC, OH, PA, RI, VA, WV and DC.

MC 152794 (Sub-2), filed March 29, 1983. Applicant: OREGON FREIGHTWAYS, INC., 15 Stewart Ave. (P.O. Box 4157), Medford, OR 97501. Representative: Michael S. Rubin, c/o 100 Bush St., Suite 410, San Francisco, CA 94104, (415) 421–6743. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in CA, OR, WA, ID, NV, AZ, NM, CO, UT, WY, and MT.

MC 154694 (Sub-1), filed March 28, 1983. Applicant: BLACK DIAMOND TRUCKING, DIVISION OF C/C CHEMICAL & COAL CO., 3177 Maria Dr., Lexington, KY 40516. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. Transporting *commodities in bulk*, between points in IN, KY, and OH.

MC 157674 (Sub-1), filed March 25, 1983. Applicant: T D EXPRESS, INC., 2434—52nd Ave., Court, Greeley, CO 80634. Representative: Charles M. Williams, McCullough Building, 1750 Gilpin St., Denver, CO 80218, (303) 333–3774. Transporting *general commodities* (except classes A and B explosives, commodities in bulk and household goods), between points in the U.S. (except AK and HI), under a continuing contract(s) with Monfort of Colorado, Inc., its divisions, affiliates and subsidiaries.

MC 157754 (Sub-1), filed March 28, 1983. Applicant: McNEECE BROS. OIL COMPANY, INC., P.O. Box 1280, El Centro, CA 92243. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014, (619) 352–4721. Transporting *petroleum, natural gas and their products*, between point in CA and AZ.

MC 158925 (Sub-1), filed March 28, 1983. Applicant: DENNIS M. HAIDER, d.b.a. DENNIS HAIDER TRUCKING, Mahnomen, MN 56557. Representative: Robert N. Maxwell, P.O. Box 2471, Fargo, ND 58108, (701) 237–4223. Transporting *petroleum, natural gas and their products, and chemicals and related products*, between points in MN and ND.

MC 165905, filed March 28, 1983. Applicant: R & R TRUCKING, LTD., 207 South Union Street, Loyal, WI 54446. Representative: Richard A. Westley, 4506 Regent Street, Suite 100, P.O. Box 5086, Madison, WI 53705–0086, (608) 238–3119. Transporting (1) *food and related products*, and (2) *general commodities*, between points in the U.S. (except AK and HI), under continuing contract(s) in (1) with John Wuethrich Creamery Company, Inc., of Greenwood, WI, and in (2) with Smith Feed Service, Inc., of Loyal, WI.

MC 167034, filed March 28, 1983. Applicant: JA-MARC TRANSPORT, INC., 2117 Knollwood Dr., Findlay, OH 45840. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. Transporting *commodities in bulk*, between points in IN, OH, and PA, on the one hand, and, on the other, points in IN, OH, PA, KY, WV, MD, TN, MI, IL, WI, MO, and KS.

MC 167064, filed March 28, 1983. Applicant: PACIFIC MESSENGER SERVICE, INC., 840 Eleventh Avenue, San Diego, CA 92101. Representative: Wyman C. Knapp, Suite 1240, ManuLife Plaza, 515 South Figueroa Street, Los Angeles, CA 90071, (213) 627–8471. Transporting *general commodities* (except household goods, classes A and B explosives, and commodities in bulk), between points in the U.S., under continuing contract(s) with Chanslor and Lyon Co., Inc., MacPherson Leather Corp., Electrical Supply Distributing, Inc., and Ultra Drug Co., Inc., all of San Diego, CA.

MC 167114, filed March 28, 1983. Applicant: CHARLES DANIELS, d.b.a. DANIELS TRUCKING SERVICE, 533 N. 1st St., Carrington, ND 58421. Representative: Robert N. Maxwell, P.O. Box 2471, Fargo, ND 58108, (701) 237–4223. Transporting *building materials* and *metal products*, between points in IL, MN, ND, and WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 167134, filed March 29, 1983. Applicant: THE FAMILY EXPRESS, INC., P.O. Box 956, Ceres, CA 95307. Representative: Arden Riess, P.O. Box 7965, Stockton, CA 95207, (209) 957–6128. Transporting *food and related products*, between points in CA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 167144, filed March 29, 1983. Applicant: RAYMOND MILLER, d.b.a. MILLER TRUCKING COMPANY, P.O. Box 656, Sheffield, PA 16347. Represenative: Michael C. Foley, Bankers Trust Building—4th Fl., Jamestown, NY 14701, (716) 664–5210. Transporting *furniture and fixtures, lumber and wood products, and metal products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Werzalit of America, Inc. of Bradford, PA.

For the following, please direct status calls to Team 4 at 202–275–7669.

Volume No. OP4–233

Decided: April 14, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 167296, filed April 8, 1983. Applicant: TRANS-EAST CORP., 1530 Palisade Ave., Fort Lee, NJ 07024. Representative: Michael R. Werner, 241 Cedar Lane, Teaneck, NJ 07666, (201) 836–1144. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in VT, NH, ME, MA, RI, CT, NJ, NY, PA, DE, MD, OH, VA, WV, and DC.

MC 3647 (Sub-471), filed April 6, 1983. Applicant: NJ TRANSIT BUS OPERATIONS, INC., 180 Boyden Ave., Maplewood, NJ 07040. Representative: Irwin I. Kimmelman, P.O. Box 10009, McCarter Hwy and Market St., Newark, NJ 07101, (201) 648–6908. Over regular routes, transporting *passengers*, (1) Between points in Fair Lawn, NJ: From junction Saddle River Rd. and Fair Lawn Ave., then over Fair Lawn Ave. to junction Plaza Rd, serving all intermediate points; (2) Between points in Paterson, NJ; (a) From junction East Thirty-third St. and Eleventh Ave., then over Eleventh Ave. to junction Madison Ave., then over Madison Ave. to junction Broadway, then over Broadway to Memorial Dr., then over Memorial Dr. to junction Market St., then over Market St. to junction Main St., then over Main St. to junction Van Houten St., then over Van Houten St. to junction at Curtis Place and return over Curtis Place to junction Ellison St., then over Ellison St. to junction Memorial Dr., then over Memorial Dr. to junction Broadway, then over Broadway to junction Madison Ave., then over Madison Ave. to junction Eleventh Ave., then over Eleventh Ave. to junction East Thirty-third St., (b) From junction Church St. and Broadway, then over Broadway to junction Main St, (c) From junction Curtis Place and Broadway, then over Broadway to junction Main St., then over Main St. to junction Oliver St., serving all intermediate points in (a), (b), and (c) above. (3) Between points in Rutherford, NJ: From junction Union Ave. and Chestnut St., then over Chestnut St. to junction Ames Ave., then over Ames Ave. to junction Orient Way, serving all intermediate points.

Note.—Applicant intends to tack the above authority to its present authorized operations and seeks to provide regular route service in interstate or foreign commerce.

MC 148047 (Sub-2), filed April 11, 1983. Applicant: FLOORCO TRUCKING COMPANY, INC., 8507 Brownsboro Rd., Louisville, KY 40222. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202, (502) 589–5400. Transporting (1) *such commodities as are dealt in or used by manufacturers and distributors of floor coverings,* between points in AR, GA, NC and SC, on the one hand, and, on the other, points in IN, KY and OH, and (2) *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in IN and KY, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 150017 (Sub-7), filed April 11, 1983. Applicant: DELICIOUS FOODS CARRIERS, INC., 2629 N. Broadwell, Grand Island, NE 68801. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 58501–2028, (402) 475–6761. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in Platte County, NE, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 151637 (Sub-5), filed April 8, 1983. Applicant: LARRY BREEDEN TRUCKING, INC., 1301 Fayetteville Rd., Van Buren, AR 72956. Representative: Don Garrison, PO. Box 1065, Fayetteville, AR 72702, (501) 521–8121. Transporting *such commodities* as are dealt in or used by chain and retail stores, between points in the U.S. (except AK and HI).

MC 151998 (Sub-4), filed April 11, 1983. Applicant: M & S TRANSPORTATION, INC., Rt. 1, Box 88C, N. Little Rock, AR 72119. Representative: James M. Duckett, Suite 411, 221 W. 2nd, (501) 375–3022. Transporting *food and related products,* between points in Jefferson County, CO, on the one hand, and, on the other, points in NC, SC, FL, GA, AL, VA, and DC.

MC 152546 (Sub-2), filed April 7, 1983. Applicant: GRIMM TRANSPORT CO., 1801 Morton Ave., Morton, IL 61550. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701, (217) 544–5468. Transporting (1) *alcohol* (a) between points in AR, IA, IL, IN, KS, KY, MI, MN, MO, NE, OH, SD, TN, and WI, and (b) between points in Tazewell County, IL, on the one hand, and, on the other, those points in the U.S. in and east of MT, WY, CO, and NM, and (2) *petroleum products,* between points in IL, IN, IA, MN, MO, and WI.

MC 156037 (Sub-1), filed April 4, 1983. Applicant: WILLIAM FOX TRUCKING, INC., 7800 SW 71st Ave., Portland, OR 97223. Representative: Lawrence V. Smart, Jr., 419 NW 23rd Ave., Portland, OR 97210, (503) 226–3755. Transporting *lumber and wood products,* between points in OR, WA, ID, CA, and NV.

MC 157186 (Sub-3), filed April 7, 1983. Applicant: U.S. TRANSPORT, INC., 14307 Still Meadow, Houston, TX 77079. Representative: Robert J. Birnbaum, 3636 Executive Center Dr., Suite 151, Austin, TX 78731, (512) 346–4800. Transporting *Mercer commodities,* between points in TX, on the one hand, and, on the other, points in the U.S. (except HI).

MC 159606 (Sub-2), filed April 11, 1983. Applicant: RANDALL DIST., INC., 691 N. 1800 E., St. George, UT 84770. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306, (805) 872–1106. Transporting *such commodities* as are dealt in or used by manufacturers of paper, paper products, plastic, and plastic products, between points in the U.S (except AK and HI), under continuing contract(s) with Lily-Tulip, Inc., of Toledo, OH.

MC 164166, filed April 7, 1983. Applicant: A & S TRUCKING SERVICE, INC., 50 Scott Adam Rd., Suite 2D, Cockeysville, MD 21030. Representative: William D. Schmidt, 106 Aylesbury Rd., Timonium, MD 21093, (301) 667–4391. Transporting *general commodities* (except household goods, classes A and B explosives, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Noxell Corportation, of Baltimore, MD and Fillmore Brokers, Inc., of Baldwin, MD.

MC 164647, filed April 7, 1983. Applicant: BILLY JANSEN, Route 1, Joaquien, TX 75954. Representative: Willis V. Lewis, 200 Arch St., Little Rock, AR 72201, (501) 475–4671. Transporting iron amd steel articles, between Houston, TX and Little Rock, AR, under continuing contract(s) with Halbert Pipe and Steel Co., Inc., of North Little Rock, AR.

MC 166706, filed April 7, 1983. Applicant: ASAP LINES, INC., 2735 Spring Grove Ave., Cincinnati, OH 45052. Representative: Charles J. Postow, 2100 Central Trust Center, 201 E. Fifth St., Cincinnati, OH 45202, (513) 621–2120. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in OH, MI, WI, IN, IL, KY, TN, MS, LA, TX, AL, GA, FL, SC, NC, VA, WV, PA, MD NJ, NY, CT, RI, MA, NH, DE, ME, VT, and DC.

MC 166946, (Sub-1), filed April 11, 1983. Applicant: PAUL E. BITTING, d.b.a. TRANSPORTATION SERVICES, 10 Bellview Rd., Marysville, PA 17053. Representative: Jack L. Schiller, 111-56 76th Dr., Forest Hills, NY 11375, (212) 263–2078. Transporting *food and related products,* between points in the U.S. (except AK and HI), under continuing contract(s) with The Ulmann Company-Standard Milling Division, of Highspire, PA.

MC 166976, filed April 7, 1983. Applicant: RONALD H. SPERBERG, d.b.a. R & S TRUCKING, 2409 Woodington Way, Tittle Suamico, WI 54141. Representative: Richard A Westley, 4506 Regent St., Suite 100, P. O. Box 5086, Madison, WI 53705, (608) 238–3119. Transporting *food and related products,* between points in the U.S. (except AK and HI), under continuing contract(s) with Lov-It Creamery, Inc., of Green Bay, WI..

[FR Doc. 83-10736 Filed 7-21-83 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Finance Applications; Decision Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1181.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

Agatha L. Mergenovich,

Secretary.

Please direct status inquiries to Team 2, (202) 275–7251.

Volume No. OP2–FC–178

By Commission, Review Board No. 2, Members Carleton, Ewing, and Williams.

MC–FC–81327. By decision of April 15, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1161, Review Board Number 2, approved the transfer to KENNETH W. KNIGHT d/b/a KNIGHT TRUCKING, Detroit, AL, of authority issued to LEMAN KNIGHT d/b/a PETE KNIGHT TRUCKING COMPANY, Detroit, AL, in Certificate MC–14073, issued August 31, 1976, authorizing the transportation of stone, in dump vehicles, from points in Bibb, Colbert, Franklin, Jefferson, and Shelby Counties, AL, to points in MS, with no transportation for compensation on return except as otherwise authorized; Permit MC–127726, issued December 9, 1969, authorizing the transportation of fertilizer and fertilizer materials, dry, in bulk, or in packages, from the plant site of International Minerals & Chemical Corporation, Florence, AL, to points in MS, and rerturned shipments of the above-described commodities, from points in MS, to the plant site of International Minerals & Chemical Corporation, Florence, AL, fertilizer and fertilizer material, dry, in bulk, in dump vehicles, and in packages, from the plant site of International Minerals & Chemical Corporation, Tupelo, MS, to the plant site of International Minerals & Chemical Corporation, Florence, AL, and returned shipments of the immediately above-specified commodities, from the plant site of International Minerals & Chemical Corporation, Florence, AL, to the plant site of International Minerals & Chemical Corporation, Tupelo, MS. Restriction: The operations authorized above are limited to a transportation service to be performed under a continuing contract, or contracts, wtih International Minerals & Chemical Corporation, of Skokie, IL; Sub-2, issued February 3, 1971, authorizing the transportation of lumber, from McShan, AL, to points in MS, AR, LA, TX, OK, KS, MO, IA, MN, WI, IL, IN, KY, TN, MI, OH, WV, NC, SC, and GA, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts with McShan Lumber Company, Inc., of McShan, AL; Sub-3, issued September 16, 1976, authorizing the transportation of lumber and lumber products (except in bulk), from the facilities of the Leo Owsley Company, at or near Millport, AL, to points in AR, GA, IL, IN, IA, KY, LA, MI, MS, MO, NC. OH,OK, SC, and TN, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract or contracts, with Leo Owsley and Johnny L. Osley, d/b/a Leo Owsley Company, of Millport, AL; and sub-4, issued October 17, 1980, authorizing the transportation of lumber, from Jasper and Double Springs, AL, to points in AR, FL, GA, IL, IN, IA, KS, KY, LA, MI, MN, MO, MS, NE, NY, NC, OH, PA, SC, TN, TX, VA, WV, and WI, restricted to a transportation service to be performed under continuing contract(s) with TMA Forest Products, Division of Tennessee River Pulp and Paper Company, of Counce, TN. Representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS, 39205.

For the following, please direct status calls to Team 4 at 202–275–7669.

Volume No. OP4–FC–231

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC–FC–81380. By decision of April 14, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1161 and 1045.11, Review Board Number 3 approved the transfer to INTERSYNC TRANSPORTATION, INC., of Portland, OR, of License No. MC–161056, Certificate No. MC–161056 (Sub-No. 1), and Permit No. MC–161056 (Sub-No. 2), issued November 8, 1982, December 8, 1982, and February 15, 1983 respectively, to American Highways, Inc., of West Valley City, UT. MC–161056 authorizing the transportation as a broker of *general commodities* (except household goods), between points in the U.S.; MC–161056 (Sub-No 1) of (1) *lumber and wood products, metal and metal products,* and *building materials,* (a) between points in AZ, CA, CO, ID, MT, NV, OR, UT, WA, and WY, and (b) between points in CA, ID, MT, OR, and WA, on the one hand, and, on the other, points in IL, IA, KS, MN, MO, NE, NM, ND, OK, SD, TX, and WI; and (2) *minerals* and *chemicals,* (a) between points in CO, ID, IA, KS, MO, NE, NM, OK, OR, and TX, and (b) between points in ID, OR and WA, on the one hand, and, on the other, points in AZ, CA, ID, MT, NV, OR, UT, WA, and WY; and MC–161056 (Sub-No. 2) of (1) *general commodities* (except classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with Menard, Inc., of Eau Claire, WI; and (2)(a) transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions); and (b) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701. (208) 343–3071.

MC–FC–81386, filed April 8, 1983. By decision of April 14, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1161, Review Board Number 3 approved the transfer to DENNIS, INC., of Lincoln, NE, of Permit Nos. MC–143286 and (Sub-Nos. 2, 3, and 4), issued July 3, 1978, September 10, 1980, September 10, 1980, and December 4, 1981, respectively, to Raymond R. Wittrock, Inc., of Waverly, NE, MC–143286 authorizing the transportation of (a) *cranes, crane parts,* and *crane accessories,* from Waverly, NE, to points in the U.S. (except AK, HI and NE), and (b) *materials, equipment and supplies* used in the manufacture, production, and distribution of the commodities named in (a) above (except commodities in bulk, in tank vehicles), from points in the United States (except AK, HI and NE), to Waverly, NE, under continuing contract(s) with National Crane Corporation, of Waverly, NE; Sub 2 of *lumber,* from points in CA, OR and WA, to the facilities of Hughes Brothers, Inc., at Seward, NE, under continuing contract(s) with Hughes Brothers, Inc., of Seward, NE; Sub 3 of *cranes and crane equipment,* from Houston, TX, and Portland, OR, to points in LA and TX, under continuing contract(s) with Cranes of Houston, Inc., Houston, TX; and Sub 4 of *machinery,* between points in the U.S., under continuing contract(s) with Manlift, Inc., of Selma, CA. An application for temporary authority has been filed. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. (402) 475–6761, for both transferee and transferor.

Volume No. OP4–C–235

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC–FC–81362, filed April 4, 1983. By decision of April 15, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1161, Review Board Number 3 approved the transfer to C.O.D. LEASING, INC., of Denver, CO, of Certificate No. MC–34227 (Sub-No. 27), issued September 18, 1962, and Permit No. MC–34227 (Sub-Nos. 9, 11, 12, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, and 28), issued September 19, 1972, June 27, 1974, February 9, 1976, October 31, 1979, November 5, 1979, December 4, 1979, May 12, 1980, September 8, 1980, January 9, 1981, May 13, 1981, June 10, 1981, May 5, 1982, December 10, 1981, and November 10, 1982, respectively, to PACIFIC INLAND TRANSPORTATION CO., of Aurora, CO, authorizing the transportation of: in Certificate No. MC–34227 (Sub-No. 27, *such commodities* as are dealt in by construction and home improvement centers, between Toledo, OH, Colorado Springs, CO, and points in Crawford County, AR, on the one hand, and, on the other, points in the U.S. (except AK and HI); in Permit No. MC–34227; Sub-9, (a) *suitcases, travel bags, brief cases, and carrying cases,* and (b) *materials and supplies* used in the repair and distribution of the commodities named in (a) above, from Denver, CO, to points in GA, under continuing contract(s) with Samsonite Corporation, of Denver, CO; Sub-11, *chairs, tables, display racks, knee rests, chaise lounges, sofas, toy trucks, serving carts, and gymnasium apparatus,* from the plant site of Samsonite Corporation, at or near Murfreesboro, TN, to points in CO, NM, WY, MT, ID, UT, AZ, CA, NV, OR, and WA, under continuing contract(s) with Samsonite Corporation, of Denver, CO; Sub-12, (a) *suitcases, travel bags, briefcases, and carrying cases,* from Denver, CO, to points in AL, FL, MS, NC, and SC, and (b) *materials and supplies* used in the repair, display and distribution of the commodities in (a) above, from Columbus, MS, to Denver, CO, under continuing contract(s) in (a) and (b) with Samsonite Corporation, of Denver, CO; Sub-16, *new furniture,* from the facilities of Samsonite Corporation, at or near Ft. Smith, AR, to points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY, under continuing contract(s) with Samsonite Corporation, of Denver, CO; Sub-17, *paper and paper products,* from the facilities of Simpson Paper Company, at or near Anderson and Ripon, CA, to points in AZ, CO, NV, UT, and WY, under continuing contract (s) with Simpson Paper Company, of Anderson, CA; Sub-18, (a) *suitcases, travel bags, brief cases, and carrying cases,* from Denver, CO, to points in the U.S. (except AK and HI), and (b) *materials and supplies* used in the manufacture, repair, and distribution of the commodities in (a) above, in the reverse direction, under continuing contract(s) in (a) and (b) with Samsonite Corporation, of Denver, CO; Sub-19, *paper and paper products,* from the facilities of Simpson Paper Company, at or near Pomona, CA, to points in AZ, CO, NV, NM, TX, UT, and WY, under continuing contract(s) with Simpson Paper Company, of Anderson, CA; Sub–21, (a) *suitcases, travel bags, brief cases and carrying cases,* from Nogales, AZ, and El Paso, TX, to Denver, CO, and (b) *materials and supplies* used in the manufacture, repair, display and distribution of the commodities in (a) above, from Denver, CO, to Nogales and Tucson, AZ, and El Paso, TX, under continuing contract(s) with Samsonite Corporation, of Denver, CO; Sub-22, *such commodities* as are dealt in or used by manufacturers and distributors of industrial cleaners, weed killers and insecticides (except in bulk), between points in the U.S., under continuing contract(s) with Oxford Chemicals, Inc., of Atlanta, GA; Sub-23, *pulp, paper and related products,* between points in the U.S. under continuing contract(s) with Universal Paper Goods Company, of Los Angeles, CA; Sub-24, *such commodities* as are dealt in or used by manufacturers of infant carriers, between points in the U.S., under continuing contract(s) with Gerico, Inc., of Thornton, CO; Sub-25, *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with Ralston Purina Co., of St. Louis, MO; Sub-26, *printed advertising materials,* between points in the U.S., under continuing contract(s) with Simon Marketing, Inc., of Atlanta, GA; and Sub-28, *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Simon Marketing, Inc., Of Atlanta, GA. An application for temporary has been filed. Representative: John T. Wirth, 717 17th St., Suite 2600, Denver, CO 80202–3357, (303) 892–6700, for transferee and transferor.

[FR Doc. 83–10734 Filed 4–21–83; 8:45 am]

BILLING CODE 7035–01–M

[No. MC–C–10650]

Motor Carriers; Parker Motor Freight, Inc., and Hare Cartage, Inc., Single State Traffic, Petition for Declaratory Order

AGENCY: Interstate Commerce Commission.

ACTION: Notice of filing of petition for a declaratory order.

SUMMARY: By petition filed March 21, 1983, Parker Motor Freight, Inc., and Hare Cartage, Inc., seek a declaratory order determining whether traffic handled by Parker from a Michigan origin to a consolidator at Detroit, MI (Hare) for movement beyond Michigan in either for-hire carriage or private carriage is interstate in nature or in intrastate commerce. At the time the traffic originates in Michigan it is not known whether it will move beyond that State in private or for-hire carriage.

DATE: Written comments are due within 30 days of the date of publication of this notice in the **Federal Register.**

ADDRESSES: Send an original and eight copies of comments to: MC–C–10650, Room 2139, Office of Proceedings, Interstate Commerce Commission, Washington, DC 20423.

Send one copy of comments to petitioners' representatives:

Ronald J. Mastej, 900 Guardian Bldg., Detroit, MI 48226,
and
Alex J. Miller, 555 S. Woodward, Suite 512, Birmingham, MI 48011

FOR FURTHER INFORMATION CONTACT:

William K. Blakemore, (202) 275–6160
or
Howell Sporn, (202) 275–7691

SUPPLEMENTARY INFORMATION: The issue presented is whether certain traffic handled by petitioners is interstate in nature or intrastate traffic. The traffic originates at suppliers of Norris Industries, Inc., within Michigan and is destined to Norris' plants located outside of Michigan. These plants receive inbound materials and supplies from several vendors within Michigan. Norris requires its vendors to ship its materials and supplies to a consolidator at Detroit, MI. Hare Cartage, Inc., serves as that consolidator.

Parker Motor Freight, Inc., has participated in Norris' traffic originating at Holland, MI, and moving to the consolidator at Detroit. After the freight from Holland and other vendors in Michigan reaches Detroit, a decision is made by Norris as to whether the traffic will move to its out-of-state plants in private carriage or in for-hire carriage. At the time any shipment leaves a

vendor in Michigan it is known that the shipment's ultimate destination is to a Norris plant outside of Michigan, but it is not known whether the traffic will move beyond Detroit in private or for-hire carriage.

The petition seeks a declaratory order as to whether all or a portion of the described traffic is interstate in nature from a vendor's Michigan facility to the consolidation point at Detroit. Petitioners believe that such traffic is interstate in nature.

No oral hearing is contemplated. Any person, including petitioners, desiring to participate in this proceeding shall file with the Commission an original and eight copies of written representations, views, or arguments. A copy of each representation, also must be served on petitioners' representatives.

Written material submitted will be available for public inspection at the Office of the Interstate Commerce Commission, 12th Street and Constitution Avenue, Washington, D.C. during regular business hours.

Notice to the general public of this matter will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich

Secretary.

[FR Doc. 83-10730 Filed 4-21-83; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387; Sub-900]

Norfolk and Western Railway Company; Exemption for Contract Tariff; ICC-NW-C-6013, Supplement 1 (Coal) Via Port of Lamberts Point, Virginia

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: A provisional exemption is granted under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e), and the above-noted contract tariff may become effective on one day's notice.* This exemption may be revoked if protests are filed.

DATES: Protests are due within 15 days of publication in the **Federal Register.**

ADDRESS: An original and 6 copies should be mailed to: Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Douglas Galloway (202) 275-7278.

SUPPLEMENTARY INFORMATION: The 30-day notice requirement is not necessary in this instance to carry out the transportation policy of 49 U.S.C. 10101a or to protect shippers from abuse of market power; moreover, the transaction is of limited scope. Therefore, we find that the exemption request meets the requirements of 49 U.S.C. 10505(a) and is granted subject to the following conditions: This grant neither shall be construed to mean that the Commission has approved the contract for purposes of 49 U.S.C. 10713(e) nor that the Commission is deprived of jurisdiction to institute a proceeding on its own initiative or on complaint, to review this contract and to determine its lawfulness.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505)

*Note.—tariff supplements advancing contract's effective date shall refer to this decision for authority.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

Decided: April 15, 1983.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-10500 Filed 4-21-83; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-52; Sub-21B]

Atchison, Topeka & Santa Fe Railway Co.; Abandonment; Between Ancona and Streator Junction, IL; Findings

The Commission has found that the public convenience and necessity permit the Atchison, Topeka and Santa Fe Railway Company to abandon its 30.7 mile rail line between Ancona (milepost 0.27) and Streator Junction (milepost 30.66) in Livingston, LaSalle and Woodford Counties, IL. A certificate will be issued authorizing this abandonment unless within 15 days after this publication the Commission also finds that: (1) A financially responsible person has offered assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Louis E. Gitomer, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-10732 Filed 4-21-83; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-13,413, 13,413A]

Hanna Mining Co. and Hanna Nickel Smelting Co., Riddle, Oregon; Affirmative Determination Regarding Application for Reconsideration

The United Steelworkers of America, after being granted a filing extension, requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance on behalf of the workers and former workers of the Hanna Mining Company and the Hanna Nickel Smelting Company in Riddle, Oregon. The determination was published in the **Federal Register** on January 14, 1983 (48 FR 1845).

The application for reconsideration claims, among other things, that since Hanna operates the only nickel mine located in the U.S. any amount of imported nickel directly affects the workers at Hanna. Also, occurring together with the closing of Hanna's mining operation in Oregon was the opening of a new mine and smelter in Columbia, South America by Hanna.

Conclusion

After review of the application, I conclude that the claims are of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, D.C., this April 13, 1983.

Robert O. Deslongchamps,

Acting Deputy Administrator, Unemployment Insurance Service.

[FR Doc. 83-10794 Filed 4-21-83; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-13,544]

National Steel Corp., Weirton Steel Division, Weirton, West Virginia; Affirmative Determination Regarding Application for Reconsideration

By an application dated March 29, 1983, the Independent Steelworkers Union requested administrative

reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance on behalf of the workers and former workers of National Steel Corporation's Weirton Steel Division, Weirton, West Virginia. The determination was published in the **Federal Register** on March 4, 1983 (48 FR 9389).

The application for reconsideration claims, among other things, that the Department's denial was specifically based upon import and sales data that was improperly combined in such a manner as to nullify what were in fact, absolute and relative increases in imports of similar products during the relevant time period.

Conclusion

After review of the application, I conclude that the claims are of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application, is, therefore, granted. Signed at Washington, D.C. this April 14, 1983.

Robert A. Schaerfl,

Director, Office of Program Management, Unemployment Insurance Service.

[FR Doc. 83-10793 Filed 4-21-83; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-14, 480]

U.S. Steel Corp., Fairfield Works, Fairfield, Alabama; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on March 14, 1983 in response to a worker petition received on March 8, 1983 which was filed by the United Steelworkers of America on behalf of workers at the Fairfield Works of the U.S. Steel Corporation in Fairfield, Alabama.

A determination applicable to the petitioning group of workers was issued on January 25, 1983 (TA-W-13, 278). The Fairfield Works halted all production activities on June 26, 1982. No new information is evident which would alter the Department's previous determination. Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed at Washington, D.C. this April 13, 1983.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 10796 Filed 4-21-83; 8:45 am]

BILLING CODE 4510-30-M

Office of the Secretary

Agency Forms Under Review by the Office of Management and Budget (OMB)

Background

The Department of Labor, in carrying out its responsibility under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the proposed forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

On each Tuesday and/or Friday, as necessary, the Department of Labor will publish a list of the Agency forms under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of any particular revision they are interested in.

Each entry will contain the following information:

The Agency of the Department issuing this form.

The title of the form.

The Agency form number, if applicable.

How often the form must be filled out.

Who will be required to or asked to report.

Whether small business or organizations are affected.

The standard industrial classification (SIC) codes, referring to specific respondent groups that are affected.

An estimate of the number of responses.

An estimate of the total number of hours needed to fill out the form.

The number of forms in the request for approval.

An abstract describing the need for and uses of the information collection.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained by calling the Departmental Clearance Officer, Paul E. Larson, Telephone 202-523-6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue, NW., Room S-5526, Washington, D.C. 20210. Comments should also be sent to the OMB reviewer, Arnold Strasser, Telephone 202-395-6880, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, NEOB, Washington, D.C. 20503.

Any member of the public who wants to comment on a form which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

New

Occupational Safety and Health Administration
Ethylene Oxide 29 CFR 1910.1047
On occasion
Businesses or other institutions
Small business or organization
SIC: Multiple
182,780 responses; 73,200 hours

This regulation requires employers to establish and maintain accurate records of exposure monitoring and medical surveillance for employees exposed to ethylene oxide. These records are used by the employer, employee, physician and the Government in determining whether an employee's exposure to ethylene oxide may have had an effect on his/her health.

Extension

Bureau of Labor Statistics
Employment, Wages, and Contributions Report
BLS-3031
Quarterly
State Employment Security Agencies
SIC: 944
212 responses; 530,000 hours

ES-202, a summary of employment and wages of workers covered by Unemployment Insurance programs, is crucial to the administration of UI programs, and serves as the sampling frame and employment benchmark for most BLS programs, as an imput in GNP and personal income estimates, and is used for economic analysis, fund allocations, and program administration.

Signed at Washington, D.C. this 19th day of April, 1983.

Paul E. Larson,

Departmental Clearance Officer.

[FR Doc. 83-10798 Filed 4-21-83; 8:45 am]

BILLING CODE 4510-26,-4510-24-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 83-32]

NASA Advisory Council, Aeronautics Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub.

L. 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Aeronautics Advisory Committee, Informal Advisory Subcommittee on High Performance Aircraft Systems.

DATE AND TIME: May 17, 1983, 8:30 a.m. to 4:30 p.m.; May 18, 1983, 8:30 a.m. to 4:30 p.m.; May 19, 1983, 8:30 a.m. to 12:00 noon.

ADDRESS: NASA Headquarters, 600 Independence Avenue, SW., Room 647, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Mr. Jack Levine, National Aeronautics and Space Administration, Code RJH–2, Washington, D.C. 20546 (202/755–2366).

SUPPLEMENTARY INFORMATION: The Informal Advisory Subcommittee on High Performance Aircraft Systems was established to assist NASA in assessing the current adequacy of high performance aircraft technology and recommend actions to reduce deficiencies through modification of the planned NASA research and technology program in flight dynamics, aerodynamics, structures and materials, propulsion, airframe/propulsion integration, integrated propulsion/airframe controls, and flight research. The subcommittee, chaired by Mr. John D. Louthan, is comprised of twelve members. The meeting will be open to the public up to the seating capacity of the room (approximately 30 persons including the Subcommittee members and participants).

Type of meeting: Open.

Agenda

May 17, 1983

8:30 a.m.—Welcome and Introduction.
8:45 a.m.—Budget Overview/Status of NASA Aeronautics Program.
9:30 a.m.—Executive Secretary's Report.
—Review of Recommendations and Comments From Last Meeting of the Subcommittee
—Status of the Programs
—Overview of the 1984 Program
11:00 a.m.—Special Topic—NASA Advanced Tactical Fighter Technology Programs.
—Langley Research Center
—Lewis Research Center
—Ames Research Center/Dryden Flight Research Facility
—Member Presentations
4:30 p.m.—Adjourn.

May 18, 1983

8:30 a.m.—Special Topic Continued.
—Member Presentations Continued
—Discussion
1:00 p.m.—Other Business of the Subcommittee.
3:00 p.m.—Preparation of the Subcommittee Report.
4:30 p.m.—Adjourn.

May 19, 1983

8:30 a.m.—Preparation of the Subcommittee Report Continued.
12:00 noon—Adjourn.

Dated: April 14, 1983.

Richard L. Daniels,

Director, Management Support Office, Office of Management.

[FR Doc. 83–10706 Filed 4–21–83; 8:45 am]
BILLING CODE 7510–01–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

President's Committee on the Arts and Humanities; Meeting

Notice is hereby given on Plenary Meeting III of the President's Committee on the Arts and the Humanities. The purpose of this meeting is to review committee activities and report progress. The Committee is charged with considering ways to increase private sector support for the arts and humanities, to consider appropriate ways to increase private sector support for the arts and humanities, to consider appropriate Federal involvement in the arts and humanities, and to make recommendations to the President and to the National Endowment for the Arts and the National Endowment for the Humanities.

Plenary Meeting III will convene at 9:00 a.m., on Tuesday, May 17, 1983 in the Council Room (Room M–04), 1100 Pennsylvania Avenue NW (Entrance on 12th Street), Washington, D.C. The meeting is expected to conclude before noon.

This meeting, open to the public, is by reservation on a space available basis (room capacity, 100 persons). Individuals wishing to attend must request reservations not later than May 11. Reservations may be made by sending a postcard with your full name and telephone number (so that you may be notified in the event of a change) to the President's Committee on the Arts and Humanities, New Executive Office Building, Rm. 2200, 726 Jackson Place, NW, Washington, D.C. 20503. Or you may call 202–456–6200 or 212–883–6764.

April 15, 1983.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 83–10763 Filed 4–21–83; 8:45 am]
BILLING CODE 7537–01–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Subcommittee on Electrical Systems; Date Change

The ACRS Subcommittee on Electrical Systems scheduled for April 27, 1983 has been rescheduled for May 10, 1983, Room 1167, at 1717 H Street, NW., Washington, D.C.

All other items regarding this meeting remain the same as announced in the **Federal Register** published Tuesday, April 5, 1983 (48 FR 14770).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Dr. Richard Savio (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EST.

Dated: April 19, 1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83–10823 Filed 4–21–83; 8:45 am]
BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards, Subcommittee on Emergency Core Cooling Systems; Meeting

The ACRS Subcommittee on Emergency Core Cooling Systems will hold a meeting on May 10, 1983, Room 1046, at 1717 H Street, NW., Washington, D.C. The Subcommittee will discuss:

(1) NRR review of GE SAFER/GESTER ECCS Codes, and the status of other NRC/NRR licensing actions; and

(2) NRC/RES activities, including: Appendix K revision status, status of B&W/NRC Test Advisory Group effort, and the results of the recent LOFT feed-and-bleed test.

In accordance with the proceduers outlined in the **Federal Register** on October 1, 1982 (47 FR 43474), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions which will be closed to protect proprietary information (Sunshine Act Exemption (4)). One or more closed sessions may be necessary to discuss such information. To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Tuesday, May 10, 1983—8:30 a.m. until the conclusion of business.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding the topics to be discussed.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Paul Boehnert (telephone 202/634–3267), between 8:15 a.m. and 5:00 p.m., EST.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close sessions of this meeting to public attendance to protect proprietary information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: April 18, 1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83-10824 Filed 4-21-83; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Safety Research Program; Meeting

The ACRS Subcommittee on the Safety Research Program will hold a meeting on May 11, 1983, Room 1046, at 1717 H Street, N.W., Washington, D.C. The Subcommittee will review the NRC Safety Research Program and Budget for fiscal years 1985 and 1986, along with the Office of Research responses to ACRS recommendations included in the recent ACRS report to Congress on the NRC Safety Research Program for fiscal years 1984 and 1985 (NUREG–0963).

Notice of this meeting was published March 23, 1983.

In accordance with the procedures outlined in the Federal Register on October 1, 1982 (47 FR 43474), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Wednesday, May 11, 1983—8:30 a.m. until the conclusion of business.

During the meeting, the Subcommittee will hear presentations from and hold discussions with the representatives of the Office of Nuclear Regulatory Research and research user offices of the NRC with regard to the proposed NRC Safety Research Program and Budget for fiscal years 1985 and 1986. It will discuss also the adequacy of the Office of Research responses to ACRS recommendations included in the recent ACRS report to Congress (NUREG–0963).

Further information regarding topics to be discussed, whether the meeting has been concelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefore can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Sam Duraiswamy (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EST.

Dated: April 18, 1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83-10822 Filed 4-21-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50–70; Operating License No. TR–1]

Applications; General Electric Co. (Vallecitos Nuclear Center—General Electric Test Reactor); Rescission of Order and Order Modifying License

I

The General Electric Company (GE or licensee), Pleasanton, California, is the holder of the Operating License No. TR–1, issued on January 7, 1959, which authorizes the operation of the General Electric Test Reactor (GETR), at GE's Vallecitos Nuclear Center (VNC) located near Pleasanton, California. GETR is a 50 MW thermal test reactor primarily used in the production of radioisotopes for medical diagnosis and therapy and for industrial purposes. Additionally, boiling water reactor fuel element development testing is conducted in this facility. GE has applied for renewal of Operating License No. TR–1 and a notice of consideration of the application for renewal was published in the Federal Register on September 15, 1977 (42 FR 46427). A hearing in this matter was requested and an Atomic Safety and Licensing Board was established to rule on petitions for leave to intervene.

II

In the course of reviewing the information in support of the application for renewal of Operating License No. TR–1, the NRC determined that seismic and geologic characteristics near the reactor site were of significant concern. Therefore, on October 24, 1977 the Acting Director for Nuclear Reactor Regulation ordered that:

1. Pending further order by the Director, Office of Nuclear Reactor Regulation, the GETR shall, upon completion of the present cycle on Thursday, October 27, 1977, be placed and maintained safely in a cold shutdown condition.

2. GE show cause, in the manner hereinafter provided, why the suspension of activities under Operating License No. TR–1 should not be continued.

By letter dated November 11, 1977, GE responded to the Show Cause Order. Based on geologic, seismic, structural and analysis information accompanying their response, GE requested authorization to resume operation following completion of proposed modifications.

In a Memorandum and Order dated February 13, 1978, the Commission, pursuant to Section 191 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2241), delegated the authority to rule on the requests for a hearing to an Atomic Safety and Licensing Board (Licensing Board or Board). The Commission also stated that, in the event that a hearing is held, the issues to be considered by the Board are as follows:

(1) What the proper seismic and geologic design bases for the GETR facility should be;

(2) Whether the design of GETR structures, systems and components important to safety requires

modifications considering the seismic design bases determined in issue (1) above, and if so, whether the modification(s) can be made so that GETR structures, systems and components important to safety can remain functional in light of the design bases determined in issue (1) above;

(3) Whether activities under Operating License No. TR–1 should continue to be suspended pending resolution of the foregoing.

Thereafter, GE submitted additional information to the NRC Staff relating to the geological characteristics of the site. It recommended geologic and seismic design bases, and submitted an analysis to demonstrate that the facility, after modification, would meet those design bases. Upon review by the NRC Staff, GE was advised in the summer of 1978 to perform additional geologic investigations. In response, GE undertook an extensive program of geologic investigations between August and December 1978. In February of 1979, GE submitted a detailed report on these investigations, along with additional information concerning the ability of the GETR to meet the recommended seismic design bases.

By letter dated May 23, 1980, the staff completed a safety evaluation which presented its conclusions on the proper seismic and geologic design basis for the GETR. On October 27, 1980, the staff completed its safety evaluation report (SER) with regard to landslide hazard and seismic design of structures, systems and components important to safety. On January 15, 1981, the staff issued a supplement to its SER which completed the evaluation of issues (1) and (2) of the Show Cause Order.

A hearing was conducted from May 27 through June 10, 1981 on the issues set forth in the Commission's February 13, 1978 Memorandum and Order.

The hearing on the show cause order has resulted in the Licensing Board's issuance of an Initial Decision, LBP–82–64, 16 NRC ——, August 16, 1982. *aff'd,* ALAB–720 17 NRC ——, (March 23, 1983).

The conclusions of the Board were:

1. The proper geologic and seismic design bases for the GETR should be as follows:

(a) A surface offset design value of one meter of reverse-oblique net slip beneath the GETR should be utilized, along a fault plane of 2200 foot-wide Verona fault zone, which could vary in dip from about 10 to 45 degrees, occurring during a single event.

(b) The Regulatory Guide 1.60 Response Spectra, anchored to .75 g effective acceleration for an event on the Calaveras fault, and .6 g effective acceleration on the Verona fault.

(c) Combined loads caused by fault offset at the surface and vibratory ground motion from the Verona fault must be considered to act simultaneously, and that the entire one meter of surface offset is considered to occur coseismically.

(d) A seismic event could trigger a landslide, causing a 1.0 meter slope displacement occurring near the toe of the slope, at some distance from the GETR; accordingly, the one meter offset caused by the landslide must be considered in the design of safety-related equipment located in the area of the toe, such as the fuel flooding system piping, but need not be considered in the design of the GETR reactor structure.

2. The General Design Criteria of Appendix A to 10 CFR Part 50 apply only to power reactors and do not apply to the GETR.

3. Appendix A to 10 CFR Part 100 applies to power reactors and not to facilities such as the GETR, which does not produce electric or heat energy.

4. The design of GETR structures, systems and components important to safety do require modifications, and these modifications can be made so that the GETR structures, systems and components important to safety can remain functional in light of the seismic design bases determined in point (1) above.

III

In view of the foregoing and pursuant to sections 104, 161(b) and 161(i) of the Atomic Energy Act of 1954, as amended, the regulations in 10 CFR Parts 2, 50, and the Board's Initial Decision dated August 16, 1982, it is hereby ordered that:

(1) Operating License No. TR–1 is modified in accordance with the terms specified in Amendment No. 12, which is appended to this Order;

(2) The suspension of operation imposed by the Order to Show Cause of October 24, 1977 is hereby rescinded subject to the conditions specified in Amendment No. 12.

This Order is effective as of the date of its issuance.

Dated this 13th day of April 1983.

For The Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing.

[FR Doc. 83–10817 Filed 4–21–83; 8:45 am]

BILLING CODE 7590–01–M

International Atomic Energy Agency Draft Safety Guide; Availability of Draft for Public Comment

The International Atomic Energy Agency (IAEA) is completing development of a number of internationally acceptable codes of practice and safety guides for nuclear power plants. These codes and guides are in the following five areas: Government Organization, Design, Siting, Operation, and Quality Assurance. All of the codes and most of the proposed safety guides have been completed. The purpose of these codes and guides is to provide guidance to countries beginning nuclear power programs.

The IAEA codes of practice and safety guides are developed in the following way. The IAEA receives and collates relevant existing information used by member countries in a specified safety area. Using this collation as a starting point, an IAEA working group of a few experts develops a preliminary draft of a code or safety guide which is then reviewed and modified by an IAEA Technical Review Committee corresponding to the specified area. The draft code of practice or safety guide is then sent to the IAEA Senior Advisory Group which reviews and modifies as necessary the drafts of all codes and guides prior to their being forwarded to the IAEA Secretariat and thence to the IAEA Member States for comments. Taking into account the comments received from the Member States, the Senior Advisory Group then modifies the draft as necessary to reach agreement before forwarding it to the IAEA Director General with a recommendation that it be accepted.

As part of this program, Safety Guide SG–D8, "Safety-Related Instrumentation and Control Systems," has been developed. The working group, consisting of Mr. C. Karpeta from Czechoslovakia; Mr. F. Reisch from Sweden; Mr. J. L. Petrie from the United Kingdom; and Mr. J. Gallagher (Westinghouse Electric Corporation) from the U.S.A., developed the initial draft of this guide from an IAEA collation. This draft was subsequently modified by the IAEA Technical Reveiw Committee for Design and the Senior Advisory Group, and we are now soliciting public comment on a modified draft (Rev. 8, dated April 27, 1982). Comments received by the Director, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, by June 1, 1983, will be particulary useful to the U.S. representatives to the Technical Review

Committee and the Senior Advisory Group in developing their positions on its adequacy prior to their next IAEA meetings.

Single copies of this draft Safety Guide may be obtained by a written request to the Director, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(5 U.S.C. 522(a))

Dated at Washington, D.C. this 18th day of April 1983.

For the Nuclear Regulatory Commission.

Robert B. Minogue,

Director, Office of Nuclear Regulatory Research.

[FR Doc. 83-10821 Filed 4-21-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-285]

Omaha Public Power District; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 72 to Facility Operating License No. DPR-40 issued to Omaha Public Power District (the licensee), which revised the Technical Specifications for operation of the Fort Calhoun Station, Unit No. 1, located in Washington County, Nebraska. The amendment was effective as of its date of issuance.

The amendment updated snubber information regarding assessibility and type. The amendment also denied part of the application which dealt with opening of certain fire doors because the licensee did not furnish an adequate basis.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated November 29, 1982, (2) Amendment No. 72 to License No. DPR-40, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, and at the W. Dale Clark Library, 215 South 15th Street, Omaha, Nebraska 68102. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 7th day of April, 1983.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 83-10818 Filed 4-21-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-285]

Omaha Public Power District; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 73 to Facility Operating License No. DPR-40 issued to Omaha Public Power District (the licensee), which revised the Technical Specifications for operation of the Fort Calhoun Station, Unit No. 1, located in Washington County, Nebraska. The amendment was effective as of its date of issuance.

The amendment deletes the interim special technical specification regarding operation with less than 75 percent of incore detector strings operable.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of the amendment.

For further details with respect to this action, see (1) the application for amendment dated November 18, 1982, as supplemented by letter dated March 11, 1983, (2) Amendment No. 73 to License No. DPR-40, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W. Washington, D.C. 20555, and at the W. Dale Clark Library 215 South 15th, Street, Omaha, Nebraska 68102. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 12th day of April, 1983.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 83-10819 Filed 4-21-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 30-19311; 50-387 and -388]

Pennsylvania Power and Light Co. and Allegheny Electric Cooperative, Inc.; Issuance of Materials License, Safety Evaluation Report, Environmental Impact Appraisal, and Negative Declaration for the Onsite Contingency Storage of Low-Level Radioactive Waste at the Susquehanna Steam Electric Station

The U.S. Nuclear Regulatory Commission (the Commission) has issued Materials License No. 37-06554-4 to the Pennsylvania Power and Light Company (PP&L or licensee) authorizing the receipt, possession, storage and transfer of low-level radioactive waste (LLRW) at its onsite LLRW Holding Facility at the Susquehanna Steam Electric Station (SSES) located in Luzerne County, near Berwick, Pennsylvania. The license authorizes the storage of up to four years of LLRW generated from the operation of the SSES. The license is effective as of the date of issuance and the term of the license is five years.

A notice of receipt of the application for a byproduct material license was published in the **Federal Register** on October 9, 1981 (46 FR 49975).

The application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's

regulations. The Commission has made appropriate findings as required by the Act and the Commission's Regulations in 10 CFR Chapter 1, which are set forth in the license.

The Commission's Office of Nuclear Material Safety and Safeguards, Division of Fuel Cycle and Material Safety, has completed its safety and environmental reviews in support of the issuance of Materials License No. 37–06554–4. Two staff documents, the Safety Evaluation Report and the Environmental Impact Appraisal of Contingency Storage of Low-Level Radioactive Waste Storage at Pennsylvania Power and Light Company's Susquehanna Steam Electric Station have been issued.

The Environmental appraisal, "Environmental Impact Appraisal of Contingency Storage of Low-Level Radioactive Waste at Pennsylvania Power and Light Company, Susquehanna Steam Electric Station," was issued in accordance with 10 CFR Part 51. The Environmental Impact Appraisal concluded that the issuance of the proposed license will not significantly affect the quality of the human environment and that there will be no significant environmental impact from the issuance of the proposed license. Based on this appraisal, the Commission therefore concludes that this Negative Declaration is appropriate and an environmental impact statement for this particular license is not warranted.

The Commission's Safety Evaluation Report, dated March 1983, and Environmental Impact Appraisal, dated March 1983, are available for public inspection at the Commission's Public Document Room 1717 H Street, NW., Washington, D.C. and at the Local Public Document Room for PP&L's Susquehanna Steam Electric Station at the Osterhout Free Library in Wilkes-Barre, Pennsylvania. A copy of these reports may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Fuel Cycle and Material Safety.

Dated at Silver Spring, Maryland this 15th day of April, 1983.

For the Nuclear Regulatory Commission.

Leland C. Rouse,

Chief, Advanced Fuel and Spent Fuel Licensing Branch, Division of Fuel Cycle and Material Safety, NMSS.

[FR Doc. 83–10820 Filed 4–21–83; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF PERSONNEL MANAGEMENT

Proposed Data Collection for OMB Review

AGENCY: U.S. Office of Personnel Management.

ACTION: Notice of proposed data collection submitted to OMB for clearance.

SUMMARY: In accordance with the Paperwork Reduction Act of 1980, this notice announces a proposal for collecting data from selected Federal agencies for general purpose statistics. Every two years, five respondents would submit reports on eight agencies for which data are not otherwise available to the Office of Personnel Management. The data would be used by the Office of Personnel Management to manage personnel programs and evaluate policy alternatives, and by the National Science Foundation and the Bureau of Labor Statistics. For copies of this proposal, call John P. Weld, Agency Clearance Officer, on (202) 632–7720.

DATE: Comments on this proposal should be received within ten working days from the date of this publication.

ADDRESSES: Send or deliver comments to:

John P. Weld, Agency Clearance Officer, U.S. Office of Personnel Management, 1900 E. Street, N.W., Room 6669, Washington, D.C. 20415, and

Frank Reeder, Information Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503

FOR FURTHER INFORMATION CONTACT: John. P. Weld, (202) 632–7720, Office of Personnel Management.

Donald J. Devine,

Director.

[FR Doc. 83–10815 Filed 4–21–83; 8:45 am]

BILLING CODE 6325–01–M

Proposed Extension of Form for OMB Review

AGENCY: U.S. Office of Personnel Management.

ACTION: Notice of proposed extension of form submitted to OMB for clearance.

SUMMARY: In accordance with the Paperwork Reduction Act of 1980, this notice announces a proposed extension of a form which collects information from the public. OPM Form 1164, Qualifications Inquiry for Testing Personnel, is completed by former employers of candidates being considered for positions as OPM test examiners. OPM uses the information to evaluate the trustworthiness and integrity of candidates being considered for these positions, thus supplementing a National Agency Check and Inquiry (NACI) and satisfying the special needs of this program. For copies of this proposal, call John P. Weld, Agency Clearance Officer, on (202) 632–7720.

DATE: Comments on this proposal should be received within 10 working days from the date of this publication.

ADDRESSES: Send or deliver comments to:

John P. Weld, Agency Clearance Office, U.S. Office of Personnel Management, 1900 E Street, NW., Room 6669, Washington, D.C. 20415

and

Frank Reeder, Information Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503

FOR FURTHER INFORMATION CONTACT: John P. Weld, (202) 632–7720.

Office of Personnel Management.

Donald J. Devine,

Director.

[FR Doc. 83–10816 Filed 4–21–83; 8:45 am]

BILLING CODE 6325–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 19686; SR–Amex–82–20]

American Stock Exchange, Inc.; Filing of an Amendment to and Order Approving Proposed Rule Change

April 18, 1983.

The American Stock Exchange, Inc. ("Amex"[1]), 86 Trinity Place, New York, New York 10006, submitted on November 5, 1982, copies of a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b–4 thereunder, to provide for minimum customer margin requirements applicable to customers holding "uncovered" short positions in stock index options. In addition, in an amendment submitted on February 28, 1983, the exchange proposed to provide for reduced margin on stock index options that are "out-of-the-money."[2] Commission action on this proposed rule change is sought in connection with an Amex proposal to trade options on the Amex Major Market Index ("MMI").[3]

[1] The Amex Board of Governors ratified the proposed amendment to provide for reduced margin on "out-of-the-money" stock index options by the filing of a second amendment submitted on March 14, 1983. (*See* File No. SR–CBOE–82–20, Amendment No. 2.)

[2] The Amex submitted a proposal to trade an option on the Amex diversified 20-stock MMI on

Notice of the proposed rule change and the first amendment together with the terms of substance of the proposed rule change and the first amendment were given by the issuance of Commission Releases (Securities Exchange Act Release Nos. 19397 (January 4, 1983) and 19578 (March 9, 1983)) and by publication in the **Federal Register** (48 FR 1253, January 11, 1983 and 48 FR 11207, March 16, 1983). No comments were received with respect to the proposed rule change.

The Commission has recently considered the rules and regulations with respect to the amount of credit that may be initially extended and subsequently maintained on options on a stock index in connection with a proposal by the Chicago Board Options Exchange ("CBOE") to trade options on a broad-based 100-stock index.[3] Although the Amex MMI is comprised of only 20 stocks, the MMI, like the CBOE-100, is a broad-based index, reflecting a number of distinct sectors of the equity market. In view of the similarity of the current proposed rule change to the CBOE margin rule changes that the Commission recently approved, the Commission believes that the findings and conclusions concerning appropriate margin for options on a broad-based index set forth in the CBOE Margin Approval Order are appropriate here.[4]

Accordingly, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6, and the rules and the regulations thereunder. Further, the Commission finds good cause to approve the proposed rule change simultaneously with notice of the publication of Amendment No. 2 being that the amendment simply provides notice of Board approval of Amendment No. 1 with respect to which public notification and a comment period was provided.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-10602 Filed 4-21-83; 8:45 am]

BILLING CODE 8010-01-M

March 15, 1983. *See* Securities Exchange Act Release No. 19610 (March 17, 1983), 48 FR 12486 (March 24, 1983). *See* File No. SR-Amex-82-22 and, specifically, Amendment No. 1.

[3] *See* Securities Exchange Act Release No. 19587 (March 10, 1983), 48 FR 11193 (March 16, 1983) approving the proposed rule change of the CBOE to provide for minimum customer margin applicable to customers holding "uncovered" short positions in options on stock indices (*See* File No. SR-CBOE-82-20) ("CBOE Margin Approval Order"). The staff of the Board of Governors of the Federal Reserve System (the "FRB") has indicated to the Commission staff that it has considered the margin requirements for stock index options and is in the process of revising Regulation T to incorporate language to reflect their development. The FRB staff also indicated that a Commission no-action position with respect to approval of self-regulatory organization rules that established an effective margin for uncovered short positions of the premium plus 10 percent of the value of the index was appropriate. *See* letter to Richard Ketchum, Associate Director, Division of Market Regulation, SEC, from Laura Homer, Securities Credit Officer, FRB, dated March 9, 1983 (the "FRB letter").

[4] As noted in the CBOE Margin Approval Order, the Commission has not determined the appropriate level of margin applicable to options on indices which do not reflect a variety of industries and, thus, are not broad-based.

[Release No. 19685; File No. S7-971]

Receipt of an Amendment to the Plan for Reporting of Consolidated Options Last Sale Reports and Quotation Information

April 18, 1983.

On March 10, 1983, the self-regulatory organizations acting jointly as the Options Price Reporting Authority ("OPRA") submitted to the Commission, pursuant to Rule 11Aa3-2 under the Securities Exchange Act of 1934 ("Act"), an amendment to OPRA's Plan for Reporting of Consolidated Options Last Sale Reports and Quotation Information (the "Plan").

I. *Description of the Amendment.* The amendment consists of a revised fee schedule for the current subscriber agreement under the Plan. Under the revised fee schedule a subscriber's fee will be based upon both the number of its offices (or locations at which OPRA information is received) and the number of electronic display or interrogation devices in each location. The fee is currently based upon either the number of registered representatives employed by the firm or the number of business locations of the firm, whichever results in a lower fee. OPRA estimates the increase in total subscriber fees will be about 30 percent. OPRA proposes to implement the revised fee schedule on May 1, 1983.

II. *Request for Comment.* Pursuant to Rule 11Aa3-2(c)(3) under the Act, the amendment (including its proposed implementation date) became effective upon filing with the Commission. The Commission, however, may summarily abrogate the amendment within 60 days of its filing and require refiling and approval of the amendment by Commission order, if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors and the maintenance of fair and orderly markets, to remove impediments to, and perfect the mechanisms of, a national market system, or otherwise in furtherance of the purposes of the Act. Accordingly, in order to assist the Commission in determining whether to abrogate the amendment and to require refiling and further review, interested persons are invited to submit their views to George A. Fitzsimmons, Secretary Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549, within 21 days from the date of publication of this notice in the **Federal Register.** All communications should refer to file No. S7-971.

Copies of the amendment, all subsequent amendments, all written statements with respect to the amendment which are filed with the Commission, and all written communications relating to the amendment between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for public inspection in the Commission's Public Reference Room.

For the Commission, by the Division of Market Regulation Pursuant to delegated authority.[1]

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-10603 Filed 4-21-83; 8:45 am]

BILLING CODE 8010-01-M

[1] 17 CFR 200.30-3(a)(27).

SMALL BUSINESS ADMINISTRATION

Grant Agreement and Related Information

AGENCY: Small Business Administration.

ACTION: Notice of publication of grant agreement and related information.

SUMMARY: Title I of Pub. L. 98-8, approved March 24, 1983, required, among other things, that SBA utilize $50,000,000 of appropriated funds for grants for the rehabilitation and development of public parks and recreational areas. These funds are to be allocated to each State, the District of Columbia and the Commonwealth of Puerto Rico on the basis of unemployment, upon SBA's receipt from those jurisdictions of a certification which the Administrator of SBA deems appropriate. The law also authorized

expedited review and approval of procedures necessary for its implementation to be completed by April 15, 1983. This notice sets forth those procedures necessary to accomplish the law's intent.

DATE: The procedures set forth below are effective April 22, 1983.

ADDRESS: Comments should be addressed to William A. Scharf, Director, Office of Private Sector Initiatives, 1441 L Street, NW., Room 720–A, Washington, D.C. 20416.

FOR FURTHER INFORMATION CONTACT: William A. Scharf, Director, Office of Private Sector Initiatives, 1441 L Street, NW., Room 720–A, Washington, D.C. 20416.

SUPPLEMENTARY INFORMATION: On March 24, 1983, President Reagan signed Pub. L. 98–8 ("The Jobs Bill"). This law appropriates, among other things, $50 million to SBA for grants under Section 21(a)(1) of the Small Business Act, 15 U.S.C. 648(a), for developing parks and recreation areas. The authorization was funded for the purposes of involving small business in providing jobs during a time of high unemployment and in order to accomplish benefits of lasting value. The appropriations statute recognized that there are many landscapers and others who are now idle and who could contract for this work. In addition, nurseries have a surplus of shrubs and trees which they have been unable to sell during the current recession. The planting of trees and shrubs on public lands can be accomplished in large measure by hiring unskilled individuals who are readily available in every city and county. It is the law's intent that grants for the $50 million be made quickly and that an intensive employment program be underway without delay.

The authorizing legislation permits the making of grants for rehabilitation and improvements to the public parks and recreation areas, and to the extent funds are available, that kind of work can be performed in the summer months. However, new plantings or transplantings of bareroot trees, shrubs and flowers must be accomplished in the next several months. Therefore, it is absolutely essential that these grants be made and this program executed immediately.

The authorizing legislation provides for grants to State governments. The appropriations legislation requires that these grants be made on the basis of the average number of unemployed individuals who reside in such jurisdiction as compared to the total number of unemployed individuals in all the States, the District of Columbia and Puerto Rico during the fourth quarter of calendar year 1982. To facilitate the immediate execution of this program, the Administrator of the Small Business Administration will make a grant without delay to any State if the Governor, or other appropriate designated official, certifies that such area will administer the grant in accordance with the provisions of the grant agreement set forth below. Therefore, for the purpose of distributing the $50 million, a grant in the amount indicated on the chart below shall be made to any State immediately upon the signing of the grant agreement by an authorized representative of the State, and the certification by the Governor that the State will comply with the following requirements.

(1) All of the projects will be carried out before October 1, 1983;

(2) All contracts for services will be awarded only to contractors who would qualify as small businesses under Section 3 of the Small Business Act, and as set forth in the grant agreement;

(3) Supplies purchased will be procured only from businesses which would qualify under Section 3 of the Small Business Act as a small business, and as set forth in the grant agreement;

(4) But for the grant, the work to be performed would not be performed prior to October 1, 1983;

(5) Individuals employed either directly by the state or an agency thereof or through a contractor on an hourly basis with the proceeds of the grant shall only be individuals who do not have full-time employment, and who are not simultaneously drawing unemployment compensation for the same period of employment;

(6) Every reasonable attempt will be made to assure that the funds result in employment of the maximum number of otherwise unemployed individuals and will result in benefits of lasting value to the public;

(7) All plantings or development or rehabilitation work will be performed in public parks or other publicly controlled or owned lands;

(8) Reasonable efforts will be made either from grant funds or other funds to assure that any plantings are appropriately watered or cared for until they are established;

(9) The state will comply with other procedures required by the Small Business Administration as set forth in the grant agreement.

With such a certification by a Governor of a State or by an appropriate official of an eligible jurisdiction, the Administrator is fully authorized to make the grant to such State or jurisdiction in the amount provided in the chart set forth below. In states or other eligible jurisdictions where such application and certification is not forthcoming, the Administrator can make grants to individual agencies of the jurisdiction or an educational institution or other qualified agencies or nonprofit institutions for individual shares of that jurisdiction grant as authorized in Section 21(a)(1) of the Small Business Act in accordance with expedited rules.

It is anticipated that to the extent that any funds allocated to any State are not applied for by July 1, 1983, they will be reallocated and distributed to other eligible jurisdictions for work which will be completed by October 1, 1983.

The appropriations statute requires that this program be implemented almost immediately and that all projects be carried out before October 1, 1983. Currently, however, SBA has no size standard for industries which could participate in the program, such as Ornamental Shrub and Tree Planting and Nursery Stock Wholesalers. (Wholesalers rather than retailers would be affected because even firms which normally engage in retail trade are considered wholesalers when they sell to the government.) Normally, in such cases where no size standard has been determined, a residual size standard of 500 employees would apply. (See 13 CFR 121.3–8.) However, in light of the size of the vast majority of firms potentially affected by this program, SBA believes that the residual size standard would be inappropriately large for this program.

Therefore, SBA is establishing an interim emergency size standard of 70 employees for purposes of this program alone as provided for by section 8, Executive Order 12291, and 5 U.S.C. 608. This standard will remain in effect only until October 1, 1983.

Due to the brief implementation time allowed for this program, SBA believes that the vast majority of the affected firms will be those in the Nursery Stock Wholesale trade. These firms are included in the Nondurable Goods Wholesale industry. Few firms in the industry actually sell nursery stock, however, and SBA lacks the statistical information to specify the wholesale nursery portion of this industry. Nevertheless, based on the industry as a whole, a size standard of 70 employees would include approximately 97 percent of the firms and about 50 percent of total sales. Therefore, SBA believes that 70 employees is an appropriate size standard for purposes of participation in this program.

Dated: April 15, 1983.

James C. Sanders,

Administrator.

Small Business Administration—Office of Private Sector Initiatives, Park and Recreational Area Development Grant Agreement

State of	Grant No.
Grant Period—All Projects Completed by 10-1-83.	Amount of Grant: $

The United States of America, represented by the Administrator of the United States Small Business Administration, and the State, District, or Commonwealth named above (hereinafter referred to as the State), mutually agree to perform this agreement in accordance with its terms and conditions including the conditions of the Governor's Certification (certification set forth immediately below).

The United States hereby promises, in consideration of the promises made by the State herein, to obligate and tender to the State the amount of money indicated below in the certification for the purpose stated in the certification. The State hereby promises, in consideration of the promises made by the United States, to administer the grant described below in accordance with the terms and conditions of this agreement.

Part I—Governor's Certification

In consideration of the United States Small Business Administration's approval of a grant of $——— to the State of ——— for the purpose of the rehabilitation and development of public parks and recreational areas, I, ———, Governor of said State hereby certify that the State will comply with the following requirements:

(1) All of the projects authorized to be funded by this grant will be carried out before October 1, 1983.

(2) All contracts for services will be awarded only to contractors who would qualify as small businesses under Section 3 of the Small Business Act, as defined below.

(3) Supplies purchased will be procured only from businesses which would qualify under Section 3 of the Small Business Act as a small business, as defined below.

(4) But for the grant, the work to be performed would not be performed prior to October 1, 1983.

(5) Individuals employed either directly by the State or an agency thereof or through a contractor on an hourly basis, with the proceeds of the grant, shall only be individuals who do not have full time employment, and are not simultaneously drawing unemployment compensation for the same period of employment.

(6) Every reasonable attempt will be made to assure that the funds result in employment of the maximum number of otherwise unemployed individuals and will result in benefits of lasting value to the public.

(7) All plantings or development or rehabilitation work will be performed in public parks or other publicly controlled or owned lands.

(8) Reasonable efforts will be made either from grant funds or other funds to assure that any plantings are appropriately watered or cared for until they are established.

(9) The State will comply with procedures and rules required by the Small Business Administration.

Date ———

Governor ———

State of ———

Part II—Definitions

A. The terms "SBA" or "Grantor" as used herein means the United States Small Business Administration.

B. The term "Administrator" as used herein means the Administrator of the United States Small Business Administration, or any representative lawfully delegated the authority to act for such Administrator.

C. The term "Director" as used herein means the Director of the Office of Private Sector Initiatives of the Small Business Administration, or any representative lawfully delegated the authority to act for such Director.

D. The term "Grants Management Officer" as used herein means the agency official responsible for the financial management of this grant for the Federal Government.

E. The term "Project" as used herein means a single project, to be undertaken to accomplish the rehabilitation and development of public parks and recreational areas.

F. The term "State" as used herein means the State, the District of Columbia, or the Commonwealth of Puerto Rico which is a party to this grant agreement. Wherever a term, condition, obligation or requirement refers to the State, such term, condition, obligation, or requirement shall also apply to the recipient political subdivision or public agency, except where it is clear from the nature of the term, condition, obligation or requirement that it is to apply solely to the State.

G. The term "Small Business" as used herein means a business concern that has, including its affiliates, a number of employees not exceeding 70, and meets the other regulatory requirements found in 13 CFR Part 121. The term "affiliates" is defined in 13 CFR 121.3–2(a). The term "number of employees" is defined in 13 CFR 121.3–2(t).

Part III.—Continuing Assurances

A. Terms of the Grant Agreement

1. The State agrees, as recipient of this assistance, that it will meet the following specific requirements and that it will further impose these requirements upon any political subdivision or public agency to which funds made available under this grant agreement are transferred. The State also agrees that it shall be responsible for compliance with the terms of this grant agreement by such a political subdivision or public agency and that failure by such political subdivision or public agency to so comply shall be deemed a failure by the State to comply with the terms of this agreement. However, such transfers of funds may be made by the State without further approval by the Grantor.

2. This hereby certifies that applicant possesses adequate grant management capabilities as required by OBM Circulars and SBA Federal Assistance Administration Regulation and Guidelines in all of the following areas: fiscal administration, facilities management, management information, personnel, planning and budget, procurement and property management.

3. This hereby certifies that applicant meets the standards for fund control and accountability as prescribed in OMB Circular A–102 or A–110 as appropriate in accordance with the legal status of the applicant's organizational status and have established or can demonstrate the willingness and ability to establish procedures that will minimize the time elapsing between the transfer of funds from the Treasury and their disbursement by the Grantee if advance payment procedures are used.

B. Nondiscrimination

1. The State will comply with Title VI of the Civil Rights Act of 1964 (Pub. L. 88–352) and in accordance with Title VI of that Act, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this provision.

2. The State will comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) prohibiting employment discrimination where (1) the primary purpose of a grant is to provide employment, or

(2) discriminatory employment practices will result in unequal treatment of persons who are or should be benefiting from the grant-aided activity.

C. Applicable Federal Circulars

The State shall comply with applicable regulations, policies, guidelines, and requirements including OMB Circulars A-87 and A-102, as they relate to the application, acceptance and use of Federal funds made available under this agreement.

D. Grant Application

1. The application for Federal assistance and associated documents submitted for the funds made available under this agreement is by this reference made a part of the agreement.

2. The State possesses legal authority to apply for the grant; that a resolution, motion or similar action, if necessary, has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

E. Grant Execution

1. The period of availability of funds under this agreement shall begin with the date of execution of this agreement and shall terminate on September 30, 1983, with all

unallocated funds as of October 1, 1983 being returned to the Grantor.

2. The State shall assure compliance with all applicable Federal, State, local laws and regulations.

3. The State will comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Pub. L. 93–234, 87 Stat. 975, approved December 31, 1976. Section 102(a) requires, on and after March 2, 1975, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Secretary of the Department of Housing and Urban Development as an area having special flood hazards. The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.

4. The State will insure that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of the purposes of this grant are not listed on the Environmental Protection Agency's (EPA) list of Violating Facilities and that it will notify the Federal grantor agency of the receipt of any communication from the Director of the EPA Office of Federal Activites indicating that a facility to be used in the project is under consideration for listing by the EPA.

5. The State will assist the Grantor in its compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (16 U.S.C. 470), Executive Order 11593, and the Archeological and Historic Preservation Act of 1966 (16 U.S.C. 469a–1 *et seq.)* by consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to adverse effects (see 36 CFR 800.0) by the activity, and notifying the Grantor to avoid or mitigate adverse effects upon such properties.

6. The State will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act, 29 U.S.C. 201 *et seq.*

F. Conflict of Interests

1. The State will establish safeguards to prohibit its employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.

G. Hatch Act

1. The State will comply with the provisions of the Hatch Act which provides that no officer or employee of the State whose principal employment is in connection with any activity which is financed in whole or in part pursuant to this agreement shall take part in any of the political activity prescribed in the Hatch Political Activity Act, 5 U.S.C. 118k (1964), with the exceptions therein enumerated.

H. Grant Administration Costs

1. Grant administration costs eligible for assistance shall not exceed 5 percent of the total grant.

I. Project Administration

1. The State shall promptly submit such reports and documentation as the Director may request.

2. Any monies advanced to the State under this agreement are "public monies" (owned by the Federal Government) and shall be deposited in a bank with FDIC insurance coverage and the balances exceeding the FDIC coverage shall be collaterally secured as provided for in 12 U.S.C. 265.

3. The State shall use any funds received by way of advance payment from the United States under the terms of this agreement solely for the purposes described in this agreement.

4. Properties rehabilitated or developed with funds made available under this agreement shall be available for inspection by the Grantor at such intervals as the Director shall require.

5. Recipients and secondary recipients shall not have Federal cash balances on which to draw interest. Any and all interest earned on Federal dollars must be returned to SBA withing 30 days of the end of the budget period of this grant.

6. Problems or questions relating to payment under this agreement should be directed to: Grants Management Officer, Room 219, U.S. Small Business Administration, 1441 L Street N.W., Washington, DC 20416, (202) 653–7744.

7. Financial reports in original and one copy, will be submitted to the Grants Management Officer, at the above address.

Reports of Federal Cash Transaction will be submitted on Standard Form 272 and Financial Status Reports shall be submitted on Standard Form 269.

Financial reports shall be furnished no later than 30 days after the end of the project period.

8. Performance reports shall be furnished to the Director no later than 30 days after the end of the project period.

Performance reports shall contain the following data:

(1) The total amount of grant funds expended for supplies purchased from qualified small businesses.

(2) The number of contracts awarded to qualified small businesses and the total dollar value of these contracts.

(3) The number of unemployed individuals that were employed directly by the State or subdivision or by a contractor with proceeds of the grant. The total dollars expended for this employment.

(4) A brief statement highlighting the improvements accomplished with the grant.

J. Retention and Custodial Requirements for Records

1. Financial records, supporting documents, statistical records, and all other records pertinent to this grant shall be retained for a period of three years; except the records shall be retained beyond the three-year period if audit findings have not been resolved.

2. The retention period starts from the date of the final expenditure report for the project.

3. State and local governments are authorized to substitute microfilm copies in lieu of original records.

4. The State will give the Grantor or the Comptroller General through any authorized representative access to and opportunity to examine all records, books, papers, or documents related to the grant.

Part IV—Special Provisions

A. Disputes

1. Except as otherwise provided by law or regulations, any dispute arising under this grant shall be decided by the Grants Management Officer (GMO), who shall reduce his decision to writing and mail or otherwise furnish a copy thereof to the State. Such a decision of the GMO shall be final and conclusive unless, within thirty (30) days from the date of receipt of such copy, the State otherwise delivers to the GMO a written appeal.

2. The GMO shall supply such appeal to the Administrator or his delegatee for adjudication. The decision of the Administrator concerning such appeal shall be final and conclusive unless determined by a court of competent jurisdiction to have been fraudulent or capricious, arbitrary, or so grossly erroneous as to imply bad faith, or not supported by substantial evidence.

3. In connection with an appeal proceeding under this article, the State shall be afforded an opportunity to be heard, to be present, to offer evidence and testimony in support of any appeal, to cross-examine Government witnesses and to examine documentation or exhibits offered in evidence by the Government or admitted to the appeal record (subject to the Government's right to offer its own evidence and testimony, to cross-examine the appellant's witnesses, and to examine documentation or exhibits offered in evidence by the appellant or admitted to the appeal record). The appeal shall be determined solely upon the appeal record.

4. This "Disputes" article shall not preclude consideration of any question of law in connection with decisions provided for by this article; provided, that nothing in this award document or related materials shall be considered as making final the decision of any administrative official, representative, or Board, on a question of law.

B. Project or Grant Termination

1. The Grants Management Officer may require the State to temporarily suspend assistance made available under this agreement to a project being funded therewith pending corrective action by the State of a violation of the terms of this agreement or pending a decision to terminate the project by the State.

2. The Grants Management Officer may terminate the grant in whole, or in part, at any time before the date of completion, whenever it is determined that the Grantee has failed to comply with the conditions of this grant agreement. The Grants Management Officer will promptly notify the State in writing of the determination and the reasons for the termination, together with the effective date. Payments made to States or recoveries by the Grantor under projects

terminated for cause shall be in accord with the legal rights and liabilities of the parties.

In witness whereof, the parties hereto have executed this agreement as of the date entered below.

The United States of America

By _____
(Signature)
(Title) _____

U.S. Small Business Administration Office of External Awards

Date _____
State _____
By _____
(Signature)
(Name) _____
(Title) _____
(Date) _____

[FR Doc. 83-10711 Filed 4-21-83; 8:45 am]
BILLING CODE 8025-01-M

VETERANS ADMINISTRATION

Advisory Committee on the Readjustment Problems of Vietnam Veterans; Establishment

In accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) and Office of Management and Budget Circular A-63, as revised, and after consultation with the Administrator, General Services Administration, the Administrator, Veterans Administration has determined that establishment of the Advisory Committee on the Readjustment Problems of Vietnam Veterans is necessary and in the public interest in connection with the performance of duties imposed on the Veterans Administration by law.

The committee has been established to assemble and analyze ongoing research and clinical experience in order to assist in the formation of appropriate policy and organizational structures. In addition, the Veterans Administration is now faced with the challenge of reexamining preexisting service structures and determining how similar psychosocial readjustment difficulties of veterans during a post-war period might be met in the future. The Committee will be composed of authorities drawn from three major categories: (1) Recognized experts, both research and clinical, in the field, (2) national veterans service organization specialists and (3) individuals representing a cadre of training facilities. This diverse group will permit the VA to obtain a balanced representation of relevant viewpoints.

Comments of interested persons concerning the establishment of this Committee may be submitted to Arthur S. Blank, Jr., M.D., Director, Readjustment Counseling Service, (11RC), Veterans Administration Central Office, 810 Vermont Avenue, NW., Washington, D.C., 20420; Phone (202) 389-5419.

Dated: April 13, 1983.

By direction of the Administrator.

Rosa Maria Fontanez,
Committee Management Officer.

[FR Doc. 83-10746 Filed 4-21-83; 8:45 am]
BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 79
Friday, April 22, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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1

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE:
April 11, 1983, 2:30 p.m.
April 13, 1983, 2:30 p.m.
April 14, 1983, 2:30 p.m.

PLACE: 1111 18th Street, NW., Washington, D.C. 20207.

STATUS: Closed to the public.

MATTERS TO BE CONSIDERED: The Commission considered issues related to a matter in civil litigation. In each case the Commission voted that agency business required holding the meeting without seven days notice.

CONTACT PERSON FOR INFORMATION: Sheldon D. Butts, Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207 (301) 492–6800.

[S–569–83 Filed 4–20–83; 3:34 pm]
BILLING CODE 6355–01–M

2

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DATE AND TIME: 9:30 a.m. (eastern time), Tuesday, April 26, 1983.

PLACE: Commission Conference Room No. 200, second floor, Columbia Plaza Office Building, 2401 E Street NW., Washington, DC. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

1. Ratification of Notation Vote/s.
2. A Report on Commission Operations (Optional).
3. Freedom of Information Act Appeal No. 83–1–FOIA–1–SF, concerning a request for the contents of an open Commissioner's charge file.
4. Freedom of Information Act Appeal Nos. 82–02–FOIA–014–MK, 015–MK, concerning a request for the contents of Title VII charge files.
5. Freedom of Information Act Appeal No. 82–8–FOIA–143–NY, concerning a request for confidential witness statements from a closed age discrimination charge file.

Closed:

1. Litigation Authorization; General Counsel Recommendations.
2. Proposed withdrawal of certain charges.
3. Discussion of DOL's Proposed Airline Employee Protection Regulations.

Note.—Any matter not discussed or concluded may be carried over to a later meeting. (In addition to publishing notices on EEOC Commission meetings in the **Federal Register**, the Commission also provided recorded announcements a full week in advance on future Commission sessions. Please telephone (202) 634–6748 at all times for information on these meetings.)

CONTACT PERSON FOR MORE INFORMATION: Treva McCall, Executive Secretary to the Commission at (202) 634–6748.

This Notice Issued April 19, 1983.

[S–559–83 Filed 4–20–83; 11:24 am]
BILLING CODE 6570–06–M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 2:00 p.m. on Monday, April 18, 1983, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C. T. Conover (Comptroller of the Currency), that Corporation business required the withdrawal from the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter:

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:
Case No. 45,658–NR: United States National Bank, San Diego, California

The Board further determined, by the same majority vote, that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter:

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:
Case No. 45,670–L: Newport Harbour National Bank, Newport Beach, California

By the same majority vote, the Board further determined that no earlier notice of the changes in the subject matter of the meeting was practicable.

Dated: April 18, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,
Executive Secretary.

[S–563–83 Filed 4–20–83; 1:01 pm]
BILLING CODE 6714–01–M

4

FEDERAL DEPOSIT INSURANCE CORPORATION

Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, April 18, 1983, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C. T. Conover (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Application of First American Bank for Savings, Boston, Massachusetts, an insured mutual savings bank, for consent to acquire the assets of and assume the liability to pay deposits made in Workingmen's Co-Operative Bank, Boston, Massachusetts, a non-federally-insured institution, and to establish the eight existing offices of Workingmen's Co-Operative Bank as

branches of First American Bank for Savings.

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 45,068–L: American City Bank & Trust Company, National Association, Milwaukee, Wisconsin

The Board further determined, by the same majority vote, that no earlier notice of the changes in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: April 18, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–564–83 Filed 4–20–83; 1:01 pm]

BILLING CODE 6714–01–M

5

FEDERAL ENERGY REGULATORY COMMISSION

Notice of Meeting

April 18, 1983.

TIME AND DATE: 10 a.m., April 25, 1983.

PLACE: Room 9310, 825 North Capitol Street, NE., Washington, D.C. 20426.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

(1) *Utah Power & Light Co., et al.* v. *FERC* S.Ct. No. 82–1312.

(2) McDowell County Consumers Council Inc. v. American Electric Power Co., *et al.*, Docket No. E–9206.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary, Telephone (202) 357–8400.

Federal Energy Regulatory Commission

Certification

I hereby certify that, in my opinion, Commission deliberations concerning *Utah Power and Light Co., et al.* v. *FERC*, S.Ct. No 82–1312, scheduled on April 25, 1983, (and any subsequent meetings on the same matter that qualify under 18 CFR 375.206(a)) may properly be closed to public observation.

Discussions are likely to involve the agency's participation in a civil action.

The relevant exemptions on which this certification is based are set forth in the following provisions of law:

Section 552b(c) of Title 5 of the United States Code	Section 375.205(a) of Title 18 of the Code of Federal Regulations
(10)	(10)

Dated: April 13, 1983.

Charles A. Moore,

General Counsel.

Federal Energy Regulatory Commission

Certification

I hereby certify that, in may opinion, Commission deliberations concerning *McDowell County Consumers Council Inc.* v. *American Electric Power Co., et al.*, Docket No. E–9206, scheduled on April 25, 1983, [and any subsequent meetings on the same matter that qualify under 18 C.F.R. § 385.206(a)] may properly be closed to public observation.

Discussions are likely to disclose information the premature disclosure of which would be likely to significantly furstrate implementation of a proposed agency action. Discussions are also likely specifically to concern the conduct by the agency of a particular case involving a determination on the record after opportunity for hearing.

The relevant exemptions on which this certification is based are set forth in the following provisions of law:

Section 552b(c) of Title 5 of the United States Code	Section 375.205(a) of Title 18 of the Code of Federal Regulations
(9)(B), (10)	(9) (ii), (10)(ii)

Dated: April 14, 1983.

Carles A. Moore,

General Counsel.

[S–568–83 Filed 4–20–83; 3:04 pm]

BILLING CODE 6717–01–M

6

FEDERAL HOME LOAN BANK BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 16375, Friday, April 15, 1983.

PLACE: Board room sixth floor, 1700 G Street NW., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Ms. Gravlee (202–377–6679).

CHANGES IN THE MEETING: The following item has been withdrawn from the open portion of the Bank Board Meeting scheduled Wednesday, April 20, 1983, at 10 a.m.

Interstate Operations of Insured Institutions.

[No. 34, April 20, 1983]

[S–560–83 Filed 4–20–83; 11:44 am]

BILLING CODE 6720–01–M

7

FEDERAL HOME LOAN BANK BOARD

TIME AND DATE: 2:30 p.m., Tuesday, April 26, 1983.

PLACE: Board room sixth floor, 1700 G Street NW., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Ms. Gravlee (202–377–6670).

MATTERS TO BE CONSIDERED:

Request for Commitment to Insure Accounts-(Proposed) Luther Burbank Savings and Loan Association (New Stock), Santa Rosa, California

Application for Bank Membership and Insurance of Accounts—Santa Ynez Valley Savings and Loan Association, Solvang, California (In Organization)

Branch Office Application—Home Savings of America, a FS&LA, Los Angeles, California

[No. 35, April 20, 1983]

[S–566–83 Filed 4–20–83; 2:23 pm]

BILLING CODE 6720–01–M

8

FEDERAL RESERVE SYSTEM

(Board of Governors)

TIME AND DATE: Approximately 11 a.m., Wednesday, April 27, 1983, following a recess at the conclusion of the open meeting.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Federal Reserve Bank and Branch director appointments.

2. Proposed follow-up report to Congress on the International Banking Act of 1978.

3. Issues relating to Federal Reserve notes.

4. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

5. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board, (202) 452–3204.

Dated: April 19, 1983.

James McAfee,

Associate Secretary of the Board.

[S–557–83 Filed 4–20–83; 10:56 am]

BILLING CODE 6210–01–M

9

FEDERAL RESERVE SYSTEM

(Board of Governors)

TIME AND DATE: 10 a.m., Wednesday, April 27, 1983.

PLACE: Board building, C Street entrance between 20th and 21st Streets NW., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED: *Summary Agenda:* Because of their routine nature, no substantive discussion of the following items is anticipated. These matters will be voted on without discussion unless a member of the Board requests that an item be moved to the discussion agenda:

1. Proposed extension of Reports of Selected Borrowings (FR 2415, FR 2415a).
2. Proposed extension of Government securities dealers reports (FR 2004 a, b, c, and d).

Discussion Agenda:

3. Publication for comment of proposed criteria for selecting high dollar group sort institutions.
4. Consideration of proposals relating to reduction and pricing of Federal Reserve check float. (Proposed earlier for public comment; Docket No. R–0433)
5. Any items carried forward from a previously announced meeting.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452–3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204.

Dated: April 19, 1983.

James McAfee,

Associate Secretary of the Board.

[S–558–83– Filed 4–20–83; 10:38 am]

BILLING CODE 6210–01–M

10

NATIONAL MEDIATION BOARD

TIME AND DATE: 2 p.m., Wednesday, May 4, 1983.

PLACE: Board Hearing Room, Eighth floor, 1425 K Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Ratification of Board actions taken by notation voting during the month of April, 1983.
2. Other priority matters which may come before the Board for which notice will be given at the earliest practicable time.

SUPPLEMENTARY INFORMATION: Copies of the monthly report of the Board's notation voting actions will be available from the Executive Secretary's office following the meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Rowland K. Quinn, Jr., Executive Secretary, Tel: (202) 523–5920.

Dated: April 19, 1983.

[S–556–83 Filed 4–20–83; 10:51 am]

BILLING CODE 7650–01–M

11

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 12887, March 28, 1983.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., April 21, 1983.

CHANGES IN THE MEETING: This meeting has been canceled.

Dated: April 20, 1983.

[S–567–83 Filed 4–20–83; 2:81 pm]

BILLING CODE 7600–01–M

12

SECURITIES AND EXCHANGE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 15999, April 13, 1983.

STATUS: Open/closed meeting.

PLACE: 450 5th Street NW., Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Friday, April 8, 1983.

CHANGES IN THE MEETING: Rescheduling/ additional items. The following open item scheduled for Wednesday, April 20, 1983, at 10 a.m. has been rescheduled for Thursday, April 28, 1983, at 10 a.m.:

Consideration of whether to propose for public comment Rule 3a12–8 under the Securities Exchange Act of 1934 ("Act") designating certain foreign government debt instruments as exempted securities under the Act solely for purposes of the trading of futures contracts governing such instruments. For further information, please contact Kevin Fogart at (202) 272–2416.

The following additional items will be considered at a closed meeting scheduled for Wednesday, April 20, 1983, following the 10 a.m. open meeting:

Settlement of administrative proceeding of an enforcement nature.
Withdraw institution of injunctive active.

Commissioner Treadway, as duty officer, determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any matters have been added, deleted or postponed, please contact: Diane Klinke at (202) 272–2014.

April 19, 1983.

[S–555–83 Filed 4–19–83; 4:14 pm]

BILLING CODE 8010–01–M

13

SECURITIES AND EXCHANGE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 15999, April 13, 1983.

STATUS: Open/closed meeting.

PLACE: 450 5th Street, NW., Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Friday, April 8, 1983.

CHANGES IN THE MEETING: Rescheduling.

An open meeting scheduled for Wednesday, April 20, 1983, at 10 a.m. followed by a closed meeting has been rescheduled for Friday, April 22, 1983, at 9:300 a.m.

Chairman Shad and Commissioners Longstreth and Treadway determined that Commission business required the above change and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any matters have been added, deleted or postponed, please contact: Diane Klinke at (202) 272–2014.

April 19, 1983.

[S–561–83 Filed 4–20–83; 11:44 am]

BILLING CODE 8010–01–M

14

SECURITIES AND EXCHANGE COMMISSION

Notice is herby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of April 25, 1983, at 450 5th Street, N.W., Washington, D.C.

Closed meetings will be held on Tuesday, April 26, 1983, at 10 a.m., following the 2:30 p.m. open meeting and on Thursday, April 28, 1983, at 10 a.m. An open meeting will be held on Tuesday, April 26, 1983, at 2:30 p.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meetings. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meetings may be considered pursuant to one or more of the exemptions set forth in 5

U.S.C. 552b(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10).

Chairman Shad and Commissioners Evans, Longstreth and Treadway voted to consider the items listed for the closed meetings in closed session.

The subject matter of the closed meeting scheduled for Tuesday, April 26, at 10 a.m., will be:

Access to investigative files by Federal, State, or Self-regulatory authorities.
Settlement of administrative proceeding for and enforcement nature.
Formal order of investigation.
Institution of injunctive actions.
Litigation matter.

The subject matter of the closed meeting scheduled for Tuesday, April 26, 1983, following the 2:30 p.m., will be:

Post oral argument discussion.

The subject matter of the closed meeting scheduled for Thursday, April 28, 1983, at 10 a.m., will be:

Institution of injunctive actions.

The subject matter of the open meeting scheduled for Tuesday, April 26, 1983, at 2:30 p.m., will be:

Oral argument on an appeal by Henry Leroy Heybrock and Richard O. White from the initial decision of an administrative law judge. For further information, please contact R. Moshe Simon at (202) 272–7400.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Steve Boehm at (202) 272–2467.

April 19, 1983.

[S–562–83 Filed 4–20–83; 11:44 am]

BILLING CODE 8010–01–M

15

TENNESSEE VALLEY AUTHORITY

[Meeting No. 1310]

TIME AND DATE: 10:15 a.m. (e.d.t.), Wednesday, April 27, 1983.

PLACE: TVA West Tower Auditorium, 400 West Summit Hill Drive, Knoxville, Tennessee.

STATUS: Open.

AGENDA ITEM:

Approval of minutes of meetings held on April 6 and April 11, 1983.

A—Project Authorizations

A1. Project Authorization No. 3652—Replace and rearrange generator circuit breakers and cables at Ocoee No. 1 Hydro Plant.

A2. Project Authorization No. 3656—Maintenance, renovation, construction, and repair of TVA facilities under Public Law No. 98–8 and the Tennessee Valley Authority Act of 1933, as amended.

B—Purchase Awards

*B1. Negotiation 67–196476 for fuel channels for Browns Ferry Nuclear Plant; deletion of fuel channels from Hartsville and Phipps Bend Nuclear plants, contracts 73C60–75210 and 75K60–84840–I with General Electric Company.

B2. Amendments to contract with Westinghouse Electric Corporation covering the nuclear steam supply systems for Watts Bar Nuclear Plant, units 1 and 2.

C—Power Items

C1. Supplement to Contract TV–59584A and Contract No. TV–61104A between TVA and Cottrell Environmental Sciences for Spray Dryer/E-Beam Project at Shawnee Scrubber Test Facility.

*C2. Uranium loan agreement with Union Carbide Corporation for the loan of 1,000,000 pounds of uranium concentrates.

*C3. Delegation of authority to dispose of certain uranium mineral and surface interests under contract TV–36479A between American Nuclear Corporation and TVA.

D—Personnel Items

*D1. Amendment to personal services contract with Miller & Miller Auctioneers, Inc., Fort Worth, Texas, to provide auctioneer services to sell surplus equipment and materials located at deferred nuclear plant sites, requested by the Division of Purchasing.

D2. Contract with Coopers & Lybrand, New York, New York, for audit of TVA's financial statements for fiscal year 1983, requested by the Division of Finance.

3. Renewal of consulting contract with Stanley D. Wilson, Seattle, Washington, for services in connection with geotechnic and foundation engineering, requested by the Office of Engineering Design and Construction.

F—Unclassified

F1. Changes in designation of certifying officers authorized to approve payments made by TVA.

CONTACT PERSON FOR MORE INFORMATION: Craven H. Crowell, Jr., Director of Information, or a member of his staff can respond to requests for information about this meeting. Call (615) 632–3257, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 245–0101.

Dated: April 20, 1983.

[S–565–83 Filed 4–20–83; 1:59 pm]

BILLING CODE 8120–01–M

*Item approved by individual Board members. This would give normal ratification to the Board's action.

federal register

Friday
April 22, 1983

Part II

Department of Labor

Employment and Training Administration

Civil Jurisdictions Classified as High Unemployment Areas Under Public Law 98-8

DEPARTMENT OF LABOR

Employment and Training Administration

Civil Jurisdictions Classified as High Unemployment Areas Under Public Law 98–8

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

DATE: This list is effective April 23, 1983.

SUMMARY: The Employment and Training Administration is announcing the list of civil jurisdictions classified by the Assistant Secretary as having high unemployment, pursuant to Public Law 98–8.

FOR FURTHER INFORMATION CONTACT: Mr. Richard C. Gilliland, Director, United States Employment Service, Employment and Training Administration, Room 8000, 601 D Street, NW., Washington, D.C. 20213. Telephone 202–376–6289.

SUPPLEMENTARY INFORMATION: Section 101(a)(3) of Pub. L. 98–8. 97 Stat. 13 (March 24, 1983), (the "Act") requires the Assistant Secretary for Employment and Training, United States Department of Labor, to

classify a civil jurisdiction as having high unemployment whenever, as determined by the Bureau of Labor Statistics using the latest comparable data available from Departmental, State, or local sources, the civil jurisdiction has had an average unadjusted employment rate over the previous twelve months of not less than ninety percent of the unadjusted average unemployment rate for all States during the same period. The Assistant Secretary, upon petition submitted by the appropriate State agency, may classify a civil jurisdiction as having high unemployment whenever the civil jurisdiction has experienced or is about to experience a sudden economic dislocation resulting in job loss that is significant both in terms of the number of jobs eliminated and the effect upon the employment rate of the area.

97 Stat. at 29–30. Section 101(a)(3) of the Act further requires the Assistant Secretary to publish a list of civil jurisdictions with high unemployment, together with descriptions thereof, as soon as practicable, but no later than 30 days after the date of enactment of the Act. 97 Stat. at 30. That list is published below. The list will be updated on a monthly basis hereafter, by adding civil jurisdictions that the Assistant Secretary deems to meet the above criteria. *id.*

Signed at Washington, D.C., this 19th day of April, 1983.

Albert Angrisani,

Assistant Secretary of Labor.

BILLING CODE 4510-30-M

PAGE 2

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT

PAGE 1

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

ELIGIBLE HIGH UNEMPLOYMENT AREAS	CIVIL JURISDICTIONS INCLUDED
ALABAMA	
AUTAUGA COUNTY	AUTAUGA COUNTY
BALDWIN COUNTY	BALDWIN COUNTY
BARBOUR COUNTY	BARBOUR COUNTY
BIBB COUNTY	BIBB COUNTY
BIRMINGHAM CITY	BIRMINGHAM CITY IN JEFFERSON COUNTY
BLOUNT COUNTY	BLOUNT COUNTY
BULLOCK COUNTY	BULLOCK COUNTY
BUTLER COUNTY	BUTLER COUNTY
CALHOUN COUNTY	CALHOUN COUNTY
CHAMBERS COUNTY	CHAMBERS COUNTY
CHEROKEE COUNTY	CHEROKEE COUNTY
CHILTON COUNTY	CHILTON COUNTY
CHOCTAW COUNTY	CHOCTAW COUNTY
CLARKE COUNTY	CLARKE COUNTY
CLAY COUNTY	CLAY COUNTY
CLEBURNE COUNTY	CLEBURNE COUNTY
COFFEE COUNTY	COFFEE COUNTY
COLBERT COUNTY	COLBERT COUNTY
CONECUH COUNTY	CONECUH COUNTY
COOSA COUNTY	COOSA COUNTY
COVINGTON COUNTY	COVINGTON COUNTY
CRENSHAW COUNTY	CRENSHAW COUNTY
CULLMAN COUNTY	CULLMAN COUNTY
DALE COUNTY	DALE COUNTY
DALLAS COUNTY	DALLAS COUNTY
DE KALB COUNTY	DE KALB COUNTY
ELMORE COUNTY	ELMORE COUNTY
ESCAMBIA COUNTY	ESCAMBIA COUNTY
ETOWAH COUNTY	ETOWAH COUNTY
FAYETTE COUNTY	FAYETTE COUNTY
FRANKLIN COUNTY	FRANKLIN COUNTY
GENEVA COUNTY	GENEVA COUNTY
GREENE COUNTY	GREENE COUNTY
HALE COUNTY	HALE COUNTY
HENRY COUNTY	HENRY COUNTY
HOUSTON COUNTY	HOUSTON COUNTY
HUNTSVILLE CITY	HUNTSVILLE CITY IN MADISON COUNTY
JACKSON COUNTY	JACKSON COUNTY

(CONTINUED)

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

ELIGIBLE HIGH UNEMPLOYMENT AREAS	CIVIL JURISDICTIONS INCLUDED
ALABAMA (CONT)	
BALANCE OF JEFFERSON COUNTY	JEFFERSON COUNTY LESS BIRMINGHAM CITY
LAMAR COUNTY	LAMAR COUNTY
LAUDERDALE COUNTY	LAUDERDALE COUNTY
LAWRENCE COUNTY	LAWRENCE COUNTY
LEE COUNTY	LEE COUNTY
LIMESTONE COUNTY	LIMESTONE COUNTY
LOWNDES COUNTY	LOWNDES COUNTY
MACON COUNTY	MACON COUNTY
BALANCE OF MADISON COUNTY	MADISON COUNTY LESS HUNTSVILLE CITY
MARENGO COUNTY	MARENGO COUNTY
MARION COUNTY	MARION COUNTY
MARSHALL COUNTY	MARSHALL COUNTY
MOBILE CITY	MOBILE CITY IN MOBILE COUNTY
BALANCE OF MOBILE COUNTY	MOBILE COUNTY LESS MOBILE CITY
MONROE COUNTY	MONROE COUNTY
MONTGOMERY CITY	MONTGOMERY CITY IN MONTGOMERY COUNTY
MORGAN COUNTY	MORGAN COUNTY
PERRY COUNTY	PERRY COUNTY
PICKENS COUNTY	PICKENS COUNTY
PIKE COUNTY	PIKE COUNTY
RANDOLPH COUNTY	RANDOLPH COUNTY
RUSSELL COUNTY	RUSSELL COUNTY
SHELBY COUNTY	SHELBY COUNTY
ST. CLAIR COUNTY	ST. CLAIR COUNTY
SUMTER COUNTY	SUMTER COUNTY
TALLADEGA COUNTY	TALLADEGA COUNTY
TALLAPOOSA COUNTY	TALLAPOOSA COUNTY
TUSCALOOSA CITY	TUSCALOOSA CITY IN TUSCALOOSA COUNTY
BALANCE OF TUSCALOOSA COUNTY	TUSCALOOSA COUNTY LESS TUSCALOOSA CITY
WALKER COUNTY	WALKER COUNTY
WASHINGTON COUNTY	WASHINGTON COUNTY
WILCOX COUNTY	WILCOX COUNTY
WINSTON COUNTY	WINSTON COUNTY

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CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

ELIGIBLE HIGH UNEMPLOYMENT AREAS	CIVIL JURISDICTIONS INCLUDED
ALASKA	
ANGOON DIVISION	ANGOON DIVISION
BETHEL DIVISION	BETHEL DIVISION
BRISTOL BAY BOROUGH DIV	BRISTOL BAY BOROUGH DIV
CORDOVA-MCCARTHY DIVISION	CORDOVA-MCCARTHY DIVISION
FAIRBANKS DIVISION	FAIRBANKS DIVISION
HAINES DIVISION	HAINES DIVISION
KENAI-COOK INLET DIVISION	KENAI-COOK INLET DIVISION
KETCHIKAN DIVISION	KETCHIKAN DIVISION
KOBUK DIVISION	KOBUK DIVISION
KODIAK DIVISION	KODIAK DIVISION
KUSKOKWIM DIVISION	KUSKOKWIM DIVISION
MATANUSKA-SUSITNA DIV	MATANUSKA-SUSITNA DIV
OUTER KETCHIKAN DIVISION	OUTER KETCHIKAN DIVISION
PRINCE OF WALES DIVISION	PRINCE OF WALES DIVISION
SEWARD DIVISION	SEWARD DIVISION
SITKA DIVISION	SITKA DIVISION
SKAGWAY-YAKUTAT DIVISION	SKAGWAY-YAKUTAT DIVISION
SOUTHEAST FAIRBANKS DIV	SOUTHEAST FAIRBANKS DIV
UPPER YUKON DIVISION	UPPER YUKON DIVISION
VALDEZ-CHITINA-WHITTIER	VALDEZ-CHITINA-WHITTIER
WADE HAMPTON DIVISION	WADE HAMPTON DIVISION
WRANGELL-PETERSBURG DIV	WRANGELL-PETERSBURG DIV
YUKON-KOYUKUK DIVISION	YUKON-KOYUKUK DIVISION
ARIZONA	
APACHE COUNTY	APACHE COUNTY
COCHISE COUNTY	COCHISE COUNTY
COCONINO COUNTY	COCONINO COUNTY
GILA COUNTY	GILA COUNTY
GRAHAM COUNTY	GRAHAM COUNTY
GREENLEE COUNTY	GREENLEE COUNTY
BALANCE OF MARICOPA COUNTY	MARICOPA COUNTY LESS GLENDALE CITY MESA CITY PHOENIX CITY SCOTTSDALE CITY TEMPE CITY

(CONTINUED)

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

ELIGIBLE HIGH UNEMPLOYMENT AREAS	CIVIL JURISDICTIONS INCLUDED
ARIZONA (CONT)	
MOHAVE COUNTY	MOHAVE COUNTY
NAVAJO COUNTY	NAVAJO COUNTY
BALANCE OF PIMA COUNTY	PIMA COUNTY LESS TUCSON CITY
PINAL COUNTY	PINAL COUNTY
SANTA CRUZ COUNTY	SANTA CRUZ COUNTY
TUCSON CITY	TUCSON CITY IN PIMA COUNTY
YAVAPAI COUNTY	YAVAPAI COUNTY
YUMA/LA PAZ COUNTY	YUMA/LA PAZ COUNTY
ARKANSAS	
ASHLEY COUNTY	ASHLEY COUNTY
BRADLEY COUNTY	BRADLEY COUNTY
CHICOT COUNTY	CHICOT COUNTY
CLAY COUNTY	CLAY COUNTY
CLEBURNE COUNTY	CLEBURNE COUNTY
CLEVELAND COUNTY	CLEVELAND COUNTY
CONWAY COUNTY	CONWAY COUNTY
CRAIGHEAD COUNTY	CRAIGHEAD COUNTY
CRAWFORD COUNTY	CRAWFORD COUNTY
CRITTENDEN COUNTY	CRITTENDEN COUNTY
CROSS COUNTY	CROSS COUNTY
DALLAS COUNTY	DALLAS COUNTY
DESHA COUNTY	DESHA COUNTY
DREW COUNTY	DREW COUNTY
FAULKNER COUNTY	FAULKNER COUNTY
FORT SMITH CITY	FORT SMITH CITY IN SEBASTIAN COUNTY
FRANKLIN COUNTY	FRANKLIN COUNTY
FULTON COUNTY	FULTON COUNTY
GARLAND COUNTY	GARLAND COUNTY
GRANT COUNTY	GRANT COUNTY
GREENE COUNTY	GREENE COUNTY
HOT SPRING COUNTY	HOT SPRING COUNTY
INDEPENDENCE COUNTY	INDEPENDENCE COUNTY
JACKSON COUNTY	JACKSON COUNTY

(CONTINUED)

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

ELIGIBLE HIGH UNEMPLOYMENT AREAS	CIVIL JURISDICTIONS INCLUDED
ARKANSAS (CONT)	
BALANCE OF JEFFERSON COUNTY	JEFFERSON COUNTY LESS PINE BLUFF CITY
JOHNSON COUNTY	JOHNSON COUNTY
LAWRENCE COUNTY	LAWRENCE COUNTY
LEE COUNTY	LEE COUNTY
LINCOLN COUNTY	LINCOLN COUNTY
LOGAN COUNTY	LOGAN COUNTY
MISSISSIPPI COUNTY	MISSISSIPPI COUNTY
MONROE COUNTY	MONROE COUNTY
MONTGOMERY COUNTY	MONTGOMERY COUNTY
NEVADA COUNTY	NEVADA COUNTY
NEWTON COUNTY	NEWTON COUNTY
OUACHITA COUNTY	OUACHITA COUNTY
PERRY COUNTY	PERRY COUNTY
PHILLIPS COUNTY	PHILLIPS COUNTY
PIKE COUNTY	PIKE COUNTY
PINE BLUFF CITY	PINE BLUFF CITY IN JEFFERSON COUNTY
POINSETT COUNTY	POINSETT COUNTY
POLK COUNTY	POLK COUNTY
POPE COUNTY	POPE COUNTY
PRAIRIE COUNTY	PRAIRIE COUNTY
RANDOLPH COUNTY	RANDOLPH COUNTY
SALINE COUNTY	SALINE COUNTY
SCOTT COUNTY	SCOTT COUNTY
SEARCY COUNTY	SEARCY COUNTY
BALANCE OF SEBASTIAN COUNTY	SEBASTIAN COUNTY LESS FORT SMITH CITY
SEVIER COUNTY	SEVIER COUNTY
SHARP COUNTY	SHARP COUNTY
ST. FRANCIS COUNTY	ST. FRANCIS COUNTY
STONE COUNTY	STONE COUNTY
VAN BUREN COUNTY	VAN BUREN COUNTY
WHITE COUNTY	WHITE COUNTY
WOODRUFF COUNTY	WOODRUFF COUNTY

(CONTINUED)

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

ELIGIBLE HIGH UNEMPLOYMENT AREAS	CIVIL JURISDICTIONS INCLUDED
CALIFORNIA	
AMADOR COUNTY	AMADOR COUNTY
BALDWIN PARK CITY	BALDWIN PARK CITY IN LOS ANGELES COUNTY
BELLFLOWER CITY	BELLFLOWER CITY IN LOS ANGELES COUNTY
BERKELEY CITY	BERKELEY CITY IN ALAMEDA COUNTY
BUENA PARK CITY	BUENA PARK CITY IN ORANGE COUNTY
BUTTE COUNTY	BUTTE COUNTY
CALAVERAS COUNTY	CALAVERAS COUNTY
CARSON CITY	CARSON CITY IN LOS ANGELES COUNTY
CHULA VISTA CITY	CHULA VISTA CITY IN SAN DIEGO COUNTY
COLUSA COUNTY	COLUSA COUNTY
COMPTON CITY	COMPTON CITY IN LOS ANGELES COUNTY
DALY CITY	DALY CITY IN SAN MATEO COUNTY
DEL NORTE COUNTY	DEL NORTE COUNTY
EL CAJON CITY	EL CAJON CITY IN SAN DIEGO COUNTY
EL DORADO COUNTY	EL DORADO COUNTY
EL MONTE CITY	EL MONTE CITY IN LOS ANGELES COUNTY
ESCONDIDO CITY	ESCONDIDO CITY IN SAN DIEGO COUNTY
FAIRFIELD CITY	FAIRFIELD CITY IN SOLANO COUNTY
FRESNO CITY	FRESNO CITY IN FRESNO COUNTY
BALANCE OF FRESNO COUNTY	FRESNO COUNTY LESS FRESNO CITY
GLENN COUNTY	GLENN COUNTY
HAYWARD CITY	HAYWARD CITY IN ALAMEDA COUNTY
HUMBOLDT COUNTY	HUMBOLDT COUNTY
IMPERIAL COUNTY	IMPERIAL COUNTY

(CONTINUED)

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

ELIGIBLE HIGH UNEMPLOYMENT AREAS	CIVIL JURISDICTIONS INCLUDED
CALIFORNIA (CONT)	
INGLEWOOD CITY	INGLEWOOD CITY IN LOS ANGELES COUNTY
INYO COUNTY	INYO COUNTY
BALANCE OF KERN COUNTY	KERN COUNTY LESS BAKERSFIELD CITY
KINGS COUNTY	KINGS COUNTY
LAKE COUNTY	LAKE COUNTY
LASSEN COUNTY	LASSEN COUNTY
LONG BEACH CITY	LONG BEACH CITY IN LOS ANGELES COUNTY
LOS ANGELES CITY	LOS ANGELES CITY IN LOS ANGELES COUNTY
MADERA COUNTY	MADERA COUNTY
MARIPOSA COUNTY	MARIPOSA COUNTY
MENDOCINO COUNTY	MENDOCINO COUNTY
MERCED COUNTY	MERCED COUNTY
MODESTO CITY	MODESTO CITY IN STANISLAUS COUNTY
MODOC COUNTY	MODOC COUNTY
MONO COUNTY	MONO COUNTY
BALANCE OF MONTEREY COUNTY	MONTEREY COUNTY LESS SALINAS CITY
NAPA CITY	NAPA CITY IN NAPA COUNTY
NEVADA COUNTY	NEVADA COUNTY
NORWALK CITY	NORWALK CITY IN LOS ANGELES COUNTY
OAKLAND CITY	OAKLAND CITY IN ALAMEDA COUNTY
OCEANSIDE CITY	OCEANSIDE CITY IN SAN DIEGO COUNTY
ONTARIO CITY	ONTARIO CITY IN SAN BERNARDINO COUNTY
OXNARD CITY	OXNARD CITY IN VENTURA COUNTY
PICO RIVERA CITY	PICO RIVERA CITY IN LOS ANGELES COUNTY
PLACER COUNTY	PLACER COUNTY
PLUMAS COUNTY	PLUMAS COUNTY

(CONTINUED)

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

ELIGIBLE HIGH UNEMPLOYMENT AREAS	CIVIL JURISDICTIONS INCLUDED
CALIFORNIA (CONT)	
POMONA CITY	POMONA CITY IN LOS ANGELES COUNTY
RICHMOND CITY	RICHMOND CITY IN CONTRA COSTA COUNTY
RIVERSIDE CITY	RIVERSIDE CITY IN RIVERSIDE COUNTY
BALANCE OF RIVERSIDE COUNTY	RIVERSIDE COUNTY LESS RIVERSIDE CITY
SACRAMENTO CITY	SACRAMENTO CITY IN SACRAMENTO COUNTY
BALANCE OF SACRAMENTO COUNTY	SACRAMENTO COUNTY LESS SACRAMENTO CITY
SALINAS CITY	SALINAS CITY IN MONTEREY COUNTY
SAN BENITO COUNTY	SAN BENITO COUNTY
SAN BERNARDINO CITY	SAN BERNARDINO CITY IN SAN BERNARDINO COUNTY
BALANCE OF SAN BERNARDINO COUNTY	SAN BERNARDINO COUNTY LESS ONTARIO CITY RANCHO CUCAMONGA CITY SAN BERNARDINO CITY
SAN DIEGO CITY	SAN DIEGO CITY IN SAN DIEGO COUNTY
BALANCE OF SAN DIEGO COUNTY	SAN DIEGO COUNTY LESS CHULA VISTA CITY EL CAJON CITY ESCONDIDO CITY LA MESA CITY OCEANSIDE CITY SAN DIEGO CITY
BALANCE OF SAN JOAQUIN COUNTY	SAN JOAQUIN COUNTY LESS STOCKTON CITY
SAN JOSE CITY	SAN JOSE CITY IN SANTA CLARA COUNTY
SANTA ANA CITY	SANTA ANA CITY IN ORANGE COUNTY
SANTA CRUZ COUNTY	SANTA CRUZ COUNTY
SANTA ROSA CITY	SANTA ROSA CITY IN SONOMA COUNTY
SHASTA COUNTY	SHASTA COUNTY

(CONTINUED)

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

ELIGIBLE HIGH UNEMPLOYMENT AREAS	CIVIL JURISDICTIONS INCLUDED
CALIFORNIA (CONT)	
SIERRA COUNTY	SIERRA COUNTY
SIMI VALLEY CITY	SIMI VALLEY CITY IN VENTURA COUNTY
SISKIYOU COUNTY	SISKIYOU COUNTY
BALANCE OF SOLANO COUNTY	SOLANO COUNTY LESS FAIRFIELD CITY VALLEJO CITY
BALANCE OF SONOMA COUNTY	SONOMA COUNTY LESS SANTA ROSA CITY
SOUTH GATE CITY	SOUTH GATE CITY IN LOS ANGELES COUNTY
BALANCE OF STANISLAUS COUNTY	STANISLAUS COUNTY LESS MODESTO CITY
STOCKTON CITY	STOCKTON CITY IN SAN JOAQUIN COUNTY
SUTTER COUNTY	SUTTER COUNTY
TEHAMA COUNTY	TEHAMA COUNTY
TRINITY COUNTY	TRINITY COUNTY
TULARE COUNTY	TULARE COUNTY
TUOLUMNE COUNTY	TUOLUMNE COUNTY
VENTURA CITY	VENTURA CITY IN VENTURA COUNTY
BALANCE OF VENTURA COUNTY	VENTURA COUNTY LESS OXNARD CITY SIMI VALLEY CITY THOUSAND OAKS CITY VENTURA CITY
YOLO COUNTY	YOLO COUNTY
YUBA COUNTY	YUBA COUNTY
COLORADO	
ALAMOSA COUNTY	ALAMOSA COUNTY
ARCHULETA COUNTY	ARCHULETA COUNTY
CHAFFEE COUNTY	CHAFFEE COUNTY
CLEAR CREEK COUNTY	CLEAR CREEK COUNTY
CONEJOS COUNTY	CONEJOS COUNTY
COSTILLA COUNTY	COSTILLA COUNTY

(CONTINUED)

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

ELIGIBLE HIGH UNEMPLOYMENT AREAS	CIVIL JURISDICTIONS INCLUDED
COLORADO (CONT)	
DELTA COUNTY	DELTA COUNTY
DOLORES COUNTY	DOLORES COUNTY
EAGLE COUNTY	EAGLE COUNTY
ELBERT COUNTY	ELBERT COUNTY
FREMONT COUNTY	FREMONT COUNTY
GARFIELD COUNTY	GARFIELD COUNTY
GILPIN COUNTY	GILPIN COUNTY
GREELEY CITY	GREELEY CITY IN WELD COUNTY
LA PLATA COUNTY	LA PLATA COUNTY
LAKE COUNTY	LAKE COUNTY
LAS ANIMAS COUNTY	LAS ANIMAS COUNTY
MESA COUNTY	MESA COUNTY
MINERAL COUNTY	MINERAL COUNTY
MOFFAT COUNTY	MOFFAT COUNTY
MONTEZUMA COUNTY	MONTEZUMA COUNTY
MONTROSE COUNTY	MONTROSE COUNTY
MORGAN COUNTY	MORGAN COUNTY
OTERO COUNTY	OTERO COUNTY
OURAY COUNTY	OURAY COUNTY
PARK COUNTY	PARK COUNTY
PUEBLO CITY	PUEBLO CITY IN PUEBLO COUNTY
BALANCE OF PUEBLO COUNTY	PUEBLO COUNTY LESS PUEBLO CITY
RIO GRANDE COUNTY	RIO GRANDE COUNTY
SAGUACHE COUNTY	SAGUACHE COUNTY
SAN JUAN COUNTY	SAN JUAN COUNTY
SAN MIGUEL COUNTY	SAN MIGUEL COUNTY
TELLER COUNTY	TELLER COUNTY
CONNECTICUT	
ANSONIA TOWN	ANSONIA TOWN
BRIDGEPORT CITY	BRIDGEPORT CITY
BRISTOL CITY	BRISTOL CITY
GOSHEN TOWN	GOSHEN TOWN
HARTFORD CITY	HARTFORD CITY

(CONTINUED)

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

ELIGIBLE HIGH UNEMPLOYMENT AREAS	CIVIL JURISDICTIONS INCLUDED
CONNECTICUT (CONT)	
HARTLAND TOWN	HARTLAND TOWN
HARWINTON TOWN	HARWINTON TOWN
KILLINGLY TOWN	KILLINGLY TOWN
LITCHFIELD TOWN	LITCHFIELD TOWN
MERIDEN CITY	MERIDEN CITY
MORRIS TOWN	MORRIS TOWN
NAUGATUCK TOWN	NAUGATUCK TOWN
NEW BRITAIN CITY	NEW BRITAIN CITY
PLAINFIELD TOWN	PLAINFIELD TOWN
PLAINVILLE TOWN	PLAINVILLE TOWN
PLYMOUTH TOWN	PLYMOUTH TOWN
PUTNAM TOWN	PUTNAM TOWN
SEYMOUR TOWN	SEYMOUR TOWN
SPRAGUE TOWN	SPRAGUE TOWN
STAFFORD TOWN	STAFFORD TOWN
THOMASTON TOWN	THOMASTON TOWN
THOMPSON TOWN	THOMPSON TOWN
TORRINGTON CITY	TORRINGTON CITY
VOLUNTOWN TOWN	VOLUNTOWN TOWN
WATERBURY CITY	WATERBURY CITY
WINCHESTER TOWN	WINCHESTER TOWN
WOLCOTT TOWN	WOLCOTT TOWN
DELAWARE	
KENT COUNTY	KENT COUNTY
WILMINGTON CITY	WILMINGTON CITY IN NEW CASTLE COUNTY
DIST OF COLUMBIA	
WASHINGTON DC CITY	DISTRICT OF COLUMBIA

(CONTINUED)

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

ELIGIBLE HIGH UNEMPLOYMENT AREAS	CIVIL JURISDICTIONS INCLUDED
FLORIDA	
BAY COUNTY	BAY COUNTY
CALHOUN COUNTY	CALHOUN COUNTY
COLLIER COUNTY	COLLIER COUNTY
BALANCE OF DADE COUNTY	DADE COUNTY LESS HIALEAH CITY MIAMI CITY MIAMI BEACH CITY
DE SOTO COUNTY	DE SOTO COUNTY
FLAGLER COUNTY	FLAGLER COUNTY
FRANKLIN COUNTY	FRANKLIN COUNTY
GLADES COUNTY	GLADES COUNTY
GULF COUNTY	GULF COUNTY
HARDEE COUNTY	HARDEE COUNTY
HENDRY COUNTY	HENDRY COUNTY
HERNANDO COUNTY	HERNANDO COUNTY
HIALEAH CITY	HIALEAH CITY IN DADE COUNTY
HIGHLANDS COUNTY	HIGHLANDS COUNTY
HOLMES COUNTY	HOLMES COUNTY
INDIAN RIVER COUNTY	INDIAN RIVER COUNTY
JACKSON COUNTY	JACKSON COUNTY
LAFAYETTE COUNTY	LAFAYETTE COUNTY
LAKE COUNTY	LAKE COUNTY
LIBERTY COUNTY	LIBERTY COUNTY
MIAMI BEACH CITY	MIAMI BEACH CITY IN DADE COUNTY
MIAMI CITY	MIAMI CITY IN DADE COUNTY
NASSAU COUNTY	NASSAU COUNTY
OKEECHOBEE COUNTY	OKEECHOBEE COUNTY
POLK COUNTY	POLK COUNTY
ST. JOHN COUNTY	ST. JOHN COUNTY
ST. LUCIE COUNTY	ST. LUCIE COUNTY
SUMTER COUNTY	SUMTER COUNTY
SUWANNEE COUNTY	SUWANNEE COUNTY
TAYLOR COUNTY	TAYLOR COUNTY
WASHINGTON COUNTY	WASHINGTON COUNTY

(CONTINUED)

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

ELIGIBLE HIGH UNEMPLOYMENT AREAS	CIVIL JURISDICTIONS INCLUDED
GEORGIA	
ALBANY CITY	ALBANY CITY IN DOUGHERTY COUNTY
ATKINSON COUNTY	ATKINSON COUNTY
ATLANTA CITY	ATLANTA CITY IN DE KALB COUNTY FULTON COUNTY
BACON COUNTY	BACON COUNTY
BARROW COUNTY	BARROW COUNTY
BARTOW COUNTY	BARTOW COUNTY
BEN HILL COUNTY	BEN HILL COUNTY
BERRIEN COUNTY	BERRIEN COUNTY
BRANTLEY COUNTY	BRANTLEY COUNTY
BUTTS COUNTY	BUTTS COUNTY
CALHOUN COUNTY	CALHOUN COUNTY
CHATTOOGA COUNTY	CHATTOOGA COUNTY
CLINCH COUNTY	CLINCH COUNTY
COFFEE COUNTY	COFFEE COUNTY
COLQUITT COUNTY	COLQUITT COUNTY
COOK COUNTY	COOK COUNTY
COWETA COUNTY	COWETA COUNTY
CRAWFORD COUNTY	CRAWFORD COUNTY
CRISP COUNTY	CRISP COUNTY
DAWSON COUNTY	DAWSON COUNTY
DOOLY COUNTY	DOOLY COUNTY
EARLY COUNTY	EARLY COUNTY
ELBERT COUNTY	ELBERT COUNTY
EMANUEL COUNTY	EMANUEL COUNTY
FANNIN COUNTY	FANNIN COUNTY
FLOYD COUNTY	FLOYD COUNTY
FRANKLIN COUNTY	FRANKLIN COUNTY
GILMER COUNTY	GILMER COUNTY
GLASCOCK COUNTY	GLASCOCK COUNTY
GORDON COUNTY	GORDON COUNTY
GREENE COUNTY	GREENE COUNTY
HALL COUNTY	HALL COUNTY
HARALSON COUNTY	HARALSON COUNTY
HARRIS COUNTY	HARRIS COUNTY
HART COUNTY	HART COUNTY
HEARD COUNTY	HEARD COUNTY
JEFFERSON COUNTY	JEFFERSON COUNTY

(CONTINUED)

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

ELIGIBLE HIGH UNEMPLOYMENT AREAS	CIVIL JURISDICTIONS INCLUDED
GEORGIA (CONT)	
JENKINS COUNTY	JENKINS COUNTY
JOHNSON COUNTY	JOHNSON COUNTY
LAMAR COUNTY	LAMAR COUNTY
LAURENS COUNTY	LAURENS COUNTY
LINCOLN COUNTY	LINCOLN COUNTY
MACON COUNTY	MACON COUNTY
MC DUFFIE COUNTY	MC DUFFIE COUNTY
MC INTOSH COUNTY	MC INTOSH COUNTY
MERIWETHER COUNTY	MERIWETHER COUNTY
MITCHELL COUNTY	MITCHELL COUNTY
MURRAY COUNTY	MURRAY COUNTY
OGLETHORPE COUNTY	OGLETHORPE COUNTY
PICKENS COUNTY	PICKENS COUNTY
PIERCE COUNTY	PIERCE COUNTY
POLK COUNTY	POLK COUNTY
QUITMAN COUNTY	QUITMAN COUNTY
RABUN COUNTY	RABUN COUNTY
RANDOLPH COUNTY	RANDOLPH COUNTY
SPALDING COUNTY	SPALDING COUNTY
STEPHENS COUNTY	STEPHENS COUNTY
STEWART COUNTY	STEWART COUNTY
SUMTER COUNTY	SUMTER COUNTY
TALBOT COUNTY	TALBOT COUNTY
TALIAFERRO COUNTY	TALIAFERRO COUNTY
TERRELL COUNTY	TERRELL COUNTY
TURNER COUNTY	TURNER COUNTY
UNION COUNTY	UNION COUNTY
UPSON COUNTY	UPSON COUNTY
WALKER COUNTY	WALKER COUNTY
WARE COUNTY	WARE COUNTY
WARREN COUNTY	WARREN COUNTY
WAYNE COUNTY	WAYNE COUNTY
WHITE COUNTY	WHITE COUNTY
WHITFIELD COUNTY	WHITFIELD COUNTY
WILCOX COUNTY	WILCOX COUNTY
WILKES COUNTY	WILKES COUNTY
WORTH COUNTY	WORTH COUNTY

(CONTINUED)

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

ELIGIBLE HIGH UNEMPLOYMENT AREAS	CIVIL JURISDICTIONS INCLUDED
HAWAII	
HAWAII COUNTY	HAWAII COUNTY
IDAHO	
ADAMS COUNTY	ADAMS COUNTY
BANNOCK COUNTY	BANNOCK COUNTY
BEAR LAKE COUNTY	BEAR LAKE COUNTY
BENEWAH COUNTY	BENEWAH COUNTY
BLAINE COUNTY	BLAINE COUNTY
BOISE COUNTY	BOISE COUNTY
BONNER COUNTY	BONNER COUNTY
BOUNDARY COUNTY	BOUNDARY COUNTY
CAMAS COUNTY	CAMAS COUNTY
CANYON COUNTY	CANYON COUNTY
CARIBOU COUNTY	CARIBOU COUNTY
CLEARWATER COUNTY	CLEARWATER COUNTY
ELMORE COUNTY	ELMORE COUNTY
FREMONT COUNTY	FREMONT COUNTY
GEM COUNTY	GEM COUNTY
IDAHO COUNTY	IDAHO COUNTY
KOOTENAI COUNTY	KOOTENAI COUNTY
LEMHI COUNTY	LEMHI COUNTY
LEWIS COUNTY	LEWIS COUNTY
POWER COUNTY	POWER COUNTY
SHOSHONE COUNTY	SHOSHONE COUNTY
VALLEY COUNTY	VALLEY COUNTY
ILLINOIS	
ADAMS COUNTY	ADAMS COUNTY
ALEXANDER COUNTY	ALEXANDER COUNTY
AURORA CITY	AURORA CITY IN KANE COUNTY
BOND COUNTY	BOND COUNTY
BOONE COUNTY	BOONE COUNTY
BUREAU COUNTY	BUREAU COUNTY

(CONTINUED)

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

ELIGIBLE HIGH UNEMPLOYMENT AREAS	CIVIL JURISDICTIONS INCLUDED
ILLINOIS (CONT)	
CALHOUN COUNTY	CALHOUN COUNTY
CARROLL COUNTY	CARROLL COUNTY
CHICAGO CITY	CHICAGO CITY IN COOK COUNTY
CHRISTIAN COUNTY	CHRISTIAN COUNTY
CICERO CITY	CICERO CITY IN COOK COUNTY
CLARK COUNTY	CLARK COUNTY
CLAY COUNTY	CLAY COUNTY
CLINTON COUNTY	CLINTON COUNTY
COLES COUNTY	COLES COUNTY
BALANCE OF COOK COUNTY	COOK COUNTY LESS ARLINGTON HEIGHTS CITY CHICAGO CITY CICERO CITY DES PLAINES CITY ELGIN CITY EVANSTON CITY MOUNT PROSPECT VILLAGE OAK LAWN CITY OAK PARK CITY SKOKIE CITY
CRAWFORD COUNTY	CRAWFORD COUNTY
CUMBERLAND COUNTY	CUMBERLAND COUNTY
DE WITT COUNTY	DE WITT COUNTY
DECATUR CITY	DECATUR CITY IN MACON COUNTY
DES PLAINES CITY	DES PLAINES CITY IN COOK COUNTY
EAST ST. LOUIS CITY	EAST ST. LOUIS CITY IN ST. CLAIR COUNTY
EDGAR COUNTY	EDGAR COUNTY
EDWARDS COUNTY	EDWARDS COUNTY
EFFINGHAM COUNTY	EFFINGHAM COUNTY
ELGIN CITY	ELGIN CITY IN COOK COUNTY KANE COUNTY
FAYETTE COUNTY	FAYETTE COUNTY
FORD COUNTY	FORD COUNTY
FRANKLIN COUNTY	FRANKLIN COUNTY

(CONTINUED)

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

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CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

ELIGIBLE HIGH UNEMPLOYMENT AREAS	CIVIL JURISDICTIONS INCLUDED
ILLINOIS (CONT)	
FULTON COUNTY	FULTON COUNTY
GALLATIN COUNTY	GALLATIN COUNTY
GREENE COUNTY	GREENE COUNTY
GRUNDY COUNTY	GRUNDY COUNTY
HAMILTON COUNTY	HAMILTON COUNTY
HANCOCK COUNTY	HANCOCK COUNTY
HARDIN COUNTY	HARDIN COUNTY
HENDERSON COUNTY	HENDERSON COUNTY
HENRY COUNTY	HENRY COUNTY
IROQUOIS COUNTY	IROQUOIS COUNTY
JACKSON COUNTY	JACKSON COUNTY
JASPER COUNTY	JASPER COUNTY
JEFFERSON COUNTY	JEFFERSON COUNTY
JERSEY COUNTY	JERSEY COUNTY
JO DAVIESS COUNTY	JO DAVIESS COUNTY
JOHNSON COUNTY	JOHNSON COUNTY
JOLIET CITY	JOLIET CITY IN WILL COUNTY
BALANCE OF KANE COUNTY	KANE COUNTY LESS AURORA CITY ELGIN CITY
KANKAKEE COUNTY	KANKAKEE COUNTY
KENDALL COUNTY	KENDALL COUNTY
KNOX COUNTY	KNOX COUNTY
LA SALLE COUNTY	LA SALLE COUNTY
LAWRENCE COUNTY	LAWRENCE COUNTY
LEE COUNTY	LEE COUNTY
LIVINGSTON COUNTY	LIVINGSTON COUNTY
LOGAN COUNTY	LOGAN COUNTY
BALANCE OF MACON COUNTY	MACON COUNTY LESS DECATUR CITY
MACOUPIN COUNTY	MACOUPIN COUNTY
MADISON COUNTY	MADISON COUNTY
MARION COUNTY	MARION COUNTY
MARSHALL COUNTY	MARSHALL COUNTY
MASON COUNTY	MASON COUNTY
MASSAC COUNTY	MASSAC COUNTY
MC DONOUGH COUNTY	MC DONOUGH COUNTY
MC HENRY COUNTY	MC HENRY COUNTY
MERCER COUNTY	MERCER COUNTY

(CONTINUED)

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

ELIGIBLE HIGH UNEMPLOYMENT AREAS	CIVIL JURISDICTIONS INCLUDED
ILLINOIS (CONT)	
MONROE COUNTY	MONROE COUNTY
MONTGOMERY COUNTY	MONTGOMERY COUNTY
MORGAN COUNTY	MORGAN COUNTY
MOULTRIE COUNTY	MOULTRIE COUNTY
OAK LAWN CITY	OAK LAWN CITY IN COOK COUNTY
OGLE COUNTY	OGLE COUNTY
PEORIA CITY	PEORIA CITY IN PEORIA COUNTY
BALANCE OF PEORIA COUNTY	PEORIA COUNTY LESS PEORIA CITY
PERRY COUNTY	PERRY COUNTY
PIATT COUNTY	PIATT COUNTY
PIKE COUNTY	PIKE COUNTY
POPE COUNTY	POPE COUNTY
PULASKI COUNTY	PULASKI COUNTY
PUTNAM COUNTY	PUTNAM COUNTY
RANDOLPH COUNTY	RANDOLPH COUNTY
RICHLAND COUNTY	RICHLAND COUNTY
ROCK ISLAND COUNTY	ROCK ISLAND COUNTY
ROCKFORD CITY	ROCKFORD CITY IN WINNEBAGO COUNTY
SALINE COUNTY	SALINE COUNTY
SCHUYLER COUNTY	SCHUYLER COUNTY
SCOTT COUNTY	SCOTT COUNTY
SHELBY COUNTY	SHELBY COUNTY
SPRINGFIELD CITY	SPRINGFIELD CITY IN SANGAMON COUNTY
BALANCE OF ST. CLAIR COUNTY	ST. CLAIR COUNTY LESS EAST ST. LOUIS CITY
STARK COUNTY	STARK COUNTY
STEPHENSON COUNTY	STEPHENSON COUNTY
TAZEWELL COUNTY	TAZEWELL COUNTY
UNION COUNTY	UNION COUNTY
VERMILION COUNTY	VERMILION COUNTY
WABASH COUNTY	WABASH COUNTY
WARREN COUNTY	WARREN COUNTY
WASHINGTON COUNTY	WASHINGTON COUNTY
WAUKEGAN CITY	WAUKEGAN CITY IN LAKE COUNTY

(CONTINUED)

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

ELIGIBLE HIGH UNEMPLOYMENT AREAS	CIVIL JURISDICTIONS INCLUDED
ILLINOIS (CONT)	
WAYNE COUNTY	WAYNE COUNTY
WHITE COUNTY	WHITE COUNTY
WHITESIDE COUNTY	WHITESIDE COUNTY
BALANCE OF WILL COUNTY	WILL COUNTY LESS JOLIET CITY
WILLIAMSON COUNTY	WILLIAMSON COUNTY
BALANCE OF WINNEBAGO COUNTY	WINNEBAGO COUNTY LESS ROCKFORD CITY
WOODFORD COUNTY	WOODFORD COUNTY
INDIANA	
ADAMS COUNTY	ADAMS COUNTY
BALANCE OF ALLEN COUNTY	ALLEN COUNTY LESS FT WAYNE CITY
ANDERSON CITY	ANDERSON CITY IN MADISON COUNTY
BARTHOLOMEW COUNTY	BARTHOLOMEW COUNTY
BENTON COUNTY	BENTON COUNTY
BLACKFORD COUNTY	BLACKFORD COUNTY
BLOOMINGTON CITY	BLOOMINGTON CITY IN MONROE COUNTY
CARROLL COUNTY	CARROLL COUNTY
CASS COUNTY	CASS COUNTY
CLARK COUNTY	CLARK COUNTY
CLAY COUNTY	CLAY COUNTY
CLINTON COUNTY	CLINTON COUNTY
CRAWFORD COUNTY	CRAWFORD COUNTY
DAVIESS COUNTY	DAVIESS COUNTY
DE KALB COUNTY	DE KALB COUNTY
DEARBOPN COUNTY	DEARBORN COUNTY
DECATUR COUNTY	DECATUR COUNTY
BALANCE OF DELAWARE COUNTY	DELAWARE COUNTY LESS MUNCIE CITY
DUBOIS COUNTY	DUBOIS COUNTY
ELKHART COUNTY	ELKHART COUNTY
EVANSVILLE CITY	EVANSVILLE CITY IN VANDERBURGH COUNTY

(CONTINUED)

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

ELIGIBLE HIGH UNEMPLOYMENT AREAS	CIVIL JURISDICTIONS INCLUDED
INDIANA (CONT)	
FAYETTE COUNTY	FAYETTE COUNTY
FLOYD COUNTY	FLOYD COUNTY
FOUNTAIN COUNTY	FOUNTAIN COUNTY
FRANKLIN COUNTY	FRANKLIN COUNTY
FT WAYNE CITY	FT WAYNE CITY IN ALLEN COUNTY
FULTON COUNTY	FULTON COUNTY
GARY CITY	GARY CITY IN LAKE COUNTY
GIBSON COUNTY	GIBSON COUNTY
GRANT COUNTY	GRANT COUNTY
GREENE COUNTY	GREENE COUNTY
HAMMOND CITY	HAMMOND CITY IN LAKE COUNTY
HARRISON COUNTY	HARRISON COUNTY
HENRY COUNTY	HENRY COUNTY
HOWARD COUNTY	HOWARD COUNTY
HUNTINGTON COUNTY	HUNTINGTON COUNTY
INDIANAPOLIS CITY	INDIANAPOLIS CITY IN MARION COUNTY
JACKSON COUNTY	JACKSON COUNTY
JASPER COUNTY	JASPER COUNTY
JAY COUNTY	JAY COUNTY
JEFFERSON COUNTY	JEFFERSON COUNTY
JENNINGS COUNTY	JENNINGS COUNTY
JOHNSON COUNTY	JOHNSON COUNTY
KNOX COUNTY	KNOX COUNTY
LA PORTE COUNTY	LA PORTE COUNTY
LAGRANGE COUNTY	LAGRANGE COUNTY
BALANCE OF LAKE COUNTY	LAKE COUNTY LESS GARY CITY HAMMOND CITY
LAWRENCE COUNTY	LAWRENCE COUNTY
BALANCE OF MADISON COUNTY	MADISON COUNTY LESS ANDERSON CITY
MARSHALL COUNTY	MARSHALL COUNTY
MARTIN COUNTY	MARTIN COUNTY
MIAMI COUNTY	MIAMI COUNTY
BALANCE OF MONROE COUNTY	MONROE COUNTY LESS BLOOMINGTON CITY

(CONTINUED)

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

ELIGIBLE HIGH UNEMPLOYMENT AREAS	CIVIL JURISDICTIONS INCLUDED
INDIANA (CONT)	
MONTGOMERY COUNTY	MONTGOMERY COUNTY
MORGAN COUNTY	MORGAN COUNTY
MUNCIE CITY	MUNCIE CITY IN
	DELAWARE COUNTY
NEWTON COUNTY	NEWTON COUNTY
NOBLE COUNTY	NOBLE COUNTY
OHIO COUNTY	OHIO COUNTY
ORANGE COUNTY	ORANGE COUNTY
OWEN COUNTY	OWEN COUNTY
PARKE COUNTY	PARKE COUNTY
PERRY COUNTY	PERRY COUNTY
PIKE COUNTY	PIKE COUNTY
PORTER COUNTY	PORTER COUNTY
PULASKI COUNTY	PULASKI COUNTY
PUTNAM COUNTY	PUTNAM COUNTY
RANDOLPH COUNTY	RANDOLPH COUNTY
RIPLEY COUNTY	RIPLEY COUNTY
RUSH COUNTY	RUSH COUNTY
SCOTT COUNTY	SCOTT COUNTY
SHELBY COUNTY	SHELBY COUNTY
SOUTH BEND CITY	SOUTH BEND CITY IN
	ST. JOSEPH COUNTY
SPENCER COUNTY	SPENCER COUNTY
BALANCE OF ST. JOSEPH COUNTY	ST. JOSEPH COUNTY LESS
	SOUTH BEND CITY
STARKE COUNTY	STARKE COUNTY
STEUBEN COUNTY	STEUBEN COUNTY
SULLIVAN COUNTY	SULLIVAN COUNTY
SWITZERLAND COUNTY	SWITZERLAND COUNTY
TERRE HAUTE CITY	TERRE HAUTE CITY IN
	VIGO COUNTY
TIPTON COUNTY	TIPTON COUNTY
UNION COUNTY	UNION COUNTY
VERMILLION COUNTY	VERMILLION COUNTY
BALANCE OF VIGO COUNTY	VIGO COUNTY LESS
	TERRE HAUTE CITY
WABASH COUNTY	WABASH COUNTY
WARREN COUNTY	WARREN COUNTY
WASHINGTON COUNTY	WASHINGTON COUNTY
WAYNE COUNTY	WAYNE COUNTY

(CONTINUED)

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

ELIGIBLE HIGH UNEMPLOYMENT AREAS	CIVIL JURISDICTIONS INCLUDED
INDIANA (CONT)	
WELLS COUNTY	WELLS COUNTY
WHITE COUNTY	WHITE COUNTY
WHITLEY COUNTY	WHITLEY COUNTY
IOWA	
ALLAMAKEE COUNTY	ALLAMAKEE COUNTY
APPANOOSE COUNTY	APPANOOSE COUNTY
BENTON COUNTY	BENTON COUNTY
BALANCE OF BLACK HAWK COUNTY	BLACK HAWK COUNTY LESS
	WATERLOO CITY
BREMER COUNTY	BREMER COUNTY
BUCHANAN COUNTY	BUCHANAN COUNTY
BUTLER COUNTY	BUTLER COUNTY
CEDAR RAPIDS CITY	CEDAR RAPIDS CITY IN
	LINN COUNTY
CHICKASAW COUNTY	CHICKASAW COUNTY
CLAYTON COUNTY	CLAYTON COUNTY
CLINTON COUNTY	CLINTON COUNTY
DAVENPORT CITY	DAVENPORT CITY IN
	SCOTT COUNTY
DAVIS COUNTY	DAVIS COUNTY
DELAWARE COUNTY	DELAWARE COUNTY
DES MOINES CITY	DES MOINES CITY IN
	POLK COUNTY
DES MOINES COUNTY	DES MOINES COUNTY
DUBUQUE CITY	DUBUQUE CITY IN
	DUBUQUE COUNTY
BALANCE OF DUBUQUE COUNTY	DUBUQUE COUNTY LESS
	DUBUQUE CITY
EMMET COUNTY	EMMET COUNTY
FAYETTE COUNTY	FAYETTE COUNTY
FLOYD COUNTY	FLOYD COUNTY
JACKSON COUNTY	JACKSON COUNTY
JASPER COUNTY	JASPER COUNTY
JEFFERSON COUNTY	JEFFERSON COUNTY
JONES COUNTY	JONES COUNTY
KEOKUK COUNTY	KEOKUK COUNTY

(CONTINUED)

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

ELIGIBLE HIGH UNEMPLOYMENT AREAS	CIVIL JURISDICTIONS INCLUDED
IOWA (CONT)	
LEE COUNTY	LEE COUNTY
BALANCE OF LINN COUNTY	LINN COUNTY LESS CEDAR RAPIDS CITY
MARSHALL COUNTY	MARSHALL COUNTY
MONROE COUNTY	MONROE COUNTY
SAC COUNTY	SAC COUNTY
BALANCE OF SCOTT COUNTY	SCOTT COUNTY LESS DAVENPORT CITY
VAN BUREN COUNTY	VAN BUREN COUNTY
WAPELLO COUNTY	WAPELLO COUNTY
WATERLOO CITY	WATERLOO CITY IN BLACK HAWK COUNTY
KANSAS	
COWLEY COUNTY	COWLEY COUNTY
LABETTE COUNTY	LABETTE COUNTY
MONTGOMERY COUNTY	MONTGOMERY COUNTY
SUMNER COUNTY	SUMNER COUNTY
WABAUNSEE COUNTY	WABAUNSEE COUNTY
WICHITA CITY	WICHITA CITY IN SEDGWICK COUNTY
KENTUCKY	
ALLEN COUNTY	ALLEN COUNTY
ANDERSON COUNTY	ANDERSON COUNTY
BARREN COUNTY	BARREN COUNTY
BATH COUNTY	BATH COUNTY
BELL COUNTY	BELL COUNTY
BOONE COUNTY	BOONE COUNTY
BOYD COUNTY	BOYD COUNTY
BOYLE COUNTY	BOYLE COUNTY
BRACKEN COUNTY	BRACKEN COUNTY
BREATHITT COUNTY	BREATHITT COUNTY
BRECKINRIDGE COUNTY	BRECKINRIDGE COUNTY

(CONTINUED)

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

ELIGIBLE HIGH UNEMPLOYMENT AREAS	CIVIL JURISDICTIONS INCLUDED
KENTUCKY (CONT)	
BULLITT COUNTY	BULLITT COUNTY
BUTLER COUNTY	BUTLER COUNTY
CALDWELL COUNTY	CALDWELL COUNTY
CALLOWAY COUNTY	CALLOWAY COUNTY
CAMPBELL COUNTY	CAMPBELL COUNTY
CARLISLE COUNTY	CARLISLE COUNTY
CARTER COUNTY	CARTER COUNTY
CASEY COUNTY	CASEY COUNTY
CHRISTIAN COUNTY	CHRISTIAN COUNTY
CLARK COUNTY	CLARK COUNTY
CLAY COUNTY	CLAY COUNTY
CLINTON COUNTY	CLINTON COUNTY
CRITTENDEN COUNTY	CRITTENDEN COUNTY
CUMBERLAND COUNTY	CUMBERLAND COUNTY
BALANCE OF DAVIESS COUNTY	DAVIESS COUNTY LESS OWENSBORO CITY
EDMONSON COUNTY	EDMONSON COUNTY
ELLIOTT COUNTY	ELLIOTT COUNTY
ESTILL COUNTY	ESTILL COUNTY
FLEMING COUNTY	FLEMING COUNTY
FLOYD COUNTY	FLOYD COUNTY
FULTON COUNTY	FULTON COUNTY
GALLATIN COUNTY	GALLATIN COUNTY
GARRARD COUNTY	GARRARD COUNTY
GRANT COUNTY	GRANT COUNTY
GRAVES COUNTY	GRAVES COUNTY
GRAYSON COUNTY	GRAYSON COUNTY
GREEN COUNTY	GREEN COUNTY
GREENUP COUNTY	GREENUP COUNTY
HANCOCK COUNTY	HANCOCK COUNTY
HARDIN COUNTY	HARDIN COUNTY
HARLAN COUNTY	HARLAN COUNTY
HARRISON COUNTY	HARRISON COUNTY
HART COUNTY	HART COUNTY
HENDERSON COUNTY	HENDERSON COUNTY
HENRY COUNTY	HENRY COUNTY
HICKMAN COUNTY	HICKMAN COUNTY
HOPKINS COUNTY	HOPKINS COUNTY
JACKSON COUNTY	JACKSON COUNTY

(CONTINUED)

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

ELIGIBLE HIGH UNEMPLOYMENT AREAS	CIVIL JURISDICTIONS INCLUDED
KENTUCKY (CONT)	
BALANCE OF JEFFERSON COUNTY	JEFFERSON COUNTY LESS LOUISVILLE CITY
JOHNSON COUNTY	JOHNSON COUNTY
KENTON COUNTY	KENTON COUNTY
KNOTT COUNTY	KNOTT COUNTY
KNOX COUNTY	KNOX COUNTY
LARUE COUNTY	LARUE COUNTY
LAUREL COUNTY	LAUREL COUNTY
LAWRENCE COUNTY	LAWRENCE COUNTY
LEE COUNTY	LEE COUNTY
LESLIE COUNTY	LESLIE COUNTY
LETCHER COUNTY	LETCHER COUNTY
LEWIS COUNTY	LEWIS COUNTY
LINCOLN COUNTY	LINCOLN COUNTY
LIVINGSTON COUNTY	LIVINGSTON COUNTY
LOGAN COUNTY	LOGAN COUNTY
LOUISVILLE CITY	LOUISVILLE CITY IN JEFFERSON COUNTY
LYON COUNTY	LYON COUNTY
MAGOFFIN COUNTY	MAGOFFIN COUNTY
MARION COUNTY	MARION COUNTY
MARSHALL COUNTY	MARSHALL COUNTY
MASON COUNTY	MASON COUNTY
MC CREARY COUNTY	MC CREARY COUNTY
MC LEAN COUNTY	MC LEAN COUNTY
MEADE COUNTY	MEADE COUNTY
MENIFEE COUNTY	MENIFEE COUNTY
MERCER COUNTY	MERCER COUNTY
METCALFE COUNTY	METCALFE COUNTY
MONROE COUNTY	MONROE COUNTY
MONTGOMERY COUNTY	MONTGOMERY COUNTY
MORGAN COUNTY	MORGAN COUNTY
MUHLENBERG COUNTY	MUHLENBERG COUNTY
NELSON COUNTY	NELSON COUNTY
NICHOLAS COUNTY	NICHOLAS COUNTY
OHIO COUNTY	OHIO COUNTY
OWENSBORO CITY	OWENSBORO CITY IN DAVIESS COUNTY
OWSLEY COUNTY	OWSLEY COUNTY
PENDLETON COUNTY	PENDLETON COUNTY

(CONTINUED)

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

ELIGIBLE HIGH UNEMPLOYMENT AREAS	CIVIL JURISDICTIONS INCLUDED
KENTUCKY (CONT)	
PERRY COUNTY	PERRY COUNTY
PIKE COUNTY	PIKE COUNTY
POWELL COUNTY	POWELL COUNTY
PULASKI COUNTY	PULASKI COUNTY
ROBERTSON COUNTY	ROBERTSON COUNTY
ROCKCASTLE COUNTY	ROCKCASTLE COUNTY
ROWAN COUNTY	ROWAN COUNTY
RUSSELL COUNTY	RUSSELL COUNTY
SIMPSON COUNTY	SIMPSON COUNTY
SPENCER COUNTY	SPENCER COUNTY
TODD COUNTY	TODD COUNTY
TRIGG COUNTY	TRIGG COUNTY
TRIMBLE COUNTY	TRIMBLE COUNTY
WARREN COUNTY	WARREN COUNTY
WASHINGTON COUNTY	WASHINGTON COUNTY
WAYNE COUNTY	WAYNE COUNTY
WHITLEY COUNTY	WHITLEY COUNTY
WOLFE COUNTY	WOLFE COUNTY
LOUISIANA	
ACADIA PARISH	ACADIA PARISH
ALEXANDRIA CITY	ALEXANDRIA CITY IN RAPIDES PARISH
ALLEN PARISH	ALLEN PARISH
ASCENSION PARISH	ASCENSION PARISH
ASSUMPTION PARISH	ASSUMPTION PARISH
AVOYELLES PARISH	AVOYELLES PARISH
BEAUREGARD PARISH	BEAUREGARD PARISH
BIENVILLE PARISH	BIENVILLE PARISH
BALANCE OF BOSSIER PARISH	BOSSIER PARISH LESS BOSSIER CITY
BALANCE OF CADDO PARISH	SHREVEPORT CITY CADDO PARISH LESS SHREVEPORT CITY
BALANCE OF CALCASIEU PARISH	CALCASIEU PARISH LESS LAKE CHARLES CITY
CALDWELL PARISH	CALDWELL PARISH

(CONTINUED)

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

ELIGIBLE HIGH UNEMPLOYMENT AREAS	CIVIL JURISDICTIONS INCLUDED
LOUISIANA (CONT)	
CATAHOULA PARISH	CATAHOULA PARISH
CLAIBORNE PARISH	CLAIBORNE PARISH
CONCORDIA PARISH	CONCORDIA PARISH
DE SOTO PARISH	DE SOTO PARISH
EAST CARROLL PARISH	EAST CARROLL PARISH
EAST FELICIANA PARISH	EAST FELICIANA PARISH
EVANGELINE PARISH	EVANGELINE PARISH
FRANKLIN PARISH	FRANKLIN PARISH
GRANT PARISH	GRANT PARISH
IBERIA PARISH	IBERIA PARISH
IBERVILLE PARISH	IBERVILLE PARISH
JACKSON PARISH	JACKSON PARISH
JEFFERSON DAVIS PARISH	JEFFERSON DAVIS PARISH
BALANCE OF JEFFERSON PARISH	JEFFERSON PARISH LESS KENNER CITY
LA SALLE PARISH	LA SALLE PARISH
LAKE CHARLES CITY	LAKE CHARLES CITY IN CALCASIEU PARISH
LIVINGSTON PARISH	LIVINGSTON PARISH
MADISON PARISH	MADISON PARISH
MONROE CITY	MONROE CITY IN OUACHITA PARISH
MOREHOUSE PARISH	MOREHOUSE PARISH
NATCHITOCHES PARISH	NATCHITOCHES PARISH
NEW ORLEANS CITY	NEW ORLEANS CITY IN ORLEANS PARISH
BALANCE OF OUACHITA PARISH	OUACHITA PARISH LESS MONROE CITY
POINTE COUPEE PARISH	POINTE COUPEE PARISH
BALANCE OF RAPIDES PARISH	RAPIDES PARISH LESS ALEXANDRIA CITY
RED RIVER PARISH	RED RIVER PARISH
RICHLAND PARISH	RICHLAND PARISH
SABINE PARISH	SABINE PARISH
SHREVEPORT CITY	SHREVEPORT CITY IN BOSSIER PARISH
ST. BERNARD PARISH	CADDO PARISH
ST. HELENA PARISH	ST. BERNARD PARISH
ST. JAMES PARISH	ST. HELENA PARISH
	ST. JAMES PARISH

(CONTINUED)

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

ELIGIBLE HIGH UNEMPLOYMENT AREAS	CIVIL JURISDICTIONS INCLUDED
LOUISIANA (CONT)	
ST. JOHN BAPTIST PARISH	ST. JOHN BAPTIST PARISH
ST. LANDRY PARISH	ST. LANDRY PARISH
ST. MARTIN PARISH	ST. MARTIN PARISH
ST. MARY PARISH	ST. MARY PARISH
ST. TAMMANY PARISH	ST. TAMMANY PARISH
TANGIPAHOA PARISH	TANGIPAHOA PARISH
TENSAS PARISH	TENSAS PARISH
UNION PARISH	UNION PARISH
VERNON PARISH	VERNON PARISH
WASHINGTON PARISH	WASHINGTON PARISH
WEBSTER PARISH	WEBSTER PARISH
WEST BATON ROUGE PARISH	WEST BATON ROUGE PARISH
WEST CARROLL PARISH	WEST CARROLL PARISH
WEST FELICIANA PARISH	WEST FELICIANA PARISH
WINN PARISH	WINN PARISH
MAINE	
ANDROSCOGGIN COUNTY	ANDROSCOGGIN COUNTY
AROOSTOOK COUNTY	AROOSTOOK COUNTY
OXFORD COUNTY	OXFORD COUNTY
SOMERSET COUNTY	SOMERSET COUNTY
WALDO COUNTY	WALDO COUNTY
WASHINGTON COUNTY	WASHINGTON COUNTY
MARYLAND	
ALLEGANY COUNTY	ALLEGANY COUNTY
BALTIMORE CITY	BALTIMORE CITY
BALTIMORE COUNTY	BALTIMORE COUNTY
CALVERT COUNTY	CALVERT COUNTY
CAROLINE COUNTY	CAROLINE COUNTY
CARROLL COUNTY	CARROLL COUNTY
CECIL COUNTY	CECIL COUNTY
DORCHESTER COUNTY	DORCHESTER COUNTY
FREDERICK COUNTY	FREDERICK COUNTY

(CONTINUED)

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

ELIGIBLE HIGH UNEMPLOYMENT AREAS	CIVIL JURISDICTIONS INCLUDED
MARYLAND (CONT)	
GARRETT COUNTY	GARRETT COUNTY
HARFORD COUNTY	HARFORD COUNTY
KENT COUNTY	KENT COUNTY
QUEEN ANNES COUNTY	QUEEN ANNES COUNTY
SOMERSET COUNTY	SOMERSET COUNTY
WASHINGTON COUNTY	WASHINGTON COUNTY
WICOMICO COUNTY	WICOMICO COUNTY
WORCESTER COUNTY	WORCESTER COUNTY
MASSACHUSETTS	
AMESBURY TOWN	AMESBURY TOWN IN ESSEX COUNTY
ASHBURNHAM TOWN	ASHBURNHAM TOWN IN WORCESTER COUNTY
ASHBY TOWN	ASHBY TOWN IN MIDDLESEX COUNTY
ATHOL TOWN	ATHOL TOWN IN WORCESTER COUNTY
ATTLEBORO CITY	ATTLEBORO CITY IN BRISTOL COUNTY
AYER TOWN	AYER TOWN IN MIDDLESEX COUNTY
BARNSTABLE TOWN	BARNSTABLE TOWN IN BARNSTABLE COUNTY
BELCHERTON TOWN	BELCHERTON TOWN IN HAMPSHIRE COUNTY
BERKLEY TOWN	BERKLEY TOWN IN BRISTOL COUNTY
BLACKSTONE TOWN	BLACKSTONE TOWN IN WORCESTER COUNTY
BLANDFORD TOWN	BLANDFORD TOWN IN HAMPDEN COUNTY
BOSTON CITY	BOSTON CITY IN SUFFOLK COUNTY
BROCKTON CITY	BROCKTON CITY IN PLYMOUTH COUNTY

(CONTINUED)

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

ELIGIBLE HIGH UNEMPLOYMENT AREAS	CIVIL JURISDICTIONS INCLUDED
MASSACHUSETTS (CONT)	
BROOKFIELD TOWN	BROOKFIELD TOWN IN WORCESTER COUNTY
CHARLEMONT TOWN	CHARLEMONT TOWN IN FRANKLIN COUNTY
CHARLTON TOWN	CHARLTON TOWN IN WORCESTER COUNTY
CHELSEA CITY	CHELSEA CITY IN SUFFOLK COUNTY
CHESTER TOWN	CHESTER TOWN IN HAMPDEN COUNTY
CHESTERFIELD TOWN	CHESTERFIELD TOWN IN HAMPSHIRE COUNTY
CLARKSBURG TOWN	CLARKSBURG TOWN IN BERKSHIRE COUNTY
CLINTON TOWN	CLINTON TOWN IN WORCESTER COUNTY
CUMMINGTON TOWN	CUMMINGTON TOWN IN HAMPSHIRE COUNTY
DARTMOUTH TOWN	DARTMOUTH TOWN IN BRISTOL COUNTY
DIGHTON TOWN	DIGHTON TOWN IN BRISTOL COUNTY
DOUGLAS TOWN	DOUGLAS TOWN IN WORCESTER COUNTY
EAST BRIDGEWATER TOWN	EAST BRIDGEWATER TOWN IN PLYMOUTH COUNTY
EASTHAM TOWN	EASTHAM TOWN IN BARNSTABLE COUNTY
ERVING TOWN	ERVING TOWN IN FRANKLIN COUNTY
EVERETT CITY	EVERETT CITY IN MIDDLESEX COUNTY
FAIRHAVEN TOWN	FAIRHAVEN TOWN IN BRISTOL COUNTY
FALL RIVER CITY	FALL RIVER CITY IN BRISTOL COUNTY
FALMOUTH TOWN	FALMOUTH TOWN IN BARNSTABLE COUNTY
FITCHBURG CITY	FITCHBURG CITY IN WORCESTER COUNTY

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CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

ELIGIBLE HIGH UNEMPLOYMENT AREAS	CIVIL JURISDICTIONS INCLUDED
MASSACHUSETTS (CONT)	
FLORIDA TOWN	FLORIDA TOWN IN BERKSHIRE COUNTY
FREETOWN TOWN	FREETOWN TOWN IN BRISTOL COUNTY
GARDNER TOWN	GARDNER TOWN IN WORCESTER COUNTY
GLOUCESTER CITY	GLOUCESTER CITY IN ESSEX COUNTY
GREENFIELD TOWN	GREENFIELD TOWN IN FRANKLIN COUNTY
HANCOCK TOWN	HANCOCK TOWN IN BERKSHIRE COUNTY
HANSON TOWN	HANSON TOWN IN PLYMOUTH COUNTY
HARDWICK TOWN	HARDWICK TOWN IN WORCESTER COUNTY
HARWICH TOWN	HARWICH TOWN IN BARNSTABLE COUNTY
HAVERHILL CITY	HAVERHILL CITY IN ESSEX COUNTY
HAWLEY TOWN	HAWLEY TOWN IN FRANKLIN COUNTY
HOLLAND TOWN	HOLLAND TOWN IN HAMPDEN COUNTY
HOLYOKE CITY	HOLYOKE CITY IN HAMPDEN COUNTY
HOPEDALE TOWN	HOPEDALE TOWN IN WORCESTER COUNTY
HUBBARDSTON TOWN	HUBBARDSTON TOWN IN WORCESTER COUNTY
HULL TOWN	HULL TOWN IN PLYMOUTH COUNTY
HUNTINGTON TOWN	HUNTINGTON TOWN IN HAMPSHIRE COUNTY
LAKEVILLE TOWN	LAKEVILLE TOWN IN PLYMOUTH COUNTY
LANESBOUGH TOWN	LANESBOUGH TOWN IN BERKSHIRE COUNTY
LAWRENCE CITY	LAWRENCE CITY IN ESSEX COUNTY

(CONTINUED)

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

ELIGIBLE HIGH UNEMPLOYMENT AREAS	CIVIL JURISDICTIONS INCLUDED
MASSACHUSETTS (CONT)	
LEICESTER TOWN	LEICESTER TOWN IN WORCESTER COUNTY
LEOMINSTER CITY	LEOMINSTER CITY IN WORCESTER COUNTY
LEYDEN TOWN	LEYDEN TOWN IN FRANKLIN COUNTY
LOWELL CITY	LOWELL CITY IN MIDDLESEX COUNTY
MARION TOWN	MARION TOWN IN PLYMOUTH COUNTY
MATTAPOISETT TOWN	MATTAPOISETT TOWN IN PLYMOUTH COUNTY
MIDDLEBOROUGH TOWN	MIDDLEBOROUGH TOWN IN PLYMOUTH COUNTY
MIDDLEFIELD TOWN	MIDDLEFIELD TOWN IN HAMPSHIRE COUNTY
MILFORD TOWN	MILFORD TOWN IN WORCESTER COUNTY
MILLBURY TOWN	MILLBURY TOWN IN WORCESTER COUNTY
MILLVILLE TOWN	MILLVILLE TOWN IN WORCESTER COUNTY
MONROE TOWN	MONROE TOWN IN FRANKLIN COUNTY
NEW BEDFORD CITY	NEW BEDFORD CITY IN BRISTOL COUNTY
NEW SALEM TOWN	NEW SALEM TOWN IN FRANKLIN COUNTY
NEWBURY TOWN	NEWBURY TOWN IN ESSEX COUNTY
NEWBURYPORT CITY	NEWBURYPORT CITY IN ESSEX COUNTY
NORTH ADAMS TOWN	NORTH ADAMS TOWN IN BERKSHIRE COUNTY
NORTHBRIDGE TOWN	NORTHBRIDGE TOWN IN WORCESTER COUNTY
NORTON TOWN	NORTON TOWN IN BRISTOL COUNTY
OAK BLUFFS TOWN	OAK BLUFFS TOWN IN DUKES COUNTY

(CONTINUED)

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

ELIGIBLE HIGH UNEMPLOYMENT AREAS	CIVIL JURISDICTIONS INCLUDED
MASSACHUSETTS (CONT)	
OAKHAM TOWN	OAKHAM TOWN IN WORCESTER COUNTY
ORANGE TOWN	ORANGE TOWN IN FRANKLIN COUNTY
OXFORD TOWN	OXFORD TOWN IN WORCESTER COUNTY
PEMBROKE TOWN	PEMBROKE TOWN IN PLYMOUTH COUNTY
PEPPERELL TOWN	PEPPERELL TOWN IN MIDDLESEX COUNTY
PHILLIPSTON TOWN	PHILLIPSTON TOWN IN WORCESTER COUNTY
PITTSFIELD CITY	PITTSFIELD CITY IN BERKSHIRE COUNTY
PLAINFIELD TOWN	PLAINFIELD TOWN IN HAMPSHIRE COUNTY
PROVINCETOWN TOWN	PROVINCETOWN TOWN IN BARNSTABLE COUNTY
RAYNHAM TOWN	RAYNHAM TOWN IN BRISTOL COUNTY
REHOBOTH TOWN	REHOBOTH TOWN IN BRISTOL COUNTY
REVERE CITY	REVERE CITY IN SUFFOLK COUNTY
ROCHESTER TOWN	ROCHESTER TOWN IN PLYMOUTH COUNTY
ROCKLAND TOWN	ROCKLAND TOWN IN PLYMOUTH COUNTY
ROCKPORT TOWN	ROCKPORT TOWN IN ESSEX COUNTY
ROYALSTON TOWN	ROYALSTON TOWN IN WORCESTER COUNTY
SALISBURY TOWN	SALISBURY TOWN IN ESSEX COUNTY
SAVOY TOWN	SAVOY TOWN IN BERKSHIRE COUNTY
SEEKONK TOWN	SEEKONK TOWN IN BRISTOL COUNTY
SHIRLEY TOWN	SHIRLEY TOWN IN MIDDLESEX COUNTY

(CONTINUED)

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

ELIGIBLE HIGH UNEMPLOYMENT AREAS	CIVIL JURISDICTIONS INCLUDED
MASSACHUSETTS (CONT)	
SOMERSET TOWN	SOMERSET TOWN IN BRISTOL COUNTY
SOUTHBRIDGE TOWN	SOUTHBRIDGE TOWN IN WORCESTER COUNTY
SPRINGFIELD CITY	SPRINGFIELD CITY IN HAMPDEN COUNTY
STURBRIDGE TOWN	STURBRIDGE TOWN IN WORCESTER COUNTY
SUTTON TOWN	SUTTON TOWN IN WORCESTER COUNTY
SWANSEA TOWN	SWANSEA TOWN IN BRISTOL COUNTY
TAUNTON CITY	TAUNTON CITY IN BRISTOL COUNTY
TEMPLETON TOWN	TEMPLETON TOWN IN WORCESTER COUNTY.
TOLLAND TOWN	TOLLAND TOWN IN HAMPDEN COUNTY
TRURO TOWN	TRURO TOWN IN BARNSTABLE COUNTY
UXBRIDGE TOWN	UXBRIDGE TOWN IN WORCESTER COUNTY
WALES TOWN	WALES TOWN IN HAMPDEN COUNTY
WARE TOWN	WARE TOWN IN HAMPSHIRE COUNTY
WAREHAM TOWN	WAREHAM TOWN IN PLYMOUTH COUNTY
WARWICK TOWN	WARWICK TOWN IN FRANKLIN COUNTY
WASHINGTON TOWN	WASHINGTON TOWN IN BERKSHIRE COUNTY
WEBSTER TOWN	WEBSTER TOWN IN WORCESTER COUNTY
WELLFLEET TOWN	WELLFLEET TOWN IN BARNSTABLE COUNTY
WENDELL TOWN	WENDELL TOWN IN FRANKLIN COUNTY
WEST NEWBURY TOWN	WEST NEWBURY TOWN IN ESSEX COUNTY

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CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

ELIGIBLE HIGH UNEMPLOYMENT AREAS	CIVIL JURISDICTIONS INCLUDED
MASSACHUSETTS (CONT)	
WESTPORT TOWN	WESTPORT TOWN IN BRISTOL COUNTY
WILLIAMSBURG TOWN	WILLIAMSBURG TOWN IN HAMPSHIRE COUNTY
WINCHENDON TOWN	WINCHENDON TOWN IN WORCESTER COUNTY
WORCESTER CITY	WORCESTER CITY IN WORCESTER COUNTY
WORTHINGTON TOWN	WORTHINGTON TOWN IN HAMPSHIRE COUNTY
MICHIGAN	
ALCONA COUNTY	ALCONA COUNTY
ALGER COUNTY	ALGER COUNTY
ALLEGAN COUNTY	ALLEGAN COUNTY
ALPENA COUNTY	ALPENA COUNTY
ANTRIM COUNTY	ANTRIM COUNTY
ARENAC COUNTY	ARENAC COUNTY
BARAGA COUNTY	BARAGA COUNTY
BARRY COUNTY	BARRY COUNTY
BAY COUNTY	BAY COUNTY
BENZIE COUNTY	BENZIE COUNTY
BERRIEN COUNTY	BERRIEN COUNTY
BRANCH COUNTY	BRANCH COUNTY
CALHOUN COUNTY	CALHOUN COUNTY
CASS COUNTY	CASS COUNTY
CHARLEVOIX COUNTY	CHARLEVOIX COUNTY
CHEBOYGAN COUNTY	CHEBOYGAN COUNTY
CHIPPEWA COUNTY	CHIPPEWA COUNTY
CLARE COUNTY	CLARE COUNTY
CLINTON COUNTY	CLINTON COUNTY
CLINTON TOWNSHIP	CLINTON TOWNSHIP IN MACOMB COUNTY
CRAWFORD COUNTY	CRAWFORD COUNTY
DEARBORN CITY	DEARBORN CITY IN WAYNE COUNTY

(CONTINUED)

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

ELIGIBLE HIGH UNEMPLOYMENT AREAS	CIVIL JURISDICTIONS INCLUDED
MICHIGAN (CONT)	
DEARBORN HEIGHTS CITY	DEARBORN HEIGHTS CITY IN WAYNE COUNTY
DELTA COUNTY	DELTA COUNTY
DETROIT CITY	DETROIT CITY IN WAYNE COUNTY
DICKINSON COUNTY	DICKINSON COUNTY
EAST LANSING CITY	EAST LANSING CITY IN INGHAM COUNTY
BALANCE OF EATON COUNTY	EATON COUNTY LESS LANSING CITY
EMMET COUNTY	EMMET COUNTY
FARMINGTON HILLS CITY	FARMINGTON HILLS CITY IN OAKLAND COUNTY
FLINT CITY	FLINT CITY IN GENESEE COUNTY
BALANCE OF GENESEE COUNTY	GENESEE COUNTY LESS FLINT CITY
GLADWIN COUNTY	GLADWIN COUNTY
GOGEBIC COUNTY	GOGEBIC COUNTY
GRAND RAPIDS CITY	GRAND RAPIDS CITY IN KENT COUNTY
GRAND TRAVERSE COUNTY	GRAND TRAVERSE COUNTY
GRATIOT COUNTY	GRATIOT COUNTY
HILLSDALE COUNTY	HILLSDALE COUNTY
HOUGHTON COUNTY	HOUGHTON COUNTY
HURON COUNTY	HURON COUNTY
BALANCE OF INGHAM COUNTY	INGHAM COUNTY LESS EAST LANSING CITY LANSING CITY
IONIA COUNTY	IONIA COUNTY
IOSCO COUNTY	IOSCO COUNTY
IRON COUNTY	IRON COUNTY
JACKSON COUNTY	JACKSON COUNTY
KALAMAZOO CITY	KALAMAZOO CITY IN KALAMAZOO COUNTY
BALANCE OF KALAMAZOO COUNTY	KALAMAZOO COUNTY LESS KALAMAZOO CITY
KALKASKA COUNTY	KALKASKA COUNTY
BALANCE OF KENT COUNTY	KENT COUNTY LESS GRAND RAPIDS CITY

(CONTINUED)

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

ELIGIBLE HIGH UNEMPLOYMENT AREAS	CIVIL JURISDICTIONS INCLUDED
MICHIGAN (CONT)	
BALANCE OF KENT COUNTY (CONT)	WYOMING CITY
KEWEENAW COUNTY	KEWEENAW COUNTY
LAKE COUNTY	LAKE COUNTY
LANSING CITY	LANSING CITY IN EATON COUNTY INGHAM COUNTY
LAPEER COUNTY	LAPEER COUNTY
LEELANAU COUNTY	LEELANAU COUNTY
LENAWEE COUNTY	LENAWEE COUNTY
LIVINGSTON COUNTY	LIVINGSTON COUNTY
LUCE COUNTY	LUCE COUNTY
MACKINAC COUNTY	MACKINAC COUNTY
BALANCE OF MACOMB COUNTY	MACOMB COUNTY LESS CLINTON TOWNSHIP ROSEVILLE CITY ST CLAIR SHORES CITY STERLING HEIGHTS CITY WARREN CITY
MANISTEE COUNTY	MANISTEE COUNTY
MARQUETTE COUNTY	MARQUETTE COUNTY
MASON COUNTY	MASON COUNTY
MECOSTA COUNTY	MECOSTA COUNTY
MENOMINEE COUNTY	MENOMINEE COUNTY
MIDLAND COUNTY	MIDLAND COUNTY
MISSAUKEE COUNTY	MISSAUKEE COUNTY
MONROE COUNTY	MONROE COUNTY
MONTCALM COUNTY	MONTCALM COUNTY
MONTMORENCY COUNTY	MONTMORENCY COUNTY
MUSKEGON COUNTY	MUSKEGON COUNTY
NEWAYGO COUNTY	NEWAYGO COUNTY
BALANCE OF OAKLAND COUNTY	OAKLAND COUNTY LESS FARMINGTON HILLS CITY PONTIAC CITY ROYAL OAK CITY SOUTHFIELD CITY TROY CITY WATERFORD TOWNSHIP
OCEANA COUNTY	OCEANA COUNTY
OGEMAW COUNTY	OGEMAW COUNTY
ONTONAGON COUNTY	ONTONAGON COUNTY

(CONTINUED)

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

ELIGIBLE HIGH UNEMPLOYMENT AREAS	CIVIL JURISDICTIONS INCLUDED
MICHIGAN (CONT)	
OSCEOLA COUNTY	OSCEOLA COUNTY
OSCODA COUNTY	OSCODA COUNTY
OTSEGO COUNTY	OTSEGO COUNTY
OTTAWA COUNTY	OTTAWA COUNTY
PONTIAC CITY	PONTIAC CITY IN OAKLAND COUNTY
PRESQUE ISLE COUNTY	PRESQUE ISLE COUNTY
REDFORD TOWNSHIP	REDFORD TOWNSHIP IN WAYNE COUNTY
ROSCOMMON COUNTY	ROSCOMMON COUNTY
ROSEVILLE CITY	ROSEVILLE CITY IN MACOMB COUNTY
ROYAL OAK CITY	ROYAL OAK CITY IN OAKLAND COUNTY
SAGINAW CITY	SAGINAW CITY IN SAGINAW COUNTY
BALANCE OF SAGINAW COUNTY	SAGINAW COUNTY LESS SAGINAW CITY
SANILAC COUNTY	SANILAC COUNTY
SCHOOLCRAFT COUNTY	SCHOOLCRAFT COUNTY
SHIAWASSEE COUNTY	SHIAWASSEE COUNTY
SOUTHFIELD CITY	SOUTHFIELD CITY IN OAKLAND COUNTY
ST CLAIR SHORES CITY	ST CLAIR SHORES CITY IN MACOMB COUNTY
ST. CLAIR COUNTY	ST. CLAIR COUNTY
ST. JOSEPH COUNTY	ST. JOSEPH COUNTY
STERLING HEIGHTS CITY	STERLING HEIGHTS CITY IN MACOMB COUNTY
TAYLOR CITY	TAYLOR CITY IN WAYNE COUNTY
TROY CITY	TROY CITY IN OAKLAND COUNTY
TUSCOLA COUNTY	TUSCOLA COUNTY
VAN BUREN COUNTY	VAN BUREN COUNTY
WARREN CITY	WARREN CITY IN MACOMB COUNTY
BALANCE OF WASHTENAW COUNTY	WASHTENAW COUNTY LESS ANN ARBOR CITY

(CONTINUED)

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

ELIGIBLE HIGH UNEMPLOYMENT AREAS	CIVIL JURISDICTIONS INCLUDED
MICHIGAN (CONT)	
WATERFORD TOWNSHIP	WATERFORD TOWNSHIP IN OAKLAND COUNTY
BALANCE OF WAYNE COUNTY	WAYNE COUNTY LESS DEARBORN CITY, DEARBORN HEIGHTS CITY, DETROIT CITY, LIVONIA CITY, REDFORD TOWNSHIP, TAYLOR CITY, WESTLAND CITY, WESTLAND CITY IN WAYNE COUNTY, WEXFORD COUNTY, WYOMING CITY IN KENT COUNTY
WESTLAND CITY	
WEXFORD COUNTY	
WYOMING CITY	
MINNESOTA	
AITKIN COUNTY	AITKIN COUNTY
BECKER COUNTY	BECKER COUNTY
BELTRAMI COUNTY	BELTRAMI COUNTY
BENTON COUNTY	BENTON COUNTY
CARLTON COUNTY	CARLTON COUNTY
CASS COUNTY	CASS COUNTY
CHIPPEWA COUNTY	CHIPPEWA COUNTY
CLEARWATER COUNTY	CLEARWATER COUNTY
COOK COUNTY	COOK COUNTY
CROW WING COUNTY	CROW WING COUNTY
DULUTH CITY	DULUTH CITY IN ST. LOUIS COUNTY
HUBBARD COUNTY	HUBBARD COUNTY
ISANTI COUNTY	ISANTI COUNTY
ITASCA COUNTY	ITASCA COUNTY
KANABEC COUNTY	KANABEC COUNTY
KOOCHICHING COUNTY	KOOCHICHING COUNTY
LAKE COUNTY	LAKE COUNTY
LE SUEUR COUNTY	LE SUEUR COUNTY
MAHNOMEN COUNTY	MAHNOMEN COUNTY

(CONTINUED)

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

ELIGIBLE HIGH UNEMPLOYMENT AREAS	CIVIL JURISDICTIONS INCLUDED
MINNESOTA (CONT)	
MARSHALL COUNTY	MARSHALL COUNTY
MEEKER COUNTY	MEEKER COUNTY
MILLE LACS COUNTY	MILLE LACS COUNTY
MORRISON COUNTY	MORRISON COUNTY
OTTER TAIL COUNTY	OTTER TAIL COUNTY
PENNINGTON COUNTY	PENNINGTON COUNTY
PINE COUNTY	PINE COUNTY
RED LAKE COUNTY	RED LAKE COUNTY
ROSEAU COUNTY	ROSEAU COUNTY
SHERBURNE COUNTY	SHERBURNE COUNTY
BALANCE OF ST. LOUIS COUNTY	ST. LOUIS COUNTY LESS DULUTH CITY
WABASHA COUNTY	WABASHA COUNTY
WADENA COUNTY	WADENA COUNTY
WINONA COUNTY	WINONA COUNTY
MISSISSIPPI	
ADAMS COUNTY	ADAMS COUNTY
ALCORN COUNTY	ALCORN COUNTY
AMITE COUNTY	AMITE COUNTY
ATTALA COUNTY	ATTALA COUNTY
BENTON COUNTY	BENTON COUNTY
BOLIVAR COUNTY	BOLIVAR COUNTY
CALHOUN COUNTY	CALHOUN COUNTY
CHICKASAW COUNTY	CHICKASAW COUNTY
CHOCTAW COUNTY	CHOCTAW COUNTY
CLAIBORNE COUNTY	CLAIBORNE COUNTY
CLARKE COUNTY	CLARKE COUNTY
CLAY COUNTY	CLAY COUNTY
COAHOMA COUNTY	COAHOMA COUNTY
COPIAH COUNTY	COPIAH COUNTY
COVINGTON COUNTY	COVINGTON COUNTY
DE SOTO COUNTY	DE SOTO COUNTY
FORREST COUNTY	FORREST COUNTY
FRANKLIN COUNTY	FRANKLIN COUNTY
GEORGE COUNTY	GEORGE COUNTY
GREENE COUNTY	GREENE COUNTY

(CONTINUED)

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

ELIGIBLE HIGH UNEMPLOYMENT AREAS	CIVIL JURISDICTIONS INCLUDED
MISSISSIPPI (CONT)	
GRENADA COUNTY	GRENADA COUNTY
HANCOCK COUNTY	HANCOCK COUNTY
BALANCE OF HINDS COUNTY	HINDS COUNTY LESS JACKSON CITY
HOLMES COUNTY	HOLMES COUNTY
HUMPHREYS COUNTY	HUMPHREYS COUNTY
ITAWAMBA COUNTY	ITAWAMBA COUNTY
JACKSON COUNTY	JACKSON COUNTY
JASPER COUNTY	JASPER COUNTY
JEFFERSON COUNTY	JEFFERSON COUNTY
JEFFERSON DAVIS COUNTY	JEFFERSON DAVIS COUNTY
KEMPER COUNTY	KEMPER COUNTY
LAFAYETTE COUNTY	LAFAYETTE COUNTY
LAUDERDALE COUNTY	LAUDERDALE COUNTY
LAWRENCE COUNTY	LAWRENCE COUNTY
LEAKE COUNTY	LEAKE COUNTY
LEE COUNTY	LEE COUNTY
LEFLORE COUNTY	LEFLORE COUNTY
LINCOLN COUNTY	LINCOLN COUNTY
LOWNDES COUNTY	LOWNDES COUNTY
MADISON COUNTY	MADISON COUNTY
MARION COUNTY	MARION COUNTY
MARSHALL COUNTY	MARSHALL COUNTY
MONROE COUNTY	MONROE COUNTY
MONTGOMERY COUNTY	MONTGOMERY COUNTY
NESHOBA COUNTY	NESHOBA COUNTY
NEWTON COUNTY	NEWTON COUNTY
NOXUBEE COUNTY	NOXUBEE COUNTY
PANOLA COUNTY	PANOLA COUNTY
PEARL RIVER COUNTY	PEARL RIVER COUNTY
PERRY COUNTY	PERRY COUNTY
PIKE COUNTY	PIKE COUNTY
PONTOTOC COUNTY	PONTOTOC COUNTY
PRENTISS COUNTY	PRENTISS COUNTY
QUITMAN COUNTY	QUITMAN COUNTY
SCOTT COUNTY	SCOTT COUNTY
SHARKEY COUNTY	SHARKEY COUNTY
SIMPSON COUNTY	SIMPSON COUNTY
SMITH COUNTY	SMITH COUNTY
STONE COUNTY	STONE COUNTY

(CONTINUED)

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

ELIGIBLE HIGH UNEMPLOYMENT AREAS	CIVIL JURISDICTIONS INCLUDED
MISSISSIPPI (CONT)	
SUNFLOWER COUNTY	SUNFLOWER COUNTY
TALLAHATCHIE COUNTY	TALLAHATCHIE COUNTY
TATE COUNTY	TATE COUNTY
TIPPAH COUNTY	TIPPAH COUNTY
TISHOMINGO COUNTY	TISHOMINGO COUNTY
TUNICA COUNTY	TUNICA COUNTY
UNION COUNTY	UNION COUNTY
WALTHALL COUNTY	WALTHALL COUNTY
WARREN COUNTY	WARREN COUNTY
WASHINGTON COUNTY	WASHINGTON COUNTY
WAYNE COUNTY	WAYNE COUNTY
WEBSTER COUNTY	WEBSTER COUNTY
WILKINSON COUNTY	WILKINSON COUNTY
WINSTON COUNTY	WINSTON COUNTY
YALOBUSHA COUNTY	YALOBUSHA COUNTY
YAZOO COUNTY	YAZOO COUNTY
MISSOURI	
AUDRAIN COUNTY	AUDRAIN COUNTY
BARRY COUNTY	BARRY COUNTY
BATES COUNTY	BATES COUNTY
BENTON COUNTY	BENTON COUNTY
BOLLINGER COUNTY	BOLLINGER COUNTY
BUTLER COUNTY	BUTLER COUNTY
CALDWELL COUNTY	CALDWELL COUNTY
CAMDEN COUNTY	CAMDEN COUNTY
CARTER COUNTY	CARTER COUNTY
CASS COUNTY	CASS COUNTY
CEDAR COUNTY	CEDAR COUNTY
CHRISTIAN COUNTY	CHRISTIAN COUNTY
CLARK COUNTY	CLARK COUNTY
COOPER COUNTY	COOPER COUNTY
CRAWFORD COUNTY	CRAWFORD COUNTY
DALLAS COUNTY	DALLAS COUNTY
DAVIESS COUNTY	DAVIESS COUNTY
DENT COUNTY	DENT COUNTY
DOUGLAS COUNTY	DOUGLAS COUNTY

(CONTINUED)

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

ELIGIBLE HIGH UNEMPLOYMENT AREAS	CIVIL JURISDICTIONS INCLUDED
MISSOURI (CONT)	
DUNKLIN COUNTY	DUNKLIN COUNTY
FRANKLIN COUNTY	FRANKLIN COUNTY
GRUNDY COUNTY	GRUNDY COUNTY
HENRY COUNTY	HENRY COUNTY
HICKORY COUNTY	HICKORY COUNTY
HOWELL COUNTY	HOWELL COUNTY
IRON COUNTY	IRON COUNTY
JASPER COUNTY	JASPER COUNTY
JEFFERSON COUNTY	JEFFERSON COUNTY
KANSAS CITY MO	KANSAS CITY MO IN CLAY COUNTY JACKSON COUNTY PLATTE COUNTY
KNOX COUNTY	KNOX COUNTY
LACLEDE COUNTY	LACLEDE COUNTY
LAFAYETTE COUNTY	LAFAYETTE COUNTY
LEWIS COUNTY	LEWIS COUNTY
LINCOLN COUNTY	LINCOLN COUNTY
LINN COUNTY	LINN COUNTY
LIVINGSTON COUNTY	LIVINGSTON COUNTY
MACON COUNTY	MACON COUNTY
MADISON COUNTY	MADISON COUNTY
MARIES COUNTY	MARIES COUNTY
MARION COUNTY	MARION COUNTY
MC DONALD COUNTY	MC DONALD COUNTY
MILLER COUNTY	MILLER COUNTY
MISSISSIPPI COUNTY	MISSISSIPPI COUNTY
MONITEAU COUNTY	MONITEAU COUNTY
MONROE COUNTY	MONROE COUNTY
MONTGOMERY COUNTY	MONTGOMERY COUNTY
MORGAN COUNTY	MORGAN COUNTY
NEW MADRID COUNTY	NEW MADRID COUNTY
NEWTON COUNTY	NEWTON COUNTY
OREGON COUNTY	OREGON COUNTY
OZARK COUNTY	OZARK COUNTY
PEMISCOT COUNTY	PEMISCOT COUNTY
PERRY COUNTY	PERRY COUNTY
PETTIS COUNTY	PETTIS COUNTY
PIKE COUNTY	PIKE COUNTY
PULASKI COUNTY	PULASKI COUNTY

(CONTINUED)

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

ELIGIBLE HIGH UNEMPLOYMENT AREAS	CIVIL JURISDICTIONS INCLUDED
MISSOURI (CONT)	
RALLS COUNTY	RALLS COUNTY
RANDOLPH COUNTY	RANDOLPH COUNTY
RAY COUNTY	RAY COUNTY
REYNOLDS COUNTY	REYNOLDS COUNTY
RIPLEY COUNTY	RIPLEY COUNTY
SCOTT COUNTY	SCOTT COUNTY
SHANNON COUNTY	SHANNON COUNTY
SHELBY COUNTY	SHELBY COUNTY
ST JOSEPH CITY	ST JOSEPH CITY IN BUCHANAN COUNTY
ST LOUIS CITY	ST. LOUIS CITY
ST. CHARLES COUNTY	ST. CHARLES COUNTY
ST. FRANCOIS COUNTY	ST. FRANCOIS COUNTY
STE. GENEVIEVE COUNTY	STE. GENEVIEVE COUNTY
STODDARD COUNTY	STODDARD COUNTY
STONE COUNTY	STONE COUNTY
TANEY COUNTY	TANEY COUNTY
TEXAS COUNTY	TEXAS COUNTY
WARREN COUNTY	WARREN COUNTY
WASHINGTON COUNTY	WASHINGTON COUNTY
WAYNE COUNTY	WAYNE COUNTY
WEBSTER COUNTY	WEBSTER COUNTY
WRIGHT COUNTY	WRIGHT COUNTY
MONTANA	
BIG HORN COUNTY	BIG HORN COUNTY
BLAINE COUNTY	BLAINE COUNTY
BROADWATER COUNTY	BROADWATER COUNTY
BALANCE OF CASCADE COUNTY	CASCADE COUNTY LESS GREAT FALLS CITY
DEER LODGE COUNTY	DEER LODGE COUNTY
FLATHEAD COUNTY	FLATHEAD COUNTY
GLACIER COUNTY	GLACIER COUNTY
GRANITE COUNTY	GRANITE COUNTY
JEFFERSON COUNTY	JEFFERSON COUNTY
LAKE COUNTY	LAKE COUNTY
LINCOLN COUNTY	LINCOLN COUNTY

(CONTINUED)

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

ELIGIBLE HIGH UNEMPLOYMENT AREAS	CIVIL JURISDICTIONS INCLUDED
MONTANA (CONT)	
MEAGHER COUNTY	MEAGHER COUNTY
MINERAL COUNTY	MINERAL COUNTY
MISSOULA COUNTY	MISSOULA COUNTY
MUSSELSHELL COUNTY	MUSSELSHELL COUNTY
PARK COUNTY	PARK COUNTY
POWELL COUNTY	POWELL COUNTY
RAVALLI COUNTY	RAVALLI COUNTY
SANDERS COUNTY	SANDERS COUNTY
SILVER BOW COUNTY	SILVER BOW COUNTY
WIBAUX COUNTY	WIBAUX COUNTY
NEBRASKA	
BOX BUTTE COUNTY	BOX BUTTE COUNTY
LINCOLN COUNTY	LINCOLN COUNTY
THURSTON COUNTY	THURSTON COUNTY
NEVADA	
CARSON CITY	CARSON CITY
CHURCHILL COUNTY	CHURCHILL COUNTY
BALANCE OF CLARK COUNTY	CLARK COUNTY LESS LAS VEGAS CITY
DOUGLAS COUNTY	DOUGLAS COUNTY
ESMERALDA COUNTY	ESMERALDA COUNTY
EUREKA COUNTY	EUREKA COUNTY
HUMBOLDT COUNTY	HUMBOLDT COUNTY
LANDER COUNTY	LANDER COUNTY
LAS VEGAS CITY	LAS VEGAS CITY IN CLARK COUNTY
LINCOLN COUNTY	LINCOLN COUNTY
LYON COUNTY	LYON COUNTY
STOREY COUNTY	STOREY COUNTY
WHITE PINE COUNTY	WHITE PINE COUNTY

(CONTINUED)

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

ELIGIBLE HIGH UNEMPLOYMENT AREAS	CIVIL JURISDICTIONS INCLUDED
NEW HAMPSHIRE	
COOS COUNTY	COOS COUNTY
SULLIVAN COUNTY	SULLIVAN COUNTY
NEW JERSEY	
ATLANTIC COUNTY	ATLANTIC COUNTY
BAYONNE CITY	BAYONNE CITY IN HUDSON COUNTY
CAMDEN CITY	CAMDEN CITY IN CAMDEN COUNTY
CAPE MAY COUNTY	CAPE MAY COUNTY
BALANCE OF CUMBERLAND COUNTY	CUMBERLAND COUNTY LESS VINELAND CITY
EAST ORANGE CITY	EAST ORANGE CITY IN ESSEX COUNTY
ELIZABETH CITY	ELIZABETH CITY IN UNION COUNTY
BALANCE OF HUDSON COUNTY	HUDSON COUNTY LESS BAYONNE CITY JERSEY CITY UNION CITY
IRVINGTON CITY	IRVINGTON CITY IN ESSEX COUNTY
JERSEY CITY	JERSEY CITY IN HUDSON COUNTY
NEWARK CITY	NEWARK CITY IN ESSEX COUNTY
BALANCE OF OCEAN COUNTY	OCEAN COUNTY LESS BRICK TOWNSHIP DOVER TOWNSHIP
PASSAIC CITY	PASSAIC CITY IN PASSAIC COUNTY
PATERSON CITY	PATERSON CITY IN PASSAIC COUNTY
SALEM COUNTY	SALEM COUNTY
TRENTON CITY	TRENTON CITY IN MERCER COUNTY

(CONTINUED)

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

ELIGIBLE HIGH UNEMPLOYMENT AREAS	CIVIL JURISDICTIONS INCLUDED
NEW JERSEY (CONT)	
UNION CITY	UNION CITY IN HUDSON COUNTY
UNION TOWNSHIP	UNION TOWNSHIP IN UNION COUNTY
VINELAND CITY	VINELAND CITY IN CUMBERLAND COUNTY
NEW MEXICO	
BALANCE OF BERNALILLO COUNTY	BERNALILLO COUNTY LESS ALBUQUERQUE CITY
CATRON COUNTY	CATRON COUNTY
CIBOLA COUNTY	CIBOLA COUNTY
DONA ANA COUNTY	DONA ANA COUNTY
GRANT COUNTY	GRANT COUNTY
HIDALGO COUNTY	HIDALGO COUNTY
LUNA COUNTY	LUNA COUNTY
MC KINLEY COUNTY	MC KINLEY COUNTY
MORA COUNTY	MORA COUNTY
QUAY COUNTY	QUAY COUNTY
RIO ARRIBA COUNTY	RIO ARRIBA COUNTY
SAN JUAN COUNTY	SAN JUAN COUNTY
SAN MIGUEL COUNTY	SAN MIGUEL COUNTY
SOCORRO COUNTY	SOCORRO COUNTY
TAOS COUNTY	TAOS COUNTY
VALENCIA COUNTY	VALENCIA COUNTY
NEW YORK	
ALLEGANY COUNTY	ALLEGANY COUNTY
BINGHAMTON CITY	BINGHAMTON CITY IN BROOME COUNTY
BUFFALO CITY	BUFFALO CITY IN ERIE COUNTY
CATTARAUGUS COUNTY	CATTARAUGUS COUNTY
CAYUGA COUNTY	CAYUGA COUNTY

(CONTINUED)

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

ELIGIBLE HIGH UNEMPLOYMENT AREAS	CIVIL JURISDICTIONS INCLUDED
NEW YORK (CONT)	
CHAUTAUQUA COUNTY	CHAUTAUQUA COUNTY
CHEEKTOWAGA TOWN	CHEEKTOWAGA TOWN IN ERIE COUNTY
CHEMUNG COUNTY	CHEMUNG COUNTY
CHENANGO COUNTY	CHENANGO COUNTY
CLINTON COUNTY	CLINTON COUNTY
CORTLAND COUNTY	CORTLAND COUNTY
BALANCE OF ERIE COUNTY	ERIE COUNTY LESS AMHERST TOWN, BUFFALO CITY, CHEEKTOWAGA TOWN, HAMBURG TOWN, TONOWANDA TOWN, WEST SENECA TOWNSHIP
ESSEX COUNTY	ESSEX COUNTY
FRANKLIN COUNTY	FRANKLIN COUNTY
FULTON COUNTY	FULTON COUNTY
GENESEE COUNTY	GENESEE COUNTY
GREENE COUNTY	GREENE COUNTY
HAMBURG TOWN	HAMBURG TOWN IN ERIE COUNTY
HAMILTON COUNTY	HAMILTON COUNTY
HERKIMER COUNTY	HERKIMER COUNTY
JEFFERSON COUNTY	JEFFERSON COUNTY
LEWIS COUNTY	LEWIS COUNTY
MONTGOMERY COUNTY	MONTGOMERY COUNTY
NEW YORK CITY	NEW YORK CITY IN BRONX COUNTY, KINGS COUNTY, NEW YORK COUNTY, QUEENS COUNTY, RICHMOND COUNTY
BALANCE OF NIAGARA COUNTY	NIAGARA COUNTY LESS NIAGARA FALLS CITY
NIAGARA FALLS CITY	NIAGARA FALLS CITY IN NIAGARA COUNTY
ONTARIO COUNTY	ONTARIO COUNTY
ORLEANS COUNTY	ORLEANS COUNTY
OSWEGO COUNTY	OSWEGO COUNTY

(CONTINUED)

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

ELIGIBLE HIGH UNEMPLOYMENT AREAS	CIVIL JURISDICTIONS INCLUDED
NEW YORK (CONT)	
ROCHESTER CITY	ROCHESTER CITY IN
	MONROE COUNTY
SCHOHARIE COUNTY	SCHOHARIE COUNTY
SCHUYLER COUNTY	SCHUYLER COUNTY
SENECA COUNTY	SENECA COUNTY
ST. LAWRENCE COUNTY	ST. LAWRENCE COUNTY
STEUBEN COUNTY	STEUBEN COUNTY
SYRACUSE CITY	SYRACUSE CITY IN
	ONONDAGA COUNTY
TIOGA COUNTY	TIOGA COUNTY
TONOWANDA TOWN	TONOWANDA TOWN IN
	ERIE COUNTY
TROY CITY	TROY CITY IN
	RENSSELAER COUNTY
UTICA CITY	UTICA CITY IN
	ONEIDA COUNTY
WARREN COUNTY	WARREN COUNTY
WAYNE COUNTY	WAYNE COUNTY
WEST SENECA TOWNSHIP	WEST SENECA TOWNSHIP IN
	ERIE COUNTY
WYOMING COUNTY	WYOMING COUNTY
YATES COUNTY	YATES COUNTY
NORTH CAROLINA	
ALAMANCE COUNTY	ALAMANCE COUNTY
ANSON COUNTY	ANSON COUNTY
ASHE COUNTY	ASHE COUNTY
ASHEVILLE CITY	ASHEVILLE CITY IN
	BUNCOMBE COUNTY
AVERY COUNTY	AVERY COUNTY
BEAUFORT COUNTY	BEAUFORT COUNTY
BERTIE COUNTY	BERTIE COUNTY
BLADEN COUNTY	BLADEN COUNTY
BRUNSWICK COUNTY	BRUNSWICK COUNTY
BURKE COUNTY	BURKE COUNTY
CABARRUS COUNTY	CABARRUS COUNTY
CALDWELL COUNTY	CALDWELL COUNTY

(CONTINUED)

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

ELIGIBLE HIGH UNEMPLOYMENT AREAS	CIVIL JURISDICTIONS INCLUDED
NORTH CAROLINA (CONT)	
CASWELL COUNTY	CASWELL COUNTY
CATAWBA COUNTY	CATAWBA COUNTY
CHEROKEE COUNTY	CHEROKEE COUNTY
CLAY COUNTY	CLAY COUNTY
CLEVELAND COUNTY	CLEVELAND COUNTY
COLUMBUS COUNTY	COLUMBUS COUNTY
BALANCE OF CUMBERLAND COUNTY	CUMBERLAND COUNTY LESS
	FAYETTEVILLE CITY
DARE COUNTY	DARE COUNTY
DAVIDSON COUNTY	DAVIDSON COUNTY
DAVIE COUNTY	DAVIE COUNTY
DUPLIN COUNTY	DUPLIN COUNTY
EDGECOMBE COUNTY	EDGECOMBE COUNTY
FRANKLIN COUNTY	FRANKLIN COUNTY
GASTON COUNTY	GASTON COUNTY
GRAHAM COUNTY	GRAHAM COUNTY
GRANVILLE COUNTY	GRANVILLE COUNTY
HALIFAX COUNTY	HALIFAX COUNTY
HARNETT COUNTY	HARNETT COUNTY
HAYWOOD COUNTY	HAYWOOD COUNTY
HOKE COUNTY	HOKE COUNTY
IREDELL COUNTY	IREDELL COUNTY
JACKSON COUNTY	JACKSON COUNTY
JOHNSTON COUNTY	JOHNSTON COUNTY
LEE COUNTY	LEE COUNTY
LENOIR COUNTY	LENOIR COUNTY
LINCOLN COUNTY	LINCOLN COUNTY
MACON COUNTY	MACON COUNTY
MARTIN COUNTY	MARTIN COUNTY
MC DOWELL COUNTY	MC DOWELL COUNTY
MITCHELL COUNTY	MITCHELL COUNTY
MONTGOMERY COUNTY	MONTGOMERY COUNTY
NASH COUNTY	NASH COUNTY
NEW HANOVER COUNTY	NEW HANOVER COUNTY
NORTHAMPTON COUNTY	NORTHAMPTON COUNTY
PENDER COUNTY	PENDER COUNTY
PERSON COUNTY	PERSON COUNTY
BALANCE OF RANDOLPH COUNTY	RANDOLPH COUNTY LESS
	HIGH POINT CITY
RICHMOND COUNTY	RICHMOND COUNTY

(CONTINUED)

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CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

ELIGIBLE HIGH UNEMPLOYMENT AREAS	CIVIL JURISDICTIONS INCLUDED
NORTH CAROLINA (CONT)	
ROBESON COUNTY	ROBESON COUNTY
ROCKINGHAM COUNTY	ROCKINGHAM COUNTY
RUTHERFORD COUNTY	RUTHERFORD COUNTY
SAMPSON COUNTY	SAMPSON COUNTY
SCOTLAND COUNTY	SCOTLAND COUNTY
STANLY COUNTY	STANLY COUNTY
SURRY COUNTY	SURRY COUNTY
SWAIN COUNTY	SWAIN COUNTY
TYRRELL COUNTY	TYRRELL COUNTY
VANCE COUNTY	VANCE COUNTY
WARREN COUNTY	WARREN COUNTY
WASHINGTON COUNTY	WASHINGTON COUNTY
WAYNE COUNTY	WAYNE COUNTY
WILKES COUNTY	WILKES COUNTY
WILSON COUNTY	WILSON COUNTY
YADKIN COUNTY	YADKIN COUNTY
YANCEY COUNTY	YANCEY COUNTY
NORTH DAKOTA	
KIDDER COUNTY	KIDDER COUNTY
MC HENRY COUNTY	MC HENRY COUNTY
ROLETTE COUNTY	ROLETTE COUNTY
SIOUX COUNTY	SIOUX COUNTY
OHIO	
ADAMS COUNTY	ADAMS COUNTY
AKRON CITY	AKRON CITY IN SUMMIT COUNTY
ALLEN COUNTY	ALLEN COUNTY
ASHLAND COUNTY	ASHLAND COUNTY
ASHTABULA COUNTY	ASHTABULA COUNTY
ATHENS COUNTY	ATHENS COUNTY
AUGLAIZE COUNTY	AUGLAIZE COUNTY
BELMONT COUNTY	BELMONT COUNTY

(CONTINUED)

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

ELIGIBLE HIGH UNEMPLOYMENT AREAS	CIVIL JURISDICTIONS INCLUDED
OHIO (CONT)	
BROWN COUNTY	BROWN COUNTY
BALANCE OF BUTLER COUNTY	BUTLER COUNTY LESS HAMILTON CITY
CANTON CITY	CANTON CITY IN STARK COUNTY
CARROLL COUNTY	CARROLL COUNTY
CHAMPAIGN COUNTY	CHAMPAIGN COUNTY
CINCINNATI CITY	CINCINNATI CITY IN HAMILTON COUNTY
BALANCE OF CLARK COUNTY	CLARK COUNTY LESS SPRINGFIELD CITY
CLERMONT COUNTY	CLERMONT COUNTY
CLEVELAND CITY	CLEVELAND CITY IN CUYAHOGA COUNTY
CLINTON COUNTY	CLINTON COUNTY
COLUMBIANA COUNTY	COLUMBIANA COUNTY
COLUMBUS CITY	COLUMBUS CITY IN FRANKLIN COUNTY
COSHOCTON COUNTY	COSHOCTON COUNTY
CRAWFORD COUNTY	CRAWFORD COUNTY
DARKE COUNTY	DARKE COUNTY
DAYTON CITY	DAYTON CITY IN MONTGOMERY COUNTY
DEFIANCE COUNTY	DEFIANCE COUNTY
DELAWARE COUNTY	DELAWARE COUNTY
ELYRIA CITY	ELYRIA CITY IN LORAIN COUNTY
ERIE COUNTY	ERIE COUNTY
FAIRFIELD COUNTY	FAIRFIELD COUNTY
FAYETTE COUNTY	FAYETTE COUNTY
FULTON COUNTY	FULTON COUNTY
GALLIA COUNTY	GALLIA COUNTY
GEAUGA COUNTY	GEAUGA COUNTY
GREENE COUNTY	GREENE COUNTY
GUERNSEY COUNTY	GUERNSEY COUNTY
HAMILTON CITY	HAMILTON CITY IN BUTLER COUNTY
HARDIN COUNTY	HARDIN COUNTY
HARRISON COUNTY	HARRISON COUNTY
HENRY COUNTY	HENRY COUNTY

(CONTINUED)

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

ELIGIBLE HIGH UNEMPLOYMENT AREAS	CIVIL JURISDICTIONS INCLUDED
OHIO (CONT)	
HIGHLAND COUNTY	HIGHLAND COUNTY
HOCKING COUNTY	HOCKING COUNTY
HOLMES COUNTY	HOLMES COUNTY
HURON COUNTY	HURON COUNTY
JACKSON COUNTY	JACKSON COUNTY
JEFFERSON COUNTY	JEFFERSON COUNTY
KNOX COUNTY	KNOX COUNTY
LAKE COUNTY	LAKE COUNTY
LAWRENCE COUNTY	LAWRENCE COUNTY
LICKING COUNTY	LICKING COUNTY
LOGAN COUNTY	LOGAN COUNTY
LORAIN CITY	LORAIN CITY IN LORAIN COUNTY
BALANCE OF LORAIN COUNTY	LORAIN COUNTY LESS ELYRIA CITY LORAIN CITY
BALANCE OF LUCAS COUNTY	LUCAS COUNTY LESS TOLEDO CITY
MADISON COUNTY	MADISON COUNTY
BALANCE OF MAHONING COUNTY	MAHONING COUNTY LESS YOUNGSTOWN CITY
MANSFIELD CITY	MANSFIELD CITY IN RICHLAND COUNTY
MARION COUNTY	MARION COUNTY
MEDINA COUNTY	MEDINA COUNTY
MEIGS COUNTY	MEIGS COUNTY
MERCER COUNTY	MERCER COUNTY
MIAMI COUNTY	MIAMI COUNTY
MONROE COUNTY	MONROE COUNTY
BALANCE OF MONTGOMERY COUNTY	MONTGOMERY COUNTY LESS DAYTON CITY KETTERING CITY
MORGAN COUNTY	MORGAN COUNTY
MORROW COUNTY	MORROW COUNTY
MUSKINGUM COUNTY	MUSKINGUM COUNTY
NOBLE COUNTY	NOBLE COUNTY
OTTAWA COUNTY	OTTAWA COUNTY
PAULDING COUNTY	PAULDING COUNTY
PERRY COUNTY	PERRY COUNTY
PIKE COUNTY	PIKE COUNTY

(CONTINUED)

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

ELIGIBLE HIGH UNEMPLOYMENT AREAS	CIVIL JURISDICTIONS INCLUDED
OHIO (CONT)	
PORTAGE COUNTY	PORTAGE COUNTY
PREBLE COUNTY	PREBLE COUNTY
PUTNAM COUNTY	PUTNAM COUNTY
BALANCE OF RICHLAND COUNTY	RICHLAND COUNTY LESS MANSFIELD CITY
ROSS COUNTY	ROSS COUNTY
SANDUSKY COUNTY	SANDUSKY COUNTY
SCIOTO COUNTY	SCIOTO COUNTY
SENECA COUNTY	SENECA COUNTY
SHELBY COUNTY	SHELBY COUNTY
SPRINGFIELD CITY	SPRINGFIELD CITY IN CLARK COUNTY
BALANCE OF STARK COUNTY	STARK COUNTY LESS CANTON CITY
BALANCE OF SUMMIT COUNTY	SUMMIT COUNTY LESS AKRON CITY
TOLEDO CITY	TOLEDO CITY IN LUCAS COUNTY
BALANCE OF TRUMBULL COUNTY	TRUMBULL COUNTY LESS WARREN CITY
TUSCARAWAS COUNTY	TUSCARAWAS COUNTY
UNION COUNTY	UNION COUNTY
VAN WERT COUNTY	VAN WERT COUNTY
VINTON COUNTY	VINTON COUNTY
WARREN CITY	WARREN CITY IN TRUMBULL COUNTY
WARREN COUNTY	WARREN COUNTY
WASHINGTON COUNTY	WASHINGTON COUNTY
WAYNE COUNTY	WAYNE COUNTY
WILLIAMS COUNTY	WILLIAMS COUNTY
WOOD COUNTY	WOOD COUNTY
WYANDOT COUNTY	WYANDOT COUNTY
YOUNGSTOWN CITY	YOUNGSTOWN CITY IN MAHONING COUNTY
OKLAHOMA	
ATOKA COUNTY	ATOKA COUNTY

(CONTINUED)

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

ELIGIBLE HIGH UNEMPLOYMENT AREAS	CIVIL JURISDICTIONS INCLUDED
OKLAHOMA (CONT)	
CHOCTAW COUNTY	CHOCTAW COUNTY
COAL COUNTY	COAL COUNTY
HASKELL COUNTY	HASKELL COUNTY
HUGHES COUNTY	HUGHES COUNTY
LATIMER COUNTY	LATIMER COUNTY
LE FLORE COUNTY	LE FLORE COUNTY
MC CURTAIN COUNTY	MC CURTAIN COUNTY
NOWATA COUNTY	NOWATA COUNTY
OKFUSKEE COUNTY	OKFUSKEE COUNTY
OKMULGEE COUNTY	OKMULGEE COUNTY
OTTAWA COUNTY	OTTAWA COUNTY
PITTSBURG COUNTY	PITTSBURG COUNTY
PUSHMATAHA COUNTY	PUSHMATAHA COUNTY
SEQUOYAH COUNTY	SEQUOYAH COUNTY
OREGON	
BAKER COUNTY	BAKER COUNTY
BALANCE OF CLACKAMAS COUNTY	CLACKAMAS COUNTY LESS PORTLAND CITY
CLATSOP COUNTY	CLATSOP COUNTY
COLUMBIA COUNTY	COLUMBIA COUNTY
COOS COUNTY	COOS COUNTY
CROOK COUNTY	CROOK COUNTY
CURRY COUNTY	CURRY COUNTY
DESCHUTES COUNTY	DESCHUTES COUNTY
DOUGLAS COUNTY	DOUGLAS COUNTY
EUGENE CITY	EUGENE CITY IN LANE COUNTY
GRANT COUNTY	GRANT COUNTY
HARNEY COUNTY	HARNEY COUNTY
HOOD RIVER COUNTY	HOOD RIVER COUNTY
JACKSON COUNTY	JACKSON COUNTY
JEFFERSON COUNTY	JEFFERSON COUNTY
JOSEPHINE COUNTY	JOSEPHINE COUNTY
KLAMATH COUNTY	KLAMATH COUNTY
LAKE COUNTY	LAKE COUNTY

(CONTINUED)

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

ELIGIBLE HIGH UNEMPLOYMENT AREAS	CIVIL JURISDICTIONS INCLUDED
OREGON (CONT)	
BALANCE OF LANE COUNTY	LANE COUNTY LESS EUGENE CITY
LINCOLN COUNTY	LINCOLN COUNTY
LINN COUNTY	LINN COUNTY
MALHEUR COUNTY	MALHEUR COUNTY
BALANCE OF MARION COUNTY	MARION COUNTY LESS SALEM CITY
MORROW COUNTY	MORROW COUNTY
BALANCE OF MULTNOMAH COUNTY	MULTNOMAH COUNTY LESS PORTLAND CITY
BALANCE OF POLK COUNTY	POLK COUNTY LESS SALEM CITY
PORTLAND CITY	PORTLAND CITY IN CLACKAMAS COUNTY MULTNOMAH COUNTY
SALEM CITY	SALEM CITY IN MARION COUNTY POLK COUNTY
TILLAMOOK COUNTY	TILLAMOOK COUNTY
UMATILLA COUNTY	UMATILLA COUNTY
UNION COUNTY	UNION COUNTY
WALLOWA COUNTY	WALLOWA COUNTY
WASCO COUNTY	WASCO COUNTY
WHEELER COUNTY	WHEELER COUNTY
YAMHILL COUNTY	YAMHILL COUNTY
PENNSYLVANIA	
ADAMS COUNTY	ADAMS COUNTY
BALANCE OF ALLEGHENY COUNTY	ALLEGHENY COUNTY LESS PENN HILLS TOWNSHIP PITTSBURGH CITY
ALLENTOWN CITY	ALLENTOWN CITY IN LEHIGH COUNTY
ALTOONA CITY	ALTOONA CITY IN BLAIR COUNTY
ARMSTRONG COUNTY	ARMSTRONG COUNTY
BEAVER COUNTY	BEAVER COUNTY

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CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

ELIGIBLE HIGH UNEMPLOYMENT AREAS	CIVIL JURISDICTIONS INCLUDED
PENNSYLVANIA (CONT)	
BEDFORD COUNTY	BEDFORD COUNTY
BALANCE OF BERKS COUNTY	BERKS COUNTY LESS READING CITY
BETHLEHEM CITY	BETHLEHEM CITY IN LEHIGH COUNTY NORTHAMPTON COUNTY
BALANCE OF BLAIR COUNTY	BLAIR COUNTY LESS ALTOONA CITY
BRADFORD COUNTY	BRADFORD COUNTY
BRISTOL TOWNSHIP	BRISTOL TOWNSHIP IN BUCKS COUNTY
BALANCE OF BUCKS COUNTY	BUCKS COUNTY LESS BENSALEM TOWNSHIP BRISTOL TOWNSHIP
BUTLER COUNTY	BUTLER COUNTY
CAMBRIA COUNTY	CAMBRIA COUNTY
CAMERON COUNTY	CAMERON COUNTY
CARBON COUNTY	CARBON COUNTY
CENTRE COUNTY	CENTRE COUNTY
CLARION COUNTY	CLARION COUNTY
CLEARFIELD COUNTY	CLEARFIELD COUNTY
CLINTON COUNTY	CLINTON COUNTY
COLUMBIA COUNTY	COLUMBIA COUNTY
CRAWFORD COUNTY	CRAWFORD COUNTY
ELK COUNTY	ELK COUNTY
ERIE CITY	ERIE CITY IN ERIE COUNTY
BALANCE OF ERIE COUNTY	ERIE COUNTY LESS ERIE CITY
FAYETTE COUNTY	FAYETTE COUNTY
FOREST COUNTY	FOREST COUNTY
FRANKLIN COUNTY	FRANKLIN COUNTY
FULTON COUNTY	FULTON COUNTY
GREENE COUNTY	GREENE COUNTY
HUNTINGDON COUNTY	HUNTINGDON COUNTY
INDIANA COUNTY	INDIANA COUNTY
JEFFERSON COUNTY	JEFFERSON COUNTY
JUNIATA COUNTY	JUNIATA COUNTY
BALANCE OF LACKAWANNA COUNTY	LACKAWANNA COUNTY LESS SCRANTON CITY

(CONTINUED)

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

ELIGIBLE HIGH UNEMPLOYMENT AREAS	CIVIL JURISDICTIONS INCLUDED
PENNSYLVANIA (CONT)	
LANCASTER CITY	LANCASTER CITY IN LANCASTER COUNTY
LAWRENCE COUNTY	LAWRENCE COUNTY
LEBANON COUNTY	LEBANON COUNTY
BALANCE OF LEHIGH COUNTY	LEHIGH COUNTY LESS ALLENTOWN CITY BETHLEHEM CITY
BALANCE OF LUZERNE COUNTY	LUZERNE COUNTY LESS WILKES-BARRE CITY
LYCOMING COUNTY	LYCOMING COUNTY
MC KEAN COUNTY	MC KEAN COUNTY
MERCER COUNTY	MERCER COUNTY
MIFFLIN COUNTY	MIFFLIN COUNTY
MONROE COUNTY	MONROE COUNTY
MONTOUR COUNTY	MONTOUR COUNTY
BALANCE OF NORTHAMPTON COUNTY	NORTHAMPTON COUNTY LESS BETHLEHEM CITY
NORTHUMBERLAND COUNTY	NORTHUMBERLAND COUNTY
PENN HILLS TOWNSHIP	PENN HILLS TOWNSHIP IN ALLEGHENY COUNTY
PHILADELPHIA CITY	PHILADELPHIA CITY IN PHILADELPHIA COUNTY
PITTSBURGH CITY	PITTSBURGH CITY IN ALLEGHENY COUNTY
POTTER COUNTY	POTTER COUNTY
READING CITY	READING CITY IN BERKS COUNTY
SCHUYLKILL COUNTY	SCHUYLKILL COUNTY
SCRANTON CITY	SCRANTON CITY IN LACKAWANNA COUNTY
SNYDER COUNTY	SNYDER COUNTY
SOMERSET COUNTY	SOMERSET COUNTY
SULLIVAN COUNTY	SULLIVAN COUNTY
SUSQUEHANNA COUNTY	SUSQUEHANNA COUNTY
TIOGA COUNTY	TIOGA COUNTY
UNION COUNTY	UNION COUNTY
VENANGO COUNTY	VENANGO COUNTY
WARREN COUNTY	WARREN COUNTY
WASHINGTON COUNTY	WASHINGTON COUNTY
WAYNE COUNTY	WAYNE COUNTY

(CONTINUED)

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

ELIGIBLE HIGH UNEMPLOYMENT AREAS	CIVIL JURISDICTIONS INCLUDED
PENNSYLVANIA (CONT)	
WESTMORELAND COUNTY	WESTMORELAND COUNTY
WILKES-BARRE CITY	WILKES-BARRE CITY IN LUZERNE COUNTY
WYOMING COUNTY	WYOMING COUNTY
YORK COUNTY	YORK COUNTY
PUERTO RICO	
AGUADILLA MUNICIPIO	AGUADILLA MUNICIPIO
ARECIBO MUNICIPIO	ARECIBO MUNICIPIO
BAYAMON MUNICIPIO	BAYAMON MUNICIPIO
CAGUAS MUNICIPIO	CAGUAS MUNICIPIO
CAROLINA MUNICIPIO	CAROLINA MUNICIPIO
GUAYNABO MUNICIPIO	GUAYNABO MUNICIPIO
MAYAGUEZ MUNICIPIO	MAYAGUEZ MUNICIPIO
PONCE MUNICIPIO	PONCE MUNICIPIO
BALANCE OF PUERTO RICO	PUERTO RICO LESS AGUADILLA MUNICIPIO, ARECIBO MUNICIPIO, BAYAMON MUNICIPIO, CAGUAS MUNICIPIO, CAROLINA MUNICIPIO, GUAYNABO MUNICIPIO, MAYAGUEZ MUNICIPIO, PONCE MUNICIPIO, SAN JUAN MUNICIPIO, TOA BAJA MUNICIPIO, TRUJILLO ALTO MUNICIPIO
SAN JUAN MUNICIPIO	SAN JUAN MUNICIPIO
TOA BAJA MUNICIPIO	TOA BAJA MUNICIPIO
TRUJILLO ALTO MUNICIPIO	TRUJILLO ALTO MUNICIPIO
RHODE ISLAND	
BRISTOL TOWN	BRISTOL TOWN
BURRILLVILLE TOWN	BURRILLVILLE TOWN

(CONTINUED)

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

ELIGIBLE HIGH UNEMPLOYMENT AREAS	CIVIL JURISDICTIONS INCLUDED
RHODE ISLAND (CONT)	
CENTRAL FALLS CITY	CENTRAL FALLS CITY
CHARLESTOWN TOWN	CHARLESTOWN TOWN
COVENTRY TOWN	COVENTRY TOWN
CRANSTON CITY	CRANSTON CITY
CUMBERLAND TOWN	CUMBERLAND TOWN
EAST GREENWICH TOWN	EAST GREENWICH TOWN
EAST PROVIDENCE CITY	EAST PROVIDENCE CITY
JOHNSTON TOWN	JOHNSTON TOWN
LINCOLN TOWN	LINCOLN TOWN
NEW SHOREHAM TOWN	NEW SHOREHAM TOWN
NORTH KINGSTOWN TOWN	NORTH KINGSTOWN TOWN
NORTH PROVIDENCE TOWN	NORTH PROVIDENCE TOWN
PAWTUCKET CITY	PAWTUCKET CITY
PROVIDENCE CITY	PROVIDENCE CITY
SCITUATE TOWN	SCITUATE TOWN
WARREN TOWN	WARREN TOWN
WARWICK CITY	WARWICK CITY
WEST GREENWICH TOWN	WEST GREENWICH TOWN
WEST WARWICK TOWN	WEST WARWICK TOWN
WOONSOCKET CITY	WOONSOCKET CITY
SOUTH CAROLINA	
ABBEVILLE COUNTY	ABBEVILLE COUNTY
AIKEN COUNTY	AIKEN COUNTY
ALLENDALE COUNTY	ALLENDALE COUNTY
ANDERSON COUNTY	ANDERSON COUNTY
BAMBERG COUNTY	BAMBERG COUNTY
BARNWELL COUNTY	BARNWELL COUNTY
BERKELEY COUNTY	BERKELEY COUNTY
CALHOUN COUNTY	CALHOUN COUNTY
CHEROKEE COUNTY	CHEROKEE COUNTY
CHESTER COUNTY	CHESTER COUNTY
CHESTERFIELD COUNTY	CHESTERFIELD COUNTY
CLARENDON COUNTY	CLARENDON COUNTY
COLLETON COUNTY	COLLETON COUNTY
DARLINGTON COUNTY	DARLINGTON COUNTY
DILLON COUNTY	DILLON COUNTY

(CONTINUED)

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

ELIGIBLE HIGH UNEMPLOYMENT AREAS	CIVIL JURISDICTIONS INCLUDED
SOUTH CAROLINA (CONT)	
EDGEFIELD COUNTY	EDGEFIELD COUNTY
FAIRFIELD COUNTY	FAIRFIELD COUNTY
FLORENCE COUNTY	FLORENCE COUNTY
GEORGETOWN COUNTY	GEORGETOWN COUNTY
GREENVILLE CITY	GREENVILLE CITY IN GREENVILLE COUNTY
BALANCE OF GREENVILLE COUNTY	GREENVILLE COUNTY LESS GREENVILLE CITY
GREENWOOD COUNTY	GREENWOOD COUNTY
HAMPTON COUNTY	HAMPTON COUNTY
HORRY COUNTY	HORRY COUNTY
JASPER COUNTY	JASPER COUNTY
KERSHAW COUNTY	KERSHAW COUNTY
LANCASTER COUNTY	LANCASTER COUNTY
LAURENS COUNTY	LAURENS COUNTY
LEE COUNTY	LEE COUNTY
MARION COUNTY	MARION COUNTY
MARLBORO COUNTY	MARLBORO COUNTY
MC CORMICK COUNTY	MC CORMICK COUNTY
NEWBERRY COUNTY	NEWBERRY COUNTY
NORTH CHARLESTON CITY	NORTH CHARLESTON CITY IN CHARLESTON COUNTY
OCONEE COUNTY	OCONEE COUNTY
ORANGEBURG COUNTY	ORANGEBURG COUNTY
PICKENS COUNTY	PICKENS COUNTY
SALUDA COUNTY	SALUDA COUNTY
SPARTANBURG COUNTY	SPARTANBURG COUNTY
SUMTER COUNTY	SUMTER COUNTY
UNION COUNTY	UNION COUNTY
WILLIAMSBURG COUNTY	WILLIAMSBURG COUNTY
YORK COUNTY	YORK COUNTY
SOUTH DAKOTA	
BUFFALO COUNTY	BUFFALO COUNTY
CORSON COUNTY	CORSON COUNTY
DEWEY COUNTY	DEWEY COUNTY
MARSHALL COUNTY	MARSHALL COUNTY

(CONTINUED)

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

ELIGIBLE HIGH UNEMPLOYMENT AREAS	CIVIL JURISDICTIONS INCLUDED
SOUTH DAKOTA (CONT)	
MELLETTE COUNTY	MELLETTE COUNTY
SHANNON COUNTY	SHANNON COUNTY
TODD COUNTY	TODD COUNTY
TENNESSEE	
ANDERSON COUNTY	ANDERSON COUNTY
BEDFORD COUNTY	BEDFORD COUNTY
BENTON COUNTY	BENTON COUNTY
BLEDSOE COUNTY	BLEDSOE COUNTY
BLOUNT COUNTY	BLOUNT COUNTY
BRADLEY COUNTY	BRADLEY COUNTY
CAMPBELL COUNTY	CAMPBELL COUNTY
CANNON COUNTY	CANNON COUNTY
CARROLL COUNTY	CARROLL COUNTY
CARTER COUNTY	CARTER COUNTY
CHATTANOOGA CITY	CHATTANOOGA CITY IN HAMILTON COUNTY
CHEATHAM COUNTY	CHEATHAM COUNTY
CHESTER COUNTY	CHESTER COUNTY
CLAIBORNE COUNTY	CLAIBORNE COUNTY
CLARKSVILLE CITY	CLARKSVILLE CITY IN MONTGOMERY COUNTY
CLAY COUNTY	CLAY COUNTY
COCKE COUNTY	COCKE COUNTY
COFFEE COUNTY	COFFEE COUNTY
CROCKETT COUNTY	CROCKETT COUNTY
CUMBERLAND COUNTY	CUMBERLAND COUNTY
DE KALB COUNTY	DE KALB COUNTY
DECATUR COUNTY	DECATUR COUNTY
DICKSON COUNTY	DICKSON COUNTY
DYER COUNTY	DYER COUNTY
FAYETTE COUNTY	FAYETTE COUNTY
FENTRESS COUNTY	FENTRESS COUNTY
FRANKLIN COUNTY	FRANKLIN COUNTY
GIBSON COUNTY	GIBSON COUNTY
GILES COUNTY	GILES COUNTY
GRAINGER COUNTY	GRAINGER COUNTY

(CONTINUED)

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

ELIGIBLE HIGH UNEMPLOYMENT AREAS	CIVIL JURISDICTIONS INCLUDED
TENNESSEE (CONT)	
GREENE COUNTY	GREENE COUNTY
GRUNDY COUNTY	GRUNDY COUNTY
HAMBLEN COUNTY	HAMBLEN COUNTY
HANCOCK COUNTY	HANCOCK COUNTY
HARDEMAN COUNTY	HARDEMAN COUNTY
HARDIN COUNTY	HARDIN COUNTY
HAWKINS COUNTY	HAWKINS COUNTY
HAYWOOD COUNTY	HAYWOOD COUNTY
HENDERSON COUNTY	HENDERSON COUNTY
HENRY COUNTY	HENRY COUNTY
HICKMAN COUNTY	HICKMAN COUNTY
HOUSTON COUNTY	HOUSTON COUNTY
HUMPHREYS COUNTY	HUMPHREYS COUNTY
JACKSON COUNTY	JACKSON COUNTY
JEFFERSON COUNTY	JEFFERSON COUNTY
JOHNSON COUNTY	JOHNSON COUNTY
KNOXVILLE CITY	KNOXVILLE CITY IN KNOX COUNTY
LAKE COUNTY	LAKE COUNTY
LAUDERDALE COUNTY	LAUDERDALE COUNTY
LAWRENCE COUNTY	LAWRENCE COUNTY
LEWIS COUNTY	LEWIS COUNTY
LINCOLN COUNTY	LINCOLN COUNTY
LOUDON COUNTY	LOUDON COUNTY
MACON COUNTY	MACON COUNTY
MADISON COUNTY	MADISON COUNTY
MARION COUNTY	MARION COUNTY
MARSHALL COUNTY	MARSHALL COUNTY
MAURY COUNTY	MAURY COUNTY
MC MINN COUNTY	MC MINN COUNTY
MC NAIRY COUNTY	MC NAIRY COUNTY
MEIGS COUNTY	MEIGS COUNTY
MEMPHIS CITY	MEMPHIS CITY IN SHELBY COUNTY
MONROE COUNTY	MONROE COUNTY
BALANCE OF MONTGOMERY COUNTY	MONTGOMERY COUNTY LESS CLARKSVILLE CITY
MORGAN COUNTY	MORGAN COUNTY
OBION COUNTY	OBION COUNTY
OVERTON COUNTY	OVERTON COUNTY

(CONTINUED)

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

ELIGIBLE HIGH UNEMPLOYMENT AREAS	CIVIL JURISDICTIONS INCLUDED
TENNESSEE (CONT)	
PERRY COUNTY	PERRY COUNTY
PICKETT COUNTY	PICKETT COUNTY
POLK COUNTY	POLK COUNTY
PUTNAM COUNTY	PUTNAM COUNTY
RHEA COUNTY	RHEA COUNTY
ROANE COUNTY	ROANE COUNTY
ROBERTSON COUNTY	ROBERTSON COUNTY
RUTHERFORD COUNTY	RUTHERFORD COUNTY
SCOTT COUNTY	SCOTT COUNTY
SEQUATCHIE COUNTY	SEQUATCHIE COUNTY
SEVIER COUNTY	SEVIER COUNTY
SMITH COUNTY	SMITH COUNTY
STEWART COUNTY	STEWART COUNTY
SULLIVAN COUNTY	SULLIVAN COUNTY
SUMNER COUNTY	SUMNER COUNTY
TIPTON COUNTY	TIPTON COUNTY
TROUSDALE COUNTY	TROUSDALE COUNTY
UNICOI COUNTY	UNICOI COUNTY
UNION COUNTY	UNION COUNTY
VAN BUREN COUNTY	VAN BUREN COUNTY
WARREN COUNTY	WARREN COUNTY
WASHINGTON COUNTY	WASHINGTON COUNTY
WAYNE COUNTY	WAYNE COUNTY
WEAKLEY COUNTY	WEAKLEY COUNTY
WHITE COUNTY	WHITE COUNTY
WILSON COUNTY	WILSON COUNTY
TEXAS	
ANGELINA COUNTY	ANGELINA COUNTY
BAYTOWN CITY	BAYTOWN CITY IN HARRIS COUNTY
BEAUMONT CITY	BEAUMONT CITY IN JEFFERSON COUNTY
BALANCE OF BOWIE COUNTY	BOWIE COUNTY LESS TEXARKANA CITY TEX
BROWNSVILLE CITY	BROWNSVILLE CITY IN CAMERON COUNTY

(CONTINUED)

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

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CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

ELIGIBLE HIGH UNEMPLOYMENT AREAS	CIVIL JURISDICTIONS INCLUDED
TEXAS (CONT)	
CALHOUN COUNTY	CALHOUN COUNTY
BALANCE OF CAMERON COUNTY	CAMERON COUNTY LESS BROWNSVILLE CITY
CAMP COUNTY	CAMP COUNTY
CASS COUNTY	CASS COUNTY
DEAF SMITH COUNTY	DEAF SMITH COUNTY
DIMMIT COUNTY	DIMMIT COUNTY
EL PASO CITY	EL PASO CITY IN
	EL PASO COUNTY
BALANCE OF EL PASO COUNTY	EL PASO COUNTY LESS EL PASO CITY
GALVESTON CITY	GALVESTON CITY IN GALVESTON COUNTY
BALANCE OF GALVESTON COUNTY	GALVESTON COUNTY LESS GALVESTON CITY
BALANCE OF GREGG COUNTY	GREGG COUNTY LESS LONGVIEW CITY
HENDERSON COUNTY	HENDERSON COUNTY
BALANCE OF HIDALGO COUNTY	HIDALGO COUNTY LESS MC ALLEN CITY
JASPER COUNTY	JASPER COUNTY
JIM HOGG COUNTY	JIM HOGG COUNTY
LA SALLE COUNTY	LA SALLE COUNTY
LAREDO CITY	LAREDO CITY IN WEBB COUNTY
LONGVIEW CITY	LONGVIEW CITY IN GREGG COUNTY
MARION COUNTY	MARION COUNTY
MATAGORDA COUNTY	MATAGORDA COUNTY
MAVERICK COUNTY	MAVERICK COUNTY
MC ALLEN CITY	MC ALLEN CITY IN HIDALGO COUNTY
MORRIS COUNTY	MORRIS COUNTY
NEWTON COUNTY	NEWTON COUNTY
ORANGE COUNTY	ORANGE COUNTY
PORT ARTHUR CITY	PORT ARTHUR CITY IN JEFFERSON COUNTY
RED RIVER COUNTY	RED RIVER COUNTY
REEVES COUNTY	REEVES COUNTY
SABINE COUNTY	SABINE COUNTY

(CONTINUED)

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

ELIGIBLE HIGH UNEMPLOYMENT AREAS	CIVIL JURISDICTIONS INCLUDED
TEXAS (CONT)	
SAN AUGUSTINE COUNTY	SAN AUGUSTINE COUNTY
SAN JACINTO COUNTY	SAN JACINTO COUNTY
SHELBY COUNTY	SHELBY COUNTY
STARR COUNTY	STARR COUNTY
TEXARKANA CITY TEX	TEXARKANA CITY TEX IN BOWIE COUNTY
TYLER COUNTY	TYLER COUNTY
UPSHUR COUNTY	UPSHUR COUNTY
VAL VERDE COUNTY	VAL VERDE COUNTY
WILLACY COUNTY	WILLACY COUNTY
ZAPATA COUNTY	ZAPATA COUNTY
ZAVALA COUNTY	ZAVALA COUNTY
UTAH	
DUCHESNE COUNTY	DUCHESNE COUNTY
GARFIELD COUNTY	GARFIELD COUNTY
GRAND COUNTY	GRAND COUNTY
JUAB COUNTY	JUAB COUNTY
KANE COUNTY	KANE COUNTY
OGDEN CITY	OGDEN CITY IN WEBER COUNTY
PIUTE COUNTY	PIUTE COUNTY
SANPETE COUNTY	SANPETE COUNTY
SUMMIT COUNTY	SUMMIT COUNTY
BALANCE OF UTAH COUNTY	UTAH COUNTY LESS OREM CITY PROVO CITY
WASATCH COUNTY	WASATCH COUNTY
WAYNE COUNTY	WAYNE COUNTY
VERMONT	
ESSEX COUNTY	ESSEX COUNTY
FRANKLIN COUNTY	FRANKLIN COUNTY
GRAND ISLE COUNTY	GRAND ISLE COUNTY

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CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

ELIGIBLE HIGH UNEMPLOYMENT AREAS	CIVIL JURISDICTIONS INCLUDED
VERMONT (CONT)	
LAMOILLE COUNTY	LAMOILLE COUNTY
ORLEANS COUNTY	ORLEANS COUNTY
WINDSOR COUNTY	WINDSOR COUNTY
VIRGINIA	
ALLEGHANY COUNTY	ALLEGHANY COUNTY
AMELIA COUNTY	AMELIA COUNTY
BATH COUNTY	BATH COUNTY
BEDFORD COUNTY	BEDFORD COUNTY
BLAND COUNTY	BLAND COUNTY
BRISTOL CITY	BRISTOL CITY
BRUNSWICK COUNTY	BRUNSWICK COUNTY
BUCHANAN COUNTY	BUCHANAN COUNTY
BUCKINGHAM COUNTY	BUCKINGHAM COUNTY
BUENA VISTA CITY	BUENA VISTA CITY
CAMPBELL COUNTY	CAMPBELL COUNTY
CAROLINE COUNTY	CAROLINE COUNTY
CARROLL COUNTY	CARROLL COUNTY
CHARLOTTE COUNTY	CHARLOTTE COUNTY
CLIFTON FORGE CITY	CLIFTON FORGE CITY
COVINGTON CITY	COVINGTON CITY
CRAIG COUNTY	CRAIG COUNTY
CUMBERLAND COUNTY	CUMBERLAND COUNTY
DANVILLE CITY	DANVILLE CITY
DICKENSON COUNTY	DICKENSON COUNTY
DINWIDDIE COUNTY	DINWIDDIE COUNTY
EMPORIA CITY	EMPORIA CITY
ESSEX COUNTY	ESSEX COUNTY
FLOYD COUNTY	FLOYD COUNTY
FRANKLIN CITY	FRANKLIN CITY
FRANKLIN COUNTY	FRANKLIN COUNTY
FREDERICK COUNTY	FREDERICK COUNTY
FREDRICKSBURG CITY	FREDRICKSBURG CITY
GALAX CITY	GALAX CITY
GILES COUNTY	GILES COUNTY
GRAYSON COUNTY	GRAYSON COUNTY
GREENE COUNTY	GREENE COUNTY

(CONTINUED)

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

ELIGIBLE HIGH UNEMPLOYMENT AREAS	CIVIL JURISDICTIONS INCLUDED
VIRGINIA (CONT)	
GREENSVILLE COUNTY	GREENSVILLE COUNTY
HALIFAX COUNTY	HALIFAX COUNTY
HENRY COUNTY	HENRY COUNTY
HIGHLAND COUNTY	HIGHLAND COUNTY
HOPEWELL CITY	HOPEWELL CITY
KING AND QUEEN COUNTY	KING AND QUEEN COUNTY
KING WILLIAM COUNTY	KING WILLIAM COUNTY
LANCASTER COUNTY	LANCASTER COUNTY
LEE COUNTY	LEE COUNTY
LOUISA COUNTY	LOUISA COUNTY
LUNENBURG COUNTY	LUNENBURG COUNTY
MADISON COUNTY	MADISON COUNTY
MECKLENBURG COUNTY	MECKLENBURG COUNTY
NELSON COUNTY	NELSON COUNTY
NORTHUMBERLAND COUNTY	NORTHUMBERLAND COUNTY
NORTON CITY	NORTON CITY
NOTTOWAY COUNTY	NOTTOWAY COUNTY
ORANGE COUNTY	ORANGE COUNTY
PAGE COUNTY	PAGE COUNTY
PATRICK COUNTY	PATRICK COUNTY
PETERSBURG CITY	PETERSBURG CITY
PITTSYLVANIA COUNTY	PITTSYLVANIA COUNTY
PORTSMOUTH CITY	PORTSMOUTH CITY
PRINCE EDWARD COUNTY	PRINCE EDWARD COUNTY
PULASKI COUNTY	PULASKI COUNTY
RAPPAHANNOCK COUNTY	RAPPAHANNOCK COUNTY
RICHMOND COUNTY	RICHMOND COUNTY
ROCKBRIDGE COUNTY	ROCKBRIDGE COUNTY
RUSSELL COUNTY	RUSSELL COUNTY
SCOTT COUNTY	SCOTT COUNTY
SHENANDOAH COUNTY	SHENANDOAH COUNTY
SMYTH COUNTY	SMYTH COUNTY
SOUTH BOSTON CITY	SOUTH BOSTON CITY
SPOTSYLVANIA COUNTY	SPOTSYLVANIA COUNTY
STAUNTON CITY	STAUNTON CITY
SUFFOLK CITY	SUFFOLK CITY
SURRY COUNTY	SURRY COUNTY
SUSSEX COUNTY	SUSSEX COUNTY
TAZEWELL COUNTY	TAZEWELL COUNTY
WARREN COUNTY	WARREN COUNTY

(CONTINUED)

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

ELIGIBLE HIGH UNEMPLOYMENT AREAS	CIVIL JURISDICTIONS INCLUDED
VIRGINIA (CONT)	
WASHINGTON COUNTY	WASHINGTON COUNTY
WAYNESBORO CITY	WAYNESBORO CITY
WESTMORELAND COUNTY	WESTMORELAND COUNTY
WILLIAMSBURG CITY	WILLIAMSBURG CITY
WINCHESTER CITY	WINCHESTER CITY
WISE COUNTY	WISE COUNTY
WYTHE COUNTY	WYTHE COUNTY
WASHINGTON	
ADAMS COUNTY	ADAMS COUNTY
ASOTIN COUNTY	ASOTIN COUNTY
BENTON COUNTY	BENTON COUNTY
CHELAN COUNTY	CHELAN COUNTY
CLALLAM COUNTY	CLALLAM COUNTY
CLARK COUNTY	CLARK COUNTY
COLUMBIA COUNTY	COLUMBIA COUNTY
COWLITZ COUNTY	COWLITZ COUNTY
DOUGLAS COUNTY	DOUGLAS COUNTY
EVERETT CITY	EVERETT CITY IN SNOHOMISH COUNTY
FERRY COUNTY	FERRY COUNTY
FRANKLIN COUNTY	FRANKLIN COUNTY
GRANT COUNTY	GRANT COUNTY
GRAYS HARBOR COUNTY	GRAYS HARBOR COUNTY
ISLAND COUNTY	ISLAND COUNTY
JEFFERSON COUNTY	JEFFERSON COUNTY
BALANCE OF KING COUNTY	KING COUNTY LESS BELLEVUE CITY SEATTLE CITY
KITTITAS COUNTY	KITTITAS COUNTY
KLICKITAT COUNTY	KLICKITAT COUNTY
LEWIS COUNTY	LEWIS COUNTY
MASON COUNTY	MASON COUNTY
OKANOGAN COUNTY	OKANOGAN COUNTY
PACIFIC COUNTY	PACIFIC COUNTY
PEND OREILLE COUNTY	PEND OREILLE COUNTY

(CONTINUED)

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

ELIGIBLE HIGH UNEMPLOYMENT AREAS	CIVIL JURISDICTIONS INCLUDED
WASHINGTON (CONT)	
BALANCE OF PIERCE COUNTY	PIERCE COUNTY LESS TACOMA CITY
SAN JUAN COUNTY	SAN JUAN COUNTY
SEATTLE CITY	SEATTLE CITY IN KING COUNTY
SKAGIT COUNTY	SKAGIT COUNTY
SKAMANIA COUNTY	SKAMANIA COUNTY
BALANCE OF SNOHOMISH COUNTY	SNOHOMISH COUNTY LESS EVERETT CITY
SPOKANE CITY	SPOKANE CITY IN SPOKANE COUNTY
BALANCE OF SPOKANE COUNTY	SPOKANE COUNTY LESS SPOKANE CITY
STEVENS COUNTY	STEVENS COUNTY
TACOMA CITY	TACOMA CITY IN PIERCE COUNTY
THURSTON COUNTY	THURSTON COUNTY
WAHKIAKUM COUNTY	WAHKIAKUM COUNTY
WALLA WALLA COUNTY	WALLA WALLA COUNTY
WHATCOM COUNTY	WHATCOM COUNTY
YAKIMA COUNTY	YAKIMA COUNTY
WEST VIRGINIA	
BARBOUR COUNTY	BARBOUR COUNTY
BERKELEY COUNTY	BERKELEY COUNTY
BOONE COUNTY	BOONE COUNTY
BRAXTON COUNTY	BRAXTON COUNTY
BROOKE COUNTY	BROOKE COUNTY
BALANCE OF CABELL COUNTY	CABELL COUNTY LESS HUNTINGTON CITY
CALHOUN COUNTY	CALHOUN COUNTY
CLAY COUNTY	CLAY COUNTY
DODDRIDGE COUNTY	DODDRIDGE COUNTY
FAYETTE COUNTY	FAYETTE COUNTY
GILMER COUNTY	GILMER COUNTY
GRANT COUNTY	GRANT COUNTY
GREENBRIER COUNTY	GREENBRIER COUNTY

(CONTINUED)

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CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

ELIGIBLE HIGH UNEMPLOYMENT AREAS	CIVIL JURISDICTIONS INCLUDED
WEST VIRGINIA (CONT)	
HAMPSHIRE COUNTY	HAMPSHIRE COUNTY
HANCOCK COUNTY	HANCOCK COUNTY
HARDY COUNTY	HARDY COUNTY
HARRISON COUNTY	HARRISON COUNTY
HUNTINGTON CITY	HUNTINGTON CITY IN CABELL COUNTY WAYNE COUNTY
JACKSON COUNTY	JACKSON COUNTY
BALANCE OF KANAWHA COUNTY	KANAWHA COUNTY LESS CHARLESTON CITY
LEWIS COUNTY	LEWIS COUNTY
LINCOLN COUNTY	LINCOLN COUNTY
LOGAN COUNTY	LOGAN COUNTY
MARION COUNTY	MARION COUNTY
MARSHALL COUNTY	MARSHALL COUNTY
MASON COUNTY	MASON COUNTY
MC DOWELL COUNTY	MC DOWELL COUNTY
MERCER COUNTY	MERCER COUNTY
MINERAL COUNTY	MINERAL COUNTY
MINGO COUNTY	MINGO COUNTY
MONROE COUNTY	MONROE COUNTY
MORGAN COUNTY	MORGAN COUNTY
NICHOLAS COUNTY	NICHOLAS COUNTY
OHIO COUNTY	OHIO COUNTY
PENDLETON COUNTY	PENDLETON COUNTY
PLEASANTS COUNTY	PLEASANTS COUNTY
POCAHONTAS COUNTY	POCAHONTAS COUNTY
PRESTON COUNTY	PRESTON COUNTY
PUTNAM COUNTY	PUTNAM COUNTY
RALEIGH COUNTY	RALEIGH COUNTY
RANDOLPH COUNTY	RANDOLPH COUNTY
RITCHIE COUNTY	RITCHIE COUNTY
ROANE COUNTY	ROANE COUNTY
SUMMERS COUNTY	SUMMERS COUNTY
TAYLOR COUNTY	TAYLOR COUNTY
TUCKER COUNTY	TUCKER COUNTY
TYLER COUNTY	TYLER COUNTY
UPSHUR COUNTY	UPSHUR COUNTY
BALANCE OF WAYNE COUNTY	WAYNE COUNTY LESS HUNTINGTON CITY

(CONTINUED)

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

ELIGIBLE HIGH UNEMPLOYMENT AREAS	CIVIL JURISDICTIONS INCLUDED
WEST VIRGINIA (CONT)	
WEBSTER COUNTY	WEBSTER COUNTY
WETZEL COUNTY	WETZEL COUNTY
WIRT COUNTY	WIRT COUNTY
WOOD COUNTY	WOOD COUNTY
WYOMING COUNTY	WYOMING COUNTY
WISCONSIN	
ADAMS COUNTY	ADAMS COUNTY
APPLETON CITY	APPLETON CITY IN CALUMET COUNTY OUTAGAMIE COUNTY
ASHLAND COUNTY	ASHLAND COUNTY
BAYFIELD COUNTY	BAYFIELD COUNTY
BUFFALO COUNTY	BUFFALO COUNTY
BURNETT COUNTY	BURNETT COUNTY
BALANCE OF CALUMET COUNTY	CALUMET COUNTY LESS APPLETON CITY
BALANCE OF CHIPPEWA COUNTY	CHIPPEWA COUNTY LESS EAU CLAIRE CITY
CLARK COUNTY	CLARK COUNTY
COLUMBIA COUNTY	COLUMBIA COUNTY
CRAWFORD COUNTY	CRAWFORD COUNTY
DODGE COUNTY	DODGE COUNTY
DOOR COUNTY	DOOR COUNTY
DOUGLAS COUNTY	DOUGLAS COUNTY
EAU CLAIRE CITY	EAU CLAIRE CITY IN CHIPPEWA COUNTY EAU CLAIRE COUNTY
BALANCE OF EAU CLAIRE COUNTY	EAU CLAIRE COUNTY LESS EAU CLAIRE CITY
FLORENCE COUNTY	FLORENCE COUNTY
FOND DU LAC COUNTY	FOND DU LAC COUNTY
FOREST COUNTY	FOREST COUNTY
GRANT COUNTY	GRANT COUNTY
GREEN BAY CITY	GREEN BAY CITY IN BROWN COUNTY
GREEN LAKE COUNTY	GREEN LAKE COUNTY

(CONTINUED)

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

ELIGIBLE HIGH UNEMPLOYMENT AREAS	CIVIL JURISDICTIONS INCLUDED
WISCONSIN (CONT)	
IOWA COUNTY	IOWA COUNTY
IRON COUNTY	IRON COUNTY
JACKSON COUNTY	JACKSON COUNTY
JANESVILLE CITY	JANESVILLE CITY IN ROCK COUNTY
JEFFERSON COUNTY	JEFFERSON COUNTY
JUNEAU COUNTY	JUNEAU COUNTY
KENOSHA CITY	KENOSHA CITY IN KENOSHA COUNTY
BALANCE OF KENOSHA COUNTY	KENOSHA COUNTY LESS KENOSHA CITY
KEWAUNEE COUNTY	KEWAUNEE COUNTY
LAFAYETTE COUNTY	LAFAYETTE COUNTY
LANGLADE COUNTY	LANGLADE COUNTY
LINCOLN COUNTY	LINCOLN COUNTY
MANITOWOC COUNTY	MANITOWOC COUNTY
MARATHON COUNTY	MARATHON COUNTY
MARINETTE COUNTY	MARINETTE COUNTY
MARQUETTE COUNTY	MARQUETTE COUNTY
MENOMINEE COUNTY	MENOMINEE COUNTY
MILWAUKEE CITY	MILWAUKEE CITY IN MILWAUKEE COUNTY
MONROE COUNTY	MONROE COUNTY
OCONTO COUNTY	OCONTO COUNTY
ONEIDA COUNTY	ONEIDA COUNTY
BALANCE OF OUTAGAMIE COUNTY	OUTAGAMIE COUNTY LESS APPLETON CITY
PEPIN COUNTY	PEPIN COUNTY
POLK COUNTY	POLK COUNTY
PRICE COUNTY	PRICE COUNTY
RACINE CITY	RACINE CITY IN RACINE COUNTY
BALANCE OF RACINE COUNTY	RACINE COUNTY LESS RACINE CITY
RICHLAND COUNTY	RICHLAND COUNTY
BALANCE OF ROCK COUNTY	ROCK COUNTY LESS JANESVILLE CITY
RUSK COUNTY	RUSK COUNTY
SAUK COUNTY	SAUK COUNTY
SAWYER COUNTY	SAWYER COUNTY

(CONTINUED)

CIVIL JURISDICTIONS WITH HIGH UNEMPLOYMENT
ELIGIBLE FOR ASSISTANCE UNDER P.L. 98-8

ELIGIBLE HIGH UNEMPLOYMENT AREAS	CIVIL JURISDICTIONS INCLUDED
WISCONSIN (CONT)	
SHAWANO COUNTY	SHAWANO COUNTY
SHEBOYGAN COUNTY	SHEBOYGAN COUNTY
ST. CROIX COUNTY	ST. CROIX COUNTY
TAYLOR COUNTY	TAYLOR COUNTY
TREMPEALEAU COUNTY	TREMPEALEAU COUNTY
VERNON COUNTY	VERNON COUNTY
VILAS COUNTY	VILAS COUNTY
WASHBURN COUNTY	WASHBURN COUNTY
WASHINGTON COUNTY	WASHINGTON COUNTY
WAUKESHA CITY	WAUKESHA CITY IN WAUKESHA COUNTY
BALANCE OF WAUKESHA COUNTY	WAUKESHA COUNTY LESS WAUKESHA CITY
WAUPACA COUNTY	WAUPACA COUNTY
WAUSHARA COUNTY	WAUSHARA COUNTY
WINNEBAGO COUNTY	WINNEBAGO COUNTY
WOOD COUNTY	WOOD COUNTY
WYOMING	
LINCOLN COUNTY	LINCOLN COUNTY

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April 22, 1983

Part III

Department of Labor

Employment Standards Administration
Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

Arkansas:	
AR82-4036	July 9, 1982.
AR82-4037	July 9, 1982.
AR82-4038	July 23, 1982
California: CA82-5118	Aug. 20, 1982
Colorado: CO83-5109	Apr. 8, 1983
Connecticut:	
CT82-3001	Feb. 5, 1982
CT81-3032	May 15, 1981
District of Columbia: DC82-3031	Nov. 12, 1982
Florida:	
FL82-1083	Nov. 19, 1982
FL83-1016	Apr. 1, 1983
Georgia:	
GA82-1002	Jan. 21, 1983
GA82-1003	Jan. 21, 1983
Indiana:	
IN83-2026	Mar. 25, 1983
IN83-2029	Apr. 8, 1983
Massachusetts:	
MA81-3050	Aug. 28, 1981
MA81-3054	Sept. 4, 1981
Mississippi: MS83-1015	Apr. 1, 1983.
Montana: MT83-5101	Feb. 18, 1983
Pennsylvania:	
PA82-3010	Mar. 5, 1982.
PA82-3016	May 14, 1982
PA82-3028	Sept. 19, 1982
PA82-3027	Oct. 8, 1982.
Ohio: OH83-2006	Feb. 11, 1983
Oregon: OR83-5100	Feb. 18, 1983
Texas:	
TX82-4025	June 18, 1982
TX82-4004	Jan. 7, 1983
Utah: UT83-5108	Mar. 25, 1983
Virginia: VA81-3015	Mar. 6, 1981
Wisconsin	
WI82-2024	Apr. 9, 1982
WI82-2004	Feb. 26, 1982

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded:

Florida:	
FL83-1029 (FL82-1019)	Mar. 12, 1982.
FL83-1030 (FL81-1254)	June 26, 1981
FL83-1031 (FL79-1040)	Feb. 16, 1979
FL83-1028 (FL82-1005)	Feb. 19, 1982.
Indiana: IN83-2031 (IN80-2015)	Apr. 11, 1980.

Signed at Washington, D.C. this 15th day of April 1983.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

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MODIFICATIONS P. 1

DECISION #AR82-4036-Mod.#5
47FR29974-July 9, 1982
Pulaski County, Arkansas

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Painters, paperhangers, steam cleaners, sheetrock finishers and wall cover hangers	$11.00	.63
Spray gun operator and sandblasterers	11.60	.63
All skelton steel and all work on stages, structural steel over 30 feet high	11.25	.63

DECISION #AR82-4037-Mod.#4
47FR29975-July 9, 1982
Jefferson County, Arkansas

CHANGE:		
Painters, paperhangers, steam cleaners, sheetrock finishers and wall cover hangers	11.00	.63
Spray gun operator and sandblasterers	11.60	.63
All skeleton steel and all work on stages, structural steel over 30 feet high	11.25	.63

DECISION #AR82-4038-Mod.#4
47FR32032-July 23, 1982
Union and Ouachita Counties, Arkansas

CHANGE:		
Bricklayers	12.50	1.60

DECISION NO. CA82-5118 - Mod. #8 (47 FR 36513 - August 20, 1982) Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, and Ventura Counties, California

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Sheet Metal Workers: Area 5	$20.08	$4.28

DECISION NO. CO83-5109 - Mod. #1 (48 FR 15404 - April 8, 1983) Statewide, Colorado

	Basic Hourly Rates	Fringe Benefits
Change:		
Electricians - Area 4	$16.37	2.06+3%
Line Construction:		
Line Equipment Maintenance Man	14.62	1.40+ 3-3/4%
Add:		
Laborers (Tunnels):		
Group 1: Outside Laborer		
Group 2: Minimum Tunnel Labor; Dry Houseman		

MODIFICATIONS P. 2

DECISION NO. CT82-3001 - MOD. #12 (47 FR 5612 - February 5, 1982) FAIRFIELD, LITCHFIELD AND WINDHAM COUNTIES, CONN.

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
ELECTRICIANS		
AREAS 1&5	15.48	2.48+ 9.25%
AREAS 2	17.20	3.05+ 3.75%

DECISION NO. CT81-3032 - MOD. #25 (46 FR 20740 - May 15, 1981) HARTFORD, MIDDLESEX, NEW HAVEN, NEW LONDON AND TOLLAND COUNTIES, CONN.

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
ELECTRICIANS		
AREAS 1&3	17.20	3.05+ 3.75%
AREA 2	14.95	3.31+ 3%
AREA 5	17.65	2.07+ 3½%

DECISION NO. DC82-3031-Mod. #4 (47 FR 51304-November 12, 1982) District of Columbia; Maryland-Montgomery & Prince Georges Counties; & DC Training School; Virginia-Independent City of Alexandria, Arlington, & Fairfax Counties.

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
CARPET LAYERS	$ 9.98	.50

DECISION NO.: FL82-1083 - MOD. # 3
(November 19, 1982 in 47 FR 52317)

CAPE CANAVERAL AFS, PATRICK AFB, KENNEDY SPACE FLIGHT CENTER, & MILDEAT BEACH SITE IN BREVARD & VOLUSIA COUNTIES IN FLORIDA.
BUILDING, HEAVY, & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
CARPENTERS:		
Carpenters	$ 11.62	1.55
Piledrivers	12.12	1.55
ELECTRICIANS		
Wiremen	14.30	3%+1.55
Cable Splicers	14.55	3%+1.55
ELEVATOR CONSTRUCTORS:		
Mechanics	13.11	a + 2.6%
Helper	9.18	a + 2.6%
MILLWRIGHTS	13.57	1.90

FOOTNOTE: a. Six Paid Holidays-New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day. Employer contributes 8% of regular hourly rate to Vacation Pay Credit for Employee who has worked in business more than 5 years; 6% for Employee who has worked in business less than 5 years.

DECISION NO.: FL83-1004 -- MOD. # 1
(April 1, 1983 - 48 FR 14307)
DADE CO., FLORIDA
BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Millwrights	$14.02	2.10
Piledrivers	14.10	2.45

DECISION #GA83-1002 - Mod. #2
(48 FR 2448 - January 21, 1983)
Clayton, DeKalb, & Fulton Counties, Georgia

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Carpenters, Drywall hangers, & Resilient floor layers:		
Projects 10 stories or less, & hospital contracts $10,000,000.00 or less	$12.75	1.77
All other projects, including Rail transit & related work	14.00	1.77

DECISION #GA83-1003 - Mod. #2
(48 FR 2448 - January 21, 1983)
DeKalb & Fulton Counties, Georgia

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Carpenters:		
Rail transit & related work	$14.00	1.77
All other contruction projects	12.75	1.77

Decision No. IN83-2026
Mod # 2
(48 FR 12642 - March 25, 1983)
Clay, Daviess, Gibson, Greene, Knox, Martin, Parke, Pike, Posey, Putnam, Sullivan, Vanderburgh, Vermillion & Vigo Counties

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
CARPENTERS:		
Area 2:		
Piledrivermen	$15.42	1.99
CEMENT MASONS:		
Area 3:	14.83	2.35
PLASTERERS:		
Area 1:	13.80	2.05
ROOFERS:		
Area 1:	15.00	1.50
Area 2:		
Composition & water-proofers	15.32	2.00
Slate, Tile, Asbestos & Tile Asbestos, & Precast Slab	15.57	2.00
SHEET METAL WORKERS:		
Area 2:	17.78	2.85
POWER EQUIPMENT OPERATORS		
Area 1:		
Group 1	15.68	2.20
Group 2	14.39	2.20
Group 3	13.55	2.20

Decision No. IN83-2029
Mod # 1
(48 FR 15417 - April 8, 1983)
Adams, Allen, Bartholomew, Benton, Blackford, Boone, Cass, Clinton, DeKalb, Delaware, Fountain, Fulton, Grant, Hamilton, Hancock, Hendricks, Howard, Huntington, Jay, Johnson, Madison, Marion, Miami, Monroe, Montgomery, Morgan, Noble, Shelby, Steuben, Tippecanoe, Tipton, Wabash, Warren, Wells, White & Whitley Counties

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
ELECTRICIANS:		
Area 2:	$16.95	16.5%
Area 4:	16.30	2.20 + 3.2%
Area 5:	17.55	1.35 + 3 1/5%
MARBLE SETTERS, TILE SETTERS & TERRAZZO WORKERS:		
Area 5:		
Marble & Tile Setters	17.71	1.39
Terrazzo Workers & Mosaic	17.46	1.63
PAINTERS:		
Area 3:		
Spray	16.92	1.70
Area 7:		
Brush	14.70	2.39
Spray & Sandblasting	15.45	2.39
Drywall Taping	14.70	2.39
PLUMBERS & STEAMFITTERS:		
Area 7:	17.95	2.30

DECISION NO. MT83-5101 - Mod. #1

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DECISION NO. MT83-5101 - Mod. #1
(48 FR 7370 - February 18, 1983)
Statewide, Montana

	Basic Hourly Rates	Fringe Benefits
Change:		
BRICKLAYERS; MARBLE-MASONS:		
Area 4	$14.05	1.30
CARPENTERS:		
Carpenters	12.43	2.46
Piledrivermen	12.68	2.46
Millwrights	13.43	2.46
ELECTRICIANS:		
Area 5	16.80	1.60+ 3%%
PLUMBERS:		
Area 3	17.45	2.10
LABORERS:		
Area 2		
Group 1	10.39	2.25
Group 2	10.50	2.25
Group 3	10.59	2.25
Group 4	10.84	2.25
Group 5	10.94	2.25
TERRAZZO WORKERS and TILE SETTERS:		
Area 1	14.05	1.30

DECISION NO. MS83-1015 -- MOD. # 1
(April 1, 1983 in 48 FR 14312)
HINDS CO., MISSISSIPPI
BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefit
CHANGE:		
CARPENTERS:		
Carpenters	$ 11.00	1.00
Power Saw Operators (1 hp or over)	11.25	1.00
Fiber Glass Insulation Application	11.15	1.00
Millwrights	11.60	1.00
Piledrivermen	11.35	1.00

DECISION NO. MA81-3050 - MOD. #6
(46 FR 43625 - August 28, 1981)
WORCESTER COUNTY, MASS.

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
CARPENTERS, SOFT FLOOR LAYERS:		
Hardwick, Warren, W. Brookfield	14.90	2.72
Remainder of County	15.81	3.52
LABORERS (HEAVY & HIGHWAY)		
CLASS I	12.70	2.35
CLASS II	12.95	2.35
CLASS III	13.45	2.35
CLASS IV	13.70	2.35

DECISION NO. MA81-3054 - MOD. #14
(46 FR 44631 - Sept. 4, 1981)
BARNSTABLE, BRISTOL, DUKES, ESSEX, MIDDLESEX, NANTUCKET, NORFOLK, PLYMOUTH AND SUFFOLK COUNTY, MASS.

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
LABORERS (HEAVY & HIGHWAY)		
CLASS I	12.70	2.35
CLASS II	12.95	2.35
CLASS III	13.45	2.35
CLASS IV	13.70	2.35

DECISION NO. PA82-3010
MOD. NO. 7
(47 FR 9684 - March 5, 1982)
Clinton, Centre, Huntingdon, Fulton & Mifflin Counties, Pennsylvania

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Sheet metal workers:		
Centre, Huntingdon, Fulton & Mifflin Counties, Pa.	$15.01	4.13
Millwrights	13.91	3%%

DECISION NO, PA82-3016
MOD. NO. 3
(47 FR 20990 - May 14, 1982)
Northampton County, Pennsylvania

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Electricians:		
Allen, Hanover, Lehigh, Bath, Freemansburg, Hellertown and Bethlehem	15.35	1.84+3%
Sheet metal workers	15.01	4.13
Soft floor layers	13.55	3.11

DECISION NO. PA82-3028
MOD. No. 5
(47 FR 39972 - Sept. 19, 1982)
Elk, Forest, McKean & Warren Counties, Pennsylvania

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Asbestos Workers:		
Forest County	17.24	2.43
Electricians:		
Forest & Warren Counties, Pa.	16.15	4.45+ 3%%
MILLWRIGHTS:		
Warren County	13.91	3%%

DECISION NO. PA82-3027
Mod. No. 5
(47 FR 44670 - October 8, 1982)
Bedford, Cambria, Cameron, Clarion, Clearfield, Jefferson, Crawford and Venango Counties, Pa.

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Asbestos Workers Zone 2	17.24	2.43
Sheet metal workers Zone 2	15.01	4.13

DECISION NO, OR83-5100 - Mod. #2
(48 FR 7379 February 18, 1983)
Statewide Oregon

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
PAINTERS:		
Area 1:		
Brush	$14.94	$3.94
Spray	15.49	3.94
Bridges, High work over 50' (Brush)	15.84	3.94
Bridges, High Work over 50' (Spray)	16.39	3.94

DECISION NO. OH83-2006 - MOD. #3
(48 FR 6459 - February 11, 1983)
Statewide, Ohio

Change:
Footnote:
1. $68.00 per week per employee; 1 week's paid vacation for 1 year of service, 2 weeks' paid vacation for 5 years, 3 weeks' paid vacation for 10 years and 4 weeks' paid vacation for 17 years' service; 7 Paid Holidays: A through E, G, & National Election Day

DECISION NO. TX82-4025 - MOD. #8 (47 FR 26550 - 6/18/82) Brazos County, Texas	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Pipefitters	$17.80	2.28
Plumbers	19.72	1.75

DECISION NO. TX83-4004 - MOD. #5 (48 FR 936 - 1/7/83) Galveston & Harris Cos., Texas	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Pipefitters	17.80	2.28
Plumbers	19.72	1.75

DECISION NO. UT83-5108 - Mod. #2 (48 FR 12651 - March 25, 1983) Statewide, Utah	Basic Hourly Rates	Fringe Benefits
Omit:		
Carpenters schedule as originally issued		
Add:		
Carpenters:		
Building Construction:		
Carpenters	$12.65	$1.95
Saw Operators	12.90	1.95
Scaffold Builder	13.15	1.95
Millwrights	13.90	1.95
Piledrivermen	18.79	1.95
Heavy and Highway Construction:		
Zone 1:		
Carpenters	13.83	1.95
Saw Operators:		
Carpenters handling creosote materials	14.08	1.95
Scaffold Builder	14.33	1.95
Piledrivermen	18.79	1.95
Zone 2:		
Carpenters	16.33	1.95
Saw Operators:		
Carpenters handling creosote materials	15.58	1.95
Scaffold Builder	16.83	1.95
Piledrivermen	18.79	1.95

DECISION NO. WI82-2004 Mod. # 2 (47 FR 8541 - February 26, 1982) ASHLAND, BAYFIELD & DOUGLAS COUNTIES, WISCONSIN	Basic Hourly Rates	Fringe Benefit
CHANGE:		
LABORERS:		
Ashland County:		
General Laborers	$10.88	1.43
Plasterer Laborers, Air Spade & Jackhammer Op.	11.03	1.43
Bayfield & Douglas Cos.:		
General Laborers	12.47	1.93
Plasterer Laborers, Air Spade & Jackhammer Op.	12.72	1.93

DECISION NO. WI82-2024 - MOD. #4 (47 FR 15513 - April 9, 1982) Racine County, Wisconsin	Basic Hourly Rates	Fringe Benefits
Change:		
Laborers:		
General	$11.62	2.28
Air Tools, Power Tools	11.94	2.28
Mortar Mixer, Plasterer Tender	11.75	2.28

DECISION NO. VA81-3015-Mod. #10 (46 FR 15666-March 6, 1981) Radford Army Ammunition Plant, Virginia	Basic Hourly Rates	Fringe Benefits
CHANGE:		
PLUMBERS AND PIPEFITTERS	13.10	2.42

STATE: FLORIDA

COUNTY: VOLUSIA (except Cape Kennedy Space Flight Center & Cape Canaveral Air Force Station

DECISION NUMBER: FL83-1029

DATE: DATE OF PUBLICATION

Supersedes Decision No.: FL82-1019 dated March 12, 1982 in 47 FR 10946.

DESCRIPTION OF WORK: BUILDING CONSTRUCTION PROJECTS (excluding single family homes & apartments of 4 stories or less).

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	$15.65	1.88
BOILERMAKERS	16.20	3.315
BRICKLAYERS	8.40	.75
CARPENTERS	11.07	1.50
ELECTRICIANS:		
a. Base Zone-(within 40 miles of Daytona Beach).		
Electricians	12.13	3%+1.55
Cable Splicers	12.38	3%+1.55
b. Zone I-(all work beyond 40 miles of Daytona Beach & not accessible by public roads--Industrial work in excess of $300,000 electrical or $3,000,000total permit-power generation plants)		
Electricians	14.30	3%+1.55
Cable Splicers	14.55	3%+1.55
ELEVATOR CONSTRUCTORS:		
Mechanic	13.11	2.69+ a
Helper	9.18	2.69 + a
IRONWORKERS	13.68	3.10
LABORERS:		
a. Air Tool Oper.,Mason Tenders, Mortar Mixers,Pipelayers (clay & concrete),Plasterers Tenders	8.15	.64
b. Unskilled	8.00	.64
LATHERS	$ 8.88	.75
MARBLE SETTERS	8.40	.75
MILLWRIGHTS	13.57	1.90
PILEDRIVERMEN	9.75	1.47
PAINTERS:		
Brush & Roller	10.88	1.28
Paperhangers,Sandblaster, & Spray	11.38	1.28
PLUMBERS,PIPEFITTERS, & STEAMFITTERS:		
a. Commercial	13.22	1.60
b. Industrial	16.75	2.17
ROOFERS:		
a. Roofers	11.50	1.00
b. Kettlemen	10.05	1.00
SHEET METAL WORKERS	10.96	1.07+ 3%
SOFT FLOOR LAYERS	9.25	1.47
SPRINKLER FITTERS	15.00	2.88
TILE & TERRAZZO WORKERS	8.40	.75
WELDERS--Rate for Craft		
POWER EQUIPMENT OPERATORS:		
Group I	12.84	1.70
Group II	11.56	1.70
Group III	9.26	1.70

FOOTNOTES: a. Six Paid Holidays--New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, & Christmas Day. Employer contributes 8% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years, 6% of regular hourly rate for employees who has worked in business less than 5 years.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

POWER EQUIPMENT OPERATORS: CLASSIFICATION DEFINITIONS --

STATE: FLORIDA

COUNTY: BAY

DECISION NUMBER: FL83-1030

DATE: DATE OF PUBLICATION

Supersedes Decision No.: FL81-1254 dated June 26, 1981 in 46 FR 33180.

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POWER EQUIPMENT OPERATORS: CLASSIFICATION DEFINITIONS --

Group I - Crane or Derrick, Clam Shell, Dragline, Piledriver (including Auger & Boring Machine for drilling in Piling), Backhoe, Hydra Crane, Gradall, Shovel, Patrol, Cable Weyseper, Tugboat Captain (150 hp or more), Multi-Bowl (similar to R.G. LaTourneau Model L-60-2 or 3 twenty cubic yard scrapers), side Boom Cat, Multi-Drum Hoist for Rigging work, Mechanic (heavy equipment), Tower Crane (stationary, Climbing, & Travelling), Gantry Crane, Locomotive Crane, Bridge Crane (over 20 tons capacity), Concrete Pump w/boom(mobile), Highlift or Forklift (10' or higher), Locomotive Engineer (for job use that does not infringe upon the rights of Railroad Unions).

Group II - Bulldozer, Bridge Crane (20 tons & under), Highlift or Forklift (less than 10'), Straddle Buggy, Hoist (other than rigging work) including Winch Truck where Winch Truck is not mobile & used as a Hoist, Trenching Machine (ladder & wheel type), over 6' cut & over 24" in width, Concrete Paver, Scraper, Front End Loader, Fireman-Floating Equipment, Mobile Winch Truck, Self-Propelled Sub-Grader, Asphalt Paving Machine, Lubricating Engineer (mobile plant), Pavement Breaker.

Group III - Tractor Operated Sweeper, Trenching Machine(ladder & wheel type) Maximum cut 6' & maximum width 24", Fireman, Self-Propelled Roller, Wellpoint pump, Supervise Installation (one Oper. for 3 pumps, not including standby units, within 300 ft. Radius), Asphalt Distributor, Water Truck Driver, Motor Boat, Oiler, Pumpman (other than wellpoint) up to & including Pumps w/in 300 ft. radius, Conveyors (motor operated) Welding Machine (3 or more combustion type), Pulver Mixer, Compressor (from 1 up to & including 3 compressors within 300 ft. radius, Self-Propelled Sweeper, Combination Pump, Compressor & Combustion Type Welding Type MAchine (any group of 3 units) w/300 ft. radius, Concrete Mixer, Concrete Pump, Tractor, Street Sweeping Machine.

SUPERSEDEAS DECISION

STATE: FLORIDA COUNTY: BAY
DECISION NUMBER: FL83-1030 DATE: DATE OF PUBLICATION
Supersedes Decision No.: FL81-1254 dated June 26, 1981 in 46 FR 33180.
DESCRIPTION OF WORK: BUILDING CONSTRUCTION PROJECTS (does not include single family homes & apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits
BRICKLAYERS	$8.00	
CARPENTERS	5.43	
CARPET LAYERS	5.00	
CEMENT MASONS	6.00	
DRYWALL HANGER	6.31	
ELECTRICIANS	14.56	.85+3%
IRONWORKERS	8.77	.65
LABORERS:		
Unskilled	3.60	
Plasterers Tenders	5.00	
PAINTERS	6.00	
PLASTERERS	7.53	
PLUMBERS & PIPEFITTERS	6.00	
ROOFERS	$ 5.26	
SHEET METAL WORKERS	6.00	
SOFT FLOOR LAYERS	5.00	
SPRINKLER FITTERS	15.00	2.88
TILE SETTERS	6.20	
TRUCK DRIVERS	3.60	
WELDERS-Rate for Craft		
POWER EQUIPMENT OPERATORS:		
Bulldozers	4.76	
Crane	5.43	

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: FLORIDA
DECISION NUMBER: FL83-1031
COUNTY: HILLSBOROUGH
DATE: DATE OF PUBLICATION
Supersedes Decision No.: FL79-1040 dated February 16, 1979 in 44 FR 10230.
DESCRIPTION OF WORK: BUILDING CONSTRUCTION PROJECTS (excluding single family homes & garden type apartments up to & including 4 stories.)

	Basic Hourly Rates	Fringe Benefits
BOILERMAKERS	$16.20	3.315
BRICKLAYERS	9.15	
CARPENTERS:		
Commercial	9.10	1.67
Industrial	13.28	1.67
CEMENT MASONS	9.95	1.60
ELECTRICIANS	7.87	
IRONWORKERS	11.56	2.12
LABORERS	5.14	
LINE CONSTRUCTION:		
Linemen & Heavy Equipment Operator	11.50	.45+ 3.75%
Cable Splicers	11.96	.45+ 3.75%
Winch Truck Drivers	8.84	.45+ 3.75%
Groundmen	6.67	.45+ 3.75%
MILLWRIGHTS	13.57	1.90
PAINTERS:		
Brush & Roller:		
over 15,001 sq ft	$ 9.70	1.18
under 15,000 sq ft	8.20	1.18
PILEDRIVERMEN	13.78	1.67
PLASTERERS	10.15	1.50
PLUMBERS	7.22	
ROOFERS:		
Roofer	11.70	.83
Kettlemen	8.35	.83
SPRINKLER FITTERS	15.00	2.88
TILE SETTERS	10.15	1.60
WELDERS-Rate for Craft		
POWER EQUIPMENT OPERATORS:		
Group A	14.31	1.505
Group B	13.31	1.505
Group C	12.995	1.505
Group D	12.715	1.505
Group E	10.675	1.505
Group F	10.325	1.505
Group G	10.035	1.505

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the Labor Standards Contract Clauses (29 CFR, 5.5 (a)(1)(ii)).

GROUP A: Cat Cranes,Truck Cranes,Piledriver Crane,Derrick,Dragline,Material Hoist w/Chicago Boom,Material Hoist w/2 Drums,Hydraulic lift Form,Diesel Electric & Steam Generators,Motor Grader,Pumpcrete or similar Machine,Cherry Picker, Gradall,Hypto & wheelabrator & Mechanic,Tractor Backhoe,Drill,Rig & Tack Boom Tractor.

GROUP B: Tugger Hoist.

GROUP C: Trenching Machine over 24" Winch Truck;material hoist (elevator type).

GROUP D: Crawler Bulldozer,Crawler tractor & turnapull,heavy huff type front end loader,heavy DW-21 type rubber tired tractor,road roller,fireman,forklift, concrete batch plant operator.

GROUP E: Air compressor 125 cu ft. or over.

GROUP F: Wellpoint system & pumps,material hoist,front end loader other than huff type,rubber tired tractor w/attachments other than backhoe.

GROUP G: Concrete mixer,rubber tired tractor w/out attachments,trenching machines under 24" high lift,sand blasting machines,welding machine,air compressor,miscellanemus pumps.

150ft boom,including jib scale of top operator classification plus $.25 per hr. Tower Crane Operators $.25 per hr above top operator classification not including long boom pay.

SUPERSEDEAS DECISION

STATE: FLORIDA
DECISION NUMBER: FL83-1028
COUNTY: DUVAL
DATE: DATE OF PUBLICATION
Supersedes Decision No.: FL82-1005 dated February 19, 1982 in 47 FR 7596.
DESCRIPTION OF WORK: BUILDING CONSTRUCTION PROJECTS (does not include single family homes or apartments of four stories or less).

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	$15.65	1.88
BOILERMAKERS	16.20	3.315
BRICKLAYERS	11.65	1.41
CARPENTERS & PILEDRIVERMEN	11.32	1.58
CEMENT MASONS	10.61	1.35
ELECTRICIANS:		
Wiremen	13.30	2.37+ 3%
Cable Splicer	13.65	2.37+ 3%
ELEVATOR CONSTRUCTORS:		
Mechanic	12.19	2.465 + a
Helper	8.53	2.465 + a
Probationary Helper	6.095	
IRONWORKERS	12.75	1.78
LABORERS:		
Gunnite Workers,Mechanical Tool Oper.,Power Buggy Oper., & Pipelayers	7.92	.70
Unskilled	7.72	.70
LINEMEN:		
Lineman	13.40	3.25+ 3%
Cable Splicer	13.60	3.25+ 3%
Heavy Equipment Oper.	11.00	2.24+ 3%
Winch Truck Oper.	8.75	1.94+ 3%
Groundmen	6.50	1.63+ 3%
MILLWRIGHTS	$12.79	1.67
PAINTERS	11.05	1.30
PLASTERERS	9.00	.70
PLUMBERS	15.15	1.62
ROOFERS:		
Roofers	12.66	1.275
Kettlemen	9.50	1.275
SHEET METAL WORKERS	13.63	2.36+ 3%
SPRINKLER FITTERS	15.00	2.88
WELDERS-Rate for Craft		
POWER EQUIPMENT OPERATORS:		
Group I	12.84	1.70
Group II	11.56	1.70
Group III	9.26	1.70

DECISION NO. FL83-1028 PAGE TWO.

POWER EQUIPMENT OPERATORS: Classification Definitions.

SUPERSEDEAS DECISION

STATE: Indiana
DECISION NUMBER: IN83-2031
COUNTIES: *See below
DATE: Date of Publication
Supersedes Decision No.: IN80-2015, dated April 11, 1980 in 45 FR 24985
DESCRIPTION OF WORK: Heavy and Highway Construction Projects

POWER EQUIPMENT OPERATORS: Classification Definitions.

Group I - Crane or derrick oper., clam shell oper., dragline oper., piledriver oper. including auger & boring machine oper. for drilling in piling, backhoe oper., hydra crane oper., gradall oper., shovel oper., patrol oper., cable ways oper., tugboat captain (150 hp or more), bulti-bowl oper. (similar to R.G. LaTourneau Model L-60-2 or 3 twenty cubic yard scrapers), side boom cat oper., multi-drum hoist oper. for rigging work, mechanic (heavy equipment), tower crane oper. (stationary, climbing, & travelling), gantry crane oper., locomotive crane oper., bridge crane oper (over 20 ton capacity), concrete pump w/boom (mobile) oper., high lift or forklift oper.(10 ft or higher).

Group II - Bulldozer, bridge crane (25 tons & under), highlift or forklift (less than 10 ft), straddle buggy,hoist (other than rigging work) including winch truck oper. where winch truck is not mobile & used as a hoist, trenching machine, (ladder & wheel type) over 6 ft cut & over 24 inches in width, concrete paver, scraper, front end loader, fireman-floating equipment, mobile winch truck, self-propelled sub-grader, asphalt paving machine, lubricating engineer (mobile plant, pavement breaker.

Group III - Tractor operated sweeper, trenching machine (ladder & wheel type) maximum cut 6 ft & maximum width 24 inches fireman, self-propelled roller, wellpoint pump & supervise installation(one operator for 3 pumps, not including standby units, w/in 300 ft radius),asphalt distributor, water truck driver, motor boat, oiler, pumpman (other than wellpoint) up to & including pumps w/in 300 ft radius, conveyor (motor operated), welding machine (3 or more combustion type), pulver mixer, compressor (from 1 up to & including 3 compressors) w/in 300 ft. radius, self-propelled sweeper, combination pump, compressor& combustion type welding machine, (any group of 3 units) with 300 ft radius, concrete mixer, concrete pump, tractor, street sweeping machine.

FOOTNOTE:
a. Six Paid Holidays: New Year's Day,Memorial Day, Independence Day, Labor Day, Thanksgiving Day, & Christmas Day.

Employer contributes 6% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years; 8% for employee who has worked in business more than 5 years.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Indiana COUNTIES: *See below
DECISION NUMBER: IN83-2031 DATE: Date of Publication
Supersedes Decision No.: IN80-2015, dated April 11, 1980 in 45 FR 24985
DESCRIPTION OF WORK: Heavy and Highway Construction Projects

*Statewide, except Lake, LaPorte, Porter and St. Joseph Counties

	Basic Hourly Rates	Fringe Benefits
CARPENTERS:		
Area 1	$17.10	3.57
Area 2	14.11	2.35
Area 3	14.61	3.40
Area 4	14.46	2.25
Area 5	13.76	2.55
CEMENT MASONS:		
Area 1	12.85	1.57
Area 2	15.12	1.58
Area 3	13.70	1.85
Area 4	12.45	1.80
Area 5	13.95	
Area 6	12.64	2.08
Area 7	14.85	2.10
Area 8	11.95	1.60
Area 9	14.83	2.35
Area 10	13.09	1.05
Area 11	12.50	
Area 12	14.35	1.95
Area 13	13.91	1.83
Area 14	13.40	1.90
Area 15	16.35	1.00
Area 16	14.21	3.54
Area 17	18.00	2.16
Area 18	14.68	2.03
IRONWORKERS:		
Area 1	15.00	6.09
Area 2	15.40	4.56
Area 3	17.80	2.87
Area 4	14.20	4.20
Area 5	15.40	3.60 +1%
Area 6	15.85	3.60 +1%
Area 7	14.79	3.32
Area 8	16.26	2.95
Area 9	15.25	4.05
Area 10:		
Structural & Ornamental	16.28	3.18
Reinforcing	16.18	3.12
PAINTERS:		
Area 1:		
Brush & Roller	12.75	2.07
Spray & Sandblasting	13.85	2.07
Area 2:		
Brush	12.55	1.75
Spray & Sandblasting	13.55	1.75
Area 3	12.94	1.63
Area 4	14.85	2.12
Area 5	14.70	2.39
Area 6:		
Brush & Roller	13.65	1.70
Structural Steel	13.90	1.70
Spray	16.92	1.70
Sandblasting	14.65	1.70
Area 7:		
Brush	10.65	.50
Spray	12.15	.50
Area 8:		
Brush & Roller	14.30	1.40
Spray & Sandblasting	15.30	1.40
Area 9:		
Brush	8.90	.30
Structural Steel	9.65	.30
Spray	9.90	.30
Area 10:		
Brush	11.25	
Spray	12.25	
Structural Steel to 30'	11.90	
Structural Steel 30' to 100'	12.25	
Structural Steet over 100'	13.25	
Area 11:		
Brush, Roller & Steel	10.80	.80
Spray	11.80	.80
Area 12:		
Brush	15.00	
Spray	16.50	
Area 13:		
Brush	9.83	.58
Spray	10.28	.58
Area 14:		
Brush & Roller	14.70	1.50
Spray & Sandblasting	15.70	1.50

DECISION NO. IN83-2031

	Basic Hourly Rates	Fringe Benefits
LABORERS:		
Group 1	10.98	1.94
Group 2	11.13	1.94
Group 3	11.18	1.94
Group 4	11.28	1.94
Group 5	11.83	1.94
POWER EQUIPMENT OPERATORS		
Area 1:		
Group 1	16.30	3.55
Group 2	15.85	3.55
Group 3	15.40	3.55
Group 4	14.20	3.55
Group 5	13.70	3.55
Area 2:		
Group 1	15.16	4.28
Group 2	13.55	4.28
Group 3	12.28	4.28
Group 4	10.86	4.28
Area 3:		
Group 1	17.09	2.20
Group 2	15.27	2.20
Group 3	14.35	2.20
Group 4	12.74	2.20
Area 4:		
Group 1	16.90	2.35
Group 2	10.75	2.35
Area 5:		
Group 1	14.78	2.20
Group 2	13.28	2.20
Group 3	11.75	2.20
POWER EQUIPMENT OPERATORS (Underground and Utility Construction)		
Area 1:		
Group 1	17.65	3.70
Group 2	17.15	3.70
Group 3	15.20	3.70
Group 4	14.00	3.70
Area 3:		
Group 1	16.55	2.20
Group 2	15.65	2.20
Group 3	12.75	2.20
Group 4	11.25	2.20
Area 5:		
Group 1	14.83	2.15
Group 2	13.33	2.15
Group 3	11.80	2.15

	Basic Hourly Rates	Fringe Benefits
TRUCK DRIVERS:		
Group 1	12.81	92.50a
Group 2	12.76	92.50a
Group 3	12.71	92.50a
Group 4	12.66	92.50a
Group 5	12.61	92.50a
Group 6	12.56	92.50a
Group 7	12.51	92.50a
Group 8	12.46	92.50a
Group 9	12.41	92.50a
Group 10	12.36	92.50a
Group 11	12.31	92.50a
Group 12	12.21	92.50a
FOOTNOTE:		
a. Per Week		
LINE CONSTRUCTION:		
Area 1:		
Lineman, Line Truck Op. Mechanical Equipment Op.	17.61	.65+8%
Groundman	10.92	.65+8%
Area 2:		
Linemen, Heavy Equipment Operators Tool Handling Splicer	17.57	.65+8%
Truck Driver	16.50	.65+8%
Groundman	16.16	.65+8%
Area 3:		
Lineman, Groundman Equipment Op., Crawler Type Equip. Larger than D-4	18.74	.65+8½%
Groundman Truck Driver W/Winch	15.73	.65+8½%
Groundman Truck Driver W/O Winch	14.93	.65+8½%
Groundman	14.33	.65+8½%
Area 4:		
Lineman, Groundman Equip. Op., Crawler Type Equip. larger than D-4	15.94	.45+8%
Groundman Truck Driver W/Winch	13.28	.45+8%
Groundman Truck Driver W/O Winch	12.52	.45+8%
Groundmen	11.96	.45+8%

DECISION NO. IN83-2031

AREA DESCRIPTIONS

CARPENTERS

Area 1 - Jasper, Newton, & Starke Counties
Area 2 - Adams, Benton, Carroll, Cass, Clinton, Elkhart Fulton, Grant, Howard, Huntington, Kosciusko, Marshall, Miami, Pulaski, Tippecanoe, Tipton, Wabash, Wells & White Counties
Area 3 - Boone, Fountain, Hamilton, Hancock, Hendricks, Johnson, Marion, Montgomery, Morgan, Parke, Putnam, Vermillion (North of Clinton) & Warren Counties
Area 4 - Clay, Daviess, Gibson, Greene, Knox, Lawrence, Martin, Monroe, Orange, Owen, Sullivan, Vermillion (Remainder of Co.), & Vigo Counties
Area 5 - Remainder of Counties

CEMENT MASONS

Area 1 - Adams, Allen, DeKlab, Noble, Steuben & Whitley Counties
Area 2 - Elkhart, Lagrange & Kosciusko Counties
Area 3 - Blackford, Delaware, Grant, Huntington, Jay, Randolph Wabash & Wells Counties
Area 4 - Decatur, Fayette, Franklin , Rush, Union and Wayne Cos.
Area 5 - Barthalomew, Brown, Dearborn, Jackson, Jefferson, Jennings, Lawrence, Ohio, Orange, Ripley, Scott, Shelby, Switzerland and Washington Counties
Area 6 - Clark, Floyd and Harrison Counties
Area 7 - Crawford, Dubois, Perry, Posey, Spencer, Vanderburgh & Warrick Counties
Area 8 - Daviess, Gibson, Knox, Martin & Pike Counties
Area 9 - Green & Sullivan Counties
Area 10 - Clay, Owen (S. W. Pan handle only), Park, Putnam, Vermillion & Vigo Counties
Area 11 - Monroe, Morgan (S½) and Remainder of Owen Counties
Area 12 - Boone, Hamilton (S½ N. to Rte Ind 32 incl. Noblesville) Hancock (S. W. Corner N to but not including Wilkinson and E. to but not including Fortville), Hendricks, Johnson, Marion and Morgan (N½) Cos.
Area 13 - Hamilton, Hancock (Remainder of Co.). Henry, Madison & Tipton Counties
Area 14 - Benton (E. 2/3) , Carroll, Cass, Clinton, Fountain (E½), Howard, Miami, Montgomery, Tippecanoe, Warren (NE 1/3) & White Counties
Area 15 - Remainder of Benton, Fountain & Warren Counties
Area 16 - Fulton, Marshall and Pulaski (S½) Counties
Area 17 - Jasper (N.E. portion W. to but not including Westfield), Pulaski (N ½) & Starke Counties
Area 18 - Jasper (S½) and Newton Counties

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DECISIN NO. IN83-2031

AREA DESCRIPTION (CONT'D)

DECISION NO. IN82-2031

AREA DESCRIPTION (CONT'D)

IRONWORKERS

Area 1 - Adams, Allen, Blackford, DeKalb, Delaware (North-eastern 1/3 of Co.), Grant (excluding S/W portion), Huntington, Jay, Kosciusko (SW portion incl. Warsaw), Lagrange (Eastern ½ of Co.), Noble, Randolph (N. part of Co. excluding Union City but including Winchester), Steuben, Wabash, Wells & Whitley Counties
Area 2 - Elkart, Fulton, Kosciusko (Rem. of Co.), Lagrange (Western ½ of Co.), Marshall, Pulaski & Starke, Counties
Area 3 - Jasper (Northern ½ of Co.), & Newton Counties
Area 4 - Clark, Crawford, Floyd, Harrison, Jackson (Southern ½ of Co.), Jefferson, Jennings (Southern ½ of Co.), Lawrence (Southern 2/3 of Co.), Martin (Eastern ½ of Co.), Orange, Scott & Washington Counties
Area 5 - Marion County
Area 6 - Bartholomew, Boone (Southeastern ½ of Co.), Brown, Clinton (Eastern 1/3 of Co.), Decatur (Western ½ of Co.), Delaware (southern 2/3 of Co.), Fayette (Western ½ of Co.), Franklin (NW Tip of Co.), Grant (SW portion), Hamilton, Hancock, Hendricks, Henry, Howard, Jackson (Northern ½ of Co.), Jennings (Northern ½ of Co.), Johnson, Lawrence (Northeastern 1/6 of co.), Madison, Monroe, Morgan, Owen, Putnam (Eastern ½ of Co.; excluding Greencastle), Rush, Shelby, & Tipton Counties
Area 7 - Benton, Boone (Northwestern ½ of Co.), Carroll, Cass, Clinton (Western 2/3 of Co.), Fountain, Jasper (Southern ½ of Co.), Miami, Montgomery, Tippecanoe, Warren, & White Counties
Area 8 - Fayette (Eastern ½ of Co.), Randolph (Rem. of Co.), Union (N. 2/3 of Co.), & Wayne Counties
Area 9 - Clay, Daviess, Greene, Knox, Lawrence (Northwestern 1/6 of Co.), Parke, Putnam (Western ½ of Co., including Greencastle), Sullivan, Vermilltion & Vigo Counties
Area 10 - Dearborn, Decatur (Eastern ½ of Co.), Franklin (Remainder of Co.), Ohio, Ripley, Switzerland, & Union (Southern 1/3) Cos.

PAINTERS:

Area 1 - Adams, Allen, DeKalb, Grant, Huntington, Lagrange, Noble, Steuben, Wabash, Wells & Whitley Counties
Area 2 - Blackford, Delaware, Fayette, Franklin, Henry, Howard, Jay, Madison, Miami, Randolph, Rush, Tipton, Union & Waynes Counties

DECISIN NO. IN83-2031

AREA DESCRIPTION (CONT'D)

PAINTERS (CONT'D)

Area 3 - Elkhart, Fulton, Koscuisko, & Marshall Counties
Area 4 - Pulaski & Starke Counties
Area 5 - Jasper, Newton & White Counties
Area 6 - Benton, Carroll, Cass, Clinton, Fountain, Montgomery, Tippecanoe & Warren Counties
Area 7 - Parke & Vermillion Counties
Area 8 - Boone, Clay, Hamilton, Hancock, Hendricks, Johnson, Lawrence, Marion, Martin, Morgan, Organge, Putnam & Shelby Cos.
Area 9 - Brown, Monroe & Owen Counties
Area 10 - Green, Sullivan & Vigo Counties
Area 11 - Bartholomew, Decatur, Jackson & Jennings Counties
Area 12 - Dearborn, Ohio, Ripley & Switzerland Counties
Area 13 - Clark, Crawford, Floyd, Harrison, Jefferson, Scott & Washington Counties
Area 14 - Daviess, Dubois, Gibdon, Knox, Perry, Pike, Psoey, Spencer, Vanderburgh & Warrick Counties

POWER EQUIPMENT OPERATORS

Area 1 - Jasper, Newton, Pulaski, & Starke Counties
Area 2 - Elkhart, Fulton, Kosciusko, Lagrange, Marshall & Noble Counties
Area 3 - Adams, Allen, Benton, Blackford, Carroll, Cass, Clinton, DeKlab, Delaware, Fayette, Grant, Hamilton, Hancock, Henry, Howard, Huntington, Jay, Johnson, Madison, Marion, Miami, Randolph, Rush, Shelby, Steuben, Tippecanoe, Tipton, Union, Wabash, Wayne, Wells, White, & Whitley Counties
Area 4 - Boone, Clay, Daviess, Fountain, Greene, Hendricks, Knox, Monroe Montgomery, Morgan, Owen, Parke, Putnam, Sullivan, Vermillion, Vigo, & Warren Counties
Area 5 - Bartholomew, Brown, Clark, Crawford, Dearborn, Decatur, Dubois, Floyd, Franklin, Gibson, Harrison, Jackson, Jefferson, Jennings, Lawrence, Martin, Ohio, Orange, Perry, Pike, Posey, Ripley, Scott, Spencer, Switzerland, Vanderburgh, Warrick, & Washington Counties

LINE CONSTRUCTION

Area 1 - Clark, Floyd, Harrison, Jackson, Jefferson, Scott & Washington Counties
Area 2 - Crawford, Dubois, Gibson, Perry, Pike, Posey, Spencer, Vanderburgh & Warrick Counties
Ares 3 - Newton County
Area 4 - Remainder of Counties

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CLASSIFICATION DEFINITIONS

LABORERS

Group 1 - Construction Laborer, Carpenter Tender, Fence Erector, Grade Checker, Guard Rail Erector, Continuous Steel Rod or Mat Installer, Wire Mesh Layer, Joint Man (Mortar, Mastic, and all other types), Lighting Installer (Permanent or Temporary), Lineman for Automatic Grade Maker on Paving Machines, Mortar Man, Multi- Plate Erector, Rip-Rap Installer (All products and matertials),Road Marking and Delineation Laborer, Setting and Placing of all Precast Concrete Products, Sign Installation including supporting structure, Spraying of all Epoxy, Curing Compound, or like material

Group 2 - Air Tool, Power Tool, and Power Equipment Operator, Asphalt Lute Man, Asphalt Raker Man, Batch Truck Dumper, Bridge Hand Rail Erector, Handler (Bulk or Bag Cement), Chain Saw Man, Concrete Puddler, Concrete Rubber, Concrete Saw Operator, Core Drill Operator, Eye Level, Hand Blade Operator, Hydro Seeder Man, Motor Driven Georgia Buggy Operator, Power Driven Compactor or Tamper Operator, Power Saw Operator, Pumcrete Assembly Man, screed Man or screw Man on Asphalt Paver, Rebar Installer, Sand blaster Man, Sealer applicator for asphalt, (toxic), Setting and Placing Prestressed on Precast Concrete Structural Members, Side Rail Setter (for Sidewalks, Side Ditches, Radii, and Pavements), Spreader Box Tender (Manual or Power Driven), Straw Blower Man, Subsurface Drain and Culvert Pipe Layer, transverse and Longitudinal Hand Bull Float Man

Group 3 - Horizontal Boring and Jacking Man, Jackman and Sheetman, Pipe Grade Man, winch and Windlass Operator

Group 4 - Conduit Installer, Cutting Torch Burner, Laser Beam, Aligner, Manhole Erector, Sewer Pipe Layer, Water Line Installer - Temporary or Permanent, Welders (Electric or Oxy-Acetylene)

Group 5 - Air Track and Wagon Drillman, Concrete Finisher, Dynamite and Powder Man, General Laborer Leadman

POWER EQUIPMENT OPERATORS

AREA 1

Group 1 - Air Compresor in Manifold with throttle valve, Asphalt Plant Engineer, Auto Grade or similar type machine, Auto Patrol, Backhoe - All, Ballast Regulator (R.R.), Bituminous Mixer, Bituminous Paver, Bituminous Plant Engineer, Bulldozer, Caisson Drilling Machine, Cherry Picker - all, Chip Spreader - Self-propelled, Cold Grinder or similar type equipment, Concrete Mixer - 21. cu. ft. or over, Concrete Pump - Truck mounted, Core Drilling Machine, crane or Derrick with any attachment (including Clamshell Dragline, Shovel, Backhoe, etc.), Dredge Operator, Drilling Machine on which the drill is an integral part, Earth Mover - rubber tires - (paddle wheel 619 631, TS-24, or similar type), Earth Mover - rubber tired (tandem 50: per hour additional), Elevating Grader, Endloader - hilift Shovel, P.C.C. Formless Paver, Gradall, Gravel Processing Plant-portable,

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CLASSIFICATIONS DEFINITIONS (CONT'D)

POWER EQUIPMENT OPERATORS AREA 1 (CONT'D)

Guardrail Post Driver Operator, Head Greaser, Hilift Shovel-Endloader, Hoist (2 drums and over), Helicopter - Crew, Hydraulic Boom Truck, Keystone (Skimmer Scoop), Loader Self-propelled (belt-chain wheel), Locomotive Operator, Mechanic, Mucking Machine, Multi-bank Drill Operator, Panel Board Concrete Plant - central, mix type, Paver - Hetherington, Pile Driver-skid or crawler, Road Paving Mixer, Rock Breaking Plant, Rock Crushing Plant-portable, Roller (Aspalt, Waterbound, Macadam, Bituminous Macadam, Brick Surface), Roller - with dozer blade, Root Rake - Tractor mounted, Stump Remover-tractor mounted, Surface Heater and Planer, Tandem Push Tractor - 50¢ per hour additional, Tractor - boom winch or Hoe head, Tractor - Push, Tractor with scoop, Tractor Mounted Spreader, Tree Mover, Trench Machine (over 24"), Tug Boat Operator, Welder, Well Drilling Machine

Group 2 - Air compressor with throttle valve or Clever Brmoks type comb., Backfiller, Base Paver - Jersey or simillar type machine, Bull Float, Concrete Finishing Machine, Concrete Mesh Depressor-independently operated, Concrete Spreader - Power Driven, Dredge Engineer, Excavator Loader-portable, Fireman - on Boiler, Fork-lift - regardless of ton, Hoists - 1- drum, Mesh or Steel Placer, Minor Equipent Operator - 5 pieces, Multiple Tamping Machine (R.R.) P.C.C. Concrete Placer, Paving Breaker, Power Broom-Self-propelled, Pull Grader-Power Controlled, Refrigerating Machine- freezing Operation, Roller - earth and sub-base material, Ross Carrier (straddle buggy), Sheepfoot Roller-self-propelled without blade, Tamper - Multiple Vibrating (Asphalt Waterbound Macadam, Bituminous Macadam, Brick Surface) Tamper-Multiple Vibrating (Earth and Sub-Base Material), Trench Machine-24" and under, Tube Float, Well Point-System, Widener - Apsco or similar type, Winch Truck with A Frame

Group 3 - Air Compressor, Assistant to Engineer - Oiler, Assistant Plant Engineer, Automatic Dry Batch Plant, Bituminous Distributor, Bituminous Patching Tamper, Belt Spreader, Broom and Belt Machine, Brush Burner, Chair Cart - Self-propelled, Coleman Type Screen, Cold Grunder Oiler, Concrete Mixer - less than 21 cu. ft., Conveyor-portable, Curb Machine, Deckhand, Digger (Post Hole, power driven), Farm Tractor - inc. farm tractor with all atachments (except backhoe, Hilift Endloaders), Form Grader, Form Tamper-Motor Driven, Generator, Gunite Machine, Hetherington Driver, Hetherington Helper, Hydra Seeder, Mechanic's Helper, Mechanical Heater, Minor Equipment Operator-1 thru 4 pieces, Outboard or Inboard Motor Boat, Power Curing Spraying Machine, Power Saw - Concrete (Power Driven), Pug Mill Pull Broom-Power type, Seaman Tiller, Slurry Seal Machine, Spike Machine, Straw Blower or Brush Mulcher, Striping Machine (Paint, Motor Driven), Sub Grader, Trottle Valve, Tractaire with Drill, Truck Crane and Multi-Drill Oiler-Driver, Spreader, Water Pump

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CLASSIFICATION DEFINITIONS (CONT'D)

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CLASSIFICATIONS DEFINITIONS (CONT'D)

POWER EQUIPMENT OPERATORS - AREAS 2 and 3

Group 1 - Air Compressors in Manifold with throttle valve, Asphalt Plant Engineer, Auto Grade or similar type machine, Auto Patrol, Backhoe on Farm Type Tractor 45 H. P. & over, Ballast Regulator (R.R.), Bituminous Mixer, Bituminous Paver, Bituminous Plant Engineer, Bull Dozer, Caisson Drilling Machine, Cherry Picker - 15 ton or over, Chip Spreader, Concrete Mixer 21. cu. ft. or over, Core Drilling Machine, Crane or Derrick with any Attachment (incl. Clamshell, Dragline, Shovel, Backhoe, etc.), Dredge Engineer, Dredge Operator, Drilling Machine on which the drill is an integral part, Earth Mover-rubber tired (paddle wheel, 619, 631, TS-24 or similar type), Earth Mover-rubber tired-tandem (50 cents per hr. add'l. for each bowl), Elevating Grader, Fork Lift (10 ton or over), P.C.C. Formless Paver, Gradall, Gravel Processing Plant (portable), Operator of Guard Rail Post Driver, Highlfit Shovel - 1¼ cu. yd. or over, Hoist (2 drums and over), Helicopter-Crew, Hydraulic boom Truck, Keystone (Skimmer Scoop), Loader-Self-propelled (Belt-Chain-Wheel), Locomotive Operator, Mechanic, Mucking Machine, Panel board Concrete Plant (central mix type), Paver - Hetherington, Pile Driver-Skid or Crawler, Road Paving Mixer, Rock Breaking Plant, Rock Crushing Plant (Portable), Roller (Asphalt, Waterbound Macadam, Bituminous Macadam, Brick Surface), Roller Dith dozer Blade, Root Rake-Tractor Mounted, Self-propelled Widener, Stump Remover-Tractor Mounted, Surface Heater & Planer, Tandem Push Tractor (50 cents per hr. additional), Tractor Boom, winch or Hoe Head) Tractor - Push, Tractor with Scoop, Tractor Mounted Spreader, Tree Mover, Trench Machine (over 24"), Tug Boat Operator, Well Drilling Machine, Winch Truck with A Frame

Group 2 - Air compressor with Throttle Valve or Clever Brooks type Comb.; Backfiller, Backhoe on Farm Type Tractor under 45 H.P., Bull Float, Cherry Picker under 15 ton, Chip Spreader (self-propelled), Concrete Pump, Concrete Mesh Depressor-Independently operated, Concrete Spreader - Power Driven, End Loader under 1½ cu. yd., Excavating Loader - Portable, Finishing Machine and Bull Float, Gunite Machine, Head Greaser, Mesh or Steel Placer, Multiple Tamping Machine (R.R.), P.C.C. Concrete Belt Placer Bull Grader - Power Control, Refrigerating Machine - Freezing operation, Ross Carrier, Sheepfoot Roller (self-propelled), Tamper (Multiple Vibrating - Asphalt, Waterbound Macadam, Bituminous Macadam, Brick Surface), Trench Machine 24" and under, Tube Float, Welder

Group 3 - Assistant Plant Engineer, Base Paver (Jersey or similar type machine), Concrete Finishing Machine, Concrete Mixer - less than 21 cu. ft., Curb Machine, Farm Tractor (incl. Farm TRactor with all

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CLASSIFICATION DEFINITIONS (CONT'D)

POWER EQUIPMENT OPERATORS AREAS 2 and 3 (CONT'D)

attachments except backhoe and incl. high lift end loaders of 1 cu. yd. capacity or less), Fireman (on boiler), Hoist (one drum), Operator-5 pieces of minor equip., Paving Breaker, Power Broom-Self-propelled, Roller (Earth & Sub-base material), Slurry Seal Machine, Spike Machine (R.R.), Tamper (Multiple Vibrating - Earth and Sub-base material), Throttle Valve, Throttle Valve and Fireman combination on horizontal or upright boiler, Tractaire with Drill, Tractor - 50 H.P. or over, Well Point System, Widener (Apsco or similar type)

Group 4 - Air Compressor, Assistant to Engineer - Oiler, Automatic Dry Batch Plant, Bituminous Patching Tamper, Belt Spreader, Broom & Belt Machine, Chair Cart (Self-propelled), Coleman Type Screen, Conveyor (portable), Deck Hand, Digger Post Hole (Power-Driven), Fork Lift - under 10 ton, Form Grader, Form Tamper (Motor-driven), Generator, Greaser Helper, Hetherington Driver, Hetherington Helper, Hydra Seeder, Mechanics Helper, Mechanical Heater, Operator-1 thru 4 pcs. of minor equip., Outboard or Inboard Motor Boat, Power Curing Spraying Machine, Power Saw - Concrete (power driven), Pug Mill, Pull Broom (Power Type), Seaman Tiller, Straw Blower or Brush Mulcher, Striping Machine-Paint (Motor-driven) Sub Grader, tractaire, Tractor (below 50 H.P.), Truck Crane Oiler - Driver, Spreader, Water Pump, Welding Machine - 2 of 300 amps or over

AREA 4

Group 1 - Air Compressors (2), Compressors hooked in Manifold, Asphalt Plant Engineer, auto grade and/or C.M.I. or similar type Machine, Auto Patrol, Motor Patrol, Power Blade, Apsco Paver, Asphalt Planer, Asphalt Rollers, Asphalt Paver Operator, Milling Machine, Self-Propelled Widener, Backhoe and/or Pavement Breaker Attachment, Self-Propelled Pavement Breaker, Ballast Regulator (R.R.), Bituminous Mixer, Bituminous Paver, Bituminous Plant Engineer, Bulldozer, One Drum Hoist with Tower or Boom, Cableways, Tower Machines, Backfiller, Boom Tractor, Boon or Winch Truck, Winch or Hydraulic Boom Truck, Boring Machine, Boiler Operator, Bruch Mulcher, Bull Float, Finishing Machine, Power Cranes, Overhead Cranes, Truck Cranes, Piledriver, Skid or Crawler, Guard Rail Post Driver, Tower Cranes, Hydro Crane, Cherry Picker, Draglines, Derricks, Shovels, Clam, Gradalls, Two Drum Machine, Concrete Mixers with Skip, Tournamixer, Concrete Pump (Truck or skid Mounted), Concrete Plant Engineer, Soil Cement Machine, Formless Paver, Concrete Spreader, resco Concrete Saw, Chip Spreader, Mesh Placer, Dredgeing Equipment or Dredge Engineer or Dredge Operator, Tug Boat Operator, Marine Scoops, Ditching Machine with dual Attachment, Standard or Dinkey Locomotives, Drilling Machine including Well Testing, Ciassons, Shaft or any similar type Drilling Machines (Well Point Systems), Mud Cat, Mucking Machine, Sull-Air, Mechanics, Welder, Head Equipment Greaser, Tournapull, Tractor Operating Scoops, Push Tractors, Large Rollers

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POWER EQUIPMENT OPERATORS AREA 4 (CONT'D)

on Earth, Loaders (track or Rubber Mounted), or similar type Machine, Lull, Tournadozer, Scoopmobiles, Elevating Machines, Power Sub Grader, Hydra Ax, Farm Tractor with Attachments, Seaman Tiller, Tree Mover, Stump Remover, Root Rake, Hydra Seeder, Straw Blower, Refrigerating Machine, freezing Operator, Chair Cart - Self Propelled, Helicopter Crew (3), Ross Carrier or Straddle Buggy or similar Machine, Rock Crusher Plant, Gravel Processing Machine, Pipe Cleaning Machine, Pipe Wrapping Machine, Pipe Bending Machine, Pug Mill, Concrete Bump Grinder Machine, Power Curing Spray Machine,

Group 2 - Air Compressor 600 cu. ft. and under, Air Tugger, Air Valves or Steam Valves, Assistant Concrete Plant Engineer, Asphalt Plant Fireman, Bulk Cement Plant Equipment Greaser, Concrete Mixers without Skips, Curbing Machine, Concrete Saw (Self Propelled), Concrete and Blacktop Curb Machine, Conveyors, Cement Blimps, Ditching Machine under 6", Distributor Operator on Trucks, Deck Hands, Elevators when used for hoisting material, Engine Tenders, Fork Lift, Farm Tractor, Fireman, Fireman on Paint or Dope Pots, Form Tamper, Form Grader, Flex Plane, Generators (two to four), or Welding Machines or Water Pumps, within 400 feet, Gunite Machine, Greaser Helper, Machine Mounted Post Hole Digger, Mud Jack, One Drum Machines without Tower or Boom One Water Pump, Oilers, One Welding Machine, Outboard or Inboard Motor boat, Power Broom (Self Propelled), Pull Broom (Power Type), Syphons and Pulsometer, Switchman, Striping and or Painting Machine (motor driven), Slurry Seal Machine, Track Jack, Temporary Heat, Throttle Valve, Tube Float, Tractaire, Wagon Drill, Multiple Tamping Machine (R.R.), Spike Machine (R.R.), Mechanical Heaters, Brush Burner

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POWER EQUIPMENT OPERATORS (CONT'D)

AREA 5

Group 1 - Auto Patrol - Maintainer, Automatic Dry Batch Plant, Automated Concrete Placer, Automated Sub-Grader, Automated Slip Form Paver, Automated Finish Machine, Combination Backhoe-Front Endloader Machine (½ cu. yd. Backhoe Bucket or over or with attachments), Combination Backhoe (1 cu. yd. backhoe bucket or over or with attachments), Ballast Regulator (R.R.), Belt Loader - Stationary, Boring Machine (road), Bulldozer, Concrete Mixer - 27 cu. ft. or over, Concrete Pump, Concrete Pump Truck Mounted, Concrete Breaker Truck Mounted, Concrete Breaker Self-Propelled, Core Drilling Machine, Cranes and Backhoes-all Attachments, Cranes-Hammerhead, Crater Crane, Derricks, Derricks Traveling, Dredge Engineer, Dredge Operator, Formless Curb and Gutter Machine 36 inches and over, Formless Curb and Gutter Machine under 36 inches, gradall and Machines of a like nature, Guard Rail Post Driver Truck mounted, Lead Greaser, Helicopters, Highlift Shovel 3 yds. and over, Hoist 1 Drum, Hoist 2 & 3 Drum, Hydraulic Power Units, Grouting - Pile Driving and extracting, Locomotive Operator, Mechanic - Welder, Mucking Machine, Panelboard Concrete Plant (Central Mix Type), Paver - Hetherington, Pile Driver Skid or Crawler, Road Paving Mixer, Rock Drill Crawler or Skid Rig, Rock Drill Truck Mounted, Ross Carrier, Roto Mill Grinder 36" and over, Roto Mill Grinder less than 36, Throttle Valve & Compressor or Clever Brooks Type Combination, Throttle Valve and Fireman Combination on Horizontal or Upright Boiler, Tournaull or similar type equipment, Tractor - boom, Tractor Drawn Belt Loader, Tractor Drawn Belt Loader with attached pusher Trench Machine, Tug Boat Operator, Wheel Excavator, Winch Truck with "A" Frame, Scoops, Tournapulls or similar types machines in tandem (Add $1.00 to Class 1 hourly rate for each machine attached thereto)

Group 2 - Combination Backhoe Front Endloader Machine with less than ½ cu. yd. backhoe bucket or with att., Bituminous Mixer, Bituminous Paver, Bituminous Plant Engineer, Bridge Deck Finisher , Concrete Mixer, less than 27 cu. ft., Greaser, Highlift Shovel under 3 cu. yds., Jersey Spreader or Base Paver, Pavement Bump Grinder (Self-Propelled), Roller Asphalt (Waterbound, Macadam, Bituminous Macadam, Brick Surface), Sheepfoot Roller (Self-Propelled) with blade, Surface Heater and Planer, Tamper (Multiple Vibrating, Asphalt Waterbound Macadam, Bituminous Macadam, Brick Surface), Tractor - Push, Tractor with Scoop, Widener - Aspco or similar type

Group 3 - Assistant Plant Engineer, Back Filler, Bituminous Distributor, Broom and Belt Machine, Bull Float, Concrete Finishing Machine Concrete Spreader-Power Driver, Digger-Post-Hole- Power Driven, Finishing Machine and Bull Float, Forklift, Form Grader, Form Tamper-Motor Driven, Multiple Tamping Machine, Paving Breaker, Roller-Earth & Subbase Material, Roller Sheepfoot (Self-Propelled), Sub-grader, Tamper-Multiple Vibrating-Earth and Subbase Material, Tractaire,

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POWER EQUIPMENT OPERATORS AREA 5 (CONT'D)

Wagon Drill, Multiple Tamping Machine (R.R.), Spike Machine (R.R.), Mechanical Heaters, Brush Burner

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POWER EQUIPMENT OPERATORS - UNDERGROUND, SEWER & WATER CONSTRUCTION

Group 1 - Auto Patrol - Maintainer, Automatic Dry Batch Plant, Automated Concrete Placer, Automated Sub-Grader, Automated Slip Form Paver, Automated Finish Machine, Combination Backhoe-Front Endloader Machine (½ cu. yd. Backhoe Bucket or over or with attachments), Combination Backhoe (1 cu. yd. backhoe bucket or over or with attachments), Ballast Regulator (R.R.), Belt Loader - Stationary, Boring Machine (road), Bulldozer, Concrete Mixer - 27 cu. ft. or over, Concrete Pump, Concrete Pump Truck Mounted, Concrete Breaker Truck Mounted, Concrete Breaker Self-Propelled, Core Drilling Machine, Cranes and Backhoes-all Attachments, Cranes-Hammerhead, Crater Crane, Derricks, Derricks Traveling, Dredge Engineer, Dredge Operator, Formless Curb and Gutter Machine 36 inches and over, Formless Curb and Gutter Machine under 36 inches, gradall and Machines of a like nature, Guard Rail Post Driver Truck mounted, Lead Greaser, Helicopters, Highlift Shovel 3 yds. and over, Hoist 1 Drum, Hoist 2 & 3 Drum, Hydraulic Power Units, Grouting - Pile Driving and extracting, Locomotive Operator, Mechanic - Welder, Mucking Machine, Panelboard Concrete Plant (Central Mix Type), Paver - Hetherington, Pile Driver Skid or Crawler, Road Paving Mixer, Rock Drill Crawler or Skid Rig, Rock Drill Truck Mounted, Ross Carrier, Roto Mill Grinder 36" and over, Roto Mill Grinder less than 36, Throttle Valve & Compressor or Clever Brooks Type Combination, Throttle Valve and Fireman Combination on Horizontal or Upright Boiler, Tournaull or similar type equipment, Tractor - boom, Tractor Drawn Belt Loader, Tractor Drawn Belt Loader with attached pusher Trench Machine, Tug Boat Operator, Wheel Excavator, Winch Truck with "A" Frame, Scoops, Tournapulls or similar types machines in tandem (Add $1.00 to Class 1 hourly rate for each machine attached thereto)

Group 2 - Combination Backhoe Front Endloader Machine with less than ½ cu. yd. backhoe bucket or with att., Bituminous Mixer, Bituminous Paver, Bituminous Plant Engineer, Bridge Deck Finisher , Concrete Mixer, less than 27 cu. ft., Greaser, Highlift Shovel under 3 cu. yds., Jersey Spreader or Base Paver, Pavement Bump Grinder (Self-Propelled), Roller Asphalt (Waterbound, Macadam, Bituminous Macadam, Brick Surface), Sheepfoot Roller (Self-Propelled) with blade, Surface Heater and Planer, Tamper (Multiple Vibrating, Asphalt Waterbound Macadam, Bituminous Macadam, Brick Surface), Tractor - Push, Tractor with Scoop, Widener - Aspco or similar type

Group 3 - Assistant Plant Engineer, Back Filler, Bituminous Distributor, Broom and Belt Machine, Bull Float, Concrete Finishing Machine Concrete Spreader-Power Driver, Digger-Post-Hole- Power Driven, Finishing Machine and Bull Float, Forklift, Form Grader, Form Tamper-Motor Driven, Multiple Tamping Machine, Paving Breaker, Roller-Earth & Subbase Material, Roller Sheepfoot (Self-Propelled), Sub-grader, Tamper-Multiple Vibrating-Earth and Subbase Material, Tractaire,

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POWER EQUIPMENT OEPRATORS AREA 5 (CONT'D)

Tractaire with Drill, Tractor with all drawn attachments except backhoe and including highlift, Endloader of 1 cu. yd. capacity and less
Group 4 - Air Compressor, Conveyor - All, Fireman on Boiler, Generator, Assaitant Mechanic, Power Curing Spraying Machine Self-Propelled, Broom - Self-Propelled, Seaman Tiller, Spike Machine (R.R.), Stripping Machine - Paint - Self-Propelled, Throttle Valve, Welding Machine, Well points System
GROUP 5 - Assistant Greaser, Deck Hand, Hetherington Driver, Mechanical Heater (1 to 5), Outboard or Inboard Motor Boat, Oiler, Power Saw - Concrete - Power Driven, Truck Crane Oiler-Driver, Water Pump, Helper on C.M.I. and similar type equipment, Grasscutters

POWER EQUIPMENT OPERATORS - UNDERGROUND, SEWER & WATER CONSTRUCTION

AREA 1

Group 1 - Mechanic, Asphalt Plant, Autograde, Batch Plant, Benoto (requires 2 Engineers), Boiler and Throttle Valve, Boring Machine (Mining Machine), Caisson Rigs, Central Redi-Mix Plant, Combination Backhoe-Endloader with Backhoe Bucket over ½ cu. yd., Combination Tugger Hoist & Air Compressor, Compressor and Throttle, Concrete Breaker (Truck Mounted), Concrete Conveyor, Concrete Paver over 27E cu. ft., Concrete Paver 27E cu. ft. & under, Concrete Pump with Boom (Truck Mounted), Concrete Tower, Cranes-All, Cranes-Hammerhead Tower, Crater Cranes, Derricks - All, Derricks-Traveling, Forklift-Lull Type, Forklift-10 ton & over, Hoists-1,2, & 3 drum, Hoist-2 Tugger one floor, Hydraulic Boom Truck, Locomotives-All, Motor Patrol, Mucking Machine, Pile Driving & Skid Rig, Pit Machines, Pre-Stress Machines, Pump Cretes & Similar Types, Rock Drill (Self propelled), Rock Drill (Truck Mounted), Slip-Form Paver, Straddle Buggies, Tractor with Boom & Side Boom, Trenching Machine, Winch Tractors,
Group 2 - Asphalt Spreader, Boilers, Bulldozers, Combination, Backhoe - Endloader with Backhoe Bucket ½ cu. yd. & under, Engineer acting as conductor in charge of crew, Grader-Elevating, Greaser Engineer, Grouting Machines, Highlift Shovels or Front Endloader, Hoists-Automatic, Corboy Drillings Machines, Hoists-All Elevators, Hoists-Tugger single drum, Post Hole Digger, Roller-All, Scoops-Tractor Drawn, Stone Crushers, Tournapull, Winch Trucks
Group 3 - Concrete Mixer (2 Bag & Over), Conveyor-Portable, Steam Generators, Tractor-Farm & Similar Type, Air Compressor - Small 150 and under (1 to 3 not to exceed a total of 300 feet), Air Compressor - large over 150, Combination - small equipment operator, Forklift - under 10 ton, Generator, Pumps (1 to 3 not to exceed a total of 325 feet), Pumps-Well Points, Welding Machines (2 thru 5),

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POWER EQUIPMENT OPERATORS - UNDERGROUND, SEWER & WATER CONSTRUCTION

AREA 1 (CONT'D)

Winches-4 Electric Drill Winches
Group 4 - Heaters-Mechanical (1 to 5), Oilers, Switchmen

AREA 3

Group 1 - Air compressor (pressurizing shafts, tunnels & divers), Air Tugger, Auto Patrol, Back Filler, Backhoe, Boom Cat, Boring Machine, Bull Dozer, Caisson Drilling Machine, Cherry Picker, Compactor (with dozer blade), Concrete Mixer (dual drum), Concrete Plant, Concrete Pump, Crane with all attachments, Crane-Electric Overhead, Derrick, Dual purpose truck (Pitman type), Ditching Machine (18" and over), Dredge, Elevators (when hoisting materials or tools), Fork Lift, Formless Paver, Generator (power for welders or compressors), Gradall, Helicopter, Helicopter Winch Operator, High Lift-Front End Loader, Hoist Backhoe, Locomotive and/or Dinky Engine, Mechanic on Job Site, Mucking Machine, Panel Board Concrete Plant, Pile Driver, Push Cat, Scoop & Tractor, Scraper - Rubber Tired, Spreader - Tractor Mounted, Straddle Carrier - Ross Type, Sub Base Finish Machine (C.M.I. or similar), Tower Crane, Tractor with backhoe (½ yd. and over), Trench Box-power Driven, Tunnel shield, Welder (Craft)
Group 2 - A-Frame Truck, Batcher Plant (automatic dry batch), Bending Machine-Power Driven, Bituminous Mixer, Bituminous Paver, Bituminous Plant Engineer, Boatman, Bull Float, Compactor or Tamper-Self Propelled, Concrete Mixer (21 cu. ft. or over), Concrete Spreader-Power Driven, Ditching Machines (less than 18"), Drilling Machine, finish Machine & Bull Float, Finishing Machine, Firemen - Pile Driving and Boilers, Gunite Machine, Head Greaser, Mechanic, Mesh Depresser, Mesh Placer, P.C.C. Concrete Belt Placer, Roller (asphalt, Stone & Sub Base), Rotary Drill, Sheepsfoot Roller-Self Propelled, Sub Grader, Throttle Valve with Air Compressor or Boiler, Tractor with Backhoe (under ½ yd.), Tractor-High Lift-Farm Type, Tractor-Industrial Type, Tractor with winch, Well Points, Winch Truck
Group 3 - Air Compressor (210 cu. ft. & over), Bituminous Distributor, Chair Cart, Concrete Curing Machine, Concrete Saw, Dope Pot-Power Agitated, Flex Plane, Form Grader, Hydrohammer, Jack-Hydraulic-Power Driven, Minor Equipment Opr. 2,3,4, or 5, Paving Joint Machine, Post Hole Digger, Roller - Earth, Throttle Valve, Track Jack-Power Driven, Tractor-Farm Type, Truck Crane Driver
Group 4 - Air Compressor (less than 210 cu. ft.), Concrete Mixer (under 21 cu. ft.), Conveyor, Generator, Mechanical Heater, Oiler, Power Broom, Pump, Welding Machine

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POWER EQUIPMENT OPERATORS - UNDERGROUND, SEWER & WATER CONSTRUCTION

AREA 5

Group 1 - A-Frame Winch Truck, Air Compressor 900 cu. ft. and over, Air Tugger, Autograde (CMI), Auto Patrol, Backhoe, Ballast Regulator (RR), Batcher Plant (electrical control concrete), Bending Machine (pipe), Bituminous Plant (engr.), Bituminous Plant, Bituminous Mixer Travel Plant, bituminous Paver, Bituminous Roller, Buck Hoist, Bull Doser, Cable Way, Chicago Boom, Clamshell, Concrete mixer (21. cu. ft. or over), Concrete Paver, Concrete Pump (crete), Crane, Craneman, Crusher Plant, Derrick, Derrick Boat, Dinkey, Dope Pots (pipeline), Dragline, Dredge Operator, Dredge Engineer, Drill Operator, Elevator Grader, Elevator, Ford Hoe (or similar type equipment), Forklfit, Formless Paver, Gantry Crane, Gradall, Grademan, Grout Pump, Helicopter Crew, Hetherington Paver, Highlift, Hoist, Hopto, Hough Loader (or similar type), Hydro Crane, Hyro Hammer, Locomotive Crane, Locomotive, Mechanic, Mobile Mixer, Motor Crane, Mucking Machine, Multiple Tamping Machine (RR), Overhead Crane, Pile Driver, Pulls, Push Dozer, Push Boats, Roller (Sheep foot), Ross Carrier, Scoop, Shovel, Side Boom, Swing Crane, Tail Boom, Tar Machine (pipeline), Throttle Valve, Tower Crane, Trench Machine, Welder (heavy duty), Truck mounted Concrete Pump, Truck-mounted Drill, Well Point, Whirleys
Group 2 - Air Compressor (up to 900 cu. ft.), brakeman, Bull Float, Concrete Mixer (over 10S and under 21S), Concrete Spreader or Puddler, Deck Engine, Electric Vibrator Kompactor (earth or rock), Finishing Machine, Fireman, Greaser (on grease facilities servicing heavy equipment), Material Pump, Motor Boats, Portable Loader, Post Hole Digger, Power Broom. Rock Roller, Roller-wobble Wheel (earth and rock), Spike Machine (RR), Seaman Tiller, Spreader Rock, Sub Grader, Tamping Machine, Welding Machine, Widener (Apsco or similar type)
Group 3 - Assistant Engineer, Bituminous Distributor, Cement Gun, Concrete Saw, Conveyor, Deckhand Oiler, Drill Helper, Earth Roller, Form Grader, Generator, Guard Rail Drive, Heater, JLG lifts, Oiler, Paving Joint Machine, Power Traffic Signal, Scissor Lift or similar machine, Steam Jenny, Truck Crane Oiler, Vibrator, Water Pump

TRUCK DRIVERS

Group 1 - Acey Wagons over 3 Buckets
Group 2 - Acey Wagons to and including 3 Buckets
Group 3 - Tandem-tandem Semi-Trucks; Truck Mechanics and Welders; Heavy Equipment Type Water Wagon over 5,000 gallons; tri-Axle Trucks pulling Tilt-Top Trailers; Low Boys, Tandem-tandem Axle
Group 4 - Tri-Axle Trucks; Tandem Axle Trucks; Equipment not self loaded or pusher loaded such as Koehring or similar Dumpster, Track Truck, Euclid Bottom Dump and Hug Bottom Dump, Tournatrailers, Tournarockers, athey Wagons, or similar equipment over 12 cu. yd.; Tandem Axle Trucks pulling Tilt-Top Trailers; Low Boys; Tandem Acle, Tri-Axle Batch

DECISION NO. IN83-2031

TRUCK DRIVERS (CONT'D)

Group 5 - Tandem "Dog-Legs"; Semi-Water Trucks; Sprinkler Trucks; Heavy Equipment Type Water Wagons 5,000 Gallons & Under
Group 6 - Truck Mounted Pavement Breakers; Tandem Trucks over 15 Ton Payload; Single Axle Semi-Trucks; Farm Tractors hauling material; equipment not self loaded or Pusher loaded such as Koehring or similar Dumpster, Track Truck, Euclid Bottom Dump and Hub Bottom DUmp, Tournatrailers, Torunarockers, Athey Wagons or similar Equipment 12 Cubic yds. & under; Mixer Trucks, All Types; Single Axle Trucks pulling Tilt-Top Trailer; Lowboys, Single Axle
Group 7 - Tandem Axle Fuel Trucks; Tandem Axle Water Trucks; Bituminous Distributor (one man)
Group 8 - Single Axle Dog-Legs; Tandem Trucks or Dog Legs; Winch Trucks or A Frames used for Transportation; Batch Trucks Wet or Dry over 3(34E) Batches-Grease and Maintenance Truck Servicing Tandem axle Trucks
Group 9 - Single Axle Fuel Trucks; Single Axle Water Trucks; Bituminous Distributors, (two man)
Group 10 - Single Axle Straight Trucks; Wet or Dry 3 (34E) Batches or less; Grease & Maintenance Trucks Servicing Single Axle Trucks
Group 11 - Tenders; Greasers; Tire Men; Batch Board Tenders
Group 12 - Pick-Up Trucks

[FR Doc. 83-10542 Filed 4-21-83; 8:45 am]
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federal register

Friday
April 22, 1983

Part IV

Department of Labor

Mine Safety and Health Administration

Safety Standards for Loading, Hauling, Dumping; Proposed Rule

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DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Parts 55, 56, and 57

Safety Standards for Loading, Hauling, Dumping

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice of availability of preproposal draft.

SUMMARY: The Mine Safety and Health Administration (MSHA) has developed a preproposal draft of revisions to current loading, hauling, and dumping standards for the metal and nonmetal mining industry. MSHA seeks comment from all interested parties on the preproposal draft. Copies of the draft may be obtained by contacting the Agency.

DATE: Comments must be received on or before June 21, 1983.

ADDRESS: Send comments to the Office of Standards, Regulations, and Variances, MSHA, Room 631, Ballston Towers #3, 4015 Wilson Boulevard, Arlington, Virginia 22203.

FOR FURTHER INFORMATION CONTACT: Patricia W. Silvey, Acting Director, Office of Standards, Regulations, and Variances, MSHA, (703) 235–1910.

SUPPLEMENTARY INFORMATION: On March 25, 1980, MSHA published an Advance Notice of Proposed Rulemaking (ANPRM) in the **Federal Register** (45 FR 19267) announcing its comprehensive review of existing metal and nonmetal mine safety and health standards in 30 CFR Parts 55, 56, and 57. The Agency is reviewing the standards to eliminate duplicative and unnecessary standards, provide alternative methods of compliance, reduce recordkeeping requirements, and upgrade provisions consistent with advances in mining technology.

MSHA believes this review will result in more effective regulations for assuring the safety and health of miners. The review is consistent with the specific goals of Executive Order 12291, the Regulatory Flexibility Act, and the Paperwork Reduction Act.

On November 20, 1981, MSHA published a subsequent ANPRM in the **Federal Register** (46 FR 57253) listing eight sections the Agency had selected for priority review. Standards related to loading, hauling, and dumping were included in the priority group.

On March 9, 1982, (47 FR 10190), MSHA published a notice in the **Federal Register** announcing public conferences to discuss issues related to the standards under priority review. The Section .9 conferences were concluded in April 1982. During the conferences many commenters requested that the Agency make available a preproposal draft of the standards under review before issuing a proposed rule.

MSHA has now completed development of the preproposal draft for Section .9. In addition to revising the substance of the existing standards, the Agency has reorganized Parts 55, 56, and 57 into a single Part 58. This reorganization would eliminate the current repetition of identical standards in the Code of Federal Regulations. The proposed revisions designate each standard as either "General" (G), applying to both surface and underground operations; or "Surface" (S), where the standard applies only to surface operations; or "Underground" (U), where standards are applicable only to underground situations. These designations ensure that the standards will apply only to the appropriate types of operations, thus eliminating unnecessary duplication. In addition, the standards in Section .9 have been reordered to provide more logical groupings and an index has been developed to enable ready reference between existing standard numbers and their new numerical designations.

The Agency requests comment on the substance of the preproposal standards, as well as on the reorganization of the standards. In addition, the Agency is interested in any economic data or other regulatory impact information commenters may wish to submit. A copy of the preproposal draft notice has been mailed to persons and organizations known to MSHA. A copy of the preproposal draft may be obtained by submitting a request to the address provided above. The draft document contains the Agency's recommended revisions, a comparison with existing provisions, and a summary explanation of the proposed changes.

Dated: April 19, 1983.

Thomas J. Shepich,

Deputy Assistant Secretary for Mine Safety and Health.

[FR Doc. 83–10749 Filed 4–21–83; 8:45 am]

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Part V

Department of Labor

Mine Safety and Health Administration

Training and Retraining of Miners; Extension of Comment Period; Proposed Rule

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DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Part 48

Training and Retraining of Miners; Extension of Comment Period

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice to extend period for public comment.

SUMMARY: The Mine Safety and Health Administration (MSHA) is extending the period for public comment regarding the Agency's review of the the training regulations in 30 CFR Part 48. The comment period is extended to June 17, 1983.

DATE: Written comments must be received on or before June 17, 1983.

ADDRESS: All comments should be sent to: Mine Safety and Health Administration, Office of Standards, Regulations and Variances, Room 631, 4015 Wilson Boulevard, Arlington, Virginia 22203.

FOR FURTHER INFORMATION CONTACT: Patricia W. Silvey, Acting Director, Office of Standards, Regulations and Variances, MSHA, (703) 235–1910.

SUPPLEMENTARY INFORMATION: On March 18, 1983 (48 FR 11669), MSHA published an advance notice of proposed rulemaking inviting public participation in the early stages of the Agency's review of the training regulations in 30 CFR Part 48. The advance notice that appeared on March 18, 1983, inadvertently scheduled March 17, 1983 as the deadline for receipt of comments. On March 22, 1983 (48 FR 11957), the date was corrected to be May 17, 1983. Due to requests from the public, MSHA is extending the comment period to June 17, 1983. All interested members of the mining community are encouraged to submit comments prior to that date.

Dated: April 19, 1983.

Thomas J. Shepich,

Deputy Assistant Secretary for Mine Safety and Health.

[FR Doc. 83–10748 Filed 4–21–83; 8:45 am]

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Part VI

Department of Agriculture

Agricultural Stabilization and Conservation Service

Burley and Flue-Cured Tobaccos; Interim and Proposed Regulations

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

7 CFR Part 726

Burley Tobacco Marketing Quota Regulations

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Interim rule.

SUMMARY: The Agricultural Stabilization and Conservation Service is amending the regulations at 7 CFR Part 726 to implement the provisions of the No Net Cost Tobacco Program Act of 1982 (Pub. L. 97-218, 96 Stat. 197, approved July 20, 1982) with respect to the burley tobacco marketing quota program. The interim rule provides for restrictions with respect to the marketing of burley tobacco by producers, warehousemen and dealers.

DATES: Effective April 22, 1983. Comments must be received on or before June 21, 1983 in order to be assured of consideration.

ADDRESS: Send comments to the Director, Tobacco and Peanuts Division, ASCS, Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013. All written submissions made pursuant to this notice will be made available for public inspection in Room 5750 South Building, USDA, between the hours of 8:15 a.m. and 4:45 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Jack S. Forlines, Agricultural Program Specialist, Tobacco and Peanuts Division, USDA-ASCS, P.O. Box 2415, Washington, D.C. 20013. (202) 382-0200. The Final Regulatory Impact Analysis covering this interim rule will be available on request from Jack S. Forlines.

SUPPLEMENTARY INFORMATION: This interim rule has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Secretary's Memorandum 1512-1 and has been classified as "not major." It has been determined that this rule will not result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State or local governments, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal Assistance Program to which this rule applies are: Commodity Loan and Purchases; 10.051, as found in the Catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this interim rule since the Agricultural Stabilization and Conservation Service (ASCS) is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

This interim rule is necessary to implement the provisions of the No Net Cost Tobacco Program Act of 1982 (hereinafter referred to as the "Act"). The Act amends the Agricultural Act of 1949 and the Agricultural Adjustment Act of 1938 to provide for the operation of the tobacco price support and production adjustment program in such a manner as to result in "no net cost" to taxpayers, except for administrative expenses common to the operation of all price support programs. The Act makes other changes to strengthen the operation of the program. The major provisions of this interim rule are as follows:

(1) *Limitation on the sale of tobacco floor sweepings.* Effective for the 1982 and subsequent crops of burley tobacco, section 314A of the 1938 Act limits the allowable floor sweepings of burley tobacco which may be marketed by warehousemen without penalty to 0.24 percent times the total first sales of tobacco at auction for the season for the warehouse involved. Previously, this same limitation was set forth by regulation. However, section 314A also provides that the marketing of floor sweepings in excess of the allowable amount will result in a penalty of 150 percent of the average market price for burley tobacco for the immediately preceding marketing year.

(2) *Lien for payment of penalty.* The 1938 Act, as amended, provides for a statutory lien with respect to certain tobacco thus establishing a more efficient mechanism for collecting marketing penalties. If a marketing quota penalty is assessed, there shall be a lien in favor of the United States on the tobacco with respect to which the penalty is to be assessed and on any other tobacco subject to marketing quotas in which the person has an interest until the penalty is paid. Currently, penalties which are reduced to a claim in favor of the United States are deductible only from the proceeds of tobacco which is pledged as collateral for a price support loan.

(3) *Penalties for marketing certain tobacco that is ineligible for price support.* Effective for any of the 1983 and subsequent crops of burley tobacco for which marketing quotas are in effect, producers shall be subject to a penalty with respect to any marketings of burley tobacco produced on a farm which is ineligible for price support because the farm operator or other producer on the farm has not agreed to contribute to the No Net Cost Tobacco Account. The penalty per pound will be equal to 75 percent of the preceding marketing year's average market price per pound for burley tobacco.

(4) *Warehouseman's records and reports.* This interim rule provides for minor changes in the burley tobacco regulations with respect to the records and reports of warehousemen. The most significant change is the requirement that a notation of "No Price Support" must be entered by the warehouseman on the basket ticket for each lot of tobacco which is identified with a marketing card bearing the same notation.

(5) *Dealer's records and reports.* This interim rule also provides for minor changes in the burley regulations with respect to the records and reports of dealers. The dealer shall make deductions for producer contributions to the No Net Cost Tobacco Account in accordance with the provisions of 7 CFR Part 1464. For the 1982-83 marketing year, the dealer shall deduct one cent per pound from the price paid to the producer in nonauction purchases, unless the purchase is identified with a marketing card bearing the notation "No Price Support." The amount of such deductions in subsequent marketing years will be announced by the Secretary.

(6) *Processing and storing 1982 crop carryover tobacco.* Because of generally favorable growing conditions, many burley tobacco producers have produced tobacco in excess of 110 percent of their effective quota. In the absence of a carryover program (i.e., a program whereby producers deliver their excess burley tobacco to a designated delivery point for processing and storage until the beginning of the next marketing year), many producers would be required to store the excess tobacco on their farms until the next marketing season. This interim rule authorizes the Burley Tobacco Growers Cooperative Association and the Burley Stabilization Corporation to process and store 1982 crop producer carryover tobacco and to act as the producer's marketing agent in marketing the tobacco in the 1983-84 marketing year. The handling of 1982 crop carryover tobacco is limited to the producer-owned and operated Burley

Tobacco Growers Cooperative Association and the Burley Stabilization Corporation to assure that the tobacco will be insulated from commercial trade channels and will not be marketed until the subsequent year.

(7) *Approval of transfers of quota by lease or sale.* This interim rule provides that if a claim for marketing quota penalty has been filed by ASCS against a lessor or seller, a lease or sale of quota by such lessor or seller will not be approved by the county committee until such time as the claim is satisfied or the proceeds from the lease or sale are applied against such claim.

Since producers, warehousemen, tobacco dealers and buying companies are currently involved in the purchase and sale of 1982 crop year burley tobacco, implementation of this rule must be made as soon as possible. Thus, it has been determined that this interim rule shall become effective upon publication in the **Federal Register** without prior opportunity for public comment. However, the public is invited to comment on this interim rule for a period of 60 days after the date of publication in the **Federal Register**. A final document discussing comments received and any amendments to this interim rule which may be deemed necessary will be published in the **Federal Register** as soon as possible.

List of Subjects in 7 CFR Part 726

Marketing quotas, Penalties, Reporting requirements, Tobacco.

Interim Rule

PART 726—[AMENDED]

Accordingly, 7 CFR Part 726 is amended as follows:

1. The table of contents is amended as follows:

Sec.

* * * * *

726.55 Determination of farm yields.

* * * * *

726.68 Transfer of tobacco marketing quotas by lease, by sale, or by owner.

* * * * *

726.80 Identification of tobacco subject to quota.

* * * * *

726.91 Lien for penalty.

* * * * *

726.100 Duties of Kansas City ASCS Field Office.

* * * * *

2. The authority citation is revised to read as follows:

Authority: Sec. 301, 313, 314, 314A, 316B, 317, 372–375, 377, 378, 52 Stat. 38, as amended, 47, as amended, 48, as amended, 96 Stat. 210, 215, 75 Stat. 469, as amended, 79 Stat. 66, 52 Stat. 63, as amended, 65–66, as amended, 70 Stat. 206, 7 U.S.C. 1301, 1313, 1314, 1314–1, 1314b–2, 1314c, 1363, 1372–1375, 1377, 1378, Sec. 401, 63 Stat. 1054, as amended, 7 U.S.C. 1421.

3. In § 726.51, the introductory paragraph is revised; paragraphs (a–1), (a–2), and (ii–1) are added; and paragraphs (g), (k)(1), (m)(1), (o), (r), and (ff)(2) are revised to read as follows:

§ 726.51 Definitions.

In determining the meaning of the provisions of this subpart, unless the context indicates otherwise, words importing the singular include and apply to several persons or things, words importing the plural include the singular, words importing the masculine gender include the feminine as well, and words used in the present tense include the future as well as the present. As used in this subpart and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires. References contained herein to other parts of this title or chapter shall include current and later amendments to the referenced parts. Unless defined in this section the words or phrases defined in § 719.2 of this chapter shall have the same meaning when used in this part.

* * * * *

(a–1) *Active burley tobacco producer.* Any person who intends to be a burley tobacco producer in the current year by sharing in the risk of producing the crop and who provides a certification of such intention on a form approved by the Deputy Administrator.

(a–2) *Allowable floor sweepings.* The quantity of floor sweeping determined by multiplying 0.0024 times the total producer first sales of burley tobacco at auction for the season for the warehouse involved.

* * * * *

(g) *Director.* The Director, or Acting Director, Tobacco and Peanuts Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture.

* * * * *

(k) *False identification.* False identification occurs if:

(l) Tobacco was marketed or was permitted to be marketed in any marketing year as having been produced on a farm when, in fact, it was produced on a different farm; or

* * * * *

(m) *Farm marketing quota.*—(1) *Old farm.* The pounds determined by multiplying the preliminary farm marketing quota by the national factor and adjusting the result for any permanent quota adjustment.

* * * * *

(o) *Floor Sweepings.* The scraps or leaves of tobacco which accumulate on the warehouse floor in the regular course of business.

* * * * *

(r) *Leaf account tobacco.* The quantity of tobacco purchased or otherwise acquired by or for the account of a warehouse (except floor sweepings which accumulate on the warehouse floor), as adjusted by the debits and credits to the buyers corrections account, and including floor sweepings purchased from another warehouse or dealer.

* * * * *

(ff) * * *

(2) *Permanent.* (i) Old farm adjustment from reserve, (ii) pounds of quota transferred to the farm from the eminent domain pool, (iii) pounds of quota transferred to or from the farm by sale, (iv) pounds of quota transferred to the farm from the forfeiture pool, or (v) pounds of forfeited quota.

* * * * *

(ii–1) *Shared in risk of production.* Involvement in the production of burley tobacco by a person who:

(1) Invests in the production of a crop of burley tobacco in an amount which is not less than 20 percent of the proceeds of the sale of the crop;

(2) Depends solely on a share of the proceeds from the marketing of the tobacco for the return on the investment;

(3) Waits until such crop of burley tobacco is marketed to receive any return on the investment; and

(4) Maintains records, for a period of three years after the end of the marketing year in which the tobacco is sold, which may be used to verify that the provisions of this paragraph have been met.

* * * * *

4. Section 726.55 is revised to read as follows:

§ 726.55 Determination of farm yields.

(a) *Farm having a previously established farm yield.* The farm yield for a farm on which a farm yield has been established shall be the same in the current year as the farm yield previously established for the farm.

(b) *Farm not having a previously established farm yield.* As required, the county committee shall appraise a farm yield for any farm not having a previously established farm yield. The appraised yield shall be based on similar farms having a farm yield;

however, the appraised farm yield may not exceed 3,500 pounds.

5. In § 726.57, paragraph (a) is revised to read as follows:

§ 726.57 Determining farm marketing quotas and effective farm marketing quotas.

(a) *Farm marketing quotas.* The farm marketing quota shall be determined by multiplying the national factor as determined by the Secretary for the current year by the preliminary farm marketing quota for the current year and adjusting the result for permanent quota adjustments.

* * * * *

6. Section 726.68 is revised to read as follows:

§ 726.68 Transfer of tobacco marketing quotas by lease, by sale, or by the owner.

(a) *General.* Effective with respect to the 1983 crop year and in accordance with the provisions of this section, a burley tobacco marketing quota (including any quota which has been pooled in accordance with the provisions of Part 719 of this chapter) may be transferred between farms within a county by sale or lease, or by the owner to another farm owned or operated by such owner. A sale of quota may be made only when required to prevent forfeiture of the quota in accordance with § 726.69. If the farm is subject to a lien, the consent of a lienholder is not required for either a transfer of the quota by sale or a one year transfer of the quota by lease or by the owner to be effective.

(b) *Sale.* If the transfer of a quota is by sale, the transfer shall be based on part or all of the farm poundage quota. The maximum quota that may be transferred is the farm poundage quota.

(c) *Lease or owner.* If the transfer of a quota is by lease or by the owner, transfer shall be based on a part or all of the effective farm poundage quota. The maximum quota that may the transferred is the effective farm poundage quota.

(d) *Transfer provisions.*—(1) *Accumulation of quota.* A transfer shall not be approved if the county committee determines that the primary purpose of the transfer is to accumulate the quota on the farm (i.e., alternately transferring to and from the farm for two or more years to maintain the quota without satisfactory evidence of plans for producing the quota on the receiving farm).

(2) *Subleasing.* In order to determine whether there is any subleasing of a quota, the current year is divided into two periods, the period before October 1 and the period on or after October 1. The county committee shall not approve a transfer during either period if the effect would be both a transfer to and from the farm during the same period: *Provided,* That a transfer may be approved within any such period if quota is transferred from a farm for one or more years and the farm subsequently is combined with another farm that otherwise is eligible to receive quota by lease or by the owner.

(3) *Transferring farm.* A transfer of quota from a farm by lease or by the owner shall not be approved:

(i) *Purchased and/or reallocated quota.* If the pounds of quota being transferred exceed the difference obtained by subtracting from the effective farm marketing quota the total pounds of quota purchased and/or reallocated from forfeited quota in the current and two preceding years, as adjusted to reflect changes in national quota factors which have occurred since each respective purchase and/or reallocation of quota.

(ii) *New farm.* If the farm is a new farm.

(iii) *Reduction pending.* If consideration of a marketing quota violation is pending which may result in a quota reduction for the farm for the current year. However, if the county committee determines that a decision will not be made on the pending case of or before the date specified in § 726.63, a one-year transfer will be approved if otherwise eligible.

(iv) *Filed on or after October 1.* If the transfer agreement is filed on or after October 1 unless:

(A) Any tobacco which may be produced on the farm is eligible for price support in accordance with the provisions of Part 1464 of this title, and

(B) The county committee determines that, in those cases in which quota was temporarily transferred to the farm by an agreement filed before October 1, the producer made reasonable and customary efforts to produce the entire effective farm marketing quota.

(v) *Consent of lienholder.* For a multiple year transfer, if the farm is subject to a lien, unless the lienholder agrees in writing to the transfer.

(vi) [Reserved]

(vii) *Claim for tobacco marketing quota penalty.* If a claim has been filed against the lessor for a tobacco marketing quota penalty and the claim remains unpaid: *Provided,* That this provision shall not apply if the claim is paid or the entire proceeds of the lease of the quota are applied against the claim and the county committee determines that the amount paid for the lease represents a reasonable price for the pounds of quota being leased.

(viii) *Forfeiture pending.* To the extent that forfeiture of such quota is expected to become final before July 1.

(4) *Receiving farm.* A transfer of quota to a farm by lease or by the owner shall not be approved:

(i) *Limitation.* If the pounds of quota being transferred plus the pounds of quota previously transferred to the farm by lease or by the owner exceed the smaller of 30,000 pounds or the difference between the farm marketing quota and one-half the result obtained by multiplying the acres of cropland on the farm by the farm yield.

(ii) *Filed on or after October 1.* If the transfer agreement is filed on or after October 1 and if the producers on the farm do not qualify for price support in accordance with the provisions of Part 1464 of this title.

(5) *Selling farm.* A transfer of quota from a farm by sale shall not be approved:

(i) *Forfeiture otherwise required.* Unless forfeiture of the quota otherwise would be required in accordance with § 726.69.

(ii) *Previous purchases and/or reallocated quota.* If the pounds of quota being transferred exceed the pounds of quota for which forfeiture otherwise is required in accordance with the provisions of § 726.69(c).

(iii) *Reduction pending.* If consideration of an indicated marketing quota violation is pending which may result in quota reduction for the farm for the current year. However, if the county committee determines that a decision will not be made on the pending case on or before the date specified in § 726.63, a transfer will be approved if otherwise eligible.

(iv) *Forfeiture pending.* If the agreement for transfer by sale is filed subsequent to the final date which is permitted for the sale of the quota in order to prevent forfeiture.

(v) *Claim for tobacco marketing quota penalty.* If a claim has been filed against the seller for a tobacco marketing quota penalty and the claim remains unpaid: *Provided,* That this provision shall not be applicable if the claim for such penalty is paid or the entire proceeds of the sale of the quota are applied against the claim and the county committee determines that the amount paid represents a reasonable selling price for the pounds of quota being sold.

(6) *Buying farm.* A transfer of quota to a farm by purchase shall not be approved:

(i) *Active producer.* Unless the buyer is an active burley tobacco producer.

(ii) *Cropland limitation.* If the sum of the pounds of quota being transferred,

plus the pounds of quota previously transferred to the farm in the current year by lease or by the owner, exceeds the difference between the farm marketing quota and one-half the result obtained by multiplying the acres of cropland on the farm by the farm yield.

(iii) *Quota previously sold.* If the farm owner sold quota from the farm during the current or either of the two preceding years to prevent a forfeiture of the quota.

(e) *Transfer agreement.* In order for a transfer of quota by sale, by lease, or by the owner to be approved for, or beginning in, the current crop year, the transfer must be:

(1) *Form.* Recorded on Form ASCS–375.

(2) *Signatures.* Agreed upon and signed by:

(i) *Lease.* The owner and operator of the transferring farm and the owner or operator of the receiving farm.

(ii) *Sale.* The owner of the selling farm and an active burley tobacco producer who is the buyer. If the buyer is neither owner or operator of the farm to which the quota will be assigned, the owner or operator of the farm must give written consent for the quota to be assigned to the farm.

(iii) *Owner transfer.* The owner of the transferring farm who also must be the owner or operator of the receiving farm.

(iv) *Witness.* An authorized witness who shall be a member of a State or county committee or an ASCS employee. Each person whose signature is required by either paragraph (e)(2)(i), (ii), or (iii) must sign in the presence of an authorized witness, except that when:

(A) The owner and operator of a lessor farm are different persons, the owner or operator, but not both, must sign in the presence of an authorized witness.

(B) Any person whose signature is required is ill, infirm, resides in a distant area, or are in similar hardship situations the requirement of a witness may be waived provided the county executive director mails Form ASCS–375 to such person for the required signature.

(3) *Where to file.* Filed in the county ASCS office which serves the county in which the transferring farm is located for administrative purposes.

(4) *When to file.* Filed on or before:

(i) *Lease or owner transfer.* February 15 of the next succeeding year.

(ii) *Sale.* June 30 of the current year.

(f) *Period of transfer.* A transfer by lease or by owner may be for a period of one to five years.

(g) *Approval or disapproval of a transfer agreement.* The county committee shall approve each transfer agreement which meets the eligibility conditions as set forth in this section: *Provided,* That the county committee may delegate authority to the county executive director or other county office employee to act on behalf of the county committee and approve a transfer agreement which meets the eligibility requirements as set forth in this section. Such delegation of authority may authorize the county executive director or county office employee to approve any transfer agreement or the delegation of authority may be limited to approval of either transfers by sale or by lease or by the owner. Only the county committee shall disapprove a transfer agreement.

(1) *Time for determination.* Any approval or disapproval by the county committee of a transfer agreement should be made within 30 days after the transfer agreement is filed with the county committee unless additional time is required as the result of conditions beyond the control of the county committee. However, if an agreement is filed after June 30 which provides for the sale of a quota, a transfer agreement shall not be approved until the next year's quota is computed for the selling farm. In addition, if a marketing quota referendum will be conducted to determine whether or not quotas will be in effect for the crop, a transfer agreement shall not be approved until the Secretary announces that quotas have been approved by referendum.

(2) *Effective date.* An approved transfer agreement shall become effective upon approval by the county committee or its designee.

(h) *Quota after transfer by lease or by the owner.* The effective farm marketing quota shall be determined for both the transferring farm and the receiving farm in accordance with the provisions of § 726.57.

(i) *Apportionment of data and determination of quota after transfer of quota by sale.*—(1) *Apportionment of data for the selling farm.* The pounds of farm marketing quota retained on the selling farm after the sale of quota shall be divided by the farm marketing quota established for the selling farm before the sale to determine a factor for apportioning farm data. The data to be retained on the selling farm shall be determined by multiplying the factor by the following data:

(i) The amount of any overmarketings which have not been subtracted when a determination is made of the effective farm marketing quota of the selling farm;

(ii) The pounds of quota which have been transferred from the selling farm by lease or by the owner in the current year;

(iii) The pounds of quota which have been reduced in the current year as the result of a marketing quota violation in a prior year;

(iv) The pounds of quota transferred to the farm by lease or by owner in the previous year;

(v) The previous year's farm marketing quota;

(vi) The previous year's effective farm marketing quota; and

(vii) The previous year's marketings.

(2) *Apportionment of data for the buying farm.* The buying farm's share of each respective item of farm data shall be determined by subtracting the pounds which are retained on the selling farm for the respective item from the pounds which were established for the selling farm for the respective item before the current sale of quota: *Provided,* That the pounds of quota transferred from the selling farm by lease or by the owner and/or the pounds of quota reduction resulting from a marketing quota violation on the selling farm may be apportioned between the farms in accordance with a written agreement between the buyer and the seller if the farm marketing quota retained on the selling farm is sufficient to satisfy the pounds of quota which were transferred by lease or by the owner, the pounds of quota which have been reduced as the result of a marketing quota violation, and the overmarketings for the farm, if any. The data determined in accordance with this paragraph shall be added to any previous data for the buying farm.

(3) *Quotas after transfer.* After adjusting the data in accordance with the provisions of this section, the effective farm marketing quota shall be determined in accordance with § 726.57 for both the buying farm and the selling farm.

(j) *Carryover tobacco.* If tobacco is marketed after the entire farm marketing quota of the producing farm has been transferred by sale, the tobacco shall be considered as having been marketed on each farm to which farm marketing quota was transferred by sale in accordance with a transfer agreement filed after June 30 of the last year in which a farm marketing quota was established for the producing farm. Such marketing shall be prorated to each farm in proportion to the pounds of farm marketing quota purchased by each farm. If there was more than one farm to which a farm marketing quota was transferred by sale, the marketing may be assigned to the farms in the manner agreed to in writing by each of the buyers of such farm marketing quota.

(k) *Farm division after transfer by lease.* If a farm is divided after there has been a transfer of a marketing quota to the farm by lease, the transferred quota shall be divided in the manner which is designated in writing by the lessee. In the absence of a written designation, the leased quota shall be apportioned in the same manner as the farm marketing quota of the parent farm.

(l) *Multiple year transfer by lease or by owner.* The effective farm marketing quota on a receiving farm having a multiple-year transfer agreement in effect shall be adjusted for each year for which such transfer agreement is in effect to reflect any decrease in the national quota factor which causes the farm marketing quota established for the transferring farm to be less than the pounds of quota which have been transferred to the receiving farm.

(m) *Cancellation of transfer.* (1) A transfer of quota under this section which was approved in error or on the basis of incorrect information furnished by the parties to the agreement shall be canceled by the county committee. For the purpose of determining any overmarketings and undermarketings from the farms, and for the purpose of determining marketing quota penalties, the cancellation shall be effective as of the date of approval. However, such cancellation shall not be effective for the current marketing year for marketing quota penalties purposes if: (i) The transfer approval was made in error or on the basis of incorrect information which had been unknowingly furnished by the parties to the agreement; and (ii) the parties to the transfer agreement were not notified of the cancellation before the marketing for the receiving farm exceeded the correct effective farm marketing quota. The provisions of this paragraph shall not preclude any application of the provisions with respect to erroneous notice which are set forth in § 726.66.

(2) If a transfer of quota is canceled because of fraud on the part of the owner of the transferring farm but no fraud is attributable to either the owner or operator of the receiving farm, such cancellation shall be effective as of the date of approval of the transfer except for purposes of determining marketing quota penalties for the receiving farm. If a transfer of quota is canceled, the overmarketings shall be charged against the farm from which the transfer of quota was made if the farm, after any reconstitution which may be necessary as a result of the fraud, is assigned a quota against which the overmarketings could be charged. Otherwise, the overmarketings shall be charged against any other farm involved in the fraud having a quota after any reconstitution required by such fraud. Notwithstanding the foregoing, any overmarketings on the receiving farm which are in excess of the amount of quota involved in the canceled transfer shall be charged against the receiving farm.

(n) *Dissolution or revision of a transfer agreement.* A transfer agreement may be dissolved or minor revisions made with respect to such agreement if a written request by all parties to the agreement is made to the county committee by February 15 of the current marketing year. After any such dissolution or revision of a transfer agreement, an official notice of the marketing quota shall be issued by the county committee to each of the operators involved in the transfer agreement. If a request to dissolve or revise a multiple-year lease is made after February 15 of the current marketing year, but before the last crop year for which the transfer agreement is effective, the next quotas established for the farms shall reflect the dissolution or revision.

(o) *Considered planted credit.* Considered planted credit shall be given to the transferring farm when tobacco quota is transferred from the farm by lease or by owner.

7. In § 726.81, paragraph (d) is revised to read as follows:

§ 726.81 Issuance of marketing cards.

* * * * *

(d) *"No Price Support".* The notation "No Price Support" shall be entered on each marketing card issued for the use of:

(1) *Farm.* Any producer on the farm if the producers on the farm are ineligible for price support in accordance with the provisions of Part 1464 of this title.

(2) *Producer.* A producer on a farm if the producer is ineligible for price support in accordance with the provisions of Part 1464 of this title.

* * * * *

8. In § 726.82, paragraph (a) is revised to read as follows:

§ 726.82 Claim stamping and replacing marketing cards.

(a) *Claim stamping.* If a person is indebted to the United States and such indebtedness has been recorded on the county debt record, any marketing card issued for the farm on which the person has a producer interest shall bear the notation "U.S. Claim" followed by the amount of the indebtedness. The name of the debtor-producer, if different from the farm operator, shall be recorded directly under the claim notation. The notation "TMQ" indicating tobacco marketing quota as the type of indebtedness shall constitute notice to any buyer that until the amount of penalty is paid, the United States has a lien with respect to any crop of tobacco in which the debtor-producer has an interest. A claim notation other than "TMQ" shall constitute notice to any buyer that subject to prior liens, the net proceeds from any tobacco pledged as collateral for a price support loan shall be paid to the "Agricultural Stabilization and Conservation Service, USDA" to the extent of the indebtedness shown. The acceptance and use of a marketing card bearing a notation and information concerning an indebtness to the United States shall not constitute a waiver by the debtor-producer of any right to contest the validity of such indebtedness by appropriate appeal. As claim collections are made, the amount of the claim shown on the marketing card shall be revised to show the claim balance. If requested by the producer, the county executive director who issued the marketing card shall issue a claim-free marketing card when the claim has been paid.

* * * * *

9. In § 726.88, paragraph (c) is amended by removing the second sentence and a new paragraph (h) is added to read as follows:

§ 726.88 Penalties considered to be due from warehousemen, dealers, buyers, and others excluding the producer.

* * * * *

(h) *Floor sweepings.* Effective for the 1982 and subsequent crops of tobacco, any person who markets floor sweepings in excess of allowable floor sweepings shall be subject to a civil penalty of 150 percent of the average market price, as specified in § 726.86, for the immediately preceding marketing year. The calculated penalty rate shall be rounded to the nearest whole cent. Any floor sweepings on hand more than 30 days after the warehouse closes for the auction season shall be considered as marketed. The floor sweepings on hand shall be weighed by the warehouseman and the weight shall be certified by the warehouseman, such weighing to be done in the presence of a representative of either the county committee or the State committee. Floor sweepings which are destroyed in the presence of a representative of the county committee within 30 days after the warehouse closes for the season shall not be considered as marketed when determining the quantity of floor sweepings marketed. If the county committee determines, after the warehouse has been closed for the

auction season for more than 30 days, that the cumulative quantity of floor sweepings marketed and considered marketed in the current marketing year is in excess of the allowable floor sweepings, the person responsible for such marketings shall be given notice of the determination and shall be afforded an opportunity to request reconsideration of such determination in accordance with the provisions of Part 780 of this chapter. A determination that a civil penalty is due for marketing floor sweepings in excess of the allowable floor sweepings shall not become final and shall not be assessed until such person has been afforded an opportunity to a hearing and such person has exhausted the applicable administrative remedies. The notice of assessment shall require such person to pay the civil penalty to the "Agricultural Stabilization and Conservation Service, USDA" within 15 days after the date of mailing of the notice.

10. In § 726.89 a new paragraph (f) is added to read as follows:

§ 726.89 Producers penalties; false identification; failure to account; canceled quotas; overmarketing proportionate share.

* * * * *

(f) *Ineligible for price support.* Effective for the 1983 and subsequent crops, a penalty at the basic rate as specified in § 726.86 for the current marketing year shall be assessed with respect to any marketings of burley tobacco by any producer on a farm if such producer is ineligible for price support because the farm operator or other producer on the farm has not agreed to make a contribution to the No Net Cost Account as required by Part 1464 of this title.

11. In § 726.90 a new paragraph (d) is added.

§ 726.90 Payment of penalty.

* * * * *

(d) *Request for return of payment.* Any producer of tobacco and any other person who paid any penalty after the marketing of all tobacco available for marketing from the farm may request the return of the amount of any such payment which is in excess of the amount required to be paid. Such request shall be filed on Form MQ–85, Farm Record and Account, with the county office within 2 years after the payment of the penalty. Approval of return of any such payment to a producer shall be by the county committee, subject to the approval of the State executive director.

12. Section 726.91 is revised to read as follows:

§ 726.91 Lien for penalty.

(a) *Lien on tobacco.* Until the amount of any penalty which is imposed in accordance with the provisions of section 314 of the Act (7 U.S.C. 1314) is paid, a lien shall exist in favor of the United States for the amount of the penalty on:

(1) The tobacco with respect to which such penalty is incurred.

(2) Any other tobacco subject to marketing quotas in which the person liable for payment of the penalty has an interest and which is marketed in the same or a subsequent marketing year.

(b) *Lien precedence.* The lien on any other tobacco attaches at the time the debt is entered on a debt record in:

(1) *Indebted producers.* The county ASCS office for the county in which a subsequent crop of tobacco is grown.

(2) *Indebted warehouseman.* The State ASCS office for the State in which the warehouse is located.

(3) *Indebted dealer.* The State ASCS office for the State to which the dealer is required to file reports.

(c) *List of tobacco penalty debts.* Each county and State ASCS office shall maintain a list of tobacco marketing penalty debts which have been entered on the debt record for the respective office. The list shall be available for examination upon written request by any interested person.

13. In § 726.92, paragraph (f) is revised to read as follows:

§ 726.92 Producer's records and reports.

* * * * *

(f) *Amount of quota reduction.* The farm marketing quota determined for a farm for the current year shall be reduced by that amount of tobacco which is involved in a marketing quota violation as described in paragraphs (a), (c), (d), or (e) of this section which occurred in any prior year. However, the amount of such reduction shall not exceed the current year farm marketing quota. The county committee shall determine the amount of tobacco involved in the marketing quota violation. If the actual quantity of tobacco involved in such violation is unknown, the county committee shall determine the quantity by considering both the condition of the crop during production, if known, and such other information as is available.

14. In § 726.93, paragraph (a)(4) is amended by removing the words "Data Systems Field Office (DSFO)" and inserting, in their place, the words "Kansas City Field Office (KCFO)"; paragraph (b) is amended by revising the heading to read *"Identification of producer sales of tobacco."*, by renumbering the existing paragraph as "(1)", and by adding a heading for paragraph (1) to read *"Tobacco sale bill."*; paragraph (c)(3) is amended by removing "C&MS" and inserting, in its place, "AMS"; paragraph (d)(2) is amended by removing "DSFO" and inserting, in its place, "KCFO"; paragraph (m) is amended by revising the heading to read *"Reporting of processed leaf account tobacco."*; a new paragraph (b)(2) is added; and paragraph (g)(12) is revised to read as follows:

§ 726.93 Wharehouseman's records and reports.

* * * * *

(b) * * *

(2) *Basket ticket.* At the time tobacco is weighed for marketing, the warehouseman shall record the weight of the basket or sheet of tobacco on the tobacco sale bill and on the basket ticket. If the marketing card which is presented to identify the tobacco at weigh-in bears the notation "No Price Support," the same notation shall be entered by the warehouseman on the basket ticket for each basket or sheet of tobacco which is identified with the same marketing card.

* * * * *

(g) * * *

(12) The total of the resales column on Form MQ–79 which represents the non-auction sales, including floor sweepings nonauction sales, by the warehouse.

* * * * *

15. In § 726.94, paragraphs (a), (b), (c)(1), (c)(2), and (c)(3) are revised and paragraph (c)(7) is added to read as follows:

§ 726.94 Dealer's records and reports.

* * * * *

(a) *Record of marketings.* A dealer shall keep records which provide the following information for each lot of tobacco, including scrap tobacco, purchased or sold by the dealer:

(1) *Purchases.* (i) The name of:

(A) The warehouse through which the tobacco was purchased, if purchased at a warehouse auction; or

(B) The operator of the farm on which the tobacco was produced, if purchased from a producer as a nonauction purchase, and the name of the producer of the tobacco, if different from the operator; or

(C) The seller if purchased as a nonauction purchase from a warehouseman or dealer.

(ii) The identification number of the warehouse, farm, or dealer, as applicable, at/from which the tobacco was purchased.

(iii) The address and percentage share of the proceeds of the farm operator and any other producer from whom tobacco was purchased as a nonauction purchase.

(iv) The date of purchase.

(v) The pounds of tobacco purchased.

(vi) The gross purchase price.

(vii) The amount of penalty.

(viii) The amount deducted for the No Net Cost Tobacco Account.

(ix) The quantity of tobacco purchased from a prior crop and carried over for marketing in a subsequent crop year.

(2) *Sales.* (i) The name and identification number of:

(A) The warehouses through which the tobacco was sold, if sold at a warehouse auction, or

(B) The buyer if the tobacco was sold as a nonauction sale.

(ii) The date of sale.

(iii) The pounds of tobacco sold.

(iv) The gross sale price.

(b) *Nonauction purchase.* Each purchase of tobacco from a burley tobacco producing area shall be identified by a marketing card issued for the farm on which the tobacco was produced unless an AMS inspection certificate is obtained prior to purchase which shows that the tobacco being offered for sale is a kind of tobacco which is not subject to marketing quotas.

(1) After each nonauction purchase, the dealer shall enter a declining balance of "110 percent of quota" on the reverse side of the marketing card. The declining balance shall be determined by reducing the previous "110 percent of quota" entry on the marketing card by the number of pounds of tobacco purchased. The date the tobacco was purchased also shall be entered on the marking card at the time each lot of tobacco is purchased.

(2) After each nonauction purchase, the dealer shall prepare a Form MQ–72–2 which shall set forth the following:

(i) The date of the purchase.

(ii) The registration number of the dealer.

(iii) The name and address of the person selling the tobacco.

(iv) The identification number (farm number, warehouse code, or dealer number, as applicable) of the person selling the tobacco.

(v) The pounds of tobacco purchased.

(vi) The amount of penalty collected.

(vii) The method (estimating or weighing) of determining the pounds of tobacco marketed.

(viii) The signature of the seller and the date signed.

(3) The dealer shall make deductions for producer contributions to the No Net Cost Tobacco Account as provided for in Part 1464 of this title. For nonauction purchases during the 1982–83 marketing year, the dealer shall deduct one cent per pound from the price paid to the producer for the tobacco, except for a purchase which is identified with a marketing card bearing the notation "No Price Support." For nonauction purchases which are made by the dealer from producers during the 1983–84 and subsequent marketing years, the dealer shall make a deduction in accordance with Part 1464 of this title from the price paid to the producer for the tobacco. However, a deduction shall not be made if the original "110 percent of quota" entry on the marketing card used to identify the tobacco was zero pounds. The amount of the deduction which is applicable to burley tobacco marketed during each marketing year will be that amount per pound which is approved and announced by the Secreatary as the producer contribution to the No Net Cost Tobacco Account for each such marketing year.

(c) *Record and report of purchases and resales.* (1) Each dealer shall keep a record and make reports on Form MQ–79 showing all purchases and resales of tobacco made by or for the dealer and, in the event of a purchase or resale of tobacco which is purchased by the dealer from a crop of tobacco produced prior to the current crop, the fact that such tobacco was so purchased and carried over from a crop produced prior to the current crop.

(2) A Form MQ–79 shall be prepared and a copy, together with executed copies of Form MQ–72–2 for all nonauction purchases, shall be forwarded to the State ASCS office not later than the end of the calendar week in which such tobacco was purchased or resold. However, if tobacco is purchased prior to the opening of the local auction market, a Form MQ–79 shall be prepared and a copy, together with executed copies of Form MQ–72–2 for all nonauction purchases, shall be forwarded to the State ASCS office not later than the end of the calendar week which would include the first sale date of the local auction markets. In addition, if tobacco is resold in a State other than where the tobacco is produced and the auction markets at such location open earlier than the auction market where the tobacco normally would be sold at auction by farmers, reports together with executed copies of Form MQ–72–2 for all nonauction purchases shall be prepared and forwarded to the State ASCS office not later than the end of the calendar week which would include the first day of the local auction market where the resale takes place.

(3) The data to be entered on Form MQ–72–2 for nonauction purchases from a producer shall be the data which is enumerated in accordance with the provisions of paragraph (b)(2) of this section.

* * * * *

(7) In addition to Form MQ–79 and Form MQ–72–2, a Form MQ–79 (Supplemental) shall be executed to record information relating to each purchase of tobacco for which a contribution to the No Net Cost Tobacco Account is deducted from the price paid to the producer for the tobacco. The Form MQ–79 (Supplemental) shall be forwarded to the State ASCS office at the time of forwarding the Form MQ–79 on which the purchase is recorded. A check, draft, or money order in the amount of the deduction recorded on Form MQ–79 (Supplemental) and drawn payable to Commodity Credit Corporation shall be forwarded to the State ASCS office at the same time as Forms MQ–79 and MQ–79 (Supplemental).

* * * * *

§ 726.95 [Amended]

16. Section 726.95 is amended by removing, in paragraph (b), the words, "Production Adjustment Division,".

17. Section 726.100 is revised to read as follows:

§ 726.100 Duties of Kansas City ASCS Field Office.

The Kansas City ASCS Field Office (KCFO) has responsibility for processing certain data and making such reports as may be required by the Deputy Administrator.

§ 726.101 [Amended]

18. Section 726.101 is amended by removing the words "Program Operations Division and".

19. Section 726.103 is revised to read as follows:

§ 726.103 Information confidential.

All data reported to or acquired by the Secretary pursuant to the provisions of this subpart shall be kept confidential by all officers and employees of the U.S. Department of Agriculture, by all members of county and community committees, and all county office employee. Only such data so reported or acquired as the Deputy Administrator deems relevant shall be disclosed by them, and then only in a suit or administrative hearing under title III of the Act. The provisions of this section shall not be deemed to prohibit the issuance of general statements based upon the report of a number of parties

which statements do not identify the information furnished by any person.

20. In § 726.105, the first sentence in paragraph (a) is revised to read as follows:

§ 726.105 Recordkeeping and reporting requirements for processed producer carryover tobacco.

(a) *General.* Except with respect to the 1982 crop of burley tobacco for which the Burley Tobacco Growers Cooperative Association and the Burley Stabilization Corporation may process and store producer carryover tobacco and may act as the producer's marketing agent in marketing the producer's tobacco during the 1983–84 marketing year, this section shall not be applicable to 1979 and subsequent crops of burley tobacco. * * *

* * * * * *

Signed at Washington, D.C. on April 19, 1983.

Everett Rank,

Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 83-10806 Filed 4-21-83; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

7 CFR Part 726

Burley Tobacco Marketing Quota Regulations

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule amends the regulations at 7 CFR Part 726 to implement the provisions of the No Net Cost Tobacco Program Act of 1982 (Pub. L. 97-218, 96 Stat. 197, approved July 20, 1982) with respect to the sale or forfeiture of burley tobacco quotas by persons other than individuals.

DATE: Comments on the proposed rule must be submitted on or before May 23, 1983 in order to be assured of consideration.

ADDRESS: Send comments to the Director, Tobacco and Peanuts Division, ASCS, Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013. All written submissions made pursuant to this notice will be made available for public inspection in Room 5750 South Building, USDA, between the hours of 8:15 a.m. and 4:45 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Jack S. Forlines, Agricultural Program Specialist, Tobacco and Peanuts Division, USDA-ASCS, P.O. Box 2415, Washington, D.C. 20013; (202) 382-0200.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Secretary's Memorandum 1512-1 and has been classified as "not major." It has been determined that this rule will not result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State or local governments, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal Assistance Program to which this rule applies are: Commodity Loan and Purchases; 10.051, as found in the Catalog of Federal Domestic Assistance.

While the Regulatory Flexibility Act is not applicable of this proposed rule, an Initial Regulatory Flexibility Impact Analysis has been prepared with a Preliminary Regulatory Impact Analysis. Since this action may have a significant economic impact on a substantial number of small entities,the impact analysis addresses the issues required in section 603 of the Act. The analysis is published herein, and copies have been sent to the General Counsel of the Small Business Administration. Additional copies are available from Director, Analysis Division, Agricultural Stabilization and Conservation Service USDA, P.O. Box 2415, Washington, D.C. 20313.

This action is not expected to have any significant impact on the quality of the human environment, health, and safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

This proposed rule is necessary to implement the provisions of the No Net Cost Tobacco Program Act of 1982 (hereinafter referred to as the "Act"). The Act amended the Agricultural Adjustment Act of 1938 by adding a new section 316B to require that any person (including but not limited to governmental entities, public utilities, educational institutions, and religious institutions, but not including any individual) which owns a farm for which a burley tobacco marketing quota is established to forfeit or sell such quota if such person is not significantly involved in the management or use of land for agricultural purposes. Such quota must be sold not later than December 1, 1983, or December 1, of the year after the year in which the farm is acquired, whichever is later. If the quota is not sold by the applicable date, the person shall forfeit the quota to the county ASC committee.

This proposed rule would revise 7 CFR 726.69 to establish provisions with respect to the forfeiture of burley tobacco quota owned by persons, other than individuals, which are not significantly involved in the management or use of land for agricultural purposes. The major provisions of the proposed rule are as follows:

(1) *Sale of burley tobacco quotas.* The sale of burley tobacco quotas is permitted by persons, other than individuals, who own a farm having a burley tobacco quota and who are not significantly involved in the management and use of the land for agricultural purposes. However, such sales may be made only to persons who are or will become active burley tobacco producers within the same county. At the time a transfer agreement is filed with the county ASC office to transfer quota by sale, the agreement must specify the farm to which the quota shall be assigned. This procedure is designed to prevent "hip-pocket" quotas (i.e., quotas assigned to persons rather than to farms). It is the responsibility of a purchaser of any burley tobacco quota who is not the owner of the farm to which the quota is assigned to take whatever measures are deemed to be necessary to protect the investment in such purchase should the producer fail to remain an active producer on the farm to which the burley tobacco quota has been assigned. Any burley tobacco quota which is purchased may not be sold except as may be required to prevent forfeiture. In addition, the owner of the farm to which the burley tobacco quota is assigned is the only person who is authorized to sell such quota.

(2) *Forfeiture of burley tobacco quotas.* Persons, as defined in 7 CFR Part 719, such as corporations, public utilities, partnerships, associations, educational institutions, religious institutions, governing bodies, joint ventures, (but not including a farming operation involving only a husband and wife), and all others, except individuals, owning farms must sell or forfeit any burley tobacco quotas on such farms unless such owners are significantly involved in the management or use of land for agricultural purposes. The phrase "significantly involved in the management and use of land for agricultural purposes" will hereinafter be referred to as "significantly involved."

To be considered as significantly involved, a person must satisfy the county ASC committee that: (a) Its primary purpose is the management or use of land for production of crops which are planted and harvested annually and/or livestock (including pasture or forgage for livestock) and (b) it receives more than 50 percent of its gross income from the management or use of land for agricultural purposes. Further, to prevent circumvention of the statutory requirement that, except for any individual, persons who are not significantly involved must sell or forfeit any burley tobacco marketing quotas established for farms owned by such person, any other person owning more than 50 percent of the assets of the owner of such farms also must be significantly involved.

For example, if Person A is the owner of burley tobacco marketing quota and Person B owns more than 50 percent of the assets of Person A, both Persons A and B must each have received more than 50 percent of their gross income from the management or use of land for agricultural purposes.

To determine whether an owner of a farm for which a burley tobacco marketing quota is established, is significantly involved, an analysis will be made by the county ASC committee. First, the nature of the ownership interest must be determined. If an individual owns such farm, no further inquiry shall be made and the marketing quota established for such farm shall not be subject to forfeiture. However, a second determination shall be made if it is determined that the owner of such farm is not an individual.

With regard to this second determination, it shall be determined whether or not the owner is "significantly involved." If such owner is not significantly involved, no further inquiry shall be made and the marketing quota established for such farm shall be subject to forfeiture. If such owner is significantly involved, a third determination is necessary to determine whether such owner is owned by any other person, including ownership by an individual.

If it is determined during the course of this third inquiry that 50 percent or more of such owner is owned by an individual, no further inquiry shall be made and such owner of the farm shall be determined to be significantly involved. Accordingly, the marketing quota established for such farm shall not be subject to forfeiture. If it is determined that more than 50 percent of such owner is owned by any person(s) which is not an individual, a fourth inquiry shall be made.

In this fourth inquiry, a determination shall be made with respect to each such person which is not an individual to determine whether such person is significantly involved. If any such person is not significantly involved, the entire burley tobacco marketing quota established for such farm shall be subject to forfeiture.

In addition to the foregoing, an institution of higher education, such as a university or college, shall be considered as significantly involved if actively engaged in the production of tobacco for experimental or instructional purposes. Instructional purposes must include classroom courses which require the active participation of students in such activities as the preparation of land for the planting of tobacco and the growing and harvesting of tobacco. Experimentation and educational instruction in tobacco production by institutions of higher education are in the public interest. It is clear from the legislative history of the Act that Congress did not intend to divest these institutions of their burley tobacco quota so long as the institutions are actively engaged in the described activities.

As used in section 316B of the 1938 Act, as amended, the phrase "owns a farm" indicates that ownership of land is a significant factor in determining whether a burley tobacco quota must be forfeited under certain conditions. Accordingly, this proposed rule provides that the phrase "owns a farm" means the ownership of: (a) A farm as constituted in accordance with the provisions of 7 CFR Part 719 if the entire farm shares a common ownership: or (b) a tract of land within a farm as constituted in accordance with the provisions of 7 CFR Part 719 if the farm, as constituted, consists of separate ownership tracts. Thus, when determining the amount of a barley tobacco quota which is subject to forfeiture because the owner is not significantly involved in the management or use of land for agricultural purposes, the county ASC committee will consider each ownership tract as though it were a separate farm in those cases where a farm consists of tracts of land under separate ownership.

Once a burley tobacco quota is purchased, the purchaser must share, for a period of five years, in the risk of production of tobacco which is produced subject to the quota or the quota shall be sold or forfeited.

(3) *Forfeiture pools.* In each county, a forfeiture pool will be established for forfeited burley tobacco quotas. Burley tobacco quotas which are forfeited will be reallocated by the county committee to eligible persons after taking into consideration such factors as the size of the current quota on the farm and the length of time the applicant has leased quota. Forfeited burley tobacco quotas may be reallocated to farms which currently do not have a burley tobacco quota.

(4) *Forfeiture of reallocated quota.* If an applicant fails to share in the risk of production of burley tobacco during any of the five years beginning with the crop year in which the quota is reallocated, the burley tobacco quota shall be forfeited. Mere failure to utilize the quota will not result in forfeiture but will extend the five-year period one year for each year the quota is not utilized.

Summary of Preliminary Regulatory Impact Analysis and Initial Regulatory Flexibility Impact Analysis

I. Title

Proposed Rules—Burley and Flue-Cured Tobacco Marketing Quota Regulations.

II. Need for Action

To implement amendments to the Agricultural Adjustment Act of 1938 which were made by the "No Net Cost Tobacco Program Act of 1982" (Pub. L. 97–218) which require that any person (including but not limited to governmental entities, public utilities, educational institutions, and religious institutions, but not including any individual) which is not significantly involved in the management or use of land for agricultural purposes, and which owns a farm for which a burley tobacco quota or a flue-cured tobacco allotment and quota are established, to sell such allotment and/or quota within a prescribed time period or such allotment and/or quota shall be forfeited for reallocation to active tobacco producers in the same county.

III. Options Considered

The statute is specific in the action that is required. Therefore, no options were considered.

IV. Legislative Basis for Action

This action is taken in accordance with sections 316A and 316B of the Agricultural Adjustment Act of 1938 as added by sections 202 and 302 of Pub. L. 97–218.

V. Expected Impacts

A. Direct Impacts.

1. Those persons, other than individuals, who are not significantly involved in the management and use of land for agricultural purposes must sell any burley tobacco quota or flue-cured tobacco allotment and quota that are established for any farm which such person may own or such allotment and/or quota will be forfeited.

2. Allotment and/or quota may be purchased by or reallocated to only those persons who will be active producers of the kind of tobacco.

B. *Indirect Impacts.*

No indirect impacts are anticipated.

C. *USDA and Other Federal Outlays.*

There will be no outlays of Federal funds, except for administrative expense.

VI. Projected Reporting, Recordkeeping, and Other Compliance Requirements

Any person, other than an individual, which owns a farm for which a burley tobacco quota or flue-cured tobacco allotment and quota are established may be requested by the county ASC committee to submit documentation with respect to whether such person is significantly involved in the management or use of land for agricultural purposes. Records which

ordinarily would be required of such persons for normal business purposes would generally be sufficient for providing such documentation. Therefore, no additional professional skills are required in order to comply with the requirements of this proposal.

VII. Federal Rules Which Duplicate, Overlap, or Conflict With the Proposals

The proposed rules do not duplicate, overlap, or conflict with the provisions or requirements of any other rules promulgated by the Federal government.

VIII. Significant Alternatives to the Proposed Rules

Sections 316 A and 316 B of the Agricultural Adjustment Act of 1938 mandate the actions with respect to which the proposed rules relate. Therefore, there are no alternatives to the proposed rules which will accomplish the statutory objectives.

List of Subjects in 7 CFR Part 726

Marketing quotas, Reporting requirements, Tobacco.

Proposed Rule

PART 726—[AMENDED]

Accordingly, it is proposed that 7 CFR Part 726 be amended as follows:

1. The table of contents is amended as follows:

Sec.

* * * * *

726.69 Forfeiture of quota.

* * * * *

2. The authority citation reads as follows:

Authority: Sec. 301, 313, 314, 314A, 316B, 317, 372–375, 377, 378, 52 Stat. 38, as amended, 47, as amended, 48, as amended, 96 Stat. 210, 215, 75 Stat. 469, as amended, 79 Stat. 66, 52 Stat. 63, as amended, 65–66, as amended, 70 Stat. 206, 7 U.S.C. 1301, 1313, 1314, 1314–1, 1314b–2, 1314c, 1363, 1372–1375, 1377, 1378, Sec. 401, 63 Sta. 1054, as amended, 7 U.S.C. 1421.

3. Section 726.69 is revised to read as follows:

§ 726.69 Forfeiture of quota.

(a) *Determination of quota subject to forfeiture.* (1) For purposes of paragraph (b) of this section, the phrase "owns a farm" means ownership of:

(i) A farm as constituted under Part 719 of this chapter if the entire farm shares a common ownership; or

(ii) All of the land within a farm which shares common ownership (commonly referred to as a "tract") if the parent farm consists of tracts of land having separate ownership.

(2) For purposes of paragraph (b) of this section, the county committee shall apportion, in accordance with the provisions of Part 719 of this chapter, the burley tobacco quota assigned to a farm between the various tracts of land which are separately owned by:

(i) A person which is not significantly involved in the management or use of land for agricultural purposes, as described in paragraph (b) of this section.

(ii) An individual, or owned by a person which is significantly involved in the management or use of land for agricultural purposes.

(3) The farm marketing quota determined under this section for each farm or tract, as applicable, shall be the amount of quota subject to forfeiture under this section.

(b) *Person not significantly involved in management or use of land for agricultural purposes.* For purposes of this paragraph, the term "person" means a person as defined in Part 719 of this chapter, including any governmental entity, public utility, educational institution, religious institution, or joint venture (but not including any farming operation involving only a husband and wife), but excluding any individual.

(1) *Required forfeiture.* Any person not significantly involved in the management or use of land for agricultural pruposes which owns a farm for which a burley tobacco marketing quota is established shall forfeit such quota which is not sold on or before:

(i) *Farm owned or acquired before January 1, 1983.* December 1, 1983.

(ii) *Farm acquired on or after January 1, 1983.* December 1 of the year after the year in which the farm is acquired.

(2) *Significantly involved.* A person shall be considered to be significantly involved in the management or use of land for agricultural purposes if the county ASC committee determines that:

(i) The primary business purpose of the person is the management or use of land for the production of crops which are planted and harvested annually, and or livestock, including pasture and forage for livestock;

(ii) For the 3 preceding years, more than 50 percent of the gross income of the person has been derived from the management or use of land as described in paragraph (b)(2)(i) of this section; and

(iii) Any other person or all persons which in combination own more than 50 percent or more of the assets of the owner of the farm for which a burley tobacco marketing quota is established also meet the criteria specified in paragraphs (b)(2)(i) and (ii) of this section.

(iv) In addition, an institution of higher education, such as a university or college, shall be considered to be a person significantly involved in the management or use of land for agricultural purposes if the county ASC committee determines that it is actively engaged in the production of tobacco for experimental purposes or for instructional purposes under a program whereby students are enrolled in courses requiring them to actually produce the tobacco crop.

(3) *Documentation.* Within 30 days after a written request is made by the county ASC committee, or within such extended time as may be granted by the county ASC committee, a person must submit such documentation as may be requested to support a determination that the provisions of paragraph (b)(2) of this section have been met with respect to such person. Upon failure of such person to timely respond to such request, the county ASC committee shall determine that the person is not significantly involved in the management and use of land for agricultural purposes.

(c) *Buyer of quota fails to share in risk of production.*—(1) *Forfeiture required.* If any person buys a burley tobacco quota in accordance with the provisions of § 726.68 and such person fails to share in the risk of producting the tobacco which was planted subject to such quota during any of the five crop years beginning with the crop year for which the purchase became effective, such person shall forfeit the purchased allotment and quota which is not sold on or before December 31 of the year after the crop year in which such crop was planted.

(2) *Failure to utilize purchased quota.* The failure to utilize purchased burley tobacco quota shall not result in the forfeiture of such quota, but the five year period which is specified in paragraph (c)(1) of this section shall be extended one year for each year in which the quota is not utilized.

(3) *Reduction for failure to share in risk of production.* The effective quota shall be reduced, but not below zero pounds, for leasing and marketing quota purposes only, to the extent of the purchased quota for each crop year after the crop year in which the buyer of such quota fails to share in the risk of producing a crop of tobacco which is subject to such quota.

(4) *Determining forfeited amount.* If only part of the quota on a farm is attributable to a purchased quota, the amount of the farm marketing quota which must be forfeited under this paragraph shall be determined by increasing or decreasing each respective purchase of farm marketing quota for the farm to reflect changes in national

quota factors since the purchase occurred and subtracting the pounds of quota which have been sold to prevent forfeiture.

(d) *Hearing.* Before any forfeiture of quota becomes effective under the provisions of this section, the county committee shall:

(1) Schedule a hearing for the affected person.

(2) Notify the affected person of the hearing at least 10 days in advance of the hearing.

(3) Make a determination, on the basis of any evidence presented at the hearing, as to whether or not the affected person knowingly failed to take steps to prevent forfeiture of quota.

(4) Notify the affected person of the county committee determination and, if forfeiture of quota is to be required, afford such person an opportunity to appeal to a review committee in accordance with the provision of Part 711 of this chapter.

(e) *Apportionment of data and determination of quota after forfeiture.*—(1) *Apportionment of data.* The pounds of farm marketing quota retained on the forfeiting farm after the forfeiture shall be divided by the farm marketing quota established for the forfeiting farm before the forfeiture to determine a factor for apportioning farm data. The data to be retained on the forfeiting farm shall be determined by multiplying the factor by the following data of the forfeiting farm:

(i) The overmarketings which have not been subtracted when determining the effective farm marketing quota of the forfeiting farm.

(ii) The pounds of quota transferred from the forfeiting farm by lease or by the owner in the current year.

(iii) The pounds of quota reduced in the current year for a marketing quota violation in a prior year.

(iv) The previous year's effective farm marketing quota.

(v) The previous year's marketings.

(vi) The previous year's farm marketing quota.

(vii) The pounds of quota transferred to the farm by lease or by the owner in the previous year.

The portion of the forfeiting farm data which shall be included in a forfeiture pool for the county shall be determining by subtracting the pounds of each respective item of farm data which are retained on the forfeiting farm from the pounds of the respective item of data which was established for the forfeiting farm before the forfeiture.

(2) *Forfeiture pool data.* The data for the forfeiture pool shall be added to any previous data in the forfeiture pool.

(3) *Quota after forfeiture.* After adjustment of data, the effective farm marketing quota shall be determined in accordance with the provisions of § 726.57 for the forfeiting farm.

(f) *Forfeiture pool.*—(1) *Forfeiture pool required.* A forfeiture pool shall be established in each county in which a forfeiture of quota occurs. The forfeiture pool shall be increased to include data for each forfeiture and shall be decreased for each reallocation in order to reflect any forfeited or reallocated amounts of:

(i) The farm marketing quota for the current year.

(ii) The quota reduced for violation.

(iii) The quota transferred from the forfeiting farm by lease or by the owner.

(iv) The previous year's effective farm marketing quota.

(v) The previous year's marketings.

(2) *Adjustment of data in forfeiture pool.* At the beginning of the current year, the data in the forfeiture pool shall be adjusted by the factor used in determining quotas for old farms. Quota data in the forfeiture pool shall be decreased each time any burley tobacco quota is reallocated from the forfeiture pool. Such decrease in the quota data will be made in the same proportion as the pounds of quota which are reallocated from the pool are to the pounds of quota which were in the pool before the reallocation.

(g) *Reallocation of quota from forfeiture pool.*—(1) Application. In order to establish eligibility to receive quota from the forfeiture pool in the current year, an application must be made on a form approved by the Deputy Administrator. Such application must be filed:

(i) *Who may file.* By an active producer.

(ii) *When to file.* On or before April 30: *Provided,* That the State committee may establish an earlier date if notice of such earlier date is given in time for interested applicants to file an application by the earlier date.

(iii) *Where to file.* At the county ASCS office which serves the farm for which the application is filed.

(2) *Eligibility of applicant.* In order for an applicant to be eligible for quota from the forfeiture pool the county committee must determine that:

(i) The application was filed timely.

(ii) The applicant is an active tobacco producer.

(iii) During the current year or during the four years preceding the current year, the applicant has not sold or forfeited qouta from any farm.

(3) *Time to reallocate.* The county committee shall:

(i) Not reallocate any quota from the forfeiture pool until the time has passed for filing an application for forfeited quota for the current year.

(ii) Reallocate any quota from the forfeiture pool only during the 30-day period beginning on the day after the final date for filing an application for quota from the forfeiture pool.

(4) *Reallocation by county committee.* Reallocation of any burley tobacco quota shall be made by the county committee. In making its determination of the amounts of quota to reallocate, the county committee may consider the size of the current quotas on the farms of the eligible applicants, the length of time the applicants have been farming tobacco, the type of farming done by the applicants (i.e., livestock, grain, or other commodities), previous leasing history of applicants, and such other factors which in the judgment of the county committee should be considered. A burley tobacco quota may be reallocated to a farm which currently does not have a burley tobacco quota. A factor shall not be used to reallocate quota between all eligible applicants.

(5) *Basis for reallocation from forfeiture pool.* Reallocation from the forfeiture pool shall be on the basis of pounds of farm marketing quota.

(6) *Amount of quota to reallocate.* The county committee may reallocate all or part of the quota in the forfeiture pool. The minimum and maximum amounts of quota which may be reallocated to an eligible applicant are:

(i) *Minimum.* The total amount of quota in the pool or 100 pounds, whichever is less.

(ii) *Maximum.* 500 pounds: *Provided,* That not to exceed 1,500 pounds may be reallocated with State committee approval.

(7) *Data for receiving farm.* All quota data for the forfeiture pool shall be apportioned to the receiving farm in the proportion that the reallocated farm marketing quota is to the total farm marketing quota in the forfeiture pool before the reallocation. The data determined for the receiving farm in accordance with the provisions in this paragraph shall be added to any previous data for the receiving farm.

(8) *Quota for receiving farm.* After any adjustments which are made in accordance with the provisions of this section, the effective farm marketing quota shall be determined for the receiving farm in accordance with the provisions of § 726.57.

(h) *Forfeiture of reallocated quota.* Any burley tobacco quota which is reallocated in accordance with the provisions of this section shall be forfeited if the applicant to whom the quota is reallocated fails to share in the

risk of producing a crop of tobacco which is subject to such quota during any of the five years beginning with the crop year during which the quota is reallocated. The amount of farm marketing quota which must be forfeited shall be determined in the same manner which is specified in paragraph (c)(4) of this section with respect to the forfeiture of purchased quota. Any forfeiture of quota shall occur on December 1 of the year in which the applicant fails to share in the risk of production of tobacco which is produced subject to such quota: *Provided*, That while the failure to utilize a quota shall not subject the quota to forfeiture, the five year period which is specified in this paragraph shall be extended by a year for each year in which the allotment and quota is not utilized.

(i) *Successor-in-interest.* A successor-in-interest shall be subject to the provisions of this section in the same manner and to the same extent as would be applicable to the person whose interest has been assumed by such successor-in-interest.

(1) *New owner of farm.* The new owner of a farm on which a portion or all of the farm marketing quota for such farm was either purchased and/or was reallocated from forfeited quota shall become the successor-in-interest to the previous owner of the farm. However, if a farm is acquired by a new owner on or before June 30 of the current crop year and such owner would otherwise be required to sell or forfeit the farm marketing quota because in the preceding crop year the buyer of such quota did not share in the risk of producing a crop of tobacco which was subject to such purchased or reallocated quota, the new owner may be considered the buyer of quota instead of being considered as a successor-in-interest to the previous owner of the farm. However, the new owner must furnish to the county committee on or before June 30 of the current year, a certification that such owner intends to become an active burley tobacco producer. Any purchased or reallocated quota, which is acquired by a new owner who is considered to be the buyer of quota in accordance with the provisions of this paragraph, shall be subject to forfeiture under the same terms and conditions which would be applicable if the new owner actually had purchased the quota at the time the farm was acquired.

(2) *Buyer no longer shares in risk of production.* The owner of a farm shall become the successor-in-interest to the buyer of burley tobacco quota which was transferred to a farm but which was not owned by such buyer if the buyer ceases to share in the risk of production of burley tobacco produced on the farm.

Signed at Washington, D.C. on April 19, 1983.

Everett Rank,

Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 83-10807 Filed 4-21-83; 8:45 am]

BILLING CODE 3410-05-M

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7 CFR Part 725

Flue-Cured Tobacco Acreage Allotment and Marketing Quota Regulations

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule amends the regulations at 7 CFR Part 725 to implement the provisions of the No Net Cost Tobacco Program Act of 1982 (Pub. L. 97-218, 96 Stat. 197, approved July 20, 1982) with respect to the forfeiture of flue-cured tobacco acreage allotments and marketing quotas by persons other than individuals.

DATE: Comments on the proposed rule must be submitted on or before May 23, 1983 in order to be assured of consideration.

ADDRESS: Send comments to the Director, Tobacco and Peanuts Division, ASCS, Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013. All written submissions made pursuant to this notice will be made available for public inspection in Room 5750 South Building, USDA, between the hours of 8:15 a.m. and 4:45 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Jack S. Forlines, Agricultural Program Specialist, Tobacco and Peanuts Division, USDA-ASCS, P.O. Box 2415, Washington, D.C. 20013; (202) 382-0200.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Secretary's Memorandum 1512-1 and has been classified as "not major." It has been determined that this rule will not result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State or local governments, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal Assistance Program to which this rule applies are: Commodity Loan and Purchases; 10.051, as found in the Catalog of Federal Domestic Assistance.

While the Regulatory Flexibility Act is not applicable to this proposed rule, an Initial Regulatory Flexibility Impact Analysis has been prepared with a Preliminary Regulatory Impact Analysis. Since this action may have a significant economic impact on a substantial number of small entities, the impact analysis addresses the issues required in section 603 of that Act. The analysis is published herein, and copies have been sent to the General Counsel of the Small Business Administration. Additional copies are available from Director, Analysis Division, Agricultural Stabilization and Conservation Service, USDA, P.O. Box 2415, Washington, D.C. 20013.

This action is not expected to have any significant impact on the quality of the human environment, health, and safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

This proposed rule is necessary to implement the provisions of the No Net Cost Tobacco Program Act of 1982 (hereinafter referred to as the "Act"). The Act amended the Agricultural Adjustment Act of 1938 by adding a new section 316A to require that any person (including but not limited to governmental entities, public utilities, educational institutions, and religious institutions, but not including any individual) which owns a farm for which a flue-cured allotment and marketing quota are established to forfeit or sell such allotment and quota if such person is not significantly involved in the management or use of land for agricultural purposes. Such allotment or quota must be sold not later than December 1, 1983, or December 1 of the year after the year in which the farm is acquired, whichever is later. If the allotment and quota are not sold by the applicable date, the person shall forfeit the allotment and quota to the county ASC committee.

An interim rule was published in the Federal Register on December 17, 1982, (47 FR 56473) which amended 7 CFR Part 725 to set forth rules relating to the sale or forfeiture of flue-cured tobacco allotments and quotas. This proposed rule would add a new paragraph (b) to 7 CFR 725.74 to establish provisions with respect to the forfeiture of allotment and quota established for farms owned by

persons, other than individuals, which are not significantly involved in the management or use of land for agricultural purposes. The phrase "significantly involved in the management and use of land for agricultural purposes" will hereinafter be referred to as "significantly involved."

To be considered as significantly involved, a person must satisfy the county ASC committee that: (a) Its primary purpose is the management or use of land for production of crops which are planted and harvested annually and/or livestock (including pasture or forage for livestock) and (b) it receives more than 50 percent of its gross income from the management or use of land for agricultural purposes. Further, to prevent circumvention of the statutory requirement that, except for any individual, persons who are not significantly involved must sell or forfeit any flue-cured tobacco allotments and marketing quotas established for farms owned by such person, any other person owning more than 50 percent of the assets of the owner of such farms also must be significantly involved.

For example, if Person A is the owner of a flue-cured tobacco allotment and marketing quota and Person B owns more than 50 percent of the assets of Person A, both Persons A and B must each have received more than 50 percent of their gross income from the management or use of land for agricultural purposes.

To determine whether an owner of a farm for which a flue-cured tobacco acreage allotment and marketing quota are established is significantly involved, an analysis will be made by county ASC committee. First, the nature of the ownership interest must be determined. If an individual owns such farm, no further inquiry shall be made and the allotment and marketing quota established for such farm shall not be subject to forfeiture. However, a second determination shall be made if it is determined that the owner of such farm is not an individual.

With regard to this second determination, it shall be determined whether or not the owner is significantly involved. If such owner is not significantly involved, no further inquiry shall be made and the allotment and marketing quota established for such farm shall be subject to forfeiture. If such owner is significantly involved, a third determination is necessary to determine whether such owner is owned by any other person, including ownership by an individual.

If it is determined during the course of this third inquiry than 50 percent or more of such owner is owned by an individual, no further inquiry shall be made and such owner of the farm shall be determined to be significantly involved. Accordingly, the allotment and marketing quota established for such farm shall not be subject to forfeiture. If it is determined that more than 50 percent of such owner is owned by any person(s) which is not an individual, a fourth inquiry shall be made.

In this fourth inquiry, a determination shall be made with respect to each such person which is not an individual to determine whether such person is significantly involved. If any such person is not significantly involved, the entire flue-cured tobacco allotment and marketing quota established for such farm shall be subject to forfeiture.

In addition to the foregoing, an institution of higher education, such as a university or college, shall be considered as significantly involved if actively engaged in the production of tobacco for experimental or instructional purposes. Instructional purposes must include classroom courses which require the active participation of students in such activities as the preparation of land for the planting of tobacco and the growing and harvesting of tobacco. Experimentation and educational instruction in tobacco production by institutions of higher education are in the public interest. It is clear from the legislative history of the Act that Congress did not intend to divest these institutions of their flue-cured tobacco allotment and quota so long as the institutions are actively engaged in the described activities.

Summary of Preliminary Regulatory Impact Analysis and Initial Regulatory Flexibility Impact Analysis

I. Title

Proposed Rules—Burley and Flue-Cured Tobacco Marketing Quota Regulations.

II. Need for Action

To implement amendments to the Agricultural Adjustment Act of 1938 which were made by the "No Net Cost Tobacco Program Act of 1982" (Pub. L. 97–218) which require that any person (including not any limited to governmental entities, public utilities, educational institutions, and religious institutions, but not including any individual) which is not significantly involved in the management or use of land for agricultural purposes, and which owns a farm for which a burley tobacco quota or a flue-cured tobacco allotment and quota are established, to sell such allotment and/or quota within a prescribed time period or such allotment and/or quota shall be forfeited for reallocation to active tobacco producers in the same county.

III. Options Considered

The statute is specific in the action that is required. Therefore, no options were considered.

IV. Legislative Basis for Action

This action is taken in accordance with sections 316A and 316B of the Agricultural Adjustment Act of 1938 as added by sections 202 and 302 of Pub. L. 97–218.

V. Expected Impacts

A. *Direct Impacts.*

1. Those persons, other than individuals, who are not significantly involved in the management and use of land for agricultural purposes must sell any burley tobacco quota or flue-cured tobacco allotment and quota that are established for any farm which such person may own or such allotment and/or quota will be forfeited.

2. Allotment and/or quota may be purchased by or reallocated to only those persons who will be active producers of the kind of tobacco.

B. *Indirect Impacts.* No indirect impacts are anticipated.

C. *USDA and Other Federal Outlays.* There will be no outlays of Federal funds, except for administrative expense.

VI. Projected Reporting, Recordkeeping, and Other Compliance Requirements

Any person, other than an individual, which owns a farm for which a burley tobacco quota or flue-cured tobacco allotment and quota are established may be requested by the county ASC committee to submit documentation with respect to whether such person is significantly involved in the management or use of land for agricultural purposes. Records which ordinarily would be required of such persons for normal business purposes would generally be sufficient for providing such documentation. Therefore, no additional professional skills are required in order to comply with the requirements of this proposal.

VII. Federal Rules Which Duplicate, Overlap, or Conflict With The Proposals

The proposed rules do not duplicate, overlap, or conflict with the provisions or requirements of any other rules promulgated by the Federal government.

VIII. Significant Alternatives to the Proposed Rules

Section 316A and 316B of the Agricultural Adjustment Act of 1938 mandate the actions with respect to which the proposed rules relate. Therefore, there are no alternatives to the proposed rules which will accomplish the statutory objectives.

List of Subjects in 7 CFR Part 725

Acreage allotment, Marketing quota, Report requirements, Tobacco.

Proposed Rule

PART 725—[AMENDED]

Accordingly, it is proposed that 7 CFR Part 725 be amended as follows:

1. The authority citation for 7 CFR Part 725 reads as follows:

Authority: Sec. 301, 313, 314, 316, 316A, 317, 363, 372–375, 377, 378, 52 Stat. 38 as amended, 47, as amended, 48, as amended, 75 Stat. 469, as amended, 96 Stat. 205, 79 Stat. 66, as amended, 52 Stat. 63, as amended, 65–66, as amended, 70 Stat. 206, as amended, 72 Stat. 995, as amended, 7 U.S.C. 1301, 1313, 1314, 1314b, 1314b–1, 1314c, 1363, 1372–75, 1377, 1378, Sec. 401, 63 Stat. 1054, as amended, 7 U.S.C. 1421.

2. In § 725.74, a new paragraph (b) is added to read as follows:

§ 724.75 Forfeiture of allotment and quota.

* * * * *

(b) *Person not significantly involved in management or use of land for agricultural purposes.* For purposes of this paragraph, the term "person" means a person as defined in Part 719 of this chapter, including any governmental entity, public utility, educational institution, religious institution, or joint venture (but not including any farming operation involving only a husband and wife), but excluding any individual.

(1) *Required forfeiture.* Any person not significantly involved in the management or use of land for agricultural purposes which owns a farm for which a flue-cured tobacco acreage allotment and marketing quota are established shall forfeit, in accordance with the provisions of § 725.72, such allotment and quota which is not sold on or before:

(i) *Farm owned or acquired before January 1, 1983.* December 1, 1983.

(ii) *Farm acquired on or after January 1, 1983.* December 1 of the year after the year in which the farm is acquired.

(2) *Significantly involved.* A person shall be considered to be significantly involved in the management or use of land for agricultural purposes if the county ASC committee determines that:

(i) The primary business purpose of the person is the management or use of land for the production of crops which are planted and harvested annually, and/or livestock, including pasture and forage for livestock;

(ii) For the 3 preceding years, more than 50 percent of the gross income of the person has been derived from the management or use of land as described in paragraph (b)(2)(i) of this section; and

(iii) Any other person or all other persons which in combination own more than 50 percent of the assets of the owner of the flue-cured tobacco allotment and marketing quota also meet the criteria specified in paragraphs (b)(2) (i) and (ii) of this section.

(iv) In addition, an institution of higher education, such as a university or college, shall be considered to be a person significantly involved in the management or use of land for agricultural purposes if the county ASC committee determines that it is actively engaged in the production of tobacco for experimental purposes or for instructional purposes under a program whereby students are enrolled in courses requiring them to actually produce the tobacco crop.

(3) *Documentation.* Within 30 days after a written request is made by the county ASC committee, or within such extended time as may be granted by the county ASC committee, a person must submit such documentation as may be requested to support a determination that the provisions of paragraph (b)(2) of this section have been met with respect to such person. Upon failure of such person to timely respond to such request, the county ASC committee shall determine that the person is not significantly involved in the management and use of land for agricultural purposes.

Signed at Washington, D.C. on April 15, 1983.

C. Hoke Leggett,

Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 83-10608 Filed 4-21-83; 8:45 am]

BILLING CODE 3410-05-M

federal register

Friday
April 22, 1983

Part VII

Department of Energy

Federal Energy Regulatory Commission

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Volume 871]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: April 19, 1983.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register.**

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487–4808, 5285 Port Royal Rd., Springfield, Va. 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (100 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease

Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal Seams
107–DV: Devonian Shale
107–PE: Production enchancement
107–TF: New tight formation
107–RT: Recompletion tight formation

Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,
Secretary.

NOTICE OF DETERMINATIONS
Issued April 19, 1983

VOLUME 871

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
TEXAS RAILROAD COMMISSION									
-AKERS AND FULTZ INC				RECEIVED:	03/21/83	JA: TX			
8328845	F-09-064276	4223700000		108		ROY CHERRYHOMES REGULAR #11	JACK COUNTY REGULAR	11.0	CITIES SERVICE CO
8328720	F-09-063088	4223700000		108		ROY CHERRYHOMES REGULAR #2	JACK COUNTY REGULAR	7.5	CITIES SERVICE CO
8328844	F-09-064275	4223700000		108		ROY CHERRYHOMES REGULAR #5	JACK COUNTY REGULAR	3.0	CITIES SERVICE CO
-AM QUEST CORP				RECEIVED:	03/21/83	JA: TX			
8328680	F-7C-062407	4243532824		103	107-TF	HULL #6	SONORA (CANYON-UPPER)	219.0	EL PASO NATURAL G
-AMERICAN PUBLIC ENERGY CO				RECEIVED:	03/21/83	JA: TX			
8328545	F-02-053493	4223900000		102-4	103	SYLVAN GURINSKY #1	ROSE (FRIO 7030) (APP	252.0	UNITED GAS PIPE L
-AMERICAN QUASAR PETROLEUM CO				RECEIVED:	03/21/83	JA: TX			
8328699	F-7C-062883	4243532754		103	107-TF	SHURLEY RANCH "149" #1	SEC 149 BLK C HE&WT R	0.0	EL PASO NATURAL G
-AMOCO PRODUCTION CO				RECEIVED:	03/21/83	JA: TX			
8328824	F-7C-064093	4213730850		103		STANLEY B MAYFIELD #19	SAWYER (CANYON)	9.2	LONE STAR GAS CO
-ARCADIA REFINING CO				RECEIVED:	03/21/83	JA: TX			
8328523	F-06-048373	4240131345		102-4	107-TF	W J WENDELIN #1	MINDEN E (TRAVIS PEAK	0.0	FERGUSON CROSSING
-ASTIN CORP				RECEIVED:	03/21/83	JA: TX			
8328842	F-7B-064262	4208331406		102-4		C W HEMPHILL #2	HEMPHILL (JENNINGS)	110.0	EL PASO HYDROCARB
8328843	F-7B-064263	4208331693		102-4		C W HEMPHILL II #4	HEMPHILL (JENNINGS)	46.0	EL PASO HYDROCARB
-BALLARD EXPLORATION CO INC				RECEIVED:	03/21/83	JA: TX			
8328787	F-03-063869	4215731351		102-4		HERMANN HOSPITAL #1	JESTER (MURPHY-BULS &	365.0	HOUSTON PIPE LINE
8328786	F-03-063868	4215731343		102-4		TEXAS DEPT OF CORRECTIONS #1 WELL	JESTER (MURPHY-BULS &	73.0	HOUSTON PIPE LINE
8328784	F-03-063866	4215731366		102-4		TEXAS DEPT OF CORRECTIONS #2	JESTER (MURPHY-BULS &	132.5	HOUSTON PIPE LINE
8328785	F-03-063867	4215731343		102-4		TEXAS DEPT OF CORRECTIONS "A-1"	JESTER (MURPHY-BULS &	132.5	HOUSTON PIPE LINE
-BANAM CORP				RECEIVED:	03/21/83	JA: TX			
8328781	F-7B-063835	4215100000		102-4		MOORE #1-5	SATURDAY EAST (CANYON	59.1	CONOCO INC
-BAY ROCK CORPORATION				RECEIVED:	03/21/83	JA: TX			
8328876	F-02-064411	4212331262		102-4		BERNAL CARROLL #1	CECILY (YEGUA 4950) F	0.0	LONE STAR GAS CO
-BENGAIL INC				RECEIVED:	03/21/83	JA: TX			
8328662	F-04-062034	4235532049		102-4		STUART-THOMPSON GAS UNIT #1	CLARA DRISCOLL SOUTH	75.0	HOUSTON PIPE LINE
-BILL FENN INC				RECEIVED:	03/21/83	JA: TX			
8328761	F-03-063598	4228700000		102-2	103	BENNY "M" #1	GIDDINGS (AUSTIN CHAL	21.0	PERRY PIPE LINE C
8328762	F-03-063591	4228700000		102-2	103	GEORGE K #1	GIDDINGS (AUSTIN CHAL	39.0	PERRY PIPE LINE C
-BLAIR PROPERTIES				RECEIVED:	03/21/83	JA: TX			
8328799	F-7B-063960	4236300000		103		BETTY GRAHAM #2 RRC ID #093386	PALO PINTO (REGULAR)	35.0	SOUTHWESTERN GAS
-BTA OIL PRODUCERS				RECEIVED:	03/21/83	JA: TX			
8328744	F-7C-063477	4238332382		103		JACKSON -B- #14	SPRABERRY (TREND AREA	22.0	EL PASO NATURAL G
8328789	F-7C-063908	4238332383		103		JACKSON -B- #15	SPRABERRY (TREND AREA	22.0	EL PASO NATURAL G
8328790	F-7C-063901	4238332405		103		JACKSON "B" #17	SPRABERRY (TREND AREA	22.0	EL PASO NATURAL G
-BURK ROYALTY CO				RECEIVED:	03/21/83	JA: TX			
8328613	F-09-060488	4250339706		103		MACWILLIAMS "B" #2	YOUNG COUNTY REGULAR	500.0	KIBO COMPRESSOR C
-CALIX CORP				RECEIVED:	03/21/83	JA: TX			
8328614	F-01-060545	4217731284		102-4		MARDCASTLE #1	PEACH CREEK (AUSTIN C	22.0	VALERO TRANSMISSI
8328659	F-01-061823	4217731322		102-4		INDUSTRIAL PARK UNIT #1	PEACH CREEK (AUSTIN C	180.0	VALERO TRANSMISSI
-CAR-TEX PRODUCING CO				RECEIVED:	03/21/83	JA: TX			
8328596	F-06-059835	4236500000		108		MCNEESE HEIRS #1	CARTHAGE FIELD	18.0	TEXAS GAS TRANSMI
-CASS OIL CO				RECEIVED:	03/21/83	JA: TX			
8328619	F-7C-060632	4246131933		102-3		ELKIN 30 #1 RRC #09789	CALVIN (DEAN)	36.0	EL PASO NATURAL G

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8328618	F-7C-060631	4246131934		102-3		ELKIN 38 #2 RRC #09789	CALVIN (DEAN)	78.0	EL PASO NATURAL G
-CENTURY ENERGY INC				RECEIVED:	03/21/83	JA: TX			
8328685	F-01-062455	4250731146		103		LORA LYLES #10	LYLES RANCH	108.4	ESPERANZA TRANSMI
8328683	F-01-062453	4250731147		103		LORA LYLES #11	LYLES RANCH	112.8	ESPERANZA TRANSMI
8328684	F-01-06254	4250731040		103		LORA LYLES #2	LYLES RANCH	48.2	ESPERANZA TRANSMI
8328682	F-01-062452	4250731100		103		LORA LYLES #7	LYLES RANCH	458.1	ESPERANZA TRANSMI
-CHAMPLIN PETROLEUM COMPANY				RECEIVED:	03/21/83	JA: TX			
8328803	F-04-063981	4235500000		108		CHAPMAN RANCH #480	CHAPMAN RANCH	0.0	TEXAS EASTERN TRA
8328708	F-04-062937	4235531541		103		G P WARDNER #145	STRATTON (F-39-11)	0.0	TENNESSEE GAS PIP
8328548	F-04-052727	4235500000		103		G P WARDNER #158	STRATTON (GOLIAD)	0.0	TENNESSEE GAS PIP
8328567	F-04-057303	4235531999		102-4	103	G P WARDNER #159-L	WILDCAT	0.0	TENNESSEE GAS PIP
-CLEMCO INC				RECEIVED:	03/21/83	JA: TX			
8328724	F-06-063151	4242330610		103		W J DICKERSON #1	CHAPEL HILL (TRAVIS P	20.0	EAST TEXAS PRODUC
-CNG PRODUCING COMPANY				RECEIVED:	03/21/83	JA: TX			
8328568	F-04-057307	4221531186		102-4		J MUCHER #1	ARROWHEAD RANCH	116.0	VALERO INTERSTATE
-COASTAL OIL & GAS CORP				RECEIVED:	03/21/83	JA: TX			
8328875	F-10-064412	4234130901		103		THOMPSON 2-25J	PANHANDLE (RED CAVE)	2.0	COLORADO INTERSTA
-COATES ENERGY TRUST				RECEIVED:	03/21/83	JA: TX			
8328767	F-04-063669	4242731458		102-4		PENA-COATES MINERALS #1	KELSEY SOUTH (WOOD)	164.0	VALERO INTERSTATE
-COBRA OIL AND GAS CORPORATION				RECEIVED:	03/21/83	JA: TX			
8328617	F-03-060559	4214931384		102-2		WEBB #2	GIDDINGS AUSTIN CHALK	58.0	PHILLIPS PETROLEU
-COMANCHE INVESTIMENTS				RECEIVED:	03/21/83	JA: TX			
8328561	F-7B-056478	4213333896		102-4	103	BIG MIKE "A" #1	DAVENPORT (RANGER M)	0.0	LONE STAR GAS CO
-CONOCO INC				RECEIVED:	03/21/83	JA: TX			
8328645	F-10-061526	4234130853		103		O W SHELLBERG #2	WEST PANHANDLE	283.0	DIAMOND SHAMROCK
8328708	F-04-062815	4247933478		102-2	107-TF	ROSA V BENAVIDES "A" #19	CONTRARY (LOBO)	146.0	E I DUPONT DE NEM
8328575	F-04-058200	4247933313		102-2	107-TF	VAQUILLAS RANCH "B" #23	VAQUILLAS RANCH (WILC	84.0	E I DUPONT DENEMO
-COOK PRODUCTION CO				RECEIVED:	03/21/83	JA: TX			
8328760	F-09-063589	4223700000		108		DICKENSON #1	DICKENSON (STRAWN 395	0.0	LONE STAR GAS CO
-CORDOVA RESOURCES INC				RECEIVED:	03/21/83	JA: TX			
8328759	F-7B-063586	4213334285		103		J T BEGGS #1	EASTLAND COUNTY REGUL	1.0	EL PASO HYDROCARB
8328564	F-7B-057179	4213333698		103	108	NORTH PIONEER UNIT #2203	EASTLAND COUNTY REGUL	1.0	ODESSA NATURAL GA
-CROMERA OIL & GAS CO				RECEIVED:	03/21/83	JA: TX			
8328589	F-7B-059228	4241734628		102-4		JOHN SEDWICK #4	CROMERA (MORAN)	150.0	
-D & B PETROLEUM INC				RECEIVED:	03/21/83	JA: TX			
8328872	F-10-064381	4248330888		108		BURKS #1 (098552)	EAST PANHANDLE	14.0	HIGH PLAINS NATUR
8328865	F-10-064372	4248330952		108		CAROL #1 (098946)	EAST PANHANDLE	7.0	HIGH PLAINS NATUR
8328537	F-10-051999	4248300000		103		CHAD #1	PANHANDLE EAST	0.0	WARREN PETROLEUM
8328868	F-10-064375	4248330937		108		CHRISTIAN #1 (098942)	EAST PANHANDLE	4.0	HIGH PLAINS NATUR
8328867	F-10-064374	4248330897		108		JILL #1 (098944)	EAST PANHANDLE	6.0	HIGH PLAINS NATUR
8328870	F-10-064379	4248330902		108		JUDY #1 (098555)	EAST PANHANDLE	6.0	HIGH PLAINS NATUR
8328869	F-10-064378	4248330953		108		KENDA #1 (098936)	EAST PANHANDLE	3.0	HIGH PLAINS NATUR
8328866	F-10-064373	4248330914		108		KORBIN #1 (098945)	EAST PANHANDLE	4.0	HIGH PLAINS NATUR
8328871	F-10-064380	4248330908		108		MECHEK #1 (098553)	EAST PANHANDLE	3.0	HIGH PLAINS NATUR
8328536	F-10-051997	4248300000		103		RACHEL #1	PANHANDLE EAST	0.0	WARREN PETROLEUM
8328873	F-10-064382	4248330903		108		SANDRA #1 (098550)	EAST PANHANDLE	4.0	HIGH PLAINS NATUR
-D J PRODUCTION INC				RECEIVED:	03/21/83	JA: TX			
8328579	F-10-058493	4223300000		103		BOOGER BEAR #2	EAST PANHANDLE LOWER	182.5	DIAMOND SHAMROCK
-DELTA PETROLEUM & ENERGY CORP				RECEIVED:	03/21/83	JA: TX			
8328573	F-03-057862	4204130628		102-2		CARROLL UNIT #1 WELL #1	KURTEN (WOODBINE "E")	0.0	FERGUSON CROSSING
-DIAMOND SHAMROCK CORPORATION				RECEIVED:	03/21/83	JA: TX			
8328505	C-10-026877	4229500000		108-ER		BASIL DUKE 2-727	BRADFORD	7.0	
8328522	F-10-048250	4242100000		108-ER		DOOLEY #3	TEXAS HUGOTON	12.0	PANHANDLE EASTERN
8328535	F-10-051908	4221100000		108-ER		WILLIAM DALE MIX "R" #1-89	CANADIAN NW	7.0	NORTHERN NATURAL
-DISCORBIS OIL CO				RECEIVED:	03/21/83	JA: TX			
8328692	F-04-062661	4213136083		102-4		MARY KATE HUNTER #1 103461	SEJITA N E (5400)	96.0	VALLEY GAS TRANSM
-DISCOVERY OPERATING INC				RECEIVED:	03/21/83	JA: TX			
8328729	F-08-063244	4232931078		103		SYNATSCHK #1	SPRABERRY (TREND AREA	25.2	PHILLIPS PETROLEU
-DMC OIL & GAS PRODUCERS				RECEIVED:	03/21/83	JA: TX			
8328749	F-09-063520	4249700000		102-4		MCKAY-KROEKER #1	GIRARD STRAWN	20.0	TEXAS UTILITIES F
-DONNIE D SMITH				RECEIVED:	03/21/83	JA: TX			
8328737	F-7B-063358	4208300000		108		BARR J #1	COLEMAN COUNTY REGULA	0.0	UNION TEXAS PETRO
-DYNE OIL & GAS INC				RECEIVED:	03/21/83	JA: TX			
8328652	F-10-061676	4206530700		108		BURNETT #1 LEASE NO 04464	PANHANDLE CARSON COUN	0.0	PHILLIPS PETROLEU
8328653	F-10-061677	4206530773		108		BURNETT #2 LEASE NO 04464	PANHANDLE CARSON COUN	0.0	PHILLIPS PETROLEU
8328654	F-10-061678	4206530774		108		BURNETT #3 LEASE NO 04464	PANHANDLE CARSON COUN	0.0	PHILLIPS PETROLEU
8328655	F-10-061679	4206530807		108		BURNETT #5 LEASE NO 04464	PANHANDLE CARSON COUN	0.0	PHILLIPS PETROLUM
8328658	F-10-061674	4223330679		108		SAMUEL #1 WELL LEASE NO 04444	PANHANDLE HUTCHINSON	0.0	PHILLIPS PETROLEU
8328649	F-10-061673	4206530779		108		SAMUEL "A" #1 LEASE NO 04700	PANHANDLE HUTCHINSON	0.0	PHILLIPS PETROLEU
8328648	F-10-061672	4223330738		108		SAMUEL "A" #2 LEASE NO 04700	PANHANDLE HUTCHINSON	0.0	PHILLIPS PETROLEU
8328651	F-10-061675	4206530872		108		SAMUEL "B" #2 LEASE NO 04664	PANHANDLE HUTCHINSON	0.0	PHILLIPS PETROLEU
-EL PASO NATURAL GAS COMPANY				RECEIVED:	03/21/83	JA: TX			
8328511	F-10-041022	4217923699		108-PB		COUSINS #1	PANHANDLE - WEST	14.0	EL PASO NATURAL G
8328518	F-10-047501	4217923702		108-PB		DARSEY #2	PANHANDLE WEST	0.0	EL PASO NATURAL G
8328549	F-10-054499	4217923711		108-PB		HANNER X #1	PANHANDLE WEST	0.0	EL PASO NATURAL G
8328548	F-10-054313	4217923712		108-PB		HERRINGTON #1	PANHANDLE - WEST	14.0	EL PASO NATURAL G
8328541	F-10-052825	4217923713		108-PB		HESS #1	PANHANDLE WEST	0.0	EL PASO NATURAL G
8328576	F-10-058236	4217923728		108-PB		JOHNSTON #1	PANHANDLE WEST	0.0	EL PASO NATURAL G
8328542	F-10-052827	4217923735		108-PB		MAGEE #1	PANHANDLE WEST	0.0	EL PASO NATURAL G
8328506	F-10-029850	4208726179		108-PB		MCDOWELL #5	PANHANDLE EAST-BROWN	17.0	EL PASO NATURAL G
8328509	F-10-037519	4217923744		108-PB		REEVES #1	PANHANDLE WEST	16.0	EL PASO NATURAL G
-EL RAM INC				RECEIVED:	03/21/83	JA: TX			
8328847	F-09-064288	4249732440		103		BOYDSTON #2	BOONESVILLE	300.0	NATURAL GAS PIPEL
-ESENJAY PETROLEUM CORP				RECEIVED:	03/21/83	JA: TX			
8328764	F-04-063596	4235532067		103		B LISKA #2	WILDCAT	0.0	ESPERANZA TRANSMI
-EXXON CORPORATION				RECEIVED:	03/21/83	JA: TX			
8328832	F-06-064164	4236531280		103	107-TF	A L DAVIS (CFEC UNIT #561) #3	CARTHAGE (COTTON VALL	355.0	TEJAS GAS CORP
8328828	F-08-064142	4222732958		102-4		EUNICE HOMAN #3	MOORE (DEEP FSLM)	23.0	EL PASO NATURAL G
8328748	F-08-063454	4237134051		103		FORT STOCKTON UNIT #1011	FORT STOCKTON	4.0	NUECES CO
8328640	F-08-061422	4210332902		103		J B TUBB #30L	SAND HILLS (TUBB)	15.0	ODESSA NATURAL GA
8328812	F-08-064042	4200333181		103		J S MEANS A/C 4 #328	MEANS SOUTH (WOLFCAMP	15.0	PHILLIPS PETROLEU
8328709	F-08-062944	4200333345		103		J S MEANS A/C 4 #332	MEANS SOUTH (WOLFCAMP	15.0	PHILLIPS PETROLEU
8328827	F-04-064126	4227331702		103		K R BORREGOS 583-F (103027)	BORREGOS (P-9 UPPER)	484.0	ARMCO STEEL CORP
8328754	F-08-063555	4200333376		103		MEANS/SAN ANDRES/UNIT #562	MEANS	15.0	PHILLIPS PETROLEU
8328664	F-08-062072	4200333035		103		MEANS/SAN ANDRES/UNIT #9624	MEANS	15.0	PHILLIPS PETROLEU
8328543	F-04-053081	4224700000		108-ER		NICEFORO PENA 7 (066965)	KELSEY (K-4 SOUTH)	7.0	TRUNKLINE GAS CO
8328704	F-08-062915	4200333350		103		R M MEANS #617	MEANS (QUEEN SAND)	15.0	PHILLIPS PETROLEU
8328813	F-08-064045	4200333384		103		R M MEANS #751	MEANS (QUEEN SAND)	15.0	PHILLIPS PETROLEU
8328753	F-08-063552	4200333361		103		R M MEANS #821	MEANS (QUEEN SAND)	15.0	PHILLIPS PETROLEU
8328696	F-7C-062768	4210534082		103	107-TF	STATE UNIVERSITY EX #1	INGHAM (CANYON 6400)	127.0	
-FAGAN - O'CONNOR INC				RECEIVED:	03/21/83	JA: TX			
8328830	F-02-064158	4239131584		103		FAGAN #1 ID (NA)	MCFADDIN (5670)	59.9	LONE STAR GAS CO
-FAIR ENERGY				RECEIVED:	03/21/83	JA: TX			
8328840	F-01-064243	4216300000		102-2		F I BOOTH "D" #1	PEARSALL AUSTIN CHALK	0.0	CENTRAL ENERGY TR

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-FLORIDA GAS EXPLORATION COMPANY				RECEIVED: 03/21/83 JA: TX					
8328558	F-7C-055955	4243532753		103	107-TF	FLORENCE-HAMILL 26-01	PHYLLIS SONORA	0.0	INTRATEX GAS CO
-FLYNN ENERGY CORP				RECEIVED: 03/21/83 JA: TX					
8328590	F-82-059271	4212331210		102-4	103	DIEBEL GAS UNIT 01	DIEBEL (YEGUA 4800) F	73.0	TEXAS EASTERN TRA
-G J S OPERATING				RECEIVED: 03/21/83 JA: TX					
8328808	F-83-063961	4207700000		102-4		DICKEY LEASE 01	DEER CREEK (ISRAEL 50	12.6	FAGADAU ENERGY CO
-GAS DEVELOPMENT CORP				RECEIVED: 03/21/83 JA: TX					
8328620	F-7C-060665	4241330436		108		WILLIAMS-SNELL "81" 01	ELDORADO SOUTH (CANYO	12.8	NORTHERN NATURAL
-GETTY OIL COMPANY				RECEIVED: 03/21/83 JA: TX					
8328722	F-8A-063147	4216500000		108		GMK (SAN ANDRES) UNIT 0402	G M K (SAN ANDRES)	2.0	PHILLIPS PETROLEU
8328556	F-86-055646	4236500000		103	107-TF	JEANETTE HARRELL 06	CARTHAGE (COTTON VALL	0.0	UNITED GAS PIPELI
8328723	F-8A-063148	4211500000		108		M W MALONE 01	GIN (SPRAYBERRY)	3.0	PHILLIPS PETROLEU
8328712	F-8A-063041	4207900000		108		XIT UNIT III 0114	LEVELLAND SAN ANDRES	1.0	CITIES SERVICE CO
-GHR ENERGY CORP				RECEIVED: 03/21/83 JA: TX					
8328593	F-84-059491	4250531529		102-4	103	JUANA 01	FRANCISCO (LOBO 9500)	375.0	TENNESSEE PIPELIN
8328647	F-84-061633	4250531557		102-4		M FLORES 02	FLORES W (PERDIDO) PR	500.0	NATURAL GAS PIPEL
8328697	F-84-062777	4250531514		102-4	107-TF	SYLVESTER G U 01	GUTIERREZ (LOBO 10,00	50.0	NATURAL GAS PIPEL
-GRAHAM ENERGY LTD				RECEIVED: 03/21/83 JA: TX					
8328689	F-7C-060374	4235300000		102-4		WALKER B-2	SILVER (OBOM)	1440.0	SUN GAS CO
-GRAHAM PRODUCTION CO				RECEIVED: 03/21/83 JA: TX					
8328663	F-83-062060	4248132231		102-4		HODGES ESTATE 01	WHARTON EAST (FRIO 45	187.0	HOUSTON PIPE LINE
-GRO-TEX				RECEIVED: 03/21/83 JA: TX					
8328841	F-7B-064261	4204933353		103		E L MURPHY 02	BROWN COUNTY REGULAR	69.0	SIOUX PIPELINE CO
-GULF AMERICAN OIL & GAS CO				RECEIVED: 03/21/83 JA: TX					
8328594	F-82-059561	4246931932		103		RIVERSIDE COTTON FARMS "A"-14	PRIDHAM LAKE (4300')	90.0	VALERO TRANSMISSI
8328574	F-82-057938	4246931926		103		WILDEN A-11	PRIDHAM LAKE	108.0	VALERO TRANSMISSI
-GULF OIL CORPORATION				RECEIVED: 03/21/83 JA: TX					
8328588	F-10-059224	4221131430		102-4	103	CANADIAN-STATE 01-132	HOWF RANCH SOUTH	570.0	
8328587	F-10-035528	4208700000		108-ER		FRANKS M E "E" 01	PANHANDLE EAST	3.0	HIGH PLAINS NATUR
8328586	F-10-059199	4239330902		102-4	103	JAMESON 02-35	RED DEER (WOLFCAMP LI	0.0	
8328587	F-10-059222	4239300000		108-PB		JOHN HAGGARD 022	QUIMDUNO	0.0	NATURAL GAS PIPEL
8328855	F-10-064342	4229531209		103		PEARL WHEAT 04-765	PEERY (CLEVELAND)/CLE	0.0	TRANSWESTERN PIPE
8328835	F-10-064180	4229531208		103		PEARL WHEAT 05-765	PEERY (CLEVELAND) CLE	0.0	TRANSWESTERN PIPE
8328657	F-08-061765	4238931275		103		PERKINS D E 02	SCOTT (DELAWARE)	21.0	
8328626	F-09-060848	4218130855		103		PRIVETTE-REICH 01	SIMPSON (DAVIS 9100)	0.0	
8328557	F-84-055839	4250531486		103	107-TF	S URIBE 08	J C MARTIN (LOBO)	0.0	TENNESSEE GAS PIP
-H & S OPERATING INC				RECEIVED: 03/21/83 JA: TX					
8328743	F-09-063467	4207700000		102-4		COFFIELD 01	COFFIELD (CONGL)	36.5	TUFCO
8328742	F-09-063466	4207700000		102-4		COLEMAN HEIRS 01	COLEMAN (CONGL)	120.0	TUFCO
8328772	F-09-063726	4223700000		102-4		OHL 275 01	UNDESIGNATED	85.0	TEXAS UTILITIES F
-H L BROWN JR				RECEIVED: 03/21/83 JA: TX					
8328643	F-10-061486	4248330614		108		LUNSFORD 093151	LOTT RANCH (MORROW UP	37.1	MICHIGAN WISCONSI
-H-M OIL CO				RECEIVED: 03/21/83 JA: TX					
8328695	F-84-062748	4213136112		102-4	103	ARCHER PARR TRUST 01	THOMAS LOCKHART (2600	0.0	VALERO TRANSMISSI
-HARRY E NELSON				RECEIVED: 03/21/83 JA: TX					
8328656	F-83-061697	4233900000		108		J W CALFEE 01 ID NO 89565	WILLIS WEST	18.0	MORGAS CO
-HENDERSON CLAY PRODUCTS INC				RECEIVED: 03/21/83 JA: TX					
8328610	F-06-060382	4240131525		102-2	107-TF	ROGERS ESTATE GAS UNIT	CYRIL (COTTON VALLEY)	704.0	B & A PIPE LINE C
8328770	F-06-063709	4240131559		102-4		YANDLE -B- 01	RUFUS (TRAVIS PEAK LO	36.0	HENDERSON CLAY PR
-HERITAGE ENERGY CORP				RECEIVED: 03/21/83 JA: TX					
8328693	F-06-062669	4240131240		103	107-TF	MCMAHEY 01 PERMIT 0126077	OAK HILL	0.0	UNITED GAS PIPELI
-HERITAGE OPERATING CO INC				RECEIVED: 03/21/83 JA: TX					
8328632	F-84-061189	4221500000		102-4		MALE SCHALE BEN 02	SCHALEBEN (10060 VICK	0.0	TENNESSEE GAS PIP
-HEXAGON OIL & GAS INC				RECEIVED: 03/21/83 JA: TX					
8328774	F-7B-063744	4236332966		103		BOARMAN 01C	MINERAL WELLS (L STRA	11.0	SOUTHWESTERN GAS
8328775	F-7B-063745	4236332966		103		BOARMAN 01T	MINERAL WELLS (EAST C	18.0	SOUTHWESTERN GAS
8328874	F-7B-064386	4236732077		102-4		MCCULLOH 01	MOBY DICK (CONGL)	182.0	SOUTHWESTERN GAS
-HILL JOHN H				RECEIVED: 03/21/83 JA: TX					
8328826	F-7C-064318	4243532827		103	107-TF	HILL-EDWIN S MAYER JR "EE-1"	SAWYER (CANYON)	343.1	LONE STAR GAS CO
8328825	F-7C-064117	4243532781		103	107-TF	HILL-WINNIE R ALDWELL TRUST "E-1"	ALDWELL RANCH (CANYON	467.2	LONE STAR GAS CO
-HLH PETROLEUM CORP				RECEIVED: 03/21/83 JA: TX					
8328584	F-7B-058738	4225332276		102-4		H BONEY 01-15 (102142)	REN (CANYON REEF)	415.0	CONOCO INC
-HNG OIL COMPANY				RECEIVED: 03/21/83 JA: TX					
8328512	F-08-062452	4237133111		102-2	103	ALLISON "20" 01	ALLISON RANCH (WOLFCA	438.0	
8328726	F-83-063206	4224531406		102-4	103	BLAUM-PAETZ 06	SUGGESTED STOWELL SUL	20.0	WINNIE PIPE LINE
8328752	F-7C-063545	4243500000		103	107-TF	SHURLEY "142" 05	SAWYER (CANYON)	250.0	INTRATEX GAS CO
8328661	F-7C-061954	4243500000		103	107-TF	SHURLEY "147" 05	SAWYER (CANYON)	0.0	INTRATEX GAS CO
8328552	F-84-054875	4247933094		102-4	103	VAQUILLAS RANCH 06451	CARR (LOBO)	138.0	HOUSTON PIPE LINE
8328552	F-84-054875	4247933094		107-TF		VAQUILLAS RANCH 06451	CARR (LOBO)	138.0	HOUSTON PIPE LINE
-HOLLOWAY OIL CO				RECEIVED: 03/21/83 JA: TX					
8328779	F-81-063823	4249331152		102-4		L G ARNOLD 01	CINDY ANN (AUSTIN CHA	0.0	J L DAVIS
-HUFO PRODUCTION CORP				RECEIVED: 03/21/83 JA: TX					
8328531	F-10-058081	4206530812		103		BURNETT-25 08	PANHANDLE CARSON COUN	0.0	PANHANDLE EASTERN
-HUGHES & HUGHES				RECEIVED: 03/21/83 JA: TX					
8328732	F-84-063253	4235531374		102-4		TEXAS SCOTTISH RITE HOSPITAL "A" -2	AQUA DULCE (7850)	365.0	HOUSTON PIPE LINE
-HUMBLE EXPLORATION CO INC				RECEIVED: 03/21/83 JA: TX					
8328805	F-83-063998	4214931295		102-2	103	FRANCIS WITHERS 01	GIDDINGS (AUSTIN CHAL	0.0	PHILLIPS PETROLEU
8328804	F-83-063983	4228731148		102-2	103	SHALIMAR 01	GIDDINGS (BUDA)	0.0	PHILLIPS PETROLEU
-IKE LOVELADY INC				RECEIVED: 03/21/83 JA: TX					
8328578	F-7C-058291	4241331165		103	107-TF	UNIVERSITY "22" 02	UNIVERSITY 54(CANYON)	365.0	PRODUCER'S GAS CO
-INDIAN WELLS OIL CO				RECEIVED: 03/21/83 JA: TX					
8328771	F-7C-063720	4241331120		103	107-TF	PAGE RANCH 1-1	ELDORADO (CANYON)	0.0	NORTHERN NATURAL
-INTERNATIONAL OIL & GAS CORP				RECEIVED: 03/21/83 JA: TX					
8328554	F-7C-055468	4210533610		102-4	103	L B COX JR 02	DUDLEY	0.0	INTRASTATE GATHER
-INTERNATIONAL WESTERN OIL CORP				RECEIVED: 03/21/83 JA: TX					
8328565	F-7C-057198	4232730434		102-4		U E ROGERS C-2 RRC ID 809526	S TUCKMAR (STRAWN)	25.0	SUN GAS CO
-J M HUBER CORPORATION				RECEIVED: 03/21/83 JA: TX					
8328514	F-10-044254	4223300000		108-ER		PREMIER A 04	WEST PANHANDLE	19.0	PANHANDLE EASTERN
8328811	F-10-064026	4223331476		103		WEST BURNETT "RA" 021	PANHANDLE	15.0	GETTY OIL CO
-JACK FROST				RECEIVED: 03/21/83 JA: TX					
8328569	F-7B-057355	4246731685		102-4		RECORD -B- 02-B (082077)	FROST (TANNEHILL 820)	142.0	N S T GATHERING C
-JAMES M FORGOTSON				RECEIVED: 03/21/83 JA: TX					
8328559	F-06-056197	4245900000		103	107-TF	CARLOS DAVIS GAS 02	ROSEWOOD (COTTON VALL	552.0	ROSEWOOD TRANSPOR
8328533	F-06-058732	4245900000		103	107-TF	M G MELL GAS UNIT WELL 03	ROSEWOOD (COTTON VALL	0.0	ROSEWOOD TRANSPOR
8328687	F-06-062557	4245900000		103	107-TF	VERA ROSS GAS UNIT WELL 02	ROSEWOOD (COTTON VALL	360.0	ROSEWOOD TRANSPOR
-JOHN A NEWMAN				RECEIVED: 03/21/83 JA: TX					
8328598	F-7B-059935	4208300000		103		GEO RAE 4-A	VALERA (MORRIS)	0.0	LONE STAR GAS CO
-JOHN L COX				RECEIVED: 03/21/83 JA: TX					
8328607	F-7C-060274	4238332336		103		ALDWELL 02	SPRABERRY (TREND AREA	10.0	EL PASO NATURAL G
8328578	F-08-057378	4231732556		103		INEZ & WOODY 01-X (PKC 021684)	SPRABERRY (TREND AREA	10.0	NORTHERN GAS PROD
8328534	F-08-058985	4231780000		103		INEZ WOODY B 02-X	SPRABERRY (TREND AREA	5.0	ALPINE OIL CO
8328606	F-08-060270	4231732591		103		KENNETH COX 93 RRC 021575	SPRABERRY (TREND AREA	10.0	NORTHERN GAS PROD
-KEN PETROLEUM CORP				RECEIVED: 03/21/83 JA: TX					
8328628	F-82-060889	4223931805		102-4		CALLAWAY 01	TEXANA NORTH (FRIO 60	300.0	VICTORIA GAS CORP

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
8328672	F-03-062324	4248132275		103		NICHOLS #1
8328623	F-02-060787	4246931829		103		PARENICA #2
-KERR-MCGEE CORPORATION				RECEIVED:	03/21/83	JA: TX
8328508	F-10-035563	4229500000		108-ER		BECHTOLD NO 1-909
-KIMBALL PRODUCTION COMPANY				RECEIVED:	03/21/83	JA: TX
8328642	F-08-061478	4238900000		107-DP		STATE GAS UNIT #1-12
-KLH OIL & GAS INC				RECEIVED:	03/21/83	JA: TX
8328829	F-7B-064146	4204933346		102-4		O B FOMBY #20
-L W LESIKAR				RECEIVED:	03/21/83	JA: TX
8328630	F-7B-060908	4236732176		102-4		WM LESIKAR #1
-LACY & BYRD INC				RECEIVED:	03/21/83	JA: TX
8328611	F-7C-060386	4246100000		102-4		V J POWELL 19 #2-X
-LOCKER PETROLEUM INC				RECEIVED:	03/21/83	JA: TX
8328733	F-7B-063286	4208332918		102-4		O C BERTRAND-A- #3
-MARAN OIL CO				RECEIVED:	03/21/83	JA: TX
8328603	F-02-060870	4239100000		107-PE		MARY ALICE ANDERSON A-3
8328602	F-02-060068	4239100000		107-PE		MARY ALICE ANDERSON A-9
-MARSHALL EXPLORATION INC				RECEIVED:	03/21/83	JA: TX
8328646	F-06-061550	4200131347		102-4	103	SAMMONS #1
8328604	F-06-060198	4240131498		103	107-TF	SPARKMAN #1
8328551	F-06-054851	4236931898		102-4	103	SPRADLEY #1
8328782	F-06-063844	4236531362		108		UNA BAGLEY #2
8328517	F-06-046888	4229330531		108-ER		W K FURRH #1
-MARTEX RESOURCES INC				RECEIVED:	03/21/83	JA: TX
8328792	F-7C-063925	4239932329		103		ALLCORN #1 (09677)
-MAY PETROLEUM INC				RECEIVED:	03/21/83	JA: TX
8328747	F-08-063503	4243131121		102-4		HORWOOD #1 (27497)
-MCIVER INC				RECEIVED:	03/21/83	JA: TX
8328558	F-7B-054517	4208333089		102-4		DORIS I KELLEY #1-C
8328735	F-7B-063319	4208333197		102-4		WINNIE MAYNES #3
-MCMILLAN OPERATING CO				RECEIVED:	03/21/83	JA: TX
8328566	F-7B-057281	4208332997		102-4		R D MATTHEWS #1-T (109956)
-MCMORAN EXPLORATION CO				RECEIVED:	03/21/83	JA: TX
8328629	F-02-060905	4270330265		102-4		S T 630-L NW/4 #2
-MCMURREY PETROLEUM INC				RECEIVED:	03/21/83	JA: TX
8328591	F-06-059399	4240100000		102-4	103	WELCH #2 PERMIT 0157120
-MCR OIL CORP OF TEXAS				RECEIVED:	03/21/83	JA: TX
8328636	F-10-061335	4221131494		103		MATHERS RANCH #42
-MCZ INC				RECEIVED:	03/21/83	JA: TX
8328516	F-03-046843	4204130635		107-TF		SAM J RIZZO #1
-MERCURY EXPLORATION CO				RECEIVED:	03/21/83	JA: TX
8328669	F-7B-062196	4205933421		102-4		COOPER-LAVELLE #C-1
-MEWBOURNE OIL COMPANY				RECEIVED:	03/21/83	JA: TX
8328728	F-10-063216	4235731227		103		CABINESS #1 ID #100602
8328727	F-10-063215	4219530849		103		ETLING "B" #1 RRC #
8328703	F-10-062914	4229531229		102-4	103	LITTLE #1 RRC ID # N/A
-MITCHELL ENERGY CORPORATION				RECEIVED:	03/21/83	JA: TX
8328856	F-09-064343	4249700000		108		A BROWN #1 028891
8328858	F-09-064345	4249700000		108		CHANDLER-DAVIS #1 028595
8328860	F-09-064349	4249700000		108		D P REDWINE #2 19982
8328585	F-04-059092	4248930688		103	107-TF	H GEIS #2
8328857	F-09-064344	4249700000		108		INEZ BLEVINS #1 028569
8328503	F-09-015938	4249700000		108-ER		J F MIDDLETON #1 42591
8328859	F-09-064347	4249700000		108		L E SMITH 0035937
8328625	F-7C-060830	4243300000		103	107-TF	MCMILLAN 108 #5
8328562	F-7B-056617	4236700000		108-ER		R R HOWARD #1
8328528	F-09-049189	4223700000		108-ER		RICHARDS 472 #2 066202
8328765	F-09-063611	4249732363		103		T J TINNEY OIL UNIT "C" #1
-MONTERO OPERATING INC				RECEIVED:	03/21/83	JA: TX
8328635	F-08-061274	4235331328		103		JAMESON #1
-MONTERREY PETROLEUM CORP				RECEIVED:	03/21/83	JA: TX
8328633	F-04-061220	4247932939		102-2		APACHE #4
8328639	F-04-061360	4247932939		107-TF		APACHE #4
8328634	F-04-061222	4247989842		102-2	107-TF	APACHE 640
-MORROW RESOURCES INC				RECEIVED:	03/21/83	JA: TX
8328641	F-7C-061441	4245131029		102-2	103	BROWN #5
8328689	F-7C-062566	4245100000		102-2	103	BROWN "A" #2
8328721	F-7C-063102	4245130997		103	102-B	BROWN "C" #4
8328758	F-7C-063576	4245131106		102-2	103	BROWN "C" #5
-MUELLER ENGINEERING CORP				RECEIVED:	03/21/83	JA: TX
8328513	F-04-044245	4213100000		108-ER		J S BORDOVSKY - STATE OF TX #A-2
8328546	F-04-053554	4213100000		108-ER		J S BORDOVSKY #3
-NORTH RIDGE CORP				RECEIVED:	03/21/83	JA: TX
8328725	F-7B-063176	4213334379		102-4	103	E H BOBO #1
-NUGGET OIL CORP				RECEIVED:	03/21/83	JA: TX
8328719	F-02-063087	4217531659		102-4		GLEINSER #2
8328705	F-02-062923	4217531673		102-4		GRAHAM #1
8328706	F-02-062924	4217531672		102-4		TOLBERT #1
-OGE DRILLING				RECEIVED:	03/21/83	JA: TX
8328795	F-7C-063952	4243532755		103	107-TF	GENINI 37 #1
8328796	F-7C-063953	4243500000		103	107-TF	GENINI 38 #1
-OLSEN ENERGY INC				RECEIVED:	03/21/83	JA: TX
8328763	F-08-063596	4237134036		103		HALL #2
-PALMER PETROLEUM INC				RECEIVED:	03/21/83	JA: TX
8328667	F-06-062119	4240100000		102-3	107-TF	9 S LAIRD B-3
-PARKER & PARSLEY INC				RECEIVED:	03/21/83	JA: TX
8328807	F-7C-064002	4238332356		103		BIRD #1
8328836	F-08-064212	4231732637		103		MAIL "C" WELL #1
8328717	F-7C-063050	4238332356		103		UNIVERSITY #1
8328716	F-7C-063049	4238332349		103		UNIVERSITY #2
8328715	F-7C-063048	4238332355		103		UNIVERSITY "A" #1
-PATTERSON PETROLEUM INC				RECEIVED:	03/21/83	JA: TX
8328711	F-03-063027	4214931426		102-2		NORMAN F SCHULTZ #1
-PAUL DE CLEVA				RECEIVED:	03/21/83	JA: TX
8328592	F-09-059436	4212130347		103		GRIFFETH #1
-PAYNE OIL FIELD CONSULTING & OPER				RECEIVED:	03/21/83	JA: TX
8328736	F-7B-063327	4209330948		103		DOMINEY #1
-PEERLESS DRILLING CO				RECEIVED:	03/21/83	JA: TX
8328713	F-7B-063044	4236732321		102-4		GILL #2 ID NO 103021
-PENNZOIL PRODUCING COMPANY				RECEIVED:	03/21/83	JA: TX
8328520	F-06-048158	4221301845		108-ER		ADERHOLD UNIT #3-M
8328670	F-06-062204	4236531457		103	107-TF	BLACK UNIT #3
-PETRO-LEWIS CORPORATION				RECEIVED:	03/21/83	JA: TX
8328501	F-08-10609	4210300000		103		J B TUBB STATE #7

FIELD NAME	PROD	PURCHASER
DABOVAL (7200)	150.0	VICTORIA GAS CORP
PLACEDO (5200)	100.0	LONE STAR GAS CO
KIOWA CREEK	15.0	NORTHERN NATURAL
MIVIDA (ELLENBURGER)	1000.0	INTRATEX GAS CO
CHAMBERS (CONGL)	94.0	EL PASO HYDROCARB
LESIKAR (ATOKA)	113.0	NATURAL GAS PIPEL
POWELL	84.0	MOBIL PRODUCING T
GLEN COVE S (PALO PIN	56.0	UNION TEXAS PETRO
FAGAN FIELD	130.0	LONE STAR GAS CO
FAGAN FIELD	110.0	LONE STAR GAS CO
WILDCAT (RODESSA)	185.0	ESPERANZA PIPELIN
WILDCAT (COTTON VALLE	220.0	TEXAS UTILITIES F
BELLE BOWER (PETTIT)	60.0	UNITED GAS PIPELI
BELLE BOWER (PALUXY U	12.0	TENNESSEE GAS PIP
ELYSIAN N (COTTON VAL	16.0	NATURAL GAS PIPEL
SERVICE (CROSSCUT)	4.0	VALERO TRANSMISSI
HORWOOD (WOLFCAMP 562	21.9	INTRATEX GAS CO
ELLIS FRY (PENDING)	54.0	LONE STAR GAS CO
TRICKHAM CROSSCUT	0.0	LONE STAR GAS CO
MATHEWS (GARDNER)	135.0	ODESSA NATURAL CO
BLOCK 630-L (PROPOSED	24.0	MATAGORDA PIPE LI
WILDCAT	150.0	TEXAS UTILITIES F
CANADIAN S E (DOUGLAS	150.0	ARKANSAS LOUISIAN
KURTEN (GEORGETOWN) F	900.0	FERGUSON CROSSING
BATTLEFIELD (GRAY SAN	20.0	LONE STAR GAS CO
SHARE S E (MORROW UPP	193.0	CALICHE PIPELINE
SHAPLEY (MORROW)	452.0	CALICHE PIPELINE
SKUNK CREEK (HEPLER)	51.0	TRANSWESTERN PIPE
BOONSVILLE (BEND CONG	0.0	SOUTHWESTERN GAS
BOONSVILLE (BEND CONG	0.0	NATURAL GAS PIPEL
CHICO (EAST)	0.0	NATURAL GAS PIPEL
LA SAL VIEJA (GEIS SA	0.0	TENNESSEE GAS PIP
BOONSVILLE (BEND CONG	0.0	NATURAL GAS PIPEL
BOONSVILLE (BEND CONG	0.0	NATURAL GAS PIPEL
BOONSVILLE (BEND CONG	0.0	NATURAL GAS PIPEL
SAWYER (CANYON)	1350.0	VALERO TRANSMISSI
BETHESDA SW (STRAWN)	0.0	SOUTHWESTERN GAS
JACKSBORO (S ATOKA CO	18.9	SOUTHWESTERN GAS
ALVORD (ATOKA CONGLOM	137.3	NATURAL GAS PIPEL
JAMESON NORTH (STRAWN	0.0	SUN EXPLORATION &
GOLD RIVER NORTH (OLM	0.0	SEAGULL PIPELINE
GOLD RIVER NORTH (OLM	0.0	SEAGULL PIPELINE
GOLD RIVER NORTH (OLM	0.0	SEAGULL PIPELINE
K W B (STRAWN)	0.0	LONE STAR GAS CO
K W B (CANYON)	0.0	LONE STAR GAS CO
K W B (STRAWN)	0.0	LONE STAR GAS CO
K W B (STRAWN)	0.0	LONE STAR GAS CO
NEELY (BRUNI 1900')	3.0	NATURAL GAS PIPEL
NEELY	0.0	NATURAL GAS PIPEL
RANGER NW (MARBLE FAL	0.0	PRISM ENTERPRISES
ANDER (560')	55.0	
ANDER	73.0	
ANDER (1400')	73.0	
SAWYER (CANYON)	73.0	INTRATEX GAS CO
SAWYER (CANYON)	55.0	INTRATEX GAS CO
ABELL (PERMIAN GENERA	81.4	NORTHERN NATURAL
HENDERSON NORTH (COTT	600.0	LONE STAR GAS CO
SPRABERRY (TREND AREA	0.0	PHILLIPS PETROLEU
SPRABERRY (TREND AREA	15.0	ADOBE OIL & GAS C
BLOCK 49 (2450)	0.0	J L DAVIS
BLOCK 49 (2450)	0.0	J L DAVIS
PRICE (GRAYBURG)	0.0	J L DAVIS
GIDDINGS (AUSTIN CHAL	438.0	PHILLIPS PETROLEU
RHOME (MARBLE FALLS)	116.0	LONE STAR GAS CO
COMMANCHE COUNTY REGU	6.0	LONE STAR GAS CO
H & R (BEND CONGL)	19.0	SOUTHWESTERN GAS
SAN CARLOS (FF-18)	18.0	TRUNKLINE GAS CO
CARTHAGE/COTTON VALLE	475.0	UNITED GAS PIPE L
SAND HILLS (MCKNIGHT)	135.0	EL PASO NATURAL G

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
8328582	F-08-10618	4210300000		103		J B TUBB-STATE 86
8328555	F-01-035548	4247900000		103	107-TF	O S PETTY 84-25
8328515	F-04-046518	4247900000		103	107-TF	O S PETTY B 81-20
8328572	F-04-057797	4247900000		103	107-TF	O S PETTY LEASE 86-17
-PETROLEUM CORP OF DELAWARE				RECEIVED:	03/21/83	JA: TX
8328644	F-08-061514	4230130215		103		BASS 46 82-L
-PETROLEUM EQUITIES CORP				RECEIVED:	03/21/83	JA: TX
8328802	F-7B-063977	4244700000		103		O T GOBER 81
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	03/21/83	JA: TX
8328801	F-10-063968	4219500000		188		RUBY 81
8328544	F-7C-053263	4243532573		103	107-TF	WARD C 88
-PRODECO EXPLORATIONINC				RECEIVED:	03/21/83	JA: TX
8328538	F-03-049912	4204130659		102-4		J B BEARD UNIT 1 WELL 1
-PRODUCTION LEASE SERVICE INC				RECEIVED:	03/21/83	JA: TX
8328588	F-7C-058593	4223331428		103		J W FIELD 81
-PRUDENTIAL DRILLING CO				RECEIVED:	03/21/83	JA: TX
8328833	F-03-064175	4207100000		102-4		ANN MCGOWN 82 RRC 8101582
-PYRON EXPLORATION & DRILLING CORP				RECEIVED:	03/21/83	JA: TX
8328568	F-09-056290	4250335720		102-4		BRASHEARS 82
-QUEST PETROLEUM INC				RECEIVED:	03/21/83	JA: TX
8328823	F-7B-064088	4236333817		103		RHODES RANCH 81
-R A M ENERGY CORP				RECEIVED:	03/21/83	JA: TX
8328707	F-7B-062934	4208333216		102-4		SEALY-SMITH 81
-R D OSTROM				RECEIVED:	03/21/83	JA: TX
8328718	F-06-063879	4240100000		102-4	103	WARNER ESTATE 81
8328718	F-06-063879	4240100000		107-TF		WARNER ESTATE 81
-R M ENGELKE				RECEIVED:	03/21/83	JA: TX
8328685	F-02-060222	4223731173		103		JOHN M BENNETT JR ETAL "B" 81
-RAILHEAD ENERGY CO				RECEIVED:	03/21/83	JA: TX
8328831	F-09-064168	4223734754		103		JONES LULA 81
-RELIANCE ENERGY & MINERALS CORP				RECEIVED:	03/21/83	JA: TX
8328791	F-03-063903	4205100000		102-2		BLACK LAKE 82
-REYNOLDS DRLG CO & EMI EXPL CO				RECEIVED:	03/21/83	JA: TX
8328793	F-06-063927	4240131374		103	107-TF	ARNOLD-RUST UNIT 3 WELL 83
-RIDGE OIL CO				RECEIVED:	03/21/83	JA: TX
8328702	F-7B-062913	4242933917		102-4	103	WIPE 81
-RIO PETROLEUM INC				RECEIVED:	03/21/83	JA: TX
8328581	F-10-058633	4217931167		103		BETH 81
-RK PETROLEUM CO				RECEIVED:	03/21/83	JA: TX
8328798	F-08-063956	4231732622		103		JOHN WOODWARD 81-X
-RK PETROLEUM CORP				RECEIVED:	03/21/83	JA: TX
8328686	F-08-062476	4231700000		103		HOLLOWAY-HALL 84
-ROCKWOOD RESOURCES INC				RECEIVED:	03/21/83	JA: TX
8328595	F-02-059652	4223931584		102-4		CALAWAY 81
8328730	F-02-063250	4246931918		103		CRAIG HEIRS 81
8328731	F-02-063251	4223931810		102-4		JACKSON 81
-ROYAL OIL & GAS CORPORATION				RECEIVED:	03/21/83	JA: TX
8328681	F-01-062434	4217731353		102-4		R J KLEIMANN 81
-RUTHERFORD OIL CORP				RECEIVED:	03/21/83	JA: TX
8328740	F-02-063519	4209731282		102-4		PATRICK H WELDER 85-L
-S K TUTHILL & B J BARBEE				RECEIVED:	03/21/83	JA: TX
8328673	F-09-062366	4207700000		102-4		BUTLER 81-U
8328677	F-09-062370	4207700000		103		JONES 81-L
8328674	F-09-062367	4207700000		102-4		JONES 81-U
8328678	F-09-062371	4207700000		103		PATTERSON 81
8328676	F-09-062369	4207700000		102-4		RAY 81
8328675	F-09-062368	4207700000		102-4		STARNES 81
-SABINE PRODUCTION COMPANY				RECEIVED:	03/21/83	JA: TX
8328599	F-04-060858	4235500000		102-4	103	DOUGHTY 83-U
8328600	F-04-060851	4235500000		102-4	103	DOUGHTY 3-L
-SANCHEZ-OBRIEN PETROLEUM CORP				RECEIVED:	03/21/83	JA: TX
8328631	F-02-061091	4229733203		102-4		BODDEN-FROST GAS UNIT 81 83 WELL
-SAND SPRINGS OIL & GAS CO				RECEIVED:	03/21/83	JA: TX
8328773	F-10-063733	4223331589		103		J J PERKINS 826
-SANTA FE ENERGY PRODUCTS CO				RECEIVED:	03/21/83	JA: TX
8328688	F-03-062562	4205132349		102-2		JAMES LASTLY 85
-SANTA FE-WINDSOR PRODUCING CO				RECEIVED:	03/21/83	JA: TX
8328665	F-03-062080	4228700000		103		LEROY 81
-SCANDRILL INC				RECEIVED:	03/21/83	JA: TX
8328621	F-10-060703	4248331003		107-DP		BURRELL 81
8328612	F-10-060424	4248331018		102-4	103	DYSART 81
-SHAR-ALAN OIL CO				RECEIVED:	03/21/83	JA: TX
8328608	F-03-060323	4231330368		102-4	103	CLAUD E BAKER 81
-SHAWNEE PETROLEUM CORP				RECEIVED:	03/21/83	JA: TX
8328668	F-03-062139	4205132192		102-2		WHITENER "P" 81
-SHELL OIL CO				RECEIVED:	03/21/83	JA: TX
8328563	F-02-057085	4228531633		102-4		E T NEUHAUS 814
-SHREVEPORT EXPLORATION CO				RECEIVED:	03/21/83	JA: TX
8328766	F-06-063645	4240131667		102-4		JON D ROWE 81
-SO-TEX PETROLEUM, INC.				RECEIVED:	03/21/83	JA: TX
8328837	F-7B-064214	4244132892		102-4		BURNS 1A 82
8328864	F-7B-064378	4244132196		102-4		BURNS 2A 82
8328862	F-7B-064368	4244132072		102-4		SOUTH CORNETT 81
8328839	F-7B-064216	4244132236		102-4		SOUTH CORNETT 82
8328863	F-7B-064369	4244132237		102-4		SOUTH CORNETT 83
8328838	F-7B-064215	4244132254		102-4		SOUTH CORNETT 84
-SOUTH TEXAS DRILLING & EXPL INC				RECEIVED:	03/21/83	JA: TX
8328553	F-09-055210	4207700000		103		MAURICE LUTZ 81
-STALLWORTH OIL & GAS INC				RECEIVED:	03/21/83	JA: TX
8328797	F-7B-063955	4236700000		188		CARTWRIGHT 81 (#55657)
8328529	F-06-049083	4242330532		102-4	103	EDMONSON OIL UT LEASE @ NOT ASSIGNE
8328519	F-06-047818	4242330532		102-4	103	POINTS OIL UT LEASE @ NOT ASSIGNED
-STEPHEN W ANDERSON ENERGY				RECEIVED:	03/21/83	JA: TX
8328658	F-7C-061774	4210534102		103	107-TF	W W WEST 81-22
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	03/21/83	JA: TX
8328738	F-01-063392	4212732484		103		BIG WELLS (SAN MIGUEL) 84721
8328698	F-04-062593	4242731697		102-4		C L DEGARZA 835
8328622	F-8A-060723	4221932749		103		CENTRAL LEVELLAND UT 8236
8328861	F-7C-064361	4246131672		102-4		DAMRON "D" 81
8328788	F-08-063878	4213533996		103		EAST GOLDSMITH HOLT UT 82814
8328739	F-08-063402	4210100000		188		M E ADAMS "B" 81
8328741	F-04-063455	4242731681		102-4		J @ DEGARZA 88
8328780	F-8A-063831	4244531066		103		M M WILLIAMS 86
8328808	F-8A-064087	4221933502		103		SOUTHEAST LEVELLAND UT 8282

FIELD NAME	PROD	PURCHASER
SAND HILLS (MCKNIGHT)	135.0	EL PASO NATURAL G
CATARINA S W (OLMOS)	48.0	VALERO TRANSMISSI
DOS HERMANOS WEST (OL	16.4	VALERO TRANSMISSI
DOS HERMANOS WEST (OL	43.1	VALERO TRANSMISSI
WHEAT (CHERRY CANYON)	12.7	
GOBER (MARBLE FALLS C	55.0	LONE STAR GAS CO
TEXAS - HUGOTON	0.0	MICHIGAN WISCONSI
SONORA (CANYON UPPER)	83.0	INTRATEX GAS CO
KUETEN (GEORGETOWN)	153.3	PRODUCER'S GAS CO
ARDEN S (CANYON SD LO	12.0	ESPERANZA PIPELIN
ELWOOD (DISCORBIS)	500.0	HOUSTON PIPELINE
GRAHAM NORTH (MARBLE	36.0	SOUTHWESTERN GAS
J V T (STRAWN 2400')	150.0	TEXAS UTILITIES F
J R F (GRAY SAND LOWE	0.0	PERMIAN CORP
OAK HILL S (COTTON VA	365.0	TEXAS EASTERN TRA
OAK HILL S (COTTON VA	365.0	TEXAS EASTERN TRA
LASALLE	0.0	TENNESSEE GAS PIP
GATES (ATOKA CONGLOME	20.0	LONE STAR GAS CO
GIDDINGS/AUSTIN CHALK	0.0	FERGUSON CROSSING
NORTH TATUM (COTTON V	0.0	UNITED GAS PIPE L
RANGER (BLACK LIME ME	16.2	COMPRESSOR RENTAL
PANHANDLE GRAY COUNTY	10.0	COLTEXO CORP
SPRABERRY (TREND AREA	29.2	NORTHERN GAS PROD
SPRABERRY (TREND AREA	0.0	NORTHERN NATURAL
BANADO EAST (6450) PR	0.0	LONE STAR GAS CO
PRIDHAM LAKE (4200)	0.0	HOUSTON PIPELINE
SANDY CREEK (FRIO 555	0.0	LONE STAR GAS CO
PEACH CREEK (AUSTIN C	100.0	SOUTH CEN-TEX GAS
BARGE CANAL	180.0	HOUSTON PIPE LINE
VASHTI N E (CADDO)	10.0	MID-STATE GAS COR
CLAY COUNTY REGULAR	10.0	MID-STATE GAS COR
VASHTI NE (CADDO)	10.0	MID-STATE GAS COR
CLAY COUNTY REGULAR	10.0	MID-STATE GAS COR
VASHTI N E (CADDO)	10.0	MID-STATE GAS COR
VASHTI N E (CADDO)	10.0	MID-STATE GAS COR
DOUGHTY (7450) FIELD	0.0	HOUSTON PIPE LINE
DOUGHTY (FRIO 9860)	0.0	HOUSTON PIPE LINE
FANT (WILCOX 9500) FI	500.0	UNITED TEXAS TRAN
PANHANDLE HUTCHINSON	15.0	PHILLIPS PETROLEU
GIDDINGS (AUSTIN-CHAL	0.0	FERGUSON CROSSING
GIDDINGS (AUSTIN CHAL	109.0	PERRY PIPELINE CO
GRAY STONE (MORROW SD	204.8	
CAROLYN (GRANITE WASH	97.8	
MADISONVILLE NE (DEXT	0.0	LONE STAR GAS CO
GIDDINGS (AUSTIN CHAL	0.0	CLAJON GAS CO
PROVIDENT CITY (WILCO	400.0	TEXAS EASTERN TRA
LAURA GRACE	128.0	EXXON GAS SYSTEM
(FRY)	22.0	UNION TEXAS PETRO
(FRY)	0.0	UNION TEXAS PETRO
(FRY)	0.0	UNION TEXAS PETRO
SO-TEX (FRY)	87.0	UNION TEXAS PETRO
(FRY)	48.0	UNION TEXAS PETRO
(FRY)	36.5	UNION TEXAS PETRO
BASS (CADDO)	36.0	FAGADAU ENERGY CO
LOKEY (ATOKA 1250)	18.0	LONE STAR GAS CO
CHAPEL HILL (TRAVIS P	0.0	UNITED GAS PIPELI
CHAPEL HILL (TRAVIS P	35.0	UNITED GAS PIPELI
OZONA (CANYON SAND)	75.0	LONE STAR GAS CO
BIG WELLS (SAN MIGUEL	0.0	HOUSTON PIPELINE
SUN NORTH	1939.0	
LEVELLAND	0.4	AMOCO PRODUCTION
HELUMA SE	24.0	PHILLIPS PETROLEU
GOLDSMITH EAST (HOLT)	5.0	PHILLIPS PETROLEU
DUNE	0.9	WARREN PETROLEUM
SUN NORTH	53.0	
KINGDOM (ABO REEF)	2.0	AMOCO PRODUCTION
LEVELLAND	4.0	AMOCO PRODUCTION

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8328810	F-8A-064011	4221933496		103		SOUTHEAST LEVELLAND UT 0295	LEVELLAND	95.0	AMOCO PRODUCTION
8328809	F-8A-064008	4221933509		103		SOUTHEAST LEVELLAND UT 0297	LEVELLAND	5.0	AMOCO PRODUCTION
-SUN OIL CO		RECEIVED: 03/21/83 JA: TX							
8328504	F-8B-021834	4213540000		106-ER		GOLDSMITH SAN ANDRES UT 624-1	EAST GOLDSMITH	1.0	PHILLIPS PETROLEU
-SUN-KEY OIL CO INC		RECEIVED: 03/21/83 JA: TX							
8328679	F-7B-062396	4219300000		108		D P SHANNER "A" 01 (097448)	DIAZ (STRAWN)	0.0	SOUTHWESTERN GAS
-TEXACO INC		RECEIVED: 03/21/83 JA: TX							
8328539	F-04-052562	4242700000		103		G G LOPEZ 04	ENCINITAS (V-19)	70.0	NATURAL GAS PIPEL
8328538	F-04-052496	4242731522		103		[illegible]	ROMA	33.0	TENNESSEE GAS PIP
8328627	F-08-060863	4232931070		102-4		MIDLAND "AF" FEE 01	BRADFORD RANCH	0.0	EL PASO NATURAL G
8328666	F-8A-062115	4250132305		103		ROBERTS UNIT 02436	MASSON	7.3	SHELL OIL CO
8328751	F-8A-063528	4250132281		103		ROBERTS UNIT 02446	MASSON	18.6	SHELL OIL CO
8328637	F-8A-061338	4250132273		103		ROBERTS UNIT 03201	MASSON	21.8	SHELL OIL CO
8328671	F-8A-062308	4250132452		103		ROBERTSON UNIT 002	ROBERTSON N (CLEARFOR	23.7	PHILLIPS PETROLEU
8328624	F-03-060811	4224931407		102-4		SANDERS G/U 01	CONSTITUTION (13600)	36.5	TRANSCONTINENTAL
8328710	F-08-063008	4243131229		103		STERLING "E" FEE 014	BIG SALUTE (LEONARD)	0.0	VALERO TRANSMISSI
8328691	F-8A-062630	4216332412		103		WHARTON UNIT 0102	HARRIS	0.0	PHILLIPS PETROLEU
8328750	F-8A-063527	4216332410		103		WHARTON UNIT 0104	HARRIS	0.0	PHILLIPS PETROLEU
8328615	F-08-060546	4232931068		102-4		ZULA B WYLIE "C" 01	BRADFORD RANCH	435.3	EL PASO NATURAL G
-TEXAS CRUDE INC		RECEIVED: 03/21/83 JA: TX							
8328521	F-06-048193	4207330387		102-4		NEW BIRMINGHAM "B" GU82 M82 89097	WHITE OAK CREEK (TRAV	311.0	DELHI GAS PIPELIN
-TEXOMA PRODUCTION CO		RECEIVED: 03/21/83 JA: TX							
8328681	F-03-060054	4232131068		102-4		H L HENRY 01	SIMPSONVILLE (10390)	175.0	NATURAL GAS PIPE
-THOMPSON J CLEO & JAMES CLEO JR		RECEIVED: 03/21/83 JA: TX							
8328886	F-7C-064001	4218500000		102-4	107-TF	UNIVERSITY 30-7M 02	UNIVERSITY 31 (STRAWN	0.0	PHILLIPS PETROLEU
8328701	F-7C-062817	4218534176		103	107-TF	UNIVERSITY 32-11S 02	OZONA (CANYON SAND)	75.0	PRODUCER'S GAS CO
-THOMSON-MONTEITH		RECEIVED: 03/21/83 JA: TX							
8328834	F-08-064177	4232931098		103		WINDHAM 36 WELL 02	PARKS (SPRABERRY)	1.1	MOBIL PROD TEXAS
-TRILEX EXPLORATION CO		RECEIVED: 03/21/83 JA: TX							
8328698	F-03-062880	4214931886		102-2		MAXIMSEN 01	GIDDINGS EDWARDS	0.0	CLAJON GAS CO
-TRINITY EXPLORATION CO		RECEIVED: 03/21/83 JA: TX							
8328532	F-7B-050650	4213300000		106		BAR H BAR RANCH 03	TRINITY (BOND)	0.0	ODESSA NATURAL CO
-TRIO OPERATING CO INC		RECEIVED: 03/21/83 JA: TX							
8328778	F-10-063784	4242130257		105		CMF CORPORATION 0171	TEXAS HUGOTON	73.0	PHILLIPS PETROLEU
-TRIPLE-S VENTURES INC		RECEIVED: 03/21/83 JA: TX							
8328616	F-02-060548	4244931925		102-4		JASCHKE 01	WILDCAT (SEE F-1)	65.0	C B GAS GATHERING
-TURTLE PRODUCTION CO INC		RECEIVED: 03/21/83 JA: TX							
8328757	F-7B-063560	4205932923		102-4		HAL MCGLOTHLIN 02	LAJET (FLIPPEN)	2.0	LONE STAR GAS CO
8328756	F-7B-063559	4205900000		102-4		HAL MCGLOTHLIN 03	LAJET (FLIPPEN)	1.0	LONE STAR GAS CO
8328755	F-7B-063558	4205900000		102-4		HAL MCGLOTHLIN 04	LAJET (FLIPPEN)	1.0	LONE STAR GAS CO
-TXO PRODUCTION CORP		RECEIVED: 03/21/83 JA: TX							
8328694	F-05-062733	4234932681		102-4		BOYD "D" 01	S KEEWS (SMACKOVER)	0.0	DELHI GAS PIPELIN
8328776	F-05-063762	4216130768		102-4		COATES "A" 02	INGRAM TRINITY (RODES	8.8	DELHI GAS PIPELIN
8328783	F-10-063850	4235731304		102-4		GRAMSTORFF 01	BOOKER N (MORROW UPPE	219.0	DELHI GAS PIPELIN
8328440	F-06-061944	4240131545		102-4		MCRAE "B" 01	ITEX (PETTIT)	0.0	DELHI GAS PIPELIN
8328571	F-05-057704	4216130744		103	107-TF	TEAGUE GAS UNIT 03-2	TEAGUE S (COTTON VALL	0.0	DELHI GAS PIPELIN
-U S OPERATING INC		RECEIVED: 03/21/83 JA: TX							
8328777	F-03-063780	4247730489		102-2		TRISMA 01 RRC ID# N/A	GIDDINGS (AUSTIN CHAL	0.0	PERRY PIPELINE CO
-UNION OIL COMPANY OF CALIF		RECEIVED: 03/21/83 JA: TX							
8328745	F-01-063499	4210534111		102-2		WAYNE WEST RANCH "A" 02	MASSIE (STRAWN)	73.0	INTRATEX GAS CO
8328746	F-01-063500	4210534210		102-2		WAYNE WEST RANCH "B" 01	MASSIE (STRAWN)	70.0	INTRATEX GAS CO
-UNIT DRILLING & EXPLORATION CO		RECEIVED: 03/21/83 JA: TX							
8328638	F-10-061342	4219530828		101		RALSTON 01	HANSFORD NORTH (MORRO	110.4	PANHANDLE EASTERN
-UPHAM OIL & GAS CO		RECEIVED: 03/21/83 JA: TX							
8328582	F-09-058647	4247700000		103		EMMIT BEESON 02	BOONESVILLE (BEND CON	0.0	LONE STAR GAS CO
-VANDERBILT RESOURCES CORPORATION		RECEIVED: 03/21/83 JA: TX							
8328714	F-01-063967	4211731375		102-4		CLARK 01	PEACH CREEK (BUDA)	72.0	VALERO TRANSMISSI
-VORTY EXPLORATION CO INC		RECEIVED: 03/21/83 JA: TX							
8328510	F-7B-039894	4236132605		102-4		W GREEN UNIT II 01	SANTO E (3800' CONGL)	0.0	SOUTHWESTERN GAS
-W J WHITT		RECEIVED: 03/21/83 JA: TX							
8328768	F-7B-063672	4232933336		102-4		VERNA MEEKS 01	RANGER N W (MARBLE FA	37.0	LONE STAR GAS CO
8328769	F-7B-063673	4229331137		102-4		VERNA MEEKS "A" 01	RANGER N W (MARBLE FA	73.0	LONE STAR GAS CO
-WAINOCO OIL & GAS CO		RECEIVED: 03/21/83 JA: TX							
8328597	F-05-059918	4216130726		103	107-TF	GLAZENER 01	DAN (BOSSIER) FIELD	75.0	LONE STAR GAS CO
-WALKER OIL & GAS		RECEIVED: 03/21/83 JA: TX							
8328583	F-7B-058698	4204900000		102-4		M J BYRD 01 (19098)	BYRD (MARBLE FALLS 25	15.0	ODESSA NATURAL CO
-WALLACE OIL & GAS INC		RECEIVED: 03/21/83 JA: TX							
8328547	F-10-056478	4220931001		102-4		WEIS 01	RIGGINS SOUTH (UPPER	610.9	TRANSWESTERN PIPE
-WATCO ENERGY INC		RECEIVED: 03/21/83 JA: TX							
8328577	F-7C-058250	4239932223		102-4	103	RODNEY FLANAGAN 02	Q V (FRY LOWER)	18.2	ODESSA NATURAL CO
-WHEELER OIL COMPANY		RECEIVED: 03/21/83 JA: TX							
8328526	F-10-048877	4208700000		108		HAWKINS (84129) 06	EAST PANHANDLE	7.0	EL PASO NATURAL G
8328527	F-10-048878	4208700000		108		W O HAWKINS (80339) 01	EAST PANHANDLE	6.0	EL PASO NATURAL G
-WILLIAM MOSS PROPERTIES INC		RECEIVED: 03/21/83 JA: TX							
8328849	F-7C-064282	4238532378		103		ROCKER "B" 01	SPRABERRY/TREND AREA	38.5	
8328848	F-7C-064281	4238532377		103		ROCKER "B" 02	SPRABERRY/TREND AREA	38.0	
-WILSON ENERGY INC		RECEIVED: 03/21/83 JA: TX							
8328794	F-7C-063930	4210300000		108		UNIVERSITY GULF STATE 01	FARMER (SAN ANDRES)	0.4	J L DAVIS
8328854	F-7C-064331	4210533177		108		UNIVERSITY GULF STATE 20 "A" 04	FARMER (SAN ANDRES)	2.2	J L DAVIS
8328819	F-7C-064089	4210533257		108		UNIVERSITY 12 "C" 01	FARMER (SAN ANDRES)	1.0	J L DAVIS -
8328820	F-7C-064081	4210533258		108		UNIVERSITY 12 "C" 02	FARMER (SAN ANDRES)	1.0	J L DAVIS
8328821	F-7C-064082	4210533259		108		UNIVERSITY 12 "C" 03	FARMER (SAN ANDRES)	1.0	J L DAVIS
8328851	F-7C-064328	4210533027		108		UNIVERSITY 13 "B" 01	FARMER (SAN ANDRES)	0.4	J L DAVIS
8328852	F-7C-064329	4210533026		108		UNIVERSITY 13 "B" 02	FARMER (SAN ANDRES)	0.4	J L DAVIS
8328853	F-7C-064330	4210533028		108		UNIVERSITY 13 "B" 03	FARMER (SAN ANDRES)	0.4	J L DAVIS
8328850	F-7C-064206	4210532687		108		UNIVERSITY 2 04	FARMER (SAN ANDRES)	2.8	J L DAVIS
8328818	F-7C-064076	4210533303		108		UNIVERSITY 2 "C" 02	FARMER (SAN ANDRES)	1.1	J L DAVIS -
8328817	F-7C-064075	4210533302		108		UNIVERSITY 2 "C" 03	FARMER (SAN ANDRES)	1.1	J L DAVIS -
8328816	F-7C-064074	4210533301		108		UNIVERSITY 2 "C" 04	FARMER (SAN ANDRES)	1.1	J L DAVIS -
8328815	F-7C-064073	4210533490		108		UNIVERSITY 2 "D" 01	FARMER (SAN ANDRES)	2.0	J L DAVIS
8328814	F-7C-064072	4210533491		108		UNIVERSITY 2 "D" 02	FARMER (SAN ANDRES)	2.0	J L DAVIS -
8328822	F-7C-064084	4210532498		108		UNIVERSITY 8 "A" 03	FARMER (SAN ANDRES)	1.0	J L DAVIS
-WOOD ENERGY INC		RECEIVED: 03/21/83 JA: TX							
8328524	F-03-048482	4200100000		102-4		A A JONES 01	KURTEN (GEORGETOWN)	12.6	PRODUCERS GAS CO
8328[illegible]	F-03-048483	4200100000		102-4		J E WEEDON 01	KURTEN (GEORGETOWN)	10.8	PRODUCERS GAS CO
-WOOD MCSHANE & THAMS		RECEIVED: 03/21/83 JA: TX							
8328844	F-08-064277	4249531541		103		KEYSTONE CATTLE 08-C	KEYSTONE (COLBY)	116.8	WESTAR TRANSMISSI
-WORTH PETROLEUM CO		RECEIVED: 03/21/83 JA: TX							
8328734	F-08-063318	4237100000		103		THIGPIN A01	JMT (PENN)	30.0	M WILSON CORP

[FR Doc. 83-10781 Filed 4-21-83; 8:45 am]

BILLING CODE 6717-01-C

[Volume 872]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: April 19, 1983.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register**.

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487–4808, 5285 Port Royal Rd., Springfield, Va 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 Mile rule)
102–3: New well (1000 Ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal Seams
107–DV: Devonian Shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

BILLING CODE 6717-01-M

NOTICE OF DETERMINATIONS
[Issued April 19, 1983]

VOLUME 872

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
TEXAS RAILROAD COMMISSION									
-AMOCO PRODUCTION CO				RECEIVED:	03/21/83	JA: TX			
8329093	F-06-064844	4240131352		102-4		BILLY NEAL ROGERS GAS UNIT #2	HENDERSON NORTH (RODE	600.0	VALERO TRANSMISSI
8328877	F-06-064419	4247933449		102-4	107-TF	KILLAM-HURD-AMOCO /D/ #1	CASA VERDE	1100.0	UNITED TEXAS TRAN
8328878	F-06-064420	4212300835		102-4	107-TF	KILLAM-HURD-AMOCO /E/ #1	CASA VERDE	1100.0	UNITED TEXAS TRAN
8328879	F-06-064421	4247933206		102-4	107-TF	KILLAM-HURD-AMOCO RANGE #2	CASA VERDE	1250.0	UNITED TEXAS TRAN
8328911	F-8A-064513	4221933632		103		LEVELLAND UNIT #760	LEVELLAND	0.4	AMOCO PRODUCTION
8328912	F-8A-064514	4221933631		103		LEVELLAND UNIT #762	LEVELLAND	0.4	AMOCO PRODUCTION
8328968	F-8A-064608	4221933633		103		LEVELLAND UNIT #766	LEVELLAND	0.1	AMOCO PRODUCTION
8328978	F-8A-064610	4221932974		103		MAY MONTGOMERY UNIT #62	LEVELLAND	0.3	AMOCO PRODUCTION
8328910	F-8A-064511	4221933644		103		MAY MONTGOMERY UNIT #68	LEVELLAND	0.3	AMOCO PRODUCTION
8328913	F-8B-064515	4200333365		103		MIDLAND FARMS "AW" #4	FASKEN (PENN)	2.4	AMOCO PRODUCTION
8328908	F-8B-064509	4200333343		103		MIDLAND FARMS AX #1	FASKEN (PENN)	2.1	AMOCO PRODUCTION
8328971	F-02-064611	4229733246		103		PEARL HARRIS B #3	HARRIS (WILCOX-MACKHA	191.0	TRANSCONTINENTAL
8328969	F-8A-064609	4244531075		103		PRENTICE NORTHEAST UNIT #154	PRENTICE (6700)	0.0	AMOCO PRODUCTION
8328909	F-8A-064510	4244531076		103		PRENTICE NORTHEAST UNIT #155	PRENTICE (6700)	0.1	AMOCO PRODUCTION
-ARCO OIL AND GAS COMPANY				RECEIVED:	03/21/83	JA: TX			
8328896	F-7C-064479	4223531974		103		KETCHUM MTN CLEARFORK UNIT 856-76	KETCHUM MOUNTAIN (CLE	4.0	J L DAVIS
-AUGUSTA OIL & GAS INC				RECEIVED:	03/21/83	JA: TX			
8329153	F-7B-065839	4225332383		103		MURFEE #1 19267	NOODLE NW (CANYON SD	35.0	CONOCO INC
-BANAM CORP				RECEIVED:	03/21/83	JA: TX			
8329159	F-7B	4215131551		102-4		SOLOMAN #1-B	SATURDAY EAST (CANYON	15.4	CONOCO INC
-BISON PETROLEUM CORP				RECEIVED:	03/21/83	JA: TX			
8329109	F-10-064885	4235700000		108		HERNDON #1 RRC #065867	ELLIS RANCH (KEYS)	20.0	DIAMOND SHAMROCK
-BODAN OIL & GAS CO				RECEIVED:	03/21/83	JA: TX			
8329136	F-7C-064973	4298131153		103		JAMESON 1-A	BLOODWORTH N (CANYON	55.0	SUN OIL CO
-C & K PETROLEUM INC				RECEIVED:	03/21/83	JA: TX			
8329015	F-09-064696	4243100000		103		FOSTER 36-6	CONGER (PENN)	0.0	VALERO TRANSMISSI
-C R GOBER				RECEIVED:	03/21/83	JA: TX			
8328944	F-7B-064562	4244733383		102-4		MASSEY #1	MCKNIGHT S (CONGL)	37.0	M S T GATHERING C
-CHAPARRAL MINERALS INC				RECEIVED:	03/21/83	JA: TX			
8329187	F-03-064882	4286130839		102-4		DOUGLAS CROMEENS #1 (16179)	BRYAN (WOODBINE)	145.0	FERGUSON CROSSING
-CITIES SERVICE COMPANY				RECEIVED:	03/21/83	JA: TX			
8329135	F-08-064968	4238931389		103		PERKINS "F" #4	COLLIE (DELAWARE)	18.0	INTRATEX GAS CO
8329027	F-08-064715	4238931234		103		PERKINS-F #3	COLLIE (DELAWARE)	41.0	INTRATEX GAS CO
-CLEMENTS ENERGY INC				RECEIVED:	03/21/83	JA: TX			
8328916	F-08-064522	4249531441		103		F M HOGG #1	F A HOGG (PENN DETRIT	86.0	PHILLIPS PETROLEU
8328917	F-08-064523	4249531494		103		F M HOGG #2	F A HOGG (PENN DETRIT	125.0	PHILLIPS PETROLEU
-COASTAL OIL & GAS CORP				RECEIVED:	03/21/83	JA: TX			
8329138	F-10-064939	4237530984		103		MASTERSON "C" 84-22J	PANHANDLE (RED CAVE)	1.0	COLORADO INTERSTA
8328881	F-10-064442	4234130752		103		THOMPSON Z-10J	PANHANDLE (RED CAVE)	2.0	COLORADO INTERSTA
-CONOCO INC				RECEIVED:	03/21/83	JA: TX			
8328905	F-04-064582	4247933113		103		CARLOS BENAVIDES #1	PICOSO (WILCOX 11,300	437.0	HOUSTON PIPELINE
8328898	F-01-064484	4232331399		103		M J CHITTIM 86557	SACATOSA (SAN MIGUEL	0.7	VALERO TRANSMISSI
8328901	F-01-064487	4232331400		103		M J CHITTIM 86558	SACATOSA	0.7	VALERO TRANSMISSI
8328902	F-01-064488	4232331401		103		M J CHITTIM 86663	SACATOSA	0.7	VALERO TRANSMISSI
8328903	F-01-064489	4232331403		103		M J CHITTIM 86664	SACATOSA	0.7	VALERO TRANSMISSI

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8328900	F-01-064486	4232331404		103		M J CHITTIM #6665	SACATOSA	0.7	VALERO TRANSMISSI
8328899	F-01-064485	4232331402		103		M J CHITTIM NO 6662	SACATOSA	0.7	VALERO TRANSMISSI
8329094	F-08-064852	4210931665		103		RAMSEY "44" #6 (27636)	GERALDINE/DELAWARE 34	23.0	EL PASO NATURAL G
8329042	F-8A-064755	4210333004		103		UNIVERSITY C #9 (11210)	BURE	5.5	PHILLIPS PETROLEU
8328965	F-08-064594	4238931321		103		W E BELL "44" #12 (ID 27756)	JESS BURNER (DELAWARE	62.4	EL PASO NATURAL G
-CORPUS CHRISTI OIL AND GAS CO				RECEIVED:	03/21/83	JA: TX			
8328897	F-04-064481	4200730717		102-4		STATE TRACT 38 WELL # 1-L	GOOSE ISLAND (E-2 M)	0.0	CENTRAL POWER & L
-DAVIS OIL COMPANY				RECEIVED:	03/21/83	JA: TX			
8329036	F-08-064736	4217331359		102-4		LOIS BLALOCK #4	DEWEY LAKE	0.0	EL PASO NATURAL G
-DELRAY OIL INC				RECEIVED:	03/21/83	JA: TX			
8328950	F-7B-064572	4208333193		103		BERTIE E STONE #23	COLEMAN COUNTY REGULA	7.6	LONE STAR GAS CO
-DIAMOND SHAMROCK CORPORATION				RECEIVED:	03/21/83	JA: TX			
8328964	F-10-064593	4221131452		103		DRY CREEK CATTLE CO 17 #1	WIGGINS WEST	0.0	
-DSK PRODUCERS				RECEIVED:	03/21/83	JA: TX			
8329137	F-7B-064974	4208332737		108		CLYDE MAYNES #1	COLEMAN COUNTY REGULA	0.0	EL PASO HYDROCARB
-EASTLAND OIL CO				RECEIVED:	03/21/83	JA: TX			
8328992	F-08-064656	4238931223		103		ARCO STATE #1	REAVES N (3200)	100.0	UNITED TEXAS TRAN
-EL PASO NATURAL GAS COMPANY				RECEIVED:	03/21/83	JA: TX			
8329133	F-7C-064953	4243519197		108		DAVIS B #1	SONORA (CANYON UPPER)	10.0	EL PASO NATURAL G
-EMERALD PETROLEUM CORP				RECEIVED:	03/21/83	JA: TX			
8329014	F-09-064690	4207732365		103		DAVID B #1	BLUE GROVE (CADDO)	3.6	FAGADAY ENERGY CO
-EXXON CORPORATION				RECEIVED:	03/21/83	JA: TX			
8329131	F-08-064945	4213534056		103		AUGUSTA BARROW #26	COWDEN NORTH	2.0	
8329012	F-08-064683	4222732719		102-4		EUNICE HOMAN #1	MOORE (WOLFCAMP)	3.0	EL PASO NATURAL G
8329055	F-04-064776	4213133981		103		EXXON YATES RANCH FEE "D" 3-F #9796	STRAKE (3700' SAND)	54.4	ARMCO STEEL CORP
8328907	F-06-064505	4200131288		103		G W EATON ESTATE #33	MECHES (WOODBINE)	21.9	UNITED GAS PIPELI
8328979	F-08-064629	4210308000		108		J B TUBB A/C 1 #12	SAND HILLS	10.0	EL PASO NATURAL G
8328977	F-08-064627	4210300000		108		J B TUBB A/C 1 #5	SAND HILLS (JUDKINS)	10.0	EL PASO NATURAL G
8328978	F-08-064628	4210300000		108		J B TUBB A/C 1 #79	SAND HILLS	10.0	EL PASO NATURAL G
8329013	F-08-064684	4208333348		103		J S MEANS A/C 2 #2319	MEANS (QUEEN SAND)	3.0	
8329108	F-04-064883	4227331330		102-4		K R ALAZAN 320-F (10131)	MINOJOSA NORTH (E-97	46.0	ARMCO STEEL CORP
8329152	F-04-065035	4227331345		102-4		K R ALAZAN 331-F (103322)	MINOJOSA NORTH (E-95	1400.0	ARMCO STEEL CORP
8328924	F-04-064532	4227331165		102-4		K R BORREGOS 539-F (103030)	BORREGOS (U-3 W)	1371.0	ARMCO STEEL CORP
8328923	F-04-064531	4227331577		102-4		K R BORREGOS 565 (103029)	BORREGOS (N-5)	1129.0	ARMCO STEEL CORP
8328922	F-04-064530	4227331679		103		K R BORREGOS 577 (103031)	BORREGOS (V-25)	883.0	ARMCO STEEL CORP
8328929	F-04-064540	4227331699		102-4		K R BORREGOS 579 (102275)	BORREGOS (N-21 M)	1237.0	ARMCO STEEL CORP
8328921	F-7C-064529	4243131176		103		LOU E JOHNSON ESTATE A/C 1 #37	JAMESON (STRAWN)	1.0	KOCH HYDROCARBON
8329132	F-7C-064946	4223531970		103		PEARL WILLIAMS B #11	DOVE CREEK SOUTH (650	15.0	
8329151	F-04-065034	4226131702		102-4		RJK JR TR STILLMAN PAST 54 (103345)	TORDILLA (I-67 N)	730.0	ARMCO STEEL CORP
8328918	F-8A-064525	4216532435		103		ROBERTSON CLEARFORK UNIT #1883	ROBERTSON N (CLEAR FO	15.0	PHILLIPS PETROLEU
8328919	F-8A-064526	4216532464		103		ROBERTSON CLEARFORK UNIT #7401	ROBERTSON N (CLEAR FO	15.0	PHILLIPS PETROLEU
8328920	F-8A-064528	4216532308		103		ROBERTSON CLEARFORK UNIT #9803	ROBERTSON N (CLEAR FO	15.0	PHILLIPS PETROLEU
8328996	F-08-064662	4237130032		108		SHELL #1	GATES NE (DEVONIAN)	18.0	NORTHERN NATURAL
8328972	F-06-064615	4234730722		103		TRAWICK GAS UNIT #29 #4	TRAWICK (TRAVIS PEAK)	570.0	ARMCO STEEL CORP
8329092	F-04-064839	4213135859		103		V KOHLER A-142 #09632	KOHLER NE (MIRANDO #2	6.2	TENNESSEE GAS PIP
-FRAC INC				RECEIVED:	03/21/83	JA: TX			
8329098	F-08-064861	4200333331		103		M A THORNBERRY CONS II #17453	FUHRMAN MASCHO	6.5	PHILLIPS PETROLEU
8329155	F-08-065043	4200333372		103		THORNBERRY CONS I #D-6 WELL #17452	FUHRMAN MASCHO	2.5	PHILLIPS PETROLEU
8329110	F-08	4200333373		103		UNIVERSITY "17W" #2 #27678	FUHRMAN MASCHO	8.6	PHILLIPS PETROLEU
-G & M OPERATING CORP				RECEIVED:	03/21/83	JA: TX			
8329028	F-02-064718	[illegible]		102-4		JAMES D SULLIVAN #9	MAXINE EAST (MATULA)	565.0	NATURAL GAS PIPEL
-GAS DEVELOPMENT CORP				RECEIVED:	03/21/83	JA: TX			
8329115	F-7C-064905	4243532420		107-TF		JO NELL JOHNSON 16 #1	JO NELL (CANYON D)	264.0	NORTHERN NATURAL
-GETTY OIL COMPANY				RECEIVED:	03/21/83	JA: TX			
8329008	F-08-064679	4210332907		103		NORTH MCELROY UNIT #3339 RRC 20377	MCELROY	1.0	PHILLIPS PETROLEU
8329006	F-08-064677	4210332909		103		NORTH MCELROY UT #3842-A RCC 20377	MCELROY	1.0	PHILLIPS PETROLEU
8329007	F-08-064678	4210332908		103		NORTH MCELROY UNIT #3844 RRC 20377	MCELROY	2.0	PHILLIPS PETROLEU
8329009	F-08-064680	4210332910		103		NORTH MCELROY UNIT #4746 RRC 20377	MCELROY	1.0	PHILLIPS PETROLEU
-GO OIL CORP				RECEIVED:	03/21/83	JA: TX			
8329029	F-[illegible]-064722	4223734731		102-4		HOLLEY #1 (RRC ID NO 103290)	FRANKLIN (STRAWN)	0.0	LONE STAR GAS CO
-GREENWOOD INDUSTRIES INC				RECEIVED:	03/21/83	JA: TX			
8329087	F-7B-064826	4241734569		102-4		GILLEAN #1 (103258)	GILLIAN (MARBLE FALLS	210.0	DELHI GAS PIPELIN
-GULF OIL CORPORATION				RECEIVED:	03/21/83	JA: TX			
8329101	F-03-064864	4215731349		103		F I BOOTH "A" #52	THOMPSON FIELD	50.6	UNITED TEXAS TRAN
8329100	F-03-064863	4215731348		103		F I BOOTH "A" #53	THOMPSON	81.0	UNITED TEXAS TRAN
8329140	F-03-064988	4204130489		103		GILPIN UNIT 1 #1	KURTEN (WOODBINE)	5.0	PRODUCER'S GAS CO
8329104	F-03-064867	4204130520		103		H O WILSON UNIT I #1	KURTEN (WOODBINE)	10.0	PRODUCER'S GAS CO
8329141	F-03-064989	4204130487		103		H WEST UNIT 1 #1	KURTEN (WOODBINE)	4.0	PRODUCER'S GAS CO
8329145	F-10-065017	4229531226		103		HAROLD PEERY #6-766	PEERY (CLEVELAND)/CLE	1185.0	TRANSWESTERN PIPE
8328967	F-10-064605	4229531218		103		HAROLD PEERY #8-766	PEERY (MARMATON)/CLEV	70.0	PHILLIPS PETROLEU
8329096	F-08-064857	4247532741		103		HUTCHINGS STOCK ASSN #1142	WARD-ESTES NORTH	9.0	CABOT CORP
8329095	F-08-064856	4247532740		103		HUTCHINGS STOCK ASSN #1210	WARD-ESTES NORTH	11.0	CABOT CORP
8329099	F-03-064862	4204130477		103		LANG UNIT 11 #1	KURTEN (WOODBINE)	10.0	PRODUCER'S GAS CO
8329105	F-03-064868	4204130498		103		LENZ UNIT II #1	KURTEN (WOODBINE)	18.0	PRODUCER'S GAS CO
8329102	F-03-064865	4204130493		103		SCHRAM UNIT III #1	KURTEN (WOODBINE)	35.0	PRODUCER'S GAS CO
8329097	F-08-064858	4238931329		103		TXL "BM" (NCT-B) #1	JESS BURNER (DELAWARE	19.0	CONOCO INC
8329103	F-03-064866	4204130512		103		WILSON UNIT VI #1	KURTEN (WOODBINE)	10.0	PRODUCER'S GAS CO
-HEARTLAND RESOURCES INC				RECEIVED:	03/21/83	JA: TX			
8329090	F-7B-064832	4242933522		102-4		COOK HEIRS #1 ID #103388	FRANKEL S (STRAWN)	52.0	WARREN PETROLEUM
-HEXAGON OIL & GAS INC				RECEIVED:	03/21/83	JA: TX			
8328966	F-7B-064595	4236732288		102-4		YOUNG #1	MOBY DICK (STRAWN)	234.0	SOUTHWESTERN GAS
-HOLLY ENERGY INC				RECEIVED:	03/21/83	JA: TX			
8328904	F-7C-064492	4210536211		102-4		TODD RANCH #2	SERIGHT (STRAWN)	182.0	PERMIAN CORP
-JACK F GRIMM				RECEIVED:	03/21/83	JA: TX			
8328945	F-8A-064563	4210130310		102-4		PRENTISS FIELDS #1-5	INDEPENDENT (BEND CON	443.0	LONE STAR GAS CO
-KEYSTONE OIL CO INC				RECEIVED:	03/21/83	JA: TX			
8329085	F-7B-064823	4242933466		102-4		LEDBETTER #1 (103382)	LEDBETTER (RANGER 362	429.0	SOUTHWESTERN GAS
-L & M OIL CO				RECEIVED:	03/21/83	JA: TX			
8329017	F-09-064701	4249700000		108		MCINTYRE #1 (029163)	BOONESVILLE (BEND CON	12.0	LONE STAR GAS CO
-LAJUANA JO OIL CO				RECEIVED:	03/21/83	JA: TX			
8328943	F-7B-064561	4225332274		103		MORTON #1 (18989)	JONES COUNTY REGULAR	10.0	CONOCO INC
-LYNN GILLESPIE				RECEIVED:	03/21/83	JA: TX			
8329086	F-7B-064824	4225332361		102-4		BROWN #23	ANNE (CISCO SAND)	1.0	CONOCO INC
-M M OIL CO				RECEIVED:	03/21/83	JA: TX			
8329134	F-08-064956	4249531473		103		SINCLAIR-SEALY #5 LSE NO #7348	WARD-ESTES NORTH	18.3	WARREN PETROLEUM
-MILLS DENNIS ENTERPRISES INC				RECEIVED:	03/21/83	JA: TX			
8328982	F-10-064637	4217931268		103		HEIDI #4 (ID #05281)	PANHANDLE GRAY	96.0	CABOT PIPELINE CO
-MITCHELL ENERGY CORPORATION				RECEIVED:	03/21/83	JA: TX			
8329142	F-09-065003	4249700000		108		SAM KIKER #3	BOONSVILLE (BEND CONG	0.0	NATURAL GAS PIPEL
-MOBIL PRDG TEXAS & NEW MEXICO INC				RECEIVED:	03/21/83	JA: TX			
8328925	F-04-064533	4204730308		103		CHURCH OF THE BRETHREN UNIT #486 #6	LA GLORIA (LOHMAN)	12.9	NATURAL GAS PIPE
8329039	F-8A-064740	4250132078		102-4		KELLER "C" #1	BRAHANEY W (DEV)	5.7	
8329038	F-8A-064739	4250132313		102-4		KELLER "C" #2	BRAHANEY W (DEV)	8.0	
8328928	F-04-064536	4224903411		108		LA GLORIA GAS UNIT #15-L	LA GLORIA (BROOKS)	21.8	NATURAL GAS PIPE

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8328927	F-84-064535	4224900080		108		LA GLORIA GAS UNIT NO 33	LA GLORIA (SCOTT)	7.7	NATURAL GAS PIPE
8328926	F-10-064534	4221130402		108		LESTER B URSCHEL #12	CANADIAN M E (DOUGLAS	21.8	WESTAR TRANSMISSI
8328885	F-88-064457	4233532367		103		MARY FOSTER #149	IATAN EAST HOWARD	0.4	GETTY OIL CO
8328884	F-88-064456	4200333220		103		SHAFTER LAKE SAN ANDRES UNIT #316	SHAFTER LAKE (SAN AND	0.4	PHILLIPS PETROLEU
-NEUMIN PRODUCTION CO				RECEIVED:	03/21/83	JA: TX			
8328949	F-86-064571	4236531333		102-4		JIM G SEALEY UNIT #1	PINEHILL (TRAVIS PEAK	365.0	DELHI GAS PIPELIN
-NORTHRIDGE EXPLORATION INC				RECEIVED:	03/21/83	JA: TX			
8329085	F-89-064673	4223734604		103		PRICE #10 101357	CLAY-RAY (CONGL)	365.0	CORANADO TRANSMIS
8329083	F-89-064671	4223734699		103		PRICE #11 22592	PRICE CONGL	189.0	CORANADO TRANSMIS
8329084	F-89-064672	4233734770		103		PRICE #12 103289	CLAY-RAY (CONGL)	220.0	CORANADO TRANSMIS
-PANHANDLE ENERGY CORP				RECEIVED:	03/21/83	JA: TX			
8328962	F-10-064591	4206531337		103		BETTY "B" #1 (ID# 05280)	PANHANDLE CARSON	50.0	GETTY OIL CO
8328963	F-10-064592	4206531336		103		BETTY "B" #2 (ID# 05280)	PANHANDLE CARSON	50.0	GETTY OIL CO
-PARKER & PARSLEY INC				RECEIVED:	03/21/83	JA: TX			
8328948	F-88-064569	4231732616		103		WOLCOTT "A" #1	SPRABERRY (TREND AREA	15.0	PHILLIPS PETROLEU
8328947	F-88-064568	4231732623		103		WOLCOTT "B" #1	SPRABERRY (TREND AREA	15.0	PHILLIPS PETROLEU
8328946	F-88-064567	4231732626		103		WOLCOTT "B" #2	SPRABERRY (TREND AREA	15.0	PHILLIPS PETROLEU
-PENNZOIL COMPANY				RECEIVED:	03/21/83	JA: TX			
8328893	F-88-064465	4210300000		108		J B TUBB #2	CRAWAR	18.7	CABOT CORP
-PENNZOIL PRODUCING COMPANY				RECEIVED:	03/21/83	JA: TX			
8328990	F-86-064653	4236530941		107-TF		DUMLAP #1	CARTHAGE/COTTON VALLE	550.0	UNITED GAS PIPE L
8328991	F-86-064654	4236530942		107-TF		JERNIGAN "A" UNIT 8A-2	BETHANY EAST /COTTON	475.0	UNITED GAS PIPE L
8328989	F-86-064651	4236530900		107-TF		SHAW UNIT #3	CARTHAGE/COTTON VALLE	550.0	UNITED GAS PIPE L
8328894	F-84-064466	4235500000		108		M M WALLACE #4-B	AGUA DULCE (5,840')	0.0	UNITED GAS PIPE L
-PETROLEUM TECHNICAL SERVICES CO				RECEIVED:	03/21/83	JA: TX			
8328915	F-88-064521	4210333068		103		P J LEA #10	LEA (SAN ANDRES)	18.5	WARREN PETROLEUM
8328914	F-88-064518	4213033061		103		TOM CONDEN #7	LEA (SAN ANDRES)	2.1	WARREN PETROLEUM
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	03/21/83	JA: TX			
8329119	F-88-064917	4249503454		108		(21555) F P MCCABE	HALLEY	1.0	EL PASO NATURAL G
8328995	F-89-064659	4249503423		108		BASH NO 6 (83366)	KEYSTONE (ELLENBURGER	18.0	SID RICHARDSON GA
8329120	F-7C-064919	4238310280		108		P SOUTHLA ROYALTY JACKSON HUGHES #3	SPRABERRY (TREND AREA	3.0	NORTHERN NATURAL
8329121	F-7C-064921	4238330240		108		WEATHERBY A #6	SPRABERRY (TREND AREA	6.0	NORTHERN NATURAL
-R A W ENERGY CORP				RECEIVED:	03/21/83	JA: TX			
8329116	F-78-064907	4241734535		102-4		BERNSTEIN #1	BERNSTEIN (ELLENBURGE	0.0	WARREN PETROLEUM
-R E KIBBE				RECEIVED:	03/21/83	JA: TX			
8329026	F-84-064713	4224931611		102-4		MACLOVIA GARCIA HEIRS 102112	ASOG	275.0	DELMI GAS PIPELIN
-READING & BATES PETROLEUM CO				RECEIVED:	03/21/83	JA: TX			
8328984	F-88-064641	4232900000		108		BENGE #1	SPRAYBERRY TREND	19.7	EL PASO NATURAL G
8328983	F-88-064640	4232900000		108		BENGE #2	SPRAYBERRY TREND	15.8	EL PASO NATURAL G
-ROOSTH & GENECOV PRODUCTION CO				RECEIVED:	03/21/83	JA: TX			
8329106	F-86-064879	4242330583		102-4		E M SANDERS "A" #2	JOHN A MANIER SURVEY	58.4	EAST TEXAS PRODUC
-SANTA FE ENERGY PRODUCTS CO				RECEIVED:	03/21/83	JA: TX			
8329143	F-10-065004	4235731329		102-4		TROSPER #1-119	BOOKER NORTH	108.0	DELHI GAS PIPELIN
8329144	F-10-065005	4235731332		102-4		TROSPER #2-119	BOOKER NORTH	138.0	DELHI GAS PIPELIN
-SANTA FE MINERALS INC				RECEIVED:	03/21/83	JA: TX			
8329016	F-83-064698	4270630182		102-4		BLOCK 510-L S/L 78013 #3	SOONER 1 (MIOCENE U 3	540.0	VALLEY PIPE LINES
-SANTA FE-ANDOVER OIL CO				RECEIVED:	03/21/83	JA: TX			
8329041	F-88-064745	4213535693		102-4	183	A B CONNELL #29-2	JORDAN WEST (ELLENBUR	56.0	PHILLIPS PETROLEU
8328988	F-78-064658	4208333053		103		JIM BOB THWEATT #3	JIM BOB (JENNINGS SD	12.0	CITY OF BRADY
-SANTEX OIL CO				RECEIVED:	03/21/83	JA: TX			
8329146	F-78-065027	4213330736		102-4		RODGERS #1 (14499)	CARBON (CADDO)	17.0	NORTHERN NATURAL
8329148	F-78-065029	4213331358		102-4		RODGERS #4 (14499)	CARBON (CADDO)	28.0	NORTHERN NATURAL
8329149	F-78-065030	4213331976		102-4		RODGERS #8 (14499)	CARBON (CADDO)	8.0	NORTHERN NATURAL
8329147	F-78-065028	4213331758		102-4		SELF #1 (15954)	CARBON (CADDO)	15.0	NORTHERN NATURAL
8329150	F-78-065031	4213331679		102-4		TREADWAY #2 (14500)	CARBON (CADDO)	9.0	NORTHERN NATURAL
-SBC ENERGY INC				RECEIVED:	03/21/83	JA: TX			
8329018	F-78-064702	4208333168		102-4		FRED MAYNES ESTATE #1 (102808)	TRICKHAM (CROSSCUT)	14.0	EL PASO HYDROCARB
8329019	F-78-064703	4208333176		102-4		FRED MAYNES ESTATE #3 (102809)	TRICKHAM (CROSSCUT)	27.0	EL PASO HYDROCARB
-SEAGO OIL INC				RECEIVED:	03/21/83	JA: TX			
8328906	F-7C-064504	4239932641		102-4		BONNIE CLARK #2	BIG ED M (GARDNER LIM	36.0	K-B GAS CO
-SHELL OIL CO				RECEIVED:	03/21/83	JA: TX			
8328887	F-7C-064459	4238300000		108		CLARK-15- NO 2	SPRAYBERRY TREND AREA	18.6	EL PASO NATURAL G
8329113	F-8A-064893	4250132291		103		DENVER UNIT #2836	WASSON	0.4	SHELL OIL CO
8328892	F-8A-064464	4216500000		108		GAINES WASSON CLEARFORK UNIT 05604G	WASSON 72	7.7	SHELL OIL CO
8328886	F-8A-064458	4216500000		108		GAINES WASSON CLEARFORK UNIT 06405G	WASSON 72	3.1	SHELL OIL CO
8328890	F-8A-064462	4216500000		108		GAINES WASSON CLEARFORK UNIT 06407G	WASSON 72	2.0	SHELL OIL CO
8328891	F-8A-064463	4216500000		108		GAINES WASSON CLEARFORK UNIT 06511G	WASSON 72	1.7	SHELL OIL CO
8328888	F-88-064460	4200300000		108		LOGSDON -B- #3	FULLERTON (SAN ANDRES	2.7	PHILLIPS PETROLEU
8328889	F-88-064461	4200300000		108		LOGSDON ETAL -D- #11	FULLERTON (SAN ANDRES	1.3	PHILLIPS PETROLEU
-SOUTHERN CRUDE OIL RESOURCES INC				RECEIVED:	03/21/83	JA: TX			
8329038	F-78-064723	4236232150		102-4		CHRISTY #1 (RRC ID NO 103281)	BRAZOS EAST (STRAWN 2	0.0	SOUTHWESTERN GAS
-SOUTHERN UNION EXPLORATION COMPANY				RECEIVED:	03/21/83	JA: TX			
8329054	F-7C-064772	4209530411		103		MALCORIME M STASNEY #1	FUZZY CREEK	18.0	J-W OPERATING CO
8328895	F-7C-064467	4209530646		102-4		MALCORIME M STASNEY #3	FUZZY CREEK	55.0	J-W OPERATING CO
-SOUTHLAND ROYALTY CO				RECEIVED:	03/21/83	JA: TX			
8328880	F-8A-064434	4216532437		103		FOSTER #14	D E B	5.0	PHILLIPS PETROLEU
-SULLIVAN BROTHERS OIL				RECEIVED:	03/21/83	JA: TX			
8329010	F-78-064681	4213334440		102-4		J W LANGFORD #1-B	RANGER (BLACK LIME ME	15.0	LONE STAR GAS CO
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	03/21/83	JA: TX			
8329158	F-8A-065047	4250100000		108		BENNETT RANCH UNIT #232	WASSON	1.0	SHELL OIL CO
8329081	F-8A-064818	4250132226		103		BENNETT RANCH UNIT #344	WASSON	13.0	SHELL OIL CO
8329079	F-8A-064816	4250132214		103		BENNETT RANCH UNIT #346	WASSON	15.0	SHELL OIL CO
8329080	F-8A-064817	4250132222		103		BENNETT RANCH UNIT #351	WASSON	12.0	SHELL OIL CO
8328984	F-81-064645	4212732396		103		BIG WELLS (SAN MIGUEL) UNIT #2036	BIG WELLS (SAN MIGUEL	7.0	HOUSTON PIPE LINE
8328985	F-81-064643	4212732483		103		BIG WELLS (SAN MIGUEL) UNIT #5456	BIG WELLS (SAN MIGUEL	9.0	HOUSTON PIPE LINE
8329034	F-7C-064727	4235300000		108		BLOODWORTH ME C U #37	BLOODWORTH (5650)	20.0	EL PASO NATURAL G
8329075	F-8A-064812	4221933639		103		CENTRAL LEVELLAND UNIT #268	LEVELLAND	84.0	AMOCO PRODUCTION
8329156	F-88-065045	4249500000		108		E BROWN #2	KERMIT	1.0	CABOT CORP
8329033	F-7C-064726	4235300000		108		FRED JAMESON #18	BLOODWORTH (5750)	8.0	LONE STAR GAS CO
8329139	F-10-064985	4234130813		103		HARRINGTON #7	PANHANDLE MOORE COUNT	18.0	
8329138	F-88-064982	4233532399		103		J F MCCABE "B" #3	JAMESON M (ODOM)	55.0	LONE STAR GAS CO
8329031	F-7C-064724	4208100000		108		J S WALKER #2	JAMESON S F (STRAWN)	14.0	LONE STAR GAS CO
8329078	F-7C-064815	4208131125		103		JAMESON REEF UNIT #10-27	JAMESON	97.0	LONE STAR GAS CO
8329077	F-7C-064814	4208131149		103		JAMESON REEF UNIT #11-69	JAMESON	281.0	LONE STAR GAS CO
8329076	F-7C-064813	4208131152		103		JAMESON REEF UNIT #11-70	JAMESON	53.0	LONE STAR GAS CO
8328987	F-82-064646	4246900000		108		MCFADDIN #1-30D	MCFADDIN (2200)	22.0	TENNESSEE GAS PIP
8329157	F-88-065046	4200300000		108		O B HOLT GRBG #5-2	CONDEN NORTH	1.0	AMOCO PRODUCTION
8329035	F-7C-064728	4246100000		108		ROSA A BARNET #3	KING MOUNTAIN	9.0	PHILLIPS PETROLEU
8329084	F-8A-064821	4221933506		103		SOUTHEAST LEVELLAND UNIT #287	LEVELLAND	11.0	AMOCO PRODUCTION
8329083	F-8A-064820	4221933508		103		SOUTHEAST LEVELLAND UNIT #288	LEVELLAND	7.0	AMOCO PRODUCTION
8329082	F-8A-064819	4221933496		103		SOUTHEAST LEVELLAND UNIT #298	LEVELLAND	2.0	AMOCO PRODUCTION
8329032	F-88-064725	4233500000		108		V T MCCABE "A" #17	JAMESON NORTH (STRAWN	10.0	LONE STAR GAS CO
-SUN-KEY OIL CO INC				RECEIVED:	03/21/83	JA: TX			
8329011	F-78-064682	4214300000		108		D P SWANNER "C" #1 (096363)	CHANCELLOR (CONGL UP)	0.0	SOUTHWESTERN GAS

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BILLING

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-TAMARACK PETROLEUM CO INC				RECEIVED:	03/21/83	JA: TX			
8329021	F-08-064708	4231732487		103		CAMPBELL #1 (RRC 027424)	SPRABERRY (TREND AREA	12.0	PHILLIPS PETROLEU
8329025	F-08-064712	4231732483		103		FERGUSON #1 (RRC 027334)	SPRABERRY (TREND AREA	12.0	PHILLIPS PETROLEU
8329111	F-08-064890	4231732458		103		KELLY #1 (RRC 027335)	SPRABERRY (TREND AREA	14.0	PHILLIPS PETROLEU
8329112	F-08-064891	4231732502		103		MCADAMS #1 (RRC 27493)	SPRABERRY (TREND AREA	18.0	PHILLIPS PETROLEU
8329023	F-08-064710	4231732560		103		NICHOLS UNIT #1 (RRC 27682)	SPRABERRY (TREND AREA	28.0	PHILLIPS PETROLEU
8329022	F-08-064709	4231732471		103		REID #1 (RRC 027293)	SPRABERRY (TREND AREA	18.0	PHILLIPS PETROLEU
8329024	F-08-064711	4231732453		103		WHITE "9" #1 (RRC 027189)	SPRABERRY (TREND AREA	18.0	PHILLIPS PETROLEU
-TAYLOR OPERATING COMPANY				RECEIVED:	03/21/83	JA: TX			
8328960	F-09-064632	4223788888		103		CHERRYHOMES #1 (101930)	BOOMSVILLE (BEND CONG	657.0	LONE STAR GAS CO
8329089	F-09-064828	4223788888		102-4		CRUM #1 (20436)	CRUM (MARBLE FALLS)	45.7	SOUTHWESTERN GAS
8329088	F-09-064827	4223788888		102-4		CRUM #2 (20436)	CRUM (MARBLE FALLS)	14.6	SOUTHWESTERN GAS
8329122	F-09-064930	4267788888		103		NOLEN #1-C (22079)	BUFFALO SPRINGS SOUTH	51.3	LONE STAR GAS CO
8329123	F-09-064931	4267788888		103		NOLEN #1-T (22078)	BUFFALO SPRINGS SOUTH	16.4	LONE STAR GAS CO
-TEXACO INC				RECEIVED:	03/21/83	JA: TX			
8329068	F-08-064797	4213588888		106		ECTOR "AR" FEE #1	HARPER	0.2	SHELL OIL CO
8329070	F-08-064807	4213588888		106		ECTOR "AR" FEE #12	HARPER	0.2	SHELL OIL CO
8329065	F-08-064802	4213588888		106		ECTOR "AR" FEE #14	HARPER	0.2	SHELL OIL CO
8329066	F-08-064803	4213588888		106		ECTOR "AR" FEE #15	HARPER	0.2	SHELL OIL CO
8329073	F-08-064810	4213588888		106		ECTOR "AR" FEE #16	HARPER	0.2	SHELL OIL CO
8329064	F-08-064801	4213588888		106		ECTOR "AR" FEE #18	HARPER	0.2	SHELL OIL CO
8329067	F-08-064804	4213588888		106		ECTOR "AR" FEE #19	HARPER	0.4	SHELL OIL CO
8329061	F-08-064798	4213588888		106		ECTOR "AR" FEE #2	HARPER	0.2	SHELL OIL CO
8329071	F-08-064808	4213588888		106		ECTOR "AR" FEE #20	HARPER	0.2	SHELL OIL CO
8329068	F-08-064805	4213588888		106		ECTOR "AR" FEE #22	HARPER	0.2	SHELL OIL CO
8329058	F-08-064795	4213588888		106		ECTOR "AR" FEE #3	HARPER	0.2	SHELL OIL CO
8329059	F-08-064796	4213588888		106		ECTOR "AR" FEE #4	HARPER	0.2	SHELL OIL CO
8329072	F-064809	4213588888		106		ECTOR "AR" FEE #6	HARPER	0.2	SHELL OIL CO
8329057	F-08-064794	4213588888		106		ECTOR "AR" FEE #7	HARPER	0.2	SHELL OIL CO
8329074	F-08-064811	4213588888		106		ECTOR "AR" FEE #8	HARPER	0.2	SHELL OIL CO
8329069	F-08-064806	4213588888		106		ECTOR "AR" FEE #9	HARPER	0.2	SHELL OIL CO
8329062	F-10-064799	4217988888		106		M A SHAW #6	PANHANDLE GRAY COUNTY	1.3	COLTEXO CORP
8329063	F-10-064800	4217988888		106		M A SHAW #7	PANHANDLE GRAY COUNTY	1.2	COLTEXO CORP
8329056	F-10-064793	4235288888		106		SAM MALCOMB #2	FARNSWORTH NORTH (MAR	3.4	PHILLIPS PETROLEU
8329124	F-04-064932	4246988888		106		YTURRIA L & L CO "A" MCT-1 #14	RAYMONDVILLE	19.0	TENNESSEE GAS PIP
-TOWNSEND CO				RECEIVED:	03/21/83	JA: TX			
8328942	F-7C-064560	4239932617		102-4		DICKINSON #10 (09872)	BALLINGER WEST (JENNI	146.0	LONE STAR GAS CO
-TREPEL PETROL EXPLOR & DEV CORP				RECEIVED:	03/21/83	JA: TX			
8328973	F-7C-064617	4245138657		108		J W JOHNSON #1	MT SUSAN S (STRN LIME	18.0	ARCO OIL & GAS CO
-VALERA OIL CO				RECEIVED:	03/21/83	JA: TX			
8329154	F-7B-065041	4208300000		103		CECIL HORNE "A" #1 (14379)	COLEMAN COUNTY REGULA	0.0	UNION TEXAS PETRO
-VORTT EXPLORATION CO INC				RECEIVED:	03/21/83	JA: TX			
8328981	F-7B-064635	4236333058		102-2		BAUM UNIT 94 WELL #1 (ID#103386)	PALO PINTO COUNTY REG	0.0	SOUTHWESTERN GAS
-W M & S OIL CO				RECEIVED:	03/21/83	JA: TX			
8328939	F-7B-064554	4205931904		102-4		MCCLURE TR II #2 (15730)	NICHOLAS (DUFFER)	18.0	EL PASO HYDROCARB
8328940	F-7B-064555	4205932476		102-4		MCCLURE TR 5 #1	NICHOLAS (DUFFER)	9.0	EL PASO HYDROCARB
8328941	F-7B-064556	4205932478		102-4		MCCLURE TR 6 #1 (15702)	NICHOLAS (DUFFER)	73.0	EL PASO HYDROCARB
-W L LINDEMANN DRILLING CO				RECEIVED:	03/21/83	JA: TX			
8329091	F-09-064837	4207732783		102-4	103	JONES #1	TALLY (CONGLOMERATE)	588.0	TEXAS UTILITIES F
-WAGNER & BROWN				RECEIVED:	03/21/83	JA: TX			
8329125	F-08-064933	4243131255		103		RAY "A" 88-31	CONGER (PENN)	151.8	TEXAS UTILITIES F
-WALKER CHAS L (TX)				RECEIVED:	03/21/83	JA: TX			
8328974	F-08-064621	4210332998		103		FURR-TUBB #1	SAND HILLS (JUDKINS)	58.0	WARREN PETROLEUM
-WARD OIL CO				RECEIVED:	03/21/83	JA: TX			
8329040	F-06-064742	4208188888		106		VERNA LOPER GAS UNIT #1	CAYUGA (TRINITY)	19.0	LONE STAR GAS CO
-WARREN PETR CO A DIV OF GULF OIL CO				RECEIVED:	03/21/83	JA: TX			
8328882	F-08-064452	4210300817		106		J B TUBB #3	SAND HILLS (JUDKINS)	3.4	EL PASO NATURAL G
8328883	F-08-064453	4210330671		106		J B TUBB "A" #28	SAND HILLS (JUDKINS)	13.4	EL PASO NATURAL G
8329002	F-08-064668	4210300865		106		J B TUBB "B" #39	SAND HILLS (TUBB)	3.7	EL PASO NATURAL G
8328938	F-08-064551	4210300066		106		M B MCKNIGHT #10	SAND HILLS (MCKNIGHT)	5.1	EL PASO NATURAL G
8328999	F-08-064665	4210310647		106		M B MCKNIGHT #102	SAND HILLS (JUDKINS)	8.8	EL PASO NATURAL G
8329000	F-08-064666	4210311153		106		M B MCKNIGHT #107	RUNNING W NORTH (HOLT	8.2	EL PASO NATURAL G
8328937	F-08-064550	4210300067		106		M B MCKNIGHT #11	SAND HILLS (MCKNIGHT)	5.7	EL PASO NATURAL G
8329001	F-08-064667	4210331334		106		M B MCKNIGHT #110	RUNNING W (WICHITA AL	5.8	EL PASO NATURAL G
8328936	F-08-064549	4210300069		106		M B MCKNIGHT #13	SAND HILLS (MCKNIGHT)	3.8	EL PASO NATURAL G
8328935	F-08-064548	4210300071		106		M B MCKNIGHT #15	SAND HILLS (MCKNIGHT)	5.4	EL PASO NATURAL G
8328934	F-08-064547	4210300959		106		M B MCKNIGHT #24	SAND HILLS (MCKNIGHT)	18.3	EL PASO NATURAL G
8328933	F-08-064546	4210300864		106		M B MCKNIGHT #30	SAND HILLS (MCKNIGHT)	1.7	EL PASO NATURAL G
8328932	F-08-064545	4210300888		106		M B MCKNIGHT #40	SAND HILLS (MCKNIGHT)	5.2	EL PASO NATURAL G
8328931	F-08-064544	4210300812		106		M B MCKNIGHT #44	SAND HILLS (MCKNIGHT)	4.2	EL PASO NATURAL G
8328930	F-08-064543	4210300834		106		M B MCKNIGHT #65	SAND HILLS (MCKNIGHT)	6.8	EL PASO NATURAL G
8328997	F-08-064663	4210300047		106		M B MCKNIGHT #78	SAND HILLS (JUDKINS)	13.4	EL PASO NATURAL G
8328998	F-08-064664	4210310336		106		M B MCKNIGHT #95	RUNNING W NORTH (HOLT	6.1	EL PASO NATURAL G
8329046	F-08-064762	4210300228		106		P J LEA #11	LEA (ELLENBURGER)	1.2	EL PASO NATURAL G
8329049	F-08-064765	4210333012		103		P J LEA #131	LEA (SAN ANDRES)	0.6	EL PASO NATURAL G
8329050	F-08-064766	4210333011		103		P J LEA #141	LEA (SAN ANDRES)	0.6	EL PASO NATURAL G
8329051	F-08-064767	4210333013		103		P J LEA #142	LEA (SAN ANDRES)	0.5	EL PASO NATURAL G
8329052	F-08-064768	4210333014		103		P J LEA #143	LEA (SAN ANDRES)	0.1	EL PASO NATURAL G
8329053	F-08-064769	4210333007		103		P J LEA #145	LEA SOUTH (TUBB)	1.5	EL PASO NATURAL G
8329045	F-08-064761	4210300246		106		P J LEA #18	LEA (SAN ANDRES)	2.0	EL PASO NATURAL G
8329044	F-08-064760	4210300242		106		P J LEA #25	LEA (SAN ANDRES)	3.3	EL PASO NATURAL G
8329048	F-08-064764	4210300221		106		P J LEA #5	LEA (ELLENBURGER)	1.7	EL PASO NATURAL G
8329047	F-08-064763	4210300215		106		P J LEA #7	LEA (CONNELL)	8.6	EL PASO NATURAL G
8329043	F-08-064759	4210300228		106		P J LEA "A" #5	LEA (SAN ANDRES)	2.4	EL PASO NATURAL G
8329129	F-08-064938	4210333019		103		W N WADDELL #1229	SAND HILLS (JUDKINS)	9.6	EL PASO NATURAL G
8329128	F-08-064937	4210333031		103		W N WADDELL #1233	SAND HILLS (JUDKINS)	5.9	EL PASO NATURAL G
8329127	F-08-064936	4210333028		103		W N WADDELL #1234	SAND HILLS (JUDKINS)	251.9	EL PASO NATURAL G
8329126	F-08-064935	4210333026		103		W N WADDELL #1235	SAND HILLS (JUDKINS)	19.5	EL PASO NATURAL G
-WINDSOR ENERGY INC				RECEIVED:	03/21/83	JA: TX			
8328994	F-03-064658	4205132374		102-2		G - S #1	GIDDINGS (AUSTIN CHAL	21.5	PERRY PIPELINE CO
8328993	F-03-064657	4228731330		102-2		JENSEN #6	GIDDINGS (AUSTIN CHAL	36.0	PERRY PIPELINE CO
-WINN EXPLORATION/DULCE CO				RECEIVED:	03/21/83	JA: TX			
8328952	F-01-064577	4250731796		102-4		PRYOR RANCH #110	WINN-DULCE	0.0	VALERO TRANSMISSI
8328953	F-01-064578	4250731819		102-4		PRYOR RANCH #142	WINN-DULCE	0.0	NORTHERN NATURAL
8328961	F-01-064588	4250731678		102-4		PRYOR RANCH #70	WINN-DULCE (ELAINE)	0.0	PERMIAN CORP
8328960	F-01-064587	4250731684		102-4		PRYOR RANCH #72	WINN-DULCE (ELAINE)	0.0	PERMIAN CORP
8328959	F-01-064586	4250731783		102-4		PRYOR RANCH #74	WINN-DULCE (ELAINE)	0.0	PERMIAN CORP
8328958	F-01-064585	4250731682		102-4		PRYOR RANCH #76	WINN-DULCE (ELAINE)	0.0	PERMIAN CORP
8328957	F-01-064584	4250731681		102-4		PRYOR RANCH #78	WINN-DULCE	0.0	NORTHERN NATURAL
8328956	F-01-064583	4250731680		102-4		PRYOR RANCH #80	WINN-DULCE	0.0	NORTHERN NATURAL
8328955	F-01-64582	4250731685		102-4		PRYOR RANCH #82	WINN-DULCE	0.0	VALERO TRANSMISSI
8328954	F-01-64581	4250731769		102-4		PRYOR RANCH #92	WINN-DULCE	0.0	NORTHERN NATURAL
8328951	F-01-64576	4250731773		102-4		PRYOR RANCH #94	WINN-DULCE	0.0	NORTHERN NATURAL
8328976	F-01-064624	4250731763		102-4		PRYOR RANCH #96	WINN-DULCE (ELAINE)	0.0	PERMIAN CORP
8328975	F-01-064623	4250731761		102-4		PRYOR RANCH #98	WINN-DULCE (ELAINE)	0.0	PERMIAN CORP
-WJC INC				RECEIVED:	03/21/83	JA: TX			
8329020	F-08-064705	4210300000		103		DAWSON "A" #1	WYNNE (CLFR)	91.0	PHILLIPS PETROLEU
-WOLSEY OIL INC				RECEIVED:	03/21/83	JA: TX			
8329117	F-09-064915	4249700000		106		CARL WATSON RRC#891010	PARK SPRINGS (CONGL)	21.0	CITIES SERVICE CO
8329118	F-09-064916	4249700000		106		COX EST RRC 019721	PARK SPRINGS (CONGL)	5.0	LONE STAR GAS CO
-WOODWAY ENERGY CO				RECEIVED:	03/21/83	JA: TX			
8329114	F-06-064897	4246131228		103		M E WALLACE #1 (102015)	CHURCH HILL (TRAVIS P	220.0	DELHI GAS PIPELIN
-WORLD PRODUCERS INC				RECEIVED:	03/21/83	JA: TX			
8329037	F-7B-064737	4223732118		102-4		HALSELL "G" #1	KEVIN (ATOKA)	11.0	SOUTHWESTERN GAS

[FR Doc. 83-10782 Filed 4-21-83; 8:45 am]

BILLING CODE 6717-01-C

[Volume 873]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: April 19, 1983.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register**.

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487–4808, 5285 Port Royal Rd., Springfield, Va 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 Mile rule)
102–3: New well (1000 Ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal Seams
107–DV: Devonian Shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary

NOTICE OF DETERMINATIONS
Issued April 19, 1983

VOLUME 873

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
ARKANSAS OIL & GAS COMMISSION									
-ARKOMA PRODUCTION CO				RECEIVED:	03/22/83	JA: AR			
8329235		0305310106		102-4		WOOD #1 - C	PARIS	500.0	ARKANSAS LOUISIAN
8329234		0305310106		102-4		WOOD #1 - T	PARIS	250.0	ARKANSAS LOUISIAN
-BROCK HYDROCARBONS INC				RECEIVED:	03/22/83	JA: AR			
8329210		0305300000		102-4		BROWN #1-1-C	HOLLIS LAKE	0.0	ARKANSAS LOUISIAN
8329211		0305300000		102-4		BROWN #1-1-T	HOLLIS LAKE	0.0	ARKANSAS LOUISIAN
-GETTY OIL COMPANY				RECEIVED:	03/22/83	JA: AR			
8329236		0308310052		108		HOLLAND 3-1	CHISMVILLE	20.8	ARKANSAS LOUISIAN
-MADSON PETROLEUM CORP				RECEIVED:	03/22/83	JA: AR			
8329226		0307110244		103		CAMPBELL #2-4	SPADRA	180.0	ARKANSAS LOUISIAN
8329195		0312710028		103		EXIE LITTLE 1-33	MANSFIELD	0.0	ARKANSAS LOUISIAN
8329194		0312700000		102-4		GRAY 1-24C	MANSFIELD	180.0	ARKANSAS LOUISIAN
8329225		0307110243		102-4		HIGGS 1-32	UNION CITY	365.0	ARKANSAS LOUISIAN
-HAWKINS OIL & GAS INC				RECEIVED:	03/22/83	JA: AR			
8329233		0308310084		103		TRICKETT #2-10-C	CHISMVILLE	200.0	ARKANSAS LOUISIAN
8329232		0308310084		103		TRICKETT #2 10-T	CHISMVILLE	150.0	ARKANSAS LOUISIAN
-JIM L HAMNA DBA HAMNA OIL AND GAS C				RECEIVED:	03/22/83	JA: AR			
8329221		8313110201		102-4		AIRPORT '81 #1	MASSARD	0.0	
-MORAN EXPLORATION INC				RECEIVED:	03/22/83	JA: AR			
8329192		0314510007		102-2		REAPER #1	WILDCAT	0.0	ARKANSAS LOUISIAN
-OXLEY PETROLEUM CO				RECEIVED:	03/22/83	JA: AR			
8329213		0304710196		103		HUDSON #2-C	AETNA	62.0	ARKANSAS LOUISIAN
-SAMSON RESOURCES COMPANY				RECEIVED:	03/22/83	JA: AR			
8329231		0308310046		103		JANE SCOTT UNIT #1-CARPENTER	PARIS	127.0	ARKANSAS LOUISIAN
8329230		0308310046		102-4		JANE SCOTT UNIT #1-RALPH BARTOM-T	PARIS	547.0	ARKANSAS LOUISIAN
-SEECO INC				RECEIVED:	03/22/83	JA: AR			
8329214		0304710215		102-4		KING #3-22	LONE ELM	0.0	ARKANSAS WESTERN
8329212		0304710206		102-4		NICHOLS #3-34	LONE ELM	100.0	ARKANSAS WESTERN
8329217		0304710202		102-4		PALMER #1-36	OZARK	100.0	ARKANSAS WESTERN
8329216		0304710193		102-4		ROE #1-7	LONE ELM	100.0	
-SKLAR & PHILLIPS OIL CO				RECEIVED:	03/22/83	JA: AR			
8329193		0309110367		102-2		PERSON #2	CYPRESS LAKE SOUTH	400.0	TEXAS EASTERN TRA
-TOWNER PETROLEUM CO				RECEIVED:	03/22/83	JA: AR			
8329209		0311510111		102-4		JOHN W HARMS #23-1 C	ROSS	1500.0	ARKANSAS LOUISIAN
8329208		0311510111		102-4		JOHN W HARMS #23-1-T	ROSS	1500.0	ARKANSAS LOUISIAN
8329207		0311510111		103		JOHN W HARMS #23-1-T	ROSS	1500.0	ARKANSAS LOUISIAN
8329219		0313110186		103		KRADEL #32-1-C	MASSARD	0.0	ARKANSAS OKLAHOMA
8329220		0313110186		103		KRADEL #32-1-T	MASSARD	0.0	ARKANSAS OKLAHOMA
8329206		0311510105		102-4		PARKER 1-12-C	MORELAND	0.0	ARKANSAS LOUISIAN
8329205		0311510105		102-4		PARKER 1-12-T	MORELAND	0.0	ARKANSAS LOUISIAN
-TXO PRODUCTION CORP				RECEIVED:	03/22/83	JA: AR			
8329227		0307110285		103		CHRISMAN #2	COAL HILL	354.4	
8329199		0311510139		102-4		HARMS "A" #1-T	ROSS	771.0	
8329198		0311510123		102-4		MOLLAND "A" #1-C	ROSS	1669.5	COLUMBIA GAS DEVE
8329197		0311510134		102-4		LYNCH #1-C	DOVER	1225.0	
8329196		0311510134		102-4		LYNCH #1-T	DOVER	1225.0	

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8329215		0304710184		102-4		PENDERGRASS "B" #1-C	AETNA	784.0	
8329228		0308310094		102-4		THOMPSON "L" #1-C	SCRANTON	13.1	COLUMBIA GAS DEVE
8329229		0308310094		103		THOMPSON "L" #1-T	SCRANTON	1076.3	COLUMBIA GAS DEVE
8329218		0304710226		103		TOBEY #1-C	CECIL	883.3	COLUMBIA GAS DEVE
8329223		0307110262		102-4		WALTON #1	UNION CITY	1496.3	COLUMBIA GAS DEVE
-WEISER-BROWN OIL COMPANY				RECEIVED:	03/22/83	JA: AR			
8329224		0307110241		102-4		HURLEY #1-22	UNION CITY	365.0	ARKANSAS LOUISIAN
-WHITMAR EXPLORATION CO				RECEIVED:	03/22/83	JA: AR			
8329204		0311510129		102-2		BURNETT #1-27	OAK GROVE	388.0	ARKANSAS LOUISIAN
8329203		0311510128		102-2		FRIDELL #1-22	OAK GROVE	150.0	ARKANSAS LOUISIAN
8329202		0311510110		102-2		HAGAN #1-13	ROSS	188.0	ARKANSAS LOUISIAN
8329201		0311510098		102-4		KINDER #2-1	MORELAND	188.0	ARKANSAS LOUISIAN
8329200		0311510117		102-2		SORRELS #1-21	OAK GROVE	150.0	ARKANSAS LOUISIAN
8329222		0313100000		103		TROTTER #1-9	BONANZA	0.0	ARKANSAS LOUISIAN
LOUISIANA OFFICE OF CONSERVATION									
-DAMSON OIL CORPORATION				RECEIVED:	03/23/83	JA: LA			
8329239	83-1	1700100000		102-4		L M HAINES #2	CROWLEY	730.0	CONTINENTAL OIL C
-EXCHANGE OIL & GAS CORPORATION				RECEIVED:	03/23/83	JA: LA			
8329238	83-8	1702321433		102-4		CAMERON MEADOWS LAND COMPANY #43	CAMERON MEADOWS	5.5	UNITED GAS PIPE L
-HOGAN EXPLORATION INC				RECEIVED:	03/23/83	JA: LA			
8329251	83-47	1705922074		102-4		MCMURRY #1	SOUTH JENA	40.0	MICHIGAN WISCONSI
8329252	83-46	1705922192		102-4		MCMURRY #2	SOUTH JENA	10.0	MICHIGAN WISCONSI
-PLACID OIL COMPANY				RECEIVED:	03/23/83	JA: LA			
8329243	83-40	1705922358		102-4		HINKSTON #1	JENA AIRPORT	7.3	MICHIGAN WISCONSI
8329245	83-45	1705922285		102-4		IPB LLS JA 14 #9 B4 RA SUB	JENA AIRPORT	124.1	MICHIGAN WISCONSI
8329248	83-42	1705922394		102-4		L JOHNSON #1	JENA AIRPORT	9.1	MICHIGAN WISCONSI
8329244	83-41	1705922383		102-4		LANEHART HEIRS #1	JENA AIRPORT	0.0	MICHIGAN WISCONSI
8329250	83-44	1705922367		102-4		MCCOY #1	JENA AIRPORT	54.8	MICHIGAN WISCONSI
8329249	83-43	1705922416		102-4		P HORACE #1	JENA AIRPORT	5.0	MICHIGAN WISCONSI
-REESE OIL & GAS				RECEIVED:	03/23/83	JA: LA			
8329242	83-39	1707523061		102-4		WINNIFRED SMITH #1	CROOKED BAYOU	455.0	TENNESSEE GAS PIP
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	03/23/83	JA: LA			
8329240	83-23	1710922431		102-4		VUA SL 649 NELSON LL & E #6	POINT AU FER	365.0	TRANSCONTINENTAL
-SUPERIOR OIL CO				RECEIVED:	03/23/83	JA: LA			
8329246	83-6	1702321798		102-4		S L 344 #27	GRAND LAKE	800.0	TRUNKLINE GAS CO
-TEXAS GAS EXPLORATION CORP				RECEIVED:	03/23/83	JA: LA			
8329241	83-33	1705721975		102-4		LAFOURCHE REALTY #7	LAKE ENFERMER	0.0	LOUISIANA INTRAST
-TEXOIL COMPANY				RECEIVED:	03/23/83	JA: LA			
8329247	82-2680	1707523037		102-4		SIDNEY EYMARD #1-D	BURAS	666.0	PENDING
-TXO PRODUCTION CORP				RECEIVED:	03/21/83	JA: LA			
8329253	82-821	1701320492		102-4	103	CONTINENTAL CAN "C" #1 PET RA SUA	LIBERTY HILL	46.0	UNITED GAS PIPE L
-WEAVER EXPLORATION CO				RECEIVED:	03/23/83	JA: LA			
8329237	83-10	1710922251		102-4		CONTINENTAL LAND & FUR CO INC #3	ST PAUL BAYOU	360.0	TRANSCONTINENTAL
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS									
-ALAN J ANTNEIL				RECEIVED:	03/24/83	JA: NM			
8329321		3002527894		103		HERMAN #4 4-L-8-20S-38E	WEST NADINE BLINEBRY	13.1	WARREN PETROLEUM
-ARCO OIL AND GAS COMPANY				RECEIVED:	03/24/83	JA: NM			
8329322		3002527819		103		WIMBERLY #12	LANGLIE MATTIX 7 R QN	146.0	EL PASO NATURAL G
-CONSOLIDATED OIL & GAS INC				RECEIVED:	03/24/83	JA: NM			
8329328		3004508000		108-PB		CHAVEZ #1	BLANCO MESAVERDE	0.0	EL PASO NATURAL G
8329318		3004524197		108		JAQUEZ #2	BASIN-DAKOTA	17.0	EL PASO NATURAL G
-EL PASO NATURAL GAS COMPANY				RECEIVED:	03/24/83	JA: NM			
8329316		3004520407		108-PB		HUERFANO UNIT 194	BASIN-DAKOTA	0.0	EL PASO NATURAL G
8329317		3003905573		108-PB		LINDRITH PC #49	SOUTH BLANCO	0.0	EL PASO NATURAL G
8329314		3003900000		108-PB		SAN JUAN 27-5 UNIT 29	BLANCO MESA VERDE	0.0	EL PASO NATURAL G
8329312		3003907097		108-PB		SAN JUAN 28-6 UNIT 67	BLANCO - MESAVERDE	0.0	EL PASO NATURAL G
8329327		3003900000		108-PB		SAN JUAN 28-7 UNIT 250	BASIN DAKOTA	0.0	EL PASO NATURAL G
8329313		3003900000		108-PB		SAN JUAN 30-6 UNIT 41	BLANCO-MESA VERDE	0.0	EL PASO NATURAL G
8329330		3004508000		108-PB		THREE STATES A COM #1	BALLARD-PICTURED CLIF	0.0	EL PASO NATURAL G
8329329		3004506485		108-PB		TURNER B COM 8	FULCHER KUTZ - PC	0.0	EL PASO NATURAL G
-ELK OIL COMPANY				RECEIVED:	03/24/83	JA: NM			
8329324		3000561819		102-2		MEREDITH STATE COMM #1	UNDESIGNATED PENN	350.0	TRANSWESTERN PIPE
-EXXON CORPORATION				RECEIVED:	03/24/83	JA: NM			
8329326		3000561586		102-2	187-TF	NEW MEXICO CS STATE #2	WILDCAT ABO	23.0	
-SOUTHLAND ROYALTY CO				RECEIVED:	03/24/83	JA: NM			
8329315		3002527238		108		STATE E COM #1	EUMONT	17.0	NORTHERN NATURAL
-TENNECO OIL COMPANY				RECEIVED:	03/24/83	JA: NM			
8329319		3004524867		103		STATE COM C-6	AZTEC PICTURED CLIFFS	124.0	EL PASO NATURAL G
8329320		3004524867		103		STATE COM C-6	BLOOMFIELD CHACRA	155.0	EL PASO NATURAL G
-W A MONCRIEF JR				RECEIVED:	03/24/83	JA: NM			
8329323		3001500000		102-4		CROOKED CREEK "A" STATE COM #1	BALDRIDGE CANYON MORR	0.0	EL PASO NATURAL G
-YATES PETROLEUM CORPORATION				RECEIVED:	03/24/83	JA: NM			
8329325		3002527994		103		TULK "VV" ST #1	TULK PENN	0.0	
OKLAHOMA CORPORATION COMMISSION									
-AMOCO PRODUCTION CO				RECEIVED:	03/18/83	JA: OK			
8329179	20656	3505920938		105		HIERONYMUS UNIT "C" #2	MOCANE LAVERNE (CHEST	150.0	MICHIGAN WISCONSI
8329178	20657	3505920938		105		HIERONYMUS UNIT "C" #2	MOCANE LAVERNE (MORRO	150.0	MICHIGAN WISCONSI
8329189	20655	3505921024		105		STATE OF OKLAHOMA GAS UNIT "AA" #2A	MOCANE LAVERNE - (MOR	300.0	MICHIGAN WISCONSI
-ANADARKO PRODUCTION COMPANY				RECEIVED:	03/24/83	JA: OK			
8329357	20632	3500321819		103		CROSS #2-5	LAMBERT S E	40.0	PIONEER GAS PRODU
-ANDOVER OIL COMPANY				RECEIVED:	03/18/83	JA: OK		72.0	TRANSOK PIPE LINE
8329186	20617	3510720971		103		RUBY BLACK #10-1			
-B & M PRODUCTION				RECEIVED:	03/24/83	JA: OK			
8329386	19753	3513721831		108		SHERRI #1	MULEN	3.7	ENSERCH CORP
-BERRY PETROLEUM CORP				RECEIVED:	03/24/83	JA: OK			
8329403	20594	3501722292		103		SNYDER #1-25	NW PIEDMONT	36.5	PHILLIPS PETROLEU
-BOGERT OIL CO				RECEIVED:	03/18/83	JA: OK			
8329177	20660	3507323637		103		PAULINE #1-21	SOONER TREND	180.0	PHILLIPS PETROLEU
-C J CASSELMAN				RECEIVED:	03/24/83	JA: OK			
8329392	17916	3511123348		108		BELISLE 1B	MORRIS	18.3	PHILLIPS PETROLEU
8329389	17913	3511123336		108		BELISLE 1B	MORRIS	18.3	PHILLIPS PETROLEU
8329394	17918	3511123340		108		BELISLE 2B	MORRIS	18.3	PHILLIPS PETROLEU
8329393	17917	3511123349		108		BELISLE 2B	MORRIS	18.3	PHILLIPS PETROLEU
8329391	17915	3511123388		108		DONEGHY 1A	MORRIS	18.3	PHILLIPS PETROLEU
8329390	17914	3511123389		108		DONEGHY 2A	MORRIS	18.3	PHILLIPS PETROLEU
-CAYMAN EXPLORATION CORP				RECEIVED:	03/18/83	JA: OK			
8329160	20123	3509322466		103		RUTH #1		0.0	PIONEER GAS PRODU
-CHARLES C HAMILTON				RECEIVED:	03/24/83	JA: OK			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME		FIELD NAME	PROD	PURCHASER
8329381	20240	3503700000		103		E BARKER #10-A			0.0	COLORADO GAS COMP
8329375	20232	3503700000		103		E BARKER #2-A			0.0	COLORADO GAS COMP
8329376	20235	3503700000		103		E BARKER #5			0.0	COLORADO GAS COMP
8329377	20236	3503700000		103		E BARKER #6-A			0.0	COLORADO GAS COMP
8329378	20237	3503700000		103		E BARKER #7-A			0.0	COLORADO GAS COMP
8329379	20238	3503700000		103		E BARKER #8-A			0.0	COLORADO GAS COMP
8329380	20239	3503700000		103		E BARKER #9-A			0.0	COLORADO GAS COMP
-CIMARRON MANAGEMENT CORP				RECEIVED:	03/24/83	JA: OK				
8329356	20631	3511721640		103		BORGHARDT #4		HALLETT	15.0	EMPIRE PIPELINE C
-CLARK RESOURCES INC				RECEIVED:	03/18/83	JA: OK				
8329176	20684	3506723161		103		RAYMOND 3-1		SOONER TREND	25.0	CITIES SERVICE CO
-CUMMINGS OIL CO				RECEIVED:	03/24/83	- JA: OK				
8329360	20658	3507323557		103		WILLMS "A" #1-11			0.0	CONOCO INC
-DOWNEY OIL CO				RECEIVED:	03/24/83	JA: OK				
8329341	19647	3504921279		103		ARTHUR #1			0.0	BUCKEYE NATURAL G
8329339	19645	3504921291		103		FOWLER #1			0.0	BUCKEYE NATURAL G
8329340	19646	3504921053		103		KIMBERLIN #1			0.0	BUCKEYE NATURAL G
-DYCO PETROLEUM CORPORATION				RECEIVED:	03/18/83	JA: OK				
8329161	20185	3505921138		103		MENSCH #1-31			80.0	NORTHERN NATURAL
-ECC OIL CO				RECEIVED:	03/24/83	JA: OK				
8329385	19474	3514721276		108		TOMMY MORGAN #1 SW/4 32-23N-14E		OOLESBY GAS	14.0	OKAN GAS CO
-EDWIN L COX				RECEIVED:	03/18/83	JA: OK				
8329174	17215	3513921595		103		BUCK #10		CARTHAGE	36.0	
-EL PASO NATURAL GAS COMPANY				RECEIVED:	03/24/83	JA: OK				
8329402	20976	3500906772		108-PB		HESTER #1		SOUTH ERICK BROWN DOL	24.8	EL PASO NATURAL G
8329395	16512	3500935560		108-PB		PUCKETT #2		ERICK SOUTH - BROWN D	18.0	EL PASO NATURAL G
8329382	19132	3500920130		108-PB		PUCKETT A #2		ERICK SOUTH (BROWN DO	0.0	EL PASO NATURAL G
-ENERGY DEVELOPMENT GROUP INC				RECEIVED:	03/24/83	JA: OK				
8329368	20476	3511100000		103		MUYAKA #3		MUYAKA	0.0	SWAB CORP
8329369	20477	3511100000		103		MUYAKA #4		MUYAKA	0.0	SWAB CORP
8329367	20475	3511100000		103		MUYAKA WELL #10		MUYAKA	0.0	SWAB CORP
8329372	20480	3511100000		103		MUYAKA WELL #11		MUYAKA	0.0	SWAB CORP
8329373	20481	3511100000		103		MUYAKA WELL #16		MUYAKA	0.0	SWAB CORP
-ENERGY RESERVES GROUP INC				RECEIVED:	03/24/83	JA: OK				
8329374	20298	3504900000		108		MILLER #2				
-EXXON CORPORATION				RECEIVED:	03/18/83	JA: OK				
8329162	19863	3512920639		107-DP		A M DOUGLAS ESTATE #1		GOLDEN TREND	19.6	WARREN PETROLEUM
-EXXON CORPORATION				RECEIVED:	03/24/83	JA: OK				
8329348	20633	3513722832		103		SPEAR HEIRS #4		GRIMES	284.0	
-F C D OIL CORP				RECEIVED:	03/18/83	JA: OK				
8329173	20607	3505320880		103		KIRBY FARMS 1-36		SHO VEL TUM	114.0	GETTY OIL CO
-GETTY OIL COMPANY				RECEIVED:	03/24/83	JA: OK				
8329365	23667	3501100000		107-PE		CAROLINE BENSON #1		N E POND CREEK	73.0	CRA INC
-GLENCO PETROLEUM CORP				RECEIVED:	03/18/83	JA: OK				
8329178	20462	3506321561		103		A ALLEN #2		WATONGA TREND	136.0	MUSTANG FUEL CORP
8329168	20460	3506321498		103		A ALLEN #6			146.0	GLENCO PIPELINE C
8329169	20461	3506321471		103		O N BOLT #2			109.5	GLENCO PIPELINE C
-GOOD EARTH ASSOCIATES				RECEIVED:	03/24/83	JA: OK			1241.0	GLENCO PIPELINE C
8329383	19278	3510525503		103		GEA #8		DUFFIELD DAVIS	30.0	ENICO PIPELINE CO
-GRACE PETROLEUM CORPORATION				RECEIVED:	03/24/83	JA: OK				
8329387	20199	3508720193		108		RIGGS 1-2		LAWRENCE	0.0	MICHIGAN WISCONSI
-HARPER OIL COMPANY				RECEIVED:	03/18/83	JA: OK				
8329182	20389	3508320687		103		MAE #1		WILDCAT	7.0	EASON OIL CO
-HEARTLAND EXPLORATION INC				RECEIVED:	03/24/83	JA: OK				
8329355	20629	3504921988		103		STEWART #2-1		EAST WHITEHEAD	30.0	BUCKEYE NATURAL G
-HIAWATHA OIL CO				RECEIVED:	03/18/83	JA: OK				
8329165	19026	3504921881		102-4		MARY GRACE #1			0.0	
-INCLINE PRODUCTION CO				RECEIVED:	03/24/83	JA: OK				
8329358	20363	3503724479		103		KENNETH GREER #1		MOUNDS	1000.0	PHILLIPS PETROLEU
8329349	20362	3503724405		103		MCGUIRE #1-A		MOUNDS	1000.0	PHILLIPS PETROLEU
-J W MCNEAL OIL OPERATIONS INC				RECEIVED:	03/24/83	JA: OK				
8329333	18566	3510321576		103		GILLASPY 2A		SOUTHWEST PERRY	408.0	ARCO OIL & GAS CO
-JET OIL COMPANY				RECEIVED:	03/18/83	JA: OK				
8329172	20606	3506723130		103		BENNETT #3		WILSON	97.0	AMINOIL USA INC
-JET OIL COMPANY				RECEIVED:	03/24/83	JA: OK				
8329344	19951	3511921867		103		GODE #1		LANGSTON	9.0	EASON OIL CO
-JOHN A TAYLOR				RECEIVED:	03/24/83	JA: OK				
8329364	23237	3501521202		107-DP		C C WEAVER #1			0.0	
-JOHN L COX				RECEIVED:	03/18/83	JA: OK				
8329181	20299	3508720722		103		MARY GREEN #1		DIBBLE	0.0	SUN GAS CO
-JORDAN OIL & GAS COMPANY				RECEIVED:	03/24/83	JA: OK				
8329406	21382	3504521040		107-TF		STUBBS		GAGE SOUTH	55.0	TRANSWESTERN PIPE
-KEITH F WALKER				RECEIVED:	03/18/83	JA: OK				
8329184	20497	3508577462		103		ALEXANDER #2			36.5	AMINOIL USA INC
-LARIO OIL & GAS COMPANY				RECEIVED:	03/24/83	JA: OK				
8329334	19348	3504900000		103		C BURR #12		WEST WHITEBEAD	4.5	BUCKEYE NATURAL G
8329336	19350	3504900000		103		C BURR #6		WEST WHITEBEAD	62.0	BUCKEYE NATURAL G
8329335	19349	3504920663		103		C BURR #9		WEST WHITEBEAD	25.5	BUCKEYE NATURAL G
8329338	19352	3504900000		103		MORRIS #1		WEST WHITEBEAD	27.4	BUCKEYE NATURAL G
8329337	19351	3504900000		103		MORRIS #2		WEST WHITEBEAD	22.8	BUCKEYE NATURAL G
-M S KLOTZMAN EXPLORATION				RECEIVED:	03/24/83	JA: OK				
8329347	20210	3511122133		103		BURGESS #3		SCHULTER	16.0	SCHULTER GATHERIN
8329346	20209	3511121471		103		HENRY #7		SCHULTER	10.0	SCHULTER GATHERIN
8329345	20207	3511121346		103		MATTHEWS #1		SCHULTER	12.0	SCHULTER GATHERIN
-MAPCO PRODUCTION COMPANY				RECEIVED:	03/24/83	JA: OK				
8329363	21207	3513900000		108		JANZEN C WO 1			7.3	NORTHERN NATURAL
-MARK E WEIDLER				RECEIVED:	03/24/83	JA: OK				
8329351	20602	3511922023		103		STATE #1			45.0	ENTERPRISE DEVELO
-MCKENNY ENERGY LTD				RECEIVED:	03/24/83	JA: OK				
8329342	19875	3511921961		103		LAFON #1		ORLANDO	12.0	EASON OIL CO
-MOBIL OIL CORP				RECEIVED:	03/18/83	JA: OK				
8329190	20642	3501900000		108		C F ADAMS #31		SHO VEL TUM	0.3	LONE STAR GAS CO
-MONSANTO OIL CO				RECEIVED:	03/18/83	JA: OK				
8329183	20393	3507323658		103		FRANKS #1			50.0	
-MORAN EXPLORATION INC				RECEIVED:	03/24/83	JA: OK				
8329384	19403	3501722288		102-2		LAWSON #3		EL RENO	0.0	PHILLIPS PETROLEU
-MPM OIL & GAS				RECEIVED:	03/24/83	JA: OK				
8329371	20479	3511100000		103		SACKS #6		MUYAKA	0.0	SWAB CORP
8329370	20478	3511100000		103		SACKS #7		MUYAKA	0.0	SWAB CORP
-NATIONAL OIL COMPANY				RECEIVED:	03/18/83	JA: OK				
8329167	18628	3507920429		102-4	103	DUNCAN #1-21		WILDCAT	365.0	TENNESSEE GAS PIP
-PCX CORP				RECEIVED:	03/24/83	JA: OK				
8329366	23674	3501521124		107-DP		FINNEY #1		WILDCAT	0.0	EL PASO NATURAL G
8329405	23643	3501521277		107-DP		L G BOONE #1			0.0	EL PASO NATURAL G

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-PETRO-ENERGY EXPLORATION INC				RECEIVED:	03/18/83	JA: OK			
8329185	20300	3504723088		103		LEGRAND #2-1	SOUTH DOUGLAS	100.0	WELLHEAD ENTERPRI
8329164	19452	3515I21284		103		OLSON #1-13	N E MAYNOKA	100.0	PANHANDLE EASTERN
-SAMSON RESOURCES COMPANY				RECEIVED:	03/24/83	JA: OK			
8329388	18612	3507929456		102-4		[illegible] #1	KINTA	328.5	ARKANSAS LOUISIAN
-SERVICE DRILLING CO				RECEIVED:	03/24/83	JA: OK		547.5	CITIES SERVICE GA
8329358	20635	3511900000		103		REEVES #3-19			
-SUN OIL CO				RECEIVED:	03/24/83	JA: OK			
8329397	10066	3511900000		108		BROYLES UNIT #1	BROYLES	4.0	CITIES SERVICE GA
8329398	10067	3511900000		108		BROYLES UNIT #4-5	BROYLES	5.0	CITIES SERVICE GA
8329396	10065	3511900000		108		[illegible] #1	BROYLES	1.0	CITIES SERVICE GA
8329401	10071	3511900000		108		KINZIE #1	BROYLES	0.0	CITIES SERVICE GA
8329400	10070	3511900000		108		SCHUTKESTING #1	BROYLES	2.0	CITIES SERVICE GA
8329399	10069	3511900000		108		SCHUTKESTING #2	BROYLES	2.0	CITIES SERVICE GA
-SUNDANCE ENERGY CORP				RECEIVED:	03/18/83	JA: OK			
8329163	19882	3506721781		103		MEIER #1	S HUNTER	14.6	ARCO OIL & GAS CO
-TENNECO OIL COMPANY				RECEIVED:	03/24/83	JA: OK			
8329361	20662	3510321717		103		S LONE ELM CLEVELAND SAND UT 872	SOUTH LONE ELM	1.0	AMINOIL U S A INC
8329362	20663	3510321748		103		S LONE ELM CLEVELAND SAND UT 880	SOUTH LONE ELM	1.0	AMINOIL U S A INC
-TOWNER PETROLEUM CO				RECEIVED:	03/24/83	JA: OK			
8329331	17890	3507323457		103		BOTHWELL #17-1	N OKARCHE	0.0	PHILLIPS PETROLEU
8329332	17891	3507323448		103		JANE HOWELL #17-1	N OKARCHE	0.0	PHILLIPS PETROLEU
-TULSA PETROLEUM RESOURCES INC				RECEIVED:	03/24/83	JA: OK			
8329353	20622	3510721322		103		ELIAS-ADAMS #2		5.0	KERR-MCGEE CORP
8329352	20621	3510721431		103		ELIAS-REPLOGLE #3		3.0	KERR-MCGEE CORP
8329354	20623	3510721426		103		REPLOGLE #2 107-76486		3.0	KERR-MCGEE CORP
-TXO PRODUCTION CORP				RECEIVED:	03/18/83	JA: OK			
8329166	18776	3504321342		103		POWERS WHEATLEY #1	PUTNAM	30.0	DELHI GAS PIPELIN
-UNION VALLEY RESOURCES LTD				RECEIVED:	03/18/83	JA: OK			
8329191	20620	3511100000		103		ENDRES 1-A	NORTH MORRIS	97.3	PHILLIPS PETROLEU
8329187	20619	3511100000		103		FISHER #1	NUYAKA	37.6	PHILLIPS PETROLEU
-VANSCO EXPLORATION INC				RECEIVED:	03/24/83	JA: OK			
8329359	20646	3510720940		103		BRIMER #1	LAST CHANCE	10.0	GOLDEN ARROW GAS
-VIERSEN & COCHRAN				RECEIVED:	03/18/83	JA: OK			
8329180	20289	3504721454		103		EGGERS- BARBEE UNIT #4	SOONER TREND	35.0	CHAMPLIN PETROLEU
8329188	20288	3504721540		103		EGGERS-BODES UNIT #4	SOONER TREND	20.0	CHAMPLIN PETROLEU
-VULCAN ENERGY CORP				RECEIVED:	03/18/83	JA: OK			
8329175	20106	3507323326		103		HOSKINS #2	SOONER TREND	73.0	PHILLIPS PETROLEU
-WALKER CORP				RECEIVED:	03/18/83	JA: OK			
8329171	20499	3501722298		103		BRISCOE 7-2	YUKON	102.0	CONOCO INC
-WALKER CORP				RECEIVED:	03/24/83	JA: OK			
8329404	20536	3501722293		103		WEBER 7-2	YUKON	29.0	CONOCO INC
-WESTERN PACIFIC PETROLEUM INC.				RECEIVED:	03/24/83	JA: OK			
8329343	19901	3507122523		103		BULL #2-16	SOUTHEAST BRAMEN	237.3	JOE L THOMPSON IN
WEST VIRGINIA DEPARTMENT OF MINES									
-A B SIMMONS GAS CO				RECEIVED:	03/24/83	JA: WV			
8329289		4708504480		108		A B SIMMONS H-789	GRANT DISTRICT	10.0	CONSOLIDATED GAS
-BEREA OIL AND GAS CORPORATION				RECEIVED:	03/24/83	JA: WV			
8329269		4700121250		108		A J GRIFFITH #1	VALLEY	69.3	CONSOLIDATED GAS
8329270		4700121382		108		FOSTER-SHOMO #1	VALLEY	69.7	CONSOLIDATED GAS
8329268		4700121512		108		R GEORGE #1	VALLEY	65.0	CONSOLIDATED GAS
8329263		4700101386		108		R J HESSE #1	VALLEY	63.0	CONSOLIDATED GAS
-CABOT OIL & GAS CORP				RECEIVED:	03/24/83	JA: WV			
8329294		4701501157		108		DINGESS RUM COAL CO #1	PLEASANT DISTRICT	8.5	CABOT CORP
8329295		4701501158		108		DINGESS RUM COAL CO #2	PLEASANT DISTRICT	6.5	CABOT CORP
8329296		4701501159		108		DINGESS RUN & COAL CO #3	PLEASANT DISTRICT	75.9	CABOT CORP
8329307		4706700361		108		FEDERAL COAL A-2	JEFFERSON	12.1	CABOT CORP
8329308		4706700362		108		FEDERAL COAL CO A-3	JEFFERSON DISTRICT	12.1	CABOT CORP
8329297		4706700342		108		G D HEROLD #1	JEFFERSON	10.5	CABOT CORP
8329298		4706700343		108		G D HEROLD #2	JEFFERSON	10.5	CABOT CORP
8329306		4706700344		108		G D HEROLD #3	JEFFERSON DISTRICT	10.5	CABOT CORP
8329291		4701561150		108		R E LESUEUR #2	PLEASANT DISTRICT	8.4	CABOT CORP
8329292		47C1501155		108		R E LESUEUR #3	PLEASANT DISTRICT	8.4	CABOT CORP
8329293		4701501156		108		R E LESUEUR #4	PLEASANT DISTRICT	8.4	CABOT CORP
-CLAY KRENN GAS CO				RECEIVED:	03/24/83	JA: WV			
8329288		4701702607		108		CLAY KRENN H-957	NEW MILTON DISTRICT	20.0	CONSOLIDATED GAS
-GLENN L HAUGHT & SONS				RECEIVED:	03/24/83	JA: WV			
8329280		4708503828		108		GLENN L HAUGHT & SONS	MURPHY DISTRICT	19.4	CONSOLIDATED GAS
8329287		4708504356		108		HAYWARD SUMMERS H-791	UNION DISTRICT	20.0	CONSOLIDATED GAS
8329282		4708504478		108		STANLEY H-923	GRANT DISTRICT	2.1	CONSOLIDATED GAS
-HAUGHT INC				RECEIVED:	03/24/83	JA: WV			
8329283		4708505016		108		EMERY MASON-TOM MASON H-1174	UNION DISTRICT	2.5	CONSOLIDATED GAS
8329284		4708505029		108		H L & C A WILSON H-1169	GRANT DISTRICT	15.8	CONSOLIDATED GAS
8329254		4701702819		108		J M MARKEY H-1046	CENTRAL DISTRICT	12.8	COLUMBIA GAS TRAN
8329276		4708504392		108		RUFUS TAYLOR H-850	UNION DISTRICT	1.1	CONSOLIDATED GAS
-HAUGHT-EVANS GAS CO H-759				RECEIVED:	03/24/83	JA: WV			
8329256		4708504537		108		PANSY LEMON EVANS H-759	MURPHY DISTRICT	15.0	CONSOLIDATED GAS
-JAMES F SCOTT				RECEIVED:	03/24/83	JA: WV			
8329267		4703301113		108		REYNOLDS #4 S-210	COAL	21.0	CONSOLIDATED GAS
-LENA CARR HEIRS GAS CO				RECEIVED:	03/24/83	JA: WV			
8329277		4708504387		108		LENA CARR HRS H-803	CLAY DISTRICT	3.4	CONSOLIDATED GAS
-MAXUM DRILLING PROGRAM				RECEIVED:	03/24/83	JA: WV			
8329286		4708504363		108		L M STANLEY H-802	UNION DISTRICT	24.0	CONSOLIDATED GAS
-MOUNTAINEER 1979-B				RECEIVED:	03/24/83	JA: WV			
8329255		4708504759		108		JAMES SIMMONS H-978	GRANT DISTRICT	20.0	CONSOLIDATED GAS
8329281		4708504760		108		JAMES SIMMONS H-979	GRANT DISTRICT	20.0	CONSOLIDATED GAS
-NRM PETROLEUM CORPORATION				RECEIVED:	06/22/82	JA: WV			
8329301		4709702378		103		DAVIDSON #1	CAVE RUN	0.0	COLUMBIA GAS TRAN
-NRM PETROLEUM CORPORATION				RECEIVED:	03/24/83	JA: WV			
8329262		4708300577		103		ANDREWS A #1	ELLAMORE	0.0	COLUMBIA GAS TRAN
8329299		4709702384		103		BROKE #2	HINKLEVILLE	0.0	COLUMBIA GAS TRAN
8329304		4709702369		103		CRAIG #1		0.0	COLUMBIA GAS TRAN
8329311		4704103136		103		HERSMAN #1		0.0	COLUMBIA GAS TRAN
8329260		4709702228		103		HINKLE #1		0.0	COLUMBIA GAS TRAN
8329259		4709702346		103		JIMMIE WOODY #1	QUEENS	0.0	COLUMBIA GAS TRAN
8329257		4709702348		103		JIMMIE WOODY #2	QUEENS	0.0	COLUMBIA GAS TRAN
8329261		4708300589		103		KEENER	ELLAMORE	0.0	COLUMBIA GAS TRAN
8329303		4709702373		103		SHETLAND #1		0.0	COLUMBIA GAS TRAN
8329302		4709702374		103		SHETLAND #2	TALLMANSVILLE	0.0	COLUMBIA GAS TRAN
8329305		4709702367		103		SMALLRIDGE A #2	QUEENS	0.0	COLUMBIA GAS TRAN
8329300		4709702382		103		TURNER #1	TALLMANSVILLE	0.0	COLUMBIA GAS TRAN
8329258		4709702347		103		WOODY #2			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8329266		4709702351		103		WOODY "A" #1		0.0	COLUMBIA GAS TRAN
8329265		4709702352		103		WOODY "A" #2		0.0	COLUMBIA GAS TRAN
-PETRO-LEWIS CORPORATION				RECEIVED:	03/24/83	JA: WV			
8329271		4708300132		108		WELLS #2	ROARING CREEK DISTRIC	0.3	COLUMBIA GAS TRAN
8329272		4708300133		108		WELLS #3	ROARING CREEK DISTRIC	0.2	COLUMBIA GAS TRAN
-RAINBOW 1 2 & 3-1979				RECEIVED:	03/24/83	JA: WV			
8329285		4708504519		108		CLIFF WILSON H-930	CLAY DISTRICT	30.0	CONSOLIDATED GAS
8329309		4701702648		108		HENRY STAARMAN H-971	COVE DISTRICT	30.0	CONSOLIDATED GAS
-RAINBOW 4, 5 & 6-1980				RECEIVED:	03/24/83	JA: WV			
8329278		4701702641		108		HENRY STAARMAN H-972	COVE DISTRICT	30.0	CONSOLIDATED GAS
8329279		4701702642		108		HENRY STAARMAN H-973	COVE DISTRICT	30.0	CONSOLIDATED GAS
-RAINBOW 7 8 & 9 80 LTD				RECEIVED:	03/24/83	JA: WV			
8329310		4708504808		108		BERNARD RICHARDS H-997	CLAY DISTRICT	20.0	CONSOLIDATED GAS
-RALPH WILSON GAS CO				RECEIVED:	03/24/83	JA: WV			
8329298		4708504396		108 •		RALPH WILSON H-853	GRANT DISTRICT	3.0	CONSOLIDATED GAS
-TRIO PETROLEUM CORP				RECEIVED:	03/24/83	JA: WV			
8329274		4708701359		108		BAKER #1	CHAPEL-GERMAN	18.0	COLUMBIA GAS TRAN
8329275		4708701361		108		OKEY DEAN #1	CHAPEL-GERMAN	6.0	COLUMBIA GAS TRAN
8329273		4702103549		108		SKEET #1	GLENVILLE-NORTH	10.0	COLUMBIA GAS TRAN
-WARREN ASSOCIATES INC				RECEIVED:	03/24/83	JA: WV			
8329264		4708504567		107-DV		CHESTER LEMON H-864	MURPHY DISTRICT	18.0	CONSOLIDATED GAS

[FR Doc. 83-10783 Filed 4-21-83; 8:45 am]

BILLING CODE 6717-01-C

[Volume No. 874]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: April 19, 1983.

The following notices of determinations were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in acordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register**.

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487–4808, 5285 Port Royal Rd., Springfield, Va. 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 Mile rule)
102–3: New well (1000 Ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease

Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal Seams
107–DV: Devonian Shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation

Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,
Secretary.

NOTICE OF DETERMINATIONS — VOLUME 874
Issued April 19, 1983

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION									
-AMERICAN PENN ENERGY INC				RECEIVED:	03/25/83	JA: NY			
8329421	2608	3102915431		107-TF		A & S BLASZ #1 (1446)	BRANT	10.0	NATIONAL FUEL GAS
8329429	2610	3102915809		107-TF		BALLARD DAIRY FARMS #1 (1497)		10.0	NATIONAL FUEL GAS
8329422	2605	3102914539		107-TF		EVANS ROD & GUN CLUB UNIT #1 (1417)	EVANS	10.0	NATIONAL FUEL GAS
8329445	3449	3102917034		107-TF		GRUPP UNIT #1 (1526)	EVANS	0.0	NATIONAL FUEL GAS
8329424	2602	3102915761		107-TF		J L BENZ #1 (1324)		10.0	NATIONAL FUEL GAS
8329423	2604	3102915808		107-TF		L RUMFOLA UNIT #1 (1394)		10.0	NATIONAL FUEL GAS
8329420	2603	3102915742		107-TF		N BARRIER UNIT #1 (1392)		10.0	NATIONAL FUEL GAS
8329428	2609	3102915810		107-TF		USYK - SPENGLER UNIT #2 (1493)		10.0	NATIONAL FUEL GAS
-ARAPAHO VENTURES OF NEW YORK INC				RECEIVED:	03/25/83	JA: NY			
8329460	3619	3112113891		107-TF		DAVID SHEARING #1	WILDCAT	20.8	COLUMBIA GAS TRAN
8329444	3622	3112113919		107-TF		FRANK LABIN #1	WILDCAT	4.2	COLUMBIA GAS TRAN
8329459	3623	3112113892		107-TF		LESTER WILKIE #2	WILDCAT	3.3	COLUMBIA GAS TRAN
8329463	3624	3112113915		107-TF		LESTER WILKIE #3	WILDCAT	6.5	COLUMBIA GAS TRAN
8329461	3620	3112113888		107-TF		PETER KRAMELL #1	WILDCAT	8.0	COLUMBIA GAS TRAN
8329462	3621	3112113889		107-TF		PETER KRAMELL #2	WILDCAT	13.0	COLUMBIA GAS TRAN
-ARAPAHO VENTURES OF NEW YORK INC				RECEIVED:	03/28/83	JA: NY			
8329469	5058	3112113713	D	107-RT		GORDON PIERSON #2	WILDCAT	3.3	COLUMBIA GAS TRAN
8329468	5060	3112113659	D	107-RT		JAMES DUKELOW #1	WILDCAT	15.0	COLUMBIA GAS TRAN
-CONSOLIDATED EXPLORATION & GATHERIN				RECEIVED:	03/25/83	JA: NY			
8329418	2623	3102916372		107-TF		LAMB UNIT #1	EDEN - EVANS	15.0	SCG GAS QUEST INC
8329417	2612	3102916302		107-TF		LASOTA UNIT #1	EDEN - EVANS	15.0	SCG GAS QUEST INC
8329419	2611	3102916451		107-TF		VFW UNIT #1	EDEN - EVANS	15.0	SCG GAS QUEST INC
-ENERGY OIL INC				RECEIVED:	03/25/83	JA: NY			
8329425	1375	3102914576		107-TF		BERGHORM #1	ALDEN FIELD	55.0	TENNESSEE GAS PIP
8329427	1371	3102914612		107-TF		RUPP #1	MEDINA	14.0	NATIONAL FUEL GAS
8329426	1373	3102914811		107-TF		WENDE #1	ALDEN FIELD	45.0	TENNESSEE GAS PIP
-LENAPE RESOURCES CORP				RECEIVED:	03/25/83	JA: NY			
8329441	3181	3105116143		107-TF		CARROLL S BICKFORD #1 LRC #70	CALEDONIA	20.0	NEW JERSEY NATION
8329447	3183	3105116142		107-TF		E C DALEY ND 1 LRC #72	CALEDONIA	20.0	NEW JERSEY NATURA
8329446	3178	3105116140		107-TF		E WYAND #1 LRC #63	CALEDONIA	20.0	NEW JERSEY NATURA
8329442	3184	3105116131		107-TF		GERALD F PRINGLE #1 LRC #74	CALEDONIA	20.0	NEW JERSEY NATURA
8329433	2828	3105116107		107-TF		J J WADSWORTH #4 LRC #56	CALEDONIA	20.0	NEW JERSEY NATURA
8329434	2829	3105116108		107-TF		J J WADSWORTH #5 LRC #57	FINNEGAN HILL	20.0	NEW JERSEY NATURA
8329435	2830	3105116109		107-TF		J J WADSWORTH #6 LRC #58	FINNEGAN HILL	20.0	NEW JERSEY NATURA
8329436	2831	3105116114		107-TF		J J WADSWORTH #7 LRC #59	FINNEGAN HILL	20.0	NEW JERSEY NATURA
8329431	2826	3105116169		107-TF		J J WADSWORTH EST #2 LRC #31	FINNEGAN HILL	14.7	NEW JERSEY NATURA
8329432	2827	3105116170		107-TF		J J WADSWORTH EST #3 LRC #32	FINNEGAN HILL	21.2	NEW JERSEY NATURA
8329451	3179	3105116137		107-TF		J R DALEY UNIT #1 LRC #65	CALEDONIA	20.0	NEW JERSEY NATURA
8329439	3188	3105116124		107-TF		J SKELLY #1 LRC #80	CALEDONIA	20.0	NEW JERSEY NATURA
8329438	2833	3105116105		107-TF		L L CALLAN #1 LRC	FINNEGAN HILL	20.0	NEW JERSEY NATURA
8329430	2834	3105116106		107-TF		L L CALLAN #2 LRC #62	FINNEGAN HILL	20.0	NEW JERSEY NATURA
8329464	3455	3105114450		107-TF		LRC #44 - CRIPPS #1	UHLEY CORNERS	20.0	NEW JERSEY NATURA
8329449	3185	3105116145		107-PE		S J MACY #1 LRC #75	CALEDONIA	20.0	NEW JERSEY NATURA
8329450	3186	3105116146		107-TF		S J MACY UNIT #1 LRC #77	CALEDONIA	20.0	NEW JERSEY NATURA
8329437	2832	3105116104		107-TF		T P LINDER #1 LRC #60	FINNEGAN HILL	20.0	NEW JERSEY NATURA

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8329448	3180	3105116135		107-TF		W J REID UNIT #1 LRC #66	CALEDONIA	20.0	NEW JERSEY NATURA
8329443	3182	3105116134		107-TF		WILLIAM S BEARCOP #1 LRC #71	CALEDONIA	20.0	NEW JERSEY NATURA
8329448	3187	3105116125		107-TF		79 - L D'ANGELO #1 LRC #79	CALEDONIA	20.0	NEW JERSEY NATURA
-NORD/MONTARA PETROLEUM CO				RECEIVED:	03/25/83	JA: MY			
8329466	2574	3112113960		107-TF		CAPPELLINO UNIT #1	JAVA	25.0	COLUMBIA GAS TRAN
8329465	2575	3112113727		107-TF		KEPP UNIT #1	JAVA	25.0	COLUMBIA GAS TRAN
8329467	2581	3112113789		107-TF		MURCIN UNIT #1	JAVA	25.0	COLUMBIA GAS TRAN
-SHARON RESOURCES INC				RECEIVED:	03/25/83	JA: NY			
8329457	3019	3112115384		107-TF		ELVYN L REISDORF #1 (31-121-15384)	STRYKERSVILLE	10.5	COLUMBIA GAS TRAN
8329454	3018	3112115852		107-TF		G METZGER #1 (31-121-15852)	STRYKERSVILLE	12.0	COLUMBIA GAS TRAN
8329453	3017	3112115677		107-TF		JOHN KERWIN #1 (31-121-15677)	STRYKERSVILLE	15.8	COLUMBIA GAS TRAN
8329458	3010	3112116271		107-TF		LEO BARTZ #2 (31-121-16271)	STRYKERSVILLE	10.5	COLUMBIA GAS TRAN
8329456	3016	3112116071		107-TF		R HIBSCH #1 (31-121-16071)	STRYKERSVILLE	10.5	COLUMBIA GAS TRAN
8329455	3015	3112116057		107-TF		R KIRSCH #2 (31-121-16057)	STRYKERSVILLE	15.5	COLUMBIA GAS TRAN
8329452	3020	3112115769		107-TF		ROBERT PINGREY #1 (31-121-15769)	STRYKERSVILLE	15.5	COLUMBIA GAS TRAN
-SHAWNEE EXPLORATION INC				RECEIVED:	03/25/83	JA: MY			
8329416	2622	3102916447		107-TF		GERNATT UNIT #1	BRANT	15.0	SCG GAS QUEST INC
8329418	2614	3102916517		107-TF		MILIUS UNIT #1	BRANT	15.0	SCG GAS QUEST INC
8329409	2619	3102916518		107-TF		P J PHILLIPS #1	BRANT	15.0	SCG GAS QUEST INC
8329408	2621	3102916522		107-TF		R TAYLOR #1	BRANT	15.0	SCG GAS QUEST INC
8329407	2620	3102916512		107-TF		RENALDO UNIT #1	BRANT	15.0	SCG GAS QUEST INC
8329414	2615	3102916449		107-TF		TURNBULL UNIT #1	BRANT	15.0	SCG GAS QUEST INC
8329415	2613	3102916448		107-TF		VACCO UNIT #1	BRANT	15.0	SCG GAS QUEST INC
8329411	2617	3102916351		107-TF		WAY-PHILLIPS UNIT #1	BRANT	15.0	SCG GAS QUEST INC
8329413	2616	3102916352		107-TF		WAY-PHILLIPS UNIT #2	BRANT	15.0	SCG GAS QUEST INC
8329412	2618	3102916353		107-TF		WAY-PHILLIPS UNIT #3	BRANT	15.0	SCG GAS QUEST INC
**********									
TEXAS RAILROAD COMMISSION									
**********									
-AEGEAN OIL CORP				RECEIVED:	03/28/83	JA: TX			
8329535	F-01-062177	4217731336		102-2	103	IVAN NOWOTNY UNIT #1-U	PEACH CREEK (AUSTIN C	109.0	VALERO TRANSMISSI
-AMERICAN QUASAR PETROLEUM CO				RECEIVED:	03/28/83	JA: TX			
8329574	F-09-063883	4218130896		102-4	103	BERNIECE #1	J H CLARK SURVEY A-30	8.0	LONE STAR GAS CO
-AMMEX PETROLEUM CORP				RECEIVED:	03/28/83	JA: TX			
8329515	F-03-060566	4205130378		102-2	103	HARVEY W SMITH #1	BIGA TAYLOR	40.3	CLAJON GAS CO
-AMOCO PRODUCTION CO				RECEIVED:	03/28/83	JA: TX			
8329629	F-08-065088	4213533980		103		DAVID FASKEN "BV" #1	FASKEN SOUTH (WOLFCAM	1.8	AMOCO PRODUCTION
8329630	F-08-065089	4213533980		102-4		DAVID FASKEN BV #1	FASKEN SOUTH (STRAWN)	36.5	AMOCO PRODUCTION
8329631	F-8A-065090	4221932969		103		MAY MONTGOMERY UNIT #66	LEVELLAND	0.3	AMOCO PRODUCTION
8329632	F-08-065091	4200333386		103		MIDLAND FARMS "AY" #1	FASKEN (PENN)	2.2	AMOCO PRODUCTION
8329633	F-08-065092	4213534020		103		NORTH COWDEN UNIT #1119	COWDEN NORTH	0.0	WESTAR TRANSMISSI
-APD CO				RECEIVED:	03/28/83	JA: TX			
8329648	F-7C-065125	4241330929		102-4	107-TF	UNIVERSITY 55-20 #1	UNIVERSITY 56 (CANYON	5.0	FARMLAND INDUSTRI
-ARCADIA REFINING CO				RECEIVED:	03/28/83	JA: TX			
8329473	F-06-042468	4220330863		102-4		JANIE P QUALE UNIT #1	LEIGH NW (PAGE)	0.0	
8329472	F-06-039486	4240131214		102-4		SYBIL YORK ESTES #1	BARNHARDT CREEK	0.0	FERGUSON CROSSING
-ART MACHIN & ASSOCIATES INC				RECEIVED:	03/28/83	JA: TX			
8329475	F-06-047863	4218330508		103		G A KELLY #2	WILLOW SPRINGS (TRAVI	360.0	UNITED GAS PIPELI
-AUSTIN OIL & MINERAL				RECEIVED:	03/28/83	JA: TX			
8329608	F-03-064743	4205100000		102-4		F OWEN #2	HOOKER CREEK NAVARRO	10.6	FERGUSON CROSSING
-B & M PETROLEUM INC				RECEIVED:	03/28/83	JA: TX			
8329524	F-06-060757	4240131699		103	107-TF	OAK HILL GAS UNIT #1	OAK HILL S (COTTON VA	360.0	TEXAS EASTERN TRA
-B J GIERHART INC				RECEIVED:	03/28/83	JA: TX			
8329509	F-04-059058	4227300800		102-4		CITIES SERVICES #1L 102354	HEEP (9500' FRIO)	0.0	ESPERANZA TRANSMI
8329510	F-48-059059	4227300000		102-4	103	CITIES SERVICES #1U 102376	HEEP (8200 FRIO)	0.0	ESPERANZA TRANSMI
-BASIN OPERATING CO LTD				RECEIVED:	03/28/83	JA: TX			
8329517	F-06-060609	4200100000		103		COLLEY HEIRS #1	DECKER SWITCH (PETTET	182.5	DELHI GAS PIPE LI
-BILL FORNEY INC				RECEIVED:	03/28/83	JA: TX			
8329576	F-02-063923	4229733235		102-4		SCHREINER RANCH TRUST II WELL #4	OAKVILLE (WILCOX 9700	1.0	HOUSTON PIPE LINE
-BISON PETROLEUM CORP				RECEIVED:	03/28/83	JA: TX			
8329652	F-10-065182	4235730796		102-4		CUDD #2 RRC #080401	MCGEE (UPPER MORROW)	3.5	PANHANDLE EASTERN
-BRUCE A WILBANKS				RECEIVED:	03/28/83	JA: TX			
8329686	F-7B-065279	4213331814		103		BROWN - #1 ID #088890	EASTLAND COUNTY REGUL	46.0	LONE STAR GAS CO
-BRUSHY CREEK DRILLING				RECEIVED:	03/28/83	JA: TX			
8329493	F-7C-055567	4245130888		102-3		A L DOUGLAS EST #4	R L G (CANYON LOWER)	8.0	EL PASO HYDROCARB
-BURNETT OIL CO INC				RECEIVED:	03/28/83	JA: TX			
8329680	F-01-065243	4231131709		102-4	103	W C RUTHERFORD #2	A W P (OLMOS)	63.0	MPI TRANSMISSION
-CARTER ENERGY CORP				RECEIVED:	03/28/83	JA: TX			
8329603	F-09-064496	4249732476		103		J W HAMPTON #3-A	BOONSVILLE (BEND CONG	100.0	LONE STAR GAS CO
-CARTER EXPLORATION CO				RECEIVED:	03/28/83	JA: TX			
8329529	F-02-061532	4223900000		102-4	103	SPENCER ESTATE #1		0.0	CFH GAS GATHERING
-CHAMPLIN PETROLEUM COMPANY				RECEIVED:	03/28/83	JA: TX			
8329616	F-08-064788	4238331673		108		ESTELLE COUNCIL "78" #1	CONGER S W (PENN)	8.0	NORTHERN NATURAL
8329617	F-08-064790	4217331043		108		I W TERRY "A" #2	CONGER SW (PENN)	12.8	NORTHERN NATURAL
8329614	F-08-064785	4227331055		108		I W TERRY "A" #3	CONGER SW (PENN)	14.8	NORTHERN NATURAL
8329618	F-08-064791	4217331056		108		I W TERRY "A" #4	BARBEE NE (WICHITA-AL	9.7	NORTHERN NATURAL
8329615	F-08-064787	4217331087		108		I W TERRY "A" #7	CONGER SW (PENN)	3.5	NORTHERN NATURAL
-CLAYTON W WILLIAMS JR				RECEIVED:	03/28/83	JA: TX			
8329480	F-03-050213	4214900000		102-2		DELVIN ZINGLEMANN #1	GIDDINGS (AUSTIN CHAL	0.0	VALERO TRANSMISSI
-CONOCO INC				RECEIVED:	03/28/83	JA: TX			
8329645	F-08-065169	4231700000		108		GRISHAM & GREEMAN -A- #7 (22878)	SPRABERRY/TREND AREA/	2.9	ADOBE OIL CO
8329647	F-7C-065171	4210500000		108		J M SHANNON -A- #23 (00435)	ELKHORN /ELLENBURGER/	0.4	PERMIAN CORP
8329648	F-7B-065172	4215100000		108		ROUND TOP PALO PINTO UT #68 11416	ROUND TOP/PALO PINTO	1.2	LONE STAR GAS CO
8329646	F-8A-065170	4203300000		108		T J GOOD -37- #3 (02404)	GOOD	6.9	GETTY OIL CO
8329638	F-08-065121	4238931341		103		W E BELL "44" #13 (27756)	JESS BURNER	46.7	EL PASO NATURAL G
-D L DORLAND INC				RECEIVED:	03/28/83	JA: TX			
8329579	F-08-063957	4222732905		103		M M O'DANIEL EST "A" 27643	DORLAND (FUSSELMAN)	10.5	GETTY OIL CO
-DALECO RESOURCES				RECEIVED:	03/28/83	JA: TX			
8329508	F-03-058973	4205100000		102-2	103	BARNHART #1	CLAY W E (EDWARDS LIM	0.0	CLAJON GAS CO
-DELTA DRILLING CO				RECEIVED:	03/28/83	JA: TX			
8329573	F-7C-063840	4210500000		108		COUCH "10" #3 62308	OZONA (CANYON)	0.0	NORTHERN NATURAL
8329512	F-06-060111	4242300000		102-4		O L RAYFORD #1	CHAPEL HILL SW (TRAVI	0.0	
8329564	F-7C-063479	4243500000		108		SHURLEY "A" #3 062008	SAWYER (CANYON) FIELD	0.0	NORTHERN NATURAL
-DIAMOND SHAMROCK CORPORATION				RECEIVED:	03/28/83	JA: TX			
8329681	F-10-065259	4236100000		108		MCDADE #4	PANHANDLE WEST	7.0	NORTHERN NATURAL
8329682	F-10-065260	4236100000		108		YOUNG #2	PANHANDLE WEST	12.0	NORTHERN NATURAL
-DISCOVERY OPERATING INC				RECEIVED:	03/28/83	JA: TX			
8329548	F-08-063229	4232931077		103		HOFFERKAMP "B" #1	SPRABERRY (TREND AREA	27.0	PHILLIPS PETROLEU
-EAGLE EXPLORATIONS INC				RECEIVED:	03/28/83	JA: TX			
8329550	F-7C-063314	4235731097		102-4		WALL #1	WALL (LO MORROW I) -	62.1	TRANSWESTERN PIPE
-ENERGETICS INC				RECEIVED:	03/28/83	JA: TX			
8329687	F-10-065284	4237530899		103		MASTERSON G-43 (03839)	PANHANDLE (RED CAVE)	43.4	COLORADO INTERSTA
-ESTATE OIL & GAS CORP				RECEIVED:	03/28/83	JA: TX			
8329481	F-06-050889	4220330888		102-4	107-TF	NANNIE JONES #1 I D & N/A	LANSING NORTH (COTTON	182.5	TEJAS GAS CORP

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
-EXXON CORPORATION				RECEIVED:	03/28/83	JA: TX
8329605	F-09-064614	4245730337		102-4		EAST TEXAS OIL CO FEE "B" 89
8329581	F-08-064041	4200333390		103		MEANS-QUEEN 81 OIL UNIT 81553
8329518	F-7C-060651	4208131107		103		SALLIE ODOM E 894
8329685	F-04-065277	4213135861		103		V KOHLER A-144 089632
8329620	F-04-064838	4213135868		103		V KOHLER A-153 (89632)
-FARGO TRADING CO INC				RECEIVED:	03/28/83	JA: TX
8329536	F-04-062084	4248900000		102-4		YTURRIA CATTLE COMPANY 82
-FIRST DALLAS OIL & GAS CORP				RECEIVED:	03/28/83	JA: TX
8329525	F-7B-060789	4219300000		103		BOLIENA 81
-G & S INC				RECEIVED:	03/28/83	JA: TX
8329575	F-10-063891	4235731293		102-4		FAGG 146-C
-GETTY OIL COMPANY				RECEIVED:	03/28/83	JA: TX
8329502	F-06-058271	4236500000		108-ER		WERNER-STEVENS 81 ID 8 15826
-GILLRING OIL CO				RECEIVED:	03/28/83	JA: TX
8329644	F-04-065166	4204700000		106		D J SULLIVAN IV 82 - ID 095069
8329643	F-04-065165	4235500000		106		WINFIELD A 4 ID 089006
-GOLDKING PRODUCTION COMPANY				RECEIVED:	03/28/83	JA: TX
8329511	F-03-059405	4220100000		101		EMORY M MARKS 81
-GRAHAM PRODUCTION CO				RECEIVED:	03/28/83	JA: TX
8329622	F-03-064843	4250132390		102-4		TRIPULAS 81
-GULF OIL CORPORATION				RECEIVED:	03/28/83	JA: TX
8329658	F-03-065192	4215731265		103		A E MYERS 832
8329657	F-03-065191	4204130499		103		NOLUBEC UNIT I 81
8329655	F-03-065189	4204130556		103		NOLUBEC UNIT II 81
8329641	F-09-065133	4218130792		108		ROBERT TATE 81
8329656	F-03-065190	4204130485		103		SHEALY UNIT II 81
8329689	F-08-054737	4249501185		108-ER		SOUTH KEYSTONE /ELLEN/ UNIT 81050
-HANSON MINERALS CO				RECEIVED:	03/28/83	JA: TX
8329687	F-02-064732	4225530893		102-4		KOEHLER GAS UNIT 82
-HARRIS R FENDER				RECEIVED:	03/28/83	JA: TX
8329623	F-06-064993	4242330638		102-4		CRAIG M STEED 81
-HILL J D & YOST GARY				RECEIVED:	03/28/83	JA: TX
8329551	F-01-063339	4217730433		102-2		LESTER T E 05711
-HOUSTON OIL & MINERALS CORPORATION				RECEIVED:	03/28/83	JA: TX
8329565	F-03-063565	4236100000		102-4		STATE TRACT 3 81
-HURLEY PETROLEUM CORPORATION				RECEIVED:	03/28/83	JA: TX
8329627	F-08-065082	4236531517		103	107-TF	SCOTT MCGEE UNIT 83
-INDIAN WELLS OIL CO				RECEIVED:	03/28/83	JA: TX
8329653	F-7C-065184	4223531982		102-2		SMITH 59-2
-INDREX INC				RECEIVED:	03/28/83	JA: TX
8329612	F-10-064758	4248330968		103		FRYE RANCH 81
-INEXCO OIL COMPANY				RECEIVED:	03/28/83	JA: TX
8329497	F-03-057110	4220131379		102-3		KELLY BROCK 81-E
-J M HUBER CORPORATION				RECEIVED:	03/28/83	JA: TX
8329651	F-10-065179	4223300000		108		MAGNOLIA HERRING 82
8329650	F-10-065178	4223300000		108		MAGNOLIA HERRING 84
8329649	F-10-065177	4206530620		108		MOORE 81A
8329619	F-10-064792	4223331490		103		READ 827
-JACK F GRIMM				RECEIVED:	03/28/83	JA: TX
8329682	F-8A-064437	4210130336		102-4		B J BROWNING 82
-JACK L KIRBY				RECEIVED:	03/28/83	JA: TX
8329606	F-08-064661	4213534089		103		COWDEN 81 WELL
-JAMES K ANDERSON INC				RECEIVED:	03/28/83	JA: TX
8329611	F-7C-064754	4239932582		102-4		DAVENPORT 83
-JAMES M FORGOTSON				RECEIVED:	03/28/83	JA: TX
8329477	F-06-048475	4245900000		103	107-TF	R A HINSON G U 82
-JOHN M YOUNG INC				RECEIVED:	03/28/83	JA: TX
8329545	F-03-062921	4216900000		102-2		VICKI KONETZKE 81
-JOHN L COX				RECEIVED:	03/28/83	JA: TX
8329499	F-7C-057376	4246131916		103		POWELL "32" 81
8329682	F-08-050984	4231732508		103		ROBERT BROWN 81
-L E JONES PRODUCTION COMPANY				RECEIVED:	03/28/83	JA: TX
8329660	F-09-065200	4209732124		102-4		JOHN M MAY 81
-LADD & LUKOWICZ INC				RECEIVED:	03/28/83	JA: TX
8329572	F-04-063826	4240900000		103		JOHN MCCAMPBELL 82
-LADD PETROLEUM CORPORATION				RECEIVED:	03/28/83	JA: TX
8329669	F-7C-065217	4210500000		103	107-TF	MENDERSON 83-4
8329668	F-7C-065216	4210534037		103	107-TF	MILLSPAUGH 2-4
-LANDMARK EXPLORATION INC				RECEIVED:	03/28/83	JA: TX
8329532	F-03-061964	4205100000		102-3		GEORGE MUZNY 81
-LOCKER PETROLEUM INC				RECEIVED:	03/28/83	JA: TX
8329494	F-7B-055818	4208333024		102-4		O C BERTRAND 81 (19060)
-MAGNUM RESOURCES INC				RECEIVED:	03/28/83	JA: TX
8329514	F-09-060549	4250334708		105		NESBITT "E"-1 21569
-MALOUF ABRAHAM CO INC.				RECEIVED:	03/28/83	JA: TX
8329621	F-10-064841	4221131536		103		CROSIER 81
-MAY PETROLEUM INC				RECEIVED:	03/28/83	JA: TX
8329628	F-10-065083	4235731299		103		HAWK "A" 81 (102961)
-MAYFIELD OIL & GAS CO				RECEIVED:	03/28/83	JA: TX
8329661	F-10-065202	4237530876		103		BIVINS 85
-MCKENZIE OPERATING CO INC				RECEIVED:	03/28/83	JA: TX
8329487	F-7B-054895	4236300000		102-4		COEN MULLEN 81
-MITCHELL ENERGY CORPORATION				RECEIVED:	03/28/83	JA: TX
8329485	F-7B-053769	4236300000		108		C M FARMER 81 894303
8329496	F-09-056611	4249700000		108		C S MORRIS 81 811418
8329547	F-7C-063133	4245100000		102-4	103	CLEMENTS 81
8329516	F-09-060579	4249732431		103		DEAVER (CADDO CONGL) 6-8
8329530	F-7B-061556	4242900000		108		DUGGAN 81 8069613
8329625	F-09-065002	4249700000		108		ED CARAWAY 83 8100441
8329569	F-09-063797	4223700000		108		FERRELL-RICHARDS 82 881508
8329498	F-09-057236	4249700000		108		FULLER DESHAZO 81 8089198
8329495	F-04-056491	4247932612		107-TF		GARNER RANCH 82 889116
8329684	F-09-065267	4223734887		103		H H MCCONNELL "B" 81 822882
8329608	F-09-064348	4249700000		108		J D KARNES 84 828708
8329570	F-7B-06379	4236700000		108		J G PEIPELMAN 82 882735
8329519	F-09-060672	4249700000		108		J M ROBINSON 83 817374
8329491	F-09-055159	4249700000		108		J M SMITH 81 821441
8329490	F-7B-055158	4236700000		108		J P REED 81 817488
8329504	F-7B-058556	4236700000		108		J T BAKER 81 8093520
8329642	F-09-065153	4249700000		108		KANSAS-SCOTT 81 8030715
8329587	F-09-064161	4249732465		103		LONNIE MOSES "B" 81
8329531	F-7B-061555	4222100000		108		M PEVELER 85 8084559
8329624	F-09-064996	4249700000		108		MARIE GAGE 81 8031693

FIELD NAME	PROD	PURCHASER
HICKSBAUGH (WILCOX 4-	180.0	ARMCO STEEL CORP
MEANS (QUEEN SAND)	15.0	PHILLIPS PETROLEU
FORT CHADBOURNE WEST	7.0	
KOHLER M E (MIRANDO 8	2.6	TENNESSEE GAS PIP
KOHLER M E (MIRANDO 8	9.8	TENNESSEE GAS PIP
LA SARA (3850')	1360.0	TENNESSE GAS PIPE
POTTSVILLE	0.0	LONE STAR GAS CO
RICKS (MORROW UPPER)	5.0	DELHI GAS PIPELIN
CARTHAGE (PALUXY)	13.0	TEXAS GAS TRANSMI
ANN MAG/FRIO-VICKSBUR	12.0	TENNESSEE GAS PIP
AGUA DULCE/WINFIELD A	21.0	TENNESSEE GAS PIP
JOYCE RICHARDSON	119.0	HOUSTON PIPE LINE
MARY MACHA (FRIO 4350	146.0	LONE STAR GAS CO
THOMPSON	41.6	UNITED TEXAS TRAN
KURTEN (WOODBINE)	4.0	PRODUCERS GAS CO
KURTEN (WOODBINE)	11.0	PRODUCERS GAS CO
N E SOUTHMAYD/DAVIS L	8.0	LONE STAR GAS CO
KURTEN (WOODBINE)	13.0	PRODUCERS GAS CO
KEYSTONE (ELLENBURGER	73.0	CABOT CORP
MALO DOMINGO (10,450'	710.0	UNITED TEXAS TRAN
DRISKELL LAKE (RODESS	38.0	LONE STAR GAS CO
COST (AUSTIN CHALK)	0.0	TIPPERARY GATHERI
PROPOSED N SABINE LAK	0.0	PRODUCER GAS CO
BETHANY (COTTON VALLE	0.0	TENNESSEE GAS PIP
PROBANDT CANYON	0.0	NORTHERN NATURAL
FRYE (GRANITE WASH)	200.0	ARKANSAS LOUISIAN
GREENS BAYOU FIELD (Y	488.0	LONE STAR GAS CO
WEST PANHANDLE	11.0	COLORADO INTERSTA
WEST PANHANDLE	15.0	COLORADO INTERSTA
WEST PANHANDLE	14.0	COLORADO INTERSTA
PANHANDLE	58.0	COLORADO INTERSTA
INDEPENDENT (BEND CON	889.0	LONE STAR GAS CO
COWDEN SOUTH (CANYON	14.6	
MYRNA LYNN (GARDNER)	288.0	UNION TEXAS PETRO
ROSEWOOD (COTTON VALL	560.0	ROSEWOOD TRANSPOR
GIDDINGS (EDWARDS GAS	0.0	CLAJON GAS CO
SPRABERRY (TREND AREA	10.0	MOBIL PRODUCING T
SPRABERRY (TREND AREA	10.0	PHILLIPS PETROLEU
HORSESHOE BEND (ELLEN	30.0	UNION TEXAS PETRO
ENOS COOPER (J-2)	0.0	
OZONA (CANYON SAND)	383.0	VALERO TRANSMISSI
OZONA (CANYON SAND)	356.0	VALERO TRANSMISSI
CALDWELL (AUSTIN CHAL	0.0	CLAJON GAS CO
GLEN COVE S (PALO PIN	59.0	UNION TEXAS PETRO
SCHULZ & BRANNON (STR	10.0	SUN GAS TRANSMISS
FELDMAN (TONKAWA)	0.0	PHILLIPS PETROLEU
SPOONY (MORROW UPPER)	365.0	PHILLIPS PETROLEU
PANHANDLE POTTER COUN	36.0	COLORADO INTERSTA
MINERAL WELLS NORTH (	101.0	SOUTHWESTERN GAS
MINERAL WELLS (N BIG	7.4	SOUTHWESTERN GAS
ALVORD (ATOKA CONGL)	2.0	NATURAL GAS PIPEL
K W B (STRAWN SANDS)	0.0	ESPERANZA PIPELIN
ALVORD (CADDO CONGL)	135.0	NATURAL GAS PIPEL
LAKE DANIELS (STRAWN)	13.8	SOUTHWESTERN GAS
BOONSVILLE (BEND CONG	0.0	NATURAL GAS PIPEL
JACKSBORO S E (5270)	0.0	SOUTHWESTERN GAS
BOONSVILLE (BEND CONG	9.4	SOUTHWESTERN GAS
SEGUNDO (OLMOS)	0.0	UNITED TEXAS TRAN
SOUTHWESTERN (CADDO R	19.8	
BOONSVILLE (BEND CONG	0.0	NATURAL GAS PIPEL
LAKE MINERAL WELLS (4	0.0	NATURAL GAS PIPEL
BOONSVILLE (CONSOLIDA	14.0	NATURAL GAS PIPEL
ALVORD (CADDO CONGL)	3.7	NATURAL GAS PIPEL
RENO (STRAWN 2900)	7.5	SOUTHWESTERN GAS
SANDRA K (STRAWN)	0.0	SOUTHWESTERN GAS
BOONSVILLE (BEND CONG	0.0	NATURAL GAS PIPEL
BOONSVILLE (BEND CONG	249.7	NATURAL GAS PIPEL
MCINTOSH (BIG SALINE)	13.7	SOUTHWESTERN GAS
BOONSVILLE (BEND CONG	0.0	NATURAL GAS PIPEL

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
8329538	F-7C-062277	4243500000		103		107-TF MCMILLAN 108 #6
8329539	F-7C-062278	4243500000		103		107-TF MCMILLAN 11 #5
8329537	F-7C-062275	4243500000		103		107-TF MCMILLAN 11 #6
8329536	F-7C-062274	4243500000		103		107-TF MCMILLAN 14 #6
8329568	F-7B-063796	4236780000		108		WADE MOORE #1 077847
				RECEIVED:	03/28/83	JA: TX
-MODERN DRILLING INC						
8329559	F-01-063348	4217730926		102-2		BARNETT #1 07230
8329558	F-01-063347	4217731181		102-2		BARNETT #2 07230
8329557	F-01-063346	4217731311		102-2		BARNETT #3 07230
8329554	F-01-063343	4217731067		102-2		CANION UNIT #1 07450
8329556	F-01-063345	4217730979		102-2		CANTLEY #1 07336
8329555	F-01-063344	4217731233		102-2		CANTLEY #2 07336
8329552	F-01-063341	4217731167		102-2		HORACE SAMPLE UNIT #2 08062
8329560	F-01-063349	4217730695		102-2		PAUL J MADDISON #1 06781
8329553	F-01-063342	4217730966		102-2		SAMPLE UNIT #1 07267
				RECEIVED:	03/28/83	JA: TX
-MODERN EXPLORATION INC						
8329563	F-01-063352	4217730561		102-2		KIFER #1 06227
8329562	F-01-063351	4217730609		102-2		KIFER "A" 06509
8329561	F-01-063350	4217730672		102-2		KIFER "B" 06527
				RECEIVED:	03/28/83	JA: TX
-MONTERREY PETROLEUM CORP						
8329528	F-04-061364	4247933219		102-2	107-TF	BLOCKER RANCH "H" 1841 #5
				RECEIVED:	03/28/83	JA: TX
-MORROW RESOURCES INC						
8329566	F-7C-063574	4245131107		102-2	103	BROWN #8
				RECEIVED:	03/28/83	JA: TX
-MUELLER ENGINEERING CORP						
8329540	F-04-062328	4213100000		103		GORDON ADAMI #1
				RECEIVED:	03/28/83	JA: TX
-MUSTANG EXPLORATION CO INC						
8329601	F-03-064415	4214900000		102-2		CHERRY UNIT
				RECEIVED:	03/28/83	JA: TX
-OILWELL OPERATORS INC						
8329639	F-10-065123	4217900000		103		D I ANDERSON #3 (03609)
				RECEIVED:	03/28/83	JA: TX
-PARAGON RESOURCES INC						
8329549	F-04-063247	4248930628		102-4		CORBETT #1
				RECEIVED:	03/28/83	JA: TX
-PETRO-LEWIS CORPORATION						
8329479	F-04-049812	4247900000		103	107-TF	O S PETTY #6-21
8329474	F-04-065798	4247933052		103	107-TF	O S PETTY LEASE #4-17
				RECEIVED:	03/28/83	JA: TX
-PETROLEUM CORPORATION OF TEXAS						
8329659	F-7B-065195	4246131825		103		S D GAMBLE #2
				RECEIVED:	03/28/83	JA: TX
-PETROTEX RESOURCES INC						
8329526	F-8A-060853	4226931057		102-4		GIBSON #1 (103026)
				RECEIVED:	03/28/83	JA: TX
-PHILLIPS PETROLEUM COMPANY						
8329476	F-09-048405	4249732317		103		GUTHRIE #2
8329486	F-08-054060	4213520698		108		KLOH D #1
-PLATEAU EXPLORATION & PRODUCTION CO				RECEIVED:	03/28/83	JA: TX
8329580	F-10-063985	4248331029		103		A FUHRMAN #1-19
8329571	F-10-063813	4248331042		103		AGNES LOTT RANCH #1-16 158359
				RECEIVED:	03/28/83	JA: TX
-PRODECO EXPLORATIONINC						
8329561	F-03-062424	4214931345		102-2		L C R A #2
				RECEIVED:	03/28/83	JA: TX
-PYRON EXPLORATION & DRILLING CORP						
8329588	F-09-054317	4250333240		102-4		ALEXANDER #1
				RECEIVED:	03/28/83	JA: TX
-QUINTANA PETROLEUM CORP						
8329637	F-02-065112	4239131577		103		MKS FANNIE V W HEARD #100
				RECEIVED:	03/28/83	JA: TX
-RIDGE OIL CO						
8329588	F-7B-064247	4242933493		102-4	103	WOMACK #1
				RECEIVED:	03/28/83	JA: TX
-ROBERT P LAMMERTS						
8329513	F-03-060318	4214900000		102-2		HOUGHTON #1
				RECEIVED:	03/28/83	JA: TX
-S K ROGERS OIL CO						
8329635	F-8A-065097	4221933551		103		DELOACHE "A" WELL #1
8329636	F-8A-065106	4221933552		103		DELOACHE "A" WELL #2
8329634	F-8A-065094	4221933553		103		DELOACHE "A" WELL #3
8329670	F-8A-065220	4221900000		103		JAMES DELOACHE #1
				RECEIVED:	03/28/83	JA: TX
-SAMEDAN OIL CORPORATION						
8329610	F-05-064750	4229330615		103	107-TF	BOBBY REED #1
				RECEIVED:	03/28/83	JA: TX
-SANTA FE-WINDSOR PRODUCING CO						
8329533	F-03-062079	4228700000		103		MONROE #1
				RECEIVED:	03/28/83	JA: TX
-SAXON OIL COMPANY						
8329484	F-7C-052350	4238332113		102-2	103	BRANCH "A" #3
				RECEIVED:	03/28/83	JA: TX
-SCANDRILL INC						
8329584	F-09-064091	4223734599		103		BENNETT #1
8329585	F-09-064108	4223734600		103		LEWIS FIELDS #1
				RECEIVED:	03/28/83	JA: TX
-SESCO PRODUCTION CO						
8329478	F-06-036322	4218330461		102-4	107-TF	W G MITCHELL #1
-SOUTHERN UNION EXPLORATION COMPANY				RECEIVED:	03/28/83	JA: TX
8329613	F-7C-064771	4209530644		103		MALCORINE W STASNEY #3
				RECEIVED:	03/28/83	JA: TX
-STAHL PETROLEUM CO						
8329683	F-10-065264	4234100000		108		COFFEE #1
				RECEIVED:	03/28/83	JA: TX
-STALLWORTH OIL & GAS INC						
8329544	F-06-062783	4242330558		102-4	103	D D SHOFNER #1 (10653)
8329543	F-06-062787	4242330608		102-4	103	MOLLEY OIL UNIT #1 - 10887
8329542	F-06-062786	4242330559		102-4	103	JACKSON #1 - 10786
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-SUBURBAN PROPANE GAS CORP						
8329521	F-7C-060685	4210536127		103		MCMULLAN "F-1" #1
8329522	F-7C-060688	4210533747		103		MCMULLAN "2" #1
8329523	F-7C-060692	4210533908		103		MCMULLAN "2" #2
				RECEIVED:	03/28/83	JA: TX
-TAYLOR GORDON						
8329671	F-10-065221	4234130708		103		RICKY #1
				RECEIVED:	03/28/83	JA: TX
-TEMPLETON ENERGY INC						
8329483	F-06-052089	4200530127		103		YORBA #1
				RECEIVED:	03/28/83	JA: TX
-TENNECO OIL COMPANY						
8329503	F-04-058439	4221531236		103	107-TF	A A MCALLEN #12
8329492	F-08-055387	4230130336		107-TF		BRUNSON 15-1
8329508	F-06-058103	4236531439		103	107-TF	ROQUEMORE "D" #2
				RECEIVED:	03/28/83	JA: TX
-TEXAS PRODUCTION CORP						
8329471	F-06-038938	4240131142		103		CLINTON "A" #1
				RECEIVED:	03/28/83	JA: TX
-THOMPSON J CLEO & JAMES CLEO JR						
8329546	F-7C-062993	4210500000		103	107-TF	UNIVERSITY 32-14 #1
				RECEIVED:	03/28/83	JA: TX
-TOM L INGRAM						
8329606	F-08-064575	4200333160		103		NORA #2
8329679	F-08-065239	4200333281		103		SUN #1
				RECEIVED:	03/28/83	JA: TX
-TRIAX OIL & GAS INC						
8329505	F-7B-058558	4208333082		102-4		HUNTER-FEE #2
				RECEIVED:	03/28/83	JA: TX
-TRIPLE J INVESTMENTS INC						
8329609	F-06-064749	4220300000		102-4		MATTIE MERCER #1
				RECEIVED:	03/28/83	JA: TX
-TROJAN OIL PRODUCTION & SERVICES IN						
8329567	F-7C-063773	4239932360		102-4		NORTHINGTON -A- #1
-TXO PRODUCTION CORP				RECEIVED:	03/28/83	JA: TX

FIELD NAME	PROD	PURCHASER
SAWYER (CANYON)	825.0	VALERO TRANSMISSI
SAWYER (CANYON)	825.0	VALERO TRANSMISSI
SAWYER (CANYON)	825.0	VALERO TRANSMISSI
SAWYER (CANYON)	82.5	VALERO TRANSMISSI
BUCK RANCH (STRAWN)	0.0	SOUTHWESTERN GAS
COST (AUSTIN CHALK)	0.0	TIPPERARY GATHERI
COST (AUSTIN CHALK)	0.0	TIPPERARY GATHERI
COST (AUSTIN CHALK)	0.0	TIPPERARY GATHERI
COST (AUSTIN CHALK)	0.0	TIPPERARY GATHERI
COST (AUSTIN CHALK)	0.0	TIPPERARY GATHERI
COST (AUSTIN CHALK)	0.0	TIPPERARY GATHERI
COST (AUSTIN CHALK)	0.0	TIPPERARY GATHERI
COST (AUSTIN CHALK)	0.0	TIPPERARY GATHERI
COST (AUSTIN CHALK)	0.0	TIPPERARY GATHERI
COST (AUSTIN CHALK)	0.0	TIPPERARY GATHERI
GOLD RIVER NORTH (OLM	0.0	SEAGULL PIPELINE
K W B (STRAWN)	0.0	LONE STAR GAS CO
MEELY (BRUNI 1900)	0.0	VALERO TRANSMISSI
GIDDINGS (AUSTIN CHAL	60.0	PHILLIPS PETROLEU
PANHANDLE - GRAY	15.0	PHILLIPS PETROLEU
CORBETT (8150 FRIO)	274.0	
DOS HERMANOS W (OLMOS	20.1	VALERO TRANSMISSI
DOS HERMANOS WEST (OL	71.9	VALERO TRANSMISSI
BLAIR NORTH (ELLENBUR	0.4	PANHANDLE PRODUCI
TOM ("B" CONGL)	1360.0	PALO DURO PIPELIN
BOOMSVILLE BEND CONGL	180.0	NATURAL GAS PIPEL
GOLDSMITH EAST (GRAYB	24.0	EL PASO NATURAL G
P C X GRANITE WASH	310.3	
ALLISON BRITT (12350)	750.0	
GIDDINGS (EDWARDS GAS	693.0	CLAJON GAS CO
GRAHAM NORTH (MARBLE	120.0	SOUTHWESTERN GAS
TOM O'CONNOR (5900' S	40.0	UNITED TEXAS TRAN
RANGER NW (MARBLE FAL	12.6	COMPRESSOR RENTAL
GIDDINGS (AUSTIN CHAL	0.0	PHILLIPS PETROLEU
LEVELLAND	11.0	AMOCO PRODUCTION
LEVELLAND	12.0	AMOCO PRODUCTION
LEVELLAND	11.0	AMOCO PRODUCTION
LEVELLAND	0.0	AMOCO PRODUCTION
OAKS (COTTON VALLEY S	73.0	TEXAS UTILITIES F
GIDDINGS (AUSTIN CHAL	109.0	PERRY PIPELINE CO
SPRABERRY TREND AREA	23.4	NORTHERN NATURAL
JACK COUNTY REGULAR	32.9	TEXAS UTILITIES F
JACK COUNTY REGULAR	32.9	TEXAS UTILITIES F
SUNSHINE (LOWER COTTO	0.0	PARAMOUNT GAS GAT
FUZZY CREEK	55.0	J-W OPERATING CO
TEXAS HUGOTON	0.0	PHILLIPS PETROLEU
CHAPEL HILL (TRAVIS P	35.0	UNITED GAS PIPELI
CHAPEL HILL (TRAVIS P	35.0	UNITED GAS PIPELI
CHAPEL HILL (TRAVIS P	35.0	UNITED GAS PIPELI
NORTH LIVE OAK DRAW N	0.0	INTRATEX GAS CO
LIVE OAK DRAW N (STRA	0.0	INTRATEX GAS CO
LIVE OAK DRAW N (STRA	0.0	INTRATEX GAS CO
PANHANDLE MOORE COUNT	18.0	DIAMOND SHAMROCK
RAINTREE (HOSSTON)	115.0	UNITED GAS PIPE L
MCALLEN RANCH	850.0	CHANNEL INDUSTRIE
BRUNSON RANCH	0.0	TENNESSEE GAS PIP
BETHANY EAST	160.0	UNITED GAS PIPE L
SHILOH (TRAVIS PEAK)	0.0	
OZONA (CANYON SAND)	0.0	PRODUCER'S GAS CO
FUHRMAN-MASCHO	12.6	PHILLIPS PETROLEU
FUHRMAN-MASCHO	36.5	PHILLIPS PETROLEU
CAMP COLORADO S (GUNS	73.0	SOUTHWESTERN GAS
BETHANY (MERCER) TRAV	200.0	UNITED GAS PIPE L
BIG ED N (GARDNER LIM	1.0	LONE STAR GAS CO

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
8329478	F-05-049623	4216130712		102-4		SHAW "D" #1
8329527	F-05-061098	4216120751		103	107-TF	UTLEY "C" #1-X
-U S OPERATING INC				RECEIVED:	03/28/83	JA: TX
8329582	F-03-064050	4228731298		102-2		MATILDA #1 RRC ID# N/A
-UNION EXPLORATION				RECEIVED:	03/28/83	JA: TX
8329626	F-7B-065070	4244331446		103		DAVIS #1 (19270)
-UNION TEXAS PETROLEUM				RECEIVED:	03/28/83	JA: TX
8329586	F-7C-064140	4223531976		103		SUGG '20' #2
8329654	F-7C-065185	4223531976		102-2		SUGG '20' #2
-UTX EXPLORATION INC				RECEIVED:	03/28/83	JA: TX
8329507	F-02-058969	4202500000		102-4	103	KATHLEEN D ROCHE B 3-C
8329506	F-02-058968	4202500000		102-4	103	KATHLEEN D ROCHE B 3-T
-WAGNER & BROWN				RECEIVED:	03/28/83	JA: TX
8329667	F-08-065212	4243131269		103		RAY "A" 87-31
-WARREN PETR CO A DIV OF GULF OIL CO				RECEIVED:	03/28/83	JA: TX
8329675	F-08-065233	4210331423		108		C-BAR SAN ANDRES UNIT #J-3
8329676	F-08-065234	4210310851		108		MATTIE CONNELL #F-12
8329674	F-08-065232	4210331783		108		J B TUBB "B" #51
8329666	F-08-065210	4210333045		103		M B MCKNIGHT #131
8329665	F-08-065209	4210333040		103		M B MCKNIGHT #135
8329677	F-08-065236	4210300061		108		M B MCKNIGHT #26
8329663	F-08-065207	4210333049		103		M F HENDERSON #171
8329678	F-08-065236	4210306141		108		MB MCKNIGHT #1
8329662	F-08-065205	4210333008		103		P J LEA #144
8329664	F-08-065208	4210333048		103		P J LEA #146
8329673	F-08-065231	4210310192		108		STATE "ED" #5
8329672	F-08-065230	4210330786		108		STATE "ED" #6
-WARRIOR MANAGEMENT CO				RECEIVED:	03/28/83	JA: TX
8329520	F-04-060679	4235531824		102-4	103	WEIL #1
-WATCO ENERGY INC				RECEIVED:	03/28/83	JA: TX
8329501	F-7C-058249	4239932189		102-4	103	RODNEY FLANAGAN #1
-WILSON ENERGY INC				RECEIVED:	03/28/83	JA: TX
8329596	F-7C-064321	4210533049		108		MAGGIE NEAL #5
8329595	F-7C-064320	4210533339		108		MAGGIE NEAL #6
8329594	F-7C-064319	4210533662		108		MAGGIE NEAL #7
8329578	F-7C-063929	4210532248		108		UNIVERSITY GULF STATE #2
8329577	F-7C-063928	4210532425		108		UNIVERSITY GULF STATE #5
8329599	F-7C-064334	4210532693		108		UNIVERSITY GULF STATE 2B "A" #1
8329598	F-7C-064333	4210532694		108		UNIVERSITY GULF STATE 2B "A" #2
8329597	F-7C-064332	4210533170		108		UNIVERSITY GULF STATE 2B "A" #3
8329589	F-7C-064283	4210500000		108		UNIVERSITY 11 #1
8329590	F-7C-064284	4210500000		108		UNIVERSITY 11 #2
8329593	F-7C-064289	4210532520		108		UNIVERSITY 2 #1
8329592	F-7C-064288	4210532518		108		UNIVERSITY 2 #2
8329591	F-7C-064285	4210532689		108		UNIVERSITY 2 #5
8329583	F-7C-064083	4210532609		108		UNIVERSITY 8 "A" #2

FIELD NAME	PROD	PURCHASER
BEAR GRASS NE (TRAVIS	0.0	
MIMMS CREEK (BOSSIER)	0.0	UNITED TEXAS TRAN
GIDDINGS (AUSTIN CHAL	0.0	CLAJON GAS CO
CORSICA (BEND CONGLOM	4.0	CITIES SERVICE CO
ANDREW A (CANYON)	208.0	FARMLAND INDUSTRI
ANDREW A (CANYON)	23.0	FARMLAND INDUSTRI
HEARD RANCH (3860) -	53.0	TRUNKLINE GAS CO
HEARD RANCH (3890)-PR	547.0	TRUNKLINE GAS CO
CONGER (PENN)	221.4	TEXAS UTILITIES F
C-BAR (SAN ANDRES)	6.6	EL PASO NATURAL G
C-BAR (TUBB)	1.9	EL PASO NATURAL G
SAND HILLS (TUBB)	2.5	EL PASO NATURAL G
SAND HILLS (MCKNIGHT)	12.1	EL PASO NATURAL G
SAND HILLS (MCKNIGHT)	79.8	EL PASO NATURAL G
SAND HILLS (MCKNIGHT)	4.7	EL PASO NATURAL G
WADDELL	12.4	EL PASO NATURAL G
SAND HILLS (MCKNIGHT)	3.4	EL PASO NATURAL G
LEA SOUTH (TUBB)	18.6	EL PASO NATURAL G
LEA SOUTH (TUBB)	38.5	EL PASO NATURAL G
DUNE	0.3	EL PASO NATURAL G
DUNE	0.6	EL PASO NATURAL G
CORPUS CHRISTI (MAYO)	240.0	HOUSTON PIPE LINE
BYERS (GARDNER) @ V (	48.5	ODESSA NATURAL CO
FARMER (SAN ANDRES)	0.1	J L DAVIS
WEGER NORTH	0.1	J L DAVIS
WEGER NORTH	0.1	J L DAVIS
FARMER (SAN ANDRES)	0.4	J L DAVIS
FARMER (SAN ANDRES)	0.4	J L DAVIS
FARMER (SAN ANDRES)	2.2	J L DAVIS
FARMER (SAN ANDRES)	2.2	J L DAVIS
FARMER (SAN ANDRES)	2.2	J L DAVIS
FARMER (SAN ANDRES)	2.6	J L DAVIS
FARMER (SAN ANDRES)	2.6	J L DAVIS
FARMER (SAN ANDRES)	2.8	J L DAVIS
FARMER (SAN ANDRES)	2.8	J L DAVIS
FARMER (SAN ANDRES)	2.8	J L DAVIS
FARMER (SAN ANDRES)	14.6	J L DAVIS

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Part VIII

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

Permanent State Regulatory Program of Virginia; Disapproval of Certain Provisions of a State Program Amendment and Proposal to Supersede State Laws and Regulations; Removal of Condition of State Program Approval

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 946

Permanent State Regulatory Program of Virginia; Disapproval of Certain Provisions of a State Program Amendment

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule.

SUMMARY: This document disapproves certain provisions of a proposed State program amendment relating to reclamation standards for operations of two surface acres or less submitted by Virginia under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The provisions of the proposed amendment being disapproved have been found to be inconsistent with SMCRA and the Federal regulations. Part 946 of title 30 of the CFR is being amended to reflect this action.

EFFECTIVE DATE: April 22, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Ralph Cox, Big Stone Gap Field Office, Office of Surface Mining, P.O. Box 626, Big Stone Gap, Virginia 24219. Telephone: (703) 523–4303.

SUPPLEMENTARY INFORMATION: On March 3, 1980, the Secretary of the Interior received a proposed regulatory program from the Commonwealth of Virginia. On October 22, 1980, following a review of the proposed program as outlined in 30 CFR Part 732, the Secretary approved in part and disapproved in part the proposed program (45 FR 69977–70000). Virginia resubmitted its proposed regulatory program on August 13, 1981, and after a subsequent review, the Secretary approved the program subject to the correction of minor deficiencies. The approval was effective upon publication of the notice of conditional approval in the December 15, 1981 **Federal Register** (46 FR 61088–61115).

Information pertinent to the general background, revisions, modifications, and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Virginia program can be found in the December 15, 1981 **Federal Register** (46 FR 61088–61115).

For the reader's information concerning the following, Chapter 19 of the Code of Virginia refers to the Virginia permanent regulatory program approved by the Secretary on December 15, 1981. Chapter 23 of the Code of Virginia refers to the provisions reinstating reclamation controls on surface mining operations of less than two acres.

One of the minor conditions of the approval imposed by the Secretary was as follows:

> Condition "r" requires Virginia to submit a copy of a revised policy statement or otherwise amend its program to make its coal haul roads policy consistent with the Federal requirements.

Pursuant to the Secretary's decision, the condition was due to be satisfied by February 15, 1982. On January 28, 1982, the State requested an extension of the condition deadline until April 1, 1982, primarily because a bill, which would reinstate reclamation controls on surface mining operations of less than two acres, was pending before the Virginia General Assembly (Administrative Record No. VA 376). On February 3, 1982, OSM published a proposed rule to extend the condition deadline until April 1, 1982 (47 FR 5013). On February 24, 1982, the Assistant Secretary of the Interior for Energy and Minerals, published a final rule extending the condition date to April 1, 1982 (47 FR 8008). Following receipt of a copy of the bill (Virginia House bill 123), the Director, OSM, on February 19, 1982, provided the State with comments and recommendations concerning specific provisions of the draft legislation (Administrative Record No. VA 380).

On March 31, 1982, Virginia submitted a letter describing the actions which had been undertaken and would be taken by the Commonwealth to resolve condition "r" (Administrative Record No. VA 383). First, Virginia stated that the General Assembly had enacted a bill that would repeal a section of the Code of Virginia allowing deeding of haul roads to counties. Second, Virginia pointed to draft regulations for coal haul road performance standards it proposed to adopt as State regulations. Finally, Virginia stated that the Virginia General Assembly had enacted H.B. 123 which, upon signature by the Governor, would become effective July 1, 1982. On April 26, 1982, OSM published a notice of receipt of the proposed amendments, a public comment period and opportunity for public hearing (47 FR 17827).

On July 9, 1982, the State submitted the enacted provisions cited in its March 31, 1982, letter (Administrative Record No. VA 400). On July 23, 1982, OSM reopened the public comment period for these amendments (47 FR 31897). On August 19, 1982, at 47 FR 36127, the Director, OSM, published a notice approving the State program amendments concerning the State's regulations for coal haul road performance standards and the legislative change to end the deeding of haul roads to counties. However, the Director postponed action on two proposed program modifications consisting of enacted legislation (Chapter 23, Title 45.1 of the Virginia Code, formerly H.B. 123) and proposed draft regulations to implement chapter 23 until Federal regulations relating to the two-acre exemption were effective Therefore, the Director stated no decision was being made on either of the above proposed amendments or on the overall adequacy of all the modifications submitted by Virginia on March 31, 1982, to satisfy condition "r"

On September 29, 1982, following a preliminary review of Virginia's Chapter 23, OSM sent a letter to Virginia providing its tentative review of Chapter 23 (Administrative Record No. VA 430) The Director provided this letter because he believed the revised Federal two-acre exemption rule published August 2, 1982 (47 FR 33424), in conjunction with other provisions, provided a sufficient standard by which to review Chapter 23. Also, if legislative changes were necessary to Chapter 23, the Director wanted to provide Virginia with timely comment so that the Virginia Legislature in its early 1983 session could address possible changes to Chapter 23. On October 14, 1982, OSM published a notice reopening the public comment period to allow the public an opportunity to comment on the Director's letter of September 29, 1982 (47 FR 45886). On November 1, 1982, Virginia responded to the points raised in the Director's letter of September 29, 1982 (Administrative Record No. VA 435).

Director's Findings

1. Chapter 23

The Director finds, in accordance with SMCRA and 30 CFR 732.17 and 732.15, that the program amendment consisting of Chapter 23 of the Code of Virginia and its implementing regulations is not inconsistent with SMCRA and the Federal regulations except for the provisions specified below.

The following provisions of Virginia's Chapter 23 and the regulations thereunder are disapproved for the reasons listed below.

Section 45.1–364.A.1.

This section prescribes when operations are deemed under common ownership or control and treated as a

single operation, for the purpose of determining the affected area of a coal surface mining operation.

The complete text of Section 45.1–364.A.1 is as follows:

Section 45.1–364. Applicability.—A. Coal mining operations which affect two surface acres or less shall be regulated under the provisions of this chapter. In determining the affected area for the purpose of this chapter and Chapter 19 (§ 45.1–226 et seq.) of this title, the following criteria shall apply:

1. Two or more contiguous coal mining operations, the total combined surface area of which exceeds two acres and which are owned or controlled by the same operator, shall be deemed a single operation affecting more than two surface acres and subject to the applicable provisions of Chapter 19 of this title. The fact that a haul road connects two or more operations shall not make them contiguous.

The complete text of Section 3.01(a)(1) of the Virginia Coal Surface Mining Reclamation Regulations for Operations Disturbing Two Surface Acres or Less is as follows:

3.01 Permit Acreage Computation. (a) The criteria listed below shall be used to determine the coal surface mining activities qualifying for the "two acre" exemption and those subject to Chapter 19, Title 45.1 of the Code of Virginia.

(1) Two or more contiguous operations, the total area of which exceeds two acres and which are owned or controlled by the same operator, shall be deemed a single operation subject to applicable provisions of Chapter 19, Title 45.1 of the Code of Virginia.

The Director finds this section to be inconsistent with the Federal regulations because of Virginia's phrase "owned or controlled by the same operator." The revised Federal regulations at 30 CFR 700.11(b)(2)(ii) provide one of the three tests for physical relatedness. Section 700.11(b)(2)(ii) states that operations are deemed under common ownership or control if they are owned or controlled, directly or indirectly, by or on behalf of (1) the same person; (2) two or more persons, one of whom controls, is under control with, or is controlled by the other; or (3) members of the same family and their relatives, unless it is established that there is no direct or indirect business relationship between or among them. The revised regulations go on to define what "control" means. The Director has determined that Virginia's phrase "owned or controlled by the same operator," is not consistent with the categories of persons contained in the Federal provisions cited above.

Section 45.1–364.A.3

This section prescribes when a road should be included in the affected area of an operation.

The complete text of Section 45.1–364.A.3 of Chapter 23 is as follows:

3. Roads permitted to another operator will not be included in acreage calculation.

The complete text of Section 3.01(a)(5) of the Virginia two surface acres or less regulations is as follows:

(5) Haul roads not exempted by Section 2.02(p) of these regulations shall be included in the acreage calculations, provided they are not permitted to another operator.

Section 45.1–364.A.3 of Chapter 23 states that roads permitted to another operator will not be included in acreage calculation. The revised Federal regulations at 30 CFR 700.11(b)(1) provide that, where a segment of a road is used for access or coal haulage by more than one surface coal mining operation, the entire segment shall be included in the affected area of each of those operations, provided that two or more operations which are deemed related shall be considered as one operation.

In issuing its revised Federal rule, OSM rejected the idea of allocating the road to the first operator with the right to permit the road because it could lead to abuse of the exemption. Such a concept would allow one operator to include the road in its affected area; then a whole series of different operations along the road which in fact "affect" the road would be able to exclude the road for purposes of calculating the two-acre exemption. Therefore, the Director finds that the criterion set forth by Virginia is inconsistent with the Federal provision.

It should be noted that the alternative selected by OSM will not require double bonding or double permitting of any segment of a road. The attribution to more than one operation of a segment of a road is done solely for purposes of determining the size of the affected area. Only one operation at a time is required to actually permit or bond any segment of such a road.

Section 45.1–364.A.4

This section prescribes when surface areas above underground mine workings will be included in the affected area.

The complete text of Section 45.1–364.A.4 of Chapter 23 is as follows:

4. Surface areas above underground coal mine workings shall not be included in the affected area, provided that such surface area is not likely to be substantially adversely impacted by subsidence or disturbed by other mining related activities.

The complete text of Section 3.01(a)(4) of the Virginia two surface acres or less regulations is as follows:

(4) Surface area above underground coal mine workings shall not be used in calculating acreage under this Section, provided that the surface area is not likely to be substantially adversely impacted by subsidence or disturbed by other mining related activites.

This section of Chapter 23 states that the surface area above underground workings shall not be used to calculate the affected area unless the surface area is likely to be "substantially adversely" impacted by subsidence or disturbed by other mining related activities. The use of the term "substantially adversely" implies that some surface impact could occur and that the impacted area nevertheless would not be included in the affected area. The Director finds that this section of Chapter 23 is inconsistent with 30 CFR 701.5 and that it conflicts with the definition of "affected area" contained in the Virginia permanent program regulations pursuant to Chapter 19, which has been approved by the Secretary of the Interior. The Virginia definition of "affected area" at V701.5 of Virginia's regulations states: "With respect to underground mining operations, "affected area" means: (i) Any water or surface land upon or in which those activities are conducted or located; and (ii) land or water area, which is located above underground mine workings."

The Director finds that Chapters 19 and 23 must be consistent since a single determination of eligibility for the two acre exemption must be made. In this section, Virginia's approach seems to be that the eligibility determination is made under Chapter 23. Although the Director realizes that Chapter 23 is a regulatory program which is in addition to Chapter 19, he believes that the Chapter 19 provisions must first be applied before any operation could qualify for an exemption from Chapter 19.

Therefore, the Director disappproves the above specified provisions of Chapter 23 and its implementing regulations. In addition, any other provision(s) of the Virginia two acres or less regulations which may be interpreted to be related to or to stem directly from the above disapproved provisions are also disapproved.

2. Federal Preemption

It is generally not necessary to use section 505 of SMCRA or 30 CFR 730.11(a) with regard to proposed amendments to approved State regulatory programs because "No such change to laws or regulations shall take effect for purposes of a State program until approved as an amendment." 30 CFR 732.17(g). Without Secretarial

approval, therefore, the Virginia statutory and regulatory changes have not become effective, and section 505 thus would not apply.

In this instance, however, the Commonwealth of Virginia has actually implemented unapproved statutory and regulatory changes and has raised section 505 in court pleadings. The Commonwealth appears to contend that its changes have become effective and that section 505 is applicable. The Commonwealth has placed certain operators in an untenable position because the provisions disapproved in this notice are ineffective as a matter of Federal law and, according to the Commonwealth, effective as a matter of State law. This situation also is unusual in that Virginia's Chapter 23 contains provisions which conflict with Federal law as well as provisions which go beyond and do not conflict with Federal law.

Therefore, to avoid any doubt whatsoever concerning OSM's intentions in this unusual and significant matter, and because OSM has determined that the following State laws and regulations are inconsistent with SMCRA and its implementing regulations, OSM will give notice, under section 505 of SMCRA and 30 CFR 730.11(a), that Sections 45.1–364.A.1, 45.1–364.A.3 and 45.1–364.A.4 of Chapter 23 of the Code of Virginia and Sections 3.01(a)(1), 3.01(a)(5), and 3.01(a)(4) of the Virginia Coal Surface Mining Reclamation Regulations for Operations Disturbing Two Surface Acres or Less are inconsistent with SMCRA and its implementing regulations. A separate notice to that effect is being published in the **Federal Register**; it will provide a 30-day period for public comment.

3. Condition "r"

Inasmuch as the Director disapproves the above-cited provisions of Chapter 23 and its implementing regulations and inasmuch as two previous State program amendments consisting of Virginia regulations for coal haul road performance standards and of a statutory change to end the deeding of haul roads to counties have been approved (August 19, 1982 at 47 FR 36127), the Director, via a separate **Federal Register** notice, will invite pubic comment on a proposed rule to remove condition "r" on the approval of the Virginia State Program.

Public Comment

Some comments, primarily in reponse to the Director's September 29, 1982 letter (Administrative Record No. VA 430), were received. However, all these comments were directed to the revised Federal two-acre rule of August 2, 1982 (47 FR 33424). Therefore, these comments and the corresponding responses in the August 2, 1982 **Federal Register** are not being repeated. Comments from Federal agencies were limited and did not identify any specific deficiencies of the proposed program amendment.

Pursuant to section 503(b) of SMCRA and 30 CFR 732.17(h)(10)(i) of those Federal agencies invited to comment, comments were received from the following: Army Corps of Engineers, Fish and Wildlife Service, Bureau of Land Management, Minerals Management Service, National Park Service, Soil Conservation Service and the Mine Safety and Health Administration.

Disapproval of Certain Provisions of Program Amendment

Accordingly, Sections 45.1–364.A.1, 45.1–364.A.3 and 45.1–364.A.4 of Chapter 23 of the Code of Virginia; and Sections 3.01(a)(1), 3.01(a)(5) and 3.01(a)(4) of the Virginia Coal Surface Mining Reclamation Regulations for Operations Disturbing Two Surface Acres or Less are hereby disapproved pursuant to the above Director's Findings.

Effect of Director's Decision

Section 503 of SMCRA establishes that a State may not exercise jurisdiction under the Act unless the State program is approved by the Secretary. Similarly, the Secretary's regulations at 30 CFR 732.17(a) require that any alteration of an approved State program must be submitted to OSM as a program amendment. Thus, any changes to the program are not enforceable by the State until approved by the Secretary. The Federal regulations at 30 CFR 732.17(g) clearly prohibit any unilateral changes to approved State programs. In his oversight of the State program, the Secretary will recognize only the statutes and regulations approved by him, and will require the enforcement by the State of only such provisions. Therefore, the provisions that the Secretary is approving today will take effect today for purposes of the State program. Those provisions the Secretary has not approved today may not be implemented by the State in any manner until such time as the Secretary approves them.

Additional Determinations

1. *Compliance with the National Environmental Policy Act:* The Secretary has determined that, pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule would not impose any new requirements; rather, it would ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. *Paperwork Reduction Act.* This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 946

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Accordingly, Part 946 of Title 30 is amended as set forth herein.

Dated: April 20, 1983.

Carson W. Culp, Jr.,

Acting Director, Office of Surface Mining Reclamation and Enforcement.

PART 946—[AMENDED]

Part 946 of Title 30 is amended by revising § 946.10 to read as follows:

§ 946.10 State regulatory program approval.

The Virginia State Program, as submitted on March 3, 1980, as amended and clarified on June 16, 1980, as resubmitted on August 13, 1981, and clarified in a meeting with OSM on September 21 and 22, 1981, and in a letter to the Director of the Office of Surface Mining on October 15, 1981, was conditionally approved, effective December 15, 1981. Beginning on that date, the Department of Conservation and Economic Development, Division of Mined Land Reclamation, was deemed the regulatory authority in Virginia for all surface coal mining and reclamation operations and all exploration operations on non-Federal and non-Indian lands. Beginning on July 21, August 19, September 21, and December 13, 1982, January 18, February 28, and

April 21, 1983, the program also included program amendments submitted on January 28, July 8, July 9, August 13, September 30, and December 20, 1982, and March 22, 1983, respectively. Further, beginning on April 22, 1983 the program includes a program amendment consisting of Chapter 23, of the Code of Virginia and its implementing regulations except for § 45.1.364.A.1, 45.1.364.A.3 and 45.1.364.A.4 of Chapter 23; and 3.01(a)(1), 3.01(a)(5) and 3.01(a)(4) of the Virginia Coal Surface Mining Reclamation Regulations for Operations Disturbing Two Surface Acres or Less, submitted on July 9, 1982. Copies of the conditionally approved program, as amended, are available for review at:

Virginia Division of Mined Land Reclamation, Drawer U, 622 Powell Avenue, Big Stone Gap, Virginia 24219

Virginia Department of Conservation and Economic Development, 1100 State Office Building, Richmond, Virginia 23219

Office of Surface Mining Reclamation and Enforcement, Flannagan and Carroll Streets, Lebanon, Virginia 24266

Office of Surface Mining Reclamation and Enforcement, Room 5315, 1100 L Street NW., Washington, D.C. 20240

[FR Doc. 83-10950 Filed 4-21-83; 9:33 am]
BILLING CODE 4310-05-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 946

Permanent State Regulatory Program of Virginia; Proposal To Supersede State Laws and Regulations; Removal of Condition of State Program Approval

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule.

SUMMARY: This document announces and seeks public comment on proposed actions by OSM (1) to preempt and to supersede specific provisions of Virginia's laws and regulations concerning the two-acre exemption from regulation of surface coal mining operations under the Surface Mining Control and Reclamation Act of 1977 (SMCRA) and (2) to remove one of the conditions of approval of the Virginia permanent regulatory program under SMCRA. This action is being taken because the Director has initially determined that these provisions are inconsistent with SMCRA, the Federal regulations at 30 CFR 700.11 and the permanent regulatory program administered by Virginia under Chapter 19 of the Code of Virginia. The Director's determination is based on the reasons cited under the section titled "Director's Findings" found in a separate notice of final rulemaking pertaining to the Virginia permanent regulatory program that is appearing in today's **Federal Register.**

DATE: Written comments, data or other relevant information relating to these actions concerning the Virginia program not received on or before 4:00 p.m. on May 23, 1983 will not necessarily be considered.

ADDRESSES: Written comments should be mailed or hand delivered to: Ralph Cox, Director, Big Stone Gap Field Office, Office of Surface Mining Reclamation and Enforcement, Highway 23, South, P.O. Box 626, Big Stone Gap, Virginia 24219, Telephone: (703) 523–4303.

Copies of the Virginia program, the proposed modifications to the program, a listing of any scheduled public meetings and all written comments received in response to this notice will be available for review at the OSM offices and the office of the State regulatory authority listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays:

Office of Surface Mining Reclamation and Enforcement, Room 5315, 1100 L Street NW. Washington, D.C. 20240
Office of Surface Mining Reclamation and Enforcement, Highway 23, South, Big Stone Gap, Virginia 24219
Office of Surface Mining Reclamation and Enforcement, Flannagan and Carroll Streets, Lebanon, Virginia 24266
Virginia Division of Mined Land Reclamation, 620 Powell Avenue, Big Stone Gap, Virginia 24219

FOR FURTHER INFORMATION CONTACT: Mr. Ralph Cox, Big Stone Gap Field Office, Office of Surface Mining, P.O. Box 626, Big Stone Gap, Virginia 24219, Telephone: (703) 523–4303.

SUPPLEMENTARY INFORMATION: For detailed background on the actions proposed in this document, see the notice of final rulemaking pertaining to the Virginia permanent regulatory program that is also appearing in today's **Federal Register.**

Director's Findings and Proposed Actions

1. Federal Preemption

Pursuant to Section 505(b) of SMCRA and 30 CFR 730.11(a), the Director proposes to preempt and supersede the following provisions of Chapter 23 of the Code of Virginia and implementing regulations thereunder. This action is being taken because the Director has initially determined that these provisions are inconsistent with SMCRA, the Federal regulations at 30 CFR 700.11 and the permanent regulatory program administered by Virginia under Chapter 19 of the Code of Virginia. The Director's determination is based on the reasons cited under the section titled "Director's Findings" found in a separate notice of final rulemaking pertaining to the Virginia permanent regulatory program that is appearing in today's **Federal Register.**

The following provisions of Chapter 23 of the Code of Virginia and the implementing regulations thereunder are proposed for Federal preemption:

Section 45.1–364.A.1 and Related Regulation

This section prescribes when operations are deemed under common ownership or control and treated as a single operation, for the purpose of determining the affected area of a coal surface mining operation.

The complete text of Section 45.1–364.A.1 is as follows:

Section 45.1–364. Applicability.—A. Coal mining operations which affect two surface acres or less shall be regulated under the provisions of this chapter. In determining the affected area for the purpose of this chapter and Chapter 19 (§ 45.1–226 et seq.) of this title, the following criteria shall apply:

1. Two or more contiguous coal mining operations, the total combined surface area of which exceeds two acres and which are owned or controlled by the same operator, shall be deemed a single operation affecting more than two surface acres and subject to the applicable provisions of Chapter 19 of this title. The fact that a haul road connects two or more operations shall not make them contiguous.

The complete text of Section 3.01(a)(1) of the Virginia Coal Surface Mining Reclamation Regulations for Operations Disturbing Two Surface Acres or Less is as follows:

3.01 Permit Acreage Computation. (a) The criteria listed below shall be used to determine the coal surface mining activities qualifying for the "two acre" exemption and those subject to Chapter 19, Title 45.1 of the Code of Virginia.

(1) Two or more contiguous operations, the total area of which exceeds two acres and which are owned or controlled by the same operator, shall be deemed a single operation subject to applicable provisions of Chapter 19, Title 45.1 of the Code of Virginia.

Section 45.1–364.A.3 and Related Regulation

This section prescribes when a road should be included in the affected area of an operation.

The complete text of Section 45.1–364.A.3 of Chapter 23 is as follows:

3. Roads permitted to another operator will not be included in acreage calculation.

The complete text of Section 3.01(a)(5) of the Virginia two surface acres or less regulations is as follows:

(5) Haul roads not exempted by Section 2.02(p) of these regulations shall be included in the acreage calculations, provided they are not permitted to another operator.

Section 45.1–364.A.4 and Related Regulation

This section prescribes when surface areas above underground mine workings will be included in the affected area.

The complete text of Section 45.1–364.A.4 of Chapter 23 is as follows:

4. Surface areas above underground coal mine workings shall not be included in the affected area, provided that such surface area is not likely to be substantially adversely impacted by subsidence or disturbed by other mining related activities.

The complete text of Section 3.01(a)(4) of the Virginia two surface acres or less regulations is as follows.

(4) Surface area above underground coal mine workings shall not be used in calculating acreage under this Section, provided that the surface area is not likely to be substantially adversely impacted by

subsidence or disturbed by other mining related activities.

2. Removal of Condition "r"

Inasmuch as the Director has disapproved the above-cited provisions of Chapter 23 of the Code of Virginia and implementing regulations in the separate notice of final rulemaking published today and inasmuch as two previous State program amendments consisting of Virginia regulations for coal haul road performance standards and of a statutory change to end the deeding of haul roads to counties have been approved (August 19, 1982 at 47 FR 36127), the Director proposes to remove condition "r" of the approval of the Virginia permanent program.

The Director has initially determined that those provisions of Chapter 23 and its implementing regulations not determined to be inconsistent with SMCRA and the Federal regulations, taken together with the two amendments previously approved, satisfy the haul roads policy required by the Secretary in his December 15, 1981, approval of the Virginia program.

Following the public comment period and (1) upon completion of the actions proposed in this document pursuant to section 505(b) of SMCRA and 30 CFR 730.11(a), or (2) upon the State's written agreement to enforce its program in conformity with the Director's actions in today's separate notice of final rulemaking disapproving certain proposed amendments to Chapter 23 of the Code of Virginia and its implementing regulations, OSM proposes to remove condition "r" of the approval of the Virginia program.

Additional Determinations

1. *Compliance with the National Environmental Policy Act:* The Secretary has determined that, pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule would not impose any new requirements; rather, it would ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. *Paperwork Reduction Act.* This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 946

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: April 20, 1983.

Carson W. Culp, Jr.,

Acting Director, Office of Surface Mining Reclamation and Enforcement.

[FR Doc. 83-10951 Filed 4-21-83; 9:40 am]

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Friday
April 22, 1983

Part IX

Federal Election Commission

Communications by Corporations or Labor Organizations

FEDERAL ELECTION COMMISSION

11 CFR Part 114

[Notice 1983-10]

Communications by Corporations or Labor Organizations

AGENCY: Federal Election Commission.

ACTION: Withdrawal of regulations from Congress.

SUMMARY: On March 1, 1983, the Federal Election Commission transmitted revisions of 11 CFR 114.3 and 114.4 and certain amendments to §§ 114.1, 114.5, 114.7 and 114.8 to Congress for legislative review pursuant to 2 U.S.C. 438(d). These regulations address communications by corporations and labor ogranizations to their solicitable class as well as to the general public. The Commission has decided, however, to withdraw these regulations from Congress to permit further public comment on certain issues. The Commission intends to transmit a new set of rules when the comment period has run.

EFFECTIVE DATE: April 21, 1983.

FOR FURTHER INFORMATION CONTACT: Ms. Susan Propper, Assistant General Counsel, 1325 K Street, NW, Washington, D.C. 20463, (202) 523-4143 or (800) 424-9530.

SUPPLEMENTARY INFORMATION: The Commission transmitted revised regulations governing communications by corporations and labor organizations to Congress on March 1, 1983, in accordance with the legislative review provisions of 2 U.S.C. 438(d). (These regulations were published in their entirety on March 4, 1983, (48 FR 9236)). Under section 438(d), the Commission may prescribe regulations if neither House has disapproved them after 30 legislative days.

The Commission has decided to withdraw the regulations from Congress in order to seek additional public comment on these regulations, in particular on the issues relating to the class of people solicitable by labor organizations and incorporated membership organizations. Since these issues appear throughout the regulations, the Commission is withdrawing §§ 114.3 and 114.4 and the amendments to §§ 114.1, 114.5, 114.7, and 114.8 in their entirety as published on March 4, 1983 (48 FR 9236).

The Commission is publishing today a Notice of Proposed Rulemaking to seek public comment on these two regulations. After the conclusion of the public comment period and further Commission consideration of the proposals, the Commission intends to transmit the rules to Congress for legislative review.

Dated: April 21, 1983.

Danny L. McDonald,

Chairman, Federal Election Commission.

[FR Doc. 83-10996 Filed 4-21-83; 12:00 pm]

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FEDERAL ELECTION COMMISSION

11 CFR Part 114

[Notice 1983-11]

Communications by Corporations and Labor Organizations

AGENCY: Federal Election Commission.

ACTION: Second notice of proposed rulemaking.

SUMMARY: The Commission seeks public comment on proposed revisions to 11 CFR Part 114 which would add executive and administrative personnel to the class of persons who may be solicited by labor organizations. A second set of revisions to Part 114 would add families of members to the class of persons who may be solicited by incorporated membership organizations, trade associations, cooperatives and corporations without capital stock. These revisions were transmitted to Congress for legislative review as part of a general revision of 11 CFR 114.3 and 114.4. The Commission has now withdrawn those regulations from Congressional consideration pending the receipt of comments on this Notice.

DATE: Comments must be received on or before May 23, 1983.

ADDRESS: Susan E. Propper, Assistant General Counsel, 1325 K Street, NW., Washington, D.C. 20463.

FOR FURTHER INFORMATION CONTACT: Susan E. Propper, Assistant General Counsel, (202) 523-4143 or (800) 424-9530.

SUPPLEMENTARY INFORMATION: On March 1, 1983, the Commission transmitted proposed revisions of 11 CFR 114.3 and 114.4 and certain amendments to §§ 114.1, 114.5, 114.7 and 114.8 to Congress for legislative review under 2 U.S.C. 438(d). The text of these revisions was published in the **Federal Register** on March 4, 1983. (48 FR 9236). The Commission has now withdrawn these regulations from Congressional consideration, however, pending additional public comment.

The Commission requests public comment on the proposed regulations, particularly with respect to the proposed inclusion of executive and administrative personnel within the restricted class of labor organizations and the proposed inclusion of families of members within the restricted class of corporation such as membership organizations, trade associations, cooperatives and corporations without capital stock. These proposed changes would permit partisan communications to be made to such persons under 11 CFR 114.3 and would also permit those persons to be solicited for contributions to a separate segregated fund under 11 CFR 114.5, 114.7 or 114.8 as appropriate. The language of the proposed revisions is set forth in the Commission's March 4, 1983, **Federal Register** Notice cited above.

Further Commission action, including a second transmittal of sections 114.3 and 114.4 and amendments to sections 114.1, 114.5, 114.7 and 114.8 to Congress, will be taken after the comment period is concluded.

Certification of No Effect Pursuant to 5 U.S.C. 605(b) (Regulatory Flexibility Act)

I certify that the attached proposed rules will not, if promulgated, have a significant economic impact on a subtstantial number of small entities. The Basis for this certification is that no entity is required to make any expenditures under the proposed rules.

Dated: April 21, 1983.

Danny L. McDonald,

Chairman, Federal Election Commission.

[FR Doc. 83-10997 Filed 4-21-83; 12:00 pm]

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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.) Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

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List of Public Laws

Last Listing April 19, 1983

This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (phone 202–275–3030).

H.J. Res. 80/Pub. L. 98–20 To authorize and request the President to issue a proclamation designating April 17 through April 24, 1983, as "Jewish Heritage Week". (Apr. 19, 1983; 97 Stat. 64) Price: $1.75

H.R. 1900/Pub. L. 98–21 Social Security Amendments of 1983. (Apr. 20, 1983; 97 Stat. 65) Price: $4.75

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Presidential Documents

Title 3—

The President

Presidential Determination No. 83–5 of March 30, 1983

Presidential Certification and Delegation of Authority With Respect to Section 163 of P.L. 97–377

Memorandum for the Honorable George P. Shultz, the Secretary of State

Pursuant to the authority vested in me by Section 163 of the second Joint Resolution appropriating funds for fiscal year 1983 (P.L. 97–377), I hereby certify that I have reliable assurances that the countries for which Congress has been informed for this fiscal year of proposed foreign military sales financing or of expected foreign military sales agreements will not transfer sensitive United States equipment, materials, or technology in violation of agreements entered into under the Arms Export Control Act to any communist country, or to any country that receives arms from a communist country.

Pursuant to the authority vested in me by Section 621 of the Foreign Assistance Act of 1961, as amended, Section 301 of Title 3 of the United States Code, and as President of the United States, I hereby delegate to you the functions conferred upon me by Section 163 of P.L. 97–377.

This certification and delegation of authority shall be reported to Congress and shall be published in the **Federal Register.**

Ronald Reagan

THE WHITE HOUSE,
Washington, March 30, 1983.

[FR Doc. 83–11058
Filed 4–21–83; 3:34 pm]
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Rules and Regulations

Federal Register
Vol. 48, No. 80
Monday, April 25, 1983

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

7 CFR Part 1942

Security Requirements for Community Programs Loans With Joint Financing

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) is amending its regulations regarding security requirements for loans on Water and Waste Disposal (WWD) and Community Facility (CF) projects that are jointly financed by FmHA and other lenders. The present regulations require that for these loans FmHA must obtain at least a parity lien position with the other lender. This action is being taken because differences in interpretation have developed as to how the regulations apply to cases where FmHA and the other lender want to use different security and FmHA field offices have requested guidance as to what conditions are necessary to have a parity lien. The intended effect of the proposed amendments is to clarify when a parity lien is required and provide addjtional guidance regarding conditions necessary to constitute parity in lien positions.

EFFECTIVE DATE: April 25, 1983.

FOR FURTHER INFORMATION CONTACT: M. Wayne Stansbery, Loan Officer, Community Facilities Loan Division, Farmers Home Administration, USDA, Room 6306, South Agriculture Building, Washington, DC 20250, telephone (202) 382–1490.

SUPPLEMENTARY INFORMATION:

Classification

This action has been reviewed under USDA procedures established in Secretary's Memorandum 1512–1 which implements Executive Order 12291 and has been determined to be nonmajor. The rule will not have: (a) An annual effect on the economy of $100 million or more; or (b) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (c) significant adverse effects on competition, employment, investment, productivity, innovation or on the ability of the United States based enterprises to compete with foreign based enterprises in domestic or export markets.

Clearinghouse Review

The FmHA programs and projects which are affected by this Instruction are subject to State and local clearinghouse review in the manner delineated in FmHA Instruction 1901–H.

Environmental Impact

This document has been reviewed in accordance with 7 CFR Part 1901, Subpart G, "Environmental Impact Statements." It is the determination of FmHA that this action does not constitute a major federal action significantly affecting the quality of the human environment and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91–190, an Environmental Impact Statement is not required.

Programs Affected

Catalogue of Federal Domestic Assistance (CFDA) No. 10.423, Community Facilities Loans; CFDA No. 10.418, Water and Waste Disposal Systems for Rural Communities.

Background

FmHA regulations for Community Facilities (CF) and Water and Waste Disposal (WWD) loans state in part: "When processing a loan utilizing joint financing, FmHA will obtain at least a parity position with the other lender." The primary reason for this requirement is the concern that if FmHA participates in joint financing of a facility with another lender and accepts a junior lien, FmHA would need to ensure the first lien holder is paid in order to protect FmHA's interest. Since many of the loans made under these programs are secured by tax-exempt bonds, such an arrangement could have the practical effect of FmHA guaranteeing the first priority tax-exempt bonds. The parity requirement is to ensure that in the event of default each lender will be affected on a proportionate basis. A common joint financing plan with public bodies is for one lender to secure its loan with general obligation bonds and the other lender to secure its loan with revenue bonds. FmHA has generally held that the parity requirement was not applicable in those cases since the two lenders were not sharing the same security. Recently, however, those financing plans have been questioned under the regulations.

Alternatives

The first alternative is to make no changes in the regulations. Because of recent interpretations of the regulations, this would require training FmHA field personnel that when joint financing with another lender is proposed, using two types of security, FmHA must obtain a parity lien position on both types of security. This requirement would complicate loan processing and closing and discourage private sector lenders from participating with FmHA in joint financing.

FmHA has selected an alternative of amending the regulations to clarify that joint financing may be accomplished by FmHA taking one type of security and the other lender taking a different type of security, when adequate security of more than one type is available. Parity lines will be required when the same security is to be shared by FmHA and the other lender. FmHA is also complying with the requests of some of its field offices to provide guidelines as to conditions required to constitute a parity line position. FmHA believes this option will maximize the net benefit to society.

Comments

A proposed rule was published in the Federal Register (47 FR 1512) on January 13, 1983, with a 30 day comment period. Four letters of comments were received. One was totally supportive of the proposed rule. Issues raised in the other three letters were as follows:

In regard to the proposed paragraph on protective advances, one commenter said State law would not allow for

compliance and another commenter felt the meaning was unclear. This paragraph has been rewritten to provide more clarity and flexibility.

Two commenters objected to the provision that the use of a trustee for the FmHA portion of the debt is not acceptable. FmHA borrowers must execute a loan resolution agreeing to certain conditions not normally required by private lenders. FmHA must be able to work directly with the borrower to supervise and enforce the loan resolution. Also, FmHA provides closer management supervision and assistance than a normal trustee. This paragraph has been rewritten to provide some flexibility, but a direct relationship between FmHA and the borrower must be maintained.

One commenter expressed concern that the method provided for apportioning inadequate funds between regular payments is different from what is commonly done in the commenter's state. The method provided is preferred by FmHA and has been retained.

The paragraph on apportionment of funds in the event of liquidation of assets has been revised to comply with FmHA grant requirements when the project includes a grant. This paragraph has also been revised concerning the method of apportioning funds in the event of liquidation or sale of assets. It was determined that funds should be apportioned to the lenders on the basis of the pro rata amount loaned, but not to exceed their respective outstanding balances.

It should be noted that FmHA is reserving the authority, at the National Office level, to waive or modify any of the parity conditions as necessary on individual cases.

List of Subjects in 7 CFR Part 1942

Community development, Community facilities, Loan programs—housing and community development, Loan security, Rural area, Waste treatment and disposal—domestic, Water supply—domestic.

PART 1942—ASSOCIATIONS

Accordingly, FmHA is amending Subpart A of Part 1942, Chapter XVIII, Title 7, Code of Federal Regulations, as follows:

§ 1942.3 [Amended]

1. Section 1942.3 is amended by changing the reference in lines 13 and 14 from "§ 1942.17 (g)(1)(iii)(B)(*2*), (g)(2)(iii)(B)(*2*)" to "§ 1942.17 (g)(2)(iii)(B)(*2*), (g)(3)(iii)(B)(*2*)".

§ 1942.5 [Amended]

2. Section 1942.5(b)(1)(ii)(G) is amended by changing the reference in line five from "§ 1942.17 (g)(1)(iii) and (g)(2)(iii)" to "§ 1942.17 (g)(2)(iii) and (g)(3)(iii)."

3. Section 1942.17 is amended by redesignating paragraphs (g)(1) and (g)(2) as paragraphs (g)(2) and (g)(3) respectively, revising the introductory paragraph of paragraph (g) and adding a new paragraph (g)(1) to read as follows:

§ 1942.17 Appendix A—Community Facilities.

* * * * *

(g) *Security.* Loans will be secured by the best security position practicable in a manner which will adequately protect the interest of FmHA during the repayment period of the loan. Specific requirements for security for each loan will be included in a letter of conditions.

(1) *Joint financing security.* For projects utilizing joint financing, when adequate security of more than one type is available, the other lender may take one type of security with FmHA taking another type. For projects utilizing joint financing with the same security to be shared by FmHA and another lender, FmHA will obtain at least a parity position with the other lender. A parity position is to ensure that with joint security, in the event of default, each lender will be affected on a proportionate basis. A parity position will conform with the following unless an exception is granted by the National Office.

(i) *Terms.* It is not necessary for loans to have the same repayment terms to meet the parity requirements. Loans made by other lenders involved in joint financing with FmHA for facilities should be scheduled for repayment on terms similar to those customarily used in the State for financing such facilities.

(ii) *Use of trustee or other similar paying agent.* The use of a trustee or other similar paying agent by the other lender in a joint financing arrangement is acceptable to FmHA. A trustee or other similar paying agent will not normally be used for the FmHA portion of the funding unless required to comply with State law. The responsibilities and authorities of any trustee or other similar paying agent on projects that include FmHA funds must be clearly specified by written agreement and approved by the FmHA State Director and Regional Attorney. FmHA must be able to deal directly with the borrower to enforce the provisions of loan and grant agreements and perform necessary servicing actions.

(iii) *Regular payments.* In the event adequate funds are not available to meet regular installments on parity loans, the funds available will be apportioned to the lenders based on the respective current installments of principal and interest due.

(iv) *Disposition of property.* Funds obtained from the sale or liquidation of secured property or fixed assets will be apportioned to the lenders on the basis of the pro rata amount loaned, but not to exceed their respective outstanding balances; provided, however, funds obtained from such sale or liquidation for a project that included FmHA grant funds will be apportioned as may be required by the grant agreement.

(v) *Protective advances.* Protective advances are payments made by a lender for items such as insurance or taxes, to protect the financial interest of the lender, and charged to the borrower's loan account. To the extent consistent with State law and customary lending practices in the area, repayment of protective advances made by either lender, for the mutual protection of both lenders, should receive first priority in the apportionment of funds between the lenders. To ensure agreement between lenders, efforts should be made to obtain the concurrence of both lenders before one lender makes a protective advance.

* * * * *

4. Section 1942.17(g)(2)(iii)(A)(*9*) is amended by changing the reference in lines two and three from "paragraphs (g)(1)(iii)(A)(*1*) through (*8*)" to "paragraphs (g)(2)(iii)(A)(*1*) through (*8*)."

5. Section 1942.17(g)(2)(iii)(B) is amended by changing the reference in lines three and four from "paragraphs (g)(1)(iii)(A)(*6*) through (*9*)" to "paragraphs (g)(2)(iii)(A)(*6*) through (*9*)."

6. Section 1942.17(g)(2)(iii)(C) is amended by changing the references in lines two and three from "paragraphs (g)(1)(iii)(A)(*1*) through (*5*)" to "paragraphs (g)(2)(iii)(A)(*1*) through (*5*)" and in lines fourteen and fifteen from "(g)(1)(iii)(A)(*6*) through (*9*)" to "(g)(2)(iii)(A)(*6*) through (*9*)."

7. Section 1942.17(g)(3)(iii)(A)(*5*) is amended by changing the reference in lines two and three from "paragraphs (g)(2)(iii)(A)(*1*) through (*4*)" to "paragraphs (g)(3)(iii)(A)(*1*) through (*4*)."

(7 U.S.C. 1989; 7 CFR 2.23; 7 CFR 2.70)

Dated: April 13, 1983.

Charles W. Shuman,

Administrator.

[FR Doc. 83-10829 Filed 4-22-83; 8:45 am]

BILLING CODE 3410-07-M

DEPARTMENT OF ENERGY

Office of the Secretary

10 CFR Part 800

Loans for Bid or Proposal Preparation by Minority Business Enterprises Seeking DOE Contracts and Assistance

AGENCY: Office of Minority Economic Impact, Energy.

ACTION: Amendment of rule.

SUMMARY: The Department of Energy hereby amends the regulation governing DOE loans to minority business enterprises to assist them to bid for and obtain DOE contracts and agreements and certain subcontracts. Before this amendment, the regulation limited the "tier" of eligible subcontracts to "first-tier" subcontracts; that is, restricted eligible subcontracts to those with DOE operating contractors. Response to the announced availability of loans to first-tier sucontractors has been disappointing. Accordingly, it is DOE's purpose, effective immediately, to lift this restriction, so as to extend the range of financial assistance under the regulation to include second-tier subcontracts; that is, to include loans to defray expenses of bidding for and obtaining contracts with first-tier subcontractors of DOE operating contractors in furtherance of the research, development, demonstration or other contract activities of the Department of Energy. In this manner, DOE hopes to generate increased numbers of eligible applicants for its loan program. The amendments to §§ 800.001, 800.003, 800.100, 800.200 and 800.201 of the regulation, as set forth below, are confined to this single purpose.

EFFECTIVE DATE: April 25, 1983.

FOR FURTHER INFORMATION CONTACT:

Ms. Rosslee G. Douglas, Director, Office of Minority Economic Impact, Mail Stop 5B–110, 1000 Independence Avenue, S.W. (Forrestal), Washington, D.C. 20585. Telephone (202) 252–8383.

George Samels, Office of General Counsel, Mail Stop 6B–158, 1000 Independence Avenue, S.W. (Forrestal), Washington, D.C. 20585. Telephone (202) 252–2440.

SUPPLEMENTARY INFORMATION:

I. Background

On September 4, 1981, DOE issued its regulation to provide loans to minority business enterprises to assist them to participate in DOE research, development, demonstration and contract activities. Loans are to defray a maximum 75% of costs of bidding for and obtaining DOE contracts or agreements, or subcontracts with DOE operating contractors. The current regulation (Title 10, Code of Federal Regulations, Part 800) became effective October 5, 1981 (46 FR 44686, September 4, 1981).

II. Proposed Amendments

The amendments accomplished by this revision are to §§ 800.001, 800.003, 800.100, 800.200 and 800.201 of 10 CFR Part 800. In each instance, the amendment is confined to inserting words indicating that eligibility for financial assistance is extended by one additional "tier", or implementing that extension of eligibility. The inserted words simply extend the program so as to include loans to obtain contracts with first-tier subcontractors of DOE operating contractors in furtherance of the research, development, demonstration or other contract activities of the Department of Energy, and to implement that extension.

III. Other Matters

A. DOE Act and Administrative Procedure Act

Section 501(c)(1) of the DOE Organization Act (Pub. L. 95–91; 42 U.S.C. 7191) provides that if DOE determines that no substantial legal or factual issue exists as to a rule, and determines that the amendment is unlikely to have a substantial impact on the Nation's economy or on large numbers of individuals or businesses, that rule may be promulgated in accordance with the Administrative Procedure Act.

Based on the response to the loan program and limited purposes and financial resources of the program, DOE has determined that there are no substantial issues of law or fact in this rule.

Under the Administrative Procedure Act, notice and comment are not required where unnecessary or contrary to the public interest. DOE has determined that prior notice and comment with respect to this rule are unnecessary because of the rule's uncontroversial and limited nature, and that the public interest would best be served by removing the restriction in the current regulation as swiftly as possible.

For the foregoing reasons, the normal requirement for a delayed effective date under 5 U.S.C. 553(d) does not apply.

B. Executive Order 12291

Section 3 of Executive Order (E.O.) 12291 (46 FR 13193, February 19, 1981) requires that DOE determine whether a proposed rule is a "major rule", as defined by section 1(b) of E.O. 12291. In promulgating the current regulation, DOE determined that the proposed amendments do not meet the E.O. 12291 definition of a major rule as one likely to result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Therefore, a regulatory impact analysis is not required.

DOD has submitted these amendments for review by the Office of Management and Budget under the Executive Order.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980, Pub. L. 96–354, (5 U.S.C. 601–612) requires, in part, that an agency prepare an initial regulatory flexibility analysis for any proposed rule, unless it determines that the rule will not have a "significant economic impact" on a substantial number of small entities. In promulgating the current regulation, the Secretary of Energy certified that it will not have such impact (46 FR 44689 Sept. 4, 1981). The proposed amendments will not impose any additional burdens or impact on small entities, but rather they are designed to achieve economic effects beneficial to yet a further "tier" of minority business enterprises. Therefore, DOE does not believe the obligation involved has a significant impact on small entities, and accordingly, as required by section 603(b), DOE certifies that the amendment will not have a significant economic impact on a substantial number of small entities.

D. Environmental Review

These amendments merely remove a restriction on DOE's program of financial assistance to minority business enterprises in their preparation of bids and proposals. DOE has determined that promulgation of the amendments and removal of the restriction clearly is not a major Federal action with significant environmental impact, and therefore does not require preparation of an environmental assessment or environmental impact statement under the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 and following).

E. Paperwork Reduction Act

The original reporting requirements contained in Part 800 were approved by OMB and assigned control number 1901–0242. These amendments impose no new and change no existing reporting requirement.

List of Subjects in 10 CFR Part 800

Government contracts, Loan programs/business, Minority businesses, Research.

(Department of Energy Organization Act, Pub. L. 95–91, Title II, as amended by Pub. L. 95–619, Title VI, Section 641, November 9, 1978, 92 Stat. 3284, classified to 42 United States Code annotated 7141)

Issued in Washington, D.C. April 19, 1983.

Donald Paul Hodel,

Secretary of Energy.

PART 800—[AMENDED]

Accordingly, for the reasons set out in the preamble, Part 800 of Title 10, Code of Federal Regulations is amended as follows:

1. Section 800.001 is revised to read as follows:

§ 800.001 Purpose.

The purpose of this regulation is to set forth policies and procedures for the award and administration of loans to minority business enterprises. The loans are to assist such enterprises in participating fully in research, development, demonstration and contract activities of the Department of Energy. The loans are to defray a percentage of the cost of obtaining DOE contracts and other agreements, including procurements, cooperative agreements, grants, loans and loan guarantees; of obtaining subcontracts with DOE operating contractors; and of obtaining contracts with first-tier subcontractors of DOE operating contractors in furtherance of the research, development, demonstration or other contract activities of DOE. Issuance of loans under this regulation is limited to the extent funds are provided in advance in appropriation acts. This regulation implements the authority for such loans in Section 211(e) of the Department of Energy (DOE) Organization Act, Pub. L. 95–619, Title VI, section 641, November 9, 1978, 92 Stat. 3284 (42 U.S.C.A. 7141).

2. In § 800.003, the definition of "Costs" is revised to read as follows:

§ 800.003 Definitions.

* * * * *

"Costs" of a bid or proposal means the cost of preparing, submitting and supporting a bid or proposal, whether solicited or not, for a DOE contract or other agreement such as a procurement contract, grant, cooperative agreement, loan or loan guarantee; or a subcontract with a DOE operating contractor; or a contract with a first-tier subcontractor of a DOE operating contractor in furtherance of the research, development, demonstration or other contract activities of DOE.

* * * * *

3. Section 800.100 is amended by the addition of the following sentence at the end of the section:

§ 800.100 Solicitation of applications.

* * * * *

In such solicitations, DOE shall further indicate that, in the case of applications for loans relating to bids or proposals for contracts with first-tier subcontractors of DOE operating contractors, information necessary to substantiate such applications may be unavailable to DOE from such subcontractors. If the substantiating information is not made available to DOE in a timely manner, the application may be rejected.

4. In § 800.200, paragraph (a) is revised to read as follows:

§ 800.200 Maximum loan; allowable costs.

(a) A loan under this regulation shall not exceed 75 percent of allowable costs of a bid or proposal to obtain a DOE contract or other agreement (such as a procurement contract, cooperative agreement, grant, loan or loan guarantee), or a subcontract with a DOE operating contractor, or a contract with a first-tier subcontractor of a DOE operating contractor in furtherance of the research, development, demonstration or other contract activities of DOE.

* * * * *

5. In § 800.201, paragraph (c) is revised to read as follows:

§ 800.201 Findings.

* * * * *

(c) That, by terms of the loan, applicant's use of the funds will be limited to bidding for and obtaining a contract or other agreement with the Department of Energy, a subcontract with a DOE operating contractor, or a contract with a first-tier subcontractor of a DOE operating contractor in furtherance of the research, development, demonstration or other contract activities of DOE.

* * * * *

[FR Doc. 83–10847 Filed 4–22–83; 8:45 am]

BILLING CODE 6450–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 82–NM–20–AD; Amdt. 39–4634]

Airworthiness Directives; Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new Airworthiness Directive (AD) which requires inspection and retorquing/replacement of the forward fuse bolts on trailing edge flap tracks Nos. 1, 2, 3, 4, 5, 6, 7, and 8 on certain Boeing Model 747 airplanes. This action is required because service experience and testing have indicated that the fuse bolts may not reach service life limits. Fuse bolt failures could allow one end of the flap to become detached from the airplane.

DATES: Effective May 31, 1983. Compliance scheduled as prescribed in the body of the AD, unless already accomplished.

ADDRESS: The applicable service bulletins may be obtained upon request from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124.

FOR FURTHER INFORMATION CONTACT: Mr. Owen Schrader, Airframe Branch, ANM–120S, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington, telephone (206) 767–2516. Mailing Address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an AD to require inspection and retorquing/replacing the forward fuse bolts on the trailing edge flap tracks was published in the **Federal Register** (47 FR 46895) on October 21, 1982. The comment period for the proposal closed on November 22, 1982.

Interested persons have been afforded an opportunity to participate in the making of this AD. Due consideration has been given to all comments received.

Comments were received from four operators and the Air Transport Association of America. Several comments requested an increase in the proposed 200 landings threshold, after the effective date, to allow for phase-in of the inspection requirements with

significant maintenance visits. The FAA concurs that this may be done without undue derogation of safety. Therefore, paragraph A. has been changed to require inspections within 400 landings after the effective date of this AD.

Another comment concerned the necessity of the requirement for inspection/replacement of the flap track fuse bolts in tracks number 2 through 7, since the adverse service experience has only been on tracks number 1 and 8. The FAA position to require inspection of these tracks is based on recent Boeing test data that indicates these fuse bolts, being of similar design, could also fail.

Based upon another comment requesting extension of the inspection cycle on flap track 4 and 5 fuse bolts from 2000 to 4000 landings a review of the manufacturer's analysis indicates that these bolts could also fail at less than 4000 landings; therefore, the FAA does not concur.

Since this condition is likely to exist or develop on other airplanes of the same type design, an Airworthiness Directive is being issued which requires inspection of the flap track fuse bolts and replacement of the bolts as terminating action.

It is estimated that 254 airplanes of U.S. registry will be affected by this AD; that it will take approximately 30 manhours per airplane to accomplish the required actions, and that the average labor cost will be $40 per manhour. Repair parts are estimated at $3,000 per airplane. Based on these figures, the total cost impact of the AD is estimated to be $1,066,800. For these reasons the proposed rule is not considered to be a major rule under the criteria of Executive Order 12291. Few, if any, small entities within the meaning of the Regulatory Flexibility Act would be affected.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the proposed rule with the changes noted.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

Boeing: Applies to Model 747 series airplanes certificated in all categories listed in Boeing Service Bulletin 747–57–2206, Revision 1, and Service Bulletin 747–57–2217, Revision 1, or later FAA approved revisions. The effectivity is divided into eight groups for Service Bulletin 747–57–2206–R1 and three groups for Service Bulletin 747–57–2217–R1, listed in the service bulletins. To prevent trailing edge flap track fuse bolt failures, accomplish the following:

A. Within 400 landings after the effective date of this AD, unless accomplished within the last 1600 landings, and at intervals thereafter not to exceed 2000 landings until the replacement called for in paragraphs B. or C. is accomplished, visually inspect the bolts listed in Table I, below, for deformation and failure. Bolts found deformed or failed must be replaced in accordance with paragraphs B. or C., as applicable, prior to further flight. Bolts found acceptable for service are to be retorqued in accordance with Table I prior to further flight.

B. Unless previously accomplished replace forward fuse bolts on flap tracks No. 1, 2, 3, 6, 7, and 8 with redesigned bolts in accordance with Figures 1, 3, and 5 of Boeing Service Bulletin 747–57–2206–R1, or later FAA approved revision, within 200 landings after the effective date of this AD, or prior to the accumulation of the thresholds listed in Table 1, 3, and 4, Section III, of the above Boeing Service Bulletion whichever is later. Installation of these bolts constitutes terminating action for these tracks.

C. Unless previously accomplished, replace on flap tracks No. 2, 4, 5, and 7, forward fuse bolts listed in Table I & II of Boeing Service Bulletin 747–57–2217–R1 or later FAA approved revisions, in accordance with Figures 2 and 3 of the bulletin within 200 landings after the effective date of this AD, or prior to the accumulation of 25,000 landings, whichever is later. Installation of these bolts constitutes terminating action for these tracks.

D. For purposes of complying with this AD, subject to acceptance by the assigned FAA Maintenance Inspector, the number of landings may be determined by dividing each airplane's hours time in service by the operator's fleet average from takeoff to landing for the airplane type.

E. Alternate means of compliance with the AD which provide an equivalent level of safety may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

F. Aircraft may be ferried to a base for maintenance in accordance with Sections 21.197 and 21.199 of the Federal Aviation Regulations.

G. This AD supersedes AD 78–25–06.

TABLE I

Flap track	Inspect and retorque in accordance with	Airplane part No.	Group
1 and 8....	Fig. 2, S/B 57–2206–R1.	See table I, section III of S/B 57–2206–R1.	I–IV, VII and VIII as defined by S/B 57–2206–R1.
2 and 7....	Fig. 1, S/B 57–2217–R1.	See table I, of S/B 57–2217–R1.	III as defined by S/B 57–2217–R1.
4 and 5....	Fig. 4, S/B 57–2217–R1.	See table II, of S/B 57–2217–R1.	I, II, and III as defined by S/B 57–2217–R1.

Note.—Later FAA approved revisions of the above service bulletins may be used.

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may also be examined at FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

This Amendment becomes effective May 31, 1983.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—For the reasons discussed earlier in the preamble, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). I certify under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities since it involves few, if any, small entities. A final evaluation has been prepared for this regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "For Further Information Contact."

Issued in Seattle, Washington on April 13, 1983.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 83–10870 Filed 4–22–83; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 83–NM–32–AD; Amendment 39–4635]

Airworthiness Directive; Gates Learjet Model 35/36 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new Airworthiness Directive (AD) that requires inspection, modification, or replacement of the right-hand hydraulic pressure line on all Gates Learjet Models 35 and 36 series airplanes. This action is the result of a recent incident in which the right-hand engine hydraulic pressure line (P/N 2607003–472) ruptured

due to chafing with a nearby wire bundle. Inspection in accordance with a Gates Learjet Service Bulletin is necessary to prevent hydraulic system loss and a potential fire.

DATE: Effective May 3, 1983.

Compliance: Within 30 hours time in service after the effective date of this AD.

ADDRESS: Gates Learjet Alert Service Bulletin SB 35/36-29-1, dated February 21, 1983, pertains to this matter. This bulletin may be obtained from Gates Learjet, P.O. Box 7707, Wichita, Kansas 67277, telephone (316) 946-2000.

FOR FURTHER INFORMATION CONTACT: Robert R. Jackson, Systems and Equipment Branch, FAA, Central Region, Wichita Aircraft Certification Office, Room 238, Terminal Building 2299, Mid-Continent Airport, Wichita, Kansas 67209, telephone (316) 269-7008.

SUPPLEMENTARY INFORMATION: A recent failure in the right-hand engine hydraulic pressure line has been reported. The failure was caused by chafing by the generator wire bundle. Failure of this line (P/N 2607003-406, P/N 2607003-454 or P/N 2607003-472 depending on airplane serial number) could possibly cause a total hydraulic failure by depleting the reservoir. The subsystems affected by hydraulic pressure loss are brakes, landing gear, landing gear doors, spoilers, and flaps. Pneumatic systems are provided for emergency actuations of brakes, landing gear, and landing gear doors. Further, shorting the wire bundle could cause sparking and, when fueled by hydraulic oil, could result in a fire.

Gates Learjet has developed Alert Service Bulletin 35/36-29-1 which provides for inspection of the right hand engine hydraulic pressure line and checking its proximity to the electric wire bundle. Further, this bulletin provides for necessary modifications and/or replacement procedures.

Since the condition described herein is likely to exist or develop on other airplanes of the same type design, an AD is being issued, applicable to all Gates Learjet Models 35 and 36 airplanes. The AD requires compliance with Gates Learjet Alert Service Bulletin 35/36-29-1.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment in effect less than thirty (30) days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

Gates Learjet: Applies to Model 35, Serial Numbers 001 through 495 and Model 36, Serial Numbers 001 through 052, certificated in all categories. Compliance required as indicated unless already accomplished.

1. To assure that no interference exists between right hand engine hydraulic pressure line and wire bundle, comply with Gates Learjet Alert Service Bulletin SB 35/36-29-1, dated February 21, 1983, within the next thirty (30) flight hours.

2. Alternative means of compliance which provide an equivalent level of safety may be used when approved by the Manager, Wichita Aircraft Certification Office, FAA, Central Region.

3. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

This amendment becomes effective May 3, 1983.

(SECs. 313(a), 601 and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423; Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation or analysis is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "**FOR FURTHER INFORMATION CONTACT.**"

Issued in Seattle, Washington on April 13, 1983.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 83-10871 Filed 4-22-83; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 83-ANE-14; Amdt. 39-4633]

Airworthiness Directives; TRW Hartzell Propeller Model HC-B( )TN, HC-B( ) MP and HC-B( )MN Turbopropellers

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing Airworthiness Directive 78-18-01 applicable to TRW Hartzell Model HC-B( )TN-2, HC-B( )TN-3, HC-B( )MP-3 propellers installed on Pratt & Whitney Aircraft of Canada Model PT6A-( ) series engines and Models HC-B( )TN-5, HC-B( )MN-5 propellers installed on AiResearch Model TPE-331-( ) series engines. This AD is needed to preclude propeller attach bolt failures or improperly secured propellers and requires installation of new propeller attach bolts, P/N B-3339, by a wet torque procedure. Also, a torque recheck is required for current turbopropeller installations using P/N A-2047 bolts.

DATES: Effective—April 28, 1983.

Compliance Schedule—As prescribed in body of AD.

ADDRESSES: The applicable service information may be obtained from TRW Hartzell Propeller, 350 Washington Avenue, Piqua, Ohio 45356.

A copy of the applicable service documents and historical file on this AD is contained in the Rules Docket, Office of Regional Counsel, FAA, Attn: Rules Docket No. 83-ANE-14, 12 New England Executive Park, Burlington, Massachusetts 01803, and may be examined weekdays, except Federal holidays between 8:00 am and 4:30 pm.

FOR FURTHER INFORMATION CONTACT: Mr. Henry L. Weiss, Chicago Aircraft Certification Office, Propulsion Branch, ACE-140C, FAA, 2300 East Devon Avenue, Des Plaines, Illinois 60018; telephone 312-694-7134.

SUPPLEMENTARY INFORMATION: This AD supersedes AD 78-18-01, Amendment 39-3290, which currently requires a dry torque installation of A-2047 propeller attach bolts. After issuing Amendment 39-3290, there have been reports of improperly secured propellers found during time-between-overhaul (TBO) intervals due to loose bolts. Since this condition is likely to exist or develop in other propellers of the same design, an AD is being issued which requires a torque recheck of applicable turbopropeller installations and the wet torque installation of improved strength

B–3339 attach bolts for new or replacement propellers.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical, and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Propellers, Aircraft, Aviation safety.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by superseding Amendment 39–3290, AD 78–18–01, by adding the following new AD:

TRW Hartzell Propeller: Applies to all the TRW Hartzell Model HC–B3TN–2, HC–B3TN–3, HC–B3TN–5, HC–B4TN–3, HC–B4TN–5, HC–B4MN–5, and HC–B5MP–3 turbopropellers. The HC–B( )TN–2, HC–B( )TN–3, and HC–B( )MP–3 propellers are installed on Pratt & Whitney Aircraft of Canada Model PT6A–( ) series engines. The HC–B( )TN–5 and HC–B( )MN–5 series propellers are installed on the AiResearch TPE–331–( ) series engines.

Compliance required as indicated, unless already accomplished. To preclude propeller attach bolt failures or improperly secured propellers, accomplish the following:

A. Prior to further flight, all new propeller installations and serviceable propellers which are being reinstalled must be installed as follows:

(1) Install the propeller oil seal to the engine flange after ensuring that the engine and propeller flanges are clean.

(2) Carefully install propeller on the engine flange ensuring that complete and true contact is established.

(3) Apply MIL–T–5544 Petrolated Graphite or TRW Hartzell Lubricant P/N A3338 to bolt threads and bolt washer surfaces (and remainder of bolt if desired).

(4) Install eight new B–3339 bolts and eight new A–2048–2 washers through engine flange into propeller flange.

(5) Torque all bolts, with a torque wrench and an appropriate adapter, to 40 ft.-lbs. and then to 80 ft.-lbs. following torque sequence "A" (shown below). Final torque all bolts using "B" sequence (shown below) to 100 to 105 ft.-lbs. Safety all bolts in an FAA approved manner.

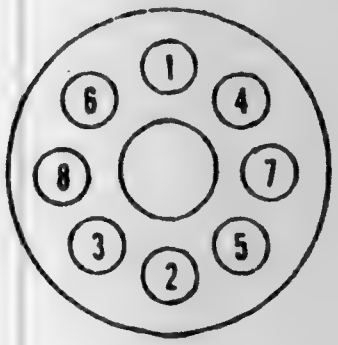

A

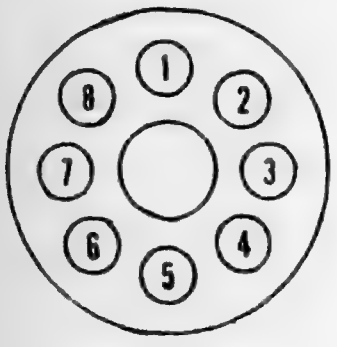

B

Note.—TRW Hartzell Instruction No. 140 dated March 15, 1982, also pertains to this subject.

B. Within the next 50 hours time in service after the effective date of this AD, accomplish the following on all applicable turbopropeller installations presently using P/N A–2047 propeller attach bolts:

(1) Check the torque, with a torque wrench and an appropriate adapter, of all eight propeller attach bolts (with washers installed). Torque should be 100 to 125 ft.-lbs. with *dry* threads. (Caution: Do not use any lubricant with the A–2047 bolts. Safety all bolts in an FAA approved manner.)

(2) If the torque of any 1 of the bolts is found to be less that 100 ft.-lbs. or greater than 125 ft.-lbs., remove *all* 8 bolts and washers and replace with *new* (B–3339) bolts and new (A–2048–2) washers in accordance with paragraphs A (1) through (5) herein. (Caution: Do *not* use an intermix of A–2047 and B–3339 bolts in the same installation.)

Note.—The A–2047 bolt has the letter "H" stamped inside a triangle on the bolt. The B–3339 bolt has the part number stamped inside the cupped head.

C. Upon request of the operator, an equivalent means of compliance with the requirements of this AD may be approved by the Manager, Chicago Aircraft Certification Office, FAA, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

This amendment becomes effective April 28, 1983.

This amendment supersedes Amendment 39–3290 (43 FR 42731) AD 78–18–01.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule, since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation or analysis is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "**FOR FUTHER INFORMATION CONTACT.**"

Issued in Burlington, Massachusetts, on April 12, 1983.

Robert E. Whittington,

Director, New England Region.

[FR Doc–83–10887 Filed 4–22–83; 8:45 am.

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 83–ASO–8]

Designation of Transition Area Choctaw, Florida

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment designates the Choctaw, Florida, transition area in the vicinity of Navy Outlying Field (OLF) Choctaw. This action, which will lower the base of controlled airspace from 1,200 to 700 feet above the surface, will provide controlled airspace for Instrument Flight Rule (IFR) operations in the vicinity of OLF Choctaw. An instrument approach procedure, predicated on the Santa Rosa TACAN facility, has been developed to serve OLF Choctaw and additional controlled airspace is required for protection of IFR operations.

EFFECTIVE DATE: 0901 G.m.t., June 9, 1983.

FOR FURTHER INFORMATION CONTACT: Donald Ross, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763–7646.

SUPPLEMENTARY INFORMATION:

History

On Tuesday, February 22, 1983, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by designating a 700-foot transition area in the vicinity of Choctaw, Florida. This transition area will provide controlled airspace for protection of instrument flight operations in the vicinity of OLF Choctaw (48 FR 7466). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. All comments received were favorable. Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3A dated January 3, 1983.

Rule

This amendment to Part 71 of the Federal Aviation Regulations designates the Choctaw, Florida, transition area and lowers the base of controlled airspace in the vicinity of OLF Choctaw from 1,200 to 700 feet above the surface.

List of Subjects in 14 CFR Part 71

Aviation safety, Airspace, Transition area.

PART 71—[AMENDED]

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) (as amended) is further amended, effective 0901 G.m.t., June 9, 1983, as follows:

Choctaw Outlying Field, FL—New

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of OLF Choctaw (Lat. 30°30'28"N., Long. 86°57'20"W.); excluding that airspace that coincides with the Pensacola and Milton transition areas.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in East Point, Georgia, on April 14, 1983.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 83-10754 Filed 4-22-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 83-ASO-4]

Designation of Transition Area, Lexington, Mississippi

AGENCY: Federal Aviation Adminstration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment designates a transition area at Lexington, Mississippi, to accommodate Instrument Flight Rule (IFR) operations at C. A. Moore Airport. This action lowers the base of controlled airspace from 1,200 to 700 feet above the surface in the vicinity of the airport. An instrument approach procedure, based on the Greenwood VORTAC facility, has been developed to serve the airport and this additional controlled airspace is required to protect IFR operations.

EFFECTIVE DATE: 0901 G.m.t., June 9, 1983.

FOR FURTHER INFORMATION CONTACT: Donald Ross, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, GA 30320; telephone: (404) 763-7646.

SUPPLEMENTARY INFORMATION:

History

On Thursday, February 10, 1983, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by designating a transition area at Lexington, Mississippi, to provide controlled airspace for aeronautical operations in the vicinity of C. A. Moore Airport. (48 FR 6126). The operating status of the C. A. Moore Airport is changed from VFR to IFR and this transition area will provide the controlled airspace for accommodation of IFR operations. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments were received in response to publication. Except for editorial changes this amendment is the same as that proposed in the notice. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3A dated January 3, 1983.

Rule

This amendment to Part 71 of the Federal Aviation Regulations designates the Lexington, Mississippi, transition area to accommodate aeronautical operations at C. A. Moore Airport.

List of Subjects in 14 CFR Part 71

Aviation safety, Airspace, Transition area.

Adoption of the Amendment

PART 71—[AMENDED]

Accordingly, pursuant to the authority delegated to me, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) (as amended) is further amended, effective 0901 GMT, June 9, 1983, as follows:

Lexington C. A. Moore Airport, MS—New

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of C. A. Moore Airport (Lat. 33°07'31"N., Long. 90°01'33"W.); within 4.5 miles each side of Greenwood VORTAC 148° radial, extending from the 6.5-mile radius area to 8 miles northwest of the airport.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regualtions for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in East Point, Georgia, on April 14, 1983.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 83-10755 Filed 4-22-83; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

International Trade Administration

DEPARTMENT OF THE INTERIOR

Office of the Secretary

15 CFR Part 303

Allocation of Watch Quotas for Calendar Year 1983 Among Watch Producers Located in the Virgin Islands, Guam, and American Samoa

AGENCY: Import Administration, International Trade Administration, Commerce; and Office of the Secretary, Interior.

ACTION: Final rule.

SUMMARY: This action is necessary for the Departments to carry out the responsibilities assigned to them by Pub. L. 97–446, which substantially amended Pub. L. 89–805. This document amends 15 CFR Part 303, which governs the allocation of duty-free watch quotas to producers located in the U.S. insular possessions (Guam, American Samoa, and the Virgin Islands). It amends § 303.3 to provide for an appendix to the part containing the annual allocation formula and other special rules. It also adds this appendix for calendar year 1983. Sections 1 through 6 and 8 and 9 of the appendix set forth the allocation formula and other requirements of the allocation process. Sections 10 and 11 establish the administrative and procedural requirements of the new production incentive benefit, which entitles watch producers to request refunds of duties on watch imports from non-insular sources up to a certain percentage of each producer's creditable wages in the territory the previous year. Section 7 of the appendix defines "creditable wages" for both allocation and production incentive purposes. The authority citation is also amended to take the new law into account.

EFFECTIVE DATE: April 25, 1983.

FOR FURTHER INFORMATION CONTACT: Frank Creel (202) 377–1660.

SUPPLEMENTARY INFORMATION: The Departments of Commerce and the Interior have determined that these rules do not constitute a "major rule" as defined by Section 1(b) of Executive Order 12291 since these rules are not likely to result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices in either the public or private sector; or

(3) Significant adverse impact on the domestic economy or on the ability of U.S. enterprises to compete with foreign enterprises.

The General Counsel of the Department of Commerce has certified that this action will not have a significant economic impact on a substantial number of small entities (as there are fewer than ten entities affected by this action). The rule, therefore, is not subject to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

Finally, the Departments have determined that publication of this rule will not increase the information collection burden on the public and will, in fact, reduce the reporting and recordkeeping burden on the respondents. The overall burden is limited to those companies receiving the associated federal benefits. The information collection is made on Form ITA–334P under OMB approval number 0625–0040. Publication of these rules is consistent with the Departments' responsibilities under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

On January 4, we published our proposals for 1983 and invited comments from the public (48 FR 263). After Pub L. 97–446 was enacted on January 12, we published additional proposals and extended the period for comments to March 21 (48 FR 7186, February 18, 1983).

We received comments from four parties interested in the rules. We discuss these comments below.

One commenter focused on the low tariff applicable to quartz analog watches. Since the tariffs are set by law, we are unable to address the commenter's concerns in this rulemaking.

A second commenter had four suggestions:

(1) Adopt an "escape clause" for the value limitations on components in the event economic forces push the industry "into the upper range of the low end of the market."

(2) Change the definition of "value" (for the purpose of the value limitations on components) to "the value of merchandise plus all charges and costs incurred as landed in the U.S. insular possession."

(3) Add language to account for unforeseeable and uncontrollable events in the certification of intent and ability to sustain operations beyond calendar year 1983 (Section 11(b)(1)).

(4) Clarify whether or not watch producers who might receive a special allocation under Section 11(b)(3) of the appendix (which refers to § 303.5(a)(5) in the body of the regulations) would have to meet the mimimum assembly tests for new applicants * * * or be permitted to resume their former operations, which were not circumscribed by these tests."

We have adopted one of these suggestions in the final rule. Our reasons, in the same order, are:

(1) An "escape clause" is unnecessary. We noted when we made the proposal that the value limitations "could be modified in future years if circumstances dictated a change." We can also modify the limitations in shorter periods of time if necessary. See also our comments on suggestion 3.

(2) The definition of value in our proposal was proposed because of its conformity with the definition used by Customs officials in the territory. This simplifies the auditing of records. The change suggested by the commenter does help clarify that the "last point of shipment" is not the territory itself, but it also removes that conformity. We have adopted a change in the final rule which clarifies the meaning of "value" in this rule, but which preserves definitional uniformity among the concerned federal agencies.

(3) This change would duplicate an existing provision. Section 303.11(a) of the codified rules allows interested parties to "petition for relief from the application of *any* rule on the basis of hardship or *extraordinary circumstances* resulting in the inability of the petitioner to comply with the rule" (emphasis added).

(4) No watch producers whose operations "were not circumscribed" by the minimum assembly tests can take advantage of the special allocation provision and receive a 1983 certificate. Only firms active in 1981 or 1982 are eligible, while the minimum assembly tests have been in force since 1979. Also, § 303.5(a)(5) authorizes us to take into account the firm's "proposed assembly operations" as well as "its intentions and capacity to make meaningful contributions." We would exercise this authority to ensure that all firms operate under the same rules. All firms not active in 1983 will be required to apply for quota under a new entrant provision in 1984.

Another commenter, claiming that it "would be able to purchase watch movements, fully assembled * * * at highly competitive prices" (for direct import into the United States), implied that, even with the new legislation the Virgin Islands watch industry should be considered a marginally attractive investment opportunity. This commenter requested that the proposed assembly standard "be replaced with a 'labor' standard." This change, he claimed, would permit watch producers to "perform a variety of quality control

operations, including inspection of the assembled rotor and train, and a full time check of each unit," operations which "would not be covered by the 'assembly' standard."

The commenter continued that "the goals of the legislation * * * should allow us to bring completed watch movements into the Virgin Islands and do the casing in the Virgin Islands."

Insular watch producers already receive credit for casing and quality control operations of the type mentioned by the commenter, for satisfying the minimum assembly criteria on which duty-free entry is established as well as for quota allocation purposes. We disagree with the commenter that such operations are adequate as well as creditable. Pub. L. 97–446, first of all, specifically requires the Departments to adopt minimum *assembly* standards. This requirement was intended to cover movements as well. We specifically reject the idea that the transformation of the insular watch industry into a casing and quality control point is compatible with, much less mandated by, the goals of the recent legislation.

The same commenter stated that "repairs should be permitted in the Virgin Islands" and repair labor "should be credited to the creditable wages." If this should be found inappropriate, the wages credited for repairs "might be limited to (a) percentage of the total Virgin Islands labor." The fourth commenter made the same recommendation.

We agree that the recommended change might help create additional employment in the territories, which is the primary purpose of the recent legislation. By the same token, we believe the territories should become repair facilities no more than we believe they should become casing facilities. On balance, the commenter's suggestion that we give partial credit relative to other kinds of operations has merit.

We intend to propose a 1984 rule which would give partial credit for non-3(a) repair activities. The limit we would propose for such credit would be 20% of the watch producer's total creditable wages. We invite comments from the public on this matter (the specific proposal will also, of course, be included in a later notice in the **Federal Register**). Our decision not to adopt the rule this year will have no effect on the amount of any watch producer's benefits based on the verified data for calendar year 1982.

Apart from comments received, we are making some editorial changes in the final rule.

(1) In the February proposal, we proposed to raise the ceiling on creditable wages for individuals from $23,000 to $28,000. We showed the proposed change in Section 7 but not in Section 1. The final rule adopts the proposal in both sections.

(2) We based the proposed rules for the use and transfer of certificates on a preliminary version of the Form ITA–361. We are making minor changes in Section 11(d)(3) to conform the rule with the final version of the form.

(3) We neglected to amend the authority citation for 15 CFR Part 303 even though the enactment of Pub. L. 97–446 obviously requires such amendment. We do so here.

List of Subject in 15 CFR Part 303

Imports, Customs duties and inspection, Watches and jewelry, Marketing quotas, Administrative practice and procedure, Reporting and recordkeeping requirements, American Samoa, Guam, Virginia Islands.

PART 303—[AMENDED]

Part 303 is amended as follows:

1. The authority citation for part 303 is revised to read as follows:

Authority: Sec. 110, Pub. L. 97–446, 96 Stat. 2329 (19 U.S.C. 1202).

2. Section 303.3 is revised to read as follows:

§ 303.3 Annual allocation formula and other special provisions.

(a) The appendix to this part contains the criteria or formulae which will be used by the Secretaries in calculating each watch producer's annual watch quota allocation, and other special rules or provisions the Secretaries may periodically adopt in order to carry out their responsibilities in a timely manner while taking into account changing circumstances.

(b) References in the appendix to the quota, unless indicated otherwise, are to that quota available for allocation or reallocation in the current calendar year. Specifications of or references to data or bases to be used in the calculation of current year quotas (e.g., economic contributions and shipments) are, unless indicated otherwise, those which were generated in the year prior to the current year.

(c) The Secretaries may propose changes to the appendix at any time they consider such changes necessary to fulfilling their responsibilities. Normally, however, such changes will be proposed towards the end or at the beginning of each calendar year.

(d) Interested parties shall be provided an opportunity to submit written comments on all proposed changes.

3. The following appendix is added at the end of Part 303:

Appendix

Section 1. (a) A portion of the Virgin Islands quota determined in accordance with subsection (c) below will be allocated on the basis of (1) the net dollar amount of economic contributions to the Virgin Islands consisting of the dollar amount of wages, up to a maximum of $28,000 per person, paid by each producer to Virgin Islands residents and attributable to each producer's headnote 3(a) watch and watch movement assembly operations plus the dollar amount of income taxes attributable to its headnote 3(a) watch and watch movement assembly operations (excluding penalty and interest payments and deducting income tax refunds and subsidies paid by the Virgin Islands government), and (2) the number of units of watches and watch movements assembled in the Virgin Islands and entered by each producer duty-free into the customs territory of the United States.

(b) In making allocations under this formula, a weight of 80 percent will be assigned to the economic contributions factor and a weight of 20 percent will be assigned to the shipments factor. In calculating each producer's economic contributions, the Departments shall deduct from creditable wages and negative tax balances. That is, if the total of a producer's income tax payments (excluding penalties and interest charges) is smaller than the total of refunds and subsidies received from the Virgin Islands government, the difference of the two sums shall be deducted from the producer's creditable wages for allocation purposes.

(c) An amount representing that portion of the Virgin Islands quota equal to the ratio of general headnote 3(a) shipments of watches and watch movements from the territory to the total Virgin Islands, quota in the previous year will be allocated among the producers in the Virgin Islands, in accordance with the allocation factors and weights specified in (b) above.

Section 2. Except as specified in Section 4, the Guam quota may be allocated, pursuant to § 303.5(a)(2) of this part, to the single Guam producer (see also subsection 3(b) and Section 8, below).

Section 3. (a) The portion of the Virgin Islands quota not allocated pursuant to Section 1, except as specified in Section 4, will be allocated among firms meeting the requirements of paragraphs (1) or (2) of this section. Eligible firms will be allocated quota in accordance with the factors and weight specified in Section 1. Allocation of the portion of the Virgin Islands quota under this section will be made to firms which: (1) Assembled all watch movements shipped from unassembled movements having at least 26 discrete components and all watches (that is, cased movements) from at least 29 discrete components and at least 3 case components; or (2) Made wage payments in the territory averaging not less than $.75 per watch movement and $.95 per watch assembled and shipped into the customs territory of the United States. In determining a firm's eligibility under this criterion, the Departments may make appropriate data

adjustments to take into account wages paid for units assembled but not shipped or shipped but not assembled during the calendar year prior to the year of the allocation.

(b) Allocation of the portion of the Guam quota not allocated pursuant to Section 2 may be allocated pursuant to Sec. 303.5(b) of this part.

Section 4. Quota set aside for new firms in Guam under subsection 5(b) shall be subtracted from the quota amount allocable under Section 2, before allocations are made pursuant to that subsection.

Section 5. (a) Applications from new firms are invited for the American Samoa quota. Due to the limited size of the American Samoa quota, the Departments will allocate that quota to a single firm which offers the best prospect of a meaningful long-term contribution to the economy of the territory.

(b) Applications from new firms are invited for 500,000 units of the Guam quota.

(c) Applicants for new-entrant quotas must complete applicable sections of Form ITA–334P, copies of which may be obtained from the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230. Detailed instructions for completing ITA–334P will be provided by the Statutory Import Programs Staff together with copies of the application form.

(d) The Departments will consider new entrant applications only from firms which certify to the Departments that they are able and willing to meet the minimum assembly or wage contribution criteria established in Section 3. Following the Secretaries' determination that a qualifying application has been received, an announcement will be published in the **Federal Register** establishing a closing date for further applications. The closing date shall be 30 days from the date of such notice. If the Departments do not receive prior to September 1 a qualifying application for quota set aside by subsection (b) above, that quota may be reallocated among eligible producers pursuant to § 303.5(b) of this part.

Section 6. Reallocation of quota that becomes available will be restricted to those firms satisfying the criteria established in subsection 3(a), to any new entrant firms selected pursuant to Section 5 above, and to the existing Guam firm, provided its operations at the time of the reallocation satisfy the criteria established in subsection 3(a).

Section 7. *Definitions.* (a) "Creditable wages" means all wages up to $28,000 per person paid to residents of the territories employed in a firm's headnote 3(a) watch and watch movement assembly operations. Excluded, however, are wages paid: (i) Accountants, lawyers, or other professional personnel who may render special services to the firm, (ii) persons assembling non-headnote 3(a) watches and watch movements, and (iii) persons engaged in the repair of non-headnote 3(a) watches and watch movements. Non-headnote 3(a) watches and watch movements include, but are not limited to, watches and movements which: are liquidated as dutiable by the U.S. Customs Service; contain any material which is the product of any country with respect to which Column 2 rates of duty apply; are ineligible for duty-free treatment pursuant to Section 10 of this Appendix; or the Departments have determined the assembly of which did not involve substantial and meaningful work in the insular possession. ("Substantial and meaningful work" shall be considered to have taken place if the minimal assembly requirements of the U.S. Customs Service have been complied with; see 45 FR 37324, June 2, 1980.) Wages paid to persons engaged in both headnote 3(a) and non-headnote 3(a) assembly and repair activities may be credited proportionately for their headnote 3(a) activities, provided the firm maintains production and payroll records adequate for the Departments' verification of the headnote 3(a) portion.

(b) "Discrete movements components" means screws, parts, components and subassemblies not assembled together with another part, component or subassembly at the time of importation into the territory. (A mainplate containing set jewels or shock devices, together with other parts, would be considered a single discrete component, as would a barrel bridge subassembly.) Excluded are dials, dial washer, dial screws, hour wheels, hands, automatic mechanisms and related parts, day-date mechanisms and calendar features, and jewels.

Section 8. (a) All firms must, as a condition for receipt of allocations or reallocations based on subsection 3(a) criteria, certify to the Departments that they will not alter assembly operations in a manner which would result in their failure to satisfy the respective criteria.

(b) If the Departments have reason to believe that a producer has not complied with or is not complying with the certification required by subsection (a) of this section, they may issue an order requiring the producer to show cause within 30 days of receipt of the order why the duty-free quota to which it would otherwise be entitled should not be cancelled or reduced by the Departments.

Section 9. (a) the quarterly reporting requirements of § 303.8(a) of this part are suspended and copies of Form ITA–321P will not be forwarded to producers at the times specified by that provision.

(b) Each producer must comply with § 303.8(b) of this part and report any changes in ownership, interest and control which have occurred during any quarter by April 15, July 15 and October 15, respectively, but may do so by letter.

Section 10. *Limitation on value of components used.* (a) Watch movements assembled from components with a value of more than $20 and watches assembled from components with a value of more than $40 shall not be eligible for duty-free entry into the U.S. customs territory.

(b) As used in subsection (a), "value" means the value of the merchandise plus all charges and costs incurred up to the last point of shipment (i.e., prior to entry of the parts and components into the insular possession).

(c) Wages expended in the assembly of watches and watch movements described in Subsection 10(a) are wages for non-headnote 3(a) assembly activity, as defined in Subsection 7(a) of this Appendix.

Section 11. *Production Incentive certificates.* (a) Calculation of value.

(1) The Departments shall verify total creditable wages paid by each producer during the calendar year and divide by the total units it shipped during the calendar year to derive its average creditable wage per unit shipped (APS). The Departments may, however, make adjustments for these data in the manner set forth in Section 3(a)(2) of this Appendix.

(2) The value of each producer's certificate shall equal the producer's APS times the sum of:

(i) The number of units shipped up to 300,000 units times a factor of 90%; plus

(ii) incremental units shipped up to 450,000 times a factor of 85%; plus

(iii) incremental units shipped up to 600,000 units times a factor or 80%; plus

(iv) incremental shipments up to 750,000 units times a factor of 65%.

(3) For purposes of determining the applicable amount of each producer's certificate to be issued during calendar year 1983, the greater of (i) The producer's creditable wages for calendar year 1982 or (ii) 60% of the producer's creditable wages for calendar year 1981 shall be considered the creditable wages for 1982. Data on any firm's 1981 operations not available in the insular possession during the Departments' 1983 annual verification must be made available to the Departments at a time and location specified by the Departments.

(4) "Creditable wages" means wages as defined in Section 7(a) of this Appendix.

(b) Issuance of certificates.

(1) Certificates ("Certificates of Entitlement to Secure the Refund of Duties on Watches and Watch Movements (Pub. L. 97–446)"; Form ITA–360) shall be issued as soon as possible after February 1, 1983 (with the exceptions specified in (2) and (3), below) upon receipt of the producer's certification that it intends and shall be able to sustain operations beyond calendar year 1983.

(2) Certificates shall not be issued to more than one company in the same insular possession which are owned or controlled by the same corporate entity.

(3) Any producer which failed or was inelgible to request a calendar year 1983 quota prior to January 31, 1983, shall be ineligible to receive a calendar year 1983 certificate. Any producer which assembled and shipped watches for at least six months of 1981 or six months of 1982 may, however, reestablish its eligibility, whether or not such producer had informed the Departments of its intention to discontinue insular watch production, by taking actions necessary to resume assembly prior to June 1, 1983. Only after such producer has actually begun assembly operations in 1983 and has satisfied the Departments that it intends and shall be able to sustain operations beyond calendar year 1983 shall the producer be eligible to receive its certificate based on the creditable wages generated during calendar year 1981 or 1982 and verified by the Departments. The Departments may make appropriate 1983 allocations to such firms under the provisions of § 303.5(a)(5) of the codified regulations.

(c) Security and handling of certificates.

(1) Certificates (Form ITA–360) authorize the holder to request the refund of duties (see (d), below). Certificates themselves may not be used to secure such refunds.

(2) Certificate holders are responsible for the security of the certificates. They shall be maintained at the territorial address of the insular producer or at another location having the advance approval of the Departments.

(3) All requests for refunds made pursuant to the certificates shall be entered on the reverse side of the certificate.

(4) Certificates shall immediately be returned by registered mail to the Departments: (i) Together with any request for refunds which exhausts the entitlement on the face of the certificate, (ii) upon expiration of the certificate, or (iii) upon demand (for good cause) by the Departments.

(5) The transfer of certificate entitlements may be affected only in accordance with the procedures described in (d) below.

(d) The use and transfer of certificate entitlements.

(1) To request a refund pursuant to a certificate entitlement, the insular producer shall execute a Form ITA–361 ("Request for Refund of Duties on Watches and Watch Movements (Pub. L. 97–446)") in accordance with the instructions thereon. After authentication by the Department of Commerce, the Form ITA–361 may be used to secure the refund of duties on watch movements, watches, and (except for discrete cases) parts therefor (excluding articles containing any material which is the product of a country with respect to which Column 2 rates of duty apply) which were entered into the customs territory of the United States during the two-year period prior to the issue date of the certificate and during the one year period the certificate remains valid. Copies of the appropriate Customs entries must be provided with the request for refund (Form ITA–361) in order to establish a basis for issuing the claimed amounts. Certification regarding drawback claims and liquidated refunds relating to the presented entries is required from the claimant on Form ITA–361.

(2) The refund of duties pursuant to Pub. L. 97–446 is governed by regulations issued by the U.S. Customs Service, U.S. Department of the Treasury. Unauthorized use of any official form or other violation of the Customs regulations shall, upon receipt by the Departments of official information of such violation, result in the cancellation of the affected certificate and may subject the violator to other penalities provided by the Customs regulations.

(3) To transfer a portion or all of its certificate entitlements, the insular producer shall execute Form ITA–361 and enter in block C of the form the name and address of the party to which it wishes to transfer the entitlement.

(4) After a Form ITA–361 transferring a certificate entitlement to a party other than the certificate holder has been authenticated by the Department of Commerce, the form may be exchanged for any consideration satisfactory to the two parties. In all cases, authenticated forms shall be transmitted to the certificate holder or its authorized custodian (see Section 11(c)(2), above) for disposition.

(5) All disputes concerning the use of an authenticated Form ITA–361 shall be referred to the Departments for resolution. Any party named on an authenticated Form ITA–361 shall be considered an "interested party" within the meaning of § 303.11(a) of the codified regulations (relating to appeals), under the provisions of which all such disputes shall be settled.

Issued at Washington, D.C. on April 20, 1983.

Pedro A. Sanjuan,

Assistant Secretary for Territorial and International Affairs, Department of the Interior.

John L. Evans,

Deputy to the Deputy Assistant Secretary for Import Administration, Department of Commerce.

[FR Doc. 83–10822 Filed 4–22–83; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Parts 370, 371, 372, 373, and 386

[Docket No. 30413–57]

Mailing Address Changes for Office of Export Enforcement

AGENCY: Office of Export Administration, International Trade Administration, Commerce.

ACTION: Final rule.

SUMMARY: The Compliance Division of the Office of Export Administration has been reorganized into the Office of Export Enforcement. The Office of Export Enforcement's primary responsibility is to enforce the Export Administration Regulations (excluding Part 369, Restrictive Trade Practices or Boycotts). This rule, which neither expands nor limits the provisions of the Export Administration Regulations, changes the mailing address (and other references) for the Compliance Division to that of the Office of Export Enforcement.

DATE: This rule is effective April 25, 1983.

FOR FURTHER INFORMATION CONTACT: Archie Andrews, Director, Exporters' Service Staff, Office of Export Administration, Department of Commerce, Washington, D.C. 20230 (Telephone: (202) 377–4811).

SUPPLEMENTARY INFORMATION:

Rulemaking Requirements

In connection with various rulemaking requirements, the Office of Export Administration has determined that:

1. Under section 13(a) of the Export Administration Act of 1979 (Pub. L. 96–72, 50 U.S.C. app. 2401 *et seq.*) ("the Act"), this rule is exempt from the public participation in rulemaking procedures of the Administrative Procedure Act. This rule does not impose new controls on exports, and is therefore exempt from section 13(b) of the Act, which expresses the intent of Congress that where practicable "regulations imposing controls on exports" be published in proposed form.

2. This rule does not impose a burden under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

3. This rule is not subject to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

4. This rule is not a major rule within the meaning of section 1(b) of Executive Order 12291 (46 FR 13193, February 19, 1981), "Federal Regulation."

Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis.

List of Subjects

15 CFR Part 370

Administrative practice and procedure.

15 CFR Parts 371, 372, 373, 386

Exports.

Accordingly, the Export Administration Regulations (15 CFR Parts 368–399) are amended as follows:

§§ 370.7, 371.22, and 386.8 [Amended]

1. The phrase "Office of Export Administration" is revised to read "Office of Export Enforcement" in the following places:

Paragraph (c) of § 370.7, paragraph (f) of § 371.22, and paragraphs (a) and (b)(6) of § 386.8.

2. A Paragraph (i) is added to § 371.2 reading as follows:

§ 371.2 General provisions.

* * * * *

(i) *OEE Mailing Address.* All documentation and reports submitted to the Office of Export Enforcement under this Part 371 should be mailed to: Office of Export Enforcement, P.O. Box 7138, Washington, D.C. 20044.

3. A paragraph (g) is added to § 372.1 reading as follows:

§ 372.1 General provisions.

* * * * *

(g) *OEE Mailing Address.* All documentation and reports submitted to the Office of Export Enforcement under this Part 372 should be mailed to: Office of Export Enforcement, P.O. Box 7138, Washington, D.C. 20044.

§ 372.7 [Amended]

4. Paragraph (a) of § 372.7 is amended by revising the phrase "detained by the Office of Export Administration" to read "detained by the Office of Export Enforcement".

§§ 372.7 and 373.4 [Amended]

5. The phrase "Director, Compliance Division" is revised to read "Director, Office of Export Enforcement" in the following places:

Paragraph (b) of § 372.7 (two revisions) and paragraph (f)(4) of § 373.4.

6. A paragraph (e) is added to § 373.1 reading as follows:

§ 373.1 Introduction.

* * * * *

(e) *OEE Mailing Address.* All documentation and reports submitted to the Office of Export Enforcement under this Part 373 should be mailed to: Office of Export Enforcement, P.O. Box 7138, Washington, D.C. 20044.

§ 386.2 [Amended]

7. Paragraph (d)(5) of § 386.2 is amended by revising the phrase "Compliance Division of the Office of Export Administration" to read "Office of Export Enforcement".

§§ 386.3 and 386.9 [Amended]

8. The phrase "Office of Export Administration Attn: Director, Compliance Division" is revised to read "Office of Export Enforcement" in paragraph (q) (1) of § 386.3 and in paragraph (d)(1) of § 386.9.

9. Paragraph (o)(1) of § 386.3 is amended by revising the phrase "Office of Export Administration Attn: Compliance Division" to read "Office of Export Enforcement".

(Secs. 13 and 15, Pub. L. 96–72, 93 Stat. 503, 50 U.S.C. app. § 2401 *et seq.;* Executive Order No. 12214 (45 FR 29783, May 6, 1980)

Dated: April 11, 1983.

John K. Boidock,

Director, Office of Export Administration, International Trade Administration.

[FR Doc. 83–10687 Filed 4–22–83; 8:45 am]

BILLING CODE 3510–25–M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Rel. No. 34–19687, File No. S7–842]

Securities Confirmations

AGENCY: Securities and Exchange Commission.

ACTION: Final rule amendments.

SUMMARY: The Commission is adopting amendments to Rule 10b–10 under the Securities Exchange Act of 1934 ("Act") which specifies disclosures to be made on confirmations delivered to customers by broker-dealers in connection with transactions in securities. The amendments provide an exception from the immediate delivery requirements of the rule for transactions in shares of certain investment companies that attempt to maintain a constant net asset value. The amendments also will require disclosure to investors of certain yield and call feature information in connection with transactions in debt securities other than municipal securities.

DATES: Paragraphs (c)(1)–(3), relating to the use of monthly confirmation statements, will become effective July 25, 1983. Paragraphs (a)(3)–(5) and (e)(4) of Rule 10b–10, requiring disclosure of yield and call feature information, will become effective January 1, 1984.

FOR FURTHER INFORMATION CONTACT: Susan J. Walters, Esq., (202) 272–7494, Division of Market Regulation, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION:

I. Introduction

The Commission today announced the adoption of amendments to its securities confirmation rule, Rule 10b–10 (17 CFR 240.10b–10) under the Act.[1] the amendments were published for comment in August 1982.[2] As proposed, the amendments would have provided a limited exception to the immediate delivery requirements of the confirmation rule for pre-authorized or "automatic" transactions in shares of money market funds, tax-exempt bond funds or U.S. government funds in connection with certain plans defined as "account management plans." Upon its review of the proposals and consideration of the comments received, the Commission has determined to expand the exception to the immediate confirmation delivery requirements of Rule 10b–10 to allow the use of monthly statements in confirmations of all redemptions and purchases of shares of certain investment companies that attempt to maintain a constant net asset value.

The proposed amendments requiring dislosure of yield and call provisions have been adopted substantially as proposed. These amendments will require any broker or dealer that effects a transaction for or with a customer in any debt security, with certain exceptions, to include in the customer's written confirmation information on the yield and call provisions of the security.

II. Discussion

1. Use of Monthly Statements

Rule 10b–10 generally requires that broker-dealers send to customers a written confirmation of securities transactions on or before completion of the transaction. Since 1977, however, the Commission has granted exemptions from this immediate delivery requirement to allow broker-dealers, in connection with account management plans,[3] to send monthly confirmations of certain transactions in shares of money market funds. The proposed amendments would have codified these exemptions. The amendments would have drawn a distinction between pre-authorized ("automatic") and individually directed ("manual") transactions and between transactions in money market funds pursuant to account management plans and other fund transactions. Only automatic transactions in account management plans would have qualified for the exception as proposed.

The commentators unanimously supported the amendments as a deregulatory initiative that would result in substantial cost savings to the industry and the public without adversely affecting investors. Some commentators noted, however, that extension of the proposed exception to all transactions in investment companies that seek to maintain constant net asset value would provide even greater cost reduction without materially decreasing customer protection. Commentators suggested that where funds maintain a constant net asset value per share and no load is charged, monthly statements would be adequate to ensure investor protection. One commentator also noted that alternative means to immediate

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[1] 15 U.S.C. 78 *et seq.*

[2] Securities Exchange Act Release No. 18983 (Aug. 20, 1982), 47 FR 37920 (Aug 27, 1982) ("Proposing Release").

[3] The term "account management plan" was defined in the proposed amendments to include plans in which the customer may purchase shares of money market mutual funds as specified in the plan with funds drawn from the customer's account and redeem such shares also in accordance with the terms specified in the plan (*e.g.*, to satisfy a debit balance created by the purchase of securities or by the exercise of a check, credit or debit card or similar withdrawal option provided in the plan). These transactions were considered to be "automatic" (pre-authorized by the customer) as opposed to "manual" (individually directed transactions).

confirmations are frequently available to money market fund shareholders to determine whether a transaction has been effected correctly. For example, a number of funds provide shareholders with a toll free telephone number that they may use to obtain account information. A customer's account executive may also be able to provide account information.

The confirmation is designed to provide customers with information necessary for investment decisions. Where fund shares are priced at a constant net asset value per share and no load is charged, the need for investors to receive immediate confirmations does not appear to outweigh the cost to broker-dealers of providing the confirmation. Accordingly, the Commission has determined to extend the proposed exception to the confirmation delivery requirements of the rule to all transactions in investment companies that attempt to maintain a constant net asset value per share where no sales load or redemption fee is charged. The amendment will become effective July 25, 1983, in order to provide broker-dealers and transfer agents with sufficient time to review their internal controls and develop adequate systems to use the exception.

As adopted, the exception will permit broker-dealers to use monthly account statements in lieu of individual, immediate confirmations for all purchases and redemptions of shares of any no-load open-end investment company registered under the Investment Company Act of 1940 that attempts to maintain a constant net asset value per share and that holds, itself out to be a "money market" fund or has an investment policy calling for at least 80% of its assets in debt securities maturing in 13 months or less. The exception will be available to all broker-dealers that effect transactions in such funds, regardless of whether the broker-dealer is affiliated with the fund.

The monthly account statement is required to be given or sent within five business days of the end of each monthly period and must include substantially all the information currently required in the quarterly confirmation provisions of paragraph (b) of Rule 10b–10.[4] This information will include, among other things, purchases and redemptions of fund shares and the total number of fund shares held by the customer.

[4] The amendment would not, of course, change the availability of other confirmation alternatives such as the use of quarterly statements now permitted by certain provisions of Rule 10b–10.

2. Disclosure of Yield and Call Information

The Commission believes that disclosure of yield and call feature information for transactions in debt securities will significantly benefit investors without unduly increasing industry costs. Yield has been characterized as the single most important piece of information to an investor in the context of a transaction in debt securities, and the securities industry has suggested that broker-dealers should be required to provide that information to customers.[5] The confirmation rule of the Municipal Securities Rulemaking Board ("MSRB") currently requires disclosure of yield information for transactions in municipal securities.[6]

As adopted, the amendments will require broker-dealers to include in the written confirmation of transactions in debt securities with customers [7] several additional items of information. Broker-dealers must disclose, in the case of a transaction in a debt security effected exclusively on a dollar price basis,[8] the dollar price at which the transaction was effected and the yield to maturity calculated from the dollar price.

In the case of a transaction in a debt security effected on the basis of yield, the confirmation must disclose (1) the yield at which the transaction was effected, including the percentage amount and the characterization of the yield as, for example, yield to maturity or call or current yield, and, if effected at yield to call, the type of call (*e.g.*, whole or part-issue call), the call date and call price; (2) the dollar price calculated from the yield at which the transaction was effected; and (3) if the transaction is effected on a basis other than yield to maturity and yield to maturity is less than the represented yield, the yield to maturity as well as the represented yield.

In response to the commentators' concerns, the Commission has exempted from the yield to maturity disclosure requirements transactions in debt securities where the interest rate or maturity date is subject to change. The Commission understands that under these circumstances it is not possible to calculate a meaningful yield to maturity. Therefore, in those instances where such securities trade on a dollar basis, the yield to maturity need not be disclosed. However, if the broker-dealer effects transactions in such securities on a yield basis, the confirmation must contain that yield, including the percentage amount and the characterization of the yield. The yield to maturity, however, is not required to be disclosed for such yield basis transactions.

Transactions in participation interests in notes secured by liens upon real estate continuously subject to pre-payment, such as Government National Mortgage Association securities ("GNMA"), similarly are exempt from the yield to maturity disclosure requirements. Depending upon the level of the interest rates on the mortgages that comprise the pool, the mortgages may be prepaid within varying periods of time. The Commission understands that broker-dealers often quote investors the yield to twelve year average life for purposes of comparing different GNMAs, although that figure may be significantly different from the actual yield to investors. Where the GNMA or similar security is sold on a yield basis, as, for example, the yield to twelve year average life, that yield and the dollar price calculated from the yield must be disclosed. In addition, since some investors may not adequately understand the significance of the yield to twelve year average life, the broker-dealer should clearly explain the significance of that figure to their customers.

If the securities may be called for redemption before maturity, a legend must be included disclosing that fact, that redemption could affect the represented yield and that additional information is available upon request.[9] As discussed in the Proposing Release, the Commission is concerned that investors often do not adequately understand the nature and effect of call provisions on debt securities.[10] The rule does not set forth the particular language of the legend in order to afford flexibility to broker-dealers, particularly

[5] *See, e.g.*, letter from the Corporate Bond Committee of the Securities Industry Association to Roger D. Blanc, Chief Counsel, Division of Market Regulation (July 2, 1979).

[6] MSRB Rule G–15.

[7] As defined in Rule 10b–10(d)(1), the term "customer" does not include a broker or dealer.

[8] One commentator questioned the use of the term "basis" as used in the Rule. For purposes of the Rule, a transaction will be considered to have been effected on a dollar price basis only if a yield figure is not provided either orally or in writing to the customer before preparation of the confirmation. If transactions are in fact effected on a dollar price basis, the confirmations must show the yield to maturity calculated from the dollar price discussed with the customer.

[9] Some commentators requested that the Commission clarify the kind of additional information that would be required to be supplied upon a customer request. Broker-dealers generally will satisfy this requirement by describing the call feature printed on the instrument.

[10] *See* Proposing Release, 47 FR at 37922.

those that have devised a similar legend to comply with MSRB Rule G–15.[11]

III. Certain Findings, Effective Date and Statutory Basis

Section 23(a)(2) of the Act [12] requires the Commission, in adopting rules under the Act, to consider the anti-competitive effect of such rules, if any, and to balance any impact against the regulatory benefits gained in terms of furthering the purposes of the Act. The Commission has considered the amendments to Rule 10b–10 in light of the standards cited in Section 23(a)(2) and believes that adoption of the amendments will not impose any burden on competition not necessary or appropriate in furtherance of the Act.

Pursuant to the Administrative Procedure Act, 5 U.S.C. 553(b), interested persons were given an opportunity to submit written views on the proposed amendments to Rule 10b–10. After consideration of the relevant matters presented, the proposed amendments concerning yield and price disclosures are adopted substantially as proposed with some technical changes for clarity. In response to commentators' suggestions, the proposed amendments dealing with the exception from the immediate confirmation delivery requirements for certain transactions in shares of investment companies are extended to transactions in shares of investment companies that seek to maintain a constant net asset value. The issues with respect to the extension have been thoroughly considered during the comment period. Extended delay in adopting the amendments would be costly to investors and broker-dealers. Therefore, the Commission, for good cause, pursuant to 5 U.S.C. 553(b)(3)(B), finds that further notice and public procedure with respect to the amendments would be unnecessary, impracticable, and contrary to the public interest.

The amendments to Rule 10b–10 with respect to the use of monthly confirmations in lieu of immediate confirmations have been modified in response to commentators' suggestions. These amendments will become effective July 25, 1983.[13] The amendments to Rule 10b–10 with respect to disclosure of yield and call information will become effective January 1, 1984.

Regulatory Flexibility Act Certification

Pursuant to 5 U.S.C. 605(b), the Chairman has certified that the amendments as adopted will not have a significant economic impact on a substantial number of small entities. This certification, including the reasons therefor, is attached to the release.

Statutory Basis

The Securities and Exchange Commission hereby amends § 240.10b–10 in Chapter II, Title 17 of the Code of Federal Regulations, pursuant to its authority under the Act, and particularly Sections 3, 10, 11, 15, 17, and 23 thereof (15 U.S.C. 78c, 78j, 78k, 78*o*, 78q, and 78w).

List of Subjects in 17 CFR Part 240

Reporting requirements, Securities.

Text of Amendments to Rule 10b–10

Chapter II, Title 17 of the Code of Federal Regulations is amended as follows:

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

By amending § 240.10b–10 by adding new paragraphs (a)(3), (a)(4), and (a)(5); by adding new paragraphs (c), (c)(1), (c)(2) and (c)(3); by adding new paragraph (e)(4); by revising the reference to paragraph (a)(4)(ii) in paragraph (a)(3) to read "paragraph (a)(7)(ii)"; by revising the reference to five days in paragraph (b)(2) to read "five business days"; by redesignating existing paragraphs (a)(3), (a)(4), and (a)(5) to be paragraphs (a)(6), (a)(7), and (a)(8), respectively; by redesignating existing paragraph (c) to be paragraph (d); by redesignating existing paragraphs (d), (d)(1), (d)(2), (d)(3), (d)(4), and (d)(5) to be paragraphs (e), (e)(1), (e)(2), (e)(3), (e)(5), and (e)(6), respectively; and by redesignating existing paragraph (e) to be paragraph (f), to read as follows:

§ 240.10b–10 Confirmation of Transactions.

§ 240.10b–10 [Amended]

(a) * * *

(3) In the case of any transaction in a debt security subject to redemption before maturity, a statement to the effect that such debt security may be redeemed in whole or in part before maturity, that such a redemption could affect the yield represented and that additional information is available upon request; and

(4) In the case of a transaction in a debt security effected exclusively on the basis of a dollar price

(i) The dollar price at which the transaction was effected, and

(ii) The yield to maturity calculated from the dollar price; *Provided, however,* that this paragraph (ii) shall not apply to a transaction in a debt security with a maturity date that may be extended by the issuer thereof, with a variable interest rate payable thereon, or a participation interest in notes secured by liens upon real estate continuously subject to prepayment; and

(5) In the case of a transaction in a debt security effected on the basis of yield.

(i) The yield at which the transaction was effected, including the percentage amount and its characterization (*e.g.*, current yield, yield to maturity, or yield to call) and if effected at yield to call, the type to call, the call date and call price;

(ii) The dollar price calculated from the yield at which the transaction was effected; and

(iii) If effected on a basis other than yield to maturity and the yield to maturity is lower than the represented yield, the yield to maturity as well as the represented yield; *Provided, however,* that this paragraph (iii) shall not apply to a transaction in a debt security with a maturity date that may be extended by the issuer thereof, with a variable interest rate payable thereon, or a participation interest in notes secured by liens upon real estate continuously subject to prepayment; and

* * * * *

(c) A broker or dealer may effect transactions for or with the account of a customer without giving or sending to such customer the written notification described in paragraph (a) of this section if

(1) Such transactions are effected in shares of any no-load open-end investment company registered under the Investment Company Act of 1940 that attempts to maintain a constant net asset value per share and that holds itself out to be a "money market" fund or has an investment policy calling for investment of at least 80% of its assets in debt securities maturing in thirteen months or less; and

(2) Such broker or dealer gives or sends to such customer within five business days after the end of each monthly period a written statement

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[11] While the rule requires use of the legend where debt securities are subject to call, it does not prohibit inclusion of the legend on confirmations of debt securities not subject to early redemption. Therefore, the rule permits the use of pre-printed confirmation forms.

[12] 15 U.S.C. 78w(a)(2).

[13] In the Proposing Release, the Commission stated that the staff would not recommend enforcement action under Rule 10b–10 if broker-dealers conformed their customer confirmation delivery procedures for account management plans, as defined in the release, to the proposed amendments. Broker-dealers may continue to rely on this position in connection with these account management plans pending the effective date of the amendments with respect to monthly confirmations.

disclosing each purchase or redemption, effected for or with, and each dividend or distribution credited to, or reinvested for, the account of such customer during the month; the date of each such transaction; the identity, number and price of any securities purchased or redeemed by such customer in each such transaction; the total number of shares of such securities in such customer's account; and remuneration received or to be received by the broker or dealer in connection therewith; and that any other information required by paragraph (a) will be furnished upon written request; and

(3) Such customer is provided with prior notification in writing disclosing the intention to send the written information referred to in paragraph (c)(1) on a monthly basis in lieu of an immediate confirmation.

* * * * *

(e) * * *

(4) "Debt security" as used in paragraphs (a)(3), (a)(4), and (a)(5) only, means any security, such as a bond, debenture, note, or any other similar instrument which evidences a liability of the issuer (including any such security that is convertible into stock or a similar security) and fractional or participation interests in one or more of any of the foregoing: *Provided, however,* that securities issued by an investment company registered under the Investment Company Act of 1940 shall not be included in this definition;

* * * * *

By the Commission.

Dated: April 18, 1983.

George A. Fitzsimmons,

Secretary.

Regulatory Flexibility Act Certification

I, John Shad, Chairman of the Securities and Exchange Commission, hereby certify pursuant to 5 U.S.C. 605(b) that the proposed amendments to Rule 10b–10 set forth in Securities Exchange Act Release No. 18988, if promulgated, will not have a significant economic impact on a substantial number of small broker-dealers. The Commission received thirteen comment letters which were generally supportive. The amendments requiring yield and call disclosures have been revised to clarify technical questions raised by commentators. In addition, the limited number of small broker-dealers that trade corporate debt securities frequently clear through larger broker-dealers that process the confirmation. Finally, the extension of the exception to permit broker-dealers to use monthly account statements in connection with transactions in shares of certain investment companies will reduce confirmation costs to all broker-dealers engaged in such transactions.

John S. R. Shad,

Chairman.

[FR Doc. 83–10845 Filed 4–22–83; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 31

[T.D. 7888]

Income Tax; Taxable Years Beginning After December 31, 1953; Employment Taxes and Collection of Income Tax at Source; Withholding From Amounts Paid Under Accident or Health Plans

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document provides final amendments to the Income Tax Regulations (26 CFR Part 1) and the Employment Tax and Collection of Income Tax at Source Regulations (26 CFR Part 31) relating to withholding from amounts paid under accident or health plans. Changes to the applicable tax law were made by the Tax Reform Act of 1976 and the Tax Reduction and Simplification Act of 1977. The amendments provide guidance to employers who pay amounts under accident or health plans and employees who receive amounts under accident or health plans.

DATES: The regulations are effective with respect to amounts paid under accident or health plans in taxable years beginning on or after January 1, 1977, except that withholding is required only on payments made by an agent of the employer on or after May 25, 1983 unless the agent actually withheld taxes before that date.

FOR FURTHER INFORMATION CONTACT: Barry L. Wold of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202–566–3803).

SUPPLEMENTARY INFORMATION:

Background

On February 12, 1982 (47 FR 6440), the **Federal Register** published proposed amendments to the Income Tax Regulations (26 CFR Part 1) and the Employment Tax and Collection of Income Tax at Source Regulations (26 CFR Part 31) under sections 3401, 3402, 6001, and 6041 of the Internal Revenue Code of 1954. A public hearing was not held, since one was not requested. After consideration of all comments regarding the proposed amendments, those amendments are adopted as revised by this Treasury decision.

Response to Major Comments

Eight comments relating to the notice of proposed rulemaking were received. All of the comments pertained to the rules requiring withholding on payments made by an agent of the employer (§ 31.3401(a)–1(b)(8)(i)(*b*)). Several comments suggested that a later effective date be provided for withholding by agents. The final regulations provide that agents are required to withhold on payments made on or after May 25, 1983 unless the agent actually withheld taxes before that date.

Several other comments stated that it would lessen administrative complexity if all withholding by agents were made at the flat 20 percentage rate provided in § 31.3402(g)–1. The final regulations provide that unless the agent is also the agent of the employer for purposes of withholding from regular wages, the agent may use the flat 20 percentage rate. If the agent is also the agent for purposes of withholding from regular wages, then the general rules of § 31.3402(g)–1 will determine the availability of the flat 20 percentage rate.

Finally, several comnments suggested that the term "insurance risk" necessarily implies shifting risk to an insurance company. That implication reflects a misapprehension of the concept of risk. Persons other than insurance companies may bear insurance risk for purposes of these regulations. For example, an association (such as a trust) described in section 501(c)(9) may bear insurance risk on behalf of employers who contribute to the association. Conversely, an insurance company need not necessarily bear insurance risk, but may be reimbursed on a cost plus fee basis.

Section 122 of the Social Security Amendments of 1983 Act repeals section 105(d) of the Code (relating to certain disability payments) and amends section 37 of the Code to provide a credit for the elderly and permanently and totally disabled, effective for taxable years beginning after December 31, 1983. Consequently, it is anticipated that these final regulations, as well as the final regulations under sections 3402 (o) and 6051(f) of the Code that relate to amounts paid under section 105(d), will be amended to reflect the statutory

changes made by the Social Security Amendments of 1983 Act.

Non-Applicability of Executive Order 12291

The Treasury Department has determined that this regulation is not subject to review under Executive Order 12291 or the Treasury and OMB implementation of the Order dated April 28, 1982.

Regulatory Flexibility Act

No general notice of proposed rulemaking is required by 5 U.S.C. 553 (b) for interpretative regulations. Accordingly, the Regulatory Flexibility Act does not apply and no Regulatory Flexibility Analysis is required for this rule.

Drafting Information

The principal author of these regulations is Barry L. Wold of the Legislation and Regulations Division of the Office of the Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, on matters of both substance and style.

List of Subjects

26 CFR 1.6001–1–1.6109–2

Income taxes, Administration and procedure, Filing requirements, Disability payments.

26 CFR Part 31

Employment taxes, Income taxes, Lotteries, Railroad retirement, Social security, Unemployment tax, Withholding, Amounts paid under accident or health plans, Disability payments.

Adoption of Amendments to the Regulations

Accordingly, the following amendments are made to the Income Tax Regulations (26 CFR Part 1) and the Employment Tax and Collection of Income Tax at Source Regulations (26 CFR Part 31):

Income Tax Regulations

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Paragraph 1. A new subparagraph (4) is added to § 1.6041–1(d) and is inserted after subparagraph (3) of that section. The new material reads as follows:

§ 1.6041–1 Return of information as to payments of $600 or more.

* * * * *

(d) *Payments specifically included.* * * *

(4) Amounts paid as disability payments under section 105(d) are required to be reported in returns of information under this section.

* * * * *

Employment Tax Regulations

PART 31—EMPLOYMENT TAXES AND COLLECTION OF INCOME TAX AT SOURCE

Par. 2. Section 31.3401(a)–1(b)(8) is amended by revising subdivision (i) thereof and by removing from the first sentence of the flush material following subdivision (ii)(*b*)(*1*)(*ii*): "after August 1, 1977, the thirtieth day after the publication of this regulation in the Federal Register as a Treasury decision (and, at the option of the employer, such payments reasonably expected to be made prior thereto)". The revised provision reads as follows:

§ 31.3401(a)–1 Wages.

* * * * *

(b) *Certain specific items.* * * *

(8) *Amounts paid under accident or health plans*—(i) *Amounts paid in taxable years beginning on or after January 1, 1977—(a) In general.* Withholding is required on all payments of amounts includible in gross income under section 105(a) and § 1.105–1 (relating to amounts attributable to employer contributions), made in taxable years beginning on or after January 1, 1977, to an employee under an accident or health plan for a period of absence from work on account of personal injuries or sickness. Payments on which withholding is required by this subdivision are wages as defined in section 3401(a), and the employer shall deduct and withhold in accordance with the requirements of chapter 24 of subtitle C of the Code. Third party payments of sick pay, as defined in section 3402(o) and the regulations thereunder, are not wages for purposes of this section.

(*b*) *Payments made by an agent of the employer. (1)* Payments are considered made by the employer if a third party makes the payments as an agent of the employer. The determining factor as to whether a third party is an agent of the employer is whether the third party bears any insurance risk. If the third party bears no insurance risk and is reimbursed on a cost plus fee basis, the third party is an agent of the employer even if the third party is responsible for making determinations of the eligibility of individual employees of the employer for sick pay payments. If the third party is paid an insurance premium and not reimbursed on a cost plus fee basis, the third party is not an agent of the employer, but the third party is a payor of third party sick pay for purposes of voluntary withholding from sick pay under sections 3402(o) and 6051(f) and the regulations thereunder. If a third party and an employer enter into an agency agreement as provided in paragraph (c) of § 31.6051–3 (relating to statements required in case of sick pay paid by third parties), that agency agreement does not make the third party an agent of the employer for purposes of this paragraph.

(2) Payments made by agents subject to this paragraph are supplemental wages as defined in § 31.3402(g)–1. Unless the agent is also an agent for purposes of withholding tax from the employee's regular wages, the agent may deem tax to have been withheld from the employee's regular wages. Consequently, the agent may determine the tax to be withheld from supplemental wages by using a flat percentage rate of 20 percent as provided in § 31.3402 (g)–1.

(3) This paragraph is only applicable to amounts paid on or after May 25, 1983 unless the agent actually withheld taxes before that date.

(*c*) *Exceptions to withholding. (1)* Withholding is not required on payments that are specifically excepted under the numbered paragraphs of section 3401(a) (relating to the definition of wages), under section 3402(e) (relating to included and excluded wages), or under section 3402(n) (relating to employees incurring no income tax liability).

(*2*) Withholding is not required on disability payments to the extent that the payments are excludable from gross income under section 105(d). In determining the excludable portion of the disability payments, the employer may assume that payments that the employer makes to the employee are the employee's sole source of income. This exception applies only if the employee furnishes the employer with adequate verification of disability. A certificate from a qualified physician attesting that the employee is permanently and totally disabled (within the meaning of section 105(d)) shall be deemed to constitute adequate verification. This exception does not affect the requirement that a statement (which includes any amount paid under section 105(d)) be furnished under either section 6041 (relating to information at source) or section 6051 (relating to receipts for employees) and the regulations thereunder.

* * * * *

Par. 3. Section 31.3420(a)–1(d) is revised to read as follows:

§ 31.3402(a)–1 Requirement of withholding.

* * * * *

(d) For provisions relating to the circumstances under which tax is required to be deducted and withheld from certain amounts received under accident and health plans, see paragraph (b)(8) of § 31.3401(a)–1.

* * * * *

§ 31.3402(b)–1 [Amended]

Par 4. Section 31.3402(b)–1(a)(3) (relating to percentage method of withholding) is amended by removing the words "wage continuation plans" and inserting in their place the words "accident and health plans."

§ 31.3402(c)–1 [Amended]

Par 5. Section 31.3402(c)–1(a)(2) (relating to wage bracket withholding) is amended by removing the words "wage continuation plans" and inserting in their place the words "accident and health plans."

§ 31.6001–5 [Amended]

Par 6. Section 31.6001–5(a) (relating to additional records in connection with collection of income tax at source on wages) is amended by removing and reserving subparagraph (11) therefrom and by removing from subparagraph (12) the words "a wage continuation plan (as defined in paragraph (a)(2)(i) of § 1.105–4 and 1.105–5 of this chapter (Income Tax Regulations))—" and inserting in their place the words "an accident or health plan (as defined in section 105 and the regulations thereunder)—".

This Treasury decision is issued under the authority of section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917, 26 U.S.C. 7805).

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: April 11, 1983.

John E. Chapoton,

Assistant Secretary of the Treasury.

[FR Doc. 83–10943 Filed 4–22–83; 8:45 am]

BILLING CODE 4830–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

45 CFR Part 84

Nondiscrimination on the Basis of Handicap in the Provision of Health Care to Handicapped Infants

AGENCY: Office of the Secretary, HHS.

ACTION: Notice of Court Order Declaring Rule Invalid.

SUMMARY: This notice is to advise that the interim final rule issued by the Department of Health and Human Services on March 7, 1983, 48 FR 9630, concerning discrimination in the provision of health care to handicapped infants, has been declared invalid and has no further force and effect.

FOR FURTHER INFORMATION CONTACT: Susan Shalhoub at (202) 245–6585, Office for Civil Rights, Department of Health and Human Services, 330 Independence Avenue, SW., Room 5514, Washington, D.C. 20201.

SUPPLEMENTARY INFORMATION: On March 7, 1983, HHS Acting Secretary Thomas R. Donnelly, Jr., issued an interim final rule amending 45 CFR 84.61 by adding new provisions relating to responsibilities of recipients of Federal financial assistance pursuant to section 504 of the Rehabilitation Act of 1983 in connection with the providing of health care for handicapped infants. On March 18, 1983, the American Academy of Pediatrics, National Association of Children's Hospitals and Related Institutions and the Children's Hospital National Medical Center brought a civil action in the United States District Court for the District of Columbia seeking to have the interim final rule declared invalid and for other relief (*American Academy of Pediatrics, et al.*, v. *Heckler*, Civil Action No. 83–0774).

On April 14, 1982, District Court Judge Gerhard A. Gesell issued an Order and Declaration which, in pertinent part, "declared that the defendant's March 7, 983, inteirm final rule, 48 FR 9630, is arbitrary and capricious and promulgated in violation of the Administrative Procedure Act," and "ordered that the defendant shall promptly place a notice in the **Federal Register** advising that said interim final rule has been declared invalid and has no further force or effect."

This notice complies with the Court's Order.

The Secretary of Health and Human Services has filed Notice of Appeal of the Order and Declaration to the United States Court of Appeals for the District of Columbia Circuit. Should this Order and Declaration be stayed, vacated or reversed, HHS will publish in the **Federal Register** a notice to that effect.

HHS also wishes to advise the public that the comment period provided for in connection with the March 7 rule is suspended. If the District Court's order is set aside, a notice establishing a new deadline for the submission of comments will be published in the **Federal Register.**

Finally, HHS wishes to advise the public that although the Court in *American Academy of Pediatrics* v. *Heckler* decided it was not appropriate in that case "to consider the ramifications and scope of section 504" relating to its applicability to health care for handicapped infants, the opinion noted: "Given the language of the statute and its similarity to other civil rights statutes which have been broadly read, it cannot be said that section 504 does not authorize some regulation of the provision of some types of medical care to handicapped newborns."

Dated: April 19, 1983.

Margaret M. Heckler,

Secretary.

[FR Doc. 83–11049 Filed 4–22–83; 8:45 am]

BILLING CODE 4150–04–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1 and 90

[RM–4039; FCC 83–117]

Practice and Procedure; Private Land Mobile Radio Services; Amendment of the Commission's Rules To Implement a System of Temporary Licensing for Add-On Users of Multiple Licensed Radio Facilities Authorized in the Private Land Mobile Radio Services and Operating Below 800 MHz

AGENCY: Federal Communication Commission.

ACTION: Final rule.

SUMMARY: The Commission is establishing a system of temporary licensing for add-on users of multiple licensing facilities authorized in the Private Land Mobile Radio Services and operating in frequency bands below 800 MHz. This temporary licensing procedure authorizes the use of mobile stations in conjunction with a previously licensed base station for a period of up to 180 days while the Commission considers final authorization. Temporary licensing promotes the larger and more effective use of radio by eliminating unnecessary licensing delays without compromising the Commission's regulatory responsibility to assure proper use of the private radio spectrum. The increasing demand by the public for the use of private land mobile communications requires that the Commission develop new regulatory approaches, such as temporary licensing, to accommodate this demand efficiently and expeditiously.

DATES: Effective April 25, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Frederick J. Day, Rules Branch, Land Mobile & Microwave Division, Private Radio Bureau, (202) 634–2443.

List of Subjects

47 CFR Part 1

Adminstrative practice and procedure.

47 CFR Part 90

Administrative practice and procedure, Private land mobile radio service, Temporary licensing.

Order

In the matter of amendment of parts 1 and 90 of the Commission's rules to implement a system of temporary licensing for add-on users of multiple licensed radio facilities authorized in the private land mobile radio services, and operating below 800 MHz (RM–4039).

Adopted: March 31, 1983.

Released: April 8, 1983.

By the Commission: Commissioner Sharp concurring in the result.

Introduction

1. We are adopting rule amendments to provide temporary licensing for eligible add-on users of multiple licensed radio facilities authorized in the private land mobile service for operation on frequencies below 800 MHz.

Background

2. In 1976, we implemented temporary licensing for applicants eligible to operate radio stations in the Citizens Band Radio Service.[1] This program was successful and we extended the same procedure to the Maritime Radio Services in 1979.[2] In 1980, a similar temporary licensing program, limited to eligible users adding-on to multiple licensed facilities[3] was implemented in the Business Radio Service in the bands below 470 MHz.[4] When we released new channels in the 800 MHz bands, we extended the temporary licensing concept to eligible add-on users of Specialized Mobile Radio Systems (SMRS)[5] and multiple licensed facilities authorized to operate above 800 MHz in any of the private land mobile services.[6] Most recently we adopted temporary licensing for the General Mobile Radio Service.[7]

3. Shortly after we instituted temporary licensing for eligible users in all the private services seeking to add-on to previously authorized facilities assigned channels in the 800 MHz bands, we received a petition for rule making, RM–4039, from the Special Industrial Radio Service Association, Inc. (SIRSA) requesting that we make temporary licensing available to eligibles in the Special Industrial Radio Service. That portion of SIRSA's petition recommending temporary licensing above 800 MHz is moot because of our previous action. The action we are now taking to conform temporary licensing procedures above and below 800 MHz renders the remainder of SIRSA's petition moot.

Discussion

4. We believe that temporary licensing serves the public interest because it eliminates unnecessary licensing delays without compromising our regulatory responsibilities to assure proper use of the private radio spectrum.[8] The increasing demand by the public for licensing in the private land mobile services requires us to develop new regulatory approaches to accommodate this need in the most efficient and expeditious manner possible. *See FCC* v. *Pottsville Broadcasting Co.*, 309 U.S. 135, 138 (1940); *United States* v. *Southwestern Cable Co.*, 392 U.S. 157, 172–173 (1968). To date, our experience with temporary licensing in the Business Radio Service and in other private services above 800 MHz has been successful. Temporary licensing plays a vital role in promoting "the larger and more effective use of radio." 47 U.S.C. 303(g).

5. Temporary licensing for eligible add-on users of previously authorized facilities is feasible chiefly because the physical and technical aspects of the radio transmitting equipment have already been reviewed and licensed for operation by Commission officials, and the necessary frequency coordination and antenna clearance have been completed. Add-on users merely increase the mobile loading level of the authorized base station facilities and add control points or control stations with antennas of 20 feet or less. They present virtually no risk of increased interference to other radio systems.

6. The benefit of immediate interim access to private mobile radio communications by eligible add-on users clearly outweighs the risk that a few users might not be eligible for licensing. The unauthorized use of transmitting equipment is not contingent upon any type of licensing program. Therefore, we see no compelling reason to burden eligible add-on users with unnecessary licensing delays. We will continue to grant permanent station authorizations only after the staff has completed a thorough evaluation of written applications on FCC Form 574, and after the requisite public interest determinations have been made. *See* 47 U.S.C. 308, 309(a).

7. Under the temporary licensing procedure we are adopting, add-on users must first complete and mail to the Commission FCC Form 574, the application for radio station authorization in the private land mobile radio services. They then must complete and retain the temporary permit form which requires certification that they are eligible in one of the private land mobile radio services, that they are not a representative of a foreign government, and that FCC Form 574 has been completed and mailed to the Commission. Users also must certify that they have not been denied a radio license or had a radio license revoked by the FCC, or been subject to any other legal action concerning the operation of a radio station. Users must state on the temporary permit the location of the base station facilities they intend to share, and give the name and call sign of at least one licensee of the facilities. Finally, users must designate a

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[1] *See Order*, 41 FR 15849 (1976).

[2] *See Order*, 70 FCC. 2d 863 (1979).

[3] The Commission's regulations permit two or more persons eligible in the private services to be licensed for the same base station transmitter, thereby reducing their costs while promoting more efficient use of the spectrum. *See Report and Order*, Docket No. 18921, 47 FR 19527 (May 6, 1982); 47 CFR 90.185.

[4] *See Report and Order*, PR Docket No 79–338, 45 FR 59880 (1980), *aff'd sub nom. Telocator Network of America* v. *FCC*, Docket No. 80–2182 (D.C. Cir. August 14, 1981).

[5] Specialized Mobile Radio Systems are authorized to operate above 800 MHz and to provide service to eligibles in the private service on a commercial basis. An entrepreneur is licensed for the operation of the base station transmitter and the users are licensed for their mobile stations and control stations or points. *See Report and Order*, Docket No. 18262, 46 F.C.C. 2d 752 (1974), *reconsidered, Memorandum Opinion and Order*, Docket No. 18262, 51 F.C.C. 2d 945 (1975) on appeal *Sub nom. NARUC* v. *FCC*, 525 F 2d. 630 (D.C. Cir. 1976), *cert. denied*, 424 U.S. 992 (1976); *Second Report and Order*, PR Docket No. 79–191, 47 FR 41002 (September 16, 1982), *under reconsideration*.

[6] *See Report and Order*, PR Docket No. 79–335, 89 F.C.C. 2d 638 (1982).

[7] *See Report and Order*, PR Docket No. 82–184, 48 FR 4783 (February 3, 1983.

[8] When we adopted the first temporary licensing program in the Business Radio Service, our action was challenged in court as unreasonable and unlawful. The court, however, affirmed our action. *Telocator Network of America* v. *FCC*, Docket No. 80–2182 (D.C. Cir. August 14, 1981). The court held that our decision to implement a temporary licensing program "for additional users of already licensed, shared radio systems in order to eliminate regulatory delay was a reasonable and proper exercise of the Commission's authority under the Communications Act of 1934, as amended." *Id.* The court further held that the temporary licensing procedures do not conflict "with any of the explicit requirements of the Communications Act." *Id.*

temporary call sign consisting of the letters "WT" and their local seven digit business telephone number. They must use this temporary call sign to identify their transmissions until they receive their permanent authorization and call sign from the Commission. Willful false statements made on the temporary permit void its authority and are punishable by fine, imprisonment or both. *See* 18 U.S.C. 1001. Users must sign the temporary permit form and post it at their control point(s) for the shared base station facilities. The temporary permit is valid for up to 180 days.

8. We emphasize that temporary permits are not available for individual, non-shared private stations or for the first user to become a licensee of a base station intended for multiple licensing.

9. The temporary permit form to be used is FCC Form 572, Temporary Permit to Operate a Part 90 Radio Station.

Conclusion

10. The rule amendments we are adopting uniformly extend temporary licensing to all the private land mobile services below 800 MHz. As we stated above, this does not diminish our regulatory responsibilities in any way because we will not grant permanent station licenses until we have received and reviewed complete written applications. Additional mobile users of authorized multiple licensed facilities in any of the private land mobile services, whether operating on frequencies above or below 800 MHz, do not pose interference issues as the requisite frequency coordination and antenna clearance procedures have been completed.

11. The rule amendments in the attached Appendix are essentially procedural in nature and thus are exempt from the prior notice and comment provisions set forth in the Administrative Procedure Act. *See* 5 U.S.C. 553(b)(3)(A). We also find that prior notice and comment procedures are unnecessary. 5 U.S.C. 553(b)(3)(B). The temporary licensing procedure we are adopting is identical to the well-established procedure that is already successfully used in other private land mobile services. Thus, we believe our action is not controversial and that receipt of additional comments would not significantly add to the public record on the temporary licensing approach. Accordingly, we believe that there is good cause for adoption of these rule amendments without affording prior notice and permitting public comment. Further, because these rule changes are procedural in nature and operate to relieve a restriction, they are not subject to the 30 day effective date provisions of the Administrative Procedure Act and will be made effective immediately. *See* 5 U.S.C. 553(d).

12. Authority for these rule amendments appears in Sections 4(i) and 303(r), of the Communications Act of 1934, as amended. 47 U.S.C. 4(i) and 303(r). Accordingly, it is ordered That Parts 1 and 90 of the Commission's Rules are amended as set forth in the attached Appendix effective upon publication in the **Federal Register**, and That this proceeding is terminated.

13. It is Further Ordered, That the Secretary shall cause a copy of this Order to be published in the **Federal Register**.

14. For further information about this action contact Frederick J. Day, Rules Branch, Private Radio Bureau, FCC, Washington, D.C. 20554, (202) 634–2443.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix A

PART 1—[AMENDED]

Parts 1 and 90 of Chapter 1 of Title 47 of the Code of Federal Regulations are amended as follows:

1. In Part 1, § 1.925(h) is revised to read as follows:

§ 1.925 Application for special temporary authorization, temporary permit, or interim amateur permit.

* * * * *

(h) An applicant for a Part 90 radio station license to use the facilities of a multiple licensed base station or Specialized Mobile Radio System may operate the radio station for a period of up to 180 days under a temporary permit evidenced by a properly executed certification of FCC Form 572 after mailing a formal application for station license to the Commission, provided that the antenna(s) employed by the control station(s) is twenty feet or less above ground or twenty feet or less above a man-made structure (other than an antenna tower) to which it is affixed. The temporary operation of stations, other than mobile stations, within the Canadian coordination zone will be limited to stations with a maximum of 5 watts effective radiated power and a maximum antenna height of 6.1 meters above average terrain.

PART 90—[AMENDED]

2. In Part 90 Subpart G, § 90.159 is revised to read as follows:

§ 90.159 Temporary permit.

An applicant for a private land mobile station license utilizing an already authorized facility may operate the radio station(s) for a period of up to 180 days under a temporary permit evidenced by a properly executed temporary license certificate after mailing a formal application for station license together with evidence of frequency coordination, if required, to the Commission, provided that the antenna(s) employed by the control station(s) is twenty feet or less above ground or twenty feet or less above a manmade structure other than an antenna tower to which it is affixed. The temporary operation of stations, other than mobile stations within the Canadian coordination zone will be limited to stations with a maximum of 5 watts effective radiated power and a maximum antenna height of 6.1 meters above average terrain.

[FR Doc. 83-10879 Filed 4-22-83; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[FCC 83-152]

Radio Broadcast Services; Amendment of the Commission's Rules To Conform a Specific Section to a Section of the Communications Act of 1934

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: By this action, the Commission conforms § 73.3525 of its Rules to the amendment of Section 311(c)(3) of the Communications Act of 1934, as amended, contained in the Communications Amendments Act of 1982. This amendment to the Communications Act removed the prohibition on excessive reimbursement for agreements between or among competing applicants to withdraw applications to remove mutual exclusivity.

DATE: Effective April 7, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Molly Pauker, Mass Media Bureau, (202) 632–6460.

List of Subjects in 47 CFR Part 73

Radio, Television.

Order

In the Matter of: amendment of part 73 of the Commission's rules to conform § 73.3525

to amendment of section 311(c)(3) of the Communications Act of 1934, as amended.

Adopted: April 7, 1983.

Released: April 14, 1983.

By the Commission: Commissioner Fogarty absent.

1. On September 13, 1982, Section 311(c)(3) of the Communications Act of 1934 [1] was amended by the Communications Amendments Act of 1982, Pub. L. 97–259, 96 Stat. 1087, Section 116(a). This Section of the Act requires Commission approval of settlement agreements between or among competing applicants for broadcast licenses whereby one or more applicants withdraw to eliminate mutual exclusivity.

2. Prior to amendment, Section 311(c)(3) permitted the Commission to approve agreements contemplating direct or indirect payment to any party in consideration for withdrawal of the application only if it found that "* * * the amount or value of such payment * * * is not in excess of the aggregate amount determined by the Commission to have been legitimately and prudently expended and to be expended by such applicant in connection with preparing, filing, and advocating the granting of this application." To implement this statutory provision, § 73.3525 of the Commission's Rules provides, in pertinent part; as follows:

(a) Whenever applicants for a construction permit for a broadcast station enter into an agreement to procure the removal of a conflict between applications pending before the FCC by withdrawal or amendment of an application or by its dismissal pursuant to § 73.3568, all parties thereto shall, within 5 days after entering into the agreement, file with the FCC a joint request for approval of such agreement. The joint request shall be accompanied by a copy of the agreement and an affidavit of each party to the agreement setting forth in full all relevant facts including, but not limited to:

(1) The exact nature of any consideration (including an agreement for merger of interests) promised or paid;

(2) Information as to who initiated the negotiations;

(3) Summary of the history of the negotiations;

(4) The reasons why it is considered that the arrangement is in the public interest; and

(5) A statement fully explaining and justisfying any consideration paid or promised.

(b) The affidavit of any applicant to whom consideration is paid or promised shall, in addition, include an itemized accounting of the expenses incurred in connection with preparing, filing and advocating his application, and such factual information as the parties rely upon for the requisite showing that such reported expenses represent legitimate and prudent outlays. No such agreement between applicants shall become effective or be carried out unless and until the FCC has approved it, or until the for FCC review of the agreement has expired.

(47 CFR 73.3525 (1981)

3. The amendment of Section 311(c)(3) replaced language relating to consideration or paid in connection with agreements to withdraw applications with the following:

The Commission shall approve the agreement only if it determines that (A) the agreement is consistent with the public interest, convenience, or necessity; and (B) no party to the agreement filed its application for the purpose of reaching or carrying out such agreement.

4. On November 17, 1982, the Mass Media Bureau issued a Public Notice and announced that it planned to initiate a rulemaking proceeding to determine whether the statutory amendment required the Commission to modify its proscription of excessive reimbursement for withdrawal of competing applications and whether § 73.3525 should be modified accordingly.[2] Pending the outcome of this rulemaking, the Bureau announced an interim policy of continued application of the present rule.

5. By its *Order* of March 3, 1983, FCC 83–95, *In re Applications of Texas Television, Inc., et al.*, adopted March 3, 1983, released March 9, 1983, the Commission found that the interim policy conflicts with amended Section 311(c)(3) and declared the policy void. It is appropriate that § 73.3525 be conformed to reflect this action. Therefore, § 73.3525 (a) and (b) is hereby amended to eliminate requirements relating to the former statutory limit in payments in consideration of settlement agreements. *See* Appendix attached thereto.

6. The rule amendments adopted herein are essentially procedural in nature and thus are exempt from the prior notice and comment provisions set forth in the Administrative Procedure Act. *See* 5 U.S.C. 553(b)(3)(A). We also find that prior notice and comment procedures are unnecessary. 5 U.S.C. 553(b)(3)(B). The rule amendments merely serve to conform our rules to the requirements of amended Section 311(c)(3) of the Act by eliminating procedural requirements imposed upon applicants who enter into settlement agreements and impose no additional burdens on applicants. Therefore, we believe this action is not controversial and would be unlikely to generate any significant comment from members of the public. Further, because this rule change is procedural and operates to relieve a restriction, the 30 day effective date requirements of the Administrative Procedure Act do not apply. *See* 5 U.S.C. 553(d)(3). Authority for the amendment adopted herein is contained in Sections 303(r) 311(c) and 4(i) of The Communications Act of 1934, as amended.

7. In view of the foregoing, *it is ordered*, That, effective upon adoption of this decision, § 73.3525 of the Commission's Rules is amended as set forth in The Appendix attached hereto.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

William J. Tricarico,

Secretary.

Appendix

PART 73—[AMENDED]

Part 73 of Chapter I of Title 47 of The Code of Federal Regulations is hereby amended as indicated below:

1. Section 73.3525 is amended by revising paragraph (a) to read as follows, removing present paragraph (b) and redesignating paragraphs (c) through (i) as (b) through (h):

§ 73.3525 Agreements for Removing Application Conflicts.

(a) Whenever applicants for a construction permit for a broadcast station enter into an agreement to procure the removal of a conflict between applications pending before the FCC by withdrawal or amendment of an application or by its dismissal pursuant to § 73.3568, all parties thereto shall, within 5 days after entering into the agreement, file with the FCC a joint request for approval of such agreement. The joint request shall be accompanied by a copy of the agreement and an affidavit of each party to the agreement setting forth:

(1) The reasons why it is considered that such agreement is in the public interest; and

(2) A statement that its application was not filed for the purpose of reaching or carrying out such agreement.

* * * * *

[FR Doc–83–10828 Filed 4–22–83; 8:45 am.

BILLING CODE 6712–01–M

[1] 47 U.S.C. 311(c)(3).

[2] Public Notice, *Interim Policy Regarding Agreements to Withdraw Mutually Exclusive Broadcast Applications*, November 17, 1982.

DEPARTMENT OF THE INTERIOR
Office of the Secretary
43 CFR Subtitle A

Coastal Barrier Resources Act; Advisory Guidelines

AGENCY: Department of the Interior, Office of the Secretary.

ACTION: Rule-related notice and request for comments.

SUMMARY: This document sets forth the Department's general statement of policy and advisory guidelines regarding the provisions of the Coastal Barrier Resources Act (CBRA) that address limitations on Federal expenditures and financial assistance, and exceptions to the limitations.

DATES: Comments on this document will be accepted through May 12, 1983. The prohibitions on new Federal financial expenditures and assistance other than flood insurance were effective upon enactment of CBRA (October 18, 1982). The prohibition on the sale of new Federal flood insurance for new structures or substantial improvements will be effective October 1, 1983. The Federal Emergency Management Agency, which administers the National Flood Insurance Program, will issue instructions relating to this provision in the near future.

ADDRESS: Comments should be directed to Mr. Ric Davidge, Chairman, Coastal Barriers Task Force, U.S. Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Mr. Frank McGilvrey, Coastal Barriers Coordinator, U.S. Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240; (202-343-5000).

SUPPLEMENTARY INFORMATION: On October 18, 1982, President Reagan signed the Coastal Barrier Resources Act (CBRA) into law (Pub. L. 97-348). The law establishes the Coastal Barrier Resources System as referred to and adopted by Congress, and prohibits all new Federal expenditures and financial assistance within the units of that System unless specifically excepted by the Act. These provisions of the Act became effective immediately. The Act also amends and conforms the Federal flood insurance provisions of the Omnibus Budget Reconciliation Act of 1981 (OBRA) pertaining to undeveloped coastal barriers. The statutory ban on the sale of new Federal flood insurance for new construction or substantial improvements in these areas will go into effect on October 1, 1983.

On November 19, 1982, the Department of the Interior published interpretive guidelines and a general statement of policies pertaining to that portion of the Department's responsibilities which concerned the coastal barrier resource system maps (47 FR 52388). Two actions were undertaken at that time: (1) Filing, distribution and availability of the Coastal Barrier Resources System maps, and (2) adoption of the Department's policy in administering those maps, specifically in regard to minor and technical boundary changes which may be made prior to April 18, 1983.

These guidelines elaborate on the definition of expenditures and financial assistance, the definition of "new" expenditures and financial assistance and prescribe guidelines for consultation with the Department. As stated by the Director of the Office of Management and Budget in a letter dated March 7, 1983 to the Secretary: "(OMB) fully agree(s) that questions regarding the limitations on financial expenditures be interpreted by all agencies in a consistent manner. Therefore (OMB) will look to the Department of the Interior to develop guidelines and definitions which all agencies, including OMB, can use."

1. *Environmental Effects:* These guidelines describe the procedures Federal agencies should follow in consulting with the Department of the Interior prior to making an expenditure on or providing assistance to activities excepted under Section 6 of CBRA. Such activities generally continue the status quo, provide localized environmental benefits or localized emergency disaster assistance. Therefore, the Department has determined that these guidelines will have no significant impact on the environment.

2. *Statement of Effects:* The Department of the Interior has determined that these interpretive guidelines are not a major rule under E.O. 12291 and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act. These guidelines will result in minimal cost to Federal agencies and some economic effects on local firms and businesses to the extent that they are engaged in activities excepted by Section 6 of CBRA and paid for or assisted by Federal funds.

3. *Paperwork Reduction Act:* These interpretive guidelines do not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

4. *Authorship Statement:* This document has been prepared by the Coastal Barriers Task Force within the Department of the Interior. The Chairman of the Task Force is Mr. Ric Davidge, Office of the Assistant Secretary for Fish and Wildlife and Parks.

5. *Public Participation:* Interested persons, organizations, Federal agencies and other entities are encouraged to submit comments on these guidelines. Comments will be accepted until May 12, 1983.

6. *Identification of Subjects:* An identification of subjects is not necessary because this document is not designed to be codified in the Code of Federal Regulations.

Coastal Barrier Resources System: Prohibition on New Federal Expenditures and Procedures for Consultation

I. *Definitions and Limitations*

Financial Assistance

The Act removes Federal incentives for development from the System units unless otherwise permitted by CBRA itself.

Section 3(3) provides the generic definition of financial assistance which defines the general scope of the Act: "any form of loan, grant, guaranty, insurance, payment, rebate, subsidy, or any other form of direct or indirect Federal assistance." On October 1, 1983, this definition will also include Federal flood insurance.

Section 5(a) of the Act provides the general prohibition on new Federal expenditures and financial assistance in System units and provides a listing of specifically prohibited expenditures or assistance. Section 5(a) states:

Except as provided in Section 6, no new expenditures or new financial assistance may be made available under authority of any Federal law for any purpose within the Coastal Barrier Resources System, including, but not limited to—

(1) Construction or purchase of any structure, appurtenance, facility or related infrastructure;

(2) Construction or purchase of any road, airport, boat landing facility on, or bridge or causeway to, any System unit;

(3) Assistance for erosion control or other stabilization of any inlet, shoreline, or inshore area, except in certain emergencies.

The Department has identified additional specific examples of Federal program expenditures and financial assistance prohibited in units of the Coastal Barrier Resources System under CBRA. We interpret the Act to include, but not be limited to, the following programs:

Department of Agriculture
Farmers Home Administration

—Loans for rural disaster relief, water systems, wastewater systems, commercial development, community services, subdivision development, and recreational facilities.

Rural Electrification Administration

—Loans for electrical system development.

Department of Commerce

Economic Development Administration

—Grants for planning and administering local economic development programs.

Office of Coastal Zone Management

—CEIP grants—(coastal energy improvement program).

Department of Defense

U.S. Army

Corps of Engineers

—Construction and financial assistance involving beach erosion control, hurricane protection, and flood control works.

Department of Energy

—Energy development programs.

Department of Housing and Urban Development

—Block grants for community development.

—Mortgage insurance, housing assistance or rehabilitation subsidy programs.

—Urban Development Action Grants.

Department of the Interior

National Park Service

—Grants to states for land acquisition and development of protected areas, and for preparation of State Comprehensive Outdoor Recreation Plans through the Land and Water Conservation Fund (where development of coastal barriers is addressed).

—Grants for historic preservation (for construction purposes).

Department of Transportation

Federal Aviation Administration

—Grants for airport planning and development.

Federal Highway Administration

—Federal assistance to states for highway construction.

Urban Mass Transportation Administration

—Capital improvement and operating grants.

Environmental Protection Agency

—Grants for wastewater treatment construction (Sec. 201 grants), water quality management planning (Sec. 208 grants).

Federal Emergency Management Agency

—Federal National Insurance Program.

—Disaster assistance program.

Federal Home Loan Administration

—Guaranteed housing loans.

General Services Administration

—Construction or reconstruction of Federal property.

Small Business Administration

—Loans to small businesses for disaster relief, upgrading of water treatment systems, and other purposes.

—Disaster assistance to homeowners.

Veterans Administration

—Guaranteed housing loans.

"New" Expenditures

CBRA's limitations on Federal expenditures and financial assistance are only applicable to "new" expenditures or "new" financial assistance. Section 5(a) specifically provides that:

Except as provided in section 6, no new expenditures or new financial assistance may be made available under authority of any Federal law for any purpose within the Coastal Barrier Resources System * * *

Section 5(b) articulates when an expenditure or financial assistance is established to be "new" and therefore precluded. Section 5(b) provides:

(b) An expenditure or financial assistance made available under authority of Federal law shall, for purposes of this Act, be a new expenditure or new financial assistance if—

(1) In any case with respect to which specific appropriations are required, no money for construction or purchase purposes was appropriated before the date of the enactment of this Act; or

(2) No legally binding commitment for the expenditure or financial assistance was made before such date of enactment.

As further established by the legislative history, this subsection creates a dual definition. The concept of new expenditures or new financial assistance is defined in terms of actions that require specific appropriations and actions that do not require specific appropriations.

First, a Federal expenditure or financial assistance that does not rest upon a specific appropriation is new, and therefore precluded, unless a legally binding commitment for the site-specific expenditure or financial assistance was made before October 18, 1982, when the President signed the bill into law. The applicable date for Federal flood insurance is October 1, 1983. General intentions, moral obligations, statements of intent or policy are not adequate. A legally binding commitment is one that establishes a right to the funds in question as a matter of law; that is, the right must be an obligation against the United States. Necessarily, such an obligation must rest upon the availability of appropriations in existence prior to the cut-off date of October 18, 1982, or on specific contract authority to obligate funds of the United States in advance of appropriations. There is no general authority to obligate funds of the United States absent the availability of appropriations from the Congress. Such an obligation would be in violation of the Anti-Deficiency Act.

Second, expenditures or financial assistance with respect to which specific appropriations are required are self-evident. These are discrete Federal expenditures—not operating on a general program appropriation as provided above—that are funded by individual line item reference directly within a specific Appropriation Act. This is typically done by recitation of a specific project name. Such a specific appropriation prior to October 18, 1982, permits the Federal expenditure or financial assistance to continue. Absent such a specific appropriation of the funds in question, however, the expenditure or financial assistance would be "new" and would be precluded.

II. *Exceptions and Consultation*

Section 6 of the Act outlines the specific exceptions to the general prohibition on new Federal expenditures or financial assistance. The law grants exceptions for energy projects which can only be carried out within the system; maintenance of channel improvements; maintenance of roads, structures or facilities that are essential links to a larger network or system; military activities essential to national security; and Coast Guard facilities. In addition to these five specific exceptions, Section 6(6) outlines seven other activities that may be excepted if the activity is consistent with the purposes of the Act.

Section 6(a) of the Act requires the appropriate Federal officer to consult with the Secretary before making any Federal expenditures or financial assistance available under the provisions of Section 6. Procedures for consultation follow the discussion of exceptions.

Exceptions

(1) *Energy projects (section 6(a)(1)).* Federal assistance may be made available for energy projects in or adjacent to coastal areas for "any use or facility necessary for the exploration, extraction, or transportation of energy resources which can be carried out only on, in, or adjacent to coastal water

areas because the use or facility requires access to the coastal water body." The legislative history (House Report 97–841) states that "this provision is intended to be read broadly in terms of energy projects. However, the provision should not be interpreted to allow assistance for projects primarily designed to encourage development but which might be carried out in the guise of energy development."

(2) *Channel improvements (section 6(a)(2)).* Maintenance of existing channel improvements and related structures, such as jetties can continue. The use of disposal sites for dredge materials is included under this exception, so long as the sites are related to, and necessary for, the maintenance of an existing project. Section 6(b) requires that an existing channel improvement or an existing related structure be funded, in part or totally, before the date of enactment, i.e., the channel must have existed or have had funds appropriated for construction before October 18, 1982. According to the legislative history, this is not a license or authority for construction of new channels.

The legislative history also states: The criterion for determining whether Federal assistance would or would not be precluded is the existence of the channel at the time of enactment of this legislation. If it is in existence, or if money has been appropriated for its construction, then any Federal financial assistance for activities to maintain it, including, for example, the complete reconstruction of jetties or other structures, would be permitted. It is also the Committee's intent that, because of the unstable nature of barrier islands, existing channels can be relocated periodically. (House Report 97–841).

(3) *Roads Structures or Facilities (section 6(a)(3)).* Maintenance, replacement, reconstruction, or repair, but not expansion, of publicly-owned or publicly-operated roads, structures, or facilities that are *essential links in a larger network or system* can continue. This exception is re-iterated in Section 6(a)(6)(f). However, that provision includes roads structures or facilities which may not be essential links in a larger system or network.

Consistent with the House legislative report on CBRA, the reference to "structures and facilities" appears to be limited to related roadworks, rather than such items as publicly-owned utilities. The legislative history indicates that the Congressional intent to include drains, gutters, curbs and other related roadworks under this exception. The House Report also emphasizes that financial assistance will not be provided for the expansion of such structures, roads or facilities. (House Report 97–840).

(4) *Military activities (section 6(a)(4)).* Military activities *essential to national security* are excepted. We note that the legislative history of this provision specifically provides that "this exemption should be read broadly and that the Department of Defense should be the judge of the essentiality of the actions: (House Report 97–841). The Conference Report (97–928) further clarifies the intent of this exemption by stating: "the determination as to whether military activities are essential to national security must be made in accordance with existing law and procedure."

(5) *Coast Guard (section 6(a)(5)).* Expenditure of funds or provision of financial assistance for the construction, maintenance, operation and rehabilitation of Coast Guard facilities can continue.

(6) *Conservation, navigation, recreation, scientific research, disaster relief, roads, shoreline stabilization (section 6(a)(6)).* The following actions or projects are excepted, *providing the expenditure is consistent with the purposes of the Act* as provided in Section 2(b) (i.e., to minimize loss of human life, wasteful Federal expenditures and damage to fish, wildlife and other natural resources).

(A) Projects for the study, management, protection and enhancement of fish and wildlife resources and habitats, including, but not limited to, acquisition of fish and wildlife habitats and related lands, stabilization projects for fish and wildlife habitats, and recreational projects.

The legislative history states: "This exception recognizes the value of System units as fish and wildlife habitats and is in complete conformity with the purposes of the legislation. It is intended that the full range of Federal financial assistance authorized for protecting and managing fish and wildlife habitats will continue to be available. This includes, where necessary, assistance for stabilization projects to protect valuable habitats. Federal funds for projects involving facilities for fish and wildlife-related recreation would also be allowed. It is intended by the Committee that any development of recreational facilities be consistent with the purposes of the legislation." (House Report 97–841).

The language finally agreed upon by the Conference Committee, however, agreed to accept the House language but qualified it by requiring that such actions must be consistent with the purposes of the Act.

(B) The establishment, operation, and maintenance of air and water navigation aids and devices, and for access thereto.

The legislative history indicates that, in almost every instance, placement and such aids and devices on undeveloped coastal barriers would be appropriate. (House Report 97–841).

(C) Projects under the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–4 through 11) and the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.).

Clearly the legislative history applied to Section 6(a)(6)(A) would be generally applicable to this provision as well. Recreational use of system units should be encouraged so long as it is accomplished consistent with the purposes of the Act.

(D) Scientific research, including but not limited to aeronautical, atmospheric, space, geologic, marine, fish and wildlife and other research, development, and applications.

(E) Assistance for emergency actions essential to the saving of lives and the protection of property and the public health and safety, if such actions are performed pursuant to sections 305 and 306 of the Disaster Relief Act of 1974 (42 U.S.C. 5145 and 5146) and section 1362 of the National Flood Insurance Act of 1968 (42 U.S.C. 4103) and are limited to actions that are necessary to alleviate the emergency.

Section 305 of the Disaster Relief Act authorizes the President, in a declared emergency, to provide any or all of the assistance available under the Act as the President deems appropriate.

(F) The maintenance, replacement, reconstruction, or repair, but not the expansion, of publicly owned or publicly operated roads, structures, or facilities. There is a distinction between this exception, which may be applied if the action is consistent with the purposes of the Act, and the exception cited in Section 6(a)(3), which requires that the action be one that is an essential link in a larger network or system.

(G) Nonstructural projects for shoreline stabilization that are designated to mimic, enhance, or restore natural stabilization systems.

The legislative history cites the planting of dune grass or other beach nourishment activities as examples of these projects.

While it is the responsibility of the appropriate Federal officer to determine whether an action permitted under this section is consistent with the purposes of the Act, it is equally the Department of the Interior's responsibility to provide

technical information and to comment, when asked, on the proposed action in terms of its consistency with those same purposes.

III. *Consultation*

Federal Agencies should consult with the Secretary of the Interior and allow him the opportunity to provide written comment prior to making Federal expenditures or financial assistance available for an action excepted under Section 6 of CBRA within a CBRS unit. Compliance with this provision of the law rests initially on the Federal officer responsible for making the funds or financial assistance available for a permitted action. The Secretary's responsibility is to respond to a consultation request by providing technical information and comments on the question of consistency with CBRA.

Consultation Process

The consultation process will be carried out at two operational levels.

First, discrete projects identified in an agency's budget proposal should be submitted to the Fish and Wildlife Service, Department of Interior, for comment at least 45 days prior to transmittal to OMB. The Fish and Wildlife Service will acknowledge receipt of the transmittal, review the project, consult with the agency as necessary and provide a written response within 30 days through the Assistant Secretary for Fish and Wildlife and Parks.

On projects that are subject to provisions of NEPA, consultation should be accomplished early enough to permit the results to be included in the draft environmental statement or other appropriate environmental document.

Second, consultation requests for maintenance type projects such as channel maintenance or highway repair, that are managed by agency field-level officials should be made through the appropriate Regional Director of the Fish and Wildlife Service.

The Act provides for two levels of exception. Section 6(a)(1–5) clearly allows certain designated Federal activities. When consulting on these activities, the Department will simply provide technical information and register an opinion as to whether the activity in fact is that which the clause allows.

Section 6(a)(6) provides an additional caveat for the included list of exceptions that emphasize the requirement that the action "* * * is consistent with the purposes of this Act."

For activities falling under this subsection, the Department will also comment on the consistency of the proposed action with the purposes of CBRA as stated in Section 2(b): "* * * to minimize the loss of human life, wasteful expenditure of Federal revenues, and damage to fish, wildlife and other natural resources associated with coastal barriers along the Atlantic and Gulf coasts."

Several Federal agencies requested clarification of certain exceptions or rendered an opinion as to their interpretation. We propose that bilateral discussions between each affected agency and the Department be initiated to clarify their concerns and to establish procedures for the conduct of consultations.

The Department consultation officer is Mr. Frank McGilvrey, U.S. Fish and Wildlife Service, (202), 343–5000. Each agency affected by the Section 6 exceptions should have its consultation officer contact either Mr. Davidge or Mr. McGilvrey at their earliest convenience.

Dated: April 19, 1983.

J. Craig Potter,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 83–10758 Filed 4–22–83: 8:45 am]

BILLING CODE 4310–70–M

Office of Hearings and Appeals

43 CFR Part 4

Adoption of Regulations Implementing the Equal Access to Justice Act

AGENCY: Office of Hearings and Appeals, Interior.

ACTION: Final rule with request for comments.

SUMMARY: The Office of Hearings and Appeals in the Department of the Interior is issuing a final rule to implement the Equal Access to Justice Act (Pub. L. 96–481, 5 U.S.C. 504 (Supp. IV 1980)).

DATES: This rule is effective on April 25, 1983.

Written comments must be received on or before June 24, 1983.

ADDRESS: Written comments should be sent to Director, Office of Hearings and Appeals, Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203.

FOR FURTHER INFORMATION CONTACT: Patrick Sheehy, Office of Hearings and Appeals (703) 235–3750; Deborah Ryan, Office of the Solicitor, (202) 343–5216.

SUPPLEMENTARY INFORMATION: The Equal Access to Justice Act (Pub. L. 96–481, 5 U.S.C. 504 (Supp. IV 1980)) provides for the award of attorneys fees and other expenses to certain parties who prevail over the Federal Government in administrative proceedings conducted under section 554 of the Administrative Procedure Act (5 U.S.C. 554) in which the position of the United States is represented. The Equal Access to Justice Act requires each agency that conducts proceedings covered by the Act to establish uniform procedures for making awards after consultation with the Chairman of the Administrative Conference of the United States.

On March 10, 1981, the Chairman of the Administrative Conference published a draft model rule for Federal agency implementation of the Act and requested public comment on the rule (46 FR 15895). On June 25, 1981, the Chairman issued a model rule for the guidance of Federal agencies in implementing the Act (46 FR 32900). The Office of Hearings and Appeals has followed the model rule as well as guidance provided by the Office of Management and Budget in establishing its procedures for making awards under the Act.

The Department has determined that the requirements for notice and public comment on the rule has been satisfied, because the public had an opportunity to comment on the model rule issued by the Administrative Conference that was used as the basis for this rule. However, consistent with the Department's public participation policy, public comments on the rule are invited. The Department will consider all comments received and make such amendments to the rule as may be appropriate.

Because the Act became effective October 1, 1981, the Department has found that good cause exists for waiving the usual 30-day waiting period before the rule becomes effective. Waiver will allow immediate implementation of the Department's procedures under the Act.

The Department has determined that the rule is not major and does not require a regulatory impact analysis under E.O. 12291, because the rule is not expected to have an annual effect on the economy of $100 million or more or to result in substantial increases in costs or prices for the Department or other parties involved in administrative proceedings conducted by the Office of Hearings and Appeals. The Department has also determined that the rule will

not have a significant economic effect on a substantial number of small entities and does not require a flexibility analysis under the Regulatory Flexibility Act, because the costs incurred by small entities in utilizing the rule's procedures are expected to be low and may result in recoupment of all costs.

Paperwork Reduction Act. The information collection requirement contained in §§ 4.608 through 4.610 below, requiring an application for fees and expenses in an adversary adjudication under the Equal Access to Justice Act, has been submitted to the Office of Management and Budget for approval under the Paperwork Reduction Act, 44 U.S.C. 3507.

The primary authors of this document are Patrick Sheehy, Office of Hearings and Appeals, and Deborah Ryan, Office of the Solicitor.

List of Subjects in 43 CFR Part 4

Administrative practice and procedure, Civil rights, Government contracts, Grazing lands, Indians, Lawyers, Mines, Penalties, Public lands, Surface mining.

PART 4—[AMENDED]

Accordingly, in 43 CFR Part 4, Subpart F is added to read as follows:

Subpart F—Implementation of the Equal Access to Justice Act in Agency Proceedings

General Provisions

Sec.

4.601 Purpose of these rules.
4.602 Definitions.
4.603 Proceedings covered.
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Authority: Sec. 203(a)(1), Pub. L. 96–481, 94 Stat. 2325 [5 U.S.C. 504(c)(1)].

Subpart F—Implementation of the Equal Access to Justice Act in Agency Proceedings

General Provisions

§ 4.601 Purpose of these rules.

These rules are adopted by the Department of the Interior pursuant to section 504 of title 5, United States Code, as amended by section 203(a)(1) of the Equal Access to Justice Act, Pub. L. 96–481. Under the Act, an eligible party may receive an award for attorney fees and other expenses when it prevails over the Department in an adversary adjudication under 5 U.S.C. 554 before the Office of Hearings and Appeals, unless the Department's position as a party to the proceeding was substantially justified or special circumstances make an award unjust. The purpose of these rules is to establish procedures for the submission and consideration of applications for awards against the Department.

§ 4.602 Definitions.

As used in this part:

(a) "The Act" means section 504 of title 5, United States Code, as amended by section 203(a)(1) of the Equal Access to Justice Act, Pub. L. 96–481.

(b) "Adversary adjudication" means an adjudication under 5 U.S.C. 554 in which the position of the United States is represented by counsel or otherwise, but excludes an adjudication for the purpose of establishing or fixing a rate or for the purpose of granting or renewing a license.

(c) "Adjudicative officer" means the official who presided at the adversary adjudication.

(d) "Department" refers to the Department of the Interior or the relevant department component which is a party to the adversary adjudication (*e.g.*, Office of Surface Mining Reclamation and Enforcement or Bureau of Land Management).

(e) "Proceeding" means an adversary adjudication as defined in § 4.602(b).

(f) "Party" includes a person or agency named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party, in an agency proceeding, and a person or agency admitted by an agency as a party for limited purposes.

§ 4.603 Proceedings covered.

(a) These rules apply to adversary adjudications required by statute to be conducted by the Secretary under 5 U.S.C. 554. Specifically, these rules apply to adjudications conducted by the Office of Hearings and Appeals under 5 U.S.C. 554 which are required by statute to be determined on the record after opportunity for an agency hearing. These rules do not apply where adjudications on the record are not required by statute even though hearings are conducted using procedures comparable to those set forth in 5 U.S.C. 554.

(b) If a proceeding includes both matters covered by the Act and matters specifically excluded from coverage, any award made will include only fees and expenses related to covered matters.

§ 4.604 Applicability to Department of the Interior proceedings.

The Act applies to any adversary adjudication pending before the Office of Hearings and Appeals of the Department of the Interior at any time between October 1, 1981, and September 30, 1984. This includes proceedings begun before October 1, 1981, if final Departmental action has not been taken before that date, and proceedings pending on September 30, 1984.

§ 4.605 Eligibility of applicants.

(a) To be eligible for an award of attorney fees and other expenses under the Act, the applicant must be a party prevailing over the Department in the adversary adjudication for which it seeks an award. The applicant must show that it meets all pertinent conditions of eligibility set out in these regulations.

(b) The types of eligible applicants are as follows:

(1) An individual with a net worth of not more than $1 million;

(2) The sole owner of an unincorporated business which has a net worth of not more than $5 million, and not more than 500 employees;

(3) A charitable or other tax-exempt organization described in section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)) with not more than 500 employees;

(4) A cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)) with not more than 500 employees; and

(5) Any other partnership, corporation, association, or public or private organization with a net worth of not more than $5 million and not more than 500 employees. A unit of state or local government is not a public organization within the meaning of this provision.

(c) For the purpose of eligibility, the net worth and number of employees of an applicant shall be determined as of the date the adversary adjudication was initiated.

(d) An applicant who owns an unincorporated business will be

considered as an "individual" rather than a "sole owner of an unincorporated business" if the issues on which the applicant prevails are related primarily to personal interests rather than to business interests.

(e) The employees of an applicant include all persons who regularly perform services for remuneration for the applicant, under the applicant's direction and control. Part-time employees shall be included.

(f) The net worth and the number of employees of the applicant and all of its affiliates shall be aggregated to determine eligibility. Any individual or group of individuals, corporation, or other entity that directly or indirectly controls or owns a majority of the voting shares of another business, or controls in any manner the election of a majority of that business' board of directors, trustees, or other persons exercising similar functions shall be considered an affiliate of that business for purposes of this part. In addition, the adjudicative officer may determine that financial relationships of the applicant other than those described in the paragraph constitute special circumstances that would make an award unjust.

(g) An applicant is not eligible if it has participated in the proceeding solely on behalf of other persons or entities that are ineligible.

§ 4.606 Standards for awards.

(a) A prevailing applicant may receive an award for fees and expenses incurred in connection with a proceeding unless (1) the position of the Department as a party to the proceeding was substantially justified, or (2) special circumstances make the award sought unjust. No presumption arises that the Department's position was not substantially justified simply because the Department did not prevail.

(b) An award will be reduced or denied if the applicant has unduly or unreasonably protracted the proceeding.

§ 4.607 Allowable fees and expenses.

(a) The following fees and other expenses are allowable under the Act:

(1) Reasonable expenses of expert witnesses;

(2) Reasonable cost of any study, analysis, engineering report, test, or project which is found necessary for the preparation of the party's case; and

(3) Reasonable attorney or agent fees.

(b) The amount of fees awarded will be based upon the prevailing market rates for the kind and quality of services furnished, except that—

(1) Compensation for an expert witness will not exceed the highest rate at which the Department pays expert witnesses; and

(2) Attorney or agent fees will not exceed $75 per hour.

(c) In determining the reasonableness of the fee sought, the adjudicative officer shall consider the following:

(1) The prevailing rate for similar services in the community in which the attorney, agent, or witness has performed the service;

(2) The time actually spent in the representation of the applicant;

(3) The difficulty or complexity of the issues in the proceeding;

(4) Any necessary and reasonable expenses incurred; and

(5) Such other factors as may bear on the value of the services performed.

Information Required From Applicants

Note.—*Information Collection.* The information collection requirement contained in §§ 4.608 through 4.610, requiring an application for fees and expenses in an adversary adjudication under the Equal Access to Justice Act, has been approved by the Office of Management and Budget under the Paperwork Reduction Act, 44 U.S.C. 3507 and has been assigned clearance numbers 1084–0011. The information is required to seek an award of fees and expenses.

§ 4.608 Contents of application.

(a) An application for an award of fees and expenses under the Act shall identify the applicant and the proceeding for which an award is sought. Two copies of the application shall be filed with the adjudicative officer. The application shall show that the applicant has prevailed and identify the position of the Department in the proceeding that the applicant alleges was not substantially justified.

(b) The application shall include a statement that the applicant's net worth at the time the proceeding was initiated did not exceed $1 million if the applicant is an individual (other than a sole owner of an unincorporated business seeking an award in that capacity) or $5 million in the case of all other applicants. An applicant may omit this statement if:

(1) It attaches a copy of a ruling by the Internal Revenue Service that it qualifies as an organization described in section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)(3)) and is exempt from taxation under section 501(a) of the Code or in the case of an organization not required to obtain a ruling from the Internal Revenue Service on its exempt status, a statement that describes the basis for the applicant's belief that it qualifies under section 501(c)(3) of the Code; or

(2) It states that it is a cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)).

(c) If the applicant is a partnership, corporation, association, or public or private organization (including charitable or other tax exempt organizations or cooperative associations) or a sole owner of an unincorporated business, the application shall state that it did not have more than 500 employees at the time the proceeding was initiated, giving the number of its employees and describing briefly the type and purpose of its organization or business.

(d) The application shall itemize the amount of fees and expenses for which an award is sought.

(e) The application may include any other matters that the applicant believes should be considered in determining whether and in what amount an award should be made.

(f) The application shall be signed by the applicant or an authorized officer of the applicant. The application shall contain or be accompanied by a written verification under oath or affirmation under penalty of perjury that the information provided in the application and all accompanying material is true and complete to the best of the signer's information and belief.

§ 4.609 Net worth exhibit.

(a) Each application except a qualified tax-exempt organization or a qualified cooperative association must submit with its application a detailed exhibit showing its net worth at the time the proceeding was initiated. If any individual, corporation, or other entity directly or indirectly controls or owns a majority of the voting shares or other interest of the applicant, or if the applicant directly or indirectly owns or controls a majority of the voting shares or other interest of any corporation or other entity, the exhibit must include a showing of the net worth of all such affiliates or of the applicant including the affiliates. The exhibit may be in any form convenient to the applicant, provided that it makes full disclosure of the applicant's and all affiliates' assets and liabilities and is sufficient to determine whether the applicant qualifies under the standards of 5 U.S.C. 504(b)(1)(B)(i). The adjudicative officer may require an applicant to file additional information to determine the applicant's eligibility for an award.

(b) The net worth exhibit shall describe any transfers of assets from, or obligations incurred by, the applicant or any affiliate, occurring in the one-year period to the date on which the proceeding was initiated, that reduced

the net worth of the applicant and its affiliates below the applicable net worth ceiling. If there were no such transactions, the exhibit shall so state.

(c) Ordinarily, the net worth exhibit shall be included in the public record of the proceeding. However, an applicant that objects to public disclosure of information in any portion of the exhibit and believes there are legal grounds for withholding it from disclosure may submit that portion of the exhibit directly to the adjudicative officer in a sealed envelope labeled "Confidential Financial Information," accompanied by a motion to withhold the information from public disclosure. The motion shall describe the information sought to be withheld and explain, in detail, why it falls within one or more of the specific exemptions from mandatory disclosure under the Freedom of Information Act, 5 U.S.C. 552, and whether it is covered by the Trade Secrets Act, 18 U.S.C. 1905, or other applicable statutes; why public disclosure of the information would adversely affect the applicant; and why disclosure is not required in the public interest. The material in question shall also be served on counsel representing the agency against which the applicant seeks an award, but need not be served on any other party to the proceeding. If the adjudicative officer finds that the information should not be withheld from disclosure, it shall be placed in the public record of the proceeding. Otherwise, any request to inspect or copy the exhibit shall be disposed of in accordance with the Department's established procedures under the Freedom of Information Act, 43 CFR 2.11 *et. seq.*

§ 4.610 Documentation of fees and expenses.

(a) The application shall be accompanied by full documentation of the fees and expenses, including the cost of any study, analysis, engineering report, test, or project, for which an award is sought.

(b) The documentation shall include an affidavit from each professional firm or individual whose services are covered by the application, stating the actual time expended and the rate at which fees and other expenses were computed and/or charged and describing the specific services performed.

(1) The affidavit shall itemize in detail the services performed by the date, number of hours per date, and the services performed during those hours. In order to establish the hourly rate, the affidavit shall state the hourly rate billed to and paid by the majority of clients during the relevant time periods.

(2) If no hourly rate is paid by the majority of clients because, for instance, the attorney or agent represents most clients on a contingency basis, the attorney or agent shall provide affidavits from two attorneys or agents with similar experience, who perform similar work in the same or similar geographic location, stating the hourly rate which they bill and are paid by the majority of their clients during a comparable time period.

(c) The documentation shall also include a description of any expenses for which reimbursement is sought and a statement of the amounts paid and payable by the applicant or by any other person or entity for the services provided.

(d) The adjudicative officer may require the applicant to provide vouchers, receipts, or other substantiation for any expenses claimed.

§ 4.611 Time for submission of application.

(a) An application must be filed no later than 30 days after final disposition of the proceeding. Action on an application for an award of fees or other expenses filed prior to final disposition of the proceeding shall be stayed pending such final disposition.

(b) Final disposition means the later of (1) the date on which the final Department decision is issued; or (2) the date of the order which finally resolves the proceeding, such as an order approving settlement or voluntary dismissal.

Procedures for Considering Applications

§ 4.612 Filing and service of documents.

Any application for an award and any other pleading or document related to an application shall be filed with the adjudicative officer and serve on all parties to the proceeding in the same manner as other pleadings in the proceeding, except as provided in § 4.609(c) for confidential financial information.

§ 4.613 Answer to application.

(a) Within 30 calendar days after service of an application, the Department shall file an answer. If the Department fails to answer or otherwise fails to contest or settle the application, the adjudicative officer may, upon a satisfactory showing of entitlement by the applicant, make an award for the applicant's fees and other expenses under 5 U.S.C. 504 in accordance with § 4.616.

(b) If the Department and the applicant believe that they can reach a settlement concerning the award, the Department and the applicant may jointly file a statement of their intent to negotiate. The filing of such a statement shall extend the time for filing an answer for an additional 30 days from the date of filing of the statement. Further extensions may be granted by the adjudicative officer upon the joint request of the Department and the applicant.

(c) The answer shall explain in detail any objections to the award requested and identify the facts relied on to support the objection. If the answer is based on any alleged facts not already reflected in the record of the proceeding, the Department shall include with the answer either a supporting affidavit or a request for further proceedings.

§ 4.614 Settlement.

An applicant and the Department may agree on a proposed settlement of an award before final action on the application, either in connection with a settlement of the underlying proceeding, or after the underlying proceeding has been concluded. If the applicant and the Department agree on a proposed settlement of an award before an applicant has been filed, the application shall be filed with the proposed settlement.

§ 4.615 Extensions of time and further proceedings.

(a) The adjudicative officer may on motion and for good cause shown grant extensions of time other than for filing an application for fees and expenses after final disposition in the adversary adjudication.

(b) Ordinarily, the determination of an award will be made on the basis of the written record of the underlying proceeding and the filings required or permitted by the foregoing sections of these rules. However, the adjudicative officer may, *sua sponte*, or on motion of any party to the proceedings require or permit further proceedings, such as informal conferences, oral argument, additional written submissions or an evidentiary hearing. Such further proceedings shall be held only when necessary for full and fair resolution of the issues arising from the application and shall be conducted as promptly as possible. A motion for further proceedings shall specifically identify the information sought on the disputed issues and shall explain why the further proceedings are necessary to resolve the issues.

§ 4.616 Decision on application.

The adjudicative officer shall promptly issue a decision on the

application which shall include proposed written findings and conclusions, and the reasons or basis therefore, on such of the following as are relevant to the decision:

(a) The applicant's status as a prevailing party;

(b) The applicant's qualification as a "party" under 5 U.S.C. 504(b)(1)(B);

(c) Whether the Department's position as a party to the proceeding was substantially justified;

(d) Whether special circumstances make an award unjust;

(e) Whether the applicant during the course of the proceedings engaged in conduct that unduly and unreasonably protracted the final resolution of the matter in controversy; and

(f) The amounts, if any, awarded for fees and other expenses, with reasons for any difference between the amount requested and the amount awarded. If neither the applicant nor the Department appeals within 30 days from receipt of the adjudicative officer's decision, this decision will be the final Departmental decision.

§ 4.617 Appeals Board review.

If review is sought by the applicant or the Department, the decision of the adjudicative officer will be reviewed by the appropriate appeals board in accordance with the Department's procedures for the type of underlying proceeding involved. The appeals board will then issue the final Departmental decision on the application.

§ 4.618 Judicial review.

Judicial review of final Departmental decisions on awards may be sought as provided in 5 U.S.C. 504(c)(2).

§ 4.619 Payment of award.

An applicant seeking payment of an award shall submit a copy of the final decision granting the award to the Assistant Secretary for Policy, Budget and Administration, U.S. Department of the Interior, Washington, D.C. 20240. A statement that review of the underlying decision is not being sought in the United States courts, or that the process for seeking review of the award has been completed, must also be included.

Dated: August 20, 1982.

Donald Paul Hodel,

Under Secretary.

[FR Doc. 83-10851 Filed 4-22-83; 8:45 am]

BILLING CODE 4310-10-M

Proposed Rules

Federal Register
Vol. 48, No. 80
Monday, April 25, 1983

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service

7 CFR Ch. XV

Licenses for Importation of Sugar To Be Re-Exported in Sugar Containing Products

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Foreign Agricultural Service is considering developing a proposed rule that would establish procedures and conditions for the issuance of licenses to permit the importation of sugar exempt from the quotas on sugar, sirups, and molasses as modified by Presidential Proclamation 4941 of May 5, 1982, as amended. Sugar imported under such a license would have to be re-exported in sugar containing products. The purpose of this notice is to elicit comments and suggestions regarding the formulation of such a proposed rule.

DATE: Comments must be received on or before June 24, 1983.

ADDRESS: Mail comments to Chief, Sugar Group, Horticultural and Tropical Products Division, Foreign Agricultural Service, USDA, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: James A. Truran, Chief, Sugar Group, Foreign Agricultural Service, 12th & Independence Avenue, SW., South Building, Washington, D.C. 20250, Tel: (202) 447-2916.

SUPPLEMENTARY INFORMATION: Presidential Proclamation 4941 of May 5, 1982 modified the import quota for sugar, sirups and molasses described in items 155.20 and 155.30 of the Tariff Schedules of the United States (TSUS) under a provision in the Geneva (1967) Protocol of the General Agreement on Tariffs and Trade (Note 1 of Unit A, Chapter 10, Part 1 of Schedule XX; 19 U.S.T. 5133). Presidential Proclamation 5002 of November 30, 1982, amended Proclamation 4941 to read in part as follows:

> The Secretary may exempt the entry of articles described in items 155.20 and 155.30 from the requirements or limitations established pursuant to this headnote on the condition that such articles: (1) be used only for the production (other than by distillation) of polyhydric alcohols, except polyhdric alcohols for use as a substitute for sugar in human food consumption; or (2) be re-reported in refined form or in sugar containing products. Such articles shall be entered under licenses issued pursuant to regulations promulgated by the Secretary * * *.

Under the proposed rule, licenses would be granted for sugar to be re-exported in sugar containing products. The certificate of eligibility requirements contained in 15 CFR 2011 would not apply to this sugar. Separate rules would apply to sugar re-exported in refined form and sugar to be used in the production of certain polyhydric alcohols.

Formulation of the proposed rule for the issuance of licenses for the importation of non-quota sugar to be re-exported in sugar containing products will require extensive input by the full range of potential beneficiaries of this regulation. These beneficiaries are likely to include users of sugar in prepared foods (e.g., gelatins, flavored drink mixes, cakes, candy and other confections) canners and packers of fruits and berries, and bottlers of soft drinks, among others. Concomitant with USDA program goals, establishment of procedures and conditions for the issuance of licenses should take into account, as much as possible, the divergent needs of the above mentioned sugar consumers and potential re-exporters.

The heterogeneous nature of this group presents several policy problems for the regulatory authority in formulating regulations covering this matter. Among the most pertinent issues are the following: (1) Who should be issued a license; (2) how long shall a license be effective; (3) can an agent be used by an end-users; (4) what quantity shall be assigned to each license; (5) how should processing losses be accounted for in the disposition of license quantities; (6) as bonding is envisioned (in order to guarantee that sugar imported under license is used only for the purpose intended), how shall the monetary obligation of the bond be handled; and (7) what documentation will be required to constitute proof of re-export. Another important issue is the sequence of the importation of the quota-exempt sugar and the exportation of the sugar containing product. Should the proposed rule allow importation of quota-exempt sugar in order to replace sugar already exported in sugar containing products? If so, should replacement licensing be the only type of licensing (that is, should licenses under the proposed rule only allow quota-exempt sugar to be imported to replace sugar already exported in sugar containing products, or should the licenses also provide for the importation of quota-exempt sugar prior to the eventual export of the sugar in sugar containing products).

The public is invited to submit written comments and suggestions regarding the development of the proposed rule to the above address.

It would be helpful if the comments addressed as many of these issues as possible and raised any additional pertinent issues. Each person submitting suggestions regarding the proposed rule is requested to include his/her name and address and should give reasons for the suggestions. Copies of all written communications will be available for examination by interested persons in Room 6091 South Building, U.S. Department of Agriculture, during regular business hours.

Signed at Washington, D.C. on April 19, 1983.

Richard A. Smith,

Administrator, Foreign Agricultural Service.

[FR Doc. 83-10912 Filed 4-20-83; 3:57 pm]

BILLING CODE 3410-10-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 83-NM-17-AD]

Airworthiness Directives; Aerospatiale (Sud Nord) Nord 262A and 262A-12 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes an Airworthiness Directive (AD) that would require visual inspections, treatment against corrosion, and replacement of rudder hinge support tubes, if necessary, on Aerospatiale (Sud Nord) Nord 262A and 262A–12 series airplanes. There have been reports of internal corrosion in rudder hinge support tubes on the Nord 262 fleet which, if allowed to progress, could result in loss of rudder control.

DATE: Comments must be received no latter than June 13, 1983.

ADDRESSES: The applicable service information may be obtained from Aerospatiale, Service Commercial N262, Boite Postale 159, 36003 Chateauroux, France, or may also be examined at the address shown below.

FOR FURTHER INFORMATION CONTACT: Mr. Sulmo Mariano, Foreign Aircraft Certification Branch, ANM–150S, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington, telephone (206) 767–2530. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket and be submitted in duplicate to the address specified below. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 83–NM–17–AD, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168.

Discussion

Internal corrosion and corrosion penetration to the outer surface has been found in rudder hinge support tubes on Nord 262A and 262A–12 series aircraft during routine maintenance.

The Direction General de l'Aviation Civile (DGAC) has declared Aerospatiale N262 Fregate Service Bulletin No. 55–10 as mandatory. This service bulletin prescribes inspection procedures, protective treatment and replacement of components, as necessary, on the rudder hinge support structure.

Since these conditions are likely to exist or develop on airplanes of this model registered in the United States, an AD is proposed that would require visual inspection of the upper and lower rudder hinge support tubes, support tube replacement or corrosion protection treatment, and repetitive inspections as appropriate to prevent failure of the rudder hinge support tubes.

It is estimated that 16 U.S. registered airplanes will be affected by this AD, that it will take approximately 13 manhours per airplane to accomplish the required actions, and that the average labor cost will be $35 per manhour. Repair parts are estimated at $250 per airplane. Based on these figures, the total cost impact of this AD to U.S. users is estimated to be $11,280. For these reasons, the proposed rule is not considered to be a major rule under the criteria of Executive Order 12291. Few small entities within the meaning of the Regulatory Flexibility Act would be affected.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft

The Proposed Amendment

PART 39—[AMENDED]

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

Aerospatiale (Sud Nord): Applies to Nord 262A and 262A–12 series airplanes, certificated in all categories. Compliance required within 100 hours time in service or 3 months, whichever occurs first after the effective date of this AD. To prevent failure of the rudder hinge support tubes and subsequent loss of rudder control, accomplish the following unless previously accomplished:

1. Inspect, protect against corrosion, or replace components, if necessary, in accordance with paragraph II, Accomplishment Instructions, of Aerospatiale N262 Fregate Service Bulletin No. 55–10, Revision 1, dated December 29, 1981.

2. Repeat the inspection required by paragraph 1., above, at intervals not to exceed five years.

3. Alternate means of compliance which provide an equivalent level of safety may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

4. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85)

Note.—For the reasons discussed earlier in the preamble, the FAA has determined that this document (1) involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities since it involves few small entities. A regulatory evaluation has been prepared and has been placed in the public docket.

Issued in Seattle, Washington on April 14, 1983.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 83–10888 Filed 4–22–83; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 83–AWA–11]

Proposed Alteration of VOR Federal Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the descriptions of several VOR Federal airways in the vicinity of Denver, CO, by deleting alternate airway segments and renumbering other airway segments. This action supports our agreement with the International Civil Aviation Organization (ICAO) to eliminate all alternate airway descriptions from the National Airspace System.

DATE: Comments must be received on or before June 9, 1983.

ADDRESS: Send comments on the proposal in triplicate to: Director, FAA, Northwest Mountain Region, Attention: Manager, Air Traffic Division, Docket No. 83–AWA–11, Federal Aviation

Administration, FAA Building, Boeing Field, Seattle, WA 98108.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT-230), Airspace-Rules and Aeronautical Information Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 83-AWA-11." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

Proposal

The FAA is considering an amendment to § 71.123 of Part 71 the Federal Aviation Regulations (14 CFR Part 71) to alter the descriptions of several VOR Federal airways in the vicinity of Denver, CO, by deleting the alternate route segments. In addition, those alternate routes required for air traffic control will be renumbered. This action supports our agreement with ICAO to eliminate all alternate route designations from the National Airspace System. Section 71.123 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3A dated January 3, 1983.

List of Subjects in 14 CFR Part 71

VOR Federal airways.

Proposed amendment

PART 71—[AMENDED]

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

V-8 [Amended]

By deleting the words "Akron, CO; Hayes Center, NE, including a north alternate via INT Akron 063° and Hayes Center 276° radials and also a south alternate via INT Akron 094° and Hayes Center 246° radials; Grand Island, NE, including a N alternate via INT Hayes Center 059° and Grand Island 273° radials, and also a S alternate; Omaha, NE;" and substituting the words "Akron, CO; Hayes Center, NE; Grand Island, NE; Omaha, NE;"

V-28 [Amended]

By deleting the words "Phillip, SD; 56 miles, 35 MSL, Pierre, SD, including a north alternate; Huron, SD;" and substituting the words "Philip, SD; Pierre, SD; Huron, SD;"

V-200 [Amended]

By deleting the words "Meeker, CO; 37 miles, 26 miles, 140 MSL, 130 MSL to Kremmling, CO, including a N alternate via Hayden, CO." and substituting the words "Meeker, CO; to Kremmling, CO."

V-220 [Amended]

By deleting the words "From Kremmling, CO," and substituting the words "From Meeker, CO; Hayden, CO; Kremmling, CO;"

V-211 [Amended]

By deleting the words "to Cortez, including a W alternate via INT Durango 249° and Cortez 150° radials." and substituting the words "to Cortez."

V-421 [Amended]

By deleting the words "Farmington, NM, including a west alternate via INT Gallup 008° and Farmington 233° radials; Durango, CO;" and substituting the words "Farmington, NM; Durango, CO;"

V-484 [Amended]

By deleting the words "Gunnison, CO, including a south alternate from Grand Junction to Gunnison, via Montrose, CO; 13 miles, 112 MSL, 131 MSL" and substituting the words "Gunnison, CO;"

(Secs. 307(a), 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulation for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C. on April 15, 1983.

B. Keith Potts,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 83-10752 Filed 4-22-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 83-AEA-1]

Proposed Alteration of Transition Area; Chambersburg, Pennsylvania

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the Chambersburg, Pennsylvania Transition Area. A new VOR DME-B Instrument Approach procedure has been developed for Chambersburg Airport and will require protection for aircraft executing the new procedure. An instrument procedure requires the designation of controlled airspace to protect aircraft utilizing the instrument procedure.

DATE: Comments must be received on or before June 6, 1983.

ADDRESS: Send comments on the proposal in triplicate to: Glen A. Bales, Manager, Airspace and Procedures Branch, AEA–530, Federal Aviation Administration, Fitzgerald Federal Building (Formerly Federal Building), John F. Kennedy International Airport, Jamaica, New York 11430.

The official dockets may be examined in the Office of Regional Counsel, Federal Aviation Administration, Fitzgerald Federal Building (Formerly Federal Building), John F. Kennedy International Airport, Jamaica, New York 11430.

An informal docket may also be examined during normal business hours at the Airspace and Procedures Branch, AEA–530, Federal Aviation Administration, Fitzgerald Federal Building (Formerly Federal Building), John F. Kennedy International Airport, Jamaica, New York 11430.

FOR FURTHER INFORMATION CONTACT: Glen A. Bales, Manager, Airspace and Procedures Branch, AEA–530, Federal Aviation Administration, Fitzgerald Federal Building (Formerly Federal Building), John F. Kennedy International Airport, Jamaica, New York 11430. telephone (212) 665–3390.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 83–AEA–1." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of the Notice of Proposed Rulemaking (NPRM) by submitting a request to the Office of Regional Counsel, AEA–7, Federal Aviation Administration, Fitzgerald Building (Formerly Federal Building), John F. Kennedy International Airport, Jamaica, New York 11430. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which described the application procedure.

Proposal

The FAA is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) so as to extend the 700 foot transition area generally out to the west of the airport beyond the 6.5 mile radius of the airport and four miles either side of the 080° radial of the St. Thomas Vortac, to the vortac. Section 71.181 of Part 71 of the Federal Aviation Regulation was republished in Advisory Circular AC70–3A dated January 3, 1983.

List of Subjects in 14 CFR Part 71

Transition areas.

Proposed Amendment

PART 71—[AMENDED]

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

1. Amend § 71.181 of Part 71, Federal Aviation regulations, by altering the description of the Chambersburg, Pennsylvania, 700-Foot Floor Transition Area as follows:

Chambersburg, Pa. amended.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center, 39°58'23" N., 77°38'37" W. of Chambersburg Municipal Airport, Chambersburg, Pa.; within an 8-mile radius of the center of the airport, extending clockwise from a 039° bearing from the airport to a 061° bearing from the airport; within a 15-mile radius of the center of the airport, extending clockwise from a 061° bearing from the airport to a 135° bearing from the airport; within an 8-mile radius of the center of the airport, extending clockwise from a 135° bearing from the airport to a 174° bearing from the airport; within a 7-mile radius of the center of the airport, extending clockwise from a 174° bearing from the airport to a 241° bearing from the airport; within 4 miles each side of the St. Thomas VORTAC 080° radial, extending from the 6.5-mile radius area to 29 miles east of the VORTAC; the St. Thomas 233° radial within four miles each side of the Runway 6 centerline from the Chambersburg Municipal Airport, and extending southwest for eight miles.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Jamaica, New York on March 31, 1983.

Norbert A. Owens,

Acting Director, Easter Region.

[FR Doc. 83–10756 Filed 4–22–83; 8:45 am]

BILLING CODE 4910–13–M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Rel. No. 34–19678; File No. S7–969]

Processing of Tender Offers Within the National Clearance and Settlement System

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rulemaking.

SUMMARY: Because of certain securities processing inefficiencies that have been occurring in connection with tender offers when depositaries do not make allowance for book-entry delivery of tendered securities, the Commission is today publishing this release, which discusses, among other things, the causes of those inefficiencies and their effects on the national clearance and settlement system and in the secondary trading markets. This release also proposes for comment Rule 17Ad–14 under the Securities Exchanges Act of 1937 (the "Act") which would require registered transfer agents acting on

behalf of bidders as tender agents to establish and maintain at all qualified registered securities depositories holding the subject company's securities specially designated accounts for purposes of receiving by book-entry from depository participants the delivery of tendered securities that are depository eligible.

DATE: Comments must be received on or before May 27, 1983.

ADDRESSES: Comment letters should refer to File No. S7–969 and should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 450 Fifth Street, Washington, D.C. 20549. All comments will be available for public inspection and copying at the Commission's Public Reference Room.

FOR FURTHER INFORMATION CONTACT: Dan W. Schneider, Esq., at (202) 272–2401, or Thomas V. Sjoblom, Esq., at (202) 272–7379, Division of Market Regulation, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: Tender offer activity by bidders [1] has increased dramatically over the last few years. The Commission believes, however, that insufficient attention has been paid to the functioning of the national clearance and settlement system in the context of tender offers, even though the magnitude of some recent large tender offers has discernibly affected the clearance and settlement of securities transactions associated with those offers. Accordingly, the release discusses certain facilities available to financial institutions that participate in registered securities depositories, the securities processing problems that have occurred in connection with some recent large tender offers, the need for uniform resolution of those problems, and the existence of automated programs for processing tender offers. In addition, the release discusses a proposal made by The Depository Trust Company, Inc. ("DTC") that would not only mandate the use of automated, book-entry services provided by depositories but also facilitate the uniform use of automated trade clearance systems during tender offers. While the Commission is confident that bidders and securities processors will continue voluntarily to make changes in their securities processing programs to accommodate tender offers, the Commission regards these problems as so important that it is responding to DTC's recommendations by proposing a tender agent rule, Rule 17Ad–14, which would require the bidder's agent to establish specially designated accounts with qualified registered securities depositories for purposes of receiving by book-entry the delivery of tendered securities from depository participants.

[1] The term "bidder" is defined in Rule 14d–1(b)(1) of the Act [17 CFR 240.14d–1(b)(1)] to mean, in pertinent part, "any person who makes a tender offer or on whose behalf a tender offer is made. . . ." For purposes of this release, however, the term bidder also encompasses issuers making tender offers for their own shares.

I. The National Clearance and Settlement System

Since the "paperwork crisis" in the late 1960's [2] entities involved in post-execution, "back-office" securities processing services— namely, broker-dealers, banks, clearing corporations, securities depositories and transfer agents (collectively, the "securities processing industry")—have corporated in developing and using efficient date processing and communication techniques to complete their securities transactions. Although brokerage firms had used centralized clearing facilities to process securities transactions for decades, those processing systems, for the most part, operated on a manual basis. [3] During the 1970's, however, the securities processing industry began rapidly building an automated, reliable and financially responsible national system for trade comparison, clearance, settlement and transfer. [4]

[2] The paperwork crisis of the late 1960's nearly brought the securities industry to a standstill and directly or indirectly resulted in the failure of a large number of broker-dealers. This crisis resulted from the sharply increased volume and historic inattention to securities processing (*e.g.*, inefficient, duplicative and extensively manual clearance and settlement systems, poor records, insufficient controls over funds and securities, and the use of untrained personnel to perform processing functions). In the aftermath of the paperwork crisis, the securities industry, the Commission and the Congress turned their attention to securities processing. Among other things, the Commission actively urged policies designed to foster greater access to clearing corporations and securities depositories by all qualified broker-dealers and other financial intermediaries, and the Congress amended the Act to authorize development of a national system for the prompt and accurate clearance and settlement of securities transactions. *See* Section 17A(a) of the Act.

[3] *Id. See.* S. Huebner, *The Stock Market*, at 236–65 (1938).

[4] During the 1970's the entities comprising the securities processing industry developed and implemented significant improvements in their securities processing operations. The improvements included the automation of labor-intensive functions (*e.g.*, broker-dealer and transfer agents converted their recordkeeping and processing functions from primarily manual to automated systems), the establishment of new and more efficient clearance and settlement systems (*e.g.*, continuous net settlement ("CNS") systems, *see note 29 infra*, and institutional trade settlement systems), rapid growth in the use of securities depositories, and an intensification of efforts to complete interfaces among previously unrelated clearance and settlement systems.

Integral to the developing national system were securities depositories. [5] The growth and success of securities depositories occurred as a direct result of the financial industry's desires to minimize the physical movement of stock certificates and related paper, facilitate book-entry settlement of securities transactions, enable the use of centralized dividend accounting, and provide for increased communication efficiencies among depository participants and transfer agents located throughout the country. Centralized vault facilities at registered securities depositories, for instance, greatly facilitate the immobilization [6] of corporate securities certificates. [7]

[5] A securities depository is a "custodial" clearing agency that operates a centralized system for the handling of securities certificates. *See* § 3(a)(23) of the Act. As clearing agencies, securities depositories must be registered with the Commission pursuant to §§ 17A(b) and 19 of the Act. Currently, there are five registered securities depositories: DTC, the Philadelphia Depository Trust Company ("Philadep"), the Pacific Securities Depository Trust Company, the Midwest Securities Trust Company ("MSTC") and the New England Securities Depository Trust Company.

A registered securities depository accepts deposits of securities from broker-dealers, banks and other financial institutions (collectively referred to as "participants"); credits those securities to the general free accounts of the depositing participants; and, pursuant to instructions of the participants, effects book-entry deliveries of securities (including pledges) among participants (and participating pledgee banks). *See, e.g.*, DTC, *Participant Operating Procedures*, §§ B and C. The physical securities deposited with a securities depository are held in a fungible bulk, no significant portion of which is identified or identifiable to a particular participant or pledgee; each participant or pledgee having securities of a given issue credited to its account has a pro-rata interest in the physical securities of the issue held in custody by the securities depository in its nominee name. *See generally* §8–320 of the Uniform Commercial Code. Depositories also may provide facilities for payment by participants to other participants in connection with book-entry deliveries of securities. Securities credited to a participant's or a pledgee's account may be withdrawn by the participant or pledge in physical form for delivery to persons who do not maintain accounts with the depository. Certificates may be withdrawn (i) after re-registration in a name designated by the withdrawing party ("withdrawals by transfer") or (ii) in the name of a depository's nominee ("nominee name certificates"), in which case the nominee appoints the withdrawing party as attorney to effect transfer of the certificate ("COD withdrawals"). *See e.g.*, DTC, *Participant Operating Procedures*, §§ D and E.

[6] The desire to immobilize securities certificates became a matter of affirmative federal regulatory policy in 1975 when Section 17A(e) was added to the Act. That Section provides, in pertinent part, that "the Commission shall use its authority under this title to end the physical movement of securities certificates inconnection with the settlement among brokers and dealers of transactions in securities. . . ."

[7] Eligibility of a security issue for depository services generally depends on whether that security is traded in an active market and is easily transferable. *See, e.g.*, DTC Rule 5; MSTC Rule 2, section 2; and Philadep Rule 5.

Industry confidence in securities depositories as custodians, moreover, has reduced certificate withdrawals, generally, to special circumstances such as customer requests, that place heavy demand on a broker-dealer's limited working supply of certificates. In addition, through reciprocal accounts and telephonic and electronic interfaces, the nation's registered securities depositories have become linked on an automated basis. Furthermore, through these automated depository links, registered clearing corporations—which compare, account for, and initiate settlement of, securities transactions—have experienced increased efficiency in processing trades of their clearing members.

The securities processing industry, therefore, has made great progress since the paperwork crisis in exploiting "state of the art" data processing and communication techniques and in linking together the several components of the national clearance and settlement system.[8] Today, as a result, brokers and other participating institutions can compare, clear and settle securities transactions through a nationwide network of automated facilities, irrespective of the market in which a particular trade has been executed.

II. Current Problems Associated With the Processing of Tender Offers

Despite the extensive growth of automated processing systems, however, many of the paperwork problems that led in 1975 to enactment of Section 17A(a) still exist with respect to tender offer processing that occurs without the benefit of securities depositories.[9] Indeed, the processing of tendered securities and regular-way trades [10] in the subject company's securities during tender offers has not effectively been integrated into the national clearance and settlement system, even though that system should be able to accommodate in a safe, efficient and automated manner all related aspects of securities processing activities during tender offers.[11] Particularly when the services of securities depositories cannot be used during a tender offer (*e. g.*, when the subject company's securities become ineligible for those services), [12] the consequent manual handling of certificates for pysical trade settlement and tender activity increases inefficiency and poses financial risk for all entities involved in securities processing.

Moreover, increased cost and confusion for securities firms and ultimately, for investors (*e.g.*, in the form of increased interest or other charges and delays) inevitably result when securities firms must deal separately with several clearing systems and procedures to settle trades involving securities that are the subject of a tender offer. These problems, apparent during recent large tender offers and discussed in detail below, occur when securities tendered for acceptance and when secondary trades in those securities are processed without the benefit of depository services.

A. *Processing of Tendered Securities in a Non-Depository Physical Certificate Environment.* As suggested above, a central processing benefit of securities depositories lies in eliminating the physical circulation of securities certificates. In a tender offer, however, deliveries for purposes of tender must be made to the bidder's *depositary*.[13] If that depositary agent does not participate, for purposes of the offer, in a securities depository holding the subject company's securities as custodian, delivery to the depositary agent must be accomplished by broker-dealers, banks and other institutions through the physical tender of securities certificates outside the securities depository, rather than through book-entry delivery, even though they may be depository participants.[14] The time contraints, however, surrounding physical delivery during a sizeable tender offer can be severe.[15] For that reason, and because of the inventory management problems that can be encountered when a securities depository attempts to operate in a manual, rather than an automated, mode,[16] some securities depositories

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[8] *See* Section 17A(a) (1) (C), (D) of the Act.

[9] The Senate Subcommittee's February 1972 Report accompanying the Securities Industry Study identified two primary causes of the paperwork crisis:

First, the industry had failed to develop a nationwide system for the clearance and settlement of securities transactions. Second, there existed a lack of uniformity and coordination among the various methods and systems of clear[ance] and settlement. The Subcommittee found an alarming lack of supervision, coordination, and central decision making which was delaying implementation of many of the technological innovations available to help solve processing problems.

S. Rep. No. 94–75, 94th Cong., 1st Sess., reprinted in [1975] U.S. Code Cong. & Ad. News, at 232. *See generally* note 2 *supra*.

[10] The term "regular-way" trades, as used in this release, refers to exchange executed transactions that are scheduled to settle on the fifth day following the execution date (*i.e.*, "trade date + 5," or "T + 5").

[11] While some securities depositories have adopted special programs and procedures to accommodate tender offer activity, only one securities depository has available an automated, book-entry program for the processing of tendered securities. *See* note 44 *infra* and accompanying text, and discussion *infra* at 26–36.

[12] *See* note 16 *infra* and accompanying text.

[13] A depositary—to be distinguished from a registered securities depository, which is a clearing agency (*see* note 5 *supra*)—is a key entity involved in the processing of most, if not all, tender offers. While the bidder customarily answers all questions regarding the validity, form, eligibility, and acceptance of tenders, the depositary, commonly a bank, is appointed by the bidder to receive and hold on behalf of the bidder all securities submitted by tendering securityholders.

As agent for tendering securityholders pursuant to the letters of transmittal (*see* note 19 *infra*), the depositary receives tenders (*i.e.*, letters of transmittal, guarantees of delivery, stock powers and certificates). In that capacity, the depositary usually is constituted with full powers of substitution to (1) deliver the certificates for tendered shares, with accompanying evidence of transfer and authority, to, or upon the order of, the bidder upon receipt from the bidder of the consideration offered; (2) present those certificates for transfer on the books and records of the subject company; and (3) receive all benefits and otherwise exercise all rights of beneficial ownership for tendered securities registered in "street" or nominee" name. *See* note 22 *infra*. In addition, as agent for the tendering securityholders, the depositary receives payment from the bidder and distributes that payment to tendering securityholders for securities accepted by the bidder.

[14] Simply stated, if the depositary agent does not establish and maintain an account at the securities depository, there can be no book-entry delivery from depository participants to the bidder's depositary agent.

[15] Of course, there may be little time after an offer is announced for a bidder and its depositary to set up with a securities depository receipt and delivery arrangements for the subject company's securities. Thus, the need for such arrangements should be taken into account at an early stage by the bidder and persons acting on behalf of the bidder when designing the tender offer.

[16] Heavy certificate withdrawal demands for physical delivery can present enormous inventory management problems to any sizeable securities depository. As a general matter, securities depositories maintain in their vaults primarily large denomination certificates representing aggregated participants' positions in that issue of securities ("jumbo certificates"). The number of certificates in smaller denominations is often just sufficient to meet participants' routine withdrawal needs. In a tender offer in which depository facilities cannot be used for the offer, the precise timing and extent of demand for physical certificates can be unpredictable. Because "jumbo certificates" may need to be presented by the securities depository to the transfer agent for breakdown into several certificates of smaller denominations, a securities depository, at critical points during such tender offers, can have difficulty delivering to participants on an expedited basis certificates in the precise denominations needed. Moreover, even when a bidder provides in an offer for a protection period (*see* note 27 *infra*), a large securities depository may be unable to assure its participants that appropriately denominated certificates will be available from the depository or the transfer agent for timely delivery by participants directly to the bidder's depositary agent. Further, it may not always be possible for every securityholder to obtain a "guarantee of delivery" (*see* note 21 *infra*) from an eligible institution acceptable to the bidder or its depositary. For example, the terms of tender offers commonly require that the guarantor must be a member of the NASD or national securities

step out of the processing stream during large tender offers handled by non-participating depositary agents by declaring deposited stock of the subject company ineligible for continued depository services and returning those deposits to participants.[17]

When the services of a securities depository are not available, securityholders desiring to tender their securities to the bidder face special problems not otherwise confronted in today's automated processing environment. As a consequence, tendering securityholders and the bidder may be adversely affected.[18] For example, tendering securityholders must, pursuant to letters of transmittal,[19] deposit physical certificates with the bidder's depositary either directly or through financial institutions,[20] or they must guarantee later delivery.[21] Before certificates can be delivered to the bidder's depositary, however, securities registered in the name of a person other than the beneficial owner (*e.g.*, stock registered to a broker-dealer in street or nominee name)[22] may first need to be presented by the custodian of those securities to the transfer agent for denominational breakdown of share quantities represented by the certificate[23] and for re-registration.[24] A securityholder who decides at the last minute to tender—or even a securityholder who decides to tender by guarantee of subsequent delivery—may be unable to accomplish timely delivery of physical certificates to the bidder. In that event, tendering securityholders may miss the offer entirely[25] or at least miss it at that premium;[26] or they may remain obligated to the bidder under guarantees of delivery. In addition, bidders may not receive before the expiration date has elapsed, or prior to the end of the protect period when one is provided,[27] the desired precentage of the subject company's securities.

A certificate-based, non-depository, physical tender, settlement and transfer system, therefore, ineffectively serves most, if not all, of the parties involved.

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exchange, a commercial bank or a trust company, which may not be ready accessible to a tendering securityholder.

[17] For example, DTC, the largest of the four active securities depositories, declared the securities of Conoco, Inc. ("Conoco") ineligible for DTC's services during the summer 1981 competing tender offers by E. I. DuPont de Nemours ("DuPont"), Joseph E. Seagram & Sons, Inc. ("Seagram") and Mobil Corporation ("Mobil") for control of Conoco. DTC customarily "exits" the stock of the subject company during large tender offers in which the bidder's depositary agent does not establish an account at DTC for purposes of book-entry delivery of that stock, particularly when those offers are for a significant percentage of that stock on deposit at DTC and when the target company's transfer agent is located outside of New York. Not all securities depositories follow such procedures, however. Midwest Securities Trust Company ("MSTC"), for example, did not declare Conoco stock ineligible for its depository services. The different decisions made by securities depositories regarding the continued eligibility of the subject company's stock appear to be attributable to such factors as the relative volume of activity in that stock, number of participants, size of deposits, share denominations of registered certificates currently being held, percentage of shares on deposit in relation to the percentage of shares sought in the offer, relative inventory management problems, and differing fiduciary philosophies.

[18] Financial intermediaries, who are depository participants, also may lose the opportunity to use depository services for the collateral use of untendered shares (*e.g.*, as collateral for loans, delivery for short sales, or for delivery on customer's fails to deliver, *see note* 31 *infra*)

[19] A letter of transmittal is the document by which a securityhoder of the subject company accepts the bidder's invitation to tender or offer to purchase; offers to sell the subject company's shares to the bidder; appoints the depositary as the agent to receive and hold tendered securities; and actually deposits with, or guarantees to deliver to, the depositary the subject company's securities being tendered. For the most part, securityholders who possess certificates registered to their name and who desire to tender into the offer need only submit those certificates properly endorsed with a letter of transmittal to the bidder's depositary. The latter of transmittal is the basic instrument for effecting transfer of the tendered securities. After expiration of the offer or applicable withdrawal periods (*see* Section 14(d)(5) of the Act and Rule 14d–7 thereunder [17 CFR 240.14d–7]), the bidder can present those certificates to the subject company's transfer agent for cancellation and for issuance of certificates registered in the name of the bidder. If certificates are not immediately available for tender and delivery to the depositary or forwarding agent (*e.g.*, securities are being held in a custodial account, or securities are registered in street or nominee name, *see* note 22 *infra*), bidders commonly permit tenders to be made by or through eligible institutions (*i.e.*, commercial banks, trust companies, members of a national securities exchange, or members of the NASD) without the concurrent deposit of certificates. In that case, the guarantee of delivery (*see* note 21 *infra*) contained in the letter of transmittal must be executed by an eligible institution. *See* note 18 *supra*. *See, e.g., Indiana Nat'l Bank* v. *Mobil Oil Corp.*, 578 F.2d 180, 182 (7th Cir. 1978).

[20] In the context of a tender offer, a securityholder simply may want a broker-dealer, bank or trust company to effect the transaction for him. In these situations, the tender may be made by one of those institutions, if eligible, by submitting a letter of transmittal and by representing that the tender is being made on behalf of a person deemed to own the shares within the meaning of Rule 10b–4 under the Act [17 CFR 240.10b–4]. Rule 10b–4 under the Act makes it a "manipulative or deceptive device or contrivance" within the meaning of Section 10(b) of the Act for any person to tender a security unless he owns it or owns a security convertible into, exchangeable or exercisable for, the tendered security. *See* Rule 10b–4(a) [17 CFR 240.10b–4(a)] An owner of a security is defined as one who has title to the security, has purchased the security, or has converted, exchanged or exercised another security (*e.g.*, option) that entitles him to obtain the security. A person is deemed to own a security, however, only to the extent that he has a "net long position" in the security. *See* Rule 10b–4(b) [17 CFR 240.10b–4(b)].

[21] The offer to purchase (in the case of a cash tender offer) or prospectus (in the case of a registered exchange offer) ordinarily specifies how securities may be tendered when certificates are not immediately available for delivery. A method commonly employed is the use of a "guarantee of delivery," whereby a tendering securityholder or eligible institution promises that the certificates for those securities will be delivered to the bidder s depositary within a specified number of days (usually eight days) after the date of the letter of transmittal.

[22] Securityholders frequently may not personally possess the certificates needed for delivery and deposit in response to a bidder's offer because other financial institutions may have custody of those certificates, in which case they usually are registered in "street name" or "nominee name." "Nominee name" registration refers to arrangements used by institutional investors (*e.g.*, insurance companies and investment companies) and financial intermediaries (*e.g.*, broker-dealers, banks and trust companies) for registration of securities held by them for their own account or for the account of their customers who are the beneficial owners of the securities. "Street name" registration refers to the practice of a broker-dealer registering in its name, or in the name of a nominee, securities left with the broker by its customers or held by a broker for its own account. It is a specialized type of nominee name registration. *See, Final Report of the Securities and Exchange Commission on the Practice of Recording the Ownership of Securities in the Records of the Issuer in Other than the Name of the Beneficial Owner of Such Securities*, at 1 (December 3, 1976).

[23] When securities are being held by a financial institution (*e.g.*, a broker-dealer or custodian bank) for beneficial owners, that institution usually possesses only a few certificates of small denomination for anticipated physical delivery; the remaining securities either are held in, and represented by, large denomination share certificates or are on deposit at a securities depository. In order to provide a given beneficial owner with a certificat representing the appropriate number of shares needed for tender, the financial institution may need to send a certificate to the transfer agent for breakdown into smaller denominations.

[24] Of course, if the person to whom the securities are registered in street name has a certificate representing the precise number of shares needed by the beneficial owner for purposes of tender, that person can simply endorse the certificate or provide a stock power to the beneficial owner.

[25] *See, e.g., Indiana Nat'l Bank* v. *Mobil Oil Corp.*, *supra* note 19, 578 F.2d at 184 (failure to deliver certificates pursuant to letter of transmittal when required by offer as condition precedent to payment did not constitute proper tender). Pursuant to Rule 14e–1(d), of course, the bidder tender). Pursuant to Rule 14e–1(d), of course, the bidder may extend the expiration date of the offer on proper notification. *See* 17 CFR § 240.14e–1(d). In addition, the bidder may extend the delivery date after the offer expires. For example, Seagram several times extended the delivery date for Conoco stock. *See* "Seagram Extends Stock Deadline," Washington Post, August 21, 1981, at D–8.

[26] *See also* Section 14(d)(7) of the Act and Rule 14e–1(b) thereunder [17 CFR 240.14e–1(b)], which prescribe the conditions under which the bidder may increase the consideration offered.

[27] A "protect period" or "protection period" refers to that period of time *after* expiration of an offer during which securities of the subject company may be delivered to the bidder's depositary in accordance with the letters of transmittal, guarantees of delivery or other documentation (*e.g.*, telegrams, facsimile transmissions or letters from eligible institutions) submitted prior to expiration. During large tender offers, bidders commonly provide for a protection period of approximately eight days.

Participants and the bidder's agent are burdened with labor-intensive operations to control a large volume of certificate movement in the subject company's securities, and several parties, including securityholders who desire to tender their shares, may suffer monetary losses.

B. *Problems Associated with Trade Settlement in the Subject Company's Securities.* During a tender offer there often is unusually heavy trading activity in the securities of the subject company. When depository services for those securities are unavailable, however, trade clearance and settlement can become inefficient and costly. For example, trades in those securities cannot be settled through institutional delivery ("ID") systems [28] or continuous net settlement ("CNS") systems [29] because those systems depend on book-entry access to participants' depository accounts.[30]

The inability of brokers, banks and other institutions to use ID systems for settlement of institutional trades during tender offers increases securities processing costs and may increase institutional trade commission fees. To settle delivery obligations in secondary market trades under these circumstances, institutions that act as their own custodians, as well as brokers and agent banks, necessarily incur greater personnel and other costs in delivering physical certificates and funds. In addition, because delays can occur in dispatching and delivering physical certificates to complete secondary market trades, brokers' physical "fails-to-deliver" and "fails-to-receive"[31] are likely to increase, which inevitably requires brokers to incur extraordinary financing costs. These additional financing costs, therefore, coupled with increased expenses associated with processing institutional secondary market trades outside the depository,[32] can influence brokers to increase their commission fees to institutions.

Similarly, when depository and CNS systems are unavailable, trades in the subject company's securities are likely to be settled pursuant to clearing corporation balance orders.[33] Balance orders instruct participants to settle trades among themselves on a net daily basis, in the absence of depository book-entry services, through the physical exchange of securities for cash. Even though balance orders reflect netted daily settlement instructions and thereby reduce the number of settlements necessary for that day, as contrasted to a CNS system, balance orders increase the physical movement of certificates; and, by requiring brokers to devote additional resources to manual certificate settlement, balance orders can reduce the efficiency of broker-dealer trade processing. Such increased physical certificate movement inevitably contributes to "fails-to-deliver" and "fails-to-receive" and requires broker-dealers that are parties to balance orders to employ several remedial mechanisms to effect delivery or to protect rights of ownership.

The two most common clearing agency remedies are buy-ins [34] and liability notices.[35] Because the national clearance and settlement system consists of several clearing corporations and depositories, however, broker-dealers, when relating to these various clearing corporations in settling trades, can face differing buy-in and liability notice rules and procedures.[36] Similarly, clearing agencies that are parties to balance orders may have to accommodate remedies that vary in important details from agency to agency. The existence of differing procedures can reduce the efficiency and

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[28] For a discussion of institutional delivery systems, *see, e.g.*, DTC, *Participant Operating Procedures*, § M; File No. SR–MSTC–82–1 (National ID System). *See also* Securities Exchange Act Release No. 19227 (November 9, 1982) [47 FR 51658 (November 16, 1982)].

[29] A CNS system is characterized generally by the severance of the link between the *original* parties to compared trades and the interposition of the *system* as the *contra* party. The system generates a single, daily net "buy" or "sell" position for each issue of securities in which a participant has compared trades due to settle on T+5 and nets accumulated positions against any previously unsettled net buy or sell positions in that issue. As the *contra* side for each net settlement obligation, the clearing agency's CNS system, rather than the original parties to the trades, becomes the entity which is obligated to deliver or receive securities and money and with which fails to deliver or receive securities must be resolved. *See* note 31 *supra*. The clearing agency carries "fails" forward from day to day as open obligations and protects itself against financial risk by, among other things, obtaining mark-to-the-market payments on open obligations from each participant whose failure to satisfy those open obligations would place the system at risk.

[30] The Commission recognizes that, even if depository facilities remain available during a tender offer, the CNS system of an affiliated clearing corporation may be unavailable. This is most notably the case at the National Securities Clearing Corporation ("NSCC"), which has a limited set of CNS account numbers in its current program. So that NSCC's CNS services can be available to participants during tender offers in which depository services are available, the Commission encourages NSCC to continue its efforts to redesign its CNS account system.

[31] A "fail-to-deliver" arises when the selling broker-dealer does not deliver a certificate in proper form at the agreed upon settlement date to the buying broker-dealer. Conversely, a "fail-to-receive" arises when the buying broker-dealer has not received delivery of securities from a selling broker-dealer as of settlement date.

[32] In that respect, recent concerted industry efforts to eliminate these broker financing costs and streamline the institutional trade settlement process through the mandatory use of ID systems, hinged as those systems are on the eligibility of securities for depository services, will become irrelevant during tender offers processed without the benefits of securities depositories. *See* Securities Exchange Act Release No. 19227 (November 9, 1982) [47 FR 51658 (November 16, 1982)].

[33] Unlike CNS systems, daily balance order ("DBO") systems currently do not involve clearing agency interpositioning between the parties to a trade. Instead, while the system generates a daily net "buy" or "sell" position for each issue of securities in which a participant has a compared trade due to settle that day, it allocates among, and issues to, participants balance orders to deliver or receive net buy or sell positions. DBO systems do not net accumulated positions against any previous unsettled trades in that issue. Due to the allocation procedure, on a given day participants may be required to deliver securities to or receive securities from a participant with which it had no trades. Although securities and money settlement are made through the DBO system, any "fails" resulting from a participant's failure to deliver or receive are treated as fails between the *parties* to the balance order and must be resolved between them (rather than with the system).

[34] If a broker-dealer holding a deliver balance order does not make delivery of all cleared securities pursuant to a balance order within the time specified, the broker-dealer holding the receive balance order to whom the securities are to be delivered may cause securities not so delivered to be bought-in (*i.e.*, cause execution of an order to buy those securities at a reasonable price in the market of its choice). *See, e.g.*, NSCC Rule 10.

[35] Clearing corporations, by rule, enable their participants to use liability notices to protect their rights in a tender offer (*i.e.*, protect the value of the offer) when a trade occurs on or before the last day of expiration or the protection period but when the settlement date is scheduled to occur thereafter. The broker holding the receive balance order that wants its right to tender protected must issue a notice of liability to the delivering broker (*i.e.*, *contra* party) directly or through the clearing agency. The rules of the various clearing corporations specify the time within which the notice must be issued (usually one business day prior to the end of the protect period). If the *contra* party/broker-dealer fails to deliver the securities on expiration date as specified in the notice, the *contra* party is liable for any damages caused thereby.

[36] For example, The Options Clearing Corporation's ("OCC") buy-in rule for the exercised equity options (OCC Rule 910) permits buy-ins approximately 24 hours after scheduled settlement has failed; under Rule 9 of the Midwest Clearing Corporation ("MCC"), when the long value participant (*i.e.*, the clearing member to whom stock is owed) originating the buy-in notice for stock trades is an MCC clearing member, the proposed execution date for the buy-in cannot be set earlier than the third business day following settlement date; and NSCC's rules permit execution of buy-ins three business days after settlement date when securities are in its balanced order system, but provides a shorter time frame for continuous net settlement buy-ins through NSCC. (*See* NSCC's Procedures, § IX. A.) Moreover, the rules of some clearing corporations do not permit retransmittal of buy-in notices. To compound the problem, both the NYSE and the NASD have buy-in rules which some brokers attempted to utilize during the tender offers for Conoco. *See* NYSE Rule 282 and NASD Manual (CCH) ¶3559. Because varying procedures produce confusion and delay, the Commission encourages the clearing agencies to continue to work together to reach a uniform resolution to these differences. *See also* note 38 *infra*.

predictability of settlement resolution,[37] increase the demand for stock in the cash market, and expose clearing corporations to financial risk.[38]

These inefficiencies, delays and risks are amplified when the subject company's security underlies exchange-traded options contracts. Processing problems in these securities may be exacerbated if a large number of options exercises occur prior to the offer's expiration date. Theoretically, the number of options contracts written on the underlying securities and outstanding at any given time can far exceed the authorized or outstanding amount for the particular underlying issue. While most options contracts normally are closed out in the secondary market, during a tender offer outstanding options contracts for a significant percentage of the public float of the subject company's security may be exercised in order to enable market participants to tender on the basis of the exercised position or to cover a separate delivery obligation.[39] If, at the same time, a significant percentage of the public float has been tendered by physical delivery or guarantees of delivery to the bidder's agent, so that those securities already are committed and unavailable, a "short squeeze" may be created.[40] This phenomenon may not only require the institution of extraordinary settlement procedures,[41] but also contribute to significant upward price pressure in the secondary cash market.[42]

For example, the competing tender and exchange offers for Conoco collectively resulted in all or substantially all of Conoco's shares being tendered. During August 1981, when a "short squeeze" became apparent, exercising holders of call options who had not received Conoco stock by exercise settlement date, and uncovered call option writers seeking to cover settlement obligations, turned to the cash market to satisfy their tender obligations. On Monday, August 17, Conoco stock was trading regular-way in the primary market at a price of $80 per share; the cash market price, however, had climbed to $97 per share. As the last date approached for delivery of certificates pursuant to guarantees of delivery within the terms of Seagram's offer (August 19th), accumulating purchase requirements reportedly threatened to push the cash market price above $100, to perhaps more than 20 points above the price in the regular-way market.[43]

[37] For example, during the June–August 1981 competing tender offers for Conoco, broker-dealers, particularly those that held arbitrage positions in the stock of Conoco, were faced with receiving, issuing and retransmitting multiple letters of liability; borrowing Conoco shares, often at a premium, in order to avoid liability; arranging for rush transfers or the exchange of certificates with other firms in order to meet denominational needs for balance order deliveries; continuing to receive or deliver certificates in satisfaction of balance order obligations and incurring interest costs when deliveries could not be turned around the same day; and attempting to satisfy their delivery obligations in Conoco by offsetting transactions that had settled in one system with transactions that had settled in another system (*e.g.*, firms attempted to assert rights to receive under NSCC balance orders to offset buy-in liabilities that resulted from OCC exercise assignments).

[38] For example, some but not all clearing agencies will accept liability notices through the clearing interfaces for trades executed on, or immediately prior to, the expiration date of the tender offer but which settle after the expiration date. When one clearing corporation accepts such a liability notice from a long value participant (*i.e.*, the participant to whom securities are owed) and the short value (*i.e.*, the participant account that owes the securities) is in the account of another clearing corporation that, through the interface, either declines the notice or agrees to provide "best efforts" protection only, the clearing corporation accepting the long value participant's notice can have a significant financial exposure. Even when they will accept a liability notice, some clearing corporations customarily will not act on a notice for physical delivery prior to the last day of the tender offer (or the protect period, if one exists), regardless of the terms of the liability notice. In that instance, if the bidder's agent begins paying on the offer early, receiving (long value) participants that have not yet taken delivery (and thus have not presented securities to the bidder's agent) cannot obtain and use their tender proceeds on the early payment date. Moreover, if a long value participant in one clearing corporation tenders the subject company's securities by a guarantee of delivery five business days prior to expiration of the offer, it is customary for the depositary to require delivery of those securities eight days after tender (*i.e.*, in this case, by the third day of the protect period following expiration of the offer). If a *contra* clearing corporation that is short in the tendering participant's clearing system does not make delivery to that clearing system by the date specified in the liability notice (usually the day prior to the last day of the protect period, which is normally the eighth business day following expiration of the offer), then the clearing corporation whose long value participant tendered by submitting the gurantee of delivery runs the risk of being held liable by that participant pursuant to the liability notice for the terms of the offer for having caused that tendering participant to fail to satisfy its guarantee. While significant losses to date have been avoided due to special cooperative efforts by the staffs of the respective clearing corporations, the Commission believes that this situation cannot continue and must be resolved uniformly among the clearing corporations as soon as possible.

[39] For purposes of Rule 10b-4, the irrevocable exercise of a call option makes the holder an owner of the underlying stock at the time of exercise and thus able to tender without having to wait to receive the stock. *See* Rule 10b-4(b)(4) [17 CFR 240.10b-4(b)(4)]. *See generally* note 20 *supra*.

[40] For example, in the tender offers for Conoco, a short squeeze developed because, among other things: (i) there were competing bidders; (ii) Conoco's stock was made ineligible for depository services; (iii) securities processing problems occurred in delivering physical shares among brokers, the forwarding agent and the depositary, which produced a large number of fails to deliver Conoco stock, including fails by "naked" call option writers who did not have stock available for delivery when assigned exercise notices; and (iv) an apparently thin cash market existed for Conoco stock just prior to expiration of Seagram's offer, which precluded defaulting parties to stock trades and exercising call option holders from obtaining stock to meet delivery or tender obligations.

In an extreme case, a significant shortage of underlying stock could mean that one competing bidder would fail to receive the requested amount.

In addition, under new Rule 14d-8 under the Act [17 CFR § 240.14d-8], which provides for a pro rata period of five business days beyond the withdrawal period under Rule 14d-7 [17 CFR § 240.14D-7], call option writers, who have tendered the underlying stock into the offer but who, after the withdrawal date has elapsed, are assigned exercise notices as a result of exercise activity near the expiration date, will be unable to withdraw from the offer to meet their delivery obligations to these exercising holders.

[41] A short squeeze, among other things, may result in the introduction of the extraordinary cash settlement remedy at OCC. Whenever, in the judgment of OCC, a tender offer or competing offers threaten to reduce the available supply of the subject company's stock to a level expected to be insufficient, among other things, to permit performance by uncovered writers of their obligations on outstanding call options contracts on that stock, OCC may invoke special settlement procedures. Under OCC's by-laws, OCC may first institute broker-to-broker settlement on a trade-by-trade basis, requiring exercising clearing members to exchange cash for physical securities directly with an assigned clearing member (rather than effect settlement of trades in the subject company's stock through automated netting programs of correspondent clearing corporations). Broker-to-broker settlement of exercised options contracts enables OCC to identify specifically which contracts fail to settle and, in turn, which writers fail to deliver stock.

Second, OCC may suspend the settlement obligations of call option writers that are unable to deliver stock, suspend OCC remedies available to clearing members exercising those "suspended" contracts, and set prices for cash settlement of those contracts in lieu of stock settlement.

The tender offer for Conoco was the first and only time OCC has set a cash settlement price. Moreover, according to OCC's recently revised policy, OCC will continue to require settlement of all exercises of options contracts through the facilities of correspondent clearing corporations (and not at OCC) during and following cash tender offers for securities underlying options contracts, unless the application of that policy, in the judgment of OCC, would be inequitable or impractical. *See* OCC By-laws, Art. VI, § 19, Interpretations and Policies .01 and .02, as amended October 29, 1982 (SEC File No. SR–OCC–81–8). Therefore, the instances in which the OCC cash settlement remedy will be invoked in the future would appear to be extremely rare.

[42] Due to the sporadic and fragmented nature of this market, *see* note 43 *infra*, it is very difficult to gauge accurately at any particular time the supply of stock that might be available at various price levels if substantial buying interest became known. Thus, if a short squeeze pushes the cash market price above the tender offer price, uncovered call option writers receiving exercise notice assignments may have to pay a significant premium to cover their delivery obligations.

[43] Unlike regular-way trades that are scheduled to settle on T+5, *see* note 10 *supra*, cash market transactions are effected for same-or-next-day settlement. The cash market operates informally, generally through brokers for member firms on the floor of an exchange who communicate indications of interest in buying and selling the stock for accelerated settlement. The terms and prices of

Of course, depository eligibility of the subject company's securities would not remedy the cash market impact from the short squeeze phenomenon. Nevertheless, the Conoco experience clearly indicates that, to the extent automated settlement mechanisms are unavailable during the perod of high volume that usually accompanies a tender offer, there is an increase in the incidence of stock and options settlement "fails" and the number of physical delivery requirements. As a corollary, heavy cash market demand can occur from the required additional buy-in activity to cover these "fails" and from investors' needs to purchase shares to satisfy their tender obligations under guarantees of delivery. The need for immediate delivery of stock to settle cash market trades can place dramatic upward pressure on the cash market price, pushing the cash market price out of skew with the regular-way market price. Those pressures can be relieved during tender offers, to the benefit of all financial institutions, through the full availability and use of all automated clearance and settlement systems.

III. Depository Trust Company's Voluntary Offering Program

The Depository Trust Company, Inc. ("DTC"), a securities depository registered as a clearing agency under the Act, operates, as a service to its participants and bidders, a system for handling within an automated, book-entry environment securities that are the subject of voluntary offers, including tender offers.[44] In general, after a bidder has appointed an agent to which securities are to be tendered (*e.g.*, a forwarding agent or depositary), DTC, the bidder and that agent enter into a letter of agreement on the procedures to be followed in processing through DTC letters of transmittal and securities tendered or to be tendered, subsequent withdrawals of securities or book-entry returns of securities not taken down by the bidder in a prorationing, and payments due participants. The agreed upon procedures, therefore, describe how the bidder's agent and DTC's participants can interact promptly and efficiently, so that book-entry processing, especially movements of securities to the bidder's agent, can continue uninterrupted.[45]

More specifically, under DTC's voluntary offering program, DTC Participants, until the applicable cut-off time,[46] can elect to accept the offer by delivering letters of transmittal to DTC.[47] Participants also deliver to DTC voluntary offering instructions that request DTC to deliver by book-entry to the bidder's agent securities on deposit that are the subject of letters of transmittal.[48] Delivery of securities through DTC is subject to the terms of the offer, the letters of transmittal and the agreement between DTC and the agent. Significantly, instead of arranging for withdrawal of physical certificates for delivery by participants directly to the bidder's agent, DTC effects *book-entry delivery* of securities from participants' *accounts* to an *account* maintained for the bidder's *agent* solely for the purpose of the offer.[49] While the securities so delivered are subject exclusively to the control of the bidder's agent, the agent's agreement with DTC provides that book-entry delivery of securities to the agent's DTC account satisfies the delivery and deposit conditions necessary to accept the bidder's offer.[50]

In order to provide for exercise of withdrawal rights and for prorationing[51] and to provide protection for participants submitting guarantees of delivery on the last day of an offer, securities represented by book-entry positions, which are credited to the account of the bidder's agent, cannot be withdrawn from DTC by the agent until after expiration of the protect period.[52] At that time, the bidder's agent may request DTC to deliver certificates representing the net securities credited to the agent's account as a result of tenders. When certificates are delivered from DTC's inventory,[53] the certificates

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cash trades are usually then negotiated off the exchange floor, although transactions are reported on the consolidated tape with a special designation.

[44] These procedures were noticed for public comment in Securities Exchange Act Release No. 13865 [42 FR 43159 (August 26, 1977)] and were approved by the Division of Market Regulation, pursuant to delegated authority, in Securities Exchange Act Release No. 14208 (November 25, 1977). In addition, in order to provide for some depository processing during tender offers, procedures for bulk deliveries of certificates by depositories to the bidder's agent have been adopted by the Philadelphia Depository Trust Company in Securities Exchange Act Release No. 18967 (August 16, 1982) [47 FR 36742 (August 23, 1982)], and by Midwest Securities Trust Company (*see* MST System, *Operations Handbook*, § 7 (1974)).

[45] DTC's obligation to provide book-entry delivery of the subject company's securities from participants' positions to the bidder's agent is derived from the letter of agreement.

[46] Generally, when the bidder's depositary and fowarding agents are located outside New York City, the cut-off time is 11 a.m. on the day prior to the expiration date. When either of those agents are located in New York City, the cut-out time is 11 a.m. on expiration date.

[47] Due to the procedures DTC follows in processing participant acceptances of an offer, DTC will not provide for acceptance of offers by submission of letters of transmittal directly to DTC after the applicable cut-off time. *Id.* DTC's procedures do provide, however, for the surrender of securities by book-entry delivery to the agent through DTC after that time and until 11 a.m. on the last day of the protection period, provided the offer can be accepted by delivery of a transmittal letter or like document directly to the agent. Thus, deliveries that were not made prior to expiration can still be effected through DTC until 11 a.m. of the last day of the protection period. In that case, moreover, even though the letter of transmittal is the basic instrument authorizing the delivery and transfer of the subject company's securities from the participant to the bidder and its agent (*see* note 19 *supra*) and even though the letter of transmittal is submitted directly to the bidder's agent, DTC believes that the surrender of securities by book-entry from a participant's account at DTC to the bidder's agent is a legally effective transfer to the bidder's agent under § 8–320 of the Uniform Commercial Code and should satisfy the bidder's deposit requirement. *See* note 57 *infra*.

[48] While DTC undertakes no obligation to examine letters of transmittal or voluntary offering instructions, DTC usually will comply with a participant's instruction only to the extent that participant has a sufficient general free (unpledged) position in its account; otherwise, DTC may reject the insruction.

[49] After making book-entry deliveries of those securities, DTC forwards on that same day to the agent originals or facsimiles of the participants' letters of transmittal and/or voluntary offering instructions. DTC and the agent undertake daily control of all offer and acceptance activity processed through DTC, and DTC's program provides for daily balancing and reconciliation of daily and to-date acceptance figures. A cumulative record of all instructions submitted by each participant is also maintained by DTC.

[50] While DTC does not physically segregate certificates representing securities surrendered by participants and credited to the account of the bidder's agent, DTC does establish a separate account with a "contra security identification" number in the name of the bidder's agent for purposes of recording the cumulative quantity of tender activity by all participants, and that account is subject to the exclusive control of the agent.

[51] *See* Section 14(d)(5) of the Act and Rule 14d–7 [17 CFR § 240.14d–7] (withdrawal rights); Section 14(d)(6) of the Act and Rule 14d–8 [17 CFR 240.14d–8] (pro rata acceptance period, under Rule 14d–8, extends throughout period offer remains open).

[52] If the bider's agent desires certificates registered to a name specified by that agent, the agent may, at any time after expiration of the protect period, make a withdrawal-by-transfer request of DTC (*see* note 5 *supra*) to deliver certificates representing all or a portion of the net securities credited to the agent's account. In that case, DTC will request certificates from the appropriate transfer agent and deliver them to the bidder's agent as soon as DTC receives the certificates from the transfer agent. More than a week may elapse, however, before certificates in proper form and denomination become available for delivery by DTC to the bidder's agent. *See* note 65 *infra*. In addition, under DTC's standard procedures, DTC will not deliver from its vault inventory nominee name certificates (*see* note 5 *supra*) representing the agent's net securities position credited to its account until subsequent to five days after expiration of the protect period. DTC cannot assure that it will be able to deliver appropriately denominated certificates from its inventory prior to that time. If the agent requires earlier deliveries of certificates from DTC's inventory, it must so inform DTC prior to intry into the letter of agreement. Notwithstanding these standard procedures, however, DTC customarily attempts to accommodate early requests for nominee name certificates.

[53] *Id.*

are registered in the name of DTC's nominee (*i.e.*, Cede & Co.) or in street name and are specially endorsed by appointing the bidder's agent as attorney to request transfer on the books of the subject company.[54]

During, or after expiration of, the offer, the agent delivers payment—securities and/or cash—to DTC in respect of securities the bidder's agent has received through DTC and accepted pursuant to the terms of the offer. Payment can be made to DTC at the same time that similar payment is made to persons accepting the offer directly with the bidder's agent. DTC distributes that payment to its participants either through DTC's money settlement system or by book-entry.[55]

Automated voluntary offering procedures such as these provide numerous benefits to depository participants, bidders, depositary agents and others. First, when book-entry services continue uninterrupted during a tender offer, street-side settlement (*i.e.*, settlement between broker-dealers) and customer-side settlement (*i.e.*, settlement between the customer or its agent and the broker-dealer) of any heavy trading activity can occur quickly and efficiently. There is no need for large withdrawals of securities from the depository for settlement purposes. Instead, automated CNS and ID processing can occur,[56] and, as a result, "fails" can be more effectively managed and the need for remedial cash market purchases can be reduced.

Second, because the securities remain eligible for depository services, facilities are provided for processing delivery of tendered securities by depository participants and receipt of those securities by the bidder's agent within a centralized book-entry environment in an economical and orderly manner. These services enable book-entry delivery of securities tendered by participants within a centralized system to the *account* of the bidder's agent.[57] In addition, if the subject company's securities underlying acceptances are part of an automated transfer program, such as the Fast Automated Securities Transfer ("FAST") program,[58] certificates for those securities need not even be forwarded by the securities depository to the bidder's agent after expiration of the offer or at the end of the protect period;[59] instead, if the depositary subscribes to such a program, FAST-type balances can simply be reduced. Further, when a letter of transmittal has been submitted directly to the bidder's agent, securities can be surrendered to the bidder's agent through DTC until the cut-off time on the last day of the protect period without the inventory management problems that would exist were book-entry facilities not available.[60] Processing securities by book-entry delivery among accounts, therefore, keeps securities immobilized, permits optimal certificate control and reduces physical certificate handling by a depository, its participants and the bidder's agent.

Third, participants that have surrendered securities may obtain collateral loans by pledging by book-entry the "contra securities" (*i.e.*, the consideration offered by the bidder) that have been credited to their accounts. These contra securities represent the participants' rights to receive through the depository from the bidder's agent after expiration of the offer either the specified payment for surrendered securities or the return of some or all of the surrendered securities.

Fourth, book-entry movement is available for the withdrawal of previously tendered securities from the agent's account to the general free account of the participant submitting withdrawal instructions and for book-entry return of tendered securities not taken down by the bidder (*i.e.*, when the offer is oversubscribed and pro-rated or cancelled).[61] Thus unlike offers processed without depository services, physical certificates need not be shipped back to tendering shareholders.

Fifth, when book-entry facilities are available and when most tenders are submitted by depository participants in the form of street-name or nominee name securities, a shortened protection period may be possible for those securities (*e.g.*, only a few days may be needed to correct any errors that occur in the processing of participants' instructions, especially those that may have been submitted on the day prior to expiration of an offer[62]). In that case, the usual full eight day protection period often may not be necessary, since book-entry processing obviates the need not only for participants to withdraw physical certificates but also for the depository to present jumbo certificates for transfer and breakdown into smaller denominations to satisfy those withdrawal requests.

Sixth, depository services provide facilities for expedited payment—securities and/or cash—by the depositary or transfer agent to DTC and, through DTC's money settlement system or by book-entry, to participants.[63] For

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[54] Occasionally, when the bidder's agent wants certificates quickly, DTC delivers street-name stock, duly endorsed.

[55] Since DTC has custody of the physical securities and since they are registered in the name of its nominee, distributions are, in the first instance, issued by the bidder's agent to DTC's nominee and then distributed by DTC to the appropriate participant. In the case of a cash payment for securities tendered, facilities exist for the prompt delivery of cash to DTC (*e.g.*, through the Federal Reserve wire system), and payment can then be made promptly by DTC to participants. In the case of an exchange of securities, any newly issued securities, in order to accommodate participants, can be deposited in DTC for book-entry distribution to the tendering party, even though those securities are not otherwise depository eligible.

[56] *See* notes 28–33 supra and accompanying text.

[57] Under §§ 8–320(1) and (3) of the Uniform Commercial Code, book-entry delivery is a legally effective transfer to the bidder's agent and, accordingly, should satisfy the bidder's deposit requirement.

[58] In order to provide participants with speedy withdrawals of certificates, DTC developed the FAST program. Under this program, instead of retaining at the depository FAST issue certificates registered to the participant in street name, these securities are left with transfer agent banks in the form of "balance" certificates for each issue. A "balance certificate" or "window certificate" is a physical certificate either evidencing the number of securities registered in the nominee name of the securities depository that are shown from time to time on the records of the issuer and are being held by the transfer agent or evidencing the issuer's duties to perform the obligation shown from time to time on the records of the issuer (*i.e.*, a book-keeping entry on the records of the issuer maintained by the transfer agent). The balance certificate is adjusted daily to reflect deposit and withdrawal activity. For routine withdrawals-by-transfer under the FAST program, transfer agents can fulfill participant requests within the normal three to four business day turnaround time. *See* Rule 17Ad–2(a), (b) under the Act [17 CFR 240.17Ad–2(a), (b)] and *see* note 65 *infra*. For urgent COD withdrawals, transfer agents that subscribe to FAST must make certificates available overnight and twice each business day on two hours' notice for pickup by the depository or can mail them directly to the participant's customer. The FAST program, therefore, enables participants to obtain transfer services with minimal delay through their securities depositories. Other depositories have developed similar programs.

[59] *See* note 52 *supra*.

[60] *See* note 16 *supra*.

[61] These procedures also may ensure compliance with the obligation in Rule 14e–1(c) under the Act to return promptly after termination or withdrawal of an offer securities deposited but not accepted. *See generally* Securities Exchange Act Release No. 15548, 16 SEC Docket 973, 1006 & n.104 (February 5, 1979), 44 FR 9958, 9957 & n.104 (February 15, 1979) ("The Commission believes that [Rules 14e–1(c)] would protect investors by ensuring that deposited securities are not tied up for an unreasonable length of time * * * after termination of a tender offer").

[62] *See* notes 46 & 47 *supra*. The customary protection period, however, will be required when the depository must await delivery of certificates that have been presented for transfer by a participant (*e.g.*, a broker-dealer) on behalf of a customer for registration in the name of the depository's nominee and when that participant has requested the depository to "cover" the guarantee of delivery while awaiting receipt of that certificate representing tendered securities.

[63] These settlement and delivery procedures may help ensure that a bidder meets its prompt payment obligation under Rule 14e–1(c) of the Act [17 CFR § 240.14e–1(c)].

example, in U.S. Steel Corporation's tender offer for Marathon Oil Co., DTC processed payments to participants from Banker's Trust Co. (the bidder's agent participating in DTC) of over $622 million in same-day funds on the first payment date. These funds were credited to tendering participants' accounts that day in DTC's clearinghouse (next-day) funds settlement system and invested ovenight by DTC; income received on the investment by DTC was allocated among, and credited to, those participants' accounts.[64]

Finally, unlike tender offers processed without depository services, in whch the bidder must request transfer of thousands of certificates from individual shareholders, the bidder (or its agent) can receive from the depository a few large denomination certificates, registered in the name of the bidder or the depository's nominee, representing all securities of the subject company tendered by participants through the depository. Accordingly, the bidder will not incur the usual protracted post tender offer physical processing time needed by the subject company's transfer agent to accomplish transfer of those certificates to the bidder.[65]

In the Commission's view, therefore, programs such as DTC's voluntary offering program beneficially integrate tender offer activity into the national clearance and settlement system.

IV. Proposed Rule 17Ad–14

A. *Introduction.* The processing problems and trading market impacts that can occur during large tender offers are complex in cause and effect. Intricate and diverse systems that ordinarily operate smoothly can become entangled in manual processing, confusion and delay. The Commission believes that, to ensure investor confidence and to avoid paperwork, market and capacity crises, the existing, sophisticated and reliable components of the national clearance and settlement system must be available during tender offers. The Commission, therefore urges the securities processing industry and affected financial institutions to recognize and publicize the benefits of increased securities depository usage and to work together to assure that securities processing activities during tender offers become fully integrated into the national system for prompt and accurate clearance and settlement of securities transactions.

Toward that end, the Commission also urges clearing corporations to concentrate their cooperative efforts toward resolving the problems associated with differing buy-in and liability notice rules and procedures.[66] Resolution of those problems not only would eliminate considerable confusion among broker-dealers attempting to resolve "fails" but more importantly would greatly reduce the accompanying financial uncertainty.

In addition, the Commission believes that automated systems of securities depositories should routinely be availabe and used during all tender offers for depository elighible securities. In that regard, the Commission has received correspondence on several occasions from DTC discussing the benefits of automated depository tender offer services and the problems presented to the financial community when those depository securities are unavailable. In that correspondence, DTC has urged the Commission to adopt a rule requiring bidders to make arrangements with qualified securities depositories for purposes of book-entry delivery of securities during tender offers.[67]

The Commission would prefer that bidders and their agents voluntarily participate in depository tender offer programs. The Commission believes that the economies, efficiences and safeguards associated with these programs make them highly desirable to bidders, depositaries, transfer agents and the investing public alike. The Commission recognizes, however, that the one-time transactional nature of tender offers may mean that many bidders and their attorneys and advisers do not properly familiarize themselves with and use the automated facilities of the national clearance and settlement system. For that reason, and because there can be significant adverse impact from the unavailabilty of automated depository services for the subject company's securities during a tender offer, including market confusion and singificant financial exposure for major securities firms and banks, the Commission believes that some near-term resolution of these problems is required. As a precautionary measure, therefore, and to focus further the attention of bidders, their attorneys and advisers and the securities processing industry on the need to employ automated securities depositories services during tender offers, the Commission is proposing for comment a rule that would require a bidder's "tender agent" to establish and maintain at all qualified registered securities depositories holding the subject company's securities specially designated accounts for purpose of receiving by book-entry the delivery of tendered securities from depository participants.[68]

B. *Description of Rule 17Ad–14.* Under the proposed rule, no registered transfer agent may act in any capacity as a "tender agent" for a bidder (*i.e.*, as a forwarding agent, depositary,[69] disbursing or paying agent, or transfer or exchange agent [70]) unless that agent

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[64] Thus, participants' "float" was not left idle, but instead earned interest while participants awaited receipt. *See* DTC *Newsletter*, January 1982, at 3. When an automated voluntary offering program is not available, participants may not receive early payments as quickly as other tendering shareholders, and any funds received would have to be handled and invested individually by participants.

[65] Transfer agents are afforded a certain period of time under the federal securities laws (the so-called "turnaround rules") within which to accomplish transfer. Pursuant to Rule 17Ad–2(a) of the Act [17 CFR 240.17Ad–2(a)], a registered transfer agent (except when acting as an outside registrar) must trunaround within three business days of receipt at least 90 percent of all routine items received for a month. An item is considered "routine" if, among other thing, it does not involve a tender offer or exchange. *See* Rule 17Ad–1(i)(5) of the Act [17 CFR 240.17Ad–1(i)(5)]. If an item is classified as "nonroutine," the usual three business day turnaround time does not apply. Instead, although that item must be turned around as soon as possible, *see* Rule 17Ad–2(e) [17 CFR 240.17Ad–2(e)], turnaround time may involve several days. In addition, the normal processing time of 24 hours for performance of the registrar function may need to be included, *see* Rule 17Ad–2(b) [17 CFR 240.17Ad–2(b)], before transfer is accomplished. *See generally* 17Ad–1(d) [17 CFR 240–17Ad–1(d)].

[66] *See* notes 34–38 *supra* and accompanying text.

[67] *See*, letter to the Honorable Harold M. Williams, Chairman, SEC, from William T. Dentzer, Jr., Chairman of the Board of Directors and CEO, DTC, dated January 17, 1980; and letter to George Fitzsimmons, Secretary, SEC, from Edward J. McGuire, Jr., Counsel, DTC, April 13, 1979 (SEC File No. S7–770).

[68] In the past, the term "tender offer" has been applied to certain acquisitions that commonly are referred to as "unconventional" tender offers. *See, e.g., Wellman* v. *Dickinson*, 475 F. Supp. 783 (S.D.N.Y. 1979); *S–G Securities Inc.*, v. *Fugua Investment Co.*, 466 F. Supp. 1114 (D. Mass 1978); *In re Paine Weber Jackson & Curtis, Inc.*, SEC File No. 3–6074 (administrative law judge's initial decision) (block trade). Generally, bowever, bidders engaged in unconventional tender offers do not employ "tender agents" and, therefore, would not be subject to proposed Rule 17Ad–14. In addition paragraph (d) of the proposed rule provides the Commission with the authority to exempt certain offers under specified terms and conditions when the Commission deems it appropriate to do so.

[69] *See* note 13 *supra*. Proposed Rule 17Ad–14 will not apply to depositaries that are not also registered transfer agents. In that regard, however, a depositary that acts as a tender agent, particularly in the case of an exchange offer, may fall within the definition of "transfer agent" in Section 3(a)(25) of the Act and may be required to register as a transfer agent before it can act as a tender agent. *See* § 17A(c)(1) of the Act.

[70] When the bidder makes an exchange offer (*i.e.*, an offer of securities in the bidder's company for securities of the subject company), the bidder's transfer agent issues certificates for securities in the bidder's company or surviving company in exchange for the subject company's securities and may be requested by the bidder to make any cash

establishes with all qualified registered securities depositories [71] within two business days after the tender or exchange offer is commenced [72] specifically designated accounts for purposes of receiving book-entry the delivery of tendered securities from depository participants.[73]

By requiring tender agents to maintain an account with a securities depository during the course of an offer, regular-way securities processing activity can continue uninterrupted. As discussed above,[74] there are several benefits that flow from ensuring depository eligibility of the subject company's securities and especially from the ability to deliver securities by book-entry movement.[75] With respect to tendered securities, depository participants can accept offers and satisfy a bidder's deposit requirement by book-entry delivery of securities; the bidder's as well as participants' accounts can simultaneously be credited and debited, usually on the same day as receipt of participant offering instructions; offers may be accepted on or near the expiration date, and the need for extended protection periods may be reduced; securities may be withdrawn by participants more efficiently and expeditiously;[76] securities not taken down or tendered in excess of the proration percentage may be returned in a timely manner;[77] and bidders can make payment for tendered securities through depository settlement systems.

With respect to settlement of trades on national securities exchanges in the subject company's securities, continued depository eligibility of those securities would ensure that clearing agencies could more readily clear and settle those transactions on an automated basis through guaranteed settlement systems.[78] In addition, broker-dealers could more readily meet settlement obligations because the number of multiple physical deliver and receive obligations and thus the number of "fails" would be reduced.

Proposed Rule 17Ad–14, therefore, by ensuring continued depository eligibility of the subject company's securities, would reduce the strain on existing systems for accepting deposits and delivery of securities being tendered and for clearing and settling transactions in those securities that occur within the national market system. The Commission believes that, should the industry not progress expeditiously toward the voluntary use of automated depository tender offer systems, adoption of proposed Rule 17Ad–14, by removing demonstrated impediments to tender offer and trade processing in the subject company's securities, may become a necessary step in integrating tender offers into the national clearance and settlement system which, under Section 17A(a) of the Act, the Commission is directed to facilitate.

V. Statutory Authority

Rule 17Ad.14 is being proposed pursuant to Sections 2, 11A(a)(1)(B), 14(d)(4), 15(c)(3), 15(c)(6), 17A(a), 17A(d)(1), and 23(a) of the Securities Exchange Act of 1934 [15 U.S.C. 78b, 78k–1(a)(1)(B), 78n(d)(4), 78o(c)(3), 78o(c)(6), 78q–1(a), 78–1(d)(1) and 78w(a)]. The Commission believes that the proposed tender agent rule, Rule 17Ad–14, is necessary for the protection of investors and is consistent with the public interest.

Congress, in the Securities Acts Amendments of 1975, found, among other things, that the prompt and accurate clearance and settlement of securities transactions, including the transfer of record ownership, was necessary for the protection of investors, that inefficient clearance and settlement procedures imposed unnecessary costs on investors and persons facilitating transactions on behalf of investors, and that uniform standards and procedures for clearance and settlement reduce those costs and increase protection for investors and persons facilitating transactions on behalf of investors.[79]

As part of the Securities Acts Amendments of 1975, Congress also enacted Section 17A(d)(1) of the Act, which prohibits registered transfer agents and registered clearing agencies from engaging in any activity in contravention of such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. In light of the need to further the purposes of Section 17A(a)(1) of the Act in the context of tender offers and the need for increased investor protection when processing transactions in securities of the subject company during tender offers,[80] the Commission believes that it is appropriate to propose for comment Rule 17Ad–14.

In addition, the Commission believes that Rule 17Ad–14 will help maintain fair and orderly markets in the trading of the subject company's securities during a tender offer.[81] Because clearance and settlement in the subject company's securities will be less strained during a tender offer, market liquidity for those securities should be enhanced.

Finally, Section 14(d)(4) authorizes the Commission to prescribe rules regarding solicitations or recommendations to accept or reject a tender offer or requests or invitations for tenders. In soliciting tenders and acceptances of an offer, the bidder through its tender agent will need to provide for deposit and delivery of the subject company's securities at qualified registered securities depositories by establishing accounts with those depositories.

The Commission believes that the costs, if any, to bidders of complying with proposed Rule 17Ad–14 will be minimal. Currently, bidders do not incur any charges by DTC when using its voluntary offering programs. Instead, costs for operating these programs are allocated among DTC participants using these services. The Commission anticipates that depositories offering these programs will continue to assess tender offer service charges to

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net payments for the difference in value of those securities. Certificates representing the subject company's securities are then presented by the bidder to the subject company's transfer agent for cancellation and issuance of new certificates registered to the bidder.

[71] A "qualified" registered securities depository is a registered clearing agency that, at the time a tender offer is commenced under Rule 14d–2 of the Act [17 CFR 240.14d–2] has an automated tender offer processing program approved by the Commission pursuant to Section 19 of the Act that provides for book-entry delivery of the subject company's securities. Ultimately, the Commission hopes that all registered securities depositories will have procedures that provide for book-entry delivery of the subject company's securities from depository participants to the bidder's depositary.

[72] Unless the context would otherwise require, "commencement" of an offer will be determined under Rule 14d–2 of the Act [17 CFR 240.14d–2].

[73] Persons or entities that are not participants in securities depositories will continue to tender their securities either directly to the bidder's forwarding agent or depositary or indirectly through a "piggy-backing" arrangement with a correspondent that is a depository participant. Moreover, even under the proposed rule, a depository participant can choose to tender its securities directly to the agent.

[74] *See* discussion *supra* at 31–36.

[75] The Commission expects that, absent very compelling reasons, securities depositories would not "exit" the subject company's securities from their systems following commencement of an offer. Indeed, when filing processing procedures with the Commission to qualify under the rule, *see* note 71 *supra*, the depository must specify the circumstances under which that could occur.

[76] *See* Section 14(d)(5) of the Act and Rule 14d–7 thereunder.

[77] *See* Section 14(d)(6) of the Act and Rule 14d–8 thereunder. *See also* note 61 *supra*.

[78] *See* discussion *supra* at 15–26.

[79] *See* Section 17A(a)(1) of the Act.

[80] *See also* Sections 17A(b)(3)(A) (safeguarding funds and securities), 17A(b)(3)(F) (safeguarding funds and securities and removing impediments to a national clearance and settlement system) and 17A(e) under the Act (immobilization of certificates for settlement purposes).

[81] *See* Section 2 of the Act.

participants on the basis of participant usage.[82]

List of Subjects in 17 CFR Part 240

Reporting and recordkeeping requirements, Securities.

VI. Text of Proposal

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

In accordance with the foregoing, the Commission proposes to amend Part 240 of Chapter II of Title 17 of the Code of Federal Regulations as follows:

By proposing § 240.17Ad–14 be added to read as follows:

§ 240.17Ad–14 Tender Agents.

(a) *Establishing book-entry depository accounts.* When securities of a subject company have been declared eligible by one or more qualified registered securities depositories for the services of those depositories at the time a tender or exchange offer is commenced, no registered transfer agent shall act on behalf of the bidder as a forwarding, depositary, transfer, exchange, disbursing, paying or other agent in connection with the tender or exchange offer, unless that agent has established, within two business days after commencement and maintains throughout the duration of the offer, with all qualified registered securities depositories holding the subject company's securities, specially designated accounts for purposes of receiving from depository participants by book-entry delivery securities being tendered pursuant to transmittal letters and other documentation.

(b) *Exclusions.* The provisions of this rule shall not apply to tender or exchange offers (1) that are made for a class of securities of a subject company that has fewer than (i) 500 securityholders of record for that class, or (ii) 500,000 shares of that class outstanding; or (2) that are made exclusively to securityholders of fewer than 100 shares of a class of securities.

(c) *Definitions.* For purposes of this rule, (1) the terms "subject company," "business day," "securityholder," and "transmittal letter" shall be given the meaning provided in § 240.14d–1(b); (2) unless the context otherwise requires, a tender or exchange offer shall be deemed to have commenced as specified in § 240.14d–2; (3) the term "bidder" shall mean any person who makes a tender or exchange offer or on whose behalf a tender or exchange offer is made; and (4) a "qualified registered securities depository" shall mean a registered clearing agency that has rules and procedures approved by the Commission pursuant to Section 19 of the Act that provide for book-entry delivery of the securities of the subject company to the transfer agent through the facilities of that securities depository.

(d) *Exemptions.* The Commission may exempt from the provisions of this rule, either unconditionally or on specified terms and conditions, any registered transfer agent, tender or exchange offer, or class of tender or exchange offers, if the Commission determines that an exemption is consistent with the public interest, the protection of investors, the prompt and accurate clearance and settlement of securities transactions, the maintenance of fair and orderly markets, or the removal of impediments to a national clearance and settlement system.

VII. Request for Comments

Any interested person wishing to submit comments on proposed Rule 17Ad–14, as well as on other matters that might have an impact on the proposal contained herein, is requested to do so. Moreover, the Commission is specifically soliciting comments with respect to the following:

(1) Why have existing depository voluntary offering programs not been used in some tender offers? If such programs have not been used because of certain limitations or drawbacks, what are those limitations and drawbacks and how can they be corrected or eliminated to ensure use of depository voluntary offering programs?

(2) Instead of the approach taken in proposed Rule 17Ad–14, would it be more appropriate to impose a requirement directly on the *bidder* to establish and maintain an account at a securities depository during the pendency of a tender offer for purposes of accepting deposits and delivery of securities being tendered? If so, provide your reasons.

(3) Should a rule requiring depository usage apply to all tender offers? If not, which types or sizes of tender offers and why?

(4) Once a bidder has established an account with the securities depository for purposes of accepting tendered securities by book-entry delivery, should that securities depository be permitted under any circumstances to declare the subject company's securities ineligible for depository services after the tender offer is announced? If so, under what circumstances?

(5) Should proposed Rule 17Ad–14 require the bidder's agent to establish and maintain an account with one or more, rather than all, qualified securities depositors? If the rule operates in that way, should other qualified securities depositories be precluded from declaring the subject company's securities ineligible and be required to use the depository interfaces for book-entry tender? If not, why not?

(6) What effect, if any, would depository voluntary offering procedures and the proposed rule give have on the timing of certain critical events that occur in connection with a tender offer—such as, accrual of voting rights by the bidder for tendered securities and the time period for payment by the bidder of the offered consideration? In that regard, would § 8–320 of the UCC or comparable state law alter the timing of the bidder's right to vote the subject company's securities? In addition, what effect, if any, would depository voluntary offering procedures or the proposed rule have on the bidder's or the subject company's strategy or tactics in making and defending against a tender offer, respectively?

VIII. Regulatory Flexibility Act Certification

Section 603(a)[83] of the Administrative Procedure Act,[84] as amended by the Regulatory Flexibility Act (the "Flexibility Act"),[85] generally requires the Commission to undertake a regulatory flexibility analysis of all proposed rules or proposed rule amendments to determine the impact of that rulemaking on "small entities."[86] Section 605(b) of the Flexibility Act, however, specifically exempts from that requirement any proposed rule or proposed rule amendment for which the Chairman of the Commission certifies that, if adopted, would not have a "significant economic impact on a substantial number of small entities."

Entities likely to be affected by proposed Rule 17Ad–14 include bidders, banks and broker-dealers that are depository participants, clearing agencies and registered transfer agents. While a few of these entities may meet the definitions of "small business" or "small organization" established by the Commission for purposes of the Flexibility Act, none of those entities will experience a significant economic impact. Bidders, which will have accounts established on their behalf at securities depositories for purposes of receiving delivery from depository

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[82] In order to obtain Commission approval as a qualified registered securities depository under proposed Rule 17Ad–14, each securities depository will be required to submit to the Commission as part of its tender offer processing plan filed under Section 19 of the Act a schedule of fees to be charged participants. Any changes to those fees will have to be re-filed pursuant to Section 19(b) of the Act and Rule 19b–4 thereunder [17 CFR 240.19b–4].

[83] 5 U.S.C. 603(a).

[84] 5 U.S.C. 551, *et seq.*

[85] Pub. L. No. 95–354 (September 19, 1980), 94 Stat. 1164, reprinted in [1980] U.S. Code Cong. & Ad. News 1169.

[86] Although Section 601(b) of the Flexibility Act defines the term "small entity," the statute permits agencies to formulate their own definitions. The Commission published its final definitions on the terms "small business" and "small organization" in Securities Act Release No. 6380 (February 4, 1982) [47 FR 5215].

participants, and banks, which participate in securities depositories, generally are not "issuers" or "persons" that are "small businesses" as defined in the Commission's rules under the Flexibility Act.[87] Bidders making tender offers for the securities of subject companies eligible for depository services and bank depository participants commonly have assets exceeding $3,000,000.[88]

In addition, most broker-dealer participants in depositories that will be tendering securities for delivery will not be "small businesses" or "small organizations" for purposes of the Flexibility Act.[89] For those few broker-dealer participants that might be deemed "small" for that purpose, on the basis of current charges to broker-dealer participants for tendering securities through a securities depository, the Commission believes that they will not individually experience any significant economic impact from either reduced tender or trade processing costs. Rather, any operational and financial benefits to accure from proposed Rule 17Ad–14 will be experienced in the aggregate by the brokerage industry as a whole.

Further, no securities depository having a voluntary offering program in effect, so as to be a "qualified" securities depository under proposed Rule 17Ad-14, would be deemed a "small business" clearing agency.[90] While only one of the four active registered securities depositories has established an automated program for the benefit of its participants,[91] and even though the other three securities depositories could establish such programs, none of these four existing securities depositories at which accounts would be established would have funds or securities of less than $200 million under its custody and control, and accordingly, none would qualify as "small" under the Flexibility Act.

Finally, few registered transfer agents that might act on behalf of bidders as depositaries or as other agents will be considered "small businesses" for the purposes of the Flexibility Act.[92] Bidders making tender offers for securities that are depository eligible probably will use, if not require, the services of much larger tender or transfer agents. Even if a "small" transfer agent were appointed as a depositary, the cost, if any, associated with establishing an account with a securities depository on behalf of the bidder would seem to be relatively insignificant,[93] and in any event, to the extent they are incurred at all, will be borne by the bidder or that depository's participants.[94]

Since the Commission does not believe, therefore, that proposed Rule 17Ad–14 will have significant economic impact on a substantial number of small entities, and since the Commission believes that a Regulatory Flexibility Act certification is appropriate, the Chairman of the Commission has certified that proposed Rule 17Ad–14, if adopted, would not have a significant economic impact on a substantial number of small entities.

By the Commission.

George A. Fitzsimmons,

Secretary.

April 15, 1983.

Regulatory Flexibility Act Certification

I, John S. R. Shad, Chairman of the Securities and Exchange Commission, hereby certify pursuant to 5 U.S.C. § 605(b) that the proposed rule, Rule 17Ad–14, set forth in Securities Exchange Act Release No. 19678, if promulgated, will not have a significant economic impact on a substantial number of small entities—namely, issuers, persons, broker-dealers, clearing agencies and transfer agents that are "small businesses" or "small organizations" as defined in Commission Rule 0–10 [17 CFR § 240.0–10]. Specifically, bidders engaged in tender offers are not charged by securities depositories for using automated tender offer services. Moreover, the number of banks and broker-dealers, which are depository participants, that might be deemed "small" for purposes of the Regulatory Flexibility Act is not substantial; and the economic impact, if any, on those entities is insignificant because of their limited involvement in tender offers to which the proposed rule would apply and because there will be no change, as a result of the proposed rule, in the level of charges they currently incur when using depository services in connection with tender offers. Furthermore, the rule would not have a significant economic impact on a substantial number of subject companies that are "small

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[87] For purposes of the Flexibility Act, no separate definition of "small business" has been provided in the case of a "bidder" or a "bank." The Commission has defined "issuer" and "person" in 17 CFR 240.0–10(a), however, to be as follows:

For the purposes of Commission rulemaking in accordance with the provision of Chapter Six of the Administrative Procedure Act (5 U.S.C. 601 *et seq.*), and unless otherwise defined for purposes of a particular rulemaking proceeding, the term 'small business' or 'small organization' shall—(a) When used with reference to an issuer or a person, other than an investment company, under Section 12, 13, 14, 15(d) or 16(b) of the Securities Exchange Act of 1934, mean an 'issuer' or 'person' that, on the last day of its most recent fiscal year, had total assets of $3,000,000 or less." * * *

[88] Even if some bidders or bank participants were deemed "small businesses," that number would not be substantial and the economic impact on those entities would be negligible. For example, the cost, if any, to be incurred by a bidder having its tender agent establish an account with a securities depository is likely to be insignificant when measured against other costs of the tender offer (*e.g.*, legal, accounting, printing, etc). In addition, while voluntary offering procedures and the proposed rule might result in a bidder forgoing income on a certain percentage of the "float" that otherwise could be earned during a more gradual or incremental payout to tendering securityholders, bidders currently using depository offering procedures make lump-sum payments to depository participants at the same time similar payments are made to tendering securityholders that are not depository participants. Moreover, Rule 14e–1(c) [17 CFR 240.14e1(c)] provides that, as a means reasonably designed to prevent fraudulent, deceptive or manipulative acts or practices within the meaning of Section 14(e) of the Act, a bidder shall not fail promptly to pay the consideration offered after termination of the tender offer Accordingly, any economic impact on bidders under the proposed rule would not be appreciable.

The charges currently assessed participants for using despository securities processing services are not significant. Further, no feasible non-cost alternative to proposed Rule 17Ad–14 apparently exists at this time for resolving the problems associated with depository ineligibility of the subject company's securities

The proposed rule would not have a significant economic impact on a substantial number of subject companies that are "small businesses" because few companies, if any, that are small businesses and whose securities are depository eligible are the subjects of tender offers.

[89] Section 240.0–1(c) states that "small business" and "small oranization":

When used with reference to a broker or dealer, mean a broker or dealer that: (1) Had total capital (net worth plus subordinated liabilities) of less than $500,000 on the date in the prior fiscal year as of which its audited financial statements were prepared pursuant to § 240.17a–5(d) or, if not required to file such statements, a broker or dealer that had total capital (net worth plus subordinated liabilities) of less than $500,000 on the last business day of the preceding fiscal year (or in the time that it has been in business, if shorter); and (2) Is not affiliated with any person (other than a natural person) that is not a small business or small organization as defined in this section.

[90] Section 240.10–0(d) states that "small business" and "small organization," when used with reference to a clearing agency, mean a clearing agency that:

(1) Compared, cleared and settled less than $500 million in securities transactions during the preceding fiscal year (or in the time that it has been in business, if shorter);

(2) Had less than $200 million of funds and securities in its custody or control at all times during the preceding fiscal year (or in the time that it has been in business, if shorter); and

(3) Is not affiliated with any person (other than a natural person) that is not a small business or small organization as defined in this section.

[91] *See* note 11 *supra.*

[92] Section 240.0–10(h) provides that "small business" and "small organization," when used with reference to a transfer agent, mean a transfer agent that

(1) Received [fewer] than 500 items for transfer and [fewer] than 500 items for processing during the preceding six months (or in the time that it has been in business, if shorter);

(2) Maintained master shareholder files that in the aggregate contained [fewer] than 1,000 shareholder accounts or was the named transfer agent for [fewer] than 1,000 shareholder accounts at all times during the preceding fiscal year (or in the time that it has been in business, if shorter); and

(3) Is not affiliated with any person (other than a natural person) that is not a small business or small organization under this section.

[93] *See* note 88 *supra.*

[94] See note 82 supra an accompany text.

businesses" because few companies that are small businesses and whose securities are depository eligible are the subjects of tender offers. Finally, any small transfer agent that might be appointed by a bidder to act as a depositary or other agent in connection with a tender offer will not incur significant costs, if any, because the cost of using a securities depository for book-entry delivery of tendered securities, for the most part, is borne by participants in the securities depository and not by the transfer agent.

Dated: April 15, 1983.

John S. R. Shad,

Chairman.

[FR Doc. 83-10923 Filed 4-22-83; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79-76-177 (Ohio-2 Addition)]

High-Cost Gas Produced From Tight Formations, Ohio; Proposed Rulemaking

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This Notice of Proposed Rulemaking by the Director of the Office of Pipeline and Producer Regulation contain the recommendation of the State of Ohio that the Berea Sandstone and the "Second Berea" zone of the Bedford Shale be designated as a tight formation under § 271.703(d). The proposed rule incorporates this recommended tight formation with the previously designated Berea Sandstone and "Second Berea" tight formation of Athens, Gallia, Meigs, Morgan, Muskingum, and Perry Counties, Ohio.

DATES: Comments on the proposed rule are due on June 3, 1983. Public hearing: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on May 4, 1983.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8511, or Webster Gray, (202) 357-8731.

SUPPLEMENTARY INFORMATION:

Issued: April 19, 1983.

I. Background

On January 12, 1983, the State of Ohio Department of Natural Resources, Division of Oil & Gas (Ohio) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that the Berea Sandstone and the "Second Berea" zone of the Bedford Shale located in portions of Athens, Belmont, Meigs, Monroe, Morgan, Noble, and Washington Counties, Ohio, be designated as a tight formation. Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Regulation is hereby issued to determine whether Ohio's recommendation that the Berea Sandstone and the "Second Berea" zone of the Bedford Shale be designated a tight formation should be adopted. Ohio's recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

Ohio has recommended that the Berea Sandstone and the "Second Berea" zone of the Bedford Shale found in specified townships in Athens, Belmont, Meigs, Monroe, Morgan, Noble, and Washington Counties, Ohio, be designated as a tight formation. The recommended area comprises approximately 2,073 square miles and is an eastward extension of an area where the Berea Sandstone and the "Second Berea" have previously been designated as a tight formation. The recommended interval is a depositional unit of early Mississippian age, and lies on the northwestern flank of the Appalachian Basin in southeastern Ohio. It consists of interbedded sandstones, siltstones, and shales which dip gently to the southeast, toward the axis of the Appalachian Basin. The recommended interval is bounded above by the base of the Lower Mississippian Sunbury Shale (called "Coffee Shale" by drillers) and below by the top of the Upper Devonian Ohio Shale.

The depth to the top of the interval ranges from approximately 1,250 feet to 2,375 feet. The Berea Sandstone (called "First Berea" or "Berea Grit" by drillers) ranges from 10 to more than 40 feet in thickness, and is the uppermost formation in the recommended interval. The "Second Berea" is a drillers' term for a siltstone-sandstone lens near the base of the Bedford Shale, with a maximum thickness of 20 feet. The "Second Berea" is separated from the Berea Sandstone by approximately 10 to 50 feet of red and gray shales and siltstones.

III. Discussion of Recommendation

Ohio claims in its submission that evidence gathered through information and testimony presented at a public hearing held December 17, 1982, by Ohio on this matter demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exced 0.1 millidarcy;

(2)The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

Ohio further asserts that existing State and Federal Regulations assure that development of this formation will not adversely affect any fresh water aquifers.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80-68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by Ohio that the Berea Sandstone and the "Second Berea" zone of the Bedford Shale, as described and delineated in Ohio's recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before June 3, 1983. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79-76-177 (Ohio-2 Addition) and should give reasons including supporting data for any recommendations. Comments should include the name, title, mailing

address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing of a desire to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than May 4, 1983.

List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432)

Accordingly, the Commission proposes to amend the regulations in Part 271, Subchapter H, Chapter I, Title 18, Code of Federal Regulations, as set forth below, in the event Ohio's recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

PART 271—[AMENDED]

Section 271.703 is amended by revising paragraph (d)(84) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.*

* * * * *

(84) *Berea Sandstone and the "Second Berea" zone of the Bedford Shale in Ohio.* RM79–76–177 (Ohio-2 Addition).

(i) *Delineation of formation.* The Berea Sandstone and the "Second Berea" zone of the Bedford Shale occur within the Lower Mississippian System. The Berea Sandstone (also called the "First Berea" or "Berea Grit") lies above the Bedford Shale, which includes the "Second Berea" zone near its base. The Berea Sandstone is found in the following townships:

Athens County: Alexander, Ames, Athens, Bern, Canaan, Carthage, Dover, Lodi, Rome, Troy.

Belmont County: Somerset, Washington, Wayne, York.

Gallia County: Addison, Cheshire, Gallipolis, Springfield (Sections 1 through 12).

Meigs County: all except Columbia.

Monroe County: all.

Morgan County: all.

Muskingum County: Blue Rock, Meigs, Rich Hill, Salt Creek, Wayne (Sections 29 and 32).

Noble County: all.

Perry County: Bearfield (Sections 1, 2, 3, 10 through 15, 22 through 27).

Washington County: all.

The "Second Berea" zone of the Bedford Shale is found in the following townships:

Athens County: Alexander, Ames, Athens, Bern, Canaan, Carthage (Sections 25, 26, 29 through 36, Fractions 24, 32 through 35), Dover, Lodi, Rome.

Gallia County: Addison, Cheshire, Gallipolis, Springfield (Sections 1 through 12).

Meigs County: Bedford (All sections except 1 through 4), Orange (Sections 35 and 36), Rutland, Salem, Salisbury, Scipio.

Morgan County: Bloom, Bristol, Deerfield, Homer, Malta, Marion, Meigsville (Sections 5, 6, 7, 8, 18, 19), Morgan, Penn, Union, York.

Muskingum County: Blue Rock, Meigs, Rich Hill, Salt Creek, Wayne (Sections 29 and 32).

Perry County: Bearfield (Sections 1, 2, 3, 10 through 15, 22 through 27).

Washington County: Wesley (Section 6).

(ii) *Depth.* The vertical limits of the designated interval are defined by the base of the Sunbury Shale (called "Coffee Shale" by drillers) above and the top of the Upper Devonian Ohio Shale below. The depth to the top of the interval ranges from approximately 1,000 feet to 2,400 feet. The Berea Sandstone ranges from 10 to 54 feet in thickness, and the "Second Berea" zone of the Bedford Shale has a maximum thickness of 36 feet. The "Second Berea" is separated from the Berea Sandstone by approximately 10 to 50 feet of red to gray shales and siltstones.

[FR Doc–83–10903 Filed 4–22–83; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

Substantiation of Charitable Contributions

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to substantiation requirements for charitable contributions by itemizing and nonitemizing taxpayers. The proposed regulations are prompted by changes to the applicable tax law made by the Economic Recovery Tax Act of 1981. The regulations would affect all taxpayers claiming deductions for charitable contributions.

DATES: Written comments and requests for a public hearing must be delivered or mailed by June 24, 1983. The proposed amendments provide new rules for taxable years beginning after December 31, 1982.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T, [LR–255–81], Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Linda M. Kroening of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224 (Attention: CC:LR:T) (202–566–3297).

SUPPLEMENTARY INFORMATION:

Background

Section 121 of the Economic Recovery Tax Act of 1981 amended sections 63 and 170 of the Code by providing a deduction from adjusted gross income for charitable contributions made by taxpayers who do not itemize deductions. The legislative history of the new provision reflects the expectation that regulations would be developed to provide appropriate substantiation requirements, in addition to the currently applicable requirements, to assure substantiation and verification of charitable deductions.

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under sections 63 and 170 of the Internal Revenue Code of 1954. These amendments provide new substantiation requirements for taxpayers claiming charitable contribution deductions. The amendments are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

Explanation of Provisions

For taxable years beginning after December 31, 1982, the proposed amendments would require a corporate or individual taxpayer making a charitable contribution of money to maintain a canceled check, a receipt, or other reliable written evidence showing the amount of the charitable contribution, the date contributed, and the name of the donee. This information

would have to be stated in the taxpayer's income tax return if required by the return form or its instructions. For purposes of these proposed amendments, a letter or other communication from the donee acknowledging receipt of the contribution and showing the date and amount of the contribution would constitute a receipt. In the absence of a canceled check or receipt, the reliability of the other written evidence will depend on the facts and circumstances of a particular case but, in all events, the burden shall be on the taxpayer to establish reliability. Factors indicating that such other written evidence is reliable include, but are not limited to, the contemporaneous nature of the writing evidencing the contribution, the regularity of the taxpayer's recordkeeping procedures, and, in the case of a contribution of a small amount, any other written evidence from the donee charitable organization evidencing receipt of a donation that would not otherwise constitute a receipt under § 1.170A–13(a)(2).

The proposed amendments would generally require a corporate or individual taxpayer making a charitable contribution of property other than money to have a receipt from the donee charitable organization and a reliable written record of specified information with respect to the donated property. A receipt would have to include the name of the donee, the date and location of the contribution, and a description of the property in sufficient detail to identify the particular property contributed. A letter or other communication from the donee charitable organization acknowledging receipt of a donation and describing the donated property in sufficient detail to identify the particular property contributed would constitute a receipt for purposes of these proposed amendments. An exception to the receipt requirement is provided in cases where the contribution is made in circumstances where it is impractical to obtain a receipt. In these cases, the taxpayer would be required to maintain the reliable written record of specified information with respect to each item of donated property. The reliability of such written records will depend on the facts and circumstances of a particular case but, in all events, the burden shall be on the taxpayer to establish reliability. Factors indicating that such written records are reliable include, but are not limited to, the contemporaneous nature of the writing evidencing the contribution, and the regularity of the taxpayer's recordkeeping procedures. Information contained in a receipt or in a written record would have to be stated in the taxpayer's income tax return if required by the return or its instructions.

Finally, for charitable contributions of property other than money for which the taxpayer claims a deduction in excess of $500, the taxpayer would be required to maintain additional records regarding the manner of acquisition of the property and the property's cost or other basis if it was held for less than one year prior to the date of contribution. For property held for one year or more preceding the date of contribution, cost or other basis information should be maintained by the taxpayer if it is available. The information required by the proposed amendments would have to be stated in the taxpayer's income tax return if required by the return form or its instructions.

Regulatory Flexibility Act and Executive Order 12291

The Commissioner of Internal Revenue has determined that this rule is not a major rule for purposes of Executive Order 12291. Accordingly, a regulatory impact analysis is not required. The Secretary of the Treasury has certified that this regulation if promulgated will not have significant economic impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis is not required.

Comments and Requests for a Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably seven copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the **Federal Register**.

Drafting Information

The principal author of these proposed regulations was Linda M. Kroening of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnei from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, on matters of both substance and style.

List of Subjects in 26 CFR 1.61–1—1.281–4

Income taxes, Taxable income, Deductions, Exemptions.

Proposed Amendments to the Regulations

The proposed amendments to 26 CFR Part 1 are as follows:

PART 1—[AMENDED]

Paragraph 1. New § 1.170A–13 is added immediately after 1.170A–12 to read as follows:

§ 1.170A–13 Recordkeeping and return requirements for deductions for charitable contributions.

(a) *Post–1982 charitable contributions of money.* In regard to claims for deductions for charitable contributions of money for taxable years beginning after December 31, 1982, the taxpayer shall maintain one of the following for each contribution:

(1) A canceled check;

(2) A receipt from the donee charitable organization showing the date of the contribution, the amount, and the name of the donee (including a letter or other communication from the donee acknowledging receipt of the contribution and showing the date and amount of the contribution);

(3) In the absence of a canceled check or a receipt from the donee charitable organization, other reliable written evidence showing the name of the charitable donee and the date and amount of the contribution. The reliability of such other written evidence is to be determined on the basis of all of the facts and circumstances of a particular case. In all events, however, the burden shall be on the taxpayer to establish reliability. Factors indicating that such other written evidence is reliable include, but are not limited to:

(i) The contemporaneous nature of the writing evidencing the contribution and the regularity of the taxpayer's recordkeeping procedures. For example, a contemporaneous diary entry stating the amount and date of the donation and the name of the donee charitable organization made by a taxpayer who regularly makes such diary entries would generally be considered reliable.

(ii) In the case of a contribution of a small amount, any written or other evidence from the donee charitable organization evidencing receipt of a donation that would not otherwise constitute a receipt under paragraph (a)(2) of this section (including an emblem, button, or other token traditionally associated with a charitable organization and regularly given by the organization to persons making cash donations).

Information concerning the date and amount of the contribution and the name of the donee shall be stated in the

taxpayer's income tax return if required by the return form or its instructions.

(b) *Post-1982 charitable contributions of property other than money*—(1) *In general.* If a taxpayer makes a charitable contribution of property other than money in a taxable year beginning after December 31, 1982, the taxpayer shall have in his or her records a receipt from the donee charitable organization that includes the name of the organization to which the contribution was made, the date and location of the actual contribution, and a description of the property in sufficient detail to identify the particular property contributed. A letter or other communication from the donee charitable organization acknowledging receipt of a donation and describing the donated property in sufficient detail to identify the particular property contributed constitutes a receipt for purposes of this paragraph. A receipt is not required if the contribution is made in circumstances where it is impractical to obtain a receipt (*e.g.*, by depositing property at a charity's unattended drop site). In all cases, however, the taxpayer shall maintain reliable written records with respect to each item of donated property that include the information required by subdivisions (i) through (vii) of this paragraph. Factors indicating that such written records are reliable, include, but are not limited to, the contemporaneous nature of the writing evidencing the contribution and the regularity of the taxpayer's recordkeeping procedures. In all events, the burden shall be on the taxpayer to establish the reliability of such written records. These written records shall include the following informtion and such information shall be stated in the taxpayer's income tax return if required by the return form or its instructions:

(i) The name of the organization to which the contribution was made.

(ii) The date and location of the actual contribution.

(iii) A description of the property in sufficient detail to identify the particular property contributed, including in the case of tangible property the physical condition of the property at the time of the contribution, and, in the case of securities, the name of the issuer, the type of security, and whether or not such security is regularly traded on a stock exchange or in an over-the-counter market.

(iv) The fair market value of the property at the time the contribution was made, the method utilized in determining the fair market value, and, if the valuation was determined by appraisal, a copy of the signed report of the appraiser.

(v) In the case of property to which section 170(e) applies, the cost or other basis, adjusted as provided by section 1016, the reduction by reason of section 170(e)(1) in the amount of the charitable contribution otherwise taken into account, and the manner in which such reduction was determined. A taxpayer who elects under paragraph (d)(2) of § 1.170A–8 to apply section 170(e)(1) to contributions and carryovers of 30 percent capital gain property shall maintain a written record indicating the years for which the election was made and showing the contributions in the current year and carryovers from preceding years to which it applies. For the definition of the term "30-percent capital gain property", see paragraph (d)(3) of § 1.170A–8.

(vi) If less than the entire interest in the property is contributed during the taxable year, the total amount claimed as a deduction for the taxable year due to the contribution of the property, and the amount claimed as a deduction in any prior year or years for contributions of other interests in such property, the name and address of each organization to which any such contribution was made, the place where any such property which is tangible property is located or kept, and the name of any person, other than the organization to which the property giving rise to the deduction was contributed, having actual possession of the property.

(vii) The terms of any agreement or understanding entered into by or on behalf of the taxpayer which relates to the use, sale, or disposition of the property contributed, as, for example, the terms of any agreement or understanding which—

(A) Restricts temporarily or permanently the donee's right to dispose of the donated property,

(B) Reserves to, or confers upon anyone other than the donee organization or other than an organization participating with such organizations in cooperative fundraising, any right to the income from such property or to the posssion of the property, including the right to vote securities, to acquire such property by purchase or otherwise, or to designate the person having such income, possession, or right to acquire, or

(C) Earmarks contributed property for a particular charitable use, such as the use of donated furniture in the reading room of the donee organization's library.

(2) *Deductions in excess of $500 claimed for a charitable contribution of property other than money.* In addition to the information required under paragraph (b)(1) of this section, if a taxpayer makes a charitable contribution of property other than money in a taxable year beginning after December 31, 1982, and claims a deduction in excess of $500 in respect of the contribution of such item, the taxpayer shall maintain written records that include the following information with respect to such item of donated property, and shall state such information in his or her income tax return if required by the return form or its instructions:

(i) The manner of acquisition, as, for example by purchase, gift bequest, inheritance, or exchange, and the approximate date of acquisition of the property by the taxpayer or, if the property was created, produced, or manufactured by or for the taxpayer, the approximate date the property was substantially completed.

(ii) The cost or other basis, adjusted as provided by section 1016, of property, other than securities held by the taxpayer for a period of less than one year immediately preceding the date on which the contribution was made and, when the information is available, of property, other than securities, held for a period of one year or more preceding the date on which the contribution was made.

Par. 2 Paragraph (a) of § 1.170A–1 is amended by removing its heading, redesignating paragraph (a)(1) as paragraph (a), adding two cross-references, and removing "section 170(h)" and adding "section 170(g)" in lieu thereof. These redesignated, added, and revised provisions read as follows:

§ 1.170A–1 Charitable, etc., contributions and gifts; allowance of deduction.

(a) *Allowance of deduction.* Any charitable contribution, as defined in section 170(c), actually paid during the taxable year is allowable as a deduction in computing taxable income irrespective of the method of accounting employed or of the date on which the contribution is pledged. However, charitable contributions by corporations may under certain circumstances be deductible even though not paid during the taxable year, as provided in section 170(a)(2) and § 1.170A–11. For rules relating to record keeping and return requirements in support of deductions for charitable contributions (whether by an itemizing or nonitemizing taxpayer) see § 1.170A–13 The deduction is subject to the limitations of section 170(b) and § 1.170A–8 or § 1.170A–11. Subject to the provisions of section 170(d) and §§ 1.170A–10 and 1.170A–11, certain excess charitable contributions made by individuals and corporations shall be

treated as paid in certain succeeding taxable years. For provisions relating to direct charitable deductions under section 63 by nonitemizers, see section 63 (b)(1)(C) and (i) and section 170(i). For rules relating to the determination of, and the deduction for, amounts paid to maintain certain students as members of the taxpayer's household and treated under section 179(g) as paid for the use of an organization described in section 170(c) (2), (3), or (4), see § 1.170A–2. For the reductrion of any charitable contributions for interest on certain indebtedness, see section 170(f)(5) and § 1.170A–3. For a special rule relating to the computation of the amount of the deduction with respect to a charitable contribution of certain ordinary income or capital gain property, see section 170(e) and § 1.170A–4 and § 1.170A–4A. For rules for postponing the time for deduction of a charitable contribution of a future interest in tangible personal property, see section 170(a)(3) and § 1.170A–5. For rules with respect to transfers in trust and of partial interests in property, see section 170(e), section 170(f) (2) and (3), § 1.170A–4, § 1.170A–6, and § 1.170A–7. For definition of the term "section 170(b)(1)(A) organization," see § 1.170A–9. For valuation of a remainder interest in real property, see section 170(f)(4) and the regulations thereunder. The deduction for charitable contributions it subject to verification by the district director.

* * * * *

Par. 3. Pargraph (a)(2)(i) of § 1.170A–1 is redesignated as paragraph (c)(1) of new § 1.170A–13, paragraph (a)(2)(ii)(*a*), (*b*), (c), (*d*), (*e*), (*f*), (g), (*h*), (*1*), (*2*) and (3), and (*i*) of § 1.170A–1 is redesignated as paragraph (c)(2) (i), (ii), (iii), (iv), (v), (vi), (vii), (viii), (A), (B) and (C), and (ix), respectively, of new § 1.170A–13, the heading of redesignated paragraph (c) is revised, and new sentences are added at the beginning of redesignated paragraph (c) (1) and (2) of new § 1.170A–13, to read as follows:

§ 1.170A–13 Record keeping and return requirements for deductions for charitable contributions.

* * * * *

(c) *Pre-1983 charitable contributions; information required in support of deductions*—(1) *In general.* This subparagraph shall apply to deductions for charitable contributions for taxable years beginning before January 1, 1983.

* * *

(2) *Contribution by individual of property other than money.* This subparagraph shall apply to deductions for charitable contributions for taxable years beginning before January 1, 1983.

* * *

* * * * *

§ 1.170A–1 [Amended]

Par. 4. Paragraph (a)(2)(iii) of § 1.170A–1 is redesignated as paragraph (d) of new § 1.170A–13, and "$200" is removed therefrom and "$500 ($200 in the case of a charitable contribution made in a taxable year beginning before January 1, 1983)" is added in its place.

Par. 5. The following new section is added immediately after § 1.63–1:

§ 1.63–2. Cross reference.

For rules with respect to charitable contribution deductions for nonitemizing taxpayers, see section 63 (b)(1)(C) and (i) and section 170(i) of the Internal Revenue Code of 1954.

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 83–9011 Filed 4–5–83; 8:45 am]

BILLING CODE 4830–01–M

VETERANS ADMINISTRATION

38 CFR Part 17

Health Professional Scholarship Program

AGENCY: Veterans Administration.

ACTION: Proposed regulations.

SUMMARY: The Veterans' Administration Health Care Amendments of 1980, Public Law 96–330, established the Veterans' Administration Health Professional Scholarship Program. Under that law, the Veterans Administration was authorized to award scholarships only to students attending school full-time. Section 3 Public Law 97–251, Veterans' Administration Health-Care Programs Improvement and Extension Act of 1982, amended the law to authorize the Veterans Administration to award scholarships to full-time Veterans Administration employees working in Veterans Administration health care facilities, who will attend school part-time. These proposed changes to Veterans Administration medical regulations will implement provisions of Section 3 of Public Law 97–251.

DATE: Comments must be received on or before May 25, 1983.

ADDRESS: Interested persons are invited to submit written comments, suggestions, or objections regarding this proposed regulation to: Administrator of Veterans Affairs (271A), 810 Vermont Avenue, NW, Washington, DC 20420. All written comments received will be available for public inspection only in the Veterans Services Unit, room 132, of the above address, between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday (except holidays) until June 9, 1983.

FOR FURTHER INFORMATION CONTACT: Ms. Dorothy E. Reese, Director, VA Health Professional Scholarship Program (202) 389–5071.

SUPPLEMENTARY INFORMATION:

Excutive Order 12291

The Administrator has determined that these regulations are non-major as that term is defined by Executive Order 12291. The proposed regulations will apply to individuals seeking benefits of the program. The proposed regulations will not result in (1) an annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumer, individual industries, Federal, State or local government agencies or geographic regions; or (3) significant adverse effects on competition, employment investment, productivity, innovation, or on the ability of United States-based enterprise to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility

The Administrator has certified that these proposed regulations will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. Pursuant to 5 U.S.C. 605(b), these proposed regulations are therefore exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604. The reason for this certification is that these proposed rules will, almost exclusively, be directed to individuals who wish to apply for assistance from the VA Health Professional Scholarship Program. They will, therefore, have no significant direct impact on small entities (i.e., small business, small private and non-profit organizations, and small governmental jurisdictions.)

Paperwork Reduction Act

Information collection requirements contained in these regulations (38 CFR 17.600–17.612) have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980, P.L. 96–511, and have been assigned OMB control number 2900–0352.

The Catalog of Federal Domestic Assistance number for this program is 64.023.

Lists of Subjects in 38 CFR Part 17

Alcoholism, Claims, Dental health, Drug abuse, Foreign relations, Government contracts, Grant programs—health, Health care, Health facilities, Health professions, Medical devices, Medical research, Mental health programs, Nursing homes, Philippines, Veterans.

Approved: April 11, 1983.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

PART 17—[AMENDED]

38 CFR Part 17, Medical, is amended as follows:

§ 17.600 [Amended]

1. Section 17.600 is amended by inserting the phrase ", as amended by Pub. L. 97–251" after the number "4146)".

2. In §17.601, paragraph (b) is amended by adding after the number "4146", the phrase: ", as amended by Pub. L. 97–251, the Veterans' Administration Health-Care Programs Improvement and Extension Act of 1982"; paragraph (h) is amended by deleting the word "clinical" and inserting the word "nursing"; paragraph (j) is amended by deleting the words ", supplies, required fees and required educational equipment" and inserting the words "and laboratory equipment"; and the following new paragraphs (r), (s), (t), and (u) are added to read as follows:

§ 17.601 Definitions.

* * * * *

(r) "Part-time student" means an individual who is a VA employee permanently assigned to a VA health care facility who has been accepted for enrollment or enrolled for study leading to a degree in medicine, osteopathy or nursing on a less than full-time but not less than half-time basis.

(s) "Veterans Administration employee" means an individual employed and permanently assigned to a VA health care facility.

(t) "Degree completion date" means the date on which a participant completes all requirements of the degree program.

(u) "VA health care facility" means Veterans Administration medical centers, medical and regional office centers, domiciliaries, independent outpatient clinics, and outpatient clinics in regional offices. (38 U.S.C. 4142(j))

3. In § 17.602, paragraph (b) is redesignated as paragraph (c) and revised and a new paragraph (b) is added so that the added and revised material reads as follows:

§ 17.602 Eligibility.

* * * * *

(b) To be eligible for a scholarship as a part-time student under this program, an applicant must satisfy requirements of paragraph (a) of this section and in addition must—

(1) Be a full-time VA employee permanently assigned to a VA health care facility at the time of application and on the date when the scholarship is awarded;

(2) Remain a VA employee for the duration of the scholarship award. (38 U.S.C. 4142(g)(1))

(c) Any applicant who, at the time of application, owes a service obligation to any other entity to perform service after completion of the course of study is ineligible to receive a scholarship under the Veterans Administration Scholarship Program. (38 U.S.C. 4142(a)(4))

§ 17.603 [Amended]

4. Section 17.603 is amended by adding the following sentence to the end of that section: "The Administrator has the authority to determine the number of scholarships to be awarded in any fiscal year, and the number that will be awarded to full-time and part-time students."; and by adding "and (d)(1)" after "(c)(2)" in the authority citation.

5. Section 17.605 is revised to read as follows:

§ 17.605 Selection of participants.

(a) *General.* In deciding which Scholarship Program applications will be approved by the Administrator, priority will be given to applicants who previously received scholarship awards and who meet the conditions of paragraph (d) of this section. Except for continuation awards (see paragraph (d) of this section) applicants will be evaluated under the criteria specified in paragraph (b) of this section. A situation may occur in which there are a larger number of equally qualified applicants than there are awards to be made. In such cases, a random method may be used as the basis for selection. In selecting participants to receive awards as part-time students, the Administrator may, at his/her discretion—

(1) Award scholarships geographically to part-time students so that available scholarships may be distributed on a relatively equal basis to students working throughout the VA health care system, and/or

(2) Award scholarships on the basis of retention needs within the VA health care system. (38 U.S.C. 4142(c)(1))

(b) *Selection.* In evaluating and selecting participants, the Administrator will take into consideration those factors determined necessary to assure effective participation in the Scholarship Program. The factors may include, but not be limited to—

(1) Work experience, including prior health care employment and VA employment;

(2) Faculty and employer recommendations;

(3) Academic performance; and

(4) Career goals. (38 U.S.C. 4142(i))

(c) *Selection of part-time students.* Factors in addition to those specified in paragraph (b) of this section, which may be considered in awarding scholarships to part-time students may include, but are not limited to:

(1) Length of service of a VA employee in a health care facility;

(2) Honors and awards received from the VA, and other sources;

(3) VA work performance evaluation;

(4) A recommendation for selection for a part-time scholarship from a VA Medical District. (38 U.S.C. 4142(d)(1))

(d) *Duration of scholarship award.* Subject to the availability of funds for the Scholarship Program, the Administrator will award a participant a full-time scholarship under these regulations for a period of from 1 to 4 school years and a participant of a part-time scholarship for a period of 1 to 6 school years. (38 U.S.C. 4142(e)(1)(A) and (g)(3); 4146)

(e) *Continuation awards.* Subject to the availability of funds for the Scholarship Program and selection, the Administrator will award a continuation scholarship for completion of the degree for which the scholarship was awarded if—

(1) The award will not extend the total period of Scholarship Program support beyond 4 years for a full-time scholarship, and beyond 6 years for a part-time scholarship; and

(2) The participant remains eligible for continued participation in the Scholarship Program. (38 U.S.C. 4142(c)(1)(i))

6. Section 17.606 is revised to read as follows:

§ 17.606 Award procedures.

(a) *Amount of scholarship.*—(1) A scholarship award will consist of (i) tuition and required fees, (ii) other educational expenses, including books and laboratory equipment, and (iii) except as provided in paragraph (a)(2) of this section, a monthly stipend, for the duration of the scholarship award. All such payments to scholarship participants are exempt from Federal taxation. (38 U.S.C. 4145)

(2) No stipend may be paid to a participant who is a full-time VA employee.

(3) The Administrator may determine the amount of the stipend paid to participants, whether part-time students or full-time students, but that amount may not exceed the maximum amount provided for in 38 U.S.C. 4142(f)(1)(B).

(4) In the case of a part-time student who is a part-time employee, the maximum stipend, if more than a nominal stipend is paid, will be reduced in accordance with the proportion that the number of credit hours carried by such participant bears to the number of credit hours required to be carried by a full-time student in the course of training being pursued by the participant.

(5) A full stipend may be paid only for the months the part-time student is attending classes. (38 U.S.C. 4142(g)(2)(A))

(6) The Administrator may make arrangements with the school in which the participant is enrolled for the direct payment of the amount of tuition and/or reasonable educational expenses on the participant's behalf. (38 U.S.C. 4142(f)(1) and (2); 4145)

(b) *Leave-of-absence, repeated course work.* The Administrator will suspend scholarship payments to or on behalf of a participant if the school (1) approves a leave-of-absence for the participant for health, personal, or other reasons, or (2) requires the participant to repeat course work for which the Administrator previously has made payments under the Scholarship Program. Additional costs relating to the repeated course work will not be paid under this program. Any scholarship payments suspended under this section will be resumed by the Administrator upon notification by the school that the participant has returned from the leave-of-absence or has satisfactorily completed the repeated course work and is proceeding as a full-time student in the course of study for which the scholarship was awarded. (38 U.S.C. 4142(i))

7. In § 17.607, paragraphs (b) and (c) are revised, paragraph (d) is redesignated as (e) and a new paragraph (d) is added; paragraph (e) is redesignated as (f); and the title of new paragraph (e) is changed from "Service by detail." to "Service in another Federal agency or the Armed Forces." Revised and added paragraphs (b), (c) and (d) read as follows:

§ 17.607 Obligated service.

* * * * *

(b) *Beginning of service.*—(1) Except as provided in paragraph (b)(2) of this section, a participant's obligated service shall begin on the date the Administrator appoints the participant as a full-time VA employee in the VA's Department of Medicine and Surgery in a position for which the degree program prepared the participant. The Administrator shall appoint the participant to such position within 60 days after the participant's degree completion date, or the date the participant becomes licensed in a State to practice nursing, medicine, or osteopathy, whichever is later. At least 60 days prior to the appointment date, the Administrator shall notify the participant of the work assignment, its location, and the date he or she must begin work.

(2) Obligated service shall begin on the degree completion date for a participant who, on that date, is a full-time VA employee working in a capacity for which the degree program prepared the participant. (38 U.S.C. 4143 (b) and (c))

(c) *Duration of service.* The period of obligated service for a participant who attended school as a full-time student shall be one year for each school year for which the participant received a scholarship award under these regulations, or two years, whichever is greater. The period of obligated service for a participant who attended school as a part-time student shall be reduced from that which a full-time student must serve in accordance with the proportion that the number of credit hours carried by the part-time student in any school year bears to the number of credit hours required to be carried by a full-time student, whichever is the greater, but shall be a minimum of one year of full-time employment (38 U.S.C. 4142(e)(1)(B)(iv))

(d) *Location for service.* A participant who received a scholarship as a part-time student may serve the period of obligated service at the health care facility where the individual was assigned when the scholarship was awarded. (38 U.S.C. 4143(c)(1) (A) and (B))

* * * * *

8. In § 17.610, paragraph (b) is revised to read as follows:

§ 17.610 Failure to comply with terms and conditions of participation.

* * * * *

(b) If a participant:

(1) Fails to maintain an acceptable level of academic standing;

(2) Is dismissed from the school for disciplinary reasons;

(3) Voluntarily terminates the course of study or program for which the scholarship was awarded including in the case of a full-time student, a reduction of course load from full-time to part-time before completing the course of study or program;

(4) Fails to become licensed to practice medicine or osteopathy in a state or fails to become licensed as a registered nurse in a State within one year from the date such person becomes eligible to apply for State licensure; or

(5) Is a part-time student and fails to maintain employment in a permanent assignment in a VA health care facility while enrolled in the course of training being pursued, the participant must instead of performing any service obligation, pay to the United States an amount equal to all scholarship funds awarded under the written contract executed in accordance with § 17.602. Payment of this amount must be made within 1 year from the date academic training terminates unless a longer period is necessary to avoid hardship. No interest will be charged on any part of this indebtedness. (38 U.S.C. 4144(b))

* * * * *

[FR Doc. 83-10902 Filed 4-22-83; 8:45 am]
BILLING CODE 8320-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2, 22, and 74

[Gen. Docket No. 83-45, RM-3910, RM-3924]

Frequency Allocation for the Offshore Radio Telecommunication Service; Correction

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; correction.

SUMMARY: The Commission is correcting errors which occurred in its Notice of Proposed Rulemaking of frequency allocation for the Offshore Radio Telecommunications service (FCC 83-35, 48 FR 11957, March 22, 1983).

FOR FURTHER INFORMATION CONTACT: Harding Chism, Office of Science and Technology, Spectrum Management Division, Spectrum Utilization Branch, Washington, D.C. 20554, (202) 653-8166; Room 7310.

Erratum

In the matter of; Amendment of Parts 2 of the Commission's rules governing Frequency Allocations; 22 of the Commission's Rules governing the Public Mobile Radio Service; and 74 of the Commission's Rules governing Experimental, Auxiliary, and Special Broadcast, and Other Program Distribution Services to provide additional channels for the Offshore Radio Telecommunications

Service; Gen. Docket No. 83-45, RM-3910, RM-3924.

Released: April 7, 1983.

On February 27, 1983, the Commission released a Notice of Proposed Rulemaking (FCC 83-35) in the above-captioned proceeding and one sentence was inadvertently added to paragraph 20. Due to an inadvertent error, a portion of the main text was omitted. The connections are as follows:

a. Remove the last sentence of Paragraph 20,

b. Add a new Paragraph 21 to read:

"21. ORTS is a useful and expanding service which satisfies the growing needs of the offshore oil exploration and production industry. Accordingly, it appears that the needs of this service justify an allocation of additional specturm."

c. Renumber existing paragraphs 21, 22 etc. as 22, 23 etc.

Federal Communication Commission.

William J. Tricarico,

Secretary.

[FR Doc. 83-10407 Filed 4-22-83; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 90

[PR Docket No. 82-326; FCC 83-136]

Operation of Self Powered Vehicle Detectors in Highway Maintenance Radio Service

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this Notice of Proposed Rule Making, the Commission is responding to comments received following issuance of a Notice of Inquiry which sought to determine the degree of interest in a newly developed device, the Self Powered Vehicle Detector. This device, coupled with conventional traffic signal controllers will sense traffic movements and adjust traffic light timing without the need for wires buried in the pavement as present systems require. It is expected to provide high reliability at lower cost and less maintenance then loop detectors.

DATES: Comments are due by May 23, 1983 and replies by June 7, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Arthur C. King, Private Radio Bureau, (202)-634-2443.

List of Subjects in 47 CFR Part 90

Public safety radio services.

Proposed Rule Making

In the matter of: amendment of part 90 of the Commission's rules regarding the allocation and assignment of radio frequency channels for a self-powered vehicle detector; PR Docket 82-326, RM-3909.

Adopted: April 7, 1983.

Released: April 14, 1983.

By the Commission: Commissioner Fogarty absent.

Summary

1. In this Notice of Proposed Rule Making, the Commission proposes to amend the Highway Maintenance Radio Service Rules to provide for operation of self-powered vehicle detectors. These devices, developed by the Federal Highway Administration, can be used for traffic flow monitoring and control purposes without the use of buried wires connecting them to signal controllers of traffic counting devices. They would be particularly useful for temporary setups at construction sites where they could be installed on short notice and removed when they were no longer required. It is proposed that they be operated in the 47 MHz range.

Background

2. On May 20, 1981, the Commission received a Petition for rule making from the Department of Transportation (RM-3909) asking that the rules be amended to provide frequencies for a newly-developed device, the self-powered vehicle detector (SPVD).

3. The petition was placed on public notice and comments were received from three parties, all of them addressing the question of possible interference to existing services. Since no comments were received from organizations that desired the Commission to proceed with a rule making action looking toward adoption of rules to permit the operation of the SPVD, on June 15, 1982, the Commission adopted a Notice of Inquiry to determine whether or not there was sufficient interest to justify initiation of a rule making proceeding (FCC 82-276, 47 FR 28429, June 30, 1982).

4. In response to this Notice of Inquiry, comments were received from the following parties:

American Association of State Highway and Transportation Officials, Inc. (AASHTO)
CBS, Inc. (CBS)
City of Kettering, Ohio (Kettering)
City of Overland Park, Kansas (Overland Park)
City of San Antonio, Texas (San Antonio)
County of Nassau, New York (Nassau County)
County of Volusia, Florida (Volusia County)
Department of Transportation (DOT)
General Electric Company (GE)
Metropolitan Dade County (Dade County)
Montgomery County, Maryland (Montgomery County)
N.A.P. Consumer Electronics Corp. (N.A.P.)
Solid State Devices (Solid State)
State of Maine Department of Transportation (Maine)

Reply comments were received from the U.S. Department of Transportation and Associated Public Safety Communications Officers, Inc. (APCO). The Comments from the Department of Transportation were accompanied by letters from 53 municipalities and other organizations endorsing the concept of the self-powered vehicle detector and urging the Commission to assign frequencies for its use.

5. The self-powered vehicle detector is a battery operated device encased in a cylinder that can be buried in a traffic lane for the purpose of detecting vehicles as they pass. It consists of a magnetometer which senses the distortion of the earth's magnetic field whenever a ferromagnetic object is nearby. The magnetometer output is fed into a radio transmitter which transmits two 30 millisecond pulses for each vehicle detected. Transmitter output is radiated by a spiral-wound antenna which is intergral with the transmitter housing. The entire device including the antenna is placed in a hole drilled in the road surface in each traffic lane to be monitored. For a dual highway where every lane must be monitored at an intersection, eight units would be required plus four more if there are left turn lanes. To avoid destructive interference among the units, eight or twelve frequencies would be needed at each such intersection. The range of the units, however, is so short that the same frequencies can be re-used at successive intersections unless they are unusually close together. When a vehicle is detected, the transmitted pulses are received by a nearby receiver whose output is routed to a micro-computer which monitors all lanes at the intersection. The microcomputer adjusts the traffic signal cycle in accordance with traffic flow in the various lanes.

6. Both the N.A.P. and CBS comments addressed the possibility of interference to television reception based on the original proposal to use frequencies between 45.07 and 45.85 MHz in the Police and Local Government Radio Services. None of the other comments addressed this subject.

7. Nassau County, Maine, Overland Park, Volusia County, and Montgomery County all expressed enthusiasm for the SPVD, pointing to its ease of maintenance and cost effectiveness. Solid State Devices urged the

Commission to assign frequencies for the SPVD so it could proceed with refinement and marketing of the device. Kettering responded to the question in the NOI regarding possible interference from patrol car transmissions. They reported no such interference based on their experience with an SPVD installed at an intersection for two years. During that time, the controller malfunctioned occasionally, but not the SPVD. APCO supported AASHTO, which recommended the assignment of frequencies for the operation of the SPVD. Other comments were also supportive. None were negative. General Electric suggested that the proposed operation be placed in the low-band channels of the Highway Maintenance Radio Service and be subject to coordination by the Highway Maintenance Coordinator for the area.

Discussion

8. The Commission is convinced by the number and strength of the comments in response to the NOI that there is a demonstrated need for these devices and that no harmful interference will result from their use.[1] Notwithstanding the demonstrated low likelihood of interference to television receivers, the Commission will not now propose to assign frequencies for the SPVD's in the 45 MHz range. Instead, the Commission will propose operation in the Highway Maintenance Radio Service between 47.02 and 47.40 MHz so as to obviate entirely any likelihood of interference to television reception. Moreover, we are proposing that all operation of SPVD's be on a secondary, non-interference basis to those land mobile stations authorized to use these frequencies on a primary basis. The attached Appendix lists the frequencies on which SPVD operation is proposed.

9. Regarding the need for separate authorizations for SPVD, in Docket 82-183 (47 FR 54450, December 3, 1982), we eliminated the requirement in the public safety radio services for separate licenses for operation of radar units if they already operated land mobile stations. It appears that the same approach is appropriate for SPVD's, which share a number of characteristics of the Doppler radar units—low likelihood of interference to other services, large numbers expected to be used, and operation only by public safety users. Respondents to this Notice of Proposed Rule Making should address the question of whether the Commission should require separate licensing of SPVD's or permit their operation by any public safety radio service user who is the licensee of a land mobile radio, as proposed. A second, and related, question that we would like prospective users to consider in their comments is: Should the Commission require SPVD users to maintain records of the number of units used on each frequency as is now required of police radar users?

10. The Notice of Inquiry, asked those commenting to state whether they favored operation of the SPVD's under Part 15 or under Part 90. Under Part 15, no license would be required, whereas under Part 90, some licensing procedure would apply. Only two commenters responded to this question, AASHTO and DOT. The reason given by both for preferring licensing under Part 90 was the same, that coordinators can select frequencies with low probability of interference to the SPVD from other services. However, we do not anticipate that frequency coordination will be necessary for these devices, if specific licensing is not required. Interested parties should, therefore, address this issue.

11. The Commission certifies that Sections 603 and 604 of the Regulatory Flexibility Act of 1980 do not apply to the rules proposed in this *Notice of Proposed Rule Making* because they will not have a significant economic impact on a substantial number of small entities. The proposed rules do not place any requirements on any entity, large or small. The use of selfpowered vehicle detectors would be authorized under the proposed rules to those entities that wish to use them. It is anticipated that a small benefit will accrue to those who choose to use these devices because of the lower cost and greater reliability, compared to currently available traffic control sensing devices.

12. Accordingly, *notice is hereby given* of rule making to amend Part 90 of the Commission's Rules and Regulations in accordance with the proposal set forth in the attached Appendix. The Secretary is directed to serve a copy on the Counsel for Advocacy of the Small Business Administration.

13. We encourage all interested parties to respond to this Notice since such information as they may provide often forms the basis for further Commission action. For purposes of this non-restricted notice and comment rule making proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a Notice of Proposed Rule Making until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who initiates an oral *ex parte* presentation addressing matters not fully covered in any previously filed written comments for the proceeding must prepare a written summary of that presentation. On the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, § 1.1231 of the Commission's Rules, 47 CFR 1.1231.

14. Authority for issuance of the Notice is contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 4(i) and 303(r). Pursuant to procedures set out in § 1.415 of the Commission's Rules and Regulations, 47 CFR 1.415, interested persons may file comments on or before: May 23, 1983 and reply comments on or before: June 7, 1983. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into account information and ideas not contained in the Comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

15. In accordance with the provisions of § 1.419 of the Commission's Rules and Regulations, 47 CFR 1.419, formal participants shall file an original and five (5) copies of their comments and other materials. Participants wishing each commissioner to have a personal copy of their comments should file an original and eleven (11) copies. Members of the general public who wish

[1] The SPVD operates with a power input to the final amplifier stage of 200 milliwatts. Transmitter output is 100 mw. Since the radiated signal at 300 feet distance is only 77 uv/m and the duty cycle is two 30 ms. pulses for each vehicle detected, interference to existing services is believed to be unlikely. Indeed, bench tests conducted by DOT have shown that when a television receiver is 30 or more feet from an SPVD there is no effect whatsoever on the received picture even from a weak, distant TV station.

to express their interest by participating informally may do so by submitting one (1) copy. All comments are given the same consideration, regardless of the number of copies submitted. All documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters located at 1919 M Street, NW, Washington, DC.

16. For further information concerning procedures to follow with respect to this rule making proceeding, contact Arthur King, Private Radio Bureau, Land Mobile and Microwave Division, Washington, DC 20554, telephone (202) 634–2443. A summary of the Commission's procedures governing *ex parte* contacts in rule making proceedings is available from the Commission's Consumer Assistance and Information Division, Room 258, 1919 M Street, NW., Washington, DC 20554, (202) 632–7000.

(Secs. 4, 303, 48 stat., as amended, 1066, 1982; 47 U.S.C. 154, 303)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

PART 90—[AMENDED]

The Federal Communications Commission proposes to amend 47 CFR, Part 90, as follows:

1. Section 90.23 is amended by the addition of limitation 17 to certain frequencies in the Highway Maintenance Radio Service Frequency Table as follows:

§ 90.23 Highway maintenance radio service.

* * * * *

(b) Frequencies Available.

HIGHWAY MAINTENANCE RADIO SERVICE FREQUENCY TABLE

Frequency or band (megahertz)	Class of station(s)	Limitations
. . .	. . .	. . .
47.02	do	2,17
47.04	do	2,17
47.06	do	2,17
47.08	do	2,17
47.10	do	2,17
47.12	do	2,17
47.14	do	2,17
47.16	do	2,17
47.18	do	2,17
47.20	do	2,17
47.22	do	2,17
47.24	do	2,17
47.26	do	2,17
47.28	do	2,17
47.30	do	2,17
47.32	do	2,17
47.34	do	2,17
47.36	do	2,17
47.38	do	2,17
47.40	do	2,17
. . .	. . .	. . .

(c) Explanation of assignment limitations appearing in the frequency table of paragraph (b) of this section: * * *

(17) Notwithstanding the provisions of limitation (2) above, this frequency may also be used by licensees of land mobile stations in this radio service without a separate license for the purpose of operating self-powered vehicle detectors for traffic control and safety purposes, on a secondary basis, in accordance with § 90.269 of this Chapter.

* * * * *

2. A new § 90.269 is added as follows:

§ 90.269 Use of frequencies for self-powered vehicle detectors.

(a) Frequencies bearing limitation (17) in the frequency table at § 90.23(b) may be used for the operation of self-powered vehicle detectors by licensees of base/mobile stations in the Highway Maintenance Radio Service in accordance with the following conditions:

(1) All stations are limited to 100 milliwatts carrier power and must use 20F9 emission and have a maximum frequency deviation of 5 kHz. No more than two 30 ms. pulses may be emitted for each vehicle sensed.

(2) The transmitters must be crystal controlled with a frequency tolerance of plus or minus .005% from −20° to plus 50° C. They must be type accepted.

(3) The total length of the transmission line plus antenna may not exceed one-half wavelength and must be integral with the unit.

(4) All operation shall be on a secondary, non-interference basis.

[FR Doc. 83-10677 Filed 4-22-83; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 95

[PR Docket No. 83-330; FCC 83-115]

Ten Year License Terms in General Mobile Radio Service

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission proposes to amend Part 95 of its Rules to authorize ten year license terms in the General Mobile Radio Service (GMRS). The Communications Amendments Act of 1982 authorized a license term not to exceed ten years in the General Mobile Radio Service. We find it necessary to extend the licensing term to save Commission resources and to reduce public burden hours.

DATES: Comments are due by June 13, 1983 and replies by July 13, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR INFORMATION CONTACT: James D. McGrath, Private Radio Bureau, Special Services Division, (202) 632–4964.

List of Subjects in 47 CFR Part 95

Radio.

Proposed Rule Making

Adopted: March 31, 1983.
Released: April 13, 1983

By the Commission:

In the matter of: Amendment of part 95 of the Commission's Rules to authorize ten year license terms in the General Mobile Radio Service (GMRS); PR Docket No. 83–330.

Introduction

1. The Commission proposes to amend Part 95 to authorize ten year license terms in the General Mobile Radio Service (GMRS).

Background

2. The General Mobile Radio Service is a private short-distance radio-communications service for the business or personal activities of licensees. During 1982 there were over 2200 new licenses issued in the GMRS; over 600 licenses were modified and 200 licenses were renewed. These licenses were granted for terms of five years. However, the Communications Amendments Act of 1982, Pub. L. 97–259, enacted September 13, 1982, has made it possible to extend the maximum license term to ten years.

Proposal

3. The Commission proposes to extend the maximum license term in the GMRS to ten years. Extending license terms in the GMRS from five to ten years would significantly reduce the number of license renewals processed. While the GMRS data base would only be expunged every ten years, we believe that maintaining licensees who are no longer active on the Commission's records would not have any substantial adverse impact, and that the resources saved and decrease of administrative burden on the Commission resulting from permitting ten year licenses far outweigh this consideration. We anticipate that adoption of the ten year license in the GMRS would result in an annual public burden hour savings of 33 hours.[1]

[1] While we have severe reservations as to possible confusion which may be created, we would, nevertheless, be interested in comments as to the feasibility of immediate implementation of 10-year terms by extending all current licenses by an additional 5 years. We inquire, therefore, whether licenses should be given a blanket, 5-year extension, or whether we should phase-in 10 year licenses as they come up for renewal.

4. *Notice is hereby given* that it is proposed to amend 47 CFR Part 95 in accordance with the proposed rules set forth in the attached Appendix.

Procedural Matters

5. For purposes of this non-restricted notice and comment rule making proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a Notice of Proposed Rule Making until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final Order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, Section 1.1231 of the Commission's rules, 47 CFR 1.1231. A summary of the Commission's procedures governing *ex parte* contacts in informal rule makings is available from the Commission's Consumer Assistance Office, FCC Washington, DC 20544, (202) 632–7000.

6. Authority for issuance of this Notice is contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r). Pursuant to applicable procedures set forth in § 1.415 of the Commission's Rules, interested persons may file comments on or before June 13, 1983, and reply comments on or before July 13, 1983. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

7. In accordance with Section 1.419 of the Commission's Rules 47 CFR 1.419, formal participants must file an original and five copies of their comments and other materials. Participants who wish each Commissioner to have a personal copy of their comments should file an original and eleven copies. Members of the general public who wish to express their interest by participating informally may do so by submitting one copy. All comments are given the same consideration, regardless of the number of copies submitted. Each set of comments must state on its face the proceeding to which it relates (PR Docket Number) and should be submitted to: The Secretary, Federal Communications Commission, Washington, DC 20554. All documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

8. In accordance with Section 605 of the Regulatory Flexibility Act of 1980 (5 U.S.C. 605), the Commission certifies that this rule would not, if promulgated, have a significant economic impact on a substantial number of small entities, because this proposal would simply extend the maximum license term in the General Mobil Radio Service, and because this rule would have no foreseeable impact on manufacturers of GMRS equipment.

9. *It is ordered* that the Secretary shall cause a copy of this Notice to be served upon the Chief Counsel for Advocacy of the Small Business Administration and that the Secretary shall also cause a copy of this Notice to be published in the **Federal Register.**

10. For further information on this proceeding, contact James D. McGrath, Federal Communications Commission, Private Radio Bureau, Washington, DC 20554, (202) 632–4964.

Federal Communications Commission.
(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303).

William J. Tricarico,
Secretary.

Appendix

PART 95—[AMENDED]

It is proposed to amend Part 95 of the Commission's Rules, 47 CFR Part 95, as follows:

Section 95.29 would be revised to read as follows:

§ 95.29 License term.

Licenses will normally be issued for a term of ten years from the date of original issuance, major modification, or renewal.

[FR Doc. 83-10876 Filed 4-22-83; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 97

[PR Docket No. 83-337; RM-4249; FCC 83-132]

Amendment of the Rules To Authorize 10-Year License Terms in the Amateur Radio Service

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission proposes to amend Part 97 of its Rules to authorize ten year operator and station license terms and to change the period of grace for renewal of expired licenses to two years in the Amateur Radio Service. The Communications Amendments Act of 1982 authorized license terms not to exceed ten years in the Amateur Radio Service. We find it necessary to extend the licensing term to save Commission resources and to reduce public burden hours.

DATES: Comments are due by June 13, 1983 and replies by July 13, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: James D. McGrath, Private Radio Bureau, Special Services Division (202) 632–4964.

List of Subjects in 47 CFR Part 97

Radio.

Notice of Proposed Rule Making

In the matter of amendment of Part 97 of the Commission's rules to authorize ten year operator and station license terms and a two year period of grace for renewal of expired licenses in the Amateur Radio Service; [PR Docket No. 83-337; RM-4249.

Adotped: March 31, 1983.
Released: April 13, 1983.

By the Commission:

Introduction

1. The Commission proposes to amend Part 97 to authorize ten year operator and station license terms in the Amateur Radio Service. The Commission also proposes to change the period of grace for renewal of expired amateur radio

station and operator licenses to two years.

Background

2. The Commission has before it a petition for rule making, RM–4249, by the American Radio Relay League, Inc. (ARRL) filed on November 30, 1982. This petition requests the Commission to "extend the term for which amateur operator and amateur station licenses are valid, from five years to ten years from the date of issuance of a new or renewal license." The ARRL further requested amendment of the Amateur Rules "to extend from one to two years the grace period in which application may be made to renew an amateur station license which has been allowed to expire."

3. Under the Communications Act of 1934, as amended, the maximum license term was five years for licensees other than broadcasting licensees. The Communications Amendments Act of 1982, Pub. L. 97–259, enacted September 13, 1982, extended the maximum license term to ten years.

4. The ARRL claimed that extension of the license terms and the period of grace for renewing expired station licenses as requested would reduce the burden on the public and on the Commission by decreasing the number of renewal applications filed and that "the ten year terms would decrease the burden of filing and processing renewal applications without adversely affecting the Commission's spectrum management capabilities."

5. There are currently over 413,000 licensed amateur radio operators in the Amateur Radio Service. Over 56,000 amateur licenses were modified during 1982 either by change in class of operator license or by change of address of either the licensee or the station location. There were over 25,000 new and 36,000 renewed amateur radio licenses issued by the Commission during this same period.

6. Amateur radio licenses are issued for a full term when modified and it is anticipated that during a ten year term the percentage of licenses modified prior to expiration of a full term will substantially increase

7. With a ten year license, amateur radio station license renewals are projected to decline by approximately 12,000 applications each year. We anticipate that adoption of the ten year license in the Amateur Radio Service will result in an annual public burden hour savings of 100 hours. In addition, extension of the grace period from one two years is expected to materially reduce the number of inadvertently lapsed station licenses.

Proposal

8. The Commission proposes to grant Amateur Radio Service licenses up to a maximum term of ten years with a two year period of grace for the renewal of expired licenses. We anticipate that the extension of license terms will result in a reduction of the time period between application and granting of licenses due to the decrease in the number of license applications for any one year. While the amateur license data base would only be expunged every ten years we believe that maintaining licensees who are no longer active on the Commission's records would not have any substantial adverse impact, and that the resources saved and decrease of administrative burden on the Commission resulting from permitting ten year licenses far outweigh this consideration.[1]

Conclusion

9. Notice is hereby given that it is proposed to amend 47 CFR Part 97 in accordance with the proposed rules set forth in the attached Appendix.

Procedural Matters

10. For purposes of this non-restricted notice and comment rule making proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a Notice of Proposed Rule Making until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final Order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, § 1.1231 of the Commission's Rules, 47 CFR 1.1231. A summary of the Commission's procedures governing *ex parte* contacts in informal rule makings is available from the Commission's Consumer Assistance Office, FCC Washington, DC 20554, (202) 632–7000.

11. Authority for issuance of this Notice is contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r). Pursuant to applicable procedures set forth in § 1.415 of the Commission's Rules, interested persons may file comments on or before June 13, 1983, and reply comments on or before July 13, 1983. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

12. In accordance with § 1.419 of the Commission's Rules, 47 CFR 1.419, formal participants must file an original and five copies of their comments and other materials. Participants who wish each Commissioner to have a personal copy of their comments should file an original and eleven copies. Members of the general public who wish to express their interest by participating informally may do so by submitting one copy. All comments are given the same consideration, regardless of the number of copies submitted. Each set of comments must state on its face the proceeding to which it relates (PR Docket Number) and should be submitted to: The Secretary, Federal Communications Commission, Washington, DC 20554. All documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

13. In accordance with Section 605 of the Regulatory Flexibility Act of 1980 (5 U.S.C. 605), the Commission certifies that these rules would not, if

[1] While we have severe reservations as to possible confusion which may be created, we would, nevertheless, be interested in comments as to the feasibility of immediate implementation of 10-year terms by extending all current licenses by an additional 5 years. We inquire, therefore, whether licenses should be given a blanket, 5-year extension, or whether we should phase-in 10 year licenses as they come up for renewal

promulgated, have a significant economic impact on a substantial number of small entities, because these entities may not use the Amateur Radio Service for commercial radio communication (*see* 47 CFR 97.3(b)) and because these rules would have no foreseeable impact on manufacturers of Amateur Radio Service equipment.

14. It is ordered that the Secretary shall cause a copy of this Notice to be served upon the Chief Counsel for Advocacy of the Small Business Administration and that the Secretary shall also cause a copy of this Notice to be published in the **Federal Register.**

15. For further information on this proceeding, contact James D. McGrath, Federal Communications Commission, Private Radio Bureau, Washington, DC 20554, (202) 632–4964.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

William J. Tricarico,

Secretary.

PART 97—[AMENDED]

Appendix

It is propsed to amend Part 97 of the Commission Rules, 47 CFR Part 97, as follows:

1. In § 97.13, paragraph (d) would be revised to read as follows:

§ 97.13 Renewal or modification of operator license.

* * * * *

(d) If a license is allowed to expire, application for renewal may be made during a period of grace of two years after the expiration date. During this two year period of grace, an expired license is not valid. A license renewed during the grace period will be dated currently and will not be backdated to the date of its expiration. Application for renewal shall be submitted on FCC Form 610 and shall be accompanied by the applicant's expired license.

(2) In Section 97.47, paragraph (b) would be revised to read as follows:

§ 97.47 Renewal and/or modification of amateur station license.

* * * * *

(b) If a license is allowed to expire, application for renewal may be made during a period of grace of two years after the expiration date. During this two year period of grace, an expired license is not valid. A license renewal during the grace period will be dated currently and will not be backdated to the date of expiration. An application for an individual station license shall be submitted on FCC Form 610. An application for an amateur club or military recreation station license shall be submitted on FCC Form 610–B. In every case the application shall be accompanied by the applicant's expired license or a photocopy therof.

(3) In Section 97.59, paragraphs (a) and (b) would be revised to read as follows:

§ 97.59 License term.

(a) Amateur operator licenses are normally valid for a period of ten years from the date of issuance of a new, modified or renewed license.

(b) Amateur station licenses are normally valid for a period of ten years from the date of issuance of a new, modified or renewed license. All amateur station licenses, regardless of when issued, will expire on the same date as the licensee's amateur operator license.

* * * * *

[FR Doc–83–10878 Filed 4–22–83; 8:45 am.

BILLING CODE 6712–01–M

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 83–01, Notice 2]

Evaluation Report on Federal Motor Vehicle Safety Standard No. 105—Hydraulic Brake Systems

AGENCY: National Highway Traffic Safety Administration (NHTSA); Department of Transportation.

ACTION: Extension of comment period.

SUMMARY: On March 3, 1983 (March 10, 1983; 48 FR 10096), the Agency announced the publication of an Evaluation Report on Federal Motor Vehicle Safety Standard No. 105, Hydraulic Brake Systems (49 CFR 571.105). The report evaluates the effectiveness and costs of dual master cylinders and front disc brakes for passenger cars. The report is published in response to Executive Order 12291 and is a component of the Departmental Priority Review process for existing regulations. The Agency set May 9, 1983, as the closing date for submitting comments on the evaluation report.

On April 4, 1983, the Motor Vehicle Manufacturers Association requested the Agency to extend by 60 days the period for submitting comments on the evaluation report. MVMA asked for the extension because they are currently occupied with a review of the Agency's evaluation report on Federal Motor Vehicle Safety Standard 301 (48 FR 1089).

In order to give additional time to thoroughly analyze the evaluation report, the Agency has decided to extend the comment closing date to June 8, 1983. A further extension would be unacceptable because the comments on the report form an integral part of the Priority Review of Standard 105, which needs to be completed expeditiously.

DATE: Deadline for submission of comments is extended to June 8, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Frank G. Ephraim (202) 426–1574.

(Secs. 103, 112, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1407); delegation of authority at 49 CFR 1.50 anf 501.8)

Issued on April 20, 1983.

Barry Felrice,

Associate Administrator for Plans and Programs.

[FR Doc. 83–10910 Filed 4–22–83; 8:45 am]

BILLING CODE 4910–59–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 662

[Docket No. 30316–40]

Northern Anchovy Fishery; Notice of Approval and Availability of an FMP Amendment;

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; notice of approval and availability of an FMP amendment.

SUMMARY: The Assistant Administrator for Fisheries, NOAA, has approved Amendment 4 to the Northern Anchovy Fishery Management plan (FMP). This action announces the availability of the amendment and proposed regulations for public review. The intended effect of this action is to improve the efficiency of the anchovy reduction fishery operating in the fishery conservation zone off California and to compensate for current uncertainties in biomass estimates.

DATE: Comments are invited until June 9, 1983.

ADDRESSES: Comments should be addressed to Alan W. Ford, Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Room 2016, Terminal Island, CA 90731. Mark "Comments on Anchovy Amendment" on the outside of the envelope. Copies of the amendment and regulatory impact review are available by writing to either Alan W. Ford or

Joseph C. Greenley, Executive Director, Pacific Fishery Management Council, 526 S.W. Mill Street, Portland, OR 97201.

FOR FURTHER IMFORMATION CONTACT: Alan W. Ford, Regional Director, 213–548–2575 or Joseph C. Greenley, Executive Director, 503–221–6352.

SUPPLEMENTARY INFORMATION: Amendment 4 makes two principal changes. The first eliminates the minimum size limit for anchovies landed for reduction purposes and institutes a minimum mesh size to be effective April 1, 1986. The second prescribes a reserve of the reduction harvest quota that would be withheld if scientific evidence demonstrates that the original biomass estimate was too high.

Minimum mesh size

When implemented in 1978, the minimum size limit prohibited the landing for reduction purposes of anchovies less than five inches in total length, with a 15 percent tolerance for undersized fish. The rationale for this restriction was that achovies less than five inches long were not sexually mature and had not yet spawned. However, in 1980, 1981, and 1982, approximately 90 percent of anchovies between four and five inches long were found to be sexually mature. In light of this new information, the size limit restriction was viewed as excessively conservative. Moreover, the size limit was viewed as duplicative. Since immature anchovies are known to concentrate near shore, they alredy are protected from the reduction fishery by existing California area closures within three miles of shore south of Pt. Buchon and by extensions of these closed areas beyond the three-mile zone in five separate areas. In addition, economc disincentives, such as the low oil content of small anchovy and their tendency to become gilled in the nets, thereby slowing fishing operations, will discourage reduction fishery fishermen from purposely catching small anchovy. The minimum mesh-size requirement would prevent the fishery from adopting smaller mesh sizes than are currently used. Although nearly all nets currently used in the reduction fishery would comply with the proposed mesh size requirement, its three-year delayed effectiveness would allow fishermen ample time to replace any nets that may not comply. The use of nets with abnormally small mesh during the grace period is not anticipated, due to the expense of new nets and their relatively long-lived usefulness.

Reduction quota reserve

Due to uncertainty over the accurancy of the official biomass estimate on which harvest quotas are based, the proposed new regulation would reserve half of the total annual reduction quota and half of the total allowable level of foreign fishing (TALFF) for later release if experience in harvesting the first part of the quota verifies the original biomass estimate. The second half of the reduction quota and TALFF would not be released if scientific evidence of anchovy abundance, submitted to the Southwest Regional Director, indicated that the spawning biomass would fall below one million tons (expressed in terms of a larva census or equivalent) if continued harvest in U.S. waters were allowed. The northern area reserve of 10 percent of the total reduction quota or 10,000 short tons, whichever is less, will not be affected by this amendment except as the proposed reduction quota reserve affects the total reduction quota. That is, the 10 percent reserved for the northern area will be calculated based on the first half allocation at the start of the season and on the final reduction quota after the decision is made regarding release of the second half of the reserve. The 10,000 ton ceiling on the northern area reserve will remain in effect.

Classification

The Assistant Administrator has determined that this amendment to the FMP and the proposed implementing regulations comply with the national standards, other provisions of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*), and other applicable law.

The amendment is deemed consistent with the California Coastal Zone Management Plan. Concurrence with this position has been requested from the California Coastal Commission.

An Environmental Assessment (EA) was filed with the Environmental Protection Agency (EPA) on February 25, 1983. The EA concludes that implementation of this amendment would not have a significant effect on the environment. The optimum yield specified in the FMP remains unchanged. The environmental impacts are positive because the amendment is designed to reduce waste of undersized anchovy, increase efficiency of the reduction fishery, and permit in-year decrease of the reduction harvest quota in light of a revised biomass estimate.

Based on a regulatory impact review, the Administrator of NOAA has determined that the regulations implementing this amendment are not major under Executive Order 12291 and do not require a regulatory impact analysis. These regulations are designed to increase the efficiency of the anchovy reduction fishery in achieving optimum yield without significant adverse impact. Economic impacts will be beneficial. Fishermen will have ample opportunity (three years) to comply with the mesh-size requirements. In addition, fishermen will be able to save the effort they previously spent dumping catches of anchovy that exceed the current size-limit tolerance factor.

The General Counsel of Commerce certified that the regulations implementing this amendment will not have a significant economic impact on a substantial number of small entities; therefore, no regulatory flexibility analysis is required under provisions of the Regulatory Flexibilty Act (5 U.S.C. 601 *et seq.)*

The proposed regulations do not require any new "collection of information" as defined in the Paperwork Reduction Act (44 U.S.C. 4501 *et seq.*); therefore, no paperwork reduction analysis is required.

List of Subjects in 50 CFR Part 662

Fish, Fisheries, Fishing.

Dated: April 19, 1983.

Carmen J. Blondin,

Acting Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

For the reasons stated in the preamble, 50 CFR Part 662 is proposed to be amended as follows:

PART 662—NORTHERN ANCHOVY FISHERY

1. The authority citation for 50 CFR Part 662 reads as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In § 662.3, paragraph (f) is added to read as follows:

§ 662.3 Quota.

* * * * *

(f) Reduction harvest quotas derived according to the procedure in paragraph (c) of this section will be allocated in two halves. The first half will be release at the beginning of the open season. When 25 percent of the total reduction harvest quota has been landed, but not later than February 1, the Regional Director will issue a public notice of the intent to release the second half and will provide the opportunity for the submission of evidence that the second half should not be released. The Regional Director will not release the second half of the reduction quota if,

after consultation with the California Department of Fish and Game and the Public Fishery Management Council, documented indices of anchovy abundance indicate that the anchovy spawning biomass would fall below one million short tons (expressed in terms of a larva census or equivalent) if continued harvest in U.S. waters were allowed. The second half of the reduction harvest quota will be released no later than April 1 if no evidence is submitted or if the Regional Director, in consultation with the California Department of Fish and Game and the Pacific Fishery Management Council, determines that the evidence is insufficient to warrant withholding the second half of the reduction harvest quota.

3. In § 662.5, paragraph (c) is revised to read as follows:

§ 662.5 Reduction fishery.

* * * * *

(c) *Minimum mesh size.* Authorized fishing gear for the reduction fishery means round haul nets, including purse seines and lampara nets, which have a minimum wet-stretch mesh size of $^{1}\%_{16}$ of an inch, except that the bag portion of a purse seine when wet must have a minimum mesh size of $\%_{16}$ of an inch. The bag portion of a purse seine must be constructed as a single unit and must not exceed 12.5 percent of the total area of the net. Minimum mesh-size requirements are met if a stainless steel wedge can be passed with a thumb pressure only through 16 of 20 sets of two meshes each of wet mesh.

* * * * *

4. In § 662.8, paragraph (b) is revised to read as follows:

§ 662.8 General restrictions.

* * * * *

(b) No person shall take, retain, or land anchovies for reduction purposes unless they are taken with fishing gear authorized in § 662.5(c).

* * * * *

[FR Doc. 83-10860 Filed 4-22-83; 8:45 am]
BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 48, No. 80
Monday, April 25, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Cooperative State Research Service

Committee of Nine; Meeting

In accordance with the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92–463, 86 Stat. 770–776), the Cooperative State Research Service, announces the following meeting:

Name: Committee of Nine.
Date: May 18–19, 1983.
Time: 8:30 a.m.–5:00 p.m
Place: Room 3109-South Building; U.S. Department of Agriculture; 14th Street and Independence Avenue, S.W.; Washington, D.C.

Type of Meeting: Open to the public. Persons may participate in the meeting as time and space permit.

Comments: The public may file written comments before or after the meeting with the contact person listed below.

Purpose: To evaluate and recommend proposals for cooperative research on problems that concern agriculture in two or more States, and to make recommendations for allocation of regional research funds appropriated by Congress under the Hatch Act for research at the State agricultural experiment stations.

Contact Person for Agenda and More Information: Dr. Estel H. Cobb, Recording Secretary, U.S. Department of Agriculture, Cooperative State Research Service, Washington, D.C. 20250; telephone: 202/447–4329.

Done at Washington, D.C., this 15th day of April 1983

C. I. Harris,

Acting Administrator, Cooperative State Research Service.

[FR Doc. 83–10928 Filed 4–22–83; 8:45 am]

BILLING CODE 3410–03–M

CIVIL AERONAUTICS BOARD

Announcement of Proposed Collection of Information Under the Provisions of the Paperwork Reduction Act

Agency Clearance Officer from whom a copy of the Collection of Information and Supporting Documents is available: Robin A. Caldwell, (202) 673–5922.

New

Title of the Collection of Information: Fitness Monitoring Program for Essential Air Service Carriers.

Agency Form Number: None.

How often the Collection of Information must be filed: Semiannually; Monthly.

Who is asked or required to report: Essential air service carriers.

Estimate of number of annual responses: 64.

Estimate of number of annual hours needed to complete the collection of information: 128.

Extension

Title of the Collection of Information: Report of Extension of Credit to Political Candidates.

Agency Form Number: 183.

How often the Collection of Information must be filed: On occasion.

Who is asked or required to report: U.S. certificated air carriers.

Estimate of number of responses: 50

Estimate of number of annual hours needed to complete the collection of information: 100

Robin A. Caldwell,

Chief, Information Management Division, Office of Comptroller.

April 15, 1983.

[FR Doc. 83–10940 Filed 4–22–83; 8:45 am]

BILLING CODE 6320–01–M

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits

Permits filed under Subpart Q of the Board's Procedural Regulations; week ended April 15, 1983

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the Board may process the application by expedited procedures. Such procedures may consist of the adoption of a show cause order, a tentative order, or in appropriate cases a final order without further proceedings (See 14 CFR 302.1701 et. seq.).

Date filed	Docket No	Description
Apr 11, 1983	41417	USAIR, Inc., Washington National Airport, Washington, D.C. 20001 Application of USAIR, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests a new certificate of public convenience and necessity or for an amendment of its certificate for Route 97F authorizing USAir to engage in the scheduled air transportation of persons, property and mail on an unrestricted basis between Syracuse, New York and Toronto, Ontario, Canada. USAir requests amendment of any other conditions in its certificates of public convenience and necessity which would prevent or impede full exercise of the authority sought, including the right to tack such authority with USAir's other authorities. (Conforming Application to Docket 41406) Answers may be filed by May 13, 1983
Apr 11, 1983	41418	Capitol Air, Inc., c/o Mark S. Kahan, Law Offices of Fred D. Thompson, 1919 Pennsylvania Avenue, N.W., Suite 850, Washington, D.C. 20006

Date filed	Docket No.	Description
		Application of Capitol Air, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests an amendment of its existing certificate of public convenience and necessity over Route 191–F, or for a new certificate, sufficient to authorize air transportation of persons, property, and mail as follows: Between a point or points in the United States and Lebanon. Answers may be filed by April 25, 1983.
Apr. 12, 1983	41421	Talarik Creek Air Taxi, c/o Floyd S. Polmateer, Iliamna, Alaska 99606. Application of Talarik Creek Air Taxi, pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests a certificate of public convenience and necessity for an indefinite term to perform scheduled interstate air transportation of persons, property and mail between the terminal point Anchorage and the terminal point Iliamna, Alaska. Conforming Applications, Motions to Modify Scope and Answers may be filed by May 10, 1983.
Apr. 13, 1983	41424	Capitol Air, Inc., c/o Mark S. Kahn, Law Offices of Fred D. Thompson, 1919 Pennsylvania Avenue, NW., Suite 850, Washington, D.C. 20006. Application of Capitol Air, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations applies for an amendment of its existing certificate of public convenience and necessity over Route 191–F, or for a new certificate, sufficient to authorize air transportation of persons, property, and mail as follows: Between the co-terminal points Los Angeles/San Francisco and the co-terminal points Toronto/Montreal, Canada. Answers may be filed by April 25, 1983.
Apr. 15, 1983	41425	Alaska Juneau Aeronautics, Inc. d/b/a Wings of Alaska, c/o Robert N. Jacobsen, 1873 Shell Simmons Drive, suite 119, Juneau, Alaska 99801. Application of Alaska Juneau Aeronautics, Inc. d/b/a Wings of Alaska pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations applies for a certificate of public convenience and necessity for an indefinite term to perform scheduled interstate air transportation of persons, property and mail within the State of Alaska between Juneau and Hoonah, Excursion Inlet, Gustavus, Haines and Skagway. Conforming Applications, Motions to Modify scope and Answers may be filed by May 13, 1983.

Phyllis T. Kaylor,
Secretary.
[FR Doc. 83–10929 Filed 4–22–83; 8:45 am]
BILLING CODE 6320–01–M

[Order 83–4–95]

Fitness Determination of Starflight International Airlines, Inc., d.b.a. Trans East International; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter air carrier fitness determination—Order 83–4–95, order to show cause.

SUMMARY: The Board is proposing to find that Starflight International Airlines, Inc., d.b.a. Trans East International is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended, and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATE: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than May 11, 1983, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESS: Responses or additional data should be filed with the Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A to the order.

FOR FURTHER INFORMATION CONTACT: James Ransom, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; (202) 673–5088.

SUPPLEMENTARY INFORMATION: The complete text of Order 83–4–95 is available from the Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 83–4–95 to that address.

By the Civil Aeronautics Board: April 20, 1983.

Phyllis T. Kaylor,
Secretary.
[FR Doc. 83–10931 Filed 4–22–83; 8:45 am]
BILLING CODE 6320–01–M

[Order 83–4–103, Docket No. 41430]

GRM International, Inc.; Order to Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of order to show cause: Order 83–4–103, Docket 41430.

SUMMARY: The Board proposes to deny authority to operate as a foreign freight forwarder in interstate and overeas air transportation to GRM International, Inc., a Filipino air freight forwarder, because the Government of the Philippines does not allow U.S. citizens to operate in the Philippines unless they have at least 60% Filipino ownership.

Objections: All interested persons having objections to the Board's tentative findings and conclusions as described in the order cited above, shall, no later than May 16, 1983, file a statement of such objections with the Civil Aeronautics Board (20 copies) and mail copies to the applicant, to the Ambassador of the Philippines in Washington, D.C., and to the Departments of State and Transportation.

A statement of objections must cite the docket number and must include a summary of testimony, statistical data, or other such supporting evidence.

If no objections are filed, the Board may enter an order which would make final the Board's tentative findings and conclusions and deny the requested foreign freight forwarder registration to the applicant.

ADDRESSES FOR OBJECTIONS:

Docket 41430: Docket Section, Civil Aeronautics Board, Washington, D.C. 20428, or
GRM International, Inc., 1633 Old Bayshore Highway, Suite 265, Burlingame, California 94010.

To get a copy of the complete order, request it from the C.A.B. Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

For further information, contact Dean L. Johnson (202) 673–5371, Regulatory Affairs Division, Bureau of International Aviation, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: April 20, 1983.

Phyllis T. Kaylor,

Secretary

[FR Doc. 83-10932 Filed 4-22-83; 8:45 am]

BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

Maryland Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Maryland Advisory Committee to the Commission will convene at 4:00 p.m. and will end at 7:00 p.m., on May 19, 1983, at the Sheraton Fontaine Bleau, 10100 Coastal Highway, Ocean City, Maryland, 21842. The purpose of this meeting is to discuss adoption of a report on migrant farmworkers, plan followup Activities, and update information on selected civil rights developments including: (a) activities of Citizens Opposed to Violence and Extremism, (b) Montgomery County school closings, and (c) the recent legislative session.

Persons desiring additional information or planning a presentation to the committee, should contact the Chairperson, Patsy B. Blackshear, 2705 Riva Road, Annapolis, Maryland, 21401, (202) 724-4256 or the Mid-Atlantic Regional Office, 2120 L Street, Northwest, Room 510, Washington, D.C. 20037; (202) 254-6670.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 20, 1983

John I. Binkley,

Advisory Committee Management Officer

[FR Doc. 83-10854 Filed 4-22-83; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Admendment To Initiation of Countervailing Duty Investigation; Pork Rind Pellets From Mexico

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Amendment to initiation of countervailing duty investigation of pork find pellets from Mexico.

SUMMARY: In our initiation of this investigation (48 FR 15308), we ihcorrectly stated that pork rind pellets from Mexico were being imported under item number 107.3560 of the *Tariff Schedules of the United States Annotated* (TSUSA). The current TSUSA number is 107.7880.

EFFECTIVE DATE: April 25, 1983.

FOR FURTHER INFORMATION CONTACT: Rick Herring, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; telephone (202) 377-3963.

Dated: April 18, 1983.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-10850 Filed 4-22-83; 8:45 am]

BILLING CODE 3510-25-M

Masters, Mates and Pilots MATES Program; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No.: 82-00332. Applicant: Masters, Mates and Pilots MATES Program, 5700 Hammonds Ferry Road, Linthicum Heights, Maryland 21090. Instrument: Ship Operational Research and Education Facility. Manufacturer: Vereinigte Flugtechnische Werke, West Germany. Intended use of instrument: See Notice on page 41798 in the **Federal Register** of September 22, 1982.

Comments: No comments have been received with respect to this application Decision: Application denied. Because the article possesses no scientific value for the purposes for which it is intended, a prima facie case is not presented upon which to base a finding of scientific equivalency.

Reasons: This application (a resubmission of Docket Number 82-00077) is substantially identicle to Docket Number 82-00194. In that case the applicant disputed our denial without prejudice to resubmission of its initial submission, Docket Number 81-00244. In this application the applicant includes the arguments presented in Docket Number 82-00194 and expands on them. The discussion in our denial of Docket Number 82-00194 (published in this issue of the **Federal Register**) also applies to this case. Discussion of one of the additional arguments raised by the applicant follows.

In the decision on Docket Number 82-00194 we cited a number of cases showing our consistent administrative practice of either refusing to decide or denying applications under item 851.60 where the intended use of the foreign equipment had no scientific value. In this case, Docket Number 82-00332, the applicant cites several past cases in an attempt to show that we have allowed duty-free entry to equipment imported for vocational purposes.

All but one of these cases involved, what the applicant states is, "approval of numerous applications by occupational and training organizations and junior and community colleges of the West German Clemenz standard construction device for the theory of electricity, designed for instructing students in the principles of electricity for obvious vocational purposes." The remaining case involved our consideration of an application for a planetarium projector intended, the applicant states, "for demonstration purposes and to allow student participation in such courses as Celestial Navigation and Astronomy Workshops for Teachers * * *."

As the applicant indicates the Theory of Electricity kit is designed to teach basic principles of electricity. The manufacturer's literature indicates that one can use the kit for a very wide range of experiments in electromagnetism, electromagnetic induction, measuring instruments, transformers, motors and generators. Forty specific experiments can be conducted. In a memorandum dated July 15, 1968, relating to two of the applications the applicant cited, the National Institutes of Health advised that "* * * These articles are properly classified in the areas of physics, engineering or metrology * * *" Further, in each of the applications cited, the National Bureau of Standard's advice gave no hint that its experts considered the applicant's use of teaching of a non-scientific trade. We, of course, considered teaching the underlying theory of electricity a scientific educational purpose, even though such training was being given in vocational schools or community colleges. If the Department erred in an earlier case, involving a theory of electricity device, which we do believe was the case, we are not obligated to perpetuate the error. We do not believe the case cited involving the planetarium projector is inconsistent with the decision in question here. This planetarium projector is used to teach the science of astronomy. While the institute might regard the Astronomy Workshop for Teachers as vocational training, it fails

to consider other scientific uses of the projector in the teaching such as General Astronomy; concepts in Contemporary Astronomy; Concepts in Science, Grades 3 through 12 (how could this be vocational training?) and Our Galaxy and the Universe. Clearly the projector is intended for a variety of scientific education purposes, while the equipment to which this application (Docket Number 82-00332) relates is intended solely to teach a non-scientific trade.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Education and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-10933 Filed 4-22-83; 8:45 am]

BILLING CODE 3510-25-M

Masters, Mates and Pilots MATES Program; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No.: 82-00194. Applicant: Masters, Mates & Pilots MATES Program, 5700 Hammonds Ferry Road, Linthicum Heights, MD 21090. Instrument: Radar Navigational Aid Apparatus. Manufacturer: Vereinigte Flugtechnische Werke (VFW), West Germany. Intended use of instrument: See Notice on page 25396 in the Federal Register of June 11, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application denied. Because the article possesses no scientific value for the purposes for which it is intended, a prima facie case is not presented upon which to base a finding of scientific equivalency.

Reasons: The Institute has disputed our denial without prejudice of Docket No. 81-00244 and asserts that item 851.60 is not limited exclusively to articles imported for use in scientific research or science-oriented education. It argues that item 851.60 also addresses articles intended for use in non-science-oriented education. We are, however, unpersuaded by the Institute's contentions.

Item 851.60 and the preceding superior heading read as follows:

> Articles entered for the use of any non-profit institution, whether public or private, established for educational or scientific purposes:
>
> 851.60 Instruments and apparatus, if no instrument or apparatus of equivalent scientific value *for the purposes for which the instrument or apparatus is intended to be used* is being manufactured in the United States (see headnote 6 of this part) (Italics added).

Thus, unless an applicant actually intends that an article will be used by an institution "established for educational or scientific purposes" in a manner which has some "scientific value," within the context of its intended use, the required scientific equivalency determination would be meaningless. Accordingly, to qualify for duty-free entry under item 851.60, an applicant must show that it intends to use the foreign article in either scientific research or formal science-oriented education. Only then can an applicant demonstrate that the foreign article has at least some "scientific value for the purposes for which the instrument or apparatus is intended to be used."

The Institute, however, intends to use the simulator for which it seeks duty-free entry in a manner which we have concluded has no scientific value. As indicated in the initial submission of this application, the Institute intends to use the simulators exclusively to train professional deck officers handling new design ships. Such occupational training is purely vocational in nature and possesses no intrinsic scientific value which will help expand scientific knowledge or our collective understanding of science, either in the abstract or in the applied sense, through scientific research or science-oriented education. Consequently, an article such as this which is intended for purely nonscientific vocational purposes does not qualify for duty-free entry because a prima facie case is not presented on which to base a finding of scientific equivalency. Moreover, if we were to accept the Institute's argument, an instrument or apparatus of *any* kind manufactured in the United States would certainly have at least an *equivalent* scientific value (i.e., no scientific value), thereby causing the Institute's application to fail the requirements of item 851.60.

Our reasoning comports with Commerce's consistent administrative practice of either refusing to decide or denying applications under item 851.60 where the applicant's intended use of the foreign article had no scientific value. The first of these actions involving an application in which the intended use lacked scientific value, *Application of South Shore Vocational Technical High School*, 32 FR 8184 (1967) (intended use: vocational training in precision sheetmetal industry), which is analogous to the instant application, was made shortly after the enactment of item 851.60. *See also Application of Los Angeles County Museum of Art*, 33 FR 2573 (1968) (art work restoration); *Application of Alabama Educational TV Commission*, 33 FR 18059 (1968) (normal television broadcasts); *Application of Washington State Department of Agriculture*, 37 FR 10601 (1972) (enforcement of state regulations); and *Application of American Museum of Natural History*, 47 FR 31032 (1982) (permanent museum exhibition). In fact, Commerce has utilized this policy in other 851.60 applications for articles intended for maritime training because the intended use lacked scientific value. *See Application of Maritime Administration*, Doc. No. 73-00214-99-26200 (1972) (marine radar simulator system), and *Application of David Lipscomb College* (consolidated decision) (see specifically *Application of Maritime Administration*, Doc. No. 73-00097-99-26200), 38 FR 1656, 1657 (1973) (radar simulator boards)).

Headnote 6, part 4, schedule 8 of the Tariff Schedules of the United Sates, which is referenced item 851.60, also supports our conclusion. Headnote 6(b) provides in relevant part that "[a]n institution desiring to enter an article under item 851.60 shall make application therefor to the Secretary of the Treasury including therein * * * the basis for the institution's belief that no instrument or apparatus of equivalent scientific value for such purposes is being manufactured in the United States * * *" If the application is in proper form,[1] it is forwarded to the Secretary of Commerce who, pursuant to headnote 6(c), solicits comments regarding "the question of whether an instrument or apparatus or equivalent scientific value *for the purpose for which the article is intended to be used* is being manufactured in the United States." (Italics added)

Headnote 6(c) continues by requiring the Secretary of Commerce, after consideration of these comments, to:

> Determine whether an instrument or apparatus of equivalent scientific value to such article, *for the purposes for which the*

[1] Involves determining whether the institution is qualified, whether the article is classified among tariff items eligible for duty-free entry consideration under item 851.60, TSUS, and whether the application is otherwise complete.

instrument or apparatus is intended to be used, is being manufactured in the United States. Each finding by the Secretary of Commerce under this paragraph shall be promptly reported to the Secretary of the Treasury and to the applicant institution. (Italics added.)

Finally, headnote 6(d) provides:

Item 851.60 shall not apply with respect to any instrument or apparatus unless a bona fide order therefor has been placed, by the institution making the application under this headnote, on or before the sixtieth day following the day on which a finding of the Secretary of Commerce favorable to the institution has become final and conclusive.

Thus, under headnote 6(d), item 851.60 can apply only to articles for which a "favorable" finding as to scientific equivalency of intended purpose has been made by the Secretary of Commerce. No provision broading the scope of article 851.60 appears elsewhere in headnote 6.

Indeed, it is inescapable that Congress intended for the scientific equivalency determination to be the key criterion in determining whether duty-free entry is appropriate. For example, both the Senate and House Reports which accompanied the legislation implementing item 851.60 contain the following unequivocal language:

The most important qualification upon the duty-free entry of instruments and apparatus under item 851.60 is that they are entitled to such treatment only if the Secretary of Commerce finds that no instrument or apparatus of equivalent scientific value for the purposes for which they are intended to be used is being manufactured in the United States.

H.R. Rep. No. 1779, 89th Cong., 2d Sess. 18 (1966); S. Rep. No. 1678, 89th Cong., 2d Sess. 12 (1966).

Thus, unless an applicant intends that the article for which it seeks duty-free entry will serve a scientific purpose, a substantive equivalency determination would be impossible, as it is in this case where the Institute intends to use the simulators in a manner which the record clearly shows and which we find is non-scientific. Accordingly, the simulators are not qualified for item 851.60 treatment.

Furthermore, even if we were to entertain the Institute's arguments regarding the scope of item 851.60, we would still be forced to deny the application. As a matter of procedure, the Institute's resubmitted application failed to comply with former 15 CFR 301.8 (1980). (15 CFR 301.8 was amended after the Institute resubmitted its application. *See* 47 FR 32517, 32524 (1982). Therefore, the version in effect at the time of resubmission controls for purposes of this case.) Former 15 CFR 301.8 provides in relevant part that after receiving notice of denial without prejudice:

The applicant shall on or before the 20th day following the date of such notice, inform the Deputy Assistant Secretary whether it intends to resubmit another application for the *same article* for the *same intended purposes* to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the date of notice of the denial without prejudice * * *. If the applicant fails, within the applicable time periods specified above, to * * * resubmit the new application, the prior denial without prejudice to resubmission shall have the effect of a final decision by the Deputy Assistant Secretary. (Italics supplied.)

In an effort to establish some scientific value in the foreign article the applicant, in its resubmitted application, redefines what in its original submission was termed the "ship-handling simulator," as a "radio and radar navigational aid apparatus identified as a Ship Operational Research and Educational Facility." Arguably, the resubmitted application is not for the "same article," as required by former 15 CFR 301.8. More important, the resubmission introduces for the first time "research" purposes which relate to the informal approach of a "representative of the Navy Department" regarding a study of stress on deck officers and a proposal under consideration by the applicant to the Panama Canal Company to perform simulations useful in the redesign of the Canal.

In the resubmission the applicant also states, "The primary educational, scientific and research field in which the facility and its support systems will be used will be ocean, harbor, rivers and territorial water navigation and ship operation." For an accurate designation of the foreign article one need only to review the specifications for the foreign article: "This specification describes the functional requirements for a ship simulator installation for practical training of experienced ships officers in shiphandling." The entirely new purposes introduced in the resubmission cannot be considered by the Departments in accordance with 15 CFR 301.8

Even if this procedural defect regarding the newly declared research purposes were overcome, however, the resubmitted application fails to meet the requirements of former 15 CFR 301.5 (1980) regarding the intended purpose of the article for which the duty-free entry is sought. (Once again, 15 CFR 301.5 was amended by 47 FR 32517, 32520 (1982). Therefore, former 15 CFR 301.5 applies to the instant case.) Part of that provision specifically states that "[p]rograms that may be undertaken in some unspecified future period shall not be considered in the (scientific equivalency) comparison." The program to study stress on deck officers may never develop and even if it did, could not be considered by the Department. The other program which the Institute describes in its resubmission as being oriented toward scientific research concerns merely a proposal under consideration to do research for the Panama Canal Authority at some future date. No present research purpose is described. Moreover, since articles entered duty-free under item 851.60 TSUS are to be entered for the use of qualified institutions and not used for commercial purposes for a period of 5 years (presumably contract work for the Panama Canal Authority would be commercial) such uses would likely disqualify the foreign article for duty-free entry under item 851.60 TSUS. Therefore, the resubmitted application lacks any valid claim, for purposes of duty-free treatment, that the article will be used for a present scientific research purpose.

In conclusion, we note the scientific consultants at the National Bureau of Standards (NBS) returned the initial submission of this application without any finding on scientific equivalency because the "intended proposed use of the foreign article, although educational in purpose, appears to be vocational training which cannot be considered scientific research or science-oriented education. We are therefore, unable to attach a measure of scientific value to the foreign article." With respect to the characteristics of the foreign article alleged pertinent by the applicant in the resubmission NBS advised, on October 20, 1982, that either: (1) The domestic manufacturer met the specification as requested by the applicant (360° field of view; a continuous, seamless presentation; and a full color day or night presentation), (2) the Institute had not demonstrated the domestic article could not meet the capabilities (a high degree of resolution) or (3) the stated requirements were matters of cost not pertinent to the evaluation of the instruments (a reasonable operation staff level and low operation cost). The NBS consultants concluded that the domestic firms ATS & Sperry who "are in the forefront of simulation technology", if given the opportunity, could provide nocturnal navigation simulators meeting the applicant's requirements. Thus, even if the article possessed the requisite scientific value

for the purposes intended, the required demonstration of the nonequivalency of the domestic instruments has not been made. We also note the contacts the Institute made with the domestic firms took place more than three years before the foreign article was ordered. (The records shows that Sperry's latest proposal to the applicant occurred almost four years before purchase.) Based on the NBS advice and the domestic firms' established record in simulation technology, no facts have been supplied to support a conclusion that the domestic firms would have been unable or unwilling to supply equivalent systems had they been formally requested to bid. The dated correspondence between the applicant and the potential domestic suppliers does not evidence the inability to supply an equivalent custom-made system.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-10934 Filed 4-22-83; 8:45 am]

BILLING CODE 3510-25-M

Elemental Sulphur From Mexico; Final Results of Administrative Review and Modification of Revocation in Part of Antidumping Finding

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of final results of administrative review and modification of revocation in part of antidumping finding.

SUMMARY: On January 3, 1983, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on elemental sulphur from Mexico. The review covers the one known exporter of this merchandise to the United States currently covered by the finding and the period June 1, 1980 through May 31, 1982.

Interested parties were given an opportunity to submit oral or written comments on the preliminary results. We received no comments. Based on our analysis, the final results of review are unchanged from those presented in the preliminary results of review.

EFFECTIVE DATE: April 25, 1983.

FOR FURTHER INFORMATION CONTACT: Linda L. Pasden or Robert J. Marenick, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377-3601/5255.

SUPPLEMENTARY INFORMATION:

Background

On June 28, 1972, the Treasury Department published in the **Federal Register** (37 FR 12727) a dumping finding with respect to elemental sulphur from Mexico. On January 3, 1983, the Department of Commerce ("the Department") published in the **Federal Register** (48 FR 49-50) the preliminary results of its last administrative review of the finding. The Department has now completed the administrative review.

Scope of the Review

Imports covered by the review are shipments of elmental sulphur. Basically there are two types of sulphur, "bright" and "dark." Chemically these two types are almost equal, the dark sulphur being discolored by certain hydrocarbon impurities. The greatest single use of sulphur is in the manufacture of sulphuric acid. In elemental form or as sulphuric acid it enters into the production or processing of hundreds of products. Among the most important are fertilizers, chemicals, titanium and other pigments, pulp and paper, rayon, film, iron and steel, dyestuffs, vulcanized and synthetic rubber, insecticides, fungicides, fuels and explosives. Elemental sulphur is currently classifiable under item 415.4500 of the Tariff Schedules of the United States Annotated.

The review covers the one known exporter of elemental sulphur from Mexico to the United States currently covered by the finding, Agro Centro, S.A., and the period June 1, 1980 through May 31, 1982.

On January 5, 1978, the Treasury Department published a "Modification of Dumping Finding" (43 FR 954-5) covering sulphur produced *and* sold by Azufrera Pan-Americana, S.A. ("APSA"). We have amended the wording of the modification for APSA to read "except that produced and/or sold by Azufrera Pan-Americana, S.A."

Final Results of the Review

Interested parties were invited to comment on the preliminary results. The Department received no wirtten comments or requests for a hearing. Based on our analysis, the final results of our review are the same as those presented in the preliminary results of review, and we determine that a margin of 33 percent exists for sales by Agro Centro for the period June 1, 1980 through May 31, 1982.

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on all appropriate entries made with purchase dates during the period of review. The Department will issue appraisement instructions directly to the Customs Service.

Further, as provided for in § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties of 33 percent shall be required on all shipments of Mexican sulphur from Agro Centro, S.A. entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. For any shipment from a new exporter not covered in this or prior reviews, whose first shipments occurred after May 31, 1982 and who is unrelated to any covered firm, a cash deposit shall be required on future entries at the 33 percent rate. These deposit requirements shall remain in effect until publication of the final results of the next administrative review. The Department intends to begin immediately the next administrative review. The Department encourages interested parties to review the public record and submit applications for protective orders, if desired, as early as possible after the Department's receipt of the informatin during the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) and §353.53 of the Commerce Regulations (19 CFR 353.53).

Dated: April 18, 1983.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-10837 Filed 4-22-83; 8:45 am]

BILLING CODE 3510-25-M

Petitions by Producing Firms for Determinationas of Eligibility To Apply for Trade Adjustment Assistance; Lane Ranch et al.

Petitions have been accepted for filing from the following firms: (1) Lane Ranch, Route 1 Box 58, Limon, Colorado 80828, producer of cattle (accepted March 21, 1983); (2) Biamp Systems, Inc., 11000 S.W. 11th Street, Beaverton, Oregon 97005, producer of audio equipment (accepted March 22, 1983); (3) Maxam Leather Goods, Inc., 12 East 12th Street, New York, New York 10003, producer of wallets and other personal leather goods (accepted March 22, 1983); (4) Denim Evolution, Inc., 4949 North Broadway, Boulder, Colorado 80302, producer of men's vests and jackets; and women's skirts, vests and jackets (accepted March 22, 1983); (5) Academy Metal Products Company, Inc., 1 Edward Hart Drive, Jersey City, New Jersey 07305.

producer of pipe, fittings, valves and flanges (accepted March 22, 1983); (6) Charles Gratz Farms, Inc., Newport Bridge Road, Pine Island, New York 10969, producer of onions, lettuce and celery (accepted March 22, 1983); (7) Video Commander, Inc., 3621 West MacArthur Boulevard, Santa Ana, California 92704, producer of video equipment (accepted March 24, 1983); (8) Central Steel Tube Company, P.O. Box 551, Clinton, Iowa 52732, producer of steel casings and tubings, automotive stampings and other products (accepted March 25, 1983); (9) Texas Time, Inc., 759 109th Street, Arlington, Texas 76011, producer of digital watches (accepted March 25, 1983); (10) Jeannette Shade & Novelty Company, North 4th Street, Jeannette, Pennsylvania 15644, producer of illuminating glassware (accepted March 25, 1983); (11) Sparta Spoke Factory, Inc., P.O. Box 240, Sparta, Tennessee 38583, producer of chairs, hardwood dimension, and handles (accepted March 25, 1983); (12) U.S. Magnet & Alloy Corporation, 85 North Main Street, Yardley, Pennsylvania 19067, producer of magnets and steel castings (accepted March 28, 1983); (13) Tech Weld Corporation, 70 Blanchard Road, Burlington, Massachusetts 01803, producer of fuel oil truck tanks (accepted March 28, 1983); (14) Briar Neckwear, Inc., 2828 South Grand Avenue, Los Angeles, California 90007, producer of neckwear and jewelry (accepted March 29, 1983); (15) Cajun Manufacturing Company, Inc., P.O. Box 651, Radford, Virginia 26050, producer of women's blouses (accepted March 29, 1983); (16) Mayer China Company, P.O. Box 561, Beaver Falls, Pennsylvania 15010, producer of chinaware (accepted March 29, 1983); (17) Tube Forgings of America, Inc., 3121 S.W. Moody Street, Portland, Oregon 97201, producer of pipe fittings (accepted March 29, 1983); (18) Beta Handbag Corporation, 750 West 18th Street, Hialeah, Florida 33010, producer of handbags and luggage (accepted March 29, 1983); (19) Honolulu Premium Products, Inc., 656 Queen Street, Honolulu, Hawaii 96813, producer of jewelry (accepted March 29, 1983); (20) J. DeBeer & Son, Inc., 5 Burdick Drive, Albany, New York 12205, producer of baseballs and softballs (accepted March 31, 1983); (21) Canica International Corporation, 10517 N.E. 50th Avenue, Vancouver, Washington 98665, producer of rock crushing equipment (accepted March 31, 1983); (22) Bee Fiberglass, Inc., 198 Airport Road, Fall River, Massachusetts 02720, producer of pipes, tanks, gratings and ducts (accepted April 1, 1983); (23) Globe Seed & Feed Company, Inc., P.O. Box 445, Twin Falls, Idaho 83301, producer of agricultural feeds and seeds (accepted April 1, 1983); (24) American Jewelry Chain Company, 560 Atwells Avenue, Providence, Rhode Island 02909, producer of jewelry chains (accepted April 1, 1983); (25) Bacon Felt Company, Inc., 103 Old Colony Avenue, East Taunton, Massachusetts 02718, producer of felt products (accepted April 1, 1983); (26) Maida Development Company, 20 S. Libby Street Hampton, Virginia 23663, producer of capacitors (accepted April 4, 1983); (27) Con-Vey International Corporation, 526 N.E. Chestnut Street, Roseburg, Oregon 97470, producer of wood products machinery and equipment (accepted April 4, 1983); (28) Carlos Zambrano Industrial Enterprises, Inc., P. O. Box 29706, 65th Inf. Station, Rio Piedras, Puerto Rico 00926, producer of luggage & handbags (accepted April 4, 1983); (29) Yakima Bait Company, P.O. Box 310, Granger, Washington 98932, producer of fishing tackle (accepted April 5, 1983); (30) Eagle Fashions, Inc., 564 Broadway, New York, New York 10012, producer of women's tops, slacks and shorts (accepted April 5, 1983); (31) Carter Lumber Distributing Corporation, P.O. Box 54, Toms River, New Jersey 08753, producer of wood paneling (accepted April 7, 1983); (32) Fash Company, Inc., P.O. Box 435, Naranjito, Puerto Rico 00719, producer of women's underwear (accepted April 7, 1983); (33) Roguimar, Inc., Barbosa 430 Esq., Carolina, Hato Ray, Puerto Rico 00919, producer of women's dresses, blouses and pants (accepted April 8, 1983); (34) Cleveland Wire Cloth and Manufacturing Company, 3573 East 78th Street, Cleveland, Ohio 44105, producer of wire cloth (accepted April 8, 1983); (35) Haney Seed Company, P.O. Box 502, Twin Falls, Idaho 83301, producer of beans and peas (accepted April 8, 1983); (36) Gregoire's Flowers, Inc., 360 Bayshore Boulevard, San Francisco, California 94124, producer of cut flowers (accepted April 8, 1983); (37) Apollo Metals, Inc., 6650 South Oak Park Avenue, Chicago, Illinois 60638, producer of plated metal sheets and coils (accepted April 11, 1983); (38) Ripco, Inc., 251 S. Third Street, Oxford, Pennsylvania 19363, producer of truck bodies (accepted April 11, 1983); (39) Gates, Inc., Upper Union Street, Peterborough, New Hampshire 03458, producer of wood boxes, plaques, and rifle racks (accepted April 11, 1983); (40) McKnight-Miller Company, P.O. Box 5534, Statesville, North Carolina 28677, producer of chair and woodworking machinery (accepted April 11, 1983); and (41) Maryland Cork Company, Inc., P.O. Box 126, Elkton, Maryland 21921, producer of granulated cork (accepted April 11, 1983).

The petitions were submitted pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93–618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315). Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Director, Certification Division, Office of Trade Adjustment Assistance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

The Catalog of Federal Domestic Assistance official program number and title of the program under which these petitions are submitted is 11.309, Trade Adjustment Assistance. Inasfar as this notice involves petitions for the determination of eligibility under the Trade Act of 1974, the requirements of Office of Management and Budget Circular No. A–95 regarding review by clearinghouses do not apply.

Jack W. Osburn, Jr.,

Director, Certification Division, Office of Trade Adjustment Assistance.

[FR Doc. 83–10852 Filed 4–22–83; 8:45 am]

BILLING CODE 3510–25–M

Maritime Institute of Technology and Graduate Studies; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR 301 as amended by 47 FR 32517). A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No.: 82–00022. Applicant: Maritime Institute of Technology and Graduate Studies, 5700 Hammonds Ferry Road, Linthicum Heights, MD 21090. Instrument: Radio Navigation Simulator with Accessories. Manufacturer: Simrad, A/S Norway. Intended use of instrument: See Notice on page 57719 in the **Federal Register** of November 25, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application denied. Because the article possesses no scientific value for the purposes for which it is intended, a prima facie case is not presented upon which to base a finding of scientific equivalency.

Reasons: Item 851.60 of the Tariff Schedules of the United States (TSUS) provides, *inter alia,* for duty-free treatment with respect to "Articles entered for the use of any nonprofit institution, whether public or private, established for educational or scientific purposes * * * if no instrument or apparatus of *equivalent scientific value for the purposes for which the instrument or apparatus is intended to be used* is being manufactured in the United States" (Italics supplied). The law provides that the Secretary of Commerce, whose authority has been delegated to this Office, is to determine "whether an instrument or apparatus of equivalent scientific value to such (the foreign) article, for the purposes for which the instrument or apparatus is intended to be used, is being manufactured in the United States" (headnote 6(c), Schedule 8, Part 4, TSUS). In order to make the determination of scientific equivalency, it is clear that some scientific use for the foreign article, whether educational or research, must be intended (See also *application of Masters, Mates & Pilots MATES Program,* Doc. No. 82–00194, published in this issue of **Federal Register**). Although the foreign article falls within the tariff items eligible for duty-free entry consideration, it is intended to be used to improve proficiency in electronic shipboard navigation. It is not being used for a specific experiment or to obtain scientific knowledge nor is it being used to teach science. In connection with this use, the National Bureau of Standards (NBS) advises in its memorandum dated March 5, 1982, that the foreign article is used exclusively in the teaching of a nonscientific trade. In view of the intended use of the article and the above stated requirements of Pub. L. 89–651 (Item 851–60, TSUS), the Department cannot make the finding on scientific equivalency upon which duty-free entry must be based. Therefore, the application is denied.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83–10935 Filed 4–22–83; 8:45 am]

BILLING CODE 3510–25–M

Maritime Institute of Technology and Graduate Studies; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No.: 81–00222. Applicant: The Maritime Institute of Technology & Graduate Studies, 5700 Hammonds Ferry Road, Linthicum Heights, MD 21090. Instrument: Deviascope. Manufacturer: B. Cooke & Son, Ltd., United Kingdom. Intended use of instrument: See Notice on page 31465 in the **Federal Register** of June 16, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application denied. Because the article possesses no scientific value for the purposes for which it is intended, a prima facie case is not presented upon which to base a finding of scientific equivalency.

Reasons: Item 851.60 of the Tariff Schedules of the United States (TSUS) provides, *inter alia,* for duty-free treatment with respect to "Articles entered for the use of any nonprofit institution, whether public or private, established for educational or scientific purposes * * * if no instrument or apparatus of *equivalent scientific value for the purposes for which the instrument or apparatus is intended to be used* is being manufactured in the United States" (*Italics* supplied). The law provides that the Secretary of Commerce, whose authority has been delegated to this Office, is to determine "whether an instrument or apparatus of equivalent scientific value to such (the foreign) article, for the purposes for which the instrument or apparatus is intended to be used, is being manufactured in the United States" (headnote 6(c), Schedule 8, Part 4, TSUS). In order to make the determination of scientific equivalency, it is clear that some scientific use for the foreign article, whether educational or research, must be intended (see also *Application of Masters, Mates & Pilots MATES Program,* Doc. No. 82–00194, published in this issue of the **Federal Register**). Although the foreign article falls within the tariff items eligible for duty-free entry consideration, it is intended to be used for instruction in Licensed Advancement Program for the purpose of obtaining U.S. Coast Guard Mariner's License. In connection with this use, the National Bureau of Standards (NBS) advises in its memorandum dated October 5, 1981, that the foreign article does not qualify for duty-free entry under Pub. L. 89–651 (Item 851.60, TSUS) because it is not intended for scientific educational purposes but is an article for vocational training. In view of the intended use of the article and the above stated requirements of Pub. L. 89–651, the Department cannot make the finding on scientific equivalency upon which duty-free entry must be based. Therefore, the application is denied.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83–10936 Filed 4–22–83; 8:45 am]

BILLING CODE 3510–25–M

Transfer of Control of Non-Expansive Balloons From Office of Munitions Control, Department of State, to Office of Export Administration, Department of Commerce

AGENCY: Office of Export Administration, International Trade Administration, Commerce.

SUMMARY: The Departments of State and Defense are continuing their review, pursuant to section 38(f) of the Arms Export Control Act, to remove items from the U.S. Munitions List that no longer warrant strategic control under the Act and the International Traffic in Arms Regulations (ITAR). This review has resulted in a decision to transfer control of non-expansive balloons from the U.S. Munitions List to the Commodity Control List. Accordingly, the Department of Commerce has agreed to assume jurisdiction over non-expansive balloons under the Export Administration Regulations. These items, previously in Category VIII(f) of the U.S. Munitions List, will now be

included in the Commodity Control List, except those non-expansive balloons that contain or carry:

(1) Mylar, kevlar, or other advanced materials which exhibit both high strength and very low helium or hydrogen gas leak rates;

(2) Any system(s) for super-pressurization; or

(3) Propulsion and/or power techniques permitting very long endurance.

Also still controlled on the U.S. Munitions List are those non-expansive ballooons that are configured for or carry any articles on the U.S. Munitions List.

This announcement gives notice that non-expansive balloons that do not meet the foregoing special qualifications are non-strategic and are included on the Commodity Control List, Supplement No. 1 to § 399.1 of the Export Administration Regulations, under Export Control Commodity Number 6499G, controlled to Country Groups S and Z. This means that the balloons included in 6499G may be shipped to all destinations under general license, with the exception of shipments to countries in two groups mentioned above.

EFFECTIVE DATE: April 25, 1983.

FOR FURTHER INFORMATION CONTACT: Henry D. Mitman, Director, Capital Goods and Production Materials Division, Office of Export Administration, Room 1600D, U.S. Department of Commerce 20230. (telephone (202) 377–5695).

Dated: April 4, 1983.

John K. Boidock,

Director, Office of Export Administration, International Trade Administration.

[FR Doc. 83–10888 Filed 4–22–83; 8:45 am]

BILLING CODE 3510–25–M

National Bureau of Standards

National Conference on Weights and Measures; Meeting

Notice is hereby given that the 68th Annual Meeting of the National Conference on Weights and Measures will be held July 17–22, 1983 at the Red Lion Motor Inn, Sacramento, California.

The National Conference on Weights and Measures is an organization of weights and measures enforcement officials of the States, counties, and cities of the United States as well as associated Federal, industry, and consumer representatives. The annual meeting of the Conference brings together the enforcement officials, other government officials, and representatives of business, industry, trade associations, and consumer organizations for the purpose of discussing subjects that relate to the fields of weights and measures technology and administration.

Pursuant to authority in its Organic Act (15 U.S.C. 272(5)), the National Bureau of Standards acts as a sponsor of the National Conference on Weights and Measures in order to provide the technical basis for uniformity among the States in the complex of laws, regulations, codes, methods, and inspection and testing procedures that comprises regulatory control of commercial weights and measuring by the States.

The meeting is open to the public. A registration fee of $85 per person has been established by the Conference Executive Committee to pay for expenses of the meeting and to cover membership in the National Conference on Weights and Measures for the fiscal year July 1, 1983 through June 30, 1984. Additional information concerning the Conference program and arrangements may be obtained from Mr. Albert D. Tholen, Executive Secretary, National Conference on Weights and Measures, National Bureau of Standards, Washington, D.C. 20234; telephone—301/921–2401.

Dated: April 20, 1983

Ernest Ambler,

Director

[FR Doc. 83–10911 Filed 4–22–83; 8:45 am]

BILLING CODE 3510–13–M

National Oceanic and Atmospheric Administration

Issuance of Permit; Southwest Fisheries Center

On February 28, 1983, Notice was published in the **Federal Register** (48 FR 8323), that an application had been filed with the National Marine Fisheries Service by the Southwest Fisheries Center, National Marine Fisheries Service, P.O. Box 271, La Jolla, California 92038, for a permit to take Hawaiian monk seals (*Monachus schauinslandi*) for scientific research and to enhance the propagation and survival of the species.

Notice is hereby given that on April 20, 1983, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407) and the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), the National Marine Fisheries Service issued a Scientific Research Permit for the above taking to the Southwest Fisheries Center, subject to certain conditions set forth therein.

As required by the Endangered Species Act of 1973, issuance of this permit is based on a finding that such permit: (1) Was applied for in good faith; (2) will not operate to the disadvantage of the endangered species which is the subject of the permit; and (3) will be consistent with the purposes and policies set forth in Section 2 of the Endangered Species Act of 1973.

The Permit and documentation relating to the Permit are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and

Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731.

Dated: April 20, 1983.

R. B. Brumsted,

Acting Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 83–10891 Filed 4–22–83; 8:45 am]

BILLING CODE 3510–22–M

Gulf of Mexico Fishery Management Council's Ad Hoc Shrimp/Stone Crab Advisory Subpanel; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

SUMMARY: The Gulf of Mexico Fishery Management Council was established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94–265, as amended). The Council has established an ad hoc Shrimp/Stone Crab Advisory Subpanel which will meet in a series of meetings to address gear conflict between fishermen in Pasco, Hernando and Citrus Counties, Florida, and to suggest fishing zones to the Council in order to resolve the conflict.

DATES: Separate public meetings will be convened for Shrimp and Stone Crab Advisory Subpanel members on Tuesday, May 3, and Wednesday, May 4, 1983, respectively, to define each fishery and fishing area. Public meetings of the entire advisory subpanel will also convene on Tuesday, May 10; Tuesday, May 24, and Tuesday, May 31, 1983, to address a solution to the conflict. All public meetings will convene at 9 a.m., and will adjourn at approximately 4 p.m.

ADDRESS: The public meetings on May 3 and 4, will take place at the Holiday Inn, U.S. Highway 19, Weeki Wachee, Florida. The public meetings on May 10, 24, and 31, will take place at the Barclay

Airport Inn, Best Western, 5303 West Kennedy Boulevard, Tampa, Florida.

FOR FURTHER INFORMATION CONTACT: Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609, Telephone: (813) 228–2815.

Dated: April 20, 1983.

Richard B. Stone,

Acting Chief, Operations Coordination Group, National Marine Fisheries Service.

[FR Doc. 83–10924 Filed 4–22–83; 8:45 am]

BILLING CODE 3510-22-M

Mid-Atlantic Fishery Management Council's Bluefish Subpanel

AGENCY: National Marine Fisheries Service, Commerce.

SUMMARY: The Mid-Atlantic Fishery Management was established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94–265, as amended). The Council has established a Bluefish Subpanel which will meet to discuss proposed bluefish logbook formats.

DATES: The public meeting will convene on Friday, May 13, 1983, at approximately 10 a.m., and will adjourn at approximately 4 p.m., depending upon progress on the agenda item. The public meeting will be held at the Best Western Airport Motel, Philadelphia International Airport, Route 291, Philadelphia, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New Street, Dover, Delaware 19901, Telephone: (302) 674–2331.

Dated: April 20, 1983.

Richard B. Stone,

Acting Chief, Operations Coordination Group, National Marine Fisheries Service.

[FR Doc. 83–10926 Filed 4–22–83; 8:45 am]

BILLING CODE 3510-22-M

New England Fishery Management Council; Public Meeting With a Partially Closed Session and a Public Hearing

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

SUMMARY: The New England Fishery Management council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94–265, as amended), will hold a public meeting with a closed session, as well as a public hearing on the following topics:

Public Meeting: Discuss reports of the herring and groundfish oversight committees; reports of the mid-Atlantic liaison and environmental affairs committees; discuss the swordfish public hearings, foreign fishing, the Recreational Fisheries Symposium, as well as other fishery management and administrative matters.

Partially closed session: Discuss the U.S./Canadian Gulf of Maine boundary dispute. Only those Council members and selected staff having security clearances will be allowed to attend this closed session.

Public Hearing: Discuss the Regional Director's findings regarding an adjustment to the regulated meat count in the scallop fishery.

DATES: *Public Meeting:* The open session of the meeting will convene on Wednesday, May 11, 1983, at approximately 1:30 p.m., and adjourn on Thursday, May 12, 1983, at approximately 3:30 p.m. The meeting may be lengthened or shortened depending upon progress on the agenda, or agenda items may be rearranged. The closed session of the meeting will convene on Wednesday, May 11, 1983, at approximately 10 a.m., and will adjourn at approximately noon.

Public Hearing: The public hearing will convene on Thursday, May 12, 1983, at approximately 9:30 a.m., and will adjourn at approximately noon.

ADDRESS: All meetings will take place at the Skipper Inn, Fairhaven, Massachusetts.

FOR FURTHER INFORMATION CONTACT: New England Fishery Management Council, Suntaug Office Park, Five Broadway (Route One), Saugus, Massachusetts 01906 (Telephone: 617–231–0422).

Dated: April 20, 1983.

Richard B. Stone,

Acting Chief, Operations Coordination Group, National Marine Fisheries Service.

[FR Doc. 83–10925 Filed 4–22–83; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

Department of the Army

Military Traffic Management Command; Military Personal Property Symposium; Open Meeting "Correction"

Announcement is made of a meeting of the Military Personal Property Symposium. This meeting will be held on 19 May 1983 at Headquarters, Military Traffic Management Command, 5611 Columbia Pike, Falls Church, Virginia, and will convene at 1300 hours.

Proposed Agenda: The purpose of the symposium is to provide an open discussion and free exchange of ideas with the public on procedural changes to the Personal Property Traffic Management Regulation (DOD 4500.34–R), and the handling of other matters of mutual interest relating to the movement and/or storage of household goods and unaccompanied baggage, as well as proposed changes and innovations in the Department of Defense Personal Property Movement and Storage Program.

All interested persons desiring to submit topics to be discussed should submit them in writing to the Commander, Military Traffic Management Command, Attn: MT–PPM, Washington, DC 20315. Topic to be discussed should be received on or before 2 May 1983.

Nathan R. Berkley,

Colonel, GS, Director of Personal Property.

[FR Doc. 84–10895 Filed 4–22–83; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF EDUCATION

National Advisory Council on Adult Education; Meeting

Pursuant to the Federal Advisory Committee Act, Pub. L. 92–463, Sec. 10(a)(2), notice is hereby given that the National Advisory Council on Adult Education will meet on May 2–4, 1983, at the Hotel Washington, 15th and Pennsylvania Ave., NW., Washington, D.C., instead of the Council Offices which was announced in the **Federal Register** of Tuesday, April 12, 1983, page 15675.

All other meeting arrangements will remain as announced April 12, 1983.

Signed at Washington, D.C. on April 19, 1983.

Rick Ventura,

Executive Director, National Advisory Council on Adult Education.

[FR Doc. 83–10894 Filed 4–22–83; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[Docket No. ERA-FC-83-009]

Powerplant and Industrial Fuel Use Act of 1978; Electric Utility Conservation Plans

AGENCY: Economic Regulatory Administration, Energy.

ACTION: Notice of approval of conservation plan of Western Farmers Electric Cooperative, Anadarko, Oklahoma.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) has received an electric

utility conservation plan developed and submitted by Western Farmers Electric Cooperative (Western Farmers) for DOE approval pursuant to secton 808 of the Powerplant and Industrial Fuel Use Act of 1978, as amended, 42 U.S.C. 8301 *et seq.* ("FUA" of "the Act"). Pursuant to 10 CFR 508.5(b) (47 FR 25729, June 15, 1982), DOE hereby gives Notice of Approval of the Conservation Plan submitted by Western Farmers.

The public file for Western Farmers containing this Notice of Approval of Conservation Plan and all other pertinent documents is available for inspection at the Department of Energy, Freedom of Information Reading Room, 1000 Independence Avenue, S.W., Room 1E–190, Washington, D.C. 20585, telephone (202) 252–6020, between the hours of 8 a.m. and 4 p.m. Monday through Friday except Federal holidays. Approval of a conservation plan is based on ERA's consideration of the entire record of the proceeding, including any comments received during the public comment period for such plan.

DATE: In accordance with 10 CFR 508.5(b), this Notice shall take effect on April 25, 1983.

FOR FURTHER INFORMATION CONTACT:

Edward J. Peters, Jr., Office of Fuels Programs, Economic Regulatory Administration, Forrestal Building, Room GA–073 G, 1000 Independence Avenue, S.W., Washington, D.C. 20585; (202) 252–8162; or

Allan Stein, Esq., Office of the General Counsel, Forrestal Building, Room 6B–222, 1000 Independance Avenue, S.W., Washington, D.C. 20585; (202) 252–2967.

SUPPLEMENTARY INFORMATION: Section 1023 of the Omnibus Budget Reconciliation Act of 1981, Pub. L. 97–35 (OBRA) amended FUA by adding a new section 808, entitled "Electric Utility Conservation Plan.".

Section 808 requires utilities which own or operate any existing electric powerplant which used natural gas as a primary energy source between August 14, 1980 and August 13, 1981, and which also plan to use natural gas in any electric powerplant, to develop and submit to DOE for approval a conservation plan to conserve electric energy. The plan must set forth the means to achieve the conservation of electric energy at a level equal to 10 percent of the electric energy output of the utility sold within its own system which was attributable to natural gas during the four calendar quarters ending on June 30, 1981. Approved plans must be fully implemented during the five year period following DOE approval

Notice of Receipt of Western Farmers' proposed conservation plan providing for a thirty (30) day public comment period during which interested persons were invited to submit written comments concerning the content of the plan, was published in the **Federal Register** on December 16, 1982 (47 FR 56386). No comments on the proposed plan were received.

Based upon the entire record of this proceeding, ERA has determined that Western's Farmers' conservation plan meets the requirements for approval contained in 10 CFR 508.8. ERA is restricted by the 120 day time limitation imposed by the Act on the plan approval process as to the amount of information which can be analyzed in order to ascertain the environmental significance of approval of this plan. However, based on the information contained in Western Farmers' submittal, ERA has determined, pursuant to 10 CFR § 508.5, that the conservation programs contained in the plan should not produce environmental consequences significant enough to warrant detailed documentation pursuant to the National Environmental Policy Act or its implementing regulations (40 CFR Part 1500 *et seq.*). Thus this action clearly does not represent a major Federal action significantly affecting the quality of the human environment. Pursuant to 10 CFR 508.5 and section 808(D)(1) of FUA, DOE hereby approves Western Farmers' electric utility conservation plan.

Western Farmers shall annually submit a report to ERA pursuant to 10 CFR 508.7 (47 FR 25733, June 15, 1982) identifying the steps taken during the preceding year to implement its approved plan. Each such report shall be sumittted within thirty (30), days after the close of a calendar year, beginninng with the close of calendar year 1983. The report shall be sent to: Steven E. Ferguson, Director, Fuels Conversion Division, Office of Fuels Programs, Economic Regulatory Administration, Forrestal Building, Room GA–093, 1000 Independence Avenue, S.W., Washington, D.C. 20585.

Issued in Washington, D.C. on April 19, 1983.

Robert L. Davies,

Deputy Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83–10946 Filed 4–22–83; 8:45 am]

BILLING CODE 6450–01–M

Energy Information Administration

National Petroleum Council, Coordinating Subcommittee on Petroleum Inventories and Storage Capacity; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given of the following advisory committee meeting:

Name: Coordinating Subcommittee of the Committee on Petroleum Inventories and Storage Capacity.

Date and Time: Tuesday, May 3, 1983—8:30 a.m.

Place: Westport Room, The Westin Crown Center Hotel, One Pershing Road, Kansas City, Missouri.

Contact: Jimmie L. Petersen, Director, Office of Oil and Gas, Energy Information Administration, U.S. Department of Energy, Forrestal Building, Room 2H–058, Washington, D.C. 20585, Telephone: 202–252–6401.

Purpose of Committee: To provide advice, information, and recommendations to the Secretary of Energy on matters relating to petroleum inventories and petroleum product storage capacities.

Tentative Agenda:

- Discussion of Subcommittee assignments.
- Discussion of the schedule for completing the overall study.
- Discussion of any matters pertinent to the overall assignment of the Coordinating Subcommittee.
- Public Comment.

Public Participation: The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Jimmie L. Petersen at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. The Chairperson of the Committee is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Minutes of Meeting: As a working subcommittee, verbatim transcripts are not required. Minutes of subcommittee meetings are prepared and are available for review and copying at the Freedom of Information Public Reading Room 1E–190, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on April 14, 1983.

J. Erich Evered,

Administrator, Energy Information Administration.

[FR Doc. 83–10949 Filed 4–22–83; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. CP77-521-002]

Columbia Gulf Transmission Co. and Texas Eastern Transmission Corp.; Petition To Amend

April 19, 1983.

Take notice that on March 16, 1983, Columbia Gulf Transmission Company (Columbia Gulf), P.O. Box 683, Houston, Texas 77001, and Texas eastern Transmission Corporation (TETCO), P.O. Box 2521, Houston, Texas 77252, filed in Docket No. CP77-521-002 a joint, petition to amend to order issued September 22, 1977,[1] in Docket No. CP77-521-000 pursuant to Section 7(c) of the Natural Gas Act so as to authorize the transportation and redelivery of natural gas from additional sources, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioners propose to expand the service authorized in Docket No. CP77-521-000 in accordance with an agreement between Columbia Gulf and TETCO which was amended on January 28, 1981. Petitioners state that the amended agreement provides for a transportation service by TETCO for Columbia Gulf of natural gas volumes purchased by Columbia Gulf in Ship Shoal Blocks 247 and 248, offshore Louisiana, in addition to the certificated transportation service by Columbia Gulf for TETCO from West Cameron Block 606.

Petitioners further state that the transportation service for Columbia Gulf would be rendered by virtue of Columbia Gulf's utilizing TETCO's capacity interest in the TTT pipeline. It is indicated that under the amended agreement Columbia Gulf would deliver its gas at a point on the TTT pipeline in Eugene Island Block 278, offshore Louisiana. The gas would be redelivered to Columbia Gulf at the interconnection of the TTT pipeline and the Columbia Gulf/Tennessee Gas Pipeline Company, a Division of Tenneco Inc., Blue Water pipeline system in Ship Shoal Block 198, offshore Louisiana, it is explained.

Petitioners indicate that under the amended agreement, TETCO has agreed to pay Columbia Gulf a monthly demand charge for the transportation service, which charge is determined by multiplying 53.96 cents by the contract demand quantity and by the ratio of the number of days such contract demand was in effect to the number of days in the month. Petitioners further indicate that under the amended agreement TETCO would receive a credit for volumes transported for the account of Columbia Gulf through the TTT pipeline against the charge by Columbia Gulf for transporting gas reserves from West Cameron Block 606, which credit would be equal to the charge for equal volumes of gas transported from West Cameron Block 606.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before May 10, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-10904 Filed 4-22-83; 8:45 am]

BILLING CODE 6717-01-M

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1) it was transferred to the Commission.

[Docket Nos. ER83-333-000 and ER83-351-000]

Dayton Power & Light Co.; Order accepting for Filing and Suspending Rates, Noting Interventions, Denying Summary Disposition, Establishing Procedures, and Consolidating Dockets

Issued: April 18, 1983.

On February 18, 1983, Dayton Power & Light Company (DP&L) filed proposed increases in rates for firm power (full and partial requirements) and transmission service to fourteen municipal customers (Municipalities) served under two electric tariffs (Docket No. ER83-333-000).[1] On February 25, 1983 DP&L, also filed a proposed increase in rates for firm service to the City of Piqua, Ohio (Piqua) under a separate rate schedule (Docket No. ER83-351-9990).

The proposed rates would result in an increase of about $3.7 million (19.2%) to the Municipalities and about $265,000 (20.0%) to Piqua for the calendar year 1983 test period. DP&L requests effective dates of April 19, 1983, for the revised tariff rates and April 26, 1983, for the proposed Piqua rate schedule. However, to make the proposed increases coincide with DP&L's currently pending general retail rate increase before the Public Utilities Commission of Ohio (PUCO), DP&L requests that its proposed rates be suspended until the retail rates become effective, if later than April 19, 1983 (Docket No. ER83-333-000), and April 26, 1983 (Docket No. ER83-351-000).[2]

Notices of the filings were published in the Federal Register, with comments due on or before March 21, 1983 (Docket No. ER83-333-000), and March 24, 1983 (Docket No. ER83-351-000). On March 22, 1983, in each docket, the Municipalities and Piqua filed a protest, motion to intervene, motion for partial summary judgment, motion for consolidation, and request for a five month suspension of the proposed rates. In lieu of making separate submissions, the intervenors filed the same pleading in each docket together with a motion to intervene one day out of time in Docket No. ER83-333-000.

The intervenors request summary judgment with respect to their claim that DP&L has included $24,000,000 in rate base which is attributable to AFUDC booked to the new Killen generating unit after the plant was placed in service. In addition, the intervenors seek a five month suspension on the grounds that the proposed rates are substantially excessive when tested by the standards of our policy enunciated in *West Texas Utilities Company*, Docket No. ER82-23-000, 18 FERC ¶ 61,189 (1982). In support of their position, they raise a number or rate base, cost of service, and demand allocation issues.[3] The intervenors also

[1] FERC Electric Tariff, Original Volume No. 1 serves the Villages of Arcanum, Eldorado, Lakeview, Mendon, New Breman, New Knoxville, Tipp City, and Waynesfield. FERC Electric Tariff, Original Volume No. 2 serves Celina, Jackson Center, Minster, St. Marys, Versailles, and Yellow Springs. *See* Attachment A for rate schedule designations.

[2] The PUCO must act on retail rate applications within nine months of their tender date. DP&L's pending application was submitted in July, 1982, and DP&L's expects an effective date in late April, 1983.

[3] These issues include: (1) excessive cash working capital and prepayments; (2) reduction of oil fuel stock to 90 day supply; (3) excess spare parts for the Killen unit; (4) steam production operating expenses; (5) PUCO and Ohio Consumer Counsel's Office (OCC) maintenance taxes; (6) excessive regulatory expenses; (7) revenue crediting of short-term sales; (8) excess depreciation of the Killen unit; (9) adjustments to transmission and Piqua demand allocation factors; (10) return on equity; and (11) excessive common equity ratio.

recommend consolidation of Docket Nos. ER83–333–000 and ER83–351–000.

The intervenors have also requested that we specifically note that this proceeding may require a price squeeze investigation, although they have not pointed to any specific information upon which to base this belief. Finally, the intervenors contend that DP&L's proposed revision of the partial requirements tariff is unduly restrictive. The proposed modification would limit a customer's additional demand to 20% of the demand shown on the customer's current three year schedule.

On April 6, 1983, DP&L timely answered the intervenors' motions. DP&L does not oppose the motions to intervene or to consolidate these dockets. It does, however, object to the motions for partial summary judgment and a five month suspension. DP&L disputes the intervenors' proposed adjustments and further contends that, even assuming their appropriateness, the cost of service impact of these adjustments has been overstated. DP&L further argues that its AFUDC treatment of the Killen unit cannot be resolved summarily.

Discussion

Under Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214), the intervenors' unopposed motion to intervene in Docket No. ER83–351–000 serves to make them parties in that docket. The Commission also finds that participation by the intervenors in Docket No. ER83–333–000 is in the public interest and that no prejudice to the company would result from allowing them to intervene one day out of time based on the identical legal and factual assertions.

As noted, the intervenors have requested summary judgment as to DP&L's AFUDC booked to the Killen unit. We believe that this matter presents questions of law or fact more appropriately resolved on the basis of an evidentiary hearing. We shall therefore deny the motion for summary judgment.

Our preliminary examination of DP&L's filing and the pleadings indicates that the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept the rates for filing and suspend them as ordered below.

The Commission explained its suspension policy in *West Texas Utilities Company, supra.* There we stated that, where preliminary examination indicates that revised rates may be unjust and unreasonable and may be substantially excessive, as described in *West Texas,* we will ordinarily suspend the rates for the maximum five months. In the case at hand, our preliminary review suggests that the proposed rates may yield substantially excessive revenues. As a result, we shall suspend the rates for five months from sixty days after filing, to be effective, subject to refund, on September 20, 1983 (ER83–333–000), and September 27, 1983 (ER83–351–000).

With respect to the Customers' price squeeze concerns, we shall institute price squeeze procedures and phase those procedures in accordance with the Commission's policy and practice established in *Arkansas Power & Light Company,* Docket No. ER79–339–000, 8 FERC ¶ 61,131 (1979).

We agree with the intervenors' position on consolidation of these dockets. We find that common questions of law and fact may be presented in Docket Nos. ER83–333–000 and ER83–351–000. As a result, we shall consolidate these dockets for purposes of hearing and decision.

The Commission orders:

(A) The intervenors' motion for summary judgment is hereby denied.

(B) DP&L's submittal is hereby accepted for filing and the rates are suspended for five months to become effective on September 20, 1983 (ER83–333–000), and September 27, 1983 (ER83–351–000), subject to refund.

(C) The untimely intervention in this proceeding is hereby granted subject to the Commission's Rules of Parctice and Procedure.

(D) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 C.F.R., Chapter I), a public hearing shall be held concerning the justness and reasonableness of DP&L's rates.

(E) Docket Nos. ER83–333–000 and ER83–351–000 are hereby consolidated for purposes of hearing and decision.

(F) The Commission Staff shall serve top sheets in this proceeding within ten (10) days of the date of this order.

(G) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days after service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

(H) The Commission hereby orders initiation of price squeeze procedures and further orders that this proceeding be phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rate which, but for consideration of price squeeze, would be just and reasonable. The price squeeze portion of this case shall be governed by the procedures set forth in § 2.17 of the Commission's regulations as they may be modified prior to the initiation of the price squeeze phase of this proceeding.

(I) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Attachment—Dayton Power and Light Company, Rate Schedule Designations

Docket No.: ER83–333–000
Filing Date: February 18, 1983

Designation	Supersedes
FPC Electric Tariff, Original Volume No. 1	
(1) Fourteenth Revised Sheet No. 4.	Thirteenth Revised Sheet No. 4.
(2) Fourth Revised Sheet No. 4–A.	Third Revised Sheet No. 4–A.
(3) Fifth Revised Sheet No. 5–A.	Fourth Revised Sheet No. 5–A.
(4) Third Revised Sheet No. 8.	Second Revised Sheet No. 8.
FERC Electric Tariff, Original Volume No. 2	
(5) Fourth Revised Sheet No. 4	Third Revised Sheet No. 4
(6) Fourth Revised Sheet No. 5.	Third Revised Sheet No. 5
(7) Fourth Revised Sheet No. 7.	Third Revised Sheet No. 7
(8) Fourth Revised Sheet No. 8	Third Revised Sheet No. 8.
(9) Second Revised Sheet No. 11.	First Revised Sheet No. 11
(10) Second Revised Sheet No. 20.	First Revised Sheet No. 20
(11) Second Revised Sheet No. 21	First Revised Sheet No. 21
Docket No. ER 83–351–000 Filing Date: February 25, 1983	
(12) Supplement No. 3 to Supplement No. 16 to Rate Schedule FPC No. 34 (Seventh Revised Schedule A)	Supplement No. 2 to Supplement No. 16 to Rate Schedule FPC No. 34 (Sixth Revised Schedule A).

[FR Doc. 83–10905 Filed 4–22–83; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP83-264-000]

Northwest Central Pipeline Corp., Application

April 19, 1983.

Take notice that on April 6, 1983, Northwest Central Pipeline Corporation (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP83-264-000 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of 10-inch and 6-inch replacement pipeline and for permission and approval of the abandonment of approximately 30.7 miles of its Dilworth-Cambridge 16-inch pipeline and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to replace three segments of its 16-inch coupled pipeline extending from Kay County, Oklahoma, to Cowley County, Kansas, with 10-inch and 6-inch pipeline and appurtenant facilities. Applicant states that the existing pipeline was constructed in 1917 and is ineffectively coated and obsolete and that the replacement of the three segments proposed herein are part of a long range program to completely replace the pipeline. Applicant proposes to replace the 16-inch with 10-inch and 6-inch pipeline since this line is no longer used as a major transmission pipeline and the smaller pipeline is sufficient to handle the volumes of gas now being transported through these facilities.

Applicant states that the proposed facilities would cost approximately $2,944,100 which would be paid from treasury cash.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 10, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-[illegible] Filed 4-22-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP70-243-000]

Panhandle Eastern Pipe Line Co.; Petition To Amend

April 19, 1983.

Take notice that on March 28, 1983, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP70-243-000 a petition to amend the order issued June 19, 1970,[1] as amended, in Docket No. CP70-243 pursuant to Section 7(c) of the Natural Gas Act so as to authorize the transportation of natural gas from a new receipt point from Kansas-Nebraska Natural Gas Company, Inc. (Kansas-Nebraska), all as more full set forth in the petition to amend which is on file with the Commission and open to public inspection.

Panhandle states that it was authorized by order issued June 19, 1979, to construct and operate facilities and to exchange volumes of gas in Wyoming and Oklahoma pursuant to the terms of gas exchange agreement between Panhandle and Kansas-Nebraska dated March 27, 1970, as amended. Pursuant to the terms of the Agreement, Panhandle delivers up to 100,000 Mcf of its own gas per day to Kansas-Nebraska in Douglas County, Wyoming, and Kansas-Nebraska delivers equivalent volumes to Panhandle at Panhandle's Aledo processing plant, it is averred. Kansas-Nebraska also has an option to purchase a portion of Panhandle's Wyoming gas when the volumes exceed 1,000,000 Mcf per month, it is further averred.

Due to declining production in its Oklahoma supply area, it is asserted that Kansas-Nebraska is not able to deliver enough gas to Panhandle at the Aledo plant to keep the exchange in balance. The petition to amend states that Panhandle and Kansas-Nebraska have entered into February 7, 1983, amendment to the agreement providing for a new delivery point from Kansas-Nebraska to Panhandle in Texas County, Oklahoma, to enable Kansas-Nebraska to deliver additional gas to Panhandle in order to eliminate the exchange imbalance.

It is stated that the facilities necessary to utilize the proposed delivery point have been previously installed by Panhandle would be maintained and operated by Panhandle.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before May 10, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-[illegible] Filed 4-22-83; 8:45 am]

BILLING CODE 6717-01-M

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

[Docket Nos. ER82-774-003, ER83-209-001, ER83-227-001, ER82-829-001 and ER83-219-001]

Tapoco, Inc. and Nantahala Power and Light Co.; Order Denying Rehearing

Issued: April 18, 1983.

On March 18, 1983, Tapoco, Inc. (Tapoco,) filed a request for rehearing, reconsideration, and clarification of The Commission's order issued in this proceeding on February 18, 1983 [22 FERC ¶61,209]. In that order the Commission, *inter alia*, initiated a public

hearing concerning the justness and reasonableness of Tapoco's and Nantahala Power and Light Company's (Nantahala) filings, and the appropriateness of further proceedings under sections 19 and 20 of the Federal Power Act (FPA). The Commission also denied a request by the Town of Highlands, North Carolina (Highlands) to condition the acceptance of Tapoco's and Nantahala's filings upon Tapoco's agreement to provide wholesale service to Highlands. Tapoco requests dismissal of the allegations relating to sections 19 and 20 of the FPA, as well as any issues that may have been raised by Highlands under section 202(b) of the FPA.

Background

On September 3, 1982, and September 23, 1982, Tapoco and Nantahala filed (Docket Nos. ER82-774-000 and ER82-829-000) Notices of Termination of their filed rate schedules known as the New Fontana Agreement (NFA) and the related 1971 Apportionment Agreement. Both of these contracts provided for expiration by their own terms on December 31, 1982.

The Commission issued an order on November 22, 1982, which *inter alia*, accepted the Notices of Termination for filing, set the matter for hearing, and responded to the references by the intervenors to sections 19 and 20 of the FPA by leaving the question open and allowing the presiding judge to make a preliminary recommendation as to whether further proceedings are warranted under sections 19 and 20 of the FPA.

On December 23, 1982 and December 30, 1982, Tapoco and Nantahala submitted for filing in Docket Nos. ER83-209-000 and ER83-219-000 proposed new agreements to replace the NFA and the 1971 Apportionment Agreement. In response to these filings, several protests and motions to intervene were received by the Commission.[1] Among the issues raised by the intervenors were possible FPA violations and the appropriateness of a Commission order compelling Tapoco to provide wholesale service directly to Highlands.

Discussion

Tapoco, in its request for rehearing, states that it is concerned that the mass of pleadings in these dockets has created a confusion over which issues are properly the subject of the consolidated proceeding in Docket Nos. ER82-774-000, ER82-829-000, ER83-209-000, ER83-219-000, and ER83-227-000. Therefore, Tapoco seeks reconsideration and clarification as to the scope of the proceding with regard to issues concerning possible violations of the FPA and interconnection under section 202(b) of the FPA.

In support of its request rehearing, Tapoco asserts that there are no proper sections 19, 20, or 202(b) issues in this proceeding. Tapoco presents several bases for its contentions.

Tapoco asserts that Nantahala's customers have not properly filed a section 19 and 20 complaint, because the procedures required by section 306 of the FPA and Rule 206 of the Commission's Rules of Practice and Procedures have not been followed. Specifically, Tapoco asserts that the charges of wrongdoing by the intervenors have not been stated with the specificity required by section 306 and Rule 206, and that Tapoco has never been afforded the opportunity to formally answer to the intervenor's charges. As we stated in our order of November 22, 1982, the references of the intervenors to sections 19 and 20 of the FPA in relation to the hydroelectric license operations of Tapoco and Nantahala provided insufficient information for the Commission to determine whether action would be warranted or appropriate. We therefore, set those matters for hearing insofar as was required to allow the presiding judge to make a preliminary recommendation as to whether further proceedings under sections 19 and 20 are appropriate. Whether or not the allegations of the intervenors with respect to sections 19 and 20 are considered to be a formal complaint under section 306 and Rule 206, we perceive no prejudice to Tapoco as a result of our treatment of this issue. While Tapoco objects that it has not had an opportunity to answer the "complaint," it has filed responsive pleadings addressing the matters raised. We note that the Commission has yet to take action of the merits of the issues presented under sections 19 and 20; Tapoco will have the opportunity to fully express its position before the presiding judge. We further note that the sufficiency of the intervenors' pleading as a "complaint" is largely irrelevant, given the fact that the Commission is authorized to proceed as it has done, *viz.* to determine whether legitimate issues exist, on its own initiative.

In addition, Tapoco asserts that there are no section 19 and 20 issues that relate to Tapoco proposed new rate schedules. It is Tapoco's contention that no nexus has been established between Tapoco's new rate schedules, and sections 19 and 20. Moreover, Tapoco states that section 19 has nothing to do with a filing to change a rate schedule by a public utility regulated under Part II of the FPA. Once again, we have determined that the question of whether the allegations relating to sections 19 and 20 would justify further proceedings under Part I of the FPA is a matter more properly determined in the first instance by the presiding judge in these dockets.

Finally, Tapoco asserts that the section 19 and 20 allegations raised by the intervenors in these dockets have already been litigated before the Commission and were resolved in Opinion Nos. 139 [19 FERC ¶61,152] and 139-A [20 FERC ¶61,430].[2] Therefore, according to Tapoco, the principles of *res judicata* and collateral estoppel preclude the intervenors from rainsing those issues again. We note, first, that the recently proposed rate schedules and the transactions thereunder are not precisely the same as those which were the subject of Opinion Nos. 139 and 139-A. Therefore, we do not agree that all issues conserning sections 19 and 20, as they relate to the proposed new rate schedules, have been "fully litigated" in Docket Nos. ER76-828-000 and EL78-18-000. Furthermore, we have previously advised the presiding judge in Docket Nos. ER82-774-000 and ER82-829-000 to take necessary measures to avoid unnecessary relitigation of issues (21 FERC ¶61,112). For these reasons, and the reasons stated above, we shall deny Tapoco's request to dismiss the allegations relating to sections 19 and 20 of the FPA at this time.

Tapoco also sets forth two bases for its contention that there are no possible section 202(b) issues in the proceeding. First, Tapoco suggests that the section 202(b) interconnection issue has already been fully litigated and resolved by the Commission and is now barred by *res judicata* and collateral estoppel. This is the same argument as that previously advanced by Tapoco in its response to the original protests in Docket No. ER83-209-000. In our order of February 18, 1983, we addressed Tapoco's argument stating that we do not agree that the issue of a section 202(b) interconnection was "fully litigated" in the proceeding underlying Opinion Nos. 139 and 139-A. We find that the order which initiated that earlier proceeding is abundantly clear in that it expressly dismissed Highlands' request for section 202(b) relief at the outset.[3] Tapoco's

[1] Protests and motions to intervene were filed by the Town of Highlands, North Carolina, the Attorney General of the State of North Carolina, the North Carolina Electric Membership Corporation, and the Haywood Electric Membersip Corporation.

[2] Docket Nos. ER76-828-000 and EL78-19-000.

[3] 5 FERC ¶61,133, 61,323.

reliance on other language contained in that order and in Opinion 139 is misplaced. Furthermore, we continue to believe, as we stated in our previous order, that it is not clear from Highlands' discussion of this issue whether it seeks relief exclusively under section 202(b).

Second, Tapoco states that there can be no section 202(b) issue relating to Tapoco because it has no electric energy available to sell to Nantahala's customers. Tapoco asserts that if it were required to supply Highlands with energy, its service to its existing customer, Aluminum Company of America [ALCOA], would be impaired, clearly a situation which is not permitted by section 202(b).[4] We believe that this question is one which is more properly resolved on the basis of a hearing record. For this reason, and those stated above, we shall deny Tapoco's request to dismiss any section 202(b) issues that have been raised by Highlands.

The Commission orders:

(A) Tapoco's request for rehearing of the Commission's order of February 18, 1983, in the docket is hereby denied.

(B) The Secretary shall promptly publish this order in the **Federal Register**.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-10908 Filed 4-22-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP80-83-004]

Tennessee Gas Pipeline Co. a Division of Tenneco Inc., Petition To Amended

April 19, 1983.

Take notice that on March 31, 1983, Tennessee Gas pipeline Company, a Division of Tenneco Inc. (Petitioner), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP80-83-004 a petition to amend the order, as amended, issued in the instant docket on January 28, 1980, pursuant to Section 7(c) of the Natural Gas Act and § 157.7(b) of the Regulations thereunder (18 CFR 157.7(b)) so as to waive the single project limitation for the construction of a specific gas supply facility prescribed by § 157.7(b) (1)(ii) of the Regulations for the calendar year 1982, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that on January 28, 1980, it was issued a budget-type certificate authorizing, *inter alia*, the construction of gas supply facilities. Total annual expenditures were limited to $20 million with no single onshore project to exceed $2.5 million, it is said.

Petitioner further states that on July 21, 1982, in Docket No. CP80-83-003, the Commission issued an order amending the existing authorization to provide for an increase in the total cost limitation for gas supply facilities during calendar year 1982 from $20 million to $50 million without changing the cost limitation applicable to single onshore or offshore projects.

It is stated that a single project to connect the Ozark Basin Area gas (Buzzard Gap Project) in Latimer County, Oklahoma, was $2,547,307 exceeding the single onshore project limit by $47,307.

Petitioner indicates that numerous factors contributed to the cost overrun of the Buzzard Gap Project the most significant of which was unanticipated rocky terrain which forced the contractor to make changes in the route of the pipeline.

Petitioner, therefore, requests waiver of the single project limitation to the extent required for the construction of the Buzzard Gap Project facilities. Docket No. CP80-83-004

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before May 10 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate acton to be taken but will not serve to make the protestants parties to the proceding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-10909 Filed 4-22-83; 8:45 am]

BILLING CODE 6717-01-M

[4] Section 202(b) gives the Commission the powder to order interconnection, "*provided*, that the Commission shall have no authority . . . to compel such public utility to sell or exchange energy when to do so would impair its ability to render adequate service to its customers."

ENVIRONMENTAL PROTECTION AGENCY

[OPRM-FRL 2352-4]

Agency Forms Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 3507(a)(2)(B) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.) requires the Agency to publish in the **Federal Register** a notice of proposed information collection requests that have been forwarded to the Office of Management and Budget (OMB) for review. The information collection requests listed are available to the public for review and comment.

FOR FURTHER INFORMATION CONTACT: David Bowers; Office of Standards and Regulations; Information Management Section (PM-223); U.S. Environmental Protection Agency; 401 M Street, SW.; Washington, D.C. 20460; telephone (202) 382-2742 or FTS 382-2742.

SUPPLEMENTARY INFORMATION:

Air Programs

• Title: Survey of Economic Costs of Guidance for Non-Ionizing Radiation (EPA ID 0987).

Abstract: EPA is currently developing federal guidance to limit the exposure of the public of radiofrequency radiation. In order to analyze the economic impact of this guidance, the Agency is sending a questionnaire to a sample of American broadcasting facilities.

Respondents: Commercial broadcast companies.

Water Programs

• Title: State Reports Evaluating Progress in the Clean Water Program (EPA ID 1033).

Abstract: In this report, State and territorial water pollution control agencies will describe progress in their clean water programs between 1972 and 1982. This information will be consolidated and analyzed in a State/EPA report to Congress on past accomplishments and remaining problems.

Respondents: State and territorial water pollution control agencies.

Comments on all parts of this notice should be sent to:

David Bowers, U.S. Environmental Protection Agency, Office of Standards and Regulations (PM-223), 401 M Street, SW., Washington, D.C. 20460, and

Anita Ducca, Office of Management and Budget, Office of Information and

Regulatory Affairs, New Executive Office Building (Room 3228), 726 Jackson Place, NW., Washington, D.C. 20503.

Dated: April 18, 1983.

N. Phillip Ross,

Chief, Statistical Policy Staff.

[FR Doc. 83-10874 Filed 4-22-83; 8:45 am]

BILLING CODE 6560-50-M

[A-2-FRL 2353-5]

Prevention of Significant Deterioration of Air Quality (PSD); Final Determinations

AGENCY: Environmental Protection Agency.

ACTION: Notice of final actions.

SUMMARY: The purpose of this notice is to announce that between October 1, 1982, and December 31, 1982, the U.S. Environmental Protection Agency, Region II, issued two final determinations relative to the Prevention of Significant Deterioration of Air Quality (PSD) regulations codified at 40 CFR 52.21 (45 FR 52676). These PSD determinations are final actions under the Clean Air Act.

DATES: The effective dates for the above PSD determinations are delineated in the following chart. (See **SUPPLEMENTARY INFORMATION**).

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth Eng, Chief, Air and Environmental Applications Section, Permits Administration Branch, Office of Policy and Management, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, Room 432, New York, New York 10278; (212) 264-4711.

SUPPLEMENTARY INFORMATION: Pursuant to the PSD regulations, the EPA has made final determinations relative to the sources listed below:

Name of applicant	Type of source	Approximate location	Type of final action	Date of final action
B.F. Goodrich Chemical Group	Polyvinyl chloride manufacturing plant (production rate increases).	Pedricktown, New Jersey	Final PSD Permit	Oct. 6, 1982.
Roche Products, Inc.	New cogeneration facility at existing pharmaceutical plant	Manati, Puerto Rico	PSD applicability	Dec. 22, 1982.

This notice contains only a list of the sources which have received final determinations. Copies of these determinations and related materials are available for public inspection at: Environmental Protection Agency, Region II Office, Permits Administration Branch, Office of Policy and Management, 26 Federal Plaza, Room 432, New York, New York 10278; (212) 264-4711.

Under Section 307(b)(1) of the Clean Air Act (the Act), judicial review of these determinations is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit June 21, 1983. Under Section 307(b)(2) of the Act, these determinations shall *not* be subject to later judicial review in civil or criminal proceedings for enforcement.

Dated: April 7, 1983.

Jacqueline E. Schafer,

Regional Administrator.

[FR Doc. 83-10860 Filed 4-22-83; 8:45 am]

BILLING CODE 6560-50-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Agency Report Forms Under OMB Review

AGENCY: Equal Employment Opportunity Commission.

ACTION: Request for comments.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed information collection requests to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission. The proposed report form under review is listed below.

DATE: Comments must be received on or before June 9, 1983. If you anticipate commenting on a report form but find that time to prepare will prevent you from submitting comments promptly, you should advise the OMB Reviewer and the Agency Clearance Officer of your intent as early as possible.

ADDRESS: Copies of the proposed report form, the request for clearance (S.F. 83), supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer. Comments on the item listed should be submitted to the Agency Clearance Officer and the OMB Reviewer.

FOR FURTHER INFORMATION CONTACT:

EEOC Agency Clearance Officer: Thomas P. Goggin, Administrative Management Services, Room 3230, 2401 E Street, N.W., Washington, D.C. 20506; Telephone (202) 634-6983;

OMB Reviewer: Joseph Lackey, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503; Telephone (202) 395-6880.

Type of request extension (no-change):

Title: State and Local Government Information Report, EEO-4.

Form Number: EEOC FORM 164.

Frequency of Report: Annually.

Type of Respondent: State and Local Governments.

Standard Industrial Classification (SIC) Code: Multiple.

Description of Affected Public: State and Local Governments with 15 or more employees.

Responses: 28,500.

Reporting Hours: 199,500.

Federal Cost: $260,000.

Applicable under Section 3504(h) of Pub. L. 96-511: Not applicable.

Number of Forms: 1.

Abstract—Needs/Uses: The data will be used by EEOC for investigations, decisions, and conciliation in its compliance, litigation, and voluntary programs activities. It will be shared with other Federal agencies which have a need for it and pledge to abide by its confidentiality restrictions.

Dated: April 16, 1983.

For the Commission.

Clarence Thomas,

Chairman, Equal Employment Opportunity Commission.

[FR Doc. 83-10848 Filed 4-22-83; 8:45 am]

BILLING CODE 6570-06-M

FEDERAL COMMUNICATIONS COMMISSION

[BC Docket No. 83-394, File No. BPH-820122AT; BC Docket No. 83-395, File No. BPH-820129AY]

Creative Media, Inc. and Henderson Broadcasting, Inc.; Designating Applications for Consolidated Hearing on Stated Issues

Hearing Designation Order

Adopted: April 7, 1983.
Released: April 18, 1983.

In re applications of Creative Media, Inc., Conway, Arkansas, Req: 92.7 MHz; channel 224A, 3 kW (H&V), 300 feet, BC Docket No. 83-394, File No. BPH-820122AT; and Henderson Broadcasting, Inc., Conway, Arkansas, Req: 92.7 MHz, Channel 224A, 3 kW (H&V), 300 feet, BC Docket No. 83-395, File No. BPH-820129AY; Designating applications for consolidated hearing on stated issues.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications filed by Creative Media, Inc. and Henderson Broadcasting, Inc. for a new FM broadcast station at Conway, Arkansas.

2. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purpose of comparison, the areas and populations which would receive FM service of 1 mV/m or greater intensity, together with the availability of other primary aural services in such areas, will be considered under the standard comparative issue for the purpose of determining whether a comparative preference should accrue to either of the applicants.

3. The applicants are qualified to construct and operate, as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

4. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applicants are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine which of the proposals would on a comparative basis, better serve the public interest.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issue, which of the applications should be granted.

5. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

6. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 83-10836 Filed 4-22-83; 8:45 am]
BILLING CODE 6712-01-M

[Report No. 1400]

Petitions for Reconsideration and Clarification of Actions in Rule Making Proceedings

April 18, 1983.

The following listings of petitions for reconsideration and clarification filed in Commission rulemaking proceedings is published pursuant to CFR 1.429(e). Oppositions to such petitions for reconsideration must be filed within 15 days after publication of this Public Notice in the **Federal Register.** Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: The Suburban Community Policy, the Berwick Doctrine, and the De Facto Reallocation Policy. (BC Docket No. 82-320)
Filed By: Michael Finkelstein, Attorney for Lockhart Radio, Inc., on 3-22-83.

Subject: MTS and WATS Market Structure. (CC Docket No. 78-72)
Filed By:

Aurther W. Brothers, President for Beehive Telephone Co., Inc., on 3-21-83.
Lloyd N. Moore, Jr., General Counsel and James L. Winston & Walter E. Diercks, Attorneys for the Public Service Commission of the District of Columbia on 3-30-83.
John K. Keane, Jr., Maryland People's Counsel & James H. DeGraffenreidt, Jr., Assistant People's Counsel for the Maryland Office of People's Counsel on 3-30-83.
Neil F. Hartigan, Attorney General State of Illinois, Hercules F. Bolos, Special Asst. Attorney General & E. King Poor, Assistant Attorney General for the Illinois Commerce Commission on 4-8-83.
Thomas J. O'Reilly, Attorney for Rock Hill Telephone Company on 4-11-83.
Gary C. Tucker, Michael L. Glaser & Francis E. Fletcher, Jr., Attorneys for Roseville Telephone Utility, Municipality of Anchorage d.b.a. Anchorage Telephone Utility, and Northern States Power Company on 4-11-83.
John Lucas & Carolyn C. Hill, Attorneys for United Telephone System, Inc., on 4-11-83.
Thomas J. O'Reilly, Attorney for United States Independent Telephone Association on 4-11-83.
Arthur H. Simms & Lawrence P. Keller, Attorneys for Western Union Telegraph Company on 4-11-83.
Joseph M. Kittner & James S. Blaszak, Attorneys for CompuServe, Inc., on 4-11-83.
Joseph M. Kittner & James S. Blaszak, Attorneys for Tele-Communications Association 4-11-83.
Leo I. George & Thomas J. McCabe, Attorneys for U.S. Telephone, Inc., on 4-11-83.
Richard McKenna & Gail L. Polivy, Attorneys for GTE Service Corporation and its affiliated domestic telephone companies on 4-11-83.
David Cosson & Amy S. Gross, Attorneys for National Telephone Cooperative Association, A. Harold Peterson & Margot Smiley Humphrey, Attorneys for National REA Telephone Association, & James G. Mercer, Executive Vice President & Ellen Deutsch, Attorney for Organization for the Protection and Advancement of Small Telephone Companies on behalf of the Rural Telephone Coalition on 4-11-83.
Andrew J. Lipman, Robert M. Frieden, Louis Frey, Jr. & Ballard Jamieson, Jr., Attorneys for United Technologies Communications Company on 4-11-83.
Stephen R. Bell & Paul J. Sinderbrand, Attorneys for Tymnet, Inc., on 4-11-83.
Michael H. Bader, Kenneth A. Cox & William J. Byrnes, Attorneys for MCI Telecommunications Corporation on 4-11-83.
Philip M. Walker & Donald E. Ward, Attorneys for GTE Telenet Communications Corporation on 4-11-83.
August H. Blegen, President & Deborah Shur Trinker & Lee M. Weiner, Attorneys for Association of Data Communications Users on 4-11-83.
Harold Hunter, Administrator for The Rural Electrification Administration on 4-11-83.
Joseph M. Kittner & James S. Blaszak, Attorneys & William Page Montgomery, Economic Consultant for Ad Hoc Telecommunications Users Committee on 4-11-83.
Norman C. Gorsuch, Attorney General, State of Alaska, Carolyn S. Guess, Chairman, Alaska Public Utilities Commission & Nicholas P. Miller & W. Randolph Young, Attorneys for The State of Alaska and the Alaska Public Utilities Commission on 4-11-83.
Herbert E. Marks, Joseph P. Markoski & David Wormser, Attorneys for Association

of Data Processing Service Organizations, Inc., on 4–11–83.
Mitchell F. Brecher, Attorney for Southern Pacific Communications Company on 4–11–83.
Raymond F. Scully, Alfred Winchell Whittaker, Hiram D. Gordon, John P. Fons & David T. Wendells, Attorneys for The Bell System Operating Companies and American Telephone and Telegraph Company on 4–11–83.
L. J. Newkirk for Discount Phone Corporation on 4–11–83.
Wally Sleeth & Marlin Ard, Attorneys for Pacific Telephone and Telegraph Company on 4–11–83.
Wilson B. Garnett, President & Kevin C. Gallagher, Staff Attorney for Central Telephone Company on 4–11–83.
Charles P. Featherstun, Attorney for Chesapeake and Potomac Telephone Company, Chesapeake and Potomac Telephone Company of Maryland, Chesapeake and Potomac Telephone Company of Virginia, & Chesapeake and Potomac Telephone Company of West Virginia, Judith N. Dean, Attorney for Bell Telephone Company of Pennsylvania & Diamond State Telephone Company & Saul Fisher, Attorney for New Jersey Bell Telephone Company on 4–11–83.
Charles A. Zielinski & Daniel L. Koffsky, Attorneys for Rochester Telephone Corporation on 4–11–83.
John F. Povilaitis & Charles F. Hoffman, Attorneys for Pennsylvania Public Utility Commission on 4–11–83.
Louise A. Sunderland for Illinois Bell Telephone Company, Indiana Bell Telephone Company, Inc., Michigan Bell Telephone Company, The Ohio Bell Telephone Company & Wisconsin Telephone Company on 4–11–83.
Randall B. Lowe, Attorney for United States Transmission Systems, Inc., on 4–11–83.
William D. English, F. Thomas Tuttle, Kevin H. Cassidy, Lawrence W. Katz, W. Theodore Pierson, Jr. & Richard M. Singer, Attorneys for Satellite Business Systems on 4–11–83.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83–10835 Filed 4–22–83; 8:45 am]

BILLING CODE 6712–01–M

Public Information Collection Requirement Submitted to Office of Management and Budget for Review

April 18, 1983.

On April 15, 1983, the Federal Communications Commission submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96–511.

Copies of this submission are available from Richard D. Goodfriend, Agency Clearance Officer, (202) 632–7513. Comments should be sent to Edward H. Clarke, Office of Management and Budget, OIRA, Room 3201 NEOB, 726 Jackson Place, N.W., Washington, D.C. 20503.

Title: Request for Supplemental Data for License on Domestic Satellite Earth Station for Applicant Whose Program Uses Small Dish Antenna.

Action: Extension.

Respondents: Cable system operators, universities, newswire services, businesses requiring national distribution system, religious organizations.

Estimated Annual Burden: 1,800 Responses; 1,800 Hours.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83–10837 Filed 4–22–83; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL HOME LOAN BANK BOARD

[No. AC–233]

Phoenix Federal Savings & Loan Association, Muskogee, Okla.; Final Action Approval of Post-Approval Amendment to Mutual-to-Stock Conversion Application

Notice is hereby given that on April 14, 1983, the General Counsel of the Federal Home Loan Bank Board ("Board"), acting pursuant to authority delegated to him by the Board, approved Post-Approval Amendment No. 3 to the mutual-to-stock conversion application of Phoenix Federal Savings and Loan Association, Muskogee, Oklahoma ("Association"). The application had been approved by the Board by Resolution No. 82–354, dated May 14, 1982. Copies of the application and all amendments thereto are available for inspection at the Secretariat of the Board, 1700 G Street, NW., Washington, D.C. 20552, and at the Office of the Supervisory Agent, Federal Home Loan Bank of Topeka, P.O. Box 176, 3 Townsite Plaza, 120 East 6th Street, Topeka, Kansas, 66601.

Dated: April 19, 1983.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 83–10843 Filed 4–22–83; 8:45 am]

BILLING CODE 6720–01–M

FEDERAL MARITIME COMMISSION

[Docket No. 82–54; Agreements Nos. 9718–7, 9718–8, 9731–8, 9835–5, 9975–7, 10116–4, and 10274–1]

Space Charter and Cargo Revenue Pooling Agreements in the United States/Japan Trades; Availability of Finding of No Significant Impact

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on Docket No. 82–54 will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of an environmental impact statement is not required.

The proceeding involves Agreements Nos. 9718, 9731, 9835, and 9975. These Agreements are space chartering agreements between various parties. The parties to Agreement No. 9718, Japan Line, Ltd. (JL), Kawasaki Kisen Kaisha (K Line), Mitsui O.S.K. Lines (MOL) and Yamashita-Shinnihon Steamship Co., Ltd. (Y–S), operate eight containerships between California ports and ports in Japan. Nippon Yusen Kaisha (NYK) and Showa Line (Showa) are parties to Agreement No. 9731 and operate four vessels between Japan, and Hawaii, Alaska and California ports. All six lines are parties to Agreement No. 9835 in the Japan/Oregon and Washington trade. The parties to Agreement No. 9975 operate eight containerships in the Japan/U.S. Atlantic Coast trades.

Agreements Nos. 10116 and 10274 are revenue pooling arrangements. All six Japanese carriers are members to Agreement No. 10116 under which revenues in the Japan/U.S. West Coast trades (Agreements Nos. 9718, 9731 and 9835) are divided. Under Agreement No. 10274, the parties to Agreement No. 9975 divide revenues in the Japan/U.S. Atlantic Coast trades.

The agreements allow the parties to maintain a regular service while deploying a minimum number of vessels. This has resulted in lower fuel consumption than if each of the carriers were to expand their fleets to provide current levels of service to all U.S. coasts.

This Finding of No Significant Impact (FONSI) will become final within 20 days of publication of this notice in the **Federal Register** unless a petition for review is filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessment are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 532–5725.

Francis C. Hurney,

Secretary.

[FR Doc. 83–10892 Filed 4–22–83; 8:45 am]

BILLING CODE 6730–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Meeting of National Advisory Council on Aging

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Advisory Council on Aging, National Institute on Aging, on May 26–27, 1983, in Building 31, Conference Room 10, National Institutes of Health, Bethesda, Maryland.

The meeting will be open to the public on Thursday, May 26, from 9:00 a.m. until noon for the following reports: Status Report by the Acting Director, National Institute on Aging (NIA), Pending Legislation Relevant to the NIH, NIA Priority Research Areas, Manpower Development, and Evaluation of Small Grant Program. It will be open to the public on Friday, May 27, from 9:00 a.m. until adjournment for a presentation on the Laboratory of Neurosciences, a report of the ad hoc Program Committee, Status Report on the Assessment Workshop, a report on the Teaching Nursing Home Program, and Small Business Innovation Research. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(4) and 552b(c)(6), Title 5, United States Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on May 26, 1983, from 1:00 p.m. until adjournment for the review, discussion and evaluation of grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. June C. McCann, Council Secretary, National Institute on Aging, Building 31, Room 2C–05, National Institutes of Health, Bethesda, Maryland 20205 (Area Code 301, 496–5898), will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.866, Aging Research, National Institutes of Health)

Dated: April 14, 1983.

Betty J. Bevreridge,

NIH Committee Management Officer.

[FR Doc. 83–10918 Filed 4–22–83; 8:45 am]

BILLING CODE 4140–01–M

Meeting of Communicative Disorders Review Committee

Pursuant the Pub. L. 92–463, notice is hereby given of the meeting of the Communicative Disorders Review Committee, National Institutes of Health, June 7, 1983, in the Queensbury Room of the Linden Hill Hotel, 5400 Pooks Hill Road, Bethesda, Maryland 20814.

The meeting will be open to the public from 8:30 a.m. until 9:30 a.m., on June 7, to discuss program planning and program accomplishments. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(4), and 552b(c)(6), Title 5, United States Code, and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on June 7 from 9:30 a.m. to adjournment on June 7, for the review, discussion and evaluation of individual grant applications. The applications and the discussion could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Slyvia Shaffer, Chief, Office of Scientific and Health Reports, Building 31, Room 8A03, NIH, NINCDS, Bethesda, Maryland 20205, telephone 301/496–5751, will furnish summaries of the meeting and roster of committee members.

Dr. Marilyn Semomes, Executive Secretary, NINCDS, NIH, Federal Building, Room 9C14, Bethesda, Maryland, telephone 301/496–9223, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.851, Communicative Disorders Program, National Institutes of Health)

Dated: April 14, 1983.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 83–10914 Filed 4–22–83; 8:45 am]

BILLING CODE 4140–01–M

Meeting of National Advisory Eye Council

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Advisory Eye Council, National Eye Institute, May 26–27, 1983, Building 31, Conference Room 8, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public from 9:00 a.m. until approximately noon on Thursday, May 26, for opening remarks by the Director, National Eye Institute; a report from the Subcommittee on Planning; discussions of procedural matters; and presentations by the extramural staff of the Institute.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, United States Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from approximately noon for the remainder of the day on Thursday, May 26, and all day on Friday, May 27, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable materials, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Mary Carter, Committee Management Officer, National Eye Institute, Building 31, Room 6A03, National Institutes of Health, Bethesda, Maryland 20205; (301) 496–4903, will provide summaries of meetings and rosters of committee members.

Dr. Ronald G. Geller, Associate Director for Extramural and Collaborative Programs, National Eye Institute, Building 31, Room 6A03, National Institutes of Health, Bethesda, Maryland 20205; (301) 496–4903, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Programs Nos. 13.867, Retinal and Choroidal Diseases Research; 13.868, Corneal Diseases Research; 13.869, Cataract Research; 13.870, Glaucoma Research; and 13.871, Sensory and Motor Disorders of Visual Research; National Institutes of Health)

Dated: April 14, 1983.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 83–10919 Filed 4–22–83; 8:45 am]

BILLING CODE 4140–01–M

National Institute of General Medical Sciences; Meetings

Pursuant to Pub. L. 92–463, notice is hereby given of the meetings of the committees of the National Institute of General Medical Sciences for June 1983.

These meetings will be open to the public to discuss administrative details relating to committee business for approximately one hour at the beginning of the first session of the first day of the meeting. Attendance by the public will be limited to space available. These meetings will be closed thereafter in accordance with provisions set forth in Section 552b(c)(4) and 552b(c)(6), Title 5, United States Code and Section 10(d) of Pub. L. 92–463, for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constituite a clearly unwarranted invasion of personal privacy.

Mrs. Ann Dieffenbach, Public Information Officer, National Institute of General Medical Sciences, National Institutes of Health, Room 4A52, Building 31, Bethesda, Maryland 20205 (Telephone: 301–496–7301), will provide a summary of the meeting and a roster of committee members.

Substantive program information may be obtained from each executive secretary whose name, room number, and telephone number are listed below each committee.

Name of Committee: Cellular and Molecular Basis of Disease Review Committee.

Executive Secretary: Dr. Helen Sunshine, Room 950 Westwood Building, Telephone: 301–496–7125.

Date of Meeting: June 29, 1983.

Place of Meeting: Linden Hill Hotel, Wimbledon Room, Bethesda, Maryland.

Open: June 29, 1983, 8:30 a.m.—9:30 a.m.

Closed: June 29, 1983, 9:30 a.m.—adjournment.

Name of Committee: Genetic Basis of Disease Review Committee.

Executive Secretary: Dr. Helen Sunshine, Room 950 Westwood Building, Telephone: 301–496–7125.

Date of Meeting: June 28, 1983.

Place of Meeting: Linden Hill Hotel, Wimbledon Room, Bethesda, Maryland.

Open: June 28, 1983, 8:30 a.m.—9:30 a.m.

Closed: June 28, 1983, 9:30 a.m.—adjournment.

Name of Committee: Minority Access to Research Careers Review Committee.

Executive Secretary: Dr. Harriet Gordon, Room 949 Westwood Building, Telephone: 301–496–7585.

Dates of Meeting: June 13–14, 1983.

Place of Meeting: Building 31C, Conference Room 7, National Institutes of Health.

Open: June 13, 1983, 9:00 a.m.—10:30 a.m. Closed: June 13, 1983, 10:45 a.m—5:00 p.m.; June 14, 1983, 9:00 a.m.—adjournment.

Name of Committee: Pharmacological Sciences Review Committee.

Executive Secretary: Dr. Anthony Demsey, Room 950 Westwood Building, Telephone: 301–496–7125.

Date of Meeting: June 6, 1983.

Place of Meeting: Building 31A, Conference Room 4, National Institutes of Health.

Open: June 6, 1983, 8:30 a.m.—10:30 a.m.

Closed: June 6, 1983, 10:30 a.m.—adjournment.

Closure Reason for Each Committee: To review research grant applications.

(Catalog of Federal Domestic Assistance Program No. 13–863, 13–862, 13–880, 13–859, National Institute of General Medical Sciences, National Institutes of Health)

Dated: April 14, 1983.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 83–10915 Filed 4–22–83; 8:45 am]

BILLING CODE 4140–01–M

Meeting of National Advisory Neurological and Communicative Disorders and Stroke Council and the Planning Subcommittee

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Advisory Neurological and Communicative Disorders and Stroke Council, June 2 and 3, 1983, at 9 a.m. in Building 31–C, Conference Room 6, National Institutes of Health, Bethesda, Maryland 20205. In addition, a meeting of the Planning Subcommittee of the above Council will be held on June 1, 1983, at 1 p.m. to approximately 5 p.m. in Building 31, Room 8A28, National Institutes of Health, Bethesda, Maryland 20205.

The meeting of the full Council will be open to the public from 9 a.m. until approximately 1 p.m. on June 2 to discuss administration, management and special reports. The meeting of the Planning Subcommittee will be open from 1 p.m. to approximately 3 on June 1 to discuss program planning and program accomplishments. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4), and 552b(c)(6) of Title 5, United States Code and Section 10(d) of Pub. L. 92–463, the Advisory Council meeting will be closed to the public on June 2 from approximately 1 p.m. until adjournment on June 3 for the review, discussion and evaluation of Research Grant applications, and applications for Teacher-Investigator Awards, Research Career Development Awards, and Institutional National Research Service Awards. The meeting of the Planning Subcommittee will be closed from approximately 3 p.m. to adjournment on June 1 also for the review, discussion and evaluation of individual grant applications. These applications and the discussion could reveal confidential trade secrets or commercial property, such as patentable material, and personal information concerning individiuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. John C. Dalton, Executive Secretary, Federal Building, Room 1016, Bethesda, Maryland 20205, telephone (301) 496–9248, will furnish substantive program information, summaries of the meeting and rosters of members.

(Catalog of Federal Domestic Assistance Program No. 13.851, Communicative Disorders Program; No. 13.852, Neurological Disorders Program; No. 13.853, Stroke and Nervous System Trauma; No. 13.854, Fundamental Neurosciences Program, National Institutes of Health)

Dated: April 14, 1983.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 83–10917 Filed 4–22–83; 8:45 am]

BILLING CODE 4140–01–M

Meeting of the Neurological Disorders Program-Project Review B Committee

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Neurological Disorders Program-Project Review B Committee, National Institutes of Health, June 20, 21, and 22, 1983, at the Capitol Holiday Inn, 550 C Street, SW. in the Federal Center Plaza, Washington, D.C. 20024.

The meeting will be open to the public from 8:30 p.m. until 9:00 p.m. on June 20, 1983, to discuss program planning and program accomplishments. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4), and 552b(c)(6), Title 5, United States Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on June 20th from 9:00 p.m. to adjournment

on June 22nd, for the review, discussion and evaluation of individual grant applications. The applications and the discussion could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Sylvia Shaffer, Chief, Office of Scientific and Health Reports, Building 31, Room 8A03, NIH, NINCDS, Bethesda, MD 20205, telephone 301/496–5751, will furnish summaries of the meeting and the roster of committee members.

Dr. Ellen G. Archer, Executive Secretary, Federal Building, Room 9C10B, Bethesda, MD 20205, telephone 301/496–9223, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.852, Neurological Disorders Program, National Institutes of Health)

Dated: April 14, 1983.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 83–10913 Filed 4–22–83; 8:45 am]

BILLING CODE 4140–01–M

Ad Hoc Working Group To Develop Radioepidemiological Tables; Meeting

Pursuant to Pub. L. 92–463, notice is hearby given of the meeting of the Ad Hoc Working Group to Develop Radioepidemiological Tables, May 9, 1983, in Building 31, Room 11A–10, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public from 10:00 a.m. to approximately 5:00 p.m. to develop radioepidemiological tables in response to Pub. L. 97–414. Attendance by the public will be limited to space available.

For additional program information, summaries of the meeting and roster of the Committee members, contact Dr. Victor H. Zeve, Landow Building, Room 4A20, National Institutes of Health, Bethesda, Maryland 20205; (301) 496–6111.

Dated: April 19, 1983.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 83–10921 Filed 4–22–83; 8:45 am]

BILLING CODE 4140–01–M

Meeting of National Advisory Research Resources Council

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of National Advisory Research Resources Council, Division of Research Resources (DRR), June 13–14, 1983, Conference Room 10, Building 31, National Institutes of Health, 9000 Rockville Pike, Bethesda, MD 20205.

The meeting will be open to the public on June 13 from 9:00 a.m. to recess, and on June 14 from 9:00 to 10:00 a.m. for the following: Discussion of the Report of the Director, DRR and Budget and Legislative Update, consideration of minutes of the previous meeting, consideration of future meeting dates, a report of the Planning Subcommittee, individual Council Program Work Group sessions as follows: Animal Resources Program Work Group, Rm. 6A35, Bldg. 31; Biotechnology Resources Program Work Group, Rm. 2A52, Bldg. 31; Biomedical Research Support Program Work Group, Rm. 4B23, Bldg. 31; Minority Biomedical Research Support Program Work Group, Conference Rm. 10; and General Clinical Research Centers Program Work Group, Conference Rm. 8, a review of the Animal Resouces Program, a discussion by Council of the Program Work Group Reports, and new business. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Section 552b(c)(4) and 552b(6) Title 5, United States Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on June 14, from approximately 10:15 a.m. to adjournment for the review, discussion, and evaluation of individual grant applications.

These applications and the discussions could reveal confidential trade secrets on commercial property such as patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. James Augustine, Information Officer, Division of Research Resources, Rm. 5B10, Bldg. 31, National Institutes of Health, Bethesda, MD 20205; (301) 496–5554, will provide summaries of the meeting and rosters of the Council members. Dr. James F. O'Donnell, Deputy Director, Divisions of Research Resources, Rm. 5B03, Bldg. 31, National Institutes of Health, Bethesda, MD 20205; (301) 496–6023, will furnish substantive program information and will receive any comments pertaining to this announcement.

(Catalog of Federal Domestic Assistance Program Nos. 13.306, Laboratory Animal Sciences and Primate Research; 13.333, Clinical Research; 13.337, Biomedical Research Support; 13.371, Biotechnology Resources; 13.375, Minority Biomedical Research Support, National Institutes of Health)

Dated: April 14, 1983.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 83–10916 Filed 4–22–83; 8:45]

BILLING CODE 4140–01–M

Meeting of Sickle Cell Disease Advisory Committee

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Sickle Cell Disease Advisory Committee, National Heart, Lung, and Blood Institute, June 24, 1983. The meeting will be held at the National Institutes of Health, 7550 Wisconsin Avenue, Bethesda, Maryland, Federal Building, Conference Room B1–19. The entire meeting will be open to the public from 9:00 a.m. to 5:00 p.m., to discuss recommendations on the implementation and evaluation of the Sickle Cell Disease Program. Attendance by the public will be limited to space available.

Ms. Terry Bellicha, Chief, Public Inquiries and Reports Branch, NHLBI, NIH, Building 31, Room 4A21, (301) 496–4236, will provide summaries of the meeting and roster of the Committee members.

Clarice D. Reid, M.D., Chief, Sickle Cell Disease Branch, DBDR, NHLBI Federal Building, Room 504, (301) 496–6931, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.839, Blood Diseases and Resources Research, National Institutes of Health)

Dated: April 19, 1983.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 83–10920 Filed 4–22–83; 8:45 am]

BILLING CODE 4140–01–M

Public Health Service

Comprehensive Environmental Response, Compensation, and Liability Act of 1980; Delegation of Authority

Notice is hereby given that on April 19, 1983, the Secretary of Health and Human Services delegated to the Assistant Secretary for Health, with authority to redelegate, the following authorities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 *et seq.*), delegated to the Secretary by the President by Executive Order 12316 dated August 14, 1981.

Sections 104(b) [first sentence], (c), (d), (e) [with the exception of section

104(e)(2)(C)], (f), (g), (h), (i), and 111(f). The exercise of authority under section 104(h) shall be subject to the approval of the Administrator of the Office of Federal Procurement Policy.

The authority delegated to the Assistant Secretary for Health excluded the authority to promulgate regulations and to submit reports to Congress.

The Secretary of Health and Human Services has made provision for the ratification of actions taken on behalf of the Public Health Service under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

Dated: April 19, 1983.

Margaret M. Heckler,

Secretary.

[FR Doc. 83-10839 Filed 4-22-83; 8:45 am]

BILLING CODE 4160-18-M

Statement of Organization, Functions, and Delegations of Authority

Part H of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (42 FR 61317, December 2, 1977, as most recently amended at 48 FR 9950, March 9, 1983) is amended to reflect revisions in Chapter H (Public Health Service) and to establish a new Chapter HT (Agency for Toxic Substances and Disease Registry) which reflects the establishment of a new agency within the Public Health Service. The changes are as follows:

1. *Amend Part H, Chapter H, Section H-10, Public Health Service Organization.* Add to the organization of the Public Health Service: Agency for Toxic Substances and Disease Registry (HT).

2. After Chapter HN (National Institutes of Health), add Chapter HT (Agency for Toxic Substances and Disease Registry) as follows:

Chapter HT—Agency for Toxic Substances and Disease Registry

Section HT-00 Mission. The Agency for Toxic Substances and Disease Registry (ATSDR), directed by an Administrator who is responsible to the Assistant Secretary for Health, provides leadership and direction to programs and activities designed to protect the public health from exposure to hazardous substances and worker safety and health against hazards associated with hazardous waste removal and remedial or other response actions.

Section HT-20 Agency for Toxic Substances and Disease Registry, Functions—(1) In cooperation with States and other federal and local official agencies, collects, maintains, and analyzes information relating to serious diseases and mortality and information relating to human exposure to toxic or hazardous substances and establishes appropriate registries necessary for long-term follow-up or specific scientific studies; (2) establishes and maintains an inventory of literature, research, and studies on the health effects of toxic substances; (3) in cooperation with States and other agencies of the Federal Government, establishes and maintains a complete listing of areas closed to the public or otherwise restricted in use because of toxic substance contamination; (4) in cases of public health emergencies or other instances of actual or probable human exposure, assists, consults, and coordinates with private or public health care providers in the provision of medical care and testing of exposed individuals, including the collection and laboratory analysis of specimens as may be indicated by the specific exposure incident; (5) conducts periodic surveys and screening programs to determine relationships between exposure to toxic substances and illness; (6) plans and implements the health-related activities authorized by the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA); (7) develops scientific and technical procedures for evaluating public health risk from hazardous substance incidents and for developing recommendations to protect the public health; (8) coordinates these recommendations with the PHS agencies responsible for environmental health programs, and with appropriate Federal, State, and local public health and environmental protection officials; (9) provides medical, epidemiological, technical, and administrative advice and consultation to protect public health and worker safety and health in instances of exposure or potential exposure to hazardous substances, and arranges for program support to ensure adequate response to public health emergencies declared under the authority of the CERCLA.

Dated: April 19, 1983.

Margaret M. Heckler,

Secretary.

[FR Doc. 83-10940 Filed 4-22-83; 8:45 am]

BILLING CODE 4160-18-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[N-37154]

Nevada; Realty Action Sale of Public Land, Clark County

April 13, 1983.

The following described land has been determined to be suitable for disposition by non-competitive sale at current fair market value under Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750; 43 U.S.C. 1713):

Mount Diablo Meridian, Nevada

T. 22 S., R. 61 E.,
Sec. 30, W½NW¼NE¼NE¼NW¼.
Containing 1.25 acres.

Disposal of this land through a non-competitive sale would legalize an existing improvement constructed thereon because of a survey error on adjoining private land owned by Ms. Etta Mae Florence. The error in survey resulted in the construction of residential facilities on the subject land. The proposed sale is consistent with land use planning decisions identified in the Bureau's Proposed Clark County Management Framework Plan (MFP) and the Clark County Land Use Plan.

The patent when issued, will contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the Authority of the United States, Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945.

2. All mineral deposits in the land so patented, and to it, or persons authorized by it, the right to prospect, mine, and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe.[1]

And will be subject to:

1. An easement for roadways, public utilities, and flood and control purposes to be located along the boundary of said land as follows:

The north 50 feet and the west 30 feet, together with a spandrel area being the southeast corner of the intersection bounded as follows: on the north by the south line of the north 50 feet, on the west by the east line of the west 30 feet and on the southeast by the arc of a curve, concave southeasterly having a radius of 25 feet and being tangent to the south line of the north 50 feet and

[1] Prior to the sale, the applicant, Ms. Etta Mae Florence, may request conveyance of the available Federally owned mineral interest under Section 209 of the Federal Land Policy and Management Act of October 21, 1976, 90 Stat. 2757, 43 U.S.C. 1719.

tangent to the east line of the west 30 feet.

Detailed information concerning the identification of this land for disposal, including the planning documents, environmental assessments, and the record of public discussions is available for review at either the Nevada State Office, 300 Booth Street, Reno, Nevada 89520, or at the Las Vegas District Office, 4765 W. Vegas Drive, Las Vegas, Nevada 89108.

For a period of 45 days from the date of publication in the **Federal Register**, interested parties may submit comments to the State Director, Bureau of Land Management, P.O. Box 12000, Reno, Nevada 89520. Any adverse comments will be evaluated by the State Director who may vacate or modify the realty action and issue a final determination. If no action is taken by the State Director, this will become the final decision of the Department.

Charles E. Hancock,

Acting Deputy State Director, Operations.

[FR Doc. 83-10890 Filed 4-22-83; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

Endangered Species Permit; Receipt of Applications

The following applicants have applied for permits to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*):

PRT 2-10291

Applicant: Dr. David Soltz—CSU, Los Angeles, CA

The applicant requests a permit to take 350 Mohave chub (*Gila mohavensis*) from Lark Seep Lagoon and Soda Springs, California for scientific research. 150 chubs will be sacrificed for stomach content analysis.

PRT 2-10292

Applicant: Daniel Alan Trey, Middletown, MD

The applicant requests a permit to purchase in interstate commerce one male wolf (*Canis Lupus*) from Charles Dysart, Henrietia, N.C., and one female from David Meeks, Wellford, S.C., for enhancement of propagation.

PRT 2-10298

Applicant: Gibbon and Gallinaceous Bird Center, Saugus, CA

The applicant requests a permit to import one male Muller's gibbon (*Hylobates muelleri*) from Chester Zoo, England, for enhancement of propagation.

PRT 2-10255

Applicant: San Francisco Bay NWR and San Francisco Bay Bird Observatory, Newark, CA

The applicant requests a permit to capture and band California clapper rails (*Rallus longirostris obsoletus*) in the San Francisco Bay area for purposes of research.

Documents and other information submitted with these applications are available to the public during normal business hours in Room 601, 1000 N. Glebe Rd., Arlington, Virginia, or by writing to the U.S. Fish & Wildlife Service, WPO, P.O. Box 3654, Arlington, VA 22203.

Interested persons may comment on these applications within 30 days of the date of this publication by submitting written data, views, or arguments to the above address. Please refer to the file number when submitting comments.

Dated: April 20, 1983.

Larry LaRochelle,

Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 83-10952 Filed 4-22-83; 8:45 am]

BILLING CODE 4310-55-M

Minerals Management Service

Oil and Gas and Sulphur Operations in the outer Continental Shelf; McMoRan Offshore Exploration Co.

AGENCY: Minerals Management Service, U.S. Department of the Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that McMoRan Offshore Exploration Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 3995, Block 191, Eugene Island Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m. 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the minerals management Service makes information contained in development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: April 18, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-10886 Filed 4-22-83; 8:45 am]

BILLING CODE 4310-MR-M

National Park Service

Land and Water Conservation Fund; 1983 Appropriation for Rehabilitation and Development Grants

AGENCY: National Park Service, Interior.

ACTION: Notice of supplemental FY 1983 appropriation for L&WCF-rehabilitation and development grants.

SUMMARY: This notice explains the intent of the Land and Water Conservation Fund (L&WCF) and Pub. L. 98-8, emergency jobs legislation, regarding the availability of additional grant funds for Fiscal Year 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Sam L. Hall, Recreation Grants Division, National Park Service, Department of the Interior, Washington, D.C. 20240; (202) 343-3700.

SUPPLEMENTARY INFORMATION: Forty (40) million dollars in additional Land and Water Conservation Funds are available for assistance to States during FY 1983 "only for development or redevelopment purposes" (excluding acquisition and planning). These grants will be utilizing funds appropriated under Pub. L. 98-8 to meet urgent national needs and result in productive jobs.

Eligibility Requirements: Fifty (50) percent matching grants from L&WCF money appropriated under this law are available to the States, and through the States to local units of government, for rehabilitation and development (excluding acquisition and planning) of public outdoor recreation areas. These funds will be used by the States and local governments to accelerate the approval and completion of park development and redevelopment projects only. In addition, each grant project must be in accord with the State Comprehensive Outdoor Recreation Plan (SCORP). With regard to the recent requirement for use of the Open Project

Selection (OPS) process, and in an effort to expedite job-creating projects under this supplemental appropriation, the OPS process may be waived at the discretion of an individual State.

Special Provisions of Pub. L. 98–8: To encourage job creation in areas of high unemployment, and thereby meet a critical national need, the public law states that: "States, or political subdivisions of States, which receive allotment of funds under this title shall to the extent practicable utilize such funds in a manner which maximizes immediate creation of new employment opportunities to individuals who were unemployed at least 15 of the 26 weeks immediately preceding the date of enactment of this Act" (March 24, 1983). In the event a State cannot obligate their apportioned funds within a reasonable period, the funds will revert to a special National Reapportionment account and become available to States which have demonstrated need on a first-come first-served basis.

Grant Implementation and Timing: To assure rapid implementation of work to be accomplished under these grants, grantees are advised that funds appropriated under Pub. L. 98–8, "shall be available only for grants for which: (1) Obligations are entered into before October 1, 1983, (2) work will be in progress before January 1, 1984, and (3) all Federal funds will be outlayed before September 30, 1984." Failure to meet these time frames will be grounds for termination of grants. Grantees are also required to comply with all applicable federal laws and regulations as they apply to the L&WCF program.

These requirements must be met to assure rapid implementation of work under the grants, which will maximize the impact of the appropriating legislation to meet urgent national needs and result in productive jobs. It is the intent of Congress that Pub. L. 98–8 be promptly carried out, and that the severity of the economic situation demands prompt action.

Interested applicants should contact their State Liaison Officer, and/or National Park Service regional office for further information.

Regional Director, NPS Western Regional Office, Box 36063, San Francisco, CA 94102, Tel: 415–556–0812 (AZ, CA, HI, NV, GU, American Samoa);
Regional Director, NPS Alaska Regional Office, 540 West 5th Ave., Rm. 202, Anchorage, AK 99501, Tel: 907–271–4196 (AK);
Regional Director, NPS Midwest Regional Office, 1709 Jackson Street, Omaha, NE 68102, Tel: 402–221–3481 (IL, IN, MI, MN, OH, WI);
Regional Dierctor, NPS Southeast Regional Office, 75 Spring Street, SW, Atlanta, GA 30303, Tel: 404–221–2608 (AL, FL, GA, KY, MS, NC, PR, SC, TN, VI);
Regional Director, NPS Southwest Regional Office, P.O. Box 728, Sante Fe, NM 87501, Tel: 505–988–6815 (AR, LA, NM, OK, TX);
Regional Director, NPS Rocky Mountain Regional Office P.O. Box 25287, Denver, CO 80225, Tel: 303–234–6560 (CO, IA, KS, MO, MT, NE, ND, SD, UT, WY);
Regional Director, NPS Pacific Northwest Regional Office, Western Bldg., Rm. 1920, 2001 6th Ave, Seattle, WA 98121, Tel: 206–442–4707 (ID, OR, WA); or
Regional Director, NPS Mid-Atlantic Regional Office, 143 South Third Street, Philadelphia, PA 19106, Tel: 215–597–7995 (CT, DC, DE, MD, ME, MA, NH, NJ, NY, PA, RI, VA, VT, MV).

(Catalog of Federal Domestic Assistance 15.916)

(Land and Water Conservation Fund Act of 1965, Pub. L. 88–578, 16 U.S.C. 1–4 *et seq.*)

Dated: April 15, 1983.

Russell E. Dickenson,

Director, National Park Service.

[FR Doc. 83–10842 Filed 4–22–83; 8:45 am]

BILLING CODE 4310–70–M

Indiana Dunes National Lakeshore Advisory Commission; Meeting

Notice is hereby given, in accordance with the Federal Advisory Committee Act, 86 Stat. 770, 5 U.S.C. App. 1, as amended by the Act of September 13, 1976, 90 Stat. 1247, that a meeting of the Indiana Dunes National Lakeshore Advisory Commission will be held at 10 a.m., CDT, on Friday, May 13, 1983, at the Indiana Dunes National Lakeshore Visitor Center at U.S. Highway 12 and Kemil Road, Chesterton, Indiana.

The Commission was established by the Act of November 5, 1966, 80 Stat. 1309, 16 U.S.C. 460u–7, as amended by the Act of October 18, 1976, 90 Stat. 2530, 2533, to meet and consult with the Secretary of the Interior on matters related to the administration and development of the Indiana Dunes National Lakeshore.

The members of the Commission are as follows:

Mr. John R. Schnurlein (Chairperson)
Mr. Ronald Bensz
Ms. Anna R. Carlson
Mr R. M. Gacki
Mr. James Holland
Ms. Lynne Kaser
Mr. James H. Lahey
Mr. William L. Lieber
Ms. Celia Nealon
Ms. Gail H. Harris
Dr. John A. Rackauskas
Dr. John Tucker
Mr. Norman E. Tufford

Matters to be discussed at this meeting include:

1. Chairman's Quarterly Report.
2. Status of land acquisition.
3. Quarterly Status Report of 1983 Operations.

The meeting will be open to the public. Any member of the public may file with the Commission prior to the meeting a written statement concerning the matters to be discussed. Persons wishing further information concerning the meeting, or who wish to submit written statements, may contact Dale B. Engquist, Superintendent, Indiana Dunes National Lakeshore, 1100 North Mineral Springs Road, Porter, Indiana 46304, telephone 219–926–7561.

Minutes of the meeting will be available for public inspection 4 weeks after the meeting at the office of the Indiana Dunes National Lakeshore located at 1100 North Mineral Springs Road, Porter, Indiana.

Issued April 14, 1983.

J. L. Dunning,

Regional Director, Midwest Region.

[FR Doc. 83–10941 Filed 4–22–83; 8:45 am]

BILLING CODE 4310–70–M

INTERSTATE COMMERCE COMMISSION

[Ex Part No. 387]

Exemptions for Contract Tariffs; Richmond, Fredericksburg and Potomac Railroad Co. et al.

AGENCY: Interstate Commerce Commission.

ACTION: Notices of provisional exemptions.

SUMMARY: Provisional exemptions are granted under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e), and the below-listed contract tariffs may become effective on one day's notice. These exemptions may be revoked if protests are filed.

DATES: Protests are due within 15 days of publication in the **Federal Register.**

ADDRESS: An original and 6 copies should be mailed to: Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Douglas Galloway (202) 275–7278.

SUPPLEMENTARY INFORMATION: The 30-day notice requirement is not necessary in these instances to carry out the transportation policy of 49 U.S.C. 10101a or to protect shippers from abuse of market power; moreover, the transaction is of limited scope. Therefore, we find that the exemption requests meet the requirements of 49 U.S.C. 10505(a) and are granted subject to the following conditions:

These grants neither shall be constued to mean that the Commission has approved the contracts for purposes of 49 U.S.C. 10713(a) not that the Commission is deprived of jurisdiction to institute a proceeding on its own initiative or on complaint, to review these contracts and to determine their lawfulness.

Sub-No	Name of railroad, contract, no., and specifics	Review Board [1]	Decided date
902	Richmond, Fredericksburg and Potomac Railroad Co., ICC-RFP-C-0020, (Used Passenger Motor Vehicles) via Port of Miami, FL	3	4-18-83
903	Richmond, Fredericksburg and Potomac Railroad Co., ICC-RFP-C-0021, (Used Passenger Motor Vehicles) via Ports of Tampa and Jacksonville, FL	3	4-18-83

[1] Review Board No. 3, Members Krock, Joyce, and Dowell. Member Joyce not participating.

This action will not significantly affect the quality of the haman environment or conservation of energy resources.

Authority: 49 U.S.C. 10505.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 10728 Filed 4-22-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Decision Notice; Finance Applications

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt for section 11343 of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1181.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

Note.—Please direct status inquiries to Team 1, (202) 275-7992.

OP1-FC-145

By the Commission, Review Board No. 3, Members Krock, Joyce and Dowell.

MC-FC-81050. By decision of April 18, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 3 reopened the proceeding which was previously decided January 11, 1983, and published in the **Federal Register** issue of January 19, 1983, and approved the additional transfer to ROY-L-T TRUCKING, INC., Fontana, CA, of Permit No. MC-146771 (Sub-No. 3)X, issued March 15, 1983, to TRANS WEST CARRIERS, INC., Fontana, CA, authorizing transportation over irregular routes, of (1) plumbing supplies, between points in the U.S., under continuing contract(s) with Norris Industries, of City of Industry, CA, (2) plastic articles, between points in the U.S., under continuing contract(s) with Dolco Packaging Corp., of Burbank, CA, (3) paper and paper products, between points in the U.S., under continuing contract(s) with (a) Concel, Inc., of La Palma, CA, (b) Kimberly-Clark Corporation, of Fullerton, CA, (c) Publishers Paper Co., of Portland, OR, and (d) Treasure Chest Advertising Company, Inc., of Glendora, CA, and (4) such commodities as are dealt in by manufacturers of toilet articles and cosmetics (except commodities in bulk), between points in the U.S., under continuing contract(s) with Avon, of New York, NY. Representative: Miles L. Kavaller, Suite 315, 315 South Beverly Drive, Beverly Hills, CA 90212.

OP1-FC-146

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC-FC-81374. By decision of April 18, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 2 approved the transfer to Schock Truck Leasing, Inc., of Kansas City, KS, of Certificates No. MC-152281 Sub 1, issued September 14, 1981, and Sub 3, issued January 5, 1983, to Modern Transportation, Inc., of Kansas City, KS, authorizing the transportation of (1) general commodities (except classes A and B explosives), between points in AR, IA, KS, MO, NE and OK, and (2) household appliances, cookbooks and fire escape ladders, between points in MO and MS, on the one hand, and, on the other, points in the U.S. (except AK and HI). An application for temporary authority has been filed. Representative: Clyde N. Christey, 1010 Tyler St., Suite 110-L, Topeka, KS 66612, (913)-233-9629.

Please direct status inquiries about the following to Team 2, (202) 275-7030.

OP2-FC-81326

By the Commission, Review Board No. 3, Members Krock, Joyce and Dowell.

MC-FC-81326. By decision of April 15, 1983, issued under 49 U.S.C. 10926 and the transfer rules of 49 CFR Part 1181, Review Board Number 3, approved the transfer to PROTEN CORPORATION, Bedford, MA, of Certificate No. MC-69592, issued March 13, 1981, to THOMAS G. HURTON d.b.a. BROOKS & EATON'S EXPRESS, Wakefield, MA, authorizing the transportation of general commodities, with exceptions, (1) between Boston, Wakefield, Stoneham, Reading, North Reading, Malrose, Malden, Everett, Somerville, Cambridge, and Lynnfield, MA, and (2) between Medford, MA, on the one hand, and, on the other, Boston, Reading, Somerville, Stoneham, and Malden, MA. Representatives: Paul Protentis, 17 Houlton St., Bedford, MA 01730 for transferee and Thomas G. Hurton, 31 Lawrence St., Wakefield, MA 01880 for transferor.

Please direct status inquiries about the following to Team 3, (202) 275-5223.

OP3-FC-168

By the Commission, Review Board No. 3, Members Krock, Joyce and Dowell.

MC-FC-81098. By decision of April 13, 1983, issued under 49 U.S.C. 10926 and the transfer rules of 49 CFR Part 1181, Review Board Number 3 approved the transfer to E. L. JERDEE, d.b.a. E. L. JERDEE TRUCKING, Lewiston, ID, of a portion of Certificate No. MC-138875 (Sub-No. 312X) Paragraph 61 issued March 2, 1982 and the underlying authority in No. MC-138875 (Sub-No. 283) issued November 13, 1980, to SHOEMAKER TRUCKING COMPANY (LOREN WETZEL, TRUSTEE IN BANKRUPTCY) of Boise, ID, authorizing the transportation of *such products as are dealt in by manufacturers of electronic equipment*, between points in MN, on the one hand, and, on the other, points in ID. Representative: David E.

Wishney, P.O. Box 837, Boise, ID 83701, (208) 336–5955.

OP3–FC–169

By the Commission, Review Board No. 3, Members Krock, Joyce and Dowell.

MC–FC–81348. By decision of April 12, 1983, issued under 49 U.S.C. 10926 and the transfer rules of 49 CFR Part 1181, Review Board Number 3, approved the transfer to YEAGER MOVING & STORAGE, INC., Clearfield, PA 16830, of that portion of Certificate No. MC–105134 Sub 1, issued October 31, 1974 to GLENN A. YEAGER AND LYNN R. YEAGER, a partnership, d.b.a. YEAGER TRUCKING, Clearfield, PA 16830, authorizing the irregular route transportation of (1) agricultural commodities, from Buffalo, NY, to points in Clearfield and Jefferson Counties, PA, (2) glass products, from Brockway, PA, to points in that part of NY on and west of U.S. Hwy 15, and (3) household goods, between DuBois, PA and points within 10 miles of DuBois, on the one hand, and, on the other, points in NY, OH, NJ, WV, and MD. Representative: Dwight L. Koerber, Jr., 110 North Second Street, P.O. Box 1320, Clearfield, PA 16830. (814) 765–9611.

Please direct status inquiries about the following to Team 4, (202) 275–7669.

OP4–FC–238

By the Commission, Review Board No. 3, Members Krock, Joyce and Dowell.

MC–FC–81307. By decision of April 15, 1983, issued under 49 U.S.C. 10926 and the transfer rules of 49 CFR Part 1181, Review Board Number 3, approved the transfer to Q C SYSTEMS OF LANCASTER, INC., Lititz, PA, of Certificates Nos. MC–143377 (Sub-No. 2), MC–143377 (Sub-No. 3F), MC–143377 (Sub-No. 4F), and MC–143377 (Sub-No. 5F), issued to BARRY J. WEST, d.b.a. B. J.'s SERVICE, Lititz, PA, authorizing the transportation of (1) printed matter, proofs, cuts, copy, artwork, manuscripts, and related materials used by printing firms, business reports and records, and fabric samples, between points in Lancaster and York Counties, PA, on the one hand, and, on the other, New York, NY, subject to certain weight restrictions, (2) such commodities as are dealt in or used by printing firms, business reports and records, and fabric samples, between points in Lancaster, Lebanon, and York Counties, PA, on the one hand, and, on the other, New York, NY, and (3) general commodities, with certain exceptions, for the United States Government, and shipments weighing 100 pounds or less, if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. Transferee is affiliated with Jamour, Inc., doing business as Quick Courier's and Metropolitan Delivery Service, Inc., which hold authority under MC–143239 and MC–163665, respectively. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110, attorney for applicants.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 83–10865 Filed 4–22–83; 8:45 am]
BILLING CODE 7035–01–M

[Volume No. OP2–179]

Motor Carriers; Permanent Authority Republications of Grants of Operating Rights Authority Prior to Certification

The following grant of operating right authority republished by order of the Commission to indicate a broadened grant of authority over that previously notice in the **Federal Register.**

An original and one copy of an appropriate petition for leave to intervene, setting forth in detail the precise manner in which petitioner has been prejudiced, must be filed with the Commission within 30 days after the date of this **Federal Register** notice.

By the Commission.

Agatha L. Mergenovich,
Secretary.

MC 163472 (Republication), filed August 19, 1982, published in the **Federal Register** issue of September 1, 1982, and republished this issue. Applicant: SUN LIGHT TRANSPORT, INC., 3595 N.W. 125th St., Miami, FL 33167. Representative: Richard B., Austin, 320 Rochester Bldg., 8390 N.W. 53rd. St., Miami, FL 33166. A Decision of the Commission, *Review Board 2,* decided December 28, 1982, and served January 6, 1983, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, over irregular routes, as a *common carrier,* by motor vehicle, transporting (1) *food and related products,* between those points in the United States in and east of Minnesota, Iowa, Nebraska, Kansas, Oklahoma, and Texas, and (2) *chemicals and related products,* between points in Polk County, FL, on the one hand, and, on the other points in the territory in (1) above; that applicant is fit, willing, and able properly to perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is to show the broadening scope of authority.

[FR Doc. 83–10863 Filed 4–22–83; 8:45 am]
BILLING CODE 7035–01–M

Motor Carrier; Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register.** One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F–255

The Following Applications Were Filed in Region I: Send protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 142040 (Sub-1–2TA), filed April 7, 1983. Applicant: AMBER DELIVERY SERVICE, INC., 25 Franklin Street, P.O. Box 361, Malden, MA 02148. Representative: Joseph T. Bambrick, Jr., P.O. Box 216, Douglassville, PA 19518. *General commodities (except class A & B explosives and used household goods)* between points in CT, ME, MA, NH, RI, VT. Supporting shipper(s): Fisher Scientific Co., P.O. Box 379, Medford, MA 02155; Able Printers, 24 Lincoln

Street, Boston, MA 02111; Travenol Laboratories, Inc., 6301 Lincoln Ave., Morton Grove, IL 60053; Westinghouse Electric Supply Company, 375 Harrison Ave., Boston, MA 02118; Gould, Inc., Haverhill St., Andover, MA 01810.

MC 60956 (Sub-1-1TA), filed April 7, 1983. Applicant: JAMES T. COLLINGWOOD, Main Street, P.O. Box 365, Sheffield, MA 01257. Representative: James Robert Evans, 145 W. Wisconsin Avenue, Neenah, WI 54956. *(1) Lumber* from Great Barrington, MA to points in CT, ME, NH, NJ, NY, RI and VT; *(2) Cement* from Canaan, CT to points in IN, ME, MA, NH, NJ, NY, RI, and VT; and *(3) Paper, in sheets and rolls,* from South Lee, MA to points in CT, NJ and NY. Supporting shipper(s): Green River Lumber, Inc., P.O. Box 329, Barrington, MA 01230; Martin Clark Forest Products, P.O. Box 441, Housatonic, MA 01236; Watta Crete Co., Inc., Clayton Road, Canaan, CT 06018; and Boyd Converting Company, Inc. Pleasant St., South Lee, MA 01260.

MC 123748 (Sub-1-2TA), filed April 12, 1983. Applicant: CONNECTICUT LIMOUSINE SERVICE., 1060 State Street, New Haven, CT 06511 Representative: Palmer S. McGee, Jr., One Constitution Plaza, Hartford, CT 06103. *Common carrier:* regular routes: *Passengers and their baggage in the same vehicle with passencers,* (1) between Hartford, CT, and LaGuardia Airport and John F. Kennedy International Airport, New York, NY; from Hartford over access roads to jct Interstate Hwy 84, then over Interstate Hwy 84 to Interstate Hwy 684, then over Interstate Hwy 684 to jct Interstate Hwy 287, then over Interstate Hwy 287 to jct Interstate Hwy 95, then over Interstate Hwy 95 to New York NY, thenover city streets and highways to LaGuardia Airport and John F. Kennedy International Airport, and return; and (2) between Hartford, CT, and LaGuardia Airport and John F. Kennedy International Airport, New York, NY; from Hartford over access roads to jct Interstate Hwy 91, then over Interstate Hwy 91 to jct Interstate Hwy 95, then over Interstate Hwy 95 to New York, NY, then over city streets and highways to LaGuardia Airport and John F. Kennedy International Airport, and return. Supporting shipper: There are fifteen statements of support with this application which may be examined at the I.C.C. Regional Office, Boston, MA.

MC 142126 (Sub-1-4TA), filed April 11, 1983. Applicant: FOAM TRANSPORT, INC., 201 Ballardvale Street, Wilmington, MA 01887. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. *Contract carrier:* irregular routes: *Rubber and plastic products, and pulp, paper and related products,* between points in the U.S. (except AK and HI), under continuing contract(s) with (1) Ampco Packaging, Inc., of Jersey City, NJ; (2) Cushion Pak, Inc., of Marlboro, NJ; and (3) Astro Packaging, Inc., of Hawthorne, NJ. Supporting shipper: Ampco Packaging, Inc., 225 New York Avenue, Jersey City, NJ 07307; Cushion Pak, Inc., 240 Boundary Road, Marlboro, NJ 07746; and Astro Packaging, Inc., 100 Thomas Road North, P.O. Box 495, Hawthorne, NJ 07507.

MC 167261 (Sub-1-1TA), filed April 6, 1983. Applicant: GLENDALE CORPORATION, 7806 Westover Industrial Airpark, Chicopee, MA 01020. Representative: Roger L. Desrosier (Same as applicant). *General commodities (except Classes A and B explosives)* between points in CT, MA, ME, NH, RI, and VT. Supporting shipper(s): There are thirteen statements in support attached to this application which may be examined at the ICC Regional Office in Boston, MA.

MC 167106 (Sub-1-1TA), filed April 6, 1983. Applicant: JAK RABBIT LINES, INC., 65 Cedar Place, Rye, NY 10580. Representative: Sidney J. Leshin, 3 East 54th Street, New York, NY 10022. *Common carrier:* regular routes: *Passengers and their baggage* between Greenwich, CT and New York, NY. From Greenwich, CT, at Island Beach parking facility at entrance to I-95; entering I-95 at interchange #2; west on I-95 to jct of Bruckner Expressway in Borough of Bronx, New York, NY; continuing west on Bruckner Expressway to Third Avenue Bridge; south on Third Avenue Bridge to Third Avenue, Borough of Manhattan, New York, NY; thence over local streets to World Trade Center, New York, NY, serving all intermediate points. Return over same route in reverse direction. Supporting shipper(s): There are thirteen statements of support with this application which may be examined at the ICC Regional Office in Boston, MA.

MC 167288 (Sub-1-1TA), filed April 8, 1983. Applicant: LONG LINE TRUCKING CO., INC., 505 Norwich Avenue, Taftville, CT 06380. Representative: James M. Kirker, 120 Broadway, Norwich, CT 06360. *Contract carrier:* irregular routes: *Malt beverages and materials, equipment and supplies used in the manufacture thereof* between points in the U.S. (except AK & HI), under continuing contract(s) with Levine Distributing Company, Inc., Taftville, CT. Supporting Shipper: Levine Distributing Company, Inc., 505 Norwich Avenue, Taftville, CT 06380.

MC 126018 (Sub-1-1TA) filed: April 7, 1983. Applicant: PREM-PAK, INC., One Exeter Road, North Hampton, NH 03862. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. *Pulp, paper and related products,* from Wakefield, MA to Fernandina Beach and Wildwood, FL, Baltimore, MD, New Brunswick, NJ, Fulton, NY, Shelby and Winston-Salem, NC, and Blue Ash and Ravenna, OH, and Aston, PA. Supporting Shipper: Container Corporation of America, 5000 Flat Rock Road, Philadelphia, PA 19127.

MC 167387 (Sub-1-1TA), filed: April 13, 1983. Applicant: TRANSWAY, INC., Route 302, Casco, ME 04105. Represenatative: John C. Lightbody, Esq., Murray, Plumb & Murray, 30 Exchange Street, Portland, ME 04101. *Contract carrier:* irregular routes: *Lumber* from Casco, ME to points in CT, DE, DC, MD, MA, NH, NJ, NY, OH, PA, RI, VT, VA, and WV, under continuing contract(s) with Lake Region Lumber Co., and Chute Lumber Company both of Casco, ME. Supporting shipper(s): Lake Region Lumber Co., Route 302, Casco, ME 04105 Chute Lumber Company, Route 302, Casco, ME 04105.

The following applications were filed in Region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St., Rm. 620, Philadelphia, PA 19106.

MC 166944 (Sub-II-1TA), filed April 5, 1983. Applicant: BOBBY A. WELCH, d.b.a. BOB'S DIESEL SERVICE, Route 5, Box 541, Gate City, VA 24251. Representative: Archie W. Andrews, P.O. Box 1166, Eden, NC 27288. Contract, irregular: *Coal,* from Pardee, VA to Eden, NC, under continuing contract(s) with Miller Brewing Co. An underlying ETA seeks 120 days authority. Supporting shipper(s): Miller Brewing Co., 3939 W. Highland Blvd., Milwaukee, WI 53208.

MC 147347 (Sub-2-1TA), filed April 11, 1983. Applicant: MICHAEL'S CARTAGE, INC., Route 3, Cumberland, MD 21502. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. *Firebrick and refractory mix, in bags, including the materials, equipment and supplies used in the manufacture, sale and distribution thereof,* between Mt. Savage, MD, including its commercial zone, on the one hand, and, on the other, points in the U.S. in and east of MN, IA, MO, AR and LA, for 270 days. An underlying ETA seeks 120 days authority. Supporting Shipper: Mt. Savage Specialty Refractories, Inc., Box 608, Mt., Savage, MD 21545.

MC 124111 (Sub-II-18TA), filed April 12, 1983. Applicant: OHIO EASTERN

EXPRESS, INC. P.O. Box 2297, Sandusky, OH 44870.Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. *Contract: Irregular; general commodities* (except classes A and explosives, household goods, and commodities in bulk) between points in the U.S. (except AK and HI) for 270 days. Supporting shipper: Coast to Coast Shippers' Association, Inc., Allegheny Industrial Park, Hamer Township, Cheswick, PA 15024.

MC 167348 (Sub-II–1TA), filed April 12, 1983. Applicant: ALBANY TRANSPORT, INC., 7177 Industrial Pky., Plain City, OH 43064. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215. Contract Irregular: *Food and related products,* between points in the U.S. (except AK and HI), under continuing contracts(s) with Seaboard Allied Milling Department of Cargill, Inc. of Albany, NY for 270 days. Supporting shipper: Seaboard Allied Milling Department of Cargill, Inc., 9000 w. 67th St., P.O. Box 2969, Shawnee Mission, KS 66201.

MC 153479 (Sub-II–3TA), filed April 12, 1983. Applicant: KAYE TRUCKING AND LEASING COMPANY, INC., P.O. Box 110 (US 23), Lucasville, OH 45648 Representative: Stephen C. Fitch, 155 East Broad St., Columbus, OH 43215. *Commodities in bulk* between points in OH and KY, on the one hand, and, on the other, points in AL and between points in OH and MI, on the one hand, and, on the other, points in IN for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Jim Walters Resources, PO Box 5327, Birminghan, AL 35207; BCW Corp., 1866 Turkey Foot Road, Wheelersburg, OH 45694; Hickman, Williams & Co., PO Box 538, Cincinnati, OH.

MC 2202 (Sub-II–34TA), filed April 11, 1983. Applicant: ROADWAY EXPRESS, INC., 1007 Gorge Boulevard, P.O. Box 471, Akron, OH 44309. Representative: William O. Turney, 7101 Wisconsin Ave, Suite 1010, Washington, D.C. 20814. *Contract Irregular: General commodities* (except household goods as defined by the Commission, Classes A and B explosives, and Commodities in bulk) between points in the U.S., except AK and HI, under continuing contract(s) with Galaxy Carpet Mills, Inc., Chatsworth, GA 30705 for 270 days. Supporting shipper(s): Galaxy Carpet Mills, Inc., PO Box 800, Chatsworth, GA 30705.

MC 107012 (Sub-II–287TA), filed April 14, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Margaret S. Vegeler (same as applicant). Contract, irregular: *General commodities* (except classes A & B explosives and commodities in bulk) between points in the United States under continuing contract(s) with Coherent, Inc., Palo Alto, CA for 270 days, An underlying ETA seeks 120 days authority. Supporting shipper: Coherent, Inc., 3210 Porter Dr., Palo Alto, CA 94304.

MC 162774 (Sub-II–1TA), filed April 14, 1983. Applicant: STEEL AWAY TRANSPORTATION, INC., 1900 Hamilton Ave., Cleveland, OH 44114. Representative: David A. Turano, 100 E. Broad St. Columbus, OH 43215. *(1) Metal articles and (2) equipment, materials and supplies (except commodities in bulk) used in the manufacture and distribution of metal articles* between Gary and East Chicago, IN and Chicago, IL, including points in their respective commercial zones, on the one hand, and, on the other, points in OH, MI, PA and NY for 270 days. Supporting shipper: Jade-Sterling Steel Company, Inc., 2300 East Aurora Rd., P.O. Box 366, Twinsburg, OH 44087.

The Following applications were filed in Region 3. Send protests to: ICC, Regional Authority Center, Room 300, 1776 Peachtree Street, N.E., Atlanta, GA 30309.

MC 163921 (Sub-3–1TA), filed April 13, 1983. Applicant: SUNBELT AUTO CARRIERS CORP., INC., P.O. Box 206, DeBary, FL 32713–0206. Representative: Henry E. Seaton, 1024 Pennsylvania Bldg., 425 13th St., N.W., Washington, DC 20004. *Used cars,* from points in FL to Hatfield, PA, Boston, MA, Baltimore, MD, Columbus, OH, Boaz, AL, St. Louis, MO, Darlington, SC, Kansas City, MO and points in their respective commercial zones. Supporting shipper(s): Luke Potter Dodge, Inc., 1050 N. Orlando Ave., Winter Park, FL 32789.

MC 166813 (Sub-3–1TA), filed April 8, 1983. Applicant: SAMUEL E. RIDLEY, d.b.a. SAM–JO TRUCKING CO., 520 McGhee Drive, Dalton, GA 30720. Representative: Terry Miller, Esquire, 101 North Thornton Avenue, Dalton, GA 30720. *Contract:* Irregular: *Crushed limestone, ground feldspar, powdered sulfur, and alumina hydrate in bulk in tank vehicles and in bags in dry box vehicles* from the facilities of TAC Industries, Inc., at Dalton, GA to Gastonia and Spruce Pine, NC, Greenville and Spartanburg, SC, Chattanooga, Smyrna and Winchester, TN, and from Spruce Pine, NC and Anderson, TN to Cartersville and Dalton, GA. Supporting shipper: TAC Industries, Inc., 821 Tilton Bridge Road, SE., Dalton, GA 30720.

MC 2934 (Sub-3–72TA), filed April 8, 1983. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 9998 North Michigan Road, Carmel, Indiana 46032. Representative: W. G. Lowry (same as above). *Contract:* Irregular; *Household goods,* between points in the United States (including AK and HI), under continuing contracts with Schlumberger-NAM, 5000 Gulf Freeway, P.O. Box 2175, Houston, TX 77001. Supporting shipper: Schlumberger-NAM, 5000 Gulf Freeway, P.O. Box 2175, Houston, TX 77001.

MC 166965 (Sub-3–5TA), filed April 8, 1983. Applicant: HI-CUBE TRANSIT, INC., 5855A Oakbrook Parkway, Norcross, GA. 30093. Representative: Edward E. Osborn, 6700 Peachtree Industrial Blvd., Apt. A–4, Doraville, GA. 30360. *Contract:* Irregular; *Copper wire, copper rods, wire processing machinery, and empty reels.* Under continuing contract(s) with Larcon Wire Corporation, between Chamblee, GA on the one hand and on the other points in the United States. Supporting shipper: Larcon Wire Corporation, 2148 American Ind. Way, Chamblee, GA 30341.

MC 163527 (Sub-3–5TA), filed April 13, 1983. Applicant: R & J Associates, Inc., 131 Maplewood Ave., Thomasville, N.C. 27360. Representative: Richard A. Hicks (same address as applicant). *Contract:* Irregular; *Lumber and building products,* between Thomasville, NC on the one hand, and on the other points in VA, TN, MD, WV, SC, DE, OH, KY, IN, GA, AL, FL, MS, AK, LA, PA, IL, TX. Supporting shipper: Lowe's Companies, Inc., P.O. Box 1111, North Wilkesboro, NC 28656.

MC 167[illegible]9 (Sub-3–1TA), filed April 14, 1983. Applicant: DORTCH BROTHERS HORSE VAN, P.O. Box 16214, Louisville, KY 40216. Representative: John T. Fowler III, Suite 200, 436 S. 7th St., Louisville, KY 40203. *Thoroughbred race horses* from Louisville, KY to TN, AK, LA, AL, GA, FL, IL, IN, OH, MS, MD, PA, TX, OK. Supporting shippers: Mr. John Fischer, 112 Shore Parkway, Tampa, FL 33615 and Mr. R. B. Mattingly, 511 Wilderness Road, Louisville, KY 40214.

MC 31389 (Sub-3–21TA), filed April 14, 1983. Applicant: McLEAN TRUCKING COMPANY, 1920 West First Street, Winston-Salem, NC 27154. Representative: Daniel R. Simmons (same as applicant). *Contract Carrier:* Irregular: *General commodities (except Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk),* between Rahway, NJ; Fayetteville, NC and Ringtown, PA, on the one hand, and, on

the other, points in the U.S., under continuing contract or contracts with Purolator Products, Inc., of Rahway, NJ. Supporting shipper(s): Purolator Products, Inc., 970 New Brunswick Ave., Rahway, NJ 07065.

MC 31389 (Sub-3–22TA), filed April 14, 1983. Applicant: McLEAN TRUCKING COMPANY, 1920 West First Street, Winston-Salem, NC 27154. Representative: Daniel R. Simmons (same as applicant). *Contract Carrier:* Irregular: *General commodities (except Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk),* between the facilities of American Greetings, located at or near Cleveland, OH; Brigham City, UT; Danville, KY; McCrory and Osceola, AR; Forest City, NC and Afton, TN and points in the U.S., under continuing contract or contracts with American Greetings, of Cleveland, OH. Supporting shipper(s): American Greetings, 10500 American Road, Cleveland, OH 44144.

MC 128117 (Sub-3–17 TA), Filed April 15, 1983. Applicant: NORTON-RAMSEY MOTOR LINES, INC., P.O. Box 886, Hickory, NC 28601. Representative: Edward T. Love, 4401 East West Highway, Suite 404, Bethesda, MD 20814. *Refined sugar, in bags,* between points in Lafourche Parish, LA, on the one hand, and, on the other, points in DC, FL, GA, KY, MD, NC, PA, SC, TN, VA and WV. Supporting shipper: Georgia Sugar Refinery, P.O. Box 59, Mathews, LA 70375.

MC 165399 (Sub-3–4 TA), filed April 15, 1983. Applicant: L. S. TRUCKING, INC., 9003 Tara Blvd., Jonesboro, GA 30236. Representative: Philip L. Martin, 3537 Habersham at Northlake, P.O. Box 450107, Atlanta, GA 30345. *Contract:* Irregular: *Pulp, paper and related products* between points in the U.S., under continuing contract with Avery Label Co. Supporting shipper: Avery Label Co., P.O. Box 189 Thurman-Tanner Rd., Flowery Branch, GA 30542.

MC 166310 (Sub-3–2 TA), filed April 15, 1983. Applicant: PIONEER EXPRESS, INC., 3359 Cazassa Street, P.O. Box 16489, Memphis, TN 38186–0489. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. *Contract carrier,* irregular; *General commodities (except classes A and B explosives, households goods, and commodities in bulk)* between points in the U.S., under continuing contract(s) with United Forwarding, Inc. Supporting shipper(s): United Forwarding, Inc., 7000 Building, Suite 445, 7000 West Center Road, Omaha, NE 68106.

MC 2900 (Sub-3–41 TA), filed April 15, 1983. Applicant: RYDER TRUCK LINES, INC., P.O. Box 2408, Jacksonville, FL 32203. Representative: S. E. Somers, Jr., (same address as above). *Contract carrier:* irregular: *General Commodities (except Classes A and B explosives, household goods and defined by the Commission, and commodities in bulk)* between points in the U.S. (except AK and HI) under continuing contract(s) with Sears, Roebuck and Co. Supporting shipper: Sears, Roebuck and Co., Sears Tower, Chicago, IL 60684.

MC 160725 (Sub-3–3TA), filed April 15, 1983. Applicant: A & S TRUCKING COMPANY, INC., 404 Cross Street, Cleveland, MS 38732. Representative: Ajax J. Morris, Jr., P.O. Box 782, Cleveland, MS 38732. *General commodities (except commodities in bulk, Classes A and B explosives, and household goods),* between points in AR, GA, LA, & MS, on the one hand, and, on the other, points in AL, AR, FL, GA, IL, IN, IA, LA, MS, MO, NC, SC, TN, TX & VA. Supporting shipper: Delta Enterprises, P.O. Box 586, Greenville, MS 38701.

MC 146226 (Sub-3–8TA), filed April 15, 1983. Applicant: J & P TRUCKING CO., INC., P.O. Box 457, Lincolnton, NC 28092. Representative: Dwight L. Koerber, Jr., 110 North Second Street, P.O. Box 1320, Clearfield, PA 16830. *General commodities (except Classes A and B explosives, commodities in bulk, and household goods),* between Matthews, NC on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Family Dollar Stores, Inc., 10401 Old Monroe Rd., P.O. Box 25800, Charlotte, NC 28212.

MC 152325, (Sub-3–1TA), filed April 15, 1983. Applicant: BOWDEN TRANSFER COMPANY, INC., P.O. Box 290, Lewisburg, TN 37901. Representative: Steve S. Bowden, same address as applicant. *Contract Carrier;* irregular routes; *general commodities (except classes A and B explosives, household goods, and commodities in bulk),* between points in the U.S. (except AK and HI), under continuing contract(s) with Action Consolidated Express, Inc. Supporting shipper: Action Consolidated Express, 721 S. Third St., Nashville, TN 37213.

MC 141652 (Sub-3–11TA), filed April 14, 1983. Applicant: ZIP TRUCKING, INC., P.O. Box 6128, Jackson, MS 39208. Representative: K. Edward Wolcott, 235 Peachtree Street, N.E., Suite 1200, Atlanta, GA 30303. *General Commodities (except classes A and B explosives, household goods and commodities in bulk)* between points in the U.S. (except AK and HI) under continuing contract(s) with Highway Marketing & Sales, Inc. of Ellenwood, GA. Supporting shipper: Highway Marketing & Sales, Inc., 4986 Highway 42, Suite E, Ellenwood, GA 30049.

The following applications were filed in region 4. Send protests to: ICC, COMPLAINT AND AUTHORITY BRANCH, P.O. BOX 2980, CHICAGO, IL 60604.

MC 15735 (Sub-4–69TA), filed April 6, 1983. Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Avenue, Broadview, IL 60153. Representative: Joseph P. Tuohy, P.O. Box 4403, Chicago, IL 60680. *Contract irregular: Household Goods* between points in the U.S., under a continuing contract with Storage Technology Corporation and its subsidiaries of Louisville, CO. Supporting shipper: Storage Technology Corporation, 2270 South 88th Street, Louisville, CO 80028.

MC 159040 (Sub-4–2TA), filed April 5, 1983. Applicant: K.I.S.S. EXPRESS COMPANY, 4820 W. Belmont Ave., Chicago, IL 60641. Representative: Lawrence M. Preston c/o K.I.S.S. Express Co., 4820 W. Belmont Ave., Chicago IL. 60641. *Contract* irregular *general commodities* (except household goods, classes A & B explosives, and commodities in bulk) from Chicago, IL to points in IN, KY and OH, under continuing contracts with Douglas Furniture, Inc. of Chicago, IL. Supporting shipper, Douglas Furniture, 5020 W. 73rd St., Chicago, IL 60638.

MC 166907 (Sub-4–15TA), filed March 29, 1983. Applicant: VERONA CARRIERS, INC., 504 South Nine Mound Road, Verona, WI 53593. Representative: Richard D. Armstrong, 925 Highland Drive, Stoughton, WI 53589. Contract, irregular: *Sheet Steel Buildings and Accessories* from Madison, WI to points in CT, MA, NJ, NY, OH and PA under continuing contract with Trachte Building Systems of Madison, WI. An underlying ETA seeks 120 days authority. Supporting shipper: Trachte Building Systems, 102 No. Dickinson Street, Madison, WI 53703.

MC 166984 (Sub-4–1TA), filed April 6, 1983. Applicant: WAL-ZON TRANSFER, INC., P.O. Box 99, Newport, MN 55055. Representaive: John B. Van de North, Jr., Briggs and Morgan, 2200 First National Bank Building, St. Paul, MN 55101. Contract; irregular: *Metal products,* between points in the U.S. (except AK and HI) under continuing contract(s) with Northstar Steel Company, Bloomington, MN. Supporting shipper: Northstar Steel Company, 2901 Metro Drive, Minneapolis, MN 55420.

MC 167260 (Sub-4–1TA), filed April 5, 1983. Applicant: S & M CONTRACT HAULING, 4675 Maple Road, Newport, MI 48166. Representative: Eugene C.

Ewald, 100 West Long Lake Road, Suite 102, Bloomfield Hills, MI 48013. *Ships or boats and ship parts and accessories* between points in IL, IN, MI, MN, OH, CO, MA, PA, and WI. An underlying ETA seeks thirty (30) days plus one sixty (60) day extention. There are five (5) supporting shippers.

MC 167270 (Sub-4–1TA), filed April 6, 1983. Applicant: NAPP OFFICE & SCHOOL SUPPLY CO., P.O. Box 1147, Manitowoc, WI 54220. Representaitve: Michael J. Wyngaard, 150 East Gilman St., Madion, WI 53703. Contract irregular: *Desk tops and table tops, and materials, equipment and supplies* used or useful in the manufacture, sale or distribution of desk tops and table tops, from the Town of Shoto, Manitowoc County, WI to Aurora, IL; Chicago, IL and points in the Chicago, IL commercial zone, under continuing contract(s) with Shoto Fixture & Supply, Inc. Underlying ETA seeks 120 days authority. Supporting shipper: Shoto Fixture & Supply, Inc., 6450 County Highway B, Two Rivers, WI 54241.

MC 15735 (Sub-4–70TA), filed April 11, 1983. Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Avenue, Broadview, IL 60153. Representative: Joseph P. Tuohy, P.O. Box 4403, Chicago, IL 60680. *Contract irregular: Household Goods* between points in the U.S. under a continuing contract with Mallory Components Sales Corp. of Indianapolis, IN. Supporting shipper: Mallory Components Sales Corp., 3029 E. Washington Street, Indianapolis, IN 46201.

MC 15735 (Sub-4–71TA), filed April 11, 1983. Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Avenue, Broadview, IL 60153. Representative: Richard V. Merrill, P.O. Box 4403, Chicago, IL 60680. *Contract* irregular: *Household Goods* between points in the U.S. (except AK and HI) under a continuing contract with Mobil Chemical Company of Pittsford, NY. Supporting shipper: Mobil Chemical Company, 1163 Pittsford-Victor Rd., Pittsford, NY 14534.

MC 15735 (Sub-4–72TA), filed April 11, 1983. Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Avenue, Broadview, IL 60153. Representative: Joseph P. Tuohy, P.O. Box 4403, Chicago, IL 60680. *Contract irregular: Household goods* between points in the U.S. under a continuing contract with Kimberly-Clark Corp. and its subsidiaries of Neenah, WI. Supporting shipper: Kimberly-Clark Corp., N. Lake Street, Neenah, WI 54956

MC 20992 (Sub-4–3TA), filed April 11, 1983. Applicant: DOTSETH TRUCK LINE, INC., Knapp, WI 54749. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501 (402) 475–6761. *Lumber, wood products* and *building materials* from the Minneapolis and Duluth, MN Commercial Zones, to points in WI. Supporting shipper: Chase Fitzpatrick, Ltd., 6368 Lake Road, P.O. Box 258, Windsor, WI 53598.

MC 69833 (Sub-4–16TA), filed April 11, 1983. Applicant: ASSOCIATED TRUCK LINES, INC., 200 Monroe Ave., NW., Grand Rapids, MI 49503. Representative: Bruce A. Bullock, One Woodward Ave., 26th Floor, Detroit, MI 48226. Contract; irregular: *General Commodities* (except Classes A and B explosives, commodities in bulk and those requiring special equipment, and household goods as defined by the Commission), between points in the U.S. (except AK and HI), under continuing contract with FMC Corporation. Supporting shipper: FMC Corporation, P.O. Box 13600, 3001 Todds Road, Lexington, KY 40512.

MC 153258 (Sub-4–2TA), filed April 11, 1983. Applicant: DENNIS R. HILKER TRUCKING, INC., 712 West Millard, New London, WI 54961. Representative: Robert M. O'Donnell, 145 W. Wisconsin Ave., Neenah, WI 54956. *Contract;* irregular: *food and related products* between points in Outagamie County, WI, on the one hand, and, on the other, points east of and including the states of ND, SD, NE, KS, OK, and TX under continuing contract with the S.C. Shannon Co. of Appleton, WI. Supporting shipper: S.C. Shannon Company, 1726 N. Ballard Rd., P.O. Box 2395, Appleton, WI 54913.

MC 159795 (Sub-4–1TA), filed April 11, 1983. Applicant: TWIN PORTS TRUCKING COMPANY, INC., 1230 Poplar Ave., Superior, WI 54880. Representative: Michael F. Morrone, 1150 17th St., NW., Suite 1000, Washington, D.C. 20036. *Contract:* irregular: *food and related products* between points in MI, MN and WI under continuing contract(s) with Geo. A. Hormel & Co., P.O. Box 800, Austin, MN 55912.

MC 163726 (Sub-4–1TA), filed April 11, 1983. Applicant: C.L.P., INC., 1800 N. 30th Ave., Melrose Pk., IL 60160. Representative: Philip A. Lee, 120 W. Madison St., Chicago, IL 60602. *Trailer and/or Containers with freight/all kinds having a prior or subsequent movement via rail or water,* between the Chicago Commercial Zone on the one hand and on the other, Indianapolis, Fort Wayne and Elkhart, IN; Milwaukee, Fond du Lac, Delavan, Madison, Neenah, WI; Detroit, Grand Rapids, Kalamazoo, Ada, MI; Cincinnati, Columbus, Cleveland, Akron, Toledo, OH; Cape Girardeau, St. Louis, Kansas City, Pleasant Hill, Maryville, MO; Denton, Dubuque, Des Moines, and Fort Dodge, IA; Jeffersonville, Louisville, Frankfort, Lexington and Danville, KY; Memphis, Nashville and Paris, TN; Chicago, Peoria, Joliet, Elk Grove Village, Rockford and Danville, IL; Albert Lea, Duluth, St. Paul and Minneapolis, MN; Philadelphia, Pittsburgh, and Altoona, PA; Buffalo, New York City, Syracuse, NY; Wilmington, Dover, Blades, DE; Baltimore, Fort Howard and Fountainhead, MD; and Newark, Elizabeth, New Brunswick and North Bergen, NJ. Supporting shippers: Hapag Lloyd Agencies, 100 W. Monroe, Chicago, IL 60603; Maersk Line Agency, 1301 W. 22nd St., Oak Brook, IL 60521; All Points Specialists, Inc., 4780 S. Central Ave., Chicago, IL 60638.

MC 163810 (Sub-4–2TA), filed April 11, 1983. Applicant: M.A. WOLF, d.b.a. WOLF TRUCKING, 4421 Sherman Road, Slinger, WI 53086. Representative: Michael J. Collins, 14 West Mifflin St., Suite 310, P.O. Box 1042, Madison, WI 53701. *Contract;* irregular; *Petroleum, and related products,* from Berwyn, IL, Des Plaines, IL, Lemont, IL, Hammond, IN, and Whiting, IN, to Kenosha, WI, Lomira, WI, Mayville, WI, Neenah, WI, Oshkosh, WI, and Slinger, WI, pursuant to a continuing contract(s) with E. H. Wolf & Sons, Inc., Wisconsin Fuel & Heating, Inc., and Levenhagen Oil Corp. Supporting shippers: Levenhagen Oil Corp., 321 High St., Neenah, WI 54956, Wisconsin Fuel and Heating, Inc., 6329 28th Ave., Kenosha, WI 53140, E. H. Wolf and Sons, Inc., 4421 Sherman Rd., Slinger, WI 53086.

MC 165351 (Sub-4–2TA), filed April 11, 1983. Applicant: ATOMIC INTERPROVINCIAL TRANSPORT (EASTERN) LTD., 2070 Logan Avenue, P.O. Box 1045, Winnipeg, Manitoba, Canada R3C 2X6. *Representative:* Daniel W. Krane, P.O. Box E, Shiremanstown, PA 17011. *Offal for pet food,* from Cedar Rapids, Des Moines, Dubuque and Sioux City, IA; Albert Lea, MN; and Grand Island, Madison and Omaha, NE, to ports of entry on the international boundary line between the U.S. and Canada in MI, MN, MT, ND and NY. An underlying ETA seeks 90 days authority. Supporting shipper: S. A. N. International Services, Inc., 88 University Avenue, Suite 607, Toronto, Ontario, Canada M5J 1T6.

MC 166482 (Sub-4–1 TA), filed April 8, 1983. Applicant: RELIABLE EXPRESS, INC., 2490 Blackhawk Rd., Rockford, IL 61109. Representative: Steven D. Bennett (Same as Applicant). *Metal Products, Rubber and Plastic Products, Food and Related Products:* between Points north of Interstate 80 in IL, on the one hand and points in and east of ND, SD, WY,

UT, and NM. Supporting shippers: There are seven (7).

MC 167320 (Sub-4–1 TA), filed April 11, 1983. Applicant: PHILIP R. DYCKOWSKI, d.b.a. DYCKOWSKI TRUCKING, 7776 Kiszonas Lane, Armstrong Creek, WI 54103. Representative: Richard A. Westley, 4506 Regent St, Suite 100, P.O. Box 5086, Madison, WI 53705–0086. *Lumber and wood products* from points in Forest County, WI to points in IL, IN, MI, and MN. An underlying ETA seeks 120 days authority. Supporting shippers: I. J. Millan Lumber Corp., 8516 Millan Road, Armstrong Creek, WI 54103; and Caswell Wood Specialties, Inc., Box 3, Cavour, WI 54516.

MC 167363 (Sub-4–1 TA), filed April 11, 1983. Applicant: MIDWEST CARGO, INC., 4657 Platt Rd., Ann Arbor, MI 48104. Representative: Jack L. Schiller, 111–56 76th Dr., Forest Hills, NY 11375. *Books and materials used in the production of books* and *polyethylene foam* between points in MI, on the one hand, and, on the other, points in AZ, CA, CO, CT, DC, MA, MD, NE, NJ, NM, NV, NY, OR, PA, VA and WA. There are four (4) supporting shippers.

The following applications were filed in region 5. Send protest to: Consumer Assistance Center, Interstate Commerce Commission, 411 West 7th Street, Suite 500, Fort Worth, TX 76102.

MC 109593 (Sub-5–4 TA), filed April 11, 1983. Applicant: H.R. HILL, INC., P.O. Box 2389, Muskogee, OK 74401. Representative: Jack R. Anderson, Esq., Suite 305, Reunion Center, 9 East Fourth Street, Tulsa, OK 74103. Contract, Irregular: *bleach, soap, detergents and paper products* from Houston, TX and Crossett, AR to Okahoma City, OK, under a continuing contract with Scrivner, Inc. of Oklahoma City, OK.

MC 128883 (Sub-5–7TA), filed April 11, 1983. Applicant: NORTH IOWA EXPRESS, INC., 1921 N.E. 58th Avenue, Des Moines, IA 50313. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. *Contract,* irregular: *Insulation and machines* between points in the U.S. (except AK and HI) under contract with L & L Insulation and Supply Co., Inc., Des Moines, IA; and Webster City Products Co., Webster City, IA.

MC 151339 (Sub-5–4TA), filed April 11, 1983. Applicant: LOCK TRUCK LEASING, INC., P.O. Box 274, Irving, TX 75060. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. *Foodstuffs and Cleaning Supplies* from Dallas, TX to Fullerton and Hayward, CA. Restricted to shipments originating at the facilities of McCormick Stange. Supporting shipper: McCormick Stange, Dallas, TX.

MC 153392 (Sub-5–6TA), filed April 12, 1983. Applicant: CENTRAL TRACTOR FARM & FAMILY CENTER, INC., 1515 East Euclid, Des Moines, IA 50316. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309. *Contract;* irregular: *Paper,* from Lee, MA to Des Moines, IA. Supporting shipper: Frye Copy Systems, Inc., a Signal Company, Des Moines, IA.

MC 163128 (Sub-5–4TA), filed April 12, 1983. Applicant: BMC TRANSPORTATION COMPANY, P.O. Box 569, Columbus, NE 68601. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Industrial soap* from Omaha, NE to points in CA, ID, OR, UT and WA. Supporting shipper: Omega Chemical Co., Inc., Omaha, NE.

MC 167158 (Sub-5–1TA), filed April 11, 1983. Applicant: LEE'S TRUCKING COMPANY, 2730 Northwest Avenue, El Dorado, AR 71730. Representative: Jimmy D. Lee (same as above). *Contract;* irregular: *Chemicals/Chemical Related Products and Materials, Equipment, and Supplies used in the Manufacture, Sale, or Distribution thereof,* between AR and points in LA, MS, MO, OK, TN and TX. Supporting shipper: Great Lakes Chemical Corporation, El Dorado, AR.

MC 167318 (Sub-5–1TA), filed April 11, 1983. Applicant: MO–KAN DISTRIBUTION SERVICE, INC., 1330 West 8th Street, Kansas City, MO 64101. Representative: Alex M. Lewandowski, 1221 Baltimore Ave., Ste. 600, Kansas City, MO 64105. *General commodities (except classes A and B explosives, household goods and commodities in bulk),* between points in MO, KS, NE, and IA. Supporting shippers: 14.

MC 136508 (Sub-5–1TA), filed April 14, 1983. Applicant: GALE B. ALEXANDER, 120 S. Ward, Ottumwa, IA 52501. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. *Food and Related Products;* Between points in Polk County, IA, on the one hand, and, on the other, points in IL and MO. Supporting Shipper: Perishable Distributors of Iowa Ltd., Des Moines, IA.

MC 149157 (Sub-5–10TA), filed April 15, 1983. Applicant: STYLE CRAFT TRANSPORT, INC., Highway 71 South, Milford, IA 51351. Representative: Foster L. Kent, P.O. Box 285, Council Bluffs, IA 51502. Contract irregular. *Furniture and fixtures,* from Los Angeles, CA, to Sioux City, and Spencer, IA, Duluth, MN and Sioux Falls, SD. Supporting shipper: J.C. Leather Corporation, Sioux Falls, SD.

MC 164510 (Sub-5–1TA), filed April 14, 1983. Applicant: WILLIAM E. PINCKNEY, d.b.a. CEDAR MOUNTAIN EXPRESS, 1732 "E" Avenue NE, Cedar Rapids, IA 52404. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. *Food and related products,* between Linn County, IA, on the one hand, and, on the other, points in CA, FL, IN, MI, OH, OR, and WA. Supporting shipper: Midwest Food Distributors, Inc., Cedar Rapids, IA.

MC 167340 (Sub-5–1TA), filed April 14, 1983. Applicant: CONTRACT TRANSPORTS, INC., Rt. 3, Box 355, Tuttle, OK 73089. Representative: Dean Williamson, Suite 107, 50 Classen Center, 5101 North Classen Boulevard, Oklahoma City, OK 73118. Contract: Irregular. *Concrete products and materials, equipment and supplies used in the manufacture thereof,* between Oklahoma City, OK, on the one hand, and, on the other, points in AR, CO, GA, KS, LA, MO, NC, NM, TX and WY, under continuing contract or contracts with Harter Concrete Products, Inc. Supporting shipper: Harter Concrete Products, Inc., Oklahoma City, OK.

MC 167413 (Sub-5–1TA), filed April 14, 1983. Applicant: ORLAN WESLEY MEARS, d.b.a. Orlan Mears Trucking, Rural Route 6, Box 200, Paragould, AR 72450. Representative: Orlan Wesley Mears (same as applicant's). *General commodities (except classes A and B explosives, household goods, and commodities in bulk).* Between Clay, Craighead, and Greene Counties in AR, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shippers: Dr. Pepper-Seven-Up Bottling Co., Paragould, AR, Arkla Industries, Paragould, AR.

MC 167435 (Sub-5–1TA), filed April 15, 1983. Applicant: H & M CONSOLIDATORS, INC., 1125 North Monroe, Kansas City, MO 64120. Representative: Carter Wilcoxson (same address as applicant). *General commodities (except commodities in bulk, household goods, classes A and B explosives and those requiring special equipment)* between points in Wyandotte and Johnson Counties, KS, and Jackson, Clay and Platte Counties, MO, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shippers: 7.

MC 167436 (Sub-5–1TA), filed April 15, 1983. Applicant: STAGGS AND BERRY TRUCKING, INC., P.O. Box 871, Hennessey, OK 73742. Representative: William P. Parker, P.O. Box 54657, Oklahoma City, OK 73154. *Mercer Commodities,* between points in AR, OK and TX; restricted to traffic moving for the account of ARCO Oil and Gas Company. Supporting shipper: Arco Oil

and Gas Company, a subsidiary of Atlantic-Richfield Corporation, Covington, OK.

MC 167437 (Sub-5–1TA), filed April 15, 1983. Applicant: B. R. McGEE, d.b.a. SFI TRUCKING COMPANY, Rte. 1, Box 280PZ, Kilgore, TX 75662. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. Contract irregular; *Mercer commodities,* between points in the U.S., except AK & HI, under continuing contract(s) with Southern Forge, Inc., Longview, TX.

MC 167438 (Sub-5–1TA), filed April 15, 1983. Applicant: COOPER'S TRUCK & TRAILER SERVICES, INC., 4601 Holiday Lane East, Ft. Worth, TX 76118. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. *General Commodities (except classes A and B explosives, household goods or bulk commodites)* between Dallas and Tarrant Counties, TX on the one hand, and, on the other, points in AR, LA, OK and TX. Restricted to shipments having a prior or subsequent movement by rail or water carrier. Supporting shippers: There are five (5) supporting shippers.

The following applications were filed in region 6. Send protests to: Interstate Commerce Commission, Region 6, Motor Carrier Board, 211 Main St., Suite 501, San Francisco, CA 94105.

MC 166932 (Sub-6–TA), filed April 8, 1983. Applicant: SUNTREK TOURS, LTD. Kanzleistrasse 20, Zurich, Switzerland 8004. Representative: Daniel Hillebrand, 165 O'Farrall St., Suite 413, San Francisco, CA 94102. *Passengers* in special and charter operation between points in CA, AZ, NV and UT for 270 days. Supporting shipper: Panamericana Travel System, 138 Mason St., San Francisco, CA 94102.

MC 167285 (Sub-6–1TA), filed April 12, 1983. Applicant: PAGDIN ENTERPRISES, INC., d.b.a. ADEPT TRANSPORT COMPANY, 1700 West Grand Ave., Oakland, CA 95607. Representative: Eugene Q. Carmody, 15523 Sedgeman St., San Leandro, CA 94579. *Contract carrier,* irregular routes, *general commodities* (except A and B explosives, household goods and commodities in bulk) between points in CA for 270 days. Supporting shippers: Pacific Coast Wholesalers' Association, California Manufacturers Freight Association, Los Angeles, CA, Peterbilt Motors Co., Madison, TN, and Riss Intermodal, South Kearney, N.J.

MC 152330 (Sub-6–8TA), filed April 12, 1983. Applicant: GLACIER CARRIERS, P.O. Box 490, Columbia Falls, MT. Representative: John T. Wirth, 717 17th St., Suite 2600, Denver, CO 80202–3357. *Contract carrier,* irregular routes: *Refractories, refractory products, and materials, supplies and equipment used in the manufacture and distribution thereof,* (1) between points in PA, MI, IN, IL, KY, VA, AR, and MO on the one hand, and on the other, points in the west of the states of MN, IA, NE, KS, OK and TX; and (2) between points in the west of the states of MN, IA, NE, KS, OK and TX; under continuing contract(s) with North American Refractories Co. of Cleveland, OH, for 270 days. Supporting shipper: North American Refractories Co., Hanna Bldg., E. 14th & Euclid Ave., Cleveland, OH 44115.

MC 167370 (Sub-6–1TA), filed April 12, 1983. Applicant: ROGER CONLEY, d.b.a. R.C. TRUCKING, 1550 E. Riverview, Orange, CA 92665. Representative: Donald R. Hedrick, P.O. Box 4334, Santa Ana, CA 92702. *Contract Carrier,* Irregular routes: *Materials, equipment and supplies,* used by Hospitals, between points in CA, AZ, TX and OR, for 270 days. Supporting shipper: American Hospital Supply, Inc., 17201 Redhill Ave., Irvine, CA 92714.

MC 167371 (Sub-6–1TA), filed April 11, 1983. Applicant: JAMES ARMSTRONG d.b.a. J. ARMSTRONG TRUCKING, 14835 S. Stratford Ave., Lathrop, CA 95330. Representative: Arden Riess, P.O. Box 7965, Stockton, CA 95207. *General commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions) for the U.S. Government from Defense Depot-Tracy; Tracy, CA to Oakland, CA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Dept. of Defense, Falls Church, VA 22015.

MC 167372 (Sub-6–1TA), filed April 12, 1983. Applicant: 805030 TRANSPORT, INC. d.b.a. DELL TRANSPORT (WESTERN), INC., No. 214, 17704–56th Ave., Surrey, British Columbia, CD V35 1C7. Representative: Daniel O. Hands, 104 S. Michigan Ave., Suite 410, Chicago, IL 60603. *(1) Ground clay, (2) glass and plastic containers and (3) wooden shingles and shakes,* between points along the US-CD International Boundary at points in WA, on the one hand, and, on the other, points in AZ, CA, OR and WA for 270 days. Supporting shippers: AMPAK, 9451A Van Horn Way, Richmond, BC, CD V6X 1W2; Oil-Dri West, P.O. Box 191, Christmas Valley, OR 976411; Watkins Saw Mills, Ltd., P.O. Box 3280, Mission City, BC, CD V2V 4J4.

MC 151225 (Sub-6–14TA), filed April 8, 1983. Applicant: DON WARD, INC., 241 West 56th Ave., Denver, CO 80216. Representative: Don L. Ward (same as above). *Fly Ash* From Page and St. Johns, AZ to points in NM for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Western Ash Company, 5020 North 8th Place, Phoenix, AZ 85014.

MC 161171 (Sub-6–1TA), filed April 11, 1983. Applicant: V. K. PUTMAN d.b.a. V. K. PUTMAN TRUCKING, 509 N. Grand, Bozeman, MT 59715. Representative: James Robert Evans, 145 W. Wisconsin Ave., Neenah, WI 54956. (1) *Paper Products, Cleaning and Sanitation Equipment, and Supplies,* from Chicago, IL, Grafton, NH, South Kearny, NJ, Urbana, OH, Philadelphia, PA, Nashville, TN, Green Bay, WI, and their commercial zones, to points in MT; and (2) *Printing Paper* from Groveton, NH, Ridgefield, NJ, Dayton, OH, and their commercial zones, to Portland, Oregon, and its commercial zone, for 270 days. Supporting shippers: House of Clean, Inc., 602 W. Hemlock, Bozeman, MT 59715, and G & G Paper Co., 1234 S.E. Union, Portland, OR 97214.

MC 151878 (Sub-6–13TA), filed April 12, 1983. Applicant: THREE WAY CORPORATION, 1120 Karlstad Dr., Sunnyvale, CA 94086. Representative: Charles H. White, Jr., 1019 19th St., NW., Suite 800, Washington, D.C. 20036. *Contract carrier;* irregular route, *General commodities (except Classes A and B explosives and commodities in bulk)* between points in the U.S. under continuing contract with Tandem Computers, Inc. Supporting shipper: Tandem Computers, Inc., 19333 Vallco Parkway, Cupertino, CA 95014.

MC 141431 (Sub-6–3TA), filed April 12, 1983. Applicant: CAL-VALLEY TRANSPORTATION, INC., 1111–D South Harbor Blvd., La Habra, CA 90631. Representative: Robert Fuller, 13215 E. Penn St., Ste. 310, Whittier, CA 90602. *Meat, frozen fruits and vegetables and other frozen food products; and materials, supplies and equipment used in the production and distribution of meat and frozen food products,* between Sanger and Los Angeles, CA and Larami, WY, on the one hand, and, on the other, points in the U.S. (except AK and HI), for 270 days. Supporting Shipper: Packer's Cold Storage, Inc., 1111 South Harbor Blvd., La Habra CA 90631.

MC 120168 (Sub-6–1TA), filed April 8, 1983. Applicant: SAMJO, INC. d.b.a. SMISER FREIGHT SERVICE, 8610 Atlantic, South Gate, CA 90280. Representative: David P. Scheidler (Same address as applicant). Authority requested: *General Commodities,* (excluding the following: household goods; automobiles; livestock; bulk commodities requiring mechanical mixing in transit; logs; articles of

extraordinary value; trailer coaches and campers; explosives and commodities requiring temperature control) between points in OR, WA, CA, ID, NV, AZ, UT and MT for 270 days. Applicant requests tacking and interlining privileges. Supporting shippers: There are five (5) shippers. Their statement may be examined at the Regional Office, listed above.

MC 167368 (Sub-6–1TA), filed April 12, 1983. Applicant: C & D EQUIPMENT, INC., 50 West Lester Ave. #H14, Murray, UT 84107 Representative: Cara L. Erickson, P.O. Box 639 Bountiful, UT 84010. *Commodities in bulk,* between points in CA, CO, NE, & NV, on the one hand, and on the other, points in AZ, ID, KS, MT, OR, SD, UT, WA, & WY, for 270 days, restricted to service for the accounts of, (1) Jim Hicks & Co., Brea, CA, (2) Midwest PMS, Inc., Gering, NE, and (3) Industrial Mineral Ventures, Inc., Amorgosa, NV. Supporting shippers: Jim Hicks, & Co., 561 Mercury Ln, Suite A, Brea, CA 92621, Midwest PMS, Inc., Gering, NE 69341, and Industrial Mineral Ventures, Inc., Star Rt 15, Box 549, Amargosa Valley, NV 89020. An underlying ETA seeks authority for 120 days.

MC 167369 (Sub-6–1TA), filed April 12, 1983. Applicant: BILL KUHNS, d.b.a. BILL KUHNS TRUCKING, 7907 Santa Fe Ave., Huntington Park, CA 90255. Representative: Miles L. Kavaller, 315 South Beverly Dr., Suite 315, Beverly Hills, CA 90212. *Contract carrier:* irregular routes. *Metal products* from Los Angeles County, CA to Reno-Stead, NV, under a continuing contract with Stead Industries, Inc., d.b.a. Hoyt Heater Company of Reno-Stead, NV for 270 days. Supporting shipper: Hoyt Heater Company, 14290 Lear Boulevard, Reno-Stead, NV.

MC 114178 (Sub-6–1TA), filed April 12, 1983. Applicant: JOSE RODRIGUEZ Y CASAL d.b.a. MEXICO U.S. TRUCK LINE, 148 Mt. Carmel Dr., San Ysidro, CA 92073. Representative: Manuel Rodriguez (same as applicant). *General commodities* (except class A&B explosives, HHG, commodities in bulk, those of unusual value, and those requiring special equipment) between points in CA for 270 days. Supporting shippers: There are 11 shippers. Their statements may be examined in the office listed.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–10869 Filed 4–22–83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Approved Exemptions

AGENCY: Interstate Commerce Commission.

ACTION: Notices of Approved Exemptions.

SUMMARY: The motor carrier shown below have been granted exemptions pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property Under 49 U.S.C. 1343,* 367 ICC 113 (1982), 47 FR 53303 (November 24, 1982).

DATES: The exemptions will be effective on May 25, 1983. Petitions for reconsideration must be filed by May 16, 1983. Petitions for stay must be filed by May 5, 1983.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood (202) 275–7977.

SUPPLEMENTARY INFORMATION: For further information, see the decision served in the proceeding listed below. To purchase a copy of the full decision contact: TS Infosystems, Inc., Room 2227, 12th and Constitution Ave., NW, Washington, DC 20423; or call (202) 289–4357 in the DC metropolitan area; or (800) 424–5403 Toll-free outside the DC area.

Decided: April 14, 1983.

By the Commission, Division 1, Commissioners Andre, Taylor, and Sterrett. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

MC–F–15079. LES MATHRE TRUCKING, INC.—PURCHASE EXEMPTION—SHOEMAKER TRUCKING COMPANY (LOREN WETZEL, TRUSTEE-IN-BANKRUPTCY). Addresses: Send Pleadings to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423 and (2) Petitioner's representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Pleadings should refer to No. MC–F–15079. Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343(a), the purchase of a portion of the operating rights of Shoemaker Trucking Company MC–138875 by Les Mathre Trucking Inc. (MC-139379), authorizing the transportation of such commodities as are dealt in by grocery and food business houses and food and related products between Chicago, IL, on the one hand, and, on the other, points in WA, OR, and ID.

[FR Doc. 83–10858 Filed 4–22–83; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Forms Under Review by Office of Management and Budget

The following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) is being submitted to the Office of Management and Budget for review and approval. Copies of the forms and supporting documents may be obtained from the Agency Clearance Officer, Lee Campbell (202) 275–7238. Comments regarding this information collection should be addressed to Lee Campbell, Interstate Commerce Commisssion, Room 1325, 12th and Constitution Ave., NW., Washington, DC 20423 and to Gary Waxman, Office of Management and Budget, Room 3001 NEOB, Washington, DC 20503, (202) 395–7313.

Type of Clearance:— New (Questionnaire)
Bureau/Office:— Office of Transportation Analysis
Title of Form:— Intercity Passenger Carrier Questionnaire Bus Terminal/ Station Study
OMB Form No.:— None
Agency form No.:—None
Frequency:— Non-Recurring
Respondents:— Motor Carriers of Passengers with operating authority from ICC
No. of Respondents:— 1,650
Total Burden Hrs.:— 660
Type of Clearance:— New (Questionnaire)
Bureau/Office:— Office of Transportation Analysis
Title of Form:— Bus TErminal/Station Study
OMB Form No.:— None
Agency Form No.:— None
Frequency:— Non-Recurring
Respondents:— Managers of Intercity Bus Terminals and Stations throughout the Continental U.S.
No. of Respondents:— 750
Total Burden Hrs.:— 750
Type of Clearance:— Extension
Bureau/Office:— Office of Compliance & Consumer Assistance
Title of Form:— Application for temporary authority for motor common and contract carriers under section 210(a) of the 1C Act.
OMB Form No.:— 3120–0038
Agency From No.:— OP-MCB-95
Frequency:— On occasion
Respondents:— For hire motor carriers
No. of Respondents:— 9,800
Total Burden Hrs.:— 19,600

Type of Clearance:— New (Recordkeeping)
Bureau/Office:— Bureau of Accounts
Title of Form:— Ratemaking Organizations—49 CFR 1253 Record-keeping
OMB Form No.:— None
Agency Form No.:— None
Frequency:— Other—Recordkeeping
Respondents:— Class I and II Rate Bureaus
No. of Respondents:— 77
Total Burden Hrs.:— 154

Agatha L. Mergenovich

Secretary.

[FR Doc. 83-10889 Filed 4-22-83; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Lease and Interchange of Vehicles by Motor Carriers

Decided: April 18, 1983.

Joseph Moving and Storage Co., Inc. (Certificate and Permit Nos. 146496 and Permit No. 144010) petitions for waiver of paragraph (c) of Section 1057.12 of the *Lease and Interchange of Vehicles* regulations (49 CFR Part 1057) with respect to equipment with drivers leased by petitioner from the Continental Shippers Association, Inc.

We Find:

Petitioner is seeking the same type relief on a specific basis which was given by the Commission in general to authorized carriers and shippers by its modification of the leasing regulations in its decision and order in Ex Parte No. MC-43(sub-No. 13), *Leasing Rules Modifications*, 132 M.C.C. 927, 946 (1982). However, that decision and order has been temporarily stayed by the United States Court of Appeals for the Eleventh Circuit January 5, 1983, pending further order of that court. The Motor Carrier Leasing Board not only cannot anticipate the United States Court of Appeals disposition of this issue which is now under review by that court, but by acting in an affirmative manner, the Board could conceivably be held in contempt of court.

It is ordered:

The petition of Joseph Moving and Storage, Inc. (Certificate and Permit Nos. 146496 and Permit No. MC-140010) is denied.

By the Motor Carrier Leasing Board, Board Members J. Warren McFarland, Bernard Gaillard, and John H. O'Brien.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-10884 Filed 4-22-83; 8:45 am]
BILLING CODE 7035-01-M

[Finance Docket No. 30153]

Rail Carrier; Burlington Northern Railroad Company—Abandonment Exemption—In Itasca County, MN

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts Burlington Northern Railroad Company from 49 U.S.C. 10903 *et seq.* in connection with 1.73 miles of rail line in Itasca County, MN, subject to employee protective conditions.

DATES: This exemption is effective on May 25, 1983. Petitions to stay the effectiveness of this decision must be filed by May 5, 1983, and petitions for reconsideration must be filed by May 16, 1983.

ADDRESSES: Send pleadings referring to Finance Docket No. 30153 to:

(1) Rail Section, Room 5349, Interstate Commerce Commission, Washington, DC 20423
(2) Petitioner's representative: Alan R. Post, 176 East Fifth St., St. Paul, MN 55101.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision contact: T.S. InfoSystems, Inc., Room 2227, c/o Interstate Commerce Commission, 12th & Constitution Ave., NW., Washington, DC 20423 or telephone: (202) 289-4357 (D.C. Metropolitan area) (800) 424-5403 (toll free-outside the D.C. area).

Decided: April 18, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-10882 Filed 4-22-83; 8:45 am]
BILLING CODE 7035-01-M

[Finance Docket No. 30149]

Rail Carrier; Illinois Central Gulf Railroad Company—Abandonment Exemption—In Fulton County, Ky

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirements of prior approval under 49 U.S.C. 10903 *et seq.*, the abandonment by Illinois Central Gulf Railroad Company of 0.66 miles of track from milepost 268.83 to milepost 269.55, in Fulton County, KY, subject to standard labor protection.

DATES: This exemption will be effective on May 25, 1983. Petitions to stay the effectiveness of this decision must be filed by May 5, 1983, and petitions for reconsideration must be filed by May 16, 1983.

ADDRESS: Send pleadings referring to Finance Docket No. 30149 to:

(1) Rail Section, Room 5349, Interstate Commerce Commission, Washington, DC 20423
(2) Petitioner's representative: Howard D. Koontz, Illinois Central Gulf Railroad Company, 233 North Michigan Avenue, Chicago, IL 60601.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision contact: T. S. InfoSystems, Inc., Room 2227, c/o Interstate Commerce Commission, 12th & Constitution Ave., NW., Washington, DC 20423 or telephone: (202) 289-4357 (D.C. Metropolitan area) (800) 424-5403 (toll free-outside the D.C. area).

Decided: April 18, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-10881 Filed 4-22-83; 8:45 am]
BILLING CODE 7035-01-M

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

Notification of Proposed Collection of Information

AGENCY: Office of Federal Procurement Policy, OMB.

ACTION: Notice.

SUMMARY: The Office of Federal Procurement Policy has submitted to OMB for review a proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) The proposed survey is intended to solicit small businesses' views on problems with and needed changes to federal small purchasing practices. Armed with the resulting information, an interagency task group will identify and pursue initiatives most likely to "simplify small purchases and minimize paperwork

burdens imposed on the private sector, particularly small business," as required by Executive Order 12352, "Federal Procurement Reforms."

The survey will be conducted for the task group by a private contractor which will develop a sample of approximately 1,500 small business concerns that have participated in the federal small purchase process and have been awarded purchase orders within the past 12 months. Names and addresses of such firms are to be compiled by the contractor in cooperation with six agencies that have high volumes of small purchase activity (Department of Defense, Veterans Administration, Department of Agriculture, Department of the Interior, the General Services Administration, and the National Aeronautics and Space Administration). A formal questionnaire will be mailed to the small business concerns in the sample.

Information about the Proposed Collection of Information:

Title: Small Purchase Task Group's Small Business Survey.

Type of Request: Approval of a new plan.

Frequency of Collection: One-time.

Estimated number of respondents: 375. (Minimum of 25% of sample of 1500)

Estimated number of hours per response: One half-hour.

Copies of Proposed Questionnaire: Obtain copies from Ms. Brenda Harper by calling (202) 395–3300 or writing her at the Office of Federal Procurement Policy, 726 Jackson Place, N.W., Room 9025, Washington, D.C. 20503.

Further information about proposed survey: Contract Barbara Glotfelty by calling (202) 395–3300 or writing her at the Office of Federal Procurement Policy, 726 Jackson Place, NW., Room 9025, Washington, D.C. 20503.

Comments: Address all comments on this proposed collection of information to Edward Springer, OMB Desk Officer, Room 3235, NEOB, 726 Jackson Place, NW., Washington, D.C. 20503.

Dated: April 18, 1983.

Donald E. Sowle,

Administrator.

[FR Doc. 83–10866 Filed 4–22–83; 8:45 am]

BILLING CODE 3110–01–M

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review

AGENCY: Railroad Retirement Board.

ACTION: In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Board has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

Summary of proposal(s):

(1) Collection title: Survey on Toll-Free Telephone Service.

(2) Form(s) submitted: T–45.

(3) Type of request: New.

(4) Frequency of use: Nonrecurring.

(5) Respondents: Individuals from Ohio inquiring about RRA or RUIA benefits.

(6) Annual responses: 150.

(7) Annual reporting hours: 13.

(8) Collection description: The survey is used to obtain information on the degree of user satisfaction with the RRB's experimental toll-free telephone service. This is a one-time only collection.

Additional Information of Comments: Copies of the proposed forms and supporting documents may be obtained from Pauline Lohens, the agency clearance officer (312–751–4692). Comments regarding the information collection should be addressed to Pauline Lohens, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611 and the OMB reviewer, Milo Sunderhauf (202–395–6880), Office of Management and Budget, Room 3201, New Executive Office Building, Washington, D.C. 20503.

William A. Oczkowski,

Director of Planning and Information Management.

[FR Doc. 83–10834 Filed 4–22–83; 8:45 am]

BILLING CODE 7905–01–M

SECURITIES AND EXCHANGE COMMISSION

Forms Under Review by Office of Management and Budget

Agency Clearance Officer: Kenneth A. Fogash, (202) 272–2142.

Upon written request copy available from: Securities and Exchange Commission, Office of Consumer Affairs, and Information Services 450 Fifth Street NW., Washington, D.C. 20549.

Revised Industry Guides for Statictal Disclosures by Bank Holding Companies

No. 270–69

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 [44 U.S.C. 3501 et. seq.], the Securities and Exchange Commission has submitted for clearance proposed amendments to Securities Act Industry Guide 3 and Exchange Act Industry Guide 3, Statistical Disclosure by Bank Holding Companies, relating to disclosures about nonperforming loans and certain foreign loans, Guide 3 is listed in Items 801 and 802 of Regulation S–K (17 CFR 229), the central repository of nonfinancial statement disclosure requirements under the Securities Act or 1983 and the Exchange Act of 1934. A copy of this submission is available for public inspection and copying at the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, D.C. 20549. Inquiring parties should refer to File No. 270–69.

Comments should be submitted to Mr. Robert Veeder, OMB Desk Officer, Office of Information and Regulatory Affairs, Room 3235 NEOB, Washington, D.C. 20503.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83–10855 Filed 4–22–83; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–19688; File No. SR-BSECC-83–3]

Self-Regulatory Organizations; Proposed Change by Boston Stock Exchange Clearing Corp.; Relating to Increased Fees for Institutional Services

Pusuant to Section 19(b) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b) (1), notice is hereby given that on March 14, 1983, the Boston Stock Exchange Clearing Corporation filed with the Securities and Exchange Commission the proposed change as described in item I, II, and III below, which items have been prepared by the self-regulatory organization.

The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. *Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change.*

The Boston Stock Exchange Clearing Corporation has proposed to establish new fees as contained in Exhibit I attached.

II. *Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change.*

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places set forth in Item IV below. The self-regulatory organization has prepared summaries, set forth in Section (A), (B) and (C) below, of the most significant aspects of such statements.

(A) *Self-Regulatory Organization's Statement of the Purpose of, and Basis for, the Proposed Rule Change.*

(a) Due to the changing economic and operational environment of the Clearing Corporation, a Fee Committee was established to review projected costs and revise, where appropriate, all fees of the Clearing Corporation. In reviewing the preliminary budget, the Fee Committee recommended and the Board of Directors approved to establish a number of changes in its fee structure.

(b) The proposed rule change is consistent with the requirements of the Securities Exchange Act of 1934 and the rules and regulations thereunder applying to the Boston Stock Exchange Clearing Corporation because it continues the equitable allocation of fees charged to all participants. The proposed rule change will be implemented consistently with the safeguarding of securities and funds in its custody or control or for which it is responsible because it would insure an efficient system for the settlement of trades and the safekeeping of assets.

(B) *Self-Regulatory Organization's Statement of Burden on Competition.*

No burden on competition is perceived by adoption of the proposed rule change.

(C) *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants of Others.*

Comments have neither been solicited nor received.

III. *Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action.*

The foregoing rule change became effective March 1, 1983 pursuant to Section 19(b)(3)(A) of the Securities Exchange Act of 1934. At any time within 60 days of the filing of such rule change, the Commission may summarily abrogate the rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. *Solicitation of Comments.*

Interested persons are invited to submit written data, views and agruments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed change that are filed with the Commission, and all written communications relating to the proposed change between the Commisssion and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 2 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: April 18, 1983.

George A. Fitzsimmons

Secretary.

Exhibit I

Schedule of Fees Effective March 1, 1983 for Institutional Services

Category	Proposed
Settlement of a Purchase or Sale, withdrawal of a physical certificate	$10.50 per transaction
Deposit	$3.50 per deposit
Legal Deposit	$10.00 per deposit
Issue Maintenance	$.50 per issue per month

[FR Doc. 83-10853 Filed 4-22-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19527; File No. SR-BSE-83-3]

Filing and Immediate Effectiveness of Proposed Rule Change By Boston Stock Exchange, Inc.

February 22, 1983.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on February 7, 1983, the Boston Stock Exchange ("BSE") filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The purpose of the proposed rule change is to increase the original listing fee from $5,000 to $6,000 for each class of stock or bonds applied for in the original listing application; to increase the annual listing maintenance fee from $500 for each issue to $750 for the first issue and $500 for each additional issue; and to increase the maximum listing fee for additional shares from $2,000 to $2,500. The BSE states in its filing that the increase in the listing fees was necessitated by the increasing costs of supplying services by the Exchange to listed companies and to raise additional revenue. According to the PSE, the statutory basis is Section 6(b)(4) of the Act which permits the rules of the Exchange to provide for equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its services.

The foregoing change has become effective, pursuant to Section 19(b)(3)(A) of the Act and subparagraph (e) of Rule 19b-4 under the Act. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments concerning the submission within 21 days after the date of publication in the **Federal Register**. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 5th Street, Washington, D.C. 20549. Reference should be made to File No. SR-BSE-83-3.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 5th Street, NW., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-10844 Filed 4-22-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-19607; Filed No. SR-PSE-83-08]

Self-Regulatory Organization, Proposed Rule Change By the Pacific Stock Exchange Incorporated

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) notice is hereby given that on March 4, 1983, the Pacific Stock Exchange Incorporated filed with the Securities and Exchange Commission

the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Pacific Stock Exchange Incorporated ("PSE" or "Exchange") proposes to amend Article V, Section 1, of its Constitution as follows: (Brackets indicate deleted language; italics indicate added language.)

Article V—Membership in the Exchange

Number of Memberships

Sec. 1. The number of authorized memberships in the Exchange shall be *516.* [742, provided that the 522 additional memberships authorized in 1975 can be sold by the Board of Governors only in accordance with the Options Funding Plan of 1975.] *The sale or lease of additional memberships by the Exchange, beyond those authorized in the preceding sentence, or rights to trade on any facility of the Exchange similar to memberships, shall only be made if authorized by a majority of the Governors voting at a meeting at which a quorum is present and thereafter such action is approved by a majority of the members of the Exchange in writing or at a meeting. The provisions of Article XVII, Section 1, of this Constitution requiring the affirmative vote of at least two-thirds of the members voting shall not be applicable to the approval required by this Section, and this Section shall not apply to the sale of memberships pursuant to any rights offering authorized by the Board prior to March 1, 1983.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) *Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change.* In 1975, Exchange members approved the issuance of up to 522 additional memberships, primarily to make possible funding of the initial costs of the commencement of trading of options on the Exchange. As a result of the Options Funding Plan of 1975 (the "1975 Plan") and subsequent transactions, including rights offerings approved by the Board of Governors in March of 1981 and February of 1983, there are currently 742 authorized memberships of which 484 are presently outstanding. An additional 32 memberships could be created pursuant to the most recent rights offering.

The proposed Constitutional amendment would repeal the authority given to the Board of Governors in the 1975 Plan to issue additional memberships. The Constitutional amendment would require a majority vote of the members before any future membership offerings could be affected. While this amendment would clearly lessen the Board's flexibility, the Board and the Exchange Membership Committee are sympathetic to arguments made by members that they should have a direct say in actions that affect their ownership interest.

(B) *Self-Regulatory Organization's Statement on Burden on Competition.* The proposed rule change imposes no burden on competition.

(C) *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others.* Comments on the proposed rule change were nether solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of the publication of this notice in the **Federal Register** or within such longer period: (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding; or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change; or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned, self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: March 16, 1983.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-10945 Filed 4-22-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-19689; File No. SR-NASD-80-29]

Self-Regulatory Organizations; Amended Proposed Rule Change By National Association of Securities Dealers, Inc.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on March 15, 1983, the National Association of Securities Dealers, Inc. ("Association") filed with the Securities and Exchange Commission ("Commission") the amended proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change and amendments thereto from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Association is proposing minor amendments to the proposed rule change to Schedule E under Article IV, Section 2 of the By-Laws of the Association filed with the Commission on December 31, 1980.

II. Self-Regulatory Organization's Statement Regarding the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included amended statements concerning the purpose of and the basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) *Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change.* The Association is charged under both Sections 15A(b)(2) and 15(A)(b)(6) of the Securities Exchange Act of 1934 with the responsibility of promulgating rules which prevent fraudulent and manipulative practices, promote just and equitable principles of trade, remove impediments to and perfect the mechanisms of a free and open market and generally protect investors. Schedule E was designed to further these purposes by placing restrictions on the participation of members in a public distribution of their own securities or those of affiliates.

The proposed rule change to Schedule E filed with the Commission on December 31, 1980 ("proposal") significantly alters both the scope of Schedule E and substantive restrictions on members' participation in public offerings of their own securities or those of affiliates. The proposal was the result of the Association's determination that many of the existing restrictions in Schedule E do not serve any valid regulatory purpose or unjustifiably impede the capital raising efforts of broker/dealers. No comments were received following publication of the proposal. However, after further consideration, it was determined that some of the requirements in Schedule E which were deleted in the proposal and certain additional requirements should appear in the rule for the protection of public investors who purchase securities issued by a member or an affiliate of a member in an offering in which said member participates.

Perhaps the most significant amendment appears in Subsection 3(c)(1) pursuant to which a member may participate in the distribution of a public offering of its securities or those of an affiliate if the public offering price is no lower than that recommended by one qualified independent underwriter. Under both the proposal and existing Schedule E, members' participation in the distribution of their own securities or those of affiliates is conditioned upon the participation in the offering of two qualified independent underwriters. The cost of two underwriters has been found to be an impediment to capital raising efforts of broker/dealers.

There are two important amendments relating to the scope of Schedule E. Under both the proposal and the proposed amendment, an affiliate is defined as a company which controls, is controlled by, or is under common control with the member. Under the proposal, a presumption of control is established by ownership of 25 percent or more of the outstanding corporate voting securities or partnership interests. Under the amendment, while affiliation is determined on a finding of actual control, a 10 percent rather than 25 percent ownership interest establishes a rebuttable presumption of control. This approach represents a codification of existing Association practice and a clarification of the scope of the rule.

The Association also proposes to return to the existing debt rating standards (Baa or better by Moody's or Bbb or better by Standard and Poor's) required to utilize the exemption in Subsection 3(c)(3). Under the proposal, however, a member satisfying specified criteria relating to experience and financial stability could participate without limitation in the distribution of a public offering of its own securities if the offering was of a class of securities rated Ba or better by Moody's or Bb by Standard and Poor's.

After reconsideration, it was determined that the exemptive standard in Subsection 3(c)(3) should parallel the Commission's rating requirement for debt issues which may be registered on Form S–3. Such a change is also consistent with the Association's proposed revision of the filing requirements of the Corporate Financing Interpretation under Article III, Section 1 of the Rules of Fair Practice (NASD Manual (CCH) ¶2151).

The Association proposes to restore the requirement that a member which makes a public distribution of its securities send to its investors a summary statement of its operations on a quarterly basis and independently audited and certified financial statements on an annual basis. This amendment to the proposal was made because investor protection is enhanced by the periodic receipt of information regarding an issuer's financial condition.

Finally, the amendment requires disclosure in the offering materials of the date by which the contingencies of the offering must be met, as well as disclosure of the procedure for return of investors' funds if such contingencies are not met. This replaces the requirement in existing Schedule E that an offering of a member's securities be completed within 60 days. No such requirement appears in the proposal.

(B) *Self-Regulatory Organization's Statement on Burden on Competition.* Because the amendments proposed restore provisions in existing Schedule E, represent a codification of existing practices under Schedule E, or relax certain provisions of Schedule E, they do not impose an additional burden on competition.

(C) *Self-Regulatory Organization's Statement of Comments on the Proposed Rule Change Received from Members, Participants, or Others.* The Association filed the proposal with the Commission on December 31, 1980. The proposal was published for comment by publication in Securities Exchange Act Release No. 17488 (January 27, 1981), and by publication in the **Federal Register** 46 FR 11077 (February 5, 1981). No comments were received on the proposal.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period: (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that

may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: April 19, 1983.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-10946 Filed 4-22-83; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No.10/10-5181]

Calista Business Investment Corp.; Issuance of a License To Operate as a Small Business Investment Company

On March 1, 1983, a notice was published in the **Federal Register** (48 FR 8619), stating that Calista Business Investment Corporation, located at 516 Denali Street, Anchorage, Alaska 99501, has filed an application with the Small Business Administration pursuant to 13 CFR 107.102 (1983), for a license to operation as a small business investment company under the provisions of Section 301(d) of the Small Business Act of 1958, as amended.

The period for comment expired on March 15, 1983, and no significant comments were received.

Notice is hereby given that considering the application and other pertinent information, SBA has issued License No. 10/10-5181 to Calista Business Investment Corporation.

Dated: April 12, 1983.

Edwin T. Holloway,

Associate Administrator for Finance and Investment.

[FR Doc. 83-10853 Filed 4-22-83; 8:45 am]

BILLING CODE 8025-01-M

Region VII—Advisory Council; Public Meeting

The Small Business Administration Region VII Advisory Council, located in the geographical area of St. Louis and Eastern Missouri, will hold a public meeting at 2:30 p.m., Thursday, May 5, 1983, at the Small Business Administration's St. Louis District Office, 815 Olive Street, St. Louis, Missouri, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Robert L. Andrews, District Director, U.S. Small Business Administration, 815 Olive Street, Room 242, St. Louis, Missouri 63101; (314) 425-6600.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.

April 19, 1983.

[FR Doc. 83-10954 Filed 4-22-83; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice CM-81/620]

Advisory Committee on International Intellectual Property; Meeting

The International Copyright Panel of the Department of State's Advisory Committee on International Intellectual Property will meet in open session on Tuesday, May 10, 1983, in Room 1207 in the Department of State. The meeting will begin at 10:00 a.m. and will continue until 1:00 p.m. if necessary.

The meeting will be open to the general public. The following topics will be discussed:

1. Brussels Satellite Convention;
2. Recent developments in Satellite TV Broadcasting and Copyright: Caribbean Situation and Canada;
3. Report on the WIPO "Worldwide Forum on the Piracy of Broadcasts and of the Printed Word" (March 1983);
4. Report on WIPO-UNESCO Meeting on Development of Model Provisions for Cable Television;
5. UNESCO and Piracy of Copyrighted Works; and
6. Bilateralism in the Conduct of International Copyright Relations.

The public attending may, as time permits and subject to the instructions of the Chairperson, participate in the discussions or may submit their views in writing to the chairperson prior to, or at the meeting, for later consideration by the Committee.

Members of the public who plan to attend the meeting will be admitted up to the limits of the conference room's capacity. Members of the general public who plan to attend the meeting are requested to provide their name, affiliation, and address to Mrs. Bobbi Tinsley, Office of Business Practices, Department of State, telephone (202) 632-1486, prior to May 10, 1983. all attendees to the meeting should use the Main Entrance (2201 C Street, N.W.) of the Department of State.

Dated: April 13, 1983.

Harvey J. Winter,

Executive Secretary.

[FR Doc. 83-10831 Filed 4-22-83; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice CM-8/619]

Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea; Meeting

The Shipping Coordinating Committee's (SHC), Subcommittee on Safety of Life at Sea (SOLAS) Working Group on Carriage of Dangerous Goods, will conduct an open meeting on June 7, 1983, at 10:00 a.m. in Room 3201 of the U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C.

The purpose of this meeting will be to discuss:

—United States positions on matters to be considered at the 35th Session of the International Maritime Organization (IMO) Subcommittee on the Carriage of Dangerous Goods to be held June 27 to July 1, 1983, including United States proposals to be made at the 35th Session.

—IMO activities of a continueing nature.

For further information contact Lieutenant John P. Aherne, U.S. Coast Guard (G-MTH-3), 2100 Second Street, S.W., Washington, D.C. 20593. Telephone: (202) 426-1577.

Members of the public may attend the meeting up to the seating capacity of the room.

Dated: April 13, 1983.

Samuel V. Smith,

Executive Secretary, Shipping Coordinating Committee.

[FR Doc. 83-10830 Filed 4-22-83; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice CM-8/621]

Study Group 1 of the U.S. Organization for the International Radio Consultative Committee (CCIR); Meeting

The Department of State announces that Study Group 1 of the U.S. Organization for the International Radio Consultative Committee (CCIR) will meet on May 13, 1983. This meeting is in lieu of the one scheduled for May 20 which was announced in the **Federal Register** (Vol. 48, No. 52, March 16, 1983) and in Department of State Press Release No. 74, March 14, 1983. The meeting on May 13 will begin at 9:30 a.m. in Conference Room 1605, Herbert C. Hoover Building, Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C.

Study Group 1 deals with matters relating to efficient use of the radio frequency spectrum, and in particular, with problems of frequency sharing, taking into account the attainable characteristics of radio equipment and systems; principles for classifying emissions; and the measurement of emission characteristics and spectrum occupancy. The purpose of the meeting is to consider documents for the international meeting of Study Group 1 later this year in Geneva, Switzerland.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman. Requests for further information should be directed to Mr. Richard Shrum, State Department, Washington, D.C. 20520; telephone (202) 632–2592.

Dated: April 12, 1983.

Richard E. Shrum,

Chairman, U.S. CCIR National Committee.

[FR Doc. 83–10832 Filed 4–22–83; 8:45 am]

BILLING CODE 4710–07–M

[CM–8/622]

Advisory Committee on International Investment, Technology, and Development; Meeting

The Department of State will hold a meeting of the Working Group on Energy and Development of the Advisory Committee on International Investment, Technology, and Development on Wednesday, May 18, 1983, from 9:30 a.m. to 1:00 p.m., in the auditorium of the United States Mission to the United Nations, 799 U.N. Plaza, New York.

The purpose of the meeting is to discuss the effects a moderate or large drop in oil prices would have on the economies of oil-importing developing countries; the criteria the World Bank is using to evaluate its participation on oil and gas development projects and how World Bank involvement might attract (or increase) private sector involvement in these projects; and Chairman's report on the outcome of the International Energy Agency Ministerial.

Requests for further information on the meeting should be directed to Mike Gallagher (202–632–1054) or John Ferriter (202–632–8097).

The meeting will be open to the public. Members of the public wishing to attend the meeting must contact Mr. Gallagher's office in order to arrange entrance to the United States Mission to the United Nations.

The Chairman of the Working Group will, as time permits, entertain oral comments from members of the public attending the meeting.

Dated: April 8, 1983.

Philip T. Lincoln, Jr.,

Executive Secretary.

[FR Doc. 83–10833 Filed 4–22–83; 8:45 am]

BILLING CODE 4710–07–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Advisory circular on Installation of Fuel Flowmeters in Small Airplanes With Continuous-Flow, Fuel-Injection Reciprocating Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Draft advisory Circular (AC) availability and request for comments.

SUMMARY: This AC sets forth acceptable means, but not the only means, of showing compliance with the Civil Air Regulations (CARs) of Federal Aviation Regulations (FARs) applicable to the installation of fuel flowmeters/fuel totalizers in small airplanes with continuous-flow, fuel-injection reciprocating engines. The policy for the requirements of fuel pressure indicator and emergency fuel pump is also reviewed.

DATE: Commenters must identify file AC 23.1305–XX, Subject: Installation of Fuel Flowmeters in Small Airplanes with Continuous-Flow, Fuel–Injection Reciprocating Engines and comments must be received on or before June 9, 1983.

ADDRESS: Send all comments on the draft AC to: Federal Aviation Administration, ATTN: Regulations and Policy Office (ACE–110), 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. Ervin E. Dvorak, Aerospace Engineer, Regulations and Policy Office (ACE–110), Aircraft Certification Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106. Commercial telephone 816–374–6941 or FTS 758–6941.

SUPPLEMENTARY INFORMATION: Any person may obtain a copy of this draft AC by writing to: Federal Aviation Administration, Aircraft Certification Division, Regulations and Policy Office (ACE–110), 601 East 12th Street, Kansas City, Missouri 64106.

Background

Recently, there has been a trend towards replacing fuel pressure indicators and analog reading fuel flowmeters with digital fuel flowmeters/fuel totalizers. New developments in microprocessor technology have resulted in digital fuel flow computer systems that are very accurate and that provide data for improved fuel management. These digital fuel flow computer systems may also display total fuel consumed, total fuel remaining and time remaining. However, these readings are dependent upon the initial fuel supply entered into the fuel computer. The precise digital readings that are displayed to the nearest tenth of a gallon could give the pilot a false sense of accuracy and security, especially the readings for total fuel remaining and time remaining.

Digital fuel flowmeters should not be considered a fuel quantity or a fuel pressure indicator. Different interpretation of the FARs has caused conflict and lack of national standardization for installation of fuel pressure indicators and fuel flowmeters/fuel totalizers in small airplanes that have continuous-flow, fuel-injection systems. Inquiries from members of the aviation community and manufacturers have indicated a need for information concerning approval and installation of digital fuel flowmeters/fuel totalizers.

Comments Invited

Interested parties are invited to submit comments on the draft AC. Comments received on the draft AC may be inspected at the offices of the Regulations and Policy Office (ACE–110), Room 1656, Federal Office Building, 601 East 12th Street, Kansas City, Missouri, between the hours of 7:30 a.m. and 4 p.m. on weekdays, except Federal holidays.

Issued in Kansas City, Missouri.

Murray E. Smith,

Director, Central Region.

[FR Doc. 83–10753 Filed 4–22–83; 8:45 am]

BILLING CODE 4910–13–M

[Summary Notice No. PE–83–9]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from

specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before May 16, 1983.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. ————, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on April 19, 1983.

John H. Cassady,

Assistant Chief Counsel, Regulations and Enforcement Division.

Petitions for Exemption

Docket No.	Petitioner	Regulations affected	Description of relief sought
20774	Midway Southwest Airlines	14 CFR 135.89(b)(3)	Supplemental petition to permit petitioner to operate is Learjet Model 24D and 25B aircraft up to and including 41,000 feet mean sea level without requiring at least one pilot seated at the controls to wear and use an oxygen mask.
23577	Hellenbrand Industries	14 CFR 21.181	To permit petitioner to operate its G-159 and Learjet 35A aircraft using a minimum equipment list.
23519	Jungle Aviation and Radio Service, Inc. (JAARS)	14 CFR 65.93	To permit mechanics employed by petitioner and who work overseas to renew their Inspection Authorization upon returning to the United States.
21774	Finnair	14 CFR Portions of Parts 21 and 91	Renewal of Exemption 3710 to permit petitioner to operate a leased U.S.-registered McDonnel-Douglas DC-10-30 aircraft, N345HC, using an FAA-approved master minimum equipment list and continuous airworthiness maintenance program.
23593	AMAX Coal Co	14 CFR 91.23(a)(2)	To permit petitioner to operate its Bell 222 under the Instrument Flight Rules without an alternate fuel reserve.
23587	Xerox Corp	14 CFR portions of Part 21 and 91	To permit petitioner to operate a Learjet Model 55 aircraft using an FAA-approved master minimum equipment list.
21664	Air Polynesia, Inc	14 CFR 121.371 and 121.378	Renewal of Exemption 3365 to permit petitioner to utilize Air Asia Company Limited, an FAA certificated foreign repair station, No. 653-14P, for overhaul of its McDonnell-Douglas DC-3 and DC-6 aircraft engines, propellers, and accessories, subject to certain conditions and limitations.
23539	Wendy's Int'l., Inc	14 CFR 135.89	To permit petitioner to operate its Falcon 10 aircraft up to and including 41,000 feet without one pilot being required to wear and use an oxygen mask.
23550	Soloy Conversions, Ltd	14 CFR 21.195(b)	To permit petitioner to perform market survey flights on its Cessna 206 aircraft which has been modified with an Allison 250-C20 turbine engine.
21792	Aeronaves de Mexico, S.A. ("AM")	14 CFR portions of Parts 21, 61, 63, and 91	To extend Exemption 3266, as amended, to allow petitioner to operate certain of its aircraft utilizing a FAA-approved master minimum equipment list and a continuous airworthiness maintenance and inspection program.
23591	Flying Tiger Line	14 CFR 121.3(c)	To permit petitioner to operate its aircraft in scheduled air transportation without a flag air carrier operating certificate.
23595	Pan Aero Int'l. (Pan Aero)	14 CFR 212.434)c)(1)(i) and (c)(3)(i)	To permit Robert J. Marshall, an employee of Pan Aero, to act as pilot in command of its aircraft even though he does not meet the operating experience requirements.
23580	Crescent Helicopters	14 CFR 65.91	To permit Mr. Ernest Eadelman to apply for an inspection authorization even though petitioner has not held an airframe certificate continuously for the past 3 years.
23567	Q Aircraft of Southern California	14 CFR 65.104(a)(2)	Supplemental petition to permit Mr. Howard Meissner to apply for a repairman certificate to conduct maintenance and inspection on experimental aircraft without meeting the primary builder requirements.
23602	Boeing Commercial Airplane Company	14 CFR 121.759(a)	To permit operators of Boeing 757 and 767 aircraft to engage the autopilot during take-off climb at the minimum engagement altitude contained in the FAA-approved Airplane Flight Manual.
23586	Page Airways, Inc	14 CFR 135.89(b)(3)	To permit petitioner to operate its Learjet Model 25D above flight level 350 (35,000 feet) up to and including flight level 410 (41,000 feet) without one pilot at the controls being required to wear a secured and sealed oxygen mask.

Dispositions of Petitions for Exemption

Docket No.	Petitioner	Regulations affected	Description of relief sought, disposition
23276	Corsair	14 CFR 121.311(f)	To permit petitioner to operate four DC-9-30 aircraft without each flight attendant having a seat for takeoff and landing in the passenger compartment that meets the seat requirements. *Cancelled Apr. 7, 1983.*
23455	Reeve Aleutian Airways, Inc.	14 CFR 121.574 (a)(1), (a)(3), and (a)(4)	To permit petitioner to carry and operate oxygen storage, generation, and dispensing equipment for medical use by patients requiring emergency attention and being carried as passengers when the equipment is furnished and maintained by a competent medical entity. Those persons would follow prescribed medical practice or direction of a licensed physician. *Granted Mar. 29, 1983.*
19444	Kodiak Western Alaska Airlines, Inc	14 CFR 135.203(a)(1)	To permit petitioner to conduct day visual flight rule (VFR) operations below 500 feet MSL when outside controlled airspace, subject to certain conditions and limitations. *Granted Apr. 15, 1983.*
23533	Empire Airlines, Inc.	14 CFR 93.123	Authority to operate 19-passenger Metro II jetprop aircraft in air carrier slots, at Washington National Airport, for a period up to six months beginning April 1, 1983 and continuing through to Sept. 30, 1983. *Granted Mar. 28, 1983*
23358	Clarke Outdoor Spraying Co., Inc.	14 CFR 91.39(c)	To permit petitioner to carry certain persons on restricted category aircraft while spray gear is installed. *Granted Apr. 1, 1983.*

DISPOSITIONS OF PETITIONS FOR EXEMPTION—Continued

Docket No.	Petitioner	Regulations affected	Description of relief sought, disposition
23560	All Star Airlines	14 CFR 121.211(f)	To permit petitioner to operate its DC-9-10 Inc. aircraft without each flight attendant having a seat for takeoff and landing in the passenger compartment that meets the seat requirements of § 25.785. *Granted Apr. 1, 1983.*
8429	Northern Air Cargo, Inc. (NAC)	14 CFR 91.39 and 121.157	Amendment to and extension of Exemption 7701, which presently permits petitioner to use its C-82 restricted category airplanes to carry only cargo for compensation or hire that is too large, bulky, or heavy to be loaded aboard, unloaded from, or carried by conventional (side fuselage loading) cargo aircraft. The amendment requested would permit NAC to use its C-82 airplanes to carry all types of cargo. *Partial grant Apr. 1, 1983.*
23448	Coastal Aviation Services, Inc.	14 CFR 135.261	To permit petitioner to operate helicopters from Tallahassee Memorial Regional Medical Center, Tallahassee, FL, without complying with duty-time limitations. *Granted Mar. 31, 1983.*
23043	Mr. Dean E. May	14 CFR 61.187(b)	To permit petitioner to give flight instruction even though he has not held a flight instruction certificate during the 24 months immediately preceding the date the instruction would be given. *Denied Apr. 4, 1983*
17709	Sohio Alaska Petroleum Company	14 CFR Part 21 and 91	To permit petitioner to dry-lease certain B-727-90 series aircraft from Alaska Airlines (ASA) using ASA's minimum equipment list and continuous airworthiness maintenance program. *Granted Apr. 5, 1983.*
12227	National Business Aircraft Assn., Inc. (NBAA)	14 CFR 91.169 and 91.181(a)	Amendment to Exemption 1537K to provide that the members of the NBAA are granted an exemption to the extent necessary to allow them to operate helicopters of U.S. registry under the operating rules of §§ 91.183 through 91.215 and the inspection provisions in § 91.169(f), subject to certain conditions *Granted Apr. 5, 1983*
17681	Kenmore Air Barbor, Inc	14 CFR 135.203(a)(1)	To renew Exemption 2528, as amended, to permit petitioner to conduct operations at an altitude below 500 feet over water outside of controlled airspace, subject to certain conditions and limitations. *Granted Apr. 6, 1983.*
22794	Best Airlines	14 CFR 91.307	To amend Exemption No. 3496 to add 1 aircraft. The present exemption allows operation in the United States, under a service to small communities exemption, of specified two-engine airplanes, identified by registration and serial number, that have not been shown to comply with the applicable operating noise limits as follows: Until not later than Jan. 1, 1988: 1 DC-9. *Granted Apr. 7, 1983.*
21275	Air Florida	14 CFR 91.307	To allow operation in the United States, under a service to small communities exemption, of specified two-engine airplanes identified by registration and serial number, that have not been shown to comply with the applicable operating noise limits as follows: Until not later than Jan. 1, 1985: 2 B-737-100: N40AF, and N42AF, and 1 B-737-200 EI-ASF. *Granted Apr. 7, 1983.*
23575	Air Transport Assn. of America (ATA)	14 CFR 121.342(b)	On behalf of petitioner's member airlines and any other qualifying Part 121 operators to permit the operation of certain transport category airplanes equipped with a flight instrument pitot heating system that are not also equipped with an operable pitot heat indication system as required by § 25.1326. *Partial Grant Apr. 8, 1983.*
23528	Air Wisconsin, Inc.	14 CFR 121.411 and 121.413.	To permit petitioner to utilize certain highly qualified British Aerospace (BAe) pilots for training and checking certain of AWA's check airmen, flight instructors, and flight crew members in the BAe 146 aircraft, such training and checking to be conducted in the United Kingdom (UK) in UK-registered BAe 146 aircraft *Granted Apr. 8, 1983.*
23561	American Trans Air	14 CFR 121.311(f)	To permit petitioner to operate its DC-10-10 aircraft until February 1, 1984, without each flight attendant having a seat for takeoff and landing in the passenger compartment that meets the requirements of § 25.785. *Granted Apr 13, 1983*
23488	Amway Corp	14 CFR 61.58(c)	To permit petitioner's company pilots to complete a 24-month pilot-in-command check for the Boeing 727 in an FAA-approved simulator provided that the pilot taking the flight check has completed three takeoffs and three landings within the preceding 90 days in a Boeing 727 aircraft. *Granted Apr. 13, 1983*
23437	Jack N. Robertson	14 CFR 121.383(c)	To permit petitioner to continue to serve as a pilot under Part 121 operations beyond the date of his 60th birthday *Denied Apr. 4, 1983*
23470	Suburban Airlines, Inc	14 CFR 121.687(a)	To permit petitioner to operate short haul flights without filing a visual flight rule (VFR) flight plan in VFR conditions *Denied Apr. 4, 1983*
23360	Omni Int'l Corp.	14 CFR Part 125.247	To permit petitioner to operate its BAC 1-11 203AE aircraft under Part 91 during periods when Omni holds such aircraft as inventory for sale. *Denied Apr. 14, 1983*
23442	Harold J. Cutler	14 CFR 61.187(b)	To permit petitioner to instruct certificated flight instructor students prior to having held petitioner's flight instructor certificate for 24 months *Denied Apr. 13, 1983*
23438	AirLifeLine of Texas	14 CFR 61.118(a)	To amend Exemption 3678A which permits petitioner's volunteer pilots, who hold private pilot certificates, to be reimbursed for fuel, oil, and maintenance expenses while serving on petitioner's official missions. The amendment would delete the limitation which requires that all flights be conducted under VFR during the day, and each aircraft used must comply with the 100 hour inspection requirement of § 91.169 *Partial Grant Apr. 13, 1983*
22558	Boeing Commercial Airplane Co	14 CFR 47.69(b)	To permit petitioner to operate aircraft, with a Dealer's Aircraft Registration Certificate, outside the United States for any demonstration flights and for any test purposes without the necessity of obtaining a limited exemption for each specific aircraft. The exemption is granted for a period of one year to allow the agency to consider amending the regulations. That review is still being conducted, and an extension of the April 22, 1982, Exemption is in order to prevent disruption of petitioner's operations begin conducted under the authority of the exemption *Grant of Temporary Exemption Apr. 14, 1983*

[FR Doc. 83-10872 Filed 4-22-83; 8:45 am]
BILLING CODE 4910-13-M

Radio Techinical Commission for Aeronautics (RTCA); Special Committee 137—Airborne Area Navigation Systems; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 137 on Airborne Area Navigation Systems to be held on May 17–19, 1983, in the RTCA Conference Room, One McPherson Square, 1425 K Street, N.W., Suite 500, Washington, D.C. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of Twelfth Meeting Held on January 25–27, 1983; (3) Discuss European Organization for Civil Aviation Electronics (EUROCAE) Working Group 13 Draft Report on Minimum Operational Performance Standards for Area Navigation Systems Based on Two DME Sensors: (4) Review Fourth Draft of Committee Report on Minimum Operational Performance Standards for Loran-C Based Area Naviation Equipment; (5) Review Third Draft of Committee Report on Minimum Operational Performance Standards for Omega Based Area Naviation Equipment; (6) Review Fourth Draft of Committee Report on Minimum Operational Performance Standards for Multi-Sensor Based Area Naviation Equipment; (7) Review U.S. Air Force Letter on the Global Positioning System (GPS); (8) Assigment of Tasks; and (9) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contract the RTCA Secretariat, One McPherson Square, 1425 K Street NW., Suite 500, Washington, D.C. 20005; (202) 682–0266. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C. on April 15, 1983.

Karl F. Bierach,

Designated Officer

[FR Doc. 83–10868 Filed 4–22–83; 8:45 am]

BILLING CODE 4910–13–M

Federal Highway Administration

[FWHA Docket No. 83–9]

Report on Longer Combination Commercial Motor Vehicles; Study Approach; Opening of Docket

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice and request for comments.

SUMMARY: This notice announces a study approach and establishes a public docket for comment for the preparation of a report regarding longer combination commercial motor vehicles as required by Sections 138 and 415 of the surface Transportation Assistance Act of 1982. The purpose of the report is to analyze the potential benefits and costs, if any, to shippers, receivers, operators of commercial motor vehicles, and the general public, that reasonably may be anticipated from the establishment of a national intercity truck route network for the operation of a special class of longer combination commercial motor vegicles.

DATE: Comments must be received on or before April 30, 1984.

ADDRESS: Submit written comments, preferably in triplicate, to FHWA Docket No. 83–9, Federal Highway Administration, Room 4205, HCC–10, 400 Seventh Street, SW., Washington, D.C. 20590. All comments received will be available for examination at the above address between 7:45 a.m. to 4:30 p.m. ET, Monday through Friday. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard.

FOR FURTHER INFORMATION CONTACT: Mr. Roger D. Mingo, Systems Analysis Branch, (202) 426–0570, or Mr. Michael J. Laska, Office of the Chief Counsel, (202) 426–0761, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION:

Background

Sections 138 and 415 of the Surface Transportation Assistance Act of 1982 (Pub. L. 97–424, 96 Stat. 2126, 2161) directs the Department of Transportation, after consultation with the transportation officials and governors of the several States and after an opportunity for public comments, to submit to Congress a detailed report regarding a national intercity truck route network for the operation of a special class of longe combination commercial motor vehicles. The network to be evaluated is to consist of controlled-access interconnecting segments of the Interstate System and other highways of comparable design and capacity. Longer combination vehicles means truck-tractor-semitrailer-full-trailer (double) and truck-tractor-semitrailer-full-trailer-full-trailer (triple) combinations up to 110 feet with gross combination weights subject to the bridge formula and the single and tandem axle weight limits set forth in 23 U.S.C. 127.

The report is to include:

(1) A plan for the establishment of a national intercity truck route network and the designatoin of highway segments that would be required to connect the major distribution centers and markets;

(2) An analysis of the estimated volume of intercity motor freight that would be anticipated to be transported over such a network;

(3) An analysis of the anticipated fuel savings to be derived from the establishment of a network;

(4) An analysis of the productivity gains that would result;

(5) An analysis of fuel conservation and productivity gains that have been historically achieved by operators of longer vehicles;

(6) An analysis of the safety record of longer combination vehicles; and

(7) An anlysis of the effect of size and weight limitations established by the Surface Transportation Assistance Act of 1982.

Study Need

Implicit in the concept of a network for longer combination vehicles are several assumptions. One is that there is a network that can safely accommodate longer vehicles. A second is that productivity of long-haul carriers will increase through the use of the longer vehicles and that lower transportation costs will translate into lower shipping rates and ultimately into lower prices for goods. Additionally, it could be anticipated that fuel consumption would be reduced in the transportation sector.

It is our intent to evaluate these assumptions and to consider the impacts of such a network. Costs, such as safety, pavement and bridge damage, are to be compared to the overall benefits that could result from a network for longer combination vehicles.

Scope of the Study

The scope of the study involves the identification of vehicles and their performance characteristics, designation of networks for analysis, determination of mode shift and estimation of the impacts on carriers, shippers, and the

public. Several potential networks will be identified and evaluated with respect to geometric roadway design and operating standards. Mode shift analysis, to include estimation of diversion from rail, will be performed For each network, the following impacts will be determined: volume of freight carried over the network; fuel consumption; operating costs; productivity; shipper/receiver benefits; safety; highway investment needs; and traffic operating characteristics.

Methodology

Two analysis approaches will be used: historical case study and model simulation. Historical information on the operation of longer combination vehicles in the United States and Canada will be obtained, including: conditions of operation, routes, access to designated routes, fuel consumption, types of commodities hauled, types of operations, operating costs, productivity, typical gross weight and payloads, accident rates, and handling and tracking capabilities.

Standard network analysis methods will be used, commodity flow analyzed and the markets and major distribution centers identified. For each designated network, the following will be estimated by means of model simulation:

A. The volume of commodities transported.
B. Fuel consumption;
C. Vehicle miles traveled;
D. Pavement damage and costs;
E. Transportation cost;
F. Population exposure;
G. Network congestion;
H. Vehicle mix;
I. Carrier productivity;
J. Coverage of economic activities;
K. Deterioration of bridges and costs;
L. Accident rates and costs.

Additionally, a detailed analysis of mode shift and industry benefits will be performed.

Reports

Those interested in providing information, papers or case study materials on topics mentioned in the scope are requested to send them to the docket. Interim progress reports will be available to all who request them. The final report will be completed by July 1984.

Issued April 15, 1983.

R. A. Barnhart,

Federal Highway Administrator, Federal Highway Administration.

[FR Doc. 83-10849 Filed 4-22-83; 8:45 am]

BILLING CODE 4910-22-M

Maritime Administration

Maritime Advisory Committee Meeting

AGENCY: Maritime Administration (MARAD), DOT.

ACTION: Notice.

SUMMARY: The Maritime Advisory Committee will hold its third meeting on May 3, 1983, at 10:00 a.m., in Room 3200, Department of Transportation, 400 7th Street, SW., Washington, D.C. The Committee will consider Administration programs and policies on current maritime issues.

Dated: April 20, 1983.

By order of the Maritime Administrator

Georgia P. Stamas,

Secretary.

[FR Doc. 83-10893 Filed 4-22-83; 8:45 am]

BILLING CODE 4910-81-M

Urban Mass Transportation Administration

Implementation of the Federal Public Transportation Act of 1982

AGENCY: Urban Mass Transportation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Public Transportation Act of 1982 (Pub. L. 97-424) establishes a new FY 1983 Section 9A formula program. This Notice contains the complete apportionments for non-urbanized areas and urbanized areas under 200,000 population and 90.3% of the apportionments for urbanized areas over 200,000 population under the formula for Section 9A.

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth E. Bolton, Director, Office of Policy, (202) 426-4060, 400 Seventh Street, S.W., Washington, D.C. 20590.

SUPPLEMENTARY INFORMATION: The Federal Public Transportation Act of 1982 (Pub. L. 97-424), effective January 6, 1983, established a new FY 1983 Section 9A formula program funded from the Mass Transit Account of the Highway Trust Fund for transit capital projects. On January 24, 1983, UMTA published in the **Federal Register** (48 FR 3300) a notice which included preliminary apportionments for this program for FY 1983; 65% of the total funds authorized were apportioned. A partial apportionment was made because the Section 9A statutory formula requires for its calculaton, data which had not previously been submitted to UMTA. UMTA has allowed two months for the submission of such supplemental data and those data are now being reviewed and validated. Based on a preliminary review of the supplemental data, UMTA is now able to make this more complete apportionment.

UMTA also brings to the attention of grantees congressional intent that the funds be obligated and disbursed as rapidly as possible so as to quickly assist the unemployed and the needy.

This notice thus makes the following further apportionments for the Section 9A and Section 18 programs.

Urbanized Areas under 200,000 Population. All of the funds authorized for urbanized areas under 200,000 population are apportioned in this Notice. The amounts authorized for these urbanized areas can be completely apportioned since the Section 9A formula for such area is based upon 1980 Census data.

Non-Urbanized Areas. 2.93 percent of the FY 1983 contract authorization by statute is directed to UMTA's Section 18 non-urbanized program. All of the funds authorized for this program are apportioned in this Notice since the Section 18 formula also is based upon 1980 Census data.

UZAs of 200,000 or more Population. For these areas, 90.3 percent of the funds authorized are being apportioned. The apportionment uses the same data that were used in the January 24, 1983, apportionment. The remaining 9.7 percent is being reserved to allow for adjustments in the final apportionment due to supplemental data submissions now being reviewed by UMTA, as discussed above. Preliminary review of the data indicates that subsequent

adjustments can be covered by a reserve of this amount.

With respect to a UZA of 200,000 or more population, it must be emphasized that this apportionment is still preliminary and does not necessarily represent the exact amount to be ultimately apportioned when the supplemental data now being reviewed by UMTA is validated. In fact, some UZAs may be apportioned somewhat more or less than the amount shown on the apportionment because of recomputations required on the basis of supplemental data submitted. Apportionments for Trenton and UZAs in Connecticut may undergo reductions of more than 10 percent based upon preliminary analysis of the commuter rail supplemental data submitted by these and other localities. UMTA will advise any such areas in writing, and will publish the remaining 9.7 percent apportionment as soon as possible but no later than July 1, 1983.

Issued on: April 19, 1983.

Arthur E. Teele, Jr.,

Administrator.

BILLING CODE 4910-57-M

FY 1983 PRELIMINARY APPORTIONMENT OF THE FUND
MADE AVAILABLE FROM THE MASS TRANSIT ACCOUNT OF THE HIGHWAY TRUST
FUND AS PROVIDED UNDER THE FEDERAL PUBLIC TRANSPORTATION ACT OF 1982

(Total Funds Apportioned are 90.3% of the FY 1983 Level for Urbanized Areas over 200,000 population, 100% for both Urbanized Areas Under 200,000 and Non-Urbanized Areas)

($ in thousands)

State/Urbanized Area	Proposed Obligation Level	
ALABAMA		
Birmingham	1599	
Mobile	634	
Governors Apportionment for areas 50,000 to 200,000 population	1836	
Montgomery	(488)	
Huntsville	(328)	
Tuscaloosa	(240)	
Anniston	(160)	
Gadsden	(147)	
Florence	(156)	
Decatur	(116)	
Dothan	(102)	
Auburn	(99)	
Non-Urbanized	544	
State Total		4613
ALASKA		
Governors Apportionment for areas 50,000 to 200,000 population	372	
Anchorage	(372)	
Non-Urbanized	59	
State Total		431
ARIZONA		
Phoenix	3059	
Tucson	1733	
Governors Apportionment for areas 50,000 to 200,000 population	159	
Yuma	(159)	
Non-Urbanized	206	
State Total		5157
ARKANSAS		
Little Rock-North Little Rock	744	
Governors Apportionment for areas 50,000 to 200,000 population	502	
Fort Smith, AR-OK	(197)	
Pine Bluff	(176)	
Fayetteville, Springdale	(129)	
Non-Urbanized	440	
State Total		1686
CALIFORNIA		
Los Angeles-Long Beach	40517	
San Francisco-Oakland	28467	
San Diego	6706	
San Jose	5834	
Sacramento	2907	
Riverside-San Bernardino	2013	
Oxnard-Ventura-Thousand Oaks	899	
Fresno	1484	
Bakersfield	678	
Governors Apportionment for areas 50,000 to 200,000 population	5499	
Stockton	(698)	
Modesto	(584)	
Santa Barbara	(540)	
Santa Rosa	(428)	
Santa Cruz	(306)	
Seaside-Monterey	(394)	
Antioch	(309)	
Salinas	(379)	
Simi Valley	(269)	
Fairfield	(195)	
Palm Springs	(138)	
Yuba City	(181)	
Napa	(204)	
Visalia	(172)	
Santa Maria	(173)	
Lancaster	(124)	
Hemet	(150)	
Redding	(114)	
Chico	(141)	
Non-Urbanized	998	
State Total		96002

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($ in thousands)

State/Urbanized Area	Proposed Obligation Level	
COLORADO		
Denver-Boulder	4911	
Colorado Springs	1000	
Governors Apportionment for areas 50,000 to 200,000 population	1000	
Fort Collins	(1000)	
Non-Urbanized	1000	
State Total		7911
CONNECTICUT		
Hartford	2000	
New Haven-West Haven	2000	
Bridgeport	1000	
Stamford	1000	
Waterbury	1000	
Governors Apportionment for areas 50,000 to 200,000 population	1000	
Norwalk	(1000)	
Non-Urbanized	1000	
State Total		9000
DELAWARE		
Governors Apportionment for areas 50,000 to 200,000 population	1000	
Wilmington	(1000)	
Non-Urbanized	1000	
State Total		2000
DISTRICT OF COLUMBIA		
Washington, DC-MD-VA	15000	
Governors Apportionment for areas 50,000 to 200,000 population	1000	
Non-Urbanized	1000	
State Total		17000
FLORIDA		
Miami	5000	
Tampa-St. Petersburg	3000	
Jacksonville	1000	
Orlando	1000	
Governors Apportionment for areas 50,000 to 200,000 population	1000	
Fort Lauderdale	(1000)	
Non-Urbanized	1000	
State Total		12000
GEORGIA		
Atlanta	4000	
Governors Apportionment for areas 50,000 to 200,000 population	1000	
Columbus, GA-AL	(1000)	
Non-Urbanized	1000	
State Total		6000
HAWAII		
Honolulu	2000	
Governors Apportionment for areas 50,000 to 200,000 population	1000	
Non-Urbanized	1000	
State Total		4000
IDAHO		
Governors Apportionment for areas 50,000 to 200,000 population	1000	
Non-Urbanized	1000	
State Total		2000
ILLINOIS		
Chicago	15000	
Governors Apportionment for areas 50,000 to 200,000 population	1000	
Non-Urbanized	1000	
State Total		17000
INDIANA		
Governors Apportionment for areas 50,000 to 200,000 population	1000	
Non-Urbanized	1000	
State Total		2000
IOWA		
Governors Apportionment for areas 50,000 to 200,000 population	1000	
Non-Urbanized	1000	
State Total		2000
KANSAS		
Governors Apportionment for areas 50,000 to 200,000 population	1000	
Non-Urbanized	1000	
State Total		2000
KENTUCKY		
Governors Apportionment for areas 50,000 to 200,000 population	1000	
Non-Urbanized	1000	
State Total		2000
LOUISIANA		
New Orleans	2000	
Governors Apportionment for areas 50,000 to 200,000 population	1000	
Non-Urbanized	1000	
State Total		4000
MAINE		
Governors Apportionment for areas 50,000 to 200,000 population	1000	
Non-Urbanized	1000	
State Total		2000
MARYLAND		
Baltimore	4000	
Governors Apportionment for areas 50,000 to 200,000 population	1000	
Non-Urbanized	1000	
State Total		6000
MASSACHUSETTS		
Boston	8000	
Governors Apportionment for areas 50,000 to 200,000 population	1000	
Non-Urbanized	1000	
State Total		10000
MICHIGAN		
Detroit	6000	
Governors Apportionment for areas 50,000 to 200,000 population	1000	
Non-Urbanized	1000	
State Total		8000
MINNESOTA		
Governors Apportionment for areas 50,000 to 200,000 population	1000	
Non-Urbanized	1000	
State Total		2000
MISSISSIPPI		
Governors Apportionment for areas 50,000 to 200,000 population	1000	
Non-Urbanized	1000	
State Total		2000
MISSOURI		
St. Louis	3000	
Governors Apportionment for areas 50,000 to 200,000 population	1000	
Non-Urbanized	1000	
State Total		5000
MONTANA		
Governors Apportionment for areas 50,000 to 200,000 population	1000	
Non-Urbanized	1000	
State Total		2000
NEBRASKA		
Governors Apportionment for areas 50,000 to 200,000 population	1000	
Non-Urbanized	1000	
State Total		2000
NEVADA		
Governors Apportionment for areas 50,000 to 200,000 population	1000	
Non-Urbanized	1000	
State Total		2000
NEW HAMPSHIRE		
Governors Apportionment for areas 50,000 to 200,000 population	1000	
Non-Urbanized	1000	
State Total		2000
NEW JERSEY		
Newark	4000	
Governors Apportionment for areas 50,000 to 200,000 population	1000	
Non-Urbanized	1000	
State Total		6000
NEW MEXICO		
Governors Apportionment for areas 50,000 to 200,000 population	1000	
Non-Urbanized	1000	
State Total		2000
NEW YORK		
New York	30000	
Governors Apportionment for areas 50,000 to 200,000 population	1000	
Non-Urbanized	1000	
State Total		32000
NORTH CAROLINA		
Governors Apportionment for areas 50,000 to 200,000 population	1000	
Non-Urbanized	1000	
State Total		2000
NORTH DAKOTA		
Governors Apportionment for areas 50,000 to 200,000 population	1000	
Non-Urbanized	1000	
State Total		2000
OHIO		
Governors Apportionment for areas 50,000 to 200,000 population	1000	
Non-Urbanized	1000	
State Total		2000
OKLAHOMA		
Governors Apportionment for areas 50,000 to 200,000 population	1000	
Non-Urbanized	1000	
State Total		2000
OREGON		
Governors Apportionment for areas 50,000 to 200,000 population	1000	
Non-Urbanized	1000	
State Total		2000
PENNSYLVANIA		
Philadelphia	6000	
Governors Apportionment for areas 50,000 to 200,000 population	1000	
Non-Urbanized	1000	
State Total		8000
PUERTO RICO		
San Juan	2000	
Governors Apportionment for areas 50,000 to 200,000 population	1000	
Non-Urbanized	1000	
State Total		4000
RHODE ISLAND		
Governors Apportionment for areas 50,000 to 200,000 population	1000	
Non-Urbanized	1000	
State Total		2000
SOUTH CAROLINA		
Governors Apportionment for areas 50,000 to 200,000 population	1000	
Non-Urbanized	1000	
State Total		2000
SOUTH DAKOTA		
Governors Apportionment for areas 50,000 to 200,000 population	1000	
Non-Urbanized	1000	
State Total		2000
TENNESSEE		
Governors Apportionment for areas 50,000 to 200,000 population	1000	
Non-Urbanized	1000	
State Total		2000
TEXAS		
Houston	4000	
Dallas-Fort Worth	4000	
San Antonio	2000	
Governors Apportionment for areas 50,000 to 200,000 population	1000	
Non-Urbanized	1000	
State Total		12000
UTAH		
Governors Apportionment for areas 50,000 to 200,000 population	1000	
Non-Urbanized	1000	
State Total		2000
VERMONT		
Governors Apportionment for areas 50,000 to 200,000 population	1000	
Non-Urbanized	1000	
State Total		2000
VIRGINIA		
Governors Apportionment for areas 50,000 to 200,000 population	1000	
Non-Urbanized	1000	
State Total		2000
WASHINGTON		
Governors Apportionment for areas 50,000 to 200,000 population	1000	
Non-Urbanized	1000	
State Total		2000
WEST VIRGINIA		
Governors Apportionment for areas 50,000 to 200,000 population	1000	
Non-Urbanized	1000	
State Total		2000
WISCONSIN		
Governors Apportionment for areas 50,000 to 200,000 population	1000	
Non-Urbanized	1000	
State Total		2000
WYOMING		
Governors Apportionment for areas 50,000 to 200,000 population	1000	
Non-Urbanized	1000	
State Total		2000
Total		360000

State Total	96002

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($ in thousands)

State/Urbanized Area	Proposed Obligation Level	
COLORADO		
Denver	5212	
Colorado Springs	776	
Governors Apportionment for areas 50,000 to 200,000 population	1216	
Pueblo	(329)	
Boulder	(300)	
Fort Collins	(225)	
Greeley	(217)	
Grand Junction	(145)	
Non-Urbanized	223	
State Total		7427
*CONNECTICUT		
Connecticut Rail	3452	
Hartford	2167	
Bridgeport	1137	
New Haven	1340	
Governors Apportionment for areas 50,000 to 200,000 population	2677	
Stamford	(535)	
Waterbury	(463)	
New London-Norwich	(349)	
New Britain	(424)	
Norwalk	(309)	
Danbury	(216)	
Bristol	(211)	
Meriden	(170)	
Non-Urbanized	203	
State Total		10976

* Final apportionments for Connecticut UZAs may be lower than shown because of supplemental commuter rail data submitted as of March 24, 1983 by localities.

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($ in thousands)

State/Urbanized Area	Proposed Obligation Level	
DELAWARE		
Wilmington, DE-NJ	1296	
Non-Urbanized	58	
State Total		1354
FLORIDA		
Miami	6504	
Fort Lauderdale	2651	
St. Petersburg	2260	
Jacksonville	2010	
Orlando	1234	
Tampa	1428	
West Palm Beach	1431	
Sarasota-Bradenton	652	
Pensacola	467	
Melbourne-Cocoa	290	
Governors Apportionment for areas 50,000 to 200,000 population	2539	
Daytona Beach	(420)	
Fort Myers	(332)	
Tallahassee	(301)	
Lakeland	(271)	
Gainesville	(281)	
Fort Walton Beach	(197)	
Panama City	(180)	
Winter Haven	(176)	
Fort Pierce	(157)	
Naples	(112)	
Ocala	(112)	
Non-Urbanized	593	
State Total		22059

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($ in thousands)

State/Urbanized Area	Proposed Obligation Level	
GEORGIA		
Atlanta	7188	
Augusta	521	
Columbus	661	
Governors Apportionment for areas 50,000 to 200,000 population	1415	
Savannah	(439)	
Macon	(364)	
Albany	(204)	
Athens	(151)	
Warner Robins	(143)	
Rome	(114)	
Non-Urbanized	731	
State Total		10516
HAWAII		
Honolulu	4080	
Governors Apportionment for areas 50,000 to 200,000 population	364	
Kailua-Kaneohe	(364)	
Non-Urbanized	71	
State Total		4515
IDAHO		
Governors Apportionment for areas 50,000 to 200,000 population	527	
Boise City	(380)	
Pocatello	(147)	
Non-Urbanized	193	
State Total		720

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($ in thousands)

State/Urbanized Area	Proposed Obligation Level	
ILLINOIS		
Chicago,IL-Northwestern, IN	56820	
Davenport-Rock Island-Moline	810	
Peoria	735	
Rockford	606	
Governors Apportionment for areas 50,000 to 200,000 population	3465	
Joliet	(494)	
Aurora-Elgin	(462)	
Springfield	(381)	
Champaign-Urbana	(431)	
Decatur	(310)	
Elgin	(345)	
Alton	(230)	
Bloomington-Normal	(302)	
Round Lake Beach	(160)	
Kankakee	(201)	
Danville	(149)	
Non-Urbanized	802	
State Total		63238
INDIANA		
Indianapolis	2393	
Fort Wayne	860	
South Bend, IN-MI	684	
Governors Apportionment for areas 50,000 to 200,000 population	2209	
Evansville	(561)	
Muncie	(283)	
Lafayette-West Lafayette	(314)	
Elkhart-Goshen	(220)	
Anderson	(195)	
Terre Haute	(213)	
Bloomington	(220)	
Kokomo	(203)	
Non-Urbanized	739	
State Total		6885

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($ in thousands)

State/Urbanized Area	Proposed Obligation Level	
IOWA		
Des Moines	840	
Governors Apportionment for areas 50,000 to 200,000 population	1234	
Cedar Rapids	(374)	
Waterloo	(264)	
Sioux City, IA-NE-SD	(232)	
Dubuque, IA-IL	(206)	
Iowa City	(158)	
Non-Urbanized	507	
State Total		2581
KANSAS		
Wichita	904	
Governors Apportionment for areas 50,000 to 200,000 population	509	
Topeka	(343)	
Lawrence	(166)	
Non-Urbanized	386	
State Total		1799
KENTUCKY		
Louisville, KY-IN	2879	
Governors Apportionment for areas 50,000 to 200,000 population	807	
Lexington	(593)	
Owensboro	(214)	
Non-Urbanized	621	
State Total		4307

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($ in thousands)

State/Urbanized Area	Proposed Obligation Level	
LOUISIANA		
New Orleans	4830	
Baton Rouge	766	
Shreveport	793	
Governors Apportionment for areas 50,000 to 200,000 population	1275	
Lake Charles	(291)	
Lafayette	(337)	
Monroe	(274)	
Alexandria	(226)	
Houma	(147)	
Non-Urbanized	512	
State Total		8176
MAINE		
Governors Apportionment for areas 50,000 to 200,000 population	523	
Portland	(268)	
Lewiston-Auburn	(138)	
Bangor	(117)	
Non-Urbanized	224	
State Total		747
MARYLAND		
Baltimore	8160	
Governors Apportionment for areas 50,000 to 200,000 population	492	
Hagerstown	(171)	
Annapolis	(175)	
Cumberland	(146)	
Non-Urbanized	275	
State Total		8927

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($ in thousands)

State/Urbanized Area		Proposed Obligation Level
MASSACHUSETTS		
Boston		21406
Springfield-Chicopee-Holyoke, MA-CT		1670
Worcester		834
Lawrence-Haverhill, MA-NH		454
Governors Apportionment for areas 50,000 to 200,000 population		2444
Brockton	(574)	
Lowell	(488)	
Fall River, MA-RI	(494)	
New Bedford	(488)	
Fitchburg-Leominster	(168)	
Pittsfield	(128)	
Taunton	(104)	
Non-Urbanized		330
State Total		27138
MICHIGAN		
Detroit		13860
Grand Rapids		581
Flint		907
Lansing		460
Ann Arbor		682
Governors Apportionment for areas 50,000 to 200,000 population		2141
Kalamazoo	(418)	
Saginaw	(477)	
Muskegon-Muskegon Heights	(274)	
Jackson	(229)	
Battle Creek	(193)	
Bay City	(222)	
Benton Harbor	(161)	
Port Huron	(167)	
Non-Urbanized		892
State Total		19523

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($ in thousands)

State/Urbanized Area		Proposed Obligation Level
MINNESOTA		
Minneapolis-St. Paul		6155
Governors Apportionment for areas 50,000 to 200,000 population		645
Duluth-Superior, MN-WI	(271)	
Rochester	(199)	
St. Cloud	(175)	
Non-Urbanized		517
State Total		7317
MISSISSIPPI		
Jackson		510
Governors Apportionment for areas 50,000 to 200,000 population		688
Biloxi-Gulfport	(417)	
Pascagoula-Moss Point	(144)	
Hattiesburg	(127)	
Non-Urbanized		494
State Total		1692
MISSOURI		
St. Louis, MO-IL		6537
Kansas City, MO-KS		2927
Governors Apportionment for areas 50,000 to 200,000 population		852
Springfield	(374)	
St. Joseph, MO-KS	(202)	
Columbia	(155)	
Joplin	(121)	
Non-Urbanized		587
State Total		10903

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($ in thousands)

State/Urbanized Area	Proposed Obligation Level	
MONTANA		
Governors Apportionment for areas 50,000 to 200,000 population	615	
Billings	(242)	
Great Falls	(214)	
Missoula	(159)	
Non-Urbanized	148	
State Total		763
NEBRASKA		
Omaha, NE-IA	1999	
Governors Apportionment for areas 50,000 to 200,000 population	552	
Lincoln	(552)	
Non-Urbanized	239	
State Total		2790
NEVADA		
Las Vegas	677	
Governors Apportionment for areas 50,000 to 200,000 population	464	
Reno	(464)	
Non-Urbanized	52	
State Total		1193

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($ in thousands)

State/Urbanized Area	Proposed Obligation Level	
NEW HAMPSHIRE		
Governors Apportionment for areas 50,000 to 200,000 population	723	
Portsmouth-Dover-Rochester	(202)	
Manchester	(309)	
Nashua	(212)	
Non-Urbanized	160	
State Total		883
NEW JERSEY		
*Trenton, NJ-PA	2062	
Governors Apportionment for areas 50,000 to 200,000 population	544	
Atlantic City	(381)	
Vineland-Millville	(163)	
Non-Urbanized	274	
State Total		2880
NEW MEXICO		
Albuquerque	1293	
Governors Apportionment for areas 50,000 to 200,000 population	264	
Las Cruces	(141)	
Santa Fe	(123)	
Non-Urbanized	198	
State Total		1755

* Final apportionment for Trenton may be lower than shown because of supplemental commuter rail data submitted as of March 24, 1983 by localities.

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($ in thousands)

State/Urbanized Area		Proposed Obligation Level
NEW YORK		
New York, NY-NE.NJ		162074
Buffalo		3382
Rochester		2358
Albany-Schenectady-Troy		1937
Syracuse		1627
Governors Apportionment for areas 50,000 to 200,000 population		1736
Binghamton	(488)	
Utica	(411)	
Poughkeepsie	(343)	
Elmira	(213)	
Newburgh	(155)	
Glens Falls	(125)	
Non-Urbanized		463
State Total		171806
NORTH CAROLINA		
Charlotte		1229
Fayetteville		466
Raleigh		593
Governors Apportionment for areas 50,000 to 200,000 population		2981
Winston-Salem	(415)	
Greensboro	(496)	
Durham	(442)	
Gastonia	(246)	
Asheville	(225)	
High Point	(234)	
Wilmington	(190)	
Jacksonville	(157)	
Concord	(158)	
Burlington	(160)	
Hickory	(133)	
Goldsboro	(125)	
Non-Urbanized		994
State Total		6263

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($ in thousands)

State/Urbanized Area		Proposed Obligation Level
NORTH DAKOTA		
Governors Apportionment for areas 50,000 to 200,000 population		646
Fargo-Morehead, ND-MN	(304)	
Bismarck-Mandan	(166)	
Grand Forks	(176)	
Non-Urbanized		122
State Total		768
OHIO		
Cleveland		7950
Cincinnati		3843
Columbus		2898
Dayton		3801
Akron		1481
Toledo, OH-MI		1913
Youngstown-Warren		904
Canton		783
Lorain-Elyria		294
Governors Apportionment for areas 50,000 to 200,000 population		1544
Hamilton	(307)	
Middletown	(219)	
Springfield	(302)	
Mansfield	(193)	
Steubenville-Weirton, OH-WV	(196)	
Lima	(196)	
Newark	(131)	
Non-Urbanized		1089
State Total		26500

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($ in thousands)

State/Urbanized Area	Proposed Obligation Level	
OKLAHOMA		
Oklahoma City	1275	
Tulsa	1160	
Governors Apportionment for areas 50,000 to 200,000 population	365	
Lawton	(246)	
Enid	(119)	
Non-Urbanized	450	
State Total		3250
OREGON		
Portland, OR-WA	4494	
Governors Apportionment for areas 50,000 to 200,000 population	1174	
Eugene	(605)	
Salem	(420)	
Medford	(149)	
Non-Urbanized	349	
State Total		6017

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($ in thousands)

State/Urbanized Area	Proposed Obligation Level	
PENNSYLVANIA		
Philadelphia, PA-NJ	34112	
Pittsburgh	10099	
Scranton-Wilkes-Barre	1216	
Allentown-Easton-Bethlehem, PA-NJ	1924	
Harrisburg	737	
Governors Apportionment for areas 50,000 to 200,000 population	3380	
Erie	(663)	
Reading	(618)	
Lancaster	(465)	
York	(409)	
Johnstown	(275)	
Altoona	(258)	
Monessen	(162)	
Williamsport	(181)	
State College	(192)	
Sharon	(157)	
Non-Urbanized	1201	
State Total		52669
RHODE ISLAND		
Providence-Pawtucket, RI-MA	4420	
Governors Apportionment for areas 50,000 to 200,000 population	147	
Newport	(147)	
Non-Urbanized	40	
State Total		4607

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($ in thousands)

State/Urbanized Area		Proposed Obligation Level
SOUTH CAROLINA		
Charleston		428
Columbia		432
Greenville		304
Governors Apportionment for areas 50,000 to 200,000 population		589
Spartanburg	(227)	
Florence	(127)	
Anderson	(121)	
Rock Hill	(114)	
Non-Urbanized		494
State Total		2247
SOUTH DAKOTA		
Governors Apportionment for areas 50,000 to 200,000 population		370
Sioux Falls	(234)	
Rapid City	(136)	
Non-Urbanized		141
State Total		511
TENNESSEE		
Memphis, TN-MS		3263
Nashville-Davidson		1502
Chattanooga		800
Knoxville		802
Governors Apportionment for areas 50,000 to 200,000 population		761
Kingsport	(182)	
Johnson City	(175)	
Clarksville	(179)	
Bristol, TN-VA	(111)	
Jackson	(114)	
Non-Urbanized		640
State Total		7768

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($ in thousands)

State/Urbanized Area		Proposed Obligation Level
TEXAS		
Dallas-Fort Worth		5951
Houston		5673
San Antonio		4425
El Paso		1555
Austin		1116
Corpus Christi		597
Governors Apportionment for areas 50,000 to 200,000 population		5943
Lubbock	(459)	
McAllen-Pharr-Edinburg	(477)	
Amarillo	(390)	
Waco	(297)	
Beaumont	(296)	
Port Arthur	(263)	
Texas City-La Marque	(217)	
Odessa	(291)	
Abilene	(219)	
Laredo	(405)	
Wichita Falls	(246)	
Brownsville	(304)	
Killeen	(250)	
Bryan-College Station	(210)	
San Angelo	(197)	
Tyler	(198)	
Midland	(192)	
Longview	(157)	
Harlingen-San Benito	(164)	
Texarkana, TX-AR	(151)	
Galveston	(170)	
Sherman-Denison	(122)	
Temple	(113)	
Victoria	(155)	
Non-Urbanized Area		1304
State Total		26564

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($ in thousands)

State/Urbanized Area	Proposed Obligation Level	
UTAH		
Salt Lake City	2954	
Ogden	269	
Governors Apportionment for areas 50,000 to 200,000 population	477	
Provo-Orem	(477)	
Non-Urbanized	105	
State Total		3805
VERMONT		
Governors Apportionment for areas 50,000 to 200,000 population	187	
Burlington	(187)	
Non-Urbanized	111	
State Total		298
VIRGINIA		
Norfolk-Portsmouth	2279	
Richmond	1728	
Newport News-Hampton	833	
Governors Apportionment for areas 50,000 to 200,000 population	1278	
Roanoke	(477)	
Petersburg-Colonial Heights	(269)	
Lynchburg	(196)	
Charlottesville	(197)	
Danville	(139)	
Non-Urbanized	590	
State Total		6708

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($ in thousands)

State/Urbanized Area	Proposed Obligation Level	
WASHINGTON		
Seattle-Everett	7694	
Tacoma	1299	
Spokane	867	
Governors Apportionment for areas 50,000 to 200,000 population	1125	
Richland-Kennewick	(276)	
Yakima	(242)	
Olympia	(168)	
Bremerton	(167)	
Longview, WA-OR	(136)	
Bellingham	(136)	
Non-Urbanized	386	
State Total		11371
WEST VIRGINIA		
Governors Apportionment for areas 50,000 to 200,000 population	1516	
Huntington-Ashland, WV-OH-KY	(532)	
Charleston	(448)	
Wheeling	(323)	
Parkersburg	(213)	
Non-Urbanized	395	
State Total		1911

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($ in thousands)

State/Urbanized Area	Proposed Obligation Level	
WASHINGTON, D.C., MD-VA	19499	
State Total		19499
PUERTO RICO		
San Juan	4891	
Governors Apportionment for areas 50,000 to 200,000 population	2369	
Non-Urbanized	378	
State Total		7638
AMERICAN SAMOA		
Non-Urbanized	8	
State Total		8
GUAM		
Non-Urbanized	27	
State Total		27
N. MARIANA		
Non-Urbanized	4	
State Total		4
VIRGIN ISLANDS		
Non-Urbanized	24	
State Total		24
Available for Immediate Obligation		711,723
Reserved Obligation		66,777
TOTAL		778,500

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($ in thousands)

State/Urbanized Area	Proposed Obligation Level	
WISCONSIN		
Milwaukee	5096	
Madison	1302	
Governors Apportionment for areas 50,000 to 200,000 population	2770	
Green Bay	(364)	
Appleton	(469)	
Racine	(430)	
Kenosha	(341)	
Eau Claire	(182)	
La Crosse	(205)	
Sheboygan	(182)	
Wausau	(145)	
Oshkosh	(128)	
Janesville	(144)	
Beloit-WI-IL	(139)	
Non-Urbanized	605	
State Total		9774
WYOMING		
Governors Apportionment for areas 50,000 to 200,000 population	352	
Casper	(189)	
Cheyenne	(163)	
Non-Urbanized	90	
State Total		442

[FR Doc. 83-10811 Filed 4-22-83 8:45 am]
BILLING CODE 4910-57-C

VETERANS ADMINISTRATION

Privacy Act of 1974; Proprosed Amendment of System Notice—Additional Routine Use Statements

Notice is hereby given that the Veterans Administration is considering adding three new routine use statements to the following system of VA records set forth on page 1464 of the **Federal Register**, Volume 47, January 13, 1982.

16VA026: Litigant, Tort Claimant, EEO Complainant and Third Party Recovery Files—VA.

In accordance with 38 U.S.C. 3301(b)(6), the Veterans Administration may disclose any information from its claims records, in connection with any proceeding for the collection of an amount owned to the United States by virtue of a person's participation in any benefit program administered by the Veterans Administration when such disclosure is deemed necessary and proper by the Administrator.

Pursuant to 38 U.S.C. 3301(g), the Agency also has authority to disclose the name, address and other information relating to the identity of a person who is a present or former member of the Armed Forces to a consumer reporting agency for the purpose of: (1) Locating that person; (2) to obtain a consumer report to determine the ability of that person to repay an idebtedness to the United States; or (3) to assist the Veterans Administration in the collection of such indebtedness by virtue of that person's participation in a benefits program administered by the Veterans Administration. Currently, the Veterans Administration is considering disclosing information on judgment debtors from this system of records to consumer reporting agencies and to others to assist the Agency in its collection activities. Section 3301(j) of title 38, United States Code, provides that all disclosures authorized by 38 U.S.C. 3301 shall also be in accordance with the provisions of the Privacy Act of 1974. Accordingly, it is necessary to add three routine uses to this system notice to enable the Agency to make the above-stated disclosures pursuant to 38 U.S.C. 3301 (b)(6) and (g).

Interested persons are invited to submit comments, suggestions, or objections rgarding the proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420. All relevant material received before May 25, 1983 will be considered. All written comments will be available for public inspection at the above address only, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except holidays), until June 9, 1983. If no public comment is received during the thirty-day review period allowed for public comment or unless otherwise published in the **Federal Register** by the Veterans Administration, the new routine use statements included herein are effective May 25, 1983.

Approved: April 18, 1983.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

Notice of System of Records

In the system identified as 16VA026, "Litigant, Tort Claimant, EEO Complainant and Third Party Recovery Files—VA" the three new routine use statements are added to read as follows:

16VA026

SYSTEM NAME:

Litigant, Tort Claimant, EEO Complainant and Third Party Recovery Files—VA.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

* * * * *

13. Any information in this system may be disclosed in connection with any proceeding for the collection of an amount owed to the United States by virtue of a person's participation in any benefit program administered by the Veterans Administration when in the judgment of the Administrator, or an official generally delegated such authority under standard agency delegation of authority rules (38 CFR 2.6), such disclosure is deemed necessary and proper, in accordance with 38 U.S.C. 3301(b)(6).

14. The name and address of a veteran, and other information as is reasonably necessary to identify such veteran, may be disclosed to a consumer reporting agency for the purpose of locating the veteran, or, obtaining a consumer report to determine the ability of the veteran to repay an indebtedness to the United States arising by virtue of the veteran's participation in a benefits program administered by the VA, provided that the requirements of 38 U.S.C. 3301(g) (2) have been met.

15. The name and address of a veteran, other information as is reasonably necessary to identify such veteran, and any information concerning the veteran's indebtedness to the United States by virtue of the person's participation in a benefits program administered by the VA may be disclosed to a consumer reporting agency for purposes of assisting in the collection of such indebtedness, provided that the provisions of 38 U.S.C. 3301(g)(4) have been met.

[FR Doc. 83-10886 Filed 4-22-83; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 80
Monday, April 25, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

COMMODITY FUTURES TRADING COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 69, Friday April 8, 1983.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Tuesday April 26, 1983.

CHANGES IN THE MEETING: CBT 5000 Oz. Silver (Canceled).

[S-560-83 Filed 4-21-83; 3:45 pm]

BILLING CODE 6351-01-M

2

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11 a.m., Friday, May 13, 1983.

PLACE: 2033 K Street NW., Washington, D.C., eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-561-83 Filed 4-21-83; 3:46 pm]

BILLING CODE 6351-01-M

3

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11 a.m., Friday, May 6, 1983.

PLACE: 2033 K Street NW., Washington, D.C., eighth floor conference room.

STATUS: closed.

MATTERS TO BE CONSIDERED: Surveillance Briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-562-83 Filed 4-21-83; 3:45 pm]

BILLING CODE 6351-01-M

4

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11 a.m., Friday, April 29, 1983.

PLACE: 2033 K Street NW., Washington, D.C., eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-563-83 Filed 4-21-83; 3:48 pm]

BILLING CODE 6351-01-M

5

FEDERAL COMMUNICATIONS COMMISSION

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Wednesday, April 27, 1983, which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street, N.W., Washington, D.C.

Agenda, Item No. and Subject

General—1—*Title:* Notice of Proposed Rulemaking to permit use of the frequencies 161.7 and 161.75 MHz by the U.S. Coast Guard. *Summary:* The FCC will consider whether to adopt a Notice of Proposed Rulemaking to amend Parts 2 and 74 of the Commission's Rules to permit Coast Guard operation on the frequencies 161.7 and 161.75 MHz.

General—2—*Title:* Second Report and Order in General Docket 79-337 regarding the operation of low power, limited coverage systems in the 22.0-23.6 GHz band as well as, a new class of low power unlicensed microwave device in the 24 GHz band. *Summary:* The Commission will consider the adoption of this Second Report and Order which addresses the operation of uncoordinated, unlicensed devices in the 23 and 24 GHz bands.

General—3—*Title:* Memorandum of Opinion and Order adopting policies and rules regarding *ex parte* presentations in rulemaking proceedings. *Summary:* MO&O addresses and resolves arguments raised on reconsideration of Commission's 1980 Report and Order amending the *ex parte* rules in informal rulemaking proceedings.

Private Radio—1—*Title:* Petition filed by the Personal Radio Operators Federation for reconsideration of the Commission's action denying requests that additional frequencies be allocated to the Citizens Band Radio Service. *Summary:* The Commission will consider whether to dismiss the Personal Radio Operators Federation petition for reconsideration.

Private Radio—2— *Title:* Report and Order regarding proposed elimination of individual station licensing in the Radio Control (R/C) Radio Service and in the Citizens Band (CB) Radio Service. *Summary:* The FCC will consider whether it is in the public interest, convenience and necessity to eliminate individual station licenses in the Radio Control (R/C) and Citizens Band (CB) Radio Services.

Private Radio—3—*Title:* Memorandum Opinion and Orders in the Matters of Applications for Review by Specialized Mobile Radio System licensees AAT Electronics Corporation and P&R Temmer, d.b.a. Mobile Communications Service Company, regarding actions by the Chief, Private Radio Bureau, canceling authorizations for 800 MHz channels in accordance with Section 90.366(d) of the Commission's Rules. *Summary:* The Commission will consider the merits of AAT's and Temmer's requests for waiver of the Commission's Rules or, in the alternative, requests for hearing prior to cancellation of their channels for failure to meet the loading requirements of Rule 90.366(d).

Private Radio—4—*Title: Order* in the Matter of Inquiry into Certain Arrangements for Cooperative Use of Private Microwave Systems and *Notice of Proposed Rule Making* in the Matter of Amendment of Part 94 of the Commission's Rules and Regulations to Authorize Private Carrier Systems in the Private Operational-Fixed Microwave Radio Service. *Summary:* The FCC will consider: (1) Whether to adopt an *Order* terminating without further action the proceeding in Docket No. 19309 addressing permissible forms of cooperative sharing in the Private Operational-Fixed Microwave Service; and (2) whether to adopt a *Notice of Proposed Rule Making* to authorize private systems to provide communications service on a commercial basis to eligibles in the Private Operational-Fixed Microwave Service, and to relax the record keeping requirements for cooperatively shared private microwave systems.

Private Radio—5—*Title:* Amendment of Part 90 of the Commission's Rules to Prescribe Policies and Regulations to Govern the Interconnection of Private Land Mobile Radio Systems with the Public Switched Telephone Network in the Bands 806-821 MHz and 851-866 MHz. *Summary:* The Commission will address two Petitions for

Reconsideration and Clarification of a *Second Report and Order* establishing new rules and policies to govern the interconnection of private land mobile radio systems with the public switched telephone network in the 800 MHz bands. The Commission also will consider the effect of recent legislation upon this proceeding. (Docket No. 20846).

Private Radio—6—*Title:* Amendment of Part 90 of the Commission's Rules and Regulations to Adopt New Practices and Procedures for Cooperative Use and Multiple Licensing of Stations in the Private Land Mobile Radio Services. *Summary:* The Commission will consider petitions for reconsideration of licensing policies adopted in its *Report and Order* in Docket No. 18921. The Commission will also consider the effect of recent legislation upon the policies adopted in this proceeding.

Common Carrier—1—*Title:* Memorandum, Opinion and Order, Inquiry re Telecommunciations Services for the Deaf and the Hearing Impaired; CC Docket 78-50. *Summary:* The Commission will consider whether further proceedings are required in this Notice of Inquiry proceeding in light of recent legislation, the Telecommunications for the Disabled Act of 1982, Pub. L. 97-410, and voluntary carrier action which occurred after the Notice of Inquiry was commenced. The Commission also considers whether to require Telecommunications Devices for the Deaf to be provided in conjunction with pay telephones.

Common Carrier—2—*Title:* Notice of Proposed Rulemaking re Access to Telecommunications Equipment by the Hearing Impaired and Other Disabled Persons. *Summary:* The Commission will consider whether to adopt a Notice of Proposed Rulemaking designed to implement the Telecommunications for the Disabled Act of 1982, Pub. L. 97-410. Among the issues to be considered are: (1) How reasonable access to telephone service by the hearing impaired can be ensured; (2) what classes of essential telephones shall be made hearing-aid compatible; (3) what technical standards are necessary to implement the Act; (4) how labeling as to the hearing-aid compatibility of telephones should be accomplished; and (5) what types of specialized customer premises equipment (CPE) for the disabled can be offered by carriers under tariff and be the subject of state commission-sponsored programs to subsidize the offering of such CPE from regulated service revenues.

Common Carrier—3—*Title:* MTS and WATS Market Structure, Phase III: Establishment of Physical Connections and Through Routes Among Carriers; Establishment of Physical Connections by Carriers with Non-Carrier Communications Facilities; Planning Among Carriers for Provision of Interconnected Services, and in Connection with National Defense and Emergency Communications Services; and Regulations for and in Connection with the Foregoing. *Summary:* The Commission will consider whether to propose requirements addressing the physical, technical and operational details of interconnection among carriers' facilities and between carriers' facilities and those of non-carriers, and whether to propose a structure for planning among exchange carriers for interconnection and for national defense and emergency preparedness purposes.

Common Carrier—4—*Title:* Application for Review of Common Carrier Bureau's decision in American Radio-Telephone Service, Inc. and Post Cellular Telecommunications, Maryland, Inc. *Summary:* The Commission will consider whether to modify the Common Carrier Bureau's decision that no comparative credit be given for a partial settlement between mutually exclusive cellular applicants, when the settlement was reached after these applications were filed with the Commission.

Common Carrier—5—*Title:* Establishment of Interstate Toll Settlements and Jurisdictional Separations Requiring the Use of Seven Calendar Day Studies by the Florida Public Service Commission. *Summary:* The Commission will consider whether actions of the type taken by the Florida PSC, which require carriers to accept the use of seven-day periods for actual use measurements in connection with calculating the division of interstate toll revenues, should be preempted because they are inconsistent with Federal statutes and the policies and authority of the Commission.

Common Carrier—6—*Title:* National Association of Regulatory Utility Commissioners Petition for Declaratory Ruling that State Commission Have Authority to Require Exchange Carriers to Provide and Maintain Basic Telephone Instruments and Associated Inside Wiring. *Summary:* The Commission will consider whether it is consistent with the *Second Computer Inquiry* for states to require telephone companies to provide customer premises equipment and related installation and maintenance services to their subscribers on a detariffed basis under a specific alternative regulatory scheme proposed by NARUC.

Common Carrier—7—*Title:* Adoption of Rules Relating to the Provision of CPE by the Florida Public Service Commission. *Summary:* In response to a petition for declaratory ruling filed by the Florida Telephone Association, the Commission will consider whether the *Second Computer Inquiry* has preempted the Florida PSC's requirements relating to the provision of customer premises equipment by carriers.

Common Carrier—8—*Title:* Procedures for Implementing the Detariffing of Customer Premises Equipment and Enhanced Services (Second Computer Inquiry) CC Docket No. 81-893. *Summary:* The Commission will consider a Notice of Proposed Rulemaking to establish the policies that should govern detariffing of embedded customer premises equipment owned by Bell Operating Companies and independent telephone companies.

Common Carrier—9—*Title:* Computer and Business Equipment Manufacturers Association Petition for Declaratory Ruling Regarding Section 64.702(d)(2) of the Commission's Rules and Policies of the Second Computer Inquiry (ENF-82-5). *Summary:* The Commission will clarify § 64.702(d)(2) of its rules and regulations which requires carriers subject to the Computer II separate subsidiary requirement to disclose information regarding their basic networks when they disclose that information to their separate subsidiaries.

Common Carrier—10—*Title:* Petition for Reconsideration filed by GTE Satellite Corporation of May 18, 1982 domestic satellite *Processing Order*. *Summary:* The Commission will consider Petition for Reconsideration of Order in *Domestic-Fixed-Satellite Service*, 90 FCC 2d 1 (1982), establishing the current processing procedures for domestic fixed satellites.

Common Carrier—11—*Title:* Licensing of Space Stations in the Domestic Fixed-Satellite Service and Related Revisions to Part 25 of the Rules (CC Docket No. 81-704). *Summary:* The Commission will consider its *Report and Order* in this proceeding related to reductions in orbital spacings, and other matters raised as a result of this proceeding involving revisions to Part 25 and the licensing of domestic satellite space stations.

Common Carrier—12—*Title:* Authorization of New Domestic Fixed-Satellites and Assignment of Orbit Locations. *Summary:* The Commission considers applications for authority to construct and launch new space stations in the Domestic Fixed-Satellite Service. It also will consider an orbit assignment plan for new and previously authorized space stations.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: April 20, 1983.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S-571-83 Filed 4-21-83; 11:19 am]

BILLING CODE 6712-01-M

6

FEDERAL COMMUNICATIONS COMMISSION

The Federal Communications Commission will hold a Special Open Meeting on the subjects listed below on Wednesday, April 27, 1983 at 2:00 p.m. or following the Regular Open Meeting, whichever comes later. The Regular Open Meeting will commence at 9:30 a.m., in Room 856, at 1919 M Street, N.W., Washington, D.C.

Agenda, Item No., and Subject

Private Radio—1—*Title:* Marine Day Agenda. *Summary:* This document provides a brief overview of the FCC's Maritime Services and summarizes the Marine Day Agenda Items. No action will be taken on this document.

Private Radio—2—*Title:* Amendment of Part O of the rules concerning authority delegated to the Chief of the Private Radio Bureau and to the Chief of the Common Carrier Bureau. *Summary:* The FCC will consider an Order which would delegate certain authority to the Chief, Common Carrier Bureau, concerning public coast stations in the maritime service.

Private Radio—3—*Title:* Report and Order to implement changes in the frequencies, operating procedures and other criteria relating to radiotelephony in the band 4,000–23,000 kHz in the maritime mobile service adopted at the World Maritime Administrative Radio Conference, Geneva, 1974. *Summary:* The FCC will consider whether to amend the rules to adopt the HF maritime radiotelephone frequency assignments now being utilized under a temporary assignment plan. Additionally, action on pending applications will be considered.

Private Radio—4—*Title:* Deletion of barriers to entry into the VHF public coast station market. *Summary:* The Commission will consider whether or not to eliminate exclusivity rule provisions and provide financial qualification criteria for VHF public coast station applicants.

Private Radio—5—*Title:* Notice of Proposed Rule Making to expand the inspection interval for small passenger vessels subject to Title III, Part III of the Communications Act, and vessels subject to the Great Lakes Agreement. *Summary:* The FCC will consider whether to propose to amend the rules to expand the inspection interval: (1) From 2 years to 5 years for small passenger vessels subject to Title III, Part III of the Communications Act, and (2) from 12 months to 24 months for vessels subject to the Great Lakes Agreement.

Private Radio—6—*Title:* Amendment of the Part O to delegate to the Engineer-in-Charge of each field office authority to extend Safety Radiotelephony Certificates. *Summary:* The Commission will consider whether to amend the rules to delegate to the Engineer-in-Charge of a field office authority to extend the Communications Act Safety Radiotelephony Certificate for a period of up to 90 days.

Private Radio—7—*Title:* Public Notice concerning offshore support vessel inspections. *Summary:* The FCC will consider whether offshore support vessels should continue to be classified as passenger vessels and be subject to periodic radiotelephone inspections.

Private Radio—8—*Title:* Amendment of Parts 81 and 83 of the Commission's rules: (1) To expedite the licensing of shore based radionavigation radar stations, (2) to permit the use of the 14.0 to 14.05 GHz band by maritime radar test stations, and (3) to delineate the equipment specifications for ships required to carry two radar systems. *Summary:* The Commission will consider whether to adopt an *Order* which amends the Commission's rules and policies regarding the licensing of shore based radionavigation radar stations, the licensing of maritime radar test stations and the equipment specifications for ships that are required to carry two radar systems.

Private Radio—9—*Title:* Amendment of Part 83 of the Commission's Rules to implement the first set of amendments to the Safety of Life at Sea (SOLAS) Convention of 1974 and conform Commission rules in other matters. *Summary:* The Commission will consider adoption of a Notice of Proposed Rule Making concerning amendments to the SOLAS Convention resulting from the 45th Session of the International Maritime Organization's Maritime Safety Committee. Consideration will be given to the first set of amendments to the 1974 SOLAS Convention and other related treaty matters. These IMO actions will affect the VHF radio watch on vessels subject to the SOLAS Convention and the Communications Act.

Private Radio—10—*Title:* International Maritime Organization: Provisional recommendations and amendments to the Safety of Life at Sea (SOLAS) Convention, 1974. *Summary:* The Commission will consider adoption of a Notice of Inquiry concerning actions resulting from the Twenty-fifth Session of the International Maritime Organization's (IMO) Subcommittee on Radiocommunications. Consideration will be given to the future distress system being developed by IMO as well as other technical and operating matters pertaining to the maritime mobile radio service. These IMO actions pertain to vessels subject to the SOLAS Convention and may ultimately affect other vessels which voluntarily carry radio equipment.

Private Radio—11—*Title:* Provision for implementation of the International Radio Consultative Committee (CCIR) Digital Selective Calling (DSC) System within the Maritime Mobile Service. *Summary:* The FCC will consider whether to adopt a Notice of Proposed Rule Making and Order which proposes to implement the International Radio Consultative Committee (CCIR) Digital Selective Calling (DSC) System in the Maritime Mobile Service. The CCIR DSC system is designed to provide the basis for direct dial automated communications. The CCIR DSC system will be an integral part of the Future Global Maritime Distress and Safety System (FGMDSS) developed by the International Maritime Organization (IMO).

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254–7674.

Issued: April 20, 1983.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S–573–83: Filed 4–21–83; 11:41 am]

BILLING CODE 6712–01–M

7

FEDERAL COMMUNICATIONS COMMISSION

The Federal Communications Commission will hold a Closed Meeting on the subjects listed below on Wednesday, April 27, 1983, following the Special Open Meeting scheduled to commence at 2:00 p.m. or following the Regular Open Meeting, whichever comes later.

Agenda, Item No., and Subject

General—1—An Inquiry Relating to Preparations for the 1984 World Administrative Radio Conference of the International Telecommunication Union for the Planning of the HF Bands Allocated to the Broadcasting Service.

Hearing—1—Exceptions in the Russellville, Arkansas FM proceeding (Docket Nos. 81–551 through 81–553).

Hearing—2—Application for Review of Hearing Designation Order in the Albuquerque, New Mexico FM radio comparative proceeding (BC Docket Nos. 82–570 to 82–580).

Hearing—3—Application for Review in the Elizabeth City, North Carolina FM radio comparative proceeding (BC Docket Nos. 81–244, 81–246).

Hearing—4—Application for Review in the TV–8, Inc., Somerset, Kentucky UHF television comparative proceeding (BC Docket Nos. 80–454 and 455).

Hearing—5—Applications for Review in the Central Alabama Broadcasters, Inc., Selma, Alabama, television proceeding (BC Docket No. 78–238).

General 1 is closed to the public because it concerns Premature Disclosure Matters (See 47 CFR 0.603(i)).

Hearings 1 through 5 are closed to the public because they concern Adjudicatory Matters (See 47 CFR 0.603(j)).

The following persons are expected to attend the appropriate portions of this meeting:

Commissioners and their Assistants
Managing Director and members of his staff
General Counsel and members of his staff
Chief, Office of Public Affairs and members of his staff
Chief, Office of Science and Technology and members of his staff

Action by the Commission:

General 1, April 19, 1983.

Commissioners Fowler, Chairman; Quello, Fogarty, Jones, Dawson, Rivera and Sharp, voting to consider this item in Closed Session.

Hearing Items 1, 3, 4 and 5, April 18, 1983. Commissioners Fowler, Chairman; Quello, Fogarty, Jones, Dawson, Rivera and Sharp, voting to consider these items in Closed Session.

Hearing Item 2, February 22, 1983. Commissioners Fowler, Chairman; Quello, Fogarty, Jones, Dawson, Rivera and Sharp, voting to consider this item in Closed Session.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254–7674.

Issued: April 20, 1983.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S–574–83 Filed 4–21–83; 11:42 am]

BILLING CODE 6712–01–M

8

FEDERAL ENERGY REGULATORY COMMISSION

April 20, 1983.

TIME AND DATE: 10 a.m., April 27, 1983.

PLACE: Room 9306, 825 North Capitol Street N.E., Washington, D.C.20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary, Telephone (202) 357–8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Division of Public Information.

Consent Power Agenda—769th Meeting, April 27, 1983, Regular Meeting (10 a.m.)

CAP–1. Project No. 2780–005, Solano Irrigation District

CAP–2. Project No. 1388–004, Southern California Edison Co.

CAP–3. Project No. 3605–002, Mohawk Paper Mills, Inc.

CAP–4. Project No. 5312–003, J. R. Ferguson and Associates; Project No. 5312–000, Westfir Energy Co, Inc.; Project No. 5337–000, J. R. Ferguson and Associatel Project No. 5337–001, Westfir Energy Co., Inc.

CAP–5. Project Nos. 6812–000, 6813–000 and 6814–000, Sheep Creek Irrigation Co.

CAP–6. Project No. 6814–001, Sheep Creek Irrigation Co.

CAP–7. Project No. 4881–003, Arthur Bloom and Ada County; Project No. 3598–000, Cook Electric Co.

CAP–8. Project Nos. 4301–001, 4490–000, 4490–001 and 5163–000, Sutter-Butte Power Plant

CAP–9. Project No. 3179–002, Suncook Power Corp; Project No. 3185–001, Pembroke Hydro Corp.

CAP–10. Project No. 6574–001, Lynn Mines and Mining Co.

CAP–11. Project Nos. 2062–005, 2062–002, 2062–003, 2062–004, 2062–001, 2062–006 and 2062–007, Public Utility District No. 1 of Okanogan County

CAP–12. Project Nos. 6175–004, 6206–001, 6245–001, and 6246–001, Lester Kelley, et al.

CAP–13. Project No. 3283–001, the Gas and Electric Department of the City of Holyoke, Massachusetts

CAP–14. Project No. 2816–001, Vermont Electric Cooperative, Inc., Vermont Electric Generation and Transmission Cooperative, Inc.

CAP–15. Project No. 3223–001, Sacramento Municipal Utility District and Northern California Power Agency, et al.

CAP–16. Project No. 5951–000, Gordon Ravenscroft; Project No. 6660–000, Raleigh and Virginia Stevens

CAP–17. Docket No. ER83–196–002, Missouri Edison Co.

CAP–18. Docket No. ER80–508–003, Boston Edison Co.

CAP–19. Docket No. ER83–367–000, Empire District Electric

CAP–20. Docket No. ER83–368–000, Upper Peninsula Power Co.

CAP–21. Docket No. ER83–369–000, Alabama Power Co.

CAP–22. Docket No. ER83–376–000, St. Joe Minerals Corp.

CAP–23. Docket No. ER83–335–000, Public Service Co. of New Mexico

CAP–24. Docket Nos. ER82–763–000 and ER82–763–001, Safe Harbor Water Power Corp.

CAP–25. Docket No. ER82–423–000, Virginia Electric and Power Co.

CAP–26. Docket Nos. ER82–555–000, ER82–556–000, ER82–557–000, ER82–558–000 and ER82–559–000, Indiana & Michigan Electric Co.; Docket No. ER82–670–000, Michigan Power Co.

CAP–27. Docket No. EC83–6–000, Southwestern Public Service Co. and New Mexico Electric Service Co.

CAP–28. Omitted

CAP–29. Docket No. EL83–4–000, Wabash Valley Power Association, Inc., v. Northern Indiana Public Serivce Co.

CAP–30. Omitted

Consent Miscellaneous Agenda

CAM–1. Docket No. RO82–82–000, Marinas of the Future, Inc.

CAM–2. Docket No. RO82–56–000, Exxon Co., U.S.A.

Consent Gas Agenda

CAG–1. Docket No. IS83–29–001, BP Pipelines Inc.

CAG–2. Docket No. RP83–25–000, Transwestern Pipeline Co.

CAG–3. Docket Nos. RP83–49–001 and RP83–49–002, Transcontinental Gas Pipe Line Corp.

CAG–4. Docket Nos. TA83–1–30–002, 003, 004, and RP83–51–001, Trunkline Gas Co.

CAG–5. Docket No. TA83–1–28–002, Panhandle Eastern Pipe Line Co.

CAG–6. Docket No. RP83–58–001, Southern Natural Gas Co.

CAG–7. Docket No. RP83–63–000, National Fuel Gas Supply Corp.

CAG–8. Docket No. RP83–68–000, Natural Gas Pipeline Co. of America

CAG–9. Docket No. RP83–66–000, Mississippi River Transmission Corp.

CAG–10. Docket No. RP83–69–000, High Island Offshore System

CAG–11. Docket Nos. RP83–41–000 and 001, Northwest Pipeline Corp.

CAG–12. Docket No. RP83–70–000, U–T Offshore System

CAG–13. Docket No. TA83–2–46–000 (PGA83–2), Kentucky West Virginia Gas Co.

CAG–14. Docket No. TA83–1–47–000, MIGC, Inc.

CAG–15. Docket No. TA83–2–49–000 (PGA83–2), Montana Dakota Utilities Co.

CAG–16. Docket No. TA83–2–29–000 (PGA83–2), Transcontinental Gas Pipeline Corp.

CAG–17. Docket No. TA83–2–23–000 (PGA83–2), Eastern Shore Natural Gas Co.

CAG–18. Docket No. TA83–1–26–002 (PGA83–1a), Natural Gas Pipeline Co. of America

CAG–19. Docket No. TA83–1–26–001 (PGA83–1b), Natural Gas Pipeline Co.

CAG–20. Docket No. TA83–2–48–000, Michigan Wisconsin Pipe Line Co.

CAG–21. Docket No. TA83–2–21–000 (PGA83–2), Columbia Gas Transmission Corp.

CAG–22. Docket No. TA83–2–50–000 (PGA83–2), Valley Gas Transmission, Inc.

CAG–23. Docket No. RP83–62–000, Gas Gathering Corp.

CAG–24. Docket No. RP83–38–000, Great Lakes Gas Transmission Co.

CAG–25. Docket Nos. RP82–84–000, RP83–45 and RP83–14, Montana-Dakota Utilities Co.

CAG–26. Docket No. TA81–2–33–000, et al., El Paso Natural Gas Co.

CAG–27. Docket Nos. RP65–59–000 and RP65–52–000, Texas Eastern Transmission Corp.

CAG–28. Docket No. RP82–71–000, Northern Natural Gas Co.

CAG–29. Docket Nos. RP81–130–000 and RP78–88, Transwestern Pipeline Co.

CAG–30. Docket No. TA83–1–46 (PGA83–1 and IPR83–1), Kentucky West Virginia Gas Co.

CAG–31. Omitted

CAG–32. Docket No. ST83–130–000, Sun Gas Transmission Co., Inc.

CAG–33. Docket No. ST83–133–000, Llano, Inc.

CAG–34. Docket Nos. CI77–702–002, CI77–702–003, CI78–499–001, CI78–499–002, CI78–501–001, CI78–501–002, CI78–767–001, CI78–767–002, Pennzoil Producing Co. (successor to Pennzoil Louisiana & Texas Offshore, Inc.; Docket Nos. CI78–96–001, CI78–96–002, CI78–498–001, CI78–498–002, CI78–500–001, CI78–500–002, Pennzoil Oil & Gas, Inc.

CAG–35. Docket No. CI73–860–001, Conoco, Inc.

CAG–36. Docket No. R181–1–001, Amoco Production Co.

CAG–37. Omitted

CAG–38. Docket No. CP82–373–001, Southern Natural Gas Co.

CAG–39. Docket Nos. CP83–81–001 and CP83–81–002, Transcontinental Gas Pipe Line Corp.

CAG–40. Docket No. CP80–485–002, Transcontinental Gas Pipe Line Corp.

CAG–41. Docket No. CP77–459–002, Midwestern Gas Transmission Co.
CAG–42. Docket No. CP83–165–000, Columbia Gulf Transmission Co.
CAG–43. Docket No. CP83–80–000, Florida Gas Transmission Co.
CAG–44. Docket No. CP83–91–000, the Superior Oil Co. and Superior Offshore Pipeline Co.
CAG–45. Docket No. CP82–380–000, Northwest Pipeline Corp.
CAG–46. Docket No. RP82–54–009, Colorado Interstate Gas Co.
CAG–47. Docket No. RP83–64–000, Columbia Gas Transmission Corp.
CAG–48. Docket Nos. TA82–2–9–008 and TA83–1–9–003, Tennessee Gas Pipeline Co.

I. Licensed Project Matters

P–1. Project No. 6167–002, Ronald Rulofson

II. Electric Rate Matters

ER 1. Docket No. ER78–417–000, Kentucky Utilities Co.
ER 2. Docket No. ER79–182–000 and ER80–106–000 (phase I), Commonwealth Edison Co.
ER 3. Docket Nos. EF81–2011–000 and EF82–2011–001, U.S. Department of Energy—Bonneville Power Administration
ER 4. Docket No. EF80–2011–001 (remand), U.S. Department of Energy, Bonneville Power Administration
ER 5. Omitted
ER 6. Docket No. ID–1997–001, Frederick W. Mielke, Jr.

Miscellaneous Agenda

M–1. Docket No. RM83–62–000, Treatment of purchased power in the fuel cost adjustment clause for electric untilities
M–2. Reserved.
M–3. Reserved.
M–4. Omitted.
M–5. Omitted.
M–6. Docket No. GP83–7–000, Amoco Production Co.
M–7. Docket No. GP81–43–000, MCOR Oil & Gas Corp.
M–8. (a) Docket No. GP81–34–000, State of Ohio, Section 103 NGPA determination, Charles O. Lighthizer, A. R. Crawford No. 1 Well, FERC No. JD79–6124, State Docket No. 2595, Marshall No. 1 Well, FERC No. JD79–12527, State Docket No. 3903; (b) Docket No. GP83–9–000, State of Kansas, Section 102 NGPA Determination, TXO Production Corp., Cromer #1 Well, JD No 83–03969, State Docket No. K–82–0899 Docket No. GP83–10–000, State of Mississippi, Section 107 NGPA determination, Sun Exploration and Production Co., Sun Gas Division, Ross Beatty No. 1 Well, JD No. 82–52240; (c) Docket No. GP83–12–000, Kansas Corporation Commission, Continental Energy Co., Section 103 NGPA determination Stanley No. 1 Well, JD81–01760; Docket No. GP82–9–000, State of West Virginia, Section 103 NGPA determination, Patrick Petroleum Corp., Jacob Daugherty No. 1 Well, FERC No. JD81–27387; Docket No. GP82–48–000, State of New Mexico, Section 103 NGPA determination, Warren Petroleum Co., (a division of Gulf Oil Corp.), Mark Well No. 8, FERC Docket No. JD79–16337
M–9. Omitted

Gas Agenda

I. Pipeline Rate Matters

RP–1. Docket Nos. RP79–10–002 and RP80–134–007, Great Lakes Transmission Co.
RP–2. Docket Nos. RP83–11–003 and RP83–30–001, Transcontinental Gas Pipe Line Corp.

II. Producers Matters

CI–1. Reserved

III. Pipeline Certificate Matters

CP–1. (a) Docket No. CP83–157–000 Trunkline Gas Co. and Panhandle Eastern Pipe Line Co.; (b) Docket No. CP83–136–000, Northwest Pipeline Corp.

Kenneth F. Plumb,

Secretary.

[S–586–83 Filed 4–21–83; 3:49 pm]

BILLING CODE 6717–02–M

9

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

April 20, 1983.

TIME AND DATE: 2 p.m., Wednesday, April 27, 1983.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Great Western Electric Co., Docket No. WEST 81–213–RM; (Issues include whether the judge erred in concluding that the operator violated 30 CFR 57.15–5, a mandatory safety standard dealing with the wearing of safety belts and lines.)

2. William Haro v. Magma Copper Company, Docket Nos. WEST 79–49–DM, WEST 80–116–DM; Certification for Interlocutory Review by the Judge (Issues include consideration of the judge's certification for interlocutory review of his ruling concerning reopening the record on remand.)

3. Plateau Resources, Ltd., Docket No. WEST 82–114–M; Petition for Interlocutory Review (Issues include consideration of operator's petition for interlocutory review of judge's denial of motion to withdraw a citation.)

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen (202) 653–5632.

[S–572–83 Filed 4–21–83; 11:39 am]

BILLING CODE 6735–01–M

10

INTERNATIONAL TRADE COMMISSION

[USITC SE–83–20]

TIME AND DATE: 10 a.m., Tuesday, May 3, 1983.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints:
a. Kerosene heaters (Docket No. 921).
5. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523–0161.

[S–570–83 Filed 4–21–83; 9:06 am]

BILLING CODE 7020–02–M

11

MISSISSIPPI RIVER COMMISSION

TIME AND DATE: 9 a.m., May 17, 1983.

PLACE: On board MV *Mississippi* at City Front, Vicinity of Beale Street, Memphis, TN.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1) Report by president on general conditions of the Mississippi River and Tributaries Project and major accomplishments since the last meeting; and (2) Views and suggestions from members of the public on any matters pertaining to the Flood Control, Mississippi River and Tributaries Project.

CONTACT PERSON FOR MORE INFORMATION: Mr. Rodger D. Harris, telephone 601–634–5766.

[S–577–83 Filed 4–21–83; 3:42 pm]

BILLING CODE 3710–GX–M

12

MISSISSIPPI RIVER COMMISSION

TIME AND DATE: 9 a.m., May 18, 1983.

PLACE: On board MV *Mississippi* at City Front, Greenville, MS.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1) Report by president on general conditions of the Mississippi River and Tributaries Project and major accomplishments since the last meeting; (2) Views and suggestions from members of the public on any matters pertaining to the Flood Control, Mississippi River and Tributaries Project; and (3) District Commander's report on the Mississippi River and Tributaries Project in Vicksburg District.

CONTACT PERSON FOR MORE INFORMATION: Mr. Rodger D. Harris, telephone 601–634–5766.

[S–578–83 Filed 4–21–83; 3:43 pm]

BILLING CODE 3710–GX–M

13

MISSISSIPPI RIVER COMMISSION

TIME AND DATE: 9 a.m., May 20, 1983.

PLACE: On board MV *Mississippi* at Foot of Prytania Street, New Orleans, LA.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1) Report by president on general conditions of the Mississippi River and Tributaries Project and major accomplishments since the last meeting; (2) Views and suggestions from members of the public on any matters pertaining to the Flood Control, Mississippi River and Tributaries Project; and (3) District Commander's report on the Mississippi River and Tributaries Project in New Orleans District.

CONTACT PERSON FOR MORE INFORMATION: Mr. Rodger D. Harris, telephone 601–634–5766.

[S–579–83 Filed 4–21–83; 3:44 pm]

BILLING CODE 3710–GX–M

14

MISSISSIPPI RIVER COMMISSION

TIME AND DATE: 9 a.m., May 16, 1983.

PLACE: On board MV *Mississippi* at Foot of Eighth Street, Cairo, IL.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1) Report by president on general conditions of the Mississippi River and Tributaries Project and major accomplishments since the last meeting; (2) Views and suggestions from members of the public on any matters pertaining to the Flood Control, Mississippi River and Tributaries Project; and (3) District Commander's report on the Mississippi River and Tributaries Project in Memphis District.

CONTACT PERSON FOR MORE INFORMATION: Mr. Rodger D. Harris, telephone 601–634–5766.

[FR Doc. S–576–83 Filed 4–21–83; 3:41 p.m.]

BILLING CODE 3710–GX–M

15

NUCLEAR REGULATORY COMMISSION

DATE: Week of April 18, 1983 (revised).

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open and closed.

MATTERS TO BE DISCUSSED: *Monday, April 18:*

2:00 p.m.:
Briefing on Systems Interaction (Public Meeting) (moved from April 19)

Tuesday, April 19:

10:00 a.m.:

Briefing on Proposed Revision to 10 CFR Part 35 "Human Use of Byproduct Material" (Public Meeting) (As Announced)

Wednesday, April 20:

10:30 a.m.:
Discussion of Possible Enforcement Action (CLOSED—Exemptions 5 and 10) (replaces Discussion of NECNP V. NRC) (Elimination of Financial Qualification Review)
2:00 p.m.: Briefing on Indian Point Exercise (Pubic Meeting) (As announced)

Thursday, April 21:

4:00 p.m.:
Affirmation/Discussion and Vote (Public Meeting) (Items Revised):
a. Review of ALAB-701 (As announced)
b. 10 CFR Part 60 (New item)
c. Waste Confidence Order (Tentative) (postponed from 4/14)
d. Rule on Extended Spent Fuel Storage (Tentative) (postponed from 4/14)
e. Final Rulemaking Concerning Licensed Operator Staffing at Nuclear Power Units and Draft Policy Statement on Shift Crew Qualification (postponed from 4/14)

Friday, April 22:

10:00 a.m.:
Discussion/Possible Vote on Immediate Effectiveness of LWA-1 Authorization for Clinch River Breeder Reactor (Closed—Exemption 10) (As announced)
2:00 p.m.:
Discussion of Investigation (Closed—exemptions 5 and 10) (Additional meeting)
3:00 p.m.:
Briefing on TMI-2 Cleanup (Public Meeting) (Additional meeting)

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634-1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634-1410.

Walter Magee,

Office of the Secretary.

[S-584-83 Filed 4-21-83; 3:48 pm]

BILLING CODE 7590-01-M

16

NUCLEAR REGULATORY COMMISSION

DATE: Week of April 25, 1983.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open and closed.

MATTERS TO BE DISCUSSED: *Tuesday, April 26:*

2:00 p.m.
Discussion/Possible Vote on Restart of Salem Units 1 and 2 (Public Meeting) (Tentative)

Wednesday, April 27:

10:00 a.m.:
Mid-Year Program Review (Public Meeting)
2:00 p.m.:
Discussion of Regulatory Reform Task Force—Administrative Proposals—
. Backfit Rule (Public Meeting)

Thursday, April 28:

10:00 a.m.:
Discussion of Management-Organization and Internal Personnel Matters (Closed—Exemption 2 and 6)

ADDITIONAL INFORMATION:

Discussion of Management-Organization and Internal Personnel Matters scheduled for April 14, *postponed.*

On April 15 the Commission voted 5-0 to hold Discussion of Shoreham Order, held that day.

On April 20, 9:30 a.m., Briefing on Salem *added.* Public Meeting.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634-1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634-1410.

Walter Magee,

Office of the Secretary.

[FR Doc. S-585-83 Filed 4-21-83; 3:48 pm]

BILLING CODE 7590-01-M

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POSTAL SERVICE

Board of Governors

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 CFR 7.5) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice that it intends to hold meetings at 1 p.m. on Monday, May 2, in Washington, D.C., and at 8:30 a.m. on Tuesday, May 3, in the Benjamin Franklin Room, 11th Floor, Postal Service Headquarters, 475 L'Enfant Plaza, Washington, D.C. As indicated in the following paragraphs, the Monday meeting is closed to public observation. The Tuesday meeting is open to the public. The Board expects to discuss the matters stated in the agenda which is set forth below. Requests for information about the meetings should be addressed to the Secretary of the Board, David Harris, at (202) 245-3734.

At its meeting on April 5 and by subsequent mail ballot, the Board voted to close to public observation its meeting scheduled for May 2. The agenda items of the meeting to be closed concern strategic planing in regard to future rate adjustments, discussion of Postal Rate Commission Recommended Decision of April 18 on third-class bulk rates, and a proposed capital investment

for a new general mail facility for Washington, D.C.

Agenda

Monday Afternoon Session (Closed)

1. Strategic Planning—Future Rate Adjustments.
2. Discussion of Postal Rate Commission Recommended Decision of April 18, 1983, on third-class bulk rates—Docket No. R80–1.
3. Proposed Capital Investment—new General Mail Facility for Washington, D.C.

Tuesday Morning Session (Open)

1. Minutes of the Previous Meetings.
2. Remarks of the Postmaster General.
   (In keeping with its consistent practice, the Board's agenda provides this opportunity for the Postmaster General to inform the members of miscellaneous current developments concerning the Postal Service. Nothing that requires a decision by the Board is brought up under this item.)
3. Officer Compensation.
   (The Board will consider approval of a recommendation by the Postmaster General regarding adjustments in officer compensation.)
4. Quarterly Report on Financial Performance.
   (Mr. Finch, Senior Assistant Postmaster General, Finance Group, will present the quarterly summary of financial performance.)
5. Quarterly Report on Service Performance.
   (Mr. Jellison, Senior Assistant Postmaster General, Operations Group, will present the quarterly summary on service performance.)
6. Briefing on leasing in the light of current tax legislation.
   (Mr. John Samuels, Dewey, Ballantine, Bushby, Palmer & Wood, will brief the Board on the possible ramifications of leasing (rather than purchasing) in the light of current tax legislation.)
7. Capital Investment Projects:
   a. 963 Semi-Trailers
   b. 249 Spotter Tractors
   c. 5,645 ½ Ton Route Delivery Vehicles
   d. 756 2½ Ton Parcel Delivery Vans
   e. 6,400 ¼ Ton Light Delivery Vehicles
   (Mr. Biglin will present proposals for the Board to authorize capital investments for the procurement of these vehicles.)
8. Briefing on Postal Service Delivery Policy.
   (Mr. Hagberg, Assistant General Counsel, Delivery Services Department, will brief the Board on the Postal Service's policies and practices regarding the use of cluster boxes.)
9. Policy on *ex parte* communications.
   (The Board will consider proposed guidelines on *ex parte* communications to the Governors on issues in rate and classification proceedings that are subject to chapter 36 of title 39, U.S. Code.)
10. Consideration of Tenative Agenda for June 1/2 meeting.

David Harris,

Secretary.

[S–575–83 Filed 4–21–83; 2:13 pm]

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federal register

Monday
April 25, 1983

Part II

Regulatory Information Service Center

Introduction to the Unified Agenda of Federal Regulations

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REGULATORY INFORMATION SERVICE CENTER

Unified Agenda of Federal Regulations

AGENCY: Regulatory Information Service Center.

ACTION: Introduction to the Unified Agenda of Federal Regulations.

SUMMARY: Executive Order 12291 (Federal Regulation) and the Regulatory Flexibility Act (5 USC 605) require that agencies publish semiannual regulatory agendas describing regulatory actions they are developing. Office of Management and Budget (OMB) Bulletin 83-8 (December 15, 1982) requires that each agency agenda include, at a minimum, certain specific types of information for each entry, and that all agendas be published together as a **Unified Agenda of Federal Regulations.** The Bulletin states that agencies may publish their agendas either in a uniform format or a format of the agency's choosing. This edition of the Agenda is the first in which entries appear in a uniform format.

The following Parts in this issue of the **Federal Register** are the agency agendas, which together comprise the April 1983 edition of the semiannual **Unified Agenda of Federal Regulations.**

ADDRESS: Regulatory Information Service Center, Room 5216, New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: For further information about specific regulatory projects, please refer to the Agency Contact listed for each entry. To provide comment on or to obtain further information about the **Unified Agenda of Federal Regulations,** contact:

Mark G. Schoenberg, Executive Director, Regulatory Information Service Center, Room 5216, New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C. 20503, (202) 395-6993.

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About the Unified Agenda

The **Unified Agenda of Federal Regulations** is a project of the Regulatory Information Service Center undertaken for the Office of Information and Regulatory Affairs, Office of Management and Budget. The Center provides information about federal regulatory activity to the President and his Executive Office, the Congress, agency managers, and the public. The Office of Information and Regulatory Affairs is responsible for overseeing the federal government's regulatory and information-management activities and implementing President Reagan's Executive Order 12291.

This edition of the Unified Agenda includes 48 federal departments, agencies, and commissions. Agencies of the United States Congress are not included. The first edition of the Unified Agenda, published in October 1982, provided the first uniform reporting of data on regulatory activities under development throughout the federal government. The Center produced the first edition by compiling individual agency documents into one **Federal Register** issue.

For this edition of the Unified Agenda, 41 of the 48 agencies produced their agendas through a computer system designed by the Center with the advice and assistance of the Government Printing Office. The system was designed to save agencies time and money by automating the preparation and printing of their agendas. It was

also designed to make the agenda easier to use--all agendas produced in this manner appear in a uniform format to help readers locate essential information quickly. In the future, the system may provide computer-generated indices and appendices of the information in the agendas.

The other seven agencies used their own formats rather than the standard format. Regardless of format, however, all agendas contain uniform data elements--regulation title, agency contact, small business effects, CFR citation, legal authority, abstract, and timetable--which should be readily identifiable in each agenda. Agencies also included any additional information they considered important. If any of these elements are not included, the agency either did not report the information, or may provide an explanation in its individual preamble. For further information, please contact the individual agency.

The **Unified Agenda of Federal Regulations** is published in April and October of each year. We welcome comments on this second edition and suggestions for improving future ones. We are especially interested in comments on the usefulness of the new uniform format. We hope it will facilitate using the agendas by helping readers easily find the information of most interest to them.

DATED: April 1, 1983.

Mark G. Schoenberg,

Executive Director.

How To Use the Unified Agenda

Each agency agenda appears as a separate Part in this edition of the **Federal Register**. The Parts are organized alphabetically in three groups: first, by cabinet departments; second, by other executive agencies; and third, by independent agencies. Departments are divided into agencies, which may in turn be divided into subagencies, in alphabetical order.

Each agency begins its agenda with a preamble providing information specific to its agenda. Each agency was asked to list its rules in three groups:

1. Current and projected rulemakings--those regulations the agency is currently developing or plans to develop during the next 12 months;

2. Reviews of existing regulations--those existing regulations the agency is reviewing to determine whether to propose modifications through rulemaking; and

3. Completed actions--those actions or reviews the agency completed or withdrew since it published its last agenda. This section also includes items that were begun and completed between issues of the Unified Agenda.

Within each of the three groups, each agency was asked to list priority actions before all other actions. Priority actions include:

- major rules under Executive Order (EO) 12291;
- rules designated for priority review by the Presidential Task Force on Regulatory Relief; and
- rules designated for priority review or development by the agency.

Under EO 12291, a major rule is any regulation that is likely to result in:

- an annual effect on the economy of $100 million or more;
- a major increase in costs or prices for consumers, individual industries, federal, state, or local government agencies, or geographic regions; or
- significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Each entry for a priority regulation indicates which of the above criteria the agency used to determine the regulation's priority status. The priority heading will only appear if the agency has designated the regulation as a priority action.

An agency may use a subheading to identify regulations that it has grouped according to a particular topic. When these subheadings are used, they appear before the title of the first regulation in the group.

A dot (●) preceding an entry indicates that the entry appears in its present section of the agenda for the first time.

The regulatory activities included in the agency agendas are those currently planned for the next 12 months. The agendas do not include regulations excluded from review under EO 12291 (such as military regulations and adjudicatory decisions), routine regulations, and regulations related to internal agency management.

OMB Bulletin 83-8 states that entries describing regulations under development and review should contain, at a minimum, the following information:

- Title of the Regulation;
- Agency Contact--the name, title, address, and phone number of a person in the agency who is knowledgeable about the regulation;
- Effects on Small Businesses and Other Entities--an indication of whether the rule is expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 USC 601(6));
- CFR Citation--the section(s) of the Code of Federal Regulations which affect or will be affected by the action;
- Legal Authority--the section(s) of the United States Code or Public Law or the Executive Order that authorize(s) the regulatory action (agencies may have used common name references to laws in addition to USC or PL references);
- Abstract--a description of the problem the regulation will address, the alternatives that the agency is considering, and the potential costs and benefits of the action;
- Timetable--the dates and citations (if available) for all past and at least the next future stage of rulemaking. If a date appears in this section as 00/00/00, it means the date of the action is presently undetermined. Similarly, 04/00/83 means the day of the month the action will take place is undetermined, but it will take place sometime in April 1983.

Data Limitations

Agencies prepared entries for this edition of the Unified Agenda to give the public notice of their plans to review, propose, and issue regulations. They have tried to predict their activities over the next 12 months as accurately as possible, but dates and schedules are subject to change. Agencies may withdraw some of the regulations now

under development, and they may issue or propose other regulations not included in their agendas. Agency actions in the rulemaking process may occur before or after the dates they have listed. The Agenda does not create a legal obligation on agencies to adhere to schedules within it or to confine their regulatory activities to those regulations that appear. The information in this edition is accurate as of March 4, 1983, in the judgment of the submitting agencies, except as otherwise noted in individual agency preambles.

List of Abbreviations

The following abbreviations appear throughout this edition of the Agenda:

ANPRM--An Advance Notice of Proposed Rulemaking is a preliminary notice that an agency is considering a regulatory action. The agency issues an ANPRM before it develops a detailed proposed rule, describing the general area that may be subject to regulation and asking for public comment on the issues and options being discussed. An ANPRM is issued only when an agency believes it needs to gather more information before proceeding to a formal regulatory proposal.

CFR--The Code of Federal Regulations is a codification of the general and permanent rules published in the **Federal Register** by the departments and agencies of the federal government. The Code is divided into 50 titles, each title covering a broad area of federal regulatory law. The Office of the Federal Register revises the CFR annually.

EO--An Executive Order is a directive from the President to executive agencies, issued under Constitutional or statutory authority. Executive Orders are published in the **Federal Register** and in Title 3 of the Code of Federal Regulations.

FR--The **Federal Register** is a daily federal government publication that announces all proposed and final federal regulations. It also contains notices of public meetings and other events federal agencies may schedule.

FY--Fiscal year is a budgetary term. The federal fiscal year runs from October 1 to September 30.

NPRM--A Notice of Proposed Rulemaking is the document an agency issues and publishes in the **Federal Register** that describes and solicits public comments on a proposed regulatory action. Under the Administrative Procedure Act, an NPRM must include, at a minimum:

- a statement of the time, place, and nature of the public rulemaking proceeding;
- a reference to the legal authority under which the rule is proposed; and
- either the terms or substance of the proposed rule or a description of the subjects and issues involved.

PL--A Public Law is a law passed by Congress and signed by the President or enacted over his veto. It has general applicability, as opposed to a private law that applies only to those persons or entities specifically designated. Public laws are numbered in sequence throughout the two-year life of each Congress; for example, PL 97-17 would be the seventeenth law of the 97th Congress.

RFA--A Regulatory Flexibility Analysis is required by the Regulatory Flexibility Act (5 USC 601) to describe the impact of a proposed rule on small entities. An RFA describes why the agency is considering the action, the objectives of and legal basis for the proposed rule, an estimate of the number of small entities that could be affected and the compliance requirements they would have to fulfill, any other duplicative, overlapping or conflicting federal rules, and alternatives to the proposed action. When required, an initial RFA accompanies an NPRM and a final RFA accompanies a final rule.

RIA--A Regulatory Impact Analysis is required by EO 12291 for all major rules and other regulations designated by the Office of Management and Budget. An RIA is prepared to determine whether a proposed regulatory action meets the requirements of Section 2 of EO 12291, namely that regulatory actions:

- be based on adequate information concerning the need for and consequences of the action;
- not be undertaken unless the potential benefits outweigh the potential costs to society;
- maximize net benefits to society;
- entail the least net cost to society of the alternatives considered; and
- take into account the condition of particular affected industries, the national economy, and contemplated future regulatory actions.

RIN--The Regulatory Information Service Center assigns a Regulatory Information Number to identify an individual action in the agenda of an agency that uses the Center's automated agenda production system.

USC--The United States Code is a consolidation and codification of all general and permanent laws of the United States. The USC is divided into 50 titles, each title covering a broad area of federal law.

Information About Additional Copies

Additional copies of this edition of the **Federal Register** are available from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, (202) 783-3238.

Copies of individual agency agendas may be available directly from the agency. Please contact the particular agency for further information.

[FR Doc. 83-9556 Filed 4-22-83; 8:45 am]
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federal register

Monday
April 25, 1983

Part III

Department of Agriculture

Office of the Secretary

Semi-Annual Regulatory Agenda: Spring 1983

USDA

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR, Subtitle A, Chs. I-VII, IX-XII, XIV-XVIII, XXI, XXIV-XXIX

9 CFR Chs. I-IV

36 CFR Ch. II

41 CFR Ch. 4

Semiannual Regulatory Agenda: Spring 1983

AGENCY: Department of Agriculture, Office of the Secretary.

ACTION: Semiannual Regulatory Agenda.

SUMMARY: This agenda provides summary descriptions of major regulations being developed in agencies of the U.S. Department of Agriculture in conformance with Executive Order 12291, Federal Regulation. The agenda also describes regulations affecting small entities as required by Section 602 of the Regulatory Flexibility Act, Pub. L. 96-354. In addition, descriptions of fifty-eight non-major regulations that appeared in prior agendas have been included in this agenda.

FOR FURTHER INFORMATION CONTACT: For further information on any specific entry shown in this agenda, please contact the person listed for that action.

A few copies of the Agenda are available. Requests for copies should include a self-addressed, stamped envelope and be directed to: Regulatory Agenda, OBPA, Office of the Secretary, Room 147-E, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 382-1270.

SUPPLEMENTARY INFORMATION:

For major rules, the USDA Regulatory Agenda number appears in the "Additional Information" section. That number shows the month and year that the item was identified as major and placed on the Regulatory Agenda. The first two digits after the agency abbreviation identify the month, and the third digit provides the year. Thus, OFM 102-1 indicates that it was identified as major in October (i.e., "10") of 1982 (i.e., "2"). Any entry with a number indicating a date later than October 1982 is new on the Regulatory Agenda.

The dates shown for the steps of each action are estimated and are not commitments to act on or by the date shown. The "pre-notice" date, when given, is an indication the agency intends to seek public input prior to the "notice of proposed rulemaking."

In this Agenda, we have attempted to list all major actions and regulatory reviews pending at the time of publication, but some may have been inadvertently missed. There is no legal significance to the omission of an item from this listing.

DATED: March 7, 1983.

Richard E. Lyng,

Deputy Secretary.

DEPARTMENT OF AGRICULTURE (USDA)
Agricultural Marketing Service (AMS)

Existing Regulations Under Review

COTTON CLASSIFICATION UNDER FUTURES LEGISLATION

CFR Citation: 7 CFR 27

Abstract: This regulation includes procedures for classification, inspection sampling, and micronaire determinations in accordance with the United States Cotton Futures Act. Procedures for issuance of certificates, designation of spot markets, and issuance of quotations or value of grade are included.

Timetable:

Action	Date	FR Cite
Begin Review	03/00/83	
End Review	00/00/00	

Small Entity: No

Agency Contact: Lloyd R. Frazier, Department of Agriculture, Agricultural Marketing Service, Room 304, Annex, Washington, DC 20250, **202 447-2147**

RIN: 0581-AA02

TOBACCO INSPECTION POLICY STATEMENT

CFR Citation: 7 CFR 29-A; 7 CFR 29.1, (excludes parts 29.2 to .3)

Abstract: Review of the policy statement and regulations governing the extension of tobacco inspection and price support services to new markets and to additional sales on designated markets. (Definitions)

Timetable:

Action	Date	FR Cite
Begin Review	12/00/83	
End Review	00/00/00	

Small Entity: No

Additional Information: CFR citation excludes parts 29.2 to .3

Agency Contact: Mary C. Duncan, Department of Agriculture, Agricultural Marketing Service, Room 502, Annex, Washington, DC 20250, **202 447-5836**

RIN: 0581-AA03

TOBACCO INSPECTION REGULATIONS

CFR Citation: 7 CFR 29-B; 7 CFR 29.12 to 29.133

Abstract: Review the procedures for permissive and mandatory inspection, appeals, licensing of tobacco inspectors, and samplers and weighers.

Timetable:

Action	Date	FR Cite
Begin Review	12/00/83	
End Review	00/00/00	

Small Entity: No

Additional Information: CFR citation excludes 7 CFR 29.75a, 123, 125, 127, and 129.

Agency Contact: Mary C. Duncan, Department of Agriculture, Agricultural Marketing Service, Room 502, Annex, Washington, DC 20250, **202 447-5836**

RIN: 0581-AA04

TOBACCO INSPECTION STANDARDS

CFR Citation: 7 CFR 29-C, (excludes some parts)

USDA—AMS

Existing Regulations Under Review

Abstract: Define official standard grades for all tobacco except Kentucky and Tennessee fire-cured (U.S. types 22 and 23) and dark air-cured tobacco (U.S. types 35, 36, and 37).

Timetable:

Action	Date	FR Cite
Begin Review	12/00/83	
End Review	00/00/00	

Small Entity: No

Additional Information: CFR citation excludes 29.2251 to 29.2481 and 29.3501 to 29.3681.

Agency Contact: **Mary C. Duncan**, Department of Agriculture, Agricultural Marketing Service, Room 502, Annex, Washington, DC 20250, **202 447-5836**

RIN: 0581-AA05

MOHAIR STANDARDS

CFR Citation: 7 CFR 32

Abstract: Defines standards and procedures for determining mohair top. Also includes methods for obtaining representative samples of official grade standards for grease mohair.

Timetable:

Action	Date	FR Cite
Begin Review	03/00/83	
End Review	00/00/00	

Small Entity: No

Agency Contact: **Russell Knister**, Department of Agriculture, Agricultural Marketing Service, Room 2631-S, Washington, DC 20250, **202 447-5679**

RIN: 0581-AA06

SLAUGHTER LAMBS, YEARLINGS, AND SHEEP GRADES AND STANDARDS

CFR Citation: 7 CFR 53-B, Subparts 130 to 135

Abstract: Regulation to make the slaughter lamb standards conform to the revised lamb carcass standards as published in the Federal Register September 13, 1982.

Timetable:

Action	Date	FR Cite
Begin Review	02/00/83	
End Review	00/00/00	

Small Entity: No

Agency Contact: **Russell Knister**, Department of Agriculture, Agricultural Marketing Service, Room 2631-S, Washington, DC 20250, **202 447-5679**

RIN: 0581-AA07

COTTON RESEARCH AND PROMOTION

CFR Citation: 7 CFR 1205

Abstract: Procedures including rules of practice necessary to implement the Cotton Research and Promotion Act. Includes procedures for the cotton research and promotion order and the Cotton Board rules and regulations.

Timetable:

Action	Date	FR Cite
Begin Review	03/00/83	
End Review	00/00/00	

Small Entity: No

Agency Contact: **Naomi Hacker**, Department of Agriculture, Agricultural Marketing Service, Room 309, Annex, Washington, DC 20250, **202 447-2258**

RIN: 0581-AA08

EGG RESEARCH AND PROMOTION - RULES AND REGULATIONS

CFR Citation: 7 CFR 1250.500 to 1250.552

Abstract: This regulation implements the terms and provisions of the Egg Research and Promotion Order. It prescribes procedures for collection and remittance of assessments, methods to be used for obtaining producer refunds, and content and submission of producer and handler reports and records.

Timetable:

Action	Date	FR Cite
End Review	09/00/83	

Small Entity: No

Agency Contact: **Janice L. Lockard**, Department of Agriculture, Agricultural Marketing Service, Room 3955-S, Washington, DC 20250, **202 382-8132**

RIN: 0581-AA09

BILLING CODE 3410-01-T

DEPARTMENT OF AGRICULTURE (USDA)

Agricultural Stabilization and Conservation Service (ASCS)

Current and Projected Rulemakings

DETERMINATION OF 1983 FEED GRAINS LOAN AND PURCHASE RATE, ESTABLISHED "TARGET" PRICES, ACREAGE REDUCTION AND/OR PAID DIVERSION PROGRAM & FARMER-OWNED RESERVE PROGRAM PROVISIONS

Priority: Major

Legal Authority: 7 USC 1444d Agricultural Act of 1949; 7 USC 1446 Agricultural Act of 1949

CFR Citation: 7 CFR 712; 7 CFR 722

Abstract: To provide adequate feed grain and soybean supplies for domestic and foreign utilization, support farm income, combat inflation, minimize Government intervention, hold down Federal costs, and conserve natural resources.

Timetable:

Action	Date	FR Cite
NPRM	07/27/82	47 FR 32461
Final Action	03/00/83	

Small Entity: No

Additional Information: REGULATORY AGENDA NUMBER: ASCS 042-16

Agency Contact: **Orville I. Overboe**, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3746-S, Washington, DC 20250, **202 447-4417**

RIN: 0560-AA01

DETERMINATION OF 1983 CROP WHEAT LOAN AND PURCHASE RATE; ESTABLISHED "TARGET" PRICES, ACREAGE REDUCTION AND/OR PAID DIVERSION PROGRAM & FARMER-OWNED RESERVE PROGRAM PROVISIONS

Priority: Major

Legal Authority: 7 USC 1445b-1 Agricultural Act of 1949, Section 107B

CFR Citation: 7 CFR 707; 7 CFR 709; 7 CFR 713; 7 CFR 718; 7 CFR 719; 7 CFR 792; 7 CFR 794 to 796; 7 CFR 1421.485 to 1421.490

Abstract: To provide adequate wheat supplies for domestic and foreign utilization, support farm income, combat inflation, minimize Government intervention, hold down Federal costs, and conserve natural resources.

USDA—ASCS

Current and Projected Rulemakings

Timetable:

Action	Date	FR Cite
NPRM	04/30/82	47 FR 22573
Final Action	03/00/83	

Small Entity: No

Additional Information: REGULATORY AGENDA NUMBER: ASCS 042-17

Agency Contact: Bruce R. Weber, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3738-S, Washington, DC 20250, **202 447-4146**

RIN: 0560-AA02

DETERMINATION OF 1983 CROP RICE PROGRAM TO INCLUDE ESTABLISHMENT OF LOAN AND PURCHASE RATE, ESTABLISHED "TARGET" PRICE, AND ACREAGE REDUCTION AND/OR PAID DIVE ETC

Priority: Major

Legal Authority: 7 USC 1441 Agricultural Act of 1949

CFR Citation: 7 CFR 730; 7 CFR 790 to 792; 7 CFR 794 to 795; 7 CFR 1421.1 to 1421.28; 7 CFR 1421.300 to 1421.328; 7 CFR 1421.530 to 1421.572

Abstract: To achieve the optimal balance between the multiple objectives of providing adequate rice supplies for domestic and foreign utilization, while maintaining adequate carryover stocks, supporting farm income, combating inflation, holding down Treasury costs and borrowing, and conserving natural resources.

Timetable:

Action	Date	FR Cite
NPRM	10/26/82	47 FR 47449
Final Action	03/00/83	

Small Entity: No

Additional Information: REGULATORY AGENDA NUMBER: ASCS 042-18

Agency Contact: George H. Schaefer, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3742-S, Washington, DC 20250, **202 447-4634**

RIN: 0560-AA03

DETERMINATION OF 1983 UPLAND COTTON LOAN RATE, "TARGET" PRICE, NATIONAL PROGRAM ACREAGE, ACREAGE REDUCTION PROGRAM AND/OR DIVERSION PROGRAM, ACREAGE BASES, AND ESTIMATED ETC

Priority: Major

Legal Authority: 7 USC 1444 Agricultural Act of 1949

CFR Citation: 7 CFR 713; 7 CFR 722

Abstract: To maintain adequate but not excessive supplies of upland cotton for domestic and export use while providing price and income protection for producers and keeping Federal outlays to a minimum. To determine whether a paid diversion program should be offered. To determine ELS cotton loan rate based on upland cotton loan rate, and establish loan rates for seed cotton.

Timetable:

Action	Date	FR Cite
NPRM	07/16/82	47 FR 31025
Final Action	03/00/83	

Small Entity: No

Additional Information: REGULATORY AGENDA NUMBER: ASCS 042-21

Agency Contact: Charles V. Cunningham, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3741-S, Washington, DC 20250, **202 447-7954**

RIN: 0560-AA04

CCC GRAIN PRICE SUPPORT REGULATIONS GOVERNING THE GRAIN RESERVE PROGRAM FOR 1982 AND SUBSEQUENT CROPS AND ALTERNATIVE PROGRAM FOR 1981 AND PRIOR CROPS

Priority: Major

Legal Authority: 7 USC 1445e Agricultural Act of 1949

CFR Citation: 7 CFR 1421

Abstract: To implement regulations which govern the farmer-owned Grain Reserve Program which would: (1) implement the new reserve program for 1982-crop wheat and feed grains and subsequent crops, (2) provide for trigger-release levels for wheat and feed grains, (3) establish a minimum level at which the Secretary may limit the quantity of wheat or feed grains that may enter the reserve, and (4) incorporate the new rotation provisions which permit the removal of farm-stored corn and sorghum reserve grain going out of condition, provided replacement stocks are in place within 15 days.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/16/82	47 FR 35493
Final Action	04/00/83	

Small Entity: No

Additional Information: REGULATORY AGENDA NUMBER: ASCS 042-25

Agency Contact: Steve Gill, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3623-S, Washington, DC 20250, **202 447-8480**

RIN: 0560-AA05

●DETERMINATION OF PROGRAM PROVISIONS FOR THE 1984 CROP OF FEED GRAINS--AND LOAN AND PURCHASE PROGRAM FOR SOYBEANS

Priority: Major

Legal Authority: 7 USC 1444d Agricultural Act of 1949, Section 105(b); 7 USC 1446 Agricultural Act of 1949, Section 201

CFR Citation: 7 CFR 707; 7 CFR 709; 7 CFR 712; 7 CFR 713; 7 CFR 718; 7 CFR 719; 7 CFR 722; 7 CFR 770; 7 CFR 792; 7 CFR 794 to 796; 7 CFR 1421.485 to 1421.490

Abstract: The Agricultural Act of 1949, as amended, requires USDA to provide for minimum levels of price support and to establish, if necessary, a production adjustment program as authorized by the legislation. The following alternatives are under study: (1) Implement no acreage adjustment program--with normal weather conditions, burdensome 1984 feed grain supplies would still be expected. A record demand would be projected, although projected to be less than production estimates. Carryover stocks would probably increase 3 to 5 percent. Prices would be expected to fall from the 1983 projected level--and could be expected to be 10 to 15 cents below the loan rate. All producers would be eligible for program benefits. (2) Implement a production adjustment program--implement a 10 to 15 percent acreage reduction program possibly coupled with a paid land diversion program or PIK program would probably reduce feed grain carryover by 7 to 8 MMT and should result in corn prices at or slightly above 1983 prices. Only program participants would be eligible for program benefits.

Timetable:

Action	Date	FR Cite
NPRM	07/01/83	
Final Action	11/15/83	

Small Entity: No

Additional Information: REGULATORY AGENDA NUMBER: ASCS 023-13

Agency Contact: Orville I. Overboe, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3744-S, Washington, D.C. 20250, **202 447-4417**

RIN: 0560-AA06

●1983 SUGAR BEET AND SUGARCANE LOAN PROGRAM

Priority: Major

Legal Authority: Agric. Act of 1949, as amended by Agric. & Food Act of 1981

CFR Citation: 7 CFR 1435

Abstract: To support domestically grown sugarcane and sugar beets as required by the Agricultural Act of 1949, as amended. To establish a price for raw cane sugar at 17.5 or above and to establish a price of refined beet sugar above raw cane sugar.

Timetable:

Action	Date	FR Cite
Prenotice	06/01/83	
NPRM	07/15/83	
Final Action	10/01/83	

Small Entity: No

Additional Information: REGULATORY AGENDA NUMBER: ASCS 023-10

Agency Contact: **Tom Fink**, Department of Agriculture, Agricultural Stabilization and Conservation Service, P. O. Box 2415, Washington, D.C. 20013, **202 447-5095**

RIN: 0560-AA07

●CCC GRAIN PRICE SUPPORT REGULATIONS GOVERNING THE GRAIN RESERVE PROGRAM FOR 1982 AND SUBSEQUENT CROPS AND ALTERNATIVE PROGRAM FOR 1982 AND PRIOR CROPS

Priority: Major

Legal Authority: Ag Act of 1949, Sec 110, amend by Sec 1001, Ag & Food Act 1981

CFR Citation: 7 CFR 1421

Abstract: To propose changes in the regulations which govern the farmer-owned Grain Reserve Program which would: (1) implement the new reserve program for 1983-crop wheat and feed grains and subsequent crops, (2) delay entry into the reserve, and (3) revise the rotation provisions. These proposed changes are necessary because of the: (1) Payment-in-Kind (PIK) Program impact on outstanding reserve loans, and (2) current rotation provisions being used as a marketing tool rather than a quality maintenance provision as intended by statute.

Timetable:

Action	Date	FR Cite
NPRM	07/15/83	
Final Action	11/01/83	

Small Entity: No

Additional Information: REGULATORY AGENDA NUMBER: ASCS 023-9

Agency Contact: **Steve Gill**, Department of Agriculture, Agricultural Stabilization and Conservation Service, P.O. Box 2415, Washington, D.C. 20013, **202 447-8480**

RIN: 0560-AA08

●PRICE SUPPORT LEVEL FOR MILK, 1982-83 MARKETING YEAR – ADDITIONAL DEDUCTIONS AND REFUND PROGRAM (BEGINNING APRIL 1, 1983)

Priority: Major

Legal Authority: 7 USC 1446 Agricultural Act of 1949, Section 201, as amended

CFR Citation: 7 CFR 1430, (Proposed)

Abstract: The Agricultural Act of 1949, as amended, requires that the price support for milk shall be established at a level to assure an adequate supply of pure and wholesome milk to meet current needs, reflect changes in the cost of production, and assure a level of farm income adequate to maintain productive capacity sufficient to meet anticipated future needs. The minimum level specified for the 1982-83 marketing year is $13.00 per cwt. There is also provision for a fifty-cent deduction for each hundredweight of milk marketed commercially beginning October 1, 1982. Effective April 1, 1983, the Secretary may deduct an additional 50 cents per hundredweight– provided that a program is established to refund this second 50 cent deduction to those producers who cut production by a specified amount from the base period production.

Timetable:

Action	Date	FR Cite
NPRM	12/17/82	47 FR 56500
Final Action	03/31/83	

Small Entity: No

Additional Information: REGULATORY AGENDA NUMBER: ASCS 092-39

Agency Contact: **Charles N. Shaw**, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3754-S, Washington, D.C. 20250, **202 447-7601**

RIN: 0560-AA09

●PRICE SUPPORT LEVEL FOR MILK, 1983-84 MARKETING YEAR – (BEGINNING OCTOBER 1, 1983)

Priority: Major

Legal Authority: 7 USC 1446 Agricultural Act of 1949 as amended, Section 201

CFR Citation: 7 CFR 1430

Abstract: The Agricultural Act of 1949, as amended by the Omnibus Budget Reconciliation Act of 1982, requires that the price support for milk shall be set at a level to assure an adequate supply of pure and wholesome milk. The minimum level specified for the 1983-84 marketing year is $13.10 per cwt. The Act provides that, effective October 1, 1982, the Secretary may provide for a deduction of 50 cents per cwt. from the proceeds of sale of all milk marketed commercially by producers under certain conditions. The Act further provides that, effective April 1, 1983, the Secretary may provide for a deduction of an additional 50 cents per cwt. from the proceeds of sale of all milk marketed commercially by producers under certain conditions.

Timetable:

Action	Date	FR Cite
NPRM	06/01/83	
Final Action	09/01/83	

Small Entity: No

Additional Information: REGULATORY AGENDA NUMBER: ASCS 023-2

Agency Contact: **Charles N. Shaw**, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3754-S, Washington, D.C. 20250, **202 447-7601**

RIN: 0560-AA10

●DETERMINATION OF 1984-CROP UPLAND COTTON LOAN RATE, TARGET PRICE, PRODUCTION ADJUSTMENT, AND RELATED PROGRAM PROVISIONS

Priority: Major

Legal Authority: 7 USC 1444 Agricultural Act of 1949, as amended, Sec 103(g)(1); Commodity Credit Corporation Charter Act

CFR Citation: 7 CFR 707; 7 CFR 709; 7 CFR 713; 7 CFR 719; 7 CFR 770; 7 CFR 792; 7 CFR 794 to 796; 7 CFR 1421

Abstract: The Agricultural Act of 1949, as amended, requires USDA to provide for minimum price and income support and to establish, if required, a production adjustment program as authorized by the legislation. The following alternatives are under study: (1) No production adjustment program. Total supply for the 1984-85 marketing year would increase substantially, resulting in only moderate increases in utilization, sharply higher ending stocks, depressed prices, and significant increases in government costs; (2) Implement a production adjustment program. An acreage reduction program either alone or in combination with either a cash land diversion and/or a payment-in-kind program could be used to reduce production and ending stocks, raise farm income and hold down government costs.

USDA—ASCS

Current and Projected Rulemakings

Timetable:

Action	Date	FR Cite
NPRM	07/00/83	
Final Action	11/00/83	

Small Entity: No

Additional Information: REGULATORY AGENDA NUMBER: ASCS 023-5

Agency Contact: Charles V. Cunningham, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3741-S, Washington, D.C. 20250, **202 447-7954**

RIN: 0560–AA11

●DETERMINATION OF LOAN AND PURCHASE RATE; ESTABLISHED "TARGET" PRICES, ACREAGE ADJUSTMENT; AND FARMER-OWNED RESERVE PROGRAM PROVISIONS FOR THE 1984 CROP OF WHEAT

Priority: Major

Legal Authority: 7 USC 1445b-1 Agricultural Act of 1949, Section 107(b); Commodity Credit Corporation Charter Act

CFR Citation: 7 CFR 707; 7 CFR 709; 7 CFR 713; 7 CFR 719; 7 CFR 770; 7 CFR 792; 7 CFR 794 to 796; 7 CFR 1421.485 to 1421.490

Abstract: The Agricultural Act of 1949, as amended, requires USDA to provide for minimum levels of price support and to establish, if necessary, a production adjustment program as authorized by the legislation. The following alternatives are under study: (1) Implement no acreage adjustment program – 1983/84 marketing year supplies may be about the same as the previous year but still burdensome levels. Domestic use is projected to be marginally higher and exports unchanged resulting in a further buildup in carryover stocks. All producers would be eligible for program benefits with this alternative. (2) Implement an acreage reduction program coupled with a land diversion (either cash or payment-in-kind) that would reduce supplies to a more manageable level. 1983/84 supplies may be about the same as a year earlier but still more than 25 percent above desired levels. Only program participants would be eligible for program benefits.

Timetable:

Action	Date	FR Cite
NPRM	04/01/83	
Final Action	07/15/83	

Small Entity: No

Additional Information: REGULATORY AGENDA NUMBER: ASCS 023-14

Agency Contact: Bruce R. Weber, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3738-S, Washington, D.C. 20250, **202 447-4146**

RIN: 0560–AA12

●DETERMINATION OF 1984-CROP RICE PROGRAM TO INCLUDE ESTABLISHMENT OF LOAN RATE, ESTABLISHED "TARGET" PRICE, AND ACREAGE REDUCTION AND/OR PAID DIVERSION PROGRAMS, IF ANY

Priority: Major

Legal Authority: 7 USC 1441 Agricultural Act of 1949, Section 101(i); Commodity Credit Corporation Charter Act

CFR Citation: 7 CFR 730; 7 CFR 792; 7 CFR 794 to 795; 7 CFR 1421.1 to 1421.28; 7 CFR 1421.300 to 1421.328; 7 CFR 1421.530 to 1421.572

Abstract: The Agricultural Act of 1949, as amended, requires USDA to provide for minimum levels of price support and to establish, if necessary, a production adjustment program as authorized by the legislation. The following alternatives are under study: (1) No product adjustment program. Total supply for 1984 could reach a record level under normal weather conditions. Domestic use is forecast to increase by about 4 percent and export use is expected to rise by an estimated 5 percent from the 1983 level. In spite of increased utilization, ending stocks would increase to a record level. Farm prices and net farm income could be expected to decline. (2) Implement an acreage reduction program. An acreage reduction program of 15 to 25 percent would insure that planted acreage would not increase to excessively high levels which could result in excessive stocks, low prices, and low farm income. Under an acreage reduction program, program expenditures would be reduced significantly. Net farm income under such an option would be higher than under no production adjustment programs. A payment-in-kind program could (cont)

Timetable:

Action	Date	FR Cite
NPRM	09/30/83	
Final Action	01/31/84	

Small Entity: No

Additional Information: REGULATORY AGENDA NUMBER: ASCS 023-15. ABSTRACT CONT: also be implemented to meet the production adjustment objectives.

Agency Contact: George H. Schaefer, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3742-S, Washington, D.C. 20250, **202 447-4634**

RIN: 0560–AA13

DEPARTMENT OF AGRICULTURE (USDA)

Agricultural Stabilization and Conservation Service (ASCS)

Completed Actions

COMPLETED RULEMAKINGS

1982 SUGAR BEET AND SUGAR CANE LOAN PROGRAM

Priority: Major

Completed:

Reason	Date	FR Cite
Final Action	10/01/82	47 FR 46678

Agency Contact: Thomas Fink 202 382-9879

RIN: 0560–AA00

BILLING CODE 3410-01-T

DEPARTMENT OF AGRICULTURE (USDA)
Animal and Plant Health Inspection Service (APHIS)

Current and Projected Rulemakings

RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), NEWCASTLE DISEASE (AVIAN PNEUMOENCEPHALITIS), AFRICAN SWINE FEVER, AND HOG CHOLERA: PROHIBITED AND ETC.

Legal Authority: 19 USC 1306; 21 USC 111; 21 USC 134a; 21 USC 134b; 21 USC 134c; 21 USC 134f

CFR Citation: 9 CFR 94

Abstract: This regulation designates countries where rinderpest or foot-and-mouth disease of livestock exist and either prohibits or restricts the importation of animals products, and materials from such countries.

Timetable:

Action	Date	FR Cite
End Review	10/00/84	

Small Entity: No

Analysis: Draft RFA 00/00/00

Agency Contact: **D. E. Herrick**, Department of Agriculture, Animal and Plant Health Inspection Service, VS, Room 821, Federal Building, Hyattsville, MD 20782, **301 436-8530**

RIN: 0579-AA01

DEPARTMENT OF AGRICULTURE (USDA)
Animal and Plant Health Inspection Service (APHIS)

Existing Regulations Under Review

RECOGNITION OF BREEDS AND BOOKS OF RECORD OF PUREBRED ANIMALS

CFR Citation: 9 CFR 151

Abstract: Provides for the duty free entry of purebred animals.

Timetable:

Action	Date	FR Cite
End Review	04/00/84	

Small Entity: No

Agency Contact: **W. H. Ritchie**, Department of Agriculture, Animal and Plant Health Inspection Service, Room 844, Federal Building, Hyattsville, MD 20782, **301 436-8172**

RIN: 0579-AA02

CORN DISEASES

CFR Citation: 7 CFR 319.24

Abstract: Regulates the importation from several Southeast Asian and Pacific countries of Indian corn and closely related plants subject to certain injurious diseases.

Timetable:

Action	Date	FR Cite
End Review	10/00/84	

Small Entity: No

Agency Contact: **T. Lanier**, Department of Agriculture, Animal and Plant Health Inspection Service, Room 643, Federal Building, Hyattsville, MD 20782, **301 436-8247**

RIN: 0579-AA03

NOXIOUS WEEDS

CFR Citation: 7 CFR 360

Abstract: Designates certain plants as "noxious weeds" pursuant to the Federal Noxious Weed Act of 1974. Outlines permit procedures for movement of noxious weeds.

Timetable:

Action	Date	FR Cite
End Review	04/00/84	

Small Entity: No

Agency Contact: **T. Lanier**, Department of Agriculture, Animal and Plant Health Inspection Service, Room 643, Federal Building, Hyattsville, MD 20782, **301 436-8247**

RIN: 0579-AA04

FOOT-AND-MOUTH DISEASE, PLEUROPNEUMONIA, RINDERPEST AND CERTAIN OTHER COMMUNICABLE DISEASES OF LIVESTOCK

CFR Citation: 9 CFR 53

Abstract: Regulation provides for the determination of the existence of exotic or foreign animal and poultry diseases and for agreements to cooperate with States; for payments to owners, at specified rates, for animals and materials destroyed because of specific exotic diseases; procedures and requirements under which payments to owners for animals or materials destroyed may be made; for disinfection or destruction of materials; and disinfection of premises and conveyance.

Timetable:

Action	Date	FR Cite
End Review	10/00/84	

Small Entity: No

Agency Contact: **K. A. Hand**, Department of Agriculture, Animal and Plant Health Inspection Service, Room 743, Federal Building, Hyattsville, MD 20782, **301 436-8065**

RIN: 0579-AA05

SWINE DESTROYED BECAUSE OF HOG CHOLERA

CFR Citation: 9 CFR 56

Abstract: Regulation provides for cooperation with States in eradicating hog cholera, a contagious, infectious and communicable disease of swine; for payment to owners, at specified rates, for swine destroyed; and procedures and requirements under which such payment may be made.

Timetable:

Action	Date	FR Cite
End Review	04/00/84	

Small Entity: No

Agency Contact: **L. Schnurrenberger**, Department of Agriculture, Animal and Plant Health Inspection Service, Room 841, Federal Building, Hyattsville, MD 20782, **301 436-8436**

RIN: 0579-AA06

HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

CFR Citation: 9 CFR 76

Abstract: Regulation provides for cooperation with States in eradicating hog cholera and other communicable diseases of swine; for quarantine of affected areas; for requirements for interstate movement of swine and swine products from quarantined areas; for approval of livestock markets; and

USDA—APHIS — Existing Regulations Under Review

for cleaning and disinfection of means of conveyance, markets and facilities.

Timetable:

Action	Date	FR Cite
End Review	04/00/84	

Small Entity: No

Agency Contact: L. Schnurrenberger, Department of Agriculture, Animal and Plant Health Inspection Service, Room 841, Federal Building, Hyattsville, MD 20782, 301 436-8438

RIN: 0579-AA07

SUSPENSION OF BIOLOGICS LICENSES OR PERMITS

CFR Citation: 9 CFR 105

Abstract: Conditions and procedures are set forth concerning the suspension of U.S. Veterinary Biological and U.S. Veterinary Biologics Establishment Licenses.

Timetable:

Action	Date	FR Cite
End Review	10/00/83	

Small Entity: No

Agency Contact: D. A. Espeseth, Department of Agriculture, Animal and Plant Health Inspection Service, Room 829, Federal Building, Hyattsville, MD 20782, 301 436-8245

RIN: 0579-AA08

INSPECTIONS OF ESTABLISHMENTS AND BIOLOGICAL PRODUCTS

CFR Citation: 9 CFR 115

Abstract: Authority for the inspection of licensed establishments and products is provided by this regulation.

Timetable:

Action	Date	FR Cite
End Review	10/00/83	

Small Entity: No

Agency Contact: D. A. Espeseth, Department of Agriculture, Animal and Plant Health Inspection Service, Room 829, Federal Building, Hyattsville, MD 20782, 301 436-8245

RIN: 0579-AA09

BLACK STEM RUST

CFR Citation: 7 CFR 301.38

Abstract: This regulation limits the interstate movement of certain plants susceptible to black stem rust, a dangerous plant disease of small grains.

Timetable:

Action	Date	FR Cite
End Review	10/00/84	

Small Entity: No

Agency Contact: T. Lanier, Department of Agriculture, Animal and Plant Health Inspection Service, Room 643, Federal Building, Hyattsville, MD 20782, 301 436-8247

RIN: 0579-AA10

BILLING CODE 3410-01-T

DEPARTMENT OF AGRICULTURE (USDA)
Farmers Home Administration (FmHA) — Current and Projected Rulemakings

MOBILE HOME LOAN PROCEDURE

Priority: Major

Legal Authority: 42 USC 1480(j) Housing Act of 1949; 42 USC 1490(g) Housing Act of 1949

CFR Citation: 7 CFR 1944, Subpart M

Abstract: Invite public input for draft regulations for mobile home loans to implement Section 527 of Title V of the Housing Act of 1949, as amended.

Timetable:

Action	Date	FR Cite
ANPRM	10/21/80	45 FR 69469
NPRM	12/00/83	
Final Action	06/00/84	

Small Entity: No

Additional Information: REGULATORY AGENDA NUMBER: FmHA 080-47

Agency Contact: James W. Craun, Loan Specialist (Realty), Department of Agriculture, Farmers Home Administration, Room 5351-S, Washington, DC 20250, 202 382-1489

RIN: 0575-AA00

DEPARTMENT OF AGRICULTURE (USDA)
Farmers Home Administration (FmHA) — Completed Actions

COMPLETED RULEMAKINGS

RESTRICTING LOAN GUARANTEES WITH TAX-FREE OBLIGATIONS

Priority: Major

Completed:

Reason	Date	FR Cite
Final Action	10/18/82	47 FR 46247

Agency Contact: Wilton L. Ward 202 475-4005

RIN: 0575-AA01

BILLING CODE 3410-01-T

DEPARTMENT OF AGRICULTURE (USDA)
Federal Grain Inspection Service (FGIS) — Existing Regulations Under Review

DECEPTIVE PRACTICES

CFR Citation: 7 CFR 800.60

Abstract: FGIS will conduct a review of that part of the regulations under the U.S. Grain Standards Act dealing with deceptive actions and practices that knowingly cause

USDA—FGIS — Existing Regulations Under Review

or attempt to cause official personnel to issue incorrect official certificates or other official forms. The review will examine the need for and consequences of the regulations, assure that they are consistent with the intent of the law and current Agency policy, clarify and simplify the language, and make them more cost effective to FGIS and the industry.

Timetable:

Action	Date	FR Cite
NPRM	01/17/83	48 FR 1979
End Review	00/00/00	

Small Entity: No

Agency Contact: **J. T. Abshier**, Department of Agriculture, Federal Grain Inspection Service, Room 2405 Auditors, Washington, DC 20250, **202 447-8262**

RIN: 0580–AA00

FEES FOR OFFICIAL SERVICES PERFORMED BY OFFICIAL AGENCIES

CFR Citation: 7 CFR 800.70

Abstract: FGIS will conduct a review of Procedures for Official Agencies establishing fees to assure that the procedures are necessary, not in conflict with current laws or Agency policy.

Timetable:

Action	Date	FR Cite
Begin Review	06/00/83	
End Review	10/00/83	

Small Entity: No

Agency Contact: **E. R. Bergeron**, Department of Agriculture, Federal Grain Inspection Service, Room 1642-S, Washington, DC 20250, **202 382-0231**

RIN: 0580–AA01

KINDS OF OFFICIAL SERVICES

CFR Citation: 7 CFR 800.75 to 800.78

Abstract: FGIS will conduct a review of the kinds of official inspection and weighing services and the prohibited and restricted services under the regulations under the U.S. Grain Standards Act to ensure that the services adequately meet the needs of the U.S. grain marketing system and maintain the integrity of the inspection and weighing system.

Timetable:

Action	Date	FR Cite
End Review	09/00/83	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: J. T. Abshier, Room 2405 Auditors, Washington, DC 20250, 202 447-8262

Agency Contact: **J. W. Marshall**, Department of Agriculture, Federal Grain Inspection Service, Room 1641-S, Washington, DC 20250, **202 382-0228**

RIN: 0580–AA02

APPEAL INSPECTION SERVICES

CFR Citation: 7 CFR 800.135 to 800.140

Abstract: FGIS will conduct a review of the appeal inspection services under the regulations under the U.S. Grain Standards Act to ensure that the service is cost effective and meets the needs of the U.S. grain industry.

Timetable:

Action	Date	FR Cite
End Review	09/00/83	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: J. T. Abshier, Room 2405 Auditors, Washington, DC 20250, 202 447-8262

Agency Contact: **J. W. Marshall**, Department of Agriculture, Federal Grain Inspection Service, Room 1641-S, Washington, DC 20250, **202 382-0228**

RIN: 0580–AA03

OFFICIAL CERTIFICATES

CFR Citation: 7 CFR 800.160 to 800.166

Abstract: FGIS will conduct a review of the procedures for issuance and distribution of official certificates under the regulations under the U.S. Grain Standards Act to ensure that the procedures are cost effective and meet the needs of the U.S. grain market.

Timetable:

Action	Date	FR Cite
End Review	09/00/83	

Small Entity: No

Agency Contact: **J. W. Marshall**, Department of Agriculture, Federal Grain Inspection Service, Room 1641-S, Washington, DC 20250, **202 382-0228**

RIN: 0580–AA04

BILLING CODE 3410-01-T

DEPARTMENT OF AGRICULTURE (USDA) — Current and Projected Rulemakings

Food and Nutrition Service (FNS)

FOOD STAMP PROGRAM - MONTHLY REPORTING AND RETROSPECTIVE BUDGETING (MRRB)

Priority: Major

Legal Authority: PL 97-35 1981 Omnibus Reconciliation Act

CFR Citation: 7 CFR 271; 7 CFR 272; 7 CFR 273; 7 CFR 274

Abstract: This rule implements Sections 107 and 108 of the Omnibus Reconciliation Act of 1982 (Public Law 97-35). The rule will impose a national accounting system on almost all households and will base benefits on circumstances from a previous month. The final rule will include provisions of the 1982 Food Stamp Amendments.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/25/82	47 FR 22684
Final Action	05/00/83	

Small Entity: No

Additional Information: REGULATORY AGENDA NUMBER: FNS 101-54

Agency Contact: **Thomas O'Connor**, Act. Chief, Prog. Design & Rulemaking Branch, Department of Agriculture, Food and Nutrition Service, Room 708, Park Office Center, Alexandria, VA 22302, **703 756-3425**

RIN: 0584–AA00

DEPARTMENT OF AGRICULTURE (USDA)

Food and Nutrition Service (FNS)

Existing Regulations Under Review

SUPPLEMENTAL FOOD PROGRAMS FOR WOMEN, INFANTS AND CHILDREN (WIC AND CSFP)

CFR Citation: 7 CFR 246; 7 CFR 247

Abstract: Review of administrative aspects of program regulations to determine if programs can be made more flexible and less proscriptive and burdensome.

Timetable:

Action	Date	FR Cite
End Review	07/00/83	

Small Entity: No

Agency Contact: Phil Cohen, Department of Agriculture, Food and Nutrition Service, Room 416, Park Office Center, 3101 Park Center Drive, Alexandria, VA 22302, 703 756-3730

RIN: 0584-AA01

APPLICATION PROCESSING

CFR Citation: 7 CFR 273.2

Abstract: These rules describe the procedures for processing food stamp applications and determining eligibility and level of benefits.

Timetable:

Action	Date	FR Cite
End Review	06/00/83	

Small Entity: No

Agency Contact: Thomas O'Connor, Department of Agriculture, Food and Nutrition Service, Room 708, Park Office Center, 3101 Park Center Drive, Alexandria, VA 22302, 703 456-3245

RIN: 0584-AA02

WORK REGISTRATION

CFR Citation: 7 CFR 273.7

Abstract: These rules establish the work registration and job finding responsibilities of food stamp participants. They also establish how the requirements are to be administered.

Timetable:

Action	Date	FR Cite
End Review	07/00/83	

Small Entity: No

Agency Contact: Thomas O'Connor, Department of Agriculture, Food and Nutrition Service, Room 708, Park Office Center, 3101 Park Center Drive, Alexandria, VA 22302, 703 756-3425

RIN: 0584-AA03

RECERTIFICATION

CFR Citation: 7 CFR 273.10

Abstract: These rules contain procedures to be followed in recertifying current food stamp participants for continued participation in the Food Stamp Program.

Timetable:

Action	Date	FR Cite
NPRM	11/30/82	47 FR 53878
End Review	04/00/83	

Small Entity: No

Additional Information: 7 CFR 272 to 273 for Proposal only.

Agency Contact: Thomas O'Connor, Department of Agriculture, Food and Nutrition Service, Room 708, Park Office Center, 3101 Park Center Drive, Alexandria, VA 22302, 703 756-3425

RIN: 0584-AA04

ISSUANCE, ACCOUNTABILITY AND LIABILITY

CFR Citation: 7 CFR 274; 7 CFR 276

Abstract: These rules govern the issuance of food stamps to Food Stamp Program participants. They also establish the system for accounting for the food stamps and establish liabilities for losses during the issuance process.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/29/82	47 FR 49010
End Review	04/00/83	

Small Entity: No

Agency Contact: Thomas O'Connor, Department of Agriculture, Food and Nutrition Service, Room 708, Park Office Center, 3101 Park Center Drive, Alexandria, VA 22302, 703 756-3425

RIN: 0584-AA05

PERFORMANCE REPORTING SYSTEM

CFR Citation: 7 CFR 275

Abstract: This rule describes procedures by which USDA monitors and evaluates State agency administration of the Food Stamp Program.

Timetable:

Action	Date	FR Cite
End Review	03/00/83	

Small Entity: No

Agency Contact: Thomas O'Connor, Department of Agriculture, Food and Nutrition Service, Room 708, Park Office Center, 3101 Park Center Drive, Alexandria, VA 22302, 703 756-3425

RIN: 0584-AA06

FOOD DISTRIBUTION PROGRAM

CFR Citation: 7 CFR 250

Abstract: This rule outlines the responsibilities of the Food and Nutrition Service and State agencies concerning the distribution of USDA-donated foods acquired under various legislative authorities. The rule prescribes the terms and conditions under which donated foods may be obtained through State distributing agencies for use in schools, child care institutions, nonprofit summer camps for children, charitable institutions, nutrition programs for the elderly, and otherwise in the assistance of needy persons.

Timetable:

Action	Date	FR Cite
End Review	05/00/83	

Small Entity: No

Agency Contact: Don McCreary, Department of Agriculture, Food and Nutrition Service, Room 506, Park Office Center, 3101 Park Center Drive, Alexandra, VA 22302, 703 756-3660

RIN: 0584-AA07

PROCESSING OF DONATED FOODS

CFR Citation: 7 CFR 250.1

Abstract: This rule sets forth the requirements which permit State distributing agencies, subdistributing agencies, and recipient agencies to employ commercial facilities to process USDA-donated foods by converting them into different end products or by repackaging them. The provisions prescribed ensure that food processors pass on maximum benefits of donated foods to recipient agencies and that processing activities are conducted in a manner which maintains maximum accountability and

USDA—FNS

Existing Regulations Under Review

integrity of the donated foods provided by USDA.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	
End Review	07/01/83	

Small Entity: No

Agency Contact: Don McCreary, Department of Agriculture, Food and Nutrition Service, Room 506, Park Office Center, 3101 Park Center Drive, Alexandria, VA 22302, 703 756-3660

RIN: 0584-AA08

FOOD DISTRIBUTION PROGRAM ON INDIAN RESERVATIONS

CFR Citation: 7 CFR 253

Abstract: This rule describes the terms and conditions under which (1) USDA-donated foods (available under 7 CFR 250) may be distributed to households on or near Indian reservations; (2) the program may be administered by capable Indian tribal organizations; and (3) funds may be obtained from USDA for the costs incurred in administering the program. The rule also provides for the concurrent operation of the Food Distribution Program and the Food Stamp Program on Indian reservations when such concurrent operation is requested by an Indian tribal organization.

Timetable:

Action	Date	FR Cite
End Review	05/00/83	

Small Entity: No

Agency Contact: Bob Beard, Department of Agriculture, Food and Nutrition Service, Room 506, Park Office Center, 3101 Park Center Drive, Alexandria, VA 22302, 703 756-3660

RIN: 0584-AA09

EXPEDITED SERVICE

CFR Citation: 7 CFR 273.2

Abstract: This rule establishes procedures for issuing benefits on an expedited basis to households in immediate need of assistance.

Timetable:

Action	Date	FR Cite
NPRM	11/30/82	47 FR 53828
End Review	04/00/83	

Small Entity: No

Additional Information: 7 CFR 271, 272, 273, 275 for Proposal

Agency Contact: Thomas O'Connor, Department of Agriculture, Food and Nutrition Service, Room 708, Park Office Center, 3101 Park Center Drive, Alexandria, VA 22302, 703 756-3425

RIN: 0584-AA10

DEPARTMENT OF AGRICULTURE (USDA)
Food and Nutrition Service (FNS)

Completed Actions

COMPLETED REVIEWS

FRAUD

Completed:

Reason	Date	FR Cite
End Review	02/15/83	48 FR 6836

Agency Contact: Thomas O'Connor 703 756-3425

RIN: 0584-AA11

BILLING CODE 3410-01-T

DEPARTMENT OF AGRICULTURE (USDA)
Food Safety and Inspection Service (FSIS)

Existing Regulations Under Review

RECORDS, REGISTRATION, AND REPORTS

Priority: Major

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq; 5 USC 601 et seq; 44 USC 3501 et seq; EO 12291

CFR Citation: 9 CFR 320; 9 CFR 381, Subpart O

Abstract: The agency will review Parts 320 and 381 Subpart O, of Title 9 of the Code of Federal Regulations relating to records and reports required to be maintained by official meat and poultry establishments. The purpose of the review will be to determine whether present reporting and recordkeeping requirements placed upon the industry can be reduced or effected in a more efficient, less burdensome manner.

Timetable:

Action	Date	FR Cite
Begin Review	05/02/83	
End Review	04/29/84	

Small Entity: No

Additional Information: REGULATORY AGENDA NUMBER: FSIS 092-3

Agency Contact: Judith Segal, Act. Dir., Policy & Program Planning Staff, Department of Agriculture, Food Safety and Inspection Service, Room 327-E, Washington, DC 20250, 202 447-6525

RIN: 0583-AA00

ADMINISTRATIVE REGULATIONS

CFR Citation: 9 CFR 302; 9 CFR 304; 9 CFR 305; 9 CFR 308; 9 CFR 381, Subpart B; 9 CFR 381, Subpart D; 9 CFR 381, Subpart E; 9 CFR 381, Subpart F

Abstract: Sets forth administrative requirements for applying for inspection, granting, refusing, inaugurating, and withdrawing inspection and assigning program employees.

USDA—FSIS — Existing Regulations Under Review

Timetable:

Action	Date	FR Cite
Begin Review	12/00/82	
End Review	09/00/83	

Small Entity: No

Agency Contact: **Judith Segal**, Act. Dir., Policy & Program Planning Staff, Department of Agriculture, Food Safety and Inspection Service, Room 327-E, Washington, DC 20250, **202 447-6525**

RIN: 0583-AA02

SLAUGHTER

CFR Citation: 9 CFR 309; 9 CFR 310

Abstract: Sets forth ante-mortem and post-mortem inspection requirements for meat.

Timetable:

Action	Date	FR Cite
Begin Review	12/00/82	
End Review	09/00/83	

Small Entity: No

Agency Contact: **Judith Segal**, Act. Dir., Policy & Program Planning Staff, Department of Agriculture, Food Safety and Inspection Service, Room 327-E, Washington, DC 20250, **202 447-6525**

RIN: 0583-AA03

ENFORCEMENT PROCEDURAL REGULATIONS

CFR Citation: 9 CFR 329; 9 CFR 335; 9 CFR 381, Subpart U; 9 CFR 381, Subpart W

Abstract: Sets forth procedural requirements for detaining, seizing, and condemning meat and poultry products. Review has been postponed until Fiscal Year 1984.

Timetable:

Action	Date	FR Cite
Begin Review	00/00/00	

Small Entity: No

Agency Contact: **Judith Segal**, Act. Dir., Policy & Program Planning Staff, Department of Agriculture, Food Safety and Inspection Service, Room 327-E, Washington, DC 20250, **202 447-6525**

RIN: 0583-AA04

BILLING CODE 3410-01-T

DEPARTMENT OF AGRICULTURE (USDA)
Foreign Agricultural Service (FAS) — Existing Regulations Under Review

PUBLIC LAW 480

CFR Citation: 7 CFR 17.8

Abstract: Sales of Agricultural Commodities made available under Title I, Agricultural Trade Development and Assistance Act of 1954, as amended (Fees and Agents). Amendment will add a requirement that ocean freight rates be negotiated whenever possible.

Timetable:

Action	Date	FR Cite
End Review	03/00/83	

Small Entity: No

Agency Contact: **Leo Wallace**, Department of Agriculture, Foreign Agricultural Service, Room 4526-S, Washington, DC 20250, **202 447-6211**

RIN: 0551-AA00

DEPARTMENT OF AGRICULTURE (USDA)
Foreign Agricultural Service (FAS) — Completed Actions

COMPLETED REVIEWS

NON-COMMERCIAL RISK ASSURANCE PROGRAM

Completed:

Reason	Date	FR Cite
End Review	02/00/83	

Agency Contact: **Larry McElvain 202 447-6225**

RIN: 0551-AA01

BILLING CODE 3410-01-T

DEPARTMENT OF AGRICULTURE (USDA)
Forest Service (FS) — Existing Regulations Under Review

ADMINISTRATION OF THE FOREST DEVELOPMENT TRANSPORTATION SYSTEM

CFR Citation: 36 CFR 212

Abstract: Describes the plan for the system of access roads, trails, and airfields needed for protection, administration and use of the National Forest System.

Timetable:

Action	Date	FR Cite
Begin Review	02/00/83	
End Review	12/00/84	

USDA—FS

Existing Regulations Under Review

Small Entity: No

Agency Contact: M. R. Howlett, Department of Agriculture, Forest Service, P. O. Box 2417, Washington, DC 20013, 703 235-8205

RIN: 0596-AA00

LOCATABLE MINERALS

CFR Citation: 36 CFR 228, Subpart A

Abstract: Rules and procedures for the use of the surface of National Forest Systems lands for locatable minerals.

Timetable:

Action	Date	FR Cite
Begin Review	03/00/83	
End Review	00/00/00	

Small Entity: No

Agency Contact: Howard Banta, Department of Agriculture, Forest Service, P. O. Box 2417, Washington, DC 20013, 703 235-8105

RIN: 0596-AA01

MINING IN CUSTER STATE PARK GAME SANCTUARY

CFR Citation: 36 CFR 251.10

Abstract: Prohibitions on location of mining claims within certain areas of the Sanctuary.

Timetable:

Action	Date	FR Cite
Begin Review	03/00/83	
End Review	00/00/00	

Small Entity: No

Agency Contact: Howard Banta, Department of Agriculture, Forest Service, P. O. Box 2417, Washington, DC 20013, 703 235-8105

RIN: 0596-AA02

NATIONAL FOREST TOWNSITES

CFR Citation: 36 CFR 254, Subpart B

Abstract: Sets forth circumstances and procedures for conveying National Forest System lands in Alaska and Western States to communities.

Timetable:

Action	Date	FR Cite
Begin Review	10/00/83	
End Review	00/00/00	

Small Entity: No

Agency Contact: Richard D. Hull, Department of Agriculture, Forest Service, P. O. Box 2417, Washington, DC 20013, 703 235-8212

RIN: 0596-AA03

LAND DISPOSAL; SALE OF LANDS PURSUANT TO SECTION 10 OF THE ACT APPROVED MARCH 11, 1911

CFR Citation: 36 CFR 281

Abstract: Describes procedures for disposing of National Forest lands principally in the eastern U.S. and conditions under which these lands may be sold.

Timetable:

Action	Date	FR Cite
Begin Review	10/00/83	
End Review	00/00/00	

Small Entity: No

Agency Contact: Richard D. Hull, Department of Agriculture, Forest Service, P. O. Box 2417, Washington, DC 20013, 703 235-8212

RIN: 0596-AA04

USE OF MOTOR VEHICLES OFF FOREST DEVELOPMENT ROADS

CFR Citation: 36 CFR 295

Abstract: Sets forth the process for developing management plans for use of off-road vehicles on National Forest lands.

Timetable:

Action	Date	FR Cite
Begin Review	10/00/83	
End Review	00/00/00	

Small Entity: No

Agency Contact: Roy Feuchter, Department of Agriculture, Forest Service, P. O. Box 2417, Washington, DC 20013, 202 447-3706

RIN: 0596-AA05

BILLING CODE 3410-01-T

DEPARTMENT OF AGRICULTURE (USDA)
Office of Finance and Management (OFM)

Current and Projected Rulemakings

INTERGOVERNMENTAL REVIEW OF DEPARTMENT OF AGRICULTURE PROGRAMS AND ACTIVITIES

Priority: Major

Legal Authority: EO 12372

CFR Citation: 7 CFR 3015

Abstract: Regulations will be proposed governing formulation, evaluation, and review by state and local government officials of proposed Federal financial assistance and direct Federal development activities. These regulations replace the procedures required by OMB Circular A-95 and will foster effective intergovernmental partnership and strengthen Federalism by accommodating state and local elected officials' concerns through the state designated process.

Timetable:

Action	Date	FR Cite
NPRM	01/24/83	48 FR 3082
Final Action	04/00/83	

Small Entity: No

Additional Information: REGULATORY AGENDA NUMBER: OFM 102-1.

Agency Contact: Lyn Zimmerman, Supervisory Program Analyst, Department of Agriculture, Office of Finance and Management, Room 10-A, Administration Building, Washington, DC 20250, 202 382-1553

RIN: 0505-AA00

BILLING CODE 3410-01-T

DEPARTMENT OF AGRICULTURE (USDA)
Packers and Stockyards Administration (P&SA)

Existing Regulations Under Review

ACCOUNTS AND RECORDS, PAYMENT AND ACCOUNTING FOR LIVESTOCK AND LIVE POULTRY, TRADE PRACTICES AND RECORD RETENTION

CFR Citation: 9 CFR 201.43 to 201.47; 9 CFR 201.49 to 201:50; 9 CFR 201.52; 9 CFR 201.101; 9 CFR 201.53 to 201.66; 9 CFR 201.111; 9 CFR 203.4 to 203.5

Abstract: The payment and accounting regulations set forth the payment requirements for livestock and live poultry and for the accounting and maintenance of records. The trade practice regulations prohibit certain business practices of stockyard owners, market agencies, dealers and packers. The policy statements relate to disposition of records by packers and market agencies paying expenses of buyers.

Timetable:

Action	Date	FR Cite
NPRM	09/24/82	47 FR 42114
End Review	00/00/00	

Small Entity: No

Agency Contact: Kenneth Stricklin, Department of Agriculture, Packers and Stockyards Administration, Room 3422-S, Washington, DC 20250, **202 447-7363**

RIN: 0590-AA00

TRADE PRACTICES, LIVESTOCK SALES TO A PACKER ON CREDIT

CFR Citation: 9 CFR 201.67; 9 CFR 201.70; 9 CFR 302.2 to 302.6; 9 CFR 203.7 to 203.14; 9 CFR 203.16

Abstract: The trade practice regulations prohibit packers and dealers from owning market agencies selling on commission and packer ownership of dealers and market agencies buying on commission, and prohibit certain business practices with respect to competition between packers, dealers and market agencies. The sales on credit regulation prescribes terms and conditions under which parties to a purchase and sale may expressly agree in writing to credit. The policy statements relate to packer purchases of livestock for export, packer sales as purchase contracts and advertising and promotional allowances.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: No

Agency Contact: Kenneth Stricklin, Department of Agriculture, Packers and Stockyards Administration, Room 3422-S, Washington, DC 20250, **202 447-7363**

RIN: 0590-AA01

BILLING CODE 3410-01-T

DEPARTMENT OF AGRICULTURE (USDA)
Rural Electrification Administration (REA)

Existing Regulations Under Review

ELECTRIC TRANSMISSION SPECIFICATIONS AND DRAWINGS, 100 KV AND ABOVE

Legal Authority: 7 USC 901 to 950(b); 7 USC 1921 et seq

CFR Citation: 7 CFR 1701

Abstract: Sets forth standard specifications and drawings for construction of transmission lines at 100 kV and above.

Timetable:

Action	Date	FR Cite
Begin Review	05/00/83	
End Review	01/00/84	

Small Entity: No

Additional Information: REA Bulletin 50-1

Agency Contact: Archie Cain, Director, Engineering Standards Division, Department of Agriculture, Rural Electrification Administration, Room 1256-S, Washington, DC 20250, **202 382-9082**

RIN: 0572-AA00

SPECIFICATIONS AND DRAWINGS FOR 12.5/7.2 KV LINE CONSTRUCTION

Legal Authority: 7 USC 901 to 950(b); 7 USC 1921 et seq

CFR Citation: 7 CFR 1701

Abstract: Sets forth standard specifications and drawings for construction of 12.5/7.2 kV distribution lines by REA borrowers.

Timetable:

Action	Date	FR Cite
NPRM	08/27/82	47 FR 37913
End Review	05/00/83	

Small Entity: No

Additional Information: REA Bulletin 50-3

Agency Contact: Archie Cain, Director, Engineering Standards Division, Department of Agriculture, Rural Electrification Administration, Room 1256-S, Washington, DC 20250, **202 382-9082**

RIN: 0572-AA01

SPECIFICATIONS AND DRAWINGS FOR 34.5/7.2 KV LINE CONSTRUCTION

Legal Authority: 7 USC 901 to 950(b); 7 USC 1921 et seq

CFR Citation: 7 CFR 1701

Abstract: Sets forth standard specifications and drawings for construction of 34.5/19.9 kV distribution lines by REA borrowers.

Timetable:

Action	Date	FR Cite
Begin Review	04/00/83	
End Review	12/00/83	

Small Entity: No

Additional Information: REA Bulletin 50-4

Agency Contact: Archie Cain, Director, Engineering Standards Division, Department of Agriculture, Rural Electrification Administration, Room 1256-S, Washington, DC 20250, **202 382-9082**

RIN: 0572-AA02

PAYMENT OF LEGAL FEES FROM LOAN AND EQUITY FUNDS

Legal Authority: 7 USC 901 to 950(b); 7 USC 1921 et seq

CFR Citation: 7 CFR 1701

Abstract: Sets forth information concerning payment of legal fees from loan and equity

USDA—REA

Existing Regulations Under Review

funds to attorneys selected by telephone borrowers.

Timetable:

Action	Date	FR Cite
Begin Review	09/00/83	
End Review	12/00/83	

Small Entity: No

Additional Information: REA Bulletin 400-4

Agency Contact: **John N. Rose**, Director, Telecommunications Management Div., Department of Agriculture, Rural Electrification Administration, Room 2847-S, Washington, DC 20250, **202 382-8532**

RIN: 0572–AA03

BILLING CODE 3410-01-T

DEPARTMENT OF AGRICULTURE (USDA)
Soil Conservation Service (SCS)

Existing Regulations Under Review

SOIL SURVEYS

CFR Citation: 7 CFR 611

Abstract: SCS is responsible for the soil survey activities of USDA. Soil surveys on non-federal lands are carried out cooperatively with State agricultural experiment stations and other State agencies. Cooperative arrangements exist between SCS and other Federal agencies for soil surveys on Federal lands. Soil surveys include information about each kind of soil in sufficient detail to meet reasonable needs of landusers, groups, organizations, and units of government. Soil surveys are published when soil survey field work is completed on a designated area.

Timetable:

Action	Date	FR Cite
End Review	11/00/83	

Small Entity: No

Agency Contact: **Ralph J. McCracken**, Department of Agriculture, Soil Conservation Service, Room 5204-S, P. O. Box 2890, Washington, DC 20013, **202 447-3905**

RIN: 0578–AA00

SNOW SURVEYS AND WATER SUPPLY FORECASTS

CFR Citation: 7 CFR 612

Abstract: SCS administers a cooperative snow survey and water supply forecast program in 12 western States. The program provides agricultural water users and other water management groups in these western States with water supply forecasts. SCS establishes, maintains, and operates manual and automated snow courses. Water supply outlook reports are prepared and issued monthly in the 12 western States for months of January through June.

Timetable:

Action	Date	FR Cite
End Review	11/00/83	

Small Entity: No

Agency Contact: **Ralph J. McCracken**, Department of Agriculture, Soil Conservation Service, Room 5204-S, P. O. Box 2890, Washington, DC 20013, **202 447-3905**

RIN: 0578–AA01

PLANT MATERIALS CENTERS

CFR Citation: 7 CFR 613

Abstract: SCS operates 16 plant materials centers for the assembly, testing, and release of plant materials needed in resource conservation and development programs. SCS places emphasis on plant materials work to find suitable plants for erosion control under difficult soil and site conditions. Other plant materials work includes plants that improve wildlife food and cover, extend the grazing season for pasture and rangeland, and for environmental protection and enhancement.

Timetable:

Action	Date	FR Cite
End Review	11/00/83	

Small Entity: No

Agency Contact: **Paul M. Howard**, Department of Agriculture, Soil Conservation Service, Room 5207-S, P. O. Box 2890, Washington, DC 20013, **202 447-4630**

RIN: 0578–AA02

LONG TERM CONTRACTING

CFR Citation: 7 CFR 630

Abstract: The purpose of this subchapter is to provide for programs to extend cost sharing of conservation measures and technical assistance to landowners.

Timetable:

Action	Date	FR Cite
End Review	11/00/83	

Small Entity: No

Agency Contact: **Cletus J. Gillman**, Department of Agriculture, Soil Conservation Service, Room 5002-S, P. O. Box 2890, Washington, DC 20013, **202 447-7145**

RIN: 0578–AA03

GREAT PLAINS CONSERVATION PROGRAM

CFR Citation: 7 CFR 631

Abstract: This is a long-range program to assist farmers and ranchers to plan and apply land use development and treatment measures in approved States. SCS enters into contracts with producers based upon approved plans to provide cost-sharing where appropriate and when in the public interest.

Timetable:

Action	Date	FR Cite
End Review	11/00/83	

Small Entity: No

Agency Contact: **Cletus J. Gillman**, Department of Agriculture, Soil Conservation Service, Room 5002-S, P. O. Box 2890, Washington, DC 20013, **202 447-7145**

RIN: 0578–AA04

COOPERATIVE RELATIONSHIPS AND ARRANGEMENTS

CFR Citation: 7 CFR 660

Abstract: Cooperative relationships and arrangements initiated by SCS are written in memorandums of understanding, cooperative agreements, and trust fund agreements. The instrument evidences the intent of SCS and the cooperating parties to carry out an undertaking which will result in mutual benefit to each.

USDA—SCS

Existing Regulations Under Review

Timetable:

Action	Date	FR Cite
End Review	11/00/83	

Small Entity: No

Agency Contact: **Robert G. Halstead**, Department of Agriculture, Soil Conservation Service, Room 5114-S, P. O. Box 2890, Washington, DC 20013, **202 447-6297**

RIN: 0578-AA06

DEPARTMENT OF AGRICULTURE (USDA)
Soil Conservation Service (SCS)

Completed Actions

COMPLETED REVIEWS

PRIME AND UNIQUE FARMLANDS

Completed:

Reason	Date	FR Cite
End Review	02/00/83	

Agency Contact: **Ralph J. McCracken 202 447-3905**

RIN: 0578-AA05

[FR Doc. 83-9557 Filed 4-22-83; 8:45 am]

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Monday
April 25, 1983

Part IV

Department of Commerce

Office of the Secretary

Semiannual Agenda of Regulations

DOC

DEPARTMENT OF COMMERCE

13 CFR Ch. III

15 CFR Subtitle A; Subtitle B, Chs. I, II, III, Subchs. A, B, C, Chs. IV, VIII, IX; Subtitle D, Ch. XXIII

37 CFR Ch. I, Subchs. A, B

41 CFR Subtitle A, Ch. XIII

50 CFR Chs. II, III, IV, V

Semiannual Agenda of Department of Commerce Regulations

AGENCY: Commerce Department.

ACTION: Semiannual Agenda of Department of Commerce Regulations.

SUMMARY: In compliance with Executive Order (EO) 12291, entitled "Federal Regulation," and the Regulatory Flexibility Act (Pub. L. 96-354), the Department of Commerce (DOC) in October and April of each year publishes in the **Federal Register** an agenda of the regulations that the Department expects to propose or to issue over the next 12 months. In addition, the agenda lists all existing regulations currently under review for possible revision or repeal and all such reviews scheduled to begin over the next 12 months. Finally, the agenda lists all rulemakings and reviews of existing regulations completed since publication of the last agenda. The purpose of the agenda is to provide information to the public on those regulations currently under review, those being proposed, and those issued by the Department. The agenda is intended to facilitate comments and views by interested members of the public.

DOC's April 1983 regulatory agenda includes all regulatory activities that are expected to be conducted during the period April 1, 1983, through March 31, 1984. Regulatory activities undertaken after March 1, 1983, are not included in this agenda but will be included in the next.

FOR FURTHER INFORMATION CONTACT: For additional information about a specific regulatory action listed in the agenda, contact the individual identified as the contact person. Comments or inquiries of a general nature about the agenda should be directed to H. Stephen Halloway, Associate General Counsel for Legislation and Regulation, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: (202) 377-1328.

For information on this edition of the agenda contact: M. Kendall Fleeharty, Assistant General Counsel for Regulation, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: (202) 377-1328.

SUPPLEMENTARY INFORMATION: On February 17, 1981, President Reagan signed EO 12291. That EO requires all executive agencies to publish semiannually an agenda of those regulations that are under consideration. Office of Management and Budget (OMB) Bulletin No. 83-8, issued December 15, 1982, establishes guidelines and procedures for the preparation and publication of the April 1983 Government agency agendas. The EO and the OMB Bulletin direct agencies to provide in the agenda the following information on all regulatory activities being conducted or planned to be conducted by the agency during the twelve month period from April 1, 1983, to March 31, 1984: the title of the regulation; the name, title, address and phone number of an agency person who is knowledgeable about the regulation; whether the regulation has or is expected to have a significant economic impact on a substantial number of small entities; the section(s) of the Code of Federal Regulations (CFR) which affects or will be affected by the action; the section of the United States Code (USC), Public Law (PL), or Executive Order (EO) that authorizes the action; an abstract describing the problem the regulation addresses, alternatives to the regulation being considered, and potential costs and benefits of the action; and, where available, a timetable of dates and citations for past and future stages of the action. The Regulatory Flexibility Act requires the agency to prepare a regulatory flexibility analysis (RFA) where there is a positive finding that a rule will have a significant impact on a substantial number of small entities. The EO requires that a regulatory impact analysis (RIA) be prepared by the agency for any regulation considered to be a "major rule."

The OMB Bulletin also requires that regulations designated for priority development or review by the agency head or the President's Task Force on Regulatory Relief, and regulations which are "major rules" within the meaning of the EO be listed under a priority heading separate from non-priority rules and reviews. The Department also assigns this priority classification to all rules required to be reviewed, revised or issued by a Court Order and those new rules whose issuance is needed to protect the public or the environment and those revisions whose issuance furthers the regulatory reform and relief goals of the Administration. The OMB Bulletin also requires that all regulations issued or withdrawn, and all reviews completed since publication of the preceding agenda, be listed with the following information: the title of the regulation; the name and phone number of the agency contact person; the **Federal Register** citation of the final action, if available; and the final action taken including the reason therefore.

Explanation of Information Contained in the Agenda

Within the Department, the Office of the Secretary and various operating units may issue regulations. Operating units such as the National Oceanic and Atmospheric Administration (NOAA), the International Trade Administration (ITA), and the Patent and Trademark Office (PTO) issue the greatest share of the Department's regulations, while other operating units such as the Minority Business Development Agency (MBDA) currently have no regulations in effect.

The abbreviations and names of the organizational units and subunits reporting regulatory activities in this agenda are as follows:

Office of the Secretary (OS)
  Assistant Secretary for Administration (ADM)
Bureau of Economic Analysis (BEA)
Bureau of the Census (CENSUS)
Economic Development Administration (EDA)
International Trade Administration (ITA)
National Bureau of Standards (NBS)

DOC

National Oceanic and Atmospheric Administration (NOAA)
Office of the Administrator (OA)
National Marine Fisheries Service (NMFS)
National Ocean Service (NOS)
Office of Minerals and Energy (OME)
Office of Ocean and Coastal Resource Management (OCRM)
National Telecommunications and Information Administration (NTIA)
Office of Productivity, Technology and Innovation (OPTI)
Patent and Trademark Office (PTO)

Under the subheading "TIMETABLE", "ANPRM" stands for Advance Notice of Proposed Rulemaking, and "NPRM" stands for Notice of Proposed Rulemaking. Under the subheading "ADDITIONAL INFORMATION" is indicated whether a RIA and/or a RFA is required, whether such documents are available, and the availability of other documents such as Environmental Assessments or Environmental Impact Statements.

The Department's agenda lists 120 regulatory actions. Of these, 58 are priority current and projected rulemakings of which three have been determined to be "major rules" for the purpose of EO 12291 and which therefore require preparation of a Regulatory Impact Analysis (RIA). Thirty-four regulatory actions are non-priority current and projected rulemakings. The Department is reviewing seven existing regulations--one is priority and six are non-priority. Finally, there are 21 "completed actions" of which 15 were priority and six non-priority. Twenty-two regulations potentially will have a "significant economic impact on a substantial number of small entities" within the meaning of the Regulatory Flexibility Act and therefore require the preparation of a Regulatory Flexibility Analysis (RFA).

In addition, Department units have or will undertake economic analyses of five regulations listed in the agenda even though these are not "major rules" within the meaning of EO 12291. In these instances, the agency involved, in conjunction with the Office of the General Counsel, has determined that such an analysis will contribute to the development of cost effective rules.

A large number of the regulations presented in the agenda deal with fishery management programs of NOAA's National Marine Fisheries Service (NMFS). To avoid repetition of programs and definitions, as well as to provide some understanding of the technical and institutional elements of the NMFS programs, a section on "Explanation of Information Contained in NMFS Regulatory Entries" is provided below.

Explanation of Information Contained in NMFS Regulatory Entries

The Magnuson Fishery Conservation and Management Act of 1976 (16 USC 1801 *et seq.*)(Act) requires that a preliminary fishery management plan (PMP) be prepared for all fisheries within a fishery conservation zone (FCZ) fished in by foreign fishing nations. The FCZ refers to those waters from the outer edge of the United States territorial sea to a distance of 200 miles. Fishery management plans (FMPs) are to be prepared if those fisheries require conservation and management measures. Although PMPs apply only to foreign fishing, the FMPs regulate both foreign and domestic fishing. When promulgated, the FMPs supersede the PMPs. Under the Act, eight Regional Fishery Management Councils (Councils) prepare FMPs for fisheries within their respective areas. In the development of such plans and their implementing regulations, the Councils are required by law to conduct public hearings on the draft plans and to consider the use of alternative means of regulating.

The Council process for developing FMPs makes it difficult for NMFS to determine the significance of some regulatory actions under consideration at the time the semiannual regulatory agenda is published. Frequently, NMFS does not have specific plan objectives or alternatives for management since the Councils may not have approved or submitted plans to the Secretary of Commerce for review, adoption, and implementation.

Malcolm Baldrige,

Secretary of Commerce.

DEPARTMENT OF COMMERCE (DOC)

Office of the Secretary (OS)

Current and Projected Rulemakings

AGE DISCRIMINATION ACT OF 1975: IMPLEMENTATION

Priority: Agency Determination

Legal Authority: PL 94-1135 Age Discrimination Act of 1975

CFR Citation: 15 CFR 8a

Abstract: These proposed regulations would set forth policies and procedures of the Department of Commerce to ensure that there is no discrimination on the basis of age in non-Federal Government programs or activities receiving financial assistance from the Department. The Department's regulations can not be issued until such time as the Department of Health and Human Services issues guidance to the Federal agencies on reporting requirements.

Timetable:

Action	Date	FR Cite
NPRM	07/10/80	45 FR 134
Final Action	00/00/00	
Final Action Effective	00/00/00	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: None

Government Levels Affected: Local, State, Federal

Agency Contact: Arthur E. Cizek, Department of Commerce, Office of the Secretary, Office of Civil Rights, Washington, DC 20230, 202 377-4993

RIN: 0690-AA00

INTERGOVERNMENTAL REVIEW OF FEDERAL PROGRAMS

Priority: Agency Determination

Legal Authority: EO 12372

CFR Citation: 15 CFR 13, (New)

DOC—OS

Current and Projected Rulemakings

Abstract: EO 12372 establishes new procedures to provide State and local governments with the opportunity to coordinate and review proposed Federal financial assistance and direct Federal development. The Department is currently reviewing current agency regulations which are affected by the Order. The revision will implement the requirements of the Order and will provide for more effective participation by State and local governments.

Timetable:

Action	Date	FR Cite
NPRM	01/24/83	48 FR 03096
NPRM Comment Period Begin	01/24/83	48 FR 03096
NPRM Comment Period End	03/10/83	
Final Action	05/02/83	
Final Action Effective	05/02/83	

Small Entity: Not Applicable

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: None

Government Levels Affected: Local, State

Agency Contact: H. Stephen Halloway, Associate General Counsel, Department of Commerce, Office of the Secretary, Legislation and Regulations, Washington, DC 20230, **202 377-1328**

RIN: 0690-AA02

●DOC IMPLEMENTING REGULATIONS TO FEDERAL ACQUISITION REGULATION

Priority: Agency Determination

Legal Authority: 41 USC 251; EO 12352

CFR Citation: 48 CFR 1 to 53

Abstract: The General Services Administration and the Department of Defense are jointly issuing a Federal Acquisition Regulation (FAR) which will establish uniform policies and procedures for the acquisition of supplies and services by all executive agencies. The FAR will replace the Federal Procurement Regulation (FPR) and the Defense Acquisition Regulation (DAR) and is intended to be a simplified, more understandable and unified version of the FPR and the DAR. The FAR is expected to be published in final form by July 1, 1983. Executive agencies are expected to implement the FAR by October 1, 1983. Even though agencies are advised to control and limit issuance of supplemental implementing regulations and not repeat, paraphrase or restate FAR material, substantial agency regulations are still anticipated to supplement the FAR which is projected to consist of about 2,000 pages. The extent of specific FAR parts requiring supplemental agency regulations cannot be readily determined at this time.

Timetable:

Action	Date	FR Cite
Final Action	10/01/83	
Final Action Effective	10/01/83	

Small Entity: No

Additional Information: Neither an RIA nor an FRA is required or will be prepared.

Affected Sectors: All

Agency Contact: John H. Danmeyer, Chief, Procurement Policy Division, Department of Commerce, Office of the Secretary, Office of Procurement Services, 14th & Constitution Ave., N.W., Washington, DC 20230, **202 377-4248**

RIN: 0690-AA05

DEPARTMENT OF COMMERCE (DOC)
Office of the Secretary (OS)

Existing Regulations Under Review

●PUBLIC INFORMATION, FREEDOM OF INFORMATION (FEES)

Legal Authority: 5 USC 552

CFR Citation: 15 CFR 4

Abstract: These regulations set the fee structure for search and reproduction charges in response to Freedom of Information Act (FOIA) requests. The Department will study the existing fee structure, and then if warranted, propose revisions to the regulations.

Timetable:

Action	Date	FR Cite
Begin Review	10/00/83	
End Review	11/00/83	

Small Entity: No

Additional Information: Neither an RIA nor an RFA would be required or prepared if it is decided to propose revisions to these regulations.

Affected Sectors: All

Government Levels Affected: Local, State

Agency Contact: Geraldine P. LeBoo, Department of Commerce, Office of the Secretary, Info. Policy and Management Div., 14th & Constitution Avenue, N.W., Washington, D.C. 20230, **202 377-3271**

RIN: 0690-AA04

DEPARTMENT OF COMMERCE (DOC)
Office of the Secretary (OS)

Completed Actions

COMPLETED RULEMAKINGS

PROCUREMENT; DEBARRED, SUSPENDED & INELIGIBLE BIDDERS

Priority: Agency Determination

Legal Authority: 5 USC 301; 40 USC 486c; 41 USC 252a

CFR Citation: 41 CFR 1-1.6

Abstract: The amended regulations as issued prescribe DOC procedures for debarring and suspending bidders and contractors from participating in Government contracting and subcontracting. The amendments were needed to conform the DOC regulations to the recently amended GSA Federal Procurement Regulations which prescribe Government-wide procedures for debarment, suspension and placement of bidders in an ineligible status (41 CFR 1-1.6). Those regulations require that each Executive Agency issue regulations specifying responsibilities, in the case of potential suspension, for the granting or denying of a request for hearing and assigning responsibility for decisions with regard to debarment.

Timetable:

Action	Date	FR Cite
Final Action Effective	01/01/83	48 FR 01056
Final Action	01/10/83	48 FR 01056

Small Entity: No

DOC—OS

Completed Actions

Additional Information: Neither an RIA nor an RFA was required or was prepared.

Affected Sectors: All

Government Levels Affected: Federal

Agency Contact: John Dannemeyer, Department of Commerce, Office of the Secretary, Office of Procurement Services, Washington, DC 20230, 202 377-4248

RIN: 0690-AA01

COMPLETED REVIEWS

NON-DISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS OF THE DEPT. OF COMMERCE; IMPLEMENTATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Priority: Agency Determination

Legal Authority: 42 USC 2000 to 1 Civil Rights Act of 1964

CFR Citation: 15 CFR 8

Abstract: The Department of Justice requested the Department of Commerce to review 15 CFR 8, which governs the Department of Commerce's implementation of the Government-wide non-discrimination program. The Department of Commerce has completed its review and no changes are contemplated.

Timetable:

Action	Date	FR Cite
Begin Review	06/05/79	
End Review	01/20/83	

Small Entity: Yes

Additional Information: Neither an RIA nor an RFA was required or was prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: Arthur E. Cizek, Department of Commerce, Office of the Secretary, Office of Civil Rights, Washington, DC 20230, 202 377-4994

RIN: 0690-AA03

BILLING CODE 3510-BW-T

DEPARTMENT OF COMMERCE (DOC)
Bureau of Economic Analysis (BEA)

Completed Actions

COMPLETED RULEMAKINGS

DIRECT INVESTMENT SURVEYS

Legal Authority: 22 USC 3101 to 3108 International Investment Survey Act of 1976

CFR Citation: 15 CFR 806.14(a)(2); 15 CFR 806.16

Abstract: The present regulations (15 CFR Part 806) need to be revised in order to conduct the 1982 benchmark survey of U.S. direct investment abroad. The last such survey was conducted in 1977. The International Investment Survey Act requires such a survey to be conducted every 5 years. The data collected serve as benchmarks for quarterly sample surveys used to prepare balance of payments, material economic accounts, and general purpose statistics.

Timetable:

Action	Date	FR Cite
NPRM	09/30/82	47 FR 43074
NPRM Comment Period Begin	09/30/82	47 FR 43074
NPRM Comment Period End	11/30/82	
Final Action	03/03/83	48 FR 00000
Final Action Effective	03/03/83	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: All

Agency Contact: George R. Kruer, Chief, Department of Commerce, Bureau of Economic Analysis, International Investment Division, Washington, DC 20230, 202 523-0657

RIN: 0691-AA00

BILLING CODE 3510-BW-T

DEPARTMENT OF COMMERCE (DOC)
Bureau of the Census (CENSUS)

Current and Projected Rulemakings

SPECIAL SERVICES AND STUDIES PERFORMED BY THE BUREAU OF THE CENSUS (FEES)

Legal Authority: 15 USC 192; 15 USC 189a; 13 USC 8

CFR Citation: 15 CFR 50.1; 15 CFR 50.15; 15 CFR 50.20; 15 CFR 50.25; 15 CFR 50.30; 15 CFR 50.35

Abstract: Revisions to the fee provisions of the Bureau of the Census regulations applicable to special services and studies will be proposed. Section 50.1 needs to be revised to delete references to unpublished data from the 1980 Census of Population and Housing, enumeration district maps, and housing data from the 1980 Census of Housing. Section 50.30, the fee structure for Foreign Trade Shipping Statistics will be revised to reflect the new fee structure. The elimination of 15 CFR 50.15, 50.20, 50.25, and 50.35 will be proposed.

Timetable:

Action	Date	FR Cite
NPRM	04/30/83	
NPRM Comment Period Begin	04/30/83	
NPRM Comment Period End	05/30/83	
Final Action	07/30/83	
Final Action Effective	08/30/83	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Agency Contact: Sherry Courtland, Chief, Program & Policy Development Ofc., Department of Commerce, Bureau of the Census, Rm. 2419, FB 3, Washington, DC 20233, 301 763-2758

RIN: 0607-AA00

DEPARTMENT OF COMMERCE (DOC)
Bureau of the Census (CENSUS)

Completed Actions

COMPLETED REVIEWS

SPECIAL SERVICES & STUDIES PERFORMED BY THE BUREAU OF THE CENSUS (FEES)

Legal Authority: 15 USC 192; 15 USC 189a; 13 USC 8

CFR Citation: 15 CFR 50.15; 15 CFR 50.20; 15 CFR 50.25; 15 CFR 50.30; 15 CFR 50.35

Abstract: These regulations were reviewed to determine whether revisions to the fee structure for providing special services and studies by the Bureau of the Census should be proposed. The sections reviewed refer to the fee structure for unpublished data from the 1980 Census of Population and Housing, enumeration district maps, housing data from the 1980 census, foreign trade shipping statistics, and seasonal adjustments of time series. 13 USC 8 requires Census to charge fees that recover the cost of work or services performed. It was determined that revisions to the fee structure should be proposed.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/82	
End Review	12/14/82	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Agency Contact: Sherry Courtland, Chief Program and Policy Development Office, Department of Commerce, Bureau of the Census, Program and Policy Development Ofc. Rm. 2419, FB-3 Washington, DC 20233, **301 763-2758**

RIN: 0607-AA00

BILLING CODE 3510-BW-T

DEPARTMENT OF COMMERCE (DOC)
Economic Development Administration (EDA)

Current and Projected Rulemakings

PROPERTY MANAGEMENT STANDARDS: REAL PROPERTY

Legal Authority: 42 USC 3211; EO 12185; DOC Organization Order 10-4

CFR Citation: 13 CFR 314.5

Abstract: An amendment to the existing regulation is needed to fulfill a need not contemplated when the regulation was originally drafted. This proposed amendment would permit the Assistant Secretary for Economic Development to waive the prohibition against placing a mortgage on property which has already been financed by an EDA public works grant, if certain conditions are met. The conditions for waiver are the same as those which must be met by EDA applicants who seek to place a mortgage on the property which is to be financed by an EDA public works grant. The benefits are that grantees will have the ability to raise needed funds from the private sector. The costs are a very slight risk that a public facility may lose its public character. The alternative of not amending this regulation was considered and rejected.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/04/82	47 FR 43663
Beg. comment period on interim rule	10/04/82	47 FR 43663
End comment period on interim rule	12/04/82	47 FR 43663
Final Action	05/00/83	
Final Action Effective	05/00/83	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: James F. Marten, Deputy Chief Counsel, Department of Commerce, Economic Development Administration, Operations and Administration, Washington, DC 20230, **202 377-5441**

RIN: 0610-AA01

CIVIL RIGHTS REQUIREMENTS FOR EDA ASSISTED PROJECTS

Legal Authority: 29 USC 794 Rehabilitation Act of 1973 as amended; EO 12250

CFR Citation: 13 CFR 311.1; 13 CFR 311.3(d)

Abstract: This regulation needs to be amended in order to incorporate pertinent portions of a recent DOC regulation (15 CFR 8(b))which establishes procedures and policies to assure nondiscrimination based on handicap in programs and activities receiving Federal financial assistance from DOC. The DOC regulation already applies to EDA financial recipients and this amendment is being undertaken so that EDA financial recipients will not have to refer to non-EDA issued regulations to be aware of or understand their responsibilities. Consequently, these regulations impose no additional costs or provide any additional benefits other than to provide an administrative aid to recipients.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/24/82	47 FR 52976
Beg. comment period on interim rule	11/24/82	47 FR 52976
End comment period on interim rule	01/24/83	47 FR 52976
Final Action	05/00/83	
Final Action Effective	05/00/83	

Small Entity: No

Additional Information: Since this regulation just repeats in a different section of CFR responsibilities already imposed, neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: James F. Marten, Deputy Chief Counsel, Department of Commerce, Economic Development Administration, Operations and Administration, Washington, DC 20230, **202 377-5441**

RIN: 0610-AA02

ENERGY CONSERVATION: MISCELLANEOUS AMENDMENTS TO FINANCIAL ASSISTANCE PROGRAMS REGARDING ENERGY CONSERVATION

Legal Authority: EO 12185

CFR Citation: 13 CFR 305.59; 13 CFR 306.12(g)(14); 13 CFR 306.12(j); 13 CFR 307.22(b); 13 CFR 307.28(c)(6); 13 CFR 307.55(a)(15); 13 CFR 307.55(b)(5); 13 CFR 307.56(h); 13 CFR 307.57(a)(6); 13 CFR 308.6(a)(8)

Abstract: Interim regulations were issued to bring the existing regulations within the bounds of the requirements of EO 12185 which directed Federal agencies to revise their regulations to encourage recipients of Federal financial assistance to conserve energy. The new regulations are designed to encourage EDA assistance recipients to undertake energy conservation measures on a voluntary basis. There are no viable alternatives to the regulations.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/10/82	47 FR 19982
Beg. comment period on interim rule	05/10/82	47 FR 19982
End comment period on interim rule	07/10/82	47 FR 19982
Final Action	05/00/83	
Final Action Effective	05/00/83	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Agency Contact: **James F. Marten**, Deputy Chief Counsel, Department of Commerce, Economic Development Administration, Operations and Administration, Washington, DC 20230, **202 377-5441**

RIN: 0610–AA03

GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE - DESIGN, CONSTRUCTION OF BUILDINGS TO ACCOMMODATE THE PHYSICALLY HANDICAPPED

Legal Authority: 42 USC 4151 to 4156; 42 USC 3211; EO 12185; Doc Organization Order 10-4, as amended

CFR Citation: 13 CFR 309.14

Abstract: The existing regulation will be amended to reflect the most recent (1980) standards of the American National Standards Institute (ANSI) for handicap accessibility.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/83	
Beg. comment per interim final rule	04/00/83	
End comment per interim final rule	06/00/83	
Final Action	07/00/83	
Final Action Effective	07/00/83	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: **James F. Marten**, Deputy Chief Counsel, Department of Commerce, Economic Development Administration, Operations and Administration, 14th & Constitution Ave., N.W., Room 7009 Washington, D.C. 20230, **202 377-5441**

RIN: 0610–AA05

ECONOMIC DEVELOPMENT ADMINISTRATION: PROPERTY MANAGEMENT STANDARDS

Legal Authority: 40 USC 3211; EO 12185; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 314

Abstract: EDA's regulations regarding the use and disposition of real property acquired or improved with Federal funds will be revised to clarify EDA policy regarding the authorized use and disposition of grant property (real property) and in particular requirements regarding the lease and/or sale of such property. In addition, revisions will clarify present requirements for determining the appropriate amount of compensation due the Federal Government upon the sale of real property acquired or improved with grant funds.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/00/83	
Beg comment period on interim final	05/00/83	
End comment period on interim final	07/00/83	
Final Action	08/00/83	
Final Action Effective	08/00/83	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: **James F. Marten**, Deputy Chief Counsel, Department of Commerce, Economic Development Administration, Operations and Administration, 14th & Constitution Ave., N.W., Room 7009 Washington, D.C. 20230, **202 377-5441**

RIN: 0610–AA07

BILLING CODE 3510-BW-T

DEPARTMENT OF COMMERCE (DOC)

International Trade Administration (ITA)

EXPORT ADMINISTRATION REGULATIONS

Priority: Major, Task Force

Legal Authority: 50 USC App. 2401 et seq Export Admin. Act of 1979; EO 12002; EO 12214

CFR Citation: 15 CFR 368; 15 CFR 370 to 376; 15 CFR 378; 15 CFR 379; 15 CFR 385; 15 CFR 386; 15 CFR 390; 15 CFR 399

Abstract: The existing regulations provide procedures for the administrative programs required to carry out the Department's responsibilities for regulating exports of U.S. goods and technology for purposes of national security, foreign policy, and short supply. Review of these regulations to remove artificial barriers to small business exports was initiated by the President's Task Force on Regulatory Relief. Revisions to the regulations will be proposed to improve organization, indexing, simplify language, eliminate unnecessary administrative requirements and obsolete provisions, reduce documentation requirements, review certain policy issues, and lessen the compliance burden. Economic impacts will be reviewed and addressed. A more readable and understandable set of regulations with reduced administrative and documentation

requirements will result from these revisions. This should considerably aid small business in making exports.

Timetable:

Action	Date	FR Cite
ANPRM on simplification of language & format	04/30/82	47 FR 18613
ANPRM on policy review	10/12/82	47 FR 44747
Interim Final Rule	12/29/82	47 FR 58122
Beg. Comment Per. for Interim Rule	12/29/82	
End Comment Per. for Interim Rule	02/28/83	
NPRM Multiple NPRMs March 83 - May 84	05/00/84	
Final Action	09/00/84	

Small Entity: Yes

Additional Information: An RIA and an RFA are required. The RFA will be included in the RIA which is being prepared. Section 13(a) of the Export Administration Act of 1979 exempts these regulations from the public participation in rulemaking procedures of the Administrative Procedure Act (5 USC 553).

Affected Sectors: Multiple

Agency Contact: **John K. Boidock**, Department of Commerce, International Trade Administration, Office of Export Administration, Washington, DC 20230, **202 377-2118**

RIN: 0625–AA00

ENERGY REGULATION I, PRIORITIES & ALLOCATIONS REGULATIONS

Priority: Agency Determination

Legal Authority: 50 USC App. 2061 et seq Defense Production Act of 1950; EO 11912

CFR Citation: 15 CFR 350

Abstract: Procedures for implementing the priorities and allocations authorities relating to contracts and orders needed to maximize domestic energy supplies were first proposed in August 1977 as a separate part to the CFR (42 FR 43038). These regulations will now be included in the new Defense Priorities and Allocations System regulations now in proposed form as 15 CFR 350.

Timetable:

Action	Date	FR Cite
NPRM	06/02/81	46 FR 29662
NPRM Comment Period Begin	06/02/81	
NPRM Comment Period End	08/31/81	
Final Action	08/01/83	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared. The regulations would impose only a minimal recordkeeping and administrative burden on any individual entity subject to them. Section 709 of the Defense Production Act exempts the promulgation of these rules and regulations from the rulemaking procedures of the Administrative Procedure Act (5 USC 553).

Affected Sectors: Multiple

Agency Contact: **Iain S. Baird**, Director, Department of Commerce, International Trade Administration, Priorities & Allocations Div., Ofc. of Industrial Resource Admin., Washington, DC 20230, **202 377-2233**

RIN: 0625–AA02

INDUSTRIAL MOBILIZATION REGULATIONS; DEFENSE MATERIALS SYSTEM & DEFENSE PRIORITIES SYSTEM (DMS/DPS)

Priority: Agency Determination

Legal Authority: 50 USC App. 2061 et seq Defense Production Act of 1950; EO 10480

CFR Citation: 15 CFR 330 to 332; 15 CFR 340 to 343; 15 CFR 350 to 354

Abstract: To implement those priorities and allocation authorities of Title I of the Defense Production Act of 1950, as amended, that are assigned to the Office of Industrial Resource Administration, a new regulatory system was proposed that: 1) consolidates the existing regulations and eliminates duplication; 2) is clearly written, organized and presented; and 3) provides for an efficient and effective priorities and allocations system designed to meet likely future challenges and demands. Public comments received were overwhelmingly in favor of the proposed regulations. The benefit of these regulations will be a regulatory system that will be easy to understand and use, without any increase in cost or burden to the public.

Timetable:

Action	Date	FR Cite
NPRM	06/02/81	46 FR 29662
NPRM Comment Period Begin	06/02/81	64 FR 29662
NPRM Comment Period End	08/31/81	
Final Action	06/30/83	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared. The regulations will impose only minimal recordkeeping burdens. Section 709 of the Defense Production Act exempts the promulgation of rules and regulations from the rulemaking procedures of the Administrative Procedure Act (5 USC 553).

Affected Sectors: Multiple

Agency Contact: **Iain S. Baird**, Director, Department of Commerce, International Trade Administration, Priorities & Allocations Div., Ofc. of Industrial Resource Admin., Washington, DC 20230, **202 377-2233**

RIN: 0625–AA03

GENERAL REGULATIONS GOVERNING FOREIGN TRADE ZONES IN THE UNITED STATES, WITH RULES OF PROCEDURES

Priority: Agency Determination

Legal Authority: 19 USC 81a et seq Foreign-Trade Zones Act of 1934

CFR Citation: 15 CFR 400

Abstract: Revision of the regulation is needed to administer the Foreign-Trade Zones Act of 1934, as amended, to provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States. At the time the ANPRM was published the emphasis was on changing the rules to provide improved guidance to the public on procedures and criteria followed in making decisions concerning special-purpose subzones and operations detrimental to the public interest. Since that time, it has been decided to propose revisions to the entire 15 CFR 400 in order to update the language and conform it to current CFR format.

Timetable:

Action	Date	FR Cite
ANPRM	10/14/80	45 FR 67681
ANPRM Comment Period Begin	10/14/80	
ANPRM Comment Period End	12/15/80	
NPRM	02/18/83	48 FR 07188
NPRM Comment Period Begin	02/18/83	
NPRM Comment Period End	04/19/83	
Final Action	09/00/83	
Final Action Effective	10/00/83	

Small Entity: No

Additional Information: These rules apply to approximately 75 zones and subzones throughout the United States. Of the 1500 companies using these zones, 900 do so on a full time basis. This level of activity is not

sufficient to classify these rules as major under Executive Order 12291. Accordingly, no RIA is required or will be prepared. No RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: John L. Evans, Deputy to the, Department of Commerce, International Trade Administration, Deputy Asst. Sec. for Import Admin., Washington, DC 20230, **202 377-1780**

RIN: 0625–AA04

●WATCHES AND WATCH MOVEMENTS

Priority: Agency Determination

Legal Authority: 19 USC 1202; PL 89-805; PL 97-446

CFR Citation: 15 CFR 303

Abstract: The existing regulations governing watch quotas will be amended to incorporate the annual rules as an appendix and to conform to PL 97-446, signed into law on 01/12/83. PL 97-446 removes the foreign content limitation on insular watches and watch movements, establishes a new incentive to stimulate watch assembly activity in the insular possessions, and puts limits on the calendar year 1983 quota allocations. A NPRM was published on 01/04/83 proposing annual rules for calendar year 1983 quota allocations. A revised NPRM was published on 02/18/83 proposing quota allocations rules for calendar year 1983 in conformance with PL 97-446.

Timetable:

Action	Date	FR Cite
NPRM	01/04/83	48 FR 00263
NPRM Comment Period Begin	01/04/83	
NPRM Comment Period End	02/03/83	
Begin Comment Period for NPRM	02/18/83	
Revised NPRM	02/18/83	48 FR 07186
End Comment Period for NPRM	03/21/83	
Final Action	03/31/83	
Final Action Effective	05/02/83	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared. The regulations affect fewer than 10 entities and will not increase the information collection burden on the public.

Affected Sectors: 387 Watches, Clocks, Clockwork Operated Devices, and Parts

Agency Contact: Frank Creel, Department of Commerce, International Trade Administration, Statutory Import Programs Staff, Washington, D.C. 20230, **202 377-1660**

RIN: 0625–AA07

●ANTIDUMPING DUTIES; COUNTERVAILING DUTIES

Priority: Major

Legal Authority: 19 USC 1303; 19 USC 1671 et seq

CFR Citation: 19 CFR 353; 19 CFR 355

Abstract: Certain unfair trade practices by foreign governments that could be penalized as dumping or subsidization are either not subject to such remedies under the current law or regulations, subject to challenge if penalized, or escape detection by petitioners and the Department. While certain constraints are imposed by the statutes, the relevant Codes, and the effects on U.S. exporters, all possibilities will be examined with a goal of achieving the maximum benefit for U.S. trading interests and amendments to the regulations will be proposed to take care of as much of the problem as possible through the regulatory process.

Timetable:

Action	Date	FR Cite
NPRM	09/00/83	
NPRM Comment Period Begin	09/00/83	
NPRM Comment Period End	11/00/83	
Final Action	01/00/84	
Final Action Effective	02/00/84	

Small Entity: Yes

Additional Information: An RIA and an RFA are required. The RFA will be included in the RIA which is being prepared.

Affected Sectors: Multiple

Agency Contact: C. Christopher Parlin, Acting Director, Department of Commerce, International Trade Administration, Import Administration, Office of Policy, Washington, D.C. 20230, **202 377-4412**

RIN: 0625–AA08

●GUIDELINES FOR THE ISSUANCE OF A CERTIFICATE OF REVIEW

Priority: Agency Determination

Legal Authority: 15 USC 4017

CFR Citation: 15 CFR Not yet determined

Abstract: Section 307 of PL 97-290 (15 USC 4017) authorizes the Secretary of Commerce to issue, with the concurrence of the Attorney General, guidelines for the issuance of certificates of review setting forth the standards and analytical approach which will be applied in determining whether to certify an applicant's proposed export trade, export trade activities and methods of operation.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Next Action Undetermined

Small Entity: Not Applicable

Additional Information: Neither an RIA nor an RFA is required or will be prepared. PL 97-290 (15 USC 4017) exempts the issuance of guidelines under Section 307 from the provisions of Section 553 of Title 5 of the United States Code.

Affected Sectors: Multiple

Agency Contact: Eleanor Roberts Lewis, AGC for Export Trading Companies, Department of Commerce, International Trade Administration, Washington, D.C. 20230, **202 377-0937**

RIN: 0625–AA10

●EXPORT TRADE CERTIFICATES OF REVIEW

Priority: Agency Determination

Legal Authority: 15 USC 4011 et seq

CFR Citation: 15 CFR 325

Abstract: The proposed regulations would set forth the procedures by which a person can obtain an export trade certificate of review. Title III of PL 97-290 (15 USC 4011-4021) authorizes the Secretary of Commerce to issue, with the concurrence of the Attorney General, such certificates. A person to whom a certificate of review is issued is protected from the trebling of damages for any injury resulting from, and criminal liability for, export trade, export trade activities and methods of operation specified in the certificate.

Timetable:

Action	Date	FR Cite
NPRM	12/21/82	47 FR 56972
NPRM Comment Period Begin	12/21/82	
NPRM Comment Period End	01/20/83	
Beg. Comment Per. for Interim Rule	03/00/83	
Interim Final Rule	04/00/83	

DOC—ITA

Current and Projected Rulemakings

Action	Date	FR Cite
End Comment Per. for Interim Rule	05/00/83	
Final Action	12/00/83	
Final Action Effective	01/00/84	

Small Entity: Not Applicable

Additional Information: Neither an RIA nor an RFA nor an EIS is required or will be prepared.

Affected Sectors: Multiple

Agency Contact: Eleanor Roberts Lewis, AGC for Export Trading Companies, Department of Commerce, International Trade Administration, Washington, D.C. 20230, **202 377-0937**

RIN: 0625-AA11

●ADJUSTMENT ASSISTANCE FOR FIRMS AND INDUSTRIES

Legal Authority: 19 USC 2341 et seq

CFR Citation: 15 CFR 320

Abstract: This regulation will implement the responsibilities transferred from EDA to ITA concerning the provision of adjustment assistance to firms and industries adversely affected by imports. The proposed rule will reflect amendments to the authorizing legislation and make procedural changes required because of the transfer of the program to ITA.

Timetable:

Action	Date	FR Cite
Final Action	06/30/83	
Final Action Effective	06/30/83	

Small Entity: Not Applicable

Additional Information: Neither an RIA nor an RFA is required or will be prepared. This rule is exempt from the requirements of the Regulatory Flexibility Act, since the Department is not required by Section 553 of Title 5 of the United States Code or any other law to publish general notice of proposed rulemaking for regulations implementing the adjustment assistance program (See Section 553(a)(2) concerning loans and grants).

Affected Sectors: Multiple

Agency Contact: Lyle Ryter, Department of Commerce, International Trade Administration, Office of Trade Adjustment Assistance, Washington, D.C. 20230, **202 377-0150**

RIN: 0625-AA05

●WATCHES AND WATCH MOVEMENTS

Legal Authority: 19 USC 1202; PL 89-805; PL 97-446

CFR Citation: 15 CFR 303

Abstract: The regulations governing watch assembly activity in the insular possessions will be amended in two states to conform them to PL 97-446, signed into law on 01/12/83. The first stage covered under another agenda entry proposed annual rules to meet deadlines for allocating calendar year 1983 watch quotas. This agenda entry covers the second stage where amendments to the entire 15 CFR 303 will be proposed in order to update the language and conform it to other changes made by PL 97-446.

Timetable:

Action	Date	FR Cite
NPRM	06/01/83	
NPRM Comment Period Begin	06/01/83	
NPRM Comment Period End	08/01/83	
Final Action	08/31/83	
Final Action Effective	09/30/83	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared. The regulations affect fewer than 10 entities and will not increase the information collection burden on the public.

Affected Sectors: 387 Watches, Clocks, Clockwork Operated Devices, and Parts

Agency Contact: Frank Creel, Department of Commerce, International Trade Administration, Statutory Import Programs Staff, Washington, D.C. 20230, **202 377-1660**

RIN: 0625-AA06

BILLING CODE 3510-BW-T

DEPARTMENT OF COMMERCE (DOC)
National Bureau of Standards (NBS)

Completed Actions

COMPLETED RULEMAKINGS

FEDERAL INTERACTION WITH VOLUNTARY STANDARDS BODIES

Legal Authority: 41 USC 405; OMB Circular A-119

CFR Citation: 15 CFR 19

Abstract: 15 CFR 19, which never went into effect, established procedures by which the Secretary of Commerce could list voluntary standards bodies and their standards-developing groups based on their certification of their adherence to certain due process and other criteria. Listing was a precondition for Federal participation in such bodies and groups and implemented certain provisions of OMB Circular A-119 of January 17, 1980. On October 26, 1982, OMB Circular A-119 was revised. The provisions in the January 17, 1980 version of the Circular that called for the establishment of procedures for listing of voluntary standards bodies and their standards-developing groups were deleted. Therefore, as there was no longer any justification for the procedures set out in 15 CFR 19, they were withdrawn.

Timetable:

Action	Date	FR Cite
Notice of DOC procedures issuance	01/06/81	46 FR 1574
Eff date postponed to 03/30/81	02/10/81	46 FR 11657
Ask public comment on postponement	03/30/81	46 FR 19266
Eff date postponed to 06/29/81	04/29/81	46 FR 23922
Eff date postponed	06/29/81	46 FR 33238
Withdrawn	01/11/83	48 FR 01183

Small Entity: Undetermined

Additional Information: Neither and RIA nor an RFA was required or prepared.

Affected Sectors: All

Government Levels Affected: Local, State, Federal

Agency Contact: Allen J. Farrar, Legal Advisor, Department of Commerce, National Bureau of Standards, Washington, DC 20234, **301 921-2425**

RIN: 0693-AA00

BILLING CODE 3510-BW-T

DEPARTMENT OF COMMERCE (DOC)
National Oceanic and Atmospheric Administration (NOAA)

Current and Projected Rulemakings

NATIONAL MARINE FISHERIES SERVICE

AMENDMENT NO. 3 TO THE MACKEREL, SQUID & BUTTERFISH FISHERY MANAGEMENT PLAN: IMPLEMENTING REGULATIONS

Priority: Agency Determination

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser & Management Act

CFR Citation: 50 CFR 611

Abstract: The amendment and implementing regulations are needed to prevent overfishing, regulate foreign fishing and provide an environment for expansion of the U.S. mackerel, squid, and butterfish fisheries. The objectives are to merge the current mackerel, squid, and butterfish fishery management plans (FMPs), and to develop a 3-year FMP to minimize the need for annual amendments. Because the proposed amendment does not change existing domestic regulations, there is no impact of this amendment on small entities in this fishery.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/00/83	
Interim Rule Comment Period begins	04/01/83	
Interim Rule Comment Period ends	06/29/83	
Final Action	07/00/83	
Final Action Effective	08/00/83	

Small Entity: No

Additional Information: An RIA is not required and will not be prepared. An RIR and initial RFA are available.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: State, Federal

Agency Contact: **Allen E. Peterson, Jr.**, Director, Department of Commerce, National Oceanic and Atmospheric Administration, Northeast Region, NMFS, 14 Elm St., Gloucester, MA 01930, **617 281-3600**

RIN: 0648–AA01

PRECIOUS CORAL FISHERIES OF THE WESTERN PACIFIC REGION FISHERY MANAGEMENT PLAN: IMPLEMENTING REGULATIONS

Priority: Agency Determination

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser & Management Act

CFR Citation: 50 CFR 611; 50 CFR 688

Abstract: The regulations propose quotas, gear restrictions, and closed areas for the harvest of precious corals.

Timetable:

Action	Date	FR Cite
NPRM	09/15/80	45 FR 60957
NPRM Comment Period Begin	09/15/80	
NPRM Comment Period End	11/15/80	
Final Action	04/00/83	
Final Action Effective	05/00/83	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared. A Regulatory Impact Review, Environmental Impact Statement, and the Fishery Management Plan are available.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: State, Federal

Agency Contact: **Alan W. Ford**, Director, Department of Commerce, National Oceanic and Atmospheric Administration, Southwest Region, NMFS, 300 S. Ferry Street, Terminal Island, CA 90731, **213 548-2575**

RIN: 0648–AA02

OCEAN SALMON FISHERIES OFF THE COASTS OF WASHINGTON, OREGON, AND CALIFORNIA MANAGEMENT PLAN: IMPLEMENTING REGULATIONS

Priority: Agency Determination

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser & Management Act

CFR Citation: 50 CFR 611

Abstract: These regulations establish fishing areas, fishing seasons, allowable fishing gear, and allowable harvest. The intended effect is to prevent overfishing, allocate the harvest equitably among the groups of fishermen, allow adequate numbers of salmon to reach inshore and internal waters fisheries, and achieve spawning escapement goals.

Timetable:

Action	Date	FR Cite
NPRM	04/29/83	
NPRM Comment Period Begin	04/29/83	
NPRM Comment Period End	07/06/83	
Final Action	08/12/83	
Final Action Effective	09/12/83	

Small Entity: Yes

Additional Information: An RIA is not required and will not be prepared. A Regulatory Impact Review/initial RFA is being prepared and will be available on 04/28/83.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: State, Federal

Agency Contact: **Herbert Larkins**, Director, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service (F/NWR), 7600 Sand Point Way, NE BIN C15700, Seattle, WA 98115, **206 527-6150**

RIN: 0648–AA03

AMENDMENT NO. 2 TO THE ATLANTIC BILLFISHES AND SHARKS PRELIMINARY FISHERY MANAGEMENT PLAN: IMPLEMENTING REGULATIONS

Priority: Agency Determination

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser & Management Act

CFR Citation: 50 CFR 611

Abstract: The Preliminary Fishery Management Plan (PMP) controls the foreign incidental catch of billfish and sharks in the directed tuna longline fishery in the FCZ. The foreign incidental catches diminish the value of U.S. fishermen's right to the first opportunity to harvest Atlantic billfishes and sharks in the FCZ. The regulations would increase availability of billfishes and sharks to U.S. fishermen; reduce conflict between domestic and foreign fishermen; and provide reasonable opportunity for foreign nations to fish for tuna under international agreements. The regulations will have significant impact on substantial number of small entities. The domestic recreational industry and commercial fisheries will benefit through anticipated increased recreational fishing success, more efficient commercial fishing, and reduced gear damage. In view of the area closure and compensatory payment

system, the beneficial impacts of the PMP cannot be quantified until the season is over. The PMP was amended to revise the foreign longlining area to prohibit foreign fishing in the portion of the FCZ claimed by Canada.

Timetable:

Action	Date	FR Cite
NPRM	08/04/82	47 FR 33722
NPRM Comment Period Begin	08/04/82	
NPRM Comment Period End	08/15/82	
Final Action	05/00/83	
Final Action Effective	06/00/83	

Small Entity: Yes

Additional Information: An RIA is not required and will not be prepared. An RFA is required. A Regulatory Impact Review and an Initial RFA is contained in the Atlantic Billfish and Sharks Preliminary Fishery Management Plan which is available. A Draft Environment Impact Assessment is also available.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: State, Federal

Agency Contact: Jack T. Brawner, Director, Department of Commerce, National Oceanic and Atmospheric Administration, Southeast Region, NMFS, 9450 Koger Blvd., St. Petersburg, FL 33702, 813 893-3141

RIN: 0648–AA04

NORTHWEST ATLANTIC FOREIGN FISHING

Priority: Agency Determination

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser & Management Act

CFR Citation: 50 CFR 611.50

Abstract: The foreign fishing areas, seasons, and gear requirements need to be reassessed in light of expanding U.S. fishing operations and a change in the foreign fisheries.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	
NPRM Comment Period Begin	04/00/83	
NPRM Comment Period End	06/15/83	
Final Action	06/00/83	

Additional Information: Neither an RIA nor an RFA is required or will be prepared. A Regulatory Impact Review is being prepared.

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Allen Peterson, Jr., Department of Commerce, National Oceanic and Atmospheric Administration, NMFS, 14 Elm St., Gloucester, MA 01930, 617 281-3600

RIN: 0648–AA05

AMENDMENT NO. 4 TO THE BERING SEA GROUNDFISH FISHERY MANAGEMENT PLAN: IMPLEMENTING REGULATIONS

Priority: Agency Determination

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser. & Management Act

CFR Citation: 50 CFR 611.93; 50 CFR 673

Abstract: The problems being addressed are (1) natural fluctuations in biomass of fish stocks and (2) growing U.S. fishery. The amendments will raise quotas. The benefits are potential increased revenues to about 30 U.S. vessels totalling about $12.3 million and payment to the United States of $100,000. No incremental costs will occur except the minor costs of the rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	12/06/82	47 FR 54841
NPRM Comment Period Begin	12/06/82	
NPRM Comment Period End	01/20/83	
Final Action	04/00/83	
Final Action Effective	05/00/83	

Small Entity: Yes

Additional Information: An RIA is not required and will not be prepared. An RFA is required and is available. The existing FMP and the Amendment are available.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Robert W. McVey, Director, Department of Commerce, National Oceanic and Atmospheric Administration, Alaska Region, NMFS, P.O. Box 1668, Juneau, AK, 907 586-7221

RIN: 0648–AA06

AMENDMENT NO. 5 TO THE BERING SEA GROUNDFISH FISHERY MANAGEMENT PLAN: IMPLEMENTING REGULATIONS

Priority: Agency Determination

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 611.93; 50 CFR 673

Abstract: The problem being addressed is the incidental catch of chinook salmon by foreign fishermen. Alternatives considered were to do nothing or to be more restrictive. There will be a very minor economic benefit to chinook salmon fishermen in western Alaska as their salmon catches increase. The total increase in catch to be shared by a large number of U.S. fishermen is expected to be about $193,000/year with a slight potential adverse economic impact on foreign fishermen.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	
NPRM Comment Period Begin	04/00/83	
NPRM Comment Period End	06/15/83	
Final Action	07/00/83	
Final Action Effective	08/00/83	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared. A Regulatory Impact Review/initial RFA is available. The Amendment is available.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Robert W. McVey, Director, Department of Commerce, National Oceanic and Atmospheric Administration, Alaska Region, NMFS, P.O. Box 1668, Juneau, AK 99802, 907 586-7221

RIN: 0648–AA07

1983 FOREIGN FISHING FEES

Priority: Agency Determination

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 611.22

Abstract: The 1982 fees need to be revised in order that receipts from foreign fishing during 1983 will recover at least the foreign share of the costs of administering the Magnuson Act during fiscal year 1982. Comments are being solicited on the possibility of auctioning the fish allocations, and of offering discounted fees to those countries that aid the United States fishery development plans.

Timetable:

Action	Date	FR Cite
NPRM Permit Fees	09/03/82	47 FR 38947
Beg. Comment Period Permit Fees	09/03/82	47 FR 38947
End. Comment Period Permit Fees	10/03/82	47 FR 38947

Action	Date	FR Cite
NPRM	11/12/82	47 FR 51336
NPRM Comment Period Begin	11/12/82	47 FR 56650
Final Action Effective Permit Fees	01/01/83	48 FR 00256
Final Action Permit Fees	01/04/83	48 FR 00256
NPRM Comment Period End	01/14/83	
Final Action	05/15/83	
Final Action Effective	06/15/83	
Interim Final Rule	12/20/83	47 FR 56650

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared. A Regulatory Impact Review for permit fees is available. A Regulatory Impact Review for poundage fees is available.

Affected Sectors: None

Agency Contact: **Susan Jelley**, Fishery Management Specialist, Department of Commerce, National Oceanic and Atmospheric Administration, Fees, Permits, & Regulations Division, NMFS, 3300 Whitehaven Street, NW, Washington, DC 20235, **202 634-7432**

RIN: 0648-AA09

REEF FISH RESOURCES OF THE GULF OF MEXICO FISHERY MANAGEMENT PLAN: IMPLEMENTING REGULATIONS

Priority: Agency Determination

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 641

Abstract: Biological data indicate a substantial decline in reef fish stocks in the Gulf of Mexico. Overfishing contributes to this decline in many nearshore areas by recreational & commercial users. In addition, there is expanding competition between recreational & commercial users for limited resource. Objectives are: rebuild declining reef fish stocks; establish fishery reporting system; increase reef fish habitats in approp. areas; provide protection for juveniles while protecting existing & new habitats; and minimize conflicts between user groups. Benefits from implementation of the plan over a 5-year period could reach discounted maximum of $8 million for commercial fishermen & $23.2 million for recreational fishermen. Annual costs for development & implementation of plan over a 5-year period are estimated at $393,315. The adopted measures would minimize burden on public & address the problems in the fishery in a cost-effective manner. The regulations will require some small entities to relocate their fishery areas. Net benefits will occur to the fishery because of the rebuilding of the resources.

Timetable:

Action	Date	FR Cite
NPRM	05/00/83	
NPRM Comment Period Begin	05/00/83	
NPRM Comment Period End	07/15/83	
Final Action	09/00/83	
Final Action Effective	10/00/83	

Small Entity: Yes

Additional Information: An RIA is not required and will not be prepared. An RFA is required and is being prepared. A Regulatory Impact Review/ initial RFA will be available in May 1983. A Draft Environmental Impact Statement is available. The Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico will be available.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: State, Federal

Agency Contact: **Jack T. Brawner**, Director, Department of Commerce, National Oceanic and Atmospheric Administration, Southeast Region, NMFS, 9450 Koger Boulevard, St. Petersburg, FL 33702, **813 893-3141**

RIN: 0648-AA10

SPINY LOBSTER FISHERY IN PUERTO RICO & THE VIRGIN ISLANDS FISHERY MANAGEMENT PLAN: IMPLEMENTING REGULATIONS

Priority: Agency Determination

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 645

Abstract: A fishery management plan (FMP) and implementing regulations are needed to manage the spiny lobster resources of the Caribbean. Management measures will protect long-term yields, prevent depletion of the stocks, increase yields from the fishery, and acquire information necessary to better manage the fishery. The primary objective is to achieve optimum yields from a presently healthy fishery stock without encountering the problems of economic or biologic overfishing that have been known to occur in some other fisheries. The FMP imposes a minimum size limit which will cause an estimated loss in income during the first year of $228 per fisherman, and $117 per fisherman in the second year. Size limits in subsequent years are expected to improve landings in the third and subsequent years, resulting in $118 per fisherman increase in income. The prohibition of taking lobsters in certain areas may have minor supply and income effects on commercial and recreational harvesters which may be offset by aesthetic benefits to divers and research benefits to scientists. Additional reporting burdens will be placed on some fishermen.

Timetable:

Action	Date	FR Cite
NPRM	09/03/82	47 FR 38948
NPRM Comment Period Begin	09/03/82	
NPRM Comment Period End	10/18/82	
Final Action	04/00/83	

Small Entity: Yes

Additional Information: An RIA is not required and will not be prepared. An RFA, a Regulatory Impact Review, an Environmental Impact Statement, and the FMP are available.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: State, Federal

Agency Contact: **Jack T. Brawner**, Director, Department of Commerce, National Oceanic and Atmospheric Administration, Southeast Region, NMFS, 9450 Koger Boulevard, St. Petersburg, FL 33702, **813 893-3141**

RIN: 0648-AA12

SNAPPER-GROUPER COMPLEX OF THE SOUTH ATLANTIC REGION FISHERY MANAGEMENT PLAN: IMPLEMENTING REGULATIONS

Priority: Agency Determination

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 646

Abstract: A fishery management plan (FMP) is needed to prevent overfishing of snappers and groupers and to obtain information required for improved management of the fishery. The main objective is to prevent overfishing for all species in the complex. The FMP and implementing regulations will be designed to eliminate the growth of overfishing by prohibiting the use of fish traps shoreward of the 100 fathom line. Other measures include prohibiting the use of certain gear and prohibiting the use of poison and explosives.

Timetable:

Action	Date	FR Cite
Public Hearing	08/31/82	47 FR 38001
Public Hearing	09/09/82	47 FR 38001
NPRM	06/00/83	

DOC—NOAA

Current and Projected Rulemakings

Action	Date	FR Cite
NPRM Comment Period Begin	06/00/83	
NPRM Comment Period End	08/15/83	
Final Action	09/00/83	
Final Action Effective	10/00/83	

Small Entity: Yes

Additional Information: An RIA is not required and will not be prepared. An RFA is required and is being prepared. A draft RIR is available.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: State, Federal

Agency Contact: **Jack Brawner**, Director, Department of Commerce, National Oceanic and Atmospheric Administration, Southeast Region, 9450 Koger Boulevard, St. Petersburg, FL 33702, **813 893-3141**

RIN: 0648–AA13

AMENDMENT NO. 7 TO THE TANNER CRAB FISHERY MANAGEMENT PLAN: IMPLEMENTING REGULATIONS

Priority: Agency Determination

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 671

Abstract: Amendment No. 7 would eliminate the 16.5 million pounds of total allowable level of foreign fishing for C. opilio; reduce the optimum yield (OY) for C. opilio in the Bering Sea management area from 130 million pounds to equal the domestic annual harvest within a range of 39.5 - 91.0 million pounds; establish OYs for C. bairdi in the Chignik management area at 5.0 million pounds and in the South Peninsula management area at 6.0 million pounds; and increase the range OY for C. bairdi in the Bering Sea management area from 22.0 - 33.0 million pounds to 28.0 - 36.0 million pounds. Amendment No. 7 should increase harvest levels and abundance of C. bairdi tanner crab and harvest of the full acceptable biological catch of C. opilio in the Bering Sea by U.S. fishermen. The amendment focuses on the elimination of the C. opilio total allowable level of foreign fishing. The only substantial economic impact will be on foreign fishery fleets.

Timetable:

Action	Date	FR Cite
NPRM	09/03/81	46 FR 44203
NPRM Comment Period Begin	09/03/81	
NPRM Comment Period End	10/19/81	
Final Action	04/00/83	
Final Action Effective	05/00/83	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared; however, a Council prepared report on the market aspects of a foreign allocation of C. opilio is available.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: State, Federal

Agency Contact: **Robert W. McVey**, Director, Department of Commerce, National Oceanic and Atmospheric Administration, Alaska Region, NMFS, P.O. Box 1668, Juneau, AK 99802, **907 586-7221**

RIN: 0648–AA18

AMENDMENT NO. 8 TO THE TANNER CRAB FISHERY MANAGEMENT PLAN: IMPLEMENTING REGULATIONS

Priority: Agency Determination

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 671

Abstract: Amendment No. 8 to the Tanner Crab Fishery Management Plan (FMP) would establish a minimum harvest size of 3.1 inches for C. opilio (the standard industry practice is to take 4.0 inch crab); remove permanently the FMP's provision for storing pots on fishing grounds 72 hrs. before the fishing season opens (a minor adverse economic impact offset by more effective enforcement); rescind the pot limit in Cook Inlet and establish pot limits in Kodiak District and all of Registration Area E (Prince William Sound); prohibit the use of side loading pots in the Yakutat District; and revise fishing season dates for the South Peninsula, Chignik, Western Aleutians, Southeast, and Yakutat Districts. The amendment represents a technical adjustment necessary to update the FMP and more accurately reflect current management practices by the State of Alaska. No new economic burdens would be imposed on U.S. fishermen. Any impacts will be minor and potential benefits significantly outweigh adverse impacts.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	
NPRM Comment Period Begin	04/00/83	
NPRM Comment Period End	06/15/83	
Final Action	07/15/83	
Final Action Effective	08/15/83	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: State, Federal

Agency Contact: **Robert W. McVey**, Director, Department of Commerce, National Oceanic and Atmospheric Administration, Alaska Region, NMFS, P.O. Box 1668, Juneau, AK 99802, **907 586-7221**

RIN: 0648–AA19

HIGH SEAS SALMON FISHERY MANAGEMENT PLAN: REGULATORY AMENDMENT TO CLARIFY CLOSURE AUTHORITY OF THE SECRETARY: IMPLEMENTING REGULATIONS

Priority: Agency Determination

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 674

Abstract: This amendment to the High Seas Salmon Fishery Management Plan and implementing regulations would clarify the authority of the Secretary, as delegated to the Alaska Regional Director, NMFS, to close the high seas salmon troll fishery at any harvest level within the chinook salmon optimum yield range that he determines to be necessary for the conservation and management of chinook salmon. The reduction in troll catch proposed for 1982 was estimated to be evenly distributed over approximately 965 power trollers and 2,137 hand trollers. Reductions in revenues were insignificant—estimated between $465 and $537 per power troller and $33 and $38 per hand troller in 1982.

Timetable:

Action	Date	FR Cite
NPRM	08/06/82	47 FR 34167
NPRM Comment Period Begin	08/06/82	47 FR 34167
NPRM Comment Period End	09/20/82	
Final Action	04/00/83	
Final Action Effective	05/00/83	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared. A

Regulatory Impact Review/initial RFA is available.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: State, Federal

Agency Contact: **Robert W. McVey**, Director, Department of Commerce, National Oceanic and Atmospheric Administration, Alaska Region, NMFS, P.O. Box 1668, Juneau, AK 99802, **907 586-7221**

RIN: 0648–AA20

AMENDMENT NO. 3 TO THE HIGH SEAS SALMON FISHERY MANAGEMENT PLAN: IMPLEMENTING REGULATIONS

Priority: Agency Determination

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 674

Abstract: Amendment No. 3 would authorize the use of currently prohibited treble hooks in the troll salmon fishery off Southeast Alaska. No significant economic impacts are expected from this amendment.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	
NPRM Comment Period Begin	04/00/83	
NPRM Comment Period End	06/15/83	
Final Action	07/00/83	
Final Action Effective	08/00/83	

Small Entity: No

Additional Information: An RIA is not required and will not be prepared. An RIR/RFA is being prepared and will be available in April 1983.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: State, Federal

Agency Contact: **Robert W. McVey**, Director, Department of Commerce, National Oceanic and Atmospheric Administration, Alaska Region, NMFS, P.O. Box 1668, Juneau, AK 99802, **907 586-7221**

RIN: 0648–AA21

KING CRAB (BERING SEA/ALEUTIAN ISLANDS) FISHERY MANAGEMENT PLAN: IMPLEMENTING REGULATIONS

Priority: Agency Determination

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 676

Abstract: This fishery management plan (FMP) and implementing regulations seek to ensure effective conservation and management of King Crab stocks in the Bering Sea and Aleutian Islands area while providing continued active participation of the State of Alaska in management of these fisheries. Non-resident Alaskan fishermen will have more effective input to fishery management. There is a need for enforcement of sex and minimum size limits to prevent overharvesting the King Crab optimum yield, and to prevent harvesting of females and under-sized crab. The regulation protects smaller vessels that compete with larger vessels in their ability to move between fishing areas. Regulatory measures also seek to ensure equitable representation of all components of the harvesting sector. Alternative measures under the FMP could have a significant impact on small entities. This is a framework FMP.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	
NPRM Comment Period Begin	04/00/83	
NPRM Comment Period End	06/15/83	
Final Action	07/00/83	
Final Action Effective	08/00/83	

Small Entity: Yes

Additional Information: An RIA is not required and will not be prepared. An RFA is required and a Regulatory Impact Review/initial RFA will be available in April 1983. A Draft Environmental Impact Statement is available as well as the FMP for the Bering Sea/Aleutian Island King Crab fishery. The Final Environmental Impact Statement will be available in early 1983.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: State, Federal

Agency Contact: **Robert W. McVey**, Director, Department of Commerce, National Oceanic and Atmospheric Administration, Alaska Region, NMFS, P.O. Box 1668, Juneau, AK 99802, **907 586-7221**

RIN: 0648–AA22

CORAL & CORAL REEFS IN THE GULF OF MEXICO & THE SOUTH ATLANTIC FISHERY MANAGEMENT PLAN: IMPLEMENTING REGULATIONS

Priority: Agency Determination

Legal Authority: 16 USC 1801 Magnuson Fishery Conservation & Management Act

CFR Citation: 50 CFR 638

Abstract: Regulation is needed to control the potential harvest of coral in the Gulf of Mexico and the South Atlantic Ocean. Although the present harvest is at a very low level, rapid increases in effort could lead to extensive destruction of the corals. The objective is to develop more and better data and to optimize benefits generated from the coral resource while conserving the coral and coral reefs. Certain types of gear will be prohibited and fishing will be restricted in certain areas, with a consequent adverse economic impact on small entities. Benefits will accrue through the conservation of the coral and coral reefs which are important habitats sustaining spiny lobsters, snappers, groupers and other fishes.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	
NPR' Comment Period Begin	04/00/83	
NPRM Comment Period End	06/15/83	
Final Action	07/00/83	
Final Action Effective	08/00/83	

Small Entity: Yes

Additional Information: An RIA is not required and will not be prepared. An RFA is required. A Regulatory Impact Review/initial RFA will be available in April 1983. A Draft Environmental Impact Statement and a Fishery Management Plan for Coral and Coral Reefs in the Gulf of Mexico and the South Atlantic will also be available in April 1983.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: State, Federal

Agency Contact: **Jack T. Brawner**, Director, Department of Commerce, National Oceanic and Atmospheric Administration, Southeast Region, NMFS, 9450 Koger Boulevard, St. Petersburg, FL 33702, **813 893-3141**

RIN: 0648–AA24

HALIBUT MORATORIUM

Priority: Agency Determination

Legal Authority: 16 USC 773 et seq Northern Pacific Halibut Act of 1982

CFR Citation: 50 CFR 301

Abstract: This regulation would prohibit the landing and sale of halibut if an individual had not sold halibut between 1978 and 1982. The purpose of these regulations is to enhance the efficiency of the industry.

Timetable:

Action	Date	FR Cite
NPRM	02/03/83	48 FR 4861
NPRM Comment Period Begin	02/03/83	
NPRM Comment Period End	03/10/83	
Final Action	06/00/83	
Final Action Effective	06/00/83	

Small Entity: Undetermined

Additional Information: An RIA is not required and will not be prepared. It has been determined that an RFA is required. A final RFA is available.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: State, Federal

Agency Contact: Robert W. McVey, Director, Department of Commerce, National Oceanic and Atmospheric Administration, Alaska Region, NMFS, P.O. Box 1668, Juneau, AK 99802, **907 586-7221**

RIN: 0648-AA25

CIVIL PROCEDURES

Priority: Agency Determination

Legal Authority: 15 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act; 16 USC 773 et seq Northern Pacific Halibut Act of 1982

CFR Citation: 15 CFR 904

Abstract: The existing regulations (15 CFR 904) provide uniform procedures for enforcement and civil proceedings under the various fishery and marine resource statutes administered by NOAA. The regulations are being revised to consolidate all aspects of NOAA's civil process which can be uniformly treated. The revised regulations will provide uniform permit processing procedures and sanction procedures; means of addressing the respondent's ability to pay in civil penalty proceedings; procedures for issuance and appeal of written warnings for violations of law; and procedures for selling seized perishable fish. The revisions will clarify for the public the procedures which NOAA follows in carrying out its enforcement responsibilities. The amendments thus are beneficial rather than burdensome to the public. These procedural regulations will not increase costs to the public or local governments. Nor will they have a significant adverse effect on competition, employment or industry. The alternative of not further consolidating the procedures was considered and rejected. There is no alternative to making the updating and housekeeping portions of the amendments.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/18/81	46 FR 61643
Beg. Comment Period on NPRM	09/00/83	
NPRM on Revising Interim Final Rule	09/00/83	
End Comment Period on NPRM	11/15/83	
Final Action	01/00/84	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: 091 Commercial Fishing; 209 Miscellaneous Food Preparations and Kindred Products

Government Levels Affected: State, Federal

Agency Contact: Patricia Kraniotis, Acting Asst. General Counsel, Department of Commerce, National Oceanic and Atmospheric Administration, Enforcement & Litigation, 2601 Wisconsin Avenue, NW, Washington, DC 20235, **202 254-8350**

RIN: 0648-AA26

DESIGNATED CRITICAL HABITAT: DESIGNATION OF CRITICAL HABITAT FOR THE HAWAIIAN MONK SEAL

Priority: Agency Determination

Legal Authority: 16 USC 1531 et seq Endangered Species Act of 1973

CFR Citation: 50 CFR 226.11

Abstract: Designation of Critical Habitat is conducted pursuant to the Endangered Species Act of 1973, as amended. Critical Habitat is that area within (or outside) the geographic range of the animal wherein are found those physical and/or biological features essential for the conservation of the species and which may require special management considerations. The objective is to protect the Hawaiian Monk Seal.

Timetable:

Action	Date	FR Cite
NPRM	08/00/83	
NPRM Comment Period Begin	08/00/83	
NPRM Comment Period End	10/15/83	
Final Action	12/00/83	
Final Action Effective	01/00/84	

Small Entity: Undetermined

Additional Information: A draft Environmental Impact Statement is available for public review. A Final Recovery Plan discussing and recommending areas to be designated as the Critical Habitat is being prepared and will be available at a date not yet determined. The proposed rules will be based in part on the recommendations made in the Final Recovery Plan. Required determinations under Executive Order 12291 and the Regulatory Flexibility Act will be made when the Critical Habitat is proposed.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Local, State, Federal

Agency Contact: Alan W. Ford, Director, Department of Commerce, National Oceanic and Atmospheric Administration, Southwest Region, NMFS, 300 S. Ferry Street, Terminal Island, CA 90731, **213 548-2575**

RIN: 0648-AA27

WHALING

Priority: Agency Determination

Legal Authority: 16 USC 916 et seq Whaling Convention Act

CFR Citation: 50 CFR 351

Abstract: The Whaling Convention Act requires that the Schedule of the International Convention for the Regulation of Whaling, 1946, be published in the Federal Register by the Secretary of Commerce to become effective with respect to all persons and vessels subject to the jurisdiction of the United States in accordance with terms of such regulations. These regulations relate to whaling which is currently prohibited for all persons and vessels subject to United States jurisdiction with the exception of subsistence whaling which is the subject of separate regulations. Therefore, they will have no impact on any U.S. entities.

Timetable:

Action	Date	FR Cite
Final Action	03/31/83	
Final Action Effective	03/31/83	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared. These regulations are exempt from National Environmental Policy Act environmental document requirements, since they constitute a programmatic function with no potential for significant environmental impact.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Mr. Richard B. Roe, Acting Director, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Species, and Habitat Conservation, NMFS, Washington, DC 20235, 202 634-7461

RIN: 0648-AA28

●1984 FOREIGN FISHING FEES

Priority: Agency Determination

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 611.22

Abstract: New fees will be set for 1984 to recover at least the foreign share of the costs of administering the Magnuson Act during fiscal year 1983.

Timetable:

Action	Date	FR Cite
NPRM	09/01/83	
NPRM Comment Period Begin	09/01/83	
NPRM Comment Period End	10/15/83	
Final Action	12/01/83	
Final Action Effective	01/01/84	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared. A Regulatory Impact Review will be available.

Affected Sectors: None

Agency Contact: Susan Jelley, Fishery Management Specialist, Department of Commerce, National Oceanic and Atmospheric Administration, 3300 Whitehaven Street, NW, Washington, D.C. 20235, 202 634-2432

RIN: 0648-AA62

●FOREIGN FISHING PERMIT REVIEWS

Priority: Agency Determination

Legal Authority: 16 USC 1824(b) Section 204b of the Magnuson Fishery C & M Act; PL 97-453

CFR Citation: 50 CFR 640

Abstract: Regulations will be proposed to set out agency policy providing discretion to Regional Councils in reviewing foreign fishing permit applications, and establish guidance to Regional Councils, the affected public, and foreign fishing nations on when the Secretary would approve or disapprove the applications.

Timetable:

Action	Date	FR Cite
NPRM	05/01/83	
NPRM Comment Period Begin	05/01/83	
NPRM Comment Period End	05/30/83	
Final Action	07/01/83	
Final Action Effective	08/01/83	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: State, Federal

Agency Contact: Alfred J. Billk, Acting Chief, Fees, Permits, & Regs Div, Department of Commerce, National Oceanic and Atmospheric Administration, 3300 Whitehaven Street, N.W., Washington, D.C. 20235, 202 634-7432

RIN: 0648-AA63

●SUPPLEMENTAL OBSERVER PROGRAM

Priority: Agency Determination

Legal Authority: 16 USC 1821(i) The Magnuson Fishery Conser. and Management Act

CFR Citation: 50 CFR 611.8

Abstract: PL 97-453 requires the Secretary of Commerce to establish a supplementary U.S. observer program if full observer coverage of foreign fishing vessels cannot be achieved using Federal or contract employees that rely on Congressional appropriations as the source of funding. Under such circumstances, foreign fishing vessel owners would pay observer fees directly to supplementary U.S. observers or their agents. The Secretary of Commerce must certify observers and procedures for monitoring performance. No cost will be incurred by the U.S. to implement or operate this program as costs are charged to foreign fishermen. No alternative is envisioned because of the law's specificity.

Timetable:

Action	Date	FR Cite
NPRM	10/01/83	
NPRM Comment Period Begin	10/01/83	
NPRM Comment Period End	10/30/83	
Final Action	01/01/84	
Final Action Effective	01/01/84	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Gary A. Wood, Special Agent, Department of Commerce, National Oceanic and Atmospheric Administration, Washington, D.C. 20235, 202 634-7265

RIN: 0648-AA65

●FOREIGN RECREATIONAL FISHING

Priority: Agency Determination

Legal Authority: 16 USC 1821(j) The Magnuson Fishery Conser. and Management Act

CFR Citation: 50 CFR 64.0, (New)

Abstract: PL 97-453 amends the Magnuson Fishery Conservation and Management Act to permit certain foreign fishing vessels to engage in recreational fishing within the fishery conservation zone and in State waters without the customary foreign fishing permit. The Secretary of Commerce and the Governor of a coastal State may impose reasonable fees and conditions and restrictions on such recreational fishing. The proposed regulations will: (1) specify the vessel types and activities which qualify for fishing without a permit, (2) require no fees or special conditions for vessels which qualify for recreational fishing without a permit, and (3) provide the mechanism for a Governor to propose either fees or conditions and restrictions to such fishing in the fishery conservation zone adjacent to his State. This action has no cost of implementation. No alternatives are currently being considered.

Timetable:

Action	Date	FR Cite
NPRM	06/01/83	
NPRM Comment Period Begin	06/01/83	
NPRM Comment Period End	06/30/83	
Final Action	08/01/83	
Final Action Effective	09/01/83	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: State, Federal

Agency Contact: Richard B. Stone, Rec. Fish. Officer, Department of Commerce, National Oceanic and Atmospheric Administration, Washington, D.C. 20235, 202 634-7432

RIN: 0648-AA66

●AMENDMENT NO. 1 FOR SPINY LOBSTER FISHERIES OF THE WESTERN PACIFIC REGION

Priority: Agency Determination

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 681

Abstract: This draft amendment and implementing regulations will establish conservation and management measures for spiny lobster fisheries in the fishery conservation zone around the main islands of Hawaii, east of 161 W. longitude.

Timetable:

Action	Date	FR Cite
NPRM	08/15/83	
NPRM Comment Period Begin	08/15/83	
NPRM Comment Period End	11/01/83	
Final Action	12/30/83	
Final Action Effective	01/30/84	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared. A draft combined amendment/environmental assessment is available.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: State, Federal

Agency Contact: Alan W. Ford, Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 300 S. Ferry St., Terminal Island, CA 90731, **213 548-2575**

RIN: 0648-AA67

●REGULATORY AMENDMENT TO REVISE CONDITIONS REQUIRING REDETERMINATIONS OF DOMESTIC ANNUAL PROCESSING CAPACITY IN ATLANTIC RED AND SILVER HAKE

Priority: Agency Determination

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt Act

CFR Citation: 50 CFR 611.53

Abstract: Housekeeping amendments to the foreign fishing regulations covering the Preliminary Fishery Management Plan of the Hake Fisheries of the Northwestern Atlantic (PMP) will be proposed to simplify the procedures for handling joint venture applications (joint ventures involve transfer at sea of U.S. harvested hake to foreign processing vessels). The proposed revision would: (1) provide a 15-day public comment period in the procedure the NMFS Northeast Regional Director would follow in making new estimates of domestic annual processing capacity (DAP) upon receiving a joint venture permit application, and (2) require the DAP reassessment procedure to be applied only if a foreign fishing application is received for a joint venture and if the amount of U.S. harvested hake requested by the applicant exceeds the amount of JVP (joint venture processing) that can be made available to the applicant.

Timetable:

Action	Date	FR Cite
NPRM	04/15/83	
NPRM Comment Period Begin	04/15/83	
NPRM Comment Period End	05/15/83	
Final Action	05/30/83	
Final Action Effective	06/30/83	

Small Entity: No

Additional Information: Proposed revision of 50 CFR 611.53 represents procedural changes designed to (1) reduce the frequency of determinations of DAP and (2) provide for public comment in this procedure. These are housekeeping adjustments and will have no economic impacts. Regulatory changes are within scope of the approved PMP. Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: State, Federal

Agency Contact: Allen E. Peterson, Jr., Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 14 Elm Street, Gloucester, MA 01930, **617 281-3600**

RIN: 0648-AA68

●TANNER CRAB FISHERY MANAGEMENT PLAN (FMP) - REGULATORY AMENDMENT TO CHANGE POT STORAGE AREAS

Priority: Agency Determination

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 671

Abstract: This regulatory amendment would establish new and delete current crab pot storage areas in the Eastern Bering Sea and Gulf of Alaska. These changes are needed to establish new shallow water areas to store domestic Tanner crab pots during closed seasons, to prevent preemption of productive fishing grounds for other species, to eliminate gear conflicts between foreign fishing vessels and U.S.-owned stored crab pots, and to reduce transportation time and fuel costs expended by U.S. fishermen during the storage and retrieval of these crab pots.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	
NPRM Comment Period Begin	04/00/83	
NPRM Comment Period End	06/00/83	
Final Action	07/00/83	
Final Action Effective	08/00/83	

Small Entity: Yes

Additional Information: An RIA is not required and will not be prepared. A Regulatory Impact Review/Initial RFA is being prepared and will be available in April 1983.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: State, Federal

Agency Contact: Mr. Robert W. McVey, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 1668, Juneau, Alaska 99802, **907 586-7221**

RIN: 0648-AA71

●EMERGENCY AUTHORITY

Priority: Agency Determination

Legal Authority: 16 USC 1855(e) The Magnuson Fishery Conser. and Management Act

CFR Citation: 50 CFR 604, (New)

Abstract: Proposal would develop agency policy and rules for use of authority to promulgate emergency rules necessary to address emergencies involving fisheries. Will provide guidance to affected public and state and local agencies requesting the Secretary of Commerce to exercise this authority.

Timetable:

Action	Date	FR Cite
NPRM	06/01/83	
NPRM Comment Period Begin	06/01/83	
NPRM Comment Period End	06/30/83	
Final Action	08/01/83	
Final Action Effective	09/01/83	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: 091 Commercial Fishing; 209 Miscellaneous Food Preparations and Kindred Products

Government Levels Affected: Local, State

Agency Contact: Alfred J. Bilik, Acting Chief, Permits Fees & Regs. Div., Department of Commerce, National Oceanic and Atmospheric Administration, 3300 Whitehaven Street, N.W., Washington, D.C. 20235, 202 634-7432

RIN: 0648-AA72

U.S. STANDARDS FOR GRADES OF FRESH OR FROZEN NORTH AMERICAN FRESHWATER CATFISH AND PRODUCTS MADE THEREFROM

Priority: Agency Determination

Legal Authority: 7 USC 1621 to 1630 Agricultural Marketing Act of 1946

CFR Citation: 50 CFR 267, (New)

Abstract: This proposed standard will establish a voluntary standards system to identify various products made from North American Freshwater Catfish and to grade these products A,B,C and substandard. The objective of the standard is to facilitate trade in these products thereby benefiting the consumer. The standard will be used by NMFS in the voluntary program of fishery products inspection and certification. Industry has expressed strong support for these voluntary standards.

Timetable:

Action	Date	FR Cite
NPRM	04/30/83	
NPRM Comment Period Begin	04/30/83	
Interim Final Rule	05/30/83	
NPRM Comment Period End	10/30/83	
Final Action	12/31/83	
Final Action Effective	01/31/84	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: 027 Animal Specialties; 209 Miscellaneous Food Preparations and Kindred Products

Government Levels Affected: State, Federal

Agency Contact: Mr. James R. Brooker, National Fishery Products Program Leader, Department of Commerce, National Oceanic and Atmospheric Administration, 3300 Whitehaven Street, N.W., Washington, D.C. 20235, 202 634-7458

RIN: 0648-AA73

AMENDMENT NO. 4 TO THE HIGH SEAS SALMON FISHERY MANAGEMENT PLAN: IMPLEMENTING REGULATIONS

Priority: Agency Determination

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt Act

CFR Citation: 50 CFR 674

Abstract: Amendment No. 4 and implementing regulations to the High Seas Salmon Fishery Management Plan (FMP) may be needed to prevent depletion of the stocks by overfishing if naturally spawning stocks of southeast Alaska and Pacific Northwest chinook salmon are depressed. Reducing the optimum yield (OY) could contribute to resolution of the problem; alternatively reducing the harvest level within the current OY range may be adequate to address the problem. Adjustment of fishing season dates may also be appropriate. Adjustment of OY levels or the fishing season would impact over 3,000 commercial salmon trollers. Adverse impacts could include lower catch/revenues or increase competition for available catch. It is unknown at this time whether a 1984 amendment will be necessary.

Timetable:

Action	Date	FR Cite
NPRM	04/00/84	
NPRM Comment Period Begin	04/00/84	
NPRM Comment Period End	06/15/84	
Final Action	07/15/84	
Final Action Effective	08/15/84	

Small Entity: Yes

Additional Information: An RIA is not required and will not be prepared. An RFA is required and will be prepared. A Regulatory Impact Review/Initial RFA will be available in the spring of 1984.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: State, Federal

Agency Contact: Robert W. McVey, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 1668, Juneau, AK 99802, 907 586-7221

RIN: 0648-AA75

NATIONAL OCEAN SURVEY/OFFICE OF COASTAL RESOURCES MANAGEMENT

GENERAL REGULATIONS FOR THE NATIONAL ESTUARINE SANCTUARY PROGRAM

Priority: Agency Determination

Legal Authority: 16 USC 1456 Coastal Zone Management Act of 1972

CFR Citation: 15 CFR 921

Abstract: The proposed regulations revise existing procedures for selecting potential estuarine sanctuaries. Site identification and selection is to be based on a revised biogeographic classification scheme and typology of estuarine areas. The regulations place a greater emphasis on management planning early in the process of evaluating a potential site. The regulations reflect a progression from the initial identification of a site, through the designation process, and continued implementation.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	
NPRM Comment Period Begin	04/00/83	
NPRM Comment Period End	06/00/83	
Final Action	07/00/83	
Final Action Effective	08/00/83	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared. The Regulatory Flexibility Act does not apply because the regulations affect only Federal agency actions.

Affected Sectors: Multiple

Government Levels Affected: State, Federal

Agency Contact: Dr. Nancy Foster, Deputy Director, Department of Commerce, National Oceanic and Atmospheric Administration, Sanctuary Programs Division, OCRM, 3300 Whitehaven Street, NW, Washington, DC 20235, 202 634-4236

RIN: 0648-AA30

GENERAL REGULATIONS FOR THE NATIONAL MARINE SANCTUARY PROGRAM

Priority: Agency Determination

Legal Authority: 16 USC 1431 to 1434 Mar. Prot., Research & Sanct Act

CFR Citation: 15 CFR 922

Abstract: These proposed regulations revise existing procedures for identifying and selecting potential marine sanctuary candidates, as well as designating these sites as national marine sanctuaries. The regulations reflect a management-oriented approach to protecting special marine areas. They reflect the refinements and programmatic policies outlined in the Program Development Plan for the National Marine Sanctuary Program (January 1982).

Timetable:

Action	Date	FR Cite
NPRM	09/07/82	47 FR 39191
NPRM Comment Period Begin	09/07/82	47 FR 39191
NPRM Comment Period End	11/06/82	
Final Action	04/00/83	
Final Action Effective	05/00/83	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared. The Regulatory Flexibility Act does not apply because the regulations affect only Federal agency actions.

Affected Sectors: Multiple

Government Levels Affected: State, Federal

Agency Contact: Dr. Nancy Foster, Deputy Director, Department of Commerce, National Oceanic and Atmospheric Administration, Sanctuary Programs Division, OCRM, 3300 Whitehaven Street, NW, Washington, DC 20235, 202 634-4236

RIN: 0648-AA31

REGULATIONS FOR PROPOSED LA PARGUERA, PUERTO RICO NATIONAL MARINE SANCTUARY

Priority: Agency Determination

Legal Authority: 16 USC 1431 to 1434 Mar. Prot., Research & Sanct Act

CFR Citation: 15 CFR 939

Abstract: These regulations will protect the ecological, recreational, and esthetic resources of the waters off La Parguera, Puerto Rico if this area is designated as a national marine sanctuary.

Timetable:

Action	Date	FR Cite
NPRM	03/04/83	48 FR 09286
NPRM Comment Period Begin	03/04/83	48 FR 09286
NPRM Comment Period End	05/04/83	
Final Action	07/00/83	
Final Action Effective	08/00/83	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: State, Federal

Agency Contact: Dr. Nancy Foster, Deputy Director, Department of Commerce, National Oceanic and Atmospheric Administration, Sanctuary Programs Division, OCRM, 3300 Whitehaven Street, NW, Washington, DC 20235, 202 634-4236

RIN: 0648-AA32

REGULATIONS FOR THE KEY LARGO CORAL REEF NATIONAL MARINE SANCTUARY

Priority: Agency Determination

Legal Authority: 16 USC 1431 to 1434 Mar. Prot., Research & Sanc. Act

CFR Citation: 15 CFR 929

Abstract: The regulations will replace and update interim regulations to protect ecological, recreational, and aesthetic resources of the Key Largo Coral Reef National Marine Sanctuary.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/16/76	47 FR 2379
NPRM	12/17/82	47 FR 56506
NPRM Comment Period Begin	12/17/82	47 FR 56506
NPRM Comment Period End	02/14/83	
Final Action	04/00/83	
Final Action Effective	05/00/83	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: State, Federal

Agency Contact: Dr. Nancy Foster, Deputy Director, Department of Commerce, National Oceanic and Atmospheric Administration, Sanctuary Programs Division, OCRM, 3300 Whitehaven Street, NW, Washington, DC 20235, 202 634-4236

RIN: 0648-AA33

FEDERAL CONSISTENCY WITH APPROVED COASTAL ZONE MANAGEMENT PROGRAMS: DEFINITION OF THE TERM: "DIRECTLY AFFECTING" IN SECTION 307(C)(1) OF THE COASTAL ZONE MANAGEMENT ACT

Priority: Agency Determination

Legal Authority: 16 USC 1456 Coastal Zone Management Act of 1972

CFR Citation: 15 CFR 930

Abstract: Section 307(c)(1) of the Coastal Zone Management Act (CZMA) provides that Federal activities "directly affecting the coastal zone" of a State with a Federally-approved coastal zone management program must be consistent with that program to the maximum extent practicable. The definition of "directly affecting" has been the subject of long-standing controversy both among Federal agencies and between the Federal agencies and the coastal states. The coastal states' interpretation has generally been broader than that of the Federal agencies, although, until 1981, the Department of Commerce supported the states' position. A final rule, issued July 8, 1981 (46 FR 35253), defined a Federal activity narrowly as "directly affecting the coastal zone" if the Federal agency finds that the conduct of the activity itself produces a measurable physical alteration in the coastal zone or if the activity initiates a chain of events reasonably certain to result in such alteration, without further required agency approval. "Direct effects" did not include effects identified by the Federal agency as uncertain, speculative or remote. In May 1981, California filed a (cont)

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	
Final Action Effective	00/00/00	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared. The Regulatory Flexibility Act does not apply to these regulations because they affect only Federal agency actions. ABSTRACT CONT: lawsuit seeking to enjoin the Department of the Interior from leasing certain tracts offshore California on the grounds among others that the activity directly affected the California coastal zone and a consistency determination was required. The District Court's opinion, issued in August 1981, held that the lease sale directly affected the coastal zone and in other respects adopted California's interpretation of the CZMA. NPRM to withdraw rule published October 16, 1981 (46 FR 50937); Final Rule withdrawn January 29, 1982 (46 FR 4231); notice confirming withdrawal published May 11, 1982 (47 FR 2011). The broad definition of "directly affecting" was affirmed by the Ninth Circuit August 12, 1982. A petition for Supreme Court review is pending. NOAA's narrow definition of the term in the rules issued in July 1981 was subsequently withdrawn on April 27, 1982. New regulations will be proposed when the outcome of the litigation is final.

Affected Sectors: Multiple

Government Levels Affected: State, Federal

Agency Contact: JoAnn Chandler, Chief, Policy Coordination Division, Department of Commerce, National Oceanic and Atmospher-

ic Administration, Office of Ocean and Coastal Resource Mangmnt, 3300 Whitehaven Street, NW, Washington, DC 20235, 202 634-4245

RIN: 0648–AA34

●PROPOSED REGULATIONS FOR THE PROPOSED HAWAIIAN HUMPBACK WHALE NATIONAL MARINE SANCTUARY

Priority: Agency Determination

Legal Authority: 16 USC 1431 to 1434

CFR Citation: 15 CFR 941

Abstract: Regulations will be proposed in conjunction with the designation of the Hawaiian Humpback Whale National Marine Sanctuary to complement existing Federal law aimed at eliminating or reducing harassment of the seasonal humpback whale population in Hawaii. The regulations will also define the limits of the Sanctuary within which increased State-Federal coordination will occur--particularly in the issuance of research permits, enforcement, public education, and research effort. The present regulatory regime has proven to be an inadequate means for ensuring the long-term protection of the endangered humpback whale and its habitat.

Timetable:

Action	Date	FR Cite
NPRM	07/00/83	
NPRM Comment Period Begin	07/00/83	
NPRM Comment Period End	09/00/83	
Final Action	12/00/83	
Final Action Effective	01/00/84	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: 091 Commercial Fishing; 799 Miscellaneous Amusement and Recreation Services

Government Levels Affected: State

Agency Contact: Dr. Nancy Foster, Acting Chief, Sanctuary Programs Div., Department of Commerce, National Oceanic and Atmospheric Administration, Office of Ocean & Coastal Resource Mgmt., 3300 Whitehaven Street, N.W., Washington, D.C. 20235, 202 634-4236

RIN: 0648–AA64

●PROPOSED REGULATIONS FOR THE PROPOSED FAGATELE BAY NATIONAL MARINE SANCTUARY

Priority: Agency Determination

Legal Authority: 16 USC 1431 to 1434

CFR Citation: 15 CFR 940

Abstract: The American Samoa Government does not currently possess the legal authorities necessary for managing site-specific marine resources such as the Fagatele Bay National Marine Sanctuary. Regulations will be proposed for the Fagatele Bay National Marine Sanctuary to fulfill a need evidenced by uncontrolled harvesting of reef fisheries and the loss of habitat via destructive fishing methods. Long-term benefits include resource protection and restoration of habitat; public education and development of an environmental ethic; and ecological succession studies. This project will serve as a prototype for other resource protection initiatives by the American Samoa Government.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	
NPRM Comment Period Begin	04/00/83	
NPRM Comment Period End	06/00/83	
Final Action	09/00/83	
Final Action Effective	10/00/83	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: State

Agency Contact: Dr. Nancy Foster, Acting Chief, Sanctuary Programs Div., Department of Commerce, National Oceanic and Atmospheric Administration, Office of Ocean & Coastal Resource Mgmt, 3300 Whitehaven Street, N.W., Washington, D.C. 20235, 202 634-4236

RIN: 0648–AA74

NATIONAL OCEAN SURVEY/OFFICE OF MINERAL ENERGY

DEEP SEABED MINING REGULATIONS FOR COMMERCIAL RECOVERY

Priority: Major

Legal Authority: 30 USC 1401 et seq Deep Seabed Hard Mineral Resources Act

CFR Citation: 15 CFR 971

Abstract: Under 15 CFR 970, prospective deep seabed miners may apply to NOAA for the exploration license needed to explore the deep seabed for manganese nodules. Under the new regulations, prospective miners will be able to apply to NOAA for a permit to commercially recover and process nodules to obtain strategic metals (nickel, copper, cobalt, manganese). These permits would provide security of tenure for applicants with respect to other U.S. citizens and other nations' permittees in accordance with applicable international agreements. Fees for securing and maintaining a permit will be based on the Government's processing costs. These fees would be an inconsequential portion of the cost of a commercial recovery operation. The cost of a commercial recovery operation is expected to exceed one billion dollars. Alternatives to the regulation would require amending the Deep Seabed Hard Mineral Resources Act, which would be considered in the context of the U.S. law of the sea policy.

Timetable:

Action	Date	FR Cite
ANPRM	12/28/82	47 FR 57903
Public Hearing	02/00/83	
NPRM Comment Period End	06/00/83	
NPRM	12/00/83	
NPRM Comment Period Begin	12/00/83	
Final Action	09/00/84	
Final Action Effective	10/00/84	

Small Entity: No

Additional Information: The RIA and RFA prepared for the exploration license regulations will be reviewed and reaffirmed or supplemented as needed to cover new issues raised by the commercial recovery permit regulations. It is expected that small entities will not be permittees. Rather some small entities are expected to be contractors or subcontractors to permittees. The RIA and RFA are available, as are the programmatic Environmental Impact Statement and supporting guidance document on seabed mining using currently foreseeable technology.

Affected Sectors: 10 METAL MINING

Government Levels Affected: Local, State, Federal

Agency Contact: Laurence J. Aurbach, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Ocean Minerals and Energy, 2001 Wisconsin Avenue, NW, Washington, DC 20235, 202 653-8257

RIN: 0648–AA36

NATIONAL MARINE FISHERIES SERVICE

AMERICAN LOBSTER FISHERY MANAGEMENT PLAN: IMPLEMENTING REGULATIONS

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 649

Abstract: The New England Fishery Management Council has developed the American Lobster Fishery Management Plan (FMP) which, if approved and implemented, is intended to promote conservation of the American lobster resource, reduce the possibility of recruitment failure, and allow full utilization of the resource by the U.S. industry. The management program is to minimize social, cultural, and economic dislocation in the fishery. The FMP would establish conservation measures for the offshore fishery in the fishery conservation zone (FCZ), and encourage the States to adopt similar restrictions. The principal alternative is no Federal action and to leave lobster management to the States. Short-term (1983) costs to industry are identified (approx. a 3% reduction in revenues); substantial long-term increases in resource productivity expected from establishing minimum size limit for lobsters retained in fishery. While fishery revenues may be redistributed among vessels, positive net economic benefits are expected in the long term through long-term increase in resource productivity.

Timetable:

Action	Date	FR Cite
NPRM	06/00/83	
NPRM Comment Period Begin	06/00/83	
NPRM Comment Period End	08/15/83	
Final Action	09/00/83	
Final Action Effective	10/00/83	

Small Entity: Yes

Additional Information: An RIA is not required and will not be prepared. An RFA is required and is being prepared. A regulatory Impact Review/initial RFA will be available in the Spring of 1983. A Draft Environmental Impact Statement and the FMP will be available in the Spring of 1983.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: State, Federal

Agency Contact: **Allen E. Peterson, Jr.**, Director, Department of Commerce, National Oceanic and Atmospheric Administration, Northeast Region, NMFS, 14 Elm Street, Gloucester, MA 01930, **617 281-3600**

RIN: 0648–AA14

GUIDELINES FOR DEVELOPMENT OF FISHERY MANAGEMENT PLANS: CONTENT AND FORMAT

Legal Authority: 16 USC 1801 Magnuson Fishery Management & Conservation Act

CFR Citation: 50 CFR 602.3; 50 CFR 602.4; 50 CFR 602.5

Abstract: Revised guidelines for development of fishery management plans are needed to conform with new legislation and administration regulatory policy with regard to standards, procedures, content, and format. These guidelines will not have a direct regulatory impact on the fishing industry or entities participating in the industry.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	
NPRM Comment Period Begin	04/00/83	
NPRM Comment Period End	06/15/83	
Final Action	03/00/84	
Final Action Effective	04/00/84	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: None

Government Levels Affected: State, Federal

Agency Contact: **Daphne White**, Regulations Development Specialist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Fisheries Management, NMFS, Washington, DC 20235, **202 634-7218**

RIN: 0648–AA37

FISHERY CONSERVATION AND MANAGEMENT: CONFIDENTIALITY OF STATISTICS

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 603

Abstract: The regulations provide internal procedures to protect statistics collected from the public under the Magnuson Fishery Conservation and Management Act from disclosure.

Timetable:

Action	Date	FR Cite
NPRM	01/09/76	43 FR 1460
Interim Final Rule	12/07/79	44 FR 237
Final Action	12/00/83	
Final Action Effective	01/00/84	

Small Entity: Not Applicable

Additional Information: Neither an RIA nor an RFA is required or will be prepared. The Regulatory Flexibility Act does not apply because the regulations affect only internal operations of an agency.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Local, State, Federal

Agency Contact: **B. G. Thompson**, Acting Chief, Fisheries Statistics Program, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Data & Information Management,NMFS, Washington, DC 20235, **202 634-7366**

RIN: 0648–AA38

TREATMENT OF PROHIBITED SPECIES

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 611

Abstract: Foreign and domestic fishermen are presently required to discard all prohibited species caught incidentally with permitted fish. This includes fish caught by U.S. fishermen and delivered to foreign processors at sea ("joint ventures"). Fish that are frequently already dead must be discarded. Obviously, this is wasteful. Alternative ways of minimizing the bycatch of prohibited species are being considered. If dead prohibited species are allowed to be kept, fishing vessels will experience a substantial increase in revenues.

Timetable:

Action	Date	FR Cite
ANPRM	06/00/83	
ANPRM Comment Period Begin	06/00/83	
ANPRM Comment Period End	08/15/83	
NPRM	00/00/00	
Final Action	00/00/00	
Final Action Effective	00/00/00	

Small Entity: Yes

Additional Information: An RIA is not required and will not be prepared. An RFA is required and is being prepared.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: **Dr. Roland Smith**, Fishery Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, NMFS, 3300 Whitehaven Street, NW, Washington, DC 20235, **202 634-7449**

RIN: 0648–AA39

GENERAL FOREIGN FISHING

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 611.1 to 611.50

Abstract: The regulations which govern foreign fishing in the U.S. fishery conservation zone will be simplified and some reporting requirements will be standardized on a nation-wide basis. Revised regulations should be easier to understand and enforce.

Timetable:

Action	Date	FR Cite
NPRM	05/00/83	
NPRM Comment Period Begin	05/00/83	
NPRM Comment Period End	07/15/83	
Final Action	12/00/83	
Final Action Effective	01/00/84	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: **Susan Jelley**, Fishery Management Specialist, Department of Commerce, National Oceanic and Atmospheric Administration, Fees, Permits, & Regulations Division, NMFS, 3300 Whitehaven Street, NW, Washington, DC 20235, **202 634-7432**

RIN: 0648–AA40

PREEMPTION OF STATE AUTHORITY UNDER SECTION 306(B) OF THE MAGNUSON FISHERY CONSERVATION & MANAGEMENT ACT

Legal Authority: 16 USC 1856 Sec 306, Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 619

Abstract: The regulations interpret certain statutory terms applicable to, and establish procedures governing, formal adjudicatory hearings to be held before the Secretary of Commerce can apply Federal fishery regulations to certain waters within State boundaries. Section 306(b) of the Magnuson Fishery Conservation and Management Act authorizes the Secretary of Commerce to regulate a fishery within State boundaries in certain circumstances. Before the Secretary is authorized to do so, he must make certain findings after providing an opportunity for a formal adjudicatory hearing. The regulations apprise affected parties of the procedures to be followed at such a hearing and also of the types of information to be scrutinized that is relevant to the findings to be made.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/22/82	47 FR 12181
Final Action	05/01/83	
Final Action Effective	06/01/83	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Local, State, Federal

Agency Contact: **Frederick D. Kyle**, Attorney, Department of Commerce, National Oceanic and Atmospheric Administration, Suite 127, Office of the General Counsel, 9450 Koger Blvd., St. Petessburg, FL. 33702, **813 893-3517**

RIN: 0648–AA41

GENERAL PERMIT PROCEDURES

Legal Authority: 16 USC 1531 et seq Endangered Species Act

CFR Citation: 50 CFR 220.1 to 220.47

Abstract: These regulations outline procedures for obtaining a permit under the Endangered Species Act of 1973. These regulations will be substantially revised or deleted depending on the final rule promulgated consolidating and standardizing NOAA's Scientific Research and Public Display Permit Regulations (50 CFR Part 223).

Timetable:

Action	Date	FR Cite
NPRM	12/31/83	
NPRM Comment Period Begin	12/31/83	
NPRM Comment Period End	02/15/84	
Final Action	03/30/84	
Final Action Effective	03/30/84	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: None

Government Levels Affected: Local, State, Federal

Agency Contact: **R. B. Brumsted**, Acting Chief, Protected Species Division, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Species and Habitat, Conservation, NMFS, Washington, DC 20235, **202 634-7529**

RIN: 0648–AA42

INTERAGENCY COORDINATION FOR ENDANGERED SPECIES

Legal Authority: 16 USC 1531 et seq Endangered Species Act of 1973

CFR Citation: 50 CFR 402

Abstract: The regulations will update existing regulations pursuant to the 1978, 1979 and 1982 amendments to the Endangered Species Act. The revisions will explain, organize, and simplify the consultation process required by Section 7 of the Act, and will be published jointly with the U.S. Fish and Wildlife Service.

Timetable:

Action	Date	FR Cite
NPRM	07/01/83	
NPRM Comment Period Begin	07/01/83	
NPRM Comment Period End	09/15/83	
Final Action	12/00/83	
Final Action Effective	01/00/84	

Small Entity: No

Additional Information: The Department of the Interior, as lead agency in the development of the regulations, has prepared a draft environmental assessment. A determination will be made at the time of the final rule as to whether this is a major Federal action within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969. It has been determined that the regulations will not constitute a major rule under EO 12291 and will not have a significant economic impact on a substantial number of small entities under the terms of the Regulatory Flexibility Act.

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: **Charles Karnella**, Marine Resource Manager, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Species and Habitat, Conservation, NMFS, Washington, DC 20235, **202 634-7471**

RIN: 0648–AA43

PROCESSED FISHERY PRODUCTS, PROCESSED PRODUCTS THEREOF & CERTAIN OTHER PROCESSED FOOD PRODUCTS: U.S. STANDARDS FOR GRADES OF FISH STEAKS

Legal Authority: 7 USC 1621 to 1630 Agricultural Marketing Act of 1946

CFR Citation: 50 CFR 262A

Abstract: The interim rule would establish a voluntary standards system to classify fish steaks by quality into four categories - U.S. Grade A, B, C, and Substandard. The objective is to facilitate trade in fish steaks classified by quality thereby benefiting the consumer and the industry. The standards would be used in a voluntary program of fishery products inspection and certification by NMFS. The total value of the industry product in 1981 was $19 million. Industry has expressed a high level of interest in and support for the voluntary standards.

Timetable:

Action	Date	FR Cite
Public Comments on Interim Rule	01/30/83	
Interim Final Rule	04/30/83	
Final Action	04/01/84	
Final Action Effective	05/01/84	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: 091 Commercial Fishing; 209 Miscellaneous Food Preparations and Kindred Products

Government Levels Affected: State, Federal

Agency Contact: James R. Brooker, Acting Natnl Fishery Products Program Leader, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Utilization Research, NMFS, Washington, D.C. 20235, **202 634-7458**

RIN: 0648-AA44

PROCESSED FISHERY PRODUCTS, PROCESSED PRODUCTS THEREOF & CERTAIN OTHER PROCESSED PRODUCTS: U.S. STANDARDS FOR GRADES OF FISH FILLETS

Legal Authority: 7 USC 1621 to 1630 Agricultural Marketing Act of 1946

CFR Citation: 50 CFR 263A; 50 CFR 263B; 50 CFR 263C; 50 CFR 263D; 50 CFR 263E

Abstract: This revision would amend 50 CFR Subpart 263A and delete 50 CFR Subparts 263A,B,C & D. The revision will simplify the voluntary standards for the inspection/grading of fish fillets by industry and Government inspection personnel by incorporating general criteria for the standards.

Timetable:

Action	Date	FR Cite
NPRM	12/00/83	
NPRM Comment Period Begin	12/00/83	
NPRM Comment Period End	01/15/84	
Final Action	03/00/84	
Final Action Effective	04/00/84	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: 091 Commercial Fishing; 209 Miscellaneous Food Preparations and Kindred Products

Government Levels Affected: State, Federal

Agency Contact: James R. Brooker, Acting National Fishery Products Prog Leader, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Utilization Research, NMFS, Washington, DC 20235, **202 634-7458**

RIN: 0648-AA45

PROCESSED FISHERY PRODUCTS, PROCESSED PRODUCTS THEREOF & CERTAIN OTHER PROCESSED FOOD PRODUCTS: U.S. STANDARDS FOR GRADES OF FROZEN FISH BLOCKS & PRODUCTS MADE THEREFROM ETC

Legal Authority: 7 USC 1621 to 1630 Agricultural Marketing Act of 1946

CFR Citation: 50 CFR 264G

Abstract: The revised rule will expand the coverage of established voluntary standards for grades of fishery products to include new products made from fish blocks. The standards will take into account new technology and equipment. These standards will be used in a voluntary program of fishery products inspection and certification by the NMFS. Industry has shown a high level of interest and support for the revisions.

Timetable:

Action	Date	FR Cite
NPRM	06/00/83	
NPRM Comment Period Begin	06/00/83	
NPRM Comment Period End	08/15/83	
Final Action	12/00/83	
Final Action Effective	01/00/84	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: 091 Commercial Fishing; 209 Miscellaneous Food Preparations and Kindred Products

Government Levels Affected: State, Federal

Agency Contact: James R. Brooker, Acting National Fishery Products Prog Leader, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Utilization Research, NMFS, Washington, DC 20235, **202 634-7458**

RIN: 0648-AA46

PROCESSED FISHERY PRODUCTS, PROCESSED PRODUCTS THEREOF & CERTAIN OTHER PROCESSED FOOD PRODUCTS: STANDARDS FOR GRADES OF CRUSTACEAN SHELLFISH PRODUCTS (FROZEN RAW HEADLESS ETC

Legal Authority: 7 USC 1621 to 1630 Agricultural Marketing Act of 1946

CFR Citation: 50 CFR 265A

Abstract: The final rule will establish general quality grading standards for all non-breaded forms of fresh or frozen shrimp. These grading standards will provide for the systematic differentiation of the quality of shrimp into four categories -- U.S. Grades A, B, C and Substandard. The proposed standards will be applied to all commercial species of fresh or frozen shrimp in raw or cooked states in all non-breaded market forms. The adoption of grading standards is expected to facilitate trade in shrimp of all commercial species, as consumers will be able to select shrimp on the basis of identified quality. Industry has shown great interest in and support for the standards.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/20/82	47 FR 21840
Final Action	07/30/83	
Final Action Effective	08/30/83	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: 091 Commercial Fishing; 209 Miscellaneous Food Preparations and Kindred Products

Government Levels Affected: State, Federal

Agency Contact: James R. Brooker, Acting National Fishery Products Prog Leader, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Utiliza-

tion Research, NMFS, Washington, DC 20235, **202 634-7458**

RIN: 0648–AA47

PRIBILOF ISLANDS: PUBLIC DISPLAY OF FUR SEALS

Legal Authority: 16 USC 1151 et seq Fur Seal Act of 1966

CFR Citation: 50 CFR 215.11 to 215.14

Abstract: The existing regulations outline procedures for the submission of applications and the issuance of permits for public display of Fur Seals under the Fur Seal Act. These regulations will be substantially revised or deleted depending on the final rule promulgated consolidating and standardizing NOAA's Scientific Research and Public Display Permit Regulations (50 CFR 223).

Timetable:

Action	Date	FR Cite
NPRM	12/31/83	
NPRM Comment Period Begin	12/31/83	
NPRM Comment Period End	02/15/84	
Final Action	03/30/84	
Final Action Effective	03/30/84	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: 799 Miscellaneous Amusement and Recreation Services; 842 Arboreta, Botanical, and Zoological Gardens

Government Levels Affected: Local, State

Agency Contact: R. B. Brumsted, Acting Chief, Protected Species Division, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Species, and Habitat Conservation, NMFS, Washington, DC 20235, **202 634-7529**

RIN: 0648–AA48

SCIENTIFIC RESEARCH & PUBLIC DISPLAY PERMIT REGULATIONS

Legal Authority: 16 USC 1151 et seq Fur Seal Act of 1966; 16 USC 1531 et seq Endangered Species Act of 1973; 16 USC 1361 et seq Marine Mammal Protection Act of 1972

CFR Citation: 50 CFR 223, (New)

Abstract: Simplification and consolidation of regulations for the issuance of public display permits under the Fur Seal Act of 1966, public display and scientific research permits under the Marine Mammal Protection Act of 1972, and permits for endangered species under the Endangered Species Act of 1973. The proposed regulation will standardize permit procedures under the three Acts and eliminate duplicative regulations.

Timetable:

Action	Date	FR Cite
NPRM	12/31/83	
NPRM Comment Period Begin	12/31/83	
NPRM Comment Period End	02/15/84	
Final Action	04/00/84	
Final Action Effective	05/00/84	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: 799 Miscellaneous Amusement and Recreation Services; 842 Arboreta, Botanical, and Zoological Gardens

Government Levels Affected: Local, State, Federal

Agency Contact: R. B. Brumsted, Acting Chief, Protected Species Division, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Species and Habitat Conservation, NMFS, Washington, DC 20235, **202 634-7529**

RIN: 0648–AA49

REGULATIONS GOVERNING THE TAKING & IMPORTING OF MARINE MAMMALS: TAKING BY STATE & LOCAL GOVERNMENT OFFICIALS

Legal Authority: 16 USC 1361 et seq Marine Mammal Protection Act of 1972

CFR Citation: 50 CFR 216.22

Abstract: The regulations are being revised to clarify responsibilities with regard to beached and stranded marine mammals, and provide authority to NMFS Regional Directors to develop programs to manage these animals in cooperation with State and local government officials.

Timetable:

Action	Date	FR Cite
NPRM	07/01/83	
NPRM Comment Period Begin	07/01/83	
NPRM Comment Period End	09/15/83	
Final Action Effective	01/00/84	
Final Action	12/00/84	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: None

Government Levels Affected: Local, State, Federal

Agency Contact: Thomas McIntyre, Marine Resources Manager, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Species and Habitat, Conservation, NMFS, Washington, DC 20235, **202 634-7529**

RIN: 0648–AA50

REGULATIONS GOVERNING THE TAKING & IMPORTING OF MARINE MAMMALS: SPECIAL EXCEPTIONS

Legal Authority: 16 USC 1361 et seq Marine Mammal Protection Act of 1972

CFR Citation: 50 CFR 216.31 to 216.34

Abstract: The existing regulations outline procedures for the submission of applications and the issuance of permits for public display and scientific research under the Marine Mammal Protection Act of 1972. These regulations will be substantially revised or deleted depending on the final rule promulgated consolidating and standardizing NOAA's Scientific Research and Public Display Permit Regulations (50 CFR Part 223).

Timetable:

Action	Date	FR Cite
NPRM	12/31/83	
NPRM Comment Period Begin	12/31/83	
NPRM Comment Period End	02/15/84	
Final Action	03/30/84	
Final Action Effective	03/30/84	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: 799 Miscellaneous Amusement and Recreation Services; 842 Arboreta, Botanical, and Zoological Gardens

Government Levels Affected: Local, State, Federal

Agency Contact: R. B. Brumsted, Acting Chief, Protected Species Division, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Species, and Habitat Conservation, NMFS, Washington, DC 20235, **202 634-7529**

RIN: 0648–AA51

REGULATIONS GOVERNING THE TAKING & IMPORTING OF MARINE MAMMALS: TRANSFER OF MANAGEMENT AUTHORITY TO STATES

Legal Authority: 16 USC 1361 et seq Marine Mammal Protection Act of 1972

CFR Citation: 50 CFR 216.101 to 216.108

Abstract: The proposed regulations establish procedures for the transfer of marine mammal management authority back to the states, the form and minimum requirements of a state application for the transfer of management authority, the relationship between Federal and state wildlife agencies both prior and subsequent to the transfer of management authority, and the revocation and return to NOAA of management authority once transferred to the states. The regulations will implement recent amendments to the Marine Mammal Protection Act and will assist in the return of marine mammal management to the states.

Timetable:

Action	Date	FR Cite
NPRM	05/12/82	47 FR 20496
NPRM Comment Period End	07/12/82	
Final Action	04/01/83	
Final Action Effective	05/01/84	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared. The proposed rule would not be a major Federal action significantly affecting the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1968. An Environmental Assessment is available.

Affected Sectors: None

Government Levels Affected: State

Agency Contact: Richard B. Roe, Acting Director, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Species and Habitat, Conservation, NMFS, Washington, DC 20235, **202 634-4761**

RIN: 0648-AA52

MARKING REQUIREMENTS FOR THE IMPORTATION, EXPORTATION, & INTERSTATE TRANSPORTATION OF FISH OR WILDLIFE

Legal Authority: 16 USC 3371 to 3375 Lacey Act Amendments of 1981

CFR Citation: 50 CFR 14.81 to 14.83

Abstract: These regulations will enable NOAA to monitor interstate and foreign commerce in fish and fishery products, for the purpose of detecting violations of Federal, state and foreign laws. The regulations will conform to current industry practices.

Timetable:

Action	Date	FR Cite
NPRM	06/01/83	
NPRM Comment Period Begin	06/01/83	
NPRM Comment Period End	08/01/83	
Final Action	09/01/83	
Final Action Effective	10/01/83	

Small Entity: No

Additional Information: The regulations will be issued jointly with the Department of the Interior. Neither an RIA nor an RFA is required.

Affected Sectors: 091 Commercial Fishing; 209 Miscellaneous Food Preparations and Kindred Products

Government Levels Affected: Local, State, Federal

Agency Contact: Alan F. Mager, Special Agent, Department of Commerce, National Oceanic and Atmospheric Administration, Enforcement Div., NMFS, Washington, DC 20235, **202 634-7285**

RIN: 0648-AA53

OFFICE OF THE ADMINISTRATOR

GENERAL REGULATIONS; COORDINATION OF FEDERAL & FEDERALLY ASSISTED PROGRAMS & PROJECTS

Legal Authority: OMB Circular A-95

CFR Citation: 15 CFR 905

Abstract: Existing regulations implement OMB Circular A-95 which was designed to promote maximum coordination of Federally assisted programs. Executive Order 12372 rescinded OMB Circular A-95, July 14, 1982. The regulations will be revised to conform to the Order and to Departmental regulations promulgated thereunder.

Timetable:

Action	Date	FR Cite
NPRM	03/01/83	48 FR 8484
NPRM Comment Period End	03/18/83	
Final Action	05/02/83	
Final Action Effective	05/02/83	

Small Entity: Undetermined

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: None

Government Levels Affected: State, Federal

Agency Contact: Barbara Webster, Department of Commerce, National Oceanic and Atmospheric Administration, Acquisition & Grants Management Branch, Washington, DC 20230, **301 443-8503**

RIN: 0648-AA59

●POLICY AND PROCEDURES REGARDING DISCLOSURE OF INFORMATION AND NOAA EMPLOYEE TESTIMONY IN LITIGATION NOT INVOLVING THE UNITED STATES

Legal Authority: 15 USC 313; 15 USC 1512; 15 USC 1518; 33 USC 884; 43 USC 1458; 43 USC 1460; 43 USC 1461

CFR Citation: 15 CFR 909

Abstract: The existing regulations set forth policies and procedures regarding disclosure of NOAA records and data for use in legal proceedings and rules covering testimony of NOAA employees. The regulations will be amended to set forth new addresses for requesting certified copies of NOAA records and/or for requesting the appearance of NOAA employees to give testimony in litigation not involving the United States.

Timetable:

Action	Date	FR Cite
Final Action	04/00/83	
Final Action Effective	04/00/83	

Small Entity: No

Additional Information: Neither an RIA or an RFA is required or will be prepared.

Affected Sectors: All

Government Levels Affected: Local, State

Agency Contact: John S. Brookbank, Jr., Senior Counsel for Weather Service, Department of Commerce, National Oceanic and Atmospheric Administration, Office of General Counsel, Washington, D.C. 20230, **301 427-7053**

RIN: 0648-AA70

DEPARTMENT OF COMMERCE (DOC)

National Oceanic and Atmospheric Administration (NOAA)

Existing Regulations Under Review

NATIONAL OCEAN SURVEY/OFFICE OF MINERAL ENERGY

●LICENSING OF OCEAN THERMAL ENERGY CONVERSION FACILITIES AND PLANTSHIPS

Priority: Major

Legal Authority: 42 USC 9101 et seq Ocean Thermal Energy Conversion Act

CFR Citation: 15 CFR 981 et seq

Abstract: These regulations (15 CFR 981) established a stable legal system and a streamlined licensing process to facilitate commercial development of ocean thermal energy conversion (OTEC) facilities and plantships. These regulations are being reviewed to determine if they should be revised. The details of the simplified licensing system for ownership, construction, location, and operation of OTEC facilities and plantships which are associated with the United States or U.S. Citizens, are being examined to gauge the effect on the developing OTEC industry. Section 117 of the Ocean Thermal Energy Conversion Act of 1980 requires NOAA to review these regulations periodically, at intervals of not more than every three years, and to revise them as necessary based on that review.

Timetable:

Action	Date	FR Cite
Begin Review	04/01/83	
End Review	09/30/83	

Small Entity: No

Additional Information: A Final Regulatory Impact Analysis (July 1981) and a Final Programmatic Environmental Impact Statement (July 1981) are available. Neither an RIA nor an RFA is required or prepared for a review of an existing regulation.

Affected Sectors: 281 Industrial Inorganic Chemicals; 287 Agricultural Chemicals; 361 Electric Transmission and Distribution Equipment; 362 Electrical Industrial Apparatus

Agency Contact: Richard D. Norling, OTEC Program Manager, Department of Commerce, National Oceanic and Atmospheric Administration, 2001 Wisconsin Ave., N.W. Page 1 Rm 410, Washington, D.C. 20235, **202 254-3483**

RIN: 0648–AA69

NATIONAL MARINE FISHERIES SERVICE

REGULATIONS GOVERNING THE TAKING & IMPORTING OF MARINE MAMMALS: NOTICE & HEARING ON SECTION 103 REGULATIONS

Legal Authority: 16 USC 1361 et seq Marine Mammal Protection Act of 1972

CFR Citation: 50 CFR 216.70 to 216.90

Abstract: The existing regulations establish procedures for promulgating regulations involving: (1) the taking of marine mammals incidental to commercial fishing operations, (2) waivers of the moratorium, and (3) the taking of depleted marine mammals by Indians, Aleuts, or Eskimos. The regulations establish the rules of practice and procedures for all hearings conducted pursuant to Section 103(d) of the Marine Mammal Protection Act of 1972.

Timetable:

Action	Date	FR Cite
Begin Review	01/00/83	
End Review	12/31/83	

Small Entity: No

Additional Information: Neither an RIA nor an RFA would be required if it is decided to revise these regulations.

Affected Sectors: 091 Commercial Fishing; 097 Hunting and Trapping, and Game Propagation

Government Levels Affected: Local, State, Federal

Agency Contact: Richard B. Roe, Acting Director, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Species, and Habitat Conservation, NMFS, Washington, DC 20235, **202 634-7461**

RIN: 0648–AA55

MARINE MAMMALS: PRIBILOF ISLANDS

Legal Authority: 16 USC 1151 et seq Fur Seal Act of 1966

CFR Citation: 50 CFR 215.1 to 215.3; 50 CFR 215.21 to 215.27

Abstract: The regulations implement the provisions of the Fur Seal Act of 1966 other than those relating to the public display of Fur Seals. The regulations apply to the Administration of the Pribilof Islands and the take of Fur Seals.

Timetable:

Action	Date	FR Cite
Begin Review	10/00/83	
End Review	12/31/83	

Small Entity: Undetermined

Additional Information: Neither an RIA nor an RFA is required or prepared for a review of an existing regulation.

Affected Sectors: 097 Hunting and Trapping, and Game Propagation; 091 Commercial Fishing

Government Levels Affected: Local, State, Federal

Agency Contact: Georgia Cranmore, Ecologist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Species, and Habitat Conservation, NMFS, Washington, DC 20235, **202 634-7471**

RIN: 0648–AA56

REGULATIONS GOVERNING THE TAKING AND IMPORTING OF MARINE MAMMALS: NATIVE EXCEPTIONS

Legal Authority: 16 USC 1361 et seq Marine Mammal Protection Act of 1972

CFR Citation: 50 CFR 216.23

Abstract: The existing regulations establish exemptions to the Marine Mammal Protection Act moratorium on the taking of marine mammals for natives to allow them to take marine mammals for subsistence purposes. The regulations may need to be revised because of amendments to the Marine Mammal Protection Act in October 1981 which changed the nature of the exemption.

Timetable:

Action	Date	FR Cite
Begin Review	10/00/83	
End Review	12/31/83	

Small Entity: No

Additional Information: Neither an RIA nor an RFA would be required if revisions are needed to the regulations.

Affected Sectors: 097 Hunting and Trapping, and Game Propagation

Government Levels Affected: Local, State

Agency Contact: Thomas McIntyre, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected

DOC—NOAA

Existing Regulations Under Review

Species, and Habitat Conservation, NMFS, Washington, DC 20235, **202 634-7529**

RIN: 0648-AA57

OFFICE OF THE ADMINISTRATOR

GENERAL REGULATIONS; PUBLIC INFORMATION; PUBLIC ACCESSIBILITY TO NOAA INFORMATION UNDER THE ADMINISTRATIVE PROCEDURE ACT & THE FREEDOM OF INFORMATION ACT

Legal Authority: 5 USC 552; 5 USC 553; 15 USC 311

CFR Citation: 15 CFR 903

Abstract: Existing regulations prescribe policies regarding the availability of NOAA materials and records pursuant to the Freedom of Information Act. A review is being conducted to determine more economical procedures for programming requests under the Act. The NOAA Directive 21-25 is being updated to show revised procedures for processing requests under the Freedom of Information Act (FOIA) and to incorporate changes as a result of the recent restructuring of NOAA.

Timetable:

Action	Date	FR Cite
Begin Review	03/00/82	
End Review	05/01/83	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: None

Agency Contact: Sam Stone, Director, Department of Commerce, National Oceanic and Atmospheric Administration, Administrative Services Branch, Science Center, Rockville, MD 20852, **301 443-8192**

RIN: 0648-AA58

DEPARTMENT OF COMMERCE (DOC)
National Oceanic and Atmospheric Administration (NOAA)

Completed Actions

COMPLETED RULEMAKINGS

GUIDELINES FOR FISHERY MANAGEMENT PLANS: NATIONAL STANDARDS

Priority: Agency Determination

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser & Management Act

CFR Citation: 50 CFR 602.2

Abstract: The national standard guidelines interpret statutory criteria for development, review, and implementation of fishery management plans, amendments, and regulations. The current guidelines are obsolete. The revision is intended to result in improved fishery management plans, and to result in a more uniform understanding among the Regional Fishery Management Councils of the basis for Secretarial review.

Timetable:

Action	Date	FR Cite
ANPRM	02/08/80	45 FR 08636
ANPRM Comment Period Begin	02/08/80	45 FR 08636
NPRM	06/23/82	47 FR 27228
NPRM Comment Period Begin	06/23/82	47 FR 27228
NPRM Comment Period End	08/23/82	
Final Action	02/18/83	48 FR 07402
Final Action Effective	02/18/83	48 FR 07402

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: State, Federal

Agency Contact: Daphne White, Regulations Development Specialist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Fisheries Management, NMFS, Washington, DC 20235, **202 634-7218**

RIN: 0648-AA00

AMENDMENT TO THE HAKE FISHERIES OF THE NORTHWEST ATLANTIC PRELIMINARY FISHERY MANAGEMENT PLAN: IMPLEMENTING REGULATIONS

Priority: Agency Determination

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 611.53

Abstract: The purpose of the Preliminary Fishery Management Plan (PMP) amendment and implementing regulations is to decrease silver hake optimum yield (OY) and the total allowable level of foreign fishing (TALFF) in response to latest fishery data. The PMP only affects foreign fishing vessels, and does not impact upon U.S. fishing entities. The benefit of lowering the OY and TALFF is to set a harvest level which maintains a spawning stock of adequate size, and which protects the stock from any unforeseen increases in fishing effort. The alternative of taking no action was considered and rejected because the present OY might allow undesirable reductions in spawning stock. No costs to industry are expected.

Timetable:

Action	Date	FR Cite
NPRM	11/01/82	
Final Action	01/04/83	48 FR 00414
Final Action Effective	01/04/83	48 FR 00414

Small Entity: No

Additional Information: Neither an RIA nor an RFA was required or was prepared.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Allen E. Peterson, Jr., Director, Department of Commerce, National Oceanic and Atmospheric Administration, Northeast Region, NMFS, 14 Elm Street, Gloucester, MA 01930, **617 281-3600**

RIN: 0648-AA08

COASTAL MIGRATORY PELAGIC FISHERY MANAGEMENT PLAN: IMPLEMENTING REGULATIONS

Priority: Agency Determination

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 642

Abstract: The fishery management plan (FMP) covers coastal pelagic resources located in the fishery conservation zone (FCZ) in the Gulf of Mexico and the South Atlantic. The species of primary interest are king mackerel, Spanish mackerel, and cobia. The purpose of the FMP and the implementing regulations is to prevent overfishing that could result from the rapid increase in mackerel effort; and to respond to gear conflicts between commercial fishermen and user conflicts between commercial and recreational fishermen. The FMP imposes mandatory reporting requirements on individual fishermen. Closure of segments of the fishery will adversely affect purse seine and gillnet fishermen, and possibly commercial hook and line fishermen. The prohibition of

possession of Spanish mackerel of less than 12 inches will have a minimal effect on fishermen.

Timetable:

Action	Date	FR Cite
NPRM	05/06/82	47 FR 21279
NPRM Comment Period Begin	05/06/82	47 FR 21279
NPRM Comment Period End	07/02/82	
Final Action	02/04/83	48 FR 05270
Final Action Effective	02/04/83	48 FR 05270

Small Entity: Yes

Additional Information: An RIA was not required and was not prepared. An RFA, a Regulatory Impact Review, a final Environmental Impact Statement, and the FMP are available.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: State, Federal

Agency Contact: **Jack T. Brawner**, Director, Department of Commerce, National Oceanic and Atmospheric Administration, Southeast Region, NMFS, 9450 Koger Boulevard, St. Petersburg, FL 33702, **813 893-3141**

RIN: 0648–AA11

WITHDRAWAL OF SECRETARIAL APPROVAL OF THE FISHERY MANAGEMENT PLAN FOR THE ATLANTIC HERRING FISHERY OF THE NORTHWEST ATLANTIC (FMP): REPEAL OF IMPLEMENTING REGULATION

Priority: Agency Determination

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 653

Abstract: Withdrawal of approval was necessitated by serious operational difficulties in implementing the Fishery Management Plan for the Atlantic Herring Fishery of the Northwest Atlantic (FMP), which no longer met the national standards of the Magnuson Act. The intended effect of the repeal of the regulations is to eliminate Federal management of the Atlantic herring fishery until such time as the New England Fishery Management Council prepares a new management plan which can be approved and implemented. After approval of Amendment 3 to the FMP, NMFS/NOAA was unable to implement the FMP in accordance with the Magnuson Act during the 1980-81 fishing year. Review of the FMP revealed that erroneous assumptions were made in approving the FMP, and that changed fishery circumstances rendered the FMP invalid and inoperative since its approval. The council failed to take remedial action within a reasonable time. Alternatives considered included Secretarial amendment to the FMP or withdrawal of approval of selected parts. The action chosen was least costly alternative for resolving the management problems.

Timetable:

Action	Date	FR Cite
NPRM	09/28/82	47 FR 42596
NPRM Comment Period Begin	09/28/82	47 FR 42596
NPRM Comment Period End	11/12/82	
Final Action	01/05/83	48 FR 00416
Final Action Effective	01/05/83	48 FR 00416

Small Entity: No

Additional Information: Repeal of the regulations is not expected to affect the operation of the fishery to any measurable degree. The annual quotas and area/period catch allocations under the regulations did not control or affect annual or seasonal levels of herring landings, the exvessel price of herring, or the income to fishermen or processors. Neither an RIA nor an RFA is required or will be prepared. A Regulatory Impact Review is available.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: State, Federal

Agency Contact: **Allen E. Peterson, Jr.**, Director, Department of Commerce, National Oceanic and Atmospheric Administration, Northeast Region, NMFS, 14 Elm Street, Gloucester, MA 01930, **617 281-3600**

RIN: 0648–AA16

AMENDMENT NO. 1 TO THE STONE CRAB FISHERY OF THE GULF OF MEXICO FISHERY MANAGEMENT PLAN: IMPLEMENTING REGULATIONS

Priority: Agency Determination

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 654

Abstract: This amendment and implementing regulations would provide flexibility in amending regulations, modify reporting requirements and delete exceptions pertaining to live bait shrimping. The major benefits from this regulation are a reduction of the reporting burden for participants in the fishery, and protection of the stone crab stocks from lost or abandoned traps. The amendment establishes a mechanism for changing the location and effective period of the line of separation for the use of trawl gear and stone crab gear. The amendment modifies the reporting burden and the deletion of the exception for live bait shrimping within the separation line. Neither of these changes is expected to have any impact on the fishery resources, or the physical or human environment. The amendment provides for the disposition of lost or abandoned non-wooden stone crab traps. Because most traps are made of wood, this measure will not have a significant impact.

Timetable:

Action	Date	FR Cite
NPRM	04/23/82	47 FR 17597
Final Action	09/22/82	47 FR 41757
Final Action Effective	11/08/82	47 FR 41757

Small Entity: No

Additional Information: Neither an RIA nor an RFA was required or was prepared. A Regulatory Impact Review, an Environmental Assessment, and the existing Fishery Management Plan are available.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: State, Federal

Agency Contact: **Jack T. Brawner**, Director, Department of Commerce, National Oceanic and Atmospheric Administration, Southeast Region, NMFS, 9450 Koger Boulevard, St. Petersburg, FL 33702, **813 893-3141**

RIN: 0648–AA17

SPINY LOBSTER FISHERIES OF THE WESTERN PACIFIC FISHERY MANAGEMENT PLAN: IMPLEMENTING REGULATIONS

Priority: Agency Determination

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 681

Abstract: This fishery management plan and implementing regulations would establish size limits for retention of lobster, close certain areas to lobster fishing to protect endangered species, prescribe legal gear, and establish reporting requirements. The fishery has never had more than six firms operating in it and no more than nine are anticipated. The present discount value of benefits for the next 10 years is $6 million. Federal costs are estimated at $21,000/year.

Timetable:

Action	Date	FR Cite
NPRM	06/30/82	47 FR 28433
NPRM Comment Period Begin	06/30/82	47 FR 28433
NPRM Comment Period End	08/16/82	

DOC—NOAA

Completed Actions

Action	Date	FR Cite
Final Action	02/07/83	48 FR 05560
Final Action Effective	03/09/83	48 FR 05560

Small Entity: No

Additional Information: Neither an RIA was required or was prepared. A Regulatory Impact Review, Environmental Impact Statement, and the Fishery Management Plan are available.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: State, Federal

Agency Contact: Alan W. Ford, Director, Department of Commerce, National Oceanic and Atmospheric Administration, Southwest Region, NMFS, 300 S. Ferry Street, Terminal Island, CA 90731, **213 548-2575**

RIN: 0648–AA23

FISHERIES OBLIGATION GUARANTEE PROGRAM

Priority: Agency Determination

Legal Authority: 46 USC 1271 et seq Title XI of the Merchant Marine Act; 16 USC 1801 American Fisheries Promotion Act of 1980

CFR Citation: 50 CFR 255

Abstract: The American Fisheries Promotion Act extended the benefits of the Fishing Vessel Obligation Guarantee Program to newly constructed shoreside facilities as well as used vessels or shoreside facilities involved in underutilized or developing fisheries. The existing regulations are being revised to employ a less stringent economic soundness criteria for vessels or facilities operated in underutilized fisheries. The revised regulations are designed to stimulate the development of new fisheries by making long term financing available and by providing a U.S. Government guarantee of repayment of the debt portion of vessel or shoreside facility construction, reconstruction, reconditioning or purchasing costs where there is insufficient economic information to assess the prospects for commercial success.

Timetable:

Action	Date	FR Cite
NPRM	08/08/82	47 FR 33648
Final Action	12/23/82	47 FR 57432
Final Action Effective	12/23/82	47 FR 57432

Small Entity: No

Additional Information: Neither an RIA nor an RFA was required or was prepared.

Affected Sectors: 091 Commercial Fishing; 209 Miscellaneous Food Preparations and Kindred Products

Government Levels Affected: Federal

Agency Contact: James D. Meehan, Program Leader, Department of Commerce, National Oceanic and Atmospheric Administration, Financial Services Division, NMFS, 3300 Whitehaven Street, NW, Washington, DC 20235, **202 634-7496**

RIN: 0648–AA29

FEDERAL CONSISTENCY WITH APPROVED COASTAL MANAGEMENT PROGRAMS: IMPLEMENTATIONS OF SECTIONS 307(C)(1),(2) (3) AND 307(D) OF THE COASTAL ZONE MANAGEMENT ACT (CZMA) ETC

Priority: Agency Determination

Legal Authority: 16 USC 1456 Coastal Zone Management Act of 1972; EO 12372; Recission of OMB Circular A-95

CFR Citation: 15 CFR 930; 15 CFR 931

Abstract: Under existing regulations, applications for financial assistance for public facilities and services and for other construction projects under the Coastal Energy Impact Program are subject to the Project Notification and Review System established by the now-rescinded OMB Circular A-95. The existing regulations also encourage Federal agencies undertaking actions that are likely to significantly affect the coastal zone to notify state coastal zone agencies using the A-95 process. State agencies are encouraged by the regulations to use the A-95 process to monitor Federal agency activities. These regulations will be revised to conform to the provisions of Executive Order 12372 and departmental regulations to be promulgated under that Order.

Timetable:

Action	Date	FR Cite
NPRM	01/24/83	48 FR 03096
NPRM Comment Period Begin	01/24/83	48 FR 03096
Withdrawn	03/03/83	
NPRM Comment Period End	03/10/83	

Small Entity: No

Additional Information: Department of Commerce issued Notice of Proposed Rulemaking on January 24, 1983 for all DOC regulations affected by E.O. 12372. Amendments to OCRM regulations were contained in that submission. Any further reference should be made to the regulatory action submitted by DOC and this entry deleted from the Agenda.

INTERIM FISHERY MANAGEMENT PLAN FOR ATLANTIC GROUNDFISH; IMPLEMENTING REGULATIONS

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conserv & Mgmt. Act

CFR Citation: 50 CFR 651

Abstract: The New England Fishery Management Council prepared a new plan, the Interim Plan, to replace the previous fishery management plan which regulated domestic fishing for cod, haddock, and yellowtail flounder since 1977. It allows the industry to operate with minimal regulations and permits the Council time to formulate another more comprehensive plan addressing the whole multispecies groundfish complex. The Interim Plan will, during its 3-year life span: (1) protect concentrations of spawning cod, haddock, and yellowtail flounder (regulated species); (2) reduce the risk of recruitment overfishing of regulated species; and (3) permit the acquisition of reliable data critically needed to support development of the future comprehensive plan. The Interim Plan impacts on approx. 1,000 fishing vessels and affiliated shore-side facilities that service these vessels. Elimination of the quotas under the old plan is expected to result in an increase in landings to 109,700 mt in 1982 and to 115,600 mt in 1983.

Timetable:

Action	Date	FR Cite
NPRM	03/11/82	47 FR 10605
NPRM Comment Period Begin	03/11/82	47 FR 13357
NPRM Comment Period End	03/31/82	
Emergency Interim Rule	03/31/82	47 FR 13357
Interim Rule Extended	05/15/82	47 FR 20781
Final Action Effective	09/29/82	47 FR 43705
Final Action	10/04/82	47 FR 43705

Small Entity: Yes

Additional Information: An RIA was not required and was not prepared. An RFA, a Regulatory Impact Review, and an

DOC—NOAA

Completed Actions

Environmental Impact Statement are available.

Affected Sectors: 091 Commercial Fishing; 209 Miscellaneous Food Preparations and Kindred Products

Government Levels Affected: State, Federal

Agency Contact: Allen E. Peterson, Jr., Director, Department of Commerce, National Oceanic and Atmospheric Administration, Northeast Region, NMFS, 14 Elm Street, Gloucester, MA 01930, 617 281-3600

RIN: 0648-AA15

FINANCIAL AID PROGRAM PROCEDURES

Legal Authority: 46 USC 1271 to 1279 Title XI of Merchant Marine Act; 46 USC 1177 Sec 607 of the Merchant Marine Act

CFR Citation: 50 CFR 251

Abstract: This amendment involves revising the conditional fisheries mechanism in order to develop the harvesting of domestic underutilized species by allowing use of financial assistance programs in the construction of so-called combination vessels whose operation for underutilized species is often necessarily associated with economically viable, traditional, and often conditional species. The primary purpose of NOAA's Fishing Vessel Obligation Guarantee and Capital Construction Fund Programs is to enable a sound capitalization of the cost of construction of new fishing vessels. The present conditional fisheries regulations often impede the construction of combination vessels. Revision of this regulation is no longer necessary because of a provision in the American Fisheries Promotion Act.

Timetable:

Action	Date	FR Cite
Withdrawn	03/00/83	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Agency Contact: Michael L. Grable, Chief, Department of Commerce, National Oceanic and Atmospheric Administration, Financial Services Division, NMFS, Washington, DC 20235, 202 634-7496

RIN: 0648-AA54

COMPLETED REVIEWS

GENERAL REGULATIONS; POLICIES & PROCEDURES REGARDING DISCLOSURE OF INFORMATION & NOAA EMPLOYEE TESTIMONY IN LITIGATION NOT INVOLVING THE U.S.

Legal Authority: 15 USC 313; 15 USC 1512; 15 USC 1518; 33 USC 884; 43 USC 1458; 43 USC 1460; 43 USC 1461

CFR Citation: 15 CFR 909

Abstract: The existing regulations set forth policies and procedures regarding disclosure of NOAA records and data for use in legal proceedings, and rules covering testimony of NOAA employees in litigation not involving the United States. A review of the regulations has been completed. The regulations will be amended to set forth new addresses for requesting certified copies of NOAA records and/or requesting the appearance of NOAA employees to give testimony in litigation not involving the U.S.

Timetable:

Action	Date	FR Cite
Begin Review	06/00/82	
End Review	03/01/83	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: John S. Brooksbank, Jr., Senior Counsel for Weather Services, Department of Commerce, National Oceanic and Atmospheric Administration, Office of the General Counsel, Washington, DC 20230, 301 427-7063

RIN: 0648-AA60

GENERAL REGULATIONS; UNIFORM RELOCATION ASSISTANCE & REAL PROPERTY ACQUISITION POLICIES

Legal Authority: 5 USC 301; 41 USC 4601; 41 USC 4633

CFR Citation: 15 CFR 916

Abstract: Existing regulations require general policies and procedures for persons displaced by NOAA and NOAA-assisted programs. A review was undertaken and it was determined that there was a need for procedural instructions to further implement the regulations. A task order was written to use the USDA Graduate School to develop the procedures Manual, but project was unfunded.

Timetable:

Action	Date	FR Cite
Begin Review	03/00/82	
End Review	03/00/83	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or being prepared.

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Jim Garrett, Department of Commerce, National Oceanic and Atmospheric Administration, Facilities & Records Management Branch, Washington, DC 20230, 301 443-8727

RIN: 0648-AA61

BILLING CODE 3510-BW-T

DEPARTMENT OF COMMERCE (DOC)

National Telecommunications and Information Administration (NTIA)

Completed Actions

COMPLETED RULEMAKINGS

PUBLIC TELECOMMUNICATIONS FACILITIES PROGRAM

Legal Authority: 47 USC 390 et seq Pub Telecommunications Financing Act of 1978; PL 97-35 Public Broadcasting Amendments Act of 1981

CFR Citation: 15 CFR 2301

Abstract: Under the Public Telecommunications Facilities Program (PTFP) NTIA makes matching grants to nonprofit organizations to assist in the planning and construction of public telecommunications facilities. By a PTFP Report and Order published in 1979 in 44 FR 30895 and made part of 15 CFR 2301 NTIA had required grantees to use federally funded equipment "only" for public telecommunications purposes. By Interim Rules and a Policy Statement published in 1982 in 47 FR 11228, NTIA amended its PTFP regulations to allow grantees more flexibility in the use of federally funded equipment. The purpose of this change was to assist grantees in meeting their increasing financial needs by authorizing them limited use of federally funded equipment for "other than public telecommunications purposes." This was done by amending the regulations to require grantees to use Federally funded

equipment "primarily" for public telecommunications purposes. In the course of making these amendments, NTIA rewrote numerous sections of the rules governing the PTFP to simplify and clarify them and to rewrite the list of priorities under which grants would be made. This action (cont)

Timetable:

Action	Date	FR Cite
Interim Rules & Policy Statement	03/15/82	47 FR 11228
Final Action	11/26/82	47 FR 53652
Final Action Effective	11/26/82	47 FR 53652

Small Entity: No

Additional Information: ABSTRACT CONT: will result fn some increase in the use of federally funded equipment and a concomitant increase in the need for repair and replacement of equipment. Neither an RIA nor an RFA was required or prepared. NTIA's PTFP rules affect a number of small entities, generally nonprofit organizations and educational institutions. The changes in NTIA's regulations now authorize grantees to a limited extent to engage in "other than public telecommunication activities" with the view toward increasing their economic viability and thereby decreasing their dependence on federal support. While the changes allow grantees to generate revenue, it is not anticipated that the amount of revenue will be substantial enough to displace federal support at this time. Therefore, the economic impact on small entities is not viewed as significant.

Affected Sectors: 366 Communication Equipment; 367 Electronic Components and Accessories

Government Levels Affected: Local, State

Agency Contact: **Richard H. Shay**, Chief Counsel, Department of Commerce, National Telecommunications and Information Administration, Ofc. of the Chief Counsel, Washington, DC 20230, **202 377-1816**

RIN: 0660–AA00

BILLING CODE 3510-BW-T

DEPARTMENT OF COMMERCE (DOC)
Office of Productivity, Technology and Innovation (OPTI)

Current and Projected Rulemakings

CENTERS FOR INDUSTRIAL TECHNOLOGY

Priority: Agency Determination

Legal Authority: 15 USC 272; 15 USC 1512; 15 USC 3705 Stevenson-Wydler Technology Innov Act of 1980; Reorganization Plan No. 5 of 1950; Reorganization Plan No. 3 of 1946

CFR Citation: 15 CFR 17a

Abstract: 15 CFR 17a provides for grants and technical services from the Department of Commerce to establish Centers for Industrial Technology (CIT) under the Cooperative Generic Technology Program (COGENT). Proposed rules, published May 12, 1982 for comment, cancelled funding of the COGENT program and proposed substitute CIT program procedures for provision of non-grant technical services to the private sector in establishing cooperative R&D activities. By April 1983, the Department of Commerce will announce program procedures for the Industrial Technology Partnerships (ITP) Program which will supersede the substitute rules and the original COGENT program. The new ITP program will provide services for assisting the private sector to establish joint innovative research ventures, including R&D limited partnerships, and cooperative R&D arrangements, among private firms, universities, and government agencies. Potential benefits include fostering innovation and commercialization of new products and processes and enhancing U.S. competitiveness.

Timetable:

Action	Date	FR Cite
NPRM	05/12/82	47 FR 20316
NPRM Comment Period End	06/12/82	
Final Action	04/08/83	
Final Action Effective	04/08/83	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required nor will be prepared.

Affected Sectors: Multiple

Agency Contact: **Egils Milbergs**, Director, Department of Commerce, Office of Productivity, Technology and Innovation, Washington, DC 20230, **202 377-1581**

RIN: 0692–AA00

BILLING CODE 3510-BW-T

DEPARTMENT OF COMMERCE (DOC)
Patent and Trademark Office (PTO)

Current and Projected Rulemakings

TRADEMARK APPLICATIONS EXAMINATION PROCEEDINGS; TRADEMARK INTERFERENCE, CONCURRENT USE, OPPOSITION & CANCELLATION PROCEEDINGS; TRADEMARK POST-REGISTRATION PROCEEDINGS

Priority: Agency Determination

Legal Authority: 15 USC 1123

CFR Citation: 37 CFR 2.20; 37 CFR 2.27; 37 CFR 2.63 to 2.65; 37 CFR 2.72; 37 CFR 2.81; 37 CFR 2.88; 37 CFR 2.94 to 2.99; 37 CFR 2.104 to 2.107; 37 CFR 2.113; 37 CFR 2.115 to 2.117; 37 CFR 2.120 to 2.129; 37 CFR 2.131; 37 CFR 2.132; 37 CFR 2.134; 37 CFR 2.135; ...

Abstract: The trademark rules need to be revised to clarify and simplify procedures and to codify existing practice. The proposed revision will not adversely affect substantive trademark rights. Procedures will be simplified and proceedings in the PTO will be expedited without significant effect on the economy or on a substantial number of small entities.

Timetable:

Action	Date	FR Cite
NPRM	06/29/82	47 FR 33991
NPRM Comment Period Begin	06/29/82	
NPRM Comment Period End	10/04/82	
Hearing	10/04/82	47 FR 33991
Final Action	06/00/83	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Agency Contact: Janet E. Rice, Department of Commerce, Patent and Trademark Office, Trademark Trial & Appeal Board, Washington, DC 20231, 703 557-3551

RIN: 0651-AA00

●PATENT INTERFERENCE PROCEEDINGS

Priority: Agency Determination

Legal Authority: 35 USC 6

CFR Citation: 37 CFR 1.216; 37 CFR 1.217

Abstract: Amendments to PTO's rules of practice in patent cases will be proposed to reduce the time and expense of interference proceedings where derivation is an issue. Where a party in interference intends to prove that the invention was derived from the party by the party's opponent in the proceedings, the proposed amendment would require the party's preliminary statement to include the facts alleged to show derivation.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	
NPRM Comment Period Begin	04/00/83	
NPRM Comment Period End	06/00/83	
Final Action	08/00/83	
Final Action Effective	09/00/83	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Agency Contact: Ian A. Calvert, Chairman, Bd. of Pat. Interferences, Department of Commerce, Patent and Trademark Office, Washington, D.C. 20231, 703 557-3625

RIN: 0651-AA08

●FOREIGN FILING LICENSES

Priority: Agency Determination

Legal Authority: 35 USC 6

CFR Citation: 37 CFR 1.17; 37 CFR 5.10; 37 CFR 5.11; 37 CFR 5.12; 37 CFR 5.13; 37 CFR 5.14; 37 CFR 5.15; 37 CFR 5.20; 37 CFR 5.23

Abstract: Amendments to PTO's rules of practice in patent cases will be proposed to establish a simplified procedure for granting a license for foreign filing. The proposed amendment would reduce the burden on the PTO as well as patent applicants filing applications in foreign countries.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	
NPRM Comment Period Begin	04/00/83	
NPRM Comment Period End	06/00/83	
Final Action	07/00/83	
Final Action Effective	08/00/83	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Agency Contact: Kenneth L. Cage, Dir., Special Laws Admin., Group 220, Department of Commerce, Patent and Trademark Office, Washington, D.C. 20231, 703 557-2877

RIN: 0651-AA09

●SMALL ENTITY STATUS

Priority: Agency Determination

Legal Authority: 35 USC 6

CFR Citation: 37 CFR 1.9; 37 CFR 1.27; 37 CFR 1.28

Abstract: Amendments to the PTO's rules of practice in patent cases relating to small entity status will be proposed. The proposed amendment would clarify the scope of the existing rules to be consistent with 35 USC 202(c) as recently enacted by PL 96-517. The proposed amendment would also give independent inventors, small business concerns and nonprofit organizations greater flexibility in claiming small entity status.

Timetable:

Action	Date	FR Cite
NPRM	06/00/83	
NPRM Comment Period Begin	07/00/83	
NPRM Comment Period End	08/00/83	
Final Action	09/00/83	
Final Action Effective	10/00/83	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Agency Contact: R. Franklin Burnett, Department of Commerce, Patent and Trademark Office, Ofc. of Asst. Com. for Patents, Washington, D.C. 20231, 703 557-3054

RIN: 0651-AA10

●MAINTENANCE FEES

Priority: Agency Determination

Legal Authority: 35 USC 6

CFR Citation: 37 CFR 1, (New)

Abstract: Amendments to PTO's rules of practice in patent cases will be proposed to specify procedures for paying maintenance fees.

Timetable:

Action	Date	FR Cite
NPRM	10/00/83	
NPRM Comment Period Begin	10/00/83	
NPRM Comment Period End	12/00/83	
Final Action	02/00/84	
Final Action Effective	03/00/84	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Agency Contact: R. Franklin Burnett, Department of Commerce, Patent and Trademark Office, Ofc. of Asst. Com. for Patents, Washington, D.C. 20231, 703 557-3054

RIN: 0651-AA11

REQUESTS FOR IDENTIFIABLE RECORDS

Legal Authority: 35 USC 6

CFR Citation: 37 CFR 1.15

Abstract: The existing regulations govern requests for records not disclosed to the public as part of PTO's informational activities. The regulations need to be revised to eliminate obsolete provisions.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	
NPRM Comment Period Begin	04/00/83	
NPRM Comment Period End	06/00/83	
Final Action	08/00/83	
Final Action Effective	09/00/83	

Small Entity: No

DOC—PTO

Current and Projected Rulemakings

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Agency Contact: **John W. Dewhirst**, Department of Commerce, Patent and Trademark Office, Ofc. of the Solicitor, Washington, DC 20231, **703 557-3542**

RIN: 0651-AA04

ADVERTISING BY PRACTITIONERS; PROFESSIONAL CONDUCT

Legal Authority: 35 USC 6; 15 USC 1123

CFR Citation: 37 CFR 1.344; 37 CFR 1.345; 37 CFR 2.13; 37 CFR 2.14

Abstract: The existing regulations need to be revised to conform to current American Bar Association standards of conduct and advertising for persons registered to practice before the Patent and Trademark Office. The amendment will have no significant effect on the economy or on a substantial number of small entities. The overall effect of the amendments will be to remove a restriction against advertising.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	
NPRM Comment Period Begin	04/00/83	
NPRM Comment Period End	06/00/83	
Final Action	09/00/83	
Final Action Effective	10/00/83	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Agency Contact: **Fred E. McKelvey**, Department of Commerce, Patent and Trademark Office, Ofc. of the Solicitor, Washington, DC 20231, **703 557-2237**

RIN: 0651-AA05

DEPARTMENT OF COMMERCE (DOC)
Patent and Trademark Office (PTO)

Completed Actions

COMPLETED RULEMAKINGS

REVISION OF PATENT PROCEDURES

Priority: Agency Determination

Legal Authority: 35 USC 6

CFR Citation: 37 CFR 1.4; 37 CFR 1.6 to 1.8; 37 CFR 1.10; 37 CFR 1.22; 37 CFR 1.24; 37 CFR 1.41 to 1.43; 37 CFR 1.45 to 1.57; 37 CFR 1.59; 37 CFR 1.60; 37 CFR 1.62 to 1.65; 37 CFR 1.67; 37 CFR 1.69; 37 CFR 1.70; 37 CFR 1.77; 37 CFR 1.97 to 1.101; ...

Abstract: The procedures for filing and examining patent applications were revised to make them consistent with the requirements of PL 97-247. The revision is expected to benefit patent applicants and will have no significant effect on the economy or adverse impact on small entities.

Timetable:

Action	Date	FR Cite
NPRM	10/00/82	
Hearing	12/00/82	
Final Action	01/20/83	48 FR 02696
Final Action Effective	02/27/83	48 FR 02696

Small Entity: No

Additional Information: Neither an RIA nor an RFA was required or prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Agency Contact: **R. Franklin Burnett**, Department of Commerce, Patent and Trademark Office, Ofc. of the Asst. Com. for Patents, Washington, DC 20231, **703 557-3054**

RIN: 0651-AA01

CONTINUATION-IN-PART APPLICATION OATH OR DECLARATION

Priority: Agency Determination

Legal Authority: 35 USC 6

CFR Citation: 37 CFR 1.65; 37 CFR 3.18

Abstract: The existing regulation was amended so that the PTO can obtain additional information in the oath or declaration in continuation-in-part applications. The additional information to be provided by the applicant, will reduce the risk of invalidity if a patent is issued and later challenged in court. The amendment will have relatively minor economic impact and will not affect a substantial number of small entities.

Timetable:

Action	Date	FR Cite
NPRM	01/28/81	46 FR 9121
NPRM Comment Period End	03/31/81	
Final Action	01/20/83	48 FR 02696
Final Action Effective	02/27/83	48 FR 02696

Small Entity: No

Additional Information: Neither an RIA nor an RFA was required or prepared. Proposed revision of 37 CFR 1.65 replaced by and adopted as 37 CFR 1.63. Proposed revision of 37 CFR 3.18 mooted by removal of 37 CFR 3, effective 10/01/82 (47 FR 40134).

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Agency Contact: **Louis O. Maassel**, Department of Commerce, Patent and Trademark Office, Ofc. of the Asst. Com. for Patents, Washington, DC 20231, **703 557-3070**

RIN: 0651-AA02

FILE WRAPPER CONTINUING APPLICATION PROCEDURE

Priority: Agency Determination

Legal Authority: 35 USC 6

CFR Citation: 37 CFR 1.62; 37 CFR 1.138

Abstract: The existing regulations were amended to allow the prosecution of patent applications to continue after a final rejection upon payment of an additional fee. The need for filing a complete new application to continue prosecution was eliminated, and the paperwork burden on inventors and the PTO reduced.

Timetable:

Action	Date	FR Cite
NPRM	11/07/80	45 FR 73965
Hearing	02/04/81	
Final Action	10/25/82	47 FR 47242
Final Action Effective	02/27/83	47 FR 47242

Small Entity: No

DOC—PTO

Completed Actions

Additional Information: Neither an RIA nor an RFA was required or prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Agency Contact: Louis O. Masseel, Department of Commerce, Patent and Trademark Office, Ofc. of the Asst. Com. for Patents, Washington, DC 20231, **703 557-3070**

RIN: 0651-AA03

ACTIONS THAT STARTED AND ENDED BETWEEN ISSUES OF THE UNIFIED AGENDA

●TRADEMARK OPPOSITIONS; PETITIONS TO CANCEL AND AFFIDAVITS OR DECLARATIONS UNDER SECTION 8 OF THE TRADEMARK ACT

Priority: Agency Determination

Legal Authority: 15 USC 1123

CFR Citation: 37 CFR 2.101; 37 CFR 2.102; 37 CFR 2.103; 37 CFR 2.111; 37 CFR 2.112; 37 CFR 2.161; 37 CFR 2.162

Abstract: In order to conform to changes made in the Trademark Act by PL 97-247, the PTO's rules of practice in trademark cases were amended to eliminate verification as a requirement for oppositions and petitions to cancel, to require requests for an extension of time to be filed prior to the expiration of a previously granted extension, and to require section 8 affidavits and declarations to relate to use in commerce. Additional changes were made in the affected rules to incorporate existing practice not previously included in the rules.

Timetable:

Action	Date	FR Cite
Final Action	01/28/83	48 FR 03972
Final Action Effective	02/27/83	48 FR 03972

Small Entity: No

Additional Information: Neither an RIA nor an RFA was required or prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Agency Contact: Janet Rice, Department of Commerce, Patent and Trademark Office, Trademark Trial and Appeal Board, Washington, D.C. 20231, **703 557-3551**

RIN: 0651-AA06

●COURT REVIEW OF PATENT AND TRADEMARK OFFICE DECISIONS

Priority: Agency Determination

Legal Authority: 35 USC 6; 35 USC 1123

CFR Citation: 37 CFR 1.8; 37 CFR 1.253; 37 CFR 1.301 to 1.304; 37 CFR 2.145

Abstract: In order to conform to changes brought about by the Federal Courts Improvement Act of 1982, PL 97-164, the PTO's rules of practice were amended relating to court review of decisions of PTO's Board of Appeals, Board of Patent Interferences and Trademark Trial and Appeal Board. The Act transferred jurisdiction to review decisions of these boards, previously vested in the United States Court of Customs and Patent Appeals, to a new United States Court of Appeals for the Federal Circuit and abolished the Court of Customs and Patent Appeals. The change is reflected in the amendment to PTO's rules. The amendment also incorporates changes in PTO practice to conform to procedures required by the rules adopted by the new court. A correction was published on 11/5/82 (47 FR 50242).

Timetable:

Action	Date	FR Cite
Final Action	10/26/82	47 FR 47380
Final Action Effective	10/26/82	

Small Entity: No

Additional Information: Neither an RIA nor an RFA was required or prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Agency Contact: Joseph F. Nakamura, Solicitor, Department of Commerce, Patent and Trademark Office, Office of the Solicitor, Washington, D.C. 20231, **703 557-3525**

RIN: 0651-AA07

[FR Doc. 83-9558 Filed 4-22-83; 8:45 am]

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Part V

Department of Defense

Office of the Secretary

Semiannual Agenda of Regulations

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Chs. I, V, VI, and VII

33 CFR Ch. II

36 CFR Ch. III

Improving Government Regulations; Semiannual Agenda of Regulations for Period: Sept. 1, 1982–Mar. 1, 1983

AGENCY: Office of the Secretary, DoD.

ACTION: Publication of DoD's semiannual agenda of regulations under review or development.

SUMMARY: The Department of Defense is publishing its fourth semiannual agenda of regulations for public information and comments under E.O. 12291, "Federal Regulation." This agenda incorporates the objectives and criteria, when applicable, of the regulatory reform program under E.O. 12291, and other regulatory reform programs. It contains DoD issuances initiated by DoD Components that have been reviewed to determine their economic and environmental impact on state, local, public or private interests under the criteria of E.O. 12291. Although most DoD issuances listed in the agenda are of negligible public impact, their nature may be of public concern and interest and are therefore published to provide notice and an opportunity for participation in the DoD rulemaking process.

This agenda updates the report published in October 1982 and covers the period from Sept. 1, 1982—Mar. 1, 1983. The next agenda is scheduled to be published in October 1983. In addition to this agenda, DoD Components also publish, for public review and comment, issuances pertaining to their specific statutory administrative requirements.

FOR FURTHER INFORMATION CONTACT: For information concerning the overall DoD regulatory improvement and general semiannual agenda information contact Colonel Peter H. Karalus, telephone 202–695–4281 or write to Directorate for Organizational and Management Planning, OASD(C), Washington, D.C. 20301.

For questions of a legal nature concerning the agenda and its statutory requirements or obligations contact Ms. Kathleen Buck, legal counsel, Office of the General Counsel, Washington, D.C. 20301, or call 202–697–2714.

For specific agenda items, contact the appropriate individual indicated in each DoD Component report.

SUPPLEMENTARY INFORMATION: This consolidated agenda is composed of the regulatory status reports from the Office of the Secretary of Defense and the Departments of the Army, Navy, and Air Force. Included also in this agenda is the fifth regulatory report from the U.S. Army Corps of Engineers, whose civil works functions fall under the reporting requirements of E.O. 12291. Their agenda will reflect these requirements, and follow-on reporting actions will be taken, as necessary.

DoD issuances range from DoD Directives (reflecting departmental policy) to Implementing Instructions and Regulations (largely internal and used to implement Directives). The OSD agenda section contains the primary Directives under which DoD components promulgate their implementing regulations.

To ease identification and to clarify the differences between the variety of issuances reported, they are identified by their DoD internal numbering system, which denotes Component level of authority and type of issuance in addition to the required CFR number.

In addition, this agenda, although published under the reporting requirements of E.O. 12291, will continue to be the DoD single source reporting vehicle which will identify issuances that are currently applicable under the various regulatory reform programs in progress. Therefore, when applicable, DoD Components will identify those rules which come under the criteria of the:

a. Regulatory Flexibility Act.
b. Paperwork Reduction Act.
c. GATT International Trade Agreement.

Although few of any DoD issuances are directly applicable under these statutes, those that may meet the criteria specified will be identified in the agenda and their action status indicated. Accordingly, this DoD Agenda incorporates those additional regulatory reform requirements, when determined applicable, to all DoD issuances reported in this agenda. The individual DoD Component's agenda reports contained herein may vary this reporting format due to their separate and individual mission functions and reponsibilities in the DoD rulemaking process.

Although not a regulatory agency, the Department of Defense will continue to participate in regulatory initiatives designed to reduce economic costs and unnecessary environmental burdens upon the public. Comments and recommendations are invited on the rules reported and should be addressed to the DoD Component representatives identified in each section.

Although sensitive to the needs of the public and regulatory reform, DoD reserves the right to exercise the exemptions and flexibility permitted in its rulemaking process in order to proceed with its overall defense-oriented mission.

Note.—The publishing of this agenda does not waive the applicability of the military affairs exemption in title 5, section 553 and section 1 of E.O. 12291.

March 1, 1983.

D. O. Cooke,

Deputy Assistant Secretary of Defense.

AGENCY: Office of the Secretary, DoD.

ACTION: OSD Semiannual Agenda of Regulatory Documents Developed or Proposed for the Period September 1, 1982 through March 1, 1983.

SUMMARY: The regulatory material listed below is in 3 parts: (1) current and projected rulemaking; (2) review of existing regulations; and (3) completed actions.

FOR FURTHER INFORMATION CONTACT: The contact officials' names and telephone numbers appear after each agenda item. For other information on the agenda, contact Mrs. M. S. Healy, Directives Division, Correspondence and Directives Directorate, OSD/WHS, telephone 202–697–4111.

SUPPLEMENTARY INFORMATION:

E. O. 12291. None of the regulatory documents listed below is a "major rule" and no major rules are presently under development.

Regulatory Flexibility Act, section 610. OSD has screened its existing regulatory documents and has concluded that none of its regulatory documents causes significant impact on a substantial number of small entities.

Paperwork Reduction Act, Pub. L. 96–511. None of the DoD regulatory documents listed in the agenda require information collection reports affecting the public sector under the criteria of Pub. L. 96–511.

The OSD agenda follows.

I. Current and Projected Rule Making

[Sept. 1, 1982 to Mar. 1, 1983]

Title	Agency contact	CFR/DoD document No.	Legal authority	Abstract/timetable
Former Spouse Payments From Retired Pay.	James T. Jasinski, 202-697-0536.	32 CFR Part 63, DoD Directive 1340.xx.	Pub. L. 97-252, 10 U.S.C. 1408	This proposed rule (48 FR 4003, 1/26/83) implements section 1002 of the Uniformed Services Former Spouses' Protection Act. Estimated publication date: July 1983.
Involuntary Child and Spousal Support Allotments.	James T. Jasinski, 202-697-0536.	32 CFR Part 54, DoD Directive 1340.xx.	Pub. L. 97-248, 37 U.S.C. 101, 15 U.S.C. 1673, 42 U.S.C. 665.	This proposed rule (47 FR 46297, 10/18/82) implements section 172 of the Tax Equity and Fiscal Responsibility Act of 1982. Estimated publication date: June 30, 1983.
Identification of Institutions of Higher Learning that Bar Recruiting Personnel from Their Premises.	Ronald G. Liverls, 202-697-9269.	32 CFR Part 216, DoD Directive 1322.13.	Pub. L. 92-436, Section 606(a) 1973.	This proposed rule which appeared in the last semiannual agenda (47 FR 42757, 9/29/82) is still in coordination. Estimated publication date: June 1983.
Publication of Proposed and Adopted Regulations Affecting the Public.	M. Healy, 202-697-4111	32 CFR 296, DoD Directive 5400.9.	5 U.S.C. 551, 552, and 553	To update DoD's implementation of the Administrative Procedure Act, and to include E.O. 12291, the Regulatory Flexibility Act (Pub. L. 96-354), and the Paperwork Reduction Act (Pub. L. 96-511). Estimated publication date: August 1983.

II. Review of Existing Rules

[Sept. 1, 1982 to Mar. 1, 1983]

Title	Agency contact	CFR/DOD document No.	Legal authority	Abstract/timetable
Civilian Health and Medical Program of the Uniformed Services (CHAMPUS).	Rose M. Sabo, 303-361-8606	32 CFR Part 199, DoD 6010.8-R, Amend No. 18 (Morbid Obesity).	10 U.S.C. 1079, 1086, 5 U.S.C. 301.	This amendment clarified CHAMPUS Exclusion of services related to obesity. Final rule published 47 FR 57491, 12/27/82.
Civilian Health and Medical Program of the Uniformed Services (CHAMPUS).	Stephen E. Isaacson, 303-361-8606.	32 CFR Part 199, DoD 6010.8-R, Amend No. 18 (Medical Benefits for Former Spouses of Uniformed Services Members and Former Members).	Pub. L. 97-252	This amends CHAMPUS to implement Sections 1004 and 1006 of Pub. L. 97-252. Final rule published 47 FR 5916, 2/9/83.
Intergovernmental Review of Department of Defense Programs and Activities.	Col M. Davis, 202-697-3006	32 CFR Part 243, DoD Directive 4165.61.	E.O. 12372, 42 U.S.C. 4231	This proposed rule (48 FR 3106, 1/24/83) implements E.O. 12372 to provide for a new, more effective intergovernmental consultation system. Estimated publication date: April 30, 1983.
Management and Control of Engineering and Technical Services.	A. Pugin, 202-695-0337	32 CFR Part 168, DoD Directive 1130.2.	10 U.S.C.	To update policy and procedures for management, programing, and reporting of engineering and technical services. Estimated publication date: March 1983 (final rule).
Discharge Review Board (DRB) Procedures and Standards.	Col T. Cuthbert, 202-697-3387	32 CFR Part 70, DoD Directive 1332.28, Change 1.	10 U.S.C. 1553, 38 U.S.C. 101, 3103.	To issue administrative changes that impact on applicants to the DRB, and that correct and clarify procedures resulting from public comments. Estimated publication date: March 1983 (final rule).
Banking Offices on DoD Installations.	John Barber, 202-697-8281	32 CFR Part 231, DoD Directive 1000.11, September 27, 1982.	10 U.S.C. 136	Final rule to be published March 1983 (Proposed rule 47 FR 11717, March 18, 1983).
Procedures Governing Banking Offices on DoD Installations.	John Barber, 202-697-8281	32 CFR Part 230, DoD Directive 1000.12, September 27, 1982.	10 U.S.C. 136	Final rule to be published March 1983 (Proposed rule 47 FR 1170, March 16, 1983.

III. Completed Actions

[Sept. 1, 1982 to Mar. 1, 1983]

Title	Agency contact	CFR/DOD Document No.	Legal Authority	Abstract/time table
Eligibility Requirements for Education of Minor Dependents in Overseas Areas.	Earl Sorenson, 202-325-0110	32 CFR Part 71, DoD Directive 1342.13.	10 U.S.C. 921-932 (Supp IV, 1980).	Updates policy and eligibility requirements for education of minor DoD dependent students overseas. Final rule published 47 FR 52701, 11/23/83.

AGENCY: Department of the Army.

ACTION: Semiannual agenda of regulatory information under review or development by the Department of the Army.

SUMMARY: The Department of the Army published its first agenda in 1978 and annually thereafter in compliance with Executive Order 12044, Pub. L. 96-354 and the DOD plan for Improving Government Regulations. This agenda provides the status of regulations that were previously reported.

SUPPLEMENTARY INFORMATION: The Department of the Army has no major regulations under development which meet the criteria of Pub. L. 96-354 and Executive Order 12291. If applicable, rules which come under the criteria of the Regulatory Flexibility Act, Paperwork Reduction Act, and the GATT International Trade Agreement are so identified.

Department of the Army Agenda; Semiannual Agenda of Regulations September 1, 1982 through March 1, 1983

I. Current and Projected Rulemaking (12 Month Projection)

A. *Title*—The Army General Counsel's Honors Programs.

Agency Contact—LTC Taylor (202) 695-0562, Office of the Army General Counsel.

CFR/DOD DOC NR—32 CFR 585.

Legal Authority—10 U.S.C. 302, 3065.

Abstract/Timetable—Establish policy and procedures governing the Army General Counsel's Honors Program. To recruit highly qualified attorneys to fill vacancies in the Army General Counsel's Office. Comment period completed, and input is under review. Does not meet RIA, RFA and Paperwork Act requirements. To be published by mid 1983.

B. *Title*—Airfield Certification and Use of Army Airfields by other than US Department of Defense Aircraft.

Agency Contact—Mr. Jesse Burch 272–7798/6304 US Army Air Traffic Control Activity, Aeronautical Service Office.

CFR/DOD DOC NR—To be determined.

Legal Authority—10 U.S.C.

Abstract/Timetable—Prescribes responsibilities and procedures with regard to use of US Army airfields by other than DOD aircraft. Rule in draft status with proposed rule publication set for late 1983.

II. Review of Existing Regulations

None.

III. Completed Actions

Title—Environmental Quality, Environmental Effects of Army Actions.

Agency Contact—Mr. Gary Robinson, Army Environmental Office (202) 694–3434.

CFR/DOD DOC NR—32 CFR 651 47 FR 51574.

Legal Authority—42 U.S.C. 4321 et seq.

Abstract/Timetable—Revision of Army Regulations to ensure consistency with DOD policy.

Corps of Engineers Agenda; Semiannual Agenda of Regulations September 1, 1982 through March 1, 1983

I. Current and Projected Rulemaking (12 Month Projection)

A. *Title*—Implementation of E.O. 11990: Protection of Wetlands.

Agency Contact—Mr. Teeters (202) 272–0118.

CFR/DOD DOC NR—33 CFR 235.

Legal Authority—E.O. 11990.

Small Business Impact—None.

Abstract/Timetable—Will provide instructions to field operating activities for implementing the E.O. (Engineer Regulation 1165–2–401; proposed rule published June 10, 1980, comment period closed July 24, 1980.) Final rule has been prepared and awaits clearance for publication, estimated June 1983.

B. *Title*—Use of Nonstructural Measures in Planning for Flood Damage Reduction.

Agency Contact—Mr. Teeters (202) 272–0118.

CFR/DOD DOC NR—(Proposed).

Legal Authority—33 U.S.C. 7016–11.

Small Business Impact—None.

Abstract/Timetable—Will provide guidance for formulation of plans incorporating non-structural measures. Engineer Regulation 1165–2–122; if proposed as a rule, scheduled for publication August 1983). Consideration is being given to issuance as internal agency guidance.

C. *Title*—Rules and Regulations Governing Public Use of Water Resource Development of Projects Administered by the Chief of Engineers.

Agency Contact—Darrell E. Lewis (202) 272–0247.

CFR/DOD DOC NR—36 CFR Chapter III, Part 327.

Legal Authority—16 U.S.C. 460d.

Small Business Impact—None.

Abstract/Timetable—Published in 1979, new policy requires revision. Publication date dependent upon adoption of new fee structure and lakeshore mgmt. regulation; estimated April 1983.

D. *Title*—Regulatory Programs of the Corps of Engineers.

Agency Contact—Bernard Goode (202) 272–0200.

CFR/DOD DOC NR—33 CFR 320–330.

Legal Authority—Sec. 10 R&H Act; Sec. 404 CWA; Sec. 103 MPRSA.

Small Business Impact—Decreases delays in getting a decision on a permit application and reduces the intensity of regulation in appropriate areas.

Abstract/Timetable—Program policies and procedures. Proposed Mar. 83; Final Oct. 83.

E. *Title*—Inspection and Evaluation of Corps of Engineers Bridges.

Agency Contact—Gordon Miller (202) 272–0234.

CFR/DOD DOC NR—33 CFR 222.3/ ER 1110–2–99.

Legal Authority—Sec. 26, Federal-Aid Highway Act of 1968, 23 U.S.C. 116(d) delegation of authority in 49 CFR 1.48(b).

Small Business Impact—None.

Abstract/Timetable—This rule defines the Corps policy, and prescribes the procedures and responsibilities for the periodic inspection and evaluation of bridges owned or maintained by the Corps of Engineers on Civil Works projects. This document is currently in the CFR. It is presently being revised and combined with Engineer Regulation 1110–2–100, Periodic Inspection and Continuing Evaluation of Completed Civil Works Projects. Upon completion of this process, which is scheduled for June, 1983, ER 1110–2–99 will be rescinded and 33 CFR Section 222.3 cancelled.

F. *Title*—Periodic Inspection and Continuing Evaluation of Completed Civil Works Structures.

Agency Contact—Gordon Miller (202) 272–0234.

CFR/DOD DOC NR—33 CFR Section 222.2/ER 1110–2–100.

Legal Authority—Pub. L. 92–367, 86 Stat. 506 (33 U.S.C. 467 et seq.).

Small Business Impact—None.

Abstract/Timetable—This regulation defines objectives, states policy, assigns responsibilities, and establishes procedures by which the Corps assures the benefits of continuing structural adequacy of its major Civil Works structures in service. This document is currently in the CFR, and is presently being revised and combined with another regulation (ER 1110–2–99, Inspection and Evaluation of Corps of Engineers Bridges). An updated version is scheduled for publication June, 1983 as internal guidance.

G. *Title*—Flood fighting and rescue operations, emergency protection.

Agency Contact—Mr. Robert P. Fletcher (202) 272–0251.

CFR/DOD DOC NR—None.

Legal Authority—Pub. L. 288, 77th Congress, as amended by Pub. L. 84–99, Pub. L. 93–251 and Pub. L. 95–51.

Small Business Impact—None.

Abstract/Timetable—Initial guidance on emergency assistance program was contained in ER 500–1–1 (Jan. 78). Revision of ER is required by recent changes in law, SACW guidance on performing economic analysis of emergency projects, emergency procurement procedures, as well as for program management. Proposed rule to be published April 1983, final rule by October 1983.

II. Review of Existing Regulations

A. *Title*—Intergovernmental Review of Department of the Army Corps of Engineers Civil Works Programs and Activities.

Agency Contact—Dr. Wolff (202) 272–0146.

CFR/DOD DOC NR—33 CFR.

Legal Authority—42 U.S.C. 4231(b) and E.O. 12372.

Small Business Impact—None.

Abstract/Timetable—Implements E.O. 12372 by improving internal management of consultation with state and local governments. Published as proposed rule in **Federal Register** 24 Jan. 83. Final rule scheduled for publication on 30 Apr. 83.

III. Completed Actions

A. *Title*—Modification of Completed Projects.

Agency Contact—Mr. Teeters (202) 272–0118.

CFR/DOD DOC NR—(Proposed).

Legal Authority—Sec. 216, Pub. L. 91–611.

Small Business Impact—None.

Abstract/Timetable—will unify and simplify guidance to field operating activities on use of existing authorities for study and accomplishment of needed modifications to completed projects. Issued as internal agency guidance as

Engineer Regulation 1165–2–119 on 20 Sep. 82.

B. *Title*—Reservoir Regulations.

Agency Contact—Earl Eiker (202) 272–0224.

CFR/DOD DOC NR—33 CFR Section 222.7/ER 1110–2–240.

Legal Authority—Sec. 7 Pub. L. 78–354, 58 Stat. 890 (33 U.S.C. 709); The Federal Power Act, 41 Stat. 1063 (16 U.S.C. 791(A)); and Sec. 9, Pub. L. 83–436, 68 Stat. 303, specific legislative authorization Acts and Public Law listed in Appendix E of the regulation.

Small Business Impact—None.

Abstract/Timetable—This regulation describes policy, procedures and provides guidance for the Corps of Engineers to follow in performing water control management activities for the regulation of Corps and non-Corps projects. Revision of the CFR section was published in the **Federal Register** as a final rule 8 Oct. 82 as Engineer Regulation 1110–2–240.

AGENCY: Department of the Navy.

ACTION: Semiannual agenda of regulatory information for the period September 1, 1982–March 1, 1983 under review or development by the Department of the Navy.

SUMMARY: None of the regulations contained in this agenda meet the criteria of the Regulatory Flexibility Act (Pub. L. 96–354), are major rules under E.O. 12291, or contain reporting requirements under the "Paperwork Act". Further, none of the regulations come under the GATT International Trade Agreement.

FOR FURTHER INFORMATION CONTACT: Where a contact official is indicated, contact the specified individual. For general information contact Ms. Alcinda P. Wenberg, telephone 202–695–1821 or write to Chief of Naval Operations, Op–09B15, Department of the Navy, Washington, D.C. 20350.

I. Current and Projected Rulemaking

None.

II. Review of Existing Regulations

(Sept. 1, 1982 to Mar. 1, 1983)

Title	Agency contact	CFR/DOD document No.	Legal authority	Abstract/Timetable
Availability to the Public of Department of the Navy Records.	Ms. Doris Mattingly, OPNAV, tel: 694–2004.	32 Part 701.1 (SECNAVINST 5720.42B).	5 U.S.C. 552	Final rule to be published in May 1983.[1]
Personal Privacy and Rights of Individuals Regarding Their Personal Records.	Ms. Gwen Aitken, OPNAV, tel: 694–2617.	32 Part 701.100 (SECNAVINST 5211.5C).	5 U.S.C. 522a	Final rule to be published in May 1983.[1]
Disposition of Cases Involving Physical Disability.	LCDR M. W., Kirkpatrick, NCPB, tel: 695–4366.	32 Part 725 (SECNAVINST 1850.4).	5 U.S.C. 301, 10 U.S.C. 1216, 5031.	Under revision due to change in basic requirements. Final rule to be published in June 1983.[1]
Administrative Discharges and Related Matters Concerning Separations of Enlisted Personnel From the Naval Service.	Mr. Minick, NMPC, tel: 694–3613	32 Part 730 (MILPERS Manual, 15560 and SECNAVINST 1910.XX).	Secs. 280, 1162, 1163, 6291–6296, 70A Stat. 14, 89, 391–393, as amended, 76 Stat. 508, 517, Sec. 301, 80 Stat. 379; 5 U.S.C. 301, 10 U.S.C. 133, 280, 1162, 1163, 1166, 6291–6296.	Changes being staffed. Final rule to be published in June 1983.[1]
Nonnaval Medical and Dental Care.	Mr. H. Pelham, BUMED, tel: 254–4191.	32 Part 732 (BUMEDINST 6320.32D).	5 U.S.C. 301; 10 U.S.C. 1071–1085, 5031, 6148, 6201–6203, 8140; and 32 CFR 700.1202.	To update the BUMED instruction. Final rule to be published in April 1983.[1]
Manual of the Judge Advocate General.	LCDR F. N. Ottie, JAG, tel: 325–9860.	32 Parts 720, 750–752, and 755–757 (JAGINST 5800.7 CH–2).	5 U.S.C. 301; 10 U.S.C. 2733, 5031, 5148, and 7621–23; 32 CFR 700.206 and 700.1202; and 31 U.S.C. 240–243.	Part 720 submitted to Office of Federal Register. Remaining Parts will be published in August 1983.[1]

[1] Approximate completion date.

III. Completed Actions

Title	Agency contact	CFR/DOD Document No.	Legal authority	Abstract/Time Table
Manual of the Judge Advocate General.	LCDR Ottie, JAG, tel: 325–9860	32 Parts 719, 726 and 727 (JAGINST 5800.7 Ch–2).	3 U.S.C. 301; 5 U.S.C. 301; 10 U.S.C. 815, 5031, and 5148; 32 CFR 700.206 and 700.1202 U.S.C. 601–604 and 1001.	Part 719 published in November 1982. Parts 726 and 727 published in September 1982.

AGENCY: Department of the Air Force.

ACTION: Semiannual agenda of regulatory information for the period September 1, 1982—March 1, 1983 under review or development by the Department of the Air Force.

SUMMARY: The regulations listed on the agenda are existing or proposed regulations which affect the public and are under internal review for revision or development. The Department of the Air Force has no "major rules" under development or review as defined by Executive Order 12291. Also, it has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 (Pub. L. 96–354) do not apply to these rules and that these rules do not contain reporting or recordkeeping requirements under the criteria of the Paperwork Reduction Act of 1980 (Pub. L. 96–511). These rules do not have an impact on international trade and therefore the provisions of the GATT Agreement do not apply.

FOR FURTHER INFORMATION CONTACT: Where a contact official is indicated, contact the specified individual. For general information, contact Mrs. Winnibel F. Holmes, telephone (202) 697–1861 or write, Department of the Air Force, 1947 ASG/DASJR, Pentagon, Washington, DC 20330.

I. Current and Projected Rulemaking (12-Month Projection)

[Sept. 1, 1982 to Mar. 1, 1983]

Title	Agency contact	CFR No.	Legal authority	Abstract/Timetable
Selecting Architect Firms for Professional Service by Negotiated Contracts (AFR 88-31).	Mr. Bender, HQ USAF/LEEE, (202) 767-4243.	32 CFR 834	P.L. 95-507; 15 U.S.C. 631, 632, 633, 637, 661, 662, 663, 687, 693, 694; 25 U.S.C. 450.	USAF policies & procedures. Revision is in coordination process within the Air Force. Estimated publication date: July 1983.
Use of USAF Installations by Other Than U.S. DOD Aircraft (AFR 55-30).	Ms. Young, HQ USAF/PR, (202) 697-1796.	32 CFR 855	Federal Aviation Act of 1958, P. L. 85-726; 49 U.S.C. 1507(a) and 1508.	Gives requirements, procedures, and responsibilities. Revision is in coordination process within the USAF. Estimated publication date: September 1983.
Claims Manual (AFR 112-1).	Mr. Van Nuys, HQ USAF/JACC, (202) 693-0350.	32 CFR 842	10 U.S.C. 939; 1089(f); 2732-2737; 9801-9804, 9806; 28 U.S.C. 2671-2680; 31 U.S.C. 340-343, 951-953; 32 USC 715; 42 U.S.C. 2651-2653.	Guidance for USAF property & personal injury claims. Revision is in coordination process within the USAF. Estimated publication date: April 1983.

II. Review of Existing Regulations

Title	Agency contact	CFR No.	Legal authority	Abstract/Timetable
Acquisition of Information Concerning Persons and Organizations Not Affiliated With the Department of Defense (AFR 124-13).	Mr. Kennedy, HQ AFOSI/XPP, (202) 767-5826.	32 CFR 954	DODD 5200.27 10 U.S.C. 8012	Provides USAF policy, limitation & procedures. Awaiting determination and interpretation of policy issues by OSD. Estimated publication date: Not determined.

III. Completed Actions

Title	Agency contact	CFR No.	Legal authority	Abstract/Timetable
Air Force Freedom of Information Act Program (AFR 12-30).	Ms. Ward, HQ USAF/DAAD, (202) 694-3486.	32 CFR 808	DODD 5400.7, P.L. 93-502, 5 U.S.C. 552.	Final rule is being prepared for publication in the FEDERAL REGISTER.

[FR Doc. 83-9310 Filed 4-22-83; 8:45 am]

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federal register

Monday
April 25, 1983

Part VI

Department of Education

Office of the Secretary

Unified Agenda of Federal Regulations

ED

DEPARTMENT OF EDUCATION

Office of the Secretary

34 CFR Subtitle A and Ch. I-VII

Unified Agenda of Federal Regulations

AGENCY: Department of Education.

ACTION: Publication of the Unified Agenda of Federal Regulations.

SUMMARY: The Secretary of Education publishes a Unified Agenda of Federal Regulations as required by Office of Management and Budget (OMB) Bulletin No. 83-8 issued under the authority of Executive Order 12291 ("Federal Regulations"). The purpose of the agenda is to encourage more effective public participation in the regulatory process by giving the public early information about pending regulatory activities.

FOR FURTHER INFORMATION CONTACT: Questions or comments related to specific regulations listed in this agenda should be directed to the contact person listed for that set of regulations. Questions or comments on the overall agenda should be directed to A. Neal Shedd, Director, Division of Regulations Management, Office of the General Counsel, Department of Education, Room 2129 FOB-6, 400 Maryland Avenue, S.W., Washington, D.C. 20202. Telephone (202) 245-7091.

SUPPLEMENTARY INFORMATION: Executive Order 12291, dated February 17, 1981, and the Regulatory Flexibility Act, Pub. L. 96-354, enacted September 19, 1980, require the Department of Education to publish, in October and April of each year, an agenda of regulations that the Department expects to issue and currently effective regulations that are under review. The agenda includes both notices of proposed rulemaking (NPRMs) currently being drafted and pending final regulations for which NPRMs have been published.

Under the authority of Executive Order 12291, the Director of OMB has issued OMB Bulletin No. 83-8, dated December 15, 1982, prescribing the content and structure of the Unified Agenda of Federal Regulations. The unified agenda will be issued semiannually and will cover the succeeding 12 months from the date of publication.

For each set of regulations listed, the agenda provides the title of the document, the type of document, a citation of any rulemaking or other actions taken since publication of the most recent agenda, and planned dates of future rulemaking. In addition, the agenda provides the following information:

- An abstract, which includes a description of the problem to be addressed and any principal alternatives being considered.
- An indication of whether the planned action is likely to have a significant effect on a substantial number of small entities.
- A reference to where a reader can find the current regulations in the Code of Federal Regulations.
- A citation of legal authority.
- The name, address, and telephone number of the contact person at the Department from whom a reader can obtain additional information regarding the planned action.

This publication in the **Federal Register** does not impose any binding obligation on the Department with regard to any specific item on the agenda. Regulatory action in addition to the items listed is not precluded. Dates of future regulatory action are subject to revision in subsequent agendas.

DATED: March 15, 1983.

T. H. Bell,

Secretary of Education.

DEPARTMENT OF EDUCATION (ED) — Current and Projected Rulemakings

EDUCATION DEPARTMENT GENERAL ADMINISTRATIVE REGULATIONS

Priority: Task Force

Legal Authority: 5 USC 301

CFR Citation: 34 CFR 74

Abstract: Description of Problem: Existing regulations will be reviewed to determine whether to propose modifications through rulemaking. Amendments to the regulations would be designed to clarify and consolidate existing regulations, implement changes to OMB circulars, and effect regulatory relief. Alternatives: To be determined. Potential Costs: To be determined. Potential Benefits: To be determined.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Frank Sobol, Project Manager, Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202, 202 245-0896

RIN: 1800-AA00

ASSISTANCE TO STATES FOR EDUCATION OF HANDICAPPED CHILDREN

Priority: Task Force

Legal Authority: 20 USC 1401; 20 USC 1411 et seq

CFR Citation: 34 CFR 300

Abstract: Description of Problem: Amendments to the regulations would reduce fiscal and administrative burdens on grant recipients while assuring a free appropriate public education for all handicapped children. Alternatives: The following are among the principal alternatives considered and accepted by the Secretary in the drafting of the proposed regulations: (1) The use of non-binding guidelines in helping the States to understand certain regulatory provisions, (2) The removal of numerous detailed documentation requirements, (3) Placing certain decision-making at the State and local levels, and (4) Providing the Federal Government with assurances in place of detailed information about policy and procedures. A comprehensive discussion of the specific issues and alternatives considered is provided in the preamble to the proposed regulations. Potential Costs: To be determined. Potential Benefits: To be determined.

Timetable:

Action	Date	FR Cite
NPRM	08/04/82	47 FR 33836
NPRM Comment Period Begin	08/05/82	
NPRM Comment Period End	12/03/82	

Action	Date	FR Cite
Revised NPRM	00/00/00	

Small Entity: Yes

Agency Contact: **Shirley A. Jones**, Acting Deputy Director, Department of Education, Special Education Programs, 400 Maryland Avenue, SW, Washington, DC 20202, **202 426-6114**

RIN: 1800–AA05

INTERGOVERNMENTAL REVIEW OF EDUCATION PROGRAMS

Legal Authority: EO 12372; 42 USC 4231(a); 5 USC 301

CFR Citation: 34 CFR 79

Abstract: Description of Problem: To implement, through regulations, Executive Order 12372 (Intergovernmental Review of Federal Regulations, July 14, 1982), which is designed "to foster an intergovernmental partnership and a strengthened federalism by relying on State and local processes for the State and local government coordination and review of proposed Federal financial assistance and direct Federal development."

Timetable:

Action	Date	FR Cite
NPRM	01/24/83	48 FR 3120
NPRM Comment Period Begin	01/25/83	
NPRM Comment Period End	03/10/83	
Final Action	04/00/83	

Small Entity: Undetermined

Agency Contact: **Chester Glod**, Contracts and Grants Specialist, Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202, **202 245-7810**

RIN: 1800–AA06

EQUAL ACCESS TO JUSTICE

Legal Authority: 5 USC 504

CFR Citation: 34 CFR 21, (New)

Abstract: Description of Problem: To implement, through regulations, the Equal Access to Justice Act, which provides for the payment of attorney fees and other adjudication expenses to qualified parties that prevail over the Department in certain administrative proceedings. Alternatives: None. Potential Costs: None. Potential Benefits: To be determined.

Timetable:

Action	Date	FR Cite
Final Action	05/00/83	

Small Entity: No

Agency Contact: **Peter Wathen-Dunn**, Attorney, Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202, **202 755-1106**

RIN: 1800–AA07

PRIVACY RIGHTS OF PARENTS AND STUDENTS

Legal Authority: 20 USC 1232g

CFR Citation: 34 CFR 99

Abstract: Description of Problem: Amendments to the regulations would be designed to effect regulatory relief. Alternatives: To be determined. Potential Costs: To be determined. Potential Benefits: To be determined.

Timetable:

Action	Date	FR Cite
NPRM	05/00/83	
Final Action	09/00/83	

Small Entity: No

Agency Contact: **Patricia Ballinger**, Management Analyst, Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202, **202 245-0233**

RIN: 1800–AA08

PRIVACY ACT REGULATIONS

Legal Authority: 5 USC 301; 5 USC 552a

CFR Citation: 34 CFR 5B

Abstract: Description of Problem: Amendments to the regulations would permit the Office for Civil Rights to withhold investigatory materials contained in its "Complaint Files and Log" system of records. Alternatives: None. Potential Costs: None. Potential Benefits: None.

Timetable:

Action	Date	FR Cite
NPRM	05/17/82	47 FR 21096
Past rulemaking action	05/17/82	47 FR 21096
NPRM Comment Period Begin	05/18/82	
NPRM Comment Period End	08/13/82	
Final Action	07/00/83	

Small Entity: No

Agency Contact: **Antonio J. Califa**, Director, Department of Education, Litigation, Enforcement, and Policy Service, 400 Maryland Avenue, SW, Washington, DC 20202, **202 245-2184**

RIN: 1800–AA11

NONDISCRIMINATION ON THE BASIS OF RACE, COLOR, NATIONAL ORIGIN, SEX OR HANDICAP IN PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITING FROM FEDERAL FINANCIAL ASSISTA ETC

Legal Authority: 20 USC 1661; 20 USC 1662; 42 USC 2000 et seq; 29 USC 794

CFR Citation: 34 CFR 100; 34 CFR 104; 34 CFR 106

Abstract: Description of Problem: The Secretary is reviewing the provisions of these regulations requiring an applicant for or recipient of Federal financial assistance to complete and submit forms that assure compliance with the regulations. Any proposed amendments would be designed to effect regulatory relief, including the reduction of paperwork and compliance burdens. Alternatives: To be determined. Potential Costs: To be determined. Potential Benefits: To be determined.

Timetable:

Action	Date	FR Cite
NPRM	07/00/83	
Final Action	03/00/84	

Small Entity: No

Agency Contact: **Antonio J. Califa**, Director, Department of Education, Litigation, Enforcement, and Policy Service, 400 Maryland Avenue, SW, Washington, DC 20202, **202 245-2184**

RIN: 1800–AA13

NONDISCRIMINATION ON THE BASIS OF RACE, COLOR, NATIONAL ORIGIN, SEX, OR HANDICAP IN PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITING FROM FEDERAL FINANCIAL ASSISTA ETC

Legal Authority: 42 USC 2000d-1; 29 USC 794; 20 USC 1681; 20 USC 1682

CFR Citation: 34 CFR 100; 34 CFR 104; 34 CFR 106

Abstract: Description of Problem: Proposed amendments to the regulations would exclude contracts of insurance or guaranty from coverage under the regulations implementing these statutes. The amendments would also make the definition of the term "Federal financial assistance" consistent in the regulations. Alternatives: None. Potential Costs: To be determined. Potential Benefits: To be determined.

Timetable:

Action	Date	FR Cite
NPRM	07/00/83	
Final Action	03/00/84	

Small Entity: No

Agency Contact: **Antonio J. Califa**, Director, Department of Education, Litigation, Enforcement, and Policy Service, 400 Maryland Avenue, SW, Washington, DC 20202, **202 245-2184**

RIN: 1800–AA14

NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS AND ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Legal Authority: 42 USC 6101 et seq

CFR Citation: 34 CFR 110

Abstract: Description of Problem: The regulations would implement the Age Discrimination Act of 1975, as amended, with consideration given to effecting regulatory relief by reducing paperwork and compliance burdens. Alternatives: None. Potential Costs: To be determined. Potential Benefits: To be determined.

Timetable:

Action	Date	FR Cite
Final Action	08/00/83	

Small Entity: No

Agency Contact: **Antonio J. Califa**, Director, Department of Education, Litigation, Enforcement, and Policy Service, 400 Maryland Avenue, SW, Washington, DC 20202, **202 245-2184**

RIN: 1800–AA15

NONDISCRIMINATION ON THE BASIS OF RACE, COLOR, OR NATIONAL ORIGIN UNDER PROGRAMS RECEIVING FEDERAL FINANCIAL ASSISTANCE THROUGH THE DEPARTMENT OF EDUCATION (LANGUA ETC

Legal Authority: 42 USC 2000d-1

CFR Citation: 34 CFR 100

Abstract: Description of Problem: The Secretary is reviewing the Department's policy regarding instruction for students whose principal language is not English. The review will consider opportunities for effecting regulatory relief, including reduction of paperwork and compliance burdens. Alternatives: To be determined. Potential Costs: To be determined. Potential Benefits: To be determined.

Timetable:

Action	Date	FR Cite
NPRM	07/00/83	
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: **Antonio J. Califa**, Director, Department of Education, Litigation, Enforcement, and Policy Service, 400 Maryland Avenue, SW, Washington, DC 20202, **202 245-2184**

RIN: 1800–AA17

FINANCIAL ASSISTANCE TO STATE EDUCATIONAL AGENCIES FOR MIGRATORY, NEGLECTED OR DELINQUENT, AND HANDICAPPED CHILDREN (CHAPTER 1, ECIA)

Legal Authority: 20 USC 3801 to 3807; 20 USC 3871 to 3876

CFR Citation: 34 CFR 201 to 204

Abstract: Description of Problem: The amended regulations would implement statutory requirements and provide other necessary information to applicants. Alternatives: None. Potential Costs: None. Potential Benefits: $3,693,475.

Timetable:

Action	Date	FR Cite
NPRM	12/03/82	47 FR 54718
NPRM Comment Period Begin	12/04/82	
NPRM Comment Period End	03/18/83	
Final Action	08/00/83	

Small Entity: No

Agency Contact: **Thomas W. Fagan**, Director, Grants, Policy, & Administration, Department of Education, Compensatory Education Program, 400 MarylandAvenue, SW, Washington, DC 20202, **202 245-9877**

RIN: 1800–AA20

INDIAN EDUCATION FELLOWSHIP PROGRAM

Legal Authority: 20 USC 3385b

CFR Citation: 34 CFR 263

Abstract: Description of Problem: Amendments to the regulations would clarify statutory requirements and substantially reduce administrative burdens on project administrators and applicants. Alternatives: To be determined. Potential Costs: None. Potential Benefits: $25,000.

Timetable:

Action	Date	FR Cite
NPRM	03/10/83	48 FR 10280
NPRM Comment Period Begin	03/11/83	
NPRM Comment Period End	04/24/83	
Final Action	07/00/83	

Small Entity: No

Agency Contact: **Dr. Norman Hearn, DPS**, Director, Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202, **202 245-8236**

RIN: 1800–AA21

FINANCIAL ASSISTANCE TO STATE EDUCATIONAL AGENCIES TO IMPROVE THE INTERSTATE AND INTRASTATE COORDINATION OF MIGRANT EDUCATION ACTIVITIES (CHAPTER 1, ECIA)

Legal Authority: 20 USC 3803(a)

CFR Citation: 34 CFR 205

Abstract: Description of Problem: The amended regulations would establish requirements to promote and enhance interstate and intrastate coordination of migrant education programs. They would also enable the Secretary to establish, (1) in consultation with SEAs, priority areas for program funding and (2) establish appropriate criteria that would ensure the selection of quality proposals in areas of national need. Alternatives: None. Potential Costs: None. Potential Benefits: $16,000.

Timetable:

Action	Date	FR Cite
NPRM	03/00/83	
Final Action	07/00/83	

Small Entity: No

Agency Contact: **Melissa Murray**, Educational Program Specialist, Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202, **202 245-2222**

RIN: 1800–AA22

DESEGREGATION OF PUBLIC ELEMENTARY AND SECONDARY EDUCATION (FORMERLY DESEGREGATION OF PUBLIC EDUCATION)

Legal Authority: 42 USC 2000c

CFR Citation: 34 CFR 270

Abstract: Description of Problem: Any proposed amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of

cost effectiveness. Alternatives: To be determined. Potential Costs: To be determined. Potential Benefits: To be determined.

Timetable:

Action	Date	FR Cite
NPRM	09/00/83	
Final Action	03/00/84	

Small Entity: Undetermined

Agency Contact: **Jack Simms**, Director, Department of Education, Equity Training and Technical Assistance, 400 Maryland Avenue, SW, Washington, DC 20202, **202 245-8484**

RIN: 1800–AA24

INDIAN EDUCATION PROGRAMS

Legal Authority: 20 USC 241aa to 241ff; 20 USC 1211a; 20 USC 1221h; 20 USC 3385a

CFR Citation: 34 CFR 250 to 262

Abstract: Description of Problem: Amendments to the regulations would be designed to (1) effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness; (2) clarify existing regulations, and (3)improve the quality of projects assisted under the programs. Alternatives: Consideration will be given to the use of alternative tiers for certain provisions of the regulations governing Part A entitlement grants. Potential Costs: To be determined. Potential Benefits: To be determined.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: **Dr. Norman Hearn**, Director, Department of Education, DPS, 400 Maryland Avenue, SW, Washington, DC 20202, **202 245-8236**

RIN: 1800–AA25

ASSISTANCE FOR SCHOOL CONSTRUCTION IN AREAS AFFECTED BY FEDERAL ACTIVITIES (SAFA)

Legal Authority: 20 USC 241-1; 20 USC 646

CFR Citation: 34 CFR 221

Abstract: Description of Problem: The amended regulations would (1) implement amendments to the law, (2) clarify existing requirements, and, (3) where practicable, effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. Alternatives: To be determined. Potential Costs: To be determined. Potential Benefits: To be determined.

Timetable:

Action	Date	FR Cite
Future rulemaking	00/00/00	

Small Entity: Undetermined

Agency Contact: **David Phillips**, Acting Head, Department of Education, Policy Development and Analysis Staff, 400 Maryland Avenue, SW, Washington, DC 20202, **202 245-2547**

RIN: 1800–AA26

ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES FOR MAINTENANCE AND OPERATION IN AREAS AFFECTED BY FEDERAL ACTIVITIES

Legal Authority: 20 USC 631 to 647

CFR Citation: 34 CFR 222

Abstract: Description of Problem: The amended regulations would (1) implement amendments to the law, (2) clarify existing requirements, and (3) where practicable, effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. Alternatives: To be determined. Potential Costs: To be determined. Potential Benefits: To be determined.

Timetable:

Action	Date	FR Cite
Future rulemaking	00/00/00	

Small Entity: Undetermined

Agency Contact: **David Phillips**, Acting Head, Department of Education, Policy Development and Analysis Staff, 400 Maryland Avenue, SW, Washington, DC 20202, **202 245-2547**

RIN: 1800–AA27

TRAINING PERSONNEL FOR THE EDUCATION OF THE HANDICAPPED

Legal Authority: 20 USC 1431; 20 USC 1432; 20 USC 1434

CFR Citation: 34 CFR 318

Abstract: Description of Problem: Amendments to the regulations would be designed to effect regulatory relief including reduction of paperwork and compliance burdens and improvement of cost effectiveness. The amendments would also authorize a number of separate competitions to give the Secretary greater flexibility in directing funds to the most critical needs of personnel preparation in special education. Potential costs: None. Potential benefits: $46,000.

Timetable:

Action	Date	FR Cite
NPRM	11/23/82	47 FR 52948
NPRM Comment Period Begin	11/24/82	
NPRM Comment Period End	01/07/83	
Final Action	04/00/83	

Small Entity: No

Agency Contact: **William R. Peterson**, Education Program Specialist, Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202, **202 245-9491**

RIN: 1800–AA30

INCENTIVE GRANTS (EDUCATION FOR THE HANDICAPPED)

Legal Authority: 20 USC 1419

CFR Citation: 34 CFR 301

Abstract: Description of Problem: Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. Specifically, the amendments would reduce administrative burdens to State educational agencies by simplifying and streamlining their requirements. Alternatives: To be determined. Potential Costs: To be determined. Potential Benefits: To be determined.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entity: No

Agency Contact: **Shirley A. Jones**, Acting Deputy Director, Department of Education, Special Education Programs, 400 Maryland Avenue, SW, Washington, DC 20202, **202 245-9661**

RIN: 1800–AA31

RECRUITMENT OF PERSONNEL AND DISSEMINATION OF INFORMATION (EDUCATION FOR THE HANDICAPPED)

Legal Authority: 20 USC 1433

CFR Citation: 34 CFR 320

Abstract: Description of Problem: Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. Alternatives: To be determined. Potential Costs: To be determined. Potential Benefits: To be determined.

ED

Current and Projected Rulemakings

Timetable:

Action	Date	FR Cite
NPRM	05/00/83	
Final Action	09/00/83	

Small Entity: No

Agency Contact: **Helen Corradino**, Education Program Specialist, Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202, **202 245-9722**

RIN: 1800-AA32

VOCATIONAL REHABILITATION SERVICE PROJECTS

Legal Authority: 20 USC 711(c); 20 USC 732; 20 USC 750; 20 USC 777(a)(1); 20 USC 777(a)(3); 20 USC 777(b); 20 USC 777(f); 20 USC 795(g)

CFR Citation: 34 CFR 369 to 375; 34 CFR 378; 34 CFR 379

Abstract: Description of Problem: Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. Alternatives: To be determined. Potential Costs: To be determined. Potential Benefits: To be determined.

Timetable:

Action	Date	FR Cite
NPRM	05/00/83	
Final Action	10/00/83	

Small Entity: No

Agency Contact: **Charles Smolkin**, Acting Director, Department of Education, Policy Development and Review Staff, 400 Maryland Avenue, SW, Washington, DC 20202, **202 472-3796**

RIN: 1800-AA34

REGIONAL RESOURCE CENTERS (EDUCATION FOR THE HANDICAPPED)

Legal Authority: 20 USC 1421

CFR Citation: 34 CFR 305

Abstract: Description of Problem: Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. Alternatives: Consideration will be given to eliminating program regulations and relying on the statute to provide guidance for the administration of projects assisted under the program. Potential Costs: To be determined. Potential Benefits: To be determined.

Timetable:

Action	Date	FR Cite
NPRM	06/00/83	
Final Action	09/00/83	

Small Entity: No

Agency Contact: **Etta Waugh**, Education Program Specialist, Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202, **202 426-1962**

RIN: 1800-AA35

AUXILIARY ACTIVITIES (EDUCATION FOR THE HANDICAPPED)

Legal Authority: 20 USC 1424

CFR Citation: 34 CFR 315

Abstract: Description of Problem: Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. Alternatives: To be determined. Potential Costs: To be determined. Potential Benefits: To be determined.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	
Final Action	09/00/83	

Small Entity: No

Agency Contact: **R. Paul Thompson**, Special Education Programs, Department of Education, Program Development Branch, 400 Maryland Avenue, SW, Washington, DC 20202, **202 472-7993**

RIN: 1800-AA36

INSTRUCTIONAL MEDIA FOR THE HANDICAPPED

Legal Authority: 20 USC 1451; 20 USC 1452

CFR Citation: 34 CFR 330; 34 CFR 331; 34 CFR 332; 34 CFR 333

Abstract: Description of Problem: Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. Alternatives: To be determined. Potential Costs: To be determined. Potential Benefits: To be determined.

Timetable:

Action	Date	FR Cite
NPRM	06/00/83	
Final Action	09/00/83	

Small Entity: No

Agency Contact: **Malcolm Norwood**, Education Program Specialist, Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202, **202 472-4660**

RIN: 1800-AA37

CENTERS FOR INDEPENDENT LIVING

Legal Authority: 29 USC 711(c); 29 USC 796(e)

CFR Citation: 34 CFR 366

Abstract: Description of Problem: Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. Alternatives: The use of program guidelines only, rather than regulations, was considered but determined not to be viable because of the Secretary's need for selection criteria in evaluating applications. Potential Costs: None.

Timetable:

Action	Date	FR Cite
NPRM	01/28/83	48 FR 4007
NPRM Comment Period Begin	01/29/83	
NPRM Comment Period End	03/14/83	
Final Action	07/00/83	

Small Entity: No

Agency Contact: **Charles Smolkin**, Acting Director, Department of Education, Policy Development and Review Staff, 400 Maryland Avenue, SW, Washington, DC 20202, **202 472-3796**

RIN: 1800-AA38

VOCATIONAL REHABILIATATION TRAINING PROGRAMS

Legal Authority: 20 USC 711(c); 20 USC 744; 20 USC 776

CFR Citation: 34 CFR 385 to 390

Abstract: Description of Problem: Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. Alternatives: To be determined. Potential Costs: To be determined. Potential Benefits: To be determined.

Timetable:

Action	Date	FR Cite
NPRM	08/00/83	
Final Action	11/00/83	

Small Entity: No

Agency Contact: Charles Smolkin, Acting Director, Department of Education, Policy Development and Review Staff, 400 Maryland Avenue, SW, Washington, DC 20202, **202 472-3796**

RIN: 1800–AA39

CENTERS AND SERVICES FOR DEAF-BLIND CHILDREN

Legal Authority: 20 USC 1422

CFR Citation: 34 CFR 307

Abstract: Description of Problem: Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. Alternatives: To be determined. Potential Costs: To be determined. Potential Benefits: To be determined.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	
Final Action	09/00/83	

Small Entity: No

Agency Contact: R. Paul Thompson, Chief, Department of Education, Special Need Section, 400 Maryland Avenue, SW, Washington, DC 20202, **202 472-7993**

RIN: 1800–AA40

EARLY EDUCATION FOR HANDICAPPED CHILDREN

Legal Authority: 20 USC 1423

CFR Citation: 34 CFR 309

Abstract: Description of Problem: Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. Alternatives: To be determined. Potential Costs: To be determined. Potential Benefits: To be determined.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	
Final Action	11/00/83	

Small Entity: No

Agency Contact: Richard Champion, Education Program Specialist, Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202, **202 245-9405**

RIN: 1800–AA41

RESEARCH IN EDUCATION OF THE HANDICAPPED

Legal Authority: 20 USC 1414 to 1444

CFR Citation: 34 CFR 324

Abstract: Description of Problem: Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. Alternatives: To be determined. Potential Costs: To be determined. Potential Benefits: To be determined.

Timetable:

Action	Date	FR Cite
NPRM	08/00/83	
Final Action	11/00/83	

Small Entity: No

Agency Contact: Allen Dittman, Section Chief, Department of Education, Research Projects, 400 Maryland Avenue, SW, Washington, DC 20202, **202 472-4640**

RIN: 1800–AA42

REGIONAL EDUCATIONAL PROGRAMS FOR HANDICAPPED PERSONS

Legal Authority: 20 USC 1424a

CFR Citation: 34 CFR 338

Abstract: Description of Problem: Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. Alternatives: To be determined. Potential Costs: To be determined. Potential Benefits: To be determined.

Timetable:

Action	Date	FR Cite
NPRM	06/00/83	
Final Action	11/00/83	

Small Entity: No

Agency Contact: Joseph Rosenstein, Education Program Specialist, Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202, **202 472-4660**

RIN: 1800–AA43

VENDING FACILITY PROGRAM FOR THE BLIND ON FEDERAL AND OTHER PROPERTY

Legal Authority: 20 USC 107a

CFR Citation: 34 CFR 395

Abstract: Description of Problem: Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. Alternatives: To be determined. Potential Costs: To be determined. Potential Benefits: To be determined.

Timetable:

Action	Date	FR Cite
NPRM	07/00/83	
Final Action	11/00/83	

Small Entity: Undetermined

Agency Contact: Charles Smolkin, Acting Director, Department of Education, Policy Development and Review Staff, 400 Maryland Avenue, SW, Washington, DC 20202, **202 472-3796**

RIN: 1800–AA44

STATE-ADMINISTERED AND DISCRETIONARY VOCATIONAL EDUCATION PROGRAMS

Legal Authority: 20 USC 2301 to 2461

CFR Citation: 34 CFR 400; 34 CFR 408

Abstract: Description of Problem: Proposed amendments to the regulations would reduce administrative burdens on State and local agencies and relieve current restrictions on State and local decision-making authority. Alternatives: To be determined.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Sharon A. Jones, Chairperson, Department of Education, Vocational Education Regulations Task Force, 400 Maryland Avenue, SW, Washington, DC 20202, **202 472-5244**

RIN: 1800–AA45

STATE-ADMINISTERED AND DISCRETIONARY ADULT EDUCATION PROGRAMS

Legal Authority: 20 USC 1201; 20 USC 1211c

CFR Citation: 34 CFR 425; 34 CFR 426; 34 CFR 431; 34 CFR 432

Abstract: Description of Problem: Proposed amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. Alternatives: Consideration is being given to eliminating a number of existing regulatory provisions including: (1)

prescribed representation of certain specified types of persons on State advisory councils; (2) the assurance that participants in adult basic education will not be charged tuition and fees; and (3) the requirement that States use a competitive process in evaluating applications for sub-grants. Potential Costs: None.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entity: No

Agency Contact: **Sharon A. Jones**, Chairperson, Department of Education, Vocational Education Regulations Task Force, 400 Maryland Avenue, SW, Washington, DC 20202, **202 472-6244**

RIN: 1800-AA46

BILINGUAL EDUCATION TRAINING PROJECTS PROGRAM

Legal Authority: 20 USC 3231

CFR Citation: 34 CFR 510

Abstract: Description of Problem: Amendments to the regulations would specify additional factors that the Secretary would consider in selecting grantees. Alternatives: To be determined. Potential Costs: To be determined. Potential Benefits: To be determined.

Timetable:

Action	Date	FR Cite
NPRM	01/11/83	48 FR 1202
NPRM Comment Period Begin	01/12/83	
NPRM Comment Period End	02/25/83	
Final Action	04/00/83	

Small Entity: No

Agency Contact: **Regina Robbins**, Regulations Coordinator, Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202, **202 472-3520**

RIN: 1800-AA47

BILINGUAL EDUCATION RESOURCE SERVICE CENTERS

Legal Authority: 20 USC 3211 et seq

CFR Citation: 34 CFR 506

Abstract: Description of Problem: Amendments to the regulations would consolidate the allowable activities under Parts 504 and 505 into one set of regulations under Part 504 and remove Part 505 when the proposed regulations were published in final form. Alternatives: To be determined. Potential Costs: To be determined. Potential Benefits: To be determined.

Timetable:

Action	Date	FR Cite
NPRM	03/00/83	
Final Action	06/00/83	

Small Entity: No

Agency Contact: **Regina Robbins**, Regulations Officer, Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202, **202 472-3520**

RIN: 1800-AA48

GUARANTEED STUDENT LOAN PROGRAM: 1983-84 FAMILY CONTRIBUTION SCHEDULE

Legal Authority: 20 USC 1071 to 1087-4

CFR Citation: 34 CFR 682

Abstract: Description of Problem: The proposed regulations would establish for the 1983-84 academic year levels of expected family contributions that would be used in determining student eligibility for interest subsidies under the Guaranteed Student Loan Program.

Timetable:

Action	Date	FR Cite
Final Action	04/00/83	

Small Entity: No

Agency Contact: **Larry Oxendine**, Chief, Policy Section, Department of Education, Guaranteed Student Loan Branch, 400 Maryland Avenue, SW, Washington, DC 20202, **202 245-2475**

RIN: 1800-AA50

TRAINING PROGRAM FOR SPECIAL PROGRAMS STAFF AND LEADERSHIP PERSONNEL: NOTICE OF PROPOSED PRIORITIES

Legal Authority: 20 USC 1070d to 1d

CFR Citation: Not applicable

Abstract: Description of Problem: This notice establishes priorities the Secretary will use in evaluating applications for grant awards in fiscal year 1983.

Timetable:

Action	Date	FR Cite
NPRM	01/17/83	48 FR 2034
NPRM Comment Period Begin	01/18/83	
NPRM Comment Period End	03/16/83	
Final Action	04/00/83	

Small Entity: Undetermined

Agency Contact: **John Hunt**, Education Program Specialist, Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202, **202 245-5211**

RIN: 1800-AA52

NATIONAL DIRECT STUDENT LOAN PROGRAM (SUBPART C - DUE DILIGENCE)

Legal Authority: 20 USC 421 to 429

CFR Citation: 34 CFR 674

Abstract: Description of Problem: Amendments to Subpart C of the regulations would permit stricter standards in procedures for the collection of student loans. This would aid in reducing the number of defaulted loans. Alternatives: To be determined. Potential Costs: To be determined. Potential Benefits: To be determined.

Timetable:

Action	Date	FR Cite
NPRM	09/00/83	
Final Action	03/00/84	

Small Entity: Undetermined

Agency Contact: **Janet Chad**, Campus-based Program Specialist, Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202, **202 245-9720**

RIN: 1800-AA53

NATIONAL DIRECT STUDENT LOAN, COLLEGE WORK-STUDY, AND SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANT PROGRAMS (CAMPUS-BASED PROGRAMS)

Legal Authority: 20 USC 421 to 429; 42 USC 2751 to 2756b; 20 USC 1070b to b-3

CFR Citation: 34 CFR 674; 34 CFR 675; 34 CFR 676

Abstract: Description of Problem: Amendments to regulations for the three campus-based programs would be designed to effect regulatory relief, including the reduction of paperwork and compliance burdens and the improvement of cost effectiveness. Alternatives: To be determined. Potential Costs: To be determined. Potential Benefits: To be determined.

Timetable:

Action	Date	FR Cite
NPRM	11/00/83	
Final Action	05/00/84	

Small Entity: Undetermined

Agency Contact: Margaret Henry, Chief, Department of Education, Policy Section, Campus-based Branch, 400 Maryland Avenue, SW, Washington, DC 20202, **202 245-9720**

RIN: 1800–AA54

GUARANTEED STUDENT LOAN PROGRAM

Legal Authority: 20 USC 1071 to 1087-4

CFR Citation: 34 CFR 682

Abstract: Description of Problem: Amendments to these regulations would be designed to (1) clarify and simplify the requirements governing the program, and (2) effect regulatory relief, including the reduction of paperwork and compliance burdens and the improvement of cost effectiveness. Alternatives: To be determined. Potential Costs: To be determined. Potential Benefits: To be determined.

Timetable:

Action	Date	FR Cite
NPRM	11/00/83	
Final Action	05/00/84	

Small Entity: Undetermined

Agency Contact: David Bayer, Chief, Department of Education, Guaranteed Student Loan Branch, 400 Maryland Avenue, SW, Washington, DC 20202, **202 245-2475**

RIN: 1800–AA55

PLUS PROGRAM

Legal Authority: 20 USC 1071 to 1087-3a

CFR Citation: 34 CFR 683

Abstract: Description of Problem: Amendments to these regulations would be designed to (1) clarify and simplify the requirements governing the program, and (2) effect regulatory relief, including the reduction of paperwork and compliance burdens and the improvement of cost effectiveness. Alternatives: To be determined. Potential Costs: To be determined. Potential Benefits: To be determined.

Timetable:

Action	Date	FR Cite
NPRM	11/00/83	
Final Action	05/00/84	

Small Entity: Undetermined

Agency Contact: David Bayer, Chief, Department of Education, Guaranteed Student Loan Branch, 400 Maryland Avenue, SW, Washington, DC 20202, **202 245-2475**

RIN: 1800–AA56

PELL GRANT PROGRAM

Legal Authority: 20 USC 1070a

CFR Citation: 34 CFR 690

Abstract: Description of Problem: Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and the improvement of cost effectiveness. Alternatives: To be determined. Potential Costs: To be determined. Potential Benefits: To be determined.

Timetable:

Action	Date	FR Cite
NPRM	11/00/83	
Final Action	05/00/84	

Small Entity: Undetermined

Agency Contact: Brian Kerrigan, Acting Chief, Department of Education, Policy Section, Basic Grant Branch, 400 Maryland Avenue, SW, Washington, DC 20202, **202 472-4300**

RIN: 1800–AA57

STUDENT ASSISTANCE GENERAL PROVISIONS - AMENDMENT

Legal Authority: 20 USC 1970 et seq

CFR Citation: 34 CFR 668

Abstract: Description of Problem: The proposed regulations would implement a recently enacted statute to deny assistance or benefits under the Department's student assistance programs for failure to meet the registration requirements under Section 3 of the Military Selective Service Act. Alternatives: To be determined. Potential Costs: To be determined. Potential Benefits: To be determined.

Timetable:

Action	Date	FR Cite
NPRM	01/27/83	48 FR 3920
NPRM Comment Period Begin	01/28/83	
NPRM Comment Period End	02/28/83	
Final Action	05/00/83	

Small Entity: Undetermined

Agency Contact: Ms. Andrea Foley, Program Manager, Department of Education, Office of Student Financial Assistance, 400 Maryland Avenue, SW, Washington, DC 20202, **202 472-4300**

RIN: 1800–AA58

SECRETARY'S CRITERIA FOR NATIONALLY RECOGNIZED ACCREDITING AGENCIES AND ASSOCIATIONS (CURRENTLY INCLUDED IN 34 CFR 603 -- SECRETARY'S RECOGNITION PROCEDURES FOR NATIONAL ETC

Legal Authority: 20 USC 1141a et al

CFR Citation: 34 CFR 602

Abstract: Description of Problem: Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. Alternatives: To be determined. Potential Costs: To be determined. Potential Benefits: To be determined.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Barbara Binker, Education Program Specialist, Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202, **202 245-2810**

RIN: 1800–AA59

SECRETARY'S CRITERIA FOR STATE APPROVAL AGENCIES FOR PUBLIC POSTSECONDARY VOCATIONAL EDUCATION (CURRENTLY INCLUDED IN 34 CFR 603 -- SECRETARY'S RECOGNITION PROCEDURES FOR ETC

Legal Authority: 20 USC 1094(b)(3)

CFR Citation: 34 CFR 603

Abstract: Description of Problem: Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. Alternatives: To be determined. Potential Costs: To be determined. Potential Benefits: To be determined.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Joan Givens, Education Program Specialist, Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202, **202 245-2262**

RIN: 1800–AA60

ED

Current and Projected Rulemakings

HIGHER EDUCATION PROGRAMS IN MODERN FOREIGN LANGUAGE TRAINING AND AREA STUDIES (FULBRIGHT-HAYS)

Legal Authority: 20 USC 2452

CFR Citation: 34 CFR 662 to 665

Abstract: Description of Problem: Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. Alternatives: To be determined. Potential Costs: To be determined. Potential Benefits: To be determined.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	
Final Action	09/00/83	

Small Entity: Undetermined

Agency Contact: Ralph Hines, Education Program Specialist, Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202, **202 245-2794**

RIN: 1800-AA61

STUDENT ASSISTANCE GENERAL PROVISIONS

Legal Authority: 20 USC 1085; 20 USC 1088; 20 USC 1092; 20 USC 1094; 20 USC 1097; 20 USC 1141(a)

CFR Citation: 34 CFR 668

Abstract: Description of Problem: Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and the improvement of cost effectiveness. Alternatives: To be determined. Potential Costs: To be determined. Potential Benefits: To be determined.

Timetable:

Action	Date	FR Cite
NPRM	11/00/83	
Final Action	05/00/84	

Small Entity: Undetermined

Agency Contact: Brian Kerrigan, Acting Chief, Department of Education, Policy Section, Basic Grant Branch, 400 Maryland Avenue, SW, Washington, DC 20202, **202 472-4300**

RIN: 1800-AA62

PELL GRANT PROGRAMS: 1984-85 FAMILY CONTRIBUTION SCHEDULE

Legal Authority: 20 USC 1085; 20 USC 1088; 20 USC 1092; 20 USC 1094; 20 USC 1097; 20 USC 1141(a); 20 USC 1070a

CFR Citation: 34 CFR 668; 34 CFR 690

Abstract: Description of Problem: The proposed regulations would establish the expected family contributions to be used in determining the financial need of students applying for assistance under the Pell Grant and campus-based programs for academic year 1984-85. Alternatives: To be determined. Potential Costs: Not applicable. Potential Benefits: Not applicable.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	
Final Action	05/15/83	

Small Entity: Undetermined

Agency Contact: Brian Kerrigan, Acting Chief, Department of Education, Policy Section, Basic Grant Branch, 400 Maryland Avenue, SW, Washington, DC 20202, **202 472-4300**

RIN: 1800-AA63

GUARANTEED STUDENT LOAN PROGRAM: 1984-85 FAMILY CONTRIBUTION SCHEDULE

Legal Authority: 20 USC 1071 to 1087-4

CFR Citation: 34 CFR 682

Abstract: The proposed regulations for the GSL 1984-85 family contribution schedule would adopt the GSL 1983-84 family contribution schedule with appropriate revisions to reflect the most recent and relevant data.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	
Final Action	06/00/83	

Small Entity: Undetermined

Agency Contact: Larry Oxendine, Chief, Policy Section, Department of Education, Guaranteed Student Loan Branch, 400 Maryland Avenue, SW, Washington, DC 20202, **202 245-2475**

RIN: 1800-AA64

LIBRARY SERVICES, PUBLIC LIBRARY CONSTRUCTION, AND INTERLIBRARY COOPERATION

Legal Authority: 20 USC 351

CFR Citation: 34 CFR 770

Abstract: Description of Problem: Amendments to the regulations would be designed to (1) clarify and simplify the requirements governing the program, and (2) effect regulatory relief, including the reduction of paperwork and compliance burdens and the improvement of cost effectiveness. Alternatives: None. Potential Costs: None. Potential Benefits: $11,300.

Timetable:

Action	Date	FR Cite
NPRM	02/28/83	48 FR 8303
NPRM Comment Period Begin	03/01/83	
NPRM Comment Period End	04/29/83	
Final Action	08/00/83	

Small Entity: Undetermined

Agency Contact: Robert Klassen, Branch Chief, Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202, **202 254-9664**

RIN: 1800-AA65

NATIONAL INSTITUTE OF EDUCATION: EDUCATIONAL RESEARCH GRANT PROGRAM

Legal Authority: 20 USC 1221e

CFR Citation: 34 CFR 701; 34 CFR 702; 34 CFR 703; 34 CFR 709; 34 CFR 710; 34 CFR 716; 34 CFR 718; 34 CFR 720

Abstract: Description of Problem: Amendments to these regulations would be designed to (1) consolidate, clarify, and simplify the requirements governing the program, and (2) effect regulatory relief, including the reduction of paperwork and compliance burdens and the improvement of cost effectiveness. Alternatives: To be determined. Potential Costs: To be determined. Potential Benefits: To be determined.

Timetable:

Action	Date	FR Cite
NPRM	06/00/83	
Final Action	10/00/83	

Small Entity: Undetermined

Agency Contact: Frederick Mulhauser, Research Associate, Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202, **202 254-7930**

RIN: 1800-AA67

WOMEN'S EDUCATIONAL EQUITY ACT PROGRAM

Legal Authority: 20 USC 3341 to 3348

CFR Citation: 34 CFR 745

Abstract: Description of Problem: Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. Alternatives: To be determined. Potential Costs: To be determined. Potential Benefits: To be determined.

Timetable:

Action	Date	FR Cite
NPRM	06/00/83	
Final Action	10/00/83	

Small Entity: No

Agency Contact: Leslie Wolfe, Director, Department of Education, Women's Educational Equity Act Program, 400 Maryland Avenue, SW, Washington, DC 20202, **202 245-2181**

RIN: 1800–AA68

TERRITORIAL TEACHER TRAINING ASSISTANCE

Legal Authority: Education Amendments of 1978, See 1525, Part C of Title XV

CFR Citation: 34 CFR 790

Abstract: Description of Problem: Amendments to the regulations would be designed to (1) clarify and simplify the requirements governing the program, and (2) effect regulatory relief, including the reduction of paperwork and compliance burdens and the improvement of cost effectiveness. Alternatives: To be determined. Potential Costs: To be determined. Potential Benefits: To be determined.

Timetable:

Action	Date	FR Cite
NPRM	06/00/83	
Final Action	10/00/83	

Small Entity: Undetermined

Agency Contact: Andrew Lebby, Deputy Director, Department of Education, Off. of Dissemination & Professional Devel., 400 Maryland Avenue, SW, Washington, DC 20202, **202 653-5844**

RIN: 1800–AA69

NATIONAL DIFFUSION NETWORK PROGRAM

Legal Authority: 20 USC 3041

CFR Citation: 34 CFR 796

Abstract: Description of Problem: Amendments to the regulations would be designed to (1) clarify and simplify the requirements governing the program, and (2) effect regulatory relief, including the reduction of paperwork and compliance burdens and the improvement of cost effectiveness. Alternatives: To be determined. Potential Costs: To be determined. Potential Benefits: To be determined.

Timetable:

Action	Date	FR Cite
NPRM	06/00/83	
Final Action	10/00/83	

Small Entity: Undetermined

Agency Contact: Robert Mulligan, Deputy Director, Department of Education, National Diffusion Network, 400 Maryland Avenue, SW, Washington, DC 20202, **202 653-7000**

RIN: 1800–AA70

BILINGUAL EDUCATION ACT PROGRAMS (TITLE VII, ESEA)

Legal Authority: 20 USC 3221 to 3261

CFR Citation: 34 CFR 500 to 505; 34 CFR 510; 34 CFR 514; 34 CFR 515; 34 CFR 520

Abstract: Description of Problem: Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. Alternatives: To be determined. Potential Costs: To be determined. Potential Benefits: To be determined.

Timetable:

Action	Date	FR Cite
NPRM	06/00/83	
Final Action	11/00/83	

Small Entity: No

Agency Contact: Regina Robbins, Regulations Officer, Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202, **202 472-3520**

RIN: 1800–AA71

BILINGUAL EDUCATION VOCATIONAL PROGRAMS

Legal Authority: 20 USC 2301 to 2461

CFR Citation: 34 CFR 525; 34 CFR 526; 34 CFR 527

Abstract: Description of Problem: Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. Alternatives: To be determined. Potential Costs: To be determined. Potential Benefits: To be determined.

Timetable:

Action	Date	FR Cite
NPRM	06/00/83	
Final Action	11/00/83	

Small Entity: No

Agency Contact: Regina Robbins, Regulations Officer, Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202, **202 472-3520**

RIN: 1800–AA72

TRANSITION PROGRAM FOR REFUGEE CHILDREN

Legal Authority: 20 USC 1522(d)

CFR Citation: 34 CFR 538

Abstract: Description of Problem: Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. Alternatives: To be determined. Potential Costs: To be determined. Potential Benefits: To be determined.

Timetable:

Action	Date	FR Cite
NPRM	05/00/83	
Final Action	09/00/83	

Small Entity: No

Agency Contact: Regina Robbins, Regulations Officer, Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202, **202 472-3520**

RIN: 1800–AA73

LAND GRANT COLLEGES AND UNIVERSITIES

Legal Authority: 20 USC 00

CFR Citation: 34 CFR 612

Abstract: Description of Problem: Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. Alternatives: To be determined. Potential Costs: To be determined. Potential Benefits: To be determined.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: **Margaret Conway**, Program Attorney, Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202, **202 426-5100**

RIN: 1800-AA74

FEDERAL STATE RELATIONSHIP, AGREEMENTS

Legal Authority: 20 USC 1143

CFR Citation: 34 CFR 604

Abstract: Description of Problem: Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. Alternatives: To be determined. Potential Costs: To be determined. Potential Benefits: To be determined.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: **Edwin J. Neumann**, Acting Chief, Department of Education, Education Outreach Branch, 400 Maryland Avenue, SW, Washington, DC 20202, **202 245-9868**

RIN: 1800-AA75

FINANCIAL ASSISTANCE FOR CONSTRUCTION, RECONSTRUCTION, AND RENOVATION OF ACADEMIC FACILITIES

Legal Authority: 20 USC 1132a to 1132e-1

CFR Citation: 34 CFR 617 to 621

Abstract: Description of Problem: Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. Alternatives: To be determined. Potential Costs: To be determined. Potential Benefits: To be determined.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: **Charles I. Griffith**, Chief, Department of Education, College Facility Branch, 400 Maryland Avenue, SW, Washington, DC 20202, **202 245-9868**

RIN: 1800-AA76

●EDUCATION DEPARTMENT GENERAL ADMINISTRATIVE REGULATION (EDGAR): INTEREST COLLECTION

Legal Authority: 20 USC 1221e - 3(a)(1); OMB Circular A-50

CFR Citation: 34 CFR 75; 34 CFR 76

Abstract: Description of Problem: The regulations would add new sections to EDGAR to cover the Department's policy on charging interest on outstanding debts that contractors and grantees owe to the Government under certain ED programs.

Timetable:

Action	Date	FR Cite
Interim Final Rule	00/00/00	

Small Entity: Undetermined

Agency Contact: **William L. Ward**, Special Assistant to Comptroller, Department of Education, 400 Maryland Avenue, Washington, D.C. 20202, **202 472-6032**

RIN: 1800-AA77

●PELL GRANT PROGRAM - ALTERNATE DISBURSEMENT SYSTEM

Legal Authority: 20 USC 1070a

CFR Citation: 34 CFR 690.91; 34 CFR 690.93; 34 CFR 690.94; 34 CFR 690.95; 34 CFR 690.96; 34 CFR 690.97; 34 CFR 690.98; 34 CFR 690.99; 34 CFR 690.100; 34 CFR 690.101

Abstract: The regulations would amend existing regulations for the Pell Grant Program by increasing the responsibilities of institutions participating under the Alternate Disbursement System. Alternatives: None. Potential Costs: To be determined.

Timetable:

Action	Date	FR Cite
NPRM	05/04/82	47 FR 19288
NPRM Comment Period Begin	05/04/82	
NPRM Comment Period End	06/03/82	
Final Action	06/01/83	

Small Entity: No

Agency Contact: **Brian Kerrigan**, Chief, Policy Section, Basic Grants, Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202, **202 472-4300**

RIN: 1800-AA78

DEPARTMENT OF EDUCATION (ED) — Existing Regulations Under Review

●EDUCATION DEPARTMENT GENERAL ADMINISTRATIVE REGULATIONS

Priority: Task Force

Legal Authority: N/A

CFR Citation: 34 CFR 74; 34 CFR 75; 34 CFR 76; 34 CFR 77; 34 CFR 78

Abstract: This notice would present issues and problems identified in Title 34 CFR Parts 74, 75, 76, 77, and 78. The notice would invite interested parties to comment on these issues and problems and to identify any additional issues or problems, opportunities to reduce regulatory burdens, and opportunities to effect cost savings.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	
NPRM	00/00/00	
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: **Frank Sobol**, Project Manager, Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202, **202 245-0896**

RIN: 1800-AA82

●STUDENT ASSISTANCE GENERAL PROVISIONS – VERIFICATION PROCEDURES

Legal Authority: 20 USC 1070a

CFR Citation: 34 CFR 668

Abstract: The proposed regulations would add a new section on verification of information submitted by applicants for Federal student assistance under programs of Title IV of the Higher Education Act of 1965, as amended. Alternatives: None. Potential Costs: To be determined.

Timetable:

Action	Date	FR Cite
End Review	06/01/83	
NPRM	06/01/83	

ED

Existing Regulations Under Review

Action	Date	FR Cite
Final Action	10/01/83	

Small Entity: No

Agency Contact: **Margaret Henry**, Chief, Policy Section, Campus-Based Program, Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202, **202 245-9720**

RIN: 1800–AA79

STUDENT ASSISTANCE GENERAL PROVISIONS - STANDARDS FOR SATISFACTORY PROGRESS

Legal Authority: 20 USC 1070 et seq

CFR Citation: 34 CFR 668.16; 34 CFR 668.74; 34 CFR 668.75; 34 CFR 668.76; 34 CFR 668.77; 34 CFR 668.78; 34 CFR 668.79; 34 CFR 668.80; 34 CFR 668.81 to 88

Abstract: The regulations would amend the existing Student Assistance General Provisions regulations by (1) setting standards of satisfactory academic progress for students receiving aid under the student assistance programs of Title IV of the Higher Education Act of 1965, as amended, and (2) simplifying adversarial proceedings against post-secondary educational institutions alleged to have misused funds under these programs. Alternatives: None. Potential Costs: To be determined.

Timetable:

Action	Date	FR Cite
End Review	05/04/82	
NPRM	05/04/82	47 FR 19288
NPRM Comment Period Begin	05/04/82	
NPRM Comment Period End	06/03/82	
Final Action	06/01/83	

Small Entity: No

Agency Contact: **Brian Kerrigan**, Chief, Policy Section, Basic Grants Branch, Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202, **202 472-4300**

RIN: 1800–AA80

STUDENT ASSISTANCE GENERAL PROVISIONS - INDEPENDENT STUDENT DEFINITION

Legal Authority: 20 USC 1070a

CFR Citation: 34 CFR 668.1a

Abstract: The proposed amendment would add a definition of "independent student" to the Student Assistance General Assistance regulations. The definition would apply to all student assistance programs under Title IV of the Higher Education Act of 1965, as amended, except the State Student Incentive Grants Program. Alternatives: None. Potential Costs: None.

Timetable:

Action	Date	FR Cite
End Review	04/01/83	
NPRM	04/01/83	
Final Action	05/15/83	

Small Entity: No

Agency Contact: **Brian Kerrigan**, Chief, Policy Section, Basic Grants, Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202, **202 472-4300**

RIN: 1800–AA81

DEPARTMENT OF EDUCATION (ED)

Completed Actions

COMPLETED RULEMAKINGS

NONDISCRIMINATION ON THE BASIS OF SEX IN PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITING FROM FEDERAL FINANCIAL ASSISTANCE (COLLEGE ATHLETICS POLICY)

Priority: Task Force

Legal Authority: 20 USC 1681; 20 USC 1682

CFR Citation: 34 CFR 106

Abstract: Description of Problem: The documents under review include the 1979 policy interpretation of the intercollegiate athletic provisions of Title IX of the Education Amendments of 1972 and the regulations implementing those provisions. The review will consider opportunities for effecting regulatory relief, including reduction in paperwork and compliance burdens. Alternatives: To be determined. Potential Costs: To be determined. Potential Benefits: To be determined.

Timetable:

Action	Date	FR Cite
Withdrawn	03/21/83	

Small Entity: Undetermined

Agency Contact: **Antonio J. Califa**, Director, Department of Education, Litigation, Enforcement, and Policy Service, 400 Maryland Avenue, SW, Washington, DC 20202, **202 245-2184**

RIN: 1800–AA01

NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITING FROM FEDERAL FINANCIAL ASSISTANCE (PROVISION OF AUXILIARY AIDS)

Priority: Task Force

Legal Authority: 29 USC 794

CFR Citation: 34 CFR 104

Abstract: Description of Problem: The Secretary is reviewing regulatory requirements regarding the provision of auxiliary aids. The review will consider opportunities for effecting regulatory relief, including reduction of paperwork and compliance burdens, and improvement of cost effectiveness. Alternatives: To be determined. Potential costs: To be determined. Potential benefits: To be determined. To be published 4 months after the final DOJ 504 guidelines are published.

Timetable:

Action	Date	FR Cite
Withdrawn	03/21/83	

Small Entity: Undetermined

Agency Contact: **Antonio J. Califa**, Director, Department of Education, Litigation, Enforcement, and Policy Service, 400 Maryland Avenue, SW, Washington, DC 20202, **202 245-2184**

RIN: 1800–AA02

NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITING FROM FEDERAL FINANCIAL ASSISTANCE (ELEMENTARY AND SECONDARY EDUCATION)

Priority: Task Force

Legal Authority: 29 USC 794

CFR Citation: 34 CFR 104

Abstract: Description of Problem: The Secretary is reviewing regulatory provisions governing the elementary and secondary education of handicapped students (Subpart D of the regulations). The review will consider opportunities for effecting regulatory relief, including reduction of paperwork and compliance burdens.

Alternatives to be determined. Potential Costs: To be determined. Potential Benefits: To be determined. To be published 4 months after the final DOJ 504 guidelines are published.

Timetable:

Action	Date	FR Cite
Withdrawn	03/21/83	

Small Entity: Undetermined

Agency Contact: **Antonio J. Califa**, Director, Department of Education, Litigation, Enforcement, and Policy Service, 400 Maryland Avenue, SW, Washington, DC 20202, **202 245-2184**

RIN: 1800-AA03

NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITING FROM FEDERAL FINANCIAL ASSISTANCE (PROGRAM ACCESSIBILITY)

Priority: Task Force

Legal Authority: 29 USC 794

CFR Citation: 34 CFR 104

Abstract: Description of Problem: The Secretary is reviewing the Department's regulatory requirements for program accessibility by handicapped persons, including standards governing accessibility to facilities. The review will consider opportunities for effecting regulatory relief, including reduction of paperwork and compliance burdens. Alternatives: To be determined. Potential Costs: To be determined. Potential Benefits: To be determined. To be published 4 months after the final DOJ 504 guidelines are published.

Timetable:

Action	Date	FR Cite
Withdrawn	03/21/83	

Small Entity: Undetermined

Agency Contact: **Antonio J. Califa**, Director, Department of Education, Litigation, Enforcement, and Policy Service, 400 Maryland Avenue, SW, Washington, DC 20202, **202 245-2184**

RIN: 1800-AA04

AVAILABILITY OF INFORMATION OF THE PUBLIC UNDER THE "FREEDOM OF INFORMATION ACT"

Legal Authority: 5 USC 552

CFR Citation: 34 CFR 5

Abstract: Description of Problem: Amendments would update and clarify the regulations. Alternatives: None. Potential Costs: None. Potential Benefits: None. To be rescheduled at a later date.

Timetable:

Action	Date	FR Cite
Withdrawn	02/28/83	

Small Entity: No

Agency Contact: **Jack L. Billings**, Privacy Act Officer, Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202, **202 472-3338**

RIN: 1800-AA09

PRIVACY ACT REGULATIONS

Legal Authority: 5 USC 552a

CFR Citation: 34 CFR 5b

Abstract: Description of Problem: Amendments to these regulations would be designed to establish procedures for notifying individuals about the existence of and access to their medical records, and provide for an appeals procedure for individuals denied access to any records about themselves that are maintained in systems of records of the Department. Other amendments would be designed to effect regulatory relief. Alternatives: To be determined. Potential Costs: To be determined. Potential Benefits: To be determined. To be rescheduled at a later date.

Timetable:

Action	Date	FR Cite
Withdrawn	02/28/83	

Small Entity: Undetermined

Agency Contact: **Jack Billings**, Privacy Act Officer, Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202, **202 472-3338**

RIN: 1800-AA10

NONDISCRIMINATION ON THE BASIS OF SEX IN PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITING FROM FEDERAL FINANCIAL ASSISTANCE (NOTIFICATION OF NONDISCRIMINATION POLICY)

Legal Authority: 20 USC 1681; 20 USC 1682

CFR Citation: 34 CFR 106

Abstract: Description of Problem: The provision of the regulations under review specifies the minimal requirements a recipient of Federal financial assistance must meet in issuing an initial notification of its policy of nondiscrimination. Any proposed amendments would give the recipient more discretion in providing notice of its nondiscriminatory policy and would eliminate obsolete or duplicative requirements. Alternatives: To be determined. Potential Costs: To be determined. Potential Benefits: To be determined. To be rescheduled at a later date.

Timetable:

Action	Date	FR Cite
Withdrawn	02/28/83	

Small Entity: No

Agency Contact: **Antonio J. Califa**, Director, Department of Education, Litigation, Enforcement, and Policy Service, 400 Maryland Avenue, SW, Washington, DC 20202, **202 245-2184**

RIN: 1800-AA12

NONDISCRIMINATION ON THE BASIS OF RACE, COLOR, NATIONAL ORIGIN, SEX, OR HANDICAP IN PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITING FROM FEDERAL FINANCIAL ASSISTA ETC

Legal Authority: 42 USC 2000d-1; 29 USC 794; 20 USC 1681; 20 USC 1682

CFR Citation: 34 CFR 100; 34 CFR 104; 34 CFR 106

Abstract: Description of Problem: The Secretary is reviewing the definition of "program or activity" as used in the regulations implementing the civil rights statutes enforced by the Department. Consideration will be given to effecting regulatory relief, where appropriate, in any proposed amendments that may result from this review. Alternatives: To be determined. Potential Costs: To be determined. Potential Benefits: To be determined.

Timetable:

Action	Date	FR Cite
Withdrawn	03/21/83	

Small Entity: Undetermined

Agency Contact: **Antonio J. Califa**, Director, Department of Education, Litigation, Enforcement, and Policy Service, 400 Maryland Avenue, SW, Washington, DC 20202, **202 245-2184**

RIN: 1800-AA16

CHAPTER 1, ECIA, GRANTS TO LEAS TO MEET THE SPECIAL EDUCATIONAL NEEDS OF DISADVANTAGED CHILDREN

Legal Authority: 20 USC 3801 to 3806; 20 USC 3807; 20 USC 3871 to 3876

CFR Citation: 34 CFR 200; 34 CFR 201

Abstract: Description of Problem: The Secretary is reviewing final regulations

published on July 29, 1982 (47 FR 32856). Any additional publication would address the applicability of the General Education Provision Act to these regulations. Alternatives: To be determined. Potential Costs: To be determined. Potential Benefits: To be determined.

Timetable:

Action	Date	FR Cite
Final Action	11/19/82	47 FR 52340
Final Action Effective	01/12/83	

Small Entity: No

Agency Contact: **Dr. John Staehle**, Deputy Director, Department of Education, Compensatory Education Programs, 400 Maryland Avenue, SW, Washington, DC 20202, **202 245-3081**

RIN: 1800-AA18

CHAPTER 2, ECIA, CONSOLIDATION OF ELEMENTARY AND SECONDARY EDUCATION PROGRAMS (BLOCK GRANTS)

Legal Authority: 20 USC 3811 to 3876

CFR Citation: 34 CFR 298

Abstract: Description of Problem: The Secretary is reviewing final regulations published on July 29, 1982 (47 FR 32884). Any additional publication would address the applicability of the General Education Provision Act to these regulations. Alternatives: To be determined. Potential Costs: To be determined. Potential Benefits: To be determined.

Timetable:

Action	Date	FR Cite
Final Action	11/19/82	47 FR 52368
Final Action Effective	01/12/83	

Small Entity: No

Agency Contact: **Allen King**, Deputy Director, Department of Education, Division of Educational Support for State, and Local Education Programs, 400 Maryland, Avenue, SW, Washington, DC 20202, **202 245-8223**

RIN: 1800-AA19

FOLLOW THROUGH PROGRAM

Legal Authority: 20 USC 9861 to 9868

CFR Citation: 34 CFR 215

Abstract: Description of Problem: Amendments to the regulations would be designed to (1) incorporate legislative changes and (2) effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. Alternatives: To be determined. Potential Costs: None. Potential Benefits: $5,400. To be rescheduled at a later date.

Timetable:

Action	Date	FR Cite
Withdrawn	02/17/83	

Small Entity: No

Agency Contact: **Susan Green**, Project Manager, Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202, **202 245-9846**

RIN: 1800-AA23

ENTITLEMENTS TO CHILDREN RESIDING ON INDIAN LANDS (SAFA)

Legal Authority: 20 USC 340(b)(3)

CFR Citation: 34 CFR 223

Abstract: Description of Problem: The amended regulations would (1) implement amendments to the law, (2) clarify certain regulatory provisions, and, (3) where practicable, effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. Alternatives: To be determined. Potential Costs: To be determined. Potential Benefits: To be determined. To be rescheduled at a later date.

Timetable:

Action	Date	FR Cite
Withdrawn	02/28/83	

Small Entity: No

Agency Contact: **David Phillips**, Acting Head, Department of Education, Policy Development and Analysis Staff, 400 Maryland Avenue, SW, Washington, DC 20202, **202 245-2547**

RIN: 1800-AA28

GUIDANCE AND COUNSELING

Legal Authority: 20 USC 2531 to 2534

CFR Citation: 34 CFR 211

Abstract: Description of Problem: The Secretary is reviewing these regulations to determine whether they are necessary in view of the provisions of the Education Consolidation and Improvement Act of 1981. Alternatives: To be determined. Potential Costs: To be determined. Potential Benefits: To be determined. To be rescheduled at a later date.

Timetable:

Action	Date	FR Cite
Withdrawn	12/15/82	

Small Entity: Undetermined

Agency Contact: **Allen King**, Deputy Director, Department of Education, Educational Support Services, 400 Maryland Avenue, SW, Washington, DC 20202, **202 245-8832**

RIN: 1800-AA29

TRAINING PROGRAMS FOR TEACHERS OF HANDICAPPED CHILDREN IN AREAS WITH A SHORTAGE

Legal Authority: 20 USC 1119b to 1119b-5

CFR Citation: 34 CFR 322

Abstract: Description of Problem: Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. Alternatives: To be determined. Potential Costs: To be determined. Potential Benefits: To be determined. To be rescheduled at a later date.

Timetable:

Action	Date	FR Cite
Withdrawn	02/28/83	

Small Entity: No

Agency Contact: **William Wolfe**, Budget Analyst, Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202, **202 245-9661**

RIN: 1800-AA33

ELIGIBILITY OF FOREIGN MEDICAL SCHOOLS UNDER THE GUARANTEED STUDENT LOAN PROGRAM

Legal Authority: 20 USC 1082; 20 USC 1085(a)

CFR Citation: 34 CFR 601

Abstract: Description of Problem: These regulations would establish the procedures and criteria used in determining whether medical schools located outside the United States and Canada are eligible to participate in the Guaranteed Student Loan Program. Alternatives: None. Potential Costs: Not applicable. Potential Benefits: Not applicable.

Timetable:

Action	Date	FR Cite
Final Action	02/25/83	48 FR 8061
Final Action Effective	04/11/83	

ED

Completed Actions

Small Entity: No

Agency Contact: **Richard J. Rowe**, Director, Department of Education, Eligibility and Agency Evaluation Staff, 400 Maryland Avenue, SW, Washington, DC 20202, **202 245-9873**

RIN: 1800–AA49

PELL GRANT NATIONAL DIRECT STUDENT LOAN, COLLEGE WORK-STUDY, AND SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANT PROGRAMS: 1983-84 FAMILY CONTRIBUTION SCHEDULE

Legal Authority: 20 USC 1085; 20 USC 1088; 20 USC 1092; 20 USC 1097; 20 USC 1141(a); 20 USC 1070a

CFR Citation: 34 CFR 668; 34 CFR 690

Abstract: Description of Problem: The regulations would be used in determining the expected family contributions for academic year 1983-84 for the Pell Grant Program and the campus-based programs. Alternatives: The Administration has proposed to the Congress significant changes in the Pell Grant Program. These changes are designed to (1) establish a separate need analysis for the Pell Grant Program, (2) improve the integrity of the program, and (3) effect a more stringent standard for defining "independent student." If the Congress were to disapprove or not act on the proposed changes, the need analysis provisions of the authorizing legislation would prevail. The proposed rules covered both alternatives, i.e., Congressional enactment or no change in the law. Potential Costs: Not applicable. Potential Benefits: Not applicable.

Timetable:

Action	Date	FR Cite
NPRM	08/02/82	47 FR 33412
Final Action	10/28/82	47 FR 47846
Final Action Effective	11/12/82	

Small Entity: No

Agency Contact: **Brian Kerrigan**, Acting Chief, Department of Education, Policy Section, Basic Grant Branch, 400 Maryland Avenue, SW, Washington, DC 20202, **202 472-4300**

RIN: 1800–AA51

GOVERNMENT IN THE SUNSHINE ACT

Legal Authority: 20 USC 1221e

CFR Citation: 34 CFR 705

Abstract: Description of Problem: Amendments to the regulations would be designed to (1) clarify and simplify the requirements governing the program, and (2) effect regulatory relief, including the reduction of paperwork and compliance burdens and the improvement of cost effectiveness. Alternatives: To be determined. Potential Costs: To be determined. Potential Benefits: To be determined. To be rescheduled at a later date.

Timetable:

Action	Date	FR Cite
Withdrawn	02/28/83	

Small Entity: Undetermined

Agency Contact: **Eileen Nicosia**, Acting Chief, Department of Education, Policy and Administrative Coordination, 400 Maryland Avenue, SW, Washington, DC 20202, **202 254-7900**

RIN: 1800–AA66

[FR Doc. 83-9559 Filed 4-22-83; 8:45 am]
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federal register

Monday
April 25, 1983

Part VII

Department of Energy

Regulatory Agenda

DOE

DEPARTMENT OF ENERGY

10 CFR Chs. II, III, and X 41 CFR Ch. 9

Regulatory Agenda

AGENCY: Department of Energy.

ACTION: April 1983 Regulatory Agenda.

SUMMARY: The Department of Energy (DOE) is publishing an agenda of regulatory activities that DOE expects to take in the next year or has completed since October 1982. This Regulatory Agenda includes (1) all rules expected to be issued as proposed or final rules before April 1983, (2) all rules being reviewed within the Department to determine whether to propose modifications through rulemaking, and (3) all rules for which regulatory action has been completed since the October 1982 Regulatory Agenda. In addition, the Agenda identifies each rule that DOE expects to propose or promulgate which is "likely to have a significant economic impact on a substantial number of small entities," and thus also serves as the Department's regulatory flexibility agenda. The Agenda does not include routine regulations and those that relate to internal agency management. Many of the included rules relate to programs that are inconsistent with the Administration's policies and DOE is promulgating such rules only because they are required by statute to be promulgated.

FOR FURTHER INFORMATION CONTACT:

General

For further information on the Agenda in general, contact: William Funk, Assistant General Counsel for Regulatory Oversight, Department of Energy, Room 6A-141, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-6736

Specific

For further information about any particular item on the Agenda, contact the individual listed under that item.

SUPPLEMENTARY INFORMATION:

Executive Order 12291 (46 FR 13193, February 19, 1981), requires each Federal agency to publish, in April and October of each year, an agenda of proposed regulations that the agency has issued or expects to issue, and currently effective rules that are under agency review. OMB Bulletin 83-8 sets forth standards and procedures for the preparation of these agendas.

Executive Order 12291 also provides that the regulatory agenda may be incorporated with the "regulatory flexibility agenda" required under the Regulatory Flexibility Act (Pub. L. 96-354, 5 U.S.C. 602). The regulatory flexibility agenda must contain: (1) a brief description of the subject area of and a summary of the nature of any rule which the agency expects to propose or promulgate which is "likely to have a significant economic impact on a substantial number of small entities"; (2) the objectives and legal basis for the issuance of the rule, and an approximate schedule for completing action on any rule for which the agency has issued a general notice of proposed rulemaking; and (3) the name and telephone number of an agency official knowledgeable concerning each such rule.

Appended to this Notice is DOE's April 1983 Regulatory Agenda, reflecting the status of rules listed as of March 1, 1983. Incorporated in this Agenda is the regulatory flexibility agenda required under 5 U.S.C. 602. Pursuant to OMB Bulletin 83-8 DOE has adopted the new standard format developed for the Agenda by the Government Printing Office. DOE believes the new standard format is clear and concise and involves financial savings for DOE in publication of the Agenda.

Many of these rules are required by statute to be promulgated. Were it not for these legal requirements, DOE would not promulgate these rules because the Administration has indicated that these programs are inconsistent with the Administration's policies. Rules of this type are identified in the additional information section. DOE will, of course, in promulgating these rules comply with the requirements of Executive Order 12291 and the Regulatory Flexibility Act.

The April 1983 Regulatory Agenda has been prepared in accordance with OMB Bulletin 83-8. Regulatory activities have been divided among the following three categories: (1) current and projected rulemakings (that is, rulemakings for which a **Federal Register** notice already has been issued or is expected to be issued prior to April 1984); (2) reviews of existing regulations (that is, pending reviews within the agency to determine whether to modify an existing regulation through a rulemaking); and (3) completed actions (that is, regulatory activities for which the agency has completed its action prior to the publication of the current agenda). Within the past two years DOE has completed two comprehensive reviews of its regulations. (46 FR 20506, April 3, 1981 and 46 FR 18574, April 30, 1982). Therefore there are only a few items listed in Category 2.

Each category is divided into two sections on the basis of whether the activity relates to a priority regulation. Priority regulations include all regulations designated for priority development or review by an agency head, all regulations that are "major rules" under Section 2(b) of Executive Order 12291, and all regulations designated for review by the Presidential Task Force on Regulatory Relief.

Each item will contain the following information: (1) title; (2) priority status (that is, if the regulation is a priority regulation); (3) agency contact (that is, the name, title, address and telephone number of a person who is knowledgeable about the regulation); (4) existing regulation (that is, if the regulation is an existing regulation under review); (5) effects on small businesses and other entities (that is, whether the action is likely to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act); (6) CFR citation (that is, the section of the Code of Federal Regulations that will be affected); (7) legal authority (that is, a citation to the section of the United States Code (U.S.C.), Public Law (P.L.) or the Executive Order (E.O.) that authorizes the regulatory action); (8) abstract (that is, a description of the problem the regulation will address, the alternatives being considered for addressing the problem, and the potential costs and benefits of the action); (9) timetable (that is, the dates and citations, if applicable, for all past stages of the rulemaking that are not final and the next stage of the

rulemaking). In addition, Category 3, which indicates regulations completed or withdrawn and reviews completed since the preceding Agenda, states why the regulation is no longer under development and provides the date and citation, if appropriate.

Those rules which are identified as being likely to have a significant economic impact on a substantial number of small entities include one rule for which a notice of proposed rulemaking (NPRM) was issued prior to January 1, 1981. Although this rule is listed in the Agenda, under section 4 of the Regulatory Flexibility Act the regulatory flexibility analysis specified in 5 U.S.C. 603-604 is not required, and such analysis will not be completed in regard to this rule. This rule, where an NPRM was issued prior to January 1, 1981, is identified in the additional information section.

On March 2, 1983 a draft of this Agenda was transmitted to the Chief Counsel for Advocacy of the Small Business Administration for comment, if any, to fulfill the requirement of 5 U.S.C. 803(b).

DOE's next Agenda will be published in October, 1983.

Issued in Washington, D.C. this 4th day of March, 1983.

Eric J. Fygi,

Acting General Counsel.

DEPARTMENT OF ENERGY (DOE)

Conservation and Renewable Energy (CE)

Current and Projected Rulemakings

COMMERCIAL AND APARTMENT CONSERVATION SERVICE (CACS) PROGRAM REGULATIONS

Priority: Major

Legal Authority: 42 USC 6295

CFR Citation: 10 CFR 430.32

Abstract: On January 16, 1981, DOE issued an NPRM in compliance with Title VII of the National Energy Conservation Policy Act, as amended, which requires DOE to establish a utility audit program for multifamily dwelling and small commercial buildings. The proposed rule was subsequently reviewed and reproposed on Nov. 24, 1982. The new proposed rule reflects DOE's ongoing effort to meet its legislative responsibilities without imposing unnecessary burdens on affected parties. Insufficient data exists to reliably estimate potential program costs and benefits.

Timetable:

Action	Date	FR Cite
NPRM	11/24/82	10 FR 458
NPRM Comment Period Begin	11/24/82	
NPRM Comment Period End	02/02/83	
Final Action	05/00/83	
Final Action Effective	06/00/83	

Small Entity: No

Additional Information: This rule is required by statute to be promulgated. Were it not for this requirement, DOE would not promulgate this rule because it is inconsistent with the Administration's policies. ADDITIONAL AGENCY CONTACT: Shelley Launey (see Agency Contact heading for address and phone).

Government Levels Affected: State, Federal

Analysis: Preliminary RIA 11/24/82; Final RIA 05/00/83; Final EIS 05/00/83

Agency Contact: **Mark Friedrichs**, Department of Energy, Conservation and Renewable Energy, (CE-115) 1000 Independence Ave., SW, Washington, DC 20585, **202 252-1650**

RIN: 1904–AA00

FEDERAL STANDBY RESIDENTIAL CONSERVATION SERVICE (RCS) PLAN

Priority: Task Force

Legal Authority: PL 95-619; PL 96-294

CFR Citation: 10 CFR 456

Abstract: The National Energy Conservation Policy Act mandates a Residential Conservation Service (RCS) Program under which large electric and natural gas utilities offer energy audits and other related conservation services to their residential customers. Each state has the option of implementing a RCS Program for itself. The proposed Federal Standby RCS Plan, when made final, would be used to implement the RCS Program in nonparticipating or noncomplying States. The proposed Plan is largely based on the revised RCS Program regulations, issued June 25, 1982 (47 FR 27752). The alternatives considered and the benefits and the costs of the program are more fully described in the June 25 notice on the revised RCS Program regulations.

Timetable:

Action	Date	FR Cite
Previous NPRM	01/09/81	45 FR 2522
Withdrawal of NPRM	11/12/81	46 FR 55836
NPRM	11/26/82	47 FR 53634
NPRM Comment Period Begin	11/26/82	
NPRM Comment Period End	02/02/83	
Final Action	05/00/83	
Final Action Effective	06/00/83	

Small Entity: No

Additional Information: This rule is required by statute to be promulgated. Were it not for this requirement, DOE would not promulgate this rule because it is inconsistent with the Administration's policies. ADDITIONAL AGENCY CONTACT: Nancy Tate (see Agency Contact heading for address and phone).

Government Levels Affected: Federal

Agency Contact: **Mark Friedrichs (CE-115)**, Department of Energy, Conservation and Renewable Energy, (CE-115) 1000 Independence Avenue, SW, Washington, DC 20585, **202 252-1650**

RIN: 1904–AA02

ENERGY EFFICIENCY STANDARDS FOR EIGHT TYPES OF CONSUMER PRODUCTS

Priority: Agency Determination

Legal Authority: 42 USC 6295

CFR Citation: 10 CFR 430.32

Abstract: Congress directed DOE to prescribe energy efficiency standards for certain specific consumer products unless DOE determines, by rule, that the establishment of such standard will not result in significant conservation of energy or it is not technologically feasible or economically justified. This rule deals with eight of these products: refrigerators and refrigerator-freezers, freezers, clothes dryers, water heaters, room air conditioners, kitchen ranges and ovens, central air conditioners and furnaces. The 1982 NPRM evaluates various efficiency levels for consumer

products and determined that none would save a significant amount of energy and that for each the costs would outweigh the benefits. Accordingly, the NPRM proposed no standard for each appliance. DOE issued a partial final rule on December 22, 1982, with respect to two products (clothes dryers and kitchen ranges and ovens) in which DOE prescribed no standard for each appliance.

Timetable:

Action	Date	FR Cite
Previous NPRM	06/30/80	45 FR 43976
NPRM	04/02/82	45 FR 14424
Partial Final Rule	12/22/82	47 FR 57198
Final Action	04/30/83	

Small Entity: No

Additional Information: This rule is required by statute to be promulgated. Were it not for this requirement, DOE would not promulgate this rule because it is inconsistent with the Administration's policies.

Agency Contact: Michael J. McCabe, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, **202 252-9127**

RIN: 1904-AA03

FEDERAL STANDBY COMMERCIAL AND APARTMENT CONSERVATION SERVICE (CACS) PLAN

Legal Authority: 42 USC 6295

CFR Citation: 10 CFR 430.32

Abstract: Title VII of the National Energy Conservation Policy Act, as amended, requires large gas and electric utilities to offer audit and information services to small commercial and large multi-family customers. Each state has the option to implement plan for the operation of the program by its covered utilities. The statute requires DOE to implement a Federal Plan for States or nonregulated utilities which do not submit their own Plan or for States and non-regulated utilities which do not adequately implement their Plan. Alternative levels of flexibility will be examined. Insufficient data currently exists to reliably estimate potential program costs or benefits.

Timetable:

Action	Date	FR Cite
NPRM	08/00/83	

Small Entity: No

Additional Information: This rule is required by statute to be promulgated. Were it not for this requirement, DOE would not promulgate this rule because it is inconsistent with the Administration's policies. ADDITIONAL AGENCY CONTACT: Shelley Launey (see Agency Contact heading for address and phone).

Agency Contact: Mark Friedrichs (CE-115), Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, **202 252-1650**

RIN: 1904-AA01

ENERGY EFFICIENCY STANDARDS FOR FOUR TYPES OF CONSUMER PRODUCTS

Legal Authority: 42 USC 6295

CFR Citation: 10 CFR 430.32

Abstract: Congress directed DOE to prescribe energy efficiency standards for certain specific consumer products unless DOE determines, by rule, that the establishment of such standard will not result in significant conservation of energy or is not technologically feasible or economically justified. This rule deals with four of these products: dishwashers, clothes washers, television sets, and humidifiers and dehumidifiers. The analysis will include all allowable alternatives including various efficiency levels for these consumer products as well as the alternative of no efficiency standard for these consumer products.

Timetable:

Action	Date	FR Cite
ANPRM	12/13/79	44 FR 72276
NPRM	05/00/83	

Small Entity: Undetermined

Additional Information: This rule is required by statute to be promulgated. Were it not for this requirement, DOE would not promulgate this rule because it is inconsistent with the Administration's policies.

Agency Contact: Michael J. McCabe, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, **202 252-9127**

RIN: 1904-AA04

ENERGY EFFICIENCY STANDARDS FOR HEAT PUMPS

Legal Authority: 42 USC 6295

CFR Citation: 10 CFR 430.32

Abstract: Congress directed DOE to prescribe energy efficiency standards for certain specific consumer products unless DOE determines, by rule, that the establishment of such standard will not result in significant conservation of energy or is not technologically feasible or economically justified. This rule deals with heat pumps. The analysis will include all allowable alternatives including various efficiency levels as well as the alternative of no efficiency standard.

Timetable:

Action	Date	FR Cite
ANPRM	01/23/80	45 FR 5602

Next Action Undetermined

Small Entity: Undetermined

Additional Information: This rule is required by statute to be promulgated. Were it not for this requirement, DOE would not promulgate this rule because it is inconsistent with the Administration's policies.

Agency Contact: Michael J. McCabe, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, **202 252-9127**

RIN: 1904-AA05

FEDERAL ENERGY MANAGEMENT & PLANNING PROGRAMS METHODOLOGY & PROCEDURES FOR LIFE CYCLE COSTING ANALYSES

Legal Authority: 42 USC 8255; EO 11912; EO 12003

CFR Citation: 10 CFR 436

Abstract: The National Energy Conservation Policy Act requires DOE to promulgate regulations that establish a methodology for estimating and comparing the life cycle costs of Federal buildings and for determining life cycle cost effectiveness. The Energy Security Act requires that the regulations provide for the use of marginal costs in the life cycle cost analysis. DOE is preparing a NPRM to comply with this requirement.

Timetable:

Action	Date	FR Cite
ANPRM	10/07/80	
NPRM	06/00/83	

Small Entity: No

Additional Information: This rule is required by statute to be promulgated. Were it not for this requirement, DOE would not promulgate this rule because it is inconsistent with the Administration's policies.

Agency Contact: Thomas Benson, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, **202 252-9472**

RIN: 1904-AA06

ENERGY PERFORMANCE STANDARDS FOR NEW BUILDINGS

Legal Authority: PL 94-385; PL 96-399; PL 95-91; PL 97-35

CFR Citation: 10 CFR 435

DOE—CE

Current and Projected Rulemakings

Abstract: Title III of the Energy Conservation and Production Act, as amended, requires the development and promulgation of energy performance standards for new buildings. In order to comply with this requirement, DOE currently is developing voluntary guidelines for the private sector and mandatory standards for the federal government.

Timetable:

Action	Date	FR Cite
NPRM	06/00/83	

Small Entity: Undetermined

Additional Information: This rule is required by statute. Were it not for this requirement, DOE would not promulgate this rule as it is inconsistent with the Administration's policies.

Agency Contact: James A. Smith, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, 202 252-9835

RIN: 1904-AA08

DEPARTMENT OF ENERGY (DOE)
Conservation and Renewable Energy (CE)

Existing Regulations Under Review

PROCEDURES FOR PRELIMINARY ENERGY AUDITS AND GUIDELINES FOR BUILDINGS PLANS

Legal Authority: PL 94-163; PL 95-619; EO 11912; EO 12003

CFR Citation: 10 CFR 435

Abstract: The regulations in Subpart B are needed to provide the procedures for conducting and reporting on preliminary energy audits of Federal buildings, as required by Title V, Part 3, of the National Energy Conservation Policy Act (NECPA) and section 10 of EO 11912, as amended. The regulations in Subpart C are needed to provide guidelines for the formulation and updating of Buildings Plans by Federal agencies to achieve goals for reduction of Federal building energy use, pursuant to section 10 of EO 11912, as amended, section 381 of the Energy Policy and Conservation Act, as amended, and NECPA. DOE is reviewing these procedures and guidelines in order to determine how to make them less prescriptive.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: No

Agency Contact: William F. Vance, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, 202 252-9471

RIN: 1904-AA09

FEDERAL ENERGY MANAGEMENT PROGRAM (FEMP) GUIDELINES FOR GENERAL OPERATIONS PLANS

Legal Authority: PL 94-163; PL 95-619; PL 96-102; EO 11912; EO 12003

CFR Citation: 10 CFR 436

Abstract: This rule is needed to provide guidelines for use by Federal agencies in their development of overall 10-year energy management plans to conserve energy in the general operations of the agencies. DOE is reviewing these guidelines in order to determine how to make them less prescriptive.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: No

Agency Contact: William F. Vance, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, 202 252-9471

RIN: 1904-AA10

DEPARTMENT OF ENERGY (DOE)
Conservation and Renewable Energy (CE)

Completed Actions

COMPLETED RULEMAKINGS

PASSIVE SOLAR AMENDMENTS TO RESIDENTIAL CONSERVATION SERVICE (RCS) PROGRAM REGULATIONS

Legal Authority: PL 95-619; PL 96-294

CFR Citation: 10 CFR 456

Abstract: The amendments will provide for the continued coverage of passive solar measures as part of home energy audits provided under the RCS program. Coverage of these measures is required by Title VII of the National Energy Conservation Policy Act, as amended. The sections concerning passive solar measures were reserved in the revised RCS regulations published on June 25, 1982 (47 FR 27752) in anticipation of these amendments. The alternatives considered concern the specific passive solar measures to be covered and the estimated costs and savings of these measures. Insufficient data exists to estimate the potential costs and benefits of the action.

Timetable:

Action	Date	FR Cite
NPRM	06/17/82	47 FR 26148
Final Action	11/24/82	47 FR 53224
Final Action Effective	11/24/82	

Small Entity: No

Additional Information: The Residential Conservation Service Program is required by statute. Were it not for this requirement, DOE would not issue this rule, because the program is inconsistent with the Administration's policies. ADDITIONAL AGENCY CONTACT: Gina Urso (see Agency Contact heading for address and phone).

Agency Contact: Mark Friedrichs (CE-115), Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, 202 252-1650

RIN: 1904-AA07

BILLING CODE 6450-01-T

DEPARTMENT OF ENERGY (DOE)
Defense Programs (DP)

Current and Projected Rulemakings

PROPOSED CHANGES IN CRITERIA AND PROCEDURES FOR DETERMINING ELIGIBILITY FOR ACCESS TO CLASSIFIED MATTER OR SIGNIFICANT QUANTITIES OF SPECIAL NUCLEAR MATERIAL

Legal Authority: 42 USC 2165; 42 USC 2201; EO 10450; EO 10865; 42 USC 5814; 42 USC 5815

CFR Citation: 10 CFR 710

Abstract: DOE proposes to amend Part 710 to delegate the authority to suspend DOE access authorization to the Managers of its Field Operations. Under the existing regulation, only the Assistant Secretary for Defense Programs has the authority to suspend an individual's access authorization in those cases where information is received which raises a question concerning the continued eligibility of an individual for access authorization. The proposed amendment would allow the Manager of a Field Operation to suspend access authorization for an individual subject to review of the suspension by the Assistant Secretary for Defense Programs. DOE also proposes to assign to the Managers of its Field Operations the preparation of notification letters, which enumerate the charges against the individual and explain the individual's rights to "due process." DOE also proposes to impose timeframes for completion of certain actions throughout its administrative review process.

Timetable:

Action	Date	FR Cite
NPRM	06/00/83	

Small Entity: No

Agency Contact: **Martin J. Dowd**, Department of Energy, Defense Programs, 1000 Independence Avenue, SW, Washington, DC 20545, **301 353-4642**

RIN: 1992-AA00

SAFEGUARDING CERTAIN UNCLASSIFIED INFORMATION

Legal Authority: 42 USC 2168

CFR Citation: 10 CFR 1017; 10 CFR 1004.8(f)

Abstract: Section 148 of the Atomic Energy Act of 1954, as amended (42 USC 2168) requires the Secretary to withhold certain unclassified information pertaining to the design of production facilities and utilization facilities; security measures relating to the protection of production or utilization facilities, nuclear materials contained in such facilities, and nuclear materials in transit; and the design, manufacture, or utilization of atomic weapons or components thereof, if such information was declassified or removed from the Restricted Data Category.

Timetable:

Action	Date	FR Cite
NPRM	02/21/83	
NPRM Comment Period Begin	02/21/83	
NPRM Comment Period End	03/21/83	
Final Action	05/01/83	

Small Entity: No

Agency Contact: **Trisha Dedik Chico**, Acting Director, Department of Energy, Defense Programs, Division of Policy and Planning, 1000 Independence Avenue, SW, Washington, DC 20585, **202 252-1870**

RIN: 1992-AA01

NATIONAL SECURITY INFORMATION

Legal Authority: EO 12356

CFR Citation: 10 CFR 1045

Abstract: Executive Order 12356 and Information Security Oversight Office Directive No. 1 require that those portions of related agency implementing regulations that affect members of the public be published in the Federal Register. Specifically, points of contact for (1) suggestions or complaints concerning the Department of Energy classification and security program, and (2) for submission of requests under the Mandatory Review provisions of the Executive Order are required to be published.

Timetable:

Action	Date	FR Cite
NPRM	05/00/83	

Small Entity: No

Agency Contact: **Robert T. Duff**, Department of Energy, Defense Programs, 1000 Independence Avenue, SW, Washington, DC 20585, **301 353-3521**

RIN: 1992-AA02

●SAFEGUARDING OF RESTRICTED DATA

Legal Authority: 42 USC 2011 et seq

CFR Citation: 10 CFR 795, (Old); 10 CFR 1016, (New)

Abstract: The regulations in this part establish requirements for the safeguarding of secret and confidential Restricted Data received or developed under an access permit. This part does not apply to Top Secret Restricted Data.

Timetable:

Action	Date	FR Cite
NPRM	09/15/83	

Small Entity: No

Agency Contact: **Ralph E. Caudle, Director**, Office of Safeguards and Security, Department of Energy, Defense Programs, Security DP-34, MS-A2-1016, Washington, DC 20545, **301 353-5106**

RIN: 1992-AA03

BILLING CODE 6450-01-T

DEPARTMENT OF ENERGY (DOE)
Departmental and Others (ENDEP)

Current and Projected Rulemakings

●PROPOSED GENERAL GUIDELINES FOR RECOMMENDATION OF SITES FOR NUCLEAR WASTE REPOSITORIES

Priority: Undetermined

Legal Authority: 42 USC 10101

CFR Citation: 10 CFR 960

Abstract: In accordance with the requirements of the Nuclear Waste Policy Act of 1982 (Pub. L. 97-425), the Department of Energy is proposing general guidelines for the recommendation of sites for repositories for disposal of high-level radioactive waste and spent nuclear fuel in geologic formations. These guidelines established the performance requirements for a geologic repository system, specify how the Department will implement its site-selection program, and define the technical

DOE—ENDEP

Current and Projected Rulemakings

qualifications that candidate sites must meet in the various steps of the site selection process mandated by the Act. After considering comments, the Department will issue these guidelines in final form as a new Part 960 to Title 10 of the Code of Federal Regulations.

Timetable:

Action	Date	FR Cite
NPRM	02/07/83	48 FR 5670
NPRM Comment Period Begin	02/07/83	48 FR 5670
NPRM Comment Period End	03/24/83	

Next Action Undetermined

Small Entity: No

Agency Contact: Robert L. Morgan, Project Director, Department of Energy, Departmental and Others, Office of Civilian Radioactive Waste, Washington, D.C. 20585, **202 252-6850**

RIN: 1901–AA01

DEPARTMENT OF ENERGY (DOE)
Departmental and Others (ENDEP)

Existing Regulations Under Review

●PROPOSED GUIDELINES FOR SITING A TEST AND EVALUATION FACILITY

Priority: Undetermined

Legal Authority: 42 USC 10101

CFR Citation: 10 CFR 960

Abstract: In accordance with the requirements of the Nuclear Waste Policy Act of 1982 (Pub. L. 97-425), if the Department decides to build a test and evaluation facility, the Department will propose general guidelines for the recommendation of sites for a test and evaluation facility. Under these guidelines the Secretary shall specify factors that qualify or disqualify a site for development as a test and evaluation facility, including factors pertaining to the location of valuable natural resources, hydrogeophysics, seismic activity, and atomic energy defense activities, proximity to water supplies, proximity to populations, the effect upon the rights of users of water, and proximity to components of the National Park System, the National Wildlife Refuge System, the National Wild and Scenic Rivers System, the National Wilderness Preservation System, or National Forest Lands.

Timetable:

Action	Date	FR Cite
Begin Review	01/07/83	
End Review	00/00/00	

Next Action Undetermined

Small Entity: No

Agency Contact: Robert L. Morgan, Project Director, Department of Energy, Departmental and Others, Office of Civilian Radioactive Waste, Washington, D.C. 20585, **202 252-6850**

RIN: 1901–AA00

BILLING CODE 6450-01-T

DEPARTMENT OF ENERGY (DOE)
Economic Regulatory Administration (ERA)

Current and Projected Rulemakings

REVIEW AND ESTABLISHMENT OF NATURAL GAS CURTAILMENT PRIORITIES FOR INTERSTATE PIPELINES

Priority: Major

Legal Authority: 42 USC 7151; 42 USC 7172; 15 USC 3391 to 3393

CFR Citation: 10 CFR 598

Abstract: The proposed rule establishes natural gas curtailment priorities applicable to deliveries by interstate pipelines during periods when not enough gas is available to supply all customers. The proposed rule implements the rulemaking requirements of Title IV of the Natural Gas Policy Act of 1978 by establishing curtailment priorities for high priority uses and for essential agricultural and essential industrial feedstock and process uses.

Timetable:

Action	Date	FR Cite
NPRM	07/02/80	45 FR 45098

Next Action Undetermined

Small Entity: Not Applicable

Additional Information: FERC currently is reviewing the proposed rule pursuant to section 404 of the DOE Act. FR will be issued approximately six weeks after FERC concurrence is received. A regulatory flexibility analysis is not required in regard to this rule since the notice of proposed rulemaking was issued prior to January 1, 1981.

Agency Contact: Paula Daigneault, Department of Energy, Economic Regulatory Administration, 1000 Independence Avenue, S.W., Washington, DC 20585, **202 252-9482**

RIN: 1903–AA00

ADMINISTRATIVE PROCEDURES WITH RESPECT TO THE IMPORT AND EXPORT OF NATURAL GAS

Legal Authority: 15 USC 717 et seq; 42 USC 7151; 42 USC 7172

CFR Citation: 10 CFR 205; 10 CFR 590

Abstract: ERA is currently following the FERC procedural rules on an interim basis in natural gas import and export proceedings. The proposal would establish administrative procedures that generally would be informal, would provide more flexibility for tailoring the procedures to the needs of a particular case, and would reflect ERA's organization structure and legislative mandate. Evidentiary hearings would be reserved for situations where necessary to resolve disputes of material issues of fact. The proposal would also eliminate the FERC requirement that the ultimate decisionmaker or an Administrative Law Judge presides at hearings. The proposed rule would ease the regulatory burden on applicants and interested parties by simplifying the procedures and reducing the amount of information and number of documents required for an import or export application.

Timetable:

Action	Date	FR Cite
NPRM	08/26/81	46 FR 44696
Final Action	03/31/83	

Small Entity: Undetermined

Agency Contact: Stanley C. Vass, Department of Energy, Economic Regulatory Admin-

DOE—ERA — Current and Projected Rulemakings

istration, 1000 Independence Avenue, S.W., Washington, DC 20585, **202 252-9482**

RIN: 1903–AA01

RECORDKEEPING REQUIREMENTS REDUCTION

Legal Authority: 15 USC 761; 42 USC 7101, et seq

CFR Citation: 10 CFR 210.1

Abstract: The proposal would eliminate the recordkeeping requirements imposed by the petroleum price and allocation regulations for certain product resellers. If adopted, the amendment would reduce a regulatory burden on a number of small entities.

Timetable:

Action	Date	FR Cite
NPRM	01/04/83	48 FR 261
NPRM Comment Period Begin	01/04/83	
NPRM Comment Period End	02/03/83	
Final Action	00/00/00	

Small Entity: No

Agency Contact: **William Funk**, Department of Energy, Office of General Counsel, 1000 Independence Avenue, SW, Washington, DC 20585, **202 252-6739**

RIN: 1903–AA03

●ADMINISTRATIVE PROCEDURES FOR ADJUSTMENTS OF NATURAL GAS CURTAILMENT PRIORITY REGULATIONS

Legal Authority: 15 USC 3412; 42 USC 7101; 5 USC 553

CFR Citation: 10 CFR 580; 10 CFR 585

Abstract: This rule proposes procedures for seeking interpretations, modifications, or rescissions of natural gas curtailment priority regulations for essential agricultural uses. The Federal Energy Regulatory Commission (FERC) took jurisdiction over the proposed rule on June 15, 1979, under Section 404 of the DOE Organization Act, and the matter is currently at FERC.

Timetable:

Action	Date	FR Cite
NPRM	05/07/79	44 FR 27676
NPRM Comment Period Begin	05/11/79	44 FR 27676
NPRM Comment Period End	06/08/79	

Next Action Undetermined

Small Entity: No

Agency Contact: **Paula Daigneault**, Department of Energy, Economic Regulatory Administration, 1000 Independence Avenue, S.W., Washington, DC 20585, **202 252-9482**

RIN: 1903–AA04

●OIL IMPORT REGULATIONS

Legal Authority: 42 USC 7101; 19 USC 1862; Proclamation 3279, as amended

CFR Citation: 10 CFR 205.250; 10 CFR 213

Abstract: This rule would rescind all regulations pertaining to oil import licensing in conjunction with the revocation of Proclamation 3279. Since no import fees are applicable, the elimination of the licensing requirement will further reduce the regulatory burden imposed on the petroleum importing industry.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/30/83	

Small Entity: Not Applicable

Agency Contact: **F. Scott Bush**, Department of Energy, Economic Regulatory Administration, Washington, DC 20585, **202 252-2202**

RIN: 1903–AA05

DEPARTMENT OF ENERGY (DOE)
Economic Regulatory Administration (ERA) — Completed Actions

COMPLETED RULEMAKINGS

POWERPLANT AND INDUSTRIAL FUEL USE ACT OF 1978; FINAL RULES FOR EXISTING FACILITIES

Legal Authority: 42 USC 7101, et seq; 42 USC 8301, et seq; PL 97-35

CFR Citation: 10 CFR 501; 10 CFR 504; 10 CFR 506

Abstract: This proposal would revise rules implementing Title III of the Powerplant and Industrial Fuel Use Act of 1978 (FUA) to eliminate the regulatory provision for issuing involuntary prohibition orders to existing major fuel burning installations. The proposal further deletes regulations made unnecessary by the Omnibus Budget Reconciliation Act of 1981 amendments to FUA.

Timetable:

Action	Date	FR Cite
Previous NPRM	05/24/82	47 FR 22365
NPRM	06/10/82	47 FR 25153
Final Action	11/10/82	47 FR 50846
Final Action Effective	12/10/82	

Small Entity: No

Agency Contact: **Constance L. Buckley**, Department of Energy, Economic Regulatory Administration, 1000 Independence Avenue, SW, Washington, DC 20585, **202 252-1316**

RIN: 1903–AA02

BILLING CODE 6450-01-T

DEPARTMENT OF ENERGY (DOE)
Management and Administration (MA) — Current and Projected Rulemakings

●STANDARD CONTRACT FOR DISPOSAL OF SPENT NUCLEAR FUEL AND/OR HIGH LEVEL RADIOACTIVE WASTE

Priority: Agency Determination

Legal Authority: 42 USC 10101; 42 USC 7101 et seq

CFR Citation: 10 CFR 961

Abstract: Provides a standard contract to be used by the Department of Energy in furnishing disposal services to the owners or generators of spent nuclear fuel and/or high level radioactive waste of domestic origin from civilian nuclear power reactors. Also provides the funding mechanism for financing the costs of disposal of such fuel and wastes. The potential costs of this action are considered minimal as they are establishing methods and procedures not need or actual costs.

Timetable:

Action	Date	FR Cite
NPRM	02/04/83	48 FR 5458
NPRM Comment Period Begin	02/04/83	48 FR 5458
NPRM Comment Period End	03/07/83	
Final Action	04/30/83	
Final Action Effective	04/30/83	

Small Entity: No

Government Levels Affected: Local, State, Federal

Agency Contact: **James J. Cavanagh**, Procurement Analyst, Department of Energy, Management and Administration, Office of Policy (MA-931.1), Procurement and Assistance Management, Directorate Wash., DC, **202 252-8188**

RIN: 1991-AA18

DEPARTMENT OF ENERGY ACQUISITION REGULATION

Legal Authority: PL 93-400; PL 96-83; EO 12352

CFR Citation: 41 CFR 901 to 999

Abstract: The Federal Acquisition Regulation is being developed to promote uniformity in Federal procurement policy. When this regulation is published, it will be necessary for DOE to promulgate an acquisition regulation to implement and supplement the Federal Acquisition Regulation with respect to DOE. No significant cost impact is expected.

Timetable:

Action	Date	FR Cite
NPRM	06/30/83	
NPRM Comment Period Begin	06/30/83	
NPRM Comment Period End	08/01/83	
Final Action	09/15/83	
Final Action Effective	10/01/83	

Small Entity: No

Agency Contact: **Richard B. Langston**, Department of Energy, Management and Administration, 1000 Independence Avenue, SW, Washington, DC 20585, **202 252-8188**

RIN: 1991-AA01

FINANCIAL ASSISTANCE REGULATIONS; COOPERATIVE AGREEMENTS

Legal Authority: PL 95-91; PL 95-224

CFR Citation: 10 CFR 600C

Abstract: This proposed rule will revise the existing Subpart C. The purpose of the revision is to conform DOE policy on cooperative agreement award and administration with government-wide policy.

Timetable:

Action	Date	FR Cite
NPRM	08/30/83	
Final Action	10/30/83	

Small Entity: No

Agency Contact: **Scott Sheffield**, Department of Energy, Management and Administration, 1000 Independence Avenue, SW, Washington, DC 20585, **202 252-8267**

RIN: 1991-AA03

SECURITY POLICIES AND PRACTICES RELATING TO LABOR-MANAGEMENT RELATIONS

Legal Authority: PL 95-91

CFR Citation: 10 CFR 706

Abstract: DOE proposes to amend 10 CFR Part 706. This part previously was published as an Energy Research and Development Administration (ERDA) regulation and was revised to reflect its status as a DOE regulation. Section 301 of the Department of Energy Organization Act transferred to and vested in the Secretary of Energy all the functions previously vested in ERDA. To reflect better its present character as a DOE regulation, DOE is proposing to amend Part 706 in several sections to reflect current application of Part 706. For example, a definition of installation will be included in order to specify which DOE contractors are covered by Part 706. In addition, other changes are being made in the interest of brevity, consistency and clarity.

Timetable:

Action	Date	FR Cite
NPRM	09/00/83	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: **Juanita E. Smith**, Department of Energy, Management and Administration, 1000 Independence Avenue, SW, Washington, DC 20585, **202 252-9023**

RIN: 1991-AA04

INTERGOVERNMENTAL REVIEW OF FEDERAL PROGRAMS

Legal Authority: 42 USC 4231(a); EO 12372

CFR Citation: 10 CFR 1005, (New); 10 CFR 600.11, (Revision)

Abstract: The regulation will provide for a new intergovernmental review process for Federal programs. States will designate their own process for intergovernmental reviews of proposed Federal financial assistance and direct development activities rather than relying upon the Federally prescribed requirements of OMB Circular A-95. Executive Order 12372 requires regulations to be published by April 30, 1983.

Timetable:

Action	Date	FR Cite
NPRM	01/24/83	48 FR 3130
NPRM Comment Period Begin	01/24/83	48 FR 3130
NPRM Comment Period End	03/10/83	
Final Action	04/30/83	
Final Action Effective	04/30/83	

Small Entity: No

Government Levels Affected: Local, State

Agency Contact: **Thomas Reynolds**, Department of Energy, Management and Administration, 1000 Independence Avenue, SW, Washington, DC 20585, **202 252-8191**

RIN: 1991-AA05

DEPT. OF ENERGY PROCUREMENT REGULATIONS CHANGE 7

Legal Authority: 41 USC 7254

CFR Citation: 41 CFR 9-3; 41 CFR 9-4; 41 CFR 9-7; 41 CFR 9-16; 41 CFR 9-30; 41 CFR 9-50; 41 CFR 9-51

Abstract: In order to provide standard procedures and promote efficiency and effectiveness. Change 7 involves new coverage regarding policy, reporting clauses and a format for letter contracts.

Timetable:

Action	Date	FR Cite
NPRM	11/04/82	47 FR 49983
NPRM Comment Period Begin	11/04/82	
NPRM Comment Period End	12/06/82	
Final Action	03/25/83	
Final Action Effective	04/25/83	

Small Entity: No

Agency Contact: **Richard B. Langston**, Procurement Analyst, Department of Energy, Management and Administration, MA-93, Washington, DC 20585, **202 252-8188**

RIN: 1991-AA06

●DEPT. OF ENERGY PROCUREMENT REGULATIONS CHANGE 8

Legal Authority: 41 USC 7254

CFR Citation: 41 CFR 9-7; 41 CFR 9-10; 41 CFR 9-16

Abstract: In order to provide standard procedures and promote efficiency and effectiveness. Change 8 provides standard clauses for cost type constructive and A&E contracts, also value engineering provisions for construction.

Timetable:

Action	Date	FR Cite
NPRM	11/29/82	47 FR 53746
NPRM Comment Period Begin	11/29/82	
NPRM Comment Period End	12/29/82	
Final Action	04/15/83	
Final Action Effective	05/16/83	

Small Entity: No

Agency Contact: Richard B. Langston, Procurement Analyst, Department of Energy, Management and Administration, MA-93, Washington, DC 20585, **202 252-6186**

RIN: 1991-AA07

●DEPT. OF ENERGY PROCUREMENT REGULATIONS CHANGE 9

Legal Authority: 41 USC 7254

CFR Citation: 41 CFR 9-1; 41 CFR 9-2; 41 CFR 9-5; 41 CFR 9-7; 41 CFR 9-15; 41 CFR 9-16; 41 CFR 9-50

Abstract: In order to provide standard procedures and promote efficiency and effectiveness. Change 9 revises Fees for Operating Contracts.

Timetable:

Action	Date	FR Cite
NPRM	12/15/82	47 FR 56256
NPRM Comment Period Begin	12/15/82	
NPRM Comment Period End	01/14/83	
Final Action	04/25/83	
Final Action Effective	05/25/83	

Small Entity: No

Agency Contact: Richard B. Langston, Procurement Analyst, Department of Energy, Management and Administration, MA-93, Washington, DC 20585, **202 252-6186**

RIN: 1991-AA08

●DEPT. OF ENERGY PROCUREMENT REGULATIONS CHANGE 10

Legal Authority: 41 USC 7254

CFR Citation: 41 CFR 9-3; 41 CFR 9-4; 41 CFR 9-50

Abstract: In order to provide standard procedures and promote efficiency and effectiveness. Change 10 involves use of weighted guideline technique in determining fee.

Timetable:

Action	Date	FR Cite
NPRM	02/22/83	
NPRM Comment Period Begin	02/22/83	
NPRM Comment Period End	03/22/83	
Final Action	05/03/83	
Final Action Effective	06/03/83	

Small Entity: No

Agency Contact: Richard B. Langston, Procurement Analyst, Department of Energy, Management and Administration, MA-93, Washington, DC 20585, **202 252-6186**

RIN: 1991-AA09

●PRICE COMPETITIVE SALE OF STRATEGIC PETROLEUM RESERVE PETROLEUM

Legal Authority: 42 USC 6239 (f) (A); PL 97-229

CFR Citation: 10 CFR 625

Abstract: The rule is applicable to price competitive sales of Strategic Petroleum Reserve oil. This regulation provides the rules for developing standard contract terms and conditions and financial and performance responsibility measures. Standard Sales Provisions which will be the basis for all price competitive sales contracts will be issued in an appendix to the rule.

Timetable:

Action	Date	FR Cite
NPRM	02/23/83	
NPRM Comment Period Begin	02/23/83	
NPRM Comment Period End	04/14/83	
Final Action	06/10/83	
Final Action Effective	06/10/83	

Small Entity: Not Applicable

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0; Base Year for Dollar Estimates: 1983

Affected Sectors: 291 Petroleum Refining; 299 Miscellaneous Products of Petroleum and Coal

Agency Contact: Lynn M. Warner, Contract Specialist, Department of Energy, Management and Administration, MA-963.1 (Rm 1J027), 1000 Independence Avenue, SW, Washington, DC 20585, **202 252-1570**

RIN: 1991-AA13

●DEPARTMENT OF ENERGY DEBARMENT, SUSPENSION, AND INELIGIBILITY RULES

Legal Authority: 41 USC 7254; PL 95-91

CFR Citation: 41 CFR 9; 10 CFR Not yet determined

Abstract: The Department of Energy Debarment, Suspension, and Ineligibility Rules will conform current Departmental debarment, suspension, and ineligibility rules for procurement contractors with those prescribed in Federal Procurement Regulations Temporary Regulation No. 65, and will provide debarment, suspension and ineligibility rules for all individuals or organizations who purchase property or services from, or provide property or services to the Department of Energy and for all other individuals and organizations to whom the Department of Energy transfers money, property, or services. There are no anticipated costs to the Department as a result of these rules. These rules will clarify the Department of Energy's rules for debarment, suspension, and ineligibility in regard to procurement contractors and will provide debarment, suspension, and ineligibility rules for financial assistance recipients and other entities engaged in business dealings with the Department.

Timetable:

Action	Date	FR Cite
NPRM	06/30/83	
NPRM Comment Period Begin	07/01/83	
NPRM Comment Period End	07/31/83	
Final Action	11/30/83	
Final Action Effective	11/30/83	

Small Entity: Undetermined

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Government Levels Affected: Federal

Agency Contact: Scott Sheffield, Procurement Analyst, Department of Energy, Management and Administration, MA-952, 1000 Independence Avenue, SW., Washington, DC 20585, **202 252-8267**

RIN: 1991-AA14

DOE—MA

Current and Projected Rulemakings

●DEPARTMENT OF ENERGY PROPERTY MANAGEMENT REGULATIONS

Legal Authority: 42 USC 471

CFR Citation: 41 CFR 109

Abstract: The Department of Energy Property Management Regulations will be revised and updated to reflect necessary changes resulting from 1) the issuance of the Federal Acquisition Regulations, 2) the issuance of amendments to the Federal Property Management Regulations by the General Services Administration, 3) reorganizations and organizational name changes within DOE, 4) changing reporting requirements, 5) DOE policy changes in the management of property, and 6) recommendations of the General Accounting Office. There is no other alternative for addressing the problem, and there will be no additional costs. The revisions are necessary to bring the DOE Property Management Regulations into conformance with other Federal regulations.

Timetable:

Action	Date	FR Cite
NPRM	08/15/83	
NPRM Comment Period Begin	08/15/83	
NPRM Comment Period End	09/15/83	
Final Action	09/30/83	
Final Action Effective	10/01/83	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: **John D. French**, Director, Property & Equipment Mgmt., Department of Energy, Management and Administration, 1000 Independence Avenue, SW, Washington, DC 20585, **202 252-6254**

RIN: 1991–AA17

DEPARTMENT OF ENERGY (DOE)
Management and Administration (MA)

Completed Actions

COMPLETED RULEMAKINGS

FINANCIAL ASSISTANCE REGULATIONS

Legal Authority: PL 95-224; PL 95-91

CFR Citation: 10 CFR 600a; 10 CFR 600b; 10 CFR 600c

Abstract: Financial Assistance Regulations contain policies and procedural requirements applicable to the award and administration of grants and cooperative agreements. The revisions to the existing 10 CFR Part 600 provide for greater uniformity and where possible reduce the burden for recipients of DOE financial assistance.

Timetable:

Action	Date	FR Cite
NPRM	03/19/82	47 FR 12038
Final Action Effective	10/01/82	47 FR 44076
Final Action	10/05/82	47 FR 44076

Small Entity: No

Agency Contact: **Thomas Reynolds**, Department of Energy, Management and Administration, 1000 Independence Avenue, SW, Washington, DC 20585, **202 252-6191**

RIN: 1991–AA02

BILLING CODE 6450-01-T

DEPARTMENT OF ENERGY (DOE)
Office of General Counsel (OGC)

Current and Projected Rulemakings

AMENDMENTS TO DEPARTMENT OF ENERGY CONDUCT OF EMPLOYEES

Legal Authority: 18 USC 201 to 209; 42 USC 7211 to 7218; EO 11222

CFR Citation: 10 CFR 1010

Abstract: The regulations need to be revised to reflect the provisions and requirements of the Ethics in Government Act. In addition, it is anticipated that certain sections of the regulations will be clarified and/or revised to reflect current Office of General Counsel policy and interpretations.

Timetable:

Action	Date	FR Cite
NPRM	06/00/83	

Small Entity: No

Agency Contact: **Katherine B. Soffer**, Department of Energy, Office of General Counsel, 1000 Independence Avenue, SW, Washington, DC 20585, **202 252-1522**

RIN: 1990–AA00

DEPARTMENT OF ENERGY (DOE)
Office of General Counsel (OGC)

Existing Regulations Under Review

●PATENT LICENSING REGULATIONS

Legal Authority: 35 USC 208

CFR Citation: 10 CFR 781

Abstract: The regulation prescribes procedures, standards, terms, and conditions for obtaining a license to practice a DOE-owned invention, either exclusively or non-exclusively. Current government-wide regulations exist (41 CFR 101-4). The proposed revision would bring DOE patent licensing regulations into harmony with revised statutory authority and the government-wide regulations.

Timetable:

Action	Date	FR Cite
Begin Review	04/01/83	
End Review	00/00/00	

Next Action Undetermined

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DOE—OGC **Existing Regulations Under Review**

Small Entity: Undetermined

Agency Contact: **Robert J. Marchick**, Chief, Licensing Branch, Department of Energy, Office of General Counsel, 1000 Independence Ave, S.W., Washington, D.C. 20585, **202 252-2806**

RIN: 1990-AA01

[FR Doc. 83-9560 Filed 4-22-83; 8:45 am]
BILLING CODE 6450-01-T

federal register

Monday
April 25, 1983

Part VIII

Department of Health and Human Services

Office of the Secretary

Unified Agenda of Regulations

DEPARTMENT OF HEALTH AND HUMAN SERVICES

20 CFR Ch. III

21 CFR Ch. I

42 CFR Ch. I-IV

45 CFR Subtitle A, Chs. II, III, and XIII

Unified Agenda of Regulations

AGENCY: Office of the Secretary, HHS.

ACTION: Publication of unified agenda of regulations.

SUMMARY: The President's February 17, 1981, Executive Order (12291) and the Regulatory Flexibility Act of 1980 require the Department to publish an agenda of significant regulations being developed and an indication of those regulatory actions that are being analyzed for their effect on small businesses. The Department published its last agenda on October 28, 1982.

FOR FURTHER INFORMATION CONTACT: For further inquiries or comments related to specific regulations listed in the agenda, the public is encouraged to contact the appropriate responsible individual. Questions or comments on the overall agenda should be sent to: John J. Phelan, Associate Executive Secretary/Regulations, Office of the Secretary, Department of Health and Human Services, 200 Independence Avenue, S.W., Washington, D.C. 20201, Telephone: (202) 245-6111.

DATED: March 3, 1983.

Thomas R. Donnelly, Jr.,

Acting Secretary of Health and Human Services.

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) — Current and Projected Rulemakings

Office of the Secretary (OS)

ADMINISTRATION OF GRANTS TO STATES OTHER THAN BLOCK GRANTS OR OPEN-ENDED GRANTS

Priority: Task Force

Legal Authority: 5 USC 301

CFR Citation: 45 CFR 74; 45 CFR 98

Abstract: Will reduce and simplify grants administration requirements imposed on States. Will apply to all HHS closed-end categorical grants to States, discretionary (project) grants as well as mandatory (formula) grants. Issues will probably be: degree to which planning requirements can be simplified; whether requirement for grant financial status reports from States should be eliminated; whether Federal controls should be removed from income earned by States from grant-supported activities; and whether States should be permitted unrestricted use of Federal funds exceeding budgeted amounts that result from carryover of unused grant funds from one funding period to the next of a discretionary grant. No significant expected impact on Federal budget but should reduce administrative costs of States (no estimate available or feasible). This regulation will be reviewed by the Presidential Task Force on Regulatory Relief.

Timetable:

Action	Date	FR Cite
NPRM	06/00/83	

Small Entity: No

Agency Contact: Matthias Lasker, Dir, Off of Procurement& Assist Policy, Department of Health and Human Services, Office of the Secretary, Rm 513D, HHH Bldg, 200 Independence Avenue, SW, Washington, DC 20201, **202 245-7665**

RIN: 0991-AA10

●NONDISCRIMINATION ON THE BASIS OF HANDICAP

Priority: Agency Determination

Legal Authority: Section 504 of the Rehabilitation Act of 1973

CFR Citation: 45 CFR 80.6(d); 45 CFR 80.8; 45 CFR 80.6(c); 45 CFR 84.61(b); 45 CFR 84.61(c); 45 CFR 84.61(d)

Abstract: This regulation modifies existing regulations to meet the exigent needs that can arise when a handicapped infant is discriminatorily denied food or other medical care. Three current regulatory provisions are modified to allow timely reporting of violations, expeditious investigation, and immediate enforcement action when necessary to protect a handicapped infant whose life is endangered by discrimination in a program or activity receiving federal financial assistance. Recipients that provide health care to infants will be required to post a conspicuous notice in locations that provide such care.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/07/83	48 FR 09630

Small Entity: No

Agency Contact: Susan Shalhoub, Department of Health and Human Services, Office of the Secretary, Office for Civil Rights, 330 Independence Avenue, S.W., Rm. 5514, Washington, D.C. 20201, **202 245-6585**

RIN: 0991-AA13

INTERGOVERNMENTAL REVIEW OF FEDERAL PROGRAMS

Legal Authority: 42 USC 4231(a) Intergovtl Cooperatn Act of 1968; 3 USC 301; EO 12372

CFR Citation: Not applicable

Abstract: This regulation implements Executive Order 12372, which establishes a new Federal policy for consulting with State and local elected officials with regard to proposed Federal financial assistance activities and direct Federal development.

Timetable:

Action	Date	FR Cite
NPRM	01/24/83	47 FR 03140
NPRM Comment Period Begin	01/24/83	47 FR 03140
NPRM Comment Period End	03/10/83	
Final Action	04/30/83	

Small Entity: No

Agency Contact: Gordon Boe, Sp Asst to Dep UndrSec, Intergovtal Affairs, Department of Health and Human Services, Office of the Secretary, Room 632-F, Humphrey Building, 200 Independence Avenue, SW, Washington, DC 20201, **202 245-6036**

RIN: 0991-AA00

NONDISCRIMINATION REQUIREMENTS APPLICABLE TO BLOCK GRANTS AND COMMUNITY DEVELOPMENT AND HEAD START PROGRAMS – INCLUDING NONDISCRIMINATION ON THE BASES OF SEX AND ETC

Legal Authority: 42 USC 9906; 42 USC 300w-7; 42 USC 300x-7; 42 USC 300y-9; 42 USC 728; 42 USC 8625; 42 USC 9821; 42 USC 9849

CFR Citation: 45 CFR 80

Abstract: To implement the nondiscrimination requirements applicable to block grants and the Community Economic Development and Head Start Programs authorized by the Omnibus Budget Reconciliation Act of 1981, P.L. 97-35.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: New CFR Subpart to be assigned.

Agency Contact: **James S. Fukumoto**, Acting Director, Department of Health and Human Services, Office of the Secretary, Div of PSP, Off of Mgmt & Pol, CR, Rm 5412, HHS North Bldg, 330 Independence Ave, SW, Washington, DC 20201, **202 245-6700**

RIN: 0991-AA02

LETTER OF CREDIT SANCTIONS

Legal Authority: 5 USC 301

CFR Citation: 45 CFR 76, (Proposed)

Abstract: The proposed regulations would establish a procedure by which the Department may impose sanctions on a recipient holding a letter of credit under any program administered by the Department of Health and Human Services should the recipient violate the terms of the letter of credit.

Timetable:

Action	Date	FR Cite
NPRM	03/08/83	48 FR 09668

Small Entity: No

Agency Contact: **David V. Dukes, Deputy Asst Secy for**, Management and Budget, Finance, Department of Health and Human Services, Office of the Secretary, Room 705-D, Hubert Humphrey Building, 200 Independence Avenue, SW, Washington, DC 20201, **202 245-7084**

RIN: 0991-AA03

UNALLOWABILITY OF COSTS OF INFLUENCING CONGRESSIONAL LEGISLATION

Legal Authority: PL 95-480, Sec 407

CFR Citation: 45 CFR 74

Abstract: Will draw attention to and implement a statutory provision prohibiting payment of grant funds for costs of influencing legislation of the U.S. Congress. No policy issues, budgetary savings, or costs are involved.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: **Matthias Lasker**, Director, Department of Health and Human Services, Office of the Secretary, Off of Procure & Assist Policy, Rm 513D, HHH Bldg, 200 Independence Avenue, SW, Washington, DC 20201, **202 245-7665**

RIN: 0991-AA04

CIVIL MONEY PENALTIES

Legal Authority: 42 USC 1320a-7a

CFR Citation: 45 CFR 100, (New)

Abstract: These regulations implement section 1128A of the Social Security Act. Section 1128A permits the imposition of civil money penalties against persons who have submitted prohibited claims under the Medicare, Medicaid, and Maternal and Child Health Block Grant programs. The regulations resolve a number of legal and policy issues, such as the administration procedures to be used. Implementation of the civil money penalty program is estimated to require annual administrative expenses of $2.2 million and to result in program savings of two dollars for every dollar spent.

Timetable:

Action	Date	FR Cite
NPRM Comment Period Begin	12/30/82	47 FR 58309
NPRM Comment Period End	02/28/83	

Next Action Undetermined

Small Entity: No

Agency Contact: **Harvey Yampolsky**, Assistant General Counsel, Department of Health and Human Services, Office of the Secretary, Inspector General Div, Room 5541 HHS, 330 Independence Avenue, SW, Washington, DC 20201, 202 472-5335

RIN: 0991-AA05

PUBLIC INFORMATION REGULATION

Legal Authority: 5 USC 552 Freedom of Information Act

CFR Citation: 45 CFR 5

Abstract: This will be the first complete update since August 1974 of the Department's Public Information Regulation implementing the Freedom of Information Act. It will facilitate public access to information by making necessary revisions, clarifying, and promulgating at one time all the subparts of the regulation. It will also help Departmental personnel processing FOIA requests by providing them with an integrated regulation that is compatible with current procedures for processing FOIA requests and assessing search and copy fees that reflect the increased cost of such services. The only alternative to this complete update is to continue to operate with a regulation that in the past has been revised on a piecemeal basis.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: **Russell M. Roberts**, Director, FOI/Priv Div, Department of Health and Human Services, Office of the Secretary, Off of Pub Affairs, Rm 118F, Humphrey Bldg, 200 Independence Ave, SW, Washington, DC 20201, **202 472-7453**

RIN: 0991-AA07

RULEMAKING RELATING TO PUBLIC PROPERTY, LOANS, GRANTS, BENEFITS, AND CONTRACTS

Legal Authority: 5 USC 301

CFR Citation: 45 CFR 2

Abstract: These regulations state the Department's policy on the use of notice and comment procedures where they are not required by statute. The regulations have no direct budgetary impact.

Timetable:

Action	Date	FR Cite
NPRM	06/22/82	47 FR 26860

Next Action Undetermined

Small Entity: No

Agency Contact: **Terry Coleman**, Deputy General Counsel for Regulations, Department of Health and Human Services, Office of the Secretary, Room 706E, Hubert Humphrey Building, 200 Independence Avenue, SW, Washington, DC 20201, **202 245-7544**

RIN: 0991-AA08

EQUAL ACCESS TO JUSTICE

Legal Authority: PL 96-481, Sec 203(a)(1); 5 USC 504(c)(1)

CFR Citation: 45 CFR 13

Abstract: These regulations implement the Equal Access to Justice Act. They describe the circumstances under which the Department of Health and Human Services may award attorneys fees and certain other expenses to eligible entities who prevail over the Department in specified administrative proceedings where the Department's position in the proceeding was not substantially justified. The Act imposes a cost obligation on the Department that cannot be estimated because it cannot be determined how frequently the Department's position in administrative proceedings will be found not to have been substantially justified, which is the criterion for awards under the Act.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/12/82	47 FR 10834
Final Action	04/30/82	

Small Entity: No

Agency Contact: **Darrel Grinstead**, Assistant General Counsel, Department of Health and Human Services, Office of the Secretary, Bus & Admin Law Div, Rm 5362, 330 Independence Avenue, SW, Washington, DC 20201, **202 245-2151**

RIN: 0991-AA09

PRIVACY ACT REGULATION

Legal Authority: 5 USC 552(a) Privacy Act of 1974

CFR Citation: 45 CFR 5(b)

Abstract: This will be the first complete update since 1975 of the Department's Privacy Act Regulation implementing the Privacy Act of 1974. It will facilitate individuals' access to information and records that the Department maintains about them in more than 400 designated Privacy Act Systems of Records, clarifying and promulgating at one time all the subparts of the regulation. It will also help Departmental personnel processing Privacy Act requests by providing them with an integrated regulation that is compatible with current procedures for processing such requests. The only alternative to this complete update is to continue to operate with a regulation that in the past has been revised on a piecemeal basis.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: **Russell M. Roberts**, Director, FOI/Priv Div, Department of Health and Human Services, Office of the Secretary, Off of Pub Affairs, Rm 118F, HHH Bldg, 200 Independence Avenue, SW, Washington, DC 20201, **202 472-7453**

RIN: 0991-AA11

●ADMINISTRATION OF GRANTS

Legal Authority: 5 USC 501

CFR Citation: 45 CFR 74, Appendix E

Abstract: The regulation was last revised in 1974. The proposed regulation will consider changes that have occurred since then to other cost principles (e.g., OMB Circulars A-21, A-122, hospital cost principles for Medicare-Title 18 of SSA) that may also be appropriate for inclusion in Appendix E, 45 CFR 74.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: **Henry G. Kirschenmann, Jr.**, Deputy Assistant Secretary, Department of Health and Human Services, Office of the Secretary, Office of Procurement, Assist & Logistics, Rm 503G, HHH Bldg, 200 Independence Ave. SW, Washington, D.C. 20201, **202 245-8770**

RIN: 0991-AA12

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Office of the Secretary (OS)

Completed Actions

COMPLETED RULEMAKINGS

NONDISCRIMINATION ON THE BASIS OF AGE IN FEDERALLY ASSISTED PROGRAMS (HHS-SPECIFIC)

Completed:

Reason	Date	FR Cite
Final Action	12/28/82	47 FR 57850
Final Action Effective	01/27/83	

Agency Contact: **James S. Fukumoto 202 245-6700**

RIN: 0991-AA01

GRANTS AND SUBGRANTS TO FOR-PROFIT ORGANIZATIONS

Completed:

Reason	Date	FR Cite
Final Action	11/24/82	47 FR 53007
Final Action Effective	12/27/82	47 FR 53007

Agency Contact: **Matthias Lasker 202 245-7865**

RIN: 0991-AA05

BILLING CODE 4150-04-T

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Office of Human Development Services (HDSO)

Current and Projected Rulemakings

GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING; GRANTS TO INDIAN TRIBES FOR SUPPORTIVE AND NUTRITION SERVICES--NPRM

Legal Authority: 42 USC 3057 Older Americans Act

CFR Citation: 45 CFR 1321; 45 CFR 1328

Abstract: This NPRM will propose requirements that will give States and Indian tribes greater flexibility in meeting the statutory requirements to provide supportive and nutrition services to older individuals.

Timetable:

Action	Date	FR Cite
NPRM	03/02/83	48 FR 08964

Small Entity: No

Additional Information: Anita Shalit 202 245-0641 (see Agency Contact heading for address)

Agency Contact: Floyd Godfrey, Department of Health and Human Services, Office of Human Development Services, Admin on Aging, Rm 4750 HHS North Bldg, 330 Independence Ave, SW, Washington, DC 20201, **202 472-3042**

RIN: 0980-AA02

FOSTER CARE MAINTENANCE ASSISTANCE, ADOPTION ASSISTANCE, AND CHILD WELFARE SERVICES--FINAL RULE

Legal Authority: 42 USC 670 et seq Adoption Assist & Child Welfare Act of 1980; 42 USC 620 et seq; 42 USC 1302 Social Security Act

CFR Citation: 45 CFR 1355; 45 CFR 1356; 45 CFR 1357; 45 CFR 1392

Abstract: This regulation will implement the provisions of the Adoption Assistance and Child Welfare Act of 1980 (titles IV-E, Federal Payments for Foster Care and Adoption Assistance, and IV-B, Child Welfare Services, of the Social Security Act) to establish a program of adoption assistance, strengthen the program of foster care assistance for neglected and dependent children, and to improve the child welfare services program. An NPRM was published on December 31, 1980 (45 FR 86817). A final rule governing fiscal requirements was published on July 15, 1982 (47 FR 30922). On the same date, a second NPRM governing the programmatic requirements of foster care, adoption assistance and child welfare services was published (47 FR 30932).

Timetable:

Action	Date	FR Cite
Prior NPRM	12/31/80	45 FR 86817
NPRM	07/15/82	47 FR 30932
Final Action	06/00/83	

Small Entity: No

Agency Contact: Frank Ferro, Associate Chief, Children's Bureau, Department of Health and Human Services, Office of Human Development Services, Administration for Children, Youth and Families, P.O. Box 1182, Washington, DC 20013, **202 755-7418**

RIN: 0980-AA03

DEVELOPMENTAL DISABILITIES PROGRAM--SECOND NOTICE OF PROPOSED RULEMAKING

Legal Authority: PL 88-164; PL 90-170; PL 91-517; PL 94-103; PL 95-602; PL 97-35; 42 USC 6001 et seq

CFR Citation: 45 CFR 1385; 45 CFR 1386; 45 CFR 1387

Abstract: This proposed regulation would provide maximum flexibility to States in their implementation of the basic formula grant program and the protection and advocacy system. It proposes to simplify State administration of the program and reduce reporting and paperwork requirements. An NPRM was published on May 9, 1980 (45 FR 31006). The Department plans to rescind the first NPRM and publish a second NPRM more consistent with Executive Order 12291 and the Department's rulemaking principles.

Timetable:

Action	Date	FR Cite
Prior NPRM	05/09/80	45 FR 31006
NPRM	02/23/83	48 FR 07700

Small Entity: No

Agency Contact: Mrs. Madelyn C. Schultz, Department of Health and Human Services, Office of Human Development Services, Admin on Developmntl Disabilities, Rm 349-F, Humphrey Bldg, 200 Independence Ave, SW, Washington, DC 20201, **202 245-1961**

RIN: 0980-AA05

NATIVE AMERICAN PROGRAMS--FINAL RULE

Legal Authority: 42 USC 2991 et seq Native Amer Prog Act & Tit. VIII, HSEOCP Act

CFR Citation: 45 CFR 1336

Abstract: This regulation will revise and simplify the appeals process and establish new management and administrative procedures which will reduce reporting and paperwork requirements. It will also remove unnecessary provisions and revise the language of the current regulation for clarity.

Timetable:

Action	Date	FR Cite
NPRM	08/26/82	47 FR 37852
Final Action	06/00/83	

Small Entity: No

Agency Contact: David Litton, Acting Dir, Policy Planning & Budget Div., Department of Health and Human Services, Office of Human Development Services, Administration for Native Americans, Rm 5300 HHS No Bldg, 330 Independence Ave SW, Washington, DC 20201, **202 245-7727**

RIN: 0980-AA06

●STANDARD-SETTING REQUIREMENTS FOR MEDICAL AND NONMEDICAL FACILITIES WHERE SSI RECIPIENTS RESIDE--FINAL RULE WITH COMMENT PERIOD

Legal Authority: 42 USC 1302; 42 USC 1382(e)

CFR Citation: 45 CFR 1397

Abstract: This rule amends the standard-setting requirements for medical and nonmedical facilities where Supplemental Security Income (SSI) recipients reside. (These requirements are known as Keys amendment regulations.) This action is necessary because of the passage of the Omnibus Budget Reconciliation Act of 1981 which amended section 1616(e) of the Social Security Act and deleted reference to title XX, thereby removing social services plans as the vehicle for providing public notice of standards for certain facilities.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	

Small Entity: No

Agency Contact: Ms. Willie Etheridge, Department of Health and Human Services, Office of Human Development Services, O/Pol Coord & Review, 326-E HHH Bldg., 200

Independence Avenue, S.W., Washington, D.C. 20201, 202 245-2892

RIN: 0980-AA07

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Office of Human Development Services (HDSO)

Completed Actions

COMPLETED RULEMAKINGS

CONSOLIDATED GRANTS TO INSULAR AREAS--FINAL RULE

Completed:

Reason	Date	FR Cite
Final Action	12/16/82	47 FR 56466
Final Action Effective	12/16/82	

Agency Contact: Catherine Carver 202 245-6156

RIN: 0980-AA00

GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING: FUNDING OF PROGRAM DEVELOPMENT AND COORDINATION ACTIVITIES AS ALLOWABLE SUPPORTIVE SERVICES COSTS--FINAL RULE

Completed:

Reason	Date	FR Cite
Final Action	09/22/82	47 FR 41754
Final Action Effective	10/01/82	

Agency Contact: Floyd Godfrey 202 472-3042

RIN: 0980-AA01

CHILD ABUSE AND NEGLECT PREVENTION AND TREATMENT PROGRAM--FINAL RULE

Completed:

Reason	Date	FR Cite
Final Action	01/26/83	48 FR 3698
Final Action Effective	02/25/83	

Agency Contact: Jay Olson 202 245-2859

RIN: 0980-AA04

BILLING CODE 4150-04-T

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Social Security Administration (SSA)

Current and Projected Rulemakings

OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE, BLACK LUNG, AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; WAIVER OF ADJUSTMENT OR RECOVERY OF OVERPAYMENTS

Priority: Agency Determination

Legal Authority: 30 USC 923; 42 USC 404; 42 USC 405; 42 USC 427; 42 USC 1302; 42 USC 1383(b)

CFR Citation: 20 CFR 404, Subpart F; 20 CFR 410, Subpart E; 20 CFR 416, Subpart E

Abstract: The proposed regulation would: (1) establish a time limit for requesting waiver of recovery of an overpayment of benefits; (2) standardize among the three programs the definition of "without fault" (a criterion for waiver of recovery); (3) identify a resource base for all three programs, recovery from which will be considered to "defeat the purpose" (another criterion for waiver) of the program; (4) limit the amount of miscellaneous living expenses considered in determining whether recovery will "defeat the purpose" of the program; and (5) provide that recovery will be considered "against equity and good conscience" only if the individual relinquished a valuable right or changed his or her position for the worse because of the incorrect payment or because of a notice that the payment would be made. The regulation would be expected to result in program savings and negligible administrative cost.

Timetable:

Action	Date	FR Cite
NPRM	02/11/83	48 FR 06354

Small Entity: No

Agency Contact: Larry Dudar, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 594-6629**

RIN: 0960-AA00

SUPPLEMENTAL SECURITY INCOME PROGRAM; ELIGIBILITY, MANDATORY APPLICATION FOR EARNED INCOME TAX CREDITS

Priority: Agency Determination

Legal Authority: 42 USC 1302; 42 USC 1381a; 42 USC 1382; 42 USC 1382c; 42 USC 1383

CFR Citation: 20 CFR 416, Subpart B

Abstract: Existing regulations provide that individuals are not eligible for SSI benefits if they do not apply for other benefits when notified to do so by SSA. These benefits include payments based on past employment and military service. These proposed rules amend the regulations by adding to these benefits which must be applied for amounts payable as earned income tax credits (EITC's) under the provisions of sections 43 and 3507 of the Internal Revenue Code. These payments became countable as earned income for Supplemental Security Income (SSI) purposes with the enactment of Pub. L. 96-222 (section 101(a)(2)(B)). It is estimated that these regulations will have no significant program or administrative costs or savings.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	

Small Entity: No

Agency Contact: Rita Hauth, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 594-7460**

RIN: 0960-AA01

SUPPLEMENTAL SECURITY INCOME PROGRAM; EFFECTIVE DATE OF APPLICATION AND PRORATION OF INITIAL SSI BENEFIT PAYMENT

Priority: Agency Determination

Legal Authority: PL 97-248, Sec 181

CFR Citation: 20 CFR 416, Subpart C; 20 CFR 416, Subpart M

Abstract: These regulations will enable SSI benefits in the month of application to be prorated from the date of application or the date of eligibility, whichever is later. The regulations will also apply to months in which the individual reapplies after a period of ineligibility.

Timetable:

Action	Date	FR Cite
Interim Final Rule	00/00/00	

Small Entity: No

Agency Contact: Fred Miranda, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 594-7341**

RIN: 0960–AA03

SUPPLEMENTAL SECURITY INCOME PROGRAM; ROUNDING OF SSI BENEFIT AMOUNTS

Priority: Agency Determination

Legal Authority: PL 97-248, Sec 182

CFR Citation: 20 CFR 416, Subpart D

Abstract: These rules reflect changes in the law enabling SSI monthly benefit and income eligibility amounts to be rounded to the next lower dollar. Rounding takes place after the cost-of-living adjustment (COLA) has been made and subsequent COLAs are based on unrounded SSI benefit and income eligibility amounts that resulted before the previous year's amount was rounded down.

Timetable:

Action	Date	FR Cite
Final Action	05/00/83	

Small Entity: No

Agency Contact: Fred Miranda, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 594-7341**

RIN: 0960–AA04

SUPPLEMENTAL SECURITY INCOME PROGRAMS; MANDATORY PASS THROUGH UNDER STATE SUPPLEMENTATION PROVISIONS

Priority: Agency Determination

Legal Authority: PL 97-248, Sec 186; 42 USC 1382g(c) Social Security Act, as amended

CFR Citation: 20 CFR 416, Subpart T

Abstract: These rules reflect changes in the law which enable States effective for the 12 month period ending June 1982, to switch from the "maintaining of total expenditures" method of compliance with mandatory pass through provisions to the "maintaining of payment levels" method without first having to pass through to all current SSI recipients all the Federal cost-of-living benefit increases which have occurred since December 1976. States can meet the pass through requirements by maintaining the payment levels in effect in December of the latest preceding total expenditures period.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 597-3409**

RIN: 0960–AA05

SUPPLEMENTAL SECURITY INCOI E PROGRAM; PHASEOUT OF HOLD HARMLESS PROTECTION

Priority: Agency Determination

Legal Authority: PL 97-248, Sec 184; PL 97-377

CFR Citation: 20 CFR 416, Subpart T

Abstract: These rules reflect changes in the law which reduces Federal contributions toward the cost of State's supplementary payments to 60% of what they otherwise would have been for FY 1982; 40% of what they otherwise would be for FY 1983; 20% for FY 1984 and to no Federal funding for FY 1985 and future years.

Timetable:

Action	Date	FR Cite
Final Action	04/00/83	

Small Entity: No

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 597-3409**

RIN: 0960–AA06

SUPPLEMENTAL SECURITY INCOME PROGRAM; BURIAL SPACES AND CERTAIN FUNDS SET ASIDE FOR BURIAL EXPENSES

Priority: Agency Determination

Legal Authority: PL 97-248, Sec 185

CFR Citation: 20 CFR 416, Subpart L

Abstract: These regulations provide for the exclusion of burial spaces for the use of an individual and members of his or her immediate family. The amendment also provides for the exclusion of up to $1,500 each for an individual and spouse held in separately identifiable burial funds. However, the amount excluded as a burial fund will be reduced by the face value ($1,500 or less) of life insurance policies where the cash surrender value was already excluded from resources and by any amount held in an irrevocable trust arrangement available to meet the burial needs of the individual spouse (not considered a resource because it cannot be redeemed for cash). Thus, the exclusion of burial funds is not an exclusion of additional amounts of resources. Rather, it gives SSI recipients an alternative to life insurance and irrevocable burial plans for providing for their burial expenses without affecting their SSI eligibility. The provision also stipulates that future SSI benefits will be reduced by any amounts of the excluded burial funds used for purposes other than those for which they were set aside. The Secretary is (cont)

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/08/82	47 FR 55212
Final Action	06/00/83	

Small Entity: No

Additional Information: ABSTRACT CONT: authorized to exclude from income and resources increases in the value of burial funds which result from accrual of interest or from appreciation in the value of burial arrangements. The effective date of these regulations is 11/1/82.

Agency Contact: Henry Lerner, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 594-7414**

RIN: 0960–AA07

SUPPLEMENTAL SECURITY INCOME PROGRAM; DEEMING OF INCOME AND RESOURCES

Priority: Agency Determination

Legal Authority: 42 USC 1302; 42 USC 1382a; 42 USC 1382b; 42 USC 1382c; 42 USC 1383

CFR Citation: 20 CFR 416, Subpart K; 20 CFR 416, Subpart L

Abstract: The regulation reflects a temporary change in policy which provides that the Secretary, in appropriate circumstances, will not apply the ordinary SSI rules for deeming certain family members' income and resources to a noninstitutionalized person. The regulation enables a patient to retain Medicaid eligibility while being treated at home at considerably less cost to the government than if he or she were in an institution. This temporary policy deals with this concern while States develop appropriate programs of home and community based services under their Medicaid programs. The regulation will have inconsequential impact on administrative costs. The program costs that would result will be more than offset by the Medicaid savings that will accrue. Because of the relatively small number of persons affected, costs and savings will be minimal.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/04/82	47 FR 24274
Final Action	00/00/00	

Small Entity: No

Agency Contact: **Fred Miranda**, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 594-7341**

RIN: 0960–AA09

OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; REVISED RULES FOR CERTAIN MEDICAL CESSATION CASES

Priority: Agency Determination

Legal Authority: 42 USC 405; 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 404, Subpart P; 20 CFR 416, Subpart I

Abstract: This proposed regulation describes revised procedures for processing certain cases where a person's benefits are being stopped because he or she has been found to be not now disabled or blind, as defined in the law. The proposed regulation amends the rules describing when a person's disability will be determined to have ended and, therefore, when cash disability benefits will be stopped (and, for a disabled worker, when a period of disability ends). These changes will result in a moderate increase in program costs.

Timetable:

Action	Date	FR Cite
NPRM	05/00/83	

Small Entity: No

Agency Contact: **Harry Short**, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 594-7337**

RIN: 0960–AA10

●AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM; EXCLUSION OF CERTAIN HOME ENERGY ASSISTANCE UNDER AFDC

Priority: Agency Determination

Legal Authority: PL 97-377; PL 97-424

CFR Citation: 45 CFR 233.20

Abstract: These rules provide, in general, that home energy assistance will not affect AFDC benefits if provided by a private, nonprofit organization or a regulated utility company between specified dates.

Timetable:

Action	Date	FR Cite
Interim Final Rule	00/00/00	

Small Entity: No

Agency Contact: **Gary Ashcraft**, Director, DLRP, Department of Health and Human Services, Social Security Administration, Office of Family Assistance, 2100 Second Street, SW, Washington, DC 20024, **202 245-3264**

RIN: 0960–AA46

●SUPPLEMENTAL SECURITY INCOME PROGRAM; EXCLUSION OF CERTAIN HOME ENERGY ASSISTANCE UNDER SSI

Priority: Agency Determination

Legal Authority: PL 97-377; PL 97-424

CFR Citation: 20 CFR 416, Subpart K

Abstract: These rules provide, in general, that home energy assistance will not affect SSI benefits if provided by a private, nonprofit organization or a regulated utility between specified dates.

Timetable:

Action	Date	FR Cite
Interim Final Rule	00/00/00	

Small Entity: No

Agency Contact: **Marval Cazer**, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235, **301 594-7463**

RIN: 0960–AA47

●OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM AND SUPPLEMENTAL SECURITY INCOME PROGRAM; DISABILITY TERMINATION HEARINGS

Priority: Agency Determination

Legal Authority: 42 USC 405; 42 USC 1302; PL 97-455, Sec 4; PL 97-455, Sec 5

CFR Citation: 20 CFR 404.900 to 404.960; 20 CFR 404.1546; 20 CFR 416.946; 20 CFR 416.1336; 20 CFR 416.1400 to 416.1460

Abstract: Sections 4 and 5 of Pub. L. 97-455 require SSA to make face-to-face evidentiary hearings available at the first stage of appeal, known as reconsideration, in cases in which an initial determination is made that an individual receiving title II disability benefits is not now disabled. Regulations are necessary to implement this statutory requirement, which will make the reconsideration stage more meaningful. Although not specifically required by the statute, the proposed regulations will include SSI disability and blindness cessation cases in the new reconsideration process. The availability of an evidentiary hearing at the reconsideration stage in disability and blindness termination cases should enable reconsiderations to be based on more complete information, enable more appeals to be resolved at that level, and thus reduce the workload at the administrative law judge hearing level and in the Appeals Council.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: **Frank Lindh**, Executive Analyst, Department of Health and Human Services, Social Security Administration, Office of Hearings and Appeals, SSA, Rm 760 Altmeyer Building, 6401 Security Blvd, Baltimore, Maryland 21235, **301 594-5072**

RIN: 0960–AA49

OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE; CONTINUED PAYMENT OF DISABILITY BENEFITS DURING APPEAL

Priority: Agency Determination

Legal Authority: PL 97-455, Sec 2; 42 USC 405; 42 USC 1302

CFR Citation: 20 CFR 404, Subpart P

Abstract: The proposed regulation would provide a title II disability beneficiary, whose benefits have ceased because his impairment is found to have ceased, not to have existed, or to no longer be disabling, with the option to have benefit payments continued through reconsideration and the Administrative Law Judge hearing. The continuing benefits would be treated as overpayments subject to the waiver requirements of the Social Security Act, if the cessation of disability determination is not reversed to continuance on reconsideration or hearing. This continuance of benefits would apply to termination determinations made between January 1983 and October 1983. Cases pending a reconsideration or Administrative Law Judge decision as of January 1983 also may be continued, although retroactive payments are not authorized. The last month of payment continuance will be June 1984.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/00/83	

Small Entity: No

Agency Contact: **Larry Dudar**, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 594-6629**

RIN: 0960–AA50

OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; PAYMENTS TO STATES FOR SUCCESSFUL REHABILITATION SERVICES

Legal Authority: 42 USC 405; 42 USC 4220; 42 USC 1302; 42 USC 1382d; 42 USC 1383; PL 97-35, Sec 2209; PL 97-35, Sec 2344

CFR Citation: 20 CFR 404, Subpart V; 20 CFR 416, Subpart V

Abstract: This regulation will implement provisions of the Omnibus Budget Reconciliation Act of 1981. These provisions provide for replacement of the system under which State Vocational Rehabilitation (VR) agencies were given a lump sum advance to cover costs they might incur in attempting to rehabilitate beneficiaries with a system under which States or other participants will be paid on a case-by-case basis, though they may continue to get lump sum advances. The regulation will limit reimbursement for VR services to cases of successful rehabilitation attributable to VR involvement. Program savings are anticipated through FY 1983.

Timetable:

Action	Date	FR Cite
NPRM	10/14/81	46 FR 50756
Final Action	04/00/83	

Small Entity: No

Agency Contact: **Harry Short**, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 594-7337**

RIN: 0960–AA11

OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; MEGACAP DIB REDUCTIONS

Legal Authority: 42 USC 424; PL 97-35, Sec 2208

CFR Citation: 20 CFR 404, Subpart E

Abstract: This regulation will implement statutory cost reduction provisions in the disability program (1) by offsetting disability benefits with other public disability payments (in addition to workmen's compensation); (2) by extending the period of offset through age 64; (3) by authorizing offset for the first month for which the worker is entitled to workmen's compensation regardless of when SSA receives notice of such entitlement; and (4) by providing that "reverse" offset under State law would not preclude Federal offset unless the State law was in effect on February 18, 1981. These changes will result in savings to the social security disability trust fund.

Timetable:

Action	Date	FR Cite
Final Action	06/00/83	

Small Entity: No

Agency Contact: **Jack Schanberger**, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 594-6785**

RIN: 0960–AA12

OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; COVERAGE OF EMPLOYEES OF STATE AND LOCAL GOVERNMENTS

Legal Authority: 42 USC 418; 42 USC 1302

CFR Citation: 20 CFR 404, Subpart M

Abstract: This proposed regulation reflects policies and procedures concerning agreements between States and the Secretary for Social Security coverage of State and local employees, termination of those agreements, payment of Social Security contributions, filing of wage reports by States, charging interest for late payments, etc. The current rules need to be organized into a logical sequence and to be updated to reflect many policies which SSA has followed for many years. In preparing this regulation, we reviewed all policies to assess their impact on the trust funds and to reduce recordkeeping burdens. This proposed regulation primarily reflects current policies so that any program and administrative savings will be minimal.

Timetable:

Action	Date	FR Cite
Notice of Decision to Develop Regs	09/28/79	44 FR 55899
Notice of Available Working Draft	09/26/80	45 FR 63868
NPRM	04/00/83	

Small Entity: No

Agency Contact: **Cliff Terry**, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 594-7519**

RIN: 0960–AA13

OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; REPEAL OF MINIMUM BENEFIT, ROUNDING OF BENEFIT AMOUNTS

Legal Authority: 42 USC 403; 42 USC 415; PL 97-35, Sec 2201; PL 97-35, Sec 2206; PL 97-123, Sec 2

CFR Citation: 20 CFR 404, Subpart C; 20 CFR 404, Subpart D; 20 CFR 404, Subpart E

Abstract: This proposed regulation explains that effective January 1982 there is, in general, no longer a minimum primary insurance amount (PIA). Instead, the PIA is the amount computed based on the individual's earnings. The regulation also explains the amended rules on rounding, i.e., amounts computed will be rounded down to the next lower multiple of $.10 at intermediate steps of the calculation and the next lower $1 at the final step. The repeal of the minimum benefit will result in decreased OASDI benefits, but will increase costs to the Supplemental Security Income program as more people become eligible for Supplemental Security Income benefits. The

amended rules on rounding will result in program savings.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	

Small Entity: No

Agency Contact: **Phil Berge**, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 594-7452**

RIN: 0960–AA14

OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY I PROGRAMS; FEE SCHEDULE FOR INFORMATION

Legal Authority: PL 97-35, Sec 2207; 42 USC 405; 42 USC 1302; 42 USC 1306

CFR Citation: 20 CFR 401; 20 CFR 422, Subpart E

Abstract: The substantive changes in these rules conform current rules on who can deny or release a record to those published in final by HHS on May 12, 1982 at 47 FR 20309. They conform the SSA Freedom of Information Act (FOIA) fee schedule to that published by HHS in a final regulation on 9/22/82 at 47 FR 41751. They also announce a fee schedule under which we will charge the full cost of providing certain records as allowed by section 2207 of the Omnibus Budget Reconciliation Act of 1981. The HHS FOIA fee schedule and our proposed fee schedule to charge full cost of providing certain records will result in savings to the Social Security trust funds by permitting SSA to charge more than currently allowed for providing records and record related services.

Timetable:

Action	Date	FR Cite
NPRM	06/00/83	

Small Entity: No

Agency Contact: **Cliff Terry**, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6301 Security Boulevard, Baltimore, MD 21235, **301 594-7519**

RIN: 0960–AA15

AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM; FEDERAL FINANCIAL PARTICIPATION IN THE COST OF A STATEWIDE MECHANIZED CLAIMS PROCESSING AND INFORMATION RETRIEVAL ETC

Legal Authority: 42 USC 602(a); 42 USC 603(a)(3); 42 USC 613; PL 96-265, Sec 406

CFR Citation: 45 CFR 205

Abstract: The regulation will make available, at State option, 90 percent matching funds for the planning, design, development, and installation of a statewide claims processing and information retrieval system for the AFDC program. The 90 percent matching includes the purchase or rental of computer equipment and software used for the operation of this system. The regulation will result in short-run administrative costs, but is expected to result in greater long-run program savings through increased accuracy of processing.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/30/81	46 FR 47784
Final Action	06/00/83	

Small Entity: No

Agency Contact: **John Gallagher**, Director, Department of Health and Human Services, Social Security Administration, Div of State Systems Mgmt, Off of Fam Assist, 2100 Second Street, SW, Washington, DC 20024, **202 245-2133**

RIN: 0960–AA16

OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; FILING OF APPLICATIONS AND OTHER FORMS, WITHDRAWAL OF AN APPLICATION

Legal Authority: 42 USC 405; 42 USC 1302

CFR Citation: 20 CFR 404, Subpart G

Abstract: The proposed regulation would permit a person eligible for widow's or widower's benefits to withdraw a deceased worker's application for reduced old-age benefits if the worker died before SSA certified the worker's entitlement to the Treasury Department for payment. The change would permit avoidance of the reduction in widow's or widower's benefits that is required where the worker was entitled to benefits reduced because of his or her age. The reduction appears inequitable if the worker died before his or her entitlement was certified. The regulation would result in some program costs and negligible administrative costs.

Timetable:

Action	Date	FR Cite
Notice of Decision to Develop Regs	03/02/82	47 FR 8789
NPRM	09/28/82	47 FR 42587
NPRM Comment Period Begin	09/28/82	
NPRM Comment Period End	11/29/82	
Final Action	04/00/83	

Small Entity: No

Agency Contact: **Larry Dudar**, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 594-6629**

RIN: 0960–AA17

SUPPLEMENTAL SECURITY INCOME PROGRAM; MEDICAID ELIGIBILITY DETERMINATIONS

Legal Authority: 42 USC 1302; 42 USC 1383; 42 USC 1383c; 42 USC 4222

CFR Citation: 20 CFR 416, Subpart U

Abstract: The proposed regulation gives the rules under which SSA agrees to make determinations of Medicaid eligibility for Supplemental Security Income (SSI) beneficiaries on behalf of States and to give States other assistance in Medicaid program administration. The agreements avoid duplication of effort between State and Federal governments and simplify the Medicaid application process for applicants. This revision makes the rules clearer and easier to read. The rules also provide for SSA's making Medicaid determinations for a State that implements sec. 1912 of the Social Security Act. Sec. 1912 authorizes a State to require, as a condition of Medicaid eligibility, that a person assign to the State any rights he or she has to payments from someone else for medical care. The regulations will result in no program or administrative costs or savings for SSA.

Timetable:

Action	Date	FR Cite
Notice of Decision to Develop Regs	06/19/79	44 FR 35241
NPRM	00/00/00	

Small Entity: No

Agency Contact: **Cliff Terry**, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regu-

lations, 6401 Security Boulevard, Baltimore, MD 21235, 301 594-7519

RIN: 0960–AA19

SUPPLEMENTAL SECURITY INCOME PROGRAM; REDUCTIONS, SUSPENSIONS AND TERMINATIONS

Legal Authority: 42 USC 1302; 42 USC 1382; 42 USC 1382c; 42 USC 1382d; 42 USC 1383

CFR Citation: 20 CFR 416, Subpart M

Abstract: This regulation reorganizes, revises, and clarifies the rules on withholding, reducing, suspending, and terminating an SSI beneficiary's benefits. These regulations include changes in the present rules that are required by recent statutory enactments and, additionally, make the rules easier to read and understand. This regulation will have no impact on SSA programs and administrative costs.

Timetable:

Action	Date	FR Cite
Notice of Decision to Develop Regs	06/19/79	44 FR 35241
NPRM	00/00/00	

Small Entity: No

Agency Contact: Charles H. Campbell, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 301 597-3406

RIN: 0960–AA22

SUPPLEMENTAL SECURITY INCOME PROGRAM; EXCEPTION TO STATUS AS RESIDENT OF A PUBLIC INSTITUTION FOR EDUCATIONAL AND VOCATIONAL TRAINING

Legal Authority: 42 USC 1302; 42 USC 1381a; 42 USC 1382; 42 USC 1382c; 42 USC 1383

CFR Citation: 20 CFR 416, Subpart B

Abstract: This proposed regulation has been developed because SSA has begun to receive applications on behalf of severely retarded individuals in public institutions. Individuals in public educational institutions enrolled in or registered for education or vocational training have been excluded from the status as a resident of a public institution and, thus, may be eligible for SSI benefits. This proposed rule would restrict the exception to residents in public educational institutions primarily to receive educational or vocational training. The education or vocational training must have the objective of gainful employment. Adoption of this proposed regulation will entail no program costs but will prevent anticipated program and administrative costs.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	

Small Entity: No

Agency Contact: Rita Hauth, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 301 594-7457

RIN: 0960–AA24

SUPPLEMENTAL SECURITY INCOME PROGRAM; SHELTERED WORKSHOPS AND EARNED INCOME TAX CREDITS

Legal Authority: PL 96-222; PL 96-265

CFR Citation: 20 CFR 416, Subpart K

Abstract: The regulations provide that sheltered workshop remuneration is earned income as of 10/1/80 and that earned income tax credits are earned income as of 1/1/80. The regulations eliminate the need to determine whether sheltered workshop services are employment or therapy--which determines whether remuneration received is earned or unearned income. Earned income is advantageous to a beneficiary as it provides greater exclusions and higher benefits. The earned income tax credits, which did not affect benefits prior to 1980, would have been unearned income as of 1980 and would have resulted in lower benefits, if this law had not been enacted. The administrative costs from both provisions will be negligible while generating some program savings.

Timetable:

Action	Date	FR Cite
NPRM	01/19/81	46 FR 4949
Final Action	04/00/83	

Small Entity: No

Agency Contact: Rita Hauth, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 301 594-7457

RIN: 0960–AA25

SUPPLEMENTAL SECURITY INCOME PROGRAM; AGE 18 AND ALIEN DEEMING

Legal Authority: 42 USC 1302; 42 USC 1382f; 42 USC 1382j; 42 USC 1383; PL 96-265, Sec 203; PL 96-265, Sec 504

CFR Citation: 20 CFR 416, Subpart K

Abstract: This regulation provides that deeming of parental income and resources to an eligible child ends when a child reaches age 18 unless a savings clause applies to children between 18 and 21, and that a sponsor's income and resources are deemed to an alien for a period of three years after admission for aliens who first apply for SSI benefits after September 30, 1980. The regulation eliminates different treatment of children aged 18 to 21 depending on status as students, and assumes that sponsors will support aliens and sets more rigid rules for the sponsor to alien deeming than apply to other deeming categories. Section 203 of Pub. L. 96-265, which pertains to age 18 deeming, will generate minimal program savings and insignificant cost outlays. However, section 504 of Pub. L. 96-265, which pertains to sponsor to alien deeming, will result in some cost savings as well as program savings.

Timetable:

Action	Date	FR Cite
Notice of Decision to Develop Regs	11/14/80	45 FR 75225
NPRM	12/10/81	46 FR 6047
Final Action	00/00/00	

Small Entity: No

Agency Contact: **Rita Hauth**, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 594-7457**

RIN: 0960-AA26

SUPPLEMENTAL SECURITY INCOME PROGRAM; ELIGIBILITY, AMOUNT OF BENEFITS, INCOME, RESOURCES, STATE SUPPLEMENTARY PROVISIONS, AGREEMENTS, PAYMENTS

Legal Authority: 42 USC 1382; 42 USC 1382a; PL 97-35, Sec 2341

CFR Citation: 20 CFR 416, Subpart B; 20 CFR 416, Subpart D; 20 CFR 416, Subpart K; 20 CFR 416, Subpart L; 20 CFR 416, Subpart T

Abstract: This regulation will implement statutory provisions for retrospective monthly accounting and spell out how they affect various regulations that deal with eligibility for and the amount of SSI benefits. This regulation will implement a significant change from quarterly to monthly determinations of eligibility and benefit amount. Although in the first year (1982) of implementation of retrospective monthly accounting there will be an administrative cost, it will be followed by an administrative saving thereafter. Some significant program costs are projected in 1982 through 1984 and neither cost nor savings in 1985.

Timetable:

Action	Date	FR Cite
NPRM	10/29/81	46 FR 53449
Final Action	00/00/00	

Small Entity: No

Agency Contact: **Rita Hauth**, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 594-7457**

RIN: 0960-AA27

OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; LIMITATION ON PROSPECTIVE LIFE OF APPLICATION

Legal Authority: 42 USC 402; 42 USC 423b; 42 USC 1302; 42 USC 1383; PL 96-265, Sec 306

CFR Citation: 20 CFR 404, Subpart G; 20 CFR 404, Subpart J; 20 CFR 416, Subpart C; 20 CFR 416, Subpart N

Abstract: These rules should promote final resolution of cases at the hearing stage and help to reserve appeals council review for cases of a genuinely appellate nature. These rules specify that if a person files an application for benefits before the first month he or she meets all requirements for entitlement, we will allow the claim only if he or she meets all requirements before a hearing decision is issued (if a hearing is held). These rules will generate program savings and administrative costs and savings.

Timetable:

Action	Date	FR Cite
Notice of Decision to Develop Regs	09/16/80	45 FR 61315
NPRM	06/00/83	

Small Entity: No

Agency Contact: **Phil Berge**, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 594-7452**

RIN: 0960-AA28

AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM; ADJUSTMENT OF FEDERAL SHARE FOR UNCASHED/CANCELLED CHECKS

Legal Authority: 42 USC 303; 42 USC 603(a); 42 USC 1203; 42 USC 1302; 42 USC 1353; 42 USC 1383

CFR Citation: 45 CFR 205.44

Abstract: This regulation establishes a uniform policy for a State to return to the Federal government its share of uncashed or cancelled assistance checks. A GAO audit disclosed many instances where these uncashed or cancelled checks were not refunded to the Federal government. This regulation will effect program savings.

Timetable:

Action	Date	FR Cite
Notice of Decision to Develop Regs	11/14/80	45 FR 75244
NPRM	02/22/83	48 FR 07479

Small Entity: No

Agency Contact: **Gary Ashcraft**, Director, DLRP, Department of Health and Human Services, Social Security Administration, Office of Family Assistance, 2100 Second Street, SW, Washington, D.C. 20024, **202 245-3284**

RIN: 0960-AA29

SUPPLEMENTAL SECURITY INCOME PROGRAM; DISPOSING OF RESOURCES FOR LESS THAN FAIR MARKET VALUE

Legal Authority: 42 USC 1302; 42 USC 1382b; 42 USC 1383; PL 96-611, Sec 5

CFR Citation: 20 CFR 416, Subpart L

Abstract: This regulation provides that an individual (or eligible spouse) who gives away or sells any nonexcludable resource for less than fair market value for the purpose of establishing SSI eligibility will have the uncompensated value of those resources counted toward the resource limit for 24 months from the date of disposal. This type of transfer is presumed to be for the purpose of establishing SSI eligibility unless the individual can present convincing evidence that the transfer (disposal) was exclusively for some other purpose. Administrative costs will be minimal; however, there will be a saving in program costs.

Timetable:

Action	Date	FR Cite
NPRM	10/22/81	46 FR 51778
Final Action	04/00/83	

Small Entity: No

Agency Contact: **Henry Lerner**, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 594-7414**

RIN: 0960-AA31

SUPPLEMENTAL SECURITY INCOME PROGRAM; RESOURCES

Legal Authority: 42 USC 1302; 42 USC 1382; 42 USC 1382b; 42 USC 1382c; 42 USC 1383

CFR Citation: 20 CFR 416, Subpart L

Abstract: These proposed rules describe what we mean by resources, how we count resources, and how resources affect eligibility for SSI benefits. We estimate that administrative and program costs will be minimal for these regulations.

Timetable:

Action	Date	FR Cite
Notice of Decision to Develop Regs	03/27/79	44 FR 12837
NPRM	11/08/82	47 FR 50511
NPRM Comment Period Begin	11/08/82	
NPRM Comment Period End	01/07/83	
Final Action	05/00/83	

Small Entity: No

Agency Contact: Henry Lerner, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 594-7414**

RIN: 0960-AA32

AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM; COMPUTING A SUPPLEMENTAL PAYMENT IN STATES REQUIRED TO DO SO BY SECTION 402(A)(28) OF THE SOCIAL SECURITY ACT

Legal Authority: 42 USC 602; 42 USC 1302

CFR Citation: 45 CFR 232.21; 45 CFR 233.20; 45 CFR 302.32

Abstract: This regulation will require that eligibility be based on the current month's reported support payments, and each month's supplemental payment be based on the largest part of the amount collected in the current month that would not cause ineligibility. It will provide uniform and equitable redeterminations of eligibility and payment amounts. This regulation will result in minimal costs.

Timetable:

Action	Date	FR Cite
Notice of Decision to Develop Regs	05/18/79	44 FR 29122
NPRM	02/15/80	45 FR 8322
Final Action	00/00/00	

Small Entity: No

Agency Contact: Gary Ashcraft, Director, DLRP, Department of Health and Human Services, Social Security Administration, Office of Family Assistance, Rm B411, TransPoint Bldg, 2100 Second St, SW, Washington, DC 20024, **202 245-2384**

RIN: 0960-AA33

OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; BENEFITS FOR CERTAIN PRISONERS

Legal Authority: PL 96-473, Sec 5; 42 USC 423; 42 USC 1302

CFR Citation: 20 CFR 404, Subpart D; 20 CFR 404, Subpart E; 20 CFR 404, Subpart P

Abstract: The regulation places certain restrictions on the payment of benefits based on disability and student status to persons who have been convicted of a felony and are imprisoned. The rules specify the conditions under which these benefits will not be paid to an imprisoned felon and how a finding of disability may be affected where the person's imprisonment is connected with his or her commission of a felony or the disability alleged arises out of imprisonment. There will be program savings and administrative costs as a result of the regulations.

Timetable:

Action	Date	FR Cite
NPRM	06/11/82	47 FR 25376
Final Action	04/00/83	

Small Entity: No

Agency Contact: Dave Smith, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 594-7336**

RIN: 0960-AA37

OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; CHANGES IN LUMP-SUM DEATH PAYMENT, MONTH OF ENTITLEMENT, MOTHERS AND FATHERS BENEFITS AND STUDENT BENEFITS

Legal Authority: PL 97-35, Sec 2202; PL 97-35, Sec 2203; PL 97-35, Sec 2205; PL 97-35, Sec 2210; 42 USC 402; 42 USC 416; 42 USC 1302

CFR Citation: 20 CFR 404, Subpart D

Abstract: The regulation limits lump-sum death payments to widows, widowers, or dependent children, provides for terminating mother's and father's benefits when the child becomes age 16, changes the first month of entitlement for certain benefits, phases out over a 4-year period benefits payable to students, and otherwise significantly limits benefit payments to students. There are program and administrative savings as a result of these provisions.

Timetable:

Action	Date	FR Cite
NPRM	07/29/82	47 FR 32732
Final Action	06/00/83	

Small Entity: No

Agency Contact: Dave Smith, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 594-7336**

RIN: 0960-AA38

OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; REVISION OF TOTALIZATION BENEFIT COMPUTATION

Legal Authority: 42 USC 433

CFR Citation: 20 CFR 404, Subpart T

Abstract: The proposed regulation changes the method by which totalization benefits are computed. Current rules can cause undesirable program results and are difficult to administer. No additional costs are involved. Administrative savings are negligible.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: David Smith, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 594-7336**

RIN: 0960-AA39

OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; DEDUCTION OF IMPAIRMENT-RELATED WORK EXPENSES

Legal Authority: PL 96-265, Sec 302; 42 USC 423; 42 USC 1382c

CFR Citation: 20 CFR 404, Subpart P; 20 CFR 416, Subpart I

Abstract: This regulation provides for the deduction from earnings of certain impairment-related work expenses in determining: (1) whether a disabled person has done substantial gainful activity; and (2) the amount of a disabled person's earned income for SSI purposes. The rules specify the kinds of expenses that may be deducted and the manner in which the deductions will be made. The rules will encourage disabled persons to work by enabling them to deduct certain work expenses. There will be additional program and administrative costs as a result of these regulations.

Timetable:

Action	Date	FR Cite
NPRM	01/06/82	47 FR 0642
Final Action	04/00/83	

Small Entity: No

Agency Contact: David Smith, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 594-7336**

RIN: 0960–AA40

OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; REVISED MEDICAL CRITERIA FOR DETERMINATION OF DISABILITY

Legal Authority: 42 USC 405; 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 404, Subpart P

Abstract: The regulation revises the medical evaluation criteria used in making Social Security and SSI disability determinations. The changes reflect advances in medical treatment of some conditions and in the methods of evaluating others. Since no significant change in disability allowance and denial rates is expected to result from these changes in the regulations, there will be little, if any, impact on costs (both program and administrative).

Timetable:

Action	Date	FR Cite
NPRM	05/06/82	47 FR 19619
Final Action Effective	07/00/83	

Small Entity: No

Agency Contact: William J. Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 594-7415**

RIN: 0960–AA41

OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; EXTENSION OF TRIAL WORK PERIOD AND REINSTATEMENT OF BENEFITS

Legal Authority: PL 96-265, Sec 303; 42 USC 402; 42 USC 422; 42 USC 423; 42 USC 1382; 42 USC 1382c

CFR Citation: 20 CFR 404, Subpart P; 20 CFR 416, Subpart I

Abstract: This proposed regulation will provide persons who remain disabled and who have completed a trial work period with an additional period of 15 months in which to continue to test their ability to work. During this period a person may be paid benefits for all months in which he or she does not do substantial gainful activity. The regulation also extends the trial work period provisions (and the additional period) to widows, widowers, and surviving divorced wives. These changes will have only a negligible effect on program costs.

Timetable:

Action	Date	FR Cite
Notice of Decision to Develop Regs	11/14/80	45 FR 75225
NPRM	10/19/82	47 FR 46535
NPRM Comment Period Begin	10/19/82	
NPRM Comment Period End	12/20/82	
Final Action	04/00/83	

Small Entity: No

Agency Contact: Harry Short, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 594-7337**

RIN: 0960–AA42

AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM; LEAST COSTLY APPROACH

Legal Authority: 42 USC 602; 42 USC 605; 42 USC 606; 42 USC 1302

CFR Citation: 45 CFR 205; 45 CFR 206; 45 CFR 233; 45 CFR 234; 45 CFR 235; 45 CFR 201; 45 CFR 232; 45 CFR 237

Abstract: This regulation will affect a number of provisions of the AFDC program. It will result in savings to State and Federal governments and will ease the paperwork burden of the States. The changes may include provisions on restricted payments, hearings, State training plans, durational period of incapacity, and others that will result in a "least costly" approach to the administration of AFDC. This regulation will result in dollar savings and the relief of administrative burdens that we expect to accrue.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Gary Ashcraft, Director, DLRP, Department of Health and Human Services, Social Security Administration, Office of Family Assistance, 2100 Second Street, SW, Washington, D.C. 20024, **202 245-3284**

RIN: 0960–AA43

OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; TIME LIMITATIONS FOR ISSUING HEARING DECISIONS AND FOR APPEALS COUNCIL ACTIONS

Legal Authority: 42 USC 405(a); 42 USC 1302; 42 USC 1320; 42 USC 1383; 42 USC 1395

CFR Citation: 20 CFR 404, Subpart J; 20 CFR 416, Subpart N

Abstract: This regulation provides time limits for issuing hearing decisions and for certain actions by the Appeals Council as ordered by the U.S. District Court for the Western District of Kentucky in the Blankenship and Finch cases (except for SSI non-disability hearings, for which time limits already exist). Draft regulation is pending further court action.

Timetable:

Action	Date	FR Cite
NPRM	02/27/80	45 FR 12837
Final Action	00/00/00	

Small Entity: No

Agency Contact: Joy Loving, Director, Department of Health and Human Services, Social Security Administration, Div of Prog Dev, Off of Pol & Proc, H & A, 106 Webb Bldg, 4040 N. Fairfax Drive, Arlington, VA 22203, **703 235-8524**

RIN: 0960–AA44

●OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; REAL ESTATE AGENTS AND DIRECT SELLERS AS SELF-EMPLOYED

Legal Authority: 42 USC 405; 42 USC 410; 42 USC 1302; PL 97-248, Sec 269(b)

CFR Citation: 20 CFR 404.1005; 20 CFR 404.1069

Abstract: The regulation will conform SSA regulations to sec. 269(b) of P.L. 97-248, the "Tax Equity and Fiscal Responsibility Act of 1982." That section provides, effective for services performed after 1982, that a real estate agent or direct seller who meets specified criteria shall be treated as self-employed for Social Security coverage purposes. As a result, many real estate agents and direct sellers who were employees under the common-law rules that previously determined their status must be treated as self-employed. As a further result, we estimate there will be a decrease of $59

million in total Social Security taxes paid in fiscal year 1983, because (1) self-employment Social Security taxes are a smaller percentage of covered earnings than the combined employer-employee Social Security taxes, and (2) the self-employed pay Social Security taxes on their net income, while employees pay these taxes on their gross income.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/83	

Small Entity: No

Agency Contact: Cliff Terry, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 594-7519**

RIN: 0960-AA45

●FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; ADDITIONAL EXCEPTION TO REDUCTION OF BENEFITS OF SPOUSE RECEIVING GOVERNMENT PENSION

Legal Authority: PL 97-455, Sec 7

CFR Citation: 20 CFR 404.408a

Abstract: P.L. 97-455 provides an additional seven months for application of the exception to the requirement of law that Social Security benefits of a spouse be reduced by the amount of the spouse's pension which is based on the spouse's employment by a Government entity. For the exception to apply, the spouse must be eligible for a Government pension before July 1983 and must have been receiving one-half support from the insured worker on whose record he/she is entitled to Social Security spouse's benefits. The cost will be less than 100 million dollars for FY 1983-1987.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 594-6785**

RIN: 0960-AA48

●AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM; QUALITY CONTROL SYSTEM - ANNUAL SAMPLE REQUIREMENTS

Legal Authority: PL 97-248, Sec 156

CFR Citation: 45 CFR 205.40; 45 CFR 205.42; 45 CFR 205.43; 45 CFR 205.44

Abstract: These proposed rules amend the regulations on the quality control (QC) system in the Aid to Families with Dependent Children (AFDC) and the adult assistance programs under titles I, IV-A, X, XIV, and XVI (AABD) of the Social Security Act. The QC system is the Federal government's and the States' major management tool for measuring the accuracy of AFDC and adult assistance payments. Under these rules, the States' allowable error rate will be reduced from 4 percent to 3 percent and the QC system in general will be tightened up. These rules are expected to save the Federal government $62 million in 1985, $66 million in 1986, and $69 million in 1987 as States receive reduced Federal financial participation because of incorrect payments in excess of 3 percent.

Timetable:

Action	Date	FR Cite
NPRM	06/00/83	

Small Entity: No

Agency Contact: Jack Knudsen, Director, Div of QC Mgmt, Department of Health and Human Services, Social Security Administration, Office of Family Assistance, 330 C Street, SW, Washington, D.C. 20201, **202 245-0788**

RIN: 0960-AA51

●OASDI, BLACK LUNG, AND SSI PROGRAMS; REOPENING AND REVISING DETERMINATIONS AND DECISIONS—EXPEDITED APPEALS PROCESS

Legal Authority: 42 USC 405; 42 USC 1302; 42 USC 1383; 30 USC 923; 30 USC 936

CFR Citation: 20 CFR 404, Subpart J; 20 CFR 410, Subpart F; 20 CFR 416, Subpart N; 20 CFR 422, Subpart C

Abstract: The proposed regulations explain that five unrelated changes are being made on when a determination or decision affecting someone's rights under programs administered by the Social Security Administration may be reopened and revised. The programs are Old-Age, Survivors, and Disability Insurance; Black Lung Benefits (Part B); and Supplemental Security Income for the Aged, Blind, and Disabled. Two of the changes are to take account of legislative changes. The other three add longstanding policies to the regulations. In addition, the time limit for appealing a determination or decision on benefit rights to a Federal district court pursuant to the "expedited appeals process" is being made the same as the other time limits for other appeals of determinations or decisions. Each of the proposed changes and all of them together will result in negligible program or administrative cost or saving.

Timetable:

Action	Date	FR Cite
Notice of Decision to Develop Rules	01/04/83	48 FR 0268
NPRM	07/00/83	

Small Entity: No

Agency Contact: Phil Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 594-7452**

RIN: 0960-AA52

●AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM; TAX EQUITY & FISCAL RESPONSIBILITY ACT OF 1982

Legal Authority: 42 USC 1302; PL 97-248, 151 to 161, TEFRA

CFR Citation: 45 CFR 206; 45 CFR 232; 45 CFR 233; 45 CFR 234; 45 CFR 238; 45 CFR 240

Abstract: The regulations interpret statutory changes required by P.L. 97-248, effective 10/1/82. Major changes: Strengthen work requirements, target assistance to the most needy, and improve program administration. Changes are limited to AFDC program. Small entities or businesses are not impacted, although the effect on the economy per year may exceed $100 million. The primary impact is on State governments and individuals.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/17/82	47 FR 41108
Final Action	04/00/83	

Small Entity: No

Agency Contact: Gary Ashcraft, Director, DLRP, Department of Health and Human Services, Social Security Administration, Office of Family Assistance, 2100 Second St., S.W., Washington, D.C. 20024, **202 245-3284**

RIN: 0960-AA53

HHS—SSA — Current and Projected Rulemakings

OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; PROVISION FOR INFERRING A PERSON IS DEAD

Legal Authority: 42 USC 405; 42 USC 1302

CFR Citation: 20 CFR 404, Subpart H

Abstract: The proposed regulations explain that the claimant at all times bears the burden of proving the insured person's death and clarifies that SSA will not presume a missing insured person is dead if there are known circumstances that could reasonably explain the absence, even without direct evidence that such circumstances actually were the reason for the absence. The proposed changes will result in negligible program or administrative costs or savings.

Timetable:

Action	Date	FR Cite
NPRM	05/00/83	

Small Entity: No

Agency Contact: Phil Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, 301 594-7452

RIN: 0960-AA54

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Social Security Administration (SSA)

Completed Actions

COMPLETED RULEMAKINGS

SUPPLEMENTAL SECURITY INCOME PROGRAM; BURIAL PLOTS AND PREPAID BURIAL CONTRACTS

Priority: Agency Determination

Completed:

Reason	Date	FR Cite
Withdrawn	09/03/82	

Agency Contact: Henry Lerner 301 594-7414

RIN: 0960-AA02

OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; LIMITATIONS IN CASES INVOLVING FELONIOUS HOMICIDE

Priority: Agency Determination

Completed:

Reason	Date	FR Cite
Final Action	09/24/82	47 FR 42097

Agency Contact: Fred Miranda 301 594-7341

RIN: 0960-AA08

AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM; DISCLOSURE OF INFORMATION FOR AUDITS

Completed:

Reason	Date	FR Cite
Final Action	10/19/82	47 FR 46505

Agency Contact: Gary Ashcraft 202 245-3284

RIN: 0960-AA18

AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM; GENERAL ADMINISTRATION - PUBLIC ASSISTANCE PROGRAMS QUALITY CONTROL REVIEWS

Completed:

Reason	Date	FR Cite
Final Action	10/19/82	47 FR 46507

Agency Contact: Sean Hurley 202 245-0976

RIN: 0960-AA23

OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; EXPERIMENTS AND DEMONSTRATION PROJECTS UNDER THE DISABILITY INSURANCE ETC

Completed:

Reason	Date	FR Cite
Final Action	02/23/83	48 FR 07573
Final Action Effective	02/23/83	48 FR 07573

Agency Contact: Henry Lerner 301 594-7414

RIN: 0960-AA30

OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; ANNUAL EARNINGS TEST

Completed:

Reason	Date	FR Cite
Final Action	01/31/83	47 FR 04281

Agency Contact: Marval Cazer 301 594-7463

RIN: 0960-AA34

OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; CHANGES TO THE RETIREMENT TEST

Completed:

Reason	Date	FR Cite
Final Action	10/20/82	47 FR 46689

Agency Contact: Marval Cazer 301 594-7463

RIN: 0960-AA35

AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM; PRORATION OF SHELTER, UTILITIES, AND SIMILAR EXPENSES FOR AFDC CHILDREN LIVING WITH INELIGIBLE RELATIVES

Completed:

Reason	Date	FR Cite
Withdrawn	01/11/83	48 FR 01203

Agency Contact: Gary Ashcraft 202 245-3284

RIN: 0960-AA36

BILLING CODE 4150-04-T

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Office of Child Support Enforcement (OCSE)

Current and Projected Rulemakings

REIMBURSEMENT OF STATE AGENCY IN INITIAL MONTH OF INELIGIBILITY FOR AFDC

Priority: Agency Determination

Legal Authority: 42 USC 654(5); PL 97-248, Sec 173

CFR Citation: 45 CFR 302.32

Abstract: Under former law, amounts of child support collected which were sufficient to make the family ineligible for AFDC had to be paid to the family beginning with the first month of ineligibility. The regulation would implement section 173 which requires that amounts collected which are sufficient to make the family ineligible for AFDC are to be retained by the State rather than paid to the family. This would allow the State to reimburse itself for AFDC that would have already been paid for that month, before the support was collected and known to have made the family ineligible. Thus, the family would not receive a double payment for the first month of ineligibility, once in the form of child support collected which was sufficient to make the family ineligible for AFDC and once in the form of the child support collection for that month.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/20/83	48 FR 02540
Final Action	10/00/83	

Small Entity: No

Agency Contact: **Carol Jordan**, Program Specialist, Department of Health and Human Services, Office of Child Support Enforcement, Room 1010, 6110 Executive Boulevard, Rockville, MD 20852, **301 443-5350**

RIN: 0992-AA01

FEES FOR SERVICES TO NON-AFDC FAMILIES

Priority: Agency Determination

Legal Authority: 42 USC 654(6); PL 97-248, Sec 171

CFR Citation: 45 CFR 302.33; 45 CFR 304.50

Abstract: Law prior to P.L. 97-35 allowed States to provide child support enforcement services to non-AFDC families without charge or to charge the custodial parent an application fee of up to $20 (regardless of the services provided) and to recover costs in excess of the application fee by retaining a portion of any child support payments which were collected. P.L. 97-35 maintained the option of charging an application fee (except if only collection services were provided) and replaced the optional provision of recovering costs in excess of the application fee by retaining a portion of the collection with a requirement that States impose a fee equal to 10 percent of the support owed, to be charged against the absent parent and added to the amount of the collection. Section 171 repeals the P.L. 97-35 10 percent fee amendment and restores the provision of prior law under which States have an option as to whether or not to recover costs in excess of the application fee and to charge the application fee for any services provided. It gives States the additional option of allowing them to recover costs either from the absent parent or from the custodial parent. If a State elects to (cont)

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	

Small Entity: No

Additional Information: ABSTRACT CONT: collect from the custodial parent (by deducting the costs from the amount of support which is collected), the State must have in effect a procedure for informing all individuals authorized to establish support obligations that it plans to recover costs from collections. The effective date is August 13, 1981. This notice of proposed rulemaking will implement section 171.

Agency Contact: **Michael Fitzgerald**, Program Specialist, Department of Health and Human Services, Office of Child Support Enforcement, Room 1010, 6110 Executive Boulevard, Rockville, MD 20852, **301 443-5350**

RIN: 0992-AA02

COLLECTION OF SUPPORT FOR CERTAIN ADULTS

Priority: Agency Determination

Legal Authority: 42 USC 651; 42 USC 652(a)(1); 42 USC 652(a)(7); 42 USC 652(a)(10)(C); 42 USC 652(b); 42 USC 653(c)(1); 42 USC 654(4)(B); 42 USC 654(5); 42 USC 654(6); 42 USC 654(9)(C); 42 USC 654(11); 42 USC 654(16); 42 USC 657(b); 42 USC 657(c); 42 USC 660

CFR Citation: 45 CFR 301 to 305

Abstract: The final regulations provide that, at its option, a State may collect and enforce support obligations from an absent parent both for the children and the spouse or former spouse with whom the children are living. A State may not attempt to establish a separate spousal support obligation and may collect spousal support only if the existing support obligation includes both child and spousal support. If a State chooses to collect spousal support, it may use all existing collection mechanisms and enforcement remedies used to collect and enforce child support.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/23/82	47 FR 57277
Final Action	09/00/83	

Small Entity: No

Agency Contact: **Marianne Rufty**, Program Specialist, Department of Health and Human Services, Office of Child Support Enforcement, Room 1010, 6110 Executive Boulevard, Rockville, MD 20852, **301 443-5350**

RIN: 0992-AA04

INTERCEPT OF UNEMPLOYMENT BENEFITS

Priority: Agency Determination

Legal Authority: PL 97-35, Sec 2335; 42 USC 654(19)

CFR Citation: 45 CFR 302.65

Abstract: These regulations would require child support enforcement agencies to determine periodically whether any individuals receiving unemployment compensation owe child support obligations and, if so, to enforce the obligations through an agreement with the individual to have specified amounts withheld from the compensation. In the absence of an agreement, the child support enforcement agency would be required to use legal process to enforce withholding in cases which meet State-developed selection criteria. State child support enforcement agencies would be required to reimburse State unemployment compensation agencies for the administrative costs of their efforts to enforce child support obligations.

Timetable:

Action	Date	FR Cite
Notice of intent to publish regs	02/02/82	
NPRM	01/19/83	48 FR 02395
Final Action	10/00/83	

Small Entity: No

Agency Contact: Carol Jordan, Program Specialist, Department of Health and Human Services, Office of Child Support Enforcement, Room 1010, 6110 Executive Boulevard, Rockville, MD 20852, **301 443-5350**

RIN: 0992-AA05

COMPUTERIZED CHILD SUPPORT ENFORCEMENT SYSTEM

Legal Authority: PL 96-265, Sec 405; 42 USC 652(d); 42 USC 652(e); 42 USC 655(a); 42 USC 654(16)

CFR Citation: 45 CFR 302.85; 45 CFR 303.65; 45 CFR 303.66; 45 CFR 303.67; 45 CFR 304.90; 45 CFR 304.91

Abstract: These final regulations make Federal funding available at the 90 percent rate for the costs of developing, implementing and enhancing computerized child support enforcement systems (CSES) that meet the requirements in the regulations; they also specify criteria OCSE uses in determining whether to approve an initial and annually updated advance planning document (APD) so that the system will receive 90 percent FFP; they specify that OCSE must review approved CSESs funded at 90 percent FFP on a continuous basis; they specify the conditions under which OCSE will suspend approval of an APD for systems funded at 90 percent FFP; and they make explicit the conditions under which FFP is available at the 70 percent rate for CSESs.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/30/81	46 FR 47788
Final Action	04/00/83	

Small Entity: No

Agency Contact: Michael Fitzgerald, Program Specialist, Department of Health and Human Services, Office of Child Support Enforcement, Room 1010, 6110 Executive Boulevard, Rockville, MD 20852, **301 443-5350**

RIN: 0992-AA06

REQUESTS TO USE THE FEDERAL PARENT LOCATOR SERVICE IN PARENTAL KIDNAPPING AND CHILD CUSTODY CASES

Legal Authority: PL 96-611, Sec 9; 42 USC 654(17); 42 USC 655; 42 USC 663

CFR Citation: 45 CFR 302.35; 45 CFR 303.15; 45 CFR 303.69; 45 CFR 303.70; 45 CFR 304.20; 45 CFR 304.23

Abstract: These regulations provide that a State may enter into an agreement with the Secretary to use the Federal Parent Locator Service (PLS) in connection with the enforcement or determination of child custody and in cases of parental kidnapping of a child. Previously the Social Security Act permitted States to obtain information from the Federal PLS only for the purpose of locating absent parents to establish paternity or establish or enforce child support obligations. P.L. 96-611 provides no Federal funding for the use of the Federal PLS in connection with parental kidnapping and child custody cases. The States must, however, impose a fee sufficient to cover, or pay, the costs to the Federal and State governments for providing this service. Initially, OCSE will charge a fee of $10 per request with an additional $4 fee for requests without social security numbers. These fees are expected to offset Federal costs of providing the information to the States.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/03/81	46 FR 54554
Final Action Effective	04/30/83	

Small Entity: No

Agency Contact: Judy Hagopian, Program Specialist, Department of Health and Human Services, Office of Child Support Enforcement, Room 1010, 6110 Executive Boulevard, Rockville, MD 20852, **301 443-5350**

RIN: 0992-AA07

TREATMENT OF ASSIGNED SUPPORT PAYMENTS RECEIVED DIRECTLY AND RETAINED BY AFDC RECIPIENTS

Legal Authority: 42 USC 652(a); 42 USC 1302

CFR Citation: 45 CFR 232.12; 45 CFR 233.20; 45 CFR 302.31; 45 CFR 303.80

Abstract: These joint Office of Family Assistance (OFA)-OCSE regulations provide regulatory authority for child support enforcement agencies to recover support payments that have been assigned to the State as a condition of eligibility for receiving AFDC when these support payments have been incorrectly made directly to the family. These regulations give States the flexibility to use either the child support or AFDC agency in resolving a direct payment problem.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/30/82	47 FR 43953
Final Action	07/00/83	

Small Entity: No

Agency Contact: Marianne Rufty, Program Specialist, Department of Health and Human Services, Office of Child Support Enforcement, Room 1010, 6110 Executive Boulevard, Rockville, MD 20852, **301 443-5350**

RIN: 0992-AA08

PROCEDURES FOR CASE ASSESSMENT AND PRIORITIZATION

Legal Authority: 42 USC 652(a)(1); 42 USC 1302

CFR Citation: 45 CFR 303.10

Abstract: This proposed regulation would permit State child support enforcement agencies to implement case assessment and prioritization procedures to achieve greater program efficiency. Limited program resources and other operating constraints have compelled IV-D agencies to concentrate on cases with high potential for collection of support payments. Although many States have implemented such procedures, they are concerned that current Federal regulations require IV-D agencies to locate absent parents, establish paternity and establish and enforce support obligations for all cases, on a first come, first served basis. The proposed regulation would alleviate States' concerns and allow States to focus available resources on cases which have high probability for success.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	

Small Entity: No

Agency Contact: Marianne Rufty, Program Specialist, Department of Health and Human Services, Office of Child Support Enforcement, Room 1010, 6110 Executive Boulevard, Rockville, MD 20852, **301 443-5350**

RIN: 0992-AA09

PROMPT RECOVERY OF DISALLOWED FUNDS

Legal Authority: 42 USC 655(b)(2); 42 USC 1302

CFR Citation: 45 CFR 301.15

Abstract: In keeping with the Administration's effort to collect debts owed the Federal government, this proposed regulation would reduce the time period that State IV-D agencies may retain funds for expenditures that have been disallowed as a result of an audit and determined not to be subject to Federal funding. Current OCSE policy allows States that appeal audit determinations to retain disallowed funds pending resolution of the appeals process. This proposed regulation would provide for the prompt recovery of disallowed funds, regardless of a State's decision to appeal.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	

Small Entity: No

Agency Contact: **Marianne Rufty**, Program Specialist, Department of Health and Human Services, Office of Child Support Enforcement, Room 1010, 6110 Executive Boulevard, Rockville, MD 20852, **301 443-5350**

RIN: 0992–AA11

MEDICAL SUPPORT ENFORCEMENT

Legal Authority: 42 USC 654(13); 42 USC 1302

CFR Citation: 45 CFR 304.20; 45 CFR 304.23; 45 CFR 306.50; 45 CFR 306.51; 45 CFR 302.80

Abstract: Currently, medical support enforcement activities are pursued through optional cooperative agreements between the State IV-D agency and the State Medicaid agency. This proposed regulation would require all State IV-D agencies to attempt to obtain minimal medical support information during the normal processing of child support cases. This would result in increased use of available third party resources in the form of private medical insurance and in medical cost savings to State and Federal governments. State IV-D agencies would also be required to petition to include medical support in new or modified orders for support, if coverage is available to the absent parent at reasonable cost.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	

Small Entity: No

Agency Contact: **Carol Jordan**, Program Specialist, Department of Health and Human Services, Office of Child Support Enforcement, Room 1010, 6110 Executive Boulevard, Rockville, MD 20852, **301 443-5350**

RIN: 0992–AA12

REVISION OF IV-D PROGRAM AUDIT REGULATIONS

Legal Authority: 42 USC 652(a)(1); 42 USC 652(a)(4); 42 USC 603(h); 42 USC 1302

CFR Citation: 45 CFR 305

Abstract: These proposed regulations revise the audit regulations to permit OCSE to incorporate the audit criteria currently in the regulations and new performance measurement criteria into an audit guide. Since 1977, OCSE has conducted an annual process-oriented audit of each State's Child Support Enforcement program that reviews the establishment and use of procedures to carry out specific child support activities. However, since State IV-D programs have been in operation for 7 years and in many instances have reached a degree of maturity where it is no longer necessary to focus primarily on process-oriented functions, we believe that the OCSE audit should evaluate the States via both established functions and performance measures. This change will better enable the Federal government to measure program efficiency and results.

Timetable:

Action	Date	FR Cite
NPRM	05/00/83	

Small Entity: No

Agency Contact: **Michael P. Fitzgerald**, Program Specialist, Department of Health and Human Services, Office of Child Support Enforcement, Room 1010, 6110 Executive Boulevard, Rockville, MD 20852, **301 443-5350**

RIN: 0992–AA13

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Office of Child Support Enforcement (OCSE)

COMPLETED RULEMAKINGS

REDUCTION IN CERTAIN FEDERAL PAYMENTS TO STATES UNDER THE CHILD SUPPORT ENFORCEMENT PROGRAM

Priority: Agency Determination

Completed:

Reason	Date	FR Cite
Final Action	12/23/82	47 FR 57282
Final Action Effective	10/01/82	

Agency Contact: **Pierre Mooney 301 443-5350**

RIN: 0992–AA00

COLLECTION OF PAST-DUE SUPPORT FROM FEDERAL TAX REFUNDS

Priority: Agency Determination

Completed:

Reason	Date	FR Cite
Final Action	02/20/83	48 FR 02534
Final Action Effective	03/31/83	

Agency Contact: **Carol Jordan 301 443-5350**

RIN: 0992–AA03

BILLING CODE 4150-04-T

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Public Health Service (PHS)

FOOD AND DRUG ADMINISTRATION

ABBREVIATED NEW DRUG APPLICATIONS FOR POST-1962 DRUGS

Priority: Agency Determination, Major

Legal Authority: 21 USC 321(p) Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 314

Abstract: This proposed rule would permit applicants to file abbreviated new drug applications (ANDA's) for products identical to approved post-1962 drugs and to omit certain reports that are required in full NDA's to show safety and effectiveness of the product. It would apply only to certain drug products specified by FDA. If adopted, the proposed rule would reduce duplicative human testing of drugs and also reduce the

cost to the manufacturer of getting the affected drugs on the market.

Timetable:

Action	Date	FR Cite
NPRM	05/00/83	

Small Entity: Yes

Additional Information: SMALL BUSINESSES CONT: The proposed rule would have a significant favorable effect on small business firms that market generic drugs, because the proposed rule would reduce existing regulatory barriers to competition in the pharmaceutical market. Details on the effects on small businesses will be included as part of an initial regulatory impact analysis, to be made available when the proposed rule is published.

Analysis: Preliminary RIA 05/00/83

Agency Contact: Jean Mansur, Deputy Asst Director for Regulatory Affairs, Department of Health and Human Services, Food and Drug Administration, Nat Center for Drugs & Biologics (HFN-7), 5600 Fishers Lane, Rockville, MD 20857, **301 443-3640**

RIN: 0905–AA01

OBLIGATIONS OF SPONSORS OF CLINICAL INVESTIGATIONS

Priority: Agency Determination

Legal Authority: 21 USC 346 Federal Food, Drug, and Cosmetic Act; 21 USC 348 Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 353 Federal Food, Drug, and Cosmetic Act; 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 356 Federal Food, Drug, and Cosmetic Act; 21 USC 357 Federal Food, Drug, and Cosmetic Act; 21 USC 360b to 360f Federal Food, Drug, and Cosmetic Act; 21 USC 360h to 360j Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act; 21 USC 376 Federal Food, Drug, and Cosmetic Act; 21 USC 381 Federal Food, Drug, and Cosmetic Act; 42 USC 216 Public Health Service Act; 42 USC 262 Public Health Service Act; 42 USC 263b to 263n Public Health Service Act

CFR Citation: 21 CFR 52; 21 CFR 71; 21 CFR 170; 21 CFR 171; 21 CFR 180; 21 CFR 310; 21 CFR 312; 21 CFR 314; 21 CFR 320; 21 CFR 330; 21 CFR 430; 21 CFR 431; 21 CFR 510; 21 CFR 511; 21 CFR 514; ...

Abstract: This proposed rule would clarify or revise certain existing requirements concerning obligations of persons who sponsor clinical investigations involving a drug or medical device and extend those requirements to cover other products regulated by FDA. The rule is intended to provide greater protection of the rights and safety of subjects involved in clinical investigations and to help assure the quality and integrity of the data filed with FDA under the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act.

Timetable:

Action	Date	FR Cite
NPRM	09/27/77	42 FR 49612
NPRM Comment Period Begin	09/27/77	42 FR 49612
NPRM Comment Period End	12/27/77	
Final Action	06/00/83	

Small Entity: Not Applicable

Agency Contact: Marilyn L. Watson, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Nat Center for Drugs & Biologics (HFN-813), 5600 Fishers Lane, Rockville, MD 20857, **301 443-3640**

RIN: 0905–AA03

REYE SYNDROME - LABELING FOR SALICYLATE-CONTAINING DRUG PRODUCTS

Priority: Agency Determination

Legal Authority: 21 USC 321(n) Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 201.314

Abstract: The Food and Drug Administration is considering proposing to require certain over-the-counter (OTC) and prescription salicylate-containing drug products for human use to bear a warning against the use of the products for the treatment of flu or chickenpox in children or adolescents under 16 years of age, because salicylates may be associated with the development of Reye syndrome in this age group.

Timetable:

Action	Date	FR Cite
ANPRM	12/28/82	47 FR 57886
ANPRM Comment Period Begin	12/28/82	47 FR 57886
ANPRM Comment Period End	02/28/83	

Next Action Undetermined

Small Entity: No

Additional Information: SMALL BUSINESSES CONT: Although there would be costs involved for relabeling and possible product reformulations, the agency believes, at this time, that impacts on small businesses would be insufficient to warrant a regulatory flexibility analysis under the Regulatory Flexibility Act.

Agency Contact: Paul O. Fehnel, Jr., Chief, Precedent Regs & Leg Activities Br., Department of Health and Human Services, Food and Drug Administration, Nat Center for Drugs & Biologics (HFN-7), Rockville, MD 20857, **301 443-5490**

RIN: 0905–AA07

SUCROSE AND CORN SUGAR, CORN SYRUP, AND INVERT SUGAR

Priority: Agency Determination

Legal Authority: 21 USC 321(s) Federal Food, Drug, and Cosmetic Act; 21 USC 348 Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 182; 21 CFR 184

Abstract: These two proposed rules would affirm the GRAS (generally recognized as safe) status of sucrose and corn sugar, corn syrup, and invert sugar. This action is the result of a re-evaluation of the safety of these food ingredients as part of FDA's review of the safety of all GRAS ingredients.

Timetable:

Action	Date	FR Cite
NPRM	11/30/82	47 FR 53917
NPRM Comment Period Begin	11/30/82	47 FR 53917
NPRM Comment Period End	01/31/83	
Notice of 30-day ext. of com. per.	02/04/83	48 FR 05279
Final Action	00/00/00	

Small Entity: No

Additional Information: SMALL BUSINESSES CONT: Because the effect of the two proposals is to maintain current known uses of sucrose and corn sugar, corn syrup, and invert sugar covered by the proposals, there could be no significant economic impact on large or small businesses.

Agency Contact: Corbin I. Miles, Chief, GRAS Review Branch, Department of Health and Human Services, Food and Drug Administration, Bureau of Foods (HFF-335), 200 C Street, SW, Washington, DC 20204, **202 472-4750**

RIN: 0905–AA09

CAFFEINE

Priority: Agency Determination

Legal Authority: 21 USC 321(s) Federal Food, Drug, and Cosmetic Act; 21 USC 371(a)

Federal Food, Drug, and Cosmetic Act; 21 USC 341 Federal Food, Drug, and Cosmetic Act; 21 USC 371(e) Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 165; 21 CFR 181

Abstract: This proposed rule would announce the agency's tentative conclusion that a prior sanction exists for the use of caffeine in soft drinks. A companion proposal would propose the revocation of the food standard for soda water which requires that soda water designated by any name that includes the word "cola" or "pepper" contain caffeine.

Timetable:

Action	Date	FR Cite
NPRM	10/21/80	45 FR 69816
NPRM Comment Period Begin	10/21/80	45 FR 69816
NPRM Comment Period End	12/22/80	
Revised NPRM	04/00/83	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Prince Harrill (for food standard proposal), Deputy Director, Division of Food Technology (see Agency contact heading for address); phone 202-245-1164. SMALL BUSINESSES CONT: Because the proposed rule would announce the agency's tentative conclusion that a prior sanction exists for the use of caffeine in soft drinks, there should be no economic impact on any business, large or small, in the affected industry.

Agency Contact: Lawrence Lin (for GRAS status), Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Bureau of Foods (HFF-334), 200 C Street, SW, Washington, DC 20204, **202 426-8950**

RIN: 0905–AA10

LABELING OF SODIUM CONTENT OF FOODS

Priority: Agency Determination

Legal Authority: 21 USC 321 Federal Food, Drug, and Cosmetic Act; 21 USC 343 Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 101.9; 21 CFR 101.13; 21 CFR 105.69

Abstract: This proposed rule would have three primary purposes: (1) to require that the sodium content of foods be included as part of the nutrition labeling information whenever nutrition labeling is required or is provided voluntarily; (2) to define certain terms, some of which are now used in the marketplace, to ensure consistency in their meaning and applicability to the general food supply; and (3) to revoke the requirement that sodium be listed in milligrams per 100 grams and require only listing of sodium in milligrams per serving. The proposal would leave intact the current exemption in 21 CFR 101.9(a) which permits manufacturers voluntarily to provide information on sodium content alone without triggering a requirement for full nutrition labeling; by doing so, the agency hopes to encourage voluntary quantitative sodium labeling.

Timetable:

Action	Date	FR Cite
NPRM	06/18/82	47 FR 26580
NPRM Comment Period Begin	06/18/82	47 FR 26580
Notice of 90-day ext. of com. per.	08/10/82	47 FR 34574
NPRM Comment Period End	08/17/82	
Final Action	09/00/83	

Small Entity: No

Additional Information: SMALL BUSINESSES CONT: FDA estimates that approximately 3,500 food manufacturing firms would incur total first year costs of as much as $14.7 million and recurring annual costs of $0.5 million to comply with this proposed rule. The agency believes that this proposal would not have a significant impact on a substantial number of small businesses. If certain products or sectors of the industry anticipate unique burdens from it, FDA is interested in minimizing their burdens by special provisions. The exemption of very small firms, special labeling variations for certain products, or extension of the effective date are among alternatives the agency is willing to consider if information on the need for, and the anticipated cost saving of, such flexibilities are reasonably demonstrated.

Agency Contact: F. Edward Scarbrough, Chief, Regulatory Affairs Staff, Department of Health and Human Services, Food and Drug Administration, Bureau of Foods (HFF-204), 200 C Street, SW, Washington, DC 20204, **202 245-3117**

RIN: 0905–AA11

POLICY FOR REGULATING CARCINOGENIC CHEMICALS IN FOOD AND COLOR ADDITIVES

Priority: Agency Determination

Legal Authority: 21 USC 321 Federal Food, Drug, and Cosmetic Act; 21 USC 348 Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act; 21 USC 376 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR Chapter 1

Abstract: The Food and Drug Administration is considering proposing a new policy for use in assuring the safe use of food additives and color additives that contain minor amounts of carcinogenic chemicals. This policy would replace the current case-by-case approach to regulating such additives with an approach that applies consistent standards. This advance notice of proposed rulemaking describes the scientific and regulatory problems confronting the agency with respect to such additives and explains the need to consider a change in FDA's present approach. This advance notice also discusses the alternatives that the agency is considering.

Timetable:

Action	Date	FR Cite
ANPRM	04/02/82	47 FR 14464
ANPRM Comment Period Begin	04/02/82	47 FR 14464
ANPRM Comment Period End	07/01/82	
NPRM	11/00/83	

Small Entity: Undetermined

Additional Information: ADDITIONAL AGENCY CONTACT: Alan M. Rulis (for risk assessment procedures), Consumer Safety Officer (see Agency Contact heading for address), phone--(202) 472-5676.

Agency Contact: Terry C. Troxell (for policy and rules), Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Bureau of Foods (HFF-334), 200 C Street, SW, Washington, DC 20204, **202 472-5690**

RIN: 0905–AA12

INFANT FORMULA; LABELING REQUIREMENTS

Priority: Agency Determination

Legal Authority: 21 USC 321(n) Federal Food, Drug, and Cosmetic Act; 21 USC 321(aa) Federal Food, Drug, and Cosmetic Act; 21 USC 343(a) Federal Food, Drug, and Cosmetic Act; 21 USC 343(j) Federal Food, Drug, and Cosmetic Act; 21 USC 350a Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act; 21 USC 371(e) Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 105; 21 CFR 107

Abstract: This proposed rule would revise labeling requirements for infant formula to require the label declaration of nutrients under the Infant Formula Act of 1980, expiration dating, and directions for

preparation and use, including a pictogram and a symbol to indicate the need for dilution. This proposal would provide necessary information for health care professionals and assist consumers, including those who cannot read English, in the appropriate preparation and use of infant formula to assure the health and well being of formula-fed infants.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	

Small Entity: No

Additional Information: SMALL BUSINESSES CONT: The agency estimates that this proposed rule would impose a one-time cost of approximately $50,000 total for the industry (5 firms). Because sales of infant formula in the U.S. are estimated to exceed $500 million annually, the cost of this proposed rule would not have a perceptible effect.

Agency Contact: Nicholas Duy, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Bureau of Foods (HFF-204), 200 C Street, SW, Washington, DC 20204, **202 245-3117**

RIN: 0905–AA13

NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS; DEFINITION AND GENERAL CONSIDERATIONS; REVISED PROCEDURES REGARDING MEDICATED FEED APPLICATIONS

Priority: Agency Determination

Legal Authority: 21 USC 360b Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 207; 21 CFR 210; 21 CFR 225; 21 CFR 226; 21 CFR 501; 21 CFR 514; 21 CFR 558

Abstract: This proposed rule would revise the existing rules to provide revised criteria for the need of an approved medicated feed application for the manufacture of medicated feeds.

Timetable:

Action	Date	FR Cite
NPRM	01/09/81	46 FR 2456
NPRM Comment Period Begin	01/09/81	46 FR 2456
NPRM Comment Period End	04/09/81	
Tentative Final Rule	04/00/83	

Small Entity: No

Additional Information: SMALL BUSINESSES CONT: Although there would be costs involved for several sectors of the medicated feed industry, FDA believes, at this time, that impacts on small businesses would be insufficient to warrant a regulatory flexibility analysis under the Regulatory Flexibility Act.

Agency Contact: George Graber, Director, Division of Animal Feeds, Department of Health and Human Services, Food and Drug Administration, Bureau of Veterinary Medicine (HFV-220), 5600 Fishers Lane, Rockville, MD 20857, **301 443-4438**

RIN: 0905–AA15

MEDICAL DEVICE REPORTING

Priority: Agency Determination

Legal Authority: 21 USC 352(t) Federal Food, Drug, and Cosmetic Act; 21 USC 360j Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act; 21 USC 374(e) Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 803

Abstract: This proposed rule would establish requirements for the submission to FDA of reports concerning medical devices that may have caused or contributed to a death or serious injury.

Timetable:

Action	Date	FR Cite
NPRM	11/18/80	45 FR 76183
NPRM Comment Period Begin	11/18/80	45 FR 76185
NPRM Comment Period End	02/17/81	
Abeyance of proposed rule	11/24/81	46 FR 57568
Revised NPRM	04/00/83	

Small Entity: No

Additional Information: SMALL BUSINESSES CONT: Under this proposed rule, there would be costs to the medical device industry associated with submission of reports to FDA. However, the costs incurred by small business are estimated by FDA to be insufficient to warrant a regulatory flexibility analysis under the Regulatory Flexibility Act.

Agency Contact: Robert A. Forst, Legal Associate, Department of Health and Human Services, Food and Drug Administration, Nat Cent for Devices & Rad Health (HFK-140), 8757 Georgia Avenue, Silver Spring, MD 20910, **301 427-7114**

RIN: 0905–AA17

PREMARKET APPROVAL; PROCEDURES FOR MEDICAL DEVICES

Priority: Agency Determination

Legal Authority: 21 USC 351 Federal Food, Drug, and Cosmetic Act; 21 USC 353 Federal Food, Drug, and Cosmetic Act; 21 USC 360 Federal Food, Drug, and Cosmetic Act; 21 USC 360c to 360j Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act; 21 USC 373 Federal Food, Drug, and Cosmetic Act; 21 USC 374 Federal Food, Drug, and Cosmetic Act; 21 USC 375 Federal Food, Drug, and Cosmetic Act; 21 USC 379 Federal Food, Drug, and Cosmetic Act; 21 USC 381 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 814

Abstract: This proposed rule would establish requirements for submission to FDA of applications for premarket approval including safety and effectiveness data for all class III (premarket approval) medical devices. The rule would establish procedures for manufacturers to demonstrate the safety and effectiveness of these medical devices.

Timetable:

Action	Date	FR Cite
NPRM	12/12/80	45 FR 81769
NPRM Comment Period Begin	12/12/80	45 FR 81769
NPRM Comment Period End	02/10/81	
Notice of 60-day Ext. of Com. Per.	02/17/81	46 FR 12502
Final Action	06/00/83	

Small Entity: Not Applicable

Agency Contact: Charles H. Kyper, Acting Premarket Approval Coordinator, Department of Health and Human Services, Food and Drug Administration, Nat Cent for Devices & Rad Health (HFK-402), 8757 Georgia Avenue, Silver Spring, MD 20910, **301 427-7445**

RIN: 0905–AA19

DENTAL DEVICES; CLASSIFICATION

Priority: Agency Determination

Legal Authority: 21 USC 360c Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 872

Abstract: This proposed rule would classify commercially distributed dental devices into one of three regulatory classes, depending upon the regulatory controls needed to assure their safety and effectiveness.

Timetable:

Action	Date	FR Cite
NPRM	12/30/80	45 FR 85962
NPRM Comment Period Begin	12/30/80	45 FR 85962
NPRM Comment Period End	03/02/81	
Notice of 30-day Ext. of Com. Per.	03/06/81	46 FR 15519
Final Action	09/00/83	

Small Entity: Not Applicable

Agency Contact: Darryl G. Singleton, Dental Officer, Department of Health and Human Services, Food and Drug Administration, Nat Cent for Devices & Rad Health (HFK-460), 8757 Georgia Avenue, Silver Spring, MD 20910, **301 427-7555**

RIN: 0905–AA20

DETACHED CIGARETTE FILTERS AS MEDICAL DEVICES; CLASSIFICATION

Priority: Agency Determination

Legal Authority: 21 USC 360c Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 868

Abstract: FDA plans to issue a proposed rule to classify into one of three regulatory classes those detached cigarette filters that FDA has concluded are medical devices based on evidence showing that manufacturers or vendors intend the articles to cure, mitigate, treat, or prevent disease or to affect the structure or function of the body within the meaning of section 201(h) of the act. The classification would be dependent upon the regulatory controls needed to assure the safety and effectiveness of the device. The proposal is a follow-up to FDA's November 25, 1980 decision granting, in part, a request to regulate certain detached cigarette filters as medical devices and denying requests to regulate as devices cigarettes and attached cigarette filters, generally.

Timetable:

Action	Date	FR Cite
NPRM	10/00/83	

Small Entity: Undetermined

Agency Contact: Robert A. Forst, Legal Associate, Department of Health and Human Services, Food and Drug Administration, Nat Cent for Devices & Rad Health (HFK-140), 8757 Georgia Avenue, Silver Spring, MD 20910, **301 427-7114**

RIN: 0905–AA21

●PANEL ON REVIEW OF BACTERIAL TOXOIDS AND BACTERIAL VACCINES WITH U.S. STANDARDS OF POTENCY

Priority: Agency Determination

Legal Authority: 42 USC 262 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 620

Abstract: This proposed rule would place bacterial toxoids and bacterial vaccines with U.S. Standards of Potency in categories designated as (1) safe and effective and not misbranded, (2) unsafe or ineffective and misbranded and (3) not within category (1) or (2) on the basis that available data are insufficient to classify such products. The proposal would bring these products into conformance with current standards of safety and effectiveness.

Timetable:

Action	Date	FR Cite
NPRM	09/00/83	

Small Entity: Undetermined

Agency Contact: Steven F. Falter, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Nat Cent for Drugs & Biologics (HFN-813), 8800 Rockville Pike, Bethesda, MD 20205, **301 443-1306**

RIN: 0905–AA80

●REVOCATION OF THE REQUIREMENT FOR THE SEROLOGIC TEST FOR SYPHILIS

Priority: Agency Determination

Legal Authority: 42 USC 262 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 640; 21 CFR 640.5

Abstract: This proposed rule would amend the biologics regulations by removing the requirement that a serologic test for syphilis (STS) be performed in determining the suitability of blood donors. This proposed rule would eliminate an outdated and burdensome regulation. The Advisory Panel for Review of Blood and Blood Derivatives recommended revocation of the requirements for testing donors by the STS because the test plays an insignificant role in preventing transfusion-transmitted syphilis.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	

Small Entity: Undetermined

Agency Contact: Joseph Wilczek, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Nat Cent for Drugs & Biologics (HFN-813), 8800 Rockville Pike, Bethesda, MD 20205, **301 443-1306**

RIN: 0905–AA81

●PANEL ON REVIEW OF BLOOD AND BLOOD PRODUCTS

Priority: Agency Determination

Legal Authority: 42 USC 262 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 606; 21 CFR 610; 21 CFR 640; 21 CFR 660

Abstract: This proposed rule would place blood and blood products in categories designated as (1) safe and effective and not misbranded, (2) unsafe or ineffective and misbranded and (3) not within category (1) or (2) on the basis that available data are insufficient to classify such products. This proposal would bring these products into conformance with current standards of safety and effectiveness.

Timetable:

Action	Date	FR Cite
NPRM	07/00/83	

Small Entity: Yes

Agency Contact: Steven F. Falter, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Nat Cent for Drugs & Biologics (HFN-813), 8800 Rockville Pike, Bethesda, MD 20205, **301 443-1306**

RIN: 0905–AA82

●PANEL ON REVIEW OF ALLERGENIC EXTRACTS

Priority: Agency Determination

Legal Authority: 42 USC 262 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 600.13; 21 CFR 680.1; 21 CFR 680.2; 21 CFR 680.3

Abstract: This proposed rule would place allergenic extracts in categories designated as (1) safe and effective and not misbranded, (2) unsafe or ineffective and misbranded, and (3) not within category (1) or (2) on the basis that available data are insufficient to classify such products. The proposal would bring these products into conformance with current standards of safety and effectiveness.

Timetable:

Action	Date	FR Cite
NPRM	10/00/83	

Small Entity: Yes

Agency Contact: Michael L. Hooten, Consumer Safety Officer, Department of Health

and Human Services, Food and Drug Administration, Nat Cent for Drugs & Biologics (HFN-813), 8800 Rockville Pike, Bethesda, MD 20205, **301 443-1306**

RIN: 0905–AA83

●GOOD LABORATORY PRACTICE FOR NONCLINICAL LABORATORY STUDIES

Priority: Agency Determination

Legal Authority: 21 USC 346 Federal Food, Drug, and Cosmetic Act; 21 USC 346a Federal Food, Drug, and Cosmetic Act; 21 USC 348 Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 353 Federal Food, Drug, and Cosmetic Act; 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 356 Federal Food, Drug, and Cosmetic Act; 21 USC 357 Federal Food, Drug, and Cosmetic Act; 21 USC 360 Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act; 21 USC 376 Federal Food, Drug, and Cosmetic Act; 21 USC 381 Federal Food, Drug, and Cosmetic Act; 42 USC 216 Public Health Service Act; 42 USC 262 Public Health Service Act; 42 USC 263 Public Health Service Act; ...

CFR Citation: 21 CFR 58

Abstract: This proposed rule will propose revisions to the regulations covering Good Laboratory Practice for Nonclinical Laboratory Studies based upon the agency's review of these existing rules under Executive Order 12291 and the Regulatory Flexibility Act.

Timetable:

Action	Date	FR Cite
NPRM	09/00/83	

Small Entity: Undetermined

Agency Contact: Paul D. Lepore, Staff Scientist, Department of Health and Human Services, Food and Drug Administration, Bioresearch Monitoring Staff (HFC-30), 5600 Fishers Lane, Rockville, MD 20857, **301 443-2390**

RIN: 0905–AA84

●EXEMPT INFANT FORMULA

Priority: Agency Determination

Legal Authority: 21 USC 321(n) Federal Food, Drug, and Cosmetic Act; 21 USC 321(aa) Federal Food, Drug, and Cosmetic Act; 21 USC 343(a) Federal Food, Drug, and Cosmetic Act; 21 USC 350a Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 107.3; 21 CFR 107.50

Abstract: The Infant Formula Act of 1980 exempts from some of its requirements specialty infant formulas that are intended for use by infants with special dietary needs. This proposed rule would implement the exemption provisions of the Infant Formula Act of 1980 by establishing the terms and conditions under which those infant formulas would continue to be exempt.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	

Small Entity: No

Agency Contact: Nicholas Duy, Consumer Safety Officer (HFF-204), Department of Health and Human Services, Food and Drug Administration, Bureau of Foods (HFF-204), 200 C Street, S.W., Washington, D.C. 20204, **202 245-3117**

RIN: 0905–AA85

●PRIOR SANCTION FOR LEAD IN TIN CANS

Priority: Agency Determination

Legal Authority: 21 USC 321(s) Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 181

Abstract: This proposed rule would codify a prior sanction for lead that migrates from solder used in tin cans. It would resolve a long standing question about the legal status of lead used in making tin cans.

Timetable:

Action	Date	FR Cite
NPRM	12/00/83	

Small Entity: Not Applicable

Agency Contact: Bondell Anderson, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Bureau of Foods (HFF-334), 200 C Street, S.W., Washington, D.C. 20204, **202 472-5740**

RIN: 0905–AA86

●IRRADIATION IN THE PRODUCTION, PROCESSINGS, AND HANDLING OF FOOD

Priority: Agency Determination

Legal Authority: 21 USC 321 Federal Food, Drug, and Cosmetic Act; 21 USC 342 Federal Food, Drug, and Cosmetic Act; 21 USC 343 Federal Food, Drug, and Cosmetic Act; 21 USC 348 Federal Food, Drug, and Cosmetic Act; 21 USC 373 Federal Food, Drug, and Cosmetic Act; 21 USC 374 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 179.25; 21 CFR 179.26

Abstract: This proposed rule would permit the sterilization of food with ionizing radiation and would prescribe necessary labeling. This proposal has resulted from increased interest in irradiation in food processing by industry and Congress, as well as the completion of a report by FDA's Irradiated Food Committee.

Timetable:

Action	Date	FR Cite
NPRM	03/27/81	46 FR 18992
NPRM Comment Period Begin	03/27/81	46 FR 18992
Ext. of comment period to 07/27/81	07/07/81	46 FR 35120
NPRM Comment Period End	06/25/83	
Final Action	03/00/84	

Small Entity: Undetermined

Agency Contact: Clyde A. Takeguchi, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Bureau of Foods (HFF-334), 200 C Street, S.W., Washington, D.C. 20204, **202 472-5690**

RIN: 0905–AA88

●FOOD LABELING; PROTEIN PRODUCTS; WARNING LABEL

Priority: Agency Determination

Legal Authority: 21 USC 321(n) Federal Food, Drug, and Cosmetic Act; 21 USC 343(a) Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 101.17

Abstract: This final regulation will establish new label warning requirements for certain protein products that may be used for weight reduction. Significant evidence has accumulated supporting the hypotheses that prolonged use of these protein products for rapid weight loss is related to the sudden onset of cardiac arrhythmias and death in otherwise healthy individuals.

Timetable:

Action	Date	FR Cite
NPRM	06/11/82	47 FR 25379
NPRM Comment Period Begin	06/11/82	47 FR 25379
NPRM Comment Period End	08/10/82	
Final Action	09/00/83	

Small Entity: Not Applicable

Agency Contact: Victor P. Frattali, Dep. Director, Div. of Nutrition, Department of Health and Human Services, Food and Drug Adminis-

tration, Bureau of Foods (HFF-261), 200 C Street, S.W., Washington, D.C. 20204, **202 245-1064**

RIN: 0905–AA89

●COMMON OR USUAL NAMES FOR VEGETABLE PROTEIN PROD. AND SUBSTITUTES FOR MEATS, SEAFOOD, POULTRY, EGGS OR CHEESES WHICH CONTAIN VEG. PROTEIN PROD. AS SOURCES OF PROTEIN

Priority: Agency Determination

Legal Authority: 21 USC 321(n) Federal Food, Drug, and Cosmetic Act; 21 USC 343 Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 102.75; 21 CFR 102.76

Abstract: This final rule will establish common or usual names for vegetable protein products and names and definitions of nutritional equivalence for substitutes for the five major protein foods. The final rule will provide consistency in the labeling and in the nutrient content of vegetable protein substitutes for the five major protein foods.

Timetable:

Action	Date	FR Cite
NPRM	06/14/74	39 FR 20892
NPRM Comment Period Begin	06/14/74	39 FR 20892
NPRM Comment Period End	08/14/74	
Interim Final Rule	07/14/78	43 FR 30471
Final Action	06/00/83	

Small Entity: Not Applicable

Agency Contact: Elizabeth Campbell, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Bureau of Foods (HFF-312), 200 C Street, S.W., Washington, D.C. 20204, **202 245-3092**

RIN: 0905–AA90

●ABBREVIATED NEW ANIMAL DRUG APPLICATIONS FOR POST-1962 ANIMAL DRUGS

Priority: Agency Determination

Legal Authority: 21 USC 360b Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 514.1; 21 CFR 514.2; 21 CFR 514.3; 21 CFR 514.11

Abstract: This proposed rule would permit applicants to file abbreviated new animal drug application (ANADAs) for products identical to approved post-1962 drugs and to omit certain reports that are required in full NADAs to show safety and effectiveness of the product. It would apply only to certain drug products specified by FDA. If adopted, the proposed rule would reduce duplicative testing of drugs and also reduce the cost to the manufacturer of getting the affected drugs on the market.

Timetable:

Action	Date	FR Cite
NPRM	06/00/83	

Small Entity: Undetermined

Agency Contact: Richard Lehmann, Veterinary Medical Officer, Department of Health and Human Services, Food and Drug Administration, Bureau of Veterinary Medicine (HFV-120), 5600 Fishers Lane, Rockville, MD 20857, **301 443-3134**

RIN: 0905–AA91

●OBLIGATIONS OF CLINICAL INVESTIGATORS

Priority: Agency Determination

Legal Authority: 21 USC 346 Federal Food, Drug, and Cosmetic Act; 21 USC 346a Federal Food, Drug, and Cosmetic Act; 21 USC 348 Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 353 Federal Food, Drug, and Cosmetic Act; 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 357 Federal Food, Drug, and Cosmetic Act; 21 USC 360 Federal Food, Drug, and Cosmetic Act; 21 USC 360c to 360f Federal Food, Drug, and Cosmetic Act; 21 USC 360h to 360j Federal Food, Drug, and Cosmetic Act; 21 USC 361 Federal Food, Drug, and Cosmetic Act; 42 USC 216 Public Health Service Act; 42 USC 262 Public Health Service Act; 42 USC 263b to 263n Public Health Service Act

CFR Citation: 21 CFR 16.1; 21 CFR 56.1; 21 CFR 56.2; 21 CFR 56.3; 21 CFR 56.8; 21 CFR 56.15; 21 CFR 56.21; 21 CFR 56.25; 21 CFR 56.26; 21 CFR 56.34; 21 CFR 56.80; 21 CFR 56.82; 21 CFR 56.85; 21 CFR 56.87; 21 CFR 56.90; ...

Abstract: This final rule will clarify existing regulations governing the conduct of persons who conduct clinical investigations on new drug products and extends the regulations to include persons who conduct clinical investigations on medical devices, food or color additives, and electronic products. This final rule will provide greater protection of the rights and safety of subjects in clinical investigations and help ensure the quality and integrity of the research data used to support the marketing of FDA-regulated products.

Timetable:

Action	Date	FR Cite
NPRM	08/08/78	43 FR 35186
NPRM Comment Period Begin	08/08/78	43 FR 35186
NPRM Comment Period End	12/06/78	
Final Action	01/00/84	

Small Entity: Not Applicable

Agency Contact: Marilyn Watson, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Nat Cent for Drugs & Biologics (HFN-7), 5600 Fishers Lane, Rockville, MD 20857, **301 443-3640**

RIN: 0905–AB02

●BENZYL ALCOHOL

Priority: Agency Determination

Legal Authority: 21 USC 321 Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 201.320

Abstract: This proposed rule would require the labeling of bacteriostatic water for injection and bacteriostatic sodium chloride injection containing benzyl alcohol to contain a warning against use in newborns. The proposed rule is based upon published reports of deaths among premature infants in two hospitals from benzyl alcohol toxicity. FDA has alerted health professionals and manufacturers to the problem.

Timetable:

Action	Date	FR Cite
NPRM	07/00/83	

Small Entity: No

Agency Contact: Richard L. Arkin, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Nat Cent for Drugs & Biologics (HFN-7), 5600 Fishers Lane, Rockville, MD 20857, **301 443-4690**

RIN: 0905–AB03

●SPONSORED COMPOUNDS IN FOOD-PRODUCING ANIMALS; OPERATIONAL DEFINITION OF THE NO-RESIDUE REQUIREMENT

Priority: Agency Determination

Legal Authority: 21 USC 342 Federal Food, Drug, and Cosmetic Act; 21 USC 343 Federal Food, Drug, and Cosmetic Act; 21 USC 348 Federal Food, Drug, and Cosmetic Act; 21 USC 360b Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and

Cosmetic Act; 21 USC 376 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 500.80; 21 CFR 500.82; 21 CFR 500.84; 21 CFR 500.86; 21 CFR 500.88; 21 CFR 514.1; 21 CFR 514.11; 21 CFR 514.115

Abstract: This reproposal would establish an operational definition of the no-residue requirements of the anti-cancer clauses of the Federal Food, Drug, and Cosmetic Act regarding food additives, color additives, and drugs intended for use in food-producing animals.

Timetable:

Action	Date	FR Cite
NPRM	03/20/79	44 FR 17070
NPRM Comment Period Begin	03/20/79	44 FR 17070
NPRM Comment Period End	07/18/79	
Amended NPRM	02/11/83	48 FR 06361
Revised NPRM	08/00/83	

Small Entity: Yes

Agency Contact: Joseph Settapani, Dep Associate Dir for Human Food Safety, Department of Health and Human Services, Food and Drug Administration, Bureau of Veterinary Medicine (HFV-301), 5600 Fishers Lane, Rockville, MD 20857, **301 443-4500**

RIN: 0905-AB04

●SOLID CONTENT WEIGHT OR DRAINED WEIGHT FOR CANNED FRUITS AND VEGETABLES

Priority: Agency Determination

Legal Authority: 21 USC 321(n) Federal Food, Drug, and Cosmetic Act; 21 USC 343 Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 101.105; 21 CFR 101.107

Abstract: This final rule will amend the appropriate regulations to permit the declaration of the solid content weight (fill weight), in addition to the net quantity of contents, on the labels of canned fruits and vegetables. The rule will permit industry to voluntarily provide additional labeling information in the interest of improving consumer's ability to make value comparisons in the marketplace.

Timetable:

Action	Date	FR Cite
NPRM	11/07/75	40 FR 52171
NPRM Comment Period Begin	11/07/75	40 FR 52171
Reprop. comment per. to 07/01/79	12/09/77	42 FR 62282
Final Action	06/00/83	

Small Entity: Not Applicable

Agency Contact: Prince G. Harrill, Deputy Director, Div. of Food Tech., Department of Health and Human Services, Food and Drug Administration, Bureau of Foods (HFF-211), 200 C Street, S.W., Washington, D.C. 20204, **202 245-1165**

RIN: 0905-AB05

●NEW DRUG APPROVAL PROCESS; REVISION OF NDA RULES

Priority: Task Force

Legal Authority: 21 USC 351 Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 353 Federal Food, Drug, and Cosmetic Act; 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 356 Federal Food, Drug, and Cosmetic Act; 21 USC 357 Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act; 42 USC 262 Public Health Service Act

CFR Citation: 21 CFR 310; 21 CFR 312; 21 CFR 314; 21 CFR 430; 21 CFR 431; 21 CFR 433

Abstract: This proposed rule would revise extensively the NDA rules to improve the efficiency of FDA's operations and to update and clarify its internal policies in reviewing and expediting applications for new drugs. These revisions are believed necessary to improve the efficiency of the drug review process. The result would be greater assurance that safe and effective new drugs are approved as promptly as possible. The undertaking reflects FDA's commitment to refine and improve the entire IND/NDA process. The IND/NDA rules were scheduled for retrospective review announced by FDA in its July 2, 1982 notice (47 FR 29004) establishing priorities for reviewing the agency's existing rules under the Regulatory Flexibility Act and Executive Order 12291. This rule will be reviewed by the President's Task Force on Regulatory Relief. This item was previously listed in the agenda as New Drug Approval Process: Revision of IND/NDA Rules (RIN 0905-AA00).

Timetable:

Action	Date	FR Cite
NPRM	10/19/82	47 FR 46622
NPRM Comment Period Begin	10/19/82	47 FR 46622
NPRM Comment Period End	12/20/82	
Final Action	05/00/83	

Small Entity: No

Agency Contact: Michael C. McGrane, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Nat Cent. for Drugs & Biologics (HFN-7), 5600 Fishers Lane, Rockville, MD 20857, **301 443-5220**

RIN: 0905-AB08

●NEW DRUG APPROVAL PROCESS; REVISION OF IND RULES

Priority: Task Force

Legal Authority: 21 USC 351 Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 353 Federal Food, Drug, and Cosmetic Act; 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 356 Federal Food, Drug, and Cosmetic Act; 21 USC 357 Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act; 42 USC 262 Public Health Service Act

CFR Citation: 21 CFR 312

Abstract: This proposed rule would revise extensively the IND rules to improve the efficiency of FDA's operations and to update and clarify its internal policies in reviewing and expediting applications for new drugs. These revisions are believed necessary to improve the efficiency of the drug review process. The result would be greater assurance that safe and effective new drugs are approved as promptly as possible. The undertaking reflects FDA's commitment to refine and improve the entire IND/NDA process. The IND/NDA rules were scheduled for retrospective review announced by FDA in its July 2, 1982 notice (47 FR 29004) establishing priorities for reviewing the agency's existing rules under the Regulatory Flexibility Act and Executive Order 12291. This rule will be reviewed by the President's Task Force on Regulatory Relief. This item was previously listed in the agenda as New Drug Approval Process: Revision of IND/NDA Rules (RIN 0905-AA00).

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	

Small Entity: No

Agency Contact: Steven H. Unger, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Nat Cent for Drugs & Biologics (HFN-7),

5600 Fishers Lane, Rockville, MD 20857, 301 443-5220

RIN: 0905–AB09

DISCONTINUANCE OF APPROVAL OF MODIFICATIONS IN NOTES, GUARANTEED UNDER TITLE VI OR VII OF THE PHS ACT, PROPOSED TO PERMIT USE OF NOTES AS COLLATERAL FOR TAX-EXEMPTREFINAN

Priority: Agency Determination

Legal Authority: 42 USC 216; 42 USC 291‖; 42 USC 293i

CFR Citation: 42 CFR 53; 42 CFR 57

Abstract: The Department of Health and Human Services will add a new section to regulations for making and guaranteeing loans for construction and modernization of hospitals and medical facilities and to regulations for guaranteeing loans for the construction of teaching facilities for health professions personnel.

Timetable:

Action	Date	FR Cite
NPRM	11/18/80	45 FR 76212
NPRM Comment Period Begin	11/18/80	45 FR 76212
NPRM Comment Period End	01/19/81	
Final Action	09/00/83	

Small Entity: No

Agency Contact: Florence B. Fiori, Associate Director for Health Facilities, Department of Health and Human Services, Health Resources and Services Administration, Center Building, 3700 East-West Highway, Hyattsville, MD 20782, 301 436-7700

RIN: 0905–AB10

HEALTH RESOURCES AND SERVICES ADMINISTRATION

MINIMUM REQUIREMENTS FOR CONSTRUCTION AND EQUIPMENT FOR HOSPITAL AND MEDICAL FACILITIES

Priority: Agency Determination

Legal Authority: 42 USC 216; 42 USC 291c; 42 USC 300s

CFR Citation: 42 CFR 124, Subpart C

Abstract: The Secretary is required to issue regulations containing standards for construction, modernization, and equipment for medical facilities assisted under Titles VI and XVI of the PHS Act. The current standards are contained in a manual entitled "Minimum Requirements for Construction and Equipment for Hospital and Medical Facilities," which are incorporated by reference into regulation at 42 CFR Part 124, Subpart C. The NPRM proposes to delete the incorporation by reference of this manual from regulation; the manual would continue to be updated and issued as guidance material.

Timetable:

Action	Date	FR Cite
NPRM	12/02/82	47 FR 54314
NPRM Comment Period Begin	12/02/82	
NPRM Comment Period End	01/31/83	
Final Action	06/30/83	

Small Entity: No

Agency Contact: Florence B. Fiori, Associate Director for Health Facilities, Department of Health and Human Services, Health Resources and Services Administration, Bureau of HMOs & Resources Development, 3700 East-West Highway, Hyattsville,MD 20782, 301 436-7700

RIN: 0905–AA34

REASONABLE VOLUME OF UNCOMPENSATED SERVICES TO PERSONS UNABLE TO PAY (HILL-BURTON)

Priority: Agency Determination

Legal Authority: 42 USC 216; 42 USC 300r; 42 USC 300s; 42 USC 300s-6

CFR Citation: 42 CFR 124, Subpart F

Abstract: The existing regulations at 42 CFR Part 124, Subpart F establish specific requirements that recipients of Federal assistance under Title VI or Title XVI of the PHS Act made assurances that they will make available in the facility constructed, modernized or converted with that assistance, a reasonable volume of services to persons unable to pay for services. The proposed regulation would provide increased flexibility to obligated facilities and reduce administrative burden while assuring access to intended beneficiaries.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Florence B. Fiori, Associate Director for Health Facilities, Department of Health and Human Services, Health Resources and Services Administration, Bureau of HMOs & Resources Development, 3700 East-West Highway, Hyattsville,MD 20782, 301 436-7700

RIN: 0905–AA35

REPEAL OF FIRST-YEAR ENROLLMENT INCREASE REQUIREMENT

Priority: Agency Determination

Legal Authority: PL 97-35 Omnibus Budget Reconciliation Act of 1981; 42 USC 293(a)(1)

CFR Citation: 42 CFR 57, Subpart B

Abstract: The Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35) requires the Secretary to unilaterally release all health professions teaching facilities assisted under Section 720(a)(1) of the Public Health Service Act from their previous obligation of increasing their first year enrollment and maintaining that level for 10 years. A notice explaining this release was published in the Federal Register on October 1, 1981. Since this is a technical amendment to implement a statutory requirement, this requirement will be codified in a final rule without a public comment period.

Timetable:

Action	Date	FR Cite
Notice explaining release	10/01/81	
Final Action	06/00/83	

Small Entity: No

Agency Contact: Florence B. Fiori, Associate Director for Health Facilities, Department of Health and Human Services, Health Resources and Services Administration, Bureau of HMOs & Resources Development, 3700 East-West Highway, Hyattsville,MD 20782, 301 436-7700

RIN: 0905–AA36

TITLE XVI WAIVER AND RECOVERY

Priority: Agency Determination

Legal Authority: 42 USC 216; 42 USC 300r; 42 USC 300s; 42 USC 300s-6

CFR Citation: 42 CFR 124, Subpart H

Abstract: Under Section 1622(a) of the Public Health Service Act, if a medical facility which has been constructed, modernized or converted with funds provided under Title XVI changes its status in certain ways within 20 years, a recovery action (i.e., action to recover the value of the Federal contribution) must be considered. The Government's right to recover funds may be waived under certain circumstances if good cause exists. Regulations pertaining to this provision were not developed in the past. Many of the Title XVI projects are still under construction. The NPRM now being developed will pertain to circumstances when a Title XVI project undergoes a change of status.

Timetable:

Action	Date	FR Cite
NPRM	09/00/83	

Small Entity: No

Agency Contact: Florence B. Fiori, Associate Director for Health Facilities, Department of Health and Human Services, Health Resources and Services Administration, Bureau of HMOs Resources Development, 3700 East-West Highway, Hyattsville,MD 20782, **301 436-7755**

RIN: 0905–AA37

HEALTH SYSTEMS AGENCY AND STATE HEALTH PLANNING AND DEVELOPMENT AGENCY REVIEWS; CERTIFICATE OF NEED

Priority: Agency Determination, Task Force

Legal Authority: 42 USC 216 Public Health Service Act; 42 USC 300k-1 to 300n-1

CFR Citation: 42 CFR 143, Subpart D; 42 CFR 123, Subpart E

Abstract: The Certificate of Need (CON) Program is a State-run program requiring health care providers to submit certain proposed large capital expenditures for review by the State Health Planning and Development Agency which determines whether the expenditures are needed. If the proposed expenditures are found to be unneeded, the provider faces penalties--which vary from State to State--if the project proceeds. The proposed rules would raise minimum thresholds for planned projects to be reviewed. Also, States could exempt from review certain projects intended solely for medical research. States also may modify the requirements for a health maintenance organization (HMO) or combination of such organizations to qualify for an exemption. The proposed rules also would give State agencies greater discretion in determining the types of projects to be reviewed, the procedures to be followed, and the criteria to be considered in reviewing applications. This is an item that will go under review by the Presidential Task Force on Regulatory Relief.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	

Small Entity: No

Agency Contact: William R. Berry, Associate Director for Health Planning, Department of Health and Human Services, Health Resources and Services Administration, Bureau of HMOs & Resources Development, 3700 East-West Highway, Hyattsville,MD 20782, **301 436-7170**

RIN: 0905–AA38

LIMITATION ON FEDERAL PARTICIPATION FOR CAPITAL EXPENDITURES

Priority: Agency Determination, Task Force

Legal Authority: 42 USC 1320a-1 Social Security Act; 42 USC 216 Public Health Service Act; 42 USC 300k-1 to 300n-1 Public Health Service Act

CFR Citation: 42 CFR 100, Subpart A

Abstract: This NPRM sets forth provisions under which the Secretary may deny Federal reimbursement under Title XVIII (Medicare) and Title XIX (Medicaid), for expenses related to capital expenditures (1) which the Designated Planning Agency (DPA) has found to be inconsistent with established standards, criteria or plans developed under the Public Health Service (PHS) Act; or (2) for which the DPA was not provided notice as required. The NPRM includes changes made in response to comments received on the NPRM published in the Federal Register on March 19, 1976, and changes necessary to conform to the amendments to Title XV of the PHS Act enacted by the Health Planning and Resources Development Amendments of 1979 (P.L. 96-79), the Health Programs Extension Act of 1981 (P.L. 97-35). Also, many States have discontinued their agreements with the Department to perform reviews under the section 1122 program because the requirements of section 1122 are inconsistent with the Department's requirements for acceptable certificate of need (CON) programs. Now, requirements for CON and section 1122 reviews are as alike as possible. This is an item that will be reviewed by the Presidential Task Force (cont)

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	

Small Entity: No

Additional Information: ABSTRACT CONT: on Regulatory Relief.

Agency Contact: William R. Berry, Associate Director for Health Planning, Department of Health and Human Services, Health Resources and Services Administration, Bureau of HMOs & Resources Development, 3700 East-West Highway, Hyattsville,MD 20782, **301 436-7170**

RIN: 0905–AA39

STANDARDS FOR ACCREDITATION OF EDUCATIONAL PROGRAMS AND CERTIFICATION OF SELECTED MEDICAL AND DENTAL PERSONNEL WHO ADMINISTER RADIOLOGIC PROCEDURES

Priority: Agency Determination

Legal Authority: PL 97-35 Consumer Patient Rad Health and Safety Act of 1981; 42 USC 10004

CFR Citation: 42 CFR 75, (Proposed)

Abstract: The Department is proposing rulemaking to establish standards for both the accreditation of educational programs and the certification of radiologic personnel. Standards have been developed after consultation with relevant professional and State officials for accreditation of educational institutions and certification of radiologic personnel. The categories of personnel to be affected by the initial standards are: radiographers, dental hygienists, dental assistants, radiation therapy technologists, and nuclear medicine technologists. The standards are mandatory for agencies of the Federal Government. Standards are voluntary for States.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	

Small Entity: No

Agency Contact: Mr. David B. Hoover, Director, DADHP, BHPr, Department of Health and Human Services, Health Resources and Services Administration, 3700 East-West Highway, Hyattsville, Maryland 20782, **301 436-6838**

RIN: 0905–AA49

HEALTH PROFESSIONS STUDENT LOAN PROGRAM (HPSL); DEBT MANAGEMENT; DELINQUENCY RATES

Priority: Agency Determination

Legal Authority: 42 USC 216; 42 USC 294m to 294q

CFR Citation: 42 CFR 57, Subpart C

Abstract: The final rule would set a performance standard which will require schools to achieve a delinquency rate of no more than 5 percent, and establish a series of performance check points for schools unable to reach or maintain the 5 percent standard on or after 6/30/83; define delinquent accounts as those more than 60 days overdue; and establish a uniform formula for computing borrower and dollar delinquency rates; require schools to use credit bureaus, collection agents, and litigation in collecting delinquent loans; require the submission of financial aid

transcripts by loan applicants; require that repayment schedules allow for payments to be made no less often than quarterly, with monthly payments required for borrowers who become more than 60 days past due; and other requirements for repayment and the submission and retention of reports.

Timetable:

Action	Date	FR Cite
NPRM	08/31/82	47 FR 38365
NPRM Comment Period Begin	09/01/82	
NPRM Comment Period End	10/15/82	
Final Action	04/00/83	

Small Entity: No

Agency Contact: **Mrs. Alice Swift**, Atg. Chief, Program Dev. Br., DSA, BHPr, Department of Health and Human Services, Health Resources and Services Administration, 5600 Fishers Lane, Rockville, Maryland 20857, **301 443-4540**

RIN: 0905–AA56

NURSING STUDENT LOAN PROGRAM (NSL); DEBT MANAGEMENT; DELINQUENCY RATES

Priority: Agency Determination

Legal Authority: 42 USC 216; 42 USC 297a to 297h

CFR Citation: 42 CFR 57, Subpart D

Abstract: The final rule would set a performance standard which will require schools to achieve a delinquency rate of not more than 5 percent, and establish a series of performance check points for schools unable to reach or maintain the 5 percent standard on or after 12/31/83; define delinquent accounts as those more than 60 days overdue; and establish a uniform formula for computing borrower and dollar delinquency rates; require schools to use credit bureaus, collection agents, and litigation in collecting delinquent loans; require the submission of financial aid transcripts by loan applicants; require that repayment schedules allow for payments to be made no less often than quarterly, with monthly payments required for borrowers who become more than 60 days past due; and other requirements for repayment and the submission and retention of reports.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	

Small Entity: No

Agency Contact: **Mrs. Alice Swift**, Atg. Chief, Program Dev. Br., DSA, BHPr, Department of Health and Human Services, Health Resources and Services Administration, 5600 Fishers Lane, Rockville, Maryland 20857, **301 443-4540**

RIN: 0905–AA58

HEALTH MAINTENANCE ORGANIZATIONS

Priority: Agency Determination

Legal Authority: 42 USC 216, as amended; 42 USC 300e to 300e-17, as amended

CFR Citation: 42 CFR 110

Abstract: The regulations at 42 CFR Part 110, Subparts A,B,C,H, & I would be amended, through a notice of proposed rulemaking, to provide needed regulatory guidance concerning certain provisions in the Health Maintenance Organization Amendments of 1981. These rules govern the organization and operation of health maintenance organizations (HMOs). These rules specifically establish criteria for submitting a grant, loan, or loan guarantee application; establish requirements for certain employers and States to offer to their employees the option of membership in qualified HMOs; and establish requirements for continued compliance of Federally qualified HMOs. Changes would include regulatory interpretations of community rating by class (CRC), the definition of primary care outside of the HMO's service area, and the protection of HMO members from liability of payment of any fees which are the legal obligation of the HMO. In addition, the regulations would be amended to delete burdensome or unnecessary regulatory provisions.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	

Small Entity: No

Agency Contact: **Dwight Blankenbaker**, Director, Policy Office, HMO, Department of Health and Human Services, Public Health Service, Bureau of HMOs & Resources Development, 5600 Fishers Lane, Rockville, MD 20857, **301 443-4106**

RIN: 0905–AA65

●HOME HEALTH SERVICES

Priority: Agency Determination

Legal Authority: PL 97-414, Sec 6

CFR Citation: Not yet determined

Abstract: Title III of the Public Health Service Act was amended by section 6 of the Orphan Drug Act of 1983 (P.L. 97-414). The effect of the amendment authorizes a new program of grants and loans to support home health services. Specifically, it authorizes grants to nonprofit agencies and loans to proprietary agencies to establish and operate home health programs. It also authorizes grants and contracts for training paraprofessionals to provide home health services, with special consideration given to trainees 50 years of age or older. The amendment requires five separate reports to Congress and requires the Secretary to develop and carry out demonstration projects regarding patients at risk of institutionalization and alternative reimbursement methodologies. The program is expected to impact in cost savings through better methods of identifying patients at risk and decreasing the length and frequency of hospital stays.

Timetable:

Action	Date	FR Cite
NPRM	07/30/83	

Small Entity: No

Agency Contact: **James J. Corrigan**, Associate Bureau Director, Department of Health and Human Services, Health Resources and Services Administration, 5600 Fishers Lane, Rockville, Maryland 20857, Room 7-05, **301 443-2380**

RIN: 0905–AB11

●PRIMARY CARE BLOCK GRANT PROGRAM

Priority: Agency Determination

Legal Authority: PL 97-414, Sec 8

CFR Citation: Not yet determined

Abstract: Section 1932 of the Public Health Service Act was amended by section 8 of the Orphan Drug Act of 1983 (P.L.97-414). The effect of the amendment requires the Secretary to promulgate separate regulations for the Primary Care Block Grant taking into consideration the distinctive features of the program such as: the program consists principally of community health centers; the States have the option of assuming responsibility for the program; the States have to make a substantial financial contribution; if a State opts for the block, it agrees to continue to provide a statutory range of services; new centers could only be established in medically underserved areas; and procedural safeguards protecting existing centers.

Timetable:

Action	Date	FR Cite
NPRM	07/30/83	

Small Entity: No

Agency Contact: **James J. Corrigan**, Associate Bureau Director, Department of Health

and Human Services, Health Resources and Services Administration, 5600 Fishers Lane, Rockville, Maryland 20857, Room 7-05, **301 443-2590**

RIN: 0905–AB12

●HEALTH EDUCATION ASSISTANCE LOAN (HEAL) PROGRAM; DUE DILIGENCE

Priority: Agency Determination

Legal Authority: 42 USC 216; 42 USC 294 to 294l

CFR Citation: 42 CFR 60

Abstract: This Notice of Proposed Rulemaking will amend regulations implementing the Health Education Assistance Loan Progam (Section 727 of the Public Health Service Act) with regard to the due diligence requirements.

Timetable:

Action	Date	FR Cite
NPRM	08/00/83	

Small Entity: No

Agency Contact: Mrs. Alice Swift, Acting Chief, Program Development Br/DSA, Department of Health and Human Services, Public Health Service, 5600 Fishers Lane, Rockville, Maryland 20857, **301 443-4540**

RIN: 0905–AB13

●HEALTH PROFESSIONS STUDENT LOAN (HPSL) PROGRAM; DUE DILIGENCE

Priority: Agency Determination

Legal Authority: 42 USC 216; 42 USC 294m to 294q

CFR Citation: 42 CFR 57, Subpart C

Abstract: This notice of proposed rulemaking will amplify due diligence requirements in the regulations implementing the Health Professions Student Loan Program (Section 740 of the Public Health Service Act).

Timetable:

Action	Date	FR Cite
NPRM	06/00/83	

Small Entity: No

Agency Contact: Mrs. Alice Swift, Acting Chief, Program Development Br/DSA, Department of Health and Human Services, Health Resources and Services Administration, 5600 Fishers Lane, Rockville, Maryland 20857, **301 443-4540**

RIN: 0905–AB14

●NURSING STUDENT LOAN (NSL) PROGRAM; DUE DILIGENCE

Priority: Agency Determination

Legal Authority: 42 USC 216; 42 USC 297a to 297h

CFR Citation: 42 CFR 57, Subpart D

Abstract: This notice of proposed rulemaking will amplify due diligence requirements in the regulations implementing the Nursing Student Loan Program (Section 835 of the Public Health Service Act).

Timetable:

Action	Date	FR Cite
NPRM	06/00/83	

Small Entity: No

Agency Contact: Mrs. Alice Swift, Acting Chief, Program Development Br/DSA, Department of Health and Human Services, Public Health Service, 5600 Fishers Lane, Rockville, Maryland 20857, **301 443-4540**

RIN: 0905–AB15

●SALE OF PROPERTY ACQUIRED THROUGH DEFAULT ON A LOAN OR LOAN GUARANTEE UNDER TITLE VI OR XVI OF THE PHS ACT

Priority: Agency Determination

Legal Authority: PL 97-414 The Orphan Drug Act; 42 USC 300q-2(f)(2)

CFR Citation: 42 CFR 124

Abstract: The Orphan Drug Act(PL 97-414) amended section 1602(f)(2) of the PHS Act (42 USC 300q-2(f)(2)) by providing authority for the Secretary of Health and Human Services to sell real property acquired through default on a loan or loan guarantee made under Title VI or XVI of the PHS Act.

Timetable:

Action	Date	FR Cite
NPRM	09/00/83	

Small Entity: No

Agency Contact: Florence B. Fiori, Associate Director for Health Facilities, Department of Health and Human Services, Health Resources and Services Administration, Center Building, 3700 East-West Highway, Hyattsville, MD 20782, **301 436-7700**

RIN: 0905–AB22

OFFICE OF ASSISTANT SECRETARY FOR HEALTH

ADOLESCENT FAMILY LIFE DEMONSTRATION PROJECTS

Legal Authority: 42 USC 216 Public Health Service Act; 42 USC 300z et seq Public Health Service Act

CFR Citation: 42 CFR 59

Abstract: The proposed rule would establish the requirements for grants for demonstration projects funded under the recently enacted Title XX of the Public Health Service Act. The title authorizes the Department of Health and Human Services to make grants to projects that will provide health, social and education services to pregnant and nonpregnant adolescents, adolescent parents, and their families.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	

Small Entity: No

Additional Information: SMALL BUSINESSES CONT: Given the size of the appropriation anticipated, the number of grants for demonstration projects that can be funded is not expected to result in this regulation's having a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

Agency Contact: Donald Underwood, Grants Management Officer, Department of Health and Human Services, Public Health Service, Office of Adolescent Pregnancy Programs, Room 602, Reporters Building, Washington, DC 20201, **202 472-5588**

RIN: 0905–AA24

●INVOLUNTARY CHILD AND SPOUSAL SUPPORT ALLOTMENTS

Legal Authority: 37 USC 101; 15 USC 1673; 42 USC 665; PL 97-248, Sec 172

CFR Citation: 42 CFR 21

Abstract: This regulation will implement the objectives of Sec. 172 of PL 97-248 as it pertains to the Secretary of HHS. It will provide for involuntary allotments to be made on a continuing basis from the pay and allowances of an officer of the Commissioned Corps of the Public Health Service to satisfy child support or child and spousal support obligations in compliance with law. Only minimal administrative costs are expected. No direct costs are involved. PHS will have specific procedures for processing legally mandated involuntary allotments for child support or child and spousal support payments.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	
NPRM Comment Period Begin	04/00/83	
NPRM Comment Period End	05/00/83	
Final Action	00/00/00	
Final Action Effective	00/00/00	

Small Entity: Not Applicable

Agency Contact: **Winston J. Dean**, Assistant Director for Policy, CPOD, Department of Health and Human Services, Office of Assistant Secretary for Health, Room 4A09 Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, **301 443-2626**

RIN: 0905–AA79

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

CONFIDENTIALITY OF ALCOHOL AND DRUG ABUSE PATIENT RECORDS

Legal Authority: 21 USC 1175; 42 USC 4582

CFR Citation: 42 CFR 2

Abstract: A comprehensive rewrite of the regulations has been undertaken to make them more understandable and less burdensome. Among 15 issues raised in the Notice of Decision to Develop Regulations, the one expected to have the most impact concerns the scope of applicability. The 14 other issues raised in the Notice as well as some raised by the public will be addressed in the NPRM.

Timetable:

Action	Date	FR Cite
Notice of Decision to Develop Regs	01/02/80	45 FR 53
NPRM	06/00/83	

Small Entity: No

Agency Contact: **Judith T. Galloway**, Regulations Officer, Department of Health and Human Services, Alcohol, Drug Abuse, and Mental Health Administration, Room 13C-06, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, **301 443-3200**

RIN: 0905–AA26

CENTER FOR DISEASE CONTROL

SPECIFICATIONS FOR MEDICAL EXAMINATIONS OF UNDERGROUND COAL MINERS

Legal Authority: 30 USC 843 Federal Mine Safety and Health Act of 1977

CFR Citation: 42 CFR 37

Abstract: The National Institute for Occupational Safety and Health administers an X-ray examination program for coal miners as mandated by the Federal Mine Safety and Health Act of 1977. The proposed amendment will enable X-ray readers in the Department's medical surveillance program for underground coal miners to classify miner's chest X-rays more accurately in accordance with the latest standards. The existing regulations currently provide for the use of the 1971 version of the International Labor Office (ILO) system for classifying radiographs (X-rays) of the pneumoconioses. The amendment proposes to adopt the 1980 revision of the ILO classification system which has now become the recognized international standard for classifying this type of disease.

Timetable:

Action	Date	FR Cite
NPRM	01/12/83	48 FR 01321
NPRM Comment Period Begin	01/12/83	48 FR 01321
NPRM Comment Period End	02/11/83	
Final Action	07/31/83	

Small Entity: No

Additional Information: ADDITIONAL PHONE: FTS 923-4301 SMALL BUSINESSES CONT: This amendment will update the existing regulations to allow the use of the latest standards for classifying X-rays of pneumoconioses.

Agency Contact: **Ms. Mitzie Martin**, Chief, Receiv Cent Sec, Department of Health and Human Services, Centers for Disease Control, Examinatns Proc Br, Div of Resp Dis Stud, NIOSH, 944 Chestnut Ridge Rd, Morgantown, WV 26505, **304 291-4301**

RIN: 0905–AA27

REQUESTS FOR HEALTH HAZARD EVALUATIONS AND OCCUPATIONAL SAFETY AND HEALTH INVESTIGATIONS OF PLACES OF EMPLOYMENT

Legal Authority: 29 USC 669 Occupational Safety and Health Act; 29 USC 657 Occupational Safety and Health Act; 30 USC 951 Federal Mine Safety and Health Act of 1977; 30 USC 813 Federal Mine Safety and Health Act of 1977

CFR Citation: 42 CFR 85; 42 CFR 85a

Abstract: In performing its research activities under the provisions of the Occupational Safety and Health Act of 1970 and the Federal Mine Safety and Health Act of 1977, the National Institute for Occupational Safety and Health (NIOSH) is often required to conduct onsite investigations of the workplace. The procedures governing these investigations are contained in 42 CFR Parts 85 and 85a. Part 85 governs health hazard evaluations, while Part 85a concerns the conduct of investigations under NIOSH-initiated research projects. NIOSH proposes to amend Parts 85 and 85a to expressly provide for the use of personal sampling devices as an investigative technique. This action is necessary to give notice that employees may be requested to wear personal sampling devices as part of the environmental sampling procedures used by NIOSH during its workplace investigations.

Timetable:

Action	Date	FR Cite
NPRM	03/11/83	48 FR 10377

Next Action Undetermined

Small Entity: No

Additional Information: ADDITIONAL PHONE: FTS 236-3061

Agency Contact: **Larry W. Sparks**, Executive Officer, NIOSH, Department of Health and Human Services, Centers for Disease Control, National Institute for Occupational Safety, and Health, 1600 Clifton Road, N.E., Atlanta, GA 30333, **404 329-3061**

RIN: 0905–AA32

FOOD AND DRUG ADMINISTRATION

ALLERGENIC SOURCE MATERIAL

Legal Authority: 42 USC 262 Public Health Service Act

CFR Citation: 21 CFR 680

Abstract: This proposal would amend the biologics rules to establish criteria for source materials used in the manufacture of a final allergenic product. Specific requirements would be prescribed for the propagation and maintenance of materials used to prepare certain allergenic products. Inspection and recordkeeping requirements would apply to all manufacturers of allergenic products. These procedures are believed necessary to reduce the likelihood of misidentified or contaminated source materials and assure their suitability for manufacture into final allergenic products.

Timetable:

Action	Date	FR Cite
NPRM	09/26/78	43 FR 43472
NPRM Comment Period Begin	09/26/78	43 FR 43472
Previous NPRM	09/26/78	43 FR 43472
NPRM Comment Period End	11/26/78	

Action	Date	FR Cite
Revised NPRM	05/00/83	

Small Entity: No

Additional Information: SMALL BUSINESSES CONT: This proposed rule would affect about 20 allergen manufacturers. Depending on various factors involving the firms' current practices, increased costs per firm would vary from no cost increases to minor increases. The anticipated costs are not expected to have a significant impact on any firm, large or small.

Agency Contact: Michael Hooten, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Nat Center for Drugs & Biologics (HFN-813), 8800 Rockville Pike, Bethesda, MD 20205, **301 443-1306**

RIN: 0905-AA02

REQUIREMENTS FOR DESIGNATING A MANUFACTURER'S NAME ON A DRUG PRODUCT LABEL

Legal Authority: 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 701(a) Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 201

Abstract: This proposed rule would amend the rule setting forth requirements for designating a manufacturer's name on a drug product actually made by a corporately related firm under common ownership and control. The action responds to a petition pointing out various marketing and labeling problems that the current rule poses for certain diversified corporate structures. The rule would permit any member of a diversified corporate "family" to claim to have manufactured a product made within the "family."

Timetable:

Action	Date	FR Cite
NPRM	06/08/82	47 FR 24735
NPRM Comment Period Begin	06/08/82	47 FR 24735
NPRM Comment Period End	08/09/82	
Final Action	06/00/83	

Small Entity: No

Additional Information: SMALL BUSINESSES CONT: This proposed rule would permit considerable flexibility in identifying on the label the statutorily required name of the manufacturer, repacker, or distributor. Therefore, it should not increase and may actually decrease labeling costs for labelers including small businesses.

Agency Contact: Steven Unger, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Nat Center for Drugs & Biologics (HFN-7), 5600 Fishers Lane, Rockville, MD 20857, **301 443-5220**

RIN: 0905-AA04

BIOLOGICAL PRODUCTS; INSPECTION FREQUENCY OF ALL LICENSED BIOLOGICAL ESTABLISHMENTS AND THEIR ADDITIONAL LOCATION(S)

Legal Authority: 21 USC 321(g) Federal Food, Drug, and Cosmetic Act; 21 USC 321(h) Federal Food, Drug, and Cosmetic Act; 21 USC 360 Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act; 21 USC 374 Federal Food, Drug, and Cosmetic Act; 42 USC 262 Public Health Service Act

CFR Citation: 21 CFR 600.21

Abstract: This proposed rule would amend the biologics rules by changing the required minimum frequency of inspections for all licensed biological establishments and their additional location(s) from at least once every year to at least once every 2 years. This action would (1) provide flexibility for the agency to reduce the inspection burden on a specific portion of the regulated industry, (2) provide the agency with greater flexibility in management of its resources, and (3) provide a uniform requirement for frequency of inspections of all manufacturers of drugs and devices, consistent with requirements in the Federal Food, Drug, and Cosmetic Act.

Timetable:

Action	Date	FR Cite
NPRM	07/30/82	47 FR 32953
NPRM Comment Period Begin	07/30/82	47 FR 32953
NPRM Comment Period End	09/28/82	
Final Action	07/00/83	

Small Entity: No

Additional Information: SMALL BUSINESSES CONT: This proposed rule would reduce the minimum required inspection frequency and reduce the burden associated with an inspection, but it would not change the standards to which manufacturers must adhere. Thus, it is expected that this rule would not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

Agency Contact: Reda Proehl, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Nat Center for Drugs & Biologics (HFN-813), 8800 Rockville Pike, Bethesda, MD 20205, **301 443-1306**

RIN: 0905-AA05

OVER-THE-COUNTER (OTC) DRUG REVIEW

Legal Authority: 21 USC 321(p) Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 310; 21 CFR 330; 21 CFR 333; 21 CFR 334; 21 CFR 335; 21 CFR 336; 21 CFR 337; 21 CFR 338; 21 CFR 339; 21 CFR 340; 21 CFR 341; 21 CFR 342; 21 CFR 343; 21 CFR 344; 21 CFR 345; ...

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective and not misbranded. After a final monograph (i.e., final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. NOTE: NPRM for "Antidotes, Toxic Ingestion Products" to be retitled "Poison Treatment Products". NPRM for "Astringent (Wet Dressings) Products" to be included in NPRMs for "External Analgesic & Skin Protectant Products". NPRM for "Diaper Rash Products" to be included in NPRMs for "Anti fungal", "Anti microbial", and "External Analgesic and Skin Protectant Products".NPRM for "Fever Blister/Cold Sore Products (External)" to be included in NPRMs for "External Analgesic and Skin Protectant Products". NPRM for "Insect Bites and Stings (Relief) Products"to be included in NPRMs for "External Analgesic and Skin Protectant Products". NPRM for "Leg Muscle Cramps (Nocturnal Relief) Products" to be included in NPRMs for "Internal Analgesic Products". (cont)

Supplemental Timetable: Acne (Topical) Products — ANPRM 03/23/82 (47 FR 12430), NPRM 00/00/00; **Alcohol (Topical) Products** — ANPRM 05/21/82 (47 FR 22344); **Anorectal Products** — ANPRM 05/27/80 (45 FR 35576), NPRM 09/00/83; **Anthelmintic Products** — ANPRM 09/09/80 (45 FR 59541), NPRM 08/24/82 (47 FR 37062), Final Action 09/00/83; **Antibiotic First Aid Products** — ANPRM 04/01/77 (42 FR 17642), NPRM 07/09/82 (47 FR 29986), Final Action 00/00/00; **Anticaries Products** — ANPRM 03/28/80 (45 FR 20666), NPRM 00/00/00; **Antidiarrheal Products** — ANPRM 03/21/75 (40 FR 12924), NPRM 06/00/83; **Antidotes, Toxic Ingestion Products** — ANPRM 01/05/82 (47 FR 444); **Antiemetic Products** — ANPRM 03/21/75 (40 FR 12934), NPRM 07/13/79 (44 FR 41064), Final Action 09/00/83; **Antifungal (Topical)**

Products — ANPRM 03/23/82 (47 FR 12480), NPRM 00/00/00; **Antimicrobial Products** — ANPRM 09/13/74 (39 FR 33103), NPRM 01/06/78 (43 FR 1210); **Antiperspirant Products** — ANPRM 10/10/78 (43 FR 46694), NPRM 08/20/82 (47 FR 36492), Final Action 00/00/00; **Aphrodisiac Products** — ANPRM 12/00/82, NPRM 00/00/00; **Astringent (Wet Dressings) Products** — ANPRM 09/07/82 (47 FR 39436); **Benign Prostatic Hypertrophy Products** — ANPRM 10/01/82 (47 FR 43566), NPRM 00/00/00; **Boil Ointments** — ANPRM 06/29/82 (47 FR 28306), NPRM 00/00/00; **Camphorated Oil Drug Products** — Final Action 09/21/82 (47 FR 41716); **Cholecystokinetic Products** — ANPRM 02/12/80 (45 FR 9286), NPRM 08/24/82 (47 FR 37068), Final Action 09/00/83, Final Action 00/00/00; **Corn and Callus Remover Products** — ANPRM 01/05/82 (47 FR 522), NPRM 00/00/00; **Cough/Cold (Anticholinergic/Expectorant) Products** — ANPRM 09/09/76 (41 FR 38312), NPRM 07/09/82 (47 FR 30002), Final Action 00/00/00; **Cough/Cold (Antihistamine) Products** — ANPRM 09/09/76 (41 FR 38312), NPRM 09/00/83; **Cough/Cold (Antitussive) Products** — ANPRM 09/09/76 (41 FR 38312), NPRM 12/00/83; **Cough/Cold (Bronchodilator) Products** — ANPRM 09/09/76 (41 FR 38312), NPRM 07/09/82 (47 FR 30002), Final Action 00/00/00; **Cough/Cold (Combination) Products** — ANPRM 09/09/76 (41 FR 38312), NPRM 00/00/00; **Cough/Cold (Nasal Decongestant) Products** — ANPRM 09/09/76 (41 FR 38312), NPRM 03/00/83; **Dandruff, Seborrheic Dermatitis and Psoriasis Control Products** — ANPRM 12/03/82 (47 FR 54646), NPRM 00/00/00; **Diaper Rash Products (47 FR 39406,39412,39436,39464)** — ANPRM 09/07/82; **Digestive Aid Products** — ANPRM 01/05/82 (47 FR 454), NPRM 00/00/00; **Emetic Products** — ANPRM 03/21/75 (40 FR 12902), NPRM 09/05/78 (43 FR 39544); **Exocrine Pancreatic Insufficiency Products** — ANPRM 12/21/79 (44 FR 75666), NPRM 12/00/83; **External Analgesic Products** — ANPRM 12/04/79 (44 FR 69768), NPRM 02/08/83 (48 FR 05852), Final Action 00/00/00; **Fever Blister Products (Internal)** — ANPRM 01/05/82 (47 FR 502), NPRM 00/00/00; **Fever Blister/Cold Sore Products (External)** — ANPRM 09/07/82 (47 FR 39436); **Hormone (Topical) Products** — ANPRM 01/05/82 (47 FR 430), NPRM 00/00/00; **Hypo/Hyperphosphatemia Products** — ANPRM 12/09/80 (45 FR 81154), NPRM 12/00/83; **Ingrown Toenail Relief Products** — ANPRM 10/17/80 (47 FR 69128), NPRM 09/00/83 (47 FR 39120), Final Action 00/00/00; **Insect Bites and Stings (Relief) Products** — ANPRM 09/07/82 (47 FR 39412); **Insect Repellant Drug Products** — NPRM 06/00/83; **Insect Repellant Drug Products (Internal)** — ANPRM 01/05/82 (47 FR 424); **Internal Analgesic Products** — ANPRM 07/08/77 (42 FR 35346), NPRM 09/00/83; **Internal Deodorant Products** — ANPRM 01/05/82 (47 FR 512), NPRM 00/00/00; **Laxative Products** — ANPRM 03/21/75 (40 FR 12902), NPRM 09/00/83; **Leg Muscle Cramps (Noctural Relief) Products** — ANPRM 10/01/82 (47 FR 43562); **Male Genital Desensitizer Products** — ANPRM 09/07/82 (47 FR 39412); **Menstrual Products** — ANPRM 12/07/82 (47 FR 55075), NPRM 00/00/00; **Mercurial (Topical) Products** — ANPRM 01/05/82 (47 FR 436); **Nailbiting/Thumbsucking Deterrent Products** — ANPRM 10/17/80 (45 FR 69122), NPRM 09/03/82 (47 FR 39096), Final Action 00/00/00; **Nighttime Sleep-aid Products** — Final Action 12/00/83; **Ophthalmic Products** — ANPRM 05/06/80 (45 FR 30002), NPRM 09/00/83; **Oral Cavity (Health Care) Products** — ANPRM 05/25/82 (47 FR 22760), NPRM 00/00/00; **Oral Discomfort (Relief) Products** — ANPRM 05/25/82 (47 FR 22712), NPRM 00/00/00; **Oral Mucosal Injury Products** — ANPRM 11/02/79 (44 FR 63270), NPRM 12/00/83; **Otic Products** — NPRM 07/09/82 (47 FR 30012), Final Action 00/00/00; **Overindulgence Remedies** — ANPRM 10/01/82 (47 FR 43540), NPRM 00/00/00; **Pediculicide Products** — ANPRM 06/29/82 (47 FR 28312), NPRM 00/00/00; **Poison Ivy/Oak/Sumac Prevention** — ANPRM 09/07/82 (47 FR 39412); **Poison Treatment Products** — NPRM 00/00/00; **Skin Bleaching Products** — ANPRM 11/03/78 (43 FR 51546), NPRM 09/03/82 (47 FR 39108), Final Action 00/00/00; **Skin Protectant Products** — ANPRM 08/04/78 (43 FR 34628), NPRM 02/15/83 (48 FR 6820), Final Action 00/00/00; **Smoking Deterrent Products** — ANPRM 01/05/82 (47 FR 490), NPRM 00/00/00; **Vaginal Drug Products** — ANPRM 03/00/83; **Wart Remover Products** — ANPRM 10/03/80 (45 FR 65609), NPRM 09/03/82 (47 FR 39102), Final Action 00/00/00; **Weight Control Products** — ANPRM 02/26/82 (47 FR 8466)

Small Entity: No

Additional Information: SMALL BUSINESSES CONT: The effects, if any, vary depending on the individual rulemaking. However, the agency anticipates that the rules would not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act. NPRM for "Male Genital Desensitizer Products" to be included in NPRMs for "External Analgesic Products". NPRM for "Mercurial (Topical) Products" to be included in NPRMs for "Antimicrobial Products". "Poison Ivy/Oak/Sumac Prevention" to be included in NPRMs for "External Analgesic and Skin Protectant Products". Final Rule for "Emetic Products" to be retitled "Poison Treatment".

Agency Contact: **William E. Gilbertson**, Director, Division of OTC Drug Evaluation, Department of Health and Human Services, Food and Drug Administration, Nat Cent for Drugs & Biologics (HFD-510), 5600 Fishers Lane, Rockville, MD 20857, **301 443-4960**

RIN: 0905–AA06

NATIONAL ENVIRONMENTAL POLICY ACT; POLICY AND PROCEDURES

Legal Authority: 21 USC 371(a) Federal Food, Drug, and Cosmetic Act; 42 USC 4332 National Environmental Policy Act of 1969

CFR Citation: 21 CFR 25

Abstract: This proposed rule would amend agency requirements for compliance with the National Environmental Policy Act in accordance with the Council on Environmental Quality's regulations (40 CFR 1500-1508). This rule, which has agency-wide applicability, would change the environmental documents and procedures followed for environmental review of actions proposed by or requested by the agency.

Timetable:

Action	Date	FR Cite
NPRM	12/11/79	44 FR 71742
NPRM Comment Period Begin	12/11/79	44 FR 71742
NPRM Comment Period End	02/11/80	
Final Action	07/00/83	

Small Entity: Not Applicable

Agency Contact: **John C. Matheson**, Chief, Environmental Staff, Department of Health and Human Services, Food and Drug Administration, Bureau of Veterinary Medicine (HFV-310), 5600 Fishers Lane, Rockville, MD 20857, **301 443-4500**

RIN: 0905–AA16

PROSTHETIC HAIR FIBERS FOR IMPLANTATION INTO THE HUMAN SCALP

Legal Authority: 21 USC 352(r) Federal Food, Drug, and Cosmetic Act; 21 USC 360(f) Federal Food, Drug, and Cosmetic Act; 21 USC 360(h) Federal Food, Drug, and Cosmetic Act; 21 USC 360(i) Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 895

Abstract: This proposed rule would make prosthetic hair fibers intended for implantation into the human scalp to simulate natural hair or conceal baldness a banned medical device. FDA has determined that prosthetic hair fibers intended for such use present substantial deception and an unreasonable and substantial risk of illness

or injury, that the deception or risk cannot be corrected or eliminated by labeling or change in labeling, and that the deception or risk associated with use of the device presents an unreasonable, direct, and substantial danger to the health of individuals.

Timetable:

Action	Date	FR Cite
NPRM	05/00/83	

Small Entity: No

Additional Information: SMALL BUSINESSES CONT: FDA is unaware of any businesses continuing at the present time in the manufacture, distribution, or implantation of prosthetic hair fibers. The proposed rule is intended to prevent the future recurrence of such activities.

Agency Contact: Pamela F. Wojtowicz, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Nat Cent for Devices & Rad Health (HFK-114), 8757 Georgia Avenue, Silver Spring, MD 20910, **301 427-7218**

RIN: 0905–AA18

PROTECTION OF HUMAN SUBJECTS; PRISONERS USED AS RESEARCH

Legal Authority: 21 USC 346 Federal Food, Drug, and Cosmetic Act; 21 USC 348 Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 353 Federal Food, Drug, and Cosmetic Act; 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 356 Federal Food, Drug, and Cosmetic Act; 21 USC 357 Federal Food, Drug, and Cosmetic Act; 21 USC 360 Federal Food, Drug, and Cosmetic Act; 21 USC 360c to 360f Federal Food, Drug, and Cosmetic Act; 21 USC 360h to 360j Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act; 21 USC 376 Federal Food, Drug, and Cosmetic Act; 21 USC 381 Federal Food, Drug, and Cosmetic Act; 42 USC 216 Public Health Service Act; 42 USC 262 Public Health Service Act; ...

CFR Citation: 21 CFR 50

Abstract: This proposed rule would establish conditions under which biomedical research on prisoners would be accepted in satisfaction of FDA's regulatory requirements. In the Federal Register of July 7, 1981 (46 FR 35085), FDA stayed indefinitely the effective date of the original rule, pending final action on its proposal. FDA's original rule, published May 30, 1980 (45 FR 36386), had been challenged in court by several prisoners and a drug manufacturer because the rule would have virtually banned research on prisoners. Under the new proposal published December 18, 1981, FDA would accept, in addition to the categories of research listed in the original rule, the results of biomedical research on prisoners if the sponsor of the proposed research establishes that the conditions set forth by the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research had been met.

Timetable:

Action	Date	FR Cite
NPRM	12/18/81	46 FR 61666
NPRM Comment Period Begin	12/18/81	46 FR 61666
NPRM Comment Period End	02/16/82	
Final Action	09/00/83	

Small Entity: No

Additional Information: SMALL BUSINESSES CONT: Any costs the proposed rules would impose would not affect any small entities as defined by the Regulatory Flexibility Act. The only companies currently conducting research on prisoners are among the largest pharmaceutical companies.

Agency Contact: Halyna P. Breslawec, Staff Pharmacist, Department of Health and Human Services, Food and Drug Administration, Office of Health Affairs (HFY-2), 5600 Fishers Lane, Rockville, MD 20857, **301 443-1382**

RIN: 0905–AA22

●TEMPORARY EXEMPTIONS FROM FOOD LABELING REQUIREMENTS FOR CONDUCTING AUTHORIZED FOOD LABELING EXPERIMENTS

Legal Authority: 21 USC 321(n) Federal Food, Drug, and Cosmetic Act; 21 USC 343 Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 101.108

Abstract: This final rule establishes a procedure under which exemptions from certain food labeling requirements may be granted by FDA. This action is intended to encourage participation in authorized labeling experiments designed to provide FDA with pertinent food labeling data. Data generated from authorized labeling experiments can be useful to FDA for evaluating whether changes in current food labeling requirements are warranted and for developing a nutritional labeling format that is more comprehensible and useful to consumers.

Timetable:

Action	Date	FR Cite
NPRM	09/05/80	45 FR 58880
NPRM Comment Period Begin	09/05/80	45 FR 58880
NPRM Comment Period End	11/04/80	
Final Action	05/00/83	

Small Entity: No

Agency Contact: F. Edward Scarbrough, Chief, Regulatory Affairs Staff, Department of Health and Human Services, Food and Drug Administration, Bureau of Foods (HFF-204), 200 C Street, S.W., Washington, D.C. 20204, **202 245-3117**

RIN: 0905–AA92

●INVESTIGATIONAL NEW ANIMAL DRUGS FOR EXPORT

Legal Authority: 21 USC 360b Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 511.1

Abstract: This tentative final rule would detail requirements and procedures for the submission of a notice of investigational exemption to export an investigational new animal drug.

Timetable:

Action	Date	FR Cite
NPRM	01/06/78	43 FR 1100
NPRM Comment Period Begin	01/06/78	43 FR 1100
Interim Final Rule	00/00/00	

Small Entity: Undetermined

Agency Contact: Frank Pugliese, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Bureau of Veterinary Medicine (HFV-102), 5600 Fishers Lane, Rockville, MD 20857, **301 443-4313**

RIN: 0905–AA93

●AVAILABILITY OF BULK NEW ANIMAL DRUG SUBSTANCES TO VETERINARIANS

Legal Authority: 21 USC 360b Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 514.1

Abstract: This proposed rule would permit veterinarians to obtain bulk new animal drug substances for compounding products for use in their own practice. A number of veterinarians have requested that the regulations be revised in order that bulk new animal drug substances may be legally obtained by them for use in their practices.

Timetable:

Action	Date	FR Cite
NPRM	06/00/83	

Small Entity: Yes

Agency Contact: **Frank Pugliese**, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Bureau of Veterinary Medicine (HFV-102), 5600 Fishers Lane, Rockville, MD 20857, **301 443-4313**

RIN: 0905–AB01

●REPORTING REQUIREMENTS FOR MARKETED ANIMAL DRUGS

Legal Authority: 21 USC 360C Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 510.300; 21 CFR 510.301; 21 CFR 514.8

Abstract: This proposed rule would amend the reporting requirements for marketed animal drugs to clarify the information on dosage and species, and to specify reporting requirements for manufacturers. To permit a more accurate assessment of adverse effects related to dosage and species, and to clarify the responsiblity of premix manufacturers in reporting adverse effects from use of medicated feeds.

Timetable:

Action	Date	FR Cite
NPRM	10/00/83	

Small Entity: Undetermined

Agency Contact: **Andrew Beaulieu**, Veterinary Medical Officer, Department of Health and Human Services, Food and Drug Administration, Bureau of Veterinary Medicine (HFV-211), 5600 Fishers Lane, Rockville, MD 20857

RIN: 0905–AB06

HEALTH RESOURCES AND SERVICES ADMINISTRATION

CRITERIA FOR EVALUATION OF PLANS TO REDUCE RELIANCE ON FOREIGN MEDICAL GRADUATES

Legal Authority: 8 USC 1182(j)(2)(A)

CFR Citation: 45 CFR 51

Abstract: The Secretary is required to publish criteria by which the Federal Substantial Disruption Waiver Board will evaluate the plans for reduction of reliance on Foreign Medical Graduates (FMGs) which are required of sponsoring programs that apply for waivers on the basis of "substantial disruption." The Secretary also makes recommendations on granting waivers to the International Communications Agency which grants the waivers.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/20/83	48 FR 2538
Final Action	00/00/00	

Small Entity: No

Agency Contact: **Kenneth P. Moritsugu, M.D.**, Director, Division of Medicine, BHPr, Department of Health and Human Services, Health Resources and Services Administration, 3700 East-West Highway, Hyattsville, Maryland 20782, **301 436-6418**

RIN: 0905–AA41

GRANTS FOR ADVANCED NURSE TRAINING PROGRAM

Legal Authority: 42 USC 216; 42 USC 296l

CFR Citation: 42 CFR 57, Subpart Z

Abstract: These regulations implement the Secretary's authority to make grants to public and nonprofit private collegiate schools of nursing to meet the costs of projects to (1) plan, develop, and operate, (2) significantly expand, or (3) maintain existing programs for the advanced training of professional nurses to teach in the various fields of nurse training, to serve in administrative or supervisory capacities, or to serve in other professional nursing specialties determined by the Secretary to require advanced training. The amendment deletes the designation of six nursing specialties as the only specialty areas requiring advanced training and by removing funding preferences for certain specialties.

Timetable:

Action	Date	FR Cite
NPRM	02/01/83	48 FR 4492
NPRM Comment Period Begin	02/01/83	
NPRM Comment Period End	03/03/83	
Final Action	06/30/83	

Small Entity: No

Agency Contact: **Mrs. Gretchen Osgood**, Deputy Director, Div. of Nursing, BHPr, Department of Health and Human Services, Health Resources and Services Administration, 3700 East-West Highway, Hyattsville, Maryland 20782, **301 436-6623**

RIN: 0905–AA42

GRANTS FOR PREDOCTORAL, GRADUATE, AND FACULTY DEVELOPMENT EDUCATIONAL PROGRAMS IN FAMILY MEDICINE

Legal Authority: 42 USC 216; 42 USC 295g-6(a)

CFR Citation: 42 CFR 57, Subpart Q

Abstract: These regulations apply to grants for schools of medicine or osteopathy, hospitals, and other public or private nonprofit entities to plan, develop, and operate or participate in predoctoral, graduate, or faculty training. The development of a technical amendment is needed to conform existing regulations to the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35).

Timetable:

Action	Date	FR Cite
Final Action	08/30/83	

Small Entity: No

Agency Contact: **Kenneth P. Moritsugu, M.D.**, Director, Division of Medicine, BHPr, Department of Health and Human Services, Health Resources and Services Administration, 3700 East-West Highway, Hyattsville, Maryland 20782, **301 436-6418**

RIN: 0905–AA43

GRANTS FOR RESIDENCY TRAINING IN GENERAL INTERNAL MEDICINE OR GENERAL PEDIATRICS

Legal Authority: 42 USC 216; 42 USC 295g-4

CFR Citation: 42 CFR 57, Subpart FF

Abstract: These regulations set forth requirements for grants for residency training programs in general internal medicine or general pediatrics. The statute expressly states that the Secretary will define training by regulation. The development of a technical amendment is needed to conform existing regulations to the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35).

Timetable:

Action	Date	FR Cite
Final Action	08/30/83	

Small Entity: No

Agency Contact: **Kenneth P. Moritsugu, M.D.**, Director, Division of Medicine, BHPr, Department of Health and Human Services, Health Resources and Services Administration, 3700 East-West Highway, Hyattsville, Maryland 20782, **301 436-6418**

RIN: 0905–AA44

HEALTH PROFESSIONS CURRICULUM DEVELOPMENT

Legal Authority: 42 USC 216; 42 USC 295g-8

CFR Citation: 42 CFR 57, Subpart NN

Abstract: Technical amendments to the existing regulations are needed to implement provisions in the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35). This program provides support to health professions institutions, or other public or nonprofit private entities, for special targeted health professions projects in a variety of high priority areas which train students to function effectively and efficiently as members of a health care team and other projects that address current and emerging health problems. Twenty-three examples are cited specifically in the authorizing legislation.

Timetable:

Action	Date	FR Cite
Final Action	08/30/83	

Small Entity: No

Agency Contact: Mr. David B. Hoover, Director, DADHP, BHPr, Department of Health and Human Services, Health Resources and Services Administration, 3700 East-West Highway, Hyattsville, Maryland 20782, **301 437-6638**

RIN: 0905–AA45

GRANTS FOR NURSE PRACTITIONER TRAINEESHIP PROGRAMS

Legal Authority: 42 USC 216; 42 USC 296m; 42 USC 254e

CFR Citation: 42 CFR 57, Subpart AA

Abstract: This final regulation governs a grant program to provide traineeships for nurse practitioner training to registered nurses. The rule deletes the requirement that trainees must be residents of health manpower shortage areas and provides instead that applicants from such areas be given special considerations; the rule modifies practice commitment requirements and includes conditions for waiver or suspension of repayments. No funding for future traineeships is anticipated. The rule is needed to administer existing traineeships and to monitor compliance and repayment/waivers.

Timetable:

Action	Date	FR Cite
NPRM	06/00/83	

Small Entity: No

Agency Contact: Mrs. Gretchen Osgood, Deputy Director, Div. of Nursing, BHPr, Department of Health and Human Services, Health Resources and Services Administration, 3700 East-West Highway, Hyattsville, Maryland 20782, **301 436-6623**

RIN: 0905–AA47

PROJECT GRANTS FOR ESTABLISHMENT OF DEPARTMENTS OF FAMILY MEDICINE

Legal Authority: 42 USC 295g

CFR Citation: 42 CFR 57, Subpart R

Abstract: These regulations govern the award of grants to schools of medicine and osteopathy to establish or strengthen departments, divisions, or other academic administrative units which provide clinical instruction in family medicine. A primary purpose is to assist family medicine units attain equal administrative status with other major clinical units. The rule is being prepared to conform 42 CFR Part 57, Subpart R, to the Omnibus Budget Reconciliation Act of 1981 (P. L. 97-35) and to reflect comments received in response to a notice of proposed rulemaking (NPRM) published in the Federal Register on October 16, 1980.

Timetable:

Action	Date	FR Cite
NPRM	10/16/80	45 FR 68902
Final Action	04/00/83	

Small Entity: No

Agency Contact: Kenneth P. Moritsugu, M.D., Director, Division of Medicine, BHPr, Department of Health and Human Services, Health Resources and Services Administration, 3700 East-West Highway, Hyattsville, Maryland 20782, **301 436-6418**

RIN: 0905–AA48

TRAINING GRANTS FOR PREVENTIVE MEDICINE RESIDENCY PROGRAM

Legal Authority: 42 USC 295h-1c

CFR Citation: 42 CFR 57, (Subpart proposed)

Abstract: These regulations would implement provisions of the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35) which give the Secretary new authority for a grants program which will assist schools of medicine, osteopathy, and public health in the planning and development of new residency programs and the maintenance and improvement of existing residency training programs in preventive medicine. Funds from this program can be used to provide financial assistance to trainees in the residency programs. Notice of Proposed Rulemaking (NPRM) during third quarter of FY 1983, if included in FY 1983 appropriations.

Timetable:

Action	Date	FR Cite
NPRM	08/00/83	

Small Entity: No

Agency Contact: Kenneth P. Moritsugu, M.D., Director, Division of Medicine, BHPr, Department of Health and Human Services, Health Resources and Services Administration, 3700 East-West Highway, Hyattsville, Maryland 20782, **301 436-6418**

RIN: 0905–AA50

INDIAN HEALTH SERVICE/HEALTH RESOURCES AND SERVICES ADMINISTRATION; PREGRADUATE EDUCATION SCHOLARSHIP PROGRAM

Legal Authority: 25 USC 1601 et seq Indian Health Care Improvement Act; 25 USC 1601 et seq Indian Health Care Amendments of 1980

CFR Citation: 42 CFR 36, Subpart J

Abstract: This proposed rule covers the new four year pregraduate scholarship program authorized by the Indian Health Care Amendments of 1980, Pub. L. 96-537, which is intended to encourage Indians to enter the health professions and to ensure the availability of Indian health professionals to serve Indians. The proposal would also change the current regulation governing the Health Profession Preparatory Scholarship Program for Indians (1) to provide for the contingency that the stipend could be reduced if Federal salaries were reduced; and (2) to remove the requirement that an annual list of scholarship recipients be published in the Federal Register.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	

Small Entity: No

Agency Contact: Pierre Colombel, Department of Health and Human Services, Public Health Service, Indian Health Service, 5600 Fishers Lane, Room 6A-23, Rockville, Md 20857, **301 443-5441**

RIN: 0905–AA51

CONTRACT HEALTH SERVICE DELIVERY AREA FOR THE PENOBSCOT RESERVATION

Legal Authority: 25 USC 13 Snyder Act; 42 USC 2001 to 2004 Transfer Act

CFR Citation: 42 CFR 36.22

Abstract: In response to a request from the Penobscot Nation, a notice of proposed rulemaking (NPRM) was published on January 6, 1981 proposing to enlarge the Contract Health Service Delivery Area (CHSDA) for the Penobscot Reservation. The proposal would have expanded the CHSDA beyond reservation boundaries to twelve additional counties in the State of Maine.

Penobscot Indian Nation officially rescinded its request for a redesignation of its CHSDA by Resolution No. 9-30-82-7.

Timetable:

Action	Date	FR Cite
NPRM	01/06/81	46 FR 1318
Notice to Withdraw NPRM	06/00/83	

Small Entity: No

Agency Contact: **Jim Mitchell**, Department of Health and Human Services, Public Health Service, Indian Health Service, 5600 Fishers Lane, Rockville, MD 20857, **301 443-2694**

RIN: 0905–AA52

NATIONAL HEALTH SERVICE CORPS (NHSC); PRIVATE PRACTICE OPTION (PPO) LOANS TO INDIVIDUALS

Legal Authority: 42 USC 254f Public Health Service Act

CFR Citation: 42 CFR 23

Abstract: The Secretary is authorized to make such arrangements as are deemed necessary for the individual exercising the private practice option for the use of equipment and supplies and for the lease or acquisition of other equipment and supplies. Upon the expiration of the private practice agreement, the Secretary may sell to the individual equipment and other property of the United States utilized by the individual in providing health services. Sales may be made at fair market value, except that the Secretary is permitted to make such sales for a lesser value if he determines that the individual is financially unable to pay the full market value.

Timetable:

Action	Date	FR Cite
NPRM	06/00/83	

Small Entity: No

Agency Contact: **James J. Corrigan**, Associate Bureau Director, Department of Health and Human Services, Health Resources and Services Administration, Legislation and Policy, BHCDA, Room 7-05, 5600 Fishers Lane, Rockville, MD 20857, **301 443-2380**

RIN: 0905–AA57

NATIONAL HEALTH SERVICE CORPS (NHSC) SCHOLARSHIP PROGRAM; BREACH OF CONTRACT; OBLIGATED SERVICE

Legal Authority: 42 USC 294t Public Health Service Act

CFR Citation: 42 CFR 62

Abstract: An individual who has entered into a written scholarship contract will be given an opportunity to withdraw without incurring damages. Also, a Private Practice Option (PPO) individual will be considered a civilian member of the NHSC and can fulfill his/her service obligation through the PPO.

Timetable:

Action	Date	FR Cite
NPRM	05/00/83	

Small Entity: No

Agency Contact: **James J. Corrigan**, Associate Bureau Director, Department of Health and Human Services, Health Resources and Services Administration, Legislation and Policy, BHCDA, Room 7-05, 5600 Fishers Lane, Rockville, MD 20857, **301 443-2380**

RIN: 0905–AA60

GRANTS FOR MATERNAL AND CHILD HEALTH SERVICES FEDERAL SET-ASIDE PROGRAM

Legal Authority: 42 USC 701 to 709

CFR Citation: 42 CFR 51a; 42 CFR 51d; 42 CFR 51f

Abstract: The Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35) revised Title V of the Social Security Act to establish the Maternal and Child Health Service Block Grant. In the block grant there is a Federal Set-Aside Program which provides for the retention of 10 to 15 percent of the appropriation in each fiscal year for continuation of certain categorical programs (special projects of regional and national significance, maternal and child health research and training, genetic disease testing, counseling and information and hemophilia diagnostic and treatment centers). A Final Rule, published on June 25, 1982, made regulations for the previous programs applicable to the set-aside authority until regulations specifically designed for the set-aside could be developed.

Timetable:

Action	Date	FR Cite
NPRM	01/12/83	48 FR 1323
NPRM Comment Period Begin	01/12/83	
NPRM Comment Period End	02/11/83	
Final Action	04/00/83	

Small Entity: No

Agency Contact: **James J. Corrigan**, Associate Bureau Director, Department of Health and Human Services, Public Health Service, Legislation and Policy, BHCDA, Room 7-05, 5600 Fishers Lane, Rockville, MD 20857, **301 443-2380**

RIN: 0905–AA61

PROGRAM GRANTS FOR MIGRANT HEALTH SERVICES

Legal Authority: 42 USC 216 Public Health Service Act; 42 USC 254 b Public Health Service Act

CFR Citation: 42 CFR 56

Abstract: A notice of proposed rulemaking (NPRM) was published in the Federal Register on December 19, 1980 to revise the existing regulations to incorporate provisions of Pub. L. 95-626, the Health Services Amendments of 1979. Because of administrative changes and new policy direction, a new NPRM will be developed to place greater emphasis on and to facilitate State participation in this program. The new NPRM would also simplify the regulation and incorporate the provisions of Pub. L. 95-626. These regulations will simplify application requirements for States, give certain priorities to awards to States, and will offer alternatives for States to meet requirements which have tended to be barriers to States.

Timetable:

Action	Date	FR Cite
Previous NPRM	12/19/80	45 FR 85366
NPRM	04/00/83	

Small Entity: No

Additional Information: SMALL BUSINESSES CONT: This regulation will increase opportunities for States to become grantees under this program. Not every State will choose to implement this approach and it is anticipated that many who do will implement it in co-application with existing grantees. Therefore, it is expected that this regulation will not have a significant impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

Agency Contact: **James J. Corrigan**, Associate Bureau Director, Department of Health and Human Services, Public Health Service, Legislation and Policy, BHCDA, Room 7-05, 5600 Fishers Lane, Rockville, MD 20857, **301 443-2380**

RIN: 0905–AA62

GRANTS FOR COMMUNITY HEALTH SERVICES PROGRAM

Legal Authority: 42 USC 254c Public Health Service Act

CFR Citation: 42 CFR 51c

Abstract: A notice of proposed rulemaking (NPRM) was published in the Federal

Register on December 19, 1980 to revise the existing regulations to incorporate provisions of Pub. L. 95-626, the Health Services Amendments of 1979. However, administrative changes and new policy directions—passage and implementation of the Primary Care Block Grant Program in the Omnibus Budget Reconciliation Act of 1981, Pub. L. 97-35—rendered the NPRM obsolete. Since it is anticipated that the Primary Care Block Grant will incorporate the Community Health Centers Program within two years no further action is anticipated on these regulations at this time.

Timetable:

Action	Date	FR Cite
NPRM	12/19/80	45 FR 83544

Next Action Undetermined

Small Entity: No

Additional Information: SMALL BUSINESSES CONT: It is anticipated that the Community Health Centers Program will be subsumed in the Primary Care Block Grant Program during the next two years and, therefore, revision of the regulations would be unnecessary at this time. Thus, there will be no impact at this time on small entities as defined by the Regulatory Flexibility Act.

Agency Contact: James J. Corrigan, Associate Bureau Director, Department of Health and Human Services, Public Health Service, Legislation and Policy, BHCDA, Room 7-05, 5600 Fishers Lane, Rockville, MD 20857, **301 443-2380**

RIN: 0905–AA63

PROGRAM GRANTS FOR BLACK LUNG CLINICS

Legal Authority: 30 USC 937(a)

CFR Citation: 42 CFR 55a

Abstract: This is a notice of proposed rulemaking (NPRM) which would amend the current Black Lung Clinics regulation. It would implement an administrative decision to simplify the regulation and to foster a greater role for the States in the administration of the program.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	

Small Entity: No

Agency Contact: James J. Corrigan, Associate Bureau Director, Department of Health and Human Services, Public Health Service, Legislation and Policy, BHCDA, Room 7-05, 5600 Fishers Lane, Rockville, MD 20857, **301 443-2380**

RIN: 0905–AA64

●GRANTS FOR TRAINEESHIPS IN HEALTH ADMIN., HOSPITAL ADMIN., OR HEALTH POLICY ANAL. AND PLNG. AT PUBLIC OR NONPROFIT PRIVATE EDUC.INSTS. AND OTHER THAN SCHS. OF PUB. HLTH.

Legal Authority: 42 USC 216; 42 USC 249s; 42 USC 295h-1a

CFR Citation: 42 CFR 58, Subpart D

Abstract: This rule amends the regulations implementing the above subject grants to conform to the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35) and the Orphan Drug Act (P.L. 97-414) by revising authority references, selected definitions, and changing the word "post-baccalaureate" to "baccalaureate" as appropriate.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/00/83	

Small Entity: No

Agency Contact: Joseph Kadish, Ed.D., Chief, Public Health Professions Br/BHPr, Department of Health and Human Services, Health Resources and Services Administration, 3700 East-West Highway, Hyattsville, Maryland 20782, **301 436-6607**

RIN: 0905–AB16

●GRANTS FOR GRADUATE PROGRAMS IN HEALTH ADMINISTRATION

Legal Authority: 42 USC 216; 42 USC 295h

CFR Citation: 42 CFR 58, Subpart A

Abstract: This rule amends the regulations implementing Grants for Graduate Programs in Health Administration to conform to the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35) by revising definitions and deleting requirements for maintaining or increasing enrollments as provided in the Orphan Drug Act (P.L. 97-414).

Timetable:

Action	Date	FR Cite
Final Action	08/00/83	

Small Entity: No

Agency Contact: Joseph Kadish, Ed.D., Chief, Public Health Professions Br/BHPr, Department of Health and Human Services, Health Resources and Services Administration, 3700 East-West Highway, Hyattsville, Maryland 20782, **301 436-6607**

RIN: 0905–AB17

GRANTS FOR DEVELOPMENT, CONSTRUCTION, AND OPERATIONS OF FACILITIES AND SERVICES

Legal Authority: 5 USC 301; 25 USC 450

CFR Citation: 42 CFR 36, Subpart H

Abstract: IHS has been directed by the Department to revise 42 CFR 36, Subpart H, as required by the Uniform Administrative Requirements for Grants-in-Aid to State and local Governments, Circular No. A-102, Revised (published September 12, 1977, 42 FR 45828), to conform with the Department's new regulations on grant administration (45 CFR Part 74). Changes to Subpart H are governed by Section 107(c) of P.L. 93-638 requiring proposed changes to be submitted to the Committees on Interior and Insular Affairs of the respective Houses of Congress and be published in the Federal Register with at least a 60-day comment period. IHS is also to consult with the tribes and the final rule may not go into effect until 30 days after publication in the Federal Register.

Timetable:

Action	Date	FR Cite
NPRM	06/00/83	

Small Entity: No

Agency Contact: Richard J. McCloskey, Dir, Off of Legislation & Regulations, IHS, Department of Health and Human Services, Health Resources and Services Administration, 5600 Fishers Lane, Room 6A-14, Rockville, Maryland 20857, **301 443-1116**

RIN: 0905–AB18

●INDIAN HEALTH CARE IMPROVEMENT ACT PROGRAMS

Legal Authority: 5 USC 301; 25 USC 1601

CFR Citation: 42 CFR 36, Subpart J

Abstract: IHS has been directed by the Department to revise 42 CFR 36, Subpart J, as required by the Uniform Administrative Requirements for Grants-in-Aid to State and local Governments, Circular No. A-102, Revised (Published September 12, 1977, 42 FR 45828), to conform to the Department's new regulations on grant administration (45 CFR Part 74). Changes to Subpart J are governed by Section 702(b) of P.L. 94-437 which requires that any changes be published in the Federal Register with at least a 60-day comment period and that IHS will consult with appropriate national or regional Indian organizations to the extent practicable.

Timetable:

Action	Date	FR Cite
NPRM	06/00/83	

Small Entity: No

Agency Contact: **Richard J. McCloskey**, Dir, Off of Legislation & Regulations, IHS, Department of Health and Human Services, Health Resources and Services Administration, 5600 Fishers Lane, Room 6A-14, Rockville, MD 20857, **301 443-1116**

RIN: 0905–AB19

●HEALTH EDUCATION ASSISTANCE LOAN (HEAL) PROGRAM; PROGRAM REGULATIONS

Legal Authority: 42 USC 216; 42 USC 294 to 294-1

CFR Citation: 42 CFR 60

Abstract: These final regulations include all of the regulations governing the HEAL Program and incorporate changes in response to public comments received on the interim-final regulations. These regulations include technical amendments made to sections 727-739 of the Public Health Services Act by P.L. 96-76 and P.L. 96-538 which were published as final regulations on January 27, 1981. These regulations also include technical amendments made to sections 727-739 of the Act by P.L. 97-35 not previously published as regulations.

Timetable:

Action	Date	FR Cite
Final Action	04/00/83	

Small Entity: No

Agency Contact: **Mrs. Alice Swift**, Acting Chief, Program Development Br/DSA, Department of Health and Human Services, Health Resources and Services Administration, 5600 Fishers Lane, Rockville, Maryland 20857, **301 443-4540**

RIN: 0905–AB20

●CHARGING INTEREST AND PENALTIES ON DELINQUENT CONTRACT ACCOUNTS

Legal Authority: 25 USC 13 Snyder Act; 42 USC 2001 to 2004 Transfer Act; 25 USC 450 Indian Self-Determination Act

CFR Citation: 41 CFR 3, Part 3-4; 42 CFR 36, Subpart I

Abstract: This is an amendment to the implementing regulations of P.L. 96-638, Indian Self-Determination and Education Assistance Act, to include a contract clause to implement the Department's decision to charge interest and penalties on all delinquent contract accounts. Proposed change must be submitted to the House and Senate Committees on Interior and Insular Affairs and to appropriate national and regional Indian organizations for their consultation pursuant to section 107(c) of P.L. 93-638. In addition, current regulations at 42 CFR 36.117(a) add Indian tribes to those who need to be consulted. Moreover, a notice of proposed rulemaking (NPRM) with a minimum 60-day comment period is mandated by the statute prior to any regulatory change. Finally, the current regulations at 42 CFR 36.117(d) require that any final rule may not become effective until 30 days after publication.

Timetable:

Action	Date	FR Cite
NPRM	06/00/83	

Small Entity: Undetermined

Agency Contact: **Richard J. McCloskey**, Director, Department of Health and Human Services, Health Resources and Services Administration, Office of Legislation and Regulations, IHS, 5600 Fishers Lane, Room 6A-14, Rockville, Maryland 20857, **301 443-1116**

RIN: 0905–AB21

NATIONAL INSTITUTES OF HEALTH

NATIONAL LIBRARY OF MEDICINE PROGRAMS. REVISION OF GENERAL RULES FOR THE NATIONAL LIBRARY OF MEDICINE, NATIONAL LIBRARY OF MEDICINE GRANTS, NATIONAL INSTITUTES OF ETC

Legal Authority: 42 USC 216; 42 USC 276; 42 USC 280b-4

CFR Citation: 42 CFR 4; 42 CFR 59a; 42 CFR 63; 42 CFR 64

Abstract: All of the regulations are being substantially clarified and reduced in size by eliminating out of date or otherwise available information. The regulations at 42 CFR Part 4 pertain to the access of facilities and library collections. Those at 42 CFR Part 59a deal with NLM extramural programs. Part 59a is being amended to remove the requirement that photocopies of biomedical material be provided without charge to users. The regulations at 42 CFR Part 63 deal with both NIH and NLM traineeships. Part 63 is proposed to be deleted because NIH no longer has general traineeship authority and the sole remaining NLM program is unfunded. The regulations at 42 CFR Part 634 govern the training grants of NIH and NLM.

Timetable:

Action	Date	FR Cite
NPRM	06/00/83	

Small Entity: No

Agency Contact: **Kenneth Carney**, Executive Officer, Department of Health and Human Services, Public Health Service, National Library of Medicine, Bethesda, MD 20209, **301 496-6491**

RIN: 0905–AA66

NATIONAL INSTITUTES OF HEALTH CENTER GRANTS 42 CFR 52A

Legal Authority: 42 USC 287d; 42 USC 289c-2; 42 USC 289c-6

CFR Citation: 42 CFR 59a

Abstract: The regulations would cover grants by the National Institutes of Health for support of research and demonstration centers. They would replace existing regulations covering only centers supported by the National Heart, Lung and Blood Institute. These regulations would be available for other center programs which may be created in the future or operated under the general research authorities of NIH.

Timetable:

Action	Date	FR Cite
NPRM	06/00/83	

Small Entity: No

Agency Contact: **Lowell D. Peart**, NIH Regulations Officer, Department of Health and Human Services, National Institutes of Health, Bethesda, MD 20205, **301 496-4606**

RIN: 0905–AA68

PROTECTION OF HUMAN SUBJECTS: REGULATIONS ON RESEARCH INVOLVING CHILDREN

Legal Authority: 5 USC 301

CFR Citation: 45 CFR 46

Abstract: The regulations will provide additional protections for children who are research subjects of DHHS supported research. Institutional Review Boards will have added responsibilities to review research involving children. These regulations define the circumstances under which such research can be conducted or supported, describe procedures for the review and approval of the research, and identify the requirements for informed consent to participate in research by and for such subjects. The regulations require permission from parents and guardians and except under certain circumstances from the children themselves. The National Research Act requires the Secretary to publish all recommendations of the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research. The regulations will adopt, with

some changes, the recommendations made by the Commission.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/04/83	48 FR 09814

Small Entity: No

Agency Contact: **Dr. Charles McCarthy**, Director, Department of Health and Human Services, National Institutes of Health, Office for Protection from Research Risks, Bethesda, MD 20205, **301 496-7163**

RIN: 0905–AA69

NATIONAL RESEARCH SERVICE AWARDS

Legal Authority: 42 USC 2891-1 PHS Act, as amended

CFR Citation: 42 CFR 66

Abstract: National Research Service Awards are made by PHS agencies to promote training in specified areas of science at both the pre-doctoral and post-doctoral level. The technical amendments are intended to comply with statutory changes mandated by the Omnibus Budget Reconciliation Act of 1981. The amendments liberalize the payback options available to Award recipients, and make minor technical changes in the regulations.

Timetable:

Action	Date	FR Cite
Final Action	04/00/83	

Small Entity: No

Agency Contact: **William F. Raub, Ph.D.**, Associate Director, Department of Health and Human Services, National Institutes of Health, Extramural Research and Training, Bethesda, MD 20205, **301 496-1096**

RIN: 0905–AA70

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Public Health Service (PHS)

Existing Regulations Under Review

FOOD AND DRUG ADMINISTRATION

COMMON OR USUAL NAMES FOR NON-STANDARDIZED FOODS—JUICE BEVERAGES

Priority: Agency Determination

Legal Authority: 21 USC 321(n) Federal Food, Drug, and Cosmetic Act; 21 USC 343 Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 102.30; 21 CFR 102.32; 21 CFR 102.33

Abstract: As part of its retrospective review, FDA is currently reviewing these final rules concerning a common or usual name for diluted fruit or vegetable juice beverages other than diluted orange juice beverages, diluted orange beverages, and noncarbonated beverage products containing no fruit or vegetable juice. Because of the similarity of these three rules, FDA has concluded that it would be appropriate to review them together. To avoid imposing substantial compliance costs that may later be found unnecessary should the review process result in a decision to revoke or modify the present rules, FDA proposed in the Federal Register of March 26, 1982 (47 FR 13003) to extend the effective date for compliance with a 1980 rule establishing common or usual name labeling requirements for diluted fruit or vegetable juice beverages. A final notice extending the effective date for a common or usual name for diluted fruit or vegetable juice beverages was published January 21, 1983 (48 FR 2735). By September 1983, FDA expects to decide whether to retain the rules unchanged or to initiate rulemaking to revise or revoke them.

Timetable:

Action	Date	FR Cite
Begin Review	04/00/82	
End Review	09/00/83	

Small Entity: Undetermined

Agency Contact: **Howard Pippin**, Chief, Guidelines & Compliance Research Br., Department of Health and Human Services, Food and Drug Administration, Bureau of Foods (HFF-312), 200 C Street, S.W., Washington, DC 20204, **202 245-3092**

RIN: 0905–AA71

CURRENT GOOD MANUFACTURING PRACTICE IN MANUFACTURING, PROCESSING, PACKING, OR HOLDING HUMAN FOOD (UMBRELLA RULE)

Priority: Task Force

Legal Authority: 21 USC 332 Federal Food, Drug, and Cosmetic Act; 21 USC 333 Federal Food, Drug, and Cosmetic Act; 21 USC 334 Federal Food, Drug, and Cosmetic Act; 21 USC 342(a) Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 110

Abstract: As part of its retrospective review, FDA plans to determine the need for any changes in the current "umbrella" GMPs in 21 CFR Part 110. By September 1983, FDA expects to decide whether to retain the rules unchanged or to initiate rulemaking to revise or revoke them. This rule will be reviewed by the President's Task Force on Regulatory Relief.

Timetable:

Action	Date	FR Cite
Begin Review	07/00/81	
End Review	09/00/83	
NPRM (if necessary)	09/00/83	

Small Entity: Undetermined

Agency Contact: **F. Leo Kauffman**, Chief, Formulation Sec. Plant & Protein Br., Department of Health and Human Services, Food and Drug Administration, Bureau of Foods (HFF-214), 200 C Street, S.W., Washington, DC 20204, **202 245-1164**

RIN: 0905–AA72

CURRENT GOOD MANUFACTURING PRACTICE FOR FINISHED PHARMACEUTICALS

Priority: Agency Determination

Legal Authority: 21 USC 351 Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 360b Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 211

Abstract: As part of its retrospective review, FDA plans to determine the need for any changes in the current GMPs to eliminate unnecessary requirements and to allow flexibility without undermining protection of the public health. By September 1983, FDA expects to decide whether to retain the rules unchanged or to initiate rulemaking to revise or revoke them.

Timetable:

Action	Date	FR Cite
Begin Review	04/00/82	
End Review	09/00/83	

Small Entity: Undetermined

Agency Contact: **Robert J. Meyer**, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Nat Cent for Drugs & Biologics (HFN-7), 5600 Fishers Lane, Rockville, MD 20857, **301 443-5220**

RIN: 0905–AA73

ANTIBIOTIC DRUGS

Priority: Agency Determination

Legal Authority: 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 357 Federal Food, Drug, and Cosmetic Act; 21 USC 371(f) Federal Food, Drug, and Cosmetic Act; 21 USC 371(g) Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 430; 21 CFR 431; 21 CFR 432; 21 CFR 433; 21 CFR 436; 21 CFR 440; 21 CFR 442; 21 CFR 444; 21 CFR 446; 21 CFR 448; 21 CFR 449; 21 CFR 450; 21 CFR 452; 21 CFR 453; 21 CFR 455; ...

Abstract: As part of its retrospective review, FDA is currently reviewing these final rules to determine which should be maintained in effect and which may no longer be necessary for the review and approval of antibiotic drugs. One aspect of this retrospective review has been completed by publication of a final rule exempting antibiotic drugs and antibiotic susceptibility medical devices from certification. By September 1983, FDA expects to decide whether to retain the rules unchanged or to initiate rulemaking to revise or revoke them.

Timetable:

Action	Date	FR Cite
Begin Review	04/00/82	
End Review	09/00/83	

Small Entity: Undetermined

Agency Contact: **Robert J. Meyer**, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Nat Cent for Drugs & Biologics (HFN-7), 5600 Fishers Lane, Rockville, MD 20857, **301 443-5220**

RIN: 0905–AA74

BLOOD AND BLOOD PRODUCTS

Priority: Agency Determination

Legal Authority: 21 USC 371(a) Federal Food, Drug, and Cosmetic Act; 42 USC 262 Public Health Service Act

CFR Citation: 21 CFR 610; 21 CFR 640; 21 CFR 660

Abstract: As part of its retrospective review, FDA plans to issue one or more proposed rules to amend the biologics rules concerning blood and blood products to eliminate unnecessary regulatory burdens while maintaining appropriate public protection. Many of the proposed revisions would respond to comments received by the agency at public meetings held to consider the retrospective review of FDA's existing rules.

Timetable:

Action	Date	FR Cite
Begin Review	04/00/82	
End Review	09/00/83	
NPRM	09/00/83	

Small Entity: No

Agency Contact: **Steven F. Falter**, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Nat Cen for Drugs & Biologics (HFN-813), 8800 Rockville Pike, Bethesda, MD 20205, **301 443-1306**

RIN: 0905–AA75

BUBBLE BATH PRODUCTS

Priority: Agency Determination

Legal Authority: 21 USC 321(n) Federal Food, Drug, and Cosmetic Act; 21 USC 362 Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 740.17

Abstract: As part of its retrospective review, FDA is reviewing this 1980 final rule requiring that labels of cosmetic bubble bath products bear a prescribed caution statement and adequate directions for their safe use. Petitions from two trade associations assert, among other things, that the requirements of the rule are unjustified and place an undue burden on industry.

Timetable:

Action	Date	FR Cite
Begin Review	06/00/82	
Interim stay of effective date	02/18/83	48 FR 07169
Notice of Proposed Staywith request for comment	02/18/83	48 FR 07203
End Review	09/00/83	

Small Entity: Undetermined

Agency Contact: **Heinz J. Eiermann**, Director, Division of Cosmetics Technology, Department of Health and Human Services, Food and Drug Administration, Bureau of Foods (HFF-440), 200 C Street, S.W., Washington, DC 20204, **202 245-1530**

RIN: 0905–AA76

INVESTIGATIONAL EXEMPTIONS FOR INTRAOCULAR LENSES

Priority: Agency Determination

Legal Authority: 21 USC 331 Federal Food, Drug, and Cosmetic Act; 21 USC 351 Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 360j Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act; 21 USC 374 Federal Food, Drug, and Cosmetic Act; 21 USC 381 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 813

Abstract: As part of its retrospective review, FDA is reviewing this rule in Part 813 that requires sponsors to submit to FDA an application before beginning a clinical study of an investigational intraocular lens intended to be surgically implanted into the eye to replace the natural lens. FDA's regulations in Part 812 provide requirements for the performance of a clinical study of investigational devices other than intraocular lenses. To eliminate unnecessary regulations, FDA is considering whether a clinical study of an intraocular lens may be regulated by FDA under the more general requirements in Part 812, instead of the specific requirements in Part 813. By September 1983, FDA expects to decide whether to retain unchanged the specific rule in Part 813 or to initiate rulemaking to revise or revoke it.

Timetable:

Action	Date	FR Cite
Begin Review	03/00/83	
End Review	09/00/83	

Small Entity: Undetermined

Agency Contact: **Frank Morlock**, Paralegal Specialist, Department of Health and Human Services, Food and Drug Administration, Nat Cent for Devices & Rad Health (HFK-140), 8757 Georgia Avenue, Silver Spring, MD 20910, **301 427-7114**

RIN: 0905–AA77

RECORDS AND REPORTS; ELECTRONIC PRODUCTS

Priority: Agency Determination

Legal Authority: 42 USC 263 Public Health Service Act

CFR Citation: 21 CFR 1002

Abstract: As part of its retrospective review, FDA plans to determine the need for

revision of the various records and reports requirements in Part 1002 for radiation-emitting electronic products to eliminate unnecessary requirements and to allow flexibility without undermining protection of the public health. By September 1983, FDA expects to decide whether to retain the rules unchanged or to initiate rulemaking to revise or revoke them.

Timetable:

Action	Date	FR Cite
Begin Review	04/00/82	
End Review	09/00/83	

Small Entity: Undetermined

Agency Contact: **John G. Bailey**, Director, Technical Information Staff, Department of Health and Human Services, Food and Drug Administration, Nat Cent for Devices & Rad Health (HFX-25), 5600 Fishers Lane, Rockville, MD 20857, **301 443-3434**

RIN: 0905–AA78

●PERFORMANCE STANDARDS FOR IONIZING RADIATION EMITTING PRODUCTS

Priority: Agency Determination

Legal Authority: 42 USC 263f Public Health Service Act

CFR Citation: 21 CFR 1020.30; 21 CFR 1020.31; 21 CFR 1020.32

Abstract: These rules establish certification and reporting requirements for manufacturers and assemblers of diagnostic x-ray system components, radiographic equipment, and fluoroscopic equipment. The rules also identify specific standards for such items as radiation leakage, amount of material between patient and image reception, and measuring compliance. The review of the rules is intended to identify any undue burden they may impose and whether they need to be revised to respond effectively to the dynamic technological environment.

Timetable:

Action	Date	FR Cite
Begin Review	04/00/82	
End Review	07/00/84	

Small Entity: Undetermined

Agency Contact: **Harvey Rudolph**, Chief Medical Practices Section, Department of Health and Human Services, Food and Drug Administration, Nat Cent for Devices & Radiological, Health (HFX-76), 5600 Fishers Lane, Rockville, MD 20857, **301 443-4600**

RIN: 0905–AA94

●CURRENT GOOD MANUFACTURING PRACTICE FOR MEDICATED PREMIXES

Priority: Agency Determination

Legal Authority: 21 USC 351 Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 226

Abstract: These rules are intended to ensure that medicated premixes, intended for use in the manufacture of medicated feeds, are safe under their intended conditions of use and have the identity, strength, quality, and purity they purport or are represented to possess. The review of the rules is intended to determine whether they impose any undue burden on the medicated premix industry and whether they continue to represent current good manufacturing practice.

Timetable:

Action	Date	FR Cite
Begin Review	09/01/82	
End Review	06/00/83	

Small Entity: Undetermined

Agency Contact: **Robert S. Brigham**, Chief Petitions and Regulations Branch, Department of Health and Human Services, Food and Drug Administration, Bureau of Veterinary Medicine (HFV-238), 5600 Fishers Lane, Rockville, MD 20857, **301 443-6243**

RIN: 0905–AA95

●NEW ANIMAL DRUG APPROVAL PROCESS; REVIEW OF NADA RULES

Priority: Agency Determination

Legal Authority: 21 USC 360(b) Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 514.1; 21 CFR 514.8

Abstract: These rules are being reviewed for the purpose of improving, to the extent possible, FDA's practices, procedures and policies with respect to the agency's review of original and supplemental new animal drug applications (NADA's). The review is intended to improve the efficiency of the NADA review process and to identify any unnecessary burdens imposed by the rules.

Timetable:

Action	Date	FR Cite
Begin Review	08/00/82	
End Review	10/00/83	

Small Entity: Undetermined

Agency Contact: **Richard A. Carnevale, DVM**, Acting Dep Associate Dir for Sci Eval, Department of Health and Human Services, Food and Drug Administration, Bureau of Veterinary Medicine (HFV-101), 5600 Fishers Lane, Rockville, MD 20857, **301 443-4313**

RIN: 0905–AA96

●CURRENT GOOD MANUFACTURING PRACTICE FOR MEDICATED FEEDS

Priority: Agency Determination

Legal Authority: 21 USC 351 Federal Food, Drug, and Cosmetic Act; 21 USC 360(b) Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 225

Abstract: These rules are intended to ensure that medicated feeds are safe and effective under their intended conditions of use and that edible products from treated animals are safe for consumption. The review of the rules is intended to determine whether they impose any undue burden on the medicated feed industry and whether they continue to represent current good manufacturing practice.

Timetable:

Action	Date	FR Cite
Begin Review	06/17/82	
End Review	06/00/83	

Small Entity: Undetermined

Agency Contact: **Robert S. Brigham**, Chief Petitions and Regulations Branch, Department of Health and Human Services, Food and Drug Administration, Bureau of Veterinary Medicine (HFV-238), 5600 Fishers Lane, Rockville, MD 20857, **301 443-6243**

RIN: 0905–AA97

FOOD AND DRUG ADMINISTRATION

●DRUGS COMPOSED WHOLLY OR PARTLY OF INSULIN

Legal Authority: 21 USC 356 Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 429

Abstract: FDA's rules providing for the certification of insulin prescribe (1) standards of identity and of strength, quality, and purity; (2) tests and methods of assay to determine compliance with such standards; (3) effective periods for certificates and other conditions under which they shall cease to be effective as to certified batches; (4) administration and procedure; and (5) fees necessary to provide, equip, and maintain an adequate certification service. These rules are being reviewed to determine whether they impose any undue burden and to identify any necessary revisions as a result of technological changes in the development of insulin products.

Timetable:

Action	Date	FR Cite
Begin Review	11/00/82	
End Review	04/00/84	

Small Entity: No

Agency Contact: Robert D. Bradley, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Nat Cent for Drugs & Biologics (HFN-7), 5600 Fishers Lane, Rockville, MD 20857, **301 443-6490**

RIN: 0905–AA98

●DRUGS USED FOR TREATMENT OF NARCOTIC ADDICTS

Legal Authority: 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act; 42 USC 242a Public Health Service Act; 42 USC 257 Public Health Service Act

CFR Citation: 21 CFR 291

Abstract: The rules covered by this review govern the use of methadone in the maintenance and treatment of narcotic addicts. The rules include conditions for use of methadone and appropriate methods of professional practice for medical treatment of the narcotic addiction of various classes of addicts. This review will help to determine what level of flexibility is most appropriate in satisfying the intent of the law, while still adopting to changing conditions.

Timetable:

Action	Date	FR Cite
Begin Review	01/00/82	
End Review	04/00/83	

Small Entity: Undetermined

Agency Contact: Edwin V. Dutra, Jr., Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Nat Cent for Drugs & Biologics (HFN-7), 5600 Fishers Lane, Rockville, MD 20857, **301 443-6490**

RIN: 0905–AA99

●BIOAVAILABILITY AND BIOEQUIVALENCE REQUIREMENTS

Legal Authority: 21 USC 321(p) Federal Food, Drug, and Cosmetic Act; 21 USC 351 Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 320

Abstract: These rules establish requirements concerning the bioavailability and bioequivalence of drugs intended for human use. The agency is reviewing these rules to determine whether they impose any undue burden and to otherwise reexamine their requirements.

Timetable:

Action	Date	FR Cite
Begin Review	11/00/82	
End Review	06/00/83	

Small Entity: Undetermined

Agency Contact: Richard L. Arkin, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Nat Cent for Drugs & Biologics (HFN-7), 5600 Fishers Lane, Rockville, MD 20857, **301 443-6490**

RIN: 0905–AB00

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Public Health Service (PHS)

COMPLETED RULEMAKINGS

PREGNANCY WARNING FOR OVER-THE-COUNTER (OTC) DRUGS

Priority: Agency Determination

Completed:

Reason	Date	FR Cite
Final Action	12/03/82	47 FR 54750

Agency Contact: William E. Gilbertson 301 443-4960

RIN: 0905–AA08

NEW ANIMAL DRUG APPLICATIONS; SAFETY AND EFFECTIVENESS DATA SUPPORTING THE APPROVAL OF MINOR USE NEW ANIMAL DRUGS

Priority: Agency Determination

Completed:

Reason	Date	FR Cite
Final Action	01/14/83	48 FR 01922
Final Action Effective	02/14/83	48 FR 01922

Agency Contact: Thomas V. Raines 301 443-4913

RIN: 0905–AA14

NATIONAL GUIDELINES FOR HEALTH PLANNING, RESCISSION OF COMPUTED TOMOGRAPHY SCANNING STANDARDS

Priority: Agency Determination

Completed:

Reason	Date	FR Cite
Final Action	11/30/82	47 FR 53857
Final Action Effective	11/30/82	47 FR 53857

Agency Contact: Lyman Van Nostrand 301 443-1500

RIN: 0905–AA33

REQUIREMENTS APPLICABLE TO PROJECTS FOR FAMILY PLANNING SERVICES

Completed:

Reason	Date	FR Cite
Final Action	01/26/83	48 FR 03600

Agency Contact: Marjory E. Mecklenburg 202 472-9093

RIN: 0905–AA23

RESEARCH REGULATIONS FOR THE ADOLESCENT FAMILY LIFE PROGRAM

Completed:

Reason	Date	FR Cite
Final Action	11/05/82	47 FR 50260
Final Action Effective	11/05/82	47 FR 50260

Agency Contact: Donald Underwood 202 472-5588

RIN: 0905–AA25

PROJECT GRANTS FOR PREVENTIVE HEALTH SERVICES - CHILDHOOD IMMUNIZATION PROGRAMS; VENEREAL DISEASE CONTROL PROGRAMS; RESEARCH, DEMONSTRATIONS, AND PUBLIC INFORMATION AND ETC

Completed:

Reason	Date	FR Cite
Final Action	02/01/83	48 FR 04472
Final Action Effective	03/03/83	48 FR 04472

Agency Contact: Windell R. Bradford 404 329-1800

RIN: 0905-AA28

PROJECT GRANTS FOR PREVENTIVE HEALTH SERVICES - GRANTS FOR INFLUENZA IMMUNIZATION PROGRAMS

Completed:

Reason	Date	FR Cite
Final Action	03/11/83	48 FR 10318

Agency Contact: Windell R. Bradford 404 329-1800

RIN: 0905-AA29

FEES FOR DIRECT TRAINING

Completed:

Reason	Date	FR Cite
Final Action	03/11/83	48 FR 10318

Agency Contact: Dr. Seth N. Leibler 404 262-6671

RIN: 0905-AA30

FOREIGN QUARANTINE

Completed:

Reason	Date	FR Cite
Final Action	03/11/83	48 FR 10318
Final Action Effective	03/11/83	

Agency Contact: Dr. Laurence S. Farer 404 329-2501

RIN: 0905-AA31

AREA HEALTH EDUCATION CENTER PROGRAMS

Completed:

Reason	Date	FR Cite
Final Action	02/22/83	48 FR 07443

Agency Contact: Kenneth P. Moritsugu, M.D. 301 436-6418

RIN: 0905-AA40

HEALTH PROFESSIONS TECHNICAL AMENDMENTS

Completed:

Reason	Date	FR Cite
Final Action	12/03/82	47 FR 54437
Final Action Effective	12/03/82	47 FR 54437

Agency Contact: Mrs. Sarah J. Silsbee 301 436-7458

RIN: 0905-AA46

PERSONS TO WHOM SERVICES WILL BE PROVIDED, BASIC INDIAN ELIGIBILITY FOR SERVICES

Completed:

Reason	Date	FR Cite
Withdrawn	02/00/83	

Agency Contact: Richard J. McCloskey 301 443-1116

RIN: 0905-AA53

PERSONS TO WHOM SERVICES WILL BE PROVIDED, NON-INDIAN SPOUSES OF ELIGIBLE INDIANS

Completed:

Reason	Date	FR Cite
Final Action	03/16/83	48 FR 11220

Agency Contact: Richard J. McCloskey 301 443-1116

RIN: 0905-AA54

MEDICAL CARE FOR SEAMEN AND CERTAIN OTHER PERSONS

Completed:

Reason	Date	FR Cite
Final Action	03/11/83	48 FR 10317

Agency Contact: Walter W. Ward

RIN: 0905-AA55

HEALTH EDUCATION ASSISTANCE LOAN (HEAL) INSURANCE PREMIUM

Completed:

Reason	Date	FR Cite
Final Action	10/12/82	47 FR 44730
Final Action Effective	11/12/82	47 FR 44730

Agency Contact: Mrs. Alice Swift 301 443-4540

RIN: 0905-AA59

CONDUCT OF PERSONS AND TRAFFIC ON CERTAIN FEDERAL ENCLAVES. REVISION OF GENERAL RULES

Completed:

Reason	Date	FR Cite
Final Action	01/12/83	48 FR 1311
Final Action Effective	01/12/83	48 FR 1311

Agency Contact: William G. Ketterer 301 496-6043

RIN: 0905-AA67

COMPLETED REVIEWS

NEW DRUG APPROVAL PROCESS; REVISION OF IND/NDA RULES

Priority: Task Force

Completed:

Reason	Date	FR Cite
Split into new RINs 0905-AB08 & 09	03/03/83	

Agency Contact: Steven H. Unger (for IND rules) 301 443-5220

RIN: 0905-AA00

BILLING CODE 4150-04-T

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Health Care Financing Administration (HCFA)

Current and Projected Rulemakings

HHA COST LIMITS (EFFECTIVE 10/1/82)

Priority: Agency Determination

Legal Authority: 42 USC 1395x(v)(1)

CFR Citation: Not applicable

Abstract: This regulation establishes a revised schedule of limits on Medicare payments for home health agency services. Revises methodology to allow a single limit for hospital-based and free-standing HHAs.

It is intended to prevent Medicare payment for home health agency costs that result from inefficiency.

Timetable:

Action	Date	FR Cite
Final Notice with Comment Period	09/29/82	47 FR 42904

Next Action Undetermined

Small Entity: No

Agency Contact: **Marilyn Koch**, Director, Department of Health and Human Services, Health Care Financing Administration, Div of Health Care Cost Containmt, Rm 190, East High Rise Bldg, 6325 Security Blvd, Baltimore, MD 21207, **301 594-9344**

RIN: 0938–AA01

MEDICAID COST SHARING

Priority: Task Force

Legal Authority: 42 USC 1396

CFR Citation: 42 CFR 447.50 to 447.59

Abstract: This regulation revises the rule concerning imposition of cost sharing amounts on Medicaid recipients. It removes the prohibition on States from imposing deductibles, coinsurance or copayments on categorically or medically needy individuals with certain exceptions. States are precluded from imposing such charges for services furnished to children, pregnant women and certain institutionalized patients. It prohibits imposition of deductibles, cost sharing or similar charges for emergency and family planning services and supplies to any individual. Services furnished by an HMO to a categorically needy individual who is enrolled in the HMO are also exempt in cost sharing. Medically needy HMO enrollees may also be exempt.

Timetable:

Action	Date	FR Cite
Final Rule with Comment	02/08/83	48 FR 05730

Next Action Undetermined

Small Entity: No

Agency Contact: **Marinos Svolos**, Director, Department of Health and Human Services, Health Care Financing Administration, Div of Medicaid Eligibility Policy, Room 416, East High Rise Bldg, 6325 Security Blvd, Baltimore, MD 21207, **301 594-9051**

RIN: 0938–AA02

STATE RESIDENCY POLICY REVISION

Priority: Task Force

Legal Authority: 42 USC 1396(a); 42 USC 1396(o)

CFR Citation: 42 CFR 435.403; 42 CFR 436.403

Abstract: This regulation clarifies State responsibilities regarding Medicaid eligibility based on residency. It gives States greater flexibility in regard to interstate agreements. It is intended to provide greater flexibility to States. (Regulatory Reform) This regulation is a review item of the Presidential Task Force on Regulatory Relief.

Timetable:

Action	Date	FR Cite
NPRM	09/30/82	47 FR 43095
Final Action	08/31/83	

Small Entity: No

Agency Contact: **Marinos Svolos**, Director, Department of Health and Human Services, Health Care Financing Administration, Div of Medicaid Eligibility Policy, Room 416, East High Rise Bldg, 6325 Security Blvd, Baltimore, MD 21207, **301 594-9050**

RIN: 0938–AA03

MEDICAID OVERPAYMENT REPORTING REQUIREMENTS

Priority: Agency Determination

Legal Authority: 31 USC 951 to 953; 42 USC 1396b(d)(2)

CFR Citation: 42 CFR 447.401 to 447.430

Abstract: This regulation requires States to establish procedures to identify overpayments made to providers of services and report them to HCFA on a timely basis. It is intended to reduce State and Federal Medicaid costs and improve program efficiency.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	

Small Entity: No

Agency Contact: **Guy Harriman**, Chief, Department of Health and Human Services, Health Care Financing Administration, Recovery Evaluation Branch, Room 1-B-2, Meadows East Bldg, 6300 Security Blvd, Baltimore, MD 21207, **301 594-8194**

RIN: 0938–AA04

CONDITIONS OF APPROVAL AND REAPPROVAL AND PROCEDURES FOR REDUCTION OF FFP

Priority: Agency Determination

Legal Authority: 42 USC 1396b

CFR Citation: 42 CFR 433.110 to 433.114; 42 CFR 433.116 to 433.117; 42 CFR 433.119 to 433.123

Abstract: This regulation establishes conditions for initial approval of MMIS and for subsequent reapproval. It also establishes procedures for reduction of FFP for MMIS in those States failing to meet initial or reapproval standards. It is intended to improve effectiveness of States' MMIS; to ensure efficient system operations; to better detect cases of fraud, waste and abuse effectively; and to reduce Medicaid program costs.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	

Small Entity: No

Agency Contact: **Charles Booth**, Director, Department of Health and Human Services, Health Care Financing Administration, Div of Methods & Syst Requiremts, Rm 2-A-1, Meadows East Bldg, 6300 Security Blvd, Baltimore, MD 21207, **301 594-5415**

RIN: 0938–AA05

PAYMENT FOR PHYSICIAN SERVICES IN PROVIDERS

Priority: Agency Determination

Legal Authority: 42 USC 1302; 42 USC 1395f(b); 42 USC 1395l(a); 42 USC 1395x(v); 42 USC 1395hh; 42 USC 1395xx

CFR Citation: 42 CFR 405.480 to 405.488; 42 CFR 405.550 to 405.556

Abstract: This regulation sets forth basic conditions for coverage and methods of determining reimbursement for physician services furnished in hospitals, SNFs, and CORFs, and establishes specific conditions for payment for radiology, pathology, and anesthesiology services. It also establishes limits on Medicare reimbursement for the costs of compensation to physicians for services, of general benefit to patients, furnished to providers and not reimbursable on a reasonable charge basis.

Timetable:

Action	Date	FR Cite
NPRM	10/01/82	47 FR 43578
Interim Final Rule	03/02/83	48 FR 08902

Next Action Undetermined

Small Entity: Yes

Agency Contact: **Leonard Peshkin**, Program Analyst, Department of Health and Human Services, Health Care Financing Administration, Div of Med Services Reimbursement, Rm

1-G-1, East Low Rise Bldg, 6325 Security Blvd, Baltimore, MD 21207, **301 594-1115**

RIN: 0938–AA06

SNF COST LIMITS (EFFECTIVE 10/1/82)

Priority: Agency Determination

Legal Authority: 42 USC 1395x(v)(1)

CFR Citation: Not applicable

Abstract: This regulation establishes a revised schedule of limits on Medicare payments for skilled nursing facility services. Revises methodology to allow a single limit for hospital-based and free-standing SNFs. It is intended to prevent payment for SNF costs that result from operating inefficiency.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/28/82	47 FR 42894

Next Action Undetermined

Small Entity: No

Agency Contact: **Marilyn Koch**, Director, Department of Health and Human Services, Health Care Financing Administration, Div of Health Care Cost Containment, Rm 190, East High Rise Bldg, 6325 Security Blvd, Baltimore, MD 21207, **301 594-9344**

RIN: 0938–AA07

WITHHOLDING THE FEDERAL SHARE OF PAYMENTS TO RECOVER MEDICARE OR MEDICAID OVERPAYMENTS

Priority: Agency Determination

Legal Authority: PL 97-35, Sec 2104; 42 USC 1396m

CFR Citation: 42 CFR 405.375; 42 CFR 447.30 to 447.31; 42 CFR 447.301

Abstract: This regulation recovers overpayments to providers and physicians under Medicare and Medicaid by withholding the Federal share of payments to them. It is intended to improve financial management, promote efficiency and increase accountability for overpayments.

Timetable:

Action	Date	FR Cite
NPRM	02/10/83	48 FR 06304
Final Action	00/00/00	

Next Action Undetermined

Small Entity: No

Agency Contact: **Guy Harriman**, Chief, Department of Health and Human Services, Health Care Financing Administration, Recovery Evaluation Branch, Room 1-B-2, Meadows East Bldg, 6300 Security Blvd, Baltimore, MD 21207, **301 594-8193**

RIN: 0938–AA09

INTEREST ASSESSMENT ON OVERPAYMENTS AND UNDERPAYMENTS

Priority: Agency Determination

Legal Authority: 31 USC 951 to 953; PL 97-248, Sec 117

CFR Citation: 42 CFR 405.301; 42 CFR 405.376; 42 CFR 405.419

Abstract: This regulation assesses interest on overpayments (which are not in litigation) and determines interest on underpayments made to suppliers of services or providers. It is intended to have HCFA conform to Federal Claims Collection Act (FCCA) and existing Departmental regulations. To improve efficiency and promote better management.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/06/82	47 FR 54811

Next Action Undetermined

Small Entity: No

Agency Contact: **Guy Harriman**, Chief, Department of Health and Human Services, Health Care Financing Administration, Recovery Evaluation Branch, Room 1-F-2, Meadows East Bldg, 6300 Security Blvd, Baltimore, MD 21207, **301 594-8193**

RIN: 0938–AA11

HHA BONDING AND ESCROW

Priority: Agency Determination

Legal Authority: 42 USC 1395x(o)(7); 42 USC 1395x(v)(1)(H)

CFR Citation: 42 CFR 405.402; 42 CFR 405.419; 42 CFR 405.429; 42 CFR 405.1201 to 405.1202; 42 CFR 405.1231

Abstract: This regulation sets forth requirements (including the establishment of bonding or escrow accounts) that home health agencies must meet to minimize the financial risk to the Medicare program that could arise from overpayments to agencies. It is intended to assure that home health agencies are financially viable enough to participate in the Medicare program.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: **William Goeller**, Chief, Department of Health and Human Services, Health Care Financing Administration, Reimbursement Policy Branch, Room 1-H-5, East Low Rise Bldg, 6325 Security Blvd, Baltimore, MD 21207, **301 594-1803**

RIN: 0938–AA13

DIFFERENTIAL REIMBURSEMENT

Priority: Agency Determination

Legal Authority: PL 96-499, Sec 902; PL 97-35, Sec 2102

CFR Citation: 42 CFR 405.160; 42 CFR 405.162; 42 CFR 405.402; 42 CFR 405.437; 42 CFR 405.452; 42 CFR 405.1627; 42 CFR 405.1629

Abstract: This regulation authorizes reimbursement at the State Medicaid SNF and ICF rate where the patient requires a lower level of care, but is inappropriately placed in a hospital. It is intended to refine institutional policies to assure the most efficient delivery of needed health care.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: **William Goeller**, Chief, Department of Health and Human Services, Health Care Financing Administration, Reimbursement Policy Branch, Room 1-H-5, East Low Rise Bldg, 6325 Security Blvd, Baltimore, MD 21207, **301 594-1803**

RIN: 0938–AA14

THREE-YEAR LIMIT ON HOSPITAL REVENUE RATE OF INCREASE AND EXCEPTION PROVISIONS

Priority: Agency Determination

Legal Authority: 42 USC 1395x(v); 42 USC 1395hh; 42 USC 1395ww

CFR Citation: 42 CFR 405.460; 42 CFR 405.463

Abstract: This regulation establishes a target rate reimbursement system applicable to a hospital's first three cost reporting periods beginning on or after October 1, 1982. It will also provide for appropriate exemptions, exceptions, and adjustments from the limits in cases where events beyond the hospital's control or extraordinary circumstances distort the hospital's increase in costs.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/30/82	47 FR 43296
Final Action	03/31/83	

Small Entity: No

Agency Contact: **Marilyn Koch**, Director, Department of Health and Human Services, Health Care Financing Administration, Division of Health Care Cost Containment, Room 190 East High Rise, 6325 Security Blvd, Baltimore, MD 21207, **301 594-9344**

RIN: 0938–AA15

NURSING SALARY COST DIFFERENTIAL

Priority: Agency Determination

Legal Authority: 42 USC 1395x(v)(1)(5)

CFR Citation: 42 CFR 405.430

Abstract: This regulation reduces the Medicare inpatient routine nursing salary cost differential for hospitals. Eliminates the nursing differential for SNFs. It is intended to eliminate payment for costs that are not supported by current utilization patterns.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/01/82	47 FR 43618
Next Action Undetermined		

Small Entity: No

Agency Contact: **William Goeller**, Chief, Department of Health and Human Services, Health Care Financing Administration, Reimbursement Policy Branch, Room 1-H-5, East Low Rise Bldg, 6325 Security Blvd, Baltimore, MD 21207, **301 594-1803**

RIN: 0938–AA16

LIMITATION OF REASONABLE CHARGES FOR SERVICES IN HOSPITAL OUTPATIENT SETTINGS

Priority: Agency Determination

Legal Authority: 42 USC 1395x(l)(K); 42 USC 1395u(b)(3)

CFR Citation: 42 CFR 405.502

Abstract: This regulation establishes reasonable charge limits for routine physician services provided in hospital outpatient settings. It is intended to reduce program costs and implement a statutory requirement.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/01/82	47 FR 43610
Final Action	00/00/00	

Small Entity: No

Agency Contact: **Leonard Nowacki**, Program Analyst, Department of Health and Human Services, Health Care Financing Administration, Div of Med Services Reimbursement, Rm 1-G-1, East Low Rise Bldg, 6325 Security Blvd, Baltimore, MD 21207, **301 594-2871**

RIN: 0938–AA17

SERVICES COVERED UNDER AUTOMOBILE, LIABILITY, OR EMPLOYER GROUP HEALTH INSURANCE

Priority: Agency Determination

Legal Authority: PL 96-499, Sec 953; PL 97-35, Sec 2146

CFR Citation: 42 CFR 405.322 to 405.329

Abstract: This regulation provides that Medicare is secondary payor for the first 12 months for the health care received by ESRD beneficiaries who are covered by an employer group health insurance plan. Provides that Medicare is the secondary payor for services covered under an automobile or liability insurance policy or plan (including a self-insured plan) or under no-fault insurance. It is intended to prevent duplicate payments and conserve Medicare funds.

Timetable:

Action	Date	FR Cite
NPRM	05/17/82	47 FR 21103
Final Action	04/00/83	

Small Entity: No

Agency Contact: **Herbert Pollock**, Chief, Department of Health and Human Services, Health Care Financing Administration, Medicare Eligibility Policy, Room 474, East High Rise Bldg, 6325 Security Bldg, Baltimore, MD 21207, **301 594-4978**

RIN: 0938–AA18

HOME AND COMMUNITY BASED SERVICES

Priority: Agency Determination

Legal Authority: 42 USC 1302

CFR Citation: 42 CFR 435.726; 42 CFR 435.735; 42 CFR 436.213; 42 CFR 435.833; 42 CFR 441.302 to 441.304; 42 CFR 440.180; 42 CFR 441.302; 42 CFR 441.303; 42 CFR 441.304; 42 CFR 441.306; 42 CFR 441.310; 42 CFR 435.3; 42 CFR 435.212; 42 CFR 435.232

Abstract: This regulation allows States to reduce Medicaid expenses for institutional care and gives the beneficiary an opportunity to receive necessary services at home. Clarifies the deeming of income methodology to prevent unnecessary institutionalization to qualify for benefits. It is intended to revise regulations to provide maximum flexibility to the States and make them less burdensome.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/01/81	46 FR 48524
Final Action	04/00/83	

Small Entity: No

Agency Contact: **Robert Wren**, Director, Department of Health and Human Services, Health Care Financing Administration, Div of Provider Services, Room 405, East High Rise Bldg, 6325 Security Blvd, Baltimore, MD 21207, **301 594-9820**

RIN: 0938–AA19

ASSISTANTS AT SURGERY

Priority: Agency Determination

Legal Authority: 42 USC 1395x

CFR Citation: 42 CFR 405.502(a)(10); 42 CFR 405.580

Abstract: This regulation prohibits reasonable charge reimbursement for an assistant at surgery in hospitals where an approved training program exists in the specialty, except under certain exceptional circumstances. It also clarifies the rules for determining the amount of payment for services furnished by assistants at surgery in all settings.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/01/82	43 FR 43650
Final Action	03/00/83	

Small Entity: No

Agency Contact: **Larry Oday**, Director, Department of Health and Human Services, Health Care Financing Administration, Bureau of Program Policy, Room 100, East High Rise Bldg, 6325 Security Blvd, Baltimore, MD 21207, **301 594-9320**

RIN: 0938–AA20

LIEN PROVISIONS

Priority: Agency Determination

Legal Authority: PL 97-248, Sec 132(b)

CFR Citation: Not applicable

Abstract: These regulations provide the conditions under which States may impose liens against the real property of certain individuals receiving Medicaid in intermediate care and skilled nursing facilities. They specify the conditions under which States may recover the amount of Medicaid payments made on behalf of

individuals through foreclosure on liens on an individual's property, or adjustments, or recoveries from their estate.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/01/82	47 FR 43644
Final Action	00/00/00	

Next Action Undetermined

Small Entity: No

Agency Contact: Larry Oday, Director, Department of Health and Human Services, Health Care Financing Administration, Bureau of Program Policy, Room 100, East High Rise Bldg, 6325 Security Blvd, Baltimore, MD 21207, **301 594-9320**

RIN: 0938–AA21

CONDITIONS OF PARTICIPATION FOR HOSPITALS

Priority: Task Force

Legal Authority: 42 USC 1395t; 42 USC 1396d; 42 USC 1395hh; 42 USC 1395x

CFR Citation: 42 CFR 482.1 to 482.64

Abstract: This regulation simplifies requirements which hospitals must meet to be certified to participate in Medicare and Medicaid. It is intended to reduce Federal requirements, simplify and clarify regulations, and provide maximum flexibility in hospital administration while strengthening patient health and safety. Because of the large number of comments received, the date for issuance of a final rule is undetermined. However, this remains a priority regulation. This regulation is a review item of the Presidential Task Force on Regulatory Relief.

Timetable:

Action	Date	FR Cite
NPRM	01/04/83	48 FR 299
Final Action	00/00/00	

Small Entity: No

Agency Contact: Alan Spielman, Acting Director, Department of Health and Human Services, Health Care Financing Administration, Division of Standards and Certificiation,, 1-D-3 Dogwood East Bldg, 1849 Gwynn Oak Ave, Baltimore, MD 21207, **301 594-3775**

RIN: 0938–AA23

HHA COST LIMITS (EFFECTIVE 01/01/84)

Priority: Agency Determination

Legal Authority: 42 USC 1395x(v)(1)

CFR Citation: Not applicable

Abstract: This regulation would set forth an updated schedule of limits on HHA costs, established by type of service on reimbursable costs per visit that may be reimbursed for cost reporting periods beginning 10/1/83. It is intended to reduce unnecessary reimbursement and promote efficiency.

Timetable:

Action	Date	FR Cite
Proposed Notice	09/30/83	
Final Action	12/31/83	

Next Action Undetermined

Small Entity: No

Agency Contact: Marilyn Koch, Director, Department of Health and Human Services, Health Care Financing Administration, Div of Health Care Cost Containment, Rm 190, East High Rise Bldg, 6325 Security Blvd, Baltimore, MD 21207, **301 594-9344**

RIN: 0938–AA24

SNF COST LIMITS (EFFECTIVE 01/01/84)

Priority: Agency Determination

Legal Authority: 42 USC 1395x(v)(1)

CFR Citation: Not applicable

Abstract: This regulation would set limits on SNF costs for cost reporting periods beginning 10/1/83. It is intended to reduce unnecessary reimbursement and promote efficiency.

Timetable:

Action	Date	FR Cite
Proposed Notice	09/30/83	
Final Action	12/31/83	

Small Entity: No

Agency Contact: Marilyn Koch, Director, Department of Health and Human Services, Health Care Financing Administration, Div of Health Care Cost Containment, Rm 190, East High Rise Bldg, 6325 Security Blvd, Baltimore, MD 21207, **301 594-9344**

RIN: 0938–AA25

UPDATE OF TOTAL HOSPITAL COST LIMITS (EFFECTIVE 10/1/83)

Priority: Agency Determination

Legal Authority: 42 USC 1395ww(a)

CFR Citation: Not applicable

Abstract: This regulation would set forth a schedule of limits on hospital inpatient general routine operating costs that may be reimbursed for cost reporting periods beginning 10/01/83. It is intended to reduce unnecessary reimbursement and promote efficiency.

Timetable:

Action	Date	FR Cite
Proposed Notice	04/30/83	

Small Entity: No

Agency Contact: Marilyn Koch, Director, Department of Health and Human Services, Health Care Financing Administration, Div of Health Care Cost Containment, Rm 190, East High Rise Bldg, 6325 Security Blvd, Baltimore, MD 21207, **301 594-9344**

RIN: 0938–AA26

TOTAL HOSPITAL COST LIMITS

Priority: Agency Determination

Legal Authority: 42 USC 1395ww(a)

CFR Citation: Not applicable

Abstract: This notice responds to public comments on the limits on total general operating costs and makes changes in the methodology for applying the limit based on some of the comments.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/30/82	47 FR 43282
Final Action	03/31/83	

Small Entity: No

Agency Contact: Marilyn Koch, Director, Department of Health and Human Services, Health Care Financing Administration, Division of Health Care Cost Containment, Room 190 East High Rise Building, 6325 Security Blvd, Baltimore, MD 21207, **301 594-9344**

RIN: 0938–AA27

HILL-BURTON CHARITY CARE COSTS

Priority: Agency Determination

Legal Authority: 42 USC 1395x(v)(1)(M)

CFR Citation: 42 CFR 405.420

Abstract: This regulation clarifies Medicare policy regarding reimbursement for services provided as free care under a Hill-Burton obligation.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/01/82	47 FR 43656

Next Action Undetermined

Small Entity: No

Agency Contact: Paul Trimble, Chief, Department of Health and Human Services, Health Care Financing Administration, Provider Accounting Policy Br, Room 1-A-5, East

Low Rise Bldg, 6325 Security Blvd, Baltimore, MD 21207, **301 594-9640**

RIN: 0938-AA28

HOSPICE CARE

Priority: Agency Determination

Legal Authority: 42 USC 1395c; 42 USC 1395d; 42 USC 1395e; 42 USC 1395f; 42 USC 1395h; 42 USC 1395x; 42 USC 1395y; 42 USC 1395z; 42 USC 1395aa; 42 USC 1395bb; 42 USC 1395cc

CFR Citation: 42 CFR 405.101; 42 CFR 405.1901; 42 CFR 418, (New); 42 CFR 421; 42 CFR 489

Abstract: This regulation authorizes coverage under Medicare Part A for hospice care for terminally ill beneficiaries with a life expectancy of 6 months or less. It is intended to provide a basic and coordinated range of services to hospices while giving hospices flexibility to furnish some of those services under arrangements.

Timetable:

Action	Date	FR Cite
NPRM	04/30/83	
Final Action	09/01/83	

Small Entity: No

Agency Contact: **Thomas Hoyer**, Chief, Department of Health and Human Services, Health Care Financing Administration, Bureau of Program Policy, Room 409, East High Rise Bldg, 6325 Security Blvd, Baltimore, MD 21207, **301 594-9446**

RIN: 0938-AA29

REDUCTION IN ERROR RATE TOLERANCE

Priority: Agency Determination

Legal Authority: 42 USC 1396b(u)

CFR Citation: 42 CFR 431.800; 42 CFR 431.802; 42 CFR 431.803

Abstract: This regulation replaces existing rules and procedures for disallowing Federal Financial Participation (FFP) in erroneous Medicaid payments due to eligibility errors as detected through the Medicaid Quality Control (MQC) system. It establishes, with certain exceptions, a 3% target error rate for quarters beginning after March 30, 1983, and provides discretion in applying fiscal penalties.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/83	

Small Entity: No

Agency Contact: **Randolph Graydon**, Program Analyst, Department of Health and Human Services, Health Care Financing Administration, Eligibility Review Branch, Room 2-M-1, East Low Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 597-1308**

RIN: 0938-AA30

LIMITATION ON PAYMENT FOR SERVICES FURNISHED TO EMPLOYED AGED AND THEIR SPOUSES

Priority: Agency Determination

Legal Authority: PL 97-248, Sec 116(b)

CFR Citation: 42 CFR 405.340; 42 CFR 405.341; 42 CFR 405.342; 42 CFR 405.343; 42 CFR 405.344

Abstract: This regulation requires employers to offer their employees age 65 through 69 and their dependents the same health benefits as are offered to their younger employees. The provision makes Medicare the secondary payor for such employees. This provision amends the Federal Age Discrimination in Employment Act (ADEA).

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/30/83	

Small Entity: No

Agency Contact: **Harold Fishman**, Director, Department of Health and Human Services, Health Care Financing Administration, Bureau of Program Policy, Room 448, East High Rise Bldg, 6325 Security Blvd, Baltimore, MD 21207, **301 594-9077**

RIN: 0938-AA31

PROHIBITION OF RECOGNITION PAYMENTS UNDER CERTAIN PERCENTAGE ARRANGEMENTS

Priority: Agency Determination

Legal Authority: 42 USC 1395x(v)(7)(c); 42 USC 1395xx

CFR Citation: Not yet determined

Abstract: This regulation provides that no cost which a provider incurs under a contract would be considered "reasonable" if determined as a percentage (or other proportion) of the provider's charges, revenues, or claim for reimbursement, except in certain cases. It is intended to preclude Medicare reimbursement for services when payment is not related to the value of those services.

Timetable:

Action	Date	FR Cite
Final Rule with comment	06/00/83	

Small Entity: No

Agency Contact: **Bill Goeller**, Chief, Department of Health and Human Services, Health Care Financing Administration, Reimbursement Policy Branch, Room 1-H-5, East Low Rise Bldg, 6325 Security Blvd, Baltimore, MD 21207, **301 594-1802**

RIN: 0938-AA32

AMENDING AND REOPENING OF COST REPORTS

Priority: Agency Determination

Legal Authority: 42 USC 1861(v); 42 USC 1878

CFR Citation: 42 CFR 405.453(f); 42 CFR 405.1833; 42 CFR 405.1885; 42 CFR 405.1887

Abstract: This proposal would establish rules to govern and distinguish between amending and reopening cost reports and provide guidance to intermediaries and the Provider Reimbursement Review Board concerning the circumstances under which those actions may be taken.

Timetable:

Action	Date	FR Cite
NPRM	05/31/83	

Small Entity: No

Agency Contact: **Stanley Katz**, Director, Department of Health and Human Services, Health Care Financing Administration, Div of Technical Policy & Litigation, 2nd Fl, Dogwood West Bldg, 1848 Gwynn Oak Ave, Baltimore, MD 21207, **301 594-9595**

RIN: 0938-AA33

RECOGNITION OF STATE HOSPITAL COST CONTROL SYSTEM

Priority: Agency Determination

Legal Authority: 42 USC 1395ww(c)

CFR Citation: 42 CFR 403.300 to 403.306; 42 CFR 405.401

Abstract: This regulation permits payment to hospitals under a State applied alternative reimbursement system if that system meets certain statutory requirements. The rule also specifies other criteria necessary for approval.

Timetable:

Action	Date	FR Cite
Final Rule with comment	06/00/83	

Small Entity: No

Agency Contact: **Anthony Lovecchio**, Chief, Department of Health and Human Services, Health Care Financing Administration, Bureau of Program Policy, 1-A-1 East Low, Rise Bldg.,

6325 Security Blvd., Baltimore, MD 21207, 301 594-4011

RIN: 0938-AA34

PROSPECTIVE REIMBURSEMENT FOR ESRD DIALYSIS SERVICES

Priority: Agency Determination

Legal Authority: 42 USC 1302; 42 USC 1395(x)(v); 42 USC 1395hh; 42 USC 1395rr

CFR Citation: 42 CFR 405.231; 42 CFR 405.240; 42 CFR 405.251; 42 CFR 405.402; 42 CFR 405.438 to 405.441; 42 CFR 405.502; 42 CFR 405.541 to 405.542; 42 CFR 405.544; 42 CFR 405.690 to 405.691

Abstract: This regulation establishes an incentive-based prospective reimbursement for outpatient maintenance and self-care dialysis training furnished to Medicare beneficiaries.

Timetable:

Action	Date	FR Cite
NPRM	02/12/82	47 FR 6556
Final Action	04/00/83	

Small Entity: Yes

Agency Contact: **Bernadette Schumaker**, Chief, Department of Health and Human Services, Health Care Financing Administration, ARSB, BPP, Room 1-B-1, East Low Rise Bldg, 6325 Security Blvd, Baltimore, MD 21207, **301 597-1049**

RIN: 0938-AA36

MEDICAID COST SHARING - DEFINITION OF NOMINAL

Priority: Agency Determination

Legal Authority: 42 USC 1396o(a)(3); 42 USC 1396o(b)(3)

CFR Citation: 42 CFR 447.54

Abstract: This regulation would define "nominal" as it relates to Medicaid cost sharing amount to account for level of cash assistance provided in the State.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: **Marinos Svolos**, Director, Department of Health and Human Services, Health Care Financing Administration, Bureau of Program Policy, Room 414, East High Rise Bldg, 6325 Security Blvd, Baltimore, MD 21207, **301 594-9051**

RIN: 0938-AA37

SURVEY AND CERTIFICATION PROCEDURES

Priority: Agency Determination

Legal Authority: 42 USC 1395t; 42 USC 1395x; 42 USC 1395bb; 42 USC 1395cc; 42 USC 1395hh; 42 USC 1396a; 42 USC 1396(i)

CFR Citation: 42 CFR 405; 42 CFR 431; 42 CFR 441; 42 CFR 442; 42 CFR 489; 42 CFR 490

Abstract: This regulation streamlines, simplifies and integrates survey and certification procedures for providers and suppliers under Medicare and Medicaid. Provides for the granting of "deemed status" to skilled nursing facilities, accredited by the JCAH. It is intended to accomplish effective monitoring with greater flexibility to States without loss of quality of health services. As a result of Congressional language, final regulations may not be issued before July 03, 1983. This regulation is a review item of the Presidential Task Force on Regulatory Relief.

Timetable:

Action	Date	FR Cite
NPRM	05/27/82	47 FR 23404

Next Action Undetermined

Small Entity: No

Agency Contact: **Mark Bernsohn**, Program Analyst, Department of Health and Human Services, Health Care Financing Administration, Fiscal & Administrative Branch, 2nd Floor, Dogwood East Bldg, 1849 Gwynn Oak Ave, Baltimore, MD 21207, **301 594-3423**

RIN: 0938-AA38

CLAIMS PROCESSING REVIEWS UNDER MQC SYSTEMS

Priority: Agency Determination

Legal Authority: PL 96-123, Sec 201

CFR Citation: 42 CFR 431.800

Abstract: This regulation revises the requirements for conducting processing reviews under the States' use of the new Medicaid Quality Control. Changes the Medicaid quality control assessment period from semi-annual to an annual review period. It is intended to enhance HCFA's effectiveness in finding errors and increase the States' flexibility in its operations.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: **Randolph Graydon**, Program Analyst, Department of Health and Human Services, Health Care Financing Administration, Eligibility Review Branch, BQC, Room 239, East High Rise Bldg, 6325 Security Blvd, Baltimore, MD 21207, **301 597-1390**

RIN: 0938-AA39

TRANSFER OF RESOURCES

Priority: Agency Determination

Legal Authority: PL 97-248, Sec 132(c)

CFR Citation: 42 CFR 435.605

Abstract: This regulation permits States, in evaluating an individual's financial eligibility for Medicaid to count as a resource the uncompensated value of resources (such as savings or property) that the individual has transferred to someone else for less than fair market value within the 24 months preceding a Medicaid application. If the uncompensated value of the transferred resources exceeds $12,000, States may bar an individual from Medicaid eligibility for periods exceeding 24 months.

Timetable:

Action	Date	FR Cite
NPRM	07/31/83	

Small Entity: No

Agency Contact: **Marinos Svolos**, Director, Department of Health and Human Services, Health Care Financing Administration, Div of Medicaid Eligibility Policy, Rm 416, East High Rise Bldg, 6325 Security Blvd, Baltimore, MD 21207, **301 594-9050**

RIN: 0938-AA77

●EARLY AND PERIODIC SCREENING, DIAGNOSIS, AND TREATMENT (EPSDT) PROGRAM

Priority: Agency Determination, Task Force

Legal Authority: 42 USC 1302

CFR Citation: 42 CFR 441.50; 42 CFR 441.51; 42 CFR 441.55; 42 CFR 441.56; 42 CFR 441.57; 42 CFR 441.58; 42 CFR 441.59; 42 CFR 441.60; 42 CFR 441.61; 42 CFR 441.62; 42 CFR 441.70; 42 CFR 441.71; 42 CFR 441.75; 42 CFR 441.80; 42 CFR 441.85

Abstract: This regulation would eliminate the penalty under Medicaid which reduces Federal funds for a State's Aid to Families with Dependent Children (AFDC) program for any quarter during which a State fails to

meet certain requirements, which States must incorporate into their State plan. In addition it would modify current Medicaid EPSDT regulations with a view toward reducing Federal requirements, strengthening some aspects of current regulations, and providing maximum flexibility to States in the administration of the EPSDT program while maintaining quality child health care.

Timetable:

Action	Date	FR Cite
NPRM	05/31/83	

Small Entity: No

Agency Contact: Stephen Leeds, Analyst, Department of Health and Human Services, Health Care Financing Administration, Room 463 East High Rise, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 594-8564**

RIN: 0938–AB06

●SPENDDOWN

Priority: Task Force

Legal Authority: 42 USC 1396a(a)(17); 42 USC 1396a(r)

CFR Citation: 42 CFR 435.732; 42 CFR 435.831; 42 CFR 436.732; 42 CFR 436.831

Abstract: These regulations permit States to revise the process by which medical expenses are considered in determining Medicaid eligibility. This process applies when an individual's income level during a budget period would ordinarily preclude eligibility except that incurred medical expenses reduce income to the eligibility level.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	

Small Entity: No

Agency Contact: Marinos Svolos, Director, Div. of Medicaid Eligibility, Department of Health and Human Services, Health Care Financing Administration, Room 416 East High Rise Bldg.,, 6325 Security Boulevard, Baltimore, MD 21207, **301 594-9050**

RIN: 0938–AB07

●UTILIZATION AND QUALITY CONTROL PEER REVIEW ORGANIZATION AREA DESIGNATIONS

Priority: Agency Determination

Legal Authority: 42 USC 1302

Abstract: This notice establishes areas throughout the United States for the purpose of entering into contracts for the Utilization and Quality Control Peer Review Program.

Timetable:

Action	Date	FR Cite
Proposed Notice	00/00/00	

Small Entity: No

Agency Contact: Anthony J. Tirone, Director, Department of Health and Human Services, Health Care Financing Administration, Dogwood East Building, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 594-1827**

RIN: 0938–AB10

●UTILIZATION AND QUALITY CONTROL PEER REVIEW ORGANIZATIONS: IMPOSITION OF SANCTIONS ON HEALTH CARE PRACTITIONERS AND PROVIDERS OF HEALTH CARE SERVICES

Priority: Agency Determination

Legal Authority: 42 USC 1302; 42 USC 1320c-5; 42 USC 1320c-6; 42 USC 1320c-9

CFR Citation: 42 CFR 474.0; 42 CFR 474.51 to 474.65

Abstract: This regulation would establish certain rights and responsibilities of health care practioners and other persons who provide health care services and establishes sanctions and penalties that the Secretary may impose for non-compliance. The regulations would also impose certain related responsibilities on utilization and quality control peer review organizations. These regulations are intended to assure that the public receives medically necessary, quality health services.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Anthony J. Tirone, Director, PRO Implementation Task Force, Department of Health and Human Services, Health Care Financing Administration, 2-K-3 Dogwood East Building, 1849 Gwynn Oak Avenue, Baltimore, Maryland 21207, **301 594-1827**

RIN: 0938–AB11

●UTILIZATION AND QUALITY CONTROL PEER REVIEW ORGANIZATIONS: CONDUCT OF REVIEW, WAIVER OF LIABILITY, APPEALS, AND RELATION WITH MEDICAID

Priority: Agency Determination

Legal Authority: 42 USC 1320c-3; 42 USC 1320c-4; 42 USC 1395pp

CFR Citation: 42 CFR 405; 42 CFR 431; 42 CFR 456; 42 CFR 460; 42 CFR 462

Abstract: This regulation would set forth requirements for the conduct of review, waiver of liability, appeals, and relations with Medicaid with respect to Utilization and Quality Control Peer Review Organizations. This regulation would redirect, simplify and enhance the cost-effectiveness of the program of peer review under Medicare.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Anthony J. Tirone, Director, PRO Implementation Task Force, Department of Health and Human Services, Health Care Financing Administration, 2-K-3 Dogwood East Building, 1849 Gwynn Oak Avenue, Baltimore, Maryland 21207, **301 594-1827**

RIN: 0938–AB12

●ACQUISITION PROTECTION AND DISCLOSURE OF UTILIZATION AND QUALITY CONTROL PEER REVIEW ORGANIZATION INFORMATION

Priority: Agency Determination

Legal Authority: 42 USC 1302; 42 USC 1320c-15

CFR Citation: 42 CFR 476

Abstract: This regulation sets forth requirements for the acquisition, protection and disclosure of information obtained or generated by Utilization and Quality Control Peer Review Organizations (PROs). This regulation provides PROs with the right to access necessary information and sets forth their responsibilities to assure that information once acquired is adequately safeguarded and used for proper purposes.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Anthony J. Tirone, Director, PRO Implementation Task Force, Department of Health and Human Services, Health Care Financing Administration, 2-K-3 Dogwood East Building, 1849 Gwynn Oak Avenue, Baltimore, Maryland 21207, **301 594-1827**

RIN: 0938–AB13

●UTILIZATION AND QUALITY CONTROL PEER REVIEW ORGANIZATIONS AREA DESIGNATIONS AND DEFINITIONS OF ELIGIBLE ORGANIZATIONS

Priority: Agency Determination

Legal Authority: 42 USC 1320c to 1320c-12; 42 USC 1302

CFR Citation: 42 CFR 460; 42 CFR 462

Abstract: This regulation establishes areas throughout the United States for the purpose of entering into contracts for the Utilization and Quality Control Peer Review Organization (PRO) program. It also defines organizations eligible to become PROs.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: **Anthony J. Tirone**, Director, Department of Health and Human Services, Health Care Financing Administration, Dogwood East Building, 1849 Gwynn Oak Avenue, Baltimore, Maryland 21207, **301 594-1827**

RIN: 0938–AB14

DEPRECIATION - USEFUL LIFE GUIDELINES

Legal Authority: 42 USC 1395hh; 42 USC 1395x

CFR Citation: 42 CFR 405.415

Abstract: This regulation clarifies current regulations regarding IRS useful life guidelines to insure the continued use of the "utility" concept in Medicare; and prohibits the use of investment incentive proposals which would accelerate depreciation. It is intended to prevent waste and inefficiency in the Medicare program.

Timetable:

Action	Date	FR Cite
NPRM	09/30/82	47 FR 43085
NPRM Comment Period Begin	09/30/82	
NPRM Comment Period End	11/29/82	
Final Action	09/30/83	

Small Entity: No

Agency Contact: **Bernard Patashnik**, Director, Department of Health and Human Services, Health Care Financing Administration, Div of Institnl Serv Reimbursemt, Rm 1-A-5, East Low Rise Bldg, 6325 Security Blvd, Baltimore, MD 21207, **301 597-1335**

RIN: 0938–AA40

DEEMING OF INCOME BETWEEN SPOUSES; CATEGORICALLY NEEDY

Legal Authority: 42 USC 1396a

CFR Citation: 42 CFR 435.121; 42 CFR 435.734; 42 CFR 436.711

Abstract: This regulation reinstates former Medicaid rules in 1902(f) States for determining the financial eligibility and the level of Medicaid payments for institutional care of aged, blind and disabled categorically-needy individuals when one spouse is institutionalized. It is intended to reinstate our former rule which was recently upheld in court.

Timetable:

Action	Date	FR Cite
NPRM	07/23/82	47 FR 31899
Final Action	05/31/83	

Small Entity: No

Agency Contact: **Marinos Svolos**, Director, Department of Health and Human Services, Health Care Financing Administration, Div of Medicaid Eligibility Policy, Rm 416, East High Rise Bldg, 6325 Security Blvd, Baltimore, MD 21207, **301 594-9050**

RIN: 0938–AA41

MEDICAID CONTRACTS WITH HMOS AND PHPS

Legal Authority: PL 97-35, Sec 2178

CFR Citation: 42 CFR 431.501 to 431.597

Abstract: This regulation encourages greater use of HMOs and similar health care plans in providing Medicaid services. The regulation also eliminates requirements not specified in the law, thus affording States greater flexibility in administering the program.

Timetable:

Action	Date	FR Cite
NPRM	09/30/82	47 FR 43087
Final Action	08/31/83	

Small Entity: No

Agency Contact: **Bernard Truffer**, Chief, Department of Health and Human Services, Health Care Financing Administration, Hlth Orgn Rembrsmt Sec, Div of ARS, Rm 1-A-1, East High Rise Bldg, 6325 Security Blvd, Baltimore, MD 21207, **301 597-1369**

RIN: 0938–AA42

MEDICARE PAYMENTS TO HMOS

Legal Authority: 42 USC 1395x(s)(2)(F) to 1395x (s)(2)(H); 42 USC 1395mm

CFR Citation: Not yet determined

Abstract: This regulation authorizes both prospective reimbursement under risk-sharing contracts and cost-based reimbursement under reasonable cost reimbursement contracts for Health Maintenance Organizations (HMOs) and other medical plans. This provision modifies current law requirements for contracting with HMOs.

Timetable:

Action	Date	FR Cite
NPRM	07/31/83	

Small Entity: No

Agency Contact: **Bernadette Schumaker**, Director, Department of Health and Human Services, Health Care Financing Administration, Bureau of Program Policy, Room 1-B-1, East Low Rise, 6325 Security Blvd.,, Baltimore, MD 21207, **301 597-1049**

RIN: 0938–AA43

RHC PROSPECTIVE REIMBURSEMENT

Legal Authority: 42 USC 1395l(a)(3)

CFR Citation: 42 CFR 405.2401-405.2437; 42 CFR 405.2440-405.2441; 42 CFR 447.371

Abstract: This regulation establishes a prospective payment method for services under Medicare and Medicaid. It is intended to provide incentives for more efficient delivery of rural health clinic services.

Timetable:

Action	Date	FR Cite
NPRM	12/01/82	47 FR 54113
Final Action	10/31/83	

Small Entity: No

Agency Contact: **Bernadette Schumaker**, Acting Director, Department of Health and Human Services, Health Care Financing Administration, Div of Altern Reimbursemt Systems, Rm 1-B-1, East Low Rise Bldg, 6325 Security Blvd, Baltimore, MD 21207, **301 597-1049**

RIN: 0938–AA44

ELIMINATION OF THREE-DAY HOSPITAL REQUIREMENT FOR SNF

Legal Authority: 42 USC 1395d

CFR Citation: Not applicable

Abstract: This regulation specifies a methodology designed to ensure that SNF coverage without the 3-day prior hospitalization does not lead to increased costs or alter the acute care nature of the benefit. It also specifies any limitations in the extent and scope of SNF services and categories of individuals eligible.

Timetable:

Action	Date	FR Cite
NPRM	03/00/83	

Small Entity: No

Agency Contact: Tom Hoyer, Chief, Department of Health and Human Services, Health Care Financing Administration, Bureau of Program Policy, Room 409, East High Rise Bldg, 6325 Security Blvd, Baltimore, MD 21207, 301 594-9446

RIN: 0938–AA45

MISCELLANEOUS MEDICARE/MEDICAID AMENDMENTS

Legal Authority: PL 96-499, Sec 915; PL 96-499, Sec 944(a); PL 96-499, Sec 930(n); PL 96-499, Sec 951; PL 96-499, Sec 930(c)

CFR Citation: 42 CFR 405.170; 42 CFR 405.250; 42 CFR 405.1022; 42 CFR 405.1134; 42 CFR 405.1220 to 1221; 42 CFR 405.1223; 42 CFR 405.1633 to 405.1634; 42 CFR 405.1717; 42 CFR 442.321 to 442; 42 CFR 442.507 to 442.509

Abstract: These regulations make it possible for proprietary HHAs to participate in Medicare in States that do not license proprietary HHAs. The regulations also specify which edition of the Life Safety Code must be complied with by hospitals, SNFs, and ICFs that participate in Medicare or Medicaid or both.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/26/82	47 FR 47388

Next Action Undetermined

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Raymond Johnson, Chief, Utilization Effectiveness Branch, Room 455, East High Rise Bldg, 6325 Security Blvd, Baltimore, MD 21207. Phone - 301 594-9370

Agency Contact: Stefan Miller, Branch Chief, Department of Health and Human Services, Health Care Financing Administration, Ambulatory and Laboratory Services Branch, 1-E-1 Dogwood East Bldg., 1849 Gwynn Oak Ave, Baltimore, MD 21207, 301 597-5138

RIN: 0938–AA46

ACCESS TO BOOKS, DOCUMENTS, AND RECORDS OF SUBCONTRACTORS

Legal Authority: 42 USC 1395x(v); PL 97-248, Sec 127

CFR Citation: 42 CFR 420.300 to 420.304

Abstract: This regulation authorizes the Secretary to review providers' books and records to verify costs of contracts of $10,000 and over for a 12-month period. It is intended to strengthen HCFA's capacity to effectively detect fraud and abuse and to conform Medicare procedures with those of other Federal agencies that purchase services from the private sector.

Timetable:

Action	Date	FR Cite
NPRM	10/12/82	47 FR 44750
Interim Final Rule	12/30/82	47 FR 58260

Next Action Undetermined

Small Entity: No

Agency Contact: Ron Galler, Program Analyst, Department of Health and Human Services, Health Care Financing Administration, Validation Planning Branch, Room 2-Q-3, East Low Rise Bldg, 6325 Security Blvd, Baltimore, MD 21207, 301 594-8833

RIN: 0938–AA47

TIMELY CLAIMS PAYMENT - MEDICAID

Legal Authority: 42 USC 1396a(37)

CFR Citation: 42 CFR 447.45

Abstract: This regulation improves timeliness of Medicaid claims. It is intended to improve State program management and increase provider participation in Medicaid.

Timetable:

Action	Date	FR Cite
NPRM	08/31/83	

Small Entity: No

Agency Contact: Newton Dikoff, Director, Department of Health and Human Services, Health Care Financing Administration, Division of Standards, BPO, Room 1-B-4, Meadows East Bldg, 6300 Security Blvd, Baltimore, MD 21207, 301 594-8190

RIN: 0938–AA48

REIMBURSEMENT FOR LABORATORY SERVICES

Legal Authority: 42 USC 1395l(h); 42 USC 12i5u

CFR Citation: 42 CFR 405.503

Abstract: This regulation requires Medicare carriers to use independent laboratories' charges to physicians in determining the customary charges of independent laboratories. It is intended to more accurately reflect the customary charges of independent laboratories.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Paul Riesel, Chief, Department of Health and Human Services, Health Care Financing Administration, Physicn Prac titnr Reimbrsmt Br, Rm 1-A-4, East Low Rise Bldg, 6325 Security Blvd, Baltimore, MD 21207, 301 597-1843

RIN: 0938–AA49

PAYMENT FOR LTC AND INPATIENT HOSPITAL SERVICES

Legal Authority: 42 USC 1396a(a)(13)(A)

CFR Citation: 42 CFR 447.205; 42 CFR 447.252 to 447.256; 42 CFR 447.258; 42 CFR 447.260; 42 CFR 447.265; 42 CFR 447.271 to 447.272

Abstract: This regulation makes minor changes and clarifications to the procedural requirements for States to obtain approval of their inpatient reimbursement rates. It is intended to respond to public comments to the regulations published on September 30, 1981 and operational experience gained implementing those regulations.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/30/81	46 FR 47964
Final Action	04/00/83	

Small Entity: No

Agency Contact: Tom Jazwiecki, Chief, Department of Health and Human Services, Health Care Financing Administration, Long-Term Care Section, Room 1-A-1, East Low Rise Bldg, 6325 Security Blvd, Baltimore, MD 21207, 301 594-8062

RIN: 0938–AA51

FREEDOM OF CHOICE

Legal Authority: 42 USC 1302

CFR Citation: 42 CFR 431.51; 42 CFR 431.54 to 432.55

Abstract: This regulation makes changes to the regulations published on October 1, 1981, regarding a Medicaid beneficiary's option to choose among participating providers. It is intended to respond to public comments and clarify and revise some requirements in the prior rule.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/01/81	46 FR 48532
Final Action	04/30/83	

Small Entity: No

Agency Contact: Stanley Katz, Director, Department of Health and Human Services, Health Care Financing Administration, Div of Tech Policy & Litigation, 2nd Floor, Dogwood

West Bldg, 1848 Gwynn Oak Ave, Baltimore, MD 21207, **301 594-9595**

RIN: 0938–AA52

PAYMENT FOR DURABLE MEDICAL EQUIPMENT

Legal Authority: 42 USC 1395(f)

CFR Citation: 42 CFR 405.514

Abstract: This regulation would impose a less stringent warranty requirement for used durable medical equipment sold by suppliers. It is intended to reduce program costs by encouraging the use of used equipment when appropriate.

Timetable:

Action	Date	FR Cite
NPRM	04/30/83	

Small Entity: No

Agency Contact: Ronald Wren, Program Analyst, Department of Health and Human Services, Health Care Financing Administration, Div of Med Services Reimbursemt, Rm 1-G-1, East Low Rise Bldg, 6325 Security Blvd, Baltimore, MD 21207, **301 594-7107**

RIN: 0938–AA53

SUSPENSION OF HEALTH CARE PROFESSIONALS FOR PROGRAM-RELATED CRIMES

Legal Authority: 42 USC 1320a-7; 42 USC 1395y(e); 42 USC 1396a(a)(39)

CFR Citation: 42 CFR 420; 42 CFR 455; 42 CFR 489

Abstract: This regulation expands current provisions that suspend physicians and practitioners convicted of crimes from participation in Medicare and Medicaid to include other categories of health providers. Establishes State plan requirements for State agencies to exclude providers who defraud or abuse the Medicaid program from Federal participation. It is intended to clarify HCFA's authorization to bar certain health care professionals from participation in Medicare and Medicaid and authorize States to pursue administrative remedies in cases of fraud and abuse.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/27/83	48 FR 03742

Next Action Undetermined

Small Entity: No

Agency Contact: James F. Patton, Director, Department of Health and Human Services, Health Care Financing Administration, Div of Vldtn, Plng & Sup, OPV, BQC, Rm 239, East High Rise Bldg, 6325 Security Blvd, Baltimore, MD 21207, **301 594-9000**

RIN: 0938–AA54

CONDITIONS OF COVERAGE OF SUPPLIERS: ESRD (SELF-DIALYSIS TRAINING)

Legal Authority: 42 USC 1395rr

CFR Citation: 42 CFR 405.2102; 42 CFR 405.2123 to 405.2124; 42 CFR 405.2130; 42 CFR 405.2132; 42 CFR 405.2134; 42 CFR 405.2136; 42 CFR 405.2139 to 405.2140; 42 CFR 405.2163

Abstract: This regulation revises the conditions which ERSD facilities must meet to be approved as suppliers of end-stage renal disease services and self-dialysis training. It is intended to recognize recent developments in medical practice and encourages competition.

Timetable:

Action	Date	FR Cite
NPRM	01/15/81	46 FR 3794

Next Action Undetermined

Small Entity: No

Agency Contact: Stanley Rosenfeld, Acting Chief, Department of Health and Human Services, Health Care Financing Administration, Division of Standards and Certification, Policy, Dogwood East Bldg., 1849 Gwynn Oak, Ave., Baltimore, MD 21207, **301 594-9737**

RIN: 0938–AA55

REDUCTION OF NUMBER OF PROVIDERS DEALING DIRECTLY WITH HCFA

Legal Authority: 42 USC 1395a; 42 USC 1395kk

CFR Citation: 42 CFR 421.1; 42 CFR 421.103 to 421.106

Abstract: This regulation reduces the number of providers dealing with HCFA. It is intended to promote efficiency and reduce program costs. Appellate court upheld HCFA's policy decision. Next action undetermined pending Supreme Court decision to review the case.

Timetable:

Action	Date	FR Cite
NPRM	02/18/82	47 FR 7270
Final Action	00/00/00	

Small Entity: No

Agency Contact: Norman Fairhurst, Chief, Department of Health and Human Services, Health Care Financing Administration, Contractor Implementation Branch, Room 3-F-1, Meadows East Bldg, 6300 Security Blvd, Baltimore, MD 21207, **301 594-9498**

RIN: 0938–AA56

HCFA OWN MOTION REVIEW PROCEDURES

Legal Authority: 42 USC 1395hh; 42 USC 1395oo; 42 USC 1395x(v); 42 USC 1302

CFR Citation: 42 CFR 1801; 42 CFR 1871; 42 CFR 1875; 42 CFR 1877

Abstract: This regulation provides procedures for Administrator's review; remands to the Board by the Administrator; review of the Board's decisions about its jurisdiction; timing of judicial review after Administrator declines review. It is intended to clarify procedures for HCFA review of PRRB decisions and to finalize Interim Procedures published on 9/6/77.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/31/83	

Small Entity: No

Agency Contact: Irwin Cohen, Attorney Advisor, Department of Health and Human Services, Health Care Financing Administration, Office of Attorney Advisor, Room 100, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 594-9132**

RIN: 0938–AA57

MEDICAID ELIGIBILITY

Legal Authority: PL 97-248, Sec 137(b)

CFR Citation: 42 CFR 435; 42 CFR 436

Abstract: This regulation would implement changes with respect to Medicaid eligibility groups and coverage criteria made by the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA). Most of these changes affect the provisions of the September 30, 1981 regulations concerning Medicaid eligibility for the medically needy, published as a result of the Omnibus Budget Reconciliation Act of 1981. The regulations would also respond to public comments received on the September 30 regulations. Because of changes required by TEFRA and in order to respond to comments, an NPRM will be published rather than a final regulation.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/30/81	46 FR 47976
NPRM	07/31/83	

Small Entity: No

Agency Contact: Marinos Svolos, Director, Department of Health and Human Services, Health Care Financing Administration, Div of

Medicaid Eligibility, Room 416, East High Rise Bldg, 6325 Security Blvd, Baltimore, MD 21207, **301 594-9050**

RIN: 0938–AA58

CONDITIONS OF PARTICIPATION FOR HOME HEALTH AGENCIES—HOME HEALTH AIDES

Legal Authority: 42 USC 1395x

CFR Citation: 42 CFR 405.236; 42 CFR 405.1031; 42 CFR 405.1101; 42 CFR 405.1202; 42 CFR 405.1227; 42 CFR 405.1702; 42 CFR 405.1731

Abstract: This regulation sets forth requirements for a formal training program for home health aides. It is intended to assure that home health agency services are of appropriate quality. The regulation would also amend the existing Medicare definition of a foreign trained physical therapist by deleting certain outdated requirements.

Timetable:

Action	Date	FR Cite
NPRM	06/30/83	

Small Entity: No

Agency Contact: **Stefan Miller**, Chief, Department of Health and Human Services, Health Care Financing Administration, Ambulatory Services Branch, 2nd Floor, Dogwood East Bldg, 1894 Gwynn Oak Ave, Baltimore, MD 21207, **301 597-5915**

RIN: 0938–AA59

ALTERNATIVES TO DECERTIFICATION OF LTC FACILITIES

Legal Authority: 42 USC 1395rr; 42 USC 1396e

CFR Citation: 42 CFR 442.1 to 442.2; 42 CFR 442.117 to 442.118; 42 CFR 489.1 to 489.3; 42 CFR 489.53

Abstract: This regulation permits intermediate sanctions short of decertification for long term care facilities (Skilled Nursing Facilities and Intermediate Care Facilities) that are out of compliance with the conditions of participation. Authorizes HCFA to "look behind" State agency surveys on compliance where the adequacy of the State's determination is questionable. It is intended to decertify facilities for noncompliance where health and safety are jeopardized.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	
NPRM Comment Period Begin	04/00/83	

Small Entity: No

Agency Contact: **Nancy Calk**, Program Analyst, Department of Health and Human Services, Health Care Financing Administration, Compliance & Enforcement Branch, 2nd Floor, Dogwood East Bldg, 1848 Gwynn Oak Ave, Baltimore, MD 21207, **301 594-5015**

RIN: 0938–AA60

REVISIONS TO CRITERIA AND STANDARDS FOR EVALUATING INTERMEDIARIES

Legal Authority: 42 USC 1395h

CFR Citation: 42 CFR 421.100; 42 CFR 421.120; 42 CFR 421.122

Abstract: This regulation improves our system for evaluating the performance of fiscal intermediaries in administering the Medicare program. A minor revision will allow for more detailed analyses and approaches for evaluating variables, beyond the control of the intermediaries. It is intended to increase program efficiency and reduce program costs.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/83	

Small Entity: No

Agency Contact: **Newton Dikoff**, Director, Department of Health and Human Services, Health Care Financing Administration, Division of Standards, Room 1-B-4, Meadows East Bldg, 6300 Security Blvd, Baltimore, MD 21207, **301 594-8190**

RIN: 0938–AA62

MEDICAID ELIGIBILITY DETERMINATION AND INFORMATION RETRIEVAL SYSTEM

Legal Authority: 42 USC 1396b

CFR Citation: Not applicable

Abstract: This notice proposes requirements for a Medicaid Eligibility Determination and Eligibility System that States with Medicaid Management Information Systems would have to meet. The proposed system is intended to improve program management efficiency.

Timetable:

Action	Date	FR Cite
Proposed Notice	04/30/83	

Small Entity: No

Agency Contact: **William Hogsten**, Director, Department of Health and Human Services, Health Care Financing Administration, Office of Methods & Systems, Room G-C-7, Meadows East Bldg, 6300 Security Blvd, Baltimore, MD 21207, **301 594-9545**

RIN: 0938–AA63

THIRD PARTY LIABILITY (TPL) AND PREMIUM FFP RATES

Legal Authority: 42 USC 1396a(a)(25); 42 USC 1396b(d)(2)

CFR Citation: 42 CFR 432.2; 42 CFR 432.50; 42 CFR 432.60; 42 CFR 433.15; 42 CFR 433.45; 42 CFR 433.136; 42 CFR 433.139; 42 CFR 433.149; 42 CFR 433.151 to 433.152; 42 CFR 433.145

Abstract: This regulation provides States with flexibility in establishing their programs so as to maximize operational efficiency and promote cost-avoidance procedures. It is intended to promote program management efficiency and reduce program costs by increasing TPL recoveries.

Timetable:

Action	Date	FR Cite
NPRM	05/31/83	

Small Entity: No

Agency Contact: **William Hickman**, Director, Department of Health and Human Services, Health Care Financing Administration, Division of Operations, BPO, Room 367, Meadows East Bldg, 6300 Security Blvd, Baltimore, MD 21207, **301 594-9101**

RIN: 0938–AA65

COLLECTION AND COMPROMISE OF CLAIMS

Legal Authority: 31 USC 951 to 953

CFR Citation: 42 CFR 401.601 to 401.625

Abstract: This regulation addresses the collection and compromise of all debts related to HCFA's mission. Tailors the government-wide claims collection standards (at 4 CFR Parts 101-105) to HCFA's operating needs. Allows the Administrator to exercise the full range of authority delegated by the Secretary.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/30/83	

Small Entity: No

Agency Contact: **Tom Czerwinski**, Director, Department of Health and Human Services, Health Care Financing Administration, Office of Management Services, Room 217, East Low Rise Bldg, 6325 Security Blvd, Baltimore, MD 21207, **301 594-3068**

RIN: 0938–AA66

PENALTY FOR FAILURE TO MAKE A SATISFACTORY SHOWING OF AN EFFECTIVE INSTITUTIONAL UTILIZATION CONTROL PROGRAM

Legal Authority: 42 USC 1396b(g)

CFR Citation: 42 CFR 456.650 to 456.657

Abstract: The revised rule would require the updating and periodic evaluation of the plans of care for all institutionalized patients, regardless of specific level of care, to be performed once every 90 days. It is intended to establish consistency in the review and updating of plans of care by physicians in a particular facility.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: **Helene Fredeking**, Chief, Department of Health and Human Services, Health Care Financing Administration, Eligibility Review Branch, Room 2-M-1, East Low Rise Bldg, 6325 Security Blvd, Baltimore, MD 21207, **301 597-1380**

RIN: 0938–AA68

TEMPORARY DELAY IN PERIODIC INTERIM PAYMENTS

Legal Authority: PL 97-248, Sec 120

CFR Citation: Not applicable

Abstract: This regulation modifies existing periodic interim payment procedures for hospitals by delaying the flow of PIP payments for three weeks in September 1983 and September 1984.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/30/83	

Small Entity: No

Agency Contact: **William Goeller**, Chief, Department of Health and Human Services, Health Care Financing Administration, Reimbursement Policy Branch, Room 1-H-5, East Low Rise Bldg., 6325 Security Blvd.,, Baltimore, MD 21207, **301 594-1802**

RIN: 0938–AA69

MEDICAID MANAGEMENT INFORMATION SYSTEMS: PERFORMANCE STANDARDS

Legal Authority: 42 USC 1396b

CFR Citation: Not applicable

Abstract: This notice responds to the comments received in response to a prior notice that set forth the standards each State a Medicaid Management Information System must meet to retain 75 percent finding of the system.

Timetable:

Action	Date	FR Cite
Notice with Comment Period	06/30/81	47 FR 33653
Final Action	05/31/83	

Small Entity: No

Agency Contact: **Newton Dikoff**, Director, Department of Health and Human Services, Health Care Financing Administration, Div of Standards & Performance, Room 1-B-4, Meadows East Bldg, 6300 Security Blvd, Baltimore, MD 21207, **301 594-8190**

RIN: 0938–AA70

INTEREST ON DISPUTED MEDICAID CLAIMS

Legal Authority: 42 USC 1396b

CFR Citation: 42 CFR 433.38

Abstract: This regulation requires the payment of interest on disputed Medicaid upon a final determination of allowability. It is intended to expedite the processing of State appeals from notices of disallowances, and to provide equity to States which win their appeals.

Timetable:

Action	Date	FR Cite
NPRM	07/06/82	47 FR 29275
Final Action	06/30/83	

Small Entity: No

Agency Contact: **Gilda Martin**, Program Analyst, Department of Health and Human Services, Health Care Financing Administration, Special Claims Branch, Room 350, Meadows East Bldg, 6300 Security Blvd, Baltimore, MD 21207, **301 597-1399**

RIN: 0938–AA71

COVERAGE OF OPTOMETRISTS' SERVICES

Legal Authority: PL 96-499, Sec 937

CFR Citation: 42 CFR 405.232a; 42 CFR 405.232c

Abstract: This regulation provides coverage for previously uncovered services furnished by optometrists. It is intended to assure access to care and proper use of program funds.

Timetable:

Action	Date	FR Cite
NPRM	06/23/82	47 FR 27084
Final Action	07/31/83	

Small Entity: No

Agency Contact: **James Hannon**, Chief, Department of Health and Human Services, Health Care Financing Administration, Physician & Other Med Services Branch, Room, 463, East High Rise Bldg, 6325 Security Blvd, Baltimore, MD 21207, **301 594-9514**

RIN: 0938–AA72

CRITERIA AND STANDARDS FOR EVALUATING CARRIERS

Legal Authority: 42 USC 1395u

CFR Citation: 42 CFR 421.200 to 421.205

Abstract: This proposal would provide for issuance of criteria and standards through the Federal Register for evaluating carrier performance.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: **Newton Dikoff**, Director, Department of Health and Human Services, Health Care Financing Administration, Division of Standards, Room 1-B-4, Meadows East Bldg, 6300 Security Blvd, Baltimore, MD 21207, **301 594-8190**

RIN: 0938–AA73

ADJUSTMENT IN COST LIMITS FOR FICA REDUCTIONS

Legal Authority: 42 USC 1395ww

CFR Citation: Not applicable

Abstract: This regulation provides for an adjustment on the cost limits for hospitals that withdraw from the OASDHI program after August 15, 1982.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/31/83	

Small Entity: No

Agency Contact: **Marilyn Koch**, Director, Department of Health and Human Services, Health Care Financing Administration, Bureau of Program Policy, Room 190, East High Rise Bldg, 6325 Security Blvd, Baltimore, MD 21207, **301 594-9344**

RIN: 0938–AA74

MEDICAID MANAGEMENT INFORMATION SYSTEMS: PROPOSED SYSTEM REQUIREMENTS

Legal Authority: 42 USC 1396b

CFR Citation: Not applicable

Abstract: This notice is to decide if these requirments be mandated or optional: diagnostic coding; procedure coding for physician services; uniform billing for hospital; standard electronic media billing formats and conventions for hosptial bills; and uniform billing for physician services. It is intended to reduce the administrative burden on providers and promote program efficiency.

Timetable:

Action	Date	FR Cite
Proposed Notice	04/30/83	

Small Entity: No

Agency Contact: Charles Booth, Director, Department of Health and Human Services, Health Care Financing Administration, Div of Method & Systems Requirmts, Rm 2-A-1, Meadows East Bldg, 6300 Security Blvd, Baltimore, MD 21207, **301 594-5415**

RIN: 0938–AA75

TEACHING PHYSICIANS

Legal Authority: 42 USC 1302; 42 USC 1395u(b); 42 USC 1395x(b)

CFR Citation: 42 CFR 405.520 to 405.521; 42 CFR 405.560 to 405.575

Abstract: This regulation specifies conditions that physicians in teaching hospitals must meet to qualify for charge payments. Specifies the type of charges that Medicare carriers will take into account in determining the prevailing charges for physician services in teaching hospitals. It is intended to clarify and refine physician charge reimbursement policy.

Timetable:

Action	Date	FR Cite
NPRM	10/31/83	

Small Entity: No

Agency Contact: Leonard Peshkin, Program Analyst, Department of Health and Human Services, Health Care Financing Administration, Div of Med Services Reimbursemt, Rm 1-G-1, East Low Rise Bldg, 6325 Security Blvd, Baltimore, MD 21207, **301 594-1115**

RIN: 0938–AA76

MENTAL RETARDATION—DEFINITION OF "PERSONS WITH RELATED CONDITIONS"

Legal Authority: 42 USC 1302; 42 USC 1396d

CFR Citation: 42 CFR 435.1009

Abstract: This regulation would amend Medicaid regulations on intermediate care facility services for the mentally retarded persons with related conditions by revising the current definition of "persons with related conditions". This definition is presently tied to the definition of developmental disability in the Developmental Disabilities Assistance and Bill of Rights Act (DDABRA). This regulation establishes a Medicaid definition of conditions related to mental retardation that would meet the specific needs of the Medicaid program and would be independent of the definition of developmental disablility in the DDABRA.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	

Small Entity: No

Agency Contact: Robert Wren, Director, Department of Health and Human Services, Health Care Financing Administration, Div of Provdr Servcs Coverage Policy, Rm 405, East High Rise Bldg, 6325 Security Blvd, Baltimore, MD 21207, **301 594-9820**

RIN: 0938–AA78

ELIMINATION OF LESSER-OF-COST-OR-CHARGES PROVISION

Legal Authority: 42 USC 1395ww

CFR Citation: 42 CFR 405.455

Abstract: This regulation specifies that the lesser of cost or charges provision would not apply to services provided by certain providers if elimination will not increase Medicare payments made for the services.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Bernard Patashnik, Director, Department of Health and Human Services, Health Care Financing Administration, Bureau of Program Policy, 1-A-5, East High Rise Bldg, 6325 Security Blvd, Baltimore, MD 21207, **301 597-1335**

RIN: 0938–AA82

WITHHOLDING PAYMENTS TO PRACTITIONERS, PROVIDERS AND SUPPLIERS OF SERVICES

Legal Authority: 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 405.371; 42 CFR 420.300 to 420.307

Abstract: This regulation specifies the due process procedures that will be followed when payments to practitioners, providers and suppliers of services under the Medicare program are withheld because of suspected fraud or willful misrepresentation. Those procedures include timely notice and administrative review.

Timetable:

Action	Date	FR Cite
NPRM	12/01/80	45 FR 79658
Final Action	03/00/83	
Final Action Effective	04/00/83	

Small Entity: No

Agency Contact: James Patton, Director, Department of Health and Human Services, Health Care Financing Administration, Div of Validtn, Plng & Support, OPV, BQC, Rm, 239, East High Rise Bldg, 6325 Security Blvd, Baltimore, MD 21207, **301 594-8000**

RIN: 0938–AA85

REVIEW AND RECOMPUTATION OF PERIODIC INTERIM PAYMENTS TO PROVIDERS OF SERVICES

Legal Authority: 42 USC 1395g

CFR Citation: 42 CFR 405.454(j)

Abstract: This regulation would reduce the frequency (from quarterly to semi-annually) of mandatory review and recomputation by fiscal intermediaries of periodic interim payments to providers of health care services. It would reduce costs and reporting burden for both intermediaries and providers.

Timetable:

Action	Date	FR Cite
Interim Final Rule	00/00/00	

Small Entity: No

Agency Contact: Bernard Patshnik, Director, Department of Health and Human Services, Health Care Financing Administration, Div of Institnl Services Reimbrsmt, Rm 1-A-5, East Low Rise Bldg, 6325 Security Blvd, Baltimore, MD 21207, **301 597-1335**

RIN: 0938–AA87

HOSPITAL INSURANCE ENTITLEMENT AND BENEFITS

Legal Authority: 42 USC 1395hh; PL 95-216, Sec 332(a)(3)

CFR Citation: 42 CFR 400; 42 CFR 405.101 to 405.120; 42 CFR 405.122 to 405.128; 42 CFR 405.130 to 405.133; 42 CFR 405.151; 42 CFR 405.161; 42 CFR 405.180 to 405.181; 42 CFR 408; 42 CFR 409

Abstract: This regulation implements thirteen statutory amendments contained in five public laws: Pub. L. 95-216, Pub. L. 96-265, Pub. L. 96-473, Pub. L. 96-499, and Pub. L. 97-35. The changes made by these

regulations affect (1) the entitlement of aged or disabled persons, (2) the requirements for receiving posthospital SNF care or home health services, (3) the determination of the deductible and coinsurance amounts for which a Medicare beneficiary is responsible, and (4) the enrollment of individuals who must pay a monthly premium for Medicare. The regulations also clarify, reorganize, and renumber a major portion of existing Medicare regulations.

Timetable:

Action	Date	FR Cite
NPRM	05/30/80	45 FR 36443
Final Action	04/00/83	

Small Entity: No

Agency Contact: Luisa Iglesias, Department of Health and Human Services, Health Care Financing Administration, Bureau of Program Policy, Room 4235, North Bldg., 300 Independence Ave., SW, Washington, DC 20201, **202 245-0383**

RIN: 0938-AA88

ESRD CONDITIONS OF PARTICIPATION

Legal Authority: 42 USC 1395rr

CFR Citation: 42 CFR 405.2100 to 2171

Abstract: This regulation simplifies requirements which suppliers of ESRD services must meet to participate in the Medicare and Medicaid programs. It is intended to reduce Federal requirements, and provide maximum flexibility while assuring patient access to quality care.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Stanley Rosenfeld, Acting Chief, Department of Health and Human Services, Health Care Financing Administration, Div of Standards and CertificationPolicy, 2nd Floor Dogwood East Bldg., 1849 Gwynn Oak Ave., Baltimore, MD 21207, **301 594-9737**

RIN: 0938-AA90

●PROVIDER REIMBURSEMENT REVIEW BOARD: EXPEDITED ADMINISTRATIVE REVIEW

Legal Authority: 42 USC 1395oo

CFR Citation: 42 CFR 400 to 499; 42 CFR 401.106; 42 CFR 401.108; 42 CFR 405.1842; 42 CFR 405.1867

Abstract: This regulation sets forth procedures a Medicare provider and the Provider Reimbursement Review Board must follow when the provider may bypass a Board hearing and obtain judicial review.

Timetable:

Action	Date	FR Cite
NPRM	07/22/82	47 FR 31686
Final Action	05/31/83	

Small Entity: No

Agency Contact: Stanley Katz, Director, Department of Health and Human Services, Health Care Financing Administration, 2nd Floor Dogwood West Building, 1848 Gwynn Oak Avenue, Baltimore, Maryland 21207, **301 594-9595**

RIN: 0938-AA99

●INSTITUTIONALIZATION PROVISIONS

Legal Authority: 42 USC 1396a; 42 USC 1396b

CFR Citation: 42 CFR 435.722; 42 CFR 435.725; 42 CFR 435.733; 42 CFR 435.832; 42 CFR 436.832

Abstract: This regulation alleviates problems encountered by States in calculating patient income to be applied to the cost of care in institutions. It extends Medicaid eligibility to certain individuals in medical institutions. It is intended to permit States greater flexibility in administering their programs (Regulatory Reform).

Timetable:

Action	Date	FR Cite
NPRM	05/31/83	

Small Entity: No

Agency Contact: Marinos Svolos, Director, Department of Health and Human Services, Health Care Financing Administration, Division of Medicaid Eligibility, Room 416 East High Rise, 6325 Security Blvd., Baltimore, MD 21207, **301 594-9050**

RIN: 0938-AB00

●LESSER OF THE REASONABLE COST OR CUSTOMARY CHARGES

Legal Authority: 42 USC 1395f(b)

CFR Citation: 42 CFR 405.455

Abstract: This regulation will suspend application of the lesser of the reasonable cost or customary charges Medicare reimbursement rules in determining payment for inpatient hospital services furnished in cost reporting periods beginning on or after October 1, 1982 and before October 1, 1985. These changes are needed to make the regulations consistent with the final regulations regarding the rate of increase ceiling at 42 CFR 405, 463 and ensure consistency with the Medicare law.

Timetable:

Action	Date	FR Cite
Final Rule with Comment Period	08/30/83	

Small Entity: No

Agency Contact: Paul Trimble, Chief, Department of Health and Human Services, Health Care Financing Administration, Room 1-D-5 East Low Rise, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 594-9540**

RIN: 0938-AB01

●PROHIBITION AGAINST PAYMENT FOR ANTI-UNION ACTIVITIES

Legal Authority: 42 USC 1395x(v)(l); PL 97-248, Sec 107

CFR Citation: 42 CFR 405.451

Abstract: This regulation will indicate that costs incurred for activities directly related to influencing employees representing unionization represent costs that are not related to patient care and, therefore, are not allowable under the Medicare program. These costs will be unallowable whether such activities are performed directly by the provider or through an independent contractor, consultant, or outside attorney.

Timetable:

Action	Date	FR Cite
NPRM	12/31/83	

Small Entity: No

Agency Contact: William Goeller, Chief, Department of Health and Human Services, Health Care Financing Administration, Room 1-H-5, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 594-1803**

RIN: 0938-AB02

●CRITERIA FOR MAKING 1861(J)(L) DETERMINATIONS

Legal Authority: 42 USC 1395d; 42 USC 1395x

CFR Citation: 42 CFR 405

Abstract: These regulations would establish criteria for defining whether a facility is a skilled nursing facility under Section 1861(j)(l) of the Social Security Act for purposes of determining when a spell of illness ends and for coverage of durable medical equipment.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: **Bob Wren**, Director, Division of Provider Services, Department of Health and Human Services, Health Care Financing Administration, Room 405 East High Rise, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 594-9820**

RIN: 0938–AB03

●CLAIMS PROCESSING QUALITY CONTROL

Legal Authority: 42 USC 1396a(a)(4); 42 USC 1396b(r)(4)

CFR Citation: 42 CFR 431.800

Abstract: This regulation would revise claims processing requirements for Medicaid Quality Control (MQC) systems. It would propose that current claims processing elements of the MQC system would become part of the Medicaid Management Information System (MMIS) and be added as a condition for annual MMIS approval and reapproval. These changes are intended to increase State flexibility in reporting requirements and reduce the burden on States under the current MQC system.

Timetable:

Action	Date	FR Cite
NPRM	03/00/83	

Small Entity: No

Agency Contact: **William McQuay**, Department of Health and Human Services, Health Care Financing Administration, East High Rise, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 597-2946**

RIN: 0938–AB04

●MISCELLANEOUS CONFORMING AMENDMENTS

Legal Authority: 42 USC 1302

CFR Citation: 42 CFR 430.1; 42 CFR 433.10; 42 CFR 433.201; 42 CFR 433.205; 42 CFR 433.213; 42 CFR 435.2; 42 CFR 435.724; 42 CFR 456.360; 42 CFR 441.201; 42 CFR 441.202; 42 CFR 441.203; 42 CFR 441.204; 42 CFR 441.205; 42 CFR 441.206; 42 CFR 435.3

Abstract: This regulation amends existing Medicare and Medicaid regulations to incorporate numerous statutory changes. The statutory changes are contained in the Tax Equity and Fiscal Responsibility Act of 1982 (P.L. 97-248), the 1980 and 1981 Omnibus Reconciliation Acts (P.L. 96-265, P.L. 97-35) and the Continuing Appropriations for Fiscal Year 1982 (P.L. 97-161).

Timetable:

Action	Date	FR Cite
Final Rule with Comment Period	00/00/00	

Small Entity: No

Agency Contact: **Deborah Helms**, Regulations Analyst, Department of Health and Human Services, Health Care Financing Administration, 140 East High Rise, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 594-9711**

RIN: 0938–AB05

●MEDICARE PROGRAM; REIMBURSEMENT OF LEGAL EXPENSES AND RELATED COSTS

Legal Authority: 42 USC 1302; 42 USC 1395x(v)

CFR Citation: Not yet determined

Abstract: The regulations will address aspects of the reimbursement under Medicare of legal expenses and related costs incurred by providers of Medicare services and are intended to preclude reimbursement for expenses that are not necessary and related to patient care. The regulations may address the reimbursement of costs incurred in unsuccessful Medicare litigation brought by a provider as well as other issues. This action is intended to benefit the Medicare program by eliminating inappropriate reimbursement.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: **Leila Carp**, Attorney, Department of Health and Human Services, Health Resources Administration, Office of the General Counsel, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 594-2728**

RIN: 0938–AB09

●PART A PREMIUM FOR UNINSURED AGED FOR 12-MONTH PERIOD BEGINNING 07/01/84

Legal Authority: 42 USC 1395i-2(d)(2)

Abstract: The notice announces Medicare's monthly hospital insurance premium for the uninsured aged for the 12 months beginning July 1, 1984.

Timetable:

Action	Date	FR Cite
Notice	12/31/83	

Small Entity: No

Agency Contact: **Sol Mussey**, Supervisory Actuary, Department of Health and Human Services, Health Care Financing Administration, 1-C-11 Oak Meadows Building, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 594-1024**

RIN: 0938–AB15

●PART B PREMIUM FOR 12-MONTH PERIOD BEGINNING 07/01/84

Legal Authority: 42 USC 1395r(c)(1) and (4); 42 USC 1395r(g)(1)

Abstract: This notice announces the monthly actuarial rates for aged (age 65 and over) and disabled (under age 65) enrollees in the Medicare Supplementary Medical Insurance (SMI) program for the 12 months beginning July 1, 1984. It also announces the monthly SMI premium rate to be paid by all enrollees during the 12 months beginning July 1, 1984.

Timetable:

Action	Date	FR Cite
Notice	12/31/83	

Small Entity: No

Agency Contact: **Joseph N. Romano**, Supervisory Actuary, Department of Health and Human Services, Health Care Financing Administration, 1-C-11 Oak Meadows Building, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 594-1023**

RIN: 0938–AB16

●INPATIENT HOSPITAL DEDUCTIBLE (1984)

Legal Authority: 42 USC 1395e

Abstract: This notice provides for cost sharing amounts payable by the beneficiary. It will inform the public of the revised rates.

Timetable:

Action	Date	FR Cite
Notice	09/30/83	

Small Entity: No

Agency Contact: **Sol Mussey**, Supervisory Actuary, Department of Health and Human Services, Health Care Financing Administration, 1-C-11 Oak Meadows Building, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 594-1024**

RIN: 0938–AB17

●MEDICARE ECONOMIC INDEX FOR REASONABLE CHARGES

Legal Authority: 42 USC 1395u

Abstract: This notice sets forth the economic index used in the calculation of prevailing

HHS—HCFA

Current and Projected Rulemakings

charges for physicians' services under Part B of Medicare.

Timetable:

Action	Date	FR Cite
Notice	06/30/83	

Small Entity: No

Agency Contact: Joseph Romano, Supervisory Actuary, Department of Health and Human Services, Health Care Financing Administration, 1-C-11 Oak Meadows Building, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 594-1023**

RIN: 0938–AB18

●PERFORMANCE CRITERIA AND STATISTICAL STANDARDS FOR EVALUATING INTERMEDIARY PERFORMANCE DURING FISCAL YEAR 1984

Legal Authority: 42 USC 1395h

Abstract: This notice would update the performance criteria and statistical standards to be used for evaluating the performance of fiscal intermediaries in the administration of the Medicare program for fiscal year 1984. The results of the evaluations would be considered whenever HCFA enters into, renews, or terminates an intermediary agreement; assigns or reassigns providers of services to an intermediary; or designates regional or national intermediaries.

Timetable:

Action	Date	FR Cite
Proposed Notice	04/30/83	
Final Notice	09/30/83	

Small Entity: Not Applicable

Agency Contact: Newton Dikoff, Director, Division of Standards, Department of Health and Human Services, Health Care Financing Administration, Room 1-B-4 Meadows East Building, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 594-8190**

RIN: 0938–AB19

●PERFORMANCE CRITERIA AND STATISTICAL STANDARDS FOR EVALUATING INTERMEDIARY PERFORMANCE DURING FISCAL YEAR 1983

Legal Authority: 42 USC 1395h

Abstract: This notice describes performance criteria and statistical standards to be used for evaluating the performance of fiscal intermediaries in administration of the Medicare program for fiscal year 1983. The results of these evaluations may be considered when HCFA enters into, renews, or terminates an intermediary; or designates regional or national intermediaries.

Timetable:

Action	Date	FR Cite
Notice with Comment Period	00/00/00	

Small Entity: Not Applicable

Agency Contact: Newton Dikoff, Director, Division of Standards, Department of Health and Human Services, Health Care Financing Administration, Room 1-B-4 Meadows East Building, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 594-9000**

RIN: 0938–AB20

●RELATIONS WITH OTHER AGENCIES - BUY-IN, AND MISCELLANEOUS MEDICAID DEFINITIONS

Legal Authority: 42 USC 1302

CFR Citation: 42 CFR 431.625; 42 CFR 435.1009; 42 CFR 440.2; 42 CFR 440.10; 42 CFR 440.20; 42 CFR 440.80; 42 CFR 440.160; 42 CFR 441.151; 42 CFR 447.40

Abstract: This regulation revises several definitions and clarifies ambiguities in existing Medicaid regulations. These changes are a part of the Department's regulatory reform effort to clarify those regulations that are ambiguous or that have been identified as problematic.

Timetable:

Action	Date	FR Cite
NPRM	03/11/83	48 FR 10378
Final Action	00/00/00	

Small Entity: No

Agency Contact: William Hickman, Director, Division of Operations, Department of Health and Human Services, Health Care Financing Administration, Room 367 Meadows East Building, 6325 Security Boulevard, Baltimore, MD 21207, **301 594-9101**

RIN: 0938–AB21

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Health Care Financing Administration (HCFA)

Existing Regulations Under Review

●FFP FOR PUBLIC INSTITUTIONS

Legal Authority: 42 USC 1396d

CFR Citation: 42 CFR 435.1008; 42 CFR 436.1004

Abstract: This regulation would preclude the availability of Federal matching funds in expenditures for all services to an individual who is an inmate in a public institution or to an individual under age 65 who is a patient in an institution for mental diseases or tuberculosis from the date of admission to the date of discharge. We would continue to provide matching funds in expenditures for services for individuals under age 22 who are receiving inpatient psychiatric services.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	

Small Entity: No

Agency Contact: Marinos Svolos, Director, Department of Health and Human Services, Health Care Financing Administration, Division of Medicaid Eligibility, Room 416, East High Rise Bldg, 6325 Security Blvd, Baltimore, MD 21207, **301 594-9050**

RIN: 0938–AA93

●RELATIONS WITH OTHER AGENCIES - BUY-IN, AND MISCELLANEOUS MEDICAID DEFINITIONS

Legal Authority: 42 USC 1302

CFR Citation: 42 CFR 431.625; 42 CFR 440.2; 42 CFR 440.10; 42 CFR 440.20; 42 CFR 440.80; 42 CFR 440.160; 42 CFR 441.151; 42 CFR 447.40

Abstract: This regulation revises several definitions and clarifies ambiguities in existing Medicaid regulations. It is intended that these changes are a part of the Department's regulatory reform effort to clarify those regulations that are ambiguous or that have been identified as problematic.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	

Small Entity: No

Agency Contact: William Hickman, Director, Department of Health and Human Services,

Health Care Financing Administration, Division of Operations, Room 364, Meadows East Building, 6325 Security Blvd., Baltimore, MD 21207, **301 594-9101**

RIN: 0938–AA94

PAYMENTS TO INSTITUTIONS

Legal Authority: 42 USC 1396a; 42 USC 1396b

CFR Citation: 42 CFR 435.722; 42 CFR 435.725; 42 CFR 435.733; 42 CFR 435.832; 42 CFR 436.832

Abstract: This regulation alleviates problems encountered by States in calculating patient income to be applied to the cost of care in institutions. Extends Medicaid eligibility to certain individuals in medical institutions. It is intended to permit States greater flexibility in administering their programs (Regulatory Reform).

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	

Small Entity: No

Agency Contact: **Marinos Svolos**, Director, Department of Health and Human Services, Health Care Financing Administration, Division of Medicaid Eligibility, Room 416, East High Rise Bldg, 6325 Security Blvd, Baltimore, MD 21207, **301 594-9050**

RIN: 0938–AA95

PERSONAL CARE SERVICES

Legal Authority: 42 USC 1396d(a)(13)

CFR Citation: 42 CFR 440.170

Abstract: This regulation eliminates personal care services as an optional benefit under Medicaid. The availability of section 2176 home and community based services waiver to individual States replaces the necessity for the broad-based personal care option under the regular Medicaid program.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: No

Agency Contact: **Robert Wren**, Director, Department of Health and Human Services, Health Care Financing Administration, Division of Provider Services, Room 405, East High Rise Bldg, 6325 Security Blvd, Baltimore, MD 21207, **301 594-9620**

RIN: 0938–AA96

REHABILITATION SERVICES

Legal Authority: 42 USC 1396d

CFR Citation: 42 CFR 440.130

Abstract: This regulation would amend the Medicaid regulations on rehabilitative services to clarify the definition of rehabilitative services, specify the conditions under which Federal matching funds would be available for these services and stipulate minimum requirements for the professionals who provide these services. This would clarify Federal policy, assure more uniform coverage of rehabilitative services, improve the quality of medical care and services provided to Medicaid recipients, and ensure that Federal and State funds are expended in an effective and economical manner.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: No

Agency Contact: **Robert Wren**, Director, Department of Health and Human Services, Health Care Financing Administration, Office of Coverage Policy, Room 405, East High Rise Bldg, 6325 Security Blvd, Baltimore, MD 21207, **301 594-9620**

RIN: 0938–AA97

LOWEST CHARGE LEVEL FOR MEDICAL SERVICES SUPPLIES, EQUIPMENT

Legal Authority: 42 USC 1395u(b)(3)

CFR Citation: Not applicable

Abstract: This notice would revise and update the list of laboratory services and items of durable medical equipment subject to the lowest charge level criteria. These are items and services that are widely and consistently available and that do not generally vary significantly in quality from one supplier to another.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: No

Agency Contact: **Paul Riesel**, Chief, Department of Health and Human Services, Health Care Financing Administration, Physn & Practitnr Reimbrsmt Br, Rm 1-A-4, East Low Rise Bldg, 6325 Security Blvd, Baltimore, MD 21207, **301 594-9690**

RIN: 0938–AA98

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Health Care Financing Administration (HCFA)

Completed Actions

COMPLETED RULEMAKINGS

PRE-ADMISSION DIAGNOSTIC SERVICES: SAME HOSPITAL

Priority: Agency Determination

Completed:

Reason	Date	FR Cite
Withdrawn	03/02/83	

Agency Contact: **Sheila Ryan 301 594-8561**

RIN: 0938–AA00

PRIVATE ROOM SUBSIDY

Priority: Agency Determination

Completed:

Reason	Date	FR Cite
Final Action	02/10/82	48 FR 06108

Agency Contact: **William Goeller 301 594-1802**

RIN: 0938–AA08

REDUCTIONS IN MEDICAID PAYMENTS

Priority: Agency Determination

Completed:

Reason	Date	FR Cite
Final Action	09/30/82	47 FR 43340

Agency Contact: **Charles Schreibels 301 597-1702**

RIN: 0938–AA10

PRE-ADMISSION DIAGNOSTIC SERVICES: DIFFERENT HOSPITAL, PHYSICIAN'S OFFICE

Priority: Agency Determination

Completed:

Reason	Date	FR Cite
Withdrawn	10/00/82	

Agency Contact: Sheila Ryan 301 594-8561

RIN: 0938-AA12

COMPREHENSIVE OUTPATIENT REHABILITATION FACILITIES SERVICES

Priority: Agency Determination

Completed:

Reason	Date	FR Cite
Final Action	12/15/82	47 FR 56282
Final Action Effective	12/15/82	

Agency Contact: Sheila Ryan 301 594-8561

RIN: 0938-AA22

UTILIZATION AND QUALITY CONTROL PEER REVIEW

Priority: Agency Determination

Completed:

Reason	Date	FR Cite
Divided into multiple rules	10/00/82	

Agency Contact: Larry Oday 301 594-9320

RIN: 0938-AA35

SUMMARY OF PROVISIONS OF TAX EQUITY AND FISCAL RESPONSIBILITY

Completed:

Reason	Date	FR Cite
Final Action	12/28/82	47 FR 57775

Agency Contact: Thomas Falloon 301 594-9774

RIN: 0938-AA50

PSRO TECHNICAL AMENDMENTS

Completed:

Reason	Date	FR Cite
Withdrawn	10/00/82	

Agency Contact: Pat Booth 301 594-1832

RIN: 0938-AA61

PERMISSIBLE CHARGES TO PATIENTS' FUNDS

Completed:

Reason	Date	FR Cite
Withdrawn	10/00/82	

Agency Contact: David Chambers 301 594-7653

RIN: 0938-AA64

BENEFICIARY NOT AT FAULT

Completed:

Reason	Date	FR Cite
Withdrawn	11/00/82	

Agency Contact: Jack Wasserman 301 594-9300

RIN: 0938-AA67

INPATIENT HOSPITAL DEDUCTIBLE (1983)

Completed:

Reason	Date	FR Cite
Final Action	10/01/82	47 FR 43631
Final Action Effective	01/01/83	

Agency Contact: Sol Mussey 301 594-1024

RIN: 0938-AA79

PART A PREMIUM FOR UNINSURED AGED FOR 12-MONTH PERIOD BEGINNING 07/01/83

Completed:

Reason	Date	FR Cite
Final Action	12/27/82	47 FR 57574
Final Action Effective	07/01/83	

Agency Contact: Sol Mussey 301 594-1024

RIN: 0938-AA81

AMBULANCE SERVICES

Completed:

Reason	Date	FR Cite
Final Action	09/16/82	47 FR 40796
Final Action Effective	10/18/82	

Agency Contact: Sheila Ryan 301 594-8561

RIN: 0938-AA83

PREPAID PLANS - HCPP'S

Completed:

Reason	Date	FR Cite
Final Action	12/30/82	47 FR 58252
Final Action Effective	01/31/83	

Agency Contact: Mendel Kaufman 301 597-6718

RIN: 0938-AA86

COMPLETED REVIEWS

SPENDDOWN

Priority: Task Force

Completed:

Reason	Date	FR Cite
End Review	06/18/82	

Agency Contact: Marinos Svolos 301 594-9050

RIN: 0938-AA89

MEDICAID CONTRACTING

Completed:

Reason	Date	FR Cite
Incorporated with another rule	10/00/82	

Agency Contact: Leonard Monfred 301 594-9420

RIN: 0938-AA91

RELATIONS WITH OTHER AGENCIES (MEDICAID)

Completed:

Reason	Date	FR Cite
End Review	12/02/81	

Agency Contact: William Hickman 301 594-9101

RIN: 0938-AA92

FFP FOR PUBLIC INSTITUTIONS

Completed:

Reason	Date	FR Cite
End Review	12/16/81	

Agency Contact: Marinos Svolos 301 594-9050

RIN: 0938-AA93

HHS—HCFA

Completed Actions

RELATIONS WITH OTHER AGENCIES - BUY-IN, AND MISCELLANEOUS MEDICAID DEFINITIONS

Completed:

Reason	Date	FR Cite
End Review	06/00/82	

Agency Contact: William Hickman 301 594-9101

RIN: 0938–AA94

PAYMENTS TO INSTITUTIONS

Completed:

Reason	Date	FR Cite
End Review	03/25/82	

Agency Contact: Marinos Svolos 301 594-9050

RIN: 0938–AA95

[FR Doc. 83–9661 Filed 4–22–83; 8:45 am]

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Part IX

Department of Housing and Urban Development

Semiannual Agenda of Regulations

HUD

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Subtitles A and B

[Docket No. N-83-1214]

Semiannual Agenda of Regulations

AGENCY: Department of Housing and Urban Development.

ACTION: Semiannual agenda, under Executive Order 12291 and the Regulatory Flexibility Act, of regulations expected to be issued and under review.

SUMMARY: In accordance with Section 5 of Executive Order 12291, "Federal Regulation," the Department is publishing its Agenda of proposed regulations already issued or expected to be issued, and of currently effective rules that are under review. Also, under Section 602 of the Regulatory Flexibility Act, the Department has prepared a regulatory flexibility agenda of regulations expected to be proposed or promulgated which are likely to have a significant economic impact on a substantial number of small entities. As permitted by Executive Order 12291 and the Regulatory Flexibility Act, the two agendas are combined for publication. The Agenda appearing hereinafter is also the agenda of rules under development or review prepared for transmittal to the House Committee on Banking, Finance and Urban Affairs and the Senate Committee on Banking, Housing and Urban Affairs as required by Section 7(o) of the Department of HUD Act.

FOR FURTHER INFORMATION CONTACT: Grady J. Norris, Assistant General Counsel for Regulations, Department of Housing and Urban Development, Room 10278, 451 7th Street, S.W., Washington, D.C. 20410, (202) 755-7055. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Executive Order 12291, "Federal Regulation," issued on February 17, 1981 (46 FR 13193), requires each agency to publish semiannually an agenda of regulations that the agency has issued or expects to issue of currently effective regulations that are under agency review.

The Regulatory Flexibility Act, 5 U.S.C. 601 et seq., requires each agency to publish semiannually a regulatory flexibility agenda of rules expected to be proposed or promulgated which are likely to have a significant economic impact on a substantial number of "small entities," meaning small businesses, small organizations, or small governmental jurisdictions.

Executive Order 12291 and Section 605 of the Regulatory Flexibility Act each permit incorporation of the agenda it requires with any other prescribed agenda. Accordingly, the agenda set out below combines the information required by the Executive Order and by the Regulatory Flexibility Act. In addition, the Agenda contains certain information not required by either the Executive Order or by the Act which the Department considers useful, both better to inform the public and to enhance the Department's own inventory control over its body of regulations.

For purposes of Executive Order 12291, "regulation" or "rule" is defined as "an agency statement of general applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the procedure or practice requirements of an agency," subject to certain exceptions. The Agenda published below concentrates upon regulatory material contained, or expected to be contained, in the Code of Federal Regulations (or incorporated therein by reference) following publication in the *Federal Register*. As appropriate, however, issuances in the nature of general statements of policy may be published in the *Federal Register* but not for codification in the Code of Federal Regulations.

The Department also is subject to certain requirements involving congressional review of rulemaking actions, including publication of an agenda. Section 7(o) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(o)) requires that the Secretary transmit to the congressional committees having jurisdictional oversight (the Senate Committee on Banking, Housing and Urban Affairs and the House Committee on Banking, Finance and Urban Affairs) a semiannual agenda of all rules or regulations which are under development or review by the Department. A rule appearing on the agenda cannot be published for comment before or during the first 15 calendar days of continuous session of Congress after transmittal of the agenda. If, within such period, either Committee notifies the Secretary that it intends to review any rule or regulation or portion thereof which appears on the agenda, the Secretary must submit to both Committees a copy of the rule or regulation, in the form it is intended to be proposed, at least 15 calendar days of continuous session before it is published for comment. The Semiannual Agenda appearing hereinafter is the agenda transmitted to the Committees in compliance with the foregoing requirement.

The agenda items are divided first by program office. Within each program office, the agenda items are divided into three groups: (i) current and projected rulemakings, (ii) reviews of existing regulations, and (iii) completed or withdrawn regulations and completed reviews. Within each grouping, priority regulations are listed together first and other regulations listed together second. Priority regulations include all regulations designated for priority development or review by the Department, all regulations that are "major rules" under section 1(b) of Executive Order 12291, and all regulations designated for review by the Presidential Task Force on Regulatory Relief.

Under Executive Order 12291, a "major rule" means "any regulation that is likely to result in: (1) an annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets."

Items listed in this Agenda are from the following Offices within the Department: Office of the Secretary; Office of Housing (including the former Office of Neighborhoods, Voluntary

HUD

Associations and Consumer Protection); Office of Community Planning and Development; Government National Mortgage Association; Office of Fair Housing and Equal Opportunity; Office of Administration; and Office of the Inspector General.

DATED: March 4, 1983.

John J. Knapp,

General Counsel.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) — Current and Projected Rulemakings

Office of the Secretary (HUDSEC)

SUSPENSION AND DEBARMENT

Priority: Agency Determination

Legal Authority: 42 USC 3535(d) Department of HUD Act

CFR Citation: 24 CFR 24

Abstract: Would amend 24 CFR Part 24 to conform with Policy Letter 82-1, "Policy Guidance Concerning Government-wide Debarment, Suspension and Ineligibility" issued by the Office of General Procurement Policy, dated June 24, 1982. Additionally, it would clarify the criteria for imposing administrative sanctions on grantees and program participants other than procurement contractors, as well as to clarify the procedural safeguards afforded participants in suspension and debarment proceedings.

Timetable:

Action	Date	FR Cite
NPRM	07/08/80	45 FR 46012
Final Action	05/00/83	
Interim Final Rule	00/00/00	

Small Entity: No

Additional Information: FR Number: 1676n; Agenda Number: S-2-79.

Agency Contact: Phillip Schulman, Asst Gen Coun for Insp Gen & Admn Proceedngs, Department of Housing and Urban Development, Office of the Secretary, **202 755-5557**

RIN: 2501-AA05

FEDERAL NATIONAL MORTGAGE ASSOCIATION (FNMA)

Priority: Agency Determination

Legal Authority: 12 USC 1723a Federal Natl Mortgage Association Charter Act

CFR Citation: 24 CFR 81

Abstract: Provisions governing (1) the definition of terms related to the functions of the Federal National Mortgage Association (FNMA), (2) the operations of FNMA, (3) applicable reporting requirements, (4) examination and audits of FNMA, and (5) book-entry procedures for FNMA securities.

Timetable:

Action	Date	FR Cite
NPRM	06/00/83	

Small Entity: No

Additional Information: AGENDA NUMBER: S-3-81.

Agency Contact: John A. Maxim, Assoc Gen Cnsl for Insured Housing and Fin, Department of Housing and Urban Development, Office of the General Counsel, **202 755-6274**

RIN: 2501-AA10

NONJUDICIAL FORECLOSURE OF MULTIFAMILY MORTGAGES

Priority: Agency Determination

Legal Authority: 12 USC 3711 Multifamily Mortgage Foreclosure Act; 12 USC 3717 Multifamily Mortgage Foreclosure Act

CFR Citation: 24 CFR 27

Abstract: Would implement the Multifamily Mortgage Foreclosure Act of 1981. That Act authorizes the Secretary to exercise a statutory non-judicial power of sale with regard to defaulted multifamily mortgages held by the Secretary under Title II of the National Housing Act or under Section 312 of the Housing Act of 1964.

Timetable:

Action	Date	FR Cite
NPRM	11/15/82	47 FR 51406
NPRM Comment Period Begin	01/14/83	
Final Action	04/00/83	

Small Entity: No

Additional Information: AGENDA NUMBER: S-4-82.

Agency Contact: Geoffrey L. Patton, Attorney-Advisor, Department of Housing and Urban Development, Office of the Secretary, Office of General Counsel, **202 755-5351**

RIN: 2501-AA01

SOLAR ENERGY AND ENERGY CONSERVATION PROGRAM

Priority: Agency Determination

Legal Authority: 12 USC 3601 et seq Energy Security Act

CFR Citation: 24 CFR 1800

Abstract: The Solar Energy and Energy Conservation Bank has issued a Solicitation of Proposals to States for their participation in the Bank's program (47 FR 37960(August 27, 1982)). Assistance will coordinate financial assistance made available by the Bank with energy auditing and assistance programs at the State level or the Residential Conservation Service (RCS) program under the Department of Energy. The Solicitation includes for planning and pre-implementation purposes, an Appendix of terms and conditions for financial assistance. Following the receipt of proposals from States, and prior to the authorization of expenditure of funds for financial assistance, the Bank will issue an interim rule based upon the Solicitation of Proposals and the responses received. The Bank has determined that distributing funds through this procedure will achieve the most rapid, effective, and innovative use of the limited amount of funding now available for the program.

Timetable:

Action	Date	FR Cite
Final Action	03/30/83	

Small Entity: No

Additional Information: FR Number: 1700n; Agenda Number: S-5-82.

Affected Sectors: 171 Plumbing, Heating (Except Electric), and Air Conditioning; 152 General Building Contractors-Residential Buildings; 154 General Building Contractors-Nonresidential Buildings; 602 Commercial and Stock Savings Banks; 603 Mutual Savings Banks; 612 Savings and Loan Associations; Multiple

Government Levels Affected: State

Agency Contact: Dr. Richard H. Francis, Comptroller, Department of Housing and Urban Development, Office of the Secretary,

Solar Energy and Energy Conservation Bank, **202 755-7166**

RIN: 2501-AA02

BOARD OF CONTRACT APPEALS REGULATIONS

Legal Authority: 41 USC 601 et seq Contract Disputes Act of 1978

CFR Citation: 24 CFR 20

Abstract: Would revise the rules of procedure of HUD Board of Contract Appeals to implement statutory changes made by the Contract Disputes Act of 1978 and uniform rules issued by the office of Federal Procurement Policy.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Additional Information: AGENDA NUMBER: S-1-79.

Agency Contact: David T. Anderson, Chairman, Department of Housing and Urban Development, Office of the Secretary, Board of Contract Appeals, Room 2158, **202 755-0132**

RIN: 2501-AA04

MORTGAGEE REVIEW BOARD

Legal Authority: 12 USC 1715(b) National Housing Act

CFR Citation: 24 CFR 25

Abstract: Would provide better notice to the public regarding the grounds for administrative actions against HUD-FHA approved mortgagees; specify a range of administrative actions available to the Mortgagee Review Board; and, clarify procedural rights available to mortgagees. No identified costs would be associated with the actions. The alternative of retaining the existing regulation has been considered.

Timetable:

Action	Date	FR Cite
NPRM	08/28/80	45 FR 57437
Final Action	05/00/83	

Small Entity: No

Additional Information: AGENDA NUMBER: S-3-79.

Agency Contact: Phillip L. Schulman, Asst Gen Cnsl for Insp Gen & Admin Proceedngs, Department of Housing and Urban Development, Office of the Secretary, **202 755-5557**

RIN: 2501-AA06

PROCEEDINGS BEFORE A HEARING OFFICER

Legal Authority: 42 USC 3535(d) Department of HUD Act

CFR Citation: 24 CFR 26

Abstract: Would set forth uniform procedures governing debarment and suspension proceedings and administrative actions taken by the Mortgagee Review Board. It would also apply in any other HUD proceedings where a hearing is conducted except where Part 26 rules are inconsistent with governing statute or regulations. No additional costs arise from these requirements. No alternative approach was considered.

Timetable:

Action	Date	FR Cite
NPRM	08/28/80	45 FR 57440
Final Action	00/00/00	

Small Entity: No

Additional Information: AGENDA NUMBER: S-4-79.

Agency Contact: Phillip L. Schulman, Assistant General Counsel, Department of Housing and Urban Development, Office of the Secretary, Insp Gen and Admin Proceedings Division, **202 755-5557**

RIN: 2501-AA07

STANDARDS OF CONDUCT

Legal Authority: EO 11222; 5 USC 301

CFR Citation: 24 CFR 0

Abstract: Prescribes standards of conduct for HUD employees.

Timetable:

Action	Date	FR Cite
NPRM	07/00/83	

Small Entity: No

Additional Information: AGENDA NUMBER: S-2-81.

Agency Contact: David D. White, Asst General Counsel for Administrations Law, Department of Housing and Urban Development, Office of the Secretary, **202 755-7137**

RIN: 2501-AA09

RULEMAKING; POLICY AND PROCEDURES

Legal Authority: 42 USC 3535(d) Department of HUD Act

CFR Citation: 24 CFR 10

Abstract: General rulemaking procedures for the issuance, amendment or repeal of rules.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/00/83	

Small Entity: No

Additional Information: AGENDA NUMBER: S-1-82.

Agency Contact: Grady J. Norris, Assistant General Counsel for Regulations, Department of Housing and Urban Development, Office of the Secretary, **202 755-7055**

RIN: 2501-AA08

IMPLEMENTATION OF THE EQUAL ACCESS TO JUSTICE ACT IN ADMINISTRATIVE PROCEEDINGS

Legal Authority: 5 USC 504 Equal Access to Justice Act

CFR Citation: 24 CFR 14

Abstract: The Equal Access to Justice Act provides that in certain Federal agency adversary adjudications pending between October 1, 1981 and September 30, 1984, the agency that conducts the proceeding shall award attorney fees and other expenses to qualified parties who prevail against the agency, unless (1) the position of the agency as a party to the proceeding was substantially justified; (2) special circumstances make an award unjust; or (3) the prevailing party engaged in conduct which unduly and unreasonably protracted the final resolution of the matter in controversy. The rule will establish procedures for the submission and consideration of applications for award. In light of the limited number of proceedings to which the rule will be applicable, the potential costs of the rule are expected to be minimal.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/83	

Small Entity: No

Additional Information: FR Number: 1547; Agenda Number: S-3-82.

Affected Sectors: 152 General Building Contractors-Residential Buildings; 153 Operative Builders; 154 General Building Contractors-Nonresidential Buildings; 161 Highway and Street Construction, Except Elevated Highways; 162 Heavy Construction, Except Highway and Street Construction; 651 Real Estate Operators (Except Developers) and Lessors; 655 Subdividers and Developers; 701 Hotels, Motels, and Tourist Courts; Multiple

Government Levels Affected: Federal

Agency Contact: Harold A. Levy, Department of Housing and Urban Development,

HUD—HUDSEC — Current and Projected Rulemakings

Office of the Secretary, Office of General Counsel, **202 755-6550**

RIN: 2501-AA00

●PRODUCTION OR DISCLOSURE OF MATERIAL INFORMATION

Legal Authority: 5 USC 552; 42 USC 3535(d)

CFR Citation: 24 CFR 15

Abstract: HUD regulations governing production or disclosure of material or information under the Freedom of Information Act (FOIA) currently provide that HUD counsel must obtain the approval of the General Counsel prior to concurring in a denial of a FOIA request. This rule removes that provision.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/13/82	47 FR 55669

Next Action Undetermined

Small Entity: No

Additional Information: FR Number: 1721; Agenda Number: S-2-83.

Agency Contact: David White, Asst Gen Counsel, Administrative Law, Department of Housing and Urban Development, Office of the Secretary, Office of General Counsel, **202 755-7137**

RIN: 2501-AA11

●RELEASE OR DENIAL OF CLASSIFIED MATERIAL

Legal Authority: 5 USC 552; 42 USC 3535(d); EO 12356

CFR Citation: 24 CFR 15.81

Abstract: EO 12065, referred to in Section 15.81, has been superseded by EO 12356. The amendment will update that reference.

Timetable:

Action	Date	FR Cite
Final Action	04/00/83	
Final Action Effective	05/00/83	

Small Entity: No

Additional Information: FR Number: 1705; Agenda Number: S-4-83.

Agency Contact: John C. Martin, Asst Inspector General for Investigation, Department of Housing and Urban Development, Office of the Secretary, **202 755-6390**

RIN: 2501-AA14

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) — Completed Actions
Office of the Secretary (HUDSEC)

COMPLETED RULEMAKINGS

RULEMAKING: POLICY AND PROCEDURES; DELETION OF FINAL REPORT ON IMPROVING GOVERNMENT REGULATIONS

Completed:

Reason	Date	FR Cite
Final Action	12/20/82	47 FR 56624

Agency Contact: Grady J. Norris 202 755-7055

RIN: 2501-AA03

ACTIONS THAT STARTED AND ENDED BETWEEN ISSUES OF THE UNIFIED AGENDA

●AMOUNT OF CLAIM PAYABLE UNDER MILITARY PERSONNEL & CIVILIAN EMPLOYEES' CLAIMS ACT OF 1964 AMENDMENT

Legal Authority: 31 USC 241 Military Personnl & Civ Employees' Claim Act of 1964; 45 USC 3535(d) Department of HUD Act

CFR Citation: 24 CFR 17

Abstract: Raises the limitation on claims payable under the Military Personnel and Civilian Employees' Claims Act of 1964 from $6,500 to $25,000. Also directs that field claims be filed with the appropriate Regional Counsel.

Timetable:

Action	Date	FR Cite
Final Action	02/14/83	48 FR 6535
Final Action Effective	03/21/83	

Small Entity: No

Additional Information: FR Number: 1723; Agenda Number: S-5-83.

Agency Contact: Burton Bloomberg, Assoc Gen Cnsl for Equal Opp and Admin Law, Department of Housing and Urban Development, Office of the Secretary, Office of General Counsel, **202 755-7203**

RIN: 2501-AA13

BILLING CODE 4210-01-T

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) — Current and Projected Rulemakings
Office of Housing (OH)

MORTGAGE INSURANCE - EXISTING PROJECTS

Priority: Agency Determination

Legal Authority: 12 USC 1715n National Housing Act; PL 93-383 Housing and Community Dvlpmnt Act of 1974

CFR Citation: 24 CFR 207.32a

Abstract: Designed to assist projects in older declining urban areas; implements the Target Area Preservation (TAP) Program.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/03/79	44 FR 56927
Interim Rule effective	10/29/79	
Final Action	04/00/83	

Small Entity: No

Additional Information: FR NUMBER: 1034; AGENDA NUMBER: H-82-78.

Agency Contact: Michael C. Weil, Special Projects Officer, Department of Housing and Urban Development, Office of Housing, Office of Policy and Budget, **202 755-6454**

RIN: 2502-AA37

COINSURANCE FOR MULTIFAMILY RENTAL HOUSING

Priority: Agency Determination

Legal Authority: 12 USC 1701 et seq National Housing Act; PL 93-383 Housing and Community Developmnt Act of 1974

CFR Citation: 24 CFR 251

Abstract: Would provide for a coinsurance program for rental housing mortgage loans insured under Sections 221(d)(3) and 221(d)(4) of the National Housing Act.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/00/83	

Small Entity: No

Additional Information: FR NUMBER: 1198; AGENDA NUMBER: H-66-78.

Agency Contact: James B. Mitchell, Department of Housing and Urban Development, Office of Housing, Office of Financial Management, **202 426-4325**

RIN: 2502-AA38

HUD-OWNED MULTIFAMILY PROJECTS - MANAGEMENT AND DISPOSITION

Priority: Agency Determination

Legal Authority: 12 USC 1701 to 11 Housg & Community Dvlpmnt Amndmnts of 1978

CFR Citation: 24 CFR 290

Abstract: Establishes the policies the Department follows in managing and disposing of HUD-owned multifamily projects. Proposed rule includes: H-61-81. Review completed.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/01/79	44 FR 56608
Interim Rule effective	10/30/79	
NPRM	04/00/83	

Small Entity: No

Additional Information: FR NUMBER: 432; AGENDA NUMBER: H-69-78. Includes: H-61-81.

Agency Contact: Marvin T. Hilman, Director, Department of Housing and Urban Development, Office of Housing, Multifamily Sales Division

RIN: 2502-AA39

NONDISCRIMINATION BASED ON HANDICAP IN FEDERALLY-ASSISTED PROGRAMS AND ACTIVITIES

Priority: Agency Determination

Legal Authority: 29 USC 794 Rehabilitation Act of 1973; 29 USC 706 Rehabilitation Act Amendments of 1974

CFR Citation: 24 CFR 8

Abstract: Would add a new 24 CFR 8 Part to set forth procedures and policies to assure nondiscrimination based on handicap in programs and activities receiving Federal financial assistance.

Timetable:

Action	Date	FR Cite
NPRM	04/19/78	43 FR 16652
Final Action	04/00/83	

Small Entity: No

Additional Information: FR NUMBER: 770; AGENDA NUMBER: H-70-78.

Agency Contact: John Putman, Spec Adv to Dep UnderSec for Intrgovtal Rels, Department of Housing and Urban Development, Office of Housing, Off of Dep UnderSec forIntrgovtal Relations, **202 755-5857**

RIN: 2502-AA40

ADDITIONAL ASSISTANCE PROGRAM FOR PROJECTS WITH HUD-INSURED OR HUD-HELD MORTGAGES

Priority: Major

Legal Authority: 42 USC 1437 Housing & Community Dvlpmnt Act of 1974

CFR Citation: 24 CFR 886

Abstract: Amended 24 CFR 886, Subpart A to remove the requirement that HUD annually inspect 100% of the units under HUD-insured or HUD-held mortgages and to call for inspections based on a reasonable sample. This brings this requirement in line with other programs which permit inspections on a sample basis.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/26/78	43 FR 60157
Interim Rule effective	12/26/78	
Final Action	05/00/83	

Small Entity: No

Additional Information: AGENDA NUMBER: H-89-78.

Agency Contact: James J. Tahash, Director, Department of Housing and Urban Development, Office of Housing, Program Planning Division, Office of Multifamily Housing Management, **202 755-5654**

RIN: 2502-AA41

TENANT ALLOWANCES FOR UTILITIES

Priority: Agency Determination, Task Force

Legal Authority: 42 USC 1437 United States Housing Act of 1937; 42 USC 1437a United States Housing Act of 1937; 42 USC 1437d United States Housing Act of 1937; 42 USC 1437g United States Housing Act of 1937; 42 USC 3535(d) Department of HUD Act

CFR Citation: 24 CFR 865

Abstract: HUD published regulations regarding the determination of Utility Allowances as an interim rule in September 1980. The Presidential Task Force on Regulatory Relief in August 1981 targeted these regulations for review. The proposed regulations will allow PHAs greater flexibility in determining utility allowances and states in general terms the definition of "reasonable amounts for utilities." Interim rule published September 9, 1980 (45 FR 59502), effective October 1, 1980.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/09/80	45 FR 59502
Interim Rule effective	10/01/80	
NPRM	08/13/82	47 FR 35249
NPRM Comment Period Begin	08/13/82	
NPRM Comment Period End	09/27/82	
Final Action	04/00/83	

Small Entity: No

Additional Information: The Presidential Task Force on Regulatory Relief designated this regulation for review. FR NUMBER: 350; AGENDA NUMBER: H-95-78.

Agency Contact: Charles R. Ashmore, Utilities Specialist, Department of Housing and Urban Development, Office of Housing, Office of Public Housing, **202 755-5843**

RIN: 2502-AA42

MORTGAGOR AND TENANT RELATIONSHIP; MORTGAGOR RELATIONSHIP TO TENANT ACTIVITIES

Priority: Agency Determination

Legal Authority: 12 USC 1715z National Housing Act

CFR Citation: 24 CFR 245

Abstract: Would prohibit project owners from interfering with attempts by tenants to organize or to obtain rental subsidies.

Timetable:

Action	Date	FR Cite
NPRM	09/29/80	45 FR 64211
Final Action	03/00/83	

Small Entity: No

Additional Information: FR NUMBER: 1236; AGENDA NUMBER: H-24-79.

Agency Contact: James J. Tahash, Director, Department of Housing and Urban Development, Office of Housing, Program Planning Division, Office of Multifamily Housing Management, **202 755-5654**

RIN: 2502-AA35

LOW-INCOME PUBLIC HOUSING-LEASE REQUIREMENTS, EVICTIONS AND HEARINGS

Priority: Agency Determination, Task Force

Legal Authority: 42 USC 1437 U.S. Housing Act of 1937, as amended

CFR Citation: 24 CFR 860

Abstract: Would amend the regulations for the Public Housing Program under the United States Housing Act of 1937 to: (1) simplify the requirements for provisions included in the lease between a Public Housing Agency (PHA) and its tenants; (2) limit the requirement for the PHA to provide an opportunity for an informal hearing to cases involving a denial of admission or PHA determinations of income or rent of an assisted tenant; and (3) to provide that all evictions of a tenant must be carried out through State or local judicial process, and that termination of tenancy must be based on violation of the lease or of Federal, State, or local law, or other good cause. Includes: H-72-81. Review completed. H-30-81. Separate proposed rule no longer in preparation.

Timetable:

Action	Date	FR Cite
Previous NPRM	08/04/80	45 FR 51615
NPRM	12/13/82	47 FR 55689
NPRM Comment Period Begin	12/13/82	
NPRM Comment Period End	02/11/83	
Final Action	05/00/83	

Small Entity: No

Additional Information: FR Number: 1164; Agenda Number: H-26-79. Includes: H-12-81; H-30-81.The Presidential Task Force on Regulatory Relief designated this regulation for review.

Agency Contact: Edward Whipple, Chief, Rental and Occupancy Branch, Department of Housing and Urban Development, Office of Housing, Office of Public Housing, **202 426-0744**

RIN: 2502-AB04

PUBLIC HOUSING PROGRAM-CONTINUED OPERATION OF PROJECTS AS LOWER-INCOME HOUSING AFTER COMPLETION OF DEBT SERVICE

Priority: Major

Legal Authority: 42 USC 1437 et seq U.S. Housing Act of 1937; 42 USC 3535(d) Department of HUD Act

CFR Citation: 24 CFR 869

Abstract: Adds a new Part 869 to provide for an extension of Annual Contributions Contract (ACC) to (1) permit continued payment of operating subsidy after completion of debt service; and (2) provide a contractual basis for continued operation as low-income housing. Permits operation of project as lower-income housing after completion of debt service in accordance with a plan approved by HUD. Proposed rule reflecting significant changes in interim rule in preparation.

Timetable:

Action	Date	FR Cite
Interim Rule effective	09/15/80	
Interim Final Rule	04/00/83	45 FR 52371

Small Entity: No

Additional Information: FR NUMBER: 1202; AGENDA NUMBER: H-60-79.

Agency Contact: Richard L. Rivard, Housing Management Officer, Department of Housing and Urban Development, Office of Housing, Office of Public Housing, **202 755-5595**

RIN: 2502-AA36

PREFERENCES FOR PERSONS DISPLACED AND LIVING IN SUBSTANDARD HOUSING

Priority: Agency Determination

Legal Authority: 12 USC 1701s Housing & Community Dvlpment Amndmnts 1979

CFR Citation: 24 CFR 215; 24 CFR 880; 24 CFR 881; 24 CFR 882; 24 CFR 883; 24 CFR 884; 24 CFR 885; 24 CFR 886

Abstract: Would establish preferences in the Section 8 and Rent Supplement programs for those "living in substandard housing", and for those who are "involuntarily displaced." Would also establish an administratively-determined preference for those paying more than 50 percent of their income for rent.

Timetable:

Action	Date	FR Cite
NPRM	06/00/83	

Small Entity: No

Additional Information: FR NUMBER: 1597; AGENDA NUMBER: H-22-80.

Agency Contact: Joanne Manning Andersen, Program Analyst, Department of Housing and Urban Development, Office of Housing, Office of Policy and Budget, **202 755-5727**

RIN: 2502-AA34

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM, EXISTING HOUSING

Priority: Agency Determination

Legal Authority: PL 97-35 Housing & Community Development Amndmnts of 1981; 42 USC 1437(d)(1)(B) U.S. Housing Act of 1937

CFR Citation: 24 CFR 882

Abstract: Implements recent statutory changes regarding the lease term and termination of tenancy under the Section 8 Existing Housing Program.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/03/82	47 FR 33497
Interim rule effective	09/21/82	47 FR 41735
Final Action Effective	06/00/83	

Small Entity: No

Additional Information: FR NUMBER: 1284; AGENDA NUMBER: H-23-80.

Agency Contact: Gerald J. Benoit, Director, Department of Housing and Urban Development, Office of Housing, Existing Housing Division, **202 755-5353**

RIN: 2502-AB41

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM, FAIR MARKET RENT SCHEDULES, EXISTING HOUSING

Priority: Agency Determination

Legal Authority: 42 USC 1437 Housing & Community Development of 1974

CFR Citation: 24 CFR 888

Abstract: Would amend the Fair Market Rent (FMRs) schedules at 24 CFR 888 to issue the 1982 annual revision of the FMRs for the Section 8 Existing Housing and Moderate Rehabilitation Programs.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/15/82	47 FR 56133
Interim rule effective	03/09/83	

Small Entity: No

Additional Information: FR Numbers: 1587 and 1689n; Agenda Number: H-36-81.

Agency Contact: Gerald J. Benoit, Director, Department of Housing and Urban Development, Office of Housing, Existing Housing Division, **202 755-5433**

RIN: 2502-AA85

ELIGIBILITY OF EXISTING STRUCTURES AND MODERATE REHABILITATION TO MEET NEEDS OF NON-ELDERLY HANDICAPPED

Priority: Agency Determination

Legal Authority: 12 USC 1701g Sec 202, Housing Act of 1959; PL 96-399 Housing and Community Development

CFR Citation: 24 CFR 885

Abstract: Would make eligible for financing under Section 202 loan program the acquisition, with or without moderate rehabilitation, of housing and related facilities for the non-elderly handicapped.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/16/82	47 FR 51565
Final Action	05/00/83	

Small Entity: No

Additional Information: FR NUMBER: 1543; AGENDA NUMBER: H-40-81.

Agency Contact: Robert W. Wilden, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Development

RIN: 2502-AA29

MORTGAGE INSURANCE PROGRAM UNDER NATIONAL HOUSING ACT (USE OF INFERIOR LIENS)

Priority: Agency Determination

Legal Authority: 12 USC 1713 National Housing Act; 12 USC 1715k National Housing Act; 12 USC 1715l National Housing Act; 12 USC 1715v National Housing Act; 12 USC 1715w National Housing Act

CFR Citation: 24 CFR 205; 24 CFR 207; 24 CFR 220; 24 CFR 221; 24 CFR 231; 24 CFR 232

Abstract: Would amend Parts 205, 207, 220, 221, 231, 232 and 244 to permit second mortgages to be used to secure Urban Development Action Grant and Community Development Block Grant Loans when made in connection with multifamily mortgage insurance.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/83	

Small Entity: No

Additional Information: FR NUMBER: 1559; AGENDA NUMBER: H-45-81.

Agency Contact: Linda D. Cheatham, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Development, **202 426-7113**

RIN: 2502-AA30

URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

Priority: Agency Determination

Legal Authority: 12 USC 1715k Housing & Community Development Act of 1980

CFR Citation: 24 CFR 220

Abstract: Would amend Part 220 to make eligible for mortgage insurance properties located, or to be located, in areas designated by the Secretary where concentrated housing, physical development and public service activities are being carried out in a coordinated manner, pursuant to a locally developed strategy for neighborhood improvements.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/00/83	

Small Entity: No

Additional Information: FR NUMBER: 1480; AGENDA NUMBER: H-47-81.

Agency Contact: Joseph E. Malloy, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Development, **202 755-6500**

RIN: 2502-AA89

AMENDMENTS TO SECTION 223(F) COINSURANCE FOR PRIVATE MORTGAGE LENDERS

Priority: Agency Determination

Legal Authority: 12 USC 1715z-9 National Housing Act

CFR Citation: 24 CFR 255

Abstract: Would broaden lender eligibility to include mortgage bankers, provide for a GNMA guaranteed securities program, change the premium sharing formula, permit lenders to reinsure their risk exposure, and make miscellaneous technical corrections.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/31/82	47 FR 13517
Interim rule effective	05/17/82	47 FR 13517
Final Action	04/00/83	
Final Action Effective	05/00/83	

Small Entity: No

Additional Information: FR NUMBER: 1319; Agenda Number: H-53-81.

Agency Contact: Arnold H. Diamond, Director, Department of Housing and Urban Development, Office of Housing, Office of Financial Management, **202 426-4325**

RIN: 2502-AA92

MINIMUM PROPERTY STANDARDS FOR MULTIFAMILY HOUSING - MPS

Priority: Major, Task Force

Legal Authority: 42 USC 3535(d) Sec 7(d), Dept of HUD Act

CFR Citation: 24 CFR 200

Abstract: Would amend the present Minimum Property Standards (MPS) by adopting a new MPS for Multifamily Housing. This new MPS would replace the present MPS for Multifamily Housing, 4910.1. It would delete marketability and livability items from the present Multifamily MPS 4910.1, to the same extent that they were deleted from the MPS One- and Two-Family Dwellings, and would adopt by reference nationally recognized model building codes, or other state and local codes, to provide health and safety protection.

Timetable:

Action	Date	FR Cite
NPRM	02/24/83	48 FR 8032
NPRM Comment Period Begin	02/24/83	
NPRM Comment Period End	04/25/83	
Final Action	00/00/00	

Small Entity: No

Additional Information: The Presidential Task Force on Regulatory Relief designated this regulation for review. FR NUMBER: 1529; AGENDA NUMBER: H-69-81.

Agency Contact: Richard A. Atwell, Department of Housing and Urban Development, Office of Housing, Manufactured Hsing and Const Standards, **202 755-5929**

RIN: 2502-AA31

ANNUAL CONTRIBUTIONS FOR OPERATING SUBSIDY, PERFORMANCE FUNDING SYSTEM (CPFS)

Priority: Agency Determination

Legal Authority: 42 USC 3535(d) Department of HUD Act

CFR Citation: 24 CFR 890.105

Abstract: Updated the PFS Weights and formula for determining the operating subsidy.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/06/77	42 FR 44548
Interim Rule effective	09/06/77	
NPRM	06/00/83	

Small Entity: No

Additional Information: AGENDA NUMBER: FR Number: 1762; Agenda Number: H-15-82.

Agency Contact: **Beverly Hardy**, Department of Housing and Urban Development, Office of Housing, Office of Public Housing, **202 755-7970**

RIN: 2502-AA46

MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS (VOLUNTARY CONSENSUS STANDARDS)

Priority: Major

Legal Authority: 42 USC 401 et seq Natl Mfctrd Hous Cnstrn & Sfty Stds Act 1974

CFR Citation: Not yet determined

Abstract: This is a request for responses to develop and maintain voluntary consensus standards for residential manufactured homes. In an effort to adhere to OMB Circular A-119, "Federal Participation in the Development and Use of Voluntary Standards", the Department is interested in working with voluntary standards bodies in developing and adopting voluntary standards for use as the Federal Manufactured Home Construction and Safety Standards. The request for response would identify those private organizations qualified and interested in developing and maintaining standards which can meet the intent of the Act. Responses to ANPRM are now being considered.

Timetable:

Action	Date	FR Cite
ANPRM	07/07/82	47 FR 29605
ANPRM Comment Period Begin	07/07/82	
ANPRM Comment Period End	07/31/82	
Final Action Effective	09/01/83	

Next Action Undetermined

Small Entity: No

Additional Information: FR NUMBER: 1633n; AGENCY NUMBER: H-72-82.

Agency Contact: **James McCollom**, Director, Department of Housing and Urban Development, Office of Housing, Manufactured Housing Standards Division, **202 766-5210**

RIN: 2502-AA02

ELIMINATION OF MINIMUM PROPERTY STANDARDS (MPS) FOR ONE- AND TWO-FAMILY DWELLINGS

Priority: Task Force

Legal Authority: 42 USC 3535(d) Department of HUD Act

CFR Citation: 24 CFR 200

Abstract: Would revise eligibility criteria for single family housing by accepting applications for properties which comply with local codes rather than MPS 4900.1.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	

Small Entity: No

Additional Information: The Presidential Task Force on Regulatory Relief designated this regulation for review. FR NUMBER: 1655n; AGENDA NUMBER: H-74-82.

Agency Contact: **Donald R. Fairman**, Department of Housing and Urban Development, Office of Housing, **202 755-6590**

RIN: 2502-AA03

PUBLIC HOUSING PROGRAM

Priority: Agency Determination, Major

Legal Authority: 42 USC 1437 U.S. Housing Act of 1937

CFR Citation: 24 CFR 800

Abstract: Would set forth revised requirements for the development, operation and modernization of public housing under the United States Housing Act of 1937. Includes: H-37-81. Separate proposed rule no longer in preparation.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: FR NUMBER: 1563; AGENDA NUMBER: H-76-82. Includes: H-37-81; H-70-81.

Agency Contact: **Wayne Hunter**, Department of Housing and Urban Development, Office of Housing, Office of Public Housing, **202 755-6480**

RIN: 2502-AA04

DEFINITION OF INCOME, INCOME LIMITS, RENT AND REEXAMINATION OF FAMILY INCOME FOR PUBLIC HOUSING AND SECTION 8

Priority: Agency Determination

Legal Authority: 42 USC 1437 U.S. Housing Act of 1937; PL 97-35 Hous & Community Dev Amendments of 1981

CFR Citation: 24 CFR 804; 24 CFR 805; 24 CFR 813; 24 CFR 860; 24 CFR 861; 24 CFR 865; 24 CFR 880; 24 CFR 881; 24 CFR 882; 24 CFR 883; 24 CFR 884; 24 CFR 886; 24 CFR 889

Abstract: Would establish a definition of "income" in the public housing and Section 8 programs and implement other changes in income limits and frequency of reexamination of income, as well as include changes in rents which were implemented by interim rent increase rules published on May 4, 1982. NPRM includes: H-64-81: Interim rule published May 4, 1982 (47 FR 19120), effective August 1, 1982. H-68-81: Interim rule published May 4, 1982 (47 FR 19128), effective August 1, 1982. H-54-82: Interim rule published April 7, 1975 (40 FR 15541), effective April 7, 1975. H-56-82: Interim rule published September 26, 1975 (40 FR 323), effective September 26, 1975, H-68-79. Interim rule published September 9, 1980 (45 FR 59309), effective October 1, 1980.

Timetable:

Action	Date	FR Cite
NPRM	12/29/82	47 FR 57954
NPRM Comment Period Begin	12/29/82	
NPRM Comment Period End	02/28/83	
Final Action	05/00/83	

Small Entity: No

Additional Information: FR NUMBER: 1599; AGENDA NUMBER: H-79-82. ADDITIONAL AGENCY CONTACTS: James J. Tahash, Program Planning Division, Office of Multifamily Management, (202) 755-5654; Monica Sussman, Office of State Agency and Bond Financed Programs, (202) 755-7172. Includes: H-64-81; H-68-81; H-54-82; H-56-82; H-68-79;

Agency Contact: **Edward Whipple**, Chief, Rental and Occupancy Branch, Department of Housing and Urban Development, Office of Housing, Office of Public Housing, **202 426-7044**

RIN: 2502-AA05

LEAD BASED PAINT POISONING PREVENTION

Priority: Agency Determination, Major

Legal Authority: 42 USC 4801 et seq Lead-Based Paint Poisoning Prevent Act

CFR Citation: 24 CFR 35

Abstract: Would develop regulations consistent with the Lead-Based Paint Poisoning Prevention Act. Alternatives to address the problem are being developed at this time. The potential cost is estimated to exceed $100 million per year. This action would benefit children susceptible to lead-based paint poisoning and would avoid cost of medical treatment and reduce the occurence of mental retardation traced to lead-base paint.

Timetable:

Action	Date	FR Cite
ANPRM	04/01/83	

Small Entity: Yes

Additional Information: FR Number: 1748n; Agenda Number: H-81-82.

Agency Contact: Jack R. VanNess, Director, Department of Housing and Urban Development, Office of Housing, Technical Support Division, **202 755-4956**

RIN: 2502-AA06

DELEGATED UNDERWRITING DIRECT ENDORSEMENT PROCESSING

Priority: Agency Determination

Legal Authority: 12 USC 1715(b) National Housing Act; 42 USC 3535(d) Dept. of HUD Act

CFR Citation: 24 CFR 200; 24 CFR 203; 24 CFR 234

Abstract: Would implement a program which delegates mortgage loan underwriting responsibility to the mortgage lender, thereby reducing HUD involvement in the mortgage origination process. Would delete the requirement that HUD issue commitments prior to mortgage insurance endorsement. Under the revised procedure, HUD will neither review the acceptability of the property and buyer, nor issue commitments, prior to the closing of the mortgage.

Timetable:

Action	Date	FR Cite
NPRM	11/24/82	47 FR 53038
NPRM Comment Period Begin	11/24/82	
NPRM Comment Period End	12/27/82	
Final Action	03/00/83	

Small Entity: No

Additional Information: FR NUMBER: 1636n; AGENDA NUMBER: H-83-82.

Agency Contact: Robert Engelstad, Mortgage Program Specialist, Department of Housing and Urban Development, Office of Housing, Office of Single Family Housing, **202 426-0070**

RIN: 2502-AA07

GROWING EQUITY MORTGAGES

Priority: Agency Determination

Legal Authority: 12 USC 1715z-10 National Housing Act; PL 93-383 Housing and Community Development Act of 1974

CFR Citation: 24 CFR 203.47

Abstract: Would increase the availability of homeownership financing, by insuring growing equity mortgages. The principal advantage of this type of financing is that its shortened term and more rapid principal reduction should encourage increased investment in residential mortgages. Policy choices included the manner of establishing the annual increase (index of fixed amount) and the size of such an increase if a fixed amount. No potential costs have been identified.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	

Small Entity: No

Additional Information: FR NUMBER: 1573; AGENDA NUMBER: H-85-82.

Agency Contact: John Coonts, Director, Department of Housing and Urban Development, Office of Housing, Single Family Development Division, **202 755-6720**

RIN: 2502-AA58

MULTIFAMILY HOUSING, URBAN RENEWAL, AND LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

Priority: Agency Determination

Legal Authority: 42 USC 3535(d) Dept. of HUD Act; 12 USC 1715b National Housing Act, as amended

CFR Citation: 24 CFR 207; 24 CFR 220; 24 CFR 221; 24 CFR 236

Abstract: Provides an alternative method of determining maximum permissible rentals for unsubsidized insured and HUD-held multifamily projects, using the current appraised market value of the property, and provides for an increase in mortgage insurance premiums for projects using this alternative method. In addition, it would end control of rents by HUD for mortgages insured under Section 220 or Section 221(d) of the National Housing Act.

Timetable:

Action	Date	FR Cite
NPRM	06/22/82	47 FR 26852
Final Action	03/00/83	

Small Entity: No

Additional Information: FR NUMBER: 1490; AGENDA NUMBER H-88-82.

Agency Contact: James J. Tahash, Director, Department of Housing and Urban Development, Office of Housing, Program Planning Division, Office of Multifamily Housing Management, **202 755-5654**

RIN: 2502-AA08

FAIR MARKET RENT (FMR) SCHEDULES FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION UNDER SECTION 8 AND SECTION 23 HOUSING ASSISTANCE PAYMENTS PROGRAM (FISCAL YEAR 1983)

Priority: Agency Determination

Legal Authority: 42 USC 1437 Housing & Community Development Act of 1974

CFR Citation: 24 CFR 803; 24 CFR 888

Abstract: Annual revisions of the FMRs.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/15/83	

Small Entity: No

Additional Information: FR Number: 1711n; Agenda Number: H-97-82.

Agency Contact: Linda D. Cheatham, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Development, **202 755-7115**

RIN: 2502-AA09

HOUSING FOR THE ELDERLY OR HANDICAPPED - AMENDMENT TO IMPLEMENT COST SAVINGS PROCEDURES

Priority: Agency Determination

Legal Authority: 12 USC 1701q Housing Act of 1959 PL 86-372

CFR Citation: 24 CFR 885

Abstract: Would implement cost savings requirements. Interim rule published May 11, 1982 (47 FR 20113), to be treated as a proposed rule. (Appropriate notice will be published in the Federal Register September 1982.) Includes: H-41-81. Separate interim rule no longer in preparation.

Timetable:

Action	Date	FR Cite
comment period from	05/11/82	
Interim Rule published	05/11/82	47 FR 20113
to be treated as proposed rule	10/06/82	47 FR 44116

Next Action Undetermined

Small Entity: No

Additional Information: FR NUMBER: 1542; AGENDA NUMBER: H-100-82. Includes: H-41-81.

Agency Contact: Robert W. Wilden, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Development, **202 755-6528**

RIN: 2502-AA10

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM, FAIR MARKET RENT SCHEDULES, EXISTING HOUSING

Priority: Agency Determination

Legal Authority: 42 USC 1437 Housing and Community Development Act of 1974

CFR Citation: 24 CFR 888

Abstract: Would change the method of establishing the Fair Market Rents and would amend the FMR schedules at 24 CFR 888 to issue the 1983 annual revision of the FMRs for the Section 8 Existing Housing and Moderate Rehabilitation Program.

Timetable:

Action	Date	FR Cite
NPRM	12/13/82	47 FR 55764
NPRM Comment Period Begin	12/13/82	
NPRM Comment Period End	02/11/83	
Final Action	06/00/83	

Small Entity: No

Additional Information: FR Number: 1668n; Agenda Number: H-102-82.

Agency Contact: Gerald J. Benoit, Director, Department of Housing and Urban Development, Office of Housing, Existing Housing Division, **202 755-5433**

RIN: 2502-AA65

SECTION 8-LITIGATION BY PHAS TO RECOVER WRONGFULLY USED SECTION 8 FUNDS

Priority: Agency Determination

Legal Authority: PL 97-35 Housing & Community Development Amendments of 1981

CFR Citation: 24 CFR 892

Abstract: Would permit PHAs to retain, out of judgments obtained by them in recovering amounts wrongfully paid as a result of fraud and abuse in the Section 8 program, an amount equal to the greater of 1) legal expenses incurred in obtaining the judgment or 2) 50 percent of the amount actually collected on the judgments.

Timetable:

Action	Date	FR Cite
NPRM	02/23/83	48 FR 7590
NPRM Comment Period Begin	02/23/83	
NPRM Comment Period End	04/25/83	

Small Entity: No

Additional Information: FR Number: 1692n; Agenda Number: H-126-82.

Agency Contact: Gershon M. Ratner, Associate General Counsel, Department of Housing and Urban Development, Office of Housing, Office of Litigation, **202 755-1300**

RIN: 2502-AA12

GOVERNMENT OFFICIALS, CONFLICTS OF INTEREST

Priority: Agency Determination

Legal Authority: PL 97-35 Housing & Community Development Amendments of 1981

CFR Citation: 24 CFR 880; 24 CFR 881; 24 CFR 882; 24 CFR 883; 24 CFR 884; 24 CFR 886; 24 CFR 888; 24 CFR 889

Abstract: Would prevent possible conflicts of interest on the part of Federal, State and local government officials with regard to participation in projects assisted under Section 8.

Timetable:

Action	Date	FR Cite
NPRM	05/00/83	

Small Entity: No

Additional Information: AGENDA NUMBER: H-127-82.

Agency Contact: John J. Knapp, Department of Housing and Urban Development, Office of the General Counsel, **202 755-7244**

RIN: 2502-AA13

FLEXIBLE SUBSIDY PROGRAM, UPGRADING TO COST-EFFECTIVE ENERGY EFFICIENCY STANDARDS

Priority: Agency Determination

Legal Authority: PL 97-35 Housing & Community Development Amendments of 1981

CFR Citation: 24 CFR 219.120

Abstract: Would authorize the inclusion, in troubled project flexible subsidy, of an amount necessary to carry out an upgrading of a project to meet cost-effective energy efficiency standards prescribed by the Department.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/16/82	47 FR 51564
Final Action Effective	03/00/83	

Small Entity: No

Additional Information: FR Number: 1681n; Agenda Number: H-128-82.

Agency Contact: James J. Tahash, Department of Housing and Urban Development, Office of Housing, Program Planning Division, Office of Multifamily Management, **202 755-5654**

RIN: 2502-AA14

FLEXIBLE SUBSIDY PROGRAM - CONTROL OF OWNER ENERGY COSTS

Priority: Agency Determination

Legal Authority: PL 97-35 Housing & Community Development Amendments of 1981

CFR Citation: 24 CFR 219

Abstract: Would authorize the adjustment of the amount of rent increases in multifamily projects where the Department finds the owner could control increases in utility costs by securing more favorable utility rates, undertaking financially feasible and cost-effective energy conservation measures, or taking other feasible and cost-effective actions to increase energy efficiency or reduce energy consumption.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: FR Number: 1707n; Agenda Number: H-129-82.

Agency Contact: James J. Tahash, Department of Housing and Urban Development, Office of Housing, Program Planning Division, Office of Multifamily Management, **202 755-5654**

RIN: 2502-AA15

SECTION 8-AMENDMENTS IMPLEMENTING SECTIONS 324(1), 323(3) AND 329 H OF THE HCD AMENDMENTS OF 1981, AND SECTION 211 (B) OF THE HCD AMENDMENTS OF 1979.

Priority: Agency Determination

Legal Authority: PL 97-35 Housing & Community Development Amendments of 1981

CFR Citation: 24 CFR 880

Abstract: a.)Would extend Section 8 eligibility to include substantially rehabilitated manufactured home parks and to permit provision of Section 8 assistance to owners of manufactured home parks where only the space in the park is rented. b.)Would require that Section 8 Housing be modest in design. c.)Would limit Section 8 contract rent increases for new construction and substantial rehabilitation projects to operating increases incurred for comparable units in the market area. d.)Would (1) limit cost and rent increases after selection of proposal to unforeseen factors beyond owner's control, design changes required by the Department or local government, (2) require preference for projects located on land provided by State or local governments, provided that land is suitable for such housing and that it will be cost effective, and (3) permit assistance in substantial rehabilitation and moderate rehabilitation programs for rental of units which contain no bathroom or kitchen facilities.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/83	

Small Entity: No

Additional Information: FR Number: 1675n; Agenda Number: H-130-82. Includes: H-131-82; H-132-82; H-133-82.

Agency Contact: Joseph Malloy, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Department, **202 755-6500**

RIN: 2502-AA16

SECTION 8-LIMIT ON CONTRACT RENT INCREASES.

Priority: Agency Determination

Legal Authority: PL 97-35 Housing & Community Development Amendments of 1981

CFR Citation: 24 CFR 880; 24 CFR 881

Abstract: Would limit Section 8 contract rent increases for new construction and substantial rehabilitation projects to operating increases incurred for comparable units in the market area.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/83	

Small Entity: No

Additional Information: AGENDA NUMBER: H-132-82.

Agency Contact: James J. Tahash, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Development, Program Planning Division, **202 755-5654**

RIN: 2502-AA18

RENT INCREASE NOTIFICATION

Priority: Agency Determination

Legal Authority: PL 97-35; PL 97-35 Housing & Community Development Amendments of 1981

CFR Citation: 24 CFR 880; 24 CFR 881

Abstract: Would provide that Section 8 contracts must require the owner to notify tenants at least 90 days prior to expiration of contract of any rent increase which may occur as a result of the contract expiration.

Timetable:

Action	Date	FR Cite
NPRM	03/00/83	

Small Entity: No

Additional Information: FR Number: 1677n; Agenda Number: H-135-82.

Agency Contact: James J. Tahash, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Development, Program Planning Division, **202 755-5654**

RIN: 2502-AA21

TENANT PARTICIPATION IN ASSISTED MULTIFAMILY PROJECTS

Priority: Agency Determination

Legal Authority: PL 97-35; PL 97-35 Housing & Community Development Amendments of 1981

CFR Citation: 24 CFR 215; 24 CFR 221; 24 CFR 236

Abstract: Would require tenant comment on requests by owners of assisted multifamily projects for rent increase, conversion of rental units to any other use, partial release of security, or major physical alterations. Prosposed rule includes: H-34-81 and H-75-(separate proposed rules no longer in preparation).

Timetable:

Action	Date	FR Cite
NPRM	05/00/83	

Small Entity: No

Additional Information: AGENDA NUMBER: H-136-82. Includes: H-34-81; H-75-78.

Agency Contact: James J. Tahash, Director, Department of Housing and Urban Development, Office of Housing, Program Planning Division, Office of Multifamily Housing Management, **202 755-5654**

RIN: 2502-AA22

SECTION 8 NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION, AVAILABILITY OF UNITS UNDER CONTRACT AT INITIAL OCCUPANCY

Priority: Agency Determination

Legal Authority: PL 97-35 Housing & Community Development Amendments of 1981

CFR Citation: 24 CFR 880; 24 CFR 881

Abstract: Would require that contracts for Section 8 newly constructed and substantially rehabilitated units provide that the owner make available to eligible families at initial occupancy the number of units for which assistance is committed under the contract.

Timetable:

Action	Date	FR Cite
NPRM	02/23/83	48 FR 7586
NPRM Comment Period Begin	02/23/83	
NPRM Comment Period End	04/25/83	

Small Entity: No

Additional Information: FR Number: 1688n; Agenda Number: H-138-82.

Agency Contact: James J. Tahash, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Development, Program Planning Division, **202 755-5654**

RIN: 2502-AA24

ADVANCE MORTGAGE INSURANCE PREMIUMS

Priority: Major

Legal Authority: 12 USC 1708 National Housing Act; 42 USC 3535(d) Department of HUD Act

CFR Citation: 24 CFR 203; 24 CFR 220; 24 CFR 221; 24 CFR 222; 24 CFR 226; 24 CFR

227; 24 CFR 234; 24 CFR 235; 24 CFR 237; 24 CFR 240

Abstract: Would institute a one-time mortgage insurance premium in lieu of the monthly installment premiums being collected in the FHA single-family mortgage insurance programs. The collection of a single advance mortgage insurance premium would achieve greater efficiency and economy in the administration of FHA insurance of loans.

Timetable:

Action	Date	FR Cite
NPRM	02/28/83	
Interim Final Rule	06/00/83	
Final Action	09/00/83	

Small Entity: No

Additional Information: FR Number: 1690n; Agenda Number: H-139-82.

Agency Contact: Arnold H. Diamond, Director, Department of Housing and Urban Development, Office of Housing, Office of Financial Management, **202 426-4325**

RIN: 2502-AA25

SECTION 236 PROGRAM-DEFINITION OF INCOME

Priority: Agency Determination

Legal Authority: PL 97-35 Housing & Community Development Amendments of 1981

CFR Citation: 24 CFR 236.2

Abstract: Would revise the definitions of "income" and "adjusted income" to make them consistent with the Part 813 definitions (see H-79-82). Proposed rule includes: H-16-80. Interim rule published September 8, 1980 (45 FR 59147), effective October 1, 1980. H-49-82. Interim rule published July 29, 1975 (40 FR 31873), effective July 19, 19 H-63-82. Interim rule published December 9, 1977 (42 FR 62131), effective December 9, 1977.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: FR Number: 1702n; Agenda Number: H-140-82. Includes: H-141-82; H-63-82; H-49-82; H-16-80; H-55-82; H-13-80.

Agency Contact: James J. Tahash, Director, Department of Housing and Urban Development, Office of Housing, Program Planning Division, Office of Multifamily Housing Management, **202 755-5654**

RIN: 2502-AA26

INTERGOVERNMENTAL REVIEW OF FEDERAL PROGRAMS

Priority: Agency Determination

Legal Authority: EO 12372

CFR Citation: 24 CFR 50; 24 CFR 52; 24 CFR 570; 24 CFR 590; 24 CFR 720; 24 CFR 814; 24 CFR 870; 24 CFR 880; 24 CFR 881; 24 CFR 883; 24 CFR 885; 24 CFR 891

Abstract: Would revise Part 52 to revoke regulations implementing OMB Circular A-95. Would implement a new federal policy of consultation and cooperation with State and local governments in so far as that policy relates to the Department's financial assistance programs.

Timetable:

Action	Date	FR Cite
NPRM	02/23/83	48 FR 7688
NPRM Comment Period Begin	02/23/83	
NPRM Comment Period End	04/11/83	
Final Action	05/00/83	

Small Entity: No

Additional Information: FR Number: 1680n; Agenda Number: S-1-83.

Agency Contact: Dr. June Koch, Dep UnderSec for Intergovt Relations, Department of Housing and Urban Development, Office of Housing, Off of Dep UnderSec for Intergovt Relations, **202 755-6480**

RIN: 2502-AA71

●SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM-EXISTING-HOUSING QUALITY STANDARDS-LEAD BASED PAINT

Priority: Agency Determination

Legal Authority: 42 USC 1437f U.S. Housing Act of 1937

CFR Citation: 24 CFR 882.109; 24 CFR 35

Abstract: To limit the applicability of HUD's Lead Based Paint regulation for units leased under the Section 8 Existing Housing and Moderate Rehabilitation Programs to those units built before 1950 and in which assisted families with children under age seven choose to live.

Timetable:

Action	Date	FR Cite
ANPRM	06/00/83	

Small Entity: No

Additional Information: FR Number: 1528; Agenda Number: H-2-83.

Agency Contact: Gerald J. Benoit, Director, Department of Housing and Urban Development, Office of Housing, Existing Housing Division, **202 755-3535**

RIN: 2502-AB64

●EVICTIONS FROM CERTAIN SUBSIDIZED AND HUD-OWNED PROJECTS

Priority: Agency Determination

Legal Authority: 42 USC 3535(d) Department of HUD Act

CFR Citation: 24 CFR 450

Abstract: Clarifies the Department's intent that evictions of tenants from certain subsidized and HUD-held projects be effected solely by judicial action. This rule requires the landlord to advise the tenant in a termination notice, that the tenant is entitled to a court proceeding at which he or she may present a defense to the eviction. The landlord is prohibited from resorting to "self-help" evictions or any non-judicial process even where such actions are authorized by state or local law. This rule is procedural only and does not alter in any way the grounds for which the landlord may terminate a tenancy.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/00/83	

Small Entity: No

Additional Information: FR Number: 1661; Agenda Number: H-5-83.

Agency Contact: James J. Tahash, Director, Program Planning Division, Department of Housing and Urban Development, Office of Housing, Off of Multifamily Hsing Mngmt and Occupancy, **202 755-5654**

RIN: 2502-AB59

●MORTGAGE INSURANCE AND HOME IMPROVEMENT LOAN: ELIMINATION OF APPENDIX A

Priority: Agency Determination

Legal Authority: 12 USC 1709 National Housing Act; 12 USC 1715b National Housing Act; 12 USC 1715d National Housing Act; 12 USC 1715y National Housing Act; 42 USC 3535(d) Department of HUD Act

CFR Citation: 24 CFR 203; 24 CFR 234

Abstract: The rule amends 24 CFR Parts 203 and 234 by removing Appendix A of each part. It also clarifies that the Federal Housing Commissioner will make public future increases in the statutory maximum limitations for mortgage amounts by publication of notice in the Federal Register.

Timetable:

Action	Date	FR Cite
Final Action	03/30/83	

Small Entity: No

Additional Information: FR Number: 1722; Agenda Number: H-18-83.

Agency Contact: **John J. Coonts**, Director, Single Family Devlpmnt Div, Department of Housing and Urban Development, Office of Housing, Office of Single Family Housing, **202 755-6720**

RIN: 2502-AB60

●TENANT PARTICIPATION IN MULTIFAMILY HOUSING PROJECTS

Priority: Agency Determination

Legal Authority: 12 USC 1715z-16 National Housing Act; 42 USC 3535(d) Department of HUD Act

CFR Citation: 24 CFR 401, (To be moved to 245); 24 CFR 245

Abstract: Amendment would add requirements providing an opportunity for tenants in certain types of multifamily housing projects to comment on requests by a project owner for HUD approval of any of the following owner action: (1) conversion from project-paid utilities to tenant-paid utilities; (2) conversion of residential units to commercial space, cooperative housing or condominiums; (3) a partial release of mortgage security; and (4) major capital additions to a project. The requirements for tenant participation in project rent increases, as provided in existing 24 CFR 401, would be continued with certain changes and with exemptions for rent utility costs. The amendments implement section 202(b)(1) of the Housing and Community Development Amendments of 1978, as amended in 1981.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	
NPRM Comment Period Begin	04/00/83	
NPRM Comment Period End	06/00/83	

Small Entity: No

Additional Information: FR Number: 1730; Agenda Number: H-20-83.

Agency Contact: **James J. Tahash**, Director, Program Planning Division, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing, **202 755-5854**

RIN: 2502-AB66

●COMPREHENSIVE IMPROVEMENT ASSISTANCE PROGRAM; LOW-INCOME HOUSING

Priority: Agency Determination

Legal Authority: 42 USC 1437 U.S. Housing Act of 1937; 42 USC 3535(d) Department of HUD Act

CFR Citation: 24 CFR 868

Abstract: The Office of Housing is proposing to change the Comprehensive Improvement Assistance Program (CIAP) regulation by publication of an interim rule. These revisions will allow the Department to adopt the Housing Quality Standards (HQS) as the basis for all physical improvements made to public housing, as well as to revise the priorities of the program to emphasize energy conservation. HUD proposes to make technical adjustments to permit separate funding of energy audits and clarify wage rates.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/00/83	

Small Entity: Yes

Additional Information: FR Number: 1731; Agenda Number: H-21-83.

Agency Contact: **Pris Peake**, Housing Management Officer, Department of Housing and Urban Development, Office of Housing, Office of Public Housing, **202 755-5595**

RIN: 2502-AB63

●MORTGAGE AND LOAN INSURANCE PROGRAMS UNDER THE NATIONAL HOUSING ACT - INCREASED MORTGAGE LIMITS IN HIGH COST AREAS

Priority: Agency Determination

Legal Authority: 12 USC 1715b National Housing Act

CFR Citation: 24 CFR 207.4(c)(1); 24 CFR 207.32a(b)(2)(ii)(A); 24 CFR 213.7(d)(1); 24 CFR 220.507(c)(1); 24 CFR 221.514(c)(1); 24 CFR 231.c(a); 24 CFR 234.530(b)(1); 24 CFR 236.12(c)(1)

Abstract: This Rule amends Sections 207 (c)(3), 213 (b)(2), 220(d)(3)(B)(iii), 221 (d)(3)(ii), 231 (c)(2), and 234 (e)(3) of CFR to provide that the Secretary may increase, in high cost areas where it is determined necessary on a project-by-project basis, the dollar amount limitations for mortgages insured under those sections but not to exceed 140 percent, other than where the mortgage is purchased or to be purchased by GNMA, such increase may not exceed 90 percent.

Timetable:

Action	Date	FR Cite
Final Action	04/00/83	

Small Entity: No

Additional Information: FR Number: 1745; Agenda Number: H-25-83.

Agency Contact: **Linda Cheatham**, Director, Multifamily Technical Support, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing, **202 426-7113**

RIN: 2502-AB51

●ANNUAL CONTRIBUTIONS FOR OPERATING SUBSIDY PERFORMANCE FUNDING SYSTEM-ENERGY CONSERVATION ADJUSTMENTS

Priority: Agency Determination

Legal Authority: 42 USC 1437g United States Housing Act of 1937; 42 USC 1437 note Housing & Community Development Act of 1974; 42 USC 3535(d) Department of HUD Act

CFR Citation: 24 CFR 890

Abstract: Amends the distribution of operating subsidies under the Performance Funding System by providing for the assessment of a five percent penalty on operating subsidies for fiscal year 1983 (or 1984) for those PHAs that have not demonstrated energy conservation efforts.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/83	

Small Entity: No

Additional Information: FR Number: 1747; Agenda Number: H-26-83.

Agency Contact: **J. Milton Slifkin**, Fiscal Management Division, Department of Housing and Urban Development, Office of Housing, Office of Public Housing, **202 426-1872**

RIN: 2502-AB55

●FAIR MARKET RENT-BASED OPERATING SUBSIDY

Priority: Agency Determination

Legal Authority: 42 USC 1437g US Housing Act of 1937

CFR Citation: 24 CFR 890

Abstract: This rule is a revision of the method of calculating operating subsidies paid to Public Housing Agencies under Section 9 of the United States Housing Act of 1937. Under the current system, Federal funding is based on the amount needed to cover operating costs. The rule would establish a new funding formula using fair market rents to determine operating subsidies for public housing projects as well as subsidies for capital improvements. The FMRs used in this new system are the FMRs established pursuant to Part 888 for the Section 8 Existing Housing Program.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	
NPRM Comment Period Begin	04/00/83	
NPRM Comment Period End	06/00/83	

Small Entity: No

Additional Information: FR Number: 1762; Agenda Number: H-32-83. Includes: H-73-81; H-38-82.

Agency Contact: John T. Comerford, Department of Housing and Urban Development, Office of Housing, Fiscal Management Division, Office of Public Housing, **202 426-1873**

RIN: 2502-AB57

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM - EXISTING CONTRACT ADMINISTRATION

Priority: Undetermined

Legal Authority: 42 USC 1437 US Housing Act of 1937

CFR Citation: 24 CFR 882.300-882.316

Abstract: To establish policies and procedures for securing contract administrators to implement the Section 8 Existing Housing Program in municipalities, counties or similar localities where there is no Public Housing Agency, public body or governmental entity able and willing to administer the program directly.

Timetable:

Action	Date	FR Cite
NPRM	04/10/79	44 FR 21556
Final Action	12/00/83	

Small Entity: No

Additional Information: FR Number: 659; Agenda Number: H-58-78.

Agency Contact: Gerald J. Benoit, Director, Department of Housing and Urban Development, Office of Housing, Existing Housing Division, **202 755-5353**

RIN: 2502-AB46

AMENDMENTS TO PERMIT LOAN DISBURSEMENT FOR BUILDING COMPONENTS STORED OFF SITE

Priority: Undetermined

Legal Authority: 12 USC 1735f National Housing Act

CFR Citation: 24 CFR 885; 24 CFR 207; 24 CFR 213; 24 CFR 221; 24 CFR 232; 24 CFR 241; 24 CFR 242; 24 CFR 244

Abstract: HUD is revising its regulations covering insured and direct loan advances for building components stored off-site to eliminate unnecessary requirements, simplify requirements and reduce the cost of construction. Principal changes cover the elimination of bonded warehouse requirements, the increase of the dollar amount of components covered by insured advances, and the deletion of specific agreement provisions to be used between the general contractor and the manufacturer of the insured components. These changes affect various multifamily insurance and the elderly and handicapped programs.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/08/79	44 FR 9194
Interim Rule on Part 885	05/15/80	45 FR 31990
Final Action	05/00/83	

Small Entity: No

Additional Information: FR Number: 1697; Agenda Number: H-9-83; Includes: H-65-79; H-20-78.

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Agency Contact: James L. Hamernick, Dir, Off of Multifamily Hsing Devel, Department of Housing and Urban Development, Office of Housing, **202 755-5720**

RIN: 2502-AB45

MULTIFAMILY MORTGAGE INSURANCE – INSURANCE OF ADVANCES

Priority: Undetermined

Legal Authority: 12 USC 1713; 12 USC 1715(b)

CFR Citation: 24 CFR 207

Abstract: Under Section 207.19 (c)(7), a mortgagee's acceptance of letters of credit must meet two requirements: (1) the letter of credit must be irrevocable and unconditional and must be issued to the mortgagee by a banking institution and (2) In the event a demand under a letter of credit is not immediately met, the mortgagee shall forthwith provide cash equivalent to the undrawn balance thereunder. This rule would make it clear that the project mortgagee may issue letters of credit to itself, provided it has secured prior approval of the Commissioner. Since final responsibility under section two rests with the mortgagee in either case, this rule will merely formalize a procedural convenience currently applied administratively and will not affect assurance of payment under the letter of credit.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/00/83	

Small Entity: Undetermined

Additional Information: FR Number: 1752; Agenda Number: H-27-83.

Agency Contact: Bill Bornscheuer, Department of Housing and Urban Development, Office of Housing, Insured Loan Processing Branch, **202 755-5743**

RIN: 2502-AB53

MORTGAGE INSURANCE - OCCUPANCY OF PROPERTY

Legal Authority: 12 USC 1713 National Housing Act, as amended

CFR Citation: 24 CFR 203.670 to 203.683

Abstract: Prescribes revised criteria for determining when HUD will accept conveyance of one-to-four-family properties by mortgagees with tenants or former mortgagors in occupancy. This revision attempts to take into account the public comments on, and HUD's own experience under, the existing rule in achieving the objective of limiting occupied conveyance to where it is in HUD's interest while at the same time ensuring due process to occupants.

Timetable:

Action	Date	FR Cite
NPRM	04/20/79	44 FR 23800
Interim Final Rule	09/10/80	45 FR 59561
Revisions to be promulgated by NPRM	05/00/83	

Small Entity: No

Additional Information: FR NUMBER: 988; AGENDA NUMBER: H-1-78.

Agency Contact: Freemen Grote, Director, Department of Housing and Urban Develop-

ment, Office of Housing, Single Family Property Disposition Division, **202 755-5740**

RIN: 2502-AB10

MORTGAGEE APPROVAL - ELIGIBILITY REQUIREMENTS

Legal Authority: 12 USC 1709 National Housing Act, as amended; 12 USC 1713 National Housing Act, as amended; 12 USC 1715 National Housing Act, as amended

CFR Citation: 24 CFR 203; 24 CFR 207; 24 CFR 211

Abstract: Amended Part 203 to simplify and reorganize mortgagee approval requirements. Amended financial reporting requirements for mortgagees and moved the requirements relating to the withdrawal of mortgagee approval to Part 25.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/30/80	45 FR 50560
Interim Rule effective	09/10/80	

Next Action Undetermined

Small Entity: No

Additional Information: FR NUMBER: 903; AGENDA NUMBER: H-64-78.

Agency Contact: Andrew Zimeklis, Mortgagee Review Board Officer, Department of Housing and Urban Development, Office of Housing, Office of Mortgagee Activities, **202 426-3976**

RIN: 2502-AB12

STANDARDS FOR DESIGN, CONSTRUCTION AND ALTERATION OF PUBLICLY-OWNED RESIDENTIAL STRUCTURES

Legal Authority: 42 USC 4151 et seq Architectural Barriers Act of 1968

CFR Citation: 24 CFR 40

Abstract: Prescribes standards for the design, construction, and alteration of publicly-owned residential structures to insure that physically handicapped persons will have ready access to, and use of, such structures. Includes: H-56-81. Review completed.

Timetable:

Action	Date	FR Cite
Previous NPRM	02/21/79	44 FR 10586
NPRM	00/00/00	

Small Entity: No

Additional Information: FR NUMBER: 822; AGENDA NUMBER: H-71-78. Includes: H-56-81.

Agency Contact: John E. Bonkoski, Environmental Clearance Officer for Housing, Department of Housing and Urban Development, Office of Housing, **202 755-6740**

RIN: 2502-AB13

MORTGAGE INSURANCE FOR ONE-TO-FOUR-FAMILY RESIDENCES

Legal Authority: 12 USC 1715b National Housing Act; 42 USC 3535(d) Department of HUD Act

CFR Citation: 24 CFR 203

Abstract: Would provide that insured single family mortgages will no longer require 30 days advance notice of prepayment or payment on interest rate. Would also permit mortgagees to collect late charges within the purview of the security instruments.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/00/83	

Small Entity: No

Additional Information: FR NUMBER: 1028; AGENDA NUMBER: H-9-79.

Agency Contact: Richard Bucheit, Director, Department of Housing and Urban Development, Office of Housing, Single Family Servicing Division, **202 755-6672**

RIN: 2502-AB02

MORTGAGE INSURANCE FOR ONE-TO-FOUR-FAMILY RESIDENCES--ADJUSTMENT FOR FIRE DAMAGE

Legal Authority: 12 USC 1715b National Housing Act, as amended; 42 USC 3535(d) Department of HUD Act

CFR Citation: 24 CFR 203

Abstract: Allows conveyance or assignment of fire damaged property when the fire insurance policy has been terminated (or renewal refused) and the mortgagee has been unable to obtain adequate insurance to protect its investment.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/26/80	45 FR 56800
Interim Rule effective	09/22/80	

Next Action Undetermined

Small Entity: No

Additional Information: FR NUMBER: 837; AGENDA NUMBER: H-19-79.

Agency Contact: Richard Bucheit, Director, Department of Housing and Urban Development, Office of Housing, Single Family Servicing Division, **202 755-6672**

RIN: 2502-AB03

USE OF MATERIAL BULLETIN NO. 78A, POLYETHYLENE (PE), ACRYLONITRILE-BUTADIENE-STYRENE (ABS), POLY VINYL CHLORIDE (PVC), AND POLYBUTYLENE (PB) PIPING FOR DOMESTIC COLD ETC

Legal Authority: 42 USC 3535(d) Department of HUD Act

CFR Citation: 24 CFR 200

Abstract: UM 78 originally outlined the requirements and conditions for HUD field office acceptance of a number of plastic piping materials for use in domestic water service, (from water main to house) and included references covering polybutylene piping (PB). UM 78 identified national standard references for plastic piping which are normally used in residential construction for domestic cold water service. This revision will add two PB references that were inadvertently omitted from UM 78.

Timetable:

Action	Date	FR Cite
NPRM	09/03/80	45 FR 58374
Final Action	00/00/00	

Small Entity: No

Additional Information: FR Number 1154; Agenda Number: H-33-79.

Agency Contact: Richard H. Kolodin, Department of Housing and Urban Development, Office of Housing, Manufactured Housing and Const Standards, **202 755-5929**

RIN: 2502-AB05

FLEXIBLE AMORTIZATION PERIODS ON SINGLE FAMILY MORTGAGES

Legal Authority: 12 USC 1709 National Housing Act

CFR Citation: 24 CFR 203; 24 CFR 213; 24 CFR 221; 24 CFR 227; 24 CFR 234; 24 CFR 235

Abstract: Accommodates bonding and other types of financing which do not fit into current amortization periods. Potential benefits include increased homeownership opportunities for homebuyers and increased flexibility for mortgage lenders and investors.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/02/80	45 FR 29277
Interim Rule effective	06/02/80	
Final Action	03/00/83	

Action	Date	FR Cite
Final Action Effective	05/00/83	

Small Entity: No

Additional Information: FR NUMBER: 1162; AGENDA NUMBER: H-38-79.

Agency Contact: **John Coonts**, Director, Department of Housing and Urban Development, Office of Housing, Single Family Development Division, **202 755-6720**

RIN: 2502-AB07

LOW-INCOME HOUSING—HOMEOWNERSHIP OPPORTUNITIES TURNKEY III PROGRAM 24 CFR PART 804, SUBPART B

Legal Authority: 42 USC 1437 et seq U.S. Housing Act of 1937, as amended

CFR Citation: 24 CFR 804

Abstract: Would amend 24 CFR 804 relating to management and operations of Turnkey III Programs and add a new section governing the financing of homeowner purchase of Turnkey III units. Amendments should increase sale of homeownership units to homebuyers and would clarify certain technical program procedures which have been obstacles to program implementation. Included: H-17-81, Separate final rule no longer in preparation; H-18-81, Separate final rule no longer in preparation; H-19-81, Separate final rule no longer in preparation; H-71-81, Review completed.

Timetable:

Action	Date	FR Cite
NPRM	12/28/78	43 FR 60830
Interim Final Rule	00/00/00	

Small Entity: No

Additional Information: FR NUMBER: 563; AGENDA NUMBER: H-55-79. Includes: H-17-81; H-18-81; H-19-81; H-71-81.

Agency Contact: **Joyce M. Roberson**, Housing Management Officer, Department of Housing and Urban Development, Office of Housing, Office of Public Housing, **202 472-4703**

RIN: 2502-AB08

SUPPLEMENT TO MINIMUM PROPERTY STANDARDS FOR SOLAR HEATING AND DOMESTIC HOT WATER SYSTEMS

Legal Authority: 42 USC 3535(d) Department of HUD Act

CFR Citation: 24 CFR 200, Subpart S

Abstract: Updates obsolete references in MPS 4930.2 and reflects current changes in solar heating.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/17/82	47 FR 35760
Interim Rule effective	12/08/82	
Final Action	00/00/00	

Small Entity: No

Additional Information: FR NUMBER: 1320; AGENDA NUMBER: H-6-80.

Agency Contact: **Constantine Spyropoulos**, Department of Housing and Urban Development, Office of Housing, Manufactured Housing and Const Standards, **202 755-6590**

RIN: 2502-AA99

MODIFICATION OF THE GRADUATED PAYMENT MORTGAGE PROGRAM

Legal Authority: 12 USC 1715z-10 National Housing Act; PL 96-153 Housing and Community Development Amendments of 1979

CFR Citation: 24 CFR 203; 24 CFR 234

Abstract: Provides for an alternative graduated payment mortgage with a lower cash down payment than under the existing program. This provision should make homeownership available to a broader segment of the population.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/30/80	45 FR 36840
Interim Rule effective	06/30/80	

Next Action Undetermined

Small Entity: No

Additional Information: FR NUMBER: 1242; AGENDA NUMBER: H-8-80.

Agency Contact: **John C. Coonts**, Director, Department of Housing and Urban Development, Office of Housing, Single Family Development Division, **202 755-6720**

RIN: 2502-AB00

COINSURANCE PROGRAM

Legal Authority: 12 USC 1701 et seq National Housing Act

CFR Citation: 24 CFR 204

Abstract: Would revise the single family coinsurance requirements to adopt a recently proposed rule and to incorporate certain public comments received in response to that proposal. This revision: (1) extends coverage to include mortgages on condominiums and non-occupant owner transactions; (2) replaces the stop-loss provision with a hold-harmless provision intended to protect the secondary market against failure of lenders to pass through insurance benefits paid by HUD; (3) clarifies and simplifies various requirements in light of several years' experience with the program; and (4) permits coinsuring mortgagees to obtain mortgage insurance to cover the risk of their 10 percent exposure. Includes H-59-81.

Timetable:

Action	Date	FR Cite
NPRM	11/25/80	46 FR 78164
Final Action	06/00/83	

Small Entity: No

Additional Information: FR NUMBER: 1094; AGENDA NUMBER: H-28-80. Includes: H-59-81.

Agency Contact: **John Coonts**, Director, Department of Housing and Urban Development, Office of Housing, Single Family Development Division, **202 755-6720**

RIN: 2502-AB01

REVIEW OF APPLICATIONS FOR HOUSING ASSISTANCE AND ALLOCATION OF HOUSING ASSISTANCE FUNDS

Legal Authority: 42 USC 1439 Housing and Community Development Act of 1974; US Hous Act 1937, amended by Housing Community Develop Act 1981

CFR Citation: 24 CFR 891

Abstract: Revises 24 CFR 891 to include a more explicit description of the process to be followed by HUD field offices in allocating and reallocating funds, including procedures for consultation with local governments; elimination of the areawide housing opportunity plan as a formal part of the allocation process; and changes in the criteria for local government and HUD review of applications for assisted housing. Includes CPD-42-81 and CPD-43 Rulemaking for the Areaswide Housing Opportunity Program has been assumed by the Office of Housing.

Timetable:

Action	Date	FR Cite
NPRM	12/15/80	45 FR 82273
Interim Final Rule	06/03/82	47 FR 24120
Interim Rule effective	10/01/82	47 FR 31545

Next Action Undetermined

Small Entity: No

Additional Information: FR NUMBER: 1512; AGENDA NUMBER: H-4-81. Includes: CPD-42-81; CPD-43-81.

Agency Contact: **Robert J. Coyle**, Program Analyst, Department of Housing and Urban

Development, Office of Housing, Office of Policy and Budget, **202 755-6454**

RIN: 2502-AA73

IMPLEMENTATION OF SECTION 235 TO REQUIRE RECAPTURE PROVISIONS

Legal Authority: 12 USC 1715z Housing & Community Development Amendments of 1980

CFR Citation: 24 CFR 235

Abstract: Amends 24 CFR 235 to require that the Department recapture, in specific instances, the lesser of actual assistance provided on behalf of eligible mortgagors, or 50% of net appreciation less reasonable costs of sale and reasonable costs of improvements.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/27/81	46 FR 28401
Interim Rule effective	05/27/81	
Final Action	05/00/83	

Small Entity: No

Additional Information: FR NUMBER: 1425; AGENDA NUMBER: H-5-81.

Agency Contact: Richard Buchheit, Director, Department of Housing and Urban Development, Office of Housing, Single Family Servicing Division, **202 755-6672**

RIN: 2502-AA74

INCREASE IN SECTION 235 MAXIMUM MORTGAGE AMOUNTS

Legal Authority: 12 USC 1709 National Housing Act; 12 USC 1715 National Housing Act; PL 96-399 Housing & Community Development Act of 1980

CFR Citation: 24 CFR 235.25

Abstract: Amends 24 CFR 235 to provide Section 235 mortgage insurance and assistance payments for families whose incomes are higher than those authorized under the original Section 235 program but who are still priced out of the housing market.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/01/81	46 FR 29259
Interim Rule effective	07/13/81	

Next Action Undetermined

Small Entity: No

Additional Information: FR NUMBER: 1397; AGENDA NUMBER: H-7-81.

Agency Contact: John Coonts, Director, Department of Housing and Urban Development, Office of Housing, Single Family Development Division, **202 755-6720**

RIN: 2502-AA75

DISPOSITION OF GENERAL CONTRACTOR'S HOLDBACK

Legal Authority: 12 USC 1713 National Housing Act

CFR Citation: 24 CFR 207.26a

Abstract: Would delete 24 CFR 207.26a providing for the holdback of certain general contractor's funds.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: AGENDA NUMBER: H-13-81.

Agency Contact: Linda D. Cheatham, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Development, **202 426-7113**

RIN: 2502-AA77

DISPOSITION OF GENERAL CONTRACTOR'S HOLDBACK

Legal Authority: 12 USC 1713 National Housing Act, as amended; 12 USC 1715d National Housing Act, as amended; 12 USC 1715k National Housing Act, as amended; 12 USC 1715l National Housing Act, as amended; 12 USC 1715v National Housing Act, as amended; 12 USC 1715w National Housing Act, as amended; 12 USC 1715y National Housing Act, as amended; 12 USC 1715z-1 National Housing Act, as amended; 12 USC 1715z-6 National Housing Act, as amended; 12 USC 1715z-7 National Housing Act, as amended

CFR Citation: 24 CFR 221.548a

Abstract: Would delete 24 CFR 221.548a providing for the holdback of certain general contractor's funds.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: AGENDA NUMBER: H-15-81.

Agency Contact: Linda D. Cheatham, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Development, **202 426-7113**

RIN: 2502-AA78

ISSUE DATE OF DEBENTURES

Legal Authority: 12 USC 1701 National Housing Act, as amended; 12 USC 1709 National Housing Act, as amended; 12 USC 1710 National Housing Act, as amended; 12 USC 1713 National Housing Act, as amended; 12 USC 1715 National HOusing Act, as amended

CFR Citation: 24 CFR 203; 24 CFR 204; 24 CFR 207; 24 CFR 213; 24 CFR 220; 24 CFR 221; 24 CFR 232

Abstract: Problem: Reduce the number of issue and maturity dates for debentures from 365 to 12 annually. Alternative: It has been suggested originally that HUD change the debenture issues dates to twice a year to correspond with the semi-annual payments of debenture interest. This, however, was thought to be too restrictive on the mortgagees. Benefit: This change, if approved, will enable the Treasury Department to include the HUD debentures in an automated book-entry system. This will not only save money for the Department but Treasury as well.

Timetable:

Action	Date	FR Cite
NPRM	05/12/82	47 FR 20318
Final Action	05/00/83	

Small Entity: No

Additional Information: FR NUMBER: 1339; AGENDA NUMBER: H-24-81.

Agency Contact: Linda F. Milner, Systems Accountant, Department of Housing and Urban Development, Office of Housing, **202 755-5747**

RIN: 2502-AA83

INTEREST CHARGE ON LATE PREMIUM PAYMENTS

Legal Authority: 31 USC 952 Claims Collection Act; 12 USC 1707 National Housing Act, as amended; 12 USC 1709 National Housing Act, as amended; 12 USC 1710 National Housing Act, as amended; 12 USC 1713 National Housing Act, as amended; 12 USC 1715k National Housing Act, as amended; 12

USC 1715w National Housing Act, as amended

CFR Citation: 24 CFR 201; 24 CFR 207; 24 CFR 220; 24 CFR 232

Abstract: Problem: Mortgagees do not pay mortgage insurance premium on a timely basis and 4% late charge currently being levied has not proved to be an adequate incentive. Alternatives: Mortgage Insurance Premium Collection Specialists Present 4% late charge. Benefit: The primary purpose of this change is to increase the premium collections due the Department.

Timetable:

Action	Date	FR Cite
NPRM	07/00/83	

Small Entity: No

Additional Information: FR NUMBER: 1616; AGENDA NUMBER: H-26-81.

Agency Contact: **Richard Braun**, Systems Accountant, Department of Housing and Urban Development, Office of Housing, **202 755-5747**

RIN: 2502-AA84

PROVIDING INFORMATION, MORTGAGEE'S RESPONSIBILITY

Legal Authority: 12 USC 1709 National Housing Act; 12 USC 1715b National Housing Act; 12 USC 1715z National Housing Act; 12 USC 1701

CFR Citation: 24 CFR 235; 24 CFR 203

Abstract: Amends Part 235 to define the mortgagee's responsibility for furnishing in the statement of interest and taxes paid with respect to each mortgage insured under Section 235 a statement of the total Section 235 assistance payments made on a mortgagor's behalf by HUD during the year. Also amends 24 CFR 203.506(c), 235.336 and adds a new 24 CFR 235.1001 to change the maximum time allowed for a mortgagee to furnish each mortgagor with a statement of interest and taxes paid with respect to the mortgage account from sixty days to thirty. Includes: H-50-81. Separate proposed rule no longer in preparation.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/03/82	47 FR 33495
Interim rule effective	09/22/82	
Final Action	05/00/83	

Small Entity: No

Additional Information: FR NUMBER: 1344; AGENDA NUMBER: H-33-81. Includes: H-50-81.

Agency Contact: **Richard B. Buchheit**, Director, Department of Housing and Urban Development, Office of Housing, Single Family Servicing Division, **202 755-6672**

RIN: 2502-AB36

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM - MODERATE REHABILITATION

Legal Authority: PL 95-557 Housing and Community Development Act of 1974

CFR Citation: 24 CFR 882

Abstract: Simplifies and reduces program requirements for local PHAs and participating owners, provides greater local flexibility and implements provision of the HCD Amendments of 1981.

Timetable:

Action	Date	FR Cite
Prior Interim Rule	11/09/79	44 FR 65061
Prior Interim Rule effective	12/10/79	
Interim Final Rule	08/09/82	47 FR 34376
Interim Rule effective	09/28/82	47 FR 34376
Final Action	07/00/83	

Small Entity: No

Additional Information: FR NUMBER: 1527; AGENDA NUMBER: H-38-81.

Agency Contact: **Louise Kieffner**, Director, Department of Housing and Urban Development, Office of Housing, Moderate Rehabilitation Division, **202 755-5597**

RIN: 2502-AA86

SECTION 8 NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION - CONSOLIDATION OF PARTS

Legal Authority: 42 USC 1437f Housing & Community Development Act of 1974; PL 96-399 Housing & Community Development Act of 1980

CFR Citation: 24 CFR 880; 24 CFR 881

Abstract: Would consolidate and simplify current regulation governing Sections 8 New Construction and Substantial Rehabilitation programs. Proposed rule in preparation. Includes: H-42-78. Interim rule published January 31, 1980 (45 FR 7082), effective February 20, 1980. H-61-79. Interim rule published January 31, 1980 (45 FR 7072), effective February 20, 1980. H-65-81. Review completed. H-66-81. Review completed.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: FR NUMBER: 1532; AGENDA NUMBER: H-39-81. Includes: H-42-78; H-61-79; H-65-81; H-66-81.

Agency Contact: **Joseph E. Malloy**, Department of Housing and Urban Development, Office of Housing, **202 755-6500**

RIN: 2502-AA28

MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Legal Authority: 12 USC 1703 Housing & Community Development Amendments of 1980; 12 USC 1709 Housing & Community Development Amendments of 1980; 12 USC 1715 Housing & Community Development Amendments of 1980

CFR Citation: 24 CFR 203; 24 CFR 213; 24 CFR 220; 24 CFR 221; 24 CFR 234; 24 CFR 235; 24 CFR 240

Abstract: Would make miscellaneous changes to 1) allow a mortgage limit increase of up to 10 percent in the Section 235 program to make dwellings accessible to the physically handicapped, 2) allow title insurance relief for communities meeting conditions involving claims filed by American Indian tribes, 3) remove all references to "remaining economic life" and 4) change the definition of "mortgage".

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/00/83	

Small Entity: No

Additional Information: FR NUMBER: 1623; AGENDA NUMBER: ~~H-44-81~~.

Agency Contact: **John J. Coonts**, Director, Department of Housing and Urban Development, Office of Housing, Single Family Development Division, **202 755-6720**

RIN: 2502-AA88

MORTGAGE INSURANCE PROGRAMS UNDER NATIONAL HOUSING ACT

Legal Authority: 12 USC 1713 Housing & Community Development Act of 1980; 12 USC 1715 Housing & Community Development Act of 1980

CFR Citation: 24 CFR 207; 24 CFR 213; 24 CFR 220; 24 CFR 221; 24 CFR 231; 24 CFR 232; 24 CFR 234; 24 CFR 242; 24 CFR 244

Abstract: Would amend Parts 207, 213, 220, 221, 231, 232, 234, 242 and 244 to allow up to

a 20% increase in maximum project mortgage amounts to cover increased costs due to the installation of a solar energy system or residential energy conservation measures.

Timetable:

Action	Date	FR Cite
Final Action	05/00/83	

Small Entity: No

Additional Information: FR NUMBER: 1525; AGENDA NUMBER: H-48-81.

Agency Contact: **Joseph E. Malloy**, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Development, **202 755-6500**

RIN: 2502-AA90

ISSUE DATE OF DEBENTURES

Legal Authority: 12 USC 1701 et seq National Housing Act, as amended

CFR Citation: 24 CFR 203.410

Abstract: Would change the methods by which debenture interest is computed when a property is conveyed to the Secretary in exchange for insurance benefits.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	

Small Entity: No

Additional Information: FR Number: 1501; Agenda Number: H-51-81.

Agency Contact: **Richard B. Buchheit**, Director, Department of Housing and Urban Development, Office of Housing, Single Family Servicing Division, **202 755-6672**

RIN: 2502-AA91

PROPERTY IMPROVEMENT AND MOBILE HOME LOANS

Legal Authority: 12 USC 1701 National Housing Act

CFR Citation: 24 CFR 201

Abstract: Would amend and revise Part 201 in accordance with the Department's deregulation efforts. Would reduce the regulations by approximately twenty-five percent and clarify the remaining. Review completed.

Timetable:

Action	Date	FR Cite
NPRM	06/00/83	

Small Entity: No

Additional Information: FR NUMBER: 1656N; AGENDA NUMBER: H-57-81. Includes: H-90-82; H-91-82; H-92-82.

Agency Contact: **John L. Brady**, Director, Department of Housing and Urban Development, Office of Housing, Office of Title I Insured Loans, **202 755-6680**

RIN: 2502-AA93

MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Legal Authority: 12 USC 1715 National Housing Act; 42 USC 3535(d) Department of HUD Act, PL 89-174

CFR Citation: 24 CFR 200; 24 CFR 202; 24 CFR 203

Abstract: Would increase the effectiveness and efficiency of the Department's basic Single Family Housing programs through the elimination of unnecessary regulations, the streamlining of processing procedures and the simplification of the remaining requirements. Potential benefits include increased efficiency and effectiveness of program requirements. Review completed.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: FR Number: 1782n; Agenda Number: H-58-81.

Agency Contact: **John J. Coonts**, Director, Department of Housing and Urban Development, Office of Housing, Single Family Development Division, **202 755-6720**

RIN: 2502-AA94

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM STATE HOUSING AGENCIES

Legal Authority: 42 USC 3535(d) Department of HUD Act

CFR Citation: 24 CFR 883

Abstract: This part contains the policies and procedures applicable to those statewide housing agencies established by the various states to administer the Section 8 New Construction, Substantial Rehabilitation, Existing Housing and Moderate Rehabilitation programs. The comprehensive final Rule revising this regulation implements 1981 Housing and Community Development Act provisions, federal deregulation goals, and recent changes in Departmental administrative policies. Includes H-37-82.

Timetable:

Action	Date	FR Cite
Interim Rule effective	02/29/80	
Partial Final Rule	08/22/80	45 FR 56324
Partial Final Rule effective	09/29/80	
Interim Final Rule	01/30/82	45 FR 6886
NPRM	01/00/83	

Small Entity: No

Additional Information: FR Number: 929; Agenda Number: H-37-82.

Agency Contact: **Cherie Charles**, Director, Department of Housing and Urban Development, Office of Housing, State Agencies Division, **202 755-6887**

RIN: 2502-AA95

CONDOMINIUM PROJECTS - MUTUAL MORTGAGE INSURANCE AND INSURED LOANS

Legal Authority: 12 USC 1709 National Housing Act; 12 USC 1715 National Housing Act

CFR Citation: 24 CFR 234.26

Abstract: Provides for HUD/FHA mortgage insurance of condominium units in projects that have been approved for loan quaranty by the Administrator of Veterans Affairs. The rule also eliminates the requirement that a conventionally financed project be committed to a plan of condominium ownership at least twelve months prior to the time individual units are eligible for HUD/FHA mortgage insurance, although it is still required that at least 90 percent of the units be sold and the title conveyed with respect to conventionally financed projects. These changes are needed to facilitate homeowner purchases of condominium properties. Interim rule published September 18, 1981, (46 FR 46317), effective September 18, 1981. Final rule expected to be published December 1982.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/18/81	46 FR 46317
Final Action	05/00/83	

Small Entity: No

Additional Information: FR NUMBER: 1388; AGENDA NUMBER: H-5-82.

Agency Contact: **John Coonts**, Director, Department of Housing and Urban Development, Office of Housing, Single Family Development Division, **202 755-6720**

RIN: 2502-AA43

COOPERATIVE/CONDOMINIUM EXISTING MULTIFAMILY STRUCTURES DEMONSTRATION PROGRAM

Legal Authority: 12 USC 1701 et seq National Housing Act

CFR Citation: 24 CFR 221; 24 CFR 234; 24 CFR 235

Abstract: Deleted those portions of 24 CFR Part 221, 234 & 235 pertaining to the Demonstration Program for existing cooperatives and condominiums.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/11/80	45 FR 60390
Interim Rule effective	10/14/80	
Final Action	06/30/83	

Small Entity: No

Additional Information: FR Number: 1682n; Agenda Number: H-13-82.

Agency Contact: **Robert W. Wilden**, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Development, **202 755-6528**

RIN: 2502-AA45

MULTIFAMILY MORTGAGE INSURANCE

Legal Authority: 12 USC 1701 Housing & Community Development Act of 1980; PL 97-35 Housing & Community Development Amendments of 1981

CFR Citation: 24 CFR 207.33

Abstract: Would amend 24 CFR 207.33 to replace the term "mobile home" with the term "manufactured home" and increases the maximum mortgage limit for manufactured home parks insured under Section 207 from $8000 to $9000.

Timetable:

Action	Date	FR Cite
Final Action	05/30/83	

Small Entity: No

Additional Information: FR Number: 1719n; Agenda Number: H-25-82.

Agency Contact: **John Sheehy**, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Development, **202 755-6223**

RIN: 2502-AA47

SUPPLEMENTARY FINANCING FOR INSURED PROJECT MORTGAGES

Legal Authority: 12 USC 1701 National Housing Act

CFR Citation: 24 CFR 241

Abstract: Would amend Part 241 to require payment of insurance benefits under a defaulted supplementary loan in cash when insurance benefits under the insured mortgage are payable in cash.

Timetable:

Action	Date	FR Cite
NPRM	05/00/83	

Small Entity: No

Additional Information: FR Number: 1734n; Agenda Number: H-29-82.

Agency Contact: **Joseph E. Malloy**, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Development, **202 755-6500**

RIN: 2502-AA48

INDIAN HOUSING

Legal Authority: 42 USC 1437(d) U.S. Housing Act of 1937

CFR Citation: 24 CFR 805

Abstract: Would delete excessive Federal requirements and assure that Indian housing activities are undertaken in the most cost-effective manner.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/00/83	

Small Entity: No

Additional Information: AGENDA NUMBER: H-31-82.

Agency Contact: **Patricia Arnaudo**, Deputy Director, Department of Housing and Urban Development, Office of Housing, Office of Indian Housing, **202 755-6522**

RIN: 2502-AA49

PUBLIC HOUSING DEVELOPMENT, REVISION OF REQUIREMENTS

Legal Authority: 42 USC 1437 U.S. Housing Act of 1937

CFR Citation: 24 CFR 841

Abstract: Would prohibit the transfer of existing Public Housing Agency (PHA)-owned city, county or state assisted projects to the public housing program under the U.S. Housing Act of 1937, except with the prior written approval of the Assistant Secretary for Housing. The Department has determined that the transfer of such projects does not contribute to the goals of the Administration in providing additional low-income housing but only provides additional subsidy for projects developed and funded under state law. No additional costs are anticipated since the proposed rule will not result in a change to the existing status of locally assisted projects.

Timetable:

Action	Date	FR Cite
NPRM	02/23/83	48 FR 7585
NPRM Comment Period Begin	02/23/83	
NPRM Comment Period End	04/25/83	
Final Action	05/00/83	

Small Entity: No

Additional Information: FR NUMBER: 1480; AGENDA NUMBER: H-33-82.

Agency Contact: **Raymond W. Hamilton**, Director, Department of Housing and Urban Development, Office of Housing, Public Housing Development Division, **202 426-0936**

RIN: 2502-AA50

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM, EXISTING

Legal Authority: 42 USC 1927 HUD Act of 1974

CFR Citation: 24 CFR 882.120

Abstract: Would delete Section 882.120 of the Section 8 Existing Housing Program regulation to eliminate the authority to use higher FMRs for recently completed housing.

Timetable:

Action	Date	FR Cite
NPRM	06/28/82	47 FR 27869
Final Action Effective	06/00/83	

Small Entity: No

Additional Information: FR NUMBER: 1521; AGENDA NUMBER: H-36-82.

Agency Contact: **Gerald J. Benoit**, Director, Department of Housing and Urban Development, Office of Housing, Existing Housing Division, **202 755-5353**

RIN: 2502-AA51

PROPERTY IMPROVEMENT LOANS - MAXIMUM MORTGAGE AMOUNTS

Legal Authority: 42 USC 5301 Housing & Community Development Amendments of 1981

CFR Citation: 24 CFR 201

Abstract: Would implement the maximum loan amounts authorized for property improvement loans.

Timetable:

Action	Date	FR Cite
Final Action	04/00/83	

Small Entity: No

Additional Information: FR NUMBER: 1640n; AGENDA NUMBER: H-43-82.

Agency Contact: John L. Brady, Director, Department of Housing and Urban Development, Office of Housing, Office of Title I Insured Loans, **202 755-6680**

RIN: 2502-AA52

FLEXIBLE SUBSIDY PROGRAM

Legal Authority: 12 USC 1715j National Housing Act; PL 95-551 Housing & Community Development Amendments of 1978

CFR Citation: 24 CFR 219

Abstract: Would establish a flexible subsidy loan program for certain limited dividend projects for the correction of physical and cash flow deficiencies. Interim rule in preparation. (Was listed incorrectly on previous agenda as H-14-80.) Includes: H-64-82. Interim rule published May 21, 1979 (44 FR 29632), effective June 19, 1979.

Timetable:

Action	Date	FR Cite
Previous Interim Rule	05/21/79	44 FR 29632
Previous Interim Rule effective	06/19/79	44 FR 29632
Interim Final Rule	00/00/00	

Small Entity: No

Additional Information: AGENDA NUMBER: H-48-82. (Previously listed incorrectly as H-14-80.) Includes: H-64-82.

Agency Contact: James J. Tahash, Director, Department of Housing and Urban Development, Office of Housing, Program Planning Division, Office of Multifamily Housing Management, **202 755-5854**

RIN: 2502-AA53

MORTGAGE INSURANCE AND HOME IMPROVEMENT LOANS; CHANGES IN MAXIMUM MORTGAGE AMOUNTS

Legal Authority: 12 USC 1603(b)(2) National Housing Act; 12 USC 1709 National Housing Act; 12 USC 1715(c) National Housing Act

CFR Citation: 24 CFR 203; 24 CFR 234

Abstract: Revised single-family mortgage limits for areas where moderate- and middle-income persons have limited housing opportunities due to high prevailing housing sales prices.

Timetable:

Action	Date	FR Cite
Interim Rule effective	01/07/82	
Interim Final Rule	04/00/83	
Final Action	00/00/00	

Small Entity: No

Additional Information: FR Numbers: 1524 and 1689n: Agenda Number: H-66-82.

Government Levels Affected: Federal

Agency Contact: John Coonts, Director, Department of Housing and Urban Development, Office of Housing, Single Family Development Division, **202 755-6720**

RIN: 2502-AA54

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM - EXISTING HOUSING

Legal Authority: 42 USC 1437 Housing & Community Dvlpmnt Act of 1974

CFR Citation: 24 CFR 882

Abstract: Would clarify procedures for selecting applicants and for determining the appropriate unit size for a family; would also give an applicant who is denied housing assistance, or certificate holder whose assistance is reduced or terminated, a reasonable opportunity to request an informal hearing.

Timetable:

Action	Date	FR Cite
NPRM	07/26/82	47 FR 36169
Final Action	06/00/83	

Small Entity: No

Additional Information: FR NUMBER: 1539; AGENDA NUMBER: H-75-82. Includes: H-49-81.

Agency Contact: Gerald J. Benoit, Director, Department of Housing and Urban Development, Office of Housing, Existing Housing Division, **202 755-5353**

RIN: 2502-AB23

PHA-OWNED PROJECTS - PERSONNEL POLICIES & COMPENSATION, CERTIFICATION OF HOUSING MANAGERS

Legal Authority: 42 USC 3535(d) HUD Act; 42 USC 1437(d) U.S. Housing Act of 1937 as amended; 42 USC 1437 Housing & Community Dvlpmnt Act of 1974

CFR Citation: 24 CFR 867

Abstract: Would amend regulation with regard to costs of certification under the public Housing Manager Certification Program. The primary effect would be to afford PHAs greater discretion about payment of such costs on behalf of their employees.

Timetable:

Action	Date	FR Cite
NPRM	01/18/83	48 FR 2139
NPRM Comment Period Begin	01/18/83	
NPRM Comment Period End	03/21/83	
Interim Final Rule	00/00/00	

Small Entity: No

Additional Information: FR NUMBER: 1629n; Agenda Number: H-77-82.

Agency Contact: Odessa Burroughs, Department of Housing and Urban Development, Office of Housing, Office of Public Housing, **202 755-5595**

RIN: 2502-AA55

INTRODUCTION, LAND REGISTRATION, AND APPLICATION OF REGULATIONS TO EXISTING AND FUTURE FILINGS

Legal Authority: 15 USC 1701 et seq. Intrstte Lnd Sles Full Dsclsre Act of 1968

CFR Citation: 24 CFR 1700; 24 CFR 1710; 24 CFR 1730

Abstract: Would amend current regulations to reduce verbiage and a number of exemption and registration requirements for developers in the land sales industry. These proposed changes are part of an overall plan to eliminate unnecessary documentation and duplication and to relieve the industry of the regulatory requirements to the extent practical without any significant detriment to the industry or consumer. (Was listed on previous agenda as NVACP-1-80.)

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	
NPRM Comment Period Begin	04/00/83	
NPRM Comment Period End	06/00/83	
Final Action	10/00/83	
Final Action Effective	12/00/83	

Small Entity: No

Additional Information: FR NUMBER: 1595; AGENDA NUMBER: H-80-82. (Listed previously as NVACP-1-80.)

Agency Contact: Fred W. Pfaender, Department of Housing and Urban Development,

Office of Housing, Office of Interstate Land Sales Registration, **202 755-8182**

RIN: 2502-AA56

APPLICABILITY OF MINIMUM PROPERTY STANDARDS MANUFACTURED HOMES UNDER TITLE II OF THE NATIONAL HOUSING ACT

Legal Authority: 12 USC 1701 et seq National Housing Act

CFR Citation: 24 CFR 200.925; 24 CFR 200.926

Abstract: Would insure financing of properties with manufactured homes under Title II of the National Housing Act, as a means to broaden affordable home ownership opportunities. To qualify for such financing, the manufactured homes, foundations and sites must meet prescribed standards to insure adequate security for HUD-insured mortgages. By such action homeowners can expect reduced housing cost without sacrificing housing quality or durability.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/24/83	48 FR 7731
Final Action	00/00/00	

Small Entity: No

Additional Information: FR NUMBER: 1578; AGENDA NUMBER: H-82-82.

Agency Contact: John Coonts, Director, Department of Housing and Urban Development, Office of Housing, Single Family Development Division, **202 755-6720**

RIN: 2502-AB24

SECOND MORTGAGES OR LIENS ON FHA-INSURED MORTGAGES—ESCROW ACCOUNTS ASSOCIATED WITH INTEREST BUY-DOWNS

Legal Authority: 12 USC 1709 National Housing Act; 12 USC 1715 National Housing Act

CFR Citation: 24 CFR 203.32; 24 CFR 213.520; 24 CFR 234.55

Abstract: Would reverse current prohibition against the use of insured mortgages on properties with secondary mortgages or liens. These amendments also provide for the recapture of funds placed into escrow accounts to reduce the mortgagor's monthly payments to principal and interest in the early years of the mortgage. No alternatives are being considered. No potential costs have been identified. Potential benefits include greater homeownership opportunities for homebuyers, allowing sellers to recapture funds used to buy down interest rates and increased use of buy down which would allow more families to qualify for mortgages.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: FR NUMBER: 1590; AGENDA NUMBER: H-84-82.

Agency Contact: John Coonts, Director, Department of Housing and Urban Development, Office of Housing, Single Family Development Division, **202 755-6720**

RIN: 2502-AA57

ASSURANCE OF COMPLETION BONDS

Legal Authority: 12 USC 1715b National Housing Act, as amended

CFR Citation: 24 CFR 205; 24 CFR 207; 24 CFR 213; 24 CFR 221; 24 CFR 232; 24 CFR 241; 24 CFR 242; 24 CFR 244

Abstract: Would amend 24 CFR 205, 207, 213, 221, 232, 241, 242, and 244 governing assurance of completion in land developments, proposed construction or rehabilitation of multifamily projects to provide that where assurance shall be by corporate surety bonds for payment and performance, each bond shall be in the amount of 100% of the cost of construction, as estimated by the Commissioner.

Timetable:

Action	Date	FR Cite
NPRM	03/00/83	

Next Action Undetermined

Small Entity: No

Additional Information: FR NUMBER: 1630; AGENDA NUMBER: H-87-82.

Agency Contact: Linda D. Cheatham, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Development, **202 426-7113**

RIN: 2502-AA59

ELIGIBILITY OF MORTGAGES INVOLVING A DWELLING UNIT IN A COOPERATIVE HOUSING DEVELOPMENT

Legal Authority: 12 USC 1709 National Housing Act

CFR Citation: 24 CFR 203.43c

Abstract: Would relax some restrictions which have unnecessarily inhibited activity under the program. The rule would delete the requirement that corporation waiver the right of first refusal and it would eliminate the limitation of the mortgage term on an individual share to the term remaining on the blanket mortgage. No alternatives are being considered and no potential costs have been identified.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: FR Number: 1742n; Agenda Number: H-93-82.

Agency Contact: John C. Coonts, Director, Department of Housing and Urban Development, Office of Housing, Single Family Development Division, **202 755-6720**

RIN: 2502-AA61

REVISION TO GRADUATED MORTGAGE PROGRAM

Legal Authority: 42 USC 3535(d) Department of Housing and Urban Dvlpmnt Act

CFR Citation: 24 CFR 203.46; 24 CFR 234.76

Abstract: Would remove existing restrictions on maximum mortgage amounts and eligible properties for the Section 245(b) Graduated Payment Mortgage Program. This would permit increased use of this program. No alternatives are being considered. Although there may be a slightly higher expected claim rate for this program than the 203(b), the benefit of increasing the supply of affordable housing for middle-income families outweighs its potential costs.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: AGENDA NUMBER: H-94-82.

Agency Contact: John J. Coonts, Director, Department of Housing and Urban Development, Office of Housing, Single Family Development Division, **202 755-6720**

RIN: 2502-AA62

DEFICIENCY JUDGEMENTS - SINGLE

FAMILY HUD/FHA-INSURED MORTGAGES

Legal Authority: 12 USC 1701 et seq National Housing Act

CFR Citation: 24 CFR 203.351(a)(4); 24 CFR 203.360

Abstract: Would require HUD approved mortgagees to obtain deficiency judgements applicable to state law and HUD procedures on any single family HUD/FHA Insurance Mortgage.

Timetable:

Action	Date	FR Cite
NPRM	06/00/83	

Small Entity: No

Additional Information: FR Number: 1717n; Agenda Number: H-95-82.

Agency Contact: Richard Buchheit, Director, Department of Housing and Urban Development, Office of Housing, Single Family Servicing Division, **202 755-6672**

RIN: 2502-AB27

MULTIFAMILY MORTGAGE INSURANCE

Legal Authority: 12 USC 1713 National Housing Act as amended; 12 USC 1715d National Housing Act as amended; 12 USC 1715k National Housing Act as amended; 12 USC 1715z-10 National Housing Act as amended; 12 USC 1715z-6 National Housing Act as amended; 12 USC 1752-9 National Housing Act as amended; 12 USC 1715l National Housing Act as amended; 12 USC 1715z-7 National Housing Act as amended

CFR Citation: 24 CFR 207; 24 CFR 213; 24 CFR 220; 24 CFR 221; 24 CFR 232; 24 CFR 241; 24 CFR 242; 24 CFR 244

Abstract: Would amend mortgage insurance regulations to require payment of fees for rehabilitation feasibility processing and for reprocessing of outstanding commitments after appropriate extensions.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: AGENDA NUMBER: H-96-82.

Agency Contact: Joseph E. Malloy, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Development, **202 755-6500**

RIN: 2502-AA63

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM STATE HOUSING AGENCIES

Legal Authority: 42 USC 3535(d) Department of HUD Act

CFR Citation: 24 CFR 883.207(c)

Abstract: Would prohibit State Agencies from transferring Fiscal Year 1982 and subsequent year State Agency funding authority after initial assignment of such authority to a certain project. This will establish greater Federal Control over the spending of State Agency funds.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/02/82	47 FR 33263
Interim Rule effective	09/20/82	
Final Action	06/00/83	

Small Entity: No

Additional Information: FR NUMBER: 1626; AGENDA NUMBER: H-98-82.

Agency Contact: Cherie Charles, Department of Housing and Urban Development, Office of Housing, Off of State Agencies and Bond Financd Progs, **202 426-0730**

RIN: 2502-AA64

HOUSING FOR THE ELDERLY OR HANDICAPPED

Legal Authority: 12 USC 1701q Housing Act of 1959

CFR Citation: 24 CFR 885

Abstract: Review of 24 CFR 885 with a view toward simplification of the program.

Timetable:

Action	Date	FR Cite
NPRM	08/00/83	

Small Entity: No

Additional Information: FR NUMBER: 1463; AGENDA NUMBER: H-99-82.

Agency Contact: Robert W. Wilden, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Development, **202 755-6538**

RIN: 2502-AB28

USE OF MATERIALS BULLETIN NO. 38I - HUD BUILDING PRODUCT STANDARDS AND CERTIFICATION PROGRAM FOR THE GRADEMARKING OF LUMBER

Legal Authority: 42 USC 3535(d) Department of HUD Act

CFR Citation: 24 CFR 200

Abstract: Would promulgate HUD Use of Materials Bulletin No. 38i (UM 38i). UM 38i accepts recently listed agencies for the grademarking of lumber and finger jointed lumber.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: AGENDA NUMBER: H-104-82.

Agency Contact: Leslie Breden, Department of Housing and Urban Development, Office of Housing, Manufactured Housing and Const Standards, **202 755-5929**

RIN: 2502-AA66

USE OF MATERIALS BULLETIN NO. 85 - HUD BUILDING PRODUCT STANDARDS AND CERTIFICATION PROGRAM FOR POLY (VINYL CHLORIDE) PLASTIC WINDOWS

Legal Authority: 42 USC 3535(d) Department of HUD Act

CFR Citation: 24 CFR 200

Abstract: Would promulgate HUD Use of Materials Bulletin No. 85 (UM 85). UM 85 accepts recently published product standards for poly (vinyl chloride) plastic windows. In addition, it would provide for a certification program for these products.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: AGENDA NUMBER: H-105-82.

Agency Contact: Leslie Breden, Department of Housing and Urban Development, Office of Housing, Manufactured Housing and Const Standards, **202 755-5929**

RIN: 2502-AA67

USE OF MATERIALS BULLETIN NO. 86 - HUD BUILDING PRODUCT STANDARDS AND CERTIFICATION PROGRAM FOR EPDM ROOFING MEMBERS

Legal Authority: 42 USC 3535(d) Department of HUD Act

CFR Citation: 24 CFR 200

Abstract: Would promulgate HUD Use of Materials Bulletin No. 86 (UM 86). UM 86 accepts recently published product standards for EPDM roofing membrane. In addition, it would provide for a certification program for these products.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Yes

Additional Information: AGENDA NUMBER: H-106-82.

Agency Contact: **Leslie Breden**, Department of Housing and Urban Development, Office of Housing, Manufactured Housing and Const Standards, **202 755-5929**

RIN: 2502-AA68

PROHIBITED LEASE TERMS

Legal Authority: 12 USC 1715z-1b(b)(3) Hsng & Community Develop Amends of 1978; 42 USC 3535(d) Department of Housing & Urban Development Act

CFR Citation: 24 CFR 215; 24 CFR 221; 24 CFR 236

Abstract: Defines certain lease provisions which are prohibited from use in certain HUD subsidized multifamily housing programs.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/23/82	47 FR 31868
Interim Rule effective	09/10/82	47 FR 31868
Final Action	05/00/83	

Small Entity: No

Additional Information: FR NUMBER: 1608; AGENDA NUMBER: H-117-82.

Agency Contact: **James J. Tahash**, Program Planning Division, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Management, **202 755-5654**

RIN: 2502-AA70

●RENT DETERMINATIONS FOR ASSISTED FAMILIES IN HUD-OWNED MULTIFAMILY PROJECTS

Legal Authority: 42 USC 3535(d); 12 USC 1701z-11; 12 USC 1701z-12; 12 USC 1713(1)

CFR Citation: 24 CFR 290

Abstract: This rule establishes a schedule for increased rental payments for families living in HUD-owned properties in order to reduce the financial costs to the Department.

Small Entity: No

Additional Information: FR Number: 1645; Agenda Number: H-3-83.

Agency Contact: **Marvin Hilman**, Director, Multifamily Sales Division, Department of Housing and Urban Development, Office of Housing, Off of Multifamily Financngand Preservation, **202 755-7220**

RIN: 2502-AB62

●TURNKEY III HOMEOWNERSHIP OPPORTUNITIES PROGRAMS

Legal Authority: 42 USC 1437 U. S. Housing Act of 1937; 42 USC 3535(d) Department of HUD Act

CFR Citation: 24 CFR 804

Abstract: The rule would amend Subpart B of Part 804 -- Low-Income Public Housing -- Turnkey III Homeownership Opportunities Program -- to permit the use of operating subsidy to cover HUD-approved expenses; to allow PHA purchase-money mortgage financing; and to incorporate other technical changes applicable to existing Turnkey III projects.

Timetable:

Action	Date	FR Cite
NPRM Comment Period Begin	06/30/82	
NPRM	06/30/83	
NPRM Comment Period End	08/31/83	

Small Entity: No

Additional Information: FR Number: 1695; Agenda Number: H-7-83.

Agency Contact: **Joyce Roberson**, Project Management Division, Department of Housing and Urban Development, Office of Housing, Office of Public Housing, **202 472-4703**

RIN: 2502-AB56

●MORTGAGE INSURANCE PREMIUMS FOR MILITARY IMPACTED AREAS

Legal Authority: 42 USC 3535(d) Department of HUD Act

CFR Citation: 24 CFR 228(k)

Abstract: This rule will reduce the mortgage insurance premiums for housing in federally impacted areas (section 238(c) of the National Housing Act) from one percent to the 0.5 percent rate applicable to other FHA insurance programs.

Timetable:

Action	Date	FR Cite
NPRM	05/00/83	
NPRM Comment Period Begin	05/00/83	
NPRM Comment Period End	07/00/83	

Small Entity: Undetermined

Additional Information: FR Number: 1696; Agenda Number: H-8-83.

Agency Contact: **Arnold Diamond**, Office of Financial Management, Department of Housing and Urban Development, Office of Housing, **202 426-4325**

RIN: 2502-AB54

●MANUFACTURED HOME PROCEDURAL AND ENFORCEMENT REGULATIONS MONITORING INSPECTION FEE

Legal Authority: 42 USC 5419; 42 USC 3535(d)

CFR Citation: 24 CFR 3282.454

Abstract: Would permit the Secretary of Housing and Urban Development to raise or lower the Manufactured Home Monitoring Inspection Fee by placing a notice of the new fee in the Federal Register.

Timetable:

Action	Date	FR Cite
NPRM	03/00/83	

Small Entity: Undetermined

Additional Information: FR Number: 1699; Agenda Number: H-11-83.

Agency Contact: **John S. Mason**, Director, Enforcement Branch, Department of Housing and Urban Development, Office of Housing, Manufactured Housing Standards Division, **202 755-6920**

RIN: 2502-AB65

●WAGE RATE REGULATION COVERING PHA DEVELOPMENT AND MODERNIZATION

Legal Authority: 42 USC 3535(d) Department of HUD Act

CFR Citation: 24 CFR 868

Abstract: The rule would describe the applicability of the contracting, bidding and labor laws of States, tribes and local jurisdictions to public housing agencies (PHAs) participating in the Comprehensive Improvement Assistance Program.

Timetable:

Action	Date	FR Cite
NPRM	05/00/83	
NPRM Comment Period Begin	05/00/83	
NPRM Comment Period End	07/00/83	

Small Entity: Undetermined

Additional Information: FR Number: 1706; Agenda Number: H-13-83.

Agency Contact: **Pris Peake**, Office of Public Housing, Department of Housing and Urban

Development, Office of Housing, **202 755-5595**

RIN: 2502-AB58

●TARGETING OF SECTION 8 CERTIFICATES OF FAMILY PARTICIPATION

Legal Authority: 42 USC 1347f U.S. Housing Act of 1937

CFR Citation: 24 CFR 882

Abstract: Would amend 24 CFR Part 882 to eliminate restrictions on targeting Section 8 Certificates of Family Participation under certain circumstances. The amendment would permit HUD to provide Section 8 Certificates of Family Participation to families who may otherwise lose their assistance because (1) HUD was outbid at a foreclosure sale, and (2) an owner decides not to renew a Housing Assistance Payments Contract. The Amendment would also clarify HUD's authority to provide Section 8 Certificates of Family Participation to eligible tenants residing in projects being sold by HUD.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/00/83	

Small Entity: No

Additional Information: FR Number: 1736; Agenda Number: H-22-83.

Agency Contact: Cynthia Thornley, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing, **202 755-5654**

RIN: 2502-AB47

●SIMPLIFICATION OF FHA INTEREST RATE CHANGES

Legal Authority: 12 USC 1709 National Housing Act; 42 USC 3535(d) Department of HUD Act

CFR Citation: 24 CFR 201; 24 CFR 203; 24 CFR 205; 24 CFR 207; 24 CFR 213; 24 CFR 220; 24 CFR 221; 24 CFR 232; 24 CFR 234; 24 CFR 235; 24 CFR 236; 24 CFR 241; 24 CFR 242; 24 CFR 244

Abstract: This rule simplifies the process for giving public notice of changes in the maximum mortgage interest rates and financing charges for various mortgage and loan insurance programs under the National Housing Act. This rule ends the administratively burdensome practice by which each affected section is amended to reflect the change in the maximum interest rate or financing charge only. This rule provides changes in the interest rates and financing changes on FHA-insured loans to be implemented by notice published in the Federal Register. The benefit of this rule is that it will reduce administrative cost and make for a more efficient and cost effective method of announcing changes in the interest rates and financing charges.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/83	

Small Entity: No

Additional Information: FR Number: 1738; Agenda Number: H-23-83.

Agency Contact: Arnold Diamond, Office of Financial Management, Department of Housing and Urban Development, Office of Housing, **202 426-4325**

RIN: 2502-AB67

●MANUFACTURED HOME PROCEDURAL AND ENFORCEMENT REGULATIONS MONITORING INSPECTION FEE

Legal Authority: 42 USC 5419; 42 USC 3535(d)

CFR Citation: 24 CFR 3282.454

Abstract: Would apply the manufactured home monitoring inspection fee to each manufactured home section rather than to each home.

Timetable:

Action	Date	FR Cite
NPRM	08/00/83	

Small Entity: Undetermined

Additional Information: FR Number: 1767n; Agenda Number H-30-83.

Agency Contact: John S. Mason, Director, Enforcement Division, Department of Housing and Urban Development, Office of Housing, Manufactured Housing Standards Division, **202 755-6920**

RIN: 2502-AB48

●PUBLIC HOUSING DEVELOPMENT; MISCELLANEOUS AMENDMENTS

Legal Authority: 42 USC 1437 U.S. Housing Act of 1937

CFR Citation: 24 CFR 841

Abstract: The Department proposes to make three minor revisions to correct program deficiencies as follows: (1) Make the time for submission of the Actual Development Cost Certificate consistent with recent revisions to Handbook 7417.1 REV-1, (2) Require submission of a Local Governing Body Resolution for a Front-end ACC as currently required by statute for Preliminary Loans and, (3) Make the Uniform Act provisions of the 1980 rule applicable for projects being processed under the 1977 rule. Additional costs to the Government and the public are expected to be minimal since the amendments only clarify existing program requirements.

Timetable:

Action	Date	FR Cite
ANPRM	00/00/00	

Small Entity: Undetermined

Additional Information: Agenda Number: H-31-83.

Agency Contact: Raymond W. Hamilton, Director, Public Housing Development Div., Department of Housing and Urban Development, Office of Housing, **202 426-0948**

RIN: 2502-AB61

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) — Existing Regulations Under Review

Office of Housing (OH)

FEDERAL MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS

Priority: Major, Task Force

Legal Authority: 42 USC 5401 et seq Natl Mfctrd Hous Cnstn & Sfty Stds Act 1974

CFR Citation: 24 CFR 3280

Abstract: As a result of conducting numerous research projects, collecting other related program data, the introduction of new technology, changes in energy prices, the need to clarify portions of the standards, etc., it is necessary for the Department to revise the existing construction and safety standards. In addition, the Presidential Task Force on Regulatory Relief included the Standards among a list of 30 federal regulations to be reconsidered under Executive Order 12291. As a result of the standard revisions, the safety and durability

of manufactured homes will be improved. As part of this revision, changes have been made in the regulations with a de-regulatory purpose. Was listed on previous agenda as NVACP-3-81. Includes: H-71-82. Advance Notice of Proposed Rulemaking published August 28, 1981 (46 FR 43466).

Timetable:

Action	Date	FR Cite
Final Action		47 FR 55669
NPRM	04/00/83	

Supplemental Timetable: Revision-Manufactured Home Construction & Safety Stds — ANPRM 06/07/79 (44 FR 32711)

Small Entity: No

Additional Information: The Presidential Task Force on Regulatory Relief designated this regulation for review. FR NUMBER: 1637n; AGENDA NUMBER: H-46-82. Includes: H-71-82.

Government Levels Affected: State, Federal

Agency Contact: Richard Mendlen, Department of Housing and Urban Development, Office of Housing, Manufactured Hsing and ConstStandards, **202 755-5798**

RIN: 2502-AA01

TAX EXEMPTION OF OBLIGATIONS OF PUBLIC HOUSING AGENCIES AND RELATED AMENDMENTS

Priority: Agency Determination

Legal Authority: 42 USC 1437 et seq United States Housing Act of 1937

CFR Citation: 24 CFR 811

Abstract: Would be changed to reflect technical changes and current policy in the Part 811 tax-exempt area. Publication will eliminate necessity to grant Headquarters waivers where policy has been established.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	
Interim Final Rule	00/00/00	

Small Entity: No

Additional Information: FR NUMBER: 1619; AGENDA NUMBER: H-114-82.

Agency Contact: Steven Silvert, Department of Housing and Urban Development, Office of Housing, Off of State Agencies and BondFnancd Progs, **202 755-8135**

RIN: 2502-AA11

SECTION 8 HOUSING ASSISTANCE PROGRAM FOR DISPOSITION OF THE HUD-OWNED PROJECTS

Legal Authority: 42 USC 1437 Housing & Community Dvlpmnt Act of 1974; PL 96-153 Housing & Community Dvlpmnt Amndmnts of 1979; PL 96-399 Housing & Community Development Act of 1980

CFR Citation: 24 CFR 886

Abstract: Provides for the use of Section 8 housing assistance in the disposition of HUD-owned projects. Final rule preparation awaits decision on the future use of Section 8 relating to Property Disposition. Includes: H-7-79. Interim rule published December 6, 1979 (44 FR 70362), effective December 26, 1979.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/06/79	44 FR 70362
Interim rule effective	12/26/79	
End Review	00/00/00	

Small Entity: No

Additional Information: FR NUMBER: 823; AGENDA NUMBER: H-6-79.

Agency Contact: Marvin T. Hilman, Director, Department of Housing and Urban Development, Office of Housing, Multifamily Sales Division, **202 755-7220**

RIN: 2502-AB42

USE OF MATERIAL BULLETIN NO. 596-HUD BUILDING PRODUCT STANDARDS CERTIFICATION PROGRAM FOR WOOD WINDOWS

Legal Authority: 42 USC 3535(d) Department of HUD Act

CFR Citation: 24 CFR 200

Abstract: Would promulgate HUD Use of Materials Bulletin No. 59b (UM 59b). UM 59b accepts recently published product standards for wood windows. In addition, would provide for a certification program for these products.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	
Interim Final Rule	00/00/00	

Small Entity: No

Additional Information: FR Number: 1404; Agenda Number: H-34-79.

Agency Contact: Leslie Breden, Department of Housing and Urban Development, Office of Housing, Manufactured Housing and Const Standards, **202 755-5929**

RIN: 2502-AB06

USE OF MATERIALS BULLETIN NO. 39A - HUD BUILDING PRODUCT STANDARDS AND CERTIFICATION PROGRAM FOR ALUMINUM WINDOWS

Legal Authority: 42 USC 3535(d) Department of HUD Act

CFR Citation: 24 CFR 200

Abstract: Would promulgate HUD Use of Materials Bulletin No. 39a (UM 39a). UM 39a accepts recently published product standards for aluminum windows. In addition, would provide for a certification program for these products.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	
Interim Final Rule	00/00/00	

Small Entity: No

Additional Information: FR NUMBER: 1405; AGENDA NUMBER: H-1-80.

Agency Contact: Leslie Breden, Department of Housing and Urban Development, Office of Housing, Manufactured Housing and Const Standards, **202 755-5929**

RIN: 2502-AA97

USE OF MATERIALS BULLETIN NO. 82 - HUD BUILDING PRODUCT STANDARDS AND CERTIFICATION PROGRAM FOR SEALED INSULATED GLASS UNITS

Legal Authority: 42 USC 5353(d) Department of HUD Act

CFR Citation: 24 CFR 200

Abstract: Would promulgate HUD Use of Materials Bulletin No. 82(UM82). UM 82 accepts recently published standards for sealed insulated glass units. In addition, would provide for a certification program for these products.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	
Interim Final Rule	00/00/00	

Small Entity: No

Additional Information: FR NUMBER: 1356; AGENDA NUMBER: H-4-80.

Agency Contact: Leslie Breden, Department of Housing and Urban Development, Office of

Housing, Manufactured Housing and Const Standards, **202 755-5929**

RIN: 2502-AA98

USE OF MATERIALS BULLETIN NO. 73A - HUD BUILDING PRODUCT STANDARDS AND CERTIFICATION PROGRAM FOR PLASTIC PLUMBING FIXTURES

Legal Authority: 42 USC 3535(d) Department of HUD Act

CFR Citation: 24 CFR 200

Abstract: Would promulgate HUD Use of Materials Bulletin No. 73a (UM 73a). UM 73a accepts recently published standards for plastic plumbing fixtures. In addition, would provide for a certification program for these products.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: No

Additional Information: FR NUMBER: 1358; AGENDA NUMBER: H-22-81.

Agency Contact: Leslie Breden, Department of Housing and Urban Development, Office of Housing, Manufactured Housing and Const Standards, **202 755-5929**

RIN: 2502-AA81

MANUFACTURED HOMES-ALTERNATIVE CONSTRUCTION METHODS

Legal Authority: 42 USC 5401 et seq Natl Mfctrd Hous Cnstn & Sfty Stds Act 1974

CFR Citation: 24 CFR 3282

Abstract: Would permit manufactured home manufacturers to file requests for alternative construction methods with the Secretary in limited circumstances. The rule would also allow manufacturers to build homes which, though not in technical compliance with the standards contained in 24 CFR 3280, meet the same level of quality, durability, and safety as required by the standards. This measure facilitates the use of innovative construction methods or technology and allows the Department to refrain from taking enforcement action based on failures to conform with the standards created during the employment of these innovative approaches. A determination whether to issue a final rule is under review. (Was listed on previous agenda as NVACP-2-81.)

Timetable:

Action	Date	FR Cite
NPRM	08/07/81	46 FR 40496
End Review	00/00/00	

Next Action Undetermined

Small Entity: No

Additional Information: AGENDA NUMBER: H-3-82. (Listed previously as NVACP-2-81.)

Agency Contact: John Opitz, Department of Housing and Urban Development, Office of the General Counsel, **202 755-7184**

RIN: 2502-AB14

MANUFACTURED HOME PROCEDURAL AND ENFORCEMENT REGULATIONS, FORMAL INVESTIGATIONS AND ADJUDICATIVE HEARINGS

Legal Authority: 42 USC 5401 et seq Mnfctd Home Constrn & Sfty Stds Act of 1974; 42 USC 3501 et seq Department of HUD Act

CFR Citation: 24 CFR 3282

Abstract: Would provide for uniform and fair proceedings with sufficient detail so that the parties involved are adequately informed of the procedures to be followed. Proposed rule published December 21, 1979 (44 FR 76176). Final Rule published December 16, 1980 (45 FR 82854) and withdrawn. Revised Final Rule in preparation. Was listed on previous agenda as NVACP-3-79.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Next Action Undetermined

Small Entity: No

Additional Information: AGENDA NUMBER: H-4-82. (Listed previously as NVACP-3-79.)

Agency Contact: Jeffrey Hammond, Department of Housing and Urban Development, Office of the General Counsel, **202 755-7184**

RIN: 2502-AB15

LOW COST AND MODERATE INSURANCE, EXISTING MULTIFAMILY HOUSING DEMONSTRATION

Legal Authority: 12 USC 1701 National Housing Act

CFR Citation: 24 CFR 221.560b

Abstract: Allowed the conducting of a demonstration to develop and test new and improved mechanisms for the purchase and/or refinancing of existing multifamily housing projects. Final rule development suspended pending policy decision regarding continuation of demonstration. Not designated by Presidential Task Force on Regulatory Relief.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/14/80	45 FR 31896
Interim Rule effective	06/13/80	
End Review	00/00/00	

Small Entity: No

Additional Information: AGENDA NUMBER: H-8-82.

Agency Contact: Michael A. Stegman, Department of Housing and Urban Development, Office of Housing, **202 755-5561**

RIN: 2502-AB16

PROJECT MANAGEMENT; MODERNIZATION OF OIL-FIRED HEATING PLANTS

Legal Authority: 42 USC 1437d S.S. Housing Act of 1937; 42 USC 3535(d) Department of HUD Act

CFR Citation: 24 CFR 865

Abstract: Added a new Subpart E to implement a set-aside of $25,000,000 in loan authority from the FY 1980 Modernization Program to modernize oil-fired heating plants in Public Housing Agency owned-projects. Final rule development suspended pending termination of funding allocation.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/23/80	45 FR 41936
Interim rule effective	07/31/80	
End Review	00/00/00	

Small Entity: No

Additional Information: AGENDA NUMBER: H-11-82.

Agency Contact: Charles Ashmore, Department of Housing and Urban Development, Office of Housing, Office of Public Housing, **202 755-6640**

RIN: 2502-AB17

PROPERTY IMPROVEMENT AND MOBILE HOME LOANS - HIGH COST AREA LIMITS

Legal Authority: 42 USC 5301 Housing & Community Development Amendmnts of 1981

CFR Citation: 24 CFR 201

Abstract: Would permit higher maximum loan amounts in certain geographical areas that have designated high cost areas. The basis for determining these areas was predicated on land costs extracted from 203(b) data. A Final Rule may not be published based on proposed legislation that

will alleviate the controversy surrounding the designation of high cost areas.

Timetable:

Action	Date	FR Cite
NPRM	06/28/82	47 FR 27867
End Review	00/00/00	

Small Entity: No

Additional Information: FR NUMBER: 1551; AGENDA NUMBER: H-19-82.

Agency Contact: **John L. Brady**, Director, Department of Housing and Urban Development, Office of Housing, Office of Title I Insured Loans, **202 755-6680**

RIN: 2502-AB18

AMENDMENTS TO THE PROCEDURAL AND ENFORCEMENT REGULATIONS

Legal Authority: PL 93-383 Natl Mnfctd Housng Constr & Sfty Stds Act 1974

CFR Citation: 24 CFR 3282

Abstract: Portions of the procedural and enforcement regulations, based on six years experience in administering the program, need to be clarified. In addition, several issues have arisen which the existing regulations do not adequately address. Thus, it is projected that a redrafting of Subparts A, F, G and I of the Procedural and Enforcement Regulations to clarify issues or to more precisely present or interpret HUD policy on various issues be accomplished. No significant cost impacts are anticipated.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: No

Additional Information: AGENDA NUMBER: H-53-82.

Agency Contact: **Tobias A. Gottesman**, Chief, Department of Housing and Urban Development, Office of Housing, Manufactured Housing and Const Standards, **202 755-6584**

RIN: 2502-AB21

INDIAN PUBLIC HOUSING PROGRAM

Legal Authority: 42 USC 1437 et seq U.S. Housing Act of 1937

CFR Citation: 24 CFR 805

Abstract: Except for statutory requirements, the deregulation of all Indian Housing regulations is under consideration. This will lower the cost and improve the delivery of public housing to Indian people.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: No

Additional Information: FR Number: 1665n; Agenda Number: H-103-82.

Agency Contact: **Patricia Arnaudo**, Acting Director, Department of Housing and Urban Development, Office of Housing, Office of Indian Programs, **202 755-6522**

RIN: 2502-AB29

PUBLIC HOUSING DEVELOPMENT, REVISION OF REQUIREMENTS

Legal Authority: 42 USC 3535(d) Department of HUD Act; 42 USC 1437 U.S. Housing Act of 1937

CFR Citation: 24 CFR 841

Abstract: Would require Headquarters' approval for all public housing projects proposed to have dwelling construction and equipment costs in excess of 100 percent of the project prototype cost limits. This rule is intended to result in reduced costs to the Government as well as Public Housing Agencies developing such projects.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: No

Additional Information: FR Number: 1665n; Agenda Number: H-103-82.

Agency Contact: **Raymond W. Hamilton**, Director, Department of Housing and Urban Development, Office of Housing, Public Housing Development Division, **202 426-0938**

RIN: 2502-AB30

AMENDMENTS TO PROCEDURAL AND ENFORCEMENT REGULATIONS

Legal Authority: 42 USC 5424 Natl Mnfctrd Hous Constrctn & Sfty Stds Act of 1974

CFR Citation: 24 CFR 3282

Abstract: Would eliminate requirement for inspection agencies to maintain file of Data Plates and clarify conditions for removing labels from damaged homes.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: No

Additional Information: AGENDA NUMBER: H-107-82.

Agency Contact: **John Mason**, Enforcement Officer, Department of Housing and Urban Development, Office of Housing, Manufactured Housing and Const Standards, **202 755-6920**

RIN: 2502-AB31

ANNUAL CONTRIBUTIONS FOR OPERATING SUBSIDY - PERFORMANCE FUNDING SYSTEM

Legal Authority: 42 USC 1437 et seq U.S. Housing Act of 1937; 42 USC 3535(d) Department of HUD Act

CFR Citation: 24 CFR 890.102; 24 CFR 890.108; 24 CFR 890.109

Abstract: Would require a recalculation of Operating Subsidy for units withheld from occupancy by the PHA for reasons that are not approved by HUD.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: No

Additional Information: AGENDA NUMBER: H-109-82.

Agency Contact: **J. Milton Silfkin**, Department of Housing and Urban Development, Office of Housing, Fiscal Management Division, Office of Public Housing, **202 426-1872**

RIN: 2502-AB32

ANNUAL CONTRIBUTIONS FOR OPERATING SUBSIDY - PERFORMANCE FUNDING SYSTEM

Legal Authority: 42 USC 1437 et seq U.S. Housing Act of 1937; 42 USC 3535(d) Department of HUD Act

CFR Citation: 24 CFR 890.102; 24 CFR 890.107

Abstract: Would reinstate the Rolling Base to capture the allowable Utilities Consumption Level utilized in the PFS calculation of the Utilities Expense Level. This system will reflect changes in consumption patterns brought about through conservation measures in the past or future. The Fixed Base System now in use does not reflect these changes.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/23/82	47 FR 57270
Interim rule effective	12/23/82	47 FR 57270
Final Action	00/00/00	

Small Entity: No

Additional Information: FR Number: 1666n; Agenda Number: h-111-82.

HUD—OH

Existing Regulations Under Review

Agency Contact: J. Milton Slifkin, Department of Housing and Urban Development, Office of Housing, Fiscal Management Division, Office of Public Housing, 202 426-1872

RIN: 2502-AB34

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Housing (OH)

Completed Actions

COMPLETED RULEMAKINGS

SECTION 236 PROGRAM—DEFINITION OF ELIGIBLE TENANT

Priority: Agency Determination

Completed:

Reason	Date	FR Cite
Withdrawn	03/01/83	

Agency Contact: James J. Tahash 202 755-5654

RIN: 2502-AA33

METHOD OF COMPUTING INTEREST ON DEFAULTED NOTES

Priority: Agency Determination

Completed:

Reason	Date	FR Cite
Final Action	01/11/83	48 FR 1192
Final Action Effective	03/09/83	

Agency Contact: John L. Brady 202 755-6650

RIN: 2502-AA87

RESTRICTION ON USE OF ASSISTED HOUSING

Priority: Agency Determination

Completed:

Reason	Date	FR Cite
Final Action	10/04/82	47 FR 43674
Final Action Effective	05/01/83	

Agency Contact: Robert Kott 202 755-7084

RIN: 2502-AA00

SECTION 8-REQUIREMENT FOR MODEST DESIGN

Priority: Agency Determination

Completed:

Reason	Date	FR Cite
Withdrawn from agenda	03/03/83	

Agency Contact: Joseph E. Malloy 202 755-6500

RIN: 2502-AA17

SECTION 8-LIMIT ON COST AND RENT INCREASES, PREFERENCE FOR CERTAIN PROJECTS, ASSISTANCE FOR UNITS WITHOUT BATHROOMS OR KITCHEN FACILITIES

Priority: Agency Determination

Completed:

Reason	Date	FR Cite
Withdrawn from agenda	03/03/83	

Agency Contact: Joseph E. Malloy 202 755-6500

RIN: 2502-AA19

SECTION 8 PROHIBITION OF PREFERENCE TO CERTAIN PARTIALLY ASSISTED PROJECTS

Priority: Agency Determination

Completed:

Reason	Date	FR Cite
Final Action	11/30/82	47 FR 53849

Agency Contact: Joseph E. Malloy 202 755-6500

RIN: 2502-AA20

REEXAMINATION OF FAMILY INCOME FOR THE PUBLIC HOUSING AND SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

Priority: Agency Determination

Completed:

Reason	Date	FR Cite
Final Action	12/02/82	47 FR 54293

Agency Contact: Edward Whipple 202 426-7044

RIN: 2502-AA23

RENT SUPPLEMENT PROGRAM-DEFINITION OF INCOME

Priority: Agency Determination

Completed:

Reason	Date	FR Cite
Withdrawn from agenda	03/03/83	

Agency Contact: James J. Tahash 202 755-5654

RIN: 2502-AA27

PROPERTY IMPROVEMENT LOANS AND LOAN SECURITY

Completed:

Reason	Date	FR Cite
Final Action	12/30/82	47 FR 58240
Final Action Effective	03/09/83	

Agency Contact: John L. Brady 202 755-6650

RIN: 2502-AB35

DEFINITION OF FAMILY AND OTHER RELATED TERMS, OCCUPANCY BY SINGLE PERSONS

Completed:

Reason	Date	FR Cite
Final Action	08/31/82	47 FR 38282
Final Action Effective	12/06/82	47 FR 54790

Agency Contact: Priscilla S. Banks 202 426-0744

RIN: 2502-AB11

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM - CONTRACT RENT ANNUAL ADJUSTMENT FACTORS

Completed:

Reason	Date	FR Cite
Withdrawn from agenda	03/03/83	

Agency Contact: Gerald J. Benoit 202 755-5353

RIN: 2502-AB09

HUD—OH

Completed Actions

RENT SUPPLEMENT PAYMENTS

Completed:

Reason	Date	FR Cite
Withdrawn	03/01/83	

Agency Contact: James J. Tahash 202 755-5654

RIN: 2502-AA32

CHANGE IN PROVISIONS AND CHARACTERISTICS OF DEBENTURES

Completed:

Reason	Date	FR Cite
Withdrawn from agenda	03/03/83	

Agency Contact: Linda F. Milner 202 755-5747

RIN: 2502-AA76

YIELD INSURANCE

Completed:

Reason	Date	FR Cite
Withdrawn from agenda	03/03/83	

Agency Contact: Joseph E. Malloy 202 755-7172

RIN: 2502-AA79

EMERGENCY HOMEOWNERS' RELIEF PROGRAM, APPENDICES

Completed:

Reason	Date	FR Cite
Withdrawn from agenda	03/03/83	

Agency Contact: Nancy S. Chisholm 202 426-0751

RIN: 2502-AA80

USE OF MATERIALS BULLETIN NO. 84 - HUD BUILDING PRODUCT STANDARDS AND CERTIFICATION PROGRAM FOR SOLID FUEL TYPE ROOM HEATERS AND FIREPLACE STOVES

Completed:

Reason	Date	FR Cite
Final Action	01/17/83	48 FR 1954
Final Action Effective	03/09/83	

Agency Contact: Leslie Breden 202 755-5929

RIN: 2502-AA82

LOW-RENT HOUSING HOMEOWNERSHIP OPPORTUNITIES (TURNKEY III); INDIAN HOUSING; AND PUBLIC HOUSING DEVELOPMENT PHASE; MAXIMUM LIMIT ON TOTAL DEVELOPMENT COST

Completed:

Reason	Date	FR Cite
Final Action	09/08/82	47 FR 39480
Final Action Effective	10/08/82	

Agency Contact: J. R. VanNess 202 755-4956

RIN: 2502-AA96

SCHEDULE A. LOW INCOME HOUSING; FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION

Completed:

Reason	Date	FR Cite
Withdrawn from agenda	03/03/83	

Agency Contact: Steven Silbert 202 755-8135

RIN: 2502-AA44

MANUFACTURED HOME PROCEDURAL AND ENFORCEMENT REGULATIONS

Completed:

Reason	Date	FR Cite
Final Action	02/28/83	48 FR 8270

Agency Contact: Tobias A. Gotteeman 202 755-6584

RIN: 2502-AB20

UPDATE OF STANDARDS INCORPORATED BY REFERENCE INTO THE MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS

Completed:

Reason	Date	FR Cite
Final Action	11/01/82	47 FR 49383

Agency Contact: Richard Mendlen 202 755-5798

RIN: 2502-AB22

PROPERTY IMPROVEMENT AND MOBILE HOME PROGRAMS - APPROVAL OF LENDING INSTITUTIONS

Completed:

Reason	Date	FR Cite
Withdrawn from agenda	03/03/83	

Agency Contact: Constance Harbaugh 202 426-3976

RIN: 2502-AA60

ANNUAL CONTRIBUTIONS FOR OPERATING SUBSIDY - PERFORMANCE FUNDING SYSTEM

Completed:

Reason	Date	FR Cite
Final Action	12/03/82	47 FR 54431

Agency Contact: Joanne Millican 202 426-1872

RIN: 2502-AB33

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM-FINANCING ADJUSTMENT FOR FAIR MARKET RENTS

Completed:

Reason	Date	FR Cite
Withdrawn	03/03/83	

Agency Contact: Steven Silvert 202 755-8135

RIN: 2502-AA69

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM-EXISTING HOUSING

Completed:

Reason	Date	FR Cite
Withdrawn from agenda	03/03/83	

Agency Contact: Gerald J. Benoit 202 755-5353

RIN: 2502-AA72

COMPLETED REVIEWS

INSURANCE OF ADVANCES FOR OFF-SITE COMPONENTS

Completed:

Reason	Date	FR Cite
Withdrawn from agenda	03/03/83	

Agency Contact: Bernie Shriber 202 426-7113

RIN: 2502-AB44

HOUSING FOR ELDERLY OR HANDICAPPED - BUILDING COMPONENTS STORED OFF-SITE

Completed:

Reason	Date	FR Cite
Withdrawn from agenda	03/03/83	

Agency Contact: Bernie Shriber 202 426-7113

RIN: 2502-AB43

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM - EXISTING HOUSING

Completed:

Reason	Date	FR Cite
Withdrawn from agenda	03/03/83	

Agency Contact: Gerald J. Benoit 202 755-5443

RIN: 2502-AB37

COST-EFFECTIVE ENERGY CONSERVATION AND EFFECTIVENESS STANDARDS

Completed:

Reason	Date	FR Cite
Withdrawn from agenda	03/03/83	

Agency Contact: Kenneth L. Credle 202 755-6590

RIN: 2502-AB38

PHA-OWNED PUBLIC HOUSING PROJECTS - DEMOLITION OF BUILDINGS, DISPOSITION OF REAL PROPERTY AND CONVERSION OF UNITS

Completed:

Reason	Date	FR Cite
Withdrawn from agenda	03/03/83	

Agency Contact: Richard L. Rivard 202 755-5585

RIN: 2502-AB39

ANNUAL CONTRIBUTIONS FOR OPERATING SUBSIDY - PERFORMANCE FUNDING SYSTEM

Completed:

Reason	Date	FR Cite
Withdrawn from agenda	03/03/83	

Agency Contact: J. Milton Slifkin 202 426-1872

RIN: 2502-AB40

ANNUAL CONTRIBUTIONS FOR OPERATING SUBSIDY-PERFORMANCE FUNDING SYSTEM

Completed:

Reason	Date	FR Cite
Withdrawn from agenda	03/03/83	

Agency Contact: J. Milton Slifkin 202 426-1872

RIN: 2502-AB19

MANUFACTURED HOME LOAN PROGRAM

Completed:

Reason	Date	FR Cite
Withdrawn from agenda	03/03/83	

Agency Contact: John L. Brady 202 755-6680

RIN: 2502-AB25

MOBILE HOME LOAN SECONDARY MARKET – MANUFACTURED HOME LOAN PROGRAM – MAXIMUM INTEREST RATE – POINTS AND DISCOUNTS

Completed:

Reason	Date	FR Cite
Withdrawn from agenda	03/03/83	

Agency Contact: John L. Brady 202 755-6680

RIN: 2502-AB26

ACTIONS THAT STARTED AND ENDED BETWEEN ISSUES OF THE UNIFIED AGENDA

LOANS FOR HOUSING OF THE ELDERLY OR HANDICAPPED FY 1983 INTEREST RATE

Priority: Agency Determination

Legal Authority: 12 USC 1701q Housing Act of 1959; 42 USC 3535(d) Department of HUD Act

CFR Citation: 24 CFR 885

Abstract: The rule establishes the interest rate for direct loans for housing for the elderly or handicapped made during Fiscal Year 1983 at 9 1/4 percent per annum.

Timetable:

Action	Date	FR Cite
Final Action	02/08/83	48 FR 5721
Final Action Effective	02/08/83	

Small Entity: No

Additional Information: FR Number: 1708; Agenda Number: H-14-83.

Agency Contact: Robert W. Wilden, Director, Elderly & Condo Health Facility, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Development, 202 426-8730

RIN: 2502-AB50

ELIMINATION OF 90 DAY DEFAULT TRIGGER FOR RECAPTURE OF ASSISTANCE PAYMENTS

Priority: Agency Determination

Legal Authority: 12 USC 1715b National Housing Act; 12 USC 1715z National Housing Act; 42 USC 3535(d) Department of HUD Act

CFR Citation: 24 CFR 235.12

Abstract: Section 235 of the National Housing Act was amended in 1980 to require recapture of assistance payments made on behalf of lower income families under the Section 235 Program under certain circumstances. The Housing and Community Development Amendments of 1981 amended this recapture provision to eliminate the requirement that assistance payments be recaptured in the event of the homeowner's failure to make mortgage payments for a period of 90 days or more. This regulation implements the 1981 amendment.

Timetable:

Action	Date	FR Cite
Final Action Effective	03/09/82	
Final Action	12/03/82	47 FR 54430

Small Entity: No

Additional Information: FR Number: 1716; Agenda Number H-15-83.

Agency Contact: Richard B. Buchheit, Office of Single Family Housing, Department of Housing and Urban Development, Office of Housing, 202 755-6680

RIN: 2502-AB49

BILLING CODE 4210-01-T

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) Current and Projected Rulemakings
Office of Community Planning and Development (CPD)

DEPARTMENTAL POLICIES, RESPONSIBILITIES, AND PROCEDURES FOR PROTECTION AND ENHANCEMENT OF ENVIRONMENTAL QUALITY

Priority: Task Force

Legal Authority: 42 USC 4321 The National Environmental Policy Act of 1969; PL 95-557 Housing & Community Development Act of 1979

CFR Citation: 24 CFR 50

Abstract: This interim rule will replace an interim rule published on November 27, 1979 (44 FR 67906). The rule provides policies and procedures for HUD consideration of environmental factors in decision-making under HUD programs (except the Community Development Block Grant Program). The rule implements the National Environmental Policy Act (NEPA) and several specific environmental laws and authorities. The rule changes a number of elements of the November 1979 interim rule to reduce the regulatory burden and procedural details. It revises thresholds for environmental impact statements (EIS) to single threshold of 2500 dwelling units; increase reliance on environmental assessments for determining when an EIS is required; provides a basis for HUD acceptance of environmental reviews prepared by the Veterans Administration; clarifies activities that are "categorically excluded" from NEPA; and contains other elements in compliance with regulations of the Council on Environmental Quality. Review completed.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/15/82	47 FR 56266
Interim Rule effective	03/09/83	
Final Action	05/00/83	

Small Entity: No

Additional Information: The Presidential Task Force on Regulatory Relief designated this regulation for review. FR NUMBER: 1054; AGENDA NUMBER: CPD-29-78.

Affected Sectors: Multiple

Agency Contact: **Fred D. Regetz**, Department of Housing and Urban Development, Office of Community Planning and Development, Office of Environment and Energy, Environmental Management Division, **202 755-7355**

RIN: 2506-AA10

SITING OF HUD-ASSISTED PROJECTS NEAR HAZARDOUS OPERATIONS HANDLING CONVENTIONAL FUELS OR CHEMICALS OF AN EXPLOSIVE NATURE

Priority: Major

Legal Authority: 42 USC 4321 et seq National Environmental Policy Act of 1969; 42 USC 3535(d) Dept of Housing & Urban Dvlpmnt Act

CFR Citation: 24 CFR 51

Abstract: The regulation establishes explosion and thermal radiation (fire) safety standards, which can be used to determine an acceptable separation distance (ASD) for HUD projects from chemicals or petrochemicals of an explosion and/or fire prone nature. Alternatives: (1) Maintain status quo of having no regulations; (2) Apprise local public housing authorities, planning agencies, CDBG recipients, and others of the dangers involved and identify methods for reducing or negating potential hazards to proposed HUD-assisted projects; (3) Publish the regulation, which will establish safety standards and guidance for applying the safety standards. Costs: Any additional land costs or costs resulting from incorporation of mitigation design measures into the project, such as an earthen berm, would be borne by the project developer, or in the case of a public housing project by the sponsor and HUD, through its housing assistance activities. Benefits: The basic benefit of the regulation will be to assure that people and property are not exposed to potential explosion and thermal radiation hazards represented by chemicals or petrochemicals. A secondary benefit is to protect the (cont)

Timetable:

Action	Date	FR Cite
ANPRM	09/10/79	44 FR 52695
NPRM	08/19/80	45 FR 55223
Final Action	07/01/83	

Small Entity: No

Additional Information: ABSTRACT CONT: investments of HUD by assuring that projects located in the proximity of such hazards are located at acceptable separation distances or that mitigating measures are incorporated into the project to protect against potential explosion or high-intensity fire. FR NUMBER: 935; AGENDA NUMBER: CPD-32-78.

Agency Contact: **James L. Christopulos**, Senior Environmental Engineer, Department of Housing and Urban Development, Office of Community Planning and Development, Office of Environment and Energy, **202 755-6590**

RIN: 2506-AA11

INDIAN CDBG PROGRAM

Priority: Agency Determination

Legal Authority: 42 USC 5301 et seq Housing & Community Development Act of 1974

CFR Citation: 24 CFR 571

Abstract: This rule revises the regulations governing the Community Development Block Grant Program for Indian Tribes and Alaskan Native Villages. The revision incorporates new policies and procedures and simplifies the regulations' text and the application process. Substantial changes were made to the application requirements, the number of criteria for rating projects, the Indian preference requirements, and by eliminating comprehensive grants. Review completed.

Timetable:

Action	Date	FR Cite
NPRM	12/13/82	47 FR 55868
NPRM Comment Period Begin	12/13/82	47 FR 55868
NPRM Comment Period End	01/03/83	
Interim Final Rule	04/00/83	

Small Entity: No

Additional Information: FR NUMBER: 1612; AGENDA NUMBER: CPD-18-79.

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Agency Contact: **Marcia A. B. Brown**, Program Officer, Department of Housing and Urban Development, Office of Community Planning and Development, Office of Program Policy Development, Secretary's Fund Division, **202 755-6092**

RIN: 2506-AA09

ENVIRONMENTAL REVIEW PROCEDURES FOR THE CDBG PROGRAM

Priority: Agency Determination, Task Force

Legal Authority: 42 USC 530 et seq Housing & Community Development Act of 1974; PL 97-35 Housing & Community Development Amendments of 1981

CFR Citation: 24 CFR 58

Abstract: The final rule provides policies and procedures by which assisted

communities and participating states discharge Federal environmental review responsibilities. The final rule also streamlines and reduces the environmental requirements. Such actions include: (1) an expanded listing of block grant activities and projects exempt or categorically excluded from the NEPA requirements; (2) the definitive list of related statutes and authorities that must be observed by grant recipients for the release of block grant funds as required by the HUD legislation; and (3) the further provisions needed to conform with and implement innovative measures of the HUD Amendments of 1981 such as the new state-administered block grant program for small cities and the assumption of the environmental oversight responsibilities by such states.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/12/82	47 FR 15750
Interim Rule effective	05/19/82	
Final Action	05/00/83	

Small Entity: No

Additional Information: FR Number: 1027; Agenda Number: CPD-21-82. Includes: CPD-23-81; CPD-27-78.The Presidential Task Force on Regulatory Relief designated this rule for review.

Agency Contact: Charles E. Thomsen, Department of Housing and Urban Development, Office of Community Planning and Development, Office of Environment and Energy, Environmental Management Division, **202 755-7355**

RIN: 2506–AA05

SMALL CITIES CDBG PROGRAM

Priority: Agency Determination

Legal Authority: 42 USC 5301 et seq Housing & Community Development Act of 1974; 42 USC 3535(d) Department of HUD Act

CFR Citation: 24 CFR 570

Abstract: This rule amends the HUD administered Small Cities CDBG Program for nonentitled areas by establishing new policy and procedures, and simplifying the application process. Includes: CPD-3-80. Interim rule published February 23, 1981 (46 FR 13676), effective March 27, 1981. CPD-12-82. Interim rule published rule published June 26, 1979 (44 FR 37478), effective July 26, 1979.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/16/82	47 FR 35674
Interim Rule effective	08/16/82	

Small Entity: No

Additional Information: FR Number: 1502; Agenda Number: CPD-35-81. Includes: CPD-3-80; CPD-12-82. ADDITIONAL AGENCY CONTACT: Bryant Monroe, (202) 755-6322. The Presidential Task Force on Regulatory Relief designated this regulation for review.

Agency Contact: Helen Duncan, Department of Housing and Urban Development, Office of Community Planning and Development, Office of Block Grant Assistance, State and Small Cities Division, **202 755-6322**

RIN: 2506–AA06

COMMUNITY DEVELOPMENT BLOCK GRANTS, GRANT ADMINISTRATION

Priority: Agency Determination

Legal Authority: 42 USC 5301 et seq Title I, Hous & Comm Dvlpmnt Act of 1974

CFR Citation: 24 CFR 570

Abstract: Revision of existing Subpart J is necessary in order to: (1) Eliminate any unnecessary requirements that exceed statutory intent; (2) Strengthen the Department's ability to minimize any waste and mismanagement in CDBG programs governed by Subpart J; (3) Consolidate in Subpart J record keeping and reporting requirements now described partly in Subpart J and partly in Subpart O; and (4) Reflect changes in OMB grant management circulars. Review completed. Interim rule expected to be published December 1982. Includes: CPD-3-81. Proposed rule published July 31, 1979 (44 FR 45110). CPD-16-78. Interim rule published February 13, 1980 (45 FR 9730), effective March 14, 1980.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: The Presidential Task Force on Regulatory Relief designated this regulation for review. AGENDA NUMBER: CPD 38-81. Includes: CPD-3-81; CPD-16-78.

Agency Contact: James R. Broughman, Director, Department of Housing and Urban Development, Office of Community Planning and Development, Entitlement Cities Division, **202 755-9267**

RIN: 2506–AA07

COMMUNITY DEVELOPMENT BLOCK GRANTS, PERFORMANCE REVIEW

Priority: Agency Determination

Legal Authority: 42 USC 5301 et seq Housing & Community Development Act of 1974

CFR Citation: 24 CFR 570

Abstract: Revision of existing Subpart O is necessary in order to: (1) Implement the 1981 legislative amendment to section 104(d)(1) of the Housing and Community Development Act of 1974, which describes the Secretary's review responsibilities with respect to the CDBG entitlement grants and HUD-administered Small Cities grants; (2) Clarify performance standards against which each grant recipient's performance will be judged; (3) Eliminate any unnecessary requirements that exceed statutory intent; and (4) Transfer material on record keeping and reporting to Subpart J, Grant Administration, in order to consolidate such information with related information currently in Subpart J. Review completed.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: The Presidential Task Force on Regulatory Relief designated this regulation for review. AGENDA NUMBER: CPD-44-81.

Agency Contact: James R. Broughman, Director, Department of Housing and Urban Development, Office of Community Planning and Development, Entitlement Cities Division, **202 755-9267**

RIN: 2506–AA08

COMMUNITY DEVELOPMENT BLOCK GRANTS

Priority: Task Force

Legal Authority: 42 USC 5301 et seq Hous & Commmunity Dvlpmnt Act of 1974

CFR Citation: 24 CFR 570

Abstract: Interim Rule would amend 24 CFR Part 570 to set forth new requirements governing the administration of Community Development Block Grant Funds under Subparts A (General Provisions), C (Eligible Activities), D (Entitlement Grants), K (Other Applicable Laws), M (Loan Guarantees) and O, 570.901 (Review for Compliance with Primary Objectives). Includes: CPD-8-82. Interim rule published February 1, 1978 (43 FR 4382), effective February 1, 1978. CPD-16-81. Separate interim rule no longer in preparation. CPD-17-81. Interim rule published September 14, 1981 (46 FR 45603), effective September 14, 1981. CPD-18-81. Separate interim rule no longer in preparation. CPD-20-81. Separate proposed rule in preparation. CPD-24-81. Review completed. CPD-25-81. Review completed. CPD-26-81. Review completed. CPD-40-81. Review completed. CPD-4-80. Separate interim rule no longer in preparation. CPD-10-79. Interim rule published September 9, 1980. (45 FR 59306), effective October 1, 1980. CPD-8-78. Interim rule published (43 FR 4382), effective February 1, 1978.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/04/82	47 FR 43900

Next Action Undetermined

Small Entity: No

Additional Information: The Presidential Task Force on Regulatory Relief designated this regulation for review. FR Number: 1638n; Agenda Number: CPD-4-82. Includes: CPD-8-82; CPD-16-81; CPD-17-81; CPD-18-81; CPD-20-81; CPD-24-81; CPD-25-81; CPD-26-81; CPD-40-81; CPD-4-80; CPD-10-79; CPD-8-78.

Agency Contact: **James R. Broughman**, Director, Department of Housing and Urban Development, Office of Community Planning and Development, Entitlement Cities Division, **202 755-9297**

RIN: 2506-AA00

SPECIAL PROJECTS PROGRAM

Priority: Agency Determination, Task Force

Legal Authority: 42 USC 5301, et seq Housing & Community Dvlpmnt Act of 1974

CFR Citation: 24 CFR 570.410

Abstract: This interim rule established a new Community Development Special Projects Program for states and units of general local government. This rule describes policy and procedures for HUD to award Special Projects Assistance. Interim rule effective August 11, 1982.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/12/82	47 FR 30053

Next Action Undetermined

Small Entity: No

Additional Information: FR Number: 1554; Agenda Number: CPD-5-82.

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Government Levels Affected: Local, State

Agency Contact: **Liza Bowles**, Program Analyst, Department of Housing and Urban Development, Office of Community Planning and Development, Office of Program Policy Development, Policy Development Division, **202 755-6909**

RIN: 2506-AA01

UDAG - HOUSING ELIGIBILITY

Priority: Agency Determination

Legal Authority: 42 USC 5301 et seq Housing & Community Development Act 1974; 42 USC 3535(d) Department Housing & Urban Development Act

CFR Citation: 24 CFR 570.456d

Abstract: Would establish that new construction and rehabilitation of housing, except for mixed-use projects, is not an eligible activity under UDAG.

Timetable:

Action	Date	FR Cite
NPRM	11/00/82	
Interim Final Rule	04/00/83	

Small Entity: No

Additional Information: FR Number: 1729; Agenda Number: CPD-16-82.

Agency Contact: **Virginia S. Healy**, Department of Housing and Urban Development, Office of Community Planning and Development, Office of Urban Development Action Grants, **202 755-7362**

RIN: 2506-AA02

RENTAL REHABILITATION PROGRAM

Priority: Agency Determination, Major

CFR Citation: Not yet determined

Abstract: The Administration has proposed a new program to replace current Section 312 loans and Section 8 Mod- and Sub-Rehabilitation. Timetable dependent on legislative enactment.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/83	

Small Entity: No

Additional Information: AGENDA NUMBER: CPD-17-82.

Agency Contact: **Robert I. Dodge, III**, Director, Department of Housing and Urban Development, Office of Community Planning and Development, Office of Urban Rehabilitation, **202 755-5685**

RIN: 2506-AA03

COMMUNITY DEVELOPMENT BLOCK GRANTS; URBAN DEVELOPMENT ACTION GRANTS

Priority: Agency Determination

Legal Authority: 42 USC 5301 et seq Housing & Community Development Act 1974; 42 USC 3535(d) Dept of HUD Act

CFR Citation: Not yet determined

Abstract: The proposed changes are technical with no effect on program policy or procedures. Definition of Indian Tribe has been added and several citations corrected.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/00/83	

Small Entity: No

Additional Information: FR Number: 1500; Agenda Number: CPD-18-82.

Agency Contact: **Virginia Healy**, Program Advisor, Department of Housing and Urban Development, Office of Community Planning and Development, UDAG, **202 755-7362**

RIN: 2506-AA04

UDAG—ELIGIBILITY—TYPES OF APPLICATION ACCEPTED

Priority: Agency Determination

Legal Authority: 42 USC 5301 et seq Housing and Community Dvlpmnt Act of 1974; PL 97-35 Omnibus Budget Reconciliation Act of 1981; 42 USC 3535 (d) Department of HUD Act

CFR Citation: 24 CFR 570, Subpart G

Abstract: Amends the eligibility criteria for the Urban Development Action Grant Program to restrict the acceptance of applications for housing projects to those of a mixed-use context; i.e., when housing activities directly support other economic development activities which create new permanent jobs and generate new tax revenues to the community.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/83	

Small Entity: No

Additional Information: FR Number: 1729; Agenda Number: CPD-2-83.

Agency Contact: Virginia S. Healy, Office of Urban Development Action Grants, Department of Housing and Urban Development, Office of Community Planning and Development, **202 755-7362**

RIN: 2506–AA37

●INDIAN CDBG PROGRAM

Priority: Agency Determination

Legal Authority: 42 USC 5301 et seq Housing & Community Dvlpmnt Act of 1974

CFR Citation: 24 CFR 571.101

Abstract: This rule revises the formula for allocating Community Development Block Grant Funds for Indian Tribes and Alaskan Native Villages to HUD field offices administering the program. A needs based allocation system is under consideration in lieu of the current population allocation system now in use.

Timetable:

Action	Date	FR Cite
NPRM	05/00/83	
Interim Final Rule	09/00/83	

Small Entity: Not Applicable

Additional Information: Agenda Number: CPD-4-83. SECTORS AFFECTED: Indian Tribes and Alaskan Native Villages.

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0; Base Year for Dollar Estimates: 1982

Government Levels Affected: Local

Agency Contact: Marcia A. B. Brown, Program Officer, Department of Housing and Urban Development, Office of Community Planning and Development, Officer of Program Policy, Development Secretary's FundDivision, **202 755-6092**

RIN: 2506–AA34

●INDIAN CDBG PROGRAM

Priority: Agency Determination

Legal Authority: 42 USC 5301 et seq Housing & Community Dvlpmnt Act of 1974

CFR Citation: 24 CFR 571.302

Abstract: This rule revises the rating and ranking system used to judge Community Development Block Grant applications submitted by Indian Tribes and Alaskan Native Villages. The change is intended to make the rating and ranking system more uniform from Region to Region.

Timetable:

Action	Date	FR Cite
NPRM	05/00/83	
NPRM Comment Period Begin	05/00/83	
NPRM Comment Period End	07/00/83	
Interim Final Rule	09/00/83	

Small Entity: Not Applicable

Additional Information: Agenda Number: CPD-5-83. SECTORS AFFECTED: Indian Tribes and Alaskan Native Villages.

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0; Base Year for Dollar Estimates: 1982

Government Levels Affected: Local

Agency Contact: Marcia A. B. Brown, Program Officer, Department of Housing and Urban Development, Office of Community Planning and Development, Office of Program Policy, Development Secretary's FundDivision, **202 755-6092**

RIN: 2506–AA33

●CDBG SECRETARY'S DISCRETIONARY FUND: INSULAR AREAS

Priority: Undetermined

Legal Authority: 42 USC 5301 et seq Housing & Community Development Act of 1974

CFR Citation: 24 CFR 570.405; 24 CFR 570.430

Abstract: This rule revises the regulation governing the Community Development Block Grant (CDBG) program for the Insular Areas. It eliminates inconsistencies with the current statute and streamlines and simplifies program administration.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	
NPRM Comment Period Begin	04/00/83	
NPRM Comment Period End	06/00/83	
Interim Final Rule	08/00/83	

Small Entity: Undetermined

Additional Information: Agenda Number: CPD-6-83.

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0; Base Year for Dollar Estimates: 1982

Affected Sectors: None

Government Levels Affected: Local

Agency Contact: Hazel P. Braxton, Program Analyst, Department of Housing and Urban Development, Office of Community Planning and Development, Office of Program Policy, Development, Secretary's Fund Division, **202 755-7673**

RIN: 2506–AA32

●COMMUNITY DEVELOPMENT BLOCK GRANTS: STATE'S PROGRAM

Priority: Undetermined

Legal Authority: 42 USC 5301 et seq Housing and Community Dvlpmnt Act of 1979

CFR Citation: 24 CFR 570.496; 24 CFR 570.498

Abstract: This revision to the existing rule at Subpart I of 24 CFR Part 570 would clarify the timing requirements for states performance report; indicate that the Uniform Relocation and Real Property Acquisitions Policy Act applies; and add a provision prohibiting conflicts of interest. Additional technical changes will be added based on experience with the first year of the program. These provisions are believed necessary for effective program administration and no viable alternatives have been identified.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/83	

Small Entity: Not Applicable

Additional Information: Agenda Number: CPD-7-83.

Agency Contact: Richard J. Kennedy, Asst. Dir. State Small Cities Div., Department of Housing and Urban Development, Office of Community Planning and Development, **202 755-6322**

RIN: 2506–AA38

CDBG, DISCRETIONARY GRANTS FROM SECRETARY'S FUND IN BEHALF OF NEW COMMUNITIES

Legal Authority: 42 USC 5301 et seq Housing & Community Development Act of 1974; PL 95-128 Housing & Community Development Act of 1977

CFR Citation: 24 CFR 570.403

Abstract: Revises 24 CFR 510.403, which governs grants in behalf of new communities from the Secretary's Discretionary Fund, to provide new selection criteria, new citizen participation requirements, a new application submission cycle and a new compliance requirement. As a result of review completed on CPD-29-81, no further

action is to be taken until all active projects are closed out.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/28/78	43 FR 60744
Interim Rule Effective	12/28/78	

Next Action Undetermined

Small Entity: No

Additional Information: AGENDA NUMBER: CPD-39-78.

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Affected Sectors: None

Agency Contact: Liza Bowles, Program Analyst, Department of Housing and Urban Development, Office of Housing, Office of Program Policy Development, Policy Development Division, **202 755-8909**

RIN: 2506–AA25

COMMUNITY DEVELOPMENT BLOCK GRANTS; GRANT CLOSEOUTS

Legal Authority: 42 USC 5301 et seq Housing & Community Development Act of 1974

CFR Citation: 24 CFR 570.512

Abstract: The regulation provides the closeout requirements for CPD Programs and reflects the latest changes in Attachment P of OMB Circular A-102. These procedures will provide a consistent system for certification that the program has been completed in accordance with applicable Federal laws and regulations.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/26/79	44 FR 61591
Interim Rule Effective	11/16/79	

Next Action Undetermined

Small Entity: No

Additional Information: AGENDA NUMBER: CPD-2-79.

Agency Contact: David Pollack, Deputy Director, Department of Housing and Urban Development, Office of Community Planning and Development, Entitlement Cities Division, **202 755-6306**

RIN: 2506–AA21

TECHNICAL ASSISTANCE: DISCRETIONARY AWARDS

Legal Authority: PL 93-383 Title I, HUD Act of 1974, as amended

CFR Citation: 24 CFR 570.402

Abstract: Would amend 24 CFR 570.402 to update and clarify the priorities for Technical Assistance funding and to clarify application and review procedures for unsolicited proposals.

Timetable:

Action	Date	FR Cite
NPRM	06/16/80	45 FR 40954
Final Action	00/00/00	

Small Entity: No

Additional Information: FR NUMBER: 1115; Agenda Number: CPD-6-79.

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Government Levels Affected: Local, State

Agency Contact: James F. Selvaggi, Deputy Director, Department of Housing and Urban Development, Office of Community Planning and Development, Office of Program Policy Development, **202 755-6090**

RIN: 2506–AA30

URBAN RENEWAL PROVISIONS

Legal Authority: PL 93-383 Housing & Community Development Act of 1974; 42 USC 3535(d) Department of HUD Act

CFR Citation: 24 CFR 570

Abstract: Provisions for 1) the use of funds for the completion of urban renewal projects and neighborhood development programs, 2) deductions authorized to be made from such funds for repayment of temporary loans outstanding, and 3) procedures for financial settlement of projects. Review completed. Final rule expected to be published June, 1983.

Timetable:

Action	Date	FR Cite
Final Action	06/00/83	

Small Entity: No

Additional Information: AGENDA NUMBER: CPD-16-79.

Agency Contact: Thomas H. Terrell, Department of Housing and Urban Development, Office of Community Planning and Development, Off of Urban Rehab and Comm Reinvestment, **202 755-6330**

RIN: 2506–AA22

SITING OF HUD ASSISTED PROJECTS IN DESIGNATED CLEAR ZONES AND ACCIDENT POTENTIAL ZONES AT CIVIL AIRPORTS AND MILITARY

Legal Authority: 42 USC 1441 Housing Act of 1949; 42 USC 1441(a) Housing and Urban Development Act of 1969; 42 USC 3535(d) HUD Act of 1965

CFR Citation: 24 CFR 51

Abstract: The rule adds a new Subpart D to 24 CFR 51. It will clarify and expand current HUD policy governing properties exposed to unusual hazards; promote compatible land use around airports and airfields; and strengthen HUD policy that is supportive of existing Department of Defense and Federal Aviation Administration policies and programs. This rule has been developed because it was determined that our existing policies related to noise and hazards did not provide sufficient guidance to ensure that HUD funds were not used to support projects in these areas. The intended effect of the regulation is to discourage incompatible development in these areas. Alternatives: have no regulation and rely on existing guidance. Costs: some lands would be unsuitable for development, however, this is small. Benefits: assure that people in HUD-supported projects are not located in a hazardous area and protection of the Federal and local financial investments in airports and airfields.

Timetable:

Action	Date	FR Cite
NPRM	12/18/80	45 FR 83261
Final Action	07/01/83	

Small Entity: No

Additional Information: FR NUMBER: 1187; AGENDA NUMBER: CPD-20-79. LEGAL AUTHORITY: General Services Administration, Federal Management Circular 75-2: compatible Land Uses at Federal Airfields also applies.

Agency Contact: Gretchen Van Hyning, Department of Housing and Urban Development, Office of Community Planning and Development, **202 755-6580**

RIN: 2506–AA23

URBAN HOMESTEADING

Legal Authority: 12 USC 1706e Housing & Community Development Act of 1974

CFR Citation: 24 CFR 590

Abstract: Permits reimbursement to the Secretary of Agriculture and the Administrator of Veterans Affairs for properties whose value is in excess of previous limits if (1) the additional cost to the Government is warranted by the

expected benefit to the community and (2) the anticipated reductions in difficulties and delays in the disposition of the property can be assumed to be equal to the difficulties and delays that the Secretary of HUD would typically expect to encounter with respect to a similar HUD-owned property in the same location. Interim rule published August 7, 1980 (45 FR 52762), effective September 15, 1980. Revised interim rule published August 2, 1982 (47 FR 33258), effective September 20, 1982. Final rule to be prepared following consideration of public comments.

Timetable:

Action	Date	FR Cite
Previous Interim Rule	08/07/80	
Previous Interim Rule	09/15/80	
Interim Final Rule	08/02/82	47 FR 33258
Interim Rule Effective	09/20/82	47 FR 52762
Final Action	10/00/83	

Additional Information: FR NUMBER: 1237; AGENDA NUMBER: CPD-25-79.

Agency Contact: Raymond J. Solecki, Acting Director, Urban Homesteading, Department of Housing and Urban Development, Office of Community Planning and Development, Office of Urban Rehabilitation, **202 755-5887**

RIN: 2506–AA24

PROVISION OF REPLACEMENT HOUSING UNDER THE UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970, APPENDICES I AND II

Legal Authority: 42 USC 4627 Unfrm Rlctn Asst & Real Prprt Acqstn Act of 1970

CFR Citation: 24 CFR 43

Abstract: Would revise HUD's policies and procedures in Part 43 for simplification and deregulation.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: AGENDA NUMBER: CPD-4-81.

Agency Contact: Harold J. Huecker, Department of Housing and Urban Development, Office of Community Planning and Development, Off of Urban Rehab and Comm Reinvestment, **202 744-6336**

RIN: 2506–AA14

RENEWAL ASSISTANCE

Legal Authority: 42 USC 3535(d) Department of HUD Act

CFR Citation: 24 CFR 500

Abstract: Would amend policies and procedures for management and close-out of the remaining Urban Renewal projects.

Timetable:

Action	Date	FR Cite
Final Action	06/00/83	

Small Entity: No

Additional Information: FR NUMBER: 1514; AGENDA NUMBER: CPD-5-81.

Agency Contact: Thomas H. Terrell, Department of Housing and Urban Development, Office of Community Planning and Development, Off of Urban Rehab and Comm Reinvestment, **202 755-6330**

RIN: 2506–AA15

CATEGORICAL PROGRAM SETTLEMENT FUND

Legal Authority: 42 USC 5301 et seq Housing & Community Development Act of 1974

CFR Citation: 24 CFR 570.480

Abstract: Funding authorization has rescinded. (Supplemental Appropriations and Rescission Act of 1980). Review completed. Final rule of withdrawal expected to be published June 1983.

Timetable:

Action	Date	FR Cite
Final Action	06/00/83	

Small Entity: No

Additional Information: AGENDA NUMBER: CPD-37-81.

Agency Contact: Thomas H. Terrell, Department of Housing and Urban Development, Office of Community Planning and Development, Off of Urban Rehab and Comm Reinvestment, **202 755-6330**

RIN: 2506–AA18

GRANT ADMINISTRATION REQUIREMENTS FOR LUMP SUM DRAWDOWN OF CDBG FUNDS FOR PROPERTY REHABILITATION FINANCING

Legal Authority: 42 USC 5301c Housing & Community Development Act of 1974

CFR Citation: 24 CFR 570.513

Abstract: Rule will preclude new lump sum drawdown agreements that only provide minimal interest earnings (e.g. lump sum deposits where the sole benefit gained from the private sector lendor is interest earned at passbook savings rate). Also, advance HUD review of agreements will be eliminated in accordance with the 1981 Act. The proposed policy to prescribe payment of higher interest rates plus an additional benefit (e.g. provision of administrative services) will: (a) improve quality of new agreements and benefits received by recipients; and (b) reduce the number of agreements in jurisdictions where private lenders are unwilling to provide adequate benefits. Review completed.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	

Small Entity: No

Additional Information: FR NUMBER: 1572; AGENDA NUMBER: CPD-39-81.

Agency Contact: Leonard J. Czarniecki, Rehabilitation Program Specialist, Department of Housing and Urban Development, Office of Community Planning and Development, **202 755-5324**

RIN: 2506–AA19

URBAN HOMESTEADING

Legal Authority: 42 USC 5301 et seq Housing & Community Development Act of 1974

CFR Citation: 24 CFR 590

Abstract: Rule would reduce to the extent consistent with statutory objective, requirements applicable to localities participating in the Urban Homesteading Program. The changes reflect the Department's deregulation goals under Executive Order 12291. Changes include: the elimination of references to Section 312 Loan Program due to that program's uncertain future; elimination of references to energy requirements since they are now locally imposed; simplification of the application; deletion of references to A-95 review in accordance with the elimination of the statutory requirements for A-95 review in connection with the related CDBG program. Review completed.

Timetable:

Action	Date	FR Cite
NPRM	10/00/83	

Small Entity: No

Additional Information: FR NUMBER: 1624; AGENDA NUMBER: CPD-41-81.

Agency Contact: Raymond J. Solecki, Acting Director, Urban Homesteading, Department of Housing and Urban Development, Office of Community Planning and Develop-

ment, Office of Urban Rehabilitation, **202 755-5973**

RIN: 2506–AA20

COMPREHENSIVE PLANNING ASSISTANCE

Legal Authority: 42 USC 5301 et seq Housing Act of 1954 as amended

CFR Citation: 24 CFR 600

Abstract: Amends 24 CFR 600 to remove Subparts A through D and F. These subparts are obsolete since grants can no longer be made. Section 313(b) of the Housing and Community Development Amendments of 1981 terminates the program as of October 1, 1981.

Timetable:

Action	Date	FR Cite
Final Action	09/30/83	

Small Entity: No

Additional Information: AGENDA NUMBER: CPD-2-82.

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Affected Sectors: None

Government Levels Affected: Local, State

Agency Contact: Richard J. Alexander, Director, Department of Housing and Urban Development, Office of Community Planning and Development, Office of Program Policy Development, Community Management Division, **202 755-6186**

RIN: 2506–AA12

●CDBG AMENDMENT--DEFINITIONS "METROPOLITAN CITY" AND "URBAN COUNTY"

Legal Authority: 42 USC 5301 et seq Housing and Community Dvlpmnt Act of 1974; 42 USC 3535 (d) Department of HUD Act

CFR Citation: 24 CFR 570

Abstract: Would amend the definitions of "Metropolitan City" and "urban county" to provide that areas so classified based on certain criteria continue to be so classified through Federal Fiscal Year 1983 if they continue to meet those criteria.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/00/83	

Small Entity: No

Additional Information: FR Number: 1726; Agenda Number: CPD-1-83.

Agency Contact: James R. Broughman, Office of Block Grant Assistance, Department of Housing and Urban Development, Office of Community Planning and Development, **202 755-9267**

RIN: 2506–AA36

●COMMUNITY DEVELOPMENT BLOCK GRANTS: SPECIAL PROCEDURES APPLICABLE TO THE STATE OF HAWAII

Legal Authority: 42 USC 5301 et seq Housing & Community Dvlpmnt Act of 1974; 42 USC 3535 (d) Department of HUD Act

CFR Citation: 24 CFR 570

Abstract: This rule amends the regulations governing the HUD-Administered Small Cities Program for community development block grants. This rule adds special procedures applicable only to Hawaii to the Small Cities Program regulations.

Timetable:

Action	Date	FR Cite
Final Action	12/00/83	
Final Action Effective	12/00/83	

Small Entity: No

Additional Information: FR Number: 1744; Agenda Number: CPD-3-83.

Agency Contact: Helen Duncan, Department of Housing and Urban Development, Office of Community Planning and Development, Office of Block Grant Assistance, State & Small Cities Division, **202 755-6322**

RIN: 2506–AA35

●COMMUNITY DEVELOPMENT BLOCK GRANT: URBAN DEVELOPMENT ACTION GRANT

Legal Authority: 42 USC 5301 Housing and Community Development Act of 1974

CFR Citation: 24 CFR 570

Abstract: In connection with Urban Development Action Grants to Indian Tribes, the Secretary would waive the requirement of Section 110 of Housing Act with respect to Davis-Bacon Act.

Timetable:

Action	Date	FR Cite
ANPRM Comment Period Begin	06/00/83	
ANPRM Comment Period End	08/00/83	

Small Entity: Not Applicable

Additional Information: Agenda Number: CPD-8-83.

Agency Contact: Virginia Healy, Development Officer, Department of Housing and Urban Development, Office of Community Planning and Development, **202 755-7362**

RIN: 2506–AA39

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) Existing Regulations Under Review

Office of Community Planning and Development (CPD)

SECTION 312 REHABILITATION LOAN PROGRAM

Legal Authority: 42 USC 1452b United States Housing Act of 1964; 42 USC 3535(d) Department of HUD Act

CFR Citation: 24 CFR 510

Abstract: This rule would provide comprehensive regulations for the Section 312 Rehabilitation Loan Program. Proposed rule published April 10, 1980 (45 FR 24808). Final rule published September 10, 1980 (45 FR 59702) and withdrawn. Further rule development contingent on whether program is continued.

Timetable:

Action	Date	FR Cite
NPRM	04/10/80	
End Review	00/00/00	

Small Entity: No

Additional Information: AGENDA NUMBER: CPD-24-78. Includes: CPD-9-82; CPD-14-82; CPD-2-81

Agency Contact: Robert I. Dodge, III, Director, Department of Housing and Urban Development, Office of Community Planning and Development, Office of Urban Rehabilitation, **202 755-5685**

RIN: 2506–AA31

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Community Planning and Development (CPD)

Completed Actions

COMPLETED RULEMAKINGS

HUD PROCEDURES FOR THE PROTECTION OF FLOODPLAINS AND WETLANDS

Completed:

Reason	Date	FR Cite
Withdrawn	01/21/83	

Agency Contact: Walter D. Prybyla 202 755-7355

RIN: 2506-AA29

SECTION 312 REHABILITATION LOAN PROGRAM

Completed:

Reason	Date	FR Cite
Withdrawn from agenda	03/03/83	

Agency Contact: Robert I. Dodge, III 202 755-5885

RIN: 2506-AA28

SITING OF HUD ASSISTED PROJECTS IN LOCATIONS WITH NORMALLY UNACCEPTABLE OR UNACCEPTABLE AIR QUALITY

Completed:

Reason	Date	FR Cite
Withdrawn	01/21/83	

Agency Contact: Antoinette G. Sebastian 202 755-6580

RIN: 2506-AA16

CDBG SECRETARY'S FUND: URGENT NEEDS AND INEQUITIES

Completed:

Reason	Date	FR Cite
Final Action	10/18/82	47 FR 46273
Final Action Effective	03/09/83	

Agency Contact: Leroy Gonnella 202 755-6092

RIN: 2506-AA17

SECTION 312 REHABILITATION LOAN PROGRAM-LEGISLATIVE AMENDMENTS

Completed:

Reason	Date	FR Cite
Withdrawn from agenda	03/03/83	

Agency Contact: Craig S. Nickerson 202 755-5973

RIN: 2506-AA26

SECTION 312 REHABILITATION LOAN PROGRAM

Completed:

Reason	Date	FR Cite
Withdrawn from agenda	03/03/83	

Agency Contact: Craig S. Nickerson 202 755-5973

RIN: 2506-AA27

THE SMALL CITIES PROGRAM PERFORMANCE REPORTING REQUIREMENTS

Completed:

Reason	Date	FR Cite
Withdrawn	01/14/83	

Agency Contact: Elaine Braverman 202 755-6322

RIN: 2506-AA13

BILLING CODE 4210-01-T

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Government National Mortgage Association (GNMA)

Current and Projected Rulemakings

GNMA, ATTORNEYS-IN-FACT

Legal Authority: 42 USC 3535 (d) Department of HUD Act

CFR Citation: 24 CFR 300

Abstract: Presently, 24 CFR 300.11 lists the persons appointed attorneys-in-fact to act for GNMA in executing documents. This provision will be changed to permit the appointment of attorneys-in-fact by simple notice in the Federal Register without technically amending Part 300 or having to list the names in the Code.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	
NPRM Comment Period Begin	04/00/83	
NPRM Comment Period End	05/00/83	

Small Entity: No

Additional Information: FR Number: 1737; Agenda Number: GNMA-2-83.

Agency Contact: William Linane, Attorney-Advisor, Office of General Counsel, Department of Housing and Urban Development, Government National Mortgage Association, Office of General Counsel, 202 755-7260

RIN: 2503-AA02

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Government National Mortgage Association (GNMA)

Completed Actions

COMPLETED RULEMAKINGS

GROWING EQUITY AND 10-YEAR GRADUATED PAYMENT MORTGAGE-BACKED SECURITIES

Completed:

Reason	Date	FR Cite
Final Action	01/26/83	48 FR 3588
Final Action Effective	02/01/83	

Agency Contact: Warren A. Lasko 202 755-5926

RIN: 2503-AA00

ACTIONS THAT STARTED AND ENDED BETWEEN ISSUES OF THE UNIFIED AGENDA

REVISED LISTING OF ATTORNEYS-IN-FACT, GNMA

Legal Authority: 12 USC 1723a (d) National Housing Act; 42 USC 3535 (d) Department of HUD Act

CFR Citation: 24 CFR 300

Abstract: The rule updates the current list of attorneys-in-fact authorized to act for the Government National Mortgage Association by executing documents in its name in conjunction with servicing GNMA's mortgage purchase programs.

Timetable:

Action	Date	FR Cite
Final Action	12/13/82	47 FR 55669

Small Entity: Not Applicable

Additional Information: FR Number: 1715; Agenda Number: GNMA-1-83.

Agency Contact: William J. Linane, Attorney-Adviser, Department of Housing and Urban Development, Government National Mortgage Association, Office of General Counsel, **202 755-7260**

RIN: 2503-AA01

BILLING CODE 4210-01-T

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Fair Housing and Equal Opportunity (FHEO)

Current and Projected Rulemakings

IMPLEMENTATION OF SECTION 109 OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974

Priority: Agency Determination

Legal Authority: 42 USC 5301 et seq Hous & Comm Act of 1974

CFR Citation: 24 CFR 144

Abstract: This regulation would assure nondiscrimination on the grounds of race, color, national origin or sex in any program funded in whole or part with Community Development Block Grant funds.

Timetable:

Action	Date	FR Cite
NPRM	11/25/80	45 FR 78508
Final Action	06/00/83	

Small Entity: No

Additional Information: FR NUMBER: 1058; AGENDA NUMBER: FH&EO-13-78.

Agency Contact: Barry Anderson, Director, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, Program Compliance Division, **202 755-5404**

RIN: 2529-AA02

IMPLEMENTATION OF AGE DISCRIMINATION ACT OF 1975

Priority: Major

Legal Authority: 42 USC 6101 et seq Age Discrimination Act of 1975

CFR Citation: 24 CFR 146

Abstract: This part sets forth policies and procedures to assure nondiscrimination on the basis of age in programs receiving financial assistance from the Department.

Timetable:

Action	Date	FR Cite
NPRM	11/04/80	45 FR 73454
Final Action	07/00/83	

Small Entity: No

Additional Information: FR NUMBER: 1161; AGENDA NUMBER: FH&EO-1-79.

Agency Contact: Myra B. Kennedy, Equal Opportunity Specialist, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, Program Compliance Division, **202 755-5904**

RIN: 2529-AA01

RECOGNITION OF SUBSTANTIALLY EQUIVALENT LAWS

Priority: Agency Determination

Legal Authority: 42 USC 3601 et seq Civil Rights Act of 1968

CFR Citation: 24 CFR 115

Abstract: This proposed rule will make two substantive changes in the procedures for recognition of State and local fair housing laws as substantially equivalent to Title VIII of the Civil Rights Act 1968. First, it will require substantially equivalent coverage based on sex discrimination. Secondly, it will provide for publication of proposed and final recognition of substantially equivalent jurisdictions as a notice in the Federal Register rather than as an amendment to 24 CFR Section 115.11. The requirement of substantially equivalent coverage based on sex discrimination will eliminate jurisdictional questions in compliance referrals. The change to a notice procedure will expedite the recognition process by eliminating the time consuming procedure of rulemaking for the ongoing process of recognizing additional jurisdictions as they meet the recognition criteria.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	
Final Action Effective	08/00/83	

Small Entity: No

Additional Information: FR NUMBER: 1576; AGENDA NUMBER FH&EO-5-81.

Government Levels Affected: Local, State

Agency Contact: Steven J. Sacks, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, Off of Fair Hsng Enforc and Sec 3 Compliance, **202 426-3500**

RIN: 2529-AA00

NONDISCRIMINATION AND EQUAL OPPORTUNITY HOUSING UNDER EXECUTIVE ORDER 11063

Priority: Agency Determination

Legal Authority: EO 11063

CFR Citation: 24 CFR 107

Abstract: This regulation established compliance and enforcement procedures utilized by the Department in implementing its responsibilities under E.O. 11063. This regulation will be amended to include coverage of sex and religious discrimination in accordance with Executive Order 12259 issued December 31, 1980 and to conform with the Executive Order.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: AGENDA NUMBER: FH&EO-2-82.

Agency Contact: Katrina Ross, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, Off of Fair Hsng Enforc andSec 3 Compliance, **202 755-5673**

RIN: 2529-AA12

FAIR HOUSING ASSISTANCE PROGRAM - ELIGIBILITY CRITERIA AND FUNDING STANDARDS

Priority: Agency Determination

Legal Authority: 42 USC 3601 et seq Civil Rights Act of 1968

CFR Citation: 24 CFR 111

Abstract: This regulation was finalized on March 3, 1982. We have reviewed this existing regulation and anticipate making revisions based on program experience. The proposed amendment will continue to set forth the eligibility criteria for participants in the Fair Housing Assistance Program and the minimum standards which specific project proposals must meet in order to qualify for consideration under the various components of the program. Review completed.

Timetable:

Action	Date	FR Cite

Interim Final Rule 04/00/83

Small Entity: No

Additional Information: FR Number: 1763; Agenda Number: FH&EO-4-82.

Government Levels Affected: Local, State

Agency Contact: Steven J. Sacks, Director, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, Federal, State and Local Programs Division, **202 426-3500**

RIN: 2529-AA04

FAIR HOUSING PROHIBITIONS AGAINST DISCRIMINATION-FINANCING ACTIVITIES

Legal Authority: 42 USC 3601 et seq Civil Rights Act of 1968

CFR Citation: 24 CFR 114

Abstract: Would add a new Subpart G detailing HUD's standards and policies in assessing unlawful conduct relating to the financing of dwellings.

Timetable:

Action	Date	FR Cite
ANPRM	02/25/80	45 FR 12265

Next Action Undetermined

Small Entity: No

Additional Information: AGENDA NUMBER: FH&EO-2-78.

Agency Contact: Katrina Ross, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, Office of Fair Housing Enforcement, **202 755-5673**

RIN: 2529-AA07

FAIR HOUSING-PROHIBITIONS AGAINST DISCRIMINATION

Legal Authority: 42 USC 3601 et seq Civil Rights Act of 1968

CFR Citation: 24 CFR 114

Abstract: Would add subparts A to F detailing HUD's general standards to be utilized by HUD in its investigation and conciliation of complaints filed pursuant to the Federal Fair Housing Statute.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: AGENDA NUMBER: FH&EO-5-78.

Agency Contact: Katrina Ross, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, Office of Fair Housing Enforcement, **202 755-5673**

RIN: 2529-AA08

FAIR HOUSING-PROHIBITED APPRAISAL PRACTICES

Legal Authority: 42 USC 3601 et seq Civil Rights Act of 1968

CFR Citation: 24 CFR 114

Abstract: Would add a new Subpart I detailing HUD's general standards and policies regarding complaints against appraisal practices.

Timetable:

Action	Date	FR Cite
ANPRM	02/25/80	45 FR 12265

Next Action Undetermined

Small Entity: No

Additional Information: AGENDA NUMBER: FH&EO-8-78.

Agency Contact: Katrina Ross, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, Office of Fair Housing Enforcement, **202 755-5673**

RIN: 2529-AA09

FAIR HOUSING-PROPERTY INSURANCE ACTIVITIES

Legal Authority: 42 USC 3601 et seq Civil Rights Act of 1968

CFR Citation: 24 CFR 114

Abstract: Would add a new Subpart H detailing HUD's general standards to be utilized by HUD concerning property insurance practices which could constitute discriminatory activities.

Timetable:

Action	Date	FR Cite
ANPRM	02/25/80	45 FR 12265

Next Action Undetermined

Small Entity: No

Additional Information: AGENDA NUMBER: FH&EO-10-78.

Agency Contact: Katrina Ross, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, Office of Fair Housing Enforcement, **202 755-5673**

RIN: 2529-AA10

HUD—FHEO

Current and Projected Rulemakings

AFFIRMATIVE ADMINISTRATION OF FEDERAL PROGRAMS AND ACTIVITIES RELATING TO HOUSING AND URBAN DEVELOPMENT

Legal Authority: 42 USC 3601 et seq Civil Rights Act of 1968; EO 12259

CFR Citation: 24 CFR 125

Abstract: Would add a new Part 125 detailing HUD's standards and policies to assure that HUD's programs and activities are administered in a manner affirmatively to further fair housing.

Timetable:

Action	Date	FR Cite
ANPRM	02/25/80	45 FR 12265

Next Action Undetermined

Small Entity: No

Additional Information: AGENDA NUMBER: FH&EO-11-78.

Agency Contact: **Katrina Ross**, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, Office of Fair Housing Enforcement, **202 755-5673**

RIN: 2529–AA11

COMMUNITY HOUSING RESOURCE BOARD GRANT PROGRAM

Legal Authority: 42 USC 3601 et seq Civil Rights Act of 1968

CFR Citation: 24 CFR 120

Abstract: This part sets forth the rules governing the disbursement of funds to assist Community Housing Resource Boards in carrying out activities that enhance the effectiveness of goals of the Voluntary Affirmative Marketing Agreement Program. The final rule is in preparation. There are no problems anticipated and no additional costs contemplated.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/25/82	47 FR 12926
Interim Rule Effective	05/12/82	
Final Action	06/00/83	

Small Entity: No

Additional Information: FR NUMBER: 1407; AGENDA NUMBER: FH&EO-2-81. Paperwork Reduction Act of 1980 - OMB Approval Number 2529-0001.

Agency Contact: **Nathaniel Smith**, Director, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, Housing and Community Development Division, Office of Voluntary Compliance, **202 755-5992**

RIN: 2529–AA06

PROCEDURES FOR ENFORCEMENT OF COMPLAINTS AGAINST DISCRIMINATORY HOUSING PRACTICES

Legal Authority: 42 USC 3601 to 3619 Title VIII, Civil Rights Act of 1968

CFR Citation: 24 CFR 105

Abstract: This regulation sets forth procedures carrying out the Department's responsibilities with respect to complaints filed under Section 810 of Title VIII of the Civil Rights Act of 1968, as amended.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: AGENDA NUMBER: FH&EO-1-82.

Agency Contact: **Katrina Ross**, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, Off of Fair Hsng Enforc andSec 3 Compliance, **202 755-5673**

RIN: 2529–AA03

●AFFIRMATIVE FAIR HOUSING, MARKETING TECHNICAL AMENDMENTS

Legal Authority: 42 USC 3601 et seq, Title VIII, Civil Rights Act of 1968; 42 USC 3535(d) Department of HUD Act; EO 11063

CFR Citation: 24 CFR 108; 24 CFR 107; 24 CFR 200

Abstract: The amendment will clarify when the certificate of intent not to market housing is submitted and that the notice of intent to begin marketing is part of an owner's responsibility under the Affirmative Fair Housing Marketing Plan (and has been approved by OMB under the Paperwork Reduction Act). It will also require that owners of FHA-insured, unsubsidized projects submit annually data on the race, ethnicity and gender of household head.

Timetable:

Action	Date	FR Cite
NPRM	04/01/83	
NPRM Comment Period Begin	04/01/83	
NPRM Comment Period End	06/01/83	
Final Action	07/01/83	
Final Action Effective	08/01/83	

Small Entity: No

Additional Information: FR Number: 1670; Agenda Number: FH&EO-2-83.

Agency Contact: **Peter Kaplan**, Director, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, Office of Program Standards & Evaluation, **202 755-7727**

RIN: 2529-AA17

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Fair Housing and Equal Opportunity (FHEO)

Existing Regulations Under Review

EQUAL OPPORTUNITY POLICY AND PROCEDURES

Legal Authority: EO 11478

CFR Citation: 24 CFR 7

Abstract: A review of this rule, which sets forth the responsibilities of the Director and Deputy Director of Equal Employment Opportunity and other Department officers and employees in carrying out the Equal Employment Opportunity Program, is currently under way to see if it should be rescinded. EEOC regulations at 29 CFR 1613 offer extensive guidance on all aspects of the program. A final decision on whether to review or revoke this rule will be made in FY 83.

HUD—FHEO

Existing Regulations Under Review

Timetable:

Action	Date	FR Cite
End Review	09/00/83	
Final decision on action	09/00/83	

Small Entity: No

Additional Information: AGENDA NUMBER: FHEO-3-81.

Agency Contact: Manuel Crawley, Director, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, Public Employment Division, **202 755-7110**

RIN: 2529-AA14

EMPLOYMENT OPPORTUNITIES FOR BUSINESSES AND LOWER INCOME PERSONS IN CONNECTION WITH ASSISTED PROJECTS

Legal Authority: 12 USC 1701u Housing & Urban Development Act of 1968; 42 USC 3535(d) Dept. of HUD Act

CFR Citation: 24 CFR 135

Abstract: This regulation implements the provisions of Section 3 of the Housing and Urban Development Act of 1968 with respect to opportunities for training and employment for lower income residents arising in connection with HUD assisted projects and for contracting opportunities for business concerns located in or owned in substantial part by persons residing in the area of HUD assisted projects.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: No

Additional Information: AGENDA NUMBER: FH&EO-4-81.

Agency Contact: Turner Russell, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, Off of Fair Hsng Enforc andSec 3 Compliance, **202 755-5992**

RIN: 2529-AA15

COMPLIANCE PROCEDURES FOR AFFIRMATIVE FAIR HOUSING MARKETING

Legal Authority: 42 USC 3535(d) Dept. Housing & Urban Devel Act of 1965

CFR Citation: 24 CFR 108

Abstract: This regulation establishes procedures for determining whether or not an applicant's actions are in compliance with its approved Affirmative Fair Housing Marketing (AFHM) plan, AFHM regulation (24 CFR 200.600) and AFHM requirements in Departmental programs. A revision to this regulation will be proposed to reflect changes in the AFHM policies.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: No

Additional Information: AGENDA NUMBER: FH&EO-3-82.

Agency Contact: Katrina Ross, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, Off of Fair Hsng Enforc andSec 3 Compliance, **202 755-5673**

RIN: 2529-AA13

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Fair Housing and Equal Opportunity (FHEO)

Completed Actions

COMPLETED RULEMAKINGS

RECOGNITION OF SUBSTANTIALLY EQUIVALENT LAWS

Completed:

Reason	Date	FR Cite
Final Action	01/11/83	48 FR 1190
Final Action Effective	03/09/83	

Agency Contact: Steven J. Sacks 202 426-3500

RIN: 2529-AA05

ACTIONS THAT STARTED AND ENDED BETWEEN ISSUES OF THE UNIFIED AGENDA

●RECOGNITION OF SUBSTANTIALLY EQUIVALENT LAWS (ADDITION OF NEW HAVEN)

Legal Authority: 42 USC 3601 et seq, Title VII, Civil Rights Act of 1968; 42 USC 3535(d) Department of HUD Act

CFR Citation: 24 CFR 115

Abstract: This rule adds to the list of jurisdictions recognized as having substantially equivalent laws of the city of New Haven.

Timetable:

Action	Date	FR Cite
NPRM	05/12/82	47 FR 20317
NPRM Comment Period Begin	05/12/82	
NPRM Comment Period End	06/11/82	
Final Action	01/11/83	48 FR 1190
Final Action Effective	03/09/83	

Small Entity: No

Additional Information: FR Number: 1724; Agenda Number: FH&EO-1-83.

Agency Contact: Steven Sacks, Director, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, Federal, State & Local Programs Division, **202 426-3500**

RIN: 2529-AA18

BILLING CODE 4210-01-T

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) — Current and Projected Rulemakings

Office of Administration (OA)

ADMINISTRATIVE CLAIMS; COLLECTION OF CLAIMS BY THE GOVERNMENT UNDER THE FEDERAL CLAIMS COLLECTION ACT OF 1966; STANDARDS FOR COLLECTION OF CLAIMS

Legal Authority: 31 USC 952 Federal Claims Collection Act of 1966; PL 97-365 Debt Collection Act of 1982

CFR Citation: 24 CFR 17, Subpart B

Abstract: Regulatory changes to 4 CFR 101 through 105 are anticipated as a consequence of Public Law 97-365. 24 CFR 17 Subpart B will be revised to reflect GAO/Justice revised standards. Changes are anticipated to those portions of 24 CFR pertaining to salary offset, administrative offset, and interest and penalty charges.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: FR Number: 1644n; Agenda Number: ADM-1-82.

Agency Contact: Barrie S. Minor, Department of Housing and Urban Development, Office of Administration, Office of Finance and Accounting, **202 755-5145**

RIN: 2535-AA00

ORGANIZATION, FUNCTION, AND DELEGATIONS OF AUTHORITY SUBPART C - SECRETARY'S DELEGATIONS OF AUTHORITY TO HEADS OF OFFICES

Legal Authority: 42 USC 3535(d) Department of HUD Act

CFR Citation: 24 CFR 3

Abstract: Subpart C delegates authority from the Secretary to the Comptroller and then to certain Divisions. This subpart is almost entirely obsolete. The alternatives being considered are to eliminate Subpart C entirely or to update all the obsolete references. Neither one will have any significant costs; each will require a minimal amount of staff time and Federal Register publication costs. The benefits of both alternatives are to eliminate a potentially confusing delegation of authority.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: AGENDA NUMBER: ADM-2-82.

Agency Contact: Linda F. Milner, Department of Housing and Urban Development, Office of Administration, Office of Finance and Accounting, **202 755-5256**

RIN: 2535-AA01

HUD PROCUREMENT REGULATIONS RE: THE OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION

Legal Authority: 15 USC 687 Amendments to Small Business Act of 1958

CFR Citation: Not yet determined

Abstract: This rule proposes to amend the HUD Procurement Regulations to incorporate the role of the Office of Small and Disadvantaged Business Utilization (OSDBU) and its role with other HUD elements as it relates to the procurement process. This is a strictly technical rule without any major policy alternatives. The choices are to make the technical change or to not make the change. The second choice is not feasible. The benefit of the rule will be to incorporate (and therefore clarify) OSDBU's role in the procurement process.

Timetable:

Action	Date	FR Cite
NPRM	08/01/83	

Small Entity: No

Additional Information: FR Number: 1647n; Agenda Number: ADM-3-82.

Agency Contact: Craig E. Durkin, Department of Housing and Urban Development, Office of Administration, Office of Procurement and Contracts, **202 755-5294**

RIN: 2535-AA02

IMPLEMENTATION OF THE PRIVACY ACT OF 1974

Legal Authority: 5 USC 552a(j)(2) Privacy Act of 1974; 42 USC 3535(d) Department of HUD Act

CFR Citation: 24 CFR 16

Abstract: This rule exempts HUD's "Investigation Files," a system of records maintained by the Department's Office of Inspector General, form compliance with the applicable provisions of the Privacy Act. Because the "Investigation Files" pertain principally to the enforcement of criminal laws, this system of records may be exempted from certain provisions of the Privacy Act under the general exemption authority of the Privacy Act.

Timetable:

Action	Date	FR Cite
NPRM	12/20/82	47 FR 56660
NPRM Comment Period Begin	12/20/82	47 FR 56660
NPRM Comment Period End	02/18/83	
Final Action	06/00/83	
Final Action Effective	08/00/83	
Interim Final Rule	00/00/00	

Small Entity: No

Additional Information: FR Number: 1628n; Agenda Number: ADM-4-82.

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Agency Contact: Arthur Stokes, Acting Privacy Act Officer, Department of Housing and Urban Development, Office of Administration, **202 755-5320**

RIN: 2535-AA03

BILLING CODE 4210-01-T

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of the Inspector General (HUDIG)

Current and Projected Rulemakings

ORGANIZATION, FUNCTIONS AND DELEGATIONS OF AUTHORITY ESTABLISHMENT OF OFFICE OF INSPECTOR GENERAL

Legal Authority: PL 95-452 Inspector General Act of 1978

CFR Citation: 24 CFR 2000

Abstract: The rule concerns the organization, functions and authority of the Office of Inspector General of HUD.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: FR NUMBER: 1651n; AGENDA NUMBER: IG-1-81. LEGAL AUTHORITY: Delegation of Authority published at 46 FR 2389 on 01/09/81.

Agency Contact: **Phillip L. Schulman**, Assistant General Counsel, Department of Housing and Urban Development, Office of the General Counsel, **202 755-5557**

RIN: 2508-AA02

PRODUCTION IN RESPONSE TO SUBPOENAS OR DEMANDS OF COURTS OR OTHER AUTHORITIES, ESTABLISHMENT OF OFFICE OF INSPECTOR GENERAL

Legal Authority: PL 95-452 Inspector General Act of 1978

CFR Citation: 24 CFR 2004; 24 CFR 15, Subpart H

Abstract: The rule concerns the practices and procedures pertaining to the production of documents or the disclosure of testimony in response to demands of courts or other authorities.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: FR NUMBER: 1649n; AGENDA NUMBER: IG-2-82. LEGAL AUTHORITY: Delegation of Authority published at 46 FR 2389 on 01/09/81.

Agency Contact: **Phillip L. Schulman**, Assistant General Counsel, Department of Housing and Urban Development, Office of the General Counsel, **202 755-5557**

RIN: 2508-AA01

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of the Inspector General (HUDIG)

Completed Actions

COMPLETED RULEMAKINGS

AVAILABILITY OF INFORMATION TO THE PUBLIC ESTABLISHMENT OF OFFICE OF INSPECTOR GENERAL

Completed:

Reason	Date	FR Cite
Withdrawn from agenda	03/03/83	

Agency Contact: **Phillip L. Schulman 202 755-5557**

RIN: 2508-AA00

[FR Doc. 83-0582 Filed 4-22-83; 8:45 am]

BILLING CODE 4210-01-T

federal register

Monday
April 25, 1983

Part X

Department of the Interior

Office of the Secretary

Semiannual Agenda of Rules Scheduled for Review or Development

DEPARTMENT OF THE INTERIOR

Office of the Secretary

25 CFR Ch. I

30 CFR Chs. II and VII

36 CFR Chs. I and XII

41 CFR Ch. 14

43 CFR Subtitle A, Chs. I and II

50 CFR Chs. I and IV

Semiannual Agenda of Rules Scheduled for Review or Development

AGENCY: Department of the Interior.

ACTION: Semiannual agenda of rules scheduled for review or development.

SUMMARY: This notice provides the semiannual agenda of rules scheduled for review or development between April 1983 and October 1983. A semiannual agenda is required by the Regulatory Flexibility Act and Executive Order 12291.

ADDRESS: Unless otherwise indicated, all Agency Contacts are located at the Department of the Interior, 18th and C Streets NW, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: All comments and inquiries with regard to these rules should be directed to the appropriate Agency Contact. General comments or inquiries relating to the agenda should be directed to the Division of Directives and Regulatory Management, Office of Information Resources Management, Department of the Interior, at the address above or on 202-343-6191.

SUPPLEMENTARY INFORMATION: With this publication the Department satisfies the requirement of Executive Order 12291 that the Department publish in April and October of each year an agenda of rules that have been issued or are expected to be issued, and currently effective rules that are scheduled for review. Simultaneously the Department meets the requirement of the Regulatory Flexibility Act that an agenda be published in April and October of each year identifying rules which will have significant economic effects on a substantial number of small entities; those rules which will have such effects are specifically identified in the agenda. This incorporation of agendas is expressly allowed by Executive Order 12291.

Dated: March 4, 1983

Richard R. Hite,

Deputy Assistant Secretary of the Interior.

ASSISTANT SECRETARY - POLICY, BUDGET, AND ADMINISTRATION

CURRENT AND PROJECTED RULEMAKINGS

CFR Citation: **41 CFR 14-1, et seq.** *Title:* **Interior Procurement Regulations**

Abstract: The Interior Procurement Regulations shall be revised to conform to the Federal Acquisition Regulations, which shall replace the Federal Procurement Regulations, and are scheduled for publication in FY 1983.

Originally Scheduled: October 1982

Legal Authority: 5 U.S.C. 301

Determination Under E.O. 12291: By memorandum dated December 15, 1981, the Director, Office of Management and Budget, exempted procurement regulations, with few exceptions, from the provisions of E.O. 12291. The determination as to whether this document is a major rule under E.O. 12291 is therefore not required.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: William Opdyke 202-343-3343

Timetable: Proposed rule is scheduled to be published by October 1983.

CFR Citation: **41 CFR 14-1.6** *Title:* **Debarred, Suspended and Ineligible Bidders**

Abstract: Subpart 14-1.6 shall be revised to conform to the changes required by OFPP Policy Letter 82-1, dated June 24, 1982, and the corresponding amendment of the Federal Procurement Regulations.

Originally Scheduled: October 1982

Legal Authority: 5 U.S.C. 301

Determination Under E.O. 12291: By memorandum dated December 15, 1981, the Director, Office of Management and Budget, exempted procurement regulations, with few exceptions, from the provisions of E.O. 12291. The determination as to whether this document is a major rule under E.O. 12291 is therefore not required.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: David Metz 202-343-3345

Timetable: Proposed rule is scheduled to be published by April 1983.

OFFICE OF THE SOLICITOR

CURRENT AND PROJECTED RULEMAKINGS

CFR Citation: **43 CFR Part 1** *Title:* **Practice Before the Department**

Abstract: This rule governs practice in administrative proceedings before the Department. It is being revised to update its provisions and assure that they are consistent with the Department's employee conduct regulations (43 CFR Part 20) and the Ethics in Government Act.

Originally Scheduled: January 1981

Legal Authority: 43 U.S.C. 1464

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Deborah Ryan 202-343-5216

Timetable: Proposed rule is scheduled to be published by June 1983.

CFR Citation: **43 CFR Part 9** *Title:* **Intergovernmental Review of Federal Programs**

Abstract: The Department will promulgate rules to implement the intergovernmental cooperation requirements of E.O. 12372.

Originally Scheduled: October 1982

Legal Authority: E.O. 12372; 42 U.S.C. 4231

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: William H. Satterfield 202-343-4722

Timetable: Proposed rule was published January 24, 1983 (48 FR 3152).

Final rule is scheduled to be published by April 30, 1983.

OFFICE FOR EQUAL OPPORTUNITY

CURRENT AND PROJECTED RULEMAKINGS

CFR Citation: **43 CFR Part 17, Subpart C**
Title: **Nondiscrimination on the Basis of Age**

Abstract: This rule will set forth guidelines for non-discrimination on the basis of age in programs or activities receiving Federal financial assistance from the Department.

Originally Scheduled: January 1979

Legal Authority: 42 U.S.C. 6101; 45 CFR 90

Determination Under E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Alfred J. Poole 202-343-4331

Timetable: Proposed rule was published January 3, 1980 (45 FR 976).

Final rule publication will be postponed pending receipt of authorization to proceed from the Department of Health and Human Services.

OFFICE OF HEARINGS AND APPEALS 4015 Wilson Boulevard, Arlington, Virginia 22203

CURRENT AND PROJECTED RULEMAKINGS

CFR Citation: **43 CFR Part 4, Subpart E**
Title: **Special Rules Applicable to Public Land Hearings and Appeals**

Abstract: Existing rules for public land hearings and appeals are being reviewed to determine the necessity for clarification and improvement. They will be revised to: place limitations on the filing of petitions for reconsideration; provide for intervention in appeals; and clarify procedures utilized when fact finding hearings are necessary.

Originally Scheduled: July 1979

Legal Authority: 43 U.S.C. 1201, 1701

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: F. Christopher Bockmon 703-235-3750

Timetable: Proposed rule is scheduled to be published by June 1983.

CFR Citation: **43 CFR Part 4, Subpart E**
Title: **Special Rules Applicable to Public Land Hearings and Appeals**

Abstract: This rule amends regulations governing hearings and appeals to implement Secretarial Order No. 3078, dated April 29, 1982, abolishing the Alaska Native Claims Appeal Board and consolidating the functions of that Board under the jurisdiction of the Interior Board of Land Appeals effective June 30, 1982. The effect of these amendments is to ensure that uniform procedures apply to all appeals governed by this Subpart and to eliminate duplicative regulations.

To implement this internal organization change, the jurisdictional statement for the former Alaska Native Claims Appeal Board in Subpart A (43 CFR 4.1) is being removed and that for the Interior Board of Land Appeals, also in 43 CFR 4.1, is being revised. Regulations in 43 CFR Part 4, Subpart J, formerly applicable to appeals to the Alaska Native Claims Appeal Board, are being revoked and Subpart J will be reserved. References to the Alaska Native Claims Appeal Board and Subpart J in 43 CFR Part 2560 are being changed to Interior Board of Land Appeals and Subpart E.

Originally Scheduled: October 1982

Legal Authority: 43 U.S.C. 1601-1628

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Julia A. Barrows 703-235-3750

Timetable: An Interim rule was published June 18, 1982 (47 FR 26390).

A final rule is scheduled to be published by June 1983.

CFR Citation: **43 CFR Part 4, Subpart F**
Title: **Implementation of the Equal Access to Justice Act**

Abstract: These regulations will implement for the Department of the Interior the Equal Access to Justice Act. The Act provides for the award of attorney's fees and other expenses to certain parties who prevail over the Department in administrative adjudications conducted under section 554 of the Administrative Procedure Act.

Originally Scheduled: April 1981

Legal Authority: Pub.L. 96-481; 5 U.S.C. 504

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Patrick Sheehy 703-235-3750

Timetable: Proposed rule is scheduled to be published by June 1983.

CFR Citation: **43 CFR Part 4, Subpart L**
Title: **Special Rules Applicable to Surface Coal Mining Hearings and Appeals**

Abstract: Proposed rule has been developed to govern hearings and appeals provided for in the permanent regulatory program regulations (44 FR 15311, March 13, 1979).

Originally Scheduled: May 1978

Legal Authority: 30 U.S.C. 1211 (Supp. I, 1977)

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Alfred Jahns 703-235-3775

Timetable: Proposed rule was published January 14, 1981 (46 FR 3242).

Final rule is scheduled to be published by June 1983.

COMPLETED ACTIONS

CFR Citation: **43 CFR Part 4, Subpart A**
Title: **General; Office of Hearings and Appeals**

Abstract: This rule is being revised to remove out of date references and to

simplify language to comply with E.O. 12291 which mandates the review and revision, where necessary, of existing regulations.

Originally Scheduled: January 1980

Legal Authority: 5 U.S.C. 301

Determination Under E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provsisions of E.O. 12291 before it is published as a final rule.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: F. Christopher Bockmon 703-235-3750

Timetable: Proposed rule was published May 27, 1980 (45 FR 35351).

A Notice withdrawing the proposed rule was published December 17, 1982 (47 FR 56521).

CFR Citation: **43 CFR Part 4, Subpart H**
Title: **Special Procedural Rules Applicable to Proceedings Conducted Pursuant to Enforcement of Executive Order 11375, and Rules and Regulations and Orders Issued Thereunder**

Abstract: This rule is being revoked to comply with Executive Order 12086 which transferred all functions under Executive Order 11246, as amended by Executive Order 11375, to the Department of Labor.

Originally Scheduled: January 1980

Legal Authority: 5 U.S.C. 301

Determination Under E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Kathryn Lynn 703-235-3816

Timetable: A proposal to revoke this rule was published May 27, 1980 (45 FR 35351).

A notice revoking this rule was published September 28, 1982 (47 FR 42574).

CFR Citation: **43 CFR Part 4, Subpart K**
Title: **Special Procedural Rules Applicable to Contest Proceedings to Disenroll Alaska Natives**

Abstract: This rule will be revoked, because the deadline for disenrollment contest review (October 1, 1978) has passed. (See 25 CFR 43h.15(h))

Originally Scheduled: January 1980

Legal Authority: 5 U.S.C. 301

Determination Under E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Kathryn Lynn 703-235-3816

Timetable: A proposal to revoke this rule was published May 27, 1980 (45 FR 35351).

A notice revoking this rule was published September 28, 1982 (47 FR 42574).

U.S. FISH AND WILDLIFE SERVICE

CURRENT AND PROJECTED RULEMAKINGS

CFR Citation: **50 CFR Part 20** *Title:* **Migratory Bird Hunting**

Abstract: The Service will publish a series of major documents establishing migratory bird hunting regulations for the 1983-84 season. The documents consist of proposed frameworks providing outside limits for dates and hours of shooting, as well as bag and possession limits; final frameworks for hunting seasons from which States may select regulations; and final rules approving such State selections.

Originally Scheduled: October 1982

Legal Authority: 16 U.S.C. 703-711

Determination Under E.O. 12291: The Department of the Interior has determined that these documents are major rules under E.O. 12291. These rules are major because of the economic values associated with migratory game bird hunting; however, the need to obtain and consider the latest population data for these migratory birds requires that the regulatory scheduled be shortened.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that these rules will have a significant economic effect on a substantial number of small entities under 5 U.S.C 601 et seq.

Small entities likely to be affected by these rules include some sporting goods stores, hardware stores, motels and hotels, restaurants, clothing stores, boat and marine equipment stores, marinas, gasoline stations, private hunting clubs, land owners leasing hunting rights, and mail order houses selling hunting equipment and supplies.

Agency Contact: John P. Rogers 202-254-3207

Timetable: A Notice of Intent to propose frameworks is scheduled to be published in March 1983.

Proposed frameworks (3) are scheduled to be published in May, July, and August 1983.

Final frameworks (3) are scheduled to be published in July and September 1983.

Final rules (2) are scheduled to be published in mid-August and mid-September 1983.

Notices of meetings and public hearings are scheduled to be published in March, May and July 1983.

The regulatory impact analysis, as required by E.O. 12291, and the small entity flexibility analysis, as required by 5 U.S.C. 601 et seq., have been combined into one analysis as provided for by both authorities. Copies of the combined analysis will be available from the Agency Contact upon publication of the Notice of Intent in March 1983.

CFR Citation: **50 CFR Part 402** *Title:* **Endangered Species: Interagency Cooperation**

Abstract: The Endangered Species Act Amendments of 1978, 1979 and 1982 made some changes in the consultation requirements of Section 7. These proposed rules would amend existing rules governing Section 7 consultation by implementing changes required by the amendments, incorporating other procedural changes designed to improve interagency cooperation, and responding to public comments requested by the Presidential Task Force on Regulatory Relief and the Secretary of the Interior.

Originally Scheduled: July 1979

Legal Authority: 16 U.S.C. 1531-1543

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number

of small entities under 5 U.S.C. 601 et seq.

Agency Contact: John L. Spinks 703-235-2771

Timetable: Proposed rule is scheduled to be published by August 1983.

CFR Citation: **50 CFR Parts 1 and 2** *Title:* **Definitions and Field Organization**

Abstract: These parts have been reviewed and will be updated to reflect the Service's closure of area offices.

Originally Scheduled: January 1981

Legal Authority: 5 U.S.C. 301

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Arthur J. Ferguson 202-653-7499

Timetable: Final rule is scheduled to be published by June 1983.

CFR Citation: **50 CFR Part 10, Subpart B** *Title:* **General Provisions: Definitions**

Abstract: The list of migratory birds found at 50 CFR 10.13 would be amended by adding formerly unprotected species which are covered by the convention concluded with the Union of Soviet Socialist Republics for conservation of migratory birds and their environment. Also, the laughing gull, which was inadvertently omitted when the list was last revised, would be restored. Several species of birds belonging to groups protected under conventions concluded with Canada and Mexico have recently been found in the United States and would also be added to the list. The Mexican duck, which is no longer found in the United States, would be deleted from the list; Mexican-like ducks which are found in the Southwestern United States would continue to be protected as hybrids of the mallard, a migratory bird.

Originally Scheduled: July 1980

Legal Authority: 16 U.S.C. 704, 712

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: John Rogers 202-254-3207

Timetable: Proposed rule is scheduled to be published by April 1983.

CFR Citation: **50 CFR Part 12** *Title:* **Seizure and Forfeiture Procedures**

Abstract: This Part would be amended to apply customs laws to seizures and forfeitures incurred under the Lacey Act Amendments of 1981 and the Endangered Species Act, as authorized by both statutes.

Originally Scheduled: April 1983

Legal Authority: 16 U.S.C. 1540, 3371-3378

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Clark R. Bavin 202-343-9242

Timetable: Proposed rule is scheduled to be published by October 1983.

CFR Citation: **50 CFR Part 13** *Title:* **General Permit Procedures**

Abstract: A revision of definitions, procedures and terms relative to issuance criteria found in Parts 10 through 23 of Title 50 in order to clarify, define, consolidate, and lend consistency insofar as practical, and placement of issuance criteria for all affected Parts (10 through 23) in Part 13 for the convenience of affected parties. Affected State, Federal and private parties as well as the Service have noted the need for clearly defined and consistent issuance criteria, consolidated insofar as practical, 'in one place.'

Originally Scheduled: October 1982

Legal Authority: 16 U.S.C. 701 et seq., 1531 et seq.; 18 U.S.C. 42-44

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Richard M. Parsons 703-235-1937

Timetable: An advance notice of proposed rulemaking is scheduled to be published by April 1983.

CFR Citation: **50 CFR Part 14** *Title:* **Importation, Exportation, and Transportation of Wildlife**

Abstract: The Service would revise 50 CFR Part 14 to make a number of changes involving: (1) the use of designated, border, or special ports, (2) the filing of import or export declarations, (3) the licensing of persons engaged in business as importers or exporters of fish or wildlife, and (4) marking and labeling containers or packages of fish or wildlife.

Originally Scheduled: October 1981

Legal Authority: 16 U.S.C. 704, 712, 16 U.S.C. 1382; 16 U.S.C. 1538(d)-(f); 16 U.S.C. 3371-3378

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Clark R. Bavin 202-343-9242

Timetable: Proposed rule is scheduled to be published by July 1983.

CFR Citation: **50 CFR Part 14** *Title:* **Humane Transport of Wild Animals and Birds**

Abstract: Section 9(d) of the Lacey Act Amendments of 1981 shifts authority for prescribing requirements for the humane and healthful transport of wild animals and birds from the Secretary of the Treasury to the Secretary of the Interior. This authority will be promulgated in Part 14.

Originally Scheduled: April 1982

Legal Authority: Pub.L. 97-79, 95 Stat. 1073

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Richard M. Parsons 703-235-2418

Timetable: A Notice announcing a public meeting was published February 26, 1982 (47 FR 8386).

A Notice of Intent to propose rules was published June 30, 1982 (47 FR 28431).

Proposed rule is scheduled to be published by June 1983.

CFR Citation: **50 CFR Part 17, Subparts C and D** *Title:* **Endangered Wildlife; Threatened Wildlife**

Abstract: Self-defense rules found at 50 CFR 17.21 and 17.31 for endangered and threatened wildlife, respectively, would be revised to conform to the Endangered Species Act Amendments of 1978. Under the revision, the taking of endangered or threatened wildlife in good faith for the protection of oneself or others from bodily harm would be a defense to a civil penalty assessment or a criminal prosecution.

Originally Scheduled: July 1980

Legal Authority: 16 U.S.C. 1540(a)-(b)

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Clark R. Bavin 202-343-9242

Timetable: Proposed rule is scheduled to be published by October 1983.

CFR Citation: **50 CFR Part 17** *Title:* **Endangered and Threatened Wildlife and Plants**

Abstract: Regulations will be proposed which would list certain species of wildlife and plants as endangered or threatened species and, where prudent, would identify their critical habitat.

Originally Scheduled: January 1981

Legal Authority: 16 U.S.C. 1531-1543

Determination Under E.O. 12291: The Department of the Interior has determined that these documents are not major rules under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that these documents will not have significant economic effects on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: John L. Spinks 703-235-2771

Timetable: Pine Barrens treefrog (Delist) - Proposed rule was published September 15, 1982 (47 FR 40673). Final rule is scheduled to be published by October 1983.

Chihuahua chub - Proposed rule was published December 15, 1980 (45 FR 82474). Final rule is scheduled to be published by October 1983.

Heliotrope milk-vetch - Proposed rule was published January 13, 1981 (46 FR 3188). Final rule is scheduled to be published by October 1983.

17 foreign reptiles - Proposed rule was published January 20, 1983 (48 FR 2562). Final rule is scheduled to be published by October 1983.

Silverling - Proposed rule was published October 27, 1980 (45 FR 70948). Final rule is scheduled to be published by October 1983.

CFR Citation: **50 CFR Part 17** *Title:* **Endangered and Threatened Wildlife and Plants**

Abstract: Regulations will be proposed which would list certain species of wildlife and plants as endangered or threatened species and, where prudent, would identify their critical habitat.

Originally Scheduled: April 1981

Legal Authority: 16 U.S.C. 1531-1543

Determination Under E.O. 12291: The Department of the Interior has determined that these documents are not major rules under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that these documents will not have significant economic effects on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: John L. Spinks 703-235-2771

Timetable: Bidens cuneate- Proposed rule was published August 23, 1982 (47 FR 36675). Final rule is scheduled to be published by October 1983.

Diamond Head schiedea - Proposed rule was published August 23, 1982 (47 FR 36675). Final rule is scheduled to be published by October 1983.

Carter's panicgrass - Proposed rule was published January 30, 1981 (46 FR 9976); comment period was reopened July 29, 1982 (47 FR 32754). Final rule is scheduled to be published by October 1983.

American Alligator (Texas)- Proposed rule was published September 13, 1982 (47 FR 40196). Final rule is scheduled to be published by October 1983.

San Francisco Peaks groundsel - Proposed rule was published November 22, 1982 (47 FR 52483). Final rule is scheduled to be published by

Ash Meadows speckled dace - Listed as endangered by emergency listing May 10, 1982 (47 FR 19995). Proposed rule was published January 5, 1983 (48 FR 617). Final rule is scheduled to be published by September 1983.

Wyoming toad - Proposed rule was published January 27, 1983 (48 FR 3794). Final rule is scheduled to be published by October 1983.

CFR Citation: **50 CFR Part 17** *Title:* **Endangered and Threatened Wildlife and Plants**

Abstract: Regulations will be proposed which would list certain species of wildlife and plants as endangered or threatened species and, where prudent, would identify their critical habitat.

Originally Scheduled: October 1981

Legal Authority: 16 U.S.C. 1531-1543

Determination Under E.O. 12291: The Department of the Interior has determined that these documents are not major rules under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that these documents will not have significant economic effects on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: John L. Spinks, Jr. 703-235-2771

Timetable: Amargosa pupfish - Listed as endangered by emergency listing May 10, 1982 (47 FR 19995). Proposed rule was published January 5, 1983 (48 FR 617). Final rule is scheduled to be published by September 1983.

CFR Citation: **50 CFR Part 17** *Title:* **Endangered and Threatened Wildlife and Plants**

Abstract: Regulations will be proposed which would reclassify or delist, as appropriate, certain species of fish or wildlife.

Originally Scheduled: October 1981

Legal Authority: 16 U.S.C. 1531-1543

Determination Under E.O. 12291: The Department of the Interior has determined that these documents are not major rules under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that these documents will not have significant economic effects on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: John L. Spinks, Jr. 703-235-2771

Timetable: Santa Barbara song sparrow - Proposed rule was published August 9, 1982 (47 FR 34436). Final rule is scheduled to be published by October 1983.

Longjaw cisco - Proposed rule was published May 25, 1982 (47 FR 22570). Final rule is scheduled to be published by October 1983.

Blue pike - Proposed rule was published May 25, 1982 (47 FR 22570). Final rule is scheduled to be published by October 1983.

Arctic peregrine falcon - Proposed rule was published March 1, 1983 (48 FR 8796). Final rule is scheduled to be published by October 1983.

CFR Citation: **50 CFR Part 17** *Title:* **Endangered and Threatened Wildlife and Plants**

Abstract: Rules will be developed to list certain species of wildlife and plants as endangered or threatened species and, where prudent, would identify critical habitat.

Originally Scheduled: April 1982

Legal Authority: 16 U.S.C. 1531 et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that these documents are not major rules under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that these documents will not have significant economic effects on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: John L. Spinks 703-235-2771

Timetable: Kentucky cave shrimp - Proposed rule was published October 10, 1980 (45 FR 68975). Final rule is scheduled to be published by October 1983.

Wood stork (U.S. populations) - Notice of status review was published February 16, 1982 (47 FR 6675). Proposed rule was published February 28, 1983 (48 FR 8402). Final rule is scheduled to be published by October 1983.

Woodland caribou (U.S. population) - Listed as endangered by emergency listing January 14, 1983 (48 FR 1722). Proposed rule is scheduled to be published by September 1983.

Twelve foreign mammals - Proposed rule was published March 1, 1983 (48 FR 8514). Final rule is scheduled to be published by October 1983.

CFR Citation: **50 CFR Part 17** *Title:* **Endangered and Threatened Wildlife and Plants**

Abstract: The Service is reviewing the status, as required by the Endangered Species Act, of wildlife and plants that were listed as endangered or threatened at least once every five years. Based on the reviews, the species determined to have a change in status will be proposed for more or less restrictive listing, as appropriate.

Originally Scheduled: April 1982

Legal Authority: 16 U.S.C. 1531 et seq.

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: John L. Spinks 703-235-2771

Timetable: Notice of review was published September 27, 1982 (47 FR 42387).

Proposed rule is scheduled to be published by October 1983.

CFR Citation: **50 CFR Part 17** *Title:* **Endangered and Threatened Wildlife and Plants**

Abstract: This rule will be revised to return management of the Gray wolf (Canis lupus) to the State of Minnesota. The special rules that apply to the wolf in 50 CFR 17.40(d) will be modified.

Originally Scheduled: April 1982

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Ron Lambertson 202-343-4646

Timetable: Proposed rule was published July 14, 1982 (47 FR 30528).

Final rule is scheduled to be published by October 1983.

CFR Citation: **50 CFR Part 17, Subpart D** *Title:* **Threatened Wildlife**

Abstract: At the request of State, Federal and private parties, the special rule on the American alligator, found in 50 CFR 17.42(a), will be reviewed in order to determine whether to revise or revoke certain prohibitions and procedures. Areas to be considered during the review include: present prohibitions on export of meat and parts other than hides; need for serially numbering each tag applied to hides; need for a Federal permit to kill alligators legally held under State Alligator Farmer permits; and use of data collected from reports required of permittees.

Originally Scheduled: April 1982

Legal Authority: 16 U.S.C. 1531-1543

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Richard M. Parsons 703-235-1903

Timetable: A Notice of Intent was published July 16, 1982 (47 FR 31024).

Proposed rule is scheduled to be published by April 1983.

CFR Citation: **50 CFR Part 17** *Title:* **Endangered and Threatened Wildlife and Plants**

Abstract: 50 CFR 17.21(g), Captive-bred Wildlife, provides regulatory relief for activities that enhance the propagation or survival of living, captive-bred, exotic species listed as endangered and born in the U.S. There is also a provision by which certain specifically situated native species may be eligible. The Service recognizes that a number of native species that do not presently qualify for the benefits of this regulation are specifically situated such that their continued survival would be enhanced by being qualified; therefore, the Service will propose to establish criteria by which species are to be so qualified.

Originally Scheduled: October 1982

Legal Authority: 16 U.S.C. 1531-1543

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Richard M. Parsons 703-235-1937

Timetable: Proposed rule is scheduled to be published by July 1983.

CFR Citation: **50 CFR Part 17** *Title:* **Endangered and Threatened Wildlife and Plants**

Abstract: While listed specimens found dead may be salvaged without permit for scientific purposes by qualified parties, the area of consideration for revision of this Part requires the issuance of permits for the import or export of such specimens or their parts such as blood, tissue, sperm, etc. The Service wishes to review these restrictions to determine whether or not they are in the best interest of the enhancement of the survival of listed species. Affected parties of the scientific community have commented on the seeming counterproductive effect of the restrictions of these regulations. The Service has therefore agreed to review

pertinent parts in order to determine the need, if any, to revise the regulations.
Originally Scheduled: October 1982
Legal Authority: 16 U.S.C. 1531-1543
Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.
Agency Contact: Richard M. Parsons 703-235-1937
Timetable: A Notice of Intent is scheduled to be published by May 1983.

CFR Citation: **50 CFR Part 17** *Title:* **Endangered and Threatened Wildlife and Plants**

Abstract: The Ninety-Seventh Congress of the United States enacted the 1982 amendments to the Endangered Species Act of 1973 providing for (1) the incidental taking of listed species and (2) prohibiting the removal and reduction to possession of listed plants from lands under Federal jurisdiction. These amendments require appropriate regulatory amendments.
Originally Scheduled: April 1983
Legal Authority: 16 U.S.C. 1531 et seq.
Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.
Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.
Agency Contact: Richard M. Parsons 703-235-1937
Timetable: Proposed rule is scheduled to be published by May 1983.
Final rule is scheduled to be published by September 1983.

CFR Citation: **50 CFR Part 17** *Title:* **Endangered and Threatened Wildlife and Plants**

Abstract: This rule will revise 50 CFR 17.42(b) to allow trade under the Endangered Species Act in gree, olive ridley and loggerhead sea turtles found to be eligible for trade under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The amended rule would more closely align the Act with CITES.
Originally Scheduled: April 1983
Legal Authority: 16 U.S.C. 1531 et seq.
Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.
Agency Contact: Richard M. Parsons 703-235-1937
Timetable: A Notice of Intent was published January 3, 1983 (48 FR 42).
Proposed rule is scheduled to be published by May 1983.
The information collection requirements contained in section 17.42(b) of this rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

CFR Citation: **50 CFR Part 17** *Title:* **Endangerd and Threatened Wildlife and Plants**

Abstract: Part 17 would be amended to implement provisions of the Endangered Species Act Amendments of 1982 on noncommercial transshipments of wildlife, pre-Act status and prohibitions on the removal and possession of endangered and threatened plants from areas under Federal jurisdiction.
Originally Scheduled: April 1983
Legal Authority: 16 U.S.C. 1540
Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.
Agency Contact: Clark R. Bavin 703-235-9242
Timetable: Proposed rule is scheduled to be published by October 1983.

CFR Citation: **50 CFR Part 18** *Title:* **Marine Mammals**

Abstract: The Service will propose rules that would require the marking, tagging, or otherwise identifying of raw parts of certain lawfully taken marine mammals, including those taken by Alaska Natives for purposes of subsistence or the creation and selling of authentic native articles of handicrafts and clothing. Except for scientific research purposes, the rules would also prohibit exportation of raw parts of these marine mammals from Alaska and the sale of such parts, other than those that are edible, to persons other than resident Alaska Natives. These rules are necessary for management purposes.
Originally Scheduled: July 1980
Legal Authority: 16 U.S.C. 1382(a)
Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.
Agency Contact: William C. Reffalt 202-632-2202
Timetable: Proposed rule is postponed pending the outcome of the following rule transferring marine mammal management authority to the State of Alaska.

CFR Citation: **50 CFR Part 18** *Title:* **Marine Mammals**

Abstract: As a result of review and revisions to the Marine Mammal Protection Act, this rule will be revised to: (1) simplify the procedures for transfer of marine mammal management authority to the States; and (2) determine if regulations concerning 'incidental taking' are necessary.
Originally Scheduled: October 1981
Legal Authority: 16 U.S.C. 1371 et seq.
Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.
Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.
Agency Contact: William C. Reffalt 202-632-2202
Timetable: A Notice requesting data on 'incidental taking' was published March 8, 1982 (47 FR 9869).
Proposed rules were published May 12, 1982 (47 FR 20508) and October 13, 1982 (47 FR 45062).
Final rule is scheduled to be published by April 1983.

CFR Citation: **50 CFR Part 18** *Title:* **Marine Mammals**

Abstract: Part 18 would be amended to implement prohibitions of the Marine Mammal Protection Act Amendments of 1981.
Originally Scheduled: April 1983
Legal Authority: 16 U.S.C. 1361-1407
Determination Under E.O. 12291: The determination as to whether this

document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Clark R. Bavin 703-235-9242

Timetable: Proposed rule is scheduled to be published by October 1983.

CFR Citation: **50 CFR Part 20, Subpart C** *Title:* **Taking**

Abstract: The Service will amend the hunting methods for taking migratory game birds to permit the use of crossbows.

Originally Scheduled: April 1981

Legal Authority: 16 U.S.C. 703-712

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Clark R. Bavin 202-343-9242

Timetable: Proposed rule was published July 19, 1982 (47 FR 31282).

Final rule is scheduled to be published by April 1983.

CFR Citation: **50 CFR Part 20** *Title:* **Non-Toxic Shot Areas for Waterfowl Hunting**

Abstract: This rule would be revised to describe areas in four States where non-toxic shot is required for waterfowl hunting. The proposed amendment is in response to requests by wildlife agencies in Florida, Illinois, Michigan, and Texas.

Originally Scheduled: October 1982

Legal Authority: 16 U.S.C. 703-711

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Robert I. Smith 202-254-3207

Timetable: Proposed rule was published January 13, 1983 (48 FR 1525).

Final rule is scheduled to be published by July 1983.

CFR Citation: **50 CFR Part 21** *Title:* **Migratory Bird Permits**

Abstract: Raptors (birds of prey) that were held in captivity or a controlled environment on November 10, 1978, and the offspring of these birds, are exempt from the prohibitions of the Endangered Species Act of 1973. Falconry permits (50 CFR 21.28) and Federal falconry standards (50 CFR 21.29) would be amended to allow exempted raptors to be used in the sport of falconry. A new section authorizing the issuance of raptor propagations permits would be added.

Originally Scheduled: April 1982

Legal Authority: 16 U.S.C. 1538(b), 704 and 712

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Clark R. Bavin 202-343-9242

Timetable: Proposed rule was published January 12, 1983 (48 FR 1325).

Final rule is scheduled to be published by April 1983.

CFR Citation: **50 CFR Part 22, Subpart C** *Title:* **Eagle Permits**

Abstract: Potential conflicts between the prohibitions of the Eagle Protection Act, 16 U.S.C. 668-668d, and resource development and recovery operations throughout the country, particularly future coal mining activities in the Western States, resulted in Congress amending the Act to allow the Secretary to promulgate regulations which permit the taking of golden eagle nests which interfere with resource development or recovery operations. To implement the amendment, the Service would amend Subpart C to allow and regulate the otherwise prohibited destruction or removal of golden eagle nests which interfere with resource development or recovery operations, if the nests are not under construction or occupied and the taking is compatible with the preservation of the golden eagle.

Originally Scheduled: May 1978

Legal Authority: 16 U.S.C. 668a

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Clark R. Bavin 202-343-9242

Timetable: Proposed rule was published January 3, 1980 (45 FR 809).

The information collection requirements contained in this rule have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1018-0022.

Final rule is scheduled to be published by May 1983.

CFR Citation: **50 CFR Part 22** *Title:* **Eagle Permits**

Abstract: This rule would amend 50 CFR 22.24 to provide for golden eagles, live captured to control depredations, to be used for falconry purposes as provided for by the Bald Eagle Protection Act, as amended.

ORIGINALLY SCHEDLED: April 1983

Legal Authority: Pub.L. 92-535

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: William C. Reffalt 202-632-2202

Timetable: Proposed rule was published October 21, 1982 (47 FR 46866).

Final rule is scheduled to be published by April 1983.

CFR Citation: **50 CFR Part 23** *Title:* **Endangered Species Convention**

Abstract: The regulations implementing the Convention on International Trade in Endangered Species of Wild Fauna and Flora will be clarified and revised to incorporate certain recommendations of the Parties.

Originally Scheduled: January 1980

Legal Authority: 16 U.S.C. 1531-1543; TIAS 8249

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Richard M. Parsons 703-235-1937

Timetable: Proposed rule is scheduled to be published by July 1983.

CFR Citation: **50 CFR Part 23, Subpart C**
Title: **Appendices**

Abstract: This subpart lists species included in Appendices I, II and III of the Endangered Species Convention (CITES). It is amended to reflect any charges in the Appendices that occur through the formal procedures established by the Convention. Most such charges occur biennially at meetings of the party nations.

Originally Scheduled: April 1982

Legal Authority: 16 U.S.C. 1531-1543; TIAS 8249

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Richard L. Jachowski 202-653-5948

Timetable: Preliminary Notices were published February 16, 1982 (47 FR 6772), February 17, 1982 (47 FR 7190) and April 2, 1982 (47 FR 14472).

Notices of United States proposals were published January 11, 1982 (47 FR 1242), November 17, 1982 (47 FR 51772) and December 27, 1982 (47 FR 57525).

Proposed rule is scheduled to be published by May 1983.

CFR Citation: **50 CFR Part 23** *Title:* **Endangered Species Convention**

Abstract: The Convention requires the issuance of an original permit for the export of listed species. These have been issued by the Service's Federal Wildlife Permit Office (WPO) located in Washington, D.C., since U.S. implementation of the Convention in 1977. A large volume of trade occurs in some Appendix II species which requires the quick issuance of permits so that businessmen may react to favorable market conditions. WPO therefore designed a trial system in 1980 whereby permits could be issued to exporters very quickly at the time and place of export under a Letter of Authorization (LOA) issued by WPO, or in other cases, from WPO's office under a 'Dial-a-Permit' (DAP). The Service believes it has gained sufficient experience with the LOA and DAP systems of issuing permits and wishes to continue the systems through a rulemaking.

Originally Scheduled: October 1982

Legal Authority: 16 U.S.C. 1531-1543

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Richard M. Parsons 703-235-1937

Timetable: Proposed rule is scheduled to be published by October 1983.

CFR Citation: **50 CFR Part 24** *Title:* **Importation, Exportation and Transportation of Plants**

Abstract: This part will establish designated ports for the importation, exportation and re-exportation of plants.

Originally Scheduled: January 1981

Legal Authority: 16 U.S.C. 1531-1543

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Clark R. Bavin 202-343-9242

Timetable: Proposed rule was published February 28, 1983 (48 FR 8314).

Final rule is scheduled to be published by October 1983.

CFR Citation: **50 CFR 26, Subpart C**
Title: **National Wildlife Refuges**

Abstract: The emergency management rules for the twelve areas in Alaska, which were withdrawn and reserved as National Wildlife Refuges, will be rescinded.

Originally Scheduled: July 1980

Legal Authority: 16 U.S.C. 668dd et seq.; Section 204(c), Withdrawal Proclamation of February 11, 1980 (45 FR 9562)

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: James F. Gillett 202-343-4311

Timetable: Emergency rule was published March 4, 1980 (45 FR 14192).

Emergency rule is scheduled to be rescinded by June 1983.

CFR Citation: **50 CFR Part 26, Subpart B**
Title: **Public Entry**

Abstract: Special regulations will be issued for public access, use and recreation within certain individual national wildlife refuges when there is a need to amend, modify, relax, or make more stringent the regulations contained in Subchapter C. The regulations will supplement the provisions in Part 26.

Originally Scheduled: April 1983

Legal Authority: 16 U.S.C. 460k

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: James F. Gillett 202-343-4311

Timetable: Proposed rules are scheduled to be published by June 1983.

CFR Citation: **50 CFR Parts 26, 32 and 33**
Title: **Public Entry and Use, Hunting and Fishing**

Abstract: Regulations will be proposed which will simplify and reduce administrative costs related to the process in which special regulations, relating to public access and use, hunting and fishing, are issued for units of the National Wildlife Refuge System. Regulations will be issued to amend or relax the public access and use restrictions for individual national wildlife refuges.

Originally Scheduled: April 1981

Legal Authority: 16 U.S.C. 460k; 16 U.S.C. 668dd

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: James F. Gillett 202-343-4311

Timetable: Proposed rule is scheduled to be published by June 1983.

CFR Citation: **50 CFR Part 27** *Title:* **Prohibited Acts**

Abstract: Regulations will be proposed to prohibit the possession of any animal or plant on a National Wildlife Refuge except as authorized by 50 CFR Subchapter C.

Originally Scheduled: April 1981

Legal Authority: 16 U.S.C. 460k; 16 U.S.C. 668dd

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: James F. Gillett 202-343-4311

Timetable: Proposed rule is scheduled to be published by June 1983.

CFR Citation: **50 CFR Part 29, Subpart A** *Title:* **Land Use Management: General Rules**

Abstract: This subpart will be revised to include new rules which govern non-Federal activities affecting conservation easements.

Originally Scheduled: January 1981

Legal Authority: 16 U.S.C. 460k; 16 U.S.C. 668dd et seq.

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: James F. Gillett 202-343-4311

Timetable: Proposed rule is scheduled to be published by June 1983.

CFR Citation: **50 CFR Part 29, Subpart C** *Title:* **Mineral Operations**

Abstract: This subpart will be revised to include new rules which govern mining on areas within the National Wildlife Refuge System.

Originally Scheduled: January 1981

Legal Authority: 16 U.S.C. 460k; 16 U.S.C. 668dd et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: James F. Gillett 202-343-4311

Timetable: Proposed rule was published December 31, 1980 (45 FR 86512).

The information collection requirements contained in this rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

Final rule is scheduled to be published by September 1983.

CFR Citation: **50 CFR Part 29, Subpart B** *Title:* **Rights-of-Way General Regulations**

Abstract: 50 CFR 29.21-8 is being revised to remove (c), (d) and (e) requiring wheeling stipulations for rights-of-way for electric power transmission lines of 66 kv or greater. This will enable the Service to expedite the granting of some rights-of-way and still protect the lands for management purposes. Also, minor corrections will be made to the regulation.

Originally Scheduled: October 1982

Legal Authority: 16 U.S.C. 668dd, as amended

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Walter R. McAllester 202-653-7650

Timetable: Proposed rule was published December 6, 1982 (47 FR 54840).

Final rule is scheduled to be published by June 1983.

CFR Citation: **50 CFR Part 32, Subpart A** *Title:* **Hunting: General Provisions**

Abstract: These regulations will be revised to rescind the Lake St. Clair NWR, MI, Closed Area and revise the Pee Dee NWR, NC, Closed Areas.

Originally Scheduled: October 1982

Legal Authority: 16 U.S.C. 704

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: James F. Gillett 202-343-4311

Timetable: Proposed rule is scheduled to be published by September 1983.

CFR Citation: **50 CFR Part 32, Subparts B and C** *Title:* **Migratory Game Bird Hunting; Resident Game Hunting**

Abstract: Regulations will be proposed which would add the following National Wildlife Refuges (NWR) to the list of:

Open areas (migratory game birds) - Tensas River NWR, LA; Supawna Meadows NWR, NJ; Big Boggy NWR, TX

Open areas (upland game) - Tensas River NWR, LA; Upper Souris NWR, ND; Deer Flat NWR, OR; Eufaula NWR, AL/GA; Pee Dee NWR, NC; Chassahowitzka NWR, FL

Open areas (big game) - Chassahowitzka NWR, FL; Tensas River NWR, LA; Great Dismal Swamp NWR, NC; Deer Flat NWR, OR

Originally Scheduled: April 1983

Legal Authority: 16 U.S.C. 460k, 668dd

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: James F. Gillett 202-343-4311

Timetable: Proposed rule is scheduled to be published by June 1983.

CFR Citation: **50 CFR Part 32** *Title:* **Hunting**

Abstract: Special regulations will be issued for hunting on individual wildlife refuge areas.

Originally Scheduled: April 1983

Legal Authority: 16 U.S.C. 460k, 668dd

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: James F. Gillett 202-343-4311

Timetable: Interim rule was published September 13, 1982 (47 FR 40302).

Final rule is scheduled to be published by July 1983.

CFR Citation: **50 CFR Part 33** *Title:* **Sport Fishing**

Abstract: Regulations will be proposed which add the following National Wildlife Refuges (NWR) to the list of:

Open areas (sport fishing) -

Prime Hook NWR, DE; Nisqually NWR, WA

Originally Scheduled: October 1982

Legal Authority: 16 U.S.C. 460k, 668dd

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: James F. Gillett 202-343-4311

Timetable: Proposed rule is scheduled to be published by July 1983.

CFR Citation: **50 CFR Part 33** *Title:* **Sport Fishing**

Abstract: Special regulations will be issued for sport fishing on individual wildlife refuge areas.

Originally Scheduled: October 1982

Legal Authority: 16 U.S.C. 460k, 668dd

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: James F. Gillett 202-343-4311

Timetable: Proposed rule is scheduled to be published by April 1983.

CFR Citation: **50 CFR Part 33** *Title:* **Sport Fishing**

Abstract: Rules will be proposed which add the following National Wildlife Refuges (NWR) to the list of:

Open areas (sport fishing) -

Eufaula NWR, AL/GA; Antioch Dunes NWR, GA; San Francisco Bay NWR, CA; Tensas River NWR, LA; Minnesota Valley NWR, MN; Wertheim NWR, NY; Deer Flat NWR, OR; Big Boggy NWR, TX

Originally Scheduled: April 1983

Legal Authority: 16 U.S.C. 460k, 668dd

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 h. s not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: James F. Gillett 202-343-4311

Timetable: Proposed rule is scheduled to be published by June 1983.

CFR Citation: **50 CFR Part 36** *Title:* **Alaska National Wildlife Refuges**

Abstract: Regulations will be proposed to implement Section 1008 of the Alaska Land Act concerning oil and gas leasing program for non-North Slope Federal lands.

Originally Scheduled: October 1981

Legal Authority: 16 U.S.C. 3101

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: James F. Gillett 202-343-4311

Timetable: The information collection requirements contained in this rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

Proposed rule is scheduled to be published by September 1983.

CFR Citation: **50 CFR Part 36** *Title:* **Alaska National Wildlife Refuges**

Abstract: Regulations will be proposed for public access and use recreation for individual Alaska National Wildlife Refuges.

Originally Scheduled: October 1982

Legal Authority: 16 U.S.C. 460k; Pub.L. 96-487

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: James F. Gillett 202-343-4311

Timetable: Proposed rule is scheduled to be published by August 1983.

CFR Citation: **50 CFR Part 36** *Title:* **Alaska National Wildlife Refuges**

Abstract: The appeals process in 50 CFR 36.33(d) regarding cabins will be revised to include review by the Alaska Regional Director prior to a hearing in accordance with 43 CFR 4.700.

Originally Scheduled: April 1983

Legal Authority: 16 U.S.C. 668dd, 3193(b)(2)

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: James F. Gillett 202-343-4315

Timetable: Proposed rule is scheduled to be published by July 1983.

CFR Citation: **50 CFR Part 37** *Title:* **Alaska National Wildlife Refuges**

Abstract: Rules will be proposed to implement section 1002 of the Alaska Lands Act concerning seismic exploration on the Arctic National Wildlife Refuge.

Originally Scheduled: April 1982

Legal Authority: Pub.L. 96-487

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: James F. Gillett 202-343-4311

Timetable: Proposed rule was published September 16, 1982 (47 FR 41060).

Final rule is scheduled to be published by April 1983.

CFR Citation: **50 CFR Part 81** *Title:* **Conservation of Endangered and Threatened Species of Fish, Wildlife and Plants: Cooperation with the States**

Abstract: The Service proposes to amend 50 CFR Part 81 to incorporate Endangered Species Act Amendments of 1982 regarding change in maximum percentage of Federal cost sharing payments to States with Endangered and Threatened species programs pursuant to Section 6 of the Act.

Originally Scheduled: April 1983

Legal Authority: 16 U.S.C. 1531 et seq.

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: John L. Spinks 703-235-2771

Timetable: Proposed rule is scheduled to be published by June 1983.

CFR Citation: **50 CFR Parts 96-106** *Title:* **Alaska National Wildlife Monuments**

Abstract: These rules, which would have provided the general land management regulations for Yukon Flats and Becharof National Wildlife Monuments in Alaska, will be withdrawn.

Originally Scheduled: July 1979

Legal Authority: 16 U.S.C. 432; 16 U.S.C. 742(f); 16 U.S.C. 460k3; Presidential Proclamations of December 1, 1978 (43 FR 57009); 16 U.S.C. 3101

Determination Under E.O. 12291: The Department of the Interior previously determined that these regulations were not significant under the provisions of E.O. 12044. They will not be reconsidered under the provisions of E.O. 12291, since the Service plans to withdraw the proposed rules that were published on June 28, 1979.

Agency Contact: James F. Gillett 202-343-4311

Timetable: Notice of Intent was published February 28, 1979 (44 FR 11247).

Proposed rules were published June 28, 1979 (44 FR 37754).

Proposed rules are scheduled to be withdrawn by June 1983.

CFR Citation: **50 CFR Part 107** *Title:* **Alaska National Wildlife Monuments: Minerals Management**

Abstract: This rule, which would have governed mining in Yukon Flats and Becharof National Wildlife Monuments in Alaska, will be withdrawn.

Originally Scheduled: January 1980

Legal Authority: 16 U.S.C. 432; 16 U.S.C. 742(f); 30 U.S.C. 21 et seq.; Presidential Proclamations of December 1, 1978 (43 FR 57019, 57119); 30 U.S.C. 612; 16 U.S.C. 3101

Determination Under E.O. 12291: The Department of the Interior previously determined that this rule was not significant under the provisions of E.O. 12044. It will not be reconsidered under the provisions of E.O. 12291, since the Service plans to withdraw the proposed rule that was published on January 11, 1980.

Agency Contact: James F. Gillett 202-343-4311

Timetable: Notice of Intent was published February 28, 1979 (44 FR 11247).

Proposed rule was published January 11, 1980 (45 FR 2616).

Proposed rule is scheduled to be withdrawn by June 1983.

CFR Citation: **50 CFR Chapters I and IV** *Title:* **Endangered Species Act Rules**

Abstract: The Endangered Species Act Amendments of 1982 made changes in the procedures that must be followed in promulgating rules under the Endangered Species Act. The Amendments also set up a procedure to designate certain populations of listed species as 'experimental.' Changes must be made in 50 CFR Parts 17 and 424 to accomodate the Amendments. Part 17 would be amended to allow certain populations of species otherwise listed as Endangered or Threatened to be designated experimental populations; for such populations to be designatd as essential or nonessential; and for appropriate protective measures to be applied to such populations. Part 424 would be amended to alter the procedures followed in determining whether species are Endangered or Threatened and in designating and revising Critical Habitat. Changes would be made in the treatment of petitions from the public, mandatory time limits for various actions, standards under which determinations are made, and other procedural matters.

Originally Scheduled: October 1981

Legal Authority: 16 U.S.C. 1531 et seq.

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Ronald E. Lambertson 202-343-4646

Timetable: Proposed rule is scheduled to be published by October 1983.

REVIEWS OF EXISTING REGULATIONS

CFR Citation: **50 CFR Part 3** *Title:* **Nondiscrimination: Contracts, Permits and Facilities**

Abstract: This part, which is scheduled for review, prohibits discrimination in contracts, permits and use of facilities of the Service.

Originally Scheduled: January 1981

Legal Authority: 5 U.S.C. 301; 42 U.S.C. 2000d-1; E.O. 10925; E.O. 11114

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Samuel Lyons 202-343-3195

Timetable: Review of this rule is scheduled to be completed by September 1983.

CFR Citation: **50 CFR Parts 13, 14, 21, and 22** *Title:* **General Permit Procedures; Importation, Exportation, and Transportation of Wildlife; Migratory Bird Permits; Eagle Permits**

Abstract: These various permit rules will be reviewed and amended, if necessary, to eliminate any unnecessary, burdensome, or counterproductive information collection.

Originally Scheduled: April 1983

Legal Authority: 16 U.S.C. 1540, 703-712, 668a

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Clark R. Bavin 202-343-9242

Timetable: Review of these rules is scheduled to be completed by April 1984.

CFR Citation: **50 CFR Parts 25-31** *Title:* **Administrative Provisions; Public Entry and Use; Prohibited Act; Enforcement, Penalty and Procedural Requirements; Land Use Management**

Abstract: These parts, which are scheduled for review, provide a variety of administrative functions of the National Wildlife Refuge System.

Originally Scheduled: October 1981

Legal Authority: 16 U.S.C. 685, 690d, 725, and 460k

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: James F. Gillett 202-343-4311

Timetable: Review of this rule is scheduled to be completed by September 1983.

COMPLETED ACTIONS

CFR Citation: **50 CFR Part 10** *Title:* **General Provisions**

Abstract: This part has been reviewed and will be revised to reflect changes made in the Service's law enforcement district locations and jurisdictions.

Originally Scheduled: January 1981

Legal Authority: 16 U.S.C. 703-711; 16 U.S.C. 742a-l; 16 U.S.C. 1531-43; 18 U.S.C. 42-44

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Clark R. Bavin 202-343-9242

Timetable: Final rule was published January 12, 1983 (48 FR 1312).

CFR Citation: **50 CFR Parts 11 and 12** *Title:* **Civil Procedures; Seizure and Forfeiture Procedures**

Abstract: As a result of review, the Service has determined that this rule should be revised in order to implement the Lacey Act Amendments of 1981.

Originally Scheduled: October 1981

Legal Authority: 16 U.S.C. 1540; 18 U.S.C. 42; 16 U.S.C. 668-668dd, 704-718, 742, 1382, 3371-3378

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Clark R. Bavin 202-343-9242

Timetable: Proposed rule was published September 15, 1982 (47 FR 40670).

Final rule was published December 21, 1982 (47 FR 56856).

CFR Citation: **50 CFR Part 16** *Title:* **Injurious Wildlife**

Abstract: As a result of review, the Service has proposed adding the 'raccoon dog' (Nyctereutes procyonoides) to the list of injurious wildlife.

Originally Scheduled: January 1981

Legal Authority: 18 U.S.C. 42

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Jim F. Gillett 202-632-7463

Timetable: A Notice requesting data on the species was published December 1, 1981 (46 FR 58348).

Proposed rule was published May 20, 1982 (47 FR 21892).

Final rule was published December 16, 1982 (47 FR 56360).

CFR Citation: **50 CFR Part 17** *Title:* **Endangered and Threatened Wildlife and Plants**

Abstract: Regulations will be proposed which would list certain species of wildlife and plants as endangered or threatened species and, where prudent, would identify their critical habitat.

Originally Scheduled: January 1981

Legal Authority: 16 U.S.C. 1531-1543

Determination Under E.O. 12291: The Department of the Interior has determined that these documents are not major rules under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that these documents will not have significant economic effects on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: John L. Spinks 703-235-2771

Timetable: Borax Lake chub - Proposed rule was published October 16, 1980 (45 FR 68886). Final rule was published October 5, 1982 (47 FR 43957).

Monito gecko - Proposed rule was published October 22, 1980 (45 FR 70192). Final rule was published October 4, 1982 (47 FR 43699).

Madison Cave isopod - Proposed rule was published October 6, 1980 (45 FR 66410). Final rule was published October 4, 1982 (47 FR 43699).

Malheur wire-lettuce - Proposed rule was published October 31, 1980 (45 FR 72234). Final rule was published November 10, 1982 (47 FR 50881).

CFR Citation: **50 CFR Part 17** *Title:* **Endangered and Threatened Wildlife and Plants**

Abstract: Regulations will be proposed which would list certain species of wildlife and plants as endangered or threatened species and, where prudent, would identify their critical habitat.

Originally Scheduled: April 1981

Legal Authority: 16 U.S.C. 1531-1543

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: John L. Spinks 703-235-2771

Timetable: Tecopa pupfish (Delist) - Proposed rule was published July 3, 1978 (43 FR 28841). Final rule was published January 15, 1982 (47 FR 2317).

CFR Citation: **50 CFR Part 23, Subpart F** *Title:* **Export of Certain Species**

Abstract: This subpart lists States from which certain species listed in Appendix II of the Endangered Species Convention (CITES) may be exported. It is amended yearly.

Originally Scheduled: April 1982

Legal Authority: 16 U.S.C. 1531-43; TIAS 8249

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Richard L. Jachowski 202-653-5948

Timetable: Proposed rules were published August 20, 1982 (47 FR 36457) and August 31, 1982 (47 FR 38369).

Final rule (ginseng) was published October 4, 1982 (47 FR 43701).

Final rule (other than ginseng) was published December 7, 1982 (47 FR 54968).

CFR Citation: **50 CFR Part 32, Subpart A** *Title:* **Hunting: General Provisions**

Abstract: This subpart will be revised to rescind a closure of Malheur National

Wildlife Refuge, Oregon, which was previously closed to migratory bird hunting.

Originally Scheduled: January 1981

Legal Authority: 16 U.S.C. 704

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: James F. Gillett 202-343-4971

Timetable: Proposed rule was published October 21, 1982 (47 FR 46868).

Final rule was published November 19, 1982 (47 FR 52181).

CFR Citation: **50 CFR Part 32, Subparts B and C** *Title:* **Migratory Game Bird Hunting; Resident Game Hunting**

Abstract: Regulations will be proposed which would add the following National Wildlife Refuges (NWR) to the list of:

Open areas (migratory game birds) -

Delta NWR, LA; Washita NWR, OK; San Francisco Bay NWR, CA; Lower Suwannee NWR, FL; Minnesota Valley NWR, MN

Open areas (upland game) -

Lower Suwannee NWR, FL; Choctaw NWR, AL; Rachel Carson NWR, ME; Minnesota Valley NWR, MN; Carolina Sandhills NWR, SC

Open areas (big game) -

Lower Suwannee NWR, FL; Hagerman NWR, TX; Choctaw NWR, AL; Minnesota Valley NWR, MN

Originally Scheduled: October 1981

Legal Authority: 16 U.S.C. 460k; 16 U.S.C. 668dd.

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: James F. Gillett 202-343-4971

Timetable: Proposed rule was published September 22, 1982 (47 FR 41790).

Final rule was published November 19, 1982 (47 FR 52178).

CFR Citation: **50 CFR Part 32, Subpart A** *Title:* **Hunting: General Provisions**

Abstract: Regulations will be proposed which would amend a closure of Delta National Wildlife Refuge (Louisiana), previously closed to migratory bird hunting.

Originally Scheduled: October 1981

Legal Authority: 16 U.S.C. 460k, 668dd et seq., 742a

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: James F. Gillett 202-343-4971

Timetable: Proposed rule was published October 21, 1982 (47 FR 46868).

Final rule was published November 19, 1982 (47 FR 52181).

CFR Citation: **50 CFR Part 32** *Title:* **Hunting**

Abstract: Rules will be proposed which would add the following national wildlife refuges (NWR) to the list of:

Open areas (migratory game birds) -

Black Coulee NWR, MT; Creedman Coulee NWR, MT; Hailstone NWR, MT; Halfbreed Lake NWR, MT; Hewitt Lake NWR, MT; Lake Thibadeau NWR, MT; War Horse NWR, MT

Open areas (upland game) -

Black Coulee NWR, MT; Creedman Coulee NWR, MT; Hailstone NWR, MT; Halfbreed Lake NWR, MT; Hewitt Lake NWR, MT; Lake Mason NWR, MT; Thibadeau NWR, MT; War Horse NWR, MT

Open areas (big game) -

Black Coulee NWR, MT; Creedman Coulee NWR, MT; Hailstone NWR, MT; Halfbreed NWR, MT; Hewitt Lake NWR, MT; Lake Mason NWR, MT; Lake NWR, MT; Lake Thibadeau NWR, MT; Loxahatchee NWR, FL; War Horse NWR, MT

Originally Scheduled: April 1982

Legal Authority: 16 U.S.C. 460k, 668dd et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: James F. Gillett 202-343-4791

Timetable: Proposed rule was published September 22, 1982 (47 FR 41792).

Final rule was published November 19, 1982 (47 FR 52178).

CFR Citation: **50 CFR Part 83** *Title:* **Fish and Wildlife Conservation Act of 1980**

Abstract: This rule will provide for financial and technical assistance to the 50 States, 6 Territories and the District of Columbia for the development, revision and implementation of conservation plans for nongame fish and wildlife, as provided for by the Fish and Wildlife Conservation Act of 1980.

Originally Scheduled: April 1981

Legal Authority: 16 U.S.C. 2901

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Charles K. Phenicie 703-235-1526

Timetable: The information collection requirements contained in this rule have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1018-0048.

Proposed rule was published April 6, 1982 (47 FR 14739).

Final rule was published November 12, 1982 (47 FR 51140).

NATIONAL PARK SERVICE

CURRENT AND PROJECTED RULEMAKINGS

CFR Citation: **36 CFR Part 1** *Title:* **Miscellaneous Provisions**

Abstract: This part contains miscellaneous provisions, definitions and penalties that are applicable to Parts 1-7 of Title 36.

Originally Scheduled: January 1981

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number

of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Maureen Finnerty 202-343-4874

Timetable: Proposed rule was published March 17, 1982 (47 FR 11598).

Final rule is scheduled to be published by June 1983.

CFR Citation: **36 CFR Part 2** *Title:* **Public Use and Recreation**

Abstract: This part contains the general provisions that are applicable to public use of all units within the National Park System.

Originally Scheduled: April 1981

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Maureen Finnerty 202-343-4874

Timetable: Proposed rule was published March 17, 1982 (47 FR 11598).

Final rule is scheduled to be published by June 1983.

CFR Citation: **36 CFR Part 3** *Title:* **Boating**

Abstract: This rule will align all Service boating regulations concerning equipment with the provisions of the Federal Boat Safety Act and will revise operational rules.

Originally Scheduled: May 1978

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Maureen Finnerty 202-343-4874

Timetable: Proposed rule was published March 17, 1982 (47 FR 11598).

Final rule is scheduled to be published by June 1983.

CFR Citation: **36 CFR Part 6** *Title:* **Miscellaneous Fees**

Abstract: This Part contains provisions relating to visitor use, and entrance fees and fees charged for commercial motor vehicles.

Originally Scheduled: October 1981

Legal Authority: 16 U.S.C. 1, 3, 9a, 17j-2, 462

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Maureen Finnerty 202-343-4874

Timetable: Proposed rule is scheduled to be published by June 1983.

CFR Citation: **36 CFR Part 7** *Title:* **Special Regulations, Areas of the National Park System**

Abstract: Expected adoption of revised general regulations (47 FR 11598) for areas administered by the National Park Service may eliminate as many as 225 special regulations from 36 CFR Part 7.

Originally Scheduled: October 1982

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Maureen Finnerty 202-343-4874

Timetable: Proposed rule is scheduled to be published by June 1983.

CFR Citation: **36 CFR Part 7** *Title:* **Big Cypress National Park: Indian Use and Occupancy**

Abstract: This rule will define the statutory rights of the Miccosukee and Seminole Indians within the reserve (7.86).

Originally Scheduled: January 1981

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: John Reed, Southeast Regional Office, National Park Service, 75 Spring Street, SW, Atlanta, GA 30303, 404-242-4916

Timetable: Proposed rule was published November 12, 1981 (46 FR 55709).

Final rule is scheduled to be published by May 1983.

CFR Citation: **36 CFR Part 7** *Title:* **Big Cypress National Preserve: Camp Structures**

Abstract: This rule will result in a change to existing regulations which will remove the automatic termination date of the permits and allow the Service to issue new permits to individual owners for 2-5 year periods.

Originally Scheduled: April 1981

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: John Reed, Southeast Regional Office, National Park Service, 75 Spring Street, SW, Atlanta, GA 30303, 404-242-4916

Timetable: Proposed rule is scheduled to be published by April 1983.

CFR Citation: **36 CFR Part 7** *Title:* **Bighorn Canyon National Recreation Area: Snowmobiles**

Abstract: This rule will provide for the use of snowmobiles within the recreation area.

Originally Scheduled: July 1980

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The effects of this docment were previously considered under the provisions of E.O. 12044, which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Jim Randall, Rocky Mountain Regional Office, National Park Service, 655 Parfet St., P.O. Box 25287, Denver, CO 80225, 303-234-3068

Timetable: Proposed rule was published January 6, 1981 (46 FR 1312).

Final rule is scheduled to be published by June 1983.

CFR Citation: **36 CFR Part 7** *Title:* **Black Canyon of the Gunnison National Monument: Snowmobiles**

Abstract: This rule will provide for the use of snowmobiles within the park.
Originally Scheduled: July 1980
Legal Authority: 16 U.S.C. 3
Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.
Agency Contact: Jim Randall, Rocky Mountain Regional Office, National Park Service, 655 Parfet St., P.O. Box 25287, Denver, CO 80225, 303-234-3068
Timetable: Proposed rule is scheduled to be published by May 1983.

CFR Citation: **36 CFR Part 7** *Title:* **Cedar Breaks National Monument: Snowmobiles**

Abstract: This rule will provide for the use of snowmobiles within the park.
Originally Scheduled: January 1981
Legal Authority: 16 U.S.C. 3
Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.
Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.
Agency Contact: Jim Randall, Rocky Mountain Regional Office, National Park Service, 655 Parfet Street, P.O. Box 25287, Denver, CO 80225, 303-234-3068
Timetable: Proposed rule was published August 30, 1982 (47 FR 38156).
Final rule is scheduled to be published by July 1983.

CFR Citation: **36 CFR Part 7** *Title:* **Curecanti Recreation Area: Snowmobiles**

Abstract: This rule will provide for the use of snowmobiles within the park.
Originally Scheduled: April 1983
Legal Authority: 16 U.S.C. 3
Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.
Agency Contact: John Chapman, Rocky Mountain Regional Office, National Park Service, 655 Parfet Street, P.O. Box 25287, Denver, CO 80225, 3030234-3068
Timetable: Proposed rule is scheduled to be published by May 1983.

CFR Citation: **36 CFR Part 7** *Title:* **Delaware Water Gap National Recreation Area: Commercial Trucking**

Abstract: This rule will describe those limited conditions under which commercial trucks will be allowed on park roads.
Originally Scheduled: April 1983
Legal Authority: 16 U.S.C. 3
Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.
Agency Contact: Jim Brady, Mid-Atlantic Regional Office, National Park Service, 143 South 3rd Street, Philadelphia, PA 19106, 218- 597-7057
Timetable: Proposed rule is scheduled to be published by June 1983.

CFR Citation: **36 CFR Part 7** *Title:* **Dinosaur National Monument: Snowmobiles**

Abstract: This rule will provide for the use of snowmobiles within the park.
Originally Scheduled: April 1983
Legal Authority: 16 U.S.C. 3
Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.
Agency Contact: John Chapman, Rocky Mountain Regional Office, National Park Service, 655 Parfet Street, P.O. Box 25287, Denver, CO 80225, 303-234-3068
Timetable: Proposed rule is scheduled to be published by May 1983.

CFR Citation: **36 CFR Part 7** *Title:* **Fire Island National Seashore: Off-Road Vehicles**

Abstract: This rule will amend existing regulations pertaining to off-road vehicle use by designating routes for their use.
Originally Scheduled: October 1981
Legal Authority: 16 U.S.C. 3
Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.
Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.
Agency Contact: George Sites, North Atlantic Regional Office, National Park Service, 15 State St., Boston, MA 02109, 617-223-3765
Timetable: Proposed rule is scheduled to be published by April 1983.

CFR Citation: **36 CFR Part 7** *Title:* **Glacier Bay National Park and Preserve: Humpback Whale**

Abstract: This rule will protect declining populations of the humpback whale by restricting some fishing activities and prohibiting bottom trawling.
Originally Scheduled: April 1981
Legal Authority: 16 U.S.C. 3
Determination Under E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 7, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.
Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.
Agency Contact: Bill Tanner, Alaska Regional Office, National Park Service, 540 W. 5th Avenue, Anchorage, AK 99501, 907-271-4551
Timetable: Proposed rule was published December 29, 1980 (45 FR 85480).
Final rule is scheduled to be published by October 1983.

CFR Citation: **36 CFR Part 7** *Title:* **Glacier Bay National Park and Preserve: Humpback Whale**

Abstract: This rule will extend temporary regulations, currently due to expire May 15, 1983, for an additional season to regulate the operation of vessels and fishing in Glacier Bay, for the protection of the humpback whale.
Originally Scheduled: April 1983
Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Arthur Eck 202-343-5607

Timetable: Proposed rule is scheduled to be published by March 1983.

CFR Citation: **36 CFR Part 7** *Title:* **Glacier National Park: Fishing**

Abstract: This rule will extend the park fishing season, increase the catch size while protecting native species, and revise the methods of back-country fish entrail disposal.

Originally Scheduled: April 1983

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: John Chapman, Rocky Mountain Regional Office, National Park Service, 655 Parfet Street, P.O. Box 25287, Denver, CO 80225, 303-234-3068

Timetable: Proposed rule is schedled to be published by March 1983.

CFR Citation: **36 CFR Part 7** *Title:* **Grand Teton National Park: Snowmobiles**

Abstract: This rule will provide for winter snowmobile travel that is consistent with both the Service snowmobile policy and the off-road vehicle policy of the Department (7.22).

Originally Scheduled: July 1980

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Jim Randall, Rocky Mountain Regional Office, National Park Service, 655 Parfet St., P.O. Box 25287, Denver, CO 80225, 303-234-3068

Timetable: Advance notice of proposed rulemaking was published May 14, 1980.

Proposed rule was published March 1, 1982 (47 FR 8600).

Final rule is scheduled to be published by April 1983.

CFR Citation: **36 CFR Part 7** *Title:* **Great Smoky Mountains National Park: Fishing**

Abstract: This rule will be revised to delete reference to activities which will result in a simplification by combining and streamling numerous regulatory provisions, and will loosen some restrictions on fishing in order to allow more utilization of the resource.

Originally Scheduled: April 1982

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: John Reed, Southeast Regional Office, National Park Service, 75 Spring Street, SW, Atlanta, GA 30303, 404-242-4916

Timetable: Proposed rule was published November 26, 1982 (47 FR 53426).

Final rule is scheduled to be published by April 1983.

CFR Citation: **36 CFR Part 7** *Title:* **Hot Springs National Park: Surplus Water**

Abstract: This rule will regulate the allocation of surplus thermal water.

Originally Scheduled: April 1983

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Roger Siglin, Southwest Regional Office, National Park Service, P.O. Box 728, Santa Fe, NM 87501, 505-988-6371

Timetable: Proposed rule is scheduled to be published by September 1983.

CFR Citation: **36 CFR Part 7** *Title:* **John D. Rockefeller Memorial Parkway: Snowmobiles**

Abstract: This rule will provide for the use of snowmobiles on the parkway.

Originally Scheduled: October 1981

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Jim Randall, Rocky Mountain Regional Office, National Park Service, 655 Parfet Street, P.O. Box 25287, Denver, CO 80225, 303-234-3068

Timetable: Proposed rule was published March 1, 1982 (47 FR 8603).

Final rule is scheduled to be published by April 1983.

CFR Citation: **36 CFR Part 7** *Title:* **North Cascades National Park: Snowmobiles**

Abstract: This rule will provide for snowmobile use within the park.

Originally Scheduled: October 1981.

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The determination as to whether this document is a major rule has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Chuck Woodbury, Pacific Northwest Regional Office, National Park Service, Westin Bldg., Room 1920, 2001 6th Avenue, Seattle, WA 98121, 206-442-4832

Timetable: Proposed rule was published December 23, 1982 (47 FR 57300).

Final rule is scheduled to be published by August 1983.

CFR Citation: **36 CFR Part 7** *Title:* **Rocky Mountain National Park: Fishing**

Abstract: This rule will revise existing regulations to permit previously prohibited catch-and-release fishing opportunities for greenback cutthroat, a threatened species; revise size and possession limits for other species of cutthroat, rainbow and brown trout; and provide special management areas where greenback cutthroat trout have been or will be placed.

Originally Scheduled: April 1983

Legal Authority: 16 U.S.C. 3
Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.
Agency Contact: John Chapman, Rocky Mountain Regional Office, National Park Service, 655 Parfet Street, P.O. Box 25287, Denver, CO 80225, 303-234-3068
Timetable: Proposed rule is scheduled to be published by September 1983.

CFR Citation: **36 CFR Part 7** *Title:* **Rocky Mountain National Park: Snowmobiles**

Abstract: This rule will provide for the use of snowmobiles within the park.
Originally Scheduled: April 1983
Legal Authority: 16 U.S.C. 3
Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.
Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.
Agency Contact: John Chapman, Rocky Mountain Regional Office, National Park Service, 655 Parfet Street, P.O. Box 25287, Denver, CO 80225, 303-234-3068
Timetable: Proposed rle is scheduled to be published by May 1983.

CFR Citation: **36 CFR Part 7** *Title:* **Theodore Roosevelt National Park: Snowmobiles**

Abstract: This rule will provide for the use of snowmobiles within the park.
Originally Scheduled: April 1983
Legal Authority: 16 U.S.C. 3
Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.
Agency Contact: John Chapman, Rocky Mountain Regional Office, National Park Service, 655 Parfet Street, P.O. Box 25287, Denver, CO 80225, 303-234-3068
Timetable: Proposed rule is scheduled to be published by May 1983.

CFR Citation: **36 CFR Part 7** *Title:* **Valley Forge National Historic Park: Alcoholic Beverages**

Abstract: This rule will prohibit the use of alcoholic beverages within the park.
Originally Scheduled: January 1981
Legal Authority: 16 U.S.C. 3
Determination Under E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.
Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.
Agency Contact: Jim Brady, Mid-Atlantic Regional Office, National Park Service, 143 South 3rd Street, Philadelphia, PA 19106 218-597-7057
Timetable: Proposed rule was published November 5, 1980 (45 FR 73518).
Final rule is scheduled to be published by October 1983.

CFR Citation: **36 CFR Part 7** *Title:* **Yosemite National Park: Fish Management Waters**

Abstract: This rule is being revised to rescind the regulations relating to experimental fish mangement waters in Yosemite National Park, California (7.16).
Originally Scheduled: July 1980
Legal Authority: 16 U.S.C. 3
Determination Under E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.
Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.
Agency Contact: Phil Ward, Western Regional Office, National Park Service, 450 Golden Gate Avenue, Box 36063, San Francisco, CA 94102, 415-556-1866
Timetable: Proposed rule was published August 4, 1980 (45 FR 51618).
Final rule is scheduled to be published by October 1983.

CFR Citation: **36 CFR Part 7** *Title:* **Yosemite National Park: Law Enforcement and Fire Prevention**

Abstract: This rule will promulgate law enforcement and fire prevention regulations for the El Portal area in Yosemite National Park. El Portal is an administrative site used by the National Park Service and is not currently covered under other regulations in Title 36.
Originally Scheduled: January 1981
Legal Authority: 16 U.S.C. 3
Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.
Agency Contact: Phil Ward, Western Regional Office, National Park Service, 450 Golden Gate Avenue, Box 36063, San Francisco, CA 94102, 415-556-1866
Timetable: Proposed rule is scheduled to be published by May 1983.

CFR Citation: **36 CFR Part 7** *Title:* **Yosemite National Park: Residential Leases**

Abstract: This rule will allow the National Park Service to lease residences to Service employees at El Portal, an administrative site within Yosemite National Park.
Originally Scheduled: January 1981
Legal Authority: 16 U.S.C. 3
Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.
Agency Contact: Phil Ward, Western Regional Office, National Park Service, 450 Golden Gate Avenue, Box 36063, San Francisco, CA 94102, 415-556-1866
Timetable: Proposed rule is scheduled to be published by September 1983.

CFR Citation: **36 CFR Part 7** *Title:* **Zion National Park: Snowmobiles**

Abstract: This rule will provide for the use of snowmobiles within the park.
Originally Scheduled: July 1980
Legal Authority: 16 U.S.C. 3
Determination Under E.O. 12291: The determination as to whether this

document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Jim Randall, Rocky Mountain Regional Office, National Park Service, 655 Parfet St., P.O. Box 25287, Denver, CO 80225, 303-234-3068

Timetable: Proposed rule is scheduled to be published by September 1983.

CFR Citation: **36 CFR Part 9** *Title:* **Minerals Management**

Abstract: This rule will eliminate certain expired authorities contained in existing regulations pursuant to the Mining in the Parks Act of 1976.

Originally Scheduled: April 1983

Legal Authority: 16 U.S.C. 1901 et seq.

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Willis P. Kriz 202-523-5252

Timetable: Proposed rule is scheduled to be published by May 1983.

CFR Citation: **36 CFR Part 13** *Title:* **National Park System Units in Alaska**

Abstract: This rule will provide for the closure of certain areas within Denali National Park and Preserve, Glacier Bay National Park and Preserve and Katmai National Park and Preserve to snowmachines, motorboats and aircraft use.

Originally Scheduled: April 1982

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Bill Tanner, Alaska Regional Office, National Park Service, 540 West 5th Avenue,, Anchorage, AK 99501, 907-271-4551

Timetable: Proposed rule is scheduled to be published by April 1983.

CFR Citation: **36 CFR Part 13** *Title:* **National Park System Units in Alaska**

Abstract: This rule will govern all authorized types of cabin use in National Park Service areas in Alaska.

Originally Scheduled: April 1983

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Bill Tanner, Alaska Regional Office, National Park Service, 540 West 5th Avenue, Anchorage, AK 99501, 907- 271-4551

Timetable: Proposed rule is scheduled to be published by April 1983.

CFR Citation: **36 CFR Part 14** *Title:* **Rights-of-Way**

Abstract: This part will contain provisions relating to the granting of rights-of-way for roads, electrical facilities and water conduits across National Park Service lands.

Originally Scheduled: January 1980

Legal Authority: 16 U.S.C. 5, 79; 23 U.S.C. 317

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Maureen Finnerty 202-343-4874

Timetable: Interim rule with request for comments was published July 11, 1980 (45 FR 47092).

Proposed rule is scheduled to be published by April 1983.

CFR Citation: **36 CFR Part 16** *Title:* **Identification of Integral Vistas Associated With Federal Class I Areas**

Abstract: This rule will provide guidelines for identification of integral vistas and a list of integral vistas associated with 44 of the 48 National Park Service mandatory class I areas where visibility is an important value.

Originally Scheduled: October 1981

Legal Authority: 42 U.S.C. 7491

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Carol McCoy 202-343-4911

Timetable: Proposed guidelines and notice of availability were published January 15, 1981 (46 FR 3646); comment period was reopened April 24, 1981 (46 FR 23389).

Final rule is scheduled to be published by October 1983.

CFR Citation: **36 CFR Part 25** *Title:* **National Military Parks; Licensed Guide Service Regulations**

Abstract: This rule will be revised to remove obsolete language and improve administration of licensed guide services at National Military Parks where such service has been or will be established. Specifically, the rule concerns the licensing, identification and supervision of guides, as well as setting rates for such services.

Originally Scheduled: October 1982

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Arthur Eck 202-343-5607

Timetable: Proposed rule is scheduled to be published by August 1983.

CFR Citation: **36 CFR Part 29** *Title:* **Yosemite National Park: Zoning**

Abstract: This rule will permit residential development to occur on privately owned lands in the Wawona area of Yosemite National Park through the implementation of land use controls.

Originally Scheduled: July 1980

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Phil Ward, Western Regional Office, National Park Service, 450 Golden Gate Avenue, Box 36063, San Francisco, CA 94102, 415-556-1866

Timetable: Proposed rule is scheduled to be published by April 1983.

CFR Citation: **36 CFR Part 50** *Title:* **Sale and Distribution of Printed Matter**

Abstract: This rule will recodify provisions of 36 CFR 50.24(c)(2) concerning the sale or distribution of printed matter within areas administered by the National Capital Region and will also establish a permit system for the sale and distribution of literature in fixed locations in the public areas of the interiors of specified buildings (50.19).

Originally Scheduled: July 1979

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Rick Robbins 202-343-4338

Timetable: Interim rule was published October 3, 1979 (44 FR 56934).

Final rule is scheduled to be published by October 1983.

CFR Citation: **36 CFR Part 50** *Title:* **Demonstrations and Special Events**

Abstract: This rule will permit demonstrations in one-fourth of Lafayette Park while reserving the rest of Lafayette Park and the entire White House sidewalk for the exclusive use of the Inaugural Committee on January 20 of each inaugural year.

Originally Scheduled: July 1980

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Rick Robbins 202-343-4338

Timetable: Interim rule was published December 24, 1980 (45 FR 84997).

Final rule is scheduled to be published by October 1983.

CFR Citation: **36 CFR Part 50** *Title:* **Applicability of Regulations**

Abstract: This rule revises 36 CFR Part 50.1 to permit certain parks within the National Capitol Region to utilize the rules and regulations found in 36 CFR Parts 1-7.

Originally Scheduled: July 1978

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The effects of this document were previously considered under the provision of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Lowell Sturgill, National Capitol Region, National Park Service, 1100 Ohio Drive SW, Washington, D.C. 20242, 202-426-6658

Timetable: Proposed rule was published February 28, 1979 (44 FR 11244).

Final rule is scheduled to be published by October 1983.

CFR Citation: **36 CFR Part 50** *Title:* **Demonstrations and Special Events**

Abstract: This rule will amend the provisions of 36 CFR 50.19(a) to include a definition of the term 'Vietnam Veterans Memorial' and will amend the provisions of 36 CFR 50.19(c)(2) to include a prohibition on demonstrations and special events in the Vietnam Veterans Memorial.

Originally Scheduled: October 1982

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Rick Robbins 202-343-4338

Timetable: An Interim rule was published November 12, 1982 (47 FR 51126).

Final rule is scheduled to be published by October 1983.

CFR Citation: **36 CFR Part 60** *Title:* **Nominations to the National Register of Historic Places**

Abstract: This rule is being amended to revise: appeals for listing nominations by persons or local governments in States without approved State historic preservation programs; procedures for nominations from State and Federal agencies; and procedures for making changes to listed properties and removals from the National Register, including appeals.

Originally Scheduled: January 1981

Legal Authority: 16 U.S.C. 470, et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Kathleen Gundry 202-272-3706

Timetable: The information collection requirements contained in this rule were approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1024-0018.

An Interim rule and a proposed rule were published November 16, 1981 (46 FR 56183; 46 FR 56209).

Final rule is scheduled to be published by June 1983.

CFR Citation: **36 CFR Part 61** *Title:* **Criteria for Comprehensive Statewide Historic Surveys and Plans**

Abstract: Extensive revision of this rule is anticipated because the National Historic Preservation Act Amendments of 1980 require the Secretary of the Interior to promulgate or revise regulations for State historic preservation programs. The Secretary is also required to develop a procedure for certifying local governments as eligible to carry out the purposes of the Act. Such certification will allow local governments to receive a portion of their State's annual Historic Preservation Fund grant via transfer from the State. It is expected that the Part will be retitled 'Criteria for State and Local Historic Preservation Programs.' This rule will be redesignated from 36 CFR Part 1201.

Originally Scheduled: May 1978

Legal Authority: 16 U.S.C. 470 et seq.

Determination Under E.O. 12291: The Department of the Interior has

determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Kathleen Gundry 202-272-3706

Timetable: Interim rule (36 CFR Part 1201) with request for comments was published May 9, 1980 (45 FR 30623).

Proposed rule (36 CFR Part 1201) was published September 10, 1980 (45 FR 59590).

Final rule is scheduled to be published by April 1983.

CFR Citation: **36 CFR Part 63** *Title:* **Determination of Eligibility for Inclusion in the National Register of Historic Places**

Abstract: This rule incorporates certain revisions responding to the National Historic Preservation Act Amendments of 1980. In addition to responding to the new law, these changes update and revise in other minor respects the procedures for determining the eligibility of properties for the National Register. This rule will be redesignated from 36 CFR Part 1204.

Originally Scheduled: July 1979

Legal Authority: 16 U.S.C. 470 et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Kathleen Gundry 202-272-3706

Timetable: Proposed rule (36 CFR Part 1204) was published May 23, 1980 (45 FR 34909). Due to Pub.L. 96-515 becoming law on December 12, 1980, rules must be again revised.

Proposed rule is scheduled to be published by June 1983.

CFR Citation: **36 CFR Part 63** *Title:* **Determination of Eligibility for Inclusion in the National Register of Historic Places**

Abstract: Section 63.3 of this rule is being temporarily suspended. Section 63.3 requires that Federal agencies obtain a formal determination of eligibility for properties where both the Federal agency and the State Historic Preservation Officer agree on the eligibility. Suspension of this requirement will reduce unnecessary paperwork by allowing such properties to be considered eligible without formal Federal evaluation.

Originally Scheduled: October 1982

Legal Authority: 16 U.S.C. 470 et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Kathleen Gundry 202-272-3706

Timetable: Suspension is scheduled to be published by April 1983.

CFR Citation: **36 CFR Part 65** *Title:* **National Historic Landmark Program**

Abstract: This rule incorporates certain revisions required by the National Historic Preservation Act Amendments of 1980. In addition to responding to the new law, these changes update and revise in other minor respects the procedures for designations of National Historic Landmarks by the Department. This rule will be redesignated from 36 CFR Part 1205.

Originally Scheduled: January 1979

Legal Authority: 16 U.S.C. 461 et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Benjamin Levy 202-523-0089

Timetable: Interim rule (36 CFR Part 1205) with request for comments was published December 18, 1979 (44 FR 74826). Due to Pub.L. 96-515 becoming law on December 12, 1980, rules must be again revised.

Proposed rule was published February 2, 1983 (48 FR 4652).

Final rule is scheduled to be published by October 1983.

CFR Citation: **36 CFR Part 66** *Title:* **Recovery of Scientific, Prehistoric, Historic and Archaeological Data: Procedures for Notification, Reporting and Data Recovery**

Abstract: This rule is part of the Department's proposed overall rulemaking with respect to the Archeological and Historic Preservation Act of 1974. This guidance will facilitate the Department's coordination of activities authorized under the Act, and its reporting to Congress on the scope and effectiveness of the program, as required by section 5(c) of the Act. It will also help guarantee the uniform high quality of data recovery programs and reports submitted to the Department pursuant to the requirements of section 3(a) of the Act.

Originally Scheduled: January 1979

Legal Authority: Section 5(c) of the Archeological and Historic Preservation Act of 1974

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Lawrence Aten 202-272-3706

Timetable: Proposed rule was published January 28, 1977 (42 FR 5374).

Final rule is scheduled to be published by May 1983.

CFR Citation: **36 CFR Part 67** *Title:* **Historic Preservation Certifications Pursuant to the Tax Reform Act of 1976, the Revenue Act of 1978, the Tax Treatment Extension Act of 1980, and the Economic Recovery Tax Act of 1981**

Abstract: This rule will be revised to incorporate new requirements of Pub.L. 96-541 in order to provide for the donation of historic easements, and to initiate a processing fee for certification of rehabilitation work. Review of historic certification applications by States will now be at the discretion of the States. The introductory material in the regulation will also be revised to explain changes in tax treatments resulting from the Economic Recovery Tax Act of 1981 (Pub.L. 97-34).

Originally Scheduled: April 1981

Legal Authority: Tax Reform Act of 1976, as amended; Revenue Act of 1978; Tax Treatment Extension Act of 1980; Economic Recovery Tax Act of 1981

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities

under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Ward Jandl 202-272-3721

Timetable: Final rule (36 CFR Part 1208) was published December 19, 1980 (45 FR 83488). Due to Pub.L. 96-541 becoming law in December 1980 and Pub.L. 97-34 becoming law in January 1982, rule will again be revised.

Proposed rule is scheduled to be published by April 1983.

CFR Citation: **36 CFR Part 69** *Title:* **Protection and Conservation of Archaeological Resources: Uniform Regulations**

Abstract: This uniform rulemaking, to implement the provisions of the Archaeological Resources Protection Act of October 31, 1979, is in response to Section 10(a) of the Act. It is intended that the uniform rulemaking will serve as the foundation and basic policy standard for additional regulations which Departments and independent agencies may promulgate in order to carry out the responsibilities of the Act. The intended effect of this rulemaking action is to advise the public of its obligations to the Federal government and to further advise of the Federal government's obligations to the public concerning the protection and conservation of archaeological resources located on public and Indian lands within the United States, its territories and possessions.

Originally Scheduled: January 1980

Legal Authority: 16 U.S.C. 470aa et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Bennie Keel 202-272-3750

Timetable: Public hearings for early input on proposed rulemaking process were held in Denver, Phoenix, Portland, and Knoxville between March 22, 1980 and April 19, 1980.

Proposed rule was published January 19, 1981 (46 FR 5566).

The information collection requirements contained in this rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

Final rule is scheduled to be published by May 1983.

CFR Citation: **36 CFR Part 71** *Title:* **Federal Recreation Fees**

Abstract: This rule is being amended to: allow certain categories of disabled persons to enter U.S. government operated parks, monuments and recreation areas free of charge and to entitle such persons to a 50% discount on use fees; and revise the definition of 'single-visit' admission period which will allow payment of a single admission fee which shall authorizse exits from and reentries to a single designated area for a period of from one to fifteen days. This rule will be redesignated from 36 CFR Part 1227.

Originally Scheduled: January 1981

Legal Authority: Pub.L. 96-344

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Arthur Eck 202-343-5607

Timetable: Proposed rule is scheduled to be published by May 1983.

CFR Citation: **36 CFR Part 72, Subparts A, C and D** *Title:* **Urban Park and Recreation Recovery Program: Grants Procedures**

Abstract: This rule is being revised to incorporate provisions for energy conservation by recipients of Federal assistance. This rule will be redesignated from 36 CFR Part 1228.

Originally Scheduled: January 1981

Legal Authority: Pub.L. 96-625; 16 U.S.C. 2501; E.O. 12185

Determination Under E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Sam L. Hall 202-272-3518

Timetable: Proposed rule (36 CFR Part 1228) was published September 3, 1980 (45 FR 66179).

Publication of a final rule is being delayed pending Administration and Departmental decisions to implement E.O. 12185.

CFR Citation: **36 CFR Part 72, Subparts A, C and D** *Title:* **Urban Park and Recreation Recovery Program: Grants Procedures**

Abstract: This rule is being revised to incorporate an amendment that will allow projects to begin to incur costs following a tentative grant offer. The Program Information section will also be revised in response to general requests for clarification. This rule will be redesignated from 36 CFR Part 1228.

Originally Scheduled: January 1981

Legal Authority: Pub.L. 95-625, 16 U.S.C. 2501

Determination Under E.O. 12291: The effects of this document were previously considered under the provision of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Sam L. Hall 202-272-3516

Timetable: Interim rule (36 CFR Part 1228) was published September 3, 1980 (45 FR 58339).

Final rule is scheduled to be published by October 1983.

CFR Citation: **36 CFR Part 75** *Title:* **Procedures for the Identification and Protection of Archeological, Historic and Scientific Properties**

Abstract: These regulations implement the Department's responsibilities for the identification, protection, preservation, and management of archeological, architectural, historic, scientific, and other cultural resources. These regulations fulfill requirements set forth in the National Historic Preservation Act, E.O. 11593, and other applicable historic preservation laws. They were developed in consultation with the Advisory Council pursuant to section 1(3) of Executive Order 11593, the President's Memorandum on Environmental Quality and Water Resources Management of July 12, 1978, and sections 800.10 and 800.11 of the amended regulations of the Advisory Council, 'Protection of Historic and Cultural Properties' (36 CFR 800).

Originally Scheduled: July 1979

Legal Authority: President's Memorandum on Environmental Quality and Water Resources Management; 36 CFR 800.10; E.O. 11593

Determination Under E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Kathleen Gundry 202-272-3706

Timetable: Proposed rule was published August 2, 1979 (44 FR 45417).

The Service has decided to issue these Departmental procedures as part of the Departmental Manual (519 DM 1), and therefore a final rule will not be published. This Part 75 will instead contain the implementing regulations that are specific to the Service.

A Notice withdrawing the proposed rule is scheduled to be published by October 1983.

CFR Citation: **36 CFR Part 76** *Title:* **Preservation of American Antiquities: Definition of an Object of Antiquity**

Abstract: This rule will implement the provisions of the American Antiquities Act of June 8, 1906, and is in response to a Federal court ruling on the vagueness of the term 'object of antiquity' and failure of the Federal government to inform the public in lay terms. This rule will be redesignated from 43 CFR Part 3.

Originally Scheduled: January 1980

Legal Authority: 16 U.S.C. 431-433

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Kathleen Gundry 202-272-3706

Timetable: Proposed rule (43 CFR Part 3) was published April 10, 1978 (43 FR 14975).

A second proposed rule will be published after 36 CFR Part 69 is published as a final rule.

CFR Citation: **36 CFR Part 78** *Title:* **Waiver of Federal Agency Responsibilities under the National Historic Preservation ACt**

Abstract: This rule is necessary under the National Historic Preservation Act Amendments of 1980 which require the Secretary of the Interior to establish new procedures for the waiver of the requirements of Section 110 of the Act.

Originally Scheduled: April 1982

Legal Authority: 16 U.S.C. 470

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Kathleen Gundry 202-272-3706

Timetable: Proposed rule is scheduled to be published by June 1983.

CFR Citation: **43 CFR Part 36** *Title:* **Transportation and Utility Systems in Alaska**

Abstract: This rule will establish procedures for the review and approval of any application for a transportation or utility system in Alaska, if any portion of the system's route will be within any national conservation system unit, national recreation area or national conservation area in the State.

Originally Scheduled: October 1982

Legal Authority: 16 U.S.C. 3161

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Brian Koula 202-343-7957

Timetable: Proposed rule is scheduled to be published by April 1983.

CFR Citation: **43 CFR Subtitle A** *Title:* **Coastal Barrier Resources Act of 1982 Coastal Barriers**

Abstract: Several documents will be published which will provide notice of the procedures and criteria the Department will follow to implement Sections 4(b) and (c), Section 4(a)(2) and Section 6 of the Coastal Barrier Resources Act. These Sections address minor and technical map boundary changes, 'opting-in' and exceptions, respectively.

Originally Scheduled: October 1981

Legal Authority: Pub.L. 97-348; 42 U.S.C. 4026

Determination Under E.O. 12291: The Department of the Interior has determined that these documents are not major rules under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that these documents will not have significant economic effects on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Deborah Lanzone 202-343-4905

Timetable: A final interpretive rule and general statement of policy regarding minor and technical boundary changes to the Coastal Barrier Resources System maps was published November 19, 1982 (47 FR 52388).

A Notice of proposed minor and technical boundary changes to the Coastal Barrier Resources Act is scheduled to be published by March 18, 1983.

A Notice of final minor and technical boundary changes and availability of maps is scheduled to be published by April 18, 1983.

A proposed interpretive rule and general statement of policy regarding consultation and consistency pursuant to the Coastal Barrier Resources ACt will be published by March 11, 1983.

A final rule will be published by April 22, 1983.

REVIEWS OF EXISTING REGULATIONS

CFR Citation: **36 CFR Part 50** *Title:* **Demonstrations**

Abstract: Demonstration regulations contained in 36 CFR 50.19 and related regulations will be reviewed for possible revisions with regard to storage of containers, parcels and personnel belongings, limitations on signs, and restrictions on structures in the White House area.

Originally Scheduled: April 1983

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Rick Robbins 202-343-4338

Timetable: Review of this rule is scheduled to be completed by April 1983.

Interim rule, if necessary, is scheduled to be published by June 1983.

Final rule, if necessary, is scheduled to be published by August 1983.

COMPLETED ACTIONS

CFR Citation: **36 CFR Part 7** *Title:* **Acadia National Park: Snowmobiles**

Abstract: This rule will provide for the use of snowmobiles within the park.

Originally Scheduled: January 1981

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: George Sites, North Atlantic Regional Office, National Park Service, 15 State Street, Boston, MA 02109, 617-223-3765

Timetable: Proposed rule was published March 15, 1982 (47 FR 11040).

Final rule was published January 11, 1983 (48 FR 1194).

CFR Citation: **36 CFR Part 7** *Title:* **Grand Portage National Monument: Snowmobiles**

Abstract: This rule will provide for the use of snowmobiles within the park.

Originally Scheduled: July 1980

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Bob Walker, Midwest Regional Office, National Park Service, 1709 Jackson Street., Omaha, NE 68102, 402-864-3476

Timetable: Proposed rule was published May 4, 1982 (47 FR 19171).

Final rule was published October 13, 1982 (47 FR 45004).

CFR Citation: **36 CFR Part 7** *Title:* **Herbert Hoover National Historic Site: Snowmobiles**

Abstract: This rule will provide for the use of snowmobiles within the park.

Originally Scheduled: January 1981

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Bob Walker, Midwest Regional Office, National Park Service, 1709 Jackson Street, Omaha, NE 68102, 402-864-3476

Timetable: Proposed rule was published March 1, 1982 (47 FR 8602).

Final rule was published December 7, 1982 (47 FR 54932).

CFR Citation: **36 CFR Part 7** *Title:* **Olympic National Park: Snowmobiles**

Abstract: This rule will provide for the use of snowmobiles within the park.

Originally Scheduled: July 1980

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Chuck Woodbury, Pacific Northwest Regional Office, National Park Service, Westin Bldg., Room 1920, 2001 6th Avenue, Seattle, WA 98121, 206-442-4832

Timetable: Proposed rule was published April 21, 1982 (47 FR 17077).

Final rule was published December 7, 1982 (47 FR 54930).

CFR Citation: **36 CFR Part 7** *Title:* **Olympic National Park: Fishing**

Abstract: This rule will provide for an adjustment of seasons and limits to respond to fish runs and Indian treaty. The run strength is to be determined by state, Indian and tribal biologists.

Originally Scheduled: January 1981

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Chuck Woodbury, Pacific Northwest Regional Office, National Park Service, Westin Bldg., Room 1920, Seattle, WA 98121, 206-442-4832

Timetable: Proposed rule was published July 21, 1982 (47 FR 31584).

A correction to the proposed rule was published August 19, 1982 (47 FR 36228).

Final rule was published January 13, 1983 (48 FR 1487).

CFR Citation: **36 CFR Part 7** *Title:* **Perry's Victory and International Peace Memorial: Snowmobiles**

Abstract: This rule will provide for the use of snowmobiles within the park.

Originally Scheduled: January 1981

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Bob Walker, Midwest Regional Office, National Park Service, 1709 Jackson Street, Omaha, NE 68102, 402-864-3476

Timetable: Proposed rule was published April 14, 1982 (47 FR 16048).

Final rule was published December 9, 1982 (47 FR 55391).

CFR Citation: **36 CFR Part 7** *Title:* **Pictured Rocks National Lakeshore: Snowmobiles**

Abstract: This rule will provide for the use of snowmobiles within the park.

Originally Scheduled: January 1981

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Bob Walker, Midwest Regional Office, National Park Service, 1709 Jackson Street, Omaha, NE 68102, 402-864-3476

Timetable: Proposed rule was published April 14, 1982 (47 FR 16047).

Final rule was published December 7, 1982 (47 FR 59431).

CFR Citation: **36 CFR Part 7** *Title:* **St. Croix National Scenic Riverway: Snowmobiles**

Abstract: This rule will provide for the use of snowmobiles within the park.
Originally Scheduled: January 1981
Legal Authority: 16 U.S.C. 3
Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.
Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.
Agency Contact: Bob Walker, Midwest Regional Office, National Park Service, 1709 Jackson Street, Omaha, NE 68102, 402-864-3476
Timetable: Proposed rule was published March 1, 1982 (47 FR 8605).
Final rule was published December 14, 1982 (47 FR 55917).

CFR Citation: **36 CFR Part 18** *Title:* **Leases and Exchanges of Historic Property**

Abstract: This new rule will implement procedures for leases, exchanges, and management contracts of National Park Service historic property to ensure preservation of the historic property.
Originally Scheduled: October 1981
Legal Authority: Pub.L. 96-515
Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.
Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.
Agency Contact: Charles C. Haslet 202-523-5172; Sally Blumenthal 202-272-3761
Timetable: Proposed rule was published April 26, 1982 (47 FR 17829).
Final rule was published November 26, 1982 (47 FR 53368).

BUREAU OF INDIAN AFFAIRS

CURRENT AND PROJECTED RULEMAKINGS

CFR Citation: **25 CFR Part 11** *Title:* **Law and Order on Indian Reservations**

Abstract: This part is being revised to preclude Courts of Indian Offenses from adjudicating intra-tribal governmental disputes absent consent of an Indian tribe (11.22). Consideration is also being given to revising this part to adopt state substantive law in place of the offenses presently enumerated in this part.
Originally Scheduled: January 1981
Legal Authority: 25 U.S.C. 2, 9 and 13
Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.
Agency Contact: David Etheridge 202-343-8526
Timetable: Proposed rule is scheduled to be published by October 1983.

CFR Citation: **25 CFR Part 12** *Title:* **Code of Offenses for Navajo-Hopi Settlement Act Secretarial Responsibilities**

Abstract: This rule will be rescinded to comply with a Federal District Court Order which precludes the necessity for continuation of this rule.
Originally Scheduled: October 1981
Legal Authority: 5 U.S.C. 301; 25 U.S.C. 2 and 9 and Pub.L. 93-531 as amended by Pub.L. 96-305; 25 U.S.C. 640d-640d-28
Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.
Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.
Agency Contact: Pat Hayes 202-343-6857
Timetable: Rule is scheduled to be rescinded by April 1983.

CFR Citation: **25 CFR Part 17** *Title:* **Action on Wills of Osage Indians**

Abstract: This rule is being revised to permit the Field Solicitor of the Department to: (1) approve/disapprove wills of persons of Osage Indian blood providing for the disposition of restricted property; (2) issue orders and decisions; (3) issue subpoenas and to administer oaths to witnesses testifying hearings; and (4) send appeals from decisions to the Regional Solicitor of the Department.
Originally Scheduled: January 1981
Legal Authority: Pub.L. 95-496
Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.
Agency Contact: Duard Barnes 202-343-9405
Timetable: Proposed rule is scheduled to be published by October 1983.

CFR Citation: **25 CFR Part 20** *Title:* **Social Welfare**

Abstract: Pub.L. 97-394 requires the Bureau of Indian Affairs to impose a rateable reduction on general assistance (GA) grant payments to eligible Indian clientele. When implemented, the rateable reduction will vary among states in that it will be identical in amount to the reductions established by the states in the administration of their respective Aid to Families with Dependent Children programs. In the past, the Bureau has made GA grant payments at the full need levels established by the states. The effect of applying a rateable reduction will be reduced program costs.
Originally Scheduled: April 1983
Legal Authority: 25 U.S.C. 13
Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.
Agency Contact: Raymond V. Butler 202-343-6434
Timetable: Proposed rule is scheduled to be published by April 1983.

CFR Citation: **25 CFR Part 28** *Title:* **Employment Assistance for Adult Indians**

Abstract: This rule will describe eligibility criteria required for participation in the Bureau's program of Employment Assistance for Adult Indians and explain application procedures. This will be a new part added to 25 CFR. This program has been in existence in some form since 1949 but has never before been described in 25 CFR. This Part has been redesignated from 25 CFR Part 33.
Originally Scheduled: October 1981
Legal Authority: 25 U.S.C. 13
Determination Under E.O. 12291: The Department of the Interior has

determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Bob Delaware 202-343-8428

Timetable: Proposed rule was published August 31, 1982 (47 FR 35355).

The information collection requirements contained in section 26.4 of this rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

Final rule is scheduled to be published by October 1983.

CFR Citation: **25 CFR Part 27** *Title:* **Vocational Training for Adult Indians**

Abstract: This rule will describe eligibility criteria required for participation in the Bureau's program of vocational training for adult Indians and explain application procedures. This Part has been redesignated from 25 CFR Part 34.

Originally Scheduled: May 1978

Legal Authority: Pub.L. 84-959; Pub.L. 88-230

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Bob Delaware 202-343-8428

Timetable: Proposed rule was published August 31, 1982 (47 FR 38358).

The information collection requirements contained in section 27.4 of this rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

Final rule is scheduled to be published by October 1983.

CFR Citation: **25 CFR Part 36** *Title:* **Educational Standards**

Abstract: This rule will prescribe minimum academic standards for the basic education of Indian children in Bureau schools and provide the national criteria for use in the operations of dormitories by the Bureau. This Part has been redesignated from 25 CFR Part 31e.

Originally Scheduled: January 1980

Legal Authority: 25 U.S.C. 2001,2002; Pub.L. 95-561

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: George D. Scott 202-343-6675

Timetable: Proposed rule is scheduled to be published by October 1983.

CFR Citation: **25 CFR Part 39** *Title:* **Indian School Equalization Program**

Abstract: This rule will revise and expand the Indian school equalization formula by incorporating additional weighted factors and setting up administrative procedures for school closures and termination of education programs. The rule will also provide staff cost adjustment, establish a permanent formula implementation set-aside fund, authorize new schools, and expand Bureau-funded school programs to serve students not previously served. This Part has been redesignated from 25 CFR Part 31h.

Originally Scheduled: January 1981

Legal Authority: Pub.L. 95-561; 25 U.S.C. 2008

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Ed Marich 202-343-6676

Timetable: Proposed rule is scheduled to be published by October 1983.

CFR Citation: **25 CFR Part 40** *Title:* **Administration of the Higher Education Program**

Abstract: This rule will revise established policies and provide uniform procedures to govern the higher education program administered under the authority of 25 U.S.C. 13. This rule applies only to educational grants; Bureau educational loans are governed by 25 CFR Part 91. This Part has been redesignated from 25 CFR Part 32.

Originally Scheduled: January 1980

Legal Authority: 25 U.S.C. 13; Pub.L. 67-85

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Don Standing Elk 202-343-7387

Timetable: Proposed rule is scheduled to be published by June 1983.

CFR Citation: **25 CFR Part 41** *Title:* **Grants to Tribally Controlled Community Colleges and Navajo Community College**

Abstract: Revision of 25 CFR Part 41 is needed to provide clarity of language and structure in certain subparts. This Part has been redesignated from 25 CFR Part 32b.

Originally Scheduled: October 1981

Legal Authority: 25 U.S.C. 1815

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Ed Lonefight 202-343-7387

Timetable: Proposed rule is scheduled to be published following reauthorization and amendment of existing legislation.

CFR Citation: **25 CFR Part 42** *Title:* **Indian Rights and Responsibilities**

Abstract: This rule will set forth policies, requirements and procedures to ensure the protection of the constitutional and civil rights of students attending Bureau or contract schools and dormitories. This Part has been redesignated from 25 CFR Part 31i.

Originally Scheduled: January 1981

Legal Authority: Pub.L. 95-561; 25 U.S.C. 2017

Determination Under E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities

under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Cathie Bacon 202-343-4493

Timetable: Proposed rule was published May 22, 1979 (44 FR 29855).

Final rule is scheduled to be published by October 1983.

CFR Citation: **25 CFR Part 44** *Title:* **Provision of Educational Services by Bureau of Indian Affairs Under Section 1101(d) of Public Law 95-561**

Abstract: This rule will govern the provision of educational services to Indian children by the Bureau under section 1101(d) of Pub.L. 95-561. This Part has been redesignated from 25 CFR Part 31j.

Originally Scheduled: January 1980

Legal Authority: Pub.L. 95-561

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: James Martin 202-343-8857

Timetable: Proposed rule is scheduled to be published by October 1983.

CFR Citation: **25 CFR Part 45** *Title:* **Special Education**

Abstract: This rule will establish standards for the provision of special education and related services to Indian children in schools operated by or under the authority of the Bureau. This Part has been redesignated from 25 CFR Part 31k.

Originally Scheduled: January 1980

Legal Authority: Pub.L. 94-142

Determination Under E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Charles Cordova 202-343-4071

Timetable: Proposed rule was published September 29, 1980 (45 FR 64472).

Final rule is scheduled to be published by October 1983.

CFR Citation: **25 CFR Part 46** *Title:* **Adult Education**

Abstract: This rule will establish procedures for the conduct of adult education programs operated by or under the authority of the Bureau.

Originally Scheduled: May 1978

Legal Authority: Pub.L. 93-638

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: LaVonna Weller 202-343-7387

Timetable: Proposed rule is scheduled to be published by June 1983.

CFR Citation: **25 CFR Part 47** *Title:* **Bureau Operated Institutions of Higher and Post Secondary Education**

Abstract: This rule will revise the policies governing the Bureau's three post-secondary schools and reflect the national policies of Indian tribal self-determination. This Part has been redesignated from 25 CFR Part 32c.

Originally Scheduled: April 1981

Legal Authority: Pub.L. 95-471

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Don McCabe 202-343-7387

Timetable: Proposed rule is scheduled to be published by October 1983.

CFR Citation: **25 CFR Part 69** *Title:* **Preparation of a Roll of Alaska Natives**

Abstract: This rule is being amended to provide procedures for the redetermination of permanent residence of Alaska Natives enrolled pursuant to Pub.L. 92-203 in accordance with section 1(c) of Pub.L. 94-204. This Part has been redesignated from 25 CFR Part 43h.

Originally Scheduled: April 1981

Legal Authority: Pub.L. 94-204; Pub.L. 92-203

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Kathleen L. Slover 202-343-3594

Timetable: Proposed rule is scheduled to be published by October 1983.

CFR Citation: **25 CFR Parts 70, 71, 73, 84, 85, 86, and 119** *Title:* **Tribal Enrollment/ Judgment Funds**

Abstract: These various rules pertain to tribal enrollment determinations or dispersal of judgment funds. All have served the purposes for which they were issued and therefore will be revoked.

Originally Scheduled: April 1983

Legal Authority: 5 U.S.C. 301

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Robert M. Farring 202-343-4045; Mitchell L. Bush 202-343-3592

Timetable: These rules are scheduled to be revoked by October 1983.

CFR Citation: **25 CFR Part 87** *Title:* **Use and Distribution of Indian Judgment Funds**

Abstract: This rule is being revised to reflect amendments to the Indian Judgment Funds Act, as amended 1973. Principal amendments would affect the time period for submittal of Secretarial plans to Congress and for the handling of minors' shares of per capita payments. This Part has been redesignated from 25 CFR Part 60.

Originally Scheduled: January 1980

Legal Authority: Pub.L. 93-134; Pub.L. 97-458

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Steve Feraca 202-343-4623

Timetable: Proposed rule is scheduled to be published by April 1983.

CFR Citation: **25 CFR Part 89** *Title:* **Attorney Contracts with Indian Tribes**

Abstract: This rule will be amended to establish the current policy of tribal self-determination, minimize the Federal government's involvement in tribal self-government and simplify the regulations by making all tribes, regardless of their organizational status, subject to a single set of regulations. This Part has been redesignated from 25 CFR Part 72.

Originally Scheduled: July 1980

Legal Authority: 5 U.S.C. 301; 25 U.S.C. 2, 9, 13, 81, 82a, 450, 476

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Evelyn Pickett 202-343-4045

Timetable: Proposed rule was published July 17, 1980 (45 FR 47869).

Final rule is scheduled to be published by October 1983.

CFR Citation: **25 CFR Part 114** *Title:* **Special Deposits**

Abstract: The Bureau will publish procedures required to determine final ownership of funds which are on deposits in account 14x6703 'Indian Moneys, Proceeds of Labor Excrow Account--Pending Determination of Ownership' (formerly 14x8500 Indian Moneys, Proceeds of Labor) for distribution to the rightful individual Indians and/or tribes pursuant to Pub.L. 97-100, FY 1982 Interior Department Appropriations Act, and Pub.L. 97-257, FY 1982 Interior Department Supplemental Appropriations Act.

Originally Scheduled: April 1983

Legal Authority: Pub.L. 97-100; Pub.L. 97-257

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Marilyn Youngbird 202-343-3628

Timetable: Proposed rule is scheduled to be published by April 1983.

CFR Citation: **25 CFR Part 140** *Title:* **Licensed Indian Traders**

Abstract: On April 25, 1980, the Bureau published a proposed rule that would have amended the regulations governing Indian traders on most Indian reservations. That proposal would have restricted application of the regulations to businesses located in isolated communities where there is an absence of competition. Most comments received were strongly opposed to the proposal and supportive of diligent enforcement of the trader regulations on all Indian reservations. In response to those comments, the Bureau has proposed to modernize the trading regulations by adopting as its regulations the consumer protection statutes of the state where the business is located. This Part has been redesignated from 25 CFR Part 251.

Originally Scheduled: April 1981

Legal Authority: 25 U.S.C. 261, 262

Determination Under E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Eugene F. Suarez 202-343-5786

Timetable: Proposed rule was published January 6, 1981 (46 FR 1298).

A Notice withdrawing the proposed rule will be published by October 1983.

CFR Citation: **25 CFR Part 140** *Title:* **Licensed Indian Traders**

Abstract: Pub.L. 96-277 changed the procedure under which employees of the Federal government may enter into trading with Indians. Previously, the law allowed for trades between Federal employees and Indians only in certain cases which could be approved, for ample cause, on an individual basis by the Secretary of the Interior. Pub.L. 96-277 and E.O. 12328 provide that trading by employees of the Bureau of Indian Affairs and the Indian Health Service may enter into trading with Indians on a case-by-case basis when requested in accordance with regulations published by the Secretary of the Interior.

Originally Scheduled: April 1983

Legal Authority: Pub.L. 96-277; E.O. 12328

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: John G. Combs 202-343-8718

Timetable: An Interim rule is scheduled to be published by April 1983.

CFR Citation: **25 CFR Part 151** *Title:* **Land Acquisitions**

Abstract: The Bureau proposes to publish amendments to Part 151 dealing with acquisition of fractional interests in land.

Originally Scheduled: April 1983

Legal Authority: Pub.L. 97-459

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time. AGENCY CONTACT. Louis H. White 202-343-3608

Timetable: Proposed rule is scheduled to be published by May 1983.

CFR Citation: **25 CFR Part 155** *Title:* **Equalization of Allotments: Agua Caliente (Palm Springs) Reservation, California**

Abstract: This rule will be revoked because the purpose of the law have been accomplished. This Part has been redesignated from 25 CFR Part 124.

Originally Scheduled: April 1982

Legal Authority: 5 U.S.C. 301

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Lou White 202-343-7738

Timetable: This rule is scheduled to be revoked by October 1983.

CFR Citation: **25 CFR Part 157** *Title:* **Allotment of Lands on the Cabazon and Augustine Indian Reservations, Riverside County, California**

Abstract: This rule will be revoked because the purpose of the law has been accomplished. This Part has been redesignated from 25 CFR Part 126.

Originally Scheduled: April 1982

Legal Authority: 5 U.S.C. 301

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Lou White 202-343-7738

Timetable: This rule is scheduled to be revoked by October 1983.

CFR Citation: **25 CFR Part 161** *Title:* **Allotment of Lands on the Torres-Martinez Indian Reservation, California**

Abstract: This rule will be revoked because the purpose of the law has been accomplished. This Part has been redesignated from 25 CFR Part 130.

Originally Scheduled: April 1982

Legal Authority: 5 U.S.C. 301

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Lou White 202-343-7738 TIMETABLE:This rule is scheduled to be revoked by October 1983.

CFR Citation: **25 CFR Part 162** *Title:* **Leasing and Permitting**

Abstract: This rule will reorganize Part 162 into three new subheadings: (1) How to Acquire Leases; (2) Special Provisions and Requirements of Leases; and (3) Special Provisions for Specific Reservations. These revisions will facilitate the use of the regulations for easier reference. This Part has been redesignated from 25 CFR Part 131.

Originally Scheduled: July 1979

Legal Authority: 25 U.S.C. 380, 393, 394, 395, 397, 402, 402a, 403, 403a-c, 415, 415a-d, 477, 635

Determination Under E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Robert Jones, Phoenix Area Office, Bureau of Indian Affairs, P.O. Box 7007, Phoenix, AZ 85011, 802-261-2275

Timetable: Proposed rule was published October 27, 1978 (43 FR 50210).

Final rule is scheduled to be published by April 1983.

CFR Citation: **25 CFR Part 163** *Title:* **General Forest Regulations**

Abstract: This rule will be updated and revised to reflect economic and technical changes pertinent to timber management and harvesting since the last revision in 1976. The revision will also eliminate gender-specific terminology. This Part has been redesignated from 25 CFR Part 141.

Originally Scheduled: October 1981

Legal Authority: 25 U.S.C. 406, 407 and 4667, 406, 407

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Fred Malroy 202-343-6067

Timetable: Proposed rule is scheduled to be published by April 1983.

CFR Citation: **25 CFR Part 168** *Title:* **Grazing Regulations for Former Navajo-Hopi Joint Use Area Lands**

Abstract: This rule will be revised to clarify the Secretary's responsibilities over grazing control and range restoration activities in the area formerly known as the Joint Use Area under the July 9, 1980 amendments to the Navajo-Hopi Settlement Act, 25 U.S.C. 640d-640d-28. The rule will also be revised to correct vague and/or ambiguous language contained in certain provisions of the existing rule. This Part has been redesignated from 25 CFR Part 153.

Originally Scheduled: October 1981

Legal Authority: 5 U.S.C. 301; 25 U.S.C. 2, 9, 640d, 640d-28

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Sam Miller 202-343-4004

Timetable: An Interim rule with request for comments was published September 10, 1982 (47 FR 39816).

Final rule is scheduled to be published by October 1983.

CFR Citation: **25 CFR Part 170** *Title:* **Roads of the Bureau of Indian Affairs**

Abstract: This part is being amended to reflect the current Bureau responsibility for the roads systems on Indian reservations. This Part has been redesignated from 25 CFR Part 162.

Originally Scheduled: April 1981

Legal Authority: 25 U.S.C. 47; 42 U.S.C. 2000e(b); 23 U.S.C. 101(a), 208, 308; 36 Stat. 861; 45 Stat. 750

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: James T. Ball 202-343-6041

Timetable: Proposed rule is scheduled to be published by October 1983.

CFR Citation: **25 CFR Part 174** *Title:* **Operations and Maintenance Charges**

Abstract: The provision which establishes the criteria for determining operation and maintenance charges of the Joint Works will be amended (174.69d). A review of the operating policies of the San Carlos irrigation project indicates that operation and maintenance charges of the Joint Works should include the cost of the electrical energy required for the operation of irrigation pumps. This Part has been redesignated from 25 CFR Part 221.

Originally Scheduled: April 1981

Legal Authority: 25 U.S.C. 385, 387

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Walter Parks, San Carlos Irrigation Project, P.O. Box 456, Coolidge, AZ 85228, 602-723-5439

Timetable: Final rule is scheduled to be published by April 1983.

CFR Citation: **25 CFR Part 176** *Title:* **Flathead Indian Irrigation Project, Montana**

Abstract: This rule contains regulations to be followed for the operation of the electric power system at the Flathead Project, Montana. This Part has been redesignated from 25 CFR Part 232.

Originally Scheduled: April 1981

Legal Authority: 62 Stat. 273; 5 U.S.C. 301

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Charles P. Corke 202-343-4004

Timetable: Proposed rule was published November 10, 1982 (47 FR 50850).

Final rule is scheduled to be published by October 1983.

CFR Citation: **25 CFR Part 179** *Title:* **Use of Water on Indian Reservations**

Abstract: This rule will state the criteria the Secretary will follow in determining whether to approve water codes enacted by Indian tribes which would regulate the use of waters on Indian reservations. This Part has been redesignated from 25 CFR Part 260.

Originally Scheduled: April 1981

Legal Authority: 25 U.S.C. 1a, 2, 9, 381, 415

Determination Under E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Joseph R. Membrino 202-343-6967

Timetable: Proposed rule was published January 5, 1981 (46 FR 944).

Final rule is scheduled to be published by October 1983.

CFR Citation: **25 CFR Part 211** *Title:* **Contracts for Prospecting and Mining on Indian Mineral Lands**

Abstract: The regulations in this part govern contracts for the prospecting and mining of Indian-owned minerals, other than oil, gas and coal. Revisions will be made which would combine rules for the review and approval of mineral development contracts on both tribal and allotted lands into one part. This Part has been redesignated from 25 CFR Part 171.

Originally Scheduled: May 1978

Legal Authority: 25 U.S.C. 396, 396d, 415, 476, 477

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Tom Riggs 202-343-3722; Ken Core 202-343-3722

Timetable: Proposed rule was published August 11, 1980 (45 FR 53164).

Final rule is scheduled to be published by October 1983.

CFR Citation: **25 CFR Part 212** *Title:* **Leasing of Allotted Lands for Mining**

Abstract: As a result of review, it has been determined that this part is no longer necessary and should be revoked. The rules which currently govern the leasing of oil and gas on Indian allotted lands will be replaced by a new 25 CFR Part 218. This Part has been redesignated from 25 CFR Part 172.

Originally Scheduled: April 1981

Legal Authority: 25 U.S.C. 396; 35 Stat. 396

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Tom Riggs 202-343-3722; Ken Core 202-343-3722

Timetable: Proposed rule was published August 11, 1980 (45 FR 53164).

Final rule is scheduled to be published by October 1983.

CFR Citation: **25 CFR Part 216** *Title:* **Operation, Reclamation and Conservation on Mineral Lands**

Abstract: This rule will provide for mining and exploration plans, performance plans and other operational aspects of mining on Indian lands, including compliance with the National Environmental Policy Act. This Part has been redesignated from 25 CFR Part 177.

Originally Scheduled: May 1978

Legal Authority: 25 U.S.C. 380, 396, 396d, 415, 476, 477; 42 U.S.C. 4332

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Tom Riggs 202-343-3722; Ken Core 202-343-3722

Timetable: Proposed rule was published August 11, 1980 (45 FR 53164).

Final rule is scheduled to be published by October 1983.

CFR Citation: **25 CFR Part 218** *Title:* **Oil and Gas Contracts**

Abstract: This part will govern contracts for the development of Indian owned oil and gas reserves. The regulations would replace existing regulations in 25 CFR Part 218. This Part has been redesignated from 25 CFR Part 182.

Originally Scheduled: May 1978

Legal Authority: 25 U.S.C. 396, 396d 415, 476, 477; 42 U.S.C. 4332

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Tom Riggs 202-343-3722; Ken Core 202-343-3722

Timetable: Proposed rule was published August 11, 1980 (45 FR 53164).

Final rule is scheduled to be published by October 1983.

CFR Citation: **25 CFR Part 225** *Title:* **Oil and Gas Mineral Agreements**

Abstract: The Bureau proposes to publish regulations that will govern mineral agreements for the development of Indian owned oil and gas resources pursuant to the Indian Mineral Development Act of 1982, Pub.L. 97-382, which authorizes the tribes to enter into negotiated agreements rather than go through the previously required competitive advertising procedure.

Originally Scheduled: April 1983

Legal Authority: Pub.L. 97-382; 52 Stat. 347; 35 Stat. 783

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: David Baldwin, Division of Energy and Mineral Resources, Bureau of Indian Affairs, 730 Simms Street, Lakewood Office Plaza, Room 239, Golden, CO 80401

Timetable: An Interim rule is scheduled to be published by July 1983.

CFR Citation: **25 CFR Part 228** *Title:* **Review of Tribal Ordinances Imposing Taxes on Mining Activities on Indian Lands**

Abstract: This rule will state the procedure and criteria the Secretary will follow in reviewing tribal ordinances imposing taxes on mining activities on Indian lands. This Part has been redesignated from 25 CFR Part 179.

Originally Scheduled: April 1982

Legal Authority: 25 U.S.C. 2 and 9

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Anita Vogt 202-343-8526

Timetable: Proposed rule is scheduled to be published by October 1983.

CFR Citation: **25 CFR Part 243** *Title:* **Reindeer in Alaska**

Abstract: As a result of review, this rule will be revised to provide Alaska Native reindeer owners, government officials and other persons with explicit guidance for administration of the reindeer industry in Alaska and eliminate certain legal ambiguities affecting the industry. This Part has been redesignated from 25 CFR Part 90.

Originally Scheduled: April 1981

Legal Authority: 48 U.S.C. 250b, 250k; 50 Stat. 900; 50 Stat. 902

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: John A. Moore, Juneau Area Office, Federal Building, P.O. Box 3-8000, Juneau, AK 99802, 907-586-7404

Timetable: Proposed rule is scheduled to be published by May 1983.

CFR Citation: **25 CFR Part 250** *Title:* **Indian Fishing: Hoopa Valley Indian Reservation**

Abstract: This rule, which contains the regulations for the Hoopa fishery, will be revised to remove burdensome requirements.

Originally Scheduled: April 1983

Legal Authority: 43 U.S.C. 1457; 25 U.S.C. 29 and 262; Reorganization Plan No. 3 of 1950, 64 Stat. 1262

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Wilson Barber, Hoopa Agency, Bureau of Indian Affairs, P.O. Box 307, Hoopa, CA 95546, 916-625-4285

Timetable: Proposed rule is scheduled to be published by April 1983.

CFR Citation: **25 CFR Part 256** *Title:* **Housing Improvement Program**

Abstract: The Inspector General Audit Report C-1A-BIA-20-82(a), dated September 1982, recommended that the Bureau of Indian Affairs revise its Housing Improvement Program regulations to prohibit the reselling of housing units obtained through a HIP grant. The existing regulations do not have any restrictions for disposing of housing obtained through a Bureau grant.

Originally Scheduled: April 1983

Legal Authority: 25 U.S.C. 13

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: G. Ronald Peake 202-343-4876

Timetable: Final rule is scheduled to be published by July 1983.

CFR Citation: **25 CFR Part 261** *Title:* **Preservation of Antiquities**

Abstract: Part 261 is authorized by the Antiquities Act of 1906 (16 U.S.C. 432) which has been largely superseded by the Archeological Resources Protection Act (16 U.S.C. 470aa). This Part has been redesignated from 25 CFR Part 132.

Originally Scheduled: October 1981

Legal Authority: 16 U.S.C. 470aa

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: George Farris 202-343-4541

Timetable: Proposed rule is scheduled to be published by October 1983.

CFR Citation: **25 CFR Part 262** *Title:* **Heritage Preservation**

Abstract: This rule will establish procedures for implementing the requirements of legislation relating to cultural resources. Subpart A will implement the requirements of the National Historic Preservation Act as it pertains to Bureau actions which may affect properties that are listed on the National Register of Historic Places. Subpart B will implement the requirements of the Archaeological Resources Protection Act, particularly the requirement that no archaeological resources may be excavated without a permit. This Part has been redesignated from 25 CFR Part 281.

Originally Scheduled: April 1981

Legal Authority: 16 U.S.C. 469, 470aa, 470f; 42 U.S.C. 1996

Determination Under E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291

on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: George Farris 202-343-4541

Timetable: Subpart A was published as a proposed rule September 15, 1980 (45 FR 60923). Final rule is scheduled to be published by October 1983.

Subpart B will be published following the publication of Departmentwide rules by the National Park Service.

CFR Citation: **25 CFR Part 283** *Title:* **Guidance on the Application of the National Environmental Policy Act to Bureau Decisions**

Abstract: This rule will provide guidance to tribal governments and other persons and entities that propose the Bureau take an action which must be preceded by the preparation of either an environmental impact statement or an environmental assessment. This Part has been redesignated from 25 CFR Part 280.

Originally Scheduled: April 1981

Legal Authority: 42 U.S.C. 4321-4347

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: George Farris 202-343-4541

Timetable: Proposed rule is scheduled to be published by October 1983.

CFR Citation: **25 CFR Part 271** *Title:* **Contracts under Indian Self-Determination and Education Assistance Act**

Abstract: The purpose of this rule is: (1) to change the method of award to tribes under the Self-Determination and Education Assistance Act, from contracts to grants. or cooperative agreements, which action is taken pursuant to the Federal Grant and Cooperative Agreement Act; (2) to provide changes in the administrative processes; and (3) to remove unnecessary administrative language.

Originally Scheduled: October 1981

Legal Authority: 25 U.S.C. 450; 41 U.S.C. 501

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: George Clark 202-343-4796; Jim Burris 202-343-4796

Timetable: Proposed rule was published September 13, 1982 (47 FR 40326).

Final rule is scheduled to be published by October 1983.

CFR Citation: **25 CFR Part 272** *Title:* **Grants Under Indian Self-Determination and Education Assistance Act**

Abstract: The purpose of this rule is to provide for changes in administrative processes and to establish procedures and definitions consistent with other parts of this chapter.

Originally Scheduled: October 1981

Legal Authority: 25 U.S.C. 450h

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: George Clark 202-33-4796; Jim Burris 202-343-4796

Timetable: Proposed rule was pubished September 13, 1982 (47 FR 40338).

Final rule is scheduled to be published by October 1983.

CFR Citation: **25 CFR Part 273** *Title:* **Education Contracts under Johnson-O'Malley Act**

Abstract: This rule will revise and provide consistency with the requirements for tribes under 25 CFR Part 271, clarify the relationship between tribes and Indian education committees and organize the subparts for easier use.

Originally Scheduled: May 1978

Legal Authority: 25 U.S.C. 455-457

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Noah Allen 202-343-8657

Timetable: Proposed rule was published September 13, 1982 (47 FR 40340).

Final rule implementing one subsection (school lunch provision) was published December 23, 1982 (47 FR 57274).

Remainder of final rule is scheduled to be published by October 1983.

CFR Citation: **25 CFR Part 274** *Title:* **School Construction Contracts or Services for Tribally Operated Previously Private Schools**

Abstract: This part is being revised to provide for grants or cooperative agreements rather than contracts, to include the Office of Indian Education Programs in the application and approval procedures, and to remove unnecessary administrative language.

Originally Scheduled: April 1981

Legal Authority: 25 U.S.C. 458, 458d; Pub.L. 93-638; Pub.L. 95-561; Pub.L. 96-46

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Jay T. Suagee 202-343-4796; Harvey Jacobs 202-343-4493

Timetable: Proposed rule was published September 13, 1982 (47 FR 40348).

Final rule is scheduled to be published by October 1983.

CFR Citation: **25 CFR Part 275** *Title:* **Staffing**

Abstract: This part outlines methods available to tribes for utilizing the services of Bureau employees. Revisions will be made to include the Office of Indian Education Programs in the application and approval procedures for the awards under Pub.L. 93-638.

Originally Scheduled: January 1981

Legal Authority: 42 U.S.C. 4762; 25 U.S.C. 450i; 26 U.S.C. 48

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this

document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Pat Fulgham 202-343-9306; Harvey Jacobs 202-343-5517

Timetable: Proposed rule was published September 13, 1982 (47 FR 40352).

Final rule is scheduled to be published by October 1983.

CFR Citation: **25 CFR Part 276** *Title:* **Uniform Administrative Requirements for Grants**

Abstract: This rule establishes requirements for the uniform administration of grants to Indian Tribal Governments, pursuant to Pub.L. 93-638.

Originally Scheduled: January 1981

Legal Authority: Pub.L. 93-638

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: George Clark 202-343-4790

Timetable: Proposed rule was published September 13, 1982 (47 FR 40353).

Final rule is scheduled to be published by October 1983.

CFR Citation: **25 CFR Part 277** *Title:* **School Construction Contracts for Public Schools under Indian Self-Determination and Education Assistance Act**

Abstract: The purpose of this rule is: (1) to change the method of award to tribes under the Self-Determination and Education Assistance Act from contracts to grants, which action is pursuant to the Federal Grant and Cooperative Agreement Act; (2) to provide changes in the administrative processes; and (3) to remove unnecessary administrative language.

Originally Scheduled: October 1981

Legal Authority: 25 U.S.C. 458c(b); 41 U.S.C. 501

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Frank Latta, P.O. Box 1788, Albuquerque, NM 87103, 505-766-2985

Timetable: Proposed rule was published September 13, 1982 (47 FR 40356).

Final rule is scheduled to be published by October 1983.

CFR Citation: **25 CFR Part 278** *Title:* **Special Economic Development and Core Management for Small Tribes**

Abstract: This Part will contain regulations which offer grants to Indian tribes for business development, development of natural resources, and which encourage non-Federal investment and promote sound business principles and offer core management grants to small tribes to permit such tribes to establish and maintain competent and responsible management capabilities.

Originally Scheduled: April 1982

Legal Authority: 25 U.S.C. 2 and 9

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: John Geary 202-343-2678

Timetable: Proposed rule is scheduled to be published by October 1983.

CFR Citation: **25 CFR Part 286** *Title:* **Indian Business Development Program**

Abstract: This rule will be amended to reflect the requirements necessary to implement the special economic development program. This Part has been redesignated from 25 CFR Part 80.

Originally Scheduled: April 1982

Legal Authority: 25 U.S.C. 2 and 9

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: John Geary 202-343-2678

Timetable: Proposed rule is scheduled to be published by October 1983.

CFR Citation: **41 CFR Chapter 14H** *Title:* **Buy Indian Act Contracting**

Abstract: This rule will add a new Part to 41 CFR Chapter 14H in order to establish policies and procedures concerning the Bureau of Indian Affairs acquisition management system. This issuance pertains to contracts (excluding construction) entered into with Indian economic enterprises for the products of Indian industry pursuant to the Act of June 25, 1910 (25 U.S.C. 47), which is usually referred to as the 'Buy Indian Act.'

Originally Scheduled: April 1982

Legal Authority: 25 U.S.C. 47

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Peter A. Campanelli 202-343-5125

Timetable: Proposed rule was published October 8, 1982 (47 FR 44678).

Final rule is scheduled to be published by October 1983.

REVIEWS OF EXISTING REGULATIONS

CFR Citation: **25 CFR Part 116** *Title:* **Creation of Trusts for Restricted Property of Indians, Five Civilized Tribes, Oklahoma**

Abstract: This rule, which is scheduled for review, governs the establishment of trust estates for Indians of the Five Civilized Tribes, Oklahoma. This Part has been redesignated from 25 CFR Part 107.

Originally Scheduled: October 1981

Legal Authority: Section 7, 47 Stat. 778

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Dennis Springwater, Muskogee Area Office, Federal Building, Muskogee, OK 74401, 918-687-2314

Timetable: Review of this rule is scheduled to be completed by October 1983.

CFR Citation: **25 CFR Part 118** *Title:* **Judgment Funds, Shoshone Tribe of the Wind River Reservation, Wyoming**

Abstract: This rule, which is scheduled for review, outlines programs required and purposes for which expenditures of judgment funds of the Shoshone Tribe of the Wind River Reservation, Wyoming, may be made. This Part has been redesignated from 25 CFR Part 109.

Originally Scheduled: October 1981

Legal Authority: Section 2, 53 Stat. 1128; 25 U.S.C. 572

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Alonzo T. Spang, Sr., Wind River Agency, Fort Washakie, WY 82514, 307-255-8301

Timetable: Review of this rule is scheduled to be completed by October 1983.

CFR Citation: **25 CFR Part 167** *Title:* **Navajo Grazing Regulations**

Abstract: This rule, which is scheduled for review, protects Navajo grazing land from abuse and also authorizes a permitting system. This rule will apply to the Navajo Reservation. This Part has been redesignated from 25 CFR Part 152.

Originally Scheduled: October 1981

Legal Authority: 25 U.S.C. 9, 179, 397, 345, 402

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Sam Miller 202-343-4004

Timetable: Review of this rule is scheduled to be completed by April 1983.

CFR Citation: **25 CFR Part 169** *Title:* **Rights-of-Way over Indian Lands**

Abstract: This rule, which contains the procedures for rights-of-way over Indian lands, is scheduled for review and revision in order to eliminate excessive, burdensome and counterproductive provisions. Language changes will be made in order to make the regulation clearer.

Originally Scheduled: October 1982

Legal Authority: 25 U.S.C. 2 and 9

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Frank Hissong 202-343-3611

Timetable: Review of this rule is scheduled to be completed by October 1983.

CFR Citation: **25 CFR Part 171** *Title:* **Operation and Maintenance**

Abstract: This rule, which is scheduled for review, provides for the expeditious administration of Indian irrigation projects by authorizing changes to O and M assessment rates including such information that is pertinent to the assessment, payment, and collections of the charges by general notice in the Federal Register. This Part has been redesignated from 25 CFR Part 191.

Originally Scheduled: October 1981

Legal Authority: 25 U.S.C. 385

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Charles P. Corke 202-343-4004

Timetable: Review of this rule is scheduled to be completed by October 1983.

CFR Citation: **25 CFR Part 177** *Title:* **San Carlos Indian Irrigation Project, Arizona**

Abstract: This rule, which is scheduled for review, provides for the administration of the electric power system of the San Carlos Indian Irrigation Project. The project engineer is responsible for the operation of the electric power system and the enforcement of the regulations promulgated to provide power for the project and other client customers. This Part has been redesignated from 25 CFR Part 233.

Originally Scheduled: October 1981

Legal Authority: Section 5, 43 Stat. 476; 45 Stat. 210, 211; 5 U.S.C. 301

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Charles P. Corke 202-343-4004

Timetable: Review of this rule is scheduled to be completed by October 1983.

COMPLETED ACTIONS

CFR Citation: **25 CFR Part 89** *Title:* **Attorney Contracts with Indian Tribes**

Abstract: This rule will be amended to clarify the circumstances under which the Bureau may provide funds to an Indian tribe for the payment of a private attorney's legal services. This Part has been redesignated from 25 CFR Part 72.

Originally Scheduled: July 1980

Legal Authority: 5 U.S.C. 301; 25 U.S.C. 2, 9, 13, 81, 82a, 450, 476

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Sam St. Arnold 202-343-4045

Timetable: Proposed rule was published December 16, 1980 (45 FR 82667).

Final rule was published January 28, 1983 (48 FR 3966).

MINERALS MANAGEMENT SERVICE

National Center, Reston, Virginia 22092

CURRENT AND PROJECTED RULEMAKINGS

CFR Citation: **30 CFR Parts 221 and 250** *Title:* **Royalty Management and Accounting**

Abstract: These rules will be revised to provide consistent valuation guidelines for royalty computation purposes. These revisions are being made in response to a Linowes Commission recommendation that the

Service issue detailed, definitive product valuation guidelines.

Originally Scheduled: April 1983

Legal Authority: Pub.L. 97-451

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: William H. Feldmiller, Chief, Royalty Standards and Measurements Division, Minerals Management Service, P.O. Box 25165, Denver Federal Center, Denver, CO 80225, 303-231-3184

Timetable: Notices of proposed guidelines were published November 29, 1982 (47 FR 53822) and December 21, 1982 (47 FR 56871).

Proposed rule is scheduled to be published by April 1983.

CFR Citation: **30 CFR Parts 225 and 262** *Title:* **Royalty Management and Accounting**

Abstract: The royalty-in-kind provisions of these rules, which were transferred from the Department of Energy, will be revised in order to simplify and streamline the Federal Government's process for selling its royalty crude.

Originally Scheduled: April 1983

Legal Authority: Pub.L. 97-451

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Orie L. Kelm 703-860-7511

Timetable: Proposed rule is scheduled to be published by July 1983.

CFR Citation: **30 CFR Part 250** *Title:* **Exploration, Development and Production Activities**

Abstract: This rule is being amended to delete the requirement for development and production plans in areas developed prior to 1978 in the Western Gulf of Mexico as set out in Sec. 25 of the OCS Lands Act. The alternatives considered included continuation of the requirement for plans or a plan requiring less information. It is estimated that deleting the requirement will remove 30,000 annual burden hours imposed on the public (250.34-1 and 250.34-2).

Originally Scheduled: April 1981

Legal Authority: 43 U.S.C. 1334

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: David Schuenke 703-860-7916

Timetable: Proposed rule was published October 6, 1981 (46 FR 49554).

The information collection requirements contained in section 250.34 of this rule have been submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

Final rule is scheduled to be published by March 1983.

CFR Citation: **30 CFR Part 250** *Title:* **Remedies**

Abstract: This part is being amended to make clear that section 250.81 does not apply to appeals to the Interior Board of Land Appeals.

Originally Scheduled: October 1981

Legal Authority: 43 U.S.C. 1334

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Eva Datz 703-860-7916

Timetable: Proposed rule was published July 21, 1981 (46 FR 37524).

Final rule is scheduled to be published by January 1984.

CFR Citation: **30 CFR Part 250** *Title:* **Penalties**

Abstract: This part is being amended to meet the intent of Sec. 24 of the OCS Lands Act. Alternatives considered range from no change in the current regulations to rescission of regulations concerning administrative processing of penalties. The proposed changes are administrative in nature, therefore costs and benefits are estimated to be insignificant (250.80).

Originally Scheduled: October 1981

Legal Authority: 43 U.S.C. 1334

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: David A. Schuenke 703-860-7916

Timetable: Proposed rule is scheduled to be published by April 1983.

The information collection requirements contained in section 250.80 of this rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

CFR Citation: **30 CFR Part 250** *Title:* **Reports of Accidents and Malfunctions**

Abstract: This rule will be amended to eliminate duplicative reporting currently required by the Department and the U.S. Coast Guard concerning accidents, fires and malfunctions connected with mineral activity on the Outer Continental Shelf. Pursuant to a Memorandum of Understanding between the two agencies, the Coast Guard would receive reports on deaths and personal injuries and the Department would receive reports of accidents and malfunctions that produced or threatened the operations of a facility. Alternatives considered include no change in the rule thereby continuing excessive and duplicative reporting requirements (250.45).

Originally Scheduled: April 1983

Legal Authority: 43 U.S.C. 1347

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Ulysses Cotton 703-860-7564

Timetable: The information collection requirements contained in this rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

An Interim rule is scheduled to be published by June 1983.

CFR Citation: **30 CFR Part 250** *Title:* **Air Quality**

Abstract: This rule will be amended to establish an exemption from air quality

review for Outer Continental Shelf exploration activities located more than 20 miles from shore and more than 50 miles from shore for development and production activities. Altenatives considered include having no exemption and varied mileage criteria for different activities. Exemptions would cut-down significantly the amount of paperwork required to conduct operations (250.57).

Originally Scheduled: April 1983

Legal Authority: 43 U.S.C. 1334

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Jane Roberts 703-860-7916

Timetable: Proposed rule is scheduled to be published by July 1983.

The information collection requirements contained in section 250.57 of this rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

CFR Citation: **30 CFR Part 250** *Title:* **Self-Inspection**

Abstract: This rule will be amended to require Outer Continental Shelf lessees to periodically inspect their own facilities, keep records and report the results of inspections to the Service. The revisions are intended to further ensure safe and efficient operating conditions by identifying deficiencies and allowing early correction by the lessee. Alternatives considered include no self-inspection and varied frequency of inspection (250.75).

Originally Scheduled: April 1983

Legal Authority: 43 U.S.C. 1334

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: David Schuenke 703-860-7916

Timetable: Proposed rule is scheduled to be published by September 1983.

The information collection requirements contained in section 250.75 of this rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

CFR Citation: **30 CFR Part 250** *Title:* **Monthly Report of Operations**

Abstract: This rule will be revised to change the time for submission of the Monthly Report of Operations from 20 days to within 25 days following the month to which the report relates. Alternatives considered included no change in the due date. The revision is intended to preclude premature reporting and subsequent amendments (250.93).

Originally Scheduled: April 1983

Legal Authority: 43 U.S.C. 1334

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: David Schuenke 703-860-7916

Timetable: Proposed rule is scheduled to be published by July 1983.

CFR Citation: **30 CFR Parts 250 and 251** *Title:* **Environmental Reports/Tiering**

Abstract: These rules are being amended to emphasize the availability of tiering and incorporation by reference in the preparation of environmental reports for submission to the Department with regard to OCS operations. An alternative considered was to leave the regulations as they currently exist. The amendment will emphasize the availability of tiering and incorporation by reference thereby reducing the paperwork burden. Savings per report could range from minimal if little information is preexisting to savings of virtually the entire cost of preparing an environmental report (250.34-3 and 250.34-4).

Originally Scheduled: April 1981

Legal Authority: 43 U.S.C. 1334

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: David Schuenke 703-860-7916

Timetable: Proposed rule was published October 5, 1981 (46 FR 48951).

The information collection requirements contained in sections 250.34 and 251.6-2 of this rule have been submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

Final rule is scheduled to be published by March 1983.

CFR Citation: **30 CFR Parts 250 and 251** *Title:* **Disclosure of Information**

Abstract: The Secretary is reconsidering the current regulations concerning the timing and circumstances allowing disclosure and release of information gathered on the OCS. Alternatives include immediate disclosure and release, lengthening the time for protection of such data, and retaining the current regulations. Increases and decreases in costs and benefits for each alternative shift between those with a proprietary interest in the data and those desiring full and immediate disclosure of the data (250.3 and 251.14).

Originally Scheduled: October 1981

Legal Authority: 43 U.S.C. 1334

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: David A. Schuenke 703-860-7916

Timetable: The information collection requirements contained in sections 250.3 and 251.14 of this rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

Proposed rule is scheduled to be published by May 1983.

CFR Citation: **30 CFR Parts 250 and 252** *Title:* **Definition of Area Adjacent to a State**

Abstract: This rule will be amended to revise the definition of 'area adjacent to a State' for that portion of the Outer Continental Shelf which lies 100 miles from any point within a State. Alternatives considered include use of seaward boundaries set-up by other agencies and mutual agreement between States. The definition would clarify the information and data available to a State for inspection (250.2 and 252.2).

Originally Scheduled: April 1983

Legal Authority: 43 U.S.C. 1334

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Jane Roberts 703-860-7916

Timetable: Proposed rule is scheduled to be published by July 1983.

CFR Citation: **30 CFR Part 251** *Title:* **Inspection, Selection and Submission of Geological and Geophysical Data and Information**

Abstract: This part will be amended to eliminate the requirement that lessees immediately report the processing, reprocessing or interpretation of geological and geophysical data. Alternatives considered included no change in the current requirement to reporting of the processing, reprocessing or interpretaion at a later date. Abolition of the requirement for immediate notice is estimated to reduce the burden imposed on the public by 2,000 hours per year per lease (251.11(a) and 251.12(a)).

Originally Scheduled: April 1981

Legal Authority: 43 U.S.C. 1334

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Jane Roberts 703-860-7916

Timetable: The information collection requirements contained in sections 251.11 and 251.12 of this rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

Proposed rule was published July 1, 1982 (47 FR 28706).

Final rule is scheduled to be published by April 1983.

CFR Citation: **30 CFR Part 251** *Title:* **Progress Report on Activities Conducted Under a Permit**

Abstract: This part is being amended to allow the status report to be filed monthly rather than weekly. Alternatives considered included no change in timing to various lengthening of the time intervals for reporting. It is estimated that changing the reporting period from weekly to monthly will reduce the burden imposed on the public by 75 percent (251.7-2).

Originally Scheduled: October 1981

Legal Authority: 43 U.S.C. 1334

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Neil Stoloff 703-860-7564

Timetable: The information collection requirements contained in section 251.7-2 of this rule rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

Proposed rule was published January 10, 1983 (48 FR 1083).

Final rule is scheduled to be published by August 1983.

CFR Citation: **30 CFR Part 251** *Title:* **Permit Requirements for a Deep Stratigraphic Test Well**

Abstract: This rule will be amended to make optional, at the discretion of the Director, the requirement for various information and data to be collected over a proposed drilling location for COST wells. Alternatives considered include requiring all information and data as currently required, requiring no information, or allowing for discretion in what information is required. Allowing discretion would eliminate the need to submit unnecessary information and data (251.6-2(a)(5)).

Originally Scheduled: April 1983

Legal Authority: 43 U.S.C. 1334

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: David Schuenke 703-860-7916

Timetable: Proposed rule is scheduled to be published by July 1983.

CFR Citation: **30 CFR Part 253** *Title:* **Nondiscrimination in Employment and Contracting Practices in the Outer Continental Shelf**

Abstract: This part is being added to implement Section 604 of the OCS Lands Act which requires the Secretary to take affirmative action as deemed necessary to assure that no unlawful discrimination occurs in relation to activities in the OCS. This part will replace regulations formerly found in 43 CFR Part 35. Alternatives considered include no regulatory program, use of voluntary programs, piggybacking on existing Federal programs, minimal monitoring regulations, and detailed programmatic regulations. The potential costs could range from negligible for the first three alternatives to significant for the latter. Benefits would vary between alternatives similarly.

Originally Scheduled: April 1982

Legal Authority: 43 U.S.C. 1863

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Jane Roberts 703-860-7916

Timetable: The information collection requirements contained in this rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

Proposed rule is scheduled to be published by November 1983.

CFR Citation: **30 CFR Part 256** *Title:* **Royalty Management and Accounting**

Abstract: This rule will be revised to require the mandatory use of Electronic Funds Transfer by the lessee for aggregate payments to the government which total $50,000 or more for royalties and rentals, and the 4/5 bonus bid amount. The remittance method would provide the U.S. Treasury with funds on the actual date of transfer rather than several days later, as is the case with current manual check clearing procedures (256.13).

Originally Scheduled: April 1983

Legal Authority: 43 U.S.C. 1331 et seq.

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Orie L. Kelm 703-860-7511

Timetable: An Interim rule is scheduled to be published by April 1983.

CFR Citation: **30 CFR Parts 260 and 261**
Title: **Outer Continental Shelf Oil and Gas Leasing; Accounting Procedures for Determining Net Profit Share Payment for Outer Continental Shelf Oil and Gas Leases**

Abstract: These rules are being amended to delete the provisions relating to the use of variable net profit share and work commitment bidding systems in award of Federal oil and gas leases on the Outer Continental Shelf. Alternatives considered include retention of the two systems. Although the systems have never been used, projections indicate that the systems are costly, ineffective and counterproductive.

Originally Scheduled: October 1982
Legal Authority: 43 U.S.C. 1337
Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Neil Stoloff 703-860-7564

Timetable: Proposed rule was published January 11, 1983 (48 FR 1200).

Final rule is scheduled to be published by August 1983. *Title:* **OCS Order No. 1 - Marking of Equipment**

Abstract: Alternative methods of marking equipment are being considered to meet the statutory intent to establish responsibility for damage of commercial fishing gear. Potential costs of marking equipment far outweigh potential benefits, while no marking and therefore no costs would have a detrimental effect (Paragraph 5). This rule is not codified.

Originally Scheduled: April 1981
Legal Authority: 43 U.S.C. 1334
Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: David Schuenke 703-860-7916

Timetable: Proposed rule was published October 22, 1982 (47 FR 47088).

The information collection requirements contained in this rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

Final rule is scheduled to be published by May 1983. *Title:* **OCS Order No. 2 - Safety Requirements for Drilling Operations in a Hydrogen Sulfide Environment**

Abstract: Paragraph 8 of this OCS Order will be revised to incorporate by reference the second edition of the MMSS-OCS-1 Standards. The MMSS-OCS-1 edition will incorporate advances in technology, include the latest edition of documents incorporated by reference, clarify the requirements for drilling operations on the Outer Continental Shelf zones known to contain H2S, clarify the required preventive measures for the detection and control of H2S in zones where the presence of H2S is unknown, incorporate amendments published in several Federal Register notices, and make editorial changes in order to clarify the meaning of some sections. Alternatives considered include no change in the current standard. This was rejected because of the benefits of updating the standard to reflect the state of the art. This rule is not codified.

Originally Scheduled: October 1982
Legal Authority: 30 CFR 250.41; 43 U.S.C. 1334
Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: LLoyd M. Tracey 703-860-7916

Timetable: The information collection requirements contained in this rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

Proposed rule is scheduled to be published by July 1983. *Title:* **OCS Order No. 6 - Well Completion of Oil and Gas Wells**

Abstract: This rule will revise the existing Order which established requirements for well-completion operations. The revision will broaden the title and scope of the Order to include safety precautions for workover operations. Alternatives considered include not revising the Order which would allow workover operations to remain unregulated. By revising the Order, it is intended to provide requirements which prevent damage to life, property and the environment. Such requirements are in response to recommendations of accident-investigation review boards. This rule is not codified.

Originally Scheduled: October 1981
Legal Authority: 30 CFR 250.41, 250.43; 43 U.S.C. 1334
Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Lloyd M. Tracey 703-860-7916

Timetable: The information collection requirements contained in this rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

Proposed rule is scheduled to be published by March 1983. *Title:* **OCS Order No. 11 - Oil and Gas Production Rates, Prevention of Waste, and Protection of Correlative Rights**

Abstract: This order is being revised to eliminate the Maximum Efficient Rate (MER) concept of production control except for those reservoirs that are determined to be rate sensitive and to reduce the recordkeeping and reporting burden imposed on OCS operators. It is estimated that the proposed change would result in a significant reduction in the burden hours imposed on the public. This rule is not codified.

Originally Scheduled: October 1981
Legal Authority: 30 CFR 250.10 and 250.11
Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Lloyd M. Tracey 703-860-7916

Timetable: The information collection requirements contained in this rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

Proposed rule is scheduled to be published by May 1983.

REVIEWS OF EXISTING REGULATIONS

CFR Citation: **30 CFR Part 256** *Title:* **Outer Continental Shelf Minerals and Rights-of-Way Management; General**

Abstract: The regulations previously found in 43 CFR Part 3300 were transferred to and redesignated as 30 CFR Part 256 in order to implement, in part, Amendment No. 1 to Secretarial Order No. 3071, which consolidated all of the Department's Outer Continental Shelf functions in the Minerals Management Service. The rule now will be reviewed to determine, among other things, the feasibility of providing for deposit into an interest-bearing account the cash deposit of the high bidder in a Federal Outer Continental Shelf lease sale. If the award to the high bidder were then sustained, the Government would receive the accrued interest; if the award were defeated, the bidder would receive accrued interest in addition to a refund of the cash deposit. Alternatives considered include leaving the rules unchanged. The proposal would result in benefits both to the Government and to bidders in the form of increased revenues.

Originally Scheduled: October 1982

Legal Authority: 43 U.S.C. 1335

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Neil Stoloff 703-860-7564

Timetable: Final rule redesignating 43 CFR Part 3300 as 30 CFR Part 256 was published October 22, 1982 (47 FR 47007).

Review of this rule is scheduled to be completed by April 1984.

COMPLETED ACTIONS

CFR Citation: **30 CFR Part 221** *Title:* **Oil and Gas Operating Regulations**

Abstract: This rule will amend the regulations governing the discovery, development and production from onshore Federal and restricted Indian leases. The intent is to revise and and modernize the regulations which have not been thoroughly reviewed since 1942, and (1) eliminate unnecessary items, (2) reflect advancements made in technology, (3) incorporate provisions for environmental protection, (4) recognize outstanding Departmental opinions and policy directives, and (5) provide more meaningful enforcement actions.

Originally Scheduled: April 1981

Legal Authority: 5 U.S.C. 301; 30 U.S.C. 189

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Gerald R. Daniels 703-860-7535

Timetable: A Notice of Intent to propose rulemaking was published May 22, 1981 (46 FR 27968).

Proposed rule was published November 17, 1981 (46 FR 56564).

A Notice was published December 16, 1981 which extended the comment period to January 18, 1982.

The information collection requirements contained in this rule were approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1010-0001.

Final rule was published October 27, 1982 (47 FR 47758).

CFR Citation: **30 CFR Parts 221 and 231** *Title:* **Oil and Gas Operating Regulations; Operating Regulations for Exploration, Development and Production**

Abstract: These Parts will be amended in order to modify existing provisions to facilitate the development of tar sands.

Originally Scheduled: April 1982

Legal Authority: 30 U.S.C. 189; 95 Stat. 1070

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Stephen Spector 703-860-7969

Timetable: Proposed rule was published May 12, 1982 (47 FR 20324).

Final rule was published September 28, 1982 (47 FR 42569).

CFR Citation: **30 CFR Parts 259, 260, 262, and 263** *Title:* **Mineral Leasing**

Abstract: The Department transferred and redesignated 10 CFR Parts 375, 376, 378, 390 and 391 to 30 CFR Parts 259, 260, 261, 262, and 263. Pub.L. 97-100 repealed Section 302(b) of the Department of Energy Organization Act, thus revesting in the Department the authority to promulgate regulations on alternative bidding systems. As this is strictly an administrative implementation of the legislative mandate, no alternatives were considered, and there are no relevant costs and benefits.

Originally Scheduled: October 1982

Legal Authority: Pub.L. 97-100; 43 U.S.C. 1335

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Neil Stoloff 703-860-7564

Timetable: A Notice of redesignation was published January 11, 1983 (48 FR 1181). No further action is scheduled.

Title: **Alaska Region OCS Orders**

Abstract: It is proposed to revise and consolidate the currently effective Gulf of Alaska Area and the Arctic Area OCS Orders into a single set of OCS Orders applicable to all areas of the Alaska Region OCS, including the Bering Sea Area. An alternative considered was to leave the Orders as they currently exist. The proposed consolidation would decrease costs by not having to deal with numerous Orders in one area. These rules are not codified.

Originally Scheduled: October 1981

Legal Authority: 30 CFR Part 250; 43 U.S.C. 1334

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Lloyd M. Tracey 703-860-7916

Timetable: Proposed rule was published February 10, 1982 (47 FR 6138).

Final rule was published October 22, 1982 (47 FR 47180).

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT
1951 Constitution Avenue NW,
Washington, D.C. 20240

CURRENT AND PROJECTED RULEMAKINGS

CFR Citation: **30 CFR Parts 770-788 (Subchapter G)** *Title:* **Surface Coal Mining and Reclamation Operations Permits and Coal Exploration Systems Under Regulatory Programs**

Abstract: This rule will revise the permitting requirements of Subchapter G to: (1) suspend the regulations in Subchapter G which are duplicative, unnecessarily detailed or are required by other agencies; and (2) revise the remaining regulations as necessary by emphasizing results to be achieved rather than methods for achievement and by combining subject areas (e.g., hydrology requirements).

This rule is being revised in response to public comments requested by the Presidential Task Force on Regulatory Relief and the Secretary of the Interior.

Originally Scheduled: October 1981

Legal Authority: 30 U.S.C. 1201 et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Mary Josie Smith 202-343-2188

Timetable: Proposed rule was published June 25, 1982 (47 FR 27694).

Final rule is scheduled to be published by April 1983.

CFR Citation: **30 CFR Parts 779, 780, 783, 816 and 817** *Title:* **Surface and Underground Permit Application and General Performance Standards: Revegetation**

Abstract: This rule will revise the revegetation standards to broaden the approaches available for determining success and to consider other alternatives in addition to reference areas and published technical guides. Performance requirements for post-mining land uses other than cropland will be modified. Tree and shrub shocking rates may be replaced with accepted local and regional reforestation practices. The requirement for a reference area where the post-mining land use is recreation, wildlife management, and other forest uses, and the special performance standard for permits that are 40 acres or less in size will be deleted. The section on introduced species and the period of responsibility will be revised for clarification purposes.

This rule is being revised in response to public comments requested by the Presidential Task Force on Regulatory Relief and the Secretary of the Interior.

Originally Scheduled: October 1981

Legal Authority: 30 U.S.C. 1201 et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Arlo Dalrymple 202-343-4320

Timetable: Proposed rule was published March 23, 1982 (47 FR 12591).

Final rule is scheduled to be published by March 1983.

CFR Citation: **30 CFR Parts 779, 780, 783, 784, 816, and 817** *Title:* **General Performance Standards: Hyrology and Geology Permitting**

Abstract: This rule will provide a major reorganization and clarification of the requirements stipulated in 30 U.S.C. 1201 et seq. for protection of the hydrologic balance. New hydrology regulations will emphasize mining techniques and reclamation practices. Water quality monitoring requirements will be based upon requirements cited in the Surface Mining Act and locally significant needs. They will be geared to streamline data collection and monitoring efforts. The revised regulations will clarify data requirements for determining the probable hydrologic consequences of mining and cumulative impact assessments.

This rule is being revised in response to public comments requested by the Presidential Task Force on Regulatory Relief and the Secretary of the Interior.

Originally Scheduled: October 1981

Legal Authority: 30 U.S.C. 1201 et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: John Mosesso 202-343-5281

Timetable: Proposed rule was published June 25, 1982 (47 FR 27712).

Final rule is scheduled to be published by March 1983.

CFR Citation: **30 CFR Parts 779, 780, 816 and 817** *Title:* **Surface and Underground Permit Applications and General Performance Standards: Fish and Wildlife**

Abstract: This rule will revise sections 779.20 and 780.16 to clarify issues raised in the Flannery litigation. Overburdensome or needless portions of sections 816.57(c) and 816.97 will also be revised or eliminated. The fish and wildlife reclamation plan, 780.16, will be revised to incorporate information on revegetation in 816.97(d)(9)(i).

This rule is being revised in response to public comments requested by the Presidential Task Force on Regulatory Relief and the Secretary of the Interior.

Originally Scheduled: October 1981

Legal Authority: 30 U.S.C. 1201 et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: John Parsons 202-343-4954

Timetable: Proposed rule was published March 30, 1982 (47 FR 13466).

Final rule is scheduled to be published by March 1983.

CFR Citation: **30 CFR Parts 779, 783, 785, and 823** *Title:* **Special Permanent Program Performance Standards: Operations on Prime Farmlands**

Abstract: These rules will be revised to assure that prime farmland soils are returned to their original premining capability by returning the soil horizons in sequence and to a friable rooting medium. In addition, these rules would implement the special planning requirements for prime farmlands required by the permitting sections of the Surface Mining Control and Reclamation Act. The operator would have to demonstrate the technological capability to restore mined prime farmlands to equivalent or higher levels of yield as nonmined prime farmland in the surrounding area under equivalent levels of management.

This rule is being revised in response to public comments requested by the

Presidential Task Force on Regulatory Relief and the Secretary of the Interior.
Originally Scheduled: October 1981
Legal Authority: 30 U.S.C. 1201 et seq.
Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.
Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.
Agency Contact: Don Smith 202-343-5954
Timetable: Proposed rule was published May 3, 1982 (47 FR 19076).
Final rule is scheduled to be published by March 1983.

CFR Citation: **30 CFR Parts 779, 783, 816, and 817** *Title:* **General Performance Standards: Remining**

Abstract: This rule will include the development of a new section addressing remining of previously mined areas. Previously developed rules dealing with these issues will be consolidated into this section. The new rules will deal with highwall elimination, approximate original contour, backfill stability, upslope drainage control, highwall stability, and treatment of overcast spoil on the downslope remaining from initial mining.
This rule is being revised in response to public comments requested by the Presidential Task Force on Regulatory Relief and the Secretary of the Interior.
Originally Scheduled: October 1981
Legal Authority: 30 U.S.C. 1201 et seq.
Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.
Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.
Agency Contact: Ray Aufmuth 202-343-5261
Timetable: Proposed rule was published June 25, 1982 (47 FR 27734).
Final rule is scheduled to be published by April 1983.

CFR Citation: **30 CFR Parts 784, 785, 816, 817, and 818** *Title:* **General Performance Standards: Subsidence/Concurrent Surface and Underground Mining**

Abstract: This rule will revise subsidence requirements to place greater emphasis on surface owner protection. If underground mining results in subsidence that causes material damage or reduces the value of surface lands, the intent is to give the operators the option to: (1) restore, rehabilitate, replace, or purchase the damaged structure or valuable resource of surface land; or (2) compensate the owner for any damage or loss incurred by subsidence. The regulatory authority will have authority to suspend underground coal mining under urbanized areas and areas adjacent to major impoundments or permanent streams if imminent danger to inhabitants of the urbanized areas and communities is found. This rule will also revise Part 818, relating to concurrent surface and underground mining, and will incorporate its provisions with section 816.79. Because there appears to be no clear authorization for Section 816.79(b), beyond aspects which are redundant to other performance standards, consideration will be given to deleting this paragraph.
This rule is being revised in response to public comments requested by the Presidential Task Force on Regulatory Relief and the Secretary of the Interior.
Originally Scheduled: October 1981
Legal Authority: 30 U.S.C. 1201 et seq.
Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.
Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.
Agency Contact: C.Y. Chen 202-343-5261
Timetable: Proposed rule was published April 16, 1982 (47 FR 16604).
Final rule is scheduled to be published by March 1983.

CFR Citation: **30 CFR Part 785** *Title:* **Requirements for Permits for Special Categories of Mining: Experimental Practices**

Abstract: This rule will revise the permitting regulations to eliminate needless requirements and to reduce the paperwork burden on States and industry for the submission of experimental practice permit requests. The review and approval process will be streamlined to provide quick response to the requestor.
This rule is being revised in response to public comments requested by the Presidential Task Force on Regulatory Relief and the Secretary of the Interior.
Originally Scheduled: October 1981
Legal Authority: 30 U.S.C. 1201 et seq.
Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.
Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.
Agency Contact: Ray Aufmuth 202-343-5261
Timetable: Proposed rule was published March 19, 1982 (47 FR 12082).
Final rule is scheduled to be published by March 1983.

CFR Citation: **30 CFR Parts 785, 816, 817 and 827** *Title:* **Requirements for Permits for Special Categories of Mining, General Performance Standards and Special Performance Standards: Support Facilities and Coal Processing Plants**

Abstract: This rule will provide a new definition of 'Support Facilities.'
This rule is being revised in response to public comments requested by the Presidential Task Force on Regulatory Relief and the Secretary of the Interior.
Originally Scheduled: October 1981
Legal Authority: 30 U.S.C. 1201 et seq.
Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.
Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.
Agency Contact: Art Anderson 202-343-5214
Timetable: Proposed rule was published June 25, 1982 (47 FR 27688).
Final rule is scheduled to be published by March 1983.

CFR Citation: **30 CFR Parts 785, 816, 824, and 826** *Title:* **General Performance Standards: Post-Mining Land Use Variances**

Abstract: This rule will reorganize and revise regulations pertaining to post-mining land uses as follows: (1) Organize all principal parts of the regulations that directly influence the post-mining land use into one post-mining use section; (2) Provide separate and distinct requirements for each alternative post-mining land use condition - (a) return to premining use on AOC; (b) new post-mining use on AOC; (c) steep slope variance; mountaintop remove; experimental practices; (3) Clarify the applicability of

specific performance standards under new post-mining land uses; and (4) Clarify the steep slope definition to include the scope of the steep slope post-mining land use variance to the extent permitted by the Act and legislative history.

This rule is being revised in response to public comments requested by the Presidential Task Force on Regulatory Relief and the Secretary of the Interior.

Originally Scheduled: October 1981

Legal Authority: 30 U.S.C. 1201 et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Charles Myers 202-343-5587

Timetable: Proposed rule was published April 14, 1982 (47 FR 16149).

Final rule is scheduled to be published by March 1983.

CFR Citation: **30 CFR Parts 785 and 822**
Title: **Special Permanent Program Performance Standards: Alluvial Valley Floors**

Abstract: This rule will revise the requirements relating to alluvial valley floors. Proposed changes will include: (1) deleting the detailed application information requirements from the rules and placing them in a revised handbook; (2) correcting issues raised in the Flannery Round ₡1 litigation, including deleting the requirement for one year of baseline hydrologic data and clarifying the definition of 'significance' and 'material damage;' and (3) revising existing alluvial valley floors to reflect conditions in New Mexico, Utah and North Dakota.

This rule is being revised in response to public comments requested by the Presidential Task Force on Regulatory Relief and the Secretary of the Interior.

Originally Scheduled: October 1981

Legal Authority: 30 U.S.C. 1201 et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Dean Hunt 202-343-5981

Timetable: Proposed rule was published June 11, 1982 (47 FR 25486).

Final rule is scheduled to be published by March 1983.

CFR Citation: **30 CFR Parts 815, 816 and 817**
Title: **General Performance Standards: Roads**

Abstract: This rule will delete all the existing sections dealing with roads. In its place, rules will be developed providing performance standards. Such performance standards may include avoiding diminution and degradation of surface or groundwater quality and quantity, avoiding alternations of normal stream flow, avoiding erosion and siltation, avoiding air pollution, and preventing damage to either private or public property.

This rule is being revised in response to public comments requested by the Presidential Task Force on Regulatory Relief and the Secretary of the Interior.

Originally Scheduled: October 1981

Legal Authority: 30 U.S.C. 1201 et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Robert Wiles 202-343-4022

Timetable: Proposed rule was published April 16, 1982 (47 FR 16592).

Final rule is scheduled to be published by March 1983.

CFR Citation: **30 CFR Parts 816 and 817**
Title: **General Performance Standards: Impoundments**

Abstract: A new rule will be developed which is oriented toward performance standards and gives the regulatory authority more flexibility in approving design criteria. OSM would require that the impoundments slopes be maintained, the structure be stable, seepage be avoided, the structure be compatible with its intended use, and that the structure be certified by a registered professional engineer.

This rule is being revised in response to public comments requested by the Presidential Task Force on Regulatory Relief and the Secretary of the Interior.

Originally Scheduled: October 1981

Legal Authority: 30 U.S.C. 1201 et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Robert Wiles 202-343-4022

Timetable: Proposed rule was published June 21, 1982 (47 FR 26754).

Final rule is scheduled to be published by April 1983.

CFR Citation: **30 CFR Parts 816 and 817**
Title: **General Performance Standards: Explosives and Ground Vibrations**

Abstract: The direction of this rulemaking will be to clarify the performance goals found in Section 515(b)(15) of the Act to allow greater State regulatory authority involvement in defining the degree of health, safety and environmental protection necessary to meet the Federal statute. Areas to be considered for specific revisions include ground vibration standards and distance limits.

This rule is being revised in response to public comments requested by the Presidential Task Force on Regulatory Relief and the Secretary of the Interior.

Originally Scheduled: October 1981

Legal Authority: 30 U.S.C. 1201 et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Russ Price 202-343-5854

Timetable: Proposed rule was published March 24, 1982 (47 FR 12760).

Final rule is scheduled to be published by March 1983.

CFR Citation: **30 CFR Parts 816 and 817**
Title: **General Performance Standards: Excess Spoil**

Abstract: This rule will revise the excess spoil regulations to provide primarily performance standards rather than design standards. A technical handbook describing design considerations for disposal of excess spoil material will be developed.

This rule is being revised in response to public comments requested by the Presidential Task Force on Regulatory Relief and the Secretary of the Interior.

Originally Scheduled: October 1981

Legal Authority: 30 U.S.C. 1201 et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Ray Aufmuth 202-343-5261

Timetable: Proposed rule was published June 8, 1982 (47 FR 24954).

Final rule is scheduled to be published by April 1983.

CFR Citation: **30 CFR Parts 816 and 817**
Title: **General Performance Standards: Coal Processing Waste**

Abstract: This rule will revise regulations applicable to coal processing waste. Specific items to be addressed include: (1) clearly defining what is a coal processing waste bank and what is a coal processing waste dam or embankment, by taking into consideration the current definitions of 'Refuse Pile' and 'Impounding Structure' in MSHA's regulation 30 CFR 77.217, and revise the regulation to be more consistent with MSHA's existing regulation on Refuse Piles and Impounding Structures; (2) placing emphasis for periodic safety inspection equally on both coal waste banks and coal waste dams as required in Section 515(f) of the Act (current regulations place more emphasis on coal waste banks); and (3) reducing burdensome language in the existing regulation for coal waste banks to eliminate overburdensome design criteria.

This rule is being revised in response to public comments requested by the Presidential Task Force on Regulatory Relief and the Secretary of the Interior.

Originally Scheduled: October 1981

Legal Authority: 30 U.S.C. 1201 et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: C.Y. Chen 202-343-4022

Timetable: Proposed rule was published June 18, 1982 (47 FR 26598).

Final rule is scheduled to be published by April 1983.

CFR Citation: **30 CFR Parts 816 and 817**
Title: **General Performance Standards: Topsoil**

Abstract: This rule will revise the topsoil regulations to clarify requirements applicable to approval of substitute material.

This rule is being revised in response to public comments requested by the Presidential Task Force on Regulatory Relief and the Secretary of the Interior.

Originally Scheduled: October 1981

Legal Authority: 30 U.S.C. 1201 et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Leroy de Moulin 202-343-5954

Timetable: Proposed rule was published March 11, 1982 (47 FR 10742).

Final rule is scheduled to be published by March 1983.

CFR Citation: **30 CFR Parts 816, 817 and 826** *Title:* **General Performance Standards: Backfilling and Grading**

Abstract: This rule will revise the backfilling and grading regulations to provide a shorter, more streamlined approach which will increase operator flexibility and allow operators the latitude to consider site-specific conditions in meeting the overall performance standards. Specific design criteria will be replaced with general environmental performance standards (816.100-816.106; 817.100-817.106; 826.12).

This rule is being revised in response to public comments requested by the Presidential Task Force on Regulatory Relief and the Secretary of the Interior.

Originally Scheduled: October 1981

Legal Authority: 30 U.S.C. 1201 et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Ray Aufmuth 202-343-5261

Timetable: Proposed rule was published June 21, 1982 (47 FR 26760).

Final rule is scheduled to be published by March 1983.

CFR Citation: **30 CFR Parts 816 and 819**
Title: **Special Permanent Program Performance Standards: Auger Mining**

Abstract: This rule will reorganize the regulations to include auger mining as a subpart of 819. Several changes will be proposed to the existing regulations: (1) Deletion of paragraphs (a)(1), (a)(2), and (a)(3); (2) Deletion of paragraphs (c)(1), and (3) Revision of paragraph (e).

This rule is being revised in response to public comments requested by the Presidential Task Force on Regulatory Relief and the Secretary of the Interior.

Originally Scheduled: October 1981

Legal Authority: 30 U.S.C. 1201 et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Ray Aufmuth 202-343-5261

Timetable: Proposed rule was published March 19, 1982 (47 FR 12008).

Final rule is scheduled to be published by March 1983.

CFR Citation: **30 CFR Part 850** *Title:* **Training, Examination and Certification of Blasters**

Abstract: This rule will establish minimum requirements for training and certifying persons involved in blasting surface coal mining operations and will simplify the provisions of the Part in order to leave as much flexibility as possible to State regulatory authorities.

This rule is being revised in response to public comments requested by the Presidential Task Force on Regulatory Relief and the Secretary of the Interior.

Originally Scheduled: October 1981

Legal Authority: 30 U.S.C. 1201 et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Jerry Ennis 202-343-7887

Timetable: Proposed rule was published March 24, 1982 (47 FR 12779).

Final rule is scheduled to be published by March 1983.

CFR Citation: **30 CFR Parts 701, 715, 786, 816, and 817** *Title:* **Hydrologic Balance**

Abstract: This rule will revise sedimentation pond and effluent limitation criteria to comply with the latest Environmental Protection Agency rule (40 CFR 434) and eliminate uncertain applicable design criteria.

Originally Scheduled: April 1981

Legal Authority: 30 U.S.C. 1201 et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Ranvir Singh 202-343-4022

Timetable: Proposed rule was published July 2, 1981 (46 FR 34784).

Final rule is scheduled to be published by April 1983.

CFR Citation: **30 CFR Parts 701, 776 and 815** *Title:* **Coal Exploration**

Abstract: This rule will amend the coal exploration permit requirements contained in Part 776 and would redesignate them as Part 772. The performance standards of Part 815 would also be amended. Most of the changes eliminate counterproductive or burdensome regulations. The remaining changes clarify the rules and include a new definition of coal exploration as defined in section 701.5.

Originally Scheduled: April 1982

Legal Authority: 30 U.S.C. 1201 et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Stan Zeccolo 202-343-4022

Timetable: Proposed rule was published May 18, 1982 (47 FR 21442).

Final rule is scheduled to be published by March 1983.

CFR Citation: **30 CFR Part 706** *Title:* **Restriction on Financial Interests of Federal Employees: Responsibility**

Abstract: 30 CFR 706.5 will be revised to reflect a reassignment of responsibilities outlined under the Surface Mining Control and Reclamation Act. Certain responsibilities would more appropriately rest with the heads of other various agencies and not with the Director of the Office of Surface Mining.

Originally Scheduled: October 1982

Legal Authority: 30 U.S.C. 1201 et seq.

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Ann Chapman 202-343-3326

Timetable: Proposed rule is scheduled to be published by April 1983.

CFR Citation: **30 CFR Parts 716 and 785** *Title:* **Prime Farmland: Interim and Permanent Regulatory Program**

Abstract: These rules will establish a date from which all grandfathered prime farmlands must begin to comply with the special prime farmland provisions of the Act. This is intended to: give coal operators the time needed to provide a fair and reasonable transition period to meet the prime farmlands reclamation standards; and, meet the need of placing limits on the amount of grandfathering allowed while granting operators an exemption on a pre-August 3, 1977 permit areas, so they may begin to meet the prime farmland requirements after a reasonable transition period.

Originally Scheduled: July 1979

Legal Authority: 30 U.S.C. 1201 et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Don Smith 202-343-5954

Timetable: Proposed rule was published March 22, 1982 (47 FR 12310).

A Notice was published April 12, 1982 which extended the public comment period to April 28, 1982.

A Notice was published April 28, 1982 which extended the public comment period to May 17, 1982.

An Interim rule was published July 30, 1982 (47 FR 32939).

Final rule is scheduled to be published by March 1983.

CFR Citation: **30 CFR Parts 750-759 (Subchapter E)** *Title:* **Permanent Federal Program for Indian Lands**

Abstract: This rule will apply the permanent surface mining program requirements to Indian lands.

Originally Scheduled: January 1981

Legal Authority: 30 U.S.C. 1201 et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: H.B. Simpson 202-343-5866

Timetable: Proposed rule is scheduled to be published by March 1983.

CFR Citation: **30 CFR Parts 760-769 (Subchapter F)** *Title:* **Areas Unsuitable for Mining**

Abstract: This rule will revise 30 CFR Subchapter F to provide greater procedural flexibility to the States in declaring lands unsuitable for mining.

Originally Scheduled: October 1981

Legal Authority: 30 U.S.C. 1201 et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Carl Close 202-343-4225

Timetable: Proposed rule was published June 10, 1982 (47 FR 25278).

Final rule is scheduled to be published by March 1983.

CFR Citation: **30 CFR Parts 800-809 (Subchapter J)** *Title:* **Bond and Insurance Requirements for Bonding of Surface Coal Mining and Reclamation Operations**

Abstract: This rule will revise Subchapter J in response to comments received and legal, economic and environmental problems raised. The anticipated approach is to deal with types of bonds, such as surety and collateral, separately from the procedures which apply to bonding. Areas which will be covered include: adjustments, forfeiture and releases.

Originally Scheduled: April 1981

Legal Authority: 30 U.S.C. 1201 et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Adele Merchant 202-343-2156

Timetable: Proposed rule was published September 9, 1981 (46 FR 45082).

Final rule is scheduled to be published by March 1983.

CFR Citation: **30 CFR Part 806** *Title:* **Self-Bonding**

Abstract: This rule will be revised to provide parameters for establishing minimum criteria for financial solvency and continuous operation as required in Section 509(C) of the Surface Mining Control and Reclamation Act. The amendments will affect sections of the rule which were suspended on December 7, 1981. Those portions which were suspended were found to require excessive information and were overly stringent. This rule will also amend and move the requirements of 30 CFR 806.14 to 30 CFR 800.23.

Originally Scheduled: April 1982

Legal Authority: 30 U.S.C. 1201 et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Adele Merchant 202-343-2156

Timetable: Proposed rule was published August 20, 1982 (47 FR 36570).

Final rule is scheduled to be published by March 1983.

CFR Citation: **30 CFR Part 870** *Title:* **Abandoned Mine Reclamation Fund: Fee Collection and Coal Production Reporting**

Abstract: 30 CFR 870.15(b) will be revised to incorporate new requirements for additional information needed to check production figures against other sources as prescribed in forms OSM-1 and OSM-1(a). The rule also will add a definition of 'operator' to 30 CFR 870.5, which will clarify the responsibility for fee payment and avoid costly and time-consuming investigations and litigation in determining the liable party. In addition, a new 30 CFR 870.13(e) will be proposed, which will contain a method of computing fees where no records have been kept. 30 CFR 870.15 will be revised to add the requirement of a 6-year statute of limitation (already in Federal debt collection law) on overdue fees to give operators fair ans sufficient notice of their extent of liability for interest on overdue fees. A new requirement will be added to 30 CFR 870.17 to give the Office of Surface Mining authority to audit all tipples, including non-producers.

Originally Scheduled: October 1982

Legal Authority: 30 U.S.C. 1201 et seq.

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Jean McIntyre 202-343-7944

Timetable: Proposed rule is scheduled to be published by March 1983.

CFR Citation: **30 CFR Part 870** *Title:* **Abandoned Mine Land Reclamation Fee Payment: Interest Rate/Electronic Fund Transfer**

Abstract: 30 CFR 870.15(c) will be revised to reflect the imposition of a different interest rate on overdue reclamation fees. Additionally, 30 CFR 870.15(d) will be revised to add a requirement that operators, who owe a total of $100,000 or more in reclamation fees per quarter, must use electronic transfer of funds through the Treasury Financial Communications System to transmit such fees to the Office of Surface Mining.

Originally Scheduled: October 1982

Legal Authority: 30 U.S.C. 1201 et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Jean McIntyre 202-343-7944

Timetable: Proposed rule was published October 6, 1982 (47 FR 44204).

Final rule is scheduled to be published by March 1983.

CFR Citation: **30 CFR Part 886** *Title:* **State Reclamation Grants**

Abstract: 30 CFR 886.20 will be revised in order to delete the use of forms OSM-62 and OSM-63.

Originally Scheduled: October 1982

Legal Authority: 30 U.S.C. 1201 et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Carol Battle 202-343-4714

Timetable: Proposed rule was published March 3, 1983.

Final rule is scheduled to be published by December 1983.

CFR Citation: **30 CFR Subchapter T** *Title:* **State Program Approvals**

Abstract: This Subchapter will contain approvals of programs for regulatory authority in States to administer the Surface Mining Control and Reclamation Act. The affected Parts in Title 30 are indicated in parentheses after each State.

Originally Scheduled: January 1980

Legal Authority: 30 U.S.C. 1201 et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that these documents are not major rules under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that these documents will not have significant economic effects on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Art Abbs 202-343-5361

Timetable: Alaska (902) - State Program: Proposed rule was published August 3, 1982 (47 FR 33520). Final rule is scheduled to be published by March 1983.

California (905) - Federal Program: Proposed rule was published July 28, 1982 (47 FR 32686). Final rule is scheduled to be published by June 1983.

Idaho (912) - Federal Program: Proposed rule was published July 12, 1982 (47 FR 30212). Final rule is scheduled to be published by May 1983.

Nebraska (927) - Federal Program: Proposed rule was published December 22, 1982 (47 FR 57236). Final rule is scheduled to be published by June 1983.

Nevada (928) - Federal Program: Proposed rule was published October 27, 1982 (47 FR 47792). Final rule is scheduled to be published by May 1983.

North Carolina (933) - Federal Program: Proposed rule was published March 2, 1983. Final rule is scheduled to be published by December 1983.

Rhode Island (939) - Federal Program: Proposed rule was published December 22, 1982 (47 FR 57246). Final rule is scheduled to be published by April 1983.

South Dakota (941) - Federal Program: Proposed rule was published August 10, 1982 (47 FR 34760). Final rule is scheduled to be published by June 1983.

CFR Citation: **30 CFR Subchapter T**
Title: **Abandoned Mine Reclamation Plans**

Abstract: This Subchapter will incorporate the abandoned mine reclamation plans for various States which have approved permanent regulatory programs. The affected Parts in Title 30 are indicated in parentheses after each State.

Originally Scheduled: April 1981
Legal Authority: 30 U.S.C. 1201 et seq.
Determination Under E.O. 12291: The Department of the Interior has determined that these documents are not major rules under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that these documents will not have significant economic effects on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: James Fary 202-343-7921

Timetable: Arkansas (904) - Proposed rule was published July 13, 1982 (47 FR 30267). Final rule is scheduled to be published by March 1983.

Iowa (915) - Proposed rule was published January 20, 1983 (48 FR 2555). Final rule is scheduled to be published by March 1983.

Utah (944) - Proposed rule is scheduled to be published by March 1983.

CFR Citation: **30 CFR Subchapter T**
Title: **State-Federal Cooperative Agreements**

Abstract: This Subchapter will incorporate the State-Federal Cooperative Agreements for the permanent regulatory programs on Federal lands in various States. The affected Parts in Title 30 are indicated in parentheses after each State.

Originally Scheduled: January 1980
Legal Authority: 30 U.S.C. 1201 et seq.
Determination Under E.O. 12291: The Department of the Interior has determined that these documents are not major rules under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that these documents will not have significant economic effects on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Andy DeVito 202-343-5866

Timetable: Kentucky (917) - Proposed rule is scheduled to be published by June 1983.

North Dakota (934) - Proposed rule was published June 21, 1982 (47 FR 26769). Final rule is scheduled to be published by April 1983.

Ohio (935) - Proposed rule is scheduled to be published by March 1983.

Utah (944) - Proposed rule was published March 31, 1982 (47 FR 13738). Final rule is scheduled to be published by April 1983.

Virginia (946) - Proposed rule is scheduled to be published by March 1983.

West Virginia (948) - Proposed rule is scheduled to be published by March 1983.

COMPLETED ACTIONS

CFR Citation: **30 CFR Parts 816 and 817**
Title: **General Performance Standards: Erosion and Attendant Air Pollution**

Abstract: This rule will revise sections 780.15 and 784.26 to clarify and simplify the permit application requirements concerning air quality. In sections 816.95 and 817.95, suggested procedures for reducing fugitive emissions will be removed and appropriate procedures will be left to the discretion of the regulatory authority.

This rule is being revised in response to public comments requested by the Presidential Task Force on Regulatory Relief and the Secretary of the Interior.

Originally Scheduled: October 1981
Legal Authority: 30 U.S.C. 1201 et seq.
Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Robert Goldberg 202-343-4022

Timetable: Proposed rule was published February 18, 1982 (47 FR 7384).

Final rule was published January 10, 1983 (48 FR 1160).

CFR Citation: **30 CFR Parts 716 and 786**
Title: **Special Performance Standards: Operations on Steep Slopes**

Abstract: This rule will resolve conflicts in those situations where a new mining operation affects previously mined lands and the new mining operation will not generate sufficient spoil to completely backfill the highwall (716.2 and 826.12).

Originally Scheduled: October 1981
Legal Authority: 30 U.S.C. 1201 et seq.
Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Ray Aufmuth 202-343-4022

Timetable: Proposed rule was published January 7, 1982 (47 FR 928).

Final rule was published November 12, 1982 (47 FR 51316).

CFR Citation: **30 CFR Parts 740-746 (Subchapter D)** *Title:* **Federal Lands Program**

Abstract: These rules are being revised to: (1) allow a State to more fully assume the primary role for the regulation of surface coal mining and reclamation operations on Federal lands pursuant to section 523(c) of the Act; (2) eliminate portions of the Federal lands regulations which are considered to be excessive, burdensome and counterproductive; (3) bring the regulations into conformity with the reorganization of OSM which was recently approved by the Secretary; (4) include the provisions of an approved State program, in accordance with section 523(a) of the Act, as the minimum requirements for surface coal mining and reclamation operations on Federal lands; and (5) clarify the relationship between the requirements of the Mineral Leasing Act of 1920 and the Surface Mining Control and Reclamation Act of 1977 as they relate to mining plans and permit applications.

Originally Scheduled: October 1981
Legal Authority: 30 U.S.C. 1201 et seq.
Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant

economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Len Richeson 202-343-5800.

Timetable: Proposed rule was published June 9, 1982 (47 FR 25092).

Final rule was published February 16, 1983 (48 FR 6912).

CFR Citation: **30 CFR Part 795** *Title:* **Small Operator Assistance**

Abstract: This rule will revise 30 CFR Part 795 to increase attractiveness of the Small Operator Assistance Program to small operators and to allow greater State control over decisions.

Originally Scheduled: October 1981

Legal Authority: 30 U.S.C. 1201 et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Doug Growitz 202-343-9104

Timetable: Proposed rule was published June 25, 1982 (47 FR 27744).

Final rule was published January 18, 1983 (48 FR 2266).

CFR Citation: **30 CFR Part 820** *Title:* **Special Permanent Program Performance Standards: Anthracite Mines in Pennsylvania**

Abstract: This rule will revise the permanent program regulations in 30 CFR Part 820 that implement Section 529 of the Surface Mining Control and Reclamation Act of 1977. This revision reflects changes in the anthracite environmental provisions promulgated by the Commonwealth of Pennsylvania since August 3, 1977.

Originally Scheduled: October 1981

Legal Authority: 30 U.S.C. 1201 et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: George Stone 202-343-5361

Timetable: Proposed rule was published August 5, 1982 (47 FR 33988).

Final rule was published October 12, 1982 (47 FR 44942).

CFR Citation: **30 CFR Parts 900, 906, 915, 916, 918, 920, 924, 925, 926, 931, 934, 936, 943, 944, 948, and 950** *Title:* **State Programs**

Abstract: This rule will provide an introduction to Subchapter T and make amendments to certain parts to incorporate by reference the approved State regulatory programs.

Originally Scheduled: January 1980

Legal Authority: 30 U.S.C. 1201 et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: George Stone 202-343-5361

Timetable: Proposed rule was published October 30, 1980 (45 FR 71816).

Final rule was published February 11, 1983 (48 FR 6332).

CFR Citation: **30 CFR Subchapter T** *Title:* **State Program Approvals**

Abstract: This Subchapter will contain approvals of programs for regulatory authority in States to administer the Surface Mining Control and Reclamation Act. The affected Parts in Title 30 are indicated in parentheses after each State.

Originally Scheduled: January 1980

Legal Authority: 30 U.S.C. 1201 et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that these documents are not major rules under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that these documents will not have significant economic effects on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Art Abbs 202-343-5361

Timetable: Arizona (903) - Federal Program: Proposed rule was published October 6, 1982 (47 FR 44194). Proposed rule was withdrawn January 4, 1983 (48 FR 273). No further action is scheduled.

Michigan (922) - Federal Program: Proposed rule was published June 21, 1982 (47 FR 26779). Final rule was published October 22, 1982 (47 FR 47158).

Oregon (937) - Federal Program: Proposed rule was published June 21, 1982 (47 FR 26786). Final rule was published November 2, 1982 (47 FR 49818).

Washington (947) - Federal Program: Proposed rule was published June 21, 1982 (47 FR 26794). Final rule was published February 24, 1983 (48 FR 7870).

CFR Citation: **30 CFR Subchapter T** *Title:* **Abandoned Mine Reclamation Plans**

Abstract: This Subchapter will incorporate the abandoned mine reclamation plans for various States and Indian Tribes which have approved permanent regulatory programs. The affected Parts in Title 30 are indicated in parentheses after each State and Tribe.

Originally Scheduled: April 1981

Legal Authority: 30 U.S.C. 1201 et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that these documents are not major rules under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that these documents will not have significant economic effects on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: James Fary 202-343-7921

Timetable: Crow Tribe (951) - Proposed rule was published May 18, 1982 (47 FR 21274). Publication of a final rule is delayed pending passage of legislation which will authorize tribal assumption of primary regulatory authority. No further action is scheduled at this time.

Hopi Tribe (952) - Proposed rule was published July 22, 1982 (47 FR 31709). Publication of a final rule is delayed pending passage of legislation which will authorize tribal assumption of primary regulatory authority. No further action is scheduled at this time.

Wyoming (950) - Proposed rule was published May 10, 1982 (47 FR 20002). Final rule was published February 14, 1983 (48 FR 6536).

CFR Citation: **30 CFR Subchapter T** *Title:* **State-Federal Cooperative Agreements**

Abstract: This Subchapter will incorporate the State-Federal Cooperative Agreements for the permanent regulatory programs on Federal lands in various States. The affected Parts in Title 30 are indicated in parentheses after each State.

Originally Scheduled: January 1980

Legal Authority: 30 U.S.C. 1201 et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that these documents are not major rules under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that these documents will not have significant economic effects on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Andy DeVito 202-343-5866

Timetable: Colorado (906) - Proposed rule was published February 2, 1982 (47 FR 4694). Final rule was published October 6, 1982 (47 FR 44206).

New Mexico (931) - Proposed rule was published June 1, 1982 (47 FR 23898). Final rule was published December 20, 1982 (47 FR 56800).

BUREAU OF RECLAMATION

CURRENT AND PROJECTED RULEMAKINGS

CFR Citation: **43 CFR Part 426** *Title:* **Acreage Limitation Rules and Regulations**

Abstract: This major rule will establish policies and procedures to meet the Secretary's responsibilities in administering the acreage limitation and other provisions of the Reclamation Reform Act of 1982. The rule will promulgate policies and procedures dealing with acreage limitations, with specific reference to procedures to be used to approve sales of excess land.

Originally Scheduled: July 1980

Legal Authority: Reclamation Reform Act of 1982, Pub.L. 97-293; 43 U.S.C. 371 et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that this document is a major rule under E.O. 12291.

Though there is a likelihood that the law and implementing regulations will not have a $100 million annual impact on the economy, there is an abiding interest in the new law by all entities contracting with the Federal Government for water development and delivery on reclamation projects. Because of this strong interest, public policy warrants designation of this rule as a major rule.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: James R. Handlon 202-343-5204; Vernon S. Cooper, Engineering and Research Center, Bureau of Reclamation, P.O. Box 25007, Denver, CO 80225, 303-234-7195

Timetable: The information collection requirements contained in this rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

Proposed rule is scheduled to be published by April 1983.

Final rule is scheduled to be published by October 1983.

Copies of the Preliminary Regulatory Impact Analysis will be available from the Agency Contacts upon publication of the proposed rule. Copies of the Final Regulatory Impact Analysis will be available from the Agency Contacts upon publication of the final rule.

CFR Citation: **43 CFR Part 401** *Title:* **Surface Management of Reclamation Lands**

Abstract: This rule will provide the basic requirements for mineral exploration on and removal from Bureau lands. This rule also will ensure that projects are adequately protected and will provide uniformity within Bureau field offices for the requirements in managing these lands.

Originally Scheduled: April 1983

Legal Authority: 43 U.S.C. 154, 371 et seq.

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Terence Cooper 202-343-5204

Timetable: Proposed rule is scheduled to be published by August 1983. The information collection requirements contained in this rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

CFR Citation: **43 CFR Part 422** *Title:* **Procedures for the Identification and Administration of Cultural Resources**

Abstract: This Part was originally issued to establish policies and procedures to meet the Bureau's responsibilities in the identification, protection, preservation, and maintenance of cultural resources. These policies and procedures have been revised and converted to Reclamation Instructions, therefore these rules are no longer needed and may be revoked.

Originally Scheduled: April 1983

Legal Authority: E.O. 11593; 5 U.S.C. 301

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Ward F. Weakly, Office of Environmental Affairs, Engineering and Research Center, Building 67, Federal Center, Denver, CO 80225, 303-234-2050

Timetable: A final rule revoking this Part is scheduled to be published by August 1983.

CFR Citation: **43 CFR Part 427** *Title:* **Public Use of Project Lands Administered for Outdoor Recreation**

Abstract: This rule will identify circumstances under which the use of recreation areas may be restricted in order to protect public safety and health, public property and natural resources.

Originally Scheduled: January 1981

Legal Authority: Section 10 of the Reclamation Act of 1902; 32 Stat. 390; 43 U.S.C. 373

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Kathy Brocato 202-343-5204

Timetable: Proposed rule is scheduled to be published after the passage of legislation which is pending before the Congress.

CFR Citation: **43 CFR Part 429** *Title:* **Recovery of Costs and Procedures for Issuing Rights-of-Way Across Lands of the Bureau of Reclamation**

Abstract: This rule will prescribe what costs for issuing a right-of-way (ROW) are to be collected from the entity receiving the ROW. It will also prescribe certain clauses which are to be included in all ROW documents.

Originally Scheduled: January 1980

Legal Authority: 43 U.S.C. 387, 389; Assistant Attorney General Opinion 34 L.D. 480 (1906)

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Terry G. Cooper 202-343-5204

Timetable: Proposed rule was published September 10, 1979 (44 FR 52699).

The information collection requirements contained in section 429.6 of this rule have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1006-0003.

A second proposed rule was published October 1, 1982 (47 FR 43046).

Final rule is scheduled to be published by April 1983.

REVIEWS OF EXISTING REGULATIONS

CFR Citation: **43 CFR Part 421** *Title:* **Rules of Conduct at Hoover Dam**

Abstract: This rule, which is scheduled for review, relates to the conduct of visitors at Hoover Dam. The rule pertains to: the preservation of property; conformity with signs and emergency directions; disturbances; vehicular and pedestrian traffic; gambling; alcoholic beverages and narcotics; soliciting, vending, advertising, and distribution of handbills; photography and motion pictures; weapons and explosives; audio devices; abandoned and unattended property; closing of areas; and, nondiscrimination.

Originally Scheduled: January 1981

Legal Authority: 40 U.S.C. 318

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Tom Kane 202-343-2143

Timetable: Review of this rule is scheduled to be completed by April 1983.

BUREAU OF LAND MANAGEMENT

CURRENT AND PROJECTED RULEMAKINGS

CFR Citation: **43 CFR Part 3900** *Title:* **Federal Oil Shale Management**

Abstract: This major rule will establish procedures for conducting a competitive leasing program, including procedures for issuing competitive oil shale leases, leasing multimineral deposits, issuing exploration licenses, and managing oil shale leases. Oil shale is a resource that has significant potential to increase the domestic energy supply and to reduce the Nation's dependence on foreign sources of energy. The rule is needed to establish procedures that will allow orderly development of this resource.

Originally Scheduled: April 1982

Legal Authority: 30 U.S.C. 181 et seq.; 43 U.S.C. 1701 et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that this document is a major rule under E.O. 12291.

Annual Federal costs of administering the oil shale leasing program described in the rule are estimated to be $3.5 million to $4.0 million. Total production from Federal leases is expected to range from 120,000 barrels per day to 400,000 barrels per day by the year 2000. The annual production costs associated with Federal oil shale leases are estimated to range from $1.2 billion to $3.1 billion. The shift in balance of payments resulting from the Federal program is estimated to be $5.5 billion to $7.0 billion in 1990. The rule, therefore, has been determined to be major because it is anticipated to have greater than a $100 million annual impact on the economy.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Fran Cherry 202-343-4636; Robert C. Bruce 202-343-8735

Timetable: Proposed rule was published February 11, 1983 (48 FR 6510).

Final rule is scheduled to be published by August 1983.

Copies of the Preliminary Regulatory Impact Analysis were available from the Agency Contacts upon publication of the proposed rule. Copies of the Final Regulatory Impact Analysis will be available from the Agency Contacts upon publication of the final rule.

CFR Citation: **43 CFR Subpart 1600** *Title:* **Planning**

Abstract: This rule will eliminate burdensome, outdated and unneeded provisions in the existing planning regulations. The decision as to which provisions should be eliminated was arrived at after a thorough review of public comments received in response to a request by the Secretary of the Interior and after an extensive review of the existing regulation by Bureau of Land Management personnel.

Originally Scheduled: January 1981

Legal Authority: 43 U.S.C. 1712

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: David C. Williams 202-653-8824; Robert C. Bruce 202-343-8735

Timetable: Proposed rule was published December 16, 1980 (45 FR 82679).

A second proposed rule was published November 23, 1981 (46 FR 57448).

Final rule is scheduled to be published by March 1983.

CFR Citation: **43 CFR Part 1860** *Title:* **Conveyancing Documents**

Abstract: This rule will be amended to provide a procedure under which documents of disclaimer or corrections of conveyance documents can be applied for and obtained.

Originally Scheduled: January 1981

Legal Authority: 43 U.S.C. 1745, 1746

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Henry Beauchamp 202-343-8693; Robert C. Bruce 202-343-8735

Timetable: Proposed rule was published May 3, 1982 (47 FR 19060).

Final rule is scheduled to be published by June 1983.

CFR Citation: **43 CFR Subpart 2099** *Title:* **Cost Reimbursement/Recovery Procedures**

Abstract: This rule would impose increased application service fees and would provide procedures for the assessment and collection of cost reimbursement for the Bureau's

processing costs for various types of land disposals and use authorizations. This rule will affect other regulations in Subchapter B, therefore appropriate cross-references also will be made in those other parts.

Originally Scheduled: April 1983

Legal Authority: 43 U.S.C. 1201, 1734 and 1740

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Malcolm Schnitker 202-343-8693; Robert C. Bruce 202-343-8735

Timetable: Proposed rule is scheduled to be published by July 1983.

CFR Citation: **43 CFR Part 2200** *Title:* **Exchanges: General Procedures**

Abstract: This rule will be amended to: make conveyance of lands exchanged for one of the Federal systems mandatory at time of finalization and exchange; remove exchanges from coverage of the Uniform Relocation Assistance and Real Property Acquisition Policies Act; and remove the requirement for publication of conveyance of lands under exchange.

Originally Scheduled: October 1981

Legal Authority: 43 U.S.C. 1715, 1716, 1732 and 1740

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: David Hemstreet 202-343-8731; Robert C. Bruce 202-343-8635

Timetable: Proposed rule was published September 23, 1982 (47 FR 42086).

Final rule is scheduled to be published by May 1983.

CFR Citation: **43 CFR Part 2300** *Title:* **Land Withdrawals**

Abstract: This rule would provide the procedure for the Bureau to assess and collect the costs of processing withdrawal applications and to impose charges and fees for the use of public lands withdrawn for other Federal departments and agencies.

Originally Scheduled: April 1983

Legal Authority: 43 U.S.C. 155-158, 1201, 1734, and 1740

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: John Rumps 202-343-8486; Robert C. Bruce 202-343-8735

Timetable: Proposed rule is scheduled to be published by August 1983.

CFR Citation: **43 CFR Subpart 2320** *Title:* **Federal Energy Regulatory Commission Withdrawals**

Abstract: This rule would revise the regulations which provide the procedure for the filing of applications with the Bureau to restore public lands included in withdrawals made by the Federal Energy Regulatory Commission and would provide that the applications be filed with that Commission.

Originally Scheduled: April 1983

Legal Authority: 43 U.S.C. 1201

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: John Rumps 202-343-8486; R.O. Miller 202-343-8735

Timetable: Proposed rule is scheduled to be published by June 1983.

CFR Citation: **43 CFR Part 2400** *Title:* **Land Classification**

Abstract: As a result of review, this rule is being revised to remove provisions repealed by the Federal Land Policy and Management Act of 1976, to institute a new classification procedure and to simplify and clarify outdated provisions.

Originally Scheduled: October 1981

Legal Authority: 43 U.S.C. 315, 682, 869, 1171, 1181, 1412-1418; 48 U.S.C. 364

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: John Mezes 202-343-8731; Robert C. Bruce 202-343-8735

Timetable: Proposed rule is scheduled to be published by March 1983.

CFR Citation: **43 CFR Part 2520** *Title:* **Desert Land Entries**

Abstract: This rule, which provides the procedure for entry and reclamation of lands identified as desert lands, will be revised to remove excessive and burdensome provisions.

Originally Scheduled: April 1982

Legal Authority: 43 U.S.C. 321-323, 325, 327-329

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: John Mezes 202-343-8693; Robert C. Bruce 202-343-8735

Timetable: Proposed rule is scheduled to be published by May 1983.

CFR Citation: **43 CFR Subpart 2820** *Title:* **Airport Grants**

Abstract: This rule will be updated to reflect the provisions of the Airport and Airway Improvement Act of 1982 and would impose a requirement for payment of fair market value for the lands granted.

Originally Scheduled: April 1983

Legal Authority: 43 U.S.C. 1201 and 1740

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: David Hemstreet 202-343-8693; Robert C. Bruce 202-343-8735

Timetable: Proposed rule is scheduled to be published by September 1983.

CFR Citation: **43 CFR Subpart 2627** *Title:* **Alaska**

Abstract: This rule will be amended to provide a change in selection procedures for the State of Alaska as

provided for in the amendments to the Alaska Statehood Act.

Originally Scheduled: January 1981

Legal Authority: 94 Stat. 2437

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Beaumont McClure 202-343-6511; Robert C. Bruce 202-343-8735

Timetable: Proposed rule is scheduled to be published by April 1983.

CFR Citation: **43 CFR Part 2650** *Title:* **Alaska Native Selections**

Abstract: This rule will amend existing regulations, which authorize Alaska Native corporations to select more lands than they are entitled to receive actual conveyance for, to establish a formula for reducing the amount of excess lands selected and to provide the authority to reject excessive overselections if they are not voluntarily reduced by the Native corporations.

Originally Scheduled: April 1981

Legal Authority: 43 U.S.C. 1601 et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Sue Wolf 202-343-6511; Robert C. Bruce 202-343-8735

Timetable: Proposed rule was published July 19, 1982 (47 FR 31368).

Final rule is scheduled to be published by June 1983.

CFR Citation: **43 CFR Part 2650** *Title:* **Alaska Easement Management**

Abstract: This rule will provide the procedure for the management of easements reserved under Section 17(b) of the Alaska Native Claims Settlement Act.

Originally Scheduled: April 1982

Legal Authority: 43 U.S.C. 1701 and 1713

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Lee Barkow 202-343-6511; Robert C. Bruce 202-343-8735

Timetable: Proposed rule is scheduled to be published by May 1983.

CFR Citation: **43 CFR Part 2710** *Title:* **Sales: Federal Land Policy and Management Act**

Abstract: This rule will be amended to clarify issues that have arisen during the implementation of the existing regulations and to streamline the sales process.

Originally Scheduled: October 1981

Legal Authority: 43 U.S.C. 1701, 1713

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Bill Krech 202-343-8693; Robert C. Bruce 202-343-8735

Timetable: Proposed rule is scheduled to be published by April 1983.

CFR Citation: **43 CFR Part 2720** *Title:* **Conveyance of Federally-Owned Mineral Interests**

Abstract: This rule will be amended to make minor revisions to the existing regulations on conveyancing of Federally-owned mineral interests and to provide segregation of lands covered by an application.

Originally Scheduled: April 1981

Legal Authority: 43 U.S.C. 1719(b)

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: David Hemstreet 202-343-8731; Robert C. Bruce 202-343-8735

Timetable: Proposed rule is scheduled to be published by April 1983.

CFR Citation: **43 CFR Parts 2740 and 2910** *Title:* **Recreation and Public Purposes Act: Leases**

Abstract: These rules will be amended to facilitate acquisition of public lands by States, State instrumentalities and subdivisions, including counties and municipalities, for recreational or public purposes. These amendments would not affect procedures as they relate to non-profit associations other than to require a nonrefundable application service fee.

Originally Scheduled: October 1981

Legal Authority: 43 U.S.C. 869 et seq., 1721

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: John Mezes 202-343-8731; Robert C. Bruce 202-343-8735

Timetable: Proposed rule was published September 28, 1982 (47 FR 42684).

Final rule is scheduled to be published by April 1983.

CFR Citation: **43 CFR Part 2800** *Title:* **Rights-of-Way: Principles and Procedures**

Abstract: This rule will be amended to revise the schedule used in the cost reimbursement process for processing and monitoring right-of-way grants (2803.1-1).

Originally Scheduled: October 1982

Legal Authority: 43 U.S.C. 1746

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Leon Kabat 202-343-5441; Robert C. Bruce 202-343-8735

Timetable: Proposed rule was published January 17, 1983 (48 FR 2110).

Final rule is scheduled to be published by June 1983.

CFR Citation: **43 CFR Part 2800** *Title:* **Rights-of-Way: Principles and Procedures**

Abstract: This rule will be revised to clarify the procedures for management of rights-of-way granted under statutes repealed by Title V of the Federal Land Policy and Management Act of 1976.

Originally Scheduled: April 1983

Legal Authority: 43 U.S.C. 2, 1201; 5 U.S.C. 301; 43 CFR 1761-1771

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Leon Kabat 202-343-5441; Robert C. Bruce 202-343-8735

Timetable: Proposed rule is scheduled to be published by June 1983.

CFR Citation: **43 CFR Subpart 2911** *Title:* **Airport Leases**

Abstfact: This rule would be revised to: remove from the regulations those provisions rpealed by the Federal Land Policy and Management Act of 1976 relating to withdrawals of beacon lights and air navigation facilities; to impose an increased application service fee; and to update the provisions relating to the setting of rental charges for lands leased for airport purposes.

Originally Scheduled: April 1983

Legal Authority: 43 U.S.C. 1201, 1734 and 1740

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: John Mezes 202-343-8693; Robert C. Bruce 202-343-8735

Timetable: Proposed rule is scheduled to be published by July 1983.

CFR Citation: **43 CFR Subpart 2916** *Title:* **Alaska Fur Farm Leases**

Abstract: This rule would be revised to remove burdensome requirements, impose an increased application fee, and revise the bases for rental charges for the use of lands obtained under the provisions of the regulations.

Originally Scheduled: April 1983

Legal Authority: 43 U.S.C. 360, 361 and 1201

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Ralph Conrad 202-343-8693; Jane Clawson 202-343-6511; Ted Hudson 202-343-8753

Timetable: Proposed rule is scheduled to be published by July 1983.

CFR Citation: **43 CFR Parts 3000 and 3040** *Title:* **Environment and Safety**

Abstract: This part, which contains the rules for geophysical exploration, will be amended to provide a procedure for the issuance and administration of geophysical exploration permits on Department of Defense administered lands.

Originally Scheduled: October 1982

Legal Authority: 30 U.S.C. 181 et seq., 351-359

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Jeff Zabler 202-343-7722; Robert C. Bruce 202-343-8735

Timetable: Proposed rule is scheduled to be published by March 1983.

CFR Citation: **43 CFR Groups 3000 and 3100** *Title:* **Onshore Oil and Gas Leasing**

Abstract: These rules are being amended to remove outdated and burdensome provisions and to simplify the entire group of regulations.

Originally Scheduled: April 1981

Legal Authority: 30 U.S.C. 181 et seq., 351-359, 301-306

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Jeff Zabler 202-343-7722; Robert C. Bruce 202-343-8735

Timetable: Proposed rule was published June 30, 1982 (47 FR 28550).

Final rule is scheduled to be published by March 1983.

CFR Citation: **43 CFR Part 3100** *Title:* **Oil and Gas Leasing**

Abstract: This rule would provide the procedures for the reinstatement of oil and gas leases and the conversion of unpatented oil placer claims authorized by the Act of January 12, 1983 (Pub.L. 97-451).

Originally Scheduled: April 1983

Legal Authority: 30 U.S.C. 181 et seq.

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Jeff Zabler 202-343-7722; Robert C. Bruce 202-343-8735

Timetable: Proposed rule is scheduled to be published by August 1983.

CFR Citation: **43 CFR Part 3100** *Title:* **Oil and Gas Leasing**

Abstract: This rule would establish the procedure under which applications would be acepted for the leasing of oil and gas on National Wildlife Refuge System lands.

Originally Scheduled: April 1983

Legal Authority: 30 U.S.C. 181 et seq. and 351-359

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Jeff Zabler 202-343-7722; Robert C. Bruce 202-343-8735

Timetable: Proposed rule is scheduled to be published by July 1983.

CFR Citation: **43 CFR Part 3120** *Title:* **Competitive Leases**

Abstract: This rule would establish the standards for determining the acreage to be included in a known geological structure.

Originally Scheduled: April 1983

Legal Authority: 30 U.S.C. 181 et seq.

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Gary Horton 703-860-6822; Robert C. Bruce 202-343-8735

Timetable: Proposed rule is scheduled to be published by August 1983.

CFR Citation: **43 CFR Part 3130** *Title:* **Oil and Gas Leasing: Alaska**

Abstract: This rule would clarify provisions of the existing regulations relating to the antitrust review requirements for leasing of oil and gas in the National Petroleum Reserve - Alaska.

Originally Scheduled: April 1983

Legal Authority: 42 U.S.C. 6504 et seq.; 43 U.S.C. 1701 et seq.; Pub.L. 96-514

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Jan Daniels 202-343-7753; R.O. Miller 202-343-8735

Timetable: Proposed rule was published February 18, 1983 (48 FR 7213).

Final rule is scheduled to be published by November 1983.

CFR Citation: **43 CFR Part 3200** *Title:* **Geothermal Resource Leasing: General**

Abstract: This rule will be revised to provide a modification of the treatment of escalating rentals when excess exploration expenditures are made and to eliminate the requirement for a plan of operations or exploration to be submitted before a lease can be submitted (3250).

Originally Scheduled: April 1981

Legal Authority: 30 U.S.C. 1001-1025

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Karl Duscher 202-343-7753; R.O. Miller 202-343-8735

Timetable: Proposed rule was published April 30, 1982 (47 FR 18826).

The information collection requirements contained in this rule were approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1004-0063.

Final rule is scheduled to be published by March 1983.

CFR Citation: **43 CFR Subpart 3211** *Title:* **Bureau Motion, Land Previously Leased for Geothermal Resources**

Abstract: This rule will be amended to expedite leasing of lands with geothermal potential, and correct provisions that have prevented the Bureau from offering lands previously leased noncompetitively for geothermal resources.

Originally Scheduled: January 1980

Legal Authority: 30 U.S.C. 1001-1025

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Karl Duscher 202-3438537; R.O. Miller 202-343-8735

Timetable: Proposed rule was published November 26, 1979 (44 FR 67598).

Final rule is scheduled to be published by April 1983.

CFR Citation: **43 CFR Parts 3400 and 3470** *Title:* **Coal Management: General; Coal Management Provisions and Limitations**

Abstract: These rules will be revised to provide policies and procedures that would be followed in issuing and using certificates of bidding rights.

Originally Scheduled: April 1983

Legal Authority: 30 U.S.C. 181 et seq., 351-359 et seq., 521-531 et seq., 1201 et seq.; 43 U.S.C. 1701 et seq.; 90 Stat. 1083-1092

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Ryan Dudley 202-343-4537; Robert C. Bruce 202-343-8735

Timetable: Proposed rule is scheduled to be published by April 1983.

CFR Citation: **43 CFR Part 3425** *Title:* **Leasing on Application**

Abstract: This part, which contains the rules for competitive leasing of coal, will be amended to provide a method for leasing of leonardite, a form of oxidized coal not normally used for energy purposes.

Originally Scheduled: October 1982

Legal Authority: 30 U.S.C. 1272

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Fran Cherry 202-343-4636; Robert C. Bruce 202-343-8735

Timetable: Proposed rule is scheduled to be published by June 1983.

CFR Citation: **43 CFR Part 3460** *Title:* **Coal Management: Environment**

Abstract: This rule would modify unsuitability criterion number 7 to make it consistent with the unsuitability system of section 522(e) and other relevant policies for the conduct of Federal lands review under section 552(b) of the Surface Mining Control and Reclamation Act of 1977.

Originally Scheduled: April 1983

Legal Authority: 30 U.S.C. 181 et seq. and 1271(b)

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Tom Walker 202-343-4636; Robert C. Bruce 202-343-8735

Timetable: Proposed rule was published March 1, 1983.

Final rule is scheduled to be published by November 1983.

CFR Citation: **43 CFR Parts 3500 and 23** *Title:* **Leasing of Minerals Other than Oil and Gas: General; Surface Exploration**

Abstract: As a result of review, 43 CFR Part 3500 is being revised to change definitions of terms, to change rentals, and to alter requirements for preference right lease applicants, as well as to simplify and clarify provisions. 43 CFR Part 23 is removed, because its provisions duplicate the provisions of the National Environmental Policy Act.

Originally Scheduled: January 1981

Legal Authority: 30 U.S.C. 181 et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Reed Smith 202-343-8537; Robert C. Bruce 202-343-8735 .

Timetable: Proposed rule was published March 30, 1982 (47 FR 13472).

The information collection requirements contained in this rule were approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1004-0121.

Final rule is scheduled to be published by April 1983.

CFR Citation: **43 CFR Part 3600** *Title:* **Mineral Materials Disposal: General**

Abstract: This rule, which provides the procedures for disposal of mineral materials on the public lands, will be totally revised to: simplify existing provisions; and revise and delete provisions not specified or required by statute which impair program management and limit the availability of mineral materials to the public.

Originally Scheduled: January 1980

Legal Authority: 30 U.S.C. 601, 602; 43 U.S.C. 1732

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Brenda Aird 202-343-8537; R.O. Miller 202-343-8735

Timetable: The information collection requirements contained in this rule were approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1004-0103.

Proposed rule was published May 3, 1982 (47 FR 19066).

Final rule is scheduled to be published by June 1983.

CFR Citation: **43 CFR Part 3630** *Title:* **Paleontology**

Abstract: This rule will be revised to provide the procedures for the management of paleontological specimens located on the public lands.

Originally Scheduled: July 1980

Legal Authority: 43 U.S.C. 1701 et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Robert Sulenski 202-343-8537; R.O. Miller 202-343-8735

Timetable: Proposed rule was published August 17, 1982 (47 FR 35914).

The information collection requirements contained in this rule were approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1004-0106.

Final rule is scheduled to be published by June 1983.

CFR Citation: **43 CFR Parts 3700 and 3800** *Title:* **Multiple Use: Mining; Mining Claims Under the General Mining Laws**

Abstract: These parts, which contain the rules for multiple use mining and mining claims under the general mining laws, will be revised to eliminate burdensome, cumbersome and unnecessary provisions. Other revisions include: the addition of definitions of discovery and mineral- in-character; to allow location of certain types of lode deposits by legal subdivision; increasing the non-refundable service charge for mineral patent applications; and increasing the service charge for filing protests to patent applications.

Originally Scheduled: October 1982

Legal Authority: 30 U.S.C. 22, 601 et seq.; 61 Stat. 681; 43 U.S.C. 2, 1732, 1740

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Eugene A. Carlat 202-343-8537; Robert C. Bruce 202-343-8735

Timetable: A Notice of Intent to propose rulemaking was published December 27, 1982 (47 FR 57521).

Proposed rule is scheduled to be published by July 1983.

CFR Citation: **43 CFR Part 4100** *Title:* **Grazing Administration: Exclusive of Alaska**

Abstract: This rule, which provides for the uniform administration of livestock grazing on the public lands exclusive of Alaska, will be streamlined to eliminate burdensome and cumbersome provisions and to make them easier to understand.

Originally Scheduled: April 1983

Legal Authority: 43 U.S.C. 315, 315a, 315r and 1701 et seq.

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Billy Templeton 202-653-9193; R.O. Miller 202-343-8735

Timetable: A Notice of Intent to propose rulemaking was published December 9, 1982 (47 FR 55402).

Proposed rule is scheduled to be published by September 1983.

CFR Citation: **43 CFR Part 4700** *Title:* **Wild Free-Roaming Horse and Burro Protection: Management and Control**

Abstract: This part will be revised in order to reorganize the regulations into a logical, consistent format and to remove needless self-regulation more appropriate for the Bureau Manual. In additon, related rules will be consolidated (aircraft and motor vehicles - 4730 and 4740; removal of horses and burros - 4720, 4740 and 4750), and rules which have no foundation in the law will be eliminated (problem animals - (4740.3(c); fencing of private land - 4750.3). Procedures for adoption and title transfer will be clarified, and burdensome requirements for veterinarian certifications will be eased by canceling the requirement or allowing certification from any qualified official (4740.4-2 and 4740.5). The costs to those who choose to participate in the adoption program should be lessened by these revisions.

Originally Scheduled: April 1981

Legal Authority: 16 U.S.C. 1331-1340; 43 U.S.C. 1701 et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Joan Comanor 202-653-9215; Ted Hudson 202-343-8735

Timetable: Proposed rule is scheduled to be published by July 1983.

CFR Citation: **43 CFR Subpart 5401**
Title: **Advertised Sales: General**

Abstract: This rule will be amended to remove the requirement that the authorized officer will furnish access to the sale area for all competitive sales of forest products.
Originally Scheduled: October 1982
Legal Authority: 43 U.S.C. 1181a; 30 U.S.C. 601 et seq.; 16 U.S.C. 615a
Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.
Agency Contact: Charles Frost 202-653-8864; R.O. Miller 202-343-8735
Timetable: Proposed rule is scheduled to be published by March 1983.

CFR Citation: **43 CFR Subpart 8300**
Title: **Recreation: General**

Abstract: This rule will be amended to revise the policy statement for recreation management of the public lands.
Originally Scheduled: October 1981
Legal Authority: 43 U.S.C. 1701 et seq., 869, 1181a, 315, 4321 et seq; 16 U.S.C. 460l-461, 1131, 1271-1287, 1241, 670; 29 U.S.C. 794
Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.
Agency Contact: Wesley R. Henry 202-343-9353; Ted Hudson 202-343-8735
Timetable: Proposed rule is scheduled to be published by October 1983.

CFR Citation: **43 CFR Part 8360** *Title:* **Recreation Programs: Operations**

Abstract: This Part is being revised to bring the regulations for use of public lands to conformity, to the extent practicable, with the regulations governing use of areas administered by the National Park Service and the U.S. Forest Service. The revisions will set a minimum standard of conduct for persons using the public lands and the penalties that may be imposed for failure to obey the regulations.
Originally Scheduled: April 1981
Legal Authority: 43 U.S.C. 1181(a)-(e), 1201, 1701 et seq.
Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.
Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.
Agency Contact: Robert Conquergood 202-343-9353; Ted Hudson 202-343-8735
Timetable: Proposed rule was published December 23, 1982 (47 FR 57404).
Final rule is scheduled to be published by October 1983.

CFR Citation: **43 CFR Subpart 8372**
Title: **Use Authorizations; Special Recreation Permits**

Abstract: This rule is being revised to reflect revised, special recreation policies.
Originally Scheduled: October 1981
Legal Authority: 43 U.S.C. 1201 et seq., 1701 et seq., 1181a; 16 U.S.C. 460-6a
Determination Under E.O. 12291: The determination as to whether this document is a major rule under Executive Order 12291 has not been made at this time.
Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.
Agency Contact: Robert Conquergood 202-343-9353; Ted Hudson 202-343-8735
Timetable: Proposed rule is scheduled to be published by October 1983.

CFR Citation: **43 CFR Part 8560** *Title:* **Management of Designated Wilderness Areas**

Abstract: This rule will provide procedures for the use of Congressionally designated wilderness areas in public lands.
Originally Scheduled: October 1981
Legal Authority: 43 U.S.C. 1701 et seq.; 16 U.S.C. 1131
Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.
Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.
Agency Contact: David Porter 202-343-6064; R.O. Miller 202-343-8735
Timetable: Proposed rule is scheduled to be published by March 1983.

CFR Citation: **43 CFR Part 9230** *Title:* **Unauthorized Use of Public Lands**

Abstract: This rule will be amended to clarify those activities that are prohibited on the public lands and to provide managers with additional authority to resolve existing violations.
Originally Scheduled: April 1981
Legal Authority: 43 U.S.C. 1701 et seq.
Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been at this time.
Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.
Agency Contact: Leroy Allen 202-653-8815; Robert C. Bruce 202-343-8735
Timetable: Proposed rule is scheduled to be published by April 1983.

CFR Citation: **43 CFR Subpart 9239**
Title: **Kinds of Trespass: Mineral**

Abstract: This rule will be amended to clarify the authority of the Secretary of the Interior in instances of mineral trespass.
Originally Scheduled: July 1980
Legal Authority: 30 U.S.C. 181 et seq.
Determination Under E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.
Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.
Agency Contact: David Carty 202-343-8537; Robert C. Bruce 202-343-8735
Timetable: Proposed rule was published March 11, 1980 (45 FR 15876).
Final rule is scheduled to be published by May 1983.

CFR Citation: **30 CFR Part 221** *Title:* **Oil and Gas Operating Regulations: Site Security**

Abstract: This part is being revised to include minimum site security standards at 30 CFR 221.37. The standards are based on the premise that the primary responsibility for site security rests with those who operate the leases; however, a plan will will be required. This rule

implements a Linowes Commission recommendation.

Originally Scheduled: October 1982

Legal Authority: 30 U.S.C. 189

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Stephen Spector 703-860-7969

Timetable: A Notice of Intent to proposed rulemaking was published April 21, 1982 (47 FR 17076).

An Interim rule with request for comments was published October 15, 1982 (47 FR 46236).

The information collection requirements contained in this rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

A Notice revoking the Interim rule was published November 19, 1982 (47 FR 52396).

Proposed rule was published November 19, 1982 (47 FR 52397).

Final rule is delayed pending the transfer of functions from the Minerals Management Service to the Bureau of Land Management.

CFR Citation: **30 CFR Part 221** *Title:* **Oil and Gas Operations**

Abstract: This rule will be revised to incorporate language to implement the provisions of the Federal Oil and Gas Royalty Management Act of 1982 and, to the extent possible, will incorporate this Part into Title 43 of the Code of Federal Regulations.

Originally Scheduled: April 1983

Legal Authority: Pub.L. 97-451

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Steve Spector 703-860-7960

Timetable: Proposed rule is scheduled to be published by September 1983.

CFR Citation: **30 CFR Part 226** *Title:* **Unit or Cooperative Agreements**

Abstract: This part will be revised and modernized in order to eliminate unnecessary items and to incorporate necessary modifications that will update the formation and operation of onshore Federal oil and gas unit plans. The model unit agreement for unproven areas also will be revised to incorporate all previously accepted modifications and those resulting from specific comments received in response to the Notice of Intent to propose rulemaking.

Originally Scheduled: April 1981

Legal Authority: 30 U.S.C. 189 and 226(e)

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Stephen Spector 703-860-7969

Timetable: A Notice of Intent to propose rulemaking was published May 14, 1981 (46 FR 26661).

Proposed rule was published June 10, 1982 (47 FR 25252).

Final rule is delayed pending the transfer of functions from the Minerals Management Service to the Bureau of Land Management.

CFR Citation: **30 CFR Part 270** *Title:* **Geothermal Resources Operations on Public, Acquired and Withdrawn Lands**

Abstract: This rule, which contains the regulations for geothermal operations conducted under leases granted pursuant to the Geothermal Steam Act of 1970, would be revised to remove burdensome and cumbersome provisions, make them easier to understand and, to the extent possible, incorporate them into Title 43 of the Code of Federal Regulations.

Originally Scheduled: April 1983

Legal Authority: 30 U.S.C. 1001-1025

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Steve Spector 703-860-7969

Timetable: Proposed rule is scheduled to be published by August 1983. *Title:* **Onshore Oil and Gas Order No. 1 - Approval of Operations**

Abstract: This document is being issued under the revised oil and gas regulations as found in 30 CFR Part 221. Unneeded portions of NTL-6 would be removed and application for permit to drill requirements would be clarified. This rule is not codified.

Originally Scheduled: October 1982

Legal Authority: 30 U.S.C. 189

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Gerald D. Daniels 703-860-7535

Timetable: A Notice of Intent to propose rulemaking was published April 16, 1982 (47 FR 16426).

Proposed rule was published December 3, 1982 (47 FR 54462).

Final rule is delayed pending the transfer of functions from the Minerals Management Service to the Bureau of Land Management.

COMPLETED ACTIONS

CFR Citation: **43 CFR Subpart 2561** *Title:* **Native Allotments**

Abstract: This rule would have been amended to carry out a commitment made by the Secretary to incorporate Bureau of Land Management Manual provisions on Native allotments.

Originally Scheduled: January 1981

Legal Authority: 43 U.S.C. 1201, 711-713

Determination Under E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Effects on Small Businesses and Other Small Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Beaumont McClure 202-343-6511; Robert C. Bruce 202-343-8735

Timetable: Proposed rule was published August 6, 1980 (45 FR 30606).

A Notice withdrawing the proposed rule was published March 3, 1983. No further action is scheduled.

CFR Citation: **43 CFR Part 2820** *Title:* **Roads and Highways**

Abstract: This rule will be rescinded in order to eliminate the requirement of the State governments to make application for a right-of-way grant for Federal-aid highway purposes directly to the Bureau after applying to the Federal Highway Administration for a determination that the right-of-way is necessary.

Originally Scheduled: January 1981

Legal Authority: 23 U.S.C. 107-317

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Leon Kabat 202-653-8842; Robert C. Bruce 202-343-8735

Timetable: Proposed rule was published May 10, 1982 (47 FR 20009).

Final rule was published September 28, 1982 (47 FR 42574).

CFR Citation: **43 CFR Part 3100** *Title:* **Oil and Gas Leasing: Applications**

Abstract: This rule is being revised to eliminate the requirement that simultaneous oil and gas lease application filing fees be paid by guaranteed remittance and the mandatory use of pre-numbered assignment forms for the transfer of oil and gas leases. It also eliminates the requirement to submit qualification statements prior to lease acquisition (3102, 3103, 3106, 3112, 3132).

Originally Scheduled: April 1982

Legal Authority: 30 U.S.C. 181 et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Charles Weller 202-343-7722; Robert C. Bruce 202-343-8735

Timetable: An Interim rule with request for comments was published February 26, 1982 (47 FR 8544).

Final rule effecting revisions has been combined with 43 CFR Parts 3000 and 3100 as scheduled under Current and Projected Rulemakings.

CFR Citation: **43 CFR Part 3130** *Title:* **Oil and Gas Leasing: Alaska**

Abstract: This rule will provide for the consolidation of leases in the National Petroleum Reserve - Alaska in order to provide more flexibility in the management of the oil and gas leasing program.

Originally Scheduled: April 1981

Legal Authority: Pub.L. 96-514

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Jan Daniels 202-343-7753; Robert C. Bruce 202-343-8735

Timetable: The information collection requirements contained in this rule have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1004-0108.

Proposed rule was published April 20, 1982 (47 FR 16807).

Final rule was published January 5, 1983 (48 FR 412).

CFR Citation: **43 CFR Part 3141** *Title:* **Combined Hydrocarbon Leasing: Competitive Leasing in Special Tar Sand Areas**

Abstract: This rule will establish procedures for issuing combined hydrocarbon leases within designated Special Tar Sand Areas.

Originally Scheduled: April 1982

Legal Authority: Pub.L. 97-78

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Fran Cherry 202-343-4636; Robert C. Bruce 202-343-8735

Timetable: Proposed rule was published June 14, 1982 (47 FR 25720).

Final rule was published February 18, 1983 (48 FR 7420).

CFR Citation: **43 CFR Subpart 3809** *Title:* **Surface Management**

Abstract: This rule will amend subparts 3809.1-3 and 3809.1-4 that relate to the conditions under which a mining claimant/operator is required to file either a Notice or a Plan of Operations covering the proposed locatable mineral activities. Operators disturbing 5 acres or less on some of the special category lands listed in subpart 3809.1-4 would need to submit a notice rather than the operations plan now required for such activities. These amendments would reduce costs for claimants/operators by lessening the filing and bonding requirements and the processing delays associated with their review and approval. Prior to commencing operations under a notice, however, the operator would agree to reclaim disturbed lands and to take appropriate steps to prevent unnecessary degradation of the lands.

Originally Scheduled: April 1981

Legal Authority: 30 U.S.C. 22 et seq., 612; 43 U.S.C. 1701 et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Eugene Carlat 202-343-8357; Robert C. Bruce 202-343-8735

Timetable: The information collection requirements contained in this rule were approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1004-0104.

Proposed rule was published March 22, 1982 (47 FR 12197).

Final rule was published March 2, 1983.

CFR Citation: **43 CFR Subpart 3833** *Title:* **Recordation of Mining Claims and Filing Proof of Annual Assessment Work or Notice of Intention to Hold Mining Claims, Mill or Tunnel Sites**

Abstract: This rule will be revised to incorporate needed changes identified during operation of the recordation program.

Originally Scheduled: April 1981

Legal Authority: 43 U.S.C. 1744

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: George Schmidt 202-343-8537; Robert C. Bruce 202-343-8735

Timetable: Proposed rule was published May 4, 1982 (47 FR 19298).

The information collection requirements contained in this rule were approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1004-0114.

Final rule was published December 15, 1982 (47 FR 56300).

CFR Citation: **43 CFR Part 4700** *Title:* **Wild Free-Roaming Horse and Burro Protection: Payment for Adoption**

Abstract: This rule will be amended in order to provide for the establishment of a fee for the adoption of a wild free-roaming horse or burro. This fee would be established under the authority of Sec. 304 of the Federal Land Policy and Management Act of 1976 and is designed to recover part of the costs incurred by the United States in connection with adoption program activities.

Originally Scheduled: April 1982

Legal Authority: 16 U.S.C. 1331-1340; 43 U.S.C. 315-315r, 1701 et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Small Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: John S. Boyles 202-653-9215; Robert C. Bruce 202-343-8735

Timetable: Proposed rule was published July 26, 1982 (47 FR 32406).

Final rule was published March 4, 1983.

[FR Doc. 83-9069 Filed 4-22-83; 8:45 am]

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Part XI

Department of Justice

Regulatory Agenda

DOJ

DEPARTMENT OF JUSTICE

8 CFR Ch. I

28 CFR Ch. I

Regulatory Agenda

AGENCY: Office of Legal Policy, Department of Justice.

ACTION: Regulatory Agenda.

SUMMARY: The Department of Justice is publishing its April 1983 regulatory agenda pursuant to Executive Order No. 12291, "Federal Regulation," 3 CFR 127 (1981 Compilation), the Regulatory Flexibility Act, 5 U.S.C.A. 601-612 (West 1982), and Office of Management and Budget Bulletin No. 83-8, December 15, 1982

FOR FURTHER INFORMATION CONTACT: William J. Snider, Administrative Counsel, Justice Management Division, Department of Justice, Room 6239, 10th and Constitution Avenue, N.W., Washington, D.C. 20530 (202-633-3452).

SUPPLEMENTARY INFORMATION: The Department has identified 15 projected rulemakings that are nonroutine. The Department has no plans to review existing regulations within the next 11 months or to develop any "major" regulations or any regulations subject to the Regulatory Flexibility Act.

DATED: March 4, 1983.

Jonathan C. Rose,

Assistant Attorney General, Office of Legal Policy.

Department of Justice Regulatory Agenda

DEPARTMENT OF JUSTICE (DOJ)

Civil Rights Division (CRT)

Current and Projected Rulemakings

COORDINATION OF ENFORCEMENT OF NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

Priority: Agency Determination

Legal Authority: 42 USC 2000d et seq, 20 USC 1681 et seq; 29 USC 794; EO 12250

CFR Citation: 28 CFR 41; 28 CFR 42.401 to 42.415

Abstract: The Civil Rights Division is amending its coordination regulations for section 504 of the Rehabilitation Act of 1973 and Title VI of the Civil Rights Act of 1964 to reflect the increased coordination responsibility vested in the Attorney General by Executive Order 12250, "Leadership and Coordination of Nondiscrimination Laws." This Executive Order, which supersedes Executive Orders 11764 and 11914, assigns to the Attorney General the overall responsibility for coordinating the enforcement of the laws listed under "Legal Authority" and any other statutory provision of Federal law which provides, in whole or in part, that no person in the United States shall, on the ground of race, color, national origin, handicap, religion, or sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance.

Timetable:

Action	Date	FR Cite
NPRM	03/00/83	

Small Entity: No

Agency Contact: Ms. Stewart B. Oneglia, Chief, Department of Justice, Civil Rights Division, Coordination and Review Section, Washington, DC 20530, **202 724-2222**

RIN: 1190-AA01

COORDINATION OF ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN FEDERALLY CONDUCTED PROGRAMS

Priority: Agency Determination

Legal Authority: 29 USC 794; EO 12250

CFR Citation: 28 CFR 39

Abstract: The Civil Rights Division is drafting a coordination regulation for the implementation and enforcement of the 1978 amendment to section 504 of the Rehabilitation Act of 1973. The 1978 amendment expanded the nondiscrimination mandate of section 504, which prohibits discrimination on the basis of handicap, to programs and activities conducted by any Executive agency or the United States Postal Service.

Timetable:

Action	Date	FR Cite
NPRM	05/00/83	

Small Entity: No

Agency Contact: Ms. Stewart B. Oneglia, Chief, Department of Justice, Civil Rights Division, Coordination and Review Section, Washington, DC 20530, **202 724-2222**

RIN: 1190-AA02

NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Priority: Agency Determination

Legal Authority: 42 USC 6103

CFR Citation: 28 CFR 42, Subpart H, (New)

Abstract: This regulation will implement the Age Discrimination Act of 1975, as amended. The proposed rule was published for comment, modified, approved by the Office of Legal Counsel, Department of Justice and forwarded to the Secretary of the Department of Health and Human Services for approval on November 10, 1980.

Timetable:

Action	Date	FR Cite
NPRM	05/19/80	45 FR 32710
Final Action	00/00/00	

Small Entity: No

Agency Contact: David B. Marblestone, Attorney, Department of Justice, Civil Rights Division, Appellate Section, Washington, DC 20530, **202 633-4492**

RIN: 1190-AA03

EDUCATION PROGRAMS OR ACTIVITIES RECEIVING OR BENEFITING FROM FEDERAL FINANCIAL ASSISTANCE--IMPLEMENTATION OF TITLE IX OF THE EDUCATION AMENDMENTS OF 1972, AS AMENDED

Priority: Agency Determination

Legal Authority: 20 USC 1681 to 1683; 20 USC 1685 to 1686

CFR Citation: 28 CFR 42.701 to 42.771, (New)

Abstract: This regulation will implement Title IX of the Education Amendments of 1972, as amended, for nondiscrimination on the basis of sex in education and training programs receiving or benefiting from

DOJ—CRT — Current and Projected Rulemakings

Federal financial assistance provided by the Department of Justice.

Timetable:

Action	Date	FR Cite
Previous NPRM	06/17/80	45 FR 41001
Comment period extended	08/18/80	45 FR 54770
NPRM	00/00/00	

Small Entity: No

Agency Contact: **Ms. Stewart B. Oneglia**, Chief, Department of Justice, Civil Rights Division, Coordination and Review Section, Washington, DC 20530, **202 724-2222**

RIN: 1190–AA04

●PROCEDURES FOR THE ADMINISTRATION OF SECTION 5 OF THE VOTING RIGHTS ACT OF 1965, AS AMENDED

Priority: Undetermined

Legal Authority: 5 USC 301; 28 USC 509; 28 USC 510; 42 USC 1973c

CFR Citation: 28 CFR 51

Abstract: PROBLEM THE REGULATION WILL ADDRESS: Revision of the Procedures is needed as a result of experience under them since 1981, interpretations of Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973c, contained in judicial decisions, changes mandated by the 1982 Amendments to the Voting Rights Act, P.L. 97-205, 96 Stat. 131., and to set out substantive standards followed by the Attorney General. ALTERNATIVES BEING CONSIDERED: (1) Revisions to address all of the problems described above, or (2) revisions limited to incorporate changes made by the 1982 Amendments. ACTION'S POTENTIAL COSTS: None ACTION'S POTENTIAL BENEFITS: Entities subject to Section 5 and other interested persons will receive greater guidance with respect to the procedures and standards of the Attorney General.

Timetable:

Action	Date	FR Cite
NPRM	04/25/83	
NPRM Comment Period Begin	04/25/83	
NPRM Comment Period End	06/24/83	
Final Action	08/01/83	
Final Action Effective	08/01/83	

Small Entity: Not Applicable

Agency Contact: **David Hunter**, Attorney, Voting Section, Department of Justice, Civil Rights Division, Washington, D.C. 20530, **202 724-5898**

RIN: 1190–AA05

DEPARTMENT OF JUSTICE (DOJ) — Completed Actions
Civil Rights Division (CRT)

COMPLETED RULEMAKINGS

PROCEDURES FOR COMPLAINTS OF EMPLOYMENT DISCRIMINATION FILED AGAINST RECIPIENTS OF FEDERAL FUNDS

Priority: Agency Determination

Completed:

Reason	Date	FR Cite
Final Action	01/25/83	48 FR 3570
Final Action Effective	03/28/83	

Agency Contact: **David L. Rose 202 633-3861**

RIN: 1190–AA00

BILLING CODE 4410-01-T

DEPARTMENT OF JUSTICE (DOJ) — Current and Projected Rulemakings
Drug Enforcement Administration (DEA)

●21 CFR PART 1301 - REGISTRATION OF MANUFACTURERS, DISTRIBUTORS AND DISPENSERS OF CONTROLLED SUBSTANCES

Legal Authority: 21 USC 821

CFR Citation: 21 CFR 1301.11

Abstract: The Controlled Substances Act of 1970 requires the registration of any person who manufactures, distributes or dispenses a controlled substance. Section 301 of the Act (21 USC 821) authorizes the charging of reasonable fees for such registration. The existing fee schedule was established in 1971 and has not changed since then. In accordance with GAO findings published on October 29, 1982 (GAO/GGD-83-2) and OMB Circular A-25, these fees must be revised to recover the costs of registration and control of these activities. The subject order proposes establishment of the following new fee schedule: Manufacturers - $250; Distributors - $125; Importers - $125; Exporters - $125; Narcotic Treatment Programs - $20; Researchers - $20; Analytical Laboratories - $20; Retail Pharmacies - $20; Hospitals/ Clinics - $20; Practitioners - $20; and Teaching Institutions - $20.

Timetable:

Action	Date	FR Cite
NPRM	03/15/83	
NPRM Comment Period Begin	03/15/83	
NPRM Comment Period End	05/15/83	
Final Action	06/01/83	
Final Action Effective	07/01/83	

Small Entity: No

Agency Contact: **Mr. Joseph Trincellito**, Special Ass't to the Deputy Ass't Adminstrtr, Department of Justice, Drug Enforcement Administration, Office of Diversion Control, Washington, D.C. 20537, **202 633-1172**

RIN: 1117–AA00

●21 CFR PART 1304 - RECORDS AND REPORTS OF REGISTRANTS CHANGES IN REGISTRANT REPORTING REQUIREMENTS

Legal Authority: 21 USC 821; 21 USC 827; PL 95-633, Title I Pyschotropic Substances Act of 1978

CFR Citation: 21 CFR 1304.38(a); 21 CFR 1304.39(b); 21 CFR 1304.40

Abstract: In furtherance of the Single Convention on Narcotic Drugs, the Convention on Psychotropic Substances and the Psychotropic Substances Act of 1978, DEA plans to amend 21 CFR Part 1304 to include reporting requirements for categories of drugs listed in Schedules III and IV of the

DOJ—DEA

Current and Projected Rulemakings

Psychotropic Convention and Schedule IV of the Single Convention on Narcotic Drugs. Concurrently, other reporting requirements will be simplified, reduced or eliminated in order to reduce the overall reporting requirements imposed on registrants under the Controlled Substances Act.

Timetable:

Action	Date	FR Cite
NPRM	03/15/83	
NPRM Comment Period Begin	03/15/83	
NPRM Comment Period End	05/15/83	
Final Action	06/01/83	
Final Action Effective	07/01/83	

Small Entity: No

Agency Contact: Alfred A. Russell, Chief, Regulatory Support Section, Department of Justice, Drug Enforcement Administration, Office of Diversion Control, Washington, D.C. 20537, **202 633-1570**

RIN: 1117-AA01

BILLING CODE 4410-01-T

DEPARTMENT OF JUSTICE (DOJ)
Immigration and Naturalization Service (INS)

Current and Projected Rulemakings

NONIMMIGRANT STUDENTS AND SCHOOLS APPROVED FOR THEIR ATTENDANCE

Priority: Agency Determination

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1184; 8 USC 1258

CFR Citation: 8 CFR 214.2(f); 8 CFR 214.2(m); 8 CFR 214.3; 8 CFR 248.1; 8 CFR 248.3

Abstract: This rulemaking will eliminate certain burdensome and time-consuming paperwork and filing requirements for both the students and the Service, while ensuring that the students and the schools they are attending are bona fide. It also implements the provisions of the Immigration and Nationality Act Amendments of 1981 which created a new "M" nonimmigrant visa classification for vocational nonimmigrant students.

Timetable:

Action	Date	FR Cite
NPRM	06/07/82	47 FR 24596
Final Action	03/00/83	
Final Action Effective	09/00/83	

Small Entity: No

Additional Information: Effective date of the final rule will be delayed until September 1983 pending implementation of automated data processing system and equipment.

Agency Contact: Alice Strickler, Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 Eye Street, NW, Washington, DC 20536, **202 633-5014**

RIN: 1115-AA01

SUSPENSION OF DEPORTATION AND VOLUNTARY DEPARTURE; BOND CONDITIONS; VOLUNTARY DEPARTURE CONDITIONS

Legal Authority: 8 USC 1103; 8 USC 1254

CFR Citation: 8 CFR 3.1(b)(2); 8 CFR 103.6(a)(2)(ii); 8 CFR 103.6(a)(2)(iii); 8 CFR 244.1; 8 CFR 244.2; 8 CFR 244.3; 8 CFR 244.4; 8 CFR 244.5

Abstract: This rulemaking will significantly revise the authority of immigration judges and the Board of Immigration Appeals in regard to voluntary departure. Grants of voluntary departure by an immigration judge or by the Board would be limited to no more than 30 days. In addition, when requiring a security bond under 8 CFR 103.6, a district director would no longer be required to obtain the prior approval of a regional commissioner in order to impose a condition of bond barring employment.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	

Small Entity: No

Additional Information: Since the proposed rule would impact upon the newly created Office For Immigration Review, it is subject to review and promulgation by the Attorney General.

Agency Contact: Michael J. Heilman, Assistant General Counsel, Department of Justice, Immigration and Naturalization Service, 425 Eye Street, NW, Washington, DC 20536, **202 633-2620**

RIN: 1115-AA02

IMPOSITION OF MINIMUM BOND AS CONDITION OF RELEASE

Legal Authority: 8 USC 1103; 8 USC 1252; 8 USC 1254

CFR Citation: 8 CFR 3.1(b)(7); 8 CFR 242.2

Abstract: The proposed rule would impose a minimum $1,000 bond as a condition of release in bond and custody cases where an alien has been apprehended for immigration law violations. Release without bond would be authorized only for compelling interests of the government, and only a district director of the Immigration and Naturalization Service. Neither an Immigration Judge nor the Board of Immigration Appeals would have authority to reduce bond to less than $1,000 or to release an alien without bond.

Timetable:

Action	Date	FR Cite
NPRM	07/00/83	

Small Entity: No

Additional Information: Since the proposed rule would impact upon the newly created Executive Office For Immigration Review, it is subject to review and promulgation by the Attorney General.

Agency Contact: Michael J. Heilman, Assistant General Counsel, Department of Justice, Immigration and Naturalization Service, 425 Eye Street, NW, Washington, DC 20536, **202 633-2620**

RIN: 1115-AA03

DEPARTMENT OF JUSTICE (DOJ)
Immigration and Naturalization Service (INS)

Completed Actions

COMPLETED RULEMAKINGS

DETENTION AND PAROLE OF INADMISSIBLE ALIENS

Priority: Agency Determination

Completed:

Reason	Date	FR Cite
Final Action	10/19/82	47 FR 46493
Final Action Effective	11/18/82	47 FR 46493

Agency Contact: Maurice C. Inman, Jr. 202 633-2895

RIN: 1115–AA00

UNIFORM MINIMUM ADMISSION PERIOD FOR ADMISSIBLE VISITORS

Completed:

Reason	Date	FR Cite
Final Action	12/08/82	47 FR 55202
Final Action Effective	01/07/83	47 FR 55202

Agency Contact: Bert C. Rizzo 202 633-3946

RIN: 1115–AA04

BILLING CODE 4410-01-T

DEPARTMENT OF JUSTICE (DOJ)
Legal Activities (LA)

Current and Projected Rulemakings

INTERGOVERNMENTAL REVIEW OF DEPARTMENT OF JUSTICE PROGRAMS AND ACTIVITIES

Legal Authority: EO 12372

CFR Citation: 28 CFR 30

Abstract: Executive Order 12372 (issued July 14, 1982) established a new federal policy on consultation with state and local governments in the administration of federal financial assistance and direct federal development programs, to be implemented by all federal departments and agencies by the issuance of rules or regulations by April 30, 1983. The Office of Legal Policy is coordinating the Justice Department's implementation of the Executive Order. The following components of the Justice Department may issue new or amended rules or regulations concerning consultation with state and local governments in connection with direct development or financial assistance programs: Bureau of Prisons; Immigration and Naturalization Service; United States Marshals Service; National Institute of Corrections; Office of Juvenile Justice and Delinquency Prevention; Office of Justice Assistance, Research, and Statistics; and the Bureau of Justice Statistics. The alternatives for implementation of the Executive Order and the potential costs and benefits of such alternatives are to be determined.

Timetable:

Action	Date	FR Cite
NPRM	01/24/83	
NPRM Comment Period Begin	01/24/83	
NPRM Comment Period End	03/10/83	
Final Action	04/30/83	

Small Entity: No

Agency Contact: Paul Colborn, Attorney - Advisor, Department of Justice, Legal Activities, **202 633-3239**

RIN: 1105–AA00

DEPARTMENT OF JUSTICE (DOJ)
Legal Activities (LA)

Existing Regulations Under Review

●FLOODPLAIN MANAGEMENT AND WETLAND PROTECTION PROCEDURES

Priority: Task Force

Legal Authority: EO 11988; EO 11990

CFR Citation: 28 CFR 63

Abstract: The purpose of the regulation is to ensure that no direct or indirect support is given by Department of Justice programs to new construction activity in floodplains or wetlands whenever there is a practicable alternative. Destruction of wetlands can cause environmental harm; building in floodplains while perhaps less expensive initially is extremely costly in the long run due to the inevitable damage and/or destruction from flooding. Therefore, all feasible alternatives should be considered before such construction is approved. Past rulemaking history: NPRM 08/02/79 (44 FR 45541); NPRM comment period 08/02/79 - 08/31/79 (44 FR 45541); Final Action 07/30/80 (45 FR 50564); Final Action Effective 07/21/80.

Timetable:

Action	Date	FR Cite
Begin Review	11/16/82	
End Review	00/00/00	

Next Action Undetermined

Small Entity: No

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Anne H. Shields, Acting Assistant Chief, PLSL, Department of Justice, Legal Activities, Department of Justice, 10th & Pa. Ave., N.W., Washington, D.C. 20530, **202 633-1442**

RIN: 1105–AA01

[FR Doc. 83-9563 Filed 4-22-83; 8:45 am]

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Part XII

Department of Labor

Office of the Secretary

Semiannual Agenda of Regulations

DOL

DEPARTMENT OF LABOR

Office of the Secretary

20 CFR Chs. I, IV, V, VI, and VII

29 CFR Subtitle A and Chs. II, IV, V, XVII, and XXV

30 CFR Ch. I

41 CFR Chs. 29 and 60

Semiannual Agenda of Regulations

AGENCY: Office of the Secretary, Labor.

ACTION: Semiannual Agenda of Regulations selected for review or development.

SUMMARY: This document sets forth the Department's Semiannual Agenda of Regulations which have been selected for review or development during the coming one-year period. The agenda complies with the requirements of both Executive Order 12291 and the Regulatory Flexibility Act.

DATES: The agenda includes all regulations which are expected to be under review or development between April 1983 and April 1984.

FOR FURTHER INFORMATION CONTACT: Roland G. Droitsch, Deputy Assistant Secretary for Policy, Office of the Assistant Secretary for Policy, Department of Labor, 200 Constitution Avenue, N.W., Room S2233, Washington, D.C. 20210, (202) 523-9058.

SUPPLEMENTARY INFORMATION: Executive Order 12291 and the Regulatory Flexibility Act require the semiannual publication in the **Federal Register** of an agenda of regulations.

Executive Order 12291 became effective February 17, 1981, and in substance requires the Department of Labor to publish an agenda, listing all the regulations it expects to have under active consideration for promulgation, proposal or review during the coming one-year period. It also requires the Department to conduct a Regulatory Impact Analysis for all "major" regulations being developed.

The Regulatory Flexibility Act became effective on January 1, 1981. It applies only to regulations for which a notice of proposed rulemaking was issued on or after January 1, 1981, and requires the Department of Labor to publish an agenda, listing all the regulations it expects to propose or promulgate that are likely to have a "significant economic impact on a substantial number of small entities" (5 U.S.C. 602). For any regulation that will have this impact, the Department must conduct a Regulatory Flexibility Analysis, to gauge the economic consequences of the rule, and to analyze the availability of more flexible approaches for lightening the rule's regulatory burden on "small entities."

If a proposed regulation will not have a "significant economic impact on a substantial number of small entities," the Department of Labor must publish a certification to that effect at the time of the general notice of proposed rulemaking or at the time of the publication of the final rule. That certification must be accompanied by a succinct statement explaining the reasons for the agency's determinations.

As permitted by law, the Department of Labor is combining in this publication its agendas under the Regulatory Flexibility Act and Executive Order 12291.

The regulatory reform process, of which the unified agenda is a part, continues to be an extremely valuable aid in the development of better regulations by the Department. We believe that our regulatory reform program has resulted in improved regulatory management, more clearly written regulations and significantly less burdensome regulations.

Further improvement is certainly needed, and we are constantly seeking new and innovative approaches in pursuit of this goal. All interested members of the public are invited and encouraged to let Departmental Officials know how our regulatory reform process can be further improved and, of course, to participate in and comment on the review or development of the regulations listed on the agenda.

The Department of Labor's next semiannual agenda, under Executive Order 12291 and the Regulatory Flexibility Act, will be published in October 1983.

Raymond J. Donovan,

Secretary of Labor.

DEPARTMENT OF LABOR (DOL)

Office of the Secretary (OS)

Current and Projected Rulemakings

INTERGOVERNMENTAL REVIEW OF FEDERAL PROGRAMS

Legal Authority: EO 12372

CFR Citation: 27 CFR 17

Abstract: Executive Order 12372 requires Federal agencies to provide opportunities for consultation by elected officials of those State and local governments that would provide the non-Federal funds for, or that would be directly affected by, proposed Federal financial assistance or direct Federal development. The proposed rules will describe the processes for formulating, evaluating, and reviewing proposed Federal financial assistance and direct Federal development in consultation with State and local elected officials pursuant to the Executive Order.

Timetable:

Action	Date	FR Cite
NPRM	01/24/83	48 FR 3172
NPRM Comment Period Begin	01/24/83	48 FR 3172
NPRM Comment Period End	03/10/83	
Final Action	04/30/83	

Small Entity: No

Government Levels Affected: Local, State, Federal

Agency Contact: Donald E. Shasteen, Act. Dep. U/Secy for Leg. & Intergov. Rel., Department of Labor, Office of the Secretary, Rm S1325 FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-6113**

RIN: 1290-AA01

DEPARTMENT OF LABOR (DOL)
Office of the Secretary (OS)

Completed Actions

COMPLETED RULEMAKINGS

EQUAL ACCESS TO JUSTICE ACT, RULES GOVERNING ADMINISTRATION

Legal Authority: 5 USC 504

CFR Citation: 29 CFR 16

Abstract: The Act requires the payment of fees and expenses to eligible parties who prevail in an adversarial proceedings against any Federal agency. The rules describe the parties eligible for awards, the proceedings that are covered, how to apply for awards, and the standards under which awards will be granted. An earlier interim final rule was published on 10/09/81 (46 FR 50352) but was withdrawn on 10/13/81 (46 FR 50376) in order to reconsider the coverage provisions. It is expected that a final rule with response to comments on the interim rule will be published by 01/15/83.

Timetable:

Action	Date	FR Cite
Earlier interim final rule	10/09/81	46 FR 50376
Prior interim final rule withdrawn	10/13/81	46 FR 50376
Interim Final Rule	12/29/81	46 FR 63020
Final Action	12/29/81	46 FR 63020
Final Action Effective	12/29/81	46 FR 63020
Comments on interim final rule due	03/01/82	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Sofia P. Petters, Counsel for Administrative Legal Services, Department of Labor, Office of the Secretary, Rm N2428, FPBldg., 200 Constitution Ave., NW, Washington, DC 20210, **202 523-8188**

RIN: 1290–AA00

BILLING CODE 4510-23-T

DEPARTMENT OF LABOR (DOL)
Employment Standards Administration (ESA)

Current and Projected Rulemakings

GOVERNMENT CONTRACTORS; AFFIRMATIVE ACTION REQUIREMENTS (ESA/OFCCP)

Priority: Major, Task Force

Legal Authority: EO 11246 as amended; 38 USC 2012; 29 USC 793

CFR Citation: 41 CFR 60-1; 41 CFR 60-2; 41 CFR 60-4; 41 CFR 60-20; 41 CFR 60-30; 41 CFR 60-50; 41 CFR 60-60; 41 CFR 60-250; 41 CFR 60-741

Abstract: These provisions contain OFCCP's rules covering nondiscrimination and affirmative action obligations of covered contractors under EO 11246, the Vietnam ERA Veterans Readjustment Act, and the Rehabilitation Act of 1973. The rules would be revised to make them more cost effective, reduce paperwork burdens, and better effectuate the goals of the program. Proposed changes to the regulations were published in the Federal Register on 12/28/79 and 02/22/80, and a final rule on these issues was published on 12/30/80 (45 FR 86215). The rule was stayed, and reviewed in accordance with the President's Executive Order 12291 of 02/17/81. An ANPRM was published on 07/14/81 (46 FR 36213) and supplemented on 08/21/81 (46 FR 42490) to elicit comments on several issues pertaining to the regulation. A notice of proposed rulemaking was published on 08/25/81 (46 FR 42968) with comments due by 10/26/81. The proposal suspended the effective date of the 12/30/81 regulation, and proposed revision of that regulation. Comments relating to the July and August 1981 ANPRM have been evaluated. A separate proposal on the NPRM issues and several other related issues was published on 04/23/82 (cont)

Timetable:

Action	Date	FR Cite
ANPRM	07/14/81	46 FR 36213
Supplement to ANPRM	08/21/81	46 FR 42490
Previous NPRM & suspend eff date	08/25/81	46 FR 42968
NPRM	04/23/82	47 FR 17770
Final Action	05/00/83	

Small Entity: Yes

Additional Information: ABSTRACT CONT: (47 FR 17770) with a 30-day comment period. A final rule will be forwarded to OMB for review and publication publication in the Federal Register by May 1983. Currently under consideration are various alternative approaches to resolving a number of issues not addressed by the proposals of 08/81 and 04/82. Further action in the form of proposed rulemaking is pending the completion of this review.

Agency Contact: James W. Cisco, Director, Division of Program Policy, Department of Labor, Employment Standards Administration, Rm C3324, FPBldg., 200 Constitution Avenue, NW, Washington, DC 20210, **202 523-9426**

RIN: 1215–AA01

●JOB TRAINING PARTNERSHIP ACT (JTPA)

Priority: Agency Determination

Legal Authority: 29 USC 1781

CFR Citation: 41 CFR 60

Abstract: These regulations will implement Section 481 of the Job Training Partnership Act (JTPA). This section titled, Training to Fulfill Affirmative Action, provides that contractors subject to the affirmative action obligations of the Executive Order may establish or participate in JTPA training programs which are designed to assist such contractors in meeting their affirmative action obligations. Contractors which have such training programs must continue to meet their affirmative action obligations, but they need only maintain an abbreviated affirmative action program. While the Act encourages contractors to establish or participate in JTPA training programs, it also provides an incentive for them to do so by relieving them of paperwork burdens necessitated by a full affirmative action program.

Timetable:

Action	Date	FR Cite
NPRM	04/29/83	

Small Entity: Yes

Agency Contact: James W. Cisco, Director, Division of Program Policy, Department of Labor, Employment Standards Administration,

Rm C3324, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-9426**

RIN: 1215–AA25

BLACK LUNG: ELIGIBILITY CRITERIA (ESA/OWCP)

Priority: Agency Determination

Legal Authority: 30 USC 901 et seq

CFR Citation: 20 CFR 718; 20 CFR 725

Abstract: Regulations are needed to implement P.L. 97-119 which eliminates certain presumptions previously applicable to claims for Black Lung benefits, changes certain evidentiary rules applicable to such claims, transfers liability for the payment of certain claims, changes the rate of interest to be charged upon reimbursements to the Trust Fund from mine operators and makes other changes in the prior version of the Black Lung Benefits Act.

Timetable:

Action	Date	FR Cite
NPRM	05/25/82	47 FR 22674
NPRM Comment Period End	06/24/82	
Final Action	03/31/83	

Small Entity: No

Agency Contact: James DeMarce, Department of Labor, Employment Standards Administration, Rm S3524, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-7503**

RIN: 1215–AA05

FEDERAL SERVICE CONTRACTS: APPEALS BOARD (ESA/W-H-SCA)

Priority: Agency Determination

Legal Authority: 41 USC 353; 41 USC 354, 5 USC 301; Reorganization Plan No. 14 of 1950, 5 USC Appendix; 40 USC 327 to 332

CFR Citation: 29 CFR 8

Abstract: The proposed regulation describes procedures relevant to appeals under the Service Contract Act for a new Board of Service Contract Appeals. The existing regulation is related to 29 CFR Part 4, which has been targeted for review by the President's Task Force on Regulatory Relief. On 01/19/81 a notice withdrawing Part 8 was published (46 FR 4951) because 29 CFR Part 8, containing a new Subpart F (published 01/16/81; 46 FR 4398), provided for appeals to the Secretary on SCA matters instead of a Board. After reconsideration the Department decided to again propose a new Part 8 providing appeal to a Board of Service Contract Appeals rather than to the Secretary.

Timetable:

Action	Date	FR Cite
Previous NPRM	04/22/80	45 FR 27410
29 CFR 6 (with new Subpart F)	01/16/81	
Notice withdrawing Part 8	01/19/81	46 FR 4951
NPRM	08/14/81	46 FR 41438
NPRM Comment Period End	10/13/81	
Final Action	04/00/83	

Small Entity: No

Agency Contact: Gail Coleman, Counsel for Trial Litigation, Department of Labor, Employment Standards Administration, Rm N2716, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-7626**

RIN: 1215–AA06

LABOR STANDARDS PROVISIONS, DAVIS-BACON AND RELATED ACTS (ESA/W-H)

Priority: Task Force

Legal Authority: 40 USC 276a to 276a-7; 40 USC 276c; 40 USC 327 to 332; 29 USC 259; 5 USC Appendix Reorg Plan No 14 of 1950; 5 USC 301

CFR Citation: 29 CFR 1; 29 CFR 3; 29 CFR 5

Abstract: These regulations govern the determination of prevailing wages and the administration and enforcement of labor standards applicable to Federally funded or assisted construction contracts subject to the Davis-Bacon and Related Acts, and contracts subject to the Contract Work Hours and Safety Standards Act. The existing regulation has been targeted for review by the President's Task Force on Regulatory Relief. An NPRM was published 08/14/81 (46 FR 4144), with comments due by 10/13/81, resulting from the Administration's reexamination of the rules previously published 01/16/81 (46 FR 4306, 4380) and stayed pending final publication of this rule. A final rule was published on 05/28/82 (47 FR 23644-79), followed by two minor correction documents on 06/04/82 (47 FR 24298-7). On 07/26/82 (47 FR 32070), a notice was published deferring the effective date of these regulations until further notice in order to comply with a preliminary injunction issued by the U.S. District Court for the District of Columbia on 07/22/82. On December 23, 1982, the court permanently enjoined certain provisions of the 05/28/82 final rule. The Department is appealing this ruling

Timetable:

Action	Date	FR Cite
Notice deferring effective date	07/26/82	47 FR 32070

Next Action Undetermined

Small Entity: Yes

Agency Contact: Dorothy P. Come, Ass't Administrator, Government Contracts, Department of Labor, Employment Standards Administration, Rm S3502, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-8333**

RIN: 1215–AA07

EMPLOYMENT OF FULL-TIME STUDENTS AT SUBMINIMUM WAGES (ESA/W-H)

Priority: Task Force

Legal Authority: 29 USC 214

CFR Citation: 29 CFR 519

Abstract: This regulation governs the issuance of certificates authorizing the employment of full time students at subminimum wages. Under this proposal the regulation would be revised to permit the issuance of certificates authorizing employment of full time students at subminimum wages for periods longer than the current one year duration. By eliminating unnecessary annual certifications, this change would free significant staff capacity within Wage/Hour for more important work, including workplace inspection and reduce a paperwork burden upon employers. The existing regulation has been targeted for review by the President's Task Force on Regulatory Relief. The Wage and Hour Division plans to publish a new proposed revision by 06/15/83, which will supersede the 07/16/82 proposal.

Timetable:

Action	Date	FR Cite
Previous NPRM	07/16/82	47 FR 31010
Comment period extended to 01/13/83	08/06/82	47 FR 34166
Comments due on Previous NPRM	08/16/82	47 FR 34166
NPRM	06/15/83	

Small Entity: Undetermined

Agency Contact: James L. Valin, Ass't Administrator, Fair Labor Standards, Department of Labor, Employment Standards Administration, Rm S3502, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-8353**

RIN: 1215–AA08

EMPLOYMENT OF MINORS BETWEEN FOURTEEN AND SIXTEEN YEARS OF AGE (CHILD LABOR REGULATION NUMBER THREE) (ESA/W-H)

Priority: Task Force

Legal Authority: 29 USC 203

CFR Citation: 29 CFR 570

Abstract: This regulation sets forth the occupations and periods and conditions for the employment of minors 14 and 15 years of age. A number of changes are being considered which would update the provisions of this regulation which have not been changed since 1938. As proposed, the regulation would (1) expand permissible hours of work, (2) tighten employment restrictions in certain occupations such as those involving work near open flames, and (3) remove employment restrictions where no hazard is deemed to exist. In general the proposals would provide a balanced approach to nationalizing the regulations in light of current employment conditions. The regulation has been targeted for review by the President's Task Force on Regulatory Relief. The Wage and Hour Division plans to publish a new proposed revision by 06/15/83, which will supersede the 07/16/82 proposal.

Timetable:

Action	Date	FR Cite
Previous NPRM	07/16/82	47 FR 31254
Comment period extended to 01/13/83	08/06/82	47 FR 34166
Comments due on Previous NPRM	08/16/82	
NPRM	06/15/83	

Small Entity: Undetermined

Agency Contact: **Gordon Claucherty**, Director, Div. of Farm and Child Labor Prog., Department of Labor, Employment Standards Administration, Rm S3030, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-7478**

RIN: 1215–AA09

FEDERAL SERVICE CONTRACTS: LABOR STANDARDS (SCA) (ESA/W-H-SCA)

Priority: Task Force

Legal Authority: 41 USC 351 et seq; 41 USC 38; 41 USC 39; 5 USC 301

CFR Citation: 29 CFR 4

Abstract: These provisions contain regulations and interpretations governing the administration of the Service Contract Act. The new revision would codify the Department's policies for administering the Act and improve the cost-effectiveness of the regulations, while ensuring consistency with statutory objectives. The existing regulation has been targeted for review by the President's Task Force on Regulatory Relief. As a result of DOL's reexamination of the rule previously published on 01/16/81 and 01/19/81 (46 FR 4320 and 46 FR 4886) which had been stayed pending final rulemaking, a notice of proposed rulemaking was published on 08/14/81 (46 FR 41380). By notice published on 10/13/81 (46 FR 50397), the time limit to submit comments was extended to 12/01/81. On 10/20/81 (46 FR 51405), a notice of hearing, scheduled for 11/19-20/81 at Merritt Island, Florida, was published in order to allow interested parties an opportunity to present their views with regard to the proposed regulations.

Timetable:

Action	Date	FR Cite
NPRM	08/14/81	46 FR 41380
NPRM Comment Period End	10/13/81	
NPRM com period extended to 12/1/81	10/13/81	46 FR 50397
Notice of hearing	10/20/81	46 FR 51405
Final Action	04/00/83	

Small Entity: Yes

Agency Contact: **Dorothy P. Come**, Ass't Administrator, Government Contracts, Department of Labor, Employment Standards Administration, Rm S3502, FPBldg., 200 Constitution Ave., NW, Washington, DC 20210, **202 523-8333**

RIN: 1215–AA10

DEFINING AND DELIMITING THE TERMS "ANY EMPLOYEE EMPLOYED IN A BONA FIDE EXECUTIVE, ADMINISTRATIVE, OR PROFESSIONAL CAPACITY. . ." (ESA/W-H)

Priority: Major, Task Force

Legal Authority: 29 USC 213(a)(1)

CFR Citation: 29 CFR 541

Abstract: These regulations set forth the criteria used in the determination of the application of the Fair Labor Standards Act exemption for "executive", "administrative", "professional" and "outside sales employees" from the minimum wage and overtime requirements of the Act. The existing regulation has been targeted for review by the President's Task Force on Regulatory Relief. A final rule increasing the salary test criteria was published on 01/13/81 (46 FR 12206) and was scheduled to become effective on 02/13/81. On 02/12/81 (41 FR 11912) an indefinite stay of the final rule was published. On 03/27/81 (46 FR 18998) a proposal to suspend the final rule indefinitely was published with comments due by 04/28/81.

Timetable:

Action	Date	FR Cite
Indefinite stay of final rule	02/12/81	46 FR 11972
Propsl to suspend rule indefinitely	03/27/81	46 FR 18998
Comments due on suspension proposal	04/28/81	
NPRM	12/31/83	

Small Entity: Yes

Agency Contact: **James L. Valin**, Ass't Administrator, Fair Labor Standards, Department of Labor, Employment Standards Administration, Rm S3502, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-0353**

RIN: 1215–AA14

MIGRANT AND SEASONAL WORKER PROTECTION

Priority: Agency Determination

Legal Authority: 29 USC 1801 et seq

CFR Citation: 29 CFR 500, (New)

Abstract: These regulations will implement the Migrant and Seasonal Agricultural Worker Protection Act (MSPA). Effective on 4/14/83 MSPA repeals and replaces the Farm Labor Contractor Registration Act (FLCRA). The MSPA will provide important worker protections involving disclosure of working conditions, safe transportation, adequate housing, and maintenance of needed records. At the same time, it will relieve fixed-situs employers such as farmers and processors from unnecessary registration and paperwork burdens. It will exempt family businesses, small businesses and unions from its coverage, and will also eliminate ambiguous language which has caused much litigation under FLCRA.

Timetable:

Action	Date	FR Cite
NPRM	03/18/83	

Small Entity: No

Agency Contact: **Gordon Claucherty**, Director, Div. of Farm/Child Labor Prog., Department of Labor, Employment Standards Administration, Rm S3030, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-7478**

RIN: 1215–AA24

CLUB MEMBERSHIP (ESA/OFCCP)

Legal Authority: EO 11246, as amended

DOL—ESA

CFR Citation: 41 CFR 60-1.11

Abstract: These provisions would have made it a violation for federal contractors to pay membership fees or other expenses for employees to join an organization which limits membership on the basis of race, color, religion, sex or national origin. The existing regulation has been targeted for review by the President's Task Force on Regulatory Relief. This regulation was proposed on 01/22/80 (45 FR 4954) and a final rule published on 01/16/81 (46 FR 3892). In response to the 01/81 Presidential memorandum, the effective date was deferred. On 03/27/81 (46 FR 19004), the Department proposed withdrawal of the regulation, invited public comments on the proposed withdrawal until 04/27/81, and further suspended the effective date of the regulation. Further action on the proposed withdrawal is pending completion of additional study of the issues involved.

Timetable:

Action	Date	FR Cite
NPRM	01/22/80	45 FR 4954
Interim Final Rule	01/16/81	46 FR 3892
Proposal of withdrawal	03/27/81	46 FR 19004
End comment on withdrawal proposal	04/27/81	
Study of issues	00/00/00	

Small Entity: No

Agency Contact: **James W. Cisco**, Director, Division of Program Policy, Department of Labor, Employment Standards Administration, Rm C3324, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-9426**

RIN: 1215–AA00

BLACK LUNG: OBLIGATIONS OF LESSORS FOR CLAIMS FOR BENEFITS (ESA/OWCP)

Legal Authority: 30 USC 901 et seq

CFR Citation: 20 CFR 725.491(b)(2)

Abstract: The intent of this proposal is to make explicit the Department's policy that a lessor of a coal mine, who has never actually operated such a mine, will not be held liable for the payment of benefits for black lung contracted in the course of employment in that mine and, therefore, need not insure against that possibility.

Timetable:

Action	Date	FR Cite
NPRM	01/27/81	46 FR 8570
NPRM Comment Period Begin	03/30/81	
Final Action	04/29/83	

Small Entity: Undetermined

Agency Contact: **James DeMarce**, Executive Assistant to the Director, Department of Labor, Employment Standards Administration, Rm S3524, FPBldg., 200 Constitution Ave., NW, Washington, DC 20210, **202 523-7503**

RIN: 1215–AA03

BLACK LUNG: PROCESSING DISCRIMINATION COMPLAINTS UNDER SECTION 428 (ESA/OWCP)

Legal Authority: 30 USC 901 et seq

CFR Citation: 20 CFR 730

Abstract: The rule would specify the procedures and institutional responsibilities for ESA and the Mine Safety and Health Administration in the filing, investigation and adjudication of complaints based on alleged discrimination against persons believed to have black lung disease. It would also provide for the appeal of such adjudications.

Timetable:

Action	Date	FR Cite
NPRM	01/27/81	46 FR 88521
NPRM Comment Period End	03/30/81	
Final Action	06/30/83	

Small Entity: No

Agency Contact: **James DeMarce**, Executive Assistant to the Director, Department of Labor, Employment Standards Administration, Rm S3524, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-7503**

RIN: 1215–AA04

LONGSHOREMAN'S ACT: REGIONAL OFFICES (ESA/OWCP)

Legal Authority: 33 USC 939(b)

CFR Citation: 20 CFR 702.101

Abstract: The low volume of cases arising under the Longshore Act and its extensions do not justify maintaining separate offices for the disposition of those cases in the Denver and Kansas City regions. This rule would therefore eliminate those offices and provide a technical amendment to 20 CFR 702.101 redefining the jurisdiction of the four affected district offices.

Timetable:

Action	Date	FR Cite
Final Action	05/20/83	

Small Entity: No

Agency Contact: **Neil Montone**, Associate Director, Department of Labor, Employment Standards Administration, Rm C4315, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-8572**

RIN: 1215–AA12

FECA MEDICAL FEE REGULATIONS (ESA/OWCP)

Legal Authority: 5 USC 8101 et seq

CFR Citation: 20 CFR 10.400, et seq

Abstract: 5 USC 8103(a) of the Federal Employees' Compensation Act provides that the United States shall furnish a broad range of medical services and supplies to employees of the United States injured in the performance of duty. ESA proposes to exercise its statutory authority to define the "reasonableness" of medical service costs and thereby monitor, and possibly reduce, these costs by imposing a schedule of allowable fees to be paid for services under this law.

Timetable:

Action	Date	FR Cite
NPRM	06/27/83	
NPRM Comment Period End	07/28/83	
Final Action	09/30/83	

Small Entity: Undetermined

Agency Contact: **Thomas M. Markey**, Deputy Associate Director, Department of Labor, Employment Standards Administration, Rm S3229, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-7552**

RIN: 1215–AA13

RULES OF PRACTICE FOR ADMINISTRATIVE PROCEEDINGS: DAVIS-BACON, SERVICE CONTRACT ACTS (ESA/W-H)

Legal Authority: 40 USC 276a to 276a-7; 40 USC 327 to 332; 41 USC 353; 41 USC 354; 40 USC 276c; 5 USC Appendix Reorg Plan 14 of 1950

CFR Citation: 29 CFR 6

Abstract: The revisions to this part are intended to provide administrative hearings in enforcement cases and substantial interest proceedings involving the Davis-Bacon Act, the Service Contract Act and the Contract Work Hours and Safety Standards Act,and substantial variance and arms-length hearings under the Service Contract Act. These revisions are designed to make such proceedings as uniform as possible. A proposal was published on 04/22/80. Final regulations were published on 01/16/81 (46 FR 4398), to take effect on 02/17/81. However, in response to the 01/81 Presidential memorandum, the Department deferred the effective date of these

regulations until 08/14/81. On 08/14/81 (46 FR 41428), a proposed regulation was published with comments due by 10/13/81. In the same publication, the effective date of the 01/16/81 rule was deferred until action was taken on the proposal of 08/14/81.

Timetable:

Action	Date	FR Cite
NPRM	08/14/81	46 FR 41428
NPRM Comment Period End	10/13/81	
Final Action	04/00/83	

Small Entity: No

Agency Contact: **Gail Coleman**, Counsel for Trial Litigation, Department of Labor, Employment Standards Administration, Rm N2716, FPBldg., 200 Constitution Ave., NW, Washington, DC 20210, **202 523-7620**

RIN: 1215–AA11

CHILD LABOR REGULATIONS, ORDERS AND STATEMENTS OF INTERPRETATION, SUBPART B, CERTIFICATION OF AGE (ESA/W-H)

Legal Authority: 29 USC 203; 29 USC 211; 29 USC 212

CFR Citation: 29 CFR 570.5 to .27

Abstract: This regulation now provides for acceptance of State age or employment certificates as evidence of age for minor employees for purposes of the Fair Labor Standards Act. A number of States no longer issue such certificates. As an alternative to having the Wage and Hour Division take on the function of issuing such certificates, with the resultant expenditure of substantial clerical resources, this proposal would designate documents that would be accepted as proof of age in those States.

Timetable:

Action	Date	FR Cite
NPRM	06/15/83	

Small Entity: No

Agency Contact: **Gordon Claucherty**, Director, Div. of Farm and Child Labor Prog., Department of Labor, Employment Standards Administration, Rm S3030, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-7478**

RIN: 1215–AA15

DEPARTMENT OF LABOR (DOL)

Employment Standards Administration (ESA)

Existing Regulations Under Review

CHILD LABOR REGULATIONS SUBPART E, OCCUPATIONS PARTICULARLY HAZARDOUS FOR THE EMPLOYMENT OF MINORS 16 AND 17 YEARS OF AGE INVOLVING SLAUGHTERING AND RELATED OCCUPATIONS(ESA/WH)

Priority: Task Force

Legal Authority: 29 USC 203

CFR Citation: 29 CFR 570.61

Abstract: This Order prohibits the employment of minors 16 and 17 years of age in occupations involving slaughtering, meat packing or processing, or rendering. A review of this order is needed to clarify its scope and to update it in light of various technological changes which have occurred in the affected occupations since it was adopted. The existing regulation has been targeted for review by the President's Task Force on Regulatory Relief.

Timetable:

Action	Date	FR Cite
End Review	07/15/83	
NPRM	12/15/83	

Small Entity: Yes

Agency Contact: **Gordon Claucherty**, Director, Div. of Farm and Child Labor Prog., Department of Labor, Employment Standards Administration, Rm S3030, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-7478**

RIN: 1215–AA21

AFFIRMATIVE ACTION OBLIGATIONS FOR DISABLED VETERANS, VETERANS OF VIETNAM ERA, AND HANDICAPPED WORKERS (ESA/OFCCP)

Legal Authority: 29 USC 793; 38 USC 2012

CFR Citation: 41 CFR 60-1; 41 CFR 60-250; 41 CFR 60-741

Abstract: This proposal would make the definition section of these regulations consistent with 1978 amendments to the Rehabilitation Act of 1973 and the Vietnam Era Veterans' Readjustment Assistance Act, and conform these rules to changes in DOL's regulations implementing Sec 504 of the Rehabilitation Act. These provisions reflecting statutory changes have been incorporated into the 08/25/81 "main" OFCCP proposal (46 FR 42968). The proposal is currently under review, and further action thereon is pending completion of this review.

Timetable:

Action	Date	FR Cite
NPRM	12/30/80	45 FR 86205
NPRM Comment Period End	03/02/81	
End Review	09/30/83	

Small Entity: Undetermined

Agency Contact: **James W. Cisco**, Director, Division of Program Policy, Department of Labor, Employment Standards Administration, Rm C3324, FPBldg., 200 Constitution Ave., NW, Washington, DC 20210, **202 523-9426**

RIN: 1215–AA02

BLACK LUNG BENEFITS. REQUIREMENTS FOR COAL MINE OPERATORS INSURANCE (ESA/OWCP)

Legal Authority: 30 USC 901 et seq

CFR Citation: 20 CFR 726

Abstract: These rules would govern the manner by which a coal mine operator fulfills its insurance obligations under the Black Lung Benefits Act, either by qualification as a self-insurer or by contracting with a commercial insurance company. Revision of Part 726 is necessary as a result of enactment of amendments to the Act in 1978 and 1981.

Timetable:

Action	Date	FR Cite
End Review	05/20/83	

Small Entity: Undetermined

Agency Contact: **James DeMarce**, Executive Assistant to the Director, Department of Labor, Employment Standards Administration, Rm S3524, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-7503**

RIN: 1215–AA16

CRITERIA: STATE WORKERS' COMPENSATION LAWS: PNEUMOCONIOSIS (ESA/OWCP)

Legal Authority: 30 USC 931

CFR Citation: 20 CFR 722

Abstract: These rules would establish procedures and standards to be applied in determining whether a State workers' compensation law provides adequate

coverage for death or disability due to pneumoconiosis.

Timetable:

Action	Date	FR Cite
End Review	07/29/83	

Small Entity: No

Agency Contact: James DeMarce, Executive Assistant to the Director, Department of Labor, Employment Standards Administration, Rm S3524, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-7503**

RIN: 1215–AA17

LONGSHOREMEN'S ACT: SECOND INJURY RELIEF; ANNUAL ASSESSMENTS (ESA/OWCP)

Legal Authority: 33 USC 901 et seq

CFR Citation: 20 CFR 702

Abstract: Revisions and additions are being considered to reflect and codify the Department's policies and procedures for handling second injury relief cases and to modify the procedures pertaining to the annual assessment of insurance carriers and self-insurers. Action is now being deferred pending possible Congressional action on proposed amendments to the Act, except that final regulations allowing assessment of previously as well as currently authorized carriers and self-insurers (20 CFR 702.146(c)) will be published as noted below.

Timetable:

Action	Date	FR Cite
NPRM	01/27/81	46 FR 8890
NPRM Comment Penod End	03/30/81	
Final Action	05/20/83	
End Review	06/30/83	

Small Entity: No

Agency Contact: Neil Montone, Associate Director, Department of Labor, Employment Standards Administration, Rm C4315, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-8572**

RIN: 1215–AA18

LONGSHOREMEN'S ACT: SELF INSURERS; REHABILITATION SERVICES (ESA/OWCP)

Legal Authority: 33 USC 901 et seq

CFR Citation: 20 CFR 702; 20 CFR 703

Abstract: Rules are being considered that would establish standards to permit employer groups to qualify as self-insurers under 20 CFR 703, clarify procedures related to the provision of rehabilitation services, and make other necessary changes. Action is being deferred on a proposal pending possible Congressional action on proposed amendments to the Act.

Timetable:

Action	Date	FR Cite
End Review	06/30/83	

Small Entity: Undetermined

Agency Contact: Neil Montone, Associate Director, Department of Labor, Employment Standards Administration, Rm C4315, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-8572**

RIN: 1215–AA19

CHILD LABOR REGULATIONS SUBPART E, OCCUPATIONS PARTICULARLY HAZARDOUS FOR THE EMPLOYMENT OF MINORS 16 AND 17 YEARS OF AGE INVOLVING THE OPERATION OF BAKERY MACHINES (ESA/W-H)

Legal Authority: 29 USC 203

CFR Citation: 29 CFR 570.62

Abstract: ESA is conducting an in-depth review of Hazardous Occupations Order No. 11 which prohibits the employment of minors 16 and 17 years of age in certain occupations involved in the operation of power-driven bakery machines. This review is being conducted to determine the changes necessary to reflect technological advancement and to clarify the application of existing prohibitions.

Timetable:

Action	Date	FR Cite
End Review	07/15/83	
NPRM	12/15/83	

Small Entity: Yes

Agency Contact: Gordon Claucherty, Director, Div. of Farm and Child Labor Prog., Department of Labor, Employment Standards Administration, Rm S3030, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-7478**

RIN: 1215–AA20

RECORDS TO BE KEPT BY EMPLOYERS (ESA/W-H)

Legal Authority: 29 USC 211(c)

CFR Citation: 29 CFR 516

Abstract: Revision of this regulation is being considered to reflect the repeal or modification of certain minimum wage and overtime exemptions by the 1974 and 1977 amendments to the Fair Labor Standards Act.

Timetable:

Action	Date	FR Cite
End Review	04/29/83	
NPRM	06/15/83	

Small Entity: No

Agency Contact: James L. Valin, Ass't Administrator, Fair Labor Standards, Department of Labor, Employment Standards Administration, Rm S3502, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-8353**

RIN: 1215–AA22

CHILD LABOR REGULATIONS SUBPART E, OCCUPATIONS PARTICULARLY HAZARDOUS FOR THE EMPLOYMENT OF MINORS 16 AND 17 YEARS OF AGE INVOLVING MOTOR VEHICLE DRIVERS AND HELPERS (ESA/W-H)

Legal Authority: 29 USC 203

CFR Citation: 29 CFR 570.52

Abstract: Hazardous Occupations Order No. 2 prohibits the employment of minors 16 and 17 years of age in certain occupations involving motor vehicle driving and helpers outside the cab of a vehicle transporting goods. The Order is being reviewed for possible revision.

Timetable:

Action	Date	FR Cite
End Review	07/15/83	
NPRM	12/15/83	

Small Entity: Undetermined

Agency Contact: Gordon Claucherty, Director, Div. of Farm and Child Labor Prog., Department of Labor, Employment Standards Administration, Rm S3030, FPBldg., 200 Constitution Ave., NW, Washington, DC 20210, **202 523-7478**

RIN: 1215–AA23

BILLING CODE 4510-23-T

DEPARTMENT OF LABOR (DOL)
Employment and Training Administration (ETA)

Current and Projected Rulemakings

●IMPLEMENTING REGULATIONS UNDER TITLE V OF THE JOB TRAINING PARTNERSHIP ACT

Priority: Agency Determination

Legal Authority: 29 USC 49 et seq; 29 USC 1501 et seq; 42 USC 602; 42 USC 632; 42 USC 633

CFR Citation: 20 CFR 652

Abstract: The proposed regulations provide guidance on implementation of amendments to the Wagner-Peyser Act and the Social Security Act, as required by Title V of the Job Training Partnership Act.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	

Small Entity: No

Agency Contact: **Patrick J. O'Keefe**, Acting Administrator, OSPPD, Department of Labor, Employment and Training Administration, 601 D Street, N.W., Room 9000, Washington, D.C. 20213, **202 376-6600**

RIN: 1205–AA20

●IMPLEMENTING REGULATIONS FOR NATIONAL PROGRAMS UNDER THE JOB TRAINING PARTNERSHIP ACT

Priority: Agency Determination

Legal Authority: 29 USC 1501 et seq

CFR Citation: 20 CFR 684

Abstract: The proposed regulations establish federally administered activities under Title IV of the Job Training Partnership Act, including programs for Native Americans, migrant and seasonal farmworkers, veterans, the Job Corps, and other national level activities.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	

Small Entity: No

Agency Contact: **Patrick J. O'Keefe**, Acting Administrator, OSPPD, Department of Labor, Employment and Training Administration, 601 D Street, N.W., Room 9000, Washington, D.C. 20213, **202 376-6600**

RIN: 1205–AA21

●IMPLEMENTING REGULATIONS FOR PROGRAMS UNDER THE JOB TRAINING PARTNERSHIP ACT

Priority: Agency Determination

Legal Authority: 29 USC 1501 et seq

CFR Citation: 20 CFR 626 to 638

Abstract: The proposed regulations provide direction to States and local service deliverers on implementation of programs under Titles I, II, and III of the Job Training Partnership Act. Final rules dealing with the establishment of State Job Training Coordinating Councils and Private Industry Councils (PICs), and the designation of Service Delivery Areas (SDAs), were previously published in the Federal Register, 47 FR 58492 (December 30, 1982) as 20 CFR Part 626. The text of Sections 626.2, 626.3 and 626.4 of those rules has been incorporated as Sections 627.4, 628.1 and 628.2 respectively. Title I defines the State and local delivery system and planning requirements. Title II sets forth requirements for adult and youth training programs to be administered by the State and carried out by the private sector and government at the local level. Title III provides for a State administered training and placement program for dislocated workers.

Timetable:

Action	Date	FR Cite
ANPRM	11/23/82	47 FR 52725
NPRM	01/18/83	48 FR 2292
NPRM Comment Period Begin	01/18/83	
NPRM Comment Period End	02/17/83	
Final Action	03/15/83	
Final Action Effective	10/01/83	

Small Entity: No

Agency Contact: **Patrick J. O'Keefe**, Acting Administrator, OSPPD, Department of Labor, Employment and Training Administration, 601 D Street, N.W., Room 9000, Washington, D.C. 20213, **202 376-6600**

RIN: 1205–AA22

AIRLINE DEREGULATION: EMPLOYEE BENEFIT PROGRAM

Priority: Agency Determination

Legal Authority: 49 USC 1552; PL 95-504

CFR Citation: 20 CFR 638

Abstract: These regulations are being developed to implement the benefit provisions contained in Section 43 of the Airline Deregulation Act. The Act requires the Secretary of Labor to specify the percentage of prior salary which an "eligible protected employee" would receive as a benefit payment under the Act if an appropriation is ever signed into law. An eligible protected employee is a person who has had at least 4 years of employment with a certificated air carrier as of October 24, 1978 and who loses his or her job during the ten years following such data in a bankruptcy or major employment contraction if and only if the Civil Aeronautics Board determines that the principal cause of such job loss was deregulation.

Timetable:

Action	Date	FR Cite
NPRM	03/30/79	44 FR 19146
NPRM Comment Period End	04/30/79	
NPRM First right of hire	09/17/82	47 FR 41304
Comments due First right of hire NPRM	10/18/82	
NPRM Benefits provisions	06/00/83	

Next Action Undetermined

Small Entity: No

Agency Contact: **Sammie Bryant**, Unemployment Insurance Specialist, Department of Labor, Employment and Training Administration, Rm 7026, PHBldg., 601 D St, NW, Washington, DC 20213, **202 376-6120**

RIN: 1205–AA07

LABOR CERTIFICATION: CANADIAN RAILROAD WORKERS

Legal Authority: 8 USC 1182(a)(14)

CFR Citation: 20 CFR 656.10

Abstract: This rule would add to the DOL list of precertified occupations, Canadian citizens who work for international railroads and who qualify for employment in the U.S. because of seniority rights under a collective bargaining agreement between the employer and an international labor union. Comments were originally due by 03/17/81. On 05/15/81 (46 FR 26789), the comment period was extended.

Timetable:

Action	Date	FR Cite
NPRM	01/16/81	46 FR 3910
NPRM Comment Period End	07/14/81	
Final Action	06/30/83	

Small Entity: No

Agency Contact: **Richard Gilliland**, Director, U.S. Employment Service, Department of Labor, Employment and Training Administration, Rm 8000, PHBldg., 601 D St, NW, Washington, DC 20213, **202 376-6289**

RIN: 1205–AA01

LABOR CERTIFICATION: CONSTRUCTION WORKERS ON GUAM

Legal Authority: 8 USC 1184(c)

CFR Citation: 20 CFR 655.107(c)

Abstract: The Department is considering either revising its methodology for determining adverse effect wage rates or deleting the requirement for such rates. The Department is reevaluating the whole formula for modification or possible elimination.

Timetable:

Action	Date	FR Cite
ANPRM	10/16/81	46 FR 50981
ANPRM Comment Period End	12/15/81	
NPRM	06/00/83	

Small Entity: Undetermined

Agency Contact: **Richard Gilliland**, Director, U.S. Employment Service, Department of Labor, Employment and Training Administration, Rm 8000, PHBldg., 601 D St, NW, Washington, DC 20213, **202 376-6289**

RIN: 1205–AA02

LABOR CERTIFICATION: APPRENTICE CONSTRUCTION WORKERS ON GUAM

Legal Authority: 8 USC 1184(c)

CFR Citation: 20 CFR 655.107(b)

Abstract: Existing regulations would be revised to modify the apprentice/journeyman wage progressions for construction workers on Guam to bring them into line with wages on the mainland.

Timetable:

Action	Date	FR Cite
NPRM	10/16/81	46 FR 50982
NPRM Comment Period End	12/16/81	
Final Action	05/00/83	

Small Entity: Undetermined

Agency Contact: **Richard Gilliland**, Director, U.S. Employment Service, Department of Labor, Employment and Training Administration, Rm 8000, PHBldg., 601 D St, NW, Washington, DC 20213, **202 376-6289**

RIN: 1205–AA03

EFFECTIVE DATE: ANNUAL LISTING OF ELIGIBLE LABOR SURPLUS AREAS

Legal Authority: 41 USC 10a et seq; 29 USC 49 et seq; EO 10582; EO 11051; EO 12148

CFR Citation: 20 CFR 654

Abstract: This rule would change the effective date of the "Annual Listing of Eligible Labor Surplus Areas" from June 1 to October 1 of each year to correspond with the fiscal year.

Timetable:

Action	Date	FR Cite
NPRM	06/01/82	47 FR 23754
NPRM Comment Period Begin	07/01/82	
Final Action	04/00/83	

Small Entity: No

Agency Contact: **Richard Gilliland**, Director, U.S. Employment Service, Department of Labor, Employment and Training Administration, Rm 8000, PHBldg., 601 D St, NW, Washington, DC 20213, **202 376-6289**

RIN: 1205–AA04

SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM

Legal Authority: 42 USC 3056

CFR Citation: 29 CFR 89

Abstract: These regulations govern the Senior Community Service Employment Program under Title V of the Older Americans Act. The program is designed to provide, foster, and promote part-time employment for low income persons 55 years old and older. The proposal is necessary to effectively carry out the provisions of the law as amended since 1978.

Timetable:

Action	Date	FR Cite
NPRM	03/25/80	45 FR 19530
NPRM Comment Period End	05/12/80	
Final Action	09/00/83	

Small Entity: No

Agency Contact: **Paul Mayrand**, Act. Dir., Ofc of Special Targeted Programs, Department of Labor, Employment and Training Administration, Rm 7122, PHBldg., 601 D St, NW, Washington, DC 20213, **202 376-6225**

RIN: 1205–AA13

LIMITATIONS ON TAX CREDIT REDUCTIONS AND INTEREST ON ADVANCES TO STATES

Legal Authority: PL 97-35, Sec 2406; PL 97-35, Sec 2407; PL 97-35, Sec 2408

CFR Citation: 20 CFR 608

Abstract: The Omnibus Budget Reconciliation Act of 1981 amended the tax credit provisions of FUTA to authorize the placing of a "cap" on reductions in tax credits on a State-by-State basis in certain prescribed circumstances. The amendment requires these determinations to be made in accordance with regulations prescribed by the Secretary of Labor. The same Act also amended Title XII of the Social Security Act to assess interest on advances to States, the payment of which is prohibited from State unemployment funds. The proposal would implement these statutory changes.

Timetable:

Action	Date	FR Cite
NPRM	05/00/83	

Small Entity: No

Agency Contact: **James VanErden**, Supervisory Actuary, Department of Labor, Employment and Training Administration, Rm 7414, PHBldg., 601 D St, NW, Washington, DC 20213, **202 376-7066**

RIN: 1205–AA14

EXTENDED BENEFITS UNDER FEDERAL UNEMPLOYMENT COMPENSATION

Legal Authority: PL 91-573, Title II

CFR Citation: 20 CFR 615

Abstract: These regulations would be amended to implement various statutory amendments of 1981 to the Federal-State Extended Unemployment Compensation Act of 1970. The regulations would (1) provide for the denial of extended benefits to certain interstate claimants and to individuals who fail to actively engage in seeking work, (2) provide for the purging of certain disqualifications in order to establish eligibility for extended benefits, and (3) establish the method of determining the rate of insured unemployment for extended benefit claims, the State trigger rates and removal of the National trigger.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	

Small Entity: Undetermined

Agency Contact: Edwin Kerley, Unemployment Insurance Specialist, Department of Labor, Employment and Training Administration, Room 7426 PH Bldg., 601 D St., NW, Washington, DC 20213, **202 376-6194**

RIN: 1205-AA15

UNEMPLOYMENT COMPENSATION PROGRAM - DISCLOSURE OF INFORMATION

Legal Authority: 42 USC 503

CFR Citation: 20 CFR 620

Abstract: These regulations are being proposed to implement sections of PL 96-249 which amended the Food Stamp Act of 1977 and PL 96-265, which amended the Social Security Act of 1977. The sections relate to disclosure of information maintained by State Employment Security Agencies to food stamp and child support enforcement authorities. The regulations protect the confidentiality of State unemployment compensation records from unauthorized or illegal access or disclosure.

Timetable:

Action	Date	FR Cite
NPRM	05/00/83	

Small Entity: No

Agency Contact: Edwin Kerley, Unemployment Insurance Specialist, Department of Labor, Employment and Training Administration, Room 7426 PHBldg., 601 D Street, NW, Washington, DC 20213, **202 376-6194**.

RIN: 1205-AA16

TRADE ADJUSTMENT ASSISTANCE: BENEFIT PAYMENTS

Legal Authority: 19 USC 2320

CFR Citation: 20 CFR 635

Abstract: These regulations would implement the 1981 amendments to the Trade Act of 1974. The Trade Adjustment Assistance program provides adjustment assistance in the form of reemployment services, training, job search, relocation allowances, and cash benefits (adjustment assistance) to workers whose unemployment is linked to increased imports of foreign-made products. The amendments represent a fundamental shift in program emphasis from income maintenance to placement and employment services and benefits such as training, job search and relocation. The 1981 amendments are designed to assure that adjustment assistance and reemployment services are more appropriately targeted to trade impacted workers with emphasis placed on their return to work. These changes would be published under 20 CFR 635 and such publication would substantially revise and supersede 29 CFR 91.

Timetable:

Action	Date	FR Cite
NPRM	03/04/83	48 FR 9444
NPRM Comment Period Begin	03/04/83	48 FR 9444
NPRM Comment Period End	04/03/83	

Next Action Undetermined

Small Entity: No

Agency Contact: Sam Bryant, Unemployment Insurance Specialist, Department of Labor, Employment and Training Administration, Room 7310 PH Bldg., 601 D St, NW, Washington, DC 20213, **202 376-7320**

RIN: 1205-AA17

WIN PROGRAM; GENERAL PROVISIONS

Legal Authority: 42 USC 1305 et seq

CFR Citation: 29 CFR 56

Abstract: This rule would implement statutory changes contained in the Social Security Disability Amendment of 1980, affecting the WIN program, and makes certain other changes. The amendments (1) authorize job search activities and child care necessary for job search in addition to present activities; (2) provide authority for fixed sanction periods for WIN registrants who fail to participate or accept employment; (3) provide that individuals working full-time are exempt from WIN; (4) delete the 60-day counseling period from adjudication process; and (5) authorize in-kind match for State share of social services. Issuance of the rule is dependent on the availability of funding for the program.

Timetable:

Action	Date	FR Cite
Interim final rule first published	10/01/81	46 FR 48606
Interim Final Rule	10/02/81	46 FR 48644
Comments on first interim rule due	11/30/81	
Comments on interim rule due	12/02/81	
Final Action	10/01/83	

Small Entity: No

Agency Contact: William Kacvinsky, Dir., Ofc of Work Incentive Programs, Department of Labor, Employment and Training Administration, Rm 8310, PHBldg., 601 D St, NW, Washington, DC 20213, **202 376-6630**

RIN: 1205-AA08

WIN PROGRAM; EXEMPTIONS

Legal Authority: PL 97-35

CFR Citation: 29 CFR 56.20; 29 CFR 56.22; 29 CFR 56.51, (Subpart C only)

Abstract: This rule would reflect statutory changes contained in the Omnibus Budget Reconciliation Act of 1981. The statutory amendments affect the exemption criteria of the WIN program and incorporate provisions of previous court decisions relating to unemployed parents. Issuance of the rule is dependent on the availability of funding for the program.

Timetable:

Action	Date	FR Cite
NPRM	09/21/81	46 FR 46776
Interim Final Rule	09/22/81	46 FR 46803
NPRM Comment Period End	11/20/81	
Final Action	10/01/83	

Small Entity: No

Agency Contact: William Kacvinsky, Director, Ofc of Work Incentive Programs, Department of Labor, Employment and Training Administration, Rm 8310, PHBldg, 601 D St., NW, Washington, DC 20213, **202 376-6630**

RIN: 1205-AA09

DEPARTMENT OF LABOR (DOL)
Employment and Training Administration (ETA)

Completed Actions

COMPLETED RULEMAKINGS

LABOR CERTIFICATION: ADVERSE EFFECT WAGE RATE METHODOLOGY

Priority: Major

Legal Authority: 8 USC 1101

CFR Citation: 20 CFR 655.207

Abstract: Adverse effect wage rates are wage rates which must be paid to U.S. and alien workers by employers seeking to temporarily employ nonimmigrant alien agricultural workers, so that the employment of these aliens will not adversely affect the wages of similarly employed U.S. workers. A revised regulation would establish a new methodology for computing and applying a wage rate offered by employers who request utilization of temporary alien workers in agriculture, but not sheepherding or logging. A final rule was published 01/04/83 (48 FR 232), effective 02/03/83.

Timetable:

Action	Date	FR Cite
Notice making 1981 AEWR effective		47 FR 37980
NPRM	11/15/82	
Final Action	01/04/83	48 FR 232
Final Action Effective	02/03/83	48 FR 232

Small Entity: Yes

Analysis: Draft RFA 00/00/00

Agency Contact: Grover Sanders, Manpower Specialist, Department of Labor, Employment and Training Administration, Rm 8430, PHBldg., 601 D Street, NW, Washington, DC 20213, **202 376-7562**

RIN: 1205-AA10

GOVERNOR'S GRANTS AND YOUTH PROGRAMS

Legal Authority: PL 97-35; 29 USC 801 et seq

CFR Citation: 20 CFR 675; 20 CFR 676; 20 CFR 677; 20 CFR 680

Abstract: These regulations implement technical amendments to CETA that resulted from passage of the Omnibus Budget Reconciliation Act of 1981. The amendments reduce the percentage of funds allocated to the Governor's Grants for a 20 percent transferability of funds between the Title IV A youth program and Title IV C Summer youth program. Final rules were published 09/04/81 with a comment period. No changes in rulemaking were made as a result of the comments received.

Timetable:

Action	Date	FR Cite
Final Action	09/04/81	

Small Entity: No

Agency Contact: Robert Colombo, Act. Dir., Ofc of Employ. & Training Prog., Department of Labor, Employment and Training Administration, Rm 6402, PHBldg., 601 D St, NW, Washington, DC 20213, **202 376-6093**

RIN: 1205-AA00

WAIVER OF REQUIREMENT TO PUBLISH VETERANS INDICATORS OF COMPLIANCE

Legal Authority: 38 USC 2007

CFR Citation: 20 CFR 653.230(j)

Abstract: Currently 20 CFR 653.230(j) requires annual publication of the numerical values for each of the veterans preference compliance indicators in the Federal Register. ETA reviewed this rule to ascertain whether the publication requirement should be waived. ETA determined that it is necessary to retain the publication requirement and accordingly withdrew the proposed waiver.

Timetable:

Action	Date	FR Cite
Withdrawn	01/19/83	

Small Entity: No

Agency Contact: Richard Gilliland, Director, U.S. Employment Service, Department of Labor, Employment and Training Administration, Rm 8000, PHBldg., 601 D St., NW, Washington, DC 20213, **202 376-6289**

RIN: 1205-AA12

UNEMPLOYMENT COMPENSATION FOR FEDERAL CIVILIAN EMPLOYEES

Legal Authority: 26 USC 3304 et seq; 33 USC 857; 29 USC 1001 et seq; 5 USC 8501 to 8508

CFR Citation: 20 CFR 609

Abstract: These regulations implement 5 USC 8501-8508 which establishes a permanent program of unemployment compensation for Federal Civilian employees administered under agreements with State Employment Security Agencies. A revision of the regulations is required because of amendments made to the law by Pub. L. 95-566, enacted in October 1976 and Pub. L. 96-215, enacted in March in 1980.

Timetable:

Action	Date	FR Cite
NPRM	01/23/81	46 FR 7786
NPRM Comment Period End	03/24/81	
Final Action	12/03/82	47 FR 54686
Final Action Effective	01/03/83	47 FR 54686

Small Entity: No

Agency Contact: Ed Kerley, Unemployment Insurance Specialist, Department of Labor, Employment and Training Administration, Room 7426 PHBldg., 601 D St, NW, Washington, DC 20213, **202 376-6194**

RIN: 1205-AA05

UNEMPLOYMENT COMPENSATION FOR EX-SERVICEMEMBERS

Legal Authority: 26 USC 3304 et seq; 5 USC 8521 to 8525

CFR Citation: 20 CFR 614

Abstract: The UCX Program is financed by Federal funds to furnish unemployment benefits to individuals who are separated from military service and are unable to obtain work. The program is administered under agreement with State Employment Security Agencies. A revision of the regulation would be made to reflect the amendments to the law made by Pub. L. 94-566 (enacted in October 1976), Pub. L. 96-215 and Pub. L. 96-364 (enacted in March and September 1980).

Timetable:

Action	Date	FR Cite
NPRM	01/23/81	46 FR 7796
NPRM Comment Period End	03/24/81	
Final Action	12/03/82	47 FR 54696
Final Action Effective	01/03/83	47 FR 54696

Small Entity: No

Agency Contact: Ed Kerley, Unemployment Insurance Specialist, Department of Labor, Employment and Training Administration, Room 7426 PHBldg., 601 D St, NW, Washington, DC 20213, **202 376-6194**

RIN: 1205-AA06

DOL—ETA

Completed Actions

TRADE ADJUSTMENT ASSISTANCE CERTIFICATION

Legal Authority: 19 USC 2320

CFR Citation: 29 CFR 90

Abstract: ETA reviewed a proposed rulemaking which would have revised regulations governing the investigation and certification process in accordance with the provisions of the Omnibus Budget Reconciliation Act of 1981. The new amendments eliminate the present "contributed importantly" standard for import impact certifications and require that increased competitive imports be the "substantial cause" of the adverse impact on employment and production. The proposed regulatory change has been rendered obsolete by enactment of the Miscellaneous Revenue Act of 1982, which postponed the implementation of the new standard until October 1, 1983. The proposed rulemaking activity is therefore withdrawn.

Timetable:

Action	Date	FR Cite
Withdrawn	01/01/83	

Small Entity: No

Agency Contact: **Glenn Zech**, Dep. Dir., Ofc. Trade Adjustment Assistance, Department of Labor, Employment and Training Administration, Rm 10400, PHBldg, 601 D St., NW, Washington, DC 20213, **202 376-6799**

RIN: 1205–AA18

COMPLETED REVIEWS

TEMPORARY EMPLOYMENT OF ALIEN AGRICULTURAL AND LOGGING WORKERS IN THE U.S.

Legal Authority: 8 USC 1101

CFR Citation: 20 CFR 655.202(b)(1)

Abstract: Current regulations require employers who use temporary alien labor to provide employment, including housing, to any qualified U.S. worker who applies to the employer until 50 percent of the period of the work contract has elapsed. A proposal was reviewed which would have amended the regulation to require the employer to hire United States workers only until such time as foreign workers have departed for the employer's place of employment. ETA determined as a result of the review that no regulatory changes are needed.

Timetable:

Action	Date	FR Cite
End Review	01/01/83	

Small Entity: Yes

Agency Contact: **Richard Gilliland**, Director, U.S. Employment Service, Department of Labor, Employment and Training Administration, Rm 8000, PHBldg., 601 D St., NW, Washington, DC 20213, **202 376-6289**

RIN: 1205–AA11

TEMPORARY EMPLOYMENT OF ALIEN AGRICULTURAL AND LOGGING WORKERS IN THE U.S. (CHARGES FOR MEALS)

Legal Authority: 8 USC 1101

CFR Citation: 20 CFR 655.202(b)(4)

Abstract: Current regulations state that when employers provide meals they may charge the worker no more than $4.00 per day. There are exceptions in cases where employers document costs exceeding $4.00 in support of higher meal charges. This rule was reviewed to determine whether increases are needed in the amount employers are allowed to charge for meals ETA determined as a result of the review that no regulatory changes are needed.

Timetable:

Action	Date	FR Cite
End Review	01/01/83	

Small Entity: Undetermined

Agency Contact: **Richard Gilliland**, Director, U.S. Employment Service, Department of Labor, Employment and Training Administration, Rm 8000, PHBldg., 601 D Street, NW, Washington, DC 20213, **202 376-6289**

RIN: 1205–AA19

ACTIONS THAT STARTED AND ENDED BETWEEN ISSUES OF THE UNIFIED AGENDA

●ESTABLISHMENT OF STATE JOB TRAINING COORDINATING COUNCILS AND PRIVATE INDUSTRY COUNCILS. DESIGNATION OF SERVICE DELIVERY AREAS UNDER THE JOB TRAINING PARTNERSHIP ACT

Priority: Agency Determination

Legal Authority: 29 USC 1501 et seq

CFR Citation: 20 CFR 626

Abstract: The regulations provide guidance on the structure and implementation of the planning systems under Title I of the Job Training Partnership Act. The regulations implement provisions of the Act governing establishment of the State Job Training Coordinating Councils, provide guidance on the designation of Service Delivery Areas, and describe the establishment and certification of the Private Industry Council and its functions. Final rules were published 12/30/82 (47 FR 58492), effective 01/31/83.

Timetable:

Action	Date	FR Cite
NPRM	11/19/82	47 FR 52197
NPRM Comment Period Begin	11/19/82	47 FR 52197
NPRM Comment Period End	12/20/82	
Final Action	12/30/82	47 FR 58492
Final Action Effective	01/31/83	47 FR 58492

Small Entity: No

Agency Contact: **Patrick J. O'Keefe, OSPPD**, Acting Adminstrator, Department of Labor, Employment and Training Administration, 601 D Street, N.W., Room 9000, Washington, D.C. 20213, **202 376-6800**

RIN: 1205–AA23

BILLING CODE 4510-23-T

DEPARTMENT OF LABOR (DOL)

Current and Projected Rulemakings

Labor-Management Services Administration (LMSA)

AIRLINE DEREGULATION: FIRST RIGHT OF HIRE

Priority: Agency Determination

Legal Authority: 49 USC 1552; PL 95-504

CFR Citation: 29 CFR 220

Abstract: These regulations would implement the first right of hire provisions of the Airline Deregulation Act of 1978. Under the language of the Act relating to this duty to hire, each protected employee who is "furloughed or otherwise terminated" (except for cause) from his or her employment by a certificated air carrier between the date the Act was passed and October 24, 1988 "shall have first right of hire, regardless of age, in his occupational specialty" by any covered carrier hiring "additional employees," with the sole exception that covered carriers are entitled

to recall furloughed employees before hiring a protected individual. A notice of proposed rulemaking was published on 03/30/79 (44 FR 19146) with comments due by 04/30/79. A new notice of proposed rule-making on the first right of hire provisions was published on 09/17/82 (47 FR 41304) with comments due by 10/18/82. It is expected that an additional NPRM on the employee benefit provisions will be issued with the next 6 months.

Timetable:

Action	Date	FR Cite
NPRM	03/30/79	44 FR 19146
NPRM Comment Period End	04/30/79	
NPRMFirst right of hire	09/17/82	47 FR 41304
Comments dueFirst right of hire NPRM	10/18/82	
NPRMEmployee benefit provisions	03/00/83	
Interim Final Rule	05/00/83	

Small Entity: No

Agency Contact: Hugh Reilly, Executive Assistant to the Ass't Secretary, Department of Labor, Labor-Management Services Administration, Rm S2207, FPBldg., 200 Constitution Ave., NW, Washington, DC 20210, **202 523-9674**

RIN: 1210-AA00

ADMINISTRATION OF LABOR PROTECTION PROVISIONS AFFECTING MASS TRANSIT EMPLOYEES UNDER 13(C) OF THE URBAN MASS TRANSPORTATION ACT

Priority: Task Force

Legal Authority: 49 USC 1609

CFR Citation: 29 CFR 215

Abstract: This proposal would revise the Department's current guidelines concerning administrative procedures in processing applications for mass transit assistance under the Urban Mass Transportation Act of 1964, as amended, and the criteria followed by the Secretary of Labor when certifying "fair and equitable" employee arrangements under section 13(c) of the Act.

Timetable:

Action	Date	FR Cite
NPRM	05/00/83	
NPRM Comment Period Begin	07/00/83	

Small Entity: Undetermined

Agency Contact: Hugh Reilly, Executive Ass't to the Assistant Secretary, Department of Labor, Labor-Management Services Administration, Rm S2207, FPBldg., 200 Constitution Ave., NW, Washington, DC 20210, **202 523-9674**

RIN: 1210-AA07

ALTERNATE FORMAT OF THE UPDATED SUMMARY PLAN DESCRIPTION

Priority: Task Force

Legal Authority: 29 USC 1024; 29 USC 1030; 29 USC 1135

CFR Citation: 29 CFR 2520.104b.2

Abstract: The Employee Retirement Income Security Act of 1974 (ERISA) requires that every plan administrator provide plan participants and beneficiaries and the Department of Labor with a summary of plan provisions, known as the summary plan description (SPD). This regulation would provide an alternative with respect to the form the updated SPD may take and how it may be distributed.

Timetable:

Action	Date	FR Cite
NPRM	04/01/83	

Small Entity: Yes

Agency Contact: Robert Doyle, Acting Chief, Division of Plan Standards, Department of Labor, Labor-Management Services Administration, Rm N4700, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-8515**

RIN: 1210-AA05

DEFINITION OF PLAN ASSETS AND ESTABLISHMENT OF TRUST (REMAINING PROVISIONS)

Priority: Task Force

Legal Authority: 29 USC 1135

CFR Citation: 29 CFR 2550

Abstract: The remaining part of this regulation would clarify what investments constitute assets of an employee benefit plan under ERISA. It also would provide certain exemptions from the requirements that plan assets be held in trust not dealt with in the earlier part. The regulation has been targeted for review by the President's Task Force on Regulatory Relief. A final rule dealing with the housing portion of the regulation was published on 05/18/82 (47 FR 21241) and became effective on 06/17/82. The publication date of the final regulation dealing with the remaining issues is under consideration.

Timetable:

Action	Date	FR Cite
Previous NPRM	08/28/79	44 FR 50363
NPRM Comment Period End	08/05/80	
NPRM	06/01/83	45 FR 38084
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: William A. Schmidt, Attorney, Department of Labor, Labor-Management Services Administration, Rm C4508, FPBldg., 200 Constitution Ave., NW, Washington, DC 20210, **202 523-9592**

RIN: 1210-AA06

INDIVIDUAL BENEFIT REPORTING - RECORDKEEPING - MULTIPLE EMPLOYER PLANS

Legal Authority: 29 USC 1025; 29 USC 1059; 29 USC 1135

CFR Citation: 29 CFR 2520; 29 CFR 2530

Abstract: The rule would govern: (1) reports that must be furnished to participants and beneficiaries in multiple employer pension plans, regarding the benefits to which they are entitled, or may become entitled, at retirement; and (2) records that must be maintained to provide the information necessary to prepare these reports. This rule was first proposed on 02/09/79 (44 FR 8294) jointly with the single employer plan benefit reporting regulations.

Timetable:

Action	Date	FR Cite
Previous NPRM	02/09/79	44 FR 8294
NPRM	08/08/80	45 FR 52824
NPRM Comment Period End	10/08/80	
Notice of 11/25/80 public hearing	11/12/80	45 FR 74727
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Robert Doyle, Acting Chief, Division of Plan Standards, Department of Labor, Labor-Management Services Administration, Rm N4700, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-8515**

RIN: 1210-AA02

INDIVIDUAL BENEFIT REPORTING AND RECORDKEEPING FOR SINGLE EMPLOYER PLANS

Legal Authority: 29 USC 1025; 29 USC 1059; 29 USC 1135

CFR Citation: 29 CFR 2520; 29 CFR 2530

Abstract: The rule would govern: (1) reports that must be furnished to participants and beneficiaries in single employer pension plans, regarding the benefits to which they are entitled, or may become entitled, at retirement; and (2) records that must be maintained to provide the information necessary to prepare these reports. This rule was first proposed on 02/09/79 (44 FR 8294) jointly with the multiple employer plan benefit reporting regulation.

Timetable:

Action	Date	FR Cite
Previous NPRM	02/09/79	44 FR 8294
NPRM	08/01/80	45 FR 51231
Notice of 11/25/80 public hearing	11/12/80	45 FR 74728
NPRM Comment Period End	10/01/81	
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: **Robert Doyle**, Acting Chief, Division of Plan Standards, Department of Labor, Labor-Management Services Administration, Rm N4700 FPBldg., 200 Constitution Ave. NW, Washington, DC 20210, **202 523-8515**

RIN: 1210–AA03

PARTICIPANT DIRECTED INDIVIDUAL ACCOUNT PLANS

Legal Authority: 29 USC 1104(c); 29 USC 1135

CFR Citation: 29 CFR 2550

Abstract: The regulation would describe the kinds of plans referred to in Section 404(c) as participant directed individual account plans, the circumstances under which a participant or beneficiary will be considered to have exercised control over his individual account, and the consequences under section 404(c) of such an exercise of control.

Timetable:

Action	Date	FR Cite
NPRM	12/00/83	

Small Entity: Undetermined

Agency Contact: **Charmaine B. Gordon**, Staff Attorney, Department of Labor, Labor-Management Services Administration, Rm C4508, FPBldg., 200 Constitution Ave, NW, Washington, DC 20210, **202 523-9593**

RIN: 1210–AA08

LOANS TO PARTICIPANTS

Legal Authority: 29 USC 1135

CFR Citation: 29 CFR 2550

Abstract: This rule describes the circumstances under which the exemption in section 408(b)(1) from the prohibited transaction provisions for loans by a plan to plan participants will be available.

Timetable:

Action	Date	FR Cite
NPRM	12/00/83	

Small Entity: Undetermined

Agency Contact: **William Flanagan**, Staff Attorney, Department of Labor, Labor-Management Services Administration, Rm C4508, FPBldg., 200 Constitution Ave, NW, Washington, DC 20210, **202 523-8610**

RIN: 1210–AA09

DISTRIBUTION OF SUMMARY ANNUAL REPORTS

Legal Authority: 29 USC 1024; 29 USC 1029; 29 USC 1030; 29 USC 1135

CFR Citation: 29 CFR 2520

Abstract: In regulations published in the Federal Register on July 23, 1982, plans were allowed to meet the distribution requirement for current employees by posting a copy of Form 5500-R (annual report) or a notice of its availability in years when the Form 5500-R was used as the annual report. This project would look at whether distribution to current employees by posting of the SAR or a notice of its availability should be allowed in all years and for all plans (not just small plans in years when the Form 5500-R is filed).

Timetable:

Action	Date	FR Cite
NPRM	12/00/83	

Small Entity: Undetermined

Agency Contact: **Joseph L. Roberts III**, Plan Benefit Specialist, Department of Labor, Labor-Management Services Administration, Rm N4700, FPBldg., 200 Constitution Ave., NW, Washington, DC 20210, **202 523-8685**

RIN: 1210–AA10

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eSUMMARY PLAN DESCRIPTION FILING

Legal Authority: 29 USC 1030; 29 USC 1135

CFR Citation: 29 CFR 2520

Abstract: In addition to distribution Summary Plan Description (SPDs) and material modification to participants and beneficiaries, pension plans and certain welfare plans must file these documents with the Department. GAO has determined that this filing is costly to the government, inefficient for providing copies to those few participants and beneficiaries who request copies and an unnecessary cost for plans. This regulation would provide an alternative means of meeting the filing requirement.

Timetable:

Action	Date	FR Cite
NPRM	06/01/83	

Small Entity: Yes

Agency Contact: **Robert Doyle**, Acting Chief, Div. of Plan Standards, Department of Labor, Labor-Management Services Administration, Rm N4700, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-8515**

RIN: 1210–AA13

LABOR ORGANIZATION ANNUAL REPORT

Legal Authority: 29 USC 431; 29 USC 438; 29 USC 461

CFR Citation: 29 CFR 403.3; 29 CFR 403.4

Abstract: 29 USC 431 requires labor organizations to file annual financial reports with DOL. LMSA plans to revise Labor Organization Annual Report Form LM-2 which was developed for obtaining this required reporting. The planned changes would include a requirement that reporting labor organizations show how their financial resources have been allocated during the reporting period among certain specific categories of activities commonly undertaken by labor organizations. Other planned changes would clarify the instructions for completing the report, improve disclosure to union members and assist the Department in detecting violations of the LMRDA.

Timetable:

Action	Date	FR Cite
NPRM	09/30/83	

Small Entity: No

Agency Contact: **Patrick Lavin**, Assistant to the Director, Department of Labor, Labor-Management Services Administration, Rm N5406, FPBldg., 200 Constitution Ave., NW, Washington, DC 20210, **202 523-7377**

RIN: 1210–AA11

DEPARTMENT OF LABOR (DOL)
Labor-Management Services Administration (LMSA)

Existing Regulations Under Review

ELECTION ENFORCEMENT PROVISIONS OF THE LMRDA

Legal Authority: 29 USC 481; 29 USC 482

CFR Citation: 29 CFR 452, Subpart J

Abstract: This rule, if promulgated, would revise and update the existing enforcement provisions of the interpretative bulletin on elections of union officers subject to the LMRDA. A notice of proposed rulemaking was published on 10/03/80 (45 FR 65925) with comments due by 12/17/80. No further action has been taken. The proposed rulemaking may be reconsidered during 1983.

Timetable:

Action	Date	FR Cite
NPRM	10/03/80	45 FR 65925
NPRM Comment Period End	12/17/80	
Proposed rulemaking reconsidered	12/00/83	
End Review	09/00/84	

Small Entity: No

Agency Contact: **Kay Oshel**, Reports and Disclosure Law Advisor, Department of Labor, Labor-Management Services Administration, Rm N5109, FPBldg., 200 Constitution Ave, NW, Washington, DC 20210, **202 523-7373**

RIN: 1210-AA12

DEPARTMENT OF LABOR (DOL)
Labor-Management Services Administration (LMSA)

Completed Actions

COMPLETED RULEMAKINGS

SUPPLEMENTAL PAY

Priority: Task Force

Legal Authority: 29 USC 1135; 29 USC 1002

CFR Citation: 29 CFR 2510

Abstract: This regulation would amend the existing regulation under section 3(2) of ERISA by describing the circumstances under which supplemental payments by employers to retirees to help offset the effect of inflation on pension benefits will be deemed to be made under an employee welfare benefit plan rather than under an employee pension benefit plan. The regulation has been targeted by the President's Task Force on Regulatory Relief.

Timetable:

Action	Date	FR Cite
NPRM	01/27/81	46 FR 8571
Republish NPRM to correct typos	02/06/81	46 FR 11292
Republish NPRM to correct typos	02/13/81	46 FR 12214
NPRM Comment Period End	03/30/81	
Final Action	11/05/82	47 FR 50237
Final Action Effective	11/05/82	

Small Entity: No

Agency Contact: **Dave Rood**, Asst. Chief, Div. of Interpretation & Regs., Department of Labor, Labor-Management Services Administration, Rm N4456, FPBldg., 200 Constitution Ave., NW, Washington, DC 20210, **202 523-8368**

RIN: 1210-AA01

DEFERRAL OF THE DUE DATE OF THE UPDATED SUMMARY PLAN

Priority: Task Force

Legal Authority: 29 USC 1024; 29 USC 1030; 29 USC 1135

CFR Citation: 29 CFR 2520.104 b.2

Abstract: Every plan administrator is required to provide plan participants and beneficiaries and the Department of Labor with a summary of plan provisions, known as the summary plan description (SPD), at 5 or 10 year intervals. The proposed rule would establish the beginning point for the five- (or ten-) year periods for updating or replacing the SPD as the date the initial SPD was filed and distributed (generally 11/77). rather than the date the plan became subject to ERISA (generally 1975). The proposed regulation also provides that, in any event, distribution of an updated SPD would not be required before 11/16/82. The regulation has been targeted by the President's Task Force on Regulatory Relief.

Timetable:

Action	Date	FR Cite
NPRM	03/26/82	47 FR 13007
NPRM Comment Period End	05/25/82	
Final Action	01/14/83	48 FR 1712
Final Action Effective	01/14/83	

Small Entity: No

Agency Contact: **Robert Doyle**, Acting Chief, Div. of Plan Standards, Department of Labor, Labor-Management Services Administration, Rm N4700, FPBldg., 200 Constitution Ave., NW, Washington, DC 20210, **202 523-8515**

RIN: 1210-AA04

BILLING CODE 4510-23-T

DEPARTMENT OF LABOR (DOL)
Mine Safety and Health Administration (MSHA)

Current and Projected Rulemakings

WIRE ROPES STANDARDS

Priority: Agency Determination

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.1401-1; 30 CFR 77.1402-1; 30 CFR 77.1903(b); 30 CFR 55.19; 30 CFR 56.19; 30 CFR 57.19

Abstract: This rule would revise, clarify and update MSHA's current wire rope standards with regard to requirements for the selection, installation, use, inspection, maintenance, and removal of wire ropes used in coal and metal and nonmetal mines.

DOL—MSHA

Current and Projected Rulemakings

Timetable:

Action	Date	FR Cite
NPRM	11/16/82	47 FR 51684
NPRM Comment Period Begin	01/17/83	48 FR 00273
NPRM Comment Period End	02/18/83	
Final Action	10/00/83	

Small Entity: Yes

Additional Information: MSHA published a notice of public hearings on 2/22/83 (48 FR 7558) and the hearings were held during March 1983. The final rule is expected during October 1983.

Agency Contact: **Patricia W. Silvey**, Acting Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, Rm 627, BT #3, 4015 Wilson Blvd., Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA03

ALTERNATE PROGRAM FOR EQUIPMENT APPROVALS

Priority: Agency Determination

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 37

Abstract: This would be a new Part. The proposal would provide an alternate program for the approval of certain equipment used in underground mines. Under the proposal, applicants would certify to MSHA that the equipment meets the required design and test criteria, has been successfully tested, and will be produced in accord with an accepted quality control plan. This program would reduce the time needed to introduce new and safe technology into mines.

Timetable:

Action	Date	FR Cite
ANPRM	03/04/83	48 FR 09475
Notice of Public Meetings	03/18/83	
ANPRM Comment Period End	05/03/83	

Small Entity: Yes

Additional Information: On 03/04/83 MSHA published a notice in the Federal Register announcing the availability of a preproposal draft for Part 37. Comments are due by 05/03/83; however, public meetings will be held during April 1983 to discuss the preproposal.

Agency Contact: **Patricia W. Silvey**, Acting Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, Rm 627, BT #3, 4015 Wilson Blvd., Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA06

MINER PARTICIPATION IN THE RESPIRABLE DUST SAMPLING

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 70; 30 CFR 71; 30 CFR 90

Abstract: This proposal would amend MSHA's coal mine respirable dust regulations to permit miners' representatives to participate in the dust sampling process for underground and surface miners and for miners who have evidence of pneumoconiosis. Since the proposal, MSHA has revised all of its coal mine respirable dust sampling procedures to simplify and improve the dust sampling process. MSHA will evaluate all of the comments and testimony on the proposal within the context of the new dust program to determine appropriate regulatory action. It is expected that further rulemaking action will be taken during 1983.

Timetable:

Action	Date	FR Cite
NPRM	04/08/80	45 FR 24008
NPRM Comment Period End	06/02/80	
Further rulemaking action	12/00/83	

Small Entity: Yes

Agency Contact: **Patricia W. Silvey**, Acting Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, Rm 627, BT #3, 4015 Wilson Blvd., Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA02

DEPARTMENT OF LABOR (DOL)
Mine Safety and Health Administration (MSHA)

Existing Regulations Under Review

REVIEW OF METAL AND NONMETAL STANDARDS

Priority: Agency Determination

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 55; 30 CFR 56; 30 CFR 57

Abstract: These standards would be revised to: (1) eliminate unnecessary standards; (2) clarify and update existing standards; (3) incorporate technological advances; and (4) reduce recordkeeping burdens on the industry. Originally the ANPRM comment period ended 05/27/80, but on 06/06/80 (45 FR 38087), comments were extended to 08/05/80. NPRM of 11/20/81 announced MSHA's initial priorities for its comprehensive standards review and its intent to hold informal public conferences.

Timetable:

Action	Date	FR Cite
ANPRM	03/25/80	45 FR 19267
ANPRM Comment Period End	08/05/80	
Additional ANPRM	11/20/81	46 FR 57253
Comment period extended to 06/30/82	05/28/82	
Public conferences, April & May 82	05/00/82	47 FR 10190
Post conference comments due	06/04/82	47 FR 23484
End Review	00/00/00	

Small Entity: Yes

Additional Information: MSHA has published notices of availability of preproposal drafts for three sections: (1) Section .4 (Fire Prevention and Control) on 12/28/82 (47 FR 57883) with comments due by 2/28/83, (2) Section .14 (Use of Equipment) on 2/11/83 (48 FR 6489) with comments due by 4/15/33, and (3) Section .3 (Ground Control) on 3/11/83 (48 FR 10593) with comments due by May 11, 1983. Additional notices of availability of preproposal drafts are expected during the Spring of 1983.

Agency Contact: **Patricia W. Silvey**, Acting Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, Rm 627, BT #3, 4015 Wilson Blvd., Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA00

REVIEW OF SAFETY AND HEALTH STANDARDS APPLICABLE TO COAL

Priority: Agency Determination

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 70; 30 CFR 71; 30 CFR 75; 30 CFR 77

DOL—MSHA

Existing Regulations Under Review

Abstract: MSHA plans to review these standards to: (1) clarify and update existing standards; (2) eliminate unnecessary standards; (3) reduce recordkeeping burdens on the industry; and (4) incorporate technological advances. MSHA has initiated a review of all safety standards for underground coal mines. As part of this review, MSHA is specifically soliciting suggestions for regulatory changes to roof support, explosives and the ventilation requirements in sec 75.316.

Timetable:

Action	Date	FR Cite
ANPRM	07/09/82	47 FR 30025
Comment period extended to 11/15/82	08/27/82	47 FR 38097
ANPRM Comment Period End	11/15/82	
End Review	00/00/00	

Small Entity: Yes

Additional Information: MSHA will publish preproposal drafts and schedule public conferences during 1983. Several proposed rules are also expected to be published during 1983.

Agency Contact: **Patricia W. Silvey**, Acting Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, Rm 627, BT #3, 4015 Wilson Blvd., Arlington, VA 22203, **703 235-1910**

RIN: 1219–AA01

CONSOLIDATION OF AND REVIEW OF TRAINING REQUIREMENTS

Priority: Agency Determination

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 48

Abstract: MSHA would review all existing metal and nonmetal and coal standards to determine if certain provisions duplicate, in whole or in part, the comprehensive training regulations which were promulgated on October 13, 1978. In addition, the regulations will be reviewed for their continued applicability and effectiveness. This rule is needed to provide requirements for training and retraining of miners.

Timetable:

Action	Date	FR Cite
ANPRM	04/01/83	

Small Entity: Undetermined

Agency Contact: **Patricia W. Silvey**, Acting Director, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Rm. 631, BT #3, Arlington, Virginia 22203, **703 235-1910**

RIN: 1219–AA07

PATTERN OF VIOLATIONS

Legal Authority: 30 USC 814(e), 30 USC 957

CFR Citation: 30 CFR 104

Abstract: The Mine Act provides for closure under certain conditions, of mines having a pattern of serious violations until the mine is completely free of such violations. The proposed regulation would set forth criteria for determining if a "pattern of violations" exists. Since the proposal was published, the statutory concept of "significant and substantial violations" (S&S) has been redefined by the Federal Mine Safety and Health Review Commission. Because the definition of these violations is a critical element in this rulemaking, MSHA is re-evaluating its current policy on S&S violations to determine an appropriate course of regulatory action.

Timetable:

Action	Date	FR Cite
NPRM	08/15/80	45 FR 54656
NPRM Comment Period End	10/14/80	
End Review	00/00/00	

Next Action Undetermined

Small Entity: Yes

Agency Contact: **Patricia W. Silvey**, Acting Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, Rm 627, BT #3, 4015 Wilson Blvd., Arlington, VA 22203, **703 235-1910**

RIN: 1219–AA04

CONSTRUCTION WORK AT SURFACE AREAS OF MINES: SAFETY, HEALTH STANDARDS

Legal Authority: 30 USC 811(a)(8)

CFR Citation: 30 CFR 110

Abstract: This rule would set forth minimum safety and health requirements for construction workers at surface areas of mines. Since the ANPRM, rulemaking has subsequently been affected by legislative actions which limit MSHA's jurisdiction over certain construction activities at surface mines. In addition, several legislative proposals have been introduced which would permanently affect MSHA's jurisdiction over these activities. MSHA has decided to defer further rulemaking until a more definitive position has been reached with respect to MSHA's jurisdiction over surface construction.

Timetable:

Action	Date	FR Cite
ANPRM	09/07/79	44 FR 52258
ANPRM Comment Period End	10/22/79	
End Review	00/00/00	

Next Action Undetermined

Small Entity: Yes

Agency Contact: **Patricia W. Silvey**, Acting Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, Rm 627, BT #3, 4015 Wilson Blvd., Arlington, VA 22203, **703 235-1910**

RIN: 1219–AA05

BILLING CODE 4510-27 T

DEPARTMENT OF LABOR (DOL)

Current and Projected Rulemakings

Office of the Assistant Secretary for Administration and Management (OASAM)

NONDISCRIMINATION IN PROGRAMS AND ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE FROM THE DEPARTMENT OF LABOR

Priority: Agency Determination

Legal Authority: 29 USC 706; 42 USC 6101 to 6107; 42 USC 2000d-6; 20 USC 1618; 15 USC 3151; 29 USC 1577

CFR Citation: 29 CFR 31

Abstract: The existing Title VI regulation is being reviewed with a view toward establishing a single comprehensive civil rights regulation covering all DOL statutory authority relating to nondiscrimination in Federally assisted programs. The need for uniform administrative and enforcement procedures is also being reviewed.

Timetable:

Action	Date	FR Cite
NPRM	03/00/83	
NPRM Comment Period Begin	03/00/83	
NPRM Comment Period End	04/00/83	
Final Action Effective	04/30/83	

DOL—OASAM — Current and Projected Rulemakings

Small Entity: No

Additional Information: TIMETABLE CONT: The timing of the clearance process for 29 CFR 31 is dictated by the Job Training Act Regulations, which mandate that the Secretary is required to publish final regulations by March 15, 1983. Therefore, within the time constraints some of the steps indicated on this update document are eliminated.

Public Compliance Cost: Initial Cost: $0

Affected Sectors: None

Government Levels Affected: Local, State

Agency Contact: **William J. Harris**, Acting Director, Office of Civil Rights, Department of Labor, Office of the Assistant Secretary for Administration and Management, Rm N4603, FPBldg., 200 Constitution Ave., NW, Washington, DC 20210, **202 523-6927**

RIN: 1291–AA02

DEPARTMENT OF LABOR (DOL) — Existing Regulations Under Review
Office of the Assistant Secretary for Administration and Management (OASAM)

DEBARMENT AND SUSPENSION OF CONTRACTORS

Legal Authority: 41 USC 252; 5 USC 301

CFR Citation: 41 CFR 29-1.6

Abstract: The Office of Management and Budget requires all federal agencies to implement its Policy Letter 82-1 on Debarment and Suspension through implementing regulations. These rules govern standards, policies, and procedures which will apply if an individual or concern is to be debarred or suspended from eligibility to receive DOL contracts.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: No

Agency Contact: **Theodore Goldberg**, Dir., Ofc. of Grants & Procurement Policy, Department of Labor, Office of the Assistant Secretary for Administration and Management, Rm S4015, FPBldg., 200 Constitution Ave., NW, Washington, DC 20210, **202 523-9174**

RIN: 1291–AA01

DEPARTMENT OF LABOR (DOL) — Completed Actions
Office of the Assistant Secretary for Administration and Management (OASAM)

COMPLETED RULEMAKINGS

COST PRINCIPLES FOR STATE EMPLOYMENT SECURITY AGENCY (SESA) GRANTS

Legal Authority: 5 USC 301

CFR Citation: 41 CFR 29-15

Abstract: These regulations would establish general principles and procedures governing grants that the DOL issues to state employment agencies for unemployment insurance and the operation of the job service offices. They would describe costs which are allowable, costs which are allowable only with prior DOL approval, and costs which are unallowable as charges to grants for employment security and unemployment insurance administration.

Timetable:

Action	Date	FR Cite
Previous NPRM	12/19/80	45 FR 83998
Comments due on previous NPRM	01/19/81	
Withdrawn	03/03/83	

Small Entity: No

Agency Contact: **Theodore Goldberg**, Department of Labor, Office of the Assistant Secretary for Administration and Management, Rm S4015, FPBldg., 200 Constitution Ave., NW, Washington, DC 20210, **202 523-9174**

RIN: 1291–AA00

BILLING CODE 4510-23-T

DEPARTMENT OF LABOR (DOL) — Current and Projected Rulemakings
Office of the Inspector General (OIG)

FEDERAL AND NON-FEDERAL AUDIT REQUIREMENTS

Legal Authority: 5 USC 301

CFR Citation: 41 CFR 29-70.207

Abstract: This rule would provide for independent audits on an organization-wide basis of financial operations of Federal grantees that are State or local governments or Indian tribal governments that receive Federal assistance.

Timetable:

Action	Date	FR Cite
NPRM	08/17/82	47 FR 35784
NPRM Comment Period Begin	08/17/82	47 FR 35784
NPRM Comment Period End	09/16/82	
Interim Final Rule	03/31/83	
Final Action	04/30/83	

Small Entity: No

Agency Contact: **Edwin Terrell**, Chief, Federal Assistance Coord. Branch, Department of Labor, Office of the Inspector General, Rm S5030, FPBldg., 200 Constitution Ave., NW, Washington, DC 20210, **202 523-8404**

RIN: 1292–AA00

BILLING CODE 4510-23-T

DEPARTMENT OF LABOR (DOL)
Occupational Safety and Health Administration (OSHA)

CARCINOGEN POLICY

Priority: Major

Legal Authority: 29 USC 653; 29 USC 655; 29 USC 657

CFR Citation: 29 CFR 1990

Abstract: The Carcinogen Policy describes the criteria and procedures OSHA will use to identify, classify, and then regulate carcinogens. The Policy also establishes a process for screening chemicals and-for setting priorities for potential rulemaking activities. The validity of the scientific criteria set forth in the policy and the cost-effectiveness of the rule are being reexamined. The original standard was issued in 1980 before the Supreme Court "benzene" decision on significant risk. Thereafter, a final rule deleting provisions of the Carcinogen Policy that were inconsistent with the benzene decision was published on 01/19/81 (46 FR 4889). A proposal was published on 01/23/81 (46 FR 7402) to permit alternatives to the risk analysis section of the carcinogen policy to be addressed. The proposal was withdrawn on 03/27/81 (46 FR 19000). An advance notice of proposed rulemaking was published on 01/05/82 (47 FR 187) with comments due by 04/05/82. That document also proposed to stay the publication of the candidate and priority lists. The end of the comment period on the proposed stay of the candidate and priority lists was 02/19/82. A final decision to stay the lists was (cont)

Timetable:

Action	Date	FR Cite
ANPRM	01/05/82	47 FR 187
End of comment period on stay	02/19/82	
ANPRM Comment Period End	04/05/82	
Stay published	01/04/83	48 FR 241
NPRM	06/00/83	

Small Entity: No

Additional Information: ABSTRACT (CONT): published 01/04/83 (48 FR 241). It is expected that the proposal on the underlying rule will be published by 05/83.

Government Levels Affected: Federal

Agency Contact: Dr. Leonard Vance, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3718, FPBldg., 200 Constitution Ave, NW, Washington, DC 20210, 202 523-7075

RIN: 1218-AA01

COTTON DUST

Priority: Major

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.1043

Abstract: The standard, issued in 1978, has been legally challenged and stayed as it applies to certain industries. In addition, where the standard is in effect, there have been problems with the device that is used to measure cotton dust. Further, control methods specified by the standard may not be cost effective. There is also question about the demonstration of a significant risk of disease in some of the industry sectors covered by the standard. Data are now being collected to determine how and to what extent the rule should be revised. Two ANPRMs have been published: 03/31/81 (46 FR 19501) and 02/09/82 (47 FR 5906). The second ANPRM modified and expanded the issues set forth in the first ANPRM. On 08/13/82 (47 FR 35255) OSHA proposed to stay enforcement of the current standard for knitting operations. The comment period on the proposed stay ended 09/13/82. A notice of final decision on the stay was published 02/04/83 (48 FR 5267). It is anticipated that a proposed standard for cotton dust will be published by 04/83.

Timetable:

Action	Date	FR Cite
ANPRM	03/31/81	46 FR 19501
ANPRM Comment Period End	05/15/81	
Second ANPRM	02/09/82	47 FR 5906
Second ANPRM comment period ended	03/26/82	
NPRM	04/00/83	

Small Entity: Yes

Agency Contact: Dr. Leonard Vance, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3718, FPBldg., 200 Constitution Ave, NW, Washington, DC 20210, 202 523-7075

RIN: 1218-AA02

ETHYLENE OXIDE (ETO)

Priority: Major

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.1000, Table Z-1

Abstract: OSHA has announced its intention to conduct rulemaking on whether to revise the current standard for Ethylene Oxide (EtO) because NIOSH and other sources have provided data indicating that the current permissible exposure limit may not be adequate to protect worker health.

Timetable:

Action	Date	FR Cite
ANPRM	01/26/82	47 FR 3566
ANPRM Comment Period End	03/31/82	
NPRM	07/00/83	

Small Entity: Yes

Agency Contact: Dr. Leonard Vance, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3718, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, 202 523-7075

RIN: 1218-AA03

RESPIRATORY PROTECTION

Priority: Major

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.134; 29 CFR 1915.152; 29 CFR 1918.102; 29 CFR 1926.103

Abstract: The present respiratory protection standards have been in place for 10 years and do not take into consideration the current state-of-the-art for respiratory protection. In addition, the general industry standard for respirators contains redundancies and includes several advisory provisions which should be eliminated or changed. Therefore, it is considered appropriate to reexamine the subject of respiratory protection and to modify the existing standards after review of the comments received.

Timetable:

Action	Date	FR Cite
ANPRM	05/14/82	47 FR 20803
Notice of clarification	08/31/82	47 FR 38362
ANPRM Comment Period Begin	09/13/82	
NPRM	07/00/83	

Small Entity: Yes

Agency Contact: Dr. Leonard Vance, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3718, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, 202 523-7075

RIN: 1218–AA05

ETHYLENE DIBROMIDE (EDB)

Priority: Major

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.1000, Table Z-2

Abstract: Since 1970 several independent scientific studies have concluded that Ethylene Dibromide (EDB) can cause cancer in laboratory animals. In addition, EDB has been shown to be mutagenic in several test systems. This evidence raises serious concern about the adequacy of the current permissible exposure limits for EDB, which were adopted by OSHA in 1971.

Timetable:

Action	Date	FR Cite
ANPRM	12/18/81	46 FR 61671
ANPRM com. period extended to 03/31	02/26/82	47 FR 8380
Further extension to 05/31/82	04/02/82	47 FR 14169
ANPRM Comment Period End	05/31/82	
Comments on ANPRM due originally	05/31/82	46 FR 61671
NPRM	06/00/83	

Small Entity: Yes

Agency Contact: Dr. Leonard Vance, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3718, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, 202 523-7075

RIN: 1218–AA06

HAZARD COMMUNICATION

Priority: Major

Legal Authority: 29 USC 655(b); 29 USC 657

CFR Citation: 29 CFR 1910.1200

Abstract: The proposed standard would require chemical manufacturers to assess the hazards of chemicals which they produce and to provide information to their employees about these hazards by means of hazards communication programs including labels, material safety data sheets and training. Original proposal published 01/16/81 (46 FR 4412) was withdrawn 02/12/81 (46 FR 12020) to permit further analysis of regulatory alternatives. A new proposal was published 03/19/82 (47 FR 12092). Public hearings were held in various locations during June and July 1982.

Timetable:

Action	Date	FR Cite
ANPRM	01/28/77	42 FR 5372
Original NPRM	01/16/81	46 FR 4412
Original NPRM withdrawn	02/12/81	46 FR 12020
NPRM	03/19/82	47 FR 12092
Public hearings announced	04/16/82	47 FR 16348
NPRM Comment Period End	05/18/82	
Final Action	06/00/83	

Small Entity: Yes

Public Compliance Cost: Initial Cost: $581,750,000; Yearly Recurring Cost: $227,920,000

Affected Sectors: Multiple

Government Levels Affected: State, Federal

Agency Contact: Dr. Leonard Vance, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3718, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, 202 523-7075

RIN: 1218–AA08

NOISE - HEARING CONSERVATION AMENDMENT

Priority: Task Force

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.95(c) to 1910.95(p); 29 CFR Appendices A to I

Abstract: The amendment requires employers to provide an effective hearing conservation program for all employees exposed to an 8 hour TWA of 85 dB. The amendment contains requirements for monitoring employee noise exposure, audiometric testing, and education and training of employees. OSHA reexamined certain requirements of the amendment originally published on 01/16/81 (46 FR 4078) to determine whether they were cost-effective and feasible. The regulation was also targeted for review by the President's Task Force on Regulatory Relief. The 01/16/81 standard was to have become effective 04/15/81, but was administratively stayed until 08/22/81 (see 46 FR 21365, 28845 and 39137). On 08/22/81 (46 FR 42822) the stay was partially lifted for many provisions of the amendment. The notice also made certain technical corrections and requested additional comment on the possible deletion or modification of other provisions. In addition, a notice of proposed rulemaking regarding other provisions of the amendment was published on 08/21/81 (42639) with comments due by 11/23/81. A public hearing was held on the proposal on 03/23/82.

Timetable:

Action	Date	FR Cite
NPRM	08/21/81	46 FR 42639
NPRM Comment Period End	11/23/81	
Final Action on portion of rule	03/08/83	
Final Action on portion effective	04/07/83	
Baseline audiogram completion date	03/01/84	

Small Entity: Yes

Public Compliance Cost: Yearly Recurring Cost: $197,300,000

Affected Sectors: Multiple

Agency Contact: Dr. Leonard Vance, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3718, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, 202 523-7075

RIN: 1218–AA09

LEAD - RECONSIDERATION OF WHOLE STANDARD

Priority: Major

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.1025

Abstract: The current standard for occupational exposure to lead was promulgated in 1978. It sets a PEL of 50 micrograms of lead per cubic meter of air (50 ug/m3), and requires the use of feasible engineering or workpractice controls. There are serious questions concerning significant risk, feasibility and cost-effectiveness of the standard in certain industries; therefore, OSHA has announced its intention to review and reconsider the regulation. The ANPRM asked for comment on such issues as economic and technological feasibility, and cost-effectiveness.

Timetable:

Action	Date	FR Cite
ANPRM	04/21/81	46 FR 22764
ANPRM Comment Period End	06/01/81	
NPRM	05/00/83	

Small Entity: Yes

DOL—OSHA

Current and Projected Rulemakings

Agency Contact: Dr. Leonard Vance, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3718, FPBldg., 200 Constitution Ave., NW, Washington, DC 20210, 202 523-7075

RIN: 1218–AA11

METHODS OF COMPLIANCE

Priority: Major, Task Force

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.1000(e); 29 CFR 1910.134(a)(1)

Abstract: OSHA is reviewing its policy relating to the use of engineering controls and respirators for air contaminants. Current OSHA standards require that employers implement feasible engineering controls to maintain air contaminant concentrations in the workplace to within the prescribed permissible exposure limits. The use of respirators is permitted only in those cases where engineering controls are not feasible, are not yet installed or are not adequate. This policy has been criticized as being too inflexible, not cost-effective and often unnecessary for health protection. OSHA intends to perform a careful review of the relevant issues and to consider, as a first action, the possible revision of two standards, 29 CFR 1910.1000(e) [Air Contaminants] and 29 CFR 1910.134(a)(1) [Respiratory Protection]. OSHA's policy for the use of engineering controls and respirators was targeted for review by the President's Task Force on Regulatory Relief.

Timetable:

Action	Date	FR Cite
ANPRM	02/22/83	48 FR 7473
ANPRM Comment Period End	06/22/83	

Next Action Undetermined

Small Entity: Yes

Agency Contact: Dr. Leonard Vance, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3718, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, 202 523-7075

RIN: 1218–AA28

NOISE

Priority: Major, Task Force

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.95(a) and (b)

Abstract: OSHA's existing standard specifies a maximum permissible exposure limit (PEL) of 90 dB and requires reduction of noise levels through the use of engineering or administrative means, whenever feasible. The noise standard has been targeted for review by the President's Task Force on Regulatory Relief. OSHA is reviewing the standard to assess the cost-effectiveness of various regulatory alternatives that the Agency has not previously studied. The Agency will base its review on its 10 years of enforcement experience, and on the industry-wide effectiveness of hearing conservation programs. In addition, the Agency intends to examine the PEL in view of current research data.

Timetable:

Action	Date	FR Cite
NPRM	09/00/83	

Small Entity: Yes

Agency Contact: Dr. Leonard Vance, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3718, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, 202 523-7075

RIN: 1218–AA29

MARINE TERMINALS

Priority: Agency Determination

Legal Authority: 29 USC 655(b); 33 USC 941

CFR Citation: 29 CFR 1918a

Abstract: This new standard would facilitate compliance for employers in the marine cargo handling industry. These employers are currently required to comply with standards in two sets of regulations, General Industry and Maritime Employment.

Timetable:

Action	Date	FR Cite
NPRM	01/16/81	46 FR 4182
NPRM Comment Period Begin	08/15/81	
Extend NPRM comment per to 05/03/82	04/06/82	47 FR 14716
Public hearing	05/25/82	
Public hearing	06/08/82	
Public hearing	06/22/82	
Final Action	06/00/83	

Small Entity: Undetermined

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3605, FPBldg., 200 Constitution Ave, NW, Washington, DC 20210, 202 523-8061

RIN: 1218–AA17

WALKING/WORKING SURFACES

Priority: Agency Determination

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910

Abstract: The present Subpart D, Walking/Working Surfaces standard, needs to be revised because it is out of date and restricts technological innovation. The proposed revision will be performance oriented.

Timetable:

Action	Date	FR Cite
ANPRM	04/23/76	41 FR 17102
ANPRM Comment Period End	06/22/76	
NPRM	07/00/83	

Small Entity: Undetermined

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3605, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, 202 523-8061

RIN: 1218–AA18

CONCRETE, CONCRETE FORMS AND SHORING

Priority: Agency Determination

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926, Subpart Q

Abstract: One of the greatest hazards associated with concrete and masonry structures in the construction industry is the collapse or failure of the entire structure or its forms and shoring. The catastrophic failures that have occurred in recent years compel review of the existing standard applicable to such construction operations.

Timetable:

Action	Date	FR Cite
ANPRM	02/09/82	47 FR 5910
ANPRM Comment Period End	04/10/82	
NPRM	11/00/83	

Small Entity: Undetermined

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3605, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, 202 523-8061

RIN: 1218–AA20

GRAIN HANDLING FACILITIES

Priority: Agency Determination

Legal Authority: 29 USC 655(b); 33 USC 941

CFR Citation: 29 CFR 1910

Abstract: Employees in grain handling facilities (grain elevators, processing plants, and mills) are exposed to safety hazards associated with fires and explosions. Enforcement personnel have met with difficulties in the application of existing OSHA general industry standards to control these major hazards. OSHA is now developing a proposed standard for grain handling facilities.

Timetable:

Action	Date	FR Cite
ANPRM	02/15/80	45 FR 10732
ANPRM Comment Period End	03/24/80	
NPRM	06/00/83	

Small Entity: Yes

Agency Contact: **Barry White**, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3605, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-8061**

RIN: 1218–AA22

COMMERCIAL DIVING OPERATIONS: WHOLE STANDARD

Priority: Task Force

Legal Authority: 29 USC 655(b); 40 USC 333; 33 USC 941

CFR Citation: 29 CFR 1910

Abstract: The standard regulates commercial diving operations. It needs to be revised to provide more flexibility to small diving operations with regard to equipment use, medical fitness, and recordkeeping. In addition, other issues need to be resolved, including the issue of dual jurisdiction over diving operations which now exists between OSHA and the U.S. Coast Guard. The standard has been targeted for review by the President's Task Force on Regulatory Relief.

Timetable:

Action	Date	FR Cite
ANPRM	02/26/82	47 FR 8379
Extend comment period from 04/12/82	04/16/82	
ANPRM Comment Period End	06/14/82	
NPRM	12/00/83	

Small Entity: Undetermined

Agency Contact: **Barry White**, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3605, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-8061**

RIN: 1218–AA23

ELECTRICAL SAFETY - RELATED WORK PRACTICES

Priority: Agency Determination, Major

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910

Abstract: Standards are currently under review for the second part (Subpart S of Part 1910) of OSHA's electrical standard, which relates to Electrical Safety Related Work Practices.

Timetable:

Action	Date	FR Cite
NPRM	10/28/83	

Small Entity: Undetermined

Affected Sectors: All

Government Levels Affected: Local, State, Federal

Agency Contact: **Barry White**, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3605, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-8061**

RIN: 1218–AA32

POWERED PLATFORMS FOR EXTERIOR BUILDING MAINTENANCE

Priority: Agency Determination

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910

Abstract: The present standard, which requires positive engagement of a powered platform with a building face to provide stabilization, may need to be revised because many variance designs have been submitted which do not provide positive engagement of the platform, yet claim equal stability. The agency believes there may be merit to this claim.

Timetable:

Action	Date	FR Cite
ANPRM	02/11/83	48 FR 6368
ANPRM Comment Period Begin	02/11/83	48 FR 6368
ANPRM Comment Period End	03/14/83	
NPRM	11/00/83	

Small Entity: Undetermined

Agency Contact: **Barry White**, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3605, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-8061**

RIN: 1218–AA33

OIL AND GAS WELL DRILLING AND SERVICING

Priority: Agency Determination

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910

Abstract: Employees in oil and gas well drilling and servicing are exposed to a variety of safety hazards which are not specifically covered by present OSHA safety standards. It has proved difficult to apply the existing general industry standards to control the unique nature of this industry. OSHA is considering a standard which will address the unique problems of oil and gas well drilling and servicing.

Timetable:

Action	Date	FR Cite
NPRM	06/00/83	

Small Entity: Yes

Agency Contact: **Barry White**, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3605, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-8061**

RIN: 1218–AA34

EXCAVATIONS, TRENCHING AND SHORING

Priority: Agency Determination

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926

Abstract: This rule prescribes and recommends the minimum measures to be taken to protect employees from injury during excavation work. A revision of the existing rule is being considered because trench and excavation sidewall failures that have resulted in death and injury to workers continue in significant numbers. Claims that the standards are ambiguous and too restrictive, especially with respect to the type of soil involved, have also been made.

DOL—OSHA

Current and Projected Rulemakings

Timetable:

Action	Date	FR Cite
NPRM	08/00/83	

Small Entity: Undetermined

Agency Contact: **Barry White**, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3605, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-8061**

RIN: 1218–AA36

UNDERGROUND CONSTRUCTION (TUNNELS AND SHAFTS)

Priority: Agency Determination

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1910.800

Abstract: The existing standards may be revised to update the treatment of hazards of construction in underground locations such as tunnels, shafts, chambers, passageways and covered excavations. In some cases, the existing standard may be too restrictive. Additionally, some of the language is ambiguous.

Timetable:

Action	Date	FR Cite
NPRM	07/00/83	

Small Entity: No

Agency Contact: **Barry White**, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3605, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-8061**

RIN: 1218–AA38

ELECTRICAL STANDARDS - CONSTRUCTION

Priority: Agency Determination

Legal Authority: 29 USC 655(b); 40 USC 333, Sec 107

CFR Citation: 29 CFR 1926

Abstract: The current OSHA standard incorporates the old (1971) National Electrical Code by reference and is in need of updating. The agency is examining the rule in light of repeated criticisms that many details in the present standard either conflict with or limit the implementation of current construction practices.

Timetable:

Action	Date	FR Cite
NPRM	06/29/83	

Small Entity: No

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Agency Contact: **Barry White**, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3605, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-8061**

RIN: 1218–AA39

●ACCREDITATION OF TESTING LABORATORIES

Priority: Agency Determination

Legal Authority: 29 USC 655

CFR Citation: 29 CFR 1907

Abstract: This regulation established the criteria and procedures that OSHA would use to accredit testing laboratories desiring to test any equipment required to be "acceptable" to OSHA under its standards in 29 CFR Parts 1910, 1915, 1918 and 1926. To date, OSHA has not implemented this procedure, which was originally published in 1973 and proposed for revocation in June of 1974. OSHA intends to revise the regulation and has solicited information regarding the appropriate content, scope and format of a complete revision of 29 CFR Part 1907, and complementary changes to 29 CFR Part 1910 as may be necessary. Under the revision as currently envisioned, all qualified testing organizations (including those already specified in OSHA's standards) would be identified, thus allowing producers to utilize them for product testing. When the currently-specified testing organizations have been recognized also under the revised 1907 regulation, their names will be deleted from Parts 1910, etc. No new testing requirements or testing costs will be imposed under the revision.

Timetable:

Action	Date	FR Cite
ANPRM	01/04/83	48 FR 270
ANPRM Comment Period Begin	01/04/83	48 FR 7204
ANPRM Comment Period End	03/15/83	
NPRM	10/00/83	

Small Entity: No

Agency Contact: **Barry J. White**, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3605, FPBldg., 200 Constitution Ave., NW, Washington, D.C. 20210, **202 523-8061**

RIN: 1218–AA42

●MANUAL LIFTING

Priority: Undetermined

Legal Authority: 29 USC 655(b)

CFR Citation: Not yet determined

Abstract: The nation's number one injury problem is back injuries, where one of five compensation claims and one of four dollars expended for compensation occurs. The purpose of the proposed standard is to reduce the number of back related injuries which result from improper manual lifting. The standard may set upper limits on the weights of objects lifted as well as set time weighted averages to limit the amount of weight lifted through the course of a work shift. Specific engineering and administrative controls should reduce the pain, suffering and lost time of the workforce as well as reduce the associated economic costs.

Timetable:

Action	Date	FR Cite
ANPRM	05/01/83	

Small Entity: Undetermined

Agency Contact: **Barry White**, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, RM N3605 FPBldg., 200 Constitution Ave., NW, Washington, D.C. 20210, **202 523-7202**

RIN: 1218–AA43

HEALTH HAZARDS OF CHEMICALS IN LABORATORIES

Legal Authority: 29 USC 655(b)

CFR Citation: Not yet determined

Abstract: Existing OSHA standards are designed to protect employees who are engaged in work involving exposure to only a few toxic chemicals during relatively standardized, continuous or repetitive processes. In contrast, laboratory workers are exposed to a multitude of toxic substances under frequently changing or unpredictable conditions. OSHA will examine whether prudent work practices and protective equipment, chosen for the specific facility and task, are more effective, feasible and economical for laboratory work than adhering to OSHA's current substance-specific exposure standards.

Timetable:

Action	Date	FR Cite
ANPRM	04/14/81	46 FR 21785
ANPRM Comment Period End	07/15/81	
NPRM	07/00/83	

Small Entity: Undetermined

Agency Contact: Dr. Leonard Vance, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3718, FPBldg., 200 Constitution Ave, NW, Washington, DC 20210, **202 523-7075**

RIN: 1218–AA00

LEAD - COVERAGE OF THE STEVEDORING INDUSTRY

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.1025

Abstract: Circumstances unique to the stevedoring industry may make the application of the OSHA Lead Standard, in its present form, inappropriate. Therefore, OSHA has proposed to exempt this industry or to administratively stay application of the entire standard to this industry while the Agency examines (1) whether the stevedoring industry should be subject to this, or any lead standard and (2) if the industry should be subject to a different lead standard, what form that standard should take.

Timetable:

Action	Date	FR Cite
NPRM	02/26/82	47 FR 8381
NPRM Comment Period End	03/29/82	

Next Action Undetermined

Small Entity: No

Agency Contact: Dr. Leonard Vance, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3718, FPBldg., 200 Constitution Ave., NW, Washington, DC 20210, **202 523-7075**

RIN: 1218–AA13

ACCESS TO EMPLOYEE EXPOSURE AND MEDICAL RECORDS

Legal Authority: 29 USC 655(b); 29 USC 657

CFR Citation: 29 CFR 1910.20

Abstract: The regulation, promulgated in May, 1980 (45 FR 35212), requires employers to preserve and maintain exposure and medical records pertinent to an employee's occupational exposure to toxic substances, and to assure access to these records by employees, designated employee representatives, and OSHA. OSHA has reviewed the regulation and has proposed certain modifications including revision of the definitions of "toxic substance" and "exposure records", changes in the scope and application of the regulation and additional trade secret protection provisions.

Timetable:

Action	Date	FR Cite
NPRM	07/13/82	47 FR 30420
Washington, DC hearing	07/13/82	
Notices of intent for hearing due	09/14/82	
NPRM Comment Period End	09/21/82	
Hearing presentations due	09/21/82	
Final Action	06/00/83	

Small Entity: Undetermined

Agency Contact: Dr. Leonard Vance, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3718, FPBldg., 200 Constitution Ave., NW, Washington, DC 20210, **202 523-7075**

RIN: 1218–AA15

●FIELD SANITATION

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1928

Abstract: OSHA is considering amending 29 CFR 1928 (Standards for Agriculture) to require employers to provide sanitation facilities for agricultural employees working in the field. OSHA is taking this action in compliance with an order of the District Court for the District of Columbia and a negotiated settlement with the Migrant Legal Action Program which requires the Agency to make a good faith effort to complete a field sanitation standard or to publish a determination that no such standard is needed.

Timetable:

Action	Date	FR Cite
NPRM	01/00/83	
ANPRM	03/01/83	48 FR 8495
ANPRM Comment Period Begin	03/01/83	
ANPRM Comment Period End	05/02/83	

Small Entity: Undetermined

Agency Contact: Dr. Leonard Vance, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3718, FPBldg., 200 Constitution Ave., NW, Washington, DC 20210, **202 523-7075**

RIN: 1218–AA44

REVOCATION OF ADVISORY AND REPETITIVE STANDARDS

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910

Abstract: There are a number of subject areas now presently covered by a "should" provision. Because of numerous court decisions holding that these rules are only advisory, OSHA has been precluded from enforcing abatement of associated hazards. The revocation of these provisions as well as some duplicative standards will aid in clarifying the General Industry Standards.

Timetable:

Action	Date	FR Cite
NPRM	05/28/82	47 FR 23477
Notice correcting NPRM	06/08/82	47 FR 24751
Notice correcting NPRM	06/15/82	47 FR 25743
NPRM Comment Period End	07/27/82	
Extend NPRM com period to 09/10/82	08/10/82	47 FR 34577
Final Action	06/00/83	

Small Entity: No

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3605, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-8061**

RIN: 1218–AA19

MULTI- AND SINGLE-PIECE RIM WHEELS

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.177

Abstract: OSHA is proposing to amend section 1910.177, Servicing Multi-Piece Rim Wheels, to include the servicing of single-piece rim wheels. A review of injuries incurred by employees servicing single-piece rim wheels indicates risks comparable to those associated with servicing multi-piece rim wheels prior to the issuance of section 1910.177. The proposed amendment, if adopted, would require employee training, both initial and periodic refresher, the use of clip-on chucks and observance of prohibited areas while inflating single-piece rim wheels,

correct matching of tires and wheels, and adherence to safe servicing procedures. It is expected that the cost of the regulation would be minimal.

Timetable:

Action	Date	FR Cite
NPRM	11/12/82	47 FR 51159
NPRM Comment Period Begin	11/12/82	47 FR 57739
NPRM Comment Period End	01/26/83	
Final Action	09/00/83	

Small Entity: No

Agency Contact: **Barry White**, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3605, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-8061**

RIN: 1218–AA21

STATE PLAN BENCHMARKS

Legal Authority: PL 91-596, Sec 8(g); PL 91-596, Sec 18; PL 97-377 Fiscal 1983 Continuing Resolution

CFR Citation: 29 CFR 1902

Abstract: The proposed rule will allow OSHA to grant final approval under Section 18(e) of the Act to eligible States when their compliance staffing is equivalent to Federal staffing. This action has been precluded for the past four years because of "benchmark" staffing requirements established in response to a 1978 Court decision and order. Through FY 1982 Supplemental Appropriations action (PL 97-257), Congress has required the modification of these previously established benchmarks and established the principle that State staffing need only be equivalent to current comparable Federal staffing. The proposed rule published 11/05/82 (47 FR 50307) gave notice of the actual required benchmark modifications for each State operating an approved State plan. On the basis of the Fiscal Year 1983 Continuing Resolution, enacted in December 1982, OSHA is precluded from pursuing this specific regulatory initiative and is holding further action in abeyance.

Timetable:

Action	Date	FR Cite
NPRM	11/05/82	47 FR 50307
NPRM Comment Period End	12/06/82	

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: **Bruce Hillenbrand**, Act. Dir., Fed. Comp. & State Programs, Department of Labor, Occupational Safety and Health Administration, Rm S4004, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-8021**

RIN: 1218–AA25

DEPARTMENT OF LABOR (DOL)
Occupational Safety and Health Administration (OSHA)

Existing Regulations Under Review

ASBESTOS

Priority: Major

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1910.1001

Abstract: OSHA contemplates revising this rule because NIOSH and other sources have provided data to OSHA indicating that the present OSHA permissible exposure limit (PEL) may not adequately protect workers from asbestos-related diseases. The revision may include a change in the PEL and modification of other requirements to assure that industry compliance is achieved in the most cost-effective way.

Timetable:

Action	Date	FR Cite
End Review	04/00/83	

Small Entity: Yes

Agency Contact: **Dr. Leonard Vance**, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3718, FPBldg., 200 Constitution Ave., NW, Washington, DC 20210, **202 523-7075**

RIN: 1218–AA26

HAZARDOUS MATERIALS

Priority: Agency Determination

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910

Abstract: The present Subpart H, Hazardous Materials, standard is out of date and in some respects is oriented towards public safety and property protection. OSHA has been petitioned to cover many other hazardous materials operations where presently it has no standards.

Timetable:

Action	Date	FR Cite
ANPRM	01/23/81	46 FR 7692
ANPRM Comment Period Begin	01/23/81	46 FR 7692
ANPRM Comment Period End	02/01/82	
End Review	00/00/00	

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: **Barry White**, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3605, FPBldg., 200 Constitution Ave, NW, Washington, DC 20210, **202 523-8061**

RIN: 1218–AA31

FLOOR AND WALL OPENINGS, AND STAIRWAYS

Priority: Agency Determination

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926

Abstract: The existing standard is being reviewed because it is poorly formatted, ambiguous, omits coverage of several areas needing fall protection and is misnamed. The standard has resulted in industry and trade confusion as well as compliance officer misapplication because of its present format and language.

Timetable:

Action	Date	FR Cite
End Review	06/00/83	
NPRM	09/00/83	

Small Entity: Undetermined

Agency Contact: **Barry White**, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3605, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-8061**

RIN: 1218–AA37

LADDERS AND SCAFFOLDS

Priority: Agency Determination

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926

DOL—OSHA

Existing Regulations Under Review

Abstract: Several significant problem areas in this rule are being reviewed: (1) the maximum distance between the scaffold and the wall; (2) whether cross-bracing may be used in lieu of guardrails; (3) whether cross-bracing may be used as ladders.

Timetable:

Action	Date	FR Cite
End Review	05/00/83	
NPRM	09/00/83	

Small Entity: Undetermined

Agency Contact: **Barry White**, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3605, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-8061**

RIN: 1218-AA40

NONIONIZING RADIATION

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.97

Abstract: The current rule needs revision because it states that it is a guide and uses the advisory words "should" and "recommended" in its provisions. Hence it has been construed to be advisory and unenforceable. It is necessary to implement an enforceable standard because the hazards of exposure above the currently recommended level are widely accepted. Also, the ever increasing use of radio frequency radiation emitting devices has produced strong public and congressional concern.

Timetable:

Action	Date	FR Cite
End Review	08/00/83	

Small Entity: Undetermined

Agency Contact: **Dr. Leonard Vance**, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3718, FPBldg., 200 Constitution Ave., NW, Washington, DC 20210, **202 523-7075**

RIN: 1218-AA27

IONIZING RADIATION

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.96

Abstract: A number of different federal agencies have responsibility for regulating occupational exposure to ionizing radiation. OSHA is reviewing its regulations to insure that they remain consistent with other federal agencies' regulations. OSHA is participating in a number of interagency activities with regard to ionizing radiation. Although the review is continuing, OSHA does not anticipate publication of any rulemaking documents within the next six months.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: **Dr. Leonard Vance**, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3718, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-7075**

RIN: 1218-AA30

DEPARTMENT OF LABOR (DOL)

Occupational Safety and Health Administration (OSHA)

Completed Actions

COMPLETED RULEMAKINGS

COMMERCIAL DIVING OPERATIONS: EXEMPTIONS

Priority: Agency Determination, Major, Task Force

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910

Abstract: The OSHA standard for commercial diving operations does not exempt diving operations performed solely for marine scientific research and development purposes by educational institutions. However, the U.S. Coast Guard standard, which is similar in content to the OSHA standard, does exempt educational/scientific diving. Therefore, OSHA is in this notice proposing an exemption for educational/scientific diving which is identical to that which is presently contained in the U.S. Coast Guard's standard for commercial diving operations (46 CFR Part 197). The commercial diving operations standard has been targeted for review by the President's Task Force on Regulatory Relief. Additionally, interested parties were given until 04/26/82 to file objections to the NPRM and request an informal hearing. Hearings were in June and July 1982.

Timetable:

Action	Date	FR Cite
ANPRM	08/17/79	44 FR 48274
ANPRM Comment Period End	10/15/79	
NPRM	03/26/82	47 FR 13005
NPRM Comment Period End	05/10/82	
Extend comment period to 06/18/82	05/28/82	47 FR 22972
Final Action	11/26/82	47 FR 53357
Final Action Effective	11/26/82	

Small Entity: No

Agency Contact: **Barry White**, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3605, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-8061**

RIN: 1218-AA24

DEFINITION OF COAL TAR PITCH VOLATILES

Legal Authority: 29 USC 655(b); 29 USC 657(g)

CFR Citation: 29 CFR 1910.1002

Abstract: OSHA has modified its interpretation of the term "coal tar pitch volatiles" in 29 CFR 1910.1002 to make it clear that the standard does not cover petroleum asphalt.

Timetable:

Action	Date	FR Cite
NPRM	05/28/82	47 FR 23482
NPRM Comment Period End	08/26/82	
Final Action	01/21/83	49 FR 2764
Final Action Effective	02/22/83	

Small Entity: No

Government Levels Affected: State, Federal

Agency Contact: **Dr. Leonard Vance**, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3718, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-7075**

RIN: 1218-AA04

INORGANIC ARSENIC

Legal Authority: 29 USC 655(b)

DOL—OSHA

Completed Actions

CFR Citation: 29 CFR 1910.1018

Abstract: In 1978, OSHA issued a new regulation reducing the permissible limit for employee exposure to arsenic. Because of the Supreme Court's decision in Industrial Union Department v. American Petroleum Institute, 448 U.S. 607 (1980), the Ninth Circuit Court of Appeals remanded the standard to the Agency to make findings with regard to the significance of risk of exposure to inorganic arsenic in the workplace. On 04/09/82 (47 FR 15358), OSHA published a notice reopening the inorganic arsenic rulemaking record for the purpose of receiving evidence and making findings on the degree of risk from occupational exposure to arsenic and the significance of that risk. Public hearings were held 07/13-07/16/82. On 01/14/83 (48 FR 1864), OSHA published a Supplemental Statement of Reasons for the Final Rule and forwarded its findings regarding risk to the Ninth Circuit Court. OSHA is awaiting the Court's decision in this matter.

Timetable:

Action	Date	FR Cite
NPRM	04/09/82	47 FR 15358
NPRM Comment Period End	06/16/82	
Informal hearing	07/13/82	
Public record closed	09/03/82	
Final Action	01/14/83	48 FR 1864
Final Action Effective	01/14/83	

Small Entity: No

Agency Contact: Dr. Leonard Vance, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3718, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, 202 523-7075

RIN: 1218–AA07

PERSONAL SAMPLING DEVICES

Legal Authority: 29 USC 657(a); 29 USC 657(g)(2)

CFR Citation: 29 CFR 1903.7

Abstract: OSHA has amended 29 CFR 1903.7 to expressly authorize compliance officers to use personal sampling devices and to attach such devices to employees during the conduct of workplace inspections. This amendment is necessitated by conflicting judicial decisions as to whether the former regulation provided sufficient authorization for OSHA to use personal sampling devices.

Timetable:

Action	Date	FR Cite
NPRM	02/12/82	47 FR 6530
NPRM Comment Period End	04/13/82	
Final Action	12/10/82	47 FR 55476
Final Action Effective	01/10/83	

Small Entity: No

Agency Contact: Dr. Leonard Vance, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3718, FPBldg., 200 Constitution Ave., NW, Washington, DC 20210, 202 523-7075

RIN: 1218–AA10

LEAD - STAY OF COMPLIANCE PLAN PROVISIONS FOR 3 MAJOR INDUSTRIES

Legal Authority: 29 USC 655; 29 USC 657

CFR Citation: 29 CFR 1910.1025(e)(3)(ii)(B); 29 CFR 1910.1025(e)(3)(ii)(E)

Abstract: Under the provisions of the lead standard, employers must establish and implement written compliance programs. Such programs describe the means by which the employer intends to reduce employee exposure to lead to or below the permissible exposure limit (or the interim level) by using engineering and work practice controls in accordance with the implementation schedule specified in the standard. Because the outcome of OSHA's current reconsideration of the lead standard (see 1218-AA11) may render unnecessary some or all of the expenditures required by these provisions, OSHA has administratively stayed these requirements for the primary and secondary lead smelting and battery manufacturing industries, the three industries for which the current standard was upheld in the courts. OSHA believes that a stay pending the reconsideration would prevent wasteful expenditures without adversely affecting worker health.

Timetable:

Action	Date	FR Cite
Notice of administrative stay	06/18/82	47 FR 26560
Comments on stay due	07/19/82	47 FR 26557
Effective date deferred to 08/30/82	09/14/82	47 FR 40410
Final administrative stay	12/03/82	47 FR 54433
Final Action	12/03/82	47 FR 54433

Small Entity: No

Agency Contact: Dr. Leonard Vance, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3718, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, 202 523-7075

RIN: 1218–AA12

LEAD - AMENDMENT OF FIT TESTING REQUIREMENTS

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.1025(f)(3)(ii)

Abstract: The 1978 OSHA lead standard required the use of quantitative fit testing (QNFT), a method for numerically measuring facepiece seal leakage, on all users of negative pressure respirators. New information indicates that certain types of qualitative fit testing (QLFT), a method that relies on the wearer's subjective response to pressure, an irritant fume or a substance with a characteristic odor or taste, may be adequate to determine the fit of negative pressure respirators. On 05/19/81 (46 FR 27358) OSHA proposed an interim rule to permit the use of specified forms of QLFT.

Timetable:

Action	Date	FR Cite
NPRM	05/19/81	46 FR 27358
Extend NPRM comment per to 08/04/81	05/19/81	46 FR 35683
Further extend comment period	07/10/81	
Washington, DC public hearings	09/23/81	
NPRM Comment Period End	11/13/81	
Final Action	11/12/82	47 FR 51110

Small Entity: Yes

Agency Contact: Dr. Leonard Vance, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3718, FPBldg., 200 Constitution Ave., NW, Washington, DC 20210, 202 523-7075

RIN: 1218–AA14

RECORDKEEPING

Legal Authority: 29 USC 657(g)

CFR Citation: 29 CFR 1904.2; 29 CFR 1904.4; 29 CFR 1904.6; 29 CFR 1904.5; 29 CFR 1904.7

Abstract: OSHA has amended 29 CFR 1904 to exempt certain employer establishments from requirements to: (1) Maintain, retain and provide access to the log and summary

DOL—OSHA

Completed Actions

of occupational injuries and illnesses (29 CFR 1904.2, 1904.6 and 1904.7); (2) maintain, retain and make available for inspection the supplementary record of occupational injuries and illnesses (29 CFR 1904.4 and 1904.6); and (3) post the annual summary of occupational injuries and illnesses for each establishment (29 CFR 1904.5). OSHA has exempted employer establishments in the following Standard Industrial Classifications (SICs): SICs 52-59 (Retail Trades, except SICs 52-54); SICs 60-67 (Finance, Insurance and Real Estate); and SICs 70-89 (Services, except SICs 70, 75, 76, 79 and 80). This action is part of OSHA's continuing effort to reduce the recordkeeping burden on employers.

Timetable:

Action	Date	FR Cite
NPRM	06/04/82	47 FR 24346
NPRM Comment Period End	07/06/82	
Final Action	12/28/82	47 FR 57699
Final Action Effective	01/01/83	

Small Entity: Yes

Agency Contact: Dr. Leonard Vance, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3718, FPBldg., 200 Constitution Ave., NW, Washington, DC 20210, **202 523-7075**

RIN: 1218-AA16

MECHANICAL POWER TRANSMISSION APPARATUS

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910

Abstract: The current standard may need to be revised because it emphasizes line shafting, belt and pulley systems that are alleged to be obsolete. The current standard also overlaps with other rules. In addition, the standard could be made more "performance" oriented than it is now. No action planned in next 12 months.

Timetable:

Action	Date	FR Cite
Withdrawn	03/15/83	

Small Entity: Undetermined

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3605, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-8061**

RIN: 1218-AA35

CONVEYORS

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910

Abstract: This rule would specify general work practice requirements, guarding requirements and provisions for safeguarding during repairs, tests and services. A notice of proposed rulemaking was published on 06/03/74 (39 FR 19507) with comments due by 06/30/81. Following a public hearing in 10/74, the project was dormant until 11/14/80 when a notice to reopen the record was published (45 FR 75238). A notice to schedule a public hearing and extend the comment period was published on 01/16/81 (46 FR 3916). On 04/10/81 a notice (46 FR 21368) was published to cancel the public hearings, schedule public meetings, and propose the addition of non-mandatory appendices. Public meetings were held in 05/81 and the public comment period ended 06/30/81. Industry contended the standard was unnecessarily excessive and not needed. At this time, it has not been determined whether further regulatory action will be undertaken within the next year. No action planned in next 12 months.

Timetable:

Action	Date	FR Cite
Withdrawn	03/15/83	

Small Entity: Undetermined

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3605, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-8061**

RIN: 1218-AA41

[FR Doc. 83-9564 Filed 4-22-83; 8:45 am]

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Part XIII

Department of State

Semiannual Agenda of Regulations and Regulatory Flexibility Agenda

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[Public Notice 852]

Semiannual Agenda of Regulations and Regulatory Flexibility Agenda

AGENCY: Department of State.

ACTION: Publication of Regulatory Agenda.

SUMMARY: As required by Executive Order 12291 and OMB Bulletin No. 83-8, the April 1983 agenda of regulations of the Department of State is set forth below. The agenda also contains regulatory flexibility information required by the Regulatory Flexibility Act of 1980 (Pub. L. 96-354).

FOR FURTHER INFORMATION CONTACT: K. E. Malmborg, Assistant Legal Adviser for Management, Department of State, Room 4427A, 2201 C Street, NW, Washington, D.C. 20520, telephone (202) 632-2350.

DATED: March 8, 1983.

Jerome W. Van Gorkom,

Under Secretary for Management.

DEPARTMENT OF STATE (STATE) — Current and Projected Rulemakings

FOREIGN MISSIONS ACT REGULATIONS.

Priority: Agency Determination

Legal Authority: 22 USC 4301 et seq

CFR Citation: Not yet determined

Abstract: The Foreign Missions Act creates certain authorities for the Secretary of State relating to the regulation of foreign missions, diplomatic, consular, and international organization. Exercise of those authorities could involve restricting or controlling the access of such missions to American vendors of goods and services. Exercise of other authorities in the Foreign Missions Act could affect the location of premises of foreign missions. The regulations under consideration would provide procedures for exercise of these authorities. These regulations are at the stage of preliminary consideration. No timetable has been established.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: **Walter F. Weiss**, Deputy Assistant Secretary for Operations, Department of State, 2201 C Street, NW, Washington, DC 20520, **202 632-1638**

RIN: 1400-AA00

INTERGOVERNMENTAL REVIEW OF FEDERAL PROGRAMS.

Legal Authority: EO 12372

CFR Citation: Not yet determined

Abstract: To implement the requirements of EO 12372 (47 FR 30959), which is designed to foster an intergovernmental partnership and a strengthened federalism by relying on State and local processes for the State and local government coordination and review of proposed Federal financial assistance and direct Federal development.

Timetable:

Action	Date	FR Cite
Exclusion proposed	01/17/82	48 FR 3183
Next Action Undetermined		

Small Entity: No

Agency Contact: **Ely Maurer**, Assistant Legal Adviser, Department of State, Educational, Cultural and Public Affairs, 2201 C STreet, NW, Washington, DC 20520, **202 632-2682**

RIN: 1400-AA01

DEPARTMENT OF STATE (STATE) — Existing Regulations Under Review

INTERNATIONAL TRAFFIC IN ARMS.

Priority: Agency Determination

Legal Authority: 22 USC 2757 et seq The Arms Export Control Act

CFR Citation: 22 CFR 121 to 128; 22 CFR 130

Abstract: The proposed International Traffic in Arms Regulations (ITAR) referred to in the October Semiannual Agenda (47 FR 48559, October 28, 1982) have been revised and are to be coordinated with other interested agencies before published as a proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	05/15/83	
NPRM Comment Period Begin	07/15/83	

Small Entity: No

Agency Contact: **William B. Robinson**, Director, Department of State, Office of Munition Control, 2201 C Street, NW, Washington, DC 20520, **202 632-9755**

RIN: 1400-AA02

[FR Doc. 83-9565 Filed 4-22-83; 8:45 am]

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Part XIV

Department Of Transportation

Office of the Secretary

Department Regulations Agenda; Semi-Annual Summary

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Ch. 1

23 CFR Chs. I and II

33 CFR Chs. I and IV

41 CFR Ch. 12

46 CFR Chs. I and III

49 CFR Subtitle A, Chs. I-VI

[OST Docket No. 59; Notice 80-2]

Department Regulations Agenda; Semi-Annual Summary

AGENCY: Department of Transportation

ACTION: Department Regulations Agenda

SUMMARY: The Regulations Agenda is a semi-annual summary of all current and projected rulemakings, reviews of existing regulations and completed actions of the Department. These are matters on which action has begun or is projected during the succeeding 12 months or such longer period as may be anticipated, or for which action has been completed since the last Agenda. The Agenda provides the public with information about the Department of Transportation's regulatory activity. It is expected that this information will enable the public to be more aware of, and allow it to more effectively participate in, the Department's regulatory activity.

ADDRESSES: The mailing address for the initiating offices of the Department which appear in the Agenda are 400 Seventh Street, S.W., Washington, D.C. 20590, except for the Federal Aviation Administration and the St. Lawrence Seaway Development Corporation, which are located at 800 Independence Avenue, S.W., Washington, D.C. 20591, and the U.S. Coast Guard, which is located at 2100 Second Street, S.W., Washington, D.C. 20593.

FOR FURTHER INFORMATION CONTACT:

General

For further information on the Agenda, in general, contact: Neil R. Eisner, Assistant General Counsel for Regulation and Enforcement, Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590, 202-426-4723.

Specific

For further information about any particular item on the Agenda, contact the individual listed in the column headed "Agency Contact" for that item.

SUPPLEMENTARY INFORMATION:

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- Background
- Definitions
- Regulatory Flexibility Act
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- Request for Comments
- Purpose

Agenda

Appendix A - Instructions for Obtaining Copies of Regulatory Documents

Appendix B - General Rulemaking Contact Persons

Appendix C - Public Rulemaking Dockets

Appendix D - Innovative Regulatory Techniques

Background

Improvement of government regulations is a prime goal of the Reagan Administration. There should be no more regulations than necessary, and those that are issued should be simpler, more comprehensible, and less burdensome. Regulations should not be issued without appropriate involvement of the public; once issued, they should be periodically reviewed and revised, as needed, to assure that they continue to meet the needs for which they originally were designed.

To help the Department of Transportation ("Department") achieve these goals, and in accordance with Executive Order 12291 ("Federal Regulation"; 46 FR 13193; February 19, 1981) and the Department's Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), the Department prepares a semi-annual Regulations Agenda for publication in the **Federal Register**. The Agenda summarizes all current and projected rulemaking, reviews of existing regulations and completed actions of the Department. These are matters on which action has begun or is projected during the succeeding 12 months or such longer period as may be anticipated or for which action has been completed since the last Agenda.

The Agendas are based on reports submitted by the initiating offices by the beginning of February and August each year. After these reports are consolidated for, and reviewed by, the Department Regulations Council, the Department's Regulations Agenda is prepared and published in the **Federal Register**. The Department's last Agenda was published in the **Federal Register** on October 26, 1982 (47 FR 48562). The next one is scheduled for publication in the **Federal Register** in October 1983.

Regulatory Flexibility Act

In 1980, Congress passed the Regulatory Flexibility Act (RFA), P.L. 96-354, which requires the designation of those regulations for which a Regulatory Flexibility Analysis will be prepared, i.e., those regulations that would have a significant economic impact on a substantial number of small entities. The symbol "†" appears at the left margin, prior to the title, for each significant and nonsignificant regulation in this Agenda for which a Regulatory Flexibility Analysis will be, or has been, prescribed. In addition, where the RFA applies to a significant regulation in this Agenda, that fact is noted in the regulation's summary under subheading E, "Analysis," by the addition of a slash (/) after the words "Regulatory Evaluation" or "Regulatory Impact Analysis," followed by the words "Regulatory Flexiblity Analysis." In addition, subheading D. "Effects on Small Entities" will indicate whether a Regulatory Flexibility Analysis is required by a "yes" or a "no."

The RFA also requires that each year the Department publish a list of those regulations that have a significant economic impact on a substantial number of small entities and are to be reviewed under the Act during the succeeding twelve months. The agenda includes those regulations to be reviewed under the RFA or those for which review has been concluded since the last Agenda. The symbol "†" also will appear in the left margin, prior to the title, and a "yes" or "no" will be found under subheading D, for each such regulation. It should be noted, however, that after a preliminary assessment of the regulations listed for RFA review, it may be found that the regulations, in fact, do not have a significant economic impact on a substantial number of small entities and a full RFA review will be unnecessary.

Definitions

The Agenda covers all rules and regulations of the Department, including those that establish conditions for financial assistance. The following definitions are provided for ease in understanding the information in this document.

(1) *Initiating office* means an operating administration or other organizational element within the Department, the head of which is authorized by law or delegation to issue

regulations or to formulate regulations for issuance by the Secretary.

(2) *Significant regulation* means a regulation that is not an emergency regulation and that in the judgment of the head of the initiating office, or the Secretary, or the Deputy Secretary -

(a) Is a major regulation;

(b) Concerns a matter on which there is substantial public interest or controversy;

(c) Has a major impact on another operating administration or other parts of the Department or other Federal Agency;

(d) Has a substantial effect on State and local governments;

(e) Has a substantial impact on a major transporation safety problem;

(f) Initiates a substantial regulatory program or change in policy;

(g) Is substantially different from international requirements or standards; or

(h) Otherwise involves important Department policy.

(3) *Major regulation* means a significant regulation for which a Regulatory Impact Analysis is required to be prepared.

(4) *Emergency regulation* means (a) a regulation that, in the judgment of the head of the initiating office, circumstances require to be issued without notice and opportunity for public comment or made effective in less than 30 days after publication in the Federal Register; or (b) is governed by short-term statutory or judicial deadlines.

(5) *Nonsignificant regulation* means a regulation that, in the judgment of the head of the initiating office, is neither a significant nor an emergency regulation.

A preliminary and final Regulatory Impact Analysis is required for each proposed and final regulation, respectively that

(1) is likely to result in:

(a) An annual effect on the economy of $100 million or more;

(b) A major effect on the general economy in terms of costs, consumer prices, or production;

(c) A major increase in costs or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions;

(d) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets; or

(2) The Secretary or head of the initiating office determines deserves such an analysis.

Explanation of Information on the Agenda

In accordance with Office of Management and Budget Bulletin No. 83-8 (December 15, 1982), it has been necessary for us to revise the headings under which the information on our Agenda is presented. The following describes our new system.

The Regulations Agenda is divided by initiating offices. For each initiating office the Agenda is divided into three categories: (1) current and projected rulemakings, (2) reviews of existing regulations, and (3) completed actions. These categories are further subdivided into priority rulemakings (or regulations) and other rulemakings. Priority rulemakings are divided into major and non-major, with non-major including all significant rulemakings that do not require a regulatory impact analysis. The "other rulemakings" include all those defined by the Department as nonsignificant, including the routine and frequent rulemakings. For each entry, the Agenda provides the following information: (1) a short descriptive title; (2) a summary; and (3) a timetable, including the earliest expected date for a decision on whether to issue the proposed or final regulation, or complete the review and determine the corrective action to be taken. (The action taken can be revocation or revision of the regulation, or it can be a determination that no regulatory action is necessary because the regulation is found to be achieving its goals and the goals and objectives of Executive Order 12291 and the Department's Regulatory Policies and Procedures.)

The summary includes: (1) an abstract of the review or the proposed or final regulation; (2) the related regulatory citation in the Code of Federal Regulations; (3) the legal basis for the action being taken or the regulation being reviewed; and (4) a statement as to whether the Regulatory Flexibility Act applies because of the rulemaking's effect on small entities. It also includes (5) a listing of any analyses an initiating office will prepare or has prepared for the rulemaking document; e.g., a Regulatory Impact Analysis or Evaluation, an Environmental Impact Statement (EIS), a Regulatory Flexibility Analysis, or an Urban Impact Analysis. It should be noted that, even though a Regulatory Impact Analysis is not required for some items on the Agenda, the Department requires an economic analysis for all of its regulations. This economic analysis is contained in the Regulatory Evaluation. (6) If there is information that does not fit in the above categories, it will be included under a separate heading, entitled "Additional Information". Finally, for each entry, the summary includes (7), an agency contact office or official who can provide further information, including advice on how to obtain documents referenced in the Agenda.

For nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements (such as the Federal Aviation Administration's Airspace Rules) to keep those requirements operationally current, only the general category of the regulations, the identity of a contact office or official, and an indication of the expected number of regulations are included; individual regulations are not listed.

If a regulatory docket number has already been established, it is contained in parentheses immediately following the short descriptive title of the rulemaking. If a member of the public desires further information regarding a particular proposal or regulation, reference should be made to this docket number. The Federal Highway Administration also provides an FHPM number at this point for easier reference by those who use the Federal-aid Highway Program Manual (FHPM). The numbers following the FHPM represent, respectively, the volume, chapter, section and subsection at which the material is located in the FHPM.

In the "Timetable" column, abbreviations are used to indicate the particular documents being considered for issuance by that date. ANPRM stands for Advance Notice of Proposed Rulemaking, SNPRM for Supplemental Notice of Proposed Rulemaking, NPRM for Notice of Proposed Rulemaking, and FR for Final Rule. Listing a future date in this column is not an indication that a proposal or a final rule will be issued on that date; it is the earliest date on which a decision is expected to be made on whether to issue the document listed. Submittal of any proposed or final rule to the Office of Management and Budget for review, under Executive Order 12291, must follow such a decision. For major rules, this review could take 60 days or more. If any document is issued, publication in the Federal Register would follow within a few days. In addition, these dates are based on current schedules. Subsequently received information could result in a decision not to take regulatory action or in changes to proposed publication dates. For example, the need for further evaluation could result in a later publication date; evidence of a greater need for the regulation could result in an earlier publication date.

It should be noted that some of the items on the Agenda result from programs that were established to review existing regulations and revoke or revise those regulations that the initiating office determined were not achieving their intended purpose. Projects under regulatory development that resulted from a review of existing regulations to determine whether they should be revoked or revised are preceded by the word "Review" in the "Title" column. Because some reviews can be large-scale undertakings, and because there are already a number of these in the regulatory development process, the Department thought it would provide the public with valuable information if it indicated not only which regulatory reviews are under consideration but also which reviews have now reached the stage where proposed revisions are being, or have been, prepared. The number of regulatory projects that an initiating office can handle is limited by available resources. Therefore, the number of projects in the regulatory development stage may limit the number of reviews that can be added.

General

To allow for easier use of the Agenda and for quick comparison with earlier Agendas, the Department has instituted the following additional procedures in the Agenda: (1) Items listed on the Agenda retain the same order in each semi-annual publication. If subheadings are used within an initiating office's listing, then the same order is retained within each subheading. (2) New items generally are added at the end of the appropriate portion of the Agenda and are identified by an asterisk ("*") on the left side of the "Title" when first added. (3) New substantive information added to items that were on an earlier Agenda is printed in italics.

Mailing Lists for Regulatory Documents

To assist the public in obtaining regulatory documents issued within the Department of Transportation, an Appendix A has been included in this document. The appendix contains instructions on how to be placed on mailing lists for copies of regulatory documents, including the Department's Semi-Annual Regulations Agenda, issued by the operating administrations of the Department and the Office of the Secretary. There is no charge for this service; however, because of the costs involved, the number of copies of a document forwarded to an individual requestor may be limited. Persons already on mailing lists for particular documents within the Department will remain on those lists and should not reapply.

By following the instructions specified in the appendix, a person can be placed on a mailing list for future copies of the Department's Regulations Agenda, which will be updated and published in the **Federal Register** every year during April and October. By using the Agenda, individuals can determine which Notice or Advance Notice of Proposed Rulemaking, to be issued by elements of the Department, is of interest to them. Then, using the instructions in the appendix, such persons also can be placed on a mailing list to ensure that, after the document of interest is issued, a copy will be mailed to them for their review and comment. In this way, individuals will be relieved of the burden of having to review the **Federal Register**, perhaps on a daily basis. The Department expects that this process will ensure that those people placed on mailing lists will receive early notice so that their views on the document can be adequately prepared and presented within the established comment period.

General Rulemaking Contact Persons

To assist persons desiring to obtain general information concerning the rulemaking process within the Department's operating administrations, an Appendix B has been added to the Agenda. This appendix sets forth the addresses and the telephone numbers of the persons who can respond quickly to requests for general rulemaking information. Please note, however, that questions related to particular rulemaking actions should still be referred to the contact person listed with the particular rulemaking on the Agenda.

Public Rulemaking Dockets

To facilitate the inspection of docket files and the submission of comments by the public, an Appendix C sets forth the addresses and working hours for the Rules Docket for each operating administration.

Request for Comments

Agenda

Our Agenda is intended primarily for the use of the public. In each of the Agendas that we have issued, we have made modifications and refinements that we believe provide the public with more helpful information as well as make the Agenda easier to use. We would now like to ask you, the public, to make suggestions or comments on how the Agenda could be further improved. For example, do you find the information presented in an easily understandable manner? Do you find it easy to follow a regulation's development from Agenda to Agenda? Do you find that the format for setting out the information enables you to use the Agenda easily? Do you find that the explanation of the information in the Agenda is clearly explained in the preamble to the Agenda? Your responses to these questions or any other comments or suggestions you may have should be sent to Neil R. Eisner, whose address appears above.

Reviews

In an effort to comply further with the spirit of Executive Order 12291 and the Regulatory Flexibility Act, we are also seeking suggestions on existing regulations that should be included in our review of existing regulations list; that is, which existing regulations issued by an operating administration of the Department or the Office of the Secretary do you believe need to be reviewed to determine whether they should be revised or revoked? The Department is particularly interested in obtaining information on requirements that have a "significant economic impact on small entities" and therefore, must be reviewed under the Regulatory Flexibility Act. If you have any suggested regulations, please send them, along with your explanation of why they should be reviewed, to the concerned operating administration or the Office of the Secretary, at the appropriate address noted in the "Addresses" paragraph above.

In accordance with the Regulatory Flexibility Act, comments are specifically invited on regulations that are targeted for review under the RFA. Those comments should be addressed to the "contact" person of the operating administration involved, at the appropriate address noted in the "Addresses" paragraph above.

It should be noted that in February 1981, the Department initiated a systematic review of over 40 of its most costly and controversial existing regulations for possible revision/rescission. Most of these reviews are now completed and a second group of Department of Transportation regulations have been selected for priority review treatment. Regulations selected for either the first or second round of this priority review process are listed under the subheading "Priority Regulations" in the review portion of the Agenda.

Purpose

The Department is publishing this Regulations Agenda in the **Federal**

Register to share with interested members of the public the Department's preliminary expectations regarding its future regulatory actions. This should enable the public to be more aware of the Department's regulatory activity. Knowledge of the nature and scope of this activity, as well as the specific proposals and reviews being considered, should result in more effective public participation in the Department's regulatory activity. For example, awareness of the dates when notices may be issued seeking public comment should allow appropriate planning and more efficient use of the comment period. By providing the expected date for a decision on whether to issue a final rule, the Department expects that more appropriate planning by those concerned with the regulation will also be possible. This publication in the Federal Register does not impose any binding obligation on the Department, or any of the offices within the Department, with regard to any specific item on the Agenda or the Review List. Regulatory action in addition to the items listed is not precluded. If further information is desired on any of the items listed in the Agenda or the Review List, the public is encouraged to contact the individual listed for the particular item. Additional information concerning the Agenda, in general, or the Department's Regulatory Policies and Procedures may be obtained from Neil R. Eisner, whose address and telephone number appear above.

Issued in Washington, D.C. on March 1, 1983.

Elizabeth Hanford Dole,

Secretary of Transportation.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Office of the Secretary

OST **Current and Projected Rulemakings**

Priority Rulemakings: Major

[Key to symbols: *New Item. †Analysis or review being considered under Regulatory Flexibility Act. • Presidential Task Force Priority Review. *Italics:* New or changed information since last Agenda]

Title	Summary	Timetable		
		Action	Date	Cite
Allocation of "Slots" at Washington National Airport.	**Abstract:** Proposed amendment to establish procedures for allocating the hourly number of instrument flight operations (takeoffs and landings) or "slots" that may be reserved at Washington National Airport (WNA) in accordance with the FAA's High Density Rule. This proposal is considered a significant rulemaking project due to substantial public interest and potential costs to airlines. The Civil Aeronautics Board and the Department of Justice have expressed concerns about continuing the antitrust immunity under which the airline scheduling committees currently allocate slots at WNA. A new method of allocation may become necessary. **CFR Citation:** 14 CFR pt. 93 **Legal Authority:** 49 U.S.C. 1303, 1347, 1348 (a), (b), and (c), and 1354(a); (Sections 103, 306, 307 (a), (b), and (c), and 313(a), Federal Aviation Act of 1958, as amended); 49 U.S.C. 1655(c), (Sec. 6(c) DOT Act); Sec. 2, Act for the Administration of Washington National Airport, 54 Stat. 688. **Effects on Small Entities:** No **Analysis:** Regulatory Impact Analysis **Additional Information:** The CAB in conjunction with the FAA commissioned the Polinomics Research Laboratories, Inc., to research the allocation problem A report of its findings has been prepared. Another report by Econ, Inc. analyzing a slot allocation auction procedure has been prepared under an FAA contract. On August 15, 1980, the Secretary of Transportation issued a Policy for the Operation of Washington National Airport (WNA). The policy and implementing regulations were published in the Federal Register on September 18, 1980 (45 FR 62406). On October 29, 1980, DOT issued an emergency regulation for the temporary allocation of slots at WNA for the period December 1, 1980 until April 26, 1981, because of the failure of the scheduling committee to come to an agreement for that period. The emergency regulation was published in the Federal Register on November 3, 1980 (45 FR 72637). The NPRM for a long term solution to the slot allocation problem was issued on October 27, 1980 (45 FR 71236). A public hearing was held on February 13, 1981, and the comment period was extended until February 26, 1981 (46 FR 932, January 5, 1981). **Agency Contact:** Harvey Safeer, (202) 426-3331	NPRM Comment Period Extended Public hearing *To be withdrawn*	10/27/80 1/5/81 2/3/81	45 FR 71236 46 FR 932
Nondiscrimination on the Basis of Handicap.	**Abstract:** The Department's section 504 rule is one of those selected for priority review. In addition, a May 1981 Federal Court of Appeals decision said that section 504 of the Rehabilitation Act of 1973 did not authorize the Department's rule as it affects mass transit. The Department published an interim final rule changing the transit portion of the rule on July 20, 1981 (48 FR 37488) to conform to the Court's decision. Other parts of the rule will be revised in light of the decision and as part of the priority review of the regulation, with an NPRM to be issued proposing any appropriate changes. The section 504 rule is a controversial regulation affecting all parts of DOT as well as many providers and users of DOT-funded or operated programs. The mass transit section of the rule is controversial and changes to the rule will be of considerable interest to the public. These regulatory actions are necessary in order to make the rule consistent with the Court's decision and the Administration's regulatory policy. *Section 317(c) of the Surface Transportation Act of 1982 directed the Department to publish a NPRM within 90 days after the date of enactment.* **CFR Citation:** 49 CFR pt. 27 **Legal Authority:** 29 U.S.C. 794, (Section 504 of the Rehabilitation Act of 1973, as amended); 49 U.S.C. 1612(a), (Section 16(a) of the Urban Mass Transportation Act of 1964, as amended); 23 U.S.C. 142 nt, (Section 165(b) of the Federal-aid Highway Act of 1973, as amended). **Effects on Small Entities:** No	NPRM	4/83	

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Office of the Secretary

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Current and Projected Rulemakings

Priority Rulemakings: Major—Continued

[Key to symbols: *New Item. †Analysis or review being considered under Regulatory Flexibility Act. • Presidential Task Force Priority Review. *Italics:* New or changed information since last Agenda]

Title	Summary	Timetable		
		Action	Date	Cite
	Analysis: Regulatory Evaluation. (Interim amendment); Regulatory Impact Analysis (NPRM for comprehensive revision). **Additional Information:** The Final Rule establishing the Department's section 504 regulations was published May 31, 1979 (44 FR 31442). Interim final rule published July 20, 1981 (46 FR 37488). After Department completes work on NPRM, it must be coordinated with the Department of Justice and the Office of Management and Budget before publication. **Agency Contact:** Robert C. Ashby, (202) 426-4723			

Priority Rulemakings: Non-Major

[Key to symbols: *New Item. †Analysis or review being considered under Regulatory Flexibility Act. • Presidential Task Force Priority Review. *Italics:* New or changed information since last Agenda]

Title	Summary	Timetable		
		Action	Date	Cite
Title VI Civil Rights Regulation...	**Abstract:** The proposed regulations would assemble in one package all DOT procedures and requirements concerning all recipients of financial assistance under Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d-4). This rulemaking is significant because substantial public interest is anticipated and it will affect all of the DOT elements and the administration of all grant programs. The Department has an existing Title VI regulation dating from 1970, and a Title VI order promulgated by Secretary Coleman on Jan. 19, 1977, and reaffirmed by Secretary Adams in March of that year. This rule is undergoing a priority regulatory review within the Department, and changes may be proposed based on the results of this review. **CFR Citation:** 49 CFR pt. 21 **Legal Authority:** 42 U.S.C. 2000d-4 **Effects on Small Entities:** No **Analysis:** Regulatory Evaluation **Additional Information:** NPRM published in the Federal Register January 19, 1981, (46 FR 5588). No further action will be taken on this NPRM pending the outcome of the priority regulatory review. Comment period closed April 20, 1981. **Agency Contact:** Shirley Lloyd (202) 426-4754	NPRM *To be withdrawn*	1/19/81	46 FR 5588
Minority Business Enterprise Program (Direct Contracting).	**Abstract:** This regulation would implement the requirements of DOT Order 4000.7A for DOT operating elements to take affirmative action to assure that minority business enterprises participate in Departmental procurement programs. This rulemaking is significant because substantial public interest is anticipated given the proposed action's potential impact on DOT's procurement programs. It is needed to implement the provisions of the DOT Order 4000.7A by providing detailed instructions for carrying out the affirmative action requirements of the order and to supplement the 1978 amendments to the Small Business Act. **CFR Citation:** 49 CFR pt. 23 **Legal Authority:** Executive Order 11625; Executive Order 12138; 45 U.S.C. 803; P.L. 95-507. **Effects on Small Entities:** No **Analysis:** Regulatory Evaluation **Additional Information:** NPRM was published on May 17, 1979 (44 FR 28928). The comment period closed on July 16, 1979. The Department published a final rule concerning its financial assistance programs on March 31, 1980 (45 FR 21172). The Department has concluded that further rulemaking in the direct contracting field is unnecessary at this time, and intends to withdraw this proposed rule.	NPRM To be withdrawn.	5/17/79	44 FR 28928

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

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Current and Projected Rulemakings

Priority Rulemakings: Non-Major—Continued

[Key to symbols: *New Item. †Analysis or review being considered under Regulatory Flexibility Act. • Presidential Task Force Priority Review. /*Italics:* New or changed information since last Agenda]

Title	Summary	Timetable		
		Action	Date	Cite
Review: Minority Business Enterprise Program (Financial Assistance Programs).	**Agency Contact:** Robert C. Ashby, (202) 426-4723 **Abstract:** The Department is reviewing its regulation establishing a minority business enterprise (MBE) program in its financial assistance programs (49 CFR Part 23). This regulation has been very controversial, is of interest to most DOT grant recipients and contractors, and affects the operations of all DOT financial assistance programs. As part of the Administration's program of reviewing regulations that are costly or controversial, the Department has decided that it is necessary to consider substantial revisions of the existing rule. The aim of the revisions would be to reduce regulatory burdens associated with the present rule. **CFR Citation:** 49 CFR pt. 23 **Legal Authority:** 42 U.S.C. 2000d; (Title VI of the Civil Rights Act of 1964); Title 49 U.S.C. 1730; 45 U.S.C. 906; 49 U.S.C. 1615. **Effects on Small Entities:** Yes **Analysis:** Regulatory Evaluation/Regulatory Flexibility Analysis (for NPRM). **Additional Information:** Final Rule published March 31, 1980 (45 FR 21172). NPRM to make interim amendment to this final rule, proposing to delete two controversial provisions, pending revision of the entire rule, published March 12, 1981 (46 FR 16282). Comment period closed March 26, 1981. Final rule for interim amendment published April 27, 1981 (46 FR 16202). Further action to revise existing rule under consideration . **Agency Contact:** Robert Ashby, (202) 426-4723	Further Action to be determined.		
Public Availabiltiy of Information.	**Abstract:** This involves a revision of DOT's Freedom of Information Act regulations. Specific areas to be revised may include the fee schedule and the policy on waivers of fees for public interest groups and the press. This rulemaking is significant because of substantial public interest. It is needed because the Freedom of Information Regulations need periodic revision to keep current with changes in case law, policy, and implementation costs. **CFR Citation:** 49 CFR pt. 7 **Legal Authority:** 5 U.S.C. 552 (Freedom of Information Act) **Effects on Small Entities:** No **Analysis:** Regulatory Evaluation **Additional Information:** The regulations were last revised in 1975. (40 FR 7915). A new revision is currently under internal development. **Agency Contact:** Greg Wolfe (202) 426-4710	Further action to be determined.		
Nondiscrimination in Federally-Assisted Programs of the Department of Transportation—State Transportation Agencies' EEO Affirmative Action Programs.	**Abstract:** The proposed regulation would set forth requirements and procedures for all State Departments of Transportation (DOTs) equal employment opportunity compliance programs. It would also consolidate FHWA, FRA, and UMTA responsibilities in this area. This proposed regulation is significant because it would affect the equal opportunity employment programs of all State transportation agencies. It is needed because OST, FHWA, FRA, and UMTA each have responsibility for implementing the equal employment opportunity programs of State DOTs. This proposed rule would assure full coordination among these departmental elements, reduce the burden on the recipients, simplify reporting requirements, and eliminate duplication of effort. **CFR Citation:** 49 CFR 1.48(c), 2.49(u), 1.51(a) **Legal Authority:** Section 22(a) of the Federal-Aid Highway Act of 1968, as amended; Section 905 of the Railroad Revitalization and Regulatory Reform Act of 1976; (49 U.S.C. 1615) (Section 19 of the Urban Mass Transportation Act of 1964, as amended); (29 U.S.C. 794). (Section 504 of the Rehabilitation Act of 1973). **Effects on Small Entities:** No **Analysis:** Regulatory Evaluation	Further action to be determined.		

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

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Current and Projected Rulemakings

Priority Rulemakings: Non-Major—Continued

[Key to symbols: *New Item. †Analysis or review being considered under Regulatory Flexibility Act. • Presidential Task Force Priority Review. *Italics:* New or changed information since last Agenda]

Title	Summary	Timetable		
		Action	Date	Cite
	Additional Information: The proposed regulation was forwarded to EEOC for review and coordination. The primary issue addressed by this proposal was raised in the course of reviewing a related regulation. Further action will be delayed pending the outcome of that review. **Agency Contact:** Shirley Lloyd, (202) 426-*4754*			
*Intergovernmental Review of Federal Programs.	**Abstract:** The proposed rule would implement Executive Order 12372, which replaces OMB Circular A-95 with a new system to ensure effective Federal-state-local consulation with respect to DOT programs. The rule is significant because it implements government-wide policy and will make important changes in DOT relationships with state and local governments. It is needed because the Executive Order requires all Executive agencies to issue implementing regulations. **CFR Citation:** 49 CFR Part 31 **Legal Authority:** Executive order 12372; 42 U.S.C. 4231(a), 3 U.S.C. 301, (Section 401(a) of the Intergovernmental Cooperation Act). **Effects on Small Entities:** No **Analysis:** Regulatory Evaluation **Additional Information:** The President signed Executive Order 12372 on July 14, 1982. Executive agencies, including DOT, *worked* with each other and OMB to draft *proposed* substantively consistent implementing rules which *were* published in January 1983. **Agency Contact:** Robert C. Ashby, (202 426-4723)	NPRM FR	*1/24/83* 4/83	48 FR 3186
*Participation by Minority Business Enterprises in Department of Transportation Programs.	**Abstract:** Section 105(f) of the Surface Transportation Assistance Act of 1982 requires ten percent of the funds authorized by the Act to be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals. This rulemaking would add a new Subpart D to the Department's existing Minority Business Enterprise (MBE) rule (49 CFR Part 23) to implement the statute. The rulemaking is significant because it affects all contracting in FHWA and UMTA programs and because of substantial public and Congressional interest. **CFR Citation:** 49 CFR Part 23, Subpart D **Legal Authority:** Section 105(f) of the STAA of 1982 **Effects on Small Entities:** Yes **Analysis:** Regulatory Evaluation **Additional Information:** None **Agency Contact:** Robert C. Ashby, (202) 426-4723	*NPRM* Final Rule	*2/28/83* 4/83	48 FR 8416

Other Rulemakings

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
Consolidation of Transportation Grants to U.S. Territories.	**Abstract:** The regulation would comply with Title V of Pub. L. 95-134, which permits departments and agencies to consolidate grant programs, reduce reporting requirements, and waive local matching fund requirements. **CFR Citation:** 49 CFR pt. 29 **Legal Authority:** P.L. 95-134, Title V **Effects on Small Entities:** No **Analysis:** Regulatory Evaluation **Additional Information:** None	NPRM Further action to be determined.	1/8/79	44 FR 1765

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Office of the Secretary

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Current and Projected Rulemakings

Other Rulemakings—Continued

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
Nondiscrimination on the Basis of Age in DOT Financial Assistance Programs.	**Agency Contact:** Irving Glasser (202) 426-4455 **Abstract:** This regulation would prohibit age discrimination by recipients of DOT financial assistance programs. **CFR Citation:** None **Legal Authority:** P.L. 94-135, Title III **Effects on Small Entities:** No **Analysis:** Regulatory Evaluation **Additional Information:** None **Agency Contact:** Ira Laster, (202) 426-4380	NPRM Further action to be determined.	10/22/79	44 FR 60946
Suspension and Debarment of Contractors.	**Abstract:** This regulation would establish procedures for imposition of debarment and other sanctions against contractors when it is demonstrated that DOT funds are improperly used. **CFR Citation:** 49 CFR Pt. 29 **Legal Authority:** 49 U.S.C. 1651 et seq **Effects on Small Entities:** No **Analysis:** Regulatory Evaluation **Additional Information:** None **Agency Contact:** Lynn Adams-Whitaker, (202) 426-4723	NPRM	*12/13/82*	*47 FR 55700*

Reviews of Existing Regulations

Priority Reviews

Title	Summary	Timetable		
		Action	Date	Cite
Title VI Regulation	**Abstract:** This regulation prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving DOT financial assistance, provides examples of prohibited practices, and establishes enforcement procedures. Because the regulation affects all DOT financial assistance programs, creates administratives burdens for DOT and its recipients, and is an old regulation that has not been extensively revised since the early 1970s, it is an appropriate subject for a priority regulatory review, which will be led by the Departmental Office of Civil Rights with the participation of other affected DOT offices. The purpose of the review will be to make recommendations for how to carry out Title VI of the Civil Rights Act of 1964 and prevent discrimination in DOT-assisted programs more efficiently and with fewer administrative burdens. **CFR Citation:** 49 CFR pt. 21 **Legal Authority:** 42 U.S.C. 2000(d) (Title VI of the Civil Rights Act of 1964). **Effects on Small Entities:** No **Agency Contact:** Shirley Lloyd, (202) 426-4754	Further Action to be determined.		

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Office of the Secretary

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Completed Actions

Other Rulemakings

[Key to Symbols: *New item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
Real Property Appraisal and Appraisal Review Regulation.	**Abstract:** This regulation would prescribe requirements for the appraisal of property to be acquired pursuant to Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. **CFR Citation:** 49 CFR pt. 25; 23 CFR pt. 720 **Legal Authority:** P.L. 91-646 **Effects on Small Entities:** No **Analysis:** Regulatory Evaluation **Additional Information:** None **Agency Contact:** Lynne Adams-Whitaker, (202) 426-4723	*Action Terminated.*		
Award of Fees and Expenses to Successful Litigants.	**Abstract:** This regulation would provide for the award of attorney fees and other expenses to parties who prevail over the Federal Government in certain administrative and court proceedings pursuant to the Equal Access to Justice Act. **CFR Citation:** 49 CFR pt. 6 **Legal Authority:** P.L. 96-481, 5 U.S.C. 504(c)(1) **Effects on Small Entities:** No **Analysis:** Regulatory Evaluation **Additional Information:** None **Agency Contact:** Lynne Adams-Whitaker, (202) 426-4723	Interim FR FR	10/81 *1/83*	46 FR 49878 *48 FR 1068*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

U.S. Coast Guard

USCG — **Current and Projected Rulemakings**

Priority Rulemakings: Major

[Key to symbols: *New Item. †Analysis or review being considered under Regulatory Flexibility Act. • Presidential Task Force Priority Review. *Italics:* New or changed information since last Agenda]

Title	Summary	Timetable		
		Action	Date	Cite
Review: Construction and Equipment; Existing Self-Propelled Vessels Carrying Bulk Liquefied Gases (Docket No. 77-069).	**Abstract:** Would amend regulations for existing self-propelled vessels that carry bulk liquefied gases by including the substantive requirements for the "Code for Existing Ships Carrying Liquefied Gases in Bulk" adopted by the *International Maritime Organization (IMO).* These amended regulations would also increase safety levels of existing ships carrying gas. This is significant because it involves a large number of existing U.S. and foreign flag ships which carry liquefied gas and because it is the subject of substantial public interest. Increased use of liquefied gases has intensified the problems associated with this product. Since this product has unique properties and dangers, a dedicated set of regulations is needed to address them. *The work plan for this project was approved by the Coast Guard Marine Safety Council in October, 1982 and the NPRM is currently undergoing internal review.* **CFR Citation:** 46 CFR pts. 31, 34, 38, 40, 54, 98, 154 **Legal Authority:** R.S. 4417(a) as amended by section 5, P.L. 95-474 (46 U.S.C. 391a); See 6(d)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1)). This rulemaking also implements the Port and Tanker Safety Act of 1978. **Effects on Small Entities:** No **Analysis:** Regulatory Impact Analysis **Additional Information:** An Advance Notice of Proposed Rulemaking was published June 30, 1977 (42 FR 33353). This action was taken pursuant to the Port and Tanker Safety Act of 1978. **Agency Contact:** *Dr. A. Rowak, (202) 426-1217*	ANPRM NPRM	6/30/77 *9/83*	42 FR 33353
Damage Stability and Flooding Protection Standards for Great Lakes Bulk Dry Cargo Vessels (Docket No. CGD 80-159).	**Abstract:** Would require a level of subdivision for new ships which is at least equivalent to that required for Maritime Administration construction loan guarantees. Would reduce the risk of catastrophic sinking and increase the time available to utilize recently improved survival gear. This project is significant because it would initiate a significant change in policy which differs substantially from international standards. Additionally, it could result in a major price increase for an individual industry. **CFR Citation:** 46 CFR pts. 45 and 93 **Legal Authority:** 46 U.S.C. 375, (RS 4405); 46 U.S.C. 391, (R.S. 4417); 46 U.S.C. 416, (R.S. 4462). **Effects on Small Entities:** No **Analysis:** Regulatory Impact Analysis **Additional Information:** January 7, 1981, work plan approved **Agency Contact:** *Lt. Curelli,* (202) 426-2187	*ANPRM* *NPRM*	*2/28/83* *10/83*	*48 FR 8312*
Segregated Ballast, Dedicated Clean Ballast, and Crude Oil Washing on Tank Vessels of 20,000 to 40,000 Deadweight Tons. (Docket No. CGD 82-028).	**Abstract:** This project would amend 33 CFR for the purpose of implementing the tanker construction and equipment standards in Sections (7)(E) and (H) of R.S. 4417a, as amended by the Port and Tanker Safety Act of 1978. These statutes require tank vessels of 20,000 to 40,000 DWT that are 15 years old or older to have segregated ballast tanks, dedicated clean ballast tanks or a crude oil washing system by January 1, 1986 or the date they reach 15 years of age. This rulemaking is considered significant because of economic impact on industry, Congressional and Administration interest. It is needed because implementing standards mandated by the Port and Tanker Safety Act, will reduce operational pollution from ballasting, tank cleaning and sludge removal on existing tank vessels that are 15 years old or older. *Work plan was approved at the April 1982 Marine Safety Council Meeting.* **CFR Citation:** 33 CFR pt. 157 **Legal Authority:** 46 U.S.C. 391a as amended by the Port and Tanker Safety Act of 1978 (92 Stat. 1486), R.S. 4417a. **Effects on Small Entities:** No **Analysis:** Regulatory Impact Analysis, Environmental Impact Statement.	Notice of intent NPRM	3/18/82 *5/83*	47 FR 11724

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Priority Rulemakings: Major—Continued

[Key to symbols: *New Item. †Analysis or review being considered under Regulatory Flexibility Act. • Presidential Task Force Priority Review. *Italics:* New or changed information since last Agenda]

Title	Summary	Timetable		
		Action	Date	Cite
	Additional Information: The Port and Tanker Safety Act was enacted on October 17, 1978. Final Regulations implementing this legislation for new tank vessels were published on June 30, 1980. A Notice of Intent to develop regulations under this Docket was published in the Federal Register on March 18, 1982. (47 FR 11724). Comment period on notice of intent closed May 3, 1982. **Agency Contact:** LCDR Spackman, (202) 426-4431			

Priority Rulemakings: Non-Major

[Key to symbols: *New Item. †Analysis or review being considered under Regulatory Flexibility Act. • Presidential Task Force Priority Review. *Italics:* New or changed information since last Agenda]

Title	Summary	Timetable		
		Action	Date	Cite
Review: To implement the outstanding provisions of the International Convention for the Prevention of Pollution from Ships, 1973, and the 1978 Protocol relating thereto (MARPOL 73/78). (Docket No. CGD 75-124a).	**Abstract:** This proposal would require a complete rewrite of 33 CFR and a revision of 33 CFR 155. *This rulemaking has been reclassified as nonsignificant. See the "Other Rulemakings" section of this portion of the Agenda.*			
†Review: Qualifications of the Person in Charge of Oil Transfer Operations, Tankerman, Requirements (Docket No. CGD 79-116 and 79-116a).	**Abstract:** Would redefine and establish qualifying criteria for certifying individuals engaged in the carriage and transfer of the various categories of dangerous cargoes in bulk. This is considered significant because this is the result of a Presidential initiative. This rulemaking is necessary because most pollution incidents are the result of personnel error; consequently, the minimum qualifications of persons involved in handling polluting substances should be specified. **CFR Citation:** 33 CFR pt. 155; 46 CFR pts. 12, 13, 30, 31, 35, 70, 90, 98, 105, 151, 153, and 157. **Legal Authority:** 46 U.S.C. 391a, (86 Stat. 427, as amended); 49 U.S.C. 1655(b)(1), Sec. 6(b)(1), 80 Stat. 937; 49 CFR 1.46(n)(4). **Effects on Small Entities:** Yes **Analysis:** Regulatory Evaluation, Environmental Impact Statement, Inflationary Impact Statement/Regulatory Flexibility Analysis. **Additional Information:** Environmental Analysis and Inflationary Impact Statement completed February, 1977. NPRM published April 25, 1977 (42 FR 21190). Public hearing June, 1977. Extensive comments were received on this NPRM and it was withdrawn on April 30, 1979. NPRM published December 1980 (45 FR 83268 and 45 FR 83290). Public hearings held in January and February 1981. **Agency Contact:** *LT. Pendgraft, (202) 426-2241*	NPRM Public Hearings FR	12/80 1-2/81 12/83	45 FR 83268 45 FR 83290

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Priority Rulemakings: Non-Major—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
†Review: Licensing of Pilots (Docket No. CGD 77-084).	**Abstract:** This proposal would require: recency of service for each route upon which a pilot is authorized to serve; licenses to be issued with tonnage limitations commensurate with pilot experience; and consideration of shiphandling simulator training for pilots of very large vessels including Very Large Crude Carriers (VLCC). It is considered significant because there is substantial interest among marine personnel about this matter and because opposition is expected from Federal pilots. It is needed because increased ship size has led to unusual handling characteristics with which some pilots may not be familiar. This rule would allow use of simulator training for these kinds of vessels. **CFR Citation:** 46 CFR pt. 10 **Legal Authority:** 46 U.S.C. 214, 224, 230, 233, 237; 49 U.S.C. 1655(b)(1). **Effects on Small Entities:** Yes **Analysis:** Regulatory Evaluation/Regulatory Flexibility Analysis **Additional Information:** A Regulatory Analysis and Work Plan were completed in October 1978. NPRM published November 28, 1980 (45 FR 79258). Public hearings were held in January and February 1981. Revisions to the NPRM are planned as a result of the hearings. **Agency Contact:** Mr. J. Hartke, (202) *426-2985*	NPRM Public Hearings SNPRM *FR*	11/28/82 1-2/81 *1/27/83* *2/84*	45 FR 79258 *48 FR 3912*

USCG **Current and Projected Rulemakings**

Other Rulemakings

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
Vessel Traffic Service (VTS), Berwick Bay, La. (Docket 73-186).	**Abstract:** Would codify certain operating procedures now being done under local order. **CFR Citation:** 33 CFR pt. 161 **Legal Authority:** 33 USC 1231 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** Mr. E. LaRue, (202) 426-5116	NPRM FR	8/16/82 *4/83*	47 FR 35523
VTS Houston-Galveston, Texas (Docket No. CGD 74-029).	**Abstract:** Would make mandatory a now voluntary vessel traffic service. **CFR Citation:** 33 CFR pt. 161 **Legal Authority:** 33 U.S.C. 1223 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** Mr. E. LaRue, (202) 426-5116	NPRM FR	9/18/80 *8/83*	45 FR 62158
Review: Fixed Fire Extinguishing Systems on Uninspected Vessels (Docket No. CGD 74-284).	**Abstract:** Would establish standards for the construction and installation of Halon 1301 and other fixed fire extinguishing systems as optional systems for compliance with existing regulations. **CFR Citation:** 46 CFR 162.029 **Legal Authority:** 46 U.S.C. 526, 46 U.S.C. 1454, 49 U.S.C. 1655(b). **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** Mr. K. Wahle, (202) 426-1444	NPRM Further action to be determined.	4/19/82	47 FR 16648

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Other Rulemakings—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
To implement the outstanding provisions of the International Convention for the Prevention of Pollution from Ships, 1973, and the 1978 Protocol relating thereto (MARPOL 73/78). (Docket No. CGD 75-124a).	**Abstract:** *Would amend 33 CFR 151 and 155 for the purpose of implementing the pollution prevention requirements of MARPOL 73/78, and revise superseded sections of the CFR. Provisions to be implemented include requirements for oil water separating equipment on ships and drilling rigs, International Oil Pollution Prevention Certificates, and a revised Oil Record Book. This project was downgraded to nonsignificant in October 1982.* **CFR Citation:** 33 CFR pt 151; 33 CFR pt 155 **Legal Authority:** Section 311(i)(1) (C) and (D) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1321(i)(1) (C) and (D). The Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq) October 21, 1980. **Effects on Small Entities:** No **Analysis:** Regulatory Evaluation **Additional Information:** *None* **Agency Contact:** LCDR Josiah/Jones, (202) 426-9573	NPRM	4/83	
Review: Stability Standards for Hopper Dredges (Docket No. CGD 76-080).	**Abstract:** Would improve capability of a dredge to withstand flooding caused by damage to hull or interior piping. **CFR Citation:** 46 CFR pt. 93 **Legal Authority:** 46 USC 88, 46 USC 362, 46 USC 367 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *Alternative procedure under consideration.* **Agency Contact:** *LCDR Feeney,* (202) 426-2187	NPRM *Further action to be determined.*	12/10/79	44 FR 70791
Cargo Monitors on Tank Vessels (Docket No. CGD 76-088b).	**Abstract:** Proposed requirements for installation and use of cargo monitors. **CFR Citation:** 33 CFR pt. 157 **Legal Authority:** 33 USC 1903, 46 USC 391a **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *Correction of final rule published on 12/30/82; 47 FR 58306.* **Agency Contact:** *LT Lantz,* (202) 426-4431	NPRM SNPRM *FR*	6/27/77 *12/20/82* *10/83*	42 FR 32684 *47 FR 56786*
Requirement for First Purchaser List Kept by Boat Dealers (Docket No. CGD 77-115).	**Abstract:** Would require boat dealers to assist in creating a list of retail purchasers so manufacturers could send notice to alert of safety defects. **CFR Citation:** 33 CFR pt. 179 **Legal Authority:** 46 U.S.C. 1464 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** Mr. Ellison, (202) 426-1065	NPRM *SNPRM*	12/29/80 *6/83*	45 FR 85475
Review: Miscellaneous Changes to 46 CFR 56 (Docket No. CGD 77-140).	**Abstract:** Would update Title 46, Subchapter F - Marine Engineering. **CFR Citation:** 46 CFR pt. 56 **Legal Authority:** 46 U.S.C. 375, 416, 633, 391, 391(a), 392, 404-409, 411, 412, 481, 489, 366, 395, 363, 367, 526p, 1295f, 390b; 49 U.S.C. 1655(b); E.O. 11239, 11382; 49 C.F.R. 146(b). **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** LT(jg) Jackson, (202) 426-2160	NPRM	*10/83*	
Revision of Navigation Safety Regulations (Docket No. CGD 77-196).	**Abstract:** Would eliminate 46 CFR 164.15 and 164.16 **CFR Citation:** 33 CFR pt. 164 **Legal Authority:** 46 U.S.C. 375, 391a, 404, 411, 416 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** Mr. T. Falvey, (202) 426-5116	*NPRM*	4/83	
Lifesaving Systems for Great Lakes Vessels (Docket No. CGD 77-202).	**Abstract:** Would amend regulations for lifeboats and other equipment to improve chances of personnel survival following abandonment of vessel.	NPRM	*11/83*	

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Title	Summary	Timetable		
		Action	Date	Cite
Reception Facilities (Docket No. CGD 78-035).	**CFR Citation:** 46 CFR Subchapters D, H, I, T, and Q **Legal Authority:** 46 U.S.C. 375, 391a, 416, 481 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** Mr. R. Markle, (202) 426-1445 **Abstract:** *Would require ports and terminals to ensure waste reception facilities are provided to receive vessel oil and chemical wastes.* **CFR Citation:** 33 CFR pt. 154 **Legal Authority:** 33 U.S.C. 1905 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** *LT Davidson, (202) 426-9579*	*ANPRM* *NPRM*	*3/24/83* *10/83*	*48 FR 12395*
†Liquefied Natural Gas Waterfront Facility (Docket No. CGD 78-038).	**Abstract:** Would establish LNG Waterfront Facility Safety Regulations in accordance with Memorandum of Understanding between USCG and Materials Transportation Bureau, RSPA. **CFR Citation:** 33 CFR pt. 126 **Legal Authority:** 50 U.S.C. 191, 33 U.S.C. 1224 **Effects on Small Entities:** Yes **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** *LT Davidson, (202) 426-9579*	ANPRM SANPRM NPRM	8/3/78 3/8/79 *7/83*	43 FR 34362 44 FR 12693
Review: St. Mary's River, Vessel Traffic Service (Docket No. CGD 78-079).	**Abstract:** Would revise and restate existing anchorage and navigation regulations for St. Mary's River, re-promulgating them under the authority of the Ports and Waterways Safety Act. **CFR Citation:** 33 CFR pt. 161 **Legal Authority:** 33 U.S.C. 1231 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *Extension of comment period to 5/15/81 published on 2/19/81; 46 FR 12987.* **Agency Contact:** Mr. E. LaRue, (202) 426-5116	NPRM *FR*	5/15/81 *4/83*	46 FR 946
Inland Waters Navigation Regulations - Waters Connecting Lake Huron and Lake Erie (Docket No. CGD 78-151).	**Abstract:** Would modernize existing regulations **CFR Citation:** 33 CFR pt. 162 **Legal Authority:** 33 U.S.C. 1221-32 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** Mr. LaRue, (202) 426-*4958*	NPRM	*6/83*	
Review: Private Aids to Navigation and State Aids to Navigation (Docket No. CGD 78-157).	**Abstract:** Would codify and clarify the aids to navigation regulations concerning State and private aids to navigation. **CFR Citation:** 33 CFR pt. 66 **Legal Authority:** 14 U.S.C. 2, 83, 85; 5 U.S.C. 610 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** LT(jg) Bittner, (202) 426-1974	Further action to be determined.		
Review: Aids to Navigation - General Interference with, Damages to and Charges for Aids to Navigation (Docket No. CGD 78-159).	**Abstract:** Would codify, revise and clarify the existing regulations. **CFR Citation:** 33 CFR pts. 60, 62, 66, 70, 74, and 76 **Legal Authority:** 14 U.S.C. 81, 87, 92 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** LT(jg) Bittner, (202) 426-1973	Further action to be determined.		
Approval of Inflatable Personal Flotation Devices (PFDs) (Docket No. CGD 78-174).	**Abstract:** Would establish performance standards for inflatable PFDs and procedures for granting product approval to these devices. **CFR Citation:** 46 CFR pt. 160 **Legal Authority:** 46 U.S.C. 481, 526e, 1454, 1455; 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b)(n)(1).	ANPRM NPRM	3/15/79 4/83	*44 FR 15933*

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Other Rulemakings—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
	Effects on Small Entities: No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** Mr. S. Wehr, (202) 426-1444			
Offshore Oil Lightering (Docket No. CGD 78-180).	**Abstract:** Would establish requirements for vessel to vessel transfers of oil or hazardous materials if the cargo is bound for a U.S. port. **CFR Citation:** 33 CFR pt. 156 **Legal Authority:** 33 U.S.C. 1221 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** *LT Evans,* (202) 426-9578	NPRM *SNPRM*	5/31/79 *5/83*	44 FR 31486
Review: Amendment to Hull Identification Requirements (Docket No. CGD 79-013).	**Abstract:** Would further delineate responsibility for marking boats with a hull identification number. Would require a second number inside the boat to aid in identification of stolen boats. **CFR Citation:** 33 CFR pt. 181 **Legal Authority:** 46 U.S.C. 1454, 1456, 1464, 1488 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** LCDR Perkins, (202) 426-1077	NPRM SNPRM	12/29/80 *5/83*	45 FR 85476
Review: Stability Subchapter (Docket No. CGD 79-023).	**Abstract:** Would bring together all the existing stability regulations and identifiable past practices into a single subchapter including a part pertaining to the carriage of passengers and separate parts pertaining to cargoes, vessel use, and special types. **CFR Citation:** 46 CFR pts. 170-174 **Legal Authority:** 46 U.S.C. 86, 78a, 369, 375, 390b, 391a, 404, 416, 1295(f); 43 U.S.C. 1333,; 50 U.S.C. 198; 49 U.S.C. 1655. **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** LCDR Feeney, (202) *426-2187*	NPRM *FR*	8/12/82 *7/83*	*47 FR 35090*
Port and Tanker Safety Act Delegations Under Section 9. Ports and Waterways Safety Act (Docket No. CGD 79-026).	**Abstract:** Would delegate to Captains of the Port authority and responsibility to prohibit vessel operations and cargo transfers which may be unsafe. **CFR Citation:** 33 CFR pt. 160 **Legal Authority:** 33 U.S.C. 1221 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** ENS Strobridge, (202) *426-4958*	NPRM SNPRM FR	12/3/79 6/11/81 *5/83*	44 FR 69306 46 FR 30835
Crane Operator Qualifications and Standards for Offshore Crane Design Inspection, Testing and Operation (Docket No. CGD 79-059).	**Abstract:** Would develop required qualifications for crane operators employed on the Outer Continental Shelf and standards for crane design, inspection, and testing. **CFR Citation:** 33 CFR pt. 146 and 46 CFR pt. 92 **Legal Authority:** 43 U.S.C. 1333, 1348, 1356; 33 U.S.C. 1509; 46 U.S.C. 375, 395, 400, 407, 408, 411, 412, 416, 481; 49 U.S.C. 1655. **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** *LCDR Goodwin,* (202) 472-5160	ANPRM *NPRM*	1/10/80 *7/83*	45 FR 2052
Work Place Safety and Health Requirements for Facilities on the Outer Continental Shelf (Docket No. CGD 79-077).	**Abstract:** *This regulation would develop occupational safety and health standards for personnel working on OCS facilities.* **CFR Citation:** *33 CFR pt 142* **Legal Authority:** 43 U.S.C. 1333, 1347 **Effects on Small Entities:** Yes **Analysis:** *Regulatory Evaluation* **Additional Information:** *Notice of meeting published on 3/5/81; 46 FR 15402. Correction of notice published on 3/19/81; 46 FR 17702.* **Agency Contact:** LT Cashman, (202) *472-5160*	NPRM	*5/83*	

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Title	Summary	Timetable		
		Action	Date	Cite
Vessel Personnel Licensing and Certification Standards of Foreign Countries (Docket No. CGD 79-081(a)).	**Abstract:** Establishes procedures for verification of training, qualification and watchkeeping standards of personnel serving on foreign tank vessels. **CFR Citation:** 46 CFR pt. 30 **Legal Authority:** 46 U.S.C. 391a, 49 USC 1655 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** CDR D. Struck, (202) 426-2240	Interim final rule .. *To be withdrawn*..	4/7/80	45 FR 23425
Foreign Tank Vessel Manning Levels (Docket No. CGD 79-081(b)).	**Abstract:** Would establish minimum manning levels for foreign tank vessels while operating on U.S. navigable waters. **CFR Citation:** (46 CFR 30) **Legal Authority:** 46 U.S.C. 391a, 49 U.S.C. 1655 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** CDR D. Struck, (202) 426-2240	NPRM *To be withdrawn*..	11/17/80	45 FR 75712
U.S. Coast Guard Reserve (Docket No. CGD 79-105).	**Abstract:** Would update the administrative regulations pertaining to the Coast Guard Reserve. **CFR Citation:** 33 CFR pts. 8, 53 **Legal Authority:** 14 U.S.C. 633 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** Mr. Cotter, (202) 426-2348	Further action to be determined.		
Joint U.S. Canada Vessel Traffic Management regulations for the Pacific region (Docket No. CGD 79-131).	**Abstract:** Would implement the provisions of an Agreement for a Cooperative Vessel Traffic Management System for the Pacific Region. **CFR Citation:** 33 CFR pt. 161 **Legal Authority:** 33 USC 1221 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** Mr. A. Whittum, (202) 426-1940	NPRM	*1/84*	
Review: Load Line Equivalent Regulations (Docket No. CGD 79-153).	**Abstract:** Would rearrange existing regulations in 46 CFR pt. 42, Load Line, to comply with International Maritime Consultative Organization Resolution A.320(IX). **CFR Citation:** 46 CFR pt. 42 **Legal Authority:** 46 U.S.C. 86, 88; 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b). **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** *Mr. F. Perrini, (202) 426-2188*	NPRM *FR*	2/4/82 *5/83*	47 FR 5266
Deepwater Port Liability Fund Requirements. (Docket No. CGD 79-158).	**Abstract:** Would implement provisions of the Deepwater Port Act of 1974 to establish and administer liability limits and compensation relative to accidental oil spills at deep water port sites. **CFR Citation:** 33 CFR pts. 137 and 150 **Legal Authority:** 33 U.S.C. 1509. 33 U.S.C. 1517 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** Mr. F. Martin, (202) 472-5052	NPRM Interim FR FR	10/2/80 6/24/82 *4/83*	45 FR 67708 47 FR 27478
Modification to Line Throwing Device Requirements (Docket No. CGD 79-160).	**Abstract:** Would modify the regulation requiring a linethrowing device only in cargo vessels over 500 gross tons and passenger vessels on international voyages. **CFR Citation:** 46 CFR pts. 33, 75, 78, 94, 97, 108, 160, 167, 192, 196. **Legal Authority:** 46 U.S.C. 481 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** LT Gold, (202) 426-2183	NPRM FR	12/11/80 *6/83*	45 FR 81616

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Title	Summary	Timetable		
		Action	Date	Cite
Launching Devices for Liferafts (Docket No. CGD 79-168).	**Abstract:** Proposed specification for approval of devices used for launching inflatable liferafts. **CFR Citation:** 46 CFR pts. 160 and 163 **Legal Authority:** 46 U.S.C. 375, 390, 416, 481, 1655 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** LT(jg) Girton, (202) 426-1445	NPRM	*9/83*	
Tank Vessels, Corrections and Clarifications to Title 33 CFR (Docket No. CGD 80-009).	**Abstract:** Would eliminate conflicting requirements in Titles 46 and 33 CFR *dealing with cargo transfer piping, Declaration of Inspection Forms, smoking areas, tank barge security, flanged connections, container references, and transfer hoses.* **CFR Citation:** 46 CFR 31, 32, 33 **Legal Authority:** 46 U.S.C. 391a **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** *LT Ashley,* (202) 426-2183	NPRM *FR*	*11/8/82* *5/83*	*47 FR 50525*
Emergency Position Indicating Radiobeacons (EPIRB) (Docket No. CGD 80-024).	**Abstract:** Would require use of EPIRB's on vessels operating on the Great Lakes. **CFR Citation:** 46 CFR pt.; 33, 35, 75, 78, 94, 97, 160, 161, 167, 180, 185, 192. **Legal Authority:** 46 U.S.C. 391a **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** Mr. Markle, (202) 426-1444	NPRM *FR*	*10/4/82* *6/83*	*47 FR 43736*
Valve Inspection for Thermal Fluid Heaters (Docket No. CGD 80-064).	**Abstract:** Would clarify the inspection standards for valves on thermal heaters. **CFR Citation:** 46 CFR pt. 61 **Legal Authority:** 46 U.S.C. 375, 391a, 416, 526a, 1333; 49 U.S.C. 1655(b), E.O. 11239; 14 U.S.C. 633. **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** LCDR Strasser, (202) 426-2183	NPRM *FR*	*10/18/82* *5/83*	*47 FR 46336*
Inflatable Liferaft Stability (Docket No. CGD 80-113).	**Abstract:** Would provide specific rules for function, size, and placement of stability appendages. **CFR Citation:** 46 CFR pt. 160 **Legal Authority:** 46 U.S.C. 375 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** Mr. M. Daniels, (202) 426-1445	ANPRM *NPRM*	6/29/81 *11/83*	46 FR 33341
Proposed Changes to Puget Sound VTS Rules (Docket No. CGD 80-119).	**Abstract:** Would solicit public comment on determining appropriate means to reduce conflicts between various areas of Puget Sound and adjacent waterways. **CFR Citation:** 33 CFR pt. 161 **Legal Authority:** 33 U.S.C. 1221 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** Mr. A. Whittum, (202) 426-1940	ANPRM *To be withdrawn*	4/14/81	46 FR 22207
Maneuvering Performance Regulations (Docket No. CGD 80-136).	**Abstract:** Would establish performance standards for new tank vessels; and possibly all vessels in response to mandates in Port and Tanker Safety Act. **CFR Citation:** 46 CFR Ch. 1 **Legal Authority:** 46 U.S.C. 391a **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** *Mr. E. Holler,* (202) 426-2197	ANPRM NPRM	9/14/81 *10/83*	46 FR 45631

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Title	Summary	Timetable		
		Action	Date	Cite
Colregs Demarcation Lines - Savannah River, GA. Amelia Island, FLA (Docket CGD 80-142).	**Abstract:** Would move the Colregs lines along the coast of Georgia to coincide with the Georgia Dept. of Natural Resources fishing lines. **CFR Citation:** 33 CFR pt. 80 **Legal Authority:** 33 U.S.C. 151 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** LCDR Kirpatrick, (202) 426-5116	NPRM FR	7/27/81 *6/83*	46 FR 38378
Material Standards for Fixed Structures (Docket No. CGD 80-160).	**Abstract:** Description: Would revise and update 33 CFR, Subchapter N, including lifesaving and firefighting equipment. **CFR Citation:** 33 CFR Subch. N **Legal Authority:** 43 U.S.C. 1331 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** *LCDR Goodwin, (202) 426-5160*	*NPRM*	*6/83*	
Ocean Thermal Energy Conversion (OTEC) Facility and Plantship Requirement (Docket No. CGD 80-161).	**Abstract:** Would establish minimal rules mandated under the OTEC Act for marine environmental protection and safety of life and property at sea. **CFR Citation:** *46 CFR 106* **Legal Authority:** 42 U.S.C. 9118, 9119(c), 9127, 9153(a)(b) **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** *LT Curelli, (202) 926-2188*	NPRM FR	10/5/81 *4/83*	46 FR 49078
Servicing Inflatable Liferafts (Docket No. CGD 81-010).	**Abstract:** Would allow liferaft servicing in U.S. and foreign ports without Coast Guard Marine inspectors. **CFR Citation:** 46 CFR pt. 160 **Legal Authority:** 46 U.S.C. 367, 375, 3906, 391a, 416, 489, 1333; 50 U.S.C. 198. **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** *LT (jg) Delikat,* (202) 426-1445	NPRM	*5/83*	
Personal Flotation Devices (Docket No. CGD 81-023).	**Abstract:** Revokes an obsolete provision & makes several editorial changes . **CFR Citation:** 33 CFR pt. 175 and 181 **Legal Authority:** 46 U.S.C. 1454, 1488; 49 CFR 1.46(n)(1) **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** Mr. R. Franseen, (202) 426-0108	NPRM FR	4/12/82 *5/83*	47 FR 15606
Automated Main and Auxiliary Machinery (Docket No. CGD 81-030).	**Abstract:** Would implement the provisions for periodically unattended machinery spaces in the "Recommendation Concerning Regulations for Machinery and Electrical Installations on Cargo and Passenger Vessels" adopted by IMCO and the guidance on system design in Coast Guard Navigation and Inspection Circular on Automated Main and Auxiliary Machinery. **CFR Citation:** 46 CFR pt. *62* **Legal Authority:** 46 U.S.C. 375, 391, 391(a), 392 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** LCDR Miante, (202) *426-2206*	NPRM	6/83	
Charge for Coast Guard's aid to navigation work (Docket No. CGD 81-051).	**Abstract:** Would delete the buoy and vessel costs currently listed in 33 CFR 74 and direct the owner to contact the Coast Guard for a list of reimbursable service charges. **CFR Citation:** 33 CFR pt. 74 **Legal Authority:** 14 U.S.C. 81, 85, 86, 92, 93, 141, 633, 642, 647. **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation*	NPRM FR	*10/28/82* *5/83*	*47 FR 47864*

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Title	Summary	Timetable		
		Action	Date	Cite
	Additional Information: *None* **Agency Contact:** LTJG Gan, (202) 426-1974			
General Bridge Permit Regulations (Docket No. CGD 81-057).	**Abstract:** Would establish rules for issuing general bridge permits. **CFR Citation:** 33 CFR pt. 115 **Legal Authority:** 33 U.S.C. 401 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** Mr. J. Schwartz, (202) 755-7620	NPRM *FR*	*9/23/82* *6/83*	47 FR 41988
Safety Rules for self-propelled vessels carrying hazardous liquids and bulk liquefied gases (Docket No. CGD 81-052).	**Abstract:** Would revise application and examination procedures for new foreign vessels carrying chemicals and liquefied gases in bulk. *Modifies* requirement for these vessels to obtain a Letter of Compliance (LOC). **CFR Citation:** 46 CFR pt. 1, 153, 154 **Legal Authority:** 46 USC 391a **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** Mr. E. Pfersich, 426-1217	NPRM FR	5/10/82 *10/83*	47 FR 20084
Relocation of Boundary Lines (Docket No. CGD 81-058).	**Abstract:** Would relocate boundary lines in Part 46 CFR Part 7 in Accordance with PL-324. **CFR Citation:** 46 CFR pt. 7 **Legal Authority:** 33 U.S.C. 151 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** LCDR B. Turlo, (202) 426-1464	NPRM FR	6/7/82 *12/83*	47 FR 24604
Licensing of Officers and Motorboat Operators and Registration of Staff Officers (Docket No. CGD 81-059).	**Abstract:** Would amend the licensing regulations to simplify administration and improve readability to public. Also to provide a license structure for all mariners with which to advance in an orderly career pattern. Will also delete many unnecessary and outdated licenses. **CFR Citation:** 46 CFR pt. 10 **Legal Authority:** 46 U.S.C. 170, 214, 215, 222, 224, 224a, 226, 228, 229, 230, 231, 233, 244. **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** LCDR Naccara, 426-2240	*ANPRM* *NPRM*	*10/29/81* *5/83*	*46 FR 53624*
Regulated Navigation Area Ice Season, COTP Baltimore Zone (Docket No. CGD 81-067).	**Abstract:** Would establish a Regulated Navigation Area in the Baltimore MD COTP Zone during the ice season. **CFR Citation:** 33 CFR pt. 128 **Legal Authority:** 33 U.S.C. 1231 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** Ens. Strobridge, (202) 426-4958	*NPRM* FR	*12/16/82* 5/83	*47 FR 56370*
Update of 46 CFR part 153 (Docket No. CGD 81-078).	**Abstract:** Would revise and update 46 CFR part 153 through the ninth set of amendments to the IMCO Chemical Code. **CFR Citation:** 46 CFR pt. 153 **Legal Authority:** 46 U.S.C. 391a **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** *Mr. R. Query,* 426-1217	NPRM	*4/83*	
Acceptance of ASME Boilers with ASME S,E,A, and H stamps (Docket No CGD 81-079).	**Abstract:** Would delete requirement that Coast Guard review plans and inspect power and heating boilers when stamped with ASME S,E,A, or H symbol stamps. **CFR Citation:** 46 CFR pts. 52 and 53 **Legal Authority:** 46 U.S.C. 375, 416, 391, 391(a), 392 **Effects on Small Entities:** No	NPRM	7/83	

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Title	Summary	Timetable		
		Action	Date	Cite
Fairways, Fairway Anchorages and Traffic Separation Scheme *in Galveston Approach* (Docket No. CGD 81-080).	**Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** *Mr. H. Hine*, 426-2160 **Abstract:** Would establish fairways, fairway anchorages and a Traffic Separation Scheme in the Gulf of Mexico implementing the result of a Port Access Route Study. **CFR Citation:** 33 CFR pt. 167 **Legal Authority:** 33 U.S.C. 1223 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** Mr. C. Young, (202) 245-0108	NPRM FR	6/17/82 *6/83*	47 FR 26167
General revision of 46 CFR 151, Barges carrying certain bulk dangerous cargoes. (Docket No. CGD 81-082).	**Abstract:** Would revise the rules for barges carrying bulk cargoes by clarifying the language, eliminating unnecessary requirements and upgrading some existing requirements. **CFR Citation:** 46 CFR pt. 151 **Legal Authority:** 46 U.S.C. 391a **Effects on Small Entities:** *Not yet determined* **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** R. M. Query, 426-1217	NPRM	12/83	
Change references in various Subchapters from Solas 74 and Update Lifesaving and Fire Fighting Requirements (Docket No. CGD 81-090).	**Abstract:** Would incorporate changes required by Solas 74 **CFR Citation:** 46 CFR Ch. 1 **Legal Authority:** E.O. 12234 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** *LCDR Healey, (202) 426-1464*	NPRM	*12/83*	
Miscellaneous Amendments to Electrical and Fuel System Regulations for Recreational Boats. (Docket No. CGD 81-092).	**Abstract:** Would revoke unnecessary electrical and fuel system regulations. **CFR Citation:** 33 CFR pt. 1830 **Legal Authority:** 46 U.S.C. 1454 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *Extension of comment period to 1/21/83 published on 12/30/82; 47 FR 58306.* **Agency Contact:** Mr. A. Colihan, (202) 426-4027	NPRM *FR*	*9/23/82* *4/83*	*47 FR 41993*
Tank Vessels Carrying Noxious Liquid Substances in Bulk; Pollution Prevention and Control, Equipment and Operational Requirements (Docket No. CGD 81-101).	**Abstract:** Would limit and restrict the discharge of noxious liquid substances made by chemical tankers. **CFR Citation:** 33 CFR pt. 157 **Legal Authority:** P.L. 96-478 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** F. Wybenga, 426-1217	ANPRM *Further action to be determined.*	*1/13/82*	*48 FR 1519*
Fairways on the Southern Coast of Alaska (Docket No. CGD 81-103).	**Abstract:** Would establish fairways on the southern coast of Alaska implementing the result of a Port Access Route Study. **CFR Citation:** 33 CFR pt. *166* **Legal Authority:** 33 U.S.C. 1223 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** Mr. C. Young, (202) 245-0108	NPRM	*9/83*	
Fees for Numbering of Undocumented Vessels (Docket No. CGD 82-001).	**Abstract:** Would raise fees for the numbering of undocumented vessels in areas where Coast Guard is the issuing authority. **CFR Citation:** 33 CFR pt. 173 **Legal Authority:** 46 U.S.C. 1472 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** Mr. R. Frenzen, (202) 426-0108	*Further action to be determined.*		

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		Action	Date	Cite
Suspension and Revocation Proceedings (Docket No. CGD 82-002).	**Abstract:** Revise and Amend 46 CFR Part 5 to (1) incorporate changes due to recent legislative actions (2) improve clarity and conciseness (3) make substantive procedural changes. **CFR Citation:** 46 CFR pt. 5 **Legal Authority:** 46 U.S.C. 239 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** *CDR Balok,* (202) 426-2187	NPRM	*6/83*	
OSV Subchapter (Docket No. CGD 82-004).	**Abstract:** Create new 46 CFR subchapter governing Offshore Supply Vessels. **CFR Citation:** 46 CFR pts. 125–136 **Legal Authority:** Pub. L. 96-378 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** *LCDR Feeney, (202) 426-2188*	ANPRM *NPRM*	*2/14/83* *6/84*	*48 FR 6636*
Subchapter "D" & "O" Barges - Internal Inspections (Docket No. CGD 82-005).	**Abstract:** Change Subchapter "O" Regulation on Internal Inspection to coincide with d/d. **CFR Citation:** 46 CFR pt. 151 **Legal Authority:** 46 USC 170 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** *CDR* Strasser, (202) 426-2183	NPRM	*4/83*	
Casualty Reporting Requirements for Recreational Boats (Docket No. CGD 82-015).	**Abstract:** Amend casualty and accident reporting requirements for operators of recreational boats involved in boating accidents. **CFR Citation:** 33 CFR pt. 173 and 174 **Legal Authority:** 46 U.S.C. 1486 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** Mr. R. Franseen, (202) 426-0108	NPRM	*6/83*	
Casualty Reporting Requirements (Docket No. CGD 82-023).	**Abstract:** Amends 46 CFR Parts 4, 26, 35, 78, 97, 109, 167, 185, 196, 197 to reflect new reporting requirements for marine casualties. Implements new reporting form which replaces two separate forms. Will be published as an interim final rule. **CFR Citation:** 46 CFR pts. 4, 26, 35, 78, 97, 109, 167, 185, 196, 197. **Legal Authority:** 33 U.S.C. 361, 46 U.S.C. 239 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** LCDR T.E. Hart, (202) 426-6251	Interim FR	8/16/82	47 FR 158
Casualty Reporting Requirements (Docket No. CGD 82-023a).	Amends 33 CFR 146 to reflect new reporting requirements for marine casualties. Implements new reporting form which replaces two separate forms. **CFR Citation:** 33 CFR pt. 146 **Legal Authority:** 33 U.S.C. 361, 46 U.S.C. 239, 46 U.S.C. 375 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** LCDR T.E. Hart, (202) 426-6251	*Interim FR*	8/16/82	47 FR 158
General Bridge Operation Regulations (Docket No. 82-025).	**Abstract:** Would consolidate bridge operation regulations into one part. **CFR Citation:** 33 CFR pt. 117 **Legal Authority:** 49 U.S.C. 1655 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** Mr. Teuton, (202) 426-1380	NPRM *SNPRM*	7/12/82 *5/83*	47 FR 30176

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Title	Summary	Timetable		
		Action	Date	Cite
Rewrite of 33 CFR Part 157 (Docket No. CGD 82-030).	**Abstract:** Amend pollution regulations to clarify, correct minor errors, and incorporate policy decisions and international interpretations. **CFR Citation:** 33 CFR pt. 157 **Legal Authority:** 46 U.S.C. 391a **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** Mr. J. Angelo, (202) 426-4431	NPRM	*9/83*	
Hand Held Flashlights, Independent Inspection Agencies (Docket No. CGD 82-042)	**Abstract:** Would remove two-cell flashlight requirements from flashlight approval specification, change "independent laboratory" to "independent inspection agency", throughout Subchapter J and revise other regulations accordingly. **CFR Citation:** 46 CFR pt. 161 **Legal Authority:** 46 U.S.C. pts. 391a, 481 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** *LCDR Miante, (202) 426-2206*	NPRM	*6/83*	
Aids to Navigation on Outer Continental Shelf (Docket No. 82-054).	**Abstract:** Would allow manufacturer certification of lights for marking artificial islands and fixed structures. **CFR Citation:** 33 CFR pt. 67 **Legal Authority:** 14 U.S.C. 2, 83, 85, 92, 633 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** *LT Hayden*, (202) 426-1973	NPRM	*4/83*	
Navigation Safety Regulations (Docket No. 82-055).	**Abstract:** Would generally revise the regulations for nautical charts and publications. **CFR Citation:** 33 CFR 164.23 **Legal Authority:** 33 U.S.C. 1231, 1221 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** Mr. T. Falvey, (202) 426-*4958*	NPRM	*8/83*	
Natural Ventilation Regulations for Small Boats (Docket No. 82-056).	**Abstract:** Would replace existing regulations with voluntary industry standard. **CFR Citation:** 33 CFR pt. 183 **Legal Authority:** 46 U.S.C. 1454 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** *Mr. L. Gray*, (202) 426-4027	*Further action to be determined.*		
Update Bulk Liquefied Gas Tanker Requirements (Docket No. 82-058).	**Abstract:** Would update and revise standards for self-propelled vessels carrying bulk liquefied gases. **CFR Citation:** 46 CFR pts. 154 **Legal Authority:** 46 U.S.C. 391a **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** Dr. A.L. Rowek, (202) 426-1217	NPRM	4/83	
Visual Distress Signal Equipment Requirements (Docket No. CGD 82-073).	**Abstract:** Amend to clarify definition of "Coastal waters". **CFR Citation:** 33 CFR pt. 175 **Legal Authority:** 46 U.S.C. 1454 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** Mr. R. Franseen, (202) 426-0108	NPRM *FR*	*9/23/82* *5/83*	46 FR 41992
*Pilot Boarding Equipment (Docket No. 79-032).	**Abstract:** Would amend current regulations for the equipment and operating standards utilized in embarking and disembarking pilots on vessels. Would combine existing standards with those contained in SOLAS 1974. **CFR Citation:** 46 CFR Pts. 26, 31, 71, 97, 108 and 189 **Legal Authority:** 46 U.S.C. 375, 391a, 416 and 481	NPRM	5/83	

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Title	Summary	Timetable		
		Action	Date	Cite
	Effects on Small Entities: No **Analysis:** Regulatory evaluation **Additional Information:** None **Agency Contact:** LT John Astley, (202) 426-2183			
*Shipping Safety Fairways, Amendments and Additions (Docket No. 81-080a).	**Abstract:** Would amend existing fairways and add new fairway anchorages in the Gulf of Mexico implementing the results of a Port Access Route Study. **CFR Citation:** 33 CFR Pt. 166 **Legal Authority:** 33 U.S.C. 1223 **Effects on Small Entities:** No **Analysis:** Regulatory evaluation **Additional Information:** None **Agency Contact:** Mr. C. Young, (202) 245-0108	NPRM FR	8/9/82 6/83	47 FR 34432
*Casualty Reporting Requirements (Docket No. 82-069).	**Abstract:** Would eliminate the cost of salvage, cleaning, gas freeing, and drydocking from damage costs. **CFR Citation:** 46 CFR Pts. 4, 26, 35, 78, 97, 109, 167, 185 and 196. **Legal Authority:** 46 U.S.C. 239, 375; 33 U.S.C. 361 **Effects on Small Entities:** No **Analysis:** Regulatory evaluation **Additional Information:** None **Agency Contact:** LT C. Mosebach, (202) 426-1455	NPRM FR	8/16/82 4/83	47 FR 35533
*Exposure Suits; Requirements for Mobile Offshore Drilling Units and Coastwise Vessels (Docket No. CGD 82-075a and 82-075b).	**Abstract:** Would require mobile offshore drilling units and other oceangoing and coastwise vessels to carry exposure suits for persons on board. Vessels and units operating in waters where water temperature is not a severe threat to life would be exempted. **CFR Citation:** 46 CFR Pts. 25, 33, 35, 94, 107, 108, 109, 160, 192, 196; 33 CFR pt. 144. **Legal Authority:** 46 U.S.C. 391a, 481, 526; 49 U.S.C. 1655(b)(1) **Effects on Small Entities:** No **Additional Information:** None **Agency Contact:** Mr. R. Markle, (202) 426-1444	NPRM *FR*	2/3/83 10/83	*48 FR 4833*
*Numbering System Requirements (Docket No. CGD 82-076).	**Abstract:** Would give states greater flexibility in the managing of their numbering systems. **CFR Citation:** 33 CFR Pt. 174 **Legal Authority:** 46 U.S.C. 1454 **Effects on Small Entities:** No **Analysis:** Regulatory evaluation **Additional Information:** None **Agency Contact:** Mr. R. Franseen, (202) 426-0108	NPRM	7/83	
*Visual Distress Signals—Strobe Lights (Docket No. CGD 82-084).	**Abstract:** Would add strobe lights and an optional carriage item for inland rule waters.. **CFR Citation:** 33 CFR **Legal Authority:** 46 U.S.C. 1454 **Effects on Small Entities:** No **Analysis:** Regulatory evaluation **Additional Information:** None **Agency Contact:** Mr. R. Franseen, (202) 426-0108	NPRM	5/83	
*Documentation of Vessels; U.S. Built Determinations (Docket No. CGD 82-085).	**Abstract:** Solicits comments on how best to determine when a vessel built using some foreign components should be considered built in the United States for documentation purposes. **CFR Citation:** 46 CFR Pt. 67 **Legal Authority:** 49 U.S.C. 1655 **Effects on Small Entities:** Not determined **Analysis:** Regulatory evaluation **Additional Information:** None **Agency Contact:** Ms. Carnilla, (202) 426-1492	ANPRM Further action to be determined.	10/14/82	47 FR 45888
*Nautical Schools: Implementing the Maritime Educational Training Act of 1980 (Docket No. CGD 82-092).	**Abstract:** Would update authority cites for Nautical Schools Inspection Regulations (46 CFR Subchapter "R") and update certain parts to conform with current inspection policies. Nautical School vessels operated by the United States (formerly called "Public Nautical School Ships") between 15 and 300 gross tons would be subject to inspection for the first time.	NPRM	5/83	

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Title	Summary	Timetable		
		Action	Date	Cite
	CFR Citation: 46 CFR Pts. 166, 167, and 168 **Legal Authority:** P.L. 96-453 **Effects on Small Entities:** No **Analysis:** Regulatory evaluation **Additional Information:** None **Agency Contact:** LCDR Fust, (202) 426-1464			
*Unmanned Barges Carrying Certain Dangerous Bulk Cargoes (Docket No. CGD 82-096).	**Abstract:** The proposed rule would correct and add electrical hazard class and group rating to the list of cargoes regulated under 46 CFR 151. **CFR Citation:** 46 CFR Pt. 151.05 **Legal Authority:** 46 U.S.C. 391a, 49 U.S.C. 1655, 49 CFR 1.46(t). **Effects on Small Entities:** No **Analysis:** Regulatory evaluation **Additional Information:** None **Agency Contact:** Mr. J. Jakabcin, (202) 426-6262	NPRM	5/83	
*Compatability of Cargoes (Docket No. CGD 82-100a).	**Abstract:** Would consolidate requirements for compatabile storage of bulk liquid hazardous materials on tank vessels; would update table since October 23, 1980. **CFR Citation:** 46 CFR Pt. 150 **Legal Authority:** 46 U.S.C. 391a, 49 U.S.C. 1655, 46 CFR 1.46(t). **Effects on Small Entities:** No **Analysis:** Regulatory evaluation **Additional Information:** None **Agency Contact:** Mr. J. Jakabcin, (202) 426-6262	NPRM FR	11/15/82 5/83	47 FR 51427
*Adoption of Port Hueneme, CA, Fairway form Corps of Engineers (Docket No. CGD 82-101).	**Abstract:** Would transfer existing fairway at Port Hueneme from COE rules (33 CFR 209.138) to the Coast Guard. **CFR Citation:** 33 CFR Pt. 166 **Legal Authority:** 33 U.S.C. 1223 **Effects on Small Entities:** No **Analysis:** Regulatory evaluation **Additional Information:** None **Agency Contact:** Mr. C. Young, (202) 245-0108	FR	7/83	
*Change in Interpretation of Section 2 of the Shipping Act of 1916 as amended for Coastwise Trading Purposes (Docket No. CGD 82-103).	**Abstract:** Sought comments concerning the easing of current citizenship requirements for owners of vessels engaging in coastwise trade. **CFR Citation:** 46 CFR Pt. 121 and Pt. 355 **Legal Authority:** Not applicable **Effects on Small Entities:** Not applicable **Analysis:** Regulatory evaluation **Additional Information:** Extension of comment period to 1/24/83 published on 12/30/82 47 FR 58314. **Agency Contact:** CDR Diston, (202) 426-1527	ANPRM Further action to be determined.	11/4/82	47 FR 49990
*Documentation of Vessels; Controlling Interest (Docket No. CGD 82-105).	**Abstract:** Solicits comments on the term "controlling interests" for the purpose of documenting vessels owned by partnerships. **CFR Citation:** 46 CFR Pt. 67 **Legal Authority:** 49 U.S.C. 1655 **Effects on Small Entities:** Not determined **Analysis:** Not required **Additional Information:** None **Agency Contact:** Ms. Carnilla, (202) 426-1492	ANPRM Further action to be determined.	11/12/82	47 FR 51170
	Other Rulemakings: Routine and Frequent			
	TOTAL ACTIONS EXPECTED			
Safety/Security Zone Regulations.	7 **Agency Contact:** Mr. Ziegfeld, (202) 426-5116		*4/83 - 10/83*	
Anchorage Area Regulations	16 **Agency Contact:** Mr. Ziegfeld, (202) 426-5116		*4/83* - 10/83	

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Other Rulemakings—Continued

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
Drawbridge Regulations	50 **Agency Contact:** Mr. F. Teuton, (202) 426-1380		10/82 - 10/83	

Reviews of Existing Regulations

Priority Reviews

[Key to symbols: *New Item. †Analysis or review being considered under Regulatory Flexibility Act. • Presidential Task Force Priority Review. *Italics:* New or changed information since last Agenda]

Title	Summary	Timetable		
		Action	Date	Cite
Marine Sanitation Devices on Vessels.	**Abstract:** These regulations govern the design and construction of marine sanitation devices in accordance with the regulations and performance standards promulgated by the Environmental Protection Agency (EPA) under section 312 of the Federal Water Pollution Control Act. They also contain the procedures by which Coast Guard enforces its own and EPA standards pertaining to these devices. The purpose of the regulations is to eliminate the discharge of untreated sewage from vessels into the waters of the United States. This is one of the Coast Guard's most controversial regulations. The Coast Guard estimates the annual cost of the rule to be $100,000,000. The Coast Guard estimates the cost of retrofitting boats with these devices to be $100,000,000. The regulation is appropriate for review because of its cost and because of its unpopularity with boat owners. Any revision of the regulation, however, will require coordination with the EPA. **CFR Citation:** 33 CFR pt. 159 **Legal Authority:** 33 U.S.C. 1322 **Effects on Small Entities:** No **Agency Contact:** *LCDR. Masterbrook, (202) 426-1450*	Notice of Program Review. Completion of Review.	12/24/81 *4/83*	46 FR 62479
Vessel Reporting Requirements.	**Abstract:** These regulations were developed and promulgated pursuant to the Port and Tanker Safety Act. They require vessel owners to report their locations, arrivals and departures when carrying certain hazardous cargoes. The barge industry and certain boat owners in the past have opposed these regulations. These regulations are being reviewed because of their controversy and impact on the barge and towing industry.. **CFR Citation:** 33 CFR pt. 161 **Legal Authority:** 46 U.S.C. 391A **Effects on Small Entities:** No **Agency Contact:** Mr. Bruce Novack, (202) 426–1477	Completion of Review.	4/83	
	OTHER REVIEWS			
†Regulatory Flexibility Act Reviews.	**Abstract:** In accordance with the Regulatory Flexibility Act (RFA) review plan published in the Federal Register of June 29, 1981 (46 FR 33404) the Coast Guard has deferred selecting any specific regulations for RFA review at this time. Instead, the Coast Guard is dividing its regulatory material into manageable units and determining which will require review under the RFA. Once the extent of the required RFA review is known, the Coast Guard will publish a specific review schedule. **CFR Citation:** 33 CFR **Legal Authority:** None **Effects on Small Entities:** Yes **Agency Contact:** Mr. Bruce Novak, (202) 426-1477	**Review Plan** Review in Process.	**6/29/81**	**46 FR 33404**

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Reviews of Existing Regulations

Priority Reviews—Continued

[Key to symbols: *New Item. †Analysis or review being considered under Regulatory Flexibility Act. • Presidential Task Force Priority Review. *Italics:* New or changed information since last Agenda]

Title	Summary	Timetable		
		Action	Date	Cite
†Requirements for uninspected (commercial) motor boats.	**Abstract:** Regulations provide for Rules of the Road equipment (COLREG 72), lifesaving, equipment, fire extinguishing equipment backfire flame control, ventilation of internal spaces, liquified petroleum gas prohibition, (passenger carrying). **CFR Citation:** 46 CFR pt. 25 **Legal Authority:** 46 U.S.C. 526p **Effects on Small Entities:** Yes **Agency Contact:** CDR Strasser, (202) 426-2183	Completion of Review.	10/83	
Inspection of Cargo Gear	**Abstract:** Requirements apply to all tank vessels and tank barges providing for specific tests and inspections at particular intervals of cargo gear and board. **CFR Citation:** 46 CFR 31.36 **Legal Authority:** 46 U.S.C. 391a **Effects on Small Entities:** No **Agency Contact:** CDR Strasser, (202) 426-2183	Completion of Review.	10/83	
†Reinspection	**Abstract:** Requirements apply to certificated small passenger vessels--provide for reinspections between three year inspections for certification. **CFR Citation:** 46 CFR Subpart 176.10 **Legal Authority:** 46 U.S.C. 390 **Effects on Small Entities:** Yes **Agency Contact:** LT Astley, (202) 426-2183	Completion of Review.	10/83	
†Drydocking or Hauling Out	**Abstract:** Requirements apply to certificated small passenger vessels--provide for periodic drydock or haul-out inspections of each vessel. **CFR Citation:** 46 CFR 176.15 **Legal Authority:** 46 U.S.C. 390 **Effects on Small Entities:** Yes **Agency Contact:** LT Astley, (202) 426-2183	Completion of Review.	10/83	
Commercial Diving Operations.	**Abstract:** Requirements apply to all commercial underwater diving from inspected vessels and also when performed on the U. S. Outer Continental shelf--provide for design, construction use of equipment, inspection, operation, safety and health regulations. **CFR Citation:** 46 CFR pt. 167 Subpart B **Legal Authority:** 43 U.S.C. 1331 **Effects on Small Entities:** No **Agency Contact:** LCDR Healey, (202) 426-1464	Completion of Review.	10/83	
Equipment for lifeboats, liferafts, lifefloats, and buoyant apparatus.	**Abstract:** Regulations require certain specified items of emergency equipment for use in lifeboats, liferafts, etc. **CFR Citation:** 46 CFR 94.20 **Legal Authority:** 46 U.S.C. 481 **Effects on Small Entities:** No **Agency Contact:** Mr. R. Markle, (202) 426-1444	Completion of Review.	10/83	

Completed Actions

Other Rulemakings

[Key to symbols: *New Item. †Analysis or review being considered under Regulatory Flexibility Act. • Presidential Task Force Priority Review. *Italics:* New or changed information since last Agenda]

Title	Summary	Timetable		
		Action	Date	Cite
†Review: Stability Standards for Towing and Offsore Vessel Hull Forms (Docket No. CGD 76-018).	**Abstract:** Would establish intact stability standards for both towing and free-route modes of subject vessels. **CFR Citation:** 46 CFR pt. 42 **Legal Authority:** 46 U.S.C. 86, 88, 375, 416 **Effects on Small Entities:** Yes	*Project Terminated.*		

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Completed Actions

Other Rulemakings—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. • Presidential Task Force Priority Review. *Italics:* New or changed information since last Agenda]

Title	Summary	Timetable		
		Action	Date	Cite
	Analysis: *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** Mr. F. Perrini, (202) 426-2187			
Review: Subdivision and Stability of Passenger Vessels (Docket No. CGD 76-053).	**Abstract:** Proposes more flexible regulations by allowing alternate compliance with Intergovernmental Maritime Consultative Organization as an alternative to existing requirements. **CFR Citation:** 46 CFR pts. 73, 74 **Legal Authority:** 46 U.S.C. 391, 392, 404, 481, 482, 483, 395, 363, 88a, 369, 367, 1333, 3906, 44 USC 88a. **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* Additional Information: *None* **Agency Contact:** Mr. Howell, (202) 426-2187	NPRM *FR*	8/20/81 *8/26/82*	46 FR 42300 *47 FR 37551*
Review: Casualty Reporting (Docket No. CGD 76-170).	**Abstract:** Would update the regulation by changing the monetary and other damage criteria. As a result of numerous comments, a revised NPRM was published. **CFR Citation:** 46 CFR pt 4.05 **Legal Authority:** 46 U.S.C. 239 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *Correction of NPRM published on 10/23/78; 43 FR 49316. Extension of comments period to 1/1/82 published on 10/8/81; 46 FR 49877.* **Agency Contact:** *LT Mosebach, (202) 426-1455*	NPRM NPRM Interim FR *FR*	10/19/78 12/3/79 11/24/80 *9/9/82*	43 FR 48982 44 FR 69308 45 FR 77439 *47 FR 29683*
Review: Radar Observer Endorsement for Personnel (Docket No. CGD 76-193a).	**Abstract:** Would require specialized training in use of radar equipment. **CFR Citation:** 46 CFR pt. 10 **Legal Authority:** 46 U.S.C. 416, 214, 224, 224a, 225a, 226, 228, 229, 230, 375, 231, 233, 237, 367. **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** *LCDR Nocara, (202) 426-2241*	NPRM *FR*	11/6/80 *9/16/82*	45 FR 73716 *47 FR 40800*
Review: Shipboard Fumigation Standards (Docket No. CGD 76-206).	**Abstract:** Proposed operational requirements for fumigation procedures on vessels. **CFR Citation:** 46 CFR pt. 147a **Legal Authority:** 49 U.S.C. 170 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** Mr. J. McAnulty, (202) 426-1577	*Project Terminated*		
Review: Second Class Operator for Towing Vessels (Docket No. CGD 77-204).	**Abstract:** Would allow able seaman service on ocean going vessels to be credited toward second class towboat license. **CFR Citation:** 46 CFR pt. 10 **Legal Authority:** 46 U.S.C. 405b, 49 U.S.C. 1655b **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** CDR Struck, (202) 426-2240	NPRM *Withdrawn*	5/25/78 *3/15/82*	43 FR 22653 *47 FR 11046*
Aluminum Hatch Covers Aboard Tank Ships (Docket No. CGD 78-121).	**Abstract:** Would prohibit aluminum hatch covers on tank ships, because they can melt down in shipboard fires. **CFR Citation:** 46 CFR 32.60-1 **Legal Authority:** 46 U.S.C. 391a, 49 U.S.C. 1655 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** *Mr. D. Kerlin,* (202) 426-2197	NPRM *Withdrawn*	10/27/80 *9/2/82*	45 FR 70818 *47 FR 38707*
Use of Dangerous Articles as Ship's Stores (Docket No. CGD 79-166).	**Abstract:** Would establish acceptance, handling, and use of dangerous articles as products approved for use onboard vessels. **CFR Citation:** 46 CFR pt. 147 **Legal Authority:** 46 U.S.C. 170 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation*	*Project Terminated*		

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Other Rulemakings—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. • Presidential Task Force Priority Review. *Italics:* New or changed information since last Agenda]

Title	Summary	Timetable		
		Action	Date	Cite
	Additional Information: *None* **Agency Contact:** Mr. J. McAnulty, (202) 426-1577			
Review: Painters for Life Floats and Buoyant Apparatus (Docket No. CGD 79-167).	**Abstract:** Would require life floats and buoyant apparatus to have painters that are secured to the vessel. **CFR Citation:** 46 CFR pts. 33, 75, 94, 160, 180, 192 **Legal Authority:** 46 U.S.C. 391a **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** Mr. R. Markle, (202) 426-1444	NPRM FR	10/8/81 *9/20/82*	*46 FR 49914* *47 FR 41068*
Vessel Navigational Visibility (Docket No. CGD 80-134).	**Abstract:** Would identify constraints on operation and recommend effective procedures to eliminate or reduce inadequate bridge visibility. **CFR Citation:** 46 CFR Ch. 1 **Legal Authority:** 46 U.S.C. 369, 391a **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** LCDR Henry, (202) 426-2197	ANPRM *Withdrawn notice*	5/11/81 *9/2/82*	46 FR 26086 *47 FR 38707*
Electronic Position Fixing Devices (Docket No. CGD 81-081).	**Abstract:** Would allow the use of satellite navigation receivers without a continually tracking complementary system to meet the requirements for carriage of an electronic position fixing device on vessels 1600 gross tons and more entering U.S. waters. **CFR Citation:** 33 CFR pt. 164 **Legal Authority:** 33 U.S.C. 1223 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** Mr. T. Falvey, (202) 426-4958	FR (Pt. I) FR (Pt. II)	2/11/82 *12/23/82*	47 FR 6289 *47 FR 58243*
Issuance of Bridge Permits (Docket No. 82-006).	**Abstract:** Would revise the rules for issuing bridge permits to simplify procedures. **CFR Citation:** 33 CFR 114, 115 **Legal Authority:** 33 U.S.C. 401, 491, 499, 521, 525, 535 **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** Mr. A Meschter, (202) 426-1380	*FR*	*8/23/82*	*47 FR 36639*
Barge Fleeting (Docket No. 82-020).	**Abstract:** Would require towboats to guard channel 67 in lieu of channel 13. **CFR Citation:** 33 CFR pt. *165* **Legal Authority:** 33 U.S.C. 1225 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** ENS Strobridge, (202) 426-4958	FR	*8/16/82*	*47 FR 35482*
Marine Casualty Investigation (Docket No. 82-034).	**Abstract:** Would publish joint NTSB-USCG regulations concerning investigation procedures for casualties involving Coast Guard property. **CFR Citation:** 46 CFR pt. 4 **Legal Authority:** 49 U.S.C. 1903 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** LCDR Hart, (202) 426-6251	FR	*10/14/82*	*47 FR 45881*
Remove "Rules of The Road" from Title 46. (Docket No. CGD 82-036).	**Abstract:** Would delete references to Title 33 navigation rules and navigation equipment requirements from merchant vessel inspection subchapters of Title 46. **CFR Citation:** 46 CFR 2.20-5, 24.10-25, 30.10-62, 70.10-37 **Legal Authority:** 33 U.S.C. 1607, 2071 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** Mr. F. Thompson, (202) 426-2174	FR	*1/6/83*	*48 FR 653*

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Other Rulemakings—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
*Regulated Navigation Area, San Pedro Bay, Calif. (Docket No. 82-046).	**Abstract:** Would establish regulated navigation area in San Pedro Bay to include Los Angeles and Long Beach Pilot Areas, as well as commercial anchorage. **CFR Citation:** 33 CFR Part 165 **Legal Authority:** 33 U.S.C. 1223, 1231 **Effects on Small Entities:** None **Analysis:** Regulatory evaluation **Additional Information:** None **Agency Contact:** ENS R. Strobridge, (202) 426-4958	NPRM FR	8/13/82 1/12/83	47 FR 35011 48 FR 1958
*Applications for Processing Bridge Permits (Docket No. CGD 82-074).	**Abstract:** Will allow water quality certifications to be waived under certain conditions. **CFR Citation:** 33 CFR Pt. 115 **Legal Authority:** 33 U.S.C. 401 **Effects on Small Entities:** No **Analysis:** Regulatory evaluation **Additional Information:** None **Agency Contact:** Mr. N. Mpras, (202) 426-0942	FR	11/18/82	47 FR 51864
*Safety Approval of Cargo Containers (Docket No. GCD 82-086).	**Abstract:** Amended the Safety Approval of Cargo Container regulations in order to allow implementation of amendments to the International Safety Container Act and the International Convention for Safe Containers. **CFR Citation:** 49 CFR Pts. 450-453 **Legal Authority:** P.L. 97-249 **Effects on Small Entities:** No **Analysis:** Regulatory evaluation **Additional Information:** Correction of Final Rule published on 12/23/82; 47 FR 57287. **Agency Contact:** LT Lantz, (202) 426-4431	FR	11/8/82	47 FR 50494
*General Bridge Locations and Clearances and Drawbridge Operation Regulations; Change in Procedures. (Docket No. CGD 82-102).	**Abstract:** Amended regulations governing drawbridge operations, bridge permits and penalties. **CFR Citation:** 33 CFR Pts. 1, 2, 114, 115, 117 **Legal Authority:** 33 U.S.C. 495, 499, 502, 533 **Effects on Small Entities:** No **Analysis:** Regulatory evaluation **Additional Information:** None **Agency Contact:** Mr. F. Teuton, (202) 426-0942	FR	12/02/82	47 FR 54298
Review: Mandatory Marking of Obstructions (Docket No. CGD 78-156).	**Abstract:** Would clarify and consolidate the requirements for marking of obstructions. **CFR Citation:** 33 CFR pt. 64 **Legal Authority:** 14 U.S.C. 2, 81, 85, 86, 92, 633; 33 U.S.C. 403, 409; 42 U.S.C. 9118; 43 U.S.C. 1333. **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** *LT(jg) Hayden*, (202) 426-1974	NPRM FR	11/19/81 *3/17/83*	46 FR 56829 *48 FR 11266*
Disclosure of Safety Standards and Country of Registry (Docket No. CGD 79-180).	**Abstract:** Would update 46 CFR 80.10 in compliance with 46 U.S.C. 362(b). **CFR Citation:** 46 CFR 80.10 **Legal Authority:** 46 USC 362, 1655 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** CDR Deleonardis, (202) 426-2183	NPRM FR	8/2/82 *2/22/83*	47 FR 33284 *48 FR 7455*
Change of Address and Mail Routing Symbols (Docket No. CGD 82-*010*).	**Abstract:** Would amend numerous addresses contained within CFR to reflect reorganization of the Office of Boating, Public, and Consumer Affairs. **CFR Citation:** 33 CFR pts. 173-183 **Legal Authority:** 46 U.S.C. 1451 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** Mr. R. Franseen (202) 426-1080	FR	*2/28/83*	*48 FR 8272*
Closing Documentation Offices (Docket No. 82-018).	**Abstract:** Would close various documentation offices **CFR Citation:** 46 CFR Pt. 66	FR	*2/22/83*	*48 FR 7451*

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Other Rulemakings—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
*Change Staff Codes and Correct Address. (Docket No. 82-063).	**Legal Authority:** *46 U.S.C. 65a, 65c, 65v* **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** LCDR DeWitt, (202) 426-1483 **Abstract:** Changed (G-MHM) to (G-MTH) and (G-MMT) to (G-MTH) or (G-MVI) as appropriate, revise functional descriptions, and correct mailing addresses throughout CFR Titles 33, 46, and 49. **CFR Citation:** 33 CFR, 46 CFR, 49 CFR **Legal Authority:** Not applicable **Effects on Small Entities:** No **Analysis:** Regulatory evaluation **Additional Information:** None **Agency Contact:** Mr. F. Thompson, (202) 426-1577	FR	2/3/82	48 FR 4776

Federal Aviation Administration

FAA

Current and Projected Rulemakings

Priority Rulemakings: Non-Major

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
†Parts Manufacturer Approvals (Docket No. 17147).	**Abstract:** Would (1) simplify the procedure for approving a PMA applicant's design on the basis of identicality to an already approved design; (2) reduce PMA application and reporting requirements; and (3) add a marking requirement which will facilitate field installation of replacement parts manufactured under a PMA and help avoid use of incorrect parts. The proposed revision is considered to be significant because it is controversial. Differences of opinion exist with respect to the methods available for showing identicalness of parts. Also the Parts Manufacturer Approval application and reporting requirements may be unnecessarily burdensome. **CFR Citation:** 14 CFR pt. 21 **Legal Authority:** Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423). **Effects on Small Entities:** Yes **Analysis:** Regulatory Evaluation/Regulatory Flexibility Analysis. **Additional Information:** This project was initiated December 23, 1975. NPRM No. 77-19 was published in the Federal Reigster (42 FR 43985). Comment period later reopened until January 4, 1978 (NPRM No. 77-19A, 42 FR 61048) and again reopened until May 15, 1978 (NPRM No. 77-19B, 43 FR 15432). Portions of NPRM 77-19 dealing with other subjects were handled separately. Supplemental Notice of Proposed Rulemaking (SNPRM) was published January 15, 1981 (46 FR 3775). Initial comment period closed April 15, 1981; reply comment period closed May 15, 1981. NPRM 77-19D reopening the comment period until August 24, 1981, and the reply comment period until September 21, 1981, was published July 23, 1981 (46 FR 38062). In view of the Congressional, Federal Agency, and public comments on this rulemaking, a Regulatory Flexibility Analysis will be prepared, whether or not required by the Regulatory Flexibility Act. **Agency Contact:** *Phillip J. Akers, (202) 426-8323*	NPRM SNPRM FR	12/23/75 1/15/81 *5/83*	42 FR 43985 46 FR 3775

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Priority Rulemakings: Non-Major—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
Airborne Low-Level Wind Shear Equipment Requirements (Docket No. 19110).	**Abstract:** Would revise existing regulation to require all large passenger-carrying aircraft be equipped with a device that will display wind shear information to the pilots. This action is considered a significant project because it will generate substantial public interest and will be controversial. As a result of several accidents involving wind shear, it is necessary to identify equipment that will enable pilots to identify low level wind shear conditions. **CFR Citation:** 14 CFR pt. 121 **Legal Authority:** Secs. 313(a), 601 and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1424) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)). **Effects on Small Entities:** No **Analysis:** Regulatory Evaluation **Additional Information:** In 1975, the FAA began a two year effort to develop a wind shear program. As part of the program, FAA began work to develop a wind shear warning and pilot aiding device which has achieved encouraging results. Following the initial announcement of this proposal it was determined that a regulatory analysis would not be required; however, an evaluation will be made and docketed. ANPRM No. 79-11 was published on May 3, 1979 (44 FR 25807) and comment period closed August 3, 1979. (14 CFR Parts *91*, 121 & 135). **Agency Contact:** *David L. Catey, (202) 426-8096*	ANPRM ..... Further action to be determined.	5/3/79	44 FR 25807
Flight Crewmembers: Limitations on Use of Services *(Docket No. 23174)*.	**Abstract:** The FAA has established a project to determine the need to revise that provision of Part 121 which prohibits certificate holders from using the services of any person as a pilot flight crewmember if that person has reached his or her 60th birthday and to extend the rule to cover all flight crewmembers in air carrier operations. The "Age 60" rule is significant because it has been objected to by pilots flying in Part 121 operations since its adoption. Any action that the FAA proposes can be expected to generate significant concern over the economic and career consequences to flight crewmembers and to air carriers. This project is needed in light of a recent government study on the "Age 60" rule and air carrier experience involving down-bidding of age 60 pilots to flight engineer positions. **CFR Citation:** 14 CFR pt. 121 **Legal Authority:** Section 313(a), 601, 602, and 604, Federal Aviation Act of 1958 (49 U.S.C. Sections 1354(a), 1421, 1422, 1423); Section 6(c) Department of Transportation Act (49 U.S.C. Section 1655(c)). **Effects on Small Entities:** No **Analysis:** Regulatory Evaluation **Additional Information:** Public Law 96-171 (7/18/79) directed the National Institutes of Health (NIH) to conduct a study to determine if the "age 60 rule" is warranted. The report, issued August 1982, recommends retaining the rule, extending it to cover Part 135 operations, and implementing a study to collect data to possibly relax the current rule. The ANPRM 82-10 was published July 8, 1982. (47 FR 29782). The comment period closed November 5, 1982. **Agency Contact:** *Lawrence P. Bedore, (202) 426-8096*	ANPRM ..... Further action to be determined.	7/8/82	47 FR 29782

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Current and Projected Rulemakings

Priority Rulemakings: Non-Major—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
Airport Noise Compatibility Planning.	**Abstract:** Would revise and replace with a final rule the interim rule (FAR Part 150) on this subject, (1) prescribing requirements for airport operators choosing to submit an airport noise exposure map or an airport noise compatibility program, (2) establishing a single system of measuring aircraft noise and a single system for determining the exposure of individuals to noise in the vicinity of airports, and (3) identifying land uses that are normally compatible (or noncompatible) with various levels of noise around airports. The proposed regulation is significant because it is of substantial interest to the public, potentially affecting State and local governments and the aviation community. The Aviation Safety and Noise Abatement Act of 1979 requires the Secretary of Transportation (and through delegation, the Administrator of the FAA) to establish items (1), (2), and (3). The aviation noise problem in the vicinity of airports has become recognized as one of the greatest and potentially most damaging problems in social as well as environmental and economic terms, in aviation today. Pressures for curfews and other constraints upon aviation to solve noise problems are increasing. Costs of land purchases, soundproofing, and land use changes for compatibility purposes are increasing at even faster rates. There is an urgent need for positive actions and constructive cooperative efforts by all involved in the aviation noise problem. This final rule will serve as the primary vehicle for these actions and efforts. **CFR Citation:** CFR pt. 150 **Legal Authority:** Title I of the Aviation Safety and Noise Abatement Act of 1979 (P.L. 96-193), Sections 307(a), 312, 611, and 612 of the Federal Aviation Act of 1958 (as amended), and Section 20(b) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1720(b)). **Effects on Small Entities:** No **Analysis:** Regulatory Evaluation **Additional Information:** The Aviation Noise Abatement Policy, issued November 18, 1976, established a pilot noise abatement planning program, the Airport Noise Control and Land Use Compatibility (ANCLUC) Program. The Aviation Safety and Noise Abatement Act of 1979 established the basis and legal requirement for this and the interim rule FAR Part 150. FAR Part 150, the interim rule, was adopted January 19, 1981, and became effective February 28, 1981. Comments were received on the interim rule through December 1, 1981. **Agency Contact:** Richard Tedrick, (202) 755-9027	NPRM	*5/83*	
*High Density Airport Traffic Rule.	**Abstract:** Would rescind the operations reservations rule as it applies to the John F. Kennedy, LaGuardia, and Chicago O'Hare Airports. Under the current rule, an operator must secure a reservation for any instrument flight rule departure or arrival operation at those airports during designated hours. The proposal is considered significant because of the public interest it is likely to generate. **CFR Citation:** 14 CFR Part 93 **Legal Authority:** Secs. 103, 307, 313(a) of the FA Act of 1958 (49 U.S.C. 1303, 1348, 1354(a), and 1421(a)). **Effects on Small Entities:** No **Analysis:** Regulatory Evaluation **Additional Information:** The rule was originally promulgated to reduce air traffic congestion and delay. With the advent of improved programs, procedures, and air traffic flow management, the rule is felt to be unnecessary. **Agency Contact:** Hal Becker, (202) 426-3656	NPRM	4/83	

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FAA **Current and Projected Rulemakings**

Priority Rulemakings: Non-Major—Continued

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
**Part 120 Air Transportation Regulation (Docket No. 22480).*	**Abstract:** To evolve a single air transportation regulation from Parts 121 (Air Carrier, Supplemental Air Carrier, and Commercial Operators of Large Aircraft) and 135 (Air Taxi Operators and Commercial Operators) which would embody aviation safety policy procedures rather than using several different regulations for this purpose. This would eliminate inconsistencies within each rule which lends credence to the public complaint that the regulations too often are unduly complex, confusing, and difficult to understand. It would allow individual operators to conduct operations in the most efficient manner possible to meet established safety objectives and would reduce costs while retaining the highest level of safety.. **CFR Citation:** 14 CFR pts. 121 and 135 **Legal Authority:** F.A. Act, Secs. 313(a), 314(a), 601–610 (49 U.S.C. 1354a, 1355, 1421–1430). **Effects on Small Entities:** No **Analysis:** Regulatory evaluation **Additional Information:** None **Agency Contact:** *Daniel C. Beaudette (202) 426–8166*	*NPRM* *Further action to be determined.*	*9/20/82*	*47 FR 41486*

Other Rulemakings

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
Review: Aircraft Engine Regulations Notice (Docket No. 16919).	**Abstract:** Proposed amendment to resolve a number of regulatory issues raised by engine manufacturers and to update those standards. **CFR Citation:** 14 CFR pts. 23, 25, 27, 29, and 33) **Legal Authority:** F.A.Act, Secs. 313, 601, 603, 608; (49 U.S.C. 1354, 1421, 1423). **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** George F. Muleahy, FAA NE Region, 12 Executive Park, Burlington, MA 01803, (617) 273-7330.	NPRM FR	11/20/80 *5/83*	45 FR 76872
Review: Part 91 Notice (Docket No. 16431).	**Abstract:** The agency conducted a Regulatory Review Conference of 14 CFR Part 91, Subpart B, in September 1977, in order to update that part. This action will cover all proposals covered by the review except for lost communications. **CFR Citation:** 14 CFR pt. 91 **Legal Authority:** F.A.Act, Secs. 307, 313(a), 402, 601-603, 902, 1110, 1202; (49 U.S.C. 1348(a)(c), 1354(a), 1421(a), 1655(c)). **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** Hal Becker, (202) 426-3656	Further action to be determined		
Review: Part 91 Review Lost Communications (Docket No. 16431).	**Abstract:** Proposed amendment to simplify lost communications procedures. **CFR Citation:** 14 CFR pt. 91 **Legal Authority:** 49 U.S.C. 1348(a)(c), 1354(a), 1421(a), 1655(c) (FAAct 307, 313(a), 402, 601-603, 902, 1110, 1202). **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** Hal Becker, (202) 426-3656	NPRM	*6/83*	

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FAA

Current and Projected Rulemakings

Other Rulemakings—Continued

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
Review: Objects Affecting Navigable Airspace (Docket No. 16920).	**Abstract:** Would revise and reorganize 14 CFR Part 77 in a more logical sequence and presentation of regulatory requirements relating to proposed construction or alteration and their impact on navigable airspace. It is also intended to clarify and strengthen agency actions in determining whether a particular object would be a hazard to air navigation. **CFR Citation:** 14 CFR pt. 77 **Legal Authority:** F.A.Act, Secs. 104, 307, 313, 1001, 1101 (49 U.S.C. 1304, 1348, 1354, 1431, 1501). **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** Keith Potts, (202) 426-3731	Notice of Review. Review Conference. NPRM	6/19/78 12/4-8/80 *7/83*	43 FR 26322
Review: Update of Part 139	**Abstract:** Revision of 14 CFR Part 139 to update and clarify the part including fire-fighting and rescue requirements. **CFR Citation:** 14 CFR pt. 139 **Legal Authority:** F.A.Act, Secs. 313, 609, 610 (49 U.S.C. 1354, 1429, 1430, 1432). **Effects on Small Entities:** No **Analysis:** Regulatory Evaluation **Additional Information:** *This project was initiated on June 25, 1975, in response to a GAO evaluation of the FAA's Airport Certification Program and the result it has on improving the safety of airports. The project has been delayed for a number of reasons that impacted completion and publication of a NPRM. Some of these reasons are: FAA cost benefit analysis of CFR services, recent changes to F.A. Act and proposed sunset of CAB. On November 22, 1982, FAA conducted a listening session with aviation industry representatives.* **Agency Contact:** Jose Roman, (202) 426-3087	Further action to be determined.		
Pilot Oxygen Mask Requirements (*Docket No. 23745*).	**Abstract:** Proposed rule to permit certain widebody turbojet airplanes to operate up to flight level of 45,000 feet above sea level without requirements for the pilot to use supplemental oxygen. **CFR Citation:** 14 CFR pts. 91, 121, *and 135* **Legal Authority:** F.A.Act, Secs. 307, 313, 313(a), 402, 501, 601, 610, 902, 1110, 1202, 1102; 49 U.S.C. 1348(a)(c), 1354(a), 1421-1430, 1502, 1655(c). **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** *Roger E. Riviere, (202) 426-8096*	NPRM *FR*	*8/12/82* *7/83*	47 FR 35146
Review: Metropolitan Washington Airports Regulations.	**Abstract:** Proposed revision to reflect changed operational conditions and policies and to simplify, clarify and consolidate the regulations pertaining to the National Capital Airports. **CFR Citation:** 14 CFR pt. 159 **Legal Authority:** *Secs. 2 and 5 of the Act for the Administration of Washington National Airport, 54 Stat. 688 as amended by 61 Stat. 94; The Second Washington Airport Act, 64 Stat 770 as amended by 72 Stat. 731.* **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** Edward S. Faggen, Wash. Nat'l Airpt., Hang 9, Wash, DC 20001, (703) 557-8123.	Further action to be determined.		

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FAA — Current and Projected Rulemakings

Other Rulemakings—Continued

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
Review: Revision of Part 91 (Docket No. 18334).	**Abstract:** This review deals with the air traffic and general operating rules in Part 91 - the most fundamental aviation regulations. This action would reorganize and rearrange the rules without substantive change, to make them easier to use and understand. (Phase I). A later action will review and revise them to eliminate unnecessary burdens in keeping with E.O. 12291. (Phase II). AOPA withdrew its petition on November 20, 1980, so the FAA could proceed with this two-step review. ANPRM 79-2 published the original AOPA petition for comment on January 22, 1979 (44 FR 4571). NPRM 79-2A proposing reorganization of Part 91 was published on September 10, 1981 (46 FR 45256). NPRM 79-2B extended the comment period to April 9, 1982 (December 10, 1981; 46 FR 60461). Comments received on NPRM 79-2A will form a basis for proceeding with Phase II. **CFR Citation:** 14 CFR pt. 91 **Legal Authority:** F.A.Act, Secs. 307, 313(a), 402, 601-603, 902, 1110, 1202 (49 U.S.C. 1348, 1354, 1354(a) 1355, 1401, 1402, 1421-1430, 1502, 1655(c)). **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** *James R. Kelln, (202) 426-8150*	ANPRM NPRM NPRM	1/22/79 9/10/81 *8/83*	44 FR 4571 46 FR 45256
Recording of Aircraft Titles and Security Documents - Notice of Lien (Docket No. 14236).	**Abstract:** Proposed amendment to prescribe specific procedures for filing Notice of Lien with the Aircraft Registry. This proposal would also require release of the Notice filed upon satisfaction of the lien. **CFR Citation:** 14 CFR pt. 49 **Legal Authority:** F.A.Act, Secs. 313, 501, 503, 505, 1102 (49 U.S.C. 1354, 1401, 1403, 1405, 1502). **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** Elizabeth Flinta, PO Box 25724, Okla City, OK 73125, (405) 686-2284.	NPRM Further action to be determined.	1/13/75	40 FR 2445
Cessna Finance Petition (Docket No. 17311).	**Abstract:** Petition for rulemaking to amend Part 47 to provide all persons who hold a security interest in aircraft the same protection now afforded the seller of an aircraft under a conditional sales contract. **CFR Citation:** 14 CFR pt. 47 **Legal Authority:** F.A.Act, Secs. 307, 313, 501, 503, 505, 506, 1102; 49 U.S.C. 1348, 1354, 1401, 1403, 1405, 1406, 1502. **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** Elizabeth Flinta PO Box 25724 Okla City, OK 73125, (405) 686-2284.	ANPRM NPRM FR	10/20/77 5/22/80 *6/83*	42 FR 55891 45 FR 34826
Use of Alcohol or Drugs (Docket No. 21956).	**Abstract:** Proposed rule which will subject Certificated Flight Crewmembers suspected of being under the influence of alcohol to blood-alcohol tests and establish a specific blood-alcohol content level at which a pilot is considered to be intoxicated. **CFR Citation:** 14 CFR pts. 61 and 91 **Legal Authority:** F.A.Act, Secs. 307, 313(a), 314, 402, 601-603, 902, 72, 1110, 1202; 49 U.S.C. 1348(a)(c), 1354(a), 1355, 1421(a), 1422, 1655(c). **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** *Win C. Karish, (202) 426-8194*	NPRM *FR*	7/27/81 *7/83*	46 FR 38480

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FAA **Current and Projected Rulemakings**

Other Rulemakings—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
Revision of Applicability of Part 139.	**Abstract:** Proposed amendment to require the certification of airports serving commuter air carriers, as well as air carriers holding certificates of public convenience and necessity from the CAB. This revision would respond to the Airline Deregulation Act of 1978 and ensures that passengers traveling aboard commuter air carriers enjoy the same level of safety as passengers traveling aboard CAB certificated air carriers. **CFR Citation:** 14 CFR pt. 139 **Legal Authority:** F.A.Act, Secs. 313, 609, 610 (49 U.S.C. 1354, 1429, 1430, 1432). **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *After further analysis and review in light of comments received to Notice 80-10, the FAA concluded that its authority to issue the proposed rule was unclear and that rulemaking should not proceed until the statutory basis for the proposed rule was clarified. For this reason, the FAA suspended action on the notice and on January 22, 1981, published in the Federal Register (46 FR 6975) a copy of its letter to Congress requesting clarification of its authority to regulate airports under Section 621 of the F.A. Act. In response to that request, on September 3, 1982, the Airport and Airway Improvement Act of 1982 (P.L. 97-248) was enacted and in part amended Sections 610 and 612 of the F.A. Act. To implement the authority of P.L. 97-248, this Notice revises the amendments proposed in Notice 80-10.* **Agency Contact:** Jose Roman, Jr., (202) 426-3087	NPRM *SNPRM*	6/12/80 *4/83*	45 FR 39857
Inoperative Instruments or Equipment, (Docket No. 22320).	**Abstract:** This notice proposes to revise Part 91 to include provisions that will allow the operation of powered aircraft with certain installed instruments and equipment inoperative. The proposal would consolidate minimum equipment list requirements presently contained in various parts of the Federal Aviation Regulations into one regulation. **CFR Citation:** 14 CFR pts. 43, 91, 121, 125, and 135 **Legal Authority:** F.A.Act, Secs. 307, 313, 313(a), 314(a), 402, 501, 601-610, 902, 1102, 1110, 1202 (49 U.S.C. 1348(a)(c), 1354, 1354(a), 1355, 1355(a), 1421(a)-1430, 1502, 1655(c)). **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** *Dale C. Ruoff, (202) 426-8194*	NPRM *FR*	10/26/81 *6/83*	46 FR 52278
Parachute Jumping, Notice and Authorization Requirements.	**Abstract:** Proposed amendments would require notice of parachute jumps in terms of above mean sea level and would require ATC authorization for jumps in/into a terminal control area. **CFR Citation:** 14 CFR pt. 105 **Legal Authority:** F.A.Act, Secs. 307, 313(a), 601 (49 U.S.C. 1348, 1354(a), 1421). **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** Hal Becker, (202) 426-3656	NPRM	*6/83*	
Terminal Control Areas (TCA's): Phoenix.	**Abstract:** Terminal Control Areas (TCA's) are proposed to reduce the midair collision potential by eliminating the mix of controlled and uncontrolled aircraft in a higher density terminal environment. **CFR Citation:** 14 CFR pt. 71 **Legal Authority:** F.A.Act, Secs. 307(a), 313(a), 1110 (49 U.S.C. 1348(a), 1354(a), 1510, 1655(c)). **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** S. Wugalter, (202) 426-8783	*NPRM* *SNPRM* *Further action to be determined.*	*4/80* *6/81*	*45 FR 2345* *46 FR 3126*

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Current and Projected Rulemakings

Other Rulemakings—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
Terminal Control Area (TCA) New York (Modification).	**Abstract:** Terminal Control Areas (TCA's) are proposed to reduce the midair collision potential by eliminating the mix of controlled and uncontrolled aircraft in a higher density terminal environment. **CFR Citation:** 14 CFR pt. 71 **Legal Authority:** F.A.Act, Secs. 307(a), 313(a), 1110 (49 U.S.C. 1348(a), 1354(a), 1510, 1655(c)). **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** S. Wugalter, (202) 426-8783	NPRM Further action to be determined.	1/8/81	46 FR 2066
Terminal Control Area (TCA) Las Vegas (Modification).	**Abstract:** Terminal Control Areas (TCA's) are proposed to reduce the midair collision potential by eliminating the mix of controlled and uncontrolled aircraft in a higher density terminal environment. **CFR Citation:** 14 CFR pt. 71 **Legal Authority:** F.A.Act, Secs. 307(a), 313(a), 1110 (49 U.S.C. 1348(a), 1354(a), 1510, 1655(c)). **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** S. Wugalter, (202) 426-8783	Further action to be determined.		
Flight Operations Control Systems (Docket No. 18591).	**Abstract:** Based upon a Transamerican Airlines (TIAS) and World Airways (WRLS) joint petition for rule making, the FAA is considering amending Part 121 to allow among other things all operations to be conducted under a flight operations control system. Advance Notice 80-16 (14 FR 67103) issued Oct. 2, 1980, published the entire petition and requested comments to assist the FAA in determining what if any regulatory proposals should be developed. **CFR Citation:** 14 CFR pt. 121 **Legal Authority:** F.A.Act, Secs. 313(a), 501, 601-610, 1102 (49 U.S.C. 1354(a), 1421-1430, 1502, 1655(c)). **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** William J. Sullivan, (202) 755-8716	ANPRM Further action to be determined.	10/2/80	45 FR 67103
Review: Rotorcraft Review Notice No. 2-Systems.	**Abstract:** This notice is the second of a series of notices that propose to add new airworthiness, operation, and maintenance standards for rotorcraft. This particular notice proposes changes to Parts 27, 29, and 91 and deals only with the flight controls and associated systems on rotorcraft. **CFR Citation:** 14 CFR pts. 27, 29, and 91 **Legal Authority:** F.A.Act, Secs. 307, 313, 313(a), 402, 601-603, 902, 1110, 1202 (49 U.S.C. 1348(a)(c), 1354, 1354(a), 1421, 1421(a), 1423, 1655(c)). **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** Jim Honaker, PO Box 1689, Ft Worth, TX 76101, (817) 624-4911 Ext. 504.	NPRM *FR*	8/26/82 *8/83*	*47 FR 37806*
Review: Rotorcraft Review Notice No. 3 - Powerplants.	**Abstract:** This notice is the third of a series of notices to be issued as part of the FAA's comprehensive Rotorcraft Regulatory Review Program. This notice contains proposals which would amend and update the engine and related equipment certification requirements in Parts 27 and 29 of the Federal Aviation Regulations. **CFR Citation:** 14 CFR pts. 27 and 29 **Legal Authority:** F.A.Act, Secs. 313, 601, 603; 49 U.S.C. 1354, 1421, 1423. **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** Wilbur Wells, PO Box 1689, Ft Worth, TX 76101, (817) 624-4911, Ext. 504.	NPRM	*9/83*	

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Current and Projected Rulemakings

Other Rulemakings—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
Review: Rotorcraft Review Notice No. 4 - Airframe.	**Abstract:** This is the fourth of a series of notices to be issued as part of the FAA's comprehensive Rotorcraft Regulatory Review Program. This notice contains proposals which would amend and update the airframe and related equipment requirements in Parts 27 and 29 of the Federal Aviation Regulations. **CFR Citation:** 14 CFR pts. 27 and 29 **Legal Authority:** F.A.Act, Secs. 313, 601, 603 (49 U.S.C. 1354, 1421, 1423). **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** James Major, PO Box 1689, Ft Worth, TX 76101, (817) 624-4911, Ext. 504.	NPRM	*6/83*	
Review: Rotorcraft Review Notice No. 5- Operations and Maintenance.	**Abstract:** This is the fifth of a series of notices to be issued as part of the FAA's comprehensive Rotorcraft Regulatory Review Program. This notice contains proposals which would amend and update the operations and maintenance requirements pertaining to rotorcraft and covered in Parts 43, 45, 61, 91, 121, 127, 133, and 135 of the Federal Aviation Regulations. Part 1 would also be amended to add a definition of a Class D rotorcraft-load combination. **CFR Citation:** 14 CFR pts. 43, 45, 61, 91, 121, 127, 133, and 135. **Legal Authority:** F.A.Act, Secs. 307, 313, 313(a), 314, 314(a), 501, 502, 601-610, 902, 1102, 1110, 1202 (49 U.S.C. 1341, 1348(a)(c), 1354(a) 1355, 1421(a), 1430, 1502, 1401, 1402, 1655(c)). **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** *Win C. Karish, (202) 426-8194*	*NPRM*	*6/83*	
Fuel Venting and Exhaust Emission Requirements for Turbine Engine Powered Airplanes.	**Abstract:** Would revise the aircraft/aircraft engine emissions standards *and revise them* to ensure compliance with revisions being made to the EPA standards. **CFR Citation:** 14 CFR pt. 21; SFAR 27 **Legal Authority:** F.A.Act, Secs. 313(a), 601(a) & 603 (49 U.S.C. 1354(a), 1421(a) & 1423). **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** *N. Krull* (202) 755-8933	NPRM	*6/83*	
Temporary Flight Restrictions (Docket No. 22951).	**Abstract:** This proposal features provisions that would allow the Administrator to restrict all flight operations within a designated area under specified situations. **CFR Citation:** 14 CFR pt. 91 **Legal Authority:** F.A.Act, Secs. 307 & 313(a) (49 U.S.C. 1348, 1354(a)). **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** Hal Becker, (202) 426-3656	NPRM FR	4/29/82 *4/83*	47 FR 18560
Designated Airworthiness Representatives *(Docket No. 23140).*	**Abstract:** This project proposes to establish a designated airworthiness representative (DAR) to represent functions in the airworthiness disciplines of manufacturing, maintenance, and engineering. **CFR Citation:** 14 CFR pt. 183 **Legal Authority:** F.A.Act, Secs. 301(c), 305, 307(b), 313(a), 314 (49 U.S.C. 1341(c), 1346, 1348(b), 1354(a), 1355). **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** *Sandy DeLucia, (202) 426-8361*	NPRM FR	6/24/82 *4/83*	47 FR 27472

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Current and Projected Rulemakings

Other Rulemakings—Continued

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
Deregulation of Parachuting	**Abstract:** This notice proposes to remove from the regulations those sections or references to sections pertaining to the airworthiness requirements of parachuting. It does not propose to remove those sections which deal with jumping within controlled airspace, over congested areas, or over open-air assemblies. The regulations governing parachuting were issued at a time when the unreliability of aircraft caused passengers to be dependent on parachutes. The reliability of today's aircraft makes dependence on parachutes unnecessary and, consequently, the regulations which govern them *should be deleted.* **CFR Citation:** 14 CFR pts. 65, 91, 105, 149, and 183 **Legal Authority:** F.A.Act, Secs. 301(c), 305, 307, 307(b), 313(a), 314, 402, 601-603, 607, 902, 1110, 1202; 49 U.S.C. 1341(c), 1346, 1348, 1348(a)(b)(c), 1354(a), 1355, 1421, 1421(a), 1427, 1655(c). **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** *Jean Casciano, (202) 426-8357*	NPRM	*4/83*	
Aircraft Owners and Pilot Association - *Duration* of Airman Medical Certificates (Docket No. 19176).	**Abstract:** Petition to extend the validity period of third-class medical certificates from 24 months to 36 months. **CFR Citation:** 14 CFR pt. 61 **Legal Authority:** F.A.Act, Secs. 313(a), 314, 601, 602; 49 U.S.C. 1354(d), 1355, 1421, 1422, 1655(2). **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** *William H. Hark, M.D., (202) 426-3802*	NPRM *Further action to be determined.*	*12/2/82*	*47 FR 54414*
Operation of Foreign Air Carriers.	**Abstract:** This project would amend the regulations to govern the operation by foreign air carriers and other operators of U.S.-registered civil airplanes which have a seating capacity of 20 or more passengers or a maximum payload capacity of 6,000 pounds or more. **CFR Citation:** 14 CFR *Parts 91, 121, 125, 129, and 135* **Legal Authority:** F.A.Act, Secs. 313, 313(a), 601-610, 1102 (49 U.S.C. 1354, 1354(a), 1421-1430, 1502, 1655(c)). **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** *Robert J. Baker, (202) 426-8098*	NPRM	*5/83*	
Airworthiness Certification Facility (Formerly "Representatives of the Administrator-Aircraft Certification")	**Abstract:** This notice would consolidate delegation of authority, DOA, DAS, and SFAR 36 into Part 183 in an "Approved Design Organization" concept and expand the concept to include the full range of organizations from manufacturing of transport-category aircraft to repair facilities. In addition, it would propose transfer of the respective regulatory requirements from Part 21 and SFAR 36 into Part 183. **CFR Citation:** 14 CFR SFAR 36, Parts 21 and 183 **Legal Authority:** F.A.Act, Secs. 301(c), 305, 307(b), 311, 313(a), 314, 601, 603, 607-609, 1102 (49 U.S.C. 1341(c), 1346, 1348(b), 1354(a), 1355). **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** *Heinz Heliebrand, (202) 426-8374*	NPRM	*5/83*	
White-Diamond Corporation-Use of Nasal Oxygen Cannulas (Docket No. 21571).	**Abstract:** Petition to add a paragraph (a)(5) to §23.1447 stating that a nasal oxygen cannula may be used for pilots at or below 20,000 feet and for passengers at or below 22,000 feet instead of an oxygen mask covering the nose and mouth. **CFR Citation:** 14 CFR pt. 23 **Legal Authority:** F.A.Act, Secs. 313, 601, 603 (49 U.S.C. 1354, 1421, 1423). **Analysis:** *Regulatory Evaluation* **Additional Information:** None	*NPRM* *Further action to be determined.*	*12/16/82*	*47 FR 56456*

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Current and Projected Rulemakings

Other Rulemakings—Continued

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
Airworthiness Certification, Location of Aircraft.	**Effects on Small Entities:** No **Agency Contact:** Earsa L. Tankesly, 601 E. 12th St, Kansas City, MO 64106, (816) 374-6930. **Abstract:** This action would amend the regulations to preclude issuance of airworthiness certificates for aircraft located outside the United States unless the Administrator finds no undue burden on the FAA. **CFR Citation:** 14 CFR pt. 21 **Legal Authority:** F.A.Act. Secs. 311, 313(a), 314, 601, 603, 607-609, 1102 (49 U.S.C. 1352, 1354, 1355, 1421, 1423, 1427-1429, 1502, 1655(c)). **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** *Alphonse G. Santarelli, (202) 426-8361*	NPRM	*6/83*	
Revise Part 25 to Include Special Conditions.	**Abstract:** This action would review *certain* special conditions issued for Part 25 airplanes and incorporate in Part 25 those that have not been previously incorporated. **CFR Citation:** 14 CFR pt. 25 **Legal Authority:** F.A.Act, Secs. 313, 601, 603 (49 U.S.C. 1354, 1421, 1423). **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *The special conditions included in this project are automatic take off thrust control systems (ATTCS) and operation at 51,000 ft.* **Agency Contact:** James M. Walker, NorthWest Mountain Region, 17900 Pacific Hwy South, C-68966, Seattle, WA *98168* (206) 764-7051.	NPRM	*6/83*	
Part 25 Certification Review	**Abstract:** This action would amend Part 25 to: (1) Ensure that airworthiness standards are stated as objectively as possible; (2) Relieve the regulatory burden where possible; and (3) Ensure the airworthiness standards are practicable for the smaller transport airplanes common to commuter operations. **CFR Citation:** 14 CFR pt. 25 **Legal Authority:** F.A.Act, Secs. 313, 601, 603 (49 U.S.C. 1354, 1421, 1423). **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** Gary Killion, NorthWest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, WA *98168*, (206) 764-7053.	NPRM	*7/83*	
"Fly After Failure" Requirement.	**Abstract:** This ANPRM would request information necessary to conduct safety benefit, cost, environmental, and energy impact analyses for a proposed Part 25 requirement for continued safe flight and landing after failure of any single structural element. **CFR Citation:** 14 CFR pt. 25 **Legal Authority:** F.A.Act, Secs. 313, 601, 603 (49 U.S.C. 1354, 1421, 1423). **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** *Iven Connally*, NorthWest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, WA *98168*, (206) 764-7053.	ANPRM	*6/83*	
Implementation of SAFER Propulsion System Recommendations.	**Abstract:** This action would amend §25.975 to require fuel tank vent protection during ground fires and §25.1189 to require design practices which maximize the probability of engine fuel supply shut-off in potential fire situation. **CFR Citation:** 14 CFR pt. 25 **Legal Authority:** F.A.Act, Secs. 313, 601, 603 (49 U.S.C. 1354, 1421, 1423). **Effects on Small Entities:** No	NPRM	*11/83*	

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Current and Projected Rulemakings

Other Rulemakings—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
	Analysis: *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** James M. Walker, NorthWest Mountain Region, 17900 Pacific Hwy South, C-68966, Seattle, WA *98168,* (206) 764-7051.			
FY-1982 Miscellaneous Amendments.	**Abstract:** This action would amend various sections of the regulations. The proposed amendments are clarifying, editorial, or corrective in nature. **CFR Citation:** 14 CFR pts. 21, 65, 107, 121, 135, and 145 **Legal Authority:** F.A.Act, Secs. 311, 313-316, 501, 601-610, 1102 (49 U.S.C. 1352, 1354, 1354(a), 1355(a)-1357, 1421-1430, 1502, 1655(c)). **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** *Joseph Sirkis, (202) 426-8359*	NPRM	*5/83*	
Airworthiness Regulation of Equipment Used for Airborne Recreational and Personal Purposes.	**Abstract:** This action is to determine what role the Federal Government should take in protecting the safety of individuals who have decided freely to participate in airborne recreational and personal activities by regulating the airworthiness of the equipment to be used. **CFR Citation:** 14 CFR pts. 21, 31, 43, 91 **Legal Authority:** F.A.Act, Secs. 313, 601, 602, 603, 609, 610 (49 U.S.C. 1352, 1354, 1355, 1421, 1423, 1427, 1428, 1429, 1502, 1655(c)). **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** *Alphonse G. Santarelli, (202) 426-8361*	ANPRM	*4/83*	
Proposed Minimum Aeronautical Experience Requirements - Instrument Rating.	**Abstract:** This action would amend § 61.65(a)(1) to delete the words "or commercial" and would amend § 61.65(e)(1) to decrease the required hours of pilot flight time. **CFR Citation:** 14 CFR pt. 61 **Legal Authority:** F.A.Act, Secs. 313(a), 314, 601, 607, (49 U.S.C. 1354(a), 1355, 1421, 1427). **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** *Lauren D. Basham, (202) 462-8196*	NPRM	*5/83*	
Amend § 45.13 to provide for Reaffixing TSO Article Labels.	**Abstract:** This amendment proposes provisions to reaffix labels on TSO articles processed in accordance with § 45.13. **CFR Citation:** 14 CFR pt. 45.13 **Legal Authority:** F.A.Act, Secs. 307, 313, 501, 502, 601, 603, (49 U.S.C. 1348, 1354, 1401, 1402, 1421, 1423). **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** *Joseph H. Gwiazdowski, (202) 426-8361*	NPRM	*6/83*	
National Association of Flight Instructors - Student Recreational, Recreational, Students Other Than Recreational, and Private Pilot Certificates.	**Abstract:** This petition proposes to establish a new concept in the certification of pilots to permit the issuance of a student recreational, a recreational, a student other than recreational, and a private pilot certificate. **CFR Citation:** 14 CFR pt. 61 **Legal Authority:** F.A.Act, Secs. 313(a), 314, 601, 602 (49 U.S.C. 1354(a), 1355, 1421, 1422, 1655(2)). **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** *Russell E. Atkins, (202) 426-8196*	NPRM	*7/83*	
Amend Part 23 to Include Requirements for Crash-Resistant Fuel Systems.	**Abstract:** This action would amend Part 23 to include requirements for crash-resistant fuel tanks, lines and fittings. **CFR Citation:** 14 CFR pt. 23 **Legal Authority:** F.A.Act, Secs. 313, 601, 603 (49 U.S.C. 1354, 1421, 1423).	*Further action to be determined.*		

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Other Rulemakings—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
	Effects on Small Entities: No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** Earsa L. Tankesley, 601 E. 12th St., Kansas City, MO 64106, (816) 374-6930.			
Amend Part 23 to Include Empennage Fatigue Requirements.	**Abstract:** This action would provide for fatigue integrity of small airplane empennage structure where present Part 23 fatigue requirements apply only to the wing. **CFR Citation:** 14 CFR pt. 23 **Legal Authority:** F.A.Act, Secs. 313, 601, 603 (49 U.S.C. 1354, 1421, 1423). **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *The FAA is evaluating additional data obtained from NASA.* **Agency Contact:** Earsa L. Tankesley, 601 E. 12th St., Kansas City, MO 64106, (816) 374-6930.	*Further action to be determined.*		
Nontransponder Operations	**Abstract:** This notice proposes authority be given ATC to permit nontransponder operations in transponder-required airspace with as little as 1 hour notice. The proposal is seen as allowing both ATC and the pilot/operator to react to near term weather and traffic conditions. **CFR Citation:** 14 CFR 91.24 **Legal Authority:** F.A.Act, Secs. 307, 313(a), 402, 601, 602, 603, 702, 1110, and 1202 (49 U.S.C. 1348, 1354(a), 1372, 1421, 1442, 1443, 1472, 1510, & 1522). **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** Hal Becker, (202) 426-3656	FR	*4/83*	
†Regulation of Motor Vehicles Carrying Passengers for Hire on Washington National Airport.	**Abstract:** Amendment to require taxicab drivers and other drivers of ground vehicles carrying passengers for hire to and from Washington National Airport to obtain a permit from the FAA Metropolitan Washington Airports. Regulation would prescribe procedures for issuance and revocation of permit. **CFR Citation:** 14 CFR pt. 159 **Legal Authority:** F.A.Act Secs. 2 and 5 of the Act for the Administration of Washington National Airport, 54 Stat. 688 as amended by 61 Stat. 94. **Effects on Small Entities:** Yes **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** Edward S. Faggen, Wash Nat'l Airport, Hangar 9, Wash., DC 20001, (703) 557-8123.	Further action to be determined.		
*†Noise Standards: Aircraft Type and Airworthiness Certification.	**Abstract:** Part 36 prescribes noise type certification *standards for* turbojet powered airplanes *and propeller driven small airplanes* regardless of category. This review will examine the need to reorganize and realign the noise standards to make them more understandable and easier to use. This review would reorganize existing material into several new subparts, and utilize an improved numbering system to provide for the easier inclusion of future changes. Other improvements would be made by deleting redundancies, obsolete compliance dates, and making other minor changes. Additionally, Part 36 will be reviewed in accordance with Executive Order 12291 to reduce regulatory burdens on the public, including the preparation of both a Regulatory Evaluation and a Regulatory Flexibility Analysis. **CFR Citation:** 14 CFR pt. 36 **Legal Authority:** F.A.Act, Secs. 313(a), 601, 603, 611 (49 U.S.C. 1354, 1421, 1423, 1431, 1655(c)). **Analysis:** *Regulatory Evaluation, Regulatory Flexibility Analysis, Environmental Assessment.*	*NPRM*	*10/83*	

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Current and Projected Rulemakings

Other Rulemakings—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
	Additional Information: *Will also consider Petition for Rulemaking from the Aerospace Industries of America (Docket No. 23340; Petition Notice No. PR-82-13). Comment Period closed January 20, 1983.* **Agency Contact:** Richard Tedrick, (202) 756-9027			
*Airport Improvement Program.	**Abstract:** This action would prescribe requirements and procedures for applicants desiring to receive financial assistance under the Airport and Airway Improvement Act of 1982. The program provides grants for planning and developing public-use airports and the implementation of noise compatibility programs. Generally, to receive funds, the applicant must be a public agency; although, in some instances, private airport owners may receive funds. Contents of the regulation will be governed by the requirements of the Act and OMB Circular A-102. **CFR Citation:** 14 CFR pt. 156 proposed **Legal Authority:** Airport and Airway Improvement Act of 1982 (P.L. 97-248). **Effects on Small Entities:** This aspect is currently under study **Analysis:** Regulatory Evaluation **Additional Information:** In September 1982, legislation authorizing the Airport Improvement Program was enacted. This same legislation repealed the Airport and Airway Development Act of 1970 which authorized the Airport Development Aid Program (CFR Pt. 152). **Agency Contact:** Bob David, (202) 426-3857	NPRM	5/83	
*FAR 23 Review. Airworthiness	**Abstract:** This action would update Part 23 to be compatible with current technology, reduce the regulatory burden on the public and where possible, state the requirements more objectively. **CFR Citation:** 14 CFR Part 23 **Legal Authority:** Federal Aviation Act, Secs. 313, 601, 603 (49 U.S.C. 1354, 1421, 1423). **Effects on Small Entities:** No **Analysis:** Regulatory Evaluation **Additional Information:** Other regulatory projects affecting Part 23, and not needing analysis more in depth than would occur as part of this review, are being included in this review to assure efficient use of the affected FAA rulemaking resources. Current projects in this category include the project to revise Part 23 to include Special Conditions and the project to amend Part 23 to Include Marking Requirements for External Openable Exits. **Agency Contact:** Earsa L. Tankesley, 601 East 12th Street, Kansas City, Missouri 64106, (816) 374-6930.	Announcement of the review. *NPRM*	1/31/83 *4/84*	48 FR 4290
*Rotorcraft Structural Fatigue and Damage Tolerance.	**Abstract:** This advance notice proposes to add damage tolerance requirements to the fatigue evaluation requirements of Section 29.571 of Federal Aviation Regulation Part 29. **CFR Citation:** 14 CFR Part 29 **Legal Authority:** F.A. Act Secs. 307, 313, 313(a), 314, 314(a), 402, 501, 502, 601-610, 902, 1110, 1202, 1102 (49 U.S.C. 1348, 1348(a)(c), 1351, 1354(a), 1355, 1355(a), 1401, 1402, 1421-1430, 1502, 1655(c)). **Effects on Small Entities:** No. **Analysis:** Regulatory Evaluation **Additional Information:** Public meeting scheduled for February 8, 1983. **Agency Contact:** Robert T. Weaver, P.O. Box 1689, Ft. Worth, TX 76101, (817) 624-4911, ext. 505.	ANPRM NPRM FR	1/6/83 7/83 2/84	48 CFR 772
*Revise Part 23 to include Commuter Category Airplanes.	**Abstract:** This action would amend Part 23 to include airworthiness standards for multiengine airplanes having a maximum passenger seating configuration, excluding any pilot seat of 19 seats, and with a maximum takeoff weight up to 19,000 pounds. **CFR Citation:** 14 CFR Part 23	ANPRM	5/83	

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Current and Projected Rulemakings

Other Rulemakings—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
*Revocation of Part 127 and Recodification of Part 121.	**Legal Authority:** Federal Aviation Act, Secs. 313, 601, 603 (49 U.S.C. 1354, 1421, 1423). **Effects on Small Entities:** No **Analysis:** Regulatory Evaluation **Additional Information:** None **Agency Contact:** Earsa L. Tankesley, 601 East 12th Street, Kansas City, Missouri 64106, (816) 374-6930. **Abstract:** This proposed action would revoke Part 127 and amend Part 121 by deleting all references to Part 127 and by recodifying those portions of Part 127 referred to in Part 121 into Part 121. **CFR Citation:** 14 CFR pts. 121 and 127 **Legal Authority:** Secs. 313(a), 601 and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1424, and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)). **Effects on Small Entities:** No **Analysis:** Regulatory Evaluation **Additional Information:** None **Agency Contact:** Daniel Keenan, (202) 426-8096	NPRM	6/83	
*Accelerated Ground Training - Flight Engineers' Skill Requirements (Docket No. 22781).	**Abstract:** This proposed action would amend the regulations to allow the flight engineers normal procedure practical test to be conducted in an approved flight simulator in lieu of conducting it, in flight, in an airplane. **CFR Citation:** 14 CFR pts. 63, 91, and 125 **Legal Authority:** Federal Aviation Act, Secs. 307, 313(a), 402, 601-603, 902, 1110, 1202 (49 U.S.C. 1348(a)(c), 1354(a), 1421(a), 1655(c)). **Effects on Small Entities:** No **Analysis:** Regulatory Evaluation **Additional Information:** None **Agency Contact:** Steve Stieneker, (202) 426-8096	NPRM	8/83	
*Southwest Airlines - Landing Weather Minimums: IFR: All Certificate Holders (Docket No. 22895).	**Abstract:** This action was proposed to review the requirement for a newly rated pilot to be subject to higher weather minimums for his/her first 100 hours in type aircraft to determine if it is appropriate. **CFR Citation:** 14 CFR pt. 121 **Legal Authority:** Secs. 313(a), 601 and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1424 and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)). **Effects on Small Entities:** No **Analysis:** Regulatory Evaluation **Additional Information:** None **Agency Contact:** Steve Stieneker, (202) 426-8096	NPRM	9/83	
*Piper Aircraft Corporation - Use of 360° Attitude Indicators in Small Airplanes (Docket No. 22824).	**Abstract:** This action was proposed to amend the regulations to allow the use of 360° attitude indicators in lieu of gyroscopic rate-of-turn indicators in small airplanes as a backup system as is permitted in large airplanes. **CFR Citation:** 14 CFR pts. 91 and 135 **Legal Authority:** Federal Aviation Act, Secs. 307, 313(a), 402, 601-603, 902, 1110, 1202 (49 U.S.C. 1348(a)(c), 1354(a), 1421(a), 1655(c)). **Effects on Small Entities:** No **Analysis:** Regulatory Evaluation **Additional Information:** None **Agency Contact:** Daniel Keenan, (202) 426-8096	NPRM	11/83	

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Current and Projected Rulemakings

Other Rulemakings—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
*Owen Aviation/Liberal Aircraft - Operation of Single-Engine Aircraft in IFR.	**Abstract:** This proposed action would amend the regulations to: (1) allow operation of single-engine aircraft in IFR conditions; (2) permit IFR operations en route with a VFR buffer zone underneath the cloud ceiling and an IFR approach at destination; (3) change IFR minimums at U.S. military airports to be compatible with U.S. civil airport requirements; provide drift down standards during en route operations in IFR conditions in multiengine aircraft; and provide consistency in regulations regarding references to instrument approach requirements. **CFR Citation:** 14 CFR pt. 135 **Legal Authority:** Federal Aviation Act, Secs. 307, 313(a), 402, 601-603, 902, 1110, 1202 (49 U.S.C. 1348(a)(c), 1354(a), 1421(a), 1655(c)). **Effects on Small Entities:** No **Analysis:** Regulatory Evaluation **Additional Information:** None **Agency Contact:** Roger E. Riviere, (202) 426-8096	NPRM	8/83	
*Airplane Simulator Use in Airman Certification.	**Abstract:** This proposed action would amend the regulations to objectively match maneuver and procedure requirements with a catalog of simulation devices. The amendment should extend the maximum credit to simulation devices that objective requirements will permit. **CFR Citation:** 14 CFR pts. 61 and 121 **Legal Authority:** Secs. 313(a), 601, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1424), and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)). **Effects on Small Entities:** No **Analysis:** Regulatory Evaluation **Additional Information:** None **Agency Contact:** Kenneth S. Hunt, (202) 426-8237	NPRM	11/83	

Other Rulemakings: Routine and Frequent Rulemakings

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Title	Summary	Timetable		
		Action	Date	Cite
	TOTAL ACTIONS EXPECTED			
Part 95 Instrument Flight Rules.	2500 **Agency Contact:** Don Tuna, (202) 426-8277		*4/83-4/84*	
Airworthiness Directives	300 **Agency Contact:** Jack McGrath, (202) 426-8192		*4/83-4/84*	
Standard Instrument Approach Procedures.	2800 **Agency Contact:** Don Tuna, (202) 426-8277		*4/83-4/84*	
Airspace Actions	525 **Agency Contact:** S. Wugailer, (202) 426-8783		*4/83-4/84*	

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Review of Existing Regulations

Priority Reviews

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
• Airport Layout Plan Approvals	**Abstract:** This review will concentrate on Airport Layout Plan (ALP) approvals as required by Federal Aviation Regulation Part 152 in an effort to reduce the regulatory and paperwork burden on state and local governments. The ALP approval review was selected by the Presidential Task Force on Regulatory Relief. **CFR Citation:** 14 FR pt. 152 **Legal Authority:** 49 U.S.C. 1701 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** Paul Galis, (202) 426-3050	Completion of Review.	5/83	
*Airmen Medical Standards	**Abstract:** These regulations specify the medical standards which must be met before a medical certificate is issued to an airman. For example, a medical certificate is required before a person can obtain a pilot license. During a recent rulemaking involving these regulations, a considerable number of commenters expressed the belief that the current standards should and could be revised to state, in generally applicable objective terms, all those circumstances in which the FAA will issue medical certificates. In the past, some certificates have been issued on a case-by-case basis, with appropriate limitations, under exemption and waiver provisions where strict compliance with the existing standards was not essential in the interest of safety. A comprehensive review of these regulations is necessary to determine if the commenters' arguments are correct. If they are and the requested regulatory changes are possible, it could greatly reduce burdens, both on the FAA and airmen, associated with the processing of medical certificates. **CFR Citation:** 14 CFR pt. 67 **Legal Authority:** F.A.Act, Secs. 313(a), 314, 601, 607 (49 U.S.C. 1354(a), 1355, 1421, 1427) **Effects on Small Entities:** No **Agency Contact:** *William H. Hark, M.D., (202) 426-3802*	Completion of Review.	6/84	

Other Reviews

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Title	Summary	Timetable		
		Action	Date	Cite
Rotorcraft Certification and Operating Rules	**Abstract:** This will include a review of new flight control and associated system airworthiness for rotorcraft. Previous notices covered the applicability of rotorcraft certification, instrument flight rules (IFR) certification, and the certification of anti-icing and deicing equipment. This review is based on a number of proposals discussed at the Rotorcraft Regulatory Review held December 10-14, 1979, in New Orleans, La.; and the Rotorcraft Regulatory Review Meeting held August 18-20, 1980, in Washington, DC. **CFR Citation:** 14 CFR pts. 27, 29, 91, and 127 **Legal Authority:** F.A.Act, Secs. 307, 313, 313(a), 402, 601-605, 902, 72, 1110, 1202 (49 U.S.C. 1348(a)(c), 1354, 1354(a), 1421, 1421(a), 1423-1425, 1655(c)). **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** *Robert T. Weaver, P.O. Box 1689, Ft. Worth, TX 76101, (817) 624-4911, ext. 505.*	Completion of review.	3/82	

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Completed Actions

Other Rulemakings

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Title	Summary	Timetable		
		Action	Date	Cite
Review: Operations Review *Amendment* No. 12 (Docket No. 21071).	**Abstract:** Proposed extensive revisions to update and improve regulations applicable to aircraft maintenance, preventive maintenance, rebuilding and alteration of aircraft. **CFR Citation:** 14 CFR pts. 43 and 91 **Legal Authority:** F.A.Act, Secs. 307, 313, 313(a), 402, 601-605, 902, 1110, 1202; (49 U.S.C. 1348(a)(c), 1354(a), 1421-1425, 1655(c)). **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** *Freddie R. Laird, (202) 426–8357*	NPRM FR	11/20/80 *9/16/82*	45 FR 76894 *47 FR 41076*
Review: Operations Review Program *Completion (Docket No. 14332).*	**Abstract:** Notice announcing the disposition of all proposals not addressed in previous Operations Review Notices and the availability of an index of the disposition of all Operations Review proposals. **CFR Citation:** None **Legal Authority:** None **Effects on Small Entities:** Not applicable **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** *Freddie R. Laird, (202) 426–8359*	FR	*10/1/82*	*47 FR 44744*
Terminal Control Areas (TCA's): Fort Lauderdale/ Miami, (Docket No. 186905/80-R30-4).	**Abstract:** Terminal Control Areas (TCA's) are proposed to reduce the midair collision potential by eliminating the mix of controlled and uncontrolled aircraft in a higher density terminal environment. **CFR Citation:** 14 CFR pt. 71 **Legal Authority:** 49 U.S.C. 1348(a), 1354(a), 1510, 1655(c) **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** S. Wugalter, (202) 426-8783	*Project cancelled.* *To be withdrawn*	*9/80* *3/83*	*45 FR 62835*
Transport Category Airplanes - Cabin Ozone Concentration *(Docket No. 20487).*	**Abstract:** This proposed amendment would exempt operators of "cargo-only" aircraft and narrow-body two- and three-engine aircraft from installing ozone equipment or establishing ozone avoidance procedures. **CFR Citation:** 14 CFR pts. 25 and 121 **Legal Authority:** F.A.Act, Secs. 313, 313(a), 501, 601-610, 1102 (49 U.S.C. 1354, 1354(a), 1421-1430, 1502, 1655(c)). **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** *Lawrence P. Bedore, (202) 426–8096*	NPRM FR	11/23/81 *12/30/82*	46 FR 57442 *47 R 58488*
Flight Crewmember Flight Time Limitations and Rest Requirements *(Docket No. 22745).*	**Abstract:** Proposed amendment to revise the flight time limitations and rest requirements for flight crewmembers utilized by domestic, flag, and supplemental air carriers, commercial operators, air taxi operators, and scheduled air carriers with helicopters. The complexity of the current rule has required numerous interpretations and has been a burdensome requirement. A proposal is to be developed which is both less complex and less burdensome in compliance with Executive Order 12291. **CFR Citation:** 14 CFR pts. 121 and 135 **Legal Authority:** F.A.Act, Secs. 313(a), 314(a), 501, 601-610, 1102 (49 U.S.C. 1354(a), 1355(a), 1421-1430, 1502, 1655(c)). **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **G. Agency Contact:** *Lawrence P. Bedore, (202) 426–8096*	NPRM *Withdrawn*	3/11/82 *11/16/82*	47 FR 10748 *47 FR 51585*
Airman and Repair Station Certification for Foreign Nationals. (Docket No. 22052).	**Abstract:** This proposed rule would establish a regulatory needs requirement and schedule of fees for issuance of airmen and repair station certificates to foreign nationals at overseas locations. **CFR Citation:** 14 CFR pts. 61, 63, 65, 67, 145 and 187	NPRM FR	8/10/81 8/16/82	*46 FR 40529* *47 FR 35690*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Federal Aviation Administration

Completed Actions

Other Rulemakings—Continued

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review

Title	Summary	Timetable		
		Action	Date	Cite
	Legal Authority: F.A.Act, Secs. 65, 313, 313(a), 314, 601, 602, 607, 501 (49 U.S.C. 1341, 1343, 1344, 1346, 1348, 1354(a), 1355, 1421, 1422, 1427, 1655(2)). **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** None **Agency Contact:** Kathleen W. Gorman, (202) 426-3230			
Southlake Aviation Cross-Country Requirements (Docket No. 21371).	**Abstract:** Petition to amend Part 61 to require one cross-country flight with landings at three points, each of which is 75 nautical miles from each of the other two points. The three legs must be more than 100 nautical miles in total length. **CFR Citation:** 14 CFR pt. 61 **Legal Authority:** F.A.Act, Secs. 313(a), 314, 601, 602 (49 U.S.C. 1354(a), 1355, 1421, 1422, 1655(a)). **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** *Roger Baker, (202) 426-8150*	NPRM FR	12/12/81 *10/14/82*	46 FR 62638 *47 FR 46064*
Air Transport Association - Number of Attendants at Intermediate Stops (Docket No. 20843).	**Abstract:** This action would reduce by one-half the number of flight attendants required to remain on board the aircraft during intermediate stops when passengers remain on board. Current regulations are interpreted as providing that the required number of flight attendants must remain on board during these stops. **CFR Citation:** 14 CFR pt. 121 **Legal Authority:** F.A.Act, Secs. 313(c), 501, 601-610, 1102 (49 U.S.C. 1354(a), 1421-1430, 1502, 1655(c)). **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** *Roger E. Riviere, (202) 426-8096*	NPRM FR	1/21/82 *12/16/82*	47 FR 3068 *47 FR 56460*
General Aviation Manufacturers Association - Defer compliance date of §21.50(b).	**Abstract:** Petition to defer the compliance date of January 28, 1981, due to the inability of the general aviation manufacturers to produce maintenance manuals that would conform in all respects to the detailed provisions of the new FAR sections requiring instructions for Continued Airworthiness in time for the introduction of the 1982-1984 model airplanes, and until such time as the objectives and intent of the FAA in accord with the original amendment are clarified and made known. **CFR Citation:** 14 CFR pt. 21 **Legal Authority:** F.A.Act, Secs. 311, 313(a), 314, 601, 603, 607-609, 1102 (49 U.S.C. 1352, 1354, 1355, 1421, 1423, 1427, 1428, 1429, 1502, 1655(c)). **Effects on Small Entities:** No **Analysis:** Regulatory Evaluation **Additional Information:** None **Agency Contact:** William J. Sullivan, (202) 755-8716	*Project cancelled.*		
Revise Part 23 to Include Special Conditions.	**Abstract:** This action would review those special conditions issued for Part 23 airplanes and incorporate in Part 23 those that have not been previously incorporated. **CFR Citation:** 14 CFR pt. 23 **Legal Authority:** F.A.Act, Secs. 313, 601, 603 (49 U.S.C. 1354, 1421, 1423). **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** Earsa L. Tankesley, 601 E. 12st St., Kansas City, MO 64106, (816) 374-6930.	*Project canceled and included in FAR 23 Review.*		
Amend Part 23 to Include Marking Requirements for External Openable Exits.	**Abstract:** This action would require opening instructions to be installed on the outside of the airplane for each exit that is operable from the exterior of the airplane. **CFR Citation:** 14 CFR pt. 23 **Legal Authority:** F.A.Act, Secs. 313, 601, 603 (49 U.S.C. 1354, 1421, 1423). **Effects on Small Entities:** No	*Project canceled and included in FAR 23 Review.*		

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Federal Aviation Administration

Completed Actions

Other Rulemakings—Continued

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review

Title	Summary	Timetable		
		Action	Date	Cite
	Analysis: *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** Earsa L. Tankesley, 601 E. 12th St., Kansas City, MO 64106, (816) 374-6930.			
Part 71, Subpart A, Compulsory Reporting Points.	**Abstract:** Proposed removal of description of compulsory reporting points from the Federal Aviation Regulations. **CFR Citation:** 14 CFR pt. 71 **Legal Authority:** F.A.Act, Secs. 313(a), 307(a), and 1110 (49 U.S.C. 1655(c)). **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** Sid Wugalter, (202) 426-8783	*Project canceled.*		
Part 75, Jet Routes and Area High Routes.	**Abstract:** Proposed removal of Part 75 and all of its subparts from the Federal Aviation Regulations. This proposal would eliminate the processing of jet routes and area high routes from the rulemaking process. **CFR Citation:** 14 CFR pt. 75 **Legal Authority:** F.A.Act, Secs. 307(a), 313(a) & 1110 (49 U.S.C. 1348(a), 1354(a), 1510). **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** Sid Wugalter, (202) 426-8783	*Project canceled.*		
Robinson Helicopter Co. - Registration Marks for Helicopters (Docket No. 17528).	**Abstract:** Petition to permit the display of identification marks, N-numbers at least 12 inches high on rotorcraft fuselage sides, the same as for fixed-wing aircraft. It would also eliminate the 20-inch-high N-numbers on the bottom of rotorcraft and the 2-inch-high marks near the cabin now required by the Federal Aviation Regulations. **CFR Citation:** 14 CFR pt. 45 **Legal Authority:** F.A.Act, Secs. 307, 313, 501, 502, 601, 603 (49 U.S.C. 1348, 1354, 1401, 1402, 1421, 1423). **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** *Joseph H. Gwiozdowski, (202) 426-8361*	NPRM FR	4/1/82 *3/17/83*	47 FR 14128 48 FR 11390
Review: Rotorcraft Review Notice No. 1 Certification, IFR, and Deicing (Docket No. 21180).	**Abstract:** This notice proposes to add new airworthiness standards and update existing criteria in the areas of instrument flight rules (IFR) certification and ice protection certification. It also proposes revisions to the applicability of sections of Part 27 and 29 which allow for increased productivity for rotorcraft engaged primarily in utility or cargo operations and provides additional protection for rotorcraft carrying 10 or more passengers. **CFR Citation:** 14 CFR pts. 1, 27, 29, 33, 43, 45, 61, 91, 121, 127, 133, and 135. **Legal Authority:** F.A.Act, Secs. 307, 313, 313(a), 314, 314(a), 402, 501, 502, 601-610, 902, 1110, 1202, 1102 (49 U.S.C. 1348, 1348(a)(c), 1351, 1354, 1354(a), 1355, 1355(a), 1401, 1402, 1421-1430, 1502, 1655(c)). **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** Tommie S. Plummer, PO Box 1689, Ft. Worth, TX 76101, (817) 624-4911.	NPRM Public Meeting FR	12/18/80 8/80 *1/31/83*	45 FR 83424 48 FR 4274

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Federal Aviation Administration

FAA

Completed Actions

Priority Reviews

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
•Air Carrier Certification, Operating and Maintenance Rules. Elements of the review: Aircraft Requirements Manual Requirements Performance Limitations Airworthiness Requirements Instrument and Equipment Requirements Maintenance Requirements Airmen and Crewmember Requirements Training Programs Crewmember Qualifications Airplane Performance Operations Limitation Flight Time Limitations Flight Operations Dispatching and Flight Release Rules, Records, and Reports	**Abstract:** To evolve a single air transportation regulation from Parts 121 (Air Carrier, Supplemental Air Carrier, and Commerical Operators of Large Aircraft) and 135 (Air Taxi Operators and Commercial Operators) which would embody aviation safety policy procedures rather than using several different regulations for this purpose. This would eliminate inconsistencies within each rule which lends credence to the public complaint that the regulations too often are unduly complex, confusing, and difficult to understand. It would allow individual operators to conduct operations in the most efficient manner possible to meet established safety objectives and would reduce costs while retaining the highest level of safety. **CFR Citation:** 14 CFR pts. 121 and 135 **Legal Authority:** F.A.Act, Secs. 313(a), 314(a), 601-610 (49 U.S.C. 1354a, 1355, 1421-1430). **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *Rulemaking initiated. See "Priority Rulemaking Non-Major".* **Agency Contact:** William J. Sullivan, (202) 755-8716	*Review completed. Rulemaking initiated.*		

Other Reviews

[Key to Symbols: *New Item . †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
†Noise Standards: Aircraft Type and Airworthiness Certification.	**Abstract:** Part 36 prescribes noise type certification *standards for* turbojet powered airplanes *and propeller driven small airplanes* regardless of category. This review will examine the need to reorganize and realign the noise standards to make them more understandable and easier to use. This review would reorganize existing material into several new subparts, and utilize an improved numbering system to provide for the easier inclusion of future changes. Other immprovements would be made by deleting redundancies, obsolete compliance dates, and making other minor changes. Additionally, Part 36 will be reviewed in accordance with Executive Order 12291 to reduce regulatory burdens on the public, including the preparation of both a Regulatory Evaluation and a Regulatory Flexibility Analysis. **CFR Citation:** 14 CFR pt. 36 **Legal Authority:** F.A.Act, Secs. 313(a), 601, 603, 611 (49 U.S.C. 1354, 1421, 1423, 1431, 1655(c)). **Effects on Small Entities:** Yes **Additional Information:** A new rulemaking has been initiated, and is located in the "Current and Projected Rulemaking" portion of the Agenda, in the "Other Rulemakings" section. **Agency Contact:** Richard Tedrick, (202) 755-9027	*Review Completed.*		

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Federal Highway Administration

FHWA — Current and Projected Rulemakings

Priority Rulemakings: Major

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
	FEDERAL MOTOR CARRIER SAFETY REGULATIONS			
Minimum Cab Space Dimensions (Docket No. MC-79).	**Abstract:** This regulation would specify minimum sizes for the cab portion of the regulated commercial vehicles manufactured after a certain date. The rulemaking is significant because it has the potential of being costly if extensive changes to cab configuration become necessary. It is necessary because changes in truck technology and maximum limitation on size by States have led to the development of reduced cab space in favor of increased cargo space to remain within State length limitations. The impact on safe operations and driver workplace may be negatively affected. **CFR Citation:** 49 CFR pt. 393 **Legal Authority:** 49 U.S.C. 304 and †655 **Effects on Small Entities:** No **Analysis:** Regulatory Impact Analysis **Additional Information:** An ANPRM was issued on February 14, 1978 (43 FR 6273). Comment period closed on July 14, 1978. A review of present cab sizes was conducted and a report issued on February 27, 1980. No further action anticipated until additional research is completed; earliest possible action will not occur within the next 6 months. **Agency Contact:** Neill Thomas, (202) 426-9767	ANPRM Further action to be determined.	2/14/78	43 FR 6273

Priority Rulemakings: Non-Major

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
	PLANNING			
Review: Urban Transportation Planning.	**Abstract:** These regulations govern urban transportation planning under FHWA and UMTA grant programs. The changes are intended to (1) increase flexibility at the State and local level, (2) reduce red tape and simplify the planning process especially for areas under 200,000 population, and (3) shift certain responsibilities from the Federal to the State and local level while maintaining an appropriate Federal oversight role. The rulemaking is significant because it involves important departmental policy. It is needed to reduce burdens associated with the urban transportation planning process. **CFR Citation:** 23 CFR pt. 450; 49 CFR pt. 613 **Legal Authority:** 23 U.S.C. 134 **Effects on Small Entities:** No **Analysis:** Regulatory Evaluation **Additional Information:** Notice and request for comments on comprehensive review of urban transportation planning process published on December 17, 1981 (46 FR 61531). An NPRM was published on August 26, 1982 (47 FR 37758) and the closing date for comments was October 25, 1982. **Agency Contact:** FHWA: Sam Rea (202) 426-2961; UMTA: Bob Kirkland (202) 426-4991.	NPRM FR	8/26/82 1983	*47 FR 37758*
	ENGINEERING AND TRAFFIC OPERATIONS			
†Review: Buy America Requirements (Docket No. 83-2).	**Abstract:** The existing regulation was issued on an emergency basis to immediately implement Section 165 of the Surface Transportation Assistance Act (STAA) of 1982. This regulation could be significant because it involves a matter which may become controversial or arouse significant public interest.	Emergency Final Rule. Final Rule	1/17/83 9/83	48 FR 1946

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Federal Highway Administration

FHWA

Current and Projected Rulemakings

Priority Rulemakings: Non-Major—Continued

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
	CFR Citation: 23 CFR 635.410 **Legal Authority:** Section 165 of the STAA of 1982; P.L. 97-424 **Effects on Small Entities:** To be determined **Analysis:** Regulatory Flexibility Analysis/Regulatory Evaluation **Additional Information:** Section 165 of the STAA of 1982 amended the previous Buy America Statute of 1978. The new regulation issued on January 17, 1983, implemented the STAA of 1982 as it related to cement and steel products. The emergency final rule expires on September 30, 1983. The public was advised of the interim nature of the rule and a forthcoming rule which would be based in part on comments received on the emergency final rule. The FHWA considers this regulation significant because of the potential controversial nature of the regulation. The FHWA also considers the regulation to be non-major because of the potential economic impact (less than $100 million annually) and the fact that the Federal-aid highway program uses less than one half of one percent of the total U.S. consumption of steel. **Agency Contact:** P. E. Cummingham, (202) 426-0392			
	RIGHT-OF-WAY AND ENVIRONMENT			
Review: Outdoor Advertising Control and Acquisition.	**Abstract:** This regulation would provide a definition of "effective control" of outdoor advertising as required by 23 U.S.C. 131. It would also set further requirements for signs exempt from control under the statute and establish the basic framework for State development of police power regulations and procedures. The regulation would also outline the requirements for Federal participation in the acquisition of compensable nonconforming outdoor advertising devices. This proposal is significant because it may involve substantial public interest, is controversial and involves important departmental policy. This regulation is necessary for the maintenance of national uniformity in the outdoor advertising control program. Since 23 U.S.C. 131 is regulatory in nature, it is necessary to establish and maintain minimum Federal program requirements. **CFR Citation:** 23 CFR pt. 750, subpt. C. (FHPM 7-6-2) **Legal Authority:** 23 U.S.C. 131, 148, and 315; 49 CFR 1.48 **Effects on Small Entities:** No **Analysis:** Regulatory Evaluation **Additional Information:** The proposal involves the consolidation of two existing regulations, 23 CFR pt. 750, subpts. D and G, and one interim regulation 23 CFR pt. 750, subpt E. The regulations have been in effect since September 16, 1975 and July 29, 1974, respectively. The interim regulations have been in effect since October 16, 1976. The proposed consolidation will be issued as an NPRM. An ANPRM, published April 30, 1979, (44 FR 25387) and a Notice, published, May 17, 1979, (44 FR 28946) announced public hearings as part of an overall review of the Highway Beautification Program. These currently proposed regulations may be modified as a result of this review. A Notice published June 15, 1979 (44 FR 34516) announced a hearing site change and a change in hearing procedures. On June 25, 1979 (44 FR 37100), a Notice announced amendments to the Highway Beautification Act by the Surface Transportation Assistance Act of 1978. A Notice published on July 12, 1979 (44 FR 40781) announced the establishment of a National Advisory Committee on Outdoor Advertising and Motorist Information. On July 23, 1979 (44 FR 43236), a Notice announced the availability of a report on Directional and Informational Sign Standards and Systems. This report is to be considered as part of the reassessment of the Highway Beautification Program. *The National Advisory Committee has completed its report. Further action will be determined after the recommendations of the report are fully considered.* **Agency Contact:** Myron Laible, (202) 245-0021	*Further action to be determined.*		

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Federal Highway Administration

FHWA

Current and Projected Rulemakings

Priority Rulemakings: Non-Major—Continued

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
Review: Environmental Impact and Related Procedures.	**Abstract:** This regulation covers the preparation of environmental impact statements and related documents and compliance with other Federal environmental requirements under FHWA and UMTA grant programs. The changes are intended to streamline the project development process and provide increased decisionmaking authority to agency field offices. The amendments are significant because they involve important departmental policy. They are needed to reduce burdens associated with the environmental review process. **CFR Citation:** 23 CFR pt. 771, 49 CFR pt. 622 **Legal Authority:** 42 U.S.C. 4321 et seq., 23 U.S.C. 101 et seq., 49 U.S.C. 1601 et seq., 49 U.S.C. 1653(f). **Effects on Small Entities:** No **Analysis:** Regulatory Evaluation **Additional Information:** Notice and request for comments on priority review of environmental process published on April 13, 1981 (46 FR 21620). **Agency Contact:** FHWA: R. E. Gatz, (202) 426-0106 UMTA: A. Marner, (202) 426-2360	NPRM	*1983*	
	FEDERAL MOTOR CARRIER SAFETY REGULATIONS			
Employee Safety and Health Standards (Docket No. MC-64).	**Abstract:** This regulation would provide safety and health standards to govern employees engaged in the operation, maintenance, and loading and unloading of motor vehicles, designed to eliminate uncertainty with regard to the jurisdictional authority of the Occupational Safety and Health Administration (OSHA). This proposal is significant because it may have a significant impact on OSHA. These standards are needed because they are designed to eliminate uncertainty with regard to the jurisdictional authority of the OSHA and to improve safety and health standards for employees of motor carriers. **CFR Citation:** 49 CFR pt. 399 **Legal Authority:** 49 U.S.C. 304 and 1653 **Effects on Small Entities:** No **Analysis:** Regulatory Evaluation **Additional Information:** An NPRM was issued March 2, 1978 (43 FR 8566) and the closing date for the comment period was May 31, 1978. A notice on June 9, 1978 (43 FR 25145) extended the comment period to June 30, 1978. As a result of the analysis of the comments, another NPRM is being considered. No further action is anticipated within the next 12 months. **Agency Contact:** Neill Thomas, (202) 426-9767	NPRM Further action to be determined.	3/2/78	43 FR 8566
* Minimum Levels of Financial Responsibility for Motor Carriers of Property.	**Abstract:** Section 406(a) of the Surface Transportation Assistance Act of 1982 amended Section 36 of the Motor Carrier Act of 1980 by allowing the Secretary to extend the "phase-in-period" for the reduced minimum levels of financial responsibility from 2 years to 3½ years. This rulemaking action would propose to extend the effective date for reduced liability limits from July 1, 1983 to January 1, 1985, as specifically provided for by Section 406(a). This rulemaking is significant because the rulemaking action which initially set the reduced levels was considered significant. **CFR Citation:** 49 CFR pt. 387 **Legal Authority:** Section 406(a) of STAA of 1982 **Effects on Small Entities:** No **Analysis:** Regulatory Evaluation **Additional Information:** None **Agency Contact:** Neill Thomas, (202) 426-9767	NPRM *FR*	4/83 *6/83*	

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Federal Highway Administration

FHWA — Current and Projected Rulemakings

Other Rulemakings

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Title	Summary	Timetable		
		Action	Date	Cite
	CIVIL RIGHTS			
Review: Civil Rights Requirements.	**Abstract:** These regulations contain the policies, procedures and guides for implementing equal employment opportunity requirements under the Federal and Federal-aid highway programs. The changes are intended to eliminate unnecessary requirements, streamline procedures and reduce recordkeeping and reporting requirements. **CFR Citation:** 23 CFR pt. 230; FHPM 6-4-1-2, 2-2-2, and 2-2-3 **Legal Authority:** 23 U.S.C. 140 and 315; EO 11246 **Effects on Small Entities:** No **Analysis:** Regulatory Evaluation (Minimal Impact) **Additional Information:** Notice and request for comments on priority review published on 4/13/81 (46 FR 21620). **Agency Contact:** Edward W. Morris, Jr., (202) 426-0471	NPRM	Spring 83	
	PAVEMENT PROCEDURES			
*Review: Bond Issue Projects.	**Abstract:** This revision to procedures for the use of Federal funds in aiding in the retirement of the principal of bonds pursuant to 23 U.S.C. § 122 will reflect statutory changes mandated by section 113 of the STAA of 1982. **CFR Citation:** 23 CFR Part 140, Subpart F **Legal Authority:** 23 U.S.C. 122, 315; Section 113 of the STAA of 1982. **Effects on Small Entities:** No **Analysis:** Regulatory Evaluation (minimal impact) **Additional Information:** None **Agency Contact:** Harvey Wood, (202) 426-0562	FR	4/83	
*Audit Costs	**Abstract:** Section 159 of the STAA of 1982 expanded the definition of the term "construction" in section 101(a), title 23, United States Code, to include costs incurred by the States in performing Federal-aid project related audits which directly benefit the Federal-aid highway program. 23 CFR Part 140 will be revised to reflect the statutory amendment. **CFR Citation:** 23 CFR Part 140 **Legal Authority:** Section 159 of the STAA of 1982 **Effects on Small Entities:** No **Analysis:** Regulatory Evaluation (minimal impact) **Additional Information:** None **Agency Contact:** Harvey Wood, (202) 426-0562	FR	4/83	
*Transfer of Federal-Aid Highway Funds.	**Abstract:** This regulation revision will reflect the required statutory changes included in section 116 of the STAA of 1982 regarding the transfer of Interstate construction funds. **CFR Citation:** 23 CFR Part 160, Subparts A, B, and C **Legal Authority:** Section 116 of the STAA of 1982 **Effects on Small Entities:** No **Analysis:** Regulatory Evaluation (minimal impact) **Additional Information:** None **Agency Contact:** Carla Child, (202) 426-0674	FR	5/83	
	PLANNING			
Review: Highway Planning Program Administration (Docket No. 78-24).	**Abstract:** This revision to an existing regulation would reflect policy changes in management of the highway planning and research program, e.g., allowing separate projects for components of the program (urbanized area planning, statewide planning, research and development), and applying matching rates to time periods rather than a fiscal year fund, etc. NPRM was published January 11, 1979 (44 FR 2400). As a result of comments received to the Docket, as well as internal coordination, FHWA is considering combining this regulation with 23 CFR Part 450, Subpart B, Metropolitan Planning Funds, since both deal with program administration. *A draft regulation combining parts 420 and 450 has been prepared. Further revision is now necessary because of the STAA of 1982.* **CFR Citation:** 23 CFR pt. 420, Subpart A and pt. 450, Subpart B, FHPM 4-1-2-1. **Legal Authority:** 23 U.S.C. 104, 307, 315; *STAA of 1982*	NPRM Further action to be determined.	1/11/79	44 FR 2400

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Federal Highway Administration

FHWA

Current and Projected Rulemakings

Other Rulemakings—Continued

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
	Effects on Small Entities: No **Analysis:** *Regulatory Evaluation (Minimal Impact)* **Additional Information:** *None* **Agency Contact:** R.B. Puckett, (202) 426-0175			
Review: Payback Regulation Amendments.	**Abstract:** Federal Highway Administration regulations in 23 CFR Part 480 prescribe the circumstances under which states must repay the Federal Government for the Federal contribution to the purchase of property for Interstate highway projects that are later withdrawn. Congress, in Public Law 96-106, amended 23 U.S.C. 103(e) to change the circumstances under which repayment must be made. This revision to an existing regulation would incorporate the legislative changes in 23 CFR Part 480. **CFR Citation:** 23 CFR pt. 480 **Legal Authority:** 23 U.S.C. 103(e)(5)(6); Sec 2(c) of P.L. 96-106... **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation (Minimal Impact)* **Additional Information:** *None* **Agency Contact:** C.L. Shufflebarger, (202) 426-0404	NPRM *NPRM*	11/20/80 *4/83*	45 FR 76705
Review: Coordination of Federal and Federally Assisted Programs and Projects.	**Abstract:** This revision would implement Executive Order 12372 and related OMB implementing instructions regarding intergovernmental review of Federal programs. **CFR Citation:** 23 CFR pt. 420 C **Legal Authority:** E.O. 12312 **Effects on Small Entities:** No Engineering and Traffic Operations. **Analysis:** *Regulatory Evaluation (Minimal Impact)* **Additional Information:** *None* **Agency Contact:** Sam Rea, (202) 426-2961	NPRM	*1983*	
*Transfers of Allocated Urban Funds.	**Abstract:** These regulations will implement increased flexibility authorized by Section 124 of the Highway Improvement Act of 1982 by providing procedures for approval of requests for transfer of Federal-aid Urban System funds (out of allocation to an urbanized area) to other urban areas in the State. **CFR Citation:** 23 CFR pt 160 **Legal Authority:** 23 U.S.C. 150; sec. 124, Pub. L. 97-424 **Effects on Small Entities:** No **Analysis:** Regulatory Evaluation (minimal impact) **Additional Information:** None **Agency Contact:** Gary Maring, (202) 426-0215, K. C. Kippley, (202) 426-0673.	NPRM FR	Spring '83 6/83	
*Fringe and Corridor Parking plus Public Transportation.	**Abstract:** The existing regulation will have to be modified and reissued to reflect changes made by the STAA of 1982. Major changes include broader use of Interstate/Interstate 4R funds and construction of parking and HOV facilities with or without mass transportation involvement. **CFR Citation:** 23 CFR Part 810 **Legal Authority:** Sections 118 and 120 of STAA of 1982, Pub. L. 97-424. **Effects on Small Entities:** No **Analysis:** Regulatory Evaluation **Additional Information:** None **Agency Contact:** John Ohm, (202) 426-0210	NPRM	6/83	
*Carpool and Vanpool Projects.	**Abstract:** The existing regulation will require technical modifications to reflect the broader eligibility for Interstate and Interstate 4R funds established in STAA of 1982. **CFR Citation:** 23 CFR Part 656 **Legal Authority:** Sections 118 and 120 of STAA of 1982, Pub. L. 97-424. **Effects on Small Entities:** No **Analysis:** Regulatory Evaluation **Additional Information:** None **Agency Contact:** John Ohm, (202) 426-0210	FR	6/83	

ENGINEERING AND TRAFFIC OPERATIONS

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

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Current and Projected Rulemakings

Other Rulemakings—Continued

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics*: New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
Selection of Pavement Type	**Abstract:** This regulation would set forth policy for the selection of pavement type on Federal-aid projects. **CFR Citation:** 23 CFR pt. 626; FHPM 6-2-4-4 **Legal Authority:** 23 U.S.C. 109(a), (b) and (c) **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation (Minimal Impact)* **Additional Information:** *Notice of policy statement published 10/8/81 (46 FR 49842). Clarification of policy statement published 11/9/81 (46 FR 55253). No furher action to be taken.* **Agency Contact:** Leon M. Noel, (202) 426-0327	ANPRM *To be withdrawn*	8/21/80	45 FR 55763
Review: Design Standards for Highways (Docket No. 80-2).	**Abstract:** This regulation would amend the existing geometric design standards for highways for the new construction and major reconstruction of Federal-aid highways by replacing several publications incorporated by reference in 23 CFR Part 625 with a single new publication. Public comments were requested on the geometric design criteria as presented in a draft of the new publication, "A Policy on Geometric Design of Highways and Streets" prepared by the American Association of State Highway and Transportation Officials (AASHTO). Comments received as a result of NPRM published February 14, 1980 (45 FR 10236) have been evaluated and recommended changes submitted to AASHTO for consideration. Notice regarding status of proposed rule published November 17, 1980 (45 FR 75690); it indicated further rulemaking action is not anticipated before *Summer 1983*. Based on the current AASHTO development schedule, submission of a final document to FHWA is not anticipated until late 1983 or early 1984. **CFR Citation:** 23 CFR pt. 625, FHPM 6-2-1-1 **Legal Authority:** 23 U.S.C. 109, 315, and 402 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation (Minimal Impact)* **Additional Information:** *None* **Agency Contact:** Wilson B. Harkins (202) 426-0313	NPRM FR	2/14/80 1984	45 FR 10236
Design and Construction Requirements for Highway Pedestrian Overpasses and Underpasses.	**Abstract:** This regulation would develop standards for the design and construction of pedestrian overpasses and underpasses for accessibility and usability by physically handicapped persons (per March 7, 1979, Agreements with Architectural and Transportation Barriers Compliance Board). This regulation would follow the completion of the research in progress titled "Design Guidelines to Make Crossing Structures Accessible to the Physically Handicapped". **CFR Citation** **Legal Authority:** 29 U.S.C. 794 (Sec. 504 of the Rehabilitation Act of 1973, as amended); 23 U.S.C. 142 (Sec. 165(b) of the Federal-Aid Highway Act of 1973, as amended). **Effects on Small Entities:** No. **Analysis:** *Regulatory Evaluation (Minimal Impact)* **Additional Information:** *None* **Agency Contact:** Larry King, (202) 426-0306 or Lee Burstyn, (202) 426-0761.	Further action to be determined.		
Review: Traffic Control Devices on Federal-Aid and Other Streets and Highways.	**Abstract:** This revision to an existing regulation prescribed the policies and procedures of FHWA relative to obtaining basic uniformity in the visible features and functioning of traffic control devices on all highways open to public travel in accordance with the Manual on Uniform Traffic Control Devices for Streets and Highways. **CFR Citation:** 23 CFR pt. 655: FHPM 6-8-3-1 **Legal Authority:** 23 U.S.C. 109(b)(d), 402(a) **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation (Minimal Impact)* **Additional Information:** *Final Rule issued on 1/8/81 (46 FR 2038) was withdrawn on 3/30/81 (46 FR 19292) pending further review under E.O. 12291.* **Agency Contact:** *J. Partlow*, (202) 426-0411	Further action to be determined.		

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FHWA — Current and Projected Rulemakings

Other Rulemakings—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
Review: Contract Procedures (Docket No. 78-16).	**Abstract:** This revision to an existing regulation would simplify Federal-aid contract procedures. **CFR Citation:** 23 CFR pt. FHPM 6-4-1-6 **Legal Authority:** 23 U.S.C. 112, 113, 114, 117, 128 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation (Minimal Impact)* **Additional Information:** *None* **Agency Contact:** *A. J. Friesen*, (202) 426-4847	NPRM Further action to be determined.	8/18/78	43 FR 36685
Review: General Materials Requirements.	**Abstract:** This regulation would simplify procedures relating to general material requirements for Federal-aid construction work. **CFR Citation:** 23 CFR pt. 635D FHPM 6-4-1-16 **Legal Authority:** 23 U.S.C. 112, 113, 114, 117, 128 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation (Minimal Impact)* **Additional Information:** *None* **Agency Contact:** *Gary Klinedinst, (202) 426-0355*	NPRM Further action to be determined.	1/29/81	46 FR 9642
Review: Accommodation of Utilities.	**Abstract:** This revision to an existing regulation would update and simplify policies and procedures for accommodating utility facilities on the rights-of-way of Federal and Federal-aid highway projects. An NPRM was published April 17, 1980 (45 FR 26280). Review of comments received indicates that a new NPRM should be published. **CFR Citation:** 23 CFR pt. 645; FHPM 6-6-3-2 **Legal Authority:** 23 U.S.C. 123, 315 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation (Minimal Impact)* **Additional Information:** *None* **Agency Contact:** J. A. Carney, (202) 426-0450	NPRM New NPRM	4/17/80 *Spring 1983*	45 FR 26280
Review: Utility Relocation, Adjustments and Reimbursement.	**Abstract:** This revision to an existing regulation would update and simplify the policies and procedures for the adjustment and relocation of utility facilities on Federal-aid highway projects and projects under the direct supervision of the Federal Highway Administration. **CFR Citation:** 23 CFR pt. 645: FHPM 1-4-4 **Legal Authority:** 23 U.S.C. 123, 315 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation (Minimal Impact)* **Additional Information:** *None* **Agency Contact:** J. A. Carney, (202) 426-0450	ANPRM *NPRM* *FR*	3/8/79 *11/20/80* *Fall 83*	*44 FR 12209* *45 FR 76924*
Review: Traffic Surveillance and Control (Docket No. 82-9).	**Abstract:** This regulation prescribes procedures and requirements for the expenditure of Federal-aid highway funds for traffic surveillance and control measures. The proposed revisions would significantly reduce the existing regulation in length and detail with certain unnecessary requirements deleted. **CFR Citation:** 23 CFR pt. 655; FHPM 6-8-3-4 **Legal Authority:** 23 U.S.C. 101(a), 315 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation (Minimal Impact)* **Additional Information:** *None* **Agency Contact:** Robert Harp, (202) 426-0411	NPRM FR	6/14/82 *1983*	47 FR 25541
*Review: Highway Construction Work to be Performed by Methods Other Than Contract Awarded by Competitive Bidding.	**Abstract:** This regulation was originally selected for review because of FHWA policy on minimization of red tape. The revisions to 23 U.S.C. 112 by section 112 of the STAA of 1982 will be incorporated into the revised regulations. These revisions change the exception to the general requirements of competitive bidding (23 U.S.C. 112) from a finding by the Secretary that some other method is in the public interest to a demonstration by the State highway department to the satisfaction of the Secretary that some other method is more cost effective. It also changes the competitive bidding requirements for Federal-aid secondary projects advanced under Certification Acceptance. These changes will be incorporated in the revision to 23 CFR 635.	Emergency Final Rule.	5/83	

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Other Rulemakings—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
*Convict Labor	**CFR Citation:** 23 CFR 635 **Legal Authority:** 23 U.S.C. 112; Section 112 of the STAA of 1982. **Effects on Small Entities:** To be determined **Analysis:** Regulatory Flexibility Analysis/Regulatory Evaluation **Additional Information:** None **Agency Contact:** P. E. Cunningham, (202) 426-0392 **Abstract:** The STAA of 1982 amended Section 114(b) of Title 23, U.S.C., which prohibits the use of convict labor on highway construction projects, to also prohibit the use of materials produced by convict labor. The revision will reflect the statutory language.	FR	4/83	
*Discretionary Bridge Criteria	**CFR Citation:** 23 CFR 635.124(a) **Legal Authority:** Section 148 of the STAA of 1982 **Effects on Small Entities:** No **Analysis:** Regulatory Evaluation (minimal impact) **Additional Information:** None **Agency Contact:** P. E. Cunningham, (202) 426-0392 **Abstract:** This regulation revision will reflect the required statutory requirements included in section 161 of the STAA of 1982 regarding a rating factor to be used in selecting bridges to be funded under the Discretionary Bridge program (23 U.S.C. 144).	NPRM	4/83	
*Prevailing Rate of Wage	**CFR Citation:** 23 CFR Part 650, Subpart G **Legal Authority:** Section 161 of the STAA of 1982 **Effects on Small Entities:** No **Analysis:** Regulatory Evaluation (minimal impact) **Additional Information:** None **Agency Contact:** John Ahlskog, (202) 472-7607 **Abstract:** The STAA of 1982 amended Section 113(a) of Title 23, U.S.C., relating to the application of the Davis-Bacon Act. The provision currently applies to "initial construction work performed on highway projects on the Federal-aid systems." This amendment deletes the word "initial." The revision will reflect the statutory language.	FR	4/83	
*Construction In Advance of Apportionment.	**CFR Citation:** 23 CFR 635.124(d) **Legal Authority:** Section 149 of the STAA of 1982 **Effects on Small Entities:** No **Analysis:** Regulatory Evaluation (minimal impact) **Additional Information:** None **Agency Contact:** P. E. Cunningham, (202) 426-0392 **Abstract:** Section 113 of the STAA of 1982 amended 23 U.S.C. § 115 which prescribes procedures for advance construction of Federal-aid projects. 23 CFR Part 630, Subpart G will be revised to reflect the statutory amendment.	FR	4/83	
*†Review: Concrete Bridge Decks.	**CFR Citation:** 23 CFR, Part 630, Subpart G **Legal Authority:** Section 113 of the STAA of 1982; 23 U.S.C. § 115. **Effects on Small Entities:** No **Analysis:** Regulatory Evaluation (minimal impact) **Additional Information:** None **Agency Contact:** Harvey Wood, (202) 426-0562 **Abstract:** This proposed revision would allow States the flexibility to select a protective system and reconstruction method to protect a bridge deck from chemical corrosion.	NPRM FR	2/14/83 9/83	48 FR 6552
	CFR Citation: 23 CFR 650F **Legal Authority:** 23 U.S.C. 109(a), 144, 315 **Effects on Small Entities:** Yes **Analysis:** Regulatory Evaluation/Regulatory Flexibility Analysis **Additional Information:** None **Agency Contact:** Douglas Bernard, (202) 426-0438			

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Other Rulemakings—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
*Use of High Occupancy Lanes.	**Abstract:** This regulation will prescribe procedures for administering section 163 of the STAA of 1982 which limits the appropriation of funds for construction or resurfacing of Federal-aid highways which have high occupancy lanes unless the lanes are available to motorcycles. States may restrict such use if a safety hazard is certified. **CFR Citation:** 23 CFR Part 655, Subpart H (New) **Legal Authority:** Section 163 of the STAA of 1982 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation (minimal impact)* **Additional Information:** *None* **Agency Contact:** Reid Alsop, (202) 426-0080	FR	3/83	
	RIGHT-OF-WAY AND ENVIRONMENT			
Review: Relocation Assistance.	**Abstract:** This revision would reduce Federal requirements related to the relocation assistance program. *Priority review completed. Fund action to be determined pending issuance of government-wide relocation and requisition regulations.* See "Review of Existing Regulations" portion of this Agenda. **CFR Citation:** 23 CFR pt. 740 **Legal Authority:** 42 U.S.C. 4601 et seq; 23 U.S.C. 315 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation (minimal impact)* **Additional Information:** *None* **Agency Contact:** Flynn M. Wells (202) 426-0116	*Further action to be determined.*		
Review: The Acquisition Function.	**Abstract:** This revision would reduce regulatory burdens and associated costs to State highway agencies in the area of acquisition of real property for rights-of-way on Federal-aid highway projects. *Further action to be determined pending issuance of government-wide relocation and acquisition regulations.* **CFR Citation:** 23 CFR pt. 712 **Legal Authority:** 42 U.S.C. 2000d-1, 4633, 4651-4655; 23 U.S.C. 315, 323. **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation (Minimal Impact)* **Additional Information:** *None* **Agency Contact:** Douglas A. Wubbels, (202) 426-0142	*Further action to be determined.*		
	HIGHWAY SAFETY			
*Highway Safety Improvement Program.	**Abstract:** Section 202 of the Highway Improvement Act of 1982 extended the eligibility of Hazard Elimination Program frunds from Federal-aid highways other than Interstate System to any public road other than the Interstate System. Regulations must be revised to reflect this change. **CFR Citation:** 23 CFR 924 **Legal Authority:** 23 U.S.C. 152; Section 202 of the Highway Improvement Act of 1982. **Effects on Small Entities:** No **Analysis:** Regulatory Evaluation (minimal impact) **Additional Information:** None **Agency Contact:** Howard Hanna, (202) 426-2131	FR	6/83	
	FEDERAL MOTOR CARRIER SAFETY REGULATIONS			
Radioactive Materials Routing..	**Abstract:** This regulation exempts radioactive materials from the routing provisions contained in the Federal Motor Carrier Safety Regulations at 49 CFR 397.9. This action is necessary in order to prevent duplication of rules with RSPA's regulation on the same subject. Final Rule published January 8, 1981 (46 FR 2126); originally scheduled to go into effect on February 2, 1982. The RSPA rule has undergone priority review within the Department. See RSPA entry. **CFR Citation:** 49 CFR 397.9 **Legal Authority:** 49 U.S.C. 304, 1655 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation (Minimal Impact)* **Additional Information:** *None*	Further action to be determined.		

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Other Rulemakings—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
	Agency Contact: Joseph J. Fulnecky, (202) 426-0033			
Toxic Gases in Truck Cabs (Docket No. MC-80).	**Abstract:** This regulation would set maximum toxic gas levels in truck cabs. No further action is anticipated within the next 6 months. **CFR Citation:** 49 CFR pt. 392 **Legal Authority:** 49 U.S.C. 304 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation (Minimal Impact)* **Additional Information:** *None* **Agency Contact:** Neill Thomas, (202) 426-9767	ANPRM NPRM Further action to be determined.	1/78 6/18/79	43 FR 120 44 FR 34992
Ambient Temperature in Heavy Duty Truck Cabs (Docket No. MC-81).	**Abstract:** This regulation would set maximum permissible ambient temperatures in truck cabs. No further action is anticipated within the next 6 months. **CFR Citation:** 49 CFR pt. 399 **Legal Authority:** 49 U.S.C. 304, 1655 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation (Minimal Impact)* **Additional Information:** *None* **Agency Contact:** Neill Thomas, (202) 426-9767	ANPRM Further action to be determined.	2/8/79	43 FR 5397
Review: Compliance with Motor Carrier Noise Standards.	**Abstract:** The FHWA is considering amending the noise emission standards to add a new minimum distance of 31 feet from which to measure highway noise. FHWA is also considering eliminating the correction factor which allowed a variance for noise tests taken at hard sites, e.g., asphalt, compared to those taken at soft sites, e.g. grassy areas. **CFR Citation:** 49 CFR **Legal Authority:** 49 USC 304 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation (Minimal Impact)* **Additional Information:** *None* **Agency Contact:** Neill Thomas, (202) 426-9767	NPRM Further action to be determined.	4/3/80	45 FR 22120
Review: Qualification of Drivers.	**Abstract:** The FHWA is considering revising the regulation which provides that no waiver for handicapped drivers will be granted to drivers of buses or trucks transporting hazardous materials. **CFR Citation:** 49 CFR 391.49 **Legal Authority:** 49 U.S.C. 304, 1655 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation (Minimal Impact)* **Additional Information:** *Request for comments published on 6/12/80 (45 FR 39672).* **Agency Contact:** Neill Thomas, (202) 426-9767	NPRM *FR*	*11/8/82* *6/83*	*47 FR 50528*
Rear Vision Mirrors (Docket MC-82-1).	**Abstract:** This amendment would serve to clarify the rule change published May 1, 1979, and was developed in response to a rulemaking petition. No further action is anticipated within the next 6 months. **CFR Citation:** 49 CFR pt. 393 **Legal Authority:** 49 U.S.C. 304, 1655 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation (Minimal Impact)* **Additional Information:** *None* **Agency Contact:** Neill Thomas, (202) 426-9767	NPRM Further action to be determined.	10/9/80	45 FR 87101
Review: Inspection, Repair, and Maintenance.	**Abstract:** The FHWA is proposing to amend Part 396 of the Federal Motor Carrier Safety Regulations (FMCSR) to exempt lightweight vehicles from the paperwork requirements of this part, to eliminate the special inspection required for vehicles leased less than 30 days, and to eliminate the requirement for drivers to sign a vehicle inspection report which, when reviewed, shows no defects. The primary effect of these proposed rule changes would be to reduce the paperwork burden imposed upon the motor carrier industry. **CFR Citation:** 49 CFR pt. 396 **Legal Authority:** 49 U.S.C. 304, 1655 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation (Minimal Impact)*	NPRM *FR*	6/17/82 *5/83*	47 FR 26172

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Other Rulemakings—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
Review: Disqualifying Offenses, Drugs.	**Additional Information:** *None* **Agency Contact:** Neill Thomas, (202) 426-9767 **Abstract:** The FHWA is considering amending the Disqualification of Drivers regulation (49 CFR 391.15) by reviewing and enlarging that group of substances and drugs whose use by drivers operating commercial motor vehicles, is forbidden and is considered a disqualifying offense. **CFR Citation:** 49 CFR pt. 391 **Legal Authority:** 49 USC 304, 1655 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation (Minimal Impact)* **Additional Information:** *None* **Agency Contact:** Neill Thomas, (202) 426-9767	NPRM Further action to be determined.	11/24/80	45 FR 77466
Review: The Use of 4-Way Flashers on Slow Moving Vehicles.	**Abstract:** This action will consider changing existing regulations to allow the use of 4-way flashers to warn of potential hazards, and was developed in response to a rulemaking petition. No action is anticipated on this change within the next 6 months. **CFR Citation:** 49 CFR 392.15 **Legal Authority:** 49 U.S.C. 304, 1655 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation (Minimal Impact)* **Additional Information:** *None* **Agency Contact:** Neill Thomas, (202) 426-9767	NPRM Further action to be determined.	12/11/80	45 FR 81621
Written Examination	**Abstract:** The FHWA is considering a revision of the written examination requirement for commercial vehicle drivers. The options being considered are (1) rescission of the requirement, (2) leaving the requirement as it is and updating the questions, or changing the requirement to a pass/fail situation. **CFR Citation:** 49 C.F.R. 391.35 **Legal Authority:** 49 U.S.C. 304, 1655 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation (Minimal Impact)* **Additional Information:** *None* **Agency Contact:** Neill Thomas, (202) 426-9767	NPRM Further action to be determined.	3/4/82	47 FR 4256
Retail Fertilizer Distribution Exemption.	**Abstract:** The FHWA proposes to exempt drivers and vehicles transporting fertilizer, dry and liquid, in specific fertilizer distribution and application equipment from the Federal Motor Carrier Safety Regulations with few exceptions. **CFR Citation:** 49 CFR pt. 390 **Legal Authority:** 49 U.S.C. 304, 1655 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation (Minimal Impact)* **Additional Information:** *None* **Agency Contact:** Jos. J. Fulnecky, (202) 426-0033	ANPRM Further action to be determined.	2/82	47 FR 5273
Review: Notification, Reporting and Recording of Accidents.	**Abstract:** The proposed revision deals primarily with revising the truck and bus accident report forms. Being considered are (1) the consolidation of both forms into one, (2) reducing the number of copies to be filed and (3) raising the reporting threshold from the present $2,000 to a higher figure. **CFR Citation:** 49 CFR pt. 394 **Legal Authority:** 49 U.S.C. 304, 320, 1655 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation (Minimal Impact)* **Additional Information:** *None* **Agency Contact:** James K. O'Steen, (202) 426-1700	NPRM	4/83	
Railroad Grade Crossings	**Abstract:** The FHWA is considering a revision that would make this Federal regulation more consistent with the Uniform Vehicle Code with respect to stopping requirements. **CFR Citation:** 49 CFR 392.10 **Legal Authority:** 49 U.S.C. 304 **Effects on Small Entities** No **Analysis:** *Regulatory Evaluation (Minimal Impact)* **Additional Information:** *None*	ANPRM *NPRM*	*11/18/82* *Spring 1983*	*47 FR 51904*

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Other Rulemakings—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
	G. Agency Contact: *Joseph J. Fulnecky, (202) 426-0033*			
*Minimum Levels of Financial Responsibility for Motor Carriers of Passengers.	**Abstract:** In accordance with Section 18 of the Bus Regulatory Reform Act of 1982, rulemaking action is being initiated to implement the law. This regulation would establish certain requirements for levels of insurance or other evidence of financial responsibility which must be maintained by motor carriers of passengers. **CFR Citation:** 49 CFR Part 387 **Legal Authority:** Section 18 of Bus Regulatory Reform Act of 1982. **Effects on Small Entities:** No **Analysis:** Regulatory Evaluation **Additional Information:** Final rule must be in place by November 19, 1983. **Agency Contact:** Neill L. Thomas, (202) 426-9727	NPRM FR	3/83 10/83	
*Review: Driver Qualification Files.	**Abstract:** The FHWA is considering a revision to the Federal Motor Carrier Safety Regulations that would exempt motor carriers and drivers from the driver qualification rules regarding certain paperwork and administrative requirements for drivers of lightweight vehicles having a gross vehicle weight rating of between 10,000 and 15,000 pounds.. **CFR Citation:** 49 CFR Part 391 **Legal Authority:** 49 U.S.C. 304, 1655 **Effects on Small Entities:** No **Analysis:** Regulatory Evaluation (minimal impact) **Additional Information:** An ANPRM was issued on August 30, 1982 (47 FR 39698). Comment period closed on October 25, 1982. No further action anticipated until additional research is completed; earliest possible action scheduled within the next 6 months. **Agency Contact:** Neill L. Thomas, (202) 426-9767	Further Action To Be Determined.		
*Review: Disqualification of Drivers (Traffic Records).	**Abstract:** This proposal would require the disqualification of interstate truck and bus drivers based on the driver's traffic or accident record. **CFR Citation:** 49 CFR Part 391, Subpart B **Legal Authority:** 49 U.S.C. 304, 1655 **Effects on Small Entities:** *No* **Analysis:** Regulatory Evaluation (minimal impact) **Additional Information:** None **Agency Contact:** Neill L. Thomas, (202) 426-9767	ANPRM NPRM	9/27/82 1983	47 FR 42353

Other Rulemakings: Routine and Frequent

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Title	Summary	Timetable		
		Action	Date	Cite
	TOTAL ACTIONS EXPECTED—ENGINEERING AND TRAFFIC OPERATIONS			
Manual on Uniform Traffic Control Devices. 23 USC 109(b), (d), 402(a).	6 **Agency Contact:** J. C. Partlow, (202) 426-0411		*6/83*	

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Other Rulemakings: Routine and Frequent—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
Relocation Assistance-Moving Payments-Moving Expense Schedules. (42 U.S.C. 4601 et seq; 23 U.S.C. 315, 23 CFR 740).	RIGHT-OF-WAY AND ENVIRONMENT 2 **Agency Contact:** Gerald Starkweather (202) 426-0117		*7/83*	

Reviews of Existing Regulations

Priority Reviews

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
•Buy America (23 CFR 635, 410).	ENGINEERING AND TRAFFIC OPERATIONS **Abstract:** This regulation implements the requirements of the Surface Transportation Assistance Act of 1978 that requires that preference be given to items produced in the United States in FHWA funded projects. The regulation has been the subject of considerable criticism and controversy. The controversy centers on the extent that the domestic steel industry deserves the protection afforded it under the statute, whether sufficient domestic supplies exist and the increased costs resulting from using more expensive domestic products. *Review mooted by enactment of PL 97-424, Section 165. See "Priority Rulemakings: Non-Major" portion of agenda.* **CFR Citation:** 23 CFR 635 **Legal Authority:** Surface Transportation Assistance Act of 1978 **Effects on Small Entities:** No **Agency Contact:** Ken Ziems, (202) 426-4847	To be Terminated.		

Other Reviews

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Title	Summary	Timetable		
		Action	Date	Cite
Statement of Policy as to Administrative Action to be Taken in Instances of Irregularities.	GENERAL MANAGEMENT AND ADMINISTRATION **Abstract:** The debarment policies of the FHWA are being reviewed to determine if revisions to their coverage and the specific administrative procedures employed are appropriate. **CFR Citation:** 23 CFR pt. 16 **Legal Authority:** 23 USC 315 **Effects on Small Entities:** No **Agency Contact:** Hugh T. O'Reilly, (202) 426-0780	Completion of review.	4/83	
Required Contract Provisions - Federal-Aid Contracts.	ENGINEERING AND TRAFFIC OPERATIONS **Abstract:** This regulation has been selected for review because of FHWA policy on minimization of redtape. **CFR Citation:** 23 CFR pt. 633 **Legal Authority:** 23 USC 315 **Effects on Small Entities:** No **Agency Contact:** *A. J. Firesen,* (202) 426-4847	Completion of review.	*12/83*	

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Federal Highway Administration

Reviews of Existing Regulations

Other Reviews—Continued

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
Authorization to Proceed to Physical Construction.	**Abstract:** This regulation has been selected for review because of FHWA policy on minimization of redtape. **CFR Citation:** 23 CFR pt. 635 **Legal Authority:** 23 USC 112, 114 **Effects on Small Entities:** No **Agency Contact:** *A. J. Friesen,* (202) 426-4847	Completion of review.	*12/83*	
Advance Construction of Federal-Aid Projects.	**Abstract:** This regulation has been selected for review because of FHWA policy on minimization of redtape. **CFR Citation:** 23 CFR pt. 630 **Legal Authority:** 23 USC 115 **Effects on Small Entities:** No **Agency Contact:** K. C. Kippley, (202) 426-0673	Completion of review.	*1983*	
Motorist Aid Systems	**Abstract:** This regulation has been selected for review because of FHWA policy on minimization of redtape. **CFR Citation:** 23 CFR pt. 655 **Legal Authority:** 23 USC 104, 105, 307, 315 **Effects on Small Entities:** No **Agency Contact:** Robert Harp, (202) 426-0411	Completion of review.	1983	
Project Agreements	**Abstract:** This regulation has been selected for review because of FHWA policy on minimization of redtape. **CFR Citation:** 23 CFR pt. 630, subpart C **Legal Authority:** 23 USC 110 **Effects on Small Entities:** No **Agency Contact:** W. Besselieure, (202) 426-0450	Completion of review.	*12/83*	
Emergency Relief	**Abstract:** This regulation has been selected for review because of FHWA's policy on minimization of redtape. **CFR Citation:** 23 CFR pt. 668 **Legal Authority:** 23 USC 101, 1201(f), 125, 315; 42 USC 5155 **Effects on Small Entities:** No **Agency Contact:** J. A. Carney, (202) 426-0450	Completion of Review.	*1983*	
Federal-Aid Program Approval and Authorization.	**Abstract:** This regulation has been selected for review because of FHWA's policy on minimization of redtape. **CFR Citation:** 23 CFR 630A **Legal Authority:** 23 USC 105, 106, 118, 134, 315 **Effects on Small Entities:** No **Agency Contact:** J. A. Carney, (202) 426-0450	Completion of Review.	*1983*	
Contract Procedures - Claims and Claim Awards.	**Abstract:** This regulation has been selected for review because of the need to clarify existing requirements and promote consistency in participation determinations. **CFR Citation:** 23 CFR 635.120 **Legal Authority:** 23 USC 112 **Effects on Small Entities:** No **Agency Contact:** Tom Meyers, (202) 426-0420, or Jim Dann, (202) 426-0786.	Completion of Review.	4/83	
	FEDERAL MOTOR CARRIER SAFETY REGULATIONS			
The General Part of the Federal Motor Carrier Safety Regulations (FMCSR).	**Abstract:** This regulation has been selected for review because of FHWA policy on minimization of redtape; to improve and simplify the regulations. **CFR Citation:** 49 CFR pt. *390* **Legal Authority:** 49 USC 304, 1655 **Effects on Small Entities:** No **Agency Contact:** Neill Thomas, (202) 426-9767	Completion of review.	4/83	
Rear End Underride Protection.	**Abstract:** This regulation has been selected for review to improve rear end protection on heavy motor vehicles in conjunction with action taken by the National Highway Traffic Safety Administration on January 18, 1981. **CFR Citation:** 49 CFR pt. 393 **Legal Authority:** 49 USC 304, 1655 **Effects on Small Entities:** No **Agency Contact:** Neill Thomas, (202) 426-9767	Completion of review.	4/83	

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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.) Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

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DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
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DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Federal Highway Administration

Completed Actions

Priority Rulemaking: Major

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
Review: Hours of Service of Drivers' Drivers' Logs.	**Abstract:** *The FHWA has amended the Federal Motor Carrier Safety Regulations to reduce the burden for drivers and motor carriers by revising the requirements for recording a driver's duty status, reducing the record retention period for both the motor carrier and the driver, and relaxing the 100-mile radius driver exemption by increasing the consecutive hours worked criterion from 12 to 15 hours. The effective date was January 1, 1983.*. **CFR Citation:** 49 CFR pt. 395 **Legal Authority:** 49 U.S.C. 304 **Effects on Small Entities:** Yes **Analysis:** Regulatory Impact Analysis/Regulatory Flexibility Analysis. **Additional Information:** *None* **Agency Contact:** Neill Thomas, (202) 426-9767	NPRM FR	2/22/82 *11/26/82*	47 FR 7702 *47 FR 53383*
*Geometric Design Criteria for Resurfacing, Restoration, and Rehabilitation (RRR) of Streets and Highways Other Than Freeways (Docket No. 80–3).	**Abstract:** This final rule amends the Resurfacing, Restoration, and Rehabilitation (RRR) regulation to implement provisions required by section 110(a) of the Surface Transportation Assistance Act of 1982. Section 110(a) amends section 109 of title 23, United States Code, adding new subsection (o), to require Federal-aid nonfreeway RRR projects to be constructed to preserve and extend the service life of highways and enhance highway safety. This rulemaking is significant because it concerns a matter in which there is substantial public interest.. **CFR Citation:** 23 CFR Part 625 **Legal Authority:** Section 110(a) of the STAA of 1982, 23 U.S.C. 109(o), 315. **Effects on Small Entities:** No **Analysis:** Regulatory Evaluation (prepared for June 1982 final rule). **Additional Information:** A final rule was published on June 10, 1982 (47 FR 25270), containing policy and procedures intended to provide additional flexibility in the basic geometric features of design of nonfreeway RRR projects and involving primarily those in which modifications could result in appreciable savings in cost and other impacts while improving safety. This amendment will not change the procedures followed or the conclusions reached in the regulatory analysis and other documentation prepared during promulgation of the final rule on June 10, 1982. **Agency Contact:** David K. Phillips, (202) 426-4853	FR	3/31/83	47 FR 13410

Other Rulemakings

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
	GENERAL MANAGEMENT AND ADMINISTRATION			
Administrative Hearings	**Abstract:** This rule is proposed to provide a general procedure for administrative hearings. This proposed rule would allow the Administrator to initiate administrative proceedings on discretion, or on complaint, and would govern procedure under such proceedings. *Upon further review, a decision was made that regulatory action is not necessary.* **CFR Citation:** 23 CFR pt. 20 **Legal Authority:** 23 U.S.C. 315 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation (Minimal Impact)* **Additional Information:** *None*	*Project Terminated*		

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Federal Highway Administration

Completed Actions

Other Rulemakings—Continued

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
	Agency Contact: Hugh T. O'Reilly, (202) 426-0780			
	PLANNING			
Review: Carpool and Van Pool Projects	**Abstract:** This regulation revision reflects the required changes brought about by the Surface Transportation Assistance Act of 1978 plus related program modifications. **CFR Citation:** 23 CFR pt. 656; FHPM 4-8-3 **Legal Authority:** 23 U.S.C. 315 **Effects on Small Entities:** No **Analysis:** Regulatory Evaluation **Additional Information:** Final Rule published on 1/8/81 was withdrawn (46 FR 19232) pending further review under EO 12291. **Agency Contact:** Barbara Reichart, (202) 426-0210	NPRM FR FR	12/10/79 1/8/81 *9/30/82*	44 FR 70753 46 FR 2298 47 FR 43022
	ENGINEERING AND TRAFFIC OPERATIONS			
Review: Design and Construction Criteria for Bikeway Construction (Docket No. 79-3)	**Abstract:** This regulation establishes design and construction guidelines for bikeways. **CFR Citation:** 23 CFR pts. 652 and 663 **Legal Authority:** Sec 141, P.L. 95-599; 23 USC 217, 315 and 402(b)(1)(F). **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation (Minimal Impact)* **Additional Information:** *None* **Agency Contact:** Jack Wasley, (202) 426-0306	ANPRM NPRM FR	2/8/79 8/4/80 *11/8/82*	44 FR 7979 45 FR 51720 *47 FR 50469*
	PAVEMENT PROCEDURES			
*Temporary Matching Fund Waiver	**Abstract:** This regulation will prescribe procedures for administering section 145 of the STAA of 1982 which provides for a temporary waiver of state matching fund requirements.. **CFR Citation:** 23 CFR Part 130, Subpart A (New) **Legal Authority:** Section 145 of the STAA of 1982 **Effects on Small Entities:** No **Analysis:** Regulatory Evaluation (minimal impact) **Additional Information:** None **Agency Contact:** Max Inman, (202) 426-0562	FR	3/3/83	48 FR 9000
	FEDERAL MOTOR CARRIER SAFETY REGULATIONS			
*Minimum Levels of Financial Responsibility for Motor Carriers of Property	**Abstract:** Section 406 of the Surface Transportation Assistance Act of 1982 amended certain subsections of Section 30 of the Motor Carrier Act of 1980. This rulemaking action would revise existing financial responsibility regulations to conform with the amended language of the Act. **CFR Citation:** 49 CFR Part 387 **Legal Authority:** Section 406 of STAA of 1982 **Effects on Small Entities:** No **Analysis:** Regulatory Evaluation (minimal impact) **Additional Information:** None **Agency Contact:** Neill L. Thomas, (202) 426-9767	Emergency Regulation	2/7/83	48 FR 5559

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Federal Highway Administration

Completed Actions

Other Rulemakings—Routine and Frequent

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
Miscellaneous Amendments - Federal Motor Carrier Safety Regulations. (49 U.S.C. 304, 1655).	1 ..... **Agency Contact:** Neill Thomas, (202) 426-9767	*FR*	*10/23/82*	*47 FR 47836*

Priority Reviews

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
	RIGHT-OF-WAY AND ENVIRONMENT			
Relocation Assistance	**Abstract:** These regulations prescribe procedures for the fair and equitable treatment of persons displaced as a result of Federal and federally assisted highway programs, and include provisions for relocation services, moving payments, replacement housing payments, mobile homes and last resort housing. The current procedures have been in effect for 5 years or more and are being reviewed to determine whether burdens imposed on grant recipients can be reduced. A notice of proposed rulemaking will be issued *pending issuance of government-wide relocation and acquisition regulations.* **CFR Citation:** 23 CFR pt. 740 ..... **Legal Authority:** 42 U.S.C. 4601, et seq.; 23 U.S.C. 315 ..... **Effects on Small Entities:** No ..... **Agency Contact:** Flynn M. Wells, (202) 426-0116	*Review completed.*		

Other Reviews

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
	PAYMENT PROCEDURES			
Bond Issue Projects	**Abstract:** This regulation has been selected for review because of FHWA policy on minimization of redtape. *Rulemaking to be initiated. See "Other Rulemakings" portion of agenda.* **CFR Citation:** 23 CFR pt. 140 ..... **Legal Authority:** 23 USC 122, 315 ..... **Effects on Small Entities:** No ..... **Agency Contact:** Harvey Wood, (202) 426-0562	*Review completed.*		
Highway Construction Work to be Performed by Methods Other than Contract Awarded by Competitive Bidding.	**Abstract:** This regulation has been selected for review because of FHWA policy on minimization of redtape. *Rulemaking will be initiated. See "Other Rulemakings" portion of the agenda.* **CFR Citation:** 23 CFR pt. 635 ..... **Legal Authority:** 23 USC 112 ..... **Effects on Small Entities:** No ..... **Agency Contact:** K. L. Ziems, (202) 426-4847	*Review completed.*		

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Federal Highway Administration

FHWA — Completed Actions

Other Reviews—Continued

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics*: New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
Landscape and Roadside Development.	**Abstract:** Consolidation and simplification of policies and procedures relating to highway landscaping and plant establishment, safety rest areas and information centers and systems, scenic strips in connection with Federal-aid highway projects, joint use and joint development, and access for the handicapped at interstate rest area facilities. Response to comments on interim final regulations published May 5, 1978 (43 FR 19390). **CFR Citation:** 23 CFR pt. 752 **Legal Authority:** 23 USC 131, 319; 42 USC 4321, et seq **Effects on Small Entities:** No **Agency Contact:** Ken Rickerson, (202) 426-0314	*Review completed.*		
Right-of-Way - General	**Abstract:** This regulation was selected for review because FHWA policy on minimization of redtape. **CFR Citation:** 23 CFR pt. 710 **Legal Authority:** 42 USC 4601 et seq. 23 USC 315 **Effects on Small Entities:** No **Agency Contact:** Douglas A. Wubbels, (202) 426-0142	*Review completed.*		
The Acquisition Function-General Provisions and Project Procedures-Functional Replacement of Real Property in Public Ownership.	**Abstract:** This regulation has been selected for review because of FHWA policy on minimization of redtape. *Future action to be determined pending issuance of government-wide relocation and acquisition regulations.* **CFR Citation:** 23 CFR pt. 712 **Legal Authority:** 42 USC 4633; 23 USC 315 **Effects on Small Entities:** No **Agency Contact:** Richard Moeller, (202) 426-0142	*Review completed.*		
Disqualification of Drivers (traffic records).	**Abstract:** Consideration is being given to a proposal that would require the disqualification of interstate truck and bus drivers based on the driver's traffic or accident record. *A decision has been made to initiate rulemaking. See "Other Rulemakings" portion of the agenda.* **CFR Citation:** 49 CFR pt. 391, subpart B **Legal Authority:** 49 USC 304, 1655 **Effects on Small Entities:** No **Agency Contact:** Neill Thomas, (202) 426-9767	*Review completed.*		
Selection of Motor Carriers for Survey.	**Abstract:** Publish criteria for selection of carriers for safety and hazardous materials surveys in response to a rulemaking petition. **CFR Citation:** 49 CFR pt. 385 **Legal Authority:** 49 USC 304, 1655 **Effects on Small Entities:** No **Agency Contact:** James Jeglum, (202) 426-1724	*Review terminated.*		
†Transportation of Migrant Workers.	**Abstract:** Improve procedures for ensuring safe transportation of migrant workers in interstate commerce. The review will also analyze the impact on small entities in accordance with the Regulatory Flexibility Act . **CFR Citation:** 49 CFR pt. 398 **Legal Authority:** 49 USC 303, 304 **Effects on Small Entities:** Yes **Agency Contact:** Neill Thomas, (202) 426-9767	*Review completed.*		

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

National Highway Traffic Safety Administration

NHTSA

Current and Projected Rulemakings

Priority Rulemakings: Major

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda. •Presidential Task Force priority review.]

Title	Summary	Timetable		
		Action	Date	Cite
	INFORMATION NOTICE The National Highway Traffic Safety Administration (NHTSA) has ordered the items that appear in the Agenda as follows. Proposals and regulations in this Agenda are subdivided into three subject areas. Within each of the subject areas, the entries are listed, where possible, in order of CFR section being amended or established. Entries for which a CFR section has not been identified are listed at the end of each subject area in the order in which they have been added to the Agenda. The first subject area is "Federal Motor Vehicle Safety Standards." The largest number of entries are in this area. These entries are listed by order of the safety standard being amended or established, since those numbers correspond to CFR section numbers. The second subject area is "Fuel Economy Standards and Exemptions." The third subject area is "Regulations Other Than Safety Standards and Fuel Economy Standards/Exemptions".			
	FEDERAL MOTOR VEHICLE SAFETY STANDARDS			
†Heavy Duty Vehicle Brake Systems (Formerly Truck and Trailer Brake Systems) (Docket No. 79-03).	**Abstract:** Would establish a new brake standard for all trucks, buses and trailers with a Gross Vehicle Weight Rating (GVWR) over 10,000 pounds. This standard would replace Standard No. 121, Air Brake Systems, and that portion of Standard No. 105, Hydraulic Brake Systems, that applies to vehicles with a GVWR over 10,000 pounds. It would also establish new requirements for heavy trailers having other than air-actuated brakes. In developing the standard, the agency will consider compatibility with international regulations. Research programs in support of this new standard and possible future upgradings of the standard will investigate such long-term advanced braking system concepts as automatic brake adjustors, load-sensing proportioning valves, air driers, and retarders for heavy trucks, buses and trailers. This rule is considered significant because of the level of public and Congressional interest. It is necessary to prevent and reduce the severity of accidents involving heavy vehicles by providing increased accident avoidance capability. **CFR Citation:** 49 CFR 571.121, 49 CFR 571.105 **Legal Authority:** 15 U.S.C. 1392, 1407, National Traffic and Motor Vehicle Safety Act of 1966, as amended. **Effects on Small Entities:** Yes **Analysis:** Regulatory Impact Analysis/Regulatory Flexibility Analysis. **Additional Information:** Two ANPRM's have been issued related to this rulemaking. The first was published February 15, 1979 (44 FR 9783; Notice 1). The second was published February 28, 1980 (45 FR 13155); Notice 3 . **Agency Contact:** R. Hitchcock (202) 426-0842	ANPRM ANPRM Research underway.	2/15/79 2/28/80	44 FR 9783 45 FR 13155
	FUEL ECONOMY STANDARDS			
*Post-MY-1985 Light Truck Fuel Economy Standards.	**Abstract:** In accordance with the mandatory requirements of section 502(b) of the Motor Vehicle Information and Cost Savings Act, would establish light truck average fuel economy standards for model years 1986 and 1987. **CFR Citation:** 49 CFR 533 **Legal Authority:** 15 U.S. 2002 **Effects on Small Entities:** No **Analysis:** Regulatory Impact Analysis **Additional Information:** None **Agency Contact:** William Boehly, (202) 426-1740	NPRM	1983	

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

National Highway Traffic Safety Administration

NHTSA

Current and Projected Rulemakings

Priority Rulemakings: Major—Continued

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda. •Presidential Task Force priority review.]

Title	Summary	Timetable		
		Action	Date	Cite
†Crashworthiness Ratings (Docket No. 79-17).	**Abstract:** Ratings: Would require manufacturers to disseminate crashworthiness performance information concerning their cars to the public, to provide consumers with comparative information on the crashworthiness performance of new car models. This rulemaking is considered significant because of the impact on manufacturers, the interest shown by consumers, and the potential significant effects on the automotive marketplace. **CFR Citation:** 49 CFR Ch.5 **Legal Authority:** National Traffic and Motor Vehicle Safety Act of 1966, as amended, and Motor Vehicle Information and Cost Savings Act, as amended, (15 U.S.C. 1401, Section 112(d); 15 U.S.C. 1941, Section 201(d)). **Effects on Small Entities:** Yes **Analysis:** Regulatory Impact Analysis/Regulatory Flexibility Analysis. **Additional Information:** NPRM published January 22, 1981 (46 FR 7025; Notice 1). Comment due date extended to October 22, 1981 by notice published April 2, 1981 (46 FR 19947; Notice 2). **Agency Contact:** *William Boehly,* (202) 426-1740	NPRM Further action to be determined.	1/22/81	46 FR 7025

Other Rulemakings

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
Controls & Displays (Docket No. 1-18).	**Abstract:** Would amend the standard to include several symbols adopted by the International Standards Organization (ISO). **CFR Citation:** 49 CFR 571.101 **Legal Authority:** 15 U.S.C. 1392, 1407 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *NPRM, Notice 23* **Agency Contact:** R. Hitchcock, (202) 426-0842	NPRM *FR*	*11/4/82* *Fall 1983*	*47 FR 49993*
Controls and Displays (Docket No. 1-18).	**Abstract:** Would amend the light intensity requirements of Standard No. 101-80 to permit informational readout displays to be used for **telltales.** **CFR Citation:** 49 CFR 571.101-80 **Legal Authority:** 15 U.S.C. 1392, 1407 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *NPRM, Notice 21* **Agency Contact:** R. Hitchcock, (202) 426-0842	NPRM FR	2/1/82 *1983*	47 FR 4541
Hydraulic Brake Systems	**Abstract:** Would change the parking brake gradient requirement for school buses with a GVWR of 10,000 pounds or less from 30 percent to 20 percent, while maintaining the recently adopted more stringent effort limits. This change would make the parking brake requirements for school buses with a GVWR of 10,000 pounds or less the same as for other buses, trucks and multipurpose passenger vehicles within that weight class. **CFR Citation:** 49 CFR 571.105 **Legal Authority:** 15 U.S.C. 1392, 1407 **Effects on Small Entities:** *Yes* **Analysis:** *Regulatory Evaluation/Regulatory Flexibility Analysis* **Additional Information:** *NPRM, Notice 13 FR, Notice 2* **Agency Contact:** R. Hitchcock, (202) 426-0842	NPRM	*1983*	

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

National Highway Traffic Safety Administration

NHTSA

Current and Projected Rulemakings

Other Rulemakings—Continued

[Key to Symbols: *New item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] ▪Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
Brake Hoses (Docket No. 82-02).	**Abstract:** Would consider amending portions of the standard that relate to adhesion properties of hose layers on air and vacuum brake hoses to allow an average value rather than an absolute minimum for meeting the adhesion specification. This action results from a petition for rulemaking. **CFR Citation:** 49 CFR 571.106 **Legal Authority:** 15 U.S.C. 1392, 1407 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** R. Hitchcock, (202) 426-0842	Notice granting petition for rulemaking. Further action to be determined.	2/18/82 *Spring 1983*	47 FR 7293
Brake Hoses (Docket No. 82-09).	**Abstract:** Would permit labelling of metric-size brake hoses in metric units rather than inches. This action results from a petition for rulemaking . **CFR Citation:** 49 CFR 571.106 **Legal Authority:** 15 U.S.C. 1392, 1407 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *NPRM, Notice 1* **Agency Contact:** R. Hitchcock, (202) 426-0842	NPRM FR	4/12/82 *Spring 1983*	47 FR 15612
Rear Lighting and Signalling (Docket No. 81-02).	**Abstract:** Would establish requirement for a high mounted brake light. **CFR Citation:** 49 CFR 571.108 **Legal Authority:** 15 U.S.C. 1392, 1407 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *NPRM, Notice 1* **Agency Contact:** R. Hitchcock, (202) 426-0842	NPRM Further action to be determined.	1/8/81 *Spring 1983*	46 FR 2132
†Commercial Vehicle Conspicuity (Docket No. 80-9).	**Abstract:** Would improve the conspicuity of commercial vehicles by establishing in FMVSS 108 performance requirements for the total lighting and marking system of commerical vehicles (excluding headlights). **CFR Citation:** 49 CFR 571.108 **Legal Authority:** 15 U.S.C. 1392, 1407 **Effects on Small Entities:** Yes **Analysis:** *Regulatory Evaluation; Regulatory Flexibility Analysis* **Additional Information:** *None* **Agency Contact:** R. Hitchcock, (202) 426-0842	ANPRM Further action to be determined.	5/27/80	45 FR 35405
Brake Systems (Docket No. 79-18).	**Abstract:** Would propose a new brake standard compatible with the harmonized brake standard now being developed by the United Nations Economic Commission for Europe (ECE). Initial efforts are directed toward requirements for passenger cars. **CFR Citation:** 49 CFR Part 571 **Legal Authority:** 15 U.S.C. 1392, 1407 **Effects on Small Entities:** No **Analysis:** *To be determined* **Additional Information:** *None* **Agency Contact:** R. Hitchcock, (202) 426-0842	NPRM	1983	
Lamps, Reflective Devices, and Associated Equipment *(Docket No. 81-11).*	**Abstract:** *In response to a petition, would amend* FMVSS No. 108 to modify headlamp configurations and *add tests for semi-sealed* headlamps. **CFR Citation:** 49 CFR 571.108 **Legal Authority:** 15 U.S.C. 1392, 1407 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** R. Hitchcock, (202) 426-0842	NPRM *FR*	*1/17/83* *1983*	*48 FR 1992*
Lamps, Reflective Devices, and Associated Equipment.	**Abstract:** *In response to a petition,* would delete the requirement for use of a "Test Bulb" with stringent filament location specifications in testing lamp assemblies. **CFR Citation:** 49 CFR 571.108 **Legal Authority:** 15 U.S.C. 1392, 1407 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation*	NPRM	*1983*	

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

National Highway Traffic Safety Administration

NHTSA

Current and Projected Rulemakings

Other Rulemakings—Continued

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
Lamps, Reflective Devices, and Associated Equipment *(Docket No. 81-19).*	**Additional Information:** *None* **Agency Contact:** R. Hitchcock, (202) 426-0842 **Abstract:** In response to a petition for rulemaking, would amend the standard to reduce from 12 to 8 square inches the minimum effective projected luminous lens area of rear stop and turn signal lamps for large vehicles 80 inches or more in overall width. **CFR Citation:** 49 CFR 571.108 **Legal Authority:** 15 U.S.C. 1392, 1407 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *NPRM, Notice 1* **Agency Contact:** R. Hitchcock, (202) 426-0842	NPRM *Further action to be determined.*	*10/22/81*	*46 FR 51793*
Lamps, Reflective Devices, and Associated Equipment (Docket No. 82-04).	**Abstract:** In response to a petition for rulemaking, would provide an alternative location for front identification lamps on vehicles whose overall width exceeds 80 inches, allowing them to be mounted on the top of the vehicle. **CFR Citation:** 49 CFR 571.108 **Legal Authority:** 15 U.S.C. 1392, 1407 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *NPRM, Notice 1* **Agency Contact:** R. Hitchcock, (202) 426-0842	NPRM FR	2/22/82 *1983*	47 FR 7911
Lamps, Reflective Devices, and Associated Equipment (Docket No. 82-03).	**Abstract:** In response to a petition for rulemaking, would consider whether the cab of a vehicle is an acceptable alternative location for the mounting of clearance lamps. **CFR Citation:** 49 CFR 571.108 **Legal Authority:** 15 U.S.C. 1392, 1407 **Effects on Small Entities:** No **Analysis:** *To be determined* **Additional Information:** *None* **Agency Contact:** R. Hitchcock, (202) 426-0842	Further action to be determined.		
*Lamps, Reflective Devices, and Associated Equipment (Docket No. 82-16).	**Abstract:** Would amend FMVSS 108 to allow installation of a modulating headlamp on motorcycles. **CFR Citation:** 49 CFR 571.108 **Legal Authority:** 15 U.S.C. 1392, 1407 **Effects on Small Entities:** No **Analysis:** Regulatory Evaluation **Additional Information:** NPRM, Notice 1 **Agency Contact:** R. Hitchcock, (202) 426-0842	NPRM *Further action to be determined.*	9/23/82	47 FR 42009
*Lamps, Reflective Devices, and Associated Equipment (Docket No. 82-17).	**Abstract:** In response to a petition for rulemaking, would allow motor vehicles to be equipped with a new two-lamp rectangular sealed beam headlamp system smaller than that currently permitted. **CFR Citation:** 49 CFR 571.108 **Legal Authority:** 15 U.S.C. 1392, 1407 **Effects on Small Entities:** No **Analysis:** Regulatory Evaluation **Additional Information:** NPRM, Notice 1 **Agency Contact:** R. Hitchcock, (202) 426-0842	NPRM FR	11/14/82 Spring 1983	47 FR 45889
*Lamps, Reflective Devices, and Associated Equipment.	**Abstract:** Would propose amending FMVSS 108 passenger car requirements to harmonize with some United Nations Economic Commission for Europe (ECE) requirements such as those concerning rear yellow turn signal photometrics, license plate lamp requirements, headlamp height, rear lamp height, stop lamps and the test grid for stop, tail, turn and parking lamps. Would also propose updating SAE references for parking lamps, clearance, side marker and identification lamps, backup lamps, and sealed beam headlamp assembly. **CFR Citation:** 49 CFR 571.108 **Legal Authority:** 15 U.S.C. 1392, 1407 **Effects on Small Entities:** No **Analysis:** Regulatory Evaluation **Additional Information:** None	NPRM	Spring 1983	

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Title	Summary	Timetable		
		Action	Date	Cite
	Agency Contact: R. Hitchcock, (202) 426-0842			
Rear View Mirrors (Docket No. 71-3a).	**Abstract:** This proposal would amend FMVSS 111 by establishing requirement for passenger cars to: a) reduce the blind areas by upgrading mirror visibility using improved compliance testing procedures, b) upgrade occupant protection requirements and add pedestrian protection requirements using shatter resistant and breakaway or foldaway tests, c) set specifications for day-night reflectance requirements to reduce headlight glare, d) set specifications for convex mirror quality and use, and e) minimize obstruction of the forward view by establishing mirror location specifications. FR to permit use of passenger side convex mirrors published. Remaining issues to be considered further by agency . **CFR Citation:** 49 CFR 571.111 **Legal Authority:** 15 U.S.C. 1392, 1407 **Effects on Small Entities:** No **Analysis:** *To be determined for remaining issues* **Additional Information:** *NPRM, Notice 4; FR, Notice 6* **Agency Contact:** R. Hitchcock, (202) 426-0842	NPRM FR *Further action to be determined. Research underway.*	11/6/78 *9/2/82*	43 FR 51657 *47 FR 38698*
Rearview Mirror Systems (Docket No. 71-3a).	**Abstract:** Would amend FMVSS No. 111 to improve mirror systems for trucks, buses and multipurpose passenger vehicles with a GVWR of 10,000 pounds or less. **CFR Citation:** 49 CFR 571.111 **Legal Authority:** 15 U.S.C. 1392, 1407 **Effects on Small Entities:** No **Analysis:** *To be determined* **Additional Information:** *NPRM, Notice 4* **Agency Contact:** R. Hitchcock, (202) 426-0842	NPRM Further action to be determined.	11/6/78	43 FR 51657
Rearview Mirror (Docket No. 81-21).	**Abstract:** In response to a petition for rulemaking, would permit the optional use of crossview mirrors of variable, short radius of curvature on school buses. **CFR Citation:** 49 CFR 571.111 **Legal Authority:** 15 U.S.C. 1392, 1407 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *NPRM, Notice 1* **Agency Contact:** R. Hitchcock, (202) 426-0842	NPRM FR	12/10/81 *Spring 1983*	46 FR 60481
†Rearview Mirror Systems (Docket No. 71-3a).	**Abstract:** Would amend FMVSS No. 111 to improve mirror systems for trucks, buses and multipurpose passenger vehicles with a GVWR over 10,000 pounds. **CFR Citation:** 49 CFR 571.111 **Legal Authority:** 15 U.S.C. 1392, 1407 **Effects on Small Entities:** Yes **Analysis:** *To be determined* **Additional Information:** *NPRM, Notice 4* **Agency Contact:** R. Hitchcock, (202) 426-0842	NPRM Further action to be determined.	11/6/78	43 FR 51657
Federal Vehicle Identification Number *(Docket No. 1-22).*	**Abstract:** Would change Federal Vehicle Identification Number requirement from a Federal Motor Vehicle Safety Standard to an administrative regulation. **CFR Citation:** 49 CFR 571.115 **Legal Authority:** 15 U.S.C. 1392, 1407 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *NPRM, Notice 11* **Agency Contact:** R. Hitchcock, (202) 426-0842	NPRM *FR*	*9/23/82* *Spring 1983*	*47 FR 42004*
Power-Operated Window Systems (Docket No. 82-07).	**Abstract:** In response to a petition for rulemaking, would permit operation of power windows after the ignition has been turned off but only until a door has been opened. **CFR Citation:** 49 CFR 571.118 **Legal Authority:** 15 U.S.C. 1392, 1407 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *NPRM, Notice 1* **Agency Contact:** R. Hitchcock, (202) 426-0842	NPRM FR	4/1/82 *Spring 1983*	47 FR 13845

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Title	Summary	Timetable		
		Action	Date	Cite
Tire Selection and Rims, Non-Passenger Cars. (Docket No. 80-16).	**Abstract:** These technical amendments would clarify existing requirements or resolve minor specific technical problems. **CFR Citation:** 49 CFR 571.120 **Legal Authority:** 15 U.S.C. 1392, 1407 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *NPRM, Notice 1* **Agency Contact:** R. Hitchcock, (202) 426-0842	NPRM Final rule	10/30/80 *Spring 1983*	45 FR 71834
Air Brake Systems (Docket No. 79-03).	**Abstract:** Would delete the requirement in Standard No. 121 for a separate reservoir capable of releasing parking brakes. **CFR Citation:** 49 CFR 571.121 **Legal Authority:** 15 U.S.C. 1392, 1407 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *NPRM, Notice 5* **Agency Contact:** R. Hitchcock, (202) 426-0842	NPRM Further action to be determined.	7/23/81	46 FR 37952
Motorcycle Controls	**Abstract:** Would permit the manual fuel cutoff control on a motorcycle to operate in a transverse vertical plane as an alternative to the current requirement for operation in a longitudinal vertical plane. **CFR Citation:** 49 CFR 571.123 **Legal Authority:** 15 U.S.C. 1392, 1407 **Effects on Small Entities:** No **Analysis:** *None* **Additional Information:** *None* **Agency Contact:** R. Hitchcock, (202) 426-0842	NPRM	*1983*	
Motorcycle controls and displays.	**Abstract:** Would be amended to permit the use of words or symbols. **CFR Citation:** 49 CFR 571.123 **Legal Authority:** 15 U.S.C. 1392, 1407 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** R. Hitchcock, (202) 426-0842	NPRM	*Fall* 1983	
†Steering Control Rearward Displacement.	**Abstract:** Would extend the applicability of the Standard from vehicles with an unloaded weight of 4,000 pounds to vehicles with an unloaded weight of 5,500 pounds. **CFR Citation:** 49 CFR 571.204 **Legal Authority:** 15 U.S.C. 1392, 1407 **Effects on Small Entities:** Yes **Analysis:** *Regulatory Evaluation/Regulatory Flexibility Analysis* **Additional Information:** *None* **Agency Contact:** R. Hitchcock, (202) 426-0842	Further action to be determined.		
Glazing Materials (Docket No. 81-04) .	**Abstract:** Would update FMVSS 205 by referring to latest edition of companion commercial standard (ANS Z-26), thereby permitting use of modern materials, and would also amend the standard to permit a new type of bullet resistant glazing. **CFR Citation:** 49 CFR 571.205 **Legal Authority:** 15 U.S.C. 1392, 1407 **Effects on Small Entities:** No **Analysis:** *To be determined* **Additional Information:** *NPRM, Notice 2* **Agency Contact:** R. Hitchcock, (202) 426-0842	NPRM *FR*	7/29/82 *1983*	47 FR 32749
†Glazing Materials (Docket No. 81-04).	**Abstract:** Would amend FMVSS No. 205 to *permit the use of* glass-plastic glazing materials. **CFR Citation:** 49 CFR 571.205 **Legal Authority:** 15 U.S.C. 1392, 1407 **Effects on Small Entities:** Yes **Analysis:** *Regulatory Evaluation/Regulatory Flexibility Analysis* **Additional Information:** *NPRM, Notice 2* **Agency Contact:** R. Hitchchock, (202) 426-0842	ANPRM NPRM *FR*	1/26/82 *3/10/83* *Fall 1983*	46 FR 8067 *48 FR 10097*

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Title	Summary	Timetable		
		Action	Date	Cite
Seat Belt Assemblies (Docket No. 74-14).	**Abstract:** To improve seat belt comfort, convenience, reliability and effectiveness by prescribing parameters for performance of seat belt assemblies. Subject to review under Executive Order 12291. Final Rule in partial response to petitions for reconsideration deferring effective date from September 1, 1982, to September 1, 1983, published February 18, 1982 (47 FR 7254). *NPRM to defer effective date to September 1, 1985, published November 15, 1982 (47 FR 51432).* NHTSA plans to respond to the substantive portions of petitions for reconsideration at a later date. **CFR Citation:** 49 CFR 571.208 **Legal Authority:** 15 U.S.C. 1392, 1407 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *NPRM, Notice 17; FR, Notice 19; FR deferring effective date, Notice 24; NPRM for additional deferral of effective date, Notice 29.* **Agency Contact:** R. Hitchcock, (202) 426-0842	NPRM FR FR deferring effective date to 9/1/83. *NPRM to defer effective date to 9/1/85.* *FR*	12/31/79 1/8/81 2/18/82 *11/15/82* *Spring 1983*	44 FR 77210 46 FR 2064 47 FR 7254 *47 FR 51432*
Seat Belt Assemblies (Docket No. 80-06).	**Abstract:** Would amend FMVSS 209 to modify resistance to light test procedures. This action is in response to a petition for rulemaking. Subsequent to 1980 NPRM, new test procedures were developed, necessitating a new NPRM . **CFR Citation:** 49 CFR 571.209 **Legal Authority:** 15 U.S.C. 1392, 1407 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *NPRM, Notice 1* **Agency Contact:** R. Hitchcock, (202) 426-0842	NPRM NPRM	6/1/80 *1983*	45 FR 29102
Seat Belt Assemblies (Docket No. 82-15).	**Abstract:** Would amend Standard 209 by updating reference to a number of recommended practices and test procedures, incorporating by reference the latest versions of these documents, instead of earlier versions. Also seeks comments on possible revisions to the standard that would reduce the regulatory burden imposed by the standard without diminishing vehicle safety . **CFR Citation:** CFR 571.209 **Legal Authority:** 15 U.S.C. 1392, 1407 **Effects on Small Entities:** No **:Analysis:** *Regulatory Evaluation* **:Additional Information:** *NPRM, Notice 1* **Agency Contact:** R. Hitchcock, (202) 426-0842	NPRM Further action to be determined.	7/22/82	47 FR 31712
Child Restraint Tether Anchorages. (Docket No. 80-18)	**Abstract:** Would require lap belt and tether anchorages for use with child restraint systems. *Alternatives being considered are whether to require anchorages and how many anchorages per car should be provided.* **CFR Citation:** 49 CFR 571.210 **Legal Authority:** 15 U.S.C. 1392, 1407 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *NPRM, Notice 1* **Agency Contact:** R. Hitchcock, (202) 426-0842	NPRM Further action to be determined. *Spring 1983.*	12/11/80	45 FR 81625
*Child Seating Systems	**Abstract:** Would amend FMVSS 213 to change its buckle release pressure requirements. **CFR Citation:** 49 CFR 571.213 **Legal Authority:** 15 U.S.C. 1392, 1407 **Effects on Small Entities:** No **Analysis:** Regulatory Evaluation **Additional Information:** *None* **Agency Contact:** R. Hitchcock, (202) 426-0842	NPRM	Spring 1983	
†Motorcycle Helmets	**Abstract:** The proposal would add new headform sizes to FMVSS 218. **CFR Citation:** 49 CFR 571.218 **Legal Authority:** 15 U.S.C. 1392, 1407 **Effects on Small Entities:** Yes **Analysis:** *To be determined*	Further action to be determined.		

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Title	Summary	Timetable		
		Action	Date	Cite
	Additional Information: *None* **Agency Contact:** R. Hitchcock, (202) 426-0842			
School Bus Body Joint Strength (Docket No. 73-34).	**Abstract:** Would amend FMVSS 221 to modify the exempt status of maintenance access panels. **CFR Citation:** 49 CFR 572.221 **Legal Authority:** 15 U.S.C. 1392, 1407 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *NPRM, Notice 5* **Agency Contact:** R. Hitchcock, (202) 426-0842	NPRM *FR*	11/27/81 *Spring 1983*	46 FR 57939
†Truck Rear Underride Protection (Docket No. 1-11).	**Abstract:** Would require protective devices to reduce vehicle penetration under the rear-ends of heavy trucks and trailers (without resulting in overly severe forces being transmitted to restrained and unrestrained occupants in vehicles that crash into the devices). **CFR Citation:** 49 CFR; pt. 571 **Legal Authority:** 15 U.S.C. 1392, 1407 **Effects on Small Entities:** *Yes* **Analysis:** *Regulatory Evaluation/Regulatory Flexibility Analysis* **Additional Information:** *NPRM, Notice 8* **Agency Contact:** R. Hitchcock, (202) 426-0842	NPRM Further action to be determined.	1/8/81 *Spring 1983*	46 FR 2136
†Flammability of School Bus Interior Materials.	**Abstract:** Would utilize guidelines prescribed by UMTA to define flammability characteristics of School Bus Interior Materials. **CFR Citation:** 49 CFR Pt. 391 **Legal Authority:** 15 U.S.C. 1392, 1407 **Effects on Small Entities:** Yes **Analysis:** *To be determined* **Additional Information:** *None* **Agency Contact:** R. Hitchcock, (202) 426-0842	Further action to be determined.		
†Pedestrian Protection (Docket No. 78-19).	**Abstract:** Would reduce adult pedestrian leg injuries and child injuries through modification of the bumper area. **CFR Citation:** 49 CFR pt. 571 **Legal Authority:** 15 U.S.C. 1392, 1407 **Effects on Small Entities:** Yes **Analysis:** *Regulatory Evaluation/Regulatory Flexibility Analysis* **Additional Information:** *NPRM, Notice 1* **Agency Contact:** R. Hitchcock, (202) 426-0842	NPRM Further action to be determined.	1/22/81	46 FR 7015
Seating Reference Point/ Motor Vehicle Driver's Eye Range (Docket No. 82-05).	**Abstract:** Would update the definition of Seating Reference Point to incorporate latest industry practices and amend Standards 103, 104, 107 and 111 to reference SAE Recommended Practice J941e, Motor Vehicle Driver's Eye Range, instead of an earlier version of that recommended practice. **CFR Citation:** 49 CFR pt. 571 **Legal Authority:** 15 U.S.C. 1392, 1407 **Effects on Small Entities:** No **Analysis:** *To be determined* **Additional Information:** *None* **Agency Contact:** R. Hitchcock, (202) 426-0842	ANPRM Further action to be determined.	3/8/82	47 FR 9865
	REGULATIONS OTHER THAN SAFETY STANDARDS AND FUEL ECONOMY STANDARDS/EXEMPTIONS			
Anthropomorphic Test Dummies.	**Abstract:** Would provide performance criteria for the adult surrogate dummies which would be required in dynamic testing of vehicles if Standard 214, Side Door Strength, is upgraded. **CFR Citation:** 49 CFR Part 572 **Legal Authority:** 15 U.S.C. 1392, 1407 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** R. Hitchcock, (202) 426-0842	Further action to be determined.		
Tire Identification and Recordkeeping. (Docket No. 80-20).	**Abstract:** Would require ID on outward facing sidewall of motor vehicle tires. **CFR Citation:** 49 CFR pt. 574 **Legal Authority:** 15 U.S.C. 1392, 1401, 1407, 1418, 1421	NPRM Action to be terminated.	12/15/80 *Spring 1983*	45 FR 82293

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Title	Summary	Timetable		
		Action	Date	Cite
	Effects on Small Entities: No **Analysis:** *Regulatory Evaluation* **Additional Information:** *NPRM, Notice 1* **Agency Contact:** R. Hitchcock, (202) 426-0842			
*Tire Identification and Recordkeeping (Docket No. 74-12).	**Abstract:** Would amend tire registration requirements applicable to dealers whose business is not owned or controlled by a tire manufacturer to specify that those dealers must furnish a registration form to each tire purchaser at the time of sale after the dealer has filled in the tire identification number(s) of the tire(s) sold. The purchaser could then complete the registration form, affix postage, and mail the form back to the tire manufacturer. No change would be made in the tire registration requirements applicable to dealers whose business is owned or controlled by a tire manufacturer. **CFR Citation:** 49 CFR Part 574 **Legal Authority:** 15 U.S.C. 1392, 1401, 1407, 1418, 1421 **Effects on Small Entities:** No **Analysis:** Regulatory Evaluation **Additional Information:** None **Agency Contact:** R. Hitchcock, (202) 426-0842	Interim FR and request for comments. Next action	Winter 1983 Summer 1983	
Consumer Information--Stopping Distance.	**Abstract:** Would modify requirements for stopping distance consumer information. **CFR Citation:** 49 CFR 575.101 **Legal Authority:** 15 U.S.C. 1392, 1407 **Effects on Small Entities:** No **Analysis:** *To be determined* **Additional Information:** *None* **Agency Contact:** *William Boehly*, (202) 426-1740	NPRM	*Spring 1983*	
Uniform Tire Quality Grading (Docket No. 25).	**Abstract:** Would amend the Uniform Tire Quality Grading Standards to prescribe a *standardized process for translating treadwear and traction test results* into tire grades. Also would expand the numerical increments used to denote treadwear grades. **CFR Citation:** 49 CFR Part 575 **Legal Authority:** 15 U.S.C. 1423 **Effects on Small Entities:** No **Analysis:** *To be determined* **Additional Information:** *NPRM, Notice 43* **Agency Contact:** *William Boehly*, (202) 426-1740	NPRM Further action to be determined.	2/2/81	46 FR 10429
Uniform Tire Quality Grading	**Abstract:** Would include rolling resistance for tires as a substitute for top temperature resistance grade in the Uniform Tire Quality Grading Standards. **CFR Citation:** 49 CFR Part 575 **Legal Authority:** 15 USC 1423 **Effects on Small Entities:** No **Analysis:** *To be determined* **Additional Information:** *None* **Agency Contact:** *William Boehly*, (202) 426-1740	Further action to be determined.		
Uniform Tire Quality Grading (Docket No. 25).	**Abstract:** Provides methods for determining rim size and tire loading for UTQG test procedures. This action was necessary because UTQG test procedures previously relied upon a portion of Table 1, Appendix A of Safety Standard No. 109, which was deleted in a previous agency rulemaking. **CFR Citation:** 49 CFR 575.104 **Legal Authority:** 15 U.S.C. 1423 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *Interim FR, Notice 46* **Agency Contact:** *William Boehly*, (202) 426-1740	Interim FR and request for comments. Further action to be determined.	6/15/82	47 FR 25930

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Title	Summary	Timetable		
		Action	Date	Cite
Uniform Tire Quality Grading (Docket No. 25).	**Abstract:** Makes a technical correction to the UTQG test procedures concerning factors to be used in determining the load under which tires are to be tested for traction. Also provides that, for a two-year period, tires whose test loads would change significantly as a result of the use of the treadwear, temperature resistance and traction load factors shall continue to be tested at the loads used in UTQG testing prior to June 14, 1982. **CFR Citation:** 49 CFR 575.104 **Legal Authority:** 15 U.S.C. 1423 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *Interim FR, Notice 48* **Agency Contact:** *William Boehly,* (202) 426-1740	Interim FR and request for comments. Further action to be determined.	8/12/82	47 FR 34990
Uniform Tire Quality Grading (Dockets No. 25 and 80-14).	**Abstract:** Invites comments on using information either in privately published tire tables or in manufacturer submissions to the agency for determining loads for testing under both Federal Motor Vehicle Safety Standard No. 109 and the Uniform Tire Quality Grading Standards. **CFR Citation:** 49 CFR 575.104 **Legal Authority:** 15 U.S.C. 1423 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *NPRM, Notice 49 (Docket 25) and Notice 4 (Docket 80-14).* **Agency Contact:** *William Boehly,* (202) 426-1740	NPRM *Further action to be determined.*	8/19/82	47 FR 36260
Consumer Information - Wet Stopping Distance.	**Abstract:** Would develop a new rule for consumer information if tests indicate that there are significant differences in wet stopping distances among different models of cars on asphalt or concrete road surfaces. **CFR Citation:** 49 CFR 575.105 **Legal Authority:** 15 USC 1392, 1407 **Effects on Small Entities:** No **Analysis:** *To be determined* **Additional Information:** *None* **Agency Contact:** *William Boehly,* (202) 426-1740	Further Action to be determined.		
†Vehicle Classification - Compact Vans/Station Wagons.	**Abstract:** Would invite comment on possible amendments to the safety and fuel economy regulations, with respect to the manner in which compact vans/station wagons and certain other vehicles are classified. **CFR Citation:** 49 CFR Pts. 571 and 523 **Legal Authority:** 15 U.S.C. 1392, 1407; 15 U.S.C. 2001 **Effects on Small Entities:** Yes **Analysis:** *Regulatory Evaluation/Regulatory Flexibility Analysis* **Additional Information:** *None* **Agency Contact:** S. Wood, (202) 426-2992	Further action to be determined.		
•Consumer Information Regulations (Docket No. 82-20).	**Abstract:** Would require manufacturers to place a prescribed sticker on the windshield or dashboard of new utility vehicles to alert drivers concerning their special handling. Would require similar information in the owner's manual. **CFR Citation:** 49 CFR 575 **Legal Authority:** 15 U.S.C. 1392, 1407 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *NPRM, Notice 1* **Agency Contact:** William Boehly, (202) 426-1740	NPRM Further action to be determined.	12/30/82	47 FR 58323

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Reviews of Existing Regulations

Priority Reviews

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Title	Summary	Timetable		
		Action	•Date	Cite
Head Restraints	**Abstract:** This regulation which was promulgated in 1969, is designed to reduce the frequency and severity of neck injuries in passenger car accidents. It is estimated that the rule requires a recurring investment of $130 million (an additional cost of $19 per vehicle). **CFR Citation:** 49 CFR 571.202 **Legal Authority:** 15 USC 1392, 1407 **Effects on Small Entities:** No **Agency Contact:** Frank Ephraim, (202) 426-1574	Evaluation report published. Comments requested. Subsequent action to be determined.	2/18/82	47 FR 7291
Side Door Strength	**Abstract:** This regulation provides minimum standards for side door crash resistance for passenger cars under static test conditions. NHTSA estimates that the standard saves 2,800 lives and averts 7,000 injuries a year. A recurring cost of $300 million (an additional cost of $38 per vehicle) is associated with the requirement. An initial review of this regulation, originally promulgated in 1974, was completed in 1979. **CFR Citation:** 49 CFR 571.214 **Legal Authority:** 15 USC 1392, 1407 **Effects on Small Entities:** No **Agency Contact:** Frank Ephraim, (202) 426-1574	*Evaluation report published. Comments requested. Subsequent action to be determined.*	12/6/82	47 FR 54839
Lamps, Reflective Devices, and Associated Equipment.	**Abstract:** This standard, which is applicable to both motor vehicles and equipment, specifies requirements for original and replacement lamps, reflective devices, and associated equipment necessary for signaling and for the safe operation of motor vehicles during darkness and other conditions of reduced visibility. The standard is being reviewed because of its relatively high costs and to refine previous agency estimates of its effectiveness. At the present time, the review is limited to the standards requirements for side marker lamps. An evaluation report will be prepared and made available for public comment before completion of the review. At that time, the agency will consider whether changes should be made in the standard's requirements. A review has determined that this rule has minimal effects on small entities, and therefore a Regulatory Flexibility Analysis (RFA) is not required. The rule will still be reviewed as a priority review item . **CFR Citation:** 49 CFR 571.108 **Legal Authority:** 15 U.S.C. 1392, 1407 **Effects on Small Entities:** No **Agency Contact:** Frank Ephraim, (202) 426-1574	Completion of Review.	1983	
Fuel System Integrity	**Abstract:** This standard, which is applicable to passenger cars, school buses, and light trucks, specifies requirements for the integrity of motor vehicle fuel systems. The purpose of the standard is to reduce deaths and injuries occurring from fires that result from fuel spillage during and after motor vehicle crashes. The standard is being reviewed to refine previous agency estimates of its effectiveness. An evaluation report will be prepared and made available for public comment before completion of the review. At that time, the agency will consider whether changes should be made in the standard's requirements. A review has determined that this rule has minimal effects on small entities, and therefore a Regulatory Flexibility Analysis (RFA) is not required. The rule will still be reviewed as a priority review item . **CFR Citation:** 49 CFR 571.301 **Legal Authority:** 15 U.S.C. 1392, 1407 **Effects on Small Entities:** No **Agency Contact:** Frank Ephraim, (202) 426-1574	*Evaluation report published. Comments requested. Subsequent action to be determined.*	1/10/83	48 FR 1089

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Reviews of Existing Regulations

Priority Reviews—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
Hydraulic Brake Systems	**Abstract:** This standard, which currently applies to passenger cars and school buses, specifies requirements for hydraulic service brake and associated parking brake systems. (The standard will become applicable, in modified form, to hydraulic braked trucks, all types of buses, and multipurpose passenger vehicles, in 1983. A priority review of this extension of the standard has already been completed). The purpose of the standard is to insure safe braking performance under normal and emergency conditions. The standard is being reviewed because of its relatively high costs, and the controversial nature of some of its requirements, as well as to refine previous agency estimates of its effectiveness. An evaluation report will be prepared and made available for public comment before completion of the review. At that time, the agency will consider whether changes should be made in the standard's requirements. It should also be noted that the agency is actively involved with the Economic Commission for Europe (ECE) in international harmonization efforts in this area. A review has determined that this rule has minimal effects on small entities, and therefore a Regulatory Flexibility Analysis (RFA) is not required. The rule will still be reviewed as a priority review item . **CFR Citation:** 49 CFR 571.105 **Legal Authority:** 15 U.S.C. 1392, 1407 **Effects on Small Entities:** No **Agency Contact:** Frank Ephraim, (202) 426-1574	*Evaluation report published. Comments requested. Subsequent action to be determined.*	3/10/83	48 FR 10096

Other Reviews

[Key to symbols: *New Item. †Analysis or review being considered under Regulatory Flexibility Act. • Presidential Task Force Priority Review. *Italics:* New or changed information since last Agenda]

Title	Summary	Timetable		
		Action	Date	Cite
School Bus Seating System	**Abstract:** This regulation was selected for review because of public interest. **CFR Citation:** 49 CFR 571.222 **Legal Authority:** 15 U.S.C. 1392, 1407 **Effects on Small Entities:** No **Agency Contact:** Frank Ephraim, (202) 426-1574	Completion of Review.	1984	
Lamps, Reflective Devices and Associated Equipment.	**Abstract:** This regulation was selected for review because of cost, and safety benefits. **CFR Citation:** 49 CFR 571.108 **Legal Authority:** 15 U.S.C. 1392, 1407 **Effects on Small Entities:** No **Agency Contact:** Frank Ephraim, (202) 426-1574	Completion of Review.	1983	
Seating Systems	**Abstract:** This regulation was selected for review because of costs. **CFR Citation:** 49 CFR 571.207 **Legal Authority:** 15 U.S.C. 1392, 1407 **Effects on Small Entities:** No **Agency Contact:** Frank Ephraim, (202) 426-1574	Completion of Review.	1984	
Child Seating Systems	**Abstract:** This regulation was selected for review because of public interest. **CFR Citation:** 49 CFR 571.213 **Legal Authority:** 15 U.S.C. 1392, 1407 **Effects on Small Entities:** No **Agency Contact:** Frank Ephraim, (202) 426-1574	Completion of Review.	1984	

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

National Highway Traffic Safety Administration

NHTSA

Reviews of Existing Regulations

Other Reviews—Continued

[Key to symbols: *New Item. †Analysis or review being considered under Regulatory Flexibility Act. • Presidential Task Force Priority Review. *Italics:* New or changed information since last Agenda]

Title	Summary	Timetable		
		Action	Date	Cite
Occupant Protection	**Abstract:** This regulation was selected for review because of cost, safety benefits and public interest. **CFR Citation:** 49 CFR 571.208 **Legal Authority:** 15 U.S.C. 1392, 1407 **Effects on Small Entities:** No **Agency Contact:** Frank Ephraim, (202) 426-1574	Completion of Review.	To be determined	
Impact Protection for the Driver from the Steering Control System and Steering Control Rearward Displacement.	**Abstract:** This regulation was selected for review because of safety benefits. **CFR Citation:** 49 CFR 571.203, 49 CFR 571.204 **Legal Authority:** 15 U.S.C. 1392, 1407 **Effects on Small Entities:** No **Agency Contact:** Frank Ephraim, (202) 426-1574	Evaluation Report, published. *Subsequent action to be determined.*	1/26/81	46 FR 8066
Windshield Glazing Materials	**Abstract:** This regulation was selected for review because of costs, and safety benefits. **CFR Citation:** 49 CFR 571.20 **Legal Authority:** 15 U.S.C. 1392, 1407 **Effects on Small Entities:** No **Agency Contact:** Frank Ephraim, (202) 426-1574	Completion of Review.	1983	
Windshield Mounting	**Abstract:** This regulation was selected for review because of costs, and safety benefits. **CFR Citation:** 49 CFR 571.212 **Legal Authority:** 15 U.S.C. 1392, 1407 **Effects on Small Entities:** No **Agency Contact:** Frank Ephraim, (202) 426-1574	Completion of Review.	1983	

Completed Actions

Priority Rulemakings: Major

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
	REGULATIONS OTHER THAN SAFETY STANDARDS AND FUEL ECONOMY STANDARDS/EXEMPTIONS			
Occupant Crash Protection (Docket No. 74-14).	**Abstract:** Rescinds the automatic restraint requirements of Standard No. 208. The rule is considered significant because of the impact on the automobile industry, and the significant level of public and congressional interest. It is necessary to take into account changed circumstances since the Standard was adopted in 1977. **CFR Citation:** 49 CFR 571.208 **Legal Authority:** National Traffic and Motor Vehicle Safety Act of 1966, as amended (15 U.S.C. 1392, 1407). **Effects on Small Entities:** No **Analysis:** Regulatory Impact Analysis	NPRM Public Meetings FR Under court review.	4/9/81 8/5-6/81 10/29/81	46 FR 21205 46 FR 53419

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

National Highway Traffic Safety Administration

NHTSA

Completed Actions

Priority Rulemakings: Major—Continued

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
	Additional Information: NPRM published April 9, 1981 (46 FR 21205; Notice 22). Comment period closed May 26, 1981. Public meetings held August 5 and 6, 1981. FR published October 29, 1981 (46 FR 53419; Notice 25). This action is under court review. An opinion by the U.S. Court of Appeals (D.C. Cir.), dated June 1, 1982) reversed NHTSA's rescission. The agency was directed to submit a schedule for resolving issues raised in the court's opinion. NHTSA filed its response on July 1, 1982. On August 4, 1982, the court issued an order which established an effective date of September 1, 1983, for the standard. The agency was given until October 1, 1982, to advise the court whether such a compliance date is achievable. *On October 1, 1982, the agency filed with the court a memorandum indicating that the September 1983 effective date was not achievable by the manufacturers. The Motor Vehicle Manufacturers Association of the United States, Pacific Legal Foundation, and Consumer Alert filed petitions for certiorari on August 30, 1982. The Solicitor General on behalf of the Department of Transportation filed a petition for certiorari on September 8, 1982. The Supreme Court granted certiorari on November 8, 1982. On November 18, 1982, the Court of Appeals recalled its mandate, which apparently had the effect on staying its August 4 order establishing the September 1983 effective date. The court's mandate was withdrawn because the Supreme Court agreed to hear the case.*			
	Agency Contact: Courtney Price, (202) 426-1810			
Bumper Standard (Docket No. 73-19).	**Abstract:** NHTSA has performed an evaluation of the bumper standard in terms of costs and benefits. In 1979 NHTSA issued a report that concluded that the 5 mph standard was justified. Based on the new evaluation of the bumper standard published in April 1981, the Preliminary Regulatory Impact Analysis dated July 1981, and the Final Regulatory Impact Analysis dated May 1982, NHSTA amended the bumper standard to reduce the impact speed requirements while retaining the bumper height requirements. This rulemaking is considered significant because of the level of interest shown by Congress and bumper manufacturers, and because of the cost impact to consumers. It *was* necessary to reassess various regulatory options to achieve the most cost-effective requirements.	NPRM FR Under court review.	10/1/81 5/20/82	46 FR 48262 47 FR 21820
	CFR Citation: 49 CFR pt. 581			
	Legal Authority: National Traffic and Motor Vehicle Safety Act of 1966, as amended, (15 U.S.C. 1392, 1407) and Motor Vehicle Information and Cost Savings Act, as amended (15 U.S.C. 1912).			
	Effects on Small Entities: No			
	Analysis: Regulatory Impact Analysis			
	Additional Information: ANPRM published 3/1/79. (44 FR 11569). Notice 25. Report published June 1979. New evaluation published April 1981. Preliminary Regulatory Impact Analysis dated July 1981. NPRM published October 1, 1981 (46 FR 48262; Notice 27). Public meetings held October 22 and November 12. Comment period closed November 30, 1981. Final Regulatory Impact Analysis dated May 1982. FR published May 20, 1982 (47 FR 21820; Notice 29). *Notice denying petitions for reconsideration published December 20, 1982 (47 FR 56640).* This action is under court review.			
	Agency Contact: *William Boehly,* (202) 426-1740			

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

National Highway Traffic Safety Administration

NHTSA

Completed Actions

Priority Rulemakings: Non-Major

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda. •Presidential Task Force priority review.]

Title	Summary	Timetable		
		Action	Date	Cite
Uniform Tire Quality Grading (Docket No. 25).	**Abstract:** Would suspend the treadwear test portion of the Uniform Tire Quality Grading Standards until tests can be conducted to determine the causes of, and possible solutions for, variation in treadwear grades which does not reflect true variation in tire performance. This rule is considered significant because of the level of public interest. It is needed to avoid dissemination of potentially misleading tire grading information to consumers and to minimize the imposition of unwarranted compliance costs on industry and consumers. **CFR Citation:** 49 CFR 575.104 **Legal Authority:** Section 203 of the National Traffic and Motor Vehicle Safety Act, (15 U.S.C. 1423). **Effects on Small Entities:** No **Analysis:** Regulatory Evaluation **Additional Information:** *None* **Agency Contact:** *William Boehly,* (202) 426-1740	NPRM Public Hearing FR	7/12/82 8/12/82 *2/7/83*	47 FR 30084 *48 FR 5690*
*Incentive Grant Criteria for Alcohol Traffic Safety Programs (Docket No. 82-18).	**Abstract:** This rule implements a statute which provides for incentive grants to states that implement effective programs to reduce drunk driving. The rule would establish criteria for determining what are effective programs to reduce drunk driving and resulting traffic accidents. This rule is considered significant because of the level of public interest, the rule's substantial effect on state and local governments, and the rule's substantial impact on a major transportation safety problem. **CFR Citation:** 23 CFR 1209 **Legal Authority:** 23 U.S.C. 408 **Effects on Small Entities:** No **Analysis:** Regulatory Evaluation **Additional Information:** NPRM, Notice 4 **Agency Contact:** George Reagle, (202) 426-0837	ANPRM NPRM FR	11/12/82 1/5/83 2/7/83	47 FR 51152 48 FR 425 48 FR 5545

Other Rulemakings

[Key to symbols: *New Item. †Analysis or review being considered under Regulatory Flexibility Act. • Presidential Task Force Priority Review. *Italics:* New or changed information since last Agenda]

Title	Summary	Timetable		
		Action	Date	Cite
School Bus Seat Spacing (Docket No. 73-03).	**Abstract:** Amends 49 CFR 571.222 to permit increased school bus seat spacing. **CFR Citation:** 49 CFR 571.222 **Legal Authority:** 15 U.S.C. 1392, 1407 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *NPRM, Notice 14* **Agency Contact:** R. Hitchcock, (202) 426-0842	NPRM FR	2/25/82 *3/24/83*	47 FR 2831 *48 FR 12384*
Brake Hoses (Docket No. 81-18).	**Abstract:** *Amends* test procedure to allow removal of certain items from brake assemblies when preparing assemblies for whip test. **CFR Citation:** 49 CFR 571.106 **Legal Authority:** 15 U.S.C. 1392, 1407 **Effects on Small Entities:** No **Agency Contact:** R. Hitchcock, (202) 426-0842	NPRM FR	3/29/82 *10/28/82*	47 FR 13176 *47 FR 47838*
Lamps, Reflective Devices, and Associated Equipment (Docket No. 81-16) .	**Abstract:** This proposal for a technical modification to FMVSS 108 would require that rear lamp reflex reflector tests be changed to require a 10 instead of a 7 inch test diameter size. The action results from a granted rulemaking petition. **CFR Citation:** 49 CFR 571.108 **Legal Authority:** 15 U.S.C. 1392, 1407 **Effects on Small Entities:** No	NPRM FR	10/13/81 *11/18/82*	46 FR 50396 *47 FR 51883*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Federal Railroad Administration

NHTSA

Completed Actions

Other Rulemakings—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. • Presidential Task Force Priority Review. *Italics:* New or changed information since last Agenda]

Title	Summary	Timetable		
		Action	Date	Cite
	Analysis: *Regulatory Evaluation* **Additional Information:** *NPRM, Notice 1; FR, Notice 2* **Agency Contact:** R. Hitchcock, (202) 426-0842			
Occupant Protection in Interior Impact (Docket No. 82-12).	**Abstract:** Would exempt school buses from the seat back requirements of Standard No. 201 since those vehicles are covered by the seat back requirements of Standard No. 222. **CFR Citation:** 49 CFR 571.201 **Legal Authority:** 15 U.S.C. 1392, 1407 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *NPRM, Notice 1; FR, Notice 2* **Agency Contact:** R. Hitchcock, (202) 426-0842	NPRM FR	6/10/82 *11/22/82*	47 FR 25169 *47 FR 52450*
Impact Protection for the Driver from the Steering Control system. (Docket No. 81-10)) .	**Abstract:** This technical amendment would revise the test requirements of FMVSS 203 to permit force loads in excess of 2,500 pounds for a cumulative period not to exceed 3 milliseconds. **CFR Citation:** 49 CFR 571.203 **Legal Authority:** 15 U.S.C. 1392, 1407 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *NPRM, Notice 1; FR, Notice 2* **Agency Contact:** R. Hitchcock, (202) 426-0842	NPRM FR	10/1/81 *10/28/82*	46 FR 48260 *47 FR 47840*
Occupant Crash Protection (Docket 74-14).	**Abstract:** *Amends* the standard to make fuel loading capacity requirements during compliance tests compatible with those of FMVSS No. 301 and thus reduce compliance test costs. **CFR Citation:** 49 CFR 571.208 **Legal Authority:** 15 U.S.C. 1392, 1407 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *NPRM, Notice 27; FR, Notice 28* **Agency Contact:** R. Hitchcock, (202) 426-0842	NPRM FR	1/28/82 *10/28/82*	47 FR 4098 *47 FR 47839*
†Fuel Economy Exemptions: Exemption from and Establishment of Fuel Economy Standards. (Docket No. LVM 82-01).	**Abstract:** *Establishes* alternate average fuel economy standards for low volume manufacturers for model years 1981 through 1985. **CFR Citation:** 49 CFR pt. 531 **Legal Authority:** 49 U.S.C. 1657; 15 U.S.C. 2002 **Effects on Small Entities:** Yes **Analysis:** *Regulatory Evaluation* **Additional Information:** *NPRM, Notice 1; FR, Notice 2* **Agency Contact:** *William Boehly, (202) 426-08426*	NPRM FR	5/13/82 *12/13/82*	47 FR 20639 *47 FR 55684*

Other Reviews

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. • Presidential Task Force Priority Review. *Italics:* New or changed information since last Agenda]

Title	Summary	Timetable		
		Action	Date	Cite
†*Hood Latch Systems	**Abstract:** Establishes the requirement for providing a hood latch system or hood latch systems. A review has determined that this rule has minimal effects on small entities, and therefore a Regulatory Flexibility Analysis (RFA) is not required. **CFR Citation:** 49 CFR 571.113 **Legal Authority:** 15 U.S.C. 1392, 1407 **Effects on Small Entities:** No **Additional Information:** *None* **Agency Contact:** Ellen Kranidas, (202) 426-1600	Review completed. RFA not required.		

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Federal Railroad Administration

NHTSA

Completed Actions

Other Reviews—Continued

[Key to symbols: *New Item. †Analysis or review being considered under Regulatory Flexibility Act. • Presidential Task Force Priority Review. *Italics:* New or changed information since last Agenda]

Title	Summary	Timetable		
		Action	Date	Cite
†*Tire Selection and Rims	**Abstract:** Specifies tire and rim selection requirements and rim marking requirements for the purpose of providing safe operational performance by ensuring that vehicles to which it applies are equipped with tires of adequate size and load rating and with rims of appropriate size and type designation. A review has determined that this rule has minimal effects on small entities, and therefore a Regulatory Flexibility Analysis (RFA) is not required. **CFR Citation:** 49 CFR 571.120 **Legal Authority:** 15 U.S.C. 1392, 1407 **Effects on Small Entities:** No **Additional Information:** None **Agency Contact:** Ellen Kranidas, (202) 426-1600	Review completed. RFA not required.		
†*Occupant Protection in Interior Impact.	**Abstract:** Specifies requirements to afford impact protection for occupants. A review has determined that this rule has minimal effects on small entities, and therefore a Regulatory Flexibility Analysis (RFA) is not required. **CFR Citation:** 49 CFR 571.201 **Legal Authority:** 15 U.S.C. 1392, 1407 **Effects on Small Entities:** No **Additional Information:** None **Agency Contact:** Ellen Kranidas, (202) 426-1600	Review completed. RFA not required.		
†*Motorcycle Helmets	**Abstract:** Establishes minimum performance requirements for helmets designed for use by motorcyclists and other motor vehicle users for the purpose of reducing deaths and injuries to motorcyclists and other motor vehicle users resulting from head injuries. A review has determined that this rule has minimal effects on small entities, and therefore a Regulatory Flexibility Analysis (RFA) is not required. **CFR Citation:** 49 CFR 571.218 **Legal Authority:** 15 U.S.C. 1392, 1407 **Effects on Small Entities:** No **Additional Information:** None **Agency Contact:** Ellen Kranidas, (202) 426-1600	Review completed. RFA not required.		
†*Warning Devices	**Abstract:** Establishes requirements for devices, without self-contained energy sources, that are designed to be carried in motor vehicles and used to warn approaching traffic of the presence of a stopped vehicle, except for devices designed to be permanently affixed to the vehicle, for the purpose of reducing deaths and injuries due to rear end collisions between moving traffic and disabled vehicles. A review has determined that this rule has minimal effects on small entities, and therefore a Regulatory Flexibility Analysis (RFA) is not required. **CFR Citation:** 49 CFR 571.125 **Legal Authority:** 15 U.S.C. 1392, 1407 **Effects on Small Entities:** No **Additional Information:** None **Agency Contact:** Ellen Kranidas, (202) 426-1600	Review completed. RFA not required.		

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Federal Railroad Administration

Current and Projected Rulemakings

FRA

Other Rulemakings

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. • Presidential Task Force Priority Review. *Italics:* New or changed information since last Agenda]

Title	Summary	Timetable		
		Action	Date	Cite
Railroad Noise Emission Compliance Regulations (Docket No. RNE-1).	**Abstract:** The proposed rule would amend FRA railroad noise emission compliance regulations to reflect EPA Standards for fixed railroad facilities that were published on January 4, 1980, and becomes effective on January 1, 1984. **CFR Citation:** 49 CFR pt. 210 **Legal Authority:** 42 USC 4916 **Effects on Small Entities:** No **Analysis:** *Regulatory evaluation* **Additional Information:** *None* **Agency Contact:** Steve Urman, (292) 426-9178	NPRM	*6/83*	
Safety Standards for Cabooses (Docket No. RSC-76-6).	**Abstract:** The proposed rule would seek to establish comprehensive safety standards for cabooses. **CFR Citation:** 49 CFR 237 **Legal Authority:** 45 USC 431, 438 **Effects on Small Entities:** No **Analysis:** *Regulatory evaluation* **Additional Information:** *None* **Agency Contact:** Robert E. Abbott, (202) 426-9186	Further action to be determined.		
Review: Safety Appliance Standards.	**Abstract:** Outgrowth of regulatory review in general safety inquiry. Revised standards for new and existing equipment. **CFR Citation:** 49 CFR pt. 231 **Legal Authority:** 45 USC 2, 4, 6, 8, 10, 11-16 **Effects on Small Entities:** No **Analysis:** *Regulatory evaluation* **Additional Information:** *None* **Agency Contact:** Ralph R. Smith, (202) 426-9187	Further action to be determined.		
Review: Signal and Train Control Regulations.	**Abstract:** Outgrowth of regulatory review in general safety inquiry. Revision and updating of current requirements of Parts 235 and 236. **CFR Citation:** 49 CFR pts. 235, 236 **Legal Authority:** 49 USC 1226, 1655 **Effects on Small Entities:** No **Analysis:** *Regulatory evaluation* **Additional Information:** *None* **Agency Contact:** S. H. Stotts, (202) 426-0912	NPRM *FR*	*3/21/83* *6/83*	*48 FR 11882*
Amendments to Regulations Implementing Section 905 of the 4R Act.	**Abstract:** This action would amend 49 CFR Part 265 to make changes necessitated by the promulgation of the Department of Transportation's comprehensive Minority Business Enterprise regulation (49 CFR Part 23). Part 265 will be revised to omit those provisions now covered in Part 23. **CFR Citation:** 49 CFR pt. 265 **Legal Authority:** Pub. L. 94-210 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** Mark H. Tessler, (202) 426-7737	NPRM	*6/83*	
Railroad Passenger Equipment Safety Standards (Docket No. RSSI-82-1).	**Abstract:** Development of initial passenger equipment safety standards mandated by Section 202 of the Federal Railroad Safety Act of 1970, as amended by P.L. *97-468*. **CFR Citation:** 49 CFR 214 **Legal Authority:** 45 USC 431, 438 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *Public hearings were held 5/24, 26, 28 and 6/1, 3/82.* **Agency Contact:** *Phillip Olekszyk,* (202) 426-0895	Notice of Hearings. NPRM	4/22/82 *5/83*	47 FR 17302
†Special Safety Inquiry	**Abstract:** FRA has initiated a Railroad Safety Inquiry to obtain information from the public to assist in evaluating and improving its safety regulatory program as it applies to "small railroads" The inquiry will also assist in meeting the goals of the Regulatory Flexibility Act by obtaining data that will assist in defining the economic impact of existing rules on small railroads (202) 426-0895. **CFR Citation:** Not Applicable	Notice of Hearings. Further action to be determined.	8/3/81	46 FR 39461

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Federal Railroad Administration

FRA — **Current and Projected Rulemakings**

Other Rulemakings—Continued

[Key to symbols: *New Item. †Analysis or review being considered under Regulatory Flexibility Act. • Presidential Task Force Priority Review. *Italics:* New or changed information since last Agenda]

Title	Summary	Timetable		
		Action	Date	Cite
	Legal Authority: Pub. L. 96-354 **Effects on Small Entities:** Yes **Analysis:** *Regulatory Evaluation* **Additional Information:** *Public hearings were held during 9, 10, 11/81.* **Agency Contact:** *Philip Olekszyk*, (202) 426-0895			
Rules of Practice	**Abstract:** This proposed rule would amend 49 CFR Part 211 to respond to the provisions of the Regulatory Flexibility Act of 1980 by defining the criteria used by FRA in determining whether any regulatory proposal or final rule will have a significant economic impact on a substantial number of small entities. **CFR Citation:** 49 CFR pt. 211 **Legal Authority:** Pub. L. 96-354 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** Lawrence I. Wagner, (202) 426-8836	NPRM	*6/83*	
Alerting Lights on Locomotives (Docket No. RSGC-2).	**Abstract:** The proposed rule would require locomotives to display a lighted warning device at public rail-highway crossings at grade. **CFR Citation:** 49 CFR 229 **Legal Authority:** 45 USC 22, 23, 28, 34; 49 USC 1655 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *A public hearing was held on 11/16/82* **Agency Contact:** Steve Urman, (202) 426-9178	ANPRM NPRM Withdrawal of NPRM. NPRM *Further action to be determined.*	3/7/78 6/18/79 4/15/82 *10/12/82*	43 FR 9328 44 FR 34982 47 FR 16189 *47 FR 44791*
*Commuter Track Standards (Docket No. RST-4).	**Abstract:** This action would amend Track Safety Standards to apply appropriate safety principles to track used for commuter or other short-haul rail passenger service in a metropolitan or suburban area, as mandated by the Federal Railroad Safety Authorization Act of 1982. **CFR Citation:** 49 CFR Part 213 **Legal Authority:** Sec. 702(c), Pub. L. 97-468 **Effects on Small Entities:** No **Analysis:** Regulatory Evaluation **Additional Information:** None **Agency Contact:** Phillip Olekszyk, (202) 426-0897	NPRM	5/83	
*Removal of Roof Running Boards (Docket No. SA-3).	**Abstract:** The proposed rule would delete the requirement for removal of roof running boards from certain box and other house cars as requested by the Association of American Railroads. **CFR Citation:** 49 CFR § 231.1 note **Legal Authority:** 45 U.S.C. 12 **Effects on Small Entities:** No **Analysis:** Regulatory Evaluation **Additional Information:** See "Completed Action Other Rulemakings". **Agency Contact:** Phillip Olekszyk, (202) 426-0897	NPRM	4/83	

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Federal Railroad Administration

FRA

Reviews of Existing Regulations

Other Reviews

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
†Regulatory Flexibility Act Reviews.	**Abstract:** In accordance with the Regulatory Flexibility Act (RFA) review plan published in the *Federal Register* on June 30, 1981 (46 FR 33693), FRA has not selected any specific regulations for RFA review at this time. Instead, FRA has established a plan to develop regulatory definitions of the criteria used in the RFA for the selection of regulations to be reviewed. A notice was published in the *Federal Register* on August 3, 1981 (46 FR 39461) initiating a safety inquiry to evaluate the effectiveness of the safety regulatory program as it applies to small railroads. **CFR Citation:** None **Legal Authority:** Pub. L. 96-354 **Effects on Small Entities:** Yes **Additional Information:** None **Agency Contact:** Lawrence I. Wagner, (202) 426-8836			

Completed Actions

Other Rulemakings

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
*Removal of Roof Running Boards (Docket No. SA-3).	**Abstract:** This action amended § 231.1 of the Safety Appliance Standards by extending to June 30, 1983, the compliance date for removal of roof running boards from certain box and other house cars. **CFR Citation:** 49 CFR § 231.1 note **Legal Authority:** 45 U.S.C. 12 **Effects on Small Entities:** No **Analysis:** Regulatory Evaluation **Additional Information:** See "Current and Projected Rulemakings, Other Rulemakings" portion of the Agenda. **Agency Contact:** Phillip Olekszyk, (202) 426-0897	FR	12/30/82	47 FR 58272
*Safety Door Hangers on Box Cars (Docket No. RSFC-6).	**Abstract:** This action amended § 215.12(d) of the Railroad Freight Car Safety Standards to extend to December 1, 1983, the compliance date for equipping railroad box car doors with safety hangers or the equivalent. **CFR Citation:** 49 CFR § 215.121(d) **Legal Authority:** 45 U.S.C. 431, 438 **Effects on Small Entities:** No **Analysis:** Regulatory Evaluation **Additional Information:** None **Agency Contact:** Phillip Olekszyk, (202) 426-0897	FR	11/29/82	47 FR 53735
*Accident/Incident Reporting threshold (FRA Docket No. RAR-2).	**Abstract:** This rule increases the reporting threshold from $3,700 to $4,500 for railroad accidents/incidents involving property damage that occur during 1983. This change reflects cost increases that have occurred since the 1980 computation of the threshold. **CFR Citation:** 49 CFR pt. 225 **Legal Authority:** 45 U.S.C. 431, 437 **Effects on Small Entities:** No **Analysis:** Regulatory Evaluation **Additional Information:** None **Agency Contact:** Frank Fanelli, (303) 426-9178	FR	12/15/82	47 FR 56357

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Federal Railroad Administration

FRA

Completed Actions

Other Rulemakings—Continued

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
*Amendments to Transfer of Conrail Commuter Service Operations Regulations.	**Abstract:** The purpose of these regulations is to prescribe standards for the obligation of funds authorized by section 1139(b) of the Northeast Rail Service Act of 1981 (Pub. L. No. 97-35), to facilitate transfer of commuter service operations from the Consolidated Rail Corporation to other operators. Minor amendments to the final regulations are required in order to conform the regulations to provisions included in the Department of Transportation and Related Agencies Appropriations Act, 1983 (Pub. L. No. 97-369). An identical entry appears in the Urban Mass Transportation portion of this Agenda. **CFR Citation:** 49 CFR Part 670 **Legal Authority:** Pub. L. No. 97-35 **Effects on Small Entities:** No **Analysis:** No **Additional Information:** None **Agency Contact:** UMTA—Anthony A. Anderson, (202) 426-4011; FRA: William R. Fashouer, (202) 7710.	Amendment To Final Rule.	3/17/83	48 FR 11272
Reducing Reporting and Recordkeeping Burdens.	**Abstract:** FRA has selected the following regulations to be reviewed to determine whether the substantial reporting and recordkeeping burdens they impose on the public, including small businesses, can be decreased or eliminated. **CFR Citation:** 49 CFR pts. 218, 228 **Legal Authority:** 45 USC 61-64(b); 49 USC 12, 20, 1655 **Effects on Small Entities:** No **Additional Information:** None **Agency Contact:** Lawrence I. Wagner, (202) 426-8836	*NPRM* *FR*	*9/82* *2/10/83*	*47 FR 42001* *48 FR 6122*

Urban Mass Transportation Administration

UMTA

Current and Projected Rulemakings

Priority Rulemakings: Major

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
†"Buy America" Requirements of Surface Transportation Assistance Act of 1978.	**Abstract:** This rulemaking proposes amendments to the existing Buy America Requirements. The amendments would permit subcomponents manufactured in the United States that receive Customs Bureau tariff exemptions to retain their domestic identity for purposes of determination of origin under the Buy America Requirements. A definition of "final assembly" is also proposed. This rulemaking is significant because there is substantial public interest concerning these regulations because of their impact in urban mass transportation projects. These regulations are needed to implement section 401 of the Surface Transportation Assistance Act of 1978. **CFR Citation:** 49 CFR pt. 660 **Legal Authority:** 49 U.S.C. 1602 note; P.L. 95-599, Section 401 **Effects on Small Entities:** Yes **Analysis:** Regulatory Impact Analysis/Regulatory Flexibility Analysis.	NPRM *To be withdrawn*	1/18/81	46 FR 6815

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Urban Mass Transportation Administration

UMTA — Current and Projected Rulemakings

Priority Rulemakings: Major—Continued

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
	Additional Information: The NPRM was published on January 19, 1981 (46 F.R. 6815). Comments on alternative approaches were invited until April 20, 1981. UMTA extended the comment period until May 20, 1981 (46 FR 23501). *UMTA has reviewed this NPRM and determined not to proceed with this rulemaking. While this regulation is still effective and does apply to all UMTA funds obligated before Jan. 6, 1983, the Surface Transportation Assistance Act of 1983 (Pub. L. 97-424) imposes new and different Buy America requirements on UMTA recipients. Thus, UMTA has stopped all rulemaking activities on this regulation and will issue a new Buy America regulation for the new requirements in the 1982 STAA in April, 1983. See next entry in this Agenda. UMTA will formally withdraw this NPRM in the future.* **Agency Contact:** Edward J. Gill, (202) 426-4011			
†*"Buy America" Requirements of the Surface Transportation Assistance Act of 1982.	**Abstract:** This rulemaking implements Section 165 of the Surface Transportation Assistance Act of 1982 (Pub. L. 97-424). **CFR Citation:** 49 CFR pt. 661 **Legal Authority:** Section 165 of the Surface Transportation Assistance Act of 1982 (Pub. L. 97-424). **Effects on Small Entities:** Yes **Analysis:** Regulatory Impact Analysis/Regulatory Flexibility Analysis. **Additional Information:** UMTA will issue this regulation as an emergency regulation in April 1983. UMTA is taking this action since the requirements in Section 165 of the 1982 STAA apply to all UMTA funds obligated after January 6, 1983. UMTA will determine what, if any, further regulatory activities to take based on a review of the comments. **Agency Contact:** Edward J. Gill, Jr., (202) 426-4063	Emergency Rule..	*April 1983*	

Priority Rulemakings: Non-Major

[Key to symbols: *New Item. †Analysis or review being considered under Regulatory Flexibility Act. • Presidential Task Force Priority Review. *Italics:* New or changed information since last Agenda]

Title	Summary	Timetable		
		Action	Date	Cite
Regulation Implementing the Nondiscrimination Section of the Urban Mass Transportation Act.	**Abstract:** The proposed regulations would unify the civil rights regulations that recipients of funds under the Urban Mass Transportation Act must meet. This rulemaking is significant because substantial public interest is anticipated. Regulations are needed to implement a new statutory provision which consolidates UMTA's authority to assure effective and uniform compliance with civil rights and equal employment opportunity requirements in a manner comparable to other agencies within the Department of Transportation. **CFR Citation:** 49 CFR pt. 626 **Legal Authority:** Section 19 of the UMT Act (49 U.S.C. 1615) **Effects on Small Entities:** No **Analysis:** Regulatory Evaluation **Additional Information:** Section 19 was added to the UMT Act in November 1978 by the Surface Transportation Assistance Act of 1978. UMTA plans to issue an NPRM in *August* 1983. **Agency Contact:** *Harry Takai,* (202) 426-6371	NPRM	*8*/83	

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Urban Mass Transportation Administration

UMTA

Current and Projected Rulemakings

• Priority Rulemakings: Non-Major—Continued

[Key to symbols: *New Item. †Analysis or review being considered under Regulatory Flexibility Act. • Presidential Task Force Priority Review. *Italics:* New or changed information since last Agenda]

Title	Summary	Timetable		
		Action	Date	Cite
Urban Transportation Planning.	**Abstract:** These regulations govern urban transportation planning under FHWA and UMTA grant programs. The changes are intended to (1) increase flexibility at the State and local level, (2) reduce red tape and simplify the planning process, especially for areas under 200,000 population, and (3) shift certain responsibilities from the Federal to the State and local level while maintaining an appropriate Federal oversignt role. This rulemaking is significant because it involves important departmental policy. It is needed to reduce burdens associated with the urban transportation planning process. **CFR Citation:** 23 CFR pt. 450; 49 CFR pt. 613 **Legal Authority:** 23 U.S.C. 104(f)(3), 134, and 315; Sections 3, 4(a) and 5 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1602, 1603(a) and 1604); and 49 CFR 1.48(b) and 1.51(f). **Effects on Small Entities:** No **Analysis:** Regulatory Evaluation **Additional Information:** Notice and request for comments on comprehensive review of urban transportation planning process published on December 17, 1981 (46 FR 61531). An NPRM was published on August 26, 1982 (47 FR 37758), and the closing date for comments was October 25, 1982. **Agency Contact:** UMTA: Bob Kirkland, (202) 426-4991 FHWA: Sam Rea, (202) 426-2961.	NPRM FR	8/26/82 1983	47 FR 37758
Environmental Impact and Related Procedures.	**Abstract:** This regulation covers the preparation of environmental impact statements and related documents and compliance with other Federal environmental requirements under UMTA and FHWA grant programs. The changes are intended to streamline the project development process and provide increased decisionmaking authority to agency field offices. This rulemaking is significant because it involves important departmental policy. It is needed to reduce burdens associated with the environmental review process. **CFR Citation:** 23 CFR pt. 771, 49 CFR pt. 622 **Legal Authority:** 42 U.S.C. 4321 et seq., 23 U.S.C. 101 et seq., 49 U.S.C. 1601 et seq.; and 49 U.S.C. 1653(f). **Effects on Small Entities:** No **Analysis:** Regulatory Evaluation **Additional Information:** Notice and request for comments on priority review of environmental process published on April 13, 1981 (46 FR 21620). An NPRM will be published in *1983*. **Agency Contact:** UMTA: Abbe Marner, (202) 426-2360; FHWA: Robert Gatz, (202) 426-0106.	NPRM	*1983*	

Other Rulemakings

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
†Charter Bus Regulations	**Abstract:** These regulations provide information regarding the restrictions imposed by section 3(f) of the UMT Act (49 U.S.C. 1602(f)) on charter bus operations by UMTA recipients. *UMTA plans to publish an NPRM in April 1983 based on the ANPRM published on Oct. 12, 1982 (47 FR 44795).* **CFR Citation:** 49 CFR pt. 604 **Legal Authority:** 49 U.S.C. 1602(f) and 1608(c); and 49 CFR 1.51. **Effects on Small Entities:** Yes **Analysis:** *Regulatory Evaluation/Regulatory Flexibility Analysis*	ANPRM NPRM	10/12/82 *4/83*	47 FR 44795

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Urban Mass Transportation Administration

UMTA — Current and Projected Rulemakings

Other Rulemakings—Continued

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics*: New or changed information since last Agenda.] +Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
	Additional Information: *UMTA originally published these regulations on April 1, 1976 (41 FR 14123). UMTA published an ANPRM on January 19, 1981, that proposed extensive changes to the regulations. (46 FR 5394). The comment period closed on March 5, 1981. UMTA reviewed the comments received and recognized that there were many fundamental issues that needed further exploration. Consequently, UMTA decided to issue a new ANPRM rather than to continue to develop the previously issued ANPRM into an NPRM. The new ANPRM was published on Oct. 12, 1982, and proposed four alternatives: (1) retain the existing regulation; (2) make the incidental use presumptions irrebuttable; (3) require rate comparability; and (4) establish passenger mile ceilings for charter bus operations. The public comment period closed on Nov. 26, 1982.* **Agency Contact:** Douglas G. Gold, (202) 426-4011			
Innovative Techniques and Methods Set-Aside.	**Abstract:** These regulations would prescribe policies and procedures for administering the grant programs for projects using innovative techniques and methods in the management and operation of public transportation services under Section 4(i) of the UMT Act as amended. **CFR Citation:** 49 CFR pt. 644 **Legal Authority:** 49 U.S.C. 1603(i) **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *UMTA will withdraw the NPRM and simultaneously publish program application instructions in the Federal Register. Until then, however, the NPRM should be used as guidance.* **Agency Contact:** Norm Ensrud, (202) 426-4684	NPRM	12/1/80	45 FR 79669
Miscellaneous Amendments - Organization, Functions, and Procedures.	**Abstract:** These amendments will reflect modifications in the organization and distribution of functions as well as changes in the delegations of authority within the Urban Mass Transportation Administration. **CFR Citation:** 49 CFR pt. 601 **Legal Authority:** 49 USC 1657 and 1659 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** Mary Pat Stephenson, (202) 426-4022	FR	*7/83*	
†Technology Introduction	**Abstract:** These regulations would implement Section 3(a)(1)(C) of the UMT Act of 1964, as amended, by prescribing policies and procedures for administering the grant program for projects that would introduce new technology into public transportation. **CFR Citation:** 49 CFR 641 **Legal Authority:** 49 U.S.C. 1602(a)(1)(c) **Effects on Small Entities:** Yes **Analysis:** *Regulatory Evaluation* **Additional Information:** *UMTA has decided to withdraw this rulemaking activity and to issue it as non-regulatory policy guidance that will be published in the Notice section of the Federal Register. Until then, the January 19, 1981, NPRM should be used as guidance.* **Agency Contact:** Stephen Teel, (202) 426-9545	NPRM	1/19/81	46 FR 5832
†School Bus Operations	**Abstract:** This regulation provides information regarding the restrictions imposed by section 3(g) of the UMT Act (49 U.S.C. 1602(g)) on the school bus operations by UMTA recipients. *UMTA plans to issue an NPRM based on the Oct. 12, 1982 ANPRM in May 1983.* **CFR Citation:** 49 CFR pt. 605 **Legal Authority:** 49 USC 1602(g), 1608(c)(6); 23 USC 103(e)(4), and 142(a), (c). **Effects on Small Entities:** Yes **Analysis:** *Regulatory Evaluation/Regulatory Flexibility Analysis*	ANPRM NPRM	10/12/82 *5/83*	47 FR 44795

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Urban Mass Transportation Administration

UMTA

Current and Projected Rulemakings

Other Rulemakings—Continued

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
Exemption Procedures	**Additional Information:** *UMTA originally issued this regulation on April 1, 1976 (41 FR 14128). UMTA reviewed this regulation and issued an ANPRM that proposed three alternatives to the current regulation: (1) retain the existing regulation; (2) modify the definition of "tripper services," and (3) define "exclusive" school bus service. The public comment period closed on Nov. 26, 1982.* **Agency Contact:** Douglas G. Gold, (202) 426-4011 **Abstract:** This regulation would establish procedures to allow persons subject to existing UMTA regulations to petition for exemptions from those regulations. **CFR Citation:** 49 CFR pt. 602 **Legal Authority:** Section 12(a) of the UMT Act of 1964, as amended, 49 U.S.C. 1608(a). **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** Jocelyn Karp, (202) 426-4011	NPRM	*8/83*	

Reviews of Existing Regulations

Other Reviews

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
Uniform System of Accounts and Records and Reporting System.	**Abstract:** The purpose of this regulation is to implement Section 15 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1611). This provision requires UMTA to develop, test, and prescribe: 1) a reporting system to accumulate financial and operating information about public mass transportation by uniform categories; and 2) a uniform system of accounts and records. UMTA published the existing regulation on January 19, 1977 (42 FR 3772). UMTA is reviewing this regulation in an effort to reduce the red tape imposed on grantees, and to improve the effectiveness and increase the timeliness of information gathering and dissemination. (49 CFR Part 630). **CFR Citation:** 49 CFR pt. 630 **Legal Authority:** 49 USC 1611 **Effects on Small Entities:** No **Agency Contact:** *Philip G. Hughes*, (202) 426-9157	Completion of Review.	8/83	

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Urban Mass Transportation Administration

UMTA — Completed Actions

Other Rulemaking

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
*Amendments to Transfer of Conrail Commuter Service Operations Regulations.	**Abstract:** The purpose of these regulations is to prescribe standards for the obligation of funds authorized by section 1139(b) of the Northeast Rail Service Act of 1981 (Pub. L. 97-35), to facilitate transfer of commuter service operations from the Consolidated Rail Corporation to other operators. Minor amendments to the final regulations are required in order to conform the regulations to provisions included in the Department of Transportation and Related Agencies Appropriation Act, 1983 (Pub. L. No. 97-369). An identical entry appears in the Federal Railroad Administration portion of this Agenda. **CFR Citation:** 49 CFR Part 670 **Legal Authority:** Pub. L. No. 97-35 **Effects on Small Entities:** No **Analysis:** Regulatory Evaluation **Additional Information:** None **Agency Contact:** UAMTA - Anthony A. Anderson (202) 426-4011; FRA: William R. Fashouer, (202) 426-7710.	Amendment to Final Rule.	*3/17/83*	48 FR 11272

Priority Reviews

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
†•Charter Bus Regulations	**Abstract:** These regulations provide more detailed information regarding the restrictions placed on charter bus operators under Section 3(f) of the Urban Mass Transportation Act (49 U.S.C. 1602). These regulations have been the subject of some controversy. In the past, UMTA received a considerable number of comments from the public on an advance notice of proposed rulemaking concerning these regulations. Because of the controversy and the impact of these regulations upon small business, their review is needed. **CFR Citation:** 49 CFR Part 604 **Legal Authority:** 49 U.S.C. 1602(f) and 1608(c)(6); 23 U.S.C. 103(e)(4),and 142(a) and (c). **Effects on Small Entities:** Yes **Agency Contact:** Douglas G. Gold, (202) 426-4011	*Review complete. ANPRM issued.*	*10/12/82*	*47 FR 44795*
†Buy America Regulations	**Abstract:** *UMTA has completed its review of prior regulation which* implements the requirements of the Surface Transportation Assistance Act of 1978 that require that preference be given to items produced in the United States in UMTA funded projects. The regulation has been subject to considerable controversy centering on the extent that domestic industry should be protected and the increased costs resulting from using more expensive domestic products. *Since the Surface Transportation Assistance Act of 1982 (Pub. L. 97-424) imposes new and different Buy America requirements on UMTA recipients, UMTA has determined that no further review or revision of this regulation is needed. Instead, UMTA will issue an emergency rule for the new Buy America requirements on in April 1983. See "Current and Projected Rulemakings, Priority Rulemakings: Major" portion of this Agenda.* **CFR Citation:** 49 CFR Part 660 **Legal Authority:** 49 U.S.C. 1602 note; P.L. 95-599, Section 401 **Effects on Small Entities:** Yes **Agency Contact:** Edward J. Gill, (202) 426-4011	*Review complete.*		

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Urban Mass Transportation Administration

UMTA — Completed Actions

Other Reviews

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics*: New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
†School Bus Operations	**Abstract:** UMTA is reviewing this regulation as part of its overall effort to examine and evaluate the role of private enterprise in the UMTA program. The regulation is needed to provide guidelines under which recipients of UMTA funds can conduct school bus operations. This requirement is to implement Section 3(g) of the Urban Mass Transportation Act of 1964, as amended. **CFR Citation:** 49 CFR pt. 605 **Legal Authority:** 49 USC 1602 and 1608(c)(6); 23 USC 103(e)(4) and 142(a) and (c). **Effects on Small Entities:** Yes **Agency Contact:** Douglas G. Gold (202) 426-4011	*Review complete. ANPRM issued.*	*10/12/82*	*47 FR 44795*

SLSDC — Current and Projected Rulemakings

Other Rulemakings

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics*: New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
Operational Regulations	**Abstract:** Periodic update of 33 CFR Part 401 operational regulations developed, for the most part, jointly with the Seaway Authority of Canada. No alternatives can be considered. Cost will be borne primarily by foreign vessels, since these regulations relate to commercial users of the Seaway. The economic benefits to be derived from a safe and efficiently operated Saint Lawrence Seaway are considerable. **CFR Citation:** 33 CFR pt. 401 **Legal Authority:** 33 USC 981-990; 68 Stat. 93-96; Pub. L. 95-474, Secs. 4, 5 , 6, 7, 8, 12, 13 of Sec. 2. **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** Frederick A. Bush, (315) 764-3245	FR	*11/12/82*	*47 FR 51119*
Tariff of Tolls Amendment	**Abstract:** Revision of 33 CFR Part 402 in accordance with statutory procedures in 33 USC 988. **CFR Citation:** 33 CFR pt. 402 **Legal Authority:** 33 USC 988; 68 Stat. 93-96 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** Robert D. Kraft, (202) 426-3574	FR	4/1/82	47 FR 13803

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Research and Special Programs Administration

RSPA — Current and Projected Rulemakings

Priority Rulemakings: Non-Major

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
Tank Car Safety Improvements: Specifications and Retrofit (Docket No. HM-175).	**Abstract:** This project would extend the puncture and thermal protection systems now required for DOT 112 and 114 tank cars to existing DOT 105 tank cars and to other newly constructed tank cars. (New construction of DOT 105 tank cars is addressed in Docket No. HM-174, Safety Improvement Program for DOT 105 Tank Cars). The rulemaking is significant because there is substantial public interest in tank car safety and in retrofit issues. It is needed to determine the extent to which current thermal and puncture standards should be applied to the existing DOT 105 tank car fleet, and to other similarly used tank cars. **CFR Citation:** 49 CFR Part 173 **Legal Authority:** 49 U.S.C. 1803, 1804, 1806 **Effects on Small Entities:** No **Analysis:** Regulatory Evaluation **Additional Information:** ANPRM published July 21, 1980 (45 FR 48668); public comment period closed October 16, 1980. **Agency Contact:** L. A. Peterson, (202) 426-0697	ANPRM *NPRM*	7/21/80 *4/83*	45 FR 48668
Review: Performance-Oriented Packaging Standards (Docket No. HM-181).	**Abstract:** To develop performance-oriented packaging standards for small packagings based on the Recommendation of the United Nations Committee of Experts on the Transport of Dangerous Goods. Also includes former nonsignificant rulemaking on listing and packaging requirements for organic peroxides. The rulemaking is significant because a large nubmer of specifications for packagings in the Hazardous Materials Regulations would be affected by this project. To a large extent the complexity and mass of the present Hazardous Materials Regulations are due to the detailed specification type packaging standards contained in these regulations. To replace these with standards based on the U.N. system would both simplify the present regulations and facilitate international trade. **CFR Citation:** 49 CFR Parts 172, 173, 178 **Legal Authority:** 49 U.S.C. 1803, 1804, 1808. **Effects on Small Entities:** No **Analysis:** Regulatory Evaluation **Additional Information:** ANPRM published April 15, 1982 (47 FR 16268). *Corrections document and notice of meeting published June 17, 1982 (47 FR 26172). Extension of the comment period to January 13, 1983 published September 1982 (47 FR 40816). Further action to be determined from evaluation of comments received on ANPRM.* **Agency Contact:** T. Charlton, (202) 426-2075	ANPRM Further action to be determined.	4/15/82	47 FR 16268
Hazardous Waste Manifest: Shipping Papers (Docket No. HM-148D).	**Abstract:** Would establish a uniform hazardous waste manifest for use by both interstate and intrastate carriers of hazardous waste. The rulemaking is significant because there is substantial carrier and shipper industry, and State and local government interest in and controversy concerning the implementation of a manifest system. It is needed to simplify the manifesting of hazardous waste so interstate and intrastate commerce is not adversely affected by a number of differing requirements imposed by State and local government. **CFR Citation:** 49 CFR Parts 171 and 172 **Legal Authority:** 49 U.S.C. 1803, 1804 and 1808 **Effects on Small Entities:** No **Analysis:** Regulatory Evaluation **Additional Information:** Regulation of the transportation of hazardous waste was established by Docket No. HM-145A (45 FR 74640, Nov. 10, 1980) NPRM on uniform hazardous waste manifest published Mar. 4, 1982 (47 FR 9346). Comment period extended to July 20, 1982 by joint rulemaking with EPA June 30, 1982 (47 FR 28428). **Agency Contact:** L. E. Metcalfe, (202) 426-2075	NPRM FR	3/4/82 *4/83*	47 FR 9346

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Research and Special Programs Administration

RSPA — Current and Projected Rulemakings

Other Rulemakings

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
Cryogenic Liquids (Docket No. HM-115).	**Abstract:** Proposed standards and procedures for the transportation of cryogenic liquids. **CFR Citation:** 49 CFR 172.101, 173.316 **Legal Authority:** 49 USC 1803-1806 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** P. Seay, (202) 755-4906	NPRM Public Hearings *Further action to be determined.*	3/8/79 4/17/79	44 FR 12826
Definition of a Flammable Solid (Docket No. HM-178).	**Abstract:** Consideration of new standards for classifying a material as a flammable solid. Previously part of Docket HM-118 which was terminated May 22, 1980 (45 FR 34560) to permit publication of ANPRM. **CFR Citation:** 49 CFR Part 173 **Legal Authority:** 49 USC 1803-1806 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** C Ke, (202) 426-2311	ANPRM *Further action be determined.*	5/7/81	46 FR 25492
Radiation Exposure for Transportation Workers (Project 263-78).	**Abstract:** Consideration of methods which will reduce radiation exposure levels to transportation workers (New Sections). **CFR Citation:** 49 CFR Part 173 **Legal Authority:** 49 USC 1803, 1823 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** R. Rawl, (202) 426-2311	ANPRM	10/83	
Review: Reclassification of Operating Procedures For Motor Vehicles (Project 261-78).	**Abstract:** Proposed simplification and recodification of the existing operating procedures for transportation of hazardous materials by motor vehicles as prescribed in Part 177. Development of driver training requirements (formerly Project 270-78). **CFR Citation:** 49 CFR Part 177 **Legal Authority:** 49 U.S.C. 1803-1806 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** J. Fulnecky, (202) 426-1700	Further action to be determined.		
Use of Interested Inspectors for Cylinder Inpsections (Docket No. HM-74A).	**Abstract:** Proposal would result in ending of "Interested" inspectors to perform inspections and testing of domestically manufactured low pressure gas cylinders. **CFR Citation:** 49 CFR Part 178 **Legal Authority:** 49 U.S.C. 1803-1806 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** H. Mitchell, (202) 426-2075	NPRM To be withdrawn	3/17/76	44 FR 11179
Standards for Polyethylene Containers (Docket No. HM-185).	**Abstract:** Proposal to authorize use of 55-gallon capacity plastic drums with certain hazardous materials *and revise standards for polyethylene container, used as packagings for hazardous materials.* **FR Citation:** 49 CFR Parts *173 and* 178 **Legal Authority:** 49 U.S.C. 1803-1806 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *Extension of comment period to January 24, 1983, published on October 28, 1982 (47 FR 47396). This rulemaking was previously titled "Specification for 55-gallon Plastic Drum (Project 278-78)".* **Agency Contact:** M. Gigliotti, (202) 755-4906	NPRM *Further action to be determined.*	*8/26/82*	*47 FR 37592*
Consolidation and Revision of Requirements for the Carriage of Explosives by Vessel (Project 279-78).	**Abstract:** Proposed consolidation and revision of requirements for the carriage of military and commercial explosives by vessel and adoption of United Nations scheme for classification and compatibility of explosives for the water mode. **CFR Citation:** 49 CFR Part 176 **Legal Authority:** 49 U.S.C. 1803-1806	*Further action to be determined.*		

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Research and Special Programs Administration

RSPA

Current and Projected Rulemakings

Other Rulemakings—Continued

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
	Effects on Small Entities: No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** *F. Thompson*, (202) 426-1577			
Oxidizing Materials Definition, Criteria and Proposed Regulations (Docket No. HM-179)	**Abstract:** Development of new standards for classifying a material as an oxidizing material. **CFR Citation:** 49 CFR Part 173 **Legal Authority:** 49 U.S.C. 1803-1806 **Effects on Small Entities:** No. **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** C. Schultz, (202) 426-2311	ANPRM NPRM	6/15/81 *12/83*	46 FR 31294
Consolidation of Specifications and Establishment of Performance Standards for Specification Bags (Docket No HM-153)	**Abstract:** Consolidation of specifications and development of performance standards for specification bags. Present data insufficient for rulemaking. **CFR Citation:** 49 CFR Part 178 **Legal Authority:** 49 U.S.C. 1803-1806 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** M. Gigliotti, (202) 755-4906	ANPRM To be withdrawn.	9/12/77	42 FR 45695
Matches (Project 281-78)	**Abstract:** Proposed revision and simplification of requirements concerning matches. **CFR Citation:** 49 CFR Parts 172, 173 **Legal Authority:** 49 U.S.C. 1803-1806 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** H. Mitchell, (202) 426-2075	NPRM	*5/83*	
Requirements for Reporting Gas Incidents (Docket No. OPS-49)	**Abstract:** The proposed reporting forms provide additional and more appropriate information about gas safety problems and require reports from certain systems not now covered. **CFR Citation:** 49 CFR Part 191 **Legal Authority:** 49 U.S.C. 1671 *et seq* **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** R. Langley, (202) 426-2392	NPRM SNPRM Amended NPRM.	6/5/78 3/5/79 *3/83*	43 FR 24478 44 FR 12070
Heat Treatment of Hard Spots in Steel Pipe. (*Docket No.* PS-58)	**Abstract:** Allowable temperature for heat treating hard spots in steel pipe would be increased. **CFR Citation:** 49 CFR Part 192 **Legal Authority:** 49 USC 1672 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** W. Gloe, (202) 426-2082	NPRM FR	9/13/79 *6/83*	44 FR 53185
Qualifying Components for Use in Gas Pipeline. (Docket No. PS-64)	**Abstract:** General criteria would be proposed for qualifying the use of pipeline components other than pipe. **CFR Citation:** 49 CFR Parts 192 *and 195* **Legal Authority:** 49 USC 1672, *2002* **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** F. Robinson, *(202) 426-2392*	NPRM FR	3/3/80 3/83	45 FR 13783
Transportation of Natural and Other Gas by Pipeline (Docket No. PS-57).	**Abstract:** Requirements for procedures and instrumentation for use in monitoring gas for odorants would be proposed. Further action pending additional study of safety problem. **CFR Citation:** 49 CFR Part 192 **Legal Authority:** 49 USC 1672 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** W. Dennis, (202) 426-2392	NPRM To be withdrawn.	2/22/79	44 FR 10604

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RSPA — Current and Projected Rulemakings

Other Rulemakings—Continued

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
Leak Survey (Docket No. PS-62).	**Abstract:** Present leak survey requirements would be amended in accordance with practices necessary for safety. Further action pending additional study of safety problems. **CFR Citation:** 49 CFR Part 192 **Legal Authority:** 49 USC 1672 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** W. Dennis, (202) 426-2392	NPRM To Be withdrawn.	12/13/79	44 FR 72201
Interior Piping (Docket No. PS-67).	**Abstract:** The adequacy of existing standards with regard to safety problems concerning interior piping would be examined and new standards may be proposed. **CFR Citation:** 49 CFR Part 192 **Legal Authority:** 49 USC 1672 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** R. Langley, (202) 426-2392	ANPRM NPRM	4/3/80 *6/83*	45 FR 22118
Location, Size, and Operating Pressure of Pipelines (Docket No. PS-61).	**Abstract:** Operators would be required to maintain maps and records to identify the location, size, and operating pressure of all pipelines. **CFR Citation:** 49 CFR Part 192 **Legal Authority:** 49 U.S.C. 1672 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *Present regulations include maps and records requirements for corrosion control (§ 192.491); damage prevention program (§ 192.614); transmission line recordkeeping (§ 192.707); plus those documents implied and necessary for continuing surveillance, leakage surveys, distribution and transmission line patrol, changes in classification and emergency plans. Study showed benefits not to exceed costs for additional requirements.* **Agency Contact:** R. Langley, (202) 426-2392	ANPRM To be withdrawn.	11/29/79	44 FR 68493
Review: Line Markers on Navigable Waterways for Pipelines (Docket No. PS-69).	**Abstract:** The required number, size, and location of line markers along navigable waterways, including definition of "navigable waters" would be made more appropriate. **CFR Citation:** 49 CFR Parts 192, 195 **Legal Authority:** 49 U.S.C. 1672, 2002 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** *L. Furrow*, (202) 426-2392	ANPRM NPRM *FR*	6/22/81 *1/24/83* *6/83*	46 FR 32287 *48 FR 2987*
Miscellaneous Hazardous Materials Communications Regulations (Project 289-79).	**Abstract:** Development of miscellaneous proposals dealing with the communications regulations such as odorization of gas and availability of shipping papers to emergency response personnel. **CFR Citation:** 49 CFR Part 172 **Legal Authority:** 49 USC 1803-1806 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** L. Metcalfe, (202) 426-0656	NPRM	*6/83*	
Radioactive Materials: Shipping Papers for Limited Quantities. (Docket No. HM- 166F).	**Abstract:** Proposed deletion of limited quantity radioactive materials detailed shipping paper requirements and associated marking modification. **CFR Citation:** 49 CFR pts. 172, 173, 175 **Legal Authority:** 49 USC 1803-1806 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *This rulemaking has been combined with Docket No. HM-166Q. See rulemaking titled "Exceptions for Small Quantities of Hazardous Materials (Docket Nos. HM-166Q and 166F)" in this section of the Agenda.* **Agency Contact:** R. Rawl, (202) 426-2311	ANPRM NPRM *Combined with Docket No. HM-166Q.*	12/8/80 12/21/81	45 FR 80843 46 FR 61908

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Current and Projected Rulemakings

Other Rulemakings—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
Radiation Level Specifications (Docket No. HM-166P).	**Abstract:** Proposed rewrite of 49 CFR 173.393(i) and (l) for clarity and enforceability. **CFR Citation:** 49 CFR 173.393(i) and (l) **Legal Authority:** 49 U.S.C. 1803-1806, 1808 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** W. Carriker, (202) 426-2311	NPRM *Further action to be determined.*	10/7/82	*47 FR 44356*
Private Carriers Licensed to use Radioactive Materials.	**Abstract:** Proposed exceptions for private carriers who also are licensed to use radioactive materials in the course of their businesses. **CFR Citation:** 49 CFR Parts 173 and 177 **Legal Authority:** 49 USC 1803-1806, 1808 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** W. Carriker, (202) 426-2311	NPRM	*6/83*	
Specification Packages of Type B and Fissile Radioactive Materials	**Abstract:** Advance notice to address feasibility of continued use and needed modifications of certain radioactive materials package designs. **CFR Citation:** 49 CFR Part 173 **Legal Authority:** 49 USC 1803-1806, 1808 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** R. Rawl, (202) 426-2311	*ANPRM*	*6/83*	
Quality Assurance for Radioactive Materials Shippers.	**Abstract:** Advance notice to solicit comments on the desirability of establishing quality assurance program requirements for all shippers of radioactive materials. **CFR Citation:** 49 CFR Part 173 **Legal Authority:** 49 USC 1803-1806, 1808 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** R. Rawl, (202) 426-2311	ANPRM	4/83	
Matter Incorporated by Reference (Hazardous Materials). (Docket No. HM-22A).	**Abstract:** Documents incorporated by reference would be updated, deleted where obsolete, and consolidated in §171.7 on a one time basis, to be followed by periodic review under Docket No. HM-22. **CFR Citation:** 49 CFR Part 171 **Legal Authority:** 49 USC 1803-1806 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** E. Mazzullo, (202) 426-2075	*To be terminated.*		
Regulation of Paint (Docket No. HM-166).	**Abstract:** Regulations applicable to small quantity paint containers may impose a greater burden on paint shippers than is necessary to promote safety. In 1980, reporting requirements for incidents involving carriers of paint were reduced. The next step is to address the more basic question of the best regulatory framework for transportation of this flammable liquid. Savings to the paint industry could exceed $1 million annually. **CFR Citation:** 49 CFR 173.126 **Legal Authority:** 49 USC 1803-1806 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** A. I. Roberts, (202) 426-0656	NPRM FR	2/1/82 *4/83*	47 FR 4538
Placarding of Empty Tank Cars (Docket No. HM-180).	**Abstract:** An advance notice requesting comments on the International Association of Fire Chiefs' petition for removal of the requirement for displaying the EMPTY placard on tank cars. **CFR Citation:** 49 CFR 172.510 **Legal Authority:** 49 USC 1803-1806	ANPRM *Further action to be determined.*	7/23/81	46 FR 37953

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Other Rulemakings—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
	Effects on Small Entities: No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** L. E. Metcalfe, (202) 426-2075			
DOT Specification 51 Portable Tanks.	**Abstract:** Consideration of revisions of DOT Specification 51 Portable Tanks, including waiver of requirements for post-weld heat treatment for certain steels and use of bottom outlets. **CFR Citation:** 49 CFR Part 178 **Legal Authority:** 49 USC 1803-1806 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** C. Hochman, (202) 755-4906	ANPRM	*4/83*	
Steel Pipe	**Abstract:** Development of performance standards for qualifying steel pipe for use in gas pipelines. **CFR Citation:** 49 CFR Part 192 **Legal Authority:** 49 U.S.C. 1672 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *Action deferred pending development of industry standard.* **Agency Contact:** *P. Cory, (202) 426-2082*	*Further action to be determined.*		
Specifications for and Use of Specification 17E Steel Drums (Docket No. HM-182).	**Abstract:** Consideration of and request for comments on allowing certain reductions in head and body thickness of 17E drums made with triple-seamed chimes. Further action to be determined from evaluation of comments received on ANPRM. **CFR Citation:** 49 CFR Part 178 **Legal Authority:** 49 U.S.C. 1803, 1804, 1805 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *Extension of comment period to December 1, 1982, published on September 2, 1982. (47 FR 38708).* **Agency Contact:** T. G. Allan, (202) 426-2075	ANPRM Further action to be determined.	6/10/82	47 FR 25167
Design, Maintenance and Testing of MC-306 Cargo Tanks (Docket No. HM-183).	**Abstract:** Consideration of and request for comments on reducing risk of unintentional release of liquid hazardous materials from MC-306 cargo tanks. Further action to be determined from evaluation of comments received. **CFR Citation:** 49 CFR Parts 173 and 177 **Legal Authority:** 49 U.S.C. 1803, 1804, 1805 **Effects on Small Entities:** *To be determined* **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** J. J. Fulnecky, (202) 426-0033	ANPRM Further action to be determined.	6/28/82	47 FR 27876
*Exceptions for Small Quantities of Hazardous Materials (Docket Nos. HM-166Q and HM-166F).	**Abstract:** Proposed reduction of the requirements on the shipment and carriage of certain small quantities of hazardous materials contained in high technology instruments, diagnostic kits and medical devices. **CFR Citation:** 49 CFR Parts 172, 173 and 175 **Legal Authority:** 49 U.S.C. 1803, 1806 **Effects on Small Entities:** No **Analysis:** Regulatory Evaluation **Additional Information:** None **Agency Contact:** M. Morris, (202) 426-2075	NPRM Further action to be determined.	11/15/82	47 FR 51430
*Reclassification of Cordeau Detonant Fuse.	**Abstract:** Proposal would change the hazard classification of certain types and quantities of cordeau detonant fuse from Class C explosive to Class A explosive. **CFR Citation:** 49 CFR Parts 172, 173 and 177 **Legal Authority:** 49 U.S.C. 1803-1806 **Effects on Small Entities:** To be determined **Analysis:** Regulatory Evaluation **Additional Information:** None **Agency Contact:** T. Allan, (202) 426-2075	NPRM	4/83	

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Current and Projected Rulemakings

Other Rulemakings—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
*Small Arms Ammunition	**Abstract:** A proposal to authorize certain types and quantities of small arms ammunition to be classed and transported as ORM-D materials. **CFR Citation:** 49 CFR Parts 172 and 173 **Legal Authority:** 49 U.S.C. 1803-1806 **Effects on Small Entities:** To be determined **Analysis:** Regulatory Evaluation **Additional Information:** None **Agency Contact:** T. Charlton, (202) 426-2075	NPRM	4/83	
*Modifications of Specifications for Cargo Tanks for Liquids, including Provisions for Vacuum Trucks for Hazardous Waste.	**Abstract:** Proposal to modify cargo tank specifications to provide for vacuum trucks for hazardous waste, establish standards for corrosion in cargo tanks and make certain other changes to the specifications. **CFR Citation:** 49 CFR Parts 173, 177 and 178 **Legal Authority:** 49 U.S.C. 1803-1806 **Effects on Small Entities:** To be determined **Analysis:** Regulatory Evaluation **Additional Information:** Consideration of the effects of corrosion in cargo tanks was originally proposed in this section of the Agenda under the project title "Cargo Tank Corrosion (Project 285-79)". **Agency Contact:** A. Mallen, (202) 755-4906	Further action to be determined.		
*Isolated Corrosion Pitting	**Abstract:** Language would be amended to clearly state that a reduction in operating pressure is an acceptable remedy for isolated corrosion pitting. **CFR Citation:** 49 CFR Part 195 **Legal Authority:** 49 U.S.C. 2002 **Effects on Small Entities:** No **Analysis:** Regulatory Evaluation **Additional Information:** None **Agency Contact:** F. Robinson, (202) 426-2392	NPRM	4/83	
*Records for Hydrostatic Testing, Operation and Maintenance.	**Abstract:** Records of hydrostatic testing would be permitted to be kept in supporting documents as well as the pressure recording chart. The retention period for records of operations would be reduced from three years to one year. Inspection and maintenance records for components other than pipe would be kept for one year rather than three years. **CFR Citation:** 49 CFR Part 195 **Legal Authority:** 49 U.S.C. 2002 **Effects on Small Entities:** No **Analysis:** Regulatory Evaluation **Additional Information:** None **Agency Contact:** F. Robinson, (202) 426-2392	NPRM	6/83	
*Nondestructive Testing of Girth Welds.	**Abstract:** The requirement to nondestructively test 100% of the girth welds would be reduced to 90% at certain locations. **CFR Citation:** 49 CFR Part 195 **Legal Authority:** 49 U.S.C. 2002 **Effects on Small Entities:** No **Analysis:** Regulatory Evaluation **Additional Information:** None **Agency Contact:** F. Robinson, (202) 426-2392	NPRM	8/83	
*Intrastate Liquid Pipelines	**Abstract:** The applicability of Part 195 would be extended to include intrastate pipelines transporting pertroleum, petroleum products or anhydrous ammonia. **CFR Citation:** 49 CFR Part 195 **Legal Authority:** 49 U.S.C. 2002 **Effects on Small Entities:** No **Analysis:** Regulatory Evaluation **Additional Information:** None **Agency Contact:** F. Robinson, (202) 426-2392	NPRM	10/83	
*Repair and Removal of Weld Defects (Docket No. PS-74).	**Abstract:** Weld repair and removal requirements would be made consistent with present technology. **CFR Citation:** 49 CFR Parts 192 and 195 **Legal Authority:** 49 U.S.C. 1672, 2002	NPRM FR	1/21/83 6/83	48 FR 2964

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Current and Projected Rulemakings

Other Rulemakings—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
	Effects on Small Entities: No **Analysis:** Regulatory Evaluation **Additional Information:** None **Agency Contact:** W. Gloe, (202) 426-2082			
*Confirmation or Revision of Maximum Operating Pressure for Certain Changes in Class Location.	**Abstract:** Proposal would change the requirement for confirmation or revision of the maximum allowable operating pressure for certain pre-tested gas pipelines when changed conditions adjacent to the pipeline meet the class location definition of 49 CFR 192.5(d)(2). **CFR Citation:** 49 CFR Part 192 **Legal Authority:** 49 U.S.C. 1672 **Effects on Small Entities:** No **Analysis:** Regulatory Evaluation **Additional Information:** None **Agency Contact:** R. Langley, (202) 426-2392	NPRM	8/83	
Monitoring External Corrosion Control.	**Abstract:** The requirement to annually check the performance of cathodic protection on pipeline under paving would be made more appropriate. **CFR Citation:** 49 CFR Part 192 **Legal Authority:** 49 U.S.C. 1672 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** P. Cory, (202) 426-2082	ANPRM	*3/10/83*	*48 FR 10092*

Other Rulemakings: Routine and Frequent

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
Conversion of Individual Exemptions to Regulations of General Applicability (Docket No. HM-139).	**Abstract:** NPRM approximately every four months; with FR targeted approximately two months thereafter.. **CFR Citation:** 49 CFR Parts 171 through 178 **Legal Authority:** 49 U.S.C. 1803-1806 **Effects on Small Entities:** To be determined **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** D. Raines, (202) 472-2726		*1/83-12/83*	
Minor Regulatory Adjustments to Regulations of General Applicability (Docket No. HM-166).	**Abstract:** NPRM approximately every four months, with FR targeted approximately two months thereafter. **CFR Citation:** 49 CFR Parts 171 through 178 **Legal Authority:** 49 USC 1803-1806 **Effects on Small Entities:** To be determined **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** D. Raines, (202) 472-2726		*1/83-12/83*	
Matter Incorporated by Reference (hazardous materials). (Docket No. HM-22).	**Abstract:** NPRM approximately every six months, with FR targeted two months thereafter. **CFR Citation:** 49 CFR Part 171 **Legal Authority:** 49 USC 1803-1806 **Effects on Small Entities:** To be determined **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** E. Mazzullo, (202) 426-2075		*1/83-12/83*	

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Current and Projected Rulemakings

Other Rulemakings: Routine and Frequent—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
Matter Incorporated by Reference (pipelines).	**Abstract:** Documents incorporated by reference would be updated to later published editions. NPRM every year, with FR six months later. Most recent FR published February 2, 1981 (46 FR 10157). Originally scheduled to go into effect March 4, 1981. Became effective March 31, 1981. **CFR Citation:** 49 CFR Parts 192, 193 and 195 **Legal Authority:** 49 U.S.C. 1672, 2002 **Effects on Small Entities:** To be determined. **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** *L. Furrow,* (202) 426-2392		1/83-12/83	

Reviews of Existing Regulations

Priority Reviews

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
Data Collection and Reporting: Hazardous Materials Incident Reports.	**Abstract:** The current regulations require reports of hazardous material incidents. The objective of this review is to determine if the current data requirements can be modified to reduce the burden on industry and for most result in the collection of the information needed for the hazardous materials safety program. Although safety programs, such as the one covered by these regulations, require data in order to function properly, it is possible that the data collection can be made less burdensome. **CFR Citation:** 49 CFR Part 171 **Legal Authority:** 49 USC 1803, 1804, 1809 **Effects on Small Entities:** No **Additional Information:** *Methodological inadequacies revealed by the initial results of the review necessitated extension of the completion date.* **Agency Contact:** R. Abis, (202) 426-2075	Completion of Review.	*6/83*	

Other Reviews

[Key to symbols: *New Item. †Analysis or review being considered under Regulatory Flexibility Act. • Presidential Task Force Priority Review. *Italics:* New or changed information since last Agenda]

Title	Summary	Timetable		
		Action	Date	Cite
Toxic Materials; Definitions, Criteria, and Proposed Regulations.	**Abstract:** This regulation was selected for review because of the need for quantitative criteria. **B. CFR Citation:** 49 CFR 173.326, 173.343 **Legal Authority:** 49 U.S.C. 1803-1806 **Effects on Small Entities:** *To be determined* **Agency Contact:** G. Cushmac, (202) 426-2311	Further action to be determined.		

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Completed Actions

Other Rulemakings

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] ▪Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
Organic Peroxide Requirements (Project 186-72).	**Abstract:** Proposed listing of and packaging requirements for organic peroxides. Combined with "Performance-Oriented Packaging Standards" in "Current and Projected Rulemakings: Priority Rulemakings-Non-Major" Section of Agenda. **CFR Citation:** 49 CFR Parts 172, 173 **Legal Authority:** 49 USC 1803-1806 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation.* **Additional Information:** *None.* **Agency Contact:** C. Schultz, (202) 426-2311	*Project to be handled in Docket No. HM-181.*		
Multi-Unit Tank Car Tanks (Project 252-77).	**Abstract:** Consideration of revision to standards for Specifications 106/110 portable tanks, including authorization of fusion welding. **CFR Citation:** 49 CFR Part 178 **Legal Authority:** 49 USC 1803-1806 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation.* **Additional Information:** *None.* **Agency Contact:** C. Hochman, (202) 755-4906	*Action terminated..*		
Cargo Tank Corrosion (Project 285-79).	**Abstract:** Consideration of the effects of corrosion to the structural integrity of cargo tanks. Would establish a prescribed test for the degree of corrosion of cargo tanks. **CFR Citation:** 49 CFR pt. 178 **Legal Authority:** 49 U.S.C. 1803-1806 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *Proposals contained in this project will be given consideration in the rulemaking titled "Modification of Specifications for Cargo Tanks for Liquids, Including Provisions for Vacuum Trucks for Hazardous Waste" which is listed under "Current and Projected Rulemakings: Other Rulemakings" in this Agenda.* **Agency Contact:** A. Malfen, (202) 755-4906	*Action terminated.*		
Carriage of Tear Gas Devices Aboard Aircraft (Docket No. HM-166J).	**Abstract:** Would permit passengers and crew members to carry on aircraft small personal protection devices (containing tear gases or pepper extracts) in their checked baggage only. Based upon an analysis of the comments received, it was determined that there is not adequate information concerning the need for and consequences of regulation . **CFR Citation:** 49 CFR 175.10 **Legal Authority:** 49 U.S.C. 1803-1806 **Effects on Small Entities:** No **Analysis:** Regulatory Evaluation **Additional Information:** *None* **Agency Contact:** E. Mazzullo, (202) 426-2075	NPRM *Withdrawn*	8/10/81 *7/15/82*	46 FR 40540 47 FR 30799
Weld Filler Metal for Hazardous Liquid Pipelines *(Docket No. PS-75).*	**Abstract:** The requirement for minimum strength of weld filler metal would be deleted as unnecessary. **CFR Citation:** 49 CFR Part 195 **Legal Authority:** 49 U.S.C. 2002 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** F. Robinson (202) 426-2392	*FR*	*12/9/82*	*47 FR 5539*
Inspection Intervals *(Docket No. PS-73).*	**Abstract:** Requirements for inspecting pipelines at specific intervals would be amended to provide flexibilty in scheduling inspections. **CFR Citation:** 49 CFR Parts 192 and 195 **Legal Authority:** 49 U.S.C. 1672, 2002 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** *L. Furrow,* (202) 426-2392	*FR*	*10/21/82*	*47 FR 46850*

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Other Rulemakings—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
Hazardous Materials: Miscellaneous Amendments (Docket No. HM-56).	**Abstract:** This docket is designed to change or delete certain incorrect references, to correct certain spelling and editorial errors, and to make minor regulatory changes which establish no new requirements. Final rule issued annually without notice of proposed rulemaking.	FR	*9/30/82*	*47 FR 43062*
	CFR Citation: 49 CFR Parts 106-179	*Effective*	*9/30/83*	
	Legal Authority: 49 U.S.C. 1803-1806			
	Effects on Small Entities: To be determined			
	Analysis: *None*			
	Additional Information: *None*			
	Agency Contact: T. G. Allan, (202) 426-2075			
Implementation of the ICAO Technical Instructions *(Docket No. HM-184)*.	**Abstract:** These amendments would permit the offering, acceptance and transportation by aircraft, and by motor vehicle incident to transportation by aircraft, of hazardous materials shipments conforming to the provisions of the International Civil Aviation Organization's (ICAO) Technical Instructions for the Safe Transport of Dangerous Goods by Air, in order to facilitate continued shipment of hazardous materials in international commerce by air after the ICAO technical instructions become effective on Janaury 1, 1983.	NPRM	7/82	47 FR 33295
		FR	*12/6/82*	*47 FR 54817*
		Effective	*1/1/83*	
	CFR Citation: 49 CFR Parts 171 through 175			
	Legal Authority: 49 U.S.C. 1803-1806, 1808			
	Effects on Small Entities: No			
	Analysis: *Regulatory Evaluation*			
	Additional Information: *None*			
	Agency Contact: Edward A. Altemos, (202) 426-0656			
Review: Recodification of Radioactive Requirements (Docket No. HM-169).	**Abstract:** Proposed consolidation, simplification and recodification of the existing requirements applicable to the transportation of radioactive materials to make them compatible with latest revised international standards as promulgated by the International Atomic Energy Agency.	NPRM	1/8/79	44 FR 1952
		FR	*3/10/83*	*48 FR 10218*
	CFR Citation: 49 CFR Part 173			
	Legal Authority: 49 USC 1803, 1806			
	Effects on Small Entities: No			
	Analysis: *Regulatory Evaluation*			
	Additional Information: *None*			
	Agency Contact: R. Rawl, (202) 426-2311			
Retention of Radiographic Film (*Docket No. PS-72*).	**Abstract:** Recordkeeping requirement for radiographic film would be revoked for hazardous liquid pipelines.	NPRM	*11/4/82*	*47 FR 43745*
		FR	*3/3/83*	*48 FR 9013*
	CFR Citation: 49 CFR Part 195			
	Legal Authority: 49 U.S.C. 2002			
	Effects on Small Entities: No			
	Analysis: *Regulatory Evaluation*			
	Additional Information: *None*			
	Agency Contact: R. Langley, (202) 426-2392			
Enforcement Procedures and Related Miscellaneous Proposals (Docket No. HM-138A).	**Abstract:** This rule change would make selective changes to 49 CFR Parts 107, 171 and 173 concerning primarily the procedural requirements of the MTB's exemption, approval, preemption and enforcement programs.	NPRM	9/24/81	46 FR 47901
		FR	*1/20/83*	*48 FR 2646*
	CFR Citation: 49 CFR Parts 107, 171, 173			
	Legal Authority: 49 U.S.C. 1803-1806			
	Effects on Small Entities: No			
	Analysis: *Regulatory Evaluation*			
	Additional Information: *None*			
	Agency Contact: George W. Tenley, Jr., (202) 755-4973			

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Research and Special Programs Administration

RSPA

Completed Actions

Priority Reviews

[Key to symbols: *New Item. †Analysis or review being considered under Regulatory Flexibility Act. • Presidential Task Force Priority Review. *Italics:* New or changed information since last Agenda]

Title	Summary	Timetable		
		Action	Date	Cite
Data Collection and Reporting: Hazardous Materials Incident Reports.	**Abstract:** The current regulations require reports of hazardous material incidents. The objective of this review is to determine if the current data requirements can be modified to reduce the burden on industry and for most result in the collection of the information needed for the hazardous materials safety program. Although safety programs, such as the one covered by these regulations, require data in order to function properly, it is possible that the data collection can be made less burdensome. **CFR Citation:** 49 CFR Part 171 **Legal Authority:** 49 U.S.C. 1803, 1804, 1809 **Effects on Small Entities:** No **Additional Information:** *Methodological inadequacies revealed by the initial results of the review necessitated extension of the completion date.* **Agency Contact:** R. Abis, (202) 426-2075	Completion of Review.	*6/83*	
Data Collection and Reporting: Gas Pipeline Reporting.	**Abstract:** The pipeline industry questions the usefulness to government and industry of the reports of leaks required by these regulations. While any safety enforcement program requires recordkeeping in order to operate, it is possible to be more specific, and therefore less burdensome, in identifyng problems for which reporting and recordkeeping are useful. Annual costs of the current regulation are more than $6 million. *Review found current reporting requirements should be modified to obtain information better suited to meet RSPA's needs to identify safety problems and develop regulatory solutions while reducing industry burden. NPRM to improve data quality and reduce paperwork burden listed under "Current and Projected Rulemakings: Other Rulemakings" in this Agenda.* **CFR Citation:** 49 CFR Part 191 **Legal Authority:** 49 U.S.C. 1671 et seq **Effects on Small Entities:** No **Agency Contact:** R. Langley, (202) 426-2392	*Review completed.*	*1/83*	
Repair and Removal of Defects.	**Abstract:** These rules, which specify what repairs are permitted on defective pipe welds, may be more restrictive than required for safety. Less stringent repair methods have been shown to be safe under most conditions. Changing the rules to allow some repairs of defective welds, rather than total removal, could save industry about $20 million per year. *Review found that present requirements are more restrictive and costly than needed to assure pipeline safety. NPRM to amend rules permitting weld repairs consistent with present technology listed under "Current and Projected Rulemakings: Other Rulemakings" in this Agenda.* **CFR Citation:** 49 CFR 192.245 and 195.232 **Legal Authority:** 49 U.S.C. 1672, 2002 **Effects on Small Entities:** No **Agency Contact:** W. Gloe, (202) 426-2032	*Review completed.*	*1/83*	

Other Reviews

[Key to symbols: *New Item. †Analysis or review being considered under Regulatory Flexibility Act. • Presidential Task Force Priority Review. *Italics:* New or changed information since last Agenda]

Title	Summary	Timetable		
		Action	Date	Cite
Toxic Materials; Definitions, Criteria, and Proposed Regulations.	**Abstract:** This regulation was selected for review because of the need for quantitative criteria. **CFR Citation:** 49 CFR 173.326, 173.343 **Legal Authority:** 49 U.S.C. 1803-1806	Further action to be determined.		

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Research and Special Programs Administration

RSPA

Completed Actions

Other Reviews—Continued

[Key to symbols: *New Item. †Analysis or review being considered under Regulatory Flexibility Act. • Presidential Task Force Priority Review. *Italics:* New or changed information since last Agenda]

Title	Summary	Timetable		
		Action	Date	Cite
	Effects on Small Entities: To be determined. **Agency Contact:** G. Cushmac, (202) 426-2311			

Maritime Administration

MARAD

Current and Projected Rulemakings

Priority Rulemakings: Non-Major

[Key to symbols: *New Item. †Analysis or review being considered under Regulatory Flexibility Act. • Presidential Task Force Priority Review. *Italics:* New or changed information since last Agenda]

Title	Summary	Timetable		
		Action	Date	Cite
Construction Differential Subsidy (CDS) Repayments; Total Repayment Policy.	**Abstract:** *The regulation would amend 46 CFR Part 276 which would set forth the Department's policy in considering requests for repayment of construction-differential subsidy as authorized under the provision of the Merchant Marine Act of 1936, as amended.* **CFR Citation:** 46 CFR Part 276 **Legal Authority:** 46 U.S.C. 1114(b), 1117, 1156 and 1204. Sec. 204(6), 207, 506, and 714, Merchant Marine Act, 1936, as amended. **Effects on Small Entities:** No **Analysis:** Regulatory Evaluation **Additional Information:** First NPRM, Nov. 2, 1970 (45 FR 51645); Second NPRM, May 5, 1980 (45 FR 29610); Interim Rulemaking, October 15, 1980 (45 FR 66393). Amendment to Interim Rule, November 24, 1980 (45 FR 7745). The interim rule was invalidated by the U.S. Court of Appeals of the D.C. Circuit in 1982. *Comment period on NPRM extended until May 2, 1983.* **Agency Contact:** W. Danforth Walker, (202) 426-4382 and Warren Dean, (202) 426-2972.	NPRM NPRM FR	5/80 1/83 5/83	45 FR 29610 48 FR 4408
Construction-Differential Subsidy (CDS)-Requirements for Aid.	**Abstract:** By provision of the Merchant Marine Act, 1936, the Maritime Administration administers the CDS program, providing subsidy for the construction, reconstruction or reconditioning of vessels in U.S. shipyards. This rulemaking is significant because it involves important Department policy on a matter of substantial interest and controversy. It is needed to establish comprehensive formal regulations governing administration of CDS program. **CFR Citation:** 46 CFR Pt. 251 **Legal Authority:** 46 U.S.C. 1114(b), 1151-1157 **Effects on Small Entities:** No **Analysis:** Regulatory evaluation **Additional Information:** *Pending review of CDS Program* **Agency Contact:** James Saari, (202) 426-5888	NPRM Pending review of CDS Program. *See additional information.*		
Cargo Preference-U.S. Flag Vessels-Determination of Fair and Reasonable Rates.	**Abstract:** Regulation would set forth criteria for determining "fair and reasonable rates" (statutory term) required for the carriage of at least the 50 percent of U.S. government procured or impelled cargoes reserved by law for U.S. owned, constructed and documented vessels. This rulemaking is significant because it concerns a matter on which there is substantial public interest. It is needed to clarify the meaning of a statutory term. **CFR Citation:** 46 CFR new Pt. 382 **Legal Authority:** 46 U.S.C. 1241(b), 1114(b) **Effects on Small Entities:** No **Analysis:** Regulatory evaluation **Additional Information:** Cargo preference regulation was last revised in 1977 (46 CFR Pt. 381). **Agency Contact:** Frederick R. Larson, (202) 382-6036	NPRM	*4/83*	

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Maritime Administration

MARAD

Current and Projected Rulemakings

Priority Rulemakings: Non-Major—Continued

[Key to symbols: *New Item. †Analysis or review being considered under Regulatory Flexibility Act. • Presidential Task Force Priority Review. *Italics:* New or changed information since last Agenda]

Title	Summary	Timetable		
		Action	Date	Cite
Merchant Marine Training	**Abstract:** The Maritime Administration is responsible for operating the U.S. Merchant Marine Academy and for providing financial assistance to State Maritime academies and the U.S. Maritime Service, a voluntary Maritime training organization. This rulemaking is significant because it concerns a matter of substantial public interest. It is needed because the Maritime Education and Training Act of 1980 (P.L. 96-453) requires changes in regulations to reflect new requirements as conditions for financial aid for merchant marine training, as well as disposition of excess or surplus government property. **B. CFR Citation:** 46 CFR Pt. 310 **Legal Authority:** 46 U.S.C. 1114(b), 1295 **Effects on Small Entities:** No **Analysis:** Regulatory Evaluation **Additional Information:** *FR—Training on subsidized vessels—pay increase for USMMA midshipmen.*. **Agency Contact:** Edwin Hackett, (202) 426-5759	NPRM Subparts A, C, and D. NPRM Subpart B (U.S. Maritime Service) and New Subpart E (Supp. Training).	*4/83* *Summer 83*	
Award and Administration of Operating-Differential Subsidy (ODS) for Dry Bulk Cargo Vessels.	**Abstract:** Regulation states conditions for award of ODS for dry bulk cargo vessels engaged in worldwide trade. This rulemaking is significant because it reflects a change in policy on a matter of substantial public interest. It is needed because it would recognize unique economic aspects of dry bulk carriers and is intended to afford sufficient flexibility to allow them to compete in worldwide trade. **CFR Citation:** Consolidation with other ODS Regulations. 46 CFR Ch. II. **Legal Authority:** 46 U.S.C. 1114(b), 1171-1176 **Effects on Small Entities:** No **Analysis:** Regulatory evaluation **Additional Information:** Separate rulemaking action suspended pending completion of review of all ODS Regulations for purposes of consolidation and simplification. **Agency Contact:** Frederick R. Larson, (202) 382-6036	*NPRM* *See Additional Information.*	*9/6/79*	*44 FR 52002*
Federal Income Tax Aspects of the Capital Construction Fund.	**Abstract:** Joint rulemaking with Treasury Department would finalize technical regulations governing the utilization of Capital Construction Fund (CCF) - comprised of deposits of the deferred income from shipping operations, related income, and CCF investment income. The rulemaking is significant because it involves a matter of substantial public interest and has major impact on another Federal Agency (Treasury Department). It is needed to implement a statutory provision. **CFR Citation:** 46 CFR Pt. 391 **Legal Authority:** 46 U.S.C. 1177, 1114(b) **Effects on Small Entities:** No **Analysis:** Regulatory evaluation **Additional Information:** NPRM published jointly with Treasury Department on June 15, 1972 (37 FR 11887). **Agency Contact:** Lawrence B. Pripeton, (202) 382-0409	NPRM FR awaiting action by Treasury Department.	6/15/72	37 FR 11887
Uniform System of Financial Reporting.	**Abstract:** Revision of bookkeeping and reporting requirements, now applicable only to operators receiving Operating-Differential Subsidy, to reduce burden and expand their application to contractors receiving financial assistance under all Maritime Administration programs. This rulemaking is significant because it initiates a change in policy. It is needed to reduce and simplify bookkeeping and reporting requirements and expand application to participants in all of agency's financial assistance programs. **CFR Citation:** 46 CFR Pt. 282, to be revoked and replaced by new 46 CFR Pt. 232. **Legal Authority:** 46 U.S.C. 1114(b) **Effects on Small Entities:** No **Analysis:** Regulatory evaluation **Additional Information:** Regulation was issued in 1974 **Agency Contact:** James. J. Zok, (202) 426-5852	NPRM FR	6/19/82 *4/83*	47 FR 36228

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Maritime Administration

MARAD — Current and Projected Rulemakings

Priority Rulemakings: Non-Major—Continued

[Key to symbols: *New Item. †Analysis or review being considered under Regulatory Flexibility Act. • Presidential Task Force Priority Review. *Italics:* New or changed information since last Agenda]

Title	Summary	Timetable		
		Action	Date	Cite
Review: Operating-Differential Subsidy (ODS) Rates for Liner Vessels.	**Abstract:** New regulation would establish subsidy rates for liner vessels under ODS agreements. This rulemaking is significant because it involves a program with substantial public interest. It is needed to formalize, in a regulation, policy of Maritime Subsidy Board concerning subsidy rates now published in Manual Form. **CFR Citation:** New Subpart in 46 CFR Pt. 280 **Legal Authority:** 46 U.S.C. 1171-1176, 1114(b) **Effects on Small Entities:** No **Analysis:** Regulatory evaluation **Additional Information:** New regulation under development. Separate rulemaking action suspended pending completion of review of all ODS Regulations for purposes of Consolidation and Simplification. **Agency Contact:** Frederick R. Larson, (202) 382-6036	*See "Additional Information".*		

Other Rulemakings

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
Requirements and Procedures for the Administration of Condition Surveys and Maintenance and Repair Subsidy.	**Abstract:** Regulation clarifies and liberalizes MARAD policy and procedure for administering that part of the Operating-Differential Subsidy (ODS) program relating to requirement for conducting condition surveys of vessels under ODS agreements which provide maintenance and repair (M&R) subsidy. **CFR Citation:** 46 CFR Pt. 272 **Legal Authority:** 46 USC 1114(b), 1171(a) **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *Separate rulemaking action suspended pending completion of review of all ODS regulations for purposes of consolidation and simplification.* **Agency Contact:** John J. Davis, (202) 426-5743	*Further action pending review.*		
Documentation, Transfer or Charter of Vessels.	**Abstract:** Amendments would be made to regulations governing MARAD approval of the transfer of U.S. owned or documented vessels to non-citizens, as well as approval of vessel charters to non-citizens, pursuant to authority in the Shipping Act, 1916. **CFR Citation:** 46 CFR Pt. 221 **Legal Authority:** 46 U.S.C. 808, 835, 838, 839, 841a **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *FR 8/30/82—consolidation of forms; FR ——— clarifying amendments.* **Agency Contact:** Jessie Fernandes, (202) 426-5821	*FR* NPRM	8/30/82 *Spring 1983*	47 FR 38131
Construction-Differential Subsidy (CDS) Standard Contracts.	**Abstract:** This regulation would incorporate standardized language for contracts used in admnistration of CDS program. **CFR Citation:** 46 CFR Pt. 251 **Legal Authority:** 46 USC 1151-1156, 1114(b) **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *Rulemaking suspended* Agency Contact: Melvin Eck, (202) 426-5888	*See Additional Information.*		
National Shipping Authority	**Abstract:** Ten regulations relating to shipping operations that govern the activities of the NSA, within MARAD during times of war and national emergency. These regulations are exempt from the notice provisions of 5 U.S.C. 553 because they involve a military function.	NPRM FR *FR*	8/30/82 *7/83* *7/83*	47 FR 38137

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Maritime Administration

MARAD

Current and Projected Rulemakings

Other Rulemakings—Continued

[Key to Symbols: *New item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
	CFR Citation: 46 CFR Pts. 316, 320, 321, 326, 329, 332, 335-339; new pt. 340. **Legal Authority:** 50 USC App. 2061, et seq.; EO 10480, 11490 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *Two or more rulemakings possible. Published rulemaking is "Shipping Service Containers and Port Facilities and Services—Priorities and Allocations".* **Agency Contact:** Robert Bryan, (202) 426-5739			
Review: Capital Construction Fund.	**Abstract:** Amendments to regulations would clarify existing provisions and remove restrictions on fundholders, to be made as needed in one or more rulemaking actions. *Amendments would also establish a nonrefundable application fee and an annual "activity fee," assessed on each fundholder on a sliding scale.* **CFR Citation:** 46 CFR Pt. 390 **Legal Authority:** 46 USC 1177; 1114 (b) **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** Lawrence Pripeton, (202) 382-0409	FR	*5/83*	
Implementation Procedures for the National Defense Program.	**Abstract:** Amendment to CDS regulations would implement Pub. Law 96-387. It would authorize, when funds become available, paying ship operators for the cost of purchasing and installing communication equipment on existing U.S. flag vessels that are suitable for government use in time of war or national emergency. **CFR Citation:** 46 CFR Pt. 251 **Legal Authority:** 46 USC 1151-1156, 1114(b) **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** James C. McCoy, Jr., (202) 426-5727	NPRM Further action delayed indefinitely.	9/10/81	46 FR 45164
Policy for changes under CDS Program.	**Abstract:** Amendments would state policy of paying subsidy for only "essential" changes, as defined, reflecting very limited CDS funding. **CFR Citation:** 46 CFR 251.1 Appendix **Legal Authority:** 46 USC 1151-1156, 1114(b) **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** Robert J. Patton, Jr., (202) 426-5746	*Rulemaking suspended.*		
Requirements for Establishing United States Citizenship.	**Abstract:** Proof of U.S. citizenship is required under MARAD financial assistance and vessel transfer programs. These amendments would amend citizenship regulations to simplify proof of corporate citizenship and to insure corporate control by U.S. citizens under existing corporate organizational structures. **CFR Citation:** 46 CFR Pt. 355 **Legal Authority:** 46 USC 802, 803, 808, 835, 838, 839, 841, 1151, 1171, 1276. **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** Doris Lansberry, (202) 426-5711	NPRM FR	10/12/79 *5/83*	44 FR 58928
Statistical Data for Use In Operating Differential Subsidy (ODS) Application Hearings.	**Abstract:** Amendments include references to preparation of standard forecasts of liner cargo, adopted in new 46 CFR Part 208 (Procedure for Hearing in ODS Application) and elimination of two reports. **CFR Citation:** 46 CFR Pt. 207 **Legal Authority:** 46 USC 1175 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** William B. Ebersold, (202) 382-0374	*NPRM*	*5/83*	

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Maritime Administration

MARAD

Current and Projected Rulemakings

Other Rulemakings—Continued

[Key to Symbols: *New item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Action	Timetable Date	Timetable Cite
Suspension of ODS Agreements for All or Portion of the Vessels Included Therein	**Abstract:** These regulations are necessary to implement §1603 of the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35), which adds a new §614 to the Merchant Marine Act, 1936. **CFR Citation:** New 46 CFR Pt. 295 **Legal Authority:** 46 USC 1184, 1141(b) P.L. 97-35 **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** Gregory Sparkman, (202) 382-0402 Raymond Barberesi, (202) 382-0382.	NPRM	*5/83*	
Treatment of Subsidy During Voyage Deviations	**Abstract:** This regulation clarifies existing MARAD policy of generally not paying ODS to an operator for any period of operation attributable solely to a deviation from the contractually authorized subsidized service. **CFR Citation:** (46 CFR 281.6) **Legal Authority:** 46 USC 1173(a) 1114(b) **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** William B. Ebersold, (202) 382-0374	Interim FR	*6/83*	
Participation by Vessels Built with CDS in the Carriage of Oil from Alaska in the Domestic Trade.	**Abstract:** Amendments would codify in regulation form policies that were decisions issued as administrative orders. **CFR Citation:** 46 CFR Pt. 250 **Legal Authority:** 46 U.S.C. 1156, 1114(b) **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** William B. Ebersold, (202) 382-0374	FR	*7/83*	
Rules of Practice and Procedures; for Hearing in Operating-Differential Subsidy (ODS) Application; Applications for Subsidies and Other Direct Financial Aid.	**Abstract:** Amendments to existing agency rules of practice and procedure and regulations governing applications for financial assistance, as well as new Part 208 that would establish a standard discovery order and standard techniques for forecasting the adequacy/inadequacy of U.S. flag liner service in hearings required under the Merchant Marine Act, 1936. **CFR Citation:** 46 CFR Pts. 201, 208, 251 **Legal Authority:** 46 USC 1114(b) **Effects on Small Entities:** No **Analysis:** *Regulatory Evaluation* **Additional Information:** *None* **Agency Contact:** Robert J. Patton, Jr., (202) 426-5711	NPRM *FR*	6/25/79 *5/83*	44 FR 37003
*Review Procedures—Records Retention Schedule for Subsidized Operators.	**Abstract:** The purpose of this subpart is to prescribe the procedures to be followed by subsidized operators for the retention and disposal of books, records and accounts required under ODS agreements. The review will be for the purpose of determining whether existing record retention requirements impose a reasonable burden on subsidized operators relative to the benefits conferred and the legitimate needs of MARAD in administering the ODS programs. **CFR Citation:** 46 CFR Pt. 380, Subpart C **Legal Authority:** 46 U.S.C. 111 **Effects on Small Entities:** No **Analysis:** Regulatory Evaluation **Additional Information:** None **Agency Contact:** Mary Jane Harvey, (202) 426-5184	NPRM	4/83	
*Dividend Policy for Operators Receiving Operating-Differential Subsidy.	**Abstract:** Amendments clarify the requirement for adjusting "floor net worth" calculation to determine whether an operator may pay a dividend. **CFR Citation:** 46 CRR Pt. 283 **Legal Authority:** 46 U.S.C. 1114(b) **Effects on Small Entities:** No **Analysis:** Regulatory Evaluation **Additional Information:** None **Agency Contact:** David Lippold, (202) 382-0403	NPRM	*5/83*	

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Maritime Administration

Reviews of Existing Regulations

Priority Reviews

[Key to symbols: *New Item. †Analysis or review being considered under Regulatory Flexibility Act. • Presidential Task Force Priority Review. *Italics:* New or changed information since last Agenda]

Title	Summary	Timetable		
		Action	Date	Cite
Limitations on the Award and Payment of Operating Differential Subsidy (ODS) for Liner Operator.	**Abstract:** The principal purpose of this part is to set standards for the payment of ODS to operators of liner vessels, and it includes a reduction formula applicable where less than 50 percent of gross freight revenues are earned from the carriage of "competitive cargo". This review is intended to restructure and clarify this part and consolidate it with other ODS regulations in Chapter II of 46 CFR. Rulemaking will not proceed until Review of all ODS regulations. No anticipated further action until review completed of all ODS regulations. **CFR Citation:** 46 CFR Pt. 280 **Legal Authority:** 46 U.S.C. 1173 **Effects on Small Entities:** No **Agency Contact:** E. A. Uttridge, (202) 382-0400	Completion of Review.	*Fall 1983*	
Procedures - Records Retention Schedule for Subsidized Operators.	**Abstract:** The purpose of this subpart is to prescribe the procedures to be followed by subsidized operators for the retention and disposal of books, records and accounts required under ODS agreements. The review will be for the purpose of determining whether existing record retention requirements impose a reasonable burden on subsidized operators relative to the benefits conferred and the legitimate needs of Marad in administering the ODS programs. **CFR Citation:** 46 CFR Pt. 380, Subpart C **Legal Authority:** 46 U.S.C. 1114 **Effects on Small Entities:** No **Agency Contact:** Mary Jane Harvey, (202) 426-5184	Completion of Review.	*3/83*	
*Review: Procedures—Records Retention Schedule for Subsidized Operators.	**Abstract:** The purpose of this subpart is to prescribe the procedures to be followed by subsidized operators for the retention and disposal of books, records and accounts required under ODS agreements. The review will be for the purpose of determining whether existing record retention requirements impose a reasonable burden on subsidized operators relative to the benefits conferred and the legitimate needs of MARAD in administering the ODS programs. **CFR Citation:** 46 CFR Pt. 380, Subpart C **Legal Authority:** 46 U.S.C. 111 **Effects on Small Entities:** No **Analysis:** Regulatory Evaluation **Additional Information:** None **Agency Contact:** Mary Jane Harvey, (202) 426-5184	*Completion of Review.*	*3/83*	
*Review: Merchant Ship Sales Act of 1946—Rules and Regulations, Forms and Citizenship Requirements.	**Abstract:** This regulation principally concerns the sale, charter or transfer of vessels built during World War II which are owned by the Government. The review is for the purpose of determining whether the entire part or most of its provisions are obsolete and should be revoked. **CFR Citation:** (Chapter II, Subchapter F) **Legal Authority:** 15 U.S.C. 1735 **Effects on Small Entities:** No **Analysis:** Economic Evaluation **Additional Information:** Revocation of Part **Agency Contact:** Jessie Fernanders, (202) 426-5821	Completion of Review.	*5/83*	

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DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Maritime Administration

Reviews of Existing Regulations

Other Reviews

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Title	Summary	Timetable		
		Action	Date	Cite
Application for Subsidies and Other Direct Financial Aid.	**Abstract:** This Part prescribes the MARAD application forms for Construction and Operating Differential Subsidies (CDS and ODS), as well as the form for the MARAD approvals that subsidized operators must obtain in order to engage in otherwise prohibited activities. The part also contains certain substantive provisions. The development of comprehensive CDS regulations, including uniform contract provisions, has been curtailed pending an Administration review of CDS. **CFR Citation:** 46 CFR Pt. 251 **Legal Authority:** **Effects on Small Entities:** No **Agency Contact:** Robert Patton, Jr., (202) 426-5746	Completion of Review.	*3/83*	

APPENDIX A - INSTRUCTIONS FOR OBTAINING COPIES OF REGULATORY DOCUMENTS

United States Coast Guard (USCG)

Persons who desire to obtain a copy of any regulatory document to be issued by the USCG that is listed in this Agenda should communicate with the contact person listed with the regulation either by telephone or by letter to the contact person at the following address: (Name of contact person) United States Coast Guard, 2100 Second Street, SW., Washington, D.C. 20593.

Federal Aviation Administration (FAA)

The FAA has a mailing list system for Notices and Advance Notices of Proposed Rulemaking (NPRMs and ANPRMs). Persons interested in obtaining future copies of all of those documents to be issued by the FAA or only of those concerning certain parts of the Federal Aviation Regulations should request a copy of Advisory Circular No. 11-2, which describes the application procedure, by calling 202-426-8058 or by writing to: Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591.

Federal Highway Administration (FHWA)

The FHWA maintains a consumer mailing list for individuals and agencies wishing to routinely receive Federal-aid highway related rulemaking actions. Persons may selectively choose to receive rulemaking materials in a number of separately identified program categories from the Code of Federal Regulations, Title 23. Those wishing to take advantage of the FHWA consumer mailing list may obtain additional information by writing to: Consumer Affairs Representative, Office of Public Affairs, Room 4206, Federal Highway Administration, 400 7th Street, SW., Washington, D.C. 20590.

Persons who desire to obtain a copy of any regulatory document to be issued by the FHWA that is listed in this Agenda should communicate with the contact person listed with the regulation either by telephone or by letter to the contact person at the following address: (Name of contact person), Federal Highway Administration, 400 7th Street, SW., Washington, D.C. 20590.

Federal Railroad Administration (FRA)

Persons who desire to obtain a copy of any regulatory document to be issued by the FRA that is listed in this Agenda should communicate with the contact person listed with the regulation either by telephone or by letter to the contact person at the following address: (Name of contact person), Federal Railroad Administration, 400 7th Street, SW., Washington, D.C. 20590.

National Highway Traffic Safety Administration (NHTSA)

Persons who desire to obtain a copy of any other regulatory document to be issued by the NHTSA that is listed in this Agenda should communicate with the contact person listed with the regulation either by telephone or by letter to the contact person at the following address: (Name of contact person), National Highway Traffic Safety Administration, 400 7th Street, SW., Washington, D.C. 20590, (202) 426-0679.

Urban Mass Transportation Administration (UMTA)

Persons who desire to obtain a copy of any regulatory document to be issued by UMTA that is listed in this Agenda should communicate with the contact person listed with the regulation either by telephone or by letter to the contact person at the following address: (Name of contact person), Urban Mass Transit Administration, 400 7th Street, SW., Washington, D.C. 20590, (202) 426-1909.

Saint Lawrence Seaway Development Corporation (SLSDC)

Persons who desire to obtain a copy of any regulatory document to be issued by SLSDC that is listed in this Agenda should communicate with the contact person listed with the regulation either by telephone or by letter to the contact person at the appropriate address specified below. For contact persons with (202), telepone area code: (name of contact person), Saint Lawrence Seaway Development Corporation, 800 Independence Avenue, SW., Washington, D.C. 20591. For contact persons with (315) telephone area code: (name of contact person), Saint Lawrence Seaway Development Corporation, P.O. Box 520, Massena, New York 13662.

Research and Special Programs Administration (RSPA)

Persons wishing to be placed on mailing lists for regulatory documents to be issued by RSPA should contact: Mrs. Sandra Cureton, Information Services Division, DMT-43, 400 7th Street, SW., Washington, D.C. 20590.

Maritime Administration (MARAD)

Any one desiring a copy of a MARAD regulatory document referred to in the Agenda may request a copy of that document by contacting Mr. Robert J. Patton, Jr., Secretary, Maritime Administration, 400 Seventh Street, S.W. (Room 7300 B), Washington, D.C. 20590 (202) 426-5746. T1

Office of the Secretary (OST)

Persons desiring to receive future copies of the Regulations Agenda should submit their request to: Assistant General Counsel for Regulation and Enforcement, C-50, Office of the General Counsel, Department of Transportation, Washington, D.C. 20590, (202) 426-4723.

Persons who have an interest in specific regulatory documents to be issued by the office of the Secretary should forward requests for copies of those documents to the same address. These requests should fully identify the document desired.

APPENDIX B - GENERAL RULEMAKING CONTACT PERSONS

The following is a list of persons who can be contacted within the Department for general information concerning the rulemaking process within the various operating administrations.

USCG - Bruce Novak, Marine Safety Council, USCG Headquarters Building, Room 4402, 2100 Second Street, S.W., Washington, D.C. 20593. Telephone: 202/426-1477.

FAA - Edward Faberman, Office of Chief Counsel, Regulations and Enforcement Division, 800 Independence Ave., S.W., Room 915G, Washington, D.C. 20591. Telephone: 202/426-3644.

FHWA - Thomas P. Holian, Office of the Chief Counsel, 400 7th Street, S.W., Room 4223, Washington, D.C. 20590. Telephone: 202/426-0761.

FRA - Mike Haley, Office of Chief Counsel, 400 7th Street, S.W., Room 8211, Washington, D.C. 20590. Telephone: 202/426-0767.

NHTSA - Roger Tilton, Office of Chief Counsel, 400 7th Street, S.W., Room 5219, Washington, D.C. 20590. Telepohone: 202/426-9511.

UMTA - Doug Gold, Office of Chief Counsel, 400 7th Street, S.W., Room 9225, Washington, D.C. 20590. Telephone: 202/426-4011.

SLSDC - Bob Kraft, Office of Chief Counsel, 800 Independence Ave., S.W., Room 814, Washington, D.C. 20591. Telepohone: 202/426-3574.

RSPA - Elaine Economides, Office of Chief Counsel, 400 7th Street, S.W. Room 8420, Washington, D.C. 20590. Telephone: 202/755-4972.

MARAD - Mr. Robert J. Patton, Jr., Secretary, Maritime Administration, 400 7th Street, S.W., Room 7300B, Washington, D.C. 20590, Telephone: 202/426-5747.

OST - Neil Eisner, Office of Regulation and Enforcement, 400 7th Street, S.W., Room 10421, Washington, D.C. 20590. Telephone: 202/426-4723.

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APPENDIX C - PUBLIC RULEMAKING DOCKETS

The following is a list of Rule Docket locations for the various operating administrations where the public may review regulatory dockets and hand deliver comments on advance notices and notices of proposed rulemaking:

USCG - Marine Safety Council, 2100 2nd Street, S.W., Room 4402, Washington, D.C. 20593. Working Hours: 7:30-4:00 [Monday-Thursday].

FAA - Rules Docket, Office of Chief Counsel, Regulations and Enforcement Division, 800 Independence Ave., S.W., Room 915G, Washington, D.C. 20591. Working Hours: 8:30-5:00.

FHWA - Docket Room, 400 7th Street, S.W., Room 4205, (Federal Motor Carrier Safety Regulations in Room 3404) Washington, D.C. 20590. Working Hours: 7:45-4:15.

FRA - Docket Clerk, 400 7th Street, S.W., Room 8211, Washington, D.C. 20590. Working Hours: 8:30-5:00.

NHTSA - Docket Room, 400 7th Street, S.W., Room 5108, Washington, D.C. 20590. Working Hours: 7:45-4:15.

UMTA - Docket Clerk, 400 7th Street, S.W., Room 9228, Washington, D.C. 20590. Working Hours: 8:30-5:00.

SLSDC - 800 Independence Ave., S.W., Room 814, Washington, D.C. 20591. Working Hours: 8:30-5:00.

RSPA - Docket Branch, 400 7th Street, S.W., Room 8426, Washington, D.C. 20590. Working Hours: 8:30-5:00.

MARAD - Docket Clerk, 400 7th Street, S.W., Room 7300B, Washington, D.C. 20590. Working Hours: 9:00-5:30.

OST - Docket Clerk, 400 7th Street, S.W., Room 10421, Washington, D.C. 20590. Working Hours: 9:00-5:30.

[FR Doc. 83-9566 Filed 4-22-83, 8:45 am]

BILLING CODE 4910-62-M

federal register

Monday
April 25, 1983

Part XV

Department of the Treasury

Office of the Secretary
Bureau of Alcohol, Tobacco and Firearms
Bureau of Government Financial Operations
Comptroller of the Currency
Customs Service
Internal Revenue Service

Semiannual Agenda

DEPARTMENT OF THE TREASURY (TREAS)
Office of the Secretary (OS)

DEPARTMENT OF THE TREASURY

Office of the Secretary

31 CFR Subtitle A, Ch. I and Ch. II

Semiannual Agenda

AGENCY: Office of the Secretary, Treasury.

ACTION: Semiannual Agenda.

SUMMARY: This notice is given pursuant to the requirements of the "Regulatory Flexibility Act" (Pub. L. 96-354, September 19, 1980) and Executive Order 12291 ("Federal Regulation," February 17, 1981), which require the publication of a semiannual agenda of regulations. The semiannual agenda of the Department of the Treasury conforms to the Unified Agenda Format developed by the Regulatory Information Service Center.

FOR FURTHER INFORMATION CONTACT: For additional information about a specific Office of the Secretary regulation contained in this agenda, contact the "agency contact" listed in the specific regulatory action. For general information concerning the agenda of the Department of the Treasury contact Richard S. Carro, Special Assistant for Regulatory Affairs, Office of the General Counsel, Room 1422, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220, (202) 566-8464.

SUPPLEMENTARY INFORMATION: The semiannual agenda of the Office of the Secretary includes the Office of the General Counsel and the Office of Revenue Sharing.

DATED: February 28, 1983
By direction of the Secretary.

David E. Pickford,

Executive Secretary.

DEPARTMENT OF THE TREASURY (TREAS)
Office of the Secretary (OS)
Current and Projected Rulemakings

●DISCLOSURE OF RECORDS; FEES FOR SPECIFIC SERVICES

Priority: Agency Determination

Legal Authority: 5 USC 552; 31 USC 321

CFR Citation: 31 CFR 1

Abstract: This regulation amends the Department's regulations implementing the Freedom of Information Act. The regulation revises fees charged by the Department for duplication, search and other services to reflect increased costs to the Department.

Timetable:

Action	Date	FR Cite
NPRM	12/03/82	47 FR 54475
NPRM Comment Period Begin	12/03/82	47 FR 54475
NPRM Comment Period End	01/02/83	
Final Action	03/00/83	

Small Entity: No

Agency Contact: **Phyllis DePiazza**, Departmental Disclosure Officer, Department of the Treasury, Office of the Secretary, Room 5423, Washington, DC 20220, **202 566-2789**

RIN: 1505-AA01

●PRIVACY ACT OF 1974, NEW SYSTEM OF RECORDS

Legal Authority: 12 USC 1; 12 USC 9; 12 USC 481; 5 USC 301

CFR Citation: 31 CFR 1

Abstract: This proposed rule exempts the system of records entitled "Treasury/CC 500-Chief Counsel's Management Information System (CCMIS)" from the Privacy Act of 1974.

Timetable:

Action	Date	FR Cite
NPRM	11/18/82	47 FR 51890
NPRM Comment Period Begin	11/18/82	47 FR 51890
NPRM Comment Period End	12/20/82	
Final Action	03/00/83	

Small Entity: No

Agency Contact: **Francis S. Rath**, Attorney, Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 490 L'Enfant Plaza East, SW, Washington, D.C. 20219, **202 447-1880**

RIN: 1505-AA02

DEPARTMENT OF THE TREASURY (TREAS)
Office of the Secretary (OS)
Completed Actions

COMPLETED RULEMAKINGS

INTERGOVERNMENTAL REVIEW OF FEDERAL PROGRESS

Legal Authority: EO 12372; 5 USC 301

CFR Citation: Not applicable

Abstract: This regulation would implement EO 12372 to facilitate the intergovernmental review of Federal programs of financial assistance or direct development. Consistent with the Executive Order the regulation provides for increased participation by States in the decisionmaking process for Federal assistance programs.

Timetable:

Action	Date	FR Cite
Final Action	01/24/83	48 FR 3197

Small Entity: No

Agency Contact: **Robert W. Refuse, J.C.**, Dep Asst Sec for State and Local Finance,

TREAS—OS **Completed Actions**

Department of the Treasury, Office of the Secretary, Room 3026, 1500 Pennsylvania Avenue, NW, Washington, DC 20220, **202 566-8661**

RIN: 1505–AA00

BILLING CODE 4810-25-T

DEPARTMENT OF THE TREASURY (TREAS)
Office of the General Counsel (OGC)

Current and Projected Rulemakings

●PRACTICE BEFORE THE INTERNAL REVENUE SERVICE; TAX SHELTER OFFERINGS

Legal Authority: 5 USC 301; 31 USC 1026, (prior codification); 31 USC 330, (1982)

CFR Citation: 31 CFR 10

Abstract: This notice contains modified proposed regulations governing practice before the Internal Revenue Service to set standards for providing opinions used in the promotion of tax shelter offerings. The regulations impose duties upon IRS practitioners who furnish opinions for use in connection with tax shelter offerings. The regulations extend the time for public comment on, and address comments received with respect to a previously published proposed rule (45 FR 58594, Sept. 4, 1980).

Timetable:

Action	Date	FR Cite
NPRM	09/04/80	45 FR 58594
NPRM Comment Period Begin	09/04/80	45 FR 58594
NPRM Comment Period End	11/03/80	
NPRM	12/15/82	47 FR 56144
NPRM Comment Period Begins	12/15/82	47 FR 56144
NPRM Comment Period Ends	02/14/83	

Next Action Undetermined

Small Entity: Not Applicable

Agency Contact: Mr. Leslie S. Shapiro, Director of Practice, Department of the Treasury, Internal Revenue Service, Washington, D.C. 20220, **202 634-5135**

RIN: 1590–AA01

DEPARTMENT OF THE TREASURY (TREAS)
Office of the General Counsel (OGC)

Completed Actions

COMPLETED RULEMAKINGS

AMENDMENT OR REMOVAL OF OBSOLETE REGULATIONS.

Legal Authority: 5 USC 301

CFR Citation: 31 CFR 53; 31 CFR 55; 31 CFR 81; 31 CFR 90; 31 CFR 92; 31 CFR 93; 31 CFR 120; 31 CFR 121; 31 CFR 122; 31 CFR 127

Abstract: This regulatory project addresses the amendment or removal of certain Treasury regulations which are now obsolete because of changed statutory requirements or because of changed conditions. The regulations proposed to be removed pertain to gold and silver and emergency banking regulations. These regulations are out of date and their revocation will reflect current practice. No costs are anticipated.

Timetable:

Action	Date	FR Cite
Final Action	12/16/82	47 FR 56351

Small Entity: No

Agency Contact: Stephanie Dick, Attorney-Advisor, Department of the Treasury, Office of the General Counsel, 1500 Pennsylvania Avenue, NW, Room 2000, Washington, DC 20220, **202 566-9947**

RIN: 1590–AA00

BILLING CODE 4810-25-T

DEPARTMENT OF THE TREASURY (TREAS)
Office of Revenue Sharing (ORS)

Current and Projected Rulemakings

REGULATIONS TO IMPLEMENT LEGISLATION RENEWING THE GENERAL REVENUE SHARING PROGRAM

Legal Authority: Anticipated authorizing legislation

CFR Citation: 31 CFR 51

Abstract: The funding authorization for the General Revenue Sharing Progam expires on September 30, 1983. If renewal legislation is enacted prior to the end of the fiscal year, the Office of Revenue Sharing will begin to develop regulations to implement that legislation.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Jacqueline L. Jackson, Attorney-Advisor (see Agency Contact

heading for address and phone)

Agency Contact: Richard S. Isen, Chief Counsel, Department of the Treasury, Office of Revenue Sharing, Office of Chief Counsel, Washington, DC 20226, **202 634-5182**

RIN: 1507-AA00

REVISION OF HANDICAPPED DISCRIMINATION REGULATIONS.

Legal Authority: 31 USC 6716 State and Local Fiscal Assistance Act of 1972; 29 USC 794 Rehabilitation Act of 1973

CFR Citation: 31 CFR 51

Abstract: The revenue sharing regulations implementing section 504 of the Rehabilitation Act of 1973, as amended, currently in interim form, may be revised and reissued during the next year. The HHS guidelines on which these regulations are patterned (45 CFR Part 85) are currently being revised by the Department of Justice (46 FR 40687). New guidelines are expected to be issued. The Office of Revenue Sharing will begin development of new regulations, based upon the Department of Justice guidelines, by issuance of regulations first in proposed and then in final form.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Jacqueline L. Jackson, Attorney-Advisor (see Agency Contact heading for address and phone)

Agency Contact: Richard S. Isen, Chief Counsel, Department of the Treasury, Office of Revenue Sharing, Office of Chief Counsel, Washington, DC 20226, **202 634-5182**

RIN: 1507-AA01

AGE DISCRIMINATION REGULATIONS

Legal Authority: 31 USC 6716 State and Local Fiscal Assistance Act of 1972; 42 USC 6701 et seq Age Discrimination Act of 1975

CFR Citation: 31 CFR 51

Abstract: The Office of Revenue Sharing is required, pursuant to the Age Discrimination Act of 1975, to issue regulations implementing that Act. A proposed rule containing these regulations was issued on December 31, 1979 (44 FR 77456), as part of the overall revision of the revenue sharing regulations. Final regulations were drafted and submitted in 1979 for approval to HHS. The regulations will be issued shortly after HHS provides final approval.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Jacqueline L. Jackson, Attorney-Advisor (see Agency Contact heading for address and phone)

Agency Contact: Richard S. Isen, Chief Counsel, Department of the Treasury, Office of Revenue Sharing, Office of Chief Counsel, Washington, DC 20226, **202 634-5182**

RIN: 1507-AA02

[FR Doc. 83-9567 Filed 4-22-83; 8:45 am]
BILLING CODE 4810-25-T

DEPARTMENT OF THE TREASURY (TREAS)
Bureau of Government Financial Operations (BGFO)

Bureau of Government Financial Operations

31 CFR Ch. II

Semiannual Agenda

AGENCY: Bureau of Government Financial Operations, Treasury.

ACTION: Semiannual Agenda.

SUMMARY: This notice is given pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, September 19, 1980) and Executive Order 12291 (Federal Regulation, February 17, 1981), which require the publication of a semiannual agenda of regulations under development or review.

FOR FURTHER INFORMATION CONTACT: For additional information about a specific regulation contained in this agenda, contact the "agency contact" listed in the specific regulatory action.

SUPPLEMENTARY INFORMATION: The proposed regulations are not considered to be major regulations within the meaning of E.O. 12291 and will not have a significant impact on small entities within the meaning of the Regulatory Flexibility Act.

DATED: February 22, 1983.

W. E. Douglas,

Commissioner.

REGULATIONS GOVERNING CASH MANAGEMENT PRACTICES WITHIN THE FEDERAL GOVERNMENT.

Priority: Undetermined

Legal Authority: 5 USC 301; 31 USC 3302; 31 USC 3342; 31 USC 321; 31 USC 331

CFR Citation: Not yet determined

Abstract: Methods for improving the information being provided to the Treasury's Cash Forecasting Team are being evaluated. One feasible alternative entails modifying agency reporting to provide needed cash flow projections. This regulatory project is currently in the research stage.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: CFR CONT: This regulation is not published in the CFR. However, should the anticipated modifications be adopted, it may be elevated to CFR status. These regulations are found in Treasury Department Circular No. 1084.

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Government Levels Affected: Federal

Agency Contact: Paul Wohlleben, Project Manager, Department of the Treasury, Bureau of Government Financial Operations, Cash Management Planning & Development Staff, 704 Premier Bldg, 1725 I Street, NW, Washington, DC 20226, **202 634-5785**

RIN: 1510–AA02

REGULATIONS GOVERNING THE UTILIZATION OF THE U.S. TREASURY FINANCIAL COMMUNICATIONS SYSTEM.

Priority: Undetermined

Legal Authority: 5 USC 301; 31 USC 3302; 31 USC 3342; 31 USC 321; 31 USC 331

CFR Citation: Not yet determined

Abstract: To further enhance the deposit and collection operations of the Government, increased use of the most efficient delivery system, the Treasury Financial Communications System (TFCS), must be accomplished. Some of the increase can be gained via voluntary actions by Federal agencies; however, mandatory use of TFCS for very large dollar deposits is considered a must to increase the efficiency of a significant number of large dollar deposits. This regulation is currently in the research stage.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Additional Information: CFR CONT: This regulation is not published in the CFR. However, should the anticipated modifications be adopted, it may be elevated to CFR status. This regulation may be found in Treasury Department Circular No. 1083.

Affected Sectors: All

Government Levels Affected: Local, State, Federal

Agency Contact: Paul Wohlleben, Project Manager, Department of the Treasury, Bureau of Government Financial Operations, Cash Management Planning & Development Staff, 704 Premier Bldg, 1725 I Street, NW, Washington, DC 20226, **202 634-5785**

RIN: 1510–AA03

REVISION OF TREASURY DEPARTMENT CIRCULAR (TDC) NO. 1075, REGULATIONS GOVERNING WITHDRAWAL OF CASH FROM THE TREASURY FOR ADVANCES UNDER FEDERAL GRANT AND OTHER PROGRAMS.

Legal Authority: 5 USC 301; 31 USC 6503; 42 USC 4213

CFR Citation: 31 CFR 205

Abstract: Revision of TDC No. 1075 will formally establish the Letter of Credit-Treasury Financial Communications System (LOC-TFCS). The two established letter of credit systems, the Letter of Credit-Federal Reserve Bank System and the Letter of Credit-Treasury Regional Disbursing Office System, do not provide the combination of Federal agency preaudit of payment requests and guaranteed payment time. The LOC-TFCS provides both of these features, thus enabling improved Federal control of advances made through letter of credit. In addition, other financing issues, such as developing more definitive guidelines for the immediate cash requirements of recipient organizations receiving advances of Federal funds, will be addressed at this time.

Timetable:

Action	Date	FR Cite
NPRM	02/00/83	
NPRM Comment Period Begin	02/00/83	
NPRM Comment Period End	04/00/83	
Final Action	06/00/83	
Final Action Effective	06/00/83	

Small Entity: No

Government Levels Affected: Local, State, Federal

Agency Contact: Paul J. Gist, Assistant Director, Department of the Treasury, Bureau of Government Financial Operations, Cash Mgmt Planning & Developmt Staff, 704-F Premier Bldg, 1725 I Street, NW, Washington, DC 20226, **202 634-5772**

RIN: 1510–AA00

REGULATIONS GOVERNING PAYMENTS MADE BY ELECTRONIC FUNDS TRANSFER (EFT).

Legal Authority: 5 USC 301; 12 USC 391

CFR Citation: 31 CFR 210

Abstract: Because of the current work on the EFT Interagency Task Force, it is anticipated that in FY 1983 the above regulations governing the issuance of payments by EFT will be reviewed and possibly revised. Federal agencies involved in the Direct Deposit/EFT program report that some financial organizations have delayed the return of recurring benefits placed in the account of a deceased account holder after they have become aware of the death of a recipient. These same agencies have reported instances where the existing regulations have inhibited their ability to collect other funds after the death or legal incapacity of the recipient. Regulations may be amended to increase the Government's recovery rate and improve the responsiveness of financial organizations.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Dan Gordon, Project Analyst, Department of the Treasury, Bureau of Government Financial Operations, Banking & Cash Mgmt Regs & Compliance Staff, Cash Mgmt, 1100 Premier Bldg, 1725 I St, NW, Washington, DC 20226, **202 634-5705**

RIN: 1510–AA01

●REGULATIONS GOVERNING SURETY COMPANIES DOING BUSINESS WITH THE UNITED STATES.

Legal Authority: 31 USC 9305

CFR Citation: 31 CFR 223.1; 31 CFR 223.2; 31 CFR 223.3; 31 CFR 223.8; 31 CFR 223.10; 31 CFR 223.11; 31 CFR 223.12; 31 CFR 223.14; 31 CFR 223.16; 31 CFR 223.17; 31 CFR 223.21; 31 CFR 223.22

Abstract: The amended regulations will revise United States Code references; revise titles of designated officials; reduce quarterly reporting requirements of insurance companies from an estimated 4,000 hours annually to approximately 2,000 hours; eliminate the admitted reinsurer requirement thereby eliminating the reporting requirements and fees of 150 companies and saving approximately 900 staff review hours.

TREAS—BGFO

Current and Projected Rulemakings

Other benefits will include the reduction in application and renewal fees currently $1,050 and $700 respectively (by 30 to 50 percent); reduction in staff hours required for annual reviews (cut from 3700 hours to 1850 hours); reduction in staff hours required for application reviews (cut from 1800 to 900) and quarterly reviews (cut from 200 to 100 hours). Purpose of the revisions is to substantially reduce the human and material resources needs of this operation.

Timetable:

Action	Date	FR Cite
Begin Review	06/01/83	
End Review	12/31/83	

Small Entity: Not Applicable

Agency Contact: **Mary L. Casey**, Senior Advisor, Department of the Treasury, Bureau of Government Financial Operations, Operations Staff-Surety, 826 Premier Bldg., 1725 I Street, NW, Washington, DC 20226, **202 634-5763**

RIN: 1510–AA05

DEPARTMENT OF THE TREASURY (TREAS)
Bureau of Government Financial Operations (BGFO)

Existing Regulations Under Review

EXTENSION OF TREASURY RECLAMATION AUTHORITY.

Priority: Agency Determination

Legal Authority: 5 USC 301; 31 USC 3331; 31 USC 3343; 31 USC 3711

CFR Citation: 31 CFR 240

Abstract: The Treasury Department has the right to refunds from banks and other indorsers receiving payment on Treasury checks bearing forged or unauthorized indorsements. The United States has a common law right to offset amounts owed to it against amounts in its possession belonging to its debtors. Further, Treasury is authorized under the Federal Claims Collection Act of 1966, as amended, to issue regulations that authorize recovery of delinquent reclamations and accrued interest thereon by offsetting those amounts against amounts in the possession of the United States that are owed to banks. Treasury plans to offset the amount due, plus accrued interest, against other Federal agency payables due to financial institutions for reclamations at least 120 days old. This rule is intended to improve Treasury debt collection efforts.

Timetable:

Action	Date	FR Cite
NPRM	11/04/81	46 FR 54763
Interim Final Rule	02/23/83	
End Review	08/01/83	
Final Action	08/01/83	
Final Action Effective	09/01/83	

Small Entity: No

Agency Contact: **Michael D. Serlin**, Assistant Commissioner, Department of the Treasury, Bureau of Government Financial Operations, Room 416, Annex Building, Pennsylvania, Avenue and Madison Place, NW, Washington, DC 20226, **202 566-5594**

RIN: 1510–AA04

[FR Doc. 83-0508 Filed 4-22-83; 8:45 am]

BILLING CODE 4810-35-T

DEPARTMENT OF THE TREASURY (TREAS)
Bureau of Alcohol, Tobacco and Firearms (BATF)

Bureau of Alcohol, Tobacco and Firearms

27 CFR Ch. I

[Notice 457]

Unified Agenda of Federal Regulations

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: General Notice; Unified Agenda of Federal Regulations of regulatory projects under development, consideration, and review.

SUMMARY: Pursuant to section five of Executive Order 12291, entitled "Federal Regulation," ATF is publishing an agenda of proposed regulations that are expected to be issued and of proposed regulations that have been issued and an agenda of existing regulations that are being reviewed under the terms of the Executive Order, within the next six months. The latter agenda also lists regulatory projects identified for review pursuant to the ATF Regulatory Reform Program. Pursuant to section 610 of the Regulatory Flexibility Act (Pub. L. 96-354; 5 U.S.C. 610), ATF is also indicating whether a regulatory project is likely to have a significant economic impact upon a substantial number of small entities.

This general notice is designed to give the public adequate notice of the regulatory activities being contemplated by ATF.

The agenda is based on information available at the present time. The next Unified Agenda of Federal Regulations will be published in the **Federal Register** of Friday, October 14, 1983.

FOR FURTHER INFORMATION CONTACT:

For information about any particular regulatory project, contact the person listed in the subheading "Agency Contact," for that regulatory project.

For general information about this general notice, contact Lori Weins, of the Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C., 20226 202-566-7626 (not a toll-free number).

Following is a table of abbreviations used throughout the agenda.

TABLE OF ABBREVIATIONS

ABBREVIATION	MEANING
ANPRM	Advance notice of proposed rulemaking
ATF	Bureau of Alcohol, Tobacco and Firearms
CFR	Code of Federal Regulations
DSP	Distilled Spirits plants
E.O.	Executive Order
FR	Federal Register

TREAS—BATF

TABLE OF ABBREVIATIONS—Continued

ABBREVIATION	MEANING
FAA Act	Federal Alcohol Administration Act
New	New regulation is proposed
NPRM	Notice of proposed rulemaking
OFR	Office of Federal Register
OMB	Office of Management and Budget
Pub. L.	Public Law
Res.	Rescission of an existing regulation

TABLE OF ABBREVIATIONS—Continued

ABBREVIATION	MEANING
Rev.	Revision or amendment of an existing regulation
T.D.	Treasury Decision
T.D. with N.	(Temporary) Treasury decision with notice
T.D. w/o N.	Treasury decision without notice
Treasury	Department of the Treasury

Issuance

By direction of the Secretary of the Treasury, this general notice reads as set forth below.

SIGNED: February 17, 1983.

Stephen E. Higgins,

Acting Director.

DEPARTMENT OF THE TREASURY (TREAS)

Bureau of Alcohol, Tobacco and Firearms (BATF)

Current and Projected Rulemakings

ALCOHOL

100 AND 375 ML CONTAINERS FOR DISTILLED SPIRITS

Priority: Agency Determination

Legal Authority: 26 USC 5301; 27 USC 205

CFR Citation: 27 CFR 5.47a

Abstract: To provide for the bottling of distilled spirits in the proposed size; if adopted, will raise the total of authorized standards of fill to eight.

Timetable:

Action	Date	FR Cite
NPRM	08/16/82	47 FR 35521
NPRM Comment Period End	11/15/82	
Final Action	12/00/83	

Small Entity: No

Agency Contact: Roger Bowling, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, **202 566-7626**

RIN: 1512-AA00

LABELING OF MULTI-VINTAGE WINE

Priority: Agency Determination

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 4.28; 27 CFR 4.39; 27 CFR 4.64

Abstract: To provide for the labeling and advertising of the vintage dates and the percentages of each vintage which have been used to make a blended wine.

Timetable:

Action	Date	FR Cite
ANPRM	11/13/80	45 FR 74942
NPRM	08/05/81	46 FR 39849
Final Action	06/00/83	

Small Entity: No

Additional Information: ANPRM, Notice No. 357.

Agency Contact: Roger Bowling, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, **202 566-7626**

RIN: 1512-AA01

WAWSZKIEWICZ V. DEPARTMENT OF THE TREASURY ET AL., 670 F. 2D 296 (D.C. CIR 1979)

Priority: Agency Determination

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 4

Abstract: Defers mandatory compliance dates of name and address requirements and appellation-of-origin type size. Due to the Court of Appeals decision, the regulations have been remanded to ATF for review and reconsideration.

Timetable:

Action	Date	FR Cite
NPRM	03/00/83	

Small Entity: No

Agency Contact: Roger Bowling, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, **202 566-7626**

RIN: 1512-AA05

IMPLEMENTATION OF THE "WINE IMPACT BILL"

Priority: Agency Determination

Legal Authority: 26 USC 5010

CFR Citation: 27 CFR 19.11; 27 CFR 19.37 to 19.40; 27 CFR 19.42; 27 CFR 19.346; 27 CFR 19.372; 27 CFR 19.402; 27 CFR 19.505; 27 CFR 19.566; 27 CFR 19.681; 27 CFR 19.748; 27 CFR 19.763; 27 CFR 19.764; 27 CFR 19.778 to 19.780; 27 CFR 170.681 to 170.691; 27 CFR 197.105; ...

Abstract: Restores the tax system which existed for distilled spirits products containing wine or alcoholic flavoring materials prior to the enactment of the Distilled Spirits Tax Revision Act of 1979; also permits spirits bottled for industrial purposes to be transferred in bond between distilled spirits plants.

Timetable:

Action	Date	FR Cite
(Temp) Treas Decision with notice	09/00/83	

Small Entity: No

Agency Contact: John Linthicum, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, **202 566-7626**

RIN: 1512-AA06

AMERICAN VITICULTURAL AREAS

Priority: Agency Determination

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 9

Abstract: Establishes grape-growing regions as American viticultural areas for purposes of labeling and advertising of wine.

Supplemental Timetable: Alexander Valley, CA (contact Jim Whitley) — NPRM 08/19/82 (47 FR 35521), NPRM Comment Period End 10/18/82, Hearing Held 01/24/83, Final Action 12/00/83; **Altus, AR (contact Steve Simon)** — NPRM 06/00/83; **Anderson Valley, CA (contact Robert White)** — NPRM 06/00/83; **Arkansas Mountain, AR (contact Steve Simon)** — NPRM 12/00/83; **Arroyo Seco, CA (contact Charles Bacon)** — NPRM 11/03/82 (47 FR 49860), NPRM Comment Period End 12/20/82, Final Action 06/30/83; **Carmel Valley, CA (contact John Linthicum)** — NPRM 08/26/82 (47 FR 37588), NPRM Comment Period End 09/24/82, Final Action 12/14/82 (47 FR 55915); **Catoctin, MD (contact Jim Whitley)** — NPRM 02/09/83 (48 FR 5958), NPRM Comment Period End 03/11/83, Final Action 12/00/83; **Central Coast, CA (contact John Linthicum)** — NPRM 09/00/83; **Central Delaware Valley, PA and NJ (contact Steve Simon)** — NPRM 12/04/81 (46 FR 59276), NPRM Comment Period End 03/04/82, Final Action 06/00/83; **Chalk Hill, CA (contact Jim Whitley)** — NPRM 05/12/82 (47 FR 20321), NPRM Comment Period End 07/12/82, Final Action 06/00/83; **Clarksburg, CA (contact Jim Whitley)** — NPRM 09/00/83; **Clear Lake, CA (contact Jim Whitley)** — NPRM 12/00/83; **Cole Ranch, CA (contact Steve Simon)** — NPRM 12/04/81 (46 FR 59273), NPRM Comment Period End 03/04/82, Final Action 03/00/83; **Columbia Valley, WA (contact Charles Bacon)** — NPRM 06/00/83; **Dry Creek Valley, CA (contact Jim Whitley)** — NPRM 01/12/83 (48 FR 1315), NPRM Comment Period End 02/11/83, Final Action 06/00/83; **El Dorado, CA (contact James Hunt)** — NPRM Comment Period End 01/28/82, Final Action 09/30/83, NPRM 12/14/83 (47 FR 55954); **Fiddletown, CA (contact James Hunt)** — NPRM 06/00/83; **Grand River Valley, OH (contact John Linthicum)** — NPRM 09/00/83; **Hermann, MO (contact Jim Ficaretta)** — NPRM Comment Period End 01/28/83, NPRM 12/14/83 (47 FR 55957), Final Action 12/00/83; **Howell Mountain, CA (contact Jim Ficaretta)** — NPRM 12/30/83; **Kanawha River Valley, WVA (contact John Linthicum)** — NPRM 12/30/83; **King City, CA (contact Charles Bacon)** — NPRM 12/00/83; **Knight's Valley, CA (contact Jim Whitley)** — NPRM 02/09/83 (48 FR 5961), NPRM Comment Period End 03/11/83, Final Action 12/00/83; **Lake Erie, NY, PA, and OH (contact Robert White)** — NPRM 09/00/83; **Lake Michigan Shore, MI (contact Robert White)** — NPRM 12/14/82 (47 FR 55959), NPRM Comment Period End 01/28/83, Final Action 09/00/83; **Linganore, MD (contact Jim Whitley)** — NPRM 11/03/82 (47 FR 49863), NPRM Comment Period End 12/03/82, Final Action 06/30/83; **Lodi, CA (contact Robert White)** — NPRM 09/00/83; **Loramie Creek, OH (contact Lori Weins)** — NPRM 09/01/82 (47 FR 38553), NPRM Comment Period End 10/01/82, Final Action 11/26/82 (47 FR 53355); **Los Carneros, CA (contact Steve Simon)** — Amended NPRM 06/04/82 (47 FR 24344), End Amended NPRM Comment Period 08/03/82, Final Action 12/00/83; **Madera, CA (contact Charles Bacon)** — NPRM 01/26/82 (46 FR 3564), NPRM Comment Period End 03/12/82, Hearing Held 01/18/83, Final Action 12/00/83, Portuguese govt rqsts pub hearing 00/00/00; **Martha's Vineyard, MA (contact Charles Bacon)** — NPRM 06/00/83; **Maryland Cumberland Valley, MD (contact Lori Weins)** — NPRM 06/30/83; **Mendocino, CA (contact Robert White)** — NPRM 09/00/83; **Merritt Island, CA (contact Lori Weins)** — NPRM 11/03/82 (47 FR 49866), NPRM Comment Period End 12/20/82, Final Action 09/00/83; **Mississippi Delta, MS (contact Steve Simon)** — NPRM 06/00/83; **Monterey, CA (contact Robert White)** — NPRM 09/00/83; **Monticello, VA (contact Charles Bacon)** — Amended NPRM 11/19/82 (47 FR 52200), End Amended NPRM Comment Period 01/03/83; **Monticello, VA (contact James Hunt)** — NPRM 11/19/82, NPRM Comment Period End 01/03/83, Final Action 09/30/83; **North Coast, CA (contact Charles Bacon)** — Amended NPRM 01/11/82 (47 FR 1151), End Amended NPRM Comment Period 02/25/82, Final Action 06/00/83; **North Fork of the Roanoke, VA (contact James Hunt)** — NPRM 07/27/82 (47 FR 32448), NPRM Comment Period End 08/26/82, Final Action 03/00/83; **Northern Somona, CA (contact John Linthicum)** — NPRM 12/00/83; **Ohio River Valley, IN, OH, WVA, KY (contact John Linthicum)** — NPRM 12/14/82 (47 FR 55961), Final Action 06/00/83; **Ozark Mountains, AR (contact Steve Simon)** — NPRM 12/00/83; **Pacheco Pass CA (contact Steve Simon)** — NPRM 09/00/83; **Paso Robles, CA (contact Roger Bowling)** — NPRM 01/17/83 (48 FR 1985), NPRM Comment Period End 02/16/83, Final Action 06/30/83; **Potter Valley, CA (contact James Hunt)** — NPRM 02/09/83 (48 FR 5955), NPRM Comment Period End 03/11/83, Final Action 09/00/83; **Rocky Knob, VA (contact James Hunt)** — NPRM 11/19/81 (46 FR 56828), NPRM Comment Period End 02/17/82, Final Action 06/12/83 (47 FR 1291); **Russian River Valley, CA (contact James Hunt)** — NPRM 02/04/83 (48 FR 5280), NPRM Comment Period End 03/21/83, Final Action 09/00/83; **San Benito, CA (contact Jim Ficaretta)** — NPRM 09/30/83; **San Lucas, CA (contact Charles Bacon)** — NPRM 12/00/83; **Santa Ynez Valley, CA (contact Charles Bacon)** — NPRM 01/24/82 (47 FR 53048), NPRM Comment Period End 01/10/83, Final Action 06/00/83; **Shenandoah Valley, VA (contact James Hunt)** — Notice of Hearings Published 10/30/81 (46 FR 53691), Hearing Held 12/07/81, Hearing Held 12/08/81, Hearing Held 01/12/82, Hearing Held 01/13/82, Final Action 12/28/82 (47 FR 57694); **Shenandoah Valley, VA and WVA (contact James Hunt)** — NPRM 08/20/82 (47 FR 36445), NPRM Comment Period End 10/04/82, Final Action 12/28/82 (47 FR 57696); **Sobre Vista Vineyards, CA (contact John Linthicum)** — NPRM 06/00/83; **Solano County Green Valley, CA (contact Robert White)** — NPRM 01/11/81 (47 FR 1149), NPRM Comment Period End 03/12/82, Final Action 12/29/82 (47 FR 57921); **Sonoma County Green Valley, CA (contact Robert White)** — NPRM Comment Period End 12/15/82, Final Action 09/30/83, NPRM 11/15/83 (47 FR 51425); **Sonoma Mountain, CA (contact John Linthicum)** — NPRM 06/00/83; **Southeastern New England, RI, MA, CT (contact Charles Bacon)** — NPRM 09/00/83; **Suisun Valley, CA (contact Robert White)** — NPRM 01/11/82 (47 FR 1153), NPRM Comment Period End 03/12/82, Final Action 11/24/83 (47 FR 52996); **Temecula, Murrieta and Rancho Calif., CA (contact John Linthicum)** — NPRM 07/27/82 (47 FR 32450), NPRM Comment Period End 09/10/82, Hearing Held 01/20/83, Final Action 06/00/83; **Umpqua Valley, OR (contact Robert White)** — NPRM 09/00/83; **Walla Walla Valley, WA (contact Norman Blake)** — NPRM 09/00/83; **Willamette Valley, OR (contact Norman Blake)** — NPRM 09/00/83; **Willow Creek, CA (contact Roger Bowling)** — NPRM 01/12/83 (48 FR 1318), NPRM Comment Period End 02/11/83, Final Action 06/00/83; **Yakima Valley, WA (contact Charles Bacon)** — NPRM 11/24/82 (47 FR 53051), NPRM Comment Period End 01/10/83, Final Action 06/30/83; **York Mountain, CA (contact James Hunt)** — NPRM 02/24/83 (48 FR 5956), NPRM Comment Period End 03/11/83, Final Action 09/00/83

Small Entity: No

Agency Contact: See supplemental timetable, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, **202 566-7626**

RIN: 1512-AA07

IMPLEMENTATION OF THE DISTILLED SPIRITS TAX REVISION ACT OF 1979 AND REVISION OF VINEGAR REGULATIONS

Priority: Agency Determination

Legal Authority: 26 USC 5001 to 5691

CFR Citation: 27 CFR 5; 27 CFR 13; 27 CFR 19; 27 CFR 170; 27 CFR 173; 27 CFR 194; 27 CFR 195; 27 CFR 196; 27 CFR 197; 27 CFR 200; 27 CFR 211; 27 CFR 212; 27 CFR 213; 27 CFR 231; 27 CFR 240; ...

Abstract: Eliminates the wine gallon method of imposing the distilled spirits tax and the rectification tax; converts DSP from the former distilled spirits tax system to an all-in-bond tax system; incorporates other amendments from prior projects.

Timetable:

Action	Date	FR Cite
NPRM	07/18/79	
Temporary Regulations	12/11/79	
Final Action	06/00/83	

Small Entity: No

Agency Contact: **Richard Langford**, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, **202 566-7531**

RIN: 1512-AA08

REPORTING TAXES DUE TO THE GOVERNMENTS OF PUERTO RICO AND THE VIRGIN ISLANDS

Priority: Agency Determination

Legal Authority: 26 USC 5555; 26 USC 5207

CFR Citation: 27 CFR 19.377

Abstract: Changes the reporting requirements for most Puerto Rican and Virgin Islands spirits bottled at domestic distilled spirits plants. The reporting requirement will remain as a line item on the proprietor's monthly reports. However, the time for recording tax determination of insular spirits will change from the time these spirits enter the processing account to the time of tax determination.

Timetable:

Action	Date	FR Cite
NPRM	04/13/81	46 FR 21624
Final Action	06/00/83	

Small Entity: No

Agency Contact: **John Linthicum**, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, **202 566-7626**

RIN: 1512-AA09

STANDARD OF IDENTITY FOR VODKA

Priority: Agency Determination

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 5.22

Abstract: Considers clarifying the standard of identity for vodka by revoking Revenue Ruling 56-96 which permits the use of small quantities of sugar or citric acid in vodka; or would propose a new class and type of vodka which contains trace amounts of sugar or citric acid.

Timetable:

Action	Date	FR Cite
ANPRM	01/11/82	47 FR 1148
ANPRM Comment Period End	07/11/82	
Final Action	06/00/84	

Small Entity: No

Agency Contact: **Charles Bacon**, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, **202 566-7626**

RIN: 1512-AA10

RESTORATION OF WATER LOST IN HEAT EVAPORATION OF STANDARD WINE UNDER A VACUUM

Priority: Agency Determination

Legal Authority: 26 USC 5382

CFR Citation: 27 CFR 4; 27 CFR 240

Abstract: Clarifies regulations relating to the addition of water to wine and to reflect technological advances in the wine industry since the regulations were last revised.

Timetable:

Action	Date	FR Cite
NPRM	07/27/82	47 FR 32447
NPRM Comment Period End	09/27/82	
Final Action	06/00/83	

Small Entity: No

Agency Contact: **Mike Breen**, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, **202 566-7531**

RIN: 1512-AA11

MATERIALS AND PROCESSES FOR THE PRODUCTION AND TREATMENT OF WINE

Priority: Agency Determination

Legal Authority: 27 USC 5382

CFR Citation: 27 CFR 240

Abstract: Updates, clarifies, and simplifies the regulations relating to the production and treatment of wine.

Timetable:

Action	Date	FR Cite
NPRM	06/18/82	47 FR 26399
NPRM Comment Period Begin	06/18/82	47 FR 41402
NPRM Comment Period End	12/20/82	
Final Action	12/00/83	

Small Entity: No

Agency Contact: **Mike Breen**, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, **202 566-7531**

RIN: 1512-AA12

ADVERTISING OF WINE, DISTILLED SPIRITS, AND MALT BEVERAGES

Priority: Agency Determination

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 4; 27 CFR 5; 27 CFR 7

Abstract: To modernize the advertising regulations under section 5(f) of the Federal Alcohol Administration Act. Hearings held September 9-10 and December 10-11, 1981.

Timetable:

Action	Date	FR Cite
ANPRM	11/21/78	
ANPRM Comment Period End	03/23/79	
NPRM	12/19/80	
NPRM Comment Period End	03/19/81	
Notice of hearings	07/20/81	
Multiple hearings beginning	09/09/81	
Notice reopening comment period	03/19/82	
Comment period ended	04/19/82	
Final Action	12/00/83	

Small Entity: No

Additional Information: ANPRM, Notice No. 313.

Agency Contact: **Roger Bowling**, ATF Coordinator, Department of the Treasury, Bureau

of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7626

RIN: 1512-AA16

RECODIFICATION OF 27 CFR PART 4

Priority: Agency Determination

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 4

Abstract: To revise the wine labeling and advertising regulations; where applicable, to incorporate production regulations; and due to statutory amendments requested, may result in a legislative submission.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Agency Contact: Roger Bowling, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7626

RIN: 1512-AA17

NONBEVERAGE DRAWBACK

Priority: Agency Determination

Legal Authority: 26 USC 5131 et seq

CFR Citation: 27 CFR 197

Abstract: To update, clarify, simplify, and recodify the regulations relating to drawback of tax on distilled spirits used in the manufacture of non-beverage products.

Timetable:

Action	Date	FR Cite
NPRM	07/01/83	

Small Entity: Yes

Additional Information: SMALL BUSINESSES CONT: This regulation affects approximately 500 entities.

Agency Contact: Steve Simon, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7626

RIN: 1512-AA20

RECODIFICATION OF 27 CFR PARTS 211 AND 213 AS 27 CFR PARTS 20 AND 22

Priority: Agency Determination

Legal Authority: 26 USC 5272

CFR Citation: 27 CFR 211; 27 CFR 213

Abstract: To liberalize the qualification, bonding, operational, recordkeeping, and reporting requirements imposed on users and dealers of specially denatured spirits and users of tax-free alcohol.

Timetable:

Action	Date	FR Cite
NPRM	10/23/81	
NPRM Comment Period End	01/21/82	
Final Action	12/31/83	

Small Entity: No

Additional Information: NPRM, Notice No. 389.

Agency Contact: John Linthicum, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7626

RIN: 1512-AA21

FORMULAS FOR DENATURED ALCOHOL AND RUM

Priority: Agency Determination

Legal Authority: 26 USC 5241

CFR Citation: 27 CFR 212

Abstract: To update, clarify, simplify, and recodify the regulations relating to formulas for denatured alcohol and rum.

Timetable:

Action	Date	FR Cite
NPRM	01/29/81	
NPRM Comment Period End	03/30/81	
Final Action	06/00/83	

Small Entity: No

Additional Information: NPRM, Notice No. 364.

Agency Contact: Steve Simon, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7626

RIN: 1512-AA22

RECODIFICATION OF WINE REGULATIONS (SUBPART XX)

Priority: Agency Determination

Legal Authority: 26 USC 7805

CFR Citation: 27 CFR 170.681 to 170.691; 27 CFR 231; 27 CFR 240; 27 CFR 24

Abstract: To update, simplify, and clarify regulations relating to wine; and to incorporate ATF Rulings.

Timetable:

Action	Date	FR Cite
NPRM	06/00/83	

Small Entity: No

Agency Contact: James Hunt, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7626

RIN: 1512-AA23

RECODIFICATION OF BEER REGULATIONS

Priority: Agency Determination

Legal Authority: 26 USC 5051 et seq; 26 USC 5401 et seq

CFR Citation: 27 CFR 245

Abstract: To simplify and clarify regulations relating to the production and taxpayment of beer; to simplify and reduce paperwork and recordkeeping requirements imposed on industry; and to reflect technological advances in the beer industry since the regulations were last revised.

Timetable:

Action	Date	FR Cite
NPRM	02/03/83	48 FR 4803
NPRM Comment Period End	05/04/83	
Final Action	06/00/84	

Small Entity: No

Agency Contact: Charles Bacon, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7626

RIN: 1512-AA24

●RECODIFICATION OF WINE REGULATIONS (SUBPARTS A TO E)

Priority: Agency Determination

Legal Authority: 26 USC 7805

CFR Citation: 27 CFR 240.1 to 240.145

Abstract: To update, simplify and clarify regulations relating to wine; and to incorporate ATF Rulings.

Timetable:

Action	Date	FR Cite
NPRM	12/00/83	

Small Entity: No

Agency Contact: Jim Whitley, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsyl-

vania Avenue, NW, Washington, DC 20226, **202 566-7626**

RIN: 1512-AA30

●LATE HARVEST DESIGNATION FOR WINE

Priority: Agency Determination

Legal Authority: 27 USC 205 E&F

CFR Citation: 27 CFR 4.29

Abstract: Late harvest designations, based on the Brix (percent by weight) level of the grapes at harvest would indicate to consumers that the grapes used to produce the wine were left on the vine for express purpose of increasing the sugar content. The designations would indicate additional techniques and processes were used in the production of the wine.

Timetable:

Action	Date	FR Cite
NPRM	09/00/83	

Small Entity: No

Agency Contact: Roger Bowling, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, **202 566-7626**

RIN: 1512-AA31

FIREARMS

●THREE YEAR FIREARMS LICENSE

Priority: Agency Determination

Legal Authority: 18 USC 926

CFR Citation: 27 CFR 178.42; 27 CFR 178.44; 27 CFR 178.45; 27 CFR 178.47; 27 CFR 178.49

Abstract: The Bureau of Alcohol, Tobacco and Firearms is considering a three year firearms license for manufacturers, importers, dealers, and collectors. Currently, regulations provide for an annual firearms license. This proposed regulation change would reduce paperwork and other administrative costs to the firearms industry and the Government in excess of $1 million annually when fully implemented.

Timetable:

Action	Date	FR Cite
NPRM	11/30/82	47 FR 53929
NPRM Comment Period Begin	11/30/82	47 FR 53929
NPRM Comment Period End	01/31/83	

Next Action Undetermined

Small Entity: No

Agency Contact: James Hunt, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, **202 566-7626**

RIN: 1512-AA29

TOBACCO PRODUCTS

MANUFACTURER'S IDENTIFICATION ON TOBACCO PRODUCTS PACKAGES

Priority: Agency Determination

Legal Authority: 26 USC 5723

CFR Citation: 27 CFR 270.11; 27 CFR 270.212; 27 CFR 275.163; 27 CFR 275.170; 27 CFR 275.172; 27 CFR 275.174; 27 CFR 290.11; 27 CFR 290.181; 27 CFR 290.185; 27 CFR 290.241 to 290.267; 27 CFR 295.42

Abstract: To liberalize requirements relating to manufacturer identification on tobacco products packages and to make other miscellaneous changes.

Timetable:

Action	Date	FR Cite
NPRM	09/00/83	

Small Entity: No

Agency Contact: Steve Simon, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, **202 566-7626**

RIN: 1512-AA28

DEPARTMENT OF THE TREASURY (TREAS)
Bureau of Alcohol, Tobacco and Firearms (BATF)

Completed Actions

COMPLETED RULEMAKINGS

CERTIFICATE OF BOTTLING DATE FOR IMPORTED WINE

Priority: Agency Determination

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 4

Abstract: Provides that wines imported on or after January 1, 1983, need not comply with the new labeling requirements and percentages if accompanied by a certificate certifying that the wine was bottled prior to January 1, 1983. These new labeling regulations affect varietal percentages, appellation of origin percentages, use, and type size, name and address requirements, and estate bottling requirements.

Timetable:

Action	Date	FR Cite
ATF Ruling Issued	01/00/83	

Small Entity: No

Agency Contact: Roger Bowling, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, **202 566-7626**

RIN: 1512-AA02

GEOGRAPHIC BRAND NAMES

Priority: Agency Determination

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 4.34; 27 CFR 4.39; 27 CFR 4.35

Abstract: To extend the mandatory compliance date of January 1, 1983, to January 1, 1985, for the use of brand names that have geographical significance in relation to wines. (e.g., viticultural areas)

Timetable:

Action	Date	FR Cite
Final Action	01/21/83	48 FR 2762

Small Entity: No

Agency Contact: Roger Bowling, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, **202 566-7626**

RIN: 1512-AA03

VINTAGE WINE (CIDER)

Priority: Agency Determination

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 4

Abstract: To extend the eligibility for vintage labeling to Class 5, fruit wines.

Timetable:

Action	Date	FR Cite
NPRM	11/05/81	46 FR 54963
Withdrawn	09/14/82	47 FR 40451

Small Entity: No

Agency Contact: Roger Bowling, ATF Coordinator, Department of the Treasury, Bureau

TREAS—BATF

Completed Actions

of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, **202 566-7626**

RIN: 1512-AA04

HEALTH HAZARDS RELATED TO ALCOHOL CONSUMPTION

Priority: Agency Determination

Legal Authority: 27 USC 205 Federal Alcohol Administration Act

CFR Citation: 27 CFR 4; 27 CFR 5; 27 CFR 7

Abstract: To monitor the efforts of the beverage alcohol industry in their public awareness campaign on health hazard issues related to alcohol consumption in lieu of a regulatory requirement to provide health warning statements on beverage alcohol products.

Timetable:

Action	Date	FR Cite
Withdrawn pending further review	03/03/83	

Small Entity: No

Agency Contact: Candace Moberly, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, **202 566-7591**

RIN: 1512-AA15

DISTILLED SPIRITS LIQUOR BOTTLES

Priority: Agency Determination

Legal Authority: 26 USC 5301; 26 USC 7805

CFR Citation: 27 CFR 19; 27 CFR 173; 27 CFR 194; 27 CFR 250; 27 CFR 251

Abstract: To eliminate registration of liquor bottle manufacturers with ATF; to amend the Liquor Bottle indicia requirements and to simplify procedures for approval of distinctive liquor bottles by ATF.

Timetable:

Action	Date	FR Cite
NPRM	09/02/81	
NPRM Comment Period End	12/01/81	
Final Action	10/05/82	47 FR 43944
Final Action Effective	11/04/82	

Small Entity: No

Additional Information: NPRM, Notice No. 382.

Agency Contact: Robert White, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, **202 566-7626**

RIN: 1512-AA18

WHOLESALE AND RETAIL LIQUOR DEALERS; ELIMINATION OF PUBLIC USE FORMS

Priority: Agency Determination

Legal Authority: 26 USC 5114

CFR Citation: 27 CFR 194.110; 27 CFR Subpart O; 27 CFR 250.165; 27 CFR 250.274; 27 CFR 250.275; 27 CFR 251.135; 27 CFR 251.136

Abstract: To eliminate two public use forms and other recordkeeping requirements currently required of wholesale and retail liquor dealers and importers; to incorporate adjusted interest rates charged on special (occupational) tax.

Timetable:

Action	Date	FR Cite
NPRM	09/18/81	
NPRM Comment Period End	12/17/81	
Final Action	11/16/82	47 FR 51569
Final Action Effective	12/16/82	

Small Entity: No

Additional Information: NPRM, Notice No. 393.

Agency Contact: Norman Blake, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, **202 566-7626**

RIN: 1512-AA19

ELECTRONIC FUND TRANSFER OF ALCOHOL AND TOBACCO PRODUCTS EXCISE TAXPAYMENTS

Priority: Agency Determination

Legal Authority: 26 USC 5061(a); 26 USC 5703(b); 26 USC 7805

CFR Citation: 27 CFR 19; 27 CFR 70; 27 CFR 170; 27 CFR 240; 27 CFR 245; 27 CFR 270; 27 CFR 275

Abstract: Requires that certain taxpayers make their taxpayments by electronic fund transfer directly to financial institutions.

Timetable:

Action	Date	FR Cite
NPRM	06/06/80	
TD implementing EFT	01/13/81	
TD to delay effective date	06/01/81	
Withdrawn (project inactive)	03/03/83	

Small Entity: No

Agency Contact: James Hunt, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, **202 566-7626**

RIN: 1512-AA13

LOSSES RESULTING FROM DISASTER, VANDALISM OR MALICIOUS MISCHIEF

Priority: Agency Determination

Legal Authority: 26 USC 5064; 26 USC 7805

CFR Citation: 27 CFR 170

Abstract: To streamline the processing of claims for customs duties and other miscellaneous amendments.

Timetable:

Action	Date	FR Cite
Withdrawn (Project Inactive)	03/03/83	

Small Entity: No

Additional Information: CFR CONT: 27 CFR Part 170 (Subpart O redesignated as 27 CFR Part 29 (Subpart A)).

Agency Contact: Jim Whitley, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, **202 566-7626**

RIN: 1512-AA26

TOBACCO PRODUCTS EXCISE TAX ACCELERATION PROJECT

Priority: Agency Determination

Legal Authority: 26 USC 5061(a); 26 USC 5703(b); 26 USC 7805

CFR Citation: 27 CFR 270; 27 CFR 275

Abstract: Changes the deferral and return periods for excise taxpayments made by the large tobacco products taxpayers. Project being held in abeyance.

TREAS—BATF

Completed Actions

Timetable:

Action	Date	FR Cite
Withdraw pending further review	03/03/83	

Small Entity: No

Agency Contact: James Hunt, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, **202 566-7626**

RIN: 1512-AA14

SHIPMENT OF TOBACCO ARTICLES FROM PUERTO RICO TO THE UNITED STATES AND RELATED AMENDMENTS

Priority: Agency Determination

Legal Authority: 26 USC 7651

CFR Citation: 27 CFR 270.187; 27 CFR 270.202; 27 CFR 275.11; 27 CFR 275.85; 27 CFR 275.101 to 275.114a; 27 CFR 275.117; 27 CFR 275.118; 27 CFR 275.121; 27 CFR 275.124; 27 CFR 275.135 to 275.142; 27 CFR 275.181; 27 CFR 275.183

Abstract: To eliminate U.S. Customs Service involvement in the shipment of Puerto Rican tobacco products to the United States and to eliminate direct ATF Supervision of Tobacco product shipments from Puerto Rico.

Timetable:

Action	Date	FR Cite
Withdrawn pending further review	03/03/83	

Small Entity: No

Agency Contact: John Linthicum, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, **202 566-7626**

RIN: 1512-AA27

U.S. CUSTOMS SERVICE CERTIFICATION ON DISTILLED SPIRITS FROM PUERTO RICO

Legal Authority: 26 USC 7805

CFR Citation: 27 CFR 250

Abstract: To change the U.S. Customs Service Certification on distilled spirits entering the United States from Puerto Rico.

Timetable:

Action	Date	FR Cite
Withdrawn pending further review	03/03/83	

Small Entity: No

Agency Contact: Robert White, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, **202 566-7626**

RIN: 1512-AA25

[FR Doc. 83-9569 Filed 4-22-83; 8:45 am]

BILLING CODE 4810-31-T

DEPARTMENT OF THE TREASURY (TREAS)
Comptroller of the Currency (OCC)

Comptroller of the Currency

12 CFR Ch. I

Semiannual Agenda of Regulatory Actions

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Semiannual Agenda of Regulations.

SUMMARY: As required by the Regulatory Flexibility Act and Executive Order 12291, the Office of the Comptroller of the Currency (Office) has prepared this semiannual agenda of its rules and regulations currently under review and scheduled for review. Also included is a list of regulatory actions taken since the publication of the Office's previous semiannual agenda on October 28, 1982 (47 FR 48691). It is expected that this semiannual agenda will enable the public to be more aware of, and allow it to more effectively participate in, the Office's regulatory activity.

ADDRESS: The mailing address for all contacts: Office of the Comptroller of the Currency, 490 L'Enfant Plaza East, S.W., Washington, DC 20219.

FOR FURTHER INFORMATION CONTACT: For general information about this semiannual agenda contact Nancy Lowther, Financial Analyst, Regulations Analysis Division, (202) 447-1177.

For additional information about a particular item on this semiannual agenda contact the individual identified as the contact person.

SUPPLEMENTARY INFORMATION: This agenda is organized as follows: SECTION A concerns current and projected rulemakings; SECTION B concerns reviews of existing regulations; SECTION C concerns recently completed regulatory actions. "PRIORITY" regulations, which are those regulations designated for priority development or review by the Comptroller or designated for review by the Presidential Task Force on Regulatory Relief, are identified as such and are listed first in each applicable section of this semiannual agenda. The Office has determined that none of the rulemakings discussed in this semiannual agenda requires a regulatory flexibility analysis; all entries either have been determined not to have a "significant impact on a substantial number of small entities," are interpretive rulings, or were the subject of a notice of proposed rulemaking prior to December 31, 1980. Such items are not subject to the provisions of the Act. Additionally, none of the rules is a "major" rule as defined by Executive Order 12291. Executive Order 12291 defines a "major" rule as one likely to result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

DATED: February 23, 1983.

Robert R. Bench,

Acting Comptroller of the Currency.

DEPARTMENT OF THE TREASURY (TREAS)
Comptroller of the Currency (OCC)

Current and Projected Rulemakings

RULES, POLICIES, AND PROCEDURES FOR CORPORATE ACTIVITIES

Priority: Agency Determination

Legal Authority: 12 USC 1 et seq

CFR Citation: 12 CFR 5; 12 CFR 7.7376

Abstract: The Office is engaged in a comprehensive review of its rules, policies, and procedures governing corporate activities. Several revisions of the requirements of Part 5 have already been issued. Others being considered are operating subsidiaries, publication requirements, title changes and relocations of head offices. On January 14, 1983 (48 FR 1732) the Office proposed to simplify its approval process for banks seeking to establish or acquire operating subsidiaries, by replacing the requirement that a bank file a formal application with a notification procedure. The proposed revision benefits national banks and the Office by removing burdensome and costly regulatory requirements, while maintaining the Office's ability to render decisions on the permissibility of proposed activities. On January 26, 1983 (48 FR 3996) the Office also proposed to amend its policy statements and procedures concerning publication requirements for notice of filing an application and to make technical changes concerning the written comment period for customer-bank communication terminal branches, change in location of head office or branch, and relocation of a Federal branch or Federal agency of a (cont)

Timetable:

Action	Date	FR Cite
NPRM Docket No. 81-13; CBCT's, Head Offices and Branches	07/30/81	46 FR 38925
NPRM Docket No. 81-15; National Trust Company Applications	08/19/81	46 FR 42228
Correction Notices	12/04/81	46 FR 59232
Correction Notices	01/05/82	47 FR 132
Final Action Docket No. 82-13; CBCT's, Head Offices and Branches	07/09/82	47 FR 29823
NPRM	01/14/83	48 FR 01732
NPRM Comment Period Begin	01/14/83	48 FR 01732
NPRM	01/26/83	48 FR 3996
NPRM Comment Period End	02/14/83	
NPRM Comment Period Ends	02/28/83	48 FR 3996
Final Action Effective	03/00/83	

Next Action Undetermined

Small Entity: No

Additional Information: ABSTRACT CONT: foreign bank. The Office proposes to reduce the requirement from two notices to one and to eliminate the required affidavit evidencing publication. These proposals will shorten the time required for a bank to receive a decision on an application, facilitate more efficient corporate activities planning by national banks and enable them to compete more effectively. To incorporate provisions of the Garn-St Germain Depository Institutions Act of 1982, Pub. L. 97-320, the Office is amending its policy statements, procedures, and rulings concerning proposed corporate titles, changes of corporate titles, and relocations. The Act has eliminated the requirement that the Office approve the proposed title and any changes of an existing title of a national bank. A bank must still notify the Office of a change in title. The final rule will set forth the procedure by which an existing national bank can change its title. Technical changes are being made to Sec. 5.40 to install the requirements of the Act whereby a national bank may submit notice to change the location of the head office.

Agency Contact: Joseph W. Malott, Corporate Policy Analyst, Department of the Treasury, Comptroller of the Currency, Bank Organization & Structure Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1184**

RIN: 1557-AA00

●BANK SERVICE CORPORATIONS

Priority: Undetermined

Legal Authority: 12 USC 1861 et seq

CFR Citation: 12 CFR 5, (New Subsection)

Abstract: The Bank Service Corporation Act was significantly amended by Section 709 of the Garn-St Germain Depository Institutions Act of 1982, Pub. L. 97-320. Under the amended Act, a national bank may now invest up to 10% of paid-in and unimpaired capital and surplus in a bank service corporation. Prior approval of the appropriate federal regulator is necessary for a national bank to invest in a bank service corporation under certain conditions. The Office will publish notice of proposed rulemaking to solicit comments on proposed policies and procedures for obtaining the required approval.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	
NPRM Comment Period Begin	04/00/83	
NPRM Comment Period End	05/00/83	
Final Action	06/00/83	
Final Action Effective	06/00/83	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Robert M. Taylor, III, Attorney, Legal Advisory Services Division, 202 447-1880, 490 L'Enfant Plaza East, SW, Washington, DC 20219

Agency Contact: Randall J. Miller, Manager, Policy, Department of the Treasury, Comptroller of the Currency, Bank Organization and Structure Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1184**

RIN: 1557-AA23

DEFINITION OF CAPITAL

Legal Authority: 12 USC 84

CFR Citation: 12 CFR 7.1100

Abstract: The amount of capital held by a bank affects the maximum it may lend to a single entity or group of related entities, the amount of investment securities of a single issuer it may hold, other investment limits, borrowings, and branching capabilities. The Office is reviewing its interpretive ruling defining the components of capital to make it more accurately reflect current banking practices. A notice of proposed rulemaking was issued on July 24, 1980 (45 FR 49276), on which almost 800 comment letters were received. After lengthy analysis, the Office issued a revised notice of proposed rulemaking on August 10, 1981 (46 FR 40520), that would redefine capital to include 100 percent of the reserve for loan losses. Mandatory convertible instruments would be included for the first time, and an amortization schedule would be applied to determine when limited life preferred stock and subordinated notes and debentures are to be included. In addition, a policy

statement setting out an analytical framework by which the Office would evaluate a bank's capital for purposes of capital adequacy was included. Comments received have been reviewed and drafting of a final rule is underway.

Timetable:

Action	Date	FR Cite
Previous NPRM	07/24/80	45 FR 49276
NPRM	08/10/81	46 FR 40520
Final Action	03/00/83	

Small Entity: No

Additional Information: NPRM, Docket No. 81-14. Previous NPRM, Docket No. 80-6.

Agency Contact: Robert B. Norris, National Bank Examiner, Department of the Treasury, Comptroller of the Currency, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1165**

RIN: 1557-AA01

INDEMNIFICATION OF BANK DIRECTORS AND PERSONNEL

Legal Authority: 12 USC 24; 12 USC 93a

CFR Citation: 12 CFR 7.5217

Abstract: The Office is reviewing this interpretive ruling which sets forth the conditions under which a national bank may indemnify bank directors and personnel. Alternative approaches are being considered, together with revisions of other rules affecting the corporate governance of national banks with a view toward developing uniform federal standards.

Timetable:

Action	Date	FR Cite
ANPRM	02/06/80	45 FR 8025
NPRM	12/00/83	

Small Entity: No

Agency Contact: Andrew Levinson, Senior Attorney, Department of the Treasury, Comptroller of the Currency, Securities & Corporate Practices Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1954**

RIN: 1557-AA02

DATA PROCESSING SERVICES

Legal Authority: 12 USC 24(7)

CFR Citation: 12 CFR 7.3500

Abstract: This interpretive ruling concerns national bank data processing activity. Revision is currently under consideration in light of recent major technological advances.

Timetable:

Action	Date	FR Cite
ANPRM	06/16/80	45 FR 40613
NPRM	10/19/82	47 FR 46526
NPRM Comment Period Begin	10/19/82	47 FR 46526
NPRM Comment Period End	12/20/82	
Final Action	06/30/83	
Final Action Effective	07/30/83	

Small Entity: No

Additional Information: Docket No. 80-1

Agency Contact: Alan Priest, Attorney, Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1880**

RIN: 1557-AA03

FIDUCIARY POWERS OF NATIONAL BANKS AND COLLECTIVE INVESTMENT FUNDS

Legal Authority: 12 USC 1 et seq

CFR Citation: 12 CFR 9

Abstract: Comments in response to a prior rulemaking included recommendations that additional amendments should be made to 12 CFR Part 9. The Office believes that the issues raised by the commenters can best be addressed through a comprehensive review of its regulations concerning national bank fiduciary powers and collective investment funds. The Office requested comments from the public as to the desirability and feasibility of a comprehensive review of its trust regulations, including specific matters which should be addressed. Prior rulemaking - Final rule Docket No. 80-16 (46 FR 71571) published October 29, 1980.

Timetable:

Action	Date	FR Cite
ANPRM	06/25/82	47 FR 27833
ANPRM Comment Period Begin	06/25/82	47 FR 27833
ANPRM Comment Period End	09/23/82	
NPRM	06/00/83	

Small Entity: No

Additional Information: Docket No. 82-12

Agency Contact: Richard Gallin, Attorney, Department of the Treasury, Comptroller of the Currency, Securities & Corporate Practices Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1954**

RIN: 1557-AA04

SECURITIES EXCHANGE ACT DISCLOSURE RULES

Legal Authority: 15 USC 78

CFR Citation: 12 CFR 11

Abstract: On January 29, 1981, the Office published a notice of proposed rulemaking (46 FR 9618) suggesting a series of amendments to its securities disclosure regulations. The proposed amendments govern such matters as the form and content of financial statements of national banks, prescribed formats for financial statements and schedules, and requirements prohibiting the falsification of accounting records and misrepresentations by officers and directors of national banks. The Office is also reviewing the Exchange Act proxy disclosure rules. The Office seeks to minimize the regulatory burden of the Securities Exchange Act disclosure requirements and to make these rules more understandable. The Office is particularly interested in meeting these goals in order to facilitate the development of conforming regulations concerning Securities Exchange Act disclosure requirements. The Office, together with the other banking agencies, is coordinating with the SEC in these efforts.

Timetable:

Action	Date	FR Cite
Previous NPRM	01/29/81	46 FR 9618
NPRM	04/00/83	

Small Entity: No

Additional Information: Docket No. 81-3

Agency Contact: Eric Thompson, Assistant Director, Department of the Treasury, Comptroller of the Currency, Securities Corporate Practices Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1954**

RIN: 1557-AA06

REQUIRED NOTIFICATION TO NOMINATE BANK DIRECTORS

Legal Authority: 12 USC 1 et seq

CFR Citation: 12 CFR 17

Abstract: This regulation states that national banks may adopt bylaws or articles of association that require any shareholder proposing to nominate a director, other than a management nominee, to file certain information in advance with the Office and the bank. A proposal to rescind this regulation was published in the Federal Register on April 14, 1980 (45 FR 25078). Because of the comments received on that proposal, the Office is now considering retaining the regulation in revised form. Alternative approaches are being considered together with revisions of other rules affecting the corporate governance of

national banks with a view toward developing uniform federal standards.

Timetable:

Action	Date	FR Cite
NPRM	04/14/80	45 FR 25078
NPRM Comment Period Begin	04/14/80	45 FR 25078
NPRM Comment Period End	06/13/80	
NPRM	05/00/83	
NPRM Comment Period Begin	05/00/83	
NPRM Comment Period End	07/00/83	

Small Entity: No

Agency Contact: Jerome Edelstein, Attorney, Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1880**

RIN: 1557-AA07

ADJUSTABLE-RATE MORTGAGES (ARM'S)

Legal Authority: 12 USC 1 et seq; 12 USC 93a; 12 USC 371(g)

CFR Citation: 12 CFR 29

Abstract: This rulemaking proposes revisions to 12 CFR Part 29, published March 27, 1981 (46 FR 18932) and amended April 1, 1982 (47 FR 13775). The movement from standard fixed-rate mortgages to a variety of alternative mortgage instruments including ARM's occurred more rapidly than expected; mortage lenders other than national banks have received increased flexibility in mortgage products offered; and a secondary market in ARM's has developed. These factors require that the Office consider further revision to 12 CFR 29. The proposed revisions will benefit national banks by increasing their ability to design ARM instruments that meet the diverse needs of their customers. To reflect amendments made by Congress in Section 807(b) of the Garn-St. Germain Depository Institutions Act of 1982, Pub. L. No. 97-320, notice was published (47 FR 55911) identifying those portions of this Office's requlation that are deemed inapplicable to state banks and where necessary, modified the regulation for use by state banks.

Timetable:

Action	Date	FR Cite
NPRM	06/02/82	47 FR 23944
Final Rule regarding state banks	12/14/82	47 FR 55911
Final Action	03/01/83	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: David Nebhut, Financial Economist, Economic and Policy Analysis Division, 202 447-1924, 490 L'Enfant Plaza East, SW, Washington, DC 20219.

Agency Contact: Francis S. Rath, Attorney, Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1880**

RIN: 1557-AA08

REAL ESTATE LOANS MADE BY NATIONAL BANKS; VALIDATION AND ENFORCEMENT OF DUE-ON-SALE CLAUSES

Legal Authority: 12 USC 1 et seq; 12 USC 93a; 12 USC 371(a); 12 USC 371(g), 12 USC 1701j-3(c)

CFR Citation: 12 CFR 30

Abstract: On September 23, 1981, the Office issued a notice of proposed rulemaking, Docket No. 81-18 (46 FR 46964), which would validate the inclusion of due-on-sale clauses in real estate loans made by national banks, and make such clauses fully enforceable. Over 1,100 comments on the proposal were received. On October 15, 1982, Congress passed the Garn-St. Germain Depository Institutions Act of 1982 (Pub. L. 97-320). Section 341 of that Act preempts state restrictions on the inclusion of due-on-sale clauses made after October 15, 1982. It also provides that due-on-sale clauses in mortgage loans made or assumed when state law prohibited the enforcement of suchclauses will not be enforceable with respect to transfers occurring before October 15, 1985. The Act further authorizesstate legislatures and the federal regulatory agencies to adopt rules regarding those so-called "window-period" loans. Accordingly, the office is reviewing its proposed rule with regard to those "window-period" loans.

Timetable:

Action	Date	FR Cite
NPRM	09/23/81	
NPRM Comment Period End	11/23/81	
Final Action	03/00/83	

Small Entity: No

Additional Information: For Further Information Contact: David Nebhut, Financial Economist, Economic and Policy Analysis Division 202 447-1924, or Francis S Rath, Attorney, Legal Advisory Services Division, 202 447-1880, 490 L'Enfant Plaza East, SW, Washington, DC 20219

Agency Contact: Jonathan Fiechter, Director, Department of the Treasury, Comptroller of the Currency, Economic and Policy Analysis Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1914**

RIN: 1557-AA09

ACCRUAL ACCOUNTING

Legal Authority: 12 USC 1 et seq; 12 USC 93a

CFR Citation: 12 CFR 31, (Proposed)

Abstract: The Office is developing a new regulation to require the adoption of accrual accounting by all national banks, as recommended by the Federal Financial Institutions Examination Council. The proposed regulation would make uniform the method by which all national banks maintain their financial records. Currently, all banks with assets in excess of $25 million and many banks with assets of less than $25 million routinely maintain internal accounts on the accrual basis. The proposed regulation is intended to assist bank management, in those banks that now use the cash basis, in making more informed operating and policy decisions, and to assure that the financial data national banks provide to federal regulators and make available to bank shareholders, customers, and the general public are timely, consistent, and fairly presented. The Office is very concerned about the cost of conversion to accrual accounting and the annual cost of maintaining the system. Cost factors will be carefully considered in the development of a final rule.

Timetable:

Action	Date	FR Cite
NPRM	04/21/82	47 FR 17069
Final Action	12/00/83	

Small Entity: No

Additional Information: Docket No. 82-4

Agency Contact: David C. Motter, Special Assistant to Sr. Dep. Comptroller, Department of the Treasury, Comptroller of the Currency, Bank Supervision, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1587**

RIN: 1557-AA10

REPORTING OF BANK-RELATED CRIMES AND MYSTERIOUS DISAPPEARANCES OF FUNDS

Legal Authority: 12 USC 1 et seq; 12 USC 93a; 12 USC 1818; 12 USC 1881 et seq

CFR Citation: 12 CFR 7.5225

Abstract: This ruling governs the reporting of crimes involving bank personnel or bank funds. The Office is considering changing the ruling into a regulation and making revisions to decrease the reporting requirements of banks. Topics under review include the

number of offices with which reports must be filed, the $1,000 threshold for reporting mysterious disappearances of funds, and the range of crimes intended to be covered by the reporting requirements.

Timetable:

Action	Date	FR Cite
NPRM	03/31/83	

Small Entity: No

Agency Contact: Peggy Shriner, National Bank Examiner, Department of the Treasury, Comptroller of the Currency, Commercial Examinations Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1165**

RIN: 1557-AA12

●INTEREST-BEARING DEPOSITS BETWEEN AFFILIATED BANKS

Legal Authority: 12 USC 371c

CFR Citation: 12 CFR 7.7370

Abstract: The Garn-St. Germain Depository Institutions Act of 1982, Pub. L. 97-320, Sec. 410, amends 12 USC 371c to permit a national bank to make an interest-bearing deposit in an affiliated bank in the ordinary course of correspondent business. The Office is considering revision of 12 CFR 7.7370 to reflect that change.

Timetable:

Action	Date	FR Cite
Final Action	06/00/83	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Larry Mallinger, Attorney, Legal Advisory Services Division, 202 447-1880, 490 L'Enfant Plaza East SW, Washington, DC 20219

Agency Contact: R. Julie Linville, National Bank Examiner, Department of the Treasury, Comptroller of the Currency, Commercial Examinations Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1164**

RIN: 1557-AA15

●NATIONAL BANK LENDING LIMITS

Legal Authority: 12 USC 84(b)(1); 12 USC 84(d)(1) to (d)(2); 12 USC 93a

CFR Citation: 12 CFR 3; 12 CFR 6; 12 CFR 7; 12 CFR 32

Abstract: This Office proposes to amend the regulations and interpretive rulings regarding national bank lending limits to reflect amendments made by Congress in Section 401(a) of the Garn-St. Germain Depository Institutions Act of 1982, Pub. L. 97-320. The proposed amendments would generally: (1) clarify the manner in which the lending limits and exceptions thereto apply; (2) set forth rules under which loans made to one person are to be combined with loans made to other persons for purposes of the lending limits; and (3) define and further refine terms used in the amended statute.

Timetable:

Action	Date	FR Cite
NPRM	12/21/82	47 FR 56862
NPRM Comment Period Begin	12/21/82	47 FR 56862
Ext. of comment period to 02/18/83	02/01/83	48 FR 04479
NPRM Comment Period End	02/04/83	
Final Action	04/01/83	
Final Action Effective	04/14/83	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACTS: Carol M. Beaumier, Manager International Examinations, 202 477-1747; Claire Owen, National Bank Examiner, Commercial Examinations, 202 447-1164, 490 L'Enfant Plaza East, SW, Washington, DC 20219

Agency Contact: Howard J. Finkelstein, Attorney, Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1880**

RIN: 1557-AA16

●BANKERS' BANKS

Legal Authority: 12 USC 24(7); 12 USC 27

CFR Citation: 12 CFR 34, (New)

Abstract: The Garn-St Germain Depository Institutions Act of 1982, Pub. L. 97-320, empowered this Office to charter bankers' banks, i.e., limited purpose national associations which will be owned exclusively by--and provide services solely to--depository institutions. On January 26, 1983, this office published an advance notice of proposed rulemaking Docket No. 83-3 (48 FR 3624) in order to solicit comments on what is virtually a new area of law. A proposed rule should be published sometime before June 1983 which will articulate chartering and operations procedures for national bankers' banks.

Timetable:

Action	Date	FR Cite
ANPRM	01/26/83	48 FR 03624
ANPRM Comment Period Begin	01/26/83	48 FR 03624
ANPRM Comment Period End	02/25/83	
NPRM	05/00/83	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Duff Jordan, Attorney, Legal Advisory Services Division, 202 447-1880, 490 L'Enfant Plaza East, SW, Washington, DC 20219

Agency Contact: Mark Leemon, Attorney, Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1880**

RIN: 1557-AA17

●EXTENSIONS OF CREDIT TO EXECUTIVE OFFICERS, DIRECTORS AND PRINCIPAL SHAREHOLDERS OF NATIONAL BANKS AND TO THEIR RELATED INTERESTS

Legal Authority: 12 USC 375a; 12 USC 375b(2)

CFR Citation: 12 CFR 31

Abstract: Sections 421 and 422 of the Garn-St Germain Depository Institutions Act of 1982, Pub. L. 97-320, amended the statutes governing loans to executive officers, directors and principal shareholders of national banks as follows: (1) The $60,000 limit on loans to executive officers for the purchase of a home and the $20,000 limit on loans to executive officers to finance the education of their children have been eliminated. (2) The $10,000 limit on "other loans" to executive officers has been replaced with a proviso that such loans are subject only to limits which may be prescribed by the Office. (3) The requirement that loans to executive officers, directors, principal shareholders and their related interests exceeding $25,000 must be approved in advance by a majority of the bank's board of directors has been replaced with a proviso that the Office prescribe the threshold amount. On November 1, 1982, the Office issued an interim final rule, Docket No. 82-22 (47 FR 49347) maintaining the $10,000 limit on "other loans" and the $25,000 approval threshold. The Office may revise existing limitations to accommodate current economic conditions and to reduce regulatory burden.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/01/82	47 FR 49347
NPRM	04/15/83	
NPRM Comment Period Begin	04/15/83	

Action	Date	FR Cite
NPRM Comment Period End	06/15/83	
Final Action	07/00/83	
Final Action Effective	07/00/83	

Small Entity: No

Additional Information: AGENCY CONTACT FOR INTERIM FINAL RULE: Raija Bettauer, Senior Attorney, Legal Advisory Services Division, 202 447-1880, 490 L'Enfant Plaza East, SW, Washington, DC 20219

Agency Contact: Peggy Shriner, National Bank Examiner, Department of the Treasury, Comptroller of the Currency, Commercial Examinations Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1165**

RIN: 1557-AA18

●REAL ESTATE LENDING BY NATIONAL BANKS

Legal Authority: 12 USC 371; 12 USC 1 et seq

CFR Citation: 12 CFR 7.2000 et seq

Abstract: The proposal amends or removes interpretive rulings regarding real estate lending by national banks. The action will implement changes made by Section 403 of the Garn-St Germain Depository Institutions Act of 1982, Pub. L. 97-320. The proposal will generally eliminate real estate lending limitations and restrictions and enhance the ability of national banks to develop real estate lending products. An alternative to elimination of the limitations and restrictions is modification of the existing limitations and restrictions.

Timetable:

Action	Date	FR Cite
NPRM	02/24/83	
NPRM Comment Period Begin	02/24/83	
NPRM Comment Period End	03/24/83	
Interim Final Rule	04/14/83	
Final Action	04/14/83	
Final Action Effective	04/14/83	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACTS: Francis S. Rath or Jerome Edelstein, Attorneys, Legal Advisory Services Division, 202 447-1880, 490 L'Enfant Plaza East, SW, Washington, DC 20219

Agency Contact: Robert A. Sihler, National Bank Examiner, Department of the Treasury, Comptroller of the Currency, Commercial Examinations Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1165**

RIN: 1557-AA19

●DISPOSITION OF UNCLAIMED PROPERTY RECOVERED FROM CLOSED NATIONAL BANKS

Legal Authority: PL 97-320, Sec 408

CFR Citation: 12 CFR 33, (New)

Abstract: The regulation will establish procedures to facilitate the disposition of unclaimed property recovered from closed national banks, and when issued in conjunction with a final notice, also to be published in the Federal Register, will implement the provisions of the Garn-St Germain Depository Institutions Act of 1982, Pub. L. 97-320. The estimated cost is $100,000 for a one-time, one-year processing of the claims. This amount may be recouped from the sale of remaining property. The primary benefit of the regulation is the provision of information to potential claimants and the establishment of an orderly process for the effective disposition of the property. No other alternatives are being considered.

Timetable:

Action	Date	FR Cite
Final Action	03/31/83	
Final Action Effective	03/31/83	

Small Entity: No

Agency Contact: Brenda Curry, Attorney, Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1880**

RIN: 1557-AA20

●ASSESSMENT OF FEES; NATIONAL BANKS, DISTRICT OF COLUMBIA BANKS

Legal Authority: 12 USC 481; 12 USC 482

CFR Citation: 12 CFR 8

Abstract: Pursuant to 12 USC 481 and 482, the Office is authorized to conduct examinations of national banks, district banks, and certain other entities, and to make assessments to recover the costs of these examinations. In a significant proportion of instances, payments of semiannual assessments and trust examination fees had not been received by OCC at the time required by regulation. This proposed regulation would enable OCC to charge interest when these payments are deliquent. The effects of this proposed regulation will be to compensate OCC for revenues lost during the time these payments are deliquent, and to eliminate the cost advantage of banks in making delinquent payments. Banks may completely avoid the effects of this proposed action by making payments as required by regulation.

Timetable:

Action	Date	FR Cite
NPRM	12/20/82	47 FR 56652
NPRM Comment Period Begin	12/20/82	47 FR 56652
NPRM Comment Period End	01/19/83	
Final Action	04/00/83	
Final Action Effective	04/00/83	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Dennis Arczynski, Project Manager, Financial Operations, 202 447-1878, 490 L'Enfant Plaza East, SW, Washington, DC 20219

Agency Contact: Duff Jordan, Attorney, Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1880**

RIN: 1557-AA21

●ANNUAL REPORTS OF NATIONAL BANK OWNERSHIP AND INSIDER INDEBTEDNESS TO NATIONAL BANK AND ITS CORRESPONDENT BANKS

Legal Authority: 12 USC 1817(k)1; 12 USC 1972(2)g

CFR Citation: 12 CFR 23

Abstract: Prior to the Garn-St Germain Depository Institutions Act of 1982 (Act), Pub. L. 97-320, each national bank was required to file a report with the Office regarding the ownership of the bank and indebtedness of the bank's executive officers and principal shareholders to the bank and its correspondent banks. Principal shareholders and executive officers must also file with the bank a report of indebtedness to correspondent banks of their national bank. The Act authorizes the regulatory agencies to develop alternative reporting and disclosure requirements which will result in the replacement of the current forms. The agencies are now considering alternative requirements. When replacement guidelines are developed, they will be submitted to the banking industry for public comment.

Timetable:

Action	Date	FR Cite
NPRM	03/00/83	
Final Action Effective	04/15/83	

TREAS—OCC **Current and Projected Rulemakings**

Small Entity: No

Agency Contact: Peggy Shriner, National Bank Examiner, Department of the Treasury, Comptroller of the Currency, Commercial Examinations Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1165**

RIN: 1557-AA22

DEPARTMENT OF THE TREASURY (TREAS)
Comptroller of the Currency (OCC)

Existing Regulations Under Review

FAIR HOUSING HOME LOAN DATA SYSTEM

Legal Authority: 15 USC 1 et seq; 15 USC 481; 15 USC 1818; 15 USC 1691 et seq; 42 USC 3601 et seq

CFR Citation: 12 CFR 27

Abstract: This regulation requires national banks to record and retain information on age, race, sex, and marital status of loan applicants for the purchasing, refinancing, or construction of permanent residential real property. Its purpose is to gather data necessary to detect possible credit discrimination. The Office is reviewing this regulation to determine whether it is achieving its intended result in view of the reporting and recordkeeping burdens it imposes. Further, the Congress has mandated that a study be conducted by the Federal Financial Institutions Examination Council (FFIEC) to evaluate the functioning of the systems and procedures being used by each of the five constituent agencies (Federal Reserve Board, Federal Deposit Insurance Corporation, Federal Home Loan Bank Board, National Credit Union Administration, and the Office), in their efforts to enforce the fair housing lending statutes. That study has been completed and submitted to Congress. After reviewing public comments on the study, the FFIEC is expected to submit its conclusions to the Congress by March 31, 1983. The Office's rulemaking actions concerning the Fair Housing Home Loan (cont)

Timetable:

Action	Date	FR Cite
End Review	12/00/83	

Small Entity: No

Additional Information: ABSTRACT CONT: Data System may be affected by any Congressional action pursuant to the mandated FFIEC study.

Agency Contact: Patrick J. Marr, Senior Fair Lending Specialist, Department of the Treasury, Comptroller of the Currency, Consumer Examinations Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1600**

RIN: 1557-AA14

DEPARTMENT OF THE TREASURY (TREAS)
Comptroller of the Currency (OCC)

Completed Actions

COMPLETED RULEMAKINGS

REGISTRATION OF NATIONAL BANK TRANSFER AGENTS

Legal Authority: 15 USC 78 Securities Exchange Act of 1934

CFR Citation: 12 CFR 9

Abstract: The Office, the Federal Deposit Insurance Corporation, the Board of Governors of the Federal Reserve System, and the Securities and Exchange Commission agreed to adopt a uniform format for transfer agent reporting. On May 28, 1982, the Office issued a notice of proposed rulemaking, Docket No. 82-28 (47 FR 23473) which set forth the intention to adopt a simplified and standardized Form TA-1 (registration or amendment to registration) to standardize the reporting format, and proposed extension of the time, from 21 days to 60 days, for filing amendments to registration. Four comment letters were received, each favoring the changes. The standardizing and liberalizing changes will reduce the recordkeeping and reporting burdens on registered transfer agents.

Timetable:

Action	Date	FR Cite
NPRM	05/28/82	47 FR 23473
NPRM Comment Period Begin	05/28/82	47 FR 23473
NPRM Comment Period End	07/27/82	
Final Action	12/23/83	47 FR 57255

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Brenda Curry, Attorney, Legal Advisory Services Division, 202 477-1880, 490 L'Enfant Plaza East, SW, Washington, DC 20219

Agency Contact: Tyler Tullos, National Trust Examinations Officer, Department of the Treasury, Comptroller of the Currency, Trust Examinations Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1731**

RIN: 1557-AA05

CHARITABLE FOUNDATIONS AND CONTRIBUTIONS

Legal Authority: 12 USC 24(8)

CFR Citation: 12 CFR 7.7445; 12 CFR 7.7479

Abstract: These interpretive rulings permit national banks to establish and contribute to charitable foundations as well as limit the amount which a national bank may contribute to charity. Both rulings are being reviewed to determine whether any modifications are necessary. Subjects under review include defining the term charitable, defining contributions to include grants of the right to receive income from assets (commonly securities) owned by the bank, changing the contribution limitation to be consistent with higher tax limitations in the Economic Recovery Tax Act of 1981, and aggregating contributions to charitable trusts and other charities.

Timetable:

Action	Date	FR Cite
Withdrawn	11/00/82	

Small Entity: No

Agency Contact: Coreen Arnold, Financial Analyst, Department of the Treasury, Comptroller of the Currency, Regulations Analysis Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 477-1177**

RIN: 1557-AA11

TREAS—OCC

Completed Actions

MANAGEMENT INTERLOCKS

Legal Authority: 12 USC 3201 et seq

CFR Citation: 12 CFR 26

Abstract: The Office has proposed amendments to this regulation to clarify, simplify, and relax current restrictions on management interlocks. The changes are intended to limit the extent to which the prohibitions apply to depository holding companies and certain management officials, and to reduce the need for institutions to seek exceptions under the regulations. The proposed amendments are being coordinated with substantially similar proposals by the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board, and the National Credit Union Administration. The changes are also intended to implement recent amendments to the Depository Institution Management Interlocks Act.

Timetable:

Action	Date	FR Cite
NPRM	10/26/82	47 FR 47404
NPRM	10/26/82	47 FR 47406
NPRM Comment Period Begin	10/26/82	47 FR 47406
NPRM Comment Period Ends	11/26/82	47 FR 47404
NPRM Comment Period End	12/27/82	
Final Action Effective	02/07/83	48 FR 05533
Final Action	03/15/83	47 FR 47369

Small Entity: No

Agency Contact: Rosemarie Oda, Attorney, Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1880**

RIN: 1557-AA13

ACTIONS THAT STARTED AND ENDED BETWEEN ISSUES OF THE UNIFIED AGENDA

●TRANSACTIONS WITH AFFILIATES

Legal Authority: 12 USC 1

CFR Citation: 12 CFR 7.7361

Abstract: This final rule removes an interpretive ruling concerning standby letters of credit issued on behalf of an affiliate. Treatment of this transaction is effectively addressed in the Garn-St Germain Depository Institutions Act of 1982, Pub. L. 97-320.

Timetable:

Action	Date	FR Cite
Final Action Effective	01/15/83	48 FR 03936
Final Action	01/28/83	48 FR 03936

Small Entity: No

Agency Contact: Moira Donohue, Attorney, Department of the Treasury, Comptroller of the Currency, Legislative Counsel, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1632**

RIN: 1557-AA24

●BORROWING LIMITS

Legal Authority: 12 USC 1

CFR Citation: 12 CFR 7.7518

Abstract: The Garn-St Germain Depository Institutions Act of 1982, Pub. L. 97-320 repealed the statute establishing borrowing limits. This final rule removed an interpretive ruling concerning borrowing limits.

Timetable:

Action	Date	FR Cite
Final Action Effective	01/15/83	48 FR 03936
Final Action	01/28/83	48 FR 03936

Small Entity: No

Agency Contact: Moira Donohue, Attorney, Department of the Treasury, Comptroller of the Currency, Legislative Counsel, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1632**

RIN: 1557-AA25

●VISITATION

Legal Authority: 12 USC 1

CFR Citation: 12 CFR 7.6025

Abstract: This final rule amends an interpretive ruling concerning review of a national bank's records to conform it to the statutory changes effected by the Garn-St Germain Depository Institutions Act of 1982, Pub. L. 97-320. This amendment is a technical one.

Timetable:

Action	Date	FR Cite
Final Action Effective	01/15/83	48 FR 03936
Final Action	01/28/83	48 FR 03936

Small Entity: No

Agency Contact: Moira Donohue, Attorney, Department of the Treasury, Comptroller of the Currency, Legislative Counsel, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1632**

RIN: 1557-AA26

●BANKS REMAINING CLOSED

Legal Authority: 12 USC 1 et seq

CFR Citation: 12 CFR 7.7435

Abstract: The ruling addressed the issue of Federal law governing national bank holidays and the effect of national banks transacting business or closing on designated state holidays. As a result of the passage of Section 407 of the Garn-St Germain Depository Institutions Act of 1982, Pub. L. 97-320, the ruling was superseded and, accordingly, recoved from the CFR.

Timetable:

Action	Date	FR Cite
Final Action	11/26/82	47 FR 53327
Final Action Effective	11/26/82	47 FR 53327

Small Entity: Not Applicable

Agency Contact: Brenda Curry, Attorney, Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1880**

RIN: 1557-AA27

●BANK SERVICE CORPORATIONS

Legal Authority: 12 USC 1

CFR Citation: 12 CFR 7.7390

Abstract: The final rule removes an interpretive ruling concerning bank service corporations. The ruling has been effectively superseded by the Garn-St Germain Depository Institutions Act of 1982, Pub. L. 97-320.

Timetable:

Action	Date	FR Cite
Final Action Effective	01/15/83	48 FR 03936
Final Action	01/28/83	48 FR 03936

Small Entity: No

Agency Contact: Moira Donohue, Attorney, Department of the Treasury, Comptroller of the Currency, Legislative Counsel, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1632**

RIN: 1557-AA28

[FR Doc. 83-9570 Filed 4-22-83; 8:45 am]
BILLING CODE 4810-33-T

DEPARTMENT OF THE TREASURY (TREAS)
United States Customs Service (CUSTOMS)

Customs Service

19 CFR Ch. I

Semiannual Agenda

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Semiannual agenda.

SUMMARY: In response to Pub. L. 96-354, the "Regulatory Flexibility Act," and Executive Order 12291, "Federal Regulation," Customs has prepared and is publishing for public information a list of regulations either under development or under review.

FOR FURTHER INFORMATION CONTACT: For additional information regarding the substance of any particular regulatory project described in the agenda, please communicate with the person identified as the "Agency Contact." All agency contact persons are located at U.S. Customs Service Headquarters, the address of which is noted below. Comments or inquiries of a general nature about the agenda itself should be directed to Todd J. Schneider, Regulations Control Branch, Office of Regulations and Rulings, Headquarters, U.S. Customs Service, Room 2426, 1301 Constitution Avenue, NW., Washington, D.C. 20229 202-566-8237.

SUPPLEMENTARY INFORMATION:

Background

Public Law 96-354, the "Regulatory Flexibility Act" (RFA) and Executive Order (E.O.) 12291 of February 17, 1981, "Federal Regulation," require semiannual publication, in April and October of each year, of an agenda of regulations which are "likely to have a significant economic impact on a substantial number of small entities" and "major" regulations, respectively. The RFA and E.O. 12291 also require agencies to include in their agendas currently effective rules which are, or in the case of the RFA after July 1, 1981, will be under agency review. Customs combined agenda includes a brief abstract of each regulatory project ("project") being considered, an indication of whether the project will have an RFA impact, the section(s) of the Code of Federal Regulations affected, the legal authority for the action being taken, the name, title, and telephone number of an agency contact and, where applicable, an approximate timetable of completing action on any project for which Customs has published a notice of proposed rulemaking. In addition, subsequent agendas will show the status of projects referred to in the previously published agenda.

The following is the fifth semiannual agenda to be published by Customs under the RFA and E.O. 12291. It has been determined that none of the projects listed as being under development meets the standards required of a "major" regulation provided in E.O. 12291.

General statutory authority for the development or review of regulations relating to Customs matters is found in section 301, title 5, United States Code (5 U.S.C. 301), and in sections 66 and 1624, title 19, United States Code (19 U.S.C. 66, 1624). If a project is initiated under the foregoing general authority, it is so noted after the heading "Legal Authority" in the body of the agenda item for that project. When appropriate, specific statutory authority is indicated as the legal authority for the project.

In accordance with Department of the Treasury policy, no action, other than preliminary studies, may be taken on any project for which a notice of proposed rulemaking has not been published without Secretarial approval of a "work plan," or waiver of the plan. For a project which is in an early stage of preparation, no work plan is available to the public. However, projects which either have had work plans approved or are the subject of documents published in an advance notice of proposed rulemaking (ANPRM), a notice of proposed rulemaking (NPRM) or a final rule-Treasury Decision (T.D.), are identified by work plan number or Federal Register citation. Approved work plans are available to the public under the provisions of the Freedom of Information Act, as amended (5 U.S.C. 552), and Part 103, Customs Regulations (19 CFR Part 103). Requests should be addressed to the Regulations Control Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 2426, Washington, D.C. 20229.

DATED: February 24, 1983
By direction of the Secretary of the Treasury.

John P. Simpson,
Director, Office of Regulations and Rulings.

DEPARTMENT OF THE TREASURY (TREAS)
United States Customs Service (CUSTOMS)

Current and Projected Rulemakings

AIR COMMERCE.

Legal Authority: 5 USC 301; 19 USC 66; 19 USC 1624

CFR Citation: 19 CFR 6; 19 CFR 10

Abstract: Establish new rules for (1) duty-free trade in civil aircraft, and (2) dutiability of foreign repairs to, and foreign purchases of parts and materials for, U.S.-registered civil aircraft. Implement Title VI, Civil Aircraft Agreement, of Pub. L. 96-39, "Trade Agreements Act of 1979." Cost/benefit analysis contained in Trade Agreements Act of 1979 Statements of Administrative Action, House Document No. 96-153, Part II, pp. 507-510. Work plan 79-30 approved.

Timetable:

Action	Date	FR Cite
NPRM	01/08/80	45 FR 1633
NPRM Comment Period Begin	01/08/80	
NPRM Comment Period End	03/10/80	
Final Action	05/00/83	

Action	Date	FR Cite
Draft T.D. in Customs review	00/00/00	

Small Entity: Not Applicable

Agency Contact: John Mathis, Attorney, Department of the Treasury, United States Customs Service, Room 2426, 1301 Constitution Avenue, NW, Washington, DC 20229, **202 566-5706**

RIN: 1515-AA00

ENTRY OF AMERICAN GOODS EXPORTED AND RETURNED.

Legal Authority: 19 USC 1481; 19 USC 1484; 19 USC 1498

CFR Citation: 19 CFR 10; 19 CFR 143

Abstract: Establish informal entry procedures for certain American goods returned, not advanced in value or improved in condition while abroad. Implement provisions of section 202 of Pub. L. 96-609 that require amendment. Would benefit importers who would be able to use informal entry procedures which are less costly, complex, and time consuming than formal entry procedures. T.D. under development pending paperwork reduction impact study. Work plan 81-14 approved.

Timetable:

Action	Date	FR Cite
NPRM	03/18/82	47 FR 11706
NPRM Comment Period Begin	03/18/82	
NPRM Comment Period End	05/17/82	
Final Action	05/00/83	
Paperwork reduction impact study	00/00/00	
Treasury Decision	00/00/00	

Small Entity: No

Agency Contact: Herbert Geller, Operations Officer, Department of the Treasury, United States Customs Service, Room 2426, 1301 Constitution Avenue, NW, Washington, DC 20229, **202 566-5307**

RIN: 1515-AA02

DRAWBACK.

Legal Authority: 5 USC 301; 19 USC 66; 19 USC 1624

CFR Citation: 19 CFR 22

Abstract: Revision of drawback regulations to modernize procedures relating to claims for drawback made by exporters. Project undertaken under mandate for review of currently effective rules set forth in E.O. 12291. Later enactment of section 201 of Pub. L. 96-609 required substantive amendments.

Timetable:

Action	Date	FR Cite
NPRM	08/26/82	47 FR 37563
NPRM Comment Period Begin	08/26/82	
Extension of Comment Period	11/26/82	47 FR 53402
NPRM Comment Period End	01/21/83	
Final Action	06/00/83	
Comments Being Analyzed	00/00/00	

Small Entity: Undetermined

Additional Information: SMALL BUSINESSES CONT: Determination as to RFA impact will be made after close of comment period and analysis of comments received. Any required RFA analysis will be published with T.D., if it is decided to proceed with project.

Agency Contact: George Steuart, Chief, Department of the Treasury, United States Customs Service, Drawback and Bonds Branch, Room 2426, 1301 Constitution Avenue, NW, Washington, DC 20229, **202 566-5856**

RIN: 1515-AA03

CUSTOMHOUSE BROKERS.

Legal Authority: 19 USC 1641

CFR Citation: 19 CFR 111

Abstract: Amend Customs Regulations to clarify responsibilities of customhouse brokers and to ensure uniform compliance with applicable regulations. Customs has under consideration as part of project issue of extent to which brokers should be regulated. Work plan 79-5 approved.

Timetable:

Action	Date	FR Cite
NPRM	03/00/83	
NPRM in review at Treasury Dept.	00/00/00	

Small Entity: Undetermined

Additional Information: SMALL BUSINESSES CONT: Determination of RFA impact to be made concurrent with publication of NPRM.

Agency Contact: Scott Shreve, Chief, Department of the Treasury, United States Customs Service, Entry Examination Liquidation Branch, Room 2426, 1301 Constitution Avenue, NW, Washington, DC 20229, **202 566-8121**

RIN: 1515-AA04

CUSTOMS BONDS.

Legal Authority: 19 USC 1623

CFR Citation: 19 CFR 113

Abstract: Consolidation of Customs bonds and related forms to simplify bond structure and language preparatory to automated program. Project would simplify transactions between Customs and importing public by clarifying bond language and reducing number of bonds.

Timetable:

Action	Date	FR Cite
ANPRM	05/26/81	46 FR 28172
ANPRM Comment Period Begin	05/26/81	
ANPRM Comment Period End	07/25/81	
NPRM	03/15/83	48 FR 11032
NPRM Comment Period Begin	03/15/83	
NPRM Comment Period End	06/13/83	
NPRM in review at Treasury Dept.	00/00/00	

Small Entity: Undetermined

Additional Information: SMALL BUSINESSES CONT: Determination on RFA impact to be made after receipt of comments received in response to expected NPRM.

Agency Contact: Joseph Goody, Operations Officer, Department of the Treasury, United States Customs Service, Room 2426, 1301 Constitution Avenue, NW, Washington, DC 20229, **202 566-5994**

RIN: 1515-AA05

CONTIGUOUS COUNTRIES; RAILROAD EQUIPMENT.

Legal Authority: 5 USC 301; 19 USC 66; 19 USC 1624

CFR Citation: 19 CFR 123.12; 19 CFR 123.14

Abstract: Admission of empty foreign railroad equipment without entry and payment of duty in certain instances. Clarify permitted use of foreign railroad equipment in U.S. The project would benefit importers by removing a hindrance to strictly international traffic, while retaining the prohibition against diversions of foreign locomotives and railroad equipment to unpermitted point-to-point local traffic. Work plan 81-7 approved.

Timetable:

Action	Date	FR Cite
NPRM	08/27/82	47 FR 37924
NPRM Comment Period Begin	08/27/82	
NPRM Comment Period End	10/26/82	
Final Action	04/00/83	
T.D. in review at Treasury Dept.	00/00/00	

Small Entity: No

Agency Contact: **John Mathis**, Attorney, Department of the Treasury, United States Customs Service, Room 2426, 1301 Constitution Avenue, NW, Washington, DC 20229, **202 566-5706**

RIN: 1515-AA06

COPYRIGHT.

Legal Authority: 17 USC 1603

CFR Citation: 19 CFR 133

Abstract: Amendments to Customs Regulations relating to recordation of copyrights with Customs, to implement provisions of Pub. L. 94-533, "Copyright Act of 1976." The project would reduce administrative costs to Customs and copyright applicants. Work plan 82-17 approved.

Timetable:

Action	Date	FR Cite
NPRM	05/00/83	
NPRM in Customs review	00/00/00	

Small Entity: No

Agency Contact: **Samuel Orandle**, Attorney, Department of the Treasury, United States Customs Service, Room 2426, 1301 Constitution Avenue, NW, Washington, DC 20229, **202 566-5765**

RIN: 1515-AA07

ENTRY OF MERCHANDISE; SPECIAL PERMITS FOR IMMEDIATE

Legal Authority: 19 USC 1484

CFR Citation: 19 CFR 141; 19 CFR 142

Abstract: Revise Consumption Entry (Customs Form 7501) to accommodate new entry procedures set forth in Pub. L. 95-410, "Customs Procedural Reform and Simplification Act of 1978." The project would improve the procedures used by Customs for the entry of imported merchandise and the collection of statistics, and reduce the paperwork burden on the importing community by eliminating forms and assuring that only necessary information will be collected. Work plan 80-18 approved.

Timetable:

Action	Date	FR Cite
NPRM	10/04/82	47 FR 43717
NPRM Comment Period Begin	10/04/82	
NPRM Comment Period End	12/03/82	
Final Action	06/00/83	
Comments being analyzed	00/00/00	

Small Entity: No

Agency Contact: **William Wagner**, Operations Officer, Department of the Treasury, United States Customs Service, Room 2426, 1301 Constitution Avenue, NW, Washington, DC 20229, **202 566-5307**

RIN: 1515-AA08

ENTRY OF MERCHANDISE; BONDS.

Legal Authority: 19 USC 1623

CFR Citation: 19 CFR 142

Abstract: Acceptance of formal entries with unsecured bonds for certain importations. The project would decrease costs to an importer of merchandise valued less than $1,000. Work plan 81-15 approved.

Timetable:

Action	Date	FR Cite
NPRM	05/00/83	
NPRM under development	00/00/00	

Small Entity: No

Agency Contact: **Herbert Geller**, Operations Officer, Department of the Treasury, United States Customs Service, Room 2426, 1301 Constitution Avenue, NW, Washington, DC 20229, **202 566-5307**

RIN: 1515-AA09

FOREIGN-TRADE ZONES.

Legal Authority: 19 USC 1557(a)

CFR Citation: 19 CFR 146.25

Abstract: Remove zone-restricted status from merchandise admitted to a foreign-trade zone from Customs bonded warehouse, to permit use of that merchandise in zone manufacturing operations. The project would remove a restriction on commerce and allow greater utilization of zones by increasing manufacturing therein. Work plan 81-27.

Timetable:

Action	Date	FR Cite
NPRM	05/13/82	47 FR 20627
NPRM Comment Period Begin	05/13/82	
NPRM Comment Period End	07/12/82	
Final Action	05/00/83	
T.D. under development	00/00/00	

Small Entity: No

Agency Contact: **Russell Berger**, Attorney, Department of the Treasury, United States Customs Service, Room 2426, 1301 Constitution Avenue, NW, Washington, DC 20229, **202 566-5856**

RIN: 1515-AA10

TRADE FAIRS.

Legal Authority: 19 USC 81h

CFR Citation: 19 CFR 147.45

Abstract: Removal of trade fair merchandise from foreign-trade zones for consumption only with permission of Foreign-Trade Zones Board. The project is necessary to comply with provisions of Pub. L. 91-692, and avoid possible misinterpretation of existing regulation. NPRM under development. Work plan 82-1 approved.

Timetable:

Action	Date	FR Cite
NPRM	05/00/83	
NPRM under development	00/00/00	

Small Entity: No

Agency Contact: **William Rosoff**, Attorney, Department of the Treasury, United States Customs Service, Room 2426, 1301 Constitution Avenue, NW, Washington, DC 20229, **202 566-5856**

RIN: 1515-AA11

PERSONAL DECLARATION AND EXEMPTION.

Legal Authority: 5 USC 301; 19 USC 66; 19 USC 1624

CFR Citation: 19 CFR 148.73

Abstract: Amend Customs Regulations to require that all persons entering the U.S. on military carriers execute a written baggage declaration, thus eliminating inconsistency with DOD regulations. The project would discourage the introduction into U.S. of contraband and encourage payment of duty on imported merchandise. Work plan 81-16 approved.

TREAS—CUSTOMS

Current and Projected Rulemakings

Timetable:

Action	Date	FR Cite
NPRM	12/01/82	47 FR 54092
NPRM Comment Period Begin	12/01/82	
NPRM Comment Period End	01/31/83	
Final Action	05/00/83	
Comments being analyzed	00/00/00	

Small Entity: No

Agency Contact: **Kevin Cummings**, Operations Officer, Department of the Treasury, United States Customs Service, Room 2426, 1301 Constitution Avenue, NW, Washington, DC 20229, **202 566-5607**

RIN: 1515-AA12

●PRIVATE AIRCRAFT REPORTING.

Legal Authority: 49 USC 1509

CFR Citation: 19 CFR 6.14

Abstract: Extend to Pacific, Gulf of Mexico, and Atlantic Coasts, the area of entry from which private aircraft arriving in the U.S. must report arrival to Customs. Those aircraft must land at nearest designated airport to point of crossing U.S. border or coastline. Amendment is necessary because of need for action to increase effectiveness of drug smuggling enforcement.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/24/82	47 FR 12620
Comment on interim rule	05/24/82	
Final Action	04/00/83	
T.D. in review at Treasury Dept.	00/00/00	

Small Entity: No

Agency Contact: **Harry Carnes**, Director, Department of the Treasury, United States Customs Service, Office of Passenger Enforcement and, Facilitation, Room 2426, 1301 Const., Ave., NW., Washington, D.C. 20229, **202 566-5607**

RIN: 1515-AA13

●COMMERCIAL AIRCRAFT FEES.

Legal Authority: 19 USC 58a; 31 USC 483a. 49 USC 1509(c); 49 USC 1741(e)

CFR Citation: 19 CFR 6.26

Abstract: Provides a means, through schedule for commercial aircraft processing fees, to recover Customs costs of providing certain services to commercial aircraft. Fee schedule will be revised periodically to reflect any increased costs. Work plan requirement waived.

Timetable:

Action	Date	FR Cite
NPRM	05/27/82	47 FR 23182
NPRM Comment Period Begin	05/27/82	
NPRM Comment Period End	07/26/82	
T.D. in review at Treasury Dept.	00/00/00	

Next Action Undetermined

Small Entity: Yes

Agency Contact: **Kevin P. Cummings**, Operations Officer, Department of the Treasury, United States Customs Service, Office of Inspection and Control, Room 2426, 1301 Constitution Avenue NW., Washington, D.C 20229, **202 566-5607**

RIN: 1515-AA14

●RELIEF FROM SEIZURES.

Legal Authority: 19 USC 1618

CFR Citation: 19 CFR 171.13

Abstract: Expand the regulations to cover certain situations where petitioner not in possession of seized property at time of seizure; require additional evidence in petitions for relief of such seizures; and give examples of types of evidence that will be considered. Amendments are needed to make regulation complete, and to avoid obfuscation by petitioner of any knowledge of or involvement in violation of law.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	
NPRM in review at Treasury Dept.	00/00/00	

Small Entity: No

Agency Contact: **Joseph E. Priddy**, Attorney, Department of the Treasury, United States Customs Service, Miscellaneous Penalties Branch, Room, 2426, 1301 Constitution Avenue, NW., Washington, D.C. 20229, **202 566-5746**

RIN: 1515-AA15

●PENALTY GUIDELINES (19 USC 1497)

Legal Authority: 19 USC 1498; 19 USC 1618

CFR Citation: 19 CFR 148; 19 CFR 171

Abstract: Revised guidelines to be used by Customs Service and Treasury Department for disposition of liabilities incurred under section 497, Tariff Act of 1930, as amended (19 USC 1497), for failure to declare articles to Customs upon entry into U.S. Guidelines will become an appendix to Customs Regulations. Guidelines were developed to provide Customs with more flexibility in handling violations.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/19/82	47 FR 7408
Comment on interim rule	05/20/82	
Final Action	04/00/83	
T.D. in review at Treasury Dept.	00/00/00	

Small Entity: Not Applicable

Agency Contact: **Joseph E. Priddy**, Attorney, Department of the Treasury, United States Customs Service, Miscellaneous Penalties Branch, Room 2426, 1301 Constitution Avenue, NW., Washington, D.C. 20229, **202 566-5746**

RIN: 1515-AA17

DEPARTMENT OF THE TREASURY (TREAS)
United States Customs Service (CUSTOMS)

Completed Actions

COMPLETED RULEMAKINGS

CUSTOMS BONDED WAREHOUSES.

Legal Authority: 19 USC 1311; 19 USC 1312; 19 USC 1555; 19 USC 1556; 19 USC 1557; 19 USC 1623; 19 USC 1646a

CFR Citation: 19 CFR 10; 19 CFR 18; 19 CFR 19; 19 CFR 24; 19 CFR 113; 19 CFR 125; 19 CFR 132; 19 CFR 142; 19 CFR 144

Abstract: The project would revise extensively the Customs Regulations relating to the control of merchandise in Customs bonded warehouses to modernize procedures, reduce costs to the public, and reduce Customs staffing at bonded warehouses. Work plan 81-9 approved.

Timetable:

Action	Date	FR Cite
NPRM	03/04/82	47 FR 9225
NPRM Comment Period Begin	03/04/82	
NPRM Comment Period End	05/03/82	
Final Action	11/01/82	47 FR 49355
Final Action Effective	12/01/82	

Small Entity: Yes

Additional Information: SMALL BUSINESSES CONT: T.D. 82-204. An initial regulatory flexibility analysis was attached to the NPRM as Appendix A. A final regulatory flexibility analysis is attached to the T.D. as Appendix E.

Analysis: Draft RFA 03/04/82 (47 FR 9225); Final RFA 00/00/00

Agency Contact: **Joseph Palmer**, Auditor, Department of the Treasury, United States Customs Service, Room 2426, 1301 Constitution Avenue, NW, Washington, DC 20229, **202 566-2812**

RIN: 1515-AA01

ACTIONS THAT STARTED AND ENDED BETWEEN ISSUES OF THE UNIFIED AGENDA

●CONTAINER STATION FEES.

Legal Authority: 31 USC 9701

CFR Citation: 19 CFR 19; 19 CFR 24

Abstract: Implement a fee schedule to be charged applicants to establish a container station. Schedule would be adjusted periodically to reflect any increased costs to Customs for providing the service. The fee is a user charge that the Government should recover to pay for the service.

Timetable:

Action	Date	FR Cite
NPRM	07/10/80	45 FR 46442
NPRM Comment Period Begin	07/10/80	
NPRM Comment Period End	09/08/80	
Final Action	03/09/83	48 FR 9853
T.D. in review at Treasury Dept.	00/00/00	

Small Entity: Not Applicable

Additional Information: T.D. 83-56.

Agency Contact: **John Holl**, Operations Officer, Department of the Treasury, United States Customs Service, Office of Inspection and Control, Room 2426, 1301 Constitution Avenue, NW, Washington, D.C. 20229, **202 566-8752**

RIN: 1515-AA16

[FR Doc. 83-9571 Filed 4-22-83; 8:45 am]

BILLING CODE 4820-02-T

DEPARTMENT OF THE TREASURY (TREAS)
Internal Revenue Service (IRS)

Internal Revenue Service

26 CFR Ch. I

Improving Government Regulations Semiannual Agenda of Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Semiannual agenda of regulations.

SUMMARY: This semiannual agenda lists the regulations determined as of January 31, 1983, that the Internal Revenue Service will be developing from January 31, 1983, through April 15, 1984. The purpose of this semiannual agenda is to give the public adequate notice of regulatory activities of the Internal Revenue Service.

FOR FURTHER INFORMATION CONTACT: Robert A. Bley, Executive Assistant to the Director, Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, Attention: CC:LR. 202-566-3331, not a toll-free call.

SUPPLEMENTARY INFORMATION:

General

Section 5 of Executive Order 12291 and section 602 of the Regulatory Flexibility Act and the Treasury Directive implementing that Act all require that a semiannual agenda of regulations under development and review be published in the **Federal Register**. The next semiannual agenda of the Internal Revenue Service will be published in the **Federal Register** in October of 1983.

Description

This Semiannual Agenda of Regulations lists all projects within the Internal Revenue Service (I.R.S.) as of January 31, 1983, for the development of regulations to appear in the Code of Federal Regulations. This agenda lists existing regulations under development by the Legislation and Regulations Division and the Employee Plans and Exempt Organizations Division of the Office of Chief Counsel, I.R.S. The following information is provided for each regulations project: the title; priority status; whether the regulation is currently under review; its effect, if any, on small businesses; the part of the Code of Federal Regulations affected; the legal authority for issuing the

regulations; a brief description of the problem to be addressed in the regulation; and a timetable of action taken and to be taken. Under additional information there is provided the control number of the project within the Chief Counsel's Office, the name and telephone numbers of the drafting and reviewing attorneys and the last formal action taken.

By direction of the Secretary of the Treasury.

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

DEPARTMENT OF THE TREASURY (TREAS)

Internal Revenue Service (IRS)

Current and Projected Rulemakings

INCOME TAX—ESTATE TAX—GIFT TAX—PROCEDURE AND ADMINISTRATION—RETIREMENT SAVINGS

Priority: Task Force

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 219 Internal Revenue Code of 1954; 26 USC 408 Internal Revenue Code of 1954; 26 USC 409 Internal Revenue Code of 1954; 26 USC 415 Internal Revenue Code of 1954; 26 USC 2039 Internal Revenue Code of 1954; 26 USC 2517 Internal Revenue Code of 1954; 26 USC 6652 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 20; 26 CFR 25; 26 CFR 301

Abstract: These regulations set forth rules for individual retirement plans, simplified employee pensions, and qualified voluntary employee contributions after amendment of the Internal Revenue Code of 1954 by the Economic Recovery Tax Act of 1981

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	

Small Entity: No

Additional Information: EE-148-81 Drafting attorney: William D. Gibbs (202) 566-3430 Reviewing attorney: Richard J. Wickersham (202) 566-3250 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Oppenheimer 12-1-82 Notice of proposed rulemaking forwarded to Commissioner of Internal Revenue for signature.

Agency Contact: **William D. Gibbs**, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AD66

INCOME TAX—AMENDMENT OF QUALIFIED JOINT AND SURVIVOR ANNUITY REGULATIONS

Priority: Task Force

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 401(a)(11) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These new regulations conform the present regulations to BBS Associates, Inc. v Commissioner of Internal Revenue, 74 T.C 1118 (1980), aff'd. No. 80-2851 (3d. Cir. July 29, 1981).

Timetable:

Action	Date	FR Cite
NPRM	10/27/82	47 FR 47600
NPRM Comment Period Begin	10/27/82	47 FR 47600
NPRM Comment Period End	12/27/82	
Final Action	11/00/83	

Small Entity: Not Applicable

Additional Information: EE-52-78 Drafting attorney: William D. Gibbs (202) 566-3430 Reviewing attorney: Richard J. Wickersham (202) 566-3250 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Oppenheimer In Employee Plans and Exempt Organizations Division, Office of Chief Counsel, Internal Revenue Service, for preparation of Treasury Decision

Agency Contact: **William D. Gibbs**, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AD70

INCOME TAX—COMPUTATION OF TAXABLE INCOME FROM SOURCES WITHIN AND WITHOUT THE UNITED STATES

Priority: Major

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 861 Internal Revenue Code of 1954; 26 USC 882 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The amendment would allow taxpayers to apply the regulations in 1.861-8 and 1.882-5 to open taxable years beginning before 01/01/77.

Timetable:

Action	Date	FR Cite
NPRM	08/30/82	47 FR 38149
NPRM Comment Period Begin	08/30/82	47 FR 38149
NPRM Comment Period End	10/29/82	
Final Action	05/01/83	

Small Entity: Not Applicable

Additional Information: LR-215-78 Drafting attorney: Herman B. Bouma (202) 566-3287 Reviewing attorney: Charles C. Saverude (202) 566-3323 Office of International Tax Counsel (Treasury) reviewing attorneys: Shay, Lainoff. Notice published 08/30/82. In office of chief counsel (Legislation and Regulations Division) for preparation of Treasury decision

Analysis: Preliminary RIA 08/30/82 (47 FR 38150)

Agency Contact: **Herman B. Bouma**, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AB88

EXCISE TAX—TO PROVIDE RULES RELATING TO BASE PRICES OF TIER 2 & TIER 3 OIL REMOVED AFTER 09/30/80

Priority: Major

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4989 Internal Revenue Code of 1954

CFR Citation: 26 CFR 51; 26 CFR 150

Abstract: The regulations provide rules for computing base price with respect to tier 2 and 3 oil for purposes of the windfall profits tax. The regulations provide that, under the permanent rules (effective after September 1980), the base price is determined with reference to the weighted average removal price.

Timetable:

Action	Date	FR Cite
NPRM	09/30/80	45 FR 64603
NPRM Comment Period Begin	09/30/80	45 FR 64603

Action	Date	FR Cite
Revised notice published	11/14/80	
NPRM Comment Period End	12/01/80	
Hearing	03/03/81	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-152-80 Drafting attorney: Donald W. Stevenson (202) 566-3297 Reviewing attorney: John B. Bromell (202) 566-3326 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Schuldinger, Levinson Draft of T.D. to Office of Tax Legislative Counsel (Treasury). 03/31/82.

Analysis: Draft RFA 09/30/80 (45 FR 64604)

Agency Contact: Donald W. Stevenson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AC97

●INCOME TAX--RULES RELATING TO ADJUSTMENT TO BASIS OF STOCK OF SHAREHOLDERS OF S CORPORATION AND TO DETERMINATION OF BASIS OF PROPERTY DISTRIBUTION BY CORPORATION.

Priority: Undetermined

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1367 Internal Revenue Code of 1954; 26 USC 1368 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The proposed regulations would provide rules for adjusting the basis of stock of a shareholder in an S corporation and rules for determining the basis of property distributed by an S corporation.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-264-82 Drafting Attorney: Douglas W. Charnas (202) 566-3297 Reviewing Attorney: Walter H. Woo (202) 566-3297 In Legislation and Regulations Division for preparation of a notice of proposed rulemaking.

Agency Contact: Douglas W. Charnas, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington D.C. 20224, **202 566-3297**

RIN: 1545-AE88

INCOME TAX--RULES RELATING TO TITLE 11 CASES FOR INDIVIDUALS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1398 Internal Revenue Code of 1954; 26 USC 1399 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules relating to individuals (not partnerships or corporations) filing bankruptcy cases under title 11. The regulations would contain rules for both the bankrupt individual and the estate created when the individual files for bankruptcy.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-48-81 Drafting attorney: Carolyn Swift (202) 566-3458 Reviewing attorney: Charles M. Whedbee (202) 566-3458 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Cunningham, Levinson In Office of Chief Counsel (Legislation and Regulations Division) for preparation of notice.

Agency Contact: Carolyn Swift, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AC41

INCOME TAX--TO REVISE THE DEFINITION OF "ON BEHALF OF"

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide detailed rules to determine whether an entity is constituted in such a manner that it may issue governmental obligations on behalf of a governmental unit, even though the entity itself is not such a unit. Generally, such an entity would be required to be created by or for a governmental unit and controlled by the unit.

Timetable:

Action	Date	FR Cite
NPRM	02/02/76	41 FR 04829
NPRM Comment Period Begin	02/02/76	41 FR 04829
NPRM Comment Period End	03/18/76	
Hearing	04/26/76	
Final Action	03/00/83	

Small Entity: Not Applicable

Additional Information: LR-8-73 Drafting attorney: John P. MacMaster (202) 566-3294 Reviewing attorney: John M. Coulter, Jr. (202) 566-4473 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Woodward Draft pending in Legislation and Regulations Division

Agency Contact: John MacMaster, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AA48

INCOME TAX--SPECIAL RULES ADDED BY SEC 223(C) OF CRUDE OIL WINDFALL PROFIT TAX ACT 1980, RELATING TO REDUCTION OF CREDIT WHERE PROPERTY IS FINANCED BY SUBSIDIZED ETC

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 48(l) Internal Revenue Code of 1954; PL 96-223, Sec 223(c)

CFR Citation: 26 CFR 1

Abstract: The regulations will provide that subsidized energy financing and proceeds of exempt industrial development bonds used to finance a facility reduce the qualified investment in the energy property contained in that facility for purposes of determining the amount of the investment tax credit.

Timetable:

Action	Date	FR Cite
NPRM	01/26/82	47 FR 03559
NPRM Comment Period Begin	01/26/82	47 FR 03559
NPRM Comment Period End	03/20/82	
Hearing	06/03/82	
Final Action	06/00/83	

Small Entity: Not Applicable

Additional Information: LR-176-80 Drafting Attorney: Charles W. Culmer (202) 566-3458 Reviewing attorney: Marcus B. Blumkin (202) 566-3463 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Schuldinger Presently in Legislation and Regulations Division for preparation of treasury decision.

Agency Contact: Charles W. Culmer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AA26

EMPLOYMENT TAX--PENALTIES FOR FALSE INFORMATION WITH RESPECT TO WITHHOLDING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6682 Internal

Revenue Code of 1954; 26 USC 7205 Internal Revenue Code of 1954

CFR Citation: 26 CFR 31

Abstract: The regulations will relate to the civil penalty for false information with respect to withholding of income tax at source or interest, dividends, patronage dividends, and wages. The regulations will provide that the penalty will be imposed if an individual makes a false statement which results in reduced withholding and for which there was no reasonable basis.

Timetable:

Action	Date	FR Cite
NPRM	09/01/82	47 FR 38552
NPRM Comment Period Begin	09/01/82	47 FR 38552
NPRM Comment Period End	10/31/82	
Final Action	11/00/83	
Final Action Effective	11/00/83	

Small Entity: Not Applicable

Additional Information: LR-194-81 Drafting attorney: Mitchell H. Rapaport (202) 566-3829 Reviewing attorney: John M. Coulter, Jr. (202) 566-4473 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: McCarty, Levinson Notice of proposed rulemaking published September 1, 1982 in Legislation and Regulations Divison for preparation of new notice of proposed rulemaking.

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington D.C. 20224, **202 566-3829**

RIN: 1545-AD40

INCOME TAX—TEMPORARY REGULATIONS—CREDIT FOR INCREASING RESEARCH ACTIVITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 44F Internal Revenue Code of 1954

CFR Citation: 26 CFR 5c

Abstract: The regulations will provide the extent to which taxpayers will be entitled to an income tax credit for increases in certain research activity.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-6-82 Drafting attorney: John R. Harman (202) 566-3238 Reviewing attorney: Paul A. Francis (202) 566-3930 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Pike 10/13/82 draft of Treasury Decision to Treasury.

Agency Contact: John R. Harman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington D.C. 20224, **202 566-3238**

RIN: 1545-AA06

INCOME TAX—CREDIT FOR INCREASING RESEARCH ACTIVITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 44F Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations will provide the extent to which taxpayers will be entitled to an income tax credit for increases in certain research activity.

Timetable:

Action	Date	FR Cite
NPRM	01/21/83	
NPRM Comment Period Begin	01/21/83	
NPRM Comment Period End	03/19/83	
Final Action	06/00/83	

Small Entity: Not Applicable

Additional Information: LR-236-81 Drafting attorney: John Harman (202) 566-3238 Reviewing attorney: Paul A. Francis (202) 566-3930 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Pike Notice published in Federal Register 1/21/83.

Agency Contact: John R. Harman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington D.C. 20224, **202 566-3238**

RIN: 1545-AA07

INCOME TAX—EMPLOYEE STOCK OWNERSHIP PLAN CREDIT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 44G Internal Revenue Code of 1954; 26 USC 404(i) Internal Revenue Code of 1954; 26 USC 409A Internal Revenue Code of 1954; 26 USC 46(a)(2) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations provide guidance for electing the employee stock ownership credit based on contributions to a tax credit employee stock ownership plan. The maximum credit is determined as a percentage of aggregate compensation of employees under the plan which cannot exceed 0.5 for 1983 and 1984, and .75 for 1985 through 1987.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-151-81 Drafting attorney: John C. Khil (202) 566-6212 Reviewing attorney: Michael A. Thrasher (202) 566-3961 In Office of Chief Counsel (Employee Plans and Exempt Organizations Division) for preparation of notice.

Agency Contact: John C. Khil, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave, N.W., Washington, D.C. 20224, **202 566-6212**

RIN: 1545-AD56

INCOME TAX—INCREASE IN CHILD CARE CREDIT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 44A Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulation conforms the income tax regulations to the statutory increase in the credit allowed for expenses for household and dependent care services necessary for gainful employment, conforms the income tax regulations to the statutory increase in the amount of income deemed to be earned by the taxpayer's spouse, and defines dependent care centers.

Timetable:

Action	Date	FR Cite
NPRM	07/00/83	

Small Entity: Not Applicable

Additional Information: LR-214-81 Drafting attorney: Nerman Dobynes Hubbard (202) 566-3297 Reviewing attorney: Walter H. Woo (202) 566-3297 In Office of Chief Counsel (Legislation and Regulations Division).

Agency Contact: Nerman Dobynes Hubbard, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AA02

INCOME TAX—JOINT OWNERSHIP OF ENERGY ITEMS & RENEWABLE ENERGY SOURCE EXPENDITURES FOR PURPOSES OF THE RESIDENTIAL ENERGY CREDIT TO CONFORM TO SECS 201(A) & 202 OF THE ETC.

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 44C Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide the public with guidance to comply with changes made to section 44C by the Energy Tax Act of 1978 and the Windfall Profit Tax Act of 1980 relating to defining passive and active solar system, subsidized energy financing and other terms pertaining to the residential energy credit.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-73-80 Drafting attorney: Annie R. Alexander (202) 566-3287 Reviewing attorney: John B. Bromell (202) 566-3326 In Office of Chief Counsel (Legislation and Regulations Division) for preparation of notice.

Agency Contact: Annie R. Alexander, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545–AA03

INCOME TAX–INVESTMENT CREDIT FOR COOPERATIVES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 46 Internal Revenue Code of 1954; 26 USC 47 Internal Revenue Code of 1954; PL 95-600, Sec 316

CFR Citation: 26 CFR 1

Abstract: The regulation would provide guidance with respect to the investment tax credit for cooperatives and their patrons.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-4-78 Drafting attorney: Duane H. Pellervo (202) 566-3458 Reviewer: Marcus B. Blumkin (202) 566-3463 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Pike Notice returned to Office of Chief Counsel (Legislation and Regulations Division) for revision 10/13/81.

Agency Contact: Duane H. Pellervo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545–AA09

INCOME TAX–INVESTMENT CREDIT IN THE CASE OF CERTAIN SHIPS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 46(g) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules for determining investment credit for ships purchased using a capital construction fund.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-248-76 Drafting attorney: Carolyn Swift (202) 566-3458 Reviewing attorney: Marcus B. Blumkin (202) 566-3463 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Yecies In Office of Chief Counsel (Legislation and Regulations Division) for preparation of notice.

Agency Contact: Carolyn Swift, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington D.C. 20224, **202 566-3458**

RIN: 1545–AA17

INCOME TAX–THE INVESTMENT CREDIT FOR QUALIFIED PROGRESS EXPENDITURES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 46 Internal Revenue Code of 1954; 26 USC 47 Internal Revenue Code of 1954; 26 USC 48 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The proposed regulations add a new section to provide rules for claiming the investment credit for qualified progress expenditures.

Timetable:

Action	Date	FR Cite
NPRM	01/30/79	44 FR 05910
NPRM Comment Period Begin	01/30/79	44 FR 05910
NPRM Comment Period End	04/01/79	
Hearing	06/27/79	
Final Action	02/00/84	

Small Entity: Not Applicable

Additional Information: LR-73-75 Drafting attorney: Michel A. Daze (202) 566-3458 Reviewing attorney: Marcus B. Blumkin (202) 566-3463 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Yecies Draft of T.D. returned to Office of Chief Counsel (Legislation and Regulations Division) for revision 01/19/82.

Agency Contact: Michel A. Daze, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington D.C. 20224, **202 566-3458**

RIN: 1545–AA13

INCOME TAX–INVESTMENT CREDIT FOR COMMUTER HIGHWAY VEHICLES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 46 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal would interpret the rules contained in sections 46 and 47 of the Internal Revenue Code of 1954 dealing with the investment tax credit for certain commuter highway vehicles, thereby providing needed guidance to the public on how the Internal Revenue Service intends to interpret those sections of the Code.

Timetable:

Action	Date	FR Cite
NPRM	09/01/83	

Small Entity: Not Applicable

Additional Information: LR-169-79 Drafting attorney: Yerachmiel Weinstein (202) 566-3458 Reviewing attorney: Donald K. Duffy (202) 566-4336 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Schuldinger Draft of notice of proposed rulemaking returned to the Legislation and Regulations Division for revision 10/28/82

Agency Contact: Yerachmiel E. Weinstein, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington D.C. 20224, **202 566-3458**

RIN: 1545–AA08

INCOME TAX–AT RISK LIMITATIONS ON INVESTMENT CREDIT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 46(c)(8) Internal Revenue Code of 1954; 26 USC 46(c)(9) Internal Revenue Code of 1954; 26 USC 47(d) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations will explain and illustrate the application of the investment tax credit at risk rules under which (with certain exceptions) a taxpayer's basis in section 38 property for purposes of calculating the amount of investment tax credit (for certain taxpayers engaged in certain activities) cannot exceed the amount the taxpayer is at risk in the property.

Timetable:

Action	Date	FR Cite
NPRM	02/00/84	

Small Entity: Not Applicable

TREAS—IRS

Current and Projected Rulemakings

Additional Information: LR-240-81 Drafting attorney: Keith E. Stanley (202) 566-3458 Reviewing attorney: Marcus B. Blumkin (202) 566-3463 Office of Tax Legislative Counsel reviewing attorney: McCarty In Office of Chief Counsel (Legislation and Regulations Division) for preparation of notice.

Agency Contact: Keith E. Stanley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave, N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AA15

INCOME TAX—CHANGES MADE BY SECS 222(A) AND 223(B) OF THE CRUDE OIL WINDFALL PROFIT TAX ACT OF 1980

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 46(a) Internal Revenue Code of 1954; 26 USC 48 (1)

CFR Citation: 26 CFR 1

Abstract: The proposed regulations will reflect the repeal of the refundable feature of the solar and wind energy credits and the extension of the energy credit through 1990 for certain long-term energy projects.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-150-80 Drafting Attorney: Michel A. Daze (202) 566-3458 Reviewing Attorney: Marcus B. Blumkin (202) 566-3463 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Schuldinger in Office of Chief Counsel (Legislative and Regulations Division) for preparation of notice.

Agency Contact: Michel A. Daze, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington D.C. 20224, **202 566-3458**

RIN: 1545-AA14

⊕AMENDMENT OF INCOME TAX REGULATIONS UNDER SECTIONS 47, 48 AND 196 RELATING TO BASIS ADJUSTMENT TO REFLECT INVESTMENT TAX CREDIT.

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 47 Internal Revenue Code of 1954; 26 USC 48 Internal Revenue Code of 1954; 26 USC 196 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The proposed regulations would provide rules concerning a basis adjustment in the case of the investment tax credit.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-183-82 Drafting attorney: John Schmalz (202) 566-3829 Reviewing attorney: Walter H. Woo (202) 566-3297 Notice of proposed rulemaking in Office of Chief Counsel (Legislation and Regulations Division) for preparation.

Agency Contact: John Schmalz, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3829**

RIN: 1545-AF06

INCOME TAX—TAX TREATMENT OF MASS ASSETS FOR INVESTMENT CREDIT PURPOSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 38 Internal Revenue Code of 1954; 26 USC 46 Internal Revenue Code of 1954; 26 USC 47 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal would clarify the investment tax credit recapture treatment of mass assets thereby giving needed guidance to the public on how the Internal Revenue Service intends to interpret this area.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-92-73 Drafting attorney: Yerachmiel Weinstein (202) 566-3458 Reviewing attorney: Marcus B. Blumkin (202) 566-3463 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Yecies Notice to Treasury for formal approval 11/15/79.

Agency Contact: Yerachmiel E. Weinstein, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AA10

INCOME TAX—AMENDMENT OF RECAPTURE RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 47 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The investment tax credit recapture regulations will be updated to explain the recapture treatment for recovery property.

Timetable:

Action	Date	FR Cite
NPRM	02/00/84	

Small Entity: Not Applicable

Additional Information: LR-315-81 Drafting attorney: Keith E. Stanley (202) 566-3458 Reviewing attorney: Marcus B. Blumkin (202) 566-3463 In Office of Chief Counsel (Legislation and Regulations Division) for preparation of notice.

Agency Contact: Keith E. Stanley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AA18

INCOME TAX—INCREASE IN INVESTMENT TAX CREDIT FOR QUALIFIED REHABILITATION EXPENDITURES

Legal Authority: 26 USC 48 Internal Revenue Code; 26 USC 7805 Internal Revenue Code

CFR Citation: 26 CFR 1

Abstract: The regulations provide rules and definitions relating to terms such as qualified rehabilitated expenditures, qualified rehabilitated building, substantial rehabilitation and certified historic structure.

Timetable:

Action	Date	FR Cite
NPRM	03/00/83	

Small Entity: Not Applicable

Additional Information: LR-238-81 Drafting Attorney: John Schmalz (202) 566-3829 Reviewing Attorney: Walter H. Woo (202) 566-3297 Office of Tax Legislative Counsel (Treasury) Reviewing Attorneys: Jewett, Levinson. Notice pending at Treasury for review and comments.

Agency Contact: John Schmalz, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3829**

RIN: 1545-AA12

INCOME TAX—INVESTMENT CREDIT FOR REHABILITATED STRUCTURES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 48 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules and definitions relating to terms such

as qualified rehabilitated building, qualified rehabilitated expenditure, and major portion.

Timetable:

Action	Date	FR Cite
Hearing	03/31/81	
NPRM	03/00/83	

Small Entity: Not Applicable

Additional Information: LR-191-78 Drafting attorney: John Schmalz (202) 566-3829 Reviewing attorney: Walter H. Woo (202) 566-3297 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Jewett, Levinson Revised draft of T.D. to Office of Tax Legislative Counsel (Treasury) & Office of Chief Counsel (Corporation Tax Division) 01/19/83.

Agency Contact: John Schmalz, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3829**

RIN: 1545-AA21

INCOME TAX—DEFINITION OF ENERGY PROPERTY, TO REFLECT ADDITION BY SEC 222(H) OF THE CRUDE OIL WINDFALL PROFIT TAX ACT OF 1980 OF QUALIFIED INTERCITY BUSES AS ETC

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 48(l) Internal Revenue Code of 1954; 26 USC 46(a)

CFR Citation: 26 CFR 1

Abstract: The proposed regulations establish rules for claiming the energy investment credit for qualified intercity buses.

Timetable:

Action	Date	FR Cite
NPRM	09/03/82	47 FR 38918
NPRM Comment Period Begin	09/03/82	47 FR 38918
NPRM Comment Period End	11/02/82	
Final Action	02/00/84	

Small Entity: Not Applicable

Additional Information: LR-79-80 Drafting attorney: Michel A. Daze (202) 566-3458 Reviewing attorney: Marcus B. Blumkin (202) 566-3463 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Schuldinger Notice published in the Federal Register 09/03/82 In Office of Chief Counsel (Legislation and Regulations Division) for draft of Treasury Decision.

Agency Contact: Michel A. Daze, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington D.C. 20224, **202 566-3458**

RIN: 1545-AA24

INCOME TAX—DEFINITION OF FILMS THAT ARE "TOPICAL OR OTHERWISE ESSENTIALLY TRANSITORY IN NATURE"

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 48(k) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The proposed regulations more specifically define what movie and television films and videotapes qualify for the investment credit.

Timetable:

Action	Date	FR Cite
NPRM	06/03/82	47 FR 24142
NPRM Comment Period Begin	06/03/82	47 FR 24142
NPRM Comment Period End	08/02/82	
Final Action	01/00/84	

Small Entity: Not Applicable

Additional Information: LR-143-80 Drafting attorney: Michel A. Daze (202) 566-3458 Reviewing attorney: Marcus B. Blumkin (202) 566-3463 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Yecies, Levinson. Presently under consideration in Office of Chief Counsel (Legislation and Regulations Division).

Agency Contact: Michel A. Daze, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington D.C. 20224, **202 566-3458**

RIN: 1545-AA22

INCOME TAX—DEFINITION OF ENERGY PROPERTY; CRITERIA TO BE USED BY THE SECRETARY IN ADDING ITEMS TO THE LIST OF SPECIALLY DEFINED ENERGY PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 48(l)(5) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The proposed regulations would set forth criteria to be used by the Secretary of Treasury in making additions to the list of specially defined energy property for purposes of claiming the investment tax credit for energy property.

Timetable:

Action	Date	FR Cite
NPRM	01/07/81	46 FR 01753
NPRM Comment Period Begin	01/07/81	46 FR 01753
NPRM Comment Period End	03/08/81	
Hearing	04/30/81	
Final Action	04/00/83	

Small Entity: Not Applicable

Additional Information: LR-78-80 Drafting attorney: Michel A. Daze (202) 566-3458 Reviewing attorney: Marcus B. Blumkin (202) 566-3463 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Schuldinger Draft to Treasury for formal approval on 01/26/83 Returned to the Office of Chief Counsel (Legislation and Regulations Division) for preparation of withdrawal notice 12/22/82.

Agency Contact: Michel A. Daze, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington D.C. 20224, **202 566-3458**

RIN: 1545-AA28

INCOME TAX—SINGLE PURPOSE AGRICULTURAL STRUCTURE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 48 (a) (1) (D) Internal Revenue Code of 1954; PL 95-600, Sec 314; 26 USC 48 (p) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules relating to the investment tax credit for single purpose agricultural or horticultural structures.

Timetable:

Action	Date	FR Cite
NPRM	01/23/81	46 FR 7397
NPRM Comment Period Begin	01/23/81	46 FR 7397
NPRM Comment Period End	03/24/81	
Hearing	06/25/81	
Final Action	02/28/83	

Small Entity: Not Applicable

Additional Information: LR-88-79 Drafting attorney: Duane H. Pellervo (202) 566-3458 Reviewing attorney: Marcus B. Blumkin (202) 566-3463 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Keyser Draft of Treasury decision forwarded for final approval 01/10/83.

Agency Contact: Duane H. Pellervo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AA20

INCOME TAX—INVESTMENT CREDIT IN CASE OF PROPERTY USED BY TAX EXEMPT ORGANIZATIONS & GOVERNMENTAL UNITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 38 (b) Internal

Revenue Code of 1954; 26 USC 48 (j) Internal Revenue Code of 1954; 26 USC 48 (k) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal would change the definition of use of property by a tax exempt organization or a governmental unit, for purpose of applying rules relating to the investment tax credit.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-223-78 Drafting attorney: Yerachmiel Weinstein (202) 566-3458 Reviewing attorney: Marcus B. Blumkin (202) 566-3463 Office of Tax Legislative Counsel (Treasury) reviewing attorney: McCarty In Office of Chief Counsel (Legislation and Regulations Division) for preparation of notice.

Agency Contact: Yerachmiel E. Weinstein, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington D.C. 20224, **202 566-3458**

RIN: 1545-AA23

INCOME TAX—RELATING TO WIN CREDIT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 50A Internal Revenue Code of 1954; 26 USC 50B Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules and definitions relating to a credit for expenses of a Work Incentive Program.

Timetable:

Action	Date	FR Cite
NPRM	04/30/80	45 FR 28758
NPRM Comment Period Begin	04/30/80	45 FR 28758
NPRM Comment Period End	06/30/80	
Notice to be withdrawn	03/31/83	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-200-78 Drafting attorney: John Schmalz (202) 566-3829 Reviewing attorney: John B. Bromell (202) 566-3326 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Levinson Withdrawal notice in Legislation and Regulations Division being prepared.

Agency Contact: John Schmalz, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3829**

RIN: 1545-AA29

INCOME TAX—AMOUNT OF JOBS CREDIT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 51 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules and definitions relating to the targeted jobs credit.

Timetable:

Action	Date	FR Cite
NPRM	12/28/79	44 FR 76817
NPRM Comment Period Begin	12/28/79	47 FR 76817
NPRM Comment Period End	02/28/80	
Hearing	04/24/80	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-199-78 Drafting attorney: John Schmalz (202) 566-3829 Reviewing attorney: Walter H. Woo (202) 566-3297 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Reinhold, Levinson. Preliminary draft of Treasury Decision at Treasury for review and comment.

Agency Contact: John Schmalz, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3829**

RIN: 1545-AA30

INCOME TAX—ADJUSTMENTS TO NEW JOBS CREDIT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 51 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules and definitions relating to the targeted job as amended by the Economic Recovery Tax Act of 1981.

Timetable:

Action	Date	FR Cite
NPRM	09/30/83	

Small Entity: Not Applicable

Additional Information: LR-218-81 Drafting attorney: John Schmalz (202) 566-3829 Reviewing attorney: Walter H. Woo (202) 566-3297 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Reinhold, Levinson Preliminary draft of Notice of proposed rulemaking at Treasury for review and comment.

Agency Contact: John Schmalz, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3829**

RIN: 1545-AA31

INCOME TAX—ALTERNATIVE MINIMUM TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 55 Internal Revenue Code of 1954; 26 USC 3(b) Internal Revenue Code of 1954; 26 USC 5(a) Internal Revenue Code of 1954; 26 USC 57(a) Internal Revenue Code of 1954; 26 USC 57(b) Internal Revenue Code of 1954; 26 USC 58(g)(2) Internal Revenue Code of 1954; 26 USC 441(b) Internal Revenue Code of 1954; 26 USC 443(d) Internal Revenue Code of 1954; 26 USC 453(c) Internal Revenue Code of 1954; 26 USC 511(d) Internal Revenue Code of 1954; 26 USC 666(b) Internal Revenue Code of 1954; 26 USC 666(c) Internal Revenue Code of 1954; 26 USC 871(b) Internal Revenue Code of 1954; 26 USC 877(b) Internal Revenue Code of 1954; ...

CFR Citation: 26 CFR 1

Abstract: These regulations will provide rules for the computation of the alternative minimum tax and of the credits that may be used to reduce that tax.

Timetable:

Action	Date	FR Cite
NPRM	12/00/83	

Small Entity: Not Applicable

Additional Information: LR-210-78 Drafting attorney: Cynthia L. Clark (202) 566-4336 Reviewing attorney: Larry E. Smith (202) 566-3287 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Hevener, Levinson Draft of notice to Office of Tax Legislative Counsel (Treasury) & Individual Tax Division 04/29/81. Comments from Individual Tax Division 11/06/81.

Agency Contact: Cynthia L. Clark, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington, D.C. 20224, **202 566-4336**

RIN: 1545-AA32

●INCOME TAX—ALTERNATIVE MINIMUM TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 55 Internal Revenue Code of 1954; 26 USC 57 Internal Revenue Code of 1954; 26 USC 58 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The Regulations will provide rules for the computation of the alternative minimum tax and the computation of the credits that may be used to reduce that tax, as well as rules for determining the amount of tax preference for excluded dividends and interest, mining exploration and development costs, and circulation, research and experimental expenditures. The Regulations will also provide rules relating to the optional 10 year write off of certain tax preferences.

Timetable:

Action	Date	FR Cite
NPRM	12/00/83	

Small Entity: Not Applicable

Additional Information: LR-235-82 Drafting attorney: Cynthia L. Clark (202) 566-4336 Reviewing attorney: Larry Smith (202) 566-3287 In Legislation and Regulations for preparation of notice

Agency Contact: Cynthia L. Clark, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington D.C. 20224, **202 566-4336**

RIN: 1545-AE80

INCOME TAX—MINIMUM TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 56 Internal Revenue Code of 1954; 26 USC 57 Internal Revenue Code of 1954; 26 USC 58 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations will explain how to compute items of tax preference for purposes of the minimum tax.

Timetable:

Action	Date	FR Cite
NPRM	12/00/83	

Small Entity: Not Applicable

Additional Information: LR-151-76 Drafting attorney: Robert B. Coplan (202) 566-3287 Reviewing attorney: Larry E. Smith (202) 566-3287 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Hevener Revised draft of notice to Office of Tax Legislative Counsel (Treasury) & Associate Chief Counsel (Technical) 06/08/82.

Agency Contact: Robert B. Coplan, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AA33

INCOME TAX—MINIMUM TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 57 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations will explain the application and determination of the tax preference item for intangible drilling costs which was added by the Tax Reform Act of 1976. The regulations will provide rules for determining a taxpayer's net income from oil and gas properties, rules for determining if a well is nonproductive and rules for determining the proper preference tax if a well proves to be nonproductive after the close of a taxable year for which a tax return has already been filed.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	

Small Entity: Not Applicable

Additional Information: LR-209-78 Drafting attorney: Robert B. Coplan (202) 566-3287 Reviewing attorney: Larry E. Smith (202) 566-3287 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Hevener In Office of Chief Counsel (Legislative and Regulations Division) for preparation of notice.

Agency Contact: Robert B. Coplan, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AA34

INCOME TAX—NONQUALIFIED SALARY REDUCTION AGREEMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 61 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This regulation would provide guidance regarding the tax treatment of nonqualified deferred compensation arrangements established by tax exempt charitable organizations such as non-profit hospitals for their employees.

Timetable:

Action	Date	FR Cite
NPRM	02/03/78	43 FR 4638
NPRM Comment Period Begin	02/03/78	43 FR 4638
Final Action Effective	03/06/78	
NPRM Comment Period End	04/04/78	
Hearing	05/14/78	
News release issued for comment	06/11/79	
Hearing	11/27/79	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-194-77 Drafting attorney: John A. Tolleris (202) 566-3294 Reviewing attorney: John M. Coulter, Jr. (202) 566-4473 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Hevener, Levinson Draft of T.D. to Office of Chief Counsel (Individual Tax Division) & Office of Tax Legislative Counsel (Treasury) 03/11/82

Agency Contact: John A. Tolleris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AA35

INCOME TAX—TREATMENT OF INCOME OF CERTAIN INNOCENT SPOUSES IN COMMUNITY PROPERTY STATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 66 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules for determining acceptable amounts of community earned income transferred between spouses living apart in community property states, which will not preclude the disregard of community property laws for federal tax purposes.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-41-81 Drafting Attorney: Ewan Purkiss (202) 566-3288 Reviewing Attorney: Phoebe Mix (202) 566-3288 In Office of Chief Counsel (Legislative and Regulations Division) for preparation of notice.

Agency Contact: Ewan Purkiss, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington DC 20224, **202 566-3288**

RIN: 1545-AA37

INCOME TAX—UNISEX ANNUITY TABLES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 72 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide unisex tables to be used in reporting payments received on annuity contracts. The unisex tables would replace the tables currently prescribed in the regulations. The current tables are different for men and women.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-19-80 Drafting attorney: Phoebe A. Mix (202) 566-3288 Reviewing attorney: John H. Parcell (202) 566-3288 In Office of Chief Counsel (Legislation and Regulations Division) for preparation of notice.

Agency Contact: Phoebe A. Mix, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AA38

INCOME TAX—CLARIFICATION OF THE INCOME TAX REGULATIONS WITH RESPECT TO THE TAXATION OF DISTRIBUTION FROM QUALIFIED PLANS PROVIDING LIFE INSURANCE PROTECTION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 72 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal would simplify income tax treatment of amounts distributed from qualified employee plans that provide life insurance.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-44-80 Drafting attorney: Charles M. Watkins (202) 566-3430 Reviewing attorney: Richard J. Wickersham (202) 566-3250 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Oppenheimer Preliminary draft of notice to Office of Tax Legislative Counsel, 09/08/82

Agency Contact: Charles M. Watkins, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AD60

INCOME TAX—CERTAIN DISTRIBUTIONS, CONTRIBUTIONS, ETC

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 72(o) Internal Revenue Code of 1954; 26 USC 72(m) Internal Revenue Code of 1954; 26 USC 405(d)(3) Internal Revenue Code of 1954; 26 USC 401(d)(5) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Regulation will provide taxpayers with guidance regarding income tax treatment of distributions of qualified voluntary employee contributions from qualified employee plans.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-149-81 Drafting attorney: Charles M. Watkins (202) 566-3430 Reviewing attorney: Richard J. Wickersham (202) 566-3250 In Office of Chief Counsel (Employee Plans and Exempt Organizations Division) for preparation of notice.

Agency Contact: Charles M. Watkins, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AD61

●LOANS TREATED AS DISTRIBUTIONS

Legal Authority: 26 USC 7805; 26 USC 72

CFR Citation: 26 CFR 1

Abstract: The regulation will provide guidance on the application of new rules for determining the income tax treatment to be accorded loans to participants or beneficiaries from qualified employer plans. The new loan rules are provided in new section 72(p) of the Internal Revenue Code of 1954.

Timetable:

Action	Date	FR Cite
NPRM	10/00/83	

Small Entity: Not Applicable

Additional Information: EE-106-82 Drafting attorney: Calder L. Robertson, Jr., (202) 566-3422 Reviewing attorney: Michael A. Thrasher, (202) 566-3961 Office of Tax Legislative Counsel reviewing attorney: Andrew E. Furer In Employee Plans and Exempt Organizations Division for review of proposed draft of Notice of Proposed Rulemaking.

Agency Contact: Calder L. Robertson, Jr., Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington, D.C. 20224, **202 566-3422**

RIN: 1545-AE41

●INCOME TAX—EARLY WITHDRAWALS FROM DEFERRED ANNUITIES.

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 72 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal will provide rules for reporting amounts withdrawn from deferred annuities.

Timetable:

Action	Date	FR Cite
NPRM	06/01/83	

Small Entity: Not Applicable

Additional Information: LR-279-82 Drafting Attorney: Phoebe A. Mix (202)566-3288 Reviewing Attorney: John H. Parcell (202)566-3336 Office of Legislative Counsel Reviewing Attorney: Andrew Pike In Legislation and Regulations Division for preparation of notice of proposed rulemaking.

Agency Contact: Phoebe A. Mix, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington DC 20224, **202 566-3288**

RIN: 1545-AF08

INCOME TAX—GROUP TERM LIFE INSURANCE—EVIDENCE OF INSURABILITY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 79 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Regulations will provide guidance in determining whether term life-insurance is group-term life insurance within the meaning of section 79 of the Internal Revenue Code of 1954

Timetable:

Action	Date	FR Cite
NPRM	10/07/82	47 FR 44343
NPRM Comment Period Begin	10/07/82	47 FR 44343
NPRM Comment Period End	12/06/82	
Hearing	01/19/83	47 FR 53745
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-42-78 Drafting attorney: Phoebe A. Mix (202) 566-3288 Reviewing attorney: John H. Parcell (202) 566-3288 Office of Tax Legislative Counsel

(Treasury) reviewing attorneys: Pike, Levinson Draft of Treasury decision being prepared in Legislation and Regulations Division.

Agency Contact: Phoebe A. Mix, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AA39

●INCOME TAX—CHANGES TO THE UNIFORM PREMIUM TABLE UNDER SECTION 79 OF THE INTERNAL REVENUE CODE OF 1954.

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 79 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal would amend the uniform premium table used to compute the cost of group-term life insurance provided for an employee for determining the amount to be included by the employee in gross income.

Timetable:

Action	Date	FR Cite
NPRM	03/01/83	

Small Entity: Not Applicable

Additional Information: LR-258-82 Drafting Attorney: Phoebe A. Mix (202) 566-3288 Reviewing Attorney: John H. Parcell (202) 566-3288 Office of Tax Legislative Counsel reviewing attorney: Andrew Pike In Legislation and Regulations Division for preparation of notice of proposed rulemaking.

Agency Contact: Phoebe A. Mix, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AE83

●NONDISCRIMINATION REQUIREMENTS FOR EMPLOYER-PROVIDED GROUP-TERM LIFE INSURANCE

Legal Authority: 26 USC 7805; 26 USC 79(d)

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance relating to the nondiscrimination requirements for group-term life insurance purchased for employees.

Timetable:

Action	Date	FR Cite
NPRM	11/00/83	

Small Entity: Not Applicable

Additional Information: EE-110-82 Drafting attorney: Eric Alan Raps (202) 566-3544 Reviewing attorney: Charles K. Kerby, III (202) 566-3422 Office of Tax Legislative Counsel reviewing attorney: Oppenheimer

Agency Contact: Eric Alan Raps, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3544**

RIN: 1545-AE89

INCOME TAX—REPORTING REQUIREMENTS FOR NONQUALIFIED STOCK OPTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 83 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance relating to certain reporting requirements concerning the transfer of nonstatutory stock options, where such options do not have a readily ascertainable fair market value. The purpose of such reporting requirements would be to document the stated value of such options for purposes of including their value in an employee's gross income at the time such options are granted.

Timetable:

Action	Date	FR Cite
NPRM	09/20/77	
Hearing	03/20/78	
Withdrawal notice pending approval	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-95-77 Drafting attorney: Philip R. Bosco (202) 566-3288 Reviewing attorney: John H. Parcell (202) 566-3288 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Hevener Signature package of withdrawal notice currently circulating within the Internal Revenue Service.

Agency Contact: Philip R. Bosco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AA40

INCOME TAX—TO MAKE CERTAIN AMENDATORY CHANGES TO RULES RELATING TO PROPERTY TRANSFERRED IN CONNECTION WITH PERFORMANCE OF SERVICES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 83 Internal Revenue Code of 1954; Section 252 Economic Recovery Tax Act of 1981

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance to taxpayers who transfer and receive property in connection with the performance of services. The amendments relate to the definition of property, the effect of section 16 (b) of the Securities Exchange Act of 1934 on transferred stock, when an employer may receive a deduction for compensation paid, and the consequences to a shareholder who transfers stock to an employee of the subject corporation.

Timetable:

Action	Date	FR Cite
NPRM	04/01/83	

Small Entity: Not Applicable

Additional Information: LR-16-80 Drafting attorney: Philip R. Bosco (202) 566-3288 Reviewing attorney: John H. Parcell (202) 566-3288 Office of Tax Legislative Counsel reviewing attorney: Hevener 1/7/83 Notice to Treasury for formal approval.

Agency Contact: Philip R. Bosco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AA41

●INCOME TAX—FEXIBLE PREMIUM CONTRACTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 101(f) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal will provide rules for determining what portion (if any) of a flexible premium life insurance contract is life insurance for purposes of section 101 of the Internal Revenue Code.

Timetable:

Action	Date	FR Cite
NPRM	09/01/83	

Small Entity: Not Applicable

Additional Information: LR-308-82 Drafting Attorney: Phoebe A. Mix (202)566-3288 Reviewing Attorney: John H. Parcell (202)566-3288 Office of Tax Legislative Counsel Reviewing Attorney: Andy Pike In Legislation and Regulations Division for preparation of notice of proposed rulemaking.

Agency Contact: Phoebe A. Mix, Attorney, Department of the Treasury, Internal Revenue

Service, 1111 Constitution Avenue, NW, Washington DC 20224, **202 566-3288**

RIN: 1545-AF28

INCOME TAX—INDUSTRIAL DEVELOPMENT BONDS FOR VEHICLES USED FOR MASS COMMUTING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103(b) Internal Revenue Code of 1954; Economic Recovery Tax Act of 1981, section 811

CFR Citation: 26 CFR 1

Abstract: The regulations would define a qualified mass commuting vehicle for purposes of issuance of tax-exempt bonds. A qualified mass commuting vehicle is a bus, subway car or similar equipment that is leased to a mass transit system wholly owned by one or more governmental units and that is used by the mass transit system in providing mass commuting services.

Timetable:

Action	Date	FR Cite
NPRM	12/31/81	46 FR 63326
NPRM Comment Period Begin	12/31/81	46 FR 63326
NPRM Comment Period End	03/03/82	
Final Action	09/30/83	

Small Entity: Not Applicable

Additional Information: LR-192-81 Drafting attorney: Susan K. Thompson (202) 566-3294 Reviewing attorney: John M. Coulter, Jr. (202) 566-4473 Office of Tax Legislative Counsel (Treasury) reviewing attorney: McCarty Presently under consideration in Office of Chief Counsel (Legislation and Regulations Division).

Agency Contact: Susan K. Thompson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AA43

INCOME TAX—TO AMEND THE REGULATIONS UNDER SECTIONS 1.103-13 AND 1.103-14 WITH RESPECT TO THE CALCULATIONS OF OF "OVERISSUANCE" AND "CUMULATIVE CASH FLOW DEFICIT"

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would clarify rules relating to the proper method for determining whether the amount of tax-exempt obligations exceeds the amount necessary for the governmental purpose for which the proceeds of the obligations are to be used.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: LR-82-82 Drafting attorney: Harold Flanagan (202) 566-3294 Reviewing attorney: John P. MacMaster (202) 566-3294 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Pike Notice to Treasury for formal approval 08/17/82.

Agency Contact: Harold Flanagan, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AA44

INCOME TAX--OBLIGATIONS OF CERTAIN VOLUNTEER FIRE DEPARTMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103(i) Internal Revenue Code of 1954; Economic Recovery Tax Act of 1981, section 812

CFR Citation: 26 CFR 1

Abstract: The regulations would provide a definition of a qualified volunteer fire department for purposes of issuance of tax-exempt obligations and would define the purposes for which such obligations may be used.

Timetable:

Action	Date	FR Cite
Final Action Effective	12/31/80	
NPRM	06/21/82	47 FR 26666
NPRM Comment Period Begin	06/21/82	47 FR 26666
NPRM Comment Period End	09/21/82	
Final Action	03/01/83	

Small Entity: Not Applicable

Additional Information: LR-193-81 Drafting attorney: Susan K. Thompson (202) 566-3294 Reviewing attorney: John M. Coulter, Jr. (202) 566-4473 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Pike, Levinson Final draft of Treasury decision forwarded to Commissioner for signature

Agency Contact: Susan K. Thompson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AA45

INCOME TAX—TO AMEND THE REGULATIONS RELATING TO THE TREATMENT OF REPLACEMENT FUNDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance to issuers, purchasers and users of tax-exempt obligations relating to whether amounts are replaced by the proceeds of such obligations. As such, such amounts will be treated as proceeds of such obligation and would be required to be invested at less than a materially higher yield. If such amounts are not invested at less than a materially higher yield than the yield on the obligations then the obligations would be arbitrage bonds.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: LR-99-82 Drafting attorney: Harold Flanagan (202) 566-3294 Reviewing attorney: John M. Fischer (202) 566-3394 Office of Tax Legislative Counsel reviewing attorney: Pike 12/13/82 Preliminary draft to Office of Tax Legislative Counsel for review.

Agency Contact: Harold Flanagan, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AA46

INCOME TAX--TO PROVIDE FOR THE TAX CONSEQUENCES OF REFUNDING INDUSTRIAL DEVELOPMENT BONDS TO THE ISSUER, BOND-HOLDER & INDUSTRIAL USER

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide that advance refunding issues defined as those refunding issues issued more than 180 days before the redemption of the issue to be refunded may be exempt issues if issued to refund qualified public facilities. A definition of qualified public facilities is provided. Special rules for multipurpose issues are also provided.

Timetable:

Action	Date	FR Cite
Previous Notice	12/06/77	42 FR 61613
Hearing	03/15/78	

Action	Date	FR Cite
Previous Notice	02/06/79	44 FR 7177
NPRM	06/30/83	

Small Entity: Not Applicable

Additional Information: LR-70-77 Drafting attorney: Susan K. Thompson (202) 566-3294 Reviewing attorney: John M. Coulter, Jr. (202) 566-4473 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Woodward Revised notice forwarded to Treasury 09/08/82; pending Treasury review

Agency Contact: Susan K. Thompson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3294

RIN: 1545–AA47

INCOME TAX—EXEMPTION FOR INDUSTRIAL DEVELOPMENT BONDS FOR WATER FACILITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103(b)(4) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This regulation would provide guidance to determine the rules under which facilities for furnishing water to members of the general public can be financed with tax-exempt industrial development bonds under section 103 (b) (4) of the Internal Revenue Code of 1954.

Timetable:

Action	Date	FR Cite
Final Action Effective	11/07/78	
Final Action	12/31/83	

Small Entity: Not Applicable

Additional Information: LR-190-78 Drafting attorney: John A. Tolleris (202) 566-3294 Reviewing attorney: John M. Coulter, Jr. (202) 566-4473 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Reinhold Notice pending Treasury review. Presently under consideration in Office of Chief Counsel (Legislation and Regulations Division).

Agency Contact: John A. Tolleris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3294

RIN: 1545–AA49

INCOME TAX—TO CLARIFY THE "SUBSTANTIALLY ALL" TEST

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103 (b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations will provide guidance in determining the amount of proceeds of an issue of industrial development bonds. Generally such bonds are exempt only if substantially all of the issue proceeds are used for a purpose designated in 26 USC 103 (b).

Timetable:

Action	Date	FR Cite
Final Action Effective	04/30/68	
NPRM	04/00/83	
NPRM Comment Period Begin	04/00/83	
NPRM Comment Period End	06/00/83	
Final Action	01/00/84	

Small Entity: Not Applicable

Additional Information: LR-182-79 Drafting attorney: John P. MacMaster (202) 566-3294 Reviewing attorney: John M. Coulter, Jr. (202) 566-4473 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Mundstock Draft of notice returned to Legislation and Regulations Division for revision.

Agency Contact: John MacMaster, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3294

RIN: 1545–AA50

INCOME TAX—TO CLARIFY THE "PUBLIC USE" AND "FUNCTIONALLY RELATED" REQUIREMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The amendments to the regulations would provide additional rules to determine under what circumstances property is treated as functionally related and subordinate to an exempt facility, such as a dock or wharf, and, therefore financeable with tax-exempt industrial development bonds. Furthermore, the regulations would examine the public use requirement which generally restricts tax-exempt financing to exempt facilities used by the general public.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-51-79 Drafting Attorney: Mitchell H. Rapaport (202) 566-3289 Reviewing attorney: John M. Coulter, Jr. (202) 566-4473 Office of Tax Legislative Counsel reviewing attorney: Reinhold Notice pending Treasury review.

Agency Contact: Mitchell Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3829

RIN: 1545–AA51

INCOME TAX—TO PROVIDE "TIMING" REQUIREMENTS FOR EXEMPT SMALL ISSUES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The rules will provide "timing" requirements for exempt small issues of industrial development bonds. They will address the nature of the governmental action necessary to approve such an issue and the relationship in time between that action and various expenditures to be funded by the issue.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-245-79 Drafting attorney: Diane Kroupa (202) 566-3459 Reviewing attorney: John M. Coulter, Jr. (202) 566-4473 Office of Tax Legislative Counsel reviewing attorney: Woodward Notice pending Treasury review.

Agency Contact: Diane Kroupa, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3459

RIN: 1545–AA52

INCOME TAX—TO CLARIFY THE DEFINITION OF THE TERM "ISSUE"

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103(b)(6) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance to issuers, purchasers, and users of industrial development bonds relating to whether multiple lots of obligations will be treated as part of the same issue under section 103 (b).

TREAS—IRS

Current and Projected Rulemakings

Timetable:

Action	Date	FR Cite
NPRM	10/06/81	46 FR 50014
NPRM Comment Period Begin	10/06/81	46 FR 50014
Hearing	11/12/81	
NPRM Comment Period End	01/06/82	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-264-81 Drafting attorney: Harold Flanagan (202) 566-3294 Reviewing attorney: John P. MacMaster (202) 566-3294 Treasury decision is presently under consideration in Office of Chief Counsel (Legislation and Regulations Division)

Agency Contact: Harold Flanagan, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AA54

INCOME TAX—TO DEFINE THE TERM "PRINCIPAL USER OF A FACILITY"

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103(b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This regulation would define the meaning of the term "principal user of a facility" for purposes of applying the limitation set by the Internal Revenue Code upon the permissible size of a small issue of tax-exempt industrial development bonds, as diminished by certain other capital expenditures. This regulation would help identify other facilities the capital expenditures from which must be taken into account in determining whether that issue exceeds the small issue limitation.

Timetable:

Action	Date	FR Cite
NPRM	04/30/83	

Small Entity: Not Applicable

Additional Information: LR-59-74 Drafting attorney: John A. Tolleris (202) 566-3294 Reviewing attorney: John M. Coulter, Jr. (202) 566-4473 Office of Tax Legislative Counsel reviewing attorney: Furer Notice to Office of Commissioner for formal approval, 2/11/82.

Agency Contact: John A. Tolleris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AA56

INCOME TAX—INCREASE IN LIMIT ON SMALL ISSUES OF INDUSTRIAL DEVELOPMENT BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103(b)(6)(D) Internal Revenue Code of 1954; 26 USC 103 (b) (6) (I) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulation would provide guidance regarding the effect of an urban development action grant with respect to a specific facility, upon the capital expenditures limitation with respect to a small issue of tax-exempt industrial bonds issued to finance such facility. The regulation may also provide guidance regarding the required size of such grant in relation to the cost of the facility to be financed by the bond issue, and the nexus between the grant and the financed facility.

Timetable:

Action	Date	FR Cite
Final Action Effective	10/01/79	
NPRM	11/30/83	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-117-79 Drafting attorney: John A. Tolleris (202) 566-3294 Reviewing attorney: John M. Coulter, Jr. (202) 566-4473 Office of Tax Legislative Counsel reviewing attorney: Woodward Notice pending Treasury review.

Agency Contact: John A. Tolleris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AA57

INCOME TAX—TO CLARIFY THE DEFINITION OF PROPERTY WHICH IS A POLLUTION CONTROL FACILITY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103(b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations will define the term "air or water pollution control facilities". The regulations will further determine the portion of the cost of such facilities that may be financed with tax-exempt industrial development bonds, whenever the facilities also serve certain other purposes.

Timetable:

Action	Date	FR Cite
NPRM	08/20/75	40 FR 36371
NPRM Comment Period Begin	08/20/75	40 FR 36371
Hearing	11/21/75	
NPRM Comment Period End	11/28/75	
Final Action	12/00/83	
Final Action Effective	12/00/83	

Small Entity: Not Applicable

Additional Information: LR-9-75 Drafting attorney: John P. MacMaster (202) 566-3294 Reviewing attorney: John M. Coulter, Jr. (202) 566-4473 Office of Tax Legislative Counsel reviewing attorney: Munstock Draft of Treasury decision pending in Chief Counsel

Agency Contact: John MacMaster, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AA58

INCOME TAX—MANNER OF ELECTING $10 MILLION LIMITATION ON EXEMPT SMALL ISSUES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103 (b) (6) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This regulation would establish revised procedures whereby the issuer of a small issue of tax-exempt industrial development bonds can elect to have a $10 million limitation rather than a $1 million limitation apply in determining the maximum allowable size of such issue. This regulation would centralize the filing of documents relating to this election to make its requirements more administerable.

Timetable:

Action	Date	FR Cite
NPRM	06/22/82	47 FR 26854
NPRM Comment Period Begin	06/22/82	47 FR 26854
NPRM Comment Period End	08/23/82	
Interim Final Rule	05/01/83	
Final Action	05/01/83	

Small Entity: Not Applicable

Additional Information: LR-50-80 Drafting attorney: John A. Tolleris (202) 566-3294 Reviewing attorney: John M. Coulter, Jr. (202) 566-4473 Office of Tax Legislative Counsel reviewing attorney: Woodward Presently under consideration in Office of Chief

Counsel (Legislation and Regulations Division)

Agency Contact: John A. Tolleris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545–AA59

INCOME TAX–TO DEFINE THE TERM "FACILITY"

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would clarify meaning of term "FACILITY" for purposes of exempt small issues of industrial development bonds. This will affect whether something could qualify for the small issue exemption from the definition of industrial development bonds.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action Effective	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-227-80 Drafting attorney: Barry L. Wold (202) 566-3288 Reviewing attorney: John M. Coulter, Jr. (202) 566-4473 In Office of Chief Counsel (Legislation and Regulations Division) for preparation of notice.

Agency Contact: Barry L. Wold, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington D.C. 20224, **202 566-3288**

RIN: 1545–AA60

INCOME TAX–INCOME TAX REGULATIONS UNDER SECTION 103 (C) TO MAKE CERTAIN CORRECTIVE AND CLARIFYING CHANGES TO THE ARBITRAGE REGULATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103(c) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide miscellaneous changes to the arbitrage regulations. The changes would provide guidance to issuers, purchasers and users of tax-exempt obligations. The regulations woud relate to the calculations of yield for purposes of determining whether obligations are tax-exempt. If the yield on obligations acquired with the proceeds of a governmental obligation are materially higher than the yield on the governmental obligation then the interest paid on the governmental obligation is not tax-exempt.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: LR-101-79 Drafting attorney: Harold Flanagan (202) 566-3294 Reviewing attorney: John M. Fischer (202) 566-3394 Office of Tax Legislative Counsel reviewing attorney: Pike In Office of Chief Counsel (Legislation and Regulations Division) for preparation of notice

Agency Contact: Harold Flanagan, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington D.C. 20224, **202 566-3294**

RIN: 1545–AA61

INCOME TAX–MORTGAGE SUBSIDY BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103A Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules which interpret the provisions of section 103a, relating to Mortgage Subsidy Bonds. Mortgage Subsidy Bonds are any obligations a significant portion of the proceeds of which are used to provide financing for owner-occupied residences.

Timetable:

Action	Date	FR Cite
Previous notice of proposed rulemaking	07/01/81	46 FR 34348
Hearing	11/05/81	
NPRM	11/10/81	46 FR 55513
NPRM Comment Period Begin	11/10/81	46 FR 55513
NPRM Comment Period End	01/09/82	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-20-81 Drafting attorney: Harold Flanagan (202) 566-3294 Reviewing attorney: John M. Coulter, Jr. (202) 566-4473 Office of Tax Legislative Counsel reviewing attorney: McCarty Presently under consideration in Office of Chief Counsel (Legislation and Regulations Division)

Agency Contact: Harold Flanagan, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington D.C. 20224, **202 566-3294**

RIN: 1545–AA63

INCOME TAX–TO CLARIFY THE DEFINITION OF PROPERTY THAT IS A SOLID WASTE DISPOSAL FACILITY & TO CONFORM TO STATUTORY EXEMPTION FOR INDUSTRIAL DEVELOPMENT BONDS FOR QUALIFI ETC.

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103 (b) Internal Revenue Code of 1954; 26 USC 103 (g) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations will provide rules to determine whether property is a sewage or solid waste disposal facility or a facility for the local furnishing of electric energy or gas. Qualifying property may be financed with tax exempt industrial development bonds.

Timetable:

Action	Date	FR Cite
NPRM	11/00/83	

Small Entity: Not Applicable

Additional Information: LR-100-75 Drafting attorney: John P. MacMaster (202) 566-3294 Reviewing attorney: John M. Coulter, Jr. (202) 566-4473 Office of Tax Legislative Counsel reviewing attorney: Mundstock Draft of notice pending in Legislation and Regulations Division

Agency Contact: John MacMaster, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington D.C. 20224, **202 566-3294**

RIN: 1545–AA64

●TO PROVIDE REGULATIONS REQUIRING CERTAIN DEBT OBLIGATIONS TO BE ISSUED IN REGISTERED FORM

Legal Authority: 26 USC 103 Internal Revenue Code of 1954; 26 USC 163 Internal Revenue Code of 1954; 26 USC 7805 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The rules will provide that certain debt obligations issued after December 31, 1982, must be in registered form. The rules will provide examples of certain obligations that are not subject to the registration requirements. The sanctions for not issuing an obligation in registered form are the denial of an interest deduction and the denial that the interest is tax exempt.

TREAS—IRS

Timetable:

Action	Date	FR Cite
NPRM	11/15/82	47 FR 51414
NPRM Comment Period Begin	11/15/82	47 FR 51414
Final Action Effective	12/31/82	
NPRM Comment Period End	01/14/83	
Hearing held	01/25/83	47 FR 51413
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-255-82 Drafting Attorney: Diane Kroupa (202) 566-3459 Reviewing Attorney: John Coulter, Jr., (202) 566-4473 Office of Tax Legislative Counsel reviewing attorney: Richard Reinhold Hearing scheduled for 1/25/83

Agency Contact: Diane Kroupa, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AE18

●TO PROVIDE REGULATIONS UNDER SECTION 103(B)(10) RELATING TO LOCAL DISTRICT HEATING AND COOLING FACILITIES.

Legal Authority: 26 USC 7805 Internal Revenue Code; 26 USC 103 Internal Revenue Code

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance to issuers, purchasers and users of industrial development bonds substantially all of the proceeds of which are to be used to provide local district heating and cooling. As such, the regulations will provide guidance with respect to which parts of heating and cooling facilities may be financed with the proceeds of such bonds.

Timetable:

Action	Date	FR Cite
Final Action Effective	09/03/82	
NPRM	10/01/83	

Small Entity: Not Applicable

Additional Information: LR-219-82 Drafting attorney: Harold Flanagan (202) 566-3294 Reviewing attorney: John MacMaster (202) 566-3294 In Legislation and Regulations Division for preparation of notice

Agency Contact: Harold Flanagan, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AE22

●TO PROVIDE REGULATIONS UNDER SECTION 103(K) AND (L)– RELATING TO PUBLIC APPROVAL AND INFORMATION REPORTING REQUIREMENTS FOR PRIVATE ACTIVITY BONDS.

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The proposal will clarify the information reporting requirements with respect to private activity bonds. Industrial development bonds must be publicly approved--failure to fulfill this requirement results in loss of tax exemption for the interest on these bonds. Issuers of student loan bonds, charitable use bonds and industrial development bonds are required to supply certain information to the Internal Revenue Service. Failure to comply with this requirement will result in the loss of tax exemption for the bond's interest.

Timetable:

Action	Date	FR Cite
Final Action Effective	01/01/83	
NPRM	02/15/83	
Final Action	02/15/84	

Small Entity: Not Applicable

Additional Information: LR-221-82 Drafting Attorney: George T. Magnatta (202)566-3459 Reviewing attorney: John P. MacMaster (202)566-3294 Office of Tax Legislative Counsel Reviewing Attorney: Andrew Furer Draft of regulation sent to Tax Legislative Counsel for comments Comments from Tax Legislative Counsel, 01/14/83

Agency Contact: George T. Magnatta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AE24

●TO PROVIDE REGULATIONS UNDER SECTION 103 (B) (14)– RELATING TO LIMITATION ON MATURITY OF INDUSTRIAL DEVELOPMENT BONDS.

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Rules will provide guidance with respect to computation of average weighted economic life and average weighted maturity. Rules limit the average length of the maturity of all industrial development bonds.

Timetable:

Action	Date	FR Cite
Final Action Effective	01/01/83	
NPRM	04/15/83	
Final Action	03/15/84	

Small Entity: Not Applicable

Additional Information: LR-220-82 Drafting Attorney: George T. Magnatta (202) 566-3459 Reviewing Attorney: John P. MacMaster (202) 566-3294 Office of Tax Legislative Counsel Reviewing Attorney: Andrew Furer In Legislation and Regulations Division for preparation of notice.

Agency Contact: George T. Magnatta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AE69

●DEFINITION OF "MATERIALLY HIGHER" FOR ACQUIRED PURPOSE OBLIGATIONS GUARANTEED BY FEDERAL DEPOSITORY INSURANCE

Legal Authority: 26 USC 7805 Internal Revenue Code; 26 USC 103 Internal Revenue Code

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance to issuers, purchasers and users of tax-exempt obligations the proceeds of which are used to acquire acquired purpose obligations which are guaranteed by Federal Depository Insurance. Thus, the regulations would determine whether the yield produced by certificates of deposit are materially higher than the yield on the tax-exempt obligations. If the yield on acquired purpose obligations is materially higher than the yield on such obligations then the interest paid thereon is not tax-exempt.

Timetable:

Action	Date	FR Cite
NPRM	07/01/83	
Final Action	00/00/00	

Small Entity: No

Additional Information: LR-231-82 Drafting attorney: Harold Flanagan (202) 566-3294 Reviewing attorney: John M. Fischer (202) 566-3394 Office of Tax Legislative Counsel Reviewing Attorney: Andrew Pike (202) 566-8277 In Office of Tax Legislative Counsel for review of notice

Agency Contact: Harold Flanagan, Attorney, Department of the Treasury, Internal Revenue

Service, 1111 Constitution Ave N.W., Washington D.C. 20224, **202 566-3294**

RIN: 1545–AE73

●TO PROVIDE TEMPORARY REGULATIONS UNDER SECTION 103 (K) AND (L) RELATING TO PUBLIC APPROVAL AND INFORMATION REPORTING REQUIREMENTS FOR CERTAIN BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103 Internal Revenue Code of 1954

CFR Citation: 26 CFR 5f

Abstract: Rule will clarify the public approval and information reporting requirements with respect to private activity bonds. Industrial Development Bonds must be publicly approved - failure to fulfill this requirement will result in loss of tax exemption for the interest on these bonds. Issuers of student loan bonds, charitable use bonds and industrial development bonds are required to supply certain information to the Internal Revenue Service. Failure to comply with this requirement will result in the loss of tax exemption for the bond is interest.

Timetable:

Action	Date	FR Cite
Final Action Effective	01/01/83	
NPRM	02/15/83	
Final Action	02/15/84	

Small Entity: Not Applicable

Additional Information: LR-303-82 Drafting Attorney: George T. Magnatta (202)566-3459 Reviewing Attorney: John P. MacMaster (202)566-3294 Office of Tax Legislative Counsel Reviewing Attorney: Andrew Furer. Draft of temporary regulation sent to Tax Legislative Counsel for comments Comments from Tax Legislative Counsel, 01-14-83

Agency Contact: George T. Magnatta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545–AF26

●TO PROVIDE TEMPORARY REGULATIONS UNDER SECTION 103A RELATING TO MORTGAGE SUBSIDY BONDS FOR COOPERATIVE HOUSING CORPORATIONS.

Legal Authority: 26 USC 7805 Internal Revenue Code; 26 USC 103 Internal Revenue Code; 26 USC 103A Internal Revenue Code

CFR Citation: 26 CFR 5f

Abstract: The temporary regulations will interpret the rules contained in section 103A, relating to mortgage subsidy bonds, as those rules relate to cooperative housing corporations. A mortgage subsidy bond is an obligation a significant portion of the proceeds of which are used to provide financing for single-family, owner-occupied residences. The proposed regulations also would provide rules for the treatment of certain leasing cooperatives under section 103(b)(4)(A), relating to industrial development bonds for residential rental projects.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/01/83	

Small Entity: Not Applicable

Additional Information: LR-15-83 Drafting attorney: Harold Flanagan (202) 566-3294 Reviewing attorney: John M. Coulter, Jr. (202) 566-4473 Office of Tax Legislative Counsel reviewing attorney: Phil McCarty (202) 566-2175 In Legislation and Regulations Division for preparation

Agency Contact: Harold Flanagan, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington D.C. 20224, **202 566-3294**

RIN: 1545–AF35

●TO PROVIDE REGULATIONS UNDER SECTION 103A RELATING TO MORTGAGE SUBSIDY BONDS FOR COOPERATIVE HOUSING CORPORATIONS.

Legal Authority: 26 USC 7805 Internal Revenue Code; 26 USC 103A Internal Revenue Code

CFR Citation: 26 CFR 1

Abstract: The regulations will interpret the rules under section 103A, relating to mortgage subsidy bonds, as those rules relate to cooperatives. A mortgage subsidy bond is an obligation a significant portion of the proceeds of which are used to provide financing for single-family, owner-occupied residences. The proposed regulations also would provide rules for the treatment of certain leasing cooperatives under section 103 (b) (4) (A), relating to industrial development bonds for residentialrental projects.

Timetable:

Action	Date	FR Cite
NPRM	07/01/83	
Final Action	12/31/83	

Small Entity: Not Applicable

Additional Information: LR-16-83 Drafting attorney: Harold Flanagan (202) 566-3294 Reviewing attorney: John M. Coulter, Jr (202) 566-4473 Office of Tax Legislative Counsel reviewing attorney: Phil McCarty (202) 566-2175 In Legislation and Regulations Division for preparation of notice

Agency Contact: Harold Flanagan, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington D.C. 20224, **202 566-3294**

RIN: 1545–AF36

INCOME TAX–CHANGES IN EXCLUSION FOR SICK PAY & CERTAIN MILITARY, ETCETERA, DISABILITY PENSIONS; CERTAIN DISABILITY INCOME.

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 104(a) Internal Revenue Code of 1954; 26 USC 104(b) Internal Revenue Code of 1954; 26 USC 105(d) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would relate to annuities, unemployment compensation, compensation for injuries or sickness, amount received under accident or health plans, and contributions by employees to accident and health plans. Exclusions from income would be clarified.

Timetable:

Action	Date	FR Cite
NPRM	07/09/80	45 FR 46082
NPRM Comment Period Begin	07/09/80	45 FR 46082
NPRM Comment Period End	09/08/80	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-159-76 Drafting attorney: Gregory Roth (202) 566-3238 Reviewing attorney: John H. Parcell (202) 566-3288 Treasury decision pending Treasury review.

Agency Contact: Gregory Roth, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington DC 20224, **202 566-3238**

RIN: 1545–AA66

INCOME TAX–DISCHARGE OF INDEBTEDNESS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 108 Internal Revenue Code of 1954; 26 USC 1017 Internal Revenue Code of 1954; PL 96-589, Sec 2 Bankruptcy Tax Act 1980

CFR Citation: 26 CFR 1

Abstract: This proposal would provide rules relating to certain income from the discharge of indebtedness, including rules relating to the election to reduce the basis of assets in lieu of recognizing income.

Timetable:

Action	Date	FR Cite
NPRM	10/00/83	

Small Entity: Not Applicable

Additional Information: LR-91-81 Drafting Attorney: Duane Pellervo (202) 566-3458 Reviewing attorney: Charles M. Whedbee (202) 566-3458 Office of Tax Legislation Counsel reviewing attorneys: McCarty. Levinson In Office of Chief Counsel (Legislation and Regulations Division) for preparation of notice.

Agency Contact: Charles M. Whedbee, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, **202 566-3474**

RIN: 1545-AA67

INCOME TAX—TO CLARIFY THE PROPER RECOVERY EXCLUSION FOR STATE INCOME TAX REFUNDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 111 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations will provide rules for the proper computation of the portion of a state tax refund which a taxpayer may exclude from income in the year the refund is received.

Timetable:

Action	Date	FR Cite
NPRM	06/00/83	

Small Entity: Not Applicable

Additional Information: LR-136-81 Drafting attorney: Robert B. Coplan (202) 566-3287 Reviewing attorney: Larry E. Smith (202) 566-3287 10/6/82 Notice to Treasury

Agency Contact: Robert B. Coplan, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AA68

INCOME TAX—PARTIAL EXCLUSION OF DIVIDENDS AND INTEREST RECEIVED BY INDIVIDUALS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 116 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal would provide rules relating to the partial exclusion of dividends and interest for 1981.

Timetable:

Action	Date	FR Cite
NPRM	02/09/81	47 FR 5902
NPRM Comment Period Begin	02/09/81	47 FR 5902
NPRM Comment Period End	04/12/81	
Hearing	06/22/82	47 FR 20802
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-83-80 Drafting Attorney: Phoebe A. Mix (202) 566-3288 Reviewing attorney: Paul A. Francis (202) 566-3930 Office of Tax Legislative Counsel reviewing attorneys: not assigned

Agency Contact: Phoebe A. Mix, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AA69

INCOME TAX—RELATING TO FEDERAL GRANT NOT INCLUDABLE IN GROSS INCOME IN CERTAIN CASES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 117(c) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations will revise existing regulations to allow an exclusion for a grant received under a Federal program which would have been excluded from gross income as a scholarship or fellowship grant if it were not for the fact that the employee was required to perform future services.

Timetable:

Action	Date	FR Cite
NPRM	12/00/83	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-72-81 Drafting attorney: Ada S. Rousso Reviewing attorney: Larry E. Smith (202) 566-3287 In Office of Chief Counsel (Legislation and Regulations Division) for preparation of notice

Agency Contact: Ada S. Rousso, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington, D.C. 20224, **202 566-4336**

RIN: 1545-AA70

INCOME TAX—CONTRIBUTIONS IN AID OF CONSTRUCTION FOR CERTAIN UTILITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 118(b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Notice would define and interpret when a utility has received a contribution in aid of construction. Changes to the applicable law were made by section 2120 of the Tax Reform Act of 1976 and section 364 of the Tax Reform Act of 1978.

Timetable:

Action	Date	FR Cite
Previous NPRM	09/27/78	
NPRM	05/01/83	

Small Entity: Not Applicable

Additional Information: LR-136-76 Drafting attorney: Mary Frances Pearson (202) 566-3458 Reviewing attorney: Marcus B. Blumkin (202) 566-3463 Revised notice returned to Office of Chief Counsel (Legislation and Regulations Division) for further review 9/22/81

Agency Contact: Mary Frances Pearson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, **202 566-3489**

RIN: 1545-AA71

INCOME TAX—PREPAID LEGAL EXPENSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954, 26 USC 120 Internal Revenue Code of 1954; 26 USC 501(c)(20) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules relating to the establishment and operation of a qualified group legal services plan. Employer contributions to, and benefits provided under, a qualified plan are excluded from an employee's gross income.

Timetable:

Action	Date	FR Cite
NPRM	04/29/80	45 FR 28360
NPRM Comment Period Begin	04/29/80	45 FR 28360
NPRM Comment Period End	06/30/80	
Hearing 09/04/80	07/25/80	45 FR 49596
Final Action	04/00/83	

Small Entity: Not Applicable

Additional Information: EE-5-78 Drafting attorney: Charles K. Kerby, III (202) 566-3422 Reviewing attorney: Jonathan P. Marget (202) 566-3651 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Hevener Preliminary draft of Treasury Decision to Office of Tax Legislative Counsel, 12/13/82.

Agency Contact: Charles K. Kerby, III, Attorney, Department of the Treasury, Internal

Revenue Service, 1111 Constitution Ave, N.W., Washington, D.C. 20224, 202 566-3422

RIN: 1545-AD62

INCOME TAX—EXCLUSION FROM GROSS INCOME OF VALUE OF QUALIFIED TRANSPORTATION PROVIDED BY EMPLOYER

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 124 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance for determining if transportation provided by an employer for employees in a commuter highway vehicle to and from home and work discriminates in favor of officers, shareholders and highly compensated employees. If the transportation plan does not so discriminate, then it is a qualified transportation plan and the value of the transportation is excluded from the gross income of the employees.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-193-78 Drafting Attorney: Ewan Purkiss (202) 566-3288 Reviewing Attorney: John Parcell (202) 566-3336 Office of Tax Legislative Counsel Reviewing Attorney: Mark Yecies Notice in the Legislation and Regulations Division for revisions.

Agency Contact: Ewan Purkiss, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington DC 20224, 202 566-3288

RIN: 1545-AA72

INCOME TAX—TAX TREATMENT OF CAFETERIA PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 125 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations establish rules for the tax treatment of cafeteria plans meeting certain nondiscrimination standards. A cafeteria plan permits participating employees to select the particular fringe benefits desired from a package of employer-provided benefits, some of which are taxable and some of which are nontaxable.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-16-79 Drafting attorney: Harry Beker (202) 566-6212 Reviewing attorney: Michael A. Thrasher (202) 566-3961 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Oppenheimer, Hevener Revised preliminary draft of notice to Office of Tax Legislative Counsel (Treasury) & Actuarial Division, 04/15/80. Comments from Actuarial Division, 12/17/81. Comments from Tax Legislative Counsel (Treasury) on preliminary draft of Notice, 10/25/82.

Agency Contact: Harry Beker, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave, N.W., Washington, D.C. 20224, 202 566-6212

RIN: 1545-AD63

INCOME TAX-EXCLUSION FROM INCOME OF CERTAIN COST-SHARING PAYMENTS UNDER GOVERNMENT PROGRAMS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 126 Internal Revenue Code of 1954; 26 USC 1255 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulation will provide rules on the exclusion from income of certain cost sharing payments and on the amount recaptured when the property improved with government payments is sold within a certain specified period of time.

Timetable:

Action	Date	FR Cite
NPRM	05/21/81	46 FR 27723
NPRM Comment Period Begin	05/21/81	46 FR 27723
NPRM Comment Period End	07/22/81	
Hearing	12/01/81	46 FR 50808
Final Action	09/01/83	

Small Entity: Not Applicable

Additional Information: LR-222-78 Drafting attorney: Paul H. Weisman (202) 566-3238 Reviewing attorney: John H. Parcell (202) 566-3288 Office of Tax Legislative Counsel reviewing attorneys: Reinhold, Levinson

Agency Contact: Paul H. Weisman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AA73

INCOME TAX—EDUCATIONAL ASSISTANCE PROGRAMS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 127 Internal Revenue Code of 1954; 26 USC 3121(a)(18) Internal Revenue Code of 1954; 26 USC 3401(a)(18) Internal Revenue Code of 1954; 26 USC 3306(b)(13) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules relating to the establishment and operation of a qualified educational assistance program. Amounts paid or expenses incurred by an employer for educational assistance furnished under a qualified program are excluded from an employee's gross income.

Timetable:

Action	Date	FR Cite
NPRM	11/23/81	46 FR 57325
NPRM Comment Period Begin	11/23/81	46 FR 57325
NPRM Comment Period End	01/22/82	
Hearing03/24/82	02/17/82	47 FR 6694
Final Action	03/00/83	

Small Entity: Not Applicable

Additional Information: EE-178-78 Drafting attorney: Charles K. Kerby, III (202) 566-3422 Reviewing attorney: Jonathan P. Marget (202) 566-3651 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Hevener Preliminary draft of Treasury Decision to Office of Tax Legislative Counsel, 11/08/82.

Agency Contact: Charles K. Kerby, III, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave, N.W., Washington, D.C. 20224, 202 566-3422

RIN: 1545-AD64

INCOME TAX—EXCLUSION OF INTEREST ON CERTAIN SAVINGS CERTIFICATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 128 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations will provide rules relating to the exclusion from gross income of the interest on certain savings certificates. They will explain how to determine the life time exclusion and how to determine whether the requirement relating to the seventy percent of average investment yield of one year Treasury bills has been met.

Timetable:

Action	Date	FR Cite
NPRM	10/20/81	46 FR 51588
NPRM Comment Period Begin	10/20/81	46 FR 51588
Hearing	11/23/81	
NPRM Comment Period End	12/21/81	

Next Action Undetermined

Small Entity: Not Applicable

Additional Information: LR-232-81 Drafting attorney: Cynthia L. Clark (202) 566-4336 Reviewing attorney: Larry E. Smith (202) 566-3287 Office of Tax Legislative Counsel reviewing attorneys: Woodward, Levinson. Presently under consideration in Office of Chief Counsel (Legislation and Regulations Division)

Agency Contact: Cynthia L. Clark, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington D.C. 20224, **202 566-4336**

RIN: 1545-AA74

INCOME TAX—PARTIAL EXCLUSION OF INTEREST

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 128 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations will provide rules under section 128 for the partial exclusion (a maximum of $450 for single returns and $900 for joint returns) of interest that will be effective for tax years beginning in 1985.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-234-81 Drafting attorney: Cynthia L. Clark (202) 566-4336 Reviewing attorney: Larry E. Smith (202) 566-3287 Office of Tax Legislative Counsel reviewing attorneys: Woodward, Levinson In Office of Chief Counsel (Legislation and Regulations Division) for preparation of notice.

Agency Contact: Cynthia L. Clark, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington D.C. 20224, **202 566-4336**

RIN: 1545-AA75

INCOME TAX—DEPENDENT CARE ASSISTANCE PROGRAMS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 129 Internal Revenue Code of 1954; 26 USC 3121(a)(18) Internal Revenue Code of 1954; 26 USC 3306(b)(13) Internal Revenue Code of 1954; 26 USC 3401(a)(18) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 31

Abstract: Internal Revenue Code section 129 excludes from an employee's gross income amounts paid or expenses incurred by an employer for dependent care assistance provided to an employee pursuant to a qualified program. Payments or benefits excluded under this section are not wages and consequently are not subject to tax under the Federal Insurance Contributions Act and the Federal Unemployment Act and are not subject to withholding. The regulation sets forth plan requirements and related rules.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-147-81 Drafting attorney: Monice L. Rosenbaum (202) 566-3422 Reviewing attorney: Charles K. Kerby, III (202) 566-3422 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Hevener Redlined draft of Notice to Office of Chief Counsel (Individual Tax Division), 01/14/83.

Agency Contact: Monice Rosenbaum, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave, N.W., Washington, D.C. 20224, **202 566-3422**

RIN: 1545-AD65

INCOME TAX—EMPL. TAX—DEDUCTIBILITY OF CERTAIN TRANSPORTATION EXPENSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 162 Internal Revenue Code of 1954; 26 USC 62 Internal Revenue Code of 1954; 26 USC 262 Internal Revenue Code of 1954; 26 USC 3121 Internal Revenue Code of 1954; 26 USC 3306 Internal Revenue Code of 1954; 26 USC 3401 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 31

Abstract: The regulations would provide guidelines for determining when a taxpayer may deduct some transportation expenses incurred in traveling between his home and some places of work.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-173-77 Drafting attorney: Beverly Baughman (202) 566-3297 Reviewing attorney: Scott Office of Tax Legislative Counsel reviewing attorneys: Furer, Levinson Draft of notice to Tax Legislative Counsel (Treasury) 4/30/82.

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AA76

INCOME TAX—TO ADD PROVISIONS RELATING TO STATE LEGISLATORS TRAVEL EXPENSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 162 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance to state legislators who elect to deduct a set per diem in lieu of having to substantiate their actual travel expenses arising from their trade or business as a state legislator.

Timetable:

Action	Date	FR Cite
NPRM	03/00/83	

Small Entity: Not Applicable

Additional Information: LR-5-82 Drafting attorney: Linda Kroening (202) 566-3297 Reviewing attorney: Paul A. Francis (202) 566-3930 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: McCarty, Woodward 11/8/82 Revised draft of notice to Tax Legislative Counsel

Agency Contact: Linda M. Kroening, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AA78

INCOME TAX—TO PROVIDE BETTER DEFINITIONS IN THE AREA OF POLITICAL ADVERTISING & GRASSROOTS LOBBYING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 162 Internal Revenue Code of 1954; 26 USC 4945 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulation would provide better definitions in the area of political advertising and grassroots lobbying.

Timetable:

Action	Date	FR Cite
NPRM	11/25/80	45 FR 78167
NPRM Comment Period Begin	11/25/80	
NPRM Comment Period End	01/26/81	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-190-77 Drafting attorney: David Haglund (202) 566-3459 Reviewing attorney: Paul A. Francis (202) 566-3930 Office of Tax Legislative Counsel reviewing attorneys: Keyser, Levinson. Presently under consideration in Office of Chief Counsel (Legislation and Regulations Division)

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3459

RIN: 1545-AA79

INCOME TAX—LIMITATION ON INTEREST DEDUCTION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 163(d) Internal Revenue Code of 1954; 26 USC 703(b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would relate to investment interest and other items of income and expense of an electing small business corporation would be treated as items of the shareholders of the corporation.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-1639 Drafting attorney: Gregory A. Roth (202) 566-3238 Reviewing attorney: John H. Parcell (202) 566-3288 Office of Tax Legislative Counsel reviewing attorneys: Pike, Levinson 11/28/77 Notice returned to Office of Chief Counsel (Legislation and Regulations Division) for revision

Agency Contact: Gregory Roth, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington DC 20224, 202 566-3238

RIN: 1545-AA80

INCOME TAX—DEDUCTIONS FOR ADDITION TO A RESERVE FOR CERTAIN GUARANTEED DEBT OBLIGATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 166(f) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal will provide rules for establishing a suspense account for certained guaranteed debt obligations.

Timetable:

Action	Date	FR Cite
NPRM	07/11/80	45 FR 46815
NPRM Comment Period Begin	07/11/80	45 FR 46815
NPRM Comment Period End	09/09/80	
Final Action	06/01/83	

Small Entity: Not Applicable

Additional Information: LR-1173 Drafting attorney: Phoebe A. Mix (202) 566-3288 Reviewing attorney: John H. Parcell (202) 566-3288 Final draft to Tax Legislative Counsel for comment 05/28/82.

Agency Contact: Phoebe A. Mix, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington DC 20224, 202 566-3288

RIN: 1545-AA81

INCOME TAX—TEMPORARY REGULATIONS—TRANSITIONAL RULES FOR PUBLIC UTILITY PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 46(f) Internal Revenue Code of 1954; 26 USC 167(l) Internal Revenue Code 1954; Economic Recovery Tax Act of 1981, Section 209

CFR Citation: 26 CFR 5c

Abstract: Section 168 (e) (3) requires a public utility to use a normalization method of accounting for the tax benefits of ACRS in determining utility rates. If a public utility does not normalize the tax benefits of ACRS in setting rates, the utility must use straight-line depreciation for tax purposes. The rules will provide guidance to taxpayers required to comply with section 168 (e) (3), including the treatment of salvage proceeds, gains and losses on dispositions, and computing deferred taxes when federal income tax rates change.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/30/83	

Small Entity: Not Applicable

Additional Information: LR-342-81 Drafting attorney: Joseph Rosenthal (202) 566-3288 Reviewing attorney: John H. Parcell (202) 566-3288 In Office of Chief Counsel (Legislation and Regulations Division) for preparation of Treasury decision

Agency Contact: Joseph Rosenthal, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AA16

INCOME TAX—AMORTIZATION OF LOW-INCOME HOUSING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 167(k) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules relating to the maximum amount of rehabilitation expenditures which are properly amortizable over 60 months. The regulations would interpret the provisions of section 264 of the Economic Recovery Tax Act of 1981.

Timetable:

Action	Date	FR Cite
Final Action Effective	01/01/81	
NPRM	07/15/82	47 FR 30796
NPRM Comment Period Begin	07/15/82	47 FR 30796
NPRM Comment Period End	09/13/82	
Final Action	05/01/83	

Small Entity: Not Applicable

Additional Information: LR-195-81 Drafting attorney: Harold Flanagan (202) 566-3294 Reviewing attorney: John P. MacMaster (202) 566-3294 Office of Tax Legislative Counsel reviewing attorney: Jewett Treasury decision to Commissioner for signature 01/03/83

Agency Contact: Harold Flanagan, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington D.C. 20224, 202 566-3294

RIN: 1545-AA84

INCOME TAX—RATEMAKING TREATMENT OF PUBLIC UTILITY PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 167(l) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance on accounting for deferred taxes after a change in federal income tax rates.

Timetable:

Action	Date	FR Cite
NPRM	12/15/83	

Small Entity: Not Applicable

Additional Information: LR-172-79 Drafting attorney: Joseph Rosenthal (202) 566-3288 Reviewing attorney: John H. Parcell (202) 566-3288 Office of Tax Legislative Counsel reviewing attorneys: Pike, In Office of Chief Counsel (Legislation and Regulations Division) for preparation of notice

Agency Contact: Joseph Rosenthal, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AA85

INCOME TAX—ACCELERATED COST RECOVERY SYSTEM

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 168 Internal Revenue Code of 1954; 26 USC 179 Internal Revenue Code of 1954; 26 USC 1245 Internal Revenue Code of 1954; 26 USC 453 Internal Revenue Code of 1954; 26 USC 167 Internal Revenue Code of 1954; 26 USC 1250 Internal Revenue Code of 1954; 26 USC 57(a)(12) Internal Revenue Code of 1954; 26 USC 312(k) Internal Revenue Code of 1954; 26 USC 172(b) Internal Revenue Code of 1954; 26 USC 812(b) Internal Revenue Code of 1954; 26 USC 46(b) Internal Revenue Code of 1954; 26 USC 53(c) Internal Revenue Code of 1954; 26 USC 381(c) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: To provide regulations under section 168 and accompanying provisions clarifying the operation of the new accelerated cost recovery scheme. This new cost recovery system generally applies to property placed in service after December 31, 1980. Generally, section 168 applies to "recovery property" which is defined as tangible property of a character subject to the allowance for depreciation which is used in a trade or business, or held for the production of income.

Timetable:

Action	Date	FR Cite
Final Action Effective	01/01/81	
NPRM	10/01/83	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-185-81 Drafting attorneys: George Magnatta (202) 566-3459, Harold Flanagan (202) 566-3259, John Tolleris (202) 566-3294 Reviewing attorney: John M. Coulter, Junior, Office of Tax Legislative Counsel (Treasury) reviewing attorney: Yecies Draft of notice to Tax Legislative Counsel (Treasury) & Office of Chief Counsel (Corporation Tax Division), 6/14/82. Comments from Office of Chief Counsel (Corporation Tax Division), 7/27/82

Agency Contact: George T. Magnatta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AA87

INCOME TAX—NORMALIZATION REQUIREMENT FOR PUBLIC UTILITY PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 168(e)(3) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The temporary regulations would provide guidance to public utilities relating to the transitional rules for the public utility normalization requirements of ACRS under section 168 (e) (3). Prior to ACRS some public utilities did not have to normalize in order to use accelerated depreciation. Under the transitional rule these utilities are given until January 1, 1983 to meet the normalization requirements of section 168 (e) (3).

Timetable:

Action	Date	FR Cite
NPRM	12/15/83	

Small Entity: Not Applicable

Additional Information: LR-244-81 Drafting attorney: Joseph Rosenthal (202) 566-3288 Reviewing attorney: John H. Parcell (202) 566-3288 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Pike In Office of Chief Counsel (Legislation and Regulations Division) for preparation of notice.

Agency Contact: Joseph Rosenthal, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AA88

●TEMPORARY INCOME TAX REGULATIONS TO ALLOW BASIS ADJUSTMENT FOR CERTAIN TRANSITIONAL SAFE HARBOR LEASE PROPERTY

Legal Authority: 26 USC 168(f)(8); 26 USC 7805

CFR Citation: 26 CFR 5f

Abstract: The regulations would clarify that certain safe harbor leases executed on or before December 1, 1982 may be amended to retroactively adjust the basis of transitional safe harbor lease property which had been sold and leased back.

Timetable:

Action	Date	FR Cite
Final Action Effective	07/02/82	
Final Action	03/00/83	

Small Entity: Not Applicable

Additional Information: LR-307-82 Drafting attorney: John A. Tolleris (202) 566-3294 Reviewing attorney: John M. Coulter, Jr. (202) 566-4473 Office of Tax Legislative Counsel reviewing attorney: Phil McCarty In Commissioner's Office for formal action

Agency Contact: John A. Tolleris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AF23

●INCOME TAX—RELATING TO TERMINAL RENTAL ADJUSTMENT CLAUSES IN CERTAIN MOTOR VEHICLE LEASES.

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 168 (f) (8) Internal Revenue Code of 1954; Tax Equity and Fiscal Responsibility Act of 1982, section 210

CFR Citation: 26 CFR 1

Abstract: Proposal would provide rules for determining whether certain motor vehicle agreements which contain terminal rental adjustment clauses are conditional sales agreements or lease agreements.

Timetable:

Action	Date	FR Cite
NPRM	11/23/82	47 FR 52729
NPRM Comment Period Begin	11/23/82	
NPRM Comment Period End	01/24/83	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-187-80 Drafting attorney: Phoebe A. Mix (202) 566-3288 Reviewing attorney: John M. Fischer (202) 566-3394 Office of Tax Legislative Counsel reviewing attorney: Phil McCarty In comment period.

Agency Contact: Phoebe A. Mix, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AF32

INCOME TAX—AMORTIZATION OF CERTAIN POLLUTION CONTROL FACILITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 169 Internal Revenue Code of 1954; Tax Reform Act of 1976 sec 2112

CFR Citation: 26 CFR 1

Abstract: The regulations would provide a definition of "Pollution Control Facility" for purposes of amortization. An eligible taxpayer would be permitted to amortize the basis of the pollution control facility over a period of five years.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-193-76 Drafting attorney: Barry L. Wold (202) 566-3288 Reviewing attorney: John M. Coulter, Jr. (202) 566-4473 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Levinson In Office of Chief Counsel (Interpretative Division) for preparation of notice

Agency Contact: Barry L. Wold, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AA89

INCOME TAX—CHARITABLE CONTRIBUTIONS OF SCIENTIFIC PROPERTY USED FOR RESEARCH

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 170 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance to corporations making a qualified research contribution of scientific equipment or apparatus to an institution of higher education.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-219-81 Drafting attorney: Linda Kroening (202) 566-3297 Reviewing attorney: Walter Woo (202) 566-3297 In Office of Chief Counsel (Legislation and Regulations Division) for preparation of notice.

Agency Contact: Linda M. Kroening, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AA90

INCOME TAX—ESTATE & GIFT TAXES—TRANSFERS OF PARTIAL INTERESTS IN PROPERTY FOR CONSERVATION PURPOSES—TO EXTEND CERTAIN TEMPORARY TAX PROVISIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 170(f)(3) Internal Revenue Code of 1954; 26 USC 170 (h) Internal Revenue Code of 1954; 26 USC 2055 (e) (2) Internal Revenue Code of 1954; 26 USC 2522 (c) (2) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 20; 26 CFR 25

Abstract: These regulations will provide to what extent a taxpayer can obtain a charitable deduction for a charitable contribution of a partial interest in real property.

Timetable:

Action	Date	FR Cite
NPRM	05/00/83	

Small Entity: Not Applicable

Additional Information: LR-200-76 Drafting attorney: John R. Harman (202) 566-3238 Reviewing attorney: Larry E. Smith (202) 566-3287 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Hutton, Levinson Notice to Office of Commissioner for formal approval, 04/14/82.

Agency Contact: John R. Harman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington D.C. 20224, **202 566-3238**

RIN: 1545-AA91

INCOME TAX—CHARITABLE CONTRIBUTIONS DEDUCTION FOR NONITEMIZERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 170(i) Internal Revenue Code of 1954; 26 USC 63(b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide revised substantiation requirements for charitable contribution deductions. Due to the anticipated wide use of the charitable contribution deduction for nonitemizers, Congress intended that the Internal Revenue Service prescribe rules and procedures, in addition to the currently applicable requirements to assure substantiation and verification of charitable contributions.

Timetable:

Action	Date	FR Cite
NPRM	03/31/83	

Small Entity: Not Applicable

Additional Information: LR-255-81 Drafting attorney: Linda Kroening (202) 566-3297 Reviewing attorney: John B. Bromell (202) 566-3326 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Keyser, Levinson 1/18/83 Notice to Office of Commissioner for formal approval.

Agency Contact: Linda M. Kroening, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AA92

INCOME TAX—NET OPERATING LOSSES ATTRIBUTABLE TO PRODUCT LIABILITY LOSSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 172 Internal Revenue Code of 1954; 26 USC 537(b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations will provide the necessary guidance with respect to product liability losses and accumulations for the payment of reasonably anticipated product liability losses. Product liability losses may be carried back ten years instead of three years.

Timetable:

Action	Date	FR Cite
Final Action Effective	09/30/79	
NPRM	02/15/83	
Final Action	02/15/84	

Small Entity: Not Applicable

Additional Information: LR-218-78 Drafting attorney: George Magnatta (202) 566-3459 Reviewing attorney: John M. Coulter, Jr. (202) 566-4473 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Furer Notice to Commissioner for formal approval, 11/10/82

Agency Contact: George T. Magnatta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AA93

INCOME TAX—NET OPERATING LOSSES FOR CERTAIN REAL ESTATE INVESTMENT TRUSTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 172(b)(1)(E) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: To provide guidance to Real Estate Investment Trusts with net operating loss carryovers. A net operating loss for a year in which the taxpayer was a REIT shall not be a net operating loss carryback to any taxable year preceding the taxable year of such loss, and shall be a net operating loss carryover to each of the 15 taxable years following the taxable year of such loss. In the case of any net operating loss for a taxable year which is not a REIT year, such loss shall not be carried back to any taxable year which is a REIT year.

Timetable:

Action	Date	FR Cite
NPRM	12/30/83	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-26-81 Drafting attorney: George Magnatta (202) 566-3459 Reviewing attorney: John M. Coulter, Jr. (202) 566-4473 In Office of Chief Counsel (Legislation and Regulations Division) for preparation of notice

Agency Contact: George T. Magnatta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545–AA94

INCOME TAX—ELECTION TO EXPENSE CERTAIN DEPRECIABLE ASSETS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 179 Internal Revenue Code of 1954; 26 USC 263 Internal Revenue Code of 1954; 26 USC 1033 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulation will provide rules relating to the election to expense certain depreciable business assets. The regulations determine the type of property to which section 179 applies. In addition, the regulations set forth the maximum amount of section 179 expense allowed and the procedures that must be followed in claiming the expense.

Timetable:

Action	Date	FR Cite
NPRM	08/00/83	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-233-81 Drafting attorney: Neil Zyskind (202) 566-3289 Reviewing attorney: Larry E. Smith (202) 566-3287 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Yecies Draft of notice to Office of Tax Legislative Counsel (Treasury) & Office of Chief Counsel (Interpretative Division), 02/01/82 Comments from Office of Chief Counsel (Interpretative Division), 04/02/82

Agency Contact: Neil Zyskind, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington D.C. 20224, **202 566-3289**

RIN: 1545–AA95

INCOME TAX—ELECTION TO POSTPONE APPLICATION OF SECTION 183 (D) PRESUMPTION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 183(e) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would relate to the election to postpone determining whether the presumption that an activity is engaged in for profit applies. The regulations would clarify timing of the election to postpone the determination.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action Effective	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-61-74 Drafting attorney: Gregory Roth (202) 566-3238 Reviewing attorney: John H. Parcell (202) 566-3288 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Baneman, Levinson Final draft of notice to Office of Tax Legislative Counsel (Treasury) & Individual Tax Division, 03/06/82

Agency Contact: Gregory Roth, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, DC 20224, **202 566-3238**

RIN: 1545–AA96

INCOME TAX—AMORTIZATION OF REAL PROPERTY CONSTRUCTION PERIOD INTEREST & TAXES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 189 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulation would provide that only a portion of the real property construction period interest and taxes are deductible for the taxable year they are paid or accrued. The remaining amounts are amortized over varying periods of time depending on the category of real property to which such amounts are attributable and the taxable year the interest and taxes are paid or accrued.

Timetable:

Action	Date	FR Cite
NPRM	10/31/83	

Small Entity: Not Applicable

Additional Information: LR-145-76 Drafting attorney: Howard A. Balikov (202) 566-3288 Reviewing Attorney: Phoebe A. Mix (202)566-3288 Office of Tax Legislative Counsel (Treasury) Reviewing Attorney: Kuller/McKee In Legislation and Regulations Division for revision of the notice of proposed rulemaking to take into account recent statutory amendments.

Agency Contact: Howard A. Balikov, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington DC 20224, **202 566-3288**

RIN: 1545–AA97

INCOME TAX—TO ADD PROVISIONS RELATING TO TERTIARY INJECTANTS TO CONFORM TO SEC 251, CRUDE OIL WINDFALL PROFIT TAX ACT 1980

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 193 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance to taxpayers using tertiary recovery methods for the enhanced recovery of oil.

Timetable:

Action	Date	FR Cite
NPRM	01/14/83	48 FR 1761
NPRM Comment Period Begin	01/14/83	48 FR 1761
NPRM Comment Period End	03/15/83	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-77-80 Drafting attorney: David Haglund (202) 566-3459 Reviewing attorney: Paul A. Francis (202) 566-3930 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Schuldinger, Levinson 1-14-83 Notice of proposed rulemaking published.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545–AA99

INCOME TAX–TEMPORARY REGULATIONS–AMORTIZATION OF CERTAIN REFORESTATION EXPENDITURES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 194 Internal Revenue Code of 1954; PL 96-451 Title III, RBS & FI Act of 1980

CFR Citation: 26 CFR 15b

Abstract: These regulations provide rules for an election under which taxpayers may amortize up to $10,000 of qualified reforestation expenditures over a seven-year period.

Timetable:

Action	Date	FR Cite
Final Action	06/00/83	

Small Entity: Not Applicable

Additional Information: LR-224-80 Drafting attorney: Robert B. Coplan (202) 566-3287 Reviewing attorney: Larry E. Smith (202) 566-3287 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Oppenheimer, Levinson Treasury decision approved by Office of Commissioner, 07/06/82.

Agency Contact: Robert B. Coplan, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington D.C. 20224, **202 566-3287**

RIN: 1545–AB00

INCOME TAX–AMORTIZATION OF CERTAIN REFORESTATION EXPENDITURES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 194 Internal Revenue Code of 1954; 26 USC 48 Internal Revenue Code of 1954; 26 USC 62 Internal Revenue Code of 1954; 26 USC 1245 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations will provide rules relating to an election that permits taxpayers to amortize up to $10,000 of qualified reforestation expenditures over a seven-year period

Timetable:

Action	Date	FR Cite
NPRM	06/00/83	

Small Entity: Not Applicable

Additional Information: LR-189-80 Drafting attorney: Robert B. Coplan (202) 566-3287 Reviewing attorney: Larry E. Smith (202) 566-3287 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Oppenheimer Notice to Treasury for formal approval 08/18/82

Agency Contact: Robert B. Coplan, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington D.C. 20224, **202 566-3287**

RIN: 1545–AB01

INCOME TAX–TO ADD PROVISIONS RELATING TO START-UP EXPENDITURES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 195 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance to taxpayers electing to amortize start-up expenditures relating to the creation or acquisition of an active trade or business.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-36-81 Drafting attorney: David Haglund (202) 566-3459 Reviewing attorney: Paul A. Francis (202) 566-3930 In Office of Chief Counsel (Legislation and Regulations Division) for preparation of notice.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545–AB02

INCOME TAX–GIFT TAX–EMPLOYMENT TAXES–RETIREMENT INCOME PLAN EXCISE TAXES–PROCEDURE AND ADMINISTRATION–SPOUSAL INDIVIDUAL RETIREMENT ACCOUNTS SIMPLIFIED EMPLOYEE ETC.

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 62 Internal Revenue Code of 1954; 26 USC 219 Internal Revenue Code of 1954; 26 USC 220 Internal Revenue Code of 1954; 26 USC 404(h) Internal Revenue Code of 1954; 26 USC 408 Internal Revenue Code of 1954; 26 USC 409 Internal Revenue Code of 1954; 26 USC 2503 Internal Revenue Code of 1954; 26 USC 3121 Internal Revenue Code of 1954; 26 USC 3306 Internal Revenue Code of 1954; 26 USC 4973 Internal Revenue Code of 1954; 26 USC 4974 Internal Revenue Code of 1954; 26 USC 6693 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 25; 26 CFR 31; 26 CFR 54; 26 CFR 301

Abstract: The regulations set forth rules for sponsors of and participants in individual retirement plans, spousal individual retirement plans, and simplified employee pensions.

Timetable:

Action	Date	FR Cite
NPRM	07/14/81	46 FR 36198
NPRM Comment Period Begin	07/14/81	46 FR 36198
NPRM Comment Period End	09/14/81	
Final Action	06/00/83	

Small Entity: Not Applicable

Additional Information: EE-7-78 Drafting attorney: William D. Gibbs (202) 566-3430 Reviewing attorney: Richard J. Wickersham (202) 566-3250 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Oppenheimer, Levinson 10/25/82 - Preliminary Draft of Treasury Decision to Office of Assistant Commissioner (Employee Plans and Exempt Organizations).

Agency Contact: William D. Gibbs, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545–AD59

INCOME TAX–PREPUBLICATION EXPENDITURES OF PUBLISHERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 263 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance to taxpayers relating to the capitalization of pre-publication expenses of publishers and authors.

Timetable:

Action	Date	FR Cite
NPRM	05/01/83	

Small Entity: Not Applicable

Additional Information: LR-253-76 Drafting Attorney: Philip R. Bosco (202) 566-3288 Reviewing attorney: John H. Parcell (202) 566-3288 Presently under revision in the Office of Chief Counsel (Legislation and Regulations Division).

Agency Contact: Philip R. Bosco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington DC 20224, **202 566-3288**

RIN: 1545–AA36

INCOME TAX–EMPLOYEE BENEFIT COSTS AND INDIRECT CONSTRUCTION COSTS ALLOCABLE TO SELF CONSTRUCTED ASSETS.

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 162 Internal Revenue Code of 1954; 26 USC 263 Internal Revenue Code of 1954; 26 USC 404 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules for the proper allocation of employee benefit costs and indirect construction costs to the basis of self-constructed assets.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-79-79 Drafting attorney: Joseph Rosenthal (202) 566-3288 Reviewing attorney: John M. Fischer (202) 566-3394 In Office of Chief Counsel (Legislation and Regulations Division) for preparation of notice

Agency Contact: Joseph Rosenthal, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545–AA77

INCOME TAX–TO CLARIFY TREATMENT OF TAXES MEASURED BY COMPENSATION PAID EMPLOYEES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 266 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide that payroll taxes attributable to salaries paid or incurred for the construction or improvement of real or personal property would be a capital expenditure. However, where payroll taxes are attributable to salaries paid or incurred for repairing real or personal property, such costs may be capitalized if the section 266 election is made.

Timetable:

Action	Date	FR Cite
NPRM	09/30/83	

Small Entity: Not Applicable

Additional Information: LR-22-82 Drafting attorney: Howard A. Balikov (202) 566-3288 Reviewing attorney: John H. Parcell (202) 566-3288 In Office of Chief Counsel (Legislation and Regulations Division) for preparation of notice.

Agency Contact: Howard Balikov, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545–AB03

●PERSONAL SERVICE CORPORATIONS

Legal Authority: 26 USC 7805; 26 USC 269A

CFR Citation: 26 CFR 1

Abstract: This regulation will provide rules for the allocation of income and other tax benefits between a personal service corporation and its employee-owners if the corporation were formed or availed of with the principal purpose of evading or avoiding Federal income taxes.

Timetable:

Action	Date	FR Cite
NPRM	03/01/83	

Small Entity: Not Applicable

Additional Information: LR-163-82 Drafting attorney: Reviewing attorney: Tax Legislative Counsel reviewing attorney: In Legislation and Regulations Division for preparation of notice of proposed rulemaking

Agency Contact: Phoebe A. Mix, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545–AF02

●INCOME TAX–PERSONAL SERVICE CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 269A Internal Revenue Code of 1954

CFR Citation: 26 CFR 5f

Abstract: Proposal will provide rules for determining when the Internal Revenue Service may reallocate income or tax benefits between a personal service corporation and its employee-owners.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/01/83	

Small Entity: Not Applicable

Additional Information: LR-188-82 Drafting Attorneys: Phoebe A. Mix and Philip R. Bosco (202) 566-3288 Reviewing Attorney: John M. Fischer (202) 566-3394 Office of Tax Legislative Counsel reviewing Attorney: Andy Furer In Legislation and Regulations Division for preparation of temporary regulations.

Agency Contact: Phoebe A. Mix, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545–AF11

INCOME TAX–TO ADD PROVISIONS RELATING TO FOREIGN CONVENTIONS (AS AMENDED BY SECTION 4 OF PUBLIC LAW 96-608)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 274(h) Internal Revenue Code of 1954; PL 96-608, Sec 4

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules to assist taxpayers in determining whether it is as reasonable to hold a convention, seminar, or similar meeting outside North America as within it, and thus whether expenses relating to attendance at the convention are deductible.

Timetable:

Action	Date	FR Cite
NPRM	06/30/83	

Small Entity: Not Applicable

Additional Information: LR-114-81 Drafting attorney: Susan K. Thompson (202) 566-3294 Reviewing attorney: Paul A. Francis (202) 566-3930 Draft of notice to Treasury for review 11/08/82

Agency Contact: Susan K. Thompson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545–AB04

INCOME TAX–DISALLOWANCE OF CERTAIN ENTERTAINMENT EXPENSES–TO CONFORM TO SECTION 361, REVENUE ACT OF 1978

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 274(a) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would conform section 274 (a) (l) (B) to changes made by section 361 of the Revenue Act of 1978. The regulations disallow expenditures paid or incurred with respect to a facility used in connection with entertainment.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-203-78 Drafting attorney: Donald W. Stevenson (202) 566-

3297 Reviewing attorney: Scott Office of Tax Legislative Counsel reviewing attorneys: Reinhold, Levinson Draft of notice in Legislation and Regulations Division for revision, 01/19/81

Agency Contact: Donald W. Stevenson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AB05

INCOME TAX—DEDUCTIBILITY OF GIFTS BY EMPLOYERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 274(b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would reflect the modification by the Economic Recovery Tax Act of 1981 of the third exception to the term "gift" (i.e., the exception within certain dollar limitations for awards of tangible personal property. The regulations would define the term "qualified plan award." The regulations would clarify the existing regulations under section 274 (b) of the Internal Revenue Code of 1954 by excluding from the term "tangible personal property" any award of cash, or of a gift certificate, or of a right to choose among 5 or more different items.

Timetable:

Action	Date	FR Cite
NPRM	12/16/82	47 FR 56367
NPRM Comment Period Begin	12/16/82	47 FR 56367
NPRM Comment Period End	02/14/83	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-252-81 Drafting attorney: Robert Ginsburgh (202) 566-3297 Reviewing attorney: John B. Bromell (202) 566-3326 12/16/82 Notice published

Agency Contact: Robert H. Ginsburgh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AB06

AMENDMENT OF INCOME TAX REGULATIONS TO PROVIDE THE COMMISSIONER WITH AUTHORITY TO ESTABLISH AN OPTIONAL METHOD OF COMPUTING MEAL EXPENSES WHILE TRAVELING.

Legal Authority: 26 USC 7805; 26 USC 274 (d)

CFR Citation: 26 CFR 1

Abstract: Section 274 (d) requires a taxpayer to substantiate certain entertainment and travel expenses. The last sentence of section 274 (d) gives the Secretary authority to waive, by regulations, some or all of the substantiation requirements of section 274(d). The proposal would amend the regulations under section 274 to provide the Commissioner with authority to establish an optional method of computing meal expenses while traveling.

Timetable:

Action	Date	FR Cite
NPRM	02/28/83	48 FR 8292
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-257-82 Drafting Attorney: David R. Haglund (202) 566-3459 Reviewing Attorney: John Bromell (202) 566-3326 Office of Tax Legislative Counsel reviewing attorney: George Mundstock Signature package in the Commissioner's Office for formal approval.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3459

RIN: 1545-AF34

INCOME TAX—TAXATION OF NONEXEMPT MEMBERSHIP ORGANIZATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 277 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would relate to the taxation of nonexempt membership organizations. The regulations would clarify the deductibility to the organization for furnishing services, facilities, et cetera, to its members.

Timetable:

Action	Date	FR Cite
NPRM	05/05/72	
Hearing	08/08/72	
Final Action Effective	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-1721 Drafting Attorney: Gregory A. Roth (202) 566-3238 Reviewing Attorney: Phoebe A. Mix (202) 566-3288 Office of Tax Legislative Counsel reviewing attorneys: Hevener, Levinson Draft of revised notice returned to Office of Chief Counsel (Legislation and Regulations Division), 11/08/79.

Agency Contact: Gregory Roth, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington DC 20224, 202 566-3238

RIN: 1545-AB07

INCOME TAX—AMORTIZATION OF PRODUCTION COST OF MOTION PICTURES, BOOKS, RECORDS, AND OTHER SIMILAR PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 280 Internal Revenue Code of 1954; Section 210 Tax Reform Act of 1976

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance to taxpayers relating to the amortization of certain production costs that are otherwise not capitalized. The regulations relate to production costs for motion pictures, books, records, and similar property.

Timetable:

Action	Date	FR Cite
NPRM	05/01/83	

Small Entity: Not Applicable

Additional Information: LR-220-76 Drafting Attorney: Philip R. Bosco (202) 566-3288 Reviewing attorney: John H. Parcell (202) 566-3288 Presently under revision in the Office of Chief Counsel (Legislation and Regulations Division)

Agency Contact: Philip R. Bosco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AB08

INCOME TAX—DEDUCTIONS FOR EXPENSES ATTRIBUTABLE TO BUSINESS USE OF HOMES, RENTAL OF VACATION HOMES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 280A Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules for determining the deductibility of expenses incurred in connection with the business use, or rental to others, of a dwelling unit. The regulations provide rules for determining when the taxpayer uses a dwelling unit for personal use or when use by another person of the unit is treated as personal use of the unit by the taxpayer.

TREAS—IRS

Current and Projected Rulemakings

Timetable:

Action	Date	FR Cite
NPRM	08/07/80	45 FR 52399
NPRM Comment Period Begin	08/07/80	45 FR 52399
NPRM Comment Period End	10/06/80	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-261-76 Drafting attorney: Donald W. Stevenson (202) 566-3297 Reviewing attorney: Paul A. Francis (202) 566-3930 Office of Tax Legislative Counsel reviewing attorneys: Keyser, McKee Draft of revised notice returned to Legislation and Regulations Division for revision 10/14/82

Agency Contact: Donald W. Stevenson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C. 20224 .

RIN: 1545–AB09

INCOME TAX–TRAVEL EXPENSES OF MEMBERS OF CONGRESS AS AMENDED BY SEC 116 OF THE BLACK LUNG BENEFITS REVENUE ACT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 280A Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations provide the manner by which members of Congress can deduct prescribed amounts as travel expenses arising from their trade or business as members of Congress without substantiation.

Timetable:

Action	Date	FR Cite
NPRM	01/21/82	47 FR 03006
NPRM Comment Period Begin	01/21/82	47 FR 03006
NPRM Comment Period End	03/22/82	
Hearing	05/11/82	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-4-82 Drafting attorney: Linda M. Kroening (202) 566-3297 Reviewing attorney: Paul A. Francis (202) 566-3930 Office of Tax Legislative Counsel Reviewing Attorney: McCarty

Agency Contact: Linda M. Kroening, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545–AB10

●INCOME TAX–SPECIAL RULES RELATING TO CORPORATE PREFERENCE ITEMS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 291 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These Regulations will provide rules relating to the determination of the 15 percent reduction for certain corporate preference items.

Timetable:

Action	Date	FR Cite
NPRM	12/00/83	

Small Entity: Not Applicable

Additional Information: LR-234-82 Drafting attorney: Robert B. Coplan (202) 566-3287 Reviewing attorney: Larry Smith (202) 566-3287 In Legislation and Regulations for preparation of notice

Agency Contact: Robert B. Coplan, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington D.C. 20224, **202 566-3287**

RIN: 1545–AE78

●WAIVER OF FAMILY ATTRIBUTION BY ENTITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 302 (c) (2) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal would interpret the definitions and special rule for waiver of family attribution by entities contained in section 302 (c) (2) of the Internal Revenue Code of 1954, which relates to the tax treatment of certain redemptions of corporate stock.

Timetable:

Action	Date	FR Cite
NPRM	11/00/83	

Small Entity: Not Applicable

Additional Information: LR-189-82 Drafting Attorney: Charles W. Culmer (202) 566-3458 Reviewing Attorney: Marcus B. Blumkin (202) 566-3463 Office of Tax Legislative Counsel reviewing attorney: Mark Yecies (202) 566-8278 In Legislation and Regulations Division for preparation of Notice of Proposed Rulemaking.

Agency Contact: Charles W. Culmer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545–AF13

●INCOME TAX–EXTENSION OF ANTI-BAILOUT PROVISIONS TO CORPORATION FORMED OR AVAILED OF TO AVOID THESE PROVISIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 304 Internal Revenue Code of 1954; 26 USC 306 Internal Revenue Code of 1954; 26 USC 351 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations will provide rules relating to the extension of the section 304 anti-bailout provisions to corporations formed or availed of to avoid these provisions by using section 351 to accomplish a tax-free incorporation. Thus the regulations provide rules for transactions involving the sections 304/351 overlap.

Timetable:

Action	Date	FR Cite
NPRM	09/00/83	

Small Entity: Not Applicable

Additional Information: LR-190-82 Drafting Attorney: Carolyn Swift (202) 566-3458 Reviewing Attorney: Mark Blumkin (202) 566-3463 In Legislation and Regulations Division for preparation of notice of proposed rulemaking

Agency Contact: Carolyn Swift, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545–AF27

INCOME TAX–TEMPORARY REGULATIONS–DIVIDEND REINVESTMENT IN STOCK OF PUBLIC UTILITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 305 Internal Revenue Code of 1954

CFR Citation: 26 CFR 5c

Abstract: Regulations would define and interpret when a qualified public utility may set up a qualified dividend reinvestment plan so that its shareholders may elect to receive qualified common stock and exclude a certain portion from income. Changes to the applicable law were made by section 321 of the Economic Tax Recovery Act of 1981

Timetable:

Action	Date	FR Cite
Final Action	03/00/83	

Small Entity: Not Applicable

Additional Information: LR-277-81 Drafting attorney: Mary Frances Pearson (202) 566-3458 Reviewing attorney: Marcus B. Blumkin (202) 566-3463 Office of Tax Legislative

Counsel (Treasury) reviewing attorney: Levinson Temporary regulations returned from Department of Treasury for revision 11/22/82

Agency Contact: Mary Frances Pearson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AB16

INCOME TAX--TO CLARIFY MEANING OF TERM "REASONABLE REDEMPTION PREMIUM"

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 305 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules to determine when the difference between redemption price and issue price of preferred stock will be treated as a stock distribution.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-91-74 Drafting attorney: Carolyn Swift (202) 566-3458 Reviewing attorney: Marcus B. Blumkin (202) 566-3463 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Yecies, Levinson Notice pending Department of Treasury review.

Agency Contact: Carolyn Swift, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AB15

INCOME TAX--DIVIDEND REINVESTMENT IN STOCK OF PUBLIC UTILITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 305 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Notice would define and interpret when a qualified public utility may set up a qualified dividend reinvestment plan so that its shareholders may elect to receive qualified common stock and exclude a certain portion from income. Changes to the applicable law were made by the Economic Tax Recovery Act of 1981.

Timetable:

Action	Date	FR Cite
NPRM	03/00/83	

Small Entity: Not Applicable

Additional Information: LR-241-81 Drafting attorney: Mary Frances Pearson (202) 566-3458 Reviewing attorney: Marcus B. Blumkin (202) 566-3463 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Keyser, Levinson Notice returned from Department of the Treasury for revision. 11/22/82

Agency Contact: Mary Frances Pearson, Attorney, Department of the Treasury, Internal Revenue Service, 202 566-3289

RIN: 1545-AB14

INCOME TAX--MISCELLANEOUS CORPORATE AMENDMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 302 Internal Revenue Code of 1954; 26 USC 337 Internal Revenue Code of 1954; 26 USC 1371 Internal Revenue Code of 1954; 26 USC 351 Internal Revenue Code of 1954; 26 USC 312 Internal Revenue Code of 1954; 26 USC 542 (c) Internal Revenue Code of 1954; PL 96-589, Sec 5

CFR Citation: 26 CFR 1

Abstract: The regulation would amend the Income Tax Regulations to conform them to miscellaneous corporate amendments made by the Bankruptcy Tax Act of 1980.

Timetable:

Action	Date	FR Cite
NPRM	11/30/83	

Small Entity: Not Applicable

Additional Information: LR-71-81 Drafting attorney: Duane H. Pellervo (202) 566-3458 Reviewing attorney: Charles M. Whedbee (202) 566-3456 In Office of Chief Counsel (Legislation and Regulations Division) for preparation of notice.

Agency Contact: Duane H. Pellervo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AB12

INCOME TAX--SIMULTANEOUS LIQUIDATION OF A PARENT AND SUBSIDIARY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 337 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules relating to the nonrecognition treatment following the sale of assets of a subsidiary corporation provided that the subsidiary and certain other corporations in its affiliated group liquidate within a 12-month period.

Timetable:

Action	Date	FR Cite
NPRM	03/00/83	

Small Entity: Not Applicable

Additional Information: LR-130-76 Drafting attorney: Carolyn Swift (202) 566-3458 Reviewing attorney: Charles M. Whedbee (202) 566-3458 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Yecies, Levinson Signature package of proposed regulations being prepared in Office of Chief Counsel (Legislation and Regulations)

Agency Contact: Carolyn Swift, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AB16

INCOME TAX-ELECTIONS UNDER SECTION 338, AS ADDED BY SECTION 224 OF THE TAX EQUITY AND FISCAL RESPONSIBILITY ACT OF 1982 AS AMENDED BY THE TECHNICAL CORRECTIONS ACT OF 1982

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 338 Internal Revenue Code of 1954; PL 97-248, Sec 224; PL 97-448, Sec 306

CFR Citation: 26 CFR 1

Abstract: This regulation will provide rules for making elections under section 338, which permits certain stock purchases to be treated as asset acquisitions.

Timetable:

Action	Date	FR Cite
NPRM	02/15/83	
Final Action	10/31/83	

Small Entity: Not Applicable

Additional Information: LR-26-83 Drafting Attorney: Duane H. Pellervo (202) 566-3458 Reviewing Attorney: Mark Blumkin (202) 566-3463 Office of Tax Legislative Counsel reviewing attorney: Yecies In Legislation and Regulations Division for preparation of notice of proposed rulemaking.

Agency Contact: Duane H. Pellervo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AF30

●ANTI-AVOIDANCE RULES UNDER SECTIONS 338 AND 346 OF THE INTERNAL REVENUE CODE OF 1954

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 338 (i) Internal Revenue Code of 1954; 26 USC 346 (b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal would interpret the deemed election and consistency requirements of section 338 and the anti-avoidance rules under sections 338 and 346 of the Internal Revenue Code of 1954, which apply with respect to certain acquisitions of control of one corporation by another corporation.

Timetable:

Action	Date	FR Cite
NPRM	09/15/83	

Small Entity: Not Applicable

Additional Information: LR-192-82 Drafting Attorney: Yerachmiel E. Weinstein (202) 566-3458 Reviewing Attorney: Marcus B. Blumkin (202) 566-3463 Office of Tax Legislative Counsel reviewing attorney: Mark Yecies In Legislation and Regulations Division for preparation of Notice of Proposed Rulemaking.

Agency Contact: Yerachmiel E. Weinstein, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AE32

●DEEMED SALE PRICE WHEN CERTAIN STOCK PURCHASES ARE TREATED AS ASSET ACQUISITIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 338 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal will prescribe rules for computing the basis of stock purchased in certain stock acquisitions and for allocating this basis among the assets of the corporation whose stock was thus acquired.

Timetable:

Action	Date	FR Cite
NPRM	09/00/83	

Small Entity: Not Applicable

Additional Information: LR-191-82 Drafting Attorney: Bennett C. Steinhauer (202) 566-4336 Reviewing Attorney: Charles Whedbee (202) 566-3487 Office of Tax Legislative Counsel Reviewing Attorney: Mark Yecies In Legislation and Regulations Division for preparation of Notice of Proposed Rulemaking

Agency Contact: Bennett C. Steinhauer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, **202 566-4336**

RIN: 1545-AF29

●INCOME TAX—ELECTIONS AND MISCELLANEOUS MATTERS UNDER SECTION 224 OF THE TAX EQUITY AND FISCAL RESPONSIBILITY ACT OF 1982, AMENDED BY THE TECHNICAL CORRECTIONS ACT OF 1982

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 338 Internal Revenue Code of 1954; PL 97-448, Sec 306; PL 97-248, Sec 224

CFR Citation: 26 CFR 5f

Abstract: This regulation would provide rules for making elections under section 338 (which permits certain stock purchases to be treated as asset acquisitions) as added by the Tax Equity and Fiscal Responsibility Act of 1982, as amended by the Technical Corrections Act of 1982. Miscellaneous rules under section 224 of the Tax Equity and Fiscal Responsibility Act of 1982 are also provided.

Timetable:

Action	Date	FR Cite
Final Action	03/00/83	

Small Entity: Not Applicable

Additional Information: LR-18-83 Drafting Attorney: Duane H. Pellervo (202) 566-3458 Reviewing Attorney: Mark Blumkin (202) 566-3463 Office of Tax Legislative Counsel Reviewing Attorney: Yecies In Legislation and Regulations Division for preparation of Treasury Decision.

Agency Contact: Duane H. Pellervo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AF22

●INCOME TAX—REGULATIONS UNDER SECTION 338 (A)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 338 Internal Revenue Code of 1954; PL 97-248, Sec 224; PL 97-448, Sec 306

CFR Citation: 26 CFR 1

Abstract: This regulation would establish general rules relating to the effect of an election under section 338 (g), which permits certain stock purchases to be treated as asset acquisitions.

Timetable:

Action	Date	FR Cite
NPRM	09/30/83	
Final Action	03/30/84	

Small Entity: Not Applicable

Additional Information: LR-212-82 Drafting Attorney: Duane H. Pellervo (202) 566-3458 Reviewing Attorney: Charles M. Whedbee (202) 566-3458 Office of Tax Legislative Counsel Reviewing Attorney: Yecies In Legislation and Regulations Division for preparation of notice of proposed rulemaking.

Agency Contact: Duane H. Pellervo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AE60

●INCOME TAX—CORPORATE DISTRIBUTIONS OF APPRECIATED PROPERTY AND PARTIAL LIQUIDATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 346 (b) Internal Revenue Code of 1954; 26 USC 302 (e) Internal Revenue Code of 1954; 26 USC 311 (e) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal would interpret and prevent the circumvention of the repeal of the special tax treatment for partial corporate liquidations as effected by section 222 of the Tax Equity and Fiscal Responsibility Act of 1982. Proposal would also interpret the definitions and special rules relating to appreciated property used to redeem stock contained in section 311 of the Internal Revenue Code of 1954.

Timetable:

Action	Date	FR Cite
NPRM	02/00/84	

Small Entity: Not Applicable

Additional Information: LR-218-82 Drafting Attorney: Charles W. Culmer (202) 566-3458 Reviewing Attorney: Marcus B. Blumkin (202) 566-3463 Office of Tax Legislative Counsel reviewing attorney: Mark Yecies (202) 566-8278 In Legislation and Regulations Division for preparation of Notice of Proposed Rulemaking.

Agency Contact: Charles W. Culmer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AF16

INCOME TAX—TRANSFER BY A CASH BASIS TAXPAYER OF UNREALIZED ACCOUNTS RECEIVABLE, ETC., TO A CORPORATION CONTROLLED BY A TRANSFEREE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 351 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules relating to the transfer of accounts payable and accounts receivable and other assets of an ongoing business that uses a cash basis method of accounting to a corporation using an accrual method of accounting.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-754 Drafting attorney: Carolyn Swift (202) 566-3458 Reviewing attorney: Charles M. Whedbee (202) 566-3458 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Yecies, Levinson Revised draft of notice to Office of Tax Legislative Counsel (Treasury) & Office of Chief Counsel (Corporation Tax Division), 03/31/81. Comments from Office of Chief Counsel (Corporation Tax Division), 04/00/81.

Agency Contact: Carolyn Swift, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AB19

INCOME TAX—DISTRIBUTION OF STOCK AND SECURITIES OF A CONTROLLED CORPORATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 355 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The proposal relates to the income tax treatment of the distribution of stock and securities of a controlled corporation.

Timetable:

Action	Date	FR Cite
NPRM	01/21/77	42 FR 3866
NPRM Comment Period Begin	01/21/77	42 FR 3866
NPRM Comment Period End	03/22/77	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-936 Drafting attorney: Carolyn Swift (202) 566-3458 Reviewing attorney: Marcus B. Blumkin (202) 566-3463 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Yecies, McKee Notice published, 01/13/77. Notice republished, 01/21/77. T.D. pending Department of the Treasury review.

Agency Contact: Carolyn Swift, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AB20

INCOME TAX—BASIS IN STOCK OF A CORPORATION ACQUIRING PROPERTY IN EXCHANGE FOR STOCK OF CORPORATION IN CONTROL OF ACQUIRING CORPORATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 358 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules relating to basis of stock of a corporation acquiring property in exchange for stock of a corporation in control of the acquiring corporation.

Timetable:

Action	Date	FR Cite
NPRM	01/02/81	46 FR 112
NPRM Comment Period Begin	01/02/81	46 FR 112
NPRM Comment Period End	03/03/81	
Final Action	09/00/83	

Small Entity: Not Applicable.

Additional Information: LR-1993 Drafting attorney: Carolyn Swift (202) 566-3458 Reviewing attorney: Marcus B. Blumkin (202) 566-3463 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Yecies, McKee Presently under consideration in Office of Chief Counsel (Legislation and Regulations Division).

Agency Contact: Carolyn Swift, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AB21

INCOME TAX—TEMPORARY REGULATIONS—TO DEAL WITH ASSISTANCE PAYMENTS MADE IN CONNECTION WITH A REORGANIZATION UNDER SEC 368(A)(3)(D)(II) OF THE CODE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 362 (c) Internal Revenue Code of 1954

CFR Citation: 26 CFR 5c

Abstract: Proposal would provide temporary regulations with respect to certain financial assistance payments to financially troubled thrift institutions which require a reduction in the basis of the assets of the recipient institutions thereby giving the public needed guidance on how the Internal Revenue Service intends to interpret that basis reduction requirement.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-97-82 Drafting attorney: Yerachmiel Weinstein (202) 566-3458 Reviewing attorney: Marcus B. Blumkin (202) 566-3463 In Office of Chief Counsel (Legislation and Regulations Division) for preparation of T.D.

Agency Contact: Yerachmiel E. Weinstein, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington D.C. 20224, **202 566-3458**

RIN: 1545-AB23

INCOME TAX—TO DEAL WITH ASSISTANCE PAYMENTS MADE IN CONNECTION WITH A REORGANIZATION UNDER SEC 368(A)(3)(D)(II) OF THE CODE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 362 (c) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal would provide notice of proposed rulemaking with respect to certain financial assistance payments to financially troubled thrift institutions which require a reduction in the basis of the assets of the recipient institution, thereby giving the public needed guidance on how the Internal Revenue Service intends to interpret that basis reduction requirement.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-98-82 Drafting attorney: Yerachmiel Weinstein (202) 566-3458 Reviewing attorney: Marcus B. Blumkin (202) 566-3463 In Office of Chief Counsel (Legislation and Regulations Division) for preparation of notice.

Agency Contact: Yerachmiel E. Weinstein, Attorney, Department of the Treasury, Internal

TREAS—IRS

Current and Projected Rulemakings

Revenue Service, 1111 Constitution Ave N.W., Washington D.C. 20224, **202 566-3458**

RIN: 1545–AB22

INCOME TAX–EXCEPTION FOR TRANSFERS OF PROPERTY FROM THE U.S. DESIGNATED BY THE SECRETARY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 367(a)(2) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would except certain property from the section 367 ruling requirement for transfers of property from the United States.

Timetable:

Action	Date	FR Cite
NPRM	08/00/83	

Small Entity: Not Applicable

Additional Information: LR-231-76 Drafting attorney: Mary E. Dean (202) 566-3289 Reviewing attorney: Charles C. Saverude (202) 566-3323 Office of International Tax Counsel (Treasury) reviewing attorneys: Wold, Granwell Discussion draft to Associate Chief Counsel (Technical). 05/28/82. Comments from Office of Chief Counsel (Corporation Tax Division). 06/07/82.

Agency Contact: Mary E. Dean, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545–AB25

INCOME TAX–RELATING TO RULING REQUESTS WITH RESPECT TO TRANSFERS BY UNITED STATES PERSONS TO FOREIGN CORPORATIONS.

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 367(a)(1) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance with respect to when a ruling is required for a foreign corporation to be treated as a corporation for purposes of determining the amount of gain to be recognized on a transfer by a United States person to a foreign corporation, and would provide rules for filing a request for a ruling.

Timetable:

Action	Date	FR Cite
Notice published under LR-230-76	12/30/77	
Notice published	10/05/79	
Temp Regs pub– T.D. 7646	10/05/79	
Hearing	02/27/80	
NPRM	12/27/82	47 FR 57503
NPRM Comment Period Begin	12/27/82	47 FR 57503
NPRM Comment Period End	02/25/83	
Final Action	10/00/83	

Small Entity: Not Applicable

Additional Information: LR-24-81 Drafting attorney: Martha E. Kadue (202) 566-3238 Reviewing attorney: Charles C. Saverude (202) 566-3323 Office of International Tax Counsel (Treasury) reviewing attorneys: Wold, Granwell 12/27/82 Notice of proposed rulemaking published.

Agency Contact: Martha E. Kadue, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave, N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545–AB24

INCOME TAX–TREATMENT OF EXCHANGES DESCRIBED IN SECTION 367 (B).

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 367(b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide the conditions necessary to prevent the avoidance of Federal income taxes on transfers described in section 367 (b).

Timetable:

Action	Date	FR Cite
NPRM	12/30/77	42 FR 65152
NPRM Comment Period, Begin	12/30/77	42 FR 65152
NPRM Comment Period End	03/01/78	
Notice amended	10/02/79	44 FR 57390
Notice amended	12/27/82	47 FR 57502
Final Action	02/00/84	

Small Entity: Not Applicable

Additional Information: LR-2-78 Drafting attorney: Martha E. Kadue (202) 566-3238 Reviewing attorney: Charles C. Saverude (202) 566-3323 Office of International Tax Counsel (Treasury) reviewing attorneys: Wold, Granwell In Office of Chief Counsel (Legislation and Regulations Division) for preparation of Treasury decision

Agency Contact: Martha E. Kadue, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave, N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545–AB26

INCOME TAX–ACQUISITION OF A CORPORATION BY MERGER OF A CORPORATION CONTROLLED BY THE ACQUIRING CORPORATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 368(a)(2)(E) Internal Revenue Code of 1954; 26 USC 368(b)(2) Internal Revenue Code of 1954; PL 91-693

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules relating to the statutory merger of a controlled corporation into an acquiring corporation using the voting stock of the corporation controlling the merged corporation (reverse triangular merger).

Timetable:

Action	Date	FR Cite
NPRM	01/02/81	46 FR 114
NPRM Comment Period Begin	01/02/81	46 FR 114
NPRM Comment Period End	03/03/81	
Final Action	03/01/83	

Small Entity: Not Applicable

Additional Information: LR-1994 Drafting attorney: Carolyn Swift (202) 566-3458 Reviewing attorney: Marcus B. Blumkin (202) 566-3463 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Yecies, McKee Presently under consideration in Office of Chief Counsel (Legislation and Regulations Division).

Agency Contact: Carolyn Swift, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545–AB30

INCOME TAX–EXCHANGE FUNDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 368(a)(2)(F) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules relating to reorganizations of undiversified investment companies.

Timetable:

Action	Date	FR Cite
NPRM	01/07/81	46 FR 1744
NPRM Comment Period Begin	01/07/81	46 FR 1744

Action	Date	FR Cite
NPRM Comment Period End	03/08/81	
Final Action	12/00/83	

Small Entity: Not Applicable

Additional Information: LR-135-76 Drafting attorney: Carolyn Swift (202) 566-3458 Reviewing attorney: Marcus B. Blumkin (202) 566-3463 Presently under consideration in Office of Chief Counsel (Legislation and Regulations Division).

Agency Contact: Carolyn Swift, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AB31

INCOME TAX—CORPORATE REORGANIZATION AMENDMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 368 Internal Revenue Code of 1954; 26 USC 354 Internal Revenue Code of 1954; 26 USC 358 Internal Revenue Code of 1954; 26 USC 361 Internal Revenue Code of 1954; 26 USC 362 Internal Revenue Code of 1954; 26 USC 381 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Provision would provide regulations with respect to amendments to the provisions of the Internal Revenue Code of 1954 dealing with bankruptcy and other insolvency reorganizations, thereby giving the public needed guidance on how the Internal Revenue Service intends to interpret those amendments.

Timetable:

Action	Date	FR Cite
NPRM	01/15/84	

Small Entity: Not Applicable

Additional Information: LR-63-81 Drafting attorney: Yerachmiel Weinstein (202) 566-3458 Reviewing attorney: Charles M. Whedbee (202) 566-3458 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Yecies, Levinson Partial revised draft of notice of proposed rulemaking returned with comments to Legislation and Regulations Division. 12/29/82.

Agency Contact: Yerachmiel E. Weinstein, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AB29

INCOME TAX—TEMPORARY REGULATIONS—REORGANIZATIONS INVOLVING FINANCIALLY TROUBLED THRIFT INSTITUTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 368 Internal Revenue Code of 1954; 26 USC 382 Internal Revenue Code of 1954; 26 USC 381 Internal Revenue Code of 1954; 26 USC 597 Internal Revenue Code of 1954

CFR Citation: 26 CFR 5c

Abstract: Provision would provide temporary regulations dealing with reorganizations of financially troubled thrift institutions and with the tax consequences of financial assistance payments made to such an institution by a supervisory governmental agency, thereby giving the public needed guidance on how the Internal Revenue Service intends to interpret these issues.

Timetable:

Action	Date	FR Cite
Final Action	07/01/83	

Small Entity: Not Applicable

Additional Information: LR-230-81 Drafting attorney: Yerachmiel Weinstein (202) 566-3458 Reviewing attorney: Marcus B. Blumkin (202) 566-3463 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Yecies, Brown Draft of Treasury Decision returned with comments to Legislation and Regulations Division. 12/29/82.

Agency Contact: Yerachmiel E. Weinstein, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington D.C. 20224, 202 566-3458

RIN: 1545-AB28

INCOME TAX—CHARACTERIZATION IN INTERNATIONAL TRANSACTIONS OF INTERESTS IN CORPORATIONS AS STOCK OR INDEBTEDNESS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 385 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulation would provide rules for determining when interests in corporations issued in international transactions will be treated as stock or indebtedness for tax purposes.

Timetable:

Action	Date	FR Cite
NPRM	03/00/83	

Small Entity: No

Additional Information: LR-92-82 Drafting attorney: Carolyn Swift (202) 566-3458 Reviewing attorney: Marcus B. Blumkin (202) 566-3463 Office of International Tax Counsel (Treasury) reviewing attorney: Shay Draft of notice to Office of International Tax Counsel (Treasury), Office of Chief Counsel (Corporation Tax Division), etc., 05/11/82. Comments from Office of Chief Counsel (Corporation Tax Division), 06/04/82.

Agency Contact: Carolyn Swift, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AB34

INCOME TAX—TREATMENT OF CERTAIN CORPORATE INTERESTS AS STOCK OR INDEBTEDNESS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 385 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules for determining whether interests in a corporation are treated as stock or indebtedness for tax purposes.

Timetable:

Action	Date	FR Cite
NPRM	01/05/82	47 FR 164
NPRM Comment Period Begin	01/05/82	47 FR 164
NPRM Comment Period End	03/07/82	
Hearing	03/10/82	
Final Action	07/00/83	

Small Entity: Yes

Additional Information: LR-75-81 Drafting attorney: Carolyn Swift (202) 566-3458 Reviewing attorney: Marcus B. Blumkin (202) 566-3463 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Furer Draft regulatory flexibility analysis prepared

Agency Contact: Carolyn Swift, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AB33

INCOME TAX—REFUND OF MISTAKEN CONTRIBUTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 401(a)(2) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations describe those circumstances under which an employer contribution or withdrawal liability payment

to a multiemployer pension plan may be refunded due to a mistake of law or fact.

Timetable:

Action	Date	FR Cite
NPRM	03/00/83	

Small Entity: Not Applicable

Additional Information: EE-133-80 Drafting attorney: Michael A. Thrasher (202) 566-3961 Reviewing attorney: Michael A. Thrasher (202) 566-3961 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Hevener, Oppenheimer 12/14/82 Notice of Proposed Rulemaking to Commissioner for formal approval.

Agency Contact: Michael A. Thrasher, Branch Chief, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3961

RIN: 1545-AD68

INCOME TAX—COMPARABILITY OF PLANS FOR VESTING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 401(a)(5) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance relating to the comparability of contributions and benefits provided under two or more pension, profit-sharing, or stock bonus plans of an employer that are considered as a single plan for purposes of satisfying the nondiscrimination requirements of the Internal Revenue Code of 1954.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-8-78 Drafting attorney: Eric Alan Raps (202) 566-3544 Reviewing attorney: Richard J. Wickersham (202) 566-3250 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Oppenheimer, Levinson Revised preliminary draft of notice to Actuarial Division. 02/07/80.

Agency Contact: Eric Alan Raps, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3544

RIN: 1545-AD69

●INCOME TAX—REQUIRED DISTRIBUTIONS FROM QUALIFIED PLANS AND INDIVIDUAL RETIREMENT ACCOUNTS AND PARTIAL ROLLOVERS OF INDIVIDUAL RETIREMENT ACCOUNTS

Legal Authority: 26 USC 401(a)(9) Internal Revenue Code of 1954; 26 USC 408(a)(7) Internal Revenue Code of 1954; 26 USC 408(b)(4) Internal Revenue Code of 1954; 26 USC 408(d)(3)(C) Internal Revenue Code of 1954; 26 USC 408(j) Internal Revenue Code of 1954; 26 USC 408(k) Internal Revenue Code of 1954; 26 USC 409(b)(3)(C) Internal Revenue Code of 1954; 26 USC 219(d)(4) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This project will revise the Income Tax Regulations to incorporate the changes made in the law by the Tax Equity and Fiscal Responsibility Act of 1981 concerning required distributions from qualified plans and individual retirement accounts and partial rollovers of individual retirement accounts.

Timetable:

Action	Date	FR Cite
NPRM	03/00/84	

Small Entity: Not Applicable

Additional Information: EE-113-82 Drafting Attorney: Marjorie Hoffman (202) 566-3430 Reviewing Attorney: Richard J. Wickersham (202) 566-3250 In Office of Chief Counsel (Employee Plans and Exempt Organizations Division) for preparation of the notice of proposed rulemaking.

Agency Contact: Marjorie Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3430

RIN: 1545-AE95

●VARIOUS PENSION PARITY, ETC. PROVISIONS UNDER THE TAX EQUITY AND FISCAL RESPONSIBILITY ACT OF 1982 AND THE ECONOMIC RECOVERY TAX ACT OF 1981

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 72 Internal Revenue Code of 1954; 26 USC 101 Internal Revenue Code of 1954; 26 USC 401 Internal Revenue Code of 1954; 26 USC 404 Internal Revenue Code of 1954; 26 USC 408 Internal Revenue Code of 1954; 26 USC 457 Internal Revenue Code of 1954; 26 USC 1379 Internal Revenue Code of 1954; 26 USC 2039 Internal Revenue Code of 1954; 26 USC 4972 Internal Revenue Code of 1954; PL 95-600, Sec 131 Revenue Act of 1978; PL 97-248, Sec 237; PL 97-248, Sec 238; PL 97-248, Sec 245; PL 97-248, Sec 252; ...

CFR Citation: 26 CFR 1; 26 CFR 20; 26 CFR 54

Abstract: Regulations will interpret changes in sections 72, 101, 401, 404, 408, 457, 1379, 2039, and 4972 of the Internal Revenue Code relating to the elimination of distinctions between corporate pension plans and plans covering self-employed individuals.

Timetable:

Action	Date	FR Cite
NPRM	03/00/84	

Small Entity: Not Applicable

Additional Information: EE-108-82 Drafting attorney: Charles M. Watkins (202) 566-3430 Reviewing attorney: Richard J. Wickersham (202) 566-3250 Office of Tax Legislative Counsel (Treasury) reviewing attorney: In Office of Chief Counsel (Employee Plans and Exempt Organizations Division) for preparation of notice.

Agency Contact: Charles M. Watkins, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3430

RIN: 1545-AE84

INCOME TAX—TO CONFORM THE "HIGH 25 EMPLOYEE RULE" TO SECTION 4022 OF THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974, "GUARANTEED BENEFITS"

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 411(d)(2) Internal Revenue Code of 1954; 26 USC 401(a)(4) Internal Revenue Code of 1954; 26 USC 411(d)(3) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This project will provide final regulations relating to the limitation on the amount of employer contributions which may be used for the benefit of each of the 25 highest paid employees in the event of the early termination of certain tax qualified retirement plans providing defined benefits for employees.

Timetable:

Action	Date	FR Cite
NPRM	01/26/82	47 FR 3562
NPRM Comment Period Begin	01/26/82	47 FR 3562
NPRM Comment Period End	03/29/82	
Final Action	06/00/83	

Small Entity: Not Applicable

Additional Information: EE-11-78 Drafting attorney: Marjorie Hoffman (202) 566-3430 Reviewing attorney: Richard J. Wickersham (202) 566-3250 Office of Tax Legislative

Counsel (Treasury) reviewing attorneys: Oppenheimer, Levinson Revised preliminary draft of the Treasury Decision to Office of Tax Legislative Counsel (Treasury), 11/10/82

Agency Contact: Marjorie Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545–AD71

INCOME TAX–CERTAIN CASH OR DEFERRED ARRANGEMENTS

Legal Authority: 26 USC 7805 Internal Revenue Act of 1954; 26 USC 401(k) Internal Revenue Act of 1954; 26 USC 402(a)(8) Internal Revenue Act of 1954; PL 95-600, Sec 135 Revenue Act of 1978

CFR Citation: 26 CFR 1

Abstract: Regulation will provide definitions and interpretations governing qualified cash or deferred arrangements described in section 401(k) of the Internal Revenue Code of 1954.

Timetable:

Action	Date	FR Cite
NPRM	11/10/81	46 FR 55544
NPRM Comment Period Begin	11/10/81	47 FR 00988
NPRM Comment Period End	02/15/82	
Notice of Hearing	02/24/82	47 FR 08028
Hearing	04/20/82	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-169-78 Drafting attorney: Charles M. Watkins (202) 566-3430 Reviewing attorney: Richard J. Wickersham (202) 566-3250 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Hevener, Levinson In Office of the Chief Counsel (Employee Plans and Exempt Organizations Division) for preparation of revised draft Treasury decision.

Agency Contact: Charles M. Watkins, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W, Washington, D.C. 20224, **202 566-3430**

RIN: 1545–AD72

●NONDISCRIMINATORY COORDINATION OF DEFINED CONTRIBUTION PLANS WITH OLD AGE, SURVIVORS, AND DISABILITY INSURANCE.

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 401 (l) Internal Revenue Code of 1954; PL 97-248, Sec 249

CFR Citation: 26 CFR 1

Abstract: Regulations will define and interpret rules governing the integration of qualified defined contribution pension, profit sharing, and stock bonus plans with benefits paid under Social Security.

Timetable:

Action	Date	FR Cite
NPRM	12/00/83	

Small Entity: Not Applicable

Additional Information: EE-112-82 Drafting attorney: Charles M. Watkins (202) 566-3430 Reviewing attorney: Richard J. Wickersham (202) 566-3250 Office of Tax Legislative Counsel (Treasury) reviewing attorney: In Office of Chief Counsel (Employee Plans and Exempt Organizations Division) for preparation of notice.

Agency Contact: Charles M. Watkins, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545–AE93

INCOME TAX–TREATMENT OF CERTAIN LUMP SUM DISTRIBUTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 402(a)(2) Internal Revenue Code of 1954; 26 USC 402(e) Internal Revenue Code of 1954; 26 USC 403(a)(2)(A)(iii) Internal Revenue Code of 1954; 26 USC 411(d)(1) Internal Revenue Code of 1954; PL 93-406, Sec 2005 Employee Retirement Income Security Act; PL 94-455, Sec 1512 Tax Reform Act of 1976

CFR Citation: 26 CFR 1

Abstract: Regulations will provide definitions and other guidance relating to income tax treatment of certain distributions from qualified employee plans.

Timetable:

Action	Date	FR Cite
NPRM	04/30/75	40 FR 18798
NPRM Comment Period Begin	04/30/75	40 FR 18798
Corrected notice of proposed rule	05/23/75	40 FR 22548
NPRM Comment Period End	06/16/75	
Notice of Hearing	07/03/75	40 FR 26102
Hearing	08/12/75	
Additional notice of proposed rule	05/31/79	44 FR 31228
Comment period until	07/30/79	44 FR 31228
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-14-78 Drafting attorney: Charles M. Watkins (202) 566-3430 Reviewing attorney: Richard J. Wickersham (202) 566-3250 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Oppenheimer, Levinson Treasury decision to Assistant Secretary (Tax Policy) for signature, 09/16/82.

Agency Contact: Charles M. Watkins, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545–AD73

INCOME TAX–TAX-FREE ROLLOVERS OF LUMP SUM DISTRIBUTIONS AND PLAN TERMINATION PAYMENTS. LUMP SUM DISTRIBUTIONS MADE WITH RESPECT TO A DECEDENT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 402(a)(5) Internal Revenue Code of 1954; 26 USC 402(a)(6) Internal Revenue Code of 1954; 26 USC 402(a)(7) Internal Revenue Code of 1954; 26 USC 401(a)(20) Internal Revenue Code of 1954; 26 USC 403(a)(4) Internal Revenue Code of 1954; 26 USC 403(a)(5) Internal Revenue Code of 1954; 26 USC 403(b)(1) Internal Revenue Code of 1954; 26 USC 403(b)(8) Internal Revenue Code of 1954; 26 USC 404(a)(2) Internal Revenue Code of 1954; 26 USC 691(c)(5) Internal Revenue Code of 1954; PL 94-267; PL 95-438, Sec 4; PL 95-600, Sec 156 Revenue Act of 1978; PL 96-222, Sec 101(a)(8)(A); ...

CFR Citation: 26 CFR 1

Abstract: This regulation provides rules governing the tax-free rollover of lump sum distributions and plan termination payments under a qualified employee plan.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-15-78 Drafting attorney: Charles M. Watkins (202) 566-3430 Reviewing attorney: Richard J. Wickersham (202) 566-3250 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Oppenheimer, Levinson Revised preliminary draft of notice to Office of Tax Legislative Counsel (Treasury) & Office of Assistant Commissioner (Employee Plans and Exempt Organizations), 04/01/82.

Agency Contact: Charles M. Watkins, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545–AD74

RETIREMENT ARRANGEMENTS OF CHURCHES

Legal Authority: 26 USC 7805; 26 USC 403; 26 USC 415

CFR Citation: 26 CFR 1

Abstract: The regulations will provide guidance on the application of amendments to sections 403 and 415 of the Internal Revenue Code of 1954. The amendments revise the present law rules relating to tax-sheltered annuity programs maintained by churches for their employees. The new rules generally increase the ability of churches to provide retirement income for their employees and clarify the status of such programs.

Timetable:

Action	Date	FR Cite
NPRM	02/00/84	

Small Entity: Not Applicable

Additional Information: EE-114-82 Drafting attorney: Calder L. Robertson, Jr., (202) 566-3422 Reviewing attorney: Charles K. Kerby, III (202) 566-3608 In Employee Plans and Exempt Organizations Division for preparation of Notice.

Agency Contact: Calder L. Robertson, Jr., Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3422**

RIN: 1545-AE25

INCOME TAX—TAXABILITY OF BENEFICIARY UNDER ANNUITY PURCHASE BY SEC. 501(C) ORGANIZATION OR PUBLIC SCHOOL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 403(b)(7) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations provide guidance on employer contributions of funds, on behalf of employees, to regulated investment company stock (mutual funds). Employer contributions and the earnings on those contributions are exempt from income tax.

Timetable:

Action	Date	FR Cite
NPRM	02/10/78	43 FR 5852
NPRM Comment Period Begin	02/10/78	43 FR 5852
NPRM Comment Period End	04/04/78	
Partial revised notice	12/30/80	45 FR 85786
Hearing	06/04/81	46 FR 17229
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-17-78 Drafting attorney: Harry Beker (202) 566-6212 Reviewing attorney: Michael A. Thrasher (202) 566-3961 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Hevener, Levinson Preliminary draft of T.D. to Office of Tax Legislative Counsel (Treasury) & Office of Assistant Commissioner (Employee Plans and Exempt Organizations), 06/23/81.

Agency Contact: Harry Beker, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave, N.W., Washington, D.C. 20224, **202 566-6212**

RIN: 1545-AD75

INCOME TAX—DEDUCTION LIMITATIONS AND FUNDING RULES FOR VALUING CERTAIN AGREEMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 404(a)(1) Internal Revenue Code of 1954; 26 USC 404(a)(6) Internal Revenue Code of 1954; 26 USC 404(a)(7) Internal Revenue Code of 1954; 26 USC 404(a)(3)(A) Internal Revenue Code of 1954; 26 USC 404(g) Internal Revenue Code of 1954; 26 USC 412(c)(2)(A) Internal Revenue Code of 1954; 26 USC 413(b)(7) Internal Revenue Code of 1954; 26 USC 413(c)(6) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations provide rules for taking into account the fair market value of certain insurance products in the valuation of assets for pension plans. In addition, the regulations amend the regulations to reflect changes made by the Employee Retirement Income Security Act of 1974 to sections 404 and 413 of the Internal Revenue Code.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-141-79 Drafting attorney: Harry Beker (202) 566-6212 Reviewing attorney: Jonathan P. Marget (202) 566-3651 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Oppenheimer, Levinson In Office of Chief Counsel (Employee Plans and Exempt Organizations Division) for preparation of notice.

Agency Contact: Harry Beker, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave, N.W., Washington, D.C. 20224, **202 566-6212**

RIN: 1545-AD76

INCOME TAX—EMPLOYEE STOCK OWNERSHIP PLAN LOAN PAYMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 404(a)(10) Internal Revenue Code of 1954; 26 USC 415(c)(6) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance relating to the deduction limitations when employer contributions to an employee stock ownership plan are used to repay the principal and interest of an exempt loan that was made to the employee stock ownership plan.

Timetable:

Action	Date	FR Cite
NPRM	02/00/84	

Small Entity: Not Applicable

Additional Information: EE-152-81 Drafting attorney: Eric Alan Raps (202) 566-3544 Reviewing attorney: Michael A. Thrasher (202) 566-3961 Preliminary draft of notice to Office of Assistant Commissioner (Employee Plans and Exempt Organizations), 06/21/82.

Agency Contact: Eric Alan Raps, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3544**

RIN: 1545-AD77

INCOME TAX—DEDUCTIBILITY OF PAYMENTS OF DEFERRED COMPENSATION TO INDEPENDENT CONTRACTORS.

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 404(d) Internal Revenue Code of 1954; 26 USC 404(b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations provide rules for taking a deduction under section 404(d) of the Internal Revenue Code for deferred compensation paid to independent contractors. A deduction is permitted only when there is a corresponding income inclusion by the plan participant. In addition, the regulations provide guidance with regard to the amendment of section 404(b) of the Internal Revenue Code by section 133 of the Revenue Act of 1978, which clarified that a method of compensation or contributions having the effect of a plan deferring the receipt of compensation does not have to be similar to a stock bonus, pension, profit-sharing, or annuity plan to be subject to 404(a) of the Internal Revenue Code. The regulations describe methods of compensation or contributions subject to the section 404(a) rules.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-44-79 Drafting attorney: John C. Khil (202) 566-6212 Reviewing attorney: Michael A. Thrasher (202) 566-3961 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Hevener, Levinson 3rd preliminary draft of notice to Office of Tax Legislative Counsel (Treasury) & Office of Assistant Commissioner (Employee Plans and Exempt Organizations), 10/19/81.

Agency Contact: John C. Khil, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave, N.W., Washington, D.C 20224, 202 566-6212

RIN: 1545-AD78

INCOME TAX—DEDUCTION OF EMPLOYER LIABILITY PAYMENTS, NOTICE OF REORGANIZATION AND FUNDING REQUIREMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 404(g) Internal Revenue Code of 1954; 26 USC 418A Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This project will provide guidance to employers on when they may deduct employer liability payments paid under section 4062, 4063, or 4064, or part 1 of subtitle E of title IV of the Employee Retirement Income Security Act of 1974.

Timetable:

Action	Date	FR Cite
NPRM	08/00/83	

Small Entity: Not Applicable

Additional Information: EE-130-80 Drafting attorney: Marjorie Hoffman (202) 566-3430 Reviewing attorney: Richard J. Wickersham (202) 566-3250 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Hevener, Levinson Preliminary draft of notice of proposed rulemaking to Office of Tax Legislative Counsel (Treasury), 10/08/82

Agency Contact: Marjorie Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3430

RIN: 1545-AD80

INCOME TAX—DEDUCTION FOR CERTAIN FOREIGN DEFERRED COMPENSATION PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 404A Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance relating to the limitations on deductions and adjustments to earnings and profits (or accumulated profits) with respect to certain foreign deferred compensation plans.

Timetable:

Action	Date	FR Cite
NPRM	12/00/83	

Small Entity: Not Applicable

Additional Information: EE-14-81 Drafting attorney: Eric Alan Raps (202) 566-3544 Reviewing attorney: Michael A. Thrasher (202) 566-3961 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Hutton, Levinson Comments from Corporate Tax Division on preliminary draft, 11/09/82

Agency Contact: Eric Alan Raps, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3544

RIN: 1545-AD81

INCOME TAX—REQUIREMENTS FOR TAX CREDIT EMPLOYEE STOCK OWNERSHIP PLANS, EMPLOYEE PLAN CREDIT, AND DEFINED CONTRIBUTION PLAN VOTING RIGHTS.

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 409A Internal Revenue Code of 1954; 26 USC 48 Internal Revenue Code of 1954; 26 USC 401 Internal Revenue Code of 1954; 26 USC 6699 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations provide rules for electing the employee plan credit under section 48(n) of the Internal Revenue Code. establishing a tax credit employee stock ownership plan under section 409A of the Internal Revenue Code, and providing voting rights to participants of certain defined contribution plans under section 401(a)(22) of the Internal Revenue Code. Further, the regulations provide guidance for determining the applicability of and calculating the assessable penalties relating to tax credit employee stock ownership plans under section 6699 of the Internal Revenue Code. The regulations reorganize and modify the current regulations which are based on section 301(d), (e), and (f) of the Tax Reduction Act of 1975, and provide a single set of rules that would apply to tax credit employee stock ownership plans established under the provisions of the Tax Reduction Act of 1975 and the 1978 Revenue Act.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-49-80 Drafting attorney: John C. Khil (202) 566-6212 Reviewing attorney: Michael A. Thrasher (202) 566-3961 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Oppenheimer, Levinson Preliminary draft of Notice (Part II) to Office of Tax Legislative Counsel (Treasury) & Actuarial Division, 02/24/82. Comments on Part II received from Office of Tax Legislative Counsel (Treasury) & Actuarial Division, 04/28/82.

Agency Contact: John C. Khil, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave, N.W., Washington, D.C. 20224, 202 566-6212

RIN: 1545-AD82

INCOME TAX—COORDINATION OF VESTING AND NONDISCRIMINATION REQUIREMENTS FOR QUALIFIED PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 411(d)(1) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This project was developed to prescribe rules for determining if the vesting schedule of a qualified plan discriminates in favor of employees who are officers, shareholders, or highly compensated

Timetable:

Action	Date	FR Cite
NPRM	04/09/80	45 FR 24201
Partial revised notice	06/12/80	45 FR 39869
Hearing	07/10/80	45 FR 29308
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-164-78 Drafting attorney: Marjorie Hoffman (202) 566-3430 Reviewing attorney: Richard J. Wickersham (202) 566-3250 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Oppenheimer, Levinson Preliminary draft of Treasury Decision to Office of Tax Legislative Counsel (Treasury) and Office of Assistant Commissioner (Employee Plans and Exempt Organizations), 08/12/80 Comments from Office of Tax Legislative Counsel (Treasury) and Office of Assistant

Commissioner (Employee Plans and Exempt Organizations), 10/07/80.

Agency Contact: Marjorie Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW, Washington, D.C. 20224, **202 566-3430**

RIN: 1545–AD83

ORULES CLARIFYING THE INCOME TAX REGULATIONS, PART 1, WITH RESPECT TO SERVICE COMPUTATION UNDER PENSION, ETC. PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 410 Internal Revenue Code of 1954; 26 USC 411 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This project was undertaken in order to clarify permissible methods of crediting service by qualified plans for purposes of vesting and participation.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-65-82 Drafting Attorney: Marjorie Hoffman (202) 566-3430 Reviewing Attorney: Richard J. Wickersham (202) 566-3250 In Office of Chief Counsel (Employee Plans and Exempt Organizations Division) for preparation of the notice of proposed rulemaking.

Agency Contact: Marjorie Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545–AE39

INCOME TAX–EXCISE TAX REGULATIONS–FUNDING FOR QUALIFIED PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 412 Internal Revenue Code of 1954; 26 USC 413(b) Internal Revenue Code of 1954; PL 93-406, Sec 1013

CFR Citation: 26 CFR 1; 26 CFR 54

Abstract: The regulations would provide guidance relating to the minimum funding requirements for employee pension benefit plans, and to excise taxes for failure to meet the minimum funding standards.

Timetable:

Action	Date	FR Cite
NPRM	12/01/82	47 FR 54093
NPRM Comment Period Begin	12/01/82	47 FR 54093
NPRM Comment Period End	01/31/83	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-99-78 Drafting attorney: Eric Alan Raps (202) 566-3544 Reviewing attorney: Jonathan P. Marget (202) 566-3651 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Oppenheimer, Levinson 12/01/82 Notice published

Agency Contact: Eric Alan Raps, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **203 566-3544**

RIN: 1545–AD84

INCOME TAX–PENSION EXCISE TAXES–MISCELLANEOUS FUNDING PROVISIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 412(b) Internal Revenue Code of 1954; 26 USC 412(j) Internal Revenue Code of 1954; 26 USC 412(k) Internal Revenue Code of 1954; 26 USC 4971(d) Internal Revenue Code of 1954; 26 USC 414(l) Internal Revenue Code of 1954; 26 USC 412(a) Internal Revenue Code of 1954; 26 USC 413(b)(6) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 54

Abstract: The regulations would provide guidance relating to the minimum funding requirements for multiemployer pension plans.

Timetable:

Action	Date	FR Cite
NPRM	01/00/84	

Small Entity: Not Applicable

Additional Information: EE-129-80 Drafting attorney: Eric Alan Raps (202) 566-3544 Reviewing attorney: Jonathan P. Marget (202) 566-3651 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Hevener, Levinson Preliminary draft of notice to Office of Tax Legislative Counsel (Treasury) & Office of Assistant Commissioner (Employee Plans and Exempt Organizations), 10/16/81.

Agency Contact: Eric Alan Raps, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3544**

RIN: 1545–AD85

INCOME TAX–TERM, ETC. FUNDING FOR ANCILLARY BENEFITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 412(c)(3) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance relating to the cost range within which an ancillary cost must fall in order to utilize 1-year term funding.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-151-80 Drafting attorney: Eric Alan Raps (202) 566-3544 Reviewing attorney: Jonathan P. Marget (202) 566-3651 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Oppenheimer, Levinson In Office of Chief Counsel (Employee Plans and Exempt Organizations Division) for preparation of notice.

Agency Contact: Eric Alan Raps, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3544**

RIN: 1545–AD86

INCOME TAX–DEFINITIONS & SPECIAL RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 414(b) Internal Revenue Code of 1954; 26 USC 414(c) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations relate to the definition of controlled groups of corporations and businesses under common control for purposes of certain provisions of the Employee Retirement Income Security Act of 1974 and pension related provisions of the Internal Revenue Code.

Timetable:

Action	Date	FR Cite
NPRM	11/05/75	40 FR 51467
NPRM Comment Period Begin	11/05/75	40 FR 51467
NPRM Comment Period End	01/04/76	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-209-74 Drafting attorney: Michel A. Daze (202) 566-3458 Reviewing attorney: Charles M. Whedbee (202) 566-3458 Office of Tax Legislative Counsel (Treasury) reviewing attorneys:

Oppenheimer, Levinson Draft of Treasury Decision to Office of Chief Counsel (Corporation Tax Division and Employee Plans Division), and to Office of Tax Legislative Counsel, 09/23/80

Agency Contact: **Michel A. Daze**, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545–AB35

INCOME TAX–DEFINITIONS AND SPECIAL RULES; SERVICE FOR PREDECESSOR

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 414(a) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Regulation will provide guidance to employers maintaining plans on when service with a predecessor employer must or may be treated as service under their plan.

Timetable:

Action	Date	FR Cite
NPRM	12/00/83	

Small Entity: Not Applicable

Additional Information: EE-22-78 Drafting attorney: Marjorie Hoffman (202) 566-3430 Reviewing attorney: Richard J. Wickersham (202) 566-3250 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Oppenheimer, Levinson 3rd preliminary draft of notice to Office of Assistant Commissioner (Employee Plans and Exempt Organizations), 07/21/81.

Agency Contact: **Marjorie Hoffman**, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545–AD87

INCOME TAX–CHURCH PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 414(e) Internal Revenue Code of 1954; PL 96-364, Sec 407

CFR Citation: 26 CFR 1

Abstract: This regulation project relates to the determination of whether a retirement plan is a church plan. Changes to the applicable tax law were made by the Multiemployer Pension Plan Amendments Act of 1980. The regulations would provide persons responsible for the administration of retirement plans with the guidance needed to determine whether their plan is entitled to the special benefits afforded church plans.

Timetable:

Action	Date	FR Cite
NPRM	01/00/84	

Small Entity: Not Applicable

Additional Information: EE-123-80 Drafting attorney: Janet S. Painter (202) 566-3544 Reviewing attorney: Jonathan P. Marget (202) 566-3651 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Hevener, Levinson In Office of Chief Counsel (Employee Plans and Exempt Organizations Division) for preparation of notice.

Agency Contact: **Janet Painter**, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3544**

RIN: 1545–AD88

INCOME TAX–DEFINITION OF MULTIEMPLOYER PLAN

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 414(f) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance relating to the definition of a "multiemployer plan" which was changed by Public Law 96-364.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-131-80 Drafting Attorney: Eric Alan Raps (202) 566-3544 Reviewing attorney: Michael A. Thrasher (202) 566-3961 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Hevener, Levinson Preliminary draft of notice to Actuarial Division, 02/18/82. Comments from Actuarial Division, 03/23/82.

Agency Contact: **Eric Alan Raps**, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3544**

RIN: 1545–AD89

INCOME TAX–EMPLOYEES OF AN AFFILIATED SERVICE GROUP

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 414(m) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules with regard to the aggregation of employees of certain organizations for purposes of certain pension requirements

Timetable:

Action	Date	FR Cite
NPRM	03/00/83	

Small Entity: Not Applicable

Additional Information: EE-3-81 Drafting attorney: Patricia K. Keesler (202) 566-3430 Reviewing attorney: Richard J. Wickersham (202) 566-3250 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Oppenheimer, Hevener, Levinson Notice forwarded to Treasury for formal approval, 07/12/82.

Agency Contact: **Patricia K. Keesler**, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave, N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545–AD90

●INCOME TAX REGULATIONS–AFFILIATED SERVICE GROUPS AND EMPLOYEE LEASING

Legal Authority: 26 USC 7805; 26 USC 414(n)

CFR Citation: 26 CFR 1

Abstract: The regulations will provide rules regarding aggregation of leased employees of certain affiliated service groups.

Timetable:

Action	Date	FR Cite
NPRM	12/00/83	

Small Entity: Not Applicable

Additional Information: EE-111-82 Drafting attorney: Patricia K. Keesler (202) 566-3430 Reviewing attorney: Richard J. Wickersham (202) 566-3250 Office of Tax Legislative Counsel reviewing attorney: Mary Oppenheimer In Employee Plans and Exempt Organizations Division for preparation of Notice.

Agency Contact: **Patricia K. Keesler**, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave, N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545–AE91

●LIMITATIONS ON BENEFITS AND CONTRIBUTIONS UNDER QUALIFIED PLANS

Legal Authority: 26 USC 7805; 26 USC 415; 26 USC 404(a)(3)(B); 26 USC 404(j)

CFR Citation: 26 CFR 1

Abstract: The regulations deal with the amendments to Internal Revenue Code section 415, which lower the limitations on benefits and contributions under qualified plans and the amendments to Internal

Revenue Code section 404 which deal with the corresponding deduction for employer payments made to a qualified plan. The regulation also provides special rules for contributions made on behalf of disabled participants and special rules for church plans.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-107-82 Drafting attorney: Monice Rosenbaum (202) 566-3422 Reviewing attorney: Richard J. Wickersham (202) 566-3250 Office of Tax Legislative Counsel (Treasury) Reviewing Attorney: Oppenheimer In Office of Chief Counsel (Employee Plans and Exempt Organizations) for preparation of Notice of Proposed Rulemaking.

Agency Contact: Monice Rosenbaum, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington, D.C. 20224, 202 566-3422

RIN: 1545-AE75

◎TEMPORARY INCOME TAX REGULATIONS RELATING TO TOP-HEAVY PLANS.

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 416 Internal Revenue Code of 1954; 26 USC 401 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 5f

Abstract: These temporary regulations will provide guidance to sponsors of and participants in pension, profit-sharing, and stock bonus plans. The regulations set forth rules for determining whether such plans are top-heavy and what provisions must be included in the plan if the plan is top-heavy. The regulations also set forth the time by which plans must be amended to conform to the top-heavy rules.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/00/83	

Small Entity: Not Applicable

Additional Information: EE-140-82 Drafting Attorney: William D. Gibbs (202) 566-3430 Reviewing Attorney: Jonathan P. Marget (202) 566-3651 Office of Tax Legislative Counsel reviewing attorney: Mary Oppenheimer In Office of Chief Counsel (Employee Plans and Exempt Organizations Division) for preparation of Treasury Decision.

Agency Contact: William D. Gibbs, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3430

RIN: 1545-AF18

◎INCOME TAX—TOP-HEAVY PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 416 Internal Revenue Code of 1954; 26 USC 401 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations will provide guidance to sponsors of and participants in pension, profit-sharing, and stock bonus plans. The regulations set forth rules for determining whether such plans are top-heavy and what provisions must be included in the plan if the plan is top-heavy.

Timetable:

Action	Date	FR Cite
NPRM	06/00/83	

Small Entity: Not Applicable

Additional Information: EE-109-82 Drafting Attorney: William D. Gibbs (202) 566-3430 Reviewing Attorney: Jonathan P. Marget (202) 566-3651 Office of Tax Legislative Counsel reviewing attorney: Mary Oppenheimer In Office of Chief Counsel (Employee Plans and Exempt Organizations Division) for preparation of notice of proposed rulemaking.

Agency Contact: William D. Gibbs, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3430

RIN: 1545-AE87

INCOME TAX—REORGANIZATION STATUS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 418 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules for the determination of whether a multiemployer pension plan is in reorganization as described in section 418 of the Internal Revenue Code of 1954.

Timetable:

Action	Date	FR Cite
NPRM	01/00/84	

Small Entity: Not Applicable

Additional Information: EE-124-80 Draft attorneys: Charles K. Kerby, III (202) 566-3422, Paul G. Accettura (202) 566-3544, Reviewing attorney: Richard Wickersham (202) 566-3250 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Hevener, Levinson 12/10/82 Preliminary draft of Notice of Proposed Rulemaking sent to Employee Plans Division of the Internal Revenue Service for comment.

Agency Contact: Paul Accettura or Charles K. Kerby, III, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3544

RIN: 1545-AD91

INCOME TAX—MINIMUM CONTRIBUTION REQUIREMENT, IN GENERAL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 418B Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulation project will focus on a special rule to compute the minimum contribution that employers must make to a multiemployer plan when the plan is in reorganization in order for the special funding requirements for multiemployer plans in reorganization to be met.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-125-80 Drafting attorney: Marjorie Hoffman (202) 566-3430 Reviewing attorney: Richard J. Wickersham (202) 566-3250 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Hevener, Levinson In Office of Chief Counsel (Employee Plans and Exempt Organizations Division) for preparation of the notice of proposed rulemaking

Agency Contact: Marjorie Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3430

RIN: 1545-AD92

INCOME TAX—OVERBURDEN CREDIT AGAINST MINIMUM CONTRIBUTION REQUIREMENT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 418C Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations provide that a multiemployer plan that is in reorganization and is overburdened with retirees is eligible for a special overburden credit which will reduce the otherwise required minimum contribution requirement.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-127-80 Drafting attorney: Harry Beker (202) 566-6212 Reviewing attorney: Michael A. Thrasher (202) 566-3961 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Oppenheimer Comments from Actuarial Division on preliminary draft of Notice, 1/13/83.

Agency Contact: Harry Beker, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave, N.W., Washington, D.C. 20224, **202 566-6212**

RIN: 1545-AD94

INCOME TAX—ADJUSTMENTS IN ACCRUED BENEFITS; INSOLVENT PLANS; RELATED VESTING PROVISIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 418D Internal Revenue Code of 1954; 26 USC 418E Internal Revenue Code of 1954; 26 USC 411(a)(3) Internal Revenue Code of 1954; 26 USC 411(a)(4) Internal Revenue Code of 1954; 26 USC 411(d)(6) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulation would provide rules under 26 USC 418D and 418E concerning adjustment of accrued benefits by a multiemployer plan in reorganization and suspension of benefit payments by an insolvent multiemployer plan. Conforming changes will be made to regulations under section 411 concerning permitted forfeitures and concerning the computation of the period of service in determining an employee's nonforfeitable percentage.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-128-80 Drafting attorney: George B. Baker (202) 566-3422 Reviewing attorney: Charles K. Kerby, III (202) 566-3422 In Office of Chief Counsel (Employee Plans and Exempt Organizations Division) for preparation of notice.

Agency Contact: George Baker, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave, N.W., Washington, D.C. 20224, **202 566-3422**

RIN: 1545-AD95

INCOME TAX—CREATION & TREATMENT OF INCENTIVE STOCK OPTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 422A Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance for taxpayers who either grant or receive incentive stock options. The grant of an incentive stock option to an employee by, generally, the employer, will not be a taxable event. At the time such an option is exercised by the employee, no amount of the spread will be included in the employee's gross income. When the stock acquired subject in the option is sold, the entire gain will be treated as capital gain and not ordinary income.

Timetable:

Action	Date	FR Cite
NPRM	07/01/83	

Small Entity: Not Applicable

Additional Information: LR-279-81 Drafting attorney: Philip R. Bosco (202) 566-3288 Reviewing attorney: John H. Parcell (202) 566-3288 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Hevener In Office of Chief Counsel (Legislation and Regulations Division) for preparation of notice.

Agency Contact: Philip R. Bosco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AB36

INCOME TAX—REQUESTS FOR CHANGE OF METHOD OF ACCOUNTING FROM AN ERRONEOUS METHOD OF ACCOUNTING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 446(e) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would clarify the procedures for changing from an erroneous method of accounting to a proper method of accounting. Generally, taxpayers must obtain the Commissioner's consent to change their method of accounting.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-188-79 Drafting attorney: Alice Bennett (202) 566-3288 Reviewing attorney: John H. Parcell (202) 566-3288 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Hutton Notice returned to Office of Chief Counsel (Legislation and Regulations Division) for revision, 03/31/82.

Agency Contact: Alice Bennett, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AB37

INCOME TAX—CLARIFICATION OF RELATIONSHIP BETWEEN SECTIONS 446(E) AND 481

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 446(e) Internal Revenue Code of 1954; 26 USC 481 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would clarify that in order to secure the Commissioner's permission to adopt a new accounting method the taxpayer must take any adjustment required by section 481 into income over the period prescribed by the Commissioner.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-47-80 Drafting attorney: Joseph Rosenthal (202) 566-3288 Reviewing attorney: John H. Parcell (202) 566-3288 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Hutton Notice pending Department of the Treasury review.

Agency Contact: Joseph Rosenthal, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AB38

INCOME TAX—METHOD OF ACCOUNTING FOR CORPORATIONS ENGAGED IN FARMING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 447 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules and definitions needed to determine which corporations and partnerships with a corporate partner are subject to the requirement that income from farming be reported on the accrual method of accounting with the capitalization of preproductive expenses.

Timetable:

Action	Date	FR Cite
NPRM	10/31/83	

Small Entity: Not Applicable

Additional Information: LR-143-76 Drafting Attorney: Ewan Perkins (202) 566-3288 Reviewing Attorney: John H. Parcell (202) 566-3336 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Mary Hutton Notice pending Treasury review.

Agency Contact: Ewan Perkins, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, D.C. 20224, 202 566-3288

RIN: 1545-AB39

INCOME TAX—TO CLARIFY TREATMENT OF CERTAIN COSTS INCURRED WITH RESPECT TO LONG TERM CONTRACTS.

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 451 Internal Revenue Code of 1954; Tax Equity and Fiscal Responsibility Act of 1982, Section 229

CFR Citation: 26 CFR 1

Abstract: The regulations would clarify when contracts are completed and when contracts are to be severed or aggregated. The regulations would also provide rules for determining the costs properly allocable to extended period long-term contracts.

Timetable:

Action	Date	FR Cite
NPRM	03/00/83	

Small Entity: Not Applicable

Additional Information: LR-274-81 Drafting attorney: Joseph Rosenthal (202) 566-3288 Reviewing attorney: John M. Fischer (202) 566-3394 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Hutton Final Draft of Notice to Office of Chief Counsel 12/15/82

Agency Contact: Joseph Rosenthal, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N. W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AB40

INCOME TAX—GENERAL RULES RELATING TO INSTALLMENT SALES.

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 453 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Treasury decision will provide general rules and rules for reporting contingent installment obligations.

Timetable:

Action	Date	FR Cite
NPRM	02/04/81	46 FR 10749
NPRM Comment Period Begin	02/04/81	46 FR 10749
NPRM Comment Period End	04/06/81	
Hearing	10/01/81	46 FR 40774
Final Action	06/01/83	

Small Entity: Yes

Additional Information: LR-173-80 Drafting attorney: Phoebe A. Mix (202) 566-3288 Reviewing attorney: John H. Parcell (202) 566-3288 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: McCarty, Levinson Draft of Treasury decision to Office of Tax Legislative Counsel (Treasury) for comment 11/23/82

Agency Contact: Phoebe A. Mix, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AB42

INCOME TAX—INSTALLMENT OBLIGATIONS RECEIVED FROM A LIQUIDATING CORPORATION.

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 453 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal would provide rules for reporting gain in respect of installment obligations received as liquidating distributions from corporations under a plan of complete liquidation.

Timetable:

Action	Date	FR Cite
NPRM	06/01/83	

Small Entity: Not Applicable

Additional Information: LR-184-80 Drafting attorney: Phoebe A. Mix (202) 566-3288 Reviewing attorney: John H. Parcell (202) 566-3288 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: McCarty, Levinson Draft of notice to Tax Legislative Counsel (Treasury) 11/23/82.

Agency Contact: Phoebe A. Mix, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, D.C. 20224, 202 566-3288

RIN: 1545-AB43

INCOME TAX—INSTALLMENT OBLIGATIONS RECEIVED IN TRANSACTIONS IN WHICH GAIN OR LOSS IS GENERALLY NOT RECOGNIZED.

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 453 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal would provide rules for reporting installment obligations that are received as boot in certain exchanges in which gain is not generally recognized.

Timetable:

Action	Date	FR Cite
NPRM	06/01/83	

Small Entity: Not Applicable

Additional Information: LR-186-80 Drafting Attorney: Phoebe A. Mix (202) 566-3288 Reviewing attorney: John H. Parcell (202) 566-3288 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: McCarty, Levinson Draft of notice to Tax Legislative Counsel (Treasury), 11/23/82

Agency Contact: Phoebe A. Mix, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, D.C. 20224, 202 566-3288

RIN: 1545-AB44

INCOME TAX—INSTALLMENT SALES BETWEEN RELATED PARTIES.

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 453 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal would provide rules for reporting installment sales between related parties.

Timetable:

Action	Date	FR Cite
NPRM	06/01/83	

Small Entity: Not Applicable

Additional Information: LR-2-81 Drafting attorney: Phoebe A. Mix (202) 566-3288 Reviewing attorney: John H. Parcell (202) 566-3288 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: McCarty, Levinson Draft of notice to Office of Tax Legislative Counsel (Treasury) 07/19/82.

Agency Contact: Phoebe A. Mix (202) 566-3288, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AB45

INCOME TAX—INSTALLMENT METHOD REPORTING BY DEALERS IN PERSONAL PROPERTY.

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 453A Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal would provide rules for installment method reporting by dealers in personal property.

Timetable:

Action	Date	FR Cite
NPRM	06/01/83	

Small Entity: Not Applicable

Additional Information: LR-146-81 Drafting attorney: Phoebe A. Mix (202) 566-3288 Reviewing attorney: John H. Parcell (202) 566-3288 Office of Tax Legislative Counsel (Treasury) reviewing attorney: McCarty Draft of notice to Tax Legislative Counsel for comment 07/19/82.

Agency Contact: Phoebe A. Mix, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AB47

INCOME TAX – GAIN OR LOSS ON THE DISPOSITION OF AN INSTALLMENT OBLIGATION.

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 453B Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal would provide rules for reporting gain or loss upon the disposition of an installment obligation.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-103-81 Drafting attorney: Gregory A. Roth (202) 566-3238 Reviewing attorney: Phoebe A. Mix (202) 566-3288 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: McCarty, Levinson In Legislation and Regulations Division for preparation of notice.

Agency Contact: Gregory A. Roth, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AB41

INCOME TAX—INSTALLMENT SALES REVISION ACT OF 1980, REGULATIONS RELATING TO WRAP-AROUND MORTGAGES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 453 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal would provide regulations for reporting sales of property under a wrap-around mortgage arrangement.

Timetable:

Action	Date	FR Cite
NPRM	06/01/83	

Small Entity: Not Applicable

Additional Information: LR-147-82 Drafting attorney: Phoebe A. Mix (202) 566-3288 Reviewing attorney: John H. Parcell (202) 566-3288 Office of Tax Legislative Counsel (Treasury) reviewing attorney: McCarty In Office of Tax Legislative Counsel (Treasury) for comment 7/19/82.

Agency Contact: Phoebe A. Mix, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AB46

INCOME TAX—EXCLUSION FROM GROSS INCOME WITH RESPECT TO MAGAZINES, PAPERBACKS, AND RECORD RETURNS AFTER CLOSE OF TAXABLE YEAR

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 458 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulation will provide rules on the exclusion from gross income of income attributable to the sale of magazines, paperbacks, or records that are returned.

Timetable:

Action	Date	FR Cite
NPRM	03/00/83	

Small Entity: Not Applicable

Additional Information: LR-195-78 Drafting attorney: Paul H. Weisman (202) 566-3238 Reviewing attorney: John H. Parcell (202) 566-3288 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Hutton, Levinson Notice to Department of the Treasury for formal approval, 10/06/81.

Agency Contact: Paul H. Weisman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AB48

INCOME TAX—TREATMENT OF PREPAID INTEREST.

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 461 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance to cash basis taxpayers regarding the deductibility of interest allocable to periods beyond the close of the taxable year.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-190-76 Drafting attorney: Alice Bennett (202) 566-3288 Reviewing attorney: John H. Parcell (202) 566-3288 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Hutton Notice pending Department of the Treasury review.

Agency Contact: Alice Bennett, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AB49

INCOME TAX—ACCRUAL OF VACATION PAY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 463 Internal Revenue Code of 1954; 26 USC 81 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulation will provide rules which require a taxpayer to include in its gross income for the taxable year the amount of the increase, if any, in the suspense account created under section 463. The regulation will also provide rules under section 463 which allow a taxpayer who computes income on the accrual method of accounting to elect to deduct its accrued contingent liabilities for vacation pay in the year the vacation pay is earned by the employee as long as such pay is payable in the tax year or twelve month period following the close of the tax year.

Timetable:

Action	Date	FR Cite
NPRM	05/15/83	

Small Entity: Not Applicable

Additional Information: LR-6-75 Drafting attorney: Paul H. Weisman (202) 566-3238 Reviewing attorney: John H. Parcell (202) 566-3288 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Hutton In

Legislation and Regulations for preparation of notice of proposed rulemaking.

Agency Contact: Paul H. Weisman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545–AB50

INCOME TAX–LIMITATION ON DEDUCTIONS IN CASE OF FARMING SYNDICATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 464 Internal Revenue Code of 1954; 26 USC 278(b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide that enterprises which qualify as farming syndicates must deduct expenses for feed, seed fertilizer, etcetera, only when used or consumed and to capitalize certain cost of poultry. Furthermore, farming syndicates are to capitalize certain expenses of groves, orchards and vineyard to the extent such expenses are incurred before the grove, orchard or vineyard becomes productive.

Timetable:

Action	Date	FR Cite
NPRM	06/30/83	

Small Entity: Not Applicable

Additional Information: LR-144-76 Drafting attorney: Howard A. Balikov (202) 566-3288 Reviewing attorney: John H. Parcell (202) 566-3288 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Hutton Final draft of notice to Office of Tax Legislative Counsel (Treasury), 02/05/82.

Agency Contact: Howard Balikov, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545–AB51

INCOME TAX–DETERMINATION OF AMOUNTS AT RISK WITH RESPECT TO CERTAIN ACTIVITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 465 Internal Revenue Code of 1954; Section 204 Tax Reform Act of 1976

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance to taxpayers for purposes of determining the amount the taxpayer is at risk in certain activities. This guidance is necessary because a taxpayer's deductions are limited to the amount the taxpayer is at risk in the activity. This at risk limit applies to most activities except the holding of real property and certain equipment leasing by closely-held corporations.

Timetable:

Action	Date	FR Cite
NPRM	06/05/79	44 FR 32235
NPRM Comment Period Begin	06/05/79	44 FR 32235
NPRM Comment Period End	08/06/79	
Hearing	09/27/79	44 FR 49701
Final Action	08/15/83	

Small Entity: Not Applicable

Additional Information: LR-168-76 Drafting attorney: Alice Bennett (202) 566-3288 Reviewing attorney: John H. Parcell (202) 566-3288 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: McCarty, Levinson Revised draft of Treasury decision distributed within the Office of Chief Counsel for comment, 09/22/82.

Agency Contact: Alice Bennett, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, D.C. 20224, **202 566-3288**

RIN: 1545–AB52

INCOME TAX–QUALIFIED DISCOUNT COUPONS RETURNED AFTER CLOSE OF TAXABLE YEAR

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 466 Internal Revenue Code of 1954; Section 373 (c), Revenue Act of 1978

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance to taxpayers relating to the election to deduct redemption costs of qualified discount coupons returned after the close of the taxable year.

Timetable:

Action	Date	FR Cite
NPRM	06/15/83	

Small Entity: Not Applicable

Additional Information: LR-217-78 Drafting attorney: Alice Bennett (202) 566-3288 Reviewing attorney: John H. Parcell (202) 566-3288 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Hutton Final draft of notice in the Office of Chief Counsel (Legislation and Regulations Division) pending Treasury approval.

Agency Contact: Alice Bennett, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, D.C. 20224, **202 566-3288**

RIN: 1545–AB53

INCOME TAX–INVENTORIES AT COST OR MARKET, WHICHEVER IS LOWER

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 471 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would revise and clarify the computation of ending inventory at cost or market whichever is lower.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-2158 Drafting attorney: Joseph Rosenthal (202) 566-3288 Reviewing attorney: John H. Parcell (202) 566-3288 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Hutton In Office of Chief Counsel (Legislation and Regulations Division) for preparation of notice

Agency Contact: Joseph Rosenthal, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545–AB54

INCOME TAX–THREE-YEAR AVERAGING FOR INCREASES IN INVENTORY VALUE WHEN ELECTING LIFO METHOD OF ACCOUNTING; USE OF ONE INVENTORY POOL BY SMALL BUSINESSES ELECTING LIFO METHOD.

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 472(d) Internal Revenue Code of 1954; 26 USC 474 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide for three-year averaging for increases in inventory value when electing the LIFO method of accounting. The regulations would also provide for the use of one inventory pool by small businesses electing the LIFO method of accounting.

Timetable:

Action	Date	FR Cite
NPRM	02/10/83	48 FR 6134

Small Entity: Not Applicable

Additional Information: LR-254-81 Drafting attorney: Gregory Roth (202) 566-3238 Reviewing attorney: John H. Parcell (202) 566-3288 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Hutton Notice to Office of Commissioner for formal approval, 07/22/82.

Agency Contact: Gregory Roth, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington DC 20224, **202 566-3238**

RIN: 1545-AB55

INCOME TAX—QUALIFIED LIQUIDATIONS OF LIFO INVENTORIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 473 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide interpretative and procedural rules relating to qualified liquidations of last-in-first-out inventory.

Timetable:

Action	Date	FR Cite
NPRM	11/30/83	

Small Entity: Not Applicable

Additional Information: LR-82-80 Drafting attorney: Joseph Rosenthal (202) 566-3288 Reviewing attorney: John H. Parcell (202) 566-3288 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Hutton Notice pending Department of Treasury review.

Agency Contact: Joseph M. Rosenthal, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AB56

INCOME TAX—ALLOCATION OF INCOME & DEDUCTIONS AMONG TAXPAYERS TO REVISE PERCENTAGE APPLIED IN DETERMINING RENTAL CHARGE FOR USE OF TANGIBLE PROPERTY.

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 482 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would amend the current Income Tax Regulations under Internal Revenue Code section 482, relating to allocations made by the Internal Revenue Service between persons that are owned or controlled by the same interests. The amendments would adjust the deemed arm's length rental charge for the use of tangible property to reflect current market rates.

Timetable:

Action	Date	FR Cite
NPRM	12/01/83	

Small Entity: Not Applicable

Additional Information: LR-307-76 Drafting Attorney: Robert E. Culbertson Jr. (202) 566-3289 Reviewing Attorney: Martha E. Kadue (202) 566-3238 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Reinhold, Levinson Office of International Tax Counsel (Treasury) reviewing attorneys: Silver, Lainoff Revised draft of notice to Office of International Tax Counsel (Treasury), 09/08/82.

Agency Contact: Robert E. Culbertson Jr., Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AB57

INCOME TAX—MAXIMUM RATE OF IMPUTED INTEREST FOR SALE OF LAND BETWEEN RELATED PERSONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 483(g) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance for determining if sales of land between related persons qualify for a lower imputed rate of interest. More specifically, the regulations would provide for a definition of land and for rules to compute the maximum dollar limitation on which the lower imputed rate of interest is to apply.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-246-81 Drafting Attorney: Ewan Purkiss (202)566-3288 Reviewing Attorney: Phoebe Mix (202)566-3288 In Office of Chief Counsel (Legislation and Regulations Division) for preparation of notice.

Agency Contact: Ewan Purkiss, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington DC 20224, **202 566-3288**

RIN: 1545-AB58

INCOME TAX—ESTATE TAX—GIFT TAX—EXEMPTION OF CERTAIN AMATEUR ATHLETIC ORGANIZATIONS FROM TAX

Legal Authority: 26 USC 7805 Internal Revenue Act of 1954; 26 USC 501(c)(3) Internal Revenue Act of 1954; 26 USC 170(c)(2)(B) Internal Revenue Act of 1954; 26 USC 2055(a) Internal Revenue Act of 1954; 26 USC 2522(a) Internal Revenue Act of 1954; PL 97-248, Sec 286

CFR Citation: 26 CFR 1; 26 CFR 20; 26 CFR 25

Abstract: This regulation project relates to the exemption of certain amateur athletic organizations from tax and the deductibility of contributions to organizations that qualify for the exemption. Changes to the applicable tax law were made by the Tax Reform Act of 1976 and the Tax Equity and Fiscal Responsibility Act of 1982. The regulations affect organizations that foster national or international sports competition and provide them with guidance needed to determine whether they qualify for the exemption.

Timetable:

Action	Date	FR Cite
NPRM	05/10/79	44 FR 27446
NPRM Comment Period Begin	05/10/79	44 FR 27446
NPRM Comment Period End	07/09/79	
Hearing	10/09/79	45 FR 49275
Final Action	01/00/84	

Small Entity: Not Applicable

Additional Information: EE-53-79 Drafting Attorney: Janet Painter (202) 566-3544 Reviewing attorney: Michael A. Thrasher (202) 566-3961 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Yecies, McKee Notice published under LR-172-76, 05/10/79. In Office of Chief Counsel (Employee Plans and Exempt Organizations Division) for preparation of Treasury Decision.

Agency Contact: Janet Painter, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave, N.W., Washington, D.C. 20224, **202 566-3544**

RIN: 1545-AD97

INCOME TAX—RULES CLARIFYING THE REGULATIONS WITH RESPECT TO THE COMPUTATION OF "GROSS INCOME" OF AN ELECTRIC COOPERATIVE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 501(c)(12) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide that electric cooperatives would take into account costs of goods sold when determining income under the 85 percent member-income test. In addition, the regulations would solicit comments from the public regarding how to compute costs of goods sold.

Timetable:

Action	Date	FR Cite
NPRM	07/00/83	

Small Entity: Not Applicable

Additional Information: EE-17-81 Drafting attorney: Patricia K. Keesler (202) 566-3430. Reviewing attorney: Richard J. Wickersham (202) 566-3250. Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Hevener, Levinson. Preliminary draft of Notice sent to Treasury for review on 01/07/83.

Agency Contact: Patricia K. Keesler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave, N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AD99

INCOME TAX-AMENDMENT OF REGULATIONS TO REFLECT THE GRANT OF TAX EXEMPT STATUS TO CERTAIN HOSPITAL SERVICE ORGANIZATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 501(e) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations provide the rules for tax exemption for cooperative hospital service organizations. These organizations provide specified services to exempt hospitals on a centralized basis.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-44-78 Drafting attorney: Harry Beker (202) 566-6212 Reviewing attorney: Michael A. Thrasher (202) 566-3961 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Hevener, Levinson Comments from Office of Tax Legislative Counsel (Treasury) on preliminary draft of Notice, 1/14/83.

Agency Contact: Harry Beker, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave, N.W., Washington, D.C. 20224, **202 566-6212**

RIN: 1545-AE01

INCOME TAX-TAX TREATMENT OF CERTAIN SOCIAL CLUBS & PROHIBITION OF DISCRIMINATION BY CERTAIN SOCIAL CLUBS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 501(c)(7) Internal Revenue Code of 1954; 26 USC 501(i) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations describe the requirements that a club must meet to qualify for tax exemption, explain the social character required of an exempt club, and prescribe the circumstances in which nonmember support is taken into account in determining whether substantially all of the club's activities are for its exempt purposes. Exemption is denied to clubs which by written policy discriminate on the basis of race, color, or religion.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-43-78 Drafting attorney: John C. Khil (202) 566-6212 Reviewing attorney: Michael A. Thrasher (202) 566-3961 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Hevener, Levinson Notice returned from Office of Commissioner to Office of Chief Counsel (Employee Plans and Exempt Organizations Division) for rescheduling, 06/03/82.

Agency Contact: John Khil, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave, N.W., Washington, D.C. 20224, **202 566-6212**

RIN: 1545-AD98

INCOME TAX-SOCIAL CLUBS UNRELATED BUSINESS INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 512(a)(3) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal will provide rules for determining the unrelated business taxable income of certain organizations exempt from taxation under sections 501 (c) (7) and (c) (9) of the Internal Revenue Code of 1954.

Timetable:

Action	Date	FR Cite
NPRM	05/13/71	36 FR 8808
NPRM Comment Period Begin	05/13/71	36 FR 8808
NPRM Comment Period End	06/14/71	
Hearing	08/31/71	36 FR 13034
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-1744 Drafting Attorney: Phoebe A. Mix (202) 566-3288 Reviewing attorney: John H. Parcell (202) 566-3288 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Hevener, Levinson Draft of Treasury decision in Legislation and Regulations Division pending guidance from Tax Legislative Counsel's office.

Agency Contact: Phoebe A. Mix, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington DC 20224, **202 566-3288**

RIN: 1545-AB59

INCOME TAX-ACTIVITIES OF TRADE SHOWS AND STATE FAIRS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 513(d) Internal Revenue Code of 1954; PL 94-455, Sec 1305; 26 USC 401(b) Internal Revenue Code of 1954; 26 USC 503(c) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This regulation project relates to the treatment of income from qualified trade shows sponsored by certain exempt organizations. Changes to the applicable tax law were made by the Tax Reform Act of 1976. These regulations provide necessary guidance to the public for compliance with that Act and would affect certain exempt organizations that sponsor trade shows. The regulation also conforms the regulations to changes in the tax law concerning the time for filing an exempt organization's income tax return. In addition, this document makes clerical changes in the regulations to reflect a recent amendment to the Statement of Procedural Rules.

Timetable:

Action	Date	FR Cite
NPRM	12/09/80	45 FR 81066
NPRM Comment Period Begin	12/09/80	45 FR 81066
NPRM Comment Period End	02/09/81	
Hearing	04/22/81	46 FR 15892
Final Action	03/00/83	

Small Entity: Not Applicable

Additional Information: EE-155-78 Drafting attorney: Janet S. Painter (202) 566-3544 Reviewing attorney: Michael A. Thrasher (202) 566-3961 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Hevener, Levinson Treasury Decision to Treasury for formal approval, 6/11/82

Agency Contact: Janet Painter, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave, N.W., Washington, D.C. 20224, **202 566-3544**

RIN: 1545-AE04

INCOME TAX—HOSPITAL SERVICES NOT TO CONSTITUTE AN UNRELATED TRADE OR BUSINESS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 513(e) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations provide rules relating to the circumstances under which services provided by a tax-exempt hospital to other such hospitals will not be treated as an unrelated trade or business.

Timetable:

Action	Date	FR Cite
NPRM	12/13/82	47 FR 55696
NPRM Comment Period Begin	12/13/82	47 FR 55696
NPRM Comment Period End	02/08/83	
Final Action	12/00/83	

Small Entity: Not Applicable

Additional Information: EE-46-78 Drafting attorney: Charles K. Kerby, III (202) 566-3422 Reviewing attorney: Charles K. Kerby, III (202) 566-3422 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Hevener, Levinson Notice of Proposed Rulemaking published 12/13/82.

Agency Contact: Charles K. Kerby, III, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave, N.W., Washington, D.C. 20224, **202 566-3422**

RIN: 1545–AE05

INCOME TAX—UNRELATED TRADE OR BUSINESS INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 514(c) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulation will address the issue of what constitutes real property acquired by a qualified trust. The guidance provided on this issue will determine the scope of the exception under 26 USC 514(c)(9) for such acquisitions from the term acquisition indebtedness. Under 26 USC 514, the existence of such indebtedness on income producing property gives rise to unrelated debt-financed taxable income.

Timetable:

Action	Date	FR Cite
NPRM	03/00/84	

Small Entity: Not Applicable

Additional Information: EE-27-81 Drafting attorney: Calder L. Robertson, Jr. (202) 566-3422 Reviewing attorney: Charles K. Kerby, III (202) 566-3422 In Office of Chief Counsel (Employee Plans and Exempt Organizations Division) for preparation of notice.

Agency Contact: Calder L. Robertson, Jr., Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave, N.W., Washington, D.C. 20224, **202 566-3422**

RIN: 1545–AE00

INCOME TAX—RATES OF TAX FOR PRINCIPAL CAMPAIGN COMMITTEES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 527 Internal Revenue Code of 1954; Economic Recovery Tax Act of 1981, Section 128

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules relating to the manner of designation of a principal campaign committee by a member of Congress. A candidate for Congress may make such a designation in order to permit a campaign committee to compute its income tax by multiplying its political organization taxable income by the appropriate rates of tax specified in section 11 (b) of the Code.

Timetable:

Action	Date	FR Cite
NPRM	12/31/83	

Small Entity: Not Applicable

Additional Information: LR-243-81 Drafting attorney: Susan K. Thompson (202) 566-3294 Reviewing attorney: John M. Coulter, Jr. (202) 566-4473 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Reinhold, Levinson Notice to Office of Chief Counsel (Legislation and Regulations Division) for formal approval, 01/16/82.

Agency Contact: Susan K. Thompson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545–AB60

INCOME TAX—RELATIONSHIP BETWEEN SECTION 527 AND THE FEDERAL ELECTION CAMPAIGN ACT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 527 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance on the interaction of section 527 of the Internal Revenue Code of 1954 with the Federal Election Campaign Act.

Timetable:

Action	Date	FR Cite
NPRM	01/00/84	

Small Entity: Not Applicable

Additional Information: EE-6-81 Drafting attorney: Paul G. Accettura (202) 566-3544 Reviewing attorney: Charles K. Kerby, III (202) 566-3422 In Office of Chief Counsel (Employee Plans and Exempt Organizations Division) for preparation of notice.

Agency Contact: Paul Accettura, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3544**

RIN: 1545–AE06

INCOME TAX—TO APPLY ACCUMULATED EARNINGS TAX TO CORPORATIONS ACCUMULATING EARNINGS AND PROFITS TO AVOID TAX ON CERTAIN FOREIGN CORPORATE SHAREHOLDERS.

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 532 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulation will provide final Income Tax Regulations relating to the application of the accumulated earnings tax to corporations accumulating earnings and profits to avoid the income tax on distributions by the corporation to certain foreign corporate shareholders and relating to the definition of accumulated taxable income. The changes are necessary because the prior regulations applied the accumulated earnings tax to corporations accumulating earnings and profits to avoid the income tax on distributions to individual, not corporate, shareholders and because, in the case of a foreign corporation, the definition of accumulated taxable income was unclear.

Timetable:

Action	Date	FR Cite
NPRM	12/22/80	45 FR 84088
NPRM Comment Period Begin	12/22/80	45 FR 84088
NPRM Comment Period End	02/20/81	
Hearing	05/06/82	
Final Action	12/31/83	

Small Entity: Not Applicable

Additional Information: LR-125-78 Drafting attorney: Carol Doran (202) 566-3289 Reviewing attorney: Charles C. Saverude (202) 566-3323 Office of International Tax Counsel (Treasury) reviewing attorneys: Wold, Lainoff In Office of Chief Counsel

(Legislation and Regulations Division) for preparation of Treasury decision.

Agency Contact: Carol T. Doran, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Room 4109, Washington, D.C. 20224, 202 566-3289

RIN: 1545-AB61

INCOME TAX—VARIOUS SECTIONS OF THE CODE AFFECTING PERSONAL HOLDING COMPANIES.

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 541 Internal Revenue Code of 1954; 26 USC 551 Internal Revenue Code of 1954; 26 USC 225Revenue Act of 1964; 26 USC 542 Internal Revenue Code of 1954; 26 USC 543 Internal Revenue Code of 1954; 26 USC 544 Internal Revenue Code of 1954; 26 USC 545 Internal Revenue Code of 1954; 26 USC 552 Internal Revenue Code of 1954; 26 USC 553 Internal Revenue Code of 1954; 26 USC 554 Internal Revenue Code of 1954; 26 USC 555 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would conform the personal holding company regulations to various legislative changes, including the Revenue Act of 1964, the Foreign Investors Tax Act of 1966, the Act of November 13, 1966, the Tax Reform Act of 1969 and the Tax Reform Act of 1976.

Timetable:

Action	Date	FR Cite
Previous NPRM	09/05/68	33 FR 12653
NPRM	00/00/00	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-680 Drafting attorney: Susan K. Thompson (202) 566-3294 Reviewing attorney: Charles C. Saverude (202) 566-3323 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Levinson Revised notice pending Department of Treasury review.

Agency Contact: Susan K. Thompson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W, Washington, D.C. 20224, 202 566-3294

RIN: 1545-AB63

INCOME TAX—ACCUMULATED EARNINGS TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 565 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations project would consider whether to restrict the use of the consent dividend provisions to entities entitled to claim a dividends paid deduction under section 561.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-29-80 Drafting attorney: Susan K. Thompson (202) 566-3294 Reviewing attorney: John M. Coulter, Jr. (202) 566-4473 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Keyser and Silver (Office of International Tax Counsel) Action on final draft of notice suspended until further notice.

Agency Contact: Susan K. Thompson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3294

RIN: 1545-AB64

INCOME TAX—TAX TREATMENT OF COMMON TRUST FUNDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 584(a)(1) Internal Revenue Code of 1954; 26 USC 584(c)(1)(A) Internal Revenue Code of 1954; 26 USC 584(c)(1)(B) Internal Revenue Code of 1954; 26 USC 584(c)(2) Internal Revenue Code of 1954; 26 USC 584(e) Internal Revenue Code of 1954; 26 USC 6032 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations relate to common trust funds under section 584 of the Internal Revenue Code. With respect to treatment of amounts in the hands of participants, each participant is treated as if it made the investment made by the common trust fund. The regulations also will provide that when banks become members of the same affiliated group they are to be treated as one bank under section 584, and one bank may contribute to the common trust fund of another affiliated bank.

Timetable:

Action	Date	FR Cite
NPRM	09/22/80	45 FR 62848
NPRM Comment Period Begin	09/22/80	45 FR 62848
NPRM Comment Period End	11/21/80	
Hearing	02/19/81	
Final Action	06/00/83	
Final Action Effective	06/00/83	

Small Entity: Not Applicable

Additional Information: LR-133-76 Drafting attorney: Kent J. Schreiner (202) 566-3289 Reviewing attorney: John M. Coulter, Jr. (202) 566-4473 Office of Tax Legislative Counsel (Treasury) Reviewing Attorneys: Jewett, Levinson Draft of T.D. to Office of Tax Legislative Counsel (Treasury), 04/30/82. Draft of T.D. to Office of Chief Counsel (Corporation Tax Division), Office of Chief Counsel (Interpretative Division), 05/04/82. Comments from Office of Chief Counsel (Tax Litigation Division), 05/28/82. Comments from Office of Tax Legislative Counsel (Treasury), 07/22/82. In Legislation and Regulations for final preparation of Treasury Decision

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C. 20224, 202 566-3829

RIN: 1545-AB65

INCOME TAX—LIMITATION ON ADDITIONS TO BANK LOSS RESERVES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 585 Internal Revenue Code of 1954; Economic Recovery Tax Act of 1981, section 273

CFR Citation: 26 CFR 1

Abstract: The regulations would impose a requirement of a minimum addition to bad debt reserves of mutual savings banks in order to conform the treatment of these institutions to financial institutions described in section 585.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Additional Information: LR-152-79 Drafting attorney: Susan K. Thompson (202) 566-3294 Reviewing attorney: John M. Coulter, Jr. (202) 566-4473 Draft of notice to Treasury and Corporation Tax Division, 12/15/81

Agency Contact: Susan K. Thompson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3294

RIN: 1545-AB66

INCOME TAX—RESERVES FOR LOSSES ON LOANS OF MUTUAL SAVINGS BANKS, ETC

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 593(b)(3) Internal Revenue Code of 1954; 26 USC 593(b)(4) Internal Revenue Code of 1954; 26 USC 593(b)(5) Internal Revenue Code of 1954; Tax Reform Act of 1969, Section 432 (a); Economic Recovery Tax Act of 1981, Section 243

CFR Citation: 26 CFR 1

Abstract: The regulations would provide for a minimum addition to reserves for losses on loans of mutual savings banks and would conform the regulations to a change made by the Economic Recovery Tax Act of 1981, relating to recapture of distributions from excess bad debt reserves.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-152-73 Drafting attorney: Susan K. Thompson (202) 566-3294 Reviewing attorney: John M. Coulter, Jr. (202) 566-4473 Notice pending Treasury review.

Agency Contact: Susan K. Thompson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545–AB68

●TREATMENT OF FORECLOSED PROPERTY BY CERTAIN CREDITORS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 595 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposed regulation would amend the existing regulations relating to the treatment of amounts realized and expended with respect to property securing loans which have been foreclosed on by certain banks.

Timetable:

Action	Date	FR Cite
NPRM	07/00/83	
Final Action Effective	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-83-82 Drafting attorney: Mitchell H. Rapaport (202) 566-3829 Reviewing attorney: John M. Coulter, Jr. (202) 566-4473 Office of Tax Legislative Counsel reviewing attorney: In Legislation and Regulations for preparation of notice of proposed rulemaking.

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington, D.C. 20224, **202 566-3829**

RIN: 1545–AF00

INCOME TAX–RESTORATION OF DEPLETION DEDUCTIONS ON BONUS AND ADVANCED ROYALTIES IN CERTAIN CASES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 612 Internal Revenue Code of 1954; 26 USC 613 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules relating to the restoration of depletion deductions on bonuses and advanced royalties and the deferment of the exclusion of advanced royalties from gross income from the property.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-1148 Drafting attorney: Walter H. Woo (202) 566-3297 Reviewing attorney: John B. Bromell (202) 566-3326 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Schuldinger, Levinson Notice pending Treasury review.

Agency Contact: Walter H. Woo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545–AB69

INCOME TAX–PERCENTAGE DEPLETION DEDUCTION–TO CLARIFY RULES RELATING TO DETERMINATION OF GROSS INCOME FROM THE PROPERTY IN THE CASE OF OIL & GAS WELLS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 613 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules applicable to the determination of gross income from the property in the case of oil and gas wells and add a returns-on-investment method applicable in determining gross income from the property in the case of oil and gas wells.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-2073 Drafting attorney: Walter H. Woo (202) 566-3297 Reviewing attorney: John B. Bromell (202) 566-3326 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Schuldinger, Levinson In Office of Chief Counsel (Legislation and Regulations Division) for preparation of notice.

Agency Contact: Walter H. Woo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545–AB70

INCOME TAX–PERCENTAGE DEPLETION RATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would define such terms as oil well, oil, shale, and geothermal deposit which are pertinent to a determination of the applicable depletion rate.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-2072 Drafting attorney: Walter H. Woo (202) 566-3297 Reviewing attorney: John B. Bromell (202) 566-3326 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Schuldinger, Levinson In Office of Chief Counsel (Legislation and Regulations Division) for preparation of notice.

Agency Contact: Walter H. Woo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545–AB72

INCOME TAX–SUPPLEMENTARY RULES ON LIMITATIONS ON PERCENTAGE DEPLETION FOR OIL & GAS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 613(A) Internal Revenue Code of 1954; 26 USC 703(a) Internal Revenue Code of 1954; 26 USC 705(a) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would clarify the circumstances under which percentage depletion will be available in the case of oil and gas wells.

Timetable:

Action	Date	FR Cite
NPRM	05/13/77	
Hearing	08/31/78	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-105-75 Drafting attorney: Walter H. Woo (202) 566-3297 Reviewing attorney: John B. Bromall (202) 566-3328 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Schuldinger, Levinson Treasury Decision pending at Treasury for review.

Agency Contact: Walter H. Woo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AB73

INCOME TAX—TO CONFORM TO SEC 3 OF THE ACT OF 12/28/80

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 613A(c)(10) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulation would provide guidance to taxpayers using the section 613A(c)(10) exception to the transfer rules under section 613A(c)(9). In general section 613A(c)(9) disallows percentage depletion to the transferee of proven oil or gas property. Section 613A(c)(10) relates to the transfer of qualified property by an individual to a qualified transferee corporation solely in exchange for stock.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-35-81 Drafting attorney: David Haglund (202) 566-3459 Reviewing attorney: Walter H. Woo (202) 566-3297 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Schuldinger, Levinson In Office of Chief Counsel (Legislation and Regulations Division) for preparation of notice.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3459

RIN: 1545-AB74

INCOME TAX—DISALLOWANCE OF CERTAIN ITEMS AS DEDUCTIONS FOR ESTATE AND INCOME TAX PURPOSES.

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 642(g) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations will provide that section 2053 and 2054 deductions are not allowed in computing the taxable income of the estate or any other person or as an offset against sales of property unless a waiver is filed stating that on the estate tax return these deductions were not claimed.

Timetable:

Action	Date	FR Cite
NPRM	12/13/82	47 FR 55697
NPRM Comment Period Begin	12/13/82	47 FR 55697
NPRM withdrawn	01/05/83	48 FR 00436
NPRM	02/08/83	48 FR 5762
NPRM Comment Period End	02/11/83	
Final Action	12/00/83	

Small Entity: Not Applicable

Additional Information: LR-183-76 Drafting attorney: Neil Zyskind (202) 566-3289 Reviewing attorney: Larry E. Smith (202) 566-3287 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Woodward, Levinson Notice awaiting Commissioner's approval.

Agency Contact: Neil Zyskind, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington D.C. 20224, 202 566-3289

RIN: 1545-AB75

INCOME TAX—TREATMENT OF CREDIT FOR TAX WITHHELD ON INTEREST, DIVIDENDS AND PATRONAGE DIVIDENDS RECEIVED BY AN ESTATE OR TRUST

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 643 (d) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This Regulation will explain how to allocate the credit for tax withheld on interest and dividends earned by an estate or trust between the estate or trust and its beneficiaries.

Timetable:

Action	Date	FR Cite
NPRM	05/00/83	

Small Entity: Not Applicable

Additional Information: LR-170-82 Drafting attorney: Cynthia L. Clark (202) 566-4336 Reviewing attorney: Larry Smith (202) 566-3287 Office of Tax Legislative Counsel Reviewing attorney: Reinhold 11/3/82 T.D. to Treasury for review

Agency Contact: Cynthia L. Clark, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington, D.C. 20224, 202 566-4336

RIN: 1545-AF04

INCOME TAX—SPECIAL RULE FOR PROPERTY TRANSFERRED AT LESS THAN FAIR MARKET VALUE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 644 Internal Revenue Code of 1954; 26 USC 641 (c) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations will explain how to compute the tax imposed by section 644 on the includible gain recognized on the sale or exchange within two years after transfer to a trust of certain property.

Timetable:

Action	Date	FR Cite
NPRM	06/00/83	

Small Entity: Not Applicable

Additional Information: LR-188-76 Drafting attorney: Cynthia L. Clark (202) 566-4336 Reviewing attorney: Larry E. Smith (202) 566-3287 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Woodward, Levinson Draft of notice to Office of Chief Counsel (Interpretative Division), Office of Chief Counsel (Individual Tax Division), Associate Chief Counsel (Technical), 06/28/82.

Agency Contact: Cynthia L. Clark, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington D.C. 20224, 202 566-4336

RIN: 1545-AB76

INCOME TAX—PROCEDURE & ADMINISTRATION—ACCUMULATION TRUSTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 667 Internal Revenue Code of 1954; 26 USC 666(e) Internal Revenue Code of 1954; 26 USC 668 Internal Revenue Code of 1954; 26 USC 665(b) Internal Revenue Code of 1954; 26 USC 665 (e) to 665 (g) Internal Revenue Code of 1954); 26 USC 669 Internal Revenue Code of 1954; 26 USC 1302(a)(2)(B) Internal Revenue Code of 1954; 26 USC 1302(b)(2)(B) Internal Revenue Code of 1954; 26 USC 6401(b)Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 301

Abstract: These regulations will clarify the amount of tax imposed on a beneficiary for distributions from a trust of income accumulated by the trust in prior tax years.

Timetable:

Action	Date	FR Cite
NPRM	03/00/83	
Final Action	06/00/83	

Small Entity: Not Applicable

Additional Information: LR-184-76 Drafting attorney: John Harman (202) 566-3238. Reviewing attorney: Larry E. Smith (202) 566-3287. Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Woodward, Levinson. Office of International Tax Counsel (Treasury) reviewing attorneys: Silver, Lainoff. 9/24/82 Draft of notice in Legislation and Regulations Division for revision.

Agency Contact: John R. Harman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington D.C. 20224, 202 566-3238

RIN: 1545-AB78

INCOME TAX—PROCEDURE & ADMINISTRATION—FOREIGN TRUSTS HAVING U.S. BENEFICIARIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 679 Internal Revenue Code of 1954; 26 USC 678(b) Internal Revenue Code of 1954; 26 USC 643(a) Internal Revenue Code of 1954; 26 USC 643 (c) (6) (C) Internal Revenue Code of 1954; 26 USC 643 (c) (6) (D) Internal Revenue Code of 1954; 26 USC 643(d) Internal Revenue Code of 1954; 26 USC 6048 Internal Revenue Code of 1954; 26 USC 6677 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 301

Abstract: These regulations will provide to what extent a grantor of a foreign trust with United States beneficiaries will be treated as an owner of that trust, and thus taxed currently on the trust's income.

Timetable:

Action	Date	FR Cite
NPRM	03/00/83	
Final Action	06/00/83	

Small Entity: Not Applicable

Additional Information: LR-187-76 Drafting attorney: John R. Harman (202) 566-3238 Reviewing attorney: Larry E. Smith (202) 566-3287 Office of International Tax Counsel (Treasury) reviewing attorneys: Silver, Lainoff Draft of notice to International Tax Counsel (Treasury), 06/06/82.

Agency Contact: John R. Harman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington D.C. 20224, 202 566-3238

RIN: 1545-AB79

INCOME TAX—DETERMINATION OF PARTNER'S DISTRIBUTIVE SHARE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 704(b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations provide rules and examples relating to the substantial economic effect test and the determination of a partner's interest in the partnership.

Timetable:

Action	Date	FR Cite
NPRM	03/00/83	

Small Entity: Not Applicable

Additional Information: LR-262-76 Drafting attorney: John Schmalz (202) 566-3829 Reviewing attorney: John B. Bromell (202) 566-3326 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Kuller, McKee In Office of Tax Legislative Counsel for revision of draft.

Agency Contact: John Schmalz, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3829

RIN: 1545-AB80

INCOME TAX—ITEMS ALLOCATED TO PORTION OF YEAR PARTNER HELD INTEREST

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 706(c)(2)(B) Internal Revenue Code of 1954; 26 USC 704 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide the methods to be used for allocating partnership items to partners whenever a partner's interest varies during the partnership taxable year.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-265-76 Drafting attorney: Robert Ginsburgh (202) 566-3297 Reviewing attorney: Paul A. Francis (202) 566-3930 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Kuller, McKee Revised draft of notice to Office of Tax Legislative Counsel, 06/09/82

Agency Contact: Robert H. Ginsburgh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AB81

INCOME TAX—TO CONFORM THE INCOME TAX REGULATIONS RELATING TO GUARANTEED PAYMENTS TO PARTNERS TO SEC. 213(a)(3) OF TRA 1976 AND TO THE MILLER & CAREY DECISIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 707(c) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations relate to transactions between a partnership and one of its partners. The regulations are designed to clarify the income tax effects of guaranteed payments, i.e., payments made by a partnership to a partner for services or the use of capital, to the extent the amount of such payments is determined without regard to the income of the partnership.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-2127 Drafting attorney: Douglas W. Charmas (202) 566-3297 Reviewing attorney: Paul A. Francis (202) 566-3930 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Levinson Draft of notice returned to Office of Chief Counsel (Legislation and Regulations Division) for revision

Agency Contact: Douglas W. Charmas, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AB82

INCOME TAX—CLARIFICATION OF TREATMENT OF PARTNERSHIP SYNDICATION FEES, ETC

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 709 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance to taxpayers on the amortization of partnership organizational expenditures.

Timetable:

Action	Date	FR Cite
NPRM	01/11/80	45 FR 2349
NPRM Comment Period Begin	01/11/80	45 FR 2349
NPRM Comment Period End	03/11/80	
Hearing	05/21/80	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-286-76 Drafting attorney: David Haglund (202) 566-3459 Reviewing attorney: John B. Bromell (202) 566-3326 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Kuller, Levinson T.D. to Office of Chief Counsel (Legislation and Regulations Division) for formal approval. 12/16/82.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3459

RIN: 1545-AB83

INCOME TAX—AMENDMENT OF SEC 1.731-1(C) TO CLARIFY THE TAX TREATMENT OF A DISTRIBUTION OF PROPERTY BY A PARTNERSHIP TO A PARTNER WHO HAD RECENTLY CONTRIBUTED OTHER PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 731 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations provide that if property is contributed to a partnership and within a short period other property is distributed to the contributing partner, the distribution may fall outside of the nonrecognition provision of section 731. The regulations would provide that the substance of the transaction, rather than its form, determines whether the distribution is tax-free. The regulations would provide examples illustrating contribution/distribution transactions that will be treated as a taxable sale or exchange.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-39-82 Drafting attorney: Donald W. Stevenson (202) 566-3297 Reviewing attorney: John B. Bromell (202) 566-3326 In Office of Chief Counsel (Legislation and Regulations Division) for preparation of notice.

Agency Contact: Donald W. Stevenson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AB84

INCOME TAX—CERTAIN COMPLIANCE PROBLEMS WHERE ELECTIONS OUT OF SUBCHAPTER K ARE MADE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 761 Internal Revenue Code of 1954; 26 USC 6031 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules concerning an election not to follow Subchapter K of the Internal Revenue Code of 1954.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-36-80 Drafting attorney: John Schmalz (202) 566-3829 Reviewing attorney: Paul A. Francis (202) 566-3930 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Levinson Draft of notice returned to Office of Chief Counsel (Legislation and Regulations Division) for revision, 06/17/81.

Agency Contact: John Schmalz, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C. 20224, 202 566-3829

RIN: 1545-AB85

●TREATMENT OF GRADED PREMIUM POLICIES UNDER THE APPROXIMATE REVALUATION METHOD OF RECOMPUTING RESERVES.

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 818 (c) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules relating to the treatment by life insurance companies of graded premium policies for purposes of recomputing life insurance reserves under the approximate revaluation method.

Timetable:

Action	Date	FR Cite
NPRM	09/15/83	

Small Entity: Not Applicable

Additional Information: LR-276-82 Drafting Attorney: Alice Bennett (202) 566-3288 Reviewing Attorney: Donald Duffy (202) 566-4336 Office of Tax Legislative Counsel Reviewing Attorney: Pike In the Legislation and Regulations Division for preparation of a draft.

Agency Contact: Alice Bennett, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington DC 20224, 202 566-3288

RIN: 1545-AF03

INCOME TAX—TO CLARIFY THE TREATMENT OF CERTAIN AMOUNTS REFUNDED IN REINSURANCE TRANSACTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 809 Internal Revenue Code of 1954; 26 USC 820 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The rules will clarify the treatment of certain amounts refunded in reinsurance transaction, and provide rules with respect to the allocation of certain items in modified coinsurance contracts for purposes of an election under section 820. These regulations would affect life insurance companies that enter into coinsurance and modified coinsurance transactions.

Timetable:

Action	Date	FR Cite
NPRM	03/19/82	47 FR 11882
NPRM Comment Period Begin	03/19/82	47 FR 11882
NPRM Comment Period End	05/18/82	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-276-81 Drafting Attorney: Alice Bennett (202)566-3288 Reviewing attorney: John H. Parcell (202) 566-3288 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Pike

Agency Contact: Alice Bennett, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington DC 20224, 202 566-3288

RIN: 1545-AB86

INCOME TAX—REAL ESTATE INVESTMENT TRUSTS & REGULATED INVESTMENT COMPANIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 860 Internal Revenue Code of 1954; PL 95-600, sec 362; PL 94-455, sec 1601

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules relating to deficiency dividends of regulated investment companies and real estate investment trusts.

Timetable:

Action	Date	FR Cite
NPRM	03/31/80	45 FR 20925
NPRM Comment Period Begin	03/31/80	45 FR 20925
NPRM Comment Period End	05/27/80	
Final Action	07/00/83	

Small Entity: Not Applicable

Additional Information: LR-183-78 Drafting attorney: Duane H. Pellervo (202) 566-3458 Reviewing attorney: Charles M. Whedbee (202) 566-3458 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Baneman, Levinson T.D. to Treasury for formal approval, 05/26/82.

Agency Contact: Duane H. Pellervo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AB87

INCOME TAX–SOURCE OF INCOME OF UNDERWRITING INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 861(a)(7) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulation will provide rules for determining whether the source of underwriting income is income from sources within the United States to be included in gross income and for clarifying the meaning of United States risks upon which such income determination is made.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-71-77 Drafting Attorney: Paul H. Weisman (202) 566-3238 Reviewing Attorney: John H. Parcell (202) 566-3288 Office of International Tax Counsel (Treasury) reviewing attorneys: Shay, Lainoff In Office of Chief Counsel (Legislation and Regulations Division) for preparation of notice.

Agency Contact: Paul H. Weisman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AB89

●SOURCE OF INTEREST AND DIVIDENDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 861 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal would treat interest and dividends paid by a domestic corporation having substantial gross income from certain possessions of the United States as income from sources within the United States.

Timetable:

Action	Date	FR Cite
NPRM	12/29/82	47 FR 57972
NPRM Comment Period Begin	12/29/82	47 FR 57972
NPRM Comment Period End	02/28/83	
Final Action	08/00/83	

Small Entity: Not Applicable

Additional Information: LR-296-82 Drafting attorney: Martha E. Kadue (202) 566-3236 Reviewing attorney: Charles C. Saverude (202) 566-3323 Office of International Tax Counsel reviewing attorney: Steve Shay 12/29/82 Notice of proposed rulemaking published

Agency Contact: Martha E. Kadue, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AF15

INCOME TAX–INCOME FROM CERTAIN LEASED AIRCRAFT, VESSELS, AND SPACECRAFT TREATED AS INCOME FROM SOURCES WITHIN THE UNITED STATES.

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 861(e) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulation would provide guidance on the source of income from crafts leased to United States persons.

Timetable:

Action	Date	FR Cite
NPRM	06/00/83	

Small Entity: Not Applicable

Additional Information: LR-57-81 Drafting attorney: Martha E. Kadue (202) 566-3238 Reviewing attorney: Charles C. Saverude (202) 566-3323 In Office of Chief Counsel (Legislation and Regulations Division) for preparation of notice.

Agency Contact: Martha E. Kadue, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave, N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AB90

INCOME TAX–TO PREVENT A FOREIGN BANK WITH BRANCH OFFICE IN UNITED STATES FROM AVOIDING UNITED STATES TAXATION BY BOOKING A LOAN IN A FOREIGN OFFICE.

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 864 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulation would provide guidance for determining whether interest income from sources within the United States is effectively connected with the conduct of a banking, financing, or similar business in the United States by a foreign corporation.

Timetable:

Action	Date	FR Cite
NPRM	11/04/82	47 FR 49981
NPRM Comment Period Begin	11/04/82	47 FR 49981
NPRM Comment Period End	01/03/83	
Final Action	06/00/83	

Small Entity: Not Applicable

Additional Information: LR-34-80 Drafting attorney: Martha E. Kadue (202) 566-3236 Reviewing attorney: Charles C. Saverude (202) 566-3323 Office of International Tax Counsel (Treasury) reviewing attorneys: Silver, Lainoff In Office of Chief Counsel (Legislation and Regulations Division) for preparation of Treasury decision.

Agency Contact: Martha E. Kadue, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave, N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AB92

INCOME TAX–ORIGINAL ISSUE DISCOUNT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 871 Internal Revenue Code of 1954; 26 USC 881 Internal Revenue Code of 1954; 26 USC 1441 Internal Revenue Code of 1954; 26 USC 1442 Internal Revenue Code of 1954; 26 USC 3401 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 31

Abstract: The regulations would provide rules with respect to the taxation of original issue discount on bonds and obligations held by nonresident alien individuals and foreign corporations. The regulations would also provide guidance to withholding agents for withholding tax on original issue discount on such bonds and obligations. The regulations would provide that wages paid to a nonresident alien individual in a taxable year after the taxable year in which the wages were earned are subject to

withholding under section 1441 and not under section 3401.

Timetable:

Action	Date	FR Cite
NPRM	07/12/76	41 FR 28517
NPRM Comment Period Begin	07/12/76	41 FR 28517
NPRM Comment Period End	09/09/76	
Hearing	11/18/76	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-2043 Drafting attorney: Unassigned Reviewing attorney: Charles C. Saverude (202) 566-3323 Office of International Tax Counsel (Treasury) reviewing attorneys: Shay, Lainoff In Legislation and Regulations Division for preparation of Treasury decision.

Agency Contact: Charles C. Saverude, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave, N.W., Washington, D.C. 20224, **202 566-3323**

RIN: 1545–AB93

INCOME TAX–RULES FOR DETERMINING WHETHER LOANS OR NET LEASES ARE COMMERCIAL ACTIVITIES.

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 892 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would establish the activities with respect to loans or the ownership of real property that will be considered investment activities of foreign sovereigns. Income from such investments by foreign sovereigns would be exempt from U.S. tax.

Timetable:

Action	Date	FR Cite
NPRM	07/22/80	
NPRM Comment Period Begin	07/22/80	
NPRM Comment Period End	09/22/80	
Final Action	12/01/83	

Small Entity: Not Applicable

Additional Information: LR-110-80 Drafting Attorney: Robert E. Culbertson Jr. (202) 566-3289 Reviewing Attorney: Martha E. Kadue (202) 566-3238 Office of International Tax Counsel (Treasury) reviewing attorneys: Wold, Lainoff In Office of Chief Counsel (Legislation and Regulations Division) for preparation of Treasury Decision.

Agency Contact: Robert E. Culbertson, Jr., Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545–AB94

INCOME TAX–TEMPORARY REGULATIONS–NON-RECOGNITION, CORPORATE DISTRIBUTIONS, AND REORGANIZATION RULES REGARDING TAXATION OF FOREIGN INVESTMENT IN U.S. REAL PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 897 Internal Revenue Code of 1954

CFR Citation: 26 CFR 6a

Abstract: The regulations would provide rules for determining the tax consequences to shareholders and corporations of certain distributions including: dividend distributions, redemptions, distributions in reorganizations, and liquidating distributions. They would also provide rules for determining the extent to which nonrecognition will apply to corporations, their shareholders, and other taxpayers and rules for certain transfers of property in reorganization under the Foreign Investment in Real Property Tax Act.

Timetable:

Action	Date	FR Cite
Final Action	04/00/83	

Small Entity: Not Applicable

Additional Information: LR-130-81 Drafting attorney: Diane L. Renfroe (202) 566-3289 Reviewing attorney: Charles C. Saverude (202) 566-3323 Office of International Tax Counsel (Treasury) reviewing attorneys: Wold, Schreyer 12/15/82 Draft of Temporary Regulations to International Tax Counsel for review

Agency Contact: Diane L. Renfroe, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington D.C. 20224, **202 566-3289**

RIN: 1545–AB96

INCOME TAX–PARTNERSHIP, TRUST, AND ESTATE RULES REGARDING TAXATION OF FOREIGN INVESTMENT IN U.S. REAL PROPERTY INTERESTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 897(e)(2) Internal Revenue Code of 1954; 26 USC 897(g) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This regulation would provide rules for foreign partners to compute gain or loss on the sale or disposition of United States real property interests upon the sale of a partnership interest or a distribution in liquidation or a partnership interest.

Timetable:

Action	Date	FR Cite
NPRM	02/00/84	

Small Entity: Not Applicable

Additional Information: LR-37-82 Drafting attorney: Jacob Feldman (202) 566-3289 Reviewing attorney: Charles C. Saverude (202) 566-3323 Office of International Tax Counsel (Treasury) reviewing attorneys: Wold, Schreyer In Office of Chief Counsel (Legislation and Regulations Division) for preparation of notice.

Agency Contact: Jacob Feldman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545–AB98

INCOME TAX–TAXATION OF FOREIGN INVESTMENT IN U.S. REAL PROPERTY AND INFORMATION RETURNS CONCERNING FOREIGN OWNERSHIP OF U.S. REAL PROPERTY.

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 897 Internal Revenue Code of 1954; 26 USC 6039C Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These proposed regulations concern the information returns which must be filed with respect to foreign investment in United States real property interests by certain corporations, partnerships, trusts, estates and nonresident alien individuals. They also concern procedures for establishing that a corporation is not a United States real property holding corporation, and for foreign corporations to elect to be treated as domestic corporations. The proposed regulations also contain provisions defining relevant terms.

Timetable:

Action	Date	FR Cite
NPRM	09/21/82	47 FR 41581
NPRM Comment Period Begin	09/21/82	
NPRM Comment Period End	11/22/82	
Final Action	06/15/83	

Small Entity: Not Applicable

Additional Information: LR-154-82 Drafting Attorney: Robert Culbertson (202) 566-3289 Reviewing Attorney: Diane L. Renfroe (202) 566-3289 09/21/82 Notice published. Hearing scheduled February 3, 1983

Agency Contact: Robert E. Culbertson, Jr., Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AB99

ONOTICE OF PROPOSED RULEMAKING—NONRECOGNITION CORPORATE DISTRIBUTIONS AND REORGANIZATIONS UNDER THE FOREIGN INVESTMENT IN REAL PROPERTY TAX ACT.

Legal Authority: 26 USC 897 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal would provide rules concerning the effect of certain distributions, including dividends, redemptions, distributions pursuant to reorganizations, and liquidations on corporations and their shareholders under the Foreign Investment in Real Property Tax Act. Proposal would also provide rules for determining the extent to which nonrecognition would apply to certain transfers of real property interests and the extent to which certain reorganizations will be treated as sales of property at fair market value.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	

Small Entity: Not Applicable

Additional Information: LR-297-82 Drafting Attorney: Diane L. Renfroe (202) 566-3289 Reviewing Attorney: Charles C. Saverude (202) 566-3323 Office of International Tax Counsel reviewing attorney: Wold/Schreyer. 12/15/82 preliminary draft to Treasury for review.

Agency Contact: Diane L. Renfroe, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AF17

INCOME TAX—TEMPORARY REGULATIONS—PARTNERSHIP, TRUST AND ESTATE RULES REGARDING TAXATION OF FOREIGN INVESTMENT IN U.S. REAL PROPERTY INTERESTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 897(e)(2) Internal Revenue Code of 1954; 26 USC 897(g) Internal Revenue Code of 1954

CFR Citation: 26 CFR 6a

Abstract: This regulation would provide rules for foreign partners to compute gain or loss on the sale or disposition of United States real property interests upon the sale of a partnership interest or a distribution in liquidation of a partnership interest.

Timetable:

Action	Date	FR Cite
Final Action	02/00/84	

Small Entity: Not Applicable

Additional Information: LR-36-82 Drafting attorney: Jacob Feldman (202) 566-3289 Reviewing attorney: Charles C. Saverude (202) 566-3323 Office of International Tax Counsel (Treasury) reviewing attorneys: Wold, Schreyer In Office of Chief Counsel (Legislation and Regulations Division) for preparation of T.D.

Agency Contact: Jacob Feldman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AB97

INCOME TAX—CERTAIN PAYMENTS FOR OIL OR GAS NOT TO BE CONSIDERED AS TAXES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 901(f) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Section 901 (f) denies, under certain conditions, a foreign tax credit for any payment made to a foreign country in connection with the purchase or sale of oil and gas extracted in that country. The section does not apply if either the taxpayer has an economic interest in the oil and gas or the taxpayer purchased and sold the oil or gas at fair market value. The regulations will define the terms "economic interest in oil or gas" and "fair market value of oil or gas." The regulations will provide rules for determining the amount of foreign taxes paid or accrued in connection with the purchase or sale of oil or gas.

Timetable:

Action	Date	FR Cite
NPRM	11/17/80	45 FR 75692
NPRM Comment Period Begin	11/17/80	45 FR 75692
NPRM Comment Period End	01/16/81	
Hearing	05/29/81	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-65-75 Drafting attorney: Carol T. Doran (202) 566-3289 Reviewing attorney: Charles C. Saverude (202) 566-3323 Office of International Tax Counsel (Treasury) reviewing attorneys: Schreyer, Granwell In Office of Chief Counsel (Legislation and Regulations Division) for preparation of Treasury decision.

Agency Contact: Carol T. Doran, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington D.C. 20224, **202 566-3289**

RIN: 1545-AC00

INCOME TAX—TO PROVIDE RULES SETTING FORTH REQUIREMENTS FOR CREDITABLE FOREIGN TAXES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 901 Internal Revenue Code of 1954; 26 USC 903 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would set forth the requirements that must be met in order for a foreign levy to qualify as an income tax and thus be creditable.

Timetable:

Action	Date	FR Cite
ANPRM	08/28/78	43 FR 38429
ANPRM Comment Period Begin	08/28/78	43 FR 38429
ANPRM Comment Period End	10/27/78	
Previous NPRM	06/20/79	
Hearing	10/11/79	
NPRM	11/17/80	45 FR 75695
NPRM Comment Period Begin	11/17/80	45 FR 75695
Temporary Regulation T.D. 7739 pub	11/17/80	
NPRM Comment Period End	01/16/81	
Hearing	05/28/81	
New NPRM	03/00/83	

Small Entity: Not Applicable

Additional Information: LR-100-78 Drafting attorney: Herman Bouma (202) 566-3287 Reviewing attorney: Charles C. Saverude (202) 566-3323 Office of International Tax Counsel (Treasury) reviewing attorneys: Lainoff, Schreyer Draft of Notice to Office of International Tax Counsel (Treasury), 11/17/82.

Agency Contact: Herman B. Bouma, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AC01

INCOME TAX—TO CLARIFY RULES FOR DETERMINING EARNINGS & PROFITS OF A FOREIGN CORPORATION & AMOUNT OF CREDITABLE FOREIGN TAXES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 902 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations will provide one consistent method for determining the earnings and profits of a foreign corporation for all purposes. "The regulation will also" provide new rules concerning the determination of an entity's functional currency and the recognition of currency gain or loss on transactions that are denominated in a foreign currency.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-196-75 Drafting attorney: unassigned Reviewing attorney: Charles C. Saverude (202) 566-3323 Office of International Tax Counsel (Treasury) reviewing attorneys: Shay, Lainoff Draft of notice to Office of International Tax Counsel (Treasury), 07/09/82.

Agency Contact: Charles C. Saverude, Chief, Branch 5, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Room 4109, Washington, D.C. 20224, 202 566-3323

RIN: 1545-AC02

INCOME TAX—RECAPTURE OF OVERALL FOREIGN LOSSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 904(f) Internal Revenue Code of 1954; PL 97-248, Sec 211 Tax Equity & Fiscal Responsi Act of 1982

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules for determining the amount of and recapturing overall foreign losses. An overall foreign loss under any one of the separate limitations on the foreign tax credit may offset the taxpayer's United States tax on United States source income in the year of the loss. The recapture rules provide that a portion of the taxpayer's foreign taxable income under the same limitation in subsequent years is to be recharacterized as United States source income, thereby reducing the taxpayer's foreign tax credit and preventing a double tax benefit from the loss.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	

Small Entity: Not Applicable

Additional Information: LR-3-77 Drafting Attorney: David J. Dean (202) 566-3289 Reviewing attorney: Diane L. Renfroe (202) 566-3289 Office of International Tax Counsel (Treasury) reviewing attorneys: Silver, Lainoff in Office of Chief Counsel (Legislation and Regulation Division) for preparation of notice. 12/12/82

Agency Contact: David J. Dean, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3289

RIN: 1545-AC05

INCOME TAX—LIMITATION ON, AND TREATMENT OF, CAPITAL GAINS FOR PURPOSES OF FOREIGN TAX CREDIT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 904(b)(2) Internal Revenue Code of 1954; 26 USC 904(b)(3) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This regulation provides rules for treating capital gains and losses for purposes of computing the foreign tax credit limitation fraction.

Timetable:

Action	Date	FR Cite
NPRM	01/06/83	48 FR 668
NPRM Comment Period Begin	01/06/83	48 FR 668
NPRM Comment Period End	03/07/83	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-228-76 Drafting attorney: Jacob Feldman (202) 566-3289 Reviewing attorney: Charles C. Saverude (202) 566-3323 Office of International Tax Counsel (Treasury) reviewing attorneys: Lainoff, Schreyer Notice published on January 6, 1983, 48 FR 668.

Agency Contact: Jacob Feldman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, 202 566-3289

RIN: 1545-AC03

INCOME TAX—PROCEDURE & ADMINISTRATION—TAXPAYER'S OBLIGATION TO FILE A NOTICE OF REDETERMINATION OF FOREIGN TAX AND CIVIL PENALTIES FOR FAILURE TO FILE.

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 905(c) Internal Revenue Code of 1954; 26 USC 6689 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 301

Abstract: The regulations will establish procedures for taxpayers by which they must notify the Service of a change in foreign tax liability for a taxable year for which they claimed the foreign tax credit. The regulations provide special rules for redetermining the taxpayer's United States tax liability when the dollar value of the foreign currency fluctuates between the time for which the foreign tax credit is originally claimed and the time for which the foreign tax credit is redetermined. In addition, the regulations set forth deadlines for compliance with the notification requirements.

Timetable:

Action	Date	FR Cite
NPRM	12/31/83	

Small Entity: Not Applicable

Additional Information: LR-34-81 Drafting attorney: Carol Doran (202) 566-3289 Reviewing attorney: Jacob Feldman (202) 566-3289 Office of International Tax Counsel (Treasury) reviewing attorneys: Shay, Schreyer Draft of the notice to International Tax Counsel on October 19, 1982

Agency Contact: Carol T. Doran, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Room 4109, Washington, D.C. 20224, 202 566-3289

RIN: 1545-AC06

INCOME TAX—TEMPORARY REGULATIONS—TAXPAYER'S OBLIGATION TO FILE A NOTICE OF REDETERMINATION OF FOREIGN TAX AND CIVIL PENALTIES FOR FAILURE TO FILE.

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 905(c) Internal Revenue Code of 1954; 26 USC 6689 Internal Revenue Code of 1954

CFR Citation: 26 CFR 4

Abstract: The regulations will establish procedures for taxpayers by which they must notify the Service of a change in foreign tax liability for a taxable year for which they claimed the foreign tax credit. The regulations provide special rules for redetermining the taxpayer's United States

tax liability when the dollar value of the foreign currency fluctuates between the time for which the foreign tax credit is originally claimed and the time for which the foreign tax credit is redetermined. In addition, the regulations set forth deadlines for compliance with the notification requirements.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/31/83	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-118-82 Drafting attorney: Carol Doran (202) 566-3289 Reviewing attorney: Jacob Feldman (202) 566-3289 Office of International Tax Counsel (Treasury) reviewing attorneys: Shay, Schreyer Draft of the treasury decision to International Tax Counsel, on October 19, 1982.

Agency Contact: Carol T. Doran, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave, N.W., Room 4109, Washington, D.C. 20224, **202 566-3289**

RIN: 1545–AC09

INCOME TAX–LIMITATION DEALING WITH FOREIGN TAX CREDIT FOR TAXES PAID IN CONNECTION WITH FOREIGN OIL & GAS INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 907 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations provide rules associated with limitations on the foreign tax credit for taxes paid on foreign oil and gas income.

Timetable:

Action	Date	FR Cite
NPRM	11/17/80	45 FR 75695
NPRM Comment Period Begin	11/17/80	45 FR 75695
NPRM Comment Period End	02/17/81	
Hearing	05/29/81	
Final Action	03/24/83	

Small Entity: Not Applicable

Additional Information: LR-70-75 Drafting attorney: Donald K. Duffy (202) 566-4336 Reviewing attorney: Marcus B. Blumkin (202) 566-3483 Office of International Tax Counsel (Treasury) reviewing attorneys: Schreyer, Granwell In office of Chief Counsel (Legislation and Regulations Division) for preparation of T.D.

Agency Contact: Donald K. Duffy, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington D.C. 20224, **202 566-4336**

RIN: 1545–AC07

●AMENDMENT OF REGULATIONS UNDER SECTION 907 OF THE INTERNAL REVENUE CODE OF 1954 TO CONFORM THEM TO SECTION 211 OF THE TAX EQUITY AND FISCAL RESPONSIBILITY ACT OF 1982

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 907 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal would amend the regulations under section 907 of the Internal Revenue Code of 1954, relating to the foreign tax credit for taxes on oil and gas income, to conform them to section 211 of the Tax Equity and Fiscal Responsibility Act of 1982.

Timetable:

Action	Date	FR Cite
NPRM	01/31/84	

Small Entity: Not Applicable

Additional Information: LR-193-82 Drafting Attorney: Herman B. Bouma (202) 566-3287 Reviewing Attorney: Diane L. Renfroe (202) 566-3323 Office of International Tax Counsel (Treasury) reviewing attorneys: Schreyer, Granwell In Legislation and Regulations Division for preparation of notice of proposed rulemaking.

Agency Contact: Herman B. Bouma, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545–AE34

INCOME TAX–INCOME OF U.S. CITIZENS & RESIDENTS WORKING ABROAD; EXEMPTION FROM WITHHOLDING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 911 Internal Revenue Code of 1954; 26 USC 119 Internal Revenue Code of 1954; 26 USC 913 Internal Revenue Code of 1954; 26 USC 3401(a)(8) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Section 911 provides two exclusions and one deduction that may be claimed by certain United States citizens and residents living and working abroad. The exclusions are for foreign earned income up to a ceiling (which starts at $75,000 a year in 1982 and increases by $5,000 a year until it reaches $95,000 in 1986) and for the housing cost amount of a qualified individual to the extent it is attributable to employer provided amounts. The deduction is for the portion of the housing cost amount that is not attributable to employer provided amounts. The total of the exclusions and deduction may not exceed foreign earned income for the taxable year. These regulations will provide rules relating to the section 911 exclusions and deduction.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	

Small Entity: Not Applicable

Additional Information: LR-208-81 Drafting attorney: Carol Doran (202) 566-3289. Reviewing attorney: Diane L. Renfroe (202) 566-3289. Office of International Tax Counsel (Treasury) reviewing attorneys: Silver, Lainoff. Draft of the notice to Treasury, International Tax Counsel, on November 8, 1982.

Agency Contact: Carol T. Doran, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Room 4109, Washington, D.C. 20224, **202 566-3289**

RIN: 1545–AC08

●POSSESSION TAX CREDIT AND INCOME TAX LIABILITY INCURRED TO THE VIRGIN ISLANDS: COMPUTATION OF TAXABLE INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 936 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance for the computation of taxable income under a method elected for purposes of electing out of the treatment of intangible property income under section 936.

Timetable:

Action	Date	FR Cite
NPRM	01/01/84	

Small Entity: Not Applicable

Additional Information: LR-196-82 Drafting Attorney: Mary E. Dean (202) 566-3289. Reviewing Attorney: Charles S. Saverude (202) 566-3323. Office of International Tax Counsel reviewing attorneys: Lainoff, Granwell. In Legislation and Regulations Division for preparation of Notice.

Agency Contact: Mary E. Dean, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave, N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545–AE35

POSSESSION TAX CREDIT AND INCOME TAX LIABILITY INCURRED TO THE VIRGIN ISLANDS; BUSINESS PRESENCE.

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 936 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The proposed regulations will provide tests for determining whether an electing corporation meets the significant business presence test. The regulations will define the terms "product" "type of service," "direct material costs," and "direct labor costs." The regulations will also provide an appropriate transitional period for commencement in a possession of operations with respect to products or types of service after August 19, 1982.

Timetable:

Action	Date	FR Cite
NPRM	01/01/84	

Small Entity: Not Applicable

Additional Information: LR-195-82 Drafting Attorney: Carol T. Doran (202) 566-3289. Reviewing Attorney: Charles C. Saverude (202) 566-3323. International Tax Counsel reviewing attorneys: Lainoff, Granwell. In Legislation and Regulations Division for preparation of notice of proposed rulemaking.

Agency Contact: Carol T. Doran, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave, N.W., Washington, D.C. 20224, 202 566-3289

RIN: 1545-AE36

AMENDMENT OF REGULATIONS UNDER SECTIONS 934 AND 936 TO CONFORM TO CHANGES MADE BY SECTION 213 OF THE TAX EQUITY AND FISCAL RESPONSIBILITY ACT OF 1982.

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 936 Internal Revenue Code of 1954; 26 USC 934 Internal Revenue Code of 1954; 26 USC 367 Internal Revenue Code of 1954; 26 USC 246 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This regulation would amend sections 936 and 934 of the Internal Revenue Code of 1954 to conform to changes made by section 213 of the Tax Equity and Responsibility Act of 1982. These changes relate to the Puerto Rico and possession tax credit and the income tax liability incurred to the Virgin Island general rules.

Timetable:

Action	Date	FR Cite
ANPRM	11/29/82	47 FR 53746
ANPRM Comment Period Begin	11/29/82	47 FR 53746
ANPRM Comment Period End	12/29/82	
NPRM	01/00/84	

Small Entity: Not Applicable

Additional Information: LR-194-82 Drafting Attorney: Jacob Feldman (202) 566-3289 Reviewing Attorney: Charles C. Saverude (202) 566-3323 Office of International Tax Counsel reviewing attorney: Steven Lainoff Advanced notice of proposed rulemaking issued November 29, 1982, 47 FR 53746

Agency Contact: Jacob Feldman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C. 20224, 202 566-3289

RIN: 1545-AF21

INCOME TAX—DEFINITION OF QUALIFIED POSSESSION SOURCE INVESTMENT INCOME FOR PURPOSES OF PUERTO RICO & POSSESSION TAX CREDIT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 936(d)(2) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This regulation would provide rules with respect to what constitutes qualified possession source investment income for purposes of the Puerto Rico and possession tax credit.

Timetable:

Action	Date	FR Cite
NPRM	09/00/83	

Small Entity: Not Applicable

Additional Information: LR-106-77 Drafting attorney: Jacob Feldman (202) 566-3289 Reviewing attorney: Charles C. Saverude (202) 566-3323 Office of International Tax Counsel (Treasury) reviewing attorneys: Lainoff, Schreyer Project is in Legislation and Regulations Division for preparation of notice.

Agency Contact: Jacob Feldman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C.20224, 202 566-3289

RIN: 1545-AC10

INCOME TAX—CONFORMING REGULATIONS TO CERTAIN AMENDMENTS TO SUBPART F

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 951 (a) Internal Revenue Code of 1954; 26 USC 954(b) (1) Internal Revenue Code of 1954; 26 USC 954 (f) Internal Revenue Code of 1954; 26 USC 955 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This regulation would provide conforming changes with respect to the regulations under Subpart F to conform to changes made by the Tax Reduction Act of 1975 and the Tax Reform Act of 1976.

Timetable:

Action	Date	FR Cite
NPRM	02/09/78	
Final Action	07/00/83	

Small Entity: Not Applicable

Additional Information: LR-67-75 Drafting attorney: Jacob Feldman (202) 566-3289 Reviewing attorney: Charles C. Saverude (202) 566-3323 Office of International Tax Counsel (Treasury) reviewing attorney: Schreyer Treasury decision to Office of International Tax Counsel for formal approval, 12/15/82

Agency Contact: Jacob Feldman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C.20224, 202 566-3289

RIN: 1545-AC12

INCOME TAX—CURRENT TAXATION OF SHIPPING PROFITS OF CONTROLLED FOREIGN CORPORATIONS EXCEPT TO EXTENT SUCH PROFITS ARE REINVESTED IN SHIPPING OPERATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 951 Internal Revenue Code of 1954; 26 USC 954 Internal Revenue Code of 1954; 26 USC 955 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This regulation would provide rules with respect to the current taxation of shipping profits of controlled foreign corporations except to the extent the shipping profits are reinvested in shipping operations.

Timetable:

Action	Date	FR Cite
NPRM	08/09/76	
Temporary Regs T.D. 7503 published	08/22/77	

Action	Date	FR Cite
Final Action Effective	07/00/83	

Small Entity: Not Applicable

Additional Information: LR-68-75 Drafting attorney: Jacob Feldman (202) 566-3289 Reviewing attorney: Charles C. Saverude (202) 566-3323 Office of International Tax Counsel (Treasury) reviewing attorney: Schreyer Treasury decision to Office of International Tax Counsel for formal approval, 12/15/82

Agency Contact: Jacob Feldman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave, N.W., Washington, D.C., 202 566-3289

RIN: 1545-AC11

●CURRENT TAXATION OF FOREIGN OIL RELATED INCOME OF CONTROLLED FOREIGN CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 954 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal would define and interpret when foreign oil related income will be subject to current taxation under section 954 of the Internal Revenue Code of 1954. Changes to the applicable law were made by section 212 of the Tax Equity and Fiscal Responsibility Act of 1982.

Timetable:

Action	Date	FR Cite
NPRM	06/23/83	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-197-82 Drafting Attorney: Mary Frances Pearson (202) 566-3238 Reviewing Attorney: Charles C. Saverude (202) 566-3323 Office of International Tax Counsel Reviewing attorney: Steve Lainoff In Legislation and Regulations Division for preparation of a Notice of Proposed Rulemaking.

Agency Contact: Mary Frances Pearson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AE38

INCOME TAX—BASIS OF CERTAIN APPRECIATED PROPERTY TRANSFERRED TO DECEDENT, ETC

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1014(e) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulation will explain the denial of a stepped-up basis for appreciated property acquired by decedent through gift within one year of death if such property passes, directly or indirectly, from donee-decedent to original donor or the donor's spouse.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-235-81 Drafting attorney: Ada S. Rousso (202) 566-4336 Reviewing attorney: Larry E. Smith (202) 566-3287 In Office of Chief Counsel (Legislation and Regulations Division) for preparation of notice.

Agency Contact: Ada S. Rousso, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington, D.C. 20224, 202 566-4336

RIN: 1545-AC18

INCOME TAX—BASIS LIMITATION & RECAPTURE OF DEPRECIATION ON PLAYER CONTRACTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1056 Internal Revenue Code of 1954; 26 USC 1245 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules for determining the basis of player contracts acquired by a purchaser upon the sale or exchange of a sports franchise. Generally, the purchaser's basis with respect to player contracts is to be determined by reference to the seller's adjusted basis and the gain the seller recognizes from the transfer of the player contracts. Exceptions are provided in the cases of certain corporate one-year liquidations, certain like-kind exchanges and for certain transfers relating to decedents. Furthermore, a presumation is provided that in the sale or exchange of a sports franchise, not more than 50-percent of the consideration will be allocable to player contracts unless the taxpayer can satisfy the Secretary it is proper to allocate an amount in excess of 50-percent.

Timetable:

Action	Date	FR Cite
NPRM	09/30/83	

Small Entity: Not Applicable

Additional Information: LR-222-76 Drafting attorney: Howard Balikov (202) 566-3288 Reviewing attorney: John H. Parcell (202) 566-3288 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Mundstock/Levinson Draft of notice is in Office of Chief Counsel (Legislation and Regulations Division) for revision, 01/03/83.

Agency Contact: Howard Balikov, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AC19

INCOME TAX—TRANSFERS OF SECURITIES UNDER CERTAIN AGREEMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1058 Internal Revenue code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide that so long as the provisions of section 1058 and these regulations are met, the lender will neither recognize gain or loss on the transfer of securities nor upon the return of identical securities.

Timetable:

Action	Date	FR Cite
NPRM	06/30/83	

Small Entity: Not Applicable

Additional Information: LR-162-76 Drafting attorney: Howard A. Balikov (202) 566-3288 Reviewing attorney: John H. Parcell (202) 566-3288 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Kuller, Levinson Final draft of notice to Commissioner for formal approval 09/07/82.

Agency Contact: Howard Balikov, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AC20

INCOME TAX—TAX STRADDLES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1092 Internal Revenue Code of 1954; 26 USC 6653 Internal Revenue Code of 1954; 26 USC 263(g) Internal Revenue Code of 1954; 26 USC 1256 Internal Revenue Code of 1954; 26 USC 1212 Internal Revenue Code of 1954; 26 USC 1236 Internal Revenue Code of 1954; 26 USC 1234A Internal Revenue Code of 1954; 26 USC 1232 Internal Revenue Code of 1954; 26 USC 1221 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations will provide the rules under Title 5 of the Economic Recovery Tax Act of 1981 for tax straddles. These

regulations will affect the tax treatment of regulated futures contracts, forward contracts, and positions in commodities.

Timetable:

Action	Date	FR Cite
NPRM	03/01/84	

Small Entity: Not Applicable

Additional Information: LR-187-81 Drafting attorney: Barry L. Wold (202) 566-3288 Reviewing attorney: John M. Fischer (202) 566-3394 In Office of Chief Counsel (Legislation and Regulations Division) for preparation of notice.

Agency Contact: Barry L. Wold, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AC21

INCOME TAX—TEMPORARY REGULATIONS—TAX STRADDLES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1092 Internal Revenue Code of 1954; 26 USC 1256 Internal Revenue Code of 1954; 26 USC 6653 Internal Revenue Code of 1954; 26 USC 263(g) Internal Revenue Code of 1954; 26 USC 1212 Internal Revenue Code of 1954; 26 USC 1221 Internal Revenue code of 1954; 26 USC 1236 Internal Revenue Code of 1954; 26 USC 1234A Internal Revenue Code of 1954; 26 USC 1232 Internal Revenue Code of 1954

CFR Citation: 26 CFR 5c

Abstract: These regulations will provide the rules under Title 5 of the Economic Recovery Tax Act of 1981 for tax straddles. These regulations will affect the tax treatment of regulated futures contracts, forward contracts, and positions in commodities.

Timetable:

Action	Date	FR Cite
Final Action	03/01/84	

Small Entity: Not Applicable

Additional Information: LR-186-81 Drafting attorney: Barry L. Wold (202) 566-3288. Reviewing attorney: John M. Fischer (202) 566-3394. In Office of Chief Counsel (Legislation and Regulations Division) for preparation of Treasury decision.

Agency Contact: Barry L. Wold, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AC22

●REGULATIONS UNDER SECTION 1232A RELATING TO ORIGINAL ISSUE DISCOUNT TAKEN INTO ACCOUNT ON BASIS OF CONSTANT INTEREST RATE.

Legal Authority: 26 USC 1232A Internal Revenue Code; 26 USC 163 Internal Revenue Code

CFR Citation: 26 CFR 1

Abstract: Regulations would provide guidance as to computation of amount to be included in income by holders and amount to be deducted by issuers of certain bonds issued after July 1, 1982. With respect to these bonds, original issue discount is computed on the basis of a constant rate. Provision is made for the computation of original issue discount in special circumstances where the interest rate is variable, where put and call options are present, and in other circumstances.

Timetable:

Action	Date	FR Cite
NPRM	04/01/83	
Final Action	09/01/83	

Small Entity: Not Applicable

Additional Information: LR-222-82 Drafting attorney: Susan K. Thompson (202) 566-3294 Reviewing attorney: John P. MacMaster (202) 566-3294 Office of Tax Legislative Counsel Reviewing Attorney: Richard Reinhold In Legislation and Regulations Division for preparation of notice.

Agency Contact: Susan K. Thompson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AE27

●REGULATIONS UNDER SECTION 1232B RELATING TO THE TAX TREATMENT OF STRIPPED BONDS

Legal Authority: 26 USC 1232B Internal Revenue Code

CFR Citation: 26 CFR 1

Abstract: Regulations would provide guidance as to treatment of proceeds of sale of stripped coupons and stripped bonds issued after July 14, 1982. If a stripped bond or stripped coupon is disposed of after July 1, 1982, the purchaser must include in income an amount computed under section 1232A(a). The stripper must allocate his basis in the bond components (stripped bond and stripped coupons) on the basis of their fair market value.

Timetable:

Action	Date	FR Cite
NPRM	06/01/83	
Final Action	09/01/83	

Small Entity: Not Applicable

Additional Information: LR-223-82 Drafting attorney: Susan K. Thompson (202) 566-3294 Reviewing attorney: John P. MacMaster (202) 566-3294 Office of Tax Legislative Counsel Reviewing Attorney: Richard Reinhold In Legislation and Regulations Division for preparation of notice.

Agency Contact: Susan K. Thompson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington D.C. 20224, **202 566-3294**

RIN: 1545-AE21

INCOME TAX—TIME FOR DETERMINING RELATEDNESS UNDER SECTION 1239—RELATING TO TRANSFER OF DEPRECIABLE PROPERTY BETWEEN RELATED PERSONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1239 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The rule will provide that 80 percent relatedness determination under section 1239 is determined immediately before or after the sale or exchange of depreciable assets. A determination of relatedness under section 1239 converts what would otherwise be capital gain into ordinary gain.

Timetable:

Action	Date	FR Cite
NPRM	01/05/83	48 FR 00667
NPRM Comment Period Begin	01/05/83	48 FR 00667
NPRM Comment Period End	03/07/83	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-104-81 Drafting attorney: George Magnatta (202) 566-3459 Reviewing attorney: Paul A. Francis (202) 566-3930 Notice of Proposed Rulemaking Published 01/05/83

Agency Contact: George T. Magnatta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AC29

INCOME TAX—GAIN FROM SALE OR EXCHANGE OF STOCK IN FOREIGN CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1248 Internal Revenue Code of 1954; 26 USC 751 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would amend existing regulations with respect to the section 1248 amount attributable to stock of lower tier subsidiaries and stock in less developed country corporations. The regulations would also provide rules for determining the section 1248 amount due to certain dispositions on which gain is not recognized. The regulations would also expand the foreign tax credit available with respect to the section 1248 amount attributable to third-tier subsidiaries.

Timetable:

Action	Date	FR Cite
NPRM	11/00/83	

Small Entity: Not Applicable

Additional Information: LR-232-76 Drafting Attorney: Martha E. Kadue (202) 566-3238 Reviewing attorney: Charles C. Saverude (202) 566-3323 Office of International Tax Counsel (Treasury) reviewing attorney: Lainoff In Legislation and Regulations Division for revision of notice of proposed rulemaking.

Agency Contact: **Martha E. Kadue**, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AC31

INCOME TAX—TRANSFER OF FRANCHISES; TRADEMARKS & TRADE NAMES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1253 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This regulation would clarify the income tax treatment of transfers of franchises, trademarks, or trade names. It would provide guidance to determine to what extent the proceeds of such transfer are treated as gains from the sale of a capital asset rather than ordinary income.

Timetable:

Action	Date	FR Cite
Final Action Effective	01/01/70	
Previous NPRM	07/15/71	
NPRM	00/00/00	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-1644 Drafting attorney: John A. Tolleris (202) 566-3294 Reviewing attorney: John M. Coulter, Jr. (202) 566-4473 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Levinson Revised notice returned to Office of Chief Counsel (Legislation and Regulations Division) for further review.

Agency Contact: **John A. Tolleris**, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington D.C. 20224, **202 566-3294**

RIN: 1545-AC33

INCOME TAX—TO CLARIFY TREATMENT OF BASIS IN TRANSFERS OF FRANCHISES, TRADEMARKS, & TRADE NAMES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1253 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This regulation would clarify the tax treatment of the basis of a franchise, trademark, or trade name transferred under section 1253 of the Internal Revenue Code of 1954. It would provide guidance regarding how to allocate the basis among the portions of the sale proceeds which are treated as arising from the sale of a capital asset and other portions which are ordinary income.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	
Final Action Effective	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-183-81 Drafting attorney: John A. Tolleris (202) 566-3294 Reviewing attorney: John M. Coulter, Jr. (202) 566-4473 In Office of Chief Counsel (Legislation and Regulations Division) for preparation of notice.

Agency Contact: **John A. Tolleris**, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington D.C. 20224, **202 566-3294**

RIN: 1545-AC34

INCOME TAX—GAIN FROM DISPOSITION OF INTEREST IN OIL OR GAS PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1254 Internal Revenue Code of 1954; 26 USC 751 Internal Revenue Code of 1954; Tax Reform Act of 1976, Section 705; Tax Reform Act of 1976, Section 1901; Energy Tax Act of 1978, Section 402

CFR Citation: 26 CFR 1

Abstract: The regulations will determine the tax treatment of gain from the disposition of certain oil, gas, or geothermal property to determine how much of the gain from the disposition is subject to recapture under section 1254 and accorded ordinary income treatment. The regulations also will define intangible drilling and development costs, disposition, and oil, gas and geothermal property for purposes of section 1254.

Timetable:

Action	Date	FR Cite
Final Action Effective	12/31/75	
NPRM	06/11/80	45 FR 39512
NPRM Comment Period Begin	06/11/80	45 FR 39512
NPRM Comment Period End	08/11/80	
Hearing	09/09/80	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-276-76 Drafting attorney: Diane Kroupa (202) 566-3459. Reviewing attorney: Pete Scott (202) 566-6655. Office of Tax Legislative Counsel (Treasury) reviewing attorney: Schuldinger. 07/20/82 Treasury Decision to Treasury for briefing and comment.

Agency Contact: **Diane Kroupa**, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AC35

INCOME TAX—TEMPORARY REGULATIONS—TAX STRADDLE IDENTIFICATION RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1092(a) Internal Revenue Code of 1954; 26 USC 1092(c) Internal Revenue Code of 1954; 26 USC 1256 Internal Revenue Code of 1954

CFR Citation: 26 CFR 5c

Abstract: These regulations will provide the identification rules for identified straddles, mixed straddles, and hedging transactions. Proper identification is required by the statute if the taxpayer wants to utilize the special rules for identified straddles, mixed straddles, and hedging transactions.

Timetable:

Action	Date	FR Cite
Final Action	09/01/83	

Small Entity: Not Applicable

Additional Information: LR-281-81 Drafting attorney: Barry L. Wold (202) 566-3288 Reviewing attorney: John M. Fischer (202) 566-3394 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Reinhold In Office of Chief Counsel (Legislation and Regulations Division) for preparation of final draft of T.D.

Agency Contact: Barry L. Wold, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AC24

INCOME TAX--TREATMENT OF OBLIGATIONS WHICH PURPORT TO REPRESENT DEBT AS A SECOND CLASS OF STOCK

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1361 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance to shareholders and debt instrument holders who must comply with the law relating to subchapter S corporations. The regulations will provide rules relating to whether or not a subchapter S corporation has more than one class of stock.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-4-73 Drafting attorney: Annie R. Alexander (202) 566-3287 Reviewing attorney: Walter H. Woo (202) 566-3297 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Kuller, McKee In Office of Chief Counsel (Legislation and Regulations Division) for preparation of notice.

Agency Contact: Annie Alexander, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AC37

●INCOME TAX--DEFINITION OF S CORPORATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1361 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would address the following matters: (1) the number of permitted shareholders of a small business corporation (2) the types of trusts that are permitted to be shareholders of a small business corporation, (3) whether shares are permitted to be owned as a split interest and (4) the rules relating to corporations that are ineligible to be an S corporation.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-262-82 Drafting Attorney: Robert H. Ginsburgh (202) 566-3297 Reviewing Attorney: Walter H. Woo (202) 566-3297 In Legislation and Regulations Division for preparation of Notice.

Agency Contact: Robert H. Ginsburgh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AE86

●INCOME TAX--APPLICATION OF SUBCHAPTER C RULES TO S CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1361 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The proposal would amend the regulations under section 1381 to changes made by the subchapter S Revision Act of 1982 relating to the application of subchapter C rules to S corporations and other technical amendments under sections 2, 5, and 6 of the Act. The regulation would provide the public with guidance to comply with the Act.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-265-82 Drafting Attorney: Annie R. Alexander (202) 566-3287. Reviewing Attorney: John B. Bromell (202) 566-3326. In Legislation and Regulations Division for preparation of notice.

Agency Contact: Annie R. Alexander, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AE90

●AMENDMENT OF INCOME TAX REGULATIONS UNDER CODE SECTIONS 1362 AND 1363 RELATING TO THE ELECTION, REVOCATION, AND TERMINATION OF AN S CORPORATION

Legal Authority: 26 USC 7805; 26 USC 1362; 26 USC 1363

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidelines for electing, revoking and terminating S corporation status.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-260-82 Drafting Attorney: Linda M. Kroening (202) 566-3297 Reviewing Attorney: Walter H. Woo (202) 566-3297 Office of Tax Legislative Counsel reviewing attorney: In Legislation and Regulations Division for preparation of Notice of Proposed Rulemaking

Agency Contact: Linda M. Kroening, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AE26

●INCOME TAX--PASS-THRU OF S CORPORATION ITEMS TO SHAREHOLDERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1366 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules relating to the tax treatment of income and loss items passed through to the shareholders.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-261-82 Drafting Attorney: Robert H. Ginsburgh (202) 566-3297 Reviewing Attorney: Walter H. Woo (202) 566-3297 In Legislation and Regulations Division for preparation of notice

Agency Contact: Robert H. Ginsburgh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AE85

INCOME TAX—CERTAIN RULES RELATING TO SHAREHOLDERS OF SUBCHAPTER S CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue code of 1954; 26 USC 1371 Internal Revenue Code of 1954; 26 USC 1372 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would address the following issues: (1) The number of permitted shareholders of a small business corporation, (2) The rules regarding stock held by a husband and wife, (3) The types of trusts that are permitted to be shareholders of a small business corporation, (4) Whether shares are permitted to be owned as a split interest, (5) The rules relating to the time period for making an election of status as a small business corporation and the manner for making such election, and (6) Rules relating to how a new shareholder may terminate a subchapter S election.

Timetable:

Action	Date	FR Cite
NPRM	04/17/80	45 FR 26092
NPRM Comment Period Begin	04/17/80	45 FR 26092
NPRM Comment Period End	06/13/80	
Hearing	10/08/80	
Final Action	06/01/83	

Small Entity: Not Applicable

Additional Information: LR-277-76 Drafting attorney: Robert Ginsburgh (202) 566-3297 Reviewing attorney: Charles C. Saverude (202) 566-3323 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Kuller, McKee Draft of Treasury Decision to Office of Tax Legislative Counsel, 10/26/82

Agency Contact: Robert H. Ginsburgh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AC38

●INCOME TAX—TREATMENT OF S CORPORATION AS A PARTNERSHIP FOR CERTAIN PURPOSES OF THE INTERNAL REVENUE CODE OF 1954

Legal Authority: 26 USC 7805; 26 USC 1372; 26 USC 1373; 26 USC 613 A; 26 USC 4996; 26 USC 48

CFR Citation: 26 CFR 1

Abstract: The regulation will provide guidance to taxpayers relating to the treatment of S corporation as partnership for purposes of certain provisions of the Internal Revenue Code of 1954.

Timetable:

Action	Date	FR Cite
NPRM	01/00/84	

Small Entity: Not Applicable

Additional Information: LR-266-82 Drafting Attorney: David R. Haglund (202) 566-3459. Reviewing Attorney: Walter H. Woo (202) 566-3297. Office of Tax Legislative Counsel Reviewing Attorney: Mark Kuller. In Legislation and Regulations Division for preparation of notice of proposed rulemaking.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AE28

●AMENDMENT OF INCOME TAX REGULATIONS UNDER SECTIONS 1374 AND 1375 RELATING TO THE IMPOSITION OF TAX ON CAPITAL GAINS AND PASSIVE INVESTMENT INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The proposed regulations will provide rules relating to a tax on capital gains and excess passive income in the case of certain subchapter S corporations.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-267-82 Drafting attorney: John Schmalz (202) 566-3829. Reviewing attorney: Walter H. Woo (202) 566-3297. Office of Tax Legislative Counsel (Treasury) reviewing attorney: Kuller. Notice of proposed rulemaking in Office of Chief Counsel Legislation and Regulations Division for preparation.

Agency Contact: John Schmalz, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington, D.C., **202 566-3459**

RIN: 1545-AE92

●INCOME TAX—DEFINITIONS AND SPECIAL RULES PERTAINING TO S CORPORATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1377 Internal Revenue Code of 1954; 26 USC 1378 Internal Revenue Code of 1954; 26 USC 1379 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal would define and interpret the definitions and special rules contained in section 1377 through 1379 of the Internal Revenue Code of 1954, thereby giving needed guidance to the public on how the Internal Revenue Service intends to interpret those sections of the Code.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-268-82 Drafting Attorney: Nerman Dobynes Hubbard (202) 566-3297 Reviewing Attorney: Walter H. Woo (202) 566-3297 In Office of Chief Counsel (Legislation and Regulations Division) for preparation of notice.

Agency Contact: Nerman Dobynes Hubbard, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AE94

●INCOME TAX—CERTAIN ELECTIONS UNDER THE SUBCHAPTER S REVISION ACT OF 1982

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1361 Internal Revenue Code of 1954; 26 USC 1362 Internal Revenue Code of 1954; 26 USC 1377 Internal Revenue Code of 1954; 26 USC 1378 Internal Revenue Code of 1954; 26 USC 1379 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations relate to the time and manner of making certain elections, consents, and refusals under the Subchapter S Revision Act of 1982 and to the taxable year which a corporation may select in order to make the election to be an S corporation.

Timetable:

Action	Date	FR Cite
NPRM	01/26/83	48 FR 03637
NPRM Comment Period Begin	01/26/83	48 FR 03637
NPRM Comment Period End	03/28/83	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-1-83 Drafting Attorney: Robert H. Ginsburgh (202) 566-3297. Reviewing Attorney: Walter Woo (202) 566-3297. Office of Tax Legislative Counsel Reviewing Attorneys: Kuller, McKee. Notice published, 01/26/83.

Agency Contact: Robert H. Ginsburgh, Attorney, Department of the Treasury, Internal

Revenue Service, 1111 Constitution Avenue N.W., Washington D.C. 20224, **202 566-3297**

RIN: 1545-AF30

INCOME TAX—QUALIFIED PENSION, ETC. PLANS OF SMALL BUSINESS CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1379 Internal Revenue Code of 1954; PL 91-172, Sec 531; PL 93-406; PL 97-248, Sec 238(c)

CFR Citation: 26 CFR 1; 26 CFR 20; 26 CFR 25

Abstract: The regulation will provide guidance to qualified defined contribution pension, profit-sharing, and stock bonus plans of electing small business corporations, and their shareholder-employees to enable them to comply with changes made by PL 91-172, Sec 531, and PL 93-406.

Timetable:

Action	Date	FR Cite
NPRM		37 FR 9295
NPRM Comment Period Begin	05/06/72	37 FR 9295
NPRM Comment Period End	06/07/72	
Final Action	03/00/83	

Small Entity: Not Applicable

Additional Information: EE-35-78 Drafting attorney: Calder L. Robertson, Jr. (202) 566-3422 Reviewing attorney: Charles K. Kerby, III (202) 566-3422 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Oppenheimer, Levinson Conference held, 07/24/72. 2nd revised preliminary draft of T.D. to Office of Tax Legislative Counsel (Treasury) & Office of Assistant Commissioner (Employee Plans and Exempt Organizations), 08/13/80.

Agency Contact: Calder L. Robertson, Jr., Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, **202 566-3422**

RIN: 1545-AE07

INCOME TAX—TO CLARIFY SECTION 1.1382-6 WITH REGARD TO INVENTORY POOLS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1382 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations would provide guidance to cooperatives with regard to inventory pools that remain open at the end of the taxable year.

Timetable:

Action	Date	FR Cite
NPRM	09/01/83	

Small Entity: Not Applicable

Additional Information: LR-63-82 Drafting attorney: Patricia K. Keesler (202) 566-3430 Reviewing attorney: John H. Parcell (202) 566-3288 Office of Tax Legislative Counsel reviewing attorney: Andy Pike Draft of notice to Office of Tax Legislative Counsel (Treasury) 07/09/82

Agency Contact: Patricia K. Keesler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AB32

INCOME TAX—RELATING TO TAX TREATMENT OF PER UNIT RETAIN ALLOCATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1385 Internal Revenue Code of 1954; 26 USC 1388 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This project would provide proposed rules relating to the tax treatment of a cooperatives income that is not distributed to the numbers of the cooperative.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-1175 Reviewing attorney: John H. Parcell (202) 566-3288 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Pike Notice pending Treasury review.

Agency Contact: Paul Weisman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AC40

INCOME TAX—DISTRIBUTIONS QUALIFYING AS PATRONAGE DIVIDENDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1382 Internal Revenue Code of 1954; 26 USC 1388 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules for netting the income and losses of allocation units within the cooperative. In addition the regulations clarify the meaning of preexisting legal obligation.

Timetable:

Action	Date	FR Cite
NPRM	09/01/83	

Small Entity: Not Applicable

Additional Information: LR-268-79 Drafting attorney: Patricia K. Keesler (202) 566-3430 Reviewing attorney: John H. Parcell (202) 566-3288 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Pike Notice pending Treasury review.

Agency Contact: Patricia K. Keesler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AC39

INCOME TAX—PERSONAL SERVICES INCOME OF NONRESIDENT ALIEN INDIVIDUALS, AND CERTIFICATES OF TAX COMPLIANCE OF DEPARTING ALIEN INDIVIDUALS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1441 Internal Revenue Code of 1954; 26 USC 1461 Internal Revenue Code of 1954; 26 USC 1462 Internal Revenue Code of 1954; 26 USC 3401 Internal Revenue Code of 1954; 26 USC 7605 Internal Revenue Code of 1954; 26 USC 7701 Internal Revenue Code of 1954; 26 USC 6851(d) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 31; 26 CFR 301

Abstract: The regulations would provide for exemptions from witholding of tax from independent personal service income of nonresident alien individuals, clarify the obligations of withholding agents, and update the rules with respect to Forms 1042 and 1042S. The regulations would also revise exemptions from the requirement that departing alien individuals obtain certificates of tax compliance.

Timetable:

Action	Date	FR Cite
NPRM	12/00/83	

Small Entity: Not Applicable

Additional Information: LR-165-78 Drafting attorney: Martha E. Kadue (202) 566-3238. Reviewing attorney: Charles C. Saverude (202) 566-3323. Office of International Tax Counsel (Treasury) reviewing attorneys: Silver, Lainoff. 01/11/83 Draft of notice of proposed rulemaking to Treasury.

Agency Contact: Martha E. Kadue, Attorney, Department of the Treasury, Internal Revenue

Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AC43

INCOME TAX—TO PROVIDE FOR A CERTIFICATION METHOD OF WITHHOLDING ON DIVIDENDS PAID TO NONRESIDENT ALIENS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1441 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations will relate to withholding on items of income subject to a reduced rate of or exemption from United States tax under an income tax treaty to which the United States is a party. These regulations would amend the existing regulations to provide more stringent requirements for obtaining reduced rates of or exemptions from United States tax.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-40-79 Drafting attorney: Carol Doran (202) 566-3289 Reviewing attorney: Diane L. Renfroe (202) 566-3289 Office of International Tax Counsel (Treasury) reviewing attorney: Granwell Draft of notice to Office of International Tax Counsel (Treasury), 04/30/82.

Agency Contact: Carol T. Doran, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Room 4109, Washington, D.C. 20224, 202 566-3289

RIN: 1545-AC42

INCOME TAX-REVISION OF REGULATIONS UNDER SECTION 1502 RE. PERSONAL HOLDING COMPANIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1502 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations will provide rules for applying the personal holding company tax to corporations filing consolidated returns.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: LR-1086 Drafting attorney: Carolyn Swift (202) 566-3487 Reviewing attorney: Marcus B. Blumkin (202) 566-3463 Office of Tax Legislative Counsel (Treasury) reviewing attorney: McCarty Notice returned to Office of Chief Counsel (Legislation and Regulations Division) for revision, 07/05/79.

Agency Contact: Carolyn Swift, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AC45

INCOME TAX—CONSOLIDATED RETURN REGULATIONS—REVISION OF REGULATIONS RE. ACCUMULATED EARNINGS TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1502 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The proposal would provide rules for applying the accumulated earnings tax to a group of corporations filing a consolidated income tax return.

Timetable:

Action	Date	FR Cite
Previous NPRM	07/09/68	33 FR 9830
Hearing	09/12/68	
Previous NPRM withdrawn	08/25/71	36 FR 1661
NPRM	05/14/79	44 FR 28001
NPRM Comment Period Begin	07/13/79	44 FR 28001
Hearing	10/03/79	
Final Action	08/00/83	

Small Entity: No

Additional Information: LR-1386 Drafting attorney: Charles M. Whedbee (202) 566-3458 Reviewing attorney: Marcus B. Blumkin (202) 566-3463 Office of Tax Legislative Counsel (Treasury) reviewing attorney: McCarty Pending in Chief Counsel (Legislation and Regulations Division)

Agency Contact: Charles M. Whedbee, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AC50

INCOME TAX—CONSOLIDATED RETURN/ACCUMULATED EARNINGS TAX-EARNINGS AND PROFITS WHEN A MEMBER IS A PERSONAL HOLDING COMPANY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1502 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The proposal would provide rules relating to the application of the accumulated earnings tax to a group of corporations filing a consolidated income tax return when one or more members of the group is a personal holding company.

Timetable:

Action	Date	FR Cite
NPRM	08/00/83	

Small Entity: No

Additional Information: LR-256-79 Drafting attorney: Charles M. Whedbee (202) 566-3458 Reviewing attorney: Marcus B. Blumkin (202) 566-3463 Office of Tax Legislative Counsel (Treasury) reviewing attorney: McCarty Pending in Chief Counsel (Legislation and Regulations Division)

Agency Contact: Charles M. Whedbee, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AC51

INCOME TAX—CREDIT & DEDUCTIONS ETC., FOR CONSOLIDATED RETURNS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1502 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Provision would amend the consolidated returns regulations to clarify, among other things, the rules relating to net operating loss carrybacks of a member of an affiliated group filing consolidated returns to a year in which the member was not in existence, thereby giving the public needed guidance on what the rule is in that situation.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: LR-97-79 Drafting attorney: Benedetta Kissel (202) 566-3238 Reviewing attorney: Marcus B. Blumkin (202) 566-3463 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Pike Final draft of notice of proposed rulemaking sent to Office of Tax Legislative Counsel, 8/9/82.

Agency Contact: Yerachmiel E. Weinstein, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C., 202 566-3458

RIN: 1545-AC48

INCOME TAX—TO MODIFY THE PERCENTAGE BAD DEBT DEDUCTION FOR THRIFT INSTITUTIONS THAT FILE CONSOLIDATED RETURNS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1502 Internal Revenue Code of 1954; 26 USC 593 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Provision would amend the consolidated returns regulations to clarify the rules for computing the bad-debt deduction under section 593 of the Internal Revenue Code of 1954 for thrift institution members of an affiliated group filing consolidated returns, thereby giving the public needed guidance on how that computation is to be made.

Timetable:

Action	Date	FR Cite
NPRM	01/30/80	
Notice Published	01/30/81	
Hearing	09/09/81	
Final Action	03/14/83	

Small Entity: No

Additional Information: LR-108-80 Drafting attorney: Benedetta Kissel (202) 566-3238 Reviewing attorney: Marcus B. Blumkin (202) 566-3463 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Pike Briefing session held 01/18/82.

Agency Contact: Yerachmiel E. Weinstein, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AC54

INCOME TAX—FILING OF SEPARATE RETURNS FOR PERIOD NOT INCLUDED IN A CONSOLIDATED RETURN

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1502 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would clarify the consolidated return regulations relating to annual accounting periods and to separate return years.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: LR-216-79 Drafting attorney: Duane H. Pellervo (202) 566-3458 Reviewing attorney: Marcus B. Blumkin (202) 566-3463 Office of Tax Legislative Counsel (Treasury) reviewing attorney: McCarty Returned from Treasury 09-30-82

Agency Contact: Duane H. Pellervo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AC57

INCOME TAX—TO REFLECT AMENDMENTS OF CONSOLIDATED RETURN REGULATIONS TO REFLECT MERCHANT MARINE ACT OF 1970 CONCERNING MERCHANT MARINE & FISHERIES CAPITAL ETC.

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1502 Internal Revenue Code of 1954; 11 USC 1177 Merchant Marine Act of 1936

CFR Citation: 26 CFR 3

Abstract: The proposal would provide rules for the income tax treatment, by corporations filing consolidated returns, with respect to capital construction funds for certain vessels.

Timetable:

Action	Date	FR Cite
NPRM	03/00/84	

Small Entity: No

Additional Information: LR-29-76 Drafting attorney: Carolyn Swift (202) 566-3458 Reviewing attorney: Marcus B. Blumkin (202)566-3463 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Pike Notice pending Treasury review.

Agency Contact: Carolyn Swift, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AC52

INCOME TAX—TO PROVIDE CONSOLIDATED RETURN RULES RELATING TO AFFILIATED GROUPS THAT INCLUDE ONLY LIFE INSURANCE COMPANIES.

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1502 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This regulation provides rules for determining consolidated life insurance company taxable income for affiliated groups that include only life insurance companies.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: LR-18-74 Drafting attorney: Donald K. Duffy (202) 566-4336 Reviewing attorney: Marcus B. Blumkin (202) 566-3463 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Pike Draft of notice returned to Office of Chief Counsel (Legislation and Regulations Division) for revision, 01/15/82.

Agency Contact: Donald K. Duffy, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, **202 566-4336**

RIN: 1545-AC49

INCOME TAX—CONSOLIDATED RETURNS UNDER SECTION 1502 TO BE FILED BY LIFE-NONLIFE GROUPS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1504(c)(2) Internal Revenue Code of 1954; 26 USC 1502 Internal Revenue Code of 1954; 26 USC 1503 (c) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules for determining an affiliated group's consolidated taxable income where the group includes both corporations that are life insurance companies and corporations that are not life companies.

Timetable:

Action	Date	FR Cite
NPRM	06/08/82	47 FR 24737
NPRM Comment Period Begin	06/08/82	47 FR 24737
NPRM Comment Period End	09/15/82	
Final Action	03/15/83	

Small Entity: No

Additional Information: LR-18-82 Drafting attorney: Donald K. Duffy (202) 566-4336 Reviewing attorney: Marcus B. Blumkin (202) 566-3463 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Pike

Agency Contact: Donald K. Duffy, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington D.C. 20224, 202 566-4336, **202 566-4336**

RIN: 1545-AC56

INCOME TAX—CONSOLIDATED RETURN REGULATIONS—INVESTMENT ADJUSTMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1502 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Provision would amend the consolidated returns investment adjustment rules regarding, among other things, the proper treatment of various items which affect earnings and profits and taxable income differently, thereby giving the public needed guidance on what that proper treatment is.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Yes

Additional Information: LR-113-77 Drafting attorney: Yerachmiel Weinstein (202) 566-3458 Reviewing attorney: Marcus B. Blumkin (202) 566-3463 Office of Tax Legislative Counsel (Treasury) reviewing attorney: McCarty In Office of Chief Counsel (Legislation and Regulations Division) for preparation of notice.

Analysis: Draft RFA 00/00/00

Agency Contact: **Yerachmiel E. Weinstein,** Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington D.C. 20224, **202 566-3458**

RIN: 1545-AC53

INCOME TAX—ACCELERATED DEPRECIATION IN INVESTMENT ADJUSTMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1502 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Provision would amend the consolidated returns investment adjustment rules to reflect the proper treatment of accelerated depreciation thereby giving the public needed guidance on what that proper treatment is.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: LR-222-81 Drafting attorney: Yerachmiel Weinstein (202) 566-3458 Reviewing attorney: Marcus B. Blumkin (202) 566-3463 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: McCarty, Levinson Draft of notice to Office of Chief Counsel (Corporation Tax Division) & Office of Tax Legislative Counsel (Treasury), 03/23/82.

Agency Contact: **Yerachmiel E. Weinstein,** Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AC47

INCOME TAX—MISCELLANEOUS & TECHNICAL AMENDMENTS TO CONSOLIDATED RETURN REGULATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1502 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Provision would amend the consolidated returns regulations in a number of areas including minimum tax, foreign tax credit, and deferred intercompany transactions rules, among other areas, thereby giving the public needed guidance on what the rules governing the consolidated returns treatment of those areas are.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: LR-140-73 Drafting attorney: Yerachmiel Weinstein (202) 566-3458 Reviewing attorney: Charles M. Whedbee (202) 566-3458 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Pike Notice returned to Office of Chief Counsel (Legislation and Regulations Division) for revision, 03/21/78

Agency Contact: **Yerachmiel E. Weinstein,** Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AC46

INCOME TAX—AT RISK LIMITATIONS OF SECTION 465

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1502 Internal Revenue Code of 1954; 26 USC 465 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Provision would amend the consolidated returns regulations to provide rules applying the at-risk limitations of section 465 of the Internal Revenue Code of 1954 to affiliated groups filing consolidated returns, thereby giving the public needed guidance as to how these rules apply to such groups.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: LR-75-79 Drafting attorney: Yerachmiel Weinstein (202) 566-3458 Reviewing attorney: Marcus B. Blumkin (202) 566-3463 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: McCarty, Levinson Revised draft of notice to Office of Tax Legislative Counsel (Treasury), 12/27/79.

Agency Contact: **Yerachmiel E. Weinstein,** Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AC55

INCOME TAX—INCLUDIBILITY IN AN AFFILIATED GROUP OF SUBSIDIARIES FORMED TO COMPLY WITH FOREIGN LAWS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1504 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules relating to an election to treat a foreign subsidiary of a United States corporation as a domestic corporation if the subsidiary is formed in a contiguous country to comply with foreign law.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-189-77 Drafting attorney: Carolyn Swift (202) 566-3458 Reviewing attorney: Charles M. Whedbee (202) 566-3458 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Shay, Lainoff Notice pending Treasury review

Agency Contact: **Carolyn Swift,** Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington D.C. 20224, **202 566-3458**

RIN: 1545-AC58

INCOME TAX—TO REFLECT THE U.S. SUPREME COURT IN U.S. V. VOGEL FERTILIZER CO., HOLDING THAT EACH MEMBER OF STOCKGROUP MUST OWN STOCK IN EACH BROTHER-SISTER CORP.

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1563(a)(2) Internal Revenue Code of 1954; 26 USC 50B In-

ternal Revenue Code of 1954; 26 USC 52 Internal Revenue Code of 1954; 26 USC 414(c) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations relating to the definition of a brother-sister controlled group of corporations are to be amended to conform to the Supreme Court decision in U.S. v. Vogel Fertilizer Company, which held that a person's stock ownership is not taken into account for purposes of the 80% ownership test unless that person owns stock in each brother-sister corporation.

Timetable:

Action	Date	FR Cite
NPRM	02/00/84	

Small Entity: Not Applicable

Additional Information: LR-35-82 Drafting attorney: Michel A. Daze (202) 566-3458 Reviewing attorney: Charles M. Whedbee (202) 566-3458 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Pike. Revised draft of notice circulated on 11/24/82

Agency Contact: Michel A. Daze, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington D.C. 20224, **202 566-3458**

RIN: 1545-AC59

ESTATE & GIFT TAXES—UNIFIED RATE SCHEDULE FOR ESTATE & TAXES & UNIFIED CREDIT IN LIEU OF EXEMPTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 2001 Internal Revenue Code of 1954; 26 USC 2010 Internal Revenue Code of 1954; 26 USC 2011 Internal Revenue Code of 1954; 26 USC 2012(a) Internal Revenue Code of 1954; 26 USC 2012(e) Internal Revenue Code of 1954; 26 USC 2013(b) Internal Revenue Code of 1954; 26 USC 2013(e)(1) Internal Revenue Code of 1954; 26 USC 2014(b)(2) Internal Revenue Code of 1954; 26 USC 2035 Internal Revenue Code of 1954; 26 USC 2038(a) Internal Revenue Code of 1954; 26 USC 2044 Internal Revenue Code of 1954; 26 USC 2052 Internal Revenue Code of 1954; 26 USC 2104 Internal Revenue Code of 1954; 26 USC 2106 Internal Revenue Code of 1954; ...

CFR Citation: 26 CFR 20; 26 CFR 25

Abstract: The unified rate schedule for estate and gift taxes and unified credit in lieu of exemptions will be implemented by the regulation.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-212-76 Drafting attorney: Fredric E. Grundeman (202) 566-3287 Reviewing attorney: Larry E. Smith (202) 566-3287 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Woodward, Levinson Draft of notice returned to Office of Chief Counsel (Legislation Regulations Division) for revision, 10/07/81.

Agency Contact: Fredric E. Grundeman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington D.C. 20224, **202 566-3287**

RIN: 1545-AC60

INCOME TAX—ESTATE TAX—TAX ON CERTAIN GENERATION-SKIPPING TRANSFERS—MISCELLANEOUS PROVISIONS RELATING TO GENERATION-SKIPPING TRANSFERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 2622 Internal Revenue Code of 1954; 26 USC 2013(g) Internal Revenue Code of 1954; 26 USC 691(c) Internal Revenue Code of 1954; 26 USC 303(d) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 20; 26 CFR 26

Abstract: Miscellaneous changes to the estate, gift and income tax law necessitated by the generation-skipping transfer tax provision under sections 2013, 691 and 303 of the Internal Revenue Code.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-202-76 Drafting attorney: Robert H. Waltuch (202) 566-3287. Reviewing attorney: Larry E. Smith (202) 566-3287. Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Woodward, Levinson. In Office of Chief Counsel (Legislation and Regulations Division) for preparation of notice.

Agency Contact: Robert H. Waltuch, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington D.C. 20224, **202 566-3287**

RIN: 1545-AC75

ESTATE & GIFT TAXES—REVISION OF INTEREST RATE ASSUMPTIONS FOR ACTUARIAL PURPOSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 2031 Internal Revenue Code of 1954; 26 USC 2512 Internal Revenue Code of 1954; 26 USC 170 (f) (4) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 11; 26 CFR 20; 26 CFR 25

Abstract: The regulations will provide for the use of a new interest rate and new actuarial tables in valuing annuities, life estates, terms for years, remainders, and reversions.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	
Final Action	10/00/83	

Small Entity: Not Applicable

Additional Information: LR-85-80 Drafting attorney: Neil Zyskind (202) 566-3289 Reviewing attorney: Larry E. Smith (202) 566-3287 In the Legislation and Regulations Division for preparation of notice.

Agency Contact: Neil Zyskind, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AC61

ESTATE TAX—VALUATION OF CERTAIN FARM, ETC. REAL PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 2032A Internal Revenue Code of 1954; 26 USC 2013(f) Internal Revenue Code of 1954; 26 USC 1016(c) Internal Revenue Code of 1954; 26 USC 1040 Internal Revenue Code of 1954

CFR Citation: 26 CFR 20; 26 CFR 1

Abstract: Special use valuation of certain farm and closely held business real property is available to qualifying estates. The regulation will contain definitions and rules relating to the various requirements which an estate must satisfy and will provide rules governing the imposition and payment of the "additional estate tax" should a qualified heir fail to meet the post-death requirements.

Timetable:

Action	Date	FR Cite
NPRM	05/00/83	
Interim Final Rule	03/00/84	

Small Entity: Not Applicable

Additional Information: LR-209-81 Drafting attorney: Fredric E. Grundeman (202) 566-3287 Reviewing attorney: Larry E. Smith

(202) 566-3287 In Office of Chief Counsel (Legislation and Regulations Division) for preparation of notice. Office of the Tax Legislative Counsel (Treasury) reviewing attorneys: Garlock, Levinson

Agency Contact: **Fredric E. Grundeman**, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AC62

ESTATE & GIFT TAXES--INCLUSION OF STOCK IN ESTATE WHERE DECEDENT RETAINED VOTING RIGHTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 2036(a) Internal Revenue Code of 1954

CFR Citation: 26 CFR 20

Abstract: These regulations will provide the extent to which the retention of voting rights by a transferor of stock will require that the value of that stock be included in the transferor's gross estate.

Timetable:

Action	Date	FR Cite
NPRM	03/00/83	
Final Action	07/00/83	

Small Entity: Not Applicable

Additional Information: LR-181-76 Drafting attorney: John R. Harman (202) 566-3238. Reviewing attorney: Larry E. Smith (202) 566-3287. Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Woodward, Levinson. 6/13/80 draft of notice to Treasury for review.

Agency Contact: **John R. Harman**, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington D.C. 20224, **202 566-3238**

RIN: 1545-AC63

INCOME TAX--REGULATIONS TO CHANGE ELECTION PROCEDURES OF INCOME TAX TREATMENT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 2039 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide that the section 2039(c) election must actually be made by a beneficiary with regard to a distribution before the estate may exclude the value of that distribution.

Timetable:

Action	Date	FR Cite
NPRM	09/00/83	

Small Entity: Not Applicable

Additional Information: EE-86-82 Drafting attorney: Patricia K. Keesler (202) 566-3430 Reviewing attorney: Richard J. Wickersham (202) 566-3250 Office of Tax Legislative Counsel reviewing attorney: Hevener In Office of Chief Counsel (Employee Plans and Exempt Organizations Division) for preparation of Notice.

Agency Contact: **Patricia K. Keesler**, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AE08

ESTATE TAX--PROPERTY HELD JOINTLY BY HUSBAND & WIFE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 2040(b) Internal Revenue Code of 1954; 26 USC 2040 (c) Internal Revenue Code of 1954; 26 USC 2515 Internal Revenue Code of 1954

CFR Citation: 26 CFR 20; 26 CFR 25

Abstract: The regulations will provide rules for the Federal estate tax treatment of property held by husband and wife as a qualified joint interest. The regulations also provide rules under which the estate of certain decedents may elect to reduce the estate tax value of a farm or other trade or business to the extent of the material participation by the surviving spouse.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-180-76 Drafting attorney: Neil Zyskind (202) 566-3289 Reviewing attorney: Robert H. Waltuch (202) 566-3287 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Woodward, Levinson In Legislation and Regulations Division for preparation of notice.

Agency Contact: **Neil Zyskind**, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington D.C. 20224, 202 566-3289, **202 566-3289**

RIN: 1545-AC64

ESTATE & GIFT TAXES--EXTENSION OF TIME IN WHICH TO AMEND GOVERNING INSTRUMENTS IN ORDER TO QUALIFY AS A CHARITABLE TRUST

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 2055(e) Internal Revenue Code of 1954; 26 USC 2522 Internal Revenue Code of 1954; 26 USC 170 Internal Revenue Code of 1954

CFR Citation: 26 CFR 20; 26 CFR 25

Abstract: The regulation will provide rules governing an estate's right to amend governing instruments in order to qualify as a charitable lead interest, charitable remainder annuity trust, charitable remainder unitrust trust or pooled income fund.

Timetable:

Action	Date	FR Cite
NPRM	12/19/75	40 FR 58860
NPRM Comment Period Begin	12/19/75	40 FR 58860
NPRM Comment Period End	01/23/76	
Hearing	03/30/76	
Final Action	03/00/84	

Small Entity: Not Applicable

Additional Information: LR-250-74 Drafting attorney: Fredric E. Grundeman (202) 566-3287 Reviewing attorney: Larry E. Smith (202) 566-3287 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Baneman, Levinson Treasury Decision pending Treasury review.

Agency Contact: **Fredric E. Grundeman**, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AC65

ESTATE TAX--TREATMENT OF CERTAIN CONTRIBUTIONS OF WORKS OF ART, ETC

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 2055 Internal Revenue Code of 1954

CFR Citation: 26 CFR 20

Abstract: These regulations will explain the treatment of works of art and their copy rights as separate properties for the purpose of computing the charitable deduction allowable in determining the value of the taxable estate.

Timetable:

Action	Date	FR Cite
NPRM	04/00/84	

Small Entity: Not Applicable

Additional Information: LR-210-81 Drafting attorney: Robert B. Coplan (202) 566-3287 Reviewing attorney: Larry E. Smith (202) 566-3287 In Office of Chief Counsel (Legislation and Regulations Division) for preparation of notice.

Agency Contact: Robert B. Coplan, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington D.C. 20224, **202 566-3287**

RIN: 1545-AC66

ESTATE AND GIFT TAXES—INCREASE IN LIMITATIONS ON MARITAL DEDUCTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 2012 Internal Revenue Code of 1954; 26 USC 2014 Internal Revenue Code of 1954; 26 USC 2055 Internal Revenue Code of 1954; 26 USC 2056 Internal Revenue Code of 1954; 26 USC 2207A Internal Revenue Code of 1954; 26 USC 2519 Internal Revenue Code of 1954; 26 USC 2523 Internal Revenue Code of 1954; 26 USC 6019 Internal Revenue Code of 1954

CFR Citation: 26 CFR 20; 26 CFR 25

Abstract: These regulations will clarify the estate and gift tax treatment of transfers of property between spouses. They will provide how an executer may elect to treat certain property as qualified terminable interest property, in which case the imposition of transfer taxes will be delayed until the latter of (1) the surviving spouse's disposition of an interest in the property or (2) the surviving spouse's death.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	
Final Action	09/00/83	

Small Entity: Not Applicable

Additional Information: LR-211-76 Drafting attorney: John R. Harman (202) 566-3238. Reviewing attorney: Robert H. Waltuch (202) 566-3287. Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Woodward, Levinson. 10/1/82 draft of notice returned to the Legislation and Regulations Division for revision.

Agency Contact: John R. Harman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington D.C. 20224, **202 566-3238**

RIN: 1545-AC67

GIFT TAX—INCREASE IN ANNUAL GIFT TAX EXCLUSION AND THE UNLIMITED EXCLUSION FOR CERTAIN TRANSFERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 2503 Internal Revenue Code of 1954

CFR Citation: 26 CFR 25

Abstract: This regulation will provide that the annual gift tax exclusion per donee has been increased. In addition, unlimited exclusions will be permitted for direct payments by donor for certain qualifying medical expenses not reimbursed by insurance and for educational expenses paid on behalf of an individual directly to a qualifying educational institution.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-211-81 Drafting attorney: Ada S. Rousso (202) 566-4336. Reviewing attorney: Larry E. Smith (202) 566-3287.

Agency Contact: Ada S. Rousso, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington D.C. 20224, **202 566-4336**

RIN: 1545-AC69

GIFT TAX—CERTAIN TRANSFERS TREATED AS A QUALIFIED DISCLAIMERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 2518(c) Internal Revenue Code of 1954

CFR Citation: 26 CFR 25

Abstract: The regulations will provide that certain transfers will be qualified disclaimers for purposes of section 2518 (a).

Timetable:

Action	Date	FR Cite
NPRM	07/00/83	

Small Entity: Not Applicable

Additional Information: LR-212-81 Drafting attorney: Ada Rousso (202) 566-4336 Reviewing attorney: Robert H. Waltuch (202) 566-3287 In the Legislation and Regulations Division for preparation of notice.

Agency Contact: Ada Rousso, Law Clerk, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington D.C. 20224, **202 566-4336**

RIN: 1545-AC70

ESTATE & GIFT TAXES—DISCLAIMERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 2518 Internal Revenue Code of 1954; 26 USC 2045 Internal Revenue Code of 1954; 26 USC 2041(a)(2) Internal Revenue Code of 1954; 26 USC 2055(a) Internal Revenue Code of 1954; 26 USC 2056 Internal Revenue Code of 1954; 26 USC 2504 Internal Revenue Code of 1954

CFR Citation: 26 CFR 20; 26 CFR 25

Abstract: This project will give guidance on the requirement under section 2518 on how to make a qualified disclaimer of a gift or inheritance. If is is qualified, it will not be treated as a gift.

Timetable:

Action	Date	FR Cite
Hearing	11/18/80	
NPRM	07/22/82	45 FR 48922
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-213-76 Drafting attorney: Robert H. Waltuch (202) 566-3287 Reviewing attorney: Larry E. Smith (202) 566-3287 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Garlock Preliminary draft of Treasury decision forwarded to Treasury for review, 06/08/82.

Agency Contact: Robert H. Waltuch, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AC71

TAX ON CERTAIN GENERATION-SKIPPING TRANSFERS—IMPOSITION & AMOUNT OF, AND LIABILITY FOR, TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 2601 to 2603 Internal Revenue Code of 1954

CFR Citation: 26 CFR 26

Abstract: This regulation will provide guidance to the public how to compute the tax due when a generation-skipping transfer has occurred.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-178-76 Drafting attorney: Robert H. Waltuch (202) 566-3287. Reviewing attorney: Larry E. Smith (202) 566-3287. Office of Tax Legislative Counsel (Treasury) reviewing attorneys:Woodward, Levinson. In Office of Chief Counsel (Legislation and Regulations Division)for preparation of notice.

Agency Contact: Robert H. Waltuch, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington D.C. 20224, 202 566-3287

RIN: 1545–AC72

ESTATE AND GIFT TAX–TAX ON CERTAIN GENERATION-SKIPPING TRANSFERS–DEFINITIONS AND SPECIAL RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 2611 to 2614 Internal Revenue Code of 1954

CFR Citation: 26 CFR 26

Abstract: The regulations will provide guidance to the public on the meaning of all the terms used under the generation-skipping transfer tax provisions. These terms include the following: generation-skipping trust, generation-skipping transfer, younger generation beneficiary, etc.

Timetable:

Action	Date	FR Cite
Hearing	05/20/81	
NPRM	01/02/82	46 FR 00120
NPRM Comment Period Begin	01/02/82	46 FR 15893
NPRM Comment Period End	03/03/82	
Final Action Effective	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-205-76 Drafting attorney: Robert H. Waltuch (202) 566-3287. Reviewing attorney: Larry E. Smith (202) 566-3287. Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Woodward, Levinson. In Legislation and Regulations Division for preparation of final regulations.

Agency Contact: Robert H. Waltuch, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington D.C. 20224, 202 566-3287

RIN: 1545–AC73

ESTATE & GIFT TAX–GENERATION-SKIPPING TRANSFERS TAX RETURN REQUIREMENT, ETC

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 2621 Internal Revenue Code of 1954

CFR Citation: 26 CFR 26

Abstract: This project will establish the forms to be used in reporting a generation-skipping transfer and also will establish the date on which the return must be filed and the tax paid.

Timetable:

Action	Date	FR Cite
NPRM	08/05/80	45 FR 51771
Hearing	11/05/80	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-234-79 Drafting attorney: Robert H. Waltuch (202) 566-3287. Reviewing attorney: Larry E. Smith (202) 566-3287. Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Woodward, Levinson. In Legislation and Regulations Division for preparation of final regulations.

Agency Contact: Robert H. Waltuch, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington D.C. 20224, 202 566-3287

RIN: 1545–AC74

EMPL. TAX–SOCIAL SECURITY TAX ON EMPLOYERS OF INDIVIDUALS WHO RECEIVE INCOME FROM TIPS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 3121(t) Internal Revenue Code of 1954

CFR Citation: 26 CFR 31

Abstract: The regulations would provide guidance for determining the amount of wages on which an employer of a tipped employee must pay social security tax if the employer pays the employee less than the minimum wage.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-35-78 Drafting attorney: Beverly Baughman (202) 566-3297 Reviewing attorney: John B. Bromell (202) 566-3328 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Hevener, Levinson Notice pending Department of the Treasury review.

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington D.C. 20224, 202 566-3297

RIN: 1545–AC76

EMPL. TAX–TO REQUIRE WITHHOLDING OF FICA & RRTA FROM CERTAIN PAYMENTS OF SICK PAY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 3121 Internal Revenue Code of 1954; 26 USC 3231 Internal Revenue Code of 1954; Act of December 29, 1981, Section 3; PL 97-123, Sec 3

CFR Citation: 26 CFR 31

Abstract: The regulations will provide guidance to third parties paying sick pay which is subject to social security or railroad retirement tax, employees receiving the sick pay, and employers of the employees.

Timetable:

Action	Date	FR Cite
Final Action Effective	01/01/82	
NPRM	07/06/82	47 FR 29266
NPRM Comment Period Begin	07/06/82	
NPRM Comment Period End	09/06/82	
Final Action	03/00/83	

Small Entity: Not Applicable

Additional Information: LR-23-82 Drafting attorney: Pamela Olson (202) 566-3459 Reviewing attorney: John M. Coulter, Jr. (202) 566-4473 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Hevener, Levinson 01/04/83 Final regulations sent to Office of Tax Legislative Counsel for review.

Agency Contact: Pamela F. Olson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington D.C. 20224, 202 566-3590

RIN: 1545–AC77

●TO PROVIDE REGULATIONS RELATING TO EXTENSION OF WITHHOLDING TO CERTAIN PAYMENTS WHERE IDENTIFYING NUMBER IS NOT FURNISHED OR INACCURATE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 3202 Internal Revenue Code of 1954

CFR Citation: 26 CFR 31

Abstract: The regulations will provide that a tax equal to 15 percent of a payment is withheld and deducted if no taxpayer identification number is furnished or the taxpayer identification furnished is incorrect.

Timetable:

Action	Date	FR Cite
Final Action Effective	01/01/84	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-224-82 Drafting Attorney: Diane Kroupa (202) 566-3590 Reviewing Attorney: John Coulter, Jr. (202) 566-4473 Office of Tax Legislative Counsel reviewing attorney: Richard Reinhold In Legislation and Regulations Division for preparation of notice of proposed rulemaking.

TREAS—IRS

Current and Projected Rulemakings

Agency Contact: Diane Kroupa, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3459

RIN: 1545-AE20

EMPLOYMENT TAXES—TO MODIFY REQUIREMENTS WITH RESPECT TO SICK PAY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 3401 Internal Revenue Code of 1954; Tax Reform Act of 1976, section 505

CFR Citation: 26 CFR 1; 26 CFR 31

Abstract: The regulations would modify requirements relating withholding income tax on sick pay. The regulations specify the conditions under which an employer, or an agent of an employer, must withhold income taxes from payments of sick pay.

Timetable:

Action	Date	FR Cite
Final Action Effective	01/01/77	
NPRM Comment Period Begin	02/12/82	47 FR 06440
NPRM Comment Period End	04/13/82	
NPRM	02/12/83	47 FR 06440
Final Action	04/00/83	

Small Entity: Not Applicable

Additional Information: LR-74-77 Drafting attorney: Barry L. Wold (202) 566-3288 Reviewing attorney: John M. Coulter, Jr. (202) 566-4473 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Hevener Draft of Treasury Decision to Office of Chief Counsel (Individual Tax Division), Office of Chief Counsel (Employee Plans and Exempt Organizations Division), Office of Chief Counsel (Interpretative Division), 05/17/82. Comments from Office of Chief Counsel (Interpretative Division), 06/25/82. Draft of Treasury Decision to Office of Tax Legislative Counsel (Treasury), 07/09/82. Treasury Decision to Commissioner for formal approval, 9-16-82.

Agency Contact: Barry L. Wold, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AC80

EMPLOYMENT TAXES—WITHHOLDING ALLOWANCES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 3402 Internal Revenue Code of 1954; Economic Recovery Tax Act of 1981, Section 101

CFR Citation: 26 CFR 31

Abstract: The regulations would provide guidance relating to income tax withholding allowances. The regulations specify the items that individuals can take into account in determining the number of withholding allowances to which they are entitled.

Timetable:

Action	Date	FR Cite
NPRM	10/27/81	46 FR 52391
NPRM Comment Period Begin	10/27/81	46 FR 52391
NPRM Comment Period End	12/26/81	
Final Action Effective	01/01/82	
Final Action	04/00/83	

Small Entity: Not Applicable

Additional Information: LR-197-81 Drafting attorney: Barry L. Wold (202) 566-3288 Reviewing attorney: John M. Coulter, Jr. (202) 566-4473 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Lerman Draft of Treasury Decision to Office of Tax Legislative Counsel (Treasury) and Office of Chief Counsel (Individual Tax Division) 03/16/82. Comments from Office of Chief Counsel (Individual Tax Division), 03/19/82.

Agency Contact: Barry L. Wold, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AC81

EMPL. TAX—TO REQUIRE RECIPIENT OF CERTAIN GAMBLING WINNINGS TO FURNISH INFORMATION REGARDING AGGREGATION OF PAYMENTS FROM IDENTICAL WAGERS.

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 3402(q) Internal Revenue Code of 1954; 26 USC 6011 Internal Revenue Code of 1954

CFR Citation: 26 CFR 31; 26 CFR 1

Abstract: The regulations will require that certain payments of gambling winnings from identical wagers be aggregated for the purpose of determining whether the winnings are subject to withholding. The regulations will further provide an optional means for payors to elicit information concerning identical wagers.

Timetable:

Action	Date	FR Cite
NPRM	09/23/81	46 FR 46967
NPRM Comment Period Begin	09/23/81	46 FR 46967
NPRM Comment Period End	11/23/81	
Hearing	01/20/82	
Final Action	02/00/83	
Final Action Effective	03/00/83	

Small Entity: Not Applicable

Additional Information: LR-186-80 Drafting attorney: John P. MacMaster (202) 566-3294 Reviewing attorney: John M. Coulter, Jr. (202) 566-4473 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Keyser Final Draft of Treasury decision forwarded to Commissioner, 01/03/83.

Agency Contact: John MacMaster, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3294

RIN: 1545-AC82

●EMPLOYMENT TAX—WITHHOLDING FROM PENSIONS, ANNUITIES, AND OTHER DEFERRED INCOME

Legal Authority: 26 USC 7805; 26 USC 3405; 26 USC 6047(e)

CFR Citation: 26 CFR 35

Abstract: Proposed regulations would clarify and amend the temporary regulations relating to withholding from pensions, annuities, and other deferred income.

Timetable:

Action	Date	FR Cite
NPRM	07/00/83	

Small Entity: Not Applicable

Additional Information: EE-115-82 Drafting attorney: Patricia K. Keesler (202) 566-3903 Reviewing attorney: Jonathan P. Marget (202) 566-3651 Office of Tax Legislative Counsel reviewing attorney: Mary Oppenheimer In Employee Plans and Exempt Organizations Division for preparation of Notice.

Agency Contact: Patricia K. Keesler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3430

RIN: 1545-AE98

●EMPLOYMENT TAX AND COLLECTION OF INCOME TAX AT SOURCE—WITHHOLDING OF INCOME TAX FROM PAYMENTS OF INTEREST, DIVIDENDS, AND PATRONAGE DIVIDENDS.

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 3451 Internal Revenue Code of 1954; 26 USC 6302 Internal Revenue Code of 1954

CFR Citation: 26 CFR 31

Abstract: The regulations will provide the guidance necessary to enable payors and recipients of payments of interest, dividends, and patronage dividends to comply with the law with respect to withholding 10 percent of such payments and remitting to the federal government.

Timetable:

Action	Date	FR Cite
NPRM	11/15/82	47 FR 51421
NPRM Comment Period Begin	11/15/82	47 FR 51421
NPRM Comment Period End	01/14/83	
Final Action	06/00/83	
Final Action Effective	07/01/83	

Small Entity: Not Applicable

Additional Information: LR-216-82 Drafting attorney: Pamela F. Olson (202) 566-3590 Reviewing attorney: John Coulter Office of Tax Legislative Counsel Reviewing Attorney: Richard Reinhold In Legislation and Regulations Division for preparation of Treasury Decision

Agency Contact: Pamela F. Olson, Attorney, Department of the Treasury, Internal Revenue Service, 111 Constitution Ave N.W., Washington D.C. 20224, **202 566-3590**

RIN: 1545-AE66

©TREATMENT OF REAL ESTATE AGENTS AND DIRECT SELLERS AS NONEMPLOYEES FOR EMPLOYMENT TAX PURPOSES—REPORTING REQUIREMENTS WITH RESPECT TO DIRECT SELLERS.

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 3508 Internal Revenue Code of 1954; 26 USC 3509 Internal Revenue Code of 1954; 26 USC 6041A Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The proposed regulations would provide rules for the treatment of real estate agents and direct sellers as independent contractors for employment tax purposes. The proposed rules would also provide guidance for the reporting requirements of sales to direct sellers.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-214-82 Drafting attorney: Donald W. Stevenson (202) 566-3297 Reviewing attorney: John Bromell (202) 566-3297 Office of Legislative Counsel reviewing attorney: Chris Vaughn In Legislation and Regulations Division for preparation of notice.

Agency Contact: Donald W. Stevenson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AE62

EXCISE TAX—APPLICABLE TO ARTICLES SOLD ON AND AFTER 1964

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4041 Internal Revenue Code of 1954; 26 USC 4042 Internal Revenue Code of 1954; 26 USC 4054 Internal Revenue Code of 1954; 26 USC 4058 Internal Revenue Code of 1954

CFR Citation: 26 CFR 48

Abstract: The regulations would revise and update the existing regulations regarding manufacturers and retailers excise taxes on special fuels to reflect statutory changes made to section 4041 since 1964. The regulations would provide guidance to the public to comply with the laws.

Timetable:

Action	Date	FR Cite
NPRM	10/22/80	45 FR 69933
NPRM Comment Period Begin	10/22/80	45 FR 69933
NPRM Comment Period End	12/22/80	
Hearing	04/08/81	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-2118 Drafting attorney: Annie R. Alexander (202) 566-3287 Reviewing attorney: Charles C. Saverude (202) 566-3323 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Schuldinger, Levinson T.D. pending Department of the Treasury review.

Agency Contact: Annie R. Alexander, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington D.C. 20224, **202 566-3287**

RIN: 1545-AC85

EXCISE TAX—MANUFACTURERS EXCISE TAXES ON MOTOR VEHICLES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4061 Internal Revenue Code of 1954; 26 USC 4063 Internal Revenue Code of 1954; 26 USC 4062 Internal Revenue Code of 1954

CFR Citation: 20 CFR 48; 20 CFR 142; 20 CFR 146

Abstract: The regulations will update and revise the existing regulations concerning Manufacturers and Retailers excise taxes on motor vehicles. The regulations substantially complete the task of updating the regulations under sections 4061 through 4063 of the Internal Revenue Code of 1954 to reflect statutory changes made to these sections since 1964.

Timetable:

Action	Date	FR Cite
NPRM	12/30/82	47 FR 58297
NPRM Comment Period Begin	12/30/82	47 FR 58297
NPRM Comment Period End	02/28/83	
Final Action	08/00/83	

Small Entity: Not Applicable

Additional Information: LR-2119 Drafting attorney: Neil Zyskind (202) 566-3289 Reviewing attorney: Robert H. Waltuch (202) 566-3287 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Pike, Levinson 12/30/82 notice published.

Agency Contact: Neil W. Zyskind, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington D.C. 20224, **202 566-3289**

RIN: 1545-AC86

EXCISE TAX—GAS GUZZLER TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4064 Internal Revenue Code of 1954

CFR Citation: 26 CFR 48

Abstract: The regulations would define the terms sale, manufacturer, automobile, model year, model type, fuel economy and fuel. The regulations would outline the procedures to be followed by a small manufacturer seeking an alternate rate schedule.

Timetable:

Action	Date	FR Cite
NPRM	02/08/80	45 FR 08669
NPRM Comment Period Begin	02/08/80	45 FR 08669
NPRM Comment Period End	04/08/80	
Hearing	06/19/80	
Final Action	08/01/83	

Small Entity: Not Applicable

Additional Information: LR-205-78 Drafting attorney: Robert Ginsburgh (202) 566-3297 Reviewing attorney: Walter H. Woo (202) 566-3297 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Schuldinger, Levinson T.D. pending Department of the Treasury review.

Agency Contact: Robert H. Ginsburgh, Attorney, Department of the Treasury, Internal

TREAS—IRS

Current and Projected Rulemakings

Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AC87

MANUFACTURERS & RETAILERS EXCISE TAX—EXCISE TAX REFUND IN CASES OF CERTAIN USES OF TREAD RUBBER & ADJUSTMENTS PURSUANT TO WARRANTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4071(a)(1) Internal Revenue Code of 1954; 26 USC 4071 (a) (2) Internal Revenue Code of 1954; 26 USC 4071(d)(1) Internal Revenue Code of 1954; 26 USC 4071(f) Internal Revenue Code of 1954; 26 USC 6416(b)(1) Internal Revenue Code of 1954; 26 USC 6416 (b) (2) (G) Internal Revenue Code of 1954; 26 USC 6416 (b) (3) Internal Revenue Code of 1954; 26 USC 6511 (i) Internal Revenue Code of 1954

CFR Citation: 26 CFR 48

Abstract: The regulations will provide new regulations concerning excise tax refunds and credits in the case of certain uses of tread rubber and adjustments pursuant to warranty.

Timetable:

Action	Date	FR Cite
NPRM	12/00/83	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-28-81 Drafting attorney: Ada S Rousso (202) 566-4336 Reviewing attorney: Larry E. Smith (202) 566-3287 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Pike. Levinson In Office of Chief Counsel (Legislation and Regulations Division) for preparation of notice.

Agency Contact: Ada S Rousso, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington D.C. 20224, 202 566-4336

RIN: 1545-AC88

MANUFACTURERS & RETAILERS EXCISE TAX—RELATING TO RECAPPED OR RETREADED TIRES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4071 Internal Revenue Code of 1954

CFR Citation: 26 CFR 48

Abstract: This project was opened to possibly amend the regulations so as to eliminate the distinction between shoulder to shoulder retread tires and bead to bead retread tires.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-180-81 Drafting attorney: Jane Wilson (202) 566-4069 Reviewing attorney: Neal E. Sheldon (202) 566-3936 In Office of Chief Counsel (Interpretative Division) for preparation of notice.

Agency Contact: Jane Wilson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington D.C. 20224, 202 566-4069

RIN: 1545-AC89

EXCISE TAX—APPLICABLE TO GASOLINE & LUBRICATING OIL SOLD ON OR AFTER 07/01/65

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4081 to 4084 Internal Revenue Code of 1954; 26 USC 4091 to 4092 Internal Revenue Code of 1954; 26 USC 4101 Internal Revenue Code of 1954; 26 USC 4102 Internal Revenue Code of 1954

CFR Citation: 26 CFR 48

Abstract: The regulations will update and revise the existing regulations regarding manufacturers excise taxes on petroleum products. The main change in the regulations concerns pipeline common carriers.

Timetable:

Action	Date	FR Cite
NPRM	01/05/83	48 FR 00437
NPRM Comment Period Begin	01/05/83	48 FR 00437
NPRM Comment Period End	03/07/83	
Final Action	12/00/83	

Small Entity: Not Applicable

Additional Information: LR-2117 Drafting attorney: Ada S. Rousso (202) 566-4336. Reviewing attorney: Robert H. Waltuch (202) 566-3287. Office of Tax Legislative Counsel (Treasury) reviewing attorney: McCarty. 01/05/83 Notice published.

Agency Contact: Ada S. Rousso, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington D.C. 20224, 202 566-4336

RIN: 1545-AC90

EXCISE TAX—ENVIRONMENTAL TAXES—IMPOSITION OF TAXES ON PETROLEUM AND CERTAIN CHEMICALS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4611 Internal Revenue Code of 1954; 26 USC 4612 Internal Revenue Code of 1954; 26 USC 4661 Internal Revenue Code of 1954; 26 USC 4662 Internal Revenue Code of 1954

CFR Citation: 26 CFR 52

Abstract: The regulations will provide rules for the computation of the environmental excise taxes on petroleum and certain chemicals. The regulations will also define such terms as entry and taxable chemicals and will explain how to get an exemption from tax for certain chemicals used to make fertilizer.

Timetable:

Action	Date	FR Cite
NPRM	06/00/83	

Small Entity: Not Applicable

Additional Information: LR-16-81 Drafting attorney: Cynthia L. Clark (202) 566-4336 Reviewing attorney: Larry E. Smith (202) 566-3287 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Yecies, Levinson Revised draft of notice to Office of Tax Legislative Counsel (Treasury), 06/08/82.

Agency Contact: Cynthia L. Clark, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington D.C. 20224, 202 566-4336, 202 566-4336

RIN: 1545-AC91

EXCISE TAX—ENVIRONMENTAL TAXES—IMPOSITION OF TAX ON HAZARDOUS WASTES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4681 Internal Revenue Code of 1954; 26 USC 4682 Internal Revenue Code of 1954

CFR Citation: 26 CFR 52

Abstract: The regulations will explain the imposition of the hazardous waste tax on the receipt of hazardous waste at a qualified hazardous waste disposal facility.

Timetable:

Action	Date	FR Cite
NPRM	07/00/83	

Small Entity: Not Applicable

Additional Information: LR-341-81 Drafting attorney: Cynthia L. Clark (202) 566-4336 Reviewing attorney: Larry E. Smith (202) 566-3287 In Office of Chief Counsel (Legislation and Regulations Division) for preparation of notice.

Agency Contact: Cynthia L. Clark, Attorney, Department of the Treasury, Internal Revenue

Service, 1111 Constitution Ave N.W., Washington D.C. 20224, 202 566-4336

RIN: 1545-AC92

EXCISE TAX—TAX ON ISSUER OF REGISTRATION-REQUIRED OBLIGATION NOT IN REGISTERED FORM.

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4701 Internal Revenue Code of 1954

CFR Citation: 26 CFR 46

Abstract: This regulation will provide that registration-required obligations issued in non-registered form will have an excise tax imposed on the issuer.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-9-83 Drafting attorney: Ada S. Rousso (202) 566-4336 Reviewing attorney: Larry E. Smith (202) 566-3287

Agency Contact: Ada S. Rousso, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington, D.C. 20224, 202 566-4336

RIN: 1545-AF31

EXCISE TAX—TO CLARIFY THE INTERIM RULE FOR DETERMINING BASE PRICES FOR TIER 2 & TIER 3 OIL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4889 Internal Revenue Code of 1954

CFR Citation: 26 CFR 51; 26 CFR 150

Abstract: The regulations provide guidance for the computation of base prices for tier 2 and 3 oil for purposes of the tax imposed on crude oil. The regulations provide that the base prices are determined with reference to the highest posted price for uncontrolled oil of the same grade, quality and field as of December 31, 1979. These regulations are to be effective for only taxable years ending before September 30, 1980.

Timetable:

Action	Date	FR Cite
NPRM	09/24/80	45 FR 63297
NPRM Comment Period Begin	09/24/80	45 FR 63263
NPRM Comment Period End	11/24/80	
Withdrawn	03/01/83	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-142-80 Drafting attorney: Donald W. Stevenson (202) 566-3297. Reviewing attorney: John B. Bromell (202) 566-3328. Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Schuldinger, Levinson. Notice will be withdrawn.

Agency Contact: Donald W. Stevenson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C., 202 566-3297

RIN: 1545-AC98

INCOME TAX—LOBBYING BY PUBLIC CHARITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 501(h) Internal Revenue Code of 1954; 26 USC 504 Internal Revenue Code of 1954; 26 USC 4911 Internal Revenue Code of 1954; 26 USC 170(f) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 53; 26 CFR 56

Abstract: The regulations will provide rules primarily applicable to tax exempt organizations described in section 501(c)(3) that elect to have the provisions of section 501(h) and 4911 apply to their lobbying expenditures.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-154-78 Drafting attorney: George B. Baker (202) 566-3422. Reviewing attorney: Charles K. Kerby, III (202) 566-3422. Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Hevener, Levinson. Revised preliminary draft of notice to Office of Tax Legislative Counsel (Treasury), 01/29/82.

Agency Contact: George Baker, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave, N.W., Washington, D.C. 20224, 202 566-3422

RIN: 1545-AE02

FOUNDATION EXCISE TAX--PRIVATE FOUNDATION SET-ASIDES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4942(g)(2) Internal Revenue Code of 1954

CFR Citation: 26 CFR 53

Abstract: The regulations provide rules relating to the circumstances under which a private foundation set-aside will be treated as a qualifying distribution.

Timetable:

Action	Date	FR Cite
NPRM	08/26/80	45 FR 56840
NPRM Comment Period Begin	08/26/80	45 FR 56840
NPRM Comment Period End	10/27/80	
Final Action	03/00/83	

Small Entity: Not Applicable

Additional Information: EE-156-78 Drafting attorney: Charles K. Kerby, III (202) 566-3422 Reviewing attorney: Charles K. Kerby, III (202) 566-3422 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Jewett, Levinson. Treasury Decision to Assistant Commissioner (Employee Plans and Exempt Organizations) for signature, 10/27/82.

Agency Contact: Charles K. Kerby, III, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave, N.W., Washington, D.C. 20224, 202 566-3422

RIN: 1545-AE12

FOUNDATION EXCISE TAX—DEFINITION OF "DISTRIBUTABLE AMOUNT" AND "QUALIFYING DISTRIBUTION"

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4942(d)(1) Internal Revenue Code of 1954; 26 USC 4942(j)(3) Internal Revenue Code of 1954

CFR Citation: 26 CFR 53

Abstract: Under the amendment to Internal Revenue Code section 4942(d)(1) a foundation's distributable amount is equal to its minimum investment return. Under the amendment to Internal Revenue Code Section 4942(j)(3), an operating foundation, among other requirements, is required to make qualifying distributions equal to substantially all of the lesser of the foundation's adjusted net income or its minimum investment return. The regulation defines distributable amount and operating foundation in accordance with these amendments.

Timetable:

Action	Date	FR Cite
NPRM	05/13/82	47 FR 20629
NPRM Comment Period Begin	05/13/82	47 FR 20629
NPRM Comment Period End	07/12/82	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-153-81 Drafting attorney: Monice L. Rosenbaum (202) 566-3422 Reviewing attorney: Charles K. Kerby, III (202) 566-3422. Office of Tax Legislative

Counsel (Treasury) reviewing attorneys: Jewett, Levinson Treasury Decision to the Assistant Commissioner for approval on 01/03/83.

Agency Contact: Monice Rosenbaum, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave, N.W., Washington, D.C. 20224, **202 566-3422**

RIN: 1545-AE11

FOUNDATION EXCISE TAX—TAXES ON EXCESS BUSINESS HOLDINGS OF PRIVATE FOUNDATIONS—EFFECT OF REORGANIZATIONS AND CORPORATE DISTRIBUTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4943 Internal Revenue Code of 1954

CFR Citation: 26 CFR 53

Abstract: Regulations will provide definitions relating to "purchases" and corporate reorganizations.

Timetable:

Action	Date	FR Cite
NPRM	05/22/79	44 FR 29680
NPRM Comment Period Begin	05/22/79	44 FR 29680
NPRM Comment Period End	07/23/79	
Notice of Hearing	07/24/79	44 FR 43292
Partial revised notice	08/16/79	44 FR 47958
Hearing	09/06/79	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-162-78 Drafting attorney: Charles M. Watkins (202) 566-3430 Reviewing attorney: Richard J. Wickersham (202) 566-3250 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Jewett, Levinson Preliminary draft of TD to Office of Tax Legislative Counsel (Treasury), 07/08/82.

Agency Contact: Charles M. Watkins, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AE13

FOUNDATION EXCISE TAX—PROCEDURE AND ADMINISTRATION—REVISION OF SECOND TIER EXCISE TAX PROVISIONS, ETC. UNDER CHAPTERS 42 AND 43

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4941 Internal Revenue Code of 1954; 26 USC 4942 Internal Revenue Code of 1954; 26 USC 4943 Internal Revenue Code of 1954; 26 USC 4944 Internal Revenue Code of 1954; 26 USC 4945 Internal Revenue Code of 1954; 26 USC 4951 Internal Revenue Code of 1954; 26 USC 4952 Internal Revenue Code of 1954; 26 USC 4971 Internal Revenue Code of 1954; 26 USC 4975 Internal Revenue Code of 1954; 26 USC 4961 Internal Revenue Code of 1954; 26 USC 4962 Internal Revenue Code of 1954

CFR Citation: 26 CFR 53; 26 CFR 301; 26 CFR 1; 26 CFR 54; 26 CFR 141

Abstract: This regulation provides rules related to second tier excise taxes as defined in section 4962. The regulations provide guidance to private foundations, black lung benefit trusts, pension trusts, and disqualified persons with respect to them, who may become liable for second tier excise taxes.

Timetable:

Action	Date	FR Cite
NPRM	12/00/83	

Small Entity: Not Applicable

Additional Information: EE-16-81 Drafting attorney: George Baker (202) 566-3422 Reviewing attorney: Charles K. Kerby, III (202) 566-3422 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Baneman, Levinson 01/07/83 Preliminary draft of Notice of Proposed Rulemaking to Exempt Organizations Division and to Employee Plans Division for comment.

Agency Contact: George Baker, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave, N.W., Washington, D.C. 20224, **202 566-3422**

RIN: 1545-AE09

EXCISE TAX—DEFINITION OF NEWLY DISCOVERED OIL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4997 Internal Revenue Code of 1954; 26 USC 4991 Internal Revenue Code of 1954; 26 USC 4996 Internal Revenue Code of 1954

CFR Citation: 26 CFR 51

Abstract: The regulations would provide guidance on the requirements for the qualification of crude oil as newly discovered oil, as well as a definition of production in "commercial quantities" that affects the net income limitation on windfall profit and the exemption for Alaskan oil.

Timetable:

Action	Date	FR Cite
NPRM	11/05/82	47 FR 50306
NPRM Comment Period Begin	11/05/82	47 FR 50306
NPRM Comment Period End	01/04/83	
Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-224-81 Drafting attorney: Robert Ginsburgh (202) 566-3297 Reviewing attorney: John B. Bromell (202) 566-3326 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Schuldinger, Levinson Notice published, 11/05/82.

Agency Contact: Robert H. Ginsburgh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AC96

EXCISE TAX—WITH RESPECT TO THE DEFINITION OF TAXABLE CRUDE OIL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4991 Internal Revenue Code of 1954

CFR Citation: 26 CFR 51

Abstract: These regulations would provide rules relating to the definitions of crude oil, condensate, and tar sand for purposes of the windfall profit tax. These definitions are important because only crude oil is subject to the windfall profit tax.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-226-81 Drafting attorney: Douglas W. Charnas (202) 566-3297 Reviewing attorney: John B. Bromell (202) 566-3326 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Schuldinger Notice returned to Office of Chief Counsel (Legislation and Regulations Division) for revision, 05/26/82.

Agency Contact: Douglas W. Charnas, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AD00

EXCISE TAX—ISSUES ARISING WHERE MULTIPLE PARTIES SHARE IN PRODUCTION, INCLUDING UNITIZATIONS, PARTNERSHIPS, TRUSTS AND ESTATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4986 to 4998 Internal Revenue Code of 1954

CFR Citation: 26 CFR 51

Abstract: These regulations would provide rules relating to production from a unitized property of imputed stripper well crude oil, imputed heavy crude oil, and imputed newly

discovered crude oil for purposes of the windfall profit tax. The regulations would provide rules for determining the amount of imputed oil and rules for allocating the imputed oil among the producers of the unitized property.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-225-81 Drafting attorney: Douglas W. Charnas (202) 566-3297 Reviewing attorney: John B. Bromell (202) 566-3326 In Office of Chief Counsel (Legislative and Regulations Division) for preparation of notice.

Agency Contact: Douglas W. Charnas, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AC94

EXCISE TAX—INDEPENDENT PRODUCER OIL ALLOCATIONS WITHIN A RELATED GROUP UNDER THE CRUDE OIL WINDFALL PROFIT TAX ACT 1980

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4992(e) Internal Revenue Code of 1954; 26 USC 4997 Internal Revenue Code of 1954

CFR Citation: 26 CFR 51

Abstract: The regulations would define the members of a related group. Such members must share the 1000 barrel independent producer allocation which is entitled to a lower rate of windfall profit tax.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-66-80 Drafting attorney: Beverly Baughman (202) 566-3297 Reviewing attorney: Walter H. Woo (202) 566-3297 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Schuldinger, Levinson In the Legislation and Regulations Division for preparation of notice of proposed rulemaking

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AD03

EXCISE TAX—INCREMENTAL TERTIARY OIL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4993 Internal Revenue Code of 1954

CFR Citation: 26 CFR 51

Abstract: The regulations would clarify the rules relating to incremental tertiary oil. The regulations provide procedural rules for requesting approval from the Service of tertiary recovery methods which are not already approved under Department of Energy regulations. The regulations also define "project beginning date" and "tertiary injectant".

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-67-80 Drafting attorney: Donald W. Stevenson (202) 566-3297 Reviewing attorney: John B. Bromell (202) 566-3326 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Schuldinger Notice returned to Office of Chief Counsel (Legislation and Regulations Division) by Office of Tax Legislative Counsel (Treasury) for revision, 09/09/82.

Agency Contact: Donald W. Stevenson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AD04

EXCISE TAX—EXEMPTIONS FOR QUALIFIED GOVERNMENTAL INTERESTS, QUALIFIED CHARITABLE INTERESTS (INCLUDING RESIDENTIAL CHILD CARE AGENCIES), INDIAN OIL, ALASKAN ETC.

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4994 Internal Revenue Code of 1954

CFR Citation: 26 CFR 51

Abstract: The proposed regulations will provide rules and definitions relating to various exemptions from the windfall profit tax.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-69-80 Drafting attorney: John Schmalz (202) 566-3829 Reviewing attorney: John B. Bromell (202) 566-3326 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Schuldinger In Office of Chief Counsel (Legislation and Regulations Division) for preparation of notice.

Agency Contact: John Schmalz, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, **202 566-3829**

RIN: 1545-AD05

EXCISE TAX—EXEMPT FRONT-END OIL UNDER THE CRUDE OIL WINDFALL PROFIT TAX ACT 1980

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4994(c) Internal Revenue Code of 1954

CFR Citation: 26 CFR 51

Abstract: The proposed regulations would provide rules relating to the treatment of front-end tertiary oil under the crude oil windfall profit tax. The proposed regulations explain the exemption from the windfall profit tax for domestic crude oil that is removed from the premises before October 1, 1981, and that is treated as front-end oil and used to finance a front-end tertiary project on one or more properties each of which is a qualified property.

Timetable:

Action	Date	FR Cite
NPRM	12/05/80	45 FR 80551
NPRM Comment Period Begin	12/05/80	45 FR 80551
NPRM Comment Period End	02/04/81	
Hearing	02/24/81	45 FR 80554
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-68-80 Drafting attorney: Douglas W. Charnas (202) 566-3297. Reviewing attorney: John B. Bromell (202) 566-3326. Office of Tax Legislative Counsel (Treasury) reviewing attorneys:Schuldinger, Levinson. T.D. pending Treasury review.

Agency Contact: Douglas W. Charnas, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AD06

EXCISE TAX—OIL FROM A STRIPPER WELL PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4991 Internal Revenue Code of 1954; 26 USC 4992 Internal Revenue Code of 1954; 26 USC 4994 Internal Revenue Code of 1954

CFR Citation: 26 CFR 51

Abstract: The proposed regulations provide rules and definitions relating to oil from a

stripper well property for purposes of tier 2 oil and exempt stripper well oil.

Timetable:

Action	Date	FR Cite
NPRM	01/20/83	48 FR 2552
NPRM Comment Period Begin	01/20/83	48 FR 2552
NPRM Comment Period End	03/20/83	
Final Action	01/00/84	

Small Entity: Not Applicable

Additional Information: LR-217-81 Drafting attorney: John Schmalz (202) 566-3829 Reviewing attorney: Walter H. Woo (202) 566-3297 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Schuldinger Notice of proposed rulemaking published on 01/20/83.

Agency Contact: John Schmalz, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW, Washington, D.C. 20224, **202 566-3829**

RIN: 1545-AD01

EXCISE TAX—DEFINITION OF OIL REMOVED FROM THE PREMISES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4996 Internal Revenue Code of 1954; 26 USC 4997 Internal Revenue Code of 1954

CFR Citation: 26 CFR 51

Abstract: This regulation would provide for exceptions to the general rule that crude oil is removed from the premises when it is physically transported off the premises. The exceptions are for certain uses of the crude oil on the premises, transportation to contiguous tracts and to storage tanks.

Timetable:

Action	Date	FR Cite
NPRM	01/14/83	48 FR 1762
NPRM Comment Period Begin	01/14/83	48 FR 1762
NPRM Comment Period End	03/15/83	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-227-81 Drafting attorney: Beverly Baughman (202) 566-3297 Reviewing attorney: John B. Bromell (202) 566-3326 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Schuldinger 01/14/83 Notice of Proposed Rulemaking published.

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington D.C. 20224, **202 566-3297**

RIN: 1545-AC95

EXCISE TAX—DEFINITION OF PROPERTY UNDER THE CRUDE OIL WINDFALL PROFIT TAX ACT 1980

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4996 Internal Revenue Code of 1954

CFR Citation: 26 CFR 51

Abstract: These proposed regulations would provide rules relating to the definition of "property" for purposes of the crude oil windfall profit tax. These regulations are important because the rate of tax depends, in part, on the characteristics of the property from which the crude oil is produced.

Timetable:

Action	Date	FR Cite
NPRM	11/10/82	47 FR 50924
NPRM Comment Period Begin	11/10/82	47 FR 50924
NPRM Comment Period End	01/09/83	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-34-82 Drafting attorney: Douglas W. Charnas (202) 566-3297. Reviewing attorney: John B. Bromell (202) 566-3326. Office of Tax Legislative Counsel (Treasury) reviewing attorney: Schuldinger. 11/10/82 Notice of proposed rulemaking published.

Agency Contact: Douglas W. Charnas, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AD08

EXCISE TAX—AMENDMENT OF SEC 51.4996-1(B) WITH RESPECT TO THE TREATMENT OF NET PROFITS INTERESTS FOR WINDFALL PROFITS TAX PURPOSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4996 Internal Revenue Code of 1954

CFR Citation: 26 CFR 51

Abstract: These proposed regulations would provide rules for determining the portion of crude oil removed from the premises attributable to the holder of a net profits interest.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-38-82 Drafting attorney: Douglas W. Charnas (202) 566-3297. Reviewing attorney: John B. Bromell (202) 566-3326. In Office of Chief Counsel (Legislation and Regulations Division)for preparation of notice.

Agency Contact: Douglas W. Charnas, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AD09

EXCISE TAX—CHANGES IN THE APPLICATION OF DEPARTMENT OF ENERGY REGULATIONS FOR PURPOSES OF THE WINDFALL PROFIT TAX ACT 1980

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4997(b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 51

Abstract: The regulations would provide for changes in the application of Department of Energy regulations for purposes of the Windfall Profit Tax Act of 1980.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-72-80 Drafting attorney: Douglas W. Charnas (202) 566-3297 Reviewing attorney: John B. Bromell (202) 566-3326 In Office of Chief Counsel (Legislation and Regulations Division) for preparation of notice.

Agency Contact: Douglas W. Charnas, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AD10

INCOME TAX—CONDITIONS UNDER WHICH BOOKS AND RECORDS OF CONTROLLED FOREIGN CORPORATIONS AND ORGANIZATIONS WILL BE REQUIRED TO BE MAINTAINED IN THE UNITED STATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6001 Internal Revenue Code of 1954; 26 USC 964 Internal Revenue Code of 1954; 26 USC 482 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would authorize a district director to designate, under certain circumstances, the location where records must be kept and to require that a translation or interpreter be provided with records in a foreign language. The regulations would also require certain records of a controlled foreign organization, trade or business to be kept and clarify when the records of a controlled foreign corporation must be provided.

Timetable:

Action	Date	FR Cite
NPRM	01/23/81	46 FR 07401
NPRM Comment Period Begin	01/23/81	46 FR 07401
NPRM Comment Period End	03/24/81	
Hearing	10/06/81	
Final Action Effective	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-133-78 Drafting attorney: Herman Bouma (202) 566-3287 Reviewing attorney: Charles C. Saverude (202) 566-3323 Office of International Tax Counsel (Treasury) reviewing attorneys: Shay, Lainoff

Agency Contact: Herman B. Bouma, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave, N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AD11

●TEMPORARY REGULATIONS—INCOME TAX—INFORMATION RETURNS OF BROKERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6045 Internal Revenue Code of 1954

CFR Citation: 26 CFR 5f

Abstract: The regulations would relate to information returns of brokers and barter exchanges. The regulations would require brokers to file information returns with respect to certain transactions for customers. Barter exchanges would be required to file information returns with respect to exchanges of property or services through the barter exchange. These regulations will be issued as proposed regulations and not temporary regulations. Therefore, this project will be closed without regulations.

Timetable:

Action	Date	FR Cite
Project will be closed w/out rules	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-179-82 Drafting Attorney: Gregory A. Roth Reviewing Attorney: John H. Parcell Office of Tax Legislative Counsel Reviewing Attorneys: Mundstock, Levinson

Agency Contact: Gregory Roth, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W, Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AE23

●RETURNS REQUIRED ON MAGNETIC MEDIA.

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6011 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would require certain returns to be filed on magnetic media. This project will be merged into project LR-259-82 and this project will be closed without regulations.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-302-82 Drafting Attorney: Gregory A. Roth Reviewing Attorney: John H. Parcell Office of Tax Legislative Counsel Reviewing Attorneys: Mundstock, Levinson

Agency Contact: Gregory Roth, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AE33

●RETURNS REQUIRED ON MAGNETIC MEDIA

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6011 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would require certain returns to be filed on magnetic media. Prior to enactment of section 319 of the Tax Equity and Fiscal Responsibility Act of 1982, there was no statutory or regulatory requirement that any particular return be filed on magnetic media or in other machine-readable form. The regulations would provide standards for determining which returns would be required to be filed on magnetic medias.

Timetable:

Action	Date	FR Cite
NPRM	08/01/83	

Small Entity: Not Applicable

Additional Information: LR-289-82 Drafting Attorney: Gregory A. Roth Reviewing Attorney: John H. Parcell Office of Tax Legislative Counsel Review Attorney: Mundstock, Levinson

Agency Contact: Gregory Roth, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AF12

●FORM OF INDIVIDUAL TAX RETURN.

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6012 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulation would provide rules for an individual taxpayer for determining the appropriate return to file, for utilizing a substitute form and for attaining assistance from the Internal Revenue Service for computing the tax liability from the partially completed return.

Timetable:

Action	Date	FR Cite
NPRM	12/31/83	

Small Entity: Not Applicable

Additional Information: LR-300-82 Drafting Attorney: Howard Balikov (202) 566-3288 Reviewing Attorney: John Parcell (202) 566-3288 In Office of Chief Counsel (Legislation and Regulations Division) for preparation of the notice.

Agency Contact: Howard A. Balikov, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington DC 20224, **202 566-3288**

RIN: 1545-AF24

●TO PROVIDE REGULATIONS RELATING TO NEW EXCEPTION TO ESTIMATED TAX PENALTY WHERE INDIVIDUAL HAS NO TAX LIABILITY FOR PRECEDING TAXABLE YEAR

Legal Authority: 26 USC 7805; 26 USC 6015; 26 USC 6654

CFR Citation: 26 CFR 1

Abstract: The regulation will clarify the new exception to the individual estimated tax in the case of an individual who had no tax liability for the preceding taxable year. Rules also eliminate the requirement that

individuals file a declaration of estimated tax.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-226-82 Drafting Attorney: George T. Magnatta (202) 566-3459 Reviewing Attorney: John M. Coulter, Jr. (202) 566-4473 In Legislation and Regulations Division for preparation of notice

Agency Contact: George T. Magnatta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AE71

●INCOME TAX-AMENDMENTS TO REQUIREMENTS FOR RETURN OF PARTNERSHIP INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6031 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidelines for determining when and what information a partnership must provide to its partners. The regulations also provide guidelines for determining what foreign partnerships must file information returns.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-198-82 Drafting Attorney: Beverly A. Baughman (202) 566-3297 Reviewing Attorney: Paul A. Francis (202) 566-3930 Office of Tax Legislative Counsel reviewing attorney: Meryl Silver In Legislation and Regulations Division for preparation of Notice of Proposed Rulemaking

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AE40

●INCOME TAX—AMENDMENTS TO REQUIREMENTS FOR RETURN OF PARTNERSHIP INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6031 Internal Revenue Code of 1954

CFR Citation: 26 CFR 5f

Abstract: The regulations would provide guidelines for determining when and what information a partnership must provide to its partners. The regulations also provide guidelines for determining what foreign partnerships must file information returns.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-199-82 Drafting Attorney: Beverly A. Baughman (202) 566-3297 Reviewing Attorney: Paul A. Francis (202) 566-3930 Office of Tax Legislative Counsel reviewing attorney: Meryl Silver In Legislation and Regulations Division for preparation of Temporary Regulations

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AE42

INCOME TAX—PROCEDURE & ADMINISTRATION—RETURN AND REPORTING REQUIREMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6033 Internal Revenue Code of 1954; 26 USC 6034 Internal Revenue Code of 1954; 26 USC 6104 Internal Revenue Code of 1954; 26 USC 6652 Internal Revenue Code of 1954; 26 USC 6685 Internal Revenue Code of 1954; 26 USC 7207 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 53; 26 CFR 301

Abstract: The regulations simplify the private foundation return and reporting requirements.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-35-81 Drafting attorney: Monice Rosenbaum (202) 566-3422 Reviewing attorney: Charles K. Kerby, III (202) 566-3422 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Oppenheimer, Levinson Received comments from Tax Forms and Publications Division 01/19/83.

Agency Contact: Monice Rosenbaum, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave, N.W., Washington, D.C. 20224, **202 566-3422**

RIN: 1545-AE14

●INCOME TAX-TO AMEND REGULATIONS UNDER INTERNAL REVENUE CODE SECTIONS 6035 AND 6679 RELATING TO RETURNS OF FOREIGN PERSONAL HOLDING COMPANIES.

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6035 Internal Revenue Code of 1954; 26 USC 6679 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal would amend the regulations under Internal Revenue Code sections 6035 and 6679 to conform to changes made by section 340 of the Tax Equity and Fiscal Responsibility Act of 1982. Those changes simplified the information reporting requirements imposed upon officers, directors and some shareholders of foreign personal holding companies, and added a new thousand-dollar penalty for failure to comply.

Timetable:

Action	Date	FR Cite
NPRM	02/01/84	

Small Entity: Not Applicable

Additional Information: LR-200-82 Drafting attorney: Robert E. Culbertson Jr. (202) 566-3289 Reviewing attorney: Jacob Feldman (202) 566-3288 Office of International Tax Counsel (Treasury) reviewing attorneys: Wold, Lainoff. In Legislation and Regulations Division for preparation of notice of proposed rulemaking.

Agency Contact: Robert E. Culbertson Jr., Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AE29

●INCOME TAX—INFORMATION RETURNS REQUIRED OF CERTAIN FOREIGN-OWNED CORPORATIONS.

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6038 Internal Revenue Code of 1954; 26 USC 6038A Internal Revenue Code of 1954; PL 97-248, Sec 338; PL 97-248, Sec 339

CFR Citation: 26 CFR 1

Abstract: The regulations would provide that certain foreign-owned corporations which transact business with other related corporations must furnish information about those transactions and the transacting corporations. The purpose of the reporting requirement is to verify that income is being reported accurately. The regulations would also amend existing penalty provisions for failure to supply information relating to certain foreign corporations, to conform those provisions to new statutory penalties

imposed under the Tax Equity and Fiscal Responsibility Act of 1982.

Timetable:

Action	Date	FR Cite
NPRM	06/00/83	

Small Entity: Not Applicable

Additional Information: LR-201-82 Drafting Attorney: David J. Dean (202) 566-3289 Reviewing Attorney: Martha E. Kadue (202) 566-3238 Office of International Tax Counsel (Treasury) reviewing attorneys: Wold, Lainoff In Legislation and Regulations Division for preparation of notice.

Agency Contact: David J. Dean, Law Clerk, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave, N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545–AE43

INCOME TAX–TO CONFORM THE REGULATIONS TO AMENDMENTS MADE BY SECTION 7 OF PUBLIC LAW 98-167 (DISCONTINUANCE OF OPTION REPORTS)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6039 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations will provide guidance relating to certain reporting requirements concerning the transfer of stock pursuant to the exercise of statutory stock options.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-49-80 Drafting Attorney: Philip R. Bosco (202) 566-3288 Reviewing attorney: John H. Parcell (202) 566-3288 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Hevener Presently under reconsideration in Office of Chief Counsel (Legislation and Regulations Division) for possible closing and merger with LR-279-81.

Agency Contact: Philip R. Bosco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545–AD15

●RETURN OF INFORMATION AS TO PAYMENTS OF $600 OR MORE.

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6041 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulation relates to the written statements that trustees and executors furnish to the Internal Revenue Service. The amendment to the regulation would provide that such information returns need not be furnished to the beneficiaries of the trusts or estates.

Timetable:

Action	Date	FR Cite
NPRM	09/00/83	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-17-83 Drafting attorney: Mitchell H. Rapaport (202) 566-3829 Reviewing attorney: John Coulter, Jr. (202) 566-4473 Office of Tax Legislative Counsel reviewing attorney: In Legislation and Regulations for preparation of notice of proposed rulemaking.

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington, D.C. 20224, **202 566-3829**

RIN: 1545–AF37

●AMENDMENT OF TREASURY REGULATION SECTION 1.6043-1, ELIMINATING PARAGRAPH (B) (2)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6043 (a) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal would eliminate Treasury Regulation Section 1.6043-1 (b) (2), which requires certain information to be submitted to the Internal Revenue Service in connection with a corporate dissolution or liquidation.

Timetable:

Action	Date	FR Cite
Final Action	08/00/83	

Small Entity: Not Applicable

Additional Information: LR-299-82 Drafting Attorney: Charles W. Culmer (202) 566-3458 Reviewing Attorney: Charles M. Whedbee (202) 566-3487 Office of Tax Legislative Counsel reviewing attorney: Mark Yecies (202) 566-8278 In Legislation and Regulations Division for preparation of Treasury Decision.

Agency Contact: Charles W. Culmer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545–AF19

INCOME TAX–INFORMATION RETURNS OF BROKERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6045 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would relate to information returns of brokers and barter exchanges. The regulations would require brokers to file information returns with respect to certain transactions for customers. Barter exchanges would be required to file information returns with respect to exchanges of property or services through the barter exchange.

Timetable:

Action	Date	FR Cite
NPRM	11/15/82	47 FR 51415
NPRM Comment Period Begin	11/15/82	47 FR 51415
NPRM Comment Period End	01/15/83	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-148-80 Drafting attorney: Gregory Roth (202) 566-3238 Reviewing attorney: John H. Parcell (202) 566-3288 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Mundstock, Levinson 11/15/82 Notice Published.

Agency Contact: Gregory Roth, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington DC 20224, **202 566-3238**

RIN: 1545–AD16

●INCOME TAX–REGULATIONS RELATING TO RETURNS AS TO INTERESTS IN FOREIGN PARTNERSHIPS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6046A Internal Revenue Code of 1954

CFR Citation: 26 CFR 5f

Abstract: The regulations would give guidance for determining which United States persons who acquire, dispose of or change their interests in foreign partnerships must report these activities. Additionally, guidance would be given as to how, when and where such persons must report and what information they must supply.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-203-82 Drafting Attorney: Beverly A. Baughman (202) 566-3297 Reviewing Attorney: Paul A. Francis (202) 566-3930 Office of Tax Legislative Counsel reviewing attorney: Meryl Silver In Legislation and Regulations Division for preparation of Temporary Regulation

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AE44

●INCOME TAX--REGULATIONS RELATING TO RETURNS AS TO INTERESTS IN FOREIGN PARTNERSHIPS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6046A Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would give guidance for determining which United States persons who acquire, dispose of or change their interests in foreign partnerships must report their activities. Additionally, guidance would be given as to how, when and where such persons must report and what information they must supply.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-203-82 Drafting Attorney: Beverly A. Baughman (202) 566-3297 Reviewing Attorney: Paul A. Francis (202) 566-3930 Office of Tax Legislative Counsel reviewing attorney: Meryl Silver In Legislation and Regulations Division for preparation of Notice of Proposed Rulemaking

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AE47

●TO PROVIDE REGULATIONS RELATING TO INFORMATION REPORTING REQUIREMENTS OF INTEREST AND ORIGINAL ISSUE DISCOUNT

Legal Authority: 26 USC 6049 Internal Revenue Code of 1954; 26 USC 7805 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations will provide that interest and original issue discount are subject to information reporting requirements. The regulations define interest that is subject to reporting as well as provide exceptions to the reporting requirement. The regulations will provide the method and information to be reported. The regulations also will provide the time that the returns must be sent to the Service and the time the statements must be furnished to the recipient.

Timetable:

Action	Date	FR Cite
NPRM	11/15/82	47 FR 51412
NPRM Comment Period Begin	11/15/82	47 FR 51412
Final Action Effective	12/31/82	
NPRM Comment Period End	01/14/83	
Hearing held	01/25/83	47 FR 51414
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-227-82 Drafting Attorney: Diane Kroupa (202) 566-3459 Reviewing Attorney: John Coulter, Jr. (202) 566-4473 Office of Tax Legislative Counsel reviewing attorney: Richard Reinhold Hearing scheduled 01/25/83

Agency Contact: Diane Kroupa, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3459

RIN: 1545-AE19

●REPORTING OF STATE AND LOCAL INCOME TAX REFUNDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6050E Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance to persons who make payments of refunds of State or local income taxes, or who allow credits or offsets with respect to such taxes, for purposes of reporting these amounts to the Service. The regulations would also prescribe rules for providing statements to the taxpayers receiving the refund or for whom the credit or offset is allowed.

Timetable:

Action	Date	FR Cite
NPRM	03/15/83	

Small Entity: Not Applicable

Additional Information: LR-233-82 Drafting Attorney: Alice Bennett (202)566-3288 Reviewing Attorney: John Parcell (202)566-3336 Office of Tax Legislative Counsel Reviewing Attorney: Reinhold Returned to the Legislation and Regulations Division for revision 1/3/83.

Agency Contact: Alice Bennett, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington DC 20224, 202 566-3288

RIN: 1545-AE76

●REPORTING OF STATE AND LOCAL INCOME TAX REFUNDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6050E Internal Revenue Code of 1954

CFR Citation: 26 CFR 5f

Abstract: The regulations would provide interim guidance to persons who make payments of refunds of State or local income taxes, or who allow credits or offsets with respect to such taxes, for purposes of reporting these amounts to the Service. The regulations would also prescribe rules for providing statements to the taxpayers receiving the refund or for whom the credit or offset is allowed.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/15/83	

Small Entity: Not Applicable

Additional Information: LR-272-82 Drafting Attorney: Alice Bennett (202) 566-3288. Reviewing Attorney: John Parcell (202) 566-3336. Office of Tax Legislative Counsel Reviewing Attorney: Reinhold. Returned to the Legislation and Regulations Division for revision 1/3/83.

Agency Contact: Alice Bennett, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington DC 20224, 202 566-3288

RIN: 1545-AE97

●EMPLOYMENT TAX--REPORTING BY CERTAIN LARGE FOOD OR BEVERAGE ESTABLISHMENTS WITH RESPECT TO TIPS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6053 Internal Revenue Code of 1954

CFR Citation: 26 CFR 31

Abstract: The regulations would provide guidance to large food or beverage establishments required to report certain information with respect to tips.

Timetable:

Action	Date	FR Cite
NPRM	12/08/82	47 FR 55248
NPRM Comment Period Begin	12/08/82	47 FR 55248
NPRM Comment Period End	02/07/83	
Public hearing	02/08/83	47 FR 55248
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-215-82 Drafting Attorney: Linda M. Kroening (202) 566-3297 Reviewing Attorney: John Bromell (202) 566-3326 Office of Tax Legislative Counsel reviewing attorney: Susan Jewett Published notice in Federal Register, 12/8/82

Agency Contact: Linda M. Kroening, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C 20224, 202 566-3297

RIN: 1545–AE65

GIFT TAX–TIME FOR FILING AND PAYMENT OF GIFT TAXES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6075 Internal Revenue Code of 1954; 26 USC 2501 to 2502 Internal Revenue Code of 1954; 26 USC 2512 Internal Revenue Code of 1954; 26 USC 2513 Internal Revenue Code of 1954; 26 USC 2522 Internal Revenue Code of 1954; 26 USC 1015 Internal Revenue Code of 1954; 26 USC 6019 Internal Revenue Code of 1954; 26 USC 6212(c) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 25; 26 CFR 301

Abstract: The regulations will provide for the filing of gift tax returns and the payment of gift taxes on an annual basis. In addition, the regulations provide rules regarding the time for filing a gift tax return for a calendar year which includes the date of death of the donor.

Timetable:

Action	Date	FR Cite
NPRM	02/11/83	48 FR 6363
Final Action	12/00/83	

Small Entity: Not Applicable

Additional Information: LR-213-81 Drafting attorney: Barry Landau (202) 566-3347 Reviewing attorney: Robert H. Waltuch (202) 566-3287 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Garlock, Woodward Notice awaiting Commissioner approval

Agency Contact: Barry Landau, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington D.C. 20224, 202 566-3347

RIN: 1545–AD17

INCOME TAX–EXTENSION OF TIME FOR FILING RETURNS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6081 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: A taxpayer that must file an individual tax return may currently receive an automatic two-month extension to file such a return. This regulation project will amend the regulations so as to permit a four-month automatic extension to file such a return.

Timetable:

Action	Date	FR Cite
Final Action	02/01/84	

Small Entity: Not Applicable

Additional Information: LR-232-79 Drafting attorney: Philip R. Bosco (202) 566-3288 Reviewing attorney: John H. Parcell (202) 566-3288 Office of Tax Legislative Counsel reviewing Attorney: Kuller Signature package of Treasury decision at Treasury, 9/16/82.

Agency Contact: Philip R. Bosco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545–AD18

PROCEDURE AND ADMINISTRATION—TO AUTHORIZE ADDITIONAL DISCLOSURES OF RETURNS AND RETURN INFORMATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6103(l)(2) Internal Revenue Code of 1954

CFR Citation: 26 CFR 301

Abstract: The regulations relate to disclosure of returns and return information to officers and employees of the Department of Labor and Pension Benefit Guaranty Corporation for purposes of administering Titles I and IV of the Employee Retirement Income Security Act of 1974. The regulations would provide guidance to the Service in disclosing tax information to the Department of Labor and the Pension Benefit Guaranty Corporation. The regulations permit the Service, in certain cases, to voluntarily disclose to the Department of Labor and the Pension Benefit Guaranty Corporation additional tax information.

Timetable:

Action	Date	FR Cite
NPRM	08/03/82	47 FR 33519
NPRM Comment Period Begin	08/03/82	47 FR 33519
NPRM Comment Period End	10/01/82	
Final Action	06/00/83	
Final Action Effective	06/00/83	

Small Entity: Not Applicable

Additional Information: LR-3-81 Drafting attorney: David E. Dickinson (202) 566-3373-3374. Office of Tax Legislative Counsel (Treasury) reviewing attorney: Reinhold. Notice approved by Office of Regulations Division for preparation of Treasury Decision. and Regulations Division for preparation of Treasury Decision.

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3629

RIN: 1545–AD19

PROCEDURE AND ADMINISTRATION—DISCLOSURE OF RETURNS AND RETURN INFORMATION TO DESIGNEES OF TAXPAYERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6103(c) Internal Revenue Code of 1954

CFR Citation: 26 CFR 301

Abstract: The regulations would provide rules for determining whether tax returns and return information may be disclosed to individuals and agencies designated by the taxpayer.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-48-82 Drafting attorney: David E. Dickinson (202) 566-3373-3374 Notice returned to Office of Chief Counsel (Legislation and Regulations Division), 04/16/82.

Agency Contact: Harold Flanagen, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3294

RIN: 1545–AD20

PROCEDURE & ADMINISTRATION—PUBLIC INSPECTION OF CERTAIN FOREIGN EXEMPT ORGANIZATION RETURNS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6104(b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 301

Abstract: The regulations set forth limitations on the information that will be disclosed to the public by the Internal Revenue Service with respect to the returns filed by certain exempt organizations.

Timetable:

Action	Date	FR Cite
NPRM	03/00/83	

Small Entity: Not Applicable

Additional Information: EE-111-80 Drafting attorney: William D. Gibbs (202) 566-3430 Reviewing attorney: Richard J. Wickersham (202) 566-3250 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Yecies, Levinson 12/27/82 Notice of proposed rulemaking signed by Commissioner of Internal Revenue Service

Agency Contact: William D. Gibbs, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AE16

●REQUIREMENT THAT CERTAIN PERSONS RETAIN COPIES OF INCOME TAX RETURNS UPON THE LIQUIDATION OF A CORPORATION.

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6107 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal would provide that certain persons retain copies of income tax returns, for a period of three years upon the liquidation of a corporation.

Timetable:

Action	Date	FR Cite
NPRM	08/02/83	

Small Entity: Not Applicable

Additional Information: LR-290-82 Drafting Attorney: Mary Frances Pearson (202) 566-3238 Reviewing Attorney: Charles C. Saverude (202) 566-3323 Office of Tax Legislative Counsel reviewing attorney: In Legislation and Regulations Division for preparation of a notice of proposed rulemaking.

Agency Contact: Mary Frances Pearson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave, N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AF14

ESTATE TAX—PROCEDURE AND ADMINISTRATION—DEFERRAL AND INSTALLMENT PAYMENT OF ESTATE TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6166 Internal Revenue Code of 1954; 26 USC 6161 Internal Revenue Code of 1954; 26 USC 6151 Internal Revenue Code of 1954

CFR Citation: 26 CFR 20; 26 CFR 301

Abstract: The regulations will provide guidance to executors wishing to extend the time for payment of estate tax where the estate contains an interest in a closely held business. The regulations will provide rules in determining what qualifies as an interest in a closely held business. In addition, the regulations will explain when the installment privileges allowed by section 6166 will be terminated.

Timetable:

Action	Date	FR Cite
NPRM	08/00/83	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-210-76 Drafting attorney: Neil Zyskind (202) 566-3289 Reviewing attorney: Larry E. Smith (202) 566-3287 Office of Tax Legislation Counsel (Treasury) reviewing attorneys: Woodward, Levinson In Legislation and Regulations Division for preparation of notice.

Agency Contact: Neil Zyskind, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AD23

●MISCELLANEOUS RULES RELATING TO CONSOLIDATED ADMINISTRATIVE AND JUDICIAL PROCEDURES TO DETERMINE THE TAX TREATMENT OF PARTNERSHIP ITEMS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6222 Internal Revenue Code of 1954; 26 USC 6223 Internal Revenue Code of 1954; 26 USC 6224 Internal Revenue Code of 1954; 26 USC 6227 Internal Revenue Code of 1954; 26 USC 6230 Internal Revenue Code of 1954; 26 USC 6231 Internal Revenue Code of 1954

CFR Citation: 26 CFR 5f

Abstract: The temporary regulations would set forth miscellaneous procedural rules for consolidated administrative and judicial proceedings to determine the tax treatment of partnership items at the partnership rather than the partner level. The regulations would provide guidance for various elections under these new procedures and for filing requests for an administrative adjustment.

Timetable:

Action	Date	FR Cite
Interim Final Rule	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-204-82 Drafting attorney: Donald W. Stevenson (202) 566-3297 Reviewing Attorney: Paul A. Francis (202) 566-3930 In Legislation and Regulations Division for preparation of Treasury Decision.

Agency Contact: Donald W. Stevenson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AE49

●MISCELLANEOUS RULES RELATING TO CONSOLIDATED ADMINISTRATIVE AND JUDICIAL PROCEEDINGS TO DETERMINE THE TAX TREATMENT OF PARTNERSHIP ITEMS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6222 Internal Revenue Code of 1954; 26 USC 6223 Internal Revenue Code of 1954; 26 USC 6224 Internal Revenue Code of 1954; 26 USC 6227 Internal Revenue Code of 1954; 26 USC 6230 Internal Revenue Code of 1954; 26 USC 6231 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The proposed regulations would set forth miscellaneous procedural rules for consolidated administrative and judicial proceedings to determine the tax treatment of partnership items. The regulations would provide guidance for various elections under these new procedures and for filing requests for an administrative adjustment.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-205-82 Drafting attorney: Donald W. Stevenson (202) 566-3297 Reviewing attorney: Paul A. Francis (202) 566-3930 In Legislation and Regulations Division for preparation of notice

Agency Contact: Donald W. Stevenson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AE51

●DESIGNATION OF TAX MATTERS PARTNER FOR PURPOSES OF DETERMINING THE TAX TREATMENT OF PARTNERSHIP ITEMS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6231 (a) (7) Internal Revenue Code of 1954; 26 USC 6230 (k) Internal Revenue Code of 1954

CFR Citation: 26 CFR 5f

Abstract: Temporary regulations would set forth procedural rules for designating and revoking the designation of the "tax matters partner" for purposes of the new partnership-level audit procedures.

Timetable:

Action	Date	FR Cite
Interim Final Rule	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-206-82 Drafting Attorney: Donald W. Stevenson (202) 566-3297 Reviewing Attorney: Paul A. Francis (202) 566-3930 Office of Tax Legislative Counsel reviewing attorney: Andrew Pike In Legislation and Regulations Division for preparaton of Treasury Decision.

Agency Contact: Donald W. Stevenson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545–AE53

●MISCELLANEOUS RULES RELATING TO CONSOLIDATED ADMINISTRATIVE AND JUDICIAL PROCEDURES TO DETERMINE THE TAX TREATMENT OF PARTNERSHIP ITEMS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6231 (a) (1) Internal Revenue Code of 1954; 26 USC 6231 (a) (7) Internal Revenue Code of 1954; 26 USC 6231 (c) Internal Revenue Code of 1954; 26 USC 6230 (k) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations will provide procedural rules for the designation of the tax matters partner for purposes of the new partnership-level audit procedures. The regulations will also define "small partnership" and set out the determinations of the Service with respect to areas presenting special enforcement considerations.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-207-82 Drafting Attorney: Donald W. Stevenson (202) 566-3297 Reviewing Attorney: Paul A. Francis (202) 566-3297 Office of Tax Legislative Counsel reviewing attorney: Andrew Pike In Legislation and Regulations Division for preparation of notice

Agency Contact: Donald W. Stevenson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545–AE55

●DEFINITION OF "PARTNERSHIP ITEM"

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6231 (a) (3) Internal Revenue Code of 1954; 26 USC 6230 (k) Internal Revenue Code of 1954

CFR Citation: 26 CFR 5f

Abstract: Temporary regulations would define the term "partnership item" for purposes of new rules for determining tax treatment of partnership items at the partnership level.

Timetable:

Action	Date	FR Cite
Interim Final Rule	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-185-82 Drafting Attorney: Donald W. Stevenson (202) 566-3297 Reviewing Attorney: Paul A. Francis (202) 566-3930 Office of Tax Legislative Counsel reviewing attorney: Andrew Pike In Legislation and Regulations Division for preparation of Treasury decision.

Agency Contact: Donald W. Stevenson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545–AF07

●DEFINITION OF "PARTNERSHIP ITEM"

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6231 (a) (3) Internal Revenue Code of 1954; 26 USC 6230 (k) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposed regulations would define the term "partnership item" for purposes of new rules for determining the tax treatment of partnership items at the partnership level. The notice of proposed rulemaking cross-references the temporary regulations on the same subject.

Timetable:

Action	Date	FR Cite
NPRM	01/14/83	48 FR 01759
NPRM Comment Period Begin	01/14/83	48 FR 01759
NPRM Comment Period End	03/15/83	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-186-82 Drafting Attorney: Donald W. Stevenson (202) 566-3297 Reviewing Attorney: Paul A. Francis (202) 566-3930 Office of Tax Legislative Counsel reviewing attorney: Andrew Pike Notice published 01/14/83

Agency Contact: Donald W. Stevenson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington D.C. 20224, **202 566-3297**

RIN: 1545–AF09

●DETERMINATION OF THE TAX TREATMENT OF SUBCHAPTER S ITEMS AT THE CORPORATE LEVEL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6241 Internal Revenue Code of 1954; 26 USC 6242 Internal Revenue Code of 1954; 26 USC 6243 Internal Revenue Code of 1954; 26 USC 6244 Internal Revenue Code of 1954; 26 USC 6245 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposed regulations would provide new rules for determining the tax treatment of any subchapter S item at the corporate level. Regulations would provide rules similar to rules for determining the tax treatment of partnership items. The regulations would define the term "subchapter S item."

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-269-82 Drafting Attorney: Donald W. Stevenson (202) 566-3297 Reviewing Attorney: Walter H. Woo (202) 566-3297 Office of Legislative Counsel reviewing attorney: Mark Kuller In Legislation and Regulations Division for preparation of notice

Agency Contact: Donald W. Stevenson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington D.C. 20224, **202 566-3297**

RIN: 1545–AE96

ESTATE TAX--PROCEDURE & ADMINISTRATION--SPECIAL LIEN FOR ESTATE TAX DEFERRED UNDER SECS 6166 & 6166A

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6324A Internal Revenue Code of 1954; 26 USC 2204 Internal Revenue Code of 1954

CFR Citation: 26 CFR 20; 26 CFR 301

Abstract: The regulations will permit the executor of a decedent's estate to elect a lien on section 6166 property in favor of the United States in lieu of a bond or personal liability if an election under section 6166 was made.

Timetable:

Action	Date	FR Cite
NPRM	08/00/83	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-209-76 Drafting attorney: Neil Zyskind (202) 566-3289 Reviewing attorney: Larry E. Smith (202) 566-3289 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Woodward. Levinson In Legislation and Regulations Division for preparation of notice.

Agency Contact: Neil Zyskind, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington D.C. 20224, **202 566-3289**

RIN: 1545-AD25

●PROCEDURE AND ADMINISTRATION--RELEASE OF LIENS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6325 Internal Revenue Code of 1954

CFR Citation: 26 CFR 301

Abstract: The regulations will provide guidance in obtaining the issuance of a certificate of release of a notice of Federal tax lien with respect to internal revenue taxes.

Timetable:

Action	Date	FR Cite
NPRM	08/00/83	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-253-82 Drafting Attorney: Neil Zyskind (202) 566-3289 Reviewing attorney: Robert Waltuch (202) 566-3287 In Legislation and Regulations Division for preparation of notice

Agency Contact: Neil Zyskind, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington D.C. 20224, **202 566-3289**

RIN: 1545-AE82

●TEMPORARY REGULATIONS--CERTAIN REQUIREMENTS FOR THE RELEASE OF A NOTICE OF FEDERAL TAX LIEN

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6325(a) Internal Revenue Code of 1954

CFR Citation: 26 CFR 401

Abstract: The regulations will provide rules governing the issuance of a release of a notice of Federal tax lien filed with respect to internal revenue taxes. The regulations provide definitions for some of the terms contained in section 6325 (a).

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/00/83	

Small Entity: Not Applicable

Additional Information: LR-208-82 Drafting attorney: Neil Zyskind (202) 566-3289 Reviewing attorney: Robert Waltuch (202) 566-3287 Office of Tax Legislative Counsel (Treasury) Reviewing attorneys Keyser, Levinson Temporary regulations awaiting approval from Commissioner.

Agency Contact: Neil Zyskind, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AF20

PROCEDURE & ADMINISTRATION--TO PROVIDE FOR SERVICE OF NOTICE OF LEVY BY MAIL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6331 Internal Revenue Code of 1954

CFR Citation: 26 CFR 301

Abstract: The regulations will provide rules relating to the procedures to be followed by the Internal Revenue Service in serving a notice of levy by mail. The regulations would provide guidance to members of the public upon whom notices of levy are served.

Timetable:

Action	Date	FR Cite
NPRM	02/26/82	47 FR 08378
NPRM Comment Period Begin	02/26/82	47 FR 08378
NPRM Comment Period End	04/26/82	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-160-81 Drafting attorney: Annie R. Alexander (202) 566-3287 Reviewing attorney: Larry E. Smith (202) 566-3287 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Hutton, Levinson Draft of Treasury Decision sent to Tax Legislative Counsel on 11/02/82

Agency Contact: Annie R. Alexander, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AD28

PROCEDURE & ADMINISTRATION--TO PROVIDE REGULATIONS RELATING TO OFFSET OF PAST-DUE SUPPORT AGAINST OVERPAYMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6402(c) Internal Revenue Code of 1954; Omnibus Budget Reconciliation Act of 1981, Section 2331 (b)

CFR Citation: 26 CFR 301

Abstract: The regulations would provide rules governing the receipt and processing of data received from the Department of Health and Human Services for offset against federal tax refunds.

Timetable:

Action	Date	FR Cite
NPRM	02/08/82	47 FR 05728
NPRM Comment Period Begin	02/08/82	47 FR 05728
NPRM Comment Period End	05/08/82	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-189-81 Drafting attorney: Susan K. Thompson (202) 566-3294 Reviewing attorney: Charles C. Saverude (202) 566-3323 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Hutton Draft of Treasury decision to Treasury 11/08/82: pending Treasury Review.

Agency Contact: Susan K. Thompson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3803**

RIN: 1545-AD29

INCOME TAX--TENTATIVE REFUND OF TAX UNDER CLAIM OF RIGHT ADJUSTMENT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6411 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The proposal provides rules with respect to a tentative refund of income tax when a taxpayer has a claim of right adjustment.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-45-79 Drafting attorney: Biruta Kelly (202) 566-2456 Reviewing attorney: Bruce Segal (202) 566-3224 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Hutton, Levinson In Office of Chief Counsel (Interpretative Division) for preparation of notice.

Agency Contact: Biruta Kelly, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington D.C. 20224, **202 566-3456**

RIN: 1545–AD30

EXCISE TAX–SPORTING GOODS AND FIREARMS & ADMINISTRATION PROVISIONS OF SPECIAL APPLICATION TO MANUFACTURERS & RETAILERS EXCISE TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6001 to 6427 Internal Revenue Code of 1954; 26 USC 4161 Internal Revenue Code of 1954; 26 USC 4181 Internal Revenue Code of 1954; 26 USC 4182 Internal Revenue Code of 1954

CFR Citation: 26 CFR 48

Abstract: This regulation will contain amendments which would revise and update the regulations concerning manufacturers excise taxes on sporting goods and firearms and other administrative provisions especially applicable to manufacturers and retailers excise taxes.

Timetable:

Action	Date	FR Cite
NPRM	01/05/83	48 FR 00442
NPRM Comment Period Begin	01/05/83	
NPRM Comment Period End	05/05/83	
Final Action	12/00/83	

Small Entity: Not Applicable

Additional Information: LR-2115 Drafting attorney: Ada S. Rousso (202) 566-4336 Reviewing attorney: Robert H. Waltuch (202) 566-3287 Office of Tax Legislative Counsel (Treasury) reviewing Attorneys: Hutton, Levinson Notice published 01/05/83

Agency Contact: Ada Rousso, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington D.C. 20224, **202 566-4336**

RIN: 1545–AD12

INCOME TAX–PERIODS OF LIMITATION FOR ASSESSING A DEFICIENCY AND FILING A CLAIM FOR CREDIT OR REFUND ATTRIBUTABLE TO A PARTNERSHIP ITEM.

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6501 (o) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations provide special periods of limitation for assessing a deficiency or filing a claim for refund of any partnership item arising out of a federally registered partnership. The regulations define "partnership item" and "federally registered partnerships."

Timetable:

Action	Date	FR Cite
NPRM	01/14/83	48 FR 01759
NPRM Comment Period Begin	01/14/83	48 FR 01759
NPRM Comment Period End	03/15/83	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-204-78 Drafting attorney: Donald W. Stevenson (202) 566-3297 Reviewing attorney: Paul A. Francis (202) 566-3930 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Pike, Levinson Notice published, 01/14/83

Agency Contact: Donald W. Stevenson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545–AD31

PROCEDURE AND ADMINISTRATION–TO CONFORM CHANGES MADE BY PUBLIC LAW 95-628, SECTION 8 (A) RELATING TO PERIOD OF LIMITATIONS FOR CREDIT OR REFUND FOR NET OPERATING LOSS.

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6511 Internal Revenue Code of 1954

CFR Citation: 26 CFR 301

Abstract: The regulation would relate to the period of limitation for a credit or refund with respect to net operating losses or capital loss carrybacks. investment credit carryback, work incentive program carryback, and new employee credit carryback.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-94-80 Drafting attorney: Gregory Roth (202) 566-3238 Reviewing attorney: John H. Parcell (202) 566-3288 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Yecies, Levinson Treasury decision pending Treasury review.

Agency Contact: Gregory Roth, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington DC 20224, **202 566-3238**

RIN: 1545–AD32

MODIFICATION OF INTEREST PAYMENTS FOR CERTAIN PERIODS.

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6611 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulation would provide rules for determining the period during which interest accrues on an underpayment or an overpayment of tax as provided in sections 6601 and 6611 of the Internal Revenue Code of 1954. The period would be determined, in part, by the dates the return and the claim for refund are filed and by whether they were filed in a way that they can be processed.

Timetable:

Action	Date	FR Cite
NPRM	12/31/83	

Small Entity: Not Applicable

Additional Information: LR-280-82 Drafting Attorney: Howard A. Balikov (202)566-3288 Reviewing Attorney: John Parcell (202)566-3288 In Office of Chief Counsel (Legislation and Regulations Division) for preparation of the notice.

Agency Contact: Howard A. Balikov, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington DC 20224, **202 566-3288**

RIN: 1545–AF10

INCOME TAX–CHANGE IN RATE OF INTEREST ON UNDERPAYMENTS & UNDERPAYMENTS OF TAX TO REFLECT 100% OF PRIME RATE ADJUSTED ANNUALLY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6621 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide that the rate of interest on underpayments shall be adjusted annually to the prime rate for the previous September.

Timetable:

Action	Date	FR Cite
Final Action	03/01/83	

Small Entity: Not Applicable

Additional Information: LR-245-81 Drafting attorney: Joseph Rosenthal (202) 566-3288 Reviewing attorney: John H. Parcell (202) 566-3288 Office of Tax Legislative Counsel (Treasury) reviewing attorney: McCarty Treasury decision to Treasury for formal approval, 07/01/82.

Agency Contact: Joseph Rosenthal, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington DC 20224, **202 566-3288**

RIN: 1545-AD34

●SEMIANNUAL ADJUSTMENT OF INTEREST RATE; DAILY COMPOUNDING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6621 Internal Revenue Code of 1954; 26 USC 6622 Internal Revenue Code of 1954

CFR Citation: 26 CFR 301

Abstract: The regulations would provide that the interest rate on underpayments would be changed twice a year to reflect the prime rate for the prior six month period. The interest rate would be compounded daily

Timetable:

Action	Date	FR Cite
Final Action	03/01/83	

Small Entity: Not Applicable

Additional Information: LR-263-82 Drafting Attorney: Joseph Rosenthal (202) 566-3288 Reviewing Attorney: John Parcell (202) 566-3338 Office of Tax Legislative Counsel Reviewing Attorney: George Mundstock In Legislation and Regulations Division for preparation of Treasury decision.

Agency Contact: Joseph Rosenthal, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, DC 20224, **202 566-3288**

RIN: 1545-AE31

●INCOME TAX—TO AMEND REGULATIONS UNDER INTERNAL REVENUE CODE SECTIONS 6651 AND 6702 RELATING TO PENALTIES FOR EXTENDED FAILURE TO FILE AND FOR FRIVOLOUS RETURNS.

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6651 Internal Revenue Code of 1954; 26 USC 6702 Internal Revenue Code of 1954

CFR Citation: 26 CFR 301

Abstract: Proposal would amend the regulations under Internal Revenue Code section 6651, relating to minimum penalty for extended failure to file a return, to conform them to changes made by section 318 of the Tax Equity and Fiscal Responsibility Act of 1982. It would also add regulations under Code section 6702, relating to the penalty for filing frivolous returns, added by section 326 of the Tax Equity and Fiscal Responsibility Act of 1982.

Timetable:

Action	Date	FR Cite
NPRM	12/01/83	

Small Entity: Not Applicable

Additional Information: LR-209-82 Drafting Attorney: Robert E. Culbertson Jr. (202) 566-3289 Reviewing attorney: Charles C. Saverude (202) 566-3323 Office of Tax Legislative Counsel reviewing attorney: Richard Reinhold In Legislation and Regulations Division for preparation of notice of proposed rulemaking.

Agency Contact: Robert E. Culbertson Jr., Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington D.C. 20224, **202 566-3289**

RIN: 1545-AE57

INCOME TAX—PENALTIES FOR FAILURE TO MAKE RETURNS OR FURNISH STATEMENTS (AS AMENDED BY SEC. 1123 OF SUBTITLE C OF TITLE II--OMNIBUS RECONCILIATION ACT OF 1980)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6652 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide for the imposition of penalties on persons failing to make a return or to furnish a statement under section 6039C relating to returns with respect to United States real property interests.

Timetable:

Action	Date	FR Cite
NPRM	01/06/83	48 FR 675
NPRM Comment Period Begin	01/06/83	48 FR 675
NPRM Comment Period End	03/07/83	

Small Entity: Not Applicable

Additional Information: LR-153-81 Drafting attorney: Mary E. Dean (202) 566-3289 Reviewing attorney: Diane L. Renfroe (202) 566-3289 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Lainoff, Schreyer 01/06/83 Notice of Proposed Rulemaking published

Agency Contact: Mary E. Dean, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AD35

INCOME TAX—PAYMENT OF ESTIMATED TAX BY CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6154 Internal Revenue Code of 1954; 26 USC 6655 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 301

Abstract: The regulations will clarify rules relating to payment of estimated tax by corporations. To avoid penalty for underpayment of estimated tax, corporations who reasonably expect their estimated tax for the taxable year to exceed $40 must make installment payments of estimated tax.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-140-78 Reviewing attorney: John M. Coulter, Jr. (202) 566-4473 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Hutton In Legislation and Regulations Division for preparation of notice.

Agency Contact: George T. Magnatta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AD22

INCOME TAX—PAYMENT OF ESTIMATED TAXES BY "LARGE CORPORATIONS"

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6655 (i) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This regulation will provide guidance to "large corporations" with respect to their estimated taxes. For taxable years beginning after 1983, "large corporations" can only rely on the annualizations exceptions to underpayment of estimated taxes.

Timetable:

Action	Date	FR Cite
NPRM	10/01/83	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-9-81 Drafting attorney: George Magnatta (202) 566-3294 Reviewing attorney: John M. Coulter, Jr. (202) 566-4473 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Hutton, Levinson Comments from Office of Chief Counsel - Individual Tax Division, 06/18/82

Agency Contact: George T. Magnatta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington, D.C. 20224, 202 566-3294, **202 566-3294**

RIN: 1545-AD37

●TO PROVIDE REGULATIONS RELATING TO ACCELERATED PAYMENT OF ESTIMATED TAXES BY CORPORATIONS.

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6655 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Rules will provide for acceleration of estimated payments by corporations, new seasonal income exception, and clarify the annualization rules. The amount of estimated tax payments required for all corporations is increased from 80 to 90 percent of current year's tax liability.

Timetable:

Action	Date	FR Cite
Final Action Effective	01/01/83	
Final Action	01/30/84	

Small Entity: Not Applicable

Additional Information: LR-228-82 Drafting Attorney: George T. Magnatta (202) 566-3459 Reviewing Attorney: John M. Coulter, Jr. (202) 566-4473 Office of Tax Legislative Counsel Reviewing Attorney: Unassigned In Legislation and Regulations Division for preparation of notice.

Agency Contact: George T. Magnatta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave, N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AE37

PROCEDURE & ADMINISTRATION—PENALTIES FOR OVERSTATEMENT OF DEPOSITS, AND INCOME TAX—TIME FOR FILING INFORMATION RETURNS WITH RESPECT TO CERTAIN FOREIGN CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6656(b) Internal Revenue Code of 1954; 26 USC 6046 Internal Revenue Code of 1954

CFR Citation: 26 CFR 301; 26 CFR 1

Abstract: The regulations would provide rules for determining whether the penalty for overstatement of deposits applies, and for determining the date by which information returns required by section 6046 must be filed.

Timetable:

Action	Date	FR Cite
NPRM	05/26/82	47 FR 22970
NPRM Comment Period Begin	05/26/82	47 FR 22970
NPRM Comment Period End	07/20/82	
Final Action Effective	03/00/83	

Small Entity: Not Applicable

Additional Information: LR-311-81 Drafting attorney: Martha E. Kadue (202) 566-3238 Reviewing attorney: Charles C. Saverude (202) 566-3323 Office of Tax Legislative Counsel (Treasury) reviewing attorney: McCarty With Commissioner for formal approval.

Agency Contact: Martha E. Kadue, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave, N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AD38

PROCEDURE & ADMINISTRATION—ADDITION TO TAX IN THE CASE OF VALUATION OVERSTATEMENTS, & INCREASE IN THE NEGLIGENCE PENALTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6659 Internal Revenue Code of 1954; 26 USC 6653 Internal Revenue Code of 1954

CFR Citation: 26 CFR 301; 26 CFR 1

Abstract: The regulations would provide rules and definitions with respect to the addition to tax in the case of valuation overstatements, including rules for computing the portion of an underpayment that is attributable to a valuation overstatement. The regulations would also provide rules with respect to the increase in the negligence and fraud penalties.

Timetable:

Action	Date	FR Cite
NPRM	03/15/83	

Small Entity: Not Applicable

Additional Information: LR-272-81 Drafting attorney: Alice Bennett (202) 566-3288 Reviewing attorney: John H. Parcell (202) 566-3288 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Reinhold, Levinson Notice returned to Office of Chief Counsel (Legislation and Regulations Division) for revision, 11/15/82.

Agency Contact: Alice Bennett, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington DC 20224, **202 566-3288**

RIN: 1545-AD39

●INCOME TAX—ADDITION TO TAX FOR A SUBSTANTIAL UNDERSTATEMENT OF LIABILITY.

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6661 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules for the computation of the addition to tax, the avoidance of the addition to tax, and for the waiver of such amounts. In connection with avoiding the addition to tax, the regulations would provide guidance on the meanings of substantial authority, adequate disclosure, the more likely than not standard, and the term "tax shelter".

Timetable:

Action	Date	FR Cite
NPRM	03/31/83	

Small Entity: Not Applicable

Additional Information: LR-277-82 Drafting Attorney: Ewan Purkiss (202)566-3288 Reviewing Attorney: John Parcell (202)566-3336 Office of Tax Legislative Counsel Reviewing Attorney: Richard Reinhold In Legislation and Regulations Division for preparation of notice.

Agency Contact: Ewan Purkiss, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington DC 20224, **202 566-3288**

RIN: 1545-AF05

TREAS—IRS

Current and Projected Rulemakings

●PENALTY FOR PROMOTING ABUSIVE TAX SHELTERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6700 Internal Revenue Code of 1954

CFR Citation: 26 CFR 301

Abstract: The regulations would provide rules and definitions relating to the penalty for promoting abusive tax shelters.

Timetable:

Action	Date	FR Cite
NPRM	08/15/83	

Small Entity: Not Applicable

Additional Information: LR-273-82 Drafting Attorney: Alice Bennett (202)566-3288 Reviewing Attorney: John Parcell (202)566-3336 In the Legislation and Regulations Division for preparation of a draft of a notice of proposed rulemaking.

Agency Contact: Alice Bennett, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington DC 20224, **202 566-3288**

RIN: 1545-AE99

●PENALTY FOR AIDING AND ABETTING IN THE UNDERSTATEMENT OF TAX LIABILITY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6701 Internal Revenue Code of 1954

CFR Citation: 26 CFR 301

Abstract: Proposal will provide rules with respect to the penalty imposed on a person who aids and abets in the understatement of a third party's tax liability. The proposal also provides the standards which will subject one to the penalty.

Timetable:

Action	Date	FR Cite
NPRM	09/15/83	

Small Entity: Not Applicable

Additional Information: LR-274-82 Drafting Attorney: Paul H. Weisman (202) 566-3238 Reviewing Attorney: John H. Parcell (202) 566-3288 Office of Tax Legislative Counsel reviewing attorney: Rick Reinhold In Legislation and Regulations Division for preparation of the notice of proposed rulemaking

Agency Contact: Paul H. Weisman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AF01

●INCOME TAX—PRESUMPTION OF JEOPARDY IN THE CASE OF ILLEGAL ACTIVITY CASH.

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6867 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance for applying the presumptions that an amount of cash in excess of ten thousand dollars without an acknowledged owner (1) represents gross income to a single individual, (2) is taxable at a rate of fifty percent, and (3) that collection of the tax is in jeopardy for the purposes of sections 6851 and 6861.

Timetable:

Action	Date	FR Cite
NPRM	01/31/84	

Small Entity: Not Applicable

Additional Information: LR-309-82 Drafting Attorney: Ewan Purkiss (202) 566-3288 Reviewing Attorney: John Parcell (202) 566-3336 In Legislation and Regulations Division for preparation of notice.

Agency Contact: Ewan Purkiss, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AE30

●RECOVERY OF COURT COSTS AND CERTAIN FEES IN A CIVIL TAX PROCEEDING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 7430 Internal Revenue Code of 1954

CFR Citation: 26 CFR 301

Abstract: Proposal will provide rules with respect to the recovery of court costs and certain fees in a civil tax proceeding brought in a United States Court or the Tax Court. It also gives guidance concerning circumstances in which the Internal Revenue Service will not contest a party's claim that certain prerequisites to the award of reasonable litigation costs have been satisfied.

Timetable:

Action	Date	FR Cite
NPRM	03/00/83	

Small Entity: Not Applicable

Additional Information: LR-11-83 Drafting Attorney: Paul H. Weisman (202) 566-3238 Reviewing Attorney: John H. Parcell (202) 566-3288 Office of Tax Legislative Counsel reviewing attorney: Rick Reinhold In Legislation and Regulations Division for preparation of a notice.

Agency Contact: Paul H. Weisman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AF25

PROCEDURE AND ADMINISTRATION—AMENDMENT OF REGULATIONS RELATING TO THE TIMELY MAILING OF RETURNS, TAXES AND DEPOSITS.

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 7502 Internal Revenue Code of 1954

CFR Citation: 26 CFR 301

Abstract: The regulations would amend existing regulations, relating to the timely mailing of documents, to provide for the timely mailing of returns, taxes and deposits.

Timetable:

Action	Date	FR Cite
NPRM	12/11/79	44 FR 71430
NPRM Comment Period Begin	12/11/79	44 FR 71430
NPRM Comment Period End	02/11/80	
Final Action	09/30/83	

Small Entity: Not Applicable

Additional Information: LR-1406 Drafting attorney: Ewan Purkiss (202)566-3288 Reviewing attorney: John Parcell (202)566-3336 Office of Tax Legislative Counsel (Treasury) Reviewing Attorney: Mark Kuller In the Legislation and Regulations Division for preparation of Treasury decision.

Agency Contact: Ewan Purkiss, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington DC 20224, **202 566-3288**

RIN: 1545-AD42

PROCEDURE & ADMINISTRATION—ADMINISTRATIVE SUMMONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 7609 Internal Revenue Code of 1954; 26 USC 7610 Internal Revenue Code of 1954

CFR Citation: 26 CFR 301

Abstract: The regulations will provide guidance to third-party recordkeepers as to their rights and obligations when served an administrative summons by the Internal Revenue Service. Such a summons is used to obtain taxpayer records in the hands of a third party, such as a bank. The regulations will outline various notice requirements, procedures for staying compliance with the

summons, and the reimbursement of costs related to compliance with the summons.

Timetable:

Action	Date	FR Cite
NPRM	08/21/80	45 FR 55764
NPRM Comment Period Begin	08/21/80	45 FR 55764
NPRM Comment Period End	10/20/80	
Final Action	03/01/84	

Small Entity: Not Applicable

Additional Information: LR-164-76 Drafting Attorney: Philip R. Bosco (202) 566-3288 Reviewing Attorney: Phoebe A. Mix (202) 566-3288 Office of Tax Legislative Counsel Reviewing Attorney: Hutton Presently under reconsideration in the Office of Chief Counsel (Legislation and Regulations Division), 9/3/82.

Agency Contact: Philip R. Bosco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, DC 20224, 202 566-3288, 202 566-3288

RIN: 1545-AD43

●ADMINISTRATIVE SUMMONSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 7609 Internal Revenue Code of 1954; 26 USC 7610 Internal Revenue Code of 1954

CFR Citation: 26 CFR 301

Abstract: An administrative summons is used by the Internal Revenue Service to obtain taxpayer records in the hands of a third party recordkeeper, such as a bank. Sections 331, 332, and 333 of the Tax Equity and Fiscal Responsibility Act of 1982 amended sections 7609 and 7610 of the Internal Revenue Code of 1954 relating to administrative summonses. The amendments alter the circumstances under which an administrative summons may be issued and also alter the rights and obligations of the subject taxpayer and third-party recordkeeper. This regulation project will provide guidance relating to these new administrative summons procedures.

Timetable:

Action	Date	FR Cite
NPRM	10/01/83	

Small Entity: Not Applicable

Additional Information: LR-10-83 Drafting Attorney: Philip R. Bosco (202)566-3288 Reviewing Attorney: Phoebe A. Mix (202)566-3288 Office of Tax Legislative Counsel Reviewing Attorney: Hutton In Legislation and Regulations Division for preparation of notice.

Agency Contact: Philip R. Bosco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington DC 20224, 202 566-3288

RIN: 1545-AF33

PROCEDURE & ADMINISTRATION--CLASSIFICATION OF ENTITIES ORGANIZED UNDER UNIFORM LIMITED PARTNERSHIP ACT AS REVISED IN 1976.

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 7701 Internal Revenue Code of 1954

CFR Citation: 26 CFR 301

Abstract: The regulations would provide guidance to taxpayers relating to tax classification of entities formed under the Uniform Limited Partnership Act as revised in 1976.

Timetable:

Action	Date	FR Cite
NPRM	10/27/80	45 FR 70909
NPRM Comment Period Begin	10/27/80	45 FR 70909
Previous NPRM	10/27/80	
NPRM Comment Period End	12/26/80	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-232-78 Drafting attorney: David Haglund (202) 566-3459 Reviewing attorney: Paul A. Francis (202) 566-3930 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Kuller, Levinson Office of International Tax Counsel (Treasury) reviewing Attorneys: Wold, Lainoff Pending in Office of Chief Counsel (Legislation and Regulations Division) while awaiting policy decision.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3459

RIN: 1545-AD44

PROCEDURE & ADMINISTRATION--TO MODIFY THE APPLICATION OF THE CLASSIFICATION RULES TO LIMITED LIABILITY COMPANIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 7701 Internal Revenue Code of 1954

CFR Citation: 26 CFR 301

Abstract: The regulations relate to the classification, for federal tax purposes, of an unincorporated business organization, such as a limited liability company, no member of which is personally liable under local law for the debts of the organization.

Timetable:

Action	Date	FR Cite
NPRM	11/17/80	45 FR 75709
NPRM Comment Period Begin	11/17/80	45 FR 75709
NPRM Comment Period End	01/16/81	
To be withdrawn	03/00/83	

Small Entity: Not Applicable

Additional Information: LR-57-80 Drafting attorney: Beverly Baughman (202) 566-3297. Reviewing attorney: Paul A. Francis (202) 566-3930. Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Kuller, McKee. Office of International Tax Counsel (Treasury) reviewing attorneys: Shay, Lainoff. The notice of proposed rulemaking will be withdrawn.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AD45

INCOME TAX--MARITIME CAPITAL CONSTRUCTION FUND

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 46 USC 1177 Merchant Marine Act of 1936

CFR Citation: 26 CFR 3

Abstract: The proposal would provide rules for the income tax treatment with respect to capital construction funds for certain vessels.

Timetable:

Action	Date	FR Cite
NPRM	01/29/76	41 FR 04280
NPRM Comment Period Begin	01/29/76	41 FR 04280
NPRM Comment Period End	03/29/76	
Hearing	07/07/76	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-149-75 Drafting attorney: Carolyn Swift (202) 566-3458 Reviewing attorney: Marcus B. Blumkin (202) 566-3463 In Office of Chief Counsel (Legislation and Regulations Division) for preparation of Treasury Decision

Agency Contact: Carolyn Swift, Attorney, Department of the Treasury, Internal Revenue

Service, 1111 Constitution Ave N.W., Washington D.C. 20224, **202 566-3458**

RIN: 1545–AD46

INCOME TAX–AMORTIZATION DEDUCTION FOR MOTOR CARRIER OPERATING AUTHORITY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; PL 97-34, Sec 266

CFR Citation: 26 CFR 1

Abstract: These regulations will provide rules relating to a deduction that is to be taken ratably over a 60 month period for adjusted bases of the motor carrier operating authority.

Timetable:

Action	Date	FR Cite
NPRM	06/00/83	

Small Entity: Not Applicable

Additional Information: LR-203-81 Drafting attorney: Robert B. Coplan (202) 566-3287 Reviewing attorney: Larry E. Smith (202) 566-3287 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Woodward Draft of notice to Tax Legislative Counsel (Treasury), 07/12/82.

Agency Contact: Robert B. Coplan, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington D.C. 20224, **202 566-3287**

RIN: 1545–AD48

STATEMENT OF PROCEDURAL RULES–AMENDMENTS TO 1981-2

Legal Authority: 5 USC 301; 5 USC 552

CFR Citation: 26 CFR 601

Abstract: The regulation would update the Statement of Procedural Rules, 26 CFR 601 to reflect changes in Internal Revenue Service Procedures.

Timetable:

Action	Date	FR Cite
Final Action	03/00/83	

Small Entity: Not Applicable

Additional Information: LR-91-82 Drafting attorney: Duane H. Pellervo (202) 566-3458 Reviewing attorney: Charles M. Whedbee (202) 566-3458 In Legislation and Regulations Division for preparation of final draft

Agency Contact: Duane H. Pellervo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545–AD49

STATEMENT OF PROCEDURAL RULES–1979-2 PERIODIC AMENDMENTS

Legal Authority: 5 USC 301; 5 USC 552

CFR Citation: 26 CFR 601

Abstract: Provision would amend the Statement of Procedural Rules to, among other things, provide updated procedures regarding ruling request and requests for technical advice, thereby giving the public needed guidance on what those procedures are.

Timetable:

Action	Date	FR Cite
Final Action	05/01/83	

Small Entity: Not Applicable

Additional Information: LR-248-79 Drafting attorney: Yerachmiel Weinstein (202) 566-3458 Reviewing attorney: Charles M. Whedbee (202) 566-3458 Revised draft to Office of Assistant Commissioner (Employee Plans and Exempt Organizations), Office of Assistant Commissioner (Examination), Office of Chief Counsel (Corporation Tax Division), Office of Chief Counsel (Interpretative Division), 06/30/82.

Agency Contact: Yerachmiel E. Weinstein, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545–AD50

STATEMENT OF PROCEDURAL RULES–TO PROVIDE FOR CONSOLIDATED APPEALS HEARINGS WITH RESPECT TO CERTAIN ADJUSTMENTS TO WINDFALL PROFIT TAX LIABILITY

Legal Authority: 5 USC 301; 5 USC 552

CFR Citation: 26 CFR 601

Abstract: The proposed amendments to the Statement of Procedural Rules would allow the Service to conduct a single consolidated Appeals conference to resolve tax issues related to oil items. The proposed amendments provide new procedures for conducting Appeals conferences and define the term "oil item."

Timetable:

Action	Date	FR Cite
NPRM	12/03/82	47 FR 54459
NPRM Comment Period Begin	12/03/82	47 FR 54459
NPRM Comment Period End	01/03/83	
Hearing	01/18/83	47 FR 54461
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-25-81 Drafting attorney: Donald W. Stevenson (202) 566-3297 Reviewing attorney: Paul A. Francis (202) 566-3930 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Schuldinger, Levinson Notice published 12-3-82

Agency Contact: Donald W. Stevenson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, **202 566-3297**

RIN: 1545–AD51

STATEMENT OF PROCEDURAL RULES–PERIODIC REVISIONS FOR 1980 PARTS 1 & 2

Legal Authority: 5 USC 301; 5 USC 552

CFR Citation: 26 CFR 601

Abstract: Miscellaneous Amendments to the Statement of Procedural Rules

Timetable:

Action	Date	FR Cite
Final Action	03/31/83	

Small Entity: Not Applicable

Additional Information: LR-20-81 Drafting attorney: Michel A. Daze (202) 566-3458 Reviewing attorney: Charles M. Whedbee (202) 566-3458 Final draft to Office of Chief Counsel (Disclosure Litigation Division), Office of Assistant Commissioner (Criminal Investigation, Foreign Operations, etc., 12/29/82 for approval

Agency Contact: Michel A. Daze, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington D.C. 20224, **202 566-3458**

RIN: 1545–AD54

STATEMENT OF PROCEDURAL RULES–AMENDMENTS TO STATEMENT OF PROCEDURAL RULES–1981-1

Legal Authority: 5 USC 301; 5 USC 552

CFR Citation: 26 CFR 601

Abstract: Semi-annual update of the Statement of Procedural Rules.

Timetable:

Action	Date	FR Cite
Final Action	07/00/83	

Small Entity: Not Applicable

Additional Information: LR-154-81 Drafting attorney: Keith E. Stanley (202) 566-3458 Reviewing attorney: Charles M. Whedbee (202) 566-3458 In Office of Chief Counsel (Legislation and Regulations Division) for preparation.

TREAS—IRS **Current and Projected Rulemakings**

Agency Contact: Keith E. Stanley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W, Washington D.C. 20224, **202 566-3458**

RIN: 1545–AD55

DEPARTMENT OF THE TREASURY (TREAS)
Internal Revenue Service (IRS)

Existing Regulations Under Review

INCOME TAX–DISTRIBUTION IN REDEMPTION OF STOCK TO PAY DEATH TAXES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 303 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations will provide rules for treating distributions in redemption of stock to pay death taxes to be treated as a distribution in full payment in exchange for the stock. The regulations provide rules with respect to stock that is redeemed from a shareholder whose interest in the estate is reduced by any payment of the death taxes or funeral and administrative expenses of the estate.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-124-76 Drafting attorney: Duane H. Pellervo (202) 566-3458 Reviewing attorney: Marcus B. Blumkin (202) 566-3463 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Woodward, Levinson In Legislation and Regulations Division for preparation of notice.

Agency Contact: Neil Zyskind, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington D.C. 20224, **202 566-3289**

RIN: 1545–AB13

INCOME TAX–AMENDMENTS AFFECTING DISC PERTAINING TO MILITARY SALES & INCREMENTAL EXPORT GROSS RECEIPTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 995 Internal Revenue code of 1954

CFR Citation: 26 CFR 1

Abstract: This regulation would provide rules with respect to computing the incremental distribution and distributions with respect to military sales for purpose of the domestic international sales provisions.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-246-76 Drafting attorney: Jacob Feldman (202) 566-3289 Reviewing attorney: Charles C. Saverude (202) 566-3323 Office to International Tax Counsel (Treasury) reviewing attorneys: Shay, Lainoff Notice to Office of International Tax Counsel for formal approval 12/15/82

Agency Contact: Jacob Feldman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave, N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545–AC17

INCOME TAX–RECAPTURE OF DEPRECIATION ON REAL PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1250 Internal Revenue Code of 1954; Tax Reform Act of 1976, section 202; Tax Reform Act of 1976, section 1901(b); Tax Reform Act of 1976, section 1951(e); Tax Reform Act of 1976, section 2121(b); Tax Reform Act of 1976, section 2124(a)

CFR Citation: 26 CFR 1

Abstract: The regulations would conform the Income Tax Regulations to changes made by the Tax Reform Act of 1976 relating to recapture of depreciation on real property.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-131-76 Drafting attorney: Susan K. Thompson (202) 566-3294 Reviewing attorney: Paul A. Francis (202) 566-3930 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Yecies In Office of Chief Counsel (Legislation and Regulations Division) for preparation of notice.

Agency Contact: Susan K. Thompson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington D.C. 20224, **202 566-3294**

RIN: 1545–AC32

INCOME TAX–EXCISE TAX ON TRANSFERS OF PROPERTY TO FOREIGN PERSONS TO AVOID THE FEDERAL INCOME TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1491 Internal Revenue Code of 1954; 26 USC 1492 Internal Revenue Code of 1954; 26 USC 1494 Internal Revenue Code of 1954; 26 USC 1057 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would describe transfers by United States persons that are subject to the excise tax imposed by section 1491, would provide rules with respect to electing to treat the transfer as a taxable exchange, and would provide rules for establishing that tax avoidance was not a principal purpose of the transfer.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-236-76 Drafting attorney: Martha E. Kadue (202) 566-3238 Reviewing attorney: Charles C. Saverude (202) 566-3323 Office of International Tax Counsel (Treasury) reviewing attorneys: Wold, Lainoff In Legislation and Regulations Division for preparation of notice of proposed rulemaking.

Agency Contact: Martha E. Kadue, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave, N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545–AC44

DEPARTMENT OF THE TREASURY (TREAS)
Internal Revenue Service (IRS)

Completed Actions

COMPLETED RULEMAKINGS

EXCISE TAX--IMPLEMENTING THE CRUDE OIL WINDFALL PROFIT TAX ACT 1980

Priority: Major

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4986 to 4997 Internal Revenue Code of 1954

CFR Citation: 26 CFR 51

Abstract: These regulations contain final rules relating to the windfall profit tax on domestic crude oil imposed by title I of the Crude Oil Windfall Profit Tax Act of 1980. The regulations contain most of the final rules on the windfall profit tax, many of which relate to the administrative aspects of the tax such as withholding and depositing the tax and furnishing and filing returns and information statements.

Timetable:

Action	Date	FR Cite
Final Action Effective	03/01/80	47 FR 50215
NPRM	04/04/80	45 FR 23400
NPRM Comment Period Begin	04/04/80	45 FR 23400
NPRM Comment Period End	06/03/80	
Revised notice published	11/05/80	45 FR 73512
2d Revised notice published	12/11/80	45 FR 81606
3d Revised notice published	01/19/81	46 FR 04950
4th Revised notice published	02/23/81	46 FR 13525
Hearing	06/18/81	46 FR 26660
Final Action	11/05/82	47 FR 50215

Small Entity: Yes

Additional Information: LR-48-80 Drafting attorney: Douglas W. Charnas (202) 566-3297 Reviewing attorney: John B. Bromell (202) 566-3326 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Schuldinger, Levinson Hearing held, 07/16/80. 11/05/82 Treasury decision published

Agency Contact: Douglas W. Charnas, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AC93

INCOME TAX--SECRETARIAL AUTHORITY UNDER RESIDENTIAL ENERGY CREDIT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 44C Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations outline the procedure and set forth the standards to be followed by a manufacturer of an item seeking approval for addition of an item to the list of approved energy-conserving components or renewable energy sources

Timetable:

Action	Date	FR Cite
NPRM	10/15/80	45 FR 68399
NPRM Comment Period Begin	10/15/80	45 FR 68399
NPRM Comment Period End	12/15/80	
Hearing	04/30/81	
Final Action	12/16/82	47 FR 56330

Small Entity: Not Applicable

Additional Information: LR-74-80 Drafting attorney: Walter H. Woo (202) 566-3297 Reviewing attorney: John B. Bromell (202) 566-3326 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Schuldinger 12/16/82 Treasury Decision published

Agency Contact: Walter H. Woo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AA04

INCOME TAX--TO ADD PROVISIONS UNDER CODE SEC. 44D (RE. CREDIT FOR PRODUCING FUEL FROM A NON-CONVENTIONAL SOURCE) TO CONFORM TO SEC. 231, CRUDE OIL WINDFALL PROFIT TAX ETC.

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 44D Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidelines for determining if a taxpayer is entitled to a credit for producing fuel from a nonconventional energy source.

Timetable:

Action	Date	FR Cite
Closed - Regulation not needed	01/20/83	

Small Entity: Not Applicable

Additional Information: LR-75-80 Drafting attorney: Beverly Baughman (202) 566-3297 Reviewing attorney: Paul A. Francis (202) 566-3930 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Schuldinger Project closed 01/20/83

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AA05

INCOME TAX -- EMPLOYEE STOCK OWNERSHIP PLAN REQUIREMENTS FOR OBTAINING UP TO ADDITIONAL 1/2% INVESTMENT CREDIT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 46 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations provide rules for investment credit employee stock ownership plans that provide for an extra one-half percent credit under section 301(e) of the 1975 Tax Reduction Act.

Timetable:

Action	Date	FR Cite
NPRM	08/17/79	44 FR 48269
NPRM Comment Period Begin	08/17/79	44 FR 48269
NPRM Comment Period End	10/15/79	
Final Action	12/06/82	47 FR 54803

Small Entity: Not Applicable

Additional Information: EE-1-78 Drafting attorney: Joel E. Horowitz (202) 566-6212 Reviewing attorney: Michael A. Thrasher (202) 566-3961 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Oppenheimer 12/06/82 Treasury Decision published.

Agency Contact: John C. Khil, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave, N.W., Washington, D.C 20224, **202 566-6212**

RIN: 1545-AD57

INCOME TAX--REQUIREMENTS FOR TAXPAYERS ELECTING 11 PERCENT INVESTMENT CREDIT.

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 46 Internal Reve-

TREAS—IRS

Completed Actions

nue Code of 1954; 26 USC 401(a) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations provide guidance for employers that establish an investment credit employee stock ownership plan for the purpose of electing the 11 percent investment tax credit. The investment credit employee stock ownership plan must meet the requirements of section 301(d) of the 1975 Tax Reduction Act.

Timetable:

Action	Date	FR Cite
NPRM	01/19/79	47 FR 4128
NPRM Comment Period Begin	01/19/79	47 FR 4128
NPRM Comment Period End	03/20/79	
Hearing	06/28/79	44 FR 27078
Final Action	12/06/82	47 FR 54791

Small Entity: Not Applicable

Additional Information: EE-4-78 Drafting attorney: Joel E. Horowitz (202) 566-6212 Reviewing attorney: Michael A. Thrasher (202) 566-3961 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Oppenheimer 12/06/82 Treasury Decision published

Agency Contact: John C. Khil, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave, N.W., Washington, D.C. 20224, **202 566-6212**

RIN: 1545–AD58

INCOME TAX—CHANGES IN APPLICABLE PERCENTAGE OF CASES OR COST; PROVISION OF PROGRESS EXPENDITURE RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 46 Internal Revenue Code of 1954; 26 USC 48 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This project was opened for the purpose of conforming the income tax regulations to numerous minor changes in the investment tax credit provisions brought about by Public Law 97-34 (The Economic Recovery Tax Act) at sections 211 (a) - (d), 211 (e) (2) - (3) 213, and 214. The following areas were included within this project's intended scope: the applicable percentage for recovery property, the revision of progress expenditure rules to account for recovery property, the increased used-dollar limitation, and credit allowed for certain rehabilitated buildings leased to tax exempt organizations or to governmental units.

Timetable:

Action	Date	FR Cite
Closed without regulations	01/21/83	

Small Entity: Not Applicable

Additional Information: LR-239-81 Drafting attorney: Keith E. Stanley (202) 566-3458 Reviewing attorney: Marcus B. Blumkin (202) 566-3463 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Yecies, Levinson Project closed on 01/21/83.

Agency Contact: Keith E. Stanley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545–AA11

INCOME TAX—TO CLARIFY THE DEFINITION OF AN ALTERNATE SUBSTANCE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 48(l) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Amendments to the regulations under section 48 (l) would clarify the definition of an alternate substance in order to exclude catalytic coke for purposes of the investment tax credit for energy property.

Timetable:

Action	Date	FR Cite
File closed	01/21/82	

Small Entity: Not Applicable

Additional Information: LR-127-82 Drafting attorney: Michel A. Daze (202) 566-3458 Reviewing attorney: Marcus B. Blumkin (202) 566-3463 In Office of Chief Counsel (Legislation and Regulations Division) for preparation of notice.

Agency Contact: Michel A. Daze, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington D.C. 20224, **202 566-3458**

RIN: 1545–AA19

INCOME TAX—DEFINITION OF ENERGY PROPERTY QUALIFYING FOR BUSINESS ENERGY CREDIT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 48(l) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This project involves regulations concerning the investment tax credit for business energy property.

Timetable:

Action	Date	FR Cite
Project closed without regulations	01/21/83	

Small Entity: Not Applicable

Additional Information: LR-80-80 Drafting attorney: Mary Frances Pearson (202) 566-3458 Reviewing attorney: Charles M. Whedbee (202) 566-3458 Project closed on 01/21/83

Agency Contact: Mary Frances Pearson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington D.C. 20224, **202 566-3458**

RIN: 1545–AA25

INCOME TAX—DEFINITION OF ENERGY PROPERTY; ITEMS QUALIFYING UNDER ALTERNATIVE ENERGY PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 48(l) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This project involves regulations concerning the investment tax credit for alternative energy property.

Timetable:

Action	Date	FR Cite
Project closed without regulations	01/21/83	

Small Entity: Not Applicable

Additional Information: LR-81-80 Drafting attorney: Mary Frances Pearson (202) 566-3458 Reviewing attorney: Charles M. Whedbee (202) 566-3458 Office of Tax Legislative Council (Treasury) reviewing attorney: Schuldinger Project closed 01/21/83

Agency Contact: Mary Frances Pearson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington, D.C. 20224, 202 566-3458, **202 566-3458**

RIN: 1545–AA27

INCOME TAX—DEEP DISCOUNT INDUSTRIAL DEVELOPMENT BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations relate to the determination of the amount of proceeds of issues of industrial development bonds sold by the issuer at a substantial discount.

TREAS—IRS

Completed Actions

Generally, industrial development bonds are tax exempt only if substantially all of the issue proceeds are used for a purpose prescribed in section 103 (b).

Timetable:

Action	Date	FR Cite
Final Action Effective	06/04/82	
NPRM	06/09/82	
NPRM Comment Period Begin	06/09/82	47 FR 25026
NPRM Comment Period End	08/09/82	
Final Action	01/14/83	48 FR 1708

Small Entity: Not Applicable

Additional Information: LR-17-82 Drafting attorney: Diane Kroupa (202) 566-3459 Reviewing attorney: John P. MacMaster (202) 566-3294 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Woodward 1-14-83 Treasury Decision published

Agency Contact: Diane Kroupa, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AA42

INCOME TAX—EXEMPTION FOR INDUSTRIAL DEVELOPMENT BONDS FOR QUALIFIED HYDROELECTRIC GENERATION FACILITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103(b)(8) Internal Revenue Code of 1954; 26 USC 103 (b) (4) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This regulation would define what constitutes a qualified small hydroelectric generating facility which can be financed by an issue of tax-exempt industrial development bonds and to what extent such a facility can be financed by tax-exempt bonds.

Timetable:

Action	Date	FR Cite
File Closed Without Regulations	11/24/82	

Small Entity: Not Applicable

Additional Information: LR-87-80 Drafting attorney: John A. Tolleris (202) 566-3294 Reviewing attorney: John M. Coulter, Jr. (202) 566-4473 Office of Tax Legislative Counsel reviewing attorney: Reinhold

Agency Contact: John A. Tolleris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AA53

INCOME TAX—INDUSTRIAL DEVELOPMENT BONDS FOR MULTI-FAMILY RESIDENTIAL RENTAL HOUSING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103(b)(4)(A) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance to issuers, purchasers, and users of industrial development bonds substantially all of the proceeds of which are to be used to provide residential rental projects. The regulations would define the term "residential rental project" and interpret statutory requirements relating to the occupancy thereof.

Timetable:

Action	Date	FR Cite
Final Action Effective	04/24/79	47 FR 46080
NPRM	06/30/82	47 FR 22966
NPRM Comment Period Begin	06/30/82	47 FR 22966
Hearing	07/27/82	
NPRM Comment Period End	08/29/82	
Final Action	10/15/82	47 FR 46080

Small Entity: Not Applicable

Additional Information: LR-161-81 Drafting attorney: Harold Flanagan (202) 566-3294 Reviewing attorney: John P. MacMaster (202) 566-3294 Office of Tax Legislative Counsel reviewing attorney: McCarty 10/15/82 Treasury Decision published

Agency Contact: Harold Flanagan, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AA55

INCOME TAX—EFFECTIVE DATE OF PROVISIONS RELATING TO HOTELS ADJACENT TO AIRPORTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103(b)(4) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations clarify the definition of the term "airport" as it pertains to a hotel located at or adjacent to an airport for purposes of determining whether if may be funded with proceeds of tax-exempt industrial development bonds.

Timetable:

Action	Date	FR Cite
Final Action Effective	12/29/78	47 FR 51109
NPRM	02/24/82	47 FR 8029
NPRM Comment Period Begin	02/24/82	47 FR 8029
NPRM Comment Period End	04/24/82	
Final Action	11/12/82	47 FR 51109

Small Entity: Not Applicable

Additional Information: LR-6-81 Drafting attorney: Susan K. Thompson (202) 566-3294 Reviewing attorney: John M. Coulter, Jr. (202) 566-4473 Office of Tax Legislative Counsel reviewing attorney: Furer Final regulations published November 12,1982

Agency Contact: Susan K Thompson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington D.C. 20224, **202 566-3294**

RIN: 1545-AA62

INCOME TAX—INDUSTRIAL DEVELOPMENT BONDS THAT MUST BE IN REGISTERED FORM AND NOT GUARANTEED OR SUBSIDIZED UNDER AN ENERGY PROGRAM

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103(h) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would have provided that industrial development bonds must be in registered form and not guaranteed or subsidized under an energy program.

Timetable:

Action	Date	FR Cite
Closed without regulations	11/24/82	

Small Entity: Not Applicable

Additional Information: LR-86-80 Drafting attorney: Diane Kroupa (202) 566-3459 Reviewing attorney: John M. Coulter, Jr. (202) 566-4473 Project closed on 11-24-82 because subject covered in other project that was published on 11-15-82 in the Federal Register 47 Federal Register 51414

Agency Contact: Diane Kroupa, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AA65

TREAS—IRS

Completed Actions

INCOME TAX–TO REQUIRE A CONTRIBUTION OF PROPERTY FROM A VINTAGE ACCOUNT TO BE TREATED AS AN EXTRAORDINARY RETIREMENT UNDER SECTION 167 (M)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 167 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide that charitable contributions of property depreciated under the Asset Depreciation Range System are to be treated as extraordinary retirement. As such property being removed from the account at the time of retirement, would eliminate a double tax benefit.

Timetable:

Action	Date	FR Cite
NPRM	12/30/81	45 FR 85787
NPRM Comment Period Begin	12/30/81	45 FR 85787
Final Action Effective	12/30/81	
NPRM Comment Period End	07/28/82	
Final Action	09/01/82	47 FR 38514

Small Entity: Not Applicable

Additional Information: LR-261-79 Drafting attorney: Harold Flanagan (202) 566-3294 Reviewing attorney: John M. Coulter, Jr. (202) 566-4473 Office of Tax Legislative Counsel reviewing attorney: Hutton Treasury Decision published 09/01/82

Agency Contact: Harold Flanagan, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington D.C. 20224, **202 566-3294**

RIN: 1545–AA82

INCOME TAX–APPLICATION OF CLADR CONVENTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 167 (m) Internal Revenue Code of 1954; PL 91-469 Merchant Marine Act of 1970

CFR Citation: 26 CFR 3

Abstract: This regulations project will make a change in the effective date of the regulations under sections 1.167 (a)-11 (c) (2) (iv) (d). This project also corrects the holding period in regulations at 26 CFR 3.4 (c) and (d) (2), which regulations were issued under the Merchant Marine Act of 1970.

Timetable:

Action	Date	FR Cite
Final Action	09/09/82	47 FR 39674

Small Entity: Not Applicable

Additional Information: LR-66-81 Drafting attorney: Benedetta Kissel (202) 566-3238 Reviewing attorney: Marcus B. Blumkin (202) 566-3463 Office of Tax Legislative Counsel reviewing attorneys: Yecies, Brown Treasury Decision published on 09/09/82 at 47 Federal Register 39674.

Agency Contact: Keith E. Stanley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545–AA83

INCOME TAX–DEPRECIATION ALLOWANCE IN CASE OF RETIREMENT OF CERTAIN OIL & GAS BOILERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 167(q) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This project would have provided guidance with respect to the depreciation allowance for the retirement of certain boilers.

Timetable:

Action	Date	FR Cite
File Closed	11/24/82	

Small Entity: Not Applicable

Additional Information: LR-189-78 Drafting attorney: George Magnatta (202) 566-3459 Reviewing attorney: John M. Coulter, Jr. (202) 566-4473 File Closed 11/24/82

Agency Contact: George T. Magnatta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW, Washington, D.C. 20224, **202 566-3459**

RIN: 1545–AA86

INCOME TAX–CONTRIBUTIONS TO BLACK LUNG BENEFIT TRUSTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 192 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules for determining the allowable deduction for contributions to a Black Lung Trust. The regulations would prescribe certain funding periods and describe the method for obtaining the approval of the Service of any other funding period proposed by the taxpayer.

Timetable:

Action	Date	FR Cite
Closed: Regulations unnecessary	01/21/83	

Small Entity: Not Applicable

Additional Information: LR-62-78 Drafting attorney: Donald W. Stevenson (202) 566-3297 Reviewing attorney: Walter H. Woo (202) 566-3297 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Hevener, Levinson 01/21/83, Project closed.

Agency Contact: Donald W. Stevenson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545–AA98

INCOME TAX–DEPRECIATION OF CERTAIN REHABILITATION EXPENDITURES FOR, & DISALLOWANCE OF DEDUCTIONS FOR AMOUNTS EXPENDED IN DEMOLISHING CERTAIN HISTORIC STRUCTURES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 280B Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This project will give guidance to the public on the allowance of the depreciation deduction for certain rehabilitation expenditures and the disallowance of deductions for amounts expended in demolishing certain historic structures.

Timetable:

Action	Date	FR Cite
Closed without regulations	09/14/82	

Small Entity: Not Applicable

Additional Information: LR-35-80 Reviewing attorney: Charles C. Saverude (202) 566-3323 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Baneman, Levinson In Office of Chief Counsel (Interpretative Division) for preparation of notice.

Agency Contact: AJ Davidson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington D.C. 20224, **202 566-3287**

RIN: 1545–AB11

INCOME TAX–TO ESTABLISH RULES WITH RESPECT TO RECAPTURE ITEMS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 334(b)(2) Internal Revenue Code of 1954

TREAS—IRS

Completed Actions

CFR Citation: 26 CFR 1

Abstract: Proposal would clarify the treatment of recapture items in basis step-up liquidations into a corporate parent under section 334 of the Internal Revenue Code of 1954, thereby giving guidance to the public on how the Internal Revenue Service intends to intepret this area.

Timetable:

Action	Date	FR Cite
Closed without regulations	11/30/82	

Small Entity: Not Applicable

Additional Information: LR-114-80 Drafting attorney: Yerachmiel Weinstein (202) 566-3458 Reviewing attorney: Marcus B. Blumkin (202) 566-3463 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Yecies, Levinson Closed without regulations 11/30/82.

Agency Contact: Yerachmiel E. Weinstein, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545–AB17

INCOME TAX–TEMPORARY REGULATIONS–TRANSFERS INVOLVING FOREIGN CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 367(b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 7

Abstract: The regulation would provide rules for the treatment of gain on certain transfers of stock by a United States person to a foreign corporation.

Timetable:

Action	Date	FR Cite
Final Action	12/27/82	47 FR 57489
Final Action Effective	01/26/83	47 FR 57489

Small Entity: No

Additional Information: LR-130-82 Drafting attorney: Martha E. Kadue (202) 566-3238 Reviewing attorney: Charles C. Saverude (202) 566-3323 12/27/82 Treasury decision (temporary regulations) published.

Agency Contact: Martha E. Kadue, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave, N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545–AB27

INCOME TAX–TREATMENT OF PUERTO RICAN RETIREMENT PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 401(a) Internal Revenue Code of 1954; 26 USC 501(a) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance relating to the tax treatment of certain trusts under Puerto Rican pension, profit-sharing and stock bonus plans.

Timetable:

Action	Date	FR Cite
NPRM	11/17/81	46 FR 56431
NPRM Comment Period Begin	11/17/81	46 FR 56431
NPRM Comment Period End	01/18/82	
Final Action	12/02/82	47 FR 54296

Small Entity: Not Applicable

Additional Information: EE-39-78 Drafting attorney: Eric Alan Raps (202) 566-3544 Reviewing attorney: Michael A. Thrasher (202) 566-3961 Office of International Tax Counsel (Treasury) reviewing attorneys: Lainoff, Levinson Office of Tax Legislative Counsel (Treasury) reviewing attorney: Hevener 12/02/82 Treasury Decision published

Agency Contact: Eric Alan Raps, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3544**

RIN: 1545–AD67

INCOME TAX–"H.R.10" PLAN CONTRIBUTION LIMITS, ETC

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 404(e) Internal Revenue Code of 1954; 26 USC 401(a)(17) Internal Revenue Code of 1954; 26 USC 408(k)(3) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This project has been closed. The subject of the project has been combined with another project titled various pension parity, etc. provisions under the Tax Equity and Fiscal Responsibility Act of 1982 and the Economic Recovery Tax Act of 1981 EE-108-82.

Timetable:

Action	Date	FR Cite
Case closed	01/10/83	

Small Entity: Not Applicable

Additional Information: EE-150-81 Drafting attorney: Marjorie Hoffman (202) 566-3430 Reviewing attorney: Richard J. Wickersham (202) 566-3250 Case closed 01/10/83

Agency Contact: Marjorie Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545–AD79

INCOME TAX–MINIMUM CONTRIBUTION REQUIREMENT–SPECIAL RULE WHERE CASH-FLOW AMOUNT EXCEEDS VESTED BENEFITS CHARGE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 418B(b)(3) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This regulation project has been closed. The subject of the project has been combined with the project titled "Income Tax–Minimum Contribution Requirement, In General."

Timetable:

Action	Date	FR Cite
Project closed	11/30/82	

Small Entity: Not Applicable

Additional Information: EE-126-80 Drafting attorney: Mary M. Levontin (202) 566-3430 Reviewing attorney: Richard J. Wickersham (202) 566-3250 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Hevener, Levinson Project closed, 11/30/82

Agency Contact: Marjorie Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545–AD93

INCOME TAX–DEFERRED COMPENSATION PLANS OF STATE AND LOCAL GOVERNMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954, 26 USC 457 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations provide rules relating to the establishment of an "eligible" state or local government deferred compensation plan. Amounts deferred under an eligible plan are excluded from an employee's gross income.

Timetable:

Action	Date	FR Cite
NPRM	12/24/80	45 FR 85077
NPRM Comment Period Begin	12/24/80	45 FR 85077

TREAS—IRS

Completed Actions

Action	Date	FR Cite
NPRM Comment Period End	02/23/81	
Hearing 05/05/81	03/10/81	46 FR 15892
Final Action	09/27/82	47 FR 42335

Small Entity: Not Applicable

Additional Information: EE-176-78 Drafting attorney: Charles K. Kerby, III (202) 566-3422 Reviewing attorney: James J. McGovern (202) 566-4173 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Hevener, Levinson Treasury Decision published 09/27/82.

Agency Contact: Charles K. Kerby, III, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave, N.W., Washington, D.C. 20224, **202 566-3422**

RIN: 1545–AD96

INCOME TAX--EXCISE TAX--TREATMENT OF INCOME FROM PAYMENTS WITH RESPECT TO SECURITIES LOANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 512 Internal Revenue Code of 1954; 26 USC 514 Internal Revenue Code of 1954; 26 USC 851 Internal Revenue Code of 1954; 26 USC 4940 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 53

Abstract: The regulations would provide guidance to tax-exempt organizations and regulated investment companies on the tax treatment of income from payments made with respect to securities loans.

Timetable:

Action	Date	FR Cite
Closed without regulations	01/25/83	

Small Entity: Not Applicable

Additional Information: EE-146-78 Drafting attorney: Charles K. Kerby, III (202) 566-3422 Reviewing attorney: James J. McGovern (202) 566-4173 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Gallagher, Levinson The project was closed without regulations on 01/25/83.

Agency Contact: Charles K. Kerby III, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3422**

RIN: 1545–AE03

INCOME TAX–INCREASE IN ACCUMULATED EARNINGS CREDIT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 535(c) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would increase the amount of the section 535 (c) accumulated earnings credit to conform to legislative change. The amount of this credit is changed to $250,000.

Timetable:

Action	Date	FR Cite
Project closed without regulations	12/08/82	

Small Entity: Not Applicable

Additional Information: LR-198-81 Drafting attorney: Susan K. Thompson (202) 566-3294 Reviewing attorney: John M. Coulter, Jr. (202) 566-4473 In Office of Chief Counsel (Interpretative Division) for preparation of notice.

Agency Contact: Susan K. Thompson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545–AB62

INCOME TAX–MUTUAL SAVINGS BANKS WITH CAPITAL STOCK

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 591 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: To include mutual savings banks with capital stock within the section 591 definition of a mutual savings bank.

Timetable:

Action	Date	FR Cite
File Closed without regulations	11/24/82	

Small Entity: Not Applicable

Additional Information: LR-191-81 Drafting attorney: George Magnatta (202) 566-3459 Reviewing attorney: John M. Coulter, Jr. (202) 566-4473 File Closed

Agency Contact: George T. Magnatta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545–AB67

INCOME TAX–ADDITIONS TO RESERVES FOR LOSSES ON LOANS OF MUTUAL SAVINGS BANKS, ETC

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 593 Internal Revenue Code of 1954; Economic Recovery Tax Act of 1981. Section 267

CFR Citation: 26 CFR 1

Abstract: The regulations delay the phase-out of the percentage of outstanding loans method as it affects taxable years beginning in 1982 in conformance with section 267 of the Economic Recovery Tax Act of 1981.

Timetable:

Action	Date	FR Cite
Final Action Effective	01/01/82	47 FR 42342
Final Action	09/27/82	47 FR 42342

Small Entity: Not Applicable

Additional Information: LR-190-81 Drafting attorney: Susan K. Thompson (202) 566-3294 Reviewing attorney: John M. Coulter, Jr. (202) 566-4473 Final regulations published 09/27/82.

Agency Contact: Susan K. Thompson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545–AB71

INCOME TAX–TO PROVIDE RULES FOR APPLICATION OF CHARITABLE REMAINDER TRUST PROVISIONS TO CERTAIN LIVING TRUSTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 664 Internal Revenue Code of 1954; 26 USC 170A Internal Revenue Code of 1954; 26 USC 2522 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulation would provide guidance to taxpayers forming a unitrust.

Timetable:

Action	Date	FR Cite
Closed - Regulation not needed	01/21/83	

Small Entity: Not Applicable

Additional Information: LR-42-73 Drafting attorney: David Haglund (202) 566-3459 Reviewing attorney: Walter H. Woo (202) 566-3297 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Baneman, Levinson Project closed on 1/21/83 without the issuance of regulations.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545–AB77

TREAS—IRS

Completed Actions

INCOME TAX—TO PROVIDE RULES FOR THE TREATMENT OF INCOME FROM CERTAIN RAILROAD ROLLING STOCK AS INCOME FROM SOURCES WITHIN THE UNITED STATES.

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 861(f) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulation would provide that income from the lease of railroad rolling stock is income from sources within the United States if the only expected use outside the United States is use on a temporary basis not expected to exceed a total of 90 days in any taxable year.

Timetable:

Action	Date	FR Cite
Closed without regulations	01/25/83	

Small Entity: Not Applicable

Additional Information: LR-184-79 Drafting attorney: Herman Bouma (202) 566-3287 Reviewing attorney: Charles C. Saverude (202) 566-3323 Office of International Tax Counsel (Treasury) reviewing attorneys: Wold, Lainoff Draft of notice to Office of International Tax Counsel (Treasury) & Corporate Tax Division, 12/12/80. Comments from Corporate Tax Division, 01/22/81.

Agency Contact: Herman B. Bouma, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AB91

INCOME TAX—TEMPORARY REGULATIONS—TAXATION OF FOREIGN INVESTMENT IN U.S. REAL PROPERTY & INFORMATION RETURNS CONCERNING FOREIGN OWNERSHIP OF U.S. REAL PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 897 Internal Revenue Code of 1954; 26 USC 6039C Internal Revenue Code of 1954

CFR Citation: 26 CFR 6a

Abstract: These temporary regulations concern the information returns which must be filed with respect to foreign investment in United States real property interests by certain corporations, partnerships, trusts, estates and nonresident alien individuals. They also concern procedures for establishing that a corporation is not a United States real property holding corporation, and for foreign corporations to elect to be treated as domestic corporations. The temporary regulations also contain provisions defining relevant terms.

Timetable:

Action	Date	FR Cite
Final Action	09/21/82	47 FR 41532
Final Action Effective	09/21/82	

Small Entity: Not Applicable

Additional Information: LR-30-81 Drafting Attorney: Robert E. Culbertson Jr. (202) 566-3289 Reviewing Attorney: Diane L. Renfroe (202) 566-3289 Office of International Tax Counsel (Treasury) reviewing attorneys: Wold, Schreyer Temporary regulations published 09/21/82.

Agency Contact: Robert E. Culbertson Jr., Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AB95

INCOME TAX—DENIAL OF CERTAIN TAX BENEFITS IN CONNECTION WITH PAYMENT OF CERTAIN BRIBES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 952 Internal Revenue Code of 1954; 26 USC 995 Internal Revenue Code of 1954; 26 USC 964 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations provide that corporations will be subject to adjustments under sections 952, 954, and 995 to eliminate certain tax deferral benefits otherwise available to controlled foreign corporations and domestic international sales corporations where such corporations pay bribes or make other illegal payments or participate in or cooperate with certain international boycotts.

Timetable:

Action	Date	FR Cite
NPRM	02/03/81	
Final Action	12/17/82	47 FR 56490

Small Entity: Not Applicable

Additional Information: LR-234-76 Drafting attorney: Charles C. Saverude (202) 566-3323 Reviewing attorney: Charles C. Saverude (202) 566-3323 Office of International Tax Counsel (Treasury) reviewing attorneys: Wold, Lainoff Treasury Decision 7862 published 12/17/82

Agency Contact: Charles C. Saverude, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3323**

RIN: 1545-AC13

INCOME TAX—THIRD TIER FOREIGN TAX CREDIT WHEN SECTION 951 APPLIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 960(a)(1) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations provide rules for determining the section 960 credit for amounts included in gross income of a domestic corporation with respect to a third tier foreign subsidiary under section 951 and for determining the section 902 credit when amounts that have been previously included in gross income under section 951 with respect to a third tier corporation are actually distributed.

Timetable:

Action	Date	FR Cite
NPRM	11/19/80	
Final Action	11/08/82	47 FR 50471
Final Action Effective	11/08/82	47 FR 50471

Small Entity: Not Applicable

Additional Information: LR-237-76 Drafting attorney: Diane L. Renfroe (202) 566-3289 Reviewing attorney: Charles C. Saverude (202) 566-3323 Office of International Tax Counsel (Treasury) reviewing attorneys: Shay, Lainoff 11/8/82 Treasury decision published.

Agency Contact: Diane L. Renfroe, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AC14

INCOME TAX—DISC—DEFINITION OF TRADE RECEIVABLE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 993 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This regulation would provide a definition of trade receivables for purposes of the domestic International sales corporation provisions.

Timetable:

Action	Date	FR Cite
Closed without regulations	01/20/83	

Small Entity: Not Applicable

Additional Information: LR-92-77 Drafting attorney: Jacob Feldman (202) 566-3289 Reviewing attorney: Charles C. Saverude (202) 566-3323 Office of International Tax Counsel (Treasury) reviewing attorneys:

Shay, Lainoff Project closed without regulations on January 20, 1983

Agency Contact: Jacob Feldman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave, N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545–AC16

INCOME TAX–MISCELLANEOUS AMENDMENTS PERTAINING TO DOMESTIC INTERNATIONAL SALES CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 861 Internal Revenue Code of 1954; 26 USC 991 Internal Revenue Code of 1954; 26 USC 992 Internal Revenue Code of 1954; 26 USC 993 Internal Revenue Code of 1954; 26 USC 994 Internal Revenue Code of 1954; 26 USC 995 Internal Revenue Code of 1954; 26 USC 996 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Revisions would be made to existing Domestic International Sales Corporation regulations to reflect certain changes made by the Tax Reform Act of 1976, the Revenue Act of 1978, the Trade Agreements Act of 1979, and the Export Administration Act of 1979. Certain technical corrections would also be made. The principal revisions pertain to: (1) changes made by the Tax Reform Act of 1976 with respect to gain on the disposition of stock in a Domestic International Sales Corporation and the treatment of actual distributions made to shareholders of a Domestic International Sales Corporation to satisfy the gross receipts test; (2) the deletion of the written supplier's agreement; and (3) deletion of the limitation on the extent to which Export-Import obligations can qualify as qualified export assets.

Timetable:

Action	Date	FR Cite
Final Action Effective	01/01/72	47 FR 51737
NPRM	01/02/81	
Final Action	11/17/82	47 FR 51737

Small Entity: Not Applicable

Additional Information: LR-245-76 Drafting attorney: Herman Bouma (202) 566-3287 Reviewing attorney: Charles C. Saverude (202) 566-3323 Office of International Tax Counsel (Treasury) reviewing attorneys: Shay, Lainoff Treasury decision published 11/17/82.

Agency Contact: Herman B. Bouma, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545–AC15

INCOME TAX–DIVESTURES OF ASSETS BY BANK HOLDING COMPANIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1101 Internal Revenue Code of 1954; 26 USC 1102 Internal Revenue Code of 1954; 26 USC 1103 Internal Revenue Code of 1954; 26 USC 311 Internal Revenue Code of 1954; 26 USC 6151 Internal Revenue Code of 1954; 26 USC 6158 Internal Revenue Code of 1954; 26 USC 6503 Internal Revenue Code of 1954; 26 USC 6601 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide special rules relating to divestitures of assets by bank holding companies pursuant to the Bank Holding Company Act.

Timetable:

Action	Date	FR Cite
Project closed without regulations	12/07/82	

Small Entity: Not Applicable

Additional Information: LR-286-76 Drafting attorney: Carolyn Swift (202) 566-3458 Reviewing attorney: Marcus B. Blumkin (202) 566-3463 Project closed 12-07-82 without regulations

Agency Contact: Carolyn Swift, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545–AC25

INCOME TAX–REPEAL OF ALTERNATIVE TAX ON CAPITAL GAINS OF INDIVIDUALS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1201 Internal Revenue Code of 1954; 26 USC 1202 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The amendments would conform the regulations by eliminating rules relating to the alternative tax on capital gains of individuals, by increasing the capital gains deduction for individuals and reducing the alternative capital gains tax for corporations.

Timetable:

Action	Date	FR Cite
File closed, no regulation needed	01/20/83	

Small Entity: Not Applicable

Additional Information: LR-187-78 Drafting attorney: Harold Flanagan (202) 566-3294 Reviewing attorney: Paul A. Francis (202) 566-3930 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Hevener Project has been closed as of 01/20/83

Agency Contact: Harold Flanagan, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545–AC26

INCOME TAX–INCLUSION OF TIMBER WITHIN THE DEFINITION OF "PROPERTY USED IN THE TRADE OR BUSINESS"

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1231(b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This regulation clarifies cases where certain timber, coal, and domestic iron ore may qualify for capital gains treatment under section 1231 of the Internal Revenue Code of 1954.

Timetable:

Action	Date	FR Cite
Final Action Effective	01/01/54	47 FR 38514
Final Action	09/01/82	47 FR 38514

Small Entity: Not Applicable

Additional Information: LR-129-80 Drafting attorney: John A. Tolleris (202) 566-3294 Reviewing attorney: John M. Coulter, Jr. (202) 566-4473 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Kuller, Levinson Treasury decision published

Agency Contact: John A. Tolleris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545–AC27

INCOME TAX–TO INCLUDE PUT & CALL OPTIONS WITHIN THE DEFINITIONS OF STOCK OF SECURITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1236 Internal Revenue Code of 1954; 26 USC 1244 Internal Revenue Code of 1954; 26 USC 1372 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Whether puts and calls are included within the definition of "stocks or securities" in several places where this term appears in the Internal Revenue Code of 1954.

TREAS—IRS

Completed Actions

Timetable:

Action	Date	FR Cite
File Closed	01/20/83	

Small Entity: Not Applicable

Additional Information: LR-180-78 Drafting attorney: George Magnatta (202) 566-3459 Reviewing attorney: Paul A. Francis (202) 566-3930 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Levinson File Closed 01/20/83

Agency Contact: George T. Magnatta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington D.C. 20224, **202 566-3459**

RIN: 1545-AC28

INCOME TAX—MANNER OF COMPUTING CAPITAL RECEIPTS CEILING AMOUNT IN TRANSITIONAL YEAR

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1244(c)(2) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations make a technical change to the formula for the computation of capital receipts for purposes of determining whether a corporation may issue small business stock.

Timetable:

Action	Date	FR Cite
Final Action Effective	12/31/78	47 FR 42728
Final Action	09/29/82	47 FR 42728

Small Entity: Not Applicable

Additional Information: LR-163-81 Drafting attorney: Susan K. Thompson (202) 566-3294 Reviewing attorney: John M. Coulter, Jr. (202) 566-4473 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: McCarty, Levinson Treasury decision 7837 published September 29, 1982

Agency Contact: Susan K. Thompson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AC30

INCOME TAX—TEMPORARY REGULATIONS—TRANSITIONAL RULES RELATING TO TAX STRADDLES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1092 Internal Revenue Code of 1954; 26 USC 1256 Internal Revenue Code of 1954; Economic Recovery Tax Act of 1981, Sections 508 and 509

CFR Citation: 26 CFR 5c

Abstract: These regulations relate to two elections under sections 508(c) and 509 of the Economic Recovery Tax Act of 1981 (tax straddles). The elections relate to the treatment of certain commodities and futures and forward contracts for purposes of sections 1092 and 1256 of the Internal Revenue Code of 1954. These elections govern all positions, including regulated futures contracts, held by the electing taxpayer. These elections could affect the amounts of tax that a taxpayer is required to pay.

Timetable:

Action	Date	FR Cite
Final Action Effective	06/23/81	47 FR 38688
Final Action	09/02/82	47 FR 38688
Deadline extended	11/01/82	47 FR 49391

Small Entity: Not Applicable

Additional Information: LR-280-81 Drafting attorney: Barry L. Wold (202) 566-3288 Reviewing attorney: John M. Fischer (202) 566-3394 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Reinhold Treasury decision published 09/02/82

Agency Contact: Barry L. Wold, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AC23

INCOME TAX—SHAREHOLDERS OF SUBCHAPTER S CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1371 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would define the term "qualified subchapter S trust." The regulations would also provide procedures for a qualified subchapter S to be treated as a trust described in section 1371 (e) (1) (A) of the Internal Revenue Code of 1954.

Timetable:

Action	Date	FR Cite
Closed--Added to another project	01/24/83	

Small Entity: Not Applicable

Additional Information: LR-215-81 Drafting attorney: Robert Ginsburgh (202) 566-3297 Reviewing attorney: Walter H. Woo (202) 566-3297 Project closed.

Agency Contact: Robert H. Ginsburgh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AC36

ESTATE TAX—TEMPORARY REGULATIONS—QUALIFIED TERMINABLE INTEREST TREATMENT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 2056(b)(7) Internal Revenue Code of 1954

CFR Citation: 26 CFR 22

Abstract: This will clarify how an executor may elect to treat property transferred by a decedent to the decedent's surviving spouse, thus delaying the imposition of transfer taxes until the latter of (1) the surviving spouse's disposition of an interest in the property or (2) the surviving spouse's death.

Timetable:

Action	Date	FR Cite
Final Action	09/22/82	47 FR 41735

Small Entity: Not Applicable

Additional Information: LR-108-82 Drafting attorney: John R. Harman (202) 566-3238 Reviewing attorney: Robert H. Waltuch (202) 566-3287 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Woodward Temporary regulation published in Federal Register 9/22/82.

Agency Contact: John R. Harman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AC68

EMPL. TAX--INCREASE IN RAILROAD RETIREMENT TAX AND CLARIFICATION OF DEFINITION OF COMPENSATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 3201 Internal Revenue Code of 1954; 26 USC 3231 Internal Revenue Code of 1954

CFR Citation: 26 CFR 31

Abstract: The regulations would have increased the railroad retirement tax and clarified the definition of compensation.

Timetable:

Action	Date	FR Cite
Project closed	11/24/82	
NPRM	00/00/00	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-196-81 Drafting attorney: Diane Kroupa (202) 566-3459 Reviewing attorney: John M. Coulter, Jr. (202)

566-4473 Project closed on 11/24/82 without regulations.

Agency Contact: Diane Kroupa, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave, N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545–AC78

EMPL. TAX–TO CLARIFY THE DEFINITION OF "EMPLOYER" FOR PURPOSES OF RAILROAD RETIREMENT TAX ACT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 3231(a) Internal Revenue Code of 1954

CFR Citation: 26 CFR 31

Abstract: This regulation would provide guidance to distinguish a railroad employer to which the Railroad Retirement Tax Act is applicable from its "Trucking Services" subsidiaries to which the railroad retirement tax act is not applicable.

Timetable:

Action	Date	FR Cite
File closed without regulations	10/04/82	

Small Entity: Not Applicable

Additional Information: LR-38-80 Drafting attorney: John A. Tolleris (202) 566-3294 Reviewing attorney: John M. Coulter, Jr. (202) 566-4473 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Pike, Levinson

Agency Contact: John A. Tolleris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545–AC79

EXCISE TAX–VARIOUS AMENDMENTS UNDER THE ENERGY TAX ACT OF 1978; SECS 221, 222, 231, 232, 233; REVENUE ACT OF 1978, SEC 701(FF); TECHNICAL CORRECTIONS ACT 1979, SEC ETC.

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4041(b) Internal Revenue Code of 1954; 26 USC 4063 Internal Revenue Code of 1954; 26 USC 4081 Internal Revenue Code of 1954; 26 USC 4093 Internal Revenue Code of 1954; 26 USC 4221 Internal Revenue Code of 1954; 26 USC 6416 Internal Revenue Code of 1954

CFR Citation: 26 CFR 48

Abstract: The regulations will provide new regulations relating to tax exemptions for parts sold on or in connection with the first retail sale of a new light-duty truck; rerefined lubricating oil; tax exempt sales of tires, tubes and tread rubber used on or in connection with intercity, local or school buses and tax free sales of bus parts and accessories.

Timetable:

Action	Date	FR Cite
NPRM	01/02/81	46 FR 00129
NPRM Comment Period Begin	01/02/81	46 FR 00129
NPRM Comment Period End	03/02/81	
Final Action	09/27/81	47 FR 42342

Small Entity: Not Applicable

Additional Information: LR-173-78 Drafting attorney: Annie R. Alexander (202) 566-3287 Reviewing attorney: Robert H. Waltuch (202) 566-3287 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: McCarty, Schuldinger 9/27/82 Treasury Decision Published

Agency Contact: Annie R Alexander, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington D.C. 20224, **202 566-3287**

RIN: 1545–AC83

MANUFACTURERS & RETAILERS EXCISE TAX–EXEMPTION FROM MOTOR FUELS EXCISE TAX FOR CERTAIN ALCOHOL FUELS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4041(k) Internal Revenue Code of 1954; 26 USC 4081(c) Internal Revenue Code of 1954; 26 USC 6427(f) Internal Revenue Code of 1954

CFR Citation: 26 CFR 48

Abstract: These regulations will explain how to obtain a refund of excise tax for tax-paid gasoline used to make gasohol.

Timetable:

Action	Date	FR Cite
Closed without regulations	01/20/83	

Small Entity: Not Applicable

Additional Information: LR-84-80 Drafting attorney: Cynthia L. Clark (202) 566-4336. Reviewing attorney: Larry E. Smith (202) 566-3287. Office of Tax Legislative Counsel (Treasury) reviewing attorneys:Schuldinger, Levinson.

Agency Contact: Cynthia L Clark, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington, D.C. 20224, **202 566-4336**

RIN: 1545–AC84

FOUNDATION EXCISE TAX–EXCLUSION OF FUTURE INTEREST FROM THE MINIMUM INVESTMENT RETURN COMPUTATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4942 Internal Revenue Code of 1954

CFR Citation: 26 CFR 53

Abstract: This regulation provides that a private foundation, in computing its minimum investment return, may not exclude from its assets certain future interests created by the private foundation.

Timetable:

Action	Date	FR Cite
NPRM	01/26/82	47 FR 03558
NPRM Comment Period Begin	01/26/82	47 FR 03558
NPRM Comment Period End	03/29/82	
Final Action	11/10/82	47 FR 50857

Small Entity: Not Applicable

Additional Information: EE-69-80 Drafting attorney: George B. Baker (202) 566-3422 Reviewing attorney: James J. McGovern (202) 566-4173 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Baneman, Levinson 11/10/82, Treasury Decision published.

Agency Contact: George Baker, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave, N.W., Washington, D.C. 20224, **202 566-3422**

RIN: 1545–AE10

EXCISE TAX–TAX CONSEQUENCE OF MIXING HEAVY OIL WITH OTHER OIL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4991(e) Internal Revenue Code of 1954

CFR Citation: 26 CFR 51

Abstract: The regulations would determine the tax consequence of mixing heavy oil with other oil.

Timetable:

Action	Date	FR Cite
Project closed.	01/21/82	

Small Entity: Not Applicable

Additional Information: LR-228-81 Drafting attorney: Linda Kroening (202) 566-3297 Reviewing attorney: John B. Bromell (202) 566-3326 Project closed 01/21/83

Agency Contact: Linda M. Kroening, Attorney, Department of the Treasury, Internal

TREAS—IRS

Completed Actions

Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AD02

EXCISE TAX-EXEMPT ROYALTY OIL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4991 Internal Revenue Code of 1954; 26 USC 4994 Internal Revenue Code of 1954; 26 USC 4995 Internal Revenue Code of 1954

CFR Citation: 26 CFR 51

Abstract: The regulation establishes a procedure to adjust the withholding of the windfall profit tax to take into account the royalty owner exemption.

Timetable:

Action	Date	FR Cite
NPRM	03/03/82	47 FR 9018
NPRM Comment Period Begin	03/03/82	47 FR 9018
NPRM Comment Period End	05/03/82	
Hearing	07/13/82	
Final Action	01/14/83	48 FR 01711

Small Entity: Not Applicable

Additional Information: LR-313-81 Drafting attorney: David Haglund (202) 566-3459. Reviewing attorney: Walter H. Woo (202) 566-3297. Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Schuldinger, Levinson. Treasury decision published 01/14/83.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AC99

EXCISE TAX-WITHHOLDING AND DEPOSITING OF WINDFALL PROFIT TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4995 Internal Revenue Code of 1954

CFR Citation: 26 CFR 51

Abstract: These regulations contain final rules relating to the withholding and depositing of the crude oil windfall profit tax. These final rules must be followed by purchasers of crude oil and integrated oil companies.

Timetable:

Action	Date	FR Cite
Final Action Effective	03/01/80	47 FR 50215
NPRM	04/25/80	45 FR 27953
NPRM Comment Period Begin	04/25/80	45 FR 27953
NPRM Comment Period End	06/24/80	
Hearing	07/16/80	45 FR 34899
Final Action	11/05/82	47 FR 50215

Small Entity: Not Applicable

Additional Information: LR-71-80 Drafting attorney: Douglas W. Charnas (202) 566-3297. Reviewing attorney: John B. Bromell (202) 566-3326. Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Schuldinger, Levinson. 11/05/82 Treasury Decision published.

Agency Contact: Douglas W. Charnas, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AD07

INCOME TAX-TO CLARIFY THE RELATIONSHIP OF THE JOINT RETURN ELECTION & TAX TREATIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6013(g) Internal Revenue Code of 1954; 26 USC 6013(h) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations clarify the relationship between the election by a nonresident alien individual to be treated as a United States resident (in order to file a joint return) and United States tax treaties. An electing alien is prevented from claiming benefits under a United States tax treaty as a nonresident of the United States.

Timetable:

Action	Date	FR Cite
NPRM	09/12/80	
Final Action	11/03/82	47 FR 49841

Small Entity: Not Applicable

Additional Information: LR-71-79 Drafting Attorney: Charles C. Saverude (202) 566-3323 Reviewing Attorney: Charles C. Saverude (202) 566-3323 Office of International Tax Counsel (Treasury) reviewing attorneys: Lainoff, Schreyer Treasury Decision 7842 published 11/03/82.

Agency Contact: Charles C. Saverude, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3323**

RIN: 1545-AD13

INCOME TAX-DECLARATION OF ESTIMATED TAX EXCEPTION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6015 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Exception to declaration of estimated tax for individuals. The penalty for underpayment of individual estimated tax may not be imposed where the amount of the individual's tax liability (after reduction for any income tax withheld) is less than $200 for taxable year 1982; $300 for taxable year 1983; $400 for taxable year 1984; and $500 for taxable year 1985 and thereafter.

Timetable:

Action	Date	FR Cite
File closed without regulations	11/24/82	

Small Entity: Not Applicable

Additional Information: LR-199-81 Drafting attorney: George Magnatta (202) 566-3459 Reviewing attorney: John M. Coulter, Jr. (202) 566-4473 File closed 11/24/82.

Agency Contact: George T. Magnatta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AD14

PROCEDURE & ADMINISTRATION--DISCLOSURE OF RETURN INFORMATION TO BUREAU OF THE CENSUS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6103 Internal Revenue Code of 1954

CFR Citation: 26 CFR 301

Abstract: The regulations provide rules for the disclosure of return information to officers and employees of the Bureaus of Census and Economic Analysis of the Commerce Department. Also provided are rules for the derivative release of information by those bureaus for authorized purposes.

Timetable:

Action	Date	FR Cite
NPRM	01/21/82	47 FR 03007
NPRM Comment Period Begin	01/21/82	47 FR 03007
NPRM Comment Period End	03/22/82	
Final Action	08/02/82	47 FR 33476

Small Entity: Not Applicable

TREAS—IRS

Completed Actions

Additional Information: LR-111-81 Drafting attorney: David E. Dickinson (202) 566-3373-3374

Agency Contact: John Coulter, Jr., Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4473**

RIN: 1545–AD21

PROCEDURE & ADMINISTRATION—INSPECTION OF CERTAIN INFORMATION WITH RESPECT TO PENSIONS, PROFIT-SHARING, & STOCK BONUS PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6104(a) Internal Revenue Code of 1954

CFR Citation: 26 CFR 301

Abstract: The regulations would provide rules for the disclosure and inspection of information relating to tax exempt organizations and pension and other similar plans as described in section 6104(a) of the Internal Revenue Code of 1954.

Timetable:

Action	Date	FR Cite
NPRM	12/30/80	45 FR 85788
NPRM Comment Period Begin	12/30/80	45 FR 85788
NPRM Comment Period End	03/02/81	
Final Action	11/08/82	47 FR 50484

Small Entity: Not Applicable

Additional Information: EE-28-78 Drafting attorney: Paul G. Accettura (202) 566-3544 Reviewing attorney: Charles K. Kerby, III (202) 566-3422 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Oppenheimer, Levinson 11/08/82 Treasury Decision published

Agency Contact: Paul Accettura, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3544**

RIN: 1545–AE15

PROCEDURE & ADMINISTRATION—DEFICIENCY PROCEDURES, ETC. RELATING TO EXCISE TAXES IMPOSED BY CHAPTERS 42 AND 43

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6211 Internal Revenue Code of 1954; 26 USC 6011 Internal Revenue Code of 1954; 26 USC 6012 Internal Revenue Code of 1954; 26 USC 6212 Internal Revenue Code of 1954; 26 USC 6501 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 53; 26 CFR 54; 26 CFR 301

Abstract: These regulations provide procedural and administrative guidance relating to the unrelated business income tax and the excise taxes imposed under chapters 41,42,43, and 44 of the Internal Revenue Code of 1954. The effective dates vary with the effective dates of the taxes to which the regulations relate.

Timetable:

Action	Date	FR Cite
NPRM	08/25/80	45 FR 56358
NPRM Comment Period Begin	08/25/80	45 FR 56358
NPRM Comment Period End	10/24/80	
Final Action	10/07/82	47 FR 44247

Small Entity: Not Applicable

Additional Information: EE-159-78 Drafting attorney: Charles M. Watkins (202) 566-3430 Reviewing attorney: Richard J. Wickersham (202) 566-3250 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Jewett, Levinson Treasury Decision 7838 published 10/07/82, 47 FR 44247

Agency Contact: Charles M. Watkins, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545–AE17

INCOME TAX—TO REQUIRE DEPOSIT OF ESTIMATED TAX BY INDIVIDUAL TAXPAYERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6302 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This regulation would require individual taxpayers to deposit their estimated income and self employment taxes through the Federal Tax Deposit System instead of mailing their payments to an Internal Revenue Service Center.

Timetable:

Action	Date	FR Cite
NPRM	07/23/82	47 FR 31889
NPRM Comment Period Begin	07/23/82	47 FR 31889
NPRM Comment Period End	09/20/82	
Withdrawn	11/30/82	47 FR 53928
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-2-82 Drafting attorney: John A. Tolleris (202) 566-3294 Reviewing attorney: John M. Coulter, Jr. (202) 566-4473

Agency Contact: John A Tolleris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, D.C. 20224, **202 566-3294**

RIN: 1545–AD24

ESTATE TAX—PROCEDURE & ADMINISTRATION—SPECIAL LIEN FOR ADDITIONAL ESTATE TAX ATTRIBUTABLE TO FARM, ETC. VALUATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6324 Internal Revenue Code of 1954

CFR Citation: 26 CFR 20; 26 CFR 301

Abstract: The regulation will implement the special lien provisions applicable to property that is subject to an estate tax special use valuation election and will provide authority for district directors to allow substitution of adequate security for the lien.

Timetable:

Action	Date	FR Cite
NPRM	05/24/82	47 FR 22388
NPRM Comment Period Begin	05/24/82	47 FR 22388
NPRM Comment Period End	07/19/82	
Final Action	11/10/82	

Small Entity: Not Applicable

Additional Information: LR-201-76 Drafting attorney: Fredric E. Grundeman (202) 566-3287 Reviewing attorney: Larry E. Smith (202) 566-3287 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Woodward, Levinson

Agency Contact: Fredric E. Grundeman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington D.C. 20224, **202 566-3287**

RIN: 1545–AD26

ESTATE TAX—TRANSFER CERTIFICATES IN NONRESIDENT ESTATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6325-1 (b) (1) (i) Internal Revenue Code of 1954

CFR Citation: 26 CFR 20

Abstract: The regulations would provide guidance to the public for compliance with the law and would affect persons who have actual or constructive possession of certain shares of stock registered in the name of a nonresident decedent. The regulations provide amendments to the estate tax regulations relating to the necessity of obtaining a transfer certificate in certain estates of nonresident decedents.

TREAS—IRS

Completed Actions

Timetable:

Action	Date	FR Cite
NPRM	06/24/81	46 FR 32598
NPRM Comment Period Begin	06/24/81	46 FR 32598
NPRM Comment Period End	08/24/81	
Final Action	08/13/82	47 FR 35188

Small Entity: Not Applicable

Additional Information: LR-90-80 Drafting attorney: Annie R. Alexander (202) 566-3287 Reviewing attorney: Larry E. Smith (202) 566-3287 Office of Tax Legislative Counsel (Treasury) reviewing attorney: Lainoff Treasury Decision published 08/13/82.

Agency Contact: Annie R. Alexander, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington D.C. 20224, **202 566-3287**

RIN: 1545-AD27

ESTATE TAX—PROCEDURE & ADMINISTRATION—MISCELLANEOUS PROCEDURAL AMENDMENTS RELATING TO ESTATE TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6601(j) Internal Revenue Code of 1954; 26 USC 6161(a) Internal Revenue Code of 1954; 26 USC 6161(b) Internal Revenue Code of 1954; 26 USC 6163(b) Internal Revenue Code of 1954; 26 USC 6503(d) Internal Revenue Code of 1954; 26 USC 7403(a) Internal Revenue Code of 1954; 26 USC 2011(c)(2) Internal Revenue Code of 1954; 26 USC 2204(a) Internal Revenue Code of 1954; 26 USC 2204(b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 20; 26 CFR 301

Abstract: The regulations would clarify the four-percent rate on certain portion of estate tax extended under section 6166. The regulations define the phrase "four-percent portion." The regulations make miscellaneous procedural changes to existing estate tax procedures. The regulations delete the "for undue hardship" standard for obtaining an extension of time for paying estate tax. The regulations amend existing estate tax regulations to add "and section 6166A."

Timetable:

Action	Date	FR Cite
Closed: Regulations not needed	01/21/83	

Small Entity: Not Applicable

Additional Information: LR-198-76 Drafting attorney: Donald W. Stevenson (202) 566-3297 Reviewing attorney: John B. Bromell (202) 566-3328 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Woodward, Levinson 01/21/83 Project closed.

Agency Contact: Donald W. Stevenson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AD33

INCOME TAX—TEMPORARY REGULATIONS—PENALTIES FOR FAILURE TO MAKE RETURNS OR FURNISH STATEMENTS REQUIRED UNDER SEC.

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6652 Internal Revenue Code of 1954

CFR Citation: 26 CFR 6A

Abstract: The regulations provide for the imposition of penalties on persons failing to make a return or to furnish a statement under section 6039C relating to returns with respect to United States real property interests.

Timetable:

Action	Date	FR Cite
Final Action	01/06/83	48 FR 647

Small Entity: Not Applicable

Additional Information: LR-115-82 Drafting attorney: Mary E. Dean (202) 566-3289 Reviewing attorney: Diane L. Renfroe (202) 566-3289 01/06/83 Treasury Decision published.

Agency Contact: Mary E. Dean, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AD36

TEMPORARY INCOME TAX REGULATIONS UNDER ECONOMIC RECOVERY TAX ACT OF 1981—FALSE INFORMATION WITH RESPECT TO WITHHOLDING.

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6682 Internal Revenue Code of 1954; Economic Recovery Tax Act of 1981, section 721

CFR Citation: 26 CFR 30

Abstract: The regulations would provide guidance relating to penalties for providing false information with respect to withholding income tax from wages.

Timetable:

Action	Date	FR Cite
Final Action Effective	01/01/82	47 FR 38515
Final Action	09/01/82	47 FR 38515

Small Entity: Not Applicable

Additional Information: LR-343-81 Drafting attorney: Barry L. Wold (202) 566-3288 Reviewing attorney: John M. Coulter, Jr. (202) 566-4473 Office of Tax Legislative Counsel (Treasury) reviewing attorney: McCarty

Agency Contact: Barry L. Wold, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington D.C. 20224, **202 566-3288**

RIN: 1545-AD41

STATEMENT OF PROCEDURAL RULES—CONFERENCES IN CRIMINAL TAX CASES

Legal Authority: 5 USC 301; 5 USC 552

CFR Citation: 26 CFR 601

Abstract: Provision would amend the Statement of Procedural Rules so as to change the rules governing conferences of right in criminal tax cases, thereby giving the public guidance on what those rules are.

Timetable:

Action	Date	FR Cite
Closed without regulations	01/20/83	

Small Entity: Not Applicable

Additional Information: LR-13-81 Drafting attorney: Yerachmiel Weinstein (202) 566-3458 Reviewing attorney: Charles M. Whedbee (202) 566-3458 Closed without regulations 01/20/83.

Agency Contact: Yerachmiel E. Weinstein, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave, N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AD52

STATEMENT OF PROCEDURAL RULES—TO PROVIDE FOR THE CENTRALIZED AUTHORIZATION FILE (CAF)

Legal Authority: 5 USC 301; 5 USC 552

CFR Citation: 26 CFR 601

Abstract: This project amends the statement of procedural rules to provide certain rules for a centralized authorization file for taxpayer representatives.

Timetable:

Action	Date	FR Cite
NPRM	03/31/82	47 FR 13533
SPR published	03/31/82	
NPRM Comment Period Begin	05/30/82	47 FR 13533
Final Action	09/09/82	47 FR 39675

Small Entity: Not Applicable

Additional Information: LR-120-81 Drafting attorney: Carolyn Swift (202) 566-3458 Reviewing attorney: Charles M. Whedbee (202) 566-3458 Amendments to the statement of procedural rules published on 9/9/82

Agency Contact: Carolyn Swift, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W, Washington D.C. 20224, **202 566-3458**

RIN: 1545–AD53

INCOME TAX–TEMPORARY REGULATIONS–AMORTIZATION DEDUCTION FOR MOTOR CARRIER OPERATING AUTHORITY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; PL 97-34, Sec 266

CFR Citation: 26 CFR 5c

Abstract: These regulations will provide rules relating to a deduction that is to be taken ratably over a 60 month period for the adjusted bases of motor carrier operating authorities held by taxpayers on July 1, 1980.

Timetable:

Action	Date	FR Cite
Closed without regulations	12/30/82	

Small Entity: Not Applicable

Additional Information: LR-202-81 Drafting attorney: Robert B. Coplan (202) 566-3287 Reviewing attorney: Larry E. Smith (202) 566-3287 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Woodward, Levinson Final draft of T.D. to Tax Legislative Counsel (Treasury), 07/12/82.

Agency Contact: Robert B Coplan, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington D.C. 20224, **202 566-3287**

RIN: 1545–AD47

COMPLETED REVIEWS

INCOME TAX–TAX TABLES FOR INDIVIDUALS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 3 Internal Revenue Code of 1954; 26 USC 4 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The purpose of the regulation was to update existing regulations relating to tax tables for individuals due to subsequent statutory amendments.

Timetable:

Action	Date	FR Cite
Closed - Regulations not needed	01/21/83	

Small Entity: Not Applicable

Additional Information: LR-249-76 Drafting attorney: David Haglund (202) 566-3459 Reviewing attorney: Charles C. Saverude (202) 566-3323 Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Lerman, Levinson Project closed on 1/21/83 without issuance of regulations.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545–AA00

INCOME TAX–CORPORATE TAX RATES & SURTAX EXEMPTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 11 Internal Revenue Code of 1954; 26 USC 21 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The purpose of the regulation was to amend existing regulations relating to corporate tax rates due to subsequent statutory changes.

Timetable:

Action	Date	FR Cite
Closed-Regulations not needed	01/21/83	
End Review	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-33-76 Project closed on 01/21/83 without issuance of regulations.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545–AA01

INCOME TAX–TRANSITIONAL RULES FOR CARRYBACKS AND CARRYOVERS OF FOREIGN TAXES AS A RESULT OF REPEAL OF PER-COUNTRY LIMITATION BY TAX REFORM ACT OF 1976.

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 904(e) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide transitional rules for carrybacks and carryovers of foreign taxes. These rules would be used by taxpayers who had been on the per-country limitation.

Timetable:

Action	Date	FR Cite
Closed without regulations	01/25/83	
End Review	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-11-77 Drafting attorney: Herman Bouma (202) 566-3287 Reviewing attorney: Charles C. Saverude (202) 566-3323 Office of International Tax Counsel (Treasury) reviewing attorneys: Lainoff, Schreyer Notice to Department of the Treasury for formal approval, 01/06/82.

Agency Contact: Herman B. Bouma, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545–AC04

ACTIONS THAT STARTED AND ENDED BETWEEN ISSUES OF THE UNIFIED AGENDA

●TEMPORARY REGULATIONS RELATING TO VARIOUS ELECTIONS UNDER THE TAX EQUITY AND FISCAL RESPONSIBILITY ACT OF 1982

Legal Authority: 26 USC 7805; 26 USC 58 (i) (1); 26 USC 58 (i) (4); 26 USC 48 (q); 26 USC 820

CFR Citation: 26 CFR 5f

Abstract: Regulations will indicate the time and manner for making certain elections which became available by reason of the enactment of the Tax Equity and Fiscal Responsibility Act of 1982.

Timetable:

Action	Date	FR Cite
Final Action	01/13/83	48 FR 01486

Small Entity: Not Applicable

Additional Information: LR-180-82

Agency Contact: John Fischer, Technical Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3394**

RIN: 1545–AE45

●TO PROVIDE TEMPORARY REGULATIONS WITH RESPECT TO THE REQUIREMENT THAT CERTAIN DEBT OBLIGATIONS BE ISSUED IN REGISTERED FORM.

Legal Authority: 26 USC 103 Internal Revenue Code of 1954; 26 USC 163 Internal Reve-

nue Code of 1954; 26 USC 7805 Internal Revenue Code of 1954

CFR Citation: 26 CFR 5f

Abstract: The temporary regulations provide that certain obligations issued after December 31, 1982, must be in registered form. The regulations provide examples of obligations that are not subject to the registration requirement.

Timetable:

Action	Date	FR Cite
Final Action	11/15/82	47 FR 51361
Final Action Effective	12/31/82	47 FR 51361

Small Entity: Not Applicable

Additional Information: LR-254-82 Drafting attorney: Diane Kroupa (202) 566-3459 Reviewing attorney: John M. Coulter, Jr. (202) 566-4473 Office of Tax Legislative Counsel reviewing attorney: Reinhold 11/15/82 Treasury decision published.

Agency Contact: Diane Kroupa, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave, N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AE58

●INCOME TAX–TO PROVIDE RULES UNDER THE TAX EQUITY AND FISCAL RESPONSIBILITY ACT OF 1982 RELATING TO TRANSITIONAL RULES AND RELATED MATTERS FOR SAFE HARBOR LEASE PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 168 (f) (8) Internal Revenue Code of 1954

CFR Citation: 26 CFR 5f

Abstract: The regulation provides guidance regarding the tax treatment of transitional safe harbor lease property which is certain property entitled to tax treatment under favorable safe harbor leasing rules even if it were leased between July 2, 1982 and December 31, 1983.

Timetable:

Action	Date	FR Cite
Final Action Effective	07/02/82	47 FR 50852
Final Action	11/10/82	47 FR 50852

Small Entity: Not Applicable

Additional Information: LR-252-82 Drafting attorney: John A. Tolleris (202) 566-3294 Reviewing attorney: John M. Coulter, Jr. (202) 566-4473 Office of Tax Legislative Counsel reviewing attorney: McCarty

Agency Contact: John Tolleris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AE74

●DISTRIBUTIONS IN PARTIAL LIQUIDATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 311 Internal Revenue Code of 1954; 26 USC 346 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This project involved the tax consequences of a distribution of appreciated property by a corporation in a partial liquidation.

Timetable:

Action	Date	FR Cite
Project closed without regulations	11/30/82	

Small Entity: Not Applicable

Additional Information: LR-236-82 Drafting Attorney: Mary Frances Pearson (202) 566-3458 Reviewing Attorney: Charles Whedbee (202) 566-3458 This project was closed on 11/30/82. The issues will be considered in projects LR-192-82 and LR-218-82

Agency Contact: Mary Frances Pearson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AE70

●INCOME TAX–REGULATIONS UNDER SECTION 338 (G) RELATING TO ELECTIONS.

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 338 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would have provided rules for making elections under section 338 (g), under which certain stock purchases may be treated as asset purchases.

Timetable:

Action	Date	FR Cite
Closed without regulations	11/30/82	

Small Entity: Not Applicable

Additional Information: LR-213-82 Drafting Attorney: Duane H. Pellervo (202) 566-3458 Reviewing Attorney: Marcus B. Blumkin (202) 566-3463 File closed 11/30/82

Agency Contact: Duane H. Pellervo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave, N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AE68

●INCOME TAX–CERTAIN ELECTIONS UNDER SECTION 224 OF THE TAX EQUITY AND FISCAL RESPONSIBILITY ACT OF 1982

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 338 Internal Revenue Code of 1954; PL 97-248, Sec 224

CFR Citation: 26 CFR 5f

Abstract: The temporary regulations provide rules for making certain elections under section 338, which permits certain stock purchases to be treated as asset acquisitions.

Timetable:

Action	Date	FR Cite
Final Action	11/22/82	47 FR 52433

Small Entity: Not Applicable

Additional Information: LR-173-82 Drafting Attorney: Duane H. Pellervo (202) 566-3458 Reviewing Attorney: Marcus B. Blumkin (202) 566-3463 Office of Tax Legislative Counsel reviewing attorney: Mark Yecies Treasury Decision published 11/22/82.

Agency Contact: Duane H. Pellervo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AE72

●CHANGE IN ANNUAL ACCOUNTING PERIOD UNDER SECTION 442 NECESSITATED BY THE AMENDMENTS TO SECTINS 934 AND 936 BY THE TAX EQUITY AND FISCAL RESPONSIBILITY ACT OF 1982

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 442 Internal Revenue Code of 1954

CFR Citation: 26 CFR 5f

Abstract: This regulation will provide that an automatic change of annual accounting period is not permitted if the corporation has in effect an election under section 936 or is entitled to the benefits of section 934 and the change is attempted after September 3, 1982, the date of enactment of the Tax Equity and Fiscal Responsibility Act of 1982.

Timetable:

Action	Date	FR Cite
Final Action	12/29/82	47 FR 57920
Final Action Effective	12/29/82	47 FR 57920

Small Entity: Not Applicable

TREAS—IRS

Completed Actions

Additional Information: LR-294-82 Drafting Attorney: Jacob Feldman (202) 566-3289 Reviewing Attorney: Charles C. Saverude (202) 566-3323 Office of International Tax Counsel reviewing attorney: Lainoff Temporary Regulations issued December 29, 1982

Agency Contact: Jacob Feldman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3289

RIN: 1545–AE50

SOURCE OF INTEREST AND DIVIDENDS

Legal Authority: 26 USC 7605 Internal Revenue Code of 1954; 26 USC 861 (a) Internal Revenue Code of 1954

CFR Citation: 26 CFR 4a

Abstract: The regulations would provide rules for determining the source of interest and dividends paid by domestic corporations having substantial gross income from certain possessions of the United States. These regulations would be temporary regulations.

Timetable:

Action	Date	FR Cite
Final Action	12/29/82	47 FR 57919
Final Action Effective	12/29/82	47 FR 57919

Small Entity: Not Applicable

Additional Information: LR-295-82 Drafting attorney: Martha E. Kadue (202) 566-3238 Reviewing attorney: Charles C. Saverude (202) 566-3323 Office of International Tax Counsel (Treasury) reviewing attorneys: Shay, Granwell 12/29/82 Treasury decision (Temporary regulations) published.

Agency Contact: Martha E. Kadue, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545–AE63

TEMPORARY INCOME TAX REGULATIONS UNDER THE ECONOMIC RECOVERY TAX ACT OF 1981 PROVIDING AN EXTENSION OF TIME TO CONFORM ELECTIONS RELATING TO TAX STRADDLES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; Section 508 Economic Recovery Tax Act of 1981; Section 509 Economic Recovery Tax Act of 1981

CFR Citation: 26 CFR 5c

Abstract: These regulations extend the date by which taxpayers must conform returns that made an election under either section 508 or section 509 of the Economic Recovery Tax Act of 1981 to the requirements of the temporary regulations published on September 2, 1982 (47 FR 38688) from November 1, 1982 until February 1, 1983.

Timetable:

Action	Date	FR Cite
Final Action	11/01/82	47 FR 49391

Small Entity: Not Applicable

Additional Information: Drafting attorney: Barry L. Wold (202) 566-3288

Agency Contact: Barry L. Wold, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545–AE81

INCOME TAX—CERTAIN ELECTIONS UNDER THE SUBCHAPTER S REVISION ACT OF 1982.

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1361 Internal Revenue Code of 1954; 26 USC 1362 Internal Revenue Code of 1954; 26 USC 1377 Internal Revenue Code of 1954; 26 USC 1378 Internal Revenue Code of 1954; 26 USC 1379 Internal Revenue Code of 1954

CFR Citation: 26 CFR 18

Abstract: The regulations relate to the time and manner of making certain elections, consents, and refusals under the subchapter S Revision Act of 1982 and to the taxable year which a corporation may select in order to make the election to be an S corporation.

Timetable:

Action	Date	FR Cite
Final Action	01/26/83	48 FR 03590

Small Entity: Not Applicable

Additional Information: LR-259-82 Drafting attorney: Robert H. Ginsburgh (202) 566-3297 Reviewing attorney: Walter H. Woo (202) 566-3297 Office of the Tax Legislative Counsel reviewing attorney: Mark Kuller 01/26/83 Treasury decision published

Agency Contact: Robert H. Ginsburgh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545–AE56

EMPLOYMENT TAX—AMENDMENT TO THE TEMPORARY REGULATIONS REQUIRING WITHOLDING OF SOCIAL SECURITY OR RAILROAD RETIREMENT TAX FROM SICK PAY

Legal Authority: 26 USC 7805 Internal Revenue Code 1954; 26 USC 3121 Internal Revenue Code 1954; 26 USC 3231 Internal Revenue Code 1954

CFR Citation: 26 CFR 32

Abstract: The regulations provide guidance to States making payments of sick pay pursuant to a State temporary disability insurance law regarding the amount of the payments subject to tax.

Timetable:

Action	Date	FR Cite
Final Action Effective	01/01/83	48 FR 00793
Final Action	01/07/83	48 FR 00793

Small Entity: Not Applicable

Additional Information: LR-288-82 Drafting attorney: Pamela Olson Reviewing attorney: John Counter Office of Tax Legislative Counsel Reviewing Attorney: Hevener 01/07/83 Treasury decision published

Agency Contact: Pamela F. Olson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave, N.W., Washington, D.C. 20224, 202 566-3590

RIN: 1545–AE52

EMPLOYMENT TAX—EFFECTIVE DATE AND OTHER MATTERS RELATING TO WITHHOLDING ON PENSIONS, ANNUITIES AND OTHER DEFERRED INCOME.

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 3405 Internal Revenue Code of 1954

CFR Citation: 26 CFR 35

Abstract: The temporary regulations provide rules relating to delay of the effective date of witholding from pensions, annuities, and other deferred income. In addition, these regulations provide guidance for payors and payees subject to this provision.

Timetable:

Action	Date	FR Cite
Final Action	12/01/82	47 FR 54065

Small Entity: Not Applicable

Additional Information: EE-128-82 Drafting attorneys: Patricia K. Keesler and Mary M. Levontin (202) 566-3903. Reviewing attorney: Jonathan P. Marget (202) 566-3651. Office of Tax Legislative Counsel reviewing attorney: Mary Oppenheimer. 12/01/82 Treasury Decision published.

Agency Contact: Patricia K. Keesler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave, N.W., Washington , D.C. 20224, 202 566-3903

RIN: 1545–AE46

TREAS—IRS

Completed Actions

●EMPLOYMENT TAX—WITHHOLDING FROM PENSIONS, ANNUITIES, AND OTHER DEFERRED INCOME.

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 3405 Internal Revenue Code of 1954; 26 USC 6047(e) Internal Revenue Code of 1954

CFR Citation: 26 CFR 35

Abstract: The temporary regulations provide immediate guidance relating to witholding from pensions, annuities, and other deferred income so that payors and payees affected by this provision can make preparations to comply.

Timetable:

Action	Date	FR Cite
Final Action	10/14/82	47 FR 45868

Small Entity: Not Applicable

Additional Information: EE-116-82 Drafting attorneys: Patricia K. Keesler and Mary M. Levontin (202) 566-3430 Reviewing attorney: Jonathan P. Marget (202) 566-3651 Office of Tax Legislative Counsel reviewing attorney: Mary Oppenheimer 10/14/82 Treasury Decision published.

Agency Contact: Patricia K. Keesler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave, N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AE48

●EMPLOYMENT TAX AND COLLECTION OF INCOME TAX AT SOURCE—WITHHOLDING AT SOURCE ON PAYMENTS OF INTEREST, DIVIDENDS, AND PATRONAGE DIVIDENDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 3451 Internal Revenue Code of 1954; 26 USC 6302 Internal Revenue Code of 1954; PL 97-248, Sec 308

CFR Citation: 26 CFR 35

Abstract: The regulations provide guidance necessary to enable payors and recipients of payments of interest, dividends, and patronage dividends to comply with the law with respect to withholding 10 percent of the payments and depositing it with the federal government.

Timetable:

Action	Date	FR Cite
Final Action	11/15/82	47 FR 51421
Final Action Effective	07/01/83	47 FR 51421

Small Entity: Not Applicable

Additional Information: LR-152-82 Drafting attorney: Pamela Olson Reviewing attorney: John Coulter Office of Tax Legislative Counsel Reviewing Attorney: Reinhold 11/15/82 Treasury decision published

Agency Contact: Pamela Olson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington, D.C. 20224, **202 566-3590**

RIN: 1545-AE79

●EXCISE TAX—AMENDMENT OF TEMPORARY EXCISE TAX REGULATIONS UNDER THE CRUDE OIL WINDFALL PROFIT TAX ACT OF 1980 RELATING TO THE DEFINITION OF PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4997 Internal Revenue Code of 1954

CFR Citation: 26 CFR 150

Abstract: These temporary regulations provide rules relating to the definition of "property" for purposes of the crude oil windfall profit tax. These regulations are necessary because the tax rate depends, in part, on the characteristics of the property from which the crude oil is produced.

Timetable:

Action	Date	FR Cite
Final Action Effective	03/01/80	47 FR 50858
Final Action	11/10/82	47 FR 50858

Small Entity: Not Applicable

Additional Information: LR-184-82 Drafting Attorney: Douglas W. Charnas (202) 566-3297 Reviewing Attorney: John B. Bromell (202) 566-3326 Office of Tax Legislative Counsel reviewing attorney: Moshe Schuldinger 11/10/82 Treasury Decision published

Agency Contact: Douglas W. Charnas, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AE64

●TO PROVIDE TEMPORARY REGULATIONS RELATING TO INFORMATION REPORTING OF INTEREST AND ORIGINAL ISSUE DISCOUNT.

Legal Authority: 26 USC 6049 Internal Revenue Code of 1954; 26 USC 7805 Internal Revenue Code of 1954

CFR Citation: 26 CFR 5f

Abstract: The temporary regulations provide that payments of interest (including original issue discount) is subject to information reporting. The regulations define interest that is subject to reporting and define the exceptions to the information reporting requirements. The regulations provide the time and manner of filing the return and furnishing the statement to the recipient.

Timetable:

Action	Date	FR Cite
Final Action	11/15/82	47 FR 51364
Final Action Effective	12/31/82	47 FR 51364

Small Entity: Not Applicable

Additional Information: LR-153-82 Drafting attorney: Diane L. Kroupa (202) 566-3459 Reviewing attorney: John M. Coulter, Jr. (202) 566-4473 Office of Tax Legislative Counsel reviewing attorney: Reinhold 11/15/82 Treasury decision published.

Agency Contact: Diane Kroupa, Attorney, Department of the Treasury, Internal Revenue Service, Internal Revenue Service, Treasury, 1111 Constitution Ave N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AE54

●EMPLOYMENT TAX—REPORTING BY CERTAIN LARGE FOOD OR BEVERAGE ESTABLISHMENTS WITH RESPECT TO TIPS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6053 (c) Internal Revenue Code of 1954

CFR Citation: 26 CFR 31

Abstract: The regulations provide guidance to large food or beverage establishments required to report certain information with respect to tips.

Timetable:

Action	Date	FR Cite
Final Action	12/08/82	47 FR 55215
Final Action Effective	01/01/83	47 FR 55215

Small Entity: Not Applicable

Additional Information: LR-271-82 Drafting attorney: Linda Kroening (202) 566-3297 Reviewing attorney: John Bromell (202) 566-3326 12/8/82 Treasury decision published in the Federal Register Office of Tax Legislative Counsel Reviewing Attorney: Susan Jewett

Agency Contact: Linda M. Kroening, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AE67

●DEPOSIT OF EMPLOYMENT TAXES BY DEPARTMENT OF DEFENSE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6302 Internal Revenue Code of 1954

TREAS—IRS

Completed Actions

CFR Citation: 26 CFR 31

Abstract: The regulation provides guidance to the Department of Defense relating to time to deposit withheld employment taxes.

Timetable:

Action	Date	FR Cite
Final Action	08/28/82	47 FR 38284
Effective		
Final Action	08/31/82	47 FR 38284

Small Entity: Not Applicable

Additional Information: LR-172-82 Drafting attorney: Barry L. Wold (202) 566-3288 Reviewing attorney: Charles C. Saverude (202) 566-3323

Agency Contact: Barry L. Wold, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AE59

●REMOVAL OF REGULATIONS RELATING TO DEPOSIT OF EMPLOYMENT TAXES BY DEPARTMENT OF DEFENSE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6302 Internal Revenue Code of 1954

CFR Citation: 26 CFR 31

Abstract: The regulations remove from the CFR regulations relating to time to deposit witheld employment taxes by Department of Defense.

Timetable:

Action	Date	FR Cite
Final Action	01/11/83	48 FR 01193
Final Action Effective	02/10/83	48 FR 01193

Small Entity: Not Applicable

Additional Information: LR-230-82 Drafting attorney: Barry L. Wold (202) 566-3288 Reviewing attorney: John M. Coulter, Jr. (202) 566-4473

Agency Contact: Barry L. Wold, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave, N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AE61

●TO PROVIDE REGULATIONS RELATING TO DEPOSIT OF TAX WITHHELD FROM PENSIONS, ANNUITIES, AND CERTAIN OTHER DEFERRED INCOME

Legal Authority: 26 USC 7805; 26 USC 6302(c)

CFR Citation: 26 CFR 1

Abstract: This regulation would provide guidance to payors of pensions, annuities, and certain other deferred income regarding how to remit and deposit income tax withheld from such payments through the Federal Tax Deposit System.

Timetable:

Action	Date	FR Cite
File closed without regulation	12/10/82	

Small Entity: Not Applicable

Additional Information: LR-256-82 Drafting attorney: John A. Tolleris (202) 566-3294 Reviewing attorney: John M. Coulter, Jr. (202) 566-4473

Agency Contact: John A. Tolleris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AE77

[FR Doc. 83-9572 Filed 4-22-83, 8:45 am]

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Part XVI

ACTION

Semi-Annual Agenda of Regulations

ACTION

ACTION

45 CFR Ch. XII

Executive Order 12291, Federal Regulation Semiannual Agenda of Regulations

AGENCY: ACTION.

ACTION: Publication of semiannual agenda.

SUMMARY: This agenda announces the regulations that ACTION will have under development, revision and review during the six month period from April 1, 1983, through September 30, 1983. The purpose for publishing this agenda is to give notice of these upcoming regulations to allow the public the opportunity to participate in the rulemaking process.

FOR FURTHER INFORMATION CONTACT: Ronald C. Owens, Associate General Counsel, ACTION, Room M-607, 806 Connecticut Avenue, N.W., Washington, D.C. 20525, (202) 254-7963.

SUPPLEMENTARY INFORMATION: Executive Order 12291, Federal Regulation, and the Regulatory Flexibility Act (Pub. L. 96-354) require that executive agencies publish in the **Federal Register**, in April and October of each year, a semiannual agenda of regulations under development or review.

None of the regulations listed have been determined to be major and requiring a Regulatory Impact Analysis under E.O. 12291. None of the regulations listed have been determined to impose compliance costs or reporting burdens on the public and they have been found not to affect small business or State and local governments thereby requiring a Regulatory Analysis to be performed under 5 U.S.C. 602.

At this time, ACTION does not have a major regulation published and none is anticipated in the coming six month period.

DATED: March 11, 1983.

Timothy G. Ryan,

Executive Officer, ACTION.

ACTION (ACTION) — Current and Projected Rulemakings

FOSTER GRANDPARENT PROGRAM (FGP) REGULATIONS

Legal Authority: 42 USC 5060 Domestic Volunteer Service Act of 1973, as amended

CFR Citation: 45 CFR 1208

Abstract: Proposed revisions to clarify and update existing FGP regulations relating to project development and funding, project operations, non-ACTION funded projects and special limitations affecting aspects of project operations.

Timetable:

Action	Date	FR Cite
NPRM	11/02/82	47 FR 49673
NPRM Comment Period Begin	11/02/82	47 FR 49673
NPRM Comment Period End	12/02/82	
Final Action	04/00/83	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT PHONE: toll free (800) 424-8580, extension 239

Public Compliance Cost: Initial Cost: $0

Affected Sectors: None

Agency Contact: C. Wade Freeman, Director (OAVP), ACTION, Older American Volunteer Programs, 806 Connecticut Ave., NW, Washington, DC 20525, **202 254-7310**

RIN: 3001-AA00

SENIOR COMPANION PROGRAM (SCP) REGULATIONS

Legal Authority: 42 USC 5060 Domestic Volunteer Service Act of 1973, as amended

CFR Citation: 45 CFR 1207

Abstract: Proposed revisions to clarify and update existing SCP regulations relating to project development and funding, project operations, non-ACTION funded projects and special limitations affecting aspects of project operations.

Timetable:

Action	Date	FR Cite
NPRM	11/02/82	47 FR 49673
NPRM Comment Period Begin	11/02/82	47 FR 49673
NPRM Comment Period End	12/02/82	
Final Action	04/00/83	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT PHONE: toll free (800) 424-8580, extension 239

Public Compliance Cost: Initial Cost: $0

Affected Sectors: None

Agency Contact: C. Wade Freeman, Director (OAVP), ACTION, Older American Volunteer Programs, 806 Connecticut Ave., NW, Washington, DC 20525, **202 254-7310**

RIN: 3001-AA01

RETIRED SENIOR VOLUNTEER PROGRAM (RSVP) REGULATIONS

Legal Authority: 42 USC 5060 Domestic Volunteer Service Act of 1973, as amended

CFR Citation: 45 CFR 1209

Abstract: Proposed revisions to clarify and update existing RSVP regulations relating to project development and funding, project operations, non-ACTION funded projects and special limitations affecting aspects of project operations.

Timetable:

Action	Date	FR Cite
NPRM	11/02/82	47 FR 49673
NPRM Comment Period Begin	11/02/82	47 FR 49673
NPRM Comment Period End	12/02/82	
Final Action	04/00/83	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT PHONE: toll free (800) 424-8580, extension 239

Public Compliance Cost: Initial Cost: $0

Affected Sectors: None

Agency Contact: C. Wade Freeman, Director (OAVP), ACTION, Older American Volunteer Programs, 806 Connecticut Ave., NW, Washington, DC 20525, **202 254-7310**

RIN: 3001-AA02

ACTION (ACTION)

Completed Actions

COMPLETED RULEMAKINGS

FIXED INCOME COUNSELING PROGRAM (FICC) GUIDELINES

Completed:

Reason	Date	FR Cite
Final Action	12/01/82	47 FR 49433
Final Action Effective	12/16/82	47 FR 49433

Agency Contact: John Herbert 202 254-5205

RIN: 3001-AA03

[FR Doc. 83-9573 Filed 4-22-83; 8:45 am]

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Part XVII

Advisory Council on Historic Preservation

Regulatory Agenda

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ADVISORY COUNCIL ON HISTORIC PRESERVATION

36 CFR Ch. VIII

Regulatory Agenda

AGENCY: Advisory Council on Historic Preservation.

ACTION: Notice of Regulatory Agenda.

SUMMARY: The Regulatory Agenda is a semiannual summary of each proposed and each final regulation that the Advisory Council on Historic Preservation expects to publish in the **Federal Register** during the next twelve (12) months.

ADDRESS: Advisory Council on Historic Preservation, 1522 K Street, N.W., Washington, D.C. 20005.

FOR FURTHER INFORMATION CONTACT: Executive Director, Advisory Council on Historic Preservation, 202-254-3967.

John Fowler,

Acting Executive Director.

ADVISORY COUNCIL ON HISTORIC PRESERVATION (ACHP) — Current and Projected Rulemakings

PROTECTION OF HISTORIC AND CULTURAL PROPERTIES

Priority: Task Force

Legal Authority: 16 USC 470 et seq

CFR Citation: 36 CFR 800

Abstract: In order to streamline and increase the effectiveness of the Council's regulations at 36 CFR Part 800, the Council is in the process of preparing revisions to its regulations. The reason for the revisions is to implement new regulatory authorities set forth in PL 96-515, and to improve the efficiency of the historic preservation review process. The alternative to revision of the regulations is to leave them as they are, which would not achieve the goals the Council seeks. The revisions are expected to reduce the cost of complying with the regulations.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: **John M. Fowler**, General Counsel, Advisory Council on Historic Preservation, 1522 K Street, NW, Washington, DC 20005, **202 254-3967**

RIN: 3010-AA00

[FR Doc. 83-9574 Filed 4-22-83; 8:45 am]

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Part XVIII

Architectural and Transportation Barriers Compliance Board

Unified Agenda

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ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

36 CFR Part 1190

Unified Agenda

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Submission of Unified Agenda.

SUMMARY: The Architectural and Transportation Barriers Compliance Board submits the following agenda of regulatory activities which may be conducted by the agency during the next twelve months. This regulatory agenda may be revised and/or refined by the agency during the coming months as a result of action taken by the Board.

ADDRESS: U.S. Architectural and Transportation Barriers Compliance Board, 330 C Street, S.W., Room 1010, Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: For information concerning Board regulations and proposed actions, contact Ms. Sally Free, Office of Technical Services (202) 472-2700 (voice or TDD) or (202) 245-1591 (messages--voice or TDD).

DATED: March 18, 1983.

Wm. Bradford Reynolds,

Chairperson, Architectural and Transportation Barriers Compliance Board and Assistant Attorney General for Civil Rights, Department of Justice.

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD (ATBCB)

Existing Regulations Under Review

MINIMUM GUIDELINES AND REQUIREMENTS FOR ACCESSIBLE DESIGN

Priority: Agency Determination

Legal Authority: 29 USC 792(b)(7) Rehabilitation Act of 1973, as amended

CFR Citation: 36 CFR 1190

Abstract: Specific provisions of the ATBCB Minimum Guidelines and Requirements for Accessible Design have been reserved until such time as sufficient research, information, and/or field experience is obtained. In addition to these reserved provisions, the Board has indicated that additional information would be useful on other provisions contained in the regulation and on other access issues. As materials and experience become available in these areas, the Board plans to take the appropriate action to complete or revise these requirements. Information on alternatives being considered for addressing a particular provision, and the potential costs and benefits of the action being proposed will be provided during the rulemaking process. The last revision to the Minimum Guidelines and Requirements for Accessible Design was published 08/04/82 (47 FR 33862).

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: No

Additional Information: Phone number of agency contact is voice or TDD.

Agency Contact: **Ms. Sally Free**, Program Specialist, Architectural and Transportation Barriers Compliance Board, 330 C Street, S.W., Room 1010, Washington, D.C. 20202, **202 472-2700**

RIN: 3014-AA00

[FR Doc. 83-9575 Filed 4-22-83; 8:45 am]

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Part XIX

Environmental Protection Agency

Regulatory Agenda

EPA

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Ch. I

FRL #2318-1

Regulatory Agenda

AGENCY: Environmental Protection Agency.

ACTION: Regulatory Agenda.

SUMMARY: The Agency publishes a semiannual Regulatory Agenda which summarizes the status of regulations under development, revision, and review. The purpose is to keep interested parties informed of the progress of these regulations.

FOR FURTHER INFORMATION CONTACT: For information on a regulation in the Agenda, please contact the person whose name is listed next to the regulation.

If you have suggestions for improving this publication, or need general information about the Agenda, please call or write to Daniel Fiorino, Regulation Management Staff, Environmental Protection Agency, PM-223, Washington, D.C., 20460, (202) 382-5480.

If you want to be on the mailing list for the Regulatory Agenda, please call or write to Penelope Parker, Regulation Management Staff, Environmental Protection Agency, PM-223, Washington, D.C., 20460, (202) 382-5475.

SUPPLEMENTARY INFORMATION:

Organization of the Agenda

The Agenda appears in three parts: (1) a set of entries identifying regulations under development or revision; (2) a list of regulations under review; and (3) a list of regulations EPA is deleting from the first part because they have been completed or cancelled.

The Agenda entries in the first and second parts are organized by statutory area--generally by the titles of the major legislation authorizing EPA's pollution control programs. In a few cases, the Agenda combines different statutory authorities that have closely-related subject matter. For example, the Fuel Economy Data regulation--authorized by the Energy Policy and Conservation Act--appears at the end of the section on the Clean Air Act, along with other mobile source regulations.

The statutory areas appear in the following order:

The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Federal Food, Drug, and Cosmetics Act (FFDCA)
The Toxic Substances Control Act (TSCA)
The Clean Water Act (CWA) and the Marine Protection, Research, and Sanctuaries Act (MPRSA)
The Atomic Energy Act (AEA) and the Uranium Mill Tailings Radiation Control Act (UMTRCA)
The Safe Drinking Water Act (SDWA)
The Noise Control Act (NCA)
The Resource Conservation and Recovery Act (RCRA)
The Clean Air Act (CAA) and the Energy Policy and Conservation Act (EPCA)
The Comprehensive Environmental Response, Compensation, and Liability Act--"Superfund" (CERCLA)
General--Other Acts (including general grant and procurement regulations and regulations that cut across several programs)

Within each statutory area, we have divided the regulations into two basic groups: (a) "New Regulations," i.e., actions that will result in new CFR parts, subparts, or subsections; and (b) "Revised Regulations," i.e., actions that revise or amend already existing CFR parts, subparts, or subsections. Within each of these two groups, the regulations are ordered numerically by section number of the authorizing legislation. For example, all air regulations under Section 109 of the Clean Air Act will appear before those under Section 111.

Regulations Covered in the First Part of the Agenda

The first part of the Agenda includes most of the regulations under development that are:

- Subject to Executive Order 12291;
- Have been identified by the Presidential Task Force on Regulatory Relief; or
- Have been designated by the Agency for priority development or revision.

The only rules excluded are: (a) specialized categories of actions (such as EPA approvals of state plans and other actions that do not apply nationally); and (b) routine actions (such as pesticide tolerances and minor amendments to existing regulations).

The first part of the Agenda generally includes regulations scheduled for publication as a proposed or final rule within the coming calendar year. Occasionally, it also includes regulations with scheduled actions that are more than a year away. In some cases, regulations do not appear in the Agenda until they reach the stage of notice of proposed rulemaking.

Explanation of Information in the First Part of the Agenda

Two hundred and sixty-five regulation entries are in the first part of today's Agenda. Of these, 142 are revisions to existing regulations. Nineteen of the regulations are classified as "major" under Executive Order 12291, and 32 are being revised at the request of the Presidential Task Force on Regulatory Relief.

Second Part of the Agenda--Regulations Under Review

The second part of the Agenda identifies existing EPA regulations (1) that are now under review, or (2) whose review will begin before the next Agenda is published. The purpose of such reviews is to determine whether the regulation should be revised, rescinded, or left unchanged. If EPA decides to revise or rescind the regulation, the action will then appear as an entry in the first part of the Agenda, and this will state the timetable for completing the revision or rescission.

For each regulation under review, the Agenda gives the title, a short description, statutory authority, CFR reference, any analysis EPA is preparing, contact person, and the schedule for completing the review. It also indicates the "review authority," which in many cases will be different from the regulation's statutory authority. Regulations are reviewed under the mandates below. Some of EPA's reviews satisfy more than one of these mandates.

Executive Order 12291 establishes the general policy that EPA should review all of its existing regulations to ensure that the costs of these regulations are

justified by their benefits. This policy covers any regulations that EPA is reviewing at the request of the Presidential Task Force on Regulatory Relief.

The Regulatory Flexibility Act (5 USC 610) requires that EPA review at least once every ten years existing regulations that have a significant economic impact on a substantial number of small entities, including small businesses, small organizations, and small governments. EPA issued its plan for conducting these reviews on July 16, 1981 at 46 FR 36930 and has used those comments in identifying candidates for review.

The Paperwork Reduction Act requires that Federal agencies reduce unnecessary paperwork burdens on the public. EPA reviews information collection activities for duplication, practical utility, and burden on the public.

Many of EPA's authorizing *environmental statutes* also set review dates for specific regulations.

Regulations Covered in the Third Part of the Agenda

In the third part of the Agenda, EPA lists regulations appearing in the last Agenda that are now no longer under consideration. EPA will delete these from future Agendas. The information given on these regulations is less detailed than for those still under consideration. Generally, it includes (1) the date and **Federal Register** citation, if any, of the last action on the regulation, and (2) an explanation of why the Agency is deleting the regulation from the Agenda. If EPA has completed work on the regulation, the effective date of the regulation appears after the designation "completed."

Joseph A. Cannon,

Associate Administrator for Policy and Resource Management.

ENVIRONMENTAL PROTECTION AGENCY (EPA) — Current and Projected Rulemakings

FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

EXEMPTION FOR CERTAIN PRODUCTS CONTAINING PHEROMONE ATTRACTANTS

Priority: Task Force

Legal Authority: 7 USC 136 FIFRA

CFR Citation: 40 CFR 162

Abstract: This rule would exempt from regulation under the Federal Insecticide, Fungicide, and Rodenticide Act all pheromones, identical synthetic chemicals intended for use in pheromone traps, and the pheromone traps in which those chemicals are the sole active pesticide ingredient. This revision is being made at the request of the President's Task Force on Regulatory Relief.

Timetable:

Action	Date	FR Cite
NPRM	08/04/82	47 FR 33716
Final Action	07/00/83	

Small Entity: No

Additional Information: SAR No. 1870. Docket No. OPP-250031. FTS:8-557-0592.

Agency Contact: **David Alexander**, Environmental Protection Agency, (TS-767), Washington, DC 20460, **703 557-0592**

RIN: 2070–AA05

DATA REQUIREMENTS FOR REGISTRATION

Priority: Task Force

Legal Authority: 7 USC 136(a) FIFRA

CFR Citation: 40 CFR 158

Abstract: This regulation will specify the kinds of data that will normally be required to support the registration of a pesticide based on its product type and use pattern. It will state whether the requirements apply to manufacturing-use products or to end-use products. These requirements will provide two principal benefits: 1) generation of data needed to evaluate pesticides' effects, and 2) more efficient and faster pesticide development and registration. EPA is revising this regulation at the request of the President's Task Force on Regulatory Relief.

Timetable:

Action	Date	FR Cite
NPRM	11/24/82	47 FR 53192
Final Action	01/00/84	

Small Entity: No

Additional Information: SAR No. 1837. FTS:8-557-7351.

Agency Contact: **Frederick S. Betz**, Environmental Protection Agency, (TS-769), Washington DC 20460, **703 557-7351**

RIN: 2070–AA07

●REVISION OF CERTAIN PROCEDURAL REQUIREMENTS FOR PESTICIDE REGISTRATION

Priority: Task Force

Legal Authority: 7 USC 136(d) FIFRA

CFR Citation: 40 CFR 162

Abstract: These regulations will revise EPA procedures and requirements pertaining to Agency approval of labeling and distribution arrangements, submission of pesticide efficacy data, and child-resistant packaging. EPA is revising this rule at the request of the President's Task Force on Regulatory Relief.

Timetable:

Action	Date	FR Cite
ANPRM	12/29/79	44 FR 76311
NPRM	09/15/82	47 FR 40659
Final Action	07/00/83	

Small Entity: No

Additional Information: FTS: 8-557-0592. SAR No. 1965.

Agency Contact: **Jean Frane**, Environmental Protection Agency, (TS-767C), Washington, DC 20460, **703 557-0592**

RIN: 2070–AA55

●COMPREHENSIVE REVISION OF PESTICIDE REGISTRATION, LABELING, AND CLASSIFICATION PROCEDURES

Priority: Task Force

Legal Authority: 7 USC 136(d) FIFRA

CFR Citation: 40 CFR 162

Abstract: These regulations will revise procedures and requirements for the registration and reregistration of pesticide products, the labeling of such products, and the classification of pesticide products as restricted use products. EPA is revising this rule at the request of the President's Task Force on Regulatory Relief.

Timetable:

Action	Date	FR Cite
ANPRM	12/26/79	44 FR 76311
NPRM	01/00/84	

Small Entity: No

Additional Information: SAR No. 1964. FTS: 8-557-0592

Agency Contact: Jean Frane, Environmental Protection Agency, (TS-767C), Washington, DC 20460, **703 557-0592**

RIN: 2070–AA56

●AMENDMENTS TO SPECIAL REVIEW CRITERIA AND PROCEDURES

Priority: Task Force

Legal Authority: 15 USC 136 FIFRA

CFR Citation: 40 CFR 162.11

Abstract: The Agency is revising its criteria for initiating special reviews of pesticides (previously known as the Rebuttable Presumption Against Registration (RPAR) Process). These revisions will make the special review process consistent with statutory changes and program experience. The Agency is also streamlining the procedures for special reviews of certain chemicals to provide for early peer review, to promote expedited settlements through negotiation, and to reduce paperwork.

Timetable:

Action	Date	FR Cite
NPRM	11/00/83	

Small Entity: Undetermined

Additional Information: SAR No. 1932. FTS: 8-557-8193

Agency Contact: Art Donner, Environmental Protection Agency, (TS-791), Washington, D.C. 20460, **703 557-8193**

RIN: 2070–AA57

PROPOSED REVISIONS TO CROP GROUP TOLERANCES

Priority: Task Force

Legal Authority: 21 USC 346a(e)

CFR Citation: 40 CFR 180.34(f)

Abstract: At the request of the President's Task Force on Regulatory Relief, EPA is revising the Crop Group Regulations to allow for more extensive use of group tolerances for related crops. It will minimize the burden of establishing tolerances for pesticide residues in or on minor crops. It defines crop groups and the procedures for establishing group tolerances.

Timetable:

Action	Date	FR Cite
NPRM	05/13/82	47 FR 20635
Final Action	05/00/83	

Small Entity: No

Additional Information: SAR No. 1823. Docket No. OPP-260043. FTS:8-557-7324.

Agency Contact: Charles L. Trichilo, Environmental Protection Agency, (TS-769), Washington, DC 20460, **703 557-7324**

RIN: 2070–AA12

TOXIC SUBSTANCES CONTROL ACT

PREMANUFACTURE NOTIFICATION REQUIREMENTS AND REVIEW

Priority: Major

Legal Authority: 15 USC 2604 TSCA

CFR Citation: 40 CFR 720

Abstract: This regulation establishes procedures for chemical manufacturers to submit notices to EPA before manufacturing new chemical substances for commercial purposes. EPA will use these notices to screen potentially harmful chemicals before they enter production and use. The Agency may, if necessary, take any of several different actions to prohibit, monitor, or control commercial development of a chemical.

Timetable:

Action	Date	FR Cite
NPRM	01/10/79	44 FR 2242
Interim Final Rule	05/15/79	44 FR 28564
RPRM	10/16/79	44 FR 59764
Interim policy	11/07/80	45 FR 74378
Final Action	04/00/83	

Small Entity: Yes

Additional Information: SAR No. 1134. Docket No. OPTS-50019 / OTS-50002. FTS:8-382-3849.

Agency Contact: Joe DeSantis, Environmental Protection Agency, (TS-794), Washington, DC 20460, **202 382-3849**

RIN: 2070–AA27

RULES RESTRICTING THE COMMERCIAL AND INDUSTRIAL USE OF ASBESTOS FIBERS

Priority: Major

Legal Authority: 15 USC 2605 TSCA

CFR Citation: 40 CFR 763

Abstract: The Agency is evaluating the need for further information or control regulation of the commercial and industrial use of asbestos. A variety of alternatives are being considered, including: (1) requiring the labeling of asbestos and asbestos-containing products, and (2) prohibiting or otherwise restricting certain uses of asbestos that present unreasonable risks. EPA will coordinate its asbestos activities with those of the Federal Asbestos Task Force.

Timetable:

Action	Date	FR Cite
ANPRM	10/17/79	44 FR 60056
NPRM	00/00/00	

Small Entity: Undetermined

Additional Information: SAR No. 1627. FTS:8-382-3938.

Agency Contact: Edward Klein, Environmental Protection Agency, (TS-794), Washington, DC 20460, **202 382-3938**

RIN: 2070–AA29

PMN EXEMPTION FOR SITE LIMITED INTERMEDIATES AND LOW VOLUME CHEMICALS

Priority: Task Force

Legal Authority: 15 USC 2604 TSCA

CFR Citation: 40 CFR 723

Abstract: Section 5(a) of TSCA requires manufacturers of new chemical substances to submit a premanufacture notice (PMN) to EPA before manufacture or import begins. Section 5(h)(4) authorizes the Administrator to exempt any person from the provisions of section 5 if the Agency determines that the substance will not present an unreasonable risk. This rule would exempt manufacturers of certain chemicals produced at 10,000 kg or less and certain site-limited intermediates from PMN requirements. This revision is being made at the request of the President's Task Force on Regulatory Relief.

Timetable:

Action	Date	FR Cite
Notice	11/03/81	46 FR 54688
NPRM	08/04/82	47 FR 33896
Final Action	08/00/83	

Small Entity: No

Additional Information: SAR No. 1820. Docket No. OPTS-50032. FTS:8-382-3849.

Agency Contact: Joseph A. DeSantis, Environmental Protection Agency, (TS-794), Washington, DC 20460, **202 382-3849**

RIN: 2070–AA36

PMN EXEMPTION FOR POLYMERS

Priority: Task Force

Legal Authority: 15 USC 2604 TSCA

CFR Citation: 40 CFR 723

Abstract: Section 5(a) of TSCA requires manufacturers of new chemical substances to submit a premanufacture notice (PMN) to EPA before manufacture or import begins. Section 5(h)(4) of TSCA authorizes the Administrator to exempt any person from

the provisions of section 5 if the Agency determines that the chemical substance will not present an unreasonable risk. This rule would exempt certain polymers from PMN requirements. This revision is being made at the request of the President's Task Force on Regulatory Relief.

Timetable:

Action	Date	FR Cite
Notice	11/03/81	46 FR 54688
NPRM	08/04/82	47 FR 83924
Final Action	09/00/83	

Small Entity: No

Additional Information: SAR No. 1881. Docket No. OPTS-50033. FTS:8-382-3849.

Agency Contact: **Joseph A. DeSantis**, Environmental Protection Agency, (TS-794), Washington, DC 20460, **202 382-3849**

RIN: 2070-AA37

CLEAN WATER ACT

EFFLUENT GUIDELINES FOR ORGANIC CHEMICALS AND PLASTICS AND SYNTHETICS

Priority: Major

Legal Authority: 33 USC 1311 CWA; 33 USC 1314 CWA; 33 USC 1316 CWA; 33 USC 1317 CWA; 33 USC 1361 CWA

CFR Citation: . 40 CFR 414; 40 CFR 416

Abstract: The Agency is proposing BPT, BAT, NSPS, and pretreatment standards for the organic chemicals industry (SIC 2865, 2869). Pollutants include aromatic chlorinated hydrocarbons, phenolic compounds, and metals. EPA is also developing proposed BCT, BAT, BPT, NSPS, and pretreatment standards for the plastics and synthetics industry (SIC 2821, 2823, 2824). Pollutants of concern include phenols, benzene, acrolein, acrylimide, ethylbenzene, toluene, and vinyl chloride.

Timetable:

Action	Date	FR Cite
NPRM	03/21/83	48 FR 11828
Final Action	03/00/84	

Small Entity: Undetermined

Additional Information: SAR No. 1415. FTS:8-382-7173

Agency Contact: **E.H. Forsht**, Environmental Protection Agency, (WH-552), Washington, DC 20460, **202 382-7173**

RIN: 2040-AA05

REVISION OF THE BEST CONVENTIONAL TECHNOLOGY (BCT) COST TEST AND BCT EFFLUENT GUIDELINES

Priority: Task Force

Legal Authority: 33 USC 1314 CWA

CFR Citation: 40 CFR 405; 40 CFR 406; 40 CFR 407; 40 CFR 408; 40 CFR 409; 40 CFR 411; 40 CFR 412; 40 CFR 415; 40 CFR 422; 40 CFR 424; 40 CFR 425; 40 CFR 426; 40 CFR 429; 40 CFR 430; 40 CFR 431

Abstract: EPA is revising the cost reasonableness test for BCT effluent limitations for primary and secondary industries, primarily food processors and light manufacturers. EPA issued a notice withdrawing the existing BCT limitations on February 17, 1982 (47 FR 6835). EPA proposed new BCT limitations for the affected industries, including seafood processing and meat packing, pulp and paper, timber, metal finishing, inorganic chemicals, ore mining, and leather tanning. EPA is making these revisions in response to a court decision. This revision also fulfills the request for review of the program by the President's Task Force on Regulatory Relief.

Timetable:

Action	Date	FR Cite
NPRM	10/29/82	47 FR 49176
Final Action	09/00/83	

Small Entity: No

Additional Information: SAR No. 1752. FTS:8-382-5386.

Agency Contact: **Renee Rico**, Environmental Protection Agency, (WH-586), Washington, DC 20460, **202 382-5386**

RIN: 2040-AA45

REVISION TO GENERAL PRETREATMENT REGULATIONS: REFORMS

Priority: Task Force

Legal Authority: 33 USC 1317 CWA

CFR Citation: 40 CFR 403

Abstract: The Agency is preparing revisions to the Pretreatment Regulations which will also include revisions to decrease paperwork requirements. These revisions fulfill the request for review of the program by the President's Task Force on Regulatory Relief.

Timetable:

Action	Date	FR Cite
NPRM	06/00/83	
Final Action	10/00/83	

Small Entity: No

Additional Information: SAR No. 1900. FTS:8-426-4793.

Agency Contact: **Craig Jakubowics**, Environmental Protection Agency, (EN-336), Washington, DC 20460, **202 426-4793**

RIN: 2040-AA46

REVISIONS TO GENERAL PRETREATMENT REGULATIONS: REMOVAL CREDITS

Priority: Task Force

Legal Authority: 33 USC 1317 CWA

CFR Citation: 40 CFR 403.7

Abstract: Based on the Agency review of the Pretreatment Program, at the request of the President's Task Force on Regulatory Relief, EPA is proposing revisions in the removal credits section. This proposal clarifies the provision, gives added flexibility to cities and reduces the burden of using this mechanism.

Timetable:

Action	Date	FR Cite
NPRM	09/28/82	47 FR 42698
Final Action	08/00/83	

Small Entity: No

Additional Information: SAR No. 1866. FTS:8-426-4793.

Agency Contact: **Craig Jakubowics**, Environmental Protection Agency, (EN-336), Washington, DC 20460, **202 426-4793**

RIN: 2040-AA47

REVISIONS TO NPDES REGULATIONS: REGULATORY REFORM

Priority: Task Force

Legal Authority: 33 USC 1251 CWA

CFR Citation: 40 CFR 122; 40 CFR 123; 40 CFR 125

Abstract: These revisions are being proposed to streamline permit program requirements and ease burdens upon the public by eliminating regulations not mandated by law or essential to good program implementation; by expediting procedures where appropriate; by reducing unnecessary reporting requirements; and by promoting assumption of NPDES authority by States. These revisions are being made at the request of the President's Task Force on Regulatory Relief.

Timetable:

Action	Date	FR Cite
NPRM	05/00/83	

Small Entity: No

Additional Information: SAR No. 1868. FTS:8-426-4793.

Agency Contact: George Young, Environmental Protection Agency, (EN-336), Washington, DC 20460, **202 426-4793**

RIN: 2040-AA50

REVISIONS TO 404 REGULATIONS

Priority: Task Force

Legal Authority: 33 USC 1344 CWA

CFR Citation: 40 CFR 230

Abstract: These regulations revise section 404(b)(1) environmental guidelines to implement reforms recommended by the President's Task Force on Regulatory Relief. These revisions will also update testing and evaluation procedures. An ANPRM was published to request information to identify appropriate areas for reform.

Timetable:

Action	Date	FR Cite
ANPRM	08/23/82	47 FR 36798
NPRM	06/00/83	
Final Action	12/00/83	

Small Entity: No

Additional Information: SAR No. 1585. FTS:8-472-3400

Agency Contact: Suzanne Schwartz, Environmental Protection Agency, (WH-585), Washington, DC 20460, **202 472-3400**

RIN: 2040-AA51

ATOMIC ENERGY ACT

ENVIRONMENTAL PROTECTION STANDARDS FOR HIGH-LEVEL RADIOACTIVE WASTE

Priority: Major

Legal Authority: 42 USC 2021

CFR Citation: 40 CFR 191

Abstract: EPA is developing environmental standards which state the public health and environmental requirements to be met for disposal of high-level radioactive waste. These consist of general design and site selection principles as well as numeric performance requirements for high-level waste repositories. DOE and NRC will use EPA's regulation to set their standards to govern the licensing, design and operation of permanent high-level radioactive waste disposal facilities.

Timetable:

Action	Date	FR Cite
ANPRM	12/06/76	41 FR 53363
NPRM	12/29/82	47 FR 58196
Final Action	12/00/83	

Small Entity: No

Additional Information: SAR No. 1163. FTS:8-557-8610.

Agency Contact: Dan Egan, Environmental Protection Agency, (ANR-460), Washington, DC 20460, **703 557-8610**

RIN: 2060-AA03

RESOURCE CONSERVATION AND RECOVERY ACT

STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTES: WASTE OIL

Priority: Major

Legal Authority: 42 USC 6921 RCRA; 42 USC 6932 RCRA

CFR Citation: 40 CFR 266

Abstract: Pursuant to the requirements of the Used Oil Recycling Act (incorporated into RCRA by amendment in 1980), the Agency is evaluating what types of regulatory controls should apply to the re-use and re-cycling of used oil. EPA will propose regulations based on these evaluations.

Timetable:

Action	Date	FR Cite
NPRM	* 12/18/78	43 FR 58946
RPRM	06/00/84	
Interim Final Rule	06/00/85	

Small Entity: Yes

Additional Information: SAR No. 1713. Docket No. 3012. FTS:8-382-4788.

Agency Contact: Michael Petruska, Environmental Protection Agency, (WH-565), Washington, DC 20460, **202 382-4788**

RIN: 2050-AA00

STANDARDS FOR HAZARDOUS WASTE GENERATORS: UNIFORM HAZARDOUS WASTE MANIFEST

Priority: Task Force

Legal Authority: 42 USC 6922 RCRA

CFR Citation: 40 CFR 262

Abstract: In conjunction with the Department of Transportation, EPA has proposed a uniform national manifest to eliminate problems caused by differing state manifest requirements. This action would require all generators and transporters of hazardous waste to use the Federal form. These revisions are being made as part of an overall revision of the RCRA program at the request of the President's Task Force on Regulatory Relief.

Timetable:

Action	Date	FR Cite
NPRM	03/04/82	47 FR 9336
Final Action	05/00/83	

Small Entity: No

Additional Information: SAR No. 1768. Docket No. 3002. FTS:8-382-4753.

Agency Contact: Rolf Hill, Environmental Protection Agency, (WH-563), Washington, DC 20460, **202 382-4753**

RIN: 2050-AA15

STANDARDS FOR HAZARDOUS WASTE GENERATORS: ALTERNATE MANIFEST

Priority: Task Force

Legal Authority: 42 USC 6922 RCRA

CFR Citation: 40 CFR 262

Abstract: This action would allow generators to reuse a manifest form if they repeatedly ship identical wastes to facilities which they own or operate. This will reduce the paperwork burdens for generators. These revisions are being made as part of an overall revision of the RCRA program at the request of the President's Task Force on Regulatory Relief.

Timetable:

Action	Date	FR Cite
NPRM	09/00/83	
Final Action	09/00/84	

Small Entity: No

Additional Information: SAR No. 1842. Docket No. 3002. FTS:8-382-4697.

Agency Contact: John Thompson, Environmental Protection Agency, (WH-563C), Washington, DC 20460, **202 382-4697**

RIN: 2050-AA16

STANDARDS FOR OWNERS/OPERATORS OF WASTE FACILITIES: LAND DISPOSAL

Priority: Major

Legal Authority: 42 USC 6905 RCRA; 42 USC 6912 RCRA; 42 USC 6924 RCRA; 42 USC 6925 RCRA

CFR Citation: 40 CFR 122; 40 CFR 260; 40 CFR 264; 40 CFR 265

Abstract: The Agency established requirements for use in permitting existing land disposal facilities (surface impoundments, waste piles, land treatment landfills) and the corresponding procedures for permit applications. The Agency is preparing a Regulatory Impact Analysis and will publish the results of it in the Federal

Register. A Regulatory Flexibility Analysis was published on 1/21/83.

Timetable:

Action	Date	FR Cite
Previous NPRM	12/18/78	43 FR 58946
Previous NPRM	10/08/80	45 FR 66816
RPRM	02/05/81	46 FR 11126
RPRM	05/26/81	46 FR 28314
Previous Interim Final Rule	06/26/82	47 FR 32274
NPRM	07/26/82	47 FR 32385
Interim Final Rule	07/26/82	47 FR 32274
Final Action	00/00/00	

Small Entity: Yes

Additional Information: SAR No. 1194. Docket No. 3004. FTS:8-382-4654

Agency Contact: Ken Shuster, Environmental Protection Agency, (WH-564), Washington, DC 20460, **202 382-4654**

RIN: 2050-AA21

CONSOLIDATED PERMITS: CLASS PERMITS

Priority: Task Force

Legal Authority: 42 USC 6924 RCRA; 42 USC 6925 RCRA

CFR Citation: 40 CFR 122; 40 CFR 124; 40 CFR 264; 40 CFR 266

Abstract: EPA will propose to allow precisely defined classes of facilities to obtain permits by demonstrating compliance with specific permit conditions established by regulation. This will simplify and expedite the process for individual members of the classes to receive permits. These and several other revisions listed below implement revisions to the Consolidated Permit Program at the request of the President's Task Force on Regulatory Relief.

Timetable:

Action	Date	FR Cite
NPRM	08/00/83	
Final Action	08/00/84	

Small Entity: No

Additional Information: SAR No. 1844. Docket No. 3005. FTS:8-382-4761.

Agency Contact: Penny Hansen, Environmental Protection Agency, (WH-565), Washington, DC 20460, **202 382-4761**

RIN: 2050-AA36

●STANDARDS FOR STORAGE OF HAZARDOUS WASTE IN UNDERGROUND TANKS

Priority: Major

Legal Authority: 42 USC 6924 RCRA

CFR Citation: 40 CFR 264

Abstract: EPA's existing standards for storage tanks (Part 264, Subpart J) do not address the problems raised by storage of hazardous waste in underground tanks that cannot be entered for inspection. We are presently studying this problem in anticipation of issuing proposed regulations.

Timetable:

Action	Date	FR Cite
NPRM	01/00/84	
Final Action	01/00/85	

Small Entity: Undetermined

Additional Information: SAR No. 1957. FTS:8-382-4761.

Agency Contact: William Kline, Environmental Protection Agency, (WH-565), Washington, DC 20460, **202 382-4761**

RIN: 2050-AA57

●AMENDMENTS TO EXISTING PORTION CONCEPT IN LAND DISPOSAL REGULATIONS

Priority: Major

Legal Authority: 42 USC 6924

CFR Citation: 40 CFR 264

Abstract: Three related areas regarding coverage of the Part 264 land disposal regulations have been challenged in early public comments. These relate to requirements for liners at existing facilities. Amendments to be developed under this task are to "tighten-up" on the number of situations where operation of facilities after January 26, 1983, can continue without liners. Three issues will be addressed: (1) "lateral creep," (2) effective date of liner requirements, and (3) retrofit of liners. Final regulation for issue 1 is scheduled to be published in the Federal Register in July 1983, and proposed regulations for issues 2 and 3 in September 1983.

Timetable:

Action	Date	FR Cite
Final Action	07/00/83	
NPRM	09/00/83	

Small Entity: Undetermined

Additional Information: SAR No. 1958. FTS:8-382-4654.

Agency Contact: Burnell Vincent, Environmental Protection Agency, (WH-565E), Washington, DC 20460, **202 382-4654**

RIN: 2050-AA58

CLEAN AIR ACT

NSPS: INDUSTRIAL BOILERS

Priority: Major

Legal Authority: 42 USC 7411 CAA

CFR Citation: 40 CFR 60 ZZ

Abstract: Industrial boilers are a major stationary source of sulfur dioxide, particulates, and nitrogen oxide emissions. EPA is developing performance standards for industrial boilers to achieve continuous emission reduction. The Agency will base emission limits upon the best available system of control, taking costs, environmental impacts and energy requirements into account.

Timetable:

Action	Date	FR Cite
ANPRM	06/28/79	44 FR 37632
NPRM	07/00/83	
Final Action	09/00/84	

Small Entity: Yes

Additional Information: SAR No. 1586. Docket No. A-79-02. FTS:8-629-5624.

Agency Contact: Fred L. Porter, Environmental Protection Agency, (MD-13), Research Triangle Park, NC 27711, **919 541-5624**

RIN: 2060-AA22

NESHAPS: AIRBORNE RADIONUCLIDES

Priority: Major

Legal Authority: 42 USC 7412 CAA

CFR Citation: 40 CFR 61

Abstract: Radionuclides are a hazardous air pollutant. The Agency is currently drafting proposed standards for sources in four categories: 1) Department of Energy facilities; 2) Nuclear Regulatory Commission-licensed facilities and non-DOE Federal facilities; 3) underground uranium mines; and 4) elemental phosporous plants. The Agency has identified several other source categories but has chosen not to regulate them at this time.

Timetable:

Action	Date	FR Cite
NPRM	04/06/83	48 FR 15076
Final Action	09/00/83	

Small Entity: Undetermined

Additional Information: SAR No. 1595. Docket No. A-79-11. FTS:8-557-8977.

Agency Contact: Terrence McLaughlin, Environmental Protection Agency, (ANR-460), Washington, DC 20460, **703 557-8977**

RIN: 2060-AA47

EPA

Current and Projected Rulemakings

HEAVY-DUTY DIESEL PARTICULATE STANDARDS

Priority: Major

Legal Authority: 42 USC 7521(a)(3) CAA

CFR Citation: 40 CFR 86

Abstract: Diesel engines emit 40-100 times the particulate matter emitted by catalyst-equipped vehicles operated on unleaded gasoline. EPA has proposed an emission limit of .25 grams per brake horsepower-hour and intends to repropose a standard for particulate matter concurrent with the proposed heavy-duty NOX standard.

Timetable:

Action	Date	FR Cite
Previous NPRM	01/07/81	46 FR 1910
NPRM	01/00/84	
Final Action	12/00/84	

Small Entity: No

Additional Information: SAR No. 1310. Docket No. OMSAPC-78-3 A-80-18. FTS:8-374-8339.

Agency Contact: **Richard Rykowski**, Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, MI 48105, **313 668-4339**

RIN: 2060-AA51

NOX REGULATIONS FOR LIGHT-DUTY TRUCKS AND HEAVY-DUTY ENGINES

Priority: Major

Legal Authority: 42 USC 7521 CAA; 42 USC 7525 CAA; 42 USC 7526 CAA; 42 USC 7541 CAA

CFR Citation: 40 CFR 86

Abstract: EPA has identified several Air Quality Control Regions which currently are exceeding acceptable Nitrogen Dioxide levels. Heavy-duty vehicles and light-duty trucks produce 15 percent of total NOx emissions. The Clean Air Act requires EPA to establish emission standards for heavy-duty vehicles which represent a 75% reduction in nitrogen oxides. EPA has developed a new test procedure for measuring exhaust emissions which will be used to measure baseline emissions. At the request of the President's Task Force on Regulatory Relief, EPA will consider relaxing the statutory limit for 3 years to a level which can be achieved by diesel engines, and allowing emissions averaging to give flexibility to manufacturers.

Timetable:

Action	Date	FR Cite
Previous ANPRM	11/28/80	45 FR 79382
ANPRM	01/19/81	46 FR 5836
NPRM	01/00/84	
Final Action	12/00/84	

Small Entity: No

Additional Information: SAR No. 1315. Docket No. A-80-31. FTS:8-374-4303.

Agency Contact: **Peter Kohnken**, Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, MI 48105, **313 668-8303**

RIN: 2060-AA52

FUELS AND FUEL ADDITIVES

Priority: Major

Legal Authority: 42 USC 7545 CAA

CFR Citation: 40 CFR 79

Abstract: These protocols will help determine effects of fuel and fuel additives on public health and emission control devices. They will ensure that motor vehicle fuels and additives will not harm the public health. They will also ensure that they do not damage emission control devices in motor vehicles.

Timetable:

Action	Date	FR Cite
NPRM	10/00/84	

Small Entity: Undetermined

Additional Information: SAR No. 1328. FTS:8-374-8339. Additional Analysis: IIA.

Agency Contact: **Richard A. Rykowski**, Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, MI 48105, **313 668-4339**

RIN: 2060-AA59

NAAQS FOR SULFUR OXIDES

Priority: Major

Legal Authority: 42 USC 7408 CAA

CFR Citation: 40 CFR 50.4

Abstract: EPA is reviewing the scientific criteria used as a basis for establishing ambient air quality standards for sulfur dioxide. The Agency will revise the criteria document and the standards where appropriate to protect public health and welfare.

Timetable:

Action	Date	FR Cite
ANPRM	10/02/79	44 FR 56730
NPRM	09/00/83	
Final Action	09/00/84	

Small Entity: Undetermined

Additional Information: SAR No. 1002. Docket No. OAQPS-79-7. FTS:8-629-5655.

Agency Contact: **Bruce Jordan**, Environmental Protection Agency, (MD-12), Research Triangle Park, NC 27711, **919 541-5655**

RIN: 2060-AA61

NAAQS FOR PARTICULATE MATTER (TSP)

Priority: Major

Legal Authority: 42 USC 7408 CAA

CFR Citation: 40 CFR 50.6

Abstract: Particulate matter is one of the major pollutants in the ambient air. EPA is reviewing the scientific criteria used as a basis for establishing ambient air quality standards for particulate matter. The Agency will revise the criteria document and the standards themselves when appropriate to protect public health and welfare.

Timetable:

Action	Date	FR Cite
ANPRM	10/02/79	44 FR 56730
NPRM	07/00/83	
Final Action	07/00/84	

Small Entity: No

Additional Information: SAR No. 1003. Docket No. A-79-29. FTS:8-629-5655.

Agency Contact: **Bruce Jordan**, Environmental Protection Agency, (MD-12), Research Triangle Park, NC 27711, **919 541-5655**

RIN: 2060-AA62

NAAQS FOR CARBON MONOXIDE

Priority: Major

Legal Authority: 42 USC 7408 CAA; 42 USC 7409 CAA

CFR Citation: 40 CFR 50.8

Abstract: Carbon monoxide is a major source of air pollution which endangers people with heart and central nervous system diseases, pregnant women and other people (5-12% of U.S. population in all). EPA is reviewing the scientific criteria used as a basis for establishing ambient air quality standards for CO. The Agency will revise the criteria document and the standards where appropriate to protect public health and welfare.

Timetable:

Action	Date	FR Cite
ANPRM	12/01/78	43 FR 56250
NPRM	08/18/80	45 FR 55066
Final Action	05/00/83	

Small Entity: No

Additional Information: SAR No. 1001. Docket No. OAQPS-79-7. FTS:8-629-5655.

Agency Contact: Bruce Jordan, Environmental Protection Agency, (MD-12), Research Triangle Park, NC 27711, **919 541-5655**

RIN: 2060–AA63

NAAQS FOR NITROGEN DIOXIDE

Priority: Major

Legal Authority: 42 USC 7408 CAA

CFR Citation: 40 CFR 50.11

Abstract: EPA is reviewing the scientific criteria used as a basis for establishing ambient air quality standards for nitrogen dioxide. The Agency will revise the criteria document and the standards where appropriate to protect public health and welfare.

Timetable:

Action	Date	FR Cite
NPRM	06/00/83	
Final Action	05/00/84	

Small Entity: No

Additional Information: SAR No. 1004. Docket No. OAQPS 78-9. FTS: 8-629-5655.

Agency Contact: Bruce Jordan, Environmental Protection Agency, (MD-12), Research Triangle Park, NC 27711, **919 541-5655**

RIN: 2060–AA64

REVISION TO NSPS FOR AUTOMOTIVE PAINT SHOPS

Priority: Task Force

Legal Authority: 42 USC 7411 CAA

CFR Citation: 40 CFR 60

Abstract: EPA is revising the NSPS for auto body painting which was promulgated in December 1980, to consider the economic effects of increased use of clear coat. The Agency is granting waivers to manufacturers for innovative technology in order to allow them time to develop new coating systems to meet the standard. These revisions are being made at the request of the President's Task Force on Regulatory Relief.

Timetable:

Action	Date	FR Cite
NPRM	07/29/82	47 FR 32743
Final Action	09/00/83	

Small Entity: No

Additional Information: SAR No. 1831. FTS:8-629-5624.

Agency Contact: Fred L. Porter, Environmental Protection Agency, (MD-13), Research Triangle Park, NC 27711, **919 541-5624**

RIN: 2060–AA76

DELAY OF THE 1985 MODEL YEAR LIGHT-DUTY DIESEL PARTICULATE STANDARD

Priority: Task Force

Legal Authority: 42 USC 7521(a)

CFR Citation: 40 CFR 86

Abstract: At the request of the President's Task Force on Regulatory Relief, EPA has reviewed the feasibility of the 1985 diesel particulate standard and determined that the technology required to meet the standard will not be available in time for the 1985 model year. EPA is proposing a two year delay which should be adequate time to make available the necessary technology.

Timetable:

Action	Date	FR Cite
NPRM	12/01/82	47 FR 54250
Final Action	10/00/83	

Small Entity: No

Additional Information: SAR No. 1894. Docket No. 81-32 FTS:8-374-8339.

Agency Contact: Richard Rykowski, Environmental Protection Agency, (ANR-455), 2565 Plymouth Road, Ann Arbor, MI 48105, **313 668-4339**

RIN: 2060–AA83

AVERAGING OF PARTICULATE EMISSIONS FOR 1985 AND LATER MODEL YEAR LIGHT-DUTY DIESELS

Priority: Task Force

Legal Authority: 42 USC 7521(a)(3)(A) CAA

CFR Citation: 40 CFR 86

Abstract: EPA has proposed a diesel particulate averaging scheme to replace the individual-vehicle standards currently in place for 1985, 0.20 grams per mile for light-duty vehicles and 0.26 grams per mile for light-duty trucks. Averaging should allow manufacturers to employ the most cost-effective control technology strategies for their diesel models, while assuming that total particulate levels will not significantly increase beyond those allowable under the current regulations. If these standards are delayed until 1987, the averaging program will also be delayed until 1987. These revisions are being made at the request of the President's Task Force on Regulatory Relief.

Timetable:

Action	Date	FR Cite
NPRM	12/24/81	46 FR 62608
Final Action	05/00/83	

Small Entity: No

Additional Information: SAR No. 1717. Docket No. A-81-31. FTS:8-374-8340.

Agency Contact: Peter Hutchins, Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, MI 48105, **313 668-4340**

RIN: 2060–AA84

REVISED GASEOUS EMISSION REGULATIONS FOR 1984 AND LATER MODEL YEAR HEAVY-DUTY ENGINES AND LIGHT-DUTY TRUCKS

Priority: Task Force

Legal Authority: 42 USC 7521(a) CAA

CFR Citation: 40 CFR 86 A; 40 CFR 86 K; 40 CFR 86 N

Abstract: At the request of the President's Task Force on Regulatory Relief, EPA is reviewing the hydrocarbon and carbon monoxide emission standards for heavy-duty engines which were promulgated in January 1980 at 45FR4136. The Clean Air Act permits EPA to revise emission standards if it finds that compliance with the standards cannot be achieved without unreasonable cost burden. This rulemaking will reevaluate certain aspects of the 1984 final rule with the aim of reducing short term compliance costs without significant losses in environmental benefits. The major objective will be to determine if hydrocarbon and carbon monoxide standards may be set at a level which will not require the use of catalytic converters. A recent Final Rule (48 FR 1406, 1/12/83) delays these standards for one year, until 1985, while the final level of the standard is determined. Useful life options were proposed on 1/12/83 and will be included in the Final Rule.

Timetable:

Action	Date	FR Cite
NPRM	01/12/82	47 FR 1472
Final Action	09/00/83	

Small Entity: No

Additional Information: SAR No. 1719. Docket No. A-81-11. FTS:8-374-8408.

Agency Contact: Glenn Passavant, Environmental Protection Agency, Ann Arbor, MI 48105, **313 668-4408**

RIN: 2060–AA85

EPA

Current and Projected Rulemakings

NON-METHANE HYDROCARBON STANDARDS

Priority: Task Force

Legal Authority: 42 USC 7521(b) CAA

CFR Citation: 40 CFR 86

Abstract: At the request of the President's Task Force on Regulatory Relief, EPA has proposed to adopt a non-methane hydrocarbon (NMHC) standard for compliance requirements for hydrocarbon exhaust emissions for 1983 and later model year vehicles. The existing regulation uses total hydrocarbon (THC), including methane, a non-reactive hydrocarbon, to determine the emission standards necessary to comply with the Clean Air Act's requirement that EPA control photochemical smog.

Timetable:

Action	Date	FR Cite
NPRM	12/23/81	46 FR 62366
Final Action	05/00/83	

Small Entity: No

Additional Information: SAR No. 1728. Docket No. A-81-24. FTS:8-374-8340.

Agency Contact: **Peter Hutchins**, Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, MI 48105, **313 668-4340**

RIN: 2060-AA86

REVISED LONG TERM MOTOR VEHICLE EMISSIONS CONTROL PROGRAM

Priority: Task Force

Legal Authority: 42 USC 7525 CAA

CFR Citation: 40 CFR 86

Abstract: This rulemaking will consider long term alternatives to the certification selective enforcement auditing and recall programs. These alternatives would focus on in-use vehicle performance, give manufacturers greater flexibility and incentives for meeting emission standards in the most economical ways, reduce overall compliance costs, and ensure that air quality is fully and appropriately protected. This action is being taken at the request of the President's Task Force on Regulatory Relief.

Timetable:

Action	Date	FR Cite
ANPRM	08/00/83	

Small Entity: No

Additional Information: SAR No. 1715B. Docket No. A-81-17. FTS:8-374-8277.

Agency Contact: **Robert Larson**, Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, MI 48105, **313 668-4277**

RIN: 2060-AA88

AMENDMENTS TO SELECTIVE ENFORCEMENT AUDITING PROCEDURES FOR LIGHT-DUTY VEHICLES (LDVS)

Priority: Task Force

Legal Authority: 42 USC 7525(b) CAA; 42 USC 7542(b) CAA; 42 USC 7601(a) CAA

CFR Citation: 40 CFR 86 G; 40 CFR 86 K

Abstract: EPA is revising the Selective Enforcement Auditing procedures for LDVs to make the program more efficient (with cost savings to EPA and the affected industries), clarify various provisions, and revise the sampling procedure.

Timetable:

Action	Date	FR Cite
NPRM	09/00/83	
Interim Final Rule	05/00/84	

Small Entity: No

Additional Information: SAR No. 1570. FTS:8-382-2503.

Agency Contact: **Timothy Fields, Jr.**, Environmental Protection Agency, (EN-340), Washington, DC 20460, **202 382-2503**

RIN: 2060-AA89

SUPERFUND

●AMENDMENT TO NATIONAL OIL AND HAZARDOUS MATERIALS CONTINGENCY PLAN

Priority: Major

Legal Authority: 42 USC 9605 CERCLA

CFR Citation: 40 CFR 300

Abstract: This amendment supplements the NCP with the National Priorities List (NPL), which will become Appendix B of the NCP. CERCLA requires that the NCP include a list of national priorities among the known or threatened releases of hazardous substances, pollutants, and contaminants thoughout the U.S. The list will be revised annually. The NPL identifies priority releases, based on the assessments of State governments and EPA, for fund-financed remedial action and enforcement under CERCLA.

Timetable:

Action	Date	FR Cite
NPRM	12/30/82	47 FR 58476
Final Action	06/00/83	

Small Entity: No

Additional Information: SAR No. 1960. FTS:8-382-3999.

Agency Contact: **Stephen M. Caldwell**, Environmental Protection Agency, Washington, DC 20460, **202 382-3999**

RIN: 2050-AA67

GENERAL

●REVISION OF SECTION 404 STATE PROGRAM REGULATIONS

Priority: Task Force

Legal Authority: 33 USC 1344CWA

CFR Citation: 40 CFR 122; 40 CFR 123; 40 CFR 124; 40 CFR 233

Abstract: Under Section 404(g) of the Clean Water Act, EPA is responsible for approving and overseeing assumption of the 404 "dredge and fill" program by States. Pursuant to the directives of the Presidential Task Force on Regulatory Relief, EPA is revising its State program regulations (formerly part of the Consolidated Permit Regulations, to provide increased incentives and simplified procedures for state assumption of the Section 404 program.

Timetable:

Action	Date	FR Cite
NPRM	07/00/83	
Final Action	12/00/83	

Small Entity: No

Additional Information: SAR No. 1973 FTS: 8/382-5046

Agency Contact: **John Neagher**, Environmental Protection Agency, Administrator and Others, A-104, 401 M Street, SW, Washington, DC 20460, **202 382-5046**

RIN: 2030-AA00

FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

RESTRICTED USE CLASSIFICATION FOR CERTAIN ACTIVE INGREDIENTS USED IN FUMIGANTS

Legal Authority: 7 USC 136 FIFRA

CFR Citation: 40 CFR 162.31

Abstract: FIFRA requires that pesticides be classified for either restricted or general use. This rule would classify certain active ingredients in fumigants for restricted use based on an evaluation of the incremental risks and benefits of unrestricted use. Classification for restricted use permits the continued use of certain pesticides which, if used without restriction, may have unreasonable adverse effects on the environment.

Timetable:

Action	Date	FR Cite
NPRM	07/00/83	

Small Entity: No

Additional Information: SAR No. 1828. FTS:8-557-0592.

Agency Contact: Walter Waldrop, Environmental Protection Agency, (TS-767-C), Washington, DC 20460, **703 557-0592**

RIN: 2070–AA00

RESTRICTED USE CLASSIFICATION FOR CERTAIN ACTIVE INGREDIENTS USED IN GRANULAR INSECTICIDES

Legal Authority: 7 USC 136 FIFRA

CFR Citation: 40 CFR 162.31

Abstract: FIFRA requires that pesticides be classified for either restricted or general use. This rule would classify certain active ingredients in granular insecticides for restricted use based on an evaluation of the incremental risks and benefits of unrestricted use. Classification for restricted use permits the continued use of certain pesticides which, if used without restriction, may have unreasonable adverse effects on the environment.

Timetable:

Action	Date	FR Cite
NPRM	08/01/79	44 FR 45218
Final Action	07/00/83	

Small Entity: No

Additional Information: SAR No. 1829. FTS:8-557-0592.

Agency Contact: Walter Waldrop, Environmental Protection Agency, (TS-767-C), Washington, DC 20460, **703 557-0592**

RIN: 2070–AA01

GOOD LABORATORY PRACTICE STANDARDS - TOXICOLOGY TESTING

Legal Authority: 7 USC 136 FIFRA

CFR Citation: 40 CFR 160

Abstract: This regulation sets forth the standards for Good Laboratory Practices (GLP) which apply to all health effects testing conducted under FIFRA. This rule states requirements for the retention and handling of laboratory records and includes quality assurance procedures, records and similar information related to Good Laboratory Practice.

Timetable:

Action	Date	FR Cite
NPRM	04/18/80	45 FR 26373
Final Action	06/00/83	

Small Entity: Not Applicable

Additional Information: SAR No. 1703. Docket No. OPP-30023B. FTS:8-557-3713.

Agency Contact: Bruce Jaeger, Environmental Protection Agency, (TS-769C), Washington, DC 20460, **703 557-3713**

RIN: 2070–AA02

REPORTING REQUIREMENTS FOR CERTAIN DEALERS OF RESTRICTED USE PESTICIDES

Legal Authority: 7 USC 136a FIFRA; 7 USC 136b FIFRA; 7 USC 136w FIFRA

CFR Citation: 40 CFR 171

Abstract: This rule would establish certain recordkeeping and reporting requirements for pesticides that are classified for restricted use. This rule will only apply to States and Indian Reservations where the Administrator is conducting a Federal program to certify pesticide applicators. The rule would require persons who make restricted use pesticides available to users to submit a report to the Agency and maintain records of sales.

Timetable:

Action	Date	FR Cite
NPRM	07/28/82	47 FR 32551
Final Action	06/00/83	

Small Entity: No

Additional Information: FTS:8-382-5645. SAR No. 1746.

Agency Contact: David Hanneman, Environmental Protection Agency, (EN-342), Washington, DC 20460, **202 382-7849**

RIN: 2070–AA03

REGISTRATION OF PESTICIDE PRODUCING ESTABLISHMENTS

Legal Authority: 7 USC 136 FIFRA

CFR Citation: 40 CFR 167

Abstract: This regulation amends the existing regulations on registering establishments that produce pesticides. The regulation implements the Congressional mandate to register establishments that produce active ingredients used in pesticides.

Timetable:

Action	Date	FR Cite
NPRM	07/09/80	45 FR 46100
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: FTS:8-382-5650. SAR No. 1747.

Agency Contact: David Stangel, Environmental Protection Agency, (EN-342), Washington, DC 20460, **202 382-7846**

RIN: 2070–AA04

●PARTIAL EXEMPTION FROM FIFRA REQUIREMENTS FOR CERTAIN PRODUCTS CONTAINING BORON COMPOUNDS

Legal Authority: 7 USC 136 W FIFRA

CFR Citation: 40 CFR 162

Abstract: This rule proposes exemption of adequately labelled pesticide products in toxicity categories III and IV which contain boron compounds as their sole active ingredient from all of the requirements of FIFRA. This rule does not exempt the misbranding and other provisions of Section 12 which are not applicable solely to registered pesticides. The reporting requirements under Section 7 of FIFRA, which are now applicable to producers of products for which exemption is proposed, will also be retained.

Timetable:

Action	Date	FR Cite
NPRM	08/00/83	

Small Entity: No

Additional Information: SAR No. 1979. FTS: 8-557-0592.

Agency Contact: David Alexander, Attorney Advisor, Environmental Protection Agency, (TS-767), Washington, DC 20460, **703 557-0592**

RIN: 2070–AA53

CONDITIONAL REGISTRATION AND DATA COMPENSATION

Legal Authority: 7 USC 136 FIFRA

CFR Citation: 40 CFR 162

Abstract: This regulation will govern the conditional registration of pesticide products which are identical or substantially similar to those currently registered, and the conditional registration of new uses of existing pesticides. It will also implement the data compensation provisions of section 3(c)(1)(D) of FIFRA. The Unites States Court of Appeals for the Third Circuit stated on

June 22, 1982 that EPA must promulgate appropriate regulations in accordance with the Administrative Procedure Act.

Timetable:

Action	Date	FR Cite
NPRM	12/27/82	47 FR 57624
Final Action	09/00/83	

Small Entity: No

Additional Information: SAR No. 1885. FTS:8-557-0592.

Agency Contact: Jean Frane, Environmental Protection Agency, (TS-767C), Washington, DC 20460, **703 557-0592**

RIN: 2070-AA09

●TOLERANCE FEES FOR PESTICIDE CHEMICALS

Legal Authority: 21 USC 346(a) FFDCA

CFR Citation: 40 CFR 180.33

Abstract: Section 408(o) of the Federal Food, Drug, and Cosmetic Act authorizes EPA to collect fees from registrants seeking approval of tolerance petitions. The tolerance fee structure originally was designed to cover the Agency's processing costs for reviewing tolerance petitions and for establishing tolerance levels for pesticides used on food products. The Agency has not modified its tolerance fee structure since 1972. This proposed regulation will establish a new tolerance fee structure based upon the Agency's increased costs for processing tolerance petitions.

Timetable:

Action	Date	FR Cite
NPRM	12/00/83	
Final Action	09/00/84	

Small Entity: No

Additional Information: SAR No. 1963. FTS: 8-557-7666

Agency Contact: Ken Wetzel, Environmental Protection Agency, (TS-757c), Washington, DC 20460, **703 557-7666**

RIN: 2070-AA46

TOXIC SUBSTANCES CONTROL ACT

GOOD LABORATORY PRACTICE STANDARDS

Legal Authority: 15 USC 2603 TSCA

CFR Citation: 40 CFR 163

Abstract: This regulation sets forth the standards for Good Laboratory Practices (GLP) which apply to all health effects, ecological effects, physical, chemical and persistence testing conducted under TSCA. The rule states requirements for the retention and handling of laboratory records and includes quality assurance procedures, records and similar information related to Good Laboratory Practice.

Timetable:

Action	Date	FR Cite
NPRM	05/09/79	44 FR 27362
NPRM	11/21/80	44 FR 77357
Final Action	08/00/83	

Small Entity: Undetermined

Additional Information: SAR No. 1886. FTS:8-382-4241.

Agency Contact: Dr. Irwin Baumel, Environmental Protection Agency, (TS-796), Washington, DC 20460, **202 382-4241**

RIN: 2070-AA13

GENERAL REIMBURSEMENT POLICY FOR TSCA TEST RULES

Legal Authority: 15 USC 2603 TSCA

CFR Citation: 40 CFR 790 F

Abstract: TSCA requires that those who manufacture and process a chemical must pay for tests to develop necessary information on its risks. Industry has initial responsibility for deciding how to share testing costs, but Section 4 requires EPA to issue reimbursement orders when private negotiations fail. This rule establishes procedures and criteria for EPA to make decisions on fair and equitable reimbursement. It is designed to encourage private arrangements by reducing the advantage of transferring a dispute to EPA.

Timetable:

Action	Date	FR Cite
ANPRM	09/18/79	44 FR 54284
NPRM	06/04/82	47 FR 24348
Final Action	05/00/83	

Small Entity: No

Additional Information: SAR No. 1726. Docket No. OPTS-48001C. FTS:8-382-3700.

Agency Contact: Ellen Selonick, Environmental Protection Agency, (TS-779), Washington, DC 20460, **202 382-3700**

RIN: 2070-AA14

GENERAL EXEMPTION POLICY FOR TEST RULES

Legal Authority: 15 USC 2603 TSCA

CFR Citation: 40 CFR 790; 40 CFR 773

Abstract: This is a final notice of the policies and procedures EPA will use to grant exemptions from testing under Section 4(c) of TSCA. Section 4(c) requires EPA to exempt applicants from testing if the chemical they manufacture or process is equivalent to one which is already being tested or if testing by applicants for exemptions would duplicate data already submitted to EPA.

Timetable:

Action	Date	FR Cite
NPRM	07/18/80	45 FR 48512
Final Action	05/00/83	

Small Entity: No

Additional Information: SAR No. 1669. Docket No. OPTS-47001. FTS:8-557-5781.

Agency Contact: Steven Newburg-Rinn, Environmental Protection Agency, (TS-778), Washington, DC 20460, **703 557-5781**

RIN: 2070-AA15

DECISION ON TEST RULES FOR CHLOROMETHANE AND CHLORINATED BENZENES AND DECISION NOT TO TEST ACRYLAMIDE (HEALTH)

Legal Authority: 15 USC 2603 TSCA

CFR Citation: 40 CFR 799; 40 CFR 771

Abstract: This is the first of a series of test rules proposed under TSCA, Section 4. It would require chemical manufacturers and processors to test chloromethane and chlorinated benzenes for specific health and environmental effects. EPA also has given notice of its decision not to require health effects testing on acrylamide.

Timetable:

Action	Date	FR Cite
NPRM	07/18/80	45 FR 48524
Final Action	05/00/83	
Final Rules	06/00/83	
Final Rules	08/00/83	
Final Rules	12/00/83	

Small Entity: No

Additional Information: SAR No. 1131. Docket No. OPTS 47002. FTS:8-557-5781.

Agency Contact: Steven Newburg-Rinn, Environmental Protection Agency, (TS-778), Washington, DC 20460, **703 557-5781**

RIN: 2070-AA16

DECISION ON TEST RULES FOR NITROBENZENE, DICHLOROMETHANE AND 1,1,1-TRICHLOROETHANE

Legal Authority: 15 USC 2603 TSCA

CFR Citation: 40 CFR 799; 40 CFR 771

Abstract: This is one of a series of test rules proposed under TSCA, Section 4. It would

require manufacturers and processors of these chemicals to test for specified health and environmental effects.

Timetable:

Action	Date	FR Cite
NPRM	06/05/81	46 FR 30301
Final Action	07/00/83	
(Future) Final Action	08/00/83	
(Future) Final Action	12/00/83	

Small Entity: No

Additional Information: SAR No. 1668. Docket No. OPTS-47004. FTS:8-557-5781.

Agency Contact: Steven Newburg-Rinn, Environmental Protection Agency, (TS-778), Washington, DC 20460, **703 557-5781**

RIN: 2070-AA17

DECISION ON TEST RULE FOR PHENYLENEDIAMINES

Legal Authority: 15 USC 2603 TSCA

CFR Citation: 40 CFR 799

Abstract: This is one of a series of decisions on rules issued under TSCA, Section 4. EPA will either require testing of a specific chemical or provide adequate reasons for not requiring testing.

Timetable:

Action	Date	FR Cite
ANPRM	01/08/82	47 FR 973
NPRM	12/00/83	

Small Entity: No

Additional Information: SAR No. 1789. Docket No. OPTS-42008. FTS:8-557-5781.

Agency Contact: Steven Newburg-Rinn, Environmental Protection Agency, (TS-778), Washington, DC 20460, **703 557-5781**

RIN: 2070-AA18

DECISION ON TEST RULE FOR FLUOROALKENES

Legal Authority: 15 USC 2603 TSCA

CFR Citation: 40 CFR 799

Abstract: This is one of a series of decisions on rules issued under TSCA, Section 4. EPA will either require testing of a specific chemical or provide adequate reasons for not requiring testing.

Timetable:

Action	Date	FR Cite
ANPRM	10/30/81	46 FR 53704
NPRM	10/00/83	

Small Entity: No

Additional Information: SAR No. 1748. FTS:8-557-5781.

Agency Contact: Steven Newburg-Rinn, Environmental Protection Agency, (TS-778), Washington, DC 20460, **703 557-5781**

RIN: 2070-AA19

TEST RULE FOR DIETHYLENETRIAMINE

Legal Authority: 15 USC 2603 TSCA

CFR Citation: 40 CFR 799

Abstract: This is one of a series of decisions on rules proposed under TSCA, Section 4. It would require to test the chemical for diethylenetriamine (DETA) to test the chemical for subchronic toxicity, mutagencity and biodegradation.

Timetable:

Action	Date	FR Cite
NPRM	04/29/82	47 FR 18386
Final Action	11/00/83	

Small Entity: No

Additional Information: SAR No. 1832. Docket No. OPP-42012. FTS:8-557-5781.

Agency Contact: Steven Newburg-Rinn, Environmental Protection Agency, (TS-778), Washington, DC 20460, **703 557-5781**

RIN: 2070-AA20

DECISION ON TEST RULES FOR TENTH ITC PRIORITY LIST

Legal Authority: 15 USC 2603 TSCA

CFR Citation: 40 CFR 799

Abstract: This action initiates rulemaking on the tenth ITC list of chemicals. EPA will either require testing of specific chemicals, negotiate testing with industry, or provide adequate reasons for not requiring testing. The chemicals on this list are biphenyl, ethyltoluene, formamide, and 1,2,4-trimethylbenzene.

Timetable:

Action	Date	FR Cite
NPRM	05/00/83	

Small Entity: No

Additional Information: SAR No. 1892. FTS:8-557-5781.

Agency Contact: Steven D. Newburg-Rinn, Environmental Protection Agency, (TS-778), Washington, DC 20460, **703 557-5781**

RIN: 2070-AA22

DECISION ON TEST RULES FOR ELEVENTH ITC PRIORITY LIST

Legal Authority: 15 USC 2603 TSCA

CFR Citation: 40 CFR 799

Abstract: This action initiates rulemaking on the eleventh ITC list of chemicals. EPA will either require testing of specific chemicals, negotiate testing with industry, or provide adequate reasons for not requiring testing. The chemicals on this list include alkyl tins, bis(2-ethylhexyl) terephthalate, 1,3-dioxolane, 4(1,1,3,3-tetramethyl butyl) phenal, tris(2-ethylhexyl) trimellitate.

Timetable:

Action	Date	FR Cite
NPRM	10/00/83	

Small Entity: No

Additional Information: SAR No. 1898. FTS:8-557-5781.

Agency Contact: Steven D. Newburg-Rinn, Environmental Protection Agency, (TS-778), Washington, DC 20460, **703 557-5781**

RIN: 2070-AA23

1982 DECISION ON TEST RULES FOR ITC PRIORITY CHEMICALS, LISTS 1-6

Legal Authority: 15 USC 2603 TSCA

CFR Citation: 40 CFR 799

Abstract: A series of decisions will be issued in 1983 under Section 4 of TSCA concerning disposition of certain ITC chemicals. EPA will either require testing, negotiate testing agreements, or provide adequate reasons for not requiring testing of these specific chemicals. Decisions on thirteen chemicals will be issued by December 31, 1983 in compliance with a court-ordered schedule.

Timetable:

Action	Date	FR Cite
NPRM	12/00/83	

Small Entity: No

Additional Information: SAR No. 1890. FTS:8-557-5781.

Agency Contact: Steven D. Newburg-Rinn, Environmental Protection Agency, (TS-778), Washington, DC 20460, **703 557-5781**

RIN: 2070-AA24

1983 DECISION ON TEST RULES FOR ITC PRIORITY CHEMICALS, LISTS 1-6

Legal Authority: 15 USC 2603 TSCA

CFR Citation: 40 CFR 799

Abstract: A series of decisions will be issued in 1983 under Section 4 of TSCA

concerning disposition of certain ITC chemicals. EPA will either require testing, negotiate testing agreements, or provide adequate reasons for not requiring testing of these specific chemicals. Decisions on thirteen chemicals will be issued by December 31, 1983 in compliance with a court-ordered schedule.

Timetable:

Action	Date	FR Cite
NPRM	12/00/83	

Small Entity: No

Additional Information: SAR No. 1891. FTS:8-557-5781.

Agency Contact: Steven D. Newburg-Rinn, Environmental Protection Agency, (TS-778), Washington, DC 20460, **703 557-5781**

RIN: 2070-AA25

●FOLLOW-UP RULES ON EXISTING CHEMICALS

Legal Authority: 15 USC 2604 TSCA; 15 USC 2607 TSCA

CFR Citation: 40 CFR 704; 40 CFR 721

Abstract: EPA has instituted a program to follow the commercial development of existing chemicals of concern. EPA will issue rules on existing chemicals of concern as they are identified to require follow-up reporting under TSCA, Section 5 or 8, by the manufacturers and processors of the chemicals. Individual rules will be proposed at different times throughout the period of April 1983 to April 1984.

Timetable:

Action	Date	FR Cite
NPRM	04/00/84	

Small Entity: Undetermined

Additional Information: SAR No. 1923. FTS: 8-384-3442

Agency Contact: Joseph Merenda, Environmental Protection Agency, (TS-778), Washington, DC 20460, **202 382-3442**

RIN: 2070-AA58

●FOLLOW-UP RULES ON NEW CHEMICALS

Legal Authority: 15 USC 2604 TSCA; 15 USC 2607 TSCA

CFR Citation: 40 CFR 704; 40 CFR 721

Abstract: EPA has instituted a program to follow the commercial development of selected new chemicals that have completed premanufacturers notice review. EPA will issue rules on new chemicals of concern as they are identified to require follow-up reporting under TSCA Section 5 or 8, by the manufacturers and processors of the chemicals. Individual rules will be proposed at different times throughout the period of April 1983 to April 1984.

Timetable:

Action	Date	FR Cite
NPRM	04/00/84	

Small Entity: Undetermined

Additional Information: SAR No. 1976. FTS: 8-382-3849

Agency Contact: Joseph A. DeSantis, Environmental Protection Agency, (TS-794), Washington, D.C. 20460, **202 382-3849**

RIN: 2070-AA59

LABELING RULE FOR TREATED WOOD

Legal Authority: 15 USC 2605 TSCA

CFR Citation: Not yet determined

Abstract: Pentachlorophenol, creosote and inorganic arsenicals are used as wood preservatives. They pose risks of teratogenicity, fetotoxicity, oncogenicity, and mutagenicity for persons improperly handling treated wood. This regulation would require the distribution of labels containing safe handling directions for products treated with these preservatives. In a related action, EPA is conducting a Rebuttable Presumption Against Registration (RPAR) review of these preservatives under FIFRA, because they may pose unreasonable risks to health.

Timetable:

Action	Date	FR Cite
ANPRM	06/00/83	
NPRM	04/00/84	

Small Entity: Undetermined

Additional Information: SAR No. 1680. FTS:8-557-7420.

Agency Contact: Paul Lapsley, Environmental Protection Agency, (TS-791), Washington, DC 20460, **703 557-7420**

RIN: 2070-AA28

INVESTIGATION OF CHLOROFLUOROCARBONS

Legal Authority: 5 USC 2605 TSCA

CFR Citation: Not yet determined

Abstract: Chloroflourocarbons (CFCs) are a family of chemicals suspected of depleting stratospheric ozone and posing several health and environmental risks. EPA is analyzing the need for further information concerning production and use of CFCs. EPA believes it is important to monitor growth of CFC levels.

Timetable:

Action	Date	FR Cite
ANPRM	10/07/80	45 FR 66726

Small Entity: Undetermined

Additional Information: SAR No. 1644. Docket No. OPTS-62009. FTS:8-382-3939.

Agency Contact: Ed Klein, Environmental Protection Agency, (TS-794), Washington, DC 20460, **202 382-3939**

RIN: 2070-AA30

●REGULATORY INVESTIGATION OF METHYLENE BIS-(2-CHLOROANILINE) (MBOCA)

Legal Authority: 15 USC 2605 TSCA

CFR Citation: 40 CFR 764

Abstract: Methylene bis-(2-chloroaniline) (MBOCA) will be the subject of an Agency investigation to determine whether regulation under TSCA is warranted to control its use. MBOCA is an animal carcinogen and the investigation will assess the risk to humans from exposure in the manufacture of polyurethanes.

Timetable:

Action	Date	FR Cite
ANPRM	05/00/83	

Small Entity: Undetermined

Additional Information: SAR No. 1937. FTS: 8-382-3945

Agency Contact: Suzanne Rudzinski, Environmental Protection Agency, (TS-794), Washington, DC 20460, **202 382-3945**

RIN: 2070-AA52

STANDARDS FOR EXCLUDING SMALL MANUFACTURERS FROM TSCA 8(A)

Legal Authority: 15 USC 2607 TSCA

CFR Citation: 40 CFR 712

Abstract: Under Section 8(a) of TSCA, EPA can minimize burdens on small businesses by exempting small manufacturers and processors from reporting requirements, unless the chemical manufactured or processed is subject to certain Agency actions. This rule will establish a generic standard to determine which manufacturers may qualify as "small" for the purpose of these exemptions.

Timetable:

Action	Date	FR Cite
ANPRM	09/06/80	45 FR 66180
NPRM	06/23/82	47 FR 27206
Final Action	05/00/83	

Small Entity: Yes

Additional Information: SAR No. 1529. Docket No. OPTS-8011. FTS:8-382-3832.

Agency Contact: Frank Kover, Environmental Protection Agency, (TS-778), Washington, DC 20460, 202 382-3436

RIN: 2070-AA31

RECORDS AND REPORTS OF ALLEGATIONS OF SIGNIFICANT ADVERSE REACTIONS TO HEALTH OR THE ENVIRONMENT

Legal Authority: 15 USC 2607 TSCA

CFR Citation: 40 CFR 717

Abstract: This regulation implements Section 8(c) of TSCA, which requires that any persons who manufacture, process, or distribute a chemical substance or mixture keep records of significant adverse reactions to health or the environment alleged to have been caused by the substance or mixture. Companies must keep employee allegations for thirty years, and all others for five years. This will enable EPA to find patterns of adverse effects and identify previously unknown chemical hazards.

Timetable:

Action	Date	FR Cite
ANPRM	03/11/77	42 FR 56686
NPRM	07/11/80	45 FR 47008
Final Action	06/00/83	

Small Entity: Yes

Additional Information: SAR No. 1138. Docket No. OPTS-083001. FTS:8-382-3832.

Agency Contact: Frank Kover, Environmental Protection Agency, (TS-778), Washington, DC 20460, 202 382-3436

RIN: 2070-AA33

CHEMICAL INFORMATION RULES; PRELIMINARY ASSESSMENT INFORMATION

Legal Authority: 15 USC 2607 TSCA

CFR Citation: 40 CFR 712

Abstract: This proposed rule has three components: 1) we are proposing that manufacturers report preliminary assessment information for 50 additional chemicals designated by ITC reports six through nine; 2) we are proposing that when customer use information is inadequate, processors provide supplemental information on the 300 chemicals subject to manufacturers report requirements; and 3) we are proposing that manufacturers report automatically on test candidates designated by ITC in the future.

Timetable:

Action	Date	FR Cite
NPRM	06/22/82	47 FR 27009
Final Action	05/00/83	
Final Action	08/00/83	
Final Action	10/00/83	

Small Entity: No

Additional Information: SAR No. 1889. Docket No. OPTS-82004G. FTS:8-382-3838.

Agency Contact: Frank Kover, Environmental Protection Agency, (TS-778), Washington, DC 20460, 202 382-3436

RIN: 2070-AA34

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§NEW CHEMICALS FOR EXPORT REPORTING RULE

Legal Authority: 15 USC 1607 TSCA

CFR Citation: 40 CFR 712

Abstract: The Agency is proposing to develop a rule under the general reporting provisions of Section 8 of TSCA that would require manufacturers of new chemicals produced solely for export to notify EPA before manufacture or processing begins. This rule will prevent the undesirable consequences that a new unregulated chemical could have on health or the environment in the United States. This regulation will complement the premanufacture review program for new chemicals that EPA conducts under Section 5 of TSCA.

Timetable:

Action	Date	FR Cite
NPRM	08/00/83	

Small Entity: No

Additional Information: SAR No. 1936. FTS: 8-382-3839

Agency Contact: Joseph DeSantis, Environmental Protection Agency, (TS-788), Washington, DC 20460, 202 382-3839

RIN: 2070-AA47

INCIDENTAL USES OF PCBS

Legal Authority: 15 USC 2605 TSCA

CFR Citation: 40 CFR 761

Abstract: In response to a decision by the D.C. Circuit, EPA will be evaluating initiatives for addressing the incidental uses of PCBs. This rule covers waste stream products, and air and water releases with measurable quantities of PCBs.

Timetable:

Action	Date	FR Cite
NPRM	12/00/83	

Small Entity: Undetermined

Additional Information: SAR No. 1913. FTS:8-382-3933.

Agency Contact: David Dull, Environmental Protection Agency, (TS-794), Washington, DC 20460, 202 382-3938

RIN: 2070-AA40

HEALTH AND SAFETY DATA REPORTING - AMENDMENT

Legal Authority: 15 USC 2607(d)

CFR Citation: 40 CFR 716

Abstract: This amendment proposes to add the chemicals recommended by the Interagency Testing Committee (ITC) in their sixth through tenth reports to the final regulations under section 8(d) of TSCA.

Timetable:

Action	Date	FR Cite
NPRM	09/02/82	47 FR 3880
Previous final rule	09/02/82	47 FR 38780
Final Action	05/00/83	

Small Entity: No

Additional Information: SAR No. 1887. Docket No. OPTS-84003B. FTS:8-382-3844.

Agency Contact: Frank Kover, Environmental Protection Agency, (TS-778), Washington, DC 20460, 202 382-3436

RIN: 2070-AA35

CLEAN WATER ACT

NPDES NEW SOURCE APPLICATION FORM

Legal Authority: 33 USC 1311 CWA

CFR Citation: 40 CFR 122

Abstract: The purpose of this action is to develop an NPDES application form for new manufacturing, commercial, mining, and silvicultural operations. Besides obtaining information necessary for setting effluent discharge limitations, it will also help permit writers to determine whether the facility is a new source.

Timetable:

Action	Date	FR Cite
NPRM	06/00/83	
Final Action	06/00/84	

Small Entity: No

Additional Information: SAR No. 1725. FTS:8-426-2970.

Agency Contact: Gail Goldberg, Environmental Protection Agency, (EN-336), Washington, DC 20460, **202 426-2970**

RIN: 2040-AA00

REQUIREMENTS FOR APPLICATION FOR 301(C) VARIANCES

Legal Authority: 33 USC 1311 CWA

CFR Citation: 40 CFR 125

Abstract: Section 301(c) of the Clean Water Act provides for variances on economic grounds of the strict requirements of BAT controls for non-toxic, non-conventional pollutants. This regulation will establish application ground rules and national criteria for granting variances from BAT requirements.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Additional Information: SAR No. 1404. FTS:8-382-2769.

Agency Contact: Phil Paprarodis, Environmental Protection Agency, (PM-220), Washington, DC 20460, **202 382-2766**

RIN: 2040-AA01

WAIVERS FROM BAT FOR NONCONVENTIONAL POLLUTANTS UNDER 301(G)

Legal Authority: 33 USC 1311 CWA

CFR Citation: 40 CFR 125 F

Abstract: Section 301(g) allows NPDES permit applicants to request a waiver from BAT effluent limitations for nonconventional pollutants when the applicant can show that a less stringent permit limit will not interfere with the attainment or maintenance of water quality and will not endanger human health or the environment. This regulation will establish guidelines for evaluating waiver applications.

Timetable:

Action	Date	FR Cite
NPRM	10/00/83	
Final Action	10/00/84	

Small Entity: No

Additional Information: SAR No. 1634. FTS:8-426-7010.

Agency Contact: Robert Cantilli, Environmental Protection Agency, (EN-336), Washington, DC 20460, **202 426-7010**

RIN: 2040-AA02

COMPLIANCE EXTENSION FOR INNOVATIVE TECHNOLOGY FOR INDUSTRIAL DISCHARGE

Legal Authority: 33 USC 1311 CWA

CFR Citation: 40 CFR 125

Abstract: Section 301(k) allows industrial dischargers to request an extension of the compliance date for BAT until July 1, 1987 if they will install an innovative technology. This technology must produce either: (1) effluent reduction greater than BAT, or (2) same effluent reduction at significantly lower cost. It must also have the potential for industry-wide application.

Timetable:

Action	Date	FR Cite
ANPRM	09/19/80	45 FR 62509
NPRM	09/21/81	46 FR 46597
Final Action	06/00/83	

Small Entity: No

Additional Information: SAR No. 1608. FTS:8-426-7010.

Agency Contact: Marilyn Goode, Environmental Protection Agency, (EN-336), Washington, DC 20460, **202 426-7010**

RIN: 2040-AA03

EFFLUENT GUIDELINES FOR METAL FINISHING

Legal Authority: 33 USC 1311 CWA; 33 USC 1314 CWA; 33 USC 1316 CWA; 33 USC 1317 CWA; 33 USC 1361 CWA

CFR Citation: 40 CFR 433

Abstract: Metal finishing concerns 45 different industrial processes, including electroplating, machining, anodizing and painting. The Agency is developing BPT, BAT, NSPS, and pretreatment standards to regulate the discharge of copper, nickel, zinc, chromium, lead, cadmium, silver, cyanide, total toxic organics, oil and grease, and TSS.

Timetable:

Action	Date	FR Cite
NPRM	08/31/82	47 FR 38462
Final Action	06/00/83	

Small Entity: No

Additional Information: SAR No. 1428. FTS:8-382-7159

Agency Contact: Richard Kinch, Environmental Protection Agency, (WH-552), Washington DC 20460, **202 382-7159**

RIN: 2040-AA04

EFFLUENT GUIDELINES FOR NONFERROUS METAL MANUFACTURING (PHASE I)

Legal Authority: 33 USC 1311 CWA; 33 USC 1314 CWA; 33 USC 1316 CWA; 33 USC 1317 CWA; 33 USC 1361 CWA

CFR Citation: 40 CFR 421

Abstract: The Agency is proposing BPT, BCT, BAT, NSPS, and PSES for 13 subcategories in the nonferrous metals manufacturing industry. These 13 subcategories include the production of aluminum, copper, lead, silver and zinc and represent a significant fraction of the total wastewater discharged by this industry. The pollutants of concern include cadmium, copper, lead and zinc.

Timetable:

Action	Date	FR Cite
NPRM	02/17/83	48 FR 7032
Final Action	01/00/84	

Small Entity: Yes

Additional Information: SAR No. 1410. FTS: 8-382-7126

Agency Contact: James Berlow, Environmental Protection Agency, (WH-552), Washington, DC 20460, **202 382-7126**

RIN: 2040-AA07

EFFLUENT GUIDELINES FOR OFFSHORE OIL AND GAS INDUSTRY

Legal Authority: 33 USC 1311 CWA; 33 USC 1314 CWA; 33 USC 1316 CWA; 33 USC 1317 CWA; 33 USC 1361 CWA

CFR Citation: 40 CFR 435

Abstract: In 1975 the Agency proposed regulations for the offshore oil and gas industry. EPA published a final rule for BPT in 1979 but deferred action on the NSPS and BAT standards. Under a settlement agreement with NRDC, the Agency withdrew the 1975 NSPS proposal and is reproposing NSPS standards.

Timetable:

Action	Date	FR Cite
NPRM	05/00/83	
Final Action	08/00/84	

Small Entity: Undetermined

Additional Information: SAR No. 1649. FTS:8-382-7161

Agency Contact: Ron Kirby, Environmental Protection Agency, (WH-552), Washington, DC 20460, **202 382-7161**

RIN: 2040–AA12

EFFLUENT GUIDELINES FOR PHARMACEUTICALS

Legal Authority: 33 USC 1311 CWA; 33 USC 1314 CWA; 33 USC 1316 CWA; 33 USC 1317 CWA; 33 USC 1361 CWA

CFR Citation: 40 CFR 439

Abstract: EPA is developing effluent limitations for BPT, BCT, BAT, NSPS, PSES, and PSNS standards for this industry. Pollutants discharged by a pharmaceuticals industry include BOD, COD, TSS, Cyanide, and toxic organics.

Timetable:

Action	Date	FR Cite
NPRM	11/26/82	47 FR 53584
Final Action	09/00/83	

Small Entity: Undetermined

Additional Information: SAR No. 1427. FTS:8-382-7182

Agency Contact: Frank Hund, Environmental Protection Agency, (WH-552), Washington, DC 20460, **202 382-7182**

RIN: 2040–AA13

EFFLUENT GUIDELINES FOR PAINT FORMULATION

Legal Authority: 33 USC 1311 CWA; 33 USC 1314 CWA; 33 USC 1316 CWA; 33 USC 1317 CWA; 33 USC 1361 CWA

CFR Citation: 40 CFR 446

Abstract: Under the authority of paragraph 8 of the Settlement Agreement the Agency is withdrawing the proposed BAT, NSPS, and pretreatment standards for the caustic and/or water wash subcategory and the pretreatment standards for the solvent wash subcategory.

Timetable:

Action	Date	FR Cite
NPRM	01/03/80	45 FR 912
Notice	08/00/83	

Small Entity: No

Additional Information: SAR No. 1411. FTS:8-426-2554.

Agency Contact: Robert Dellinger, Environmental Protection Agency, (WH-552), Washington, DC 20460, **202 426-2554**

RIN: 2040–AA15

EFFLUENT GUIDELINES FOR INK FORMULATION

Legal Authority: 33 USC 1311 CWA; 33 USC 1314 CWA; 33 USC 1316 CWA; 33 USC 1317 CWA; 33 USC 1361 CWA

CFR Citation: 40 CFR 447

Abstract: Under the authority of paragraph 8 of the Settlement Agreement the Agency is withdrawing the proposed BAT, NSPS, and pretreatment standards for the caustic and/or water wash subcategory and the pretreatment standards solvent wash subcategory.

Timetable:

Action	Date	FR Cite
NPRM	01/03/80	45 FR 928
Notice	08/00/83	

Small Entity: No

Additional Information: SAR No. 1411A. FTS:8-426-2497.

Agency Contact: Joseph Vitalis, Environmental Protection Agency, (WH-552), Washington, DC 20460, **202 426-2497**

RIN: 2040–AA16

EFFLUENT GUIDELINES FOR GUM AND WOOD

Legal Authority: 33 USC 1311 CWA; 33 USC 1314 CWA; 33 USC 1316 CWA; 33 USC 1317 CWA; 33 USC 1361 CWA

CFR Citation: 40 CFR 454

Abstract: Under the authority of paragraph 8 of the Settlement Agreement the Agency is withdrawing the proposed BPT limitations for sulfate turpentine, wood rosin, tall oil, and rosin derivatives. EPA will also withdraw proposed BAT and pretreatment standards.

Timetable:

Action	Date	FR Cite
NPRM	11/29/80	44 FR 68710
Notice	08/00/83	

Small Entity: No

Additional Information: SAR No. 1425. FTS:8-382-7137

Agency Contact: Robert Dellinger, Environmental Protection Agency, (WH-552), Washington, DC 20460, **202 382-7137**

RIN: 2040–AA17

EFFLUENT GUIDELINES FOR PESTICIDES

Legal Authority: 33 USC 1311 CWA; 33 USC 1314 CWA; 33 USC 1316 CWA; 33 USC 1317 CWA; 33 USC 1361 CWA

CFR Citation: 40 CFR 455

Abstract: EPA is developing BAT, BPT, BCT, NSPS, and pretreatment controls for manufacturers of pesticides and related products. Pollutants of concern are active ingredient pesticides, organic solvents, and metals.

Timetable:

Action	Date	FR Cite
NPRM	11/30/82	47 FR 53994
Final Action	12/00/83	

Small Entity: Undetermined

Additional Information: SAR No. 1426. FTS:8-382-7180

Agency Contact: George Jett, Environmental Protection Agency, (WH-552), Washington DC 20460, **202 382-7180**

RIN: 2040–AA18

EFFLUENT GUIDELINES FOR BATTERY MANUFACTURING

Legal Authority: 33 USC 1311 CWA; 33 USC 1314 CWA; 33 USC 1316 CWA; 33 USC 1317 CWA; 33 USC 1361 CWA

CFR Citation: 40 CFR 461

Abstract: The Agency is promulgating BAT and other standards for seven subcategories of the battery manufacturing industry. Toxic pollutants of concern are mercury, lead, cadmium, nickel, and zinc.

Timetable:

Action	Date	FR Cite
NPRM	11/10/82	47 FR 51052
Final Action	06/00/83	

Small Entity: No

Additional Information: SAR No. 1434. FTS:8-382-7126

Agency Contact: Mary Belefski, Environmental Protection Agency, (WH-552), Washington, DC 20460, **202 382-7126**

RIN: 2040–AA19

EFFLUENT GUIDELINES FOR METAL MOULDING AND CASTING (FOUNDRIES)

Legal Authority: 33 USC 1311 CWA; 33 USC 1314 CWA; 33 USC 1316 CWA; 33 USC 1317 CWA; 33 USC 1361 CWA

CFR Citation: 40 CFR 464

Abstract: The Agency is promulgating BPT, BAT, and other standards for the aluminum casting, copper casting, iron and steel casting, magnesium casting, lead casting, and zinc casting subcategories. The industry discharges approximately 1,200 lb/day of toxic pollutants. Pollutants of concern include zinc, copper, lead, and phenolic compounds.

EPA — Current and Projected Rulemakings

Timetable:

Action	Date	FR Cite
NPRM	11/15/82	47 FR 51512
Final Action	06/00/83	

Small Entity: Yes

Additional Information: SAR No. 1432. FTS:8-382-7126

Agency Contact: **Edward L. Dulaney**, Environmental Protection Agency, (WH-552), Washington, DC 20460, **202 382-7126**

RIN: 2040–AA20

EFFLUENT GUIDELINES FOR ALUMINUM FORMING

Legal Authority: 33 USC 1311 CWA; 33 USC 1314 CWA; 33 USC 1316 CWA; 33 USC 1317 CWA; 33 USC 1361 CWA

CFR Citation: 40 CFR 467

Abstract: EPA is promulgating BPT, BAT, and other standards for the aluminum forming industry. Pollutants of concern include chromium, zinc, and cyanide.

Timetable:

Action	Date	FR Cite
NPRM	11/22/82	47 FR 52626
Final Action	07/00/83	

Small Entity: No

Additional Information: SAR No. 1438. FTS:8-382-7126

Agency Contact: **Janet Goodwin**, Environmental Protection Agency, (WH-552), Washington, DC 20460, **202 382-7126**

RIN: 2040–AA23

EFFLUENT GUIDELINES FOR COPPER FORMING

Legal Authority: 33 USC 1311 CWA; 33 USC 1314 CWA; 33 USC 1316 CWA; 33 USC 1317 CWA; 33 USC 1361 CWA

CFR Citation: 40 CFR 468

Abstract: The Agency is promulgating BPT, BAT, NSPS and pretreatment standards for several subcategories of the copper forming industry. Pollutants of concern include copper, lead, zinc, nickel, and chromium.

Timetable:

Action	Date	FR Cite
NPRM	11/12/82	47 FR 51278
Final Action	07/00/83	

Small Entity: No

Additional Information: SAR No. 1433. FTS:8-382-7126

Agency Contact: **David J. Pepson**, Environmental Protection Agency, (WH-552), Washington, DC 20460, **202 382-7126**

RIN: 2040–AA24

EFFLUENT GUIDELINES FOR ELECTRICAL AND ELECTRONIC PRODUCTS (PHASE I)

Legal Authority: 33 USC 1311 CWA; 33 USC 1314 CWA; 33 USC 1316 CWA; 33 USC 1317 CWA; 33 USC 1361 CWA

CFR Citation: 40 CFR 469

Abstract: The Agency is developing BAT, NSPS, and pretreatment standards for two subcategories of the electronics industry, semi-conductors and electronic crystals. Pollutants of concern are organic solvents, arsenic, and fluoride.

Timetable:

Action	Date	FR Cite
NPRM	08/24/82	47 FR 37048
Final Action	03/00/83	

Small Entity: No

Additional Information: SAR No. 1431. FTS:8-382-7157

Agency Contact: **David Pepson**, Environmental Protection Agency, (WH-552), Washington, DC 20460, **202 382-7157**

RIN: 2040–AA25

EFFLUENT GUIDELINES FOR ELECTRIC AND ELECTRONIC COMPONENTS (PHASE II)

Legal Authority: 33 USC 1311 CWA; 33 USC 1314 CWA; 33 USC 1316 CWA; 33 USC 1317 CWA; 33 USC 1361 CWA

CFR Citation: 40 CFR 469

Abstract: The Agency is developing regulations for BPT, BCT, BAT, NSPS, PSES, and PSNS for the electronic tube and phosphorescent coating subcategories in the electric and electronics industry. These regulations are in addition to those proposed on August 24, 1982. Principal pollutants include toxic heavy metals.

Timetable:

Action	Date	FR Cite
NPRM	03/09/83	48 FR 10012
Final Action	11/00/83	

Small Entity: No

Additional Information: SAR No. 1907. FTS:8-382-7158

Agency Contact: **John Newbrough**, Environmental Protection Agency, (WH-552), Washington, DC 20460, **202 382-7158**

RIN: 2040–AA26

EFFLUENT GUIDELINES FOR NONFERROUS METALS (PHASE II)

Legal Authority: 33 USC 1311 CWA; 33 USC 1314 CWA; 33 USC 1316 CWA; 33 USC 1317 CWA; 33 USC 1361 CWA

CFR Citation: 40 CFR 413

Abstract: The Agency is developing BPT, BAT, BCT, NSPS, PSES, and PSNS for the production and refining of metals from ore for several metals not covered by the Phase I nonferrous regulation. Such metals as beryllium, zinconium, hafnium, platinum, and titanium will be regulated. Principal pollutants considered are primarily toxic metals.

Timetable:

Action	Date	FR Cite
NPRM	09/00/83	
Final Action	06/00/84	

Small Entity: Undetermined

Additional Information: SAR No. 1911. FTS:8-382-7126

Agency Contact: **James Berlow**, Environmental Protection Agency, (WH-552), Washington, DC 20460, **202 382-7126**

RIN: 2040–AA27

EFFLUENT GUIDELINES FOR INORGANIC CHEMICALS (PHASE II)

Legal Authority: 33 USC 1251 CWA; 33 USC 1314 CWA; 33 USC 1316 CWA; 33 USC 1317 CWA; 33 USC 1361 CWA

CFR Citation: 40 CFR 415

Abstract: BPT, BCT, BAT, PSES, NSPS, and PSNS limitations will be proposed for 10 product-process subcategories of the inorganic chemicals industry. The largest of the ten subcategories is sodium chlorate. This and other subcategories are in addition to those for which final regulations were issued on June 29, 1982.

Timetable:

Action	Date	FR Cite
NPRM	09/00/83	
Final Action	06/00/84	

Small Entity: No

Additional Information: SAR No. 1906. FTS:8-382-7156

Agency Contact: Tom Fielding, Environmental Protection Agency, (WH-552), Washington, DC 20460, 202 382-7156

RIN: 2040–AA28

EFFLUENT GUIDELINES FOR PLASTICS MOLDING AND FORMING

Legal Authority: 33 USC 1311 CWA; 33 USC 1314 CWA; 33 USC 1316 CWA; 33 USC 1317 CWA; 33 USC 1361 CWA

CFR Citation: 40 CFR 463

Abstract: The Agency is developing BPT, BAT, BCT, NSPS, PSES, and PSNS for the plastics molding and forming industry. These limitations will consider the molding and forming of plastics from all plastic materials. This regulation is distinct from the primary manufacture of plastic materials and compounds to be covered by regulations in the plastics molding and forming category. The pollutants of concern include cadmium, chromium, lead, nickel, zinc, phenols and several other organics.

Timetable:

Action	Date	FR Cite
NPRM	10/00/83	
Final Action	06/00/84	

Small Entity: Undetermined

Additional Information: SAR No. 1909. FTS:8-382-7126

Agency Contact: Robert Southworth, Environmental Protection Agency, (WH-552), Washington, DC 20460, 202 382-7126

RIN: 2040–AA29

EFFLUENT GUIDELINES FOR ADHESIVES AND SEALANTS

Legal Authority: 33 USC 1311 CWA; 33 USC 1314 CWA; 33 USC 1316 CWA; 33 USC 1317 CWA; 33 USC 1361 CWA

CFR Citation: 40 CFR 463

Abstract: The Agency is considering excluding the adhesives and sealants category from all regulation, under the authority of paragraph 8 of the NRDC settlement agreement.

Timetable:

Action	Date	FR Cite
Notice	08/00/83	

Small Entity: No

Additional Information: SAR No. 1910. FTS:8-382-7173

Agency Contact: Elwood Forsht, Environmental Protection Agency, (WH-552), Washington, DC 20460, 202 382-7173

RIN: 2040–AA30

EFFLUENT GUIDELINES FOR COIL COATING (CAN MAKING)

Legal Authority: 33 USC 1311 CWA; 33 USC 1314 CWA; 33 USC 1316 CWA; 33 USC 1317 CWA; 33 USC 1361 CWA

CFR Citation: 40 CFR 465

Abstract: The Agency is promulgating BPT, BAT, BCT, NSPS, PSES, and PSNS for the 2 piece can making industry. These limitations will consider the manufacture of 2 piece cans (such as those used for beverage containers) and will be promulgated as subcategories under the coil coating regulation. Pollutants of concern include chromium, oil and grease, and toxic organics.

Timetable:

Action	Date	FR Cite
NPRM	02/10/83	48 FR 6268
Final Action	10/00/83	

Small Entity: No

Additional Information: SAR No. 1912. FTS:8-382-7126

Agency Contact: Mary Belefski, Environmental Protection Agency, (WH-552), Washington, DC 20460, 202 382-7126

RIN: 2040–AA31

EFFLUENT GUIDELINES FOR NONFERROUS METALS FORMING

Legal Authority: 33 USC 1311 CWA; 33 USC 1314 CWA; 33 USC 1316 CWA; 33 USC 1317 CWA; 33 USC 1361 CWA

CFR Citation: 40 CFR 471

Abstract: The Agency is developing BPT, BAT, BCT, NSPS, PSES, and PSNS for the forming (rolling, drawing, etc.) of nonferrous metals other than copper and aluminum. These limitations will apply to wastewater generated by these operations. Pollutants of concern include cadmium, chromium, lead, nickel, zinc, and toxic organics.

Timetable:

Action	Date	FR Cite
NPRM	09/00/83	
Final Action	06/00/84	

Small Entity: Undetermined

Additional Information: SAR No. 1908. FTS:8-382-7126

Agency Contact: Janet Goodwin, Environmental Protection Agency, (WH-552), Washington, DC 20460, 202 382-7126

RIN: 2040–AA32

●EFFLUENT GUIDELINES FOR PULP, PAPER, AND PAPERBOARD (PCB'S)

Legal Authority: 33 USC 1311 CWA; 33 USC 1314 CWA; 33 USC 1316 CWA; 33 USC 1317 CWA; 33 USC 1361 CWA

CFR Citation: 40 CFR 430

Abstract: The Agency has proposed BAT and NSPS regulations that would limit the discharge of polychlorinated biphenyls (PCBs) into waters of the United States from mills in the pulp, paper, and paperboard industry where fine and tissue papers are made from deinked wastepaper. On January 6, 1981, EPA proposed BPT, BAT, NSPS, PSNS, and PSES limitations for the pulp, paper, and paperboard industry, including the deink subcategory (46 FR 1430). EPA did not propose PCB effluent limitations at that time because of insufficient information on the levels of treatability. Based on further analysis of all current available technical and economic data, the Agency has determined that limitations for the control of PCBs are appropriate.

Timetable:

Action	Date	FR Cite
NPRM	11/18/82	47 FR 52066
Final Action	11/00/83	

Small Entity: Undetermined

Additional Information: SAR No. 1969.FTS:8-382-7137

Agency Contact: Robert Dellinger, Environmental Protection Agency, (WH-552), Washington, DC 20460, 202 382-7137

RIN: 2040–AA63

REMOVAL OF OIL AND HAZARDOUS SUBSTANCE DISCHARGES

Legal Authority: 33 USC 1321 CWA

CFR Citation: 40 CFR 111

Abstract: This regulation sets forth the methods and procedures for the removal of oil and hazardous substances from inland waters of the United States, excluding the Great Lakes. Key elements of the regulation are voluntary removal guidelines for the proper removal and disposal of oil and hazardous substance discharges and mandatory provisions governing the use of chemical agents applied to discharges.

Timetable:

Action	Date	FR Cite
NPRM	12/23/80	45 FR 84942
Final Action	00/00/00	

Small Entity: No

Additional Information: SAR No. 1544. FTS:8-382-3000.

Agency Contact: **Jack Kooyoomjian**, Environmental Protection Agency, (WH-548), Washington, DC 20460, **800 424-9346**

RIN: 2040-AA33

HAZARDOUS SUBSTANCES POLLUTION PREVENTION FOR FACILITIES SUBJECT TO PERMITTING REQUIREMENTS OF SECTION 402

Legal Authority: 33 USC 1321(j)(1)(C) CWA

CFR Citation: 40 CFR 151

Abstract: This regulation's purpose is to prevent spills of hazardous substances into navigable waters. It sets forth requirements for the Spills Prevention Control and Countermeasure Plans for facilities which (a) are not related to transportation, (b) which store, manufacture or otherwise handle hazardous substances at their facilities, and (c) are subject to NPDES permits. The Agency will likely exempt any small facilities which store less than ten times the reportable quantities of spilled, hazardous substances.

Timetable:

Action	Date	FR Cite
NPRM	09/01/78	43 FR 39276
RPRM	00/00/00	

Small Entity: Yes

Additional Information: SAR No. 1451. FTS:8-382-3000.

Agency Contact: **Steve Heare**, Environmental Protection Agency, (WH-548), Washington, DC 20460, **800 424-9346**

RIN: 2040-AA34

SEWAGE SLUDGE DISPOSAL GUIDELINES

Legal Authority: 33 USC 1345 CWA

CFR Citation: Not yet determined

Abstract: Regulations and/or nonregulatory guidance will provide guidelines for the disposal and use of wastewater treatment plant sludge.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Additional Information: SAR No. 1914. FTS:8-382-7818

Agency Contact: **David Davis**, Environmental Protection Agency, (WH-556), Washington, DC 20460, **202 382-7818**

RIN: 2040-AA36

REVISIONS TO WATER QUALITY MANAGEMENT REGULATIONS

Legal Authority: 33 USC 1256 CWA; 33 USC 1288 CWA; 33 USC 1313 CWA

CFR Citation: 40 CFR 35 G

Abstract: The Clean Water Act authorizes EPA to provide grants and other assistance to States and other governmental jurisdictions to develop water quality management programs. EPA is revising the existing regulations to simplify the requirements and to remove any aspects of the regulations that are unduly detailed or inflexible.

Timetable:

Action	Date	FR Cite
NPRM	10/19/82	47 FR 46668
Final Action	05/00/83	

Small Entity: No

Additional Information: SAR No. 1802. FTS:8-382-7080

Agency Contact: **Carl Myers**, Environmental Protection Agency, (WH-554), Washington, DC 20460, **202 382-7080**

RIN: 2040-AA37

SIMPLIFYING CONSTRUCTION GRANTS REGULATIONS

Legal Authority: 33 USC 1361 CWA

CFR Citation: 40 CFR 35

Abstract: An interim final regulation simplifying the requirements of the existing construction grants regulations and providing more flexibility in meeting revised requirements was published May 12, 1982. Rather than mandating how grantees must meet the goals of the regulations, this revision allows grantees to choose the most cost-effective ways to achieve these goals.

Timetable:

Action	Date	FR Cite
Previous NPRM	11/06/81	46 FR 55220
NPRM	05/12/82	47 FR 20470
Interim Final Rule	05/12/82	47 FR 20450
Final Action	05/00/83	

Small Entity: No

Additional Information: SAR No. 1722. Docket No. G-81-5. FTS:8-382-7278

Agency Contact: **Roger Rihm**, Environmental Protection Agency, (WH-546), Washington, DC 20460, **202 382-7278**

RIN: 2040-AA38

●AMENDMENT TO CONSTRUCTION GRANTS REGULATION--CHLORINATION

Legal Authority: 33 USC 1361 CWA

CFR Citation: 40 CFR 35

Abstract: This rulemaking will amend the construction grants regulation to include a requirement for grantees proposing chlorination facilities to evaluate the adverse impacts of chlorine on aquatic wildlife. Where the impacts are significant, the grantee may be required to reduce the amount of chlorine added to the wastewater or construct and operate a dechlorination process. The evaluation would include a comparison of the chlorine concentration downstream of the discharge and the applicable chlorine criteria which will protect the designated uses.

Timetable:

Action	Date	FR Cite
NPRM	08/00/83	
Final Action	02/00/84	

Small Entity: No

Additional Information: SAR No. 1940 FTS:8-382-7268

Agency Contact: **John Maxted**, Environmental Protection Agency, (WH-595), Washington, DC 20460, **202 382-7268**

RIN: 2040-AA60

CONSTRUCTION GRANTS PROGRAM DELEGATION TO STATES

Legal Authority: 33 USC 1251 CWA

CFR Citation: 40 CFR 35 F

Abstract: These proposed revisions to the existing regulation governing construction grant program delegation to States under Section 205(g) of the Clean Water Act (40 CFR 35, subpart F) are needed to simplify delegation agreement requirements, establish a more systematic EPA oversight approach, and to fit into the proposed regulation for State Financial Assistance for Continuing Environmental Programs (40 CFR 35, Subpart A), 47 FR 25912 (June 15, 1982). The proposed regulation (40 CFR 35, Subpart J) includes only delegation agreement and overview requirements. It will provide greater flexibility to States and EPA Regions to manage delegation while maintaining continuity in the 205(g) grant process.

Timetable:

Action	Date	FR Cite
NPRM	09/28/82	47 FR 42591
Final Action	06/00/83	

Small Entity: No

Additional Information: SAR No. 1846. FTS:8-382-5839

Agency Contact: **Carl Reeverts**, Environmental Protection Agency, (WH-546), Washington, DC 20460, **202 382-5839**

RIN: 2040-AA39

REVISION TO BAT FOR INORGANIC CHEMICALS

Legal Authority: 33 USC 1311 CWA; 33 USC 1314 CWA; 33 USC 1316 CWA; 33 USC 1317 CWA; 33 USC 1361 CWA

CFR Citation: 40 CFR 415

Abstract: In response to industry request, EPA is reconsidering the necessity for zero discharge in BAT regulations for the following three subcategories: sodium chloride, calcium chloride, and sodium sulfide. Since toxic pollutants are not present in these subcategories, the costs to achieve the zero discharge required by BAT may not be reasonable.

Timetable:

Action	Date	FR Cite
NPRM	06/00/83	
Final Action	10/00/83	

Small Entity: No

Additional Information: SAR No. 1751. FTS:8-382-7156

Agency Contact: **Thomas Fielding**, Environmental Protection Agency, (WH-552), Washington, DC 20460, **202 382-7156**

RIN: 2040-AA41

EFFLUENT GUIDELINES FOR RUBBER PROCESSING

Legal Authority: 33 USC 1311 CWA; 33 USC 1314 CWA; 33 USC 1316 CWA; 33 USC 1317 CWA; 33 USC 1361 CWA

CFR Citation: 40 CFR 415

Abstract: EPA has proposed to withdraw BAT and substitute limits for COD and metals equivalent to BPT for nine subcategories. Lead limits for three subcategories were studied and revisions to these limits are being made. Rubber reclaimers covered by subparts H and I have been re-examined for BCT, BAT, and NSPS regulations. National regulations will not be issued for the two rubber reclaimed subcategories.

Timetable:

Action	Date	FR Cite
NPRM	12/18/79	44 FR 75016
Final Action	07/00/83	

Small Entity: No

Additional Information: SAR No. 1420. FTS:8-382-7172

Agency Contact: **J. S. Vitalis**, Environmental Protection Agency, (WH-552), Washington, DC 20460, **202 382-7172**

RIN: 2040-AA42

WATER QUALITY STANDARDS REGULATIONS

Legal Authority: 33 USC 1313 CWA

CFR Citation: 40 CFR 35.1550

Abstract: EPA is revising its water quality standards regulations to improve the management of the program. The revision will ensure that the process for setting water quality standards takes into account appropriate data and analysis, scientific peer review and participation of the affected public. The revision will allow EPA and the States to more effectively meet the requirements of the Clean Water Act.

Timetable:

Action	Date	FR Cite
ANPRM	07/10/78	43 FR 29588
NPRM	10/29/82	47 FR 49234
Final Action	09/00/83	

Small Entity: No

Additional Information: SAR No. 1441. FTS:8-245-3042.

Agency Contact: **David Sabock**, Environmental Protection Agency, (WH-585), Washington, DC 20460, **202 245-3042**

RIN: 2040-AA43

AMENDMENT TO SECONDARY TREATMENT REGULATIONS

Legal Authority: 33 USC 1314 CWA

CFR Citation: 40 CFR 133

Abstract: The Agency is considering defining a level of effluent quality attainable by publicly owned treatment works (POTWs) through the application of treatment equivalent to secondary treatment. These possible revisions which in large part implement the 1981 amendments of the Clean Water Act, will include specific numeric levels of criteria for adjusting POTW effluent limitations to levels attainable by certain kinds of equivalent treatment technologies. The Agency is also reexamining the 85 percent removal requirement for secondary treatment.

Timetable:

Action	Date	FR Cite
NPRM	05/00/83	
Final Action	12/00/83	

Small Entity: No

Additional Information: SAR No. 1657. Docket No. G-81-3 FTS:8-382-7276

Agency Contact: **Charles Moser**, Environmental Protection Agency, (WH-595), Washington, DC 20460, **202 382-7276**

RIN: 2040-AA44

USE OF CARBONACEOUS BIOCHEMICAL OXYGEN DEMAND (CBOD) FOR SECONDARY TREATMENT REGULATION

Legal Authority: 33 USC 1314 CWA

CFR Citation: 40 CFR 133

Abstract: The Agency is considering further amendment to the secondary treatment regulation which would redefine secondary treatment to allow optional use of the carbonaceous biochemical oxygen demand (5-day) pollutant parameter (CBOD5) as a substitute for the current biochemical oxygen demand (5-day) parameter (BOD5). The effluent concentration for CBOD5 would be set at 25 milligrams per liter. Testing procedures for CBOD5 would be conducted in accordance with procedures established in 40 CFR Part 136.

Timetable:

Action	Date	FR Cite
NPRM	06/00/83	
Final Action	12/00/83	

Small Entity: No

Additional Information: SAR No. 1962 FTS:8-382-7276

Agency Contact: **Charles Moser**, Environmental Protection Agency, (WH-595), Washington, DC 20460, **202 382-7276**

RIN: 2040-AA62

DISCHARGE OF OIL

Legal Authority: 33 USC 1321 CWA

CFR Citation: 40 CFR 110

Abstract: This revision will extend applicability to deep water ports and extend reporting requirements for oil to 200 miles offshore. It will also provide for exemptions from reporting requirements for permitted discharges and for special use applications of oil.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Additional Information: SAR No. 1579. FTS:8-382-3000.

Agency Contact: Jack Kooyoomjian, Environmental Protection Agency, (WH-548), Washington, DC 20460, **800 424-9346**

RIN: 2040-AA48

OIL POLLUTION PREVENTION REGULATION

Legal Authority: 33 USC 1321(j)(1)(C) CWA

CFR Citation: 40 CFR 112

Abstract: This revision to 40 CFR 112 will include exemptions from reporting requirements and will extend EPA's oil pollution authority from three miles to two hundred miles offshore. This revision does not affect the existing exemption for facilities that store 1,320 gallons or less.

Timetable:

Action	Date	FR Cite
NPRM	05/20/80	45 FR 33814
Final Action	00/00/00	

Small Entity: No

Additional Information: SAR No. 1584. FTS:8-382-3000.

Agency Contact: Steve Heare, Environmental Protection Agency, (WH-548), Washington, DC 20460, **800 424-9346**

RIN: 2040-AA49

CONSOLIDATED PERMITS: NPDES ISSUES

Legal Authority: 42 USC 6925

CFR Citation: 40 CFR 122 to 124

Abstract: This action would implement the NPDES issues in the settlement agreement signed on June 7, 1982 in NRDC v. EPA. The NPDES issues involve requirements for water discharge permits under the NPDES program.

Timetable:

Action	Date	FR Cite
NPRM	11/18/82	47 FR 52072
Final Action	11/00/83	

Small Entity: No

Additional Information: SAR No. 1901. FTS:8-426-4793.

Agency Contact: George Young, Environmental Protection Agency, (EN-336), Washington, DC 20460, **202 426-4793**

RIN: 2040-AA35

CONSOLIDATED PERMITS: "COMMON ISSUES"

Legal Authority: 42 USC 6925

CFR Citation: 40 CFR 122; 40 CFR 123; 40 CFR 124

Abstract: This action would implement the "Common Issues" in the settlement agreement signed on November 16, 1981 in NRDC v. EPA. The "common issues" involve requirements for permits issued under all programs, i.e. RCRA, CWA, SDWA, and CAA. It also deals with the NPDES definition of "new discharger" and its relation to mobile drilling. EPA is also revising the NPDES Permit Program at the request of the President's Task Force on Regulatory Relief (see SAR 1753).

Timetable:

Action	Date	FR Cite
NPRM	06/14/82	47 FR 25546
Final Action	00/00/00	

Small Entity: No

Additional Information: SAR No. 1840. FTS:8-426-2740.

Agency Contact: Cathy O'Connell, Environmental Protection Agency, (EN-336), Washington, DC 20460, **202 426-2970**

RIN: 2040-AA64

REVISION OF OCEAN DUMPING CRITERIA

Legal Authority: 33 USC 1401 et seq MPRSA

CFR Citation: 40 CFR 220 to 229

Abstract: A proposed regulation will be issued to address changes in the regulations required by court action, i.e., NYC vs. EPA. An ANPRM will be developed to solicit public comments on other changes to the current Ocean Dumping regulation including dredged material, low level radioactive waste and incineration at sea requirements. Complete reorganization and a rewrite of the current regulations will follow based on comments received.

Timetable:

Action	Date	FR Cite
ANPRM	00/00/00	

Small Entity: Undetermined

Additional Information: SAR No. 1604 FTS:8-755-0356.

Agency Contact: T. A. Wastler, Environmental Protection Agency, (WH-585), Washington, DC 20460, **202 755-0356**

RIN: 2040-AA52

ATOMIC ENERGY ACT

GUIDANCE FOR OCCUPATIONAL RADIATION EXPOSURE

Legal Authority: AEA 274(h); 42 USC 2021(h) Reorganization Plan No. 3 of 1970

CFR Citation: Not applicable

Abstract: This guidance would update existing (1960) radiation occupational exposure limits for all workers except radiation exposure to uranium miners. It would lower allowable exposure per year and incorporate selected current recommendations of national and international radiation protection advisory bodies.

Timetable:

Action	Date	FR Cite
ANPRM	09/17/79	44 FR 53785
NPRM	01/23/81	46 FR 7836
Final Action	11/00/83	

Small Entity: No

Additional Information: SAR No. 1161. Docket No. A-79-46. FTS:8-557-8927.

Agency Contact: Allan Richardson, Environmental Protection Agency, (ANR 460), Washington, DC 20460, **703 557-8927**

RIN: 2060-AA00

TRANSURANIC ELEMENTS

Legal Authority: AEA 274(h); 42 USC 2021(h) Reorganization Plan No. 3 of 1970

CFR Citation: Not applicable

Abstract: This guidance to Federal Agencies will establish dose rate limits for people exposed to transuranic elements in the general environment. The guidance considers both human inhalation and ingestion of transuranium elements and establishes a recommended dose rate limit to lungs and bones for members of the general population. This dose rate limit can be associated with an estimated maximum risk of one additional death per million persons continuously exposed at this rate per year. Guidance is undergoing interagency review.

Timetable:

Action	Date	FR Cite
NPRM	11/30/77	42 FR 60956
Final Action	06/00/83	

Small Entity: No

Additional Information: SAR No. 1162. FTS:8-557-0740.

Agency Contact: Gordon Burley, Environmental Protection Agency, (ANR-460), Washington, DC 20460, 703 557-9710

RIN: 2060-AA01

RADIOFREQUENCY RADIATION GUIDANCE

Legal Authority: AEA 274(h); 42 USC 2021(h) Reorganization Plan No. 3 of 1970

CFR Citation: Not applicable

Abstract: This guidance will serve to limit exposure of the general public to radiofrequency radiation, which poses a potential health risk.

Timetable:

Action	Date	FR Cite
ANPRM	12/23/82	47 FR 57336
NPRM	09/00/83	

Small Entity: Undetermined

Additional Information: SAR No. 1525. FTS:8-557-7390.

Agency Contact: Norbert Hankin, Environmental Protection Agency, (ANR-461), Washington, DC 20460, 703 557-7390

RIN: 2060-AA02

ENVIRONMENTAL PROTECTION STANDARDS FOR LOW-LEVEL RADIOACTIVE WASTE

Legal Authority: AEA 274(h); 42 USC 2021(h) Reorganization Plan No. 3 of 1970

CFR Citation: 40 CFR 193

Abstract: The National Radioactive Waste Management Program requires the development of a standard for disposal of low-level radioactive wastes. These include all radioactive wastes except high-level radioactive wastes, high-activity transuranic-contaminated wastes, uranium mill tailings, and wastes regulated under the Resource Conservation and Recovery Act of 1976.

Timetable:

Action	Date	FR Cite
ANPRM	05/00/83	
NPRM	04/00/84	
Final Action	03/00/85	

Small Entity: No

Additional Information: SAR No. 1727. FTS:8-557-8977.

Agency Contact: Floyd Galpin, Environmental Protection Agency, (ANR-460), Washington, DC 20460, 703 557-8977

RIN: 2060-AA04

ENVIRONMENTAL STANDARDS FOR ACTIVE URANIUM MILL PROCESSING

Legal Authority: 42 USC 2022(b) UMTRCA,AEA

CFR Citation: 40 CFR 192

Abstract: The Administrator is required to issue generally applicable standards for protecting the public health and safety, and the environment, from radiological and nonradiological hazards associated with processing, keeping, transferring and disposing of uranium byproduct material at sites which either (a) process the uranium ore primarily for its source material content or (b) dispose of the uranium byproduct material.

Timetable:

Action	Date	FR Cite
NPRM	03/00/83	
Final Action	09/00/83	

Small Entity: No

Additional Information: SAR No. 1166A. FTS: 8-557-8610.

Agency Contact: John Russell, Environmental Protection Agency, (ANR-460), Washington, DC 20460, 703 557-8610

RIN: 2060-AA06

SAFE DRINKING WATER ACT

MAXIMUM CONTAMINANT LEVELS FOR VOLATILE ORGANIC CHEMICALS FOUND IN DRINKING WATER

Legal Authority: 42 USC 300 SDWA

CFR Citation: 40 CFR 141

Abstract: EPA is considering several possible approaches for reducing exposure to certain volatile synthetic organic compounds (VOCs). These VOCs have been most commonly found in drinking water drawn from groundwater sources. These chemicals include such compounds as trichloroethylene, tetrachloroethylene, and vinyl chloride. Aeration and granular activated carbon (GAC) systems are treatment technologies that can reduce these contaminants to a low level. Preliminary estimates show that average residential monthly bills for affected systems could rise from $1 - $14 depending on the size of the drinking water system and the type of technology selected. The Agency will promulgate recommended Maximum Contaminant Levels (RMCLs) before it promulgates the Maximum Contaminant Levels (MCLs).

Timetable:

Action	Date	FR Cite
Previous ANPRM	07/14/76	41 FR 29991
ANPRM	03/04/82	47 FR 9350
NPRM RMCLS	06/00/83	
NPRM MCLS	03/00/84	

Small Entity: Undetermined

Additional Information: SAR No. 1507. FTS: 8-472-5030.

Agency Contact: Joseph Cotruvo, Environmental Protection Agency, (WH-550), Washington, DC 20460, 202 382-7575

RIN: 2040-AA53

REVISED PRIMARY DRINKING WATER REGULATIONS

Legal Authority: 42 USC 300 SDWA

CFR Citation: 40 CFR 141

Abstract: The monitoring requirements and MCLs in the National Interim Primary Drinking Water Regulations will be comprehensively reviewed for inorganic and organic compounds, microbiological contaminants and turbidity and radionuclides. EPA will conduct an assessment of exposure, analytical methods, potential health effects, and the performance and costs of treatment technologies. The Agency will promulgate Recommended Maximum Contaminant Levels (RMCLs) before it promulgates the Maximum Contaminant Levels (MCLs).

Timetable:

Action	Date	FR Cite
ANPRM	06/00/83	
NPRM RMCLs	03/00/84	

Small Entity: Yes

Additional Information: SAR No. 1755. FTS:8-382-7575

Agency Contact: Joseph Cotruvo, Environmental Protection Agency, (WH-550), Washington, DC 20460, 202 382-7575

RIN: 2040-AA55

REVISED PRIMARY DRINKING WATER REGULATIONS: FLUORIDE

Legal Authority: 42 USC 300 SDWA

CFR Citation: 40 CFR 141

Abstract: The Agency will assess the maximum contaminant level (MCL) for fluoride in the National Interim Primary Drinking Water Regulations to determine if it reflects potential health effects and the

performance and cost of available treatment technologies. Based on statutory requirements and recent technical information, the Agency is considering numerous options.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Yes

Additional Information: SAR No. 1756. FTS:8-382-7575

Analysis: Draft RFA 00/00/00; IIA 00/00/00

Agency Contact: **Joseph Cotruvo**, Environmental Protection Agency, (WH-550), Washington, DC 20460, **202 382-7575**

RIN: 2040-AA56

●AMENDMENTS TO UNDERGROUND INJECTION CONTROL PROGRAM

Legal Authority: 42 USC 300 SDWA

CFR Citation: 40 CFR 144.1; 40 CFR 144.3; 40 CFR 144.21; 40 CFR 144.22; 40 CFR 144.23; 40 CFR 144.25; 40 CFR 144.26; 40 CFR 144.27; 40 CFR 144.28; 40 CFR 147

Abstract: EPA is required to prescribe a UIC program in States that do not have an approved program. The amendments to 40 CFR 144 and the new 40 CFR 147 provide UIC programs for the 22 States in which EPA will administer the program.

Timetable:

Action	Date	FR Cite
NPRM	06/00/83	
Final Action	09/00/83	

Small Entity: No

Additional Information: SAR No. 1972 FTS:8-382-5530

Agency Contact: **Thomas E. Belk**, Environmental Protection Agency, (WH-550), Washington, DC 20460, **202 382-5530**

RIN: 2040-AA61

NOISE CONTROL ACT

RESCISSION OF NOISE EMISSION STANDARDS FOR TRUCK-MOUNTED SOLID WASTE COMPACTORS

Legal Authority: 42 USC 4904 NCA; 42 USC 4905 NCA

CFR Citation: 40 CFR 205 F

Abstract: This action would rescind the noise emission regulation for truck-mounted solid waste compactors. It would also withdraw these compactors from EPA's list of major sources of noise.

Timetable:

Action	Date	FR Cite
NPRM	12/01/82	47 FR 54111
Final Action	06/00/83	

Small Entity: No

Additional Information: SAR No. 1848 FTS:8-755-2640.

Agency Contact: **Louise Giersch**, Environmental Protection Agency, ANR-445, Washington, DC 20460, **202 382-2935**

RIN: 2060-AA07

RESOURCE CONSERVATION AND RECOVERY ACT

IDENTIFICATION AND LISTING OF HAZARDOUS WASTE: DELISTING PROCEDURES

Legal Authority: 42 USC 6921 RCRA

CFR Citation: 40 CFR 260

Abstract: This action makes some minor changes to streamline the existing procedures for delisting wastes that were listed solely because they exhibit a hazardous waste characteristic (i.e., ignitability, corrositivity, reactivity, and EP toxicity). The regulation also streamlines the procedure for changing the status of wastes listed because they are acutely hazardous.

Timetable:

Action	Date	FR Cite
NPRM	05/19/80	46 FR 33066
Final Action	05/00/83	

Small Entity: No

Additional Information: SAR No. 1838. Docket No. 3001. FTS:8-382-4770.

Agency Contact: **Matthew Straus**, Environmental Protection Agency, (WH-565), Washington, DC 20460, **202 382-4770**

RIN: 2050-AA02

IDENTIFICATION AND LISTING OF HAZARDOUS WASTE: DEFINITION OF SOLID WASTE

Legal Authority: 42 USC 6921 RCRA

CFR Citation: 40 CFR 261.2; 40 CFR 261.6

Abstract: This action would modify the definition of solid waste and the applicability of RCRA standards to recycled solid wastes. It would regulate those recycling activities which have posed an environmental threat. It will reduce the regulatory burden for recycling. Some materials presently defined as wastes may be excluded from hazardous waste control; others, some presently excluded, may be subject to some level of regulatory control.

Timetable:

Action	Date	FR Cite
NPRM	04/04/83	48 FR 14472
Final Action	04/00/84	

Small Entity: No

Additional Information: SAR No. 1191. Docket No. 3001. FTS:8-382-4770.

Agency Contact: **Matthew Straus**, Environmental Protection Agency, (WH-565), Washington, DC 20460, **202 382-4770**

RIN: 2050-AA03

IDENTIFICATION AND LISTING OF HAZARDOUS WASTE: MIXTURES RULE

Legal Authority: 42 USC 6921 RCRA

CFR Citation: 40 CFR 261.3

Abstract: The "mixture rule" establishes the presumption that certain mixtures of hazardous and solid wastes are hazardous. EPA has issued an interim final rule which excludes from this presumption of hazardousness certain dilute mixtures from facilities regulated under sections 402 or 307(b) of the Clean Water Act. In addition, mixtures of solid and hazardous wastes listed in subpart D solely because they exhibit a characteristic of hazardous waste (e.g., ignitability, corrosivity, reactivity) are no longer considered hazardous if they do not meet the hazardous waste characteristics.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/17/81	46 FR 56582
Final Action	00/00/00	

Small Entity: No

Additional Information: SAR No. 1760. Docket No. 3001. FTS:8-382-4770.

Agency Contact: **Judith Bellin**, Environmental Protection Agency, (WH-565), Washington, DC 20460, **202 382-4770**

RIN: 2050-AA04

IDENTIFICATION AND LISTING OF HAZARDOUS WASTE: EXEMPTION FOR WASTE SAMPLES

Legal Authority: 42 USC 6921 RCRA

CFR Citation: 40 CFR 261.4

Abstract: EPA issued an interim final rule that conditionally exempts from regulation waste and other samples collected for the purpose of monitoring or testing. Facilities that test materials to determine if they are "hazardous" are not required to obtain a RCRA permit in certain circumstances.

provided that they meet certain minimum requirements.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/25/81	46 FR 47426
Final Action	00/00/00	

Small Entity: No

Additional Information: SAR No. 1765. Docket No. 3001/Samples Exemption. FTS:8-382-4770.

Agency Contact: Claire Welty, Environmental Protection Agency, (WH-565), Washington, DC 20460, 202 382-4770

RIN: 2050-AA05

IDENTIFICATION AND LISTING OF HAZARDOUS WASTE: HEXAVALENT CHROMIUM MODIFICATION

Legal Authority: 42 USC 6921 RCRA

CFR Citation: 40 CFR 261.24

Abstract: This action modifies the hazardous waste characteristics of extraction procedure (EP) toxicity. It amends the existing regulation (which regulates on the basis of total chromium) to a standard based on hexavalent chromium (CR (6)). This is the valence state of chromium which is of environmental concern. The regulation also includes a test method for determining CR(6). This amendment will reduce the regulatory burden for many wastes.

Timetable:

Action	Date	FR Cite
NPRM	10/30/80	45 FR 72029
Final Action	00/00/00	

Small Entity: No

Additional Information: SAR No. 1761. Docket No. 3001. FTS:8-382-4770.

Agency Contact: David Friedman, Environmental Protection Agency, (WH-565), Washington, DC 20460, 202 382-4770

RIN: 2050-AA06

IDENTIFICATION AND LISTING OF HAZARDOUS WASTE: LABORATORY WASTES

Legal Authority: 42 USC 6921 RCRA; 42 USC 6922 RCRA; 42 USC 6924 RCRA

CFR Citation: 40 CFR 261; 40 CFR 264

Abstract: EPA is considering modifying certain portions of the hazardous waste regulations (i.e., recordkeeping and reporting requirements) to ease administrative compliance burdens on laboratories. Laboratories generate small quantities of a large variety of wastes and seem to have some unique hazardous waste management problems.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: SAR No. 1841. Docket No. 3001. FTS:8-382-4606. Docket No. 3001. FTS:8-382-4606.

Agency Contact: Claire Welty, Environmental Protection Agency, (WH-565), Washington, DC 20460, 202 382-4606

RIN: 2050-AA07

IDENTIFICATION AND LISTING OF HAZARDOUS WASTE: PRODUCT STORAGE REQUIREMENTS

Legal Authority: 42 USC 6921 RCRA

CFR Citation: 40 CFR 261.4(c)

Abstract: The interim final regulation provides that, in general, hazardous waste which is generated in a product or raw material storage tank is not subject to regulation until: (1) it leaves the unit where it was generated, or (2) a 90 day period is completed. EPA is considering lengthening the exemption period under specific conditions.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/30/80	45 FR 72024
Final Action	00/00/00	

Small Entity: No

Additional Information: SAR No. 1764. Docket No. 3001. FTS:8-382-4770.

Agency Contact: Claire Welty, Environmental Protection Agency, (WH-565), Washington, DC 20460, 202 382-4770

RIN: 2050-AA08

IDENTIFICATION AND LISTING OF HAZARDOUS WASTE: REVISE AND EXPAND SOLVENT LISTINGS

Legal Authority: 48 USC 6921

CFR Citation: 40 CFR 261.31; 40 CFR 261.32

Abstract: These listings will expand the present F001-F005 hazardous waste listings. EPA will also resolve the issue of which solvent mixtures should be regulated.

Timetable:

Action	Date	FR Cite
NPRM	07/00/84	
Final Action	07/00/85	

Small Entity: Undetermined

Additional Information: SAR No. 1855. Docket No. 3001. FTS:8-382-4770.

Agency Contact: Jacqueline Sales, Environmental Protection Agency, (WH-565B), Washington, DC 20460, 202 382-4770

RIN: 2050-AA09

IDENTIFICATION AND LISTING OF HAZARDOUS WASTE: CHLORINATED DIOXINS AND CHLORINATED DIBENZOFURANS

Legal Authority: 48 USC 6921

CFR Citation: 40 CFR 261.31; 40 CFR 261.32

Abstract: Existing regulations include a list of hazardous wastes. This action modifies this list to add particular wastes containing certain chlorinated dibenzo-p-dioxins and dibenzofurans, chlorophenyls, phenoxy acids, amines, and esters derived from these chlorophenols. These contaminants are among the most toxic known, and consequently these wastes are of particular environmental concern.

Timetable:

Action	Date	FR Cite
NPRM	04/04/83	48 FR 14514
Final Action	06/00/84	

Small Entity: No

Additional Information: SAR No. 1863 Docket No. 3001. FTS:8-382-4770.

Agency Contact: Judith Bellin, Environmental Protection Agency, (WH-565B), Washington, DC 20460, 202 382-4770

RIN: 2050-AA10

IDENTIFICATION AND LISTING OF HAZARDOUS WASTE: RESIDUALS FROM PRODUCTION OF C1-C6 CHLORINATED ALIPHATIC COMPOUNDS

Legal Authority: 42 USC 6921

CFR Citation: 40 CFR 261.32

Abstract: This action will add to the list of hazardous wastes the organic residuals from the production of chlorinated aliphatic hydrocarbons having chain lengths of one to five.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/00/83	
Final Action	07/00/84	

Small Entity: No

Additional Information: SAR No. 1854. Docket No. 3001. FTS:8-382-4770.

Agency Contact: David Friedman, Environmental Protection Agency, (WH-565B), Washington, DC 20460, **202 382-4770**

RIN: 2050–AA11

IDENTIFICATION AND LISTING OF HAZARDOUS WASTE: WARFARIN AND ZINC PHOSPHIDE

Legal Authority: 42 USC 6905 RCRA; 42 USC 6912 RCRA; 42 USC 6921 RCRA; 42 USC 6922 RCRA

CFR Citation: 40 CFR 261.33

Abstract: EPA is modifying the list of hazardous wastes in section 261.33 to change the hazardous class under which chemical products containing warfarin at concentrations of 0.30 or less and zinc phosphide in concentrations of 10% or less are listed. This is based on scientific data showing that warfarin and zinc phosphide in these concentrations are not acute hazardous wastes. Those chemical products containing warfarin and zinc phosphide at higher concentrations will remain on 261.33(e). The Agency is also considering establishing concentration limits for all substances listed in 261.33.

Timetable:

Action	Date	FR Cite
NPRM	02/23/83	48 FR 7714
Final Action	03/00/84	

Small Entity: No

Additional Information: SAR No. 1880. Docket No. 3001. FTS:8-382-4798.

Agency Contact: Wanda Le Bleu-Biswas, Environmental Protection Agency, (WH-565B), Washington, DC 20460, **202 382-4798**

RIN: 2050–AA12

IDENTIFICATION AND LISTING OF HAZARDOUS WASTE: RESTRICTION OF LAND DISPOSAL OF CERTAIN HAZARDOUS WASTE

CFR Citation: 40 CFR 261

Abstract: This action would prohibit the land disposal of certain types of hazardous wastes. EPA is considering establishing criteria for identifying wastes. These criteria will then be used to promulgate a list of wastes which should be prohibited from land disposal based on their extreme persistence, mobility, or toxicity and on the availability of environmentally sound alternate treatment technologies.

Timetable:

Action	Date	FR Cite
NPRM	07/00/85	
Final Action	07/00/86	

Small Entity: Undetermined

Additional Information: SAR No. 1878. Docket No. 3001. FTS:8-382-4770.

Agency Contact: Claire Welty, Environmental Protection Agency, (WH-565), Washington, DC 20460, **202 382-4770**

RIN: 2050–AA30

●PERSONS MANAGING RECYCLED HAZARDOUS WASTES

Legal Authority: 42 USC 6921 RCRA

CFR Citation: 40 CFR 261.6(b)

Abstract: 40 CFR 261.6 defines standards for hazardous wastes which are used, re-used, recycled, or reclaimed. Certain hazardous wastes (those listed or those that are sludges) are subject to transportation and storage controls prior to such use, re-use, recycling, or reclamation. This action corrects some accidental omissions since substantive standards in Part 264 were not added to this section as they were developed. These corrections clarify the rules to read as they were intended to apply, and as they, in general, have been interpreted.

Timetable:

Action	Date	FR Cite
NPRM	01/20/83	48 FR 2530
Final Action	00/00/00	

Small Entity: No

Additional Information: SAR No. 1968. FTS:8-382-4770.

Agency Contact: Matthew Straus, Environmental Protection Agency, (WH-565B), Washington, DC 20460, **202 382-4770**

RIN: 2050–AA56

●AMENDMENT TO RCRA SMALL QUANTITY GENERATOR RULE

Legal Authority: 42 USC 6921 RCRA

CFR Citation: 40 CFR 261.5

Abstract: Currently under Part 261 small generators of less than 1000 kilograms per month are exempt (although for certain more hazardous waste there are lower cut-off points). The Agency has begun a two-year study of alternatives which may result in an amendment to the current rule extending small quantity generators.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	
Final Action	05/00/86	

Small Entity: Undetermined

Additional Information: SAR No. 1935. FTS:8-382-4770.

Agency Contact: Jacqueline Sales, Environmental Protection Agency, (WH-565B), Washington, DC 20460, **202 382-4770**

RIN: 2050–AA59

●IDENTIFICATION AND LISTING OF HAZARDOUS WASTES: DEFINITION OF HOUSEHOLD WASTE

Legal Authority: 42 USC 6921 RCRA

CFR Citation: 40 CFR 261.4(b)(1)

Abstract: 40 CFR 261.4 excludes household waste from regulatory control under RCRA. This action expands the present household waste exclusion to cover wastes from bunkhouses, ranger stations, crew quarters, campgrounds, and picnic grounds. EPA is taking this action in response to rulemaking petitions submitted by the U.S. Department of Agriculture and Interior.

Timetable:

Action	Date	FR Cite
NPRM	02/05/83	48 FR 06880
Final Action	02/00/84	

Small Entity: No

Additional Information: SAR No. 1763. FTS:8-382-4804.

Agency Contact: Filomena Chau, Environmental Protection Agency, (WH-565B), Washington, DC 20460, **202 382-4804**

RIN: 2050–AA60

●IDENTIFICATION AND LISTING OF HAZARDOUS WASTES: HYDRAZINE/DIMETHYLHYDRAZINE MANUFACTURING WASTES

Legal Authority: 42 USC 6921 RCRA

CFR Citation: 40 CFR 261.32

Abstract: This action will expand the list of hazardous wastes by adding wastes from the manufacture of hydrazine and dimethylhydrazine.

Timetable:

Action	Date	FR Cite
NPRM	01/00/84	
Final Action	01/00/85	

Small Entity: No

Additional Information: SAR No. 1954. FTS:8-382-4770.

Agency Contact: Matthew Straus, Environmental Protection Agency, (WH-565B), Washington, DC 20460, **202 382-4770**

RIN: 2050–AA61

●IDENTIFICATION AND LISTING OF HAZARDOUS WASTES: ORGANOBROMINE MANUFACTURING WASTES

Legal Authority: 42 USC 6921 RCRA

CFR Citation: 40 CFR 261.32

Abstract: This action will expand the list of hazardous wastes by listing wastes from the manufacture of organobromine compounds.

Timetable:

Action	Date	FR Cite
NPRM	04/00/84	
Final Action	04/00/85	

Small Entity: No

Additional Information: SAR No. 1862. FTS:8-382-4770.

Agency Contact: Matthew Straus, Environmental Protection Agency, (WH-565B), Washington, DC 20460, **202 382-4770**

RIN: 2050–AA62

●IDENTIFICATION AND LISTING OF HAZARDOUS WASTES: TOLUENE DIISOCYANATE MANUFACTURING WASTES

Legal Authority: 42 USC 6921 RCRA

CFR Citation: 40 CFR 261.32

Abstract: This action will expand the list of hazardous wastes by listing wastes from the manufacture of toluene diisocyanate.

Timetable:

Action	Date	FR Cite
NPRM	02/00/84	
Final Action	02/00/85	

Small Entity: No

Additional Information: SAR No. 1955. FTS:8-382-4770.

Agency Contact: Matthew Straus, Environmental Protection Agency, (WH-565B), Washington, DC 20460, **202 382-4770**

RIN: 2050–AA63

●IDENTIFICATION AND LISTING OF HAZARDOUS WASTE: DIMETHOATE, METHOMYL, AND FAMPHUR

Legal Authority: 42 USC 6921 RCRA

CFR Citation: 40 CFR 261

Abstract: The Agency is proposing to amend its regulations under RCRA to change the hazard class under which certain discarded commercial chemical products are listed, specifically the categorization of waste dimethoate, methomyl, and famphur.

Timetable:

Action	Date	FR Cite
NPRM	06/00/83	
Final Action	06/00/84	

Small Entity: No

Additional Information: SAR No. 1944. FTS:8-382-4798.

Agency Contact: Wanda LeBleu-Biswas, Environmental Protection Agency, (WH-565B), Washington, DC 20460, **202 382-4798**

RIN: 2050–AA64

●IDENTIFICATION AND LISTING OF HAZARDOUS WASTE: CARBAMATE MANUFACTURING WASTES

Legal Authority: 42 USC 6921 RCRA

CFR Citation: 40 CFR 261.32

Abstract: This action will expand the list of harzardous waste by listing wastes from the manufacture of carbamates.

Timetable:

Action	Date	FR Cite
NPRM	04/00/84	
Final Action	04/00/85	

Small Entity: No

Additional Information: SAR No. 1861. FTS:8-382-4770.

Agency Contact: Matthew Straus, Environmental Protection Agency, (WH-565B), Washington, DC 20460, **202 382-4770**

RIN: 2050–AA65

●IDENTIFICATION AND LISTING OF HAZARDOUS WASTES: SPENT PICKLE LIQUOR GENERATED FROM STEEL FINISHING OPERATIONS

Legal Authority: 42 USC 6921 RCRA

CFR Citation: 40 CFR 261

Abstract: The Agency is amending the regulations for hazardous waste management under RCRA by exempting lime neutralized waste pickle liquor sludge generated from steel finishing operations (except for those sludges generated from stainless steel operations) from the presumption of hazardousness presently contained in the regulations. The effect of this amendment is to reduce the regulatory requirements to those who generate and manage these wastes and now comply with the requirements of the hazardous waste management regulations.

Timetable:

Action	Date	FR Cite
NPRM	06/00/83	
Final Action	06/00/84	

Small Entity: No

Additional Information: SAR No. 1859. FTS:8-382-4770.

Agency Contact: Jacqueline Sales, Environmental Protection Agency, (WH-565B), Washington, DC 20460, **202 382-4770**

RIN: 2050–AA66

STANDARDS FOR HAZARDOUS WASTE GENERATORS: "SATELLITE" ACCUMULATION OF HAZARDOUS WASTE

Legal Authority: 42 USC 6922 RCRA

CFR Citation: 40 CFR 262.34

Abstract: Current regulations allow generators of hazardous waste to accumulate waste on-site for 90 days without a permit, provided the accumulation is in accordance with certain standards. This action will add an initial period for "satellite" accumulation, defined as waste accumulated in small quantities at or near a point of generation before the standards for 90 day accumulation apply. The 90 day period would begin only after the initial period is completed. This change will be more appropriate and less burdensome for short term satellite storage activities than are the existing requirements. This action would also waive the contingency plan requirement for satellite storage.

Timetable:

Action	Date	FR Cite
NPRM	01/03/83	48 FR 118
Final Action	01/00/84	

Small Entity: No

Additional Information: SAR No. 1767. Docket No. 3002. FTS:8-382-4755.

Agency Contact: Amy Mills, Environmental Protection Agency, (WH-563), Washington, DC 20460, **202 382-4755**

RIN: 2050–AA13

STANDARDS FOR HAZARDOUS WASTE GENERATORS: SHIPMENTS OF HAZARDOUS WASTE FROM PERMITTED FACILITIES

Legal Authority: 42 USC 6922 RCRA

CFR Citation: 40 CFR 262

Abstract: EPA issued an interim final rule to clarify the responsibilities of owners and

operators of permitted facilities with respect to generator standards (40 CFR 262) when they initiate a shipment of hazardous waste from their facilities.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/31/80	45 FR 86968
Final Action	10/00/83	

Small Entity: No

Additional Information: SAR No. 1770. Docket No. 3002. FTS:8-382-4753.

Agency Contact: Rolf Hill, Environmental Protection Agency, (WH-563), Washington, DC 20460, **202 382-4753**

RIN: 2050-AA18

STANDARDS FOR HAZARDOUS WASTE GENERATORS: TRANSPORTING HAZARDOUS WASTE BY RAIL

Legal Authority: 42 USC 6922 RCRA; 42 USC 6923 RCRA

CFR Citation: 40 CFR 262; 40 CFR 263

Abstract: EPA has issued an interim final rule which allows generators to transport hazardous waste by rail without a manifest, provided that certain minimum information accompanies the load. EPA concluded that the existing tracking system used by railroads was sufficient to protect human health and the environment.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/31/80	45 FR 86970
Final Action	10/00/83	

Small Entity: No

Additional Information: SAR No. 1769. Docket No. 3002. FTS:8-382-4505.

Agency Contact: Carolyn Barley, Environmental Protection Agency, (WH-563), Washington, DC 20460, **202 382-4505**

RIN: 2050-AA19

STANDARDS FOR HAZARDOUS WASTE TRANSPORTERS: IN-TRANSIT STORAGE REQUIREMENTS

Legal Authority: 42 USC 6923 RCRA

CFR Citation: 40 CFR 263

Abstract: EPA has issued an interim final rule to allow a transfer facility to hold a shipment of hazardous waste with a manifest for up to ten days without obtaining a RCRA permit or complying with storage facility standards. This rule is intended to allow transporters to store waste temporarily at a transfer facility for such purposes as consolidation of shipments for further transport.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/31/80	45 FR 86966
Final Action	00/00/00	

Small Entity: No

Additional Information: SAR No. 1771. Docket No. 3003. FTS:8-382-4753.

Agency Contact: Rolf Hill, Environmental Protection Agency, (WH-563), Washington, DC 20460, **202 382-4753**

RIN: 2050-AA20

STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTES: WASTEWATER TREATMENT/ELEMENTARY NEUTRALIZATION

Legal Authority: 42 USC 6924 RCRA

CFR Citation: 40 CFR 266 B

Abstract: In November 1980, EPA suspended the applicability of the RCRA regulations to wastewater treatment and elementary neutralization tanks (facilities that treat corrosive wastes). At the same time, EPA proposed to substantially relax the substantive requirements and the permitting procedures for these facilities. The proposal establishes a tailored set of management standards and a permit-by-rule scheme for these facilities.

Timetable:

Action	Date	FR Cite
NPRM	11/17/80	45 FR 76076
Final Action	00/00/00	

Small Entity: No

Additional Information: SAR No. 1772. Docket No. 3004. FTS:8-382-4781.

Agency Contact: William Kline, Environmental Protection Agency, (WH-565), Washington, DC 20460, **202 382-4781**

RIN: 2050-AA22

STANDARDS FOR MANAGEMENT OF SPECIFIC HAZARDOUS WASTE: EXPERIMENTAL FACILITIES

Legal Authority: 42 USC 6924 RCRA; 42 USC 6925 RCRA

CFR Citation: 40 CFR 261 to 264; 40 CFR 266

Abstract: This action would amend existing requirements for facilities engaging in hazardous waste research activities. EPA's objective is to encourage research and development of hazardous waste management technology while assuring environmental protection.

Timetable:

Action	Date	FR Cite
NPRM	09/00/83	
Final Action	00/00/00	

Small Entity: Undetermined

Additional Information: SAR No. 1817. Docket No. 3004. FTS:8-382-4788.

Agency Contact: Angela Wilkes, Environmental Protection Agency, (WH-565), Washington, DC 20460, **202 382-4761**

RIN: 2050-AA23

STANDARDS FOR OWNERS/OPERATORS OF WASTE FACILITIES: FINANCIAL RESPONSIBILITY

Legal Authority: 42 USC 6924 RCRA

CFR Citation: 40 CFR 264 H; 40 CFR 265

Abstract: Owners or operators of hazardous waste facilities must provide financial assurance that closure and post-closure care requirements can be met. They must also have liability coverage for bodily injury and property damage to third parties caused by facility operations.

Timetable:

Action	Date	FR Cite
NPRM	05/19/80	45 FR 33260
Previous Interim Final Rule	04/07/82	47 FR 15032
Interim Final Rule	04/16/82	47 FR 16544
Final Action	00/00/00	

Small Entity: Yes

Additional Information: SAR No. 1194A. Docket No. 3004. FTS:8-382-4503.

Agency Contact: Emily Sano, Environmental Protection Agency, (WH-565), Washington, DC 20460, **202 382-4503**

RIN: 2050-AA26

STATES WITH FINAL AUTHORIZATION

Legal Authority: 42 USC 6905 RCRA; 42 USC 6912 RCRA; 42 USC 6924 RCRA

CFR Citation: 40 CFR 264

Abstract: EPA plans to add permitting standards for several processes which are not currently covered by the standards for owners and operators of hazardous waste management facilities. Under EPA's May 19, 1980 regulations, until a State with final authorization makes revisions based on new Federal standards, neither EPA nor the State can issue RCRA permits to new or existing facilities covered by the new standards. To

remedy this problem, EPA amended its hazardous waste management regulations to enable certain facilities in authorized States to obtain Federally-issued RCRA permits while the States revise their RCRA permit requirements. The Agency also clarified the applicability of new permit standards in States with Phase II interim authorization.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/26/82	47 FR 32382
Final Action	00/00/00	

Small Entity: No

Additional Information: SAR No. 1874. Docket No. 3004. FTS:8-382-2224.

Agency Contact: **Terrace Grogan**, Environmental Protection Agency, (WH-563), Washington, DC 20460, **202 382-2224**

RIN: 2050-AA27

STANDARDS FOR OWNERS/OPERATORS OF WASTE FACILITIES: SURFACE IMPOUNDMENTS USED FOR NEUTRALIZATION OF CORROSIVE WASTE

Legal Authority: 42 USC 6924 RCRA

CFR Citation: 40 CFR 264

Abstract: Neutralization surface impoundments are surface impoundments that: (1) are used to neutralize wastes that are hazardous solely because they exhibit the characteristic of corrosivity (261.22) or have been listed in Part 261 subpart O only for this reason; (2) contain no other hazardous waste; and (3) sufficiently neutralize the corrosive waste rapidly so that there is no potential for migration of hazardous waste from the impoundment. Neutralization surface impoundments present such minimal risk of groundwater and surface water contamination that it may be unnecessary to require such facilities to comply with the full set of technical standards necessary for other facilities.

Timetable:

Action	Date	FR Cite
NPRM	08/00/83	

Small Entity: Undetermined

Additional Information: SAR No. 1875. Docket No. 3004. FTS:8-382-4683.

Agency Contact: **Chris Rhyne**, Environmental Protection Agency, (WH-564), Washington, DC 20460, **202 382-4683**

RIN: 2050-AA28

STANDARDS FOR OWNERS/OPERATORS OF WASTE FACILITIES: BOILERS

Legal Authority: 42 USC 6924 RCRA

CFR Citation: 40 CFR 264

Abstract: Burning of hazardous waste in boilers for the purpose of heat recovery is currently exempt from regulation under RCRA. However, the Agency is currently studying the environmental effects of burning by conducting tests of stack emissions and doing other research. The Agency expects to complete this research during 1983 and propose appropriate regulations in 1984. In addition, the Agency is considering proposal of more near term administrative controls on this practice, including notification by facilities that blend, distribute, or burn hazardous waste as a fuel.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: SAR No. 1877. FTS:8-382-4761.

Agency Contact: **Steve Lingle**, Environmental Protection Agency, (WH-565), Washington, DC 20460, **202 382-4761**

RIN: 2050-AA29

STANDARDS FOR OWNERS/OPERATORS OF WASTE FACILITIES: MONOFILLS

Legal Authority: 42 USC 6924 RCRA

CFR Citation: 40 CFR 264

Abstract: Monofills are storage, treatment, or disposal facilities which manage one or more of a small group of EP toxic hazardous wastes and no other hazardous waste. Under specific management conditions, these facilities pose significantly less risk of groundwater contamination than do other types of similar facilities. EPA intends to propose a special set of standards for these facilities because of this reduced risk.

Timetable:

Action	Date	FR Cite
NPRM	08/00/83	
Final Action	00/00/00	

Small Entity: No

Additional Information: SAR No. 1879. FTS:8-382-4677.

Agency Contact: **Kent Anderson**, Environmental Protection Agency, (WH-564), Washington, DC 20460, **202 382-4677**

RIN: 2050-AA31

STANDARDS FOR OWNERS/OPERATORS OF WASTE FACILITIES: STORAGE OF IGNITABLE AND REACTIVE WASTE; BUFFER ZONE REQUIREMENTS

Legal Authority: 42 USC 6924 RCRA

CFR Citation: 40 CFR 260; 40 CFR 264; 40 CFR 265

Abstract: The amendment would modify the requirements for storage of ignitable and reactive waste in containers and tanks at hazardous waste management facilities. It would incorporate the buffer zone requirements contained in portions of three National Fire Protection Association Codes.

Timetable:

Action	Date	FR Cite
NPRM	08/00/83	
Final Action	08/00/84	

Small Entity: No

Additional Information: SAR No. 1775. Docket No. 3004. FTS:8-382-4761.

Agency Contact: **Penelope Hansen**, Environmental Protection Agency, (WH-565), Washington, DC 20460, **202 382-4761**

RIN: 2050-AA32

INTERIM STATUS: OPEN BURNING

Legal Authority: 42 USC 6924 RCRA

CFR Citation: 40 CFR 264; 40 CFR 265.382

Abstract: Existing regulations allow open burning of explosives under certain conditions, (e.g. beyond a specified distance from buildings and other objects). In response to a petition by industry, this action would modify EPA's existing restrictions. It will allow open burning of small quantities of waste explosives under specific conditions at selected facilities. This amendment will provide relief for a small number of highly specialized disposal facilities.

Timetable:

Action	Date	FR Cite
Interim Final Rule	00/00/00	

Small Entity: No

Additional Information: SAR No. 1849. Docket No. 3004. FTS:8-382-4791.

Agency Contact: **Marc Turgeon**, Environmental Protection Agency, (WH-565), Washington, DC 20460, **202 382-4791**

RIN: 2050-AA33

INTERIM STATUS: LIQUIDS IN LANDFILLS

Legal Authority: 42 USC 6924 RCRA

CFR Citation: 40 CFR 265

EPA

Current and Projected Rulemakings

Abstract: This rule controls the landfill disposal of containers holding free liquids. The Agency intends to leave the interim final rule of March 22, 1982 in effect until a thorough analysis of this issue can be done through the Regulatory Impact Analysis (RIA) process. An RIA is scheduled to be completed in the summer of 1983. Development and promulgation of a final rule will follow.

Timetable:

Action	Date	FR Cite
NPRM	02/25/82	47 FR 8307
Previous Interim Final Rule	02/25/82	47 FR 8304
Interim Final Rule	03/22/82	47 FR 12316
Final Action	00/00/00	

Small Entity: No

Additional Information: SAR No. 1843. Docket No. 3004. FTS:8-382-4654.

Agency Contact: **Ken Shuster**, Environmental Protection Agency, (WH-564), Washington, DC 20460, **202 382-4654**

RIN: 2050-AA34

INTERIM STATUS: EXPANSION AND MODIFICATION OF FACILITIES

Legal Authority: 42 USC 6924 RCRA; 42 USC 6925 RCRA

CFR Citation: 40 CFR 122; 40 CFR 265; 40 CFR 267

Abstract: Under the settlement agreement in NRDC v EPA, EPA is proposing to allow existing hazardous waste management facilities greater flexibility to expand and modify their operation during interim status. Among other things, these amendments would: (1) allow the addition of tanks and containers to treat or store waste; (2) allow increases in design capacity.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: SAR No. 1807. Docket No. 3005. FTS:8-382-2222.

Agency Contact: **Deborah Wolpe**, Environmental Protection Agency, (WH-563), Washington, DC 20460, **202 382-2222**

RIN: 2050-AA35

ENFORCEMENT OF STATE PERMITS

Legal Authority: 42 USC 6924 RCRA; 42 USC 6925 RCRA; 42 USC 6926 RCRA

CFR Citation: 40 CFR 123

Abstract: Under the settlement agreement in NRDC v EPA, EPA is proposing amendments to state program requirements. In particular, the proposal would require that the EPA Regional Administrator explain the basis for any contention that a State failed to include a necessary provision in its permit.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: SAR No. 1809. Docket No. 3005. FTS:8-382-2222.

Agency Contact: **Deborah Wolpe**, Environmental Protection Agency, (WH-563), Washington, DC 20460, **202 382-2222**

RIN: 2050-AA40

CONSOLIDATED PERMITS: OWNER/OPERATOR SIGNATURE

Legal Authority: 42 USC 6924 RCRA

CFR Citation: 40 CFR 122

Abstract: Existing EPA regulations require that both the owner and operator of a hazardous waste facility sign the facility's permit application. Under the settlement agreement in NRDC v EPA, EPA has proposed allowing permit applications to be filed in certain circumstances solely under the signature of the facility operator.

Timetable:

Action	Date	FR Cite
NPRM	07/23/82	47 FR 32038
Final Action	06/00/83	

Small Entity: No

Additional Information: SAR No. 1813. Docket No. 3005. FTS:8-3828-2222.

Agency Contact: **Deborah Wolpe**, Environmental Protection Agency, (WH-563), Washington, DC 20460, **202 382-2222**

RIN: 2050-AA41

CONSOLIDATED PERMITS: RETENTION OF GROUNDWATER MONITORING DATA

Legal Authority: 42 USC 6924 RCRA; 42 USC 6925 RCRA

CFR Citation: 40 CFR 122; 40 CFR 123; 40 CFR 124

Abstract: Under the settlement agreement in NRDC v EPA, EPA will propose to reduce the period of time during which a facility must retain groundwater monitoring data.

Timetable:

Action	Date	FR Cite
NPRM	05/00/83	

Small Entity: No

Additional Information: SAR No. 1810. Docket No. 3005. FTS:8-382-2222.

Agency Contact: **Deborah Wolpe**, Environmental Protection Agency, (WH-563), Washington, DC 20460, **202 382-2222**

RIN: 2050-AA42

CONSOLIDATED PERMITS: MINOR MODIFICATIONS TO EXISTING RCRA PERMITS

Legal Authority: 42 USC 6925 RCRA

CFR Citation: 40 CFR 122.17

Abstract: Existing regulations allow EPA to make specified minor modifications to existing RCRA permits without going through the draft permit and public participation procedures required to make more substantial changes to permits. Under the settlement agreement in NRDC v EPA, EPA is proposing an amendment which would expand the kinds of permit modifications that qualify as minor modifications and thus are exempt from most procedural requirements.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: SAR No. 1805. Docket No. 3005. FTS:8-382-4500.

Agency Contact: **Jeffrey Detlefson**, Environmental Protection Agency, (WH-563), Washington, DC 20460, **202 382-4500**

RIN: 2050-AA37

CONSOLIDATED PERMITS: DURATION OF PERMITS FOR HAZARDOUS WASTE FACILITIES

Legal Authority: 42 USC 6925 RCRA; 42 USC 6926 RCRA

CFR Citation: 40 CFR 122.9; 40 CFR 123; 40 CFR 264

Abstract: Existing EPA regulations provide that EPA-issued permits for hazardous waste treatment, storage and disposal facilities are effective for a fixed term not to exceed ten years. Under the settlement agreement in NRDC v EPA, EPA proposes to revise this regulation by making permits effective for the designed operating life of the facility. Permit terms for land disposal facilities would include the post-closure care period

as well. EPA would also increase opportunities for the Agency to modify permits during their term. EPA will also propose to amend State program requirements to allow authorized States to adopt similar standards to vary the duration of permits.

Timetable:

Action	Date	FR Cite
NPRM	02/03/83	48 FR 8825
Final Action	04/00/84	

Small Entity: No

Additional Information: SAR No. 1806. Docket No. 3005. FTS:8-382-4535.

Agency Contact: Chaz Miller, Environmental Protection Agency, (WH-563), Washington, DC 20460, 202 382-4535

RIN: 2050-AA36

CONSOLIDATED PERMITS: CONSTRUCTION BAN

Legal Authority: 42 USC 6925 RCRA

CFR Citation: 40 CFR 122; 40 CFR 123; 40 CFR 124

Abstract: Existing EPA regulations require that an owner or operator of a hazardous waste management facility receive a RCRA permit before beginning construction of the facility. Under the settlement agreement in NRDC v EPA, EPA will propose an amendment that will allow certain facilities to commence construction but not operation, before a RCRA permit is issued.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: SAR No. 1814. Docket No. 3005. FTS:8-382-2222.

Agency Contact: Deborah Wolpe, Environmental Protection Agency, (WH-563), Washington, DC 20460, 202 382-2222

RIN: 2050-AA39

CONSOLIDATED PERMITS: HEARINGS ON INTERIM STATUS

Legal Authority: 42 USC 6925 RCRA

CFR Citation: 40 CFR 122; 40 CFR 124

Abstract: Under the settlement agreement in NRDC v EPA, EPA will propose to notify owners and operators of existing hazardous waste facilities of any deficiencies in their Part A applications and to give them 30 days to respond. EPA will also propose to provide the opportunity for a panel hearing on initial RCRA permits in certain circumstances.

Timetable:

Action	Date	FR Cite
NPRM	05/00/83	

Small Entity: No

Additional Information: SAR No. 1812. Docket No. 3005. FTS:8-382-2222.

Agency Contact: Deborah Wolpe, Environmental Protection Agency, (WH-563), Washington, DC 20460, 202 382-2222

RIN: 2050-AA43

CONSOLIDATED PERMITS: TRANSFER OF PERMITS

Legal Authority: 42 USC 6925 RCRA

CFR Citation: 40 CFR 122

Abstract: Under the settlement agreement in NRDC v EPA, EPA will propose to amend its regulations to ease restrictions on certain transfers of RCRA permits when ownership of a hazardous waste facility changes.

Timetable:

Action	Date	FR Cite
NPRM	05/00/83	

Small Entity: No

Additional Information: SAR No. 1811. Docket No. 3005. FTS:8-382-2222.

Agency Contact: Deborah Wolpe, Environmental Protection Agency, (WH-563), Washington, DC 20460, 202 382-2222

RIN: 2050-AA44

CLEAN AIR ACT

●COMPLIANCE WITH THE STATUTORY PROVISIONS OF PART D OF THE CLEAN AIR ACT

Legal Authority: 42 USC 7407 CAA; 42 USC 7410 CAA; 42 USC 7405 CAA; 42 USC 7501-8 CAA; 42 USC 7601 CAA; 42 USC 7616 CAA

CFR Citation: 40 CFR 52

Abstract: The Clean Air Act (CAA) requires that states institute plans to attain the primary ambient air quality standards by December 31, 1982. In certain cases, extensions were granted for ozone and carbon monoxide standards. States receiving such an extension were required to submit revised 1982 plans demonstrating attainment by December 31, 1987. The Agency has proposed to impose the statutory consequences (construction moratorium and possible funding sanctions) for: (1) areas not able to demonstrate attainment of the primary standards by December 31, 1982; (2) areas whose post-1982 attainment plans are inadequate; and (3) areas which have failed to meet other statutory provisions of Part D of the Act.

Timetable:

Action	Date	FR Cite
NPRM	02/03/83	48 FR 4972
Final Action	10/00/83	

Small Entity: Undetermined

Additional Information: SAR No. 1974. FTS: 8-629-5551

Agency Contact: Darryl Tyler, Environmental Protection Agency, MD-15, Research Triangle Park, North Carolina 27711, 919 541-5551

RIN: 2060-AB12

QUALITY ASSURANCE PROCEDURES, APPENDIX F, PROCEDURE 1

Legal Authority: 42 USC 7411 CAA; 42 USC 7414 CAA; 42 USC 7601 CAA

CFR Citation: 40 CFR 60 Appendix F

Abstract: This rule would add quality assurance requirements on gas continuous emission monitoring systems (CEMs) used for compliance. The purpose is to improve data quality and strengthen the basis for decisions made with regard to quality assurance.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: SAR No. 1741. Docket No. A-80-29. FTS:8-629-2415.

Agency Contact: Darryl von Lehmden, Environmental Protection Agency, (MD-77), Research Triangle Park, NC 27711, 919 541-2415

RIN: 2060-AA09

NSPS: STATIONARY INTERNAL COMBUSTION ENGINES

Legal Authority: 42 USC 7411 CAA

CFR Citation: 40 CFR 60 FF

Abstract: These regulations will require the application of best available demonstrated technology to control nitrogen oxide emissions from stationary diesel and dual-fuel internal combustion engines. EPA will issue separate standards for gas and gasoline-fueled stationary I.C. engines later. The Agency is considering exempting engines with a displacement of less than 500 cubic inches per cylinder.

Timetable:

Action	Date	FR Cite
NPRM	07/23/79	44 FR 43173
Final Action	05/00/83	

Small Entity: Yes

Additional Information: SAR No. 1008. Docket No. OAQPS-79-5. FTS:8-629-5578.

Agency Contact: Susan Wyatt, Environmental Protection Agency, (MD-13), Research Triangle Park, NC 27711, **919 541-5578**

RIN: 2060–AA11

NSPS: ORGANIC SOLVENT CLEANERS

Legal Authority: 42 USC 7411 CAA

CFR Citation: 40 CFR 60 JJ

Abstract: This rule will control evaporative emissions from metal cleaning and degreasing operations. A related rule (SAR 1695) will also require States to act under Section III(d) to control some specific solvent emissions from existing sources.

Timetable:

Action	Date	FR Cite
NPRM	06/11/80	45 FR 39766
Final Action	00/00/00	

Small Entity: Yes

Additional Information: SAR No. 1010. Docket No. OAQPS 78-12. FTS:8-629-5624.

Agency Contact: Fred L. Porter, Environmental Protection Agency, (MD-13), Research Triangle Park, NC 27711, **919 541-5624**

RIN: 2060–AA12

NSPS: METALLIC MINERALS

Legal Authority: 42 USC 7411 CAA

CFR Citation: 40 CFR 60 LL

Abstract: This standard would limit stack and fugitive particulate emissions at new, modified, or reconstructed plants in the processing of minerals prior to metal reduction. These areas are: aluminum, copper, gold, iron, lead, molybdenum, silver, titanium, tungsten, uranium, zinc, and zirconium. The affected facilities are individual points and equipment in the processing plant. Facilities located underground are not affected.

Timetable:

Action	Date	FR Cite
NPRM	08/24/82	47 FR 36859
Final Action	11/00/83	

Small Entity: No

Additional Information: SAR No. 1700. Docket No. A-81-03. FTS:8-629-5624.

Agency Contact: Gene Smith, Environmental Protection Agency, (MD-13), Research Triangle Park, NC 27711, **919 541-5624**

RIN: 2060–AA13

NSPS: PERCHLOROETHYLENE DRY CLEANING

Legal Authority: 42 USC 7411 CAA

CFR Citation: 40 CFR 60 OO

Abstract: This regulation will control hydrocarbon emissions, including perchloroethylene, from professional and coin-operated dry cleaning establishments. It will also reduce the ambient ozone problem. The rule will limit process wastes and leaks and will require the use of a carbon adsorber, or refrigeration equipment, to control emissions from exhausts and vents. EPA is considering an exemption for coin-operated facilities.

Timetable:

Action	Date	FR Cite
NPRM	11/25/80	45 FR 78174
Final Action	00/00/00	

Small Entity: Yes

Additional Information: SAR No. 1119. Docket No. A-79-30. FTS:8-629-5624.

Agency Contact: Fred L. Porter, Environmental Protection Agency, (MD-13), Research Triangle Park, NC 27711, **919 541-5624**

RIN: 2060–AA14

NSPS: INDUSTRIAL SURFACE COATING: PRESSURE SENSITIVE TAPES AND LABELS

Legal Authority: 42 USC 7411 CAA

CFR Citation: 40 CFR 60 RR

Abstract: This regulation will establish emission standards for volatile organic compound emissions from pressure sensitive tapes and labels coating operations. It will apply to new, modified or reconstructed coating lines.

Timetable:

Action	Date	FR Cite
NPRM	12/30/80	45 FR 86278
Final Action	05/00/83	

Small Entity: No

Additional Information: SAR No. 1114 Docket No. A-79-38. FTS:8-629-5624.

Agency Contact: Fred L. Porter, Environmental Protection Agency, (MD-13), Research Triangle Park, NC 27711, **919 541-5624**

RIN: 2060–AA16

NSPS: SYNTHETIC ORGANIC CHEMICAL MANUFACTURING-FUGITIVE EMISSIONS

Legal Authority: 42 USC 7411

CFR Citation: 40 CFR 60 VV

Abstract: This rule will control fugitive emissions from the manufacture of volatile organic chemicals from new process units within the synthetic organic chemical manufacture industry. It requires a leak detection and repair program and the use of certain equipment to reduce emissions.

Timetable:

Action	Date	FR Cite
NPRM	01/05/81	46 FR 1136
Final Action	04/00/83	

Small Entity: No

Additional Information: SAR No. 1112. Docket No. A-79-32. FTS:8-629-5578.

Agency Contact: Susan Wyatt, Environmental Protection Agency, (MD-13), Research Triangle Park, NC 27711, **919 541-5578**

RIN: 2060–AA19

NSPS: INDUSTRIAL SURFACE COATING: CANS

Legal Authority: 42 USC 7411 CAA

CFR Citation: 40 CFR 60 WW

Abstract: These standards will limit VOC emissions from new, modified, and reconstructed two piece beverage can surface coating facilities. The standards will cover base coat, over varnish, coating and inside coat.

Timetable:

Action	Date	FR Cite
NPRM	11/26/80	45 FR 78980
Final Action	04/00/83	

Small Entity: No

Additional Information: SAR No. 1113. Docket No. A-80-4. FTS:8-629-5624.

Agency Contact: Fred L. Porter, Environmental Protection Agency, (MD-13), Research Triangle Park, NC 27711, **919 541-5624**

RIN: 2060–AA20

NSPS: BULK GASOLINE TERMINALS

Legal Authority: 42 USC 7411 CAA

CFR Citation: 40 CFR 60 XX

Abstract: This rule will control volatile organic compound (VOC) emissions from new, modified, and reconstructed gasoline tank truck loading racks at bulk gasoline terminals. It will require installation of VOC vapor collection equipment, set VOC

emission limits, and restrict loadings only to gasoline tank trucks that pass an annual vapor-tight test.

Timetable:

Action	Date	FR Cite
NPRM	12/17/80	45 FR 68616
Final Action	04/00/83	

Small Entity: Yes

Additional Information: SAR No. 1589. Docket No. OAQPS-78-2. FTS:8-629-5578.

Agency Contact: Susan Wyatt, Environmental Protection Agency, (MD-13), Research Triangle Park, NC 27711, 919 541-5578

RIN: 2060-AA21

NSPS: VOLATILE ORGANIC LIQUIDS STORAGE

Legal Authority: 42 USC 7411 CAA

CFR Citation: 40 CFR 60 AAA

Abstract: This standard will control volatile organic compound emissions from the storage of organic liquids. It will affect new, modified or reconstructed VOL storage vessels with capacities of 40,000 gallons or more.

Timetable:

Action	Date	FR Cite
NPRM	09/00/83	
Final Action	11/00/84	

Small Entity: No

Additional Information: SAR No. 1612. Docket No. A-80-51. FTS:8-629-5578.

Agency Contact: Susan Wyatt, Environmental Protection Agency, (MD-13), Research Triangle Park, NC 27711, 919 541-5578

RIN: 2060-AA23

NSPS: RUBBER PRODUCTS INDUSTRY-TIRE MANUFACTURING

Legal Authority: 42 USC 7411 CAA

CFR Citation: 40 CFR 60 BBB

Abstract: This standard will control VOC (volatile organic compound) emissions from solvent application during undertread/sidewall cementing, tread end cementing, bead cementing and green tire coating in rubber tire manufacturing plants. It will require use of less solvent or installation of a 75% efficient emission reduction system.

Timetable:

Action	Date	FR Cite
NPRM Comment Period Begin	01/20/83	48 FR 2676
Final Action	00/00/00	

Small Entity: No

Additional Information: SAR No. 1615. Docket No. A-80-9. FTS:8-629-5578.

Agency Contact: Susan Wyatt, Environmental Protection Agency, (MD-13), Research Triangle Park, NC 27711, 919 541-5578

RIN: 2060-AA24

NSPS: NON-FOSSIL FUEL FIRED BOILERS

Legal Authority: 42 USC 7411 CAA

CFR Citation: 40 CFR 60 CCC

Abstract: This rule will control particulate emissions from combustion of wood, municipal solid waste, refuse derived fuels, and bagasse. It will also control particulate emissions of the above when combined with fossil fuels. The rule will set an individual control level for each non-fossil fuel addressed. EPA is considering the highest volume fuels first, but will consider others later.

Timetable:

Action	Date	FR Cite
NPRM	06/00/83	

Small Entity: Yes

Additional Information: SAR No. 1614. Docket No. A-79-22. FTS:8-629-5624.

Agency Contact: Fred L. Porter, Environmental Protection Agency, (MD-13), Research Triangle Park, NC 27711, 919 541-5624

RIN: 2060-AA25

NSPS: GYPSUM

Legal Authority: 42 USC 7411 CAA

CFR Citation: 40 CFR 60 DDD

Abstract: This regulation will control particulate emissions from eight separate sources of gypsum manufacturing facilities. It will require improved operation and maintenance of particulate control equipment already used by the industry under State regulations.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: SAR No. 1673. Docket No. A-80-15. FTS:8-629-5624.

Agency Contact: Gene Smith, Environmental Protection Agency, (MD-13), Research Triangle Park, NC 27711, 919 541-5624

RIN: 2060-AA26

NSPS: INDUSTRIAL SURFACE COATING: VINYL COATING AND PRINTING

Legal Authority: 42 USC 7411 CAA

CFR Citation: 40 CFR 60 FFF

Abstract: This regulation will control volatile organic compound emissions from the manufacture of polyvinylchloride films.

Timetable:

Action	Date	FR Cite
NPRM	01/18/83	48 FR 2276
Final Action	03/00/84	

Small Entity: No

Additional Information: SAR No. 1672. Docket No. A-80-8. FTS:8-629-5624.

Agency Contact: Gene Smith, Environmental Protection Agency, (MD-13), Research Triangle Park, NC 27711, 919 541-5624

RIN: 2060-AA27

NSPS: REFINERY FUGITIVE EMISSIONS

Legal Authority: 42 USC 7411 CAA

CFR Citation: 40 CFR 60 GGG

Abstract: This regulation will control fugitive emissions of volatile organic compounds from new, reconstructed, or modified processing units in petroleum refineries. It will allow no detectable emissions from pressure relief devices during normal operations; require a leak detection and repair program for valves and pumps; and the use of certain equipment for compressors, sampling connections, and open-ended lines to reduce emissions.

Timetable:

Action	Date	FR Cite
NPRM	01/04/83	48 FR 279
Final Action	03/00/84	

Small Entity: No

Additional Information: SAR No. 1696. FTS:8-629-5578.

Agency Contact: Susan Wyatt, Environmental Protection Agency, (MD-13), Research Triangle Park, NC 27711, 919 541-5578

RIN: 2060-AA28

NSPS: SYNTHETIC FIBERS

Legal Authority: 42 USC 7411 CAA

CFR Citation: 40 CFR 60 HHH

Abstract: This action will control VOC emissions from synthetic fiber manufacturing plants that use "solvent spinning" processes by monitoring the amount of solvent used and the amount recovered. A size cutoff for facilities producing less than 500 megagrams of fiber per year will exempt facilities with an insignificant level of emissions.

Timetable:

Action	Date	FR Cite
NPRM	11/23/82	47 FR 52932
Final Action	01/00/84	

Small Entity: No

Additional Information: SAR No. 1692. FTS:8-629-5624.

Agency Contact: **Gene Smith**, Environmental Protection Agency, (MD-13), Research Triangle Park, NC 27711, **919 541-5624**

RIN: 2060-AA29

NSPS: SYNTHETIC ORGANIC CHEMICAL INDUSTRY: AIR OXIDATION PROCESS

Legal Authority: 42 USC 7411 CAA

CFR Citation: 40 CFR 60 III

Abstract: This regulation will control emissions of volatile organic compounds from the manufacture of synthetic organic chemicals via air oxidation processes.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	
Final Action	05/00/84	

Small Entity: Yes

Additional Information: SAR No. 1618. FTS:8-629-5578.

Agency Contact: **Susan Wyatt**, Environmental Protection Agency, (MD-13), Research Triangle Park, NC 27711, **919 541-5578**

RIN: 2060-AA30

NSPS: PETROLEUM SOLVENT DRY CLEANING

Legal Authority: 42 USC 7411 CAA

CFR Citation: 40 CFR 60

Abstract: This regulation will control emissions of volatile organic compounds from dry cleaning equipment in which petroleum solvent is used. EPA is considering exempting facilities that clean less than an as yet undetermined amount of material a year.

Timetable:

Action	Date	FR Cite
NPRM	12/14/82	47 FR 56118
Final Action	02/00/84	

Small Entity: Yes

Additional Information: SAR No. 1690. FTS:8-629-5624.

Agency Contact: **Fred L. Porter**, Environmental Protection Agency, (MD-13), Research Triangle Park, NC 27711, **919 541-5624**

RIN: 2060-AA32

NSPS: SOLVENT DEGREASING

Legal Authority: 42 USC 7411 CAA

CFR Citation: 40 CFR 60

Abstract: This action will require States to control organic solvent cleaners to reduce emissions of specific organic solvents designated under a separate NSPS action (SAR 1010).

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Yes

Additional Information: SAR No. 1695. FTS:8-629-5624.

Agency Contact: **Fred L. Porter**, Environmental Protection Agency, (MD-13), Research Triangle Park, NC 27711, **919 541-5624**

RIN: 2060-AA33

NSPS: ON-SHORE PRODUCTION

Legal Authority: 42 USC 7411 CAA

CFR Citation: 40 CFR 60

Abstract: This regulation will control volatile organic compounds and sulfur dioxide from new, modified and reconstructed facilities at natural gas/gasoline processing plants.

Timetable:

Action	Date	FR Cite
NPRM	06/00/83	
Final Action	05/00/84	

Small Entity: Undetermined

Additional Information: SAR No. 1697. FTS:8-629-5578.

Agency Contact: **Susan Wyatt**, Environmental Protection Agency, (MD-13), Research Triangle Park, NC 27711, **919 541-5578**

RIN: 2060-AA34

NSPS: DISTILLATION OPERATIONS

Legal Authority: 42 USC 7411 CAA

CFR Citation: 40 CFR 60

Abstract: This regulation will control emissions of volatile organic compounds from modified and reconstructed facilities at pertroleum refineries and synthetic organic chemical plants.

Timetable:

Action	Date	FR Cite
NPRM	06/00/83	
Final Action	08/00/84	

Small Entity: Undetermined

Additional Information: SAR No. 1733. FTS:8-629-5578.

Agency Contact: **Susan Wyatt**, Environmental Protection Agency, (MD-13), Research Triangle Park, NC 27711, **919 541-5578**

RIN: 2060-AA35

NSPS: PETROLEUM REFINERY, FCC REGENERATORS

Legal Authority: 42 USC 7411 CAA

CFR Citation: 40 CFR 60

Abstract: This standard will require control of sulfur dioxide from fluidized catalytic cracking units.

Timetable:

Action	Date	FR Cite
NPRM	05/00/83	
Final Action	06/00/84	

Small Entity: No

Additional Information: SAR No. 1736. FTS:8-629-5624.

Agency Contact: **Susan Wyatt**, Environmental Protection Agency, (MD-13), Research Triangle Park, NC 27711, **919 541-5624**

RIN: 2060-AA36

NSPS: POLYMER AND RESIN MANUFACTURE

Legal Authority: 42 USC 7411 CAA

CFR Citation: 40 CFR 60

Abstract: This rule will control volatile organic compound (VOC) emissions in exhaust streams from polymerization processes in the manufacture of organic polymers and resins.

Timetable:

Action	Date	FR Cite
NPRM	10/00/83	
Final Action	12/00/84	

Small Entity: Undetermined

Additional Information: SAR No. 1671. Docket No. A-82-19. FTS:8-629-5578.

Affected Sectors: Multiple

Agency Contact: **Fred L. Porter,** Environmental Protection Agency, (MD-13), Research Triangle Park, NC 27711, **919 541-5578**

RIN: 2060–AA37

DECISION ON LISTING CADMIUM

Legal Authority: 42 USC 7412 CAA

CFR Citation: 40 CFR 61

Abstract: EPA is currently reviewing relevant available information on emissions of cadmium into the ambient air that may be either by itself or in combination with cadmium intake from food and drinking water reasonably anticipated to endanger public health. EPA will issue a decision on the necessary regulatory action for public comment before it becomes final.

Timetable:

Action	Date	FR Cite
Decision on Listing	00/00/00	

Small Entity: Undetermined

Additional Information: SAR No. 1669. FTS:8-629-5645.

Agency Contact: **David Patrick,** Environmental Protection Agency, (MD-12), Research Triangle Park, NC 27711, **919 541-5645**

RIN: 2060–AA38

NESHAPS: LISTING OF COKE OVEN EMISSIONS AS HAZARDOUS AIR POLLUTANT

Legal Authority: 42 USC 7412 CAA

CFR Citation: 40 CFR 61

Abstract: EPA is conducting a health risk assessment of coke oven emissions. If we determine that these emissons are hazardous, we will list them as hazardous air pollutants under Section 112 and will propose emission standards.

Timetable:

Action	Date	FR Cite
Decision on Listing	00/00/00	

Small Entity: Undetermined

Additional Information: SAR No. 1594. FTS:8-629-5504.

Agency Contact: **Kent Berry,** Environmental Protection Agency, (MD-12), Research Triangle Park, NC 27711, **919 541-5504**

RIN: 2060–AA39

NESHAPS: LISTING OF ACRYLONITRILE

Legal Authority: 42 USC 7412 CAA

CFR Citation: 40 CFR 61

Abstract: EPA is conducting a health risk assessment of acrylonitrile emissions. If the Agency determines that these emissions are hazardous, it will list them under Section 112 and will propose emission standards.

Timetable:

Action	Date	FR Cite
Decision on listing	00/00/00	

Small Entity: Undetermined

Additional Information: SAR No. 1677. FTS: 8-629-5645

Agency Contact: **David Patrick,** Environmental Protection Agency, (MD-12), Research Triangle Park, NC 27711, **919 541-5645**

RIN: 2060–AA40

NESHAPS: ARSENIC FROM SMELTERS AND OTHER SOURCES

Legal Authority: 42 USC 7412 CAA

CFR Citation: 40 CFR 61

Abstract: EPA is developing standards under Section 112 of the Clean Air Act for stationary sources of inorganic arsenic emissions. As a result of an order by the U.S. District Court for the Southern District of New York these standards must be proposed by July 12, 1983. The nine source categories the Agency has identified are: high arsenic primary copper smelters, low arsenic primary copper smelters, glass manufacturing plants, primary lead smelters, secondary lead smelters, primary zinc smelters, zinc oxide production plants, cotton gins, and arsenic chemical manufacturing plants. This review affects glass manufacturing plants that use arsenic in the manufacturing process and cotton gins that produce cotton that has been dried with material containing arsenic only.

Timetable:

Action	Date	FR Cite
NPRM	07/00/83	
Final Action	01/00/84	

Small Entity: No

Additional Information: SAR No. 1684. FTS:8-629-5624.

Agency Contact: **Fred L. Porter,** Environmental Protection Agency, (MD-13), Research Triangle Park, NC 27711, **919 541-5624**

RIN: 2060–AA41

NESHAPS: BENZENE IN COKE OVENS/BY PRODUCTS PLANTS

Legal Authority: 42 USC 7412 CAA

CFR Citation: 40 CFR 61

Abstract: This regulation will control benzene emissions generated by the storage of benzene and the processing of gaseous and liquid streams at by-product plants. Inspection and maintenance procedures, operating practices, floating roof tanks, and exhaust gas treatment may be required.

Timetable:

Action	Date	FR Cite
NPRM	07/00/83	
Final Action	09/00/84	

Small Entity: No

Additional Information: SAR No. 1685. FTS:8-629-5578.

Agency Contact: **Susan Wyatt,** Environmental Protection Agency, (MD-13), Research Triangle Park, NC 27711, **919 541-5578**

RIN: 2060–AA42

NESHAPS: MALEIC ANHYDRIDE MANUFACTURE

Legal Authority: 42 USC 7412 CAA

CFR Citation: 40 CFR 61 H

Abstract: This regulation will control the emission of benzene from process vents in the manufacture of maleic anhydride.

Timetable:

Action	Date	FR Cite
NPRM	04/18/80	42 FR 26660
Final Action	07/00/83	

Small Entity: No

Additional Information: SAR No. 1127. Docket No. OAQPS 79-3. FTS:8-629-5578.

Agency Contact: **Susan Wyatt,** Environmental Protection Agency, (MD-13), Research Triangle Park, NC 27711, **919 541-5578**

RIN: 2060–AA43

NESHAPS: ETHYLBENZENE/STYRENE MANUFACTURE

Legal Authority: 42 USC 7412 CAA

CFR Citation: 40 CFR 61 I

Abstract: This regulation will control the emission of benzene from process vents in

the manufacture of ethylbenzene and styrene at new and existing plants through the use of boilers or process heaters. Process vents account for almost 90 percent of total uncontrolled plant emissions. Excess emissions during startup/shutdown or malfunction must be controlled by smokeless flares.

Timetable:

Action	Date	FR Cite
NPRM	12/18/80	45 FR 83448
Final Action	07/00/83	

Small Entity: No

Additional Information: SAR No. 1128. Docket No. A-79-49. FTS:8-629-5578.

Agency Contact: Susan Wyatt, Environmental Protection Agency, (MD-13), Research Triangle Park, NC 27711, 919 541-5578

RIN: 2060-AA44

NESHAPS: BENZENE FUGITIVE EMISSIONS

Legal Authority: 42 USC 7412 CAA

CFR Citation: 40 CFR 61 J

Abstract: This regulation would limit benzene emissions from fugitive emission sources in new and existing petroleum refineries and organic chemical manufacturing plants. The standards would allow no detectable emissions due to leaks from safety/relief valves and product accumulator vessels. The standards would also require a leak detection and repair program for pipeline valves and pumps, and would require certain equipment for compressors, sampling connections, and open-ended valves.

Timetable:

Action	Date	FR Cite
NPRM	01/05/81	46 FR 1165
Final Action	07/00/83	

Small Entity: Yes

Additional Information: SAR No. 1126. Docket No. A-79-27. FTS:8-629-5578.

Agency Contact: Susan Wyatt, Environmental Protection Agency, (MD-13), Research Triangle Park, NC 27711, 919 541-5578

RIN: 2060-AA45

NESHAPS: BENZENE STORAGE

Legal Authority: 42 USC 7412 CAA

CFR Citation: 40 CFR 61 K

Abstract: This regulation will limit benzene emissions resulting from the storage of pure benzene. EPA will require new and existing storage tanks to meet certain structural standards (a combination of roofs and seals) and require industry to inspect the equipment periodically to ensure that it functions properly.

Timetable:

Action	Date	FR Cite
NPRM	12/19/80	45 FR 83952
Final Action	07/00/83	

Small Entity: Yes

Additional Information: SAR No. 1583. Docket No. A-80-14. FTS:8-629-5578.

Agency Contact: Susan Wyatt, Environmental Protection Agency, (MD-13), Research Triangle Park, NC 27711, 919 541-5578

RIN: 2060-AA46

NESHAPS: COKE OVEN EMISSIONS FROM BY-PRODUCT COKE OVEN CHARGING, DOOR LEAKS, AND TOPSIDE LEAKS ON WET-COAL CHARGED BATTERIES

Legal Authority: 42 USC 7412 CAA

CFR Citation: 40 CFR 61 G

Abstract: This regulation will control emissions of organic pollutants designated as hazardous under section 112. It will require improved maintenance and operation to limit visible emissions from wet-coal-charged coke oven batteries. The standards apply to charging, and leaks from doors, lids or offtakes for all existing or new sources.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Additional Information: SAR No. 1686. Docket No. A-79-15. FTS:8-629-5624.

Agency Contact: Gene Smith, Environmental Protection Agency, (MD-13), Research Triangle Park, NC 27711, 919 541-5624

RIN: 2060-AA48

DISPERSION TECHNIQUES IMPLEMENTED BEFORE ENACTMENT OF THE CLEAN AIR ACT AMENDMENTS OF 1970

Legal Authority: CAA 123; 42 USC 7410; 42 USC 7601(a); 42 USC 7423

Abstract: These regulations set the requirements for an implemented intermittent control system (ICS). If an operator can show that dispersion techniques implemented before December 31, 1970 meet the ICS requirements then the system can be used to reduce emissions in a State Implementation Plan to meet Federal ambient standards. These regulations are optional for States.

Timetable:

Action	Date	FR Cite
NPRM	06/00/83	
Final Action	06/00/84	

Small Entity: No

Additional Information: SAR No. 1893. Docket No. A-79-12. FTS:8-629-5540.

Agency Contact: Bruce Polkowsky, Environmental Protection Agency, (MD-15), Research Triangle Park, NC 27711, 919 541-5540

RIN: 2060-AA49

IMPORTATION OF MOTOR VEHICLES AND MOTOR VEHICLE ENGINES

Legal Authority: 42 USC 7522 CAA

CFR Citation: 40 CFR 85

Abstract: These revised regulations allow only certified vehicles and engines to be imported, except that an individual may import an uncertified version for one time only. The purpose is to improve the effectiveness and administration of EPA's present regulation.

Timetable:

Action	Date	FR Cite
NPRM	07/21/80	45 FR 48812
Final Action	08/00/83	

Small Entity: Yes

Additional Information: SAR No. 1317. Docket No. EN-79-9. FTS:8-382-2504.

Agency Contact: Gerard C. Kraus, Environmental Protection Agency, (EN-340), Washington, DC 20460, 202 382-2504

RIN: 2060-AA54

TAMPERING ENFORCEMENT REGULATIONS

Legal Authority: 42 USC 7522(a)(3) CAA; 42 USC 7601 CAA

CFR Citation: 40 CFR 85

Abstract: These regulations will clarify EPA's enforcement policy against tampering with the emission control systems of motor vehicles. They will identify what kinds of "modifications" or "repairs" are tampering and will clarify the liability of manufacturers, suppliers, and repairers for tampering.

Timetable:

Action	Date	FR Cite
ANPRM	01/27/81	46 FR 8982
NPRM	08/00/83	
Final Action	04/00/84	

Small Entity: Undetermined

Additional Information: SAR No. 1601. Docket No. EN-80-2. FTS:8-382-2944.

Agency Contact: Chuck Aschwanden, Environmental Protection Agency, (EN-397), Washington, DC 20460, **303 234-6354**

RIN: 2060-AA55

NONCONFORMANCE PENALTIES FOR 1984 MODEL YEAR HEAVY-DUTY ENGINES (HDES)

Legal Authority: 42 USC 7525(g) CAA; 42 USC 7601(a) CAA

CFR Citation: 40 CFR 86

Abstract: This regulation will allow manufacturers of 1984 HDEs to sell their engines even though they fail to meet 1984 regulatory requirements for specific pollutants, provided that emissions do not exceed a specified maximum level and that the manufacturer pays a nonconformance penalty for each HDE sold. The penalty will remove any competitive advantage of noncompliance and still provide manufacturers with an incentive to meet the standard.

Timetable:

Action	Date	FR Cite
Previous NPRM	02/13/79	44 FR 9485
NPRM	09/00/83	
Final Action	05/00/84	

Small Entity: No

Additional Information: SAR No. 1571. FTS:8-382-2503. Additional Analysis: IIA.

Agency Contact: Timothy Fields, Environmental Protection Agency, (EN-340), Washington, DC 20460, **202 382-2503**

RIN: 2060-AA56

HIGH-ALTITUDE EMISSION STANDARDS FOR 1984 AND LATER MODEL YEAR LIGHT-DUTY VEHICLES

Legal Authority: CAA 206(s)(1)

CFR Citation: 40 CFR 86

Abstract: The Clean Air Act requires that cars meet emission standards at all altitudes. This rulemaking implements that provision of the Act. This is an Interim Final Rule for 1984 Model year. The same program is proposed for 1985 and later.

Timetable:

Action	Date	FR Cite
NPRM	02/18/83	48 FR 7399
Interim Final Rule	02/18/83	48 FR 7392
Final Action	09/00/83	

Small Entity: No

Additional Information: SAR No. 1897. FTS:8-374-8339.

Agency Contact: Richard Rykowski, Environmental Protection Agency, (ANR-455), 2565 Plymouth Road, Ann Arbor, MI 48105, **202 668-4339**

RIN: 2060-AA57

NONCONFORMANCE PENALTIES FOR LIGHT-DUTY TRUCKS

Legal Authority: 42 USC 7525(g) CAA; 42 USC 301(a) CAA

CFR Citation: 40 CFR 86

Abstract: This regulation will allow manufacturers of 1984 light duty trucks over 6,000 pounds gross vehicle weight to sell their vehicles even though they fail to meet 1984 regulatory requirements for specific pollutants, provided that emissions do not exceed a specified maximum level and that the manufacturer pays a nonconformance penalty for each truck sold. The penalty will remove any competitive advantage of noncompliance.

Timetable:

Action	Date	FR Cite
Previous NPRM	07/12/79	44 FR 40791
NPRM	09/00/83	
Final Action	05/00/84	

Small Entity: Undetermined

Additional Information: SAR No. 1632. FTS:8-382-2503.

Agency Contact: Timothy Fields, Environmental Protection Agency, (EN-340), Washington, DC 20460, **202 382-2503**

RIN: 2060-AA58

ATTAINMENT DESIGNATIONS BY COUNTY FOR THE PURPOSE OF ESTABLISHING BASELINE AIR QUALITY DATA

Legal Authority: 42 USC 7407 CAA

CFR Citation: 40 CFR 81

Abstract: In applying for a permit under the Prevention of Significant Deterioration (PSD) requirements of CAA 169, major new sources must demonstrate that the facility will not cause air pollution in excess of specified air quality increments above the baseline. This action proposes to set the air quality baseline on a county-by-county basis in areas classified as "attainment" or "unclassifiable."

Timetable:

Action	Date	FR Cite
NPRM	01/21/82	47 FR 3011
Final Action	00/00/00	

Small Entity: No

Additional Information: SAR No. 1826. FTS:8-629-5665.

Agency Contact: Bill Beal, Environmental Protection Agency, (MD-15), Research Triangle Park, NC 27711, **919 541-5665**

RIN: 2060-AA60

RESTRUCTURE CFR PARTS 51, 52

Legal Authority: 42 USC 7410 CAA

CFR Citation: 40 CFR 51; 40 CFR 52

Abstract: This rule will update Part 51 in phases. Phase I will delete obsolete provisions, reduce reporting requirements, and revise portions to improve their clarity. Existing references to Part 51 within Part 52 will be revised. Later Phases will restructure the PSD regulations and incorporate other changes enacted by Congress.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	
Final Action	10/00/83	

Small Entity: No

Additional Information: SAR No. 1503 Docket No. A-80-11. FTS:8-629-5697.

Agency Contact: Joe Sableski, Environmental Protection Agency, (MD-15), Research Triangle Park, NC 27711, **919 541-5697**

RIN: 2010-AA07

NEW SOURCE REVIEW

Legal Authority: 42 USC 6910 CAA

CFR Citation: 40 CFR 51; 40 CFR 52

Abstract: This action would revise EPA's new source requirements for new major stationary sources in PSD and Nonattainment areas. EPA is taking this action to implement a settlement agreement with Chemical Manufacturer's Association and other parties who challenged the regulation amendments promulgated on August 7, 1980.

Timetable:

Action	Date	FR Cite
NPRM	07/00/83	
Final Action	12/00/83	

Small Entity: No

Additional Information: SAR No. 1845. FTS:8-629-5591.

EPA — Current and Projected Rulemakings

Agency Contact: Kirt Cox, Environmental Protection Agency, (MD-13), Research Triangle Park, NC 27711, 919 541-5591

RIN: 2060-AA68

CONTINUOUS MONITORING

Legal Authority: 42 USC 7410(a) CAA

CFR Citation: 40 CFR 60

Abstract: This regulation revises performance specifications for continuous monitors applied to air pollution sources; including monitors for opacity, sulfur dioxide, and nitrogen oxide. The revised performance specifications will reduce costs for industry and will be easier to administer.

Timetable:

Action	Date	FR Cite
Previous NPRM	10/10/79	44 FR 58602
NPRM	07/20/81	46 FR 37257
Final Action	06/00/83	

Small Entity: Yes

Additional Information: SAR No. 1613. Docket No. OAQPS-79-4 A-80-57. FTS:8-629-2237.

Agency Contact: Roger Shigehara, Environmental Protection Agency, (MD-13), Research Triangle Park, NC 27711, 919 541-2237

RIN: 2060-AA69

NSPS: BASIC OXYGEN FURNACE

Legal Authority: 42 USC 7411 CAA

CFR Citation: 40 CFR 60 N

Abstract: This action revises the existing NSPS which controls particulate emissions during air blowing in basic oxygen process furnaces in steel mills. The revision will extend coverage to charging and tapping cycles. This revision will ensure better control of particulate emissions from secondary sources and will remove some ambiguities in the existing standards for primary sources.

Timetable:

Action	Date	FR Cite
NPRM	01/20/83	48 FR 2658
Final Action	03/00/84	

Small Entity: No

Additional Information: SAR No. 1671. Docket No. A-79-06. FTS:8-629-5624.

Agency Contact: Gene Smith, Environmental Protection Agency, (MD-13), Research Triangle Park, NC 27711, 919 541-5624

RIN: 2060-AA72

NSPS: GLASS MANUFACTURING PLANTS

Legal Authority: 42 USC 7411 CAA

CFR Citation: 40 CFR 60 CC

Abstract: EPA is revising the NSPS for glass manufacturing following a petition by manufacturers.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	
Final Action	06/00/84	

Small Entity: No

Additional Information: SAR No. 1007. FTS:8-629-5578.

Agency Contact: Susan Wyatt, Environmental Protection Agency, (MD-13), Research Triangle Park, NC 27711, 919 541-5578

RIN: 2060-AA73

NSPS: LIME MANUFACTURING PLANTS

Legal Authority: 42 USC 7411 CAA

CFR Citation: 40 CFR 60 HH

Abstract: This action would revise the numerical emission limits in the existing regulation. The new limits would apply to all affected facilities constructed, reconstructed, or modified after the date of publication of the proposed revision.

Timetable:

Action	Date	FR Cite
NPRM	09/02/82	47 FR 38832
Final Action	01/00/84	

Small Entity: No

Additional Information: SAR No. 1836. Docket No. A-80-53. FTS:8-629-5578.

Agency Contact: Bob Ajax, Environmental Protection Agency, (MD-13), Research Triangle Park, NC 27711, 919 541-5578

RIN: 2060-AA74

REVISION TO NSPS FOR STEEL PLANTS: ELECTRIC ARC FURNACES AND ARGON-OXYGEN DECARBONIZATION VESSELS

Legal Authority: CAA 111; CAA 114; CAA 301(a)

CFR Citation: 40 CFR 60 AA

Abstract: This proposed change would revise existing standards for electric arc furnaces (EAF) in the steel industry. It would also add argon-oxygen decarbonization (AOD) vessels to the source category. The revised standard would limit particulate emissions, including opacity limits, from new, modified, or reconstructed EAF's and AOD vessels, and their associated dust-handling equipment.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	
Final Action	05/00/84	

Small Entity: No

Additional Information: SAR No. 1904. Docket No. A-79-33. FTS:8-629-5624.

Agency Contact: Fred Porter, Environmental Protection Agency, (MD-13), Research Triangle Park, NC 27711, 919 541-5624

RIN: 2060-AA75

REVISION OF NSPS FOR PRIMARY COPPER SMELTERS

Legal Authority: 42 USC 7411 CAA

CFR Citation: 40 CFR 60 P

Abstract: Revisions will be considered for: (a) the applicability of the standards to modified and reconstructed facilities at existing smelters, and (b) the existing exemption from the standards for reverberatory smelting furnaces when the total smelter charge contains a high level of volatile impurities. Emission limits for fugitive sources of particulate matter will also be considered.

Timetable:

Action	Date	FR Cite
End Review	01/00/83	

Small Entity: No

Additional Information: SAR No. 1735. FTS:8-629-5601. **Agency requested deletion, saying "This item was completed before publication of the last agenda. It should be removed. **

Agency Contact: James U. Crowder, Environmental Protection Agency, (MD-13), Research Triangle Park, NC 27711, 919 541-5601

RIN: 2060-AA77

REVISION OF NSPS FOR KRAFT PULP MILLS

Legal Authority: 42 USC 7411 CAA

CFR Citation: 40 CFR 60 BB

Abstract: Review of the standard is completed and initial efforts are underway to develop information for revision of the standards.

EPA

Current and Projected Rulemakings

Timetable:

Action	Date	FR Cite
NPRM	08/00/83	
Final Action	10/00/84	

Small Entity: No

Additional Information: SAR No. 1959. FTS: 8-629-5624

Agency Contact: Fred Porter, Environmental Protection Agency, MD-13, Research Triangle Park, N.C. 27711, 919 541-5624

RIN: 2060-AA97

●NSPS: NON-METALLIC MINERALS

Legal Authority: 42 USC 7411 CAA

CFR Citation: 40 CFR 60

Abstract: The regulation will control particulate emissions from crushing, grinding and handling facilities used in 18 non-metallic mineral industries. Separate standards had earlier been considered for some of these industries such as gypsum manufacture (SAR No. 1673).

Timetable:

Action	Date	FR Cite
NPRM	05/00/83	
Final Action	06/00/84	

Small Entity: Yes

Additional Information: SAR No. 1880 FTS: 8-629-5624

Agency Contact: Fred L. Porter, Environmental Protection Agency, MD-13, Research Triangle Park, N.C. 27711, 919 541-5624

RIN: 2060-AB11

AMENDMENTS TO NESHAPS GENERAL PROVISIONS

Legal Authority: 42 USC 7412 CAA

CFR Citation: 40 CFR 61 A

Abstract: This action proposes to amend the emission testing, monitoring, and recordkeeping provisions of the National Emission Standards for Hazardous Air Pollutants. The proposed amendments will eliminate repetition in the subparts and add procedures and criteria to determine if: (1) proposed source changes constitute modification or reconstruction; and (2) equipment and/or procedures meet the relevant standards.

Timetable:

Action	Date	FR Cite
NPRM	07/00/83	
Final Action	09/00/84	

Small Entity: Yes

Additional Information: SAR No. 1681. Docket No. A-130. FTS:8-629-5578.

Agency Contact: Susan Wyatt, Environmental Protection Agency, (MD-13), Research Triangle Park, NC 27711, 919 541-5578

RIN: 2060-AA79

NESHAPS: ASBESTOS

Legal Authority: 42 USC 7412 CAA

CFR Citation: 40 CFR 61 B

Abstract: This rulemaking will reinstate the asbestos design, equipment, work practice, and operational standards which EPA promulgated on April 6, 1973 at 38 FR 8826 and subsequently amended. Section 112(e)(1) of the 1977 amendments to the Clean Air Act grants EPA the authority to develop design or equipment standards. This regulation will apply to asbestos emissions from asbestos mills, surfacing of roadways with asbestos tailings, manufacturing operations, fabricating operations, the use of molded insulating materials, waste disposal operations, and waste disposal sites.

Timetable:

Action	Date	FR Cite
NPRM	05/00/83	
Final Action	07/00/84	

Small Entity: Yes

Additional Information: SAR No. 1714. FTS:8-629-5624.

Agency Contact: Gene Smith, Environmental Protection Agency, (MD-13), Research Triangle Park, NC 27711, 919 541-5624

RIN: 2060-AA80

●NESHAPS: VINYL CHLORIDE

Legal Authority: 42 USC 7412 CAA

CFR Citation: 40 CFR 61

Abstract: The Agency is analyzing possible changes in emission limits for oxychlorination vents from ethylene dichloride manufacture processes. Plants using vinyl chloride as a raw material are being evaluated for possible inclusion under the standards. The Agency also is considering administrative or clarifying changes to other parts of the standards.

Timetable:

Action	Date	FR Cite
NPRM	03/00/84	
Final Action	05/00/85	

Small Entity: Undetermined

Additional Information: SAR No. 1971. FTS: 8-629-5671

Agency Contact: Robert Rosenstael, Environmental Protection Agency, (MD-13), Research Triangle Park, N.C., 27711, 919 541-5671

RIN: 2060-AB06

SECOND ROUND NONFERROUS SMELTER ORDER REGULATIONS

Legal Authority: 42 USC 7419 CAA

CFR Citation: 40 CFR 57

Abstract: These rules establish the minimum required contents of primary nonferrous smelter orders (NSOs) and the criteria and procedures EPA will use in issuing NSOs and in evaluating NSOs issued by the states. NSOs allow eligible smelters until January 1, 1988 to come into compliance with their State Implementation Plans for sulfur dioxide. These rules could affect approximately six copper, lead, zinc and other primary nonferrous smelters in the United States.

Timetable:

Action	Date	FR Cite
NPRM	05/00/83	

Small Entity: No

Additional Information: SAR No. 1799. FTS:8-382-2887.

Agency Contact: Roy Rathbun, Environmental Protection Agency, (EN-341), Washington, DC 20460, 202 382-2887

RIN: 2060-AA81

●REVISIONS TO "GUIDELINE ON AIR QUALITY MODELS"

Legal Authority: CAA Sec 165(e)

CFR Citation: 40 CFR 51.24(1); 40 CFR 52.21(m)

Abstract: This action proposes to revise the "Guideline on Air Quality Models" (issued in April 1978) to reflect changes to the state-of-the-science of modeling and changes to current practice and policies. Revisions to the Guideline were developed in 1980 and public hearings were held. Based on public comments, EPA has conducted studies to resolve some issues. Additional evaluation studies of models, suggested by commenters and performed in accordance with the recommendations of the American Meteorological Society, are underway. Early results of both are now available and should become part of EPA's guidance. The revised guideline should greatly reduce inconsistencies in the development and revision of emission limitations and in the determination of PSD increment consumption. New modeling procedures allow potentially greater accuracy in

modeling results and the attainment of clean air goals at less cost.

Timetable:

Action	Date	FR Cite
NPRM	04/00/84	
Final Action	05/00/85	

Small Entity: No

Additional Information: SAR No. 1941. FTS: 8-629-5561

Agency Contact: **Joseph Tickvart**, Environmental Protection Agency, MD-14, Research Triangle Park, N.C. 27711, **919 541-5561**

RIN: 2060–AB13

REDESIGNATION OF HIGH-ALTITUDE COUNTIES

Legal Authority: 42 USC 7521(a) CAA

CFR Citation: 40 CFR 86

Abstract: The Agency is proposing revised high-altitude designation criteria that would require only those areas that have an air quality problem or contribute to problems in other areas to be included in EPA's high altitude program. This revision would eliminate Arizona counties from the high altitude program as well as counties in other states.

Timetable:

Action	Date	FR Cite
NPRM	11/10/82	47 FR 50929
Final Action	06/00/83	

Small Entity: Undetermined

Additional Information: SAR No. 1896. Docket No. A-82-31 FTS:8-374-8339.

Agency Contact: **Richard Rykowski**, Environmental Protection Agency, (ANR-455), 2565 Plymouth Road, Ann Arbor, MI 48105, **313 668-4339**

RIN: 2060–AA82

AMENDMENT TO THE EMISSION CONTROL WARRANTY SHORT TESTS

Legal Authority: 42 USC 7541(b) CAA

CFR Citation: 40 CFR 85

Abstract: This action would approve an alternative short test procedure for warranting emissions performance. It also proposes to approve the 2500 rpm/Idle Test, which is a variation of an existing short test.

Timetable:

Action	Date	FR Cite
NPRM	03/21/83	48 FR 11870
Final Action	07/00/83	

Small Entity: No

Additional Information: SAR No. 1731. Docket No. A-81-40. FTS:8-374-8419.

Agency Contact: **Philip Lorang**, Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, MI 48105, **313 668-4419**

RIN: 2060–AA90

FUEL ECONOMY LABELING AND DATA BASE REVISIONS

Legal Authority: 15 USC 2003 EPCA

CFR Citation: 40 CFR 600

Abstract: This action amends Part 600 to require labels to: (1) distinguish among designs that affect fuel economy; (2) change during the model year if design changes reduce fuel economy by one mile per gallon or more; (3) reflect fuel economy performance for highway driving; and (4) reflect fuel economy values as adjusted for the average differences between laboratory and in-use performance measures. EPA is also amending Part 600 to allow better use of test data in accounting for untested vehicle designs and improve the representative data used to calculate fuel economy values.

Timetable:

Action	Date	FR Cite
ANPRM	09/29/80	45 FR 64540
NPRM	04/00/83	
Final Action	01/00/84	

Small Entity: No

Additional Information: SAR No. 1629. Docket No. A-80-32. FTS:8-374-8292.

Agency Contact: **Kevin Tuckey**, Environmental Protection Agency, 2625 Plymouth Road, Ann Arbor, MI 48105, **313 668-4292**

RIN: 2060–AA94

SUPERFUND

DESIGNATION OF HAZARDOUS SUBSTANCES

Legal Authority: 42 USC 9602 CERCLA

CFR Citation: 40 CFR 302

Abstract: Section 102 of the Act requires EPA to designate hazardous substances which may present substantial danger to the public health or welfare or the environment if released into the environment. EPA is developing this regulation to supplement the lists of hazardous substances already developed under CWA 307, 311, RCRA 3001, CAA 112, and TSCA 7.

Timetable:

Action	Date	FR Cite
ANPRM	04/00/83	
NPRM	01/00/84	
Final Action	09/00/84	

Small Entity: No

Additional Information: SAR No. 1642A. FTS:8-382-3000.

Agency Contact: **Jack Kooyoomjian**, Environmental Protection Agency, (WH-548), Washington, DC 20460, **800 424-9346**

RIN: 2050–AA45

NOTIFICATION OF RELEASE OF HAZARDOUS SUBSTANCES AND DETERMINATION OF REPORTABLE QUANTITIES

Legal Authority: 42 USC 9602 CERCLA

CFR Citation: 40 CFR 303

Abstract: EPA is developing reportable quantities for hazardous substances under Section 102 of CERCLA that will trigger the requirements in Section 103 of CERCLA. The reportable quantity listed with each designated hazardous substance under CERCLA Section 102 will be the reportable quantity for that substance under CWA Section 117.3.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	
Final Action	09/00/84	

Small Entity: No

Additional Information: SAR No. 1642B. FTS:8-382-3000.

Agency Contact: **Jack Kooyoomjian**, Environmental Protection Agency, (WH-548), Washington, DC 20460, **800 424-9346**

RIN: 2050–AA46

NOTIFICATION OF CONTINUOUS RELEASE OF HAZARDOUS SUBSTANCES

Legal Authority: 42 USC 9602 CERCLA; 42 USC 9603 CERCLA

CFR Citation: 40 CFR 304

Abstract: Section 103(a) requires that persons notify the National Response Center of releases of hazardous substances. Section 103(f) provides an exemption to these reporting requirements. EPA is developing regulations that will clarify Agency policy regarding notification of continuous releases of designated hazardous substances.

Timetable:

Action	Date	FR Cite
ANPRM	04/00/83	
NPRM	01/00/84	
Final Action	09/00/84	

Small Entity: No

Additional Information: SAR No. 1642C. FTS:8-382-3000.

Agency Contact: **Jack Kooyoomjian**, Environmental Protection Agency, (WH-548), Washington, DC 20460, **800 424-9346**

RIN: 2050–AA47

CLAIMS PROCEDURES

Legal Authority: 42 USC 9611 CERCLA

CFR Citation: 40 CFR 306

Abstract: This action prescribes the procedures and circumstances under which claims may be presented to the fund to recover costs of cleanup. Allowable claims are necessary response costs incurred by a party other than the government in carrying out the National Contingency Plan and for injury to or destruction or loss of natural resources.

Timetable:

Action	Date	FR Cite
NPRM	06/00/83	
Final Action	09/00/83	

Small Entity: No

Additional Information: SAR No. 1642D. FTS:8-382-2184.

Agency Contact: **William Ross**, Environmental Protection Agency, (WH-548D), Washington, DC 20460, **202 382-2184**

RIN: 2050–AA48

GENERAL

REGULATIONS FOR THE FEDERAL CLAIMS COLLECTION ACT

Legal Authority: 31 USC 3711

CFR Citation: 40 CFR 13

Abstract: These regulations will set standards for EPA's debt collection actions under the Federal Claims Collection Act.

Timetable:

Action	Date	FR Cite
Interim Final Rule	00/00/00	

Small Entity: No

Additional Information: SAR No. 1825. FTS:8-382-5313.

Agency Contact: **Ray Spears**, Environmental Protection Agency, (A-134), Washington, DC 20460, **202 382-5313**

RIN: 2020–AA01

IMPLEMENTING THE EQUAL ACCESS TO JUSTICE ACT

Legal Authority: 5 USC 504

CFR Citation: 40 CFR 17

Abstract: The Equal Access to Justice Act provides for award of attorney fees and other expenses to parties who prevail over the Federal government in certain administrative and court proceedings. This regulation will implement the Act for EPA.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/20/82	47 FR 7194
Final Action	05/00/83	

Small Entity: No

Additional Information: SAR No. 1737. FTS:8-755-9301.

Agency Contact: **James Clark**, Environmental Protection Agency, (A-133), Washington, DC 20460, **202 382-7633**

RIN: 2020–AA02

HISTORIC PRESERVATION REGULATIONS

Legal Authority: 46 USC 470

CFR Citation: 40 CFR 6 K

Abstract: On January 30, 1979, the Advisory Council on Historic Preservation promulgated regulations that direct Federal agencies to establish procedures for implementing historic preservation requirements. EPA will comply by adding a new subpart to the NEPA regulations.

Timetable:

Action	Date	FR Cite
ANPRM	10/10/80	45 FR 67396
NPRM	00/00/00	

Small Entity: No

Additional Information: SAR No. 1566.

Agency Contact: **Judith Trosst**, Environmental Protection Agency, (A-104), Washington, DC 20460, **202 382-5905**

RIN: 2090–AA00

NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

Legal Authority: 42 USC 2000 Civil Rights Act; Federal Water Pollution Control Act (FWPCA) Sec 13; Rehabilitation Act Sec 504; Age Discrimination Act

CFR Citation: 40 CFR 7; 40 CFR 12

Abstract: This rule will consolidate and implement certain statutes which prohibit discrimination on the arounds of race, color, national origin, sex, handicap, and age. The consolidation streamlines and clarifies the requirements imposed on recipients of EPA assistance programs and preserves the distincitions where they are required by the statutes. It further eliminates repetition and redundancy and reduces the volume of the regulation to one-third.

Timetable:

Action	Date	FR Cite
NPRM	01/08/81	46 FR 2306
Final Action	05/00/83	

Small Entity: No

Additional Information: SAR No. 1501. FTS:8-382-4575.

Agency Contact: **Robert J. Knox**, Environmental Protection Agency, Administrator and Others, Enivronmental Protection Agency, 401 M Street, S.W. (A-105), Washington, D.C. 20460, **202 382-4575**

RIN: 2090–AA07

INTERGOVERNMENTAL REVIEW OF FEDERAL PROGRAMS

Legal Authority: 42 USC 3301

CFR Citation: 40 CFR 29

Abstract: The current regulation, 40 CFR 30.305, establishes procedures for State and areawide clearinghouse review of Federally-assisted programs and projects under OMB Circular A-95. By E.O. 12372 (7/14/82), the President directed the revocation of A-95, the establishment of new intergovernmental coordination procedures for Federal assistance or direct Federal development actions, and the development of new Agency regulations to be simple and flexible and to rely on the State's own procedures as much as possible.

Timetable:

Action	Date	FR Cite
NPRM	01/24/83	48 FR 3206
Final Action	00/00/00	

Small Entity: No

Additional Information: SAR No. 1884. FTS:8-382-5268.

Agency Contact: **John A. Gwynn**, Environmental Protection Agency, Administration, (PM-216), Washington, DC 20460, **202 382-5268**

RIN: 2010–AA04

PUBLIC INFORMATION AND CONFIDENTIALITY REGULATIONS

Legal Authority: 5 USC 552; 7 USC 136; 42 USC 9604

CFR Citation: 40 CFR 2

EPA

Current and Projected Rulemakings

Abstract: This action would make changes in EPA's procedures for handling requests under the Freedom of Information Act. It also adds a new section on procedures for treating confidential information under CERCLA. EPA will also modify its existing procedures for handling confidential information under RCRA. Changes under FIFRA will be covered in a separate rulemaking which will be proposed in September, 1983.

Timetable:

Action	Date	FR Cite
NPRM	05/00/83	
Final Action	10/00/83	

Small Entity: No

Additional Information: SAR No. 1791. FTS:8-382-5460.

Agency Contact: Charles Breece, Environmental Protection Agency, (A-134), Washington, DC 20460, **202 382-5460**

RIN: 2020-AA03

REGULATIONS FOR REAL PROPERTY ACQUISITION AND RELOCATION ASSISTANCE

Legal Authority: 42 USC 4601

CFR Citation: 40 CFR 4

Abstract: EPA is rewriting 40 CFR Part 4 regulations to: (1) incorporate legally necessary changes; (2) make them clearer; (3) clarify areas needing improvement; e.g., definitions, payment computation methods; and (4) reduce regulatory burdens per Executive Order 12291.

Timetable:

Action	Date	FR Cite
ANPRM	09/15/80	45 FR 60929
NPRM	05/20/82	47 FR 22010
Final Action	00/00/00	

Small Entity: No

Additional Information: SAR No. 1641. Docket No. G-80-2. FTS:8-382-5298.

Agency Contact: Marshall Schy, Environmental Protection Agency, (PM-216), Washington, DC 20460, **202 382-5298**

RIN: 2030-AA01

GENERAL REGULATIONS FOR ASSISTANCE PROGRAMS

Legal Authority: 41 USC 501; 33 USC 1251; 42 USC 7401; 42 USC 6901; 42 USC 300f; 42 USC 9601; 7 USC 136; 15 USC 2601

CFR Citation: 40 CFR 30

Abstract: EPA is revising the general grant (assistance) regulations and implementing the Federal Grant and Cooperative Agreement Act. At the same time, we will make other changes necessary to implement E.O. 12291. The revision will eliminate duplicative and unnecessarily burdensome requirements of the existing General Grant Regulations and Procedures. This regulation will affect all recipients of EPA assistance by establishing uniform administrative requirements.

Timetable:

Action	Date	FR Cite
ANPRM	04/08/80	45 FR 23706
NPRM	06/18/82	47 FR 26564
Final Action	05/00/83	

Small Entity: Not Applicable

Additional Information: SAR No. 1547. Docket No. G-80-1. FTS:8-382-5292.

Agency Contact: Richard Johnson, Environmental Protection Agency, (PM-216), Washington, DC 20460, **202 382-5296**

RIN: 2030-AA04

SIMPLIFYING IMPLEMENTATION OF THE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)

Legal Authority: 42 USC 4321 NEPA

CFR Citation: 40 CFR 6

Abstract: This action will exclude certain recipients of EPA construction grants from EPA's NEPA implementation requirements when the funded activities have no significant environmental effects. It will also revise CEQ procedures in approving segmentation requests under 40 CFR 6.503.

Timetable:

Action	Date	FR Cite
Previous interim final rule	03/08/82	47 FR 9827
Interim Final Rule	01/07/83	
Final Action	08/00/83	

Small Entity: No

Additional Information: SAR No. 1729. FTS:8-382-5910.

Agency Contact: John Gerba, Environmental Protection Agency, (A-104), Washington, DC 20460, **202 382-5910**

RIN: 2090-AA03

AMENDING NEPA PROCEDURES RELATING TO WASTEWATER CONSTRUCTION GRANTS

Legal Authority: 42 USC 4321 NEPA

CFR Citation: 40 CFR 6 E

Abstract: This action will update NEPA implementation procedures relating to wastewater treatment construction grants. It will make them consistent with the amendments for simplifying the construction grants regulations (see SAR No. 1722) and the 1981 Municipal Wastewater Treatment Construction Grant Amendments (P.L. No. 97-117).

Timetable:

Action	Date	FR Cite
NPRM	01/07/83	48 FR 1012
Final Action	08/00/83	

Small Entity: No

Additional Information: SAR No. 1835. FTS:8-382-5910.

Agency Contact: John Gerba, Environmental Protection Agency, (A-104), Washington, DC 20460, **202 382-5910**

RIN: 2090-AA04

EMISSIONS TRADING POLICY

Legal Authority: 42 USC 7503 CAA

CFR Citation: Not applicable

Abstract: EPA is developing emissions trading policy guidance governing the use of the bubble, emission offsets netting, and emission reduction banking. This policy guidance and accompanying Technical Issues Document will provide states with a framework for incorporating emissions trading activities into their state implementation plans. Through the use of emissions trading industy can substitute more controls where costs are low for less control where costs are high. This policy statement contains simplified administrative procedures and significantly expands opportunities for state and industry to use emissions trading. It takes the place of the previously announced banking regulation and incorporates EPA's recently proposed changes to its Bubble Policy.

Timetable:

Action	Date	FR Cite
Proposed policy	04/07/82	47 FR 15076
Final Action	07/00/83	

Small Entity: No

Additional Information: SAR No. 1605. Docket No. G-81-2. FTS:8-382-2765.

Agency Contact: Ivan Tether, Environmental Protection Agency, (PM-223), Washington, DC 20460, **202 382-2727**

RIN: 2010-AA08

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Existing Regulations Under Review

RESOURCE CONSERVATION AND RECOVERY ACT

GROUNDWATER MONITORING

Priority: Task Force

Legal Authority: 42 USC 6921 et seq RCRA

CFR Citation: 40 CFR 265

Abstract: At the request of the President's Task Force on Regulatory Relief, EPA is reviewing the interim status groundwater monitoring requirements for hazardous waste facilities that manage wastes in surface impoundments, in landfills or through land treatment. One purpose of this review is to determine whether the groundwater monitoring procedures succeed in identifying which facilities are adversely affecting groundwater. Another purpose is to review how useful the data is for EPA and other agencies. EPA will determine whether the resource burdens imposed on these facilities are justified by the expected benefits of the monitoring program.

Timetable:

Action	Date	FR Cite
End Review	07/00/83	

Small Entity: No

Additional Information: REVIEW AUTHORITY: Paperwork Reduction Act, EO 12291. ADDITIONAL AGENCY CONTACT: Harvey Karch, (PM-223), Washington, DC 20460, (202) 382-2738, FTS 382-2738.

Agency Contact: **Kathleen Kohl**, Environmental Protection Agency, (WH-562), Washington, DC 20460, **202 382-4606**

RIN: 2040-AA59

STANDARDS FOR OWNERS/OPERATORS OF WASTE FACILITIES: LAND TREATMENT

Priority: Task Force

Legal Authority: 42 USC 6924 RCRA

CFR Citation: 40 CFR 264

Abstract: At the request of the President's Task Force on Regulatory Relief, EPA is reviewing all land treatment requirements for hazardous waste storage, treatment and disposal facilities. EPA will complete its RIA on alternatives, environmental benefits, costs, and impact before promulgating final regulations.

Timetable:

Action	Date	FR Cite
End Review	08/00/83	

Small Entity: Yes

Additional Information: REVIEW AUTHORITY: EO 12291, Regulatory Flexibility Act. FTS: 382-4646.

Analysis: Final RIA 08/00/83

Agency Contact: **Cliff Rothenstein**, Environmental Protection Agency, (WH-565), Washington, DC 20460, **202 382-4646**

RIN: 2050-AA49

STANDARD LANDFILLS FOR OWNERS/OPERATORS OF WASTE FACILITIES

Priority: Task Force

Legal Authority: 42 USC 6924 RCRA

CFR Citation: 40 CFR 264

Abstract: At the request of the President's Task Force on Regulatory Relief, EPA is reviewing all land requirements for hazardous waste storage, treatment and disposal facilities. EPA will complete a RIA of alternatives, environmental benefits, costs and impacts before promulgating final land disposal regulations.

Timetable:

Action	Date	FR Cite
End Review	07/00/83	

Small Entity: Yes

Additional Information: REVIEW AUTHORITY: EO 12291, Regulatory Flexibility Act. FTS: 382-4646.

Analysis: Final RIA 07/00/83

Agency Contact: **Margaret Podolak**, Environmental Protection Agency, (WH-565), Washington, DC 20460, **202 382-4646**

RIN: 2050-AA50

STANDARDS FOR OWNERS/OPERATORS OF WASTE FACILITIES: STORAGE

Priority: Task Force

Legal Authority: 42 USC 6924 RCRA

CFR Citation: 40 CFR 264

Abstract: At the request of the President's Task Force on Regulatory Relief, EPA is reviewing all regulatory requirements for storage of hazardous wastes in containers, tanks, and waste piles. EPA is preparing a RIA to consider alternatives, environmental benefits, costs, and impacts.

Timetable:

Action	Date	FR Cite
End Review	07/00/83	

Small Entity: Yes

Additional Information: REVIEW AUTHORITY: EO 12291, Regulatory Flexibility Act. FTS: 382-4793.

Analysis: Final RIA 07/00/83

Agency Contact: **John Heffelfinger**, Environmental Protection Agency, (WH-565), Washington, DC 20460, **202 382-4793**

RIN: 2050-AA51

STANDARDS FOR OWNERS/OPERATORS OF WASTE FACILITIES: SURFACE IMPOUNDMENTS

Priority: Task Force

Legal Authority: 42 USC 6924 RCRA

CFR Citation: 40 CFR 264

Abstract: At the request of the President's Task Force on Regulatory Relief, EPA is reviewing all storage and disposal surface impoundments requirements for hazardous waste storage, treatment and disposal facilities. EPA will complete its RIA on alternatives, environmental benefits, costs, and impacts before promulgating final storage and disposal surface impoundment regulations.

Timetable:

Action	Date	FR Cite
End Review	07/00/83	

Small Entity: Yes

Additional Information: REVIEW AUTHORITY: EO 12291, Regulatory Flexibility Act. FTS: 382-4646.

Analysis: Final RIA 07/00/83

Agency Contact: **Arthur Koines**, Environmental Protection Agency, (WH-565), Washington, DC 20460, **202 382-4646**

RIN: 2050-AA52

STANDARDS FOR OWNERS/OPERATORS OF WASTE FACILITIES: INCINERATORS

Priority: Task Force

Legal Authority: 42 USC 6924 RCRA

CFR Citation: 40 CFR 264

Abstract: At the request of the President's Task Force on Regulatory Relief, EPA is reviewing all incineration requirements for hazardous waste storage, treatment and

disposal facilities. EPA will complete a RIA on alternatives, environmental benefits, costs and impacts before promulgating final regulations.

Timetable:

Action	Date	FR Cite
End Review	07/00/83	

Small Entity: Yes

Additional Information: REVIEW AUTHORITY: EO 12291, Regulatory Flexibility Act. FTS:8-382-4761.

Analysis: Final RIA 07/00/83

Agency Contact: **Edward Martin**, Environmental Protection Agency, (WH-565), Washington, DC 20460, **202 382-4761**

RIN: 2050–AA53

STANDARDS FOR OWNERS/OPERATORS OF WASTE FACILITIES: FINANCIAL RESPONSIBILITY

Priority: Task Force

Legal Authority: 42 USC 6924 RCRA

CFR Citation: 40 CFR 264

Abstract: At the request of the President's Task Force on Regulatory Relief, EPA is reviewing all financial requirements for hazardous waste storage, treatment and disposal facilities. EPA will complete a RIA on alternatives, environmental benefits, costs and impacts before promulgating final regulations.

Timetable:

Action	Date	FR Cite
End Review	07/00/83	

Small Entity: Yes

Additional Information: REVIEW AUTHORITY: EO 12291 Regulatory Flexibility Act. FTS:8-382-4646.

Analysis: Final RIA 07/00/83

Agency Contact: **Lawrence Buc**, Environmental Protection Agency, (WH-565), Washington, DC 20460, **202 382-4646**

RIN: 2050–AA54

STANDARDS FOR OWNERS/OPERATORS OF WASTE FACILITIES: LOCATION

Priority: Task Force

Legal Authority: 42 USC 6924 RCRA

CFR Citation: 40 CFR 122; 40 CFR 264 to 265

Abstract: At the request of the President's Task Force on Regulatory Relief, EPA is reviewing all location standards for hazardous waste storage, treatment, and disposal facilities found in 100-year flood plains or seismically-active areas. EPA will complete its RIA on alternatives, environmental benefits costs and impacts before promulgating final regulations for general facility location.

Timetable:

Action	Date	FR Cite
End Review	07/00/83	

Small Entity: Yes

Additional Information: REVIEW AUTHORITY: EO 12291, Regulatory Flexibility Act. FTS: 382-4004.

Analysis: Final RIA 07/00/83

Agency Contact: **Peter Guerrero**, Environmental Protection Agency, (WH-562), Washington, DC 20460, **202 382-4604**

RIN: 2050–AA55

CLEAN AIR ACT

NAAQS: LEAD

Priority: Major

Legal Authority: 42 USC 7408 CAA; 42 USC 7409 CAA

CFR Citation: 40 CFR 50

Abstract: EPA is reassessing the health and welfare information that has become available since the last revision of the standard.

Timetable:

Action	Date	FR Cite
Begin Review	03/00/82	
End Review	03/00/85	

Small Entity: No

Additional Information: REVIEW AUTHORITY: CAA 109. FTS: 8-629-5655.

Agency Contact: **Bruce Jordan**, Environmental Protection Agency, (MD-12), Research Triangle Park, NC 27711, **919 541-5655**

RIN: 2060–AA95

NAAQS: OZONE

Priority: Major

Legal Authority: 42 USC 7408 CAA; 42 USC 7409 CAA

CFR Citation: 40 CFR 50

Abstract: EPA is reassessing the health and welfare information that has become available since the last revision of the standard.

Timetable:

Action	Date	FR Cite
Begin Review	09/00/81	
End Review	01/00/86	

Small Entity: No

Additional Information: REVIEW AUTHORITY: CAA 109. FTS: 8-629-5655.

Agency Contact: **Bruce Jordan**, Environmental Protection Agency, (MD-13), Research Triangle Park, NC 27711, **919 541-5655**

RIN: 2060–AA96

EQUIVALENCY IN NEW SOURCE REVIEW

Priority: Task Force

Legal Authority: CAA 110

CFR Citation: 40 CFR 51.18

Abstract: At the request of the President's Task Force on Regulatory Relief, the Agency is reviewing its New Source Review (NSR) Program to determine whether and how it can give states greater flexibility in meeting Clean Air Act requirements.

Timetable:

Action	Date	FR Cite
Begin Review	11/00/82	
End Review	04/00/83	

Small Entity: No

Additional Information: REVIEW AUTHORITY: EO 12291. FTS: 8-629-5591.

Agency Contact: **Michael Trutna**, Environmental Protection Agency, (MD-13), Research Triangle Park, NC 27711, **919 541-5591**

RIN: 2060–AB10

FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

POLICY STATEMENT ON POLYNUCLEAR AROMATIC COMPOUNDS

Legal Authority: 7 USC 136 FIFRA

CFR Citation: 40 CFR 180

Abstract: EPA will review its current policy concerning polynuclear aromatic compounds under the Pesticides Registration Program.

Timetable:

Action	Date	FR Cite
Begin Review	01/00/83	
End Review	07/00/83	

Small Entity: No

Additional Information: REVIEW AUTHORITY: EO 12291. FTS: 557-7351.

EPA

Existing Regulations Under Review

Agency Contact: Ken Bailey, Environmental Protection Agency, (TS-769C), Washington, DC 20460, **703 557-7351**

RIN: 2070–AA43

EXPERIMENTAL USE PERMITS

Legal Authority: 7 USC 136 FIFRA

CFR Citation: 40 CFR 172

Abstract: EPA will review the regulation prescribing requirements for the issuance of Experimental Use Permits (EUP) to pesticide registrants.

Timetable:

Action	Date	FR Cite
Begin Review	11/00/82	
End Review	04/00/83	

Small Entity: Yes

Additional Information: REVIEW AUTHORITY: EO 12291, Regulatory Flexibility Act. FTS: 557-1192.

Agency Contact: Robert Forrest, Environmental Protection Agency, (TS-767C), Washington, DC 20460, **703 557-0592**

RIN: 2070–AA45

EXEMPTION FOR FEDERAL AND STATE AGENCIES TO USE PESTICIDES UNDER EMERGENCY CONSIDERATIONS

Legal Authority: 7 USC 136 FIFRA

CFR Citation: 40 CFR 166

Abstract: EPA will review the procedures used by Federal and State agencies to request emergency use of unregistered pesticides.

Timetable:

Action	Date	FR Cite
Begin Review	07/00/82	
End Review	04/00/83	

Small Entity: No

Additional Information: REVIEW AUTHORITY: EO 12291. FTS: 557-7700.

Agency Contact: Donald Stubbs, Environmental Protection Agency, (TS-767), Washington, DC 20460, **703 557-7700**

RIN: 2070–AA41

●WORKER PROTECTION STANDARDS FOR AGRICULTURAL PESTICIDES

Legal Authority: 7 USC 136 FIFRA

CFR Citation: 40 CFR 170

Abstract: EPA has reviewed its standards for protection of farmworkers performing hand labor operations in fields after application of pesticides.

Timetable:

Action	Date	FR Cite
Begin Review	08/00/82	
End Review	04/00/83	

Small Entity: Undetermined

Additional Information: FTS: 8-557-7634

Agency Contact: Linda Billings, Environmental Protection Agency, (TS-766C), Washington, DC 20460, **703 557-7634**

RIN: 2070–AA49

ATOMIC ENERGY ACT

●REVIEW OF URANIUM MILL TAILINGS STANDARDS

Legal Authority: 42 USC 2022; UMTRCA 206; AEA 275

CFR Citation: 40 CFR 1922

Abstract: This Agency is reevaluating its position on the general applicability of disposal standards for uranium mill tailing sites. This action solicits public comment on whether less restrictive standards might be appropriate for sites in sparsely populated areas. This action also solicits comments on whether a radon "fenceline" standard, which could be satisfied largely by institutional methods, would be an appropriate form of standard for such sites.

Timetable:

Action	Date	FR Cite
Begin Review	01/00/83	
End Review	10/00/83	

Small Entity: No

Additional Information: SAR No. 2005 FTS: 8-557-8927

Agency Contact: Stan Lichtman, Environmental Protection Agency, ANR-460, Washington, D.C. 20460, **703 557-8927**

RIN: 2060–AB16

CLEAN AIR ACT

NSPS: CLAUS SULFUR RECOVERY PLANTS

Legal Authority: 42 USC 7411 CAA

CFR Citation: 40 CFR 60 Subpart J

Abstract: EPA is reviewing this standard to determine whether revisions are warranted. The review will assess performance and costs of control systems and economic and technological developments in the industry. The existing rule exempts plants that produce 20 long tons or less of sulfur a day. EPA will issue a notice in the Federal Register announcing the results of its review.

Timetable:

Action	Date	FR Cite
Begin Review	02/00/82	
End Review	09/00/83	

Small Entity: No

Additional Information: REVIEW AUTHORITY: CAA 111, EO 12291, Paperwork Reduction Act. FTS: 8-629-5525.

Agency Contact: Ken Durkee, Environmental Protection Agency, (MD-13), Research Triangle Park, NC, **919 541-5525**

RIN: 2060–AA98

NSPS: GRAIN ELEVATORS

Legal Authority: 42 USC 7411 CAA

CFR Citation: 40 CFR 60 Subpart DD

Abstract: EPA is reviewing this standard to determine whether revisions are warranted. The review will assess performance and costs of control systems as well as economic and technological developments in the industry. The existing regulation exempts grain terminals that have a storage capacity of 2.5 million tons or less and grain storage facilities that store 1.0 million tons or less. EPA will issue a notice in the Federal Register announcing the results of its review.

Timetable:

Action	Date	FR Cite
Begin Review	03/00/82	
End Review	09/00/83	

Small Entity: Yes

Additional Information: REVIEW AUTHORITY: CAA 111, EO 12291, Paperwork Reduction Act, Regulatory Flexibility Act. FTS: 8-629-5595.

Agency Contact: Gilbert Wood, Environmental Protection Agency, (MD-13), Research Triangle Park, NC 27711, **919 541-5595**

RIN: 2060–AA99

NSPS: NITRIC ACID MANUFACTURE

Legal Authority: 42 USC 7411 CAA

CFR Citation: 40 CFR 60 Subpart G

Abstract: EPA is reviewing this standard to determine whether revisions are warranted. The review will assess performance and costs of nitric acid and control systems as well as economic and technological development in the industry. EPA will issue a notice in the Federal Register announcing the results of its review.

EPA

Existing Regulations Under Review

Timetable:

Action	Date	FR Cite
Begin Review	11/00/82	
End Review	12/00/83	

Small Entity: No

Additional Information: REVIEW AUTHORITY: CAA 111. FTS: 8-629-5595.

Agency Contact: **Kenneth Durkee**, Environmental Protection Agency, (MD-13), Research Triangle Park, NC 27711, **919 541-5595**

RIN: 2060-AB01

NSPS: SULFURIC ACID MANUFACTURE

Legal Authority: 42 USC 7411 CAA

CFR Citation: 40 CFR 60 Subpart H

Abstract: EPA is reviewing this standard to determine whether revisions are warranted. The review will assess performance and costs of sulfuric acid and control systems as well as economic and technological development in the industry. EPA will issue a notice in the Federal Register announcing the results of its review.

Timetable:

Action	Date	FR Cite
Begin Review	10/00/83	
End Review	09/00/84	

Small Entity: No

Additional Information: REVIEW AUTHORITY: CAA 111. FTS: 8-629-5601.

Agency Contact: **James Crowder**, Environmental Protection Agency, (MD-13), Research Triangle Park, NC 27711, **919 541-5601**

RIN: 2060-AB02

NSPS: ASPHALT CONCRETE PLANTS

Legal Authority: 42 USC 7411 CAA

CFR Citation: 40 CFR 60 Subpart I

Abstract: EPA is reviewing this standard to determine whether revisions are warranted. The review will assess performance and costs of asphalt concrete plants and control systems as well as economic and technological development in the industry. EPA will issue a notice in the Federal Register announcing the results of its review.

Timetable:

Action	Date	FR Cite
Begin Review	11/00/82	
End Review	09/00/83	

Small Entity: No

Additional Information: REVIEW AUTHORITY: CAA 111. FTS: 8-629-5595.

Agency Contact: **Gilbert Wood**, Environmental Protection Agency, (MD-13), Research Triangle Park, NC 27711, **919 541-5595**

RIN: 2060-AB03

NSPS: SECONDARY BRASS AND BRONZE PRODUCTION

Legal Authority: 42 USC 7411 CAA

CFR Citation: 40 CFR 60 Subpart M

Abstract: EPA is reviewing this standard to determine whether revisions are warranted. The review will assess performance and costs of sewage treatment plants and control systems as well as economic and technological development in the industry. EPA will issue a notice in the Federal Register announcing the results of its review.

Timetable:

Action	Date	FR Cite
Begin Review	01/00/83	
End Review	09/00/83	

Small Entity: No

Additional Information: Review authority: CAA. FTS: 8-629-5595.

Agency Contact: **Gilbert Wood**, Environmental Protection Agency, (MD-13), Research Triangle Park, NC 27711, **919 541-5595**

RIN: 2060-AB04

NSPS: SEWAGE TREATMENT PLANTS

Legal Authority: 42 USC 7411 CAA

CFR Citation: 40 CFR 60 Subpart O

Abstract: EPA is reviewing this standard to determine whether revisions are warranted. The review will assess performance and costs of sewage treatment plants and control systems as well as economic and technological development in the industry. EPA will issue a notice in the Federal Register announcing the results of its review.

Timetable:

Action	Date	FR Cite
Begin Review	10/00/83	
End Review	09/00/84	

Small Entity: No

Additional Information: REVIEW AUTHORITY: CAA 111. FTS: 8-629-5601.

Agency Contact: **James Crowder**, Environmental Protection Agency, (MD-13), Research Triangle Park, NC 27711, **919 541-5601**

RIN: 2060-AB05

NESHAPS: BERYLLIUM

Legal Authority: 42 USC 7412 CAA

CFR Citation: 40 CFR 61

Abstract: EPA is reviewing the technological basis and administrative aspects of the national emission standard for beryllium. EPA will issue a notice in the Federal Register announcing the results of the review.

Timetable:

Action	Date	FR Cite
Begin Review	12/00/81	
End Review	00/00/00	

Small Entity: No

Additional Information: REVIEW AUTHORITY: EO 12291. FTS: 8-629-5595.

Agency Contact: **Gilbert Wood**, Environmental Protection Agency, (MD-13), Research Triangle Park, NC 27711, **919 541-5595**

RIN: 2060-AB07

NESHAPS: MERCURY

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 61

Abstract: EPA is reviewing the technological basis and administrative aspects of the national emission standard for mercury. EPA will issue a notice in the Federal Register announcing the results of the review.

Timetable:

Action	Date	FR Cite
Begin Review	10/00/82	
End Review	12/00/83	

Small Entity: No

Additional Information: REVIEW AUTHORITY: EO 12291. FTS: 8-629-5601.

Agency Contact: **James Crowder**, Environmental Protection Agency, (MD-13), Research Triangle Park, NC 27711, **919 541-5601**

RIN: 2060-AB08

VISIBILITY PROTECTION FOR FEDERAL CLASS I AREAS

Legal Authority: 42 USC 7479 CAA

CFR Citation: 40 CFR 51

Abstract: In response to petitions EPA is reviewing the visibility protection regulations promulgated on December 2, 1980 (45 FR 80084). EPA is reconsidering the concept of "integral vistas," the role of the Federal Land Managers, and new source review requirements. The Agency may decide to initiate changes as a result of this review.

EPA — Existing Regulations Under Review

Timetable:

Action	Date	FR Cite
Begin Review	01/00/81	
End Review	04/00/83	

Small Entity: No

Additional Information: REVIEW AUTHORITY: EO 12291. FTS: 8-629-5540.

Agency Contact: Bruce Polkowsky, Environmental Protection Agency, (MD-15), Research Triangle Park, NC 27711, 919 541-5540

RIN: 2060-AB09

GENERAL

RULES OF PRACTICE GOVERNING HEARINGS

Legal Authority: 7 USC 136 FIFRA

CFR Citation: 40 CFR 164

Abstract: Whenever it appears that the risks of using a pesticide outweigh the benefits of its use, FIFRA allows the Agency to refuse to register the pesticide or to remove it from the market through formal adjuticatory hearings. Such hearings examine the risks and the benefits of a pesticide's use, and the outcome can have significant effects on pesticide producers, users, and the public health. EPA will review the rule describing the procedures by which such hearings are conducted.

Timetable:

Action	Date	FR Cite
Begin Review	03/00/83	
End Review	08/00/83	

Small Entity: No

Additional Information: REVIEW AUTHORITY: EO 12291. FTS: 382-7505.

Agency Contact: Ed Gray, Environmental Protection Agency, (A-122), Washington, DC 20460, 202 382-7505

RIN: 2020-AA04

ENVIRONMENTAL PROTECTION AGENCY (EPA) — Completed Actions

COMPLETED RULEMAKINGS

STANDARDS FOR HAZARDOUS WASTE GENERATORS AND TREATMENT STORAGE DISPOSAL FACILITIES: BIENNIAL REPORT

Priority: Task Force

Completed:

Reason	Date	FR Cite
Final Action	01/28/83	48 FR 3977
Final Action Effective	02/28/83	

Agency Contact: Robert Axelrad 202 382-5218

RIN: 2050-AA14

REVISED SHORT TERM MOTOR VEHICLE EMISSIONS CONTROL PROGRAM

Priority: Task Force

Completed:

Reason	Date	FR Cite
Final Action	11/02/82	47 FR 49802
Final Action Effective	01/02/83	

Agency Contact: Tom Ball 313 668-4280

RIN: 2060-AA87

FUEL AND FUEL ADDITIVES: LEAD PHASEDOWN REVISION

Priority: Task Force

Completed:

Reason	Date	FR Cite
Final Action	10/29/82	47 FR 49322
Final Action Effective	11/01/82	

Agency Contact: Richard Koziowski 202 382-2633

RIN: 2060-AA91

INTERPRETIVE RULE GOVERNING STATE PRIMARY ENFORCEMENT RESPONSIBILITY FOR PESTICIDE USE VIOLATIONS

Completed:

Reason	Date	FR Cite
Final Action	01/05/83	48 FR 404

Agency Contact: Barbara Paul 202 382-7825

RIN: 2070-AA06

MODIFICATION OF REGULATIONS FOR PESTICIDE REREGISTRATION, CLASSIFICATION AND INCORPORATION OF REGISTRATION STANDARDS

Completed:

Reason	Date	FR Cite
Withdrawn	01/00/83	

Agency Contact: Suzanne Harker 703 557-0592

RIN: 2070-AA08

CERTIFICATION OF PESTICIDE APPLICATORS – EXPANSION OF TIME PERIOD

Completed:

Reason	Date	FR Cite
Replaced by new RIN 2070-AA10	03/15/83	

Agency Contact: John Seitz 202 382-7835

RIN: 2070-AA10

AMENDMENTS TO CRITERIA FOR THE REBUTTABLE PRESUMPTION AGAINST REGISTRATION PROCESS

Completed:

Reason	Date	FR Cite
Withdrawn	01/00/83	

Agency Contact: Art Donner 703 557-8193

RIN: 2070-AA11

DECISION ON TEST RULES FOR TRIS(2-CHLOROETHYL) PHOSPHITE, CHLOREMDIC ACID, AND 4-CHLOROBENZOTRIFLUORIDE

Completed:

Reason	Date	FR Cite
Final Action	11/01/82	47 FR 49466

Agency Contact: Steven Newburg-Rinn 202 557-5781

RIN: 2070-AA21

FOLLOW-UP RULES ON NEW AND EXISTING CHEMICALS

Completed:

Reason	Date	FR Cite
Split into new RINs 2070AA-58 & 59	01/00/83	

Agency Contact: Joseph A. DeSantis 202 382-3949

RIN: 2070-AA26

EPA

Completed Actions

TSCA CHEMICAL SUBSTANCES INVENTORY; INTENT TO REMOVE CERTAIN INCORRECTLY REPORTED SUBSTANCES

Completed:

Reason	Date	FR Cite
Final Action	12/06/82	47 FR 54866
Final Action Effective	12/06/82	47 FR 54866

Agency Contact: Douglas G. Bannerman 202 554-1404

RIN: 2070-AA32

AMENDMENT TO THE USE AUTHORIZATION FOR PCB RAILROAD TRANSFORMERS

Completed:

Reason	Date	FR Cite
Final Action	01/03/83	48 FR 124
Final Action Effective	02/02/83	

Agency Contact: Bill Gunter 202 382-3973

RIN: 2070-AA38

EXCLUSION FOR CLOSED SYSTEM MANUFACTURE OF PCBS

Completed:

Reason	Date	FR Cite
Final Action	10/21/82	47 FR 46980
Final Action Effective	11/22/82	

Agency Contact: Bill Gunter 202 382-3933

RIN: 2070-AA39

EFFLUENT GUIDELINES FOR STEAM ELECTRIC POWER PLANTS

Completed:

Reason	Date	FR Cite
Final Action	11/19/82	47 FR 52290
Final Action Effective	12/23/82	

Agency Contact: William Telliard 202 382-7131

RIN: 2040-AA08

EFFLUENT GUIDELINES FOR LEATHER TANNING AND FINISHING

Completed:

Reason	Date	FR Cite
Final Action	11/23/82	47 FR 52848
Final Action Effective	01/06/83	

Agency Contact: Donald F. Anderson 202 382-7189

RIN: 2040-AA09

EFFLUENT GUIDELINES FOR PULP, PAPER, AND PAPERBOARD

Completed:

Reason	Date	FR Cite
Final Action	11/18/82	47 FR 52006
Final Action Effective	01/03/83	

Agency Contact: Robert Dellinger 202 382-7137

RIN: 2040-AA10

EFFLUENT GUIDELINES FOR COAL MINING

Completed:

Reason	Date	FR Cite
Final Action	10/13/82	47 FR 45382
Final Action Effective	11/26/82	

Agency Contact: Allison Phillips 202 426-4617

RIN: 2040-AA11

EFFLUENT GUIDELINES FOR ORE MINING AND DRESSING POINT SOURCE CATEGORY

Completed:

Reason	Date	FR Cite
Final Action	12/03/82	47 FR 54598
Final Action Effective	01/17/83	

Agency Contact: B. Matthew Jarrett 202 426-4618

RIN: 2040-AA14

EFFLUENT GUIDELINES FOR COIL COATING

Completed:

Reason	Date	FR Cite
Final Action	12/01/82	47 FR 54232
Final Action Effective	01/17/83	

Agency Contact: Mary L. Belefski 202 382-7126

RIN: 2040-AA21

EFFLUENT GUIDELINES FOR PORCELAIN ENAMELING

Completed:

Reason	Date	FR Cite
Final Action	11/24/82	47 FR 53172
Final Action Effective	01/07/83	

Agency Contact: Ben Honaker 202 426-2586

RIN: 2040-AA22

EFFLUENT GUIDELINES FOR PETROLEUM REFINING

Completed:

Reason	Date	FR Cite
Final Action	10/18/82	47 FR 46434
Final Action Effective	12/01/82	

Agency Contact: Dennis Ruddy 202 382-7168

RIN: 2040-AA06

MODIFICATION OF SECONDARY TREATMENT REQUIREMENTS FOR DISCHARGE INTO MARINE WATERS

Completed:

Reason	Date	FR Cite
Final Action	11/26/82	47 FR 53666
Final Action Effective	12/27/82	

Agency Contact: Paul Pan 202 755-9231

RIN: 2040-AA40

REMEDIAL ACTION STANDARDS FOR INACTIVE URANIUM PROCESSING

Completed:

Reason	Date	FR Cite
Final Action	01/05/83	48 FR 590
Final Action Effective	03/07/83	

Agency Contact: Stan Lichtman 703 557-8927

RIN: 2060-AA05

UNDERGROUND INJECTION CONTROL PROGRAM: INDIAN LANDS

Completed:

Reason	Date	FR Cite
Final Action	01/21/83	48 FR 2938
Final Action Effective	02/22/83	

EPA — Completed Actions

Agency Contact: Thomas Belk 202 382-5868

RIN: 2040-AA54

AMENDMENT TO NATIONAL INTERIM PRIMARY DRINKING WATER IMPLEMENTATION REGULATIONS: TRIHALOMETHANES (TTHM)

Completed:

Reason	Date	FR Cite
Final Action	02/28/83	48 FR 8406
Final Action Effective	03/30/83	

Agency Contact: Joseph Cotruvo 202 382-7575

RIN: 2040-AA57

REVOCATION OF RECORDKEEPING AND REPORTING REQUIREMENTS

Completed:

Reason	Date	FR Cite
Final Action	12/28/82	47 FR 57709
Final Action Effective	01/27/83	

Agency Contact: Louise Gerseh 703 755-2640

RIN: 2060-AA08

GUIDELINE FOR FEDERAL PROCUREMENT OP CEMENT AND CONCRETE CONTAINING FLY ASH

Completed:

Reason	Date	FR Cite
Final Action	01/28/83	48 FR 4230
Final Action Effective	02/28/83	

Agency Contact: John Heffelfinger 202 382-4793

RIN: 2050-AA01

STANDARDS FOR HAZARDOUS WASTE GENERATORS: INTERNATIONAL SHIPMENTS

Completed:

Reason	Date	FR Cite
Withdrawn	12/00/82	

Agency Contact: Deborah Wolpe 202 382-4754

RIN: 2050-AA17

STANDARDS FOR OWNERS/OPERATORS OF WASTE FACILITIES: INCINERATORS

Completed:

Reason	Date	FR Cite
Withdrawn	01/00/83	

Agency Contact: Edward Martin 202 382-4761

RIN: 2050-AA24

STANDARDS FOR OWNERS/OPERATORS OF WASTE FACILITIES: DISCHARGE RESPONSE EXEMPTION

Completed:

Reason	Date	FR Cite
Final Action	01/19/83	48 FR 2508
Final Action Effective	01/19/83	

Agency Contact: Amy Mills 202 382-4755

RIN: 2050-AA25

NSPS: INDUSTRIAL SURFACE COATING: METAL FURNITURE

Completed:

Reason	Date	FR Cite
Final Action	10/29/82	47 FR 49278
Final Action Effective	10/29/82	

Agency Contact: Gene Smith 919 541-5624

RIN: 2060-AA10

NSPS: PUBLICATION ROTOGRAVURE PRINTING

Completed:

Reason	Date	FR Cite
Final Action	11/08/82	47 FR 50644
Final Action Effective	11/08/82	

Agency Contact: Gene Smith 919 541-5624

RIN: 2060-AA15

NSPS: INDUSTRIAL SURFACE COATING: LARGE APPLIANCES

Completed:

Reason	Date	FR Cite
Final Action	10/27/82	47 FR 47778
Final Action Effective	10/27/82	

Agency Contact: Gene Smith 919 541-5624

RIN: 2060-AA17

NSPS: INDUSTRIAL SURFACE COATING: METAL COILS

Completed:

Reason	Date	FR Cite
Final Action	11/01/82	47 FR 49606
Final Action Effective	11/01/82	

Agency Contact: Fred L. Porter 919 541-5624

RIN: 2060-AA18

NSPS: COKE OVENS QUENCHING

Completed:

Reason	Date	FR Cite
Postponed Indefinitely	01/00/83	

Agency Contact: Gene Smith 919 541-5624

RIN: 2060-AA31

HEAVY-DUTY EVAPORATIVE EMISSIONS

Completed:

Reason	Date	FR Cite
Final Action	01/12/83	48 FR 1430
Final Action Effective	03/14/83	

Agency Contact: Tim Mott 313 668-4462

RIN: 2060-AA50

HIGH ALTITUDE EMISSION STANDARDS FOR 1984 AND LATER MODEL YEAR LIGHT-DUTY TRUCKS (LDTS)

Completed:

Reason	Date	FR Cite
Final Action	01/12/83	48 FR 1418
Final Action Effective	02/11/83	

Agency Contact: Richard Rykowski 313 668-4339

RIN: 2060-AA53

REVOCATION OF THE NATIONAL AMBIENT AIR QUALITY STANDARDS FOR HYDROCARBONS

Completed:

Reason	Date	FR Cite
Final Action	01/05/83	48 FR 628
Final Action Effective	01/05/83	

EPA

Completed Actions

Agency Contact: Michael H. Jones 919 541-5531

RIN: 2060-AA65

NAAQS: CERTIFIED REFERENCE MATERIALS AMENDMENT

Completed:

Reason	Date	FR Cite
Final Action	01/20/83	48 FR 2528
Final Action Effective	02/22/83	

Agency Contact: Darryl von Lehmden 919 541-2415

RIN: 2060-AA66

NAAQS: REVISIONS TO APPENDICES A, B, AND C

Completed:

Reason	Date	FR Cite
Final Action	12/06/82	47 FR 54896
Final Action Effective	02/04/83	

Agency Contact: Larry J. Purdue 919 541-2665

RIN: 2060-AA67

REVISED STANDARDS OF PERFORMANCE FOR FOUR CATEGORIES OF SOURCES IN THE PHOSPHATE FERTILIZER INDUSTRY

Completed:

Reason	Date	FR Cite
Final Action	02/17/83	48 FR 7128
Final Action Effective	02/17/83	

Agency Contact: Bob Ajax 919 541-5578

RIN: 2060-AA78

CHANGING OCTANE DESIGNATION

Completed:

Reason	Date	FR Cite
Final Action	01/31/83	48 FR 4286
Final Action Effective	01/31/83	

Agency Contact: Robert Gelman 202 382-2635

RIN: 2060-AA92

TURBINE AIRCRAFT GASEOUS EMISSIONS RETROFIT AND MODIFICATION OF 1973 STANDARDS

Completed:

Reason	Date	FR Cite
Final Action	12/30/82	47 FR 58462
Final Action Effective	01/31/83	

Agency Contact: George Kittredge 202 382-4981

RIN: 2060-AA93

ENVIRONMENTAL PERMIT REGULATIONS

Completed:

Reason	Date	FR Cite
Final Action	04/01/83	48 FR 14146

Agency Contact: John Chamberlin 202 382-2782

RIN: 2010-AA05

FINANCIAL ASSISTANCE TO STATE AND LOCAL GOVERNMENTS FOR ENVIRONMENTAL PROGRAMS

Completed:

Reason	Date	FR Cite
Final Action	10/12/82	47 FR 44946

Agency Contact: George Alapas 202 382-5239

RIN: 2030-AA02

PROCUREMENT UNDER ASSISTANCE AGREEMENTS

Completed:

Reason	Date	FR Cite
Final Action	03/28/83	48 FR 12922

Agency Contact: Richard Johnson 202 382-5296

RIN: 2030-AA03

COMPLETED REVIEWS

DISPOSAL AND STORAGE GUIDELINES

Completed:

Reason	Date	FR Cite
End Review	12/00/82	

Agency Contact: Ray Krueger 703 557-7347

RIN: 2070-AA44

TETRACHLORODIBENZO-P-DIOXIN – PROHIBITION OF DISPOSAL

Completed:

Reason	Date	FR Cite
End Review	01/00/83	

Agency Contact: Suzanne Rudzinski 202 382-3945

RIN: 2070-AA42

DISCHARGE MONITORING REPORTS IN THE NPDES PROGRAM

Completed:

Reason	Date	FR Cite
End Review	01/00/83	

Agency Contact: Harvey Karch 202 382-2738

RIN: 2010-AA06

MARINE SANITATION DEVICES

Completed:

Reason	Date	FR Cite
End Review	12/00/82	

Agency Contact: Jonathan Amson 202 245-3036

RIN: 2040-AA58

NSPS: KRAFT PULP MILLS.

Completed:

Reason	Date	FR Cite
End Review	12/00/82	

Agency Contact: Ken Durkee 919 541-5525

RIN: 2060-AA97

NSPS: PRIMARY ZINC AND LEAD SMELTERS

Completed:

Reason	Date	FR Cite
End Review	10/08/82	47 FR 44587

Agency Contact: James Crowder 919 541-5601

RIN: 2060-AB00

EPA **Completed Actions**

NESHAPS: VINYL CHLORIDE.

Completed:

Reason	Date	FR Cite
End Review	03/00/83	

Agency Contact: Robert Rosensteel 919 541-5595

RIN: 2060-AB06

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Part XX

Equal Employment Opportunity Commission

Semiannual Regulatory Agenda

EEOC

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Ch. XIV

Semiannual Regulatory Agenda

AGENCY: Equal Employment Opportunity Commission.

ACTION: Semiannual Regulatory Agenda.

SUMMARY: This semiannual regulatory agenda is published in accordance with the requirements of Executive Order 12291 (46 FR 13193, February 19, 1981) and the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*). The agenda lists those guidelines which have been designated for review by the Presidential Task Force on Regulatory Relief under Section 3(i) of the Executive Order; proposed guidelines and regulations, or their amendments and revisions, that have been noticed in the Federal Register for public comment; the need and legal basis for the actions being considered; the name and telephone number of a knowledgeable official, and the status of items previously reported; and a list of proposed guidelines and regulations, or their amendments and revisions, currently being developed or under consideration for development. An assessment of EEOC's regulations under review and development shows that only one of the proposed regulations, so identified in this agenda, is likely to fall within the Executive Order's definition of a major rule. In addition, two proposed regulatory actions, so identified in this agenda, are likely to be subject to the Regulatory Flexibility Act requirements. These two items are published here to particularly allow interested small entities a meaningful and early opportunity to comment and participate in all stages of Commission regulatory development.

FOR FURTHER INFORMATION CONTACT: Nestor Cruz, Associate Legal Counsel or Nicholas M. Inzeo, Assistant Legal Counsel, Legal Services, Office of Legal Counsel, Equal Employment Opportunity Commission, 2401 E Street, N.W., Washington, D.C. 20506; telephone (202) 634-6690.

SUPPLEMENTARY INFORMATION: Executive Order 12291 and the Regulatory Flexibility Act require that a regulatory agenda of regulations under development and review be published in the Federal Register in April and October of each year. Signed at Washington, D.C. this 1st day of March, 1983.

For the Commission.

Clarence Thomas,

Chairman, Equal Employment Opportunity Commission.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC) — Current and Projected Rulemakings

COLLECTION OF APPLICANT DATA FOR AFFIRMATIVE ACTION PURPOSES.

Priority: Undetermined

Legal Authority: 29 USC 791 Rehabilitation Act of 1973, as amended

CFR Citation: 29 CFR 1613.706

Abstract: This amendment permits federal agencies to collect handicap information from applicants for employment in order to implement and evaluate special recruitment programs undertaken for affirmative action purposes. Implementation of the final regulation is dependent on the development of an interagency report form which is in the process of being developed by OPM with the approval of OMB.

Timetable:

Action	Date	FR Cite
Interim guidelines		46 FR 11285
Interim guidelines effective	02/06/81	
Written comment period expired	04/07/81	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Clayton G. Boyd, Equal Employment Opportunity Commission, Office of Program Operations, Public Sector Program, Office of Government Employment, 202 634-6843

RIN: 3046-AA05

RECORDKEEPING REGULATIONS.

Legal Authority: 42 USC 2000e et seq Title VII of the Civil Rights Act of 1964

CFR Citation: 29 CFR 1602

Abstract: The Commission proposes to revise its recordkeeping regulations to require certain employers and labor unions to maintain lists of applicants for employment and to retain employment records for two years or until termination of a commission or court processing. The Commission is considering further revisions to the proposed amendments pending completion of a study on the feasibility of a uniform government-wide equal opportunity recordkeeping regulation.

Timetable:

Action	Date	FR Cite
NPRM	07/25/78	43 FR 32260
NPRM Comment Period End	09/21/78	
Public hearing	09/21/78	
Record closed	10/01/78	
Final Action	07/00/84	

Small Entity: Yes

Agency Contact: Anthony DeMarco, Equal Employment Opportunity Commission, Legal Services, Office of Legal Counsel, 202 634-6592

RIN: 3046-AA03

NON-DISCRIMINATION ON THE BASIS OF HANDICAP IN FEDERALLY ASSISTED PROGRAMS.

Legal Authority: 29 USC 794 Rehabilitation Act of 1973, as amended

CFR Citation: 29 CFR 1615

Abstract: Proposed regulations setting forth procedures and policies to assure non-discrimination on the basis of handicap in employment and operations of programs receiving assistance from the Equal Employment Opportunity Commission. Approved by Commission and now in formal interagency coordination pursuant to Executive Order 12067. Department of Justice has not issued a definitive rule on Commission responsibility for these regulations.

Timetable:

Action	Date	FR Cite
NPRM	11/29/79	44 FR 68482
NPRM Comment Period End	01/28/80	

EEOC — Current and Projected Rulemakings

Action	Date	FR Cite
Formal interagency coordination	00/00/00	

Small Entity: No

Agency Contact: S. Jennifer Johnson, Assistant Legal Counsel, Equal Employment Opportunity Commission, Legal Services, Office of Legal Counsel, 202 634-6691

RIN: 3046-AA04

EQUAL EMPLOYMENT OPPORTUNITY IN THE FEDERAL GOVERNMENT; REMEDIAL RELIEF UNDER SECTION 717.

Legal Authority: 42 USC 2000e-16 Section 717 of the Civil Rights Act of 1964

CFR Citation: 29 CFR 1613

Abstract: Proposed amendments provide that an agency or the Commission may award a complainant reasonable attorney's fees and costs and backpay when an allegation of discrimination prohibited by Section 717 is resolved in favor of the complainant. Final regulations have been approved by the Commission and are in interagency coordination pursuant to Executive Order 12067.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/09/80	45 FR 24130
Interim regulations effective	04/11/80	
In interagency coordination	00/00/00	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Nicholas M. Inzeo, Equal Employment Opportunity Commission, Legal Services, Office of Legal Counsel, 202 634-5691

RIN: 3046-AA06

THE EQUAL PAY ACT INTERPRETATIONS.

Legal Authority: 29 USC 206(d) et seq Equal Pay Act of 1963; 29 USC 201 et seq Fair Labor Standards Act of 1938, as amended; 29 USC 255 Portal-to-Portal Act of 1947

CFR Citation: 29 CFR 1620.1 to 1620.18

Abstract: The Commission proposes interpretations with respect to the enforcement of the Equal Pay Act. These interpretations would replace those issued by the Department of Labor which appear at 29 CFR Part 800.

Timetable:

Action	Date	FR Cite
Previous NPRM	09/01/81	46 FR 43848
Comment period for prev. NPRM ended	11/02/81	
NPRM	00/00/00	

Small Entity: No

Agency Contact: Anthony J. DeMarco, Legal Counsel Division, Equal Employment Opportunity Commission, Legal Services, Office of Legal Counsel, 202 634-6592

RIN: 3046-AA07

PROCEDURES: AGE DISCRIMINATION IN EMPLOYMENT ACT.

Legal Authority: 29 USC 621 et seq Age Discrimination in Employment Act of 1967

CFR Citation: 29 CFR 1626

Abstract: Proposed regulations advising the public as to the procedures which are to be followed in processing charges and issuing interpretations and opinions under the ADEA.

Timetable:

Action	Date	FR Cite
NPRM	01/30/81	46 FR 9970
NPRM Comment Period End	03/31/81	
Commission vote on final rule	01/01/83	
Final Action	03/00/83	

Small Entity: No

Agency Contact: John J. Pagano, Equal Employment Opportunity Commission, Legal Services, Office of Legal Counsel, 202 634-6592

RIN: 3046-AA08

TITLE VI REGULATIONS.

Legal Authority: 42 USC 2000d et seq Title VI of the Civil Rights Act of 1964

CFR Citation: 29 CFR 1616

Abstract: These regulations will establish procedures for organizations receiving Federal funds from EEOC and for persons who believe they have been discriminated against by organizations receiving Federal funds from EEOC. Department of Justice has not issued a definitive ruling on Commission responsibility for these regulations.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Gary L. Janus, Equal Employment Opportunity Commission, Legal Services, Office of Legal Counsel, 202 634-6690

RIN: 3046-AA09

COORDINATION OF FEDERAL EQUAL EMPLOYMENT OPPORTUNITY PROGRAMS.

Legal Authority: EO 12067 Sec 1-303; EO 12067 Sec 1-304

CFR Citation: 29 CFR 1690

Abstract: These amendments to 29 CFR 1690 will implement an agreement reached by EEOC and the Department of Justice with the Office of Management and Budget which clarified the sequence to be followed when agencies are required to seek prepublication clearance of equal employment opportunity rules from EEOC under E.O. 12067, DOJ under E.O 12250, and from OMB under E.O. 12291 and the Paperwork Reduction Act. In addition to clearance by the EEOC under E.O. 12067, equal employment opportunity rules issued under Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, as amended, or any other provision of Federal statutory law which prohibits discrimination under any program or activity receiving Federal financial assistance, require clearance from DOJ under E.O. 12250. Technical amendments have been coordinated with affected Federal agencies and are awaiting OMB approval.

Timetable:

Action	Date	FR Cite
Technical Amendments	00/00/00	

Small Entity: No

Agency Contact: Stuart Frisch, Acting Assistant Legal Counsel, Equal Employment Opportunity Commission, Coordination and Guidance, Office of Legal Counsel, 202 653-8123

RIN: 3046-AA10

EQUAL EMPLOYMENT OPPORTUNITY IN THE FEDERAL GOVERNMENT.

Legal Authority: 42 USC 2000e-16 Title VII of the Civil Rights Act; 29 USC 701 Rehabilitation Act of 1973, as amended; 29 USC 621 et seq Age Discrimination in Employment Act

CFR Citation: 29 CFR 1613

EEOC

Current and Projected Rulemakings

Abstract: Comprehensive revision of regulations for processing individual and class EEO complaints in the Federal sector. Under development.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/00/83	

Small Entity: No

Agency Contact: **Douglas J. Bielan**, Acting Director, Equal Employment Opportunity Commission, Public Sector Programs, Office of Program Operations, **202 634-6930**

RIN: 3046-AA11

EQUAL EMPLOYMENT OPPORTUNITY IN THE FEDERAL GOVERNMENT.

Legal Authority: 42 USC 2000e-16 Title VII of the Civil Rights Act; 29 USC 701 Rehabilitation Act of 1973, as amended; 29 USC 621 et seq Age Discrimination in Employment Act

CFR Citation: 29 CFR 1613

Abstract: Comprehensive revision of regulations on affirmative action in the Federal sector. Under development.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/00/83	
Revision of Regulations	00/00/00	

Next Action Undetermined

Small Entity: No

Agency Contact: **Douglas J. Bielan**, Acting Director, Equal Employment Opportunity Commission, Public Sector Programs, Office of Program Operations, **202 634-6930**

RIN: 3046-AA12

EQUAL EMPLOYMENT OPPORTUNITY IN THE FEDERAL GOVERNMENT.

Legal Authority: 42 USC 2000e-16 Title VII of the Civil Rights Act; 29 USC 701 Rehabilitation Act of 1973, as amended; 29 USC 621 et seq Age Discrimination in Employment Act

CFR Citation: 29 CFR 1613

Abstract: Development of interim procedural regulations for the Federal sector requiring that all allegations of reprisal discrimination be processed as regular complaints. Staff draft transmitted to Federal agencies for comments, Sept. 1982.

Timetable:

Action	Date	FR Cite
Draft transmitted to agencies	09/00/82	
Interim Final Rule	03/00/83	

Small Entity: No

Agency Contact: **Douglas J. Bielan**, Acting Director, Equal Employment Opportunity Commission, Public Sector Programs, Office of Program Operations, **202 634-6930**

RIN: 3046-AA13

EQUAL EMPLOYMENT OPPORTUNITY IN THE FEDERAL GOVERNMENT.

Legal Authority: 42 USC 2000e-16 Title VII of the Civil Rights Act; 29 USC 701 Rehabilitation Act of 1973, as amended; 29 USC 621 et seq Age Discrimination in Employment Act

CFR Citation: 29 CFR 1613

Abstract: Development of interim procedural regulations for processing complaints of discrimination about personnel actions which are appealable to the Merit Systems Protection Board (mixed case complaints). Staff draft transmitted to Federal agencies for comments, Sept. 1982.

Timetable:

Action	Date	FR Cite
Draft transmitted to agencies	09/00/82	
Interim Final Rule	03/00/83	

Small Entity: No

Agency Contact: **Douglas J. Bielan**, Acting Director, Equal Employment Opportunity Commission, Public Sector Programs, Office of Program Operations, **202 634-6930**

RIN: 3046-AA14

EQUAL EMPLOYMENT OPPORTUNITY IN THE FEDERAL GOVERNMENT.

Legal Authority: 42 USC 2000e-16 Title VII of the Civil Rights Act; 29 USC 701 Rehabilitation Act of 1973, as amended; 29 USC 621 et seq Age Discrimination in Employment Act

CFR Citation: 29 CFR 1613

Abstract: Development of interim procedural regulations for administratively appealing decisions on grievances where an allegation of discrimination has been raised. Staff draft transmitted to Federal agencies for comments, Sept. 1982.

Timetable:

Action	Date	FR Cite
Draft transmitted to agencies	09/00/82	
Interim Final Rule	03/00/83	

Small Entity: No

Agency Contact: **Douglas J. Bielan**, Acting Director, Equal Employment Opportunity Commission, Public Sector Programs, Office of Program Operations, **202 634-6930**

RIN: 3046-AA15

EQUAL EMPLOYMENT OPPORTUNITY IN THE FEDERAL GOVERNMENT.

Legal Authority: 29 USC 206(d) et seq Equal Pay Act of 1963; 29 USC 204(f) Fair Labor Standards Act of 1938, as amended; 29 USC 206(d) Fair Labor Standards Act of 1938, as amended

CFR Citation: 29 CFR 1613

Abstract: Development of procedural regulations for processing Federal sector complaints filed under the Equal Pay Act. Under development.

Timetable:

Action	Date	FR Cite
NPRM	09/00/83	

Small Entity: No

Agency Contact: **Douglas J. Bielan**, Acting Director, Equal Employment Opportunity Commission, Public Sector Programs, Office of Program Operations, **202 634-6930**

RIN: 3046-AA16

EQUAL EMPLOYMENT OPPORTUNITY IN THE FEDERAL GOVERNMENT.

Legal Authority: 42 USC 2000e-16 Sec 717 of Title VII of the Civil Rights Act; 29 USC 701 Rehabilitation Act of 1973, as amended; 29 USC 621 et seq Age Discrimination in Employment Act; 6 USC 7121 Civil Service Reform Act of 1978

CFR Citation: 29 CFR 1613

Abstract: Selective revision of procedural regulations for preappellate and appellate processing of individual EEO complaints in the Federal sector, to inter alia: eliminate duplicative processing where EEO complaints and grievances are filed on the same matter; provide a time limit for issuing an agency decision where a Complaints Examiner has issued a recommended decision; provide for consolidation of processing of certain complaints; provide for timely submission of evidence in connection with an appeal; allow for drawing adverse inference when submission not timely; to impose a time limit within which complainant may request the Commission to reopen and reconsider a previous decision; and clarify completion of administrative process for purposes of filing suit. Under development.

EEOC — Current and Projected Rulemakings

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: **Douglas J. Bielan**, Acting Director, Equal Employment Opportunity Commission, Public Sector Programs, Office of Program Operations, **202 634-6930**

RIN: 3046–AA17

INTERPRETATIVE BULLETIN ON EMPLOYEE BENEFIT PLANS.

Legal Authority: 29 USC 628 The Age Discrimination in Employment Act of 1967

CFR Citation: 29 CFR 1625.10

Abstract: Comprehensive review of regulations dealing with costs and benefits under employee benefit plans; development of comprehensive rules implementing newly added Section 4(g) of the ADEA.

Timetable:

Action	Date	FR Cite
Final Action	03/00/83	
Present NPRM to commission	06/00/83	

Small Entity: Yes

Additional Information: ADDITIONAL AGENCY CONTACT: Christopher Mackaronis, Legal Services, Office of Legal Counsel, (202) 634-6132

Agency Contact: **John J. Pagano**, Equal Employment Opportunity Commission, Legal Services, Office of Legal Counsel, **202 634-6592**

RIN: 3046–AA18

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC) — Existing Regulations Under Review

UNIFORM GUIDELINES ON EMPLOYEE SELECTION PROCEDURES.

Priority: Task Force

Legal Authority: 42 USC 2000e et seq Title VII of the Civil Rights Act of 1964; 29 USC 621 et seq Age Discrim in Employment Act of 1967

CFR Citation: 29 CFR 1607

Abstract: The guidelines, issued pursuant to Title VII of the Civil Rights Act of 1964, provide a uniform set of principles for all employers to assure that their selection procedures do not discriminate on the basis of race, color, religion, sex or national origin. Final Guidelines were published in 43 FR 38290 on Aug. 25, 1978, and became effective on September 25, 1978. A survey designed to assess the practical utility of the guidelines' recordkeeping requirements was sent to the Office of Management and Budget for clearance on February 26, 1982. In May, 1982, the OMB disapproved the survey as being unnecessary and recommended the holding of a public hearing in order to obtain views on practical utility and reasonableness of the recordkeeping requirements. Accordingly, the Commission will determine appropriate action.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	
Next Action Undetermined		

Small Entity: No

Agency Contact: **Laverne Rens**, Equal Employment Opportunity Commission, Coordination and Guidance Services, Office of Legal Counsel, Washington, DC 20506, **202 653-5705**

RIN: 3046–AA00

GUIDELINES ON DISCRIMINATION BECAUSE OF SEXUAL HARASSMENT.

Legal Authority: 42 USC 2000e et seq Title VII of the Civil Rights Act of 1964

CFR Citation: 29 CFR 1604

Abstract: The guidelines reaffirm the Commission's view that sexual harassment in the workplace is an unlawful employment practice. The guidelines outline employers' responsibility for sexual harassment experienced by their employees. The guidelines became final on 11/10/80, upon publication in 45 FR 74676. EEOC is considering appropriate action for review.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: No

Agency Contact: **Laverne Rens**, Equal Employment Opportunity Commission, Coordination and Guidance Services, Office of Legal Counsel, Washington, DC 20506, **202 653-5705**

RIN: 3046–AA01

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC) — Completed Actions

COMPLETED RULEMAKINGS

EMPLOYMENT DISCRIMINATION; PROCEDURES FOR HANDLING COMPLAINTS.

Completed:

Reason	Date	FR Cite
Final Action	01/25/83	48 FR 3570
Final Action Effective	03/23/83	

Agency Contact: **Ronnie Blumenthal 202 634-6850**

RIN: 3046–AA02

[FR Doc. 83-9577 Filed 4-22-83; 8:45 am]

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April 25, 1983

Part XXI

Federal Emergency Management Agency

Semi-Annual Agenda

FEMA

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Ch. I

Semianpual Agenda

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Semiannual Agenda.

SUMMARY: Pursuant to section 5 of Executive Order 12291 ("Federal Regulations") the Federal Emergency Management Agency is publishing its semiannual agenda for FEMA. The agenda lists regulations that will be under development or review during the period April 1, 1983 to April 1, 1984.

ADDRESS: Docket Clerk, Office of General Counsel, Room 835, 500 C Street, SW, Washington DC 20472.

FOR FURTHER INFORMATION CONTACT: For general information contact William L. Harding, Assistant General Counsel, Legislation and Regulations, Office of General Counsel, Federal Emergency Management Agency, Washington, DC 20472 (202) 287-0377. For additional information about a specific regulation contact the person listed as the contact point in the agenda.

SUPPLEMENTARY INFORMATION: Executive Order 12291, "Federal Regulations," (46 FR 13193) directs each Executive agency to adopt procedures to improve existing and future regulations. Publication of an agenda of significant regulations is called for at least semi-annually in order to give the public adequate notice of agency rulemaking activities; also publication of a regulatory flexibility agenda concerning rules likely to have a significant impact on a substantial number of small entities must be published in accordance with 5 U.S.C. 602 and 605.

In fulfillment of requirements imposed by the Executive Order and 5 U.S.C. 601, *et seq.*, this agenda describes current and projected regulations, and regulations which will be under review during the period April 1, 1983 to April 1, 1984. This agenda also contains information on regulations on which action was completed since the last FEMA semi-annual agenda published October 28, 1982 at 47 FR 48782.

Public comment on the agenda, including that by State and local governments, is invited and should be submitted to the Rules Docket Clerk.

The agenda is not limited to major or significant rules and contains as much information as possible concerning all FEMA regulations to be published in the next 12 months except for routine flood elevation determinations, listing of eligible communities under the National Flood Insurance Program, listing of suspended communities and similar designations.

DATED: March 1, 1983.

George Jett,

General Counsel.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) — Current and Projected Rulemakings

NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS

Legal Authority: 42 USC 2000d-1; 20 USC 1978; 29 USC 6101; Reorganization Plan No. 3 of 1978; EO 12127; EO 12148

CFR Citation: 44 CFR 7

Abstract: This rule effectuates for FEMA the nondiscrimination requirements of Title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1975, Title IX of the Education Amendments of 1972, and section 311 of the Disaster Relief Act of 1974. A draft regulation is undergoing interagency review. The Notice of proposed rulemaking will be issued as soon as interagency clearances are obtained.

Timetable:

Action	Date	FR Cite
NPRM	05/00/83	
NPRM Comment Period Begin	05/00/83	
NPRM Comment Period End	07/00/83	

Small Entity: No

Agency Contact: **John J. Brosnahan**, Director, Office of Equal Opportunity, Federal Emergency Management Agency, Office of Equal Opportunity, 500 C Street, SW, Washington, DC 20472, **202 287-0700**

RIN: 3067-AA00

FINANCIAL ASSISTANCE, GRANTS AND COOPERATIVE AGREEMENTS

Legal Authority: Reorganization Plan No. 3 of 1978; EO 12127; EO 12148

CFR Citation: 44 CFR 13

Abstract: These proposed rules apply to grants and cooperative agreements entered into by FEMA. It defines terms, and sets forth certain general policies applicable to discretionary grants, including standard clauses. Payments procedures and closeouts are covered.

Timetable:

Action	Date	FR Cite
Final Action	04/30/83	

Small Entity: No

Agency Contact: **Arthur E. Curry**, Director, Policy Division, Federal Emergency Management Agency, Office of Comptroller, 500 C Street, SW, Washington, DC20472, **202 287-0630**

RIN: 3067-AA01

FLOOD INSURANCE: REDUCTION OF PUBLICATIONS

Legal Authority: 42 USC 4001 et seq

CFR Citation: 44 CFR 59; 44 CFR 64; 44 CFR 65; 44 CFR 67; 44 CFR 70

Abstract: This would reduce page volume by eliminating publication in the FEDERAL REGISTER as rules of a number of lists of communities eligible for increased coverage under the regular program, lists of areas designated with minimal or no special flood hazard areas, lists of effective or withdrawn flood hazard boundary maps, and letters of map amendment for flood insurance rate maps. The form of Part 67 notices changed to reduce volume. Changed format of final notices of flood elevation determinations effective 01/15/83. No regulation change required to effect format change though rule related notice was published. No comments received consequent to August 4, 1982 notice of intent on format changes.

Timetable:

Action	Date	FR Cite
Advance Notice of Intent	04/08/82	47 FR 33721
Comments on Advance NOI due	10/04/82	

FEMA

Current and Projected Rulemakings

Action	Date	FR Cite
Rule related notice	12/20/82	47 FR 56627
NPRM	01/31/83	48 FR 4296
NPRM Comment Period Begin	01/31/83	
NPRM correction	02/15/83	48 FR 6729
NPRM Comment Period End	04/01/83	
Final Action	04/18/83	

Small Entity: No

Agency Contact: **Richard Sanderson**, Chief, Natural Hazards Division, Federal Emergency Management Agency, Office of Natural and Technological Hazards, 500 C Street, SW, Washington, DC 20472, **202 287-0270**

RIN: 3067-AA02

NATIONAL FLOOD INSURANCE PROGRAM FLOOD PLAIN MANAGEMENT CRITERIA FOR FLOOD-PRONE AREAS (44 CFR 60)

Legal Authority: 42 USC 4001 et seq

CFR Citation: 44 CFR 59; 44 CFR 60

Abstract: The Federal Emergency Management Agency (FEMA) proposes to revise the minimum flood plain management standards for community participation in the National Flood Insurance Program (NFIP). To be eligible for the sale of flood insurance, communities are required to adopt local flood plain management measures which meet these minimum standards. FEMA requests comments from interested persons on how to improve the efficiency of the NFIP while maintaining the effectiveness of these minimum standards in reducing flood losses. Comments are sought especially on the treatment of mobile homes, clarification of terms used in the NFIP regulations, how alluvial fan flooding should be addressed, and on ways in which to increase State involvement in flood plain management efforts.

Timetable:

Action	Date	FR Cite
ANPRM	12/13/82	47 FR 55752
ANPRM Comment Period Begin	12/13/82	
ANPRM Comment Period End	03/14/83	
NPRM	08/00/83	

Small Entity: No

Agency Contact: **Melinda Hulsey**, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 287-0269**

RIN: 3067-AA03

NATIONAL FLOOD INSURANCE PROGRAM, SCHEDULED POLICY

Legal Authority: 42 USC 4001 et seq; EO 12127

CFR Citation: 44 CFR 61

Abstract: Establishment of a rating system and application/policy issuance procedure to allow more than one building at a location to be insured under one policy.

Timetable:

Action	Date	FR Cite
NPRM	01/31/84	
NPRM Comment Period Begin	01/31/84	
NPRM Comment Period End	03/31/84	
Final Action	08/01/84	

Small Entity: No

Agency Contact: **Donald L. Collins**, Assistant Administrator, Federal Emergency Management Agency, Federal Insurance Administration, 500 C Street, SW, Washington, DC 20472, **202 287-0740**

RIN: 3067-AA04

NATIONAL FLOOD INSURANCE PROGRAM, NEW RATING SYSTEM

Legal Authority: 42 USC 4001 et seq; EO 12127

CFR Citation: 44 CFR 61

Abstract: Establishment of a new insurance rating system for the Emergency Program more reflective of the peril insured against (tailored to the present Zone A rating process).

Timetable:

Action	Date	FR Cite
NPRM	01/31/84	
NPRM Comment Period Begin	01/31/84	
NPRM Comment Period End	03/31/84	
Final Action	08/01/84	

Small Entity: No

Agency Contact: **Donald L. Collins**, Assistant Administrator, Federal Emergency Management Agency, Federal Insurance Administration, 500 C Street, SW, Washington, DC 20472, **202 287-0740**

RIN: 3067-AA05

FLOOD INSURANCE POLICY AND OTHER CHANGES IN POLICY COVERAGE

Legal Authority: 42 USC 4001 et seq; EO 12127

CFR Citation: 44 CFR 61

Abstract: This exclusion relates to new construction and substantial improvements in coastal barriers. After October 1, 1983, new construction and substantial improvements in Department of Interior designated undeveloped coastal barriers will not be insurable. Other items of exclusion include finished basements below lowest elevated floor, also deductible and other items.

Timetable:

Action	Date	FR Cite
NPRM	03/00/83	
NPRM Comment Period Begin	03/00/83	
NPRM Comment Period End	05/00/83	
Final Action	08/01/83	

Small Entity: No

Agency Contact: **Donald L. Collins**, Assistant Administrator, Federal Emergency Management Agency, Federal Insurance Administration, 500 C Street, SW, Washington, DC 20472, **202 287-0740**

RIN: 3067-AA06

NATIONAL FLOOD INSURANCE PROGRAM, WAITING PERIOD RULE CHANGE AND OTHER CHANGES IN TERMS AND CONDITIONS OF POLICY

Legal Authority: 42 USC 4001 et seq; EO 12127

CFR Citation: 44 CFR 61

Abstract: This regulation would amend the waiting period rule so as to lengthen the waiting period for increased coverage in mid-policy term from one day to five days. Policy changed to provide fraud will be grounds for denial of coverage, adding a policyholder questionnaire to assist in rating policies, etc.

Timetable:

Action	Date	FR Cite
NPRM	03/00/83	
NPRM Comment Period Begin	03/00/83	
NPRM Comment Period End	05/00/83	
Final Action	08/01/83	

Small Entity: No

Agency Contact: **Donald L. Collins**, Assistant Administrator, Federal Emergency Management Agency, Federal Insurance Administration, 500 C Street, SW, Washington, DC 20472, **202 287-0740**

RIN: 3067-AA07

DISASTER ASSISTANCE - DECLARATION PROCESSING

Legal Authority: 42 USC 2151 et seq Disaster Relief Act of 1974

CFR Citation: 44 CFR 205

Abstract: This regulation pertains to Governors' requests for declaration of major disasters or emergencies processing of their requests, declaration by the President, activities of Federal Coordinating Officers, designation of areas eligible for assistance, and types of assistance to be provided. Comments from the Proposed Rule are being reviewed.

Timetable:

Action	Date	FR Cite
NPRM	04/26/82	47 FR 17958
NPRM Comment Period Begin	06/26/82	
Interim Final Rule	12/13/82	47 FR 55758
Final Action	09/00/83	
Final Action Effective	10/00/83	

Small Entity: No

Agency Contact: **Sewall H.E. Johnson**, Office of Disaster Assistance Programs, Federal Emergency Management Agency, Direct of St and Loc Programs and Support, 500 C Street, SW, Washington, DC 20472, **202 287-0501**

RIN: 3067-AA08

DISASTER ASSISTANCE - INDIVIDUAL ASSISTANCE & (SUBPART D) TEMPORARY HOUSING

Legal Authority: 42 USC 5174 Disaster Relief Act of 1974, as amended

CFR Citation: 44 CFR 205.52

Abstract: This rule implements the temporary housing provisions of the Disaster Relief Act of 1974 by specifying general eligibility guidelines, forms of assistance, and other procedural requirements and limitations. Temporary Housing Assistance is intended to assist individuals and families when there is a demonstrated need which cannot be met by other resources such as property insurance benefits.

Timetable:

Action	Date	FR Cite
NPRM	01/07/82	47 FR 827
Interim Final Rule	05/01/83	
Final Action	11/01/83	

Small Entity: No

Agency Contact: **Agnes Mravcak**, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 287-0550**

RIN: 3067-AA09

DISASTER ASSISTANCE - INDIVIDUAL ASSISTANCE (SUBPART D) CORA BROWN

Legal Authority: 42 USC 5201; PL 96-446

CFR Citation: 44 CFR 205.60

Abstract: This interim rule specifies the conditions under which assistance to individual disaster victims will be provided under the terms of the will of Mrs. Cora Brown, who left the bulk of her estate to the Federal government to aid disaster victims in situations not caused by war. It specifies the administrative procedures and purposes of the fund.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/23/82	47 FR 57275
Comments on interim rule due	02/22/83	
Final Action	06/00/83	
Final Action Effectve	07/00/83	

Small Entity: No

Agency Contact: **Agnes Mravcak**, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 287-0550**

RIN: 3067-AA10

DISASTER ASSISTANCE - INDIVIDUAL ASSISTANCE - CRISIS COUNSELING

Legal Authority: 42 USC 5183 Disaster Relief Act of 1974, as amended

CFR Citation: 44 CFR 205.59

Abstract: This proposed rule will implement the Crisis Counseling Assistance and Training provisions of the Disaster Relief Act. It will include eligibility criteria, application and appeal procedures, and requirements for State planning. The Crisis Counseling Assistance and Training program provides mental health services to those who may have disaster-related needs.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	
NPRM Comment Period Begin	04/00/83	
NPRM Comment Penod End	06/00/83	
Final Action	12/00/83	
Final Action Effective	06/00/84	

Small Entity: No

Agency Contact: **Agnes Mravcak**, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 287-0555**

RIN: 3067-AA11

PART 205 - FEDERAL DISASTER ASSISTANCE (PL 93-288, SUBPART M - HAZARD MITIGATION)

Legal Authority: PL 93-288 Disaster Relief Act of 1974

CFR Citation: 44 CFR 64809

Abstract: The proposed rule revision clarifies the hazard mitigation provisions of the Disaster Relief Act of 1974 by specifying general plan requirements and guidelines as well as other procedural requirements. The Hazard Mitigation Requirement is intended to serve as an aid to State and local governments in developing an overall mitigation program to minimize the costs of natural disasters.

Timetable:

Action	Date	FR Cite
NPRM	09/00/83	

Small Entity: No

Agency Contact: **John D. Seyffert**, Chief, Mitigation Assistance Division, Federal Emergency Management Agency, Disaster Assistance Programs, Room 713, 500 C Street, SW, Washington, DC 20472, **202 287-0520**

RIN: 3067-AA13

CIVIL DEFENSE, STATE AND LOCAL EMERGENCY MANAGEMENT ASSISTANCE (EMA)

Legal Authority: 50 USC App 2286 Federal Civil Defense Act of 1950

CFR Citation: 44 CFR 302

Abstract: The proposed rule will elicit comments on the entire 44 CFR 302 and specifically on a revised allocation formula promulgated by an amendment to the Federal Civil Defense Act requiring that in allocating EMA funds, due regard be given to areas prone to natural disaster.

Timetable:

Action	Date	FR Cite
ANPRM	04/08/82	47 FR 14500
ANPRM Comment Period End	05/05/82	
NPRM	04/08/83	
NPRM Comment Period Begin	04/08/83	
NPRM Comment Period End	06/08/83	

Small Entity: No

Agency Contact: Donald J. Carbone, Chief, Management Development Branch, Federal Emergency Management Agency, Office of Emergency Management Programs, Direct of St and Loc Prog and Support, 500 C St., SW, Washington, DC 20472, 202 287-3850

RIN: 3067-AA14

REVIEW AND APPROVAL OF STATE AND LOCAL RADIOLOGICAL EMERGENCY PLANS AND PREPAREDNESS

Legal Authority: 50 USC App 2251 et seq; 42 USC 5121 et seq; EO 12148

CFR Citation: 44 CFR 350

Abstract: Rule establishes procedures by which FEMA reviews and approves State and local plans and preparedness for coping with the offsite effects of radiological emergencies which may occur at nuclear power facilities. Plans volantarily submitted for review. The FEMA findings can be used by NRC in its licensing proceedings. Rule sets out criteria telling how and when a State submits plans and describes FEMA process for reviewing and approving plans.

Timetable:

Action	Date	FR Cite
Previous NPRM	06/24/80	45 FR 42341
NPRM	08/19/82	47 FR 36386
NPRM Comment Period End	10/18/82	
Final Action	06/00/83	

Small Entity: No

Agency Contact: Marshall E. Sanders, Chief, Program Development Branch, Federal Emergency Management Agency, Technical Hazards Division, Dr.ctrt of State & Local Programs and Support, 500 C St., SW, Washington, DC 20472, 202 287-0179

RIN: 3067-AA15

STATE AND LOCAL CONSULTATION: EXECUTIVE ORDER 12372 IMPLEMENTATION

Legal Authority: EO 12372

CFR Citation: 44 CFR 4

Abstract: This regulation will set out FEMA procedures implementing the requirements of Executive Order 12372 which relates to intergovernmental review of Federal programs and consultation with State and local governments. Notice of proposed rulemaking also contains lists of programs subject to regulation and list of exclusions from scope of regulation.

Timetable:

Action	Date	FR Cite
NPRM	01/24/83	48 FR 3222
NPRM Comment Period Begin	01/24/83	
NPRM Comment Period End	03/10/83	
Final Action	04/30/83	
Final Action Effective	04/30/83	

Small Entity: No

Agency Contact: William L. Harding, Federal Emergency Management Agency, Office of General Counsel, 500 C Street, SW, Washington, DC 20472, 202 287-0377

RIN: 3067-AA17

SOLICITATION OF SOCIAL SECURITY NUMBERS

Legal Authority: 5 USC 552a

CFR Citation: 44 CFR 6.3(c)

Abstract: The existing FEMA regulation regarding solicitation of a social security number severely restricts such solicitation beyond statutory requirements. The amendment permits solicitation of such a number but states that right or benefits cannot be denied a person who refuses to disclose such number.

Timetable:

Action	Date	FR Cite
NPRM	01/06/83	48 FR 676
NPRM Comment Period Begin	01/06/83	
NPRM Comment Period End	03/07/83	
Final Action	04/01/83	
Final Action Effective	05/01/83	

Small Entity: No

Agency Contact: Thomas Ainora, Attorney Advisor, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 287-0379

RIN: 3067-AA19

CLAIMS UNDER THE MILITARY PERSONNEL AND CIVILIAN EMPLOYEES' CLAIMS ACT OF 1964

Legal Authority: 31 USC 240 to 243

CFR Citation: 44 CFR 11.60 to 11.69

Abstract: The Military Personnel and Civilian Employees' Claims Act of 1964 31 USC 241, authorizes the head of an agency, with certain exceptions, to pay the claim made by a member of the uniformed services under the jurisdiction of that agency or by a civilian officer or employee of that agency, for damage to, or loss to, personal property incident to his or her service. This rule would implement the statute.

Timetable:

Action	Date	FR Cite
NPRM	05/01/83	
NPRM Comment Period Begin	05/01/83	
NPRM Comment Period End	07/01/83	

Small Entity: No

Agency Contact: George W. Watson, Associate General Counsel, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 287-0376

RIN: 3067-AA20

APPEALS OF COST COMPARISON DECISIONS UNDER OMB CIRCULAR A-76

Legal Authority: 31 USC 1 et seq; 41 USC 401 et seq

CFR Citation: 44 CFR 14

Abstract: OMB Circular A-76 establishes Federal policy regarding the operation of commercial activities. In compliance with OMB Circular A-76 the Federal Emergency Management Agency is establishing an informal administrative procedure to resolve appeals from directly affected parties questioning the determination between contract and in-house performance. The appeal procedure will apply only to decisions resulting from cost comparisons performed in compliance with OMB Circular A-76.

Timetable:

Action	Date	FR Cite
NPRM	05/01/83	
NPRM Comment Period Begin	05/01/83	
NPRM Comment Period End	07/01/83	

Small Entity: No

Agency Contact: George W. Watson, Associate General Counsel, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 287-0376

RIN: 3067-AA21

RULES AND REGULATIONS GOVERNING SPECIAL FACILITY BUILDINGS AND GROUNDS

Legal Authority: EO 12127; EO 12148; EO 11490; EO 10421; 40 USC 318 to 318d

CFR Citation: 44 CFR 15

FEMA

Current and Projected Rulemakings

Abstract: Pursuant to a delegation of authority from the Administrator of General Services, these rules and regulations apply to all the property known as the "Special Facility" which is owned, operated or under the charge and control of the Federal Emergency Management Agency and to all persons entering, while on, or leaving the property.

Timetable:

Action	Date	FR Cite
NPRM	04/01/83	
NPRM Comment Period Begin	04/01/83	
NPRM Comment Period End	06/01/83	

Small Entity: No

Agency Contact: **Bernard T. Gallagher**, Assistant Director, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **703 366-1600**

RIN: 3067-AA22

●NATIONAL FLOOD INSURANCE PROGRAM

Legal Authority: 42 USC 5001 et seq

CFR Citation: 44 CFR 59; 44 CFR 61; 44 CFR 62

Abstract: Changes in regulation will accommodate planned FEMA-Insurance industry cooperative arrangements (the write your own project), will reflect provision of coverage to condominium unit owners, and clarification of definitions.

Timetable:

Action	Date	FR Cite
NPRM	01/31/84	
NPRM Comment Period Begin	01/31/84	
NPRM Comment Period End	03/31/84	
Final Action	08/01/84	

Small Entity: No

Agency Contact: **Donald L. Collins**, Assistant Administrator, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 287-0740**

RIN: 3067-AA23

●DISASTER ASSISTANCE, PUBLIC ASSISTANCE SUBPART E

Legal Authority: 42 USC 5201

CFR Citation: 44 CFR 205

Abstract: This rule will implement FEMA responsibilities under the Coastal Barrier Act which was recently adopted.

Timetable:

Action	Date	FR Cite
NPRM	07/00/83	
NPRM Comment Period Begin	07/00/83	
NPRM Comment Period End	09/00/83	

Small Entity: No

Agency Contact: **Charles Stuart**, General Engineer, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 287-0580**

RIN: 3067-AA24

●INDIVIDUAL AND FAMILY GRANT PROGRAM

Legal Authority: 42 USC 5178; 42 USC 5201

CFR Citation: 44 CFR 205.54

Abstract: The Individual and Family Grant program relations are being revised to provide privacy protection to individuals who apply for assistance. Currently, unless the State administering the program has a privacy act, nothing prevents a State from making names of grant applicants and the amounts of assistance received available to the public. This rule adds a condition protecting confidentiality. This is a proposed amendment to the Individual and Family Grant program regulations, 44 CFR 205.54, which are already published as a final rule at 47 FR 10553.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	
NPRM Comment Period Begin	04/00/83	
NPRM Comment Period End	06/00/83	
Final Action	09/00/83	
Final Action Effective	10/00/83	

Small Entity: No

Agency Contact: **Agnes C. Mravcak**, Disaster Program Specialist, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 287-0550**

RIN: 3067-AA25

●DEBARRED, SUSPENDED, AND INELIGIBLE BIDDERS

Legal Authority: 41 USC 405

CFR Citation: 41 CFR 44-1.6

Abstract: The regulation governing debarred, suspended and ineligible bidders is changed to comport with FPR Temporary Regulation 65. The regulations prescribe the Federal Emergency Management Agency's policy and procedures for (1) distribution, use, and maintenance of the General Services Administration's (GSA) consolidated Government-wide list of debarred, suspended and ineligible contractors; and (2) debarment and suspension of Government contractors. The intended effect of this stated policy and procedures is to ensure that Government contracts are awarded for responsible contractors.

Timetable:

Action	Date	FR Cite
NPRM	05/01/83	
NPRM Comment Period Begin	05/01/83	
NPRM Comment Period End	07/01/83	

Small Entity: No

Agency Contact: **Steve Goodman**, Chief, Acquisition Management, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 287-3826**

RIN: 3067-AA26

●EXTRAORDINARY CONTRACTUAL RELIEF

Legal Authority: PL 85-804; 50 USC 1431 to 1434; EO 10789

CFR Citation: 41 CFR 44-17.100 to 17.505

Abstract: To implement provisions of PL 85-804, 50 USC 1431 et seq. and provide extraordinary contractual relief where such relief will facilitate the national defense. This regulation sets forth procedures whereby FEMA may grant such relief, shows what items of proof are needed. The regulation provides for modification of contracts without consideration, correction of mistakes, advance payments, indemnification for extraordinarily hazardous or nuclear risks where the agency believes such remedies will facilitate the national defense and where ordinary contractual procedures are not adequate to meet the agency's needs.

Timetable:

Action	Date	FR Cite
NPRM	05/15/83	
NPRM Comment Period Begin	05/15/83	
NPRM Comment Period End	07/15/83	

Small Entity: No

Agency Contact: **George W. Watson**, Associate General Counsel, Federal Emergency

FEMA — Current and Projected Rulemakings

Management Agency, 500 C Street, SW, Washington, DC 20472, **202 287-0376**

RIN: 3067-AA27

●NATIONAL FLOOD INSURANCE PROGRAM APPEALS SUBMISSION

Legal Authority: 42 USC 4104

CFR Citation: 44 CFR 59; 44 CFR 67

Abstract: This rule provides criteria for the development of acceptable appeal submissions challenging FEMA's proposed base flood elevations. It lists the data which must be incorporated into an appeal and which will facilitate FEMA's evaluation and processing of the appeal.

Timetable:

Action	Date	FR Cite
NPRM	10/12/82	47 FR 45044
NPRM Comment Period Begin	10/12/82	47 FR 45044
NPRM Comment Period End	12/13/82	
Final Action	04/30/83	

Small Entity: No

Agency Contact: Brian Mrazik, Acting Chief, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 287-0230**

RIN: 3067-AA28

●COLLECTION OF CLAIMS BY THE GOVERNMENT UNDER THE DEBT COLLECTION ACT OF 1982

Legal Authority: PL 97-365; 31 USC 951 to 955; 5 USC 552a(b)12; 5 USC 552a(m)(2); 26 USC 6103(l); 26 USC 6103(m); 5 USC 5514(a); 28 USC 2415(i)

CFR Citation: 44 CFR 11.30 to 11.59

Abstract: The proposed rule amends the existing FEMA collection of claims by the Government to reflect changes made by the Debt Collection Act of 1982 (PL 97-365). Changes are made to provisions relating to reporting information to consumer reporting agencies, Federal employee and retiree salary set-offs, administrative offset procedures, charging of interest, penalties, and charges for overdue debts, contracts for the collection of debts. Procedures are set forth for administrative review of amounts owed and scheduling of payments.

Timetable:

Action	Date	FR Cite
NPRM	05/15/83	
NPRM Comment Period Begin	05/15/83	
NPRM Comment Period End	07/15/83	

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Government Levels Affected: Local, State, Federal

Agency Contact: George W. Watson, Associate General Counsel, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 287-0376**

RIN: 3067-AA29

●FLOODPLAIN MANAGEMENT AND PROTECTION OF WETLANDS

Legal Authority: 42 USC 5201; EO 11988; EO 11990

CFR Citation: 44 CFR 9.5; 44 CFR 9.6; 44 CFR 9.11; 44 CFR 9.13

Abstract: This regulation reduces the number of actions subject to the full 8-step process required by the regulation, while nevertheless obtaining a maximum amount of mitigation for the resources used. The rule adds use of existing resources for temporary housing to list of exemptions (except for Step 1).

Timetable:

Action	Date	FR Cite
NPRM	07/01/83	
NPRM Comment Period Begin	07/01/83	
NPRM Comment Period End	09/01/83	

Small Entity: No

Agency Contact: John L. Scheibel, Assistant General Counsel, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 287-0387**

RIN: 3067-AA30

●INFORMATION SECURITY PROGRAM

Legal Authority: EO 12346

CFR Citation: 44 CFR 8

Abstract: Regulation implements provisions of Executive Order 12346 and sets forth guides and guidelines for classifying, declassifying and downgrading national security information under the agency information security program.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	
NPRM Comment Period Begin	04/00/83	
NPRM Comment Period End	06/00/83	

Small Entity: No

Agency Contact: Arlan L. Kinney, Director, Office of Security, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 287-0700**

RIN: 3067-AA31

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) — Existing Regulations Under Review

EXECUTIVE ORDER 11988, FLOODPLAIN MANAGEMENT – REGULATORY REVIEW

Priority: Task Force

Legal Authority: 42 USC 4001 et seq; 42 USC 4321 et seq National Environmental Policy Act 1969; EO 11988; EO 12148

CFR Citation: 44 CFR 9; 44 CFR 59 to 70

Abstract: Review of Federal agency compliance with Executive Order 11988. Determination of impact on level of unwise Federal support in designated floodplain areas. Review appropriateness of 100 year flood standard.

Timetable:

Action	Date	FR Cite
End Review	05/00/83	
Final Report	05/00/83	

Small Entity: No

Agency Contact: Lee M. Thomas, Associate Director, Federal Emergency Management Agency, Office of State and Local Programs, 500 C Street, SW, Washington, DC 20472, **202 287-0486**

RIN: 3067-AA18

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FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) — Completed Actions

COMPLETED RULEMAKINGS

DISASTER ASSISTANCE - PUBLIC ASSISTANCE (SUBPARTS E AND H)

Completed:

Reason	Date	FR Cite
Final Action	11/19/82	47 FR 52177
Final Action Effective	10/25/78	

Agency Contact: John Lundberg 202 287-0572

RIN: 3067-AA12

COORDINATION OF CIVIL EMERGENCY ASSISTANCE FUNCTIONS OF EXECUTIVE AGENCIES

Completed:

Reason	Date	FR Cite
Withdrawn	02/00/83	

Agency Contact: Deborah Kenny 202 287-0508

RIN: 3067-AA16

[FR Doc. 83-9578 Filed 4-22-83; 8:45 am]

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Part XXII

Federal Mediation and Conciliation Service

Unified Agenda of Federal Regulations

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FEDERAL MEDIATION AND CONCILIATION SERVICE

29 CFR Ch. XII

Unified Agenda of Federal Regulations

AGENCY: Federal Mediation and Conciliation Service

ACTION: Semiannual agenda required by the Regulatory Flexibility Act of 1980.

SUMMARY: The Federal Mediation and Conciliation Service is considering the rewriting of one regulation subject to the Regulatory Flexibility Act during the six month period from April 1983 to October 1983. That regulation is Arbitration Policy and Practice.

FOR FURTHER INFORMATION CONTACT: Daniel P. Dozier, Associate General Counsel, 2100 K Street, N.W., Washington, DC, 20427, 202/653–5305.

Review of Existing Arbitration Regulation

The Federal Mediation and Conciliation Service is considering whether to rewrite its existing Arbitration Services regulation at 29 CFR Part 1404. The Service will decide whether to rewrite these rules by September 1983. If the Service does rewrite the regulation, a Notice of Proposed Rulemaking would be published and public comments solicited. There will be no impact on small business. The authorizations to promulgate Part 1404 are pursuant to Section 202, 61 Stat. 153 as amended; 29 U.S.C. 172, and interpret or apply sec. 3, 80 Stat. 250, sec. 203, 61 Stat. 153; 5 U.S.C. 552, 29 U.S.C. 173.

Kay McMurray,

Director.

[FR Doc. 83–9311 Filed 4–22–83; 8:45 am]

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Part XXIII

General Services Administration

Unified Agenda of Federal Regulations

GSA

GENERAL SERVICES ADMINISTRATION

41 CFR Chs. 1 and 101

Unified Agenda of Federal Regulations

AGENCY: General Services Administration.

ACTION: Semiannual agenda.

SUMMARY: This agenda announces the proposed regulatory actions that GSA plans for the next 12 months and those actions that were completed since October 1982. This agenda was developed under the guidelines in OMB Bulletin No. 83-8, dated December 15, 1982.

FOR FURTHER INFORMATION CONTACT: Anthony Artigliere, Chief, Directives and Reports Management Branch (202-535-7658).

SUPPLEMENTARY INFORMATION: GSA has two priority regulations designated by the Presidential Task Force on Regulatory Relief. These regulations are listed under the category of current and projected rulemakings.

DATED: March 3, 1983.

Ray Kline,

Acting Administrator.

GENERAL SERVICES ADMINISTRATION (GSA) — Current and Projected Rulemakings

PUBLIC BUILDINGS SERVICE

UNIFORM FEDERAL ACCESSIBILITY STANDARD

Priority: Task Force

Legal Authority: 42 USC 4151 et seq

CFR Citation: 41 CFR 101-19

Abstract: This proposed rule will consolidate four differing handicapped accessibility standards prescribed by GSA, HUD, DOD, and USPS into a single, government-wide standard. In addition, this proposed rule will conform accessibiltiy standards to the recently issued "Minimum Guidelines and Requirements for Accessible Design" published by the Architectural and Transportation Barriers Compliance Board (29 USC 792).

Timetable:

Action	Date	FR Cite
NPRM	02/15/83	
NPRM Comment Period Begin	02/15/83	
NPRM Comment Period End	04/01/83	
Final Action	06/01/83	
Final Action Effective	07/31/83	

Small Entity: No

Additional Information: This regulation has been designated for review by the Presidential Task Force on Regulatory Relief.

Agency Contact: John R. Weber, Architect, General Services Administration, Design Programs Branch (PCDP), Washington, DC 20405, **202 566-1673**

RIN: 3090-AA65

IMPROVED USE OF FEDERAL SPACE AND FACILITIES

Priority: Agency Determination

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-17

Abstract: This regulation provides revised procedures concerning the assignment and utilization of space in Federal facilities under the custody and control of GSA. It supersedes provisions in 41 CFR 101-17. The intent of the rule is to simplify and streamline GSA's space management regulations.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/00/83	
Final Action	01/00/84	

Small Entity: No

Agency Contact: John Quigley, Acting Director, General Services Administration, Space Management Division (PRM), Washington, DC 20405, **202 566-1675**

RIN: 3090-AA67

ACQUISITION POLICY

●FEDERAL ACQUISITION REGULATION

Legal Authority: 10 USC 133; 40 USC 481(a); 40 USC 486(c); 42 USC 2473(c); EO 12352

CFR Citation: 32 CFR 1 to 39; 41 CFR 1; 41 CFR 18; 48 CFR 1 to 53

Abstract: The Federal Acquisition Regulation will provide a single uniform Government-wide regulation to replace the Federal Procurement Regulations, the Defense Acquisition Regulation, and NASA procurement regulations. The consolidated regulation will streamline and improve coverage and will decrease the total number of pages of the superseded regulations by approximately 46 percent.

Timetable:

Action	Date	FR Cite
Final Action	09/30/83	

Small Entity: Undetermined

Additional Information: Notice of the availability of portions of the Federal Acquisition Regulation for review have been issued on an ongoing basis as sections were completed. Comments from the public and other agencies have been duly incorporated into the final product.

Government Levels Affected: Federal

Agency Contact: John R. Van Pelt, Executive Assistant, General Services Administration, Office of Acquisition Policy (V), Washington, DC 20405, **202 566-1178**

RIN: 3090-AA96

FEDERAL PROPERTY RESOURCES SERVICE

CONVEYANCE FOR HISTORIC MONUMENT PURPOSES

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-47.308-3(a)(3); 41 CFR 101-47.308-2(e)

Abstract: These regulations are being amended to prevent the possibility of windfall profits to the grantee, sublessor, or developer when surplus real property is conveyed for historic monument purposes with revenue producing activities.

Timetable:

Action	Date	FR Cite
Final Action	05/00/83	

Small Entity: No

Agency Contact: James H. Pitts, Director, General Services Administration, Special Programs Division (DRP), Washington, DC 20405, **202 535-7067**

RIN: 3090-AA35

DISPOSAL AUTHORITY DELEGATED TO HOLDING AGENCIES

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-47.302-2

Abstract: This regulation will avoid confusion that has been experienced in the past by clarifying that GSA and not the holding agency would have authority to dispose of federally owned machinery and equipment being used by a contractor-operator where the machinery and equipment will be sold to the contractor-operator.

Timetable:

Action	Date	FR Cite
NPRM	08/05/82	47 FR 33993
Final Action	03/00/83	

Small Entity: No

Agency Contact: James H. Pitts, Director, General Services Administration, Special Programs Division (DRP), Washington, DC 20405, 202 535-7067

RIN: 3090-AA37

IDENTIFICATION OF UNNEEDED FEDERAL REAL PROPERTY

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-47.8

Abstract: These regulations will be updated to reflect the provisions of Executive Order 12348 of February 25, 1982, which superseded Executive Order 11954 of December 7, 1977, and Executive Order 11724 of June 25, 1973, currently referenced. Executive Order 12348 established the Property Review Board and reemphasizes the optimum use of Federal real property.

Timetable:

Action	Date	FR Cite
Final Action	03/00/83	

Small Entity: No

Agency Contact: B. Michael O'Hara, Director, General Services Administration, Technical Services & Surveys Division (DRT), Washington, DC 20405, 202 535-7074

RIN: 3090-AA38

NATIONAL DEFENSE STOCKPILE DISPOSAL REGULATIONS

Legal Authority: 50 USC Sec 98 et seq Strat. & Crit. Materials Stock Piling Act; EO 12155

CFR Citation: 41 CFR 101-14.4

Abstract: These regulations indicate the procedures for disposing of strategic and critical materials that are excess to National Defense Stockpile needs and have been authorized for disposal by Congress, pursuant to the Stock Piling Act of 1979 50 USC 98 et seq.

Timetable:

Action	Date	FR Cite
Final Action	06/00/83	

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0; Base Year for Dollar Estimates: 1983

Government Levels Affected: Federal

Agency Contact: Kent N. Knowles, Assistant Commissioner, General Services Administration, Office of Stockpile Transactions (DS), Washington, DC 20405, 202 535-7115

RIN: 3090-AA40

INTERGOVERNMENTAL REVIEW OF GSA PROGRAMS

Legal Authority: EO 12372

CFR Citation: 41 CFR 101

Abstract: This regulation will promote intergovernmental partnership and a strengthened federalism by relying on State and local processes for the State and local government coordination and review of proposed GSA financial assistance and direct Federal development.

Timetable:

Action	Date	FR Cite
NPRM	01/15/83	48 FR 3232
NPRM Comment Period Begin	01/29/83	48 FR 3232
NPRM Comment Period End	03/10/83	
Final Action	04/30/83	

Small Entity: No

Agency Contact: Robert McKinnon, Director, General Services Administration, Special Projects Staff (DX), Washington, DC 20405, 202 535-7215

RIN: 3090-AA41

●PUBLIC BENEFIT DISPOSALS

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-47.308-4; 41 CFR 101-47.308-7

Abstract: Current regulations describing the procedures for the disposal of surplus real property for educational or public health purposes contain references to the former Department of Health, Education, and Welfare (HEW). The elimination of HEW and the concurrent reorganization which created the Department of Education and the Department of Health and Human Services necessitates a revision of the regulations. Also, the revision serves to clarify procedures applicable to the disposal of surplus real property for public benefit purposes.

Timetable:

Action	Date	FR Cite
Final Action	06/00/83	

Small Entity: No

Agency Contact: James H. Pitts, Director, General Services Administration, Special Programs Division, Washington, DC 20405, 202 535-7067

RIN: 3090-AA75

●DELETION OF COVENANT AGAINST CONTINGENCY FEES

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-47.315

Abstract: The Federal Property Management Regulation 101-45.313 requires that the purchaser of surplus property warrant that he has not paid a contingent fee or commission to someone other than a full time employee or an agency regularly maintained by the purchaser. Under this regulation, a potential purchaser is barred from paying a real estate broker or anyone else a commission in connection with any one-time purchase of Government-owned surplus real property. The Office of General Counsel advises that no statutory requirement can be found for this regulation and its deletion will facilitate the sale of surplus real properties. This action deletes the convenant against contingent fees, section 101-47.315.

Timetable:

Action	Date	FR Cite
Final Action	06/00/83	

Small Entity: No

Agency Contact: James H. Pitts, Director, General Services Administration, Special Programs Division, Washington, DC 20405, 202 535-7067

RIN: 3090-AA76

●ADDITION OF CONCURRENT 30-DAY FEDERAL AGENCY AND PUBLIC USE SCREENING REQUIREMENT

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-47.203-5(b)

Abstract: In the past, screening of surplus Federal properties with the Federal agencies that sponsor public benefit uses occurred at the same time as screening with local public bodies for such uses and subsequent to the screening of property at the excess stage for direct use by Federal agencies. Addition of section 101-47.203-5(b) will provide for

concurrent screening of properties for direct use by Federal agencies and for public benefit uses sponsored by Federal agencies. This change will expedite the disposal process by eliminating screening in cases where no potential for public benefit use is indicated by sponsoring Federal agencies.

Timetable:

Action	Date	FR Cite
Final Action	05/00/83	

Small Entity: No

Agency Contact: James H. Pitts, Director, General Services Administration, Special Programs Division, Washington, DC 20405, 202 535-7067

RIN: 3090-AA77

●TRANSFER OF EXCESS REAL PROPERTY

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-47.203-7

Abstract: This amendment deletes the requirement for obtaining OMB approval in transfers of excess real property among Federal agencies when the transferee agency is providing 100% reimbursement of the fair market value for the requested property.

Timetable:

Action	Date	FR Cite
Final Action	08/00/83	

Small Entity: No

Agency Contact: James H. Pitts, Director, General Services Administration, Special Programs Division, Washington, DC 20405, 202 535-7067

RIN: 3090-AA78

●RESPONSIBILITY FOR FUNDING CARE, HANDLING, PROTECTION, MAINTENANCE AND REPAIR COSTS OF EXCESS AND SURPLUS REAL PROPERTY

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-47.402-2(b)

Abstract: The regulation will reflect current General Services Administration policy requiring a written agreement between the disposal agency and the agency holding excess real property in cases where the disposal agency will be required to fund care, handling, protection, maintenance and repair costs. The written agreement provides a basis for budget requests.

Timetable:

Action	Date	FR Cite
Final Action	05/00/83	

Small Entity: No

Agency Contact: James H. Pitts, Director, General Services Administration, Special Programs Division (DRP), Washington, DC 20405, 202 535-7067

RIN: 3090-AA81

FEDERAL SUPPLY SERVICE

DONATION OF PERSONAL PROPERTY

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-44.000; 41 CFR 101-44.001; 41 CFR 101-44.105; 41 CFR 101-44.106; 41 CFR 101-44.108; 41 CFR 101-44.112; 41 CFR 101-44.118; 41 CFR 101-44.120; 41 CFR 101-44.200; 41 CFR 101-44.204; 41 CFR 101-44.205; 41 CFR 101-44.207; 41 CFR 101-44.208; 41 CFR 101-44.4701; 41 CFR 101-44.4901-123; ...

Abstract: This rule updates GSA's policies and procedures concerning the Federal surplus personal property donation program. It would: (1) prescribe new and revised definitions; (2) implement Title IX of the Education Amendments of 1972; (3) change procedures for donating aircraft, drugs, biologicals, and reagents; (4) clarify cannibalization procedures; (5) add additional terms to the State agency distribution documents; (6) clarify that conditional title, not unrestricted title, passes to a donee at the time it takes possession of the property; (7) prohibit reimbursement to State agencies for certain sales expenses; (8) change reporting requirements; (9) establish an informal appeals procedure; and (10) revise eligibility criteria for educational activities. This amendment is necessary to comply with the provisions of Title IX of the Education Amendments of 1972, section 502(a) of Public Law 94-241, and the Congressional Reports Elimination Act of 1980 (Public Law 96-470). Its intent is to increase the efficiency and effectiveness of the donation program. There should be no significant costs to the public as a result of this regulatory action. It has been determined that potential benefits to (Cont)

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Additional Information: ABSTRACT CONT: society from this rule will outweigh the potential costs.

Agency Contact: George W. Kinney, Director, General Services Administration, Donation Division (FMD), Washington, DC 20406, 703 557-1234

RIN: 3090-AA23

DONATION OF ABANDONED AND FORFEITED PERSONAL PROPERTY

Legal Authority: 26 USC 5688(a)

CFR Citation: 41 CFR 101-48.2

Abstract: This rule would emphasize that all forfeited distilled spirits, wine, or malt beverages donated to eleemosynary institutions are to be used only by their inpatients for medicinal purposes. Allegations of misuse of these donated spirits have created a need for this regulation. There should be no significant costs to the public as a result of this rule. It has been determined that potential benefits to society from this rule will outweigh potential costs.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Next Action Undetermined

Small Entity: No

Agency Contact: George W. Kinney, Director, General Services Administration, Donation Division (FMD), Washington, DC 20406, 703 557-1234

RIN: 3090-AA24

EXPIRATION OF FPMR TEMPORARY REGULATION H-22

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101

Abstract: FPMR Temporary Regulation H-22 expired December 15, 1980, with the termination of House Joint Resolution 610 and the passage of the Department of Defense Appropriations Act of 1981 (Public Law 96-527). H-22 will be deleted from the appendix following Subchapter H in 41 CFR Chapter 101. This rule involves no significant costs to the public.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Agency Contact: George W. Kinney, Director, General Services Administration, Donation Division (FMD), Washington, DC 20406, 703 557-1234

RIN: 3090-AA25

SILVER RECOVERY PROGRAM

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-42; 41 CFR 101-45

Abstract: This regulation transfers FPMR Part 101-42 and Part 101-45 and amends redesignated Subpart 101-45.9 to require each agency having activities that generate silver or other precious metals (including used Hypo-solution and scrap film) to recover it and submit a semiannual report to GSA. It further provides expanded civil agency participation in the Defense Precious Metals Recovery Program. These changes are made as a result of a General Accounting Office report PLRD-81-48, July 31, 1981, entitled "Civil Agencies should Save Millions by Recovering Silver from Photographic Waste." The report recommends that precious metals recovery be a mandatory requirement for all civil agencies regardless of the amount generated. We expect that the benefits of making silver recovery mandatory on Federal agencies will outweigh the costs incurred.

Timetable:

Action	Date	FR Cite
Final Action	02/28/84	

Small Entity: No

Agency Contact: John Hansley, Property Marketing Specialist, General Services Administration, Office of Federal Supply and Services, Sales Division (FMS), Washington, DC 20406, 703 557-0814

RIN: 3090-AA26

APPEARANCE RECONDITIONING OF CIVIL AGENCY VEHICLES, PRIOR TO SALE

Legal Authority: 40 USC 481 (201(c))

CFR Citation: 41 CFR 101-46.4

Abstract: GSA obtains increased proceeds from the sale of selected vehicles from the Interagency Motor Pool by reconditioning their appearance prior to sale. This proposed amendment will require civil agencies to appearance-recondition selected vehicles prior to reporting them to GSA for sales action. Increased proceeds should accrue from the sale of those vehicles receiving this cosmetic reconditioning.

Timetable:

Action	Date	FR Cite
Final Action	11/30/83	

Small Entity: No

Agency Contact: Milton L. Herman, Chief of Sales Management, General Services Administration, Office of Federal Supply and Services, Sales Division (FMS), Washington, DC 20406, 703 557-0814

RIN: 3090-AA27

ABANDONMENT OR DESTRUCTION OF SURPLUS PROPERTY

Legal Authority: 40 USC 483 (202(h))

CFR Citation: 41 CFR 101-45.5

Abstract: This revision clarifies procedures for agencies' use in the abandonment and destruction of property.

Timetable:

Action	Date	FR Cite
Final Action	01/31/84	

Small Entity: No

Agency Contact: John Hansley, Property Marketing Specialist, General Services Administration, Office of Federal Supply and Services, Sales Division (FMS), Washington, DC 20406, 703 557-0814

RIN: 3090-AA28

GUIDELINES FOR SELLING SMALL LOTS OF SURPLUS PERSONAL PROPERTY

Legal Authority: 40 USC 484 (203(b))

CFR Citation: 41 CFR 101-45.304-3

Abstract: Section 101-45.304-3 prescribes selling procedures and will be expanded to cover more detailed instructions since Section 101-45.105-3 now permits holding agencies, after notification to the appropriate GSA regional office, to sell small lots of personal property where the estimated proceeds from a sale will not exceed $1,000. This dollar limitation raise has resulted in holding agencies conducting more small lot sales. This proposed amendment provides holding agencies detailed instructions for conducting these sales.

Timetable:

Action	Date	FR Cite
Final Action	06/30/83	

Small Entity: No

Agency Contact: Dona Gamble, Property Marketing Specialist, General Services Administration, Office of Federal Supply and Services, Sales Division (FMS), Washington, DC 20406, 703 557-0814

RIN: 3090-AA29

ACQUISITION AND USE OF EXCESS PERSONAL PROPERTY

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-43

Abstract: A number of miscellaneous changes will be made to clarify procedures for the acquisition and use of excess personal property by federal agencies and other authorized recipients.

Timetable:

Action	Date	FR Cite
Final Action	05/31/83	

Small Entity: No

Agency Contact: Mr. Stanley M. Duda, Director, General Services Administration, Utilization Division (FMU), Washington, DC 20406, 703 557-0807

RIN: 3090-AA30

THE UTILIZATION, DONATION, AND DISPOSAL OF FOREIGN GIFTS AND DECORATIONS

Legal Authority: 5 USC 7342; PL 95-105

CFR Citation: 41 CFR 101-49

Abstract: These miscellaneous changes will revise regulations to enhance security, establish physical custody, and refine the formal procedures for the disposition of foreign gifts and decorations.

Timetable:

Action	Date	FR Cite
Final Action	03/01/83	

Small Entity: No

Agency Contact: Mr. Stanley M. Duda, Director, General Services Administration, Utilization Division (FMU), Washington, DC 20406, 703 557-0807

RIN: 3090-AA31

UTILIZATION, DONATION, OR DISPOSAL OF ABANDONED AND FORFEITED PERSONAL PROPERTY

Legal Authority: 40 USC 304

CFR Citation: 41 CFR 101-48

Abstract: This temporary regulation will decentralize the transfer of seized and forfeited vehicles.

Timetable:

Action	Date	FR Cite
Temporary regulation	03/01/83	

Small Entity: No

Agency Contact: Mr. Stanley M. Duda, Director, General Services Administration, Utilization Division (FMU), Washington, DC 20406, 703 557-0807

RIN: 3090-AA32

SUSPENSION OF DIRECT TRANSFER AUTHORITY FOR OFFICE FURNITURE AND EQUIPMENT

Legal Authority: 40 USC 483(a)

CFR Citation: 41 CFR 101-43.315

Abstract: This proposed rule would rescind the authority of agencies to transfer excess office furniture and office machines without prior approval by GSA. To be submitted directly to affected agencies for informal comments.

Timetable:

Action	Date	FR Cite
NPRM	03/01/83	

Small Entity: No

Agency Contact: **Mr. Stanley M. Duda**, Director, General Services Administration, Utilization Division (FMU), Washington, DC 20406, **703 557-0807**

RIN: 3090–AA33

NEW PART 101-32—MANAGEMENT OF PERSONAL PROPERTY

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-32

Abstract: Significant savings can be achieved by reducing Federal expenditures for items of personal property. An effective means of reducing expenditures for personal property is through effective property management. This regulation is the initial step in establishing a Government-wide personal property management program. The regulation will provide general policy on the management of personal property and when fully implemented will enable agencies to reduce support costs through effective property management.

Timetable:

Action	Date	FR Cite
Final Action	12/00/83	

Small Entity: No

Agency Contact: **Robert A. Renner**, Director, General Services Administration, Regulations Management Division (FFY), Washington, DC 20406, **703 557-7990**

RIN: 3090–AA48

PROCUREMENT AND REQUISITIONING OF SUPPLIES AND SERVICES

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-29

Abstract: The Acquisition and Distribution of Commercial Products (ADCoP) policy prescribed by the Office of Federal Procurement Policy are not presently covered in the FPMR and will help to ensure that agencies conform to the ADCoP policy.

Timetable:

Action	Date	FR Cite
Final Action	06/30/83	

Small Entity: No

Additional Information: Issuance of FPMR delayed pending resolution of questions concerning the definitions and types of products applicable to ADCoP which resulted from recent FAR changes, DOD recommendations, and contracting experience.

Agency Contact: **Walter Eckbreth**, Director, General Services Administration, Policy and Procedures Division (FCP), Washington, DC 20406, **703 557-0538**

RIN: 3090–AA52

SUPPLEMENTS TO FEDERAL TRAVEL REGULATIONS (FTR)

Legal Authority: 40 USC 486(c); 5 USC 5707; EO 12609

CFR Citation: 41 CFR 101-7

Abstract: Supplements 5 and 6 to the FTR are projected for publication. Supplement 5 contains changes to revise the priority order of transportation to be used for official travel, delete the provisions requiring the use of Amtrak, expand the provisions governing handling of refunds due the Government for unused passenger transportation services, incorporate new regulations prescribing alternate methods for reimbursement of subsistence expense for extended training, provide new criteria for authorizing actual expense reimbursement for travel involving unusual circumstances, and increase the dollar amounts above which receipts are required to support cash reimbursement claims. Supplement 6 incorporates changes to increase or decrease high rate geographical areas (HRGA) and make changes to privately owned vehicles (automobile, motorcycle, and airplane) based on results of cost investigations.

Timetable:

Action	Date	FR Cite
Final Action	03/00/83	
Final Action Effective	03/00/83	

Supplemental Timetable: **Supplement 4, Federal Travel Regulations** — Final Action 10/01/82; **Supplement 5, Federal Travel Regulations** — Final Action 03/00/83; **Supplement 6, Federal Travel Regulations** — Final Action 03/00/83

Small Entity: No

Government Levels Affected: Federal

Agency Contact: **Audrey Rish**, Chief, General Services Administration, Travel Regulations Branch (FTAV), Office of Federal Supply and Services, Washington, DC 20406, **703 557-1253**

RIN: 3090–AA72

TRANSPORATION AND TRAFFIC MANAGEMENT

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-40

Abstract: The revision to 41 CFR 101-40 will update policy and procedures that apply to the management of transportation matters affecting the Federal civilian executive agencies.

Timetable:

Action	Date	FR Cite
NPRM	04/01/83	
NPRM Comment Period Begin	04/01/83	
NPRM Comment Period End	05/01/83	
Final Action	06/30/83	

Small Entity: No

Agency Contact: **John B. Millington**, Chief, General Services Administration, Transportation Regulations Branch (FTAR), Office of Federal Supply and Services, Washington, DC 20406, **703 557-1256**

RIN: 3090–AA73

OFFICE OF INFORMATION RESOURCES MANAGEMENT

CONTRACTING FOR AUTOMATIC DATA PROCESSING (ADP) AND RELATED EQUIPMENT

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 1-4.11

Abstract: This Federal Procurement Regulations (FPR) amendment changes the ADP acquisition process regarding the definition of Automatic Data Processing Equipment (ADPE); the responsibility of agency designated senior officials; agency submission of procurement requests, solicitations, and contracts; use of schedule contracts; and evaluation factors. The intent is to reduce paperwork, recognize central agency policy direction of information resources management, and make the acquisition process fairer.

Timetable:

Action	Date	FR Cite
Final Action	07/01/83	

Small Entity: No

Additional Information: An FPR temporary regulation may be used to implement some of the items reviewed.

Agency Contact: David R. Mullins, Procurement Analyst, General Services Administration, Policy Branch (KMPP), Office of Information Resources Management, Washington, DC 20405, **202 566-0194**

RIN: 3090-AA09

CONTRACTS WITH THE SMALL BUSINESS ADMINISTRATION (SBA) FOR ADP REQUIREMENTS

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 1-4.11

Abstract: This proposed FPR amendment changes sections 1-4.1103-5 and 1-4.1206-8 regarding contracts with the SBA for ADP requirements in accordance with Section 8(a) of the Small Business Act (15 USC 637(a)). This change responds to GAO report AFMD 82-9, October 16, 1981.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Yes

Additional Information: SMALL BUSINESSES CONT: Section 8(a) contracts for furnishing ADP services could be limited to annual awards not exceeding 50 percent of the SBA size standards.

Agency Contact: William R. Loy, Procurement Analyst, General Services Administration, Policy Branch (KMPP), Office of Information Resources Management, Washington, DC 20405, **202 566-0194**

RIN: 3090-AA13

PROCUREMENT AND CONTRACTING FOR TELECOMMUNICATIONS

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 1-4.13

Abstract: This FPR amendment adds telecommunications procurement and contracting policies and procedures to the FPR. The directive will replace FPR Temporary Regulation 51 and Federal Property Management Regulation (FPMR) Subpart 101-37.4

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Changes in the Telecommunications marketplace due to FCC Computer II and AT&T divestiture activity have delayed this project. The government contracting policy of competition where available and to the maximum extent practicable is contained in FPR Temporary Regulation 51. Therefore, no date is shown in the timetable.

Agency Contact: John F. Stewart, Supervisory Communications Specialist, General Services Administration, Policy Branch (KMPP), Office of Information Resources Management, Washington, DC 20405, **202 566-0194**

RIN: 3090-AA14

CONSOLIDATE ADP AND TELECOMMUNICATIONS REGULATIONS INTO A SINGLE REGULATION

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 1; 48 CFR 39; 41 CFR 1-4.11; 41 CFR 1-4.12; 41 CFR 101-35; 41 CFR 101-36; 41 CFR 101-37

Abstract: This project will merge FPR and FPMR (41 CFR 1 and 101) provisions relating to ADP and telecommunications into a single Information Resources Regulation. The new regulation will have a dual (but unduplicated) distribution; as Part 39 of the new Federal Acquisition Regulation (FAR) and of a new proposed Federal Information Resources Management Regulation in Title 41 of the CFR.

Timetable:

Action	Date	FR Cite
See additional information	07/01/83	

Small Entity: No

Additional Information: An expose draft of the single regulation is planned for distribution to agency contact points who regularly participate in GSA OIRM regulatory development projects prior to publication in accordance with the overall FAR schedule. This issue is primarily a reformatting of existing regulations.

Agency Contact: Roger W. Walker, Chief, General Services Administration, Policy Branch (KMPP), Office of Information Resources Management, Washington, DC 20405, **202 566-0194**

RIN: 3090-AA15

EXEMPTION OF ADP PROCUREMENT AUTHORITY BASED ON THE DEFENSE AUTHORIZATION ACT OF 1982

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 1-4.11; 41 CFR 1-4.12

Abstract: This directive will address Department of Defense exemptions to GSA Government-wide ADP regulations.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Roger W. Walker, Chief, General Services Administration, Policy Branch (KMPP), Office of Information Resources Management, Washington, DC 20405, **202 566-0194**

RIN: 3090-AA16

ADP RESOURCES UTILIZATION AND REUTILIZATION OF ADP EQUIPMENT

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 1-4; 41 CFR 101-35; 41 CFR 101-36

Abstract: This project will update and revise ADP sharing and reutilization management procedures. The intent is to reduce obsolescent ADP equipment in the Government inventory and reduce paperwork through interagency sharing and reutilization. Exchange/sale procedure for contracting activities will be added. Amendments to both the FPR and FPMR will be published.

Timetable:

Action	Date	FR Cite
Proposal distrb for agency comment	03/22/82	
Final Action	05/01/83	

Small Entity: No

Agency Contact: Phillip R. Patton, Procurement Analyst, General Services Administration, Policy Branch, (KMPP), Office of Information Resources Management, Washington, DC 20405, **202 566-0194**

RIN: 3090-AA19

UPDATE THE CONTENT AND PROCEDURES FOR THE GOVERNMENT-WIDE ADP MANAGEMENT INFORMATION SYSTEM (ADP/MIS)

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-36.5; 41 CFR 101-36.47

Abstract: This project will revise the ADP/MIS both in scope and applicability of coverage. The objective is to require agencies to report only minimum data necessary for central management purposes consistent with internal agency management information needs. Issuance is anticipated to be combined with other matters in an FPMR temporary regulation. Action is based on a concept paper circulated on 5/10/82 to agencies for comment.

Timetable:

Action	Date	FR Cite
Final Action	05/01/83	

Small Entity: No

Agency Contact: Phillip R. Patton, Procurement Analyst, General Services Administration, Policy Branch, (KMPP), Office of Information Resources Management, Washington, DC 20405, 202 566-0194

RIN: 3090-AA20

RECORDS MANAGEMENT--INTEGRATIONS OF WORK PROCESSING PROVISIONS INTO AUTOMATED INFORMATION RESOURCES MANAGEMENT

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-11.9; 41 CFR 101-35.2; 41 CFR 1-4.11

Abstract: This project will review FPMR Part 101-11 to determine the extent to which existing provisions should be integrated into the consolidated information resource management regulations. Initial efforts will be related to requirements analyses in the office automation area. Other areas will include management of current Federal records, standard and optional forms, interagency reports, and copying equipment management. This project involves only Subpart 101-11.9. Temporary regulations to both the FPR and FPMR, as well as an FPMR guidance bulletin, will be issued.

Timetable:

Action	Date	FR Cite
Final Action	05/01/83	

Small Entity: No

Additional Information: In addition to the area described in the abstract, these FPR and FPMR temporary issuances are planned to update ADPE definitions, clarify ADP equipment schedule contract use, provide blanket procurement authority to agencies for specially designated ADP equipment when acquired off the GSA schedule and revise the ADP/MIS.

Agency Contact: David R. Mullins, Procurement Analyst, General Services Administration, Policy Branch (KMPP), Office of Information Resources Management, Washington, DC 20405, 202 566-0194

RIN: 3090-AA22

IMPLEMENTATION FOR AGENCY USE OF FEDERAL INFORMATION PROCESSING STANDARDS AND FEDERAL STANDARDS FOR TELECOMMUNICATIONS - PROJECT 83.10A

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-36.13

Abstract: As Federal Information Processing Standards (FIPS) and Federal Standards (FED-STD) for telecommunications are adopted, GSA reviews and implements new and revised standards for use by agencies in the management, acquisition and use of information resources. From time to time amendments to the FPMR are issued to accomplish this action. This project implements FED-STD 1027, Data Encryption, and FIPS PUB 95 Federal codes.

Timetable:

Action	Date	FR Cite
Proposal for agency comment	03/01/83	

Small Entity: No

Agency Contact: Phillip R. Patton, Procurement Analyst, General Services Administration, Policy Branch (KMPP), Office of Information Resources Management, Washington, DC 20405, 202 566-0194

RIN: 3090-AA87

IMPLEMENTATION FOR AGENCY USE OF FEDERAL INFORMATION PROCESSING STANDARDS AND FEDERAL STANDARDS FOR TELECOMMUNICATIONS PROJECT 83.26A

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-36.13

Abstract: As Federal Information Processing Standards (FIPS) and Federal Standards (FED-STD) for telecommunications are adopted, GSA reviews and implements new and revised standards for use by agencies in the management, acquisition and use of information resources. From time to time amendments to the FPMR are issued to accomplish this action. This project implements FED-STD 1062, Facsimile apparatus and FIPS PUB 86-1, Information Exchange.

Timetable:

Action	Date	FR Cite
Proposal for agency comment	04/01/83	

Small Entity: No

Agency Contact: Phillip R. Patton, Procurement Analyst, General Services Administration, Policy Branch (KMPP), Office of Information Resources Management, Washington, DC 20405, 202 566-0194

RIN: 3090-AA88

NATIONAL ARCHIVES AND RECORDS SERVICE

METHYLENE BLUE TESTING

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-11.506-3

Abstract: Regulations concerning microforms of permanent records where the original will be disposed of require that microforms shall be processed so that the residual thiosulfate ion concentration will not exceed 0.7 microgram per square centimeter in a clear area. Agencies must meet this requirement by either performing the methylene blue test or using commercial testing services in accordance with specifications in ANSI PH4.8-1978. The reimbursable methylene blue testing service provided by GSA is no longer self-supporting because the salary costs alone are greater than the income derived from the testing service. Since the service is available from commerical sources, it is not cost-effective for GSA to maintain this service. This regulation deletes the requirement that agencies obtain methylene blue testing service from GSA when the agencies do not have their own facilities for testing.

Timetable:

Action	Date	FR Cite
Final Action	04/01/83	

Small Entity: No

Agency Contact: Carlton L. Brown, Director, General Services Administration, Preservation Policy and Services Division, (NNP), Washington, DC 20408, 202 523-3159

RIN: 3090-AA60

DECLASSIFICATION AND PUBLIC ACCESS TO NATIONAL SECURITY INFORMATION

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-11.3a

Abstract: This rule will revise the procedures for the declassification of and public access to national security information in the legal custody or under the declassification jurisdiction of the National Archives and Records Service (NARS). This revision is required by the signing of Executive Order 12356 of April 2, 1982 (National Security Information) and the issuance of the Information Security Oversight Directive Number 1 of June 22, 1982. This rule will affect the process for the mandatory declassification review of classified records by NARS.

Timetable:

Action	Date	FR Cite
Final Action	02/01/83	
NPRM	03/00/83	
Final Action Effective	06/00/83	

Small Entity: No

Agency Contact: Adrienne C. Thomas, Director, General Services Administration, Program Analysis and Improvement Division, (NAA), Washington, DC 20408, 202 523-3214

RIN: 3090-AA61

FEDERAL ADVISORY COMMITTEE MANAGEMENT

Legal Authority: 40 USC 486(c); 5 USC App

CFR Citation: 41 CFR 101-6.10; 41 CFR 101-11.12

Abstract: This regulation provides administrative and interpretive guidelines and management controls for Federal agencies concerning the implementation of the Federal Advisory Committee Act (FACA), as amended. It fulfills GSA's responsibilities under FACA and Executive Order 12024 and replaces OMB Circular A-63.

Timetable:

Action	Date	FR Cite
ANPRM	11/22/79	44 FR 66852
Previous NPRM	08/21/80	45 FR 55769
Interim Final Rule	03/00/83	
Final Action	08/00/83	

Small Entity: No

Agency Contact: Adrienne C. Thomas, Director, General Services Administration, Program Analysis and Improvement Division, (NAA), Washington, DC 20408, 202 523-3214

RIN: 3090-AA62

●PUBLIC ACCESS TO NATIONAL SECURITY INFORMATION

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 105-61.104

Abstract: This rule will revise procedures for public access to national security information in the legal custody of NARS. This revision is required by the signing of Executive Order 12356 of April 2, 1982 (National Security Information) and the issuance of the Information Security Oversight Directive Number 1 of June 22, 1982. This rule will affect the process for the mandatory declassification review of classified records by NARS.

Timetable:

Action	Date	FR Cite
NPRM	02/10/83	
NPRM Comment Period Begin	02/10/83	
NPRM Comment Period End	03/14/83	
Final Action	06/00/83	

Small Entity: No

Agency Contact: Adrienne C. Thomas, Director, General Services Administration, Program Analysis and Improvement, Division (NAA), Washington, DC 20408, 202 523-3214

RIN: 3090-AA82

●PUBLIC USE OF THE NATIONAL ARCHIVES BUILDING

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 105-61.304

Abstract: Existing regulations on public use of the National Archives Building do not cover all areas of the building to which the public has access. This rule will revise procedures under which outside organizations may request the use of National Archives Building public areas for lectures, meetings and other activities.

Timetable:

Action	Date	FR Cite
NPRM	09/00/83	
Final Action	12/00/83	

Small Entity: No

Agency Contact: Adrienne C. Thomas, Director, General Services Administration, Program Analysis and Improvement, Division (NAA), Washington, DC 20408, 202 523-3214

RIN: 3090-AA83

●PUBLIC USE OF PRESIDENTIAL LIBRARY FACILITIES

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 105-61.305

Abstract: This rule will revise procedures for use of Presidential library auditoriums and other public spaces for lectures, meetings or other activities by outside organizations.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	
Final Action	07/00/83	

Small Entity: No

Agency Contact: Adrienne C. Thomas, Director, General Services Administration, Program Analysis and Improvement, Division (NAA), Washington, DC 20408, 202 523-3214

RIN: 3090-AA84

●FEES

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 105-61.52

Abstract: This rule will revise the fees charged for reproduction services established by the National Archives and Records Service.

Timetable:

Action	Date	FR Cite
NPRM	10/00/83	
Final Action	12/00/83	

Small Entity: No

Agency Contact: Adrienne C. Thomas, Director, General Services Administration, Program Analysis and Improvement, Division (NAA), Washington, DC 20408, 202 523-3214

RIN: 3090-AA85

●RESEARCH ROOM RULES

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 105-61.101; 41 CFR 105-61.102

Abstract: These proposed changes impact on the use of microfilm reading rooms only, and clarify the legal status of records in Federal records centers that have not been transferred to the National Archives of the United States. Researchers using microfilm records, but not textual records, in microfilm reading rooms that are physically separate from textual research rooms would no longer be required to obtain research identification cards. Microfilm reading room attendants will assist researchers to identify rolls containing desired information, but the researcher will be responsible for locating the designated roll. The use of microfilm readers may be restricted to ensure equitable availability of equipment.

Timetable:

Action	Date	FR Cite
NPRM	05/00/83	
Final Action	10/00/83	

Small Entity: No

Agency Contact: Adrienne C. Thomas, Director, General Services Administration, Program Analysis and Improvement, Division (NAA), Washington, DC 20408, 202 523-3214

RIN: 3090-AA86

NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

Legal Authority: Title VI of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973; Title IX of the Education Amendments of 1972, as amended; Sec 606 of the Fed Property & Admin Service Act of 1949

CFR Citation: 41 CFR 101-8

Abstract: The General Services Administration proposes this regulation to implement all of the above cited Federal laws. These statutes prohibit discrimination, in whole or in part, so that no person in the United States shall on the grounds of race, color, national origin, handicap, sex, or age be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal assistance from the General Services Administration. In addition, the objectives of the regulation are to streamline certain administrative procedural requirements by consolidating prohibitions of discrimination into one regulation and to make requirements clear and convenient for applicants and recipients to comply with, as well as making the regulation manageable for GSA to administer. This approach permits us to retain the substance of the prohibitions against discrimination, while reducing the cost of implementing and enforcing separate regulations for each of the four distinct laws for preventing discrimination.

Timetable:

Action	Date	FR Cite
Final Action	12/00/83	
NPRM	00/00/00	

Small Entity: No

Agency Contact: Thomas E. Henderson, EEO Specialist, General Services Administration, Office of Civil Rights, Washington, DC 20405, 202 566-1368

RIN: 3090-AA00

OFFICE OF PLANS, PROGRAMS, AND FINANCIAL MANAGEMENT

REVISION OF U.S. GOVERNMENT BILL OF LADING STANDARD FORMS

Legal Authority: 40 USC 486(c); 31 USC 3726

CFR Citation: 41 CFR 101-41

Abstract: This amendment prescribes the use of revised SF 1103, U.S. Government Bill of Lading (GBL); SF 1109, U.S. GBL Continuation Sheet, and SF 1131, U.S. Government Transit Bill of Lading. These revisions will make these transportation documents more efficient and more responsive to data information systems. To accomplish the provisions of this directive, there will be an outlay of resources by GSA to print the forms but this expenditure will be offset by income derived from purchases of these forms by other Federal agencies. The amendment will have no impact on the public.

Timetable:

Action	Date	FR Cite
NPRM	08/24/81	46 FR 42686
NPRM Comment Period Begin	08/24/81	46 FR 42686
NPRM Comment Period End	10/08/81	
Final Action	06/30/83	

Small Entity: No

Agency Contact: Louis Rosengarten, General Services Administration, Regulations and Procedures Section (BWCPR), Washington, DC 20405, 202 786-3012

RIN: 3090-AA04

DEPARTMENT OF DEFENSE RESERVIST/RETIREE MILITARY EMERGENCY TRAVEL WARRANT

Legal Authority: 31 USC 3726; 40 USC 486(c)

CFR Citation: 41 CFR 101-41

Abstract: This regulation provides for the procurement of passenger transportation services and billing and payment for such services in connection with the DOD Reservist/Retiree Military Emergency Travel Warrant system. During periods of national emergency, the DOD will use travel warrants as an exception to U.S. Government Transportation Requests (GTR) to obtain transportation for selected military reservists and retirees who are ordered to active duty with the armed forces of the United States. The travel warrant will be included in a DOD Mobilization Order which will be sent to the member's home by Western Union Mailgram. Use of this system will simplify and expedite the procurement of transportation for the military member. No additional resources are required for GSA to accomplish the provisions of this directive. The rule changes do not impose any additional burdens on the Government or the public since the travel warrant will be used instead of the GTR.

Timetable:

Action	Date	FR Cite
Final Action	06/00/83	

Small Entity: No

Agency Contact: Douglas MacEwen, General Services Administration, Regulations and Procedures Section (BWCPR), Washington, DC 20405, 202 786-3018

RIN: 3090-AA05

USE OF CASH TO PROCURE PASSENGER TRANSPORTATION SERVICES COSTING MORE THAN $100

Legal Authority: 31 USC 3726; 40 USC 486 (c)

CFR Citation: 41 CFR 101-41

Abstract: This regulation amends the Federal Property Management Regulations to grant agency heads or their designated representatives authority to approve emergency cash purchases of passenger transportation services exceeding $100 instead of using SF 1169, U.S. Government Transportation Request. This amendment will eliminate the requirement for agencies to request a written exemption from the Administrator of General Services for the emergency cash purchase of transportation services exceeding $100. Removing this restriction will reduce the administrative burden on Federal agency heads and GSA.

Timetable:

Action	Date	FR Cite
NPRM	03/30/82	47 FR 13387
Temporary regulation	05/00/83	

Small Entity: No

Agency Contact: Betty Brown, General Services Administration, Regulations and Procedures Section (BWCPR), Washington, DC 20405, 202 786-3011

RIN: 3090-AA06

FACSIMILE SIGNATURE ON SF 1113

Legal Authority: 31 USC 3726; 40 USC 486(c)

CFR Citation: 41 CFR 101-41

Abstract: The proposed regulation would permit the use of a facsimile signature of the

carrier's certifying official on the "Payee's Certificate" of the Public Voucher for Transportation Charges, SF 1113, without the requirement that such signatures be initialed by duly authorized persons. The intent of this proposal is to reduce the time and cost to the carriers and to facilitate carrier preparation of the SF 1113. No additional resources are required for GSA to accomplish the provisions of this directive. The proposed amendment will impose little or no additional burden on agencies and the GSA. Eliminating the need to initial the facsimile signature will benefit the public.

Timetable:

Action	Date	FR Cite
NPRM	09/29/82	47 FR 42763
NPRM Comment Period Begin	09/29/82	47 FR 42763
NPRM Comment Period End	10/29/82	
Final Action	03/00/83	

Small Entity: No

Agency Contact: Louis Rosengarten, General Services Administration, Regulations and Procedures Section (BWCPR), Washington, DC 20405, 202 786-3012

RIN: 3090-AA07

ADJUSTMENTS FOR UNFURNISHED SERVICES, UNUSED TICKET REFUND PROCEDURES, AND COMMERCIAL FORMS AND PROCEDURES

Legal Authority: 31 USC 3726; 40 USC 486 (c)

CFR Citation: 41 CFR 101-41

Abstract: This regulation revises the types of adjustments for unused transportation services to include "any other negotiable instrument." It will prohibit carriers from issuing any negotiable document to Government travelers. It will result in the issue of refund applications in accordance with proper ticket refund procedures. It amends and clarifies agency accounting actions when outstanding refunds are referred to GSA permitting agencies to remove such debts from their active accounts. It also revises procedures governing the use of commercial forms and procedures by relaxing monetary limitations on single- and multi-parcel shipments via certain modes. These stated revisions will reduce paperwork and certain costs in connection with related administrative procedures.

Timetable:

Action	Date	FR Cite
Final Action	03/31/83	
NPRM	00/00/00	

Small Entity: No

Agency Contact: Douglas MacEwen, Chief, General Services Administration, Regulations and Procedures Section (BWCPR), Washington, DC 20405, 202 786-3018

RIN: 3090-AA06

***INTEREST ASSESSMENT ON OVERCHARGES (RECEIVABLES)**

Legal Authority: 31 USC 3726; 40 USC 486(c)

CFR Citation: 41 CFR 101-41

Abstract: This proposed rule will enable GSA to assess interest on overcharges issued to transportation carriers for freight and passenger services furnished for the account of the U.S. It will enhance debt collection procedures and compensate the Government for loss of funds resulting from carrier overbillings.

Timetable:

Action	Date	FR Cite
NPRM	03/31/83	
Final Action	06/00/83	

Small Entity: No

Agency Contact: John W. Sandfort, Chief, General Services Administration, Regulations, Procedures, and Claims Branch, (BWCP), Washington, DC 20405, 202 786-3014

RIN: 3090-AA74

***UNUSED TICKET REFUND PROCEDURES**

Legal Authority: 31 USC 3726; 40 USC 486(c)

CFR Citation: 41 CFR 101-41

Abstract: This regulation revises procedures for collecting carrier refunds of unused tickets. It provides for carriers to refund to the Government the value of expired unused tickets for which no SF 1170's have been received. Carriers will be reimbursed if, after an initial ticket refund to GSA, a ticket is subsequently used for transportation or a second refund is made using an SF 1170. These revised procedures will permit the recovery of outstanding monies that might otherwise remain unrefunded to the Government or unpaid to carriers for extended periods of time.

Timetable:

Action	Date	FR Cite
NPRM	02/02/82	47 FR 4707
NPRM Comment Period Begin	02/02/82	47 FR 4707
Extension of comment period	03/16/82	47 FR 11296
NPRM Comment Period End	04/02/82	
Final Action	05/00/83	

Small Entity: No

Agency Contact: John W. Sandfort, Chief, General Services Administration, Regulations, Procedures, and Claims Branch, (BWCP), Washington, DC 20405, 202 786-3014

RIN: 3090-AA91

***SUPPORTING DOCUMENTATION FOR SUPPLEMENTAL BILLINGS (CLAIMS)**

Legal Authority: 31 USC 3726; 40 USC 486(c)

CFR Citation: 41 CFR 101-41

Abstract: This amendment requires that one copy each of the bill of lading and the line haul carrier's original voucher be submitted to Government finance offices to support supplemental billings. This documentation will permit finance offices to make payment within 30 days as required by the Prompt Payment Act. The new procedure will reduce the potential for improper or duplicate payments and decrease finance offices' administrative workloads.

Timetable:

Action	Date	FR Cite
NPRM	02/09/83	48 FR 5969
NPRM Comment Period Begin	02/09/83	
NPRM Comment Period End	04/11/83	
Final Action	08/00/83	

Small Entity: No

Agency Contact: Douglas MacEwen, General Services Administration, Regulations and Procedures Section (BWCPR), Washington, DC 20405, 202 786-3018

RIN: 3090-AA92

PUBLIC BUILDINGS SERVICE

ACCOMMODATIONS FOR THE PHYSICALLY HANDICAPPED

Legal Authority: 42 USC 4151 et seq

CFR Citation: 41 CFR 101-19

Abstract: This proposed rule is intended to resolve confusion caused by the existing regulation. The GSA Form 2974, Status Report for Federally Funded or Leased Buildings--Accommodations of Physically Handicapped, has been modified to incorporate the reporting aspects of GSA Form 2974A, Accessibility to the Physically Handicapped in Leased Building. In addition,

the frequency of reporting is reduced from semiannually to annually.

Timetable:

Action	Date	FR Cite
Final Action	06/00/83	

Small Entity: No

Agency Contact: **Kathleen Fields**, Architectural Technician, General Services Administration, Design Programs Branch (PCDP), Washington, DC 20405, **202 566-0038**

RIN: 3090-AA66

VEHICLE PARKING FACILITIES

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-20

Abstract: This regulation will revise procedures for the assignment of parking spaces at federally controlled facilities.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/00/83	
Final Action	01/00/84	

Small Entity: No

Agency Contact: **John Quigley**, Acting Director, General Services Administration, Space Management Division (PRM), Washington, DC 20405, **202 566-1875**

RIN: 3090-AA68

MANAGEMENT OF BUILDINGS AND GROUNDS

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-20

Abstract: GSA proposes to amend its regulations regarding the standard level of protective services provided to building occupants to provide a more definitive description of these services in keeping with current program emphases.

Timetable:

Action	Date	FR Cite
NPRM	12/27/82	47 FR 248
NPRM Comment Period Begin	12/27/82	
NPRM Comment Period End	01/26/83	
Final Action	06/00/83	

Small Entity: No

Agency Contact: **James R. Boyd**, Planning Specialist, General Services Administration, Program Planning & Coordination Staff (PSP), Washington, DC 20405, **202 566-0244**

RIN: 3090-AA69

VENDING STANDS OPERATED BY BLIND PERSONS

Legal Authority: PL 93-516

CFR Citation: 41 CFR 101-20.2

Abstract: Update the subpart to reflect the priorities and newly authorized provisions granted licensed blind vendors in GSA-controlled buildings by the Randolph-Sheppard Act Amendments of 1974 (Pub. L. 93-516). Some specific provisions to be revised are the threshold criteria, site selection, notification procedure, sale of State lottery tickets, change of title from Department of Health, Education, and Welfare to read "Department of Education," inclusion of agency policy regarding renovation of existing facilities, emphasis on assignment of vending machines to State licensing agencies (SLA), permits, operation of cafeterias by blind vendors, and reports. The continued implementation of the Randolph-Sheppard Act in GSA-controlled buildings will not be of any significant increase in cost to the agency. The benefits, however, are significant. While the provision of essential services to Government employees are expanded and improved, the primary goal of the act, to provide remunerative employment for blind persons, is enhanced.

Timetable:

Action	Date	FR Cite
Final Action	06/30/83	
NPRM	00/00/00	

Small Entity: No

Agency Contact: **George V. Lampman**, Chief, General Services Administration, Operational Services Branch (PBRO), Washington, DC 20405, **202 566-0542**

RIN: 3090-AA70

GENERAL SERVICES ADMINISTRATION (GSA) — Existing Regulations Under Review

FEDERAL PROPERTY RESOURCES SERVICE

DELEGATION OF MINERAL RIGHTS DISPOSAL AUTHORITY

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-47.603

Abstract: These regulations are being reviewed for a possible delegation of authority to the Department of the Interior (DOI) to dispose of (a) mineral rights associated with Federal real property and (b) mineral rights reserved by the Government on formerly owned Federal real property. By utilizing DOI's expertise and experience in this area, the government eliminates expensive and time-consuming instances of duplication of effort and financial resources.

Timetable:

Action	Date	FR Cite
End Review	03/00/83	

Small Entity: No

Agency Contact: **James Kearns**, Environmental Staff Officer, General Services Administration, Technical Services and Surv. Division (DRT), Washington, DC 20405, **202 535-7081**

RIN: 3090-AA46

THE DEPARTMENT OF THE INTERIOR USE OF STANDARD FORM 118 AND APPROPRIATE SCHEDULES TO NOTIFY GSA OF REVERSIONS OF TITLE

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-47.308-3; 41 CFR 101-47.308-7

Abstract: The Federal Property Management Regulations currently provides only for Department of the Interior letter notification of pending reversions of title. Use of Standard Form 118 as the notification medium will result in a significant savings in GSA resources required to screen and dispose of the reverted property.

Timetable:

Action	Date	FR Cite
End Review	06/00/83	

Small Entity: No

Agency Contact: **James H. Pitts**, Director, General Services Administration, Special Programs Division (DRP), Washington, DC 20405, **202 535-7087**

RIN: 3090-AA47

NEGOTIATED SALES FOR PUBLIC USE

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-47.302-1; 41 CFR 101-47.303-2

GSA

Existing Regulations Under Review

Abstract: In order to dispose of surplus Federal real property in the most efficient and economical manner, GSA is reviewing a possible regulation change which would permit the disposal agency to exercise discretion as to whether or not to afford public bodies an opportunity to acquire surplus real property by negotiated sale before offering such property to the general public.

Timetable:

Action	Date	FR Cite
Begin Review	02/00/83	
End Review	04/00/83	

Small Entity: No

Agency Contact: James H. Pitts, Director, General Services Administration, Special Programs Division, Washington, DC 20405, 202 535-7067

RIN: 3090-AA79

UTILIZATION AND DISPOSAL OF REAL PROPERTY-DELEGATIONS

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-47.601; 41 CFR 101-47.602; 41 CFR 101-47.603

Abstract: This regulation is being amended in order to increase the thresholds under which the Administrator delegates authority for utilization and disposal of real property from less than $1,000 to $50,000 or less. In view of todays inflated property values, the $1,000 disposal limitation does not delegate any meaningful authority as a practical matter. The $50,000 limit represents low value properties in which the agencies could dispose of if they felt it was in the best economic interest of the Government.

Timetable:

Action	Date	FR Cite
Begin Review	01/00/83	
End Review	04/00/83	

Small Entity: No

Agency Contact: James H. Pitts, Director, General Services Administration, Special Programs Division (DRP), Washington, DC 20405, 202 535-7067

RIN: 3090-AA80

FEDERAL SUPPLY SERVICE

UTILIZATION, DONATION, SALE, ABANDONMENT OR DESTRUCTION OF HAZARDOUS MATERIALS

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-43; 41 CFR 101-44; 41 CFR 101-45; 41 CFR 101-46; 41 CFR 101-48; 41 CFR 101-49

Abstract: Revisions and additions to existing rules are proposed to establish a separate regulatory section concerning the utilization, donation, sale, abandonment or destruction of hazardous materials.

Timetable:

Action	Date	FR Cite
End Review	04/00/83	
Revisions and additions to rules	04/00/83	

Small Entity: No

Additional Information: Proposals are to be circulated among Federal agencies on an information basis before rulemaking consideration.

Agency Contact: Mr. Stanley M. Duda, Director, General Services Administration, Utilization Division (FMU), Washington, DC 20406, 703 557-0807

RIN: 3090-AA42

UTILIZATION AND DISPOSAL OF PERSONAL PROPERTY PURSUANT TO EXCHANGE/SALE AUTHORITY

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-46

Abstract: With the advent that GAO is revising Title 7-Fiscal Procedures of its "Policy and Procedures Manual for Guidance of Federal Agencies," existing regulations may have to be revised to conform with GAO's recommendations.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	
Awaiting GAO's draft regulations	00/00/00	

Small Entity: No

Agency Contact: Mr. Stanley M. Duda, Director, General Services Administration, Utilization Division (FMU), Washington, DC 20406, 703 557-0807

RIN: 3090-AA43

UTILIZATION OF NONAPPROPRIATED FUND PROPERTY

Legal Authority: 40 USC 483(a)

CFR Citation: 41 CFR 101-43

Abstract: Defines nonappropriated fund property as nonreportable and introduces other miscellaneous changes.

Timetable:

Action	Date	FR Cite
End Review	06/01/83	

Small Entity: No

Agency Contact: Mr. Stanley M. Duda, Director, General Services Administration, Utilization Division (FMU), Washington, DC 20406, 703 557-0807

RIN: 3090-AA45

SUBPART 101-27.5--RETURN OF GSA STOCK ITEMS

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-27.5

Abstract: Subpart 101-27.5 provides policy and procedures for the return of stock items to GSA for credit. A review of this subpart will be made to determine if the current minimum line item dollar values required for items to be eligible for return to GSA for credit are sufficient to prevent the return of items when it is not economical.

Timetable:

Action	Date	FR Cite
End Review	12/00/83	

Small Entity: No

Agency Contact: Edward Kirk, Director, General Services Administration, Inventory Management Division (FSI), Washington, DC 20406, 703 557-7487

RIN: 3090-AA58

PART 101-26--PROCUREMENT SOURCES AND PROGRAMS

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-26

Abstract: Part 101-26 prescribes policies and procedures that govern the procurement of personal property and nonpersonal services by Federal agencies from or through GSA supply sources. A number of executive agencies have indicated that the current policies and procedures in this part need to be revised to clarify the content, eliminate duplication, and remove obstacles to satisfying requirements for these types of items. Representatives from the major executive agencies are currently developing a revised draft of this part that will be designed to more adequately meet their needs.

Timetable:

Action	Date	FR Cite
End Review	08/31/83	
Interim Final Rule	08/31/83	

Small Entity: No

Agency Contact: **Robert A. Renner**, Director, General Services Administration, Regulations Management Division (FFY), Washington, DC 20406, **703 557-7999**

RIN: 3090-AA89

●WAIVER FROM USE OF GSA SUPPLY SOURCES

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-26.100-2; 41 CFR 101-26.102-1(a); 41 CFR 101-26.301(b); 41 CFR 101-26.401-3; 41 CFR 101-26.501(b); 41 CFR 101-26.505-3

Abstract: The Office of Federal Supply and Services (FSS) has submitted legislation to Congress to effect "Full Cost Pricing" and its companion "Industrial Funding." This legislation will permit FSS, for the first time, to charge customers for the purchase price of commodities and all direct and indirect costs associated with providing the goods or services. The legislation also makes FSS the mandatory source of supplies and services for items under its control. This proposed FPMR Temporary Regulation will establish parameters for agencies that consider it necessary to obtain a product from a non-GSA supply source. A request for waiver shall be based on either of two criteria: (1) Unforeseen urgency does not permit the application of the normal GSA supply source processing time or (2) a fully suitable product is available from a non-contract source at a lower total cost to the Government. This temporary regulation is intended to stimulate competition within the Federal community and force FSS to maintain price competitiveness, thereby achieving overall greater savings to the Government.

Timetable:

Action	Date	FR Cite
Begin Review	04/00/83	
End Review	05/01/83	
Final Action	10/00/84	
Final Action Effective	10/00/84	

Small Entity: No

Agency Contact: **Richard Jeanneret**, Director, General Services Administration, Office of Federal Supply and Services, Office of Management, Washington, DC 20406, **703 557-8644**

RIN: 3090-AA95

OFFICE OF INFORMATION RESOURCES MANAGEMENT

FORMS MANAGEMENT RESPONSIBILITIES

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-11

Abstract: This proposed FPMR amendment requires agency actions that will contribute to an effective forms management program. Effective forms management programs can substantially reduce costs, minimize public burden, improve procedures, and streamline necessary agency systems.

Timetable:

Action	Date	FR Cite
End Review	07/01/83	
Final Action	07/01/83	

Small Entity: No

Additional Information: PROGRAM CONTACT: John Simcox (KLSF), (202) 535-7474 Issues involving management of non-paper forms are being defined. Agency responses are under evaluation.

Agency Contact: **David R. Mullins**, Procurement Analyst, General Services Administration, Policy Branch (KMPP), Office of Information Resources Management, Washington, DC 20405, **202 566-0194**

RIN: 3090-AA17

STATIONERY STANDARDS

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-11

Abstract: This FPMR amendment (1) provides size and paper specifications for the use of 8.5" by 11" paper; (2) delegates to heads of agencies the responsibility for authorizing the use of envelope markings and designs; (3) revises design standards for letterheads; (4) requires all agencies to use yellow tissue for record copies; and (5) promotes management policies and procedures to economically and efficiently select, store, and use stationery.

Timetable:

Action	Date	FR Cite
End Review	07/01/83	
Final Action	07/01/83	

Small Entity: No

Additional Information: Program administration philosophy under review.

Agency Contact: **Sandra Lambert**, Program Analyst, General Services Administration, Policy Branch (KMPP), Office of Information Resources Management, Washington, DC 20405, **202 566-0194**

RIN: 3090-AA18

●BENCHMARKING IN THE SELECTION OF AUTOMATIC DATA PROCESSING, PROJECT 82.27A

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 1-4.11

Abstract: Benchmarks are costly and difficult to use in the ADP acquisition selection process. A project is underway to develop guidance and criteria for the use of benchmarks. The objective is to raise the threshold for benchmark use and to develop provisions for usein evaluation both below and above the new threshold.

Timetable:

Action	Date	FR Cite
End Review	01/01/84	
Proposal for agency comment	04/01/84	

Small Entity: No

Agency Contact: **William R. Loy**, Procurement Analyst, General Services Administration, Policy Branch (KMPP), Office of Information Resources Management, Washington, DC 20405, **202 566-0194**

RIN: 3090-AA90

NATIONAL ARCHIVES AND RECORDS SERVICE

DISPOSITION OF FEDERAL RECORDS

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-11.4

Abstract: The National Archives and Records Service is undertaking a review of its records appraisal and disposition policies and procedures. As part of this review, existing regulations on records disposition (41 CFR 101-11.4) will be evaluated for possible changes. Further rulemaking actions, such as NPRM, are dependent on the result of the review.

Timetable:

Action	Date	FR Cite
End Review	06/00/83	

Small Entity: No

Agency Contact: **Adrienne C. Thomas**, Director, General Services Administration, Program Analysis and Improvement Division, (NAA), Washington, DC 20408, **202 523-3214**

RIN: 3090-AA63

GENERAL SERVICES ADMINISTRATION (GSA)

Completed Actions

COMPLETED RULEMAKINGS

FEDERAL SPACE MANAGEMENT

Priority: Task Force

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-17; 41 CFR 101-18

Abstract: This regulation suspends those portions of Part 101-17, Assignment and Utilization of Space, and 101-18, Acquisition of Real Property, of the Federal Property Management Regulations which require that priority consideration be given to locating Federal agencies in central business areas. The economic and operational impact of the regulations will be reassessed, and if warranted, changes will be proposed as appropriate.

Timetable:

Action	Date	FR Cite
Final Action	09/15/82	
Merged with RIN 3090-AA67	01/03/83	

Small Entity: No

Additional Information: This regulation was merged with RIN 3090-AA67

Agency Contact: **Paul H. Herndon III**, Director, General Services Administration, Space Management Division (PRM), Washington, DC 20405, **202 566-1875**

RIN: 3090–AA64

AIRPORT DISPOSAL

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-47.308-2

Abstract: This regulation is being amended in order to clarify the proper statute under which federally owned real property may be disposed for airport purposes and to avoid confusion experienced in the past regarding such transfers.

Timetable:

Action	Date	FR Cite
NPRM	12/23/81	46 FR 62301
Final Action	01/12/83	48 FR 1300

Small Entity: No

Agency Contact: **James H. Pitts**, Director, General Services Administration, Special Programs Division (DRP), Washington, DC 20405, **202 535-7067**

RIN: 3090–AA34

REIMBURSEMENT FOR EXCESS REAL PROPERTY TRANSFERS

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-47.203-7(f)

Abstract: In support of the Administration's initiative to maximize the monetary return from Federal real property, this regulation is being amended to require that Federal agencies be charged 100 percent of the estimated fair market value for excess property transferred to them.

Timetable:

Action	Date	FR Cite
Final Action	12/01/82	47 FR 56499

Small Entity: No

Agency Contact: **James H. Pitts**, Director, General Services Administration, Special Programs Division (DRP), Washington, DC 20405, **202 535-7067**

RIN: 3090–AA36

MISCELLANEOUS CHANGES TO REFLECT THE REGIONAL CONSOLIDATION FOR THE UTILIZATION AND DISPOSAL PROGRAMS

Legal Authority: 40 USC 483

CFR Citation: 41 CFR 101-43; 41 CFR 101-44; 41 CFR 101-45; 41 CFR 101-46; 41 CFR 101-48; 41 CFR 101-49

Abstract: Miscellaneous changes to reflect the regional consolidation. Draft to be revised pending merger into FSS.

Timetable:

Action	Date	FR Cite
Withdrawn	02/01/83	
Draft to be revised	04/00/83	

Small Entity: No

Additional Information: Consolidation has been reversed due to reorganization by Administrative order dated January 13, 1983.

Agency Contact: **Mr. Stanley M. Duda**, Director, General Services Administration, Utilization Division (FMU), Washington, DC 20406, **703 557-0807**

RIN: 3090–AA44

SOURCES OF SUPPLY (SEE ADDITIONAL INFORMATION)

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-26

Abstract: From the inquiries received by GSA, it is apparent that the FPMR need to be clarified concerning the priorities that agencies are to follow in determining the source from which to obtain an item of supply or service. This regulation will ensure that agencies obtain needed items from the appropriate source. This will result in lower overall acquisition costs for the Government.

Timetable:

Action	Date	FR Cite
Withdrawn	03/01/83	

Small Entity: No

Additional Information: Representatives from the major executive agencies are currently developing a revised draft of this part that will be designed to more adequately meet their needs.

Agency Contact: **Robert A. Renner**, Director, General Services Administration, Regulations Management Division (FFY), Washington, DC 20406, **703 557-7990**

RIN: 3090–AA49

UNIT OF ISSUE

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR Chap 101, Subchap E Appendix

Abstract: At present, there is no policy to guide civilian agencies on the assignment and maintenance of units of issue of supply items. This regulation corrects that deficiency by providing the appropriate policy and criteria. This regulation reflects policy recommendations that were developed by representatives from GSA and DOD. Promulgation will enable agencies to properly and economically assign and maintain units of issue.

Timetable:

Action	Date	FR Cite
Withdrawn	03/01/83	

Small Entity: No

Additional Information: Representatives from the major executive agencies are currently developing a revised draft of this part that will be designed to more adequately meet their needs.

Agency Contact: **Robert A. Renner**, Director, General Services Administration, Regulations Management Division (FFY), Washington, DC 20406, **703 557-7990**

RIN: 3090–AA50

GSA

Completed Actions

GSA SELF-SERVICE STORES

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-38.3

Abstract: To prevent abuses in the use of GSA self-service stores, it is necessary that restrictions be made on purchases from the stores. This regulation will provide the necessary restrictions and as a result will help to ensure that items purchased from self-service stores are for official use only.

Timetable:

Action	Date	FR Cite
Final Action	09/27/82	47 FR 42355
Final Action Effective	09/27/82	47 FR 42355

Small Entity: No

Government Levels Affected: Federal

Agency Contact: J. P. Cook, Director, General Services Administration, Distribution Management Division (FSMI), Washington, DC 20406, 703 557-7580

RIN: 3090-AA51

SUBPART 101-25.1--GENERAL POLICIES (SEE ADDITIONAL INFORMATION)

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-25.1

Abstract: Subpart 101-25.1 provides general policies covering supply management by executive agencies. A review of this subpart is appropriate to determine which sections need to be updated. The sections dealing with tires are particularly in need of review because there have been changes in policy on the acquisition of tires that are not reflected in the sections.

Timetable:

Action	Date	FR Cite
Withdrawn	03/01/83	

Small Entity: No

Additional Information: Representatives from the major executive agencies are currently developing a revised draft of this part that will be designed to more adequately meet their needs.

Agency Contact: Robert A. Renner, Director, General Services Administration, Regulations Management Division (FFY), Washington, DC 20406, 703 557-7990

RIN: 3090-AA53

SUBPART 101-26.1--GENERAL (SEE ADDITIONAL INFORMATION)

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-26.1

Abstract: Subpart 101-26.1--General, contains regulations of a general nature relating to sources from which agencies are to obtain items of supply or services. A review of this subpart is necessary to explore all possibilities for making changes that could reduce overall costs for the acquisition by Government agencies of the types of goods and services managed by GSA.

Timetable:

Action	Date	FR Cite
Withdrawn	03/01/83	

Small Entity: No

Additional Information: Representatives from the major executive agencies are currently developing a revised draft of this part that will be designed to more adequately meet their needs.

Agency Contact: Robert A. Renner, Director, General Services Administration, Regulations Management Division (FFY), Washington, DC 20406, 703 557-7990

RIN: 3090-AA54

SUBPART 101-26.3--PROCUREMENT OF GSA STOCK ITEMS (SEE ADDITIONAL INFORMATION)

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-26.3

Abstract: Subpart 101-26.3 prescribes policy and procedures on obtaining items from or through the GSA stock program. A review of this subpart will determine if changes can be made that will improve the GSA stock program. Particular attention will be focused on GSA's substitution policy to ensure that substitution is made to the maximum extent practicable provided the substitute items are acceptable to the ordering activities. This will reduce the costs associated with backordering items that are out of stock.

Timetable:

Action	Date	FR Cite
Withdrawn	03/01/83	

Small Entity: No

Additional Information: Representatives from the major executive agencies are currently developing a revised draft of this part that will be designed to more adequately meet their needs.

Agency Contact: Robert A. Renner, Director, General Services Administration, Regulations Management Division (FFY), Washington, DC 20406, 703 557-7990

RIN: 3090-AA55

SUBPART 101-26.4--PURCHASE OF ITEMS FROM FEDERAL SUPPLY SCHEDULE CONTRACTS (SEE ADDITIONAL INFORMATION)

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-26.4

Abstract: Subpart 101-26.4 provides policy and procedures relating to purchases of items through Federal Supply Schedule contracts. A review of this subpart will be made to determine how the use of Federal Supply Schedules can be increased by the requirements in the regulations with a resulting decrease in the dollar value of items purchased from noncontract sources. Changes made in the regulations pursuant to this study could result in savings to agencies by expanding the use of Federal Supply Schedules and thereby reduce acquisition costs.

Timetable:

Action	Date	FR Cite
Withdrawn	03/01/83	

Small Entity: No

Additional Information: Representatives from the major executive agencies are currently developing a revised draft of this part that will be designed to more adequately meet their needs.

Agency Contact: Robert A. Renner, Director, General Services Administration, Regulations Management Division (FFY), Washington, DC 20406, 703 557-7990

RIN: 3090-AA56

SUBPART 101-26.5--GSA PROCUREMENT PROGRAMS (SEE ADDITIONAL INFORMATION)

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-26.5

Abstract: Subpart 101-26.5 prescribes policies and procedures relating to GSA procurement programs other than the GSA stock program, Federal Supply Schedule program, and procurement of automatic data processing equipment and related services. A review of this subpart will be made to determine how these regulations can be simplified so as to encourage the use of these programs. Expanded use of these programs could result in savings for the Government.

Timetable:

Action	Date	FR Cite
Withdrawn	03/01/83	

Small Entity: No

Additional Information: Representatives from the major executive agencies are currently developing a revised draft of this part that will be designed to more adequately meet their needs.

Agency Contact: Robert A. Renner, Director, General Services Administration, Regulations Management Division (FFY), Washington, DC 20406, 703 557-7990

RIN: 3090-AA57

IMPLEMENTATION OF FEDERAL INFORMATION PROCESSING STANDARDS (FIPS) FOR HARDWARE AND JOINT FEDERAL INFORMATION PROCESSING AND FEDERAL TELECOMMUNICATIONS STANDARDS ETC

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-36.13

Abstract: This Federal Property Management Regulations (FPMR) amendment provides standard terminology for use in requirements documents, including solicitations, regarding the application of Federal Information Processing Standards Publications (FIPS PUBS) 32, 93, and Joint Federal Information Processing Standards Publication 71/Federal Standard 1003A (FIPS PUB/FED-STD). FIPS PUB 32 provides the description, scope, and identification for different character sets to be used in the application of Optical Character Recognition (OCR) Systems. FIPS PUB 93 specifies the recorded characteristics for 6.30 mm inch wide magnetic tape cartridges to provide for data interchange between information processing systems. FIPS PUB 71/FED-STD 1003A establishes data list control procedures for systems, equipment, and services using synchronous, bit-oriented data communication. A proposal has been distributed.

Timetable:

Action	Date	FR Cite
Final Action	12/06/82	47 FR 54810

Small Entity: No

Additional Information: This action is FPMR Amendment F-56

Agency Contact: Phillip R. Patton, Procurement Analyst, General Services Administration, Policy Branch (KMPP), Office of Information Resources Management, Washington, DC 20405, 202 566-0194

RIN: 3090-AA10

TELECOMMUNICATIONS ACQUISITION

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 1-4.13

Abstract: This Supplement No. 2 extends the expiration date of FPR Temporary Regulation 51, revises the definition of comparative cost analysis in Sec 1-4.1202-5, and redesignates the provisions as Subpart 1-4.13.

Timetable:

Action	Date	FR Cite
Final Action	09/20/82	47 FR 41354

Small Entity: No

Additional Information: This action is FPR Temporary Regulation 51, Supplement 2.

Agency Contact: Phillip R. Patton, Procurement Analyst, General Services Administration, Policy Branch (KMPP), Office of Information Resources Management, Washington, DC 20405, 202 566-0194

RIN: 3090-AA11

IMPLEMENTATION OF FEDERAL INFORMATION PROCESSING STANDARD LANGUAGES AND PROCEDURES

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-36.13

Abstract: This FPMR amendment regulation combines into a single section the three high-level programming languages that have been adopted as Federal Information Processing Standards. FIPS PUB 21-1 COBOL is currently in effect and implemented; FIPS PUB 68 Minimal BASIC and FIPS PUB 69 FORTRAN became effective on March 4, 1982. This regulation provides standard terminology for use in requirements documents, including solicitations, to ensure that compilers acquired by the Government and those used by Government contractors performing ADP services have been validated and comply with the applicable standard language elements. The intent is to increase portability of application programs and thereby increase economy and efficiency.

Timetable:

Action	Date	FR Cite
Final Action	12/07/82	47 FR 54937

Small Entity: No

Additional Information: This action is FPMR Amendment F-55.

Agency Contact: Phillip R. Patton, Procurement Analyst, General Services Administration, Policy Branch (KMPP), Office of Information Resources Management, Washington, DC 20405, 202 566-0194

RIN: 3090-AA12

REPRESENTATATION INVOLVING TELECOMMUNICATIONS SERVICES

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-37.4

Abstract: This project will review the coverage in FPMR 101-37.4 regarding GSA representation of government interests before telecommunications regulatory bodies.

Timetable:

Action	Date	FR Cite
Withdrawn	01/03/83	

Small Entity: No

Additional Information: Existing provisions in 101-37.4 were judged adequate for current circumstances. A possibility exists that the project will be reactivated when the FCC computer II and AT&T divestiture prompted actions indicate a need for reexamination.

Agency Contact: John F. Stewart, Supervisory Communications Specialist, General Services Administration, Policy Branch (KMPP), Office of Information Resources Management, Washington, DC 20405, 202 566-0194

RIN: 3090-AA21

PROCEDURES FOR TRANSFER OF RECORDS TO A FEDERAL RECORDS CENTER

Legal Authority: 40 USC 486(c); 44 USC 2907

CFR Citation: 41 CFR 101-11.410-2

Abstract: Currently, all records with a final disposition approved by the National Archives are accepted for storage at the Federal records centers (FRC's). FRC's have been required to contact agencies repeatedly concerning those records series whose disposal is contingent on an event which occurs at unspecified intervals. In addition, FRC's have accepted records having a retention period of as little as one year, and records eligible for disposal but required to be retained under the provisions of agency-imposed and court-ordered freezes. Because of budget reductions and space problems the accessioning policy requires some changes. This regulation requires authorization from the Office of Federal Records Centers prior to retiring records without an established date of disposition to FRC's, and eliminates the acceptance of records, otherwise eligible for disposal, that must be retained as a result of agency or court-ordered freezes.

GSA

Completed Actions

Timetable:

Action	Date	FR Cite
Final Action	01/21/83	48 FR 13

Small Entity: No

Agency Contact: Linda N. Brown, Actg Asst Archivist for Fed Records Centers, General Services Administration, (NC), Washington, DC 20408, 202 724-1592

RIN: 3090-AA59

REVIEW OF FEDERAL PROPERTY MANAGEMENT REGULATIONS (SEE ADDITIONAL INFORMATION)

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR Chapter 101

Abstract: GSA proposes to undertake a comprehensive review of its Federal Property Management Regulations (FPMR), which cover Parts 101-1 through 101-49 of Title 41. FPMR generally provide policies and procedures for agencies to manage their real and personal property. Internal GSA reorganizations, shifts of policy emphasis, and the development of new technologies have caused us to question whether the FPMR, as presently written, are effective in meeting the needs of agencies and the public. We will solicit comments from agencies and the public concerning areas that we should review.

Timetable:

Action	Date	FR Cite
Withdrawn	03/01/83	

Small Entity: No

Additional Information: In place of issuing a single overall proposal, each area to be reviewed will be included as a separate item in the agenda.

Agency Contact: Anthony Artigliere, Chief, General Services Administration, Directives and Reports Management Branch, (ORAI), Washington, DC 20405, 202 535-7658

RIN: 3090-AA01

UNUSED TICKET REFUND PROCEDURES

Legal Authority: 31 USC 3726; 40 USC 486(c)

CFR Citation: 41 CFR 101-41

Abstract: This regulation revises and improves the current procedures regarding refunds from carriers for exchanged tickets and the redemption of unused tickets. Compliance with these revised procedures by Government agencies and the carrier industry will expedite the recovery of outstanding refunds due the U.S. Government. No additional resources are required for GSA to accomplish the provisions of this directive. The rule changes do not impose any additional burdens on the Government or the public.

Timetable:

Action	Date	FR Cite
NPRM	02/02/82	47 FR 4707
Final Action	10/26/82	47 FR 47385

Small Entity: No

Agency Contact: John W. Sandfort, Chief, General Services Administration, Regulations, Procedures, and Claims Branch, (BWCP), Washington, DC 20405, 202 786-3014

RIN: 3090-AA02

U.S. GOVERNMENT BILL OF LADING CORRECTION NOTICE, SF 1200

Legal Authority: 31 USC 3726; 40 USC 486(c)

CFR Citation: 41 CFR 101-41

Abstract: This regulation amends Part 101-41 by introducing a new Standard Form 1200, that will be used to correct or amend U.S. Government Bill of Lading (GBL),; and GBL-Privately Owned Personal Property, SF 1203. The new form establishes a uniform correction document to replace the individual agency-oriented correction forms currently used. With respect to the manner in which GSA will accomplish the provisions of this directive, there will be an outlay of funds for producing this form but the outlay will be offset by income from its sale. The proposed amendment will not impose any new burden on agencies and GSA when correcting or amending GBL's. It will eliminate unnecessary duplication of forms, simplify and standardize documentation procedures, and permit dollar savings to the Government by reducing the number of forms that must be stocked and processed by Federal agencies.

Timetable:

Action	Date	FR Cite
NPRM	04/27/82	47 FR 18007
Final Action	11/10/82	47 FR 50874

Small Entity: No

Agency Contact: Louis Rosengarten, General Services Administration, Regulations and Procedures Section (BWCPR), Washington, DC 20405, 202 786-3012

RIN: 3090-AA03

COMPLETED REVIEWS

CONDUCT ON FEDERAL PROPERTY AND OCCASIONAL USE OF PUBLIC AREAS IN PUBLIC BUILDINGS

Legal Authority: PL 00-566; PL 94-541

CFR Citation: 41 CFR 101-20

Abstract: Subpart 101-20.3, Conduct on Federal Property, and 101-20.7, Occasional Use of Public Areas in Public Buildings, govern the actions and activities of the general public while on Federal property. We plan to review these regulations to determine if they continue to be effective and if they present unreasonable costs to the Government and the public.

Timetable:

Action	Date	FR Cite
End Review	10/30/82	

Small Entity: No

Additional Information: Review completed. No further changes at this time.

Agency Contact: Tom Maxwell, Chief, General Services Administration, Building Services Branch (PBOB), Washington, DC 20405, 202 566-1563

RIN: 3090-AA71

ACTIONS THAT STARTED AND ENDED BETWEEN ISSUES OF THE UNIFIED AGENDA

COMPUTER PERFORMANCE EVALUATION AND ADP SIMULATION

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-36.14

Abstract: FPMR Subpart 101-36.14 is updated. This subpart establishes policies and procedures under which agencies can obtain ADP computer performance evaluation and ADP simulation services. The services are provided by FEDSIM. It is operated by the Department of the Air Force under delegations of authority from GSA.

Timetable:

Action	Date	FR Cite
Final Action	02/10/83	48 FR 6107

Small Entity: No

Additional Information: This action is FPMR Amendment F-57.

Agency Contact: Leticia Boddie, Program Assistant, General Services Administration, Policy Branch (KMPP), Office of Information Resources Management, Washington, DC 20405, 202 566-0194

RIN: 3090-AA93

●TELEPROCESSING SERVICES PROGRAM MULTIPLE AWARD SCHEDULE SELECTIONS

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 1-4.12

Abstract: The purpose of this temporary regulation is to modify the procedures to be followed by agencies for selections under the Teleprocessing Services Program (TSP) Multiple Award Schedule (MAS). GSA is temporarily discontinuing the calculation of overall year-to-date dollar volume discounts commencing with the start of FY 1983.

Timetable:

Action	Date	FR Cite
Final Action Effective	10/01/82	
Final Action	01/25/83	48 FR 3369

Small Entity: No

Additional Information: This action is FPR Temporary Regulation 67.

Agency Contact: **Phillip R. Patton,** Procurement Analyst, General Services Administration, Policy Branch (KMPP), Office of Information Resources Management, Washington, DC 20405, **202 566-0194**

RIN: 3090–AA94

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Part XXIV

International Development Cooperation Agency

Agency for International Development

Agency Regulatory Agenda; Semiannual Summary

IDCA

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

22 CFR Ch. II

Federal Regulations; Agency Regulatory Agenda Semiannual Summary

AGENCY: Agency for International Development, IDCA.

ACTION: Agency Regulations Agenda.

SUMMARY: The Agency for International Development (A.I.D.) is publishing this Agenda as required by Section 5(a) of Executive Order 12291, Federal Regulation (46 FR 13193, February 18, 1981) and by the Regulatory Flexibility Act (Pub. L. 96-354, September 30, 1980). This Agenda reports the status of those regulations currently under review and gives A.I.D.'s plan for the issuance of proposed regulations during the next twelve months. It is expected that the information provided in this Agenda will enable the public to be more aware of, and more effectively participate in A.I.D.'s rulemaking process.

FOR FURTHER INFORMATION CONTACT:

General

For further information on the Agenda or the Review list, in general, Contact: Mr. Joseph R. Ellis, Office of Management Planning, Agency for International Development, Washington, D.C. 20523, Telephone (202) 632-2862.

Specific

For further information about any particular item on the Agenda, contact the individual listed as the contact for that item.

Regulatory Flexibility Act (RFA)

The Agency does not have any rulemaking activity that falls within the requirements of RFA and does not anticipate any during the next reporting period.

R. T. Rollis, Jr.,

Assistant to the Administrator for Management.

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY (IDCA) — Existing Regulations Under Review

NON-DISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT, — EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Legal Authority: 22 USC 2402

CFR Citation: 22 CFR 209

Abstract: The regulation will address the problem of discrimination on the basis of race, color, or national origin in any program or activity receiving assistance from the Agency for International Development. The regulation provides that no person in the United States on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of or be subjected to discrimination under any program or activity receiving Federal financial assistance from AID. The regulation provides procedures for 1) assuring that such discrimination does not occur and 2) effecting compliance. The Agency is not considering any alternatives for addressing the problem. There will be some minor costs in administering the regulation; there are potential benefits to individuals who might otherwise be discriminated against.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: No

Agency Contact: Nancy Frame, International Development Cooperation Agency, Office of the General Counsel, Washington, DC 20523, **202 632-8218**

RIN: 0412-AA01

PUBLIC INFORMATION

Legal Authority: PL 89-487; 5 USC 552

CFR Citation: 22 CFR 212

Abstract: The regulation is being reviewed within the Agency to determine whether a modification is necessary. Further action will be determined by congressional determination on the future requirements of the Act.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: No

Agency Contact: Mr. Rhea Johnson, International Development Cooperation Agency, Office of Public Affairs, Washington, DC 20523, **202 632-9614**

RIN: 0412-AA02

REGULATION FOR IMPLEMENTATION OF PRIVACY ACT OF 1974

Legal Authority: PL 93-579; 5 USC 552a

CFR Citation: 22 CFR 215

Abstract: The regulation is in the clearance process within the Agency and will be published for public comment.

Timetable:

Action	Date	FR Cite
Published for public comment	00/00/00	

Next Action Undetermined

Small Entity: No

Agency Contact: Mr. Rhea Johnson, International Development Cooperation Agency, Office of Public Affairs, Washington, DC 20523, **202 632-9614**

RIN: 0412-AA03

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY (IDCA) — Completed Actions

COMPLETED RULEMAKINGS

REGISTRATION OF AGENCIES FOR VOLUNTARY FOREIGN AID

Legal Authority: 22 USC 2381

CFR Citation: 22 CFR 203

Abstract: As the Agency noted in its April Agenda, April 27, 1982, in 47 FR 18363, public comments on the effect of the proposed rule of Section 309 of the International Security and Development Cooperation Act of 1981, Pub. L. 97-113 regarding registration of agencies for voluntary foreign aid were being circulated internally after which the Agency expected to issue a revised proposed regulation.

IDCA

Completed Actions

Timetable:

Action	Date	FR Cite
Final Action	11/30/82	48 FR 2759
Effective		
Final Action	01/21/83	48 FR 2759

Small Entity: No

Agency Contact: Mr. I. Austin Heyman, Deputy Director, International Development Cooperation Agency, Office of Private & Voluntary Cooperation, Bureau Food for Peace & Voluntary Assistanc, Washington, DC 20523, 202 235-1623

RIN: 0412-AA00

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Part XXV

National Aeronautics and Space Administration

Regulatory Agenda

NASA

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Ch. V

Regulatory Agenda

AGENCY: National Aeronautics and Space Administration.

ACTION: Regulatory agenda.

SUMMARY: This regulatory agenda describes the proposed regulations being considered for development or amendment by NASA, the need and legal basis for the actions being considered, the name and telephone number of a knowledgeable official, whether a regulatory analysis is required, and the status of regulations previously reported.

ADDRESS: Director, Logistics Management and Information Programs Division, (Code NIM-12) Office of Management, NASA Headquarters, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Margaret M. Herring, 202/755-3140.

SUPPLEMENTARY INFORMATION: OMB Bulletin No. 83-8, "Unified Agenda of Federal Regulations," Executive Order 12291, "Federal Regulation," and NASA Management Instruction 1410.10E, "Federal Register: Delegation of Authority and Requirements for Publication of NASA Documents," require that a regulatory agenda of proposed regulations under development and review be published in the **Federal Register** each October and April.

James M. Beggs,

Administrator.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA) Current and Projected Rulemakings

SPACE TRANSPORTATION SYSTEM (STS) INSURANCE INDEMNIFICATION REQUIREMENTS

Legal Authority: PL 96-48

CFR Citation: 14 CFR 1214, Subpart 13

Abstract: Describes the policy on when users of the Space Transportation System must obtain financial protection against third-party claims and the conditions under which NASA will provide insurance or indemnification of users. Comments on the NPRM were received from several individuals.

Timetable:

Action	Date	FR Cite
NPRM	11/10/80	45 FR 219
Final Action	07/00/83	

Small Entity: No

Agency Contact: **Robert J. Woltal**, National Aeronautics and Space Administration, Office of General Counsel, Code GK, Washington, DC 20546, **202 755-3169**

RIN: 2700-AA00

SPACE TRANSPORTATION SYSTEM; REIMBURSEMENT FOR SPACELAB SERVICES

Legal Authority: 42 USC 2473

CFR Citation: 14 CFR 1214, Subpart 8

Abstract: Describes the policy for Spacelab services provided by NASA to users during the Second Phase of STS operations.

Timetable:

Action	Date	FR Cite
Final Action	10/00/83	

Small Entity: No

Agency Contact: **Robert Haltermann**, National Aeronautics and Space Administration, Office of Space Flight, Code M, Washington, DC 20546, **202 755-2342**

RIN: 2700-AA01

NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS AND ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Legal Authority: 42 USC 6101 et seq Age Discrimination Act of 1975 as amended

CFR Citation: 14 CFR 1252, Subpart 1

Abstract: Sets forth NASA's policies to implement the procedures under the Age Discrimination Act of 1975.

Timetable:

Action	Date	FR Cite
Final Action	10/00/83	

Small Entity: No

Additional Information: LEGAL AUTHORITY: 45 CFR 90 also applies.

Agency Contact: **Richard N. Wolf**, National Aeronautics and Space Administration, Office of General Counsel, Code GK, Washington, DC 20546, **202 755-3160**

RIN: 2700-AA02

TRACKING AND DATA RELAY SATELLITE SYSTEM (TDRSS) USE AND REIMBURSEMENT POLICY FOR NON-U.S. GOVERNMENT USERS

Legal Authority: 42 USC 2473

CFR Citation: 14 CFR 1215

Abstract: Establishes an equitable basis for use of and reimbursement for TDRSS and service by non-government users.

Timetable:

Action	Date	FR Cite
NPRM	08/13/82	47 FR 35228
NPRM Comment Period End	10/12/82	
Final Action	03/00/83	

Small Entity: No

Agency Contact: **Robert O. Aller**, Director, TDRSS Program, National Aeronautics and Space Administration, Code TX, Office of Space Tracking and Data Systems, Washington, DC 20546, **202 755-2341**

RIN: 2700-AA03

EQUAL ACCESS TO JUSTICE ACT

Legal Authority: 5 USC 504

CFR Citation: 14 CFR 1262

Abstract: Implements the Act in Agency proceedings which are adversary adjudications, in accordance with model regulations of the Administrative Conference of the United States. Interim rule published with request for comment. To remain as interim rule pending further legislative/judicial developments.

Timetable:

Action	Date	FR Cite
Interim rule effective	10/01/81	
Interim Final Rule	01/27/82	47 FR 3758
Request for comment on Interim Rule	01/27/82	47 FR 3758

Next Action Undetermined

Small Entity: No

Agency Contact: **Sara Najjar**, National Aeronautics and Space Administration, Office of

General Counsel, Code GS, Washington, DC 20546, 202 755-3920

RIN: 2700-AA04

●INTERGOVERNMENTAL REVIEW OF NASA PROGRAMS AND ACTIVITIES

Legal Authority: EO 12372 Intergovernmental Cooperation Act of 1968; 42 USC 4231 (b)

CFR Citation: 14 CFR 1204, Subpart 15

Abstract: This proposed rule would implement EO 12372, "Intergovernmental Review of Federal Programs." It applies to direct Federal development programs and activities of NASA.

Timetable:

Action	Date	FR Cite
NPRM	01/24/83	48 FR 3240
NPRM Comment Period Begin	01/24/83	
NPRM Comment Period End	03/15/83	

Small Entity: No

Agency Contact: James M. Bayne, Chief, Real Property Mgt. Br., Code NXG, National Aeronautics and Space Administration, NASA Headquarters, Washington, D.C. 20546, 202 755-3647

RIN: 2700-AA09

●PATENT WAIVER REGULATIONS

Legal Authority: 42 USC 2457 et seq

CFR Citation: 14 CFR 1245, Subpart 1

Abstract: Revision to NASA Patent Waiver Regulations to adopt new policies as set forth in proposed new Presidential Statement on Government Patent Policy.

Timetable:

Action	Date	FR Cite
NPRM	02/00/84	

Small Entity: No

Agency Contact: Robert F. Kempf, Asst. Gen. Counsel for Patent Matters, National Aeronautics and Space Administration, Code GP, NASA Headquarters, Washington, D.C. 20546, 202 755-3932

RIN: 2700-AA10

●SPACE TRANSPORTATION SYSTEM; DUTY-FREE ENTRY OF SPACE MATERIALS

Legal Authority: PL 97-446

CFR Citation: 14 CFR 1214

Abstract: Describes the policy for the duty-free entry of materials imported to be launched into space by NASA or spare parts, or necessary and uniquely associated support equipment.

Timetable:

Action	Date	FR Cite
Final Action	10/00/83	

Small Entity: No

Agency Contact: Robert J. Wojtal, Office of General Counsel, Code GK, National Aeronautics and Space Administration, NASA Headquarters, Washington, D.C. 20546, 202 755-3169

RIN: 2700-AA11

●PAYLOAD SPECIALISTS FOR NASA OR NASA-RELATED PAYLOADS

Legal Authority: 42 USC 2473

CFR Citation: 14 CFR 1214, Subpart 3

Abstract: Revises NASA's policy on Payload Specialists aboard STS flights to provide an opportunity to major payload reimbursable customers to select and utilize their own payload specialists.

Timetable:

Action	Date	FR Cite
Final Action	10/00/83	

Small Entity: No

Agency Contact: Robert Haltermann, Office of Space Flight, Code M, National Aeronautics and Space Administration, NASA Headquarters, Washington, D.C. 20546, 202 755-2342

RIN: 2700-AA12

●REIMBURSEMENT FOR SHUTTLE SERVICES PROVIDED TO CIVIL U.S. GOVERNMENT USERS AND FOREIGN USERS WHO HAVE MADE SUBSTANTIAL INVESTMENT IN THE STS PROGRAM

Legal Authority: 42 USC 2473

CFR Citation: 14 CFR 1214, Subpart 2

Abstract: Sets forth the general provisions regarding flight of reimbursable payloads aboard the NASA Space Shuttle. Incorporates pricing principles for the Second Phase of STS operations.

Timetable:

Action	Date	FR Cite
Final Action	10/00/83	

Small Entity: No

Agency Contact: Robert Haltermann, Office of Space Flight, Code M, National Aeronautics and Space Administration, NASA Headquarters, Washington, D.C. 20546, 202 755-2342

RIN: 2700-AA13

●REIMBURSEMENT FOR SHUTTLE SERVICES PROVIDED TO NON-U.S. GOVERNMENT USERS

Legal Authority: 42 USC 2473

CFR Citation: 14 CFR 1214, Subpart 1

Abstract: Sets forth the general provisions regarding flight of reimbursable payloads aboard the NASA Space Shuttle. Incorporates pricing principles for the Second Phase of STS operations.

Timetable:

Action	Date	FR Cite
Final Action	10/00/83	

Small Entity: No

Agency Contact: Robert Haltermann, Office of Space Flight, Code M, National Aeronautics and Space Administration, NASA Headquarters, Washington, D.C. 20546, 202 755-2342

RIN: 2700-AA14

●FEE SCHEDULE

Legal Authority: 42 USC 2473; 5 USC 552a

CFR Citation: 14 CFR 1212.503

Abstract: This Section is being revised to reflect that under the Privacy Act there are no charges for the searching or retrieval of an individual's records.

Timetable:

Action	Date	FR Cite
Final Action	10/00/83	

Small Entity: No

Agency Contact: George E. Reese, Office of General Counsel, Code GG, National Aeronautics and Space Administration, NASA Headquarters, Washington, D.C. 20546, 202 755-3924

RIN: 2700-AA16

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA)

Completed Actions

ACTIONS THAT STARTED AND ENDED BETWEEN ISSUES OF THE UNIFIED AGENDA

●INFORMATION SECURITY PROGRAM

Legal Authority: EO 12356; 42 USC 2451 et seq

CFR Citation: 14 CFR 1203

Abstract: Regulation revised to comply with the provisions of EO 12356.

Timetable:

Action	Date	FR Cite
Final Action	02/09/83	48 FR 5889

Small Entity: No

Agency Contact: **Ben B. Pagac**, NASA Security Office, Code NIS, National Aeronautics and Space Administration, NASA Headquarters, Washington, D.C. 20546, **202 755-3400**

RIN: 2700–AA05

●INFORMATION SECURITY PROGRAM; DELEGATION OF AUTHORITY TO MAKE DETERMINATIONS IN ORIGINAL CLASSIFICATION MATTERS

Legal Authority: EO 12356; 42 USC 2451 et seq

CFR Citation: 14 CFR 1203, Subpart H

Abstract: Regulation revised to comply with the provisions of Section 1.2, EO 12356, and to designate a limited number of NASA officials having original classification authority as prescribed by the Executive Order.

Timetable:

Action	Date	FR Cite
Final Action	12/29/82	47 FR 57909

Small Entity: No

Agency Contact: **Erwin V. Minter**, NASA Security Office, Code NIS, National Aeronautics and Space Administration, NASA Headquarters, Washington, D.C. 20546, **202 755-3400**

RIN: 2700–AA06

●NASA INFORMATION SECURITY PROGRAM COMMITTEE

Legal Authority: EO 12356; 42 USC 2473

CFR Citation: 14 CFR 1203,Subpart I

Abstract: Regulation updated to reflect the current organization within NASA.

Timetable:

Action	Date	FR Cite
Final Action	12/29/82	47 FR 57910

Small Entity: No

Agency Contact: **Erwin V. Minter**, NASA Security Office, Code NIS, National Aeronautics and Space Administration, NASA Headquarters, Washington, D.C. 20546, **202 755-3400**

RIN: 2700–AA08

●NASA SEAL AND OTHER DEVICES, AND CONGRESSIONAL SPACE MEDAL OF HONOR; NASA SEAL, INSIGNIA, LOGOTYPE INSIGNIA, PROGRAM AND ASTRONAUT BADGES AND FLAGS

Legal Authority: 42 USC 2472(a); 42 USC 2473(b)(1)

CFR Citation: 14 CFR 1221, Subpart 1221.1

Abstract: Regulation was revised to update the family of NASA emblematic devices and formally establish the NASA Space Transportation Program Badge.

Timetable:

Action	Date	FR Cite
Final Action	02/11/83	48 FR 6318

Small Entity: No

Agency Contact: **Robert Schulman**, Public Services, Branch, Code LFF, National Aeronautics and Space Administration, NASA Headquarters, Washington, D.C. 20546, **202 755-3942**

RIN: 2700–AA15

●PROTECTION OF PERSONAL PRIVACY

Legal Authority: 5 USC 552(a); 42 USC 2473

CFR Citation: 14 CFR 1212

Abstract: Regulation was revised to change the internal organization for handling Privacy Act matters as a result of recent reorganizations within NASA.

Timetable:

Action	Date	FR Cite
Final Action	11/08/82	47 FR 50466

Small Entity: No

Agency Contact: **Lawrence W. Vogel**, Logistics Mgmt. & Info.Progs.Div., Code NI, National Aeronautics and Space Administration, NASA Headquarters, Washington, D.C. 20546, **202 755-3050**

RIN: 2700–AA17

[FR Doc. 83-9581 Filed 4-22-83; 8:45 am]

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Part XXVI

National Capital Planning Commission

Semiannual Regulatory Agenda

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NATIONAL CAPITAL PLANNING COMMISSION

1 CFR Ch. IV

Semiannual Regulatory Agenda

AGENCY: National Capital Planning Commission.

ACTION: Semiannual Regulatory Agenda.

SUMMARY: Pursuant to Executive Order 12291 and the Regulatory Flexibility Act, the Commission is publishing its regulatory agenda.

FOR FURTHER INFORMATION CONTACT: Daniel H. Shear, General Counsel, National Capital Planning Commission, 1325 G Street, N.W., Washington, D.C. 20576, (202) 724-0170.

Daniel H. Shear,

General Counsel.

NATIONAL CAPITAL PLANNING COMMISSION (NCPC) — Current and Projected Rulemakings

●REVISED PUBLIC PARTICIPATION PROCEDURES

Priority: Agency Determination

Legal Authority: 40 USC 71-71 National Capital Planning Act of 1952; 40 USC 72 National Capital Planning Act of 1952; 40 USC 73 National Capital Planning Act of 1952; 40 USC 74 National Capital Planning Act of 1952

Abstract: Amendment will set forth procedures for oral presentations at Commission meetings by members of the public including the length of presentations, submission of written statements, requirements for representatives of organizations, and the use of audio-visual materials. The amendment is intended to clearly inform the public of procedures followed at meetings so that presentations can be properly prepared. There are no potential costs.

Timetable:

Action	Date	FR Cite
NPRM	03/00/83	

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Agency Contact: Samuel K. Frazier, Public Affairs Officer, National Capital Planning Commission, 1325 G Street, N.W., Washington, D.C. 20576, **202 724-0178**

RIN: 3125-AA00

●REGULATIONS FOR THE INTERGOVERNMENTAL REVIEW OF FEDERAL PLANS IN THE NATIONAL CAPITAL REGION

Priority: Agency Determination

Legal Authority: 42 USC 4201 et seq Intergovernmental Cooperation Act 1968; 40 USC 531 et seq; 40 USC 71-7 National Capital Planning Act of 1952; 40 USC 72 National Capital Planning Act of 1952; 40 USC 73 National Capital Planning Act of 1952; 40 USC 74 National Capital Planning Act of 1952

Abstract: These regulations will replace the Commission's "Project Review and Notification System" implementing OMB Circular A-95, 42 FR 60976 (November 30, 1977). The purpose of the regulations is to foster intergovernmental cooperation in the National Capital Region by identifying for all non-Federal agencies (all local state, sub-regional and regional agencies) in the Washington Metropolitan area the types of plans reviewed by the Commission, the Federal and non-Federal agencies to whom plans will be circulated, and the process by which the Commission consults with these agencies. The regulations will help aid local and State agencies make their views known to the Commission and it is not anticipated that there will be any new costs.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Government Levels Affected: Local, State, Federal

Agency Contact: Donald F. Bozarth, Associate Executive Dir for Regional Affairs, National Capital Planning Commission, 1325 G Street, N.W., Washington, D.C. 20576, **202 724-0168**

RIN: 3125-AA01

[FR Doc. 83-0582 Filed 4-22-83; 8:45 am]

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Part XXVII

National Foundation on the Arts and the Humanities

National Endowment for the Humanities

Semiannual Agenda of Regulations

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NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

45 CFR Ch. XI

Semiannual Agenda of Regulations

AGENCY: National Endowment for the Humanities, NFAH.

ACTION: Publication of the Semiannual Agenda of Regulations.

SUMMARY: Pursuant to the Regulatory Flexibility Act, Pub. L. 96-354, and Executive Order 12291, "Federal Regulation," dated February 17, 1981 the National Endowment for the Humanities is required to publish in April and October of each year an agenda of proposed regulations that the Endowment has issued or expects to issue and current rules that are under agency review.

FOR FURTHER INFORMATION CONTACT: Mr. Stephen J. McCleary, Deputy General Counsel, National Endowment for the Humanities, 806 15th Street, N.W., Washington, D.C. 20506, 202-724-0367.

William J. Bennett,

Chairman.

NATIONAL ENDOWMENT FOR THE HUMANITIES (NEH) — Current and Projected Rulemakings

NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE FROM NEH.

Legal Authority: 42 USC 6101 et seq Age Discrimination Act of 1975

CFR Citation: 45 CFR 1172

Abstract: This regulation will prohibit discrimination on the basis of age in programs or activities receiving financial assistance from the National Endowment for the Humanities.

Timetable:

Action	Date	FR Cite
NPRM	10/04/79	44 FR 57130
Final Action	00/00/00	

Small Entity: No

Agency Contact: Ms. Carol M. Gordon, Director, National Endowment for the Humanities, Office of Equal Opportunity, 806 15th Street, NW, Washington, DC 20506, **202 724-0331**

RIN: 3136-AA00

NONDISCRIMINATION ON THE BASIS OF SEX.

Legal Authority: 20 USC 1681 et seq Title IX of the Education Amendments of 1972

CFR Citation: 45 CFR 1171

Abstract: This regulation will prohibit discrimination on the basis of sex under any education program or activity receiving financial assistance from the National Endowment for the Humanities. The final regulation is being drafted and will need approval by the Department of Justice and the Office of Management and Budget before it can be published.

Timetable:

Action	Date	FR Cite
NPRM	06/20/80	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Ms. Carol M. Gordon, Director, National Endowment for the Humanities, Office of Equal Opportunity, 806 15th Street, NW, Washington, DC 20506, **202 724-0331**

RIN: 3136-AA01

STATEMENT FOR THE GUIDANCE OF THE PUBLIC - ORGANIZATION, PROCEDURES AND AVAILABILITY OF INFORMATION.

Legal Authority: 5 USC 552(a)(4)(A) Freedom of Information Act

CFR Citation: 45 CFR 1100

Abstract: The revised regulation will clarify the fees charged for document search and duplication. Information on the organization will be updated.

Timetable:

Action	Date	FR Cite
NPRM	06/00/83	

Small Entity: No

Agency Contact: Mr. Stephen J. McCleary, Deputy General Counsel, National Endowment for the Humanities, Office of the General Counsel, 806 15th Street, NW, Washington, DC 20506, **202 724-0367**

RIN: 3136-AA03

NATIONAL ENDOWMENT FOR THE HUMANITIES (NEH) — Existing Regulations Under Review

NONDISCRIMINATION ON THE BASIS OF RACE, COLOR OR NATIONAL ORIGIN WITHIN NEH FUNDED PROGRAMS.

Legal Authority: 42 USC 2000d et seq Title VI of the Civil Rights Act of 1964; EO 12250

CFR Citation: 45 CFR 1175; 45 CFR 1110

Abstract: The regulation will be applicable only to National Endowment for the Humanities grantees. Modifications will be made in procedures and definitions. The draft notice of proposed rulemaking is currently under review within the Endowment. It will be published after completion of that review and review by the Department of Justice, and the Office of Management and Budget.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: No

Additional Information: LEGAL AUTHORITY: 28 CFR 42 subpart F and Section 50.3 also apply.

Agency Contact: Ms. Carol M. Gordon, Director, Office of Equal Opportunity, National Endowment for the Humanities, Office of Equal Opportunity, 806 15th Street, NW, Washington, DC 20506, **202 724-0331**

RIN: 3136-AA02

[FR Doc. 83-9583 Filed 4-22-83; 8:45 am]

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Part XXVIII

National Science Foundation

Semiannual Regulations Agenda

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NATIONAL SCIENCE FOUNDATION

41 CFR Ch. 25

45 CFR Ch. VI

Federal Regulation; Semiannual Regulations Agenda

AGENCY: National Science Foundation.

ACTION: Publication of Semiannual Regulations Agenda.

SUMMARY: The National Science Foundation (NSF) publishes its semiannual agenda of regulations under development or review as required by Executive Order 12291, Federal Regulation (46 FR 13193, February 17, 1981). This agenda has been prepared in accordance with OMB Bulletin No. 83-8, Unified Agenda of Federal Regulations.

FOR FURTHER INFORMATION CONTACT: For additional information regarding any particular regulatory action contained in the agenda, contact the individual identified as the contact person in the agenda. Comments or inquiries of a general nature about the agenda should be directed to Lucylynn Petitt, Office of the General Counsel, National Science Foundation, Washington, D.C. 20550, (202) 357-7439.

Charles H. Herz,

General Counsel.

NATIONAL SCIENCE FOUNDATION (NSF) — Current and Projected Rulemakings

AGE DISCRIMINATION REGULATIONS

Priority: Agency Determination

Legal Authority: 42 USC 6101 et seq The Age Discrimination Act of 1975; Section 11 of the NSF Act

CFR Citation: 45 CFR 605, Proposed

Abstract: These regulations, which will prohibit discrimination on the basis of age in all Foundation-assisted programs, have been developed in coordination with the Department of Health and Human Services (HHS). HHS regulations were published on June 12, 1979, but NSF regulations have been delayed pending clearance by HHS.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Agency Contact: Perry W. Hooks, National Science Foundation, Office of Equal Opportunity, Washington, DC 20550, **202 357-9819**

RIN: 3145-AA00

REGULATIONS GOVERNING CONSULTATION WITH STATE AND LOCAL GOVERNMENTS

Priority: Agency Determination

Legal Authority: 42 USC 4231(a) Intergovernmental Cooperation Act of 1968; 3 USC 301 Intergovernmental Cooperation Act of 1968; EO 12372

CFR Citation: 45 CFR 660

Abstract: These regulations, required by OMB Bulletin 82-15, will provide NSF procedures for required consultation with state and local governments on federally assisted programs and projects.

Timetable:

Action	Date	FR Cite
Final Action	04/30/83	

Small Entity: No

Agency Contact: Ruth L. Greenstein, Associate General Counsel for Policy, National Science Foundation, **202 357-9438**

RIN: 3145-AA02

●PATENTS

Priority: Agency Determination

Legal Authority: 35 USC 200 et seq Bayh-Dole Act; OMB Circular A124; 42 USC 1870(e) National Science Foundation Act, Sec 11(e); 42 USC 1871(a) National Science Foundation Act, Sec 12(a); Presidential Memorandum titled Government Patent Policy

CFR Citation: 45 CFR 650

Abstract: This amendment revises the current NSF patent regulation (published at 47 FR 38124, August 30, 1982) to bring NSF patent policies and procedures into compliance with the Presidential Memorandum entitled "Government Patent Policy" issued on February 18, 1983. The policies and procedures set forth apply to all contracts, grants, and cooperative agreements awarded by the Foundation after March 31, 1983.

Timetable:

Action	Date	FR Cite
Final Action	03/31/83	
Final Action Effective	03/31/83	

Small Entity: No

Agency Contact: John Chester, Intellectual Property Attorney, National Science Foundation, **202 357-9435**

RIN: 3145-AA03

CIVIL RIGHTS - TITLE VI REGULATIONS

Legal Authority: Section 11 of the NSF Act; Title VI of the Civil Rights Act of 1964

CFR Citation: 45 CFR 611

Abstract: These regulations prohibit discrimination on the basis of race, color, or national origin in all NSF-assisted programs.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Perry W. Hooks, National Science Foundation, Office of Equal Opportunity, Washington, DC 20550, **202 357-9819**

[FR Doc. 83-9584 Filed 4-22-83; 8:45 am]

RIN: 3145-AA01

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Part XXIX

Office of Management and Budget

Federal Regulations; OMB Circulars Included in the Semiannual Agenda of Upcoming Activities

OMB

OFFICE OF MANAGEMENT AND BUDGET

5 CFR Ch. III

Federal Regulations; OMB Directives Included in the Semiannual Agenda of Upcoming Activities

AGENCY: Office of Management and Budget.

ACTION: Publication of Semiannual Agenda.

SUMMARY: The Office of Management and Budget is publishing its semiannual agenda of upcoming activities on OMB rules, Circulars, and Federal Procurement Policy letters. This action is in accordance with OMB's internal procedures for implementing Executive Order No. 12291. OMB directives are issued under authority derived from several sources including: the Budget and Accounting Act of 1921, the Budget and Accounting Procedures Act of 1950, Executive Order No. 11541, and other specific authority as cited. The agenda includes actions on issuances which are not regulations, but which are of public interest.

OMB Circulars and OFPP Policy Letters are directives that communicate significant government-wide policy of a continuing nature. For purposes of this agenda, we have included Circulars and Policy Letters which are designed to implement, interpret, or prescribe law or policy or describe the procedure or practice requirements of an agency. Excluded are directives that outline procedures to be followed in connection with the President's budget and legislative programs and directives that affect only the internal functions, management or personnel of Federal agencies.

OMB, in coordination with agency Assistant Secretaries for Management, is currently conducting a review of all OMB Circulars presently in effect, as part of the Reform 88 initiative. That review is being conducted in addition to the specific actions listed in this agenda. As additional actions result from that review, they will be included in future agendas.

FOR FURTHER INFORMATION CONTACT: See agency person listed for each entry in the agenda, c/o Office of Management and Budget, Washington, D.C. 20503. On the overall agenda, contact Candice C. Bryant at the above address.

Candice C. Bryant,

Acting Deputy Associate Director for Administration.

OFFICE OF MANAGEMENT AND BUDGET (OMB) — Current and Projected Rulemakings

CONTROLLING PAPERWORK BURDENS ON THE PUBLIC (CIRCULAR NO. A-40)

Legal Authority: 44 USC 3516 Paperwork Reduction Act of 1980; See preamble

CFR Citation: 5 CFR 1320

Abstract: This proposed rule establishes policies and procedures for controlling paperwork burdens imposed on the public by Federal agencies. Among significant issues dealt with in the rule are: coverage and OMB authorities; public protection from complying with Federal collection of information not approved by OMB; public access and participation; and agency procedures for obtaining OMB approval. The rule will supersede OMB Circular No. A-40, dated May 3, 1973.

Timetable:

Action	Date	FR Cite
NPRM	09/08/82	47 FR 39515
Final Action	03/31/83	

Small Entity: Yes

Agency Contact: **Arnold M. Strasser**, Asst. Chief, Reports Management Branch, Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, DC 20503, **202 395-6880**

RIN: 0348-AA01

POLICIES FOR ACQUIRING COMMERCIAL AND INDUSTRIAL PRODUCTS AND SERVICES FOR GOVERNMENT USE (CIRCULAR NO. A-76)

Legal Authority: PL 93-400; See preamble

CFR Citation: Not applicable

Abstract: This change is intended to simplify the policy and procedures of the Circular and the associated handbook. This Circular establishes policies and procedures for the Government to use in obtaining needed commercial products and services. It requires agencies to conduct a cost comparison to determine the most economical method of obtaining these products and services.

Timetable:

Action	Date	FR Cite
Request for suggested changes	02/12/82	47 FR 6511
Draft OMB Circular for comment	01/12/83	
Final Circular expected	06/00/83	

Small Entity: Yes

Agency Contact: **Curt Holland**, Dep. Associate Admin. for Policy Development, Office of Management and Budget, Office of Federal Procurement Policy, Washington, DC 20503. **202 395-6810**

RIN: 0348-AA02

●FEDERAL PROCUREMENT POLICY ON RETAINAGE (PROPOSED OFPP POLICY LETTER)

Legal Authority: 41 USC 401 et seq; See preamble

CFR Citation: Not applicable

Abstract: The proposed policy letter is intended to provide uniform policy guidance to control the practice of retaining or withholding funds for progress payments made to contractors under Federal construction contracts.

Timetable:

Action	Date	FR Cite
Proposed Policy Letter published	11/16/82	47 FR 51643
Final Letter Scheduled to be issued	05/15/83	

Small Entity: Yes

Agency Contact: **Charles W. Clark**, Dep. Assoc. Admin. for Policy Development, Office of Management and Budget, Office of Federal

OMB — Current and Projected Rulemakings

Procurement Policy, Washington, D.C. 20503, 202 395-3254

RIN: 0348-AA29

●PUBLIC PARTICIPATION (PROPOSED OFPP POLICY LETTER)

Legal Authority: PL 93-400; See preamble

CFR Citation: Not applicable

Abstract: The proposed Policy Letter, specifically required by statute, would establish uniform criteria and procedures for use by the executive agencies in soliciting the views of interested parties in the development of procurement policies, regulations, procedures and forms. It also describes procedures to be followed by OFPP in conducting hearings or meetings in connection with the development of procurement policies. The principal objective will be to enable greater public participation in this important process, at minimal additional cost.

Timetable:

Action	Date	FR Cite
Draft Policy Letter for Comment	12/30/81	46 FR 63158
Final Policy Letter to be Issued	06/15/83	

Small Entity: Yes

Agency Contact: LeRoy J. Haugh, Assoc. Admin. for Policy Development, Office of Management and Budget, Office of Federal Procurement Policy, Washington, D.C. 20503, 202 395-6166

RIN: 0348-AA30

OFFICE OF MANAGEMENT AND BUDGET (OMB) — Existing Regulations Under Review

●NONCOMPETITIVE PROCUREMENT

Legal Authority: PL 93-400; See preamble

CFR Citation: Not applicable

Abstract: Over 50% of Federal procurement dollars today are awarded without obtaining competition. The purpose of the policy letter, pursuant to the Administration's proposal for a Uniform Federal Procurement System, is to establish restrictions on noncompetitive procurement.

Timetable:

Action	Date	FR Cite
Draft Policy Letter for comment	05/15/83	

Small Entity: Yes

Agency Contact: LeRoy J. Haugh, Assoc. Admin. for Policy Development, Office of Management and Budget, Office of Federal Procurement Policy, Washington D.C. 20503, 202 395-6166

RIN: 0348-AA15

●FEDERAL ACQUISITION REGULATION SYSTEM: OTHER PROCUREMENT RULES AND REGULATIONS (OFPP POLICY LETTER 80-5)

Legal Authority: PL 93-400; See preamble

CFR Citation: 48 CFR Chapter 1 (when codified)

Abstract: This Policy Letter established the Federal Acquisition Regulation System including some details regarding its implementation and the organization for its maintenance. During the five years of the FAR development, some of these details have changed. The Policy Letter will be amended to reflect these changes.

Timetable:

Action	Date	FR Cite
End Review	09/00/83	

Small Entity: Yes

Agency Contact: William Maraist, Dep. Assoc. Admin. for Policy Development, Office of Management and Budget, Office of Federal Procurement Policy, Washington, D.C. 20503, 202 395-3300

RIN: 0348-AA19

●POLICIES ON CONSTRUCTION OF FAMILY HOUSING (CIRCULAR NO. A-18)

Legal Authority: See preamble

CFR Citation: Not applicable

Abstract: OMB Circular A-18, last revised in August 1967, sets forth policies for budgeting, planning, and undertaking the construction of federally-owned housing (exclusive of military barracks) for Federal personnel and for employees of Government contractors. Housing standards, concepts of living space requirements, the housing market and economic factors bearing on it have changed significantly since the Circular was last issued and updating and revision are required.

Timetable:

Action	Date	FR Cite
End Review	09/00/83	

Small Entity: No

Agency Contact: Charles W. Clark, Dep. Assoc. Admin. for Policy Development, Office of Management and Budget, Office of Federal Procurement Policy, Washington, D.C. 20503, 202 395-3254

RIN: 0348-AA08

●POLICY GOVERNING CHARGES FOR RENTAL QUARTERS AND RELATED FACILITIES (CIRCULAR NO. A-45)

Legal Authority: 5 USC 5911; See preamble

CFR Citation: Not applicable

Abstract: Nearly twenty years have elapsed since this Circular was issued. It requires updating and, to the extent possible, simplification. Some of the issues to be addressed are (1) calculation of unusual transportation costs, and (2) the definition of an established community. While alternative treatments and potential costs have not yet been identified, among the principal benefits to be sought are more equitable rental rates for government quarters and simplified guidelines for determining such rates.

Timetable:

Action	Date	FR Cite
End Review	09/00/83	

Small Entity: No

Agency Contact: David F. Baker, Assoc. Admin. for Management Controls (Actg), Office of Management and Budget, Office of Federal Procurement Policy, Washington, D.C. 20503, 202 395-7207

RIN: 0348-AA09

●MANAGEMENT AND OPERATING CONTRACTS (CIRCULAR NO. A-49)

Legal Authority: PL 93-400; See preamble

CFR Citation: Not applicable

Abstract: This Circular was published in 1967, and is currently being examined to determine whether it is still necessary. Draft FAR regulations have been issued which may eliminate the need for the Circular.

OMB

Existing Regulations Under Review

Timetable:

Action	Date	FR Cite
End Review	04/00/83	

Small Entity: Yes

Agency Contact: **Lee Miller**, Procurement Analyst, Office of Management and Budget, Office of Federal Procurement Policy, Washington, D.C. 20503, **202 395-6810**

RIN: 0348-AA10

AUDIT OF FEDERAL PROGRAMS (CIRCULAR NO. A-73)

Legal Authority: See preamble

CFR Citation: Not applicable

Abstract: The review will provide changes to the Circular that are needed to recognize the establishment of statutory inspector generals, passage of the Federal Managers Financial Integrity Act, and to accommodate changes recently made in OMB Circular No. A-50.

Timetable:

Action	Date	FR Cite
End Review	04/00/83	
Revised circular to be issued	04/00/83	

Small Entity: No

Agency Contact: **John P. Sheehan**, Senior Systems Accountant, Office of Management and Budget, Financial Management Division, Washington, DC 20503, **202 395-3993**

RIN: 0348-AA04

◉UNIFORM REQUIREMENTS FOR ASSISTANCE TO STATE AND LOCAL GOVERNMENT (CIRCULAR NO. A-102)

Legal Authority: PL 90-577; PL 93-400; See preamble

CFR Citation: Not applicable

Abstract: The purpose of the review is to develop changes to administrative policies which will further reduce the regulatory burden on state and local governments.

Timetable:

Action	Date	FR Cite
End Review	04/00/83	
Advance proposal published	04/00/83	
Proposal published for comment	10/00/83	

Small Entity: No

Agency Contact: **Palmer A. Marcantonio**, Sr. Systems Accountant, Mangmnt. Reform Div., Office of Management and Budget, Washington, D.C. 20503, **202 395-3774**

RIN: 0348-AA11

◉MAJOR SYSTEM ACQUISITIONS (CIRCULAR NO. A-109)

Legal Authority: PL 93-400; See preamble

CFR Citation: Not applicable

Abstract: Seven years have elapsed since this Circular was issued. A review, in light of experience gained, is warranted with a goal of revision and simplification while maintaining the current general policy thrust of A-109.

Timetable:

Action	Date	FR Cite
End Review	12/00/83	

Small Entity: Yes

Agency Contact: **Judith D. Hendrickson**, Dep. Assoc. Admin. for Policy Development, Office of Management and Budget, Office of Federal Procurement Policy, Washington, D.C. 20503, **202 395-6810**

RIN: 0348-AA12

UNIFORM REQUIREMENTS FOR GRANTS TO UNIVERSITIES, HOSPITALS, AND NONPROFIT ORGANIZATIONS (CIRCULAR NO. A-110)

Legal Authority: See preamble

CFR Citation: Not applicable

Abstract: The review will develop proposed changes to the Circular needed to call for "single audit" of universities by auditors they choose as an alternative to detailed Federal auditing.

Timetable:

Action	Date	FR Cite
End Review	11/00/83	

Small Entity: No

Agency Contact: **Palmer Marcantonio**, Senior Systems Accountant, Office of Management and Budget, Financial Management Division, Washington, DC 20503, **202 395-3774**

RIN: 0348-AA05

◉MANAGEMENT OF FEDERAL AUDIOVISUAL ACTIVITIES (CIRCULAR NO. A-114)

Legal Authority: See preamble

CFR Citation: Not applicable

Abstract: Circular A-114 was issued in April 1978. The Circular prescribes policies and procedures for improving the management of Federal audiovisual activities. Since the issuance of the Circular, several recommendations have been received (including two Comptroller General's decisions) regarding the need to revise the Circular, particularly Attachment E thereto, "Contracts for Motion Picture Productions." It is OMB's intent to review the Circular in response to the various recommendations and agencies' operating experiences.

Timetable:

Action	Date	FR Cite
End Review	11/00/83	

Small Entity: Yes

Agency Contact: **Charles W. Clark**, Dep. Assoc. Admin. for Policy Development, Office of Management and Budget, Office of Federal Procurement Policy, Washington D.C. 20503, **202 395-3254**

RIN: 0348-AA13

GUIDELINES FOR THE USE OF CONSULTING SERVICES (CIRCULAR NO. A-120)

Legal Authority: 41 USC 401; See preamble

CFR Citation: Not applicable

Abstract: The Circular was issued in April 1980 to address the need for controls for consultant contracting. Subsequently, in October 1981, Circular No. A-123 was issued which addressed the use of internal controls in program and admininstrative activities. Therefore, a separate Circular addressing only controls for consulting contracts may no longer be necessary.

Timetable:

Action	Date	FR Cite
Draft OMB Circular for Comment	01/11/82	47 FR 1196
End Review	06/00/83	

Small Entity: Yes

Agency Contact: **Jack A. Nadol**, Dep. Assoc. Admin. for Procur. Pol. Devel,, Office of Management and Budget, Office of Federal Procurement Policy, Washington, DC 20503, **202 395-6803**

RIN: 0348-AA03

COST PRINCIPLES FOR NONPROFIT ORGANIZATIONS (CIRCULAR NO. A-122)

Legal Authority: See preamble

CFR Citation: Not applicable

Abstract: The review is to see whether the provisions of the Circular dealing with joint

costs are adequate to protect the Federal interest.

Timetable:

Action	Date	FR Cite
Revision to Circular Proposed	01/20/83	
Proposed Revision Withdrawn	03/10/83	
End Review	07/00/83	

Small Entity: Yes

Agency Contact: **John J. Lordan**, Dep. Assoc. Dir. for Financial Management, Office of Management and Budget, Washington, DC 20503, **202 395-6823**

RIN: 0348-AA06

INTERNAL CONTROL SYSTEMS (CIRCULAR NO. A-123)

Legal Authority: PL 97-255 Federal Managers Financial Integrity Act; See preamble

CFR Citation: Not applicable

Abstract: The review is developing necessary changes to the Circular needed to implement the requirements of the Federal Managers Financial Integrity Act.

Timetable:

Action	Date	FR Cite
End Review	12/00/82	
Revised Circular to be issued	04/00/83	

Small Entity: No

Agency Contact: **David J. Gribble**, Senior Systems Accountant, Office of Management and Budget, Financial Management Division, Washington, DC 20503, **202 395-4773**

RIN: 0348-AA07

●PATENTS - SMALL BUSINESS FIRMS AND NONPROFIT ORGANIZATIONS (CIRCULAR NO. A-124)

Legal Authority: PL 96-517; See preamble

CFR Citation: Not applicable

Abstract: This Circular implements P.L. 96-517 which establishes uniform patent policy for universities, nonprofits, and small business with respect to inventions made under Government funding arrangements. The President's February 18, 1983 statement on Government Patent Policy extended, to the extent permitted by law, the policy in P.L. 96-517 to large business. An amendment to A-124 will be proposed to implement the President's statement.

Timetable:

Action	Date	FR Cite
End Review	07/00/83	

Small Entity: Yes

Agency Contact: **William Maraist**, Dep. Assoc. Admin. for Policy Development, Office of Management and Budget, Office of Federal Procurement Policy, Washington D.C. 20503, **202 395-3300**

RIN: 0348-AA14

●BOARD OF CONTRACT APPEALS - POSITION ALLOCATION PURSUANT TO PUBLIC LAW 95-563 (OFPP POLICY LETTER 79-2, SUPPLEMENT NO. 1)

Legal Authority: 41 USC 601 et seq; See preamble

CFR Citation: Not applicable

Abstract: The Contract Disputes Act provides for establishment of Boards of Contract Appeals (BCAs) in the various executive agencies; initial allocation of positions was made by the Administrator, OFPP, based on workload studies of existing BCAs. The Act provides for update of workload studies every three years; update of the Policy Letter is necessary, based on update of workload studies.

Timetable:

Action	Date	FR Cite
End Review	08/00/83	
Draft Policy Letter for comment	08/00/83	

Small Entity: No

Agency Contact: **Patricia A. Szervo**, Assoc. Admin. for Procurement Law and Legis., Office of Management and Budget, Office of Federal Procurement Policy, Washington D.C. 20503, **202 395-3501**

RIN: 0348-AA16

●SUBCONTRACTING UNDER FEDERAL CONTRACTS (OFPP POLICY LETTER 80-2, SUPPLEMENT NO. 2)

Legal Authority: PL 95-507; See preamble

CFR Citation: Not applicable

Abstract: OFPP Policy Letter 80-2, dated April 29, 1980, promulgated provisions to be included in contracts which, pursuant to P.L. 95-507, require small business and small disadvantaged business subcontracting plans. This supplement would authorize departments and agencies, in their regulations, to provide that prime contractors may be relieved, in appropriate circumstances, of the obligation to review and approve subcontracting plans. The purpose of the action is to remove a burdensome obligation placed on prime contractors.

Timetable:

Action	Date	FR Cite
End Review	04/15/83	

Small Entity: Yes

Agency Contact: **Owen Birnbaum**, Dep. Assoc. Admin. for Policy Development, Office of Management and Budget, Office of Federal Procurement Policy, Washington D.C. 20503, **202 395-3254**

RIN: 0348-AA17

●PROCUREMENT PROCEDURES, ADVANCE PROCUREMENT PLANNING AND REVIEW OF END-OF-YEAR PURCHASES (OFPP POLICY LETTER 81-1)

Legal Authority: PL 93-400; See preamble

CFR Citation: Not applicable

Abstract: The Policy Letter requires agencies to establish management controls to reduce wasteful end-of-year purchases. It was issued in August 1981. All agencies have established such controls and end-of-year spending has been reduced. It is duplicative of the general requirement of OMB Circular A-123, "Internal Controls."

Timetable:

Action	Date	FR Cite
Begin Review	05/00/83	
End Review	06/00/83	

Small Entity: No

Agency Contact: **Jack Nadol**, Deputy Associate Administrator, Office of Management and Budget, Office of Federal Procurement Policy, Washington, D.C. 20503, **202 395-6803**

RIN: 0348-AA18

OFFICE OF MANAGEMENT AND BUDGET (OMB)

Completed Actions

COMPLETED RULEMAKINGS

FEDERAL PARTICIPATION IN THE DEVELOPMENT AND USE OF VOLUNTARY STANDARDS (CIRCULAR NO. A-119)

Priority: Task Force

Completed:

Reason	Date	FR Cite
Final Action	10/26/82	47 FR 49496

Agency Contact: David F. Baker 202 395-7207

RIN: 0348-AA00

ACTIONS THAT STARTED AND ENDED BETWEEN ISSUES OF THE UNIFIED AGENDA

●JOINTLY FUNDED ASSISTANCE TO STATE AND LOCAL GOVERNMENTS AND NON-PROFIT ORGANIZATIONS (CIRCULAR NO. A-111)

Legal Authority: See preamble

CFR Citation: Not applicable

Timetable:

Action	Date	FR Cite
Circular was Rescinded	03/07/83	

Agency Contact: William Finister, Office of Management and Budget, 202 395-3050

RIN: 0348-AA24

●REPORTING OF FEDERAL OUTLAYS BY GEOGRAPHIC LOCATION (CIRCULAR NO. A-84)

Legal Authority: See preamble

CFR Citation: Not applicable

Timetable:

Action	Date	FR Cite
Circular was Rescinded	03/07/83	

Agency Contact: James F. Kelly, Office of Management and Budget, 202 395-3774

RIN: 0348-AA25

●ADVISORY COMMITTEE MANAGEMENT (CIRCULAR NO. A-63)

Legal Authority: See preamble

CFR Citation: Not applicable

Timetable:

Action	Date	FR Cite
Circular was Rescinded	03/07/83	

Agency Contact: William J. McQuaid, Office of Management and Budget, 202 395-5653

RIN: 0348-AA26

●CRITERIA FOR DECENTRALIZING FEDERAL ACTIVITIES FROM THE NATIONAL CAPITAL REGION (CIRCULAR NO. A-60)

Legal Authority: See preamble

CFR Citation: Not applicable

Timetable:

Action	Date	FR Cite
Circular was Rescinded	03/07/83	

Agency Contact: Gary M. Katz, Office of Management and Budget, 202 395-4866

RIN: 0348-AA27

[FR Doc. 83-9585 Filed 4-22-83; 8:45 am]

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federal register

Monday
April 25, 1983

Part XXX

Office of Personnel Management

Regulatory Agenda

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Ch. I

Regulatory Agenda

AGENCY: Office of Personnel Management.

ACTION: Semiannual agenda of regulations.

SUMMARY: The following Office of Personnel Management regulations are scheduled for review or development from May 1, 1983 through April 30, 1984. This agenda carries out OPM's responsibilities to publish a semiannual agenda under E.O. 12291, Federal Regulation, and the Regulatory Flexibility Act (5 U.S.C. Chapter 6). This publication in the Federal Register does not impose a binding obligation on the Office of Personnel Management with regard to any specific item on the agenda. Regulatory action in addition to the items listed is not precluded.

FOR FURTHER INFORMATION CONTACT: Terry W. Culler, Assistant Director, Office of Planning and Evaluation, (202) 254–3134.

Office of Personnel Management.

Donald J. Devine,

Director.

Part I—List of Current and Projected Regulations Scheduled for Development May 1, 1983 Through April 30, 1984

"P" indicates a regulation designated for priority development or review by the Director, OPM.

CFR citation	Title of affected part	Legal authority	Abstract	Time table	Agency contact, title of person, mailing address and telephone number	Affects small entities?
P 1. 5 CFR Parts 300, 335, 430, 431, 451, 531, 532, 540 [1]	Performance Management	5 U.S.C. 4302, 4305, 4312–4315.	The proposed rule would require that agencies develop and implement a performance management system (PMS) which integrates basic management functions with performance, pay, and incentives systems for the purpose of improving individual and organizational effectiveness in the accomplishment of agency mission and goals. The proposed rule would also require that agency decisions which relate to merit pay, performance awards, within-grade and step increases, quality step increases, and career ladder promotions, in addition to any other statutory or regulatory requirements, be based on performance appraisal ratings.	Proposed regulations: 3/83.	Kathleen Connelly, Personnel Management Specialist, Office of Performance Management, U.S. Office of Personnel Management, 1900 E St., N.W., Washington, D.C. 20415 (202) 632-7630.	No.
P 2. 5 CFR Part 351 [1]	Reduction in Force	5 U.S.C. 3502	Proposed revisions to reduction in force regulations will improve the operation of the RIF system and give greater recognition to performance as a RIF retention factor	Proposed regulations: 3/83.	Morton I. Horvitz, Chief, Office of Policy Analysis and Development, Staffing Group, U.S. Office of Personnel Management, 1900 E. St. N.W., Wash. D.C. 20415 (202) 632-6817	No.
P 3. 5 CFR Part 551.	Pay Administration Under the FLSA. Exemptions.	29 U.S.C. 204(f), 213(a)(1).	Proposed revised regulations to simplify the exemption determination process. These revisions would reduce the costs to agencies of administering the FLSA.	Target date for final regulations: 4/83.	Mario Caviglia, Personnel Management Specialist, U.S. Office of Personnel Management, Compliance and Investigations Group, Agency Compliance and Evaluation, 1900 E St., N.W., Wash., D.C. 20415 (202) 632-5691.	No.
P 4. 5 CFR Part 831.	Retirement	Omnibus Budget Reconciliation Act of 1982. H.R. 6955.	Final regulations to implement changes in various parts of retirement regulations required by Reconciliation Act. Also incorporates update of existing regulations needed to conform to other changes in law.	Proposed and interim regulations: 10/82 Amended interim: 1/83. Target date for final: 5/83.	Mary Sugar, Pay and Benefits Specialist, U.S. Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., N.W., Washington, D.C. 20415 (202) 632-4634.	No.
5. 5 CFR Part 230 [2].	Organization of the Government for Personnel Management.	5 U.S.C. 1104, 1302, 3301, 3302, E.O. 10577.	Transfers regulations to Part 250 and deletes Part 230, to maintain parallel structure with 5 U.S.C., as amended by the Civil Service Reform Act of 1978.	Target dates: proposed regulations: 3/83 and final: 9/83.	Anne Gavin, Program Analyst, Special Policies Division, Office of Planning and Evaluation, U.S. Office of Personnel Management, 1900 E St., N.W., Wash., D.C. 20415 (202) 254-6486.	No.
6. 5 CFR Part 250 [1]	Personnel Management in Agencies.	5 U.S.C. 1104, 1302, 3301, 3302, E.O. 10577	Combines material formerly in Part 230 with existing regulations to present all regulations on agencies' authorities for personnel management in a single part of the Code of Federal Regulations. Changes improve the technical integrity of the CFR by eliminating redundancies and streamlining OPM's regulations. No change in the coverage or substance of affected regulations	Target date for proposed regulations: 3/83 and for final: 9/83.	Anne Gavin, Program Analyst, Special Policies Division, Office of Planning and Evaluation, U.S. Office of Personnel Management, 1900 E St., N.W., Wash., D.C. 20415 (202) 254-6486.	No.
7. 5 CFR Part 274.	Corrective Actions	5 U.S.C. 1103	Proposed new regulation to establish procedures for OPM-or agency-initiated corrective actions, in cases of violations of Civil Service rules and regulations.	Target date for proposed regulations: 3/83.	Terry Evans, Personnel Management Specialist, U.S. Office of Personnel Management, Compliance and Investigations Group Agency Compliance and Evaluation, 1900 E St. N.W., Wash., D.C. 20415 (202) 632-5691.	No.
8. 5 CFR Part 294 and 5 CFR Part 293.	Availability of Official Information and Personnel Records.	Pub. L. 89-554 (Freedom of Information Act of 1966).	Agencies are required to publish regulations describing how to obtain information from them. Recent case law, internal agency reorganizations, and the passage of the Civil Service Reform Act require a number of changes in the OPM regulations to bring them up-to-date. In addition, the regulations on obtaining information from Official Personnel Folders are being moved to Part 293, which covers the maintenance of these folders.	Target date for final regulations: 5/83.	William C. Duffy, Chief, Information Systems Plans and Policies Branch, Room 6410, U.S. Office of Personnel Management, 1900 E St., N.W. Wash., D.C. 20415 (202) 632-7714.	No.
9. 5 CFR Part 294.	Availability of Official Information.	Pub. L. 89-554 (Freedom of Information Act of 1966).	Agencies are required to publish fee schedules of charges for information under the Freedom of Information Act. We plan to review our fee schedule and update it to more accurately reflect the current costs of providing the information.	Target dates: proposed regulations: 3/83 and final: 6/83.	William C. Duffy, Chief, Information Systems Plans and Policies Branch, Room 6410, U.S. Office of Personnel Management, 1900 E St., N.W. Wash., D.C. 20415 (202) 632-7714.	No.

CFR citation	Title of affected part	Legal authority	Abstract	Time table	Agency contact, title of person, mailing address and telephone number	Affects small entities?
10. 5 CFR Part 294 Subpart H (294.601) [1].	Classified information	5 U.S.C. 552 and E.O. 12356.	Final regulations would remove regulations from Part 294 which more properly belong in Part 175, regarding security classification of OPM documents.	Target date for final 6/83.	Llewellyn M. Fischer, Attorney, Office of the General Counsel, U.S. Office of Personnel Mgt. 1900 E St., N.W., Room 5H30, Wash., D.C. 20415 (202) 632-5506.	No.
11. 5 CFR Part 297 [1].	Protection of Privacy and Personnel Records.	5 U.S.C. 552a, Pub. L. 97-365.	Amendment to routine uses to permit disclosure of information to other Federal agencies and to private collection agencies or contractors.	Target date for final regulations: 5/83.	Bruce Hughes, Paralegal Specialist, U.S. Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., N.W. Washington, D.C. 20415, (202) 632-4634.	No.
12. 5 CFR Part 297 [1].	Protection of Privacy and Personnel.	5 U.S.C. 552a	The Privacy Act requires agencies to issue implementing regualtions. OPM's regulations also require that agencies follow OPM's rules for those records maintained by them that are under OPM's control. These regulations have remained unchanged since 1979 and, as OPM intends to issue FPM guidance on matters currently inappropriate for issuance in regulations, they need revision both to reflect changes resulting from case law or in OPM policy and to remove material that is more appropriate for FPM issuance.	Target date for proposed regulations: 3/84.	William H. Lynch, Information Specialist, Office of Workforce Information, Compliance and Investigations Group, U.S. Office of Personnel Management, 1900 E St., N.W., Wash., D.C. 20415 (202) 254-9790.	No.
13. 5 CFR Part 301 [1].	Overseas Employment	5 U.S.C. 3301, 3302.	Deletes prohibition on agency use of overseas limited appointments in certain circumstances.	Target date for proposed regulations: 6/83.	Ed McHugh, Pers. Staff. Specialist, Ofc. of Policy Anal. & Devel. Staffing Group, U.S. Ofc of Personnel Mgmt., 1900 E St. N.W., Wash., D.C. 20415 632-6817.	No.
14. 5 CFR Parts 315 and 316.	Career and Career-conditional Employment; Temporary and Term Employment.	E.O. 12362	Permit non-competitive appointment of certain former overseas employees to competitive civil service positions in the United States,.	Interim regulations published 7/2/82 (47 FR 28905) Target for final 3/83.	Ed McHugh, Pers. Staff. Specialist, Ofc. of Policy Anal. & Devel., Staffing Group, U.S. Ofc of Personnel Mgmt., 1900 E St. N.W., Wash., D.C. 20415 (202) 632-6817.	No.
15. 5 CFR Part 315 Subpart I.	Probationary Period for Managers and Supervisors.	5 U.S.C. 3321	Clarify the return rights of employees who are downgraded to supervisory positions and fail to satisfactorily complete the probationary period.	Proposed regulations: 11/82. Target date for final: 6/83.	Ellen Russell, Personnel Staffing specialist, U.S. Office of Personnel Management, Office of Policy Analysis and Development, Staffing Group, 1900 E St. N.W., Wash., D.C. 20415 (202) 632-6817.	No.
16. 5 CFR Part 315.	Career and Career-Conditional Employment.	Pub. L. 96-70	Regulations to establish an authority under which persons having at least 1 year of service under the Panama Canal Employment System may be given noncompetitively Career-Conditional or Career appts. in the competitive Civil Service.	Proposed regulations: 9/82. Target date for final: 3/83.	William Bohling, Chief, Noncompetitive Staffing Branch, U.S. Office of Personnel Management, Staffing Group, 1900 E St., N.W., Room 6A12, Wash., D.C. 20415 (202) 632-6000.	No.
17. 5 CFR Part 317.	Appointment, Reassignment, Transfer, and Reinstatement in the Senior Executive Service.	5 U.S.C. 3392, 3393, 3394, and 3397.	Proposed regulations to govern appointment actions in the SES, including establishment of qualification standards, agency recruitment and selection procedures for career appts., operations of OPM Qualifications Review Boards, and completion of the one-year probationary period for career appointees. Regulations are intended to set forth basic staffing requirements to assure compliance with merit system provisions.	Target date for proposed regulations: 4/83.	Dennis Leber, Personnel Management Specialist, U.S. Office of Personnel Management, Office of Executive Personnel, Administration Group, 1900 E St., N.W., Room 6R48, Wash., D.C. 20415 (202) 632-5446.	No.
18. 5 CFR Part 317.	Appointment, Reassignment, Transfer, and Reinstatement in the Senior Executive Service.	5 U.S.C. 3392 and 3397.	Addition of a new subpart to implement 5 U.S.C. 3392(c) regarding the right of SES career appointees to retain certain SES provisions while serving under a Presidential appointment made by and with the advice and consent of the Senate. Regulations are needed to ensure uniformity in the implementation of the law.	Target date for proposed regulations: 4/83.	Loretta Terando, Personnel Management Specialist, U.S. Office of Personnel Management, Office of Executive Personnel, Administration Group, 1900 E St., N.W., Room 6R48, Wash., D.C., 20415 (202) 632-4695.	No.
19. 5 CFR Part 317 Subpart G.	Appointment, Reassignment, Transfer and Reinstatement in the Senior Executive Service (SES Career Appointment by Reinstatement).	5 U.S.C. 3593 and 3595.	Final regulations on reinstatement to an SES career appointment following (a) voluntary separation from SES, or (b) separation from a Presidential appointment of a former SES career appointee. These reinstatements are authorized by law. The regulations set the procedures for implementing the law.	Interim regulations published 12/5/80 (45 FR 80468); Target date for final: 4/83.	Diana McClelland, Personnel Mgmt. Specialist, Executive Personnel Programs, Office of Executive Personnel, Administration Group, U.S. Office of Personnel Mgmt, 1900 E St., N.W., Wash., D.C. 20415 (202) 632-7676.	No.
20. 5 CFR Part 334.	Temporary Assignment of Employees Between Federal Agencies and State, Local, and Indian Tribal Governments, Institutions of Higher Ed. and Other Eligible Organizations.	5 U.S.C. 3376; E.O. 11589; 3 CFR 557 (1971-1975).	Addition of new section to provide for departmental-level approval of assignment agreements. The new section is expected to result in better cost control and more effective management of the program.	Target date for proposed regulations; 5/83.	Ardrey Harris, Chief, Faculty Fellows and Personnel Mobility Programs, U.S. Office of Personnel Management, Personnel Mobility Program, 1900 E St., N.W. Room 7H31, Wash., D.C. 20415 (202) 632-5558.	No.
21. 5 CFR Part 339.	Medical Qualification Requirements.	5 U..S.C. 3301, 3302, E.O. 10577, 3 CFR.	Proposed regulation governing medical examinations of Federal employees, medical documentation, and agency-filed disability retirement applications. The regulations would correct problems which have resulted from misuse of mandatory medical examinations, as well as dealing with problems arising from lack of regulation on medical documentation.	Target date for proposed regulations: 3/83. Target date for final: 8/83.	Cynthia Field, Employee Relations Specialist, Appellate Policies Div., Office of Planning and Evaluation, U.S. Office of Personnel Management, 1900 E St., N.W., Wash., D.C. 20415. (202) 254-5517.	No.
22. 5 CFR Part 340.	Other than Fulltime Career Employment.	5 U.S.C. 3301, 3302	Addition of new subpart on seasonal, on-call and intermittent employment.	Proposed regulations published 6/8/82 (47 FR 24726). Target date for final: 6/83.	Ellen Russell, Personnel Staffing Specialist, U.S. Office of Personnel Management, Office of Policy Analysis and Development, Staffing Group, 1900 E St., N.W. Wash., D.C. 20415 (202) 632-6817.	No.

CFR citation	Title of affected part	Legal authority	Abstract	Time table	Agency contact, title of person, mailing address and telephone number	Affects small entities?
23. 5 CFR Part 351.	Reduction in Force: Identification of Employees for Transfer of Function.	5 U.S.C. 1302, 3503.	Changes to clarify existing OPM policy pertaining to a transfer of function.	Target date for proposed regulations: 6/83.	Leota Shelkey, Personnel Staffing Specialist, U.S. Office of Personnel Mgt. Office of Policy Analysis and Development, Staffing Group, 1900 E St., N.W., Wash., D.C. 20415 (202) 632-6817.	No.
24. 5 CFR Part 352.	Reemployment Rights for SES Personnel.	5 U.S.C. 3131, 3301.	This regulation would extend reemployment rights under this part to SES personnel. The regulation is needed to correct an oversight which has resulted in the exclusion of SESers from coverage as originally intended.	Target date for proposed regulations: 6/83.	John Schultz, Personnel Staffing Specialist, U.S. Office of Personnel Management, Office of Policy Analysis and Development, Staffing Group, 1900 E St., N.W. Wash., D.C. 20415 (202) 632-6817.	No.
25. 5 CFR Part 352.	Reemployment Rights After Service with Panama Canal Commission.	Pub. L. 96-70, Section 1203(c).	addition of new subpart on reemployment rights for Federal employees who accept assignment with Panama Canal Commission. The regulations are to implement section 1203 of Pub. L. 96-70 and will cover conditions under which employees are assigned to the Commission and returned to their former agency.	Proposed regulations: 1/8/82 (47 FR 956); Target date for final: 3/83.	Leota Shelkey, Personnel Staffing Specialist, U.S. Office of Personnel Management, Office of Policy Analyses and Development, Staffing Group, 1900 E St., N.W. Wash., D.C. 20415 (202) 632-6817.	No.
26. 5 CFR Part 352.	Reemployment Rights	2 U.S.C. 67a, E.O. 11788.	Add new subpart covering reemployment following service with the U.S. Senate Committee on Appropriations under provision of 2 U.S.C. 67a, delete Subpart F covering reemployment after service in the Economic Stabilization Program because applicable law was repealed.	Proposed regulations: 11/82. Target date for final: 3/83.	William Bohling, Chief, Noncompetitive Staffing Branch, U.S Office of Personnel Managment, Staffing Group, 1900 E St., N.W. Room 6A12, Wash., D.C. 20415 (202) 632-6000.	No.
27. 5 CFR Part 359.	Removal, Reinstatement and Guaranteed Placement in the Senior Executive Service.	5 U.S.C. 1302, 3596.	Final regulations on (1) the removal of SES career appointees during probation or for less than fully successful executive performance, (2) the removal of other that career appointees, (3) placement rights in other personnel systems of certain SES career appointees. These actions are authorized by law. The regulations establish procedures for implementing the law.	Interim regulations published 7/31/79 (44 FR 44815); Target date for final: 3/83.	Neal Harwood, Personnel Management Specialist, Office of Executive Personnel, Administration Group, U.S. Office of Personnel Mgnt., 1900 E St., N.W., Room 6R48, Wash., D.C. 20415 (202) 632-4625..	No.
28. 5 CFR Part 359 Subpart H.	Removal, Reinstatement, and Guaranteed Placement in the Senior Executive Service (Furloughs in the Senior Executive Service).	5 U.S.C. 31133 and 3136.	Final regulations on furloughs of career members of the Senior Executive Service. The regulations prescribe procedures to ensure that furlough actions are taken fairly and provide an appeal right to the Merit Systems Protection Board. They are needed because title 5 does not specify furlough procedures.	Interim regulations published 1/15/82 (47 FR 2283); Target date for final: 3/83.	Neal Harwood, Personnel Management Specialist, U.S Office of Personnel Management, Office of Executive Personnel, Administration Group, 1900 E St., N.W., Room 6R48, Wash., D.C. 20415 (202) 632-4625.	No.
29. 5 CFR Part 359.	Removal, Reinstatement and Guaranteed Placement in the Senior Executive Service	5 U.S.C. 3595 and 3596.	Proposed regulations to add a new subpart to implement Pub. L. 97-35, August 13, 1981, as amended by Pub. L. 97-346, October 15, 1982, which added provisions to title 5 to govern SES reduction-in-force actions affecting career executives. Regulations are needed to cover certain areas not in the law, such as notification to employees and retention of records, and to implement the provisions in the law dealing with OPM's responsibility to help place career executives identified for reduction in force.	Target date for proposed regulations: 5/83.	Hugh Strehle, Chief, Executive Personnel Programs, U.S. Office of Personnel Management, Office of Executive Personnel, Administration Group, 1900 E St., N.W., Room 6R48, Wash., D.C. 20415 (202) 632-4625.	No.
30. 5 CFR Part 410	Training.	5 U.S.C. 4108....	Final regulations to clarify procedures governing continued service agreements for employees who receive training in nongovernment facilities. Provides due process procedures when an agency recovers expenses from employee who fails to continue in service after training, to protect agency heads from personal liability suits. Simplifies administration of continued service agreements, making them less costly	Proposed rules published 3/13/82 (49 FR 10855). Target date for final: 3/83.	Constance Gurtian, Employee Development Specialist, U.S. Office of Personnel Management, Training Policy Division, Room 200 T.C., P.O. Box 7230, Wash., D.C. 20044 (202) 653-6171	No.
31. 5 CFR Part 412	Executive and Management Development	5 U.S.C 3396 (a); 3393(a).	Final regulation regarding exemption of agencies with 150 or fewer SES positions from the requirement to recruit at least governmentwide for their SES candidate development programs. Proposed rule removed exemption on basis that this would cause no undue burden to smaller agencies. OPM currently reconsidering proposal based on negative comments received from affected agencies.	Proposed rule change published 4/16/82 (47 FR 16341). Target date for final: 3/83.	Loretta R. Flanders, Chief, Policy and Programs Development Branch, U.S. Office of Personnel Management, Office of Executive and Management Development, 1900 E St., N.W., Wash., D.C. 20415 (202) 254-5900.	No.
32. 5 CFR Part 432.	Reduction in Grade and Removal Based on Unacceptable Performance	5 U.S.C 4305....	Proposed regulation clarifying agency's obligations when employee raises issue of health. The regulation would define agency and employee obligations to avoid costly reversals of actions based on unacceptable performance.	Target date for proposed regulation: 3/83. Target date for final: 8/83.	Cynthia Field, Employee Relations Specialist, Appellate Policies Div., Office of Planning and Evaluation, U.S. Office of Personnel Management, 1900 E St., N.W., Wash., D.C. 20415 (202) 254-5517.	No.
33. 5 CFR Part 511: 511.605, 511.611, 511.701, 511.702, and 511.703.	Classification Under the General Schedule	5 U.S.C. 115.....	OPM published final rules on classification appeals under the General Schedule on 1/30/81. At that time it was decided that for employees in retained grade there would be no need for retroactive adjustments since their title, series, and grade would not be affected during the retained grade period. However several agencies have raised questions concerning the consequence of a classification action when the employee is eligible for retained grade and suffers a subsequent RIF. Under current regulations the correct title, series, and grade would be used for RIF purposes rather than the retained title, series, and grade.	Target dates: proposed regulations: 6/83, and for final: 9/83.	Gust Pappas, Chief, Classification Appeals Office, U.S. Office of Personnel Management, compliance and Investigations Group, Agency Compliance and Evaluation, 1900 E St., N.W., Room 443H, Wash., D.C. 20415 (202) 632-7744.	No.

CFR citation	Title of affected part	Legal authority	Abstract	Time table	Agency contact, title of person, mailing address and telephone number	Affects small entities?
34. 5 CFR Part 531 Subpart B.	Pay Under the General Schedule.	5 U.S.C. 5305(g), 5334(a), 5336, and E.O. 11721.	Proposed regulations to revise rules for determining an employee's rate of basic pay upon reemployment, transfer, reassignment, promotion, change in type of appointment, and the annual General Schedule pay adjustment. Proposed regulations also may include certain corresponding revisions in 5 CFR Parts 210, 351, 532, 536, and 752.	Proposed regulations to be published 3/83.	Donald J. Winstead, Pay and Benefits Specialist, U.S. Office of Personnel Management, Office of Pay and Benefits Policy, Compensation, 1900 E St., N.W., Wash., D.C. 20415 (202) 632-4634.	No.
35. 5 CFR Part 534.	Pay Under Other Systems (Setting Individual Basic Pay Under the SES).	5 U.S.C. 5383 and 5386.	Proposed regulations to define an "annual pay adjustment" in the Senior Executive Service and state its application in various circumstances, including transfers and reassignments. Regulations are needed to clarify the intent and application of 5 U.S.C. 5383(a) on changes in SES pay rates.	Target date for proposed regulations: 4/83.	Michael Duggins, Personnel Management Specialist, U.S. Office of Personnel Management, Office of Executive Personnel, Administration Group, 1900 E St., N.W., Room 6R46, Wash., D.C. 20415 (202) 632-4895.	No.
36. 5 CFR Part 550 [1].	Pay Administration (General).	Pub. L. 97-365.	Proposed regulations to implement changes in debt collection procedures enacted in Pub. L. 79-365.	Target date for proposed regulations: 4/83.	Patricia Rochester, Pay & Benefits Specialist, Office of Pay and Benefits Policy, Compensation Group, U.S. Office of Personnel Management, 1900 E St., N.W., Wash., D.C. 20415 (202) 632-4634.	No.
37. 5 CFR Part 550 Subpart G [1].	Severance Pay	5 U.S.C. 5595.	Proposed revision of regulations as they apply to separated employees who decline offers of pay or grade retention, who accept positions with contractors, and who receive compensation for on-the-job injuries.	Proposed regulations: 4/83.	Jan Karicher, Pay and Benefits Specialist, U.S. Office of Personnel Management, Office of Pay and Benefits Policy, Compensation, 1900 E St., N.W., Room 4351 Wash., D.C. 20415 (202) 632-4684.	No.
38. 5 CFR Part 550 Subpart J.	Pay Administration, Adjustment of Work Schedules for Religious Observances.	5 U.S.C. 5550a.	The regulations would provide for an agency to control the adjustment of work schedules for this purpose and for conditions that constitute a basis for denying an employee's request due to interference with the agency's mission.	Final regulations: 6/83.	Dwight W. Brown, Pay and Benefits Specialist, U.S. Office of Personnel Management, Office of Pay and Benefits Policy, Compensation, 1900 E St., N.W., Wash., D.C. 20415 (202) 632-4634.	No.
39. 5 CFR Part 550 and 551.	Pay Administration (General) and Pay Administration Under the FLSA.	5 U.S.C. 5548(a) and 29 U.S.C. 204(f).	Final regulations to allow agencies to "round up" and "round down" to the nearest quarter of an hour for crediting irregular, unscheduled overtime work.	Proposed regulations published 7/2/82 (47 FR 28962); target date for final: 4/83.	Mary Angel, Pay and Benefits Specialist, Dwight Brown, Pay and Benefits Specialist, U.S. Office of Personnel Management, Office of Pay and Benefits Policy, 1900 E St., N.W., Wash., D.C. 20415 (202) 632-4684 or 632-4634.	No.
40. 5 CFR Part 551 Subpart F.	Pay Administration under the FLSA: Compliance.	29 U.S.C. 204 F., 5 U.S.C. 1103a5.	Proposed new regulation to implement the FLSA Compliance Program and simplify the FLSA claims handling process.	Target date for proposed regulations: 10/83.	Mario Caviglia, Personnel Specialist, U.S. Office of Personnel Management, Compliance and Investigations Group, Agency Compliance and Evaluation, 1900 E St., N.W., Wash., D.C. 20415 (202) 632-5691.	No.
41. 5 CFR Part 581.	Processing Garnishment Orders for Child Support and/or Alimony.	42 U.S.C. 659, 661-662; 15 U.S.C. 1673; E.O. 12105.	Final Regulations clarifying the garnishment of disability compensation payments disbursed by the Veterans Administration; excluding from garnishment amounts payable as a result of the obligator's death; and several other technical and typographical corrections.	Proposed regulations: 1/83. Target date for final: 4/83.	Murray Meeker, Attorney, Office of the General Counsel, U.S. Office of Personnel Management, 1900 E St., N.W., Wash., D.C. 20415 (202) 632-7600.	No.
42. 5 CFR Part 610 Subpart D.	Hours of Duty Alternative Work Schedules.	5 U.S.C. 6120-6133; Pub. L. 97-221.	Addition of new subpart D to implement the Federal Employees Flexible and Compressed Work Schedules Act of 1982. Conforming changes in Parts 620 and 630.	Proposed regulations published 9/17/82; Target date for final: 4/83.	Raymond J. Kirk, Program Analysis Officer, U.S. Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., N.W. Wash., D.C. 20415 (202) 632-4614.	No.
43. 5 CFR Part 630.	Absence and Leave	5 U.S.C. 6301 et seq.	Revision of sick, annual, home, and court leave regulations for clarification and elimination of discrepancies in application. Changes are expected to effect cost savings by clarifying entitlement to use leave.	Proposed regulations: 9/83.	Betty Roth/Margaret Goodell, Pay & Benefits Specialist, U.S. Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., N.W., Wash., D.C. 20415.	No.
44. 5 CFR Part 630 Subpart B [1].	Absence and Leave	5 U.S.C. 6311	Revision of circumstances in which repayment for advance leave is automatically forgiven.	Target date for final regulations: 4/83.	June Goodell, Pay and Benefits Specialist, Office of Pay and Benefits Policy, Compensation Group, U.S. Office of Personnel Management, 1900 E St., N.W., Wash., D.C. 20415 (202) 632-4684.	No.
45. 5 CFR Part 715.	Actions in the Interest of the Employee.	5 U.S.C. 1302, 3301, 3302, 7301; E.O. 10577, E.O. 11222.	Final regulation covering voluntary personnel actions and other actions in the interest of the employee. This regulation would update obsolete title of present regulation and incorporate into regulation all mandatory requirements now found in FPM Chapter only.	Target date for final regulations: 6/83.	William Jackson, Appellate Policies Division, U.S. Office of Personnel Management, Office of Planning and Evaluation, 1900 E St., N.W. Wash., D.C. 20415 (202) 254-5200.	No.
46. 5 CFR Part 731 [1].	Suitability for Federal Employment.	5 U.S.C. 3301, 3302, 7301; E.O. 10577; E.O. 11222; 5 CFR Rule V.	Proposed new part to address recommendations for providing a more streamlined, uniform, and equitable system for evaluating suitability for Federal employment.	Target date for proposed regulations: 6/83.	Richard Ferris, Program Analyst, U.S. Office of Personnel Management, Compliance and Investigations, 1900 E St., N.W., Room 913H, Wash., D.C. 20415 (202) 632-6180.	No.
47. 5 CFR Part 732 [1].	Personnel Security and Related Programs.	5 U.S.C. 3301, 3302, 7301, 7312; 50 U.S.C. 403; E.O. 10450; E.O. 10577l; 5 CFR Rule V.	Proposed new part to address recent and recommended changes for improvements in the Federal civilian personnel security program.	Target date for proposed regulations: 6/83.	Robert Hubbard, Program Analyst, U.S. Office of Personnel Management, Compliance and Investigations Group, Office of Personnel Investigations, 1900 E St., N.W., Room 902H, Wash., D.C. 20415 (202) 254-5544.	No.

CFR citation	Title of affected part	Legal authority	Abstract	Time table	Agency contact, title of person, mailing address and telephone number	Affects small entities?
48. 5 CFR Part 733.	Political Activity of Federal Employees.	5 U.S.C. 1308, 3301, 3302, 7301, 7324, 7325; 42 U.S.C. E.O. 10577, 3 CFR, 1954–1958 Comp. p. 218.	Final regulation expanding the definition of "employee" (§ 733.101).	Proposed regulations published 12/82; target date for final: 6/83.	JoAnn Chabot, Attorney, U.S. Office of Personnel Management, Office of General Counsel, 1900 E St., N.W., Room 5H22, Wash., D.C. 20415 (202) 632–5421.	No.
49. 5 CFR Part 736[1].	Investigations	5 U.S.C. 552a, 3301, 7301; E.O. 10450; E.O. 10577; 5 CFR Rule V.	Proposed new part to address recommended changes for improvements in the civilian personnel investigations program.	Target date for proposed regulations: 6/83.	Robert Herrmann, Program Analyst, U.S. Office of Personnel Management, Compliance and Investigations, 1900 E St., N.W., Room 900H, Wash., D.C. 20415.	No.
50. 5 CFR Part 737[1].	Post Employment Conflict of Interest Designation of Certain Positions and Agencies.	18 U.S.C. 207(b)(1)(c), Pub. L. 95/521.	Final regulation to meet the requirement to designate annually senior employees who are subject to the conflict-of-interest provisions of the Ethics in Government Act.	Target date for final: 3/84.	Gary Davis/Bob Flynn, Staff Attorney/Program Analyst, U.S. Office of Personnel Management, Office of Government Ethics, 1900 E St., N.W., Wash., D.C. 20415 (202) 632–7642.	No.
51. 5 CFR Part 752.	Adverse Actions	5 U.S.C. 7504, 7514, 5 U.S.C. 1302.	Proposed regulation clarifying agency's obligation when employee raises issue of health. The regulation would define agency and employee obligations in order to avoid costly reversals of adverse actions.	Target dates for proposed regulations: 3/83; for final: 8/83.	Cynthia Field, Employee Relations Spec., Appellate Policies Div., Office of Planning and Evaluation, U.S. Office of Personnel Management, 1900 E St., N.W., Wash., D.C. 20415, (202) 254–5517.	No.
52. 5 CFR Part 752 Subpart D	Adverse Actions	5 U.S.C. 7504, 7514, 1302.	Establish criteria an agency must meet in order to withstand MSPB review of an adverse action. Will attempt to clarify appropriate agency selection of penalty.	Target date for proposed regulation: 7/83.	Harold Ashner, Employee Relations Specialist, Appellate Policies Div., Office of Planning and Evaluation, U.S. Office of Personnel Management, 1900 E St., N.W., Wash., D.C. 20415, (202) 254–5517.	No
53. 5 CFR Part 752 Subpart D.	Adverse Actions	5 U.S.C. 7513, 7514, 1302.	Final regulations to rescind OPM's regulatory provisions for emergency suspensions during the notice period of an adverse action, in compliance with an opinion and order of the Merit Systems Protection Board that these provisions exceeded OPM's legal authority to regulate, and thus were illegal.	Target date for final regulation: 4/83.	Cynthia Field, Employee Relations Specialist, U.S. Office of Personnel Management, Appellate Policies Division, Office of Planning and Evaluation, 1900 E St., N.W., Wash., D.C. 20415, (202) 254–5517.	No.
54. 5 CFR Part 752 Subpart D.	Adverse Actions	5 U.S.C. 7513, 7514, 1302.	Proposed regulations to permit agencies, under certain circumstances, to change or take away the duties of an employee during the notice period of an adverse action, while keeping him or her in a pay status.	Target date for proposed regulation: 6/83; and for final: 8/83.	Cynthia Field, Employee Relations Specialist, U.S. Office of Personnel Management, Appellate Policies Division, Office of Planning and Evaluation, 1900 E St., N.W., Wash., D.C. 20415, (202) 254–5517.	No.
55. 5 CFR Part 752 Subpart F	Adverse Actions (Regulatory Requirements for Taking Adverse Actions Under the Senior Executive Service).	5 U.S.C. 7543	Final regulations on (1) suspensions for more than 14 days and (2) removal from the civil service of SES career appointees. These actions were authorized by pub. L. 95–454 (Oct. 13, 1978), which was amended by Pub. L. 97–35 (Aug. 13, 1981). The regulations establish procedures for implementing the law.	Interim regulations published 7/31/79 (44 FR 44818); Target date for final: 4/83.	Neal Harwood, personnel Management Specialist, U.S. Office of Personnel Management, Office of Executive Personnel, Administration Group, 1900 E St., N.W., Room 6R48, Wash., D.C. 20415 (202) 632–4625.	No.
56. 5 CFR Part 831.	Retirement; Government Claims for Recovery of Indebtedness.	5 U.S.C. 8347, 4 CFR sec. 101.1 et seq.	Final regulations prescribing procedures for submission of agency claims for recovery of an indebtedness against benefits due from the Civil Service Retirement System. Regulations are required as part of resolution of *Rhinehart v. Seneca*, et al.	Interim regulations published 8/25/81, 46 FR 42635. Final regulations: 4/83.	Patricia Rochester, Pay and Benefits Specialist, U.S. Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., N.W. Wash., D.C. 20415 (202) 632–4634.	No.
57. 5 CFR Part 831, Subparts E and L.	Retirement	5 U.S.C. 8347	Final regulations in Subpart E to conform to changes in Part 339. Final regulations in Subpart L to restrict agencies' authority to file disability applications on behalf of employees and reduce number of unwarranted applications.	Target date for final regulations: 9/83.	Mary Sugar, Pay and Benefits Specialist, U.S. Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., N.W., Wash., D.C. 20415 (202) 632–4634, Cynthia Field, U.S. Office of Personnel Management, Appellate Policies Division, Office of Planning and Evaluation, 1900 E St., N.W., Wash., D.C., 20415 (202) 254–5517.	No.
58. 5 CFR Part 831, Subpart M.	Retirement; Survivor Annuities.	Pub. L. 97–269, 50 U.S.C. 403 note.	The Central Intelligence Agency's Retirement Equity Act of 1982 (Title VI of Pub. L. 97–269, enacted September 17, 1982) amends the CIA Retirement Act of 1964 for Certain Employees to provide certain benefits relating to retirement annuities, survivor benefits, and lump sum payments for a spouse or former spouse of an agency employee who is a participant in the CIA Retirement and Disability System (CIARDS). OPM's regulations on CSRS need to be revised to permit the payment of the intended benefits.	Target date for interim regulations: 5/83.	Dons Reeves, Pay and Benefits Specialist, U.S. Office of personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E. St., N.W., Wash., D.C. 20415 (202) 632–4634.	No.
59. 5 CFR Parts 870, 871, 872, 873.	Life Insurance and Optional Insurance.	5 U.S.C. 8716	Final regulations to implement Federal Employees Group Life Insurance Act of 1980. Program currently operating under interim regulations.	Target date for final regulations: 4/83.	John Landers, Pay and Benefits Specialist, U.S. Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., N.W., Wash., D.C. 20415 (202) 632–4634.	No.

CFR citation	Title of affected part	Legal authority	Abstract	Time table	Agency contact, title of person, mailing address and telephone number	Affects small entities?
60. 5 CFR Part 890, Various parts Miscellaneous Changes.	Health Benefits	5 U.S.C. 8901 et seq.	Update revision of existing regulations—needed to conform to law, other changes.	Target date for proposed regulations: 4/84.	Lauretta Hall, Pay & Benefits Specialist, Office of Pay and Benefits Policy, U.S. Office of Personnel Management, 1900 E St., N.W. Washington, D.C. 20415 (202) 632-4584.	No.
61. 5 CFR Part 890 Subpart B.[1]	Health Benefits	5 U.S.C. 8913	Proposed regulations to call for FEHB benefit and rate proposals by May 31, when Director deems changes will be beneficial to Program and enrollees.	Proposed regulations: 2/22/83; target date for final: 5/83.	Mary Ann Mercer. pay & Benefits Specialist, U.S. Office of Personnel Management, Office of pay and Benefits Policy, Compensation Group, 1900 E St., N.W., Wash, D.C. 20415 (202) 632-4634.	No.
62. 5 CFR Part 930 Subpart A.	Programs For Specific Positions and Examinations (Miscellaneous) Subpart A—Motor Vehicle Operators.	40 U.S.C. 471, 5 U.S.C. 1104.	Final regulations to permit Federal Agencies to develop and use alternative procedures in the review and authorization of civilian employees to operate Government owned or leased motor vehicles. These changes would allow increased flexibility and ease the administrative burden and cost for Federal agencies without jeopardizing the safety of this program.	Target date for proposed regulations: 4/83.	Van K. Yee, Personnel Staffing Specialist, U.S. Office of Personnel Management, Staffing Group, 1900 E St., N.W., Wash., D.C. 20415 (202) 632-5030.	No.
63. 5 CFR Part 1001.	Regulations Governing Employees in the Office of Personnel management: Employees Responsibilities and Conduct.	E.O. 11222, 30 FR 6469 3 CFR 1964—65 Comp. p. 306; 5 CFR 735.101 et seq.	Clarification of the scope of 5 CFR § 1001.735–205 on "Misuse of Information" and elimination of 5 CFR § 1001.735–208 on "Disagreements between Government Officials" in response to an MSPB order questioning whether these provisions inhibit legitimate "whistle blowing." Addition of a new section to highlight procurement restrictions; i.e., contracting with Government employees. Editorial changes to reflect Office of Personnel management reorganization.	Target date for final: 7/83.	Llewellyn M. Fischer, Attorney, U.S. Office of Personnel Mgmt., Ofc. of General Counsel, Rm. 5H30, 1900 E St., N.W., Wash., D.C. 20415 (202) 632-5506.	No.
64. 41 CFR Ch 16 Subpart 16–3.8.	Price Negotiation Policies & Techniques.	40 U.S.C. 486 (c) 5 U.S.C. 8913.	Final regulation to modify and refine existing regulations governing service charges for FEHB health benefit contracts. Regulations follow the new FPR requirements that Federal agencies making noncompetitive awards over $100,000 totaling $50 million annually shall prescribe a structured approach for determining the profit or fee objective in those acquisitions which require cost analysis.	Target date for proposed regulations: 6/83.	Mary Ann Mercer, Pay and Benefits Specialist, U.S. Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., N.W. Wash., D.C. 20415 (202) 632-4634.	No.

[1] New item.

PART II

CFR Citation	Title of affected part	Legal authority	Abstract	Time Table	Agency contact, title of person, mailing address and telephone number	Affects small entities?
No submissions						

PART III.—COMPLETED ACTIONS

CFR Citation	Title	Contact	Publication date	Reason for completion
1. 5 CFR Part 530	Pay Rates and Systems: Special Rate Schedule Adjustments.	Richard J. Carney (202) 632-8742	Sept. 8, 1982 47 FR 42594	Final regulations published.
2. 5 CFR Part 930	Programs for Specific Positions and Examinations; Administrative Law Judges.	Marvin H. Morse (202) 632-4638	Oct. 15, 1982, 47 FR 46067	Final regulations published.
3. 5 CFR Part 831	Retirement; Voluntary State Tax Withholding.	Eugene Littleford (202) 632-4634	Nov. 9, 1982, 47 FR 50677	Final regulations published.
4. 5 CFR Part 720	Affirmative Employment Programs; Affirmative Action for Disabled Veterans.	Hassan El-Amin or Marvin Kosaman (202) 254-3058.	Jan. 4, 1983, 48 FR 191	Final regulations published.
5. 5 CFR Part 213	Excepted Service; Presidential Management Intern Appointment Extension.	William Bohling (202) 632-6000	Jan. 18, 1983, 48 FR 2115	Technical Amendment.
6. 5 CFR Part 470	Personnel Management Research Programs and Demonstration Projects.	Donald Hill (202) 254-6486	Jan. 21, 1983, 48 FR 2725	Final regulations published.
7. 5 CFR Parts 550 and 610	Pay Administration and Hours of Duty; Clarification of "Regularly Scheduled".	Dwight Brown (202) 632-4634	Jan. 26, 1983, 48 FR 3931	Final regulations published.
8. 5 CFR Part 900	Revocation of Intergovernmental Personnel Act Grant Program Regulations Due to Loss of Funding.	Blair Ewing (202) 632-6161	Feb. 11, 1983, 48 FR 6311	Final regulations published.
9. 5 CFR Part 900 Subpart F	Intergovernmental Personnel Act Programs; Modification of Merit Standards.	Terry Culler (202) 254-3134	Mar. 4, 1983, 48 FR 9209	Final regulations published.

[FR Doc. 83-9312 Filed 4-22-83; 8:45 am]

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April 25, 1983

Part XXXI

Panama Canal Commission

Unified Agenda of Federal Regulations

PANAMA

PANAMA CANAL COMMISSION

35 CFR Ch. I

Unified Agenda of Federal Regulations

AGENCY: Panama Canal Commission.

ACTION: Publication of semiannual agenda of regulations.

SUMMARY: The purpose of this agenda is to report the proposed rulemaking activities of the Panama Canal Commission and to announce completed actions. This information will allow the public to participate in the rulemaking process.

FOR FURTHER INFORMATION CONTACT: For information about a particular regulatory project, contact the person listed in the subheading "Agency Contact" for that project.

For general information, contact Michael Rhode, Jr., Secretary, Panama Canal Commission, Suite 312, Penn Building, 425 13th Street, N.W., Washington, D.C. 20004, (202) 724-0104; or Dwight A. McKabney, Esquire, General Counsel, Panama Canal Commission, APO Miami 34011.

SUPPLEMENTARY INFORMATION: Executive Order 12291, Federal Regulation, and the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* require that executive agencies publish in the **Federal Register** a semiannual notice of regulations which are under development or review or for which action has been completed. The Panama Canal Commission agenda contains some regulations which are limited in public impact but they are included to increase public awareness of Commission activities and to allow for increased public participation in the agency's regulatory review and development process. This agenda was prepared under the guidelines established by OMB Bulletin No. 83-8.

DATED: March 4, 1983.

Michael Rhode, Jr.,

Secretary, Panama Canal Commission.

PANAMA CANAL COMMISSION (PANAMA) — Existing Regulations Under Review

●REVISED RULES FOR THE PREVENTION OF COLLISIONS

Legal Authority: 22 USC 3811 Panama Canal Act of 1977; EO 12215

CFR Citation: 35 CFR 111

Abstract: The planned revision of the Panama Canal Rules for the Prevention of Collisions, Part 111 of 35 CFR, will be designed to update the existing rules which have not undergone a comprehensive, substantive revision for many years. In an effort to standardize the rules for the prevention of collisions and in keeping with the international character of the Panama Canal, the revision will follow generally the format, language and substance of the International Regulations for Preventing Collisions at Sea (72 COLREGS), incorporating where appropriate throughout the text rules of particular applicability to the Panama Canal.

Timetable:

Action	Date	FR Cite
NPRM	04/15/83	
End Review	05/30/83	
Final Action	05/30/83	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Dwight A. McKabney, General Counsel, Panama Canal Commission, APO Miami Florida 34011. Telephone in Balboa Heights, Republic of Panama, 52-7511.

Agency Contact: Michael Rhode, Jr., Secretary, Panama Canal Commission, Suite 312, Penn Building, 425 13th Street, NW, Washington, DC 20004, **202 724-0104**

RIN: 3207-AA00

●CLASSIFIED INFORMATION

Legal Authority: EO 12356

CFR Citation: 35 CFR 60

Abstract: Revision of the regulation will bring agency into compliance with E.O. 12356 which mandated changes concerning the maintenance, classification, downgrading, declassification, and disposition of official information requiring protection against unauthorized disclosure in the interest of the national security.

Timetable:

Action	Date	FR Cite
NPRM	06/30/83	
End Review	00/00/00	
Interim Final Rule	00/00/00	

Small Entity: No

Additional Information: AGENCY CONTACT TELEPHONE NUMBER: 52-7757, in Balboa Heights, Republic of Panama.

Agency Contact: K. E. Goldsberry, Chief, Administrative Services Division, Panama Canal Commission, APO Miami, 34011, **202 724-0104**

RIN: 3207-AA01

●FEES FOR FREEDOM OF INFORMATION ACT REQUESTS

Legal Authority: 5 USC 552(a)(4)(A) Freedom of Information Act as amended

CFR Citation: 35 CFR 9.11

Abstract: Revision of the regulation will update the fees charged for direct search and duplication incurred by the agency in providing records to requesters under the FOIA.

Timetable:

Action	Date	FR Cite
NPRM	06/30/83	
End Review	00/00/00	
Final Action Effective	00/00/00	

Small Entity: No

Additional Information: AGENCY CONTACT TELEPHONE NUMBER: 52-7757, in Balboa Heights, Republic of Panama.

Agency Contact: K. E. Goldsberry, Chief, Administrative Services Division, Panama Canal Commission, APO Miami, 34011, **202 724-0104**

RIN: 3207-AA02

●RULES FOR MEASUREMENT OF VESSELS

Legal Authority: 22 USC 3791 Panama Canal Act of 1979

CFR Citation: 35 CFR 135

Abstract: In July 1982 forty-eight nations, representing more than eighty percent of world shipping, began implementing a new, uniform method for tonnage determination in accordance with the International Convention on Tonnage Measurement of Ships, 1969. The present Panama Canal measurement system is based upon the old

PANAMA

Existing Regulations Under Review

national tonnage measurement systems. To continue the present Panama Canal System may require that new ships be measured twice, once under the new system and again under the now out-dated national system. No timetable for rulemaking has been established. This proposal is still under study by the Panama Canal Commission. The Commission is in the process of obtaining comments from Canal users which will be used to evaluate and assist in formulating a proposed rule.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: No

Agency Contact: Michael Rhode, Jr., Secretary, Panama Canal Commission, Suite 312, Penn Building, 425 13th Street NW, Washington, DC 20004, **202 724-0104**

RIN: 3207-AA03

PANAMA CANAL COMMISSION (PANAMA)

Completed Actions

ACTIONS THAT STARTED AND ENDED BETWEEN ISSUES OF THE UNIFIED AGENDA

●TOLLS FOR USE OF CANAL; INCREASE IN RATES

Abstract: The tolls increase recommended by the Board of Directors was approved by the President of the United States.

Timetable:

Action	Date	FR Cite
Final Action	02/09/83	48 FR 5879
Final Action Effective	03/12/83	

Small Entity: No

Agency Contact: Michael Rhode, Jr., Secretary, Panama Canal Commission, Suite 312, Penn Building, 425 13th Street, NW, Washington, DC 20004, **202 724-0104**

RIN: 3207-AA04

●REVISED SHIPPING AND NAVIGATION RULES FOR THE PANAMA CANAL

Timetable:

Action	Date	FR Cite
Final Action	02/15/83	48 FR 6708
Final Action Effective	03/17/83	48 FR 9003

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Dwight A. McKabney, General Counsel, Panama Canal Commission, APO Miami Florida 34011. Telephone in Balboa Heights, Republic of Panama, 52-7511.

Agency Contact: Michael Rhode, Jr., Secretary, Panama Canal Commission, Suite 312, Penn Building, 425 13th Street, NW, Washington, DC 20004, **202 724-0104**

RIN: 3207-AA05

●PANAMA CANAL TRANSIT BOOKING SYSTEM

Timetable:

Action	Date	FR Cite
Final Action	03/04/83	48 FR 9253
Final Action Effective	04/04/83	48 FR 9253

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Captain George T. Hull. Telephone in the Republic of Panama, 52-7917.

Agency Contact: Michael Rhode, Jr., Secretary, Panama Canal Commission, Suite 312, Penn Building, 425 13th Street, NW, Washington, DC 20004, **202 724-0104**

RIN: 3207-AA06

[FR Doc. 83-9587 Filed 4-22-83; 8:45 am]
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Part XXXII

Pennsylvania Avenue Development Corporation

Unified Agenda of Federal Regulations

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PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

36 CFR Ch. IX

Unified Agenda of Federal Regulations

AGENCY: Pennsylvania Avenue Development Corporation.

ACTION: Unified Agenda of Federal Regulations.

SUMMARY: This document lists regulations that are currently under development or that PADC expects to have under development during the next six months. It was prepared in response to OMB Bulletin 83-8.

FOR FURTHER INFORMATION CONTACT: Ms. Madeleine B. Schaller, Attorney, Office of the General Counsel, Pennsylvania Avenue Development Corporation, 425 13th Street, N.W., Washington, D.C. 20004 (202) 566-1078.

DATED: March 18, 1983.

Thomas J. Regan, Jr.,

Executive Director.

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION (PADC) — Current and Projected Rulemakings

POLICY AND PROCEDURES TO FACILITATE SUCCESSFUL RELOCATION OF BUSINESS AND RESIDENTS WITHIN PENNSYLVANIA AVENUE DEVELOPMENT AREA.

Priority: Agency Determination

Legal Authority: 40 USC 875 Pennsylvania Avenue Dev Corporation Act of 1972

CFR Citation: 36 CFR 908

Abstract: Supplements existing relocation regulations by providing additional relocation assistance as required by the PADC plan. No definite timetable.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Mr. Jerry Smedley, Director of Real Estate, Pennsylvania Avenue Development Corporation, 425 13th Street, NW, Washington, DC 20004, **202 523-3726**

RIN: 3208–AA00

[FR Doc. 83-9587 Filed 4-22-83; 8:45 am]

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Part XXXIII

Pension Benefit Guaranty Corporation

Agenda of Regulations Under Development

PBGC

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Ch. XXVI

Agenda of Regulations Under Development

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Agenda of regulations.

SUMMARY: This document sets forth the Pension Benefit Guaranty Corporation's regulatory agenda issued under Executive Order 12291 and the Regulatory Flexibility Act. The agenda lists regulations that are currently under development or that PBGC expects to have under development during the next twelve months. The effect of this agenda is to advise the public of PBGC's current and future regulatory activities.

ADDRESS: Office of the General Counsel (210), Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006.

FOR FURTHER INFORMATION CONTACT: For further information on the agenda in general, contact Melanie Franco Nussdorf, Special Counsel, Office of the General Counsel, 202-254-6476. For information about a specific regulation project listed on the agenda, contact the person designated in the agenda for that regulation.

SUPPLEMENTARY INFORMATION: Under the President's Order on Federal Regulation, Executive Order 12291, 46 FR 13193 (the "Executive Order"), each agency is required to publish in April and October an agenda of regulations currently or soon to be under development. The Executive Order also requires that the agenda also include those currently effective regulations that are being reviewed by the agency pursuant to the Executive Order. The Regulatory Flexibility Act, 5 U.S.C. 601, Pub. L. 96-354, 94 Stat. 1164, has a similar agenda requirement. Under that law, the agenda must list any regulation subject to the Act that is likely to have a significant economic impact on a substantial number of small entities.

The Office of Management and Budget has issued guidelines (OMB Bulletin No. 83-8) prescribing the form and content of the regulatory agenda. Under those guidelines, the agenda must list all regulatory activities being conducted or reviewed in the next twelve months and provide certain specified information on each regulation. (All the items on this agenda are regulations under development. One regulation, the rule on reportable events (item 5) was reviewed by PBGC pursuant to the Executive Order, and it was determined that that rule should be amended. Accordingly, it is included with the regulations under development.)

The guidelines also require that "priority regulations" be listed first. Priority regulations are those designated as such by the agency head or those that are "major rules" under the Executive Order. PBGC has determined that all the regulations listed in this agenda are necessary to the effective implementation of the insurance program. Accordingly, no distinction is made for "priority regulations."

Finally, as an additional aid to readers, PBGC has separated the regulations under the single-employer insurance program from those under the multiemployer program.

Unless otherwise indicated, all citations in the agenda are to sections of the Employee Retirement Income Security Act of 1974, 29 U.S.C. 1001 *et seq.* (1976), *as amended by* the Multiemployer Pension Plan Amendments Act of 1980 ("the Multiemployer Act"), Pub. L. No. 96-364, 94 Stat. 1208 ("ERISA").

The guidelines require a description of the potential costs and benefits of each regulation. The regulations listed on this agenda fall into three general categories. Some lessen statutory requirements, thereby lowering costs to the public and minimizing burden on plans and plan sponsors. See, for example, items #1 and 5. Others simply implement statutory requirements, and although costs may be imposed because of these statutory requirements, the public is benefitted by clear and unambiguous rules which lessen the probability of disputes, litigation and public confusion. See, for example, items #6 and 7. Others of the regulations in the agenda reallocate costs necessarily imposed by the statute, so that although certain contributing employers may experience greater costs, others will experience an equivalent reduction in costs, resulting in a net effect of zero. See, for example, items #12 and 15. Where applicable, additional costs and benefits are stated separately in the item relating to the particular regulation.

Issued at Washington, D.C., this 16th day of March, 1983.

Edwin M. Jones,

Executive Director, Pension Benefit Guaranty Corporation

PENSION BENEFIT GUARANTY CORPORATION (PBGC) — Current and Projected Rulemakings

RULES GOVERNING THE ARBITRATION OF DISPUTES CONCERNING EMPLOYER LIABILITY.

Legal Authority: 29 USC 1302(b)(3) ERISA; 29 USC 1321(a)(2) ERISA

CFR Citation: 29 CFR 2641

Abstract: Section 4221 of ERISA provides that any dispute between an employer and the sponsor of a multiemployer plan regarding the determination of the employer's withdrawal liability to the plan shall be resolved through arbitration. Section 4221(a)(2) of ERISA provides that an arbitration proceeding under this section shall be conducted in accordance with fair and equitable procedures prescribed by the PBGC. The regulation will set forth those procedures. This regulation is needed to provide the rules of procedure under which an arbitration proceeding will be conducted. PBGC expects that the rule will minimize costs on plan sponsors and contributing employers because it provides a clear set of rules designed to clarify the Act's provisions and the responsibilities of the respective parties.

Timetable:

Action	Date	FR Cite
NPRM	06/30/83	

Small Entity: No

Agency Contact: **Mrs. Renae Hubbard**, Special Counsel, Pension Benefit Guaranty Corporation, Office of the General Counsel, 2020 K

Street, NW, Washington, DC 20006, 202 254-4895

RIN: 1212-AA05

NOTICE AND COLLECTION OF WITHDRAWAL LIABILITY.

Legal Authority: 29 USC 1302(b)(3) ERISA; 29 USC 1399(c) ERISA

CFR Citation: 29 CFR 2644

Abstract: Section 4219(c)(6) of ERISA provides that the interest rate charged by a multiemployer plan in the event of delinquency or default in the payment of withdrawal liability shall be based on prevailing market rates for comparable obligations, in accordance with PBGC regulations. This regulation will implement that section by establishing the interest rate to be used. In addition, PBGC is considering giving plans authority to establish their own rates, consistent with section 4219(c)(6).

Timetable:

Action	Date	FR Cite
NPRM	02/14/83	48 FR 6590
NPRM Comment Period Begin	02/14/83	
NPRM Comment Period End	04/15/83	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Mr. J. Ronald Goldstein, Attorney, Pension Benefit Guaranty Corporation, Office of Executive Director, Policy and Planning, 202 254-4862

RIN: 1212-AA06

POWERS AND DUTIES OF PLAN SPONSORS OF PLANS TERMINATED BY MASS WITHDRAWAL; NOTICES OF BENEFIT REDUCTIONS AND SUSPENSIONS.

Legal Authority: 29 USC 1302(b)(2) ERISA; 29 USC 1441(c) ERISA; 29 USC 1441(d) ERISA

CFR Citation: 29 CFR 2675

Abstract: Section 4281 of ERISA contains rules relating to the administration and payment of benefits under multiemployer plans that have terminated by mass withdrawal. Under certain circumstances, the plan sponsor is required to amend the plan to eliminate benefits not eligible for PBGC's guarantee under Section 4022A. In addition, if the terminated plan becomes insolvent, the sponsor is required to suspend payment of any benefits that are in excess of those guaranteed under Section 4022A. The PBGC is authorized to modify the statutory duties of the plan sponsor, including the duty to provide participants and beneficiaries with notice of benefit reductions, and is required to prescribe rules that ensure that plan participants and beneficiaries receive adequate notice of the benefit suspensions. This regulation will prescribe the requirements for these two notices, and will also modify the statutory rules concerning when a plan sponsor must make determinations of plan solvency. This regulation will benefit multiemployer plans by reducing the number of notices that would otherwise be required under ERISA, thus reducing plan costs. In addition, the regulation will (cont)

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: ABSTRACT CONT: benefit plan participants and beneficiaries by requiring that they receive timely and informative notices of benefit reductions and suspensions. These benefits cannot be quantified. While providing the notices required by the regulation will obviously entail a cost to plans, the aggregate cost will be low: PBGC estimates that fewer than 30 plans per year will terminate by mass withdrawal, and only a very few of those will ever be required to reduce or suspend benefits.

Agency Contact: Mr. J. Ronald Goldstein, Attorney, Pension Benefit Guaranty Corporation, Office of Executive Director, Policy and Planning, 202 254-4862

RIN: 1212-AA07

VARIANCES FOR SALES OF ASSETS.

Legal Authority: 29 USC 1302(b)(3) ERISA; 29 USC 1384(c) ERISA

CFR Citation: 29 CFR 2643

Abstract: Section 4204 of ERISA provides that the sale of assets by an employer who contributes to a multiemployer plan, which would normally constitute a withdrawal from the plan, will not be considered a withdrawal if certain requirements are met. This regulation will provide exemptions or variances from the purchaser's bond/escrow requirement and the sales-contract requirement of section 4204 (a)(1)(B) and (C) of ERISA under certain conditions. This regulation will assist employers who engage in sales of assets to structure those transactions so as to avoid any immediate liability for the seller's withdrawal from a multiemployer plan. Further, by waiving the requirement that the purchaser post a bond or establish an escrow account, the regulation frees up funds that the purchaser may use for other purposes. In 15 cases decided so far in which the PBGC has granted individual exemptions from this requirement, the total amount of the bonds/escrows waived is approximately $8.4 million.

Timetable:

Action	Date	FR Cite
NPRM	02/14/83	48 FR 6555
NPRM Comment Period Begin	02/14/83	
NPRM Comment Period End	04/15/83	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Mr. James M. Graham, Attorney, Pension Benefit Guaranty Corporation, Office of Executive Director, Policy and Planning, 202 254-4862

RIN: 1212-AA08

NOTICE OF INSOLVENCY.

Legal Authority: 29 USC 1302(b)(3) ERISA; 29 USC 1426(e) ERISA

CFR Citation: 29 CFR 2674

Abstract: Section 4245(e) of ERISA requires the plan sponsor of a multiemployer, upon determining that the plan may become insolvent, to give notice of that fact to the PBGC, contributing employers, affected employee organizations and plan participants. In addition, the plan sponsor must inform those parties of the plan's resource benefit level for the insolvency year. Section 4245(e)(4) of ERISA requires that the notices be given in accordance with regulations prescribed by the PBGC. This regulation will establish the procedures for issuing and the contents of the insolvency notices. The early notice of potential plan insolvency to the collective bargaining parties will enable the parties, if they so choose, to negotiate additional contributions in order to avoid insolvency and the consequent benefit suspensions. This is of benefit to plan participants and beneficiaries, although it is not possible to quantify that benefit. If adopted as currently drafted, the regulation would impose some costs above those already imposed by the pertinent statutory provisions, which require insolvency notices only from plans in reorganization, because the (cont)

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: ABSTRACT CONT: regulation would require the insolvency

notices to be issued by all plans. However, the aggregate additional cost will be slight: PBGC estimates there will be approximately five insolvent plans in any year, but of this number, perhaps only one will not be in reorganization.

Agency Contact: Mr. J. Ronald Goldstein, Attorney, Pension Benefit Guaranty Corporation, Office of Executive Director, Policy and Planning, 202 254-4862

RIN: 1212-AA09

MERGERS AND TRANSFERS BETWEEN MULTIEMPLOYER PLANS.

Legal Authority: 29 USC 1302(b)(3) ERISA; 29 USC 1411 ERISA

CFR Citation: 29 CFR 2672

Abstract: Section 4231(b)(1) of ERISA requires the plan sponsor of a multiemployer plan to notify PBGC, in accordance with regulations prescribed by PBGC, of a merger or transfer of assets or liabilities to another multiemployer plan. In addition, section 4231(b) contains three other conditions that all mergers or transfers between multiemployer plans must satisfy. This regulation will establish the requirements for the notice to PBGC, as well as provide guidance to plan sponsors in complying with the other three conditions. The primary benefit of this regulation is that it will protect the multiemployer insurance system and the premium payers by helping to insure that plans do not engage in transactions that would have the effect of weakening any of the plans involved in the transaction. By requiring the notice to include data that will enable PBGC to monitor compliance with section 4231(b), the regulation does impose new costs on the public. PBGC expects these costs to be approximately $12,000 per year, assuming 40 mergers and transfers of assets or liabilities per year.

Timetable:

Action	Date	FR Cite
NPRM	12/22/81	46 FR 62087
NPRM Comment Period End	02/22/82	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Mr. James M. Graham, Attorney, Pension Benefit Guaranty Corporation, Office of Executive Director, Policy and Planning, 202 254-4862

RIN: 1212-AA10

SUPPLEMENTAL GUARANTEE PROGRAM.

Legal Authority: 29 USC 1302(b)(3) ERISA; 29 USC 1322a(g)(2) ERISA

CFR Citation: 29 CFR 2690 to 2699

Abstract: Section 4022A(g)(2) of ERISA requires PBGC to issue regulations establishing a supplemental program to guarantee benefits under multiemployer plans that would otherwise be guaranteed but for the limitations in section 4022A(c) of ERISA. Participation by plans in this supplemental program is optional. These regulations will address premiums, eligibility requirements, applications for coverage, the amount of coverage provided, and financial assistance from PBGC under the supplemental program. Since ERISA requires that the supplemental guarantee program be entirely self-supporting, it follows that the costs to the public (the premiums) will have to at least equal the insurance benefits provided plus the PBGC's cost of administering this program. Because participation in this program is voluntary and because PBGC has not yet published a notice of proposed rulemaking, PBGC does not have any reliable data on the number of plans that will participate and the amount of insurance coverage they will purchase. Accordingly, PBGC is unable to quantify the costs and benefits.

Timetable:

Action	Date	FR Cite
NPRM	02/01/83	48 FR 4632
NPRM Comment Period Begin	02/01/83	
NPRM Comment Period End	04/04/83	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Mr. J. Ronald Goldstein, Attorney, Pension Benefit Guaranty Corporation, Office of Executive Director, Policy and Planning, 202 254-4862

RIN: 1212-AA12

RULES DEFINING THE "BUILDING AND CONSTRUCTION INDUSTRY".

Legal Authority: 29 USC 1302(b)(3) ERISA; 29 USC 1383(b) ERISA

CFR Citation: 29 CFR 2646

Abstract: Section 4203(b) of ERISA contains special withdrawal rules applicable to the building and construction industry. ERISA does not, however, contain a definition of the term "building and construction industry"; nor does it define two other terms critical to the special rules, "primarily" and "substantially." This regulation would provide those definitions. Because there are conflicting views among the public as to the need for this regulation, and because of the difficulty in developing appropriate definitions of these terms, PBGC plans to issue an advance notice of proposed rulemaking on this matter. After reviewing the comments received in response to the advance notice PBGC will determine whether to proceed with a regulation.

Timetable:

Action	Date	FR Cite
ANPRM	09/28/82	47 FR 42588
ANPRM Comment Period Begin	09/28/82	
ANPRM Comment Period End	11/29/82	
NPRM	00/00/00	

Small Entity: No

Agency Contact: J. Ronald Goldstein, Attorney, Pension Benefit Guaranty Corporation, Office of Executive Director, Policy and Planning, 202 254-4862

RIN: 1212-AA13

REDUCTION OR WAIVER OF COMPLETE WITHDRAWAL LIABILITY.

Legal Authority: 29 USC 1302(b)(3) ERISA; 29 USC 1387(a) ERISA

CFR Citation: 29 CFR 2647

Abstract: Section 4207(a) of ERISA requires the PBGC to establish rules for reducing or waiving the liability of an employer who has completely withdrawn from a multiemployer plan and subsequently resumes covered operations or renews the obligation to contribute under the plan. This regulation will prescribe the circumstances under which an employer's liability will be reduced or waived and the rules for computing the employer's liability for a complete or partial withdrawal after it has reentered the plan. This regulation will benefit multiemployer plans by encouraging some employers who have withdrawn from these plans to renew their participation in the plans. By the same token these employers will benefit by having some or all of their withdrawal liability waived. While the plans will incur the cost of foregoing collection of some of the withdrawal liability owed them, the assumption underlying this statutory provision is that these costs will be offset by the contributions employers will make to the plans after their reentry. PBGC is unable to quantify these benefits and costs, because it cannot predict the number of employers who will avail themselves of this rule.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Mr. J. Ronald Goldstein, Attorney, Pension Benefit Guaranty Corpora-

tion, Office of Executive Director, Policy and Planning, 202 254-4862

RIN: 1212-AA14

TRANSFERS OF LIABILITIES TO SINGLE-EMPLOYER PLANS; WAIVER OF MULTIEMPLOYER PLAN'S CONTINGENT LIABILITY.

Legal Authority: 29 USC 1302(b)(3) ERISA; 29 USC 1412(c) ERISA

CFR Citation: 29 CFR 2679

Abstract: Under section 4232(c), a multiemployer plan that transfers liabilities to a single-employer plan is contingently liable to PBGC, up to the amounts specified in section 4232(c), if the single-employer plan terminates within five years after the transfer. PBGC is authorized, however, to waive the contingent liability if it determines that its interests and the interests of plan participants and beneficiaries are adequately protected. This regulation will provide procedures for applying to PBGC for a waiver and standards under which waivers will be granted. This regulation will benefit those multiemployer plans that will qualify for a waiver of their contingent liability. To date, PBGC has received nine requests for waivers, involving potential maximum liabilities of approximately $2,885,000. PBGC is unable to predict how many more plans may apply for waivers once this regulation is issued. Insofar as the intended purpose of this regulation is achieved, there will be no costs associated with it, because the contingent liability will be waived only in those situations where it is extremely unlikely that the liability would ever become an actual claim of PBGC against (cont)

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: ABSTRACT CONT: the multiemployer plan.

Agency Contact: Mr. James M. Graham, Attorney, Pension Benefit Guaranty Corporation, Office of Executive Director, Policy and Planning, 202 254-4862

RIN: 1212-AA15

REDETERMINATION OF WITHDRAWAL LIABILITY UPON MASS WITHDRAWAL.

Legal Authority: 29 USC 1302(b)(13) ERISA; 29 USC 1389(c) ERISA; 29 USC 1389(d) ERISA; 29 USC 1399(c)(1)(D) ERISA

CFR Citation: 29 CFR 2676

Abstract: The rules for determining an employer's withdrawal liability do not necessarily allocate a plan's total unfunded vested benefits because of the rules reducing or eliminating withdrawal liability, such as the de minimis rule. Therefore, if all or substantially all the employers in a plan withdraw, there may be large unallocated amounts that would constitute a potential claim on the insurance system. In order to avoid this result, section 4219(c)(1)(D) requires the determination or redetermination of withdrawal liability, in order to fully allocate a plan's unfunded vested benefits, upon either the termination of the plan through the withdrawal of every employer, or the withdrawal of substantially all the employers pursuant to an agreement or arrangement to withdraw. This regulation will set forth rules implementing this requirement. This regulation primarily benefits the multiemployer insurance program and the plans that are required to pay premiums under it, by insuring that in the event of a mass withdrawal (or the withdrawal of substantially all the employers pursuant to an agreement to withdraw), the liability for all unfunded vested benefits is allocated to the (cont)

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: ABSTRACT CONT: withdrawing employers. In addition, in the case of the withdrawal of substantially all employers, the rule will benefit the employers remaining in the plan by preventing them from being left with more than their fair share of the plan's unfunded vested benefits.

Agency Contact: Mr. J. Ronald Goldstein, Attorney, Pension Benefit Guaranty Corporation, Office of Executive Director, Policy and Planning, 202 254-4862

RIN: 1212-AA16

VALUATION OF OUTSTANDING CLAIMS FOR WITHDRAWAL LIABILITY.

Legal Authority: 29 USC 1302(b)(3) ERISA; 29 USC 1301(a)(12) ERISA

CFR Citation: 29 CFR 2677

Abstract: Three of the four statutory methods for allocating a plan's unfunded vested benefits to a withdrawn employer generally reduce the amount of the unfunded vested benefits by the value of outstanding claims for withdrawal liability. Section 4001(a)(12) of ERISA provides that these claims are to be valued in accordance with PBGC regulations. This regulation will prescribe those valuation rules.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Mr. J. Ronald Goldstein, Attorney, Pension Benefit Guaranty Corporation, Office of Executive Director, Policy and Planning, 202 254-4862

RIN: 1212-AA17

VALUATION OF OTHER PLAN ASSETS AND PLAN BENEFITS.

Legal Authority: 29 USC 1302(b)(3) ERISA; 29 USC 1441(b) ERISA

CFR Citation: 29 CFR 2677; 29 CFR 2678

Abstract: A plan that has terminated by mass withdrawal is required under section 4281(b) of ERISA to perform an annual valuation of the plan's nonforfeitable benefits and assets. This valuation is to be done in accordance with PBGC regulations. This regulation will prescribe those valuation rules.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Mr. J. Ronald Goldstein, Attorney, Pension Benefit Guaranty Corporation, Office of Executive Director, Policy and Planning, 202 254-4862

RIN: 1212-AA18

RULES UNDER SECTIONS 4041A AND 4281 FOR PLANS TERMINATED BY MASS WITHDRAWAL.

Legal Authority: 29 USC 1302(b)(3) ERISA; 29 USC 1341a ERISA; 29 USC 1441(d) ERISA

CFR Citation: 29 CFR 2675

Abstract: Section 4041A of ERISA provides rules with respect to the termination of multiemployer plans and the payment of benefits under those plans. Under section 4041A(f)(2), PBGC is authorized to prescribe rules for the administration of those plans that are appropriate to protect the interests of plan participants and beneficiaries or to prevent unreasonable loss to the insurance system. Under section 4281(d)(1), the plan sponsor of a plan that has terminated by mass withdrawal is required annually to determine the value of the plan's nonforfeitable benefits and assets. If the value of the benefits exceeds the value of the assets, the sponsor must amend the plan to eliminate benefits not eligible for PBGC's

guarantee under section 4022A(b), to the extent necessary to insure that the plan assets are sufficient to pay all nonforfeitable benefits. This determination of sufficiency is to be made in accordance with rules prescribed by PBGC. This regulation would establish the rules for administering plans that have terminated by mass withdrawal, including the rules for determining sufficiency in the circumstances described above. The primary purpose (cont)

Timetable:

Action	Date	FR Cite
NPRM	08/31/83	

Small Entity: No

Additional Information: ABSTRACT CONT: and benefit of this regulation will be to establish rules that encourage the efficient administration of these plans. By thus helping to preserve plan assets, these rules will, in the first instance, benefit plan participants and beneficiaries and secondarily, the multiemployer insurance system and premium payers. PBGC lacks adequate data to be able to quantify these benefits.

Agency Contact: Mr. J. Ronald Goldstein, Attorney, Pension Benefit Guaranty Corporation, Office of Executive Director, Policy and Planning, **202 254-4862**

RIN: 1212-AA19

RULES FOR VALUING GROUP INSURANCE CONTRACTS (AMENDMENT TO THE VALUATION OF PLAN ASSETS REGULATION).

Legal Authority: 29 USC 1302(b)(3) ERISA; 29 USC 1341 ERISA; 29 USC 1344 ERISA; 29 USC 1362(b)(1) ERISA

CFR Citation: 29 CFR 2620

Abstract: This amendment to the existing PBGC regulation on valuing plan assets, 29 CFR Part 2620, will set forth rules for valuing group insurance contracts as plan assets. This regulation applies to single-employer plans. This rule is necessary to provide uniform standards for plan administrators and employers to use in valuing insurance contracts. The rule will enable plans which are funded through insurance contracts to have clear guidance on how this asset should be treated in the plan termination context, and alleviate time-consuming costly delays due to uncertainty on how this commonly used plan funding vehicle should be valued.

Timetable:

Action	Date	FR Cite
NPRM	05/07/76	44 FR 18992
Final Action	08/30/83	

Small Entity: Not Applicable

Agency Contact: Ms. Joan Segal, Attorney, Pension Benefit Guaranty Corporation, Office of the General Counsel, 2020 K Street, NW, Washington, DC 20006, **202 254-3010**

RIN: 1212-AA01

RULES FOR RECOVERY OF BENEFIT OVERPAYMENTS AND EARLY BENEFIT REDUCTION.

Legal Authority: 29 USC 1302(b)(3) ERISA; 29 USC 1322 ERISA; 29 USC 1341 ERISA; 29 USC 1342 ERISA; 29 USC 1344 ERISA; 29 USC 1361 ERISA

CFR Citation: 29 CFR 2623

Abstract: The PBGC is developing a proposed regulation to set forth rules designed: (a) to reduce benefit overpayments made to plan participants after the date of plan termination by requiring plan administrators to reduce benefit payments to the estimated level of Title IV benefits payable; (b) to define the circumstances under which the PBGC will recover overpayments from plan participants; and (c) to describe the method(s) by which the PBGC will recover overpayments. The proposed regulation applies only to single-employer plans. This regulation is needed to establish rules and procedures for the prompt reduction of benefits after the date of plan termination in order to minimize overpayments to participants and to establish a formal procedure for PBGC recovery of overpayments to participants. This regulation will provide guidance to plan administrators and participants and minimize costs to the insurance system. No new costs will be added to plan sponsors because PBGC presently requests plan administrators to cut back benefits after termination to estimated guaranteed benefits. The effect of the rule in this respect will be simply to provide clear (cont)

Timetable:

Action	Date	FR Cite
NPRM	08/31/83	

Small Entity: No

Additional Information: ABSTRACT CONT: guidance as to the method and form of the cutback. The rule will greatly minimize losses to the insurance system because it will be far more likely that the overpayments in benefits will be small and will be capable of complete recoupment during the participant's lifetime.

Agency Contact: Mrs. Renae Hubbard, Special Counsel, Pension Benefit Guaranty Corporation, Office of the General Counsel, 2020 K Street, NW, Washington, DC 20006, **202 254-4895**

RIN: 1212-AA02

RULES RELATING TO REPORTING AND NOTIFICATION REQUIREMENTS FOR REPORTABLE EVENTS.

Legal Authority: 29 USC 1302(b)(3) ERISA; 29 USC 1343 ERISA; 29 USC 1365 ERISA

CFR Citation: 29 CFR 2615

Abstract: Section 4043 of ERISA sets forth several types of events with respect to which plan administrators must notify the PBGC and authorizes the PBGC to waive the thirty-day notification requirements for any of those events. The Multiemployer Act amended section 4065 of ERISA to authorize PBGC to waive the requirement that a list of reportable events be included in the Annual Report filed with the PBGC. In addition, the Multiemployer Act established separate reporting and notification requirements for multiemployer plans. Accordingly, the PBGC is amending its reportable events regulation, 29 CFR Part 2615, which modifies certain of the statutory requirements, to further delete unnecessary reporting requirements for both single-employer and multiemployer plans. The regulation will reduce the reporting and notification requirements to which plan administrators are subject.

Timetable:

Action	Date	FR Cite
NPRM	06/30/83	

Small Entity: No

Agency Contact: Ms. Melanie Nussdorf, Special Counsel, Pension Benefit Guaranty Corporation, Office of the General Counsel, 2020 K Street, NW, Washington, DC 20006, **202 254-6476**

RIN: 1212-AA04

PENSION BENEFIT GUARANTY CORPORATION (PBGC)

Completed Actions

COMPLETED RULEMAKINGS

EXTENSION OF SPECIAL WITHDRAWAL LIABILITY RULES.

Legal Authority: 29 USC 1302(b)(3) ERISA; 29 USC 1383(f) ERISA; 29 USC 1388(e)(3) ERISA

CFR Citation: 29 CFR 2645

Abstract: Under section 4203(f) of ERISA, PBGC may permit plans to adopt special withdrawal liability rules, similar to those applicable to the construction and entertainment industries, if PBGC determines that the rules adopted by a plan would apply to an industry that has the characteristics that would make use of the special rules appropriate, and that use of the rules would not pose a significant risk to the PBGC insurance system. PBGC has already issued a regulation establishing the procedures under which plans may seek PBGC approval of special withdrawal rules (47 F.R. 12622 (March 24, 1982)). The purpose of this rulemaking is to establish general standards under which PBGC could make the determinations described above. The benefit of this regulation is that it will enable certain employers in qualifying plans to cease participation in those plans without incurring withdrawal liability. This rule will also benefit those plans by helping them attract new employers and by reducing the administrative costs associated with calculating and assessing withdrawal liability.

Timetable:

Action	Date	FR Cite
ANPRM	05/05/82	47 FR 19376
ANPRM Comment Period End	07/06/82	
Withdrawn	12/01/82	

Small Entity: No

Agency Contact: **Mr. James M. Graham**, Attorney, Pension Benefit Guaranty Corporation, Office of Executive Director, Policy and Planning, **202 254-4862**

RIN: 1212-AA11

RULES FOR FILING A NOTICE OF INTENT TO TERMINATE.

Legal Authority: 29 USC 1302 ERISA; 29 USC 1341 ERISA; 29 USC 1343 ERISA

CFR Citation: 29 CFR 2616

Abstract: This rule involves the issuance of a joint form (Form 5310) by the PBGC and the Internal Revenue Service ("IRS") and amendments to the PBGC's Notice of Intent to Terminate regulation, 29 CFR Part 2616. This regulation applies only to single-employer plans, and will provide plan administrators with simplified procedures, and a basic form for notifying the PBGC of plan terminations. Use of the new procedures will eliminate duplicative filing requirements of the PBGC and IRS. PBGC estimates that use of the joint form will halve the costs of filing associated with plan termination.

Timetable:

Action	Date	FR Cite
NPRM	07/24/79	44 FR 43405
Final Action	01/27/83	48 FR 3722
Final Action Effective	02/28/83	

Small Entity: Not Applicable

Agency Contact: **Mr. William Seals**, Deputy Assistant General Counsel, Pension Benefit Guaranty Corporation, Office of the General Counsel, 2020 K Street, NW, Washington, DC 20006, **202 254-4895**

RIN: 1212-AA00

RULES RELATING TO PLAN ERISAFICATION (PROPOSED AMENDMENTS TO THE GUARANTEED BENEFITS AND LIMITATION ON GUARANTEED BENEFITS REGULATIONS).

Legal Authority: 29 USC 1301(a) ERISA; 29 USC 1302(b)(3) ERISA; 29 USC 1322 ERISA; 29 USC 1322B ERISA

CFR Citation: 29 CFR 2613; 29 CFR 2621

Abstract: The Multiemployer Act requires the PBGC to guarantee those benefits that are provided under the terms of a plan or that are required by law. Under the Multiemployer Act, all plans that terminate on or after September 26, 1980, are to be treated as though the essential requirements of Title I of ERISA were added to the plan as of the effective date under Section 211 of ERISA with respect to each plan. Accordingly, the PBGC proposes to amend its Guaranteed Benefits regulation, 29 CFR Part 2613, and its Limitation on Guaranteed Benefits regulation, 29 CFR Part 2621, to set forth the essential provisions that will be read into such plans. These amendments apply only to single-employer plans, although the agency will shortly begin work on amendments that will apply to multiemployer plans. The single-employer changes will not be delayed since the larger number of terminating single-employer plans necessitates regulatory guidance now. This regulation is needed in order to ensure that participants and beneficiaries in terminating single-employer plans receive the retirement benefit protection mandated by Congress.

Timetable:

Action	Date	FR Cite
Withdrawn	01/01/83	

Small Entity: No

Agency Contact: **Mrs. Renae Hubbard**, Special Counsel, Pension Benefit Guaranty Corporation, Office of the General Counsel, 2020 K Street, NW, Washington, DC 20006, **202 254-4895**

RIN: 1212-AA03

[FR Doc. 83-9588 Filed 4-22-83; 8:45 am]

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Part XXXIV

Railroad Retirement Board

Semi-Annual Agenda of Regulations Under Development or Review

RRB

RAILROAD RETIREMENT BOARD

20 CFR Ch. II

Semiannual Agenda of Regulations Under Development or Review.

AGENCY: Railroad Retirement Board.

ACTION: Agenda of regulations under development or review.

SUMMARY: This agenda contains lists of regulations that the Board is developing or proposes to develop in the next twelve months and regulations that are scheduled to be reviewed in that period.

ADDRESS: 844 Rush Street, Chicago, Illinois 60611.

FOR FURTHER INFORMATION CONTACT: Steven A. Bartholow, Assistant General Counsel, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611 (312) 751-4944 (FTS 387-4944).

SUPPLEMENTARY INFORMATION: Regulations that are routine in nature or pertain solely to internal agency management have not been included in the agenda. Current regulations that are proposed to be modified based on a completed review of the regulations are listed in the agenda as regulations under development.

DATED: February 25, 1983.
By Authority of the Board.

James T. Brown,
Chief Executive Officer
Railroad Retirement Board.

RAILROAD RETIREMENT BOARD (RRB) — Current and Projected Rulemakings

ADJUSTMENT OF ANNUITIES WHEN REVENUES ARE NOT SUFFICIENT TO PAY FULL TIER I AND TIER II BENEFIT COMPONENTS.

Legal Authority: 45 USC 231f(b)(5); 45 USC 231u

CFR Citation: Not yet determined

Abstract: The Omnibus Budget Reconciliation Act of 1981 added a new section 22 to the Railroad Retirement Act of 1974. This new section imposes certain responsibilities on the Board if the Board in any fiscal year borrows 50 percent or more of the moneys that it is authorized to borrow by section 15(b)(2) of the Railroad Retirement Act. If 50 percent or more is borrowed in a fiscal year, the Board must submit a report to Congress and the President which among other things must identify the first year, if any, in which the amount of moneys available will not be sufficient to pay full benefits. Within 180 days after submission of a report to the President and Congress identifying a year in which benefits will exceed available funds, the Board must publish regulations in the Federal Register providing for the reduction of annuities in such fiscal year. The proposed regulation would implement Section 22 of the Railroad Retirement Act.

Timetable:

Action	Date	FR Cite
Regulation development began.	12/00/82	
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: FTS 387-4944

Agency Contact: **Steven A. Bartholow**, Assistant General Counsel, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, **312 751-4944**

RIN: 3220-AA00

PART 220 DISABILITY DETERMINATIONS.

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 220

Abstract: The Board's regulations with respect to disability determinations have not been updated for several years and they are, in certain respects, obsolete. When revised, this regulation should ease the administration of disability benefits and result in greater consistency in disability determinations.

Timetable:

Action	Date	FR Cite
NPRM	06/00/83	

Small Entity: Not Applicable

Additional Information: FTS 387-4818

Agency Contact: **Marilyn Berg**, Program Analyst, Railroad Retirement Board, Bureau of Retirement Claims, 844 Rush Street, Chicago, IL 60611, **312 751-4818**

RIN: 3220-AA01

PRIMARY INSURANCE AMOUNT DETERMINATIONS.

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 225

Abstract: The computation of benefits under the Railroad Retirement Act of 1974 is quite complex and is not easily understood by beneficiaries. This proposed regulation would explain primary insurance amount determinations in a manner that will enable claimants and beneficiaries to more easily understand this phase of benefit computations.

Timetable:

Action	Date	FR Cite
NPRM	06/00/83	

Small Entity: Not Applicable

Additional Information: FTS 387-4818

Agency Contact: **Marilyn Berg**, Program Analyst, Railroad Retirement Board, Bureau of Retirement Claims, 844 Rush Street, Chicago, IL 60611, **312 751-4818**

RIN: 3220-AA02

COMPUTING THE EMPLOYEE AND SPOUSE ANNUITY.

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 226

Abstract: The Board's regulations on the computation of employee and spouse annuities must be updated to conform to the Railroad Retirement Act of 1974 and to amendments to the Act made by the Omnibus Budget Reconciliation Act of 1981.

Timetable:

Action	Date	FR Cite
NPRM	12/00/83	

Small Entity: Not Applicable

Additional Information: FTS 387-4818

Agency Contact: **Marilyn Berg**, Program Analyst, Railroad Retirement Board, Bureau of Retirement Claims, 844 Rush Street, Chicago, IL 60611, **312 751-4818**

RIN: 3220-AA03

DEFINITION AND CREDITABILITY OF SERVICE.

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 220

Abstract: The Board's regulations on creditability of service have not been revised recently and a review of the regulations revealed that revisions are necessary to conform to amendments to the Act and to clarify the regulations in several respects.

Timetable:

Action	Date	FR Cite
NPRM	06/00/83	

Small Entity: No

Additional Information: FTS 387-4875

Agency Contact: **Dorothy Swan**, Supervisor, Railroad Retirement Board, Methods and Procedures,, Data Processing and Accounts, 844 Rush Street, Chicago, IL 60611, **312 751-4875**

RIN: 3220-AA04

MILITARY SERVICE.

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 209

Abstract: The Board's regulations on military service have not been revised recently and it was determined based on a review of the current regulations that revisions would be advisable to clarify and simplify the regulations.

Timetable:

Action	Date	FR Cite
NPRM	06/00/83	

Small Entity: No

Additional Information: FTS 387-4875

Agency Contact: **Dorothy Swan**, Supervisor, Railroad Retirement Board, Methods and Procedures, Data Processing and Accounts, 844 Rush Street, Chicago, IL 60611, **312 751-4875**

RIN: 3220-AA05

DEFINITION AND CREDITABILITY OF COMPENSATION.

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 222

Abstract: The Board's regulations on creditability of compensation have not been revised recently and it was determined based on a review of the current regulations that revisions would be advisable to clarify and simplify the regulations.

Timetable:

Action	Date	FR Cite
NPRM	06/00/83	

Small Entity: Not Applicable

Additional Information: FTS 387-4875

Agency Contact: **Dorothy Swan**, Supervisor, Railroad Retirement Board, Methods and Procedures, Data Processing and Accounts, 844 Rush Street, Chicago, IL 60611, **312 751-4875**

RIN: 3220-AA06

REPORTS AND INFORMATION TO BE FILED BY EMPLOYERS.

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 250

Abstract: The Board's regulations on reports and information to be filed by employers have not been revised recently and it was determined based on a review of the current regulations that revisions would be advisable to clarify and simplify the regulations.

Timetable:

Action	Date	FR Cite
NPRM	06/00/83	

Small Entity: Not Applicable

Additional Information: FTS 387-4875

Agency Contact: **Dorothy Swan**, Supervisor, Railroad Retirement Board, Methods and Procedures, Data Processing and Accounts, 844 Rush Street, Chicago, IL 60611, **312 751-4875**

RIN: 3220-AA07

STATUTORY LIEN WHERE SICKNESS BENEFITS PAID.

Legal Authority: 45 USC 362(1); 45 USC 362(o)

CFR Citation: 20 CFR 341

Abstract: Section 12(o) of the Railroad Unemployment Insurance Act provides that sickness benefits shall be payable to an individual for days of sickness regardless of the liability of any person for the infirmity for which the benefits are paid. However, that section also provides that the Board is to be reimbursed for the sickness benefits actually paid from any sum or damages paid or payable to the individual by reason of the infirmity. The proposed regulation will explain when a lien is established under section 12(o) of the Railroad Unemployment Insurance Act, how the amount of the lien is determined, what procedures must be followed by the Board in establishing the lien, and how the lien may be satisfied. In addition, the proposed regulation will establish procedures to be followed by the Board in terminating sickness benefits where it has been reported to the Board that the beneficiary has recovered through settlement or judgment any sum or damages for the same injury or sickness for which sickness benefits under the Railroad Unemployment Insurance Act have been paid. Comments on the NPRM were received from the public and consideration has been given to those comments.

Timetable:

Action	Date	FR Cite
NPRM	11/10/80	45 FR 74510
Final Action	06/00/83	

Small Entity: Not Applicable

Additional Information: FTS 387-4810

Agency Contact: **Walter Witkovich**, Chief of Adjudication, Railroad Retirement Board, Bur of Unemployment and Sickness Insurance, 844 Rush Street, Chicago, IL 60611, **312 751-4810**

RIN: 3220-AA08

REGULATIONS UNDER THE REGIONAL RAIL REORGANIZATION ACT OF 1973.

Legal Authority: 45 USC 362(1); 45 USC 797; PL 97-102

CFR Citation: 20 CFR 399

Abstract: Pursuant to the Northeast Rail Service Act of 1981, appropriations statutes authorized by that Act, and the benefit schedules prescribed by the Secretary of Labor, the Board has certain duties, responsibilities, and powers to administer programs under Title VII of the Regional Rail Reorganization Act of 1973. Regulations are necessary to establish procedures to be followed in making claims under these programs and to establish procedures for resolving disputes and appeals.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/00/83	

Small Entity: Not Applicable

Additional Information: FTS 387-4810

Agency Contact: **Walter Witkovich**, Chief of Adjudication, Railroad Retirement Board, Bur of Unemployment and Sickness Insurance, 844 Rush Street, Chicago, IL 60611, **312 751-4810**

RIN: 3220-AA09

DISCLOSURE OF BUSINESS INFORMATION.

Legal Authority: 5 USC 552

CFR Citation: 20 CFR 200.3

Abstract: The Department of Justice recently directed Federal agencies to establish procedures, preferably as regulations, to cover requests under the Freedom of Information Act for business information provided by private business concerns. A regulation is under development to comply with this directive.

Timetable:

Action	Date	FR Cite
NPRM	09/00/83	

Small Entity: Not Applicable

Additional Information: FTS 387-4567

Agency Contact: Arthur A. Arfa, General Attorney, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, **312 751-4567**

RIN: 3220-AA10

●REGULATIONS UNDER THE ROCK ISLAND RAILROAD TRANSITION AND EMPLOYEE ASSISTANCE ACT.

Legal Authority: PL 97-424, Sec 231

CFR Citation: Not yet determined

Abstract: The Bankrupt Railroad Service Preservation and Employee Protection Act of 1982 amended the Rock Island Railroad Transition and Employee Assistance Act to provide for the adoption of a benefit program for protection of employees of the Rock Island Railroad who are adversely affected by a reduction in service by the Railroad. The Railroad Retirement Board is authorized to administer this benefit program and is authorized to prescribe regulations for administration of the program.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Agency Contact: Steven A. Bartholow, Assistant General Counsel, Railroad Retirement Board, Bureau of Law, 844 Rush St., Chicago, Illinois 60611, **312 751-4944**

RIN: 3220-AA12

●ANNUITY BEGINNING AND ENDING DATES.

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 218

Abstract: Part 218 is being revised to incorporate changes required as a result of amendments to the Railroad Retirement Act of 1974 made by the Omnibus Budget Reconciliation Act of 1981.

Timetable:

Action	Date	FR Cite
NPRM	09/00/83	

Small Entity: Not Applicable

Agency Contact: Marilyn Berg, Program Analyst, Railroad Retirement Board, Bureau of Retirement Claims, 844 Rush St., Chicago, Illinois 60611, **312 751-4818**

RIN: 3220-AA13

●EVIDENCE REQUIRED FOR PAYMENT.

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 219

Abstract: Part 219 is being revised to incorporate changes required as a result of amendments to the Railroad Retirement Act of 1974 made by the Omnibus Reconciliation Act of 1981.

Timetable:

Action	Date	FR Cite
NPRM	09/00/83	

Small Entity: Not Applicable

Agency Contact: Marilyn Berg, Program Analyst, Railroad Retirement Board, Bureau of Retirement Claims, 844 Rush St., Chicago, Illinois 60611, **312 751-4818**

RIN: 3220-AA14

●ELIGIBILITY FOR AN ANNUITY.

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 216

Abstract: Part 216 is being revised to incorporate changes required as a result of amendments to the Railroad Retirement Act of 1974 made by the Omnibus Budget Reconciliation Act of 1981.

Timetable:

Action	Date	FR Cite
NPRM	09/00/83	

Small Entity: Not Applicable

Agency Contact: Marilyn Berg, Program Analyst, Railroad Retirement Board, Bureau of Retirement Claims, 844 Rush St., Chicago, Illinois 60611, **312 751-4818**

RIN: 3220-AA15

●APPLICATION FOR ANNUITY OR LUMP SUM.

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 217

Abstract: Part 217 is being revised to incorporate changes required as a result of amendments to the Railroad Retirement Act of 1974 made by the Omnibus Budget Reconciliation Act of 1981.

Timetable:

Action	Date	FR Cite
NPRM	09/00/83	

Small Entity: Not Applicable

Agency Contact: Marilyn Berg, Program Analyst, Railroad Retirement Board, Bureau of Retirement Claims, 844 Rush St., Chicago, Illinois 60611, **312 751-4818**

RIN: 3220-AA16

●COMPUTING SUPPLEMENTAL ANNUITIES.

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 227

Abstract: Part 227 is being developed to describe how supplemental annuities as provided by the Railroad Retirement Act of 1974 are computed.

Timetable:

Action	Date	FR Cite
NPRM	06/00/83	

Small Entity: Not Applicable

Agency Contact: Marilyn Berg, Program Analyst, Railroad Retirement Board, Bureau of Retirement Claims, 844 Rush St., Chicago, Illinois 60611, **312 751-4818**

RIN: 3220-AA17

●LUMP-SUM PAYMENTS.

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 234

Abstract: Part 234 is being revised to incorporate changes required by amendments to the Railroad Retirement Act and to simplify and clarify the language of that Part.

Timetable:

Action	Date	FR Cite
NPRM	12/00/83	

Small Entity: Not Applicable

Agency Contact: Eloise Sandle, Program Analyst, Railroad Retirement Board, Bureau of Retirement Claims, 844 Rush St., Chicago, Illinois 60611, **312 751-4818**

RIN: 3220-AA18

RAILROAD RETIREMENT BOARD (RRB)

Existing Regulations Under Review

INITIAL DETERMINATIONS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT AND REVIEWS OF AND APPEALS FROM SUCH DETERMINATIONS.

Legal Authority: 45 USC 355(b); 45 USC 362(l)

CFR Citation: 20 CFR 320

Abstract: The Board's regulation on initial determinations and appeals under the Railroad Unemployment Insurance Act have not been revised recently and accordingly, a review of this regulation is necessary to determine whether it should be revised.

Timetable:

Action	Date	FR Cite
End Review	09/00/83	

Small Entity: Not Applicable

Additional Information: FTS 387-4810

Agency Contact: **Walter Witkovich**, Chief of Adjudication, Railroad Retirement Board, Bur of Unemployment and Sickness Insurance, 844 Rush Street, Chicago, IL 60611, **312 751-4810**

RIN: 3220–AA11

[FR Doc. 83–9569 Filed 4–22–83; 8:45 am]
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Part XXXV

Selective Service System

Regulatory Agenda

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SELECTIVE SERVICE SYSTEM

32 CFR Ch. XVI

Regulatory Agenda

AGENCY: Selective Service System.

ACTION: Regulatory Agenda.

SUMMARY: The purpose of this agenda is to report the proposed rulemaking activities of the Selective Service System that might affect the processing of registrants under the Military Selective Service Act (50 U.S.C. App. 451 et seq.). This information will allow the public to participate in the System's decisionmaking at an early stage.

FOR FURTHER INFORMATION CONTACT: Henry N. Williams, General Counsel, Selective Service System, Washington, D.C. 20435. Telephone (202) 724-1167.

SUPPLEMENTARY INFORMATION: This agenda is published in accord with the requirements of E.O. 12291. Selective Service Regulations appear in 32 CFR Chapter XVI.

DATED: February 28, 1983

Thomas K. Turnage,

Director of Selective Service.

The agenda follows:

SELECTIVE SERVICE SYSTEM (SSS) — Current and Projected Rulemakings

SELECTIVE SERVICE REGULATIONS; ALTERNATIVE SERVICE

Legal Authority: Military Selective Service Act Sec 6(j); 50 USC App. 456(j)

CFR Citation: 32 CFR 1660; 32 CFR 1656

Abstract: A revision of the regulations to implement the program of alternative service under Sec 6(j) of the Military Selective Service Act (50 USC App. 456(j)) is planned to assure greater fairness and efficiency in its administration. This publication will supersede the proposed rule published at 47 FR 24599 (June 7, 1982) and 47 FR 43079 (Sep 30, 1982).

Timetable:

Action	Date	FR Cite
Previous NPRM	06/07/82	47 FR 24599
NPRM	02/18/83	48 FR 7205
NPRM Comment Period Begin	02/18/83	
NPRM Comment Period End	03/25/83	

Next Action Undetermined

Small Entity: No

Agency Contact: Henry N. Williams, General Counsel, Selective Service System, 1023 31st Street, NW, Washington, DC 20435, **202 724-1167**

RIN: 3240-AA00

SELECTIVE SERVICE REGULATIONS; DEFERMENT OR EXEMPTION FROM MILITARY SERVICE

Legal Authority: 50 USC App. 451 et seq Military Selective Service Act; EO 11623

CFR Citation: 32 CFR Chapter XVI

Abstract: Various sections in 32 CFR Chapter XVI will be revised to increase clarity of expression and make them consistent with the planned revision of 32 CFR Part 1660 to become 32 CFR Part 1656. 32 CFR Parts 1662 and 1665 were published as final rules at 47 FR 7223 (February 18, 1982). The remainder of 32 CFR Chapter XVI (except 32 CFR Part 1660 which appears in 32 CFR Part 1660 (July 1, 1981)) was published as final rules at 47 FR 4640 (February 1, 1982).

Timetable:

Action	Date	FR Cite
NPRM	06/00/83	
NPRM Comment Period Begin	06/00/83	

Small Entity: No

Agency Contact: Henry N. Williams, General Counsel, Selective Service System, 1023 31st Street, NW, Washington, DC 20435, **202 724-1167**

RIN: 3240-AA01

[FR Doc. 83-9590 Filed 4-22-83; 8:45 am]

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Part XXXVI

Small Business Administration

Semiannual Agenda

SBA

SMALL BUSINESS ADMINISTRATION

13 CFR Ch. I

Improving Government Regulations; Semiannual Agenda

AGENCY: Small Business Administration.

ACTION: Publication of the Semiannual Agenda of Regulations under review or development by the Small Business Administration.

SUMMARY: This is SBA's eighth semiannual agenda of regulations. Although not a regulatory Agency, SBA has attempted to draft agendas that met both the criteria and the spirit of the regulatory review process. This agenda is published pursuant to Executive Order 12291 and the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, Pub. L. 96-354 effective January 1, 1981.

FOR FURTHER INFORMATION CONTACT: For further information on agenda items, the public is encouraged to contact the individual Agency official listed for the particular item.

For information concerning overall SBA Regulatory Review and Development Program and general semiannual agenda questions, contact Martin D. Teckler, Associate General Counsel for Legislation, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416, 202/653-6662.

SUPPLEMENTARY INFORMATION: The SBA agendas will contain many regulations which are limited in public impact, but they are included to increase public knowledge of all SBA regulatory activities and allow for increased public participation in the review and development process.

Public comments on SBA's previous agendas have been general, and all were positive. None were directed at specific contents, nor were any changes suggested or recommended.

The agenda format is now slightly modified. Part I, Current and Projected Rulemakings, includes rulemakings currently underway and scheduled to be completed shortly. Part II, Reviews of Existing Regulations, includes existing regulations being reviewed within the Agency to determine whether to propose modifications through rulemaking. Part III, Completed Actions, includes regulations completed or withdrawn, and reviews completed since the preceding agenda.

Publication of this agenda does not impose any binding obligation on SBA with regard to any specific item in the agenda. Additional regulatory action not listed on the agenda is not precluded.

DATED: March 11, 1983

James C. Sanders,

Administrator.

SMALL BUSINESS ADMINISTRATION (SBA) — Current and Projected Rulemakings

SIZE STANDARDS REVISION

Priority: Major

Legal Authority: 15 USC 632

CFR Citation: 13 CFR 121

Abstract: Revision of SBA's standards for determining what is a small business for purposes of SBA assistance.

Timetable:

Action	Date	FR Cite
Previous ANPRM	03/10/80	45 FR 15442
ANPRM	05/03/82	47 FR 18992
NPRM	05/00/83	
NPRM Comment Period Begin	05/00/83	
NPRM Comment Period End	07/00/83	

Small Entity: Yes

Agency Contact: **Andrew A. Canellas**, Director, Small Business Administration, Office of Industry Analysis, 1441 L St., NW, Washington, DC 20416, **202 635-6373**

RIN: 3245-AA00

SMALL BUSINESS INVESTMENT COMPANIES

Priority: Agency Determination, Major

Legal Authority: 15 USC 687(c)

CFR Citation: 13 CFR 107

Abstract: Revision of regulations governing the Small Business Investment Company program.

Timetable:

Action	Date	FR Cite
NPRM	08/16/82	47 FR 35498
Final Action	05/00/83	

Small Entity: Yes

Agency Contact: **Robert G. Lineberry**, Deputy Associate, Small Business Administration, Administrator for Investment, 1441 L St., NW, Washington, DC 20416, **202 653-6843**

RIN: 3245-AA01

●MINORITY SMALL BUSINESS AND CAPITAL OWNERSHIP DEVELOPMENT

Priority: Agency Determination, Major

Legal Authority: 15 USC 637(a)

CFR Citation: 13 CFR 124

Abstract: These regulations would completely revise eligibility and program management for the SBA's Minority Enterprise Program.

Timetable:

Action	Date	FR Cite
NPRM	06/01/83	
NPRM Comment Period Begin	06/01/83	
NPRM Comment Period End	08/01/83	

Small Entity: Yes

Agency Contact: **Robert Wright**, Associate Administrator, Small Business Administration, 1441 L Street, N.W., Room 317, Washington, DC 20416, **202 653-6407**

RIN: 3245-AA12

DEFINITION OF SMALL BUSINESS FOR PREFERENTIAL TREATMENT IN TIMBER SALES

Legal Authority: 15 USC 632

CFR Citation: 13 CFR 121.2 -9(c)

Abstract: Revision of regulations governing eligibility for preferential treatment for purchase of government timber set-asides.

Timetable:

Action	Date	FR Cite
NPRM	08/23/82	47 FR 36651
Second NPRM	03/07/83	48 FR 9350

Small Entity: No

SBA — Current and Projected Rulemakings

Agency Contact: Joseph E. Kernan, Chief, Small Business Administration, Natural Resources Sales Assistance Branch, 1441 L St., NW, Washington, DC 20416, **202 653-6078**

RIN: 3245-AA02

ELIGIBILITY REQUIREMENTS FOR CERTIFICATE OF COMPETENCY APPLICANTS

Legal Authority: 15 USC 637(b)(7)

CFR Citation: 13 CFR 125.5

Abstract: Revision of the conditions under which SBA will provide a certificate of competency relative to a small concern's ability to perform a government contract.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/12/82	47 FR 34972
Final Action	06/01/83	

Small Entity: No

Agency Contact: Robert J. Moffitt, Director, Small Business Administration, Office of Industrial Assistance, 1441 L St. NW, Washington, DC 20416, **202 653-7035**

RIN: 3245-AA03

BUSINESS LOAN POLICY

Legal Authority: 15 USC 636(a); 15 USC 634(b)(6)

CFR Citation: 13 CFR 122 et seq

Abstract: Business Loan Policy. Miscellaneous revisions based on changes in authorizing legislation.

Timetable:

Action	Date	FR Cite
NPRM	09/00/83	

Small Entity: No

Agency Contact: Edwin T. Holloway, Assoc. Admin. for Finance and Investment, Small Business Administration, 1441 L St., NW, Washington, DC 20416, **202 653-6632**

RIN: 3245-AA07

DISASTER LOANS

Legal Authority: 15 USC 636(b); 15 USC 634(b)(6)

CFR Citation: 13 CFR 123 et seq

Abstract: Disaster loans. Miscellaneous revisions based on changes in authorizing legislation.

Timetable:

Action	Date	FR Cite
NPRM	09/00/83	

Small Entity: No

Agency Contact: Edwin T. Holloway, Assoc. Admin. for Finance and Investment, Small Business Administration, 1441 L St., NW, Washington, DC 20416, **202 653-6632**

RIN: 3245-AA08

ELIGIBLE LOAN PARTICIPANTS

Legal Authority: 15 USC 636(a); 15 USC 634(b)(6)

CFR Citation: 13 CFR 120.4

Abstract: Eligible loan participants.

Timetable:

Action	Date	FR Cite
NPRM	09/00/83	

Small Entity: No

Agency Contact: Edwin T. Holloway, Assoc. Admin. for Finance and Investment, Small Business Administration, 1441 L St., NW, Washington, DC 20416, **202 653-6632**

RIN: 3245-AA09

●INTERGOVERNMENTAL REVIEW OF SBA PROGRAMS AND ACTIVITIES

Legal Authority: EO 12372

CFR Citation: 13 CFR 135

Abstract: These regulations implement EO 12372 to provide for coordination between SBA and State governments in implementation of certain SBA programs which affect the states.

Timetable:

Action	Date	FR Cite
NPRM	01/24/83	48 FR 3282
NPRM Comment Period Begin	01/24/83	
NPRM Comment Period End	03/11/83	
Final Action	05/01/83	
Final Action Effective	05/01/83	

Small Entity: Yes

Agency Contact: Martin D. Teckler, Associate General Counsel, Small Business Administration, 1441 L Street, N.W., Room 700, Washington, DC 20416, **202 653-6797**

RIN: 3245-AA11

●BUSINESS LOAN POLICY

Legal Authority: 15 USC 634

CFR Citation: 13 CFR 120.5

Abstract: This regulation prohibits the use of SBA's lending program for provision of real estate forward commitments.

Timetable:

Action	Date	FR Cite
Final Action	05/15/83	
Final Action Effective	05/15/83	
NPRM	11/15/83	
NPRM Comment Period Begin	11/15/83	
NPRM Comment Period End	01/15/84	

Small Entity: Yes

Agency Contact: Charles Hertzberg, Deputy Associate Administrator, Small Business Administration, 1441 L Street, N.W., Room 800, Washington, DC 20416, **202 653-6574**

RIN: 3245-AA13

SMALL BUSINESS ADMINISTRATION (SBA) — Existing Regulations Under Review

CERTIFIED DEVELOPMENT COMPANY PROGRAM

Legal Authority: 15 USC 687

CFR Citation: 13 CFR 108

Abstract: Revision of criteria for eligibility to be a certified lender.

Timetable:

Action	Date	FR Cite
NPRM	05/24/82	47 FR 22374
Review and development is ongoing	00/00/00	

Small Entity: No

Agency Contact: William Hogbin, Financial Analyst, Small Business Administration, Office of Lender Relations and Certification, 1441 L St., NW, Washington, DC 20416, **202 653-9181**

RIN: 3245-AA05

SBA — Existing Regulations Under Review

STATE AND LOCAL DEVELOPMENT COMPANIES

Legal Authority: 15 USC 501; 15 USC 502; 15 USC 503; 15 USC 634(b)(6)

CFR Citation: 13 CFR 108

Abstract: State and local development companies, Miscellaneous revisions.

Timetable:

Action	Date	FR Cite
End Review	09/00/83	
NPRM	09/00/83	

Small Entity: No

Agency Contact: **Edwin T. Holloway**, Assoc. Admin. for Finance and Investment, Small Business Administration, 1441 L St., NW, Washington, DC 20416, **202 653-6632**

RIN: 3245-AA10

SMALL BUSINESS ADMINISTRATION (SBA) — Completed Actions

COMPLETED RULEMAKINGS

ELIGIBILITY REQUIREMENTS TO SEC 8(A) PROGRAM

Priority: Agency Determination, Major

Legal Authority: 15 USC 637(a)

CFR Citation: 13 CFR 124.1

Abstract: Revision of eligibility criteria for SBA's section 8(a) program.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/12/82	47 FR 35754
Withdrawn	02/18/83	48 FR 7161

Small Entity: No

Agency Contact: **Robert L. Wright**, Associate Administrator, Small Business Administration, 1441 L St., NW, Washington, DC 20416, **202 653-6407**

RIN: 3245-AA04

SIZE STANDARDS FOR PURPOSES OF P.L. 97-247

Legal Authority: PL 97-247

CFR Citation: 13 CFR 121.8-18

Abstract: This rule sets forth a size standard for eligibility for preferential treatment under P.L. 97-247.

Timetable:

Action	Date	FR Cite
NPRM	08/31/82	47 FR 38331
Final Action	09/30/82	47 FR 43272

Small Entity: No

Agency Contact: **Harvey Bronstein**, Small Business Administration, 1441 L St., NW, Washington, DC 20416, **202 653-6373**

RIN: 3245-AA06

ACTIONS THAT STARTED AND ENDED BETWEEN ISSUES OF THE UNIFIED AGENDA

●SURETY BOND GUARANTEE

Legal Authority: 15 USC 694

CFR Citation: 13 CFR 115

Abstract: Procedural regulations governing SBA's Surety Bond Guarantee Program.

Timetable:

Action	Date	FR Cite
NPRM	10/20/82	47 FR 46706
NPRM Comment Period Begin	10/20/82	
NPRM Comment Period End	12/20/82	
Final Action	02/09/83	48 FR 5888
Final Action Effective	02/09/83	

Small Entity: Yes

Agency Contact: **Howard G. Huegel**, Chief, Small Business Administration, 4040 N. Fairfax Drive, Suite 500, Arlington, VA 22203, **703 235-2900**

RIN: 3245-AA14

[FR Doc. 83-9591 Filed 4-22-83; 8:45 am]
BILLING CODE 8025-01-T

federal register

Monday
April 25, 1983

Part XXXVII

Tennessee Valley Authority

Regulatory Agenda

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TVA

TENNESSEE VALLEY AUTHORITY

18 CFR Ch. XIII

Regulatory Agenda

AGENCY: Tennessee Valley Authority.

ACTION: Regulatory Agenda.

SUMMARY: As a nonregulatory agency, TVA originates very few nonroutine regulations and thus does not ordinarily have agenda items to announce. However, TVA currently has two nonroutine regulations under development and is therefore publishing a regulatory agenda in voluntary compliance with Executive Order No. 12291.

FOR FURTHER INFORMATION CONTACT: For further information on either regulation, please contact the person listed for that regulation.

W. F. Willis,

General Manager.

TENNESSEE VALLEY AUTHORITY (TVA) — Current and Projected Rulemakings

ADMINISTRATIVE COST RECOVERY

Legal Authority: 16 USC 831 to 831dd TVA Act of 1933, as amended; PL 82-137 Independent Offices Appropriations Act of 1952

CFR Citation: 18 CFR 1310

Abstract: TVA has proposed a regulation for recovery of fair and equitable administrative costs associated with the disposition and use of real property in TVA custody and control and the resolution of violations of Section 26a of the TVA Act which requires that TVA approve plans for the construction, operation, or maintenance of dams, appurtenant works, or other obstructions affecting navigation, flood control, or public lands or reservations in the Tennessee River system, prior to the construction, commencement of construction, operation, or maintenance of such structures.

Timetable:

Action	Date	FR Cite
NPRM	12/23/82	47 FR 57297
NPRM Comment Period Begin	12/24/82	
NPRM Comment Period End	01/24/83	
Final Action	04/00/83	
Final Action Effective	05/00/83	

Small Entity: No

Agency Contact: John R. Paulk, Director of Land and Forest Resources, Tennessee Valley Authority, 101 Natural Resources Building, Norris, TN 37828, **615 632-6450**

RIN: 3316–AA00

●INTERGOVERNMENTAL REVIEW OF TENNESSEE VALLEY AUTHORITY FEDERAL FINANCIAL ASSISTANCE AND DIRECT FEDERAL DEVELOPMENT PROGRAMS

Legal Authority: 16 USC 831 to 831dd TVA Act of 1933, as amended; 42 USC 4231(b); EO 12372

CFR Citation: 18 CFR 1311

Abstract: TVA is proposing regulations to implement Executive Order No. 12372 ("Intergovernmental Review of Federal Programs") and the Intergovernmental Cooperation Act of 1968 and to assist TVA in carrying out its responsibilities under the TVA Act. The regulations would apply to Federal financial assistance and direct Federal Development programs and activities of TVA. Executive Order No. 12372 and these regulations are intended to replace the intergovernmental consultation system developed under Office of Management and Budget Circular A-95. The regulations are not intended to displace the many other ways TVA coordinates its activities with citizens and State and local officials.

Timetable:

Action	Date	FR Cite
NPRM	03/00/83	
NPRM Comment Period Begin	03/00/83	
NPRM Comment Period End	04/00/83	
Final Action	04/00/83	
Final Action Effective	04/00/83	

Small Entity: No

Agency Contact: Richard L. Morgan, Manager of Economic & Community Development, Tennessee Valley Authority, 201 Summer Place Building, Knoxville, Tennessee 37902, **615 632-4400**

RIN: 3316–AA01

[FR Doc. 83–9592 Filed 4–22–83; 8:45 am]

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Monday
April 25, 1983

Part XXXVIII

Veterans Administration

Agenda of Federal Regulations

VA

VETERANS ADMINISTRATION

38 CFR Ch. I

Agenda of Federal Regulations

AGENCY: Veterans Administration.

ACTION: Publication of agenda of regulations.

SUMMARY: This agenda announces the regulations that the Veterans Administration will have under review, development or revision during the 12 month period from April 1983 to April 1984. The purpose in publishing this agenda is to give public notice of this Agency's regulatory development activities to allow all interested persons the opportunity to participate in the rulemaking process.

ADDRESSES: Interested persons are invited to comment on the regulations listed in the agenda by contacting the individual agency contact listed for each regulation, or by writing to: Information & Regulations Staff (004A1), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420.

FOR FURTHER INFORMATION CONTACT: Celia Fasone (202) 389-2308.

SUPPLEMENTARY INFORMATION: Executive Order 12291, Federal Regulation, and the Regulatory Flexibility Act (Pub. L. 96-354) require that executive agencies publish in the **Federal Register**, in April and October of each year, an agenda of regulations under development and review.

The Veterans Administration has no regulations considered major under the terms of E.O. 12291; however all of this agency's proposed rules and current rules under review, except those considered to be internal agency management or routine regulations, have been listed in accordance with Section 5.(a) of the executive order. This agenda incorporates those categories of information required pursuant to 5 U.S.C. 602(a) and 610(c) (Regulatory Flexibility Act).

The Veterans Administration has found that all rules listed in this agenda, if promulgated, will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601-612.

This agenda has been prepared in accordance with OMB Bulletin 83-8.

DATED: February 17, 1983.

By direction of the Administrator.

Dominick Onorato,

Associate Deputy Administrator for Information Resources Management

VETERANS ADMINISTRATION (VA) — Current and Projected Rulemakings

OFFICE OF BUDGET AND FINANCE

●WAIVER - OTHER THAN LOAN GUARANTY

Legal Authority: PL 97-306; 38 USC 3102(a)

CFR Citation: 38 CFR 1.963

Abstract: To reduce the time limit in which to request waiver of a benefit indebtedness from 2 years to 180 days. Also, to provide an extension of the time period if notice of indebtedness is not received within a reasonable period of time. There is no other alternative approach since this is an implementation of specific legislation. Cannot determine the potential costs and benefits of this regulation.

Timetable:

Action	Date	FR Cite
Begin Review	12/01/82	
End Review	02/15/83	
NPRM	06/00/83	

Small Entity: No

Agency Contact: Peter T. Mulhern, Special Assistant, Veterans Administration, Office of Budget and Finance (047C5), 810 Vermont Avenue, NW, Washington, D.C. 20420, **202 389-3405**

RIN: 2900-AA83

EQUAL OPPORTUNITY STAFF

NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS AND ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Legal Authority: 42 USC 6101 et seq

CFR Citation: 38 CFR 18

Abstract: To establish standards for determining what age discrimination is and procedures for enforcing the Age Discrimination Act of 1975, according to the government-wide age discrimination regulations at 45 CFR Part 90. There are no alternatives to issuing these regulations. Beneficiaries, potential beneficiaries and the general public will benefit from assisted programs which are provided free from prohibited discrimination based on age.

Timetable:

Action	Date	FR Cite
NPRM	04/30/83	

Small Entity: No

Agency Contact: Ana M. del Toro, Equal Opportunity Specialist, Veterans Administration, Equal Opportunity Staff, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2150**

RIN: 2900-AA21

OFFICE OF THE GENERAL COUNSEL

LICENSING OF GOVERNMENT-OWNED INVENTIONS

Legal Authority: 35 USC 208; EO 10096

CFR Citation: 41 CFR 101-4

Abstract: Provides procedures for administrative appeals by persons aggrieved by decisions concerning the licensing of inventions in VA control and custody. These procedures are required by 41 CFR 101-4.105. No significant costs are anticipated

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	

Small Entity: No

Agency Contact: Chauncey Durden, Staff Attorney, Veterans Administration, Office of the General Counsel, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2638**

RIN: 2900-AA35

DELEGATION OF AUTHORITY

Legal Authority: 38 USC 212(a)

CFR Citation: 38 CFR 2.6

Abstract: This change implements the provisions of PL 97-226 which raised to $25,000 the maximum payable to resolve claims filed under the Military and Civilian

Employees Claims Act of 1964. The change also promulgates a shift of responsibility for reviewing claims activities within the Office of General Counsel. At no additional cost to the Government, the change will clarify the currently existing arrangements for processing and reviewing claims as well as amending the current regulations to reflect the new statutory maximum. No alternatives are being considered. The change benefits VA employees by identifying the office responsible and stating the maximum they may receive from a claim.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	

Small Entity: No

Agency Contact: Audley Hendricks, Assistant General Counsel, Veterans Administration, Office of the General Counsel, 810 Vermont Avenue, NW, Washington, DC 20420, 202 389-5030

RIN: 2900-AA36

PROCEDURE WHERE VIOLATION OF PENAL STATUTES IS INVOLVED

Legal Authority: 38 USC 210(c)(1)

CFR Citation: 38 CFR 14.560

Abstract: This change promulgates a modification in the internal handling of VA matters involving violations of penal laws before such matters are referred to the Department of Justice. The change incorporates the VA Inspector General's office into the referral process. At no extra cost to the Government, the change makes public the procedures the VA has established. No alternative is being considered. The change will benefit the Agency by bringing published guidance into conformity with internally circulated guidance.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	

Small Entity: No

Agency Contact: Audley Hendricks, Assistant General Counsel, Veterans Administration, Office of the General Counsel, 810 Vermont Avenue, NW, Washington, DC 20420, 202 389-5030

RIN: 2900-AA37

RECOGNITION OF ORGANIZATIONS, REPRESENTATIVES, AGENTS AND ATTORNEYS

Legal Authority: 38 USC 210(c)(1); 38 USC 3402; 38 USC 3404

CFR Citation: 38 CFR 14.629; 38 CFR 14.627 to 14.637

Abstract: Includes definitions; requirements for recognition of organizations by the VA; requirements for recognition of representatives, agents and attorneys; powers of attorney; use of paralegals, law clerks and law students; requirements for space and office facilities.

Timetable:

Action	Date	FR Cite
NPRM	02/15/83	

Small Entity: No

Agency Contact: Ed Lukey, Deputy Assistant General Counsel, Veterans Administration, Office of the General Counsel, 810 Vermont Avenue, NW, Washington, DC 20420, 202 389-2440

RIN: 2900-AA38

DEPARTMENT OF MEDICINE AND SURGERY

AUTHORIZATION OF OUTPATIENT DENTAL TREATMENT

Legal Authority: PL 97-35

CFR Citation: 38 CFR 17.123(b)

Abstract: Restricts Class II dental benefits to veterans who were discharged under conditions other than dishonorable from a period of active duty or not less than 180 days.

Timetable:

Action	Date	FR Cite
NPRM	11/23/82	47 FR 52732
NPRM Comment Period Begin	11/23/82	
NPRM Comment Period End	12/23/82	
Final Action	05/00/83	

Small Entity: No

Agency Contact: Jerome J. Hanes, Medical Administration Specialist, Veterans Administration, Department of Medicine and Surgery, 810 Vermont Avenue, NW, Washington, DC 20420, 202 389-2337

RIN: 2900-AA10

AUTHORIZATION OF OUTPATIENT DENTAL TREATMENT

Legal Authority: PL 97-37

CFR Citation: 38 CFR 17.123

Abstract: Authorizes any needed dental care to former prisoners of war who were interned for 181 days or more.

Timetable:

Action	Date	FR Cite
NPRM	11/23/82	47 FR 52732
NPRM Comment Period Begin	11/23/82	
NPRM Comment Period End	12/23/82	
Final Action	05/00/83	

Small Entity: Yes

Agency Contact: Jerome Hanes, Medical Administration Specialist, Veterans Administration, Department of Medicine and Surgery, 810 Vermont Avenue, NW, Washington, DC 20420, 202 389-2337

RIN: 2900-AA11

ELIGIBILITY FOR HOSPITAL, DOMICILIARY, OR NURSING HOME CARE OF PERSONS DISCHARGED OR RELEASED FROM ACTIVE MILITARY, NAVAL OR AIR SERVICE

Legal Authority: PL 97-37

CFR Citation: 38 CFR 17.47(d); 38 CFR 17.47(e)

Abstract: Excludes nonservice-connected ex-POW's from the requirement to sign the oath of inability to pay for medical care.

Timetable:

Action	Date	FR Cite
NPRM	06/00/83	

Small Entity: No

Agency Contact: Jerome Hanes, Medical Administration Specialist, Veterans Administration, Department of Medicine and Surgery, 810 Vermont Avenue, NW, Washington, DC 20420, 202 389-2337

RIN: 2900-AA12

AUTHORIZATION OF OUTPATIENT DENTAL TREATMENT

Legal Authority: PL 97-72

CFR Citation: 38 CFR 17.123

Abstract: Provides that discharged enlisted personnel need not apply for Class II dental benefits after each period of enlistment.

Timetable:

Action	Date	FR Cite
NPRM	11/23/82	47 FR 52732
NPRM Comment Period Begin	11/23/82	
NPRM Comment Period End	12/23/82	
Final Action	05/00/83	

Small Entity: No

Agency Contact: Jerome Hanes, Medical Administration Specialist, Veterans Administration, Department of Medicine and Surgery, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2337**

RIN: 2900–AA15

VA PRIMARY MEDICAL CARE BACKUP FOR DOD AS CONTINGENCY SYSTEM DURING WAR OR NATIONAL EMERGENCY

Legal Authority: PL 97-174

CFR Citation: 38 CFR 17.190

Abstract: Assigns priority care to active duty personnel of the U.S. Armed Forces in time of war or national emergency.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	

Small Entity: No

Agency Contact: Richard Citron, Emergency Preparedness PL Coordinator, Veterans Administration, Department of Medicine and Surgery, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-3747**

RIN: 2900–AA16

CONSUMER-PATIENT RADIATION HEALTH AND SAFETY

Legal Authority: PL 97-35

CFR Citation: Not yet determined

Abstract: Makes Federal Radiation Guidelines and Standards promulgated by HHS applicable to the provision of VA radiological procedures.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	

Small Entity: No

Agency Contact: James Smith, M.D., Director, Nuclear Medicine Service, Veterans Administration, Department of Medicine and Surgery, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-3195**

RIN: 2900–AA17

MEDICAL RECORDS DISCLOSURE

Legal Authority: PL 93-282

CFR Citation: 38 CFR 1.514

Abstract: Permits medical records disclosure to treating physicians with verified oral consent from the veteran.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	

Small Entity: No

Agency Contact: Harold Ramsey, Medical Administration Specialist, Veterans Administration, Department of Medicine and Surgery, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2589**

RIN: 2900–AA22

INFORMED CONSENT

Legal Authority: PL 94-581

CFR Citation: 38 CFR 17.34

Abstract: Mandates that all patient care be carried out with full and informed consent and clarifies the definition of a patient's representatives.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	

Small Entity: No

Agency Contact: Monica Wilkins, Medical Administration Specialist, Veterans Administration, Department of Medicine and Surgery, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2179**

RIN: 2900–AA25

DOMICILIARY INCOME LIMITATION

Legal Authority: PL 96-330

CFR Citation: 38 CFR 17.48(b)(1)

Abstract: To change the current income level of $415 per month by increasing the income limitation to an appropriate level taking into consideration the present Consumer Price Index.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	

Small Entity: No

Agency Contact: James L. Fozard, M.D., Veterans Administration, Department of Medicine and Surgery, 810 Vermont Avenue, NW, Washington, DC 20420

RIN: 2900–AA26

CONSIDERATIONS APPLICABLE IN DETERMINING ELIGIBILITY FOR HOSPITAL, NURSING HOME, OR DOMICILIARY CARE.

Legal Authority: PL 96-330

CFR Citation: 38 CFR 17.48(c)(2)

Abstract: Provides authority to deny VA medical care on a case-by-case basis, when a determination is made that the individual is able to afford the needed medical care from other than VA sources.

Timetable:

Action	Date	FR Cite
NPRM	07/00/83	

Small Entity: No

Agency Contact: Jerome Hanes, Medical Administration Specialist, Veterans Administration, Department of Medicine and Surgery, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2337**

RIN: 2900–AA27

●NONDISCRIMINATION IN THE ADMISSION OF ALCOHOL AND DRUG ABUSERS TO VETERANS ADMINISTRATION HEALTH CARE FACILITIES

Legal Authority: 38 USC 4133

CFR Citation: 38 CFR 17.48

Abstract: Provides that veterans who are alcohol or drug abusers who are suffering from medical disabilities shall not be discriminated against in admission or treatment.

Timetable:

Action	Date	FR Cite
NPRM	07/00/83	

Small Entity: Not Applicable

Agency Contact: Jerome J. Hanes, Medical Administration Specialist, Veterans Administration, Department of Medicine and Surgery, 810 Vermont Avenue, N.W., Washington, D.C. 20420, **202 389-2337**

RIN: 2900–AA76

●HEALTH PROFESSIONAL SCHOLARSHIP PROGRAM

Legal Authority: 38 USC 4141 to 4146

CFR Citation: 38 CFR 17.600

Abstract: Provides for VA health care employees to apply for scholarships for part-time study.

Timetable:

Action	Date	FR Cite
NPRM	08/00/83	

Small Entity: No

Agency Contact: Dorothy E. Reese, Dir, Health Professional Scholarship Program, Veterans Administration, Department of Medicine

and Surgery, 810 Vermont Avenue N.W., Washington, D.C. 20420, 202 389-5671

RIN: 2900-AA54

LIMITATION ON PAYMENT FOR EMERGENCY HOSPITAL CARE AND MEDICAL SERVICES NOT PREVIOUSLY AUTHORIZED.

Legal Authority: 38 USC 628

CFR Citation: 38 CFR 17.80a

Abstract: Existing authority provides the criteria for approval of claims by certain veterans for payment and reimbursement of the expenses of hospital care and medical services not previously authorized. One of the prerequisites is that the veterans must have received the care and services in a medical emergency of such nature that delay would have been hazardous to life or health. However, there is no termination point defined for the emergency. The new regulation accomplishes this. This action will correct an inequity which grants a greater benefit to veterans who file claims for payment or reimbursement for the expenses of non-VA hospital care or medical services not previously authorized than for veterans who request and receive prior authorization for such care. In the latter cases, the termination point for VA payment of costs of the emergency hospital care is already clearly defined.

Timetable:

Action	Date	FR Cite
NPRM	06/00/83	
Final Action	09/30/83	
Final Action Effective	09/30/83	

Small Entity: No

Agency Contact: Gene M. Lambert, Medical Administration Specialist, Veterans Administration, Department of Medicine and Surgery, 810 Vermont Avenue, N.W., Washington, D.C. 20420, 202 389-2143

RIN: 2900-AA85

INTERGOVERNMENTAL REVIEW OF FEDERAL PROGRAMS

Legal Authority: EO 12372

CFR Citation: 38 CFR 40

Abstract: Federal agencies are required to defer to the states' own procedures for developing such recommendations; to inform state and local elected officials of proposed Federal actions as early as possible; and where state and local recommendations cannot be accommodated, to explain in a timely fashion. The E.O. also contains provisions to strengthen the authority of state and local elected officials and encourage simplification of state planning requirements imposed by Federal laws.

Timetable:

Action	Date	FR Cite
NPRM	01/24/83	48 FR 3290
NPRM Comment Period Begin	01/24/83	
Final Action	04/30/83	

Small Entity: No

Agency Contact: Edwin Arnold, Veterans Administration, Office of Program Planning and Evaluation, 810 Vermont Avenue, NW, Washington, DC 20420, 202 389-2508

RIN: 2900-AA19

DEPARTMENT OF VETERANS BENEFITS

OUTREACH PROGRAM, FEE CONTRACT PROGRAM

Legal Authority: PL 96-22; PL 97-72

CFR Citation: Not yet determined

Abstract: Provides for fee contract provision of readjustment counseling for veterans of the Vietnam Era.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Edward J. Lord, Asst. Director, Administration & Development, Veterans Administration, Department of Medicine and Surgery, 810 Vermont Avenue, NW, Washington, DC 20420, 202 389-3303

RIN: 2900-AA00

VETERANS EDUCATION; EDUCATIONAL ASSISTANCE TEST PROGRAM

Legal Authority: PL 96-342

CFR Citation: Not yet determined

Abstract: VA and DoD have negotiated an agreement which requires VA to administer payments for the Educational Assistance Test Program. These regulations will implement this program. There are no alternatives. There must be regulations to permit proper administration of the program. The costs of the program arise from the law, not the regulations.

Timetable:

Action	Date	FR Cite
NPRM	11/00/83	

Small Entity: No

Agency Contact: June Schaeffer, Asst Dir for Policy & Program Administration, Veterans Administration, Department of Veterans Benefits, 810 Vermont Avenue, NW, Washington, DC 20420, 202 389-2092

RIN: 2900-AA01

APPLICATIONS

Legal Authority: 38 USC 767

CFR Citation: 38 CFR 9.8

Abstract: Provides for a member of the retired reserve of a uniformed service to obtain increased coverage up to a maximum of $35,000 or any lesser amount divisible by $5,000 by properly submitting a written application.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	

Small Entity: No

Agency Contact: Robert W. Carey, Assistant Director for Insurance, Veterans Administration, VA Regional Office and Insurance Center, P. O. Box 8079, Philadelphia, PA 19101, 215 951-5360

RIN: 2900-AA03

DEDUCTIONS FROM PAY

Legal Authority: 38 USC 769

CFR Citation: 38 CFR 9.10

Abstract: Defines authority of the Secretary of Defense to prescribe regulations for the Secretaries of Military Departments to ensure the proper collection of premiums.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	

Small Entity: No

Agency Contact: Robert W. Carey, Assistant Director for Insurance, Veterans Administration, VA Regional Office and Insurance Center, P. O. Box 8079, Philadelphia, PA 19101, 215 951-5360

RIN: 2900-AA04

BUSINESS LOANS

Legal Authority: PL 97-72

CFR Citation: 38 CFR 36.4700

Abstract: Provides guaranteed or direct loans to certain service-connected disabled veterans and to Vietnam veterans for financing small business concerns. Alternatives will be considered based on the public comments. No costs are anticipated

VA

Current and Projected Rulemakings

for potential program participants. If this program is funded, these regulatory amendments will aid Vietnam and disabled veterans to begin or expand small businesses.

Timetable:

Action	Date	FR Cite
NPRM	04/30/83	

Small Entity: No

Agency Contact: **George D. Moerman**, Assistant Director for Loan Policy, Veterans Administration, Department of Veterans Benefits, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-3042**

RIN: 2900-AA06

FEE

Legal Authority: PL 97-253

CFR Citation: 38 CFR 36.4232; 38 CFR 36.4254; 38 CFR 36.4312; 38 CFR 36.4504

Abstract: Provides for the collection of a loan fee of 1/2 of 1% of the total loan amount on VA housing loans to certain veterans. This regulatory provision implements a statutorily mandated fee for participation in the VA housing loan program. No alternatives are allowed on this proposal. Minimal costs are anticipated for lenders participating in the program. A veteran who is not exempt from payment of the fee must pay the fee to secure a VA-guaranteed loan.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/20/82	47 FR 46699
Final Action	06/00/83	

Small Entity: No

Agency Contact: **George D. Moerman**, Assistant Director for Loan Policy, Veterans Administration, Department of Veterans Benefits, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-3042**

RIN: 2900-AA07

DEFINITIONS

Legal Authority: 38 USC 210(c)(1)

CFR Citation: 38 CFR 3.1(z)

Abstract: Definition of the term "nursing home" added to provide precise standard for benefit determination.

Timetable:

Action	Date	FR Cite
NPRM	12/21/82	47 FR 56881
NPRM Comment Period Begin	12/21/82	
NPRM Comment Period End	01/20/83	
Final Action	10/01/83	

Small Entity: No

Agency Contact: **Robert M. White**, Legal Consultant, Veterans Administration, Department of Veterans Benefits, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-3005**

RIN: 2900-AA43

VOCATIONAL REHABILITATION AMENDMENTS

Legal Authority: 38 USC 1500 et seq

CFR Citation: 38 CFR 21.50 to 21.98

Abstract: Comprehensive evaluation of the veteran's situation as the basis for determining eligibility and entitlement to rehabilitation services. Conditions which must be met in each case before the veteran is eligible for and entitled to rehabilitation services. Content of the individual written rehabilitation plan. Limitations on duration of rehabilitation services. Establishes a multi-disciplinary group to assist seriously disabled veterans. Cost benefits are not estimated on a quantitative basis.

Timetable:

Action	Date	FR Cite
NPRM	09/15/82	47 FR 40650
NPRM Comment Period Begin	09/15/82	
NPRM Comment Period End	10/15/82	
Final Action	06/00/83	

Small Entity: No

Agency Contact: **Jeff Goetz**, Assistant Dir for Policy & Prog Development, Veterans Administration, Department of Veterans Benefits, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2886**

RIN: 2900-AA47

VOCATIONAL REHABILITATION AMENDMENTS

Legal Authority: 38 USC 1500 et seq

CFR Citation: 38 CFR 21.100 to 21.102; 38 CFR 21.118 to 21.134; 38 CFR 21.140 to 21.158; 38 CFR 21.160 to 21.162; 38 CFR 21.210 to 21.232; 38 CFR 21.240 to 21.249; 38 CFR 21.250 to 21.259, 38 CFR 21.380 to 21.406

Abstract: Types of services which may be provided and conditions under which services may be authorized including educational and vocational training services, special vocational rehabilitation services, employment services, medical services, independent living services and supplies. Authorizes establishment of qualification for personnel engaged in providing services under this program and research and staff development activities. Establishes the Veterans Advisory Committee on Rehabilitation. Cost benefits have not been estimated on a quantitative basis.

Timetable:

Action	Date	FR Cite
NPRM	05/00/83	

Small Entity: No

Agency Contact: **Jeff Goetz**, Assist Dir for Policy & Program Development, Veterans Administration, Department of Veterans Benefits, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2886**

RIN: 2900-AA48

VOCATIONAL REHABILITATION AMENDMENTS

Legal Authority: 38 USC 1500 et seq

CFR Citation: 38 CFR 21.180 to 21.198; 38 CFR 21.280 to 21.288; 38 CFR 21.290 to 21.299; 38 CFR 21.360 to 21.364; 38 CFR 21.370 to 21.378; 38 CFR 21.410 to 21.416

Abstract: Establish a system of cast statuses to monitor progress and evaluate outcomes. Establish criteria for approving courses of study of facilities used under chapter 31. Establish criteria for determining satisfactory conduct and cooperation. Establish criteria for entrance or reentrance into a rehabilitation program. Cost benefits are not estimated on a quantitative basis.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	

Small Entity: No

Agency Contact: **Jeff Goetz**, Ass't Dir for Policy & Program Development, Veterans Administration, Department of Veterans Benefits, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2886**

RIN: 2900-AA49

VOCATIONAL REHABILITATION AMENDMENTS

Legal Authority: 31 USC 1500 et seq

CFR Citation: 38 CFR 21.260 to 21.276; 38 CFR 21.310 to 21.314; 38 CFR 21.320 to 21.334; 38 CFR 21.340 to 21.350

Abstract: Assessment of the rate of pursuit of a rehabilitation program as a basis for payment of monthly allowances and the

amount of entitlement used. Conditions under which a monthly allowance may be paid to the veteran and payment may be made to facilities for tuition and other charges. Conditions under which leaves of absence may be authorized. Cost benefits are not estimated on a quantitative basis.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	

Small Entity: No

Agency Contact: Jeff Goetz, Asst Dir for Policy & Prog Development, Veterans Administration, Department of Veterans Benefits, 810 Vermont Avenue, NW, Washington, DC 20420, 202 389-2886

RIN: 2900-AA50

VETERANS EDUCATION; IMPLEMENTATION OF THE BUDGET RECONCILIATION ACT OF 1981

Legal Authority: PL 97-35

CFR Citation: 38 CFR 21.4136; 38 CFR 21.4137; 38 CFR 21.4232; 38 CFR 21.4503; 38 CFR 21.4252

Abstract: Implements those portions of the Budget Reconciliation Act of 1981 which affect training under chapter 34, title 38, U.S.C. There are no alternatives. These changes are required by law. Any costs arise from the law, not the regulations.

Timetable:

Action	Date	FR Cite
NPRM	11/00/83	

Small Entity: No

Agency Contact: June Schaeffer, Ass't Dir for Policy & Prog Administration, Veterans Administration, Department of Veterans Benefits, 810 Vermont Avenue, NW, Washington, DC 20420, 202 389-2092

RIN: 2900-AA53

●VETERANS EDUCATION; 24-MONTH SERVICE REQUIREMENT

Legal Authority: PL 97-66

CFR Citation: 38 CFR 21.1021

Abstract: Implements those portions of PL 97-66 which require some Vietnam Era veterans to serve 24 months on active duty before they can receive benefits under the G.I. Bill.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	

Small Entity: No

Agency Contact: June Schaeffer, Ass't Dir for Policy & Prog Administration, Veterans Administration, Department of Veterans Benefits, 810 Vermont Avenue, NW, Washington, D.C. 20420, 202 389-2092

RIN: 2900-AA54

VETERANS EDUCATION; EDUCATION ASSISTANCE

Legal Authority: PL 96-466

CFR Citation: 38 CFR 21.1020 to 21.4507

Abstract: This proposal will amend and augment CFR sections in order to implement provisions of PL 96-466 which affect these regulations and to make other technical changes. Some of the changes are required by law. Their costs and benefits arise from the law, not the regulations. Changes for which alternatives exist and their costs and benefits were discussed in the regulatory flexibility analysis, published in the NPRM.

Timetable:

Action	Date	FR Cite
NPRM	10/18/82	47 FR 46305
NPRM Comment Period Begin	10/18/82	
NPRM Comment Period End	12/14/82	
Final Action	12/00/83	

Small Entity: Yes

Agency Contact: June Schaeffer, Assist. Direc. for Policy & Prog. Admin., Veterans Administration, Department of Veterans Benefits, 810 Vermont Avenue, NW, Washington, DC 20420, 202 389-2092

RIN: 2900-AA55

VETERANS EDUCATION; SAA CONTRACTS

Legal Authority: PL 96-466

CFR Citation: 38 CFR 21.4154

Abstract: Reduces the amount of information required of State Approving Agencies in their reports to the VA, and changes the frequency of the reports from monthly to quarterly. The number of alternatives that could be considered is limited only by the requirement of the law that reports be submitted at least annually. There will be no increase in costs resulting from this regulation. The change is designed to reduce information collected by the VA.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	

Small Entity: No

Agency Contact: June Schaeffer, Ass't Dir for Policy & Prog Administration, Veterans Administration, Department of Veterans Benefits, 810 Vermont Avenue, NW, Washington, DC 20420, 202 389-2092

RIN: 2900-AA57

VETERANS EDUCATION; CERTIFICATIONS OF ENROLLMENT

Legal Authority: PL 96-466

CFR Citation: 38 CFR 21.4137; 38 CFR 21.4203; 38 CFR 21.4204

Abstract: Limits certifications of enrollment to one term, quarter or semester at a time. This will prevent approximately $50 million per year in overpayments which the VA is making because of late reports of reductions or terminations in training.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	

Small Entity: No

Agency Contact: June Schaeffer, Ass't Dir for Policy & Prog Administration, Veterans Administration, Department of Veterans Benefits, 810 Vermont Avenue, NW, Washington, DC 20420, 202 389-2092

RIN: 2900-AA58

VETERANS EDUCATION; MONTHLY CERTIFICATIONS OF ATTENDANCE

Legal Authority: PL 96-466

CFR Citation: 38 CFR 21.4203; 38 CFR 21.4204; 38 CFR 21.4205

Abstract: Requires monthly certifications of attendance in courses not leading to a standard college degree. This will prevent $1.5 million in overpayments which are now being created each year that will not be collected, and $6.8 million in overpayments which are collected later. Against the savings of $8,300,000 there will be increased costs to the Federal Government of $254,700 and increased costs to the public of $750,000.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	

Small Entity: No

Agency Contact: June Schaeffer, Asst Dir for Policy & Prog Administration, Veterans Administration, Department of Veterans Benefits, 810 Vermont Avenue, NW, Washington, DC 20420, 202 389-2092

RIN: 2900-AA59

VETERANS EDUCATION; CHANGE IN THE NUMBER OF DEPENDENTS

Legal Authority: PL 97-253

CFR Citation: 38 CFR 21.4135

Abstract: Implements those provisions of the Omnibus Budget Reconciliation Act of 1982 which affect the effective dates for decreases in awards of educational assistance allowance due to changes in the number of a veteran's dependents. There are no alternatives. This change is required by law. The cost savings are not estimated because they arise from the law, not the regulation.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	

Small Entity: No

Agency Contact: **June Schaeffer**, Ass't Dir for Policy & Prog Administration, Veterans Administration, Department of Veterans Benefits, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2092**

RIN: 2900-AA61

VETERANS EDUCATION; MATRICULATION

Legal Authority: 38 USC 1652; PL 96-466

CFR Citation: 38 CFR 21.4252

Abstract: Requires matriculation in some instances before a veteran or eligible person can receive educational assistance allowance. An alternative is to leave the requlation vague on this point. The final costs and benefits have not been estimated.

Timetable:

Action	Date	FR Cite
NPRM	07/06/82	47 FR 29267
NPRM Comment Period Begin	07/06/82	
NPRM Comment Period End	08/05/82	
Final Action	07/00/83	

Small Entity: No

Agency Contact: **June Schaeffer**, Asst Dir for Policy & Prog Administration, Veterans Administration, Department of Veterans Benefits, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2092**

RIN: 2900-AA62

REFINANCING LOAN DISCOUNT POINTS AND AUTOMATIC CLOSING OF REFINANCING LOANS

Legal Authority: 38 USC 1803(c)(3)

CFR Citation: 38 CFR 36.4306; 38 CFR 36.4306a; 38 CFR 36.4312

Abstract: Authorizes lenders to set discount points on refinancing loans using an approved index and to allow closing of refinancing loans on the automatic basis. There are no direct costs to program participants expected from this regulatory development. Alternatives have been considered based on public comment. These amendments, if adopted, will speed the processing of refinancing loans.

Timetable:

Action	Date	FR Cite
NPRM	09/23/82	47 FR 41997
NPRM Comment Period Begin	09/23/82	
NPRM Comment Period End	10/25/82	
Final Action	04/30/83	

Small Entity: No

Agency Contact: **George D. Moerman**, Assistant Director for Loan Policy, Veterans Administration, Department of Veterans Benefits, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-3042**

RIN: 2900-AA63

SUSPENSION OF PROGRAM PARTICIPANTS BASED ON CRIMINAL CONVICTION

Legal Authority: 38 USC 1804(b); 38 USC 1804(d); 38 USC 1819(g)

CFR Citation: 38 CFR 36.4216; 38 CFR 36.4235; 38 CFR 36.4331; 38 CFR 36.4361

Abstract: Provides for suspension of program participants with no right to an administrative hearing if the person is convicted of a housing program crime. There will be no direct costs to program participants as a result of this proposal. Alternatives will be considered based on public comment. If adopted, these requlatory provisions will assist in assuring program integrity.

Timetable:

Action	Date	FR Cite
NPRM	04/30/83	

Small Entity: No

Agency Contact: **George D. Moerman**, Assistant Director for Loan Policy, Veterans Administration, Department of Veterans Benefits, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-3042**

RIN: 2900-AA64

●VETERANS EDUCATION; EDUCATIONAL ASSISTANCE ADJUSTMENTS

Legal Authority: PL 97-306

CFR Citation: 38 CFR 21.4131; 38 CFR 21.4133; 38 CFR 21.4134; 38 CFR 21.4135; 38 CFR 21.4136; 38 CFR 21.4137; 38 CFR 21.4140; 38 CFR 21.4202; 38 CFR 21.4207

Abstract: Implements some of the provisions of the Veterans' Compensation, Education and Employment Admendments of 1982 which affect people receiving educational assistance under chapters 34, 35 and 36 title 38 U.S. Code. There are no alternatives to the changes because they are required by law. Any costs that may arise will derive from the underlying law, not the regulations.

Timetable:

Action	Date	FR Cite
NPRM	02/00/84	

Small Entity: No

Agency Contact: **June C. Schaeffer**, Ass'st Dir. for Policy and Program Admin, Veterans Administration, Department of Veterans Benefits, 810 Vermont Ave. NW, Washington, D.C. 20420, **202 389-2092**

RIN: 2900-AA72

●VETERANS EDUCATION; VEAP ADJUSTMENTS

Legal Authority: PL 97-306

CFR Citation: 38 CFR 21.5052; 38 CFR 21.5041; 38 CFR 21.5072; 38 CFR 21.5138; 38 CFR 21.5139; 38 CFR 21.5294

Abstract: Implements those provisions of the Veterans' Compensation Education and Employment Amendments of 1982 which affect people receiving benefits under chapter 32, title 38, U.S. Code. There are no alternatives. These changes are required by law. Any costs that may arise will arise from the underlying law, not the regulations.

Timetable:

Action	Date	FR Cite
NPRM	02/00/84	

Small Entity: No

Agency Contact: **June C. Schaeffer**, Ass'st Dir. for Policy and Program Admin, Veterans Administration, Department of Veterans Benefits, 810 Vermont Ave. NW, Washington, D.C. 20420, **202 389-2092**

RIN: 2900-AA73

●VETERANS EDUCATION; SPECIAL RESTORATIVE TRAINING AND SPECIALIZED VOCATIONAL TRAINING

Legal Authority: 38 USC 1736; 38 USC 1740; 38 USC 1741; 38 USC 1743

CFR Citation: 38 CFR 21.3300; 38 CFR 21.3301; 38 CFR 21.3303; 38 CFR 21.3304; 38 CFR 21.3306; 38 CFR 21.3307; 38 CFR

21.3331; 38 CFR 21.4105; 38 CFR 21.4232; 38 CFR 21.4276

Abstract: Replaces Vocational Rehabilitation Boards with Vocational Rehabilitational Panels. The Panel's role is to provide consultation and technical assistance in evaluating and developing rehabilitation plans for seriously handicapped dependents. The regulations will streamline the decisions being made regarding eligible children in special restorative training and regarding eligible dependents in specialized vocational training. The alternative would be to leave the regulations unchanged. This would result in separate boards making decisions concerning veterans and dependents. The costs and benefits of this change have not been estimated yet.

Timetable:

Action	Date	FR Cite
NPRM	02/00/84	

Small Entity: No

Agency Contact: **June C. Schaeffer**, Ass'st Dir. for Policy and Program Admin, Veterans Administration, Department of Veterans Benefits, 810 Vermont Ave. NW, Washington, D.C. 20420, **202 389-2092**

RIN: 2900-AA74

●REFINANCING OF A MANUFACTURED HOME IN ORDER TO ACQUIRE A LOT

Legal Authority: PL 97-306

CFR Citation: 38 CFR 36.4204; 38 CFR 36.4205; 38 CFR 36.4232; 38 CFR 36.4252; 38 CFR 36.4253

Abstract: Authorizes lenders to refinance an existing loan on a manufactured housing unit and purchase a lot on which to site the unit. These Final Regulations implement a new statutory authority. No costs are expected to result from this action. These regulations will assist veterans owning and occupying a manufactured home to acquire a lot on which to site the home.

Timetable:

Action	Date	FR Cite
Final Action	03/31/83	

Small Entity: No

Agency Contact: **George D. Moerman**, Assistant Director for Loan Policy, Veterans Administration, Department of Veterans Benefits, 810 Vermont Avenue, NW, Washington, D.C. 20420, **202 389-3042**

RIN: 2900-AA75

●MANUFACTURED HOUSING LOANS; COMPUTATION OF GUARANTY CLAIMS

Legal Authority: 38 USC 210(c); 38 USC 1819(g)

CFR Citation: 38 CFR 36.4283; 38 CFR 36.4284; 38 CFR 36.4253

Abstract: Authorizes a change in the amount of interest a holder may include in a claim under the guaranty on a defaulted manufactured home loan. It is proposed to amend the maximum interest rate payable on a defaulted loan for post-cutoff date interest to allow a floating maximum rate in lieu of a fixed rate. Lenders should be benefited by this action at no direct cost to them. Alternatives will be considered based on public comment.

Timetable:

Action	Date	FR Cite
NPRM	03/31/83	

Small Entity: No

Agency Contact: **Raymond L. Brodie**, Assistant Director for Loan Management, Veterans Administration, Department of Veterans Benefits, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-3668**

RIN: 2900-AA78

●REGULATORY AMENDMENTS REQUIRED BY PL 97-253

Legal Authority: PL 97-253

CFR Citation: 38 CFR 3.20; 38 CFR 3.29; 38 CFR 3.30; 38 CFR 3.31, (New); 38 CFR 3.273; 38 CFR 3.500; 38 CFR 3.501; 38 CFR 3.502; 38 CFR 3.660

Abstract: These amendments affect the effective date of reductions based on loss of a dependent, rounding of pension rates to even dollars, the commencement of the period of payment (new), and payment of the veteran's rate to a surviving spouse for the month of a veteran's death.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/20/82	47 FR 46696
Final Action	06/01/83	

Small Entity: No

Agency Contact: **Robert M. White**, Legal Consultant, Veterans Administration, Department of Veterans Benefits, 810 Vermont Avenue, NW, Washington, D.C. 20420, **202 389-3005**

RIN: 2900-AA79

●MONETARY ALLOWANCE IN LIEU OF A GOVERNMENT-FURNISHED HEADSTONE OR MARKER

Legal Authority: 38 USC 210(c)(1)

CFR Citation: 38 CFR 3.1612

Abstract: To update the average actual cost of government-furnished headstones and markers for fiscal year 1982.

Timetable:

Action	Date	FR Cite
NPRM	12/21/82	47 FR 56880
NPRM Comment Period Begin	12/21/82	47 FR 56880
NPRM Comment Period End	01/20/83	
Final Action	04/00/83	

Small Entity: No

Agency Contact: **Robert M. White**, Legal Consultant, Veterans Administration, Department of Veterans Benefits, 810 Vermont Avenue, NW, Washington, D.C. 20420, **202 389-3005**

RIN: 2900-AA80

●REGULATORY AMENDMENTS REQUIRED BY PL 97-306

Legal Authority: PL 97-306

CFR Citation: 38 CFR 3.6; 38 CFR 3.22; 38 CFR 3.350; 38 CFR 3.1600; 38 CFR 3.1601; 38 CFR 3.1603; 38 CFR 3.1605

Abstract: These amendments affect ROTC cadet eligibility for compensation, DIC eligibility for certain nonservice-connected deaths, special monthly compensation for certain blinded veterans, and burial allowance eligibility for certain indigent veterans and those who die in nursing homes.

Timetable:

Action	Date	FR Cite
NPRM	10/00/83	

Small Entity: No

Agency Contact: **Robert M. White**, Legal Consultant, Veterans Administration, Department of Veterans Benefits, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-3005**

RIN: 2900-AA81

●VETERANS EDUCATION: SUBMISSION OF MITIGATING CIRCUMSTANCES

Legal Authority: 38 USC 1780

CFR Citation: 38 CFR 21.4136; 38 CFR 21.4137

VA — Current and Projected Rulemakings

Abstract: Lengthens the time period veterans receiving educational assistance allowance have to report any mitigating circumstances that may be connected with withdrawals from courses or receipt of a grade which is not used in computing the veteran's graduation requirements. This change will shorten the time eligible persons have to report mitigating circumstances. The net effect will be to treat the two groups equally. The alternative is to continue unequal treatment. Estimates of the costs and benefits are not yet available.

Timetable:

Action	Date	FR Cite
NPRM	02/00/84	

Small Entity: No

Agency Contact: June C. Schaeffer, Ass't Dir. for Policy and Program Admin, Veterans Administration, Department of Veterans Benefits, 810 Vermont Ave. NW, Washington, D.C. 20420, 202 389-2092

RIN: 2900-AA82

VETERANS ADMINISTRATION (VA) — Completed Actions

COMPLETED RULEMAKINGS

VETERANS REHABILITATION AND EDUCATION AMENDMENTS OF 1980

Completed:

Reason	Date	FR Cite
Deleted -- routine regulation	03/01/82	

Agency Contact: J. T. Goetz 202 389-2686

RIN: 2900-AA02

ADMINISTRATIVE CONTROL OF FUNDS

Completed:

Reason	Date	FR Cite
Deleted -- routine regulation	03/01/82	

Agency Contact: Dennis Bowser 202 389-2311

RIN: 2900-AA20

GENERAL APPELLATE REGULATIONS AND RULES OF PRACTICE

Completed:

Reason	Date	FR Cite
Deleted -- routine regulation	03/01/82	

Agency Contact: Jan Donsbach 202 389-2976

RIN: 2900-AA41

CONSULTING AND RELATED SERVICES

Completed:

Reason	Date	FR Cite
Deleted -- routine regulation	03/01/82	

Agency Contact: Chris Figg 202 389-2856

RIN: 2900-AA65

SPECIAL PROCUREMENT CONTROLS

Completed:

Reason	Date	FR Cite
Deleted -- routine regulation	03/01/82	

Agency Contact: Chris Figg 202 389-2856

RIN: 2900-AA66

UNSOLICITED PROPOSALS

Completed:

Reason	Date	FR Cite
Deleted -- routine regulation	03/01/82	

Agency Contact: David Derr 202 389-2334

RIN: 2900-AA67

SPECIAL PROCUREMENT CONTROLS

Completed:

Reason	Date	FR Cite
Deleted -- routine regulation	03/01/82	

Agency Contact: Thomas Hamilton 202 389-2334

RIN: 2900-AA68

PROCUREMENT RESPONSIBILITY AND AUTHORITY

Completed:

Reason	Date	FR Cite
Deleted -- routine regulation	03/01/82	

Agency Contact: Thomas Hamilton 202 389-2334

RIN: 2900-AA69

TERMS OF PAYMENT

Completed:

Reason	Date	FR Cite
Deleted -- routine regulation	03/01/82	

Agency Contact: David Derr 202 389-2334

RIN: 2900-AA70

DEBT PROCEDURES

Completed:

Reason	Date	FR Cite
Final Action	01/10/83	48 FR 1052
Final Action Effective	12/17/82	

Agency Contact: Peter Mulhern 202 389-3405

RIN: 2900-AA40

PROTECTION OF PATIENT RIGHTS

Completed:

Reason	Date	FR Cite
Final Action	12/10/82	47 FR 55482
Final Action Effective	12/06/82	

Agency Contact: Dorothy Rasinski, M.D., J.D. 202 389-2221

RIN: 2900-AA08

MEDICAL CARE IN U.S. FOR CAV'S AND NEW PHILIPPINE SCOUTS

Completed:

Reason	Date	FR Cite
Final Action	12/30/82	47 FR 58245
Final Action Effective	11/24/82	

Agency Contact: Gene Lambert 202 389-2143

RIN: 2900-AA09

VA

Completed Actions

OUTPATIENT TREATMENT FOR EX-POW'S

Completed:

Reason	Date	FR Cite
Final Action	12/30/82	47 FR 58245
Final Action Effective	11/24/82	

Agency Contact: Anthony Ranciato 202 389-2851

RIN: 2900-AA13

OUTPATIENT PRIORITY FOR EX-POW'S

Completed:

Reason	Date	FR Cite
Final Action	12/30/82	47 FR 58245
Final Action Effective	11/24/82	

Agency Contact: Anthony Ranciato 202 389-2851

RIN: 2900-AA14

DEFINITIONS

Completed:

Reason	Date	FR Cite
Final Action	12/30/82	47 FR 58245
Final Action Effective	11/24/82	

Agency Contact: Gene Lambert 202 389-2143

RIN: 2900-AA24

ADMISSION PRIORITIES

Completed:

Reason	Date	FR Cite
Final Action	12/30/82	47 FR 58245
Final Action Effective	11/24/82	

Agency Contact: Gene Lambert 202 389-2143

RIN: 2900-AA28

ALCOHOL AND DRUG DEPENDENCE OR ABUSE TREATMENT

Completed:

Reason	Date	FR Cite
Final Action	12/28/82	47 FR 57706
Final Action Effective	04/28/80	

Agency Contact: Stewart Baker, M.D. 202 389-5193

RIN: 2900-AA29

MEDICAL CARE FOR SURVIVORS AND DEPENDENTS OF CERTAIN VETERANS

Completed:

Reason	Date	FR Cite
Final Action	12/30/82	47 FR 58245
Final Action Effective	11/24/82	

Agency Contact: Harold Ramsey 202 389-2589

RIN: 2900-AA30

EMERGENCY OUTPATIENT CARE

Completed:

Reason	Date	FR Cite
Final Action	12/30/82	47 FR 58245
Final Action Effective	11/24/82	

Agency Contact: Gene Lambert 202 389-2143

RIN: 2900-AA31

PRIORITIES FOR MEDICAL SERVICES

Completed:

Reason	Date	FR Cite
Final Action	12/30/82	47 FR 58245
Final Action Effective	11/24/82	

Agency Contact: Anthony Ranciato 202 389-2851

RIN: 2900-AA32

CHARGES FOR EMERGENCY SERVICES

Completed:

Reason	Date	FR Cite
Final Action	11/10/82	47 FR 50861
Final Action Effective	10/26/82	

Agency Contact: Ann McPherson 202 389-2337

RIN: 2900-AA33

AMOUNT OF AID PAYABLE

Completed:

Reason	Date	FR Cite
Final Action	12/30/82	47 FR 58245
Final Action Effective	11/24/82	

Agency Contact: Gene Lambert 202 389-2143

RIN: 2900-AA34

DISINTERMENTS FROM NATIONAL CEMETERIES

Completed:

Reason	Date	FR Cite
Final Action	11/10/82	47 FR 50859
Final Action Effective	10/26/82	

Agency Contact: Sonja McCombs 202 389-2987

RIN: 2900-AA39

VIETNAM ERA VETERANS' READJUSTMENT ASSISTANCE ACT OF 1974

Completed:

Reason	Date	FR Cite
Final Action	11/29/82	47 FR 53734

Agency Contact: Fred Humphreys 202 389-3283

RIN: 2900-AA18

VETERANS EDUCATION; ADDITIONAL PERIOD OF ELIGIBILITY

Completed:

Reason	Date	FR Cite
Final Action	01/11/83	48 FR 1196
Final Action Effective	01/01/82	

Agency Contact: June Schaeffer 202 389-2092

RIN: 2900-AA05

PAYMENT OF BURIAL EXPENSES OF DECEASED VETERANS

Completed:

Reason	Date	FR Cite
Final Action	03/15/82	47 FR 11012
Final Action Effective	09/30/81	

Agency Contact: Robert M. White 202 389-3005

RIN: 2900-AA42

DISEASE SUBJECT TO PRESUMPTIVE SERVICE CONNECTION

Completed:

Reason	Date	FR Cite
Final Action	12/03/82	47 FR 54435
Final Action Effective	11/10/82	

VA

Completed Actions

Agency Contact: Robert M. White 202 389-3005

RIN: 2900-AA44

OPTIONAL INSURANCE SETTLEMENTS

Completed:

Reason	Date	FR Cite
Final Action	02/25/83	48 FR 8069
Final Action Effective	10/17/81	

Agency Contact: Robert W. Carey 215 951-5360

RIN: 2900-AA45

INSURANCE AMENDMENTS

Completed:

Reason	Date	FR Cite
Final Action	02/25/83	48 FR 8069
Final Action Effective	12/01/81	

Agency Contact: Robert Carey 215 951-5360

RIN: 2900-AA46

VETERANS EDUCATION; PROGRAM OF EDUCATION

Completed:

Reason	Date	FR Cite
Final Action	09/24/82	47 FR 42107
Final Action Effective	09/07/82	

Agency Contact: June Schaeffer 202 389-2092

RIN: 2900-AA51

VETERANS EDUCATION; PRO-RATA REFUND

Completed:

Reason	Date	FR Cite
Final Action	09/29/82	47 FR 42731

Agency Contact: June Schaeffer 202 389-2092

RIN: 2900-AA52

VETERANS EDUCATION; DOD FUNDING

Completed:

Reason	Date	FR Cite
Final Action	01/25/83	48 FR 3369
Final Action Effective	01/01/82	

Agency Contact: June Schaeffer 202 389-2092

RIN: 2900-AA56

VETERANS EDUCATION; COURSE SUSPENSIONS

Completed:

Reason	Date	FR Cite
Dvlpmnt terminated due to PL 97-306	10/18/82	

Agency Contact: June Schaeffer 202 389-2092

RIN: 2900-AA60

COMPLETED REVIEWS

GRANTS TO STATES FOR CONSTRUCTION OF STATE HOME FACILITIES

Completed:

Reason	Date	FR Cite
Final Action	01/13/83	48 FR 1489
Final Action Effective	10/01/81	

Agency Contact: Rita Frampton 202 389-3679

RIN: 2900-AA23

VETERANS EDUCATION; 24-MONTH SERVICE REQUIREMENT

Completed:

Reason	Date	FR Cite
End Review	12/12/82	

Agency Contact: June Schaeffer 202 389-2092

RIN: 2900-AA54

[FR Doc. 83-9503 Filed 4-22-83; 8:45 am]
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federal register

Monday
April 25, 1983

Part XXXIX

Civil Aeronautics Board

Unified Agenda of Federal Regulations

CAB

CIVIL AERONAUTICS BOARD

14 CFR Ch. II

Unified Agenda of Federal Regulations

AGENCY: Civil Aeronautics Board.

ACTION: Publication of Unified Agenda of Federal Regulations.

SUMMARY: As part of its implementation of the Regulatory Flexibility Act, Pub. L. 96-354, and in accordance with the policy announced in OMB Bulletin 82-16, the CAB publishes its semiannual Unified Agenda of Federal Regulations.

DATES: Adopted: March 24, 1983.

ADDRESS: Copies of the rulemaking documents listed in this agenda can be obtained from the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428; (202) 673-5432. Each document should be identified by the designation appearing in parentheses after the *Federal Register* citation.

Persons wishing to be placed on a mailing list for future editions of this agenda should send a postcard request to the Distribution Section at the above address.

FOR FURTHER INFORMATION CONTACT: About a specific rulemaking action listed in this agenda--the contact person listed below. About this agenda--Joanne Petrie, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673-5442.

SUPPLEMENTARY INFORMATION: The Board is publishing this Unified Agenda of Federal Regulations in accordance with the Regulatory Flexibility Act, Pub. L. 96-354, and the policy announced in OMB Bulletin 82-16, issued on July 22, 1982. The next agenda will be published in October 1983, as provided in the Regulatory Flexibility Act. The Board's previous agenda appears at 47 FR 48868, October 28, 1982.

The agenda is divided into two categories, Current and Projected Rulemakings, and Completed Actions, in compliance with the Regulatory Information Service model. The Board is keeping its internal designation codes in the title so that items can be easily traced back to previous agendas.

For each rulemaking action listed in this agenda, the following information is set out: title; regulatory information number (RIN); CFR citation, abstract, additional information, timetable, legal authority, and the name, office abbreviation, and telephone number of a knowledgeable Board official to contact for further information. For each proceeding in which a notice of proposed rulemaking has been issued, an estimated final action date is listed. Addresses for all contact persons are Civil Aeronautics Board, Washington, D.C. 20428.

The only rules that the Regulatory Flexibility Act requires agencies to include in their agendas are those that are "likely to have a significant economic impact on a substantial number of small entities." This agenda is more inclusive, listing all significant Board rulemaking activity. Items appearing to meet the statutory criterion are noted.

None of the rulemaking included in this agenda is "major" within the meaning of E.O. 12291, and the Board does not plan to perform any formal Regulatory Impact Analyses. Each rulemaking, however, undergoes an analysis of benefits, costs, and alternatives, in a degree of detail and formality that is commensurate with the importance of the rule. The Board also retains the discretion to prepare a formal Regulatory Impact Analysis on any rulemaking.

Statements in the action schedule column that a notice or advance notice of proposed rulemaking is in preparation indicate that the staff is preparing a draft for Board action. They do not imply that the proposal will necessarily be issued, that the Board has endorsed the substance of the proposal, or that the petition (if any) prompting the rulemaking activity will necessarily be granted. The dates noted for final action are estimates only, and so do not bind the Board or indicate that a final rule will necessarily be adopted.

Although this agenda is intended to list all significant Board regulations that are under development or review, it is not a complete guide to all significant rulemaking activity for the six months until publication of the next agenda. First, new rulemaking actions may arise and be completed between now and then. Second, we may have inadvertently omitted one or more items. Any such omission shall not preclude the Board from taking action on the item, and shall not be a ground for judicial review of the rule.

Abbreviations Used in This Agenda

"Act" means the Federal Aviation Act of 1958, as amended, 49 U.S.C. 1301 *et seq.*, including amendments made by the Deregulation Act and the International Air Transportation Competition Act, Pub. L. 96-192 Stat. 35.

"Deregulation Act" means the Airline Deregulation Act of 1978, Pub. L. 95-504, 92 Stat. 1705.

"CFR" means Code of Federal Regulations.

"FR" means Federal Register.

"ANPRM" means advance notice of proposed rulemaking.

"NPRM" means notice of proposed rulemaking.

"SNPRM" means supplementary notice of proposed rulemaking.

Office abbreviations:

BCAA--Bureau of Carrier Accounts and Audits

OCCCA--Office of Congressional, Community and Consumer Affairs

BDA--Bureau of Domestic Aviation

BIA--Bureau of International Aviation

OC--Office of Comptroller

OEA--Office of Economic Analysis

OGC--Office of the General Counsel

ER-, EDR-, SPR-, SPDR-, and similar designations appearing in parentheses are the Board's internal designations for final rules and proposed rules. Using these designations, interested persons can obtain copies of documents from the Distribution Section at the address listed above. The Distribution Section will also establish and maintain a list of persons wishing to receive copies of future agendas.

Accordingly, the Civil Aeronautics Board publishes the attached Unified Agenda of Significant Regulations.

CAB

By the Civil Aeronautics Board:
Phyllis T. Kaylor,
Secretary.

CIVIL AERONAUTICS BOARD (CAB) — Current and Projected Rulemakings

SMALL COMMUNITY AIR SERVICE PROGRAM

A1. ESSENTIAL AIR SERVICE SUBSIDY GUIDELINES.

Legal Authority: 49 USC 1389

CFR Citation: 14 CFR 271, (New)

Abstract: The Board provides subsidy to airlines to ensure that small communities receive essential air service at a level determined in accordance with 14 CFR Part 398. This rule would implement section 419(d) of the Act, which directs the Board to establish guidelines for computing the fair and reasonable amount of compensation necessary to guarantee that level of service.

Timetable:

Action	Date	FR Cite
NPRM (EDR 415, Docket 39041)	12/18/80	45 FR 83254
NPRM Comment Period Begin	12/18/80	
NPRM Comment Period End	02/17/81	
Final Action	10/00/83	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: David Schaffer, OGC. (202) 673-5442

Agency Contact: John Hokanson, BDA, Civil Aeronautics Board, **202 673-5442**

RIN: 3024-AA00

A2. ESSENTIAL AIR SERVICE SUBSIDY PROCEDURES.

Legal Authority: 49 USC 1389

CFR Citation: 14 CFR 327, (New)

Abstract: The Board pays a subsidy to airlines for providing essential air service to small communities. This rule would establish when the rate conference with the airline is held, what happens at the end of the airline's rate term, and other procedural matters involved in setting subsidy rates.

Timetable:

Action	Date	FR Cite
NPRM in preparation	00/00/00	

Small Entity: Yes

Agency Contact: David Schaffer, OGC, Civil Aeronautics Board, **202 673-5442**

RIN: 3024-AA01

A3. OBLIGATION OF CARRIERS TO PROVIDE ADEQUATE SERVICE AT ELIGIBLE POINTS.

Legal Authority: 49 USC 1374; 49 USC 1389

CFR Citation: 14 CFR 398

Abstract: The Board has set essential air service levels under section 419 of the Act for eligible points (small communities). Some of these points are being served by air carriers that are not providing the required level of service. This rule would establish a new policy under which the Board would rely on the "adequate service" provision of section 404(a) of the Act as authority to order these carriers to provide adequate (i.e., essential) service at points they now serve.

Timetable:

Action	Date	FR Cite
NPRM (PSDR-68, Docket 38807)	10/10/80	45 FR 67357
NPRM Comment Period Begin	10/10/80	
NPRM Comment Period End	12/09/80	
Final Action	12/00/83	

Small Entity: No

Agency Contact: David Schaffer, OGC, Civil Aeronautics Board, **202 673-5442**

RIN: 3024-AA02

A5. POLICY ON OVERFLIGHTS AT ESSENTIAL AIR SERVICE POINTS.

Legal Authority: 49 USC 1389

CFR Citation: 14 CFR 398

Abstract: This rule would prohibit an air carrier from refusing to land at an eligible point for which the Board has issued an essential air service determination, except in specified circumstances.

Timetable:

Action	Date	FR Cite
NPRM(PSDR-77, Docket 40620)	05/18/82	47 FR 21271
NPRM Comment Period Begin	05/18/82	
NPRM Comment Period End	07/16/82	
Final Action	06/00/83	

Small Entity: Yes

Agency Contact: Joanne Yancey Hitchcock, OGC, Civil Aeronautics Board, **202 673-5442**

RIN: 3024-AA04

A6. TERMINATION NOTICES FOR CERTIFICATED CARRIERS.

Legal Authority: 49 USC 1371; 49 USC 1389

CFR Citation: 14 CFR 323

Abstract: By PR-244, the Board changed its notice requirements for certificated carriers that wanted to terminate service to eligible points. The Board eliminated some notices but continued to require notice before a certificated carrier terminated or reduced service so as to leave an eligible point (1) without essential service, (2) without any other certificated carrier, (3) with only one certificated carrier, or (4) with a 33 percent reduction in available capacity. A recent decision by the U.S. Court of Appeals for the District of Columbia has cast doubt on the Board's authority to require some of these notices, particularly the fourth one. This rulemaking proceeding examines whether and how the fourth notice should be modified or eliminated.

Timetable:

Action	Date	FR Cite
NPRM (PDR-78, Docket 40757)	06/23/82	47 FR 27081
NPRM Comment Period Begin	06/23/82	
NPRM Comment Period End	08/23/82	
Final Action	06/00/83	

Small Entity: Yes

Additional Information: ADDITIONAL AGENCY CONTACT: Peter Bloch, BDA 202 673-5345

Agency Contact: David Schaffer, OGC, Civil Aeronautics Board, **202 673-5442**

RIN: 3024-AA05

FARES, RATES AND TARIFFS

B2. ELIMINATION OF MANDATORY JOINT FARES.

Legal Authority: 49 USC 1374; 49 USC 1484; 49 USC 1601

CFR Citation: 14 CFR 399

Abstract: The mandatory joint fare requirements established in the Domestic Passenger Fare Investigation ended on January 1, 1983, with the end of the Board's jurisdiction over domestic passenger fares. The Board issued a proposal on its own initiative and in response to a petition filed by American Airlines to change the joint fare requirements in 1 of 3 ways. The Board considered eliminating the system in some or all markets, or making interlining mandatory upon request. The rulemaking will be terminated because the Board no longer has authority to regulate this area.

Timetable:

Action	Date	FR Cite
NPRM (PSDR-70, Docket 3835)	06/03/81	46 FR 29719
NPRM Comment Period Begin	06/03/81	
NPRM Comment Period End	07/31/81	
Reply comment period closed	09/03/81	
Final Action Effective	04/00/83	
Termination of rulemaking in preparation	00/00/00	

Small Entity: Yes

Additional Information: ADDITIONAL AGENCY CONTACT: Julien Schrenk, BIA. (202) 673-5298

Agency Contact: Joanne Petrie, OGC, Civil Aeronautics Board, **202 673-5442**

RIN: 3024-AA07

B4. EXTENSION OF FARE FLEXIBILITY TO MICRONESIA.

Legal Authority: 49 USC 1302; 49 USC 1386; 49 USC 1482

CFR Citation: 14 CFR 399

Abstract: In response to a petition filed by Air Micronesia and Continental Air Lines, the Board proposed to extend upward flexibility of 30 percent above the standard industry fare level (SIFL), and unlimited downward flexibility for passenger fares in and to Micronesia and American Samoa. The rulemaking is being terminated because the Board no longer has authority over fares between the U.S. and Micronesia.

Timetable:

Action	Date	FR Cite
NPRM (PSDR-71, Docket 38975)	06/03/81	46 FR 29727
NPRM Comment Period Begin	06/03/81	
NPRM Comment Period End	07/30/81	
Final Action	05/00/83	
Termination of rulemaking in preparation	00/00/00	

Small Entity: Yes

Agency Contact: Joanne Petrie, OGC, Civil Aeronautics Board, **202 673-5442**

RIN: 3024-AA08

B7. STANDARD FOREIGN FARE LEVEL METHODOLOGY.

Legal Authority: 49 USC 1302; 49 USC 1372; 49 USC 1373; 49 USC 1376; 49 USC 1377; 49 USC 1386; 49 USC 1482

CFR Citation: 14 CFR 399

Abstract: This notice solicited comments on the Board's current methodology employed in adjusting the standard foreign fare level (SFFL) for airlines' cost changes, and additionally, which SFFL adjustments should be utilized for transborder operations.

Timetable:

Action	Date	FR Cite
ANPRM (PSDR-72, Docket 39635)	06/01/81	46 FR 29285
ANPRM Comment Period Begin	06/01/81	
ANPRM Comment Period End	07/10/81	
Reply comment period closed	07/30/81	
Final Action	06/00/83	

Small Entity: No

Agency Contact: Julien Schrenk, BIA, Civil Aeronautics Board, **202 673-5298**

RIN: 3024-AA10

B9. CHANGES TC DOMESTIC TARIFF RULES AFTER JANUARY 1, 1983.

Legal Authority: PL 95-504; 49 USC 1601

CFR Citation: 14 CFR 221

Abstract: Airlines may not file tariffs concerning interstate and overseas air transportation to be provided on or after January 1, 1983. The Board is examining its rules to determine what additional conforming changes need to be made.

Timetable:

Action	Date	FR Cite
NPRM in preparation	00/00/00	

Small Entity: No

Agency Contact: Joseph A. Brooks, OGC, Civil Aeronautics Board, **202 673-5442**

RIN: 3024-AA11

●B-9. REFERENCES TO DOMESTIC TARIFFS IN AGREEMENTS.

Legal Authority: 49 USC 1302; 49 USC 1305; 49 USC 1324; 49 USC 1371; 49 USC 1372; 49 USC 1373; 49 USC 1374; 49 USC 1378; 49 USC 1379; 49 USC 1381; 49 USC 1382; 49 USC 1386; 49 USC 1461; 49 USC 1481; 49 USC 1482; ...

CFR Citation: 14 CFR 399

Abstract: This rule would modify or disapprove agreements filed under section 412 of the Act if they referred to tariffs for domestic passenger transportation to be performed on or after January 1, 1983.

Timetable:

Action	Date	FR Cite
NPRM in preparation	00/00/00	

Small Entity: Undetermined

Agency Contact: Joanne Yancey Hitchcock, OGC, Civil Aeronautics Board, **202 673-5442**

RIN: 3024-AA78

B10. HAWAIIAN JOINT FARES.

Legal Authority: 49 USC 1374; 49 USC 1482

CFR Citation: 14 CFR 399

Abstract: The Board proposed to require certain airlines to provide interline service in Hawaii until the end of 1982, to aid in the transition to domestic fare deregulation. This rulemaking is being terminated because the Board no longer has authority to regulate fares in domestic air transportation.

Timetable:

Action	Date	FR Cite
NPRM	04/20/82	47 FR 16795
NPRM Comment Period Begin	04/20/82	

Action	Date	FR Cite
Supplemental NPRM (PSDR-75A, Docket 38585)	05/03/82	47 FR 18913
NPRM Comment Period End	06/24/82	
Final Action	06/00/83	
Termination of rulemaking in preparation	00/00/00	

Small Entity: No

Agency Contact: Joanne Petrie, OGC, Civil Aeronautics Board, **202 673-5442**

RIN: 3024-AA12

OB-10. JOINT TARIFF FILING BY FOREIGN AIR FREIGHT FORWARDERS.

Legal Authority: 49 USC 1301; 49 USC 1302; 49 USC 1324; 49 USC 1378; 49 USC 1379; 49 USC 1386

CFR Citation: 14 CFR 296; 14 CFR 221

Abstract: This rule would permit indirect cargo air carriers to participate in joint tariffs filed by direct air carriers and direct foreign air carriers for the foreign air transportation of cargo. This exemption would require that advance notice be given to the shipper that the shipment will be interlined, and that the shipment is not otherwise consolidated for rating purposes.

Timetable:

Action	Date	FR Cite
NPRM in preparation	00/00/00	

Small Entity: Undetermined

Agency Contact: Joanne Yancey Hitchcock, OGC, Civil Aeronautics Board, **202 673-5442**

RIN: 3024-AA73

B12. PAYMENTS TO INDIRECT CARGO CARRIERS.

Legal Authority: 49 USC 1301; 49 USC 1302; 49 USC 1324; 49 USC 1378; 49 USC 1379; 49 USC 1386

CFR Citation: 14 CFR 296; 14 CFR 297

Abstract: This rule would modify the Board's rules on indirect cargo air carriers, foreign air freight forwarders, and foreign cooperative shippers associations, to allow direct air carriers to pay fees to the indirect carriers on shipments by the latter. The proposal would eliminate the express prohibition on payment of commissions to the indirect cargo carriers and would exempt them from the prohibition on soliciting rebates in section 403(b) of the Act. The rule was proposed in response to a request by a direct carrier in order to reduce regulatory intervention in the relationship between direct and indirect air carriers.

Timetable:

Action	Date	FR Cite
NPRM (EDR-437, Docket 40320)	01/06/82	47 FR 633
NPRM Comment Period Begin	01/06/82	
NPRM Comment Period End	03/08/82	
Final Action	04/00/83	

Small Entity: No

Agency Contact: Joanne Yancey Hitchcock, OGC, Civil Aeronautics Board, **202 673-5442**

RIN: 3024-AA14

B13. INTRA-ALASKA AND INTRA-HAWAII CARGO TARIFF ELIMINATION.

Legal Authority: 49 USC 1302; 49 USC 1324; 49 USC 1371 to 1374; 49 USC 1381; 49 USC 1386; 49 USC 1481; 49 USC 1482

CFR Citation: 14 CFR 221

Abstract: This rule would exempt carriers from the tariff filing requirement for cargo service in intra-Alaska and intra-Hawaii markets. Under the Airline Deregulation Act, as of January 1, 1983, carriers will no longer be required to file passenger tariffs for those markets. The rule would implement the statutory mandate and establish parity between passenger and cargo service.

Timetable:

Action	Date	FR Cite
NPRM in preparation	00/00/00	

Small Entity: Yes

Agency Contact: Joanne Yancey Hitchcock, OGC, Civil Aeronautics Board, **202 673-5442**

RIN: 3024-AA15

B14. TIME AND MILEAGE GUIDES.

Legal Authority: 49 USC 1302; 49 USC 1324; 49 USC 1371 to 1374; 49 USC 1381; 49 USC 1386; 49 USC 1481; 49 USC 1482

CFR Citation: 14 CFR 221

Abstract: The Board currently prohibits fares or rates based upon units of time. This rule would remove these restrictions.

Timetable:

Action	Date	FR Cite
NPRM (EDR-448, Docket 41038)	10/27/82	47 FR 47599
NPRM Comment Period Begin	10/27/82	
NPRM Comment Period End	12/13/82	
Final Action	04/00/83	

Small Entity: No

Agency Contact: Joanne Yancey Hitchcock, OGC, Civil Aeronautics Board, **202 673-5442**

RIN: 3024-AA16

B15. ELIMINATION OF CREDIT TERM TARIFFS.

Legal Authority: 49 USC 1302; 49 USC 1324; 49 USC 1371 to 1374; 49 USC 1381; 49 USC 1386; 49 USC 1481; 49 USC 1482

CFR Citation: 14 CFR 221

Abstract: The Board requires carriers to file tariffs that set forth credit terms for the purchase of air transportation. The Board is considering eliminating this tariff requirement because regulation of credit practices may be outside its area of regulatory expertise.

Timetable:

Action	Date	FR Cite
NPRM (EDR-454, Docket 41219)	01/28/83	48 FR 3998
NPRM Comment Period Begin	01/28/83	
NPRM Comment Period End	02/28/83	
Reply comment period closed	03/15/83	
Final Action	07/00/83	

Small Entity: No

Agency Contact: Joanne Yancey Hitchcock, OGC, Civil Aeronautics Board, **202 673-5442**

RIN: 3024-AA17

CHARTERS

C7. DIRECT CARRIER RESPONSIBILITY FOR RETURNING STRANDED CHARTER PASSENGERS.

Legal Authority: 49 USC 1324; 49 USC 1371

CFR Citation: 14 CFR 207; 14 CFR 208

Abstract: This rule would make direct air carriers responsible for returning charter passengers stranded by strikes or other interruptions of their services by eliminating

the force majeure clause from charter contracts. More recently, however, the Board has issued a comprehensive proposal (item C10 in this agenda) to revise and simplify the charter rules. The Board's final action in this proceeding will be consistent with that in item C10.

Timetable:

Action	Date	FR Cite
NPRM (EDR-405, Docket 37169)	07/11/80	45 FR 46812
NPRM Comment Period Begin	07/11/80	
NPRM Comment Period End	09/25/80	
Reply comment period closed	10/10/80	
Final Action	12/00/83	

Small Entity: No

Agency Contact: David Schaffer, OGC, Civil Aeronautics Board, **202 673-5442**

RIN: 3024-AA18

C10. LIBERALIZATION OF CHARTER RULES.

Legal Authority: 49 USC 1324; 49 USC 1371

CFR Citation: 14 CFR 207; 14 CFR 208; 14 CFR 212; 14 CFR 298; 14 CFR 380

Abstract: The Board has proposed substantial liberalizations of its charter rules, with a view toward the agency's sunset. The proposal seeks comments on replacing the current rules governing public charters with a new registration and bonding requirement for indirect air carriers or, alternatively, keeping some combination of a bonding and escrow requirement and some or all of the requirements designed to protect participants' expectations while eliminating all filing requirements on indirect air carriers. The proposal would also eliminate restrictions on eligible groups and dealings between charter operators and air carriers. The Board seeks to reduce the rules concerning charters to the minimum necessary for public protection. This proposal supersedes several other charter rulemaking proceedings. The Board is considering revising the proposal in light of recent changes in charter activity.

Timetable:

Action	Date	FR Cite
NPRM (EDR-439/SPDR-86, Docket 40336)	02/19/82	47 FR 7443
NPRM Comment Period Begin	02/19/82	
NPRM Comment Period End	04/20/82	
Reply comment period closed	05/10/82	
NPRM adopted by Board	03/24/83	
Final Action	04/00/83	

Small Entity: Yes

Additional Information: ADDITIONAL AGENCY CONTACT: David Schaffer, OGC (202) 673-5442.

Agency Contact: Patricia T. Szrom, BDA, Civil Aeronautics Board, **202 673-5088**

RIN: 3024-AA19

MISCELLANEOUS

D1. NONDISCRIMINATION ON THE BASIS OF HANDICAP.

Legal Authority: 29 USC 794

CFR Citation: 14 CFR 382

Abstract: The final rule prohibits unlawful discrimination against handicapped air travelers and implements section 504 of the Rehabilitation Act of 1973. The Board is now considering whether to include provisions regulating carrier employment practices.

Timetable:

Action	Date	FR Cite
NPRM (SPDR-70, Docket 34030)	06/06/79	44 FR 32401
NPRM Comment Period Begin	06/06/79	
NPRM Comment Period End	09/04/79	
NPRM reply comment closed	09/24/79	
Previous Final rule (SPR-189)	06/16/82	47 FR 25936
Previous Final rule (SPR-191)	11/18/82	47 FR 51857
NPRM in preparation	00/00/00	

Small Entity: No

Agency Contact: David Schaffer, OGC, Civil Aeronautics Board, **202 673-5442**

RIN: 3024-AA21

D2. CONSUMER PROTECTIONS FOR MEMBERS OF SCHEDULED-SERVICE TOUR GROUPS.

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1372; 49 USC 1374; 49 USC 1381; 49 USC 1386

CFR Citation: Not yet determined

Abstract: The Board is considering whether consumer protection rules are needed for scheduled-service tours.

Timetable:

Action	Date	FR Cite
ANPRM (SPDR-71, Docket 34997)	07/25/79	44 FR 43481
ANPRM Comment Period Begin	07/25/79	
ANPRM Comment Period End	10/23/79	
Reply comment period closed	11/22/79	
Termination of rulemaking in preparation	00/00/00	

Small Entity: No

Agency Contact: Joanne Petrie, OGC, Civil Aeronautics Board, **202 673-5442**

RIN: 3024-AA22

D3. AIR CARRIER FITNESS (CONTINUING FITNESS).

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1377; 49 USC 1389

CFR Citation: 14 CFR 204

Abstract: The Board is considering the development of a system to monitor the continuing fitness of air carriers as required by section 401(r) of the Act.

Timetable:

Action	Date	FR Cite
NPRM under consideration	00/00/00	

Small Entity: No

Agency Contact: Gerard N. Boller, BDA, Civil Aeronautics Board, **202 673-5352**

RIN: 3024-AA23

D5. ZONES FOR MAIL RATES.

Legal Authority: 49 USC 1302; 49 USC 1324; 49 USC 1376

CFR Citation: 14 CFR 233, (New)

Abstract: This rule would end the Board's current practice of prescribing fixed rates for the transportation of mail by air, and in its place establish zones for each category of mail. Each zone would be defined by maximum and minimum rates prescribed by the Board, and airlines would be free to contract with the Postal Service for the carriage of mail at any price within the zone.

CAB — Current and Projected Rulemakings

Timetable:

Action	Date	FR Cite
NPRM (EDR-387/PDR-68, Docket 36497)	09/07/79	44 FR 52246
NPRM Comment Period Begin	09/07/79	
NPRM (Supplemental, EDR-387C/PDR-68C, Docket 36497)	12/18/80	45 FR 83510
SNPRM Comment period closed	02/17/81	
NPRM Comment Period End	07/17/81	
Final Action	12/00/83	

Small Entity: No

Agency Contact: **Barry Molar, OGC**, Civil Aeronautics Board, **202 673-5205**

RIN: 3024-AA24

D8. AGE DISCRIMINATION.

Legal Authority: 42 USC 6102

CFR Citation: 14 CFR 378, (New)

Abstract: This rule will prohibit discrimination against air travelers on the basis of age and implement the Age Discrimination Act of 1975.A final rule was adopted by the Board on April 10, 1980 and was forwarded to the Secretary of HHS for approval, as required by the Age Discrimination Act.

Timetable:

Action	Date	FR Cite
NPRM (SPDR-74, Docket 36639)	09/26/79	44 FR 55383
NPRM Comment Period Begin	09/26/79	
NPRM Comment Period End	11/26/79	
Final rule forwarded to HHS	04/10/80	
Final Action	00/00/00	

Small Entity: No

Agency Contact: **David Schaffer, OGC**, Civil Aeronautics Board, **202 673-5442**

RIN: 3024-AA25

D9. POLICY STATEMENT ON PREEMPTION.

Legal Authority: 49 USC 1305

CFR Citation: 14 CFR 399

Abstract: This rule will set out final Board policies for regulation of the rates, routes and services of airlines that have interstate authority. The Board has concluded that under section 105 of the Act it, not the States, is responsible for economic regulation (or deregulation, as the case may be) of all the routes, rates, or services of any airline holding either (i) a certificate of public convenience and necessity to provide interstate air transportation, or (ii) an exemption under section 416 of the Act from the requirement for such a certificate.

Timetable:

Action	Date	FR Cite
Interim rule (PS-83)	02/15/79	44 FR 9948
Requests for comments on interim rule (PSDR-56, Docket 34684)	02/15/79	44 FR 9953
Comment period closed	04/16/79	99 FR 9999
Final Action	12/00/83	

Small Entity: No

Agency Contact: **Patricia Snyder, OGC**, Civil Aeronautics Board, **202 673-5205**

RIN: 3024-AA26

D16. UPDATE OF AGREEMENT-FILING RULES.

Legal Authority: 49 USC 1302; 49 USC 1324; 49 USC 1382; 49 USC 1386; 49 USC 1481

CFR Citation: 14 CFR 261; 14 CFR 263; 14 CFR 289; 14 CFR 302

Abstract: This rule would update the agreement-filing rules to conform to statutory changes that make agreement filing voluntary, and would remove the now unnecessary Part 289 agreement-filing exemption.

Timetable:

Action	Date	FR Cite
NPRM in preparation	00/00/00	

Small Entity: No

Agency Contact: **Joanne Yancey Hitchcock, OGC**, Civil Aeronautics Board, **202 673-5442**

RIN: 3024-AA27

D18. SUSPENSION OF ABANDONED FOREIGN AIR CARRIER PERMITS.

Legal Authority: 49 USC 1372

CFR Citation: 14 CFR 213

Abstract: This rule would have provided for the automatic suspension of operating authority of a foreign air carrier permit holder if the carrier ceased all operations for an extended period of time. The Board will terminate this rulemaking because the issue will be disposed of in a related show-cause proceeding.

Timetable:

Action	Date	FR Cite
Termination of rulemaking in preparation	00/00/00	
Final Action	00/00/00	

Small Entity: No

Agency Contact: **Allan F. Brown, BIA**, Civil Aeronautics Board, **202 673-5878**

RIN: 3024-AA28

D20. SIMPLIFIED NOTICE REQUIREMENTS FOR 401 CERTIFICATE PROCEEDINGS UNDER SUBPART Q.

Legal Authority: 49 USC 1301; 49 USC 1324; 49 USC 1371; 49 USC 1372; 49 USC 1373; 49 USC 1376; 49 USC 1386; 49 USC 1481; 49 USC 1482

CFR Citation: 14 CFR 302

Abstract: This rule would provide that applicants for certificates of public convenience and necessity, or for modifications of such certificates, may serve a simplified notice of the application on specified persons, instead of the present requirement that applicants serve complete copies of their applications.

Timetable:

Action	Date	FR Cite
NPRM (PDR-75, Docket 39638)	06/03/81	46 FR 29718
NPRM Comment Period Begin	06/03/81	
NPRM Comment Period End	08/03/81	
Final Action	06/00/83	

Small Entity: No

Agency Contact: **Rhonda Starck, BIA**, Civil Aeronautics Board, **202 673-5035**

RIN: 3024-AA29

D21. SUBPART Q REFINEMENTS.

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1372; 49 USC 1481

CFR Citation: 14 CFR 302

Abstract: This rule would correct omissions and inconsistencies in the existing procedures for granting certificates and foreign air carrier permits.

CAB

Current and Projected Rulemakings

Timetable:

Action	Date	FR Cite
NPRM in preparation	00/00/00	

Small Entity: No

Agency Contact: Jeffrey Gaynes, BIA, Civil Aeronautics Board, **202 673-5035**

RIN: 3024-AA30

D26. INSURANCE FOR ON-DEMAND AIR TAXI OPERATORS AND CANADIAN AIR TAXIS.

Legal Authority: PL 95-504; 49 USC 1371; 49 USC 1374; 49 USC 1386

CFR Citation: 14 CFR 205; 14 CFR 298

Abstract: This rule would set the minimum per-person aircraft accident liability insurance limits for U.S. and Canadian on-demand air taxi operators at $150,000, instead of at $300,000 as it is for other air carriers. The NPRM further includes alternative proposals to set the per-person limit at $75,000 or $100,000 or to eliminate all minimum amounts, requiring a public notice instead. Other rules for insurance coverage for these carriers would be as in 14 CFR Part 205, including the prohibition on safety-related exclusions.

Timetable:

Action	Date	FR Cite
NPRM (EDR-395, Docket 37531)	02/04/80	45 FR 7566
NPRM (EDR-395B, Docket 37531)	10/27/81	46 FR 52585
NPRM Comment Period Begin	10/27/81	
NPRM Comment Period End	12/28/81	
Reply comment period closed	01/18/82	
NPRM (EDR-395C, Docket 37531)	03/10/83	48 FR 10073
Final Action	10/00/83	

Small Entity: Yes

Additional Information: ADDITIONAL AGENCY CONTACT: Joseph A. Brooks, OGC, (202) 673-5442

Agency Contact: Patricia Szrom, BDA, Civil Aeronautics Board, **202 673-5088**

RIN: 3024-AA31

D31. GROUP CONTRACTOR EXEMPTIONS.

Legal Authority: 49 USC 1371; 49 USC 1386

CFR Citation: Not yet determined

Abstract: This rule would codify the Board's treatment of group contractors. A group contractor, like a charter operator, is an indirect air carrier that purchases air transportation from a direct air carrier and sells it to passengers as a principal rather than as an agent. Unlike charter operators, however, a group contractor is backed up financially by the direct carrier so that a passenger may look to the direct carrier for transportation or refund if the group contractor defaults. Group contractors are currently governed by Board Order 81-7-109, July 21, 1981, as modified by Order 82-3-132, March 24, 1982. They are sometimes referred to as "contract bulk fare operators."

Timetable:

Action	Date	FR Cite
NPRM in preparation	00/00/00	

Small Entity: No

Agency Contact: David Schaffer, OGC, Civil Aeronautics Board, **202 673-5442**

RIN: 3024-AA34

D32. EXPANSION OF ANTITRUST EXEMPTIONS.

Legal Authority: 49 USC 1379

CFR Citation: 14 CFR 251; 14 CFR 287

Abstract: Section 409 of the Act requires prior Board approval of certain interlocking and control relationships among air carriers, other common carriers, persons substantially engaged in the business of aeronautics, and others. The Board's rules already contain some exemptions from these requirements. On its own initiative and in response to a petition from Delta Airlines, the Board is proposing to broaden the exemptions.

Timetable:

Action	Date	FR Cite
NPRM (EDR-455, Docket 40543)	02/09/83	48 FR 5950
NPRM Comment Period Begin	02/09/83	
NPRM Comment Period End	03/28/83	
NPRM reply comment period	04/12/83	
Final Action	06/00/83	

Small Entity: Yes

Agency Contact: Gwyneth Jones, OGC, Civil Aeronautics Board, **202 673-6011**

RIN: 3024-AA35

D34. EXEMPTION FOR DOMESTIC CARGO CARRIERS FROM UNJUST DISCRIMINATION PROHIBITION.

Legal Authority: 49 USC 1374; 49 USC 1386

CFR Citation: 14 CFR 291

Abstract: This rule would exempt domestic cargo carriers from section 404(b) of the Act. That section prohibits carriers from engaging in unjust discrimination in their service. Under the Airline Deregulation Act, as of January 1, 1983; domestic passenger carriers have been exempt from this requirement by statute. The rule would complement this statutory mandate for cargo service.

Timetable:

Action	Date	FR Cite
NPRM in preparation	00/00/00	

Small Entity: No

Agency Contact: Joanne Petrie, OGC, Civil Aeronautics Board, **202 673-5442**

RIN: 3024-AA37

D35. INTERNATIONAL CERTIFICATE DURATION.

Legal Authority: 49 USC 1371

CFR Citation: 14 CFR 399

Abstract: This rule would set Board policy to award temporary experimental certificates for foreign air transportation for U.S. air carriers. The Board is considering options such as term certificates of 5 years with or without a presumption of renewal, or indefinite certificates with a mechanism to "bump" the incumbent.

Timetable:

Action	Date	FR Cite
ANPRM (PSDR-78, Docket 40823)	07/27/82	47 FR 32442
ANPRM Comment Period Begin	07/27/82	
ANPRM Comment Period End	09/27/82	
Reply comment period closed	10/12/82	
Final Action	10/00/83	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Joseph A. Brooks, OGC, (202) 673-5442

Agency Contact: Donald H. Horn, OGC, Civil Aeronautics Board, **202 673-5205**

RIN: 3024-AA38

D36. PRE-CERTIFICATION TICKET SALES.

Legal Authority: 49 USC 1371; 49 USC 1381

CFR Citation: 14 CFR 201

Abstract: Some applicants for air carrier certificates have begun selling tickets for flights before they have received authority to operate. The Board is considering several options to deal with this. These include: total prohibition, partial prohibition, escrow requirements, and a notice requirement.

Timetable:

Action	Date	FR Cite
NPRM (EDR-447, Docket 40964)	09/22/82	47 FR 41759
NPRM Comment Period Begin	09/22/82	
NPRM Comment Period End	11/22/82	
Final Action	07/00/83	

Small Entity: No

Agency Contact: David Schaffer, OGC, Civil Aeronautics Board, **202 673-5442**

RIN: 3024-AA39

●D-37. DIRECT FLIGHTS.

Legal Authority: 49 USC 1381

CFR Citation: 14 CFR 399

Abstract: Donald L. Pevsner petitioned the Board to institute a rulemaking proceeding to ban use of the term "direct flight" because it is deceptive, and to declare use of the term to be a prima facie violation of section 411 of the Act.

Timetable:

Action	Date	FR Cite
Petition filed in Docket 41217	01/07/83	
Petition under consideration	00/00/00	

Small Entity: Undetermined

Agency Contact: Joanne Yancey Hitchcock, OGC, Civil Aeronautics Board, **202 673-5442**

RIN: 3024-AA83

●D-38. PRICE ADVERTISING OF CHARTER AIR TRANSPORTATION.

Legal Authority: 49 USC 1381

CFR Citation: 14 CFR 380

Abstract: Donald Pevsner petitioned the Board to ban the practice of stating taxes and service separately from the total charter price.

Timetable:

Action	Date	FR Cite
Petition filed in Docket 41184	12/23/82	
Petition under consideration	00/00/00	

Small Entity: Undetermined

Agency Contact: Joanne Yancey Hitchcock, OGC, Civil Aeronautics Board, **202 673-5442**

RIN: 3024-AA87

●D39. COMPUTER BIAS IN AUTOMATED RESERVATIONS SYSTEMS.

Legal Authority: 49 USC 1381

CFR Citation: 14 CFR 399

Abstract: The Association of Retail Travel Agents (ARTA) petitioned the Board to adopt rules declaring certain avoidable forms of computer bias in automated reservation systems provided to travel agents by carriers to be an unfair or deceptive practice or unfair method of competition under section 411 of the Act. ARTA alleged that schedule and availability bias, fare bias and slow up-date bias reduces fare competition, inconveniences the traveling public, may increase some air fares, may erode travel agents' reputation for fairly representing airlines to the traveling public and may make it difficult or impossible for some carriers to compete with others on a price, schedule and/or services basis. ARTA asked the Board to require that computer reservation services display flights in chronological order.

Timetable:

Action	Date	FR Cite
Petition filed in Docket 41369	03/16/83	
Petition under consideration	00/00/00	

Small Entity: Undetermined

Agency Contact: Joanne Petrie, OGC, Civil Aeronautics Board, **202 673-5442**

RIN: 3024-AA89

211-1. FILING PROCEDURES AND EVIDENCE REQUIREMENTS FOR FOREIGN AIR CARRIER PERMITS AND EXEMPTION AUTHORITY.

Legal Authority: 49 USC 1301; 49 USC 1323; 49 USC 1324; 49 USC 1371; 49 USC 1372; 49 USC 1373; 49 USC 1374; 49 USC 1376; 49 USC 1382; 49 USC 1471; 49 USC 1481; 49 USC 1482; 49 USC 1485

CFR Citation: 14 CFR 211; 14 CFR 302

Abstract: This rule would 1) reduce and clarify evidentiary requirements and 2) simplify filing procedures for permits. The Board is also considering proposing changes to the exemption procedures for foreign air carriers.

Timetable:

Action	Date	FR Cite
NPRM in preparation	00/00/00	

Small Entity: Yes

Agency Contact: Nancy Pitzer Trowbridge, BIA, Civil Aeronautics Board, **202 673-5134**

RIN: 3024-AA40

223-1. MODIFICATION OR WITHDRAWAL OF EXEMPTION TO FOREIGN AIR CARRIERS TO CARRY TRAVEL AGENTS OR OTHER TRAVEL PROMOTERS FREE OR AT REDUCED RATES.

Legal Authority: 49 USC 1324; 49 USC 1373; 49 USC 1374; 49 USC 1386

CFR Citation: 14 CFR 223

Abstract: This rule would allow the Board to modify or terminate exemptions granted to foreign air carriers to carry travel agents or other travel promoters free or at reduced rates at any time without hearing, as the public interest may require.

Timetable:

Action	Date	FR Cite
NPRM (EDR-428, Docket 39794)	07/15/81	46 FR 36714
NPRM Comment Period Begin	07/15/81	
NPRM Comment Period End	08/07/81	
NPRM (Supplemental, EDR-428A)	08/13/81	46 FR 40896
SNPRM comment period closed	08/21/81	
Final Action	09/00/83	

Small Entity: No

Agency Contact: Jeffrey Gaynes, BIA, Civil Aeronautics Board, **202 673-5035**

RIN: 3024-AA42

223-2. FREE AND REDUCED-RATE TRANSPORTATION.

Legal Authority: 49 USC 1373; 49 USC 1386

CFR Citation: 14 CFR 223

Abstract: This rule would update the provisions governing free and reduced-rate transportation, which for domestic

transportation have become obsolete due to the sunset of the Board's tariff authority January 1, 1983.

Timetable:

Action	Date	FR Cite
NPRM (EDR-452, Docket 41193)	01/19/83	48 FR 2385
NPRM Comment Period Begin	01/19/83	
NPRM Comment Period End	03/18/83	
Final Action	09/00/83	

Small Entity: No

Agency Contact: David Schaffer, OGC, Civil Aeronautics Board, 202 673-5442

RIN: 3024-AA43

234-1. ON-TIME ARRIVAL STANDARDS.

Legal Authority: 49 USC 1324; 49 USC 1374; 49 USC 1375; 49 USC 1381

CFR Citation: 14 CFR 234; 14 CFR 399

Abstract: The Board is considering amending its rules to include a policy statement that unrealistic scheduling will be considered an unfair or deceptive practice or an unfair method of competition under Section 411 of the Act. The requirement that certificated air carriers report their scheduled arrival performance, which has been waived temporarily, would also be eliminated because it is unnecessary.

Timetable:

Action	Date	FR Cite
NPRM (EDR-301, Docket 27891)	06/21/76	41 FR 24903
NPRM Comment Period Begin	06/21/76	
NPRM Comment Period End	09/13/76	
NPRM in preparation	00/00/00	

Small Entity: No

Agency Contact: Joanne Petrie, OGC, Civil Aeronautics Board, 202 673-5442

RIN: 3024-AA44

241-3. ALIGNMENT OF UNIFORM SYSTEM OF ACCOUNTS AND REPORTS WITH GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1377

CFR Citation: 14 CFR 241

Abstract: As part of the continuing effort to align the Board's accounting rules with generally accepted accounting principles, certain sections of the Uniform System of Accounts and Reports need to be deleted or amended. These changes would provide relief from the present requirements for most carriers.

Timetable:

Action	Date	FR Cite
NPRM in preparation	00/00/00	

Small Entity: No

Agency Contact: Richard G. Minick, BCAA, Civil Aeronautics Board, 202 673-5112

RIN: 3024-AA46

241-4. REVISE DEFINITION OF REVENUE AND NONREVENUE PASSENGERS.

Legal Authority: 49 USC 1324; 49 USC 1373

CFR Citation: 14 CFR 241

Abstract: The present definition of revenue and nonrevenue passengers for reporting purposes is stated in terms of the exemptions for free and reduced-rate transportation in sections 403(b) of the Act. These definitions have become outmoded in the process of fare deregulation. The Board is considering several options for revising these definitions.

Timetable:

Action	Date	FR Cite
NPRM in preparation	00/00/00	

Small Entity: No

Agency Contact: David Schaffer, OGC, Civil Aeronautics Board, 202 673-5442

RIN: 3024-AA47

241-5. REDUCE REPORTING REQUIREMENTS OF THE UNIFORM SYSTEM OF ACCOUNTS AND REPORTS.

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1377; 49 USC 1387

CFR Citation: 14 CFR 241

Abstract: This rule would eliminate from the Uniform System of Accounts and Reports (USAR) 10 financial schedules, 4 yearly summarization schedules and 9 accounting policy standards. In addition, it would simplify the reporting on some of the remaining schedules.

Timetable:

Action	Date	FR Cite
NPRM in preparation	00/00/00	

Small Entity: No

Agency Contact: Jack Calloway, OC, Civil Aeronautics Board, 202 673-6042

RIN: 3024-AA48

241-6. CHANGE THE APPLICABILITY OF FORM 41.

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1377; 49 USC 1387

CFR Citation: 14 CFR 241

Abstract: This rule would require only those certificated carriers operating large aircraft (more than 60 seats or more than 18,000 pounds of payload) to file the Form 41 report. Carriers operating other than large aircraft would report under Part 298.

Timetable:

Action	Date	FR Cite
NPRM in preparation	00/00/00	

Small Entity: Yes

Agency Contact: Jack Calloway, OC, Civil Aeronautics Board, 202 673-6042

RIN: 3024-AA49

241-7. REDUCE SERVICE SEGMENT DATA REPORTS.

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1377; 49 USC 1387

CFR Citation: 14 CFR 241

Abstract: This rule would standardize service segment data reporting. Presently, larger carriers file very detailed service segment data in ADP format while smaller carriers file a condensed version on a hardcopy report. This rule would propose to standardize domestic service segment data at the condensed level.

Timetable:

Action	Date	FR Cite
NPRM in preparation	00/00/00	

Small Entity: No

Agency Contact: Jack Calloway, OC, Civil Aeronautics Board, 202 673-6042

RIN: 3024-AA50

241-8. SIMPLIFY PASSENGER ORIGIN-DESTINATION SURVEY DATA REPORTING.

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1377; 49 USC 1387

CFR Citation: 14 CFR 241

Abstract: This rule would eliminate the dollar amount of fares, reduce the number of fare-basis codes reported from 15 to 6, and

extend the applicability of the survey for one year.

Timetable:

Action	Date	FR Cite
NPRM in preparation	00/00/00	

Small Entity: No

Agency Contact: Jack Calloway, OC, Civil Aeronautics Board, 202 673-6042

RIN: 3024-AA51

●241-9. STREAMLINE PASSENGER ORIGIN-DESTINATION SURVEY REPORTING.

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1377; 49 USC 1387

CFR Citation: 14 CFR 241

Abstract: This rule would standardize reporting instructions for old (pre-deregulation) and new carriers, limit interline reporting to large carriers (over $75 million in operating revenues), and seek suggestions on ways to further reduce and simplify the survey systems' reporting requirements.

Timetable:

Action	Date	FR Cite
NPRM in preparation	00/00/00	

Small Entity: No

Agency Contact: Jack Calloway, OC, Civil Aeronautics Board, 202 673-6042

RIN: 3024-AA77

245-1. EXEMPTIONS FROM REPORTING STOCK OWERSHIP.

Legal Authority: 49 USC 1377; 49 USC 1386

CFR Citation: 14 CFR 245

Abstract: The Board is considering whether to change its rules to exempt owners of more than five percent of any class of capital stock or capital of an airline from the filing of reports required by section 407(c) of the Act. The filing of these reports has been waived under delegated authority pending the outcome of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM in preparation	00/00/00	

Small Entity: No

Agency Contact: Joseph A. Brooks, OGC, Civil Aeronautics Board, 202 673-5442

RIN: 3024-AA52

246-1. REVISION OF STOCK OWNERSHIP REPORTS BY AFFILIATES OF AIR CARRIERS.

Legal Authority: 49 USC 1377; 49 USC 1385

CFR Citation: 14 CFR 246

Abstract: The Board is considering changing a reporting requirement that affiliates of an airline disclose information on their major stockholders in order to improve the ability to monitor foreign citizen ownership of U.S. air carriers.

Timetable:

Action	Date	FR Cite
NPRM in preparation	00/00/00	

Small Entity: No

Agency Contact: Joseph A. Brooks, OGC, Civil Aeronautics Board, 202 673-5442

RIN: 3024-AA53

248-1. ELIMINATION OF SPECIAL RECONCILIATION REPORT.

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1377

CFR Citation: 14 CFR 248

Abstract: This rule would eliminate the special report reconciling a carrier's audited balance sheet and income statement with similar statements in the Form 41 Report. The report would be removed in order to relieve the industry from unnecessary reporting requirements.

Timetable:

Action	Date	FR Cite
NPRM (EDR-450, Docket 41147)	12/28/82	47 FR 57733
NPRM Comment Period Begin	12/28/82	
NPRM Comment Period End	02/28/83	
Final Action	06/00/83	

Small Entity: No

Agency Contact: David Schaffer, OGC, Civil Aeronautics Board, 202 673-5442

RIN: 3024-AA54

●249-1. EXTEND THE APPLICABILITY OF THE RECORD RETENTION REQUIREMENTS TO COMMUTER AIR CARRIERS AND ELIMINATE THE RETENTION OF CONSUMER COMPLAINTS RECORDS.

Legal Authority: 49 USC 1301; 49 USC 1371; 49 USC 1372; 49 USC 1373; 49 USC 1374; 49 USC 1377; 49 USC 1381; 49 USC 1386; 49 USC 1388; 49 USC 1482

CFR Citation: 14 CFR 249

Abstract: This rule would extend the applicability of the Board's record retention requirements to commuter air carriers' financial and statistical records since these records are needed to verify subsidy claims and perform fitness reviews. The retention of consumer complaints records would be also eliminated.

Timetable:

Action	Date	FR Cite
NPRM in preparation	00/00/00	

Small Entity: Yes

Agency Contact: Jack Calloway, OC, Civil Aeronautics Board, 202 673-6042

RIN: 3024-AA88

●250-5. TARIFF-FILING REQUIREMENTS FOR CARRIERS' OVERSALES PRACTICES.

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1372; 49 USC 1373; 49 USC 1374; 49 USC 1377; 49 USC 1381; 49 USC 1386; 49 USC 1482

CFR Citation: 14 CFR 250

Abstract: The Board proposed to revise its oversales rule to reflect the end of its domestic tariff authority and to simplify the rule's tariff filing requirements for foreign air transportation.

Timetable:

Action	Date	FR Cite
NPRM (EDR-453, Docket 41220)	02/01/83	48 FR 4479
NPRM Comment Period Begin	02/01/83	48 FR 4479
NPRM Comment Period End	03/02/83	
Final Action Effective	06/00/83	

Small Entity: No

Agency Contact: Joanne Petrie, OGC, Civil Aeronautics Board, 202 673-5442

RIN: 3024-AA81

●250-6. DENIED BOARDING COMPENSATION: GOVERNMENT REQUISITION OF CONFIRMED RESERVED SPACE.

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1372; 49 USC 1373; 49 USC 1374; 49 USC 1377; 49 USC 1381; 49 USC 1386; 49 USC 1482

CFR Citation: 14 CFR 250

Abstract: The Air Transport Association (ATA) petitioned the Board to modify its newly adopted oversales rule (14 CFR Part 250). In its recent comprehensive review of Part 250, the Board changed the rule to provide that carriers must compensate passengers that are denied boarding involuntarily because of Government requisition of their confirmed, reserved space. ATA argued that this provision should be revoked because it is inconsistent with the policy of the rule and because the Board does not have authority to order other Government agencies to reimburse carriers.

Timetable:

Action	Date	FR Cite
Petition filed in Docket 41210	01/07/83	
Petition under consideration	00/00/00	

Small Entity: No

Agency Contact: Joanne Petrie, OGC, Civil Aeronautics Board, **202 673-5442**

RIN: 3024-AA85

●250-7. RECONSIDERATION OF THE 1-HOUR EXEMPTION IN THE OVERSALES RULE.

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1372; 49 USC 1373; 49 USC 1374; 49 USC 1377; 49 USC 1381; 49 USC 1386; 49 USC 1482

CFR Citation: 14 CFR 250

Abstract: The Aviation Consumer Action Project (ACAP) petitioned the Board to modify its oversales rule (14 CFR Part 250) prior to its effective date of January 23, 1983. In its recent comprehensive review of oversales, the Board modified Part 250 so that carriers need not pay denied boarding compensation to passengers that can be accommodated on alternative flights that are scheduled to arrive within 1-hour of the scheduled arrival time of the original flight. ACAP argued that this change will increase overbooking, undermine volunteer solicitation, and result in no compensation for passengers that are injured.

Timetable:

Action	Date	FR Cite
Petition filed in Docket 39932	11/19/82	
Petition under consideration	00/00/00	

Small Entity: No

Agency Contact: Joanne Petrie, OGC, Civil Aeronautics Board, **202 673-5442**

RIN: 3024-AA86

●252-1. SMOKING ABOARD AIRCRAFT; NOTICE TO PASSENGERS.

Legal Authority: 49 USC 1324; 49 USC 1374; 49 USC 1377; 49 USC 1381; 49 USC 1386

CFR Citation: 14 CFR 252; 14 CFR 253

Abstract: This rule would inform passengers of their right to a seat in the non-smoking section of an aircraft by one of two proposed alternatives. The first would require airlines to include a prescribed notice on or with their tickets. The second would include smoking in the list of subjects incorporated by reference in the contract of carriage, which would inform passengers that additional information may be obtained from the place of ticketing.

Timetable:

Action	Date	FR Cite
NPRM Comment Period Begin	11/19/82	47 FR 52190
NPRM Comment Period End	12/20/82	
Final Action	05/00/83	

Small Entity: Yes

Agency Contact: Joanne Yancey Hitchcock, OGC, Civil Aeronautics Board, **202 673-5442**

RIN: 3024-AA82

●254-1. DOMESTIC BAGGAGE LIABILITY.

CFR Citation: 14 CFR 253; 14 CFR 254, (New)

Abstract: The Board is proposing to amend its recently-issued domestic baggage liability rule. It proposes to modify the requirement that each airline provide specific notice on all tickets of its liability limitations, to allow the option of stating the minimum liability allowed by the Board rule. The Board also proposes to add baggage liability to the subjects required to be listed on the tickets under the rule allowing incorporation of contract terms by reference (Part 253). In addition, the CAB is requesting comment on alternative levels ($1000 and $1250) of minimum airline baggage liability. Pending the completion of this rulemaking, the effective date of the new rules has been stayed and the previous rules remain in effect. This action was in response to a petition by certain Members of the Air Transport Association to repeal the domestic liability rule prior to its effective date.

Timetable:

Action	Date	FR Cite
Stay of effective date	02/17/83	48 FR 6961
NPRM	03/00/83	

Small Entity: Yes

Agency Contact: Joanne Yancey Hitchcock, OGC, Civil Aeronautics Board, **202 673-5442**

RIN: 3024-AA79

291-1. ELIMINATION OF REPORTS BY ALL-CARGO DOMESTIC CARRIERS.

Legal Authority: 49 USC 1324; 49 USC 1377; 49 USC 1386; 49 USC 1388

CFR Citation: 14 CFR 291

Abstract: This rule would eliminate the Schedule 291-A, B and C reports (Balance Sheet, Statement of Operations and Summary of Traffic and Capacity Statistics, respectively) by all-cargo carriers that are currently required by 14 CFR Part 291 because they are no longer needed by the Board in its regulatory functions. Instead, carriers would only file one form containing six operating revenue and expense totals, and seven traffic and capacity items.

Timetable:

Action	Date	FR Cite
NPRM (EDR-450, Docket 41147)	12/28/82	47 FR 57733
NPRM Comment Period Begin	12/28/82	
NPRM Comment Period End	02/28/83	
Final Action	06/00/83	

Small Entity: Yes

Agency Contact: David Schaffer, OGC, Civil Aeronautics Board, **202 673-5442**

RIN: 3024-AA58

●291-2. DOMESTIC CARGO TRANSPORTATION; LONG-TERM CONTRACTS FOR DOD CHARTERS.

Legal Authority: 49 USC 1302; 49 USC 1324; 49 USC 1371; 49 USC 1377; 49 USC 1378; 49 USC 1386; 49 USC 1388

CFR Citation: 14 CFR 291

Abstract: This rule would exempt all-cargo air carriers certificated under section 418 of the Federal Aviation Act and the Department of Defense from the provisions of section 401(o) of the Act. That section currently prevents the section 418 carriers from entering into long-term contracts for domestic cargo transportation, such as LOGAIR, a DOD charter program.

Timetable:

Action	Date	FR Cite
NPRM (EDR-451, Docket 41148)	01/31/83	48 FR 30
NPRM Comment Period Begin	01/31/83	48 FR 30
NPRM Comment Period End	02/28/83	
Reply comment period closes	03/15/83	
Final Action	06/00/83	

Small Entity: Yes

Agency Contact: Joanne Yancey Hitchcock, OGC, Civil Aeronautics Board, 202 673-5442

RIN: 3024-AA80

293-1. ALASKAN SUBCONTRACT AGREEMENTS.

Legal Authority: 49 USC 1386; 49 USC 1389

CFR Citation: 14 CFR 293

Abstract: Part 293 applies to subcontract agreements involving the operation of scheduled air services by air taxi operators over Alaskan bush routes of a certificated air carrier. The Board is considering whether to revoke this rule and replace it with different filing requirements.

Timetable:

Action	Date	FR Cite
NPRM (EDR-431/PDR-76, Docket 39990)	09/21/81	46 FR 46592
NPRM Comment Penod Begin	09/21/81	
NPRM Comment Period End	11/20/81	
Final Action	12/00/83	

Small Entity: Yes

Agency Contact: David Schaffer, OGC, Civil Aeronautics Board, 202 673-5442

RIN: 3024-AA59

297-1. ELIMINATION OF REPORTS BY FOREIGN AIR FREIGHT FORWARDERS.

Legal Authority: 49 USC 1324; 49 USC 1386

CFR Citation: 14 CFR 297

Abstract: This rule would eliminate the Form 296-R report filed by foreign air freight forwarders. A similar report was eliminated for domestic air freight forwarders after the deregulation of domestic cargo. This rule would equalize the treatment of all air freight forwarders.

Timetable:

Action	Date	FR Cite
NPRM (EDR-451, Docket 41147)	12/28/82	47 FR 57733
NPRM Comment Period Begin	12/28/82	
NPRM Comment Period End	02/28/83	
Final Action	06/00/83	

Small Entity: No

Agency Contact: David Schaffer, OGC, Civil Aeronautics Board, 202 673-5442

RIN: 3024-AA60

298-3. REVISING THE DEFINITION OF COMMUTER AIR CARRIER.

Legal Authority: 49 USC 1324; 49 USC 1388

CFR Citation: 14 CFR 298

Abstract: This rule would clarify the status and obligations of air taxis that enter into subcontracts with commuters to operate some of that commuter's scheduled routes.

Timetable:

Action	Date	FR Cite
NPRM in preparation	00/00/00	

Small Entity: Yes

Agency Contact: David Schaffer, OGC, Civil Aeronautics Board, 202 673-5442

RIN: 3024-AA61

298-8. AMEND APPLICABILITY OF PART 298 AND REVISE REPORTING ON CAB FORM 298-C.

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1374; 49 USC 1386

CFR Citation: 14 CFR 298

Abstract: This rule would extend the applicability of Form 298-C reporting to certificated air carriers operating small aircraft (60 or fewer seats or 18,000 pounds or less payload), eliminate mail and cargo data from the reporting requirements for all but intra-Alaskan carriers, require all carriers to file five financial data elements, and require small certificated carriers to file both direct operating expenses by aircraft type and four indirect expense items.

Timetable:

Action	Date	FR Cite
NPRM in preparation	00/00/00	

Small Entity: Yes

Agency Contact: Jack Calloway, OC, Civil Aeronautics Board, 202 673-6042

RIN: 3024-AA62

302-1. REQUESTS FOR CONFIDENTIAL TREATMENT OF MATERIALS FILED WITH THE BOARD.

Legal Authority: 49 USC 1324; 49 USC 1482

CFR Citation: 14 CFR 302

Abstract: This rule would revise the procedures governing requests for confidential treatment of material filed with the Board, to clarify the relation between those procedures and the Freedom of Information Act.

Timetable:

Action	Date	FR Cite
NPRM in preparation	00/00/00	

Small Entity: No

Agency Contact: Joseph A. Brooks, OGC, Civil Aeronautics Board, 202 673-5442

RIN: 3024-AA63

320-1. RETURN OF UNWANTED JAPAN CHARTER AUTHORIZATIONS.

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1377; 49 USC 1502

CFR Citation: 14 CFR 320

Abstract: Flying Tiger petitioned the Board to amend its rules concerning Japan charter authorizations provided for in the Memorandum of Understanding signed with the Government of Japan on September 7, 1982. Part 320 established procedures for allocating among eligible U.S. carriers 300 charter authorizations, as well as providing penalties for transfer or non-use. Flying Tiger petitioned the Board to amend Part 320 to provide a limited time "window" within which carriers holding more authorizations than can realistically be used to turn them back to the Board without penalty.

Timetable:

Action	Date	FR Cite
Petition filed in Docket 41303	02/23/83	

CAB

Current and Projected Rulemakings

Action	Date	FR Cite
Shortening of answer period to petition (Order 82-3-116)	03/09/83	48 FR 8824
Petition under consideration	00/00/00	

Small Entity: No

Agency Contact: George Wellington, BIA, Civil Aeronautics Board, **202 673-5878**

RIN: 3024-AA84

323-1. SERVICE TERMINATIONS IN FOREIGN MARKETS.

Legal Authority: 49 USC 1324; 49 USC 1377

CFR Citation: 14 CFR 323

Abstract: The Board has eliminated all advance notice requirements for terminations of service in foreign air transportation (PR-244). This has created problems in some limited designation markets where the incumbent carrier has terminated service without informing the Board. The Board is proposing to require carriers to report to the Board if they are terminating foreign air service so that the Board would have time to find a replacement, if necessary.

Timetable:

Action	Date	FR Cite
NPRM (PDR-80, Docket 40903)	08/20/82	47 FR 36433
NPRM Comment Period Begin	08/20/82	
NPRM Comment Period End	10/19/82	
Final Action	06/00/83	

Small Entity: No

Agency Contact: David Schaffer, OGC, Civil Aeronautics Board, **202 673-5442**

RIN: 3024-AA65

370-1. EMPLOYEE RESPONSIBILITIES AND CONDUCT.

Legal Authority: PL 95-521

CFR Citation: 14 CFR 370; 14 CFR 300

Abstract: The Board is preparing revisions of its ethics rules to reflect experience since the last revision and to conform to the Ethics in Government Act.

Timetable:

Action	Date	FR Cite
NPRM in preparation	00/00/00	

Small Entity: No

Agency Contact: Kenneth G. Caplan, OGC, Civil Aeronautics Board, **202 673-5790**

RIN: 3024-AA66

●372-1. OVERSEAS MILITARY PERSONNEL CHARTER TARIFFS.

Legal Authority: 49 USC 1373; 49 USC 1386

CFR Citation: 14 CFR 372

Abstract: The reference to tariffs in the rule governing Overseas Military Personnel Charters (OMPC) has become obsolete, at least with respect to domestic air transportation. The Board is considering whether to eliminate the tariff requirement for all OMPC's and replace it with consumer protection requirements similar to those in its Public Charter rule in Part 380.

Timetable:

Action	Date	FR Cite
NPRM in preparation	00/00/00	

Small Entity: No

Agency Contact: David Schaffer, OGC, Civil Aeronautics Board, **202 673-5442**

RIN: 3024-AA71

375-1. NAVIGATION OF FOREIGN CIVIL AIRCRAFT.

Legal Authority: 49 USC 1324; 49 USC 1372; 49 USC 1508

CFR Citation: 14 CFR 375

Abstract: The Board is reviewing its regulations governing the navigation of foreign civil aircraft within the United States. The review will focus on simplifying and clarifying the procedures to be followed in obtaining operating authority, and on ensuring that conditions imposed on such operations satisfactorily serve the public interest.

Timetable:

Action	Date	FR Cite
NPRM in preparation	00/00/00	

Small Entity: No

Agency Contact: George Wellington, BIA, Civil Aeronautics Board, **202 673-5878**

RIN: 3024-AA67

●377-1. EFFECT OF EXPIRATION OF A BILATERAL ON THE FOREIGN AIR CARRIER'S AUTHORITY.

Legal Authority: 49 USC 1159b; 49 USC 1372; 49 USC 1386; 49 USC 1481; 49 USC 1502

CFR Citation: 14 CFR 377

Abstract: In the past, the Board has held that a foreign air carrier's permit or exemption authority continues after the underlying bilateral Service Agreement expired, by virtue of section 558(c) of the Administrative Procedure Act. This rule would reverse that policy in order to ensure equal competitive opportunities for U.S. carriers.

Timetable:

Action	Date	FR Cite
NPRM in preparation	00/00/00	

Small Entity: No

Agency Contact: David Schaffer, OGC, Civil Aeronautics Board, **202 673-5442**

RIN: 3024-AA72

379-1. NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS OF THE BOARD.

Legal Authority: 42 USC 2000d-1

CFR Citation: 14 CFR 379

Abstract: The Board is reviewing its rules that implement Title VI of the Civil Rights Act of 1964, in response to suggestions from the Department of Justice. An NPRM was approved by the Board on June 15, 1982, and was forwarded to the Justice Department for review in accordance with Executive Order 12250.

Timetable:

Action	Date	FR Cite
NPRM approved by Board	06/15/82	
Final Action	00/00/00	

Small Entity: No

Agency Contact: David Schaffer, OGC, Civil Aeronautics Board, **202 673-5442**

RIN: 3024-AA68

●399-3. UNFAIR AND DECEPTIVE PRACTICES BY TICKET AGENTS.

Legal Authority: 49 USC 1378; 49 USC 1381

CFR Citation: 14 CFR 399

Abstract: Board enforcement policies currently make reference to tariffs. The

Board is considering whether to limit these provisions to foreign air transportation or to eliminate them entirely.

Timetable:

Action	Date	FR Cite
NPRM in preparation	00/00/00	

Small Entity: No

Agency Contact: David Schaffer, OGC, Civil Aeronautics Board, 202 673-5442

RIN: 3024-AA76

CIVIL AERONAUTICS BOARD (CAB) — Completed Actions

COMPLETED RULEMAKINGS

A4. BUMPING OF SUBSIDIZED CARRIERS AT SMALL COMMUNITIES.

Completed:

Reason	Date	FR Cite
Final Rule (PR-253)	01/03/83	48 FR 396

Agency Contact: David Schaffer, OGC 202 673-5442

RIN: 3024-AA03

B1. CONDITIONS OF CARRIAGE.

Completed:

Reason	Date	FR Cite
Terminated (ER-1302, Docket 40772)	11/19/82	47 FR 52128

Agency Contact: Joanne Petrie, OGC 202 673-5442

RIN: 3024-AA06

B5. INTERNATIONAL CARGO RATE FLEXIBILITY.

Completed:

Reason	Date	FR Cite
Final rule (PS-109)	01/28/83	48 FR 4271

Agency Contact: Joanne Yancey Hitchcock, OGC 202 673-5442

RIN: 3024-AA09

B11. INCORPORATION BY REFERENCE IN CONTRACTS OF CARRIAGE AFTER THE SUNSET OF DOMESTIC TARIFFS.

Completed:

Reason	Date	FR Cite
Final rule (ER-1302)	11/19/82	47 FR 52128

Agency Contact: Joseph A. Brooks, OGC 202 673-5442

RIN: 3024-AA13

C12. PROCEDURES FOR AWARDING JAPANESE CHARTER.

Completed:

Reason	Date	FR Cite
Final rule (PR-251)	10/01/82	47 FR 43352

Agency Contact: Richard M. Loughlin, BIA 202 673-5878

RIN: 3024-AA20

D27. ADHERENCE TO MONTREAL AGREEMENT FOR PASSENGER LIABILITY LIMIT.

Completed:

Reason	Date	FR Cite
Final Rules (EDRs 1327-1333)	02/25/83	48 FR 8048

Agency Contact: Peter Schwarzkopf, OGC 202 673-5928

RIN: 3024-AA32

D30. REGULATORY FLEXIBILITY ACT; DEFINITION OF SMALL BUSINESS.

Completed:

Reason	Date	FR Cite
Final rule (PS-108)	11/04/82	47 FR 49963

Agency Contact: Joanne Petrie, OGC 202 673-5442

RIN: 3024-AA33

D33. EXPANSION OF AIRCRAFT ACQUISITION EXEMPTION.

Completed:

Reason	Date	FR Cite
Final rule (ER-1314)	01/20/83	48 FR 2520

Agency Contact: Joseph A. Brooks, OGC 202 673-5442

RIN: 3024-AA36

217-1. REPORTING OF CIVIL AIRCRAFT CHARTERS.

Completed:

Reason	Date	FR Cite
Final rules (ER-1320 and ER-1321)	01/28/83	48 FR 3939

Agency Contact: Jack Calloway, OC 202 673-5042

RIN: 3024-AA41

241-2. AMENDMENT OF FUEL COST AND CONSUMPTION REPORTING.

Completed:

Reason	Date	FR Cite
Final rule (ER-1319)	01/28/83	48 FR 3941

Agency Contact: Jack Calloway, OC 202 673-5042

RIN: 3024-AA45

250-1. DENIED BOARDING COMPENSATION--EXTRA SECTIONS.

Completed:

Reason	Date	FR Cite
Final rule (ER-1306)	11/24/82	47 FR 52980

Agency Contact: Joanne Petrie, OGC 202 673-5442

RIN: 3024-AA55

250-4. GENERAL REVIEW OF DENIED BOARDING COMPENSATION.

Completed:

Reason	Date	FR Cite
Final rule (ER-1306)	11/24/82	47 FR 52980

Agency Contact: Joanne Petrie, OGC 202 673-5442

RIN: 3024-AA56

CAB — **Completed Actions**

262-1. AGREEMENTS CONCERNING OPERATING RIGHTS IN FOREIGN COUNTRIES.

Completed:

Reason	Date	FR Cite
Final rule (ER-1303)	11/18/82	47 FR 51856

Agency Contact: Joanne Petrie, OGC 202 673-5442

RIN: 3024-AA57

321-1. PROCEDURES TO EXAMINE THE FITNESS OF DORMANT AUTHORITY CARRIERS.

Completed:

Reason	Date	FR Cite
Final rule (PR-259)	02/24/83	48 FR 7728

Agency Contact: David Schaffer, OGC 202 673-5442

RIN: 3024-AA64

389-1. CHANGE IN FILING FEE SCHEDULES.

Completed:

Reason	Date	FR Cite
Final rule (OR-204)	01/06/83	48 FR 635

Agency Contact: Joseph A. Brooks, OGC 202 673-5442

RIN: 3024-AA69

399-2. DOMESTIC PASSENGER FARE FLEXIBILITY.

Completed:

Reason	Date	FR Cite
Order 82-12-67	12/16/82	

Agency Contact: Julien Schrenk, BIA 202 673-5298

RIN: 3024-AA70

ACTIONS THAT STARTED AND ENDED BETWEEN ISSUES OF THE UNIFIED AGENDA

●221-3. DOMESTIC BAGGAGE NOTICES.

Legal Authority: 49 USC 1324; 49 USC 1373; 49 USC 1374; 49 USC 1381

CFR Citation: 14 CFR 221

Abstract: This rule conformed Board-mandated notices concerning baggage liability to remove unnecessary references to domestic baggage liability from countersigns and ticket notices.

Timetable:

Action	Date	FR Cite
Conforming amendment (ER-1310)	01/04/83	48 FR 227

Small Entity: No

Agency Contact: Joanne Petrie, OGC, Civil Aeronautics Board, 202 673-5442

RIN: 3024-AA74

●253-1. NOTICE OF INCORPORATED TERMS FOR TICKET SALES OUTSIDE THE U.S.

Legal Authority: 49 USC 1324; 49 USC 1374; 49 USC 1381

CFR Citation: 14 CFR 253

Abstract: The Air Transport Association and the International Air Transport Association petitioned the Board to modify its rule concerning terms incorporated by reference into contracts of carriage. The petitioners argued that the requirement in Part 253 that ticket outlets worldwide stock written material concerning U.S. domestic flight segments was unduly burdensome. The Board granted a waiver of the notice requirement to foreign air carrier ticket offices located outside the U.S. if the passenger is given notice by check-in for the domestic flight segment, and if the fare for the domestic flight segment is refundable.

Timetable:

Action	Date	FR Cite
Order granting waiver	01/24/83	48 FR 2967

Small Entity: No

Agency Contact: Joanne Petrie, OGC, Civil Aeronautics Board, 202 673-5442

RIN: 3024-AA75

[FR Doc. 83-9594 Filed 4-22-83; 8:45 am]

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federal register

Monday
April 25, 1983

Part XL

Commodity Futures Trading Commission

Regulatory Flexibility Agenda

COMMODITY FUTURES TRADING COMMISSION

17 CFR Ch. I

Regulatory Flexibility Agenda

AGENCY: Commodity Futures Trading Commission.

ACTION: Publication of Regulatory Flexibility Agenda.

SUMMARY: The Commodity Futures Trading Commission, in accordance with the requirements of the Regulatory Flexibility Act, is publishing a semiannual agenda of significant rules which the Commission expects to propose or promulgate over the next year.

ADDRESS: Comments should be sent to: Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581 Attention: Secretariat.

FOR FURTHER INFORMATION CONTACT: Nancy E. Yanofsky, Office of the General Counsel, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581 (202) 254–9880.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* ("RFA"), sets forth a number of requirements for agency rulemaking. Among other things, the RFA requires that:

(a) During the months of October and April of each year, each agency shall publish in the **Federal Register** a regulatory flexibility agenda which shall contain—

(1) a brief description of the subject area of any rule which the agency expects to propose or promulgate which is likely to have a significant economic impact on a substantial number of small entities;

(2) a summary of the nature of any such rule under consideration for each subject area listed in the agenda pursuant to paragraph (1), the objectives and legal basis for the issuance of the rule, and approximate schedule for completing action on any rule for which the agency has issued a general notice of proposed rulemaking; and

(3) the name and telephone number of agency official knowledgeable concerning the items listed in paragraph (1) (5 U.S.C. 602(a)).

Accordingly, the Commission has prepared an agenda of significant rules which it presently expects may be considered during the course of the next year.[1] The agenda lists all significant rules which may be considered by the Commission within the next year, irrespective of their potential impact on small entities.[2]

The agenda which the Commission is publishing today differs in two respects from past Commission regulatory flexibility agendas. First, the enactment on January 11, 1983, of the Futures Trading Act of 1982, Pub. L. No. 97–444, 96 Stat. 2294 (1983), which amended the Commodity Exchange Act, 7 U.S.C. 1, *et seq.* (1976 and Supp. V 1981) ("Act"), has resulted in the addition of several new agenda items, as well as the revision of several pending agenda items. The new agenda items generally reflect Congress' explicit or implicit direction that the Commission assume greater or altered regulatory responsibility in certain areas, such as registration, reparations, and the offer and sale of foreign futures contracts and options on certain agricultural commodities. To the extent the 1982 Act does not require new rulemaking initiatives, the Commission has retained the prior agenda items, with appropriate revisions to reflect the 1982 Amendments to the Act. Second, the Commission has changed the format of its agenda and the agenda contains certain information which has not appeared in prior Commission agendas. The Commission deems these changes to be appropriate in light of the Commission's decision to voluntarily participate in the Unified Agenda of Federal Regulations by submitting for publication therein its regulatory flexibility agenda.[3]

The Commission's April 1983 Regulatory Flexibility Agenda is as follows:

I. CURRENT AND ANTICIPATED RULEMAKING ACTIONS

1. Title: Revision of Rules Relating to Registration

The Futures Trading Act of 1982 amended the provisions of the Commodity Exchange Act relating to registration in several respects. The Commission anticipates that the following rulemaking proceedings will be initiated to implement those Provisions:

A. Title: Registration of Intrnducing Brokers and Associated Persons of Introducing Brokers, Commodity Trading Advisors and Commodity Pool Operators; Related Regulations.

Agency Contact: Kenneth M. Rosenzweig, Assistant Chief Counsel, or Lawrence B. Patent, Special Counsel, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581 (202) 254–8955.

Effects on Small Business: Undetermined.

CFR Citation: 17 CFR Parts 1, 3, 4, 145, 155, 166 and 170.

Legal Authority: Sections 2(a)(1), 4d, 4f, 4g and 4k of the Commodity Exchange Act, 7 U.S.C. 2, 6d, 6f, 6g and 6k (1976 and Supp. V 1981), as amended by the Futures Trading Act of 1982, Pub. L. No. 97–444, 96 Stat. 2294 (1983).

Abstract: The Commission is proposing rules and rule amendments to implement recent amendments to the Commodity Exchange Act, contained in the Futures Trading Act of 1982. The new legislation requires those persons who were formerly characterized as "agents" of futures commission merchants to register with the Commission as introducing brokers and requires individuals engaged in the solicitation of customers, discretionary account clients, or pool participants (or the supervision of any person or persons so engaged) to register with the Commission as associated persons. Accordingly, the Commission will propose rules and rule amendments which would establish registration requirements and procedures for these new categories of registrants, prescribe

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[1] The Commission's agenda represents its best estimate at this time of significant rules which will be considered sometime over the next twelve months. In this regard, Section 602(d) of the RFA, 5 U.S.C. 602(d), provides: Nothing in [Section 602] precludes an agency from considering or acting on any matter not included in a regulatory flexibility agenda, or requires an agency to consider or act on any matter listed in such agenda.

In addition to publishing the regulatory flexibility agenda required by Section 602 of the RFA, the Commission also makes available to the public, on a monthly basis, a calendar listing rules that the Commission intends to consider that month.

[2] The Commission has published its definitions of small entity to be used by the Commission in connection with rulemaking proceedings. 47 FR 18618 (Apr. 30, 1982). Pursuant to those definitions, the Commission is not required to list many of the agenda items contained in this regulatory flexibility agenda. *See* 5 U.S.C. 602(a)(1). Moreover, the Commission had previously certified, pursuant to Section 605 of the RFA, 5 U.S.C. 605, that certain items contained in this agenda will not have a significant economic impact on a substantial number of small entities. Accordingly, listing of an item in this regulatory flexibility agenda should not, in any event, be taken as a determination that a rule, when proposed or promulgated, will in fact require a regulatory flexibility analysis. However, the Commission hopes that the publication of an agenda which includes significant rules, regardless of their potential impact on small entities, may serve the public generally by providing and early and meaningful opportunity to participate in and comment on the formulation of new or revised regulations.

[3] The Unified Agenda of Federal Regulations is coordinated by the Office of Management and Budget pursuant to Executive Order 12291. While participation by executive agencies in that Agenda is mandatory, independent agencies, such as the Commission, participate in the Unified Agenda on a voluntary basis.

minimum financial, reporting, and recordkeeping requirements for introducing brokers and create certain exemptions from registration.

In connection with the Commission's rulemaking in this area, the Commission also intends to propose new fees to be charged applicants for registration in any capacity (see Agenda Item 10). Furthermore, the Futures Trading Act of 1982 amended the definition of commodity trading advisor and a conforming amendment to this definition also will be incorporated in the aforementioned rulemaking.

Timetable: NPRM expected during the Spring of 1983.

B. Title: Regulations Relating to All Categories of Applicants for Commission Registration and Commission Registrants: Statutory Disqualification.

Agency Contact: David S. Mitchell, Esquire, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581 (202) 254–8955.

Effects on Small Business: Undetermined.

CFR Citation: 17 CFR Part 3.

Legal Authority: Sections 8a(1)–(5) and 8d of the Commodity Exchange Act, 7 U.S.C. 12a(1)–(5) (1976 and Supp. V 1981), as amended by the Futures Trading Act of 1982, Pub. L. No. 97–444, 96 Stat. 2294 (1983).

Abstract: The Futures Trading Act of 1982, in amended section 8a(2), establishes a system of statutory disqualifications for registration and permits the Commission, upon notice but without a prior hearing, to refuse to register, to register conditionally, to suspend or to place restrictions upon the registration of any applicant or registrant, if a person is subject to a statutory disqualification listed in Section 8a(2). Under Section 8a(2), the Commission also may revoke the registration of a registrant after such a hearing as may be appropriate. In addition, the Commission may refuse to register, register conditionally, suspend, revoke, or place restrictions upon the registration of any person after opportunity for a hearing, based upon certain conditions, acts or omissions enumerated in new Sections 8a(3) and (4) of the Act. The Commission intends to develop rules to implement the foregoing provisions by mid-1983.[4]

[4] Furthermore, the Futures Trading Act of 1982 amended the Commodity Exchange Act to explicitly permit the Commission to grant temporary licenses to any applicant for registration pursuant to such rules, regulations, or orders as the Commission may adopt.

Timetable: Action expected by mid-1983.

C. Title: Authorization To Perform Portions of the Commission's Registration Functions.

Agency Contact: Theodore W. Urban, Deputy Director, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581 (202) 254–8955.

Effects on Small Business: Undetermined.

CFR Citation: Undetermined.

Legal Authority: Section 8a(10) and 17*o* of the Commodity Exchange Act, 7 U.S.C. 12a(10) and 21*o* (1976 and Supp. V 1981), as amended by the Futures Trading Act of 1982, Pub. L. No. 97–444, 96 Stat. 2294 (1983).

Abstract: The Futures Trading Act of 1982 permits the Commission to authorize any person to perform any portion of the Commission's registration function. In addition, that Act specifically permits the Commission to require a registered futures association to perform any portion of the Commission's registration function. The Commission intends, within the next year, to promulgate a rule delegating to a registered futures association or other person those registration functions which it wishes a registered futures association or other person to perform.

Timetable: NPRM expected by mid-1983.

2. Title: Regulations Permitting the Grant, Offer and Sale of Options on Physical Commodities (Dealer Options).

Agency Contact: Lawrence B. Patent, Special Counsel, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581 (202) 254–8955.

Effects on Small Business: None.

CFR Citation: 17 CFR Parts 1, 3 and 32.

Legal Authority: Sections 4c(b), 4c(d), and 8a(5) of the Commodity Exchange Act, 7 U.S.C. 6c(b), 6c(d) and 12a(5) (1976 and Supp. v 1981).

Abstract: Congress has directed the Commission to issue regulations permitting grantors and futures commission merchants to grant, offer and sell so-called "dealer options" on certain physical commodities subject to certain conditions specified by statute and such other uniform and reasonable requirements as the Commission may prescribe. At present, the only persons who may lawfully grant dealer options are United States domiciles who, on May 1, 1978, were in the business of granting options on a physical commodity and in the business of buying, selling, producing or otherwise using that commodity.

The Commission has reproposed rules, principally concerning registration of dealer option grantors, requirements for the segregation of customer funds, disclosure to customers and prospective customers, and minimum financial requirements. The Commission expects to decide whether to adopt these rules in the later part of 1983.

Timetable: NPRM, 43 FR 59396 (Dec. 20, 1978); NPRM, 46 FR 23469 (Apr. 27, 1981); Final action is expected in the latter part of 1983.

3. Title: Contract Market Rules, Submission of Rules to the Commission, Exemption of Temporary Emergency Rules, Emergencies.

Agency Contact: Linda Kurjan, Assistant Director, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581 (202) 254–8955.

Effects on Small Business: None.

CFR Citation: 17 CFR 1.41.

Legal Authority: Sections 5a(12) and 8a(5) of the Commodity Exchange Act, 7 U.S.C. 7a(12) and 12a(5) (Supp. V. 1981), as amended by the Futures Trading Act of 1982, Pub. L. No. 97–444, 96 Stat. 2294 (1983).

Abstract: The Commission has adopted emergency interim regulations to govern the submission of contract market rules pursuant to Section 5a(12) of the Commodity Exchange Act, as recently amended by the Futures Trading Act of 1982. In this regard, the amended Section 5a(12) revised certain procedures for Commission review of contract market rules. The Commission expects to adopt regulations in final form in late 1983 after its has gained experience in administering the amended Section 5a(12) under the interim rules. Public comment has been solicited and will be considered in the adoption of final rules.

In the context of this rulemaking proceeding, the Commission also intends to review, and determine whether to take final action on, its prior proposal to amend the definition of the term "rule" in Commission regulation 1.41(a)(1), 17 CFR 1.41(a)(1). That proposal, on which public comment has already been solicited, would amend the definition of the term "rule" to state explicitly that it includes action by a contract market, its governing board, or any of its committees or officials which are adopted or taken pursuant to enabling authority set forth in any existing rule of the contract market.

Timetable: Prior Proposal: NPRM, 45 FR 84082 (Dec. 22, 1980); Comment period, December 22, 1980–February 2, 1981. Emergency Interim Rules, 48 FR

4256 (Jan. 28, 1983); Comment period, January 28, 1983–March 29, 1983. Final action is expected to be taken in late 1983.

4. Title: Regulations Pertaining to Arbitration.

Agency Contact: Linda Kurjan, Assistant Director, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581 (202) 254–8955.

Effects on Small Business: None.

CFR Citation: 17 CFR 12.21, 180.2 and 180.3.

Legal Authority: Sections 2a(11), 5a(11), 8a(5) and 14 of the Commodity Exchange Act, 7 U.S.C. 4a(j), 7a(11), 12a(5) and 18 (1976 Supp. V 1981), as amended by the Futures Trading Act of 1982, Pub. L. No. 97–444, 96 Stat. 2294 (1983).

Abstract: The Commission has proposed amendments to its rules governing arbitration and reparations proceedings which would (1) authorize the use of binding pre-dispute arbitration agreements, thereby effectively eliminating the right of a customer who voluntarily enters into such an agreement to seek reparations with respect to a dispute arising under the agreement; (2) provide the customer with a choice of arbitration forums; and (3) require contract markets to provide that their members will bear the costs of the proceedings. The proposed rules are intended to promote the use of arbitration as a dispute-resolution alternative to reparations proceedings. At the time the arbitration proposals and comments are considered, conforming arbitration rules required by the Futures Trading Act of 1982 will also be reviewed by the Commission.[5]

Timetable: NPRM, 46 FR 60834 (Dec. 14, 1981); Final action is expected by Spring 1983.

5. Title: Minimum Financial and Related Reporting Requirements for Futures Commission Merchants.

Agency Contact: Chief Accountant, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581 (202) 254–8955.

Effects on Small Business: Not Applicable.[6]

CFR Citation: 17 CFR 1.17.

Legal Authority: Sections 4d, 4f and 8a of the Commodity Exchange Act, 7 U.S.C. 6d, 6f and 12a (1976 and Supp. V 1981).

Abstract: The Commission has proposed amendments to certain of its minimum financial and related reporting requirements for futures commission merchants ("FCMs"), as well as the basic financial reporting form for FCMs, Form 1–FR. One proposed amendment would alter the minimum dollar amount of adjusted net capital which must be maintained by FCMs. The Commission has also proposed a further amendment to the minimum financial regulations regarding the treatment of undermargined accounts. In addition, the Commission has proposed one specific capital charge relating to concentration of positions, and has invited further comment to assist it in the development of further appropriate minimum financial regulations concerning concentration of positions.

Timetable: NPRM, 45 FR 42033 (June 25, 1980), and 45 FR 79498 (Dec. 1, 1980); Final action is expecterd during the latter part of 1983.

6. Title: Domestic Exchange-Traded Commodity Options; Expansion of Pilot Program to Include Options on Domestic Agricultural Commodities.

Agency Contact: Kenneth M. Rosenzweig, Assistant Chief Counsel, or Lawrence B. Patent, Special Counsel, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581 (202) 254–8955.

Effects on Small Business: No significant impact on small entities anticipated.[7]

CFR Citation: 17 CFR Part 33.

Legal Authority: Section 4c(c) of the Commodity Exchange Act, 7 U.S.C. 6c(c) (Supp. V 1981), as amended by the Futures Trading Act of 1982, Pub. L. No. 97–444, 96 Stat. 2294 (1983).

Abstract: Recent amendments to the Commodity Exchange Act have removed a long standing ban on the trading of options on certain domestic agricultural commodities. Specifically, Section 206 of the Futures Trading Act of 1982 authorizes the Commission to establish a pilot program, not to exceed three years in length, for the trading on domestic exchanges of options on the domestic agricultural commodities specifically enumerated in Section 2(a) of the Commodity Exchange Act. Options involving the domestic agricultural commodities, however, will continue to remain unlawful until such time as the Commission establishes such a pilot program and other conditions set forth in the new legislation are met. Although any such pilot program would be comparable to, or included in, the option pilot program already established by the Commission for the trading of options on futures contracts and options on physicals, the Commission has issued an advance notice of proposed rulemaking requesting comments on a number of issues prior to proposing specific rules to govern the trading of agricultural options.

Timetable: ANPRM, 48 FR 6128 (Feb. 10, 1983); Comment period February 10, 1983—April 11, 1983; NPRM is expected by mid-1983.

7. Title: Risk Disclosure by Futures Commission Merchants to Customers.

Agency Contact: David S. Mitchell, Esquire, Legal Section, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581 (202) 254–8955.

Effects on Small Business: None.

CFR Citation: 17 CFR 1.55(d).

Legal Authority: Sections 2a(1), 4b, 4d, 4f and 8a of the Commodity Exchange Act, as amended, 7 U.S.C. 2, 6b, 6d, 6f and 12a (1976 and Supp. V 1981).

Abstract: The Commission has proposed an amendment to rule 1.55 that would make explicit the existing fiduciary obligations of a futures commission merchant ("FCM") to its customers. As such, it would confirm that the prescribed risk disclosures, set forth in the reguation, are not the exclusive disclosures required from an FCM to its existing and prospective futures customers and that the FCM is still obliged to disclose all material information to its customers even if the information is not specifically required by the rule.

Timetable: NPRM, 47 FR 52723 (Nov. 23, 1982); Comment period November 23, 1982—January 24, 1983; Final action expected during the Spring of 1983.

8. Title: Monthly and Confirmation Statements.

Agency Contact: Paul G. Thompson, Esquire, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581 (202) 254–8955.

Effects on Small Business: None.

CFR Citation: 17 CFR 1.33(a)(1)(iv).

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[5] In this regard, the Futures Trading Act of 1982 amended the Act to permit claims over $15,000 to be arbitrated, revised the definition of customer and deleted the restrictions on the procedure resulting in compulsory payment.

[6] The relevant provisions of the Regulatory Flexibility Act do not apply to rules proposed prior to the effective date of that Act, January 1, 1981. *See* 5 U.S.C. 601 note.

[7] The Commission has previously determined that designated contract markets, registered futures commission merchants and commodity pool operators, and large traders are not "small entities" for purposes of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq. See* 47 FR 18618 (Apr. 30, 1982). *See also* note 2, *supra*. In light of the Commission's definitions of small entity, it is not anticipated that rules which primarily will impact those entities will have a significant economic impact on a substantial number of small entities. *See* 5 U.S.C. 605(b).

Legal Authority: Sections 4g and 8a of the Commodity Exchange Act, as amended, 7 U.S.C. Section 6g and 12a (1976 and Supp. V 1981).

Abstract: The Commission has proposed amendments to its regulations to require futures commission merchants ("FCMs") to include in the monthly statements of account activity furnished to customers a detailed accounting of commissions and fees charged to the customer's account during the preceding month. The Commission has also requested comments as to whether it should continue to require FCMs to include in their monthly statements to option customers information relating to commissions and fees. The Commission has stated in its proposed rulemaking that it believes that the presentation of such information in summary form in monthly activity statements would be of benefit to futures customers.

Timetable: NPRM, 47 FR 28401 (June 30, 1982), and 47 FR 57055 (Dec. 22, 1982); Comment period December 22, 1982—February 21, 1983; Final action expected during the latter part of 1983.

9. *Title:* Mandatory Registered Futures Association Membership for Futures Commission Merchants.

Agency Contact: Karen Matteson, Attorney Advisor, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581 (202) 254–8955.

Effects on Small Business: No Significant Impact on small entities anticipated.[8]

CFR Citation: 17 CFR 170.15.

Legal Authority: Section 8a(5) and 17 of the Commodity Exchange Act, 7 U.S.C. 12a(5) and 21 (1976 and Supp. V 1981), as amended by the Futures Trading Act of 1982, Pub. L. No. 97–444, 96 Stat. 2294 (1983).

Abstract: The National Futures Association ("NFA"), which is registered as a futures association under Section 17 of the Commodity Exchange Act, submitted a petition for adoption of a Commission rule on November 15, 1982, pursuant to 17 CFR 13.2. Proposed Commission regulation 170.15 would require each person required to register as a futures commission merchant to become and remain a member of at least one futures association registered under Section 17 of the Act.

Timetable: NPRM, 47 FR 53031 (Nov. 24, 1982); Comment period November 24, 1982—January 24, 1983; Final action expected during the Spring of 1983.

10. *Title:* Service Fees

Agency Contact: Donald L. Tendick, Acting Executive Director, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581 (202) 254–7556.

Effects on Small Business: Undetermined.

CFR Citation: Undetermined.

Legal Authority: Sections 2(a)(11), 8a, 17(d), and 26 of the Commodity Exchange Act, 7 U.S.C. Sections 4a(j), 12a, 21(d), and 16a (1976 and Supp. V 1981), as amended by the Futures Trading Act of 1982, Pub. L. No. 97–444, 96 Stat. 2294 (1983), and the Independent Offices Appropriations Act, 31 U.S.C. 483a.

Abstract: Section 26 of the Commodity Exchange Act, as recently amended by Congress, confirms the Commission's authority to establish a schedule of fees for services rendered and activities performed by the Commission in conjunction with its administration and enforcement of the Act. In amending Section 26, Congress specifically intended the Commission to establish a schedule of fees for (1) audits of firms which are not members of contract markets or a registered futures association; (2) rule enforcement reviews and financial reviews of contract markets and registered futures associations; (3) initial and renewal registrations; (4) contract market designations; (5) reparations fees; (6) Commission publications; (7) Freedom of Information Act requests; and (8) transcripts of Commission meetings.

The Commission anticipates that any changes in reparation fees will be considered at the same time the Commission considers changes in its reparation rules (see Agenda Item 23), and that any changes in registration fees will be considered at the same time the Commission considers amendments to its rules governing the registration of introducing brokers and associated persons (see Agenda Item 1(A)). The Commission expects to consider proposed fee schedules in other areas in mid-1983.

Timetable: ANPRM, 48 FR 6720 (Feb. 15, 1983) (fees for reparation proceedings); NPRM regarding reparation fees as well as other fees expected by mid-1983.

11. *Title:* Regulation of Leverage Transactions.

Agency Contact: David R. Merrill, Special Counsel, Office of the General Counsel, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, (202) 254–9880.

Effects on Small Business: Undetermined.

CFR Citation: 17 CFR Part 31.

Legal Authority: Section 8a and 19 of the Commodity Exchange Act, 7 U.S.C. Sections 12a and 23 (1976 and Supp. V 1981), as amended by the Futures Trading Act of 1982, Pub. L. No. 97–444, 96 Stat. 2294 (1983).

Abstract: Over the next few months, the Commission will consider and propose rules to govern certain leverage transactions. It is likely that such rules will concern registration, requirements for the segregation of funds, issuance of disclosure statements, and recordkeeping and reporting requirements.

A moratorium on the entry of new firms into the gold and silver leverage business which were not in that business on June 1, 1978, has been in effect since January 4, 1979. That moratorium, as well as a similar existing moratorium relating to leverage transactions in commodities other than gold and silver, will be considered in the context of the Commission's leverage rulemaking.

Timetable: NPRM expected in mid-1983.

12. *Title:* Revision of Rules Relating to Reparation Proceedings

Agency Contact: Kenneth M. Raisler, Deputy General Counsel, or Edward S. Geldermann, Attorney, Office of General Counsel, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, (202) 254–9880.

Effects on Small Business: Undetermined.

CFR Citation: 17 CFR Part 12.

Legal Authority: Sections 8a(5) and 14(b) of the Commodity Exchange Act, 7 U.S.C. Sections 12a(5) and 18(b) (1976 and Supp. V 1981), as amended by the Futures Trading Act of 1982, Pub. L. No 97–444, 96 Stat. 2294 (1983).

Abstract: Section 14(b) of the Commodity Exchange Act, as recently amended by Congress, authorizes the Commission to "promulgate such rules, regulations, and orders as it deems necessary or appropriate for the efficient and expeditious administration of [Section 14 of the Act]." The effective date of this amendment, to Section 14(b) is 120 days after the date of enactment of the Futures Trading Act of 1982, which was enacted on January 11, 1983. Pursuant to Section 14(b), as amended, the Commission intends to propose revisions to its rules relating to reparation proceedings to produce greater efficiency in the review and processing stages of the proceeding, and to expedite the final disposition of reparation claims. To that end, the Commission on February 15, 1983, published an advance notice of proposed rulemaking inviting public comment on changes that are currently under consideration. Among these

[8] *See* note 7, *Supra.*

changes are: (1) in addition to the existing summary and oral hearing procedures, instituting a voluntary decisional procedure, analogous to commercial arbitration, that would result in an expeditious, final, and unappealable decision; (2) changing from $5,000 to $10,000 the monetary ceiling on claims that could be heard pursuant to the Commission's summary procedure; (3) in cases where an oral hearing may be afforded, creating the position of "Proceedings Officer," an employee of the Commission who would assist in preparing a case record for a hearing by an Administrative Law Judge; and, (4) dismissing, rather than staying, a reparation proceeding as to respondents who are in receivership or bankruptcy proceedings or as to which an arbitration or civil court proceeding based on the same set of facts was pending at the time the reparation complaint was filed. The Commission also invited public comment on any suggested changes that would simplify the Reparation Rules and improve or expedite the reparations procedure.

Timetable: ANPRM, 48 FR 6720 (Feb. 15, 1983); NPRM expected by Spring, 1983.

13. *Title:* Regulation of the Offer and Sale of Foreign Futures Contract.

Agency Contact: Kenneth M. Rosenzweig, Assistant Chief Counsel, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, (202) 254–8955.

Effects on Small Business: Undetermined.

CFR Citation: Undetermined.

Legal Authority: Sections 4 and 8a(5) of the Commodity Exchange Act, 7 U.S.C. sections 6 and 8a(5) (1976 and Supp. V 1981), as amended by the Futures Trading Act of 1982, Pub. L. No. 97–444, 96 Stat. 2294 (1983).

Abstract: The Futures Trading Act of 1982 added a new Section 4(b) to the Act which confirms the Commission's existing authority to regulate the offer and sale by persons located in the United States of futures contracts made on foreign exchanges. This new provision explicitly provides that the Commission may adopt rules concerning fraud, minimum financial standards, risk disclosure, filing of reports, keeping of books and records, safeguarding of customer funds and registration. Furthermore, it is provided that the Commission's rules may vary depending upon the particular foreign board of trade or market. The Commission intends to review and issue a proposal regarding the appropriate regulatory scheme for the offer and sale of foreign futures contract in 1984.

Timetable: NPRM expected in 1984.

14. *Title:* Contract Market Rules and Practices Governing Conflicts of Interest.

Agency Contact: Theodore W. Urban, Deputy Director, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581 (202) 254–8955.

Effects on Small Business: No impact on small entities anticipated.[9]

CFR Citation: Undetermined.

Legal Authority: Sections 5, 5a and 8a of the Commodity Exchange Act, 7 U.S.C. sections 7, 7a and 12a (1976 and Supp. V 1981) as amended by the Futures Trading Act of 1982, Pub. L. No. 97–444, 96 Stat. 2294 (1983).

Abstract: The Commission has issued an advance notice of proposed rulemaking and requested public comment on the adequacy of existing contract market rules and practices designed to prevent actual or apparent conflicts of interest from improperly influencing market or other actions taken by various governing bodies of designated contract markets. The Commission currently is reviewing the public comments received to determine whether further Commission action is necessary or appropriate.

Timetable: ANPRM, 47 FR 31703 (July 22, 1982); NPRM, if any, expected by late 1983.

15. *Title:* Large Trader Reporting to Exchanges.

Agency Contact: Lamont L. Reese, Division of Economics and Education, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581 (202) 254–3310.

Effects on Small Business: Not applicable.[10]

CFR Citation: 17 CFR Parts 15, 16, 17, 18 and 21.

Legal Authority: Sections 4g, 4i, 5(d) and 8a(5) of the Commodity Exchange Act, 7 U.S.C. 6g, 6i, 7(d) and 12a(5) (1976 and Supp. V 1981).

Abstract: The Commission has proposed a rule which would require exchanges to collect, process and forward to to the Commission, in machine readable form, information which the Commission currently collects from futures commission merchants and foreign brokers on series '01 reports and form 102. The rule is intended to enhance effective market surveillance programs by the exchanges and to alleviate, to some extent, the duplicative reporting burden currently imposed on some exchange member firms.

Timetable: NPRM, 45 FR 57141 (Aug. 27, 1980); Final action expected in 1984.

16. *Title:* Criteria for Determining Whether a Board of Trade Meets the Economic Purpose and Public Interest Tests for Contract Market Designation.

Agency Contact: Paul M. Architzel, Chief Counsel, Division of Economics and Education, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581 (202) 254–6990.

Effects on Small Business: No significant impact on small entities anticipated.[11]

CFR Citation: 17 CFR Part 5, Appendix A.

Legal Authority: Sections 2(a), 5, 5a, and 6 of the Commodity Exchange Act, 7 U.S.C. 2, 7, 7a and 8 (1976 and Supp. V 1981), as amended by the Futures Trading Act of 1982, Pub. L. No. 97–444, 96 Stat. 2294 (1983).

Abstract: Section 218 of the Futures Trading Act of 1982 amends Section 6 of the Commodity Exchange Act by providing a time limitation during which the Commission must approve or deny an application for designation as a contract market. The statute includes a provision staying this time period where an application is materially incomplete. In addition, Section 101 of the Futures Trading Act of 1982 provides a specialized procedure and requirements for the designation of futures contracts based on stock indices or options thereon. The Commission will consider whether, in light of these new provisions, amendments to Guideline No. 1, which provides criteria by which the Commission determines whether a board of trade has complied with the economic and public interest requirements for contract market designation, are appropriate. As noted below, the Commission recently revised and redrafted its interpretive statement, Guideline No. 1, as an appendix to 17 CFR Part 5.

Timetable: NPRM, if any, undetermined.

17. *Title:* Speculative Position Limits.

Agency Contact: Paul M. Architzel, Chief Counsel, Division of Economics and Education, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581 (202) 254–6990.

Effects on Small Business: No significant impact on small entities anticipated.[12]

CFR Citation: 17 CFR Parts 1 and 150.

Legal Authority: Section 4a of the Commodity Exchange Act, 7 U.S.C. 6a (1976), as amended by the Futures

[9] *See* note 7, *supra*.

[10] See note 6, *supra*

[11] See note 7, supra

[12] *See* note 7, *supra*.

Trading Act of 1982, Pub. L. No. 97–444, 96 Stat. 2294 (1983).

Abstract: Section 4a of the Commodity Exchange Act was recently amended by Section 205 of the Futures Trading Act of 1982 to provide that it is a violation of the Commodity Exchange Act for any person to violate any bylaw, rule, regulation, or resolution of any contract market which fixes speculative position limits. Rules relating to Commission set speculative position limits will be reviewed to ascertain whether these rules are appropriate or should be rescinded in light of these amendments to the Act.[13]

Timetable: NPRM, if any, expected by late 1983.

18. *Title:* Conforming Amendments to the Commission's Regulations Required by the Futures Trading Act of 1982.

Agency Contact: Nancy E. Yanofsky, Attorney, Office of General Counsel, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581 (202) 254–9880.

Effects on Small Business: Undetermined.

CFR Citation: 17 CFR Ch. 1.

Legal Authority: The Commodity Exchange Act, 7 U.S.C. 1, *et seq.* (1976 and Supp. V 1981), as amended by the Futures Trading Act of 1982, Pub. L. No. 97–444, 96 Stat. 2294 (1983).

Abstract: As discussed above, Congress enacted the Futures Trading Act of 1982 on January 11, 1983 ("1982 Amendments"). The 1982 Amendments contain numerous provisions which will require the Commission to promulgate conforming amendments to its regulations. Over the course of the next year, the Commission intends to review and take appropriate action with respect to all of its existing rules to ensure that they are consistent with the 1982 Amendments.[14]

Timetable: Action expected by late 1983.[15]

II. COMPLETED ACTIONS

1. *Title:* Economic and Public Interest Requirements for Contract Market Designation.

Agency Contact: Blake Imel, Deputy Director, or Paul M. Architzel, Chief Counsel, Division of Economics and Education, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581 (202) 254–3203; (202) 254–6990.

Action: Publication of Interpretive Guidline as an Appendix, 47 FR 49832 (Nov. 3, 1982).

2. *Title:* Domestic Exchange-Traded Commodity Options; Expansion of Pilot Program to Include Options on Physicals.

Agency Contact: Lawrence B. Patent, Special Counsel, or Kenneth M. Rosenzweig, Assistant Chief Counsel, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581 (202) 254–8955. For information concerning amendments to 17 CFR Part 15–18 and 21, contact: Lamont L. Reese, Associate Director, Division of Economics and Education, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581 (202) 254–3310.

Action: The Commission published these rules in the **Federal Register** as final rules on December 22, 1983. *See* 47 FR 56996 (Dec. 22, 1982). Some of the rules, however, will not become effective until the expiration of thirty calendar days of continuous session of Congress after the Commission transmitted the rules to the House Agriculture Committee and the Senate Committee on Agriculture, Nutrition and Forestry. *See* 7 U.S.C. 6c(c) (Supp. V 1981). It is anticipated that the Commission will publish a notice of the effective date of those rules sometime in March, 1983.

3. *Title:* Bankruptcy and Related Regulations.

Agency Contact: Andrea M. Corcoran, Director, or Suzanne W. Ryder or Bruce A. Beatus, Attorneys, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581 (2020 254–8955.

Action: Final Rules, 48 FR 8716 (March 1, 1983).

III. PUBLIC COMMENT

The Commission invites public comment on its agenda.

Issued in Washington, D.C., on March 1, 1983, by the Commission.

Jane K. Stuckey,

Secretary to the Commission.

[FR Doc. 83–9313 Filed 4–22–83; 8:45 am]

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[13] In addition, the Futures Trading Act of 1982 amended Section 4a of the Act, 7 U.S.C. 6a (1976), to give the Commission additional authority with respect to speculative position limits.

[14] In this connection, the Commission notes that, in the Futures Trading Act of 1982, Congress directed registered furtures associations, subject to Commission oversight, to establish training standards and proficiency examinations for persons involved in the solicitation of commodity futures transactions, the supervisors of such persons, and all persons for which it has registration responsibilities, as well as a program to audit and enforce compliance with such standards. Accordingly, the Commission has deferred temporarily its rulemaking proceeding regarding proficiency examinations for applicants for registration as associated person (*see* 46 FR 20679 (Apr. 7, 1981)) pending the expected assumption by a registered futures association of regulatory responsibility in this area.

[15] Other than the Commission rules currently under review in conjunction with the Commission's pending and anticipated rulemakings as discussed above, the Commission does not intend to conduct any reviews of its existing regulations during the next year. In this regard, pursuant to the plan established by the Commission pursuant to Section 610 of the Regulatory Flexibility Act, 5 U.S.C. 610, for a ten year periodic review of its rules, the Commission will not commence review of its rules until November, 1985. 46 FR 29952 (June 4, 1981).

We note that during the next year the Commission will be devoting significant resources to several studies mandated by Congress in the Futures Trading Act of 1982. *See* The Futures Trading Act of 1982, Pub. L. No. 97–444, 205(4) (trading activities of large hedgers in cattle, hog and pork belly markets), 236(a) (effects on economy of trading in futures contracts and options), 236(b) (effects of trading in futures markets by persons possessing material nonpublic information), and 237 (regulatory experience of National Futures Association) 96 Stat. 2300, 2324–25, 2325 and 2325–26 (1983). Some of these studies could result in suggestions for the issuance or revision of Commission rules.

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Part XLI

Consumer Product Safety Commission

Semiannual Regulatory Flexibility and Unified Agendas

CPSC

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Ch. II

Regulatory Flexibility Act; Semiannual Regulatory Flexibility and Unified Agendas

AGENCY: Consumer Product Safety Commission.

ACTION: Publication of regulatory flexibility and unified agendas.

SUMMARY: The Regulatory Flexibility Act (RFA) requires each Federal agency to publish twice each year a regulatory flexibility agenda listing for a 12-month period rules expected to be proposed or promulgated which may have a significant economic impact on a substantial number of small entities. In this document the Commission publishes its fifth semiannual regulatory flexibility agenda.

Additionally, although not required to do so, the Commission has elected to comply voluntarily with those provisions of Executive Order 12291 which require executive agencies to publish an agenda of regulatory actions under development or review during the succeeding 12 months by the agency, and which further provide that such an agenda may be incorporated with an agency's regulatory flexibility agenda published in accordance with the RFA.

DATES: The Commission welcomes comments from small entities, including small businesses, small organizations, and small governmental units, upon each subject area of the agenda. Written comments concerning the agenda should be received in the Office of the Secretary by June 28, 1983.

ADDRESS: Comments on the regulatory flexibility agenda should be sent to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, (301) 492-6800, and should be titled "Regulatory Flexibility Agenda."

FOR FURTHER INFORMATION CONTACT: For further information on the agenda in general, contact: Iris R. Hoffman, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207, (301) 492-6554. All inquiries from the press and broadcast media should be directed to Lou Brott, Office of Public Affairs, Consumer Product Safety Commission, Washington, D.C. 20207 (202) 634-7780. For further information regarding a particular item on the agenda, consult the individual listed in the column headed "Contact" for that particular item.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (5 U.S.C. 601 et seq.), contains several provisions intended to reduce unnecessary and disproportionate regulatory requirements on small businesses, small governmental organizations, and other small entities. Section 602 of the Act (5 U.S.C. 602) requires each agency to publish twice each year a regulatory flexibility agenda containing a brief description of any rule expected to be proposed or promulgated which may have a "significant economic impact" on a "substantial number" of small entities. The agency must also provide a summary of the objectives and legal basis for each agenda item and a schedule for acting on each item as well as the name and address of the agency official knowledgeable about the items listed. Further, agencies are required to provide notice of their agendas to small entities and solicit their comments by direct notification or by inclusion in publications likely to be obtained by such entities.

In addition, President Reagan's Executive Order 12291 requires executive agencies to publish, twice each year, a regulatory agenda of proposed regulations under development or review and further states that such an agenda may be incorporated with an agenda published under the RFA. While the Commission, as an independent regulatory agency, is not required to follow E.O. 12291, the Commission is complying voluntarily with those provisions concerning publication of a regulatory agenda.

In the **Federal Register** of October 28, 1982, (47 FR 48884), the Commission published its fourth agenda under the RFA. In this notice, the Commission publishes its fifth semiannual agenda and also hereby complies voluntarily with E.O. 12291.

The fifth semiannual regulatory flexibility agenda, published below, lists for a 12-month period anticipated regulatory activities under development or review. These include all such activities, not only those which may have a significant economic impact on a substantial number of small entities.

DATED: September 30, 1982.

Sheldon Butts,

Acting Secretary.

Consumer Product Safety Commission.

CONSUMER PRODUCT SAFETY COMMISSION (CPSC) — Current and Projected Rulemakings

CONSUMER PRODUCT SAFETY STANDARD FOR "CHAIN SAWS AND THEIR COMPONENT AND REPLACEMENT PARTS"

Priority: Major

Legal Authority: 15 USC 2058 (a) CPSA

CFR Citation: 16 CFR Chapter II

Abstract: Efforts in 1979 and 1980 to develop a voluntary chain saw standard were deemed unsuccessful. Subsequently, the Commission decided that a mandatory standard was needed to reduce kickback injuries and that it should be developed by the staff. On May 11, 1981, the Commission published a notice of proceeding to develop a safety standard. Under amended statutory authority, the Commission issued an advance notice of proposed rulemaking in May, 1982, with a 60-day comment period. Commission staff has continued working with industry to develop a voluntary standard which addresses chain saw kickback injuries. The staff has also performed a preliminary evaluation of a draft industry standard which addresses chain saw kickback injuries. During FY 1983, the Commission plans to decide to either support a voluntary standard or develop a consumer product safety standard.

Timetable:

Action	Date	FR Cite
ANPRM	05/05/82	47 FR 19369
ANPRM Comment Period Begin	05/05/82	47 FR 19369

Action	Date	FR Cite
ANPRM Comment Period End	07/06/82	
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Carl W. Blechschmidt, Program Manager, Powered Equipment Hazards, Consumer Product Safety Commission, Office of Program Management, Washington, DC 20207, 301 492-6554

RIN: 3041-AA00

UPHOLSTERED FURNITURE CIGARETTE FLAMMABILITY STANDARD

Priority: Major

Legal Authority: 15 USC 1193; 15 USC 1194

CFR Citation: 16 CFR 1633

Abstract: In October, 1981, the Commission voted to defer mandatory regulatory action on upholstered furniture in order to work with manufacturers participating in the Voluntary Action Program of the Upholstered Furniture Action Council. This program may eliminate the need for a mandatory standard. Several promising new materials and techniques for improving the cigarette ignition resistance of upholstered furniture are expected to be incorporated in commercial furniture in 1983. An evaluation of the industry's voluntary program will be carried out by Commission staff late 1983.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Yes

Affected Sectors: 25 FURNITURE AND FIXTURES

Agency Contact: James F. Hoebel, Program Manager, Fire and Thermal Burn, Consumer Product Safety Commission, Office of Program Management, Washington, DC 20207, 301 492-6554

RIN: 3041-AA01

COAL AND WOODBURNING STOVES LABELING REQUIREMENTS -- WOOD HEATING EQUIPMENT

Priority: Agency Determination

Legal Authority: 15 USC 2076(e) CPSA

CFR Citation: 16 CFR 1406

Abstract: On June 8, 1979 the Commission granted a petition that requested that manufacturers be required to label and provide instructions on the minimum clearance to combustibles and the chimney type required for these stoves, as well as on other information for operating and maintaining these stoves. Hazard data show injuries and deaths associated with these stoves, some of which are caused by improper installation, operation, and maintenance of the types addressed by this rule. On Nov. 17, 1980 labeling requirements were proposed. In July, 1981 the Commission decided to defer a decision on a final rule pending staff review of current changes in voluntary standards and industry conformance to those standards. In early December, 1982, the staff briefed the Commission on their evaluation of the scope of industry voluntary labeling efforts and on options for consideration of a final rule for coal and wood burning appliances. On January 19, 1983 the Commission voted to issue a final rule.

Timetable:

Action	Date	FR Cite
NPRM	11/17/80	45 FR 76018
NPRM Comment Period Begin	11/17/80	45 FR 76018
NPRM Comment Period End	01/02/81	
Interim Final Rule	00/00/00	

Small Entity: Not Applicable

Agency Contact: James F. Hoebel, Program Manager, Fire and Thermal Burn, Consumer Product Safety Commission, Office of Program Management, Washington, DC 20207, 301 492-6554

RIN: 3041-AA02

PETITION CP 82-6. PETITION TO INITIATE A MANDATORY STANDARD FOR PRESSED WOOD PRODUCTS EMITTING UREA-FORMALDEHYDE

Priority: Agency Determination

Legal Authority: 5 USC 553(a) Administrative Procedure Act

CFR Citation: Not yet determined

Abstract: In correspondence received August 19, 1982, the Consumer Federation of America (CFA) petitioned the Commission to institute a mandatory product safety standard for pressed wood products emitting urea-formaldehyde. Work on this petition has been included within the Commission's ongoing priority project on pressed wood products. On January 12, 1983, the staff briefed the Commission regarding the status of this project, and on all currently available information pertaining to the CFA petition.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: John Liskey, Program Manager, Consumer Product Safety Commission, Household Structural Product Program, Office of Program Management, Washington, DC 20207, 301 492-6554

RIN: 3041-AA03

HAZARDOUS SUBSTANCES LABELING REQUIREMENTS

Priority: Major

Legal Authority: 15 USC 1269(a) FHSA

CFR Citation: 16 CFR 1500.121

Abstract: This rule, if issued on a final basis, would revise the Commission's regulations for the prominence, placement, and conspicuousness of cautionary statements required by the Federal Hazardous Substances Act to be placed on labels of hazardous substances intended or packaged in a form suitable for household use.

Timetable:

Action	Date	FR Cite
NPRM	12/13/78	43 FR 58195
NPRM Comment Period Begin	12/13/78	43 FR 58195
NPRM Comment Period End	02/02/79	
Final Action	05/19/83	
Final Action Effective	05/00/84	

Small Entity: Yes

Agency Contact: Charles M. Jacobson, Compliance Officer, Consumer Product Safety Commission, Compliance & Administrative Litigation, Washington, DC 20207, 301 492-6400

RIN: 3041-AA15

AMENDMENTS TO CLOTHING TEXTILE STANDARD APPAREL REVISION

Legal Authority: 15 USC 1194 FFA

CFR Citation: 16 CFR 1610

Abstract: On August 12, 1982, a notice was published soliciting comments on proposed amendments to regulations implementing the Standard for the Flammability of Clothing Textiles (16 CFR 1610). The notice proposes

that persons or firms subject to the standard, a) be permitted to devise and implement reasonable and representative tests to support guaranties, b) be exempt from further testing requirements to support guaranties for fabrics made entirely from acrylic, modacrylic, nylon, olefin and polyester fibers, and c) the record retention period of tests supporting guaranties be reduced from three years to one year. These amendments would reduce industry's testing and recordkeeping costs while maintaining the level of protection the standard affords consumers.

Timetable:

Action	Date	FR Cite
NPRM	08/12/82	47 FR 3006
NPRM Comment Period Begin	08/12/82	47 FR 3006
NPRM Comment Period End	10/12/82	
Final Action	04/02/83	
Commission decision on final amendment	05/00/83	

Small Entity: No

Agency Contact: **James F. Hoebel**, Program Manager, Fire and Thermal Burn, Consumer Product Safety Commission, Office of Program Management, Washington, D.C. 20207, **301 492-6554**

RIN: 3041-AA04

FLAMMABILITY CLASSIFICATION REGULATIONS

Legal Authority: 15 USC 1261(l) FHSA; 15 USC 1269 (a) FHSA

CFR Citation: 16 CFR 1500.3(b)(10); 16 CFR 1500.3(c)(6); 16 CFR 1500.43

Abstract: The Federal Hazardous Substances Act, as amended, authorizes the Commission to issue regulations to define the terms "extremely flammable," "flammable," and "combustible" for purposes of labeling household substances which may present a flammability hazard. The Commission is developing proposed regulations to change from an open-cup to a close-cup apparatus, and to specify an appropriate procedure for classifying flammability characteristics of household substances. If issued on a final basis, the proposed regulations would make the apparatus and procedures used by the Commission compatible with flammability tests used by other Federal agencies.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: **James F. Hoebel**, Program Manager, Fire and Thermal Burn, Consumer Product Safety Commission, Office of Program Management, Washington, D.C. 20207, **301 492-6554**

RIN: 3041-AA05

CLOTHING TEXTILES AND VINYL PLASTIC FILM FLAMMABILITY STANDARDS AMENDMENT

Legal Authority: 15 USC 1193 FFA; 15 USC 1194 FFA

CFR Citation: 16 CFR 1610; 16 CFR 1611

Abstract: Clarifying amendments were proposed in 1981 to resolve questions which have arisen about interpretation of the standards and their applicability to various products, including multilayer fabrics with an outer layer of film or coated fabric, such as those used for disposable diapers. On Feb. 24, 1982, the Commission published a final amendment to the regulation to exempt plastic film used as the outer layer of a disposable diaper from any requirement for separate testing if a full thickness of the assembled article passes the test in the applicable standard. A notice to extend the period for receipt of written comments on all remaining issues was published at the same time.

Timetable:

Action	Date	FR Cite
NPRM	02/24/82	47 FR 01836
NPRM Comment Period Begin	02/24/82	47 FR 01836
NPRM Comment Period End	05/25/82	
Commission decision on final amendment	06/00/83	

Small Entity: No

Affected Sectors: 22 TEXTILE MILL PRODUCTS; 23 APPAREL AND OTHER FINISHED PRODUCTS MADE FROM FABRICS AND SIMILAR MATERIALS; 26 PAPER AND ALLIED PRODUCTS

Agency Contact: **James F. Hoebel**, Program Manager, Fire and Thermal Burn, Consumer Product Safety Commission, Office of Program Management, Washington, D.C. 20207, **301 492-6554**

RIN: 3041-AA06

ALTERNATE APPAREL TEST METHOD - ENFORCEMENT AND ADMINISTRATIVE RULE

Legal Authority: 15 USC 1194 FFA

CFR Citation: 16 CFR 1610; 16 CFR 1615; 16 CFR 1616

Abstract: In May 1982, three Federal Register Notices were published concerning a proposed enforcement and administrative rule for 16 CFR 1610 - Standard for the Flammability of Clothing Textiles, 16 CFR Part 1615 - Flammability Standard for Children's Sleepwear, Sizes 0 through 6X, and 16 CFR Part 1616 - Flammability Standard for Children's Sleepwear, Sizes 7 through 14 (05/17/82, 47 FR 21081, 21085 and 21089). This rule will permit the use of alternate apparel flammability test methods with these standards. This rule would permit a reduction in industry's testing costs while maintaining the levels of protection the standards now afford consumers.

Timetable:

Action	Date	FR Cite
NPRM	05/17/82	47 FR 21081
NPRM Comment Period Begin	05/17/82	47 FR 21081
NPRM Comment Period End	07/16/82	
Commission decision on final rule	05/00/83	

Small Entity: No

Affected Sectors: 22 TEXTILE MILL PRODUCTS; 23 APPAREL AND OTHER FINISHED PRODUCTS MADE FROM FABRICS AND SIMILAR MATERIALS

Agency Contact: **James F. Hoebel**, Program Manager, Fire and Thermal Burn, Consumer Product Safety Commission, Office of Program Management, Washington, DC 20207, **301 492-6554**

RIN: 3041-AA07

REQUIREMENTS TO ADDRESS STRANGULATION RISK PRESENTED BY TOY CHESTS

Legal Authority: 15 USC 1261 FHSA; 15 USC 1262 FHSA; 15 USC 2058 FHSA

CFR Citation: 16 CFR 1500; 16 CFR 1513

Abstract: On April 7, 1982, the Commission approved initiation of a rulemaking proceeding to address the risk of strangulation to children from falling toy chest lids following review of hazard information identifying injuries and deaths to children associated with these products. The Commission, on November 17, 1982, voted to proceed with an Advanced Notice of Proposed Rulemaking. On February 9,

1983 the Commission directed the staff to issue a Notice of Proposed Rulemaking which will address the risk of strangulation to children from falling toy chest lids.

Timetable:

Action	Date	FR Cite
ANPRM	04/14/82	47 FR 16041
ANPRM Comment Period Begin	04/14/82	47 FR 16041
ANPRM Comment Period End	06/14/82	
NPRM	03/00/83	
NPRM Comment Period Begin	03/00/83	
NPRM Comment Period End	04/00/83	
Interim Final Rule	08/00/83	
Final Action Effective	11/00/83	

Small Entity: Yes

Agency Contact: John Liskey, Program Manager, Consumer Product Safety Commission, Office of Program Management, Washington, DC 20207, 301 492-6554

RIN: 3041-AA08

PROPOSED REPLACEMENT ENFORCEMENT POLICY STATEMENTS ON APPLICABILITY OF THE CHILDREN'S SLEEPWEAR STANDARDS

Legal Authority: 15 USC 1194 FFA

CFR Citation: 16 CFR 1615.64; 16 CFR 1616.65

Abstract: Dec. 11, 1981 a decision of U.S. Court of Appeals for the Fourth Circuit in National Knitwear Manufacturers Association v. CPSC, 666 F. 2d 81, set aside the Commission's statements of policy on the applicability of the children's sleepwear standards for procedural reasons. Since the enforcement policy statement serves a useful purpose both for industry and the agency, the Commission has voted to propose a replacement enforcement policy statement.

Timetable:

Action	Date	FR Cite
NPRM	02/24/83	
NPRM Comment Period Begin	02/25/83	
NPRM Comment Period End	04/22/83	
Interim Final Rule	06/30/83	
Final Action Effective	08/12/83	

Small Entity: No

Agency Contact: Elizabeth J. Gomilla, Compliance Officer, Consumer Product Safety Commission, Compliance & Administrative Litigation, Washington, DC 20207, 301 492-6400

RIN: 3041-AA10

ASBESTOS IN SELECTED CONSUMER PRODUCTS

Legal Authority: 15 USC 1261 et seq FHSA; 15 USC 2058 CPSA; 15 USC 2080(b) CPSA

CFR Citation: Not yet determined

Abstract: Hazard information shows that asbestos presents a risk of cancer respiratory disease. On October 17, 1979 the Commission issued an Advanced Notice of Proposed Rulemaking on asbestos in consumer products. On March 4, 1982 the Commission decided to convene a Chronic Hazards Advisory Panel (CHAP) on Asbestos in Consumer Products. The CHAP began meeting in January 1983 and is expected to deliver its report by May 1983. Based on the findings of the Panel, the Commission will decide what additional regulatory activity including an ANPRM, may be appropriate.

Timetable:

Action	Date	FR Cite
ANPRM	10/17/79	44 FR 60057
Invite CHAP members suggestions	04/22/82	47 FR 17323

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Sandra Eberle, Project Manager, Consumer Product Safety Commission, Directorate for Health Sciences, Washington, DC 20207, 301 492-6957

RIN: 3041-AA11

APPLICATIONS SH 82-1 THROUGH 42, REQUESTING AN EXEMPTION OF STATE/LOCAL REGULATIONS FROM PREEMPTION BY 16 CFR PART 1212

Legal Authority: 15 USC 2075(c) CPSA

CFR Citation: 16 CFR 1212

Abstract: Forty-two applications have been received from state and local government officials since February 22, 1982. These applications all request exemption from preemption by the CPSC standard for unvented gas space heaters (16 CFR Part 1212). If the Commission grants one or more of these petitions, it will initiate a rulemaking proceeding.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Government Levels Affected: Local, State, Federal

Agency Contact: Douglas L. Noble, Program Manager (Petitions), Consumer Product Safety Commission, OPM, Washington, DC 20207, 301 492-6554

RIN: 3041-AA12

PETITION AP 80-2, PETITION TO REQUIRE LABELING OF ELECTRICAL WIRING DEVICES

Legal Authority: 15 USC 2076(e) CPSA

CFR Citation: Not yet determined

Abstract: In correspondence dated May 20, 1980, Dr. Jesse Aronstein petitioned the Commission to issue a regulation that would require manufacturers of electrical wiring devices to furnish consumers with information addressing the hazard of overheating that may occur when incompatible receptacles and switches are used with aluminum wiring. If the Commission grants the petition, it will begin a proceeding to issue the rule requested by the petition.

Timetable:

Action	Date	FR Cite
Commission vote on petition	03/31/83	

Next Action Undetermined

Small Entity: Not Applicable

Government Levels Affected: Federal

Agency Contact: Douglas L. Noble, Program Manager (Petitions), Consumer Product Safety Commission, Office of Program Management, Washington, D.C. 20207, 301 492-6554

RIN: 3041-AA14

MATTRESS FLAMMABILITY STANDARD

Legal Authority: 15 USC 1193 FFA; 15 USC 1194 FFA

CFR Citation: 16 CFR 1632

Abstract: An ANPRM has been published soliciting comments on possible amendments to the mattress flammability standard to modify and reduce the testing requirements and to clarify other provisions. These amendments will reduce industry's testing and recordkeeping costs while maintaining the level of protection the standard affords consumers.

CPSC — Current and Projected Rulemakings

Timetable:

Action	Date	FR Cite
ANPRM	06/10/82	47 FR 25159
ANPRM Comment Period Begin	06/10/82	47 FR 25159
ANPRM Comment Period End	08/09/82	
NPRM	03/05/83	
Commission decision on proposed amendments	09/00/83	

Small Entity: Yes

Affected Sectors: 25 FURNITURE AND FIXTURES

Agency Contact: **James F. Hoebel**, Program Manager, Fire and Thermal Burn, Consumer Product Safety Commission, Office of Program Management, Washington, DC 20207, **301 492-6554**

RIN: 3041-AA16

BAN OF BENZIDINE CONGENER DYES IN CONSUMER PRODUCTS

Legal Authority: 15 USC 2051 et seq CPSA; 15 USC 1261 et seq FHSA

CFR Citation: Not yet determined

Abstract: Hazards information shows that benzidine congener dyes may present a carcinogenic hazard. Consumer exposure to the dyes occurs usually from dye products for home dyeing application or those sold as arts and crafts materials. The Commission has granted a petition to propose a ban on consumer dye products containing benzidine congener dyes. The staff is developing additional data concerning consumer exposure to benzidine congener dyes.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: **Abbie Gerber**, Project Manager, Consumer Product Safety Commission, Directorate for Health Sciences, Washington, DC 20207, **303 492-6994**

RIN: 3041-AA17

PHYSICIAN DRUGS SAMPLES POLICY STATEMENT

Legal Authority: PL 91-601; 15 USC 1472 PPPA; 15 USC 1473 PPPA

CFR Citation: 16 CFR 1701.2

Abstract: On March 23, 1978 (43 FR 12029) the Commission proposed a policy to require manufacturers of drugs to be dispensed by physician to place the drug in a child resistant package when the package is intended to be dispensed to consumers.

Timetable:

Action	Date	FR Cite
Proposed policy statement	03/23/78	43 FR 12029
Commission decision on final policy statement	12/00/83	

Small Entity: Undetermined

Agency Contact: **Virginia White**, Project Manager, Consumer Product Safety Commission, Health Sciences, Washington, DC 20207, **301 492-6957**

RIN: 3041-AA18

●PETITION AP 83-1, PETITION TO REQUIRE LABELING OF CONSTRAINED-SPRING TWIST-ON CONNECTORS WITH ALUMINUM WIRE

Legal Authority: 15 USC 2076(e) CPSA

CFR Citation: Not yet determined

Abstract: In correspondence dated December 1, 1982, Dr. Jesse Aronstein petitioned the Commission to issue a regulation that would require the labeling of electrical wiring connectors of the constrained-spring twist-on type as to hazardous performance when connected to aluminum wiring. If the Commission grants the petition, it will begin a rulemaking proceeding to issue the rule requested by the petition.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: **Carl W. Blechschmidt**, Program Manager, Electrical Hazards, Consumer Product Safety Commission, Office of Program Management, Washington, D.C. 20207, **301 492-6554**

RIN: 3041-AA21

●REQUIREMENTS FOR THE SPECIAL PACKAGING OF HOUSEHOLD SUBSTANCES; ADVANCE NOTICE OF PROPOSED RULEMAKING AND NOTICE OF OPPORTUNITY FOR ORAL PRESENTATIONS

Legal Authority: PL 91-601; 15 USC 1472 PPPA

CFR Citation: 16 CFR 1700.20; 16 CFR 1700.29

Abstract: On January 19, 1983 the Commission published an Advanced Notice of Proposed Rulemaking soliciting comments on ways to amend the existing child resistant packaging requirements to improve the effectiveness and efficiency of these requirements

Timetable:

Action	Date	FR Cite
ANPRM	01/19/83	48 FR 2389
ANPRM Comment Period Begin	01/19/83	48 FR 2389
ANPRM Comment Period End	03/21/83	
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: **Virginia White**, Project Manager, Consumer Product Safety Commission, Directorate for Health Sciences, Washington, D.C. 20207, **301 492-6957**

RIN: 3041-AA22

CONSUMER PRODUCT SAFETY COMMISSION (CPSC) — Existing Regulations Under Review

RULE REVIEW

Priority: Major

Legal Authority: 5 USC 610 Regulatory Flexibility Act; 5 USC 2051 et seq CPSA

CFR Citation: 16 CFR 1009; 16 CFR 1019; 16 CFR 1115; 16 CFR 1201; 16 CFR 1202; 16 CFR 1205; 16 CFR 1207; 16 CFR 1209; 16 CFR 1212; 16 CFR 1301; 16 CFR 1302; 16 CFR 1303; 16 CFR 1304; 16 CFR 1305; 16 CFR 1401; ...

Abstract: The Commission has published a Federal Register notice listing seventeen (17) rules and standards (issued under the

CPSC — Existing Regulations Under Review

Consumer Product Safety Act), soliciting comments on these rules which it will review pursuant to the requirements of the Regulatory Flexibility Act. Subsequently, the Commission will publish notice and solicit comments on rules and standards under the other Acts administered by the Commission. The Commission will review these rules to determine if they should be revoked, amended or continued in effect without change.

Timetable:

Action	Date	FR Cite
Notice to solicit comments	10/30/82	
Public comment period ends	12/20/82	
End Review	00/00/00	

Small Entity: Yes

Agency Contact: Iris Hoffman, Project Coordinator, Consumer Product Safety Commission, Office of Program Management, Washington, D.C. 20207, **301 492-6554**

RIN: 3041-AA19

●RULE REVIEW

Legal Authority: 5 USC 610 RFA; 15 USC 1193 FFA; 15 USC 1194 FFA; 15 USC 2079 CPSA

CFR Citation: 16 CFR 1602; 16 CFR 1604; 16 CFR 1605; 16 CFR 1607; 16 CFR 1608; 16 CFR 1610; 16 CFR 1611; 16 CFR 1615; 16 CFR 1616; 16 CFR 1630; 16 CFR 1631; 16 CFR 1632

Abstract: The Commission plans to publish a Federal Register Notice listing twelve (12) rules and standards issued under the Flammable Fabrics Act, and soliciting comments on those rules. The Commission will review these rules under provisions of the Regulatory Flexibility Act to determine if the rules should be revoked, amended, or continued in effect without changes.

Timetable:

Action	Date	FR Cite
Notice to solicit comments	05/30/83	
Public comment period ends	08/01/83	
End Review	00/00/00	

Small Entity: Yes

Agency Contact: Iris Hoffman, Project Coordinator, Consumer Product Safety Commission, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207, **301 492-6554**

RIN: 3041-AA20

CONSUMER PRODUCT SAFETY COMMISSION (CPSC) — Completed Actions

COMPLETED RULEMAKINGS

PROPOSED AMENDMENTS TO REQUIREMENTS FOR FULL-SIZE AND NON-FULL-SIZE BABY CRIBS

Completed:

Reason	Date	FR Cite
Final Amendment	10/27/82	47 FR 47534

Agency Contact: John F. Liskey 301 492-6554

RIN: 3041-AA09

PETITION CP 82-4. PETITION TO EXEMPT GASOLINE FUELED, AIR-CUSHION MOWERS FROM 16 PART 1205 (SAFETY STANDARD FOR WALK-BEHIND POWER LAWN MOWERS)

Completed:

Reason	Date	FR Cite
Petition denied	10/20/82	

Agency Contact: Douglas L. Noble 301 492-6554

RIN: 3041-AA13

[FR Doc. 83-9595 Filed 4-22-83: 8:45 am]

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April 25, 1983

Part XLII

Federal Communications Commission

Unified Agenda of Federal Regulations

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

Unified Agenda of Federal Regulations

AGENCY: Federal Communications Commission.

ACTION: Publication of the Unified Agenda.

SUMMARY: The Commission publishes the Unified Agenda (formerly entitled the Semi-Annual Agenda) to provide the public with adequate notice of all major and other significant proceedings under development or review. The agenda also provides the CFR Citations and Legal Authorities which govern these proceedings. This is in accordance with Executive Order 12291 and OMB Bulletin No. 82-16. In addition, the agenda, in compliance with the Regulatory Flexibility Act of 1980 (Pub L. 96-354) includes notations on the applicability of the Regulatory Flexibility Act to each item. The Unified Agenda will be published in the **Federal Register** in April and October of each year.

DATE: This information is as of April 1983.

ADDRESS: Federal Communications Commission, 1919 M Street, NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Claudette Pride, Office of the Managing Director, (202) 632-7513.

SUPPLEMENTARY INFORMATION:

Unified Agenda of All Major and Other Significant Proceedings

The Commission encourages public participation in the FCC rule making process. To help keep the public informed of significant rule making proceedings, the Commission has prepared an agenda of important proceedings now in progress. OMB will publish the Unified Agenda in the **Federal Register** in April and October of each year.

The following terms may be helpful in understanding the status of the proceedings included in this report:

A Docket Number is assigned to a proceeding if the Commission has issued either a Notice of Proposed Rule Making or a Notice of Inquiry in regard to the matter under consideration. Since January 1, 1978, the Commission has used docket numbers which consist of the last two digits of the calendar year in which the docket was established plus a sequential number which begins at 1 with the first docket initiated during a calendar year (e.g. Docket 78-1 or Docket 79-1). The abbreviation for the responsible Bureau usually precedes the docket number, is "BC Docket 79-164." When a docket number consists of only five digits (e.g. Docket 29622), this indicates that the docket was established before January 1, 1978.

Notice of Inquiry (NOI)— issued by the Commission when it is seeking information on a broad subject or trying to generate ideas in a given topic. A Comment period is specified during which all interested parties may submit comments.

Notice of Proposed Rule Making (NPRM)—issued by the Commission when it is proposing a specific change to the FCC Rules and Regulations. Before any changes are actually made, interested parties may submit written comments on the proposals.

Memorandum Opinion and Order (MO&O)—issued by the Commission to deny a petition for rule making, conclude an inquiry, modify a decision, or deny a petition for reconsideration of a decision.

Report and Order (R&O)—issued by the Commission to state a new or amended rule or state that the FCC Rules will not be changed

Rule Making (RM) Number—assigned to a proceeding after the appropriate Bureau/Office has reviewed a petition for rule making, but before the Commission has taken action on the petition.

Federal Communications Commission.

William J. Tricarico,

Secretary.

BUREAU/OFFICE: MASS MEDIA BUREAU—FEDERAL COMMUNICATIONS FISCAL YEAR 1983

Title of Proceeding, rulemaking or docket No.	RFA	CFR citation	Legal authority	Abstract	Timetable contact person
R&O/D 81-741, Teletext	Yes	47 CFR 73.682	47 U.S.C. Pt. 73	Authorize use of teletext by TV stations	2nd Qtr. Alan Stillwell, 632-6302
R&O/D. 21502, Subscription television.	Yes	47 CFR 73.643-4	47 U.S.C. Pt. 73	Amend rules concerning technical operation of STV stations.	3rd Qtr. Freda Thyden, 632-7792
MO&O/D. 78-253, Low power television.	Yes	47 CFR Pt. 73, 74	47 U.S.C. Pt. 73	Reconsider the Report & Order regarding low power television	3rd Qtr., Martin Blumenthal, 632-5414
R&O/D 82-1, Educational FM SCA usage	Yes	47 CFR 73.593	47 U.S.C. Pt. 73	Eliminate restriction on noncommercial educational stations using their subcarrier frequencies for revenue generating purposes	3rd Qtr. Jonathan David, 632-7792
NPRM, Multiple ownership	No	47 CFR 73.35, 73.240, 73.636		Amend the rules which limit station ownership to 7 AM, 7 FM and 7 TV stations to a single ownership entity	3rd Qtr., Robert Ratcliffe, 632-7792
R&O/D 82-20, Microwave boosters.	No	47 CFR Part 74, Subpart E	47 U.S.C. Pt. 74	Amend Part 74 rules to provide for operation of microwave boosters	3rd Qtr., Steve Linn, 632-9660
NPRM, Use of ITFS band	Yes	47 CFR Part 73	47 U.S.C. Pt. 73	Amend rules to permit a variety of video services in the ITFS Band (2500-2690 MHz)	3rd Qtr., Ten Freundlich, 632-6302
R&O/D. 82-374, Dual City Identification.	No	47 CFR 73.1201	47 U.S.C. Pt. 73	Amend rules pertaining to dual city identification of AM, FM & TV stations	3rd Qtr. Roger Holberg, 632-7792
R&O/D. 81-698, Modulation Monitors.	No	47 CFR Part 73	47 U.S.C. Pt. 73	Delete rules requiring use of type-approved modulation monitors at AM, FM and TV stations.	3rd Qtr., Katy Hosford, 632-9660
R&O/D. 82-536, Subsidiary Communications.	No	47 CFR 73.293, 73.593	47 U.S.C. Pt. 73	Eliminate rules restricting use of subsidiary communications subcarriers by FM stations.	3rd Qtr., James Green, 632-6302
R&O/D 82-345, Network rules	No	47 CFR 73.658	47 U.S.C. Pt. 73	Repeal of network syndication and financial interest rules.	3rd Qtr., Michael McGregor, 632-7792
NPRM, Commercial TV Deregulation.	No	47 CFR Part 73	47 U.S.C. Pt. 73	Deregulation of TV programming, ascertainment, logging and commercial time guidelines	3rd Qtr., Michael McGregor, 632-7792
R&O/D. 21002, Franchise Fees.	Yes	47 CFR 76.31	47 U.S.C. 2-4, 301, 303, 307, 308, 309.	Amend 76.31 to eliminate rule limiting local cable television franchise fees to 3% of a system's gross revenues	4th Qtr., Robert Ratcliffe, 632-7792
R&O/D. 21006, Aeronautical rules.	Yes	47 CFR 76.605	47 U.S.C. 2-4, 301, 303, 307, 308, 309.	Amend 76.605 relating to rules to protect aeronautical communications and navigation radio services from cable radiation interference	3rd Qtr., Stephen Bailey, 632-7792

Bureau/Office: Common Carrier Bureau—Economics Division

Title of Proceeding, rulemaking or docket No.	RFA	CFR citation	Legal authority	Abstract	Timetable contact person
R&O/D. 21472, Saturated Cable Systems.	Yes	47 CFR 76, Subpart D	47 U.S.C. 2-4, 301, 303, 307, 308, 309.	Amend Part 76 relating to situations where cable TV is required to carry more broadcast signals than there is available channel capacity.	4th Qtr., Stephen Bailey, 632-7792.
R&O/D. 82-526, Cable Financial Reports.	Yes	47 CFR 76.403	47 U.S.C. 2-4, 301, 303, 307, 308, 309.	Proposes elimination of cable TV financial reporting form (Form 326).	3rd Qtr., Stephen Bailey, 632-7792.
R&O/D. 82-434, Network-Cable TV Crossownership.	No	47 CFR 76.501	47 U.S.C. 2-4, 301, 303, 307, 308, 309.	Proposes elimination of restrictions on television network-cable system cross-ownership found in 76.501.	4th Qtr., Holly Berland, 632-7792.
R&O/D. 20423, TV-Cable Ownership Divestiture.	Yes	47 CFR 76.501	47 U.S.C. 2-4, 301, 303, 307, 308, 309.	Proposed amendment to 76.501 requiring that there be a required divestiture of common ownership between co-located TV stations and cable television systems.	4th Qtr., Robert Ratcliffe, 632-7792.
R&O/D. 81-496, Noncommercial Deregulation.	Yes	47 CFR Part 73	47 U.S.C. Pt. 73	Deregulation of noncommercial radio and TV pertaining to areas of programming, ascertainment, and program logs.	3rd Qtr., Jonathan David, 632-7792
R&O/D. 82-538, Extended AM Hours of Operation.	No	47 CFR Part 73	47 U.S.C. Pt. 73	Reexamination of restrictions on hours of operation of daytime-only AM broadcast stations.	4th Qtr., Jonathan David, 632-7792

Bureau/Office: Common Carrier Bureau—International Facilities Authorization Division

Overseas Communications Services, Docket No. 80-632.	No	None	NPRM issued pursuant to Sections 4(i), 4(j), 201, 202, 204, 205, 214 and 403 of the '34 Act and Section 553(b) of APA.	Item eliminates voice/record dichotomy in the provision of international services.	Report and Order released December 22, 1982. Stuart Chiron, 632-3214 Stuart Chiron, 632-7265.
Comsat Structure, Docket No. 80-634.	Yes	None	Final Order issued pursuant to 4(i), 201-205, 214, 215, 218, 220, 303, 309, and 403 of the 1934 Act. Sections 102(c), 201(c) & 401 of the Satellite Act; and Section 553(b) of the APA.	Comsat required to modify accounting system for reporting R&D and for allocating common costs; to make certain Intelsat and Inmarsat information available to the public, and to provide 90 day notice for any structural separation or any ventures which will require additional financing. Comsat reported to FCC on extent these changes instituted.	Third Quarter FY 83. Staff is reviewing Comsat's proposed changes. Joel Pearlman, 632-4047.

Bureau/Office: Common Carrier Bureau—International Facilities Planning Division

Earth Station Ownership Policy—CC 82-540.	No	None	Communications Act of 1934, as amended, Sections 4(i) and 4(j) and 403.	An inquiry into the ownership of INTELSAT earth stations. Notice of Inquiry adopted 8-5-82; released 8-17-82.	Third Quarter 1983, J. Pearlman, 632-4047.
Direct Access to INTELSAT Space Segment—CC 82-548.	No	None	Same	An inquiry into direct access to INTELSAT's space segment for U.S.I.S.C.'s. Notice of Inquiry adopted 8-5-82; released 8-20-82.	Third Quarter 1983, G Dechabert, 632-4047.

Bureau/Office: Common Carrier Bureau—Domestic Facilities Division

CC 80-584—Alaska Bush Satellite Service.	Yes	47 CFR Section 25.391	47 CFR Section 303(r)	Inquiry into ownership questions related to Alaska Bush Earth Stations.	Tentative decision released 12/10/82. Comments due 3/7/83. Cecily Holiday 634-1682.
CC 81-704—Licensing of Space Stations in Domestic Fixed Satellite Svc.	Yes	47 CFR Sections 25.201-25.209.	47 CFR Section 303(r)	Inquiry into adopting a revised orbital deployment plan employing reduced spacing.	Decision expected March 1983. Ron Lepkowski 634-1624.
CC 82-45—Satellite Transponder Sales.	Yes	None	47 CFR Sections 154(i) & 154(j).	Inquiry into whether domestic satellite licensees may engage in the sale of transponders.	Final Decision adopted July 29, 1982. Robert Mazer, 634-1627.
CC 81-216—Part 68 Omnibus Rulemaking.	No	47 CFR Part 68	47 U.S.C. Sections 201-05, Section 151, 154, Section 403.	1. Rule amendments to accomodate one and two-line business and residential wiring under Part 68, and decision regarding inclusion of party line service under Part 68. 2. Technical amendments to current Part 68 rules. 3. Revision to qualification standards for multi-line wiring. Section 68.215(c). 4. Decision regarding registration of CSU in DDS.	NOI-NPRM Apr. 1981. Second NPRM adopted Nov. 1982. Subsequent Orders in 1983-84. Jim Talens, 634-1816.

Bureau/Office: Common Carrier Bureau—Economics Division

CC 81-893—Procedures for implementing the Detariffing of CPE and Enhanced Services.	No	47 CFR 64.702, 47 CFR 31.	47 U.S.C. 4(i), 4(j) 201-205, 403, 404, 410.	In its Second Computer Inquiry (CC Docket 20828) the Commission ordered the detariffing of customer premises equipment and enhanced services. This proceeding addresses the procedures to be followed in fully implementing this decision.	NOI: Adopted 12/17/81; 89 FCC 2d 694 (1981). NPRM: 1st quarter 1983. Contact: William Reeca, Chief, Economics Division, Room 530, 1919 M St., NW, Washington, DC 20554 (202) 632-4715.

BUREAU/OFFICE: COMMON CARRIER BUREAU—ECONOMICS DIVISION—Continued

Title of Proceeding, rulemaking or docket No.	RFA	CFR citation	Legal authority	Abstract	Timetable contact person
				An NPRM is being prepared to institute the accounting necessary for nondominant carriers once CPE II goes into effect	This NPRM will be before the Commission in October, 1982 A final order should be before the Commission in Dec. 1982 or Jan. 1983. On accounting matters contact Gerald P. Vaughan, Chief, Accounting and Audits Division, 2000 L St., NW. Suite 812, Washington, D.C. (202) 634-1861.

BUREAU/OFFICE: COMMON CARRIER BUREAU—POLICY AND PROGRAM PLANNING DIVISION

CC 79-187—AT&T Earnings on Interstate and Foreign Services in 1978.	No	None	Sections 201-205 of the Communications Act, As Amended.	Inquiry to determine if AT&T's exceeded the limits specified by the Commission in Docket 20376.	April 1983, Claudia Pabo, 632-9342
CC 78-72—MTS/WATS Market Structure Inquiry	No	No existing sections	Sections 201-205, and 218-221 of the Communications Act, As Amended.	Inquiry to determine whether the public interest requires interstate Message Telecommunications Service and/or WATS or their functional equivalents, to be provided on a sole source basis.	March, 1983, Carl Lawson, 632-9342
Jurisdictional Separations: Federal-State Joint Board to Amend Part 67 of FCC Rules.	No	47 CFR Part 67	Sections 205(a), 221(c) and 410(c) of the Communications Act, As Amended.	Joint Board established to recommend changes where appropriate, to Separations Manual regarding exchange plant allocations, access and deregulation of customer premises equipment (CPE).	March, 1983, Claudia Pabo, 632-9342

BUREAU/OFFICE: COMMON CARRIER BUREAU—ENFORCEMENT DIVISION

Computer II Implementation Actions.	No	47 CFR Section 64 702	Communications Act of 1934, as amended, 47 U.S.C Sections 4(i) and 4(j).	Commission considers whether to approve AT&T's identification and treatment of expenses incurred for the preparation of its unregulated offer of customer premises equipment (CPE) and whether to approve AT&T's plans for assuring that its offer of unregulated CPE is properly separated from its regulated offerings	Report and Order in 1st quarter, 1983 James Mullins, Computer Inquiry Implementation Staff, 2025 M Street, NW., Room 6216, Washington, D C 20554, Phone 632-4887
				Commission considers whether to approve AT&T's plan for the capitalization of its unregulated offer of embedded CPE	MO&O in 2d quarter, 1983
				Commission considers whether to approve AT&T's plans for the capitalization of its offer of cellular mobile radio services	MO&O in 1st quarter, 1983

BUREAU/OFFICE: COMMON CARRIER BUREAU—TARIFF DIVISION

CC 81-412—AT&T 1981 General Rate Increase.	No	NA	47 U.S.C Section 151 et seq. 201-205, 214, 403, 4i, 4j.	AT&T 1981 General Rate Increase Tariff filing (Trans. 13703-13708) for a general rate increase suspended and set for investigation	Third quarter FY 1983 Staff is reviewing support data Stan Wiggins, 632-6917.
CC 79-246—AT&T Private Line Rate Structure Proceeding.	No	NA	47 U.S.C Section 151 et seq. 201-205, 214, 403, 4i, 4j.	Inquiry into AT&T private line tariff rate structures and volume discount policies	Second quarter FY 1983 Staff is reviewing comments and replies. Leonard Kennedy, 632-6917
CC 79-252—Competitive Carrier Rulemaking.	Yes	47 CFR Parts 61, 63	47 U.S.C. Section 151 et seq. 201-205, 214, 403, 4i, 4j.	The Commission is considering whether to designate additional classes of carriers as non-dominant thereby affording them the benefit of streamlined regulatory treatment	N.O.I: 77 FCC 2d, 308 (1979), 1st R&O 85 FCC 2d, 1 (1980), Further NOI: 84 FCC 2d 445 (1981), 2nd R&O: CC 79-252, FCC 82-350, released August 20, 1982 Next stage: Second quarter, FY 1983 Anne Coffey, 632-6917

BUREAU/OFFICE: COMMON CARRIER BUREAU—MOBILE SERVICES DIVISION

CC 80-57—Revision of Rules Part 22	Yes	47 CFR Part 22	Communications Act of 1934 as amended, Sections 1, 4(i), 4(j), 303 (g) and (r).	Comprehensive rewrite of Part 22 which governs licensing of common carrier mobile services	NPRM released Sept 8, 1982. Report and Order expect May 1983; Michael Menius, 632-6450.

BUREAU/OFFICE: COMMON CARRIER BUREAU—ACCOUNTING AND AUDITS DIVISION

I. Current and Projected Rulemakings					
Equal life group method of calculating depreciation rates.	No	47 CFR 31	47 U.S.C. 220	Approval of ELG rates for buildings and the general equipment accounts for all of the FCC-subject domestic telephone companies.	Currently under review by the staff; expected to be before the Commission by Dec. 31, 1983, Gerald P. Vaughan, Chief, Accounting and Audits Division, 2000 L. St., NW., Suite 812, Washington, D.C., (202) 634-1861.
Represcription of depreciation rates for 1983.	No	47 CFR 31	47 U.S.C.220	Annual represcription of depreciation rates for AT&T-L.L., Alascom, Inc., GTE of the Southeast, Michigan Bell, N.Y. Telephone, Northwestern Bell, Ohio Bell, Southern Bell, Southwestern Bell, Unter Inter-Mountain, Wisconsin Telephone.	Currently under review by the staff; expected to be before the Commission by Dec. 31, 1983; Gerald P. Vaughan, Chief, Accounting and Audits Division, 2000 L St., NW., Suite 812, Washington, D.C. (202) 634-1861.

BUREAU/OFFICE: COMMON CARRIER BUREAU—ACCOUNTING AND AUDITS DIVISION—Continued

Title of Proceeding, rulemaking or docket No.	RFA	CFR citation	Legal authority	Abstract	Timetable contact person
Revision of The Uniform System of Accounts and Financial Reporting Requirements for Telephone Companies, Parts 31, 33, 42 and 43, CC Docket 78-196.	No	47 CFR 31, 33, 42	47 U.S.C. 154, 219, 220	The Commission is proposing to revise its Uniform System of Accounts on a financial accounting basis to provide more detailed and relevant data for separations and costing purposes.	NPRMs released August 1978, August 1979, and October 1981. Subsequent NPRMs and Orders in 1984-85. Gerald P. Vaughan, Chief, Accounting and Audits Division, 2000 L St., NW., Suite 812, Washington, D.C. (202) 634-1861.
Amendment of Annual Report M for telephone companies CC Docket 82-680.	No	47 CFR 31	47 U.S.C. 154, 219, 220	A Notice of Proposed Rulemaking was issued proposing the revision and/or elimination of certain Annual Report Form M Schedules for the purpose of eliminating unnecessary reporting requirements and reducing carrier burdens. Comments and reply comments were received and a final Report and Order is being prepared.	The NPRM was issued October 1, 1982 (FCC 82-425). Comments were received by Nov. 8, 1982, and reply comments by Nov. 23, 1982. The Report and Order should reach the Commission in March 1983. Gerald P. Vaughan, Chief, Accounting and Audits Division, 2000 L St., NW., Suite 812, Washington, D.C. (202) 634-1861.
Modifications to the Uniform System of Accounts for Class A and Class B Telephone Companies required by detariffing of Customer provided cable/wiring installed as part of an intrasystem for PBXs and key systems—CC Docket 82-681.	No	47 CFR 31	47 U.S.C. 154, 220	A Notice of Proposed Rulemaking (NPRM) was issued proposing to clarify the accounting for (1) coin-operated, (2) station apparatus and exchanges used by telephone companies, (3) intrasystem wiring for PBXs or key systems, and (4) sale or lease of PBXs or key systems on a detariffed basis. Comments and reply comments were received and a final Report and Order is being prepared.	The NPRM was issued October 1, 1982, (FCC 82-426). Comments were received by Nov. 8, 1982, and reply comments by Nov. 23, 1982. The Report and Order should reach the Commission in March 1983. Gerald P. Vaughan, Chief, Accounting and Audits Div., 2000 L Street, NW., Suite 812, Washington, D.C. (202) 634-1861.
Amendment of the Uniform System of Accounts, Part 31, to provide for changing the accounting treatment for certain telephone plant—CC Docket 82-679.	No	47 CFR 31	47 U.S.C. 154, 220	A Notice of Proposed Rulemaking was issued proposing to amend the depreciation procedures for the "Station connections-other" sub-class of account 232 and transferring the plant to outside plant accounts, and classifying all network channel terminating equipment and subscriber pair gain equipment to account 221, "Central Office equipment." Comments and reply comments were received and a final Report and Order is being prepared.	The NPRM was issued October 1, 1982, (FCC 82-424). Comments were received by Nov. 8, 1982, and reply comments by Nov. 23, 1982. The Report and Order should reach the Commission by March 1983. Gerald P. Vaughan, Chief, Accounting and Audits Div., 2000 L St., NW., Suite 812, Washington, D.C. (202) 634-1861.
Amendment of Parts 34 and 35 with conforming amendments of Annual Forms O and R—CC Docket 82-678	No	47 CFR Parts 34 and 35	47 U.S.C. 220	This NPRM proposed separate accounting for nonregulated activities to accommodate the detariffing of customer premises equipment in Dockets 20828 and 21005.	The NPRM was issued on Oct. 1, 1982, (FCC 82-423). Comments were received by Nov. 22, 1982. Reply comments were received by Dec. 15, 1982. The final MO&O should be to the Commission in March 1983. Michael E. Wilson (202) 634-1865.
II. Reviews of Existing Regulations					
Review of Part 41	No	47 CFR 41	47 U.S.C. 220	A review is being made to determine if recordkeeping and reporting requirements can be modified and reduced.	This review is expected to be completed in March 1983. Gerald P. Vaughan, Chief, Accounting and Audits Div., 2000 L St., NW., Suite 812, Washington, D.C. (202) 634-1861.
Review of Part 42	No	47 CFR 42	47 U.S.C. 154, 220	A review is being made to determine if record retention requirements can be reduced.	This review is expected to be completed in March 1983. Gerald P. Vaughan, Chief, Accounting and Audits Div., 2000 L St., NW., Suite 812, Washington, D.C (202) 634-1861.
Review of Parts 51 and 52	No	47 CFR 51	47 U.S.C. 154, 219, 220	A review is being made to determine if the recordkeeping requirements can be reduced or eliminated.	This review is expected to be completed in March 1983. Gerald P. Vaughan, Chief, Accounting and Audits Div., 2000 L St., NW., Suite 812, Washington, D.C. (202) 634-1861.
III. Completed Actions Since Preceding Agenda					
Amendment to the USOA, Part 31, for telephone carriers CC Docket 82-185.	No	47 CFR 31	47 U.S.C. 154, 219, 220	Raised dollar criteria which require Commission approval of journal entries associated with plant acquisitions.	Commission approved a Report and Order on Jan. 20, 1983. Gerald P. Vaughan, Chief, Accounting and Audits Div., 2000 L St., NW., Suite 812, Washington, D.C. (202) 634-1861.
CC Docket 82-475. Amendment of Annual Report Forms O and R.	No	47 CFR 34, 47 CFR 35	47 U.S.C. 154, 219, 220	Reduced carrier reporting burdens by revising or eliminating several schedules.	Commission approved a Report and Order on Dec. 8, 1982, 47 F.R. 58270; Gerald P. Vaughan, Chief, Accounting and Audits, Div., 2000 L St., NW., Suite 812, Washington, D.C. (202) 634-1861.
Amendment of Annual Report Form M for telephone companies CC Docket 82-513.	No	47 CFR 31	47 U.S.C. 154, 219, 220	Modified Form M schedules to accomodate the new depreciation practices dictated by CC Docket 20188.	Commission approved a Report and Order on Jan. 26, 1983. Gerald P. Vaughan, Chief, Accounting and Audits Div., 2000 L St., NW., Suite 812, Washington, D.C. (202) 634-1861.

BUREAU/OFFICE: COMMON CARRIER BUREAU—ACCOUNTING AND AUDITS DIVISION—Continued

Title of Proceeding, rulemaking or docket No.	RFA	CFR citation	Legal authority	Abstract	Timetable contact person
Equal life group method if calculating depreciation rates.	No	47 CFR 31	47 U.S.C. 220	Approval of ELG depreciation rates subject to implementation in 1982.	Approved by Commission on Aug. 10 and Dec. 30, 1982; Gerald P. Vaughan, Chief, Accounting and Audits Div., 2000 L ST., NW., Suite 812, Washington, D.C. (202) 634-1861.
Represcription of depreciation rates for 1982.	No	47 CFR 31	47 U.S.C. 220	Annual represcription of depreciation rates.	Approved by Commission on Dec. 14, 1982; Gerald P. Vaughan, Chief, Accounting and Audits Div., 2000 L ST., NW., Suite 812, Washington, D.C. (202) 634-1861.
Rulemaking to implement the Communications Amendments Act of 1982 with respect to common carrier and satellite licensing procedures.	Yes	47 CFR Parts 21 and 25	Pub. L. No. 97-259	Pub. L. No. 97-259 revised laws relating to common carrier and satellite radio licensing. Proceeding would adopt rules to implement law.	The Commission will consider the NPRM by April 1983. Ted Waddell; 634-1706.
Gen. Docket 80-112	Yes	47 CFR Parts 2, 21 and 74	47 U.S.C. 303	Proposal to reallocate ITFS spectrum for shared use by MDS, OIS and ITFS.	NPRM adopted March 19, 1980. Proceeding expanded April 20, 1982. Report and Order due April 1983. Kevin Kelly; 634-1817.
Gen. Docket 80-113	Yes	47 CFR Part 21	47 U.S.C. 303 and 403	Technical changes to MDS rules	NPRM adopted March 19, 1980. Proceeding expanded April 20, 1982. Report and Order due April 1983. Kevin Kelly; 634-1817.
Applications to be filed by AT&T for authority to transfer facilities necessitated by U.S. v. AT&T, Civ. No. 74-1698 & 82-0192 (D.D.C.).	No	NA	47 U.S.C. 214 and 310	Commission will rule on applications to transfer facilities to implement the Modified Final Judgment.	Applications are expected March 1, comments due April 15, 1983. Emily Williams; 634-1869.

BUREAU/OFFICE: OFFICE OF GENERAL COUNSEL

NPRM-In the Matter of Revision of the Federal Communications Commission's Ex Parte Rules General Docket No. 78-167.	Yes	47 CFR 1.1201-1.1251	5 U.S.C. 553(b) 47 U.S.C. 155(d)(5).	Several parties have petitioned the Commission to reconsider its Report and Order, 78 FCC 2d 1384 (1980) adopting less restrictive ex parte rules for informal rulemaking proceedings. The Commission its reviewing the petitions for reconsideration. Neither a denial or grant of the petitions should impose costs on petitioners, regulatees, or the Commission that are substantially different form the costs incurred prior to the adoption of the original R&O *supra*.	MO&O 3rd Qtr., FY 1983. Sheldon M. Guttmann Chief, Administrative Law Division, OGC 1919 M Street, NW., Washington, D.C. phone: 632-6990.
Policy Regarding Character Qualifications in Broadcast licensing, General Docket No. 81-500.	None	Communications Act of 1934, as amended, 4(i), 308(b), 309 47 U.S.C. 154(i), 308(b), 309.		Formulation of a comprehensive policy statement establishing a detailed and systematic treatment of the character qualifications of broadcast applicants will provide guidance to broadcast licensees and the public and enhance the fairness and efficiency of the licensing process. This action should not impose any additional costs on broadcast applicants or the Commission. Converesly, broadcast applicants, the public, and the Commission should benefit from the formulation and adoption of a clear policy position consistent with the Communications Act of 1934, as amended, on the issue of character.	MO&O, 4th Qtr., FY 1983. Sheldon M. Guttmann, Chief, Administrative Law Division OGC, Room 404, 1919 M Street, NW., Washington, D.C. Phone: 632-6990.
NPRM In the Matter of Formulation of Policies Relating to the Broadcast Renewal Applicant, Stemming from the Comparative Hearing Process. General Docket No. 81-499.	None	47 CFR Part 1	47 U.S.C. Section 154(i), 308(b), 319(a), and 403.	The *Notice* seeks comment on a number of issues, including whether it is feasible to adopt more specific standards for determining when a renewal applicant's programming record is meritorious, so as to outweigh disadvantages an incumbent may face under diversification and other traditional comparative criteria. Amended comparative renewal criteria and standards will have the net effect of saving applicant's and the Commission's time and resources in the renewal process.	MO&O, 3rd Qtr., FY 1983. Sheldon M. Guttmann, Chief, Administrative Law Division OGC, 1919 M Street, NW., Washington, D.C. Phone: 632-6990.
Amending Environmental Rules in response to New Rules Issued by The council on Environmental Quality (C.E.Q). General Docket No. 79-163.	No	47 CFR Part 1, Subpart I	5 U.S.C. 553(b) 47 U.S.C. 154(j).	The Commission's existing environmental rules are being revised to comply with guidelines issued by the Council for Environmental Quality (C.E.Q.).	MO&O, 4th Qtr., FY 1983. Sheldon M. Guttmann, Chief, Administrative Law Division OGC, Room 1919 M Street, NW., Washington, D.C. Phone: 632-6990.
NPMR In the Matter of Formulation of Federal Communications Commission's Lottery Rules for the Selection of Licensees From Among Certain Competing Applications. General Docket No. 81-768.	Yes	None	47 U.S.C. 309(i) as amended	The Commission by its action proposes rules to implement the requirements of 47 U.S.C 309(i), as amended, which authorizes the use of a lottery to select between mutually exclusive applicants for certain communication facilities.	MO&O, 4th Qtr., FY 1983. Sheldon M. Guttmann, Chief, Administrative Law Division, OCG, 1919 M Street, NW., Washington, D.C. Phone: 632-6990.

BUREAU/OFFICE: FIELD OPERATIONS

Title of Proceeding, rulemaking or docket No.	RFA	CFR citation	Legal authority	Abstract	Timetable contact person
Requirements for Licensed Operators in Various Radio Services (RM-2643, General Docket No. 83-——).	*No	47 CFR Parts 13, 21, 23, 73, 74, 76, 81, 83, 87, 90, 94 and 95.	Sections 303(r) and 4(i) of the Communications Act of 1934, as amended, 47 U.S.C 303(r) and 154(i).	Notice of Proposed Rulemaking will propose removing rules which require that certain operating, maintenance and installation duties be performed only by licensed commercial radio operators. Action proposed would be deregulatory and involves no costs. Benefit will be reduction of burden on radio station licensees.	Notice of Proposed Rulemaking—April 1983; Report & Order—Nov. 1984. Contact Persons: Part 13—B.C. Jackson, Jr., Chief, Radio Operator Branch Regional Services, Div. Field Operations Bur., Federal Communications Commission, Wash., D.C. 20554, phone 202/632-7240. Part 21—James R. Keegan, Chief, Domestic Facilities Div., Common Carrier Bureau, Federal Communications Commission, Wash., D.C. 20554, phone 202/634-1860. Part 23—Theodore R. Waddell, Chief, Domestic Facilities Div., Common Carrier Bureau, Federal Communications Commission, Wash., D.C. 20554, phone 202/634-1706. Part 73 and 74—William H. Hasseinger, Engineering Assist. to Chief, Mass Media Bur., Federal Communications Commission, Wash., D.C. 20554, phone 202/632-6460. Part 78—Clifford H. Paul, Supvy Elec. Engr., Cable TV Branch, Video Services Div., Mass Media Bur., Federal Communications Commission, Wash., D.C. 202/254-3402 Part 81, 83 and 87—Charles D. Fisher, Chief, Aviation and Marine Branch, Special Services Div., Private Radio Bureau, Wash., D.C. 20554, phone 202/632-7175. Part 90—John B. Richards, Deputy Chief, Rules Branch, Land Mobile and Microwave Division, Private Radio Bureau, Federal Communications Commission, Wash., D.C. 20554, phone 202/634-2443. Part 95—John B. Johnston, Chief, Personal Radio Branch, Special Services Div., Private Radio Bur., Federal Communications Commission, Wash., D.C. 20554, phone 202/632-4964.
Age and Experience Requirements for Radiotelegraph First Class Operator License (RM-2687/RM-3785)	No	47 CFR 13.12	Sections 303(r) and 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. 303(r) and 154(i).	Requests elimination of age and experience requirements for Radiotelegraph First Class Operator License. Adoption would result in increased costs to agency	Action by July 1983. B. C. Jackson, Jr., Chief, Radio Operator Branch, Regional Services Div., Field Operations Bur., Room 728, 1919 M St., NW., Wash., D.C., 20554, phone 202/632-7240.

BUREAU/OFFICE: PRIVATE RADIO

RM-2946, Digital Selective Calling (DSC) and Direct Dial VHF Communications.	No	47 CFR 83	47 U.S.C. 154(i) 303(r)	Proposal to provide initial guidelines for use of digital selective calling (DSC) in marine services and provide direct-dial VHF communications between public coast and ship stations.	3rd Qtr. FY 1983 for NPRM. Robert Mickley, Communications Specialist, Special Services Division, FCC, Washington, DC 20554 (202) 632-7175.
RM-4039, Temporary Licensing of Community Repeaters in the Special Industrial Radio Service.	Yes	47 CFR 1, 2, 90	47 U.S.C. 154(i) 303(r)	Petitioner requests amendment of Parts 1, 2 and 90 to implement a system of temporary licensing for add-on users of multiple-license mobile relay systems operating in the Special Industrial Radio Service.	2nd Qtr. FY 1983 for Memorandum Opinion and Order. Stephanie Spernak, Attorney-Advisor, FCC, Washington, DC 20554 (202) 634-2443.
RM-4249, Extend license term in radio Service to 10 years.	No	47 CFR 97	Pub. L. 97-259	Petitioner requests amendment of Part 97 to extend license term to 10 years.	2nd Qtr. FY 1983 for NPRM. James D. McGrath, Attorney-Advisor, FCC, Washington, DC 20554 (202) 632-4964.
Extend license term in General Mobile Radio Service to 10 years.	Yes	47 CFR 95	Pub. L. 97-259	Proposal to amend Part 95 to extend license term to 10 year.	
Docket 18921: Multiple Licensing in the Private Land Mobile Radio Services below 800 MHz.	No	47 CFR 90	47 U.S.C. 154(i) 303(r)	Various petitions for reconsideration and clarification of the Commission's March 1982 Report and Order in this proceeding have been received.	3rd Qtr. FY 1983 for Memorandum Opinion and Order. Stephanie Spernak, Attorney-Advisor, FCC, Washington, DC 20554 (202) 634-2443.
Docket 19309: Shared arrangements with third-party involvement in the Private Microwave Services.	Yes	47 CFR 94	47 U.S.C. 154(i) 303(r)	Proceeding addresses the methods by which licensees may avail themselves of microwave transmission facilities.	2nd Qtr. FY 1983 for FNPRM. Fred Day, Attorney-Advisor FCC, Washington, DC 20554 (202) 634-2443.
Docket 19671: Transmission of Entertainment Programs using Business Radio Service Frequencies.	No	47 CFR 94	47 U.S.C. 154(i) 303(r)	Proceeding regards the content of microwave transmissions in the Private Radio Services. Petitions for reconsideration have been received of the Commission's May 1981 Report and Order in this proceeding.	2nd Qtr. FY 1983 for Memorandum Opinion and Order. Fred Day, Attorney-Advisor, FCC, Washington, DC 20554 (202) 634-2443.

BUREAU/OFFICE: PRIVATE RADIO—Continued

Title of Proceeding, rulemaking or docket No.	RFA	CFR station	Legal authority	Abstract	Timetable contact person
Docket 20849: Telephone Interconnection in the Private Land Mobile Radio Services.	No	47 CFR 90	47 U.S.C. 154(i) 303(r)	Various petitions for reconsideration and clarification of the Commission's March 1982 Report and Order in this proceeding have been received.	2nd Qtr. FY 1983 for Memorandum Opinion and Order. John B. Richards, Deputy Chief, Rules Branch, Land Mobile and Microwave Division, FCC, Washington, DC 20554 (202) 634–2443.
Docket 21349: 1974 WARC Radio-telephony.	No	47 CFR 81, 83	47 U.S.C. 154(i) 303(r)	Adopts as permanent a temporary assignment plan for high frequencies used for radiotelephony by public coast stations on the basis of system experience.	3rd Qtr. FY 1983 for Report and Order. Nicholas Bagnato, Aeronautical and Marine Specialist, Special Services Division, FCC, Washington, DC 20554 (202) 632–7175
SS Docket 78–145, PR Docket 80–144: Public Coast (VHF) Station Exclusivity.	No	47 CFR 81	47 U.S.C. 154(i) 303(r)	Deletes geographical distance restrictions on authorizing VHF public coast stations, and does not adopt financial requirements as previously proposed.	3rd Qtr. FY 1983 for Report and Order. Robert DeYoung, Attorney-Advisor Special Services Division, FCC, Washington, DC 20554 (202) 632–7175.
PR Docket 79–191: Release, Allocation and Criteria for Use of 250 Remaining channels in the 800 MHz Band.	Yes	47 CFR 90	47 U.S.C. 154(i) 303(r)	A Petition for reconsideration has been filed regarding the Commission's July 1982 Second Report and Order in this proceeding which released all remaining channels at 800 MHz for use by private land mobile radio systems under a deregulatory framework.	1st Qtr. FY 1984 for Memorandum Opinion and Order. Joseph A Levin, Economist, FCC Washington, DC 20554 (202) 634–2443.
GEN Docket 80–183: Allocation of spectrum for one-way paging stations in the 900 MHz Band.	Yes	47 CFR 90	47 U.S.C. 154(i) 303(r)	Several petitions for reconsideration have been filed regarding the Commission's July 1982 Report and Order in this proceeding which released 40 Channels in the 900 MHz band for private user and private carrier paging systems.	4th Qtr. FY 1983 for Memorandum Opinion and Order John B. Richards, Deputy Chief, Rules Branch Land Mobile and Microwave Div FCC, Washington, DC 20554.
PR Docket 81–416: Amendment of rules concerning medical services operations in the 450–460 MHz band in the Special Emergency Radio Service.	No	47 CFR 90	47 U.S.C. 154(i) 303(r)	Inquiry into the problems, as well as the regulatory and deregulatory requirements for systems operating in the Special Emergency Radio Service.	1st Qtr, FY 1984 for Report and Order. Comment period closed March 4, 1983. Art King Land Mobile Specialist, FCC Washington, DC 20554 (202) 634–2443.
PR Docket 82–64: Recodification of GMRS Rules.	No	47 CFR 97	47 U.S.C. 154(i) 303(r)	Reviews and codifies General Mobile Radio Service Rules.	3rd Qtr. FY 1983 for Report and Order. John Borkowski, Attorney-Advisor, Special Services Division, FCC, Washington, DC 20554 (202) 632–4964.
PR Docket 82–226: Frequency Coordination in the Business Radio Service.	No	47 CFR 90	47 U.S.C. 154(i) 303(r) Pub. L. 97–259 Commun. Act Amendments of 1982.	Inquiry regarding Frequency coordinating committees and the need for new rules to govern the Commission's frequency coordination and field study procedures in the Private Land Mobile Radio Services in light of the new legislation.	4th Qtr. FY 1983 for new notice of Inquiry. Eugene Thomson, Herb Zeiler, Electronics Engineers, FCC, Washington, DC 20554 (202) 634–2443.
PR Docket 82–624: Amateur Power Measurement Changes.	No	47 CFR 97	47 U.S.C. 154(i) 303(r)	Proposes to change method of power measurements required for Amateur Radio Service licensees from input power to output power.	3rd Qtr. FY 1983 for Report and Order Reply comments closed March 1, 1983. John B. Johnston, Chief, Personal Radio Branch, Special Services Division, FCC, Washington, DC 20554 (202) 632–4964.
GEN Docket 82–625: Amendment of rules to provide HF spectrum for use by eligibles in the Special Industrial, Petroleum, Telephone Maintenance and Power Radio Services.	No	47 CFR 2, 90	47 U.S.C. 154(i) 303(r)	Proposal to privide HF radio links for the long distance communications requirements of eligibles for operations in the national interest.	3rd Qtr. FY 1983 for Report and Order. Reply comments closed November 19, 1982. Keith Plourd, Electronics Engineer, FCC, Washington, DC 20554 (202) 634–2443.
PR Docket 82–798: Delicense CB and R/C Radio Service.	No	47 CFR 95	Pub. L. 97–259	Authorizes Commission to cease individual licensing in the CB and Remote Control (R/C) Radio Service.	2nd Qtr. FY 1983 for Report and Order Reply comments closed Feb. 3, 1983. John Borkowski, Attorney-Advisor, Special Services Division, FCC, Washington, DC 20554 (202) 632–4964.
PR Docket 83–26: New Personal Radio Service at 900 MHz.	Yes	47 CFR 95	47 U.S.C. 154(i) 303(r)	Looks toward establishment of a new Personal Radio Service at 900 MHz.	4h Qtr. FY 1983 for Report and Order. Comments due April 28, 1983; replies due May 31, 1983. John Borkowski, Attorney-Advisor, Special Services Division, FCC, Washington, DC 20554 (202) 632–4964.
PR Docket 83–27: Volunteer Examiners for Amateur Radio Service.	No	47 CFR 97	Pub. L. 97–259	Authorizes Commission to use volunteers to prepare and administer written examinations required in the Amateur Radio Service.	4th Qtr. FY 1983 for Report and Order. Comment period closes April 8, 1983. John Borkowski, Attorney-Advisor, Special Services Division, FCC, Washington, DC 20554 (202) 632–4964.
PR Docket 83–28: Amateur No-Code.	No	47 CFR 97	47 U.S.C. 154(i) 303(r)	Proposal to delete slow speed requirement for amateur technician class permit and add new digital class operator permit in the Amateur Radio Service.	3rd Qtr. FY 1983 for Report and Order. Comments due April 29, 1983; reply comments due May 31, 1983. Steve Leti, Electronics Engineer, Special Services Division, FCC, Washington, DC 20554 (202) 632–4964.

BUREAU/OFFICE: PRIVATE RADIO—Continued

Title of Proceeding, rulemaking or docket No.	RFA	CFR citation	Legal authority	Abstract	Timetable contact person
Ship Inspections	No	47CFR 83	47 U.S.C. 154(i) 303(r)	Analyzes entire compulsory ship inspection program for inspection frequency and issuance of certificates. Proposes to change cycles of inspection for Title III, Part III (small passenger) vessels, delegate authority to field engineers to extend Title III, Part III certificates up to 90 days, and identifies needed legislative change to Section 362(b) of the C.A., and defines "passengers for hire" and persons on board for business of the boat.	3rd Qtr. FY 1983 for NPRM. Nicholas Bagnato, Aeronautical and Marine Specialist, Special Services Division, FCC Washington, DC 20554 (202) 632-7175.
Unicoms at controlled Airports	Yes	47 CFR 87	47 U.S.C. 154(i) 303(r)	Proposal to eliminate the one unicom per airport limitation at controlled airports.	3rd Qtr. FY 1083 for NPRM. Robert N. McNamara, Deputy Chief, Aviation and Marine Branch, Special Services Division, FCC, Washington, DC 20554 (202) 632-7175.
Docket 20813	No	47 CFR 81	47 U.S.C. 154(j) 303(r)	Disposes of several petitions and reconsiders R&O implementing changes in frequencies, procedures and standards relating to radiotelegraphy.	Memorandum Opinion and Order adopted by Commission on December 22, 1982. Walt Weaver, Aeronautical and Marine Specialist, Special Services Division FCC, Washington, DC 20554 (202) 632-7175.
Docket 79-140: New Personal Radio Service at 900 MHz.	Yes	47 CFR 95	47 U.S.C. 154(i) 303(r)	Order terminated inquiry into new Personal Radio Service at 900 MHz. See proceeding in PR Docket 83-26 for proposal for a new service.	Order adopted by Commission on Jan. 20, 1983. Steve Lett, Electronics Engineer, Special Services Division, FCC, Washington, DC 20554 (202) 632-4964.
PR Docket 82-36: INMARSAT Requirements.	No	47 CFR 83	47 U.S.C. 154(i) 303(r)	Amends the Commission's rules to conform with the maritime mobile-satellite requirements of the Maritime Satellite (INMARSAT) Organization.	Report and Order adopted by Commission on Jan. 20, 1983. William Berges, Electronics Engineer, Special Services Division, FCC, Washington, DC 20554 (202) 632-7175.
PR Docket 82-121: Allocation of frequencies in the 72-76 MHz band for use by Operational-Fixed stations in the Automobile Emergency, Manufacturers, Telephone Maintenance and Taxicab Radio Services.	Yes	47 CFR 90	47 U.S.C. 154(i) 303(r)	Allocated frequencies in the 72-76 MHz band for use by operational-fixed stations in order to control multiple base.	Report and Order adopted by Commission Oct. 28, 1982. Eugene Thomson, Electronics Engineer, FCC, Washington, DC 20554 (202) 634-2443.
PR Docket 82-182: Aeronautical station log requirements and airport ground frequencies.	Yes	47 CFR 87	47 U.S.C. 154(i) 303(r)	Deletes logging requirements in aviation services; makes frequency 122.050 MHz available to air carriers as well as private aircrafts; provides frequencies for communications between aircraft on the airport ramp and service organizations.	Report and Order adopted by Commission on Nov. 18, 1982. Robert McNamara, Deputy Chief, A&M Branch, Special Services Division, FCC, Washington, DC (202) 632-7175.
PR Docket 82-183: Amendment of Part 90 to eliminate the need for a separate authorization to operate speed detection devices in the Police and Local Government Radio Services.	Yes	47 CFR 90	47 U.S.C. 154(i) 303(r)	Allows Police and Local Government police licensees of stations, as part of their authorization, to operate any number of radar units without prior specific Commission approval.	Report and Order adopted by Commission on Nov. 4, 1982. Art King, Land Mobile Specialist, FCC, Washington, DC 20554 (202) 634-2443.
PR Docket 82-373: Part 94 Technical Standards.	Yes	47 CFR 94	47 U.S.C. 154(i) 303(r)	Amended the rules to extend "grandfathering" and atenna standards for private microwave radio systems, in cases where no intersystem interference will result.	Report and Order adopted by the Commission on Dec. 8, 1982. Fred Day, Attorney-Advisor, FCC, Washington, DC 20554 (202) 634-2443.
PR Docket 82-470: Digital Data Transmission below 800 MHz.	Yes	47 CFR 90	47 U.S.C. 154(i) 303(r)	Eliminates limitations on non-voice transmissions in order to accommodate the expansion of digital/data operations in the private land mobile radio services.	Report and Order adopted by Commission on Jan. 20, 1983. Keith Plourd, Electronics Engineer, FCC, Washington, DC 20554 (202) 634-2443.

BUREAU/OFFICE: OFFICE OF SCIENCE AND TECHNOLOGY UNIFIED AGENDA

Meteor Burst, Communication Service RM-3685.	Yes	47 CFR 2.106	47 U.S.C. 303	NPRM proposes use of 4 frequencies in the 40-50 MHz band for Common Carrier use in Alaska.	R&O, 4th quarter FY 83. Contact: Sam Tropea, 653-8167.
NPRM-Amendment of Part 5 of the Commission's Rules to Diminish Restrictions on the licensing and use of stations in the Experimental Radio Service (other than Broadcast) Gen. Docket No. 82-469.	Yes	47 CFR 5	47 U.S.C. 303	Rewrite of Part 5 to delete rules which are no longer useful and eliminate or reduce regulatory restrictions.	R&O, 4th quarter FY 83. Contact, H. F. Wright, 653-8137.
18 GHz reallocation, Gen. Docket 78-188.	No.	47 CFR 2.106	47 U.S.C. 303	Second R&O will provide narrow band channels for point-to-point fixed use as well as spectrum for DTS usage.	Second R&O, 3rd quarter FY 83. Contact: Mel Murray, 653-8168.
Implementation of Final Acts, WARC-79 (80-739).	Yes	47 CFR 2.106	47 U.S.C. 303	Proceeding will amend Part 2 of the Rules (Definition and Frequency Allocations) to make them consistent with international Radio Regulations developed by the 1979 WARC.	R&O, 4th quarter, FY 83. Contact: Fred Thomas, 653-8171.

BUREAU/OFFICE: OFFICE OF SCIENCE AND TECHNOLOGY UNIFIED AGENDA

Title of Proceeding, rulemaking or docket No.	RFA	CFR citation	Legal authority	Abstract	Timetable contact person
Reaccommodation of 12 GHz Terrestrials	Yes	47 CFR 2.106	47 U.S.C. 303	Proceeding will provide frequency allocations/technical standards to accommodate 12 GHz fixed service licensees who may be displaced by broadcasting-satellite systems	R&O, 4th quarter, FY 83. Contact Donald Campbell, 653-8177
L.A. Sheriff's Petition, RM-3975	No	47 CFR 2.106	47 U.S.C. 303	Petition requests reallocation of UHF-TV Channels 14-20 to public safety services	Disposition is expected in 4th quarter, FY 83. Contact: Mel Murray, 653-8168.
Petition for reconsideration of 38.8-40 GHz allocation, Gen Docket 81-415	No	47 CFR 74.661	47 U.S.C. 303	Petition requests relaxation of adopted 0.005% frequency stability.	MO&O, 3rd quarter, FY 83. Contact Harding Chism, 653-8166.
U.S.C.G. request to use 161.7 and 161.75 MHz.	Yes	47 CFR 2.105	47 U.S.C. 303	USCG requests use of 161.7 MHz and 161.75 MHZ to transmit printed navigational information to vessels, communicate by voice to foreign vessels, and use for search and rescue operations.	NPRM, 3rd quarter, FY 83. Contact Sam Tropea, 653-8167
Utilization Policy for Fixed Service at 1-40 GHz (82-334).	No	NA	47 U.S.C. 303	Proceeding will develop a plan for use of five frequency bands between 17 and 40 GHz by the fixed service. Appropriate rulemaking may ensue.	FCC Report in 3rd quarter, FY 83. Contact: Donald Campbell, 653-8177
Petition for allocation of Cordless Phones, (EIA) RM-4075	Yes	47 CFR 2.106	47 U.S.C. 303	EIA requests allocation of 74.6-74.8 MHz and 75.2-75.4 MHz for cordless phones	NPRM, 3rd quarter, FY 83. Contact Mel Murray, 653-8168
Petition for allocation of Cordless Phones (MURA Corp.) RM-4062.	Yes	47 CFR 2.106	47 U.S.C. 303	MURA requests allocation of frequencies in the bands 46.6-47.0 MHz and 49.6-50 MHz for cordless phones on a secondary basis	NPRM, 3rd quarter, FY 83. Contact Mel Murray, 653-8168
80-784, Test Procedures for Computing Devices.	Yes	47 CFR 15	47 U.S.C. 302	Petition for minor revisions of testing procedures for computing systems	MO&O, 3rd quarter, FY 83. Contact Julius Knapp, 653-8247
Allocation for Aural Broadcast STL's, Gen Docket 82-335	Yes	47 CFR 2.106	47 U.S.C. 303	NPRM proposes sharing of 2130-2150 MHz and 2100-2200 MHz bands on a coprimary basis for aural broadcast STL's and private operational fixed links	R&O, 4th quarter, FY 83. Contact: Sam Tropea, 653-8167
Docket 20780, Extension of Receiver Certification.	No	NA	47 U.S.C. 411	Issuance of Order denying petition to extend certification of receivers to more frequencies than are currently applicable	Order, 4th quarter, FY 83. Contact Art Wall, 653-8247
79-190, Flight Entertainment System.	No	NA	47 U.S.C. 411	Order dismissing request for authority to operate inflight cordless earphone system	Order, 4th quarter, FY 83. Contact Art Wall, 653-8247
Waiver, Cordless Phones	No	47 CFR 15.7	47 U.S.C. 302	Setting of interim standards for cordless phone pending procedures for reallocation of spectrum	Order for Reconsideration, 3rd quarter FY 83. Contact: Art Wall, 653-8247
Report on Verification categories.	Yes	NA	47 U.S.C. 302	Determination of category of equipment placed in Verification category, instead of certification requirement	R&O, 4th quarter, FY 83. Contact: John Reed, 653-6288
82-152, HF Broadcasting WARC (1984)	No	NA	47 U.S.C. 411	Develop a world-wide high frequency (shortwave) broadcasting plan	R&O, 2nd quarter, FY 83. Contact Steve Selwyn, 653-8102
80-741, Space Services WARC (1985)	No	NA	47 U.S.C. 411	This proceeding is in preparation for the ITU World Administrative Radio Conference on the Geostationary-Satellite Orbit and the Planning of the Space Services Utilizing It	NOI, 3rd quarter, FY 83. Contact Thomas Tycz, 653-8102
80-396, 1983 BSS WARC	No	NA	47 U.S.C. 411	The Region 2 Broadcasting-Satellite Service (BSS) Conference involves the development of position papers, the drafting of FCC recommended proposals and participation on the delegation to the Conference	R&O, 2nd quarter, FY 83. Contact Ed Jacobs, 653-8102
Inband Technical Standards	Yes	NA	Pursuant to Sec. 4(i) of the Comm. Act of 1934	The NOI will be a broad review of FCC Technical Standards with a view toward eliminating unnecessary regulations	NOI, 2nd quarter, FY 83. Contact Mike Marcus, 632-7040
Sanyo Petition	No	47 CFR 15.65	47 U.S.C. 303	Petitioner requests waiver of rules to market 2-channel receiver for cable systems	Order, 2nd quarter, FY 83. Contact Bert Withers, 653-6247
Zenith Petition	No	47 CFR 15.H		Petitioner requests waiver of rules for isolation switch requirements for Class I TV devices	Order, 2nd quarter, FY 83. Contact Art Wall, 653-6247.

[FR Doc. 83-9314 Filed 4-22-83; 8:45 am]

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federal register

Monday
April 25, 1983

Part XLIII

Department of Energy

Federal Energy Regulatory Commission

Semiannual Regulatory Agenda

FERC

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR CH. I

Semiannual Regulatory Agenda

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Semiannual Regulatory Agenda.

SUMMARY: In response to Office of Management and Budget Bulletin No. 83-8, the Federal Energy Regulatory Commission voluntarily submits information about rulemakings under development. Of the seventeen rulemakings listed, the first eleven are priority items.

DATES: See various dates for each specific rulemaking.

ADDRESS: Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426

FOR FURTHER INFORMATION CONTACT: Person listed for each specific rulemaking.

Kenneth F. Plumb,

Secretary

FEDERAL ENERGY REGULATORY COMMISSION (FERC) — Current and Projected Rulemakings

COLLECTION OF COST OF SERVICE INFORMATION FROM ELECTRIC UTILITIES UNDER SECTION 133 OF PURPA

Priority: Agency Determination, Task Force

Legal Authority: PURPA, Sec 133

CFR Citation: 18 CFR 290

Abstract: Section 133 of PURPA requires the Commission to collect certain cost of service data from electric utilities. Regulations implementing Section 133 were issued in 1979. A notice of inquiry requested public comment on use of the data and on ways in which the burden of compliance on the industry could be reduced. The Commission may issue an NOPR to propose implementation of those suggestions.

Timetable:

Action	Date	FR Cite
NOI	01/29/82	
NPRM	01/19/83	48 FR 3770
NPRM Comment Period Begin	01/19/83	
NPRM Comment Period End	03/28/83	
Final Action	09/30/83	

Small Entity: No

Agency Contact: **Joseph Long**, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-8033**

RIN: 1902-AA00

GENERIC DETERMINATION OF RATE OF RETURN ON COMMON EQUITY FOR ELECTRIC UTILITIES

Priority: Agency Determination

Legal Authority: Federal Power Act, Sec 201; Federal Power Act, Sec 205; Federal Power Act, Sec 206

CFR Citation: 18 CFR 37

Abstract: The proposed rule would establish procedures for determining rates of return on common equity for all electric utilities subject to the Commission's jurisdiction and for applying those rates of return in individual rate proceedings.

Timetable:

Action	Date	FR Cite
NPRM	08/26/82	47 FR 38332
Final Action	12/31/83	

Small Entity: No

Agency Contact: **Arnold Meltz**, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-8153**

RIN: 1902-AA01

FEES APPLICABLE TO PRODUCER MATTERS UNDER THE NATURAL GAS ACT

Priority: Agency Determination

Legal Authority: Independent Offices Appropriations Act

CFR Citation: 18 CFR 154; 18 CFR 157; 18 CFR 375; 18 CFR 381

Abstract: Rulemaking would establish a fee structure for services performed by the Commission under the NGA for producer certificates for which the Commission is authorized to collect fees.

Timetable:

Action	Date	FR Cite
NPRM	05/06/82	47 FR 20621
Final Action	09/30/83	

Small Entity: No

Agency Contact: **Joseph Long**, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-8033**

RIN: 1902-AA02

FEES APPLICABLE TO NATURAL GAS PIPELINES

Priority: Agency Determination

Legal Authority: Independent Offices Appropriations Act

CFR Citation: 18 CFR 2; 18 CFR 152; 18 CFR 154; 18 CFR 156; 18 CFR 157; 18 CFR 284; 18 CFR 381

Abstract: Establish fees for services and benefits provided for natural gas pipelines under the Natural Gas Act and related authorities.

Timetable:

Action	Date	FR Cite
NPRM	09/10/82	47 FR 40634
Final Action	09/30/83	

Small Entity: No

Agency Contact: **Joseph Long**, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-8033**

RIN: 1902-AA03

FEES RULEMAKINGS - ELECTRIC UTILITIES, COGENERATORS, AND SMALL POWER PRODUCERS

Priority: Agency Determination

Legal Authority: Independent Offices Appropriations Act

CFR Citation: 18 CFR 32; 18 CFR 33; 18 CFR 34; 18 CFR 35; 18 CFR 45; 18 CFR 292; 18 CFR 375; 18 CFR 381

Abstract: Establishes fees for services and benefits provided under the Federal Power Act and the Public Utility Regulatory Policies Act of 1978.

FERC

Current and Projected Rulemakings

Timetable:

Action	Date	FR Cite
NPRM	09/01/82	47 FR 39851
Final Action	09/30/83	

Small Entity: No

Agency Contact: **Joseph Long**, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, 202 357-8033

RIN: 1902-AA04

FEES APPLICABLE TO THE NATURAL GAS POLICY ACT

Priority: Agency Determination

Legal Authority: Independent Offices Appropriations Act

CFR Citation: 18 CFR 1; 18 CFR 274; 18 CFR 284; 18 CFR 375; 18 CFR 381

Abstract: Rulemaking would establish a fee structure for services performed by the Commission under the NGPA for which the Commission is authorized to collect fees. Fees to cover adjustments, well category determinations, Title III initial transaction and extension reports, OGC interpretations of NGPA.

Timetable:

Action	Date	FR Cite
NPRM	06/02/82	47 FR 24726
Final Action	09/30/83	

Small Entity: No

Agency Contact: **Joseph Long**, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, 202 357-8033

RIN: 1902-AA05

FEE RULEMAKING - GENERAL ACTIVITIES

Priority: Agency Determination

Legal Authority: Independent Offices Appropriations Act

CFR Citation: 18 CFR 1; 18 CFR 3; 18 CFR 375; 18 CFR 381

Abstract: Rulemaking would establish a fee structure for general services performed by the Commission for which the Commission is authorized to collect fees.

Timetable:

Action	Date	FR Cite
NPRM	06/15/82	47 FR 27375
Final Action	09/30/83	

Small Entity: No

Agency Contact: **Joseph Long**, Federal Energy Regulatory Commission, 825 North Capitol St., NE, Washington, DC 20426, 202 357-8033

RIN: 1902-AA06

CONSTRUCTION WORK IN PROGRESS FOR PUBLIC UTILITIES

Priority: Agency Determination

Legal Authority: FPA Sec 205

CFR Citation: 18 CFR 2; 18 CFR 35

Abstract: The Commission proposed to revise its regulatory policy concerning the treatment of the costs of construction work in progress in the rate base of electric utilities.

Timetable:

Action	Date	FR Cite
NPRM	07/27/81	46 FR 39445
Final Action	06/30/83	

Small Entity: No

Agency Contact: **Michael Postar**, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, 202 357-8033

RIN: 1902-AA07

●PHASE II - RECORD RETENTION REVISIONS (FORM 555)

Priority: Agency Determination

CFR Citation: 18 CFR 125; 18 CFR 225; 18 CFR 356

Abstract: Burden reduction - record retention regulations. Will eliminate various categories of records required to be retained; will reduce retention periods for other categories of records; will eliminate certain other records from retention requirements.

Timetable:

Action	Date	FR Cite
NPRM	06/30/83	

Small Entity: No

Agency Contact: **Kenneth Malloy**, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426

RIN: 1902-AA11

●LIMITATION ON INCENTIVE PRICE FOR HIGH COST GAS TO COMMODITY VALUES (FLOATING CAP RULE)

Priority: Agency Determination

Legal Authority: Natural Gas Policy Act, Sec. 107(c)(5); Natural Gas Policy Act, Sec. 107(b)

CFR Citation: 18 CFR 271; 18 CFR 274

Abstract: Would establish a floating cap determined from oil prices for high cost gas under sec. 107(c)(5) of the NGPA.

Timetable:

Action	Date	FR Cite
NPRM	02/10/83	
Final Action	06/30/83	

Small Entity: No

Agency Contact: **Fred Wolgel**, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, 202 357-8033

RIN: 1902-AA15

●ANNUAL CHARGES FOR USE OF GOVERNMENT DAMS

Priority: Agency Determination

Legal Authority: Federal Power Act, Sec. 10(e)

CFR Citation: 18 CFR 11.22

Abstract: Commission regulations now provide that the Commission will assess any annual charges for use of government dams, but do not establish methodology. Rule would establish a uniform methodology.

Timetable:

Action	Date	FR Cite
NPRM	09/30/83	

Small Entity: No

Agency Contact: **Fredric Chananis**, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, 202 357-8033

RIN: 1902-AA16

SALES AND TRANSPORTATION BY INTERSTATE PIPELINES AND DISTRIBUTORS

Legal Authority: NGA, Sec 7; NGPA, Sec 311

CFR Citation: 18 CFR 157; 18 CFR 284

Abstract: Rulemaking would expand the blanket certificate program to include the sale and transportation of natural gas by Interstate Pipelines and Distributors currently authorized on a case-by-case basis.

Timetable:

Action	Date	FR Cite
NPRM	04/27/81	46 FR 24585
Final Action	06/30/83	

Small Entity: No

Agency Contact: **Thomas P. Gross**, Federal Energy Regulatory Commission, 825 North

Capitol Street, NE, Washington, DC 20426, 202 357-8033

RIN: 1902-AA08

REVISION OF REPORT ON SERVICE INTERRUPTIONS ON PIPELINE SYSTEMS: FILING REQUIREMENT NO. FPC R0016

Legal Authority: NGA Sec 10; DOE Act Sec 402; DOE Delegation Order 0204-1

CFR Citation: 18 CFR 260

Abstract: Report collection information on emergencies affecting the service or facilities of natural gas pipeline companies under FERC jurisdiction. Would eliminate information from the requirement that is not necessary for Commission regulatory purposes and would clarify existing requirements.

Timetable:

Action	Date	FR Cite
NPRM	04/06/82	47 FR 16644
Final Action	06/30/83	

Small Entity: No

Additional Information: SMALL BUSINESS CONT: Of the 128 natural gas companies currently subject to the requirement, 30 are considered "small utilities," as defined by the Regulatory Flexibility Act (5 USC 601(6)). Impacts of the changes to the requirements are insignificant with respect to the time and costs needed to meet the requirements.

Agency Contact: Cathy Claglo, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, 202 357-8033

RIN: 1902-AA10

●ALASKAN SHIPPERS TRACKING SYSTEM (ANGTS)

Legal Authority: 15 USC 717 to 717w Natural Gas Act; 15 USC 719 to 719o Alaska Natural Gas Transportation Act; PL 95-158 H.R.J. Res. 621; PL 97-93 S.J. Res. 115

CFR Citation: 18 CFR 154

Abstract: Rulemaking would provide for automatic tracking of shipper's costs. Including those approved by the Canadian government.

Timetable:

Action	Date	FR Cite
NPRM	10/04/82	47 FR 45021
Final Action	06/30/83	

Small Entity: No

Agency Contact: Jan Macpherson, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, 202 357-8033

RIN: 1902-AA12

●REVISION TO FERC RULES OF PRACTICE, PART 3, DISCOVERY

Legal Authority: 16 USC 791 to 828c Federal Power Act; 15 USC 717 to 717w Natural Gas Act; 15 USC 3301 to 3432 Natural Gas Policy Act; 42 USC 7101 to 7352 DOE Organization Act; EO 12009; 16 USC 2601 to 2645 PURPA

CFR Citation: 18 CFR 1.23; 18 CFR 1.26

Abstract: This will establish a uniform set of rules governing discovery in FERC trial-type hearings.

Timetable:

Action	Date	FR Cite
NPRM	12/30/83	

Small Entity: No

Agency Contact: Al Francese, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, 202 357-8033

RIN: 1902-AA13

●REVISION TO FILING REQUIREMENTS FOR GAS CATEGORY DETERMINATIONS BY JURISDICTIONAL AGENCIES UNDER NGPA

Legal Authority: 15 USC 3301 to 3432 Natural Gas Policy Act

CFR Citation: 18 CFR 274

Abstract: Rulemaking would reduce and simplify filing requirements to establish qualification for NPGA prices. Some information presently required is not necessary. Reduction would reduce burden on jurisdictional agencies, producers, and the commission.

Timetable:

Action	Date	FR Cite
NPRM	11/23/82	47 FR 53907
Final Action	06/30/83	

Small Entity: No

Agency Contact: Kenneth Malloy, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426 202 357-8033

RIN: 1902-AA14

FEDERAL ENERGY REGULATORY COMMISSION (FERC) — Completed Actions

COMPLETED RULEMAKINGS

REVISION TO POWER SYSTEM STATEMENT: FORM NO. 12

Completed:

Reason	Date	FR Cite
Final Action	02/07/83	48 FR 6699

Agency Contact: Cathy Claglo 202 357-8033

RIN: 1902-AA09

[FR Doc. 83-9597 Filed 4-22-83; 8:45 am]

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federal register

Monday
April 25, 1983

Part XLIV

Federal Home Loan Bank Board

Agenda of Federal Regulations

FHLBB

FEDERAL HOME LOAN BANK BOARD

[No. 83-182]

Agenda of Federal Regulations

AGENCY: Federal Home Loan Bank Board.

ACTION: Publication of Agenda Items.

SUMMARY: The Federal Home Loan Bank Board is hereby publishing items for the April Regulatory Agenda.

ADDRESS: Information Services Division, Office of the Secretariat, Federal Home Loan Bank Board, 1700 G Street, Washington, D.C. 20552.

FOR FURTHER INFORMATION CONTACT: See persons listed below for specific agenda items.

DATED: March 30, 1983.

Federal Home Loan Bank Board

John M. Buckley,

Acting Secretary.

FEDERAL HOME LOAN BANK BOARD (FHLBB) — Current and Projected Rulemakings

IMPLEMENTATION OF NEW POWERS; LIMITATIONS ON LOANS TO ONE BORROWER

Priority: Agency Determination

Legal Authority: PL 97-320, Title III; 12 USC 1461; 12 USC 1425; 12 USC 1464; 12 USC 1725, 1726; Reorg. Plan No. 3 of 1947

CFR Citation: 12 CFR 523; 12 CFR 526; 12 CFR 541; 12 CFR 545; 12 CFR 555; 12 CFR 561; 12 CFR 563

Abstract: The Board is considering amendments to its regulations to implement the expanded authority for federal savings and loan associations contained in the Garn-St Germain Depository Institutions Act of 1982. The regulations would permit federal associations to offer demand deposit accounts and governmental unit demand accounts, and to engage in leasing and commercial lending; and expand the authority of associations to offer consumer loans, educational loans, real estate loans and to invest in government obligations. In addition, the Board is considering revising its regulations governing the general operations of federal associations in order to remove obsolete and unnecessary provisions and to facilitate use of the regulations by improving their organization and presentation. The alternative of less that full implementation of the new authorizations would be inconsistent with the statutory mandate designed to give associations the flexibility necessary to maintain their role of providing credit for housing by exercising new powers and increasing the scope of existing powers.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/04/82	47 FR 51732
NPRM	12/16/82	48 FR 2340
NPRM Comment Period Begin	12/16/82	
NPRM Comment Period End	03/10/83	
Final Action	04/00/83	

Small Entity: Yes

Government Levels Affected: State, Federal

Analysis: Draft RFA 12/16/82 (48 FR 2340); Final RFA 04/00/83

Agency Contact: Wendy B. Samuel, Deputy Director, Policy & Projects Division, Federal Home Loan Bank Board, Office of General Counsel, 1700 G Street, N.W., Washington, D.C. 20552, **202 377-6465**

RIN: 3068-AA02

MONITORING FAIR LENDING PRACTICES

Legal Authority: 12 USC 2901; 15 USC 1691; 42 USC 3601 to 3619; 42 USC 1981; EO 11063; 14 USC 1437; 12 USC 1725; 12 USC 1726; 12 USC 1730; 12 USC 1464; Reorg. Plan No. 3 of 1947

CFR Citation: 12 CFR 528.6

Abstract: The Board is proposing to amend its Loan Application Register and Data Submission Report currently required to be maintained by all institutions that are members of the Federal Home Loan Bank System, for the purposes of monitoring fair lending practices. The proposed amendments would provide for efficient monitoring pursuant to Title VIII of the Civil Rights Act of 1968, the Equal Credit Opportunity Act, and the Community Reinvestment Act, while reducing paperwork of regulated institutions. The Board is working with the Federal Financial Institutions Examination Council in further studying this area before scheduling consideration of final rulemaking for a Board agenda.

Timetable:

Action	Date	FR Cite
Public comment period end date	06/08/82	

Next Action Undetermined

Small Entity: No

Additional Information: SMALL BUSINESSES CONT: The proposal would benefit small associations by reducing paperwork and eliminating certain reporting requirements for those receiving a small number of loan applications.

Agency Contact: Cynthia N. Graae, Assistant Director, Federal Home Loan Bank Board, Office of Examinations and Supervision, 1700 G Street, NW, Washington, DC 20552, **202 377-6947**

RIN: 3068-AA01

FEDERAL HOME LOAN BANK BOARD (FHLBB) — Completed Actions

COMPLETED RULEMAKINGS

PROCESSING OF APPLICATIONS

Priority: Agency Determination

Legal Authority: 12 USC 1464 Home Owners' Loan Act; 12 USC 1725 National Housing Act; 12 USC 1726 National Housing Act; 12 USC 1730 National Housing Act; Reorg. Plan No. 3 of 1947

CFR Citation: 12 CFR 545; 12 CFR 546; 12 CFR 552; 12 CFR 563

Abstract: The Federal Home Loan Bank Board ("Board") is reproposing a streamlined approach for processing all applications subject to public notice and protest procedures. Under the proposed application processing system, all applications which are not substantially protested may be approved within 30 calendar days. In addition, the Board is proposing a new three-tiered system of review for merger applications which makes use of revised antitrust criteria and an automatic-approval procedure for substantially unprotested applications for new branches, change of office location and redesignation of offices ("branch applications"). Under the proposed application processing system, the majority

FHLBB **Completed Actions**

of merger and branch applications will be deemed to be approved 30 calendar days after the applicant is notified in writing that the application is complete. Those merger and branch applications which do not meet the automatic approval criteria will require either the specific approval of the Board's Principal Supervisory Agent or will be referred to the Board for its consideration. These procedures are intended to reduce unnecessary delay in application processing and (cont)

Timetable:

Action	Date	FR Cite
Comment period end date	09/30/82	
Final Action Effective	12/31/82	
Final Action	01/03/83	48 FR 178

Small Entity: No

Additional Information: SMALL BUSINESSES CONT: The proposed amendments would provide for application processing in the least burdensome and most efficient manner and generally give subject institutions greater flexibility in corporate reorganization. The Board believes that the proposal will benefit small institutions by reducing paperwork and delay. ABSTRACT CONT: corporate reorganizations which require agency approval.

Agency Contact: **Gayle L. Radley**, Attorney, Federal Home Loan Bank Board, Office of General Counsel, 1700 G Street, NW, Washington, DC 20552, **202 377-6961**

RIN: 3068–AA00

[FR Doc. 83–9598 Filed 4–22–83: 8:45 am]
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Monday
April 25, 1983

Part XLV

Federal Maritime Commission

Unified Regulatory Agenda

FMC

FEDERAL MARITIME COMMISSION

46 CFR Ch. IV

Unified Regulatory Agenda

AGENCY: Federal Maritime Commission.

ACTION: Unified Agenda of Federal Regulations.

SUMMARY: Pursuant to section 5 of E.O. 12291 and the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) the Commission anticipates having under consideration during the period from April 1, 1983 to March 31, 1984 actions in the areas listed below.

FOR FURTHER INFORMATION CONTACT: For further information concerning Commission rulemaking procedures or the status of any matter listed below, contact: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573, (202) 523-5725.

SUPPLEMENTARY INFORMATION: Section 602 of the Regulatory Flexibility Act (5 U.S.C. 602) requires the publication of an agenda of items for which regulatory agencies may propose or promulgate a rule which is likely to have a significant economic impact on a substantial number of small entities. Section 5 of Executive Order 12291 also requires executive agencies to publish a regulatory agenda; the Commission voluntarily complies with this section. The agendas include information on regulatory activities being conducted or reviewed during the succeeding 12 months by the Commission. The following is the Commission's Unified Regulatory Agenda. The agenda does not necessarily include petitions for rulemakings which are under staff review.

In addition, the Commission is publishing a compilation of the status of pending rulemaking proceedings and a listing of rules that have become final since the publication of the most recent regulatory agenda (October 1982). This list will be made available to the press and interested groups.

Francis C. Hurney,

Secretary.

FEDERAL MARITIME COMMISSION (FMC) — Current and Projected Rulemakings

TEMPORARY TARIFF FILINGS IN U.S. FOREIGN COMMERCE

Priority: Agency Determination

Legal Authority: 46 USC 817(b); 46 USC 841(a)

CFR Citation: 46 CFR 536

Abstract: This rule will discontinue the agency practice of accepting temporary tariff filings and establish provisions for the receipt of permanent filings 24 hours a day. The potential benefits of this change are the elimination of the unreasonable paperwork burden.

Timetable:

Action	Date	FR Cite
NPRM	09/03/80	45 FR 58385
Interim Final Rule	07/07/81	46 FR 35092
Stay of final rule	09/03/81	46 FR 44190
Reconsideration of final rule	12/28/81	46 FR 62669
Final Action	04/00/83	

Small Entity: No

Additional Information: Docket No. 80-56.

Agency Contact: James A. Warner, Chief, Office of Foreign Tariffs, Federal Maritime Commission, 1100 L St., N.W., Washington, D.C. 20573, **202 523-5827**

RIN: 3072-AA00

FILING AND SERVICE FEES

Priority: Agency Determination

Legal Authority: 31 USC 483(a); 46 USC 841(a)

CFR Citation: 46 CFR 502; 46 CFR 503; 46 CFR 531; 46 CFR 536; 46 CFR 540; 46 CFR 543; 46 CFR 544; 46 CFR 524; 46 CFR 542

Abstract: Amended rules will revise or establish filing and service fees which will enable the Commission to recoup costs for services of value to the public.

Timetable:

Action	Date	FR Cite
NPRM	07/06/82	47 FR 29278
Interim Final Rule	02/08/83	48 FR 5737
Final Action	09/00/83	

Small Entity: No

Additional Information: Docket Nos. 82-32 and 82-33.

Agency Contact: Samuel L. Simonovich, Budget Analyst, Federal Maritime Commission, Office of Budget and Financial Management, 1100 L St., N.W., Washington, D.C. 20573, **202 523-5770**

RIN: 3072-AA02

EQUAL ACCESS TO JUSTICE

Priority: Agency Determination

Legal Authority: PL 96-41; 5 USC 504 et seq; 46 USC 841(a)

CFR Citation: 46 CFR 503

Abstract: The Equal Access to Justice Act provides for reimbursement to persons who have been subjected to investigatory processes and who subsequently prevail on the merits.

Timetable:

Action	Date	FR Cite
NPRM	06/00/83	

Small Entity: Undetermined

Agency Contact: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L St., N.W., Washington, D.C. 20573, **202 523-5725**

RIN: 3072-AA10

FREEDOM OF INFORMATION ACT

Priority: Agency Determination

Legal Authority: 5 USC 552(b)(4); 46 USC 841(a)

CFR Citation: 46 CFR 503

Abstract: Amendments to current rules governing treatment of FOIA requests will provide for notification to filers of "business confidential" information to permit responses before a decision to release or not to release information requested under the Act.

Timetable:

Action	Date	FR Cite
NPRM	06/00/83	

Small Entity: Undetermined

Agency Contact: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L

St., N.W., Washington, D.C. 20573, **202 523-5725**

RIN: 3072-AA12

CURRENCY ADJUSTMENT FACTOR RULE FOR FOREIGN TARIFFS

Legal Authority: 5 USC 552; 5 USC 553; 46 USC 813(a); 46 USC 814; 46 USC 817(b); 46 USC 841(a)

CFR Citation: 46 CFR 536

Abstract: Currency adjustment factors (CAFs) are a major concern to the shipping public and an effective system which is fair and reasonable to carriers, conferences, and shippers is required. This would establish a simplified and uniform procedure for the publishing and filing of currency adjustment factors in foreign rate tariffs. These provisions would require the filing of CAF schedules for each trade currency by common carriers and conferences to govern the imposition of surcharges and discounts applied on freight rates. If finalized this rule would replace the current procedures and requirements for currency adjustment factors found in 46 CFR 538.4.

Timetable:

Action	Date	FR Cite
NPRM	07/20/82	47 FR 31407
Final Action	09/00/83	

Small Entity: Not Applicable

Additional Information: Docket No. 82-36.

Agency Contact: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L St., N.W., Washington, D.C. 20573, **202 523-5725**

RIN: 3072-AA03

PER CONTAINER RATE RULES FOR FOREIGN TARIFFS

Legal Authority: 5 USC 533; 46 USC 817(b); 46 USC 821; 46 USC 941(a)

CFR Citation: 46 CFR 536

Abstract: This rule will prescribe the form and manner governing the establishment of per container/trailer rates in tariffs for common carriers and conferences in the U.S. foreign commerce to ensure the proper application of such rates. Decision pends further comments to petitions for reconsideration.

Timetable:

Action	Date	FR Cite
NPRM	08/28/81	46 FR 43474
Interim Final Rule	06/14/82	47 FR 25532
Decision pending comments	04/00/83	

Small Entity: Not Applicable

Additional Information: Docket No. 81-50.

Agency Contact: James A. Warner, Chief, Office of Foreign Tariffs, Federal Maritime Commission, 1100 L St., N.W., Washington, D.C. 20573, **202 523-5827**

RIN: 3072-AA04

EXEMPTION OF BULK CARGO MOVING IN FOREIGN COMMERCE

Legal Authority: 46 USC 817; 46 USC 833(a); 5 USC 553

CFR Citation: 46 CFR 536

Abstract: Consideration is being given to the adoption of a rule to exempt bulk unprocessed commodities including those that are loaded and carried in containers, trailers, rail cars or similar intermodal equipment from the tariff filing requirements of section 18(b) (1) of the Shipping Act, 1916.

Timetable:

Action	Date	FR Cite
NPRM	03/12/82	47 FR 10862
Final Action	04/00/83	

Small Entity: No

Additional Information: Docket No. 82-13. SMALL BUSINESSES CONT: reduction in present requirements.

Agency Contact: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L St., N.W., Washington, D.C. 20573, **202 523-5725**

RIN: 3072-AA05

TIME LIMIT FOR FILING OVERCHARGE CLAIMS

Legal Authority: 46 USC 812; 46 USC 814; 46 USC 816; 46 USC 817(b)

CFR Citation: 46 CFR 531; 46 CFR 536

Abstract: This rule would abolish conference and common carrier tariff rules prohibiting freight rate settlements more than six months after shipment.

Timetable:

Action	Date	FR Cite
NPRM	08/28/81	46 FR 43472
Interim Final Rule	08/10/82	47 FR 34556
Stay of Final Rule	11/10/82	47 FR 50875
Reconsideration of Final Rule	04/00/83	

Small Entity: Not Applicable

Additional Information: Docket No. 81-51.

Agency Contact: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L St., N.W., Washington, D.C. 20573, **202 523-5725**

RIN: 3072-AA07

DUAL RATE CONTRACT SYSTEMS

Legal Authority: 46 USC 813(a); 46 USC 841(a)

CFR Citation: 46 CFR 538

Abstract: This rulemaking will provide a rebuttable presumption that merchants paying freight charges have a legal right to select the common carrier.

Timetable:

Action	Date	FR Cite
NPRM	09/09/81	46 FR 44998
Final Action	04/00/83	

Small Entity: No

Additional Information: Docket No. 81-54.

Agency Contact: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L St., N.W., Washington, D.C. 20573, **202 523-5725**

RIN: 3072-AA08

SMALL CLAIMS

Legal Authority: 46 USC 821; 46 USC 841(a)

CFR Citation: 46 CFR 502

Abstract: Amendments to current rules governing small claims will provide for a raise in the limit for small claims & revised procedures for petitions for reconsideration & tariff notice of decisions.

Timetable:

Action	Date	FR Cite
NPRM	10/18/82	
NPRM Comment Period Begin	10/18/82	47 FR 46338
NPRM Comment Period End	12/17/82	
Final Action	06/00/83	

Small Entity: Undetermined

Additional Information: Docket No. 82-48.

Agency Contact: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L St., N.W., Washington, D.C. 20573, **202 523-5725**

RIN: 3072-AA14

PRIVACY ACT

Legal Authority: 5 USC 552(a); 46 USC 841(a)

CFR Citation: 46 CFR 503

Abstract: Amendments to current rules implementing the Privacy Act are updated to reflect current organization and procedures.

Timetable:

Action	Date	FR Cite
NPRM	06/00/83	

Small Entity: No

Agency Contact: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L St., N.W., Washington, D.C. 20573, **202 523-5725**

RIN: 3072-AA15

EXEMPTION OF NONEXCLUSIVE TRANSSHIPMENT AGREEMENTS

Legal Authority: 46 USC 814; 46 USC 833(a); 46 USC 841(a)

CFR Citation: 46 CFR 524

Abstract: The proposed rule would eliminate the need for the filing of nonexclusive transshipment agreements with the Commission. Exemption will benefit the shipping industry and Commission staff.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	

Small Entity: Undetermined

Agency Contact: Joseph C. Polking, Director, Federal Maritime Commission, Bureau of Agreements and Trade Monitoring, 1100 L St., N.W., Washington, D.C., **202 523-5787**

RIN: 3072-AA18

EXEMPTION OF CERTAIN MARINE TERMINAL AGREEMENTS

Legal Authority: 46 USC 814; 46 USC 833(a); 46 USC 841(a)

CFR Citation: 46 CFR 524

Abstract: This proposed rule would exempt from the filing and approval requirements of section 15 of the Shipping Act, 1916, (a) certain agreements relating to the lease, license, assignment or other similar use of marine terminal real property; (b) agreements relating solely to the performance of traditional stevedoring services; (c) certain marine terminal agreements relating to the use of dock, berth, apron or pier space; other terminal facilities at other than tariff rates; and marine terminal services at other than tariff rates The exemption will benefit the terminal industry.

Timetable:

Action	Date	FR Cite
NPRM	06/00/83	

Small Entity: Undetermined

Agency Contact: Joseph C. Polking, Director, Federal Maritime Commission, Bureau of Agreements and Trade Monitoring, 1100 L St., N.W., Washington, D.C. 20573, **202 523-5787**

RIN: 3072-AA19

AMENDMENTS TO G.O. 13, 24, AND 38 TO DEFINE INTERMODAL AUTHORITY

Legal Authority: 46 USC 814; 46 USC 817, 46 USC 841(a)

CFR Citation: 46 CFR 522; 46 CFR 531; 46 CFR 536

Abstract: This proposed rule would define the term "intermodal authority" as it is used in various agreements and tariffs to aid in a determination as to precisely where such authority begins and ends. The exemption will help clarify an ambiguous term

Timetable:

Action	Date	FR Cite
NPRM	09/00/83	

Small Entity: Undetermined

Agency Contact: Joseph C. Polking, Director, Federal Maritime Commission, Bureau of Agreements and Trade Monitoring, 1100 L St., N.W., Washington, D.C. 20573, **202 523-5787**

RIN: 3072-AA20

REVIEW OF SELF-POLICING REGULATIONS

Legal Authority: 46 USC 814; 46 USC 833(a); 46 USC 841(a)

CFR Citation: 46 CFR 528

Abstract: The proposed rulemaking would amend existing regulations covered by General Order 7, self-policing requirements for Section 15 Agreements. The amendments are designed to improve self-policing reporting and various procedures utilized under the regulations.

Timetable:

Action	Date	FR Cite
NPRM	06/00/83	

Small Entity: Undetermined

Agency Contact: Joseph C. Polking, Director, Federal Maritime Commission, Bureau of Agreements and Trade Monitoring, 1100 L St., N.W., Washington, D.C. 20573, **202 523-5787**

RIN: 3072-AA22

●GENERAL ORDER 14 REVISION OF FILING REQUIREMENTS

Legal Authority: 46 USC 814; 46 USC 820; 46 USC 841(a)

CFR Citation: 46 CFR 527

Abstract: This proposed rule would eliminate the requirement that ratemaking groups operating under section 15 approval annually report detailed information on all shippers' requests and complaints received. As an alternative, the Commission may wish to consider a rule that would require the filing of a statistical summary of the detailed information currently being reported.

Timetable:

Action	Date	FR Cite
ANPRM	06/00/83	

Small Entity: No

Agency Contact: Joseph C. Polking, Director, Federal Maritime Commission, Bureau of Agreements and Trade Monitoring, 1100 L St., N.W., Washington, D.C. 20573, **202 523-5787**

RIN: 3072-AA23

●LICENSING OF INDEPENDENT OCEAN FREIGHT FORWARDERS

Legal Authority: 46 USC 817; 46 USC 820; 46 USC 841(a); 46 USC 841(b)

CFR Citation: 46 CFR 510 33(e)

Abstract: The comtemplated amendment would delete the present portwide exemption granted to licensee/agents which allows a licensee in a major port to use the services of a licensee/agent in an outport without the loss of compensation. Under the contemplated amendment the prohibition against compensation would only apply if the licensee in the major port uses the services of a carrier or its agent who is not a licensed ocean freight forwarder. There is no apparent alternative to a rulemaking. No potential costs are evident. The benefits are a lessening of regulations and an increase in the operating freedom of certain forwarders.

Timetable:

Action	Date	FR Cite
ANPRM	04/00/83	

Small Entity: No

Agency Contact: Jeremiah D. Hospital, Chief, Office of Freight Forwarders, Federal Maritime Commission, 1100 L St., N.W., Washington, D.C. 20573, **202 523-5843**

RIN: 3072-AA27

FEDERAL MARITIME COMMISSION (FMC)

Existing Regulations Under Review

FINANCIAL RESPONSIBILITY OF PASSENGER VESSELS

Priority: Agency Determination

Legal Authority: 46 USC 817(e); 46 USC 369

CFR Citation: 46 CFR 540

Abstract: This regulation, which is concerned with the financial responsibility requirements for owners, operators and charterers of certain passenger vessels, is scheduled for review pursuant to section 610 of the Regulatory Flexibility Act.

Timetable:

Action	Date	FR Cite
Begin Review	06/00/83	

Small Entity: Undetermined

Agency Contact: **Frank L. Bartak**, Chief, Office of Vessel Certification, Federal Maritime Commission, 1100 L St., N.W., Washington, D.C. 20573, **202 523-5820**

RIN: 3072-AA11

FINANCIAL RESPONSIBILITY FOR WATER POLLUTION

Legal Authority: 33 USC 1321(l); 33 USC 1321(p); EO 11735 Sec 3

CFR Citation: 46 CFR 542

Abstract: The commission's rules implementing the vessel financial responsibility requirements of section 311 of the Clean Water Act (the Act) defines the "United States" as including the Panama Canal Zone. However, the Panama Canal treaties of 1977 may have removed the applicability of the Act to the Canal. Consideration is therefore being given to a proposed rulemaking to delete references to the Canal Zone in 46 CFR 542. No alternatives to a rulemaking are evident. It is not known whether any costs to the public will result.

Timetable:

Action	Date	FR Cite
Begin Review	04/00/83	

Small Entity: No

Agency Contact: **Robert M. Skall**, Deputy Director, Federal Maritime Commission, Bureau of Certification and Licensing, 1100 L St., N.W., Washington, D.C. 20573, **202 523-5840**

RIN: 3072-AA13

FILING OF TARIFFS BY TERMINAL OPERATORS

Legal Authority: 46 USC 816; 46 USC 820; 46 USC 841(a)

CFR Citation: 46 CFR 533

Abstract: The regulations governing the filing of terminal tariffs are scheduled for review pursuant to section 610 of the Regulatory Flexibility Act.

Timetable:

Action	Date	FR Cite
Begin Review	01/15/83	
End Review	09/30/83	

Small Entity: Undetermined

Agency Contact: **Robert G. Drew**, Director, Bureau of Tariffs, Federal Maritime Commission, 1100 L St., N.W., Washington, D.C. 20573, **202 523-5796**

RIN: 3072-AA17

●GENERAL ORDER 13 REVISION CONCERNING TARIFF PAGE CHECK SHEETS

Legal Authority: 46 USC 817(b); 46 USC 841(a)

CFR Citation: 46 CFR 536

Abstract: The current regulation requires common carriers to file page revision check sheets with tariffs filed with the Commission. Currently, examiners record all tariff amendments on these check sheets, a time consuming process. This practice is being reviewed to determine if this burden can be reduced or different procedures established.

Timetable:

Action	Date	FR Cite
Begin Review	02/01/83	
End Review	04/15/83	

Small Entity: No

Agency Contact: **Robert G. Drew**, Director, Bureau of Tariffs, Federal Maritime Commission, 1100 L St., N.W., Washington, D.C.20573, **202 523-5796**

RIN: 3072-AA24

●GENERAL ORDER 13 REVISION TO PROVIDE FOR DEFINITION OF NVOCC

Legal Authority: 46 USC 817(b); 46 USC 841(a)

CFR Citation: 46 CFR 536

Abstract: The tariff filing regulation is being reviewed to determine whether the definition of a non-vessel operating common carrier should be incorporated within 46 CFR 536. The current rule refers to a definition in another rule and that definition requires revision.

Timetable:

Action	Date	FR Cite
Begin Review	01/04/83	
End Review	04/00/83	

Small Entity: No

Agency Contact: **Robert G. Drew**, Director, Bureau of Tariffs, Federal Maritime Commission, 1100 L St., N.W., Washington, D.C. 20573, **202 523-5796**

RIN: 3072-AA25

●RATE REDUCTIONS BY CONFERENCE CONTROLLED CARRIERS ON LESS THAN THIRTY DAYS NOTICE

Legal Authority: 46 USC 817(c); 46 USC 841(a)

CFR Citation: 46 CFR 536

Abstract: Consideration is being given to amend tariff filing rules to permit conferences and rate agreements to file, on behalf of member line controlled carriers, lower rates on less than 30 days' notice to meet the independent action rates of member line non-controlled carriers on open rated commodities. No such filings would be permitted on less than 30 days' notice where controlled carrier rates would be below those of any non-controlled member line.

Timetable:

Action	Date	FR Cite
Begin Review	01/03/83	
End Review	04/00/83	

Small Entity: No

Agency Contact: **Robert G. Drew**, Director, Bureau of Tariffs, Federal Maritime Commission, 1100 L St., N.W., Washington, D.C. 20573, **202 523-5796**

RIN: 3072-AA26

FEDERAL MARITIME COMMISSION (FMC)

Completed Actions

COMPLETED RULEMAKINGS

FILING OF AGREEMENTS

Priority: Agency Determination

Legal Authority: 46 USC 824; 46 USC 841(a)

CFR Citation: 46 CFR 522

Abstract: Amended rules governing the filing of agreements pursuant to section 15 of the Shipping Act will provide for their orderly and expeditious filing and processing.

Timetable:

Action	Date	FR Cite
Previous NPRM	11/23/76	41 FR 51622
NPRM	06/20/79	44 FR 36077
Final Action	10/18/82	47 FR 46284
Final Action Effective	01/01/83	

Small Entity: Undetermined

Additional Information: Docket No. 76-63

Agency Contact: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L St., N.W., Washington, D.C. 20573, **202 523-5725**

RIN: 3072-AA01

RULE REVISIONS FOR SHIPPING ACT OF 1982

Priority: Agency Determination

Legal Authority: S. 1593 and H.R. 4374, 97th Congress, 2d Session

CFR Citation: 46 CFR 510; 46 CFR 520 to 524; 46 CFR 527 to 530; 46 CFR 537 to 538

Abstract: The "Shipping Act of 1982," as proposed in pending legislation in the 97th Congress, 2d Session, would necessitate substantial revision of the Commission's regulations implementing the shipping statutes which it administers. This regulatory action would result in final rules, where necessary, to properly implement this legislation. The Shipping Act of 1982, and essential agency regulations implementing it would become effective 180 days after enactment of the legislation.

Timetable:

Action	Date	FR Cite
Withdrawn	12/23/82	

Small Entity: Undetermined

Agency Contact: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L St., N.W., Washington, D.C. 20573, **202 523-5725**

RIN: 3072-AA09

GREEN SALTED HIDES WEIGHING PRACTICES RULE FOR FOREIGN TARIFFS

Legal Authority: 5 USC 553; 46 USC 841(a)

CFR Citation: 46 CFR 534; 46 CFR 536.5(c)(17)

Abstract: Eliminate unnecessary provisions designed to cover a uniform method of declaring shipping weights on green salted hides for export in the U.S. foreign commerce and delete references thereto

Timetable:

Action	Date	FR Cite
Final Action	02/14/82	48 FR 6541
NPRM	09/15/82	47 FR 40667
Final Action Effective	02/14/83	

Small Entity: No

Additional Information: Docket No. 82-42

Agency Contact: Robert G. Drew, Director, Bureau of Tariffs, Federal Maritime Commission, 1100 L St., N.W., Washington, D.C. 20573, **202 523-5796**

RIN: 3072-AA06

TECHNICAL REVISIONS TO COMMISSION GENERAL ORDER 13

Legal Authority: 5 USC 533; 46 USC 817(b), 46 USC 821; 46 USC 941(a)

CFR Citation: 46 CFR 536

Abstract: Proposed technical rulemaking to correct erroneous cross references in 46 CFR 436 and to clarify misleading technical language.

Timetable:

Action	Date	FR Cite
Final Action	02/22/83	48 FR 7456

Small Entity: No

Agency Contact: James A. Warner, Chief, Office of Foreign Tariffs, Federal Maritime Commission, 1100 L St., N.W., Washington, D.C. 20573, **202 523-5827**

RIN: 3072-AA16

EXEMPTION OF CERTAIN VESSEL CHARTER ARRANGEMENTS

Legal Authority: 46 USC 814, 46 USC 833(a); 46 USC 841(a)

CFR Citation: 46 CFR 524

Abstract: This proposed rule would exempt from the filing and approval requirements of section 15 of the Shipping Act, 1916, vessel charter arrangements between competitors which are entered into for a short term or for a small portion of the fleets of two or more parties; and vessel charter arrangements between non-competitors for use in non-competitive trades. The exemption will benefit the shipping industry

Timetable:

Action	Date	FR Cite
Withdrawn	10/19/82	

Small Entity: Undetermined

Agency Contact: Joseph C. Polking, Director, Federal Maritime Commission, Bureau of Agreements and Trade Monitoring, 1100 L St., N.W., Washington, D.C. 20573, **202 523-5787**

RIN: 3072-AA21

[FR Doc. 83-9599 Filed 4-22-83; 8:45 am]

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Monday
April 25, 1983

Part XLVI

Federal Trade Commission

Semiannual Regulatory Agenda

FTC

FEDERAL TRADE COMMISSION

16 CFR Ch. I

Semiannual Regulatory Agenda

AGENCY: Federal Trade Commission.

ACTION: Semiannual Regulatory Agenda.

SUMMARY: The following agenda of Commission proceedings is published in accordance with the Federal Trade Commission Improvements Act of 1980, Pub. L. 96-252 and the Regulatory Flexibility Act, Pub. L. 96-354. Each item reflects the FTC staff's assessment of events that it expects will occur in the listed proceedings during the coming year. No Commission determination on the need for or the substance of a trade regulation rule or any other procedural option should be inferred from the projected events included in this agenda.

Several of the items concern proceedings that potentially may affect a substantial number of small businesses as that term is used in the Regulatory Flexibility Act. Whether any such proceeding will result in a rule which is likely to have a significant economic impact on such entities depends upon final Commission determinations on the need for or on the substance of a trade regulation rule.

The views expressed in these entries are those of the FTC staff, based upon information now available. These views should not be regarded as a final staff position, nor should they be attributed to the Commission itself. The Commission will address the issues presented when it considers each staff proposal.

Each agenda item includes the projected timing of future Commission action. In most instances the dates of future events are listed by month, rather than a specific day. Further details may be obtained from the agency contact responsible for a particular proceeding. Discovery of new information, changes in circumstances or in the law may alter the projected dates.

By direction of the Commission.

Benjamin Berman,

Acting Secretary.

FEDERAL TRADE COMMISSION (FTC) — Current and Projected Rulemakings

PROPOSED TRADE REGULATION RULE CONCERNING CREDIT PRACTICES

Priority: Major

Legal Authority: 15 USC 45 Federal Trade Commission Act; 15 USC 57(a) Federal Trade Commission Act

CFR Citation: 16 CFR 444, (New)

Abstract: The proposed rule would restrict certain remedies used by creditors to collect debts in cases where they may cause serious harm to debtors greater than the resulting economic benefit to creditors. Remedies addressed by the rule include: confessions of judgment; waivers of state property exemption wage assignments; blanket security interests in household goods; cross-collateral security interests; deficiencies; attorney's fee clauses; late charges; third party contracts; and cosignors. Final staff recommendations propose certain changes and refinements in the rule, as a result of comments and evidence received during the rulemaking proceeding. Benefits from the proposed rule may include: reducing excessively large deficiencies, late fees and attorney's fees; prevention of invasion of privacy or injury to the employment relationship; and improving consumers' legal defenses. The cost to consumers of any rule may potentially take two forms: increases in the price of consumer credit (i.e., interest rates) and reduction in availability of credit to certain consumers. Alternatives to be considered by the Commission include rule provisions (cont)

Timetable:

Action	Date	FR Cite
NPRM	04/11/75	40 FR 16347
Final notice	06/24/77	42 FR 32259
Presiding Officer's Report	08/00/78	
Staff Report	08/00/80	
Staff Recommendation to Commission	03/00/83	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: recommended by the staff, rule provisions suggested by participants in the proceeding, and no rule. The proposed rule would probably affect large and small creditors similarly. The proposal would affect finance companies more than other creditors because finance companies make greater use of the remedies covered by the rule.

Agency Contact: Christopher Wade Keller, Federal Trade Commission, Division of Credit Practices, Bureau of Consumer Protection, Washington, DC 20580, **202 724-1580**

RIN: 3084-AA02

FUNERAL INDUSTRY PRACTICES

Priority: Major

Legal Authority: 15 USC 45 Federal Trade Commission Act; 15 USC 57(a) Federal Trade Commission Act

CFR Citation: 16 CFR 441

Abstract: In July, 1982, the Commission approved a trade regulation rule for funeral industry practices which requires itemized price information to be disclosed over the telephone and in the funeral home, and a written statement of charges for services and merchandise. The rule prohibits certain practices, such as requiring caskets for direct cremations or conditioning the sale of goods or services upon the purchase of other goods or services. The Commission considered and rejected several alternatives to the proposed rule including: (1) taking no action; (2) issuing a non-binding industry guide; and (3) issuing a model state law. The rule's provisions impose compliance costs such as preparing price lists and dislosing prices over the telephone. The Commission believes that compliance costs will not exceed the benefits to consumers. With the rule, it may be easier for consumers to shop comparatively, thereby reducing their search costs and increasing competition. Consumers also may be able to select only those items that they wish to purchase, thereby reducing their total costs. The rule will require funeral providers to formulate and distribute (cont)

Timetable:

Action	Date	FR Cite
Commission approval of the rule	07/28/82	
Rule issued & submitted to Congress	09/00/82	
Rule resubmitted to Congress	01/25/83	

Action	Date	FR Cite
Final Action Effective	00/00/00	

Small Entity: Yes

Additional Information: ABSTRACT CONT: itemized price lists and to incorporate certain affirmative disclosures into these lists. It will also require funeral providers to retain copies of the price lists and the statements of funeral goods and services for one year. Because most funeral providers are small businesses, the rule will affect a substantial number of small entities. The Commission submitted the rule to Congress in January 1983.

Agency Contact: **Erica L. Summers**, Federal Trade Commission, Division of Service Industry Practices, Bureau of Consumer Protection, Washington, DC 20580, **202 523-3413**

RIN: 3084-AA05

AMENDMENT TO TRADE REGULATION RULE CONCERNING PRESERVATION OF CONSUMERS CLAIMS AND DEFENSES ("HOLDER-IN-DUE COURSE RULE")

Priority: Undetermined

Legal Authority: 15 USC 45 Federal Trade Commission Act; 15 USC 57(a) Federal Trade Commission Act

CFR Citation: 16 CFR 433

Abstract: The objective of the proposed amendment is to ensure that a purchaser's duty to pay is not separated from sellers' duty to perform when consumer sales are financed by third party creditors or purchase money lenders. The original rule requires sellers to ensure that credit contracts used in consumer installment sales and purchases money loans contain a provision that makes any holder of the contract subject to all legal claims and defenses related to the sale transaction which the buyer may have against the seller. The proposed amendment would extend to creditors the obligation to ensure that credit contracts contain the required provision. Benefits from the proposed amendments may include improvement in the retail market due to increased scrutiny by creditors of the sellers with whom they do business and availability to consumers of additional claims and defenses against creditors. Some creditors may have increased costs associated with screening contracts and monitoring the reputations of retailers with whom they deal. Alternatives considered by the Commission include: rejection of the amendment; postponement of decision pending additional information on (cont)

Timetable:

Action	Date	FR Cite
Notice of Proposed Amendment	11/18/75	40 FR 53530
Rule & Statement of Basis & Purpose	11/18/75	40 FR 53506
Final Notice of Proposed Amendment	02/05/76	41 FR 5305
Guidelines on TRR	05/14/76	41 FR 20022
Statement of Enforcement Policy	08/16/76	41 FR 34594
Open End Consumer Credit Contracts	09/16/77	42 FR 46509
Presiding Officer's Report	02/16/78	43 FR 6810
Staff Report	11/24/78	43 FR 54950
Tentative Cmsm Approval and Request for Comment	11/15/79	44 FR 65771
Staff Recommendations to Commission	06/00/83	

Small Entity: No

Additional Information: ABSTRACT CONT: compliance with the original rule; adoption of the amendment extending the rule to creditors and also making additional technical amendments. The amendment would shift some compliance costs from small businesses to creditors that control the contract form. Otherwise, because the existing rule already applies to retail sellers, the amendment should have no appreciable effect on other small businesses.

Agency Contact: **David Williams**, Federal Trade Commission, Division of Credit Practices, Bureau of Consumer Protection, Washington, DC 20580, **202 724-1100**

RIN: 3084-AA08

PROPRIETARY VOCATIONAL AND HOME STUDY SCHOOLS

Priority: Undetermined

Legal Authority: 15 USC 45 Federal Trade Commission Act; 15 USC 57(a) Federal Trade Commission Act

CFR Citation: 16 CFR 438, (New)

Abstract: In 1979, the Second Circuit Court of Appeals set aside the rule as originally issued by the Commission, citing problems with some of the remedies that the rule provided to purchasers of proprietary vocational training. The Staff has prepared recommendations as to how the Commission should respond to the Court's decision. Alternatives under consideration include a rule that would give schools the option of providing either a strict pro rata refund remedy or a track record disclosure, a rule requiring some refunds but not on a strict pro rata basis, and a rule with no refund requirements at all. Alternatives to rulemaking include case-by-case enforcement, and FTC intervention before other state and federal agencies having jurisdiction over vocational schools to prevent deceptive practices. The rule may benefit consumers by enabling them to avoid expenditures on inappropriate courses and increasing the effectiveness of the vocational school industry in training and placing people in productive jobs. The cooling-off track record disclosures and refund components of the rule variations under consideration would impose real social costs on schools covered (cont)

Timetable:

Action	Date	FR Cite
NPRM	08/15/74	39 FR 29385
Previous Final Rule published	12/18/78	43 FR 60796
Rule set aside & remanded by Court	12/13/79	
New Staff Recommendation published	07/10/81	46 FR 35668
Staff Recommendations to Commission	09/00/83	

Small Entity: Yes

Additional Information: ABSTRACT CONT: including administrative costs associated with processing and collecting and disseminating information. Price increases may result from these costs as well as the possibility of paying out increased refunds. The rule should be most costly to schools that use unfair or deceptive practices to induce students to enroll in their courses. Schools that do not use these practices may not incur significant cost increases. The rule seeks to deter deceptive sales practices by requiring schools to provide material information to prospective students, and to provide students with contractual remedies which they can use to protect themselves when necessary. Most of the 6,000 schools that would be affected by the rule are small businesses.

Agency Contact: **Walter Gross**, Federal Trade Commission, Division of Marketing

Practices, Bureau of Consumer Protection, Washington, DC 20580, 202 523-3860

RIN: 3084-AA11

STANDARDS AND CERTIFICATION

Priority: Undetermined

Legal Authority: 15 USC 45 Federal Trade Commission Act; 15 USC 46(g) Federal Trade Commission Act

CFR Citation: 15 CFR 457, (New)

Abstract: Standards for products ranging from nuts and bolts to computers are set by trade associations, professional societies, testing laboratories, and other private sector groups. They are relied on by consumers, building code officials, government agencies, and others for regulatory and procurement purposes. These standards can provide significant benefits, such as lowering the cost of communications between buyers and sellers; improving the transfer of technology; encouraging efficiencies in design, production, and inventory; and assuring the safety, fitness, energy efficiency, or other aspects of product performance. However, substantial injury to competition and consumers can occur if standards or certification actions block the use of superior or lower cost technology, inflate product prices, or deceive consumers about the quality or safety of a product. In the proceeding, the Commission is examining whether a rule, guide, or other enforcement action is needed to address these competitive and consumer injuries. The Commission is particularly interested in the impact on injurious practices of other events, such as promulgation of OMB Circular A-119 (cont)

Timetable:

Action	Date	FR Cite
NPRM	12/07/78	43 FR 57269
Staff Report	06/00/83	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: and recent court actions. An alternative to a rule is a case-by-case approach to any standards-related problems. The rule might have a significant economic effect - both positive and negative - on small businesses. Many complaints about injurious standards and certification actions were filed by small businesses. The rule is aimed at alleviating these injuries. On the other hand, most of the standards and certification organizations that would be subject to the rule and subject to any compliance costs are small businesses.

Agency Contact: Robert J. Schroeder, Federal Trade Commission, Division of Service Industry Practices, Bureau of Consumer Protection, Washington, DC 20580, 202 523-4695

RIN: 3084-AA13

USED MOTOR VEHICLES

Priority: Undetermined

Legal Authority: 15 USC 45; 15 USC 57(a); 15 USC 2309(b)

CFR Citation: 16 CFR 455, (New)

Abstract: The rule would have required dealers to post a window form on used cars sold to consumers which disclosed, in plain language, information concerning warranty coverage offered (if any), the meaning of an "As Is" sale (in which neither express warranties nor implied warranties are offered), and other important information. The form would have also informed consumers that oral promises are difficult to enforce and would have required the dealer to disclose certain specific mechanical condition defects known to him. The rule and accompanying Statement of Basis and Purpose and Regulatory Analysis were published in the Federal Register on August 14, 1981. All of the alternatives that were considered, along with an analysis of their costs and benefits, are set forth in the Regulatory Analysis and Statement of Basis and Purpose at 46 FR 41375 to 41377. The Commission submitted the rule to Congress for review under the provisions of the FTC Improvements Act of 1980 on September 9, 1981. The rule was considered by Congress and was vetoed on May 26, 1982. The Commission has taken the rule under consideration in accordance with Section 21(c) of the FTC Improvements Act (cont)

Timetable:

Action	Date	FR Cite
NPRM	01/06/76	41 FR 1089
Senate Resolution of disapproval	05/19/82	
House Resolution of disapproval	05/26/82	
Cmsn promul previous Final Rule	10/00/82	
Commission Action if appropriate	12/00/83	

Small Entity: Yes

Additional Information: ABSTRACT CONT: of 1980, 15 U.S.C. 57a-1(c) (Supp. IV 1980). Consumers Union has filed a lawsuit challenging the constitutionality of the legislative veto of this rule and is seeking a court order that the Rule become effective. Consumers Union of U.S., Inc. and Public Citizen, Inc. v. FTC et al., No. 82-1512 (D.D.C.) The Commission will consider how best to proceed under these circumstances. Alternatives include a new rule which would require dealers to post a window sticker indicating the extent of any warranties offered with the car or whether the car is being sold "As Is." Commission action may be deferred pending the outcome of the legal challenge to the Congressional veto of the rule.

Agency Contact: Susan M. Liss, Federal Trade Commission, Division of Marketing Practices, Bureau of Consumer Protection, Washington, DC 20580, 202 523-3660

RIN: 3084-AA14

ANTACID ADVERTISING

Legal Authority: 15 USC 45 Federal Trade Commission Act; 15 USC 52 Federal Trade Commission Act; 15 USC 55 Federal Trade Commission Act; 15 USC 57(a) Federal Trade Commission Act

CFR Citation: 16 CFR 451, (New)

Abstract: The Commission did not propose a rule at the outset of this proceeding. Rather than making a specific proposal, the Commission focused the proceeding on whether, and in what form, warnings required by the Food and Drug Administration ("FDA") in the labeling of non-prescription antacids should also appear in the advertising for such products. The proceeding has explored and considered various alternatives, including no warnings, a general warning (which refers generally to the existence of risk and directs consumers to the label), various specific warnings (which specifically disclose the existence of particular risks), and various combinations of general and specific warnings. The potential benefits from adoption of any rule are threefold: first, the prevalence of contra-indicated use of antacids may be lowered; second, manufacturers may have an incentive to include additional safety information in their advertising, and third, manufacturers may also have an incentive to produce safer antacids. The potential costs from adoption of any rule are the following: first, (cont)

Timetable:

Action	Date	FR Cite
NPRM	06/31/78	43 FR 38851
Presding Officer's Report	11/00/79	
Staff Report	06/00/83	

Small Entity: No

Additional Information: ABSTRACT CONT: the effectiveness of antacid advertising may be lowered; second, consumers may mistakenly conclude from the warning information that all antacids are unsafe, and

third, any required advertising disclosure may impose direct dollar costs. Alternatives to a rulemaking might include cases under Section 5 and consumer education. Although no specific rule has yet been proposed, it is not expected that any rule will have a significant economic impact on a substantial number of small entities. With the exception of small retailers who advertise price and availability in newspapers and magazines, virtually all of the antacid advertisers are large entities. Moreover, the impact on small retailers will essentially be eliminated by a provision exempting print advertising that states only the product's name and price.

Agency Contact: Wallace S. Snyder, Associate Director, Federal Trade Commission, Division of Advertising Practices, Bureau of Consumer Protection, Washington, D.C. 20580, **202 724-1511**

RIN: 3084-AA00

AMENDMENT TO CARE LABELING OF TEXTILE WEARING APPAREL RULE

Legal Authority: 15 USC 45 Federal Trade Commission Act; 15 USC 57(a) Federal Trade Commission Act

CFR Citation: 16 CFR 423

Abstract: The rule and its amendment seek to inform consumers of proper care procedures to safeguard the utility and appearance of purchased textile products. The information thus made available may permit a more informed choice among competing products. The amendments that were proposed would have extended the rule to cover all textile products including carpets and rugs, upholstered furniture, yarns and linens. The amendments would also require a more complete statement of the care procedures, the use of standardized care terminology and the establishment of a basis for the accuracy of each care procedure prescribed in a label. On June 24, 1982, the Commission approved, with certain modifications, those amendments which would clarify the rule's existing requirements but rejected amendments which would have extended the rule to additional products. Pursuant to the Commission's decisions, the staff is preparing a revised statement of basis and purpose and rule amendments for promulgation by the Commission. The amendment approved by the Commission merely clarifies existing obligations. They will therefore impose little or no incremental cost on industry (cont)

Timetable:

Action	Date	FR Cite
NPRM	01/26/76	41 FR 3747
Request for technical comments	01/05/81	46 FR 935
Final Commission decision	06/24/82	
Rule and Stmt. of Basis & Purpose	06/00/83	

Small Entity: No

Additional Information: ABSTRACT CONT: members. With clarification of the rule's requirements, manufacturers should be able to minimize inadvertent violations and to avoid unnecessary compliance costs. As approved by the Commission the amendments will not have a significant economic impact on a substantial number of small businesses.

Agency Contact: Earl Johnson, Federal Trade Commission, Division of Enforcement, Bureau of Consumer Protection, Washington, DC 20580, **202 376-2891**

RIN: 3084-AA01

EYEGLASSES II

Legal Authority: 15 USC 45 Federal Trade Commission Act; 15 USC 57(a) Federal Trade Commission Act

CFR Citation: 16 CFR 456, (Revision)

Abstract: The staff of the FTC's Bureau of Consumer Protection has identified several state and private restrictions on the delivery of eye care goods and services which may decrease consumer access to vision care services, increase the cost of those services, and impede the growth of alternative methods of organizing eye-care practices. The principal question the Commission is exploring is the impact of such restrictions on the price, quality and availability of vision care. The Commission's investigation has sought, through the development of empirical market research, to determine whether higher prices result from these restrictions and, if so, whether offsetting consumer benefits also result. The primary impact of a rule on small businesses could stem from the increased competition in the vision care industry which can be anticipated as a result of deregulatory effect of the rule. Rule provisions removing certain restraints on commercial ophthalmic practice could enhance competition by permitting small entities (i.e., optometrists and opticians) to engage in alternate modes of practice; or to expand, should they desire to do so. The affirmative requirements of a rule could (cont)

Timetable:

Action	Date	FR Cite
ANPRM	12/01/80	45 FR 79823
ANPRM Comment Period Begin	12/01/80	
ANPRM Comment Period End	02/02/81	
Commission consideration of appropriate action	06/00/83	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: impose additional record-keeping, postage, and photocopying costs. The alternatives to an FTC trade regulation rule include: a formal complaint against a professional association or an ophthalmic board alleged to have engaged in illegal acts or practices; a voluntary guide defining unfair acts or practices; legislative recommendations to Congress or to the States; or the release of a public report setting forth the findings of the staff.

Government Levels Affected: Local, State

Agency Contact: Gary Hailey, Federal Trade Commission, Division of Service Industry Practices, Bureau of Consumer Protection, Washington, DC 20580, **202 523-3452**

RIN: 3084-AA03

HEALTH SPAS

Legal Authority: 15 USC 45 Federal Trade Commission Act; 15 USC 57(a) Federal Trade Commission Act

CFR Citation: 16 CFR 443, (New)

Abstract: The proposed rule would require that health spa membership contracts include provisions which would grant consumers the right to cancel and receive a full refund without penalty during a three-day cooling-off period. If a seller's facilities are not yet fully operational, the proposed rule would provide that the consumer right of cancellation may be exercised within ten days after receipt of notice that the spa facilities are fully operational and available. Following the expiration of the cooling-off period, the proposed rule would require that the health spa contract afford the consumer an additional right to cancel at any time prior to the contract's expiration. In this instance, the seller would be allowed to retain a cancellation fee not in excess of 5 percent plus a pro rata portion of the contract price; the balance of the contract price would have to be refunded to the consumer. Other provisions of the proposed rule would prescribe the manner and form of giving the consumer notice of his cancellation right, prohibit the use of long-

term contracts, and prohibit the receipt of more than 5 percent of the contract price from consumers if a spa is not fully (cont)

Timetable:

Action	Date	FR Cite
NPRM	08/18/75	40 FR 34615
Presiding Officer's Report	04/00/79	
Staff Report	03/00/84	

Small Entity: Yes

Additional Information: ABSTRACT CONT: operational and available for use. All industry members would incur costs for printing new contracts in order to comply with the proposed rule. Membership cancellations attributable to the requirements of the proposed rule would adversely affect the cash flow of health spas. Consumers would benefit from the proposed rule's unlimited cancellation rights to the extent they are not currently granted by the industry. Alternatives under consideration include (1) a rule that would prohibit certain business practices by industry members and would require full disclosures of all ramifications of a health spa membership purchase: (2) changes in the nature of the refund requirement; and (3) changes in other provisions of the rule. The proposed rule would have a significant economic impact on a substantial number of small entities by varying required contract terms and imposing monetary refund requirements where none presently exist

Agency Contact: John Crowley, Federal Trade Commission, New York Regional Office, 26 Federal Plaza, New York, New York 10278, **212 264-1213**

RIN: 3084-AA06

HEARING AIDS

Legal Authority: 15 USC 45 Federal Trade Commission Act; 15 USC 52 Federal Trade Commission Act; 15 USC 55 Federal Trade Commission Act; 15 USC 57(a) Federal Trade Commission Act

CFR Citation: 16 CFR 440, (New)

Abstract: The proposed regulation currently under consideration would afford hearing aid purchasers a right to cancel the transaction within 30 days of purchase subject only to specified cancellation charges. Staff has explored alternative rule proposals that would require hearing aid dispensers to disclose whether they offer a trial period or would contain specific advertising prohibitions. In addition, staff has explored case by case enforcement and other alternatives to a Commission rule. If a trial period is required, the costs of the rule would be the dispenser's loss on the returned aid and the administrative expense of complying with the rule. This loss would be mitigated, among other things, by a cancellation fee and by the opportunity to re-sell the used aid. The greatest impact would be felt by dealers who do not currently offer customers trial periods with the sale of a hearing aid, particularly dealers with a high percentage of dissatisfied customers. Many dealers now offer trials. For those dealers the rule would be expected to have little impact beyond the administrative cost of complying with the rule, or any mandated changes in cancellation (cont)

Timetable:

Action	Date	FR Cite
NPRM	06/00/75	40 FR 26646
Presiding Officer's Report	08/00/77	
Onginal Staff Report	11/00/78	
Initial Commission Consideration	10/00/79	
Staff Recommendations to Commission	06/00/83	

Small Entity: Yes

Additional Information: ABSTRACT CONT: fees or other charges associated with trials. The benefit would be to protect consumers from deceptive and unfair sales practices, and from the risk that a hearing aid will not significantly enhance hearing. The purposes of this rule would be to prevent deceptive and unfair sales practices in the sale of hearing aids and to give consumers contractual remedies against the risk that a hearing aid device will provide no significant benefit to the user. Since most hearing aids are sold by small businesses, the rule is expected to affect a large number of small businesses. Should some costs of implementing the rule be passed from dispensers to manufacturers of hearing aids (e.g., return of aids rejected by customer), there would be some impact on small manufacturers of aids as well.

Agency Contact: Marc Winerman, Federal Trade Commission, Division of Marketing Practices, Bureau of Consumer Protection, Washington, DC 20580, **202 523-1670**

RIN: 3084-AA07

MOBILE HOME SALES AND SERVICE

Legal Authority: 15 USC 45 Federal Trade Commission Act; 15 USC 47(a) Federal Trade Commission Act

CFR Citation: 16 CFR 441, (New)

Abstract: Almost all mobile homes are sold with a manufacturer's warranty but many buyers may not receive adequate and timely service under the warranty. The rule would address possibly inadequate performance of mobile home warranties through a number of possible remedies: setting specific service deadlines, prohibiting exclusion of set-up and transportation from warranty coverage, requiring written service agreements between warrantors and their service agents, and requiring maintenance of service records. Compliance costs estimated by staff will be approximately $145 per home for most firms affected, and could be less, depending on what provisions are actually adopted. An estimated 20% of buyers would benefit by saving about $242 for warranty repairs they would otherwise not get; another 15% of buyers would have service time cut by an estimated 4 months. The incidence of warranted defects could be reduced, increasing the useful life of homes. Buyers could also receive better financing terms due to lowering the incidence of defects that diminish resale value. Consumer might benefit from better information,if warranties accurately reflected what service is included (cont)

Timetable:

Action	Date	FR Cite
Previous NPRM	05/29/75	40 FR 23334
NPRM	05/23/77	42 FR 26398
Presiding Officer's Report	08/00/79	
Staff Report	08/00/80	
Staff Recommendation to Commission	09/00/83	

Small Entity: Yes

Additional Information: ABSTRACT CONT: in the purchase price of the home. The proposed rule will have an impact on 200 mobile home manufacturers and 12,000 mobile home dealers, most of which are small businesses. There are alternatives to rule provisions. Instead of specific time deadlines for warranty repairs, manufacturers and dealers could set their own deadlines as long as they are disclosed in their warranties; instead of requiring manufacturers to disseminate consumer questionnaires, to monitor effectiveness of factory and dealer warranty repairs, manufacturers could select their own monitoring devices; some responsibilities and duties of the manufacturers may not be needed (e.g., pre-occupancy inspection, set-up and transportation damage).

Agency Contact: Eloise Gore or Allen Hile, Staff Attorneys, Federal Trade Commission, Division of Marketing Practices, Bureau of

FTC — Current and Projected Rulemakings

Consumer Protection, Washington, DC 20580, **202 523-3500**

RIN: 3084-AA10

PROTEIN SUPPLEMENTS

Legal Authority: 15 USC 45 Federal Trade Commission Act; 15 USC 52 Federal Trade Commission Act

CFR Citation: 16 CFR 454, (New)

Abstract: The proposed rule addresses the advertising and labeling of protein supplements in three ways. First, there are provisions designed to inform consumers of certain health hazards. Thus, for example, a labeling disclosure would be required warning against use for infants. Second, the rule would prohibit certain false or deceptive claims, such as the claim that use of a protein supplement can counteract or delay the signs of aging. Third, the rule would require a general disclosure in the advertising and labeling of these products that most Americans receive all the protein they need from the food they eat. Public comments on the staff and presiding officer's reports have been analyzed by the rulemaking staff and are now being considered by the Bureau of Consumer Protection. Alternatives under consideration include a rule omitting any of the three major kinds of requirements of the proposed rule, as well as a case-by-case approach to enforcement. Adoption of the proposed rule may benefit the public by reducing and deferring the incidence of hazardous, false or misleading representations concerning the composition, use and effects of protein supplements. The (cont)

Timetable:

Action	Date	FR Cite
Previous NPRM	09/05/71	40 FR 41144
NPRM	03/10/76	41 FR 10232
Additions & Modifications to Notice	06/04/76	41 FR 22593
Presiding Officer's Report	06/15/78	
Staff Report	07/24/79	
Oral Presentation before Commission	06/00/83	
Commission Consideration	09/00/83	
Staff Recommendation to Commission	12/00/83	

Small Entity: Yes

Additional Information: ABSTRACT CONT: costs to the public of adoption of the Rule would include cost of changing labels and costs attributable to advertising disclosures. Apart from the loss of business obtained through misleading representations, the staff believes the costs to business of adoption of the rule are likely to be small. Objectives: the proposed rule was developed to limit misrepresentations in advertising and labeling, to provide information that some of these products may be inappropriate or hazardous for certain uses (e.g., for infants), and to remedy misrepresentations about the need for dietary protein supplements to the typical consumer diet. Large firms make most sales of protein supplements. However, a sizeable number of small firms also produce such products, and would be subject to the rule.

Agency Contact: Harrison Sheppard, Federal Trade Commission, San Francisco Regional Office, 450 Golden Gate Avenue, San Francisco, CA 94102, **415 556-1270**

RIN: 3084-AA12

AMENDMENTS TO OCTANE POSTING AND CERTIFICATION RULE

Legal Authority: 15 USC 2801 et seq Petroleum Marketing Practices Act

CFR Citation: 16 CFR 306

Abstract: Title II of the Petroleum Marketing Practices Act ("PMPA", Pub. L. 95-297, June 19, 1978) required the Commission to promulgate a rule which establishes standard procedures for determining, certifying and posting, by means of a label on the fuel dispenser, the octane rating of automotive gasoline intended for sale to consumers. The Commission's rule was promulgated on March 30, 1979 and became effective on June 1, 1979. The rule is intended to enable consumers to buy a gasoline with an octane rating that is high enough to prevent inefficient and harmful "engine knock," and to avoid buying gasoline with an octane rating that is too high for their needs. Although compliance imposes costs on affected industry members, the rule's requirements parallel those in PMPA; therefore, the rule adds little, if any, additional cost. The rule requires refiners and importers to retain test records and distributors and retailers to retain octane certification records for one year, to facilitate tracing the source of inaccurate octane representations. While the Commission has attempted to minimize the burden on small businesses, the staff now believes (cont)

Timetable:

Action	Date	FR Cite
Previous Rule promulgated	03/30/79	44 FR 19160
Previous Rule effective	06/01/79	
Staff Recommendation to Cmsn	09/00/83	

Small Entity: Yes

Additional Information: ABSTRACT CONT: that the recordkeeping requirements may be unnecessary and that sufficient incentives may exist to retain the records voluntarily. Accordingly, the staff will recommend to the Commission a proposed rule amendment which would delete the rule's recordkeeping requirements. The rule may have a significant economic impact on a substantial number of small entities. The rule's octane posting requirements apply to all 180,000 retail gasoline dealers, and its certification requirements apply to approximately 20,000 wholesalers and distributors.

Agency Contact: James Mills, Federal Trade Commission, Division of Enforcement, Bureau of Consumer Protection, Washington, DC 20580, **202 376-2891**

RIN: 3084-AA16

FEDERAL TRADE COMMISSION (FTC) — Existing Regulations Under Review

REVIEW OF THE PREMERGER NOTIFICATION RULES AND REPORT FORM

Priority: Task Force

Legal Authority: 15 USC 18a Clayton Act

CFR Citation: 16 CFR 801; 16 CFR 802; 16 CFR 803; 16 CFR 803, Appendix

Abstract: The Premerger Notification Rules and the Antitrust Improvements Act Notification and Report Form were adopted pursuant to Section 7A of the Clayton Act. Section 7A requires firms of a certain size contemplating mergers or acquisitions of a specified size to file notification with the Federal Trade Commission (FTC)and the Department of Justice (DOJ) and to wait a designated period before consummating the transaction. It also requires the FTC, with the concurrence of the Assistant Attorney

General for Antitrust, to promulgate rules requiring that notification be in a form and contain information necessary to enable the FTC and DOJ to determine whether the proposed acquisition may, if consummated, violate the antitrust laws. Review of these rules and the Form focuses on reducing the paperwork burden imposed on the business community.

Timetable:

Action	Date	FR Cite
Begin Review	09/30/81	
Notice of Request for Comments	07/02/82	47 FR 29182
NPRM	07/00/83	

Small Entity: No

Additional Information: SMALL BUSINESSES CONT: The Premerger Notification Rules do not affect nonbusiness entities or small businesses. A firm must have sales or assets of at least $10 million to be subject to any reporting obligation. Moreover, any transaction is exempt under the rules if it is valued at less than $15 million and will not result in the acquiring person's holding 50% of the voting securities of a corporation with sales or assets of $25 million or more.

Agency Contact: Roberta S. Baruch, Deputy Assistant Director for Evaluation, Federal Trade Commission, Premerger Notification Office, Bureau of Competition, Washington, DC 20580, **202 523-3894**

RIN: 3084-AA23

AMENDMENT TO LABELING AND ADVERTISING OF HOME INSULATION RULE

Legal Authority: 15 USC 57a

CFR Citation: 16 CFR 460.10; 16 CFR 460.18; 16 CFR 460.19; 16 CFR Appendix B

Abstract: The Commission's home insulation trade regulation rule became effective on September 29, 1980. Among other things, it requires advertisers to disclose specific additional information in advertisements or other promotional materials when they make energy savings claims about an insulation product or refer to the products thickness, R-Value or price. The Commission temporarily stayed the effective date of those disclosure requirements as they applied to television pending completion of these amendment proceedings. The Commission has announced its intention to reopen the rulemaking proceeding to consider whether it should amend the rule's disclosure requirements insofar as they apply to television advertising. (ANPR, 46 FR 47237, Sept. 25, 1981.) The TV ad disclosure requirements in the rule benefit consumers by ensuring that they have an opportunity to understand and evaluate claims that may otherwise lead to misguided purchasing decisions. In many cases, the disclosures should benefit smaller manufacturers whose products often compare favorably on an R-Value basis with those manufactured by the dominant members of the industry. The major cost to (cont)

Timetable:

Action	Date	FR Cite
Temp. stay of certain requirements	08/15/80	45 FR 54702
Rule effective except requirmt stay	09/29/80	
ANPRM	09/15/81	46 FR 47236
Lift test requirement stay	08/24/82	47 FR 36806
Commission consideration of TV disclosure requirements	09/00/83	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: industry members is the time necessary to make the required disclosures. Possible alternatives to the disclosure requirements include: amended disclosures or disclosure language; shortened disclosures; no disclosures; and different requirements as to the manner in which required disclosures must be made.

Agency Contact: Kent Howerton, Attorney, Federal Trade Commission, Division of Enforcement, Bureau of Consumer Protection, Washington, DC 20580, **202 376-2891**

RIN: 3084-AA09

PRE-SALE AVAILABILITY OF WRITTEN WARRANTY TERMS (EXISTING REGULATION; MODIFICATIONS UNDER CONSIDERATION)

Legal Authority: 15 USC 2302(b)(1)(A) Magnuson-Moss Warranty--FTC Improvemts Act; 15 USC 2309(a) Magnuson-Moss Warranty--FTC Improvements Act

CFR Citation: 16 CFR 702

Abstract: The Magnuson-Moss Warranty Act (15 U.S.C. 2302(b)(1)(A)) requires that the Federal Trade Commission promulgate a rule to require that the terms of written warranties for consumer products be made available to consumers prior to purchase. The Rule modifications currently being considered are intended to achieve the Congressional objective more effectively by making the Rule requirements more flexible and thus lessening the costs and burdens of compliance while still ensuring consumers access to warranties prior to purchase. The current Pre-Sale Availability Rule requires that retailers of consumer products costing more than $15 make warranty texts available to consumers prior to purchase by placing the warranty text in one or a combination of four specified locations: (1) on the product, (2) in a binder, (3) on the package, or (4) on a sign. Manufacturers are required to provide materials sufficient for retailers to meet their obligations. The Rule modifications currently under consideration would reduce retailers' obligations. One modification would provide two options for making warranties available: (1) displaying the warranty text(s), and/or (cont)

Timetable:

Action	Date	FR Cite
Promulgation of Original Rule	12/31/75	45 FR 60168
Begin Review	11/04/81	
End Review	03/00/83	
Sup staff analysis to Commission	12/00/83	

Small Entity: Yes

Additional Information: ABSTRACT CONT: (2) displaying a sign indicating the availability of warranty text(s) upon customer request. In addition, staff is considering raising the dollar threshold for coverage of the Rule and automatic adjustment of this threshold amount to reflect the inflation rate. Modifications to manufacturers' compliance options are also under consideration, including a requirement that manufacturers affix the warranty text to all warranted consumer products. Changes in the rule could produce benefits by reducing the total costs of compliance with the present rule for retailers and manufacturers or by more efficiently allocating compliance obligations between retailers and manufacturers. Costs may arise from reductions in the benefits of the present rule in making warranty information available to consumers. Two large scale surveys are being conducted to examine consumer experience with warranties and to measure the effect of the current Rule on manufacturers and retailers. These surveys will estimate the effect on small business of both the existing rule and the alternatives under consideration.

Agency Contact: Eloise Gore, Federal Trade Commission, Division of Marketing Practices, Bureau of Consumer Protection, Washington, DC 20580, **202 523-1670**

RIN: 3084-AA15

RETAIL FOOD STORE ADVERTISING AND MARKETING PRACTICES

Legal Authority: 15 USC 41 et seq Federal Trade Commission Act

CFR Citation: 16 CFR 424

Abstract: The Commission's Rule on Retail Food Store Advertising and Marketing Practices seeks to ensure that consumers receive the prices and goods offered in grocery stores' advertisements, and to enable the stores to compete fairly on the basis of price. Since the rule applies to all retail food stores, it may have had a significant effect on a substantial number of small grocery stores. The rule states that it is a violation of Section 5 of the Federal Trade Commission Act for grocery stores to advertise products at a particular price unless such products are in stock and conspicuously and readily available for sale at the advertised price during the effective period of the advertisement. The rule is intended to benefit consumers by ensuring that advertised items are available, that advertising-induced purchasing trips are not fruitless, and that store prices accurately reflect the prices appearing in the ads. The rule may cause costs to be incurred in maintaining sufficient inventory to meet anticipated demand, and costs associated with the monitoring of price changes, changing marked prices, and training of employees to comply with the rule.

Timetable:

Action	Date	FR Cite
Comment on Reg Flex Act Review	12/00/83	
End Review	00/00/00	

Small Entity: Yes

Agency Contact: **Lewis Franke**, Federal Trade Commission, Division of Enforcement, Bureau of Consumer Protection, Washington, DC 20580, **202 376-2891**

RIN: 3084–AA17

COOLING-OFF PERIOD FOR DOOR-TO-DOOR SALES

Legal Authority: 15 USC 41 et seq Federal Trade Commission Act

CFR Citation: 16 CFR 429

Abstract: The rule states that sellers of consumer goods or services with a purchase price of $25.00 or more who sell away from their place of business must furnish to the buyer certain information regarding the buyer's right to cancel sales within three business days and must give the buyer a full refund of any down payment upon the buyer's cancellation. The rule requires a seller to furnish the buyer with a complete receipt or copy of a contract, along with a notice informing the buyer of the right to cancel the transaction, to furnish the buyer with a completed Notice of Cancellation. The rule is intended to benefit consumers by permitting them to reflect on their purchase and the terms of any contract, to compare the purchase with offerings of other sellers, and to ascertain the accuracy of any representations made. The resulting costs to sellers include the costs associated with cancellation (processing cancelled orders, returning downpayments, retrieving delivered goods, and returning traded-in merchandise) and the additional cost of printing the required cancellation notices. Since the rule affects all door-to-door sellers, it may have a significant economic (cont)

Timetable:

Action	Date	FR Cite
Comment on Reg Flex Act Review	03/00/83	
End Review	00/00/00	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: effect on a substantial number of small entities. To assess the possible impact of the rule on such small entities, the Commission is commencing a review of the rule in accordance with Section 610 of the Regulatory Flexibility Act.

Agency Contact: **Lewis Franke**, Federal Trade Commission, Division of Enforcement, Bureau of Consumer Protection, Washington, DC 20580, **202 376-2891**

RIN: 3084–AA18

MAIL ORDER MERCHANDISE

Legal Authority: 15 USC 41 et seq Federal Trade Commission Act

CFR Citation: 16 CFR 435

Abstract: The Commission's rule concerning mail order merchandise was promulgated on October 22, 1975. The rule requires mail order sellers to possess a reasonable basis for any claims made concerning shipping date or, in the absence of any specifically stated date, to ship the ordered merchandise within thirty (30) days of receipt of an order. In the event of delays in shipment, the rule establishes notification procedures whereby buyers have the option either to agree to the delay or to cancel the order and receive a prompt refund. The Commission's rule is designed to address a number of significant consumer problems described on the record of the rulemaking proceeding, including failure to deliver ordered merchandise, unexplained delays in delivery, failure to make prompt (or any) refunds upon cancellation of an order, and inability to obtain responses to inquiries about pending orders. The rule enables consumers to obtain ordered merchandise within a reasonable time period or, if delays occur, to cancel the order and obtain a prompt refund, so that losses due to undelivered merchandise, delays, and inadequate or nonexistent refunds can be avoided. By subjecting sellers (cont)

Timetable:

Action	Date	FR Cite
Initiation of Reg Flex Act Review	09/00/83	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: who solicit orders they cannot fill within a reasonable time to the risk of cancellation, the rule may provide competitive benefits, since buyers may shift their business to more efficient merchants. Costs relating to the rule may include the cost of establishing a system for monitoring and recording orders, deliveries, delays, cancellations, consents to delays, and refunds; the costs of complying with the rule's notification requirements regarding delays (printing, postage, etc.); the cost of processing refunds; and additional inventory costs. The Commission is undertaking a review of this rule to determine whether the rule has had a significant economic impact on a substantial number of small entities and, if so, whether the rule should be amended to minimize any such impact. The rule applies to all members of the mail order industry, including small firms.

Agency Contact: **Raymond L. Rhine**, Federal Trade Commission, Division of Enforcement, Bureau of Consumer Protection, Washington, DC 20580, **202 376-2891**

RIN: 3084–AA19

RULES AND REGULATIONS UNDER THE WOOL PRODUCTS LABELING ACT OF 1939

Legal Authority: 15 USC 68b(d) Wool Products Labeling Act of 1939; 15 USC 68d Wool Products Labeling Act of 1939

CFR Citation: 16 CFR 300

Abstract: The Wool Products Labeling Act of 1939 was enacted on October 14, 1940; the Act and the Commission's accompanying regulations became effective on July 15, 1941. The Act requires all wool products to bear a label showing the percentage of wool, recycled wool, and non-wool fibers contained in the product and the name of the manufacturer or other distributor. The Act prohibits the misbranding of wool products and is administered by the Commission, whose regulations establish the manner and

format in which the information required by the Act is to be disclosed. The Act and accompanying rules are designed to protect producers, manufacturers, distributors and consumers from the unrevealed presence of substitutes and mixtures of fibers in manufactured wool products. Consumers are able to make more informed decisions and to avoid unwanted or unnecessary items. Since each manufacturer must accurately label its product, competition based on content is enhanced. Since the Commission's rules primarily implement statutory directives, most of the costs imposed on affected industry members are not attributable to the rules. However, in accordance with its Plan for Periodic Review (cont)

Timetable:

Action	Date	FR Cite
Rules Promulgated	07/15/41	
Begin Review	09/00/83	
Initiation of Reg Flex Act Review	09/00/83	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: of Commission Rules, 46 FR 35118, July 7, 1981, published pursuant to Sec 610 of the Regulatory Flexibility Act, the Commission will initiate a review of these rules during FY 1983 to determine whether the rules have had a significant economic impact on a substantial number of small entities and if so, whether the rules should be amended. An area for possible review is the simplification of the forms or requirements associated with the registered identification number and continuing guaranty filing provisions of the rules.

Agency Contact: Charles G. McGourty, Federal Trade Commission, Los Angeles Regional Office, 11000 Wilshire Boulevard, Los Angeles, CA 90024, 213 824-7575

RIN: 3084-AA20

RULES AND REGULATIONS UNDER FUR PRODUCTS LABELING ACT

Legal Authority: 15 USC 69(e) Fur Products Labeling Act; 15 USC 69(f) Fur Products Labeling Act

CFR Citation: 16 CFR 301

Abstract: The Fur Products Labeling Act was enacted on August 8, 1951; the Act and the Commission's accompanying rules became effective on August 9, 1952. The Act and rules contain requirements for the labeling, invoicing, and advertising of fur products. The Act requires fur products to be labeled with the name of the animal which produced the fur; whether the furs are natural, dyed or otherwise artificially colored; and certain other characteristics of the fur product used. To ascertain compliance with the Act, fur products marketers must maintain records for each product sold. The Act prohibits the misbranding, false and deceptive invoicing, and false and deceptive advertising of fur products. It requires that animal names used conform to the Fur Products Name Guide established by the Commission, which is charged with administering the Act. The Act and accompanying rules are designed to protect producers and consumers against misbranding, false advertising, and false invoicing of furs and fur products. Consumers are able to make more informed purchasing decisions and to avoid unwanted or unnecessary items. Since each manufacturer must (cont)

Timetable:

Action	Date	FR Cite
Previous Rule Promulgated	02/03/52	
Begin Review	09/00/83	
Initiation of Reg Flex Act Review	09/00/83	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: accurately label its products, competition based on content is enhanced. Since the Commission's rules primarily implement statutory directives, most of the costs imposed on affected industry members are not attributable to the rules. However, in accordance with its Plan for Periodic Review of Commission Rules, 46 FR 35118, July 7, 1981, published pursuant to Sec 610 of the Regulatory Flexibility Act, the Commission will initiate a review of these rules during FY 1983 to determine whether the rules have had a significant economic impact on a substantial number of small entities and, if so, whether the rules should be amended. Areas for possible review include simplification of the forms or requirements used in connection with the registered identification number and continuing guaranty filing provisions, modifications of recordkeeping requirements and adjustment of exemption standards.

Agency Contact: Charles G. McGourty, Federal Trade Commission, Los Angeles Regional Office, 11000 Wilshire Boulevard, Los Angeles, CA 90024, 213 824-7575

RIN: 3084-AA21

RULES AND REGULATIONS UNDER THE TEXTILE FIBER PRODUCTS IDENTIFICATION ACT

Legal Authority: 15 USC 70e Textile Fiber Products Identification Act; 15 USC 70j Textile Fiber Products Identification Act

CFR Citation: 16 CFR 303

Abstract: The Textile Fiber Products Identification Act was enacted on September 1, 1958; the Act and the Commission's accompanying regulations became effective on March 3, 1960. The Act requires each household textile product to bear a label containing the percentage of each fiber contained in the product, the name of the manufacturer or distributor, and the country of origin if the product was manufactured principally in a foreign country. The Act prohibits misbranding and false advertising of the fiber content of textile products and requires that the appropriate generic name be used for all fibers. Generic names and definitions for manufactured fibers are established by the Commission, which is charged with administering the Act. The Act and accompanying rules are designed to protect producers and consumers from being deceived by misbranding and false advertising of the fiber content of textile products. Consumers may be able to make more informed decisions and to avoid unwanted or unnecessary items. Since each manufacturer must accurately label its product, competition based on content may be enhanced. Since the Commission's rules implement statutory (cont)

Timetable:

Action	Date	FR Cite
Initiation of Reg Flex Act Review	09/00/83	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: directives, most of the costs imposed on affected industry members may not be attributable to the Rules. The rules apply to textile fiber products manufacturers and certain other textile fiber products marketers some of which may be small businesses. Pursuant to Sec. 610 of the Regulatory Flexibility Act, the Commission will initiate a review of these rules during FY 1983 to determine whether the rules have had a significant economic impact on a substantial number of small entities and, if so, whether the rules should be amended. Among the areas which may be reviewed is possible simplification of the forms or requirements associated with the rule's voluntary filing provisions.

Agency Contact: Charles G. McGourty, Federal Trade Commission, Los Angeles Regional Office, 11000 Wilshire Boulevard, Los Angeles, CA 90024, 213 824-7575

RIN: 3084-AA22

FEDERAL TRADE COMMISSION (FTC)

Completed Actions

COMPLETED RULEMAKINGS

FOOD ADVERTISING

Priority: Undetermined

Legal Authority: 15 USC 45 Federal Trade Commission Act; 15 USC 52 Federal Trade Commission Act; 15 USC 55 Federal Trade Commission Act; 15 USC 57(a) Federal Trade Commission Act

CFR Citation: 16 CFR 437, (New)

Abstract: The proposed rule would have standardized certain terms when used in food advertising and required disclosure of additional information in the following areas: natural food claims; energy and weight control claims; and fat, fatty acid and cholesterol claims. The Commission determined not to promulgate the rule on December 17, 1982.

Timetable:

Action	Date	FR Cite
ANPRM	05/28/75	40 FR 23086
NPRM	03/02/76	41 FR 8980
Final CMSN consideration of rule	12/17/82	
Withdrawn	12/17/82	

Small Entity: No

Agency Contact: **Melvin H. Orlans**, Federal Trade Commission, Division of Advertising Practices, Bureau of Consumer Protection, Washington, DC 20580, **202 724-1529**

RIN: 3084-AA04

[FR Doc. 83-9600 Filed 4-22-83; 8:45 am]

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April 25, 1983

Part XLVII

Interstate Commerce Commission

Semi-Annual Regulatory Agenda

ICC

INTERSTATE COMMERCE COMMISSION

49 CFR Ch. X

[Ex Parte No. 420 (Sub-No. 4)]

Semiannual Regulatory Agenda

AGENCY: Interstate Commerce Commission.

ACTION: Notice of semiannual Regulatory Agenda to be part of a Unified Agenda of Federal Regulations.

SUMMARY: Pursuant to OMB Bulletin No. 83-8, issued under Section 6(b) of E.O. 12291 to implement the provisions of Section 5 of the Executive Order concerning Regulatory Agendas, the Commission is publishing an agenda of (1) current and projected rulemakings, and (2) existing regulations being reviewed to determine whether to propose modifications through rulemaking. Listed below are the regulatory actions to be developed or reviewed during the next 12 months. Following each rule identified is a brief description of the rule including its purpose and legal basis.

FOR FURTHER INFORMATION CONTACT: A contact person is identified for each of the rules listed below.

SUPPLEMENTARY INFORMATION: Two lists of proceedings appear below. The first contains information about subject areas in which the Commission is currently conducting rulemaking proceedings or may institute such proceedings in the near future. The second contains information about existing regulations being reviewed to determine whether to propose modifications through rulemaking. Within each list priority regulations are followed by non-priority rules.

The agenda identifies regulations likely to have a significant economic impact on a substantial number of "small entities." Accordingly, this information will satisfy the requirements of section 602 of the Regulatory Flexibility Act, 5 U.S.C. 602.

Finally, this agenda will comprise part of a Unified Agenda of Federal Regulations compiled by the Office of Management and Budget which is to be published in a single issue of the **Federal Register** in April 1983. The purpose of the Unified Agenda is to provide the public with more comprehensive documentation of the federal government's current regulatory plans, and to provide a systematic means of monitoring regulatory activity in each agency.

This notice is issued pursuant to 49 U.S.C. 10321 and 5 U.S.C. 553.

Decided: March 3, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre, and Gradison.

Agatha L. Mergenovich,
Secretary.

INTERSTATE COMMERCE COMMISSION (ICC) — Current and Projected Rulemakings

REVIEW OF PRESERVATION OF RECORDS RULES, DOCKET NO. 38849

Priority: Agency Determination

Legal Authority: 5 USC 553; 49 USC 11144

CFR Citation: 49 CFR 1220

Abstract: The purpose of the preservation of record rules is to assure that carrier's records are secure, readily accessible, and adequately maintained for a prescribed period of time. The regulations instruct carriers to maintain their corporate, treasury, property, personnel, insurance and claims inventory, transportation, tariffs, statistical, and miscellaneous records in hard paper copy, microfiche, or machine-readable form for certain periods. The objective of this review is to determine the relevance of each record, the appropriateness of the prescribed retention periods, and the purpose for which each record is needed for the Commission's regulatory mission. This will allow each company's management more autonomy in establishing a recordkeeping program, while reducing costs and burden.

Timetable:

Action	Date	FR Cite
NPRM	12/10/82	
NPRM Comment Period Begin	12/10/82	47 FR 56152
NPRM Comment Period End	01/24/83	
Final Action	05/00/83	
Final Action Effective	05/00/83	

Small Entity: Yes

Agency Contact: **Bryan Brown, Jr.**, Chief, Section of Accounting and Reporting, Interstate Commerce Commission, 12th & Constitution Avenue, NW, Washington, DC 20423, **202 275-7448**

RIN: 3120-AA02

MOTOR COMMON CARRIERS OF PASSENGERS-EMPLOYEE PROTECTION

Priority: Major

Legal Authority: 49 USC 10321; 5 USC 553; PL 97-261, Sec 27

CFR Citation: 49 CFR 1170; 49 CFR 1002

Abstract: The Commission intends to determine the extent of its authority to adopt rules to assure that the protections intended by the Bus Regulatory Reform Act of 1982 are afforded to eligible employees and to explore the process by which employees may apply for eligibility determinations. Comments also sought on the mandatory job-publishing aspect of the Act.

Timetable:

Action	Date	FR Cite
ANPRM	09/00/82	
ANPRM Comment Period Begin	09/00/82	
ANPRM Comment Period End	10/00/82	
NPRM	11/19/82	47 FR 53297
Final Action	05/19/83	

Small Entity: Undetermined

Agency Contact: **James L. Brown**, Attorney Advisor, Interstate Commerce Commission, Motor Section, Washington, DC 20423, **202 275-7898**

RIN: 3120-AA04

REVISION OF ABANDONMENT REGULATIONS, EX PARTE NO. 274 (SUB-NO.5)

Priority: Agency Determination

Legal Authority: 49 USC 10321; 49 USC 10362; 49 USC 10903 to 10906

CFR Citation: 49 CFR 1152, (formerly 49 CFR 1121)

Abstract: The abandonment regulations will be modified to take account of certain recent regulatory decisions and will update and clarify them.

Timetable:

Action	Date	FR Cite
NPRM	10/01/82	
NPRM Comment Period Begin	10/01/82	
NPRM Comment Period End	10/31/82	
Final Action	07/00/83	

Small Entity: No

Government Levels Affected: Local, State, Federal

Analysis: Draft RFA 10/01/82; Final RFA 04/01/83

Agency Contact: Louis E. Gitomer, Deputy Director, Rail Section, Interstate Commerce Commission, Room 5417, Washington, DC 20423, 202 275-7245

RIN: 3120-AA07

EXEMPTION OF OUT OF SERVICE RAIL LINES, EX PARTE NO. 274 (SUB-NO. 8)

Priority: Agency Determination

Legal Authority: 49 USC 10505

Abstract: The rulemaking will propose to exempt from the Commission's prior approval under 49 USC 10903 the abandonment of rail lines that have been out of service for two years or longer.

Timetable:

Action	Date	FR Cite
NPRM	03/31/82	47 FR 13538
NPRM Comment Period Begin	03/31/82	
NPRM Comment Period End	04/30/82	
Final Action	03/31/83	

Small Entity: No

Government Levels Affected: Federal

Analysis: Final RIA 10/01/82

Agency Contact: Louis E. Gitomer, Deputy Director, Rail Section, Interstate Commerce Commission, Room 5417, Washington, DC 20423, 202 275-7245

RIN: 3120-AA08

RAILROAD CONSOLIDATION PROCEDURES - TRACKAGE RIGHTS EXEMPTION, EX PARTE NO. 282 (SUB-NO. 9)

Priority: Agency Determination

Legal Authority: 49 USC 10505; 49 USC 11343 to 11346; 5 USC 553

CFR Citation: 49 CFR 1180, (formerly 49 CFR 1111)

Abstract: We propose to exempt from regulation, as a class, trackage rights transactions under 49 U.S.C. 11343 that are: 1) based on written agreements; and 2) not sought as responsive applications to rail consolidation proceedings.

Timetable:

Action	Date	FR Cite
NPRM	09/15/82	47 FR 40668
NPRM Comment Period Begin	09/15/82	47 FR 40668
NPRM Comment Period End	10/15/82	
Final Action	04/15/83	
Final Action Effective	04/15/83	

Small Entity: No

Public Compliance Cost: Initial Cost: $200; Yearly Recurring Cost: $0; Base Year for Dollar Estimates: 1981

Government Levels Affected: Local, State, Federal

Analysis: Draft RFA 09/15/82 (47 FR 40668); Final RFA 04/15/83

Agency Contact: Louis E. Gitomer, Deputy Director, Rail Section, Interstate Commerce Commission, Room 5417, Washington, DC 20423, 202 275-7245

RIN: 3120-AA09

EXEMPTION OF RAILROADS FROM SECURITIES REGULATION UNDER 49 USC 11301, EX PARTE NO. 397

Priority: Agency Determination

Legal Authority: 49 USC 11301

CFR Citation: 49 CFR 1115

Abstract: Securities of railroads will be exempt from regulation under this proposal.

Timetable:

Action	Date	FR Cite
NPRM	04/01/83	
NPRM Comment Period Begin	04/01/83	
NPRM Comment Period End	05/01/83	
Final Action	06/01/83	
Final Action Effective	06/01/83	

Small Entity: Undetermined

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $406,000

Government Levels Affected: State, Federal

Analysis: Draft RFA 10/01/82; Final RFA 01/01/83; Final RIA 01/01/83; Preliminary RIA 10/01/83

Agency Contact: Louis E. Gitomer, Deputy Director, Rail Section, Interstate Commerce Commission, Room 5417, Washington, DC 20423, 202 275-7245

RIN: 3120-AA10

ZONE OF REASONABLENESS FOR CAR HIRE CHARGES, EX PARTE NO. 334 (SUB-NO. 5)

Priority: Agency Determination

Legal Authority: 49 USC 10321; 49 USC 10706; 49 USC 10734; 49 USC 11122; 5 USC 553

CFR Citation: 49 CFR 1033; 49 CFR 1036

Abstract: The Commission is considering whether to increase carrier flexibility in establishing car hire charges.

Timetable:

Action	Date	FR Cite
NPRM	10/22/80	
NPRM Comment Period Begin	11/03/80	45 FR 73524
NPRM Comment Period End	12/22/80	
Presently under internal evaluation	00/00/00	

Small Entity: No

Agency Contact: Louis E. Gitomer, Deputy Director, Rail Section, Interstate Commerce Commission, Rail Section, Washington, DC 20423, 202 275-7245

RIN: 3120-AA13

RAILROAD EXEMPTION - EXPORT COAL, EX PARTE NO. 346 (SUB-NO. 7)

Priority: Agency Determination

Legal Authority: 49 USC 10521; 49 USC 10505; 5 USC 553

CFR Citation: 49 CFR 1039

Abstract: The Commission is considering whether to exempt either fully or partially export coal traffic from I.C.C. regulation.

Timetable:

Action	Date	FR Cite
NPRM	08/18/81	
NPRM Comment Period Begin	09/04/81	46 FR 44529
NPRM Comment Period End	12/21/81	
Oral Hearing	06/16/82	

Action	Date	FR Cite
Pending final decision	00/00/00	

Small Entity: Undetermined

Agency Contact: Louis E. Gitomer, Deputy Director, Rail Section, Interstate Commerce Commission, Rail Section, Washington, DC 20423, **202 275-7245**

RIN: 3120-AA14

RAILROAD COST RECOVERY PROCEDURES, EX PARTE NO. 290 (SUB-NO. 2)

Priority: Agency Determination

Legal Authority: 49 USC 10321; 49 USC 10701a; 49 USC 10707; 49 USC 10707a; 49 USC 10712; 5 USC 553; 5 USC 559

CFR Citation: 49 CFR 1102

Abstract: The Commission is considering modifications to its cost recovery index adopted to meet the requirements of section 203 of the Staggers Rail Act of 1980.

Timetable:

Action	Date	FR Cite
ANPRM-Extension of Time For Replies	07/23/80	45 FR 49118
Previous NPRM	08/05/80	45 FR 51858
NPRM Comment Period Begin	11/21/80	
NPRM	12/10/80	45 FR 81217
NPRM Comment Period End	01/09/81	
Interim Final Rule	04/20/81	46 FR 22594
ANPRM	04/27/82	47 FR 18012
ANPRM Comment Period Begin	04/27/82	47 FR 25035
Proceeding Reopened	04/27/82	47 FR 28035
ANPRM Comment Period End	07/09/82	

Small Entity: No

Agency Contact: Louis E. Gitomer, Deputy Director, Rail Section, Interstate Commerce Commission, Washington, DC 20423, **202 275-7245**

RIN: 3120-AA49

REVISED PROCEDURES FOR DIVISIONS OF REVENUE CASES, EX PARTE NO. 322 (SUB-NO.1)

Priority: Agency Determination

Legal Authority: 49 USC 10321; 49 USC 10705; 5 USC 553

CFR Citation: 49 CFR 1109

Abstract: The Commission is modifying its regulations governing the processing of division of revenue proceedings. Modifications are necessary to implement revised deadlines and other changes established in the Staggers Rail Act of 1980.

Timetable:

Action	Date	FR Cite
NPRM	10/07/81	
NPRM Comment Period Begin	10/16/81	46 FR 51261
NPRM Comment Period End	12/03/81	
Final Action	12/31/82	
Final Action Effective	04/01/83	

Small Entity: No

Agency Contact: Louis E. Gitomer, Deputy Director, Rail Section, Interstate Commerce Commission, Washington, DC 20423, **202 275-7245**

RIN: 3120-AA50

COAL RATE GUIDELINES - NATIONWIDE, EX PARTE NO. 347 (SUB-NO. 1)

Priority: Agency Determination

Legal Authority: 49 USC 10321; 49 USC 10701a; 49 USC 10704; 5 USC 553; 49 USC 10709(a)

Abstract: The Commission is proposing a maximum rail rate policy applicable to captive coal traffic. Under the proposed "constrained market pricing" approach, rail carriers' pricing of market dominant coal traffic would be subject to four upward constraints. First, a coal shipper could not be charged more than the "stand-alone cost" of serving its traffic. Second, captive shippers would not be required to bear the cost of obvious management inefficiencies. Third, carriers which have adequate revenues, as we have defined them, would not be permitted to increase their rates on captive coal traffic. Finally, carriers would generally not be permitted to increase their rates on captive coal traffic by more than 15 percent in a single year (after allowing for inflation).

Timetable:

Action	Date	FR Cite
NPRM	11/18/80	45 FR 80370
NPRM Comment Period Begin	11/18/80	46 FR 2204
NPRM Comment Period End	04/17/81	
Comment end extended to 05/11/81	04/17/81	46 FR 22497
Interim Final Rule	12/16/81	46 FR 62958
Additional comments requested	02/10/82	47 FR 6109
Decision reopening 12/16 decision	08/05/82	
NPRM	02/08/83	
Public Comment period begins	02/22/83	
Public Comment period ends	04/13/83	

Small Entity: Undetermined

Agency Contact: Leslie J. Selzer, Assistant to the Director, Interstate Commerce Commission, Bureau of Accounts, Washington, DC 20423, **202 275-7337**

RIN: 3120-AA52

RAILROAD COST RECOVERY PROCEDURES - PRODUCTIVITY ADJUSTMENT, EX PARTE NO. 290 (SUB-NO. 4)

Priority: Agency Determination

Legal Authority: 49 USC 10321; 49 USC 10707a; 5 USC 553; 5 USC 559

CFR Citation: 49 CFR 1102

Abstract: The Commission is requesting comments on the use of a productivity adjustment in determining the quarterly rail cost adjustment factor under 49 USC 10707a.

Timetable:

Action	Date	FR Cite
ANPRM	07/26/82	47 FR 32176
ANPRM Comment Period Begin	07/26/82	47 FR 38946
ANPRM Comment Period End	10/25/82	
NPRM	07/00/83	
End Review	00/00/00	

Small Entity: Undetermined

Agency Contact: Louis E. Gitomer, Deputy Director, Rail Section, Interstate Commerce Commission, Washington, DC 20423, **202 275-7245**

RIN: 3120-AA54

CONTRACT IMPLEMENTATION DATE, EX PARTE NO. 387 (SUB-NO. 200)

Priority: Agency Determination

Legal Authority: 49 USC 10713

CFR Citation: 49 CFR 1039; 49 CFR 1300

Abstract: The Commission has proposed rules which further implement regulations for filing contract rates under 49 USC 10713. They would eliminate the need for separate

proceedings and Federal Register publication by granting blanket permission to begin transportation under the contract on the date the contract is filed. The need to reduce the individual proceedings and publications is evident from the number of proceedings filed since 1981 (over 800).

Timetable:

Action	Date	FR Cite
NPRM Comment Period Begin	10/24/80	45 FR 73481
NPRM	11/05/80	45 FR 73481
Interim Rules Stayed	12/29/80	45 FR 85641
NPRM Comment Period End	01/09/81	
IR removed, maintained as NPRM	10/01/81	46 FR 48215
NPRM	01/18/83	48 FR 2398
NPRM Comment Period begins	01/19/83	48 FR 2398
NPRM Comment Period ends	02/19/83	
Pending final decision	00/00/00	

Small Entity: Undetermined

Agency Contact: Louis E. Gitomer, Deputy Director, Rail Section, Interstate Commerce Commission, Washington, DC 20423, **202 275-7245**

RIN: 3120-AA56

COST RECOVERY PERCENTAGE, EX PARTE NO. 399

Priority: Agency Determination

Legal Authority: 49 USC 10321; 49 USC 10709(d); 5 USC 553

Abstract: The Commission is proposing to use the new Uniform Rail Costing System for calculating the cost recovery percentage in 49 USC 10709(d).

Timetable:

Action	Date	FR Cite
Previous NPRM	01/29/81	46 FR 9794
Previous NPRM	06/08/81	46 FR 20794
NPRM	03/30/82	47 FR 13430
NPRM	12/13/82	47 FR 56055
NPRM Comment period begins	12/13/82	
NPRM Comment period ends	02/11/83	

Small Entity: No

Agency Contact: Louis E. Gitomer, Deputy Director, Rail Section, Interstate Commerce Commission, Washington, DC 20423, **202 275-7245**

RIN: 3120-AA58

STANDARDS FOR RAILROAD REVENUE ADEQUACY, EX PARTE NO. 393

Priority: Major

Legal Authority: 49 USC 10704(a)(2)

Abstract: To assist the Commission in determining whether railroads are revenue adequate as prescribed by the IC Act. A final decision in this proceeding was issued on 03/30/81. The present NPRM is to resolve several issues left outstanding in the earlier decision.

Timetable:

Action	Date	FR Cite
NPRM	11/26/80	
NPRM	02/28/83	
NPRM comment period begins	03/01/83	
NPRM comment period ends	04/15/83	
Final Action	12/31/83	

Small Entity: Undetermined

Agency Contact: Ward L. Ginn, Jr., Chief, Section of Financial Analysis, Interstate Commerce Commission, 12th & Constitution Avenue, NW, Washington, DC 20423, **202 275-7488**

RIN: 3120-AA61

ADOPTION OF UNIFORM RAIL COSTING SYSTEM FOR DETERMINING VARIABLE COST FOR JURISDICTIONAL THRESHOLD AND SURCHARGE PURPOSES (URCS), EX PARTE NO. 431

Priority: Major

Legal Authority: 49 USC 10705(a); 49 USC 10709

CFR Citation: Not yet determined

Abstract: Develops new cost methodology applicable to the rail industry as mandated in the 1976 4-R Act and the 1980 Staggers Rail Act.

Timetable:

Action	Date	FR Cite
NPRM	01/31/83	48 FR 4562
NPRM Comment Period Begin	01/31/83	48 FR 4562
NPRM Comment Period End	05/31/83	
Final Action	11/00/83	
Final Action Effective	05/00/84	

Small Entity: Yes

Agency Contact: William T. Bono, Chief, Section of Cost Development, Interstate Commerce Commission, 12th & Constitution Avenue, NW, Washington, DC 20423, **202 275-7354**

RIN: 3120-AA63

MODIFY RULES GOVERNING TRAFFIC AMENDMENTS, EX PARTE NO. 435

Priority: Agency Determination

Legal Authority: 49 USC 10321; 49 USC 10762

CFR Citation: 49 CFR 1300; 49 CFR 1306; 49 CFR 1307; 49 CFR 1309; 49 CFR 1310

Abstract: The Commission proposes to relax present regulations which limit the size and number of amendments and supplements to effective tariffs.

Timetable:

Action	Date	FR Cite
NPRM	09/24/82	47 FR 52483
NPRM Comment Period Begin	09/24/82	47 FR 52483
NPRM Comment Period End	12/23/82	
Final Action	04/00/83	

Small Entity: No

Agency Contact: Martin E. Foley, Director, Bureau of Traffic, Interstate Commerce Commission, 4318 ICC Building, Washington, DC 20423, **202 275-7189**

RIN: 3120-AA65

CONSOLIDATION OF TARIFF PUBLISHING RULES, DOCKET NO. 37321

Priority: Agency Determination

Legal Authority: 49 USC 10321; 49 USC 10762

CFR Citation: 49 CFR 1300; 49 CFR 1303; 49 CFR 1304; 49 CFR 1305; 49 CFR 1306; 49 CFR 1307; 49 CFR 1308; 49 CFR 1309; 49 CFR 1310

Abstract: A complete review and revisions of all the ICC tariff publishing regulations codified at 49 CFR 1300 - 1310 inclusive to simplify language, eliminate duplications, streamline procedures and generally improve the overall quality of the regulations and tariffs filed pursuant to them. Obsolete or unnecessary regulations will be deleted. Upon approval by the Commission, the proposed revisions will be put out for public comment via APA rulemaking procedures.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	

Small Entity: Yes

Agency Contact: Martin E. Foley, Director, Bureau of Traffic, Interstate Commerce Commission, 4318 ICC Building, Washington, DC 20423, **202 275-7189**

RIN: 3120-AA66

FEEDER RAILROAD DEVELOPMENT PROGRAM, EX PARTE NO. 395 (SUB-NO. 1)

Priority: Agency Determination

Legal Authority: 49 USC 10321; 49 USC 10910; 5 USC 553

CFR Citation: 49 CFR 1151

Abstract: The proposed regulations simplify the procedures whereby shippers and communities can acquire rail lines prior to their abandonment or downgrading.

Timetable:

Action	Date	FR Cite
NPRM	08/03/82	
NPRM Comment Period Begin	08/03/82	
NPRM Comment Period End	09/07/82	
Interim Final Rule	11/30/82	
Final Action	02/28/83	
Final Action Effective	03/30/83	

Small Entity: Undetermined

Public Compliance Cost: Initial Cost: $1,000

Government Levels Affected: Local, State, Federal

Analysis: Draft RFA 08/03/82; Preliminary RIA 08/03/82; Final RIA 02/28/83; Final RFA 02/28/83

Agency Contact: Louis E. Gitomer, Deputy Director, Rail Section, Interstate Commerce Commission, Room 5417, Washington, DC 20423, **202 275-7245**

RIN: 3120-AA67

REMOVAL OF EXTRAORDINARY (FINANCIAL) CONDITIONS IMPOSED UPON CARRIERS AND NON-CARRIER HOLDING COMPANIES & THEIR MOTOR CARRIER SUBSIDIARIES, EX PARTE NO. 429

Priority: Agency Determination

Legal Authority: 49 USC 11302; 49 USC 11362

CFR Citation: 49 CFR 1113 to 1115

Abstract: A number of securities regulations will be examined for their continuing relevance.

Timetable:

Action	Date	FR Cite
NPRM	10/07/82	47 FR 44518
NPRM Comment Period Begin	10/07/82	
NPRM Comment Period End	11/01/82	
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Louis E. Gitomer, Deputy Director, Rail Section, Interstate Commerce Commission, Washington DC 20423, **202 275-7245**

RIN: 3120-AA68

●REVISION TO ACCOUNTING AND REPORTING REQUIREMENTS OF OTHER THAN GENERAL FREIGHT MOTOR CARRIERS

Priority: Agency Determination

Legal Authority: 9 USC 11142

CFR Citation: 49 CFR 1207; 49 CFR 1249

Abstract: This rule would: (1) eliminate the requirement for Class I contract carriers of other than general freight (except household goods) to maintain the uniform system of accounts; (2) reduce the Annual Report Form M filed by Class I common carriers of other than general freight by about 65 percent; and (3) adopt a simple two-page survey form for Class I contract and Class II common and contract carriers of other than general freight (except household goods). These changes would relieve about 1,675 carriers from our accounting rules and reduce the accounting and reporting burden by about 297,350 staff-hours.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	
Final Action	09/00/83	
Final Action Effective	01/01/84	

Small Entity: No

Agency Contact: Bryan Brown, Jr., Chief, Section of Accounting and Reporting, Interstate Commerce Commission, 12th & Constitution Avenue, N.W., Washington, D.C. 20423, **202 275-7448**

RIN: 3120-AA84

●REVISION TO ACCOUNTING RULES FOR CLASS I AND CLASS II COMMON AND CONTRACT MOTOR CARRIERS OF PROPERTY

Priority: Agency Determination

Legal Authority: 5 USC 553; 49 USC 11142

CFR Citation: 49 CFR 1207

Abstract: The proposed rule would revise the regulations to: (1) make the uniform system of accounts a single-class system, generally based on the present requirements for Class II carriers; (2) eliminate recognition of gains on trade-ins of operating equipment; (3) eliminate the requirement for household goods carrier principals to obtain financial reports from their carrier agents; and (4) make miscellaneous technical changes to clarify the regulations.

Timetable:

Action	Date	FR Cite
NPRM	01/18/83	48 FR 2557
NPRM Comment Period Begin	01/20/83	48 FR 2557
NPRM Comment Period End	03/07/83	
Final Action	09/00/83	

Small Entity: No

Agency Contact: Bryan Brown, Jr., Chief, Section of Accounting and Reporting, Interstate Commerce Commission, 12th & Constitution Avenue, N.W., Washington, D.C. 20423, **202 275-7448**

RIN: 3120-AA85

●REVISION TO THE UNIFORM SYSTEM OF ACCOUNTS FOR RAILROADS

Priority: Agency Determination

Legal Authority: 49 USC 11166

CFR Citation: 49 CFR 1201

Abstract: The purpose of this regulation is to update the uniform system of accounts for railroads. This includes incorporating various suggestions from users and carriers and recommendations from Commission staff. It also addresses such areas as compliance with GAAP, clarity of presentation, and logic for level of detail in account classifications. Further, the operating expense account explanations have been revised for clarity.

Timetable:

Action	Date	FR Cite
NPRM	05/01/83	
NPRM Comment Period Begin	05/01/83	
NPRM Comment Period End	07/01/83	

Action	Date	FR Cite
Final Action	08/00/83	
Final Action Effective	01/01/84	

Small Entity: No

Agency Contact: Bryan Brown, Jr., Chief, Section of Accounting and Reporting, Interstate Commerce Commission, 12th & Constitution Avenue, N.W., Washington, D.C. 20423, **202 275-7448**

RIN: 3120-AA86

●EXEMPTION FROM REGULATION - RAIL TRANSPORTATION FROZEN FOOD, EX PARTE NO. 346 (SUB-NO. 15)

Priority: Agency Determination

Legal Authority: 49 USC 10505; 5 USC 553

CFR Citation: 49 CFR 1039

Abstract: Acting on a petition of the Union Pacific Railroad Company, the Commission has requested comments on a proposal to exempt from regulation the rail transportation of frozen foods.

Timetable:

Action	Date	FR Cite
NPRM	02/09/83	48 FR 6210
NPRM Comment Period Begin	02/09/83	
NPRM Comment Period End	03/14/83	

Small Entity: Undetermined

Agency Contact: Louis E. Gitomer, Deputy Director, Rail Section, Interstate Commerce Commission, Washington, DC 20423, **202 275-7245**

RIN: 3120-AA88

●ACQUISITION PROCEDURES FOR LINES OF RAILROADS IN REORGANIZATION, EX PARTE NO. 282 (SUB-NO. 4)

Priority: Agency Determination

Legal Authority: 49 USC 10901; 49 USC 10321; 49 USC 10341; 49 USC 11345; 49 USC 11346; 5 USC 559; 11 USC 1172; 45 USC 904 to 915

CFR Citation: 49 CFR 1150.1(a); 49 CFR 1180(B)

Abstract: The Commission is revising the content and procedures for applications to acquire and operate lines of bankrupt railroads. These procedures govern applications for sales and transfers under Sections 5(b) and 17(b) of the Milwaukee Railroad Restructuring Act (45 USC 904 and 915) and for transfers and operations of or over lines of bankrupt carriers under Section 1172 of the Bankruptcy Act, 11 USC 1172. The procedures are also made applicable for acquisition and operation of lines of bankrupt railroads that require Commission certification under 49 USC 10901.

Timetable:

Action	Date	FR Cite
Final Action	05/01/83	

Small Entity: Yes

Additional Information: The revisions to the regulations in Subpart B of 49 CFR Part 1180 are being issued as final rules. The procedures are patterned after the Commission's certification procedures in Subpart A of 49 CFR Part 1150 and railroad consolidation procedures in Subpart A of 49 CFR Part 1180, both of which resulted from extensive rulemaking proceedings where full opportunity was given for public comment. The rules in Subpart B of 49 CFR Part 1180 were originally issued without requesting comment because of time constraints imposed by the Milwaukee Railroad Restructuring Act. In none of the applications handled so far under Subpart B have objections been raised about the information requirements or procedures. It has been determined that it is unnecessary within the meaning of 5 USC 553(b)(113) for us to request comment prior to adopting the revised procedures for acquisitions and operation of lines or bankrupt carriers.

Government Levels Affected: Local, State, Federal

Agency Contact: Louis E. Gitomer, Deputy Director, Rail Section, Interstate Commerce Commission, Washington, DC 20423, **202 275-7245**

RIN: 3120-AA91

●ELECTRONIC FILING OF TARIFFS, EX PARTE NO. 444

Priority: Agency Determination

Legal Authority: 49 USC 10321; 49 USC 10762

CFR Citation: 49 CFR 1300; 49 CFR 1303; 49 CFR 1304; 49 CFR 1305; 49 CFR 1306; 49 CFR 1307; 49 CFR 1308; 49 CFR 1309; 49 CFR 1310

Abstract: Commission regulations require filing of tariffs in printed form. The Commission is considering establishing rules and procedures to permit carriers to file tariffs electronically. The advance notice of proposed rulemaking seeks comments from interested parties.

Timetable:

Action	Date	FR Cite
ANPRM	03/08/83	48 FR 9672
ANPRM Comment Period Begin	03/08/83	
ANPRM Comment Period End	04/22/83	

Small Entity: Undetermined

Agency Contact: W. Paul Geisenkotter, Chief, Section of Tariffs, Interstate Commerce Commission, Bureau of Traffic, Washington, D.C. 20423, **202 275-7739**

RIN: 3120-AA99

●ELECTRONIC TRANSMISSION OF BILLS OF LADING, EX PARTE NO. 434

Priority: Undetermined

Legal Authority: 49 USC 10321; 5 USC 553

CFR Citation: 49 CFR 1035; 49 CFR 1081

Abstract: The ICC proposes to permit the electronic transmission of Bills of Lading. The purpose of this advance notice is to obtain comments from interested persons on appropriate methodologies and safeguards to protect the interests of shippers and carriers.

Timetable:

Action	Date	FR Cite
ANPRM	05/01/83	

Small Entity: Undetermined

Agency Contact: Louis E. Gitomer, Deputy Director, Rail Section, Interstate Commerce Commission, Washington, DC 20423, **202 275-7245**

RIN: 3120-AA98

RULES GOVERNING TEMPORARY AUTHORITY AND EMERGENCY TEMPORARY AUTHORITY, EX PARTE NO. MC-67 (SUB-NO. 8)

Legal Authority: 49 USC 10321; 5 USC 553

CFR Citation: 49 CFR 1131

Abstract: Proposal to simplify all regulations dealing with TA's and ETA's, to implement a requirement of the Motor Carrier Act of 1980.

Timetable:

Action	Date	FR Cite
NPRM	02/23/81	46 FR 13741
NPRM Comment Period Begin	02/24/81	
NPRM Comment Period End	04/10/81	
Final Action	10/31/82	

Next Action Undetermined

Small Entity: Undetermined

ICC — Current and Projected Rulemakings

Agency Contact: Paul Grossman, Attorney Advisor, Interstate Commerce Commission, Motor Section, Washington, DC 20423, **202 275-7976**

RIN: 3120–AA18

SPECIAL TEMPORARY AUTHORITY PROCEDURES, EX PARTE NO. MC-64 (SUB-NO. 2A)

Legal Authority: 49 USC 10321; 5 USC 553

CFR Citation: 49 CFR 1131

Abstract: Proposal to add categories of emergency situations in which special temporary operating authority for motor carriers may be granted.

Timetable:

Action	Date	FR Cite
NPRM	06/05/80	45 FR 37912
NPRM Comment Period Begin	06/05/80	45 FR 46459
NPRM Comment Period End	08/11/80	
Final Action	10/31/82	
Awaiting final action in Ex Parte No. MC-67 (Sub-Nos. 6 and 8)	00/00/00	

Small Entity: Not Applicable

Agency Contact: Jane Ewing, Attorney Advisor, Interstate Commerce Commission, Motor Section, Washington, DC 20423, **202 275-1873**

RIN: 3120–AA19

ELIMINATION OF CERTIFICATES AS A MEASURE OF HOLDING OUT, EX PARTE NO. MC-77 (SUB-NO. 3)

Legal Authority: 49 USC 10101; 49 USC 10321; 49 USC 10762; 49 USC 10922; 49 USC 11101; 5 USC 553

CFR Citation: 49 CFR 1310

Abstract: Proposal to re-examine the nature of motor carrier's common carrier obligation to determine whether, in view of the much broader type of authority permitted by the Motor Carrier Act of 1980, carriers must provide service exactly coextensive with all points and services contained in their certificates.

Timetable:

Action	Date	FR Cite
NPRM	01/27/81	46 FR 8604
NPRM Comment Period Begin	01/27/81	46 FR 13751
NPRM Comment Period End	03/09/81	
Final Action	10/31/82	

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Suzanne Higgins, Attorney Advisor, Interstate Commerce Commission, Motor Section, Washington, DC 20423, **202 275-1871**

RIN: 3120–AA21

ELIMINATION OF NOTIFICATION OF ETA APPLICATION, EX PARTE NO. MC-67 (SUB-NO. 6)

Legal Authority: 49 USC 10321; 49 USC 10928; 5 USC 553

CFR Citation: 49 CFR 1131

Abstract: Proposal to cease notifying other parties before granting emergency temporary authority applications, as the delays involved in the notice procedure vitiated the emergency nature of the grant.

Timetable:

Action	Date	FR Cite
NPRM	02/24/81	46 FR 13741
NPRM Comment Period Begin	02/24/81	
NPRM Comment Period End	03/26/81	
Draft decision under consideration	00/00/00	

Small Entity: Not Applicable

Agency Contact: Paul Grossman, Attorney Advisor, Interstate Commerce Commission, Motor Section, Washington, DC 20423, **202 275-7976**

RIN: 3120–AA22

BRANCH LINE ACCOUNTING SYSTEM-RAILROADS

Legal Authority: 49 USC 10362(b) 7

CFR Citation: 49 CFR 1201

Abstract: These rules establish a standardized system of accounting which will permit the collection and publication by railroads of information necessary to determine accurately the revenues attributable, avoidable costs, and service units of light density lines scheduled for abandonment under 49 CFR 1121 or 1125. This proceeding is a continuing matter, by statute, based upon the Regional Rail Reorganization Act of 1973, modified by the Railroad Revitalization & Regulatory Reform Act of 1976; therefore, completion dates are inappropriate.

Timetable:

Action	Date	FR Cite
NPRM	01/11/78	43 FR 1732
Continuing proceeding by statute	00/00/00	

Small Entity: Not Applicable

Additional Information: 01/11/78 NPRM is Restatement of Regulations.

Agency Contact: James R. Wells, Transportation Industry Analyst, Interstate Commerce Commission, Section of Rail Services Planning, Washington, DC 20423, **202 275-0840**

RIN: 3120–AA23

PETITION TO EXPAND PASSENGER MOTOR CARRIER SUPERHIGHWAY AND DEVIATION RULES

Legal Authority: 49 USC 10321; 5 USC 553

CFR Citation: 49 CFR 1042

Abstract: Proposal to expand the amount by which a motor carrier of passengers may deviate from its certificated route in order to perform authorized service in an efficient and timely way.

Timetable:

Action	Date	FR Cite
NPRM	02/01/79	44 FR 6580
Draft under consideration	00/00/00	

Next Action Undetermined

Small Entity: Not Applicable

Agency Contact: S. David Berger, Supervising Attorney Advisor, Interstate Commerce Commission, Motor Section, Washington, DC 20423, **202 275-7980**

RIN: 3120–AA24

DORMANCY, DIVISION OF OPERATING RIGHTS, AND NEW COMPETITIVE SERVICE IN MOTOR CARRIER ACQUISITION CASES, EX PARTE NO. MC-155

Legal Authority: 49 USC 10926; 49 USC 11343; 49 USC 11344

CFR Citation: 49 CFR 1132; 49 CFR 1134

Abstract: New rules would propose to deal with the handling of sales of motor carrier operating rights involving dormant rights or rights which create additional competition by sale.

Timetable:

Action	Date	FR Cite
NPRM	01/20/83	
Draft decision being prepared	00/00/00	

Small Entity: Undetermined

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $957,300; Base Year for Dollar Estimates: 1983

Government Levels Affected: Federal

Analysis: Draft RFA 01/20/83

Agency Contact: Warren Wood, Senior Attorney, Motor Section, Interstate Commerce Commission, 12th & Constitution Avenue, NW, Room 2330, Washington, DC 20423, 202 275-7977

RIN: 3120-AA27

DISCONTINUANCE OR CHANGE OF TRAIN OR FERRY SERVICE, EX PARTE NO. 428

Legal Authority: 49 USC 10906; 49 USC 10909

CFR Citation: 49 CFR 1153, (formerly 49 CFR 1122)

Abstract: The Commission will propose to update and streamline the regulations for railroads who propose to change or discontinue passenger train or ferry service.

Timetable:

Action	Date	FR Cite
ANPRM	09/01/82	
ANPRM Comment Period Begin	09/15/82	
ANPRM Comment Period End	10/15/82	
NPRM	11/01/82	
Final Action	03/31/83	

Small Entity: No

Public Compliance Cost: Initial Cost: $3,000; Yearly Recurring Cost: $800; Base Year for Dollar Estimates: 1982

Affected Sectors: Multiple

Analysis: Draft RFA 09/01/82; Final RFA 03/31/83

Agency Contact: Louis E. Gitomer, Deputy Director, Rail Section, Interstate Commerce Commission, 12th & Constitution Avenue, NW, Washington, DC 20423, 202 275-7245

RIN: 3120-AA28

PETITION TO EXEMPT STORAGE LEASES OF NORFOLK AND WESTERN 1982, EX PARTE NO. 346 (SUB-NO. 12)

Legal Authority: 49 USC 10505; 5 USC 553

CFR Citation: 49 CFR 1039

Abstract: The Commission is considering whether to exempt leases of N&W equipment to shippers for storage.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Louis E. Gitomer, Deputy Director, Rail Section, Interstate Commerce Commission, Washington, DC 20423, 202 275-7245

RIN: 3120-AA30

COSTING METHODOLOGIES FOR THE NORTHEAST CORRIDOR; COMMUTER SERVICE

Legal Authority: PL 97-35, Sec 1163(a) Northeast Rail Service Act of 1981

Abstract: These rules establish an appropriate costing methodology for compensating Amtrak for the use of its trackage in the Northeast Corridor and other areas by commuter rail passenger and freight services. It is based on an avoidable costing methodology concept. Amtrak is treated as the dominant user and the other users of its properties as the minority users; this is for purposes of assigning joint costs. This proceeding is a continuing matter under the Northeast Rail Services Act of 1981; as such, completion dates are not pertinent.

Timetable:

Action	Date	FR Cite
ANPRM	09/04/81	46 FR 44999
NPRM	01/25/82	47 FR 3418
NPRM Comment Period Begin	01/25/82	47 FR 3418
NPRM Comment Period End	03/01/82	
Continuing proceeding by statute	00/00/00	

Small Entity: No

Agency Contact: Stephen M. Grimes, Transportation Industry Analyst, Interstate Commerce Commission, Washington, DC 20423, 202 275-0839

RIN: 3120-AA31

REASONABLY EXPECTED COST

Legal Authority: 49 USC 10705a(b)(2) Staggers Rail Act of 1980

CFR Citation: 49 CFR 1129

Abstract: A railroad may impose a surcharge on traffic originating or terminating on certain light density lines. These surcharges may be applied without Commission interference unless the surcharge increases the carrier's share of joint-line revenues above 110 percent of variable cost plus 100 percent of the carrier's reasonably expected costs of continuing to operate the line itself; i.e., its on-branch costs. These rules establish the methodology for determining "reasonably expected costs." It will benefit the public by permitting shippers a mechanism to monitor and determine the appropriateness of a light density line surcharge. This proceeding is "open" pursuant to the Staggers Rail Act of 1980 and therefore, completion dates are not appropriate.

Timetable:

Action	Date	FR Cite
Final Action	08/04/82	
Final Action Effective	09/03/82	
"Open" pursuant to statute	00/00/00	

Small Entity: No

Agency Contact: James Wells, Accountant, Interstate Commerce Commission, Washington, DC 20423, 202 275-0840

RIN: 3120-AA32

STANDARDS FOR DETERMINING RAIL SERVICE CONTINUATION

Legal Authority: 45 USC 715(d)(6) Regional Rail Reorganization Act of 1973; 49 USC 10362(b)(6) RR Revitalization & Reg. Reform Act of 1976

CFR Citation: 49 CFR 1125

Abstract: The standards define the terms "revenue attributable to the rail properties," the "avoidable costs of providing service," a "reasonable return on the value," and a "reasonable management fee." When a railroad receives Commission approval to abandon a portion of rail property because it is a burden on interstate commerce, a financially responsible person may offer an operating subsidy (i.e., a rail service continuation payment) to keep the rail line in operation. The standards establish a formula for calculating the estimated first year subsidy payment; the formula utilizes the terms defined above. This standard benefits the public by facilitating the continuation of essential freight service that would otherwise cease; it further provides a mechanism adequately compensating a carrier for the service provided. This proceeding is a continuing matter by statute based upon the Regional Rail Reorganization Act of 1973, modified by the Railroad Revitalization & Regulatory Reform Act of

1976; therefore, completion dates are inappropriate.

Timetable:

Action	Date	FR Cite
Continuing proceeding by statute	00/00/00	

Small Entity: Not Applicable

Agency Contact: James Wells, Accountant, Interstate Commerce Commission, Section of Rail Services Planning, Washington, DC 20423, **202 275-0840**

RIN: 3120-AA33

STANDARDS FOR DETERMINING COMMUTER RAIL SERVICE CONTINUATION SUBSIDIES AND EMERGENCY OPERATING PAYMENTS

Legal Authority: 45 USC 715 Regional Rail Reorganization Act of 1973; 49 USC 10362(b)(5); PL 94-210 RR Revitalization & Reg. Reform Act of 1976

CFR Citation: 49 CFR 1127

Abstract: These standards establish a methodology by which a subsidy amount may be calculated. This subsidy would be offered by a financially responsible party (usually a state agency or commuter authority) to a railroad to fund the deficits incurred in providing rail passenger commuter service in the Northeast. These standards benefit the public by facilitating the continuation of essential rail passenger service and providing a mechanism for adequately compensating a carrier for the service provided. This proceeding is a continuing matter, by statute, based upon the Regional Rail Reorganization Act of 1973, modified by the Railroad Revitalization & Regulatory Reform Act of 1976; therefore, completion dates are inappropriate.

Timetable:

Action	Date	FR Cite
ANPRM	06/05/81	
Continuing proceeding by statute	00/00/00	

Small Entity: Not Applicable

Agency Contact: Stephen M. Grimm, Transportation Industry Analyst, Interstate Commerce Commission, Section of Rail Services Planning, Washington, DC 20423, **202 275-0839**

RIN: 3120-AA34

INTERCHANGE POLICIES AT INTERNATIONAL BOUNDARY LINES, EX PARTE NO. MC-73 (SUB-NO. 1)

Legal Authority: 49 USC 10101; 49 USC 10321; 49 USC 11107; 5 USC 552; 5 USC 553; 5 USC 559

CFR Citation: 49 CFR 1004; 49 CFR 1057

Abstract: Proposal to permit licensed motor carriers to interchange equipment at international boundary lines with licensed Mexican and Canadian carriers.

Timetable:

Action	Date	FR Cite
NPRM	06/23/81	46 FR 32460
NPRM Comment Period Begin	06/23/81	
NPRM Comment Period End	08/07/81	

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Nan Heald, Attorney Advisor, Interstate Commerce Commission, Motor Section, Washington, DC 20423, **202 275-7004**

RIN: 3120-AA36

PRACTICES OF MOTOR COMMON CARRIERS OF HOUSEHOLD GOODS (PERFORMANCE STANDARDS)

Legal Authority: 49 USC 11109; 49 USC 11110

CFR Citation: 49 CFR 1056.18

Abstract: This proceeding would adopt performance standards for household goods carriers in the areas of: accuracy of estimates; transporting shipments with reasonable dispatch; and claims handling.

Timetable:

Action	Date	FR Cite
NPRM	03/11/81	46 FR 16225
NPRM Comment Period Begin	03/11/81	46 FR 16225
NPRM Comment Period End	04/10/81	
Final Action	04/01/83	
Final Action Effective	05/01/83	

Small Entity: Undetermined

Agency Contact: W. F. Sibbald, Jr., Assistant Deputy Director, Sec of Operations, Interstate Commerce Commission, OCCA, Washington, DC 20423, **202 275-7148**

RIN: 3120-AA38

REVOCATION PROCEDURES FOR FAILURE TO FILE AND MAINTAIN INSURANCE (MOTOR CARRIERS), OR SURETY BONDS (MOTOR CARRIERS, BROKERS AND FREIGHT FORWARDERS)

Legal Authority: 49 USC 10925; 49 USC 10927

CFR Citation: 49 CFR 1043.7(f); 49 CFR 1084.8(g)

Abstract: Motor carriers, brokers and forwarders are required to file evidence of security for public protection in prescribed amounts. This proceeding involves improvement of the procedures by which revocation of certificates, licenses and permits is accomplished for failure to file or maintain the required security.

Timetable:

Action	Date	FR Cite
NPRM	12/13/82	47 FR 55980
NPRM Comment Period Begin	12/13/82	47 FR 55980
NPRM Comment Period End	01/13/83	
Final Action	04/00/83	
Final Action Effective	05/00/83	

Small Entity: No

Agency Contact: Margaret Ginyard, Transportation Industry Analyst, Interstate Commerce Commission, Office of Compliance & Consumer Assistance, Room 6328, Washington, DC 20423, **202 275-6749**

RIN: 3120-AA39

REGULATIONS GOVERNING THE ADEQUACY OF INTERCITY MOTOR COMMON CARRIERS PASSENGER SERVICE, EX PARTE NO. MC-95 (SUB-NO. 3)

Legal Authority: 49 USC 10321; 5 USC 553

CFR Citation: 49 CFR 1063

Abstract: Proposal to develop rules governing adequacy of service, equipment, and facilities on buses.

Timetable:

Action	Date	FR Cite
NPRM	09/06/79	44 FR 53092
NPRM Comment Period Begin	09/06/79	
NPRM Comment Period End	10/06/79	
Draft Decision under consideration	00/00/00	

Small Entity: Not Applicable

Agency Contact: **James Brown**, Attorney Advisor, Interstate Commerce Commission, Motor Section, Washington, DC 20423, **202 275-7898**

RIN: 3120–AA40

AGRICULTURAL COOPERATIVE EXEMPTION

Legal Authority: 49 USC 10529

CFR Citation: 49 CFR 1047.21 to 1047.23

Abstract: The draft final rules would modify existing regulations to enhance the Commission's enforcement powers over cooperatives. Cooperatives would be required to compile simple reports and maintain certain records in one location. Non-resident cooperatives would have to make such reports and records available in the United States and the Notice Form OCP 102 required to be filed with the Commission would expire one year from the filing date.

Timetable:

Action	Date	FR Cite
NPRM	06/10/81	49 FR 30668
NPRM Comment Period Begin	06/10/81	49 FR 30668
NPRM Comment Period End	07/27/81	
Final Action	06/00/83	
Final Action Effective	07/00/83	

Small Entity: Yes

Agency Contact: **Patricia M Schulze**, Transportation Industry Analyst, Interstate Commerce Commission, OCCA, Washington, DC 20423, **202 275-7841**

RIN: 3120–AA74

MOTOR CARRIERS AND FREIGHT FORWARDERS INSURANCE PROCEDURES AND MINIMUM AMOUNTS OF LIABILITY

Legal Authority: 49 USC 10927

CFR Citation: 49 CFR 1043.1; 49 CFR 1043.2; 49 CFR 1043.4 to 1043.8; 49 CFR 1084

Abstract: This rulemaking proposes to permit insurance coverage through multiple policies, known as "aggregation", for all motor carriers and freight forwarders. It would eliminate the financial standard for qualifying insurance and surety companies. The proposal would raise bodily injury and property damage liability limits for freight forwarders to the same limits as motor carriers and change to a combined single limit of $300,000 for motor operating vehicles under 10,000 pounds GVWR.

Timetable:

Action	Date	FR Cite
NPRM	12/14/82	47 FR 55976
NPRM Comment Period Begin	12/14/82	47 FR 55976
NPRM Comment Period End	01/13/83	
Final Action	04/00/83	
Final Action Effective	05/00/83	

Small Entity: Yes

Agency Contact: **Alice K. Ramsey; Margaret Richards**, Branch Chief; Insurance Examiner, Interstate Commerce Commission, OCCA, Washington, DC 20423, **202 275-0854**

RIN: 3120–AA75

ANTITRUST AND COMPETITION FACTORS IN MOTOR CARRIERS FINANCE CASES, EX PARTE NO. 55 (SUB-NO. 381)

Legal Authority: 49 USC 11343; 49 USC 11344

CFR Citation: 49 CFR 1134; 49 CFR 1141

Abstract: The proceeding is considering the issue of competition in motor carrier acquisition cases.

Timetable:

Action	Date	FR Cite
ANPRM	04/18/80	45 FR 26385
ANPRM Comment Period Begin	04/18/80	
ANPRM Comment Period End	05/17/80	
NPRM	01/01/83	
NPRM Comment Period Begin	01/01/83	
NPRM Comment Period End	01/31/83	
Interim Final Rule	03/31/83	
Final Action	03/31/83	
Final Action Effective	03/31/83	

Small Entity: Undetermined

Government Levels Affected: Federal

Analysis: Preliminary RIA 01/01/83; Draft RFA 01/01/83; Final RIA 03/31/83; Final RFA 03/31/83

Agency Contact: **Warren Wood**, Senior Attorney, Motor Section, Interstate Commerce Commission, 12th & Constitution Avenue, NW, Room 2330, Washington, DC 20423, **202 275-7977**

RIN: 3120–AA79

SPECIAL INTERMODAL AUTHORITY, EX PARTE NO. 282 (SUB-NO. 7)

Legal Authority: 49 USC 11344(e)

CFR Citation: 49 CFR 1111.11

Abstract: The rules will implement a provision allowing special applications to provide the motor portion of a motor-rail movement as a substitute for impaired rail service.

Timetable:

Action	Date	FR Cite
NPRM	10/18/80	
NPRM Comment Period Begin	10/18/80	
Interim Final Rule	10/18/80	
NPRM Comment Period End	11/18/80	
Final Action	09/19/83	
Final Action Effective	10/19/83	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: **Louis E. Gitomer**, Deputy Director, Rail Section, Interstate Commerce Commission, Room 5417, Washington, DC 20423, **202 275-7245**

RIN: 3120–AA82

●LIQUID IRON SULPHATE EXEMPTION, EX PARTE NO. 346 (SUB-NO. 16)

Legal Authority: 49 USC 10505; 5 USC 553

CFR Citation: 49 CFR 1039

Abstract: When exemption of liquid iron chloride was proposed, a shipper of iron sulphate sought inclusion of that product. Comments are being requested from interested persons in a separate proceeding.

Timetable:

Action	Date	FR Cite
NPRM	03/00/83	

Small Entity: Undetermined

Agency Contact: **Louis E. Gitomer**, Deputy Director, Rail Section, Interstate Commerce Commission, Washington, DC 20423, **202 275-7245**

RIN: 3120–AA89

●LIQUID IRON CHLORIDEEXEMPTION, NATIONWIDE, EX PARTE NO. 346 (SUB-NO. 9A)

Legal Authority: 49 USC 10505; 5 USC 553

CFR Citation: 49 CFR 1039

Abstract: The narrowness of a carrier-requested iron chloride exemption could

result in regulatory anomalies so a nationwide rail exemption is being considered.

Timetable:

Action	Date	FR Cite
NPRM Comment Period Begin	10/04/82	47 FR 45891
NPRM	10/14/82	47 FR 45891
NPRM Comment Period End	11/15/82	
Pending Final decision	00/00/00	

Small Entity: No

Agency Contact: Louis E. Gitomer, Deputy Director, Rail Section, Interstate Commerce Commission, Washington, DC 20423, **202 275-7245**

RIN: 3120-AA93

●REVISION OF RAIL, MOTOR, WATER, AND FREIGHT FORWARDER CREDIT REGULATIONS, EX PARTE NOS. MC-1 AND 73 ET AL.

Legal Authority: 5 USC 553; 49 USC 10321; 49 USC 10701; 49 USC 10702; 49 USC 10741; 49 USC 10743; 49 USC 10744

CFR Citation: 49 CFR 1051; 49 CFR 1320; 49 CFR 1321; 49 CFR 1322; 49 CFR 1323; 49 CFR 1324

Abstract: The Commission is examining the rules governing the extension of credit by regulated carriers.

Timetable:

Action	Date	FR Cite
NPRM	01/18/83	48 FR 2151
NPRM Comment Period Begin	01/18/83	
NPRM Comment Period End	04/18/83	

Small Entity: Undetermined

Agency Contact: Louis E. Gitomer, Deputy Director, Rail Section, Interstate Commerce Commission, Washington, DC 20423, **202 275-7245**

RIN: 3120-AA94

●PROCEDURES GOVERNING THE PROCESSING, INVESTIGATION, AND DISPOSITION OF OVERCHARGE, DUPLICATE PAYMENT, OR OVERCOLLECTION CLAIMS

Legal Authority: 49 USC 10761(a); 49 USC 10741

CFR Citation: 40 CFR 1008

Abstract: This action would consider the modification of rules governing processing of overcharge, duplicate payment, and overcollection claims to lessen burdens on small shippers.

Timetable:

Action	Date	FR Cite
NPRM	06/00/83	
NPRM Comment Period Begin	06/00/83	
NPRM Comment Period End	07/00/83	
Final Action	09/00/83	
Final Action Effective	10/00/83	

Small Entity: Yes

Agency Contact: Patricia M. Schulze, Transportation Industry Analyst, Interstate Commerce Commission, Office of Compliance and Consumer Assistance, Washington, D.C. 20423, **202 275-7841**

RIN: 3120-AA95

●OWNER-OPERATOR FOOD TRANSPORTATION

Legal Authority: 49 USC 10922(b)(4)(E); 49 USC 10923(b)(5)(A)

CFR Citation: 49 CFR 1002.2(d)(8); 49 CFR 1138.4

Abstract: The present regulations contemplate that annual report forms for owner-operator food transportation be mailed to licensees approximately one year after the issuance of authority and on the same date in each successive year. This system is administratively cumbersome. The proposal would provide for an annual mailing of the forms in January of each year and would require that carriers holding this authority complete and file the report on or before March 31 of each year for transportation performed during the preceding calendar year.

Timetable:

Action	Date	FR Cite
NPRM	05/00/83	
NPRM Comment Period Begin	05/00/83	
NPRM Comment Period End	06/00/83	
Final Action	08/00/83	
Final Action Effective	09/00/83	

Small Entity: Yes

Agency Contact: Patricia W. Schulze, Transportation Industry Analyst, Interstate Commerce Commission, Office of Compliance and Consumer Assistance, Washington, D.C. 20423, **202 275-7841**

RIN: 3120-AA96

●CONTROL OF DUPLICATIVE OPERATING RIGHTS, EX PARTE NO. MC-79 (SUB-NO. 2)

Legal Authority: 49 USC 10321; 49 USC 10922

CFR Citation: 49 CFR 1181; 49 CFR 1183

Abstract: To remove the prohibition against approving transactions that would result in motor passenger carriers under common control holding duplicative operating rights.

Timetable:

Action	Date	FR Cite
ANPRM	03/31/83	

Small Entity: Undetermined

Agency Contact: Barry Cohen, Attorney-Advisor, Interstate Commerce Commission, Motor Section, Room 2354, Washington, D.C., **202 275-7971**

RIN: 3120-AA97

●EXEMPTION OF CONTRACT CARRIERS FROM TARIFF FILING REQUIREMENTS, EX PARTE NO. MC-165

Legal Authority: 49 USC 10702; 49 USC 10761; 49 USC 10762

CFR Citation: 49 CFR 1306; 49 CFR 1307; 49 CFR 1162

Abstract: To reduce the amount of reporting and recordkeeping in the form of tariff filings required of contract carriers and to increase the ability of small contract carriers to compete effectively by reducing the administrative costs and time delays caused by the current regulations.

Timetable:

Action	Date	FR Cite
NPRM	01/20/83	
Final Action	04/21/83	

Small Entity: Undetermined

Additional Information: Secondary Contact: Louis E. Gitomer, Deputy Director, Rail Section, (202) 275-7245.

Agency Contact: Wendy Tillis, Attorney-Advisor, Interstate Commerce Commission, Motor Section, Room 5318, Washington, D.C. 20423, **202 275-6445**

RIN: 3120-AB01

INTERSTATE COMMERCE COMMISSION (ICC)

Existing Regulations Under Review

PAYMENT OF RATES AND CHARGES OF MOTOR CARRIERS, EX PARTE NO. MC-1

Priority: Agency Determination

Legal Authority: 5 USC 553; 5 USC 559; 49 USC 10521 to 10525; 49 USC 10743; 49 USC 10744; 49 USC 10922; 49 USC 10923; 49 USC 11101; 49 USC 11102; 49 USC 11506; 49 USC 11706

CFR Citation: 49 CFR 1056; 49 CFR 1320 to 1324

Abstract: This is a consolidated proceeding embracing the following titles: Ex Parte No. 73, Regulations for Payment of Rates and Charges, Ex Parte No. 143, Rules and Regulations Governing the Settlement of Rates and Charges of Common Carriers of Property by Water, Ex Parte No. 170, Rules and Regulations Governing the Settlement of Rates and Charges of Common Carriers of Property by Express. The Commission is considering whether to repeal existing credit regulations for railroads, motor carriers, water carriers, and freight forwarders and whether to authorize individual carriers to establish through tariff publication their own non-discriminatory credit terms.

Timetable:

Action	Date	FR Cite
NPRM	05/08/80	45 FR 31766
NPRM Comment Period Begin	05/08/80	
NPRM Comment Period End	07/15/80	
End Review	00/00/00	
Draft Decision under review	00/00/00	

Small Entity: No

Agency Contact: Howell Sporn, Deputy Director, Motor Section, Interstate Commerce Commission, Washington, DC 20423, **202 275-7691**

RIN: 3120-AA41

HANDLING OF C.O.D. SHIPMENTS, EX PARTE NO. MC-42

Priority: Agency Determination

Legal Authority: 49 USC 10101; 49 USC 10321; 49 USC 10762; 49 USC 11101; 5 USC 553

CFR Citation: 49 CFR 1052

Abstract: The Commission is considering whether to revise its existing regulations to authorize individual carriers to establish their own nondiscriminatory C.O.D. collection and remittance rules and to eliminate the requirement in existing recordingkeeping.

Timetable:

Action	Date	FR Cite
NPRM	03/19/81	46 FR 17814
NPRM Comment Period Begin	03/20/81	
NPRM Comment Period End	05/04/81	
End Review	00/00/00	
Draft Decision under consideration	00/00/00	

Small Entity: No

Agency Contact: Howell Sporn, Deputy Director, Motor Section, Interstate Commerce Commission, Washington, DC 20423, **202 275-7691**

RIN: 3120-AA42

INVESTIGATION INTO MOTOR CARRIER CLASSIFICATION, EX PARTE NO. MC-98 (SUB-NO. 1)

Priority: Agency Determination

Legal Authority: 49 USC 10701; 49 USC 10730; 49 USC 10762; 5 USC 553

CFR Citation: 49 CFR 1307

Abstract: The Commission has tentatively found that the National Motor Carrier Classification needs to be revised: that it is unreasonable for the classifier to publish different ratings for an article dependent on whether it is truckload, less-than-truckload, or any quantity; that certain characteristics which are used in classification are not relevant; and that reduction of the classification to a single rating number appears less useful than alternatives considered.

Timetable:

Action	Date	FR Cite
NPRM	04/03/78	43 FR 14978
NPRM Comment Period Begin	04/03/78	
NPRM Comment Period End	10/16/78	
Interim Final Rule	05/13/80	46 FR 27732
Additional Comments Requested	07/02/81	46 FR 34819
End Review	00/00/00	
Draft Decision under review	00/00/00	

Small Entity: No

Agency Contact: Howell Sporn, Deputy Director, Motor Section, Interstate Commerce Commission, Washington, DC 20423, **202 275-7691**

RIN: 3120-AA44

CONTRACTS FOR PROTECTIVE SERVICES, EX PARTE NO. 137

Priority: Agency Determination

Legal Authority: 49 USC 10101a(2); 49 USC 10505; 49 USC 11105; 5 USC 553

CFR Citation: 49 CFR 1032

Abstract: The Commission is considering whether to exempt contracts for protective services against heat or cold, provided to or on behalf of rail carriers and express companies, from the requirements of 49 USC 11105.

Timetable:

Action	Date	FR Cite
NPRM	06/18/82	47 FR 26409
NPRM Comment Period Begin	06/18/82	47 FR 31410
Extension of Time For Comments	07/20/82	47 FR 31463
NPRM Comment Period End	08/02/82	
Public Comment Period Ends	08/02/82	47 FR 31410
End Review	00/00/00	
Presently under internal evaluation	00/00/00	

Small Entity: No

Additional Information: Additional Federal Register cite for NPRM: 47 FR 26463.

Agency Contact: Louis E Gitomer, Deputy Director, Rail Section, Interstate Commerce Commission, Washington, DC 20423, **202 275-7245**

RIN: 3120-AA45

RATES FOR A NAMED SHIPPER OR RECEIVER, EX PARTE NO. 158

Priority: Agency Determination

Legal Authority: 49 USC 10762; 49 USC 10741; 5 USC 553

CFR Citation: 49 CFR 1310

Abstract: The Commission is considering whether to eliminate the general prohibition now contained at 49 CFR 1310.7(a)(5) against publishing rates restricted to named shippers, receivers, and locations.

Timetable:

Action	Date	FR Cite
NPRM	06/30/82	47 FR 28430
NPRM Comment Period Begin	06/30/82	
Extension of Time For Comments	08/04/82	47 FR 33722
NPRM Comment Period End	08/23/82	
End Review	00/00/00	
Presently under internal evaluation	00/00/00	

Small Entity: No

Agency Contact: Louis E. Gitomer, Deputy Director, Rail Section, Interstate Commerce Commission, Washington, DC 20423, **202 275-7245**

RIN: 3120-AA46

IMPROVEMENT OF TOFC/COFC REGULATION (RAILROAD AFFILIATED MOTOR CARRIERS AND OTHER MOTOR CARRIERS), EX PARTE NO. 230 (SUB-NO. 6)

Priority: Agency Determination

Legal Authority: 49 USC 10321(a); 49 USC 10505; 5 USC 553; 5 USC 559

CFR Citation: 49 CFR 1039

Abstract: The Commission is considering whether to include truck service provided by railroad affiliated motor carriers and other motor carriers in the exemption from 49, Subchapter IV of the U.S. Code for rail and truck service provided by rail carriers as part of a continuous intermodal movement. Public Comment Period - 02/27/81 to 03/30/81 (46 FR 14365).

Timetable:

Action	Date	FR Cite
ANPRM	08/22/79	44 FR 49279
ANPRM Comment Period Begin	08/22/79	44 FR 49279
ANPRM Comment Period End	10/22/79	
NPRM	02/27/81	46 FR 14365
NPRM Comment Period Begin	02/27/81	46 FR 14365
NPRM Comment Period End	03/30/81	
End Review	00/00/00	
Presently under internal evaluation.	00/00/00	

Small Entity: No

Agency Contact: Louis E. Gitomer, Deputy Director, Rail Section, Interstate Commerce Commission, Washington, DC 20423, **202 275-7245**

RIN: 3120-AA47

EXEMPTION FROM REGULATION BOX CAR TRAFFIC, EX PARTE NO. 346 (SUB-NO. 8)

Priority: Agency Determination

Legal Authority: 49 USC 10505; 5 USC 553

CFR Citation: 49 CFR 1039

Abstract: The Commission is considering whether to exempt from I.C.C. regulation all movements in boxcars having AAR equipment type designation A, B, R, or S, either partially or totally and either for Conrail or for all carriers

Timetable:

Action	Date	FR Cite
NPRM	01/26/82	47 FR 4100
NPRM Comment Period Begin	01/28/82	47 FR 13388
Extension of Time For NPRM Comments	03/30/82	
NPRM Comment Period End	03/31/82	
Modification of Proposal	06/25/82	47 FR 27573
End Comm Pd on Modif of Proposal	08/09/82	
Oral argument	11/23/82	47 FR 43988
End Review	00/00/00	

Small Entity: Undetermined

Analysis: Environmental Assessment 11/26/82

Agency Contact: Louis E. Gitomer, Deputy Director, Rail Section, Interstate Commerce Commission, Washington, DC 20423, **202 275-7245**

RIN: 3120-AA51

PROCEDURES FOR REQUESTING RAIL VARIABLE COST AND REVENUES DETERMINATION FOR JOINT RATES SUBJECT TO SURCHARGE OR CANCELLATION, EX PARTE NO. 389

Priority: Agency Determination

Legal Authority: 49 USC 10321; 49 USC 10705a; 5 USC 553

CFR Citation: 49 CFR 1031A

Abstract: The Commission has proposed procedures for obtaining relevant revenue and variable cost data under 49 USC 10705a.

Timetable:

Action	Date	FR Cite
Previous NPRM	11/03/80	45 FR 72665
NPRM	03/30/81	46 FR 19238
NPRM Comment Period Begin	03/30/81	46 FR 19238
NPRM Comment Period End	04/29/81	
End Review	00/00/00	
Presently under internal evaluation	00/00/00	

Small Entity: No

Agency Contact: Louis E. Gitomer, Deputy Director, Rail Section, Interstate Commerce Commission, Washington, DC 20423, **202 275-7245**

RIN: 3120-AA57

RULES GOVERNING PUBLICATION OF EXCEPTIONS RATINGS HIGHER THAN CLASSIFICATION RATINGS, NO. 36135

Priority: Agency Determination

Legal Authority: 49 USC 10701; 49 USC 10762

CFR Citation: 49 CFR 1310.7(r)

Abstract: The Commission is proposing to modify 49 CFR 1310.7(r), which requires motor common carriers to submit justification statements with any tariff that results in rates and charges higher than what would be applicable under classification ratings.

Timetable:

Action	Date	FR Cite
NPRM	11/18/81	46 FR 56629
NPRM Comment Period Begin	11/18/81	47 FR 7294
NPRM Comment Period End	05/06/82	
End Review	00/00/00	
Presently under internal evaluation	00/00/00	

Small Entity: No

Additional Information: Federal Register cite for end of NPRM public comment period - 47 FR 8801.

Agency Contact: Louis E. Gitomer, Deputy Director, Rail Section, Interstate Commerce Commission, Washington, DC 20423, **202 275-7245**

RIN: 3120-AA59

NEW PROCEDURES IN MOTOR CARRIER REVENUE PROCEEDINGS, EX PARTE NO. MC-82

Priority: Major

Legal Authority: 49 USC 10701

CFR Citation: 49 CFR 1104

Abstract: To assist the Commission in evaluating general rate increase proposals by motor carriers as prescribed by the IC Act. Final Action 08/31/71.

Timetable:

Action	Date	FR Cite
Begin Review	07/24/79	
End Review	00/00/00	

Small Entity: Not Applicable

Agency Contact: Ward L. Ginn, Jr., Chief, Section of Financial Analysis, Interstate Commerce Commission, 12th & Constitution Avenue, NW, Washington, DC 20423, **202 275-7488**

RIN: 3120-AA60

REORGANIZATIONS OF RAIL AND MOTOR CARRIERS, EX PARTE NO. 432

Priority: Major

Legal Authority: 49 USC 10321; 5 USC 553; 5 USC 559

CFR Citation: 49 CFR 1117; 49 CFR 1118; 49 CFR 1135

Abstract: It will be proposed to modify existing regulations to streamline bankruptcy regulations or eliminate them where possible.

Timetable:

Action	Date	FR Cite
NPRM	09/15/82	47 FR 40816
NPRM Comment Period Begin	09/16/82	
NPRM Comment Period End	10/16/82	
End Review	00/00/00	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Louis E. Gitomer, Deputy Director, Rail Section, Interstate Commerce Commission, Washington, DC 20423, **202 275-7245**

RIN: 3120-AA69

●BANKRUPT RAILROAD LINES, FORCED SALE PROCEDURES FOR EX PARTE NO. 282 (SUB-NO. 4A)

Priority: Agency Determination

Legal Authority: 45 USC 915(b); 49 USC 10321; 5 USC 553

CFR Citation: 49 CFR 1180(c)

Abstract: The new regulations (49 C.F.R. 1180.40-1180.49) implement section 213 of the Rail Safety and Service Improvement Act of 1982, Pub. L. No. 97-468, amended section 17(b) of the Milwaukee Railroad Restructuring Act [45 U.S.C. 915(b)] which deals with the sale or transfer of lines of bankrupt railroads. Specifically, the Commission is empowered to prescribe terms, including compensation, for the sale of lines over which no service is being provided by the owner, upon the request of a financially responsible offeror whose offer to purchase has been rejected by the trustee. When more than one offeror participates in a proceeding, the Commission is authorized to select an offeror based on a public interest standard.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/28/83	
Public Comment Period ends	03/30/83	

Small Entity: No

Agency Contact: Louis E. Gitomer, Deputy Director, Rail Section, Interstate Commerce Commission, Washington, DC 20423, **202 275-7245**

RIN: 3120-AA87

●REGULATIONS GOVERNING FEES FOR SERVICES PERFORMED IN CONNECTION WITH LICENSING AND RELATED ACTIVITIES

Priority: Undetermined

Legal Authority: 9 USC 10321; 5 USC 553

CFR Citation: 49 CFR Part 1002

Abstract: The Interstate Commerce Commission has established a Task Force to study its' user fee program with a view toward updating cost data for existing fee items and possibly including others in the fee schedule.

Timetable:

Action	Date	FR Cite
Begin Review	01/21/83	
End Review	01/23/84	

Small Entity: Undetermined

Agency Contact: Kathleen King, Attorney Advisor, Interstate Commerce Commission, 12th & Constitution Avenue, N.W., Washington, D.C. 20423, **202 275-0956**

RIN: 3120-AA90

REVISION OF 49 CFR 1041, EX PARTE NO. 55 (SUB-NO. 51)

Legal Authority: 49 USC 10321; 5 USC 553

CFR Citation: 49 CFR 1041

Abstract: Revision to update, correct, and simplify the regulations governing interpretation of certificates and permits of motor carriers.

Timetable:

Action	Date	FR Cite
Begin Review	09/17/81	46 FR 13741
End Review	03/31/83	

Small Entity: Undetermined

Agency Contact: Andrew L. Lyon, Principal Attorney, Interstate Commerce Commission, Motor Section, Washington, DC 20423, **202 275-7805**

RIN: 3120-AA72

CLARIFICATION OF CERTIFICATE OF REGISTRATION RULES, EX PARTE NO. 55 (SUB-NO. 50)

Legal Authority: 49 USC 10321; 49 USC 10931; 5 USC 553

CFR Citation: 49 CFR 1100.245

Abstract: Revision of rules governing the filing of applications for certificates of registration to clarify and simplify the rules without affecting their substance.

Timetable:

Action	Date	FR Cite
Begin Review	09/17/81	
End Review	03/31/83	

Small Entity: Undetermined

Agency Contact: Marie Simpson, Assistant to Principal Attorney, Interstate Commerce Commission, Motor Section, Washington, DC 20423, **202 275-7108**

RIN: 3120-AA73

SOO LINE RAILROAD COMPANY PETITION FOR EXEMPTION FROM THE PROVISIONS OF 49 USC 10726 - LONG AND SHORT HAUL TRANSPORTATION, EX PARTE NO. 346 (SUB-NO. 13)

Legal Authority: 49 USC 10505; 5 USC 553

CFR Citation: 49 CFR 1039

Abstract: The Commission is considering whether to exempt from I.C.C. regulation rates and charges filed by the Soo Line from the provisions of 49 USC 10726.

ICC — Existing Regulations Under Review

Timetable:

Action	Date	FR Cite
End Review	00/00/00	
Presently under internal evaluation	00/00/00	

Small Entity: No

Agency Contact: Louis E. Gitomer, Deputy Director, Rail Section, Interstate Commerce Commission, Washington, DC 20423, **202 275-7245**

RIN: 3120-AA78

TRANSFERS OF OPERATING RIGHTS, EX PARTE NO. MC-111 (SUB-NO. 1)

Legal Authority: 49 USC 10101; 49 USC 10926; 5 USC 553; 5 USC 559

CFR Citation: 49 CFR 1045.11; 49 CFR 1132; 49 CFR 1133; 49 CFR 1141; 49 CFR 1151

Abstract: When motor carriers, water carriers, brokers, and freight forwarders seek to transfer their operating rights, they must follow Commission procedures. Proposed regulations will seek to consolidate the various regulations, streamline them, and simplify the entire procedure.

Timetable:

Action	Date	FR Cite
NPRM	10/01/82	
NPRM Comment Period Begin	10/01/82	
NPRM Comment Period End	10/31/82	
End Review	00/00/00	
Draft Decision under consideration	00/00/00	

Next Action Undetermined

Small Entity: Yes

Agency Contact: Warren Wood, Senior Attorney, Motor Section, Interstate Commerce Commission, Room 2330, Washington, DC 20423, **202 275-7977**

RIN: 3120-AA81

INTERSTATE COMMERCE COMMISSION (ICC) — Completed Actions

COMPLETED RULEMAKINGS

ALTERNATIVE METHODS OF ACCOUNTING FOR RAILROAD TRACK STRUCTURES, DOCKET NO. 36988

Priority: Major

Completed:

Reason	Date	FR Cite
Final Action	02/18/83	48 FR 7182
Final Action Effective	01/01/83	

Agency Contact: Bryan Brown, Jr. 202 275-7448

RIN: 3120-AA00

RAILROAD CLASSIFICATION INDEX, DOCKET NO. 38559

Priority: Agency Determination

Completed:

Reason	Date	FR Cite
Final Action	01/20/83	48 FR 2542
Final Action Effective	01/01/82	48 FR 2542

Agency Contact: Bryan Brown, Jr. 202 275-7448

RIN: 3120-AA01

PASSENGER BROKER SURETY BONDS OR INSURANCE

Priority: Major

Completed:

Reason	Date	FR Cite
Final Action	02/02/83	48 FR 4699
Final Action Effective	03/04/83	48 FR 4699

Agency Contact: Alice K. Ramsay or Margaret Richards 202 275-0854

RIN: 3120-AA03

PREEMPTION OF STATE REGULATION OF REGULAR-ROUTE EXIT - MOTOR PASSENGER CARRIERS, EX PARTE NO. MC-161

Priority: Major

Completed:

Reason	Date	FR Cite
Final Action	11/19/82	
Final Action Effective	11/19/82	

Agency Contact: James Brown 202 275-7898

RIN: 3120-AA05

APPLICATIONS FOR OPERATING AUTHORITY-MOTOR PASSENGER CARRIERS, EX PARTE NO. MC-55 (SUB-NO. 56)

Priority: Major

Completed:

Reason	Date	FR Cite
Final Action	11/19/82	47 FR 53260
Final Action Effective	11/19/82	47 FR 53260

Agency Contact: Marc Lerner 202 275-7271

RIN: 3120-AA06

PROCEDURES FOR HANDLING EXEMPTIONS FILED BY MOTOR CARRIERS OF PROPERTY UNDER 49 USC 11343, EX PARTE NO. 400 (SUB-NO. 1)

Priority: Major

Completed:

Reason	Date	FR Cite
Final Action	11/19/82	
Final Action Effective	11/19/82	

Agency Contact: Warren Wood 202 275-7977

RIN: 3120-AA11

REMOVAL OF RESTRICTIONS FROM AUTHORITIES OF MOTOR CARRIERS OF PASSENGERS-INTERMEDIATE POINTS, EX PARTE NO. MC-142 (SUB-NO. 3)

Priority: Major

Completed:

Reason	Date	FR Cite
Final Action	11/19/82	47 FR 53286
Final Action Effective	11/19/82	47 FR 53286

ICC

Completed Actions

Agency Contact: Elaine Dobbins 202 275-6272

RIN: 3120-AA12

RAIL GENERAL EXEMPTION AUTHORITY - LONG AND SHORT HAUL TRANSPORTATION, EX PARTE NO. 346 (SUB-NO. 3)

Priority: Agency Determination

Completed:

Reason	Date	FR Cite
Final Action	03/08/83	48 FR 9648
Final Action Effective	04/07/83	

Agency Contact: Martin E. Foley 202 275-7189

RIN: 3120-AA15

REVENUE NEED STANDARDS FOR MOTOR CARRIERS OF PASSENGERS

Priority: Agency Determination

Completed:

Reason	Date	FR Cite
Withdrawn	11/01/82	

Agency Contact: Ward L. Ginn, Jr. 202 275-7488

RIN: 3120-AA16

REVENUE NEED STANDARDS IN MOTOR CARRIER GENERAL INCREASE PROCEEDINGS, EX PARTE NO. 128

Priority: Major

Completed:

Reason	Date	FR Cite
Cmsn vote to discontinue proceeding	02/28/83	

Agency Contact: Ward L. Ginn, Jr. 202 275-7488

RIN: 3120-AA17

DETENTION OF MOTOR VEHICLES-NATIONWIDE, EX PARTE NO. MC-88, (INCLUDES DETENTION OF MOTOR VEHICLES - ALASKA, EX PARTE NO. MC-88 (SUB-NO. 1)

Priority: Agency Determination

Completed:

Reason	Date	FR Cite
Final Action	11/10/82	47 FR 50878

Agency Contact: Howell Sporn 202 275-7691

RIN: 3120-AA43

ELECTRONIC TRANSMISSION OF LOSS AND DAMAGE CLAIMS, EX PARTE NO. 263 (SUB-NO. 3), (INCLUDES ELECTRONIC TRANSMISSION OF FREIGHT BILLS, EX PARTE NO. 406)

Priority: Agency Determination

Completed:

Reason	Date	FR Cite
Final Action	03/25/82	47 FR 12803
Final Action Effective	04/26/82	

Agency Contact: Louis E. Gitomer 202 275-7245

RIN: 3120-AA48

FREIGHT FORWARDER CONTRACT RATES-IMPLEMENTATION OF P.L. 96-296, EX PARTE NO. 364 (SUB-NO. 1)

Priority: Agency Determination

Completed:

Reason	Date	FR Cite
Final Action	12/24/80	45 FR 86740
Final Action Effectve	01/25/80	

Agency Contact: Louis E. Gitomer 202 275-7951

RIN: 3120-AA53

NOTICE TO SHIPPERS OF FREIGHT REFUSED OR UNCLAIMED AT DESTINATION, EX PARTE NO. 372

Priority: Agency Determination

Completed:

Reason	Date	FR Cite
Final Action	11/15/82	47 FR 51434

Agency Contact: Louis E. Gitomer 202 275-7951

RIN: 3120-AA55

PROVISIONS FOR FORESEEABLE FUTURE COSTS, EX PARTE NO. MC-82 (SUB-NO. 1)

Priority: Major

Completed:

Reason	Date	FR Cite
Final Action	11/24/82	47 FR 53279
Final Action Effective	11/24/82	47 FR 53279

Agency Contact: William T. Bono 202 275-7354

RIN: 3120-AA62

IDENTIFICATION OF RATES FILED UNDER ZONE OF RATE FREEDOM BY MOTOR CARRIERS OF PASSENGERS, DOCKET NO. 38900

Priority: Agency Determination

Completed:

Reason	Date	FR Cite
Final Action	12/01/82	47 FR 54083

Agency Contact: Martin E. Foley 202 275-7189

RIN: 3120-AA64

JOINT RATES STUDY - A REPORT TO CONGRESS (REVIEW OF SECTION 217 OF THE STAGGERS RAIL ACT OF 1980), EX PARTE NO. 427

Priority: Agency Determination

Completed:

Reason	Date	FR Cite
Final Action	11/18/82	
Final Action Effective	11/18/82	

Agency Contact: Kenneth R. Tyree 202 275-0785

RIN: 3120-AA70

REVISION AND REDESIGNATION OF THE COMMISSION'S RULES OF PRACTICE

Priority: Agency Determination

Completed:

Reason	Date	FR Cite
Final Action	11/01/82	47 FR 49534
Final Action Effective	11/01/82	47 FR 49534

Agency Contact: Kathleen King 202 275-0956

RIN: 3120-AA71

MOTOR CARRIER CONSOLIDATION PROCEDURES - GENERAL POLICY STATEMENT, EX PARTE NO. 55 (SUB-NO. 53)

Priority: Major

ICC

Completed Actions

Completed:

Reason	Date	FR Cite
Final Action	11/10/82	

Agency Contact: Warren Wood 202 275-7977

RIN: 3120-AA80

LEASING RULES MODIFICATIONS, EX PARTE NO. MC-43 (SUB-NO. 12)

Completed:

Reason	Date	FR Cite
Final Action	11/30/82	47 FR 53858

Agency Contact: Robert G. Rothstein 202 275-7912

RIN: 3120-AA20

MOTOR CARRIER CLASSIFICATION INDEX DOCKET NO. 38377

Completed:

Reason	Date	FR Cite
Final Action	10/07/82	47 FR 44731
Final Action Effective	01/01/82	47 FR 44731

Agency Contact: Bryan Brown, Jr. 202 275-7448

RIN: 3120-AA25

ELIMINATION OF USOA AND REPORTS FOR RATE BUREAUS, DOCKET NO. 38847

Completed:

Reason	Date	FR Cite
Final Action	08/25/82	47 FR 37903
Final Action Effective	01/01/82	47 FR 37903

Agency Contact: Bryan Brown, Jr. 202 275-7448

RIN: 3120-AA26

CONRAIL PETITION TO EXEMPT IRON CHLORIDE FROM EDGE MOOR, DE TO BALTIMORE, MD, EX PARTE NO. 346 (SUB-NO. 9)

Completed:

Reason	Date	FR Cite
Final Action	10/05/82	
Final Action Effective	10/14/82	47 FR 45976

Agency Contact: Louis E. Gitomer 202 275-7245

RIN: 3120-AA29

EXEMPTION - TRANSPORTATION OF ORDINARY LIVESTOCK BY RAIL

Completed:

Reason	Date	FR Cite
Withdrawn	11/04/82	

Agency Contact: Paul E. Graham 202 275-7520

RIN: 3120-AA35

LEASE AND INTERCHANGE OF VEHICLES (RULES MODIFICATIONS), EX PARTE NO. MC-43 (SUB-NO. 13)

Completed:

Reason	Date	FR Cite
Final Action	01/11/83	47 FR 51136
Final Action Effective	01/11/83	47 FR 51136

Agency Contact: Wayne Miller 202 275-1763

RIN: 3120-AA37

MOTOR CARRIERS OF PROPERTY MINIMUM AMOUNTS OF BODILY INJURY AND PROPERTY DAMAGE LIABILITY INSURANCE

Completed:

Reason	Date	FR Cite
Final Action	12/13/82	47 FR 55939
Final Action Effective	06/03/83	48 FR 5269

Agency Contact: Alice K Ramsay; Delores Patterson 202 275-0854

RIN: 3120-AA76

RULES GOVERNING TEMPORARY AUTHORITY AND EMERGENCY TEMPORARY AUTHORITY OF MOTOR COMMON CARRIERS OF PASSENGERS

Completed:

Reason	Date	FR Cite
Final Action	10/21/82	47 FR 47016
Final Action Effective	11/19/82	47 FR 47016

Agency Contact: Patricia M. Schulze 202 275-7841

RIN: 3120-AA77

COMPLETED REVIEWS

CONSOLIDATED REPORTING BY RAILROADS

Completed:

Reason	Date	FR Cite
End Review	12/13/82	

Agency Contact: Bryan Brown, Jr. 202 275-7448

RIN: 3120-AA83

REVISION TO ACCOUNTING AND REPORTING OF OTHER THAN GENERAL FREIGHT MOTOR CARRIERS

Completed:

Reason	Date	FR Cite
End Review	11/30/82	

Agency Contact: Bryan Brown, Jr. 202 275-7448

RIN: 3120-AA84

REVISION TO THE UNIFORM SYSTEM OF ACCOUNTS FOR MOTOR CARRIERS

Completed:

Reason	Date	FR Cite
End Review	08/31/82	

Agency Contact: Bryan Brown, Jr. 202 275-7448

RIN: 3120-AA85

REVISION TO THE UNIFORM SYSTEM OF ACCOUNTS FOR RAILROADS

Completed:

Reason	Date	FR Cite
End Review	12/31/82	

Agency Contact: Bryan Brown, Jr. 202 275-7448

RIN: 3120-AA86

ACTIONS THAT STARTED AND ENDED BETWEEN ISSUES OF THE UNIFIED AGENDA

●RAIL GENERAL EXEMPTION AUTHORITY - MISCELLANEOUS AGRICULTURAL COMMODITIES, EX PARTE NO. 346 (SUB-NO. 14)

Priority: Undetermined

Legal Authority: 5 USC 553; 5 USC 559; 49 USC 10505

CFR Citation: 49 CFR 1039.10; 49 CFR 1039.11

ICC

Completed Actions

Abstract: This rule exempts from regulation the transportation by rail of all farm products (STCC No. 01) not previously exempt, with the exception of grain (STCC No. 0113), soybeans (01144), and sunflower seeds (0114940) and, in addition, exempts specified related partially processed agricultural products, the truck transportation of which is presently exempt, except that railroads shall continue to comply with certain accounting and reporting requirements. The purpose of this exemption is to provide the railroads full flexibility to compete with unregulated motor carriage which has already captured the predominant share of traffic in these agricultural commodities, and to accommodate the needs of shippers and receivers in responding to fundamental changes or substantial fluctuations taking place in these industries. Because of the large quantities of grain, soybeans, and sunflower seeds moving by rail, if exemption of these commodities were considered, separate treatment would be warranted.

Timetable:

Action	Date	FR Cite
NPRM	11/04/82	47 FR 50311
NPRM Comment Period Begin	11/05/82	47 FR 50311
NPRM Comment Period End	12/16/82	
Final Action	02/17/83	48 FR 9276
Final Action Effective	04/04/83	

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0; Base Year for Dollar Estimates: 1982

Affected Sectors: 01 AGRICULTURAL PRODUCTION-CROPS; 02 AGRICULTURAL PRODUCTION-LIVESTOCK; 209 Miscellaneous Food Preparations and Kindred Products; 214 Tobacco Stemming and Redrying; 228 Yarn and Thread Mills; 229 Miscellaneous Textile Goods; 284 Soap, Detergents & Cleaning Preps., Perfumes, Cosmetics & Other Toilet Preps.

Government Levels Affected: State, Federal

Agency Contact: Robert F. Lundy, Economist, Interstate Commerce Commission, Office of Transportation Analysis, Washington, D.C. 20423, **202 275-6853**

RIN: 3120-AB00

[FR Doc. 83-9601 Filed 4-22-83; 8:45 am]

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Part XLVIII

National Credit Union Administration

Semi-Annual Agenda of Regulations

NCUA

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Ch. VII

Semiannual Agenda of Regulations

AGENCY: National Credit Union Administration (NCUA).

ACTION: Semiannual Agenda of Regulations.

SUMMARY: Pursuant to the Regulatory Flexibility Act and agency policy, NCUA is publishing a list of current and projected rulemaking, reviews of existing regulations, and completed actions as of February 25, 1983. NCUA is also including this Agenda in the "Unified Agenda of Federal Regulations."

DATE: This information is current as of February 25, 1983.

ADDRESS: National Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: On a particular regulation, contact the person named in the listing for that regulation at the above address.

SUPPLEMENTARY INFORMATION: On January 1, 1981, the Regulatory Flexibility Act (5 U.S.C. Sections 601 et seq.) became effective. This law requires, among other things, that each agency publish a Regulatory Flexibility Agenda listing regulations that the agency expects to propose that are likely to have a significant economic impact on a substantial number of small entities (5 U.S.C. Section 602). NCUA has defined "small entities" to include credit unions with less than $1,000,000 in assets. NCUA believes, at this time, that none of the regulations listed in the Agenda set forth below will have a significant impact on a substantial number of these small credit unions.

On June 1, 1981, NCUA published a statement of policy (IRPS 81-4, 46 FR 29248) setting forth the procedures for the development of new regulations and the review of existing regulations. NCUA believes that the Agenda is a useful tool to enable the credit union community and the public to track regulatory development and to effectively participate in that process.

NCUA is voluntarily participating in the publication of the "Unified Agenda of Federal Regulations." While NCUA is an independent Agency exempt from coverage by Executive Order 12291, we believe that participating in this joint publication will further the public interest by including NCUA in a single source of information concerning current and projected rulemaking and reviews of existing regulations. The format of this Agenda conforms to the standardized format of the "Unified Agenda."

Approved by the NCUA Board this 1st day of March, 1983.

Rosemary Brady,

Secretary.

NATIONAL CREDIT UNION ADMINISTRATION (NCUA) — Current and Projected Rulemakings

FLOOD INSURANCE

Legal Authority: 12 USC 1757; 12 USC 1789; 42 USC 4102a; 42 USC 4106

CFR Citation: 12 CFR 760

Abstract: The proposed rule provides a plain English revision of regulations governing Federal credit union lending secured by improved realty or mobile home, when either is located in a flood plain. The rule is intended to require only that which is required under Federal statutes concerning flood insurance.

Timetable:

Action	Date	FR Cite
NPRM	10/15/80	45 FR 68393
Final Action	09/30/83	

Small Entity: No

Agency Contact: Robert M. Fenner, Director, Department of Legal Services, National Credit Union Administration, Department of Legal Services, 1776 G Street, NW, Washington, DC 20456, **202 357-1030**

RIN: 3133-AA01

INVESTMENTS AND DEPOSITS

Legal Authority: 12 USC 1757 (7)(c); 12 USC 1757 (7)(d); 12 USC 1757 (8)

CFR Citation: 12 CFR 703

Abstract: Public comment is specifically requested on whether the NCUA Board should remove or modify any or all of the procedural restrictions presently in place governing the manner in which a Federal credit union may deposit or invest its funds

Timetable:

Action	Date	FR Cite
ANPRM	07/14/82	47 FR 30497
NPRM	03/00/83	
NPRM to NCUA Board	06/00/83	

Small Entity: No

Agency Contact: Robert M. Fenner, Deputy General Counsel, National Credit Union Administration, **202 357-1030**

RIN: 3133-AA03

SURETY BOND COVERAGE FOR FEDERAL CREDIT UNIONS

Legal Authority: 12 USC 1761 (a); 12 USC 1761 (b); 12 USC 1766

CFR Citation: 12 CFR 701.20

Abstract: The proposed rule is intended to revise, update and simplify the existing requirements for surety bond coverage for Federal credit unions. The proposed regulations implement mandated sections of the Federal Credit Union Act and establish minimum standards for surety bonds and insurance coverage.

Timetable:

Action	Date	FR Cite
Present final rule to NCUA Board		
NPRM	06/02/81	46 FR 29482
Final Action	08/31/83	

Small Entity: No

Agency Contact: Layne L. Bumgardner, Director, National Credit Union Administration, Dept. of Supervision & Examination, 1776 G Street, NW, Washington, DC 20456, **202 357-1085**

RIN: 3133-AA04

FEDERAL CREDIT UNION OWNERSHIP OF FIXED ASSETS

Legal Authority: 12 USC 1757(4); 12 USC 1766

NCUA — Current and Projected Rulemakings

CFR Citation: 12 CFR 701.36

Abstract: This regulation requires credit unions to do certain financial planning and reporting prior to investing more than 5 percent of its assets in fixed assets.

Timetable:

Action	Date	FR Cite
NPRM to NCUA Board	09/30/83	

Small Entity: No

Agency Contact: **Layne L. Bumgardner**, Director, National Credit Union Administration, Department of Supervision and Examination, 1776 G Street, NW, Washington, DC 20456, **202 357-1065**

RIN: 3133-AA06

MANAGEMENT INTERLOCKS

Legal Authority: 12 USC 3201 et seq

CFR Citation: 12 CFR 711

Abstract: Actions implement changes to the Depository Institution Management Interlocks Act (Public Law 95-630), as amended by Public Law 97-110, December 26, 1981. After review, the NCUA Board took final action on two changes. The proposed rule still pending would simplify the procedures for obtaining exceptions to the Depository Institution Management Interlocks Act.

Timetable:

Action	Date	FR Cite
NPRM	10/26/82	47 FR 47406
Final Action	10/26/82	47 FR 47372
Final Action	02/07/83	48 FR 5535
Final Action	04/30/83	

Small Entity: No

Agency Contact: **Steven R. Bisker**, Senior Attorney, National Credit Union Administration, Department of Legal Services, 1776 G Street, NW, Washington, DC 20456, **202 357-1030**

RIN: 3133-AA19

●VOLUNTARY LIQUIDATION OF FEDERAL CREDIT UNIONS

Legal Authority: 12 USC 1766

CFR Citation: 12 CFR 710

Abstract: The proposed rule revises the membership voting requirement for a voluntary liquidation. The proposal requires approval of only a simple majority of those members who vote before a Federal credit union may voluntarily liquidate.

Timetable:

Action	Date	FR Cite
NPRM	01/05/83	48 FR 419
Final Action	00/00/00	

Small Entity: No

Agency Contact: **Lyle Mettler**, Department of Insurance, National Credit Union Administration, 1776 G Street, N.W., Washington, DC 20456, **202 357-1010**

RIN: 3133-AA20

●MANAGEMENT OFFICIAL INTERLOCKS

Legal Authority: 12 USC 3207

CFR Citation: 12 CFR 711

Abstract: The proposed rule would simplify the procedures for obtaining exceptions to the Depository Institutions Management Interlocks Act.

Timetable:

Action	Date	FR Cite
NPRM	10/26/82	47 FR 47406
Final Action	00/00/00	

Small Entity: No

Agency Contact: **Steven R. Bisker**, Senior Attorney, National Credit Union Administration, 1776 G Street, N.W., Washington, DC 20456, **202 357-1030**

RIN: 3133-AA21

NATIONAL CREDIT UNION ADMINISTRATION (NCUA) — Existing Regulations Under Review

EMPLOYEE RESPONSIBILITY AND CONDUCT

Legal Authority: EO 11222

CFR Citation: 12 CFR 735

Abstract: These regulations pertain to the conduct of NCUA employees and are being reviewed in light of the implementation of the Ethics in Government Act.

Timetable:

Action	Date	FR Cite
End Review	06/30/83	

Small Entity: No

Additional Information: Legal Authority: 3 CFR 1964-65 and 5 CFR 735.104 also apply.

Agency Contact: **James J. Engel**, Assistant General Counsel, National Credit Union Administration, Department of Legal Services, 1776 G Street, NW, Washington, DC 20456, **202 357-1030**

RIN: 3133-AA05

CONVERSION FROM FEDERAL TO STATE CREDIT UNION AND CONVERSION FROM STATE TO FEDERAL CREDIT UNION

Legal Authority: 12 USC 1766; 12 USC 1771; 12 USC 1775; 12 USC 1789

CFR Citation: 12 CFR 706; 12 CFR 707

Abstract: These regulations set forth procedural requirements for credit unions to convert from either Federal to State charter or from State to Federal charter. The regulation will be reviewed to determine whether mandatory requirements on the subject are necessary or whether procedural requirements may be covered in a manual.

Timetable:

Action	Date	FR Cite
End Review	09/30/83	
Prelim review under staff study	00/00/00	

Small Entity: No

Agency Contact: **Gordon Sickler**, Director, Department of Member Services, National Credit Union Administration, Department of Chartering and Education, 1776 G Street, NW, Washington, DC 20456, **202 357-1060**

RIN: 3133-AA07

MERGERS OF CREDIT UNIONS, DIVISION OF ASSETS, LIABILITIES OF ASSETS AND CAPITAL

Legal Authority: 12 USC 1766 to 1789

CFR Citation: 12 CFR 708; 12 CFR 709

Abstract: These regulations set forth procedural requirements for a credit union to merge with another credit union. The regulations also prescribe procedures to enable members of a Federal credit union who are in a separately identifiable group to undertake an equitable division of their assets, liabilities and capital and to charter a new Federal credit union. The regulations will be reviewed to determine whether mandatory requirements are necessary or whether the subject may be covered in a manual.

NCUA

Existing Regulations Under Review

Timetable:

Action	Date	FR Cite
End Review	09/30/83	

Small Entity: No

Agency Contact: Gordon Sickler, Director, Department of Member Services, National Credit Union Administration, Department of Chartering and Education, 1776 G Street, NW, Washington, DC 20456, **202 357-1060**

RIN: 3133–AA08

REQUIREMENTS FOR INSURANCE

Legal Authority: 12 USC 1781 to 1790

CFR Citation: 12 CFR 741

Abstract: These regulations set forth criteria for determining the insurability of a credit union which makes application for insurance of its accounts pursuant to Title II of the Federal Credit Union Act. The review of this regulation will determine the need to update, revise and simplify these requirements. Review to be conducted during 1983

Timetable:

Action	Date	FR Cite
End Review	12/00/83	

Small Entity: No

Agency Contact: Chester Sievinski, National Credit Union Administration, Department of Insurance Fund, 1776 G Street, NW, Washington, DC 20456, **202 357-1010**

RIN: 3133–AA09

ADVERTISEMENT OF INSURED STATUS

Legal Authority: 12 USC 1785; 12 USC 1789

CFR Citation: 12 CFR 740

Abstract: These regulations prescribe requirements with regard to the official sign which insured credit unions must display and also pertain to requirements for advertising. The regulations will be reviewed to determine whether mandatory requirements are necessary and to update, simplify and revise, if necessary. Review to be conducted during 1983.

Timetable:

Action	Date	FR Cite
End Review	12/00/83	

Small Entity: No

Agency Contact: Chester Sievinski, National Credit Union Administration, Department of Insurance Fund, 1776 G Street, NW, Washington, DC 20456, **202 357-1010**

RIN: 3133–AA10

RESERVES

Legal Authority: 12 USC 1762; 12 USC 1766; 12 USC 1789

CFR Citation: 12 CFR 702.1; 12 CFR 702.2

Abstract: These regulations set forth the requirements for the establishment and maintenance of a regular reserve (as provided by the Federal Credit Union Act) and set forth procedures for applications for approval to decrease reserves.

Timetable:

Action	Date	FR Cite
End Review	06/00/83	
Staff Recommendation to NCUA Board	06/00/83	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Robert M. Ferner, Deputy General Counsel, Department of Legal Services, (202) 357-1030

Agency Contact: Charles W. Filson, Director, National Credit Union Administration, Office of Programs, 1776 G Street, Washington, D.C. 20456, **202 357-1132**

RIN: 3133–AA12

SUPERVISORY COMMITTEE AUDIT

Legal Authority: 12 USC 1761d; 12 USC 1766; 12 USC 1789

CFR Citation: 12 CFR 701.12

Abstract: This regulation sets forth the responsibilities of the Supervisory Committees of Federal credit unions to make, or cause to be made, an annual audit. The review will cover issues related to the use of audits in conjunction with NCUA's examination responsibilities.

Timetable:

Action	Date	FR Cite
NPRM to NCUA Board	07/31/83	
End Review	12/00/83	

Small Entity: No

Agency Contact: Layne L. Bumgardner, Director, National Credit Union Administration, Department of Supervision and Examination, 1776 G Street, NW, Washington, DC 20456, **202 357-1065**

RIN: 3133–AA13

RETIREMENT BENEFITS FOR EMPLOYEES OF FEDERAL CREDIT UNIONS

Legal Authority: 12 USC 1766; 12 USC 1789

CFR Citation: 12 CFR 701.19

Abstract: The regulations set forth the authority of the Federal credit union to make provision for reasonable retirement benefits for its employees and officers who are compensated in conformance with the Federal Credit Union Act. The regulation will be reviewed to revise, update and simplify, if necessary.

Timetable:

Action	Date	FR Cite
NPRM to NCUA Board	10/31/83	
End Review	00/00/00	

Small Entity: No

Agency Contact: Layne L. Bumgardner, Director, National Credit Union Administration, Department of Supervision and Examination, 1776 G Street, NW, Washington, DC 20456, **202 357-1065**

RIN: 3133–AA14

TORT CLAIMS AGAINST THE GOVERNMENT

Legal Authority: 12 USC 1766; 28 USC 2671 to 2680

CFR Citation: 12 CFR 750

Abstract: These regulations set forth the requirements for asserting claims against the National Credit Union Administration under the Federal Tort Claims Act. The regulations will be reviewed to update, simplify and revise them, if necessary.

Timetable:

Action	Date	FR Cite
End Review	06/30/83	

Small Entity: No

Agency Contact: Jay C. Keithley, Senior Attorney, National Credit Union Administration, Department of Legal Services, 1776 G Street, NW, Washington, DC 20456, **202 357-1030**

RIN: 3133–AA15

TREASURY TAX AND LOAN ACCOUNTS

Legal Authority: 12 USC 1757; 12 USC 1766; 12 USC 1767; 12 USC 1787(c)(2); 12 USC 1789

CFR Citation: 12 CFR 701.37-1

Abstract: In conjunction with the regulations of the Department of Treasury this regulation sets forth the requirements for

NCUA — Existing Regulations Under Review

Federal credit unions to be designated as a Treasury tax and loan depository and to establish a remittance account for the receipt of payments of Federal taxes and certain U.S. obligations. The regulation will be reviewed to simplify and revise, where necessary.

Timetable:

Action	Date	FR Cite
NPRM to NCUA Board	10/31/83	
End Review	12/00/83	

Small Entity: No

Agency Contact: Layne L. Bumgardner, Director, National Credit Union Administration, Department of Supervision and Examination, 1776 G Street, NW, Washington, DC 20456, **202 357-1065**

RIN: 3133-AA16

NONDISCRIMINATION REQUIREMENTS

Legal Authority: 12 USC 1757; 12 USC 1759; 12 USC 1766; 12 USC 1786; 12 USC 1789; 24 USC 3601 to 3610; 24 USC 1981; 15 USC 1601 et seq

CFR Citation: 12 CFR 701.31

Abstract: This regulation sets forth prohibitions against discrimination by Federal credit unions in making real estate related loans and appraisals. The regulation also sets forth guidelines for compliance with the Fair Housing Act and court decisions rendered thereunder. The regulation will be reviewed to simplify and revise as necessary.

Timetable:

Action	Date	FR Cite
End Review	09/30/83	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: John L. Culhane, Jr. Senior Attorney, Department of Legal Services, (202) 357-1030.

Agency Contact: Harry J. Blasidell, National Credit Union Administration, Department of Chartering and Education, 1776 G Street, NW, Washington, DC 20456, **202 357-1080**

RIN: 3133-AA17

CORPORATE CENTRAL FEDERAL CREDIT UNIONS

Legal Authority: 12 USC 1761; 12 USC 1766; 12 USC 1789

CFR Citation: 12 CFR 704

Abstract: These regulations set forth operational requirements particular to corporate central Federal credit unions, including special reserve requirements, management requirements, and annual audit requirements. The regulation also sets forth authority to permit corporate central credit unions to offer daily balance share accounts. Passage of the Garn-St Germain Depository Institutions Act of 1982 requires updating of this rule. Corporate central issues, such as chartering guidelines, bylaws, and operational programs, have been reviewed independent of this rule.

Timetable:

Action	Date	FR Cite
NPRM to NCUA Board	06/30/83	
End Review	12/00/83	

Small Entity: No

Agency Contact: Layne L. Bumgardner, Director, National Credit Union Administration, Department of Supervision and Examination, 1776 G Street, NW, Washington, D.C. 20456, **202 357-1065**

RIN: 3133-AA18

NATIONAL CREDIT UNION ADMINISTRATION (NCUA) — Completed Actions

COMPLETED RULEMAKINGS

FEDERAL CREDIT UNION INSURANCE AND GROUP PURCHASING

Legal Authority: 12 USC 1757(15); 12 USC 1766; 12 USC 1789

CFR Citation: 12 CFR 721

Abstract: The current rulemaking simplifies existing rules and permits Federal credit unions to inform their members of, or to endorse, group purchasing and insurance plans. Investigation reports and requirements to notify members of the sale of mailing lists would be eliminated. Alternative for calculating reimbursement to Federal credit unions for administrative costs are presented.

Timetable:

Action	Date	FR Cite
NPRM	02/24/82	47 FR 8027
Present final rule to NCUA Board	09/23/82	
Final Action	10/07/82	47 FR 44242
Final Action Effective	10/30/82	47 FR 44242
Change to final rule	11/22/82	47 FR 52408

Small Entity: No

Agency Contact: Robert M. Fenner, Director, Department of Legal Services, National Credit Union Administration, Department of Chartering and Education, 1776 G Street, NW, Washington, DC 20456, **202 357-1030**

RIN: 3133-AA00

ORGANIZING A FEDERAL CREDIT UNION

Legal Authority: 12 USC 1766; 12 USC 1789

CFR Citation: 12 CFR 701.1

Abstract: The proposal would eliminate repetitious statements, procedures, and other provisions already contained in the Federal Credit Union Act, the Federal Credit Union Bylaws, or which represent guidelines covered in other publications or on forms. The proposal emphasizes the NCUA Board's commitment to encourage groups to obtain new Federal credit union charters and to encourage boards of directors to submit charter changes to serve as many qualifying people as possible within the authority of the Federal Credit Union Act.

Timetable:

Action	Date	FR Cite
NPRM	06/01/82	47 FR 23750
Present final rule to NCUA Board	09/23/82	
Final Action Effective	09/23/82	47 FR 46249
Final Action	10/18/82	47 FR 46249

Small Entity: No

Agency Contact: Gordon Sickler, Director, Department of Member Services, National Credit Union Administration, Department of Chartering and Education, 1776 G Street, NW, Washington, DC 20456, **202 357-1080**

RIN: 3133-AA02

DEFINITIONS

Legal Authority: 12 USC 1766

CFR Citation: 12 CFR 700.1

Abstract: This regulation sets forth standard definitions used throughout 12 CFR Part 700 et seq. The review of this regulation will pay particular attention to the list of assets that are considered to be risk assets for the purpose of establishing reserves required by the Federal Credit Union Act. Proposed rule

delayed pending review of reserve regulations. No further action. If necessary, changes to regulation will be made after 12 CFR 702 is amended.

Timetable:

Action	Date	FR Cite
Withdrawn	02/25/83	

Small Entity: No

Agency Contact: **Layne L. Bumgardner**, Director, National Credit Union Administration, Department of Supervision and Examination, 1776 G Street, NW, Washington, DC 20456, **202 357-1065**

RIN: 3133-AA11

ACTIONS THAT STARTED AND ENDED BETWEEN ISSUES OF THE UNIFIED AGENDA

●CONFORMING AMENDMENTS TO LENDING REGULATIONS; GROWTH EQUITY MORTGAGES; REGULATION OF DUE-ON-SALE FOR WINDOW PERIOD LOANS; ALTERNATIVE MORTGAGE TRANSACTIONS STUDY

Legal Authority: 12 USC 1757; 12 USC 1766(a); 12 USC 1789(a)(11)

CFR Citation: 12 CFR 701.21

Abstract: Final rule to implement several provisions of the Garn-St Germain Depository Institutions Act of 1982. The Act removed certain restrictions on Federal credit union loans; preempted state prohibitions on due-on-sale clauses; and provided state credit unions parity with Federal credit unions in making alternative mortgage loans.

Timetable:

Action	Date	FR Cite
Final Action	12/23/82	47 FR 54424

Small Entity: No

Agency Contact: **Robert M. Fenner**, Director, Dept. of Legal Services, National Credit Union Administration, 1776 G Street, N.W., Washington, DC 20456, **202 357-1030**

RIN: 3133-AA22

●MERGERS OF CREDIT UNIONS

Legal Authority: 12 USC 1758(h); 12 USC 1766; 12 USC 1789

CFR Citation: 12 CFR 708

Abstract: Final rule clarifying the NCUA Board's authority to permit emergency mergers under the authority of 12 U.S.C. 1785 as amended by the Garn-St Germain Depository Institutions Act of 1982.

Timetable:

Action	Date	FR Cite
Final Action Effective	11/25/82	
Final Action	11/26/82	47 FR 53327

Small Entity: No

Agency Contact: **James J. Engel**, Assistant General Counsel, National Credit Union Administration, 1776 G Street, N.W., Washington, DC 20456, **202 357-1030**

RIN: 3133-AA23

●ADMINISTRATIVE ACTIONS, ADJUDICATIVE HEARINGS, AND RULES OF PRACTICE AND PROCEDURE

Legal Authority: 12 USC 1786; 12 USC 1789

CFR Citation: 12 CFR 747

Abstract: Final rule to conform the provisions of 12 CFR 747 with the amendments in the Garn-St Germain Depository Institutions Act of 1982 which authorizes the NCUA Board to compromise, modify, or remit civil money penalties and to remove a credit union management official from office for a violation of the Depository Institutions Management Interlocks Act.

Timetable:

Action	Date	FR Cite
Final Action	11/26/82	47 FR 53328
Final Action Effective	11/26/82	

Small Entity: No

Agency Contact: **James J. Engel**, Assistant General Counsel, National Credit Union Administration, 1776 G Street, N.W., Washington, DC 20456, **202 357-1030**

RIN: 3133-AA24

[FR Doc. 83-9602 Filed 4-22-83, 8:45 am]

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federal register

Monday
April 25, 1983

Part XLIX

Nuclear Regulatory Commission

Regulatory Agenda

NRC

NUCLEAR REGULATORY COMMISSION

10 CFR Ch. I

Regulatory Agenda

AGENCY: Nuclear Regulatory Commission

ACTION: Semiannual publication of NRC Regulatory Agenda.

SUMMARY: The Nuclear Regulatory Commission (NRC) is publishing its semiannual Regulatory Agenda in accordance with Pub. L. 96-354, "the Regulatory Flexibility Act," and Executive Order 12291, "Federal Regulations." The Agenda is a compilation of all rules on which the NRC has recently completed action or has proposed, or is considering action. This issuance updates any action occurring on rules since publication of the last semiannual Agenda on October 28, 1982 (47 FR 48960).

ADDRESSES: Comments on any rule in the Agenda may be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch. Comments may also be hand delivered to Room 1131, 1717 H Street, NW, Washington, DC between 8:15 a.m. and 5:15 p.m. Comments received on rules for which the comment period has closed will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before the closure dates specified in the Agenda.

The Agenda and any comments received on any rule listed in the Agenda are available for public inspection, and copying at a cost of five cents per page, at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW, Washington, DC 20555. Single copies of the NRC Quarterly Agenda can be purchased from the NRC/GPO Sales Program, Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, DC 20555 at a cost of $6.00 each or $16.00 for an annual subscription.

FOR FURTHER INFORMATION CONTACT: For further information concerning NRC rulemaking procedures or the status of any rule listed in this Agenda, contact John D. Philips, Chief, Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone (301) 492-7086. Persons outside the Washington, DC metropolitan area may call toll-free: (800) 368-5642. For further information on the substantive content of any rule listed in the Agenda, contact the individual listed under the heading "Agency Contact" for that rule.

SUPPLEMENTARY INFORMATION: The NRC is publishing its semiannual Regulatory Agenda. Although publication of the Agenda is only required semiannually in April and October, the NRC has chosen to update and publish its Agenda each quarter. However, the information contained in this semiannual publication is updated to reflect any action which has occurred on rules since publication of the last NRC semiannual Agenda on October 28, 1982 (47 FR 48960).

Organization of the Agenda

Rules in this Agenda are divided into two main categories, *Action Completed Rules and Current and Projected Rulemakings.* Rules in the Action Completed category include all rules which have been finally promulgated or withdrawn since publication of the last semiannual Agenda.

Current and projected rulemakings are those rules currently under development. This category is subdivided into three sections. Section I includes all rules which have been published in the **Federal Register** as proposed rules. Section II includes all rules which have been published in the **Federal Register** as advance notices of proposed rulemaking. Section III includes all unpublished rules on which the NRC expects to take action.

Within each category and section, the rules are ordered from lowest to highest 10 CFR part, and when more than one rule appears under the same part, the rules are arranged within the part according to the date of most recent publication. If a rule contains changes to more than one 10 CFR part, the rule is listed under the lowest affected part.

The information in this Agenda has been updated through February 28, 1983. The **Federal Register** cite and date for those rules scheduled to be published in March and April 1983 will appear in the next Agenda. The date included under the heading "timetable," for next scheduled action is considered tentative and is not binding on the Commission or its staff. This Regulatory Agenda is intended to provide increased notice and opportunity for public participation in the NRC rulemaking process. The NRC may, however, consider or act on any rulemaking even if it is not included in the Regulatory Agenda.

ADDITIONAL INFORMATION: Several rulemaking items that appeared in the October Agenda have been incorporated into other rules in this Agenda or deleted as the result of a decision by the Commission. The agenda item entitled "Management of Discovery" is incorporated into an unpublished rule, Regulatory Reform of the Rules of Practice and Rules for Licensing of Production and Utilization Facilities" - Part 2. "Reporting of Significant Design and Construction Deficiencies" has been incorporated into an unpublished rule, "Reporting of Defects and Noncompliance" - Part 21. "Safeguards Requirements for Licensees Authorized to Possess SNM of Moderate or Low Strategic Significance" has been incorporated into an unpublished rule, "Changes in Physical Security Plans; Licensees Possessing or Issuing Special Nuclear Material of Moderate and Low Strategic Significance" - Part 70. "Qualification of Mechanical Equipment" Part 50 has been discontinued based on decision by the Commission.

The NRC Agenda lists 114 rulemaking actions. Of these, no rulemaking items are considered to be priority or major as defined in Section 1(b) of Executive Order 12291. In the Action Completed category there are 20 "completed actions." In the Current and Projected rulemaking category: Section I contains 42 proposed rulemakings; Section II contains 11 advance notices of proposed rulemakings; and Section III contains 41 unpublished rulemakings. Six rules potentially will have a "significant economic impact on a substantial

number of small entities" as defined in the Regulatory Flexibility Act.

Rules that appear on this agenda that did not appear either on the last semiannual agenda or the last NRC Quarterly Report are identified by a dagger (†) preceding the title.

Dated at Bethesda, Maryland this 3rd day of March 1983.

For the Nuclear Regulatory Commission.

John Philips,

Acting Director, Division of Rules and Records, Office of Administration.

NUCLEAR REGULATORY COMMISSION (NRC) — Current and Projected Rulemakings

ADVANCE NOTICES OF PROPOSED RULEMAKING

STANDARDS FOR PROTECTION AGAINST RADIATION

Legal Authority: 42 USC 2073; 42 USC 2093; 42 USC 2095; 42 USC 2111; 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 2273; 42 USC 5841; 42 USC 5842

CFR Citation: 10 CFR 20

Abstract: The advance notice of proposed rulemaking seeks comments on a proposal to completely revise NRC's standards for protection against radiation (Part 20). This regulation applies to all NRC licensees and establishes standards for protection against radiation hazards under licenses issued by the NRC. The proposed revision reflects a comprehensive and systematic review of Part 20 and incorporates current standards for radiation protection into the revised regulation.

Timetable:

Action	Date	FR Cite
ANPRM	03/20/80	45 FR 18023
ANPRM Comment Period Begin	03/20/80	45 FR 18023
ANPRM Comment Period End	06/18/80	
NPRM	04/00/83	

Small Entity: Yes

Agency Contact: Robert E. Baker, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 427-4570**

RIN: 3150-AA38

PERFORMANCE TESTING OF PERSONNEL DOSIMETRY

Legal Authority: 42 USC 2073; 42 USC 2093; 42 USC 2095; 42 USC 2111; 42 USC 2134; 42 USC 2201; 42 USC 2273; 42 USC 5841; 42 USC 5842

CFR Citation: 10 CFR 20

Abstract: The advance notice of rulemaking sought comment on a proposal to add amendments to 10 CFR Part 20 that would improve the accuracy and consistency of reported occupational radiation dose measurement by requiring proficiency tests of dosimetry processors who perform dosimetry for NRC licensees. The proposed amendments would require NRC licensees to have personnel dosimeters (devices carried or worn by each radiation worker to measure radiation exposure received during work) processed by a dosimetry service that is certified by an NRC approved or specified testing laboratory.

Timetable:

Action	Date	FR Cite
ANPRM	03/28/80	45 FR 20493
ANPRM Comment Period Begin	05/12/80	45 FR 31118
ANPRM Comment Period End	06/27/80	
NPRM	03/00/83	

Small Entity: Yes

Agency Contact: Alan K. Roecklein, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-5970**

RIN: 3150-AA39

DECOMMISSIONING CRITERIA FOR NUCLEAR FACILITIES

Legal Authority: 42 USC 2201

CFR Citation: 10 CFR 30; 10 CFR 40; 10 CFR 50; 10 CFR 70; 10 CFR 72

Abstract: The advance notice of proposed rulemaking seeks comment on a proposal to develop a more explicit policy for decommissioning nuclear facilities. The proposal would provide more specific guidance on decommissioning criteria for production and utilization facility licensees and byproduct, source, and special nuclear material licenses. This action is intended to protect public health and safety and to provide the applicant or licensee with appropriate regulatory guidance for implementing and accomplishing nuclear facility decommissioning.

Timetable:

Action	Date	FR Cite
ANPRM	03/13/78	43 FR 10370
NPRM	08/00/83	

Small Entity: Yes

Analysis: Draft Environmental Statement 02/10/81 (46 FR 11666)

Agency Contact: Keith G. Steyer, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-5910**

RIN: 3150-AA40

UPGRADED EMERGENCY PREPAREDNESS PROCEDURES FOR CERTAIN FUEL CYCLE AND MATERIALS LICENSEES

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 30; 10 CFR 40; 10 CFR 70

Abstract: The advance notice of proposed rulemaking seeks comments on a proposal that would strengthen emergency preparedness requirements for fuel cycle and materials licensees with the potential for accidents involving radioactive materials harmful to public health and safety. This is necessary to ensure that emergency preparedness planning and coordination is sufficient to minimize the danger to public health and safety following an accident involving radioactive materials held by certain fuel cycle and materials licensees. One of the lessons learned from the accident at Three Mile Island was that improvements in emergency preparedness planning and coordination for some NRC licensed activities was necessary.

Timetable:

Action	Date	FR Cite
ANPRM	06/03/81	46 FR 29712
ANPRM Comment Period Begin	06/03/81	46 FR 29712
ANPRM Comment Period End	08/03/81	
NPRM	04/00/83	

Small Entity: Yes

Analysis: Preliminary RIA 06/00/81

Agency Contact: Michael Jamgochian, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-5942**

RIN: 3150-AA41

CERTIFICATION OF INDUSTRIAL RADIOGRAPHERS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 34

Abstract: The advance notice of proposed rulemaking would reqtlire all individuals who use byproduct material in the conduct of industrial radiography to be certified by a third party. Radiography licensees account for over 60 percent of the reported overexposures greater than five rems to the whole body. NRC regulations permit industrial radiographers to perform radiography independently. The NRC grants radiography licensees the authority to train and designate individuals competent to act as radiographers. The advance notice of proposed rulemaking seeks comment on a proposal that would enable NRC to verify the effectiveness of this training, thereby assuring that all radiographers possess adequate training and experience to operate radiographic equipment safely.

Timetable:

Action	Date	FR Cite
ANPRM	05/04/82	47 FR 19152
ANPRM Comment Period Begin	05/04/82	47 FR 19152
ANPRM Comment Period End	09/03/82	
NPRM	04/00/83	

Small Entity: Undetermined

Agency Contact: Robert Alexander, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-5970**

RIN: 3150–AA43

ACCEPTANCE CRITERIA FOR EMERGENCY CORE COOLING SYSTEMS FOR LIGHT-WATER-COOLED NUCLEAR POWER PLANTS

Legal Authority: 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 2232; 42 USC 2233

CFR Citation: 10 CFR 50

Abstract: The advance notice of proposed rulemaking seeks comment on several questions concerning the acceptance criteria for Emergency Core Cooling Systems (ECCS) in light-water-cooled nuclear power plants Specifically, some of the questions to be commented on are (1) under what circumstances should corrections to ECCS models be used during licensing reviews without necessitating complete reanalysis of a given plant or an entire group of plants; (2) what would be the impact of the proposed procedure-oriented and certain specific technical rule changes; and (3) how should safety margins be quantified. The Commission is considering changing certain technical and nontechnical requirements within the existing ECCS rule. The technical changes would include consideration of new research information. The nontechnical changes would be procedure-oriented and would, among other things, allow for corrections to be made to vendor ECCS analysis codes during the construction review and during construction of the plant (cont)

Timetable:

Action	Date	FR Cite
ANPRM	12/06/78	43 FR 57157
ANPRM Comment Period Begin	12/06/78	43 FR 57157
ANPRM Comment Period End	02/05/79	
NPRM	12/00/83	

Small Entity: No

Additional Information: ABSTRACT CONT: The changes would provide improvements to the ECCS rule which would eliminate previous difficulties encountered in applying the rule and improve licensing evaluation in the light of present knowledge, while preserving a level of conservatism consistent with that knowledge.

Agency Contact: Harold Sullivan, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 427-4254**

RIN: 3150–AA44

SEVERE ACCIDENT DESIGN CRITERIA

Legal Authority: 42 USC 2201

CFR Citation: 10 CFR 50

Abstract: The advance notice of proposed rulemaking was published to provide the nuclear industry and the public an opportunity to submit advice and recommendations to the Commission on what should be the content of a regulation requiring improvements to cope with degraded core cooling and with accidents not covered adequately by traditional design envelopes. The rulemaking proceeding will address the objectives of such a regulation, the design and operational improvements being considered, the effect on other safety considerations, and the costs of the design improvements compared to expected benefits. It is the Commission's intent to determine what changes, if any, in reactor plant designs and safety analysis are needed to take into account reactor accidents beyond those considered in the current design basis accident approach. Accidents under consideration include a range of loss-of-core-cooling, core damage, and core-melt events, both inside and outside historical design envelopes. (cont)

Timetable:

Action	Date	FR Cite
ANPRM	10/02/80	45 FR 65474
ANPRM Comment Period Begin	10/02/80	45 FR 65474
ANPRM Comment Period End	12/31/80	
Policy Statement Pending before Cms	00/00/00	

Small Entity: No

Additional Information: ABSTRACT CONT: In addition, the Commission will consider whether to require consideration of this range of core damage events in the design of both normal operating systems and engineered safety features.

Agency Contact: Morton R. Fleishman, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-5981**

RIN: 3150–AA45

DESIGN AND OTHER CHANGES IN NUCLEAR POWER PLANT FACILITIES AFTER ISSUANCE OF CONSTRUCTION PERMIT

Legal Authority: 42 USC 2201

CFR Citation: 10 CFR 50

Abstract: The advance notice of proposed rulemaking was published to seek comments on a proposal that would make the procedure for facility licensing more predictable by (1) defining more clearly the limitations on what changes a construction permit holder may make to a facility during construction and (2) controlling the ways a construction permit holder implements NRC criteria. The proposal is intended to improve the present licensing process and to develop specific descriptions of essential facility features to which a construction permit holder is bound.

Timetable:

Action	Date	FR Cite
ANPRM	12/11/80	45 FR 81602
ANPRM Comment Period Begin	12/11/80	45 FR 81602
ANPRM Comment Period End	02/04/81	
NPRM	04/00/83	

Small Entity: No

Agency Contact: James J. Henry, Nuclear Regulatory Commission, Office of Nuclear

Regulatory Research, Washington, DC 20555, **301 443-5981**

RIN: 3150–AA46

MANDATORY PROPERTY INSURANCE FOR DECONTAMINATION OF NUCLEAR FACILITIES

Legal Authority: 42 USC 2201

CFR Citation: 10 CFR 50

Abstract: The advance notice of proposed rulemaking requests comments on the Long Report (NUREG-0891) entitled "Nuclear Property Insurance: Status and Outlook," in order to determine the adequacy of the NRC's property insurance requirements. This report, prepared by Dr. John D. Long, Professor of Insurance at Indiana University, was written as an outgrowth of the Three Mile Island-2 accident after it became apparent that nuclear utilities may need more property insurance than has previously been required. The NRC staff asked Dr. Long to write the report, in part, to answer six pertinent questions regarding nuclear property insurance. The Commission seeks comments on the issues raised by the Long Report and other issues relating to property insurance for nuclear facilities, including the feasibility of NRC participation in the regulation of replacement power insurance programs.

Timetable:

Action	Date	FR Cite
ANPRM	06/24/82	47 FR 27371
ANPRM Comment Period Begin	06/24/82	47 FR 27371
ANPRM Comment Period End	09/22/82	
NPRM	04/00/83	

Small Entity: No

Agency Contact: Robert S. Wood, Nuclear Regulatory Commission, Office of State Programs, Washington, DC 20555, **301 492-9885**

RIN: 3150–AA47

STORAGE AND DISPOSAL OF NUCLEAR WASTE

Legal Authority: 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 2232; 42 USC 2233

CFR Citation: 10 CFR 50; 10 CFR 51

Abstract: The advance notice of proposed rulemaking seeks public participation in a proceeding to be conducted by NRC on the storage and disposal of nuclear wastes. The purpose of the proceeding is (1) to assess generally the degree of assurance that radioactive wastes can be safely disposed of and (2) to determine whether disposal or off-site storage will be available prior to the expiration of a facility license and if not, whether radioactive wastes can be stored on-site past the expiration date of an existing facility license. This advance notice of proposed rulemaking was initiated in response to the decision of the U.S. Court of Appeals for the District of Columbia Circuit in State of Minnesota v. NRC, Nos. 78-1269 and 78-2032 (May 23, 1979), but also is a continuation of previous proceedings conducted by the Commission on this subject (see Federal Register notice published July 5, 1977; 42 FR 34391).

Timetable:

Action	Date	FR Cite
ANPRM	10/25/79	44 FR 61372
NPRM	06/00/83	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Sheldon Trubatch, Office of the General Counsel, Washington, DC 20555 202 634-3224

Agency Contact: Leo Slaggie, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **202 634-3224**

RIN: 3150–AA48

MODIFICATION OF THE POLICY AND REGULATORY PRACTICE GOVERNING THE SITING OF NUCLEAR POWER REACTORS

Legal Authority: 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 2232; 42 USC 5842

CFR Citation: 10 CFR 50; 10 CFR 51; 10 CFR 100

Abstract: The advance notice of proposed rulemaking was published to seek comment on a proposal that would replace the existing reactor site criteria applicable to the licensing of nuclear power reactors with demographic and other siting criteria. The proposed rule would establish siting requirements that are independent of design differences between nuclear power plants. The proposed rule is intended to reflect the experience gained by the Commission since the original regulations on siting were published on April 12, 1962 (27 FR 3509). The proposed rule would ensure that Commission practices on nuclear power reactor siting afford sufficient protection to the public health and safety. The ANPRM also sought public comment on seven of the nine recommendations contained in NUREG-0625, "Report of the Siting Policy Task Force." Publication of this rule has been deferred pending a two-year-evaluation program of NRC safety goals and a comprehensive reassessment of the new radioactive source term.

Timetable:

Action	Date	FR Cite
ANPRM	07/29/80	45 FR 50350
NPRM	03/00/85	

Small Entity: No

Agency Contact: William R. Ott, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 427-4358**

RIN: 3150–AA49

MATERIAL CONTROL AND ACCOUNTING REQUIREMENTS FOR FACILITIES POSSESSING FORMULA QUANTITIES OF STRATEGIC SPECIAL NUCLEAR MATERIAL

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 70

Abstract: The advance notice of proposed rulemaking (ANPRM) would replace the material control & accounting (MC&A) requirements for fuel cycle facilities, including reprocessing plants possessing formula quantities of strategic special nuclear material (SSNM). It would establish a performance oriented regulation that emphasizes timely detection of SSNM losses and provides for more conclusive resolution of discrepancies. This is to be accomplished at about the same cost as current MC&A requirements by relaxation or elimination of those current requirements which are not cost-effective and by taking advantage of process controls, production controls, and quality controls already used by licensees.

Timetable:

Action	Date	FR Cite
ANPRM	09/10/81	46 FR 45144
ANPRM Comment Period Begin	11/18/81	46 FR 56625
ANPRM Comment Period End	02/09/82	
NPRM	03/00/83	

Small Entity: No

Public Compliance Cost: Initial Cost: $2,300,000; Yearly Recurring Cost: -$800,000

Agency Contact: Barry Mendelsohn, Nuclear Regulatory Commission, Office of Nuclear Material Safety and, Safeguards, Washington, DC 20555, **301 427-4040**

RIN: 3150–AA50

SEISMIC AND GEOLOGIC SITING CRITERIA FOR NUCLEAR POWER PLANTS

Legal Authority: 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 2232; 42 USC 5842

CFR Citation: 10 CFR 100

Abstract: The advance notice of proposed rulemaking was published to solicit public comment on the need for a reassessment of the Commission's criteria for the siting of nuclear power plants. The Commission determined that this action was necessary as a result of experience gained with application of current criteria and the rapid advancement in the state of the art of earth sciences. The NRC staff was particularly interested in finding out about problems that have arisen in the application of existing siting criteria. The public was invited to state the nature of the problems encountered and describe them in detail. The public was also asked to submit proposed corrective actions. Two petitions for rulemaking filed with the Commission, PRM-50-20 and PRM-100-2 will be addressed as part of this rulemaking.

Timetable:

Action	Date	FR Cite
ANPRM	01/19/78	43 FR 2729
NPRM	12/00/86	

Small Entity: No

Agency Contact: **Leon L. Beratan**, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555. **301 427-4378**

RIN: 3150-AA51

PROPOSED RULES

PROCEDURES INVOLVING THE EQUAL ACCESS TO JUSTICE ACT: IMPLEMENTATION

Legal Authority: 42 USC 504

CFR Citation: 10 CFR 1; 10 CFR 2

Abstract: The proposed rule provides new provisions intended to implement the Equal Access to Justice Act (EAJA). The provisions would provide for the payment of fees and expenses to certain eligible individuals and businesses that prevail in adjudications with the agency when the agency's position is determined not to have been substantially justified. The basis for these proposed regulations is a set of model rules issued by the Administrative Conference of the United States (ACUS) that have been modified to conform to NRC's established rules of practice. The proposed rule would further the EAJA's intent by insuring the development of government-wide "uniform" agency regulations and by providing NRC procedures and requirements for the filing and disposition of EAJA applications. A final draft rule was sent to the Commission in June 1982, but Commission action has been suspended pending a decision by the Comptroller General on the availability of funds to pay awards to intervenor parties

Timetable:

Action	Date	FR Cite
NPRM	10/28/81	46 FR 53189
NPRM Comment Period Begin	10/28/81	46 FR 53189
NPRM Comment Period End	11/28/81	
Final Action	00/00/00	

Small Entity: No

Agency Contact: **Paul Bollwerk**, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **202 634-3224**

RIN: 3150-AA01

ENVIRONMENTAL PROTECTION REGULATIONS FOR DOMESTIC LICENSING AND RELATED REGULATORY FUNCTIONS

Legal Authority: 42 USC 2021; 42 USC 2201; 42 USC 4332; 42 USC 4334; 42 USC 4335

CFR Citation: 10 CFR 2; 10 CFR 30; 10 CFR 40; 10 CFR 50; 10 CFR 51; 10 CFR 70; 10 CFR 110

Abstract: Consistent with NRC's domestic licensing and regulatory authority, the proposed rule would revise the Commission's environmental protection regulations to implement all of the procedural provisions of section 102(2) of the National Environmental Policy Act (NEPA). This would broaden the scope of the environmental regulations, which deal mainly with environmental impact statements, to encompass the entire NEPA process from early planning through decisionmaking. The proposed rule would bring, to the extent possible, NRC's environmental review requirements into conformance with the Environmental Quality Council's procedural regulations, ensure that environmental factors are considered as part of the NRC decisionmaking process, and make environmental information available to the public.

Timetable:

Action	Date	FR Cite
NPRM	03/03/80	45 FR 13739
NPRM Comment Period Begin	03/03/80	45 FR 13739
NPRM Comment Period End	05/02/80	
Final Action	05/00/83	

Small Entity: No

Agency Contact: **Jane R. Mapes**, Nuclear Regulatory Commission, Office of the Executive Legal Director, Washington, DC 20555, **301 492-8695**

RIN: 3150-AA02

LICENSING AND REGULATORY POLICY AND PROCEDURES FOR ENVIRONMENTAL PROTECTION; ALTERNATIVE SITE REVIEWS

Legal Authority: 42 USC 2201; 42 USC 4332; 42 USC 5841

CFR Citation: 10 CFR 2; 10 CFR 50; 10 CFR 51

Abstract: The proposed rule would provide procedures and performance criteria for reviewing alternative sites for nuclear power plants under the National Environmental Policy Act of 1969 (NEPA). The proposal is intended to stabilize alternative site reviews of a license application by codification of the lessons learned in past and recent reviews of nuclear power plant sites into an environmentally sensitive rule. The proposed rule would focus on six major issues associated with alternative site selection: (1) information requirements, (2) timing, (3) region of interest, (4) selection of candidate sites, (5) comparison of the proposed site with alternative sites, and (6) reopening of the alternative site decision. The proposed rule would develop understandable written NRC review and decision-making criteria that provide necessary protection of important environmental qualities while reasonably restricting the consideration of alternatives to permit a rational and timely decision concerning the sufficiency of the alternative site analysis. After considering the comments on the proposed rule, the Commission published a final rule on May 28, 1981 (46 FR 28630). (cont)

Timetable:

Action	Date	FR Cite
NPRM	04/09/80	45 FR 24168
NPRM Comment Period Begin	04/09/80	45 FR 24168
NPRM Comment Period End	06/09/80	
Final Action	08/00/83	

Small Entity: No

Additional Information: ABSTRACT CONT: That final rule addressed the sixth issue, reopening the alternative site question after a favorable decision at construction permit or early site review stages insofar as it relates to operating license proceedings. The

staff is addressing the other issues in the development of this rule.

Agency Contact: Paul Hayes, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 427-4318**

RIN: 3150-AA03

POSSIBLE AMENDMENTS TO "IMMEDIATE EFFECTIVENESS" RULES

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 2; 10 CFR 50

Abstract: The proposed rule indicates that the Commission is considering five alternative amendments to the "immediate effectiveness" rule for construction permit proceedings. Under the original "immediate effectiveness" rule (36 FR 828, January 19, 1971) construction of a nuclear power plant could begin on the basis of an initial decision by the Atomic Safety and Licensing Board (ASLB) even though that decision was subject to further review by the Commission. The Commission is concerned that the rule often prevented it from reviewing a case until construction was well underway and that this might have (1) allowed commitment of large sums of money to altering sites before a final decision was made on site-related issues and (2) promoted piecemeal review rather than promoting early resolution of all licensing issues to be considered. Present rules provide for limited review of ASLB decisions by the Atomic Safety and Licensing Appeal Board (ASLAB) and the Commission prior to issuance of construction permits. This proposed rule would help to determine whether NRC should return to the former "immediate effectiveness" rule or adopt one of the following alternatives: (cont)

Timetable:

Action	Date	FR Cite
NPRM	05/22/80	45 FR 34279
Regulatory Reform Rule	06/15/83	

Next Action Undetermined

Small Entity: No

Additional Information: ABSTRACT CONT: (1) require the ASLAB to make a separate ruling on the question of effectiveness, or (2) require final ASLAB and Commission decisions on the merits of certain construction-related issues prior to authorizing issuances of the construction permit; require final ASLAB and Commission decisions on the merits of all issues prior to authorizing issuances of the construction permit; and, return to the former "immediate effectiveness" rule, but relax the standards for obtaining a stay of the ASLAB decisions. The rule "Regulatory Reform of the Rules of Practice and Rules for Licensing of Production and Utilization Facilities" proposed by the Regulatory Reform Task Force will determine which of the alternatives proposed in this rule will become effective.

Agency Contact: Richard A. Parrish, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **202 634-3224**

RIN: 3150-AA04

MODIFICATIONS TO THE NRC HEARING PROCESS (LIMITED INTERROGATORIES AND FACTUAL BASIS FOR CONTENTIONS)

Legal Authority: 42 USC 2239

CFR Citation: 10 CFR 2

Abstract: The proposed rule would expedite conduct of NRC adjudicatory proceedings by requiring intervenors in formal NRC hearings to set forth the facts on which contentions are based and the sources or documents used to establish those facts and limit the number of interrogatories that a party may file in an NRC proceeding. The proposed rule would expedite the hearing process by, among other things, requiring intervenors to set forth at the outset the facts upon which their contention is based and the supporting documentation to give other parties early notice of intervenor's case so as to afford opportunity for early dismissal of contentions where there is no factual dispute. The content of this rule is being considered as part of the regulatory reform rulemaking package.

Timetable:

Action	Date	FR Cite
NPRM	06/08/81	46 FR 30349
Regulatory Reform Rule	06/15/83	

Small Entity: No

Agency Contact: Trip Rothschild, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **202 634-1465**

RIN: 3150-AA05

COMMISSION REVIEW PROCEDURES FOR POWER REACTOR CONSTRUCTION PERMITS; IMMEDIATE EFFECTIVENESS RULE

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 2

Abstract: The proposed rule would amend the immediate effectiveness rule with regard to rules of practice for granting a power reactor construction permit to conform to those for granting an operating license. It (1) would retain the requirement that the Commission conduct a limited review of an Atomic Safety and Licensing Board's decision to grant a construction permit pending completion of administrative appeals and (2) would delete the requirement that an Atomic Safety and Licensing Appeal Board conduct a similar review. The proposed rule would not affect the separate Appeal Board and Commission appellate reviews of the merits of Licensing Board decisions. It would reduce somewhat the time required for administrative review of construction permit decisions while retaining direct Commission oversight prior to permit issuance. (cont)

Timetable:

Action	Date	FR Cite
NPRM	10/25/82	47 FR 47260
NPRM Comment Period Begin	10/25/82	47 FR 47260
NPRM Comment Period End	11/24/82	
Regulatory Reform Rule	06/15/83	

Small Entity: No

Additional Information: ABSTRACT CONT: The comment period closed November 24, 1982. Nine comments were received. Four of the comments favored the proposed rule while five opposed it. This proposed rule does not preclude further action on five alternatives for amending the "Immediate Effectiveness" rule presented in an earlier notice on May 22, 1980 (45 FR 34279). The rule "Regulatory Reform of the Rules of Practice and Rules for Licensing of Production and Utilization Facilities" proposed by the Regulatory Reform Task Force will determine whether this proposed rule will become effective.

Agency Contact: Richard A. Parrish, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **202 634-3224**

RIN: 3150-AA55

AUTHORITY TO ISSUE NOTICES OF VIOLATION TO NON-LICENSEES AND DELEGATION OF AUTHORITY TO REGIONAL ADMINISTRATORS

Legal Authority: 42 USC 2077; 42 USC 2021; 42 USC 2201; 42 USC 4332; 42 USC 4334; 42 USC 4335; 42 USC 5841; 42 USC 5842

CFR Citation: 10 CFR 2

Abstract: The proposed rule would specifically authorize the issuance of a

notice of violation to any person subject to the jurisdiction of the Commission, including non-licensees. The proposed rule would require non-licensees as well as licensees to comply with the Commission's regulations in sections 2.200 and 2.201. In addition, the amendment would clarify the authority of Regional Administrators or their designees to issue notices of violation under sections 2.200 and 2.201. The comment period closed December 13, 1982.

Timetable:

Action	Date	FR Cite
NPRM	11/15/82	47 FR 51402
NPRM Comment Period Begin	11/15/82	47 FR 51402
NPRM Comment Penod End	12/13/82	
Final Action	03/00/83	

Small Entity: No

Agency Contact: **Richard Rosano**, Nuclear Regulatory Commission, Office of Inspection and Enforcement, Washington, DC 20555, **301 492-9583**

RIN: 3150-AA56

●HEARING ON DENIAL OF REACTOR OPERATOR LICENSE

Legal Authority: 42 USC 2137; 42 USC 2201; 42 USC 2231; 42 USC 2241; 42 USC 5841; 42 USC 5842

CFR Citation: 10 CFR 2; 10 CFR 55

Abstract: This proposed rule is intended to eliminate an operator license applicant's right to request a hearing based on a failed written or operating test, but to permit the applicant the right to request a reevaluation of the failed test. The proposed rule would retain the applicant's right to request a hearing on a license denial for reasons other than a failed test. The proposed amendments should save time and resources for both the applicant and the staff.

Timetable:

Action	Date	FR Cite
NPRM	11/24/82	47 FR 53028
NPRM Comment Period Begin	11/24/82	47 FR 53028
NPRM Comment Period End	12/27/82	
Final Action	03/00/83	

Small Entity: No

Agency Contact: **William M. Shields**, Nuclear Regulatory Commission, Office of the Executive Legal Director, Washington, DC 20555, **301 492-8693**

RIN: 3150-AB10

NONDISCRIMINATION ON BASIS OF AGE IN FEDERALLY ASSISTED COMMISSION PROGRAMS

Legal Authority: 42 USC 6101

CFR Citation: 10 CFR 4

Abstract: The proposed rule would implement the provisions of the Age Discrimination Act of 1975, as amended. The proposed amendment makes it unlawful for any recipient of Federal financial assistance to discriminate on the basis of age in programs or activities receiving Federal financial assistance from the NRC. The Act also contains certain exceptions that permit, under limited circumstances, continued use of age distinctions or factors other than age that may have a disproportionate effect on the basis of age. The Act applies to persons of all ages. The proposed rule is necessary to comply with the Age Discrimination Act of 1975, which directs that all Federal agencies empowered to provide Federal financial assistance issue rules, regulations, and directives consistent with standards and procedures established by the Secretary of Health and Human Services (HHS). NRC's proposed and final regulations have been modeled after those HHS guidelines as published in 45 CFR 90. (cont)

Timetable:

Action	Date	FR Cite
NPRM	09/21/81	46 FR 46582
Final Action	00/00/00	

Small Entity: No

Additional Information: ABSTRACT CONT: On November 23, 1981, a copy of the draft final regulations was transmitted to the Office of the General Counsel of the Civil Rights Division, HHS, for review to comply with the requirement that final agency regulations not be published until the Secretary of HHS approved them. Next action cannot be scheduled until the regulation is approved by the Secretary of HHS, as required by law.

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Agency Contact: **Hudson B. Ragan**, Nuclear Regulatory Commission, Office of Executive Legal Director, Washington, DC 20555, **301 492-8252**

RIN: 3150-AA06

LOWER RADIATION EXPOSURE LEVELS FOR FERTILE WOMEN

Legal Authority: 42 USC 2111; 42 USC 2201

CFR Citation: 10 CFR 19; 10 CFR 20

Abstract: The proposed rule would incorporate the intent of the recommendation of the National Council on Radiation Protection and Measurements (NCRP) in Report No. 39 that the radiation exposure to an embryo or fetus be minimized. It would help provide assurance that radiation exposures of fertile women and fetuses will be kept well within the numerical dose limits recommended by the NCRP without undue restriction on activities involving radiation and radioactive material. The proposed rule would amend NRC regulations to require licensees to instruct workers regarding health protection problems associated with exposure to radiation and radioactive materials by providing information about biological risks to embryos and fetuses. The proposed rule would also contain a Commission statement that licensees should make particular efforts to keep the radiation exposure of an embryo or fetus to the very lowest practicable level during the entire gestation period as recommended by the NCRP. The content of this rule will be incorporated into the comprehensive revision of Part 20 to be issued as a proposed rule in April 1983.

Timetable:

Action	Date	FR Cite
Previous NPRM	01/03/75	40 FR 799
NPRM	04/00/83	

Small Entity: No

Agency Contact: **Walter Cool**, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 427-4579**

RIN: 3150-AA07

CHANGES IN RADIATION DOSE-LIMITING STANDARDS

Legal Authority: 42 USC 2111; 42 USC 2201

CFR Citation: 10 CFR 19; 10 CFR 20

Abstract: The proposed rule was published because of the desire of the Commission to reduce the risks of occupational radiation doses in Commission-licensed activities, the Commission's continuing systematic assessment of exposure patterns, and new recommendations of the International Commission on Radiological Protection for controlling radiation dose. In preparing the proposed rule, the Commission has also taken into account recently published interpretations of epidemiological data and associated recommendations for lower dose standards as well as petitions for rulemaking to lower dose standards, PRM-20-6 and PRM-20-6A. The proposed rule would eliminate the accumulated dose averaging formula and the associated Form NRC-4,

Exposure History, and impose annual dose-limiting standards while retaining quarterly standards. In addition to the imposition of annual dose-limiting standards, the proposed rule contains provisions that would express, in terms of new annual standards, the standard for dose to minors, the requirement for control of total dose to all workers, including transient and moonlighting workers. (cont)

Timetable:

Action	Date	FR Cite
Previous NPRM	02/20/79	44 FR 10388
NPRM	04/00/83	

Small Entity: No

Additional Information: ABSTRACT CONT: The changes contained in the proposed rule are intended to benefit workers by increasing radiation protection for them and to encourage some NRC licensees to take further action to reduce occupational radiation doses. The content of this rule will be incorporated into the comprehensive revision of Part 20 to be issued as a proposed rule in April 1983.

Agency Contact: Walter S. Cool, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 427-4579

RIN: 3150-AA08

AUTHORITY FOR THE COPYING OF RECORDS AND RETENTION PERIODS FOR SECURITY RECORDS

Legal Authority: 42 USC 2073; 42 USC 2207

CFR Citation: 10 CFR 19; 10 CFR 21; 10 CFR 30; 10 CFR 40; 10 CFR 50; 10 CFR 70; 10 CFR 71; 10 CFR 73; 10 CFR 110

Abstract: The proposed rule would define more clearly the authority of an NRC inspector to copy and take away a licensee record that is needed for inspection and enforcement activities. It also would specify the period that a licensee physical security record must be maintained and codify guidelines for record retention periods.

Timetable:

Action	Date	FR Cite
NPRM	11/22/82	47 FR 52452
NPRM Comment Period Begin	11/22/82	47 FR 52452
NPRM Comment Period End	01/21/83	
Final Action	07/00/83	

Small Entity: No

Agency Contact: Kristina Z. Markulis, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 443-5976

RIN: 3150-AA63

TRANSURANIC WASTE DISPOSAL

Legal Authority: 42 USC 2073; 42 USC 2093; 42 USC 2095; 42 USC 2111; 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 2273; 42 USC 5842; 42 USC 5846

CFR Citation: 10 CFR 20; 10 CFR 150

Abstract: The proposed rule would prohibit the disposal by burial in soil of transuranic elements above a certain concentration. A companion amendment to Part 150 would reassert exclusive Commission authority in Agreement States over disposal of transuranic contaminated wastes (TRU) exceeding this concentration. This proposed rule has been incorporated into a final rule that establishes a new 10 CFR Part 61. The staff is currently preparing a notice withdrawing this proposed rule and its accompanying amendment to Part 150.

Timetable:

Action	Date	FR Cite
NPRM	09/12/74	39 FR 32921
NPRM Comment Period Begin	09/12/74	39 FR 32921
NPRM Comment Period End	11/11/74	
Withdrawal of proposed rule	05/00/83	

Small Entity: No

Agency Contact: Paul H. Lohaus, Nuclear Regulatory Commission, Office of Nuclear Material Safety and, Safeguards, Washington, DC 20555, 301 427-4500

RIN: 3150-AA09

RESIDUAL CONTAMINATION IN SMELTED ALLOYS

Legal Authority: 42 USC 2021; 42 USC 2073; 42 USC 2077; 42 USC 2111; 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 30; 10 CFR 32; 10 CFR 70; 10 CFR 150

Abstract: The proposed rule would exempt from licensing and regulatory requirements technetium-99 and low-enriched uranium as residual contamination in any smelted alloy. The proposed rule would remove the Commission's present specific licensing requirement that has the effect of inhibiting trade in and recycling of metal scrap contaminated with small amounts of these radioactive materials. This requirement also prevents recycling by the secondary metals industry of smelted alloys containing these two radioactive materials. The NRC issued the proposed rule in response to a Department of Energy request.

Timetable:

Action	Date	FR Cite
NPRM	10/27/80	45 FR 70874
NPRM Comment Period Begin	10/27/80	45 FR 70874
NPRM Comment Period End	12/11/80	
Final Action	12/00/83	

Small Entity: No

Analysis: Draft Environmental Statement 10/27/80 (45 FR 20874)

Agency Contact: H. J. Bicehouse, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 443-5825

RIN: 3150-AA10

IRRETRIEVABLE WELL-LOGGING SOURCES

Legal Authority: 42 USC 2073; 42 USC 2111; 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 30; 10 CFR 70; 10 CFR 150

Abstract: The proposed rule would establish requirements a licensee must follow in the event a well-logging source (a measurement /detection device which contains sealed radioactive source material) becomes disconnected from the wireline which suspends the source in the well and for which all reasonable efforts at recovery, as determined by the Commission, have been expended. The proposed rule would codify the requirements that were previously imposed on individual licensees as a license condition. The proposed rule would give reasonable assurance that there is no damage to the source through subsequent drilling operations which might result in dispersal of the radioactive material to the biosphere.

Timetable:

Action	Date	FR Cite
NPRM	09/28/78	43 FR 44547
Final Action	06/00/83	

Small Entity: Not Applicable

Analysis: Final RIA 06/00/83

Agency Contact: Henry J. Bicehouse, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 443-5825

RIN: 3150-AA11

CLARIFIED REQUIREMENTS FOR TERMINATING A LICENSE

Legal Authority: 42 USC 2073; 42 USC 2092; 42 USC 2093; 42 USC 2111; 42 USC 2112; 42 USC 2113; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 2236; 42 USC 2282; 42 USC 5842

CFR Citation: 10 CFR 30; 10 CFR 40; 10 CFR 70

Abstract: The proposed regulation would clarify a licensee's authority and responsibility for nuclear materials and specify procedures that would allow for orderly license termination. Current regulations are not specific concerning licensee responsibility for nuclear materials following the expiration date of the license. A licensee could dispose of nuclear materials, notify the Commission of its intent to discontinue operations, and vacate the premises before the NRC staff could verify residual radioactive contamination levels. This situation has the potential for adverse public health and safety effects. The proposed rule is necessary to protect public health and safety by establishing clear procedures for the termination of a license. The procedures would ensure that licensed materials are properly disposed of and facilities and sites are properly decontaminated before a licensee's responsibility is terminated. Each licensee who decides to discontinue operations permanently would be required to submit form NRC-314. This form contains information describing the disposal of nuclear materials. Except for licensees with only sealed sources, each licensee would (cont)

Timetable:

Action	Date	FR Cite
NPRM	10/26/82	47 FR 47400
NPRM Comment Period Begin	10/26/82	47 FR 47400
NPRM Comment Period End	12/27/82	
Final Action	09/00/83	

Small Entity: No

Additional Information: ABSTRACT CONT: submit a final radiation survey report. If there is no residual radioactive contamination above background, the Commission may terminate the license. If there is residual radioactive contamination, the licensee would be required to decontaminate the nuclear facility before the Commission would terminate the licensee's responsibility under its license.

Public Compliance Cost: Initial Cost: $17,120; Yearly Recurring Cost: $17,120; Base Year for Dollar Estimates: 1982

Analysis: Preliminary RIA 10/26/82; Final RIA 09/00/83

Agency Contact: William R. Pearson, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 443-5910

RIN: 3150-AA71

CONSUMER PRODUCTS CONTAINING SMALL QUANTITIES OF RADIOACTIVE MATERIAL: MODIFIED REPORTING AND RECORDKEEPING REQUIREMENTS

Legal Authority: 42 USC 2111; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 5841

CFR Citation: 10 CFR 32

Abstract: The final rule would revise the requirement that licensees distributing products containing exempt quantities of radioactive material submit annual reports on the type and number of products distributed. The final rule will require affected licensees to submit a report every five years instead of annually. NRC uses these reports to estimate exposure of the general public to widely used consumer radioactive products. A licensee's questions concerning the significance of the reports resulted in a review of the reporting requirement. The final rule is intended to reduce the administrative and paperwork burden for the licensee and the NRC without significantly changing the value of the reports to the regulatory program monitoring the use of radioactive materials in consumer products.

Timetable:

Action	Date	FR Cite
NPRM	11/23/82	47 FR 52719
NPRM Comment Period Begin	11/23/82	47 FR 52719
NPRM Comment Period End	12/23/82	
Final Action	04/00/83	

Small Entity: No

Analysis: Preliminary RIA 11/00/82; Final RIA 04/00/83

Agency Contact: Anthony Tse, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 443-5825

RIN: 3150-AA72

PATIENT DOSAGE MEASUREMENT

Legal Authority: 42 USC 2111; 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 35

Abstract: The proposed rule would require specific category medical licensees to (1) measure the total activity of each radiopharmaceutical dosage, except those containing a pure beta-emitting radionuclide, before it is administered to a patient; (2) measure doses with activity less than ten microcuries to verify that activity did not exceed ten microcuries; and (3) keep a record of each measurement. Currently, each of NRC's approximately 2000 specific medical licensees are individually required by a license condition to measure the activity of radiopharmaceutical dosages before administering them to patients. The proposed rule would simplify licensing by replacing a condition that appears in all specific medical licenses with one regulation and enhance patient radiation safety by minimizing potential misadministrations caused by not measuring the patient dosage.

Timetable:

Action	Date	FR Cite
NPRM	09/01/81	46 FR 43840
NPRM Comment Period Begin	09/01/81	46 FR 43840
NPRM Comment Period End	11/30/81	
Final Action	03/00/83	

Small Entity: No

Public Compliance Cost: Initial Cost: $690,000; Yearly Recurring Cost: $690,000; Base Year for Dollar Estimates: 1981

Analysis: Preliminary RIA 09/00/81

Agency Contact: Elizabeth G. Rodenbeck, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 427-4580

RIN: 3150-AA12

GENERAL DESIGN CRITERIA FOR FUEL REPROCESSING PLANTS

Legal Authority: 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 2232; 42 USC 2233

CFR Citation: 10 CFR 50

Abstract: The proposed rule would establish general criteria for designing fuel reprocessing plants in order to provide reasonable assurance that fuel reprocessing plants can be operated without undue risk to the health and safety of the public. The general criteria contains the minimum requirements that an applicant must use in the selection of principal design criteria for a fuel reprocessing plant. The principal criteria would establish design, fabrication, construction, testing, and performance requirements for structures, systems, and components important to the safety of the

facility. This proposed rule has been indefinitely deferred until needed for NRC's regulation of a reprocessing facility.

Timetable:

Action	Date	FR Cite
NPRM	07/18/74	39 FR 26293

Next Action Undetermined

Small Entity: No

Agency Contact: Charles W. Nilsen, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-5910**

RIN: 3150-AA15

FRACTURE TOUGHNESS REQUIREMENTS FOR NUCLEAR POWER REACTORS

Legal Authority: 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 50

Abstract: The proposed rule would update existing fracture toughness requirements for the reactor coolant pressure boundary of light-water nuclear power reactors. The proposed rule is needed to (1) clarify the applicability of the fracture toughness requirements to old and new plants, (2) modify certain requirements of Appendices G and H to 10 CFR 50, and (3) simplify these regulations by replacing technical detail with references to appropriate ASME Boiler and Pressure Vessel Code provisions. The NRC staff has modified the final rule to clarify that it is applicable only to normal operation. A revised final rule has been prepared for Commission action.

Timetable:

Action	Date	FR Cite
NPRM	11/14/80	45 FR 75536
NPRM Comment Period Begin	11/14/80	45 FR 75536
NPRM Comment Period End	01/13/81	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Neil Randall, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-5904**

RIN: 3150-AA16

ANTICIPATED TRANSIENTS WITHOUT SCRAM (ATWS)

Legal Authority: 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 5842; 42 USC 5846

CFR Citation: 10 CFR 50

Abstract: The proposed rule presents two of three alternative regulatory programs designed to reduce the risk posed by accidents involving anticipated transients without scram (ATWS) events under consideration by the Commission. The third alternative is set out in a petition for rulemaking filed by twenty utilities (Electric Utilities Petition, PRM-50-29, published November 4, 1980; 45 FR 73080, and a supplement to the petition published February 3, 1981; 46 FR 10501). An ATWS event occurs when a nuclear reactor's shut down ("scram") system fails to function following a fault (transient event) in the reactor's normal heat dissipation function. A possible outcome of some ATWS accident sequences is the development of a mismatch between the power generated in the reactor and the controlled dissipation of that power. This power mismatch can threaten the integrity of the barriers that confine the fission products. A core meltdown accident, in some cases accompanied by a failure of containment and a very large release of radioactivity, is a possible outcome of some ATWS accident scenarios. (cont)

Timetable:

Action	Date	FR Cite
NPRM	11/24/81	46 FR 57521
NPRM Comment Period Begin	11/24/81	46 FR 57521
NPRM Comment Period End	04/23/82	
Revised Proposed Rule	12/00/83	
Final Action	12/00/83	

Small Entity: No

Additional Information: ABSTRACT CONT: Thus, the Commission has determined that the consequences of some postulated ATWS accidents are unacceptable and has developed this proposed rule to address this important safety issue through rulemaking. The Commission believes that the likelihood of severe consequences arising from an ATWS event during the two to four year period required to implement a rule is acceptably small. The implementation schedule contained in the proposed rule balances the need for careful analysis and plant modifications with the desire to carry out the objectives of the rule as soon as possible. The NRC staff, in response to comments received on the proposed rule, has scheduled the preparation of a revised proposed rule to obtain additional input from the public on the ATWS issue prior to development of a final rule.

Agency Contact: David Pyatt, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-5960**

RIN: 3150-AA19

IMMEDIATE NOTIFICATION REQUIREMENT FOR OPERATING NUCLEAR REACTORS

Legal Authority: 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 2239; 42 USC 5842; 42 USC 5846

CFR Citation: 10 CFR 50

Abstract: The proposed rule would require that every operating license for a nuclear power reactor contain a condition that would require the licensee to notify the Commission as soon as possible, and in all cases within one hour, of any significant event; that is, an event that could pose a threat to public health and safety. The current regulations require licensees to notify NRC of certain "significant events." The proposed rule would clarify the list of reportable significant events contained in the regulations. The proposed rule also responds to the intent of Congress, expressed in Section 201 of the Nuclear Regulatory Commission Authorization Act for Fiscal Year 1980 (PL 96-295), that the Commission establish specific guidelines for identifying accidents which could result in an unplanned release of radioactivity in excess of allowable limits and require immediate notification of these incidents. On August 19, 1980 (45 FR 55402), NRC published a final rule on emergency planning that required, among other things, procedures for immediate notification of NRC, state, and local emergency response personnel in certain situations. (cont)

Timetable:

Action	Date	FR Cite
NPRM	12/21/81	46 FR 61894
NPRM Comment Period Begin	12/21/81	46 FR 61894
NPRM Comment Period End	02/19/82	
Final Action	04/00/83	

Small Entity: No

Additional Information: ABSTRACT CONT: These situations were discussed in Revision I to NUREG-0654/FEMA-REP-I issued November 1980. NRC experience and 15 comments on the rule establishing the events that must be reported indicate that the notification rule requires clarification. The proposed rule provides the needed clarification. The proposed requirements would provide increased confidence that the public health and safety would be protected in a radiological emergency.

NRC — Current and Projected Rulemakings

Agency Contact: William R. Mills, Nuclear Regulatory Commission, Office of Inspection and Enforcement, Washington, DC 20555, 301 492-4791

RIN: 3150-AA20

INTERIM REQUIREMENTS RELATED TO HYDROGEN CONTROL

Legal Authority: 42 USC 2133; 42 USC 2134; 42 USC 2152; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 2234; 42 USC 2236; 42 USC 2239; 42 USC 2273; 42 USC 5841; 42 USC 5842; 42 USC 5846

CFR Citation: 10 CFR 50

Abstract: The final rule requires improved Hydrogen control systems for boiling water reactors (BWRs) with Mark III type containments and for pressurized water reactors (PWRs), with ice condenser type containers. BWR's with Mark III type containments and PWR's with ice condenser type containments which don't rely on an inerted atmosphere for hydrogen control would be required to show that certain important safety systems must be able to function during and following hydrogen burning.

Timetable:

Action	Date	FR Cite
NPRM	12/23/81	46 FR 62281
NPRM Comment Period Begin	02/25/82	47 FR 08203
NPRM Comment Period End	04/08/82	
Final Action	05/00/83	

Small Entity: No

Agency Contact: Morton R. Fleishman, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 443-5981

RIN: 3150-AA21

TECHNICAL SPECIFICATIONS FOR NUCLEAR POWER REACTORS

Legal Authority: 42 USC 2201

CFR Citation: 10 CFR 50

Abstract: The proposed rule would amend current regulations pertaining to technical specifications for nuclear power reactors. Specifically, the proposed would (1) establish a standard for deciding which items derived from the safety analysis report must be incorporated into technical specifications, (2) modify the definitions of categories of technical specifications to focus more directly on reactor operations, (3) define a new category of requirements that would be of lesser immediate significance to safety than technical specifications, and (4) establish appropriate conditions that must be met by licensees to make changes to the requirements in the new category without prior NRC approval. The changes are needed because of disagreements among parties to proceedings as to what items should be included in technical specifications, and concern that the substantial growth in the volume of technical specifications may be diverting the attention of licensees from matters most important to the safe operation of the plant. The proposed rule would improve the safety of nuclear power plant operation by reducing the volume of technical specifications, place more emphasis on those (cont)

Timetable:

Action	Date	FR Cite
ANPRM	07/08/80	45 FR 45916
ANPRM Comment Period Begin	07/08/80	45 FR 45916
ANPRM Comment Period End	09/08/80	
NPRM	03/30/82	47 FR 13369
NPRM Comment Period Begin	03/30/82	47 FR 13369
NPRM Comment Period End	06/01/82	
Final Action	04/00/83	

Small Entity: No

Additional Information: ABSTRACT CONT: specifications of high safety significance, and provide more efficient use of NRC and licensee resources. The NRC staff has estimated that each of the affected 21 licensees should utilize the proposed method for changing supplemental specifications approximately twice a year. The total additional yearly burden to resubmit a revoked change for all 21 affected licensees would be approximately 101 manhours.

Agency Contact: Cecil O. Thomas, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555, 301 492-7180

RIN: 3150-AA22

CODES AND STANDARDS FOR NUCLEAR POWER PLANTS

Legal Authority: 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 50

Abstract: The proposed rule would reference additional provisions of the ASME Boiler and Pressure Vessel Code, including sections that provide rules for the construction of certain safety systems, and it would clarify existing regulations by removing obsolete provisions. The ASME Code sections proposed for incorporation by reference include the requirements for Class 2 Components, which are found in Subsections NC and NCA of the Code, and the requirements for Class 3 Components, which are found in Subsections ND and NCA of the Code. Experience has shown that these additional parts of Section III of the ASME Boiler and Pressure Vessel Code are adequate for use on a general basis. The proposed rule would establish enforceable requirements to replace previous guidance criteria and ensure the proper application of referenced ASME Codes to eliminate any possible misunderstandings concerning NRC requirements to be addressed in an application for a license for a nuclear power plant.

Timetable:

Action	Date	FR Cite
NPRM	04/13/82	47 FR 15801
NPRM Comment Period Begin	04/13/82	47 FR 15801
NPRM Comment Period End	06/14/82	
Final Action	06/00/83	

Small Entity: No

Agency Contact: Alfred Taboada, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 443-5903

RIN: 3150-AA23

LICENSEE EVENT REPORT SYSTEM

Legal Authority: 42 USC 2201

CFR Citation: 10 CFR 50

Abstract: The proposed rule requests public comment on a proposal to revise and codify the existing Licensee Event Report (LER) system. The LER system is an NRC-operated, voluntary reporting system in which nuclear power plant licensees provide data concerning operational events. The Commission considered the alternative of including the industry Nuclear Plant Reliability Data System (NPRDS) in the proposed rulemaking. However, the Commission rejected this alternative when the Institute of Nuclear Power Operations (INPO) announced that they would assume responsibility for technical direction of NPRDS and would work to bring about the necessary improvements. The proposed rule would provide the NRC with the most efficient system to gather data on the operation of nuclear power reactors in order to evaluate the operation of the plants and to feed back the lessons learned from that experience.

Timetable:

Action	Date	FR Cite
Previous ANPRM	01/30/80	44 FR 6793
Previous ANPRM	01/15/81	45 FR 3541
ANPRM	10/06/81	46 FR 49134
ANPRM Comment Period Begin	10/06/81	46 FR 49134
ANPRM Comment Period End	11/17/81	
NPRM	05/06/82	47 FR 19543
NPRM Comment Period Begin	05/06/82	47 FR 19534
NPRM Comment Period End	07/06/82	
Final Action	04/00/83	

Small Entity: No

Agency Contact: **Frederick Hebdon**, Nuclear Regulatory Commission, Office of Analysis and Evaluation of, Operational Data, Washington, DC 20555, **301 492-4480**

RIN: 3150-AA24

FITNESS FOR DUTY OF PERSONNEL WITH UNESCORTED ACCESS TO VITAL OR PROTECTED AREAS OF NUCLEAR POWER PLANTS

Legal Authority: 42 USC 2236; 42 USC 2237

CFR Citation: 10 CFR 50

Abstract: The proposed rule would require licensees to establish and implement controls to provide reasonable assurance that all persons with unescorted access to protected areas are fit for duty. The Commission initiated the rule in response to concern by members of the public that nuclear power plant personnel, like airline pilots, should not be permitted to perform activities that could impair the public health and safety while unfit for duty as a result of actions such as the consumption of alcoholic beverages. The result of the proposed rule would be the further protection of the public health and safety by requiring personnel with unescorted access to protected areas to be fit for duty.

Timetable:

Action	Date	FR Cite
NPRM	08/05/82	47 FR 33980
NPRM Comment Period Begin	08/05/82	47 FR 33980
NPRM Comment Period End	10/04/82	
Final Action	04/00/83	

Small Entity: No

Agency Contact: **Thomas Ryan**, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-5942**

RIN: 3150-AA27

APPLICABILITY OF TECHNICAL FACILITY LICENSE CONDITIONS AND SPECIFICATIONS IN AN EMERGENCY

Legal Authority: 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 2239; 42 USC 5842; 42 USC 5846

CFR Citation: 10 CFR 50

Abstract: The proposed rule would add a specific provision to the Commission's regulations to clarify that licensee technical specifications are not intended to restrict or prohibit the licensee from undertaking any action necessary to protect public health and safety during the course of unanticipated emergency conditions. Technical specifications contain a wide range of operating limitations and specifications concerning actions required to respond to certain systems failures and to other specified operating events. Technical specifications also require the employment of a wide range of operating procedures to be taken in the course of operation to maintain facility safety. The rule would clarify the responsibility of licensees to take actions necessary to protect public health and safety during emergencies even though the action necessary may not be in full accord with certain provisions of the technical specifications. The staff believes that in emergency situations it is very important to assure that licensees have the ability to respond promptly using their best engineering judgment. The impact of this reporting requirement on licensees would be negligible.

Timetable:

Action	Date	FR Cite
NPRM	08/18/82	47 FR 35996
NPRM Comment Period Begin	08/18/82	47 FR 35996
NPRM Comment Period End	10/18/82	
Final Action	03/00/83	

Small Entity: No

Agency Contact: **Charles M. Trammell**, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555, **301 492-7389**

RIN: 3150-AA28

SHIFT STAFFING AT NUCLEAR POWER PLANTS

Legal Authority: 42 USC 2201; 42 USC 5846

CFR Citation: 10 CFR 50

Abstract: The proposed rule would provide minimum shift staffing requirements for licensed operators at nuclear power plants. Shift staffing requirements would be based upon a powerplant's configuration (e.g., powerplant may have two units and one control room, or three units and two control rooms) and the status of each unit (i.e. operating or cold shutdown). The proposed rule, in accordance with the requirement in Task I.A.1.4. of the TMI Action Plan would upgrade shift staffing requirements at nuclear power plants to ensure that a sufficient number of licensed personnel are on duty at any given time. Although half of the licensees have met the proposed staffing levels, there is a need to grant extension of the implementation date to some licensees based on the time required to train individuals to become senior reactor operators.

Timetable:

Action	Date	FR Cite
NPRM	08/30/82	47 FR 38135
NPRM Comment Period Begin	08/30/82	47 FR 38135
NPRM Comment Period End	09/27/82	
Final Action	04/00/83	

Small Entity: No

Agency Contact: **Clare Goodman**, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555, **301 492-8901**

RIN: 3150-AA29

SAFEGUARDS REQUIREMENTS FOR NONPOWER REACTOR FACILITIES POSSESSING FORMULA QUANTITIES OF STRATEGIC SPECIAL NUCLEAR MATERIAL

Legal Authority: 42 USC 2071; 42 USC 2073; 42 USC 2133; 42 USC 2134; 42 USC 2152; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 2236; 42 USC 2239; 42 USC 2273; 42 USC 5841; 42 USC 5842; 42 USC 5846

CFR Citation: 10 CFR 50; 10 CFR 70; 10 CFR 73

Abstract: The revised proposed rule would establish permanent physical security requirements for nonpower reactor licensees who possess a formula quantity (five formula kilograms or more) of strategic special nuclear material (SSNM), primarily uranium-235 contained in high-enriched uranium (HEU). These regulations would require a nonpower reactor licensee, who possesses a nonexempt formula quantity of SSNM, to provide protection against insiders

and to arrange for a response by local law enforcement or other agencies in time to prevent a theft of a formula quantity. The staff is proposing a performance oriented regulatory approach which would give affected licensees flexibility in designing cost-effective measures for implementing the requirements of the final rule by allowing licensees to take advantage of existing facility design features. The proposed amendments would replace the currently effective interim requirements in 10 CFR 73.60.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/28/79	44 FR 68199
Previous NPRM	09/18/81	46 FR 46333
NPRM	03/00/83	

Small Entity: No

Public Compliance Cost: Initial Cost: $12,000; Yearly Recurring Cost: $21,000; Base Year for Dollar Estimates: 1983

Agency Contact: Carl J. Withee, Nuclear Regulatory Commission, Office of Nuclear Materials Safety and, Safeguards, Washington, DC 20555, **301 427-4040**

RIN: 3150-AA30

CODES AND STANDARDS FOR NUCLEAR POWER PLANTS (SUMMER 1982)

Legal Authority: 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 50

Abstract: The proposed rule would incorporate by reference the Summer 1982 addenda of the ASME Boiler and Pressure Vessel Code. The ASME (American Society of Mechanical Engineers) code sets standards for the construction of nuclear power plant components. The ASME code requirements for nuclear power plants are set forth in Section III for construction permit holders. The proposed rule would include the most recent changes made to the ASME Boiler and Pressure Vessel Code and permit the use of improved methods for construction of nuclear power plants.

Timetable:

Action	Date	FR Cite
NPRM	12/22/82	47 FR 57054
NPRM Comment Period Begin	12/22/82	47 FR 57054
NPRM Comment Period End	02/22/83	
Final Action	07/00/83	

Small Entity: No

Agency Contact: Edward Baker, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-5894**

RIN: 3150-AA78

EXPLANATION TO TABLE S-3 URANIUM FUEL CYCLE ENVIRONMENTAL DATA

Legal Authority: 42 USC 2011; 42 USC 4321

CFR Citation: 10 CFR 51

Abstract: The proposed rule provides a narrative explanation of the numerical values established in Table S-3, "Table of Uranium Fuel Cycle Environmental Data," that appears in the Commission's environmental protection regulations. The proposed rule describes the basis for the values contained in Table S-3, the significance of the uranium fuel cycle data in the table, and the conditions governing the use of the table. The narrative explanation also addresses important fuel cycle impacts (e.g., environmental dose commitments, health effects, socioeconomic impacts) and the cumulative impacts that it may be possible to handle generically rather than repeatedly in individual licensing proceedings. A U.S. Court of Appeals (D.C. Circuit) decision on April 27, 1982, invalidated the entire Table S-3 rule. While this decision is being appealed to the Supreme Court, the proposed rule to provide a narrative explanation for Table S-3 is being held in abeyance.

Timetable:

Action	Date	FR Cite
NPRM	03/04/81	46 FR 15154
NPRM Comment Period Begin	03/04/81	46 FR 15154
NPRM Comment Period End	05/04/81	
Court invalidates Table Rule	04/27/82	
Petition for Rehearing Denied	06/30/82	
Appeal to Supreme Court filed	09/27/82	

Next Action Undetermined

Small Entity: No

Agency Contact: Glenn A. Terry, Nuclear Regulatory Commission, Office of Nuclear Material Safety and, Safeguards, Washington, DC 20555, **301 427-4211**

RIN: 3150-AA31

DISPOSAL OF HIGH-LEVEL RADIOACTIVE WASTES IN GEOLOGIC REPOSITORIES

Legal Authority: 42 USC 2021; 42 USC 2071; 42 USC 2073; 42 USC 2092; 42 USC 2093; 42 USC 2095; 42 USC 2111; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 4332; 42 USC 5842; 42 USC 5846

CFR Citation: 10 CFR 60

Abstract: The proposed rule would specify the technical criteria for the disposal of high-level radioactive waste (HLW) in geologic repositories. These proposed criteria address siting, design, and performance of a geologic repository, and the design and performance of the package which contains the waste within the geologic repository. The proposed rule also includes criteria for monitoring and testing programs, performance confirmation, quality assurance, and personnel training and certification. The proposed criteria are necessary for the NRC to fulfill its statutory obligations concerning the licensing and regulating of facilities used for the receipt and storage of high-level radioactive waste and to provide guidance to the Department of Energy and to the public as to the NRC's technical requirements for the disposal of high-level radioactive wastes in a geologic repository.

Timetable:

Action	Date	FR Cite
ANPRM	05/13/80	45 FR 31393
ANPRM Comment Period Begin	05/13/80	45 FR 31393
ANPRM Comment Period End	07/14/80	
NPRM	07/08/81	46 FR 35280
NPRM Comment Period Begin	07/08/81	46 FR 35280
NPRM Comment Period End	11/05/81	
Environmental Standards	12/29/82	47 FR 58196
Final Action	03/00/83	

Small Entity: No

Agency Contact: Patricia A. Comella, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 427-4616**

RIN: 3150-AA32

MATERIAL CONTROL AND ACCOUNTING REQUIREMENTS FOR LOW ENRICHED URANIUM FUEL CYCLE FACILITIES

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 70

Abstract: The proposed rule would establish more cost-effective material control and accounting (MC&A) requirements for low

enriched uranium (LEU). Under current regulations almost all substantive requirements apply uniformly to all licensees authorized to possess greater than one effective kilogram of special nuclear material, whether they have high enriched uranium (HEU), plutonium, or LEU. However, both NRC-sponsored and independent studies have concluded that safeguard risks associated with LEU are far less significant than risks associated with HEU. The proposed rule reduces the LEU MC&A requirements to a level commensurate with the material's low safeguards significance, while maintaining safeguards standards which meet those of the IAEA. The reduction in requirements is estimated to save the industry over $3 million per year.

Timetable:

Action	Date	FR Cite
NPRM	12/14/82	47 FR 55951
NPRM Comment Period Begin	12/14/82	47 FR 55951
NPRM Comment Period End	02/14/83	
Final Action	09/00/84	

Small Entity: No

Agency Contact: Carl J. Withee, Nuclear Regulatory Commission, Office of Nuclear Material Safety and, Safeguards, Washington, DC 20555, 301 427-4040

RIN: 3150-AA93

TRANSPORTATION OF RADIOACTIVE MATERIAL - COMPATIBILITY WITH IAEA REGULATIONS

Legal Authority: 42 USC 2073; 42 USC 2093; 42 USC 2111; 42 USC 2232; 42 USC 2233; 42 USC 2273; 42 USC 5842

CFR Citation: 10 CFR 71

Abstract: The proposed rule would revise the NRC's regulations for the transportation of radioactive material to make them more compatible with those of the International Atomic Energy Agency (IAEA) and thus with those of most major nuclear nations of the world. Although several substantive changes are proposed in order to provide a more uniform degree of safety for various types of shipments, the Commission's basic standards for radioactive material packaging would remain unchanged. The Department of Transportation (DOT) is also proposing a corresponding rule change to its Hazardous Materials Transport Regulations.

Timetable:

Action	Date	FR Cite
NPRM	08/17/79	44 FR 48234
NPRM Comment Period Begin	10/22/79	44 FR 60743
NPRM Comment Period End	12/17/79	
Final Action	05/00/83	

Small Entity: No

Agency Contact: Donald R. Hopkins, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 443-5825

RIN: 3150-AA34

PACKAGING OF RADIOACTIVE MATERIAL FOR TRANSPORT AND TRANSPORTATION OF RADIOACTIVE MATERIAL UNDER CERTAIN CONDITIONS

Legal Authority: 42 USC 2073; 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 71

Abstract: The proposed rule would require that shipments of plutonium by air be contained in a package specifically certified as air crash-resistant. The rule would permit the air shipment of plutonium in other packages if the plutonium is in a medical device for individual human use or if the plutonium is shipped in quantities or concentrations small enough to prevent significant hazard to the public health and safety, even if the plutonium were released in an air crash. This rule was developed in response to an amendment to the NRC Authorization Act for Fiscal Year 1978, PL 94-79, which was passed on August 9, 1975. This amendment, known as the "Scheuer Amendment," prohibited the air transport of plutonium, except in medical devices, until the NRC certified to the Congress that an air crash-resistant package has been developed. On August 4, 1978, the Commission certified to the Congress that a package certification program has been completed. The NRC has issued this proposed rule which would implement the mandate of Congress. All NRC licensees authorized to transfer plutonium are subject to the provisions of this proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	11/13/81	46 FR 55992
NPRM Comment Period Begin	11/13/81	46 FR 55992
NPRM Comment Period End	01/12/82	
Final Action	05/00/83	

Small Entity: No

Agency Contact: Donald R. Hopkins, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 443-5825

RIN: 3150-AA35

MISCELLANEOUS AMENDMENTS CONCERNING PHYSICAL PROTECTION OF NUCLEAR POWER PLANTS (PART OF INSIDER RULE PACKAGE)

Legal Authority: 42 USC 2101; 42 USC 5841

CFR Citation: 10 CFR 73

Abstract: The proposed rule would require in Nuclear Power Plants (1) the designation of vital areas (to allow vital islands), (2) access controls to vital islands, (3) the protection of certain physical security equipment, (4) revised requirements for key and lock controls, and (5) revised searches of hand-carried items at protected area entry points. The requirements will clarify policy in these areas and reduce unnecessary burden on the industry while maintaining plant protection. This rule is a revision of the proposed rule entitled "Access Controls to Nuclear Power Plant Vital Areas." Initial development on the final rule produced significant changes, particularly the criteria for personnel access controls to vital areas, resulting in the need to publish a revised proposed rule. This proposed rule and the other components of the Insider Rule Package are being reviewed by the NRC Safety/Safeguards Review Committee.

Timetable:

Action	Date	FR Cite
Previous NPRM	03/12/80	45 FR 15937
NPRM	06/00/83	

Small Entity: No

Agency Contact: Tom R. Allen, Nuclear Regulatory Commission, Office of Nuclear Material Safety and, Safeguards, Washington, DC 20555, 301 427-4010

RIN: 3150-AA36

SEARCHES OF INDIVIDUALS AT POWER REACTOR FACILITIES (PART OF INSIDER PACKAGE)

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 73

Abstract: The revised proposed rule would require nuclear power plant licensees to conduct searches of individuals, similar to those used on an interim basis at power reactors prior to November 1, 1980, at the entry portals to protected areas of power reactor facilities. The searches would include the mandatory use of search equipment for all persons and the use of pat-

down searches of visitors. Pat-down searches of employees would be required in certain situations. The currently effective regulations require, in part, that pat-down searches be conducted by licensees of their employees and other persons before their entry into a protected area of a power reactor facility. However, the NRC has extended relief to licensees from the requirement to conduct the physical search of regular employees of power reactor facilities while this rulemaking is proceeding (December 1, 1980; 45 FR 79410).

Timetable:

Action	Date	FR Cite
NPRM	12/01/80	45 FR 79492
NPRM Comment Period Begin	12/01/80	45 FR 79492
NPRM Comment Period End	01/15/81	

Next Action Undetermined

Small Entity: No

Additional Information: In response to public comments on the proposed rule that was published on December 1, 1980 (45 FR 79492), the staff is currently considering additional changes to the revised proposed rule. In response to public comments, the staff is considering changes to the proposed rule which would require utility employees and contractors who had been successfully screened in accordance with the requirements included in the proposed rule entitled "Access Controls to Nuclear Power Plant Vital Areas," published on March 12, 1980 (45 FR 15937), to be subject only to random searches using search equipment. All unscreened individuals will be required to be searched using search equipment. Physical searches would be required only when search equipment is not working properly or when the licensee suspects that an individual is attempting to carry into the plant prohibited devices or material.

Agency Contact: Tom R. Allen, Nuclear Regulatory Commission, Office of Nuclear Material Safety and, Safeguards, Washington, DC 20555, **301 427-4010**

RIN: 3150-AB17

REVISION OF LICENSE FEE SCHEDULES

Legal Authority: 42 USC 2201; 42 USC 5841; 42 USC 483

CFR Citation: 10 CFR 170

Abstract: The proposed rule would amend the regulations to permit the NRC to charge fees for the actual cost incurred by the NRC for inspections and for review of applications, permits, licenses, amendments, renewals, and special projects, including topical and other reports. The new fee schedule would affect the licensing and inspection of nuclear power plants, other production or utilization facilities, vendors of nuclear power steam supply systems and materials, facilities engaged in uranium and plutonium fuel fabrication, uranium milling, leaching and refining operations, source material ore-buying and ion exchange activities, burial of radioactive waste, spent fuel cask and packaging approvals, and other users of critical quantities of special nuclear materials. It incorporates the proposed new Category 11.F schedule of fees for materials licenses published in the Federal Register as a proposed rule on March 31, 1980 (45 FR 20899). The comment period has been extended to February 8, 1983 (48 FR 3624).

Timetable:

Action	Date	FR Cite
NPRM	11/22/82	47 FR 52454
NPRM Comment Period Begin	11/22/82	47 FR 52454
NPRM Comment Period End	01/18/83	
NPRM EXTENDED COMMENT PERIOD	02/08/83	48 FR 03624
Final Action	06/00/83	

Small Entity: Yes

Agency Contact: William O. Miller, Nuclear Regulatory Commission, Office of Administration, Washington, DC 20555, **301 492-7225**

RIN: 3150-AB03

UNPUBLISHED RULES

JURISDICTION OF ADJUDICATORY BOARDS

Legal Authority: 42 USC 2201; 42 USC 2241

CFR Citation: 10 CFR 1; 10 CFR 2

Abstract: The final rule would amend the Statement of Organization and Rules of Practice to make explicit the jurisdiction of NRC's adjudicatory boards in certain ancillary licensing matters which may arise in the course of an operating license proceeding for a nuclear power reactor. The amendments clarify the board's authority to decide issues related to a license application for the receipt of cold fuel at a reactor site prior to issuance of an operating license.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Agency Contact: William M. Shields, Nuclear Regulatory Commission, Office of the Executive Legal Director, Washington, DC 20555, **301 492-8693**

RIN: 3150-AA53

MANAGEMENT OF DISCOVERY

Abstract: Entry incorporated into an unpublished rule "Regulatory Reform of the Rules of Practice and Rules for Licensing of Production and Utilization Facilities" Part 2 (Rin 3150-AB04).

RIN: 3150-AA54

TEMPORARY OPERATING LICENSES

Legal Authority: 42 USC 2201; PL 97-415

CFR Citation: 10 CFR 2; 10 CFR 50

Abstract: The proposed rule would implement pending legislation by permitting the Commission to issue a temporary operating license for a nuclear power plant authorizing fuel loading, low-power operation, and testing. This temporary operating license would be issued in advance of the conduct or completion of an on-the-record evidentiary hearing on contested issues relating to the final operating license. This rule would speed the licensing process by authorizing utilities that have applied for licenses to operate nuclear power plants to load fuel and conduct low-power operation and testing on the basis of previously submitted and approved safety and environmental evaluations. Before enactment of legislation, the Commission lacked the authority to authorize fuel loading and low-power operation and testing on the basis of safety and environmental evaluations; instead, this authorization was possible only after the hearing process was complete.

Timetable:

Action	Date	FR Cite
NPRM	03/00/83	

Small Entity: No

Agency Contact: Thomas F. Dorian, Nuclear Regulatory Commission, Office of the Executive Legal Director, Washington, DC 20555, **301 492-8690**

RIN: 3150-AA62

BACKFITTING

Legal Authority: 42 USC 2021; 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 2239; 42 USC 4332; 42 USC 4334; 42 USC 4335; 42 USC 5841; 42 USC 5842; 42 USC 5846

CFR Citation: 10 CFR 2; 10 CFR 50

Abstract: The proposed rule would modify current NRC regulations governing the "backfitting" of production and utilization facilities. "Backfitting" is the term used to describe modifications made to the design of a facility under operating license review or to an operating facility to meet upgraded requirements imposed in response to advances in knowledge concerning reactor design and reactor safety. The proposed changes would revise the Commission's standard for determining whether backfitting is required and is being considered as part of a larger effort to review the NRC's internal processes and procedures associated with the licensing of nuclear power reactors. The specific purposes for development of the proposed rule are as follows: (1) To improve the quality of the backfitting decision-making process; (2) To address the concern that the pace and nature of regulatory actions have created a potential safety problem which deserves further attention by the agency; and (3) To reduce the level of regulatory uncertainty and ensure better understanding and improve analysis of the costs and safety benefits likely to result from NRC-imposed changes before they are placed in effect.

Timetable:

Action	Date	FR Cite
NPRM	04/15/83	

Small Entity: No

Agency Contact: James Tourtellotte, Nuclear Regulatory Commission, Regulatory Reform Task Force, Washington, DC 20555, 202 634-3300

RIN: 3150-AA59

●REGULATORY REFORM OF THE RULES OF PRACTICE AND RULES FOR LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Legal Authority: 42 USC 2201; 42 USC 2231; 42 USC 5841; 42 USC 5842; 42 USC 5846

CFR Citation: 10 CFR 2; 10 CFR 50

Abstract: This proposed rule would amend thirty-three sections of two parts affecting the hearing process associated with the issuance of licenses. In the screening process, the most significant changes would (1) establish a screening Atomic Safety and Licensing Board (ASLB) to act as a clearing house for all requests for hearings, petitions for leave to intervene, and proposed contentions, (2) require a participant in a hearing to show that he or she has an interest to protect in the proceeding, and (3) require evidence of a factual dispute for a contention to be admitted. During the conduct of hearings, the most significant changes would (1) not hear discovery requests requiring the staff to support positions other than its own, (2) permit the ASLB to decide the case on the basis of written material, (3) permit the ASLB to appoint a panel of technical experts if needed, (4) allow presiding officers to raise issues on their own motion (sua sponte) only in unusual cases, (5) allow summary disposition motions to be filed at any stage of the proceeding, (6) allow the Commission to designate a hearing examiner in lieu of a three-member ASLB and (7) require the filing of cross examination plans.

Timetable:

Action	Date	FR Cite
NPRM	06/15/83	

Small Entity: No

Additional Information: During the decision-making process, the most significant changes would (1) remove the ASLAB as an independent appeal board but place it organizationally directly under the Commission to review, as before, ASLB decisions, and give its recommendations to the Commission, (2) allow any generic issue resolved in an initial licensing proceeding to be codified, allowing a 45-day comment period, (3) allow an intervenor to participate in discussing only those items he or she introduced, and (4) reinstate the immediate effectiveness of an ASLB decision on an operating license, construction permit, or work authorization.

Agency Contact: James R. Tourtellotte, Nuclear Regulatory Commission, Regulatory Reform Task Force, Washington, DC 20555, 202 634-3000

RIN: 3150-AB04

SEPARATION OF FUNCTIONS AND EX PARTE COMMUNICATIONS IN ON-THE-RECORD ADJUDICATIONS

Legal Authority: 5 USC 554; 5 USC 557

CFR Citation: 10 CFR 2

Abstract: The proposed rule would amend the Commission's rules of practice regarding the separation of functions and ex-parte communications in on-the-record adjudications. The proposed rule contains two options. Each option would allow the Commission greater flexibility in communicating with its staff by relaxing the restrictions on Commission-staff communications in initial licensing cases. The first option would eliminate restrictions on supervisory personnel while the second function would remove all restrictions in initial licensing matters. The proposed rule is intended to provide the Commission with better access to the expertise of its staff. This proposed rule would supersede a prior proposed rule entitled "Ex Parte Communications and Separation of Adjudicatory and Non-Adjudicatory Functions" published in the Federal Register on March 7, 1979 (44 FR 12428).

Timetable:

Action	Date	FR Cite
NPRM	07/15/83	44 FR 12428

Small Entity: No

Agency Contact: James R. Tourtellotte, Nuclear Regulatory Commission, Regulatory Reform Task Force, U.S. Nuclear Regulatory Commission, 202 634-3300

RIN: 3150-AA00

●PARTICIPATION OF THE NRC STAFF IN INITIAL LICENSING PROCEEDINGS

Legal Authority: 42 USC 2201; 42 USC 2231

CFR Citation: 10 CFR 2

Abstract: The proposed rule would limit the NRC staff participation as a full party in contested initial licensing proceedings to those controverted factual issues on which it disagrees with the technical basis, rationale, or conclusions of the license applicant. The proposed rule is in response to requests from within and outside NRC for the Commission to re-examine its staff's role in the adjudicatory licensing proceedings. The proposed rule is intended to enhance the public's perception of the Commission's regulatory process as a fair and neutral one that considers opposing viewpoints.

Timetable:

Action	Date	FR Cite
NPRM	07/15/83	

Small Entity: No

Agency Contact: James R. Tourtellotte, Nuclear Regulatory Commission, Regulatory Reform Task Force, Washington, DC 20555, 202 634-3300

RIN: 3150-AB08

REPORTS OF THEFT OR LOSS OF LICENSED MATERIAL

Legal Authority: 42 USC 2073

NRC

Current and Projected Rulemakings

CFR Citation: 10 CFR 20

Abstract: The proposed rule would remove a discretionary clause that requires each NRC licensee to report a loss or theft of licensed material only when it appears to the licensee that the loss or theft would pose a substantial hazard to persons in an unrestricted area. The proposed rule would provide increased radiological safety to the public by requiring that all losses or thefts of licensed material be reported to the NRC if the loss exceeds the minimum quantity specified in the regulations.

Timetable:

Action	Date	FR Cite
NPRM	03/00/83	

Small Entity: No

Agency Contact: Donald Nellis, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-5825**

RIN: 3150-AA64

PERFORMANCE TESTING FOR BIOASSAY LABS

Legal Authority: 42 USC 5841

CFR Citation: 10 CFR 20

Abstract: The proposed rule would require licensees, who provide bioassay services for individuals to assess internal radiation exposure, to use accredited laboratories after the NRC establishes an accreditation program. The proposed rule would reduce unacceptable errors in measurements that have been revealed by programs designed to check the accuracy of laboratories that analyze materials for radioactivity. Thus, the accuracy and reliability of determinations of internal radiation exposure or intakes of radioactive material would be improved. An expert committee of the Health Physics Society has written a draft standard. The draft standard has been revised to take into account early comments that the NRC solicited and received from industry. The NRC, in cooperation with the DOE, has established a performance testing study to test the standard, to provide the information necessary to complete the standard, and to design and set up an accreditation program.

Timetable:

Action	Date	FR Cite
NPRM	04/00/84	

Small Entity: No

Agency Contact: Allen Brodsky, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-5970**

RIN: 3150-AA67

PERFORMANCE TESTING FOR HEALTH PHYSICS SURVEY INSTRUMENTS

Legal Authority: 42 USC 2073; 42 USC 2093; 42 USC 2095; 42 USC 2111; 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 2273; 42 USC 5841; 42 USC 5842

CFR Citation: 10 CFR 20

Abstract: The advance notice of proposed rulemaking would require that NRC licensees use health physics survey instruments that have been certified as meeting certain performance specifications. The proposed rule would permit the NRC to determine whether health physics survey instruments used by almost all NRC licensees meet acceptable performance standards. The proposed rule would improve the radiation safety of workers using health physics instruments by ensuring that the instruments meet acceptable performance standards.

Timetable:

Action	Date	FR Cite
ANPRM	12/00/83	

Small Entity: Yes

Agency Contact: Robert Alexander, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-5975**

RIN: 3150-AA65

PROCEDURES FOR PICKING UP, RECEIVING, AND OPENING PACKAGES

Legal Authority: 42 USC 2201; 42 USC 5842

CFR Citation: 10 CFR 20

Abstract: The proposed rule has been prepared in response to a General Accounting Office recommendation that the NRC broaden the requirements of Section 20.205. The rule would extend current requirements for the receipt and external radiation monitoring by licensees of packages containing an excess of Type A quantities of nuclear material to include packages not transported by exclusive use vehicles that contain more than one-third of a Type A quantity of nuclear material. These packages, if damaged, could pose a direct radiation hazard. The rule would remove the existing requirements to report excessive external radiation levels at the package surface to avoid increased occupational radiation exposure to the worker. The rule would also add a general package monitoring under existing NRC regulations in Section 20.205. The effect of the proposed rule would be to provide increased radiological protection for transportation workers and the general public by broadening the requirements for monitoring packages used to transport radioactive material.

Timetable:

Action	Date	FR Cite
NPRM	12/00/83	

Small Entity: No

Agency Contact: Steven Bernstein, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-5825**

RIN: 3150-AA66

PROPOSED REVISIONS TO THE CRITERIA AND PROCEDURES FOR THE REPORTING OF DEFECTS AND NONCOMPLIANCE

Legal Authority: 42 USC 2201; 42 USC 2282; 42 USC 5841; 42 USC 5846

CFR Citation: 10 CFR 21; 10 CFR 50

Abstract: This proposed rule would amend Part 21 and Part 50.55(e), both of which require the reporting of defects by licensees, (1) to eliminate duplicate reporting and evaluation, (2) to establish consistency with other NRC reporting requirements, (3) to clarify reporting criteria and responsibilities for establishing procedures for implementing 10 CFR Part 21, and (4) to establish time limits within which a defect must be reported and evaluated.

Timetable:

Action	Date	FR Cite
NPRM	05/00/83	

Small Entity: No

Agency Contact: Francis X. Cameron, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-5981**

RIN: 3150-AA68

†REGIONAL LICENSING PROGRAM; FURTHER IMPLEMENTATION

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 30; 10 CFR 40; 10 CFR 70

Abstract: The final rule provides information concerning the further implementation of NRC's regional licensing program as the program applies to byproduct, source, and special nuclear material licensees. The final rule extends the regional licensing program

for materials licensees to Regions II, IV, and V. The final rule also specifies the categories of licensing actions for which authority has been delegated to each Regional Administrator. The final rule is necessary to inform current or prospective licensees of current NRC practices and procedures.

Timetable:

Action	Date	FR Cite
Final Action	03/00/83	

Small Entity: Not Applicable

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Agency Contact: Vandy L. Miller, Nuclear Regulatory Commission, Office of Nuclear Material Safety and, Safeguards, Washington, DC 20555, **301 427-4002**

RIN: 3150-AB14

PERIODIC AND SYSTEMATIC REEVALUATION OF PARTS 30 AND 32

Legal Authority: 42 USC 2111; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 2234; 42 USC 5846

CFR Citation: 10 CFR 30; 10 CFR 32

Abstract: The proposed rule would be an editorial revision of the regulations governing the domestic licensing of byproduct material and the exemptions from domestic licensing requirements. The proposed rule would reflect the application of good regulatory drafting practices. The proposed rule would simplify and clarify the format of the present regulations so that persons subject to byproduct material regulations can conveniently use and understand them.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	

Small Entity: No

Agency Contact: James J. Henry, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-5981**

RIN: 3150-AA70

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†RADIATION SURVEYS AND INTERNAL INSPECTION SYSTEM

Legal Authority: 42 USC 2111; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 5841

CFR Citation: 10 CFR 34

Abstract: The proposed rule would require that the internal inspection description in a radiography license application specify a method for inspecting each radiographer and radiographer's assistant's knowledge of applicable regulations, license conditions, and established procedures at intervals not exceeding three months. This action is intended to ensure that radiographic operations are conducted safely. The proposed rule would also allow a licensee to record a radiation survey of a radiographic exposure device made when storing the device after use instead of recording the results of the radiation survey made after the last exposure. This action, which is taken in response to PRM-34-3, is intended to provide an acceptable alternative procedure for assuring that the sealed source has been properly stored within the device.

Timetable:

Action	Date	FR Cite
Petition for Rulemaking (PRM-34-3)	11/23/82	47 FR 52722
NPRM	08/00/83	

Small Entity: Undetermined

Agency Contact: Norman L. McElroy, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-5970**

RIN: 3150-AB12

MEDICAL LICENSES FOR HUMAN USE OF BYPRODUCT MATERIAL

Legal Authority: 42 USC 2111; 42 USC 2201; 42 USC 2232; 42 USC 2233

CFR Citation: 10 CFR 35

Abstract: The proposed rule would completely revise Part 35. This part contains the requirements and procedures applicable to a physician or medical institution that seeks to obtain a license authorizing the human use of byproduct material. The proposed rule would simplify the medical licensing process by adopting a "performance standard" approach to medical licensing. The proposed rule would simplify the medical licensing process and reduce the administrative burden on the licensee and the NRC by (1) including in the regulations all the requirements a medical licensee must meet; (2) eliminating or modifying administrative requirements not essential to safety; (3) simplifying the application form which, together with an automated licensing system, will create a more efficient licensing process; and (4) reducing the paperwork burden for the licensee and the NRC. The proposed rule would be consistent with regulatory reform objectives while maintaining the current level of protection to the health and safety of the medical worker and the general public. (cont)

Timetable:

Action	Date	FR Cite
NPRM	03/00/83	

Small Entity: Yes

Additional Information: ABSTRACT CONT: An earlier rule on which the NRC was considering action that would clarify the responsibilities of various echelons of nuclear medicine personnel has been incorporated into the proposed revision of Part 35. The economic impact of this rule on small business is difficult to quantify, however, the public will be invited to specifically comment on the impact when this rule is published in the Federal Register.

Analysis: Preliminary RIA 03/00/83

Agency Contact: William J. Walker, Nuclear Regulatory Commission, Office of Nuclear Material Safety and, Safeguards, Washington, DC 20555, **301 427-4232**

RIN: 3150-AA73

●GROUP LICENSING FOR CERTAIN MEDICAL DEVICES: SEALED SOURCE DEVICE

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 35

Abstract: The final rule would add a device containing iodine-125 as a sealed source to the list of groups of authorized radioactive drugs, sources, and devices. This hand-held device is used for real-time bone imaging and foreign body detection. The Commission has performed a safety analysis and will consult with the Advisory Committee on the Medical Uses of Isotopes before adding this device to the Group VI listing in its regulations that contains similar sealed source devices. This action would allow NRC Group VI medical licensees to use this device without applying for a license amendment.

Timetable:

Action	Date	FR Cite
Final Action	03/00/83	

Small Entity: Not Applicable

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Agency Contact: Elizabeth Rodenbeck, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 427-4580**

RIN: 3150-AB09

LABORATORY ACCREDITATION PROGRAM

Legal Authority: 42 USC 2201

CFR Citation: 10 CFR 50

Abstract: The proposed rule requires that certain equipment qualification testing be performed in laboratories that have been accredited in accordance with procedures administered by the Institute of Electrical and Electronics Engineers (IEEE). The proposed rule would uniformly and equitably improve the reliability and accuracy of qualification testing performed by accredited laboratories and provide greater assurance of protecting the public health and safety.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Frederick Forscher, Nuclear Regulatory Commission, Office of Inspection and Enforcement, Washington, DC 20555, 301 492-4515

RIN: 3150-AA76

REPORTING OF SIGNIFICANT DESIGN AND CONSTRUCTION DEFICIENCIES

Abstract: Entry incorporated into an unpublished rule "Reporting of Defects and Noncompliance -- Part 21" (RIN 3150-AA68).

RIN: 3150-AA82

FIRE PROTECTION FOR FUTURE PLANTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 50

Abstract: The proposed rule would provide more comprehensive fire protection requirements for future nuclear power plants by consolidating the NRC fire protection guidelines and requirements for nuclear power plants into one enforceable document. The present requirements for fire protection at nuclear power plants are limited in that these requirements apply only to plants licensed prior to January 1, 1979. At the time when these effective regulations were approved, the Commission directed the staff to proceed with development of a comprehensive rule for plants licensed in the future. The Commission has approved a staff recommendation that preparation of the proposed comprehensive fire protection rule for new nuclear power plants be postponed until June 1984. This postponement will allow the staff to concentrate on processing the many Appendix R exemption requests. The results of relevant research and the exemption request resolution decisions will then be available to assure proper technical bases for the rule. In addition, the Commission requested a report from the staff by June 30, 1983, which will describe the types of exemptions requested and the safety (cont)

Timetable:

Action	Date	FR Cite
Report to the Commission	06/30/83	

Small Entity: No

Additional Information: ABSTRACT CONT: significance of those requests. The report is also to provide a summary of research results obtained and a discussion of the impact those results have on the staff's review of fire protection requirements including the need for revision to present fire protection requirements. The Commission may reevaluate the issue of whether or not to proceed with a comprehensive fire protection rule for future plants following receipt of the report.

Agency Contact: David P. Notley, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 443-5946

RIN: 3150-AA85

RADON EMISSIONS ESTIMATE FOR TABLE S-3

Legal Authority: 42 USC 2201; 42 USC 5841; 42 USC 5842

CFR Citation: 10 CFR 50; 10 CFR 51

Abstract: In a Federal Register notice published on April 14, 1979 (43 FR 15613) the Commission deleted the radon-222 value from Table S-3 because it was recognized to be underestimated; the Commission stated that upon issuance of the Generic Environmental Impact Statement (GEIS) on uranium milling and the evaluation of data from several ongoing research programs, it would determine whether to initiate rulemaking to provide a new estimate for radon-222 in Table S-3. Meanwhile, the environmental effects of radon-222 would be subject to litigation in individual nuclear power plant licensing proceedings. The purpose of the proposed rule would be to deal with this question generically for all nuclear power plants, thus saving the time and cost of repetitive consideration of the effects of radon-222 in individual nuclear power plant licensing proceedings. The GEIS on uranium milling and the reports of research on radon releases in uranium mining were published in 1979 and 1980. Based on these documents, the staff developed new estimates of radon emissions from the entire fuel cycle. These new estimates were introduced into the public record at the February 1980 hearing on radon before the (cont)

Timetable:

Action	Date	FR Cite
D.C. Court Invalidates Table S-3	04/27/82	
NRC Appeal to Supreme Court Filed	09/27/82	
Supreme Court Decision on S-3 Rule	09/00/83	
Next Action	03/04/84	
ASLA Board Decision on Radon-222	00/00/00	

Small Entity: No

Additional Information: ABSTRACT CONT: Atomic Safety and Licensing Appeal Board in Harrisburg, PA. The Appeal Board decision of May 13, 1981 (ALAB-640) upheld the staff's new estimates of radon releases and the final decision (ALAB-701) affirmed previous decisions that fuel-cycle-related radon emissions would not have significant health effects. Rulemaking to add the new value for randon 222 in Table S-3 could be affected by actions taken in response to the Chairman's memorandum of October 13, 1982, suggesting review of the uranium mill tailings regulations. In a separate action, the D.C. Circuit Court of Appeals decision of April 27, 1982, invalidated the entire Table S-3 rule. The Nuclear Regulatory Commission is appealing this decision to the Supreme Court. Pending the outcome of this appeal, the rulemaking to add a new estimate for randon-222 to Table S-3 is being held in abeyance.

Agency Contact: William E. Thompson, Nuclear Regulatory Commission, Office of Nuclear Material Safety and, Safeguards, Washington, DC 20555, 301 427-4211

RIN: 3150-AA87

APPLICABILITY OF APPENDIX B TO APPENDIX A

Legal Authority: 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 2233

CFR Citation: 10 CFR 50

Abstract: The proposed rule would clarify the quality assurance program requirements for those structures, systems, and components of nuclear power plants that are important to safety. The proposed rule would also eliminate any possible confusion over the definition of the terms "important to safety" and "safety-related" and provide a clear statement in the Commission's

regulations concerning the applicability of the quality assurance criteria in 10 CFR 50 of Appendix B to the structures, systems, and components covered in Appendix A. In the aftermath of the Three Mile Island-2 accident, a number of studies concluded that the scope of the items to which the quality assurance criteria of Appendix B to 10 CFR 50 apply needs to be broadened to include the full range of safety matters as was originally intended. Typical examples of structures, systems, and components for which the Appendix B quality assurance program criteria may not have been fully implemented are in-core instrumentation, reactor coolant pump motors, reactor coolant pump power cables, and radioactive waste system pumps, valves, and storage tanks. The proposed rule could expand (cont)

Timetable:

Action	Date	FR Cite
NPRM	01/00/84	

Small Entity: No

Additional Information: ABSTRACT CONT: the extent of the review applied to nuclear power plant structures, systems, and components, and thus, it could help ensure the appropriate application of quality assurance program requirements during the construction of nuclear power plants.

Agency Contact: William L. Belke, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-4512**

RIN: 3150-AA79

OCCUPATIONAL ALARA RULE

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 50

Abstract: The proposed rule would require NRC commercial nuclear power plant operating licensees to develop and use means subject to NRC inspection and enforcement to achieve and control occupational radiation dosages that are as low as reasonably achievable (ALARA). This requirement would become part of the Radiation Protection Programs of licensees required to provide personnel monitoring, perform bioassays, or to measure concentrations of radioactivity in the air. The proposed rule expresses the Commission's belief that radiation doses received by workers in licensed activities can and should be reduced and strengthen efforts to maintain occupational doses of ionizing radiation ALARA. The Commission believes that a reduction in the occupational collective (man-rem) dose received in connection with NRC licensed activities at nuclear power plants can be effected without unreasonable costs to licensees. With this objective, it is feasible to adopt as performance criteria, radiation protection techniques which have been shown by experience to be both effective and practical.

Timetable:

Action	Date	FR Cite
NPRM	03/00/83	

Small Entity: No

Agency Contact: Jack M. Bell, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-5970**

RIN: 3150-AA81

STANDARDS FOR DETERMINING WHETHER LICENSE AMENDMENTS INVOLVE NO SIGNIFICANT HAZARDS CONSIDERATION

Legal Authority: 42 USC 2201; PL 97-415

CFR Citation: 10 CFR 50

Abstract: The final rule would implement recently enacted legislation by specifying standards for determining whether amendments to operating licenses involve no significant hazards consideration. The Commission has incorporated provisions into the final rule which are substantially identical to those in the proposed rule published in the Federal Register March 28, 1980 (45 FR 20491). Final rule to follow Congressional action on conference committee report on NRC FY-82/83 Authorization Bills (S. 1207 and H.R. 4255) October 1982.

Timetable:

Action	Date	FR Cite
NPRM	03/00/83	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Thomas F. Dorian, Nuclear Regulatory Commission, Office of the Executive Legal Director, Washington, DC 20555, **301 492-8690**

RIN: 3150-AA60

CRITERIA FOR NOTICE AND PUBLIC COMMENT AND PROCEDURES FOR STATE CONSULTATION ON LICENSE AMENDMENTS INVOLVING NO SIGNIFICANT HAZARDS CONSIDERATION

Legal Authority: 42 USC 2201; PL 97-415

CFR Citation: 10 CFR 2; 10 CFR 50

Abstract: The proposed rule would implement recently enacted legislation by specifying criteria and procedures for providing or dispensing with prior notice and public comment on determinations about whether amendments to operating licenses for certain facilities involve no significant hazards consideration. In addition, the proposed rule would specify procedures for consultation on these determinations with the State in which the facility of the licensee requesting the amendment is located. The proposed rule would permit the Commission to act expeditiously, if circumstances surrounding a request for amendment require a prompt response and to issue an amendment before holding any required hearing, unless a significant hazards consideration is involved.

Timetable:

Action	Date	FR Cite
NPRM	03/00/83	

Small Entity: No

Agency Contact: Thomas F. Dorian, Nuclear Regulatory Commission, Office of the Executive Legal Director, Washington, DC 20555, **301 492-8690**

RIN: 3150-AA61

EXTENSION OF CRIMINAL PENALTIES

Legal Authority: 42 USC 2201

CFR Citation: 10 CFR 50

Abstract: The proposed rule, in accordance with the provisions of the NRC Authorization Act for Fiscal Year 1980, would extend the application of the criminal penalties provision of the Atomic Energy Act (AEA) of 1954, as amended, to any individual director, officer, or employee of a firm constructing or supplying the components of a nuclear power plant who knowingly and willfully violates any NRC regulation, order, or license condition during construction of a nuclear power plant. Section 223(b) of the AEA essentially directs the Commission to establish a limit for potential unplanned off-site releases of radioactive material which would trigger consideration of possible criminal penalties. As directed in Section 223(b)(3), the proposed rule establishes, in its definition of a "basic component," the limits for potential unplanned releases of radioactive material that could trigger application of criminal penalties.

Timetable:

Action	Date	FR Cite
NPRM	03/00/83	

Small Entity: No

Agency Contact: Frank Swanberg, Nuclear Regulatory Commission, Office of Nuclear

Regulatory Research, Washington, DC 20555, **301 427-4384**

RIN: 3150-AA80

EXTENSION OF CONSTRUCTION COMPLETION DATE

Legal Authority: 42 USC 2235

CFR Citation: 10 CFR 50

Abstract: The proposed rule would clarify the provision of Section 50.55(b) which describes both the procedure for renewal of a construction permit for a nuclear power plant following its expiration (a showing of "good cause") and the circumstances under which the Commission will consider granting a request for an extension of a construction completion date. The proposed rule would also address two essentially identical petitions for rulemaking filed with the Commission by the State of Illinois (PRM-50-25) and the Porter County Chapter of the Izaak Walton League of America, et al. The petitioners requested that Section 50.55(b) be amended or rescinded, and that the Commission promulgate a regulation which would not limit a "good cause" showing to the reasons why construction was not completed before the latest completion date specified in the construction permit.

Timetable:

Action	Date	FR Cite
NPRM	03/00/83	

Small Entity: No

Agency Contact: **Linda S. Gilbert**, Nuclear Regulatory Commission, Office of the Executive Legal Director, Washington, DC 20555, **301 492-8689**

RIN: 3150-AB06

●PROTECTION OF CONTRACTOR EMPLOYEES

Legal Authority: 42 USC 2236; 42 USC 2282; 42 USC 5851

CFR Citation: 10 CFR 50

Abstract: The proposed rule would require 10 CFR Part 50 licensees, permittees, and applicants to ensure that procurement documents they issue or modify, specify that contractors and subcontractors post a notice to employees related to employee protection. The required notice would contain information notifying employees that an employer is prohibited from discriminating against an employee engaging in protected activities and that an employee may seek a remedy for prohibited discrimination by filing a complaint with the Department of Labor. The proposed amendment would affect licensees, permittees, applicants, and their contractors and subcontractors who are contractually responsible for construction of basic components or production and utilization facilities.

Timetable:

Action	Date	FR Cite
NPRM	03/00/83	

Small Entity: No

Agency Contact: **Anthony J. DiPalo**, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-5981**

RIN: 3150-AB07

†FREQUENCY OF EMERGENCY PREPAREDNESS EXERCISES FOR STATE AND LOCAL GOVERNMENTS

Legal Authority: 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 2239; 42 USC 5842; 42 USC 5846

CFR Citation: 10 CFR 50

Abstract: The proposed rule would modify the existing procedures for scheduling certain emergency preparedness exercises. As a result of information gathered through past experience, the NRC staff is developing a proposed rule which would provide flexibility in the conduct of emergency preparedness exercises. The proposed rule change would retain the presently required annual full-participation exercise with the proviso that if all elements in the emergency plan are performed in a satisfactory manner during the annual exercise, the Federal Emergency Management Agency (FEMA) may find that another exercise with state and local governmental participation is not warranted for a period of up to two years.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	

Small Entity: No

Agency Contact: **Michael T. Jamgochian**, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-5942**

RIN: 3150-AB11

EMERGENCY PREPAREDNESS REPORTING REQUIREMENTS

Legal Authority: 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 2239; 42 USC 5842; 42 USC 5846

CFR Citation: 10 CFR 50

Abstract: The proposed rule would add a specific provision to the Commission's regulations which would require nuclear power plant licensees to report to the Commission if the level of emergency preparedness is adversely affected. The proposed reporting requirements would focus on the more important aspects of emergency preparedness such as communications capabilities and accident assessment capabilities, while placing less emphasis on items such as recovery operations and updating and distribution of copies of the emergency preparedness plan. The purpose of the proposed rule is to ensure that an adequate level of emergency preparedness is maintained by nuclear power plant licensees. The proposed rule would provide an enforceable basis for requiring that the affected licensees report to the NRC concerning deficiencies in the status of their emergency preparedness capabilities.

Timetable:

Action	Date	FR Cite
NPRM	06/00/83	

Small Entity: No

Agency Contact: **Kenneth E. Perkins**, Nuclear Regulatory Commission, Office of Inspection and Enforcement, Washington, DC 20555, **301 492-7361**

RIN: 3150-AA84

PERSONNEL ACCESS AUTHORIZATION REQUIREMENTS FOR NUCLEAR POWER PLANTS (PART OF INSIDER PACKAGE)

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 50; 10 CFR 73

Abstract: The proposed rule would require nuclear power plant licensees and applicants to establish an access authorization program for individuals requiring unescorted access to the protected and vital areas of nuclear power plants. On March 17, 1977, the NRC published in the Federal Register (42 FR 14880) a proposed rule that would establish an unescorted access authorization program for individuals who have access to or control over special nuclear material (SNM) at both nuclear reactors and fuel cycle facilities. Written comments were invited and received. On December 28, 1977, the NRC published a notice of public hearing (42 FR 64703) on the proposed rulemaking. Subsequently, the NRC established a Hearing Board to gather additional testimony. As a result of information gathered at the public hearing and its own examination of the proposed access authorization program, the Hearing Board recommended publication of a final rule, based on the 1977 proposed rulemaking, for

fuel cycle facilities and transportation licensees only. (The final rule was published on November 21, 1980; 45 FR 76968.) The Hearing Board further recommended that a new access authorization (cont)

Timetable:

Action	Date	FR Cite
NPRM	06/00/83	

Small Entity: No

Additional Information: ABSTRACT CONT: program be established for and administered by nuclear power plant licensees. The proposed rule will provide for this program and will include personnel screening to determine the suitability of an employee to be permitted unescorted access to either protected or vital areas of nuclear power plants.

Agency Contact: James A. Prell, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-5976**

RIN: 3150-AA90

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†PRESSURIZED THERMAL SHOCK

Legal Authority: 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 50

Abstract: The proposed rule would codify the NRC staff's recommended near-term actions for protection against pressurized thermal shock (PTS) events. Specifically, the provisions of the proposed rule would establish screening criteria for axial and circumferential welds; require licensees with operating plants to submit data concerning their reactor vessels to the NRC staff for review; require certain licensees to implement flux-reduction programs; and require certain licensees with operating pressurized water reactors (PWRs) to submit a PTS safety analysis to the NRC staff for review. The issue of pressurized thermal shock arises because in PWRs transients and accidents can occur that result in severe overcooling (thermal shock) of the reactor pressure vessel concurrent with or followed by repressurization. In these PTS events, rapid cooling of the reactor vessel internal surface results in thermal stress with a maximum tensile stress at the inside surface of the vessel. The provisions of the proposed rule would apply only to PWRs.

Timetable:

Action	Date	FR Cite
NPRM	06/00/83	

Small Entity: No

Agency Contact: Roy H. Woods, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555, **301 492-4714**

RIN: 3150-AB05

PRIMARY REACTOR CONTAINMENT LEAKAGE TESTING FOR WATER-COOLED POWER REACTORS

Legal Authority: 42 USC 2133; 42 USC 2134; 42 USC 5841

CFR Citation: 10 CFR 50

Abstract: The proposed rule would revise the criteria for preoperational and periodic pressure testing for leakage of primary and secondary containment boundaries of water-cooled power reactors. The current regulation specifies the criteria that leakage testing must meet and how the testing must be performed. The proposed rule would implicitly recognize national standard (ANSI/ANS 56.8) that specifies approved procedures for conducting the test and thus permit the NRC staff to focus its attention on the performance standard and design criteria aspects of the regulation. The proposed rule would eliminate ambiguities, increase the flexibility of the regulation, and emphasize the testing criteria aspects of the regulation while reducing the mechanistic aspects of the testing procedure. It would also reduce the paperwork burden on NRC and the compliance burden on licensees by reducing the number of exemption requests licensees are required to submit.

Timetable:

Action	Date	FR Cite
NPRM	09/00/83	

Small Entity: No

Agency Contact: Gunter Arndt, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-5860**

RIN: 3150-AA86

CODES AND STANDARDS FOR NUCLEAR POWER PLANTS.(WINTER 1982)

Legal Authority: 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 50

Abstract: The proposed rule would incorporate by reference the Winter 1982 addenda of the ASME Boiler and Pressure Vessel Code. The ASME (American Society of Mechanical Engineers) code sets standards for the construction of nuclear power plant components and specifies requirements for inservice inspection of those components. The ASME code requirements for nuclear power plants are set forth in Section III for construction permit holders and Section XI for operating plants. The proposed rule would include the most recent changes made to the ASME Boiler and Pressure Vessel Code and permit the use of improved methods for construction and inservice inspection of nuclear power plants.

Timetable:

Action	Date	FR Cite
NPRM	12/00/83	

Small Entity: No

Agency Contact: Edward Baker, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-5894**

RIN: 3150-AA83

OPERATOR TRAINING AND QUALIFICATION

Legal Authority: 42 USC 2137; 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 50; 10 CFR 55

Abstract: The proposed rule would strengthen the criteria for issuing licenses to operators of nuclear power plants by requiring simulator training, teaching theory behind the operation of a facility, maintaining operator proficiency, and requiring requalification examinations. This proposed rule would improve operator performance and bring the NRC regulations into compliance with the "Nuclear Waste Policy Act of 1982."

Timetable:

Action	Date	FR Cite
NPRM	12/00/83	

Small Entity: No

Agency Contact: Julius Persensky, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555, **301 492-8349**

RIN: 3150-AA88

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†GENERAL HUMAN FACTORS CRITERIA FOR NEW CONSTRUCTION

Legal Authority: 42 USC 2201; 42 USC 5846

CFR Citation: 10 CFR 50

Abstract: The advance notice of proposed rulemaking would establish three new general human factors criteria. The criteria to be addressed are 1) criteria for operability, surveillance, and maintainability, 2) criteria for management and organization, and 3) human engineering criteria. The revised human factors criteria are necessary because post-TMI reviews and

operating experience indicate that the human factors discipline is rarely applied when needed at the design and construction stage. After receipt of public comments on the ANPRM and additional review of past operating experience, the staff will develop a proposed rule.

Timetable:

Action	Date	FR Cite
ANPRM	12/00/83	

Small Entity: Not Applicable

Agency Contact: James P. Jenkins, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-5942**

RIN: 3150-AB13

SAFEGUARDS REQUIREMENTS FOR LICENSEES AUTHORIZED TO POSSESS SNM OF MODERATE OR LOW STRATEGIC SIGNIFICANCE

Abstract: Entry incorporated into an unpublished rule "Changes in Physical Security Plans; Licensees Possessing or Issuing Special Nuclear Material of Moderate and Low Strategic Significance" Part 70 (RIN 3150-AA95).

RIN: 3150-AA94

CHANGES IN PHYSICAL SECURITY PLANS; LICENSEES POSSESSING OR USING SPECIAL NUCLEAR MATERIAL OF MODERATE AND LOW STRATEGIC SIGNIFICANCE

Legal Authority: 42 USC 2201

CFR Citation: 10 CFR 70

Abstract: The final rule would amend the regulations for domestic licensing of special nuclear material to allow licensees possessing or using special nuclear material of moderate and low strategic significance to change their physical security plans without prior approval of the Commission, provided the changes do not decrease the effectiveness of the plan. These licensees were inadvertently omitted from the regulation published on July 24, 1979 (44 FR 43280). The final rule would correct the oversight.

Timetable:

Action	Date	FR Cite
Final Action	03/00/83	

Small Entity: No

Agency Contact: Andrea R. Kuffner, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-5976**

RIN: 3150-AA95

INTERNATIONAL CONVENTION FOR THE PROTECTION OF NUCLEAR MATERIAL

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 70; 10 CFR 73; 10 CFR 110

Abstract: The NRC is amending its regulations in order to comply with the provisions of the International Convention for the Protection of Nuclear Material. The proposed amendments would require (1) the physical protection of transient shipments of special nuclear material of moderate and low strategic significance and irradiated reactor fuel, (2) advance notification to NRC concerning the export of Convention-defined nuclear materials, and (3) advance notification and assurance of protection to NRC concerning the importation of Convention-defined nuclear materials from countries that are not parties to the Convention.

Timetable:

Action	Date	FR Cite
NPRM	06/00/83	

Small Entity: No

Public Compliance Cost: Yearly Recurring Cost: $230,000; Base Year for Dollar Estimates: 1983

Agency Contact: Steve Brown, Nuclear Regulatory Commission, Office of Nuclear Material Safety and, Safeguards, Washington, DC 20555, **301 427-4186**

RIN: 3150-AA92

MODIFICATION OF PROTECTION REQUIREMENTS FOR SPENT FUEL SHIPMENTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 73

Abstract: The proposed rule would moderate the present interim requirements for the protection of shipments of irradiated reactor fuel cooled for 150 days or more. Recent research shows that the quantity of radioactive material that would be released as a result of successful sabotage is much smaller than was supposed at the time that the interim rule was issued. The moderated requirements would provide for (1) shipments to be accompanied by an unarmed escort, who may be a driver or carrier employee and may have other duties, (2) on-board communications, and (3) immobilization capability for trucked shipments. Present interim requirements will continue to be effective for shipments of irradiated reactor fuel cooled less than 150 days. The benefit of the proposed rule would be the elimination of unnecessarily strict requirements which presently apply to spent fuel shipments. It is estimated that the modified requirements will result in a savings to licensees of about $20,000 to $30,000 annually, assuming 135 shipments annually.

Timetable:

Action	Date	FR Cite
NPRM	03/00/83	

Small Entity: No

Agency Contact: Carl B. Sawyer, Nuclear Regulatory Commission, Office of Nuclear Material Safety and, Safeguards, Washington, DC 20555, **301 427-4186**

RIN: 3150-AA96

MEDICAL STANDARDS FOR EMPLOYMENT OF SECURITY PERSONNEL

Legal Authority: 42 USC 2201; 42 USC 5842

CFR Citation: 10 CFR 73

Abstract: The proposed rule would amend the medical standards for the employment of security personnel by licensees who operate nuclear power plants, fuel cycle facilities, or possess or ship certain quantities of special nuclear material. Specifically, the rule would revise paragraph I.B.(3) of Appendix B to Part 73 to provide the conditions under which persons with an established medical history or medical diagnosis of a chronic or nervous disorder may be employed as security personnel. Currently, these criteria provide that an individual have no established medical history or diagnosis of epilepsy or diabetes or, where either of these medical conditions exist, the individual provide medical evidence that the condition may be controlled with proper medication. The revised paragraph would clarify the types of diseases which are required to be controlled in order for individuals to be employed as security personnel and would require that an individual who has any chronic disease or nervous disorder must provide evidence that it can be controlled through medication.

Timetable:

Action	Date	FR Cite
Revision of Part 73	09/00/84	

Small Entity: No

NRC — Current and Projected Rulemakings

Agency Contact: **Kristina Z. Markulis**, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-5976**

RIN: 3150-AA97

PATENTS

Legal Authority: 42 USC 3182

CFR Citation: 10 CFR 81

Abstract: The proposed rule would establish the policies, general rules, and procedures regarding the handling of patent matters, for which the NRC presently has no regulations, in a manner that would be substantially like those being used by other government agencies. The proposed rule would revise completely Part 81, which currently is directed only to patent licensees, into a regulation that sets forth NRC patent policies, regulations, and rules for contract clauses, waiver of rights provisions, and other applicable areas.

Timetable:

Action	Date	FR Cite
NPRM	04/00/83	

Small Entity: No

Agency Contact: **Neal E. Abrams**, Nuclear Regulatory Commission, Office of Executive Legal Director, Washington, DC 20555, **301 492-8662**

RIN: 3150-AA98

EXPORT/IMPORT OF NUCLEAR EQUIPMENT AND MATERIAL

Legal Authority: 42 USC 2073; 42 USC 2074; 42 USC 2077; 42 USC 2092; 42 USC 2094; 42 USC 2111; 42 USC 2112; 42 USC 2139; 42 USC 5841; 42 USC 5842

CFR Citation: 10 CFR 110

Abstract: The proposed rule would simplify licensing requirements for the export of nuclear equipment and material that does not have significance from a nuclear proliferation perspective by expanding or establishing general licenses for nuclear reactor components, gram quantities of special nuclear material, and certain kinds of source or byproduct material. The general licenses would ease current licensing restrictions by removing the requirement to obtain a specific export or import license for certain material and equipment. The proposed general licenses include a policy of facilitating nuclear cooperation with countries sharing U.S. non-proliferation goals. The proposed rule would increase international commerce and reduce the regulatory burden on the public and the NRC without increasing the risk to public health and safety or the common defense and security. The proposed rule would reduce NRC's minor case licensing workload by about 75% thus allowing the staff to process license applications for major exports of nuclear equipment and material expeditiously.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: **Marvin R. Peterson**, Nuclear Regulatory Commission, Office of International Programs, Washington, DC 20555, **301 492-4599**

RIN: 3150-AB00

REMOVAL OF APPENDICES A THROUGH H FROM 10 CFR PART 140

Legal Authority: 42 USC 2201

CFR Citation: 10 CFR 140

Abstract: The proposed rule would amend 10 CFR Part 140 by removing Appendices A through H, and by making the information contained in the appendices available in the form of separate Regulatory Guides. The information in the appendices includes form of nuclear energy liability policies and indemnity agreements. The information also describes how the Commission determines indemnity location.

Timetable:

Action	Date	FR Cite
Final Action	12/00/82	
NPRM	03/00/83	

Small Entity: No

Agency Contact: **Ira Dinitz**, Nuclear Regulatory Commission, Office of State Programs, Washington, DC 20555, **301 492-9884**

RIN: 3150-AB02

CRITERIA FOR AN EXTRAORDINARY NUCLEAR OCCURRENCE

Legal Authority: 42 USC 2201; 42 USC 2210; 42 USC 5841; 42 USC 5842

CFR Citation: 10 CFR 140

Abstract: The proposed rule would revise the criteria the Commission currently follows in determining an extraordinary nuclear occurrence (ENO), in order to overcome the problems that were encountered following the Three Mile Island (TMI) accident when the present criteria were applied. The proposed criteria would focus on things that can be readily counted or estimated within a relatively short time following an accident (i.e., substantial release of radioactive material or radiation offsite and substantial exposure levels). The revised criteria will provide for speedy satisfaction of legitimate claims in the event of an ENO.

Timetable:

Action	Date	FR Cite
NPRM	03/00/83	

Small Entity: No

Agency Contact: **Harold Peterson**, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 427-4210**

RIN: 3150-AB01

NUCLEAR REGULATORY COMMISSION (NRC) — Completed Actions

COMPLETED RULEMAKINGS

MINOR CLARIFYING AMENDMENTS

Legal Authority: 42 USC 2201

CFR Citation: 10 CFR 1

Abstract: The final rule codifies nomenclature changes required by reorganization of NRC staff activities; indicates the reassignment of the responsibility for the implementation of the Paperwork Reduction Act and the preparation of the monthly Nuclear Regulatory Commission Issuances; indicates the change in the commercial telephone number for the NRC's Region IV Office; and announces that the NRC Region IV Uranium Recovery Field Office, located in Denver, CO, will become operational on October 4, 1982.

Timetable:

Action	Date	FR Cite
Final Action	12/20/82	47 FR 41336

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

NRC

Completed Actions

Agency Contact: John Philips, Nuclear Regulatory Commission, Office of Administration, Washington, DC 20555, **301 492-7086**

RIN: 3150-AA52

EXECUTIVE ORDER 12356, "NATIONAL SECURITY INFORMATION," IMPLEMENTATION

Legal Authority: 42 USC 2165; 42 USC 2201; 42 USC 5841; EO 12356

CFR Citation: 10 CFR 2; 10 CFR 9

Abstract: The final rule amends NRC regulations to incorporate the new Executive Order 12356, "National Security Information," and Implementing Directive. EO 12356 replaces EO 12065 and modifies the procedures to be followed wherever a Freedom of Information Act request is made for a classified document. In addition, the rule makes minor changes to some definitions contained in these parts. This final rule brings NRC regulations into compliance with the latest Executive Order. EO 12356, that prescribes a uniform system for classifying/declassifying, and safeguarding National Security Information.

Timetable:

Action	Date	FR Cite
Final Action	12/16/82	47 FR 56314

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Agency Contact: Raymond J. Brady, Nuclear Regulatory Commission, Office of Administration, Washington, DC 20555, **301 427-4472**

RIN: 3150-AA58

ACCESS TO AND PROTECTION OF NATIONAL SECURITY INFORMATION AND RESTRICTED DATA

Legal Authority: 42 USC 2165; 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 25; 10 CFR 95

Abstract: The final rule (1) modifies the requirements for requesting access authorizations for individuals who possessed authorizations on the effective date of Part 25, (2) establishes a requirement to maintain records concerning visits to and from affected licensed facilities involving classified information, (3) provides additional guidance to affected licensees for handling classified drafts of documents and working papers as well as guidance for obtaining approvals for the security of telecommunications and ADP systems where classified information is involved, and (4) addresses the requirements for classifying, declassifying and safeguarding National Security Information as set forth in the new EO 12356 and Implementing Directive. These final amendments are necessary to incorporate experience gained under the current regulations, comply with the requirements of the new Executive Order 12356, and prohibit the unauthorized disclosure of National Security Information and Restricted Data.

Timetable:

Action	Date	FR Cite
Final Action	12/30/82	47 FR 58272

Small Entity: No

Agency Contact: Raymond J. Brady, Nuclear Regulatory Commission, Office of Administration, Washington, DC 20555, **301 427-4472**

RIN: 3150-AA69

PHYSICIAN'S USE OF RADIOACTIVE DRUGS

Legal Authority: 42 USC 2111; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 5841

CFR Citation: 10 CFR 35

Abstract: The final rule establishes the first exception to the NRC's requirement that a physician follow FDA approved labeling for (1) chemical and physical form, (2) route of administration, and (3) dosage range. The final rule allows a physician to use technetium-99 pentatate for lung function studies without regard to restrictions concerning FDA labeling. The final rule also establishes the process by which other radiopharmaceuticals and uses could be exempted from the requirement to follow FDA labeling after the NRC makes a determination of radiation safety. This final rule constitutes NRC's response to PRM-35-1.

Timetable:

Action	Date	FR Cite
Petition for Rulemaking (PRM-35-1)	05/07/79	44 FR 26817
NPRM	04/13/82	47 FR 15798
NPRM Comment Period Begin	04/13/82	47 FR 15798
NPRM Comment Period End	06/14/82	
Final Action	02/04/83	48 FR 05217
Final Action Effective	03/07/83	48 FR 05217

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Agency Contact: Deborah Bozik, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 427-4566**

RIN: 3150-AA13

TELETHERAPY ROOM RADIATION MONITORS

Legal Authority: 42 USC 2111; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 5841

CFR Citation: 10 CFR 35

Abstract: The final rule codifies existing licensing orders and conditions that require installation of radiation monitors in licensed teletherapy rooms, the use of portable survey meters when monitors are inoperable, and the performance of inspection and servicing of safety related teletherapy components. The rule is intended to provide warning of potential teletherapy unit malfunctions and resultant patient/operator overexposures. Further, the final rule replaces repetitive individual license conditions with a single regulation. Finally, inspection and servicing requirements are required of teletherapy licensees. The NRC became aware of several teletherapy unit malfunctions that had the potential of causing serious overexposures through reports from the Bureau of Radiological Health and voluntary reports from licensees. In May 1980, the NRC issued an order amending all teletherapy licenses to require the installation of radiation monitors.

Timetable:

Action	Date	FR Cite
NPRM	04/28/82	47 FR 18131
Final Action	01/18/83	48 FR 02115
Final Action Effective	03/04/83	48 FR 02115

Small Entity: No

Public Compliance Cost: Initial Cost: $550,000; Yearly Recurring Cost: $220,000; Base Year for Dollar Estimates: 1982

Analysis: Preliminary RIA 04/00/82

Agency Contact: Alan K. Roecklein, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-5970**

RIN: 3150-AA14

MISADMINISTRATION OF RADIOACTIVE MATERIAL; PROPOSED REMOVAL OF REPORTING REQUIREMENTS

Legal Authority: 42 USC 2111; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 5841

CFR Citation: 10 CFR 35

NRC

Completed Actions

Abstract: On May 14, 1980 (45 FR 31701) the Commission published a final rule requiring NRC's medical licensees to report misadministrations of radioactive material. The rule was intended to detect common conditions that lead to misadministrations and correct them by regulation or license condition. The Commission indicated that it would reevaluate the merits of the regulation after three years. In a memorandum dated June 30, 1981, the Commission directed the staff to conduct an analysis of the first year's reports. After conducting the anlysis, the staff submitted a proposed rule that would have removed the reporting requirements to the Commission for approval. On October 29, 1981, the Commission disapproved the staff's recommendation to remove the medical misadministration reporting requirements thereby ending the rulemaking proceeding.

Timetable:

Action	Date	FR Cite
Withdrawn	10/29/82	

Small Entity: No

Agency Contact: Lidia A. Roche, Nuclear Regulatory Commission, Office of Nuclear Material Safety and, Safeguards, Washington, DC 20555, **301 427-4211**

RIN: 3150-AA74

TMI-RELATED LICENSING REQUIREMENTS FOR PENDING OPERATING LICENSE APPLICATIONS

Legal Authority: 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 5842; 42 USC 5846

CFR Citation: 10 CFR 50

Abstract: The proposed rule would add new requirements to power reactor safety regulations applicable only to operating license applications. The proposed rule, as part of NRC's efforts to apply the lessons learned from the accident at Three Mile Island to power plant licensing, would codify into the Commission's regulations the basic requirements contained in NUREG-0737, which address the problems of design deficiencies, equipment failure, and human error. The proposed rule advised the public that the Commission was considering the issuance of a similar rule that would incorporate NUREG-0737 requirements into its regulations applicable to operating reactors. However, at a meeting held August 12, 1981, the Commission determined that a proposed rule for operating reactors should not be issued, and requested instead an approach with a substantially reduced scope that would increase flexibility and permit more detailed consideration. The Commission approved staff recommendations not to issue a final rule imposing NUREG-0737 provisions on operating license applicants. Recent litigation experience shows that there is no need for the rule, and the rule would limit flexibility.

Timetable:

Action	Date	FR Cite
NPRM	05/13/81	46 FR 26491
Commission Paper	10/00/82	
Withdrawn	02/01/83	

Small Entity: No

Agency Contact: John Zwolinski, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555, **301 492-8543**

RIN: 3150-AA17

REPORTING OF CHANGES TO THE QUALITY ASSURANCE PROGRAM

Legal Authority: 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 50

Abstract: The final rule requires each holder of a nuclear power plant or fuel reprocessing plant construction permit or operating license to (1) inform the Commission in writing of quality assurance (QA) program changes that affect the description of the quality assurance program described or referenced in its Safety Analysis Report and accepted by the Commission, and (2) to clarify the requirement concerning implementation of the accepted quality assurance program. In the past, existing regulations did not specifically require that changes to the accepted quality assurance program be reported and some licensees changed their quality assurance programs without informing the Commission. The final rule ensures that quality assurance programs accepted by the Commission do not have their effectiveness reduced by subsequent changes thereby increasing the risk to public health and safety.

Timetable:

Action	Date	FR Cite
NPRM	07/02/81	46 FR 34595
Final Action	01/10/83	48 FR 01026
Final Action Effective	03/11/83	

Small Entity: No

Agency Contact: William Belke, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-4517**

RIN: 3150-AA18

ENVIRONMENTAL QUALIFICATION OF ELECTRIC EQUIPMENT IMPORTANT TO SAFETY FOR NUCLEAR POWER PLANTS

Legal Authority: 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 2232; 42 USC 2233

CFR Citation: 10 CFR 50

Abstract: The final rule clarifies and strenghtens the criteria for environmental qualification of electric equipment used in nuclear power plants. The applicable qualification methods currently contained in national standards, NRC regulatory guides, and certain NRC publications for equipment qualification are subject to different interpretations and have not had the legal force of an agency regulation. The final rule codifies the current NRC practice and applies the same uniform performance criteria with respect to environmental qualification to all operating nuclear power plants and plants for which application has been made for a construction permit or an operating license. Included are specific technical requirements pertaining to (a) qualification parameters, (b) qualification methods, and (c) documentation. The scope of the final rule includes that portion of electric equipment important to safety commonly referred to as safety-related electric and non safety-related electric equipment whose failure could prevent the satisfactory accomplishment of required safety functions by a safety-related equipment.

Timetable:

Action	Date	FR Cite
NPRM	01/20/82	47 FR 2876
NPRM Comment Period Begin	01/20/82	47 FR 02876
NPRM Comment Period End	03/22/82	
Interim Final Rule	06/30/82	47 FR 28363
Final Action	01/21/83	48 FR 02729
Final Action Effective	02/22/83	48 FR 02729

Small Entity: No

Agency Contact: Satish K. Aggarwal, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-5946**

RIN: 3150-AA25

CODES AND STANDARDS FOR NUCLEAR POWER PLANTS (WINTER 1981)

Legal Authority: 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 50

Abstract: The final rule incorporates by reference the Winter 1981 addenda of the

ASME Boiler and Pressure Vessel Code. The ASME (American Society of Mechanical Engineers) code sets standards for the construction of nuclear power plant components and specifies requirements for inservice inspection of those components. The ASME code requirements for nuclear power plants are set forth in Section III for construction permit holders and Section XI for operating plants. The final rule permits the use of improved methods for construction and inservice inspection of nuclear power plants.

Timetable:

Action	Date	FR Cite
NPRM	07/29/82	47 FR 32725
NPRM Comment Period Begin	07/29/82	47 FR 32725
NPRM Comment Period End	09/27/82	
Final Action	02/07/83	47 FR 05532
Final Action Effective	03/09/83	47 FR 05532

Small Entity: No

Agency Contact: Edward Baker, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-5894**

RIN: 3150-AA26

REGIONAL LICENSING PROGRAM; FORT ST. VRAIN NUCLEAR GENERATING STATION

Legal Authority: 42 USC 2201

CFR Citation: 10 CFR 50

Abstract: The final rule amends the Commission's regulations on the domestic licensing of utilization facilities to provide information concerning the further implementation of NRC's regional licensing program. This amendment states that authority and responsibility for implementing selected parts of NRC's nuclear reactor licensing program pertaining solely to the Fort St. Vrain Nuclear Generating Station have been assigned and delegated to the Regional Administrator of Region IV and specifies where communications and applications relating to that facility should be sent.

Timetable:

Action	Date	FR Cite
Final Action Effective	12/01/82	47 FR 55203
Final Action	12/08/82	47 FR 55203

Small Entity: No

Agency Contact: Darrell G. Eisenhut, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555, **301 492-7672**

RIN: 3150-AA75

FILING OF CONTROLLED COPIES OF EMERGENCY PLANS

Legal Authority: 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 2239; 42 USC 5842; 42 USC 5846

CFR Citation: 10 CFR 50

Abstract: The final rule requires certain licensees to submit a specified number of controlled copies of emergency plans and implementing procedures along with changes to these plans and procedures to the appropriate NRC regional office and to NRC headquarters. Each of the controlled copies delivered to NRC would have a receipt attached that would be signed and returned to the licensee by the NRC employee who is responsible for receiving and maintaining the controlled copies. The NRC employee would certify that the plan was received and filed or that the changes were received and incorporated into the appropriate emergency plan. Adoption of the final rule will ensure that the NRC has the latest updated plan to use in the event of a radiological incident or accident. The final rule also reduces the number of copies that a licensee must submit to the NRC from 13 to 3 thus lessening the regulatory burden on affected licensees.

Timetable:

Action	Date	FR Cite
Final Action	12/28/82	47 FR 57670
Final Action Effective	12/28/82	47 FR 57670

Small Entity: No

Agency Contact: Kenneth E. Perkins, Jr., Nuclear Regulatory Commission, Office of Inspection and Enforcement, Washington, DC 20555, **301 492-7361**

RIN: 3150-AA77

REGIONAL LICENSING REVIEWS

Legal Authority: 42 USC 2201

CFR Citation: 10 CFR 50; 10 CFR 70

Abstract: The final rule amends regulations concerning the review of reactor security and contingency plan changes, transportation physical protection plan changes, and special nuclear material facility security, contingency, and material control and accounting program changes. The final rule requires licensees to submit reports of changes to these plans that do not decrease safeguards effectiveness to NRC regional offices. This final rule is part of the implementation of the NRC regional licensing program under which the responsibility for certain categories of actions has been delegated to Regional Aministrators.

Timetable:

Action	Date	FR Cite
Final Action	02/09/83	48 FR 05886
Final Action Effective	02/09/83	48 FR 05886

Small Entity: Not Applicable

Agency Contact: Martin Levy, Nuclear Regulatory Commission, Office of Nuclear Material Safety and, Safeguards, Washington, DC 20555, **301 497-4024**

RIN: 3150-AA89

LICENSING REQUIREMENTS FOR LAND DISPOSAL OF RADIOACTIVE WASTE

Legal Authority: 42 USC 2021a; 42 USC 2073; 42 USC 2077; 42 USC 2092; 42 USC 2093; 42 USC 2095; 42 USC 2111; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 2273; 42 USC 5842; 42 USC 5846

CFR Citation: 10 CFR 61

Abstract: The final rule provides specific requirements for licensing the land disposal of low level radioactive wastes containing source, special nuclear, or byproduct material. Specifically, the rule establishes performance objectives for land disposal of radioactive waste, technical requirements for the siting, design, operations, and closure activities for a near-surface disposal facility; technical requirements concerning the waste form that waste generators must meet for the land disposal of waste, institutional requirements; and administrative and procedural requirements for licensing a disposal facility. This rule will provide comprehensive national criteria applicable to the land disposal of radioactive waste.

Timetable:

Action	Date	FR Cite
NPRM	07/24/81	46 FR 38081
NPRM Comment Period Begin	07/24/81	46 FR 38081
NPRM Comment Period End	10/22/81	
Final Action	12/27/82	47 FR 57446
Final Action Effective	01/26/83	47 FR 57446
10 CFR 20.311 of Part 20 effective	12/27/83	47 FR 57446

Small Entity: No

Analysis: Environmental Impact Statement 11/30/82 (47 FR 53892)

NRC

Agency Contact: Paul Lohaus, Nuclear Regulatory Commission, Office of Nuclear Material Safety and, Safeguards, Washington, DC 20555, **301 427-4500**

RIN: 3150–AA33

EXPORT OF AUSTRALIAN-ORIGIN NUCLEAR MATERIAL AND EQUIPMENT

Legal Authority: 42 USC 2201

CFR Citation: 10 CFR 110

Abstract: The final rule requires export licensees to notify the Commission in advance before shipping nuclear equipment or material of Australian origin to a third country. The US/Australian Agreement for Cooperation concerning the Peaceful Uses of Nuclear Energy (the Agreement) became effective January 16, 1981. Article 5, paragraph 2 of the Agreement requires the United States to obtain the consent of Australian authorities before exporting nuclear material or equipment of Australian origin. The advance notification requirement contained in this final rule allows the US Government to assure proper compliance with this requirement.

Timetable:

Action	Date	FR Cite
Final Action	10/06/82	47 FR 44111
Final Action Effective	10/06/82	47 FR 44111

Small Entity: No

Agency Contact: Marvin R. Peterson, Nuclear Regulatory Commission, Office of International Programs, Washington, DC 20555, **301 492-4599**

RIN: 3150–AA99

MODIFICATION OF INDEMNITY AGREEMENTS

Legal Authority: 42 USC 2201; 42 USC 2210

CFR Citation: 10 CFR 140

Abstract: The final rule removes from the current regulations a stipulation which requires the Commission to allow interested persons 15 days to file petitions for leave to intervene when it enters into an indemnity agreement with provisions different from those in a standard form indemnity agreement. The Commission took this action because it believes that a public hearing on the limited subject of the precise wording of an amendment to an indemnity agreement serves no useful purpose and is unnecessary.

Timetable:

Action	Date	FR Cite
NPRM	07/23/82	47 FR 31887
NPRM Comment Period Begin	07/23/82	47 FR 31887
NPRM Comment Period End	08/23/82	
Final Action	01/10/83	48 FR 01029
Final Action Effective	02/09/83	48 FR 01029

Small Entity: No

Agency Contact: Eric E. Jakel, Nuclear Regulatory Commission, Office of Executive Legal Director, Washington, DC 20555, **301 492-8691**

RIN: 3150–AA37

DESIGN OF INDUSTRIAL RADIOGRAPHIC EXPOSURE DEVICES

Legal Authority: 42 USC 2201

CFR Citation: 10 CFR 34

Abstract: The advance notice of proposed rulemaking seeks comment on NRC's undertaking the development of safety design requirements for industrial radiation exposure devices. The proposed amendments would establish safety requirements for radiographic equipment. The proposed amendments are intended to reduce routine radiation exposures to radiographers and to reduce the number of overexposures to radiography operators and others caused by equipment failure. This action will be reassessed in light of parallel efforts aimed at radiographer training and certification and the issuance of an industry standard (ANSI N432).

Timetable:

Action	Date	FR Cite
ANPRM	03/27/78	43 FR 12718
Withdrawn	04/00/83	

Small Entity: Undetermined

Agency Contact: Donald E. Solberg, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-5825**

RIN: 3150–AA42

APPEALS OF PREHEARING AND SPECIAL PREHEARING CONFERENCE ORDERS GRANTING OR DENYING INTERVENTION

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 2

Abstract: Since publication of the July 1982 NRC Regulatory Agenda the scope of the proposed rule has been expanded to clarify the appropriate procedure for appealing both a special prehearing section 2.751a(d) and a prehearing section 2.714(a) conference order granting or denying a petition for leave to intervene in a nuclear power reactor licensing proceeding. For questions falling within the ambit of section 2.742(a), the proposed rule would retain the right of a person to take an immediate appeal to the Atomic Safety and Licensing Appeal Board of a conference order that wholly denies an intervention petition or that grants a petition that another person believes should have been wholly denied. The proposed rule would eliminate the opportunity for a person to file objections to intervention rulings in a conference order with the presiding officer conducting the hearing. On September 28, 1982, the Commission disapproved publication of this proposed rule. Amendments proposed in the regulatory reform rulemaking package will affect the prehearing process.

Timetable:

Action	Date	FR Cite
Withdrawn	09/28/82	

Small Entity: No

Agency Contact: Bruce A. Berson, Nuclear Regulatory Commission, Office of the Executive Legal Director, Washington, DC 20555, **301 492-7678**

RIN: 3150–AA57

QUALIFICATION OF MECHANICAL EQUIPMENT

Timetable:

Action	Date	FR Cite
Discontinued / Commission decision		

Agency Contact: Harold I. Gregg, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-5860**

RIN: 3150–AA91

ACTIONS THAT STARTED AND ENDED BETWEEN ISSUES OF THE UNIFIED AGENDA

●DELEGATION TO COMMISSION SECRETARY

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 2

Abstract: The final rule amends the Commission's regulations to allow the Secretary to the Commission to perform three functions previously performed by the

Completed Actions

Commission itself. The Secretary now may (1) rule on requests for hearings that fail to meet certain requirements, (2) refer certain requests for hearings to the Atomic Safety and Licensing Board Panel or an Administrative Law Judge, and (3) take action on minor procedural matters. These amendments allow the Commission to act more expeditiously on these matters.

Timetable:

Action	Date	FR Cite
Final Action	10/28/82	47 FR 47802

Small Entity: No

Agency Contact: Michael B. Blume, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, 202 634-3224

RIN: 3150-AB16

●PARTIAL REGIONALIZATION OF THE OPERATOR LICENSING FUNCTION

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 55

Abstract: This final rule amends the Commission's regulations to transfer to Region II and Region III the licensing of nuclear power plant operators for those regions. This amendment indicates where an operator or operator applicant makes application and obtains necessary forms to complete application, re-application, or renewal. This amendment will inform the licensees, operators, applicants, and the public of current NRC organization and practice.

Timetable:

Action	Date	FR Cite
Final Action	12/22/82	47 FR 56984

Small Entity: No

Agency Contact: Don Beckham, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555, 301 492-4858

RIN: 3150-AB15

[FR Doc. 83-9803 Filed 4-22-83; 8:45 am]

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federal register

Monday
April 25, 1983

Part L

Securities and Exchange Commission

Regulatory Flexibility Agenda and Rules Scheduled for Review

SEC

SECURITIES AND EXCHANGE COMMISSION

17 CFR Ch. II

[Release No. 33-6457, 34-19568, 35-22871, 39-807, IC-13076 and IA-841; File No. S7-964]

Regulatory Flexibility Agenda and Rules Scheduled for Review

AGENCY: Securities and Exchange Commission.

ACTION: Publication of Regulatory Flexibility Agenda and Rules Scheduled for Review.

SUMMARY: The Securities and Exchange Commission is today publishing an agenda of its regulations, pursuant to Chapter Six of the Administrative Procedure Act and Office of Management and Budget Bulletin 83-8. The agenda is intended to provide advance notice of rulemaking actions which may have a significant economic impact on a substantial number of small entities. The Commission is also publishing a list of rule reviews anticipated to be completed during the next twelve months. The Commission is seeking public comment on the various subject areas, on particular items of the agenda and on the identified rules scheduled for review.

DATE: Comments are due by June 30, 1983.

ADDRESSES: Persons wishing to submit written views should file four copies thereof with George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 450 5th Street, N.W., Room 6184, Washington, D.C. 20549. All submissions should refer to File No. S7-964, and will be available for public inspection at the Commission's Public Reference Room, Room 1026, at the same address.

FOR FURTHER INFORMATION CONTACT: Joseph A. Meiburger, Jr., Directorate of Economic and Policy Analysis, Securities and Exchange Commission, 450 5th Street, Room 7169, Stop 7-6, Washington, D.C. 20549 (202-272-7110). Additional names of persons to contact are identified with each entry.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act ("RFA") (Pub. L. No. 96-354, 94 Stat. 1164 [September 19, 1980]) requires each federal agency during April and October of each year to publish in the **Federal Register** a regulatory flexibility agenda identifying any rules which the agency expects to propose or adopt which are likely to have a significant economic impact on a substantial number of small entities (the "significant impact criterion"). [1] Part I of this agenda contains entries for all open and anticipated (within the next twelve months) rulemaking actions which may meet this criterion.

Pursuant to a separate requirement of the RFA, [2] the Commission published in June 1981 a plan for the periodic review of all rules issued by the agency which may have a significant economic impact upon a substantial number of small entities. [3] The plan provides for the review of all such rules in effect on January 1, 1981 within ten years of that date and for the review of such rules adopted thereafter within ten years of the publication of their adoption as final rules. The RFA further requires publication each year of a list of those rules which are to be reviewed during the succeeding twelve months. [4] Part II of the agenda contains these entries. Since the scope of the Commission's review of its rules extends beyond the requirements of the RFA, some rules listed in this part of the agenda may not be required to be reviewed, but the Commission is identifying them on the agenda in order to fully inform the public of its intention to review them. Part III of the agenda identifies actions and rule reviews which have been completed since the last RFA release was approved by the Commission on September 24, 1982 (Release No. 33-6427 [47 FR 18342]). The agenda which follows relies on the definitions of the term "small entity" for purposes of the RFA which were adopted by the Commission for the various categories of regulated entities. [5]

Several entries in Part I of this agenda represent recommendations which were developed through a research forum held in Washington, D.C. in November 1982. The purpose of the forum was to gather information regarding the strengths and weaknesses of the of the Commission's disclosure system from a group of its users. These items have been included in this agenda to notify the public of Commission consideration of recommendations made by forum participants. Among the current and anticipated rulemaking actions are entries dealing with possible accounting rules and research studies regarding off-balance sheet obligations, segment reporting and quarterly financial reporting.

As provided by the RFA, the publication of this regulatory flexibility agenda does not preclude the Commission from considering or acting on any matter not included therein, nor is the Commission required to consider or act on any matter which is included therein. [6] Furthermore, the inclusion of a rule in the Commission's regulatory flexibility agenda reflects only the staff's preliminary judgment that the rule, if promulgated, may have a significant economic impact on a substantial number of small entities. This preliminary judgment may be changed upon further development and analysis.

The documents describing the rules (standardized data entry forms and computer printout pages) will be available in the Commission's public reference room (File S7-964, as noted above) and will be published in the **Federal Register** as part of the Unified Agenda on or before April 30, 1983, pursuant to the requirements of Section 602(a) of the RFA as noted above.

The Commission invites public comment on its agenda and on the rules scheduled for review in 1983.

By the Commission.

DATED: March 7, 1983.

George A. Fitzsimmons,

Secretary.

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[1] 5 U.S.C. 602(a).

[2] 5 U.S.C. 610(a).

[3] See Securities Act Release No. 6362 (June 24, 1981) [46 FR 33287]

[4] 5 U.S.C. 610(c).

[5] See Securities Act Release No. 6380 (January 28, 1982) [47 FR 5215].

[6] 5 U.S.C. 602(d).

SECURITIES AND EXCHANGE COMMISSION (SEC) — Current and Projected Rulemakings

ACCOUNTING RULES

●OFF-BALANCE SHEET OBLIGATIONS

Priority: Undetermined

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77j; 15 USC 77s(a); 15 USC 78l; 15 USC 78m; 15 USC 78n; 15 USC 78o(d); 15 USC 78(w); 15 USC 79e; 15 USC 79n; 15 USC 79t

CFR Citation: Not yet determined

Abstract: The staff will study the area of off-balance sheet obligations to determine whether to recommend action by the Commission. Participants at the Commission's November, 1982 Research Forum on the disclosure system suggested that standard footnote disclosure about such obligations is needed in view of the increasing number and complexity of transactions.

Timetable:

Action	Date	FR Cite
Research study complete	12/31/83	

Small Entity: Undetermined

Agency Contact: Lawrence Jones, Professional Accounting Fellow, Securities and Exchange Commission, Office of the Chief Accountant, 450 5th Street, NW, Washington, DC 20549, **202 272-2130**

RIN: 3235-AA53

●DISCLOSURE ABOUT INSURANCE RESERVES

Priority: Undetermined

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77j; 15 USC 77s(a); 15 USC 78m; 15 USC 78n; 15 USC 78(w); 15 USC 78f

CFR Citation: Not yet determined

Abstract: The Commission may consider whether to propose amendments to rules or forms to assist investors in comparing reserving practices of different property-casualty insurance companies. The adequacy of estimated loss reserves for property-casualty insurance companies is uncertain. The level of uncertainty varies with, among other things, a company's mix of business, its system of internal control and management's ability to forecast future economic, social and other conditions which will influence the amount of future loss payments. Estimated reserve amounts are material factors in the computation of year-to-year earnings of an insurance company and in the assessment of its financial condition. The failure of several insurance companies has been ascribed to inadequate provision for future losses. The project is in a very preliminary state. The Commission will consider various alternative disclosures and the related costs and benefits.

Timetable:

Action	Date	FR Cite
NPRM	12/31/83	

Small Entity: Undetermined

Agency Contact: Jeremiah Harrington, Staff Accountant, Securities and Exchange Commission, Office of the Chief Accountant, 450 5th Street, NW, Washington DC 20549, **202 272-2130**

RIN: 3235-AA75

●RESCISSION OF OBSOLETE RULES AND TECHNICAL REVISIONS AND CORRECTIONS

Priority: Undetermined

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77j; 15 USC 77s(a); 15 USC 78l; 15 USC 78m; 15 USC 78n; 15 USC 78o(d); 15 USC 78w; 15 USC 79e; 15 USC 79n; 15 USC 79t; 15 USC 80a-8; 15 USC 80a-30; 15 USC 80a-37(a)

CFR Citation: 17 CFR 210.1-02(v)(3); 17 CFR 210.4-08(j)(2); 17 CFR 210.4-08(k); 17 CFR 210.4-08(l); 17 CFR 210.5A-01 to 5A-03; 17 CFR 210.8-01 to 8-03

Abstract: The Commission may consider whether to propose the rescission of various obsolete rules, such as Articles 5A and 8 and related rules of Regulation S-X, and the amendment of other rules to make technical revisions and corrections or update the rules to reflect current financial reporting experience. These rules will be reviewed concurrently with any rulemaking action.

Timetable:

Action	Date	FR Cite
NPRM	04/30/83	

Small Entity: Undetermined

Agency Contact: Robert Herdman, Professional Accounting Fellow, Securities and Exchange Commission, Office of the Chief Accountant, 450 5th Street, NW, Washington, DC 20549, **202 272-2130**

RIN: 3235-AA74

●SEGMENT INFORMATION

Priority: Undetermined

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77j; 15 USC 77s(a); 15 USC 78l; 15 USC 78m; 15 USC 78n; 15 USC 78o(d); 15 USC 78(w); 15 USC 79e; 15 USC 79n; 15 USC 79t

CFR Citation: 17 CFR 229.101(b)

Abstract: Registrants disclose information about their industry segments in financial statements and in their description of business disclosures. In the view of various participants in the Commission's November, 1982 Research Forum on the disclosure system, a better definition of, and more consistency in the composition of, segments is needed. The Commission's staff will review segment disclosures made by registrants to determine whether any Commission initiatives should be considered to encourage better disclosures.

Timetable:

Action	Date	FR Cite
Research study complete	12/31/83	

Small Entity: Undetermined

Agency Contact: Lawrence Jones, Professional Accounting Fellow, Securities and Exchange Commission, Office of the Chief Accountant, 450 5th Street, NW, Washington, DC 20549, **202 272-2130**

RIN: 3235-AA54

●GUIDE 3 - DISCLOSURES BY BANK HOLDING COMPANIES ABOUT NONPERFORMING LOANS AND CERTAIN FOREIGN LOANS.

Priority: Undetermined

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77j; 15 USC 77s(a); 15 USC 78l; 15 USC 78m; 15 USC 78n; 15 USC 78(w)

CFR Citation: 17 CFR 229.801(c); 17 CFR 229.802(c)

Abstract: The Commission plans to consider whether to propose amendments to the portions of the Industry Guides for Statistical Disclosures by Bank Holding Companies relating to disclosures of nonperforming loans and certain foreign loans. Such amendments would revise the definition of nonperforming loans and provide for expanded disclosures about certain foreign loans. The revision to the definition of nonperforming loans would reduce the potential for different interpretations of the term by making the definition more precise. The revisions to require expanded disclosures about foreign loans would codify staff interpretations of

material appropriate disclosures. The rule proposals should not result in new recordkeeping or data collection costs. Any other costs relating to the proposals have not been determined.

Timetable:

Action	Date	FR Cite
NPRM	04/01/83	

Small Entity: Undetermined

Agency Contact: Edmund Coulson, Assistant Chief Accountant, Securities and Exchange Commission, Office of the Chief Accountant, 450 5th Street, NW, Washington, DC 20549, **202 272-2130**

RIN: 3235-AA76

●QUARTERLY FINANCIAL REPORTING

Priority: Undetermined

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77j; 15 USC 77s(a); 15 USC 78m; 15 USC 78o(d); 15 USC 78w(a); 15 USC 78n

CFR Citation: 17 CFR 249.308a; 17 CFR 210.10-01; 17 CFR 229.302(a)

Abstract: The Commission may consider whether to revise the rules regarding interim financial statements. These rules were most recently revised in 1981 at which time the requirement for condensed financial statements was widely favored and the requirement for the prior year-end balance sheet was adopted. The staff will review these rules, in part because of recommendations made by participants in the Commission's November, 1982 Research Forum on the disclosure system that the rules be revised to require full, rather than condensed, financial statements, comparative quarter rather than the prior year-end, balance sheet, and quarterly segment data. In addition, the staff will review the requirement for disclosure of selected quarterly financial data in annual reports. These rules will also be reviewed concurrently with this staff project.

Timetable:

Action	Date	FR Cite
ANPRM	12/31/83	

Small Entity: Undetermined

Agency Contact: Robert Herdman, Professional Accounting Fellow, Securities and Exchange Commission, Office of the Chief Accountant, 450 5th Street, NW, Washington, DC 20549, **202 272-2130**

RIN: 3235-AA55

DISCLOSURE RULES

●CONSENTS TO SERVICE

Priority: Undetermined

CFR Citation: Not yet determined

Abstract: Foreign private issuers that voluntarily enter the U.S. capital markets are generally required to file disclosure documents with the Commission. Comments have been solicited on the general concept of requiring such issuers and certain related persons to consent to service for civil suits, administrative proceedings and investigations relating to such disclosure documents. Alternatives being considered are requiring an agent in the U.S. and minimum lines of credit.

Timetable:

Action	Date	FR Cite
ANPRM	04/30/83	

Small Entity: Yes

Agency Contact: Ronald Adee, Special Counsel, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, **202 272-3250**

RIN: 3235-AA56

●RECOMMENDATIONS OF THE COMPUTER TASK FORCE

Priority: Undetermined

Legal Authority: 15 USC 77s Securities Act; 15 USC 78w(a) Exchange Act

CFR Citation: 17 CFR 200; 17 CFR 240

Abstract: In connection with its study of the application of computer technology to the Commission's rules and regulations, with a view toward determining how the Commission may best use technological advances to benefit registrants, investors and others who contribute to or make use of information required to be disclosed under the various securities laws and the rules and regulations thereunder, the Commission will consider any rulemaking necessary to implement or accompany technological advances. For example, the Commission may propose rule changes concerning the transition from a paper-based information and disclosure system to a computer-based electronic system. Such changes may be published in the next year.

Timetable:

Action	Date	FR Cite
NPRM	01/01/84	

Small Entity: Undetermined

Agency Contact: Eric E. Miller, Attorney Adviser, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W. (Stop 2-10), Washington, D.C. 20549, **202 272-2589**

RIN: 3235-AA77

PROPOSED AMENDMENTS TO ITEM 402 OF REGULATION S-K, MANAGEMENT REMUNERATION AND TRANSACTIONS

Priority: Undetermined

Legal Authority: 15 USC 77f Securities Act; 15 USC 77g Securities Act; 15 USC 77h Securities Act; 15 USC 77s(a) Securities Act; 15 USC 78l Exchange Act; 15 USC 78m Exchange Act; 15 USC 78n Exchange Act; 15 USC 78o(d) Exchange Act; 15 USC 78w(a) Exchange Act

CFR Citation: 17 CFR 229.402

Abstract: The Commission intends to adopt revisions to the provisions of Item 402 of Regulation S-K regarding disclosure of management remuneration. Amendments were proposed in January 1983. The primary purpose of the proposed amendments is to enhance the usefulness of remuneration disclosure to security holders and investors. This would be accomplished by, among other things, highlighting cash remuneration in the Remuneration Table, permitting disclosure of remuneration paid pursuant to plans to be disclosed in connection with the descriptions of such plans, and focusing more on remuneration actually paid or vested than on contingent remuneration. The proposed amendments also are intended to reduce burdens on registrants to the extent possible without sacrificing investor protection. This would be achieved through such actions as establishing a de minimis threshold for disclosure of prerequisites, and decreasing the amount of information disclosed about options granted in previous years. In addition, while individual disclosure of the top five most highly compensated executive officers or directors would still be required, disclosure with respect to all officers and (cont)

Timetable:

Action	Date	FR Cite
NPRM	01/17/83	48 FR 3625
NPRM Comment Period Begin	01/17/83	48 FR 3626
NPRM Comment Period End	05/01/83	
Final Action	08/31/83	

Small Entity: Yes

Additional Information: ABSTRACT CONT: directors as a group would be limited to executive officers and directors as a group. The Commission has specifically requested comment in connection with the proposed revision of Item 402, on the extent to which

the proposed amendments would reduce burdens on registrants.

Agency Contact: Susan Davis, Special Counsel, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, Washington, DC 20549, **202 272-2589**

RIN: 3235-AA00

●GENERAL RULES UNDER THE SECURITIES ACT OF 1933--THE "100 SERIES"--RULES 100 THROUGH 176

Priority: Undetermined

Legal Authority: 15 USC 77s Securities Act

CFR Citation: 17 CFR 230.100 to 176

Abstract: The Commission is conducting a "sunset" review of the thirty-nine rules contained in the "100 series" of general rules under the Securities Act. Generally, these rules define key terms used in the Securities Act. The object of this review is to eliminate any inconsistencies, to delete unnecessary, outmoded or duplicative rules and to update and revise the remaining provisions. In particular, the review will focus on Rules 137, 138, and 139, which define terms relating to activities--such as publication of information, opinions or recommendations with respect to securities of an issuer--which might otherwise be deemed offers to sell or participations in the distribution of securities under the Securities Act.

Timetable:

Action	Date	FR Cite
NPRM	07/15/83	

Small Entity: Undetermined

Agency Contact: William L. Larsen, Special Counsel, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, **202 272-2589**

RIN: 3235-AA52

●RULE 144 AMENDMENTS

Priority: Undetermined

Legal Authority: 15 USC 77s(a)

CFR Citation: 17 CFR 230.144

Abstract: Rule 144 permits resales of restricted securities and securities held by affilitates of the issuer. Any person who sells restricted securities in compliance with the rule will not be deemed to be an underwriter of those securities. The rule restricts the method of resale and requires a minimum holding period and the availability of public information about the issuer. For small businesses, however, Rule 144 has proved quite restrictive. One alternative under consideration is to exempt securities held by non-affiliates for three years or more from the requirement of available public information about the issuer. If the proposed amendments are adopted, compliance with the rule should enhance small business capital formation without cost to the issuer.

Timetable:

Action	Date	FR Cite
NPRM	04/05/83	

Small Entity: Yes

Agency Contact: Betsy Callicott Goodell, Staff Attorney, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, **202 272-2644**

RIN: 3235-AA72

●AMERICAN DEPOSITARY RECEIPTS

Priority: Undetermined

Legal Authority: 15 USC 77f Securities Act; 15 USC 77g Securities Act; 15 USC 77h Securities Act; 15 USC 77j Securities Act; 15 USC 77s(a) Securities Act; 15 USC 78l Exchange Act; 15 USC 78m Exchange Act; 15 USC 78o(d) Exchange Act; 15 USC 78w(a) Exchange Act

CFR Citation: 17 CFR 230.174; 17 CFR 230.405; 17 CFR 230.457; 17 CFR 230.465; 17 CFR 239.5; 17 CFR 239.19; 17 CFR 239.36; 17 CFR 240.15d-3

Abstract: Banks issue American Depositary Receipt (ADRs) to represent foreign securities and file registration statements under the Securities Act for such ADRs. Current regulations and forms were developed in 1955. This project is a comprehensive review of ADR regulation intended to delete obsolete provisions, codify current practice, and streamline procedures. Two forms are proposed to be replaced by one and a proposed rule would allow depositaries to designate the date and time of effectiveness of ADR registration statements.

Timetable:

Action	Date	FR Cite
NPRM	11/19/82	47 FR 53901
NPRM Comment Period Begin	11/19/82	47 FR 53901
NPRM Comment Period End	01/04/83	
Final Action	03/31/83	

Small Entity: Yes

Agency Contact: Ronald Adee, Special Counsel, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, **202 272-3250**

RIN: 3235-AA73

PROPOSED REVISION OF FORM S-14 AND OTHER FORMS AND RULES RELATING TO DISCLOSURE IN CONNECTION WITH BUSINESS COMBINATION TRANSACTIONS

Priority: Undetermined

Legal Authority: 15 USC 77f Securities Act; 15 USC 77g Securities Act; 15 USC 77j Securities Act; 15 USC 77s(a) Securities Act; 15 USC 78l Exchange Act; 15 USC 78m Exchange Act; 15 USC 78n Exchange Act; 15 USC 78w(a) Exchange Act

CFR Citation: 17 CFR 239.23

Abstract: As part of its review of proxy rules, regulations, and schedules, the Commission intends to revise the disclosure requirements under the federal securities laws relating to mergers, acquisitions, and other business combinations, focusing primarily on Form S-14 (17 CFR 239.23). Form S-14 is used for the registration of securities in business combination transactions under Rule 145 (17 CFR 230.145). The Commission has found that in many cases the sheer volume of disclosure in connection with mergers, acquisitions and other business combinations tends to be confusing to security holders and burdensome for registrants to prepare. The Commission intends to revise the existing disclosure requirements of Form S-14 to provide streamlined, comprehensible disclosure to shareholders and to reduce compliance burdens on issuers consistent with the protection of investors. In developing proposals in this area and considering alternative approaches to the problem of reducing burdens while ensuring that sufficient information is available to security holders, the Commission will attempt to apply the techniques used in its integrated disclosure system, such as incorporation (cont)

Timetable:

Action	Date	FR Cite
NPRM	04/30/83	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: by reference and multiple document delivery. The proposed revisions are expected to benefit both issuers and investors and are not expected to result in significant additional burdens. A review of the rules and forms will be included in any rulemaking action.

Agency Contact: Susan Davis, Special Counsel, Securities and Exchange Commis-

SEC

Current and Projected Rulemakings

sion, Division of Corporation Finance, 450 5th Street, Washington, DC 20549, **202 272-2589**

RIN: 3235-AA01

●FORM S-18 REVISION

Priority: Undetermined

Legal Authority: 15 USC 77s(a)

CFR Citation: 17 CFR 239.28

Abstract: Form S-18 is an optional, simplified form under the Securities Act of 1933 for registration of securities to be sold to the public by the issuer for an aggregate cash price of $5 million. The revisions proposed would raise the aggregate cash price ceiling to $7.5 million. This element of the proposal is a response to a recommendation of the 1982 SEC Government-Business Forum on Small Business Capital Formation. In addition, the proposed amendments would reduce disclosure requirements in several items of the form, including transactions with management and remuneration of directors and officers. The Commission is considering alternatives as to the amount below which disclosures regarding management transactions and remunerations need not be made and the categories of persons about whom disclosures must be made

Timetable:

Action	Date	FR Cite
NPRM	04/05/83	
NPRM Comment Period Begin	04/05/83	
NPRM Comment Period End	05/05/83	

Small Entity: Yes

Agency Contact: Suzanne Brannan, Staff Attorney, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, **202 272-2644**

RIN: 3235-AA51

RULE 12G3-2 REVISION

Priority: Undetermined

Legal Authority: 15 USC 78l Exchange Act

CFR Citation: 17 CFR 240.12g3-2

Abstract: This rule, adopted under Section 12(g)(3) of the Exchange Act, exempts certain foreign private issuers from the Commission's periodic reporting requirements if they furnish the Commission with copies of material made public in the country of domicile. The rule was initially designed to apply to foreign private issuers that had not voluntarily entered the U.S. capital markets. Changes in the structure of the over-the-counter markets, namely the advent of the NASDAQ quotation system, compel reconsideration of the rule because more foreign private issuers are now entering the U.S. capital markets by voluntarily listing their stocks on NASDAQ. One alternative being considered is making the exemptive provisions unavailable to issuers with securities quoted in NASDAQ. If it is retained or revised, the costs involved in compliance with the rule should be minimal because the rule relies solely on reports and documents required by foreign law or regulation.

Timetable:

Action	Date	FR Cite
NPRM	10/28/82	47 FR 50292
NPRM Comment Period Begin	10/28/82	
NPRM Comment Period End	03/11/83	

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Ronald Adee, Special Counsel, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, Washington, DC 20549, **202 272-3250**

RIN: 3235-AA02

●RULE 12H-3, PROPOSED SUSPENSION OF PERIODIC REPORTING OBLIGATIONS

Priority: Undetermined

Legal Authority: 15 USC 78l Exchange Act; 15 USC 78m Exchange Act; 15 USC 78o(d) Exchange Act; 15 USC 78w(a) Exchange Act

CFR Citation: 17 CFR 240.12h-3

Abstract: Proposed new Rule 12h-3 would immediately suspend the duty of an issuer to file periodic reports pursuant to Section 15(d) of the Exchange Act with respect to two classes of securities: (1) any class of securities held of record by less than 300 persons and issued by a person whose outstanding equity securities are substantially owned by a single parent; (2) any class of securities held of record by less than 300 persons, and issued by a person having no significant assets, for the sole purpose of forming a holding company. Alternatively, immediate suspension of Section 15(d) reporting is being considered for any class of securities held by less than 300 persons. Either version of the proposed rule would reduce costs to affected issuers by eliminating the need for periodic reports. There would be no cost burden to issuers.

Timetable:

Action	Date	FR Cite
NPRM	07/01/83	

Small Entity: Undetermined

Agency Contact: William E. Toomey, Special Counsel, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, **202 272-2573**

RIN: 3235-AA71

REGULATION 14A -- RULES RELATING TO PROXY CONTESTS

Priority: Undetermined

Legal Authority: 15 USC 78n(a) Exchange Act

CFR Citation: 17 CFR 240.14a-1 to 240.14a-12; 17 CFR 240.14a-101; 17 CFR 240.14a-102

Abstract: As part of its proxy review program, the Commission intends to review the rules governing proxy contests, which are contained in Regulation 14A, promulgated under Section 14(a) of the Exchange Act. Regulation 14A regulates the solicitation of proxies in regard to securities registered under Section 12 of the Exchange Act. In general, Regulation 14A specifies the information required to be disclosed to security holders to enable them to make informed decisions concerning authorization of proxies. This review focuses only on regulations concerning proxy contests. Rules 14a-3 through 14a-10 prescribe certain filing, dissemination and disclosure requirements with respect to all proxy solicitations, including proxy contests. Rule 14a-11 prescribes special requirements relating only to contested elections of directors. The number of proxy contests has risen in recent years and the rules relating to them have not been reexamined in some time. The Commission's goal in this review is to make sure that the rules pertaining to proxy contests still operate effectively in addressing this dynamic area, thus benefiting shareholders and issuers.

Timetable:

Action	Date	FR Cite
NPRM	09/30/83	

Small Entity: Undetermined

Agency Contact: William L. Larsen, Special Counsel, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, Washington, DC 20549, **202 272-2589**

RIN: 3235-AA03

FACILITATING SHAREHOLDER COMMUNICATIONS

Priority: Undetermined

Legal Authority: 15 USC 78l Exchange Act; 15 USC 78n Exchange Act; 15 USC 78q Exchange Act; 15 USC 78w(a) Exchange Act

CFR Citation: 17 CFR 240.14a-3(b); 17 CFR 240.14a-3(d); 17 CFR 240.14b-1; 17 CFR 240.17a-3

Abstract: The Commission established the Advisory Committee on Shareholder Communications in April 1981 for the purpose of exploring the possibilities for improving the process by which issuers communicate with the beneficial owner of securities registered in the name of a broker-dealer, bank or other nominee. The Committee met nine times between May 1981 and May 1982 and presented the Division of Corporation Finance with a Report in June 1982. The Committee's Report, "Improving Communications Between Issuers and Beneficial Owners of Nominee Held Securities", includes a number of recommendations for improving the existing proxy distribution process, improving the existing proxy voting process, improving dissemination of interim reports and other shareholder communications, and providing a means for issuers to identify beneficial owners. On December 2, 1982, the Commission published a release for public comment (Release No. 34-19291) setting forth proposed amendments to Rules 14a-3, 14h-l, and 17a-3 under the Exchange Act relating to the Advisory Committee's recommendations. The comment period expires March 11, 1983.

Timetable:

Action	Date	FR Cite
NPRM	12/02/82	47 FR 55491
NPRM Comment Period Begin	12/02/82	47 FR 55491
NPRM Comment Period End	03/11/83	
Final Action	07/31/83	

Small Entity: No

Agency Contact: **Eric E. Miller**, Attorney Advisor (Finance), Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, Washington, DC 20549, **202 272-2589**

RIN: 3235-AA04

●PROPOSED AMENDMENTS TO RULE 14A-8 RELATING TO SECURITY HOLDER PROPOSALS

Priority: Undetermined

Legal Authority: 15 USC 78n(a) Exchange Act; 15 USC 78w(a) Exchange Act

CFR Citation: 17 CFR 240.14a-8

Abstract: In connection with its Proxy Review Program, the Commission is reexamining the current regulatory framework governing the security holder proposal process. The Commission has published a release requesting public comment on a wide variety of issues relating to federal regulation of the security holder proposal process, including whether security holder access to the issuer's proxy statement should be provided under the Exchange Act or left to regulation under state law. The release also invites comments on three specific proposals for regulation of the security holder proposal process. Proposal I would retain the basic framework of the current rule, with certain revisions. Proposal II would permit the issuer, with the approval of its security holders, to vary the procedures specified in the Commission's security holder proposal rule. Proposal III reflects a view that security holders should have relatively unfettered access to the issuer's proxy statement and its limitations are less strict than the other proposals. The comment period on this proposed rulemaking ended February 24, 1983.

Timetable:

Action	Date	FR Cite
NPRM	10/14/82	47 FR 47420
NPRM Comment Period Begin	10/14/82	47 FR 47420
NPRM Comment Period End	02/24/83	

Next Action Undetermined

Small Entity: No

Agency Contact: **William E. Morley**, Deputy Chief Counsel, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, **202 272-2573**

RIN: 3235-AA49

●ADVISORY COMMITTEE ON TENDER OFFERS

Priority: Undetermined

Legal Authority: 5 USC App. I Federal Advisory Committee Act

CFR Citation: 17 CFR 240.14d-1 to 240.14d-101; 17 CFR 240.14e-1 to 240.14e-3

Abstract: The Advisory Committee is to conduct an extensive examination of the tender offer process and other techniques for acquiring control of public companies and recommend to the Commission any legislative and/or regulatory changes the Committee may consider necessary or appropriate to the current regulatory scheme. Issues that may be considered by the Advisory Committee include: (1) the economic implications of tender offers and other acquisition techniques on the economy in general and specifically with respect to bidders, subject companies, investors and the securities markets; (2) the need for, and the nature and objectives of, regulation of such activities; (3) the regulatory means to accomplish these objectives, weighing the costs against the benefits of such a regulatory response; and (4) possible recommendations to the Commission with respect to legislative and/or regulatory amendments to the current laws to effect such regulatory response.

Timetable:

Action	Date	FR Cite
NPRM	01/01/84	

Small Entity: Undetermined

Agency Contact: **Linda C. Quinn**, Associate Director - Legal, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, **202 272-2579**

RIN: 3235-AA50

INVESTMENT MANAGEMENT RULES

AMENDMENT TO RULE 180 -- EXEMPTION FROM REGISTRATION OF CERTAIN INTERESTS AND PARTICIPATIONS IN CERTAIN H.R. 10 PLANS

Priority: Undetermined

Legal Authority: 15 USC 77c(a)(2); 15 USC 77s(a)

CFR Citation: 17 CFR 230.180

Abstract: Rule 180 provides an exemption from the registration requirements of the Securities Act for interests and participations issued in connection with certain qualified H.R. 10 plans. In order for interests in funding media issued to plans established by financially inexperienced employers to qualify for the rule's exemption, the rule, as adopted, requires those employers to obtain financial advice from an independent expert prior to adopting the H.R. 10 plan. Among other things, the Commission is considering proposing an amendment to Rule 180 that would codify a present "no-action" position regarding the situation where a financially unsophisticated employer has already established a plan for its employees without obtaining advice from an independent expert, and intends either to change the funding medium or add another funding medium to the choices already available to employees. The issuer of the funding medium in such a case would be in compliance with the rule if the issuer has reasonable grounds to believe and, after having made reasonable inquiry, does believe, that an independent financial expert

reviewed the funding medium prior to the investment of the (cont)

Timetable:

Action	Date	FR Cite
NPRM	09/30/83	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: plan's assets in that funding medium. The type of amendment being considered would impose no additional compliance cost, and would increase the flexibility of existing plans and the number of investment choices available to participating employees.

Agency Contact: Elizabeth K. Norsworthy, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, DC 20549, **202 272-2048**

RIN: 3235-AA08

●RULE 482 UNDER THE SECURITIES ACT OF 1933, ADVERTISING BY AN INVESTMENT COMPANY AS SATISFYING REQUIREMENTS OF SECTION 10

Priority: Undetermined

Legal Authority: 15 USC 77j; 15 USC 77s(a); 15 USC 80a 37a

CFR Citation: 17 CFR 230.482; 17 CFR 239.15; 17 CFR 274.11

Abstract: Rule 482 currently permits investment companies to distribute prospectuses that omit information which is generally required in statutory prospectuses ("omitting prospectuses") to potential investors by using various forms of public media, but not direct mail solicitations. Rule 482 also permits money market funds to advertise their yields as determined in accordance with Item 17 of Form N-1. The Commission is considering amending Rule 482 to permit investment companies to mail omitting prospectuses directly to potential investors. The Commission is also considering amending Item 17 of Form N-1 (i) in order to modify the method by which money market funds calculate their yield for the purpose of eliminating the present bias in favor of those funds that pay dividends monthly and (ii) to permit money market funds to include a compound yield figure in their prospectuses and advertisements pursuant to Rule 482. In considering these amendments, the Commission considered establishing different advertising requirements for small investment companies, and exempting small investment companies from the restrictions on advertising, but has concluded that to reduce the (cont)

Timetable:

Action	Date	FR Cite
NPRM	03/01/83	

Small Entity: Yes

Additional Information: ABSTRACT CONT: requirements further would significantly impair investor protection and would be contrary to the disclosure policies of the 1933 and 1940 Acts.

Agency Contact: Gregory K. Todd, Esq., Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, D.C. 20549, **202 272-7317**

RIN: 3235-AA70

REGULATION E EXEMPTION FOR SECURITIES OF SMALL BUSINESS INVESTMENT COMPANIES

Priority: Undetermined

Legal Authority: 15 USC 77c(c) Securities Act; 15 USC 77s(a) Securities Act

CFR Citation: 17 CFR 230.601 to 230.610(a)

Abstract: Regulation E exempts from registration, subject to certain terms and conditions, securities issued by any small business investment company which is licensed as such (or has a license application pending) under the Small Business Investment Act of 1958 and registered under the Investment Company Act of 1940 ("Investment Company Act"). The Commission is considering amending Regulation E to further reduce the regulatory burden on small business investment company issuers. Any such amendments would generally have the effect of paralleling amendments made to Regulation A in September 1978 (see Securities Act Release No. 5977, September 11, 1978 (43 FR 41383, September 18, 1978)). No method currently exists to quantify the costs to the small business investment company industry of complying with an amended Regulation E. However, to the extent that any such amendments make Regulation E available to more issuers, the staff is of the opinion that the benefits of complying with amended Regulation E would far outweigh the costs to such issuers of registration under the Securities Act. With respect to the costs imposed on the Commission by virtue of Regulation E amendments, the (cont)

Timetable:

Action	Date	FR Cite
NPRM	10/31/83	

Small Entity: Yes

Additional Information: ABSTRACT CONT: staff believes that the costs associated with proposed Regulation E amendments would be negligible.

Agency Contact: Gregory K. Todd, Esq., Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, DC 20549, **202 272-7317**

RIN: 3235-AA09

PROPOSED FORM N-1A; PROPOSED RULE 404A; PROPOSED RULE 8B-11A

Priority: Undetermined

Legal Authority: 15 USC 80a-8; 15 USC 77g; 15 USC 77j

CFR Citation: 17 CFR 239.15; 17 CFR 274.11

Abstract: Proposed Form N-1A would replace Form N-1 as the registration statement under the Securities Act of 1933 ("1933 Act") and the Investment Company Act of 1940 for all open-end management investment companies other than registered separate accounts of insurance companies. Two companion provisions, proposed rules 404A and 8b-11A, have also been proposed to conform certain rules to the proposed Form N-1A format. Form N-1A would establish a two-part format for disclosure to prospective investors consisting of a simplified prospectus that could be used to satisfy the prospectus delivery requirements of the 1933 Act and a statement of additional information that would be available to prospective investors upon request and without charge. In addition, a third part of the registration statement would contain other information that is required to be in the registration statement, although not disclosed in the prospectus or available in the statement of additional information. Form N-1A has been proposed in order to shorten and simplify the prospectus provided to investors, while making available more extensive information to those who desire such information.(cont)

Timetable:

Action	Date	FR Cite
NPRM	12/27/82	48 FR 813
NPRM Comment Period Begin	12/27/82	
NPRM Comment Period End	04/18/83	

Next Action Undetermined

Small Entity: Yes

Additional Information: ABSTRACT CONT: Since the form would be required for all open-end management investment companies, it is expected to have a significant economic impact on a substantial number of small entities. There does not

currently exist a basis upon which to quantify the reduced costs and burdens of such action on those registrants affected. However, if adopted, Form N-1A is expected to reduce the cost of registration for both industry and government. Based on talks with industry representatives, it appears that the cost associated with preparing and mailing prospectuses may be reduced under the proposed format. Some representatives point out that this form will be shorter and lighter in weight. In addition, since the objective of the proposal is to remove unnecessary information from the prospectus, consistent always with the full and fair disclosure policy underlying the 1933 Act, we expect that the use of Form N-1A will ultimately result in a reduction of the staff time involved in reviewing these filings.

Agency Contact: Larry L. Greene, Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, DC 20549, 202 272-2115

RIN: 3235-AA10

●SIMPLIFICATION OF REGISTRATION STATEMENTS FILED BY UNIT INVESTMENT TRUSTS

Priority: Undetermined

Legal Authority: 15 USC 80a-8; 15 USC 77g; 15 USC 77j

CFR Citation: 17 CFR 239.16; 17 CFR 274.12

Abstract: Forms S-6 and N-8b-2 are the registration statement forms under the Securities Act of 1933 and the Investment Company Act of 1940, respectively, for unit investment trusts. Included within Form S-6 is the trust's prospectus used in offering securities to the public. A substantial amount of the information required by Form N-8b-2 is also required by Form S-6. Consequently, one goal of the Commission with regard to simplification of registration statements for unit investment trusts is the integration of the disclosure requirements of Forms S-6 and N-8b-2. The Commission also believes that current prospectuses for unit investment trusts have become too cumbersome for the average investor to understand and that current disclosure requirements result in the dissemination of much information that is not necessarily material to an investment decision. Simplification of prospectus requirements for unit investment trusts will, therefore, make disclosure easier for investors to understand and reduce the costs and burdens on those registrants affected. Since the action will apply to all unit investment trust registrants it is expected to have a significant economic impact on a (cont)

Timetable:

Action	Date	FR Cite
NPRM	09/30/83	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: substantial number of small entities. However, the contemplated amendments are still in the developmental stage and have not been formally proposed by the Commission. Thus, the extent of the simplification of unit investment trust prospectuses actually proposed and the attendant reductions in costs and burdens are as yet largely unknown, but are anticipated to be significant.

Agency Contact: Larry Greene, Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, D.C. 20549, 202 272-7320

RIN: 3235-AA47

●REVISION OF PROXY RULES

Priority: Undetermined

Legal Authority: 15 USC 78n; 15 USC 78w; 15 USC 80a-20; 15 USC 80a-37

CFR Citation: 17 CFR 240.14a-1 to 240.14a-102; 17 CFR 240.14b-1; 17 CFR 240.14c-1 to 240.14c-101; 17 CFR 270.20a-1; 17 CFR 270.20a-2; 17 CFR 270.20a-3

Abstract: Absent an exception, every solicitation of a proxy, authorization or consent in respect of any security with respect to which a registered investment company is the issuer, is subject to rules adopted pursuant to the Securities Exchange Act of 1934 and the Investment Company Act of 1940 concerning solicitations of proxies. Solicitations to which the rules apply may not commence unless each person solicited is furnished or has previously been furnished with a proxy statement containing specified information prepared in accordance with certain rules and the material has been filed with the Commission. The existing proxy rules were adopted in piecemeal fashion and have been the subject of frequent changes. This has led to certain duplicative and, in certain cases, complex requirements. To the extent that a proxy statement contains repetitive material or is overly complicated and difficult to read, it may not effectively perform its intended function of communicating meaningful information to security holders in order that they may make informed voting decisions. In order to update the proxy regulations and, in doing so, improve the (cont)

Timetable:

Action	Date	FR Cite
NPRM	09/30/83	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: readability of proxy statements and eliminate unnecessary disclosure costs, the Commission has commenced a comprehensive review of the proxy regulations as they relate to investment companies. There does not currently exist a basis upon which to quantify the reduced costs and burdens of such action on those registrants affected. Since the action will apply to all registered investment companies soliciting proxies, unless the solicitation is excepted, the Action is expected to have a significant impact on a substantial number of small entities. However, the contemplated revisions are still in the developmental stage and have not yet been formally proposed by the Commission. Thus, the extent of the revision actually proposed and the attendant reductions in costs and burdens are as yet largely unknown, but are anticipated to be significant.

Agency Contact: Larry Greene, Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, D.C. 20549, 202 272-7320

RIN: 3235-AA69

AMENDMENT OF RULE 2A-5 – CERTAIN PERSONS NOT DEEMED INTERESTED PERSONS

Priority: Undetermined

Legal Authority: 15 USC 80a-6(c) Investment Company Act; 15 USC 80a-37(a) Investment Company Act

CFR Citation: 17 CFR 270.2a-5

Abstract: The Commission is considering whether to propose an amendment to Rule 2a-5 under the Investment Company Act. Rule 2a-5 presently affords a narrow exemption from that part of Section 2(a)(19) of the Act which defines as an interested person of another person any broker or dealer registered under the Exchange Act or any affiliated person of such a broker or dealer. The Commission will consider rulemaking that would broaden that exemption while still providing protection to investors. This would benefit regulated investment companies by increasing the pool from which directors may be chosen without contravention of, inter alia, Section 10(a) of the Act which governs the composition of investment companies' boards of directors. The conditions set forth in the proposed rule will be those that the Commission believes

necessary to protect investors and implement the policies of the Act. A potential cost of the amendment under consideration would be a requirement that the board of directors of any affected investment company determine that such company would not be adversely affected by compliance with the amended rule's conditions; the time involved in such a (cont)

Timetable:

Action	Date	FR Cite
NPRM	06/30/83	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: determination may be viewed as a cost. It is believed, however, that these costs would be far outweighed by the benefits of the suggested amendment including alleviating the need for investment companies to formally apply for Commission exemptive orders in situations addressed by the rule. As is presently the case, investment companies would still be able to seek exemptive orders, notwithstanding the existence of a generic rule.

Agency Contact: Brian M. Kaplowitz, Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, DC 20549, **202 272-3027**

RIN: 3235-AA11

PROPOSED RULE 3A-4 -- INDIVIDUALIZED INVESTMENT MANAGEMENT SERVICES

Priority: Undetermined

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-37(a); Investment Company Act, Sec 6(c); Investment Company Act, Sec 38(a)

CFR Citation: 17 CFR 270.3a-4

Abstract: In Investment Company Act Release No. 11391 (October 10, 1980) (45 FR 69479) the Commission proposed for public comment Rule 3a-4, which would deem investment management services providing their clients with individualized treatment not to be investment companies for purposes of the Act. The rule provides a "safe harbor" for any investment manager providing its clients with treatment based on the needs and goals of each client. Under such circumstances, regulation of investment management services under the Act appears unnecessary. The proposed rule was intended to clarify the Commission's position on the question of "mini-accounts" by providing a safe harbor for certain investment management services and thereby provide some certainty to the public. The Commission does not expect any final action taken on the proposal to significantly affect the cost of providing investment management services. The public comment letters on the proposal have been reviewed and alternatives for final action are being formulated.

Timetable:

Action	Date	FR Cite
NPRM Comment Period Begin	10/10/80	
NPRM	10/21/80	45 FR 69479
NPRM Comment Period End	01/31/81	
Final Action	06/30/83	

Small Entity: Undetermined

Additional Information: NPRM is Release No. IC-11391 (10/10/80)

Agency Contact: Elizabeth K. Norsworthy, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, DC 20549, **202 272-2048**

RIN: 3235-AA12

AMENDMENT TO RULE 6C-1 -- EXEMPTION FOR SUBSIDIARIES ORGANIZED TO FINANCE THE OPERATIONS OF DOMESTIC OR FOREIGN COMPANIES

Priority: Undetermined

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-37(a); Investment Company Act, Sec 6(c); Investment Company Act, Sec 38(a)

CFR Citation: 17 CFR 270.6c-1

Abstract: In Investment Company Act Release No. IC-12679 (September 22, 1982) the Commission proposed for public comment a comprehensive revision of Rule 6c-1 under the Act. The recommended amendments would greatly expand Rule 6c-1 to exempt from all provisions of the Act certain finance subsidiaries of United States and foreign private issuers. An exemptive rule is the least burdensome method available to accomplish the proposed amendment's objectives. An unconditional exemption, however, would be inconsistent with the public interest standard set forth in Section 6(c) of the Act and therefore the Commission has proposed certain conditions it believes are necessary and appropriate to fulfill the statutory requirements. The proposed rule would reduce the compliance burden faced by covered finance subsidiaries by obviating the need for them to file exemptive applications. The application procedure, of course, would still be available notwithstanding the rule's existence.

Timetable:

Action	Date	FR Cite
NPRM	09/22/82	
NPRM Comment Period Begin	09/22/82	47 FR 42578
NPRM Comment Period End	11/05/82	
Final Action	06/30/83	

Small Entity: Undetermined

Additional Information: NPRM is Release No. IC-12679 (09/22/82)

Agency Contact: Jeffrey Puretz, Esq., Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, DC 20549, **202 272-8036**

RIN: 3235-AA13

PROPOSED RULES 11A-3 AND 11A-4 UNDER THE INVESTMENT COMPANY ACT

Priority: Undetermined

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-11(a); 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.11a-3; 17 CFR 270.11a-4

Abstract: The Commission is considering whether to propose a Rule 11a-3 and a Rule 11a-4 which would exempt certain persons from the requirements of Section 11(a) of the Investment Company Act. That section generally prohibits any registered open-end investment company and the principal underwriter of its shares from making an offer to a shareholder to exchange his security for another security on any basis other than the net asset values of the securities to be exchanged without approval of the Commission. Section 11(c) extends the prohibitions of Section 11(a) to offers of the securities of unit investment trusts. The Commission has issued numerous orders permitting open-end management companies and the principal underwriter(s) of their shares to make exchange offers on the basis of the relative net asset value of the securities being exchanged plus a sales load equal to the difference between the sales load which would otherwise be charged on the securities to be acquired and on the securities to be exchanged. The Commission has also issued orders permitting unit investment trusts and their sponsors to make offers of exchange based on the relative net asset (cont)

Timetable:

Action	Date	FR Cite
NPRM	09/30/83	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: value of the respective securities plus a fixed fee to cover expenses. The proposed rules would codify such orders (Rule 11a-3 for management companies; Rule 11a-4 for unit investment trusts) thereby eliminating the cost for small companies of preparing applications seeking the orders. Thus, the proposed rules would have a beneficial economic impact on such companies. The proposed rules would contain several conditions to assure the protection of investors. Any such conditions would be included in the rule in order to adequately protect investors against the abuses addressed by Section 11.

Agency Contact: Elizabeth K. Norsworthy, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, DC 20549, 202 272-2048

RIN: 3235-AA14

PROPOSED AMENDMENT TO RULE 17G-1 UNDER THE INVESTMENT COMPANY ACT

Priority: Undetermined

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-17(g); 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.17g-1

Abstract: The Commission is considering whether to adopt an amendment to Rule 17g-1 under the Investment Company Act. The amendment was proposed for public comment in Investment Company Act Release No. 11193 (June 2, 1980) (45 FR 38407). Rule 17g-1 requires every registered investment company to provide and maintain a bond against larceny and embezzlement covering officers and employees of the company. In some circumstances, the officers and employees of a company's depositor, trustee, investment adviser or other manager and various affiliates of such persons, because they have access to the company's assets, function as officers and employees of the investment company. The proposed amendment to the rule would clarify the scope of the rule by explicitly requiring the bonding of such persons. The principal cost associated with this rule would be the cost of a bond. That cost would vary according to the persons required to be bonded by the rule. In this regard, before adopting any amendment to the rule, the Commission will carefully consider what persons should be bonded to protect investors adequately, weighing the benefits of the protection against the cost of a bond.

Timetable:

Action	Date	FR Cite
NPRM	06/02/80	45 FR 38407
NPRM Comment Period Begin	06/02/80	45 FR 38407
NPRM Comment Period End	07/18/80	
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Arthur E. Dimerman, Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, DC 20549, 202 272-3021

RIN: 3235-AA16

RULE 17J-1 UNDER THE INVESTMENT COMPANY ACT OF 1940

Priority: Undetermined

Legal Authority: 15 USC 80a-17(j); 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.17j-1

Abstract: Rule 17j-1 requires every access person of a registered investment company, or of an investment adviser of or principal underwriter for the investment company to report to the investment company certain of his securities transactions. The Commission is considering whether to propose an amendment to this rule which would reduce the reporting requirement for investment company directors who are interested persons with respect to the investment company by reason of their affiliation with a registered broker-dealer. Members of the industry have characterized these reporting requirements as unnecessarily burdensome in some instances. Any such rule amendment would have the effect of lessening the reporting requirements currently imposed by the rule. As a result, the staff believes that the costs, which should be insignificant, of complying with any amendment would be significantly less than the benefits it would provide.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Forrest R. Foss, Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, D.C. 20549, 202 272-2147

RIN: 3235-AA68

PROPOSED RULE 22D-6 UNDER THE INVESTMENT COMPANY ACT

Priority: Undetermined

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.22d-6

Abstract: The Commission is considering whether to propose a Rule 22d-6, which would exempt certain persons from the provisions of Section 22(d) of the Investment Company Act. That section generally requires that redeemable securities issued by investment companies be sold to the public only at a current public offering price described in the prospectus. In recent years, investment companies have requested an increasingly greater number of orders of exemption from the section. The costs to companies filing such requests and to the Commission processing them have been substantial. The proposed rule, which would permit an investment company and its underwriters to decide to vary the price of securities being offered (including allowing dealers to negotiate the sales loads) without first obtaining Commission approval, would benefit companies by eliminating this cost. This benefit would probably be greater for small companies than for large companies for whom such an expense is less in proportion to assets. The proposed rule would permit greater competition in the pricing of investment company shares. That competition may have a significant impact on small (cont)

Timetable:

Action	Date	FR Cite
NPRM	03/30/83	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: companies and broker-dealers, although the nature and degree of that impact are impossible to determine at this time. Any assessment of benefit or cost to small entities from price competition would be complicated by the complexities of the market in which investment company shares are sold. That market is constantly influenced by changes in the economy, interest rates and investor attitudes. While alternatives to the proposed rule might contain fewer provisions, conditions included in the proposed rule will be those that the Commission believes necessary to satisfy the statutory test set forth in Section 6(c) of the Act that "such exemption (be) necessary or appropriate in the public interest and consistent with the protection of investors and the purpose fairly intended by the policy and provisions of the Act". The proposed rule could have codified past orders of exemption from Section 22(d) and

not have permitted negotiated sales loads, but that alternative would have limited the flexibility and freedom of investment companies to compete in today's market against issuers of other investment products.

Agency Contact: Jeffrey Puretz, Esq., Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, DC 20549, **202 272-3036**

RIN: 3235-AA17

●RULE 202-1 UNDER THE INVESTMENT ADVISERS ACT OF 1940, EXCLUSION OF CERTAIN PERSONS WHO OFFER INVESTMENT ADVICE TO THEIR EMPLOYER-SPONSORED EMPLOYEE BENEFIT PLANS

Priority: Undetermined

Legal Authority: 15 USC 80b-11(a)

CFR Citation: 17 CFR 275.202-1

Abstract: Rule 202-1 generally excludes from the Advisers Act definition of investment adviser persons whose only advisory activities consist of providing investment advice to an employee benefit plan, as defined in ERISA, sponsored by their employer. The rule was adopted primarily to preclude such persons from voluntarily registering under the Advisers Act and thereby qualifying as "investment managers" under ERISA. The Commission will consider whether it is necessary to retain the rule or whether it can be rescinded. The costs and benefits of rescinding the rule cannot be estimated at this time; however, any costs to persons subject to the rule would be minimal in that rescinding the rule would permit but generally not require their registration under the Advisers Act.

Timetable:

Action	Date	FR Cite
NPRM	05/15/83	

Small Entity: No

Agency Contact: Arthur E. Dinerman, Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, D.C. 20549, **202 272-3021**

RIN: 3235-AA46

RULE 204-2 UNDER INVESTMENT ADVISERS ACT OF 1940 ("ADVISER'S ACT") – BOOKS AND RECORDS TO BE MAINTAINED BY INVESTMENT ADVISERS

Priority: Undetermined

Legal Authority: 15 USC 80b-4 Advisers Act; 15 USC 80b-11 Advisers Act

CFR Citation: 17 CFR 275.204-2

Abstract: The rule requires a registered investment adviser to make and keep true, accurate, and current certain books and records relating to its investment advisory business. Such records enable the Commission's examination personnel to review the investment adviser's activities to determine whether they are fulfilling their responsibilities to their clients and complying with the relevant provisions of the Federal securities laws and the rules thereunder. Inasmuch as most investment advisers, as a matter of sound business practice, are likely to maintain books and records substantially similar to those required by the rule, the incremental costs of compliance are minimal. However, the rule is being reviewed to determine whether there are any unnecessary provisions which can be deleted or unduly complex provisions which can be simplified. These revisions, which are the product of the first comprehensive review the rule has received since it was adopted in 1962, would also reflect changes in the nature of the investment advisory business since adoption of the rule and the experience of the Commission's staff in conducting its inspection program. The revisions are (cont)

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Additional Information: ADDITIONAL AGENCY CONTACT: Mary S. Champagne (see Agency Contact heading for address and phone) ABSTRACT CONT: intended to reduce the already minimal incremental costs an investment adviser incurs in complying with the rule. The revisions are intended to result in recordkeeping rules which are easier to comply with and which permit the Commission's staff to conduct inspections of investment advisers more quickly and efficiently. Those recordkeeping requirements remaining in the rule will be those the Commission believes necessary for the protection of investors.

Agency Contact: Arthur E. Dinerman, Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, DC 20549, **202 272-3021**

RIN: 3235-AA18

●PROPOSED RULE 205-3 UNDER THE INVESTMENT ADVISERS ACT OF 1940

Priority: Undetermined

Legal Authority: 15 USC 80b-6a

CFR Citation: 17 CFR 275.205-3

Abstract: Section 205 prohibits, with certain limited exceptions, registered investment advisers from being compensated on the basis of a share of capital gains upon, or capital appreciation of, the funds or any portion of the funds of a client. The Commission is considering proposing a rule which would allow investment advisers to receive performance-based advisory fees under certain circumstances. Any such rule would have the effect of allowing advisers greater flexibility in structuring their compensation arrangement than is now permitted. Because of this, the staff is of the opinion that the benefits of complying with proposed rule would far outweigh the costs. The staff believes that any costs associated with compliance would be insignificant.

Timetable:

Action	Date	FR Cite
NPRM	07/31/83	

Small Entity: Undetermined

Agency Contact: Forrest R. Foss, Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, D.C. 20549, **202 272-2147**

RIN: 3235-AA65

●RULES 206(3)-2 UNDER THE INVESTMENT ADVISERS ACT OF 1940

Priority: Undetermined

Legal Authority: 15 USC 80b-6(4); 15 USC 80b-11(a)

CFR Citation: 17 CFR 275.206(3)-2

Abstract: The Commission is considering whether to propose an amendment to Rule 206(3)-2 under the Investment Advisers Act of 1940. The rule provides a non-exclusive method for compliance with Section 206(3) of the Advisers Act in connection with agency cross transactions for an advisory client by persons who might be considered to be acting in a conflict of interest in violation of their fiduciary duties to the client. The rule requires that the transaction be affected pursuant to a written consent effective for a period not to exceed one year and executed by the advisory client after full written disclosure that the investment adviser and/or an affiliated broker-dealer are acting as agent for and receiving commissions from both parties and, accordingly, have a conflicting division of loyalties and responsibilities. The Commission is considering, whether the requirement for annual written consent can be eliminated consistent with investor protection. The Commission is considering, among other things, the costs imposed by the rule on investment advisers relating to the need for

securing annual written consent from the client, and the related benefits to the client and would expect that (cont)

Timetable:

Action	Date	FR Cite
NPRM	06/30/83	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: any such amendment to the rule would have the effect of reducing the cost of compliance with the rule by investment advisers.

Agency Contact: Arthur E. Dinerman, Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, D.C. 20549, **202 272-3021**

RIN: 3235-AA41

●UTILIZING PRIVATE ENTITIES IN INVESTMENT COMPANY EXAMINATIONS AND IMPOSING EXAMINATION FEES

Priority: Undetermined

Legal Authority: 15 USC 80a-30; 15 USC 80a-31; 15 USC 80a-37

Abstract: The Commission is considering the concept of utilizing private entities in investment company examinations and imposing inspection fees, in order to supplement the Commission's investment company examination program. In light of the dramatic growth which has occurred in the investment company industry in recent years and the budgetary constraints under which the Commission operates, the Commission is considering what alternatives may be available to ensure that investment company examinations continue to be conducted with sufficient regularity. In an ANPRM the Commission requested comment on a number of alternatives: (1) authorization of the creation of one or more self-regulatory organizations to conduct routine periodic examinations of investment companies; (2) use of investment company independent auditors to conduct certain additional procedures as a substitute for similar procedures now performed by Commission examiners during examinations; (3) some combination of these alternatives; and (4) collection of fees from investment companies to cover part or all of the cost of investment (cont)

Timetable:

Action	Date	FR Cite
ANPRM	02/23/83	48 FR 8485
ANPRM Comment Period Begin	02/23/83	48 FR 8485
ANPRM Comment Period End	05/24/83	
Next Action Undetermined		

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: company examinations. It is not possible at this time to estimate the benefits and costs associated with the use of private entities in the examination program. The Commission specifically requests commentators on the ANPRM to address these issues to the extent they are able to do so. The approximate cost to the Commission of conducting an investment company examination is $4500. See Investment Company Act Release No. 13044 (Feb. 23, 1983) for ANPRM.

Agency Contact: Mary S. Champagne, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, D.C. 20549, **202 272-2079**

RIN: 3235-AA42

●MUTUAL FUND GOVERNANCE

Priority: Undetermined

Legal Authority: 15 USC 80a-16(c); 15 USC 80a-35; 15 USC 80a-6(c)

Abstract: On December 10, 1982, the Commission issued an advance concept release (Investment Company Act Release No. 12888) soliciting public comment on whether the Commission should propose rules or recommend legislation which would provide for an alternative form of mutual fund governance. Specifically, this release requests comment on whether mutual funds should be exempted from shareholder voting and/or director requirements under the Investment Company Act of 1940 (the "Act") and, if so, whether conditions could be fashioned which would adequately insure against loss of investor protection. Although such changes might be effected through rulemaking, the Commission has indicated that, in its preliminary judgment, changes of this magnitude should be effected through legislative rather than administrative action. Since the costs and benefits of providing for an alternative scheme of mutual fund governance cannot be estimated at the present time, the release solicits specific comment on the costs and benefits which would result from such changes...(cont)

Timetable:

Action	Date	FR Cite
ANPRM	12/10/82	
ANPRM Comment Period Begin	12/10/82	47 FR 56509
Ext'n of comment period to 4/18/83	02/07/83	48 FR 6354
ANPRM Comment Period End	03/10/83	
Next Action Undetermined		

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: Extension of comment period until April 18, 1983 was announced in Investment Company Act Release No. 13012 (February 7, 1983).

Agency Contact: Elizabeth K. Norsworthy, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, D.C. 20549, **202 272-2048**

RIN: 3235-AA44

SECURITIES MARKETS AND SECURITIES INDUSTRY RULES

RULE 10B-10 – CONFIRMATION OF TRANSACTIONS

Priority: Undetermined

Legal Authority: 15 USC 78c Exchange Act; 15 USC 78j Exchange Act; 15 USC 78k Exchange Act; 15 USC 78o Exchange Act; 15 USC 78q Exchange Act; 15 USC 78w Exchange Act

CFR Citation: 17 CFR 240.10b-10

Abstract: The Commission proposed an amendment to the confirmation rule, Rule 10b-10, that would permit broker-dealers to send one monthly statement for certain transactions in "account management plans", instead of individual confirmations. Accordingly, customers would continue to have the benefit of essential account information, but at a significantly reduced cost to the broker-dealer. In addition, the Commission proposed an amendment to Rule 10b-10 to require yield and call disclosure that is intended to assure that investors receive important information in connection with debt securities transactions. Alternative forms of disclosure suggested by the securities industry were considered. Yield disclosure may require some new compliance procedures for preparing confirmations, but that impact will be substantially reduced by current compliance with similar Municipal Securities Rulemaking Board rules. The Commission will consider public comment on the proposed amendments, including comments on the impact on small entities, in connection with consideration of whether to adopt the amendments.

Timetable:

Action	Date	FR Cite
NPRM Comment Period Begin	08/20/82	
NPRM	08/27/82	47 FR 37920
NPRM Comment Period End	11/01/82	
Final Action	06/30/83	

SEC

Current and Projected Rulemakings

Small Entity: No

Additional Information: NPRM is Release No. 34-18988 (08/20/82)

Agency Contact: Ardith Eymann, Chief Counsel, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, Washington, DC 20549, **202 272-2844**

RIN: 3235-AA05

●PROPOSED RULE 11A-1

Priority: Undetermined

Legal Authority: 15 USC 78b Exchange Act; 15 USC 78c Exchange Act; 15 USC 78f Exchange Act; 15 USC 78i Exchange Act; 15 USC 78j Exchange Act; 15 USC 78k Exchange Act; 15 USC 78k-1 Exchange Act; 15 USC 78o Exchange Act; 15 USC 78o-3 Exchange Act; 15 USC 78q Exchange Act; 15 USC 78w Exchange Act

CFR Citation: 17 CFR 240.11A-1

Abstract: In connection with the partial removal of exchange off-board trading restrictions through Rule 19c-3, the Commission has proposed a revised rule, Rule 11A-1, to address order exposure concerns. Proposed Rule 11A-1 would require exchange and over-the-counter market makers in Rule 19c-3 securities, prior to executing an order as principal, to hold the order out for 30 seconds, thereby allowing other market makers to compete for that order. Alternatively, the proposed rule would permit the market maker to compete for orders by maintaining competitive quotations in the National Association of Securities Dealers' Computer Assisted Execution System or the Cincinnati Stock Exchange's National Securities Trading System, and routing orders to those systems. The proposed rule also contains a number of specific exceptions to order exposure requirements. The Commission will consider public comment on the impact of the proposed rule on small broker-dealers in connection with its final rulemaking.

Timetable:

Action	Date	FR Cite
NPRM Comment Period Begin	12/23/82	
NPRM	12/30/82	47 FR 58287
NPRM Comment Period End	03/01/83	

Small Entity: Undetermined

Additional Information: In proposing Rule 11A-1, the Commission withdrew proposed Rules 11A-1(A) and (B) which were proposed in Securities Exchange Act Release No. 18738 (May 13, 1982) 43 FR 22376.

Agency Contact: William W. Uchimoto, Staff Attorney, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, N.W., Washington, D.C. 20549, **202 272-2409**

RIN: 3235-AA39

PROPOSED RULE 15B7-1 -- MINIMUM QUALIFICATION STANDARDS FOR NON-MEMBER BROKER-DEALERS AND ASSOCIATED PERSONS

Priority: Undetermined

Legal Authority: 15 USC 78o(b)(7) Exchange Act; 15 USC 78q Exchange Act; 15 USC 78w Exchange Act

CFR Citation: 17 CFR 240.15b7-1

Abstract: Associated persons of SECO broker-dealers are currently subject to examination and filing requirements under Rule 15b8-1. Under the proposal, Rule 15b7-1 would replace Rule 15b8-1 and upgrade the qualification standards applicable to SECO broker-dealers to parallel those of the NASD. The Commission considered exempting small broker-dealers from the rule, but instead modified the proposal to lessen the requirements applicable to small entities. The proposed examination fee would be approximately $40 and the filing fee would be $50. There are also costs involved in preparing for the examination and filling out the form. The benefits to the public are difficult to quantify. Qualification examinations help ensure that new entrants to the securities business understand the securities laws and are aware of their obligations to their customers. The benefits of the filing requirement include better surveillance of the activities of SECO broker-dealers.

Timetable:

Action	Date	FR Cite
NPRM Comment Period Begin	05/04/82	
NPRM	05/14/82	47 FR 20783
NPRM Comment Period End	07/01/82	

Next Action Undetermined

Small Entity: Yes

Additional Information: NPRM is Release No. 34-18710 (05/04/82). Legislation pending which affects the Commission's next rulemaking.

Agency Contact: Kathleen McGann, Senior Special Counsel, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, Washington, DC 20549, **202 272-2403**

RIN: 3235-AA07

●SECURITIES EXCHANGE ACT RULE 15C2-11 INITIATION AND RESUMPTION OF QUOTATIONS WITHOUT SPECIFIED INFORMATION

Priority: Undetermined

Legal Authority: 15 USC 78c Exchange Act; 15 USC 78j Exchange Act; 15 USC 78o Exchange Act; 15 USC 78q Exchange Act; 15 USC 78w Exchange Act

CFR Citation: 17 CFR 240.15c2-11

Abstract: Rule 15c2-11 regulates the publication and submission of over-the-counter quotations by brokers and dealers. For several reasons, the Rule, as currently drafted and administered, does not ensure that brokers and dealers will be precluded from furnishing arbitrary quotations for certain over-the-counter securities in a variety of situations. Accordingly, the staff intends to recommend that the Commission propose for comment several amendments to the Rule as well as review compliance practices respecting certain of the Rule's provisions. Publication of the proposed amendments will also provide an opportunity for a public review of Rule 15c2-11 to determine whether it achieves its objectives at a reasonable cost. In that connection, the staff will recommend that the Commission also solicit comment on whether there is any continuing need for the Rule and whether the Commission should rescind it rather than adopt the proposed amendments.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: John B. Manning, Jr., Assistant Director, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, N.W., Washington, D.C. 20549, **202 272-2874**

RIN: 3235-AA48

ACCOUNTING RULES

●OIL AND GAS PRODUCERS--FULL COST ACCOUNTING PRACTICES

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77j; 15 USC 77s(a); 15 USC 78l; 15

USC 78m; 15 USC 78n; 15 USC 78o(d); 15 USC 78w; 15 USC 79e; 15 USC 79n; 15 USC 79t; 42 USC 6383

CFR Citation: 17 CFR 210.4-10(i)(3)(ii); 17 CFR 210.4-10(i)(6)(i) and (iii)

Abstract: In December 1982, the Commission published for comment amendments to its rules for application of the full cost method of accounting by oil and gas producers. The proposed amendments should clarify the criteria for, and, thereby, narrow the diversity of practice in the amortization of capitalized costs and the recognition of gain or loss on transfers of oil and gas producing properties. The current diversity has created a serious lack of comparability between financial statements of companies that are using the same basic method of accounting. One alternative approach would permit exclusion from the amortization base of all unevaluated costs in a cost center; the other would require inclusion in the amortization base of a normal inventory of unevaluated costs. Commentators were invited to discuss other approaches. Although the proposed amendments would result in no additional costs from a recordkeeping or data collection standpoint, they may have a significant impact on a registrant's reported net income. Whether that book income impact could affect a registrant's competitive or capital raising position is undetermined.

Timetable:

Action	Date	FR Cite
NPRM	12/21/82	47 FR 58281
NPRM Comment Period Begin	12/21/82	
NPRM Comment Period End	04/30/83	
Final Action	11/30/83	

Small Entity: Undetermined

Agency Contact: John W. Albert, Staff Accountant, Securities and Exchange Commission, Office of the Chief Accountant, 450 5th Street, NW, Washington, DC 20549, **202 272-2130**

RIN: 3235-AA45

SECURITIES AND EXCHANGE COMMISSION (SEC) — Existing Regulations Under Review

ACCOUNTING RULES

●SEPARATE AND PRO FORMA FINANCIAL STATEMENTS

Priority: Undetermined

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77j; 15 USC 77s(a); 15 USC 78l; 15 USC 78m; 15 USC 78n; 15 USC 78o(d); 15 USC 78w; 15 USC 79e; 15 USC 79n; 15 USC 79t; 15 USC 80a-8; 15 USC 80a-20; 15 USC 80a-37a; ...

CFR Citation: 17 CFR 210.1-02(v); 17 CFR 210.1-02(aa); 17 CFR 210.3-05; 17 CFR 210.3-09; 17 CFR 210.3-10(a); 17 CFR 210.4-08(e); 17 CFR 210.5-04(Schedule III); 17 CFR 210.12-04; 17 CFR 210.11-01 and 11-03

Abstract: These rules relate to the requirements for (1) financial statements of businesses acquired; (2) pro forma financial statements; (3) supplementary financial disclosures of subsidiaries, investees accounted for under the equity method, guarantors of debt and parent company; and (4) separate financial statements of affiliated companies and additional footnote disclosures and schedule information in other situations. These financial statements or disclosures are required to provide investors with additional, useful financial information in the specified situations.

Timetable:

Action	Date	FR Cite
End Review	12/31/83	

Small Entity: Undetermined

Agency Contact: John W. Albert, Staff Accountant, Securities and Exchange Commission, Office of the Chief Accountant, 450 5th Street, NW, Washington, DC 20549, **202 272-2130**

RIN: 3235-AA64

●QUALIFICATIONS OF ACCOUNTANTS

Priority: Undetermined

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77j; 15 USC 77s(a); 15 USC 78m; 15 USC 78n; 15 USC 78(w); 15 USC 79e; 15 USC 79n; 15 USC 79t; 15 USC 80a-8; 15 USC 80a-29; 15 USC 80a-30; 15 USC 80a-37(a); 15 USC 78l; ...

CFR Citation: 17 CFR 210.2-01

Abstract: Rule 2-01 states the basic qualifications of accountants who practice before the Commission and the general meaning of the requirement that such accountants be independent. The rule provides guidance to registrants required to file financial statements that have been audited by independent accountants and assures that the accountants are entitled to practice accounting and are independent. The rule does not impose any costs on registrants.

Timetable:

Action	Date	FR Cite
End Review	10/31/83	

Small Entity: Yes

Agency Contact: Clarence Staubs, Assistant Chief Accountant, Securities and Exchange Commission, Office of the Chief Accountant, 450 5th Street, NW, Washington, D.C. 20549, **202 272-2130**

RIN: 3235-AA43

FINANCIAL STATEMENT REQUIREMENTS FOR BANK HOLDING COMPANIES

Priority: Undetermined

Legal Authority: 15 USC 77g Securities Act; 15 USC 77h Securities Act; 15 USC 77s(a) Securities Act; 15 USC 78l Exchange Act; 15 USC 78m Exchange Act; 15 USC 78o(d) Exchange Act; 15 USC 78w Exchange Act

CFR Citation: 17 CFR 210.9-01 to 210.9-05

Abstract: Article 9 of Regulation S-X is intended to assure a degree of uniformity in the presentation of financial statements by bank holding companies that file with the Commission. In Securities Act Release No. 6417 (July 9, 1982) (47 FR 22158), the Commission proposed to revise Article 9 in connection with its efforts to integrate and update its rules and eliminate rules which are duplicative of generally accepted accounting principles.

Timetable:

Action	Date	FR Cite
NPRM	07/26/82	47 FR 32158
NPRM Comment Period Begin	07/26/82	
NPRM Comment Period End	09/30/82	
Final Action	03/31/83	
End Review	04/30/83	

Small Entity: Undetermined

Additional Information: NPRM is Release No. 33-6417 (07/09/82) ADDITIONAL AGENCY CONTACT: Edmund Coulson (see Agency Contact heading for address and phone)

Agency Contact: Marc D. Oken, Securities and Exchange Commission, Office of the

SEC

Existing Regulations Under Review

Chief Accountant, 450 5th Street, Washington, DC 20549, **202 272-2130**

RIN: 3235-AA22

DISCLOSURE RULES

REGULATION 14A – SOLICITATION OF PROXIES

Priority: Undetermined

Legal Authority: 15 USC 78n(a) Exchange Act; 15 USC 78w(a) Exchange Act

CFR Citation: 17 CFR 240.14a-1 to 240.14a-12; 17 CFR 240.14a-101; 17 CFR 240.14a-102

Abstract: Regulation 14A specifies the information required to be disclosed to security holders to enable them to make informed decisions concerning authorization of proxies. Regulation 14A consists of twelve rules and Schedules 14A and 14B. These provisions contain requirements regarding disclosures in, and dissemination and filing of, proxy solicitations with respect to a security registered pursuant to Section 12 of the Exchange Act, opposition solicitations with respect to the election of directors and annual reports to security holders accompanying or preceding a proxy solicitation with respect to a security registered pursuant to Section 12 of the Exchange Act. This regulation is being reviewed in conjunction with the Commission's examination of its proxy rules and will encompass any provisions not specifically covered in other related proxy review projects. The review will attempt to identify ineffective or outmoded rules and, as appropriate, rescind or replace such rules with alternatives designed to maximize shareholder protection while minimizing burdens on registrants.

Timetable:

Action	Date	FR Cite
End Review	03/31/83	
NPRM	09/30/83	

Small Entity: Undetermined

Agency Contact: William L. Larsen, Special Counsel, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, Washington, DC 20549, **202 272-2589**

RIN: 3235-AA23

REGULATION 14C – DISTRIBUTION OF INFORMATION PURSUANT TO SECTION 14(C)

Priority: Undetermined

Legal Authority: 15 USC 78n(a) Exchange Act; 15 USC 78w(a) Exchange Act

CFR Citation: 17 CFR 240.14c-1 to 240.14c-7; 17 CFR 240.14c-101

Abstract: Regulation 14C consists of seven rules and Schedule 14C, which contain requirements as to the dissemination, content and filing of information statements in connection with annual or other meetings of holders of securities registered pursuant to Section 12 of the Exchange Act and annual reports to security holders accompanying or preceding such information statements. The Rules are intended to enable security holders to make informed voting decisions in any matters to be acted upon at annual or other meetings in those situations where proxies are not being solicited. This regulation is being reviewed in conjunction with the Commission's examination of its proxy rules. The review will attempt to identify ineffective or outmoded rules and, as appropriate, rescind or replace such rules with alternatives designed to maximize shareholder protection while minimizing burdens on issuers. The review also will update rules where necessary to accord with changes in state law.

Timetable:

Action	Date	FR Cite
End Review	03/31/83	
NPRM	09/30/83	

Small Entity: Undetermined

Agency Contact: William L. Larsen, Special Counsel, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, Washington, DC 20549, **202 272-2589**

RIN: 3235-AA24

SECURITIES MARKETS AND SECURITIES INDUSTRY RULES

●RULE 3A12-1–EXEMPTION OF CERTAIN MORTGAGES AND INTERESTS IN MORTGAGES

Priority: Undetermined

Legal Authority: 15 USC 78c Exchange Act; 15 USC 78w Exchange Act

CFR Citation: 17 CFR 240.3a12-1

Abstract: Rule 3a12-1 provides that mortgages and interests in mortgages (as defined in Section 302(d) of the Emergency Home Finance Act of 1970) sold by the Federal Home Loan Mortgage Corporation ("FHLMC") will become "exempt securities" under Section 3(a)(12) of the Securities Exchange Act of 1934. The principal impact of the rule is that broker-dealers dealing solely in these mortgages and other exempt securities will not be subject to the registration, net capital and other provisions of the Exchange Act which, by their terms, are not applicable to "exempt securities." The Commission is at the initial stages of its review of this rule. Consequently, potential alternatives to the rule, as well as other costs and benefits, have yet to be determined.

Timetable:

Action	Date	FR Cite
Begin Review	03/01/83	
End Review	12/31/83	

Small Entity: Undetermined

Agency Contact: Ardith Eymann, Chief Counsel, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, N.W., Washington, D.C. 20549, **202 272-2844**

RIN: 3235-AA40

●SECURITIES EXCHANGE ACT RULE 3A12-2–EXEMPTION OF CERTAIN SECURITIES, THE INCOME ON WHICH IS SUBSTANTIALLY GUARANTEED BY STATES OR POLITICAL SUBDIVISIONS THEREOF

Priority: Undetermined

Legal Authority: 15 USC 78c Exchange Act; 15 USC 78w Exchange Act

CFR Citation: 17 CFR 240.3a12-2

Abstract: Rule 3a12-2 provides that a security, the income of which is guaranteed by a state or political subdivision thereof and the business of which is managed by a state or political subdivision thereof, shall be an "exempt security" under Section 3(a)(12) of the Securities Exchange Act of 1934. This rule was adopted to permit exchange trading to continue, without registration under the Exchange Act, in a security such as the common stock of the Boston Elevated Railway Company, where the annual dividend was guaranteed by the Commonwealth of Massachusetts and the company was managed by trustees appointed by the Commonwealth. The Commission is at the initial stages of its review of Rule 3a12-2. Consequently, potential alternatives to the rule, as well as their costs and benefits, have yet to be determined.

Timetable:

Action	Date	FR Cite
Begin Review	03/01/83	
End Review	12/31/83	

Small Entity: Undetermined

Agency Contact: Ardith Eymann, Chief Counsel, Securities and Exchange Commission, Division of Market Regulation, 450 Fifth

Street, N.W., Washington, D.C. 20549, 202 272-2844

RIN: 3235-AA57

●RULE 3A12-4—EXEMPTIONS FROM SECTIONS 15(A) AND 15(C)(3) FOR CERTAIN WHOLE MORTGAGES

Priority: Undetermined

Legal Authority: 15 USC 78c(a)(12) Exchange Act; 15 USC 78o(a) Exchange Act; 15 USC 78w(a) Exchange Act

CFR Citation: 17 CFR 240:3a12-4

Abstract: Rule 3a12-4 exempts broker-dealers dealing solely in certain mortgage securities from the registration provisions of Section 15(a) and from regulation of their financial responsibility under Section 15(1)(3). The Commission is at the initial stages of its review of this rule. Consequently, potential alternatives to the rule, as well as their costs and benefits, have yet to be considered.

Timetable:

Action	Date	FR Cite
Begin Review	03/01/83	
End Review	12/31/83	

Small Entity: Undetermined

Agency Contact: Ardith Eymann, Chief Counsel, Securities and Exchange Commission, Division of Market Regulation, 450 Fifth Street, N.W., Washington, D.C. 20549, 202 272-2844

RIN: 3235-AA58

●SECURITIES EXCHANGE ACT RULE 8C-1: HYPOTHECATION OF CUSTOMERS' SECURITIES

Priority: Undetermined

Legal Authority: 15 USC 78h(c) Exchange Act; 15 USC 78c(b) Exchange Act; 15 USC 78w(a) Exchange Act

CFR Citation: 17 CFR 240.8c-1

Abstract: Rule 8c-1 was adopted in 1940 and was designed to work in tandem with Rule 15c2-1 to achieve the Congressional mandate of safeguarding customer securities by prohibiting broker-dealers from pledging securities of customers as collateral to finance its own trading, speculative or underwriting ventures. The rule, in essence, sets out three basic principles regarding the use of customer securities: First, a broker-dealer may not commingle securities of different customers as collateral for a loan without the written consent of each customer. Second, a broker-dealer may not commingle customer securities with non-customer securities under the same pledge. Finally, a broker-dealer may not pledge customer securities for more than customers owe him. Rule 8c-1 applies only to broker-dealers which transact a business in securities through members of a national securities exchange, while Rule 15c2-1 applies to broker-dealers which do a securities business in the over-the-counter market. The staff has undertaken a comprehensive review of Rule 8c-1 and 15c2-1 to determine whether the prohibitions regarding the use of customers securities (cont)

Timetable:

Action	Date	FR Cite
Begin Review	03/01/83	
End Review	12/31/83	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: are necessary in light of the protection afforded by the customer protection rule, Rule 15c3-3. Accordingly, alternatives to the rule, as well as their costs and benefits, will be considered as the staff completes its review of the rules.

Agency Contact: Michael Macchiaroli, Branch Chief, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2372

RIN: 3235-AA59

●RULE 15A-12—EXEMPTION OF CERTAIN SECURITIES OF CO-OPERATIVE APARTMENT HOUSES FROM SECTION 15(A)

Priority: Undetermined

Legal Authority: 15 USC 78c(a)(12) Exchange Act; 15 USC 78o(a) Exchange Act; 15 USC 78w(a) Exchange Act

CFR Citation: 17 CFR 240.15a-2

Abstract: Rule 15a-2 exempts shares of co-operative corporations which represent ownership, or a right to possession and occupancy, of specific apartment units from the operation of Section 15(a) of the Securities Exchange Act of 1934, as long as such shares are sold by a real estate broker licensed under the laws of the political subdivision in which the property is located. Section 15(a) would normally require registration of persons effecting such transactions. The Commission is at the initial stages of its review of this rule. Consequently, potential alternatives to the rule, as well as their costs and benefits, have yet to be considered.

Timetable:

Action	Date	FR Cite
Begin Review	03/01/83	
End Review	12/31/83	

Small Entity: Undetermined

Agency Contact: Ardith Eymann, Chief Counsel, Securities and Exchange Commission, Division of Market Regulations, 450 Fifth Street, N.W., Washington, D.C. 20549, 202 272-2844

RIN: 3235-AA60

●SECURITIES EXCHANGE ACT RULE 15A-4; FORTY-FIVE DAY EXEMPTION FROM REGISTRATION FOR CERTAIN MEMBERS OF NATIONAL SECURITIES EXCHANGES

Priority: Undetermined

Legal Authority: 15 USC 78o Exchange Act

CFR Citation: 17 CFR 240.15a-4

Abstract: Rule 15a-4 provides a temporary exemption from the Exchange Act broker-dealer registration requirements for a member of a national exchange who becomes disassociated from a registered broker-dealer and who has filed a Form BD. The exemption permits the exchange member to continue with the written consent of the exchange submitted to the Commission with Form BD to transact business on the floor of the exchange prior to the time that an order granting such registration as a broker-dealer has been issued by the Commission. Such exemption is not available to any person while there is pending before the Commission any proceeding pursuant to Section 15(b)(1)(B) involving such person. The Commission is at the initial stages of its review of this rule. Consequently, potential alternatives to the rule, as well as their costs and benefits, have yet to be considered.

Timetable:

Action	Date	FR Cite
Begin Review	03/01/83	
End Review	12/31/83	

Small Entity: Undetermined

Agency Contact: Ardith Eymann, Chief Counsel, Securities and Exchange Commission, Division of Market Regulation, 450 Fifth Street, N.W., Washington, D.C. 20549, 202 272-2844

RIN: 3235-AA61

●SECURITIES EXCHANGE ACT RULE 15A-5; EXEMPTION OF CERTAIN NON-BANK LENDERS

Priority: Undetermined

SEC

Existing Regulations Under Review

Legal Authority: 15 USC 78o; 15 USC 78w

CFR Citation: 17 CFR 240.15a-5

Abstract: Rule 15a-5 provides an exemption from the Exchange Act broker-dealer registration requirements for certain lenders participating in the Small Business Administration's (SBA) guaranteed loan program provided that their securities activities requiring such registration are limited to making such loans and selling the guaranteed portion. The rule permits a financial institution participating in the SBA loan program to sell the guaranteed portion of a note evidencing such indebtedness provided that the sale is made through or to a broker or dealer registered with the Commission. Rule 15a-5 is intended to facilitate participation by qualified lending institutions in the SBA's guaranteed loan program by exempting such institutions from regulatory requirements under the Exchange Act which are not necessary and appropriate for the protection of investors. The Commission is at the initial stages of its review of this rule. Consequently, potential alternatives to the rule, as well as their costs and benefits, have yet to be considered.

Timetable:

Action	Date	FR Cite
Begin Review	03/01/83	
End Review	12/31/83	

Small Entity: Undetermined

Agency Contact: **Ardith Eymann**, Chief Counsel, Securities and Exchange Commission, Division of Market Regulation, 450 Fifth Street, N.W., Washington, D.C. 20549, **202 272-2844**

RIN: 3235-AA62

●SECURITIES EXCHANGE ACT RULE 15C2-1: HYPOTHECATION OF CUSTOMERS' SECURITIES

Priority: Undetermined

Legal Authority: 15 USC 78h(c) Exchange Act; 15 USC 78c(b) Exchange Act; 15 USC 78w(a) Exchange Act

CFR Citation: 17 CFR 240.15c2-1

Abstract: Rule 15c2-1, adopted in 1940, was designed to work in tandem with Rule 8c-1 to achieve the Congressional mandate of safeguarding customer securities by prohibiting broker-dealers from pledging securities of customers as collateral to finance its own trading, speculative or underwriting ventures. The rule, in essence, sets out three basic principles regarding the use of customer securities: First, a broker-dealer may not commingle securities of different customers as collateral for a loan without the written consent of each customer. Second, a broker-dealer may not commingle customer securities with non-customer securities under the same pledge. Finally, a broker-dealer may not pledge customer securities for more than customers owe him. Rule 8c-1 applies only to broker-dealers which transact business in securities through members of a national securities exchange, while Rule 15c2-1 applies to broker-dealers which do a securities business in the over-the-counter market. The staff has undertaken a comprehensive review of Rule 8c-1 and 15c2-1 to determine whether the prohibitionsregarding the use of customers securities are necessary in light of the protection afforded by the(cont)

Timetable:

Action	Date	FR Cite
Begin Review	03/01/83	
End Review	12/31/83	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: customer protection rule. Rule 15c3-3. Accordingly, alternatives to the rule, as well as their costs and benefits, will be considered.

Agency Contact: **Michael Macchiaroli**, Branch Chief, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, N.W., Washington, D.C. 20549, **202 272-2372**

RIN: 3235-AA63

●SECURITIES EXCHANGE ACT RULE 15C3-2: USE OF CUSTOMER FREE-CREDIT BALANCES

Priority: Undetermined

Legal Authority: 15 USC 78o(c)(3) Exchange Act; 15 USC 78q Exchange Act; 15 USC 78w Exchange Act

CFR Citation: 17 CFR 240.15c3-2

Abstract: Rule 15c3-2 prohibits a broker-dealer from using customer free credit balances in his business unless the customer has been given notice at least once every calendar quarter informing him of the amount due and that (1) such funds are not segregated; (2) such funds may be used in the operations of the broker-dealer's business; and (3) such funds are payable on demand. The Commission has a longstanding proposal to amend Rule 15c3-2 to require broker-dealers to send customers at least once during every calendar quarter, a statement of account reflecting money balances and securities positions as of the date of the statement. This information will enable customers to verify most of the activity in their accounts and serves as a check for any error made on the broker-dealers' books and records. The Commission received several comments expressing concerns regarding the proposal. In light of these comments, the staff is presently considering whether to re-propose for public comment amendments to Rule 15c3-2.

Timetable:

Action	Date	FR Cite
Begin Review	03/01/83	
End Review	12/31/83	

Small Entity: Undetermined

Agency Contact: **Michael A. Macchiaroli**, Branch Chief, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, N.W., Washington, D.C. 20549, **202 272-2372**

RIN: 3235-AA66

●SECURITIES EXCHANGE ACT RULE 15C3-3: CUSTOMER PROTECTION RESERVES AND CUSTODY OF SECURITIES

Priority: Undetermined

Legal Authority: 15 USC 78o(c)(3) Exchange Act; 15 USC 78q Exchange Act; 15 USC 78w Exchange Act

CFR Citation: 17 CFR 240.15c3-3

Abstract: Rule 15c3-3 was adopted in 1972 to furnish protection for customer funds and securities. The rule, in essence, requires the broker-dealer to perform the following tasks: First, the broker-dealer must obtain and maintain possession or control of all fully paid or excess margin securities held for the account of customers. Second, the rule requires the broker-dealer to make a weekly computation (in some cases a monthly computation) to determine how much money it is holding which is either customer money or money obtained from the permissible use of customer securities (formula credits). From that amount, the broker-dealer subtracts the amount of money it is owed by customers or by other broker-dealers because of customer transactions (formula debits). If the credits exceed the debits, the broker-dealer must deposit the excess by Tuesday morning in a Special Bank Account. If the debits exceed the credits, no deposit is required. Thus, the rule prevents a broker-dealer from using customer monies to finance its business. The staff has recently initiated a comprehensive review of Rule 15c3-3. Accordingly, alternatives to the rule, as well as their costs and (cont)

Timetable:

Action	Date	FR Cite
Begin Review	03/01/83	
End Review	12/31/83	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: benefits, will be considered as the staff completes its review of the rule.

Agency Contact: Michael A. Macchiaroli, Branch Chief, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, N.W., Washington, D.C. 20549, **202 272-2372**

RIN: 3235-AA67

SECURITIES AND EXCHANGE COMMISSION (SEC) — Completed Actions

COMPLETED RULEMAKINGS

PROPOSED RULE 17A-9 UNDER THE INVESTMENT COMPANY ACT

Priority: Undetermined

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-17(b); 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.17a-9

Abstract: The Commission is considering whether to propose a Rule 17a-9 which would exempt certain persons from the requirements of Section 17(a) of the Investment Company Act. That section, in pertinent part, prohibits any affiliate of an investment company, or any affiliate of such a person, from selling a security to such company unless the sale has been approved by the Commission. Section 2(a)(3) of the Act defines an affiliate of an investment company to include any person that owns directly or indirectly 5% or more of the company's securities and any person acting as the company's investment adviser. In some situations, a bank, as trustee, may own 5% or more of the securities of a mutual fund or money market fund. In other cases, a bank may act as investment adviser for or have some other association with one or several of, but not all, the funds in a complex. In either of these situations, Section 17(a) would prohibit the affiliated bank from selling certificates of deposit or other investments issued by it to the fund or to a sister fund unless the Commission has issued an order under Section 17(b) of the Act permitting the transaction. It has been suggested that these situations (cont)

Timetable:

Action	Date	FR Cite
Review ended; action contemplated	02/01/83	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: may occur more frequently and that it is possible to devise a rule to permit the sale of such securities under conditions designed to assure that the statutory standards of Section 17(b) of the Act are met. The Commission is considering the suggestion but has not yet determined whether it is necessary and appropriate for it to propose a rule. If it were to propose such an exemptive rule, the rule would eliminate the cost of seeking exemptive relief through the preparation and filing of applications. It is not known at this time what, if any, compliance requirements would be contained in the rule, or what cost might be incurred as a result of complying with such requirements. Any compliance requirements ultimately proposed would be those the Commission believes necessary to protect investors and implement the policies of the Act.

Agency Contact: Elizabeth K. Norsworthy, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, DC 20549, **202 272-2048**

RIN: 3235-AA15

RULES 6A-1 AND 6A-2 – FORM OF APPLICATION AND AMENDMENTS AND ANNUAL AMENDMENTS TO REGISTRATION OR EXEMPTION STATEMENTS OF EXCHANGES

Priority: Undetermined

Legal Authority: 15 USC 78e Exchange Act; 15 USC 78f Exchange Act; 15 USC 78q Exchange Act; 15 USC 78w Exchange Act

CFR Citation: 17 CFR 240.6a-1; 17 CFR 240.6a-2

Abstract: Rule 6a-1 requires an applicant for registration as a national securities exchange, or for exemption from registration, to file Form 1 with the Commission. Rule 6a-1 also requires an exchange to correct any inaccurate statements on Form 1 by filing Form 1-A. Rule 6a-2 requires each registered or exempted exchange to update its statement by filing an annual amendment. The Commission has proposed amending Rule 6a-2 and Forms 1 and 1-A to reflect changes in the regulatory scheme and technological advances. The proposed amendments would eliminate unnecessary and duplicative reporting requirements. The amendments also would require audited financial statements regarding the exchange and its affiliates and subsidiaries. The Commission is presently reviewing public comments on the proposed amendments. The Commission will weigh the potential financial burden on the exchanges imposed by the audited financial reports requirement against the potential benefit to the Commission's oversight program before taking final action on the proposed amendments. Rule review completed 02/03/83.

Timetable:

Action	Date	FR Cite
NPRM	06/25/82	
NPRM Comment Period Begin	06/25/82	
NPRM Comment Period End	09/04/82	
Final Action	04/15/83	

Small Entity: No

Additional Information: Release No. 34-18843 (6/25/82)

Agency Contact: Alden S. Adkins, Attorney, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, Washington, DC 20549, **202 272-2418**

RIN: 3235-AA36

PROPOSED RULES 11A-1(A) AND (B)

Legal Authority: 15 USC 78b Exchange Act; 15 USC 78c Exchange Act; 15 USC 78f Exchange Act; 15 USC 78i Exchange Act; 15 USC 78k Exchange Act; 15 USC 78k-1 Exchange Act; 15 USC 78o Exchange Act; 15 USC 78o-3 Exchange Act; 15 USC 78q Exchange Act; 15 USC 78w Exchange Act

CFR Citation: 17 CFR 240.11A-1(A); 17 CFR 240.11A-1(B)

Abstract: In connection with the partial removal of exchange off-board trading restrictions through Rule 19c-3, the Commission has proposed three alternatives to address order exposure problems or "internalization." The first alternative would defer action until internalization caused demonstrable harm. The second alternative, proposed Rule 11A-1(A), would require over-the-counter market makers in Rule 19c-3 securities, prior to executing an order as principal, to hold the order out for a period of time, thereby allowing other market makers to compete for that order. Alternatively, this proposed rule would permit the market maker to compete for orders by maintaining competitive quotations in the Computer Assisted Execution System ("CAES"), and routing orders to CAES. The third alternative, proposed Rule 11A-1(B) would extend the requirements to all market makers in Rule 19c-3 securities. The Commission will consider public comment on the impact of

the proposed rules on small broker-dealers in connection with its final rulemaking. Replaced with RIN 3235-aa39.

Timetable:

Action	Date	FR Cite
NPRM Comment Period Begin	05/13/82	
NPRM	05/24/82	47 FR 22376
NPRM Comment Period End	07/23/82	
Withdrawn	12/23/82	47 FR 58287

Small Entity: Yes

Additional Information: NPRM is Release No. 34-18738 (05/13/82)

Agency Contact: William W. Uchimoto, Staff Attorney, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, Washington, DC 20549, **202 272-2409**

RIN: 3235-AA06

COMPLETED REVIEWS

SUPPLEMENTAL DISCLOSURES OF OIL AND GAS PRODUCING ACTIVITIES

Priority: Undetermined

Legal Authority: 15 USC 77g Securities Act; 15 USC 77h Securities Act; 15 USC 77s(a)Securities Act; 15 USC 78l Exchange Act; 15 USC 78m Exchange Act; 15 USC 78o(d) Exchange Act; 15 USC 78(u) Exchange Act; 42 USC 6383 Energy Policy and Conservation Act of 1975

CFR Citation: 17 CFR 210.4-10(k)

Abstract: Rule 4-10(k) of Regulation S-X requires supplemental disclosures about the value of oil and gas reserves. In Securities Act Release No. 6412 (June 24, 1982) (47 FR 28684) the Commission proposed amendments to this rule to require compliance with the provisions of a statement of financial accounting standards which the Commission expects will be issued by the Financial Accounting Standards Board during the fall, 1982.

Timetable:

Action	Date	FR Cite
NPRM	06/24/82	47 FR 28684
NPRM Comment Period Begin	06/24/82	
NPRM Comment Period End	08/31/82	
Final Action	12/15/82	47 FR 57911
End Review	02/11/83	

Small Entity: Undetermined

Additional Information: NPRM is Release No. 33-6412 (06/24/82)

Agency Contact: M. Elizabeth Rader, Professional Accounting Fellow, Securities and Exchange Commission, Office of the Chief Accountant, 450 5th Street, Washington, DC 20549, **202 272-2130**

RIN: 3235-AA21

FINANCIAL STATEMENT REQUIREMENTS FOR REGISTERED INVESTMENT COMPANIES

Priority: Undetermined

Legal Authority: 15 USC 77g Securities Act; 15 USC 77h Securities Act; 15 USC 77s(a) Securities Act; 15 USC 78l Exchange Act; 15 USC 78m Exchange Act; 15 USC 78o(d) Exchange Act; 15 USC 78w Exchange Act; 15 USC 80a-8 Investment Company Act; 15 USC 80a-29(d) Investment Company Act; 15 USC 80a-30(c) Investment Company Act; 15 USC 80a-37(a) Investment Company Act

CFR Citation: 17 CFR 210.6-01 to 210.6-34; 17 CFR 210.12-13; 17 CFR 210.12-19; 17 CFR 210.12-20

Abstract: Article 6 of Regulation S-X is intended to assure a degree of uniformity in the presentation of financial statements and schedules to those financial statements by registered investment companies. Article 6 is being reviewed as a part of the evaluation of amendments to Article 6 announced in Securities Act Release No. 6374 (January 11, 1982) (47 FR 2776) that were proposed to revise that article to (1) eliminate rules which are duplicative of generally accepted accounting principles, (2) effect changes which recognize current industry practices, and (3) integrate and simplify the rules to improve financial reporting.

Timetable:

Action	Date	FR Cite
NPRM	01/11/82	47 FR 2776
NPRM Comment Period Begin	01/11/82	
NPRM Comment Period End	04/30/82	
Final Action	12/06/82	47 FR 56835
End Review	01/05/83	

Small Entity: Undetermined

Additional Information: NPRM is Release No. 33-6374 (01/11/82)

Agency Contact: Clarence Staubs, Assistant Chief Accountant, Securities and Exchange Commission, Office of the Chief Accountant, 450 5th Street, Washington, DC 20549, **202 272-2130**

RIN: 3235-AA20

FINANCIAL STATEMENT REQUIREMENTS FOR INSURANCE COMPANIES

Priority: Undetermined

Legal Authority: 15 USC 77g Securities Act; 15 USC 77h Securities Act; 15 USC 77s(a) Securities Act; 15 USC 78l Exchange Act; 15 USC 78m Exchange Act; 15 USC 78o(d) Exchange Act; 15 USC 78w Exchange Act

CFR Citation: 17 CFR 210.7-01 to 210.7-05; 17 CFR 210.11-15; 17 CFR 210.12-16; 17 CFR 210.12-17

Abstract: Uniform accounting and financial statement rules are needed to facilitate the financial analysis of alternative investments. Regulation S-X contains these rules of the Commission. Article 7 of Regulation S-X is intended to assure a degree of uniformity in the presentation of financial statements and schedules to those financial statements by insurance companies that file with the Commission.

Small Entity: Undetermined

Agency Contact: M. Elizabeth Rader, Professional Accounting Fellow, Securities and Exchange Commission, Office of the Chief Accountant, 450 5th Street, Washington, DC 20549, **202 272-2130**

RIN: 3235-AA19

RULE 206(4)-2 UNDER THE INVESTMENT ADVISERS ACT OF 1940 ("ADVISERS ACT")

Priority: Undetermined

Legal Authority: 15 USC 80b-6 Advisers Act; 15 USC 80b-11 Advisers Act

CFR Citation: 17 CFR 275.206(4)-2

Abstract: The rule requires investment advisers who have custody or possession of the funds or securities of any client to follow certain practices and procedures as to those funds or securities. The purpose of the rule is to assure the safety of clients' assets which are in the possession of their investment adviser. One alternative to the rule might be to require those investment advisers who have custody or possession of clients' funds or securities to purchase a suitable bond. The staff has not yet determined the costs related to this alternative approach. Final action 4/2/62 (27 FR 2149).

Timetable:

Action	Date	FR Cite
End Review	02/08/83	

Small Entity: No

Agency Contact: Arthur E. Dinerman, Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, DC 20549, **202 272-3021**

RIN: 3235-AA38

SEC

Completed Actions

RULE 6A-3 – SUPPLEMENTAL MATERIAL

Priority: Undetermined

Legal Authority: 15 USC 78e Exchange Act; 15 USC 78f Exchange Act; 15 USC 78q Exchange Act; 15 USC 78w Exchange Act

CFR Citation: 17 CFR 240.6a-3

Abstract: Rule 6a-3 requires each registered or exempted exchange to supplement its application and annual amendment by filing the following three types of information with the Commission: (a) notification of any action taken by the exchange which renders its application or annual statements inaccurate; (b) copies of any material which the exchange issues or makes generally available to members of the exchange; and (c) monthly reports concerning the securities activity on the exchange for that month. The information filed pursuant to Rule 6a-3 is designed to enable the Commission to carry out its statutorily mandated oversight functions and to assure that exchanges continue to be in compliance with the Act. The Commission is in the initial stages of its review of this rule. Accordingly, alternatives to the rule, as well as their costs and benefits, have not yet been considered.

Timetable:

Action	Date	FR Cite
End Review	01/31/83	

Small Entity: No

Agency Contact: **Alden S. Adkins**, Attorney, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, Washington, DC 20549, **202 272-2418**

RIN: 3235–AA37

SECURITIES EXCHANGE ACT RULE 10B-6 – DISTRIBUTIONS THROUGH RIGHTS

Priority: Undetermined

Legal Authority: 15 USC 78c Exchange Act; 15 USC 78i(a)(6) Exchange Act; 15 USC 78j(b) Exchange Act; 15 USC 78l(a) Exchange Act

CFR Citation: 17 CFR 240.10b-6

Abstract: Rule 10b-6 applies to any person participating in a distribution of securities being offered through rights issued on a pro-rata basis to holders of a security. In order to prevent manipulative or deceptive acts and practices, its provisions regulate the price at which a participant in the distribution may sell the underlying security, and the conditions under which and the prices at which bids for and purchases of rights may be made. The staff is currently reviewing comprehensive proposed amendments to another rule within its jurisdiction, Rule 10b-6. In view of the extensive amount of staff time and resources devoted to the proposed revisions to Rule 10b-6 and in view of the potential impact such revisions may have on Rule 10b-8, comprehensive review of Rule 10b-8 must be temporarily postponed. Accordingly, alternatives to the rule, as well as their costs and benefits, will be considered at a later date.

Timetable:

Action	Date	FR Cite
End Review	02/18/83	

Small Entity: No

Agency Contact: **John B. Manning, Jr.**, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, Washington, DC 20549, **202 272-2874**

RIN: 3235–AA33

RULE 15B1-1 – APPLICATION FOR REGISTRATION OF BROKER OR DEALER

Priority: Undetermined

Legal Authority: 15 USC 78o(b) Exchange Act; 15 USC 78q(a) Exchange Act; 15 USC 78w(a) Exchange Act

CFR Citation: 17 CFR 240.15b1-1; 17 CFR 249.501; 17 CFR 249.510

Abstract: Rule 15b1-1 provides that an application for registration as a broker or dealer must be filed on Form BD. The information required to be disclosed on Form BD is necessary for the Commission to determine whether registration as a broker or dealer should be granted and to furnish information to public investors. The Commission is at the initial stages of its review of this rule and has not arrived at its final conclusions or recommendations with respect to this rule. Accordingly, it remains to be considered what the potential costs and benefits of any recommended changes will be, as well as possible alternatives.

Timetable:

Action	Date	FR Cite
End Review	02/18/83	

Small Entity: No

Agency Contact: **Ardith Eymann**, Chief Counsel, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, Washington, DC 20549, **202 272-2844**

RIN: 3235–AA25

RULE 15B1-3 – REGISTRATION OF SUCCESSOR TO REGISTERED BROKER OR DEALER

Priority: Undetermined

Legal Authority: 15 USC 78o(b) Exchange Act; 15 USC 78w(a) Exchange Act

CFR Citation: 17 CFR 240.15b1-3

Abstract: Rule 15b1-3 permits an unregistered broker-dealer who succeeds to the business of an existing registered broker-dealer to continue the business of its predecessor for 75 days if an application for registration is filed within 30 days of the date of succession. Without the rule, the successor could not continue the business of its predecessor until the successor's registration as a broker-dealer had been approved by the Commission. The Commission is at the initial stages of its review of this rule. Consequently, any alternatives, as well as their potential costs and benefits, have yet to be considered.

Timetable:

Action	Date	FR Cite
End Review	02/18/83	

Small Entity: No

Agency Contact: **Ardith Eymann**, Chief Counsel, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, Washington, DC 20549, **202 272-2844**

RIN: 3235–AA26

RULE 15B1-4 – REGISTRATION OF FIDUCIARIES

Priority: Undetermined

Legal Authority: 15 USC 78o(b)(2)(A) Exchange Act; 15 USC 78w(a) Exchange Act

CFR Citation: 17 CFR 240.15b1-4

Abstract: Rule 15b1-4 permits a court appointed or qualified fidiciary who succeeds to the business of a registered broker-dealer to assume responsibility immediately for the operation of the broker-dealer's business if the fiduciary files a statement with the Commission within 30 days of the date he assumes his duties. Without the rule, the fiduciary could not assume operational responsibility for the broker-dealer until his registration with the Commission has become effective. The Commission is at the initial stages of its review of this rule. Accordingly, possible alternatives to the rule, as well as potential costs and benefits of any recommended changes, have yet to be considered.

Timetable:

Action	Date	FR Cite
End Review	02/18/83	

Small Entity: No

Agency Contact: **Ardith Eymann**, Chief Counsel, Securities and Exchange Commis-

sion, Division of Market Regulation, 450 5th Street, Washington, DC 20549, **202 272-2844**

RIN: 3235-AA27

RULE 15B1-5--CONSENT TO SERVICE OF PROCESS TO BE FURNISHED BY NONRESIDENT BROKERS OR DEALERS AND BY NONRESIDENT GENERAL PARTNERS OR MANAGING AGENTS OF BROKERS AND DEALERS

Priority: Undetermined

Legal Authority: 15 USC 78o(b) Exchange Act; 15 USC 78w(a) Exchange Act

CFR Citation: 17 CFR 240.15h1-5; 17 CFR 249.507; 17 CFR 249.508; 17 CFR 249.509; 17 CFR 249.510

Abstract: The rule requires non-resident broker-dealers to submit forms stating that they consent to service of process with respect to causes of action arising under the federal securities laws and irrevocably give a power of attorney designating the Commission as the non-resident's agent for service of process. This consent is necessary to assure that the Commission, the investing public, and members of the securities industry are able to obtain service on such non-residents. The Commission is at the initial stages of its review of this rule. Consequently, any potential alternatives, as well as their costs and benefits, have yet to be considered.

Timetable:

Action	Date	FR Cite
End Review	02/18/83	

Small Entity: No

Agency Contact: **Ardith Eymann**, Chief Counsel, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, Washington, DC 20549, **202 272-2844**

RIN: 3235-AA28

RULE 15B2-1 -- ADOPTION OF APPLICATION FILED BY PREDECESSOR

Priority: Undetermined

Legal Authority: 15 USC 78o(b)(2)(A) Exchange Act; 15 USC 78w(a) Exchange Act

CFR Citation: 17 CFR 240.15b2-1

Abstract: Rule 15b2-1 permits an application for registration as a broker-dealer to be filed on behalf of a corporation or partnership (the "successor") by a predecessor and permits the successor to adopt that application as its own, thereby facilitating registration and reducing the paperwork associated with registering successor brokerage firms. The Commission is at the initial stages of its review of this rule. Consequently, potential alternatives to the rule, as well as their costs and benefits, have yet to be considered.

Timetable:

Action	Date	FR Cite
End Review	02/18/83	

Small Entity: No

Agency Contact: **Ardith Eymann**, Chief Counsel, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, Washington, DC 20549, **202 272-2844**

RIN: 3235-AA29

RULE 15B3-1 -- AMENDMENTS TO APPLICATION

Priority: Undetermined

Legal Authority: 15 USC 78o(b) Exchange Act; 15 USC 78w(a) Exchange Act

CFR Citation: 17 CFR 240.15b3-1; 17 CFR 249.501

Abstract: Amendments to Form BD are needed in order to maintain the accuracy of the broker-dealer application. Form BD provides general information about the broker-dealer which is useful for the Commission and public investors. The Commission is at the initial stages of its review of this rule. Consequently, potential alternatives, as well as their costs and benefits, have yet to be considered.

Timetable:

Action	Date	FR Cite
End Review	02/18/83	

Small Entity: No

Agency Contact: **Ardith Eymann**, Chief Counsel, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, Washington, DC 20549, **202 272-2844**

RIN: 3235-AA30

RULE 15B5-1 -- EXTENSION OF REGISTRATION FOR PURPOSES OF THE SECURITIES INVESTOR PROTECTION ACT OF 1970 AFTER CANCELLATION OR REVOCATION

Priority: Undetermined

Legal Authority: 15 USC 78o(b) Exchange Act; 15 USC 78w(a) Exchange Act

CFR Citation: 17 CFR 240.15b5-1

Abstract: This rule extends the effective date of the cancellation or revocation of a broker's or dealer's registration for six months for purposes of applying certain sections of the SIPA to customer claims arising prior to the date of revocation or cancellation. The rule is necessary to allow SIPC to protect customers for six months beyond the effective date of cancellation or revocation. The Commission is at the initial stages of its review of this rule. Consequently, potential alternatives, as well as their costs and benefits, have yet to be considered.

Timetable:

Action	Date	FR Cite
End Review	02/18/83	

Small Entity: No

Agency Contact: **Ardith Eymann**, Chief Counsel, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, Washington, DC 20549, **202 272-2844**

RIN: 3235-AA32

RULE 15B6-1 -- WITHDRAWAL FROM REGISTRATION

Priority: Undetermined

Legal Authority: 15 USC 78o(b) Exchange Act; 15 USC 78w(a) Exchange Act

CFR Citation: 17 CFR 240.15b6-1; 17 CFR 249.501a

Abstract: This rule addresses the situation in which a broker or dealer wishes to withdraw its registration under the Exchange Act. Form BDW is needed to determine whether it is in the public interest to permit a broker or dealer to withdraw its registration and thus no longer be subject to regulation by the Commission, and to provide certain information to the public. The Commission is at the initial stages of its review of this rule. Consequently, potential alternatives, as well as their costs and benefits, have yet to be considered.

Timetable:

Action	Date	FR Cite
End Review	02/18/83	

Small Entity: No

Agency Contact: **Ardith Eymann**, Chief Counsel, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, Washington, DC 20549, **202 272-2844**

RIN: 3235-AA31

RULE 15B8-1 -- QUALIFICATION AND FEES RELATING TO BROKERS AND DEALERS WHO ARE NOT MEMBERS OF A NATIONAL SECURITIES ASSOCIATION

Priority: Undetermined

Legal Authority: 15 USC 78o(b)(7) Exchange Act; 15 USC 78q Exchange Act; 15 USC 78w Exchange Act

CFR Citation: 17 CFR 240.15b8-1

SEC

Completed Actions

Abstract: Rule 15b8-1 requires all persons associated with SECO broker-dealers to pass qualification examinations before engaging in securities activities and requires all SECO broker-dealers to file a Form U-4 for each associated person before that person engages in securities activities and to file a list on or before July 31 of each year of persons who have ceased to be associated with the firm. The rule was adopted in response to a Congressional directive to establish standards of competence for SECO broker-dealers. The Commission is considering rescinding Rule 15b8-1 and replacing it with Rule 15b7-1, which was proposed in May 1982. Securities Exchange Act Release No. 18710, 47 FR 20783 (May 14, 1982). Proposed Rule 15b7-1, would still, however, maintain the examination and filing requirements contained in Rule 15b8-1. Alternatives to qualification examinations include the establishment of standards of training or experience. The Commission believes, however, that those standards would involve more regulation and be more anticompetitive than the establishment of examination standards.

Timetable:

Action	Date	FR Cite
End Review	02/18/83	

Small Entity: Yes

Agency Contact: Dean Shahinian, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, Washington, DC 20549, **202 272-2388**

RIN: 3235-AA35

RULE 17F-2 -- FINGERPRINTING OF SECURITIES INDUSTRY PERSONNEL

Priority: Undetermined

Legal Authority: 15 USC 78q(a) Exchange Act; 15 USC 78q(b) Exchange Act; 15 USC 78w(a) Exchange Act

CFR Citation: 17 CFR 240.17f-2

Abstract: Rule 17f-2 requires that securities professionals be fingerprinted. This requirement serves (1) to identify security risk personnel; (2) to allow all employers to make fully informed employment decisions; and (3) to deter possible wrongdoers from seeking employment in the securities industry. The Commission has proposed for comment amendments to Rule 17f-2 designed to simplify (1) the procedure to claim certain exemptions from the fingerprinting requirement; and (2) the maintenance and storage of records required to be kept under Rule 17f-2. Securities Exchange Act Release No. 18645 (April 14, 1982). These amendments, if adopted, will save the securities industry approximately $100,000 annually.

Timetable:

Action	Date	FR Cite
End Review	02/18/83	

Small Entity: No

Agency Contact: Ester Saverson, Jr., Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, Washington, DC 20549, **202 272-2374**

RIN: 3235-AA34

ACTIONS THAT STARTED AND ENDED BETWEEN ISSUES OF THE UNIFIED AGENDA

●AMENDMENT TO INVESTMENT ADVISER REGISTRATION AND REPORTING REQUIREMENTS

Priority: Undetermined

Legal Authority: 15 USC 80b-3; 15 USC 80b-4; 15 USC 80b-6(4); 15 USC 80b-11(a)

CFR Citation: 17 CFR 279.1

Abstract: Regulation 279.1 sets forth the requirement that Form ADV shall be used as an application for registration as an investment adviser and for amendments to such application. The form provides a uniform format for disclosure of the material facts relating to the investment adviser to both the Commission and the public. On May 14, 1982, the Commission adopted on a temporary basis until March 31, 1983 certain amendments which deleted several items from Form ADV because the items, although useful to the Commission in its understanding of the investment advisory industry, were not sufficiently important to justify their continuation in view of the apparent costs and burden to investment advisers in supplying the information. The Commission solicited public comments as to whether the temporary amendments should be made permanent. Permanent adoption of the deletions would simplify Form ADV in certain significant respects thereby resulting in cost savings to applicants and registrants in filing and periodically amending Form ADV.

Timetable:

Action	Date	FR Cite
NPRM Comment Period Begin	05/14/82	47 FR 22505
Interim Final Rule	05/14/82	47 FR 22505
Final Action	02/28/83	

Small Entity: No

Additional Information: Temporary Amendments adopted in Investment Advisers Act Release No. 805. Amendments adopted permanently in Investment Advisers Act Release No. 840

Agency Contact: Arthur E. Dinerman, Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, D.C. 20549, **202 272-3021**

RIN: 3235-AA78

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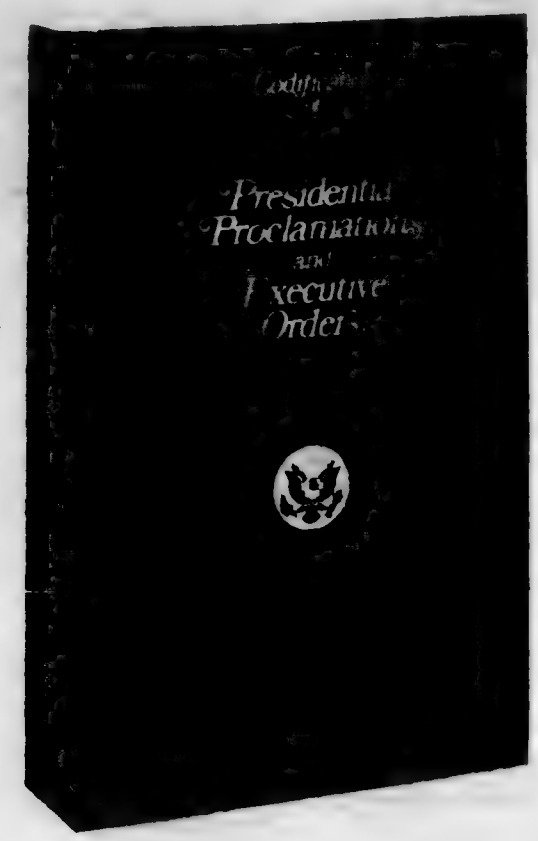

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Natural Gas
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73 (2 documents) 18816, 28817
Proposed Rules:
73 (15 documents) 18844–18860

49 CFR
Ch. X 18817
Proposed Rules:
Ch. X 18861

50 CFR
654 18818
655 18818

Federal Register
Vol. 48, No. 81
Tuesday, April 26, 1983

Presidential Documents

Title 3—

The President

Proclamation 5055 of April 22, 1983

National Farm Safety Week, 1983

By the President of the United States of America

A Proclamation

Many of the world's people depend on American agriculture to fill their food and fiber needs. Yet, the efficiency of American agriculture and the quality of life for those who work on the land are impaired by a high accident rate. Many farm and ranch families, both owners and workers, suffer great personal sorrow and economic loss each year because of serious injuries or fatal accidents. It is particularly unfortunate that farm children and teenagers often are the victims of these accidents.

Although great progress has been made in improving safety on farms, much work remains to be done. It is important that community leaders and public officials continue to contribute their time and effort to promoting accident prevention programs. But real progress in safety must start with the individual. Most farm accidents can be prevented if safe work methods are followed and appropriate protective equipment used. If our farmers and ranchers develop strong safety habits while at work, in the home, in recreational pursuits, and while driving on the road, our safety record will improve further.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate the week of September 18 through September 24, 1983, as National Farm Safety Week. I urge all persons who live and work on the Nation's farms and ranches to make safety a daily part of activities on the job, at home or on the highway. I also urge those who work with and service America's farms and ranches to support safety efforts in every way possible. I call upon parents especially to teach their children good safety practices and instill in them a positive attitude toward safety which will serve them well throughout their lives.

IN WITNESS WHEREOF, I have hereunto set my hand this 22nd day of April, in the year of our Lord nineteen hundred and eighty-three, and of the Independence of the United States of America the two hundred and seventh.

Ronald Reagan

[FR Doc. 83-11281
Filed 4-25-83; 10:27 am]
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Rules and Regulations

Federal Register
Vol. 48, No. 81
Tuesday, April 26, 1983

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Soil Conservation Service

7 CFR Part 621

River Basin Investigations and Surveys

AGENCY: Soil Conservation Service, USDA.

ACTION: Final rule.

SUMMARY: The Soil Conservation Service (SCS) is revising its regulations governing the River Basin Investigations and Surveys Program to reflect current planning objectives and make the program more responsive to water resources planning needs. The revision also makes editorial changes to improve the general readability of the text.

EFFECTIVE DATE: May 26, 1983.

FOR FURTHER INFORMATION CONTACT: Edgar H. Nelson, Director, Basin and Area Planning Division, Soil Conservation Service, P.O. Box 2890, Washington, D.C. 20013 (202–447–2847).

SUPPLEMENTARY INFORMATION:

I. General

Pub. L. 83–566, 68 Stat. 666, was passed in 1954. Section 6 of the Act authorizes the Secretary of Agriculture to investigate and survey watersheds of rivers and other waterways as a basis for developing coordinated programs in cooperation with other Federal agencies and with State and local agencies. The Secretary of Agriculture delegates to the SCS leadership responsibility within the Department for conservation, development, and productive use of the Nation's soil, water, and related resources, including the Department's activities under River Basin Surveys and Investigations. The SCS activities under this authority include: (1) Cooperative river basin studies in coordination with Federal, State, or local agencies; (2) floodplain management studies in coordination with the responsible State agency and involved local governments; (3) salinity studies in the Colorado River Basin in cooperation with the Department of the Interior's Bureau of Reclamation to identify opportunities to reduce salt loading of the Colorado River through improved irrigation practices; (4) joint investigations and reports with the Department of the Army under Pub. L. 87–639, 76 Stat. 438 (16 U.S.C. 1009); and (5) interagency coordination of the water resources activities of the Department. The Forest Service and the Economic Research Service are active participants in the cooperative river basin studies and interagency coordination.

This rule has been reviewed under the Department of Agriculture's (USDA) procedures established to implement Executive Order 12291. It has been determined that it is not a major rule. It does not meet any of the three criteria for a major rule as set forth in Executive Order 12291.

This action does not increase the Federal paperwork burden for individuals, small businesses, and other persons. This determination has been made in accordance with the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35).

State and local government agencies frequently participate in River Basin Investigations and Surveys. Small businesses occasionally have opportunities to provide support services through contracts. Small entities are sometime invited to participate in public involvement activities. No significant change in the existing level of such activities is expected. Therefore, these regulations will not significantly affect small entities. This satisfies the requirements of the Regulatory Flexibility Act (Pub. L. 96–354, 94 Stat. 1164, September 19, 1980).

The title and number of the Federal Assistance Program to which this action applies is: Title—River Basin Surveys and Investigations; Number 10.906.

II. Discussion of comments

On September 10, 1982, SCS published a proposed rule (47 FR 39833) to revise its regulations for River Basin Investigations and Surveys. At that time, SCS solicited written comments from interested persons regarding the proposed revisions. The public comment period ended on November 9, 1982. Comments were received from the Small Business Administration (SBA), the National Wildlife Federation (NWF), and an individual. The comments and SCS responses are as follows:

Comment: The SBA requested that this final rule contain a statement about how publishing this rule may be expected to affect small entities.

Response: A statement of effects on small entities is now included above.

Comment: The NWF objected to the specific reference to the Cabinet Council on National Resources and Environment, the Assistant Secretaries' Working Group on Water Resources, the USDA Committee on Natural Resources and Environment, and the Water Issues Working Group in Subpart E—Interagency Coordination. The NWF stated that there is no specific statutory authority for the establishment of these organizations.

Response: These organizations have been established and are functioning by Executive direction. Interagency coordination is a legitimate function and responsibility of all Federal agencies. The SCS uses its authority derived from Pub. L. 83–566 as a basis for funding its support of these and other organizations established for interagency coordination of water resources related activities. We have provided additional information in Subpart E to show that SCS interagency coordination is not limited to the organizations listed above.

Comment: The NWF suggested that changes be made in § 621.30(b) to reinforce the concept of "flood damage reduction" rather than "flood control."

Response: The words in § 621.30(b) related to flood prevention and flood control are found in the legislation which authorizes joint studies by the Department of Agriculture and the Department of the Army. Therefore we have not changed the wording in this section. Investigations of methods for flood prevention and flood control are expected to include consideration of floodplain management and hazard reduction measures.

Comment: The NWF suggested that newly formed regional entities for interstate coordination for water resources programs as mentioned in § 621.41(a) have no statutory authority to exist or to function.

Response: State and local governments have organized the newly formed regional entities. They require no Federal statutory authority. USDA agencies assist the regional entities only on request by the State agencies represented. USDA assistance is granted under the authority of Section 6 of Pub. L. 83–566. No change was made in response to this comment. However, minor editorial changes were made to simplify this section.

Comment: The NWF objected to the deletion of the concept of "comprehensive planning" from § 621.1.

Response: Congress has discontinued the Federal financial support for developing comprehensive, coordinated, river basin plans. Pub. L. 83–566 calls for coordinated programs but not necessarily for comprehensive plans. Pub. L. 89–80 encourages comprehensive planning but does not necessarily require it. Comprehensive interagency planning efforts cannot be funded through USDA agencies alone. If comprehensive planning efforts are initiated by regional entities, interagency committees, or by the compact commissions, USDA agencies may provide support as indicated in Subpart E. No changes were made in response to this comment.

Comment: An individual requested that SCS reconsider the need for a "Joint Coordination Agreement" between SCS and a State agency before floodplain management studies can be authorized in a State.

Response: We have changed §§ 621.21 and 621.23(a) to delete the provisions which required the development of a Joint Coordination Agreement with a State agency before providing floodplain management assistance to local communities. We have added a provision in § 621.23 to indicate that an appropriated State agency may express its priorities for those floodplain management activities which occur within a State. This provides greater flexibility in program management and reduces the requirements for obtaining program assistance.

Comment: The individual suggested that the criteria for starting floodplain management studies described in § 621.23(a) should be the same as those criteria for starting USDA Cooperative Studies as found at § 621.13.

Response: We have changed § 621.23(a) as suggested.

List of Subjects in 7 CFR Part 621

Rivers, Flood prevention, Technical assistance, Water resources.

Accordingly, 7 CFR Part 621, Table of Contents and text are revised to read as follows:

PART 621—RIVER BASIN INVESTIGATIONS AND SURVEYS

Subpart A—General

Sec.
621.1 Purpose.
621.2 Scope.

Subpart B—USDA Cooperative Studies

621.10 Description.
621.11 Who may obtain assistance.
621.12 How to request assistance.
621.13 Conditions for approval.
621.14 Recipient responsibility.

Subpart C—Floodplain Management Assistance

621.20 Description.
621.21 Who may obtain assistance.
621.22 How to request assistance.
621.23 Conditions for approval.
621.24 SCS responsibility.
621.25 Recipient responsibility.

Subpart D—Joint Investigations and Reports With the Department of the Army

621.30 Description.
621.31 Who may request assistance.
621.32 How to request assistance.
621.33 Conditions for approval.
621.34 Recipient responsibility.

Subpart E—Interagency Coordination

621.40 Participation in Federal interagency policy activities at the national level.
621.41 Participation in Federal-State policy and planning activities at the regional level.
621.42 Federal-State compacts.
621.43 Interstate compacts and commissions.
621.44 Special studies.
621.45 Flood insurance studies.

Authority: Sec. 6 (Pub. L. 83–566) 68 Stat. 666 (16 U.S.C. 1006) unless otherwise noted.

Subpart A—General

§ 621.1 Purpose.

This part describes policies, requirements, and procedures governing the Department of Agriculture's (USDA's) investigations and surveys of watersheds of rivers and other waterways as a basis for developing coordinated programs. These activities are undertaken in cooperation with other Federal, State, and local agencies. The delegation of authority to the Soil Conservation Service (SCS) to provide national leadership for the conservation, development, and productive use of the Nation's soil, water, and related resources, including the activities treated in this part is found at § 2.62 of this title.

§ 621.2 Scope.

USDA river basin activities include:

(a) Cooperative river basin surveys in coordination with Federal, State, and local agencies;

(b) Floodplain management assistance in coordination with the responsible State agency and involved local governments;

(c) Joint investigations and reports with the Department of the Army under Pub. L. 87–639, 76 Statute 438 (16 U.S.C. 1009); and

(d) Interagency coordination of water resources activities.

Subpart B—USDA Cooperative Studies

§ 621.10 Description.

Cooperative river basin studies provide USDA planning assistance to Federal, State, and local governments. The purpose of these studies is to assist in appraising water and related land resources; defining and determining the extent of the problems; and formulating alternative plans, including land treatment, nonstructural or structural measures, or combinations thereof, that would solve existing problems or meet existing and projected needs. These studies concentrate on specific objectives identified by the requesting agencies and citizen groups that are consistent with USDA authorities and responsibilities and current SCS priorities. The objectives ordinarily include the formulation of a plan but may require only inventories of available resources and associated problems to be used by other agencies in plan formulation. USDA assistance is provided through field advisory committees composed of representatives of the Economic Research Service, Forest Service, and SCS. The SCS representative chairs the field advisory committee.

§ 621.11 Who may obtain assistance.

Assistance is available to conservation districts, communities, county governments, regional planning boards, other planning groups, and State and Federal agencies. Local groups express their desires for a cooperative study to the governor or appropriate State agency.

§ 621.12 How to request assistance.

For a cooperative study a governor, or a Federal, State, or local government agency must submit a written request and a Proposal to Study (PTS) through the SCS State Conservationist to the Chief. Assistance in preparing the proposal may be obtained by contacting the State Conservationist. The State Conservationist sends the request and proposal with comments to the Chief for consideration. The proposal should:

(a) Describe the basin or study area, including a map of the study area;

(b) Explain the need for the study;

(c) Explain the need for USDA participation;

(d) State the responsibility and authority of the requesting agency in the study;

(e) Estimate the extent of participation of other Federal and State agencies;

(f) Discuss views and priorities of affected soil conservation districts regarding the proposed study;

(g) Briefly describe the intended management organization of the study;

(h) Specifically describe the expected results of the study;

(i) Identify primary users of the study results and the manner in which the results will be used;

(j) State the relationship of the study to ongoing and completed river basin studies;

(k) State that procedures for informing clearinghouses and for eliciting public participation will be followed;

(l) Estimate the duration and scope of the study; and

(m) Estimate the study costs by year and agency.

§ 621.13 Conditions for approval.

The Chief may authorize requested cooperative studies recommended by the State Conservationist. Priority for starting cooperative studies is based on the date of application, the readiness of the requesting agency to begin participation, the importance and significance of problems to be studied, the monetary or in-kind contributions toward the study, the sequence of ongoing and future studies, the type of study, the duration of study, the cost of study, the potential for implementation and other factors affecting the effectiveness and efficiency of the study. The number and location of cooperative studies started each year are governed by the availability of USDA funds and personnel.

§ 621.14 Recipient responsibility.

Leadership in arrangements for other needed Federal, State, and local agency participation is responsibility of the requesting agency. Consistent with national objectives and SCS policy and procedures, the requesting agency has leadership responsibility for developing specific study objectives, providing the necessary study organization, and ensuring public participation in the planning process.

Subpart C—Floodplain Management Assistance

§ 621.20 Description.

Floodplain management studies provide needed information and assistance to local and State entities so that they can implement programs for reducing existing and future flood damages in rural and urban communities. Assistance is targeted to communities where flood damage is a serious concern and local governments are sincerely interested in taking action to reduce damage.

§ 621.21 Who may obtain assistance.

Assistance is available to conservation districts, communities, county governments, regional planning boards, other planning groups, and State and Federal agencies.

§ 621.22 How to request assistance.

(a) A conservation district, local community or other jurisdiction may request floodplain management assistance for a local area for which they are responsible, by letter to the governor or the agency of State government responsible for floodplain management activities. Assistance in making application may be obtained by contacting any SCS office.

(b) The governor or his designee may request floodplain management assistance for the State by submitting a written request to the State Conservationist.

§ 621.23 Conditions for approval.

(a) USDA floodplain management studies are authorized by the Director of the Basin and Area Planning Division. Priority for starting floodplain management studies is based on the same factors as for USDA Cooperative Studies as described in § 621.13.

(b) A study for an individual community may be started upon completion of a plan of work in which the Director of the Basin and Area Planning Division concurs and for which funds are available. Preparation of the plan of work is the responsibility of and must be approved by the applicant, the responsible State agency, and the State Conservationist. The plan sets forth the responsibilities of the applicant, the State, and USDA in carrying out the study and interpreting and using the data in a local floodplain management program. The State agency responsible for floodplain management activities may establish priorities on which to base the sequence of approval of floodplain management studies within its State. The number of studies started each Federal fiscal year is governed by the availability of funds and personnel and the amount of State and local assistance available.

(c) States and communities are encouraged to make monetary or in-kind contributions toward the floodplain management study. The State and local share may reflect in-kind contributions in lieu of fund transfers.

§ 621.24 SCS responsibility.

SCS is responsible for providing leadership for scheduling and implementing the technical phases of the studies and preparing the reports. SCS assists in interpreting the study results.

§ 621.25 Recipient responsibility.

The State agency is responsible for developing State priorities for floodplain management studies and coordinating this work with related activities in the State. The cooperating local government entity is responsible for obtaining permission for carrying out field surveys. The State and local participants assist in distributing and interpreting the report and providing public information and educational services.

Subpart D—Joint Investigations and Reports With the Department of the Army

§ 621.30 Description.

(a) As provided by Pub. L. 87–639, joint investigations and reports by USDA and the Department of the Army may be authorized by resolutions adopted by the Committee on Environment and Public Works of the U.S. Senate or the Committee on Public Works and Transportation of the U.S. House of Representatives for any watershed area in the 50 States, the Commonwealth of Puerto Rico, and the U.S. Virgin Islands if the nature of the watershed area problems dictates need for a joint effort by the two Departments.

(b) Authorized joint investigations and reports are made to determine works of improvement needed in the study area for flood prevention; for the conversation, development, use, and disposal of water; for flood control; for the conservation and proper use of land; and for allied purposes. The joint report to Congress may include a water and related land resources plan recommended for implementation. Such an implementation plan must be accompanied by an environmental impact statement (EIS) and must be in sufficient detail to permit its implementation.

(c) As mutually agreed by USDA and the Department of the Army Corps of Engineers, the report and EIS are forwarded to Congress through appropriate channels after technical, public, and interagency reviews in accordance with SCS policy as described in § 622.34, or in accordance with the Corps of Engineers' policy concerning technical and public review.

Implementation of these plans is contingent on congressional action.

§ 621.31 Who may request assistance.

Any organization, group, or State or local government may request assistance.

§ 621.32 How to request assistance.

Applicants for a joint investigation and report should request their congressional representative(s) to initiate appropriate action under Pub. L. 87–639.

§ 621.33 Conditions for approval.

A joint investigation and report is authorized by a resolution of the Committee on Environment and Public Works of the U.S. Senate or the Committee on Public Works and Transportation of the U.S. House of Representatives. Studies are initiated when funds for them are appropriated by the Congress.

§ 621.34 Recipient responsibility.

Participating local and State governments work with USDA and the Department of the Army representatives in developing objectives, collecting data, analyzing problems, planning and formulating proposals, and considering financial plans. Active public participation is solicited in the planning process through means such as questionnaires, public meetings, citizen advisory boards, and technical committees.

Subpart E—Interagency Coordination

§ 621.40 Participation in Federal interagency policy activities at the national level.

(a) Policy development in water and related land resources is coordinated at the Federal level through the Cabinet Council on Natural Resources and Environment. SCS provides staff support and representation in these activities as requested.

(b) Within the Department, all interested USDA agencies participate in water policy development through the USDA Committee on Natural Resources and Environment and the Water Issues Work Group.

(c) SCS provides appropriate staff support when requested for committees, work groups, and task forces established for interagency coordination of water resources related activities of Federal agencies.

§ 621.41 Participation in Federal-State policy and planning activities at the regional level.

(a) SCS has a responsibility to represent the Department when needed to assist regional water planning entities and interagency committees which coordinate water resources planning activities.

(b) For the Arkansas-White-Red Basin Interagency Committee (AWRBIAC) and the Pacific Southwest Interagency Committee (PSIAC), the USDA member periodically serves as chairperson and provides an executive secretary. For the Southeast Basin Interagency Committee (SEBIAC), SCS periodically provides an executive secretary for the chairperson, who is a State government official.

(c) Under the leadership of SCS, other USDA agencies, principally the Forest Service and Economic Research Service, also participate.

§ 621.42 Federal-State compacts.

SCS is designated to represent USDA in assisting the U.S. Commissioners of the Delaware River Basin Commission and the Susquehanna River Basin Commission. In carrying out this responsibility, SCS provides a liaison officer to work with the U.S. Commissioners on policy level matters, as well as providing the USDA representatives on the Federal field committees to assist the Commissioners.

§ 621.43 Interstate compacts and commissions.

As assigned, an SCS State Conservationist is the USDA point of contact for governing bodies of interstate compacts and commissions concerned with the conservations, development, and proper use of water, soil, and related resources.

§ 621.44 Special studies.

As designated, SCS represents USDA on special study groups such as for the Colorado River Basin Salinity Control Program Studies.

§ 621.45 Flood insurance studies.

As requested by the Federal Emergency Management Agency (FEMA), and within the limits of available resources, SCS carries out flood insurance studies of various types under the National Flood Insurance Program (Pub. L. 90–448, 82 Statute, 574 (42 U.S.C. 4012)), as amended. In this activity, SCS performs detailed technical studies to determine the extent and frequency of flooding. The flood insurance program is administered by FEMA. SCS is reimbursed by that agency for actual costs incurred in carrying out the studies. Local entities desiring flood insurance coverage should contact the responsible State agency or FEMA and apply in accordance with procedures of that agency.

Peter C. Myers,
Chief, Soil Conservation Service.
April 19, 1983.

[FR Doc. 83-11019 Filed 4-25-83; 8:45 am]
BILLING CODE 3410-16-M

Animal and Plant Health Inspection Service

9 CFR Part 55

[Docket No. 83–020]

Cattle Destroyed Because of Anaplasmosis

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document removes the regulations in 9 CFR Part 55, concerning the payment of indemnities for cattle destroyed because of anaplasmosis in Hawaii. Anaplasmosis has been eradicated in Hawaii. Accordingly, these regulations are unnecessary.

EFFECTIVE DATE: April 26, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. J. R. Pitcher, Staff Veterinarian, Special Diseases Staff, VS, APHIS, USDA, Room 824, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8231.

SUPPLEMENTARY INFORMATION:

Background

On November 24, 1982, a document was published in the **Federal Register** at 47 FR 53026 proposing to remove 9 CFR Part 55. Comments on this rule were solicited for 60 days after publication of the proposal. No comments were received in response to the proposal and the factual situation which was set forth in the proposal on November 24, 1982, still provides a basis for this amendment.

Executive Order 12291

This final rule has been reviewed in conformance with Executive Order 12291 and has been classified as not a "major rule." Based on information compiled by the Department, it has been determined that this action will not have any annual effect on the economy; will not cause any increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not have any adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-

based enterprises in domestic or export markets. This is because anaplasmosis has been eradicated in Hawaii and the State is effectively protected against a reinfection. Therefore, there is no reason to pay indemnity in Hawaii for cattle infected with or exposed to this disease.

Certification Under the Regulatory Flexibility Act

Under the circumstances explained above, Mr. James O. Lee, Jr., Acting Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities.

PART 55—[RESERVED]

Accordingly, Title 9, Code of Federal Regulations, is amended by removing Part 55, and Part 55 is reserved.

(Sec. 2, 32 Stat. 792, as amended, sec. 3, 23 Stat. 32, as amended, sec. 11, 58 Stat. 734, as amended; 21 U.S.C. 111, 114, 114a, 7 CFR 2.17, 2.51, and 371.2(d))

Done at Washington, D.C., this 20th day of April 1983.

William E. Ketter,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 83-11015 Filed 4-25-83; 8:45 am]

BILLING CODE 3410-34-M

Food Safety and Inspection Service

9 CFR Parts 303 and 381

[Docket No. 83-002N]

Exemptions for Retail Stores; Adjustment of Dollar Limitations

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Rule related notice.

SUMMARY: This notice announces that the dollar limitation currently in effect for annual sales of meat products by retail stores, exempt from routine Federal inspection, to nonhousehold consumers, such as hotels, restaurants and similar institutions, has been adjusted to conform with price increases for meat products as indicated by the Consumer Price Index. The adjustment raises the dollar limitation for meat products from $28,800 to $30,200. The dollar limitation for poultry products remains at $23,100 per calendar year.

EFFECTIVE DATE: April 26, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Paul Ragan, Director, Regulations Office, Policy and Program Planning, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-3317.

SUPPLEMENTARY INFORMATION:

Background

Federal inspection of meat and poultry products prepared for sale and distribution in commerce and in States designated under section 301(c) of the Federal Meat Inspection Act (21 U.S.C. 661(c)) and section 5(c) of the Poultry Products Inspection Act (21 U.S.C. 454(c)) is required by law and administered by the Food Safety and Inspection Service (FSIS). However, section 301(c)(2) of the Federal Meat Inspection Act (21 U.S.C. 661(c)(2)) and section 5(c)(2) of the Poultry Products Inspection Act (21 U.S.C 454 (c)(2)) state that the general requirement of routine Federal inspection " * * * shall not apply to operations of types traditionally and usually conducted at retail stores * * * when conducted at any retail store * * * for sale in normal retail quantities * * * to consumers * * *"

FSIS has promulgated regulations (9 CFR 303.1(d) and 381.10(d)) defining retail stores which qualify for exemption from routine Federal inspection under these Acts. Whether or not FSIS deems an establishment to be an exempt retail establishment depends, in part, upon the level of its trade with nonhousehold consumers, such as hotels, restaurants and similar institutions. Accordingly, the Federal meat and poultry products inspection regulations state in terms of dollars the maximum amount of meat and poultry products which may be sold to nonhousehold consumers if the establishment is to remain an exempt retail establishment. For meat products, the maximum amount is currently $28,800 per calendar year; for poultry products, the amount is $23,100 per calendar year.

The Federal meat and poultry products inspection regulations (9 CFR 303.1(d)(2)(iii)(*b*) and 381.10(d)(2)(iii)(*b*)) further provide that the dollar limitations on the sales of meat and poultry products by exempt retail stores to nonhousehold consumers will be automatically adjusted during the first quarter of each calendar year, whenever the Consumer Price Index, published by the Bureau of Labor Statistics, Department of Labor, indicates a change in the price of the same volume of product exceeding $500, upward or downward. The regulations also require that notice of the adjusted dollar limitation will be published in the **Federal Register.**

The Consumer Price Index for 1982 has been published by the Bureau of Labor Statistics and, for that year, indicates a price increase in meat products of 4.8 percent and a price decrease in poultry products of 1.8 percent. As a percentage of the existing dollar limitations, a change in excess of $500 is indicated by meat products only. When rounded off to the nearest $100, a price increase for meat products amounts to $1,400 and a price decrease for poultry products amounts to $400.

Accordingly, pursuant to the regulations, FSIS has automatically raised the dollar limitation of permitted sales of meat products to nonhousehold consumers by establishments desiring status as retail establishments exempt from Federal inspection requirements. The adjustment raises the dollar limitation on meat products specified in § 303.1(d)(2)(iii)(*b*) from $28,800 to $30,200. Since a change in excess of $500 for poultry products has not occurred, the dollar limitation for poultry products remains at $23,100.

Done at Washington, DC, on April 20, 1983.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 83-11065 Filed 4-25-83; 8:45 am]

BILLING CODE 3410-DM-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79-76-146 (Nebraska—1 Addition); Order No. 294]

High-Cost Gas Produced From Tight Formations

Issued: April 21, 1983.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.203). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the State of Nebraska that an additional area of the Niobrara

Formation be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: This rule is effective May 23, 1983.

FOR FURTHER INFORMATION CONTACT: Craig Ellis, (202) 357–8511, or Victor Zabel, (202) 357–8616.

SUPPLEMENTARY INFORMATION: The Federal Energy Regulatory Commission (Commission) hereby amends § 271.703(d) of its regulations to include an additional area of the Niobrara Formation, underlying Lincoln County, Nebraska as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by the Director, Office of Pipeline and Producer Regulation, issued November 1, 1982, (47 FR 53032, November 24, 1982),[1] based on a recommendation by the State of Nebraska Oil and Gas Conservation Commission (Nebraska) in accordance with § 271.703, that the additional area of the Niobrara Formation be designated as a tight formation.[2]

Evidence submitted by Nebraska supports the assertion that the additional area of the Niobrara Formation meets the guidelines contained in § 271.703(c)(2). The Commission adopts the Nebraska recommendation.

This amendment shall become effective May 23, 1983.

List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

(Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432; Administrative Procedure Act, 5 U.S.C. § 553)

In consideration of the foregoing, Part 271 of Subchapter H, Chapter I, *Code of Federal Regulations*, is amended as set forth below.

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 271—[AMENDED]

Section 271.703 is amended by revising paragraph (d)(71) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* * * *

* * * * *

(71) *Niobrara Formation in Nebraska.* RM79–76 (Nebraska—1).

(i) *Delineation of formation.* The Niobrara Formation is found in all of Chase, Deuel, Dundy, Hitchcock, Keith, Lincoln and Perkins Counties, the western half of Frontier County (Townships 5 through 8 North, Ranges 27 through 30 West), the eastern half of Cheyenne County (Townships 12 through 17 North, Ranges 46 through 49 West), and the southern most third of Garden County (Townships 15 through 19 North, Ranges 41 through 46 West), Nebraska.

(ii) *Depth.* The Niobrara Formation underlies the Pierre Shale Formation and overlies the Fort Hays Limestone Formation. The depth to the top of the Niobrara Formation ranges from 900 to 4,000 feet and averages 2,450 feet.

[FR Doc. 83–11082 Filed 4–25–83; 8:45 am]

BILLING CODE 6717–01–M

[1] Comments were invited on the proposed rule and one comment supporting the recommendation was received. No party requested a public hearing and no hearing was held.

[2] This order also corrects an incorrect depth delineation in the Nebraska—1 tight formation designation, Docket No. RM79–76 (Nebraska—1), Order No. 214 (47 FR 10203, March 10, 1982).

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18 CFR Part 271

High-Cost Gas Produced From Tight Formations; Final Rule

[Docket Nos. RM79–76–150 (Texas—22 Addition) and RM79–76–157 (Texas—22 Addition II); Order No. 295]

Issued April 21, 1983

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determined that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the Railroad Commission of Texas that an additional area of both the Detrital and Strawn-Detrital Formations be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: This rule is effective May 23, 1983.

FOR FURTHER INFORMATION CONTACT: Steven Ross, (202) 357–8571, or Walter Lawson, (202) 357–8556.

SUPPLEMENTARY INFORMATION: The Commission hereby amends § 271.703(d) of its regulations to include an additional area of both the Detrital and Strawn-Detrital Formations, underlying land in Crockett County, Texas as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in two Notices of Proposed Rulemaking by the Director, Office of Pipeline and Producer Regulation. The Notice concerning Texas-22 Addition was issued December 2, 1982 (47 FR 55246, December 8, 1982), and the Notice concerning Texas-22 Addition II was issued December 23, 1982 (47 FR 57953, December 28, 1982) [1] based on recommendations by the Railroad Commission of Texas (Texas), in accordance with § 271.703, that an additional area of both the Detrital and Strawn-Detrital Formations be designated as a tight formation.

Evidence submitted by Texas supports the assertion that an additional area of both the Detrital and Strawn-Detrital Formations meets the guidelines contained in § 271.703(c)(2). The Commission adopts both Texas recommendations.

This amendment shall become effective May 23, 1983.

List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

(Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432; Administrative Procedure Act, 5 U.S.C. 553)

In consideration of the foregoing, Part 271 of Subchapter H, Chapter I, *Code of Federal Regulations*, is amended as set forth below.

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 271—[AMENDED]

Section 271.703 is amended by revising paragraph (d)(106) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.*

* * * * *

[1] Comments were invited on both proposed rules, and one comment supporting each of the recommendations was received. No party requested a public hearing and no hearing was held.

(106) Strawn-Detrital Formation in Texas. RM79–76 (Texas–22).

(i) *University Block 31 (Strawn-Detrital) Field.*

(A) *Delineation of formation.* The Strawn-Detrital Formation is found in Crockett County, Texas, approximately 8 miles west of Ozona. The designated area includes all of Block 31 of University Lands Survey; the northern half of section 18, Block 32 of University Lands Survey; Sections 1, 2, 14 through 18, Block ST of G.C & S.F. RR Co. Survey; the southern 264.93 acres of section 30, Block UV of G.C & S.F. RR Co. Survey; Section 2, Block ST–2 of G.C. & S.F. RR Co. Survey; the northern half of Hampton Survey; Section 1001 of W.G. Hall Survey; Section 1002 of J.M. Jean Survey; and Section 1003 of M.C. Lopez Survey.

(B) *Depth.* The top of the Strawn-Detrital Formation varies from 8,000 feet in the north, to 8,700 feet in the south, and approximate thickness ranges from 100 feet in the north to 250 in the south.

(ii) *Perner Ranch Area.*—(A) *Delineation of formation.* The Detrital Formation in the Perner Ranch Area is located approximately 23 miles west-southwest of the city of Ozona, Crockett County, Texas, Railroad Commission District 7C. The area includes the following sections: L & SV Survey, Sections 199 and 200, and T.C. RR Survey, Sections 43 and 45.

(B) *Depth.* The depth to the top of the Detrital Formation varies from −6,000 feet to the northwest part to the area to −6,700 feet in the southeast. The approximate thickness of the formation is 110 feet.

(iii) *University Block 31 (Strawn-Detrital) and Howards Creek (Penn) Fields.*—(A) *Delineation of formation.* The Strawn-Detrital Formation in the area of the University Block 31 and Howards Creek Fields is located in Crockett County, Texas, Railroad Commission District 7C. The designated area consists of Sections, 19, 20, S ½ of 21, 29 30, 31 and 32, University Lands Survey, Block 30; Sections 1, 2, 3, S ½ of 4, 5, 6, 7, 8, S ½ of 9, 11, 12, 13 and 14, University Lands Survey, Block 32; Sections 29, 31, 50, 51, north 320 acres of 30, SE ¼ 53, S ½ of 32, SW ¼ of 12, Block UV, G.C. & S.F.R.R. Co. Survey; and Sections 12, 17, 18, 19 and 20, University Lands Survey, Block 33.

(B) *Depth.* Type logs within the designated area show the top of the Strawn-Detrital Formation at approximate depths of 7,924 feet in the north to 8,296 feet in the south, and the base is located at approximately 7,980 feet in the north to 8,668 feet in the south.

[FR Doc. 83–11083 Filed 4–25–83; 8:45 am]
BILLING CODE 6717–01–M

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18 CFR Part 271

[Docket No. RM79–76–131 (Oklahoma—4); Order No. 290]

High-Cost Gas Produced From Tight Formations

Issued: April 21, 1983.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Federal Regulatory Energy Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the Oklahoma Corporation Commission that the Atoka Formation located in Washita County, Oklahoma, be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: This rule is effective May 23, 1983.

FOR FURTHER INFORMATION CONTACT: Jane M. Oliver, (202) 357–8316 or Webster Gray, (202) 357–8731.

SUPPLEMENTARY INFORMATION: The Commission hereby amends § 271.703 of its regulations to include the Atoka Formation located in Washita County, Oklahoma, as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by the Director, Office of Pipeline and Producer Regulation, on September 3, 1982 (47 FR 39862, September 10, 1982),[1] based on a recommendation by the Oklahoma Corporation Commission (OCC) in accordance with § 271.703(c)(2)(ii) that the Atoka Formation be designated as a tight formation.

Evidence submitted by OCC supports the assertion that the Atoka Formation meets the guidelines contained in § 271.703(c)(2). The Commission hereby adopts the OCC recommendation.

The amendment shall become effective May 23, 1983.

List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

(Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432; Administrative Procedure Act, 5 U.S.C. 553)

In consideration of the foregoing, Part 271 of Subchapter H, Chapter I, *Code of Federal Regulations*, is amended as set forth below.

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 271—[AMENDED]

Section 271.703 is amended by adding paragraph (d)(121) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* * * *

* * * * *

(121) *Atoka Formation in Oklahoma.* RM79–76–131 (Oklahoma—4).—(i) *Delineation of formation.* The Atoka Formation of Pennsylvanian age is located in Washita County, Oklahoma, in Sections 6 and 7, Township 9 North, Range 19 West and Sections 1, 2, 3, 10, 11, and 12, Township 9 North, Range 20 West. It is bounded above by the base of the Pennsylvanian Des Moinesian Series, called "Cherokee Group" by drillers and below by the top of the Pennsylvanian Morrowan Series, called "Morrow Shale" by drillers.

(ii) *Depth.* The depth to the top of the designated interval varies from approximately 10,850 to 12,150 feet below mean sea level. Its thickness ranges from 2,200 to 2,800 feet.

[FR Doc. 83–11085 Filed 4–25–83; 8:45 am]
BILLING CODE 6717–01–M

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18 CFR Part 271

[Docket No. RM79–76–155 (Utah—7); Order No. 296]

High-Cost Gas Produced From Tight Formations

Issued: April 21, 1983.

[1] Comments on the proposed rule were invited and no comments were received. No party requested a public hearing and no hearing was held. Agrico Chemical Company (Agrico) intervened at the state level and protested the designation of the Atoka Formation as a tight formation eligible for incentive pricing. Agrico did not file any comments with the Commission.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determined that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the State of Utah Board of Oil, Gas and Mining and the U.S. Geological Survey that the Mancos "B" Formation be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: This rule is effective May 23, 1983.

FOR FURTHER INFORMATION CONTACT: Jane M. Oliver, (202) 357–8316 or Vic Zabel, (202) 357–8616.

SUPPLEMENTARY INFORMATION:

The Commission hereby amends § 271.703(d) of its regulations to include the Mancos "B" Formation is Carbon County, Utah as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by the Director, Office of Pipeline and Producer Regulation, issued December 16, 1982 (47 FR 57060, December 22, 1982) [1] based on a recommendation by the State of Utah Board of Oil, Gas and Mining (Utah) and the U.S. Department of Interior, Bureau of Land Management (BLM) (formerly the U.S. Geological Survey) in accordance with § 271.703, that the Mancos "B" Formation underlying certain lands in Carbon County, Utah be designated as a tight formation.

Evidence submitted by Utah and the BLM supports the assertion that the Mancos "B" Formation meets the guidelines contained in § 271.703(c)(2). The Commission adopts the Utah-BLM recommendation.

[1] Comments were invited on the proposed rule and no comments were received. No party requested a hearing and no hearing was held.

This amendment shall become effective May 23, 1983.

List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

(Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432; Administrative Procedure Act, 5 U.S.C. 553)

In consideration of the foregoing, Part 271 of Subchapter H, Chapter I, *Code of Federal Regulations*, is amended as set forth below.

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 271—[AMENDED]

Section 271.703 is amended by adding paragraph (d)(124) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* * * *

* * * * *

(124) *Mancos "B" Formation in Utah.* RM79–76–155 (Utah–7).—(i) *Delineation of formation.* The Mancos "B" Formation is located in Carbon County, Utah and comprises all of Township 12 South, Range 13 East, SLM.

(ii) *Depth.* The Mancos "B" Formation is a distinct lithologic unit of the Mancos Shale, occurring 200 to 300 feet below the top of the Mancos Formation. The formation varies in thickness from 1,400 to 1,600 feet and is found at an average depth of 7,490 feet.

[FR Doc. 83–11084 Filed 4–25–83; 8:45 am]

BILLING CODE 6717–01–M

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18 CFR Part 271

[Docket No. RM80–53]

Authority Delegation; Office of Pipeline and Producer Regulation, Director

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order of the Director, OPPR.

SUMMARY: Pursuant to the authority delegated by 18 CFR 357.307(1), the Director of the Office of Pipeline and Producer Regulation revises and publishes the maximum lawful prices prescribed under Title I of the Natural Gas Policy Act (NGPA) for the months of May, June and July, 1983. Section 101(b)(6) of the NGPA requires that the Commission compute and publish the maximum lawful prices before the beginning of each month for which the figures apply.

EFFECTIVE DATE: May 1, 1983.

FOR FURTHER INFORMATION CONTACT: Kenneth A. Williams, Director, OPPR, (202) 357–8500.

SUPPLEMENTARY INFORMATION:

In the matter of: Publication of Prescribed Maximum Lawful Prices Under the Natural Gas Policy Act of 1978, Docket No. RM80–53.

Order of the Director, OPPR

Issued: April 21, 1983.

Section 101(b)((6) of the Natural Gas Policy Act of 1978 (NGPA) requires that the Commission compute and make available maximum lawful prices and inflation adjustments prescribed in Title I of the NGPA before the beginning of any month for which such figures apply.

Pursuant to this requirement and § 375.307(1) of the Commission's regulations, which delegates the publication of such prices and inflation adjustments to the Director of the Office of Pipeline and Producer Regulation, the maximum lawful prices for the months of May, June and July, 1983 are issued by the publication of the price tables for the applicable quarter. Pricing tables are found in § 271.101(a) of the Commission's regulations. Table I of § 271.101(a) specifies the maximum lawful prices for gas subject to NGPA sections 102, 103, 106(b)(1)(B), 107(c)(5), 108 and 109. Table II of § 271.101(a) specifies the maximum lawful prices for sections 104 and 106(a) of the NGPA. Table III of § 271.102(c) contains the inflation adjustment factors. The maximum lawful prices and the inflation adjustment factors for the periods prior to May 1983 are found in the tables in §§ 271.101 and 271.102.

List of Subjects in 18 CFR Part 271

Natural gas.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

PART 271—[AMENDED]

§ 271.101 [Amended]

1. Section 271.101(a) is amended by inserting the maximum lawful prices for May, June and July, 1983, in Tables I and II.

§ 271.102 [Amended]

2. Section 271.102(c) is amended by inserting the inflation adjustment for the months of May, June and July, 1983 in Table III.

TABLE I.—NATURAL GAS CEILING PRICES

(Other than NGPA §§ 104 and 106(a))

Maximum lawful price per MMBtu for deliveries in:

Subpart of part 271	NGPA section	Category of gas	May 1983	June 1983	July 1983
B	102	New natural gas, certain OCS gas	$3.394	3.421	3.448
C	103	New, onshore production wells	2.765	2.778	2.792
F	106(b)(1)(B)	Alternative maximum lawful price for certain intrastate rollover gas.	1.579	1.587	1.595
G	107(c)(5)	Gas produced from tight formations	5.530	5.556	5.584
H	108	Stripper gas	3.636	3.665	3.694
I	109	Not otherwise covered	2.289	2.300	2.311

TABLE II.—NATURAL GAS CEILING PRICES: NGPA §§ 104 AND 106(a) (SUBPART D, PART 271)

Maximum lawful price per MMBtu for deliveries made in:

Category of natural gas	Type of sale or contract	May 1983	June 1983	July 1983
Post-1974 gas	All producers	$2.289	2.300	2.311
1973-1974 Biennium gas	Small producer	1.938	1.947	1.956
	Large producer	1.481	1.488	1.495
Interstate Rollover gas	All producers	.850	.854	.858
Replacement contract gas or recompletion gas.	Small producer	1.089	1.094	1.099
	Large producer	.832	.836	.840
Flowing gas	Small producer	.548	.551	.554
	Large producer	.465	.467	.469
Certain Permian Basin gas	Small producer	.649	.652	.655
	Large producer	.571	.574	.577
Certain Rocky Mountain gas	Small producer	.649	.652	.655
	Large producer	.548	.551	.554
Certain Appalachian Basin gas	North subarea contracts dated after 10-7-69.	.517	.520	.523
	Other contracts	.483	.485	.487
Minimum rate gas [1]	All producers	.284	.285	.286

[1] Prices for minimum rate gas are expressed in terms of dollars per Mcf, rather than MMBtu.

TABLE III.—INFLATION ADJUSTMENT

Month of delivery 1983	Price factor [1]
May	1.00487
June	1.00487
July	1.00487

[1] Factor by which price in preceding month is multiplied.

[FR Doc. 83-11088 Filed 4-25-83; 8:45 am]

BILLING CODE 6717-01-M

18 CFR Part 271

[Docket No. RM79-76-144 (Texas—25); Order No. 292]

High-Cost Gas Produced From Tight Formations; Final Rule

Issued: April 21, 1983.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determined that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the Railroad Commission of Texas that the Monte Christo, South (10,500') Formation be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: This rule is effective May 23, 1983.

FOR FURTHER INFORMATION CONTACT: Steven Ross, (202) 357-8571, or Walter Lawson, (202) 357-8556.

SUPPLEMENTARY INFORMATION:

The Commission hereby amends § 271.703(d) of its regulations to include the Monte Christo, South (10,500') Formation, underlying land in Hidalgo County, Texas, as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by the Director, Office of Pipeline and Producer Regulation, issued November 1, 1982, (47 FR 50,300 November 5, 1982)[1] based on a recommendation by the Railroad Commission of Texas (Texas) in accordance with § 271.703, that the Monte Christo, South (10,500') Formation be designated as a tight formation.

Evidence submitted by Texas supports the assertion that the Monte Christo, South (10,500') Formation meets the guidelines contained in § 271.703(c)(2). The Commission adopts the Texas recommendation.

This amendment shall become effective May 23, 1983.

List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

(Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432; Administrative Procedure Act, 5 U.S.C. 553)

In consideration of the foregoing, Part 271 of Subchapter H, Chapter I, Code of Federal Regulations, is amended as set forth below.

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 271—[AMENDED]

Section 271.703 is amended by adding paragraph (d)(125) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.*

* * * * *

(125) *Monte Christo, South (10,500') Formation in Texas.* RM79-76 (Texas—25).

(i) *Delineation of formation.* The Monte Christo, South (10,500') Formation is located in the southern portion of Hidalgo County, Texas, Railroad Commission, District 4, and includes the following surveys: Macedonia Jr. Vela No. 214, A-623; Tex.—Mex. R.R. No. 215, A-130; W. T. Bomar No. 218, A-626; Jas. L. Hudson, A-649; Walter A. Hoffhein, A-797; W. H. Kozel, A-798; Tex.—Mex. R.R. No. 217, A-131; the northernmost 500 acres of both the Nicholas Zamora Porcion No. 48, A-76 and the Torebio Zamora Porcion No. 49, A-78; and the southernmost 900 acres of the northern 1,800 acres of the Francisco Cantu Porcion No. 80, A-570.

(ii) *Depth.* The depth to the top of the Monte Christo, South (10,500') Formation varies from 10,200 feet subsea to 10,600

[1] Comments were invited on the proposed rule and one comment supporting the recommendation was received. No party requested a public hearing and no hearing was held.

feet subsea. The maximum thickness of the formation is approximately 900 feet.

[FR Doc. 83-11080 Filed 4-25-83; 8:45 am]
BILLING CODE 6717-01-M

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18 CFR Part 271

[Docket No. RM79-76-145 (Texas—26); Order No. 293]

High-Cost Gas Produced From Tight Formations; Final Rule

Issued: April 21, 1983.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determined that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the Railroad Commission of Texas that the Anacacho Formation be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: This rule is effective May 23, 1983.

FOR FURTHER INFORMATION CONTACT: Jane M. Oliver, (202) 357-8316 or Walter Lawson, (202) 357-8556.

SUPPLEMENTARY INFORMATION:

The Commission hereby amends § 271.703 (d) of its regulations to include the Anacacho Formation in Atascosa County, Texas as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by the Director, Office of Pipeline and Producer Regulation, issued November 1, 1982 (47 FR 50301, November 5, 1982)[1] based on a recommendation by the Railroaad Commission of Texas (Texas) in accordance with § 271.703, that the Anacacho Formation be designated as a tight formation.

Evidence submitted by Texas supports the assertion that the Anacacho Formation meets the guidelines contained in § 271.703 (c) (2). The Commission adopts the Texas recommendation.

This amendment shall become effective May 23, 1983.

List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

(Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.;* Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432; Administrative Procedure Act, 5 U.S.C. 553)

In consideration of the foregoing, Part 271 of Subchapter H, Chapter I, Code of Federal Regulations, is amended as set forth below.

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 271—[AMENDED]

Section 271.703 is amended by adding paragraph (d) (123) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.*

* * * * *

(123) *Anacacho formation in Texas.* RM79-76-145 (Texas-26).

(i) *Delineation of formation.* The Anacacho formation is located in the northwestern part of Atascosa County, Texas, Railroad Commission District 1 and is comprised of the following surveys: F. Brockinzen A-90, Abram Cole A-158 and A-159, W. J. Viser A-873 and A-874, Craner Ford A-247 and A-248, John C. Held A-368, John Sharp A-761, Robert C. Rogers A-721, J. S. Joline A-500, H. P. Benningfield A-97, Wm. H. Morris A-899, and Nepomucinco Flores A-244.

(ii) *Depth.* The Anacacho Formation in the Benton City Area is encountered at measured depths ranging from 1,600 feet to 2,100 feet.

[1] Comments were invited on the proposed rule and no comments were received. No party requested a hearing and no hearing was held.

[FR Doc. 83-11081 Filed 4-25-83; 8:45 am]
BILLING CODE 6717-01-M

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18 CFR Part 271

[Docket No. RM79-76-156 (Texas—7 Addition II); Order No. 297]

High-Cost Gas Produced From Tight Formations; Final Rule

Issued: April 21, 1983.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determined that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the Railroad Commission of Texas that an additional area of the Lower Wilcox (Midcox) Formation be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: This rule is effective May 23, 1983.

FOR FURTHER INFORMATION CONTACT: Steven Ross, (202) 357-8571 or Walter Lawson (202) 357-8556.

SUPPLEMENTARY INFORMATION:

The Commission hereby amends § 271.703(d) of its regulations to include an additional area of the Lower Wilcox (Midcox) Formation underlying land in Colorado County, Texas as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by the Director, Office of Pipeline and Producer Regulation, issued December 30, 1982 (48 FR 424, January 5, 1983) [1] based on a recommendation by the Railroad Commission of Texas in accordance with § 271.703, that an additional area of the Lower Wilcox (Midcox) Formation be designated as a tight formation.

Evidence submitted by Texas supports the assertion that the additional area of the Lower Wilcox (Midcox) Formation meets the guidelines contained in § 271.703(c)(2). The Commission adopts the Texas recommendation.

This amendment shall become effective May 23, 1983.

List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

(Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.;* Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432; Administrative Procedure Act, 5 U.S.C. 553)

[1] Comments were invited by the Commission, and no comments or requests for a public hearing were received by the Commission in this docket.

In consideration of the foregoing, Part 271 of Subchapter H, Chapter I, Code of Federal Regulations, is amended as set forth below.

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 271—[AMENDED]

Section 271.703 is amended by adding paragraph (d)(18)(iii) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.*

* * * * *

(18) *Lower Wilcox Formation in Texas.* RM79–76 (Texas–7).

* * * * *

(iii) *Lower Wilcox (Midcox) Formation.*

(A) *Delineation of formation.* The Lower Wilcox (Midcox) Formation is found approximately five miles northeast of the town of Rock Island in central Colorado County, Texas, Railroad Commission District 3. The designated area is within a 2.5 mile radius around the Holt Oil & Gas Corporation (formerly Perkins Oil Company) Kleimann Unit No. 1 well located in the J. E. Hester Survey A–740.

(B) *Depth.* The top of the Lower Wilcox (Midcox) Formation is found at an approximate log depth of 11,650 feet in the Kleimann Unit No. 1 well and is 344 thick.

[FR Doc. 83–11078 Filed 4–25–83; 8:45 am]

BILLING CODE 6717–01–M

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18 CFR Part 282

[Docket RM79–14]

OPPR of Publication of Incremental Pricing Acquisition Cost Thresholds Under Title II of the NGPA

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order prescribing incremental pricing thresholds.

SUMMARY: The Director of the Office of Pipeline and Producer Regulation is issuing the incremental pricing acquisition cost thresholds prescribed by Title II of the Natural Gas Policy Act and 18 CFR 282.304. The Act requires the Commission to compute and publish the threshold prices before the beginning of each month for which the figures apply. Any cost of natural gas above the applicable threshold is considered to be an incremental gas cost subject to incremental pricing surcharging.

EFFECTIVE DATE: May 1, 1983.

FOR FURTHER INFORMATION CONTACT: Kenneth A. Williams, Federal Energy Regulatory Commission, 825 N. Capitol Street, NE., Washington, D.C. 20426, (202) 357–8500.

SUPPLEMENTARY INFORMATION:

In the matter of: Publication of Prescribed Incremental Pricing Acquisition Cost Threshold of the NGPA of 1978 Docket No. RM79–14.

Order of the Director, OPPR

Issued: April 21, 1983.

Section 203 of the NGPA requires that the Commission compute and make available incremental pricing acquisition cost threshold prices prescribed in Title II before the beginning of any month for which such figures apply.

Pursuant to that mandate and pursuant to § 375.307(1) of the Commission's regulations, delegating the publication of such prices to the Director of the Office of Pipeline and Producer Regulation, the incremental pricing acquisition cost threshold prices for the month of May 1983 is issued by the publication of a price table for the applicable month.

List of Subjects in 18 CFR Part 282

Natural gas.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

TABLE I.—INCREMENTAL PRICING ACQUISITION COST THRESHOLD PRICES

[Calendar Year 1980]

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Incremental Pricing Threshold	$1.702	$1.738	$1.750	$1.762	$1.776	$1.790	$1.804	$1.819	$1.834	$1.849	$1.863	$1.877
NGPA Section 102 Threshold	2.358	2.381	2.404	2.428	2.453	2.478	2.504	2.532	2.560	2.585	2.614	2.640
NGPA Section 109 Threshold	1.786	1.799	1.812	1.825	1.839	1.853	1.867	1.883	1.899	1.915	1.929	1.943
130% of No. 2 Fuel Oil in New York City Threshold	7.170	7.260	7.410	7.110	7.380	6.040	7.840	7.380	7.400	7.400	7.450	7.580

[Calendar Year 1981]

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Incremental Pricing Threshold	$1.891	$1.908	$1.925	$1.942	$1.954	$1.967	$1.980	$1.990	$2.000	$2.010	$2.025	$2.041
NGPA Section 102 Threshold	2.667	2.698	2.729	2.761	2.787	2.813	2.840	2.863	2.886	2.909	2.940	2.971
NGPA Section 109 Threshold	1.957	1.975	1.993	2.011	2.024	2.037	2.050	2.060	2.070	2.080	2.096	2.112
130% of No. 2 Fuel Oil in New York City Threshold	7.610	7.760	8.260	9.010	9.510	9.430	9.360	9.260	8.860	8.700	8.830	8.990

[Calendar Year 1982]

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Incremental Pricing Threshold	$2.057	$2.071	$2.085	$2.099	$2.106	$2.113	$2.120	$2.129	$2.139	$2.149	$2.159	$2.169
NGPA Section 102 Threshold	3.003	3.033	3.063	3.093	3.112	3.132	3.152	3.176	3.200	3.224	3.249	3.274
NGPA Section 109 Threshold	2.128	2.143	2.158	2.173	2.180	2.187	2.194	2.204	2.214	2.224	2.234	2.244
130% of No. 2 Fuel Oil in New York City Threshold	9.160	9.340	9.470	9.340	9.280	8.000	8.170	8.670	8.660	8.950	8.540	8.890

[Calendar Year 1983]

	Jan.	Feb.	Mar.	Apr.	May
Incremental Pricing Threshold	$2.179	$2.187	$2.195	$2.203	$2.214
NGPA Section 102 Threshold	3.299	3.321	3.344	3.367	3.394
NGPA Section 109	2.254	2.262	2.270	2.278	2.289
130% of No. 2 Fuel Oil in New York City Threshold	9.420	9.320	8.820	8.120	7.550

[FR Doc. 83–11087 Filed 4–25–83; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 145

[Docket No. 79N-0231]

Canned Berries; Standard of Identity; Confirmation of Effective Date

AGENCY: Food and Drug Administration.

ACTION: Final rule; confirmation of effective date.

SUMMARY: The Food and Drug Administration (FDA) is confirming the effective date for compliance with the provision of the amended standard of identity for canned berries to provide for the use of safe and suitable nutritive carbohydrate sweeteners as optional ingredients.

DATES: Effective July 1, 1985, for all affected products initially introduced or initially delivered for introduction into interstate commerce on or after this date. Voluntary compliance may have begun March 22, 1983.

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Bureau of Foods (HFF-214), Food and Drug Administration, 200 C St. SW., Washington, DC 20204; 202-245-1164.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of January 21, 1983 (48 FR 2747), FDA issued a final rule amending the standard of identity for canned berries to provide for the use of safe and suitable nutritive carbohydrate sweeteners as optional ingredients (21 CFR 145.120(a)(3)). Any person who would be adversely affected by the regulation could have, at any time on or before February 22, 1983, filed written objections to the final regulation and requested a public hearing on the specific provisions to which there were objections. No objections or requests for a hearing were received.

List of Subjects in 21 CFR Part 145

Canned fruit, Food standards, Fruits.

Therefore, under the Federal Food, Drug, and Cosmetic Act (Secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), notice is given that the effective date for compliance with the standard of identity for canned berries (21 CFR 145.120) as amended in the **Federal Register** of January 21, 1983 (48 FR 2747) is July 1, 1985. Voluntary compliance may have begun March 22, 1983.

Dated: April 15, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-10840 Filed 4-25-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 172

[Docket No. 80F-0031]

Food Additives Permitted for Direct Addition to Food for Human Consumption; Anoxomer

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of an antioxidant for use in food for human consumption.

DATES: Effective April 26, 1983; objections by May 26, 1983. The Director of the Federal Register approves the incorporation by reference of certain publications in 21 CFR 172.105 effective April 26, 1983.

ADDRESS: Written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Rudolph Harris, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204; 202-472-5690.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of March 3, 1981 (46 FR 14970), FDA announced that a petition (FAP OA3517) had been filed by Dynapol, 1454 Page Mill Rd., Palo Alto, CA 94304, proposing that a new section be added under Part 172 (21 CFR Part 172), Subpart B—Food Preservatives, to provide for the safe use of an antioxidant, 1,4-benzenediol, 2-(1,1-dimethylethyl)polymer with diethenylbenzene, 4-(1,1-dimethylethyl)phenol, 4-methoxyphenol, 4,4'-(1-methylethylidene)bis(phenol) and 4-methylphenol (CAS Reg. No. 60837-57-2), for use in food for human consumption. The antioxidant is also called anoxomer or *tert*-butylhydroquinone polymer with divinylbenzene, *p-tert*-butylphenol, *p*-methoxyphenol, 4,4'-isopropylidenediphenol, and *p*-cresol.

FDA has evaluated the data in the petition and other relevant material and concludes that the proposed food additive use is safe and that the regulations should be amended as set forth below. The agency is listing the antioxidant in the regulation under the generic name of the additive, anoxomer.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Bureau of Foods (address above) by appointment with the information contact person listed above. As provided in § 171.1(h)(2), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding may be seen in the Dockets Management Branch (address above), between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 172

Food additives, Food preservatives, Incorporation by reference, Spices and flavorings.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 172 is amended in Subpart B by adding new § 172.105, to read as follows:

PART 172—FOOD ADDITIVES PERMITTED FOR DIRECT ADDITION TO FOOD FOR HUMAN CONSUMPTION

§ 172.105 Anoxomer.

Anoxomer as identified in this section may be safely used in accordance with the following conditions:

(a) Anoxomer is 1,4-benzenediol, 2-(1,1-dimethylethyl)-polymer with diethenylbenzene, 4-(1,1-

dimethylethyl)phenol, 4-methoxyphenol, 4,4'-(1-methylethylidene)bis(phenol) and 4-methylphenol (CAS Reg. No. 60837-57-2) prepared by condensation polymerization of divinylbenzene (*m*- and *p*-) with *tert*-butylhydroquinone, *tert*-butylphenol, hydroxyanisole, *p*-cresol and 4,4'-isopropylidenediphenol.

(b) The polymeric antioxidant meets the following specifications:

(1) Polymer, not less than 98.0 percent as determined by an ultraviolet method entitled "Ultraviolet Assay, "1982, which is incorporated by reference. Copies are available from the Division of Food and Color Additives, Bureau of Foods (HFF-330), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

(2) Molecular weight: Total monomers, dimers and trimers below 500 not more than 1 percent as determined by a method entitled "Low Molecular Weight Anoxomer Analysis," 1982, which is incorporated by reference. Copies are available from the Division of Food and Color Additives, Bureau of Foods (HFF-330), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

(3) Phenol content: Not less than 3.2 milliequivalent/gram and not more than 3.8 milliequivalent/gram as determined by a method entitled "Total Phenols," 1982, which is incorporated by reference. Copies are available from the Division of Food and Color Additives, Bureau of Foods (HFF-330), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

(4) Heavy metals as lead (as Pb), not more than 10 parts per million. Arsenic (as As), not more than 3 parts per million. Mercury (as Hg), not more than 1 part per million.

(c) Anoxomer may be safely used as an antioxidant in food at level of not more than 5,000 parts per million based on fat and oil content of the food.

Any person who will be adversely affected by the foregoing regulation may at any time on or before May 26, 1983, submit to the Dockets Management Branch (address above) written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective April 26, 1983.

(Secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348))

Dated: April 22, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-11192 Filed 4-25-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Parts 430, 436, and 444

[Docket No. 83N-0074]

Antibiotic Drugs; Netilmicin Sulfate Injection

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the antibiotic drug regulations to provide for the inclusion of accepted standards for a new antibiotic drug, netilmicin sulfate injection. The manufacturer has supplied sufficient data and information to establish its safety and efficacy.

DATES: Effective April 26, 1983; comments, notice of participation, and request for hearing by May 26, 1983; data, information, and analyses to justify a hearing by June 27, 1983.

ADDRESS: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Joan Eckert, National Center for Drugs and Biologics (HFN-140), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4290.

SUPPLEMENTARY INFORMATION: FDA has evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357), as amended, with respect to a request for approval of a new antibiotic drug, netilmicin sufate injection. The agency has concluded that the data supplied by the manufacturer concerning this antibiotic drug are adequate to establish its safety and efficacy when used as directed in the labeling and that the regulations should be amended in Parts 430, 436, and 444 (21 CFR Parts 430, 436, and 444) to provide for the inclusion of accepted standards for the product.

The agency has determined pursuant to 21 CFR 25.24(b)(22) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects

21 CFR Part 430

Administrative practice and procedures, Antibiotics.

21 CFR Part 436

Antibiotics.

21 CFR Part 444

Antibiotics, Oligosaccharide.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 507, 701 (f) and (g), 52 Stat. 1055–1056 as amended, 59 Stat. 463 as amended (21 U.S.C. 357, 371 (f) and (g))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Parts 430, 436, and 444 are amended as follows:

PART 430—ANTIBIOTIC DRUGS; GENERAL

1. Part 430 is amended:

a. In § 430.4 by adding new paragraph (a)(50), to read as follows:

§ 430.4 Definitions of antibiotic substances.

(a) * * *

(50) *Netilmicin.* Netilmicin is a semi-synthetic antibiotic of the aminoglycoside group derived from sisomicin, and each of the same substances produced by any other means is a kind of netilmicin. It is D-Streptamine, 4-*O*-[3-amino-6-(aminomethyl)-3,4-dihydro-2*H*-pyran-2-yl]-2-deoxy-6-*O*-[3-deoxy-4-*C*-methyl-3-(methylamino)-*β*-L-arabinopyranosyl]-*N*^{1}-ethyl-, (2*S-cis*)-.

b. In § 430.5 by adding new paragraphs (a)(77) and (b)(77), to read as follows:

§ 430.5 Definitions of master and working standards.

(a) * * *

(77) *Netilmicin.* The term "netilmicin master standard" means a specific lot of netilmicin that is designated by the Commissioner as the standard of comparison in determining the potency of the netilmicin working standard.

(b) * * *

(77) *Netilmicin.* The term "netimicin working standard" means a specific lot of a homogeneous preparation of netilmicin.

c. In § 430.6 by adding new paragraph (b)(78), to read as follows:

§ 430.6 Definitions of the terms "unit" and "microgram" as applied to antibiotic substances.

* * * * *

(b) * * *

(78) *Netilmicin.* The term "microgram" applied to netilmicin means the netilmicin activity (potency) contained in 1.000 microgram of the netilmicin master standard expressed on an anhydrous basis.

PART 436—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

2. Part 436 is amended in § 436.105 (a) and (b) by alphabetically inserting a new item in the respective tables, as follows:

§ 436.105 Microbiological agar diffusion assay.

* * * * *

(a) * * *

Antibiotic	Media to be used (as listed by medium number in § 436.102(b))		Milliliters of media to be used in the base and seed layers		Test organism	Suggested volume of standardized inoculum to be added to each 100 milliliters of seed agar (milliliters)	Incubation temperature for the plates (degrees C)
	Base layer	Seed layer	Base layer	Seed layer			
Netilmicin	11	11	20	5	D	0.25	36-37.5

(b) * * *

Antibiotic	Working standard stock solutions					Standard response line concentrations	
	Drying conditions (method number as listed in § 436.200)	Initial solvent	Diluent (solution number as listed in § 436.101(a))	Final concentration units or milligrams per milliliter	Storage time under refrigeration	Diluent	Final concentrations, units or micrograms of antibiotic activity per milliliter
Netilmicin	Not dried *		3	1 mg	7 days	3	0.064, 0.080, 0.100, 0.125, 0.156 μg.

* Working standard should be stored below minus 10° C under an atmosphere of nitrogen. Netilmicin sulfate is hygroscopic and care should be exercised during weighing.

PART 444—OLIGOSACCHARIDE ANTIBIOTIC DRUGS

3. Part 444 is amended:

a. In Subpart A by adding new § 444.46, to read as follows:

§ 444.46 Netilmicin sulfate.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Netilmicin sulfate is the sulfate salt of D-Streptamine,4-*O*-[3-amino-6-(aminomethyl)-3,4-dihydro-2*H*-pyran-2-yl]-2-deoxy-6-*O*-[3-deoxy-4-*C*-methyl-3-(methylamino)-B-L-arabinopyranosyl]-*N*^{1}-ethyl-, (2*S-cis*)-, (2:5). It is a white-to-buff-colored powder. It is so purified and dried that:

(i) Its potency is not less than 595 micrograms of netilmicin per milligram on an anhydrous basis.

(ii) Its loss on drying is not more than 15.0 percent.

(iii) Its pH in an aqueous solution containing 40 milligrams per milliliter is not less than 3.5 and not more than 5.5.

(iv) Its residue on ignition is not more than 1.0 percent.

(v) Its specific rotation in an aqueous solution containing 30 milligrams per milliliter at 25° C is not less than +88° and not more than +96°.

(vi) It passes the identity test.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, loss on drying, pH, residue on ignition, specific rotation, and identity.

(ii) Samples, if required by the Director, National Center for Drugs and Biologics: 12 packages, each containing approximately 500 milligrams.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to obtain a stock solution of convenient concentration. Dilute an aliquot of the stock solution with solution 3 to the reference concentration of 0.1 microgram of netilmicin per milliliter (estimated).

(2) *Loss on drying.* Proceed as directed in § 436.200(c) of this chapter.

(3) *pH.* Proceed as directed in § 436.202 of this chapter, using an aqueous solution containing 40 milligrams per milliliter.

(4) *Residue on ignition.* Proceed as directed in § 436.207(a) of this chapter.

(5) *Specific rotation.* Use an aqueous solution containing 3 milligrams of sample per milliliter. Proceed as directed in § 436.210 of this chapter, using a 1.0-decimeter tube, and calculate the specific rotation on an anhydrous basis.

(6) *Identity.* Proceed as directed in § 436.318 of this chapter, except:

(i) Prepare sample and standard solutions containing 10 milligrams of netilmicin per milliliter;

(ii) Use 5 microliters of the solutions to spot the chromatography plate;

(iii) Remove the plate from the tank after 1.5 hours; and

(iv) Netilmicin sulfate appears as a brown spot.

b. In Subpart C by adding new § 444.246, to read as follows:

§ 444.246 Netilmicin sulfate injection.

(a) *Requirements for certification—(1) Standards of identity, strength, quality, and purity.* Netilmicin sulfate injection is an aqueous solution of netilmicin sulfate and one or more buffers, chelating agents, antioxidants, and preservatives. Each milliliter contains netilmicin sulfate equivalent to 10 milligrams, 25 milligrams, or 100 milligrams of netilmicin. Its potency is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of netilmicin that it is represented to contain. It is sterile. It is nonpyrogenic. Its pH is not less than 3.5 and not more than 6.0. The netilmicin sulfate used conforms to the standards prescribed by § 444.46(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The netilmicin sulfate used in making the batch for potency, loss on drying, pH, residue on ignition, specific rotation, and identity.

(*b*) The batch for potency, sterility, pyrogens, and pH.

(ii) Samples, if required by the Director, National Center for Drugs and Biologics:

(*a*) The netilmicin sulfate used in making the batch: 12 packages, each containing approximately 500 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of 12 immediate containers.

(*2*) For sterility testing: 20 immediate containers collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay—(1) Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Dilute an accurately measured representative portion of the product with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to the reference concentration of 0.1 microgram of netilmicin per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens.* Proceed as directed in § 436.32(a) of this chapter, using a solution containing 10 milligrams of netilmicin per milliliter.

(4) *pH.* Proceed as directed in § 436.202 of this chapter, using the undiluted solution.

This regulation announces standards that FDA has accepted in a request for approval of an antibiotic drug. Because this regulation is not controversial and because when effective it provides notice of accepted standards, notice and comment procedure and delayed effective date are found to be unnecessary and not in the public interest. The amendment, therefore, is effective April 26, 1983. Interested persons may, however, on or before May 26, 1983, submit written comments to the Dockets Management Branch (address above). Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number in brackets in the heading of this document. Received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may file objections to it and request a hearing. Reasonable grounds for the hearing must be shown. Any person who decides to seek a hearing must file (1) on or before May 26, 1983, a written notice of participation and request for hearing, and (2) on or before June 27, 1983, the data, information, and analyses on which the person relies to justify a hearing, as specified in 21 CFR 430.20. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for hearing that no genuine and substantial issue of fact precludes the action taken by this order, or if a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person(s) who request(s) the hearing, making findings and conclusions and denying a hearing. All submissions must be filed in three copies, identified with the docket number appearing in the heading of this order and filed with the Dockets Management Branch.

The procedures and requirements governing this order, a notice of participation and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and grant or denial of a hearing are contained in 21 CFR 430.20.

All submissions under this order, except for data and information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Effective date: April 26, 1983.

(Secs. 507, 701(f) and (g), 52 Stat. 1055–1056 as amended, 59 Stat. 463 as amended (21 U.S.C. 357, 371 (f) and (g)))

Dated: April 20, 1983.

James C. Morrison,

Assistant Director for Regulatory Affairs.

[FR Doc. 83-11135 Filed 4-25-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Parts 510 and 558

New Animal Drugs For Use in Animal Feeds; Tylosin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of two new animal drug applications (NADA's) filed for De Kalb Feeds, Inc., providing for manufacturing 0.8- and 10-gram-per-pound tylosin premixes. The 0.8-gram-per-pound premixes are used to make swine feeds; the 10-gram-per-pound permixes are used to make swine, cattle, and chicken feeds. In addition, the firm is added to the list of sponsors of approved NADA's.

EFFECTIVE DATE: April 26, 1983.

FOR FURTHER INFORMATION CONTACT: Lonnie W. Luther, Bureau of Veterinary Medicine (HFV–128), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4317.

SUPPLEMENTARY INFORMATION: De Kalb Feeds, Inc., Box 111, Rock Falls, IL 61071, is sponsor of NADA's 133–382 and 133–383 submitted on its behalf by Elanco Products Co. NADA 133–382 provides for use of Elanco's 40- and 100-gram-per-pound tylosin premixes or granulated tylosin concentrate to make 10-gram-per-pound intermediate premixes which are used to make complete feeds for swine; beef cattle; and layer, broiler, and replacement chickens as provided for in 21 CFR 558.625(f)(1) (i) through (vi). NADA 133–

383 provides for use of Elanco's 40- and 100-gram-per-pound premixes or granulated tylosin concentrate to make 0.8-gram-per-pound intermediate premixes to make complete swine feed as provided for in 21 CFR 558.625(f)(1)(vi) (*a*). The basis of approval of these NADA's is discussed in the freedom of information summaries. The NADA's are approved and the regulations are amended accordingly.

The sponsor has not been previously added to the list of sponsors of approved NADA's in 21 CFR 510.600(c). The list is amended to add this sponsor.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects

21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting requirements.

21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Parts 510 and 558 are amended as follows:

PART 510—NEW ANIMAL DRUGS

1. In Part 510, § 510.600 is amended by adding a new sponsor alphabetically to paragraph (c)(1) and numerically to paragraph (c)(2) to read as follows:

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

* * * * *

(c) * * *

(1) * * *

Firm name and address	Drug labeler code
* * * * *	
De Kalb Feeds, Inc., P.O. Box 111, Rock Falls, IL 61071.	024857
* * * * *	

(2) * * *

Drug labeler code	Firm name and address
* * * * *	
024857	De Kalb Feeds, Inc., P.O. Box 111, Rock Falls, IL 61071.
* * * * *	

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

2. In Part 558, § 558.625 is amended by adding new paragraph (b)(81) to read as follows:

§ 558.625 Tylosin.

* * * * *

(b) * * *

(81) To 024857: 0.8 gram per pound; paragraph (f)(1)(vi)(*a*) of this section; 10 grams per pound; paragraph (f)(1)(i) through (vi) of this section.

* * * * *

Effective date. April 26, 1983.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: April 19, 1983.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 83-11004 Filed 4-25-83; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Sulfamethazine Sustained-Release Boluses

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulation for sulfamethazine sustained-release boluses to remove a statement concerning hours required to attain the therapeutic blood level in cattle. The statement concerning the therapeutic level is no longer accurate, based on recently submitted data, and in addition, is now considered superfluous.

EFFECTIVE DATE: April 26, 1983.

FOR FURTHER INFORMATION CONTACT: Charles E. Haines, Bureau of Veterinary Medicine (HFV–133), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3410.

SUPPLEMENTARY INFORMATION: International Multifoods Corp., 1200 Multifoods Bldg., 8th and Marquette Sts., Minneapolis, MN 55402, is sponsor of approved NADA 120–615. Approval of the NADA was published in the **Federal Register** of July 14, 1981 (46 FR 36131). The application provides for the use of sulfamethazine sustained-release boluses for treating beef and nonlactating dairy cattle for certain infections caused by sulfamethazine-sensitive organisms.

Under "Limitations" in § 520.2260b (21 CFR 520.2260b) of the regulation reflecting International Multifoods' approval, the statement "Boluses are designed to provide a therapeutic sulfamethazine level in approximately 8 to 12 hours and to maintain the level for 72 hours (3 days)" appears. This statement is no longer accurate because the firm has submitted a supplemental NADA containing additional bioavailability studies demonstrating attainment of a therapeutic sulfamethazine level at 6 hours instead of 8 to 12 hours. The supplement and the indicated label revision are approved.

This approval does not change the approved dosage and remaining conditions of use of the drug and does not increase the human risk of exposure to residues of the drug in edible tissue. Consequently, approval of this application does not require reevaluation of the safety and effectiveness under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977).

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmentalal assessment nor an environment impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

List of Subjects in 21 CFR Part 520

Animal drugs, Oral use.

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), §520.2260b *Sulfamethazine sustained-release boluses* is amended in paragraph (c)(2)(iii) under "Limitations" by removing the first sentence "Boluses are designed to provide a therapeutic sulfamethazine level in approximately 8 to 12 hours and to maintain the level for 72 hours (3 days)."

Effective date. This amendment is effective April 26, 1983.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: April 21, 1983.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 83-11134 Filed 4-25-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Bambermycins

Correction

In FR Doc. 83-9434, beginning on page 15619, in the issue of Tuesday, April 12, 1983, make the following corrections:

1. On page 15619, third column, in the "**SUMMARY**" section, line 9, correct "(21 U.S.C. 360(m))" to read "(21 U.S.C. 360b(m))".

2. On page 15620, middle column, first paragraph, line 5, correct "exceptions" to read "exemptions" and in line 25, correct "January 9, 1982," to read "January 9, 1981".

BILLING CODE 1505-01-M

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21 CFR Part 558

New Animal Drugs For Use in Animal Feeds; Virginiamycin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) (filed for Carl S. Akey, Inc., providing for use of a 50-percent virginiamycin premix to manufacture a 10-gram-per-pound (2.2 percent) intermediate premix. The intermediate premix is subsequently used to make a finished swine feed used for increased rate of weight gain and improved feed efficiency.

EFFECTIVE DATE: April 26, 1983.

FOR FURTHER INFORMATION CONTACT: Lonnie W. Luther, Bureau of Veterinary Medicine (HFV–128), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4317.

SUPPLEMENTARY INFORMATION: Carl S. Akey, Inc., P.O. Box 128, Lewisburg, OH 45338, is sponsor of original NADA 133–333 filed in its behalf by SmithKline Animal Health Products, Division of SmithKline Beckman Corp., Philadelphia, PA. The NADA provides for use of SmithKline's 50 percent virginiamycin premix to make a 10-gram-per-pound (2.2 percent) intermediate premix subsequently used to make finished swine feeds used as in 21 CFR 558.635(f)(1) (iv) and (v). The basis of approval is discussed in the freedom of information summary for NADA's 91–467 and 91–513. Based on that data and information, the NADA is approved and the regulations are amended to reflect the approval.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this type of action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

§ 588.635 [Amended]

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec 512(i), 82 Stat. 347 (21 U.S.C. 360(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 588.635 *Virginiamycin* is amended in paragraph (b)(2) by adding, in numerical sequence, drug sponsor code "017790."

Effective date. April 26, 1983.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360(i)))

Dated: April 19, 1983.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 83-11005 Filed 4-25-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Virginiamycin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed for Feed Specialties Co., providing for use of a 50-percent virginiamycin premix to make a 2.2-percent (10 grams per pounds) intermediate premix. The intermediate premix is subsequently used to make a finished swine feed used for increased rate of weight gain and improved feed efficiency.

EFFECTIVE DATE: April 26, 1983.

FOR FURTHER INFORMATION CONTACT: Lonnie W. Luther, Bureau of Veterinary Medicine (HFV–128), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4317.

SUPPLEMENTARY INFORMATION: Feed Specialties Co., 1877 NE. 58th Ave., Des Moines, IA 50313, is sponsor of NADA 133–361 filed in its behalf by SmithKline Animal Health Products, Division of SmithKline Beckman Corp., Philadelphia, PA. The NADA provides for use of SmithKline's 50-percent virginiamycin premix to make a 2.2-percent (10 grams per pound) intermediate premix subsequently used to make finished swine feeds used as in 21 CFR 558.635(f)(1) (iv) and (v). Approval of this application is based on safety and effectiveness data contained in SmithKline's approved NADA's 91–467 and 91–513. SmithKline has authorized use of data in its NADA's to support approval of this application. Based on that data and information, the NADA is approved and the regulations are amended to reflect the approval.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen

in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

§ 558.635 [Amended]

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 558.635 *Virginiamycin* is amended in paragraph (b)(2) by adding, in numerical sequence, drug sponsor code No. "017274."

Effective date. April 26, 1983.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))

Dated: April 19, 1983.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 83-11006 Filed 4-25-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 558

New Animal Drugs For Use in Animal Feeds; Virginiamycin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed for Quali-Tech Products, Inc., providing for use of a 50-percent virginiamycin premix to manufacture a 10-gram-per-pound intermediate premix. The intermediate premix is subsequently used to make a virginiamycin containing finished swine feed used for increased rate of weight gain and improved feed efficiency.

EFFECTIVE DATE: April 25, 1983.

FOR FURTHER INFORMATION CONTACT: Lonnie W. Luther, Bureau of Veterinary Medicine (HFV-128), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4317.

SUPPLEMENTARY INFORMATION: Quali-Tech Products, Inc., 318 Lake Hazeltine Dr., Chaska, MN 55318, is sponsor of original NADA 133-335 filed on its behalf by SmithKline Animal Health Products, Division of SmithKline Beckman Corp., Philadelphia, PA. The NADA provides for use of SmithKline's 50 percent virginiamycin premix to make a 10-gram-per-pound intermediate premix subsequently used to make finished swine feeds used as indicated in 21 CFR 558.635(f)(1) (iv) and (v). The basis of approval of this NADA is discussed in the freedom of information (FOI) summary filed with NADA's 91-467 and 91-513. Based on that data and information, the NADA is approved and the regulations are amended to reflect the approval.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

§ 558.635 [Amended]

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 558.635 *Virginiamycin* is amended in paragraph (b)(2) by adding after the number "011490" the phrase "and 016968."

Effective date. April 26, 1983.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: April 15, 1983.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 83-11007 Filed 4-25-83; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 301

[T.D. 7889]

Tax Classification of Limited Partnerships in Light of Certain Recent Legislative Developments

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations relating to the classification, for federal tax purposes, of limited partnerships. The regulations provide that references in the classification rules to the Uniform Limited Partnership Act (ULPA) refer to that Act both as originally promulgated and as revised in 1976. The regulations also clarify the significance, for classification purposes, of provisions in a partnership agreement for removal of a general partner by the limited partners and for limitation of the liability of a general partner to partnership creditors.

DATES: The regulations are effective April 26, 1983, and apply to taxable years beginning after 1953.

FOR FURTHER INFORMATION CONTACT: David R. Haglund of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 (Attention: CC:LR:T (202-566-3459)).

SUPPLEMENTARY INFORMATION:

Background

On October 27, 1980, the **Federal Register** published proposed amendments to the Regulations on Procedure and Administration (26 CFR Part 301) under section 7701 of the Internal Revenue Code of 1954 (45 FR 70909). The amendments were proposed to make clear the application of certain tax classification rules to limited partnerships. No public hearing on the proposed amendments was requested, and accordingly none was held. Two comments on the proposed regulations were received. One merely stated approval of the general provision that the revised ULPA would be treated as equivalent to the original ULPA. The other comment is discussed below.

References to the ULPA

For federal tax purposes various entities may be classified as associations (which are taxable as corporations), partnerships, or trusts. Section 7701(a) (2) and (3) of the Code

and §§ 301.7701–1 through 301.7701–4 of the Regulations on Procedure and Administration set forth the definitions and rules that control the tax classification of entities. Section 301.7701–2 provides that the classification of an entity depends upon the presence or absence of corporate characteristics. That section also includes certain special rules for determining whether an entity organized under a statute corresponding to the ULPA possesses or lacks the corporate characteristics of continuity of life, centralization of management, and limited liability.

The National Conference of Commissioners on Uniform State Laws (NCCUSL) revised the ULPA in 1976. The regulations adopted by this Treasury decision provide that reference in § 301.7701–2 to the ULPA shall be deemed to refer to that Act both as originally promulgated and as revised in 1976. Thus, the same classification rules apply to entities organized under a statute corresponding to the revised ULPA as apply to entities organized under a statute corresponding to the original ULPA.

Power To Remove General Partner

The regulations adopted by this Treasury decision provide that all the facts and circumstances must be taken into account in determining whether the characteristic of centralized management is found in a limited partnership whose limited partners may remove the general partner. The regulations note that a substantially restricted removal power would not itself cause the partnership to possess centralized management.

The only comment received with respect to this issue suggested that the fact that the limited partners has an unrestricted power to remove a general partner indicated the absence, rather than the presence, of centralized management. An unrestricted power to remove a general partner, however, tends to show that the general partner is managing the partnership in a representative capacity rather than on the partner's own behalf. The power, therefore, is an indication that the partnership possesses centralized management. See *Glensder Textile Co. v. Commissioner*, 46 B.T.A. 176 (1942). Accordingly, the final regulations adopt this provison of the proposed regulations without change.

Provision in Partnership Agreement Limiting Liability

The Executive Committee of the NCCUSL adopted an amendment to section 403 of the revised ULPA in February, 1983. That amendment clarified section 403 to ensure that the section would not be read as authorizing any provision in the partnership agreement to limit the liability of general partners to creditors of the partnership. Because the February 1983 amendment is merely a clarifying amendment, the regulations adopted by this Treasury decision do not distinguish between statutes incorporating the 1983 amendment and statutes retaining the version of section 403 of the revised ULPA promulgated in 1976. A statute adopting either version of section 403 may correspond to the ULPA as revised in 1976.

To prevent undue tax benefits for partnerships attempting to exploit the ambiguity in the 1976 version of section 403, however, the final regulations provide that a provision in a partnership agreement that limits the liability of general partners to creditors will be presumed to be effective under local law unless it is established that the provision is ineffective. Under these regulations, therefore, a partnership whose agreement contains such a provision will generally be found to possess the corporate characteristic of limited liability.

Non-Applicability of Executive Order 12291

The Treasury Department has determined that this regulation is not subject to review under Executive Order 12291 or the Treasury and OMB implementation of the Order dated April 28, 1982.

Regulatory Flexibility Act

No general notice of proposed rulemaking is required by 5 U.S.C. 553(b) for interpretative regulations. Accordingly, the Regulatory Flexibility Act (5U.S.C. Chapter 6) does not apply and no Regulatory Flexibility Analysis is required for this rule.

Drafting Information

The principal author of these regulations is David R. Haglund of the Legislation and Regulations Division of the Office of the Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations both on matters of substance and style.

List of Subjects in 26 CFR Part 301

Administrative practice and procedure, Bankruptcy, Courts, Crime, Employment taxes, Estate taxes, Excise taxes, Gift taxes, Income taxes, Investigations, Law enforcement, Penalties, Pensions, Statistics, Taxes Disclosure of information, and Filing requirements.

Adoption of Amendments to the Regulations

PART 301—[AMENDED]

Accordingly § 301.7701–2 of the Regulations on Procedure and Administration (26 CFR Part 301) is amended by adding a new paragraph (a)(5) at the end of paragraph (a), by adding two new sentences at the end of paragraph (c)(4), and by adding a new sentence at the end of paragraph (d)(2). These added provisions read as follows:

§ 301.7701–2 Associations.

(a) *Characteristics of corporations.* * * *

(5) All references in this section to the Uniform Limited Partnership Act shall be deemed to refer both to the original Uniform Limited Partnership Act (adopted in 1916) and to the revised Uniform Limited Partnership Act (adopted by the National Conference of Commissioners on Uniform State Laws in 1976).

* * * * *

(c) *Centralization of management.* * * *

(4) * * * Furthermore, if all or a specified group of the limited partners may remove a general partner, all the facts and circumstances must be taken into account in determining whether the partnership possesses centralized management. A substantially restricted right of the limited partners to remove the general partner (*e.g.*, in the event of the general partner's gross negligence, self-dealing, or embezzlement) will not itself cause the partnership to possess centralized management.

(d) *Limited liability.* * * *

(2) * * * If the limited partnership agreement provides that a general partner is not personally liable to creditors for the debts of the partnership (other than debts for which another general partner is personally liable), it shall be presumed that personal liability does not exist with respect to that partner unless it is established that the provision is ineffective under local law

* * * * *

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

Dated: April 11, 1983.
Roscoe L. Egger, Jr.,
Commissioner of Internal Revenue.

Approved: April 11, 1983.
John E. Chapoton,
Assistant Secretary of the Treasury.

[FR Doc. 83-10842 Filed 4-25-83; 8:45 am]
BILLING CODE 4830-01-M

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; Amendment

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) to reflect that the Secretary of the Navy has determined that USS PETERSON (DD 969) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with its special function as a destroyer. The intended effect of this rule is to warn mariners in waters where the 72 COLREGS apply.

EFFECTIVE DATE: April 1, 1983.

FOR FURTHER INFORMATION CONTACT: Captain Richard J. McCarthy, JAGC, USN, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332, Telephone Number: (202) 325-9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in Executive Order 11964 and 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Secretary of the Navy has certified that USS PETERSON (DD 969) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS: 72 COLREGS Annex I, Section 3(a) pertaining to the placement of the forward masthead light in the forward quarter of the ship; 72 COLREGS Annex I, Section 3(a) pertaining to the placement of the after masthead light and the horizontal distance between the forward and after masthead lights, without interfering with its special function as a naval ship. The Secretary of the Navy has also certified that the aforementioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements. Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary and contrary to public interest since it is based on technical findings that the placement of lights on this ship in a manner differently from that prescribed herein will adversely affect the ship's ability to perform its military function.

List of Subjects in 32 CFR Part 706

Marine safety, Navy Department, Navigation (water), Vessels.

PART 706—[AMENDED]

Accordingly, 32 CFR Part 706 is amended as follows:

§ 706.2 [Amended]

1. Table Five of § 706.2 is amended by adding the following naval ship to the list of vessels therein to indicate the certifications issued by the Secretary of the Navy:

TABLE 5

Vessel	Number	Forward masthead light not required; height above hull Annex I, Section 2(a)(i), (ii), (c), (d)	Aft masthead light less than 4.5 meters above forward masthead light Annex I, Section 2(a)(ii)	Masthead lights not over all other lights and obstructions. Annex I, Section 2(f)	Vertical separation of masthead lights used when towing less than required by Annex I, Section 2(a)(ii)	Aft masthead lights not visible over forward light 1,000 meters ahead of ship in all normal degrees of trim Annex I, Section 2(b)	Forward masthead light not in forward quarter of ship Annex I, Section 3(a)	After masthead light not less than ½ ship's length aft of forward masthead light, Annex I, Section 3(a)	Percentage horizonal separation attained
USS PETERSON	DD-969						X	X	46.4

Dated: April 1, 1983.
John Lehman,
Secretary of the Navy.

[FR Doc. 83-11016 Filed 4-25-83; 8:45 am]
BILLING CODE 3810-AE-M

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; Amendment

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) to reflect that the Secretary of the Navy: (1) Has determined that USS KLAKRING (FFG 42) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with it special function as a naval frigate, and (2) has found that USS KLAKRING (FFG 42) is a member of the FFG 7 class of ships, certain exemptions for which have been previously granted under 72 COLREGS Rule 38. The intended effect of this rule is to warn mariners in waters where the 72 COLREGS apply.

EFFECTIVE DATE: April 15, 1983.

FOR FURTHER INFORMATION CONTACT: Captain Richard J. McCarthy, JAGC, USN, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332, Telephone number: (202) 325-9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in Executive Order 11964 and 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Secretary of the Navy has certified that USS KLAKRING (FFG 42) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS: Rule 21(a) regarding the arc of visibility of its forward masthead light; Annex I, Section 2(a)(i) regarding the height above the hull of its forward masthead light; and Annex I, Section 3(b) regarding the horizontal relationship of its sidelights to its forward masthead light, without interfering with its special function as a Navy frigate. The secretary of the Navy has also certified the above-mentioned light is located in closest possible compliance with the applicable 72 COLREGS requirements.

Notice is also provided to the effect that USS KLAKRING (FFG 42) is a member of the FFG 7 class of ships for which certain exemptions, pursuant to 72 COLREGS Rule 38, have been previously authorized by the Secretary of the Navy. The exemptions pertaining to that class, found in the existing tables of § 706.3, are equally applicable to this ship. Moreover, it has been determined, in accordance with 32 CFR Part 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary and contrary to public interest since it is based on technical findings that the placement of lights on this ship in a manner different from that prescribed herein will adversely affect the ship's ability to perform its military function.

List of Subjects in 32 CFR Part 706

Marine safety, Navy Department, Navigation (water), Vessel.

PART 706—[AMENDED]

Accordingly, 32 CFR Part 706 is amended as follows:

§ 706.2 [Amended]

1. Table One of § 706.2 is amended as follows to indicate the certifications issued by the Secretary of the Navy:

Vessel	Number	Distance in meters of forward masthead light below minimum required height. § 2(a)(i) Annex I
• • • • •		
USS KLAKRING	FFG-42	1.6
• • • • •		

2. Table Four of § 706.2 is amended by adding to the existing paragraph 8 the following vessel for which navigational light certifications are herewith issued by the Secretary of the Navy: USS KLAKRING (FFG 42).

3. Table Four of § 706.2 is amended by adding to the existing paragraph 9 the following vessel for which navigational light certifications are hwerwith issued by the Secretary of the Navy:

Vessel	Number	Distance of sidelights forward of masthead lights in meters
• • • • •		
USS KLAKRING	FFG-42	2.75

(E.O. 11964; 33 U.S.C. 1605)

Dated: April 15, 1983.

James F. Goodrich,

Acting Secretary of the Navy.

[FR Doc. 83-11018 Filed 4-25-83; 8:45 am]

BILLING CODE 3810-AE-M

Department of the Air Force

32 CFR Part 806b

Privacy Act of 1974; Air Force Privacy Act Program

AGENCY: Department of the Air Force, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Air Force is revising Part 806b—Air Force Privacy Act Program. This revision expands the discussion of disclosure of medical records of a minor to the parents or legal guardian, and changes HQ USAF appeal procedures by deleting the Air Force Privacy Board. It implements 5 U.S.C. 552a, Pub. L. 93-579, and DOD Directive 5400.11, 9 June 1982.

EFFECTIVE DATE: February 18, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Updike, Department of the Air Force, HQ USAF/DAQD, Washington, D.C. 20330, telephone (202) 694-3488.

SUPPLEMENTARY INFORMATION: Because this regulation implements a higher authority directive it was not published as proposed for public comment. It is published as a final rule for information purposes. The Department of the Air Force has determined that this regulation is not a major rule as defined by Executive Order 12291; is not subject to the relevant provisions of the Regulatory Flexibility Act of 1980 (Pub. L. 96-354); and does not contain reporting or recordkeeping requirements under the criteria of the Paperwork Reduction Act of 1980 (Pub. L. 96-511).

List of Subjects in 32 CFR Part 806b

Privacy, Records.

Title 32 Part 806b is revised to read as follows:

PART 806b—[AMENDED]

Subpart A—General Information

Sec.
806b.1 Purpose.
806b.2 Air Force policy.
806b.3 Terms explained.
806b.4 Access authorities.
806b.5 Judicial sanctions.

Subpart B—Providing Information From Systems of Records

806b.6 Access by subjects of records.
806b.7 Disclosures to third parties and organizations.

Subpart C—Exempting Systems of Records

806b.8 General exemptions.
806b.9 Specific exemptions.
806b.10 General and specific exemptions claimed.

Authority: 5 U.S.C. 552a, Pub. L. 93-579.

Note.—Part 806b is derived from Air Force Regulation (AFR) 12-35, Air Force Privacy Act Program, 18 February 1983.

Subpart A—General Information

§ 806b.1 Purpose.

This part explains policies and outlines procedures that govern collecting personal information and safeguarding, maintaining, using, accessing, amending, and disseminating personal information kept by the Department of the Air Force in systems of records. It applies to all Air Force activities, including the Reserve Components, except for the Office of the Chief, National Guard Bureau; Air National Guard technicians; and Army-Air Force Exchange Service activities, including Motion Picture Service activities. It does not apply to civilian employee records that are maintained by Air Force activities and are covered under the Office of Personnel Management system of records. Such records are subject to Parts 293, 294, and 297 of the Office of Personnel Management regulations and the Federal Personnel Manual and Air Force supplements.

§ 806b.2 Air Force policy.

It is Air Force policy to:

(a) Protect as required by the Privacy Act of 1974 the privacy of individuals from unwarranted invasion. Individuals covered by this protection are living citizens of the United States or aliens

lawfully admitted for permanent residence. A legal guardian or parent has the same rights as, and may act on behalf of, a minor.

(b) Collect, keep, and use only that personal information needed to support Air Force operations and programs as authorized by law or Executive Order. Disclose this information only as authorized by the Privacy Act of 1974 and this part.

(c) Keep only personal information that is timely, accurate, complete, and relevant to the purpose for which it was collected.

(d) Safeguard personal information to prevent unauthorized use, disclosure, alteration, or destruction.

(e) Let individuals know what records the Air Force is keeping on them and let them review or get copies of these records, subject to exemptions authorized by law, approved by the Secretary of the Air Force, and published in this part.

(f) Let individuals amend records about themselves that they can prove are factually in error, are not timely, not complete, or irrelevant.

(g) Let individuals ask for an administrative review of decisions that deny them access to or the right to amend their records.

(h) Keep personal information only for as long as it is needed to protect the rights of the citizen and the government, and to provide for the administrative needs of the Air Force.

§ 806b.3 Terms explained.

Terms, and their meanings, used in this part are.

(a) *Access.* Letting individuals review or obtain copies of their own records that are part of a system of records.

(b) *Agency.* For purposes of disclosing records subject to § 806b.7, the Department of Defense (DOD) is an agency as defined by the Privacy Act. For all other purposes, including applications for access and amendment, appeals from denials, exempting systems of records, etc., the Department of the Air Force is an agency.

(c) *Confidential Source.* Any individual or organization that has given information to the Federal Government under an:

(1) Expressed promise that the identity of the source would be withheld; or

(2) Implied promise to withhold the identity of the source made before September 27, 1975.

(d) *Confidentiality.* When authorized, an express promise to withhold the identity of a source or the information provided.

(e) *Disclosure.* Giving information about an individual, by any means, to an organization or to an individual who is not the subject of the record. Within the context of the Privacy Act and this part, this term only applies to personal information that is a part of a system of records.

(f) *Individual.* A living citizen of the United States or an alien admitted for permanent residence. The Privacy Act rights of an individual may be exercised by the parent or legal guardian of a minor or an incompetent.

Note.—The Privacy Act confers no rights on deceased persons, nor may their next of kin exercise any rights for them.

(g) *Maintain.* Includes "hold," "collect," "use," "control," or "disseminate."

(h) *Minor.* Any individual under the age of majority as determined by state law that governs the location of the facility where the records are kept. If there is no prevailing state law (for example, overseas), a minor is any individual under 18 years of age. See § 806b.7(c) for discussion of the confidentiality of a minor's treatment records. According to this part, a member of the Armed Forces is not a minor.

(i) *Official Use.* Any action by a member or employee of DOD which is prescribed or authorized by law or a regulation, and is intended to perform a mission or function of the department.

(j) *Personal Information.* Any item of information about an individual that is not a matter of public record and is usually considered to be personal to the individual. It may include, for example, information about the individual's financial, family (other than names and sex of dependents), social, and recreational affairs; his or her medical, employment (other than duty assignments and duty phone numbers), political, or criminal history (other than convictions or acquittals in a military court); or information that identifies, describes, or gives a basis for inferring personal characteristics, such as voiceprints or fingerprints.

(k) *Privacy Act Request.* A request from an individual for information about the existence of, or for access to or amendment of, a record about him or her that is in a system or records. The request must cite or indicate a reliance on the Privacy Act of 1974.

(l) *Record.* Any item, collection, or grouping of information about an individual that is kept by the government.

(m) *Routine Use.* Any use or disclosure of information from a system of records that has been listed in a published systems notice and that is consistent with the purpose for which the information was collected. These systems notices are published in the **Federal Register** and AFP 12–36.

(n) *System Manager (SM).* The official responsible for policies and procedures for operating and safeguarding a system of records. Local SMs operate and have immediate contact with the system. Local SMs have identical responsibilities as SMs within their jurisdiction.

(o) *Statistical Record.* A record kept for statistical or reporting proposes. It is not used for making judgments about individuals. The identity of specific persons must not be discoverable using normal statistical or data manipulation methods.

(p) *System of Records.* Any group of records from which personal information is retrieved by the name of an individual or by some personal identifier, such as the individual's Social Security Number (SSN). If such retrieval is possible but not actually done, the group does not constitute a system of records. Likewise, if retrieval depends on the memory of an individual, no system or record exists. However, the creation of a retrieval index, arranged by personal identifier for a system that is filed at random, makes that system a system of record. Notices for all systems must be published in the **Federal Register** and a system must not be operated or maintained until this is done.

(q) *Workday or Day.* An official duty day, not including Saturdays, Sundays, and official federal holidays.

§ 806b.4 Access authorities.

(a) The individual named or position listed in the record system notice published in the **Federal Register**, either as the one to whom the request is to be sent or as the SM.

(b) Reports of the Air Force Office of Special Investigations (AFOSI) are released under rules in AFR 124–4, Requesting AFOSI Investigations and Safeguarding, Handling, and Releasing Information from AFOSI Reports. Reports on investigations that are not complete and on which no final action has been made or released by the commander of the organization that requests the investigation. Reports on completed investigations may only be released by HQ AFOSI.

§ 806b.5 Judicial sanctions.

The Privacy Act has both civil remedies and criminal penalties for violations of its provisions.

(a) *Civil Remedies.* An individual may file a civil suit against the Air Force, if Air Force personnel fail to comply with the Privacy Act.

(b) *Criminal Penalties.* A member or employee of the Air Force may be found guilty of a misdemeanor and fined not more than $5,000 for willfully:

(1) Maintaining a system of records without first meeting the public notice requirements.

(2) Disclosing individually indentifiable personal information to one not entitled to have it.

(3) Asking for or getting another's record under false pretenses.

Subpart B—Providing Information From Systems of Records

§ 806b.6 Access by subjects of records.

Individuals may ask whether the Air Force is maintaining records on them. If such records exist within systems of records, the Privacy Act governs the individual's right of access to the record and to request its amendment.

(a) *How To Identify a Privacy Act Request.* To be considered under the Privacy Act, a request must:

(1) Come from an individual whose records are in the system, or who is a designated agent or legal guardian of such an individual. The request can be either oral or written.

(2) Cite the Privacy Act or at least show an awareness of the law and its requirement to provide an individual access to his or her records. For example, it could be addressed to the Privacy Act officer, the SM, or FOIA manager—even if it does not cite the Act in the text of the request. Because people sometimes confuse the Privacy Act and FOIA, a request that cites or implies FOIA must be treated as a Privacy Act request, if it meets all the other standards in this section.

(3) Pertain to records that are in a system of records. If the records the individual wants are not in a system of records, the request falls into a category other that Privacy. The request does not have to name the system, but it should be fairly specific. Do not accept blanket requests for "all records about me." Instead, refer the individual to AFP 12–36 and ask for more details.

(b) *How To Identify a Functional Request.* Other Air Force directives give individuals the right to have access to their records. If an individual asks for his or her records and does not cite, or reasonably imply, the Privacy Act or FOIA, and another prescribing directive authorizes the release of the records, use the directive as the releasing authority. Apply the schedule of fees in Part 813, Schedule of Fees and Copying, Certifying, and Searching Records and Other Documentary Material. Functional requests are not reported in the annual report required by the Privacy Act. Examples of functional request are a military member asking to see his or her personnel file located in the Consolidated Base Personnel Office (CBPO) or a civilain employee asking to see his or her AF Form 971, Supervisor's Record of Employee, maintained by the supervisor.

(c) *How To Process a Privacy Act Request for Existence or Access that Cites Privacy Act, FOIA, or Both.* Regardless of whether an individual cites or implies the Privacy Act or the FOIA, process the request in order to give the most information possible. This may mean processing part of the request under one Act and part under another. NOTE: If an individual cites one Act but the SM processes the request under the other Act, tell the individual as soon as is practicable why the request is being processed under the other Act. For example, when the individual cites the Privacy Act but the information is contained in an exempted system of records, the request is processed under the FOIA.

(1) Verifying Identity. When local SMs receive a request for information about the existence of, or for access to, records, they must verify the requester's identity, unless the record sought is available to anyone under the FOIA. The individual does not have to state a reason for the request, nor can the request be denied if the individual does not give his or her SSN, unless disclosure of the SSN is required by Federal Statute or by a regulation adopted before 1 January 1975.

(2) Notifying the Requester. Once the requester's identity is assured, the local SM or custodian must:

(i) Tell the individual if the system of records has a record about him or her, and when and where it may be reviewed. Normally this should be done within 10 workdays from the date the request was received.

(ii) Let the individual review the record, or obtain a copy, unless it is exempted and listed in § 806b.10. Normally this should be done within 30 workdays from the date the request was received. If the requester wants to bring another individual, the local manager may ask for written permission from the requester for the other individual to be present during any discussion of the content of the record. There is no requirement to create a record to fulfill a request; the record must be in existence at the time of the request. However, do not deny a record just because it is not readily available in a convenient format. Information in a system of records on magnetic or computer tape should be given in a format the requester can read.

(iii) If the 10 workday time limit cannot be met, send a letter to the requester telling why a delay is needed and giving an approximate response date. That date should be no more than 20 workdays after the first Air Force office receives the request. Send a copy of this letter to HQ USAF/DAQD(S), Wash DC 20330, through Privacy Act channels.

(3) Assessing Fees. When providing documents under the Privacy Act, fees for reproduction only are charged.

(i) Use the following fee schedule:

Office copy (per page)	.10
Microform media (paper copy) (per image)	.25
Microfiche (per fiche)	.95

(ii) Do not charge fees for performing record searches; reproducing a document for the convenience of the Air Force; reproducing a record only in order to let a requester review it. If he or she wants a personal copy, use the fee in § 806b.6(c)(3)(i).

(iii) Waive the fee, if the total amount is less than $30. Do not waive the fee when a previous waiver has been granted and subsequent requests appear to be an extension or duplication of the original request.

(iv) Charge fees to reproduce photographs or nonpaper material, as determined locally.

Note.—Base fees on the direct cost for repoduction only.

(4) Denying Access. If the local SM decides the record should not be released, he or she sends a copy of the request, a copy of the record (or records), and the reasons for recommending denial (including the exemption being applied) to the denial authority through the command Privacy Act officer. This should be done within 5 workdays from the date the request was received.

(i) Record Evaluation. A record may not be withheld just because it is in an exempt system. Before recommending denial, the local SM must make sure that the system is covered by an exemption approved by the Secretary of the Air Force and listed in § 806b.10; make sure that each document is, in fact, covered by the exemption, because all documents in a system are not automatically exempt; determine that

there are no reasonably segregable nonexempt portions.

(ii) Medical Records. If, in the judgment of a physician, releasing a medical record to the subject could harm the subject's mental or physical health, the SM requires the requester to name a physician to receive the record. If this requirement poses a hardship on the individual, offer the service of a military practitioner other than the one who provided treatment. If the individual refuses to name a physician, the record must not be released. This is not considered a denial under the Privacy Act and is not appealable.

(iii) Third Party Information. Third party information pertaining to the subject of the record may not be deleted from a record when the subject requests access to the record unless there is an established exemption published in § 806b.10. However, personal data such as SSNs and home addresses of third parties normally do not pertain to the subject of the record and therefor, need not be released. Information about the relationship between the subject and the third party would normally be disclosed as pertaining to the subject.

(iv) Information Compiled for Litigation. Information in a system of records compiled in reasonable anticipation of a civil action or proceeding may be denied. The requester should be informed of his or her right to appeal this denial.

(v) Denial Authority Action. The command Privacy Act officer reviews the denial recommendation and obtains the written advice of the servicing staff judge advocate and the office responsible for the program under which the record was created. He or she makes a recommendation to the denial authority based on the results of this review. The denial authority, after examining the case, sends the requester a letter stating whether or not access will be granted. If the denial authority decides to grant access, he or she instructs the local SM to release the record. If the denial authority denies access, he or she must tell the requester why, and that the decision may be appealed to the Secretary of the Air Force within 45 days after the denial letter is received. The requester will be told to resubmit the original request and send any supporting material back to the denial authority for forwarding to HQ USAF/DAQD(S), Wash DC 20330. The requester should be cautioned that failure to follow this procedure may delay the appeal.

(d) *How To Process a Request for Amendment.* Individuals may ask the Air Force to amend records about them that are in a system of records. The amendment sought must change, delete, or add material to make a record factually accurate, timely, relevant, or complete. A request that asks for an amendment of information that is subjective, or involves a matter of opinion or interpretation, is not processed according to this part. It is sent back, and the individual is advised to send it to the Air Force Board for the Correction of Military Records according to Part 865, Subpart A, Air Force Board for Correction of Military Records, to follow grievance procedures in AFR 40–771, Appeal and Grievance Procedures, or to act according to or to use another appropriate directive.

(1) Requests to amend may be made orally or in writing, but only requests asking for minor corrections are accepted orally. In either case, the local SM verifies the identity of the individual seeking the amendment.

(2) Local SMs routinely correct any record if the requester can show it is factually in error. In these cases, the local SM makes the change, notifies all known recipients of the record, and informs the individual when the correction is made.

(3) If the local SM decides not to amend or partially amend the record, he or she sends a copy of the request, a copy of the record (or records), and the reasons for recommending denial to the denial authority through the command Privacy Act officer. This must be done within 5 workdays from the date the request was received.

(i) The command Privacy Act officer reviews the denial recommendation and obtains the written advice of the servicing Staff Judge Advocate and the office responsible for the program under which the record was created. He or she makes a recommendation to the denial authority based on the results of this review.

(ii) The denial authority, after examining the case, sends the requester a letter stating whether or not the amendment or partial amendment will be granted. If the denial authority decides to amend or partially amend the record, he or she instructs the local SM to amend the record and notify all subsequent recipients of the change. If the denial authority denies the amendment request, he or she must tell the requester why, and that the decision may be appealed to the Secretary of the Air Force within 45 days after the denial letter is received. The requester will be told to resubmit the original request and send any supporting material back to the denial authority for forwarding to HQ USAF/DAQD(S), Wash DC 20330. The requester should be cautioned that failure to follow this procedure may delay the appeal.

(e) *Appeals of Denials To Grant Access or To Amend Records:*

(1) Request for Secretarial Review. An individual may request a review of the denial by writing to the Secretary of the Air Force within 45 days after the denial is received. The request should be addressed to SAF/AA, Wash DC 20330 and sent back to the denial authority for forwarding to HQ USAF/DAQD(S), Wash DC 20330. The denial authority sends a complete file in the following order:

(i) The request for review.

(ii) The request for access or amendment.

(iii) The denial.

(iv) A copy of the record or portions involved.

(v) Any internal records or coordination actions that relate to the denial.

(vi) Denial authority comments on the appellant's arguments.

(vii) Denial authority servicing Staff Judge Advocate legal review.

(2) Responsibilities for Review:

(i) HQ USAF/DAQD(S) reviews the denial and makes a recommendation to the Office of the Vice Chief of Staff, HQ USAF/CV.

(ii) HQ USAF/CV considers the recommendation and decides whether to direct the denial authority to grant access to or amend the record. If HQ USAF/CV decides to uphold a denial, this recommendation is passed to SAF/AA through the Office of the General Counsel, SAF/GC, for final action.

(iii) SAF/AA considers the recommendation to uphold a denial, decides to grant or deny the appeal, and notifies both the individual and the denial authority of the decision. If SAF/AA upholds a denial to amend a record, the individual is advised of his or her right to send a statement of disagreement to the SM.

(3) Requests for Secretarial Review. These requests must be completed within 30 workdays from the date HQ USAF/DAQD(S) receives the appeal.

(f) *Statements of Disagreement.* If an individual submits a statement of disagreement with the Secretary of the Air Force's decision not to amend his or her record, the local SM:

(1) Flags the record so that the disagreement may be seen by anyone who discloses or gains access to the record.

(2) Files the statement with the record. If this is not possible, the manager maintains it to allow ready retrieval when the disputed portion of the record is used.

(3) Advises previous recipients that the record has been disputed and, if they can be identified, gives them a copy of the statement of disagreement.

(4) Lets subsequent users know that the record is disputed and gives them a copy of the statement along with the record. The manager may include a brief summary of the reasons for not amending the record. Summaries are limited to the reasons SAF/AA gave to the individual. The summary is treated as a part of the individual's record, but is not subject to the amendment procedures.

§ 806b.7 Disclosures to third parties and organizations.

The fact that the Air Force lets an individual know why the information is collected and how it will be used does not mean he or she gave consent to release it. Thus, when the decision is made to release information as authorized below, first consider all the consequences of that disclosure. Before any information is released, make a reasonable effort to ensure that it is accurate.

(a) *With Subject's Consent.* Unless prohibited by other statutes or directives, information may be disclosed from a system of records if the subject of the record writes and asks for it or if he or she was given prior written consent by signing a release form. Make sure, however, that there is no statute or directive that prohibits release. See AFR 11–24, Base/Unit Personnel Locators and Postal Directories, for a discussion of the release of an individual's home telephone number and home address from a unit locator system.

(b) *Without Subject's Consent.* An individual's records may be disclosed without his or her consent to:

(1) DOD officials and employees who need the record to perform their duties and the use is compatible with the purpose for which the record is maintained.

(2) The public, as required by the FOIA. See Part 806, Disclosure of Air Force Records.

(i) Some examples of information that may normally be released for individual military personnel without an unwarranted invasion of privacy are: name; grade; marital status; name, number and sex of dependents; date of rank; gross pay (base pay and entitlements); present and past duty assignments and future assignments that are firm; office and unit address and phone number; source of commission; professional military education, civilian educational degrees and major areas of study, school, year of graduation; promotion sequence number; awards and decorations; duty status at any given time; official photograph; and home of record, without street address. See Federal Personnel Manual Supplement 990–1, Part 294, on release of civilian personnel information.

(ii) A balancing test may be used to decide whether disclosure would be a clearly unwarranted invasion of the individual's privacy. Weigh the individual's right to privacy versus the public's right to know. Consider the nature of the information to be disclosed; do individuals usually expect this information to be kept private? Are the identities of the subject and the recipient already in the public eye? What is likely to happen to the individual as a result of the disclosure? How old is the information; is it still relevant? To what degree is the information already in the public domain?

(iii) Information may be released if the balancing test described above weighs in favor of disclosure. For example, home addresses may be disclosed to a requester who wants to enforce a court order for alimony or child support payments, or to local and state tax authorities to enforce tax laws.

(iv) Lists of individual's names and home addresses may not be rented or sold. Without individuals' consent, lists of names and home addresses may not be released to the public. Also, individuals must be allowed to decide if they want their home addresses and phone numbers included in base directories.

(3) Agencies outside DOD for a routine use that has been listed in the systems notice describing the system of records and has been published in the **Federal Register.** The routine use must be compatible with the purpose for which the information was collected.

(4) The Bureau of Census to plan or carry out a census or survey under Title 13, U.S.C.

(5) A recipient for statistical research or reporting. The recipient must give us advance written assurance that the record will be used solely as a statistical research or reporting record. The record must not be used, in whole or part, to make any decisions about the individual's rights, benefits, or entitlements. It must be sent in a form in which the identity of the individual cannot be found out through usual research methods.

(6) The National Archives of the United States as a record with enough value to warrant keeping it, or for evaluation by the Administrator of the General Services Administration to see if the record has such value. However, records sent to Federal Records Centers for storage stay under Air Force control. These transfers are not disclosures under this section and do not need an accounting.

(7) A federal, state, or local agency outside DOD for civil or criminal law enforcement activity authorized by law. The head of the agency or a designee must send a written request to the SM. The request must specify the record or part needed and the law enforcement purpose for which it is wanted. A record may also be disclosed to a law enforcement agency by the Air Force office that has it if a criminal act is suspected. This disclosure is a routine use for all US Air Force records systems and has been published in the **Federal Register.**

(8) Another individual or agency under compelling circumstances that affect the health or safety of an individual. The individual whose records are disclosed does not have to be the one in danger. For example, records on several individuals could be disclosed to identify individuals injured in an accident. When individual records are disclosed in this way, the subject(s) must be sent a notification of disclosure to the last known address.

(9) Either House of Congress (a congressional committee or subcommittee) for matters within their jurisdictions.

(10) A congressional office acting for a constituent who is the record subject. This disclosure is allowed by a blanket routine use.

(11) The Comptroller General or any authorized representatives on business of the General Accounting Office.

(12) A court of competent jurisdiction that has ordered the disclosure of the record. When a record is disclosed, reasonable efforts must be made to notify the individual to whom the record pertains, if the legal process is a matter of public record.

(13) A contractor who is operating a system of records under a contract to perform an Air Force function, such as personnel, payroll, or health systems management. In this case, the contractor is considered an employee of the Air Force according to the Privacy Act and the system of records is considered an Air Force system. Disclosure of records to the contractor does not need the subject's consent nor does it require that an accounting be kept.

(c) *Medical Records of Minors.* Disclosure of the medical records of a minor to the parents or legal guardians of the minor may be granted; however, the following conditions must be met:

(1) In the United States, the law of the particular state in which the records are

located may give special protection to certain types of medical records that deal with drug or alcohol abuse treatment, abortions, and birth control advice or devices. These statutes will be observed. Medical records custodians in the United States must be knowledgeable of the local laws and coordinate any proposed local policies with their servicing staff judge advocate.

(2) At oversea installations, the age of majority is 18.

(3) Parents or guardians are not allowed to see the medical records of a minor when all the following conditions are met:

(i) The minor was between 15 and 17 years of age at the time he or she sought or consented to the treatment;

(ii) The treatment was sought in a program that was authorized by regulations or statute to offer confidentiality of treatment records as a part of the program;

(iii) The minor specifically requested or indicated that he or she wished his or her treatment record to be handled with confidence and not released to a parent or guardian; and

(iv) The parent or guardian seeking access does not have the written authorization of the minor or a valid order for access.

Subpart C—Exempting Systems of Records

Note.—The Secretary of the Air Force may exempt Air Force systems of records from certain parts of the Privacy Act. There are two kinds of exemptions: general and specific. The general exemption relieves systems of records from most requirements of the Act; the specific exemption from only a few.

§ 806b.8 General exemptions.

Only US Air Force activities actually engaged in law enforcement as their primary function may claim the general exemption for a law enforcement system of records. These include the staff judge advocate and correctional activities. This exemption appears in the Privacy Act in subparagraph (j)(2).

(a) To qualify for the exemption, a system must consist of:

(1) Data, compiled to identify individual criminals and alleged criminals, which consists only of identifying data and arrest records; type and disposition of charges; sentencing, confinement, and release records; and parole and probation status;

(2) Data that supports criminal investigations (including efforts to prevent, reduce, or control crime) and reports of informants and investigators that identify an individual; or

(3) Reports on an individual, compiled at any stage of the process of law enforcement, from arrest or indictment through release from supervision.

(b) When a general exemption is claimed for a system of records, the only parts of the Privacy Act the Air Force is required to comply with are subsections (b); (c)(1) and (2); (e)(4) (A) through (F); (e)(6), (7), (9), (10), and (11); and (i).

§ 806b.9 Specific exemption.

(a) The Secretary of the Air Force has exempted all properly classified information and a few systems of records that have the following kinds of information from certain parts of the Privacy Act. The Privacy Act exemption cite appears in parentheses after each category below.

(1) Classified information in every Air Force system of records. This exemption is not limited to the systems shown in § 806b.10 of this part. Before denying an individual access to classified information, the denial authority must make sure that it was properly classified under the standards of Executive Orders 11652, 12065, or 12356, and that it must remain so in the interest of national defense or foreign policy ((k)(1)).

(2) Investigatory data for law enforcement purposes (other than that claimed under the general exemption). But, if this information has been used to deny someone a right, it must be released, unless doing so would reveal the identity of a confidential source ((k)(2)).

(3) Statistical data required by statute and used only for statistical purposes and not to make decisions on the rights, benefits, or entitlements of individuals ((k)(4)).

(4) Data compiled to determine suitability, eligibility, or qualifications for federal service, federal contracts, or access to classified information. We may withhold this information, only if disclosure would reveal the identity of a confidential source ((k)(5)).

(5) Tests to determine if a person is qualified for appointment or promotion in the federal service. We may withhold this information, only if disclosure would compromise the objectivity or fairness of the examination process ((k)(6)).

(6) Information to determine promotion potential in the Armed Forces. Information may be withheld, but only to the extent that disclosure would reveal the identity of a confidential source ((k)(7)).

(b) Complying with any or all of the following parts of the Privacy Act is not required in operating a system for which we claim a specific exemption: subsections (c)(3); (d); (e)(1); (e)(4) (G), (H), and (I); and (f).

§ 806b.10 General and specific exemptions claimed.

(a) *General Exemption for Criminal Investigation Files.* The Air Force claims the general exemption for the following systems of records: Counter Intelligence Operations and Collection Records, F124 AF OSI A; Criminal Records, F124 OSI B; Incident Investigation Files, F125 AF SP A; Investigative Support Records, F124 AF OSI B.

(b) *Specific Exemptions.* Systems for which we claim specific exemptions are:

(1) Classified Records. All records in systems of records that are properly classified according to Executive Orders 11652, 12065 or 12356, are exempt from 5 U.S.C. 552a(c)(3); (d); (e)(4) (G), (H), and (I); and (f), regardless of whether the entire system is otherwise exempt.

(2) Admissions and Registrar System (FO53 AFA A):

(i) Exemption. Parts of this system of records (Liaison Officer Evaluation and Selection Panel Candidate Evaluation) are exempt from 5 U.S.C. 552a(d), (e)(4)(H), and (f), but only to the extent that disclosure would reveal the identity of a confidential source.

(ii) Authority. 5 U.S.C. 552a(k)(5).

(iii) Reasons. To ensure the frankness of information used to determine whether cadets are qualified for graduation and for commissioning as officers in the United States Air Force.

(3) Air Force Personnel Test 851, Test Answer Cards (FO35 MPC A):

(i) Exemption. This system is exempt from 5 U.S.C. 552a(c)(3); (d); (e)(4) (G), (H), and (I); and (f).

(ii) Authority. 5 U.S.C. 552a(k)(6).

(iii) Reasons. To protect the integrity of the promotion testing system by keeping the test questions and answers secure.

(4) Cadet Personnel Management System (FO35 AFA A):

(i) Exemption. Parts of this system are exempt from 5 U.S.C. 552a(d), (e)(4) (H), and (f), but only insofar as disclosure would reveal the identity of a confidential source.

(ii) Authority. 5 U.S.C. 522a(k)(7).

(iii) Reasons. To maintain the candor and integrity of comments needed to evaluate an Air Force Academy cadet for commissioning in the US Air Force.

(5) Cadet Records (FO45 ATC A):

(i) Exemption. Portions of this system (Detachment Professional Officer Course (POC) Selection Rating Sheets; Air Force Reserve Officer Training Corps (AFROTC) Form 0–24—Disenrollment Review; Memoranda for Record and Staff Papers with Staff

Advice, Opinions, or Suggestions) are exempt from 5 U.S.C. 552a(c)(3); (d); (e)(4) (G) and (H), and (f), but only to the extent that disclosure would reveal the identity of a confidential source.

(ii) Authority. 5 U.S.C. 552a(k)(5).

(iii) Reasons. To protect the identity of a confidential source who furnishes information necessary to make determinations about the qualification, eligibility, and suitability of cadets for graduation and commissioning in the US Air Force, under a promise of confidentiality.

(6) Child Advocacy Case Files (F168 AF SG A):

(i) Exemption. Parts of this system are exempt from 5 U.S.C. 552a(c)(3) and (d), but only to the extent that disclosure would reveal the identity of a confidential source.

(ii) Authority. 5 U.S.C. 552a(k) (2) and (5).

(iii) Reasons. To encourage those who know of child abuse or neglect to come forward by protecting their identities, and to protect the integrity of on-going and civil law investigations of criminal and civil law violations. Giving subjects access to their files could result in them concealing, altering, or fabricating evidence; could hamper the identification of offenders and alleged offenders; and could jeopardize the safety and wellbeing of parents and their children.

(7) Civilian Personnel Occupational and Suitability Employment Examinations (F040 AF MP A):

(i) Exemption. Parts of this system are exempt from 5 U.S.C. 552a(c)(3); (d); (e)(4)(G), (H), and (I); and (f).

(ii) Authority. 5 U.S.C. 552a(k) (5) and (6).

(iii) Reasons. To protect the confidentiality of a source who gives information about whether a person is qualified and suitable for civilian employment in the federal service, and to protect test material used to determine qualifications in order to be fair to all candidates.

(8) Class Committee Products (F011 AFA A):

(i) Exemption. Parts of this system are exempt from 5 U.S.C. 552a(d), (e)(4)(H), and (f), but only to the extent that disclosure would reveal the identity of a confidential source. This exemption does not apply to records created on or after 14 July 1980. The exemption will be withdrawn on 1 July 1983 after disposition of all currently exempt records.

(ii) Authority. 5 U.S.C. 552a(k)(7).

(iii) Reasons. To maintain the candor and integrity of comments needed to evaluate an Air Force Academy cadet for commissioning in the US Air Force.

(9) Effectiveness/Performance Reporting Systems (F035 AF MP A):

(i) Exemption. The parts of this system that have completed AF Forms 705, Lieutenant Colonel Promotion Recommendation Report; and AF Forms 706, Colonel Promotion Recommendation Report; are exempt from 5 U.S.C. 552a(c)(3); (d); (e)(4)(G), (H), and (I); and (f), but only to the extent that disclosure would reveal the identity of a confidential source.

(ii) Authority. 5 U.S.C. 552a(k)(7).

(iii) Reasons. To make sure that selection boards get candid evaluations of the potential of officers being considered for promotion to the grades of Colonel and Brigadier General.

(10) Equal Opportunity in Off Base-Housing (F030 AF PR A):

(i) Exemption. This system is exempt from 5 U.S.C. 552a(c)(3); (d); (e)(4)(G), (H), and (I); and (f).

(ii) Authority. 5 U.S.C. 552a(k)(2).

(iii) Reasons. To enforce civil laws, court orders, and the activities of the Departments of Housing and Urban Development and Justice.

(11) General Officer Personnel Data System (F035 MPC B):

(i) Exemption. The parts of this system that have completed AF Forms 78, Air Force General Officer Effectiveness Report, are exempt from 5 U.S.C. 552a(c)(3); (d); (e)(4)(G), (H), and (I); and (f), but only to the extent that disclosure would reveal the identity of a confidential source.

(ii) Authority. 5 U.S.C. 552a(k)(7).

(iii) Reasons. To make sure selection boards get candid evaluations of the potential officers being considered for promotion to Major General, Lieutenant General, and General.

(12) historical Airman Promotion Master Test File (F035 MPC C):

(i) Exemption. This system is exempt from 5 U.S.C. 552a(c)(3); (d); (e)(4)(G), (H), and (I); and (f).

(ii) Authority. 5 U.S.C. 552a(k)(6).

(iii) Reasons. To protect the integrity, objectivity, and equity of the promotion testing system by keeping test questions and answers secure.

(13) Inspector General Records (F120 IG A):

(i) Exemption. This system is exempt from 5 U.S.C. 552a(c)(3); (d); (e)(4)(G), (H), and (I); and (f). However, if a person is denied any right, privilege, or benefit, he or she would otherwise be entitled to as a result of keeping this material, it must be released, unless doing so would reveal the identity of a confidential source.

(ii) Authority. 5 U.S.C. 552a(k)(2).

(iii) Reasons. Granting individuals access to information collected while an Inspector General inquiry is in progress could interfere with the just, thorough, and timely resolution of the complaint or inquiry and could possibly enable individuals to conceal wrong doing or mislead the inquiring officer. Disclosure might also subject sources, witnesses, and their families to harassment or intimidation.

(14) Investigative Applicant Processing Records (F124 OSI C):

(i) Exemption. This system is exempt from 5 U.S.C. 552a (c)(3); (d); (e)(4) (G), (H), and (I); and (f), but only to the extent that disclosure would reveal the identity of a confidential source.

(ii) Authority. 5 U.S.C. 552a(k)(5).

(iii) Reasons. To protect those who gave information in confidence during Air Force Office of Special Investigations (AFOSI) applicant inquiries. Fear of retaliation or exposure could cause sources not to make frank and open responses about applicant qualifications. This could compromise the integrity of the AFOSI personnel progam that relies on selecting only qualified people.

(15) Master Cadet Personnel Record (Active/Historical) F035 AFA B):

(i) Exemptions. Parts of these systems are exempt from 5 U.S.C. 552a(d), (e)(4)(H), and (f), but only to the extent that they would reveal the identity of a confidential source.

(ii) Authority. 5 U.S.C. 552a(k)(7).

(iii) Reasons. To maintain the candor and integrity of comments needed to evaluate a cadet for commissioning in the US Air Force.

(16) Military Performance Average (MPA) (F030 AFA A):

(i) Exemption. Parts of this system are exempt from 5 U.S.C 552a(d), (e)(4)(H) and (f), but only to the extent that disclosure would reveal the identity of a confidential source. This exemption applies only to the old Military, Leadership, and Basic Cadet Order of Merit Records. The exemption will be withdrawn on 1 July 1983 after disposal of these records.

(ii) Authority. 5 U.S.C. 552a(k)(7).

(iii) Reasons. To maintain the candor and integrity of comments needed to evaluate Air Force Academy cadets for commissioning in the US Air Force.

(17) Personnel Files on General Officers and Colonels Assigned to General Officer Positions (F035 MP A):

(i) Exemption. This system is exempt from 5 U.S.C. 552a(c)(3); (d); (e)(4) (G), (H), and (I); and (f), but only to the extent that disclosure would reveal the identity of a confidential source.

(ii) Authority. 5 U.S.C. 552a(k)(7).

(iii) Reasons. To protect the integrity of information used in the Reserve Initial Brigadier General Screening

Board, the release of which would compromise the selection process.

(18) Personnel Security Case Files (F205 SCO A):

(i) Exemption. This system is exempt from 5 U.S.C. 552a(c)(3); (d); (e)(4) (G), (H), and (I); and (f), but only to the extent that disclosure would reveal the identity of a confidential source.

(ii) Authority. 5 U.S.C. 552a(k)(5).

(iii) Reasons. To protect the identity of those who give information in confidence for personnel security and related investigations. Fear of retaliation or exposure could cause sources to refuse to give this information in the frank and open way needed to pinpoint those areas in an investigation that should be expanded to fully develop or put to rest charges of questionable conduct. It is essential that all such allegations be resolved fairly and quickly.

(19) Security and Related Investigative Records (F124 AF OSI C):

(i) Exemption. This system is exempt from 5 U.S.C. 552a(c)(3); (d); (e)(4) (G), (H), and (I); and (f), but only to the extent that disclosure would reveal the identity of a confidential source.

(ii) Authority. 5 U.S.C. 552a(k)(5).

(iii) Reasons. To protect the identity of those who give information in confidence for personnel security and related investigations. Fear of retaliation or exposure could cause sources to refuse to give this information in the frank and open way needed to pinpoint those areas in an investigation that should be expanded to fully develop or put to rest charges of questionable conduct. It is essential that all such allegations be resolved fairly and quickly.

(20) Sensitive Compartmented Information Personnel Security Records (F205 AFIS A):

(i) Exemption. This system is exempt from 5 U.S.C. 552a(a)(3); (d); (e)(4)(G), (H), and (I); and (f), but only the extent that disclosure would reveal the identity of confidential source.

(ii) Authority. 5 U.S.C. 552a (k)(2) and (k)(5).

(iii) Reasons. To protect the identity of sources to whom proper promises of confidentiality have been made during investigations. Without these promises, sources will often be unwilling to provide information essential in adjudicating access in a fair and impartial manner.

(21) Special Security Files (F205 AF SP A):

(i) Exemption. This system is exempt from 5 U.S.C. 552a(c)(3); (d); (e)(4)(G), (H), and (I); and (f), but only to the extent that disclosure would reveal the identity of a confidential source.

(ii) Authority. 5 U.S.C. 552a(k)(5).

(iii) Reasons. To protect the identity of those who give information in confidence for personnel security and related investigations. Fear of retaliation or exposure could cause them to refuse to give this information in the frank and open way needed to pinpoint areas in an investigation that should be expanded to fully develop or put to rest charges of questionable conduct. It is essential that all such allegations be resolved fairly and quickly.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 83-10889 Filed 4-25-83; 8:45 am]

BILLING CODE 3910-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[SW-4-FRL 2354-3]

Hazardous Waste Management Programs, Mississippi; Interim Authorization Phase II, Component C

AGENCY: Environmental Protection Agency.

ACTION: Approval of State Hazardous Waste Management Program.

SUMMARY: The State of Mississippi has applied for Interim Authorization Phase II, Component C. EPA has reviewed Mississippi's application for Phase II, Interim Authorization Component C, and has determined that Mississippi's hazardous waste program is substantially equivalent to the Federal program covered by Component C. The State of Mississippi is hereby granted Interim Authorization for Phase II, Component C, to operate the State's hazardous waste program covered by Component C in lieu of the Federal program.

EFFECTIVE DATE: Interim Authorization Phase II, Component C, for Mississippi shall become effective April 26, 1983.

FOR FURTHER INFORMATION CONTACT: James H. Scarbrough, Chief, Residuals Management Branch, Environmental Protection Agency, 345 Courtland Street, N.E., Atlanta, Georgia 30365, Telephone (404) 881-3016.

SUPPLEMENTARY INFORMATION:

Background

In the May 19, 1980, **Federal Register** (45 FR 33063) the Environmental Protection Agency (EPA) promulgated regulations, pursuant to Subtitle C of the Resource Conservation and Recovery Act of 1976, as amended (RCRA), to protect human health and the environment from the improper management of hazardous waste. The Act (RCRA) includes provisions whereby a State agency may be authorized by EPA to administer the hazardous waste program in that State in lieu of a Federally administered program. For a State program to receive final authorization, its hazardous waste program must be fully equivalent to and consistent with the Federal program under RCRA. In order to expedite the authorization of State programs, RCRA allows EPA to grant a State agency Interim Authorization if its program is substantially equivalent to the Federal program. During Interim Authorization, a State can make whatever legislative or regulatory changes that may be needed for the State's hazardous waste program to become fully equivalent to the Federal program. The Interim Authorization program is being implemented in two phases corresponding to the two stages in which the underlying Federal program takes effect.

Phase I regulations were published on May 19, 1980, and became effective on November 19, 1980. The Phase I regulations include the identification and listing of hazardous wastes, standards for generators and transporters of hazardous waste, standards for owners and operators of treatment, storage and disposal facilities, and requirements for State Programs. The Phase II regulations cover the procedures for issuing permits under RCRA and the standards that will be applied to treatment, storage, and disposal facilities in preparing permits. In the July 26, 1982, **Federal Register** (47 FR 32373), the Environmental Protection Agency annunced that States could apply for Component C of Phase II of Interim Authorization. Component C published in the **Federal Register** July 26, 1982 (47 FR 32274), contains standards for permitting facilities that dispose hazardous waste in waste piles, surface impoundments, land treatment, and landfills.

A full description of the requirements and procedures for State Interim Authorization is included in 40 CFR Part 271, Subpart F, (46 FR 8298) January 26, 1982, and (47 FR 32373) July 26, 1982.

The State of Mississippi received Interim Authorization for Phase I on January 7, 1981, and Interim Authorization for Phase II, Components A & B, on August 31, 1982.

Draft Application

The State of Mississippi submitted its draft application for Phase II, Component C, Interim Authorization, on

September 27, 1982. After detailed review, EPA identified only minor concerns and transmitted comments to the State on November 16, 1982, for its consideration.

EPA requested the Attorney General to certify that Mississippi adopted the federal land disposal regulations by reference. EPA also requested that Mississippi revise the Memorandum of Agreement to include new language on reporting and delisting.

State Officials resolved these issues through revisions in the Memorandum of Agreement and Attorney General's Statement. The Attorney General certified that Mississippi adopted the federal regulations by reference. Mississippi also incorporated EPA Region IV's new language on reporting and delisting in the Memorandum of Agreement.

Final Application

On January 17, 1983, Mississippi submitted to EPA a final application for Phase II, Component C, Interim Authorization, under RCRA. An EPA review team consisting of both Headquarters and Regional personnel made a detailed analysis of Mississippi's hazardous waste management program.

EPA comments were forwarded to the State on March 1, 1983. No *major* questions were raised in the comments. The comments requested minor clarification and correction of typographical errors. By letter dated March 16, 1983, the State responded satisfactorily to the issues raised by EPA.

Public Hearing and Comment Period

As noticed in the **Federal Register** on February 4, 1983 (48 FR 5284), EPA gave the public until March 14, 1983, to comment on the State's application. EPA also issued a public notice for a hearing to be held in Jackson, Mississippi on March 24, 1983, if significant public interest was expressed.

EPA received no written or oral comments, inquiries, or requests for a hearing.

Decision

EPA has reviewed Mississippi's complete application for Interim Authorization Phase II, Component C, and has determined that the state program is substantially equivalent to Phase II, Component C, of the Federal program as defined in 40 CFR Part 271, Subpart F, as amended at 47 FR 32373 (July 26, 1982). In accordance with Section 3006(c) of RCRA and implementing regulations, Mississippi is hereby granted Interim Authorization for Phase II, Component C, to operate the State's hazardous waste program for permitting the construction and operation of facilities that dispose of hazardous waste in lieu of the Federal program.

Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. The authorization suspends the applicability of certain Federal regulations in favor of the State program, thereby eliminating duplicative requirements for handlers of hazardous wastes in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

Executive Order 12291

The Office of Management and Budget (OMB) has exempted this rule from the requirements of Section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 271

Hazardous materials, Reporting requirements, Waste treatment and disposal, Water pollution control, Water supply, Intergovernmental relations, Penalties, Confidential business information.

Authority. This notice is issued under the authority of secs. 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6912(a), 6926, and 6974(b).

Dated: March 25, 1983.

Charles R. Jeter,

Regional Administrator.

[FR Doc. 83-11013 Filed 4-25-83: 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Subtitle A

Coastal Barrier Resources Act; Opting-In Provision

AGENCY: Office of the Secretary, Interior.

ACTION: Final rule.

SUMMARY: On October 18, 1982, President Reagan signed the Coastal Barrier Resources Act (CBRA) into law, (Pub. L. 97-348). The law establishes the Coastal Barrier Resources System delineated on maps incorporated by reference in the legislation, and prohibits most Federal expenditures and financial assistance for development within the units of that System. These provisions of the Act became effective immediately, except that the ban on new Federal flood insurance in these units will go into effect on October 1, 1983.

Significant responsibilities are also assigned to the Secretary of the Interior by the legislation. This rule describes the approach the Department of the Interior (DOI) has adopted to interpret paragraph 4(a)(2) of CBRA which allows landowners with property on a coastal barrier or associated landform that was not included in the System to elect to have their property included. The paragraph also requires the Secretary of the Interior to establish regulations for this purpose within 180 days of enactment of CBRA.

DATE: This rule becomes effective April 26, 1983.

FOR FURTHER INFORMATION CONTACT: Frank McGilvrey, U.S. Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240, (202-343-5000).

SUPPLEMENTARY INFORMATION: Based on the language in the Omnibus Budget Reconciliation Act of 1981 (OBRA) and its legislative history, the Department of the Interior developed criteria for delineating the undeveloped coastal barriers on the Atlantic and Gulf Coasts of the United States. These criteria were the basis for both the maps proposed by DOI under OBRA and the final maps designated by Congress as part of CBRA. Copies of the CBRA maps have distributed to all affected State executives, State coastal zone management agencies, counties, and Federal agencies. On November 19, 1982, the Department published interpretive guidelines and a general statement of policy (47 FR 52388), pertaining to its responsibilities under Section 4 of the Act. With completion of minor and technical boundary modifications, as mandated by CBRA, the unit boundaries depicted on the maps of the CBR System become fixed and cannot be modified without an amendment to the Act.

This rule permits landowners on coastal barriers or associated landforms which have not been included in the Coastal Barrier Resources System to put their land in the System within one year of the date of enactment of this bill. Once exercised, this option will not be revocable by the landowner or his/her successors in title, and the prohibition against Federal assistance contained in the bill will apply as if the land had been included in the System from the outset.

(1) *Environmental Effects:* The environmental impacts of administering the action to be undertaken pursuant to

this rule have been carefully considered. Based upon the draft environmental impact statement issued on May 21, 1982, concerning the same type of resource considerations, and the public comments on that document, it has been determined that this rule will have no significant impact on the environment. A Finding of No Significant Impact has been prepared and a copy may be obtained by writing the U.S. Fish and Wildlife Service (see address).

(2) *Statement of Effects:* The Department of the Interior has determined that this document is not a major rule under E.O. 12291, and certifies that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). It is anticipated that this "opting-in" provision will be exercised by very few individuals and, therefore, will not have a significant economic impact.

(3) *Paperwork Reduction Act:* This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3501 et seq.

(4) *Authorship Statement:* This document has been prepared by the Coastal Barriers Task Force within the Department of the Interior. The Chairman of the Task Force is Mr. Ric Davidge, Office of the Assistant Secretary for Fish and Wildlife and Parks.

(5) *Public Comments:* The proposed rulemaking was published in the Federal Register of February 28, 1983, (48 FR 8310) and invited comments ending on March 18, 1983. Comments were received from one source. This source recommended removal of the minimum size criterion for inclusion in the System. We concur with this recommendation and have removed the minimum size limitation from the final rule.

Opting-in to the CBRS

Criteria

The legislative history of paragraph 4(a)(2) states "that the only limitation intended on the application (of this provision) is that the property sought to be brought into the System be located on a coastal barrier or associated landform within reasonable proximity of and physically comparable to an established unit of the System."

The following categories of areas qualify for inclusion under this paragraph:

(1) Contiguous with and located on the same coastal barrier landform as an existing unit of the Coastal Barrier Resources System.

(2) Properties, regardless of location, on the same coastal barrier landform as a unit of the Coastal Barrier Resources System, which are not contiguous with the unit.

(3) Any coastal barrier or portion thereof protected for recreation, wildlife refuge, sanctuary, or scientific purposes.

(4) Coastal landforms containing a core of consolidated sedimentary material. Each area must be physically comparable with an existing unit's characteristics. An area will not be included if it is highly developed or if it is separated by a natural barrier, such as a major river or substantial cliffs, from an existing unit. It must also be within five miles of an existing unit. Where questions concerning these criteria arise, owners are encouraged to submit an application which will be carefully considered on a case-by-case basis.

Proof of ownership

To be included in the System, one of the following proofs of ownership or control of the land must be provided:

1. Fee simple title or its functional equivalent; or

2. An heir in possession of "heir's" property; or

3. A trustee or trustees of a perpetual trust with control of use and disposition of the property in question.

Procedures for Registration

To become certified as part of the System, landowners who meet the requirements must:

1. Secure an official coastal barrier map or appropriate 1:24,000 quadrangle map from the U.S. Geological Survey and outline the property on the map. (Procurement information follows.)

2. Submit the map, with proof of property ownership, to the Director, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, postmarked no later than October 18, 1983.

3. Upon notification of acceptance by the Department of the Interior, file the election in accordance with the real property laws regulating the sale or other transfer of land or other real property of the State in which the land is located. Such filing must indicate that the property in question has been irrevocably included within the CBRS.

4. Notify the Department of the Interior that filing has been completed.

Once in the System, the property will be treated as any other land in the System. Transfer of ownership cannot remove the property from the System. Only an amendment to the Act by the Congress can do so.

Map procurement information: Individual unit maps may be secured for $3.25 from: Eastern—National Cartographic Information Center, U.S. Geological Survey, 536 National Center, Reston, Virginia 22092, Telephone: (703), 860–6336.

Make checks payable to: U.S. Geological Survey.

Dated: April 6, 1983.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 83-10873 Filed 4-25-83; 8:45 am]

BILLING CODE 4310-55-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 82-719; RM-4190]

FM Broadcast Stations in Mary Esther, Florida

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns Channel 288A to Mary Esther, Florida, in response to a petition filed by Richard Allen Humphrey. The proposed station could provide a first local FM broadcast service to Mary Esther.

DATE: Effective: June 13, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau, (202) 634–6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Report and Order Proceeding Terminated

In the Matter of: Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Mary Esther, Florida) BC Docket No. 82–719, RM–4190.

Adopted: April 1, 1983.
Released: April 14, 1983.

By the Chief, Policy and Rules Division:

1. The Commission has under consideration a *Notice of Proposed Rule Making*, 47 FR 49418, published November 1, 1982, proposing the assignment of Channel 288A to Mary Esther, Florida, as that community's first FM assignment. Supporting comments were filed by the petitioner restating his

intention to apply for the channel, if assigned.

2. In the *Notice* we indicated that the assignment of Channel 288A to Mary Esther would require a site restriction of approximately 1.2 miles south of the city to avoid short-spacing to Station WIGC(FM), Troy, Alabama. Due to this restriction and Mary Esther's close proximity to the Gulf of Mexico, it was determined that site availability could be somewhat of a problem. Petitioner was requested to address this issue in comments to the proposal. In response, petitioner alleges that the licensee for Station WIGC(FM) was recently granted a construction permit to move its transmitter 8 miles north of its present site. According to the petitioner, this move would open up a large area of potential sites for a Mary Esther station. Petitioner also claims that he may be able to share on one of two existing towers in the area or build a third tower.

3. The Commission believes that the public interest would be served by assigning Channel 288A to Mary Esther, since it could provide that community with its first local FM service. The recent grant of a permit for Station WIGC(FM) to relocate its transmitter site eliminates the imposition of site restriction and our concern on the availability of sites for a transmitter.

4. Accordingly, pursuant to authority contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, *it is ordered*, that effective June 13, 1983, the FM Table of Assignments, § 73.202(b) of the Commission's Rules, is amended with regard to the following community:

City	Channel No.
Mary Esther, Fla	288A

5. *It is further ordered*, that this proceeding *is terminated.*

6. For further information concerning this proceeding, contact Montrose H. Tyree, Mass Media Bureau, (202) 634–6530.

(Secs. 4, 303, 48 Stat. as amended, 1068, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83–11056 Filed 4–25–83; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[BC Docket No. 82–730; RM–4195]

FM Broadcast Station in Imperial, Nebraska; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns FM Channel 276A to Imperial, Nebraska, in response to a petition filed by Jerrell E. Kautz. The assigned channel could provide a first FM channel to Imperial.

DATE: Effective June 20, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634–6530.

List of Subject in 47 CFR Part 73

Radio broadcasting.

Report and Order

Proceeding Terminated

In the Matter of: Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Imperial, Nebraska) BC Docket 82–730, RM–4195.

Adopted: April 1, 1983.
Released: April 19, 1983.

By the Chief, Policy and Rules Division:

1. The Commission has under consideration the *Notice of Proposed Rule Making*, 47 FR 50722, published November 9, 1982, proposing the assignment of Channel 221A to Imperial, Nebraska, as its first FM broadcast service, in response to a petition filed by Jerrell E. Kautz ("petitioner"). The petitioner originally sought the assignment of Channel 276A to Imperial, Nebraska. However, we noticed that Channel 276A would have been short spaced by approximately 13 miles to Station KZMC–FM, McCook, Nebraska. A staff study showed that Channel 221A was alternately available for assignment to Imperial, Nebraska, without a site restriction.

2. In his comments, petitioner indicated that the license for Station KZMC–FM has been modified to specify Class C Channel 287 in BC Docket 80–569 and petitioner in the licensee of that station. He states that he expects the changeover at McCook to be made before Channel 276A could be constructed at Imperial. Thus, the impediment that would have prevented the assignment of Channel 276A to Imperial, Nebraska, has been removed.

3. The Commission has determined that the public interest would be served by assigning Channel 276A to Imperial, Nebraska, since it could provide a first local FM broadcast service to that community.

4. Accordingly, pursuant to authority contained in §§4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, *it is ordered*, That effective June 20, 1983, § 73.202(b) of the Commission's Rules, *is amended* with regard to the following community:

City	Channel No.
Imperial, Nebr	276A

6. *It is further ordered*, that this proceeding *is terminated.*

7. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau (202) 634–6530.

(Secs. 4, 303, 48 stat. as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83–11055 Filed 4–25–83; 8:45 am]

BILLING CODE 6712–01–M

INTERSTATE COMMERCE COMMISSION

49 CFR Ch. X

[Ex Parte No. 311 (Sub-No. 4)]

Motor Carriers; Modification of the Motor Carrier Fuel Surcharge Program

AGENCY: Interstate Commerce Commission.

ACTION: Change in owner-operator fuel reimbursement figure; rule-related notice.

SUMMARY: Due to a change in the nationwide average cost of diesel fuel, owner-operator reimbursement has changed from 10.5 to 11 cents per mile.

EFFECTIVE DATE: This decision will be effective on May 10, 1983.

FOR FURTHER INFORMATION CONTACT:

Lee Alexander, (202) 275–7723
Ted Kalick, (202) 275–6446
Alan Rothenberg, (202) 275–7597
Boston, MA, (617) 223–2372
Philadelphia, PA, (215) 597–4460
Atlanta, GA, (404) 881–2167
Chicago, IL, (312) 353–6204
Ft. Worth, TX, (817) 334–2794
San Francisco, CA, (415) 974–7125

SUPPLEMENTARY INFORMATION: In a decision served March 14, 1983 (48 FR 10846, March 15, 1983), the Commission established owner-operator reimbursement at 10.5 cents per mile for all carrier-related business miles. This change became effective March 29, 1983. As noted in the October 8, 1981 decision (46 FR 50070, October 9, 1981), the mileage payment will change when the price of fuel in conjunction with the reimbursement formula causes the figure to rise or decline by .5 cents per mile.

As of April 18, 1983, the current price of diesel fuel was 116.3 cents per gallon the reimbursement figure is 11.2. Ten working days after publication of the notice in the **Federal Register** (effective May 10, 1983), carriers shall reimburse owner-operators at a minimum of 11 cents per mile.

During this 10-day period or after, if they choose, carriers may adjust their rates to reflect the change in owner-operator reimbursement by using the 10-day notice provisions of Special Permission No. 81-2500 (see Part 2 of Appendix B and Appendix C to the October 8 decision). All other normal rate-making avenues are also available.

Notice shall be given to the general public by mailing a copy of this decision to the Governor of each State having jurisdiction over transportation by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington D.C., for public inspection and by depositing a copy with the Director, Office of the Federal Register, for publication.

Decided: April 18, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-10983 Filed 4-25-83; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 654

Stone Crab Fishery

Correction

In FR Doc. 83-8827 beginning on page 14903, in the issue of Wednesday, April 6, 1983, make the following correction:

On page 14905, column two, § 654.23, in the table, under the column "Point", "Q" and "X" should read "Q^1" and "X^1."

BILLING CODE 1505-01-M

50 CFR Part 655

[Docket No. 30418-59]

Atlantic Mackerel, Squid, and Butterfish Fisheries

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Rule related notice; Preliminary initial specifications and request for comments.

SUMMARY: NOAA issues this notice to provide preliminary initial annual specifications for the Atlantic Mackerel, Squid, and Butterfish fisheries. NOAA also requests comments on the specifications. Regulations governing these fisheries require that the Secretary publish these preliminary specifications. This action will provide the data and comments for the Secretary's final determination of the initial annual specifications for the current fishing year.

DATE: Comments must be received on or before May 26, 1983.

ADDRESS: Send comments to Allen E. Peterson, Jr., National Marine Fisheries Service, NOAA, 14 Elm St., Federal Building, Gloucester, MA 01930.

FOR FURTHER INFORMATION CONTACT: Salvataore Testaverde, 617-281-600 Ext. 273.

SUPPLEMENTARY INFORMATION: An emergency interim rule to implement Amendment No. 3 to the Fishery Management Plans for the Atlantic Mackerel, Squid, and Butterfish Fisheries was effective on April 1, 1983 (48 FR 14554). Section 655.21(b) requires the Secretary to determine annual specifications of the respective optimum yields (OYs) and the amounts for domestic annual harvest (DAH), domestic annual processing (DAP), and total allowable level of foreign fishing (TALFF) for Atlantic Mackerel, *Illex* and *Loligo* squids, and Atlantic butterfish. Procedures for determining the initial annual amounts are set out under § 655.22 of these regulations. Section 655.22(b) requires the Secretary to publish a notice that specifies preliminary initial amounts of OY, DAH, DAP, TALFF, and reserve (if any) for each species by February 1 of each year and to provide for a 30-day comment period on the preliminary specifications. Regulations to implement Amendment No. 3 were not effective until April 1, 1983, and a notice was not published by February 1, 1983; thus, the preliminary specifications could not be made at the time set out in the regulations. This notice now provides these preliminary specifications.

The Mid-Atlantic Fishery Management Council's recommendation and all relevant data are available in aggregate form for inspection at the office of the Regional Director at the above address during the comment period. A notice of the determination and responses to public comments will be published in the **Federal Register** after the conclusion of the comment period.

Specifications

The following table lists the preliminary initial specifications in restrictions for the OYs, DAHs, DAPs, reserve, and TALFFs for *Illex* and *Loligo* squids, Atlantic mackerel, and butterfish.

Species	OY	DAH	DAP	Reserve	TALFF
Squid					
Illex	30,00	27,100	5,000	.1,450	1,450
Loligo	44,000	22,000	10,300	11,000	11,000
Mackerel	101,700	30,000	5,000	35,850	35,850
Butterfish	up to 16,000	11,000	10,000	0	(1)

[1] See text

Discussion

Illex squid.

In 1982, U.S. fishermen landed 3,432 mt of *Illex* squid for shoreside processing, a six-fold increase over 1981 landings. Although the Council recommended an increase in DAP to 10,000 mt, this increase was based on unsubstantiated reports of domestic landings. The Secretary has selected the DAP of the past three years, or 5000 mt, as the preliminary specification. (The DAH was equal to DAP during that 3-year period.) This will allow for continued growth in shoreside landings.

Applications for *Illex* squid joint ventures totalled over 42,000 mt. Since the OY is only 30,000 mt, joint venture processing (JVP) capacity must be limited to the amount not needed for shoreside processing. Historical data for the *Loligo* squid, Atlantic mackerel, and hakes fisheries indicate 2,900 mt may be needed to supplement TALFF for the incidental foreign catch of *Illex* squid if the foreign directed fisheries in the Northwest Atlantic develop as discussed below. Therefore, JVP is specificed as 22,100 mt. JVP plus DAP constitute DAH, or 27,100 mt. The DAH plus incidental catch amount equals the OY of 30,000 mt.

Under § 655.21(b)(1), the initial *Illex* squid TALFF and reserve specifications are equal. Therefore, the initial TALFF is half of 2,900 mt, or 1,450 mt. The other 1,450 mt may be released from reserve to TALFF in September, under the

provisions of § 655.23, if necessary and available.

The TALFF will be allocated to foreign nations as incidental catch quantities for other Atlantic fisheries. NOAA used historical performance in the foreign *Loligo* squid, Atlantic mackerel, and silver and red hake fisheries to establish the incidental catch allowances for *Illex* squid, tabulated below:

Loligo squid	8.4 mt. *Illex* per 100 mt.
Atlantic mackerel	1.71 mt. *Illex* per 100 mt.
Silver hake	0.19 mt. *Illex* per 100 mt.
Red hake	0.19 mt. *Illex* per 100 mt.

Loligo squid.

The *Loligo* squid OY is equal to the MSY of 44,000 mt.

In 1982, U.S. fishermen landed 3,770 mt of *Loligo* squid for shoreside processing, a 30 percent increase from 1981. Shoreside processors estimate that they can utilize up to 22,000 mt in 1983, mostly for export. Growth in the export market is dependent upon two factors:

1. A reduced offshore foreign catch of *Loligo* squid and,

2. The amount of *Loligo* squid allowed for joint ventures.

Shoreside processors of *Loligo* squid are concerned that U.S.-harvested *Loligo* squid delivered to foreign processing vessels will displace shoreside landings. However, there is no clear evidence to support or refute this contention.

DAH is specified as 22,000 mt. To create a balance between joint venture requests and concerns of the shoreside processors, the Secretary is specifying an increased DAP of 10,300 mt, and a JVP of 11,700 mt. Although this DAP is less than the industry estimate, it allows for three-fold growth for shoreside processors. The 11,000 mt in reserve (see below) will be available for additional growth during 1983.

OY minus DAH equals 22,000 mt. One-half of this, or 11,000 mt, is assigned to reserve and the other half to TALFF, as required by § 655.21(b)(1). The foreign harvest of *Loligo* squid during the 1982–83 fishing year was 12,733 mt, so a TALFF of 11,000 mt will allow about the same level of fishing in 1983.

Atlantic Mackerel

Procedures set out at § 655.21 (a)(2) and (b)(2)(if) were used to determine the initial annual specifications for Atlantic mackerel. At a natural mortality rate of 0.3, the estimated 1983 spawning stock size is 706,600 mt. To achieve a spawning stock size of 600,000 mt at the beginning of the 1984 fishing year, 188,800 mt of mackerel would have to be harvested. The fishing mortality rate at this level, however, would equal 0.538. Since § 655.21(b)(2)(ii) prohibits the rate from exceeding 0.4, the harvest level is revised downward to 146,700 mt. This will result in a spawning stock of 635,800 mt at the end of this fishing year.

The catch in the Canadian fishery during 1983 is estimated at 45,000 mt. The acceptable catch (AC), therefore, equals 146,700 mt minus the Canadian catch, or 101,700 mt.

The DAH is set at 30,000 mt. The DAH includes a DAP of 5,000 mt to allow an increase over the 2,944 mt landed in 1982. The recreational catch, estimated by the formula of § 655.21(b)(2), will be about 4,500 mt. The balance of the DAH, 20,500 mt, is the estimated domestic harvest amount available for joint ventures during the fishing year.

Section 655.21(b)(2)(ii)(C) provides that under the circumstances above, the OY is equal to the AC, or 101,700 mt. Similarly, TALFF plus reserve was determined under § 655.21(b)(2)(ii)(C)(*3*) and is equal to 71,700 mt. One-half, or 35,850 mt, is assigned to TALFF and 35,850 mt to reserve.

Butterfish

Section 655.21(b)(3) specifies that the DAH for butterfish is the estimated domestic annual harvest and the DAP is the estimated amount of the DAH that domestic processors will process. Domestic landings of butterfish during 1982 were 7,804 mt, which is an increase of 35 percent over 1981. A similar increase in the current fishing year would require that DAP be specified at 10,000 mt. One joint venture application for 1,000 mt of butterfish has been received. Therefore, the Secretary specifies an initial DAH of 11,000 mt and an initial DAP of 10,000 mt.

Section 655.21(b)(3) also provides that the TALFF be determined by applying the fixed percentages noted in that section to allocations for foreign fisheries for *Loligo* squid, *Illex* squid, Atlantic mackerel, silver hake, and red hake. The TALFF is a floating number that increases as the Secretary of State allocates squids, mackerel, and hakes to foreign countries. Further, the butterfish OY is the sum of the DAH plus the floating TALFF, but cannot exceed the maximum of 16,000 mt. Thus the Secretary is not specifying initial amounts of OY and TALFF. As the year progresses, OY, DAH and TALFF will be monitored so that the 16,000 mt figure is not exceeded.

Classification

This action is required by 50 CFR 655, and complies with E.O. 12291.

List of Subjects in 50 CFR Part 655

Fish, Fisheries, Fishing.

(16 U.S.C. 1801 *et seq.*)

Dated: April 21, 1983.

Carmen J. Blondin,

Acting Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

[FR Doc. 83-11068 Filed 4-25-83; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 48, No. 81
Tuesday, April 26, 1983

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 52

United States Standards for Grades of Canned Sweet Potatoes

Correction

In FR Doc. 83–9622 beginning on page 15634 in the issue of Tuesday, April 12, 1983, make the following correction:

In § 52.2053, Table III, near the top of page 15637, in the entry for *Character*, under Grade B, Maximum sample average, insert "Reasonably good [1]".

BILLING CODE 1505-01-M

FEDERAL RESERVE SYSTEM

12 CFR Part 269

[Docket No. R–0462]

Policy on Labor Relations for the Federal Reserve Banks; Policy on Labor Relations for the Board of Governors of the Federal Reserve System

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed Policy Statements.

SUMMARY: The Board of Governors of the Federal Reserve System proposes to revise substantially its Policy on Unionization and Collective Bargaining for the Federal Reserve Banks, which was adopted in 1969, to provide, with certain restrictions, for the exclusive recognition of labor organizations to represent employees of the Federal Reserve Banks. The proposed revision would change the composition of the Federal Reserve System Labor Relations Panel, which is charged with administering the matters that are subject to collective bargaining; and would eliminate the current requirement that in representation elections 60 percent of eligible voters must vote in order for a labor organization to prevail. The proposal would also make some additional, less significant, changes in the procedures established by the Policy and would clarify some of the Policy's language. The Board also proposes to revise its Policy on Unionization and Collective Bargaining for the Board of Governors of the Federal Reserve System, which governs labor relations for employees of the Board. The proposed revisions to the Federal Reserve Board Policy would make that Policy comparable in substance to the proposed revised Policy governing employees of the Federal Reserve Banks.

DATE: All comments must be received by May 27, 1983.

ADDRESS: Comments, which must refer to Docket No. R–0462, may be mailed to William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th & Constitution Avenue, N.W., Washington, D.C. 20551, or delivered to Room B–2223 between 8:45 a.m. and 5:15 p.m. Comments received may also be inspected at Room B–1122 between 8:45 a.m. and 5:15 p.m., except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information (12 CFR 261.6(a)).

FOR FURTHER INFORMATION CONTACT: Charles W. Wood, Assistant Director, Division of Personnel (202) 452–3660, John R. Weis, Assistant Director, Division of Personnel (202) 452–3435, Richard M. Ashton, Assistant General Counsel, (202) 452–3750, Legal Division, Jennifer J. Johnson, Senior Counsel, (202) 452–3584, Legal Division, Board of Governors of the Federal Reserve System.

SUPPLEMENTARY INFORMATION: Pursuant to its statutory authority to exercise general supervision over the twelve regional Federal Reserve Banks that are part of the Federal Reserve System, the Board has issued a Policy on Unionization and Collective Bargaining for the Federal Reserve Banks (the "Reserve Bank Policy"), which provides for the exclusive recognition of a labor organization, within certain restrictions, to represent employees of a Reserve Bank.

The revision effects substantial changes in three major aspects of the Reserve Bank Policy. The current Policy provides for the establishment of the Federal Reserve System Labor Relations Panel, which is authorized to issue rules to implement the Policy and to serve as the final decisional authority in disputes in individual cases that arise under the Policy. Under the present Policy, the System Panel is comprised of two members of the Board and one person chosen from the public. The revised Policy would provide for a panel consisting of two public members and one Board member. The revised Policy would further provide that the public members of the Panel shall serve for a fixed term and may be removed from office only for neglect of duty or malfeasance in office.

Second, the revision would make certain changes with respect to the matters that may be bargained about by a Reserve Bank and an exclusive representative. Section 269.3(b) of the present Policy requires a Reserve Bank to negotiate with a recognized labor organization concerning personnel policies and working conditions but not with respect to specific designated areas of discretion and policy of the Reserve Bank, such as its purposes and functions, or the compensation of its employees. Section 269.7(a)(2) of the current Policy, governing the content of collective bargaining agreements, provides that the management of a Reserve Bank retains certain designated management rights, *e.g.*, the right to hire employees. The proposed revised Policy incorporates the list of non-negotiable topics and designated management rights, which are also clearly non-negotiable, into a single provision expressly listing all matters concerning which negotiation is not required.

The list of non-negotiable items in the revised Policy is generally the same as the matters determined in the current Policy to be not subject to bargaining or to be management rights. The revision would add a provision stating that a Reserve Bank shall upon request discuss, but shall not be required to negotiate with respect to, the procedures followed by a Reserve Bank in excercising the management rights designated in the Policy. The revised provision allows a Reserve Bank to elect to negotiate with regard to procedures for implementing management rights.

Third, the revision would modify the required showing of support a labor organization must obtain in a representation election in order to be recognized. As currently written, the

Policy provides that a labor organization is recognized if a majority of the employees in the bargaining unit vote in favor of the union and if 60 per cent of employed in the unit eligible to vote actually vote. This provision is revised to adopt the usual rule in unionization elections: the labor organization is recognized if a majority of employees in the unit voting select the labor organization. The proposal also modifies the required showing necessary to revoke the recognition of a labor organization.

The proposed revision makes a number of other changes in the procedures to be followed by labor organizations in seeking representation of Reserve Bank employees. For example, in cases where a labor organization has made the requisite showing necessary to obtain a representation election, the revised Policy would provide for the creation of a three-member Special Tribunal, composed of a representative of the Reserve Bank, a representative of the labor organization, and an independent arbitrator chosen from a list provided by the American Arbitration Association. The Special Tribunal would be authorized to determine, subject to appeal to the System Panel, the appropriate bargaining unit and to resolve elections disputes.

The proposed revision would also add a new section to the Policy providing for the assistance of an independent mediator upon request in the event of an impasse in negotiations for a collective bargaining agreement. The new provision would replace regulations issued by the System Panel concerning bargaining impasses (12 CFR Part 294), which would be removed. The regulation issued by the System Panel with respect to unfair labor practice procedure (12 CFR Parts 290, 292) would be adopted as regulations of the Board.

The proposed revision also would eliminate the existing requirement that arbitration of grievances pursuant to a collective bargaining agreement be advisory in nature, and would provide that arbitration may extend only to grievances that involve interpretation of a labor agreement and may be invoked only by a labor organization. In addition, the revision would add a new section to the Policy establishing procedures for mediation by an independent arbitrator of any impasse in negotiations for a collective bargaining agreement.

The Board also proposes to revise its Policy on Unionization and Collective Bargaining for the Board of Governors of the Federal Reserve System, governing labor relations for Board employees. The proposed revision would incorporate the revisions proposed to be made to the Policy covering employees of the Reserve Banks. Some of the revisons proposed to be made to the Reserve Bank Policy, such as modifying the composition of the governing panel, are already contained in the current Policy covering Board employees. The proposed changes to the Board Policy would make the two Policies substantially the same in all material respects.

Lists of Subjects in 12 CFR Part 269

Federal Reserve System, Labor-management relations, Labor organizations.

1. Pursuant to its authority under section 11(j) of the Federal Reserve Act, 12 U.S.C. 248(j), the Board proposes to revise Part 269 to read as follows:

PART 269—POLICY ON LABOR RELATIONS FOR THE FEDERAL RESERVE BANKS

Sec.

269.1 Definition of a labor organization.
269.2 Membership in a labor organization.
269.3 Recognition of a labor organization and its relationship to a Federal Reserve Bank.
269.4 Determination of appropriate bargaining unit.
269.5 Elections.
269.6 Unfair labor practices.
269.7 Approval of agreement and required contents.
269.8 Grievance procedures.
269.9 Mediation of negotiation impasses.
269.10 Time for internal labor organization business, consultations, and negotiations.
269.11 Federal Reserve System Labor Relations Panel.
269.12 Amendment.

Authority: Sec 11(j) of the Federal Reserve Act, 12 U.S.C. 248(j).

§ 269.1 Definition of a labor organization.

When used in this part, the term "labor organization" means any lawful organization of any kind, or any employee representation group, which exists for the purpose, in whole or in part, of dealing with any Federal Reserve Bank concerning grievances, personnel policies and practices, or other matters affecting the working conditions of its employees, but the term shall not include any organization: (a) Which asserts the right to strike against the government of the United States, the Board of Governors of the Federal Reserve System, or any Federal Reserve Bank, or to assist or participate in any such strike, or which imposes a duty or obligation to conduct, assist or participate in any such strike; or (b) which fails to agree to refrain from seeking or accepting support from any organization which employs coercive tactics affecting any Federal Reserve Bank's operations; or (c) which advocates the overthrow of the constitutional form of the government of the United States; or (d) which discriminates with regard to the terms or conditions of membership because of race, color, sex, creed, age or national origin.

§ 269.2 Membership in a labor organization.

(a) Any employee of a Federal Reserve Bank (hereinafter referred to as "Bank") is free to join and assist any existing labor organization or to participate in the formation of a new labor organization or to refrain from any such activities except that officers and their administrative or confidential assistants, managers, and other supervisory personnel, secretaries to all such persons and all employees engaged in Bank personnel work shall not be represented by any labor organization.

(b) The rights described in paragraph (a) of this Section for employees do not extend to participation in the management of a labor organization, or acting as a representative of any such organization, where such participation or activity would conflict with law or the duties of an employee.

(c) Notwithstanding anything stated in paragraph (a) of this Section, professional employees of a Bank shall not be represented by a labor organization which represents other employees of the Bank unless a majority of the professional employees eligible to vote specifically elect to be represented by such labor organization. However, the professional employees of a Bank may, if they so choose, be represented by a separate labor orgnization of their own, or by no labor organization at all.

(d) Notwithstanding anything stated in paragraph (a) of this Section, the guards of a Bank shall not be members of a labor organization which represents other categories of employees of the Bank. However, the guards of a Bank may, if they so choose, be represented by a separate labor organization of their own, or by no labor organization at all.

§ 269.3 Recognition of a labor organization and its relationship to a Federal Reserve Bank.

(a) Any labor organization shall be recognized as the exclusive bargaining representative of the employees in an appropriate unit of a Bank when that organization has been selected by the employees in said unit pursuant to the procedure set forth in § 269.5. A unit may be established in a Bank on any

basis which will ensure a clear and identifiable community of interest among the employees concerned, and will promote effective relationships and the efficiency of the Bank's operations, but no unit shall be established solely on the basis of the extent to which a labor organization or employees in the proposed unit may have sought organization.

(b) When a labor organization has been recognized as the exclusive representative of employees in an appropriate unit, it shall be entitled to act for and to negotiate agreements in good faith covering all employees in the unit, and it shall be responsible for representing the interests of all such employees without discrimination and without regard to whether they are members of that labor organization or not, provided that nothing in this Policy shall prevent an employee from adjusting his or her grievance without the intervention of the recognized labor organization. The labor organization shall be given notice of the adjustment and a reasonable opportunity to object on the sole ground that it is in conflict with the terms of the collective bargaining agreement.

(c) A Bank, through appropriate officials, shall have the obligation to meet at reasonable times with representatives of a recognized labor organization to negotiate, in good faith, with respect to personnel policies and practices affecting working conditions for employees, provided that they do not involve matters in any of the following areas:

(i) The purposes and functions of the Bank; the compensation of and hours worked by employees; any classification system used to evaluate positions; the budget of the Bank; the retirement system; any insurance or other benefit plans; internal security operations; maintenance of the efficiency of Bank operations including the determination of work methods; the right to contract out; the determination as to manpower requirements; use of technology and organization of work; and action to meet emergency situations;

(ii) Management rights as to the direction of employees, including hiring, promotion, transfer, classification, assignment, layoffs, retention, suspension, demotion, discipline and discharge, provided that on matters involving the procedures to be followed by a Bank for the exercise of its rights under this subparagraph, a Bank shall, upon request, discuss such procedures with a recognized labor organization, but shall not be required to negotiate for an agreement as to them;

(iii) All Bank matters specifically governed by applicable laws or regulations. The obligation under this paragraph to negotiate with regard to certain matters shall include the execution of a written contract incorporating any agreement reached, but does not compel either a Bank or a labor organization to agree to a particular proposal or to make any concession during such negotiations.

(d) At the time it requests an election to be held, any labor organization seeking recognition shall submit to a Bank a roster of its officers and representatives, a copy of its constitution and bylaws, and a statement of its objectives.

(e) Subject to the provisions of § 269.8, the exclusive recognition of a labor organization shall not preclude any employee, regardless of labor organization membership, from bringing matters of personal concern not governed by a collective bargaining agreement to the attention of appropriate officers, managers or supervisory personnel in accordance with applicable law, rule, regulation, or established Bank policy, or from choosing his or her own representative in such matters.

§ 269.4 Determination of appropriate bargaining unit.

(a) If a labor organization asserts in writing to a Bank that it holds cards requesting a representation election signed by at least thirty percent (30%) of the employees in a unit which that organization considers to be an appropriate bargaining unit, the labor organization and the Bank shall each designate a representative who together shall request the American Arbitration Association (hereinafter referred to as "Association") to submit to them from its National Panel of Professional Labor Arbitrators a list of seven (7) impartial, qualified professional arbitrators. The two designated representatives shall meet promptly and, by alternately striking names from the list, arrive at the remaining person who, together with the two representatives, shall constitute a Special Tribunal to rule on the labor organization's request for an election. The impartial arbitrator shall always act as the Chairperson of any Special Tribunal duly constituted under this Section.

(b) In the absence of an agreement between the labor organization and the Bank on the appropriate unit, the Tribunal shall investigate the facts, hold hearings if necessary, and issue a decision as to the appropriateness of the unit for the purposes of conducting a representation election for exclusive recognition and as to related issues submitted for consideration. The expenses for this proceeding, including the fees of the association and of the arbitrator, shall be borne equally by the labor organization and the Bank. If either the Bank or the labor organization should disagree with the Special Tribunal's decision, the party in disagreement may appeal within thirty (30) calendar days to the Federal Reserve System Labor Relations Panel referred to in Section 269.11, and the decision of the System Panel shall be final and binding on the parties.

(c) If there is any dispute as to whether a labor organization holds cards signed by at least thirty percent (30%) of the employees in a unit claimed by a labor organization as appropriate or subsequently determined by the Special Tribunal as appropriate, the dispute shall be resolved by the Chairperson of the Special Tribunal, acting as a single impartial arbitrator. The expenses of such procedure, including the impartial arbitrator's fee, shall be borne equally by the labor organization and the Bank. The decision of the Chairperson of the Special Tribunal shall be final and binding and shall not be subject to appeal to the Federal Reserve System Labor Relations Panel.

§ 269.5 Elections.

(a) Once there has been a final determination of the existence of an appropriate bargaining unit under the procedure in § 269–4, and a showing by a labor organization that it has cards signed by at least thirty percent (30%) of the employees in such unit requesting a representation election, an election shall be ordered by the Special Tribunal. A labor organization shall be recognized as the exclusive bargaining representative of the unit if it is selected by a majority of the employees in the unit actually voting.

(b) The election shall be held under the auspices of the Association and shall be subject to its election rules and regulations. However, if there should be any conflict between such rules and regulations and the provisions of this Policy, the latter shall prevail. The fees charged by the Association for its election service shall be borne equally by the labor organization and the Bank.

(c) An election to determine whether a labor organization should continue as the exclusive bargaining representative of a particular unit shall be held when requested by a petition or other bona fide showing by at least thirty percent (30%) of the employees of that unit. Any dispute as to whether thirty percent

(30%) of the employees requested such an election shall be resolved by the same procedure as that set forth in § 269.4(b). The election shall be held under the auspices of the Association in the same manner described in paragraph (b) of this Section. The recognition of a labor organization as the exclusive bargaining representative of a unit shall be revoked if a majority of the employees in the unit who actually vote signify approval of such revocation.

(d) Only one election may be held in any unit in a twelve (12) month period to determine whether a labor organization should become, or continue to be recognized as, the exclusive representative of the employees in that unit.

(e) Upon receipt of a request for an election from a labor organization under § 269.4(a), it shall be incumbent on the Bank, labor organization and all others to refrain from any conduct, action or policy that interferes with or restrains employees from making a fair and free choice in selecting or rejecting a bargaining representative consistent with the right of the Bank, labor organization or employees to exercise privileges of free speech in the expression of any views, argument or opinion, or the dissemination thereof, whether in oral, written, printed, graphic or visual form.

(f) The Special Tribunal shall hear and decide any post-election objections of a Bank or labor organization filed with it claiming that a violation of paragraph (e) of this section has improperly affected the outcome of the election. Such objections must be filed with the Special Tribunal no later than five (5) business days after the date of election. In the event of such violation by a Bank, labor organization or other individuals or organizations which the Special Tribunal finds sufficient to have prejudiced the outcome of an election, appropriate remedial action shall be taken in the form of setting aside the election results and ordering a new election, provided, however, that an appeal from the order of the Special Tribunal may be taken within thirty (30) calendar days to the Federal Reserve System Labor Relations Panel by either the affected Bank or labor organization. The ruling of the System Panel shall be final and binding. Neither the Special Tribunal nor the Federal Reserve System Labor Relations Panel shall have the authority to direct a Bank to recognize a labor organization as the exclusive collective bargaining representative without a valid election being held in which a majority of the employees actually voting have so designated such labor organization.

(g) The Special Tribunal and the Federal Reserve System Labor Relations Panel will adhere to any rules and regulations promulgated by the Board of Governors for the administration of the provisions of paragraphs (e) and (f) of this Section.

§ 269.6 Unfair labor practices

(a) It shall be an unfair labor practice for a Bank to: (1) Interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in § 269.2(a); (2) dominate or interfere with the formation or administration of any labor organization, or to contribute financial or other support to it; (3) encourage or discourage membership in any labor organization by discrimination in regard to hire or tenure of employment or any term or condition of employment; (4) refuse to bargain collectively with the representatives of its employees subject to the provisions of § 269.3 (b) and (c).

(b) It shall be an unfair labor practice for a labor organization, its agents or representatives to: (1) Restrain or coerce employees in the exercise of the rights guaranteed in § 269.2(a); (2) cause or attempt to cause a Bank to discriminate against an employee in violation of paragraph (a)(3) of this section; (3) refuse to bargain collectively with a Bank, provided the labor organization is the exclusive representative of a unit of employees.

(c) Notwithstanding anything previously stated in this Section, the expression of any view, argument or opinion, or the dissemination thereof, whether in oral, written, printed, graphic or visual form, shall not constitute or be evidence of an unfair labor practice, if such expression contains no threat of reprisal or force, or promise of benefit.

(d) The Federal Reserve System Labor Relations Panel will adhere to the rules and regulations promulgated by the Board of Governors for the prevention and remedy of the unfair labor practices listed herein.

§ 269.7 Approval of agreement and required contents.

Any agreement entered into with a labor organization as the exclusive representative of employees in a unit must be approved by the President of the Bank or a designated officer representative. All agreements with labor organizations shall also be subject to the requirement that the administration of all matters covered by the agreement shall be governed by the provisions of applicable laws and Federal Reserve System rules and regulations, and the agreement shall at all times be applied subject to such laws and regulations.

§ 269.8 Grievance procedures.

(a) Subject to the provisions of § 269.3(b), an agreement entered into with a labor organization as the exclusive representative of employees in a unit may contain a grievance procedure, applicable only to employees in such unit and which shall be the exclusive means for a labor organization and/or an employee to obtain resolution of a grievance arising under such agreement.

(b) Grievance procedures established by a labor agreement may also include provisions for arbitration of unresolved grievances by a tripartite panel under the Voluntary Labor Arbitration Rules of the Association with the impartial arbitrator selected by the Bank and labor organization representatives on the arbitration panel to be the Chairperson. In such event, arbitration shall extend only to grievances which involve the interpretation and application of specific provisions of a labor agreement and not to any other matters on to changes in or proposed changes in the agreement. Arbitration may only be invoked by a labor organization on behalf of individual employees with their concurrence.

§ 269.9 Mediation of negotiation impasses.

In the event of an impasse in negotiations between the parties for a collective bargaining agreement, either the labor organization or the Bank may request the Association to appoint a qualified neutral person as a mediator to assist the parties in attempting to resolve the impasse. The parties will meet promptly with the mediator, and all matters discussed, as well as any documents submitted, shall not be publicly divulged for any reason. The cost of the mediator shall be borne equally by the parties.

§ 269.10 Time for internal labor organization business, consultations and negotiations.

Solicitation of memberships, dues or other internal labor organization business shall be conducted during the nonduty hours of the employees concerned. Officially requested or approved consultation between management executives and representatives of a labor organization shall, whenever practicable, be conducted on official time, but the President or a duly authorized officer of a Bank may require that negotiations with a labor organization be conducted during the nonduty hours of the Bank.

§ 269.11 Federal Reserve System Labor Relations Panel.

There shall be established a Federal Reserve System Labor Relations Panel, which shall consist of three members: One member of the Board of Governors of the Federal Reserve System, who shall be Chairperson of the Panel, and two public members. Each member shall be selected by the Board of Governors; provided, however, that the public members shall not have any present or past affiliation with the Federal Reserve System. Initially, one of the two public members shall be appointed for a term of two years, and the other for a term of three years. Thereafter, each public member shall be appointed for a term of three years, except that in the case of an unexpired term of a former member, the successor shall be appointed to fill such unexpired term. Upon the expiration of their term of office, public members may continue to serve until their successors are appointed and have qualified. A public member may be removed by the Board only upon notice and hearing, and only for neglect of duty or malfeasance in office. The Panel shall be responsible for the duties assigned to it as set forth in this Policy.

§ 269.12 Amendment.

This policy may be amended upon appropriate legal notice to all Federal Reserve Banks and labor organizations recognized, or seeking recognition, at any such Bank under this Policy. In no instance shall an amendment be applied retroactively.

PART 290—[AMENDED]

PART 292—[AMENDED]

PART 294—[REMOVED]

2. The Board also proposes to adopt without change as regulations of the Board 12 CFR Parts 290 and 292, issued previously by the Federal Reserve System Labor Relations Panel, and to remove 12 CFR Part 294.

Upon final adoption, Parts 290 and 292 will be redesignated into subchapter A and renumbered accordingly.

3. Pursuant to its authority under section 10 of the Federal Reserve Act, 12 U.S.C. 244, the Board proposes to revise its Policy on Collective Bargaining for the Board of Governors of the Federal Reserve System to read as follows:

Policy on Labor Relations for the Board of Governors of the Federal Reserve System

Sec.

1 Definition of a labor organization.
2 Membership in a labor organization.
3 Recognition of a labor organization and its relationship to the Board.
4 Determination of appropriate bargaining unit.
5 Elections.
6 Unfair labor practices.
7 Approval of agreement and required contents.
8 Grievance procedures.
9 Mediation of Negotiation Impasses
10 Time for internal labor organization business, consultations, and negotiations.
11 Federal reserve System Labor Relations Panel.
12 Amendment.

Section 1 Definition of a Labor Organization

When used in this part, the term "labor organization" means any lawful organization of any kind, or any employee representation group, which exists for the purpose, in whole or in part, of dealing with the Board of Governors of the Federal Reserve System (hereinafter referred to as the "Board") concerning grievances, personnel policies and practices, or other matters affecting the working conditions of its employees, but the term shall not include any organization: (a) which asserts the right to strike against the government of the United States, the Board of Governors of the Federal Reserve System, or any Federal Reserve Bank, or to assist or participate in any such strike, or which imposes a duty or obligation to conduct, assist or participate in any such strike; or (b) which fails to agree to refrain from seeking or accepting support from any organization which employs coercive tactics affecting the Board's operation; or (c) which advocates the overthrow of the constitutional form of the government of the United States; or (d) which discriminates with regard to the terms or conditions of membership because of race, color, sex, creed, age or national origin.

Section 2 Membership in a Labor Organization

(a) Any employee of the Board is free to join and assist any existing labor organization or to participate in the formation of a new labor organization, or to refrain from any such activities except that officials and their administrative or confidential assistants, managers and other supervisory personnel, secretaries to all such persons and to members of the Board, and all employees engaged in the Board's personnel work shall not be represented by any labor organization.

(b) The rights described in paragraph (a) of this Section for employees do not extend to participation in the management of a labor organization, or acting as a representative of any such organization, where such participation or activity would conflict with law or the duties of an employee.

(c) Notwithstanding anything stated in paragraph (a) of this Section, professional employees of the Board shall not be represented by a labor organization which represents other employees of the Board unless a majority of the professional employees eligible to vote specifically elect to be represented by such labor organization. However, the professional employees of the Board may, if they so choose, be represented by a separate labor organization of their own, or by no labor organization at all.

(d) Notwithstanding anything stated in paragraph (a) of this Section, the guards of the Board shall not be members of a labor organization which represents other categories of employees of the Board. However, the guard of the Board may, if they so choose, be represented by a separate labor organization of their own, or by no labor organization at all.

Section 3 Recognition of a Labor Organization and its Relationship to the Board

(a) Any labor organization shall be recognized as the exclusive bargaining representative of the employees in any appropriate unit of the Board when that organization has been selected by the employees in said unit pursuant to the procedure set forth in Section 5. A unit may be established on any basis which will ensure a clear and identifiable community of interest among the employees concerned, and will promote effective relationships and the efficiency of the Board's operations, but no unit shall be established solely on the basis of the extent to which a labor organization or employees in the proposed unit may have sought organization.

(b) When a labor organization has been recognized as the exclusive representative of employees in an appropriate unit, it shall be entitled to at for and to negotiate agreements in good faith covering all employees in the unit, and it shall be responsible for representing the interests of all such employees without discrimination and without regard to whether they are members of the labor organization or not, provided that nothing in this Policy shall prevent an employee from adjusting his or her grievance without the intervention of the recognized labor organization. The labor organization shall be given notice of the adjustment and a reasonable opportunity to object on the sole ground that it is in conflict with the terms of the collective bargaining agreement.

(c) The Board, through appropriate representatives, shall have the obligation to meet at reasonable times with representatives of a recognized labor organization to negotiate, in good faith, with respect to personnel policies and practices affecting working conditions for employees, provided that they do not involve matters in any of the following areas:

(i) the purposes and functions of the Board; the compensation of and hours worked by employees; any classification system used to evaluate positions; the budget of the Board; the retirement system; any insurance or other benefit plans; internal security operations; maintenance of the efficiency of Board operations including the determination of work methods; the right to contract out; the determination as to manpower requirements; use of technology and organization of work; and action to meet emergency situations.

(ii) management rights as to the direction of employees, including hiring, promotion, transfer, classification, assignment, layoffs, retention, suspension, demotion, discipline and discharge, provided that on matters

involving the procedures to be followed by the Board for the exercise of its rights under this subparagraph, the Board shall upon request discuss such procedures with a recognized labor organization, but shall not be required to negotiate for an agreement as to them;

(iii) all Board matters specifically governed by applicable laws or regulations.

The obligation under this paragraph to negotiate with regard to certain matters shall include the execution of a written contract incorporating any agreement reached, but does not compel either the Board or a labor organization to agree to a particular proposal or to make any concession during such negotiations.

(d) At the time it requests an election to be held, any labor organization seeking recognition shall submit to the Board a roster of its officers and representatives, a copy of its constitution and bylaws, and statement of its objectives.

(e) Subject to the provisions of Section 8, the exclusive recognition of a labor organization shall not preclude any employee, regardless of labor organization membership, for bringing matters of personal concern not governed by a collective bargaining agreement to the attention of appropriate officers, managers or supervisory personnel in accordance with applicable law, rule, regulation, or established Bank policy, or from choosing his or her own representative in such matters.

Section 4 Determination of Appropriate Bargaining Unit

(a) If a labor organization asserts in writing to the Board that it holds cards requesting a representation election signed by at least thirty percent (30%) of the employees in a unit which that organization considers to be an appropriate bargaining unit, the labor organization and the Board shall each designate a representative who together shall request the American Arbitration Association (hereinafter referred to as "Association") to submit to them from its National Panel of Professional Labor Arbitrators a list of seven (7) impartial, qualified professional arbitrators. The two designated representatives shall meet promptly and, by alternately striking names from the list, arrive at the remaining person who, together with the two representatives, shall constitute a Special Tribunal to rule on the labor organization's request for an election. The impartial arbitrator shall always act as the Chairperson of any Special Tribunal duly constituted under this Section.

(b) In the absence of an agreement between the labor organization and the Board on the appropriate unit, the Tribunal shall investigate the facts, hold hearings if necessary, and issue a decision as to the appropriateness of the unit for purposes of conducting a representation election for exclusive recognition and as to related issues submitted for consideration. The expenses for this proceeding, including the fees of the Association and of the arbitrator, shall be borne equally by the labor organization and the Board. If either the Board or the labor organization should disagree with the Special Tribunal's decision, the party in disagreement may appeal within thirty (30) calendar days to the Federal Reserve System Labor Relations panel referred to in Section 11, and the decision of the Board Panel shall be final and binding on the parties.

(c) If there is any dispute as to whether a labor organization holds cards signed by at least thirty percent (30%) of the employees in a unit claimed by a labor organization as appropriate or subsequently determined by the Special Tribunal as appropriate the dispute shall be resolved by the Chairperson of the Special Tribunal, acting as a single impartial arbitrator. The expenses of such procedure, including the impartial arbitrator's fee, shall be borne equally by the labor organization and the Board. The decision of the Chairperson of the Special Tribunal shall be final and binding and shall not be subject to appeal to the Federal Reserve System Labor Relations Panel.

Section 5 Elections

(a) Once there has been a final determination of the existence of an appropriate bargaining unit the procedure in Section 4, and a showing by a labor organization that it has cards signed by at least thirty percent (30%) of the employees in such unit requesting a representation election, an election shall be ordered by the Special Tribunal. A labor organization shall be recognized as the exclusive bargaining representative of the unit if it is selected by a majority of the employees in the unit actually voting.

(b) The election shall be held under the auspices of the Association and shall be subject to its election rules and regulations. However, if there should be any conflict between such rules and regulations and the provisions of this Policy, the latter shall prevail. The fees charged by the Association for its election service shall be borne equally by the labor organization and the Board.

(c) An election to determine whether a labor organization should continue as the exclusive bargaining representative of a particular unit shall be held when requested by a petition or other bona fide showing by at least thirty percent (30%) of the employees of that unit. Any dispute as to whether thirty percent (30%) of the employees requested such an election shall be resolved by the same procedure as that set forth in Section 4(b). The election shall be held under the auspices of the Association in the same manner described in paragraph (b) of this Section. The recognition of a labor organization as the exclusive bargaining representative of a unit shall be revoked if a majority of the employees in the unit who actually vote signify approval of such revocation.

(d) Only one election may be held in any unit in a twelve (12) month period to determine whether a labor organization should become, or continue to be recognized as, the exclusive representative of the employees in that unit.

(e) Upon receipt of a request for an election from a labor organization under Section 4(a), it shall be incumbent on the Board, labor organization and all others to refrain from any conduct, action or policy that interferes with or restrains employees from making a fair and free choice in selecting or rejecting a bargaining representative consistent with the right of the Board, labor organization or employees to exercise privileges of free speech in the expression of any views, argument or opinion, or the dissemination thereof, whether in oral, written, printed, graphic or visual form.

(f) The Special Tribunal shall hear and decide any post-election objections of the Board or labor organization filed with it claiming that a violation of paragraph (e) of this Section has improperly affected the outcome of the election. Such objections must be filed with the Special Tribunal no later than five (5) business days after the date of election. In the event of such violation by the Board, labor organization or other individuals or organizations which the Special Tribunal finds sufficient to have prejudiced the outcome of an election, appropriate remedial action shall be taken in the form of setting aside the election results and ordering a new election, provided, however, that an appeal from the order of the Special Tribunal may be taken within thirty (30) calendar days to the Federal Reserve System Labor Relations Panel by either the Board or the affected labor organization. The ruling of the Board Panel shall be final and binding. Neither the Special Tribunal nor the Federal Reserve System Labor Relations Panel shall have the authority to direct the Board to recognize a labor organization as the exclusive collective bargaining representative without a valid election being held in which a majority of the employees actually voting have so designated such labor organization.

(g) The Special Tribunal and the Federal Reserve System Labor Relations Panel will adhere to any rules and regulations promulgated by the Board of Governors for the administration of the provisions of paragraphs (e) and (f) of this Section.

Section 6 Unfair Labor Practices

(a) It shall be an unfair labor practice for the Board to: (1) interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in Section 2(a); (2) dominate or interfere with the formation or administration of any labor organization, or to contribute financial or other support to it; (3) encourage or discourage membership in any labor organization by discriminations in regard to hire or tenure of employment or any term or condition of employment; (4) refuse to bargain collectively with the representative of its employees subject to the provisions of Section 3(b) and (c).

(b) It shall be an unfair labor practice for a labor organization, its agents or representatives to: (1) restrain or coerce employees in the exercise of the rights guaranteed in Section 2(a); (2) cause or attempt to cause the Board to discriminate against an employee in violation of paragraph (a)(3) of this Section; (3) refuse to bargain collectively with the Board, provided the labor organization is the exclusive representative of a unit of employees.

(c) Notwithstanding anything previously stated in this Section, the expression of any view, argument or opinion, or the dissemination thereof, whether in oral,

written, printed, graphic or visual form, shall not constitute or be evidence or an unfair labor practice, if such expression contains no threat of reprisal or force, or promise of benefit.

(d) The Federal Reserve System Labor Relations Panel will adhere to the rules and regulations promulgated by the Board of Governors for the prevention and remedy of the unfair labor practices listed herein.

Section 7 Approval of Agreement and Required Contents

Any agreement entered into with a labor organization as the exclusive representative of employees in a unit must be approved by the Board of Governors or a designated representative. All agreements with labor organizations shall also be subject to the requirement that the administration of all matters covered by the agreement shall be governed by the provisions of applicable laws and Board rules and regulations, and the agreement shall at all times be applied subject to such laws and regulations.

Section 8 Grievance Procedures

(a) Subject to the provisions of Section 3(b), and agreement entered into with a labor organization as the exclusive representative of employees in a unit contain a grievance procedure, applicable only to employees in such unit and which shall be the exclusive means for a labor organization and/or an employee to obtain resolution of a grievance arising under such agreement.

(b) Grievance procedures established by a labor agreement may also include provisions for arbitration of unresolved grievances by a tripartite panel under the Voluntary Labor Arbitration Rules of the Association with the impartial arbitrator selected by the Board and the labor organization representatives on the arbitration panel to be the Chairperson. In such event, arbitration shall extend only to grievances which involve the interpretation and application of specific provisions of a labor agreement and not to any other matters or to changes in or proposed changes in the agreement. Arbitration may only be invoked by a labor organization on behalf of individual employees with the concurrence.

Section 9 Mediation of Negotiation Impasses

In the event of an impasse in negotiations between the parties for a collective bargaining agreement, either the labor organization or the Board may request the Association to appoint a qualified neutral person as a mediator to assist the parties in attempting to resolve the impasse. The parties will meet promptly with the mediator, and all matters discussed, as well as any documents submitted, shall not be publicly divulged for any reason. The cost of the mediator shall be borne equally by the parties.

Section 10 Time for Internal Organization Business, Consultations and Negotiations

Solicitation of memberships, dues or other internal labor organization business shall be conducted during the nonduty hours of the employees concerned. Officially requested or approved consultation between management executives and representative of a labor organization shall, whenever practicable, be conducted on official time, but the Director of the Division of Personnel, or a duly authorized representative, may require that negotiations with a labor organization be conducted during the nonduty hours of the Board.

Section 11 Federal Reserve System Labor Relations Panel

There shall be established a Federal Reserve System Labor Relations Panel, which shall consist of three members: one member of the Board of Governors of the Federal Reserve System, who shall be Chairperson of the Panel, and two public members. Each member shall be selected by the Board of Governors; provided, however, that the public members shall not have any present or past affiliation with the Federal Reserve System. Initially, one of the two public members shall be appointed for a term of two years, and the other for a term of three years. Thereafter, each public member shall be appointed for a term of three years, except that in the case of an unexpired term of a former member, the successor shall be appointed to fill such unexpired term. Upon the expiration of their term of office, public members may continue to serve until their successors are appointed and have qualified. A public member may be removed by the Board only upon notice and hearing, and only for neglect of duty or malfeasance in office. The Panel shall be responsible for the duties assigned to it as set forth in this Policy.

Section 12 Amendment

This policy may be amended upon appropriate legal notice to all labor organizations recognized, or seeking recognition, under this Policy. In no instance shall an amendment be applied retroactively.

By order of the Board of Governors of the Federal Reserve System, April 21, 1983.

William W. Wiles,

Secretary of the Board.

[FR Doc. 83-10694 Filed 4-25-83; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 231 and 241

[Release Nos. 33-6462; 34-19679; File No. S7-970]

Proposed Revision of Industry Guide Disclosures for Bank Holding Companies

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rules.

SUMMARY: The Commission has authorized the proposal of amendments to the portions of the Industry Guides for Statistical Disclosures by Bank Holding Companies relating to disclosures about nonperforming loans and certain foreign loans. The proposed changes would revise the current disclosure guidelines dealing with information about nonperforming loans to focus more broadly on various elements of the loan portfolio which may indicate unusual lending risks. The proposed rules also provide for additional disaggregated disclosures about foreign loans.

DATE: Comments should be received by the Commission on or before May 31, 1983.

ADDRESS: Comment letters should refer to File No. S7-970, and should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 450 5th Street, N.W., Washington, D.C. 20549. All comments received will be available for public inspection and copying in the Commission's Public Reference Room, 450 5th Street, N.W., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Marc D. Oken or Edmund Coulson (202-272-2130), Office of the Chief Accountant, or Howard Hodges, Jr. (202-272-2553), Division of Corporation Finance, Securities and Exchange Commission, 450 5th Street, N.W., Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: .

Background—Nonperforming Loans

Disclosure of nonperforming loans has been formally required in filings since the Commission implemented the Industry Guides for Disclosure by Bank Holding Companies, guides 61 and 3, in August 1976.[1] The Commission authorized amendments to Guides 61 and 3 in July 1980 which, among other things, refined the definition of nonperforming loans set forth in the 1976 release.[2] Guides 61 and 3 were redesignated as Securities Act Industry Guide 3 and Exchange Act Industry Guide 3 ("Guide 3") in 1982.[3]

[1] Securities Act Release No. 5735, August 31, 1976 [41 FR 39007].

[2] Securities Act Release No. 6221, July 8, 1980 [45 FR 47138]. The principal revisions to the definition of nonperforming loans in this release comprised: an expansion of the criteria to encompass non-accrual loans; an increase in the time period for accruing loans contractually past due from 60 to 90 days before such loans are classified as nonperforming; and deletion of the requirement to disclose 1) the amount of interest reflected in income on any nonperforming loans during the period, and 2) the gross amount of interest income which would have been recorded on all such loans during the period if they had been current (in accordance with their original terms) and outstanding throughout the period or since their origination, whichever was shorter.

[3] These guides were redesignated in securities Act Release No. 6384 (March 3, 1982) [47 FR 11476]. They are included in the list of industry guides in Items 801 and 802 of Regulation S-K (17 CFR 229).

On March 3, 1983, the Commission authorized the issuance of Financial Reporting Release No. 11 (FRR 11) [4] which announced certain revisions to Article 9 of Regulation S–X ("S–X") [17 CFR 210.9], which governs the form and content of bank holding company financial statements, and to Guide 3. The rules adopted in FRR 11 are effective for financial statements covering fiscal years ending on or after December 31, 1983. In the release which set forth the proposed amendments,[5] the Commission proposed certain changes to Guide 3 primarily to facilitate related changes to Article 9. In addition, certain minor changes were proposed to clarify the Guide 3 disclosure guidelines, including several technical changes to the instructions relating to disclosures of nonperforming loans. Since the Commission determined to propose amendments to the existing Guide 3 guidelines for nonperforming loans separately, none of the proposed technical changes to the nonperforming loan disclosures were adopted in FRR 11.

The current provisions of Guide 3 calls for the aggregate amount of loans in each of the following categories be separately disclosed:[6]

(1) Loans accounted for on a non-accrual basis;

(2) Loans which are contractually past due 90 days or more as to principal or interest payments;

(3) Loans, the terms of which have been renegotiated to provide a reduction or deferral of interest or principal because of a deterioration in the financial position of the borrower; and

(4) Loans now current where there are serious doubts as to the ability of the borrower to comply with present loan repayment terms.

Recent Bank Regulatory Disclosure Requirements for Past Due, Nonaccrual, and Renegotiated Loans

The information about nonperforming loans called for by Guide 3 has historically comprised the only required public disclosure of such loans.[7] Recently, however, the bank regulatory agencies (the Federal Deposit Insurance Corporation, the Federal Reserve and the Office of the Comptroller of the Currency), have revised their rules to require that certain information about "past due, nonaccrual and renegotiated loans and lease financing receivables" be disclosed as supplemental information to their periodic supervisory filings.[8] The supplemental data disclosed includes information about loans and leases which are—

- Past due 30 through 89 days and still accruing;
- Past due 90 days or more and still accruing;
- On nonaccrual status;
- Considered to be renegotiated "troubled" debt as defined by FAS 15.[9]

The information must be presented in the aggregate by type of loan or lease, as defined, for domestic amounts and in the aggregate for all foreign office balances. The data must be filed quarterly with the bank regulators beginning with the quarter ending December 31, 1982. The amounts reported in the last three categories noted above will become public information beginning with the quarter ended June 30, 1983; the amounts designated as "past due 30 through 89 days and still accruing" will not be publicly disclosed by the bank regulators. The impact of this regulatory change is that information about past due, nonaccrual and renegotiated loans will be publicly available after June 30, 1983 for all banks and bank holding companies, and not just for bank holding companies which are required to file with the Commission, as has been the situation since the Commission implemented Guide 3 in 1976.

Summary of Proposed Changes

The proposed amendments are intended to establish useful disclosures by registrants in Commission filings of all loans having risk elements material to investors and to achieve uniformity in the bases for preparing such information between bank holding companies for Commission filings and banks for supplementary disclosures for bank regulatory purposes.

The proposed amendments do not utilize the terminology "nonperforming loans" [10] since that term is not broad enough to encompass all of the disclosure elements of the proposed new section, which is intended to focus more broadly on the various elements of the loan portfolio which may indicate unusual lending risks. Also, the new section is intended to elicit disclosures of certain foreign loans and industry concentrations which may be currently "performing" loans but which nonetheless represent potential problems or unusual risks and uncertainties.

The revised section, a substantial part of which comprises a reorganization of and amendments to certain existing Guide 3 disclosures, will call for information which should complement other required Guide 3 data such as loan categories, loan loss experience, and maturities and sensitivities to interest rates. The Commission believes that more useful and relevant information should result by amending and expanding this section of the Guide to emphasize disclosures and related discussions of all of the various unusual risk elements in the loan portfolio. The new disclosure section utilizes the revised four elements of the existing nonperforming loan disclosures as a fondation, and includes a fifth

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the central repository of nonfinancial statement disclosure requirements under the Securities Act and the Exchange Act.

[4] Securities Act Release No. 6458 (March 7, 1983) [48 FR 11104 (March 16, 1983)].

[5] Securities Act Release No. 6417 (July 9, 1982) [47 FR 32158 (July 26, 1982)].

[6] Instruction 5 to Item III C of Guide 3 provides, however, that "the registrant may use different criteria and may present quantitative information in a different manner . . . if such presentation more effectively identifies and communicates the present risk elements in the loan portfolio."

[7] However, financial statements prepared in accordance with generally accepted accounting principles (GAAP), must contain footnote disclosures of certain renegotiated loans involving borrowers with financial difficulties ("troubled debt restructurings"), in accordance with Statement of Financial Accounting Standards No. 15 ("FAS 15"), "Accounting by Debtors and Creditors for Troubled Debt Restructurings." Paragraph 40 of FAS 15 requires disclosure of the following information about outstanding receivables whose terms have been modified in troubled debt restructurings as of the date of each balance sheet presented: (1) The aggregate recorded investment; (2) the gross interest income that would have been recorded in the period then ended if those receivables had been current in accordance with their original terms and had been outstanding throughout the period or since origination, if held for part of the period; and (3) the amount of interest income on those receivables that was included in net income for the period. FAS 15 also requires disclosure of any commitments to lend funds to debtors owing receivables whose terms have been modified in troubled debt restructurings.

[8] This information is to be disclosed as a supervisory supplement to the reports of condition and income ("call reports") required to be filed with these agencies. These revisions were developed by the Federal Financial Institutions Examination Council, an interagency panel comprised of representatives from the financial institutions regulatory agencies.

[9] FAS 15 states that a *troubled debt restructuring* occurs if the creditor for economic or legal reasons related to the debtor's financial difficulties grants a concession to the debtor that it would not otherwise consider (para. 2). Examples of troubled debt restructurings include the modification of terms of a debt, such as one or a combination of: (1) Reduction (absolute or contingent) of the stated interest rate for the remaining original life of the debt; (2) extension of the maturity date or dates at a stated interest rate lower than the current market rate for new debt with similar risk; (3) reduction (absolute or contingent) of the face amount of the debt as stated in the instrument or other agreement; (4) reduction (absolute or contingent) of accrued interest (para. 5c).

[10] Rule 9–03(e)(2) of Regulation S–X and Instruction 3 to Item 404(c) of Regulation S–K (17 CFR Part 229) refer to Guide 3 for the definition of nonperforming loans. These rules will be appropriately amended if these revisions are adopted by the Commission as proposed. It is presently anticipated that the term would be deleted from those provisions and that the reference would be to items III.C. (a) through (d).

disclosure element—industry loan concentrations—which is transferred from the instructions to Section III.A. of Guide 3 (Loan Categories). All of the information disclosed would be presented by type of loan as specified in Section III.A. This display should provide useful information for assessing relative risks based on the classification and on the nature of the borrower.

A summary of the other more significant proposed changes in this release follows:

- The Commission's (third) criterion for the determination of renegotiated loans is replaced with the FAS 15 criteria for troubled debt restructurings;[11]
- Loans to foreign countries experiencing liquidity problems which may have a material impact on timely payment are specifically identified as being loans to borrowers "where there are serious doubts as to the ability of the borrower to comply with present loan repayment terms";[12]
- For nonaccrual loans and troubled debt restructurings, the interest income that would have been recognized under the original loan terms and the amount that has been recognized would be disclosed;
- Separate disclosure of any significant amounts of interest-bearing assets, other than loans, would be required if there are unusual risks associated with recovery of the interest or principal;
- An explanation of the registrant's policy for placing loans on a nonaccrual status would be required (this requirement could be satisfied by a cross reference to the accounting policies footnote to the financial lstatements);
- The instruction in the current rules allowing exclusion of installment and lease amounts if they do not exceed 10 percent of total loans would be eliminated to result in consistency between the disclosures called for with respect to loans past due 90 days or more and still accruing in Commission filings and in the information required to be disclosed by banks for purposes of filings with the bank regulators; and
- The existing instruction 5, which allows the registrant to use different criteria and present quantitative information in a different manner than prescribed under certain circumstances would be deleted in order to ensure consistency of disclosure and because the specificity of the proposed criteria have been increased.

The substitution of the FAS 15 criteria for troubled debt restructurings for the Commission's existing third criterion for classification of loans as nonperforming where "the terms * * * have been renegotiated to provide a reduction or deferral of interest or principal because of a deterioration in the financial position of the borrower," should result in more consistent disclosures because of the more comprehensive guidance in the Standard as to what constitutes a troubled debt restructuring. FAS 15 also specifies when a loan need not continue to be classified as a troubled debt restructuring.[13] The Commission rules provide no similar guidance. As noted previously, the principal substantive difference between the existing Guide 3 provision and FAS 15 is that restructurings involving deferrals of principal only are not troubled debt restructurings if the revised terms of the renegotiated debt reflect an appropriate market interest rate. The Commission believes that a standard which employs a test of whether a creditor has granted a concession to a borrower (such as a less than market interest rate) may be a better indicator for determinations as to when conditions are present which reflect risk elements. The Commission understands that many registrants have used the criteria in FAS 15 in determining the amount of restructured loans to be classified as nonperforming in reliance on the provision in existing Instruction 5 to Item III.C. of Guide 3.

The fifth disclosure element, industry concentrations of loans, is currently called for by Section III.A. of Guide 3 which calls for registrants to present a breakdown of the loan portfolio by type of loan. Inclusion of this disclosure in Section III.C. may be more appropriate because it should convey potential risk elements present in the portfolio because of any significant concentrations, particularly where such industries have been or are expected to be adversely affected by any economic or other conditions.

The Commission requests specific comments, particularly from users of financial information, as to whether its proposal to call for disclosure of the amount of interest income actually recognized on nonaccrual loans and on troubled debt restructurings (and the amount that would have been recognized under the original contractual terms of the loans) will provide more useful information for assessing the impact of such loans on the operations of the registrant. The Commission recognizes that it has previously rescinded a similar disclosure provision for the nonperforming loan categories,[14] in part because of the assertions by some commentators as to the impracticability of determining these amounts. However, since the rescission of that requirement, the Commission has received several requests from analysts and other users, that it reinstate this disclosure provision. The interest disclosures proposed are an existing disclosure requirement of FAS 15 (para. 40a) for troubled debt restructurings[15], and interest obligations of borrowers whose loans had been placed on nonaccrual status would presumably continue to be calculated but not accrued by registrants. Therefore, the determinations of such amounts would not be impracticable or costly.

The proposed instruction to disclose separately any significant amounts of interest-bearing assets (other than loans) would apply to an interest-bearing deposit, for example, with another financial institution experiencing difficulties and unable to pay interest in accordance with the terms of the deposit.

Background—Foreign Loan Disclosures

Article 9 of Regulation S–X, as amended by FRR 11, requires financial statement disclosure of the aggregate amount of foreign loans outstanding at the balance sheet date.[16] Guide 3 (Item III A) provides for disclosure of the aggregate amounts of each of the following categories of foreign loans which exceed 10% of total loans related to foreign activities: governments and

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[11] The principal difference in substance between FAS 15 and the present Guide 3 definition is that FAS 15 excludes loans involving deferrals of principal from classification as troubled debt restructuring provided the interest rate applicable to the restructured loan is at a current market rate for new debt with similar risk.

[12] Staff Accounting Bulletin No. ("SAB") 49 (47 FR 49627, November 2, 1982) currently provides that such information be disclosed about foreign loans. Additionally, an indication as to the effect that such problems have had or are expected to have on the registrant's financial condition or results of operations is also required to be discussed. Although this latter provision of SAB 49 is not proposed to be codified in Guide 3, the inclusion of such foreign loans (and any other amounts) in the proposed new disclosure section should be coupled with an appropriate explanation of any related impact on the registrant's financial condition or results of operations in Management's Discussion and Analysis.

[13] Paragraph 40.a. of FAS 15 provides that "a receivable whose terms have been modified need not be included in that disclosure (i.e., as a troubled debt restructuring) if subsequent to its restructuring, its effective interest rate * * * has been equal to or greater than the rate that the creditor was willing to accept for a new receivable with comparable risk."

[14] *Supra*, note 2.

[15] Where these disclosures are made in the financial statements pursuant to FAS 15, the data would not have to be repeated in the Guide 3 presentation. A cross-reference to such data would suffice.

[16] 17 CFR 210.9–02.5)b).

official institutions, banks and other financial institutions, commercial and industrial entities and other loans. In addition, Guide 3 (Item IV) calls for an analysis of the allowance for loan losses related to foreign activities.

Rule 9-05(b) requires that total identifiable assets associated with foreign activities and the amount of revenue, pretax income (loss) and net income (loss) associated with foreign activities, be presented for each significant geographic area and in the aggregate for all other geographic areas.

Finally, the Commission staff recently issued two staff accounting bulletins relating to foreign loan disclosures: SAB 49 and SAB 49A.[17] SAB 49 provides the staff's views concerning minimum disclosures by bank holding companies about dollar-denominated or other non-local currency loans to public and private sector borrowers in countries that are experiencing liquidity problems. The disclosure provisions of SAB 49 can be summarized as follows:

- Management must identify countries where political and economic conditions may have a material impact on the timely payment of principal or interest of obligations of borrowers located in that country, and where the aggregate outstanding[18] payable in dollars or other non-local currency exceed one percent of the registrant's total outstandings.
- The aggregate amount of such outstandings and the names of each such country must be disclosed.
- The effect that these conditions have had or are expected to have on the financial condition or results of operations of the registrant should be described.

SAB 49 provides for an alternative optional disclosure, which can be summarized as follows:

- A listing of each country and the related outstandings payable in U.S. or other non-local currency (where the related outstandings exceed 1% of total outstandings) should be provided.
- If the effect of the outstandings have had or are expected to have a material adverse impact on the registrant's results of operations or financial condition, the impact should be discussed.

The objective of the alternative SAB 49 disclosure is to provide a summary listing of a bank holding company's principal foreign outstandings to enable the investor to assess the registrant's exposure to liquidity and other risks which are inherent in international lending activities. Of course, the registrant is also obligated by SAB 49 to discuss the specific risks related to any foreign country whose liquidity problems have already had a material adverse impact on the registrant or where they are expected to have a material adverse impact in the future.

SAB 49A sets forth the staff's views regarding the need for additional disclosures about material subsequent developments regarding outstandings to foreign countries experiencing liquidity problems. The SAB calls for disclosures about certain foreign countries that are currently negotiating with or have entered into agreements with U.S. lenders, other foreign banks, international lending agencies and others to restructure is existing debt and to obtain additional new borrowings. Other disclosures solicited by 49A include the impact of any renegotiations on the maturities of existing debt principal and on unpaid interest, commitments of the registrant to extend additional borrowings, and other arrangements such as agreements to maintain deposits with government banks.

Summary of Proposed Changes—Foreign Loan Disclosures

The proposed amendments to Guide 3 would codify the substance of the disclosures called for by SAB 49 in a new Section III.D. which would also call for certain additional data to facilitate user assessment of the impact of international lending activities on the registrant's operations. The Commission believes these disclosures are material to the assessment of credit and/or liquidity risks associated with international lending activities. These matters are of particular relevance currently because of the dificulties which certain foreign countries are encountering in complying with the terms of their loan agreements. The revised disclosure guidelines would call for registrants to provide a listing of the aggregate dollar amounts exceed one percent of total outstandings [19]; separate disclosure of the outstandings which are repayable by private and public sector borrowers in each foreign country; and separate disclosures of the amounts of outstandings repayable in dollars (or other non-local currency) and in local currency, as well as information about certain guarantees and collateral arrangements.

An instruction to this section would call for disclosure of the amounts of any of the outstanding disclosed which are also included in the table called for by Section III.C. (Risk Elements in the Loan Portfolio). The Commission requests specific comments as to whether the final amendments should provide for additional disclosures about the aggregate amount of foreign loans disclosed in the table pursuant to the proposed Section III.C. (such as the names of foreign countries for which amounts are included in Section III.C. but whose outstandings are less than 1% of consolidated outstandings).

While adoption of these proposals would eliminate the need for SAB 49, SAB 49A would continue to provide dislosure guidance as to foreign loan restructurings and related matters.

The Commission requests specific comments as to whether the proposed rules will result in appropriate disclosures of foreign lending risks in situations involving certain interbank lending transactions where a registrant makes loans to a branch of a foreign bank when such bank is located outside of the foreign bank's home country. The Commission is concerned as to whether the registrant's loan to the foreign branch is or should be reflected as a loan to the foreign country in which the parent bank is located. [20] Therefore, the Commission requests comment on how these and similar transactions are being disclosed and whether the final amendments should provide for specific instructions in this area.

Regulatory Flexibility Act Certification

Pursuant to Section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Chairman of the Commission has certified that the amendment proposed herein will not, if adopted, have a significant economic impact on a substantial number of small entities. This certification, including the reasons therefor, is attached to this release.

The Commission anticipates that the amendments being proposed will not materially change disclosure costs. Nevertheless, the Commission requests comments from issuers on whether significant economic effects might result and the nature and extent of those effects.

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[17] 48 FR 3585, January 26, 1983 (SAB 49A).

[18] Outstanding are defined in SAB 49 as "loans, acceptance, interest bearing deposits with other banks and other investments."

[19] The Commission requests specific comment as to whether a different disclosure threshold than one percent of outstandings would be more meaningful or appropriate, such as a percentage of shareholders' equity or total assets.

[20] The Commission's present rule (Rule 9-05 of Regulation S-X, as amended by FRR 11) defines "foreign activities" as loans and other revenue producing assets and transactions in which the debtor or customer, whether an affiliated or unaffiliated person, is domiciled outside the United States.

List of Subjects in 17 CFR Parts 321 and 241

Accounting, Reporting requirements, Securities.

The Commission hereby proposes to amend 17 CFR Chapter II as follows:

PART 231—INTERPRETIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

1. By revising the Securities Act Industry Guide 3 [Statistical Disclosure by Bank Holding Companies] of Part 231 by revising the requirements and instructions of Items III.A and III.C., and by adding new Item III.D.

Guide 3—Statistical Disclosure by Bank Holding Companies

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III. Loan Portfolio

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A. Types of Loans

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Instructions. A series of categories other than those specified above may be used to present details of loans if considered a more appropriate presentation.

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C. *Risk Elements in the Loan Portfolio.* As of the end of each reported period (except for (d) and (e), which need only be presented as of the latest fiscal year end), state separately the aggregate amount of loans in each of the following categories: (a) loans accounted for on a non-accrual basis; (b) accruing loans which are contractually past due 90 days or more as to interest or principal payments; (c) troubled debt restructurings; (d) loans not included in any of the above categories but where there are serious doubts as to the ability of the borrowers to comply with the present loan repayment terms; and (e) significant industry concentrations (such as energy, real estate, agricultural, etc).

Instructions. (1) The information required by this item should be provided separately for each category of loans disclosed pursuant to Section III.A. above.

(2) As of the most recent fiscal year end, state separately for loans in categories (a) and (c) above the following information: (i) The gross interest income that would have been recorded in the period then ended if the loans had been current in accordance with their original terms and had been outstanding throughout the period or since origination, if held for part of the period; and (ii) the amount of interest income on those loans that was included in net income for the period.

(3) A discussion of the registrant's policy for placing loans on non-accrual status should be provided.

(4) Reference is made to Statement of Financial Accounting Standards No. 15 ("FAS 15"), "Accounting by Debtors and Creditors for Troubled Debt Restructurings," for the determination as to whether loans are considered to be troubled debt restructurings for purposes of inclusion in category (c). Amounts should not be included in this category if they are more appropriately categorized in (a) or (b).

(5) Include in category (d) above (i) any loans to private and public sector borrowers in foreign countries experiencing economic and political conditions which have created liquidity problems which may have a material impact on the timing of interest or principal payments, and (ii) other loans subject to serious doubts as to the ability of the borrowers to repay debt in compliance with present loan repayment terms.

(6) If significant amounts of the loans disclosed pursuant to category (e) above are included in any of the preceding categories, this fact should be disclosed and discussed in a note.

(7) A separate discussion should be provided if the registrant has significant amounts of interest bearing assets other than loans (such as deposits, acceptances, etc.) where recovery of the principal or interest is subject to unusual risks and uncertainties.

D. *Foreign Lending Activities.* As of the end of each reported period, state the name of the country and aggregate dollar amount of outstandings to borrowers in each foreign country where such amounts exceed 1 percent of total outstandings.

Instructions. (1) Outstandings are defined as loans, acceptances, interest bearing deposits with other banks and other investments. The registrant should disclose the aggregate amount of consolidated outstandings in a note to this table.

(2) For each country state separately the total amounts repayable by private sector and by public sector (government and official institution) borrowers.

(3) For each country state separately the aggregate amounts repayable in (i) U.S. dollars or in other non-local currency, and (ii) in local currency. If the amounts repayable in local currency are not material to total outstandings for that country, the amounts need not be disclosed providing a statement to this effect is made.

(4) If any of the outstandings to foreign countries diclosed herein are included in the amounts disclosed pursuant to Section III.C., identify each such country and the related amounts disclosed in that section.

(5) If significant amounts of outstandings are guaranteed by U.S. or other non-local entities (or are otherwise secured or collateralized by assets located outside the particular foreign country), a brief discussion of the nature and impact of such arrangements should be provided.

2. Part 231 would be further amended by adding Release No. 33–6462 to the table.

PART 241—INTERPRETIVE RELEASES RELATING TO THE SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

1. By conforming Exchange Act Industry Guide 3 (Statistical Disclosure by Bank Holding Companies) to the amendments proposed for Securities Act Industry Guide 3.

2. Part 241 would be further amended by adding Release No. 34–19679 to the table.

(Secs. 7, 19a and Schedule A (25) and (26) of the Securities Act of 1933, 15 U.S.C. 77g, 77s(a), 77nn (25) and (26); and Sections 12, 13, 14, 15(d), and 23(n) of the Securities Exchange Act of 1934, 15 U.S.C. 78*l*, 78m, 78n, 78o(d), 78w(a))

Pursuant to Section 23(a)(2) of the Securities Exchange Act, the Commission has considered the impact of these proposals on competition and it is not aware at this time of any burden that such rules, if adopted, would impose on competition. However, the Commission specifically invites comments as to the competitive impact of these proposals if adopted.

In addition, the Commission is mindful of the cost to registrants and others of its proposals and recognizes its responsibilities to weigh with care the costs and beneifts which result from its rules. Accordingly, the Commission specifically invites comments on the costs to registrants and others of the adoption of the proposals published herein.

By the Commission.

George A. Fitzsimmons,

Secretary.

April 15, 1983.

Regulatory Flexibility Act Certification

I, John S. R. Shad, Chairman of the Securities and Exchange Commission, hereby certify, pursuant to 5 U.S.C. 605(b) that the proposed amendments contained in Securities Act Release No. 33–6462 which revise portions of the industry guide disclosures for bank holding companies will not have a significant economic impact on a substantial number of small entities.

The reason for this certification is that it is anticipated that the effects of the proposed amendments, if adopted, will not be significant for entities subject to these provisions. The information that would be required to be disclosed either is not substantially different from what is disclosed pursuant to the current guidelines or is readily available to issuers as a result of their compliance with such disclosure requirements. Therefore, the compliance burden on entities affected by the guidelines, if they are amended, would not be changed to any significant extent.

John S. R. Shad,

Chairman.

April 15, 1983.

[FR Doc. 83-10846 Filed 4-25-83; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 184

[Docket No. 82N-0393]

Sodium Metasilicate and Sodium Zinc Metasilicate; Proposed GRAS Status

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to affirm that sodium metasilicate is generally recognized as safe (GRAS) as a direct human food ingredient. In addition, FDA is proposing not to affirm sodium zinc metasilicate as a GRAS food ingredient because of the absence of safety information. The safety of these ingredients has been evaluated under the comprehensive safety review conducted by the agency.

DATE: Written comments by June 27, 1983.

ADDRESS: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Hortense S. Macon, Bureau of Foods (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-426-5487.

SUPPLEMENTARY INFORMATION: FDA is conducting a comprehensive review of human food ingredients classified as GRAS or subject to a prior sanction. The agency has issued several notices and proposals (see the **Federal Register** of July 26, 1973 (38 FR 20040)) initiating this review, under which the safety of sodium metasilicate and sodium zinc metasilicate has been evaluated. In accordance with the provisions of § 170.35 (21 CFR 170.35), the agency proposes to affirm the GRAS status of sodium metasilicate but not to affirm sodium zinc metasilicate as GRAS.

Sodium metasilicate is a strongly alkaline white powder that is insoluble in alcohol, acids, and salt solutions. It does not occur naturally because of its solubility in water and reactivity as an alkali. Sodium metasilicate is a synthetic product that is manufactured by melting sand with sodium carbonate at about 1400° C.

Sodium metasilicate is one of several compounds in which the molar ratio of Na_2O to SiO_2 is 1:1. In the past, sodium metasilicate has been called by the generic name "sodium silicate." The term "sodium silicate" should not be indiscriminately used, however, because of the different properties of other sodium silicates where Na_2O/SiO_2 ratios vary from 2:1 to 1:3.9.

Several chemical forms of sodium metasilicate exist. The commercially available forms are the anhydrous form (Na_2SiO_3), the pentahydrate ($Na_2SiO_3 \cdot 5H_2O$), and the nonahydrate ($Na_2SiO_3 \cdot 9H_2O$). The anhydrous and pentahydrate forms of sodium metasilicate are commercially available as free-flowing, glassy white beads, and the nonahydrate form is available as white, efflorescent, sticky crystals.

In letters dated October 2, 1962, and July 29, 1968, FDA stated that sodium metasilicate is GRAS for use in washing fruits and vegetables, and in a memorandum dated September 2, 1975, the agency stated that the substance is GRAS as a component of sanitizing solutions. It is prior sanctioned by the U.S. Department of Agriculture (USDA) for use as a denuding agent for tripe, as a hog scald agent for removing hair, and as a cooling and retort water treatment agent to prevent staining of the exterior surfaces of canned goods (9 CFR 318.7(c)(4)). USDA published a final rule in the **Federal Register** of February 10, 1983 (48 FR 6090), however, that eliminated its list of substances approved for use as cooling and retort agents. USDA stated that substances used for this purpose are not likely to become components of food and thus need not be regulated. Additionally, sodium metasilicate is a regulated food additive in boiler water for the preparation of steam that will contact food under 21 CFR 173.310.

Although FDA placed sodium zinc metasilicate on a list of presumed GRAS ingredients when this GRAS review was initiated in 1970, the agency cannot find any record that it ever approved or recognized a food use for this ingredient. Very little information is available regarding sodium zinc metasilicate. Standard references such as the Merck Index and the CRC Handbook of Chemistry and Physics do not list this substance.

In 1971, the National Academy of Science/National Research Council (NAS/FRC) surveyed a representative cross-section of food manufacturers to determined the specific foods in which sodium metasilicate and sodium zinc metasilicate are used and the levels of usage. No use data or estimates of consumption in foods were reported for these substances, although thousands of tons of sodium metasilicate are produced in the United States each year. Because the survey was limited to those ingredients that appear on the labels of food products, however, it is probable that concurrent uses of sodium metasilicate as a processing aid as previously authorized would have been missed. FDA considers these uses to be incidental additions, and an ingredient added for these purposes is not required to be listed in the labeling of the food product.

Sodium metasilicate and sodium zinc metasilicate have been the subjects of a search of the scientific literature from 1920 to the present. The criteria used in the search were chosen to discover any articles that considered (1) chemcial toxicity, (2) occupational hazards, (3) metabolism, (4) reaction products, (5) degradation products, (6) carcinogenicity, teratogenicity, or mutagenicity, (7) dose response, (8) reproductive effects, (9) histology, (10) embryology, (11) behavioral effects, (12) detection, and (13) processing. A total of 117 abstracts was reviewed, and 56 particularly pertinent reports from the literature survey have been summarized in a scientific literature review.

Information from the scientific literature review has been summarized in a report to FDA by the Select Committee on GRAS Substances (the Select Committee), which is composed of qualified scientists chosen by the Life Sciences Research Office of the Federation of Americas Societies for Experimental Biology (FASEB). The members of the Select Committee have evaluated all the available safety information on sodium metasilicate and sodium zinc metasilicate.[1] In the Select Committee's opinion:

> The amounts of sodium metasilicate consumed as a consequence of its use as an indirect GRAS food ingredient are not known. However, residues remaining in fruits, vegetables, and hog carcasses following the required clear water rinses are judged to be minute, as are the traces that would remain in foods contacted by steam from boiler water containing sodium metasilicate. Nevertheless, direct analyses of such residues under conditions of practical use should be made, and permissible residual levels and food grade standards for sodium metasilicate should be established. Use of sodium metasilicate in cooling and retort

[1] "Evaluation of the Health Aspects of Sodium Metasilicate and Sodium Zinc Metasilicate as Food Ingredients," Life Sciences Research Office, Federation of American Societies for Experimental Biology, 1981, pp. 7-11. In the past, the agency presented verbatim the Select Committee's discussion of the biological data it reviewed. However, because the Select Committee's report is available at the Dockets Management Branch and from the National Technical Information Service, and because it represents a significant savings to the agency in publication costs, FDA has decided to discontinue presenting that discussion in the preamble to proposals that affirm GRAS status in accordance with current good manufacturing practice.

water to prevent staining of the exterior surfaces of intact food cans does not expose foods to the compound. In any event, the amounts of sodium metasilicate entering the diet as a result of its GRAS uses are probably orders of magnitude less than the estimated human daily consumption of 20–30 mg silica (SiO_2) from natural sources in the diet and drinking water.

Sodium metasilicate is part of a chemical continuum of sodium silicates in which the molar ration of Na_2O to SiO_2 varies from 1:1 in the metasilicate to 1:3.9 in the tetrasilicate. In the low concentrations that result from their GRAS use, sodium metasilicates and sodium silicate should exist largely as monomeric silicate, an absorbable form of silica.

While the proportion of absorbed silica retained in the tissues is not known with certainty, available data suggest that it is slight. However, even though renal excretion seems to be an efficient protective mechanism against tissue accumulation of silica, it would be desirable to determine whether chronic exposure is accompanied by significant tissue accumulation.

Oral administration of sodium metasilicate in single doses to rats and mice indicated low acute toxicity. Most short-term studies on metabolic and growth effects of sodium metasilicate have not detected adverse reactions. However, a report published in 1970 indicated that beagles fed sodium silicate mixed with the diet at a dosage of 0.8 g/kg body wt/d for 4 weeks developed renal lesions. A 1973 report noted that rats consuming sodium silicate in drinking water at dosages of approximately 96 and 192 mg/kg body wt/d for 180 days had fewer offspring and lower rates of survival of offspring than controls. Amounts of sodium silicate fed in these studies far exceed expected normal daily intakes of the species tested as well as of man. No substantiating reports of these observations have appeared.

No long-term feeding, reproductive, mutagenic, teratogenic or carcinogenic tests have been reported for sodium metasilicate. Sodium silicate was nonmutagenic in tests with *E. coli*. No reports of biological studies of sodium zinc metasilicate or its uses in foods were available to the Select Committee.[2]

The Select Committee concludes that no evidence in the available information on sodium metasilicate demonstrates, or suggests reasonable ground to suspect, a hazard to the public when it is used at levels that are now current or that might reasonably be expected in the future. On the other hand, because of the deficiency in relevant chemical and biological studies and in information on food uses, the Select Committee states that it has insufficient data upon which to base an evaluation of sodium zinc metasilicate for use as a food ingredient.[3]

FDA has undertaken its own evaluation of the available information on food uses of sodium metasilicate and sodium zinc metasilicate and concurs with the conclusions of the Select Committee.

The agency concludes that no change in the current GRAS status of sodium metasilicate is justified, and therefore, the agency is proposing to affirm sodium metasilicate as GRAS.

Although there are no data on the residues of sodium metasilicate remaining in foods when this substance is used as a processing aid as previously authorized, the agency agrees with the Select Committee that the amount consumed in the diet from the uses evaluated by the agency and by the Select Committee would be minute compared to other sources of silica in the diet and would not be expected to pose a safety problem. If any person, however, has any data concerning residual levels of sodium metasilicate from its current uses, the agency would be interested in receiving such information, including the foods or food categories in which the ingredient is used, the technical effects for which the ingredient is used, and the purity of the ingredient. If there are current uses other than those listed in the proposed regulation, the agency will consider listing those uses in the final regulation on the basis of such information.

The proposed regulation does not specifically list the use of sodium metasilicate in sanitizers. This indirect use as well as all other indirect uses are authorized by §§ 184.1(a) and 184.1769a.

The agency has also determined that sodium zinc metasilicate should not be affirmed as GRAS because of the absense of sufficient safety information. FDA has no information on the chemical identity or the existence of biological studies for this ingredient. The agency is also unaware of any evidence that sodium zinc metasilicate is used in food. The agency will reconsider the GRAS status of sodium zinc metasilicate as a food ingredient if information is provided, in comments on this proposal, on the safety and purity of the substance and the conditions of its current use in foods. Because FDA is not aware that it ever authorized any food use for this ingredient, comments on uses of sodium zinc metasilicate should include any available documentation that the uses were previously authorized by the agency.

Because no food-grade specifications exist for sodium metasilicate at the present time, the agency will work with the Committee on Food Chemicals Codex of the National Academy of Sciences to develop acceptable specifications for this ingredient. If acceptable specifications are developed, the agency will incorporate them into this regulation at a later date. Until specifications are developed, FDA has determined that the public health will be adequately protected if commercial sodium metasilicate complies with the description in this proposed regulation and is of food-grade purity (21 CFR 182.1(b)(3) and 170.30(h)(1)).

Additionally, FDA is proposing not to include in the GRAS affirmation regulation for sodium metasilicate any levels of use for this ingredient. Both FASEB and the agency have concluded that a large margin of safety exists for the use of this ingredient, and that a reasonably foreseeable increase in the level of consumption of sodium metasilicate will not adversely affect human health. Therefore, the agency is proposing to affirm the GRAS status of sodium metasilicate when it is used under current good manufacturing practice conditions of use in accordance with § 184.1(b)(1) (21 CFR 184.1(b)(1)). To make clear, however, that the affirmation of the GRAS status of sodium metasilicate is based on the evaluation of limited uses, the proposed regulation sets forth the technical effect and specific food uses that FDA evaluated.

In the **Federal Register** of September 7, 1982 (47 FR 39199), FDA proposed to adopt a general policy restricting the circumstances in which it will specifically describe conditons of use in regulations affirming substances as GRAS under 21 CFR 184.1(b)(1) or 186.1(b)(1). The agency proposed to amend its regulations to indicate clearly that it will specify one or more of the current good manufacturing practice conditions of use in regulations for substances affirmed as GRAS with no limitations other than current good manufacturing practice only when the agency determines that it is appropriate to do so.

Copies of the scientific literature review on sodium metasilicate and sodium zinc metasilicate and the report of the Select Committee are available for review at the Dockets Management Branch (address above) and may be purchased from the National Technical Information Service, 5285 Port Royal, Rd., Springfield, VA 22161, as follows:

Title	Order No.	Price code	Price [1]
Sodium metasilicate and sodium zinc metasilicate (scientific literature review)	PB 287-766/AS	A03	$7.50
Sodium metasilicate and sodium zinc metasilicate (Select committee report).	PB 82-160367	A03	$7.50

[1] Price subject to change.

This proposal action does not affect the current use of sodium metasilicate in

[2] *Ibid.*, p. 12–13.
[3] *Ibid.*, p. 13.

pet food or animal feed.

The format of this proposed regulation is different from that in previous GRAS affirmation regulations. FDA has modified paragraph (c) § 184.1769a to make clear the agency's determination that GRAS affirmation is based upon current good manufacturing practice conditions of use, including both the technical effect and food categories listed. This change has no substanitve effect but is made merely for clarity.

The agency has determined under 21 CFR 25.24(d)(6) (proposed December 11, 1979; 44 FR 71742) that this proposed action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

FDA, in accordance with the Regulatory Flexibility Act, has considered the effect that this proposal would have on small entities including small businesses and has determined that the effect of this proposal is to maintain current known uses of the substances covered by this proposal by both large and small businesses. Therefore, FDA certifies in accordance with section 605(b) of the Regulatory Flexibility Act that no significant economic impact on a substantial number of small entities will derive from this action.

In accordance with Executive Order 12291, FDA has carefully analyzed the economic effects of this proposal, and the agency has determined that the final rule, if promulgated, will not be a major rule as defined by the Order.

List of Subjects in 21 CFR Part 184

Direct food ingredients, Food ingredients, Generally recognized as safe (GRAS) food ingredients.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs., 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348, 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), it is proposed that Part 184 be amended by adding new § 184.1769a, to read as follows:

PART 184—DIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

§ 184.1769a Sodium metasilicate.

(a) Sodium metasilicate (CAS Reg. No. 6834–92–0) is a strongly alkaline white powder. It does not occur naturally but rather is synthesized by melting sand with sodium carbonate at 1400° C. The commercially available forms of sodium metasilicate are the anhydrous form (Na_2SiO_3), the pentahydrate ($Na_2SiO_3.5H_2O$), and the nonahydrate ($Na_{2.2}SiO_3.9H_2O$).

(b) FDA is developing food-grade specifications for sodium metasilicate in cooperation with the National Academy of Sciences. In the interim, the ingredient must be of a purity suitable for its intended use.

(c) In accordance with § 184.1(b)(1), the ingredient is used in food with no limitation other than current good manufacturing practice. The affirmation of this ingredient as generally recognized as safe (GRAS) as a direct human food ingredient is based upon the following current good manufacturing practice conditions of use:

(1) The ingredient is used as a processing aid as defined in § 170.3(o)(24) of this chapter.

(2) The ingredient is used to treat the following foods at levels not to exceed current good manufacturing practice: for use in washing fresh fruits and vegetables, for use as a denuding agent in tripe, and for use as a hog scald agent in removing hair.

The agency is unaware of any prior sanction for the use of this ingredient in foods under conditions different from those identified in this document. Any person who intends to assert or rely on such a sanciton shall submit proof of its existence in response to this proposal. The action proposed above will constitute a determination that excluded uses would result in adulteration of the food in violation of section 402 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342), and the failure of any person to come forward with proof of an applicable prior sanction in response to this proposal constitutes a waiver of the right to assert or rely on it later. Should any person submit proof of the existence of a prior sanction, the agency hereby proposes to recognize such use by issuing an appropriate final rule under Part 181 (21 CFR Part 181) or affirming it as GRAS under Part 184 or 186 (21 CFR Part 184 or 186), as appropriate.

Interested persons may, on or before June 27, 1983, submit to the Dockets Management Branch (address above) written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 1, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83–10885 Filed 4–25–83; 8:45 am]

BILLING CODE 4160–01–M

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21 CFR Part 184

[Docket No. 82N–0219]

Regenerated Collagen; Proposed Gras Status as a Direct Human Food Ingredient

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to affirm that regenerated collagen is generally recognized as safe (GRAS) as a direct human food ingredient. The safety of this ingredient has been evaluated under the comprehensive safety review conducted by the agency.

DATE: Comments by June 27, 1983.

ADDRESS: Written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Leo F. Mansor, Bureau of Foods (HFF–335), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, 202–426–8950.

SUPPLEMENTARY INFORMATION: FDA is conducting a comprehensive review of human food ingredients classified as GRAS or subject to a prior sanction. The agency has issued several notices and proposals (see the Federal Register of July 26, 1973 (38 FR 20040)) initiating this review, under which the safety of regenerated collagen has been evaluated. In accordance with the provisions of § 170.35 (21 CFR 170.35), the agency proposes to affirm the GRAS status of this ingredient.

Collagen (native collagen) is the most abundant of all proteins in higher vertebrates, constituting more than one-third of body protein. Skin, tendons, ligaments, bone, and cornea are particularly rich in collagen. Collagen is also present in large amounts in the fleshy portions of meat, fish, and poultry as connective tissue. Collagen has a distinctive amino acid composition: about 35 percent glycine, 11 percent alanine, 12 percent proline, and 9 percent hydroxyproline. Hydroxylysine and only a small amount of tyrosine are present, while tryptophan and cystine are absent.

Collagen is obtained from the hides of animals. Bovine tendon has been reported in the patent literature as a source of collagen for the manufacture of sausage casing, but it does not appear to be a current source. U.S. Department of Agriculture procedures require that food-grade collagen used in the manufacture of sausage casings must come from animals that are inspected while being slaughtered, and that the identity with acceptable carcasses be established.

Animal hides consists of three principal layers: the epidermis, or outer layer, containing hair follicles; the corium comprising the bulk of the hide and consisting mainly of bundles of collagen fibers; and the flesh or connective tissue layer, comprising the inner layer of the hide. Collagen is derived from the purified corium layer, which is obtained from the hides by mechanical removal of the epidermal and flesh layers after chemical pretreatment. Processing chemicals are removed by washing, resulting in a product that is principally collagen.

Collagen is converted to regenerated collagen by treating the purified corium with solutions of weak organic or mineral acids to disperse the collagen fibers. Regenerated collagen sausage casings are produced when the collagen fibril solution is extruded through an annular orifice, in the form of a tubular body. Regenerated collagen sausage casings may also be treated with plasticizers and other processing aids that become part of the casing and serve to strengthen in the casing. The substances used as processing aids must either be GRAS or the subject of food additive regulations approving them for this use.

The agency has issued a number of advisory opinion letters since 1960 stating that the use of regenerated collagen for making sausage casings is GRAS.

In 1971, the National Academy of Sciences/National Research Council (NAS/NRC) surveyed a representative cross-section of food manufacturers to determine the specific foods in which regenerated collagen was used and the levels of usage. The survey reported that 5,948 pounds of regenerated collagen sausage casings were used in 1970. However, a later report from a casings manufacturer estimated that 360 million pounds of sausage were packed in regenerated collagen casings in 1978. Assuming that regenerated collagen represents about 60 percent of the weight of the casing, and that the casing is about 0.7 to 1.0 percent of the weight of the sausage, the amount of regenerated collagen consumed from this source would be about 2 million pounds. Regenerated collagen was not reported to be used as an ingredient of any other food, and no reports were received by NAS/NRC for food uses of native collagen.

Collagen and regenerated collagen have been the subject of a search of the scientific literature from 1920 to the present. The criteria used in the search were chosen to discover any articles that considered: (1) Chemical toxicity, (2) occupational hazards, (3) metabolism, (4) reaction products, (5) degradation products, (6) carcinogenicity, teratogenicity, or mutagenicity, (7) dose response, (8) reproductive effects, (9) histology, (10) embryology, (11) behavioral effects, (12) detection, and (13) processing. A total of 577 abstracts on collagen and regenerated collagen was reviewed, and 35 particularly pertinent reports from the literature survey have been summarized in a scientific literature review.

Information from the scientific literature review and other sources has been summarized in a report to FDA by the Select Committee on GRAS Substances (the Select Committee), which is composed of qualified scientists chosen by the Life Sciences Research Office of the Federation of American Societies for Experimental Biology (FASEB). The members of the Select Committee have evaluated all available safety information on collagen and regenerated collagen. [1] In the Select Committee's opinion:

Food-grade collagen is currently prepared from bovine hides by separating and purifying the corium layers, which consists mainly of bundles of collagen fibers. The only present food use of this native collagen is in the production of sausage casings. For this purpose, the purified corium layers of hides are dissolved in dilute acid and precipitated in tubular form under conditions that regenerate the fibrillar structure of the native collagen. Various plasticizing, softening, and strengthening agents may be included in the casing to obtain desired physical properties. Such regenerated collagen sausage casings are considered GRAS.

Regenerated casing is estimated to account for only about 0.7% of sausage weight. Intake of collagen from sausage casings is likely to be considerably less (less than one-fourth of total) than that contributed by the remainder of the sausage and certainly a minor fraction of total intake of collagen. Collagen makes up a significant percentage of the weight of meats, poultry, and fish as they are consumed and the likelihood of adverse effects from such consumption seems remote. Collagen consumed in the form of sausage casings appears to be digestible. There is little reason to suspect that the regeneration process results in a product that is more likely to produce adverse effects than native collagen. However, specifications for food-grade collagen, native or regenerated, have not been established.

Several substances are described in the patent literature as useful in the preparation of sausage casings from collagen. Most of GRAS substances and their use in sausage casings would add relatively little to the amount of these substances now consumed in other GRAS applications. Their content in casings would be only a fraction of the amount of collagen in the casing and total use of the latter is estimated to be 10–15 mg/capita/day. Glutaraldehyde, preferred for use as an agent to strengthen casings, is not included among the compounds listed as GRAS. However, no significant adverse effects were observed in short-term feeding tests with rats and dogs fed collagen or gelatin diets which provided several orders of magnitude more free and/or bound glutaraldehyde/kg body wt than is estimated for human consuming glutaraldehyde-treated sausage casings. Chemical evidence indicates that the binding of glutaraldehyde to collagen is stable under the acid and alkaline conditions of the digestive system. This is supported by markedly decreased digestibility of collagen molecules containing higher levels of bound glutaraldehyde indicating that portions of collagen molecules containing higher levels of bound glutaraldehyde are not absorbed, but are eliminated in the feces. Reports on mutagenic activity of free glutaraldehyde are equivocal. One investigator reported no activity, another weak activity. Tests on the mutagenic activity of enzymatic digest of glutaraldehyde-treated collagen appear not be have been conducted, but should be undertaken in due course.

Although the addition of collagen to foods in forms other than sausage casings is not now practiced, it has been suggested that native collagen has functional properties that may be useful in other processed foods. Native collagen is digestible by rats and presumably by humans. After heat treatment, as in cooking, it seems likely that native collagen will be similar not only chemically but physically to gelatin. Although feeding native collagen, or gelatin, to rats in high concentration has been reported to result in kidney enlargement, it seems must unlikely that a hazard to the public would result from consumption of native collagen as a food ingredient. [2]

The Select Committee concludes that no evidence in the available information

[1] "Evaluation of the Health Aspects of Collagen as a Food Ingredient," Life Sciences Research Office, Federation of American Societies for Experimental Biology, 1981, pp. 9–12. In the past, the agency presented verbatim the Select Committee's discussion of the biological data it reviewed. However, because the Select Committee's report is available at the Dockets Management Branch and from the National Technical Information Service, and because it represents a significant savings to the agency in publication costs, FDA has decided to discontinue presenting the discussion in the preamble to proposals that affirm GRAS status in accordance with current good manufacturing practice

[2] *Ibid.*, pp. 13–14.

on regenerated collagen or collagen (native collagen) demonstrates, or suggests reasonable grounds to suspect, a hazard to the public when it is used at levels that are now current or that might reasonably be expected in the future.[3]

FDA has undertaken its own evaluation of the available information on regenerated collagen and native collagen and concurs with the conclusions of the Select Committee with two exceptions. The agency agrees that regenerated collagen and native collagen present no discernible hazards as food ingredients. In addition, the agency agrees with the Select Committee that the use of certain GRAS ingredients or regulated food additives to disperse, dissolve, coagulate, harden, soften, or strengthen collagen in the production of sausage casings also is safe. However, the agency does not agree with the Select Committee that glutaraldehyde is a suitable ingredient to strengthen collagen in the production of sausage casings. Glutaraldehyde does not have GRAS or food additive status for this use. In addition, as reported by the Select Committee, equivocal results have been obtained in mutagenic tests of this substance. As a result, FDA is not approving the use of glutaraldehyde as an agent for use in treating regenerated sausage casings. FDA has received a GRAS affirmation petition for the use of glutaraldehyde as a cross-linking agent in collagen sausage casings. Notice of the filling of this petition appeared in the **Federal Register** of July 13, 1982 (47 FR 30290). Future agency action on the use of glutaraldehyde in sausage casings will depend on the results of FDA's evaluation of this petition.

The Select Committee also states that the potential use of native collagen as a food ingredient in a manner similar to gelatin would also be expected to be safe. Although the agency is aware of potential interest in the use of native collagen as a food ingredient, FDA has never indicated that native collagen is GRAS and has no information that collagen has any current use as a direct human food ingredient. The agency therefore is not proposing to list it as a direct food ingredient affirmed as GRAS. If FDA receives, as comments on the proposal, evidence (food categories, intend technical effects, and the levels of addition) of direct food use of native collagen, the agency will consider affirming the use as GRAS based upon the data and information that has been compiled as part of this safety review. These data may also be used in support of a GRAS or food additive petition, submitted in accordance with 21 CFR 170.35 or 171.1, at a later date.

Because no food-grade specifications exist for regenerated collagen at the present time, the agency will work with the Committee on Food Chemicals Codex of the National Academy of Sciences to develop acceptable specifications for this ingredient. If acceptable specifications are developed, the agency will incorporate them into this regulation at a later date. Until any such specifications are developed, FDA has determined that the public health will be adequately protected if commercial regenerated collagen complies with the description in the proposed regulation and is of food-grade purity (21 CFR 170.30(h)(1) and 182.1(b)(3)).

Additionaly, FDA is proposing not to include in the GRAS affirmation regulation for regenerated collagen the technical effect and the levels of use estimated for this ingredient. Both FASEB and the agency have concluded that a large margin of safety exists for the use of regenerated colagen in the manufacture of sausage casings, and that any reasonably foreseeable increase in the level of consumption of this substance will not adversely affect human health. Therefore, the agency is proposing to affirm the GRAS status of regenerated collagen when it is used under current good manufacturing practice conditions of use in accordance with § 184.1(b)(1) (21 CFR 184.1(b)(1)). FDA has drafted the proposed regulation to make clear, however, that the affirmation of the GRAS status or regenerated collagen is based on the evaluation of its current use in the manufacture of sausage casings for meat and poultry products.

In the **Federal Register** of September 7, 1982 (47 FR 39199), FDA proposed to adopt a general policy restricting the circumstances in which it will specifically describe conditions of use in regulations affirming substances as GRAS under 21 CFR 184.1(b)(1) or 186.1(b)(1). The agency proposed to amend its regulations to indicate clearly that it will specify one or more of the current good manufacturing practice conditions of use in regulations for substances affirmed as GRAS with no limitations other than current good manufacturing practice only when the agency determines it is appropriate to do so.

Copies of the scientific literature review on collagen and the report of the Select Committee are available for review at the Dockets Management Branch (address above), and may be purchased from the National Technical Information Service, 5285 Port Royal Rd., Springfield, VA 22161, as follows:

Title	Order No.	Price code	Price [1]
Collagen (scientific literature review)	PB 280-589/AS	A05	$10.50
Collagen (Select Committee report)	PB 81-229221	A03	6.00

[1] Price subject to change.

This proposed action does not affect the current use of collagen in pet food or animal feed.

The format of this proposed regulation is different from that in previous GRAS affirmation regulations. FDA has modified paragraph (c) of § 184.1681 to make clear the agency's determination that GRAS affirmation of regenerated collagen is based upon current good manufacturing practice conditions of use, when used to make sausage casings for meat and poultry products. This change is not substantive but is made merely for clarity.

The agency has determined under 21 CFR 25.24 (proposed December 11, 1979; 44 FR 71742) that this proposed action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

FDA, in accordance with the Regulatory Flexibility Act, has considered the effect that this proposal would have on small entities including small businesses and has determined that the effect of this proposal is to maintain current known uses of the substance covered by this proposal by both large and small businesses. Therefore, FDA certifies in accordance with section 605(b) of the Regulatory Flexibility Act that no significant economic impact on a substantial number of small entities will derive from this action.

In accordance with Executive Order 12291, FDA has carefully analyzed the economic effects of this proposal, and the agency has determined that the final rule, if promulgated, will not be a major rule as defined by the Order.

List of Subjects in 21 CFR Part 184

Direct food ingredients, Food ingredients, Generally recognized as safe (GRAS) food ingredients.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348,

[3] *Ibid. p. 14.*

371(a)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), it is proposed that Part 184 be amended by adding new § 184.1681, to read as follows:

PART 184—DIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

§ 184.1681 Regenerated collagen.

(a) Regenerated collagen (CAS Reg. No. 9007–34–5) is prepared by treating purified corium derived from U.S. Department of Agriculture approved hides with solutions of weak organic or mineral acids to produce a homogeneous solution of swollen collagen fibers. This solution is extruded through an annular orifice into a coagulating medium to produce the regenerated collagen as a tubular body for sausage casings. The regenerated collagen casings may be further processed with safe and suitable generally recognized as safe or approved food additive inredients for the purpose of solubilizing, coagulating, hardening, plasticizing, softening, strengthening, or preserving the final sausage casings.

(b) The Food and Drug Administration is developing food-grade specifications for regenerated collagen in cooperation with the National Academy of Sciences. In the interim, this ingredient must be of a purity suitable for its intended use.

(c) In accordance with § 184.1(b)(1), the ingredient is used in food with no limitation other than current good manufacturing practice. The affirmation of this ingredient as generally recognized as safe (GRAS) as a direct human food ingredient is based upon its use as a component of sausage casings for meat products as defined in § 170.3(n)(29) of this chapter and for poultry products as defined in § 170.3(n)(34) of this chapter.

The agency is unaware of any prior sanction for the use of this ingredient in food under conditions different from those identified in this document. Any person who intends to assert or rely on such a sanction shall submit proof of its existence in response to this proposal. The action proposed above will constitute a determination that excluded uses would result in adulteration of the food in violation of section 402 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342), and the failure of any person to come forward with proof of an applicable prior sanction in response to this proposal constitutes a waiver of the right to assert or rely on it later. Should any person submit proof of the existence of a prior sanction, the agency hereby proposes to recognize such use by issuing an appropriate final rule under Part 181 (21 CFR Part 181) or affirming it as GRAS under Part 184 or 186 (21 CFR Part 184 or 186), as appropriate.

Interested persons may, on or before June 27, 1983, submit to the Dockets Management Branch (address above) written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 1, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83–11003 Filed 4–25–83; 8:45 am]

BILLING CODE 4160–01–M

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21 CFR Part 886

[Docket Nos. 82N–0179 and 82N–0180]

Proposed Reclassification of Daily Wear Optically Spherical Hydrogel (Soft) Contact Lenses; Daily Wear Spherical Contact Lenses Consisting of Rigid Gas Permeable Plastic Materials; Public Hearing

AGENCY: Food Drug Administration.

ACTION: Notice of public hearing.

SUMMARY: This notice announces the time, location, and procedure for participating in the Food and Drug Administration's public hearing on the proposed reclassification of daily wear optically spherical hydrogel (soft) contact lenses and daily wear spherical contact lenses consisting of rigid gas permeable plastic materials. In reaching a final decision in this matter, the agency will consider the administrative record of the hearing along with all comments and other information received.

DATES: Written notices of participation should be filed by May 10, 1983. The hearing will begin at 9 a.m. on May 26, 1983.

ADDRESSES: Written notices of participation should be sent to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857. The hearing will be held in the Hubert H. Humphrey Bldg. Auditorium, 200 Independence Ave. SW., Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT: Joseph M. Sheehan, National Center for Devices and Radiological Health (HFK–140), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7114.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of November 26, 1982, the Food and Drug Administration (FDA) published proposed regulations to reclassify certain marketed daily wear optically spherical hydrogel (soft) contact lenses (47 FR 53411; Docket No. 82N–0179) and marketed daily wear spherical contact lenses consisting of certain rigid gas permeable plastic materials (47 FR 53402; Docket No. 82N–0180) from class III (premarket approval) into class I (general controls). Interested persons were given until December 27, 1982, to submit written comments on the proposals. In the **Federal Register** of December 10, 1982 (47 FR 55497), FDA extended the comment periods for these proposed rules to January 26, 1983. In the **Federal Register** of April 15, 1983 (48 FR 16291; 16293), FDA reopened the comment period on these proposed rules to obtain further information on issues raised by the comments, and announced its intent to grant requests to hold a public hearing on the matter insofar as the requests relate to reclassification.

FDA believes that it is in the public interest to provide interested persons an opportunity to present information and views at a public hearing under Part 15 of FDA's administrative practices and procedures regulations (21 CFR Part 15) on the issues involved in this proceeding. Accordingly, FDA will hold a public hearing regarding the reclassification of daily wear spherical contact lenses consisting of rigid gas permeable plastic materials and daily wear spherical hydrogel (soft) contact lenses beginning at 9 a.m. on May 26, 1983, in the Hubert H. Humphrey Bldg. Auditorium, 200 Independence Ave. SW., Washington, DC 20201. The presiding officers will be John C. Villforth, Director, National Center for Devices and Radiological Health (NCDRH), FDA, and James S. Benson, Deputy Director, NCDRH. Oral presentations at the hearing will be strictly limited to matters directly related to the reclassification of these contact lenses.

In accordance with 21 CFR 15.21, interested persons who wish to participate should, on or before May 10, 1983, submit a notice of participation to the Dockets Management Branch (address above). All notices submitted should be identified with the docket number(s) of the rulemaking(s) to which the oral presentation will be relevant and should contain the name, address, telephone number, any business

affiliation of the person desiring to make a presentation, a brief summary of the presentation, and the approximate time requested for the presentation. FDA requests that the presentations be limited to 10 minutes, if possible. Groups having similar interests are requested to consolidate their comments and present them through a single representative. FDA will allocate the time available for the hearing among the persons who properly file a notice of participation. Interested persons attending the hearing who did not request an opportunity to make an oral presentation may be given an opportunity to do so at the conclusion of the hearing, at the discretion of the presiding officers.

After reviewing the submitted summaries and the notices of participation, FDA will schedule each appearance and notify each participant by mail or telephone of the time allotted to the person and the approximate time the person's oral presentation is scheduled to begin. The hearing schedule will be placed on file in the Dockets Management Branch under the docket numbers appearing in the heading of this notice. The conduct of the hearing will be governed by 21 CFR 15.30.

The administrative record of the proposed regulations will remain open for 15 days after the hearing to allow interested persons to submit written comments on matters raised at the hearing. Pursuant to section 520(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(d)), FDA has concluded that although the total period of time allowed for comment on these proposed rules will exceed 90 days, there is good cause to allow a 15-day comment period on matters raised at the hearing, because 21 CFR 15.25 provides that the record of a Part 15 hearing will remain open for 15 days after the hearing is held and because FDA believes that issues involved in the hearing will be sufficiently complex that it is appropriate to allow interested persons 15 days to respond. Two copies of any such comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket numbers found in brackets in the heading of this notice and are to be submitted to the Dockets Management Branch (address above). The administrative record in the matter, including the transcript of the hearing and any received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 20, 1983.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-10996 Filed 4-21-83; 11:56 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 4

[LR-100-78]

Foreign Tax Credit

Correction

In FR Doc. 83-8703, beginning on page 14641 in the issue of Tuesday, April 5, 1983, make the following corrections:

1. In § 1.901-2(a)(2)(ii)(B), nineteen lines from the bottom of the first column of page 14644, "and §§ 1.901-A" should have read "and §§ 1.901-2A".

2. In § 1.901-2(b)(4)(i), four lines from the bottom of the third column of page 14645, "the rate situation" should have read "the rare situation".

3. In § 1.901-2, nine lines from the top of the center column of page 14650, the paragraph now designated "(9) *Definitions"* should have been designated "(g) *Definitions".*

4. In § 1.901-2A(a)(2), *Example (1),* sixteen lines from the bottom of the first column of page 14651, "expenditures to such" should have read "expenditures attributable to such". Also, two lines from the bottom of the same column, "corporations engage" should have read "corporations that engage".

5. In the same section, *Example (5),* twenty nine lines from the top of the third column of page 14651, "country X required" should have read "country X are required".

6. In § 1.901-2A(e)(8), *Example (4),* Twenty one lines from the bottom of the third column of page 14656 (not counting the table), "corporations other than income" should have read "corporations other than corporations".

7. In the same example, in the Costs and Expenses table, third column of page 14657, ninth line of Item 6, "+(100μ)" should have read "+(1000μ)". Also, twenty two lines from the bottom of the column, "(15,134μ" should have read "(54,134μ".

8. In § 1.903-1(b)(3) *Example (5),* eighteen lines from the bottom of the first column of page 14659, "of another is" should have read "of another country is".

9. In § 1.903-(c), five lines from the top of the center column of page 14659, "as provided in § 1.90-2(h)" should have read "as provided in § 1.901-2(h)".

BILLING CODE 1505-01-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1610

Freedom of Information Act; Schedule of Fees

AGENCY: Equal Employment Opportunity Commission.

ACTION: Proposed rulemaking.

SUMMARY: The Commission proposes to amend its regulations on the availability of records so that its schedule of fees for the search of records will reflect increases in the direct costs incurred by the Commission in responding to requests for records.

DATES: Comments by June 30, 1983. Proposed rule to be implemented by August 1, 1983.

ADDRESS: Written comments should be addressed to Treva McCall, Executive Secretariat, Room 5215, Equal Employment Opportunity Commission, 2401 E Street, N.W., Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT: Anthony J. De Marco, Assistant Legal Counsel, Legal Services, Office of the Legal Counsel, Equal Employment Opportunity Commission, 2401 E Street N.W., Washington, D.C. 20506, (29) 634-6592.

SUPPLEMENTARY INFORMATION: The Equal Employment Opportunity Commission proposes to amend 29 CFR 1610.15(a). This provision contains a schedule of fees utilized by the Commission for purposes of assessing costs to individuals who seek access to records under the Freedom of Information Act, 5 U.S.C. 552. The present fee schedule has become outdated since it does not reflect increases in direct costs to the Commission for the search for records requested. The higher costs are attributable to increases in the salaries of personnel required to search for records. The last search fee revision occurred in 1978. 43 F.R. 40222 (Sept. 11, 1978).

In accordance with the Regulatory Flexibility Act, 5 U.S.C. 1601.612, and Executive Order 12291, the Equal Employment Opportunity Commission certifies that the economic effects of this rule have been carefully analyzed, and that it has been determined that neither a regulatory flexibility analysis nor a regulatory impact analysis is required.

List of Subjects in 29 CFR Part 160

Freedom of information.

The proposed regulation is published for comment pursuant to the requirements of the Freedom of Information Act, 5 U.S.C. 552(a) (4)(A). This provision is also promulgated in accordance with 31 U.S.C. 483a.

PART 1610—[AMENDED]

Section 1610.15 would be amended so that paragraph (a) would be revised to read as follows:

§ 1610.15 Schedule of fees and method of payment for services rendered.

(a) Except as otherwise provided, the following specific fees shall be applicable with respect to services rendered to members of the public under this subpart:

(1) For actual search time by clerical personnel—at the rate of $7.00 per hour.

(2) For actual search time by professional personnel—at the rate of $17.00 per hour.

(3) For copies made by photocopying machine—$.15 per page (maximum of 10 copies).

(4) For attestation of each record as a true copy—$.75 per document.

(5) For certification of each record as a true copy, under the seal of the agency—$1.00.

(6) For each signed statement of negative result of search for record—$1.00.

(7) All other direct costs of search or duplication shall be charged to the requester in the same amount as incurred by the agency.

* * * * *

Signed this 20th day of April, 1983.

For the Commission.

Clarence Thomas,

Chairman.

[FR Doc. 83-11129 Filed 4-25-83; 8:45 am]

BILLING CODE 6570-06-M

DEPARTMENT OF LABOR

Office of Pension and Welfare Benefit Programs

29 CFR Part 2520

Employee Benefit Plans; Rules and Regulations for Reporting and Disclosure

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains a notice of a proposed regulation under the Employee Retirement Income Security Act of 1974 (ERISA or the Act) which would provide a plan administrator with an alternative means of complying with the statutory requirement to furnish an updated summary plan description (SPD) to participants and beneficiaries at five year intervals for those plans which have adopted amendments during the five year period. The proposed regulation would permit a plan administrator to satisfy this requirement by notifying participants and beneficiaries that they may request and receive, free of charge, a copy of the latest SPD and all subsequent updated summary plan description materials to the plan.

DATES: The regulation is proposed to be effective after publication of the final rule in the **Federal Register**. Written comments concerning the regulation must be received by the Department on or before June 27, 1983.

ADDRESS: Interested persons are invited to submit written comments concerning the regulation to the Division of Reporting and Disclosure, Pension and Welfare Benefit Programs, Room N-4472, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, ATTENTION: Alternative SPD Update Regulation. All submissions will be available for public inspection at the Public Documents Room, Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: John Malagrin, Pension and Welfare Benefit Programs, U.S. Department of Labor, Washington, D.C., (202) 523-8684 (this is not a toll-free number), or Shelby J. Hoover, Esq., Plan Benefits Security Division, Office of the Solicitor, U.S. Department of Labor, Washington, D.C. (202) 523-8658 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Department proposes to amend Part 2520 of Chapter XXV of Title 29 of the Code of Federal Regulations by adding a new § 2520.104b-6, as discussed below.

Section 104(b)(1) of ERISA requires, in part, that the administrator of an employee benefit plan furnish an SPD to each participant (within 90 days after he becomes a participant) and each beneficiary receiving benefits under the plan (within 90 days after he first receives benefits). Under section 102, the SPD generally must describe, in language understandable to the average plan participant, the benefits, rights and obligations of the participants under the plan. The administrator is also required to furnish participants and beneficiaries with a summary of any material modification to the plan or any change in the information required to be included in the summary plan description (SMM) within 210 days following the end of the plan year in which the change was adopted.[1]

Section 104(b)(1) of ERISA requires the plan administrator to furnish the participants and beneficiaries of a plan an updated SPD every fifth year after the plan becomes subject to Part 1 of Title I.[2] If there have been no amendments to the terms of the plan within the five year period, a new SPD need only be furnished to the participants and beneficiaries every tenth year after the plan becomes subject to Part 1. ERISA also requires the plan administrator to file a copy of the SPD and SMM with the Department.

The Department recently adopted an amendment to current reporting requirements which permits a plan administrator to defer distribution of an updated SPD to participants and beneficiaries receiving benefits under the plan. The amendment contains parallel deferral provisions with respect to the requirement that an SPD be distributed, even if there have been no amendments to the plan, every ten years after the plan first becomes subject to Part 1.[3]

In order to reduce the administrative burden and expense of duplicative reporting and disclosure, the Department is now proposing for comment an alternative method of compliance for satisfying, and an exemption from, the requirements that a plan administrator furnish to plan participants and beneficiaries and file with the Department an updated SPD within the five year period specified in section 104(b)(1) or 29 CFR 2520.104b-2(b), as amended. The regulation would allow a plan administrator to satisfy these reporting and disclosure requirements by giving notice to each participant of a plan and each

[1] In the Department's view, the disclosure and filing requirements for an SMM are triggered by any change in information required by section 102 or 29 CFR 2520.102-3 or any modification of a plan which results in a change of such information. Section 102 requires, among other things, disclosure of any information which is necessary to accurately and reasonably apprise plan participants and beneficiaries of their rights and obligations under the plan.

[2] In the Department's view, the requirement of section 104(b)(1) to furnish an updated SPD every fifth year is triggered by plan amendments during the five year period which result in a change in the information required by section 102 or 29 CFR 2520.102-3.

[3] 48 FR 1712 (January 14, 1983). This final regulation amends 29 CFR 2520.104b-2 by adding paragraphs (b) (1) and (2).

beneficiary who is receiving benefits under a pension plan of the availability of and the right of participants and beneficiaries to request and receive, free of charge, updated summary plan description materials.

For purposes of this regulation, updated SPD materials would include the latest SPD of the plan and summaries of any changes adopted subsequent to that SPD which affect any information required to be included in the SPD by section 102 of the Act or 29 CFR 2520.102–3 and which are necessary to produce, in conjunction with the latest SPD, an accurate summary of the plan as of the end of the plan year in which the five year period ends. The Department recognizes that updated SPD materials may take various forms. Whichever form is used, the latest SPD and summary descriptions of changes, when viewed as a whole, and the instructions, if any, describing appropriate steps to be taken by participants and beneficiaries to compile the updated SPD materials, must be reasonably understandable to the average plan participants.

The proposal would permit the plan administrator to provide such notice within 210 days after the end of the plan year in which the five year period ends. Any participant or beneficiary who requests such information must be provided the materials, free of charge, within a reasonable period of time, not to exceed 30 days.

Notice to participants who are present employees may be provided by posting a notice, for at least a 30 day period, at locations which will provide the participants a reasonable opportunity to view the notice, including: (1) Locations within the principal places of employment of the participants; or (2) if the plan is one which is maintained pursuant to one or more collective-bargaining agreements, either at the above locations or at those locations customarily used by the employee representatives for posting notices concerning labor-management relations matters.

Notice to participants who have retired or separated from service with vested benefits under a pension plan, beneficiaries receiving benefits under a pension plan, and other participants under the plan who could not reasonably be expected to visit such posting locations during the period when the notice is posted must be given notice by personal delivery or by a method of delivery described in 29 CFR 2520.104b–1.[4]

[4] See ERISA DOL Advisory Opinions 81–68A (August 13, 1981) and 82–14A (February 19, 1982) for the Department's views regarding the requirements of regulation 104b–1.

The proposal would not exempt any plan from the requirement that every ten years an updated SPD be furnished to each participant and beneficiary, as well as filed with the Department, regardless of whether any amendments to the plan have been made. This proposal also would not affect the provisions of 29 CFR 2520.104b–4(b) which provide an alternative method of compliance for furnishing updated SPDs to retired participants, vested separated participants, or beneficiaries receiving benefits.

The proposal should result in reduced costs and burdens to plans while providing participants and beneficiaries with access to the same information that otherwise would be available in the absence of the alternative. In addition, the reporting of information to the Department would remain unchanged.

Executive Order 12291 Statement

Pursuant to the requirements of Executive Order 12291, it is the Department's determination that this proposed regulation, if adopted, would not be a "major rule", as that term is used in the Order because it does not appear that the proposal would result in: an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. The proposed regulation, if adopted, would provide plan administrators with a less costly and less burdensome means of complying with the statutory requirement that plans distribute to participants and beneficiaries, and file with the Department, updated summary plan descriptions (SPDs) at five year intervals when a plan has been amended during the relevant five year period. Accordingly, implementation of the proposed regulation would not have an adverse impact on employee benefit plans, or their sponsors, required to prepare, distribute and file updated SPDs.

Regulatory Flexibility Act Statement

Section 603(a) of Pub. L. 96–354 (the Regulatory Flexibility Act of 1980) requires Federal agencies to prepare and make public an initial regulatory flexibility analysis upon publication of a notice of proposed rulemaking when regulations would have a significant economic impact on a substantial number of small businesses or small entities. It has been determined that the proposed rule contained in this notice could have a significant economic impact, albeit positive, on a substantial number of small entities.

Small entities were defined, for these purposes, as employee benefit plans covering fewer than 100 persons. While some larger employers have small plans, in general, most small plans are maintained by small businesses. Therefore, assessing the regulation's impact on small plans is an appropriate substitute for evaluating its effects on small entities. Based on this definition, 90 percent of pension plans (covering ten percent of all participants) and 99 percent of welfare plans (covering 40 percent of all participants) are small entities.

The proposed regulation, if adopted, would provide administrators of employee benefits plans with a less costly and less burdensome means of complying with the statutory requirement under section 104(b)(1) of ERISA to furnish updated summary plan descriptions to participants and beneficiaries at five year intervals. It is estimated that implementation of this proposed regulation could result in a cost savings to small plans of approximately $43,112,791 in FY 1983 and $158,346,586 in FY 1984, or about 93.5% of the total cost savings estimated for all impacted employee benefit plans.

Pursuant to section 604(b) of the Regulatory Flexibility Act, an analysis concerning this proposed regulation has been prepared and is available on request at the Public Disclosure Room, Pension and Welfare Benefit Programs, Frances Perkins, Department of Labor Building, Room N–4677, 200 Constitution Ave., N.W., Washington, D.C. 20216.

Paperwork Reduction Act Statement

Implementation of the proposed regulation would reduce the information collection requirements for plans impacted by the statutory requirement to prepare and distribute updated summary plan descriptions at five year intervals. In this regard, it is estimated that the proposed regulation, if adopted, could have the effect of reducing the burden hours attributable to compliance with the SPD requirements currently included in the LMSA Information Budget by an estimated 2,295,232 hours in FY 1983 and 8,436,842 hours in FY 1984.

Information collection requirements contained in this regulation have been approved by the Office of Management

and Budget under the provision of 44 U.S.C. Chapter 35 and have been assigned OMB No. 1210–0039.

List of Subjects in 29 CFR Part 2520

Accounting, Employee benefit plans, Pensions, Reporting and recordkeeping requirements.

Authority: The regulation set forth below is proposed to be adopted pursuant to the authority contained in sections 104, 110 and 505 of ERISA (29 U.S.C. 1024, 1030, and 1135).

PART 2520—[AMENDED]

In view of the foregoing, § 2520.104b–6 is proposed to be added to Chapter XXV of Title 29 of the Code of Federal Regulations to read as follows:

§ 2520.104b–6 Alternative method of compliance and exemption for furnishing the updated summary plan description.

(a) *General.* If the conditions of paragraphs (b), (c), and (d) of this section are met, a plan administrator will be deemed to satisfy the requirements of:

(1) Section 104(b)(1) of the Act to furnish to each participant and each beneficiary receiving benefits under the plan, an updated summary plan description within the five year period described in section 104(b)(1) of the Act or 29 CFR 2520.104b–2(b)(1); and

(2) Section 104(a)(1)(C) of the Act to file with the Secretary of Labor a copy of such summary plan description.

(b) *Notice of Amendments in Five Year Period.* In the case of amendments to a plan during the applicable five year period (as described in paragraph (a) above), the plan administrator must provide notice to participants and beneficiaries of the availability of "updated summary plan description materials" (as described in paragraph (d)) within 210 days following the end of the plan year in which the five year period ends.

(1) *Notice.* The notice must inform plan participants and beneficiaries of: (i) Their right to request and receive, free of charge, a copy of such updated summary plan description materials, and (ii) the procedure by which a participant or beneficiary may request and receive such information.

(2) *Present Employees.* In the case of participants who are present employees, the notice, if not distributed to each participant by a method of delivery prescribed in 29 CFR 2520.104b–1 must be posted for at least 30 days at locations which provide the participants a reasonable opportunity to view its contents, including:

(i) Locations within the principal places of employment of the participants; or

(ii) If the plan is maintained pursuant to one or more collective-bargaining agreements, those locations described in (i) or at those locations customarily used by the employee representatives for posting notices with regard to labor-management relations matters in the geographical area or areas within which the participants are employed.

(3) *Former Employees and Beneficiaries.* In the case of participants who have retired or separated from service with vested benefits under a pension plan, beneficiaries receiving benefits under a pension plan, and other participants under the plan who could not reasonably be expected to visit such posting locations during the period when the notice is posted, an individual copy of the notice must be distributed to each such participant and each beneficiary by personal delivery or by a method of delivery prescribed in 29 CFR 2520.104b–1.

(c) *Distribution Upon Request.* Any plan participant or any beneficiary receiving benefits under a pension plan may request a copy of the updated summary plan description materials (as described in paragraph (d)). One set of these documents must be distributed, free of charge, to the requesting participant or beneficiary within a reasonable period of time after the request, but not to exceed 30 days. Materials furnished upon request shall be mailed to an address provided by the requesting participant or beneficiary or personally delivered to the participant or beneficiary.

(d) *Updated Summary Plan Description Materials.* (1) For purposes of this alternative method of compliance and exemption, updated summary plan description materials shall include—

(i) The latest summary plan description of the plan, and

(ii) Summary descriptions of any changes in the information required to be included in the summary plan description by section 102 of the Act or 29 CFR 2520.102–3.

(2) The updated summary plan description materials, described in paragraph (d)(1) of this section, together with the instructions, if any, describing the appropriate steps to be taken in order to produce such updated summary plan description materials, when viewed as a whole, must:

(i) Be reasonably understandable to the average plan participant; and

(ii) Produce an accurate summary of the plan, with any superseded material being deleted, that is current as of the end of the plan year in which the five year period ends.

(e) *Limitation.* This section does not exempt any plan from filing with the Secretary and distributing to participants and beneficiaries, within the ten year period (described in section 104(b)(1) of the Act or 29 CFR 2520.104b–2(b)(2)), an updated summary plan description which integrates all plan changes adopted during such ten year period.

Signed at Washington, D.C., this 21st day of April 1983.

Jeffrey N. Clayton,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 83–11059 Filed 4–25–83; 8:45 am]

BILLING CODE 4501–29–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 933

Surface Mining and Reclamation Operation Under a Federal Program for North Carolina

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Cancellation of public hearing.

SUMMARY: The Office of Surface Mining (OSM) is announcing the cancellation of the public hearing scheduled on the proposed Federal program for regulation of coal exploration and surface coal mining and reclamation operations in North Carolina because no requests were received by April 19, 1983, to testify at that hearing. The Director of the Office of Surface Mining is hereby cancelling the hearing which was scheduled for April 26, 1983, in Sanford, North Carolina.

This notice cancels the public hearing but does not alter the comment period during which interested persons may submit written comments on the proposed Federal program.

DATES: The following hearing is cancelled: The public hearing on the proposed Federal program for the regulation of coal exploration and surface coal mining and reclamation operations on non-Federal and non-Indian lands in North Carolina originally scheduled for April 26, 1983.

ADDRESS: Written comments should be mailed or hand delivered to: Administrative Record Room (R&I–29), Office of Surface Mining, Knoxville Field Office, 530 Gay Street, SW., Suite 500, Knoxville, Tennessee 37902.

FOR FURTHER INFORMATION CONTACT: James M. Kress, Branch of Regulatory Programs, Office of Surface Mining, U.S.

Department of the Interior, 1951 Constitution Avenue, NW., Washington, D.C. 20240, Telephone: (202) 343–5866.

SUPPLEMENTARY INFORMATION: On March 2, 1983 (48 FR 8954) the Office of Surface Mining proposed a Federal program for North Carolina in the **Federal Register** which would regulate coal exploration and surface coal mining and reclamation operations on non-Federal and non-Indian lands in the State. The proposed Federal program provided for a public hearing to be held on April 4, 1983, to receive comments. Subsequently ODM postponed the public hearing until April 26, 1983, and notified the public that if no person indicated an intention to testify by April 19, 1983, the hearing would be cancelled (48 FR 14005, April 1, 1983). As of close of business on April 19, 1983, no persons had contacted OSM indicating that they wished to testify. Therefore, the Director of OSM is cancelling the hearing.

While there will be no public hearing in North Carolina, interested persons may still submit written comments on the proposed Federal program. Written comments must be received on or before 5:00 p.m., on May 6, 1983, to be considered.

Dated: April 20, 1983.

Carl C. Close,

Acting Assistant Director, Program Operations and Inspection, Office of Surface Mining.

[FR Doc. 83-10827 Filed 4-25-83; 8:45 am]

BILLING CODE 4310-05-M

VETERANS ADMINISTRATION

38 CFR Part 1

Privacy Act Exemptions

AGENCY: Veterans Administration.

ACTION: Proposed regulation.

SUMMARY: The Veterans Administration is proposing to revise its regulation to permit the implementation of general and specific exemptions of the Privacy Act of 1974. Currently, for example, investigations conducted by the Office of the Inspector General and the Loan Guaranty Service, Department of Veterans Benefits, are seriously hampered when the subject of an investigation or an internal audit requests, under the Privacy Act, access to any and all information that the Inspector General or the Loan Guaranty Service has regarding him or her. Revision of the regulation would allow the Veterans Administration to implement the exemptions for specified Privacy Act systems of records identified in the revised regulation thereby preventing subjects of an investigation from interfering with or frustrating the investigatory process, preventing disclosure of investigative techniques, and maintaining the Veterans Administration's ability to obtain necessary information from third-party sources by protecting the confidentiality of a source's identity. The revision would also permit the VA to exempt certain information in one system of records compiled solely for the purpose of determining suitability, eligibility or qualifications for agency approval as VA fee personnel for the Loan guaranty program to the extent that disclosure would reveal the identity of a source who furnished information to the government under an express promise that the identity would be held in confidence or, prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence.

DATE: Comments must be received on or before May 25, 1983. It is proposed to make this revision effective upon final approval.

ADDRESSES: Interested persons are invited to submit written comments, suggestions or objections in regard to this proposed regulation to: Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420. All written comments received will be available for public inspection only at the Veterans Administration Central Office, Veterans Services Unit, in Room 132 of the above address between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays) until June 9, 1983.

FOR FURTHER INFORMATION CONTACT: Howard C. Lem (202) 389–3431.

SUPPLEMENTARY INFORMATION: Sections 552a (j) and (k), Title 5, United States Code, provide that the head of an agency may exempt any system of records from specific provisions of the Privacy Act of 1974. The Veterans Administration has two law enforcement Inspector General and two Department of Veterans Benefits systems of records which warrant the protection afforded by 5 U.S.C 552a (j) or (k).

The Inspector General Act of 1978, Pub. L. 95–452, mandates the Inspector General to recommend policies for, and to conduct, supervise and coordinate activities in the Veterans Administration and between the Veterans Administration and other Federal, State and local governmental agencies with respect to all matters relating to the prevention and detection of fraud in programs and operations administered or financed by the Veterans Administration and to the identification and prosecution of participants in such fraud. Under the Act, whenever the Inspector General has reasonable grounds to believe there has been a violation of Federal criminal law the Inspector General must report the matter expeditiously to the Attorney General. Two systems of records have been created in major part to support the criminal and civil law related activities assigned by the Inspector General to the Office of Investigations. These activities constitute the principal function of this staff.

Pursuant to 38 U.S.C. 210(c), 1804 (b), (d), 1810(b), and 3311, investigations are conducted on behalf of Loan Guaranty Service, Department of Veterans Benefits, concerning veterans, Loan Guaranty fee personnel and program participants and the Loan Guaranty program in general for the purpose of assuring program integrity when there is a reasonable belief that an illegal or unethical act has been committed. Investigations may take several forms. For example, an investigation of fraudulent loan application documents may result in the investigation of the veteran, the lender proposing to extend the loan and/or the broker selling the property, to determine if any of these individuals participated in the fraudulent activities. An investigation also might be initiated to determine the reasons why a fee-basis appraiser had initially valued a property at a very high amount when a foreclosure appraisal indicated a value far lower causing a loss to the government and the veteran. Release of information that an investigation was underway to a Privacy Act requestor could seriously impede the investigation by allowing the subject of an investigation to destroy documents, falsify evidence, tamper with potential witnesses and cover up the wrongdoing.

Investigations are also conducted on behalf of the Loan Guaranty Service to determine the suitability, eligibility or the qualifications of prospective Veterans Administration fee personnel (i.e., VA approved appraisers and compliance inspectors). By necessity, information is sometimes gathered under a pledge of confidence. Permitting access to the information supplied by persons after a promise of confidentiality has been given, could reveal the identity of the source of the information and constitute a breach of the promised confidentiality on the part of the agency. Such breaches ultimately would restrict the free flow of information vital to a determination of

prospective appraisers' or compliance inspectors' qualifications and suitability for VA approval.

The current 38 CFR 1.582 does not specifically identify which systems should be exempt and the reasons behind the exemptions claimed for each system. Under 5 U.S.C. 552a(j)(2), the agency would be exempt from disclosing VA-generated criminal identification information, criminal investigative materials, and reports compiled between the stages of arrest and release from the supervision of the criminal law enforcement agency or entity to which the criminal matter has been referred for disposition. Under 5 U.S.C. 552a(k), the agency could refuse individual access to the accounting of its routine use disclosures. Generally, it could refuse to disclose the identity of a source where a promise of confidentiality had been given. The agency would also be exempt from the requirements for publication of procedures for individual access and amendment, records source categories and the maintenance requirement for accuracy and relevancy of files. In order that the Veterans Administration may implement 5 U.S.C. 552a(j)(2), (k)(2) and (k)(5) for specified systems of records, 38 CFR 1.582 is being revised to identify those systems of records and the reasons behind the exemptions being claimed.

It has been determined that this revision to VA regulations is other than major under the criteria of Executive Order 12291, Federal Regulation. It will not have an annual effect on the economy of $100 million or more; it will not result in major increases in costs for consumers, individual industries, Federal, state or local government agencies, or geographic regions, nor will it have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. The Administrator hereby certifies that this proposed regulation will not, if promulgated, have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601 through 612. Pursuant to 5 U.S.C. 605(b), this proposed regulation is therefore exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604. The reason for this certification is that this rule affects the Privacy Act rights of individuals and does not generally regulate small entities. Further, there are no reporting or recordkeeping requirements, additional paperwork burdens or other regulatory burdens imposed. Any economic impact on small business entities would be indirect, minimal and would occur in very few instances.

There is no catalog of Federal Domestic Assistance number.

List of Subjects in 38 CFR Part 1

Administrative practice and procedure, Investigations, Privacy Act.

Approved: April 18, 1983.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

PART 1—[AMENDED]

38 CFR Part 1, *General*, is amended by revising § 1.582 to read as follows:

§ 1.582 Exemptions.

(a) Certain systems of records maintained by the Veterans Adminstration are exempted from provisions of the Privacy Act in accordance with exemptions (j) and (k) of 5 U.S.C. 552a.

(b) *Exemption of Inspector General Systems of Records.* The Veterans Administration provides limited access to Inspector General Systems of Records as indicated.

(1) The following systems of records are exempted pursuant to the provisions of 5 U.S.C. 552a(j)(2) from subsections (c) (3) and (4), (d), (e) (1), (2) and (3), (e)(4) (G), (H) and (I), (e) (5) and (8), (f) and (g) of 5 U.S.C. 552a; in addition, the following systems of records are exempted pursuant to the provisions of 5 U.S.C. 552a (k)(2) from subsections (c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f) of 5 U.S.C. 552a:

(i) Investigation Reports of Persons Allegedly Involved in Irregularities Concerning VA and Federal Laws, Regulations, Programs, etc.—VA (11VA51); and

(ii) Inspector General Complaint Center Records—VA (66VA53).

(2) These exemptions apply to the extent that information in those systems is subject to exemptions pursuant to 5 U.S.C. 552a (j)(2) and (k)(2)

(3) For the reasons set forth, the systems of records listed under paragraph (b)(1) of this section are exempted under §§ 552a (j)(2) and (k)(2) from the following provisions of 5 U.S.C. 552a:

(i) 5 U.S.C. 552a(c)(3) requires that upon request, an agency must give an individual named in a record an accounting which reflects the disclosure of the record to other persons or agencies. This accounting must state the date, nature and purpose of each disclosure of the record and the name and address of the receipient. The application of this provision would alter subjects to the existence of the investigation and identify that such persons are subjects to that investigation. Since release of such information to subjects would provide them with significant information concerning the nature of the investigation, it could result in the altering or destruction of derivative evidence which is obtained from third parties, improper influencing of witnesses, and other activities that could impede or compromise the investigation.

(ii) 5 U.S.C. 552a (c)(4), (d), (e)(4) (G) and (H), (f) and (g) relate to an individual's right to be notified of the existence of records pertaining to such individual; requirements for identifying an individual who requests access to records; the agency procedures relating to access to records and the amendment of information contained in such records; and the civil remedies available to the individual in the event of adverse determinations by an agency concerning access to or amendment of information contained in record systems. This system is exempt from the foregoing provisions for the following reasons: To notify an individual at the individual's request of the existence of records in an investigative file pertaining to such individual or to grant access to an investigative file could interfere with investigative and enforcement proceedings, threaten the safety of individuals who have cooperated with authorities, constitute an unwarranted invasion of personal privacy of others, disclose the identity of confidential sources, reveal confidential information supplied by these sources, and disclose investigtive techniques and procedures.

(iii) 5 U.S.C. 552a(e)(4)(I) requires the publication of the categories of sources of records in each system of records. The application of this provision could disclose investigative techniques and procedures and cause sources to refrain from giving such information because of fear of reprisal, or fear of breach of promises of anonymity and confidentiality. This could compromise the ability to conduct investigations and to identify, detect and apprehend violators. Even though the agency has claimed an exemption from this particular requirement, it still plans to generally identify the categories of records and the sources for these records in this system. However, for the reasons stated in paragraph (b)(3)(ii) of this section, this exemption is still being cited in the event an individual wants to know a specific source of information.

(iv) 5 U.S.C. 552a(e)(1) requires each agency to maintain in its records only such information about an individual that is relevant and necessary to accomplish a purpose of the agency required by statute or executive order. These systems of records are exempt from the foregoing provisions because:

(A) It is not possible to detect relevance or necessity of specific information in the early stages of a criminal or other investigation.

(B) Relevance and necessity are questions of judgment and timing. What appears relevant and necessary may ultimately be determined to be unnecessary. It is only after the information is evaluated that the relevance and necessity of such information can be established.

(C) In any investigation the Inspector General may obtain information concerning the violations of laws other than those within the scope of his/her jurisdiction. In the interest of effective law enforcement, the Inspector General should retain this information as it may aid in establishing patterns of criminal activity, and provide leads for those law enforcement agencies charge with enforcing other segments or civil law.

(v) 5 U.S.C. § 552a(e)(2) requires an agency to collect information to the greatest extent practicable directly from the subject individual when the information may result in adverse determinations abut an indiviudal's rights, benefits, and privlieges under Federal programs. The application of the provision would impair investigations of illegal acts, violation of the rules of conduct, merit system and any other misconduct for the following reasons:

(A) In order to successfully verify a complaint, most information about a complainant or an individual under investigation must be obtained from third parties such as witnesses and informers. It is not feasible to rely upon the subject of the investigation as a source for information regarding his/her activities because of the subject's rights against self-incrimination and because of the inherent unreliability of the suspect's statements. Similarly, it is not always feasible to rely upon the complainant as a source of information regarding his/her involvement in an investigation.

(B) The subject of an investigation will be alerted to the existence of an investigation if an attempt is made to obtain information from the subject. This would afford the individual the opportunity to conceal any criminal activities to avoid apprehension.

(vi) 5 U.S.C. § 552a(e)(3) requires that an agency must inform the subject of an investigation who is asked to supply information of:

(A) The authority under which the information is sought and whether disclosure of the information is mandatory or voluntary;

(B) The purposes for which the information is intended to be used;

(C) The routine uses which may be made of the information; and

(D) The effects on the subject, if any, of not providing the requested information. The reasons for exempting this system of records from the foregoing provision are as follows:

(1) The disclosure to the subject of the purposes of the investigation as stated in paragraph (b)(3)(vi)(B) of this paragraph would provide the subject with substantial information relating to the nature of the investigation and could impede or compromise the investigation.

(2) If the complainant or the subject were informed of the information rquired by this provision, it could seriously interfere with undercover activities requiring disclosure of the authority under which the information is being requested. This could conceivably jeopardize undercover agents' identities and impair their safety, as well as impair the sucessful conclusion of the investigation.

(3) Individuals may be contacted during preliminary information gathering in investigations before any individual is identified as the subject of an investigation. Informing the individual of the matters required by this provision would hinder or adversely affect any present or subsequent investigations.

(vii) 5 U.S.C. 552a(e)(5) requires that records be maintained with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual in making any determination about an individual. Since the law defines "maintain" to include the collection of information, complying with this provision would prevent the collection of any data not shown to be accurate, relevant, timely, and complete at the moment of its collection. In gathering information during the course of an investigation it is not always possible to determine this prior to collection of the information. Facts are first gathered and then placed into a logical order which objectively proves or disproves criminal behavior on the part of the suspect. Material which may seem unrelated, irrelevant, incomplete, untimely, etc., may take on added meaning as an investigation progresses. The restrictions in this provision could interfere with the preparation of a complete investigative report.

(viii) 5 U.S.C. 552a(e)(8) requires an agency to make reasonable efforts to serve notice on an individual when any record on such individual is made available to any person under compulsory legal process when such process becomes a matter of public record. The notice requirement of this provision could prematurely reveal an ongoing criminal investigation to the subject of the investigation.

(c) *Exemption of Loan Guaranty Service, Department of Veterans Benefits, Systems of Records.* The Veterans Administration provides limited access to Loan Guaranty Service, Department of Veterans Benefits, systems of records as indicated:

(1) The following systems of records are exempted pursuant to the provisions of 5 U.S.C. 552a(k)(2) from subsections (c)(3), (d), (e)(1) and (e)(4) (G), (H) and (I) and (f):

(i) Loan Guaranty Fee Personnel and Program Participant Records—VA (17VA26); and

(ii) Loan Guaranty Home Condominium and Mobile Home Loan Applicant Records and Paraplegic Grant Application Records—VA (55VA26).

(2) These exemptions apply to the extent that information in these systems is subject to exemption pursuant to 5 U.S.C. 552a(k)(2).

(3) For the reasons set forth, the systems of records listed under paragraph (c)(1) of this section is exempted under 5 U.S.C. 552a(k)(2) from the following provisions of 5 U.S.C. 552a:

(i) 5 U.S.C. 552a(c)(3) requires that an agency make accountings of disclosures of records available to individuals named in the records at their request. These accountings must state the date, nature and purpose of each disclosure of the record and the name and address of the recipient. The application of this provision would alert subjects of an investigation to the existence of the investigation and that such persons are subjects of that investigation. Since release of such information to subjects of an investigation would provide the subjects with significant information concerning the nature of the investigation, it could result in the altering or destruction of documentary evidence, improper influencing of witnesses and other activities that could impede or compromise the investigation.

(ii) 5 U.S.C. 552a(d), (e)(4) (G) and (H) and (f) relate to an individual's right to be notified of the existence of records pertaining to such individual; requirements for identifying an individual who requests access to records; and the agency procedures

relating to access to records and the content of information contained in such records. This system is exempt from the foregoing provisions for the following reasons: To notify an individual at the individual's request of the existence of records in an investigative file pertaining to such individual or to grant access to an investigative file could interfere with investigative and enforcement proceedings; constitute an unwarranted invasion of the personal privacy of others; disclose the identify of confidential sources and reveal confidential information supplied by these sources and disclose investigative techniques and procedures.

(iii) 5 U.S.C. 552a(e)(4)(I) requires the publication of the categories of sources of records in each system of records. The application of this provision could disclose investigative techniques and procedures and cause sources to refrain from giving such information because of fear of reprisal, or fear of breach of promises of anonymity and confidentiality. This would compromise the ability to conduct investigations. Even though the agency has claimed an exemption from this particular requirement, it still plans to generally identify the categories of records and the sources for these records in this system. However, for the reasons stated above, this exemption is still being cited in the event an individual wanted to know a specific source of information.

(iv) 5 U.S.C. 552a(e)(1) requires each agency to maintain in its records only such information about an individual that is relevant and necessary to accomplish a purpose of the agency required by statute or executive order. This system of records is exempt from the foregoing provision because:

(A) It is not possible to detect relevance or necessity of specific information in the early stages of an investigation.

(B) Relevance and necessity are questions of judgment and timing. What appears relevant and necessary when collected may ultimately be determined to be unnecessary. It is only after the information is evaluated that the relevance and necessity of such information can be established.

(C) In interviewing persons or obtaining other forms of evidence during an investigation, information may be supplied to the investigator which relates to matters incidental to the main purpose of the investigation but which is appropriate in a thorough investigation. Oftentimes, such information cannot readily be segregated.

(4) The following system of records is exempt pursuant to the provisions of 5 U.S.C. 552a(k)(5) from subsections (c)(3), (d), (e)(1), (e)(4) (G), (H) and (I) and (f): Loan Guaranty Fee Personnel and Program Participant Records—VA (17VA26).

(5) This exemption applies to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a(k)(5).

(6) For the reasons set forth, the system of records listed in paragraph (c)(4) of this section is exempt under 5 U.S.C. 552a(k)(5) from the following provisions of 5 U.S.C. 552a:

(i) 5 U.S.C. 552a(c)(3) requires that an agency make accountings of disclosures of records available to individuals named in the records at their request. These accountings must state the date, nature and purpose of each disclosure of the record and the name and address of the recipient. The application of this provision would alert subjects of background suitability investigations to the existence of the investigation and reveal that such persons are subjects of that investigation. Since release of such information to subjects of an investigation would provide the subjects with significant information concerning the nature of the investigation, it could result in revealing the identity of a confidential source.

(ii) 5 U.S.C. 552a(d), (e)(4) (G) and (H) and (f) relate to an individual's right to be notified of the existence of records pertaining to such individual; requirements for identifying an individual who requests access to records; and the agency procedures relating to access to records and the contest of information contained in such records. This system is exempt from the foregoing provisions for the following reasons: To notify an individual at the individual's request of the existence of records in an investigative file pertaining to such an individual or to grant access to an investigative file would disclose the identity of confidential sources and reveal confidential information supplied by these sources.

(iii) 5 U.S.C. 552a(e)(4)(I) requires the publication of the categories of sources of records in each system of records. The application of this provision could disclose sufficient information to disclose the identity of a confidential source and cause sources to refrain from giving such information because of fear of reprisal, or fear of breach of promises of anonymity and confidentiality. This would compromise the ability to conduct background suitability investigations.

(iv) 5 U.S.C. 552a(e)(1) requires each agency to maintain in its records only such information about an individual that is relevant and necessary to accomplish a purpose of the agency required by statute or executive order. This system of records is exempt from the foregoing provision because:

(A) It is not possible to detect relevance and necessity of specific information from a confidential source in the early stages of an investigation.

(B) Relevance and necessity are questions of judgment and timing. What appears relevant and necessary when collected may ultimately be determined to be unnecessary. It is only after the information is evaluated that the relevance and necessity of such information can be established regarding suitability for VA approval as a fee appraiser or compliance inspector.

(C) In interviewing persons or obtaining other forms of evidence during an investigation for suitability for VA approval, information may be supplied to the investigator which relate to matters incidental to the main purpose of the investigation but which is appropriate in a thorough investigation. Oftentimes, such information cannot readily be segregated and disclosure might jeopardize the identity of a confidential source.

(5 U.S.C. 552a(j) and (k); 38 U.S.C. 210(c))

[FR Doc. 83-10901 Filed 4-25-83; 8:45 am]
BILLING CODE 8320-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 83-374; RM-4293]

TV Broadcast Stations In Reno, Nevada; Proposed Changes In Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign VHF Television Channel 11 to Reno, Nevada, in response to a petition filed by Harry C. Powell, Jr. The assignment could provide Reno with its sixth commercial television assignment.

DATES: Comments must be filed on or before May 31, 1983, and reply comments must be filed on or before June 15, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Proposed Rule Making

Adopted: March 30, 1983.
Released: April 15, 1983.

By the Chief, Policy and Rules Division:

In the Matter of; Amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations (Reno, Nevada) MM Docket No. 83–374 RM–4293.

1. A petition for rule making was filed January 3, 1983, by Harry C. Powell, Jr. ("petitioner"), seeking the assignment of VHF Television Channel 11 to Reno, Nevada, as that community's sixth commercial television allocation. Petitioner indicated that he, or an entity of which he is a part, will apply for the channel, if assigned.

2. Reno (population 100,756),[1] the seat of Washoe County (population 193,623), is located in the western portion of the state, approximately 300 kilometers (190 miles) northeast of San Francisco, California. Reno currently is served by commercial television Stations KTV (Channel 2), KCRL (Channel 4), KOLO (Channel 8), KAME (Channel 21+), KREN (Channel 27+), and noncommercial education Station KNPB (Channel *5).

3. VHF Television Channel 11 can be assigned to Reno in conformity with the minimum distance separation requirements of § 73.610 of the Commission's Rules. We believe petitioner's proposal warrants consideration since the proposed television assignment could provide a sixth commercial television broadcast service to Reno. Accordingly, we shall propose to amend the Television Table of Assignments, § 73.606(b) of the Commission's Rules, with regard to that community, as follows:

City	Channel No.	
	Present	Proposed
Reno, Nevada	2, 4, *5, 8, 21+, and 27+.	2, 4, *5, 8, 11, 21+, and 27+.

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before May 31, 1983, and reply comments on or before June 15, 1983, and are advised to read the Appendix for the proper procedures.

[1] Population figures are extracted from the 1980 U.S. Census Advance Report.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Nancy V. Joyner, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a *Notice of Proposed Rule Making* is issued until the matter is no longer subject to Commission consideration, or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1l), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS PROPOSED TO AMEND the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, intrerested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference

Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-11036 Filed 4-25-83; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-386; RM-4363]

TV Broadcast Station in Austin, Texas; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of UHF Television Channel 54 to Austin, Texas, as its sixth television assignment, in response to a petition filed by the Allandale Baptist Church of Austin.

DATES: Comments must be filed on or before June 3, 1983, and reply comments must be filed on or before June 20, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Proposed Rule Making

In the Matter of Amendment of: § 73.606(b), Table of Assignments, TV Broadcast Stations (Austin, Texas) MM Docket No. 83-386, RM-4363.

Adopted: April 1, 1983.
Released: April 19, 1983.

By the Chief, Policy and Rules Division:

1. The Commission herein considers a petition for rule making filed January 24, 1983, by the Allandale Baptist Church of Austin ("petitioner"), seeking the assignment of UHF Television Channel 54 to Austin, Texas, as its sixth UHF television assignment. The channel can be assigned in compliance with the minimum distance separation requirements and other criteria. Petitioner filed information in support of the proposal and expressed its interest in applying for the channel, if assigned.

2. Austin (population 345,496),[1] seat of Travis County (population 419,335) and the capital of the State of Texas, is located approximately 240 kilometers (150 miles) northeast of Houston.

3. Since Austin is located within 320 kilometers (199 miles) of the U.S.-Mexican border, the proposed assignment requires the concurrence of the Mexican government.

[1] Population figures are taken from the 1980 U.S. Census Advance Report.

4. In view of the fact that Austin could receive its sixth television assignment, we shall seek comments on the proposal to amend the Television Table of Assignments (§ 73.606(b) of the Commission's Rules) with respect to the following city:

City	Channel No.	
	Present	Proposed
Austin, Texas	7+, *18+, 24, 36, and 42-.	7+, *18+, 24, 36, 42-, and 54

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before June 3, 1983, and reply comments on or before June 20, 1983, and are advised to read the Appendix for the proper procedures.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 F.R. 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a *Notice of Proposed Rule Making* is issued until the matter is no longer subject to Commission consideration, or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Coments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communitites involved.

4. *Comments and Reply comments; Service.* Pursuant to applicable procedures set out in §§ 1.412 amd 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice

of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-11037 Filed 4-25-83; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 83-382; RM-4312]

TV Broadcast Stations in El Paso, Texas; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of UHF Television Channel 65 to El Paso, Texas, as its eighth television assignment, in response to a petition filed by Peggy Ann Rothchild.

DATES: Comments must be filed on or before June 2, 1983, and reply comments must be filed on or before June 17, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Proposed Rule Making

In the Matter of: Amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations (El Paso, Texas) MM Docket No. 83-382, RM-4312.

Adopted: March 30, 1983.
Released: April 18, 1983.

By the Chief, Policy and Rules Division:

1. The Commission herein considers a petition for rule making filed January 7, 1983, by Peggy Ann Rothchild ("petitioner"), seeking the assignment of UHF Television Channel 65 to El Paso, Texas, as its eighth television assignment. The channel can be assigned in compliance with the minimum distance separation requirements and other criteria.

2. El Paso (population 425,259) [1] seat of El Paso County (population 479,899), is located in western Texas, approximately 370 kilometers (230 miles) south of Albuquerque, New Mexico.

3. Petitioner submitted information in suppport of the proposal and expressed an interest in applying for the channel, if assigned.

4. Since El Paso is located within 320 kilometers (199 miles) of the U.S.-Mexican border, the proposed assignment requires the concurrence of the Mexican government.

5. In view of the fact that El Paso could receive its eighth television service, we shall seek comments on the proposal to amend the Television Table of Assignments, § 73.606(b) of the Commission's Rules, with respect to the following city:

City	Channel No.	
	Present	Proposed
El Paso, Texas	4, 7, 9, *13, 14, 26+, and *38-.	4, 7, 9, *13, 14, 26+, *38-, and 65.

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before June 2, 1983, and reply comments on or before June 17, 1983, and are advised to read the Appendix for the proper procedures.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules,* 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (203) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration, or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,
Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, *it is proposed to amend* the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which the Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

[1] Population figures are taken from the 1980 U.S. Census Advance Report.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

(4) Comments and Reply comments; Service. Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-11088 Filed 4-25-83; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-375; RM-4311]

TV Broadcast Stations in Longview, Texas; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes a second commercial television assignment to Longview, Texas, in response to a petition filed by Peggy Ann Rothchild.

DATES: Comments must be filed on or before May 31, 1983, and reply comments on or before June 15, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Proposed Rule Making

Adopted: March 30, 1983.
Released: April 15, 1983.

By the Chief, Policy and Rules Division:

In the Matter of: Amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations (Longview, Texas); MM Docket No. 83-375, RM-4311.

1. Peggy Ann Rothchild ("petitioner") submitted a petition for rule making on January 7, 1983, requesting the assignment of UHF Television Channel 54 to Longview, Texas, as a third television assignment. Petitioner indicated that she, or an entity of which she is a part, will apply for the channel, if assigned.

2. Longview (population 62,762) [1] seat of Gregg County (population 99,487), is located in northeastern Texas, approximately 190 kilometers (118 miles) southeast of Dallas. Longview is currently served by Station KLMG-TV (Channel 51).

3. Based on the information provided by the petitioner, we believe that an adequate showing has been made for a third television assignment to Longview. Comments are invited on the proposal to amend the Television Table of Assignments (§ 73.606(b) of the Rules) with regard to the following city:

City	Channel No.	
	Present	Proposed
Longview, Texas	16+ [1], and 51-	16+ [1], 51-, and 54+.

[1] Following the decision in docket No. 18261, channels so indicated will not be available for television use until further action by the Commission.

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before May 31, 1983, and reply comments on or before June 15, 1983, and are advised to read the Appendix for the proper procedures.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making To Amend § 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Montrose H. Tyree, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a *Notice of Proposed Rule Making* is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

[1] Population figures are taken from the 1980 U.S. Census Advance Report.

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Section 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, *it is proposed to amend* the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showing Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW. Washington, D.C.

[FR Doc. 11039 Filed 4-25-83; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 83-379; RM 4368]

FM Broadcast Stations in Freedom, California; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes a first FM assignment to Freedom, California, in response to a petition filed by Eric R. Hilding.

DATES: Comments must be filed on or before June 2, 1983, and reply comments on or before June 17, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau, (202) 634-6530

List of Subjects in 47 CFR Part 73

Radio broadcasting.

In the matter of an amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Freedom, California) MM Docket No. 83-379, RM-4368.

Proposed Rule Making

Adopted: March 30, 1983.
Released: April 18, 1983.

By the Chief, Policy and Rules Division.

1. Eric R. Hilding ("petitioner") submitted a petition for rule making on January 24, 1983, which seeks the assignment of Channel 240A to Freedom, California, as its first FM assignment. Petitioner indicated that he would apply for the channel, if assigned.

2. In an effort to demonstrate a need for the requested assignment, petitioner submitted population and community data. In view of the action taken in *Revision of FM Policies and Procedures*, 90 F.C.C. 2d 88 (1982), these issues are no longer relevant to this type of proceeding.

3. We have determined that Channel 240A can be assigned to Freedom in conformity with the minimum distance separation requirements, provided the transmitter site is located approximately 2.4 miles south of the city. This restriction is necessary to avoid short spacing to Station KKHI(FM) (Channel 239), San Francisco, and Station KNTO(FM) (Channel 240A), Livingston, California.

4. In view of the fact that the proposal could provide a first local broadcast service to Freedom, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Rules, with regard to the following community:

City	Channel No.	
	Present	Proposed
Freedom, California		240A.

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before June 2, 1983, and reply comments on or before June 17, 1983, and are advised to read the Appendix for the proper procedures.

7. The Commission has determined that the relevent provisions of the regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend § 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Montrose H. Tyree, Mass Media Bureau, (202) 634-6530. However, members of the public

should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as ths one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Sec. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, *it it proposed to amend* the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if is only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Conterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in § 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-11050 Filed 4-25-83; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 83-376; RM-4387]

FM Broadcast Stations in Armijo, New Mexico; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of Channel 296A to Armijo, New Mexico, in response to a petition filed by Dorothy D. Davis. The proposal could provide a first FM service to Armijo.

DATES: Comments must be filed on or before May 31, 1983, and reply comments on or before June 15, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau (202) 634-6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Proposed Rule Making

In the matter of; Amendment of § 73.202(b), Table of Assignments FM Broadcast Stations (Armijo; New Mexico) MM Docket No. 83-376, RM-4387.

Adopted: March 30, 1983.
Released: April 15, 1983.

By the Chief, Policy and Rules Division.

1. Dorothy D. Davis ("petitioner"), on February 4, 1983, submitted a petition for rule making seeking the assignment of Channel 296A to Armijo, New Mexico, as that community's first FM channel. Petitioner stated her intention to apply for the channel, if assigned.

2. In an effort to support her request, petitioner submitted population and economic information. However, in view of the action taken in *Revision of FM Policies and Procedures*, 90 F.C.C. 2d 88 (1982), these issues were eliminated as a requirement to justify a non-conflicting proposal.

3. We have determined that a Channel 296A assignment at Armijo will require a site restriction of 5.9 miles south of the city.[1] Petitioner had indicated that the assignment would meet the minimum distance separation requirements without a site restriction.

4. In view of the fact that the proposal could provide a first local broadcast service to Armijo, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Rules, with regard to the following community.

City	Channel No.	
	Present	Proposed
Armijo, New Mexico		296A

5. The Commission's authority to institute rule making proceedings,

[1] This restriction is necessary to avoid short spacing to Station KHFM(FM) (Channel 242) Albuquerque, New Mexico, and a rule making to assign Channel 296A to Los Alamos, New Mexico, Docket 83-22, RM-4222.

showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before May 31, 1983, and reply comments on or before June 15, 1983, and are advised to read the Appendix for the proper procedures.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules,* 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Montrose H. Tyree, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a *Notice of Proposed Rule Making* is issued until the matter is no longer subject to Commission consideration, or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comnments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, *It is proposed to amend* the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showing Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice,* they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83–11051 Filed 4–25–83; 8:45 am]
BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 83–380; RM–4362]

FM Broadcast Stations in Alva, Oklahoma; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes a third FM assignment to Alva, Oklahoma, in response to a petition filed by Lynn L. Martin.

DATES: Comments must be filed on or before June 2, 1983, and reply comments on or before June 17, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau, (202) 634–6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Proposed Rule Making

In the matter of; Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Alva, Oklahoma) MM Docket No. 83–380, RM–4362.

Adopted: March 30, 1983.
Released: April 18, 1983.

By the Chief, Policy and Rules Division.

1. Lynn L. Martin ("petitioner") submitted a petition for rule making on January 24, 1983, which seeks the assignment of Channel 232A to Alva, Oklahoma, as its third FM assignment. Petitioner stated his intention to apply for the channel, if assigned. The assignment can be made in full compliance with the requirements of § 73.207 of the Rules.

2. In view of the fact that the proposal could provide a third local broadcast service to Alva, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Rules, with regard to the following community:

City	Channel No.	
	Present	Proposed
Alva, Oklahoma	259, 284	232A, 259, 284

3. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

4. Interested parties may file comments on or before June 2, 1983, and reply comments on or before June 17, 1983, and are advised to read the Appendix for the proper procedures.

5. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do No Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

6. For further information concerning this proceeding, contact Montrose H. Tyree, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in § 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-11052 Filed 4-25-83; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 83-378; RM-4381]

FM Broadcast Station in Elk City, Oklahoma; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 232A to Elk City, Oklahoma, in response to a petition filed by Gary C. Smith. The proposed assignment could provide a second FM service to that community.

DATES: Comments must be filed on or before May 31, 1983, and reply comments on or before June 15, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Proposed Rule Making

In the matter of: Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Elk City, Oklahoma) MM Docket No. 83-378, RM-4381.

Adopted: March 30, 1983.

Released: April 15, 1983.

By the Chief, Policy and Rules Division:

1. A petition for rule making was filed February 14, 1983, by Gary C. Smith ("petitioner"), proposing the assignment of Channel 232A to Elk City, Oklahoma, as its second FM assignment. Petitioner submitted information in support of the proposal and expressed his interest in applying for the channel, if assigned.

The channel can be assigned in compliance with the minimum distance separation requirements.

2. In view of the fact that the proposed assignment could provide a second local FM broadcast service to Elk City, Oklahoma, the Commission believes it is appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with respect to the following community:

City	Channel No.	
	Present	Proposed
Elk City, Okla	243	232A, 243

3. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

4. Interested parties may file comments on or before May 31, 1983, and reply comments on or before June 15, 1983, and are advised to read the Appendix for the proper procedures.

5. The commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

6. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303).

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-11053 Filed 4-25-83; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 83-387; RM-4359]

FM Broadcast Station in McAlester, Oklahoma; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 285A to McAlester, Oklahoma, in response to a petition filed by Megacom. The proposed assignment could provide a second FM service to that community.

DATES: Comments must be filed on or before June 3, 1983, and reply comments on or before June 20, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634–6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Proposed Rule Making

In the Matter of; Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations

(McAlester, Oklahoma) MM Docket No. 83-387, RM-4359.

Adopted: April 1, 1983.

Released: April 19, 1983.

By the Chief, Policy and Rules Division:

1. A petition for rule making was filed January 21, 1983, by Megacom ("petitioner") proposing the assignment of Channel 285A to McAlester, Oklahoma, as its second FM assignment. Petitioner submitted information in support of the proposal and expressed its interest in applying for the channel, if assigned. The channel can be assigned in compliance with the minimum distance separation requirements.

2. In view of the fact that the proposed assignment could provide a second local FM broadcast service to McAlester, Oklahoma, the Commission believes it is appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with respect to the following community:

City	Channel No.	
	Present	Proposed
McAlester, Okla.	267	267, 285A

3. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

4. Interested parties may file comments on or before June 3, 1983, and reply comments on or before June 20, 1983, and are advised to read the Appendix for the proper procedures.

5. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

6. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact, is a message (spoken or written) concerning the merits of a pending rule making other than comments officially file at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes and *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has been served on the person(s) who filed the comment to which the reply is directed constitutes and *ex parte* presentation and shall not be considered in the proceeding.

(Sec. 4, 303, 48 Stat., as amended, 1066, 1082, 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showing Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filing in this proceeding.

(a) Counterproposals advance in this proceeding itself will be considered, if advance in initial comments, so that parties may comment on them in reply comments. The will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant applicable procedures set out in § 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, and original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-11054 Filed 4-25-83; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 83-385; RM-4292]

TV Broadcast Station in Denver, Colorado; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign UHF Television Channel 50 to

Denver, Colorado, in response to a petition filed by William V. Johnson. The assignment could provide Denver with its seventh commercial television allocation.

DATES: Comments must be filed on or before June 3, 1983, and reply comments must be filed on or before June 20, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Mass Media Bureau, (202) 634–6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Proposed Rule Making

In the Matter of an amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations (Denver, Colorado) MM Docket No. 83–385, RM–4292.

Adopted: April 1, 1983.
Released: April 19, 1983.

By the Chief, Policy and Rules Division.

1. A petition for rule making was filed January 3, 1983, by William V. Johnson ("petitioner") seeking the assignment of UHF Television Channel 50 to Denver, Colorado, as that community's seventh commercial television assignment. Petitioner indicates that he, or an entity of which he is a part, will apply for the channel, if assigned.

2. Denver (population 491,396),[1] the seat of Denver County (population 491,396), as well as the State capital of Colorado, is located in the northeast portion of the state. Currently, Denver is served by commercial Stations KWGN–TV (Channel 2); KOA–TV (Channel 4); KMGH–TV (Channel 7); KBTV–TV (Channel 9); (Channel 20, applications pending); and KTMX–TV (Channel 31); and noncommercial educational Station KRMA–TV (Channel *6); and (Channel *41, unoccupied).

3. We believe that petitioner's proposal warrants consideration. The channel can be assigned consistent with the minimum distance separation requirements of § 73.610 of the Commission's Rules.

4. In view of the foregoing, and the fact that the proposed television assignment could provide a seventh commercial television broadcast service to Denver, Colorado, the Commission believes it appropriate to propose amending the Television Table of Assignments, § 73.606(b) of the Commission's Rules, as follows:

[1] Population figures are taken from the 1980 U.S. Census Advance Report.

City	Channel No.	
	Present	Proposed
Denver, Colorado	2, 4–, *6–, 7, 9–, 20, 31, and *41.	2, 4–, *6–, 7, 9–, 20, 31, *41, and 50

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before June 3, 1983, and reply comments on or before June 20, 1983, and are advised to read the Appendix for the proper procedures.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making To Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Nancy V. Joyner, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a *Notice of Proposed Rulemaking* is issued until the matter is no longer subject to Commission consideration, or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitute an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Divisions, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, *it is proposed to amend* the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and if authorize, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposal advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflicts with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rule and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed

comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rule and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-11040 Filed 4-25-83; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 75

[MM Docket No. 83-383; RM-4357]

TV Broadcast Station in Charleston, Ill.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of UHF television Channel *51 to Charleston, Illinois, as its first noncommercial educational station, in response to a petition filed by Eastern Illinois University.

DATES: Comments must be filed on or before June 2, 1983, and reply comments on or before June 17, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C., 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Proposed Rule Making

In the matter of: Amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations (Charleston, Illinois) MM Docket No. 83-383; RM-4357.

Adopted: March 30, 1983.
Released: April 18, 1983.

By the Chief, Policy and Rules Division.

1. The Commission herein considers a petition for rule making filed January 25, 1983, by Eastern Illinois University ("petitioner"), seeking to assign and reserve UHF television Channel *51 at Charleston, Illinois, for noncommercial educational use. Petitioner stated its intention to apply for the channel, if assigned.

2. Charleston (population 19,355)[1], seat of Coles County (population 52,992), is located in east central Illinois, approximately 270 kilometers (170 miles) south of Chicago. It has no local television service.

3. We believe that the petitioner's proposal for a first noncommercial educational assignment at Charleston warrants consideration. The channel can be assigned in compliance with the minimum distance separation requirements, without a site restriction.

4. Comments are invited on the proposal to amend the Television Table of Assignments (§ 73.606(b) of the Rules) with regard to the following city:

City	Channel No.	
	Present	Proposed
Charleston, Illinois		*51+

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before June 2, 1983, and reply comments on or before June 17, 1983, and are advised to read the Appendix for the proper procedures.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to the rule making proceedings to amend the TV Table of Assignments, Section 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Montrose H. Tyree, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a *Notice of Proposed Rule Making* is issued until the matter is no longer subject to Commission consideration, or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial

[1] Population figures are taken from the 1980 U.S. Census, Advance Reports.

comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-11081 Filed 4-25-83; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-384; RM-4347]

TV Broadcast Station in Owensboro, Kentucky; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign UHF television Channel 61 to Owensboro, Kentucky, in response to a petition filed by William T. Conner. The assignment could provide Owensboro with its third commercial television allocation.

DATES: Comments must be filed on or before June 3, 1983, and reply comments on or before June 20, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Proposed Rule Making

In the Matter of; Amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations (Owensboro, Kentucky) MM Docket No. 83-384, RM-4347.

Adopted: March 30, 1983.

Released: April 19, 1983.

By the Chief, Policy and Rules Division.

1. Before the Commission is a petition for rule making filed by William T. Conner on January 13, 1983, requesting the assignment of UHF television Channel 61 to Owensboro, Kentucky, as that community's third commercial television allocation. Petitioner indicated that he, or an entity of which he is a part, will apply for the channel, if assigned.

2. Owensboro (population 54,450),[1] the seat of Daviess County (population 85,949) is located in the northwestern portion of the State, approximately 130 kilometers (80 miles) southwest of Louisville, Kentucky. At the present time, Owensboro is assigned two commercial television channels.

3. UHF television Channel 61 can be assigned to Owensboro, Kentucky, in compliance with the minimum distance separation requirements of § 73.610 of the Commission's Rules. Therefore, we believe the petitioner's proposal warrants consideration since the proposed television assignment could provide Owensboro with its third local commercial television broadcast service. Accordingly, the Commission proposes to amend the Television Table of Assignments, § 73.606(b) of the Commission's Rules, as follows:

City	Channel No.	
	Present	Proposed
Owensboro, Kentucky	31 -, 48	31 -, 48, 61 +

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

[1] Population data was extracted from the 1980 U.S. Census, Advance Reports.

Note.—A showing of continuing interest is requred by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file coments on or before June 3, 1983, and reply comments on or before June 20, 1983, and are advised to read the Appendix for the proper procedures.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.604(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules.* 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Nancy V. Joyner, Mass media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, *it is proposed to amend* the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in

the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *notice of Proposed Rule making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filing made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W.,

[FR Doc. 83-11043 Filed 4-25-83; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 83-377; RM-4344]

Television Broadcast Stations in Madisonville, Kentucky; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign UHF television Channel 57 to Madisonville, Kentucky, in response to a petition filed by William T. Conner. The assignment could provide Madisonville with its second commercial television allocation.

DATES: Comments must be filed on or before May 31, 1983, and reply comments on or before June 15, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Proposed Rule Making

In the matter of: Amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations (Madisonville, Kentucky) MM Docket No. 83-377, RM-4344.

Adopted: March 30, 1983.

Released: April 15, 1983.

By the Chief, Policy and Rules Division.

1. A petition for rule making was filed on January 11, 1983 by William T. Conner ("petitioner"), seeking the assignment of UHF television Channel 57 to Madisonville, Kentucky, as that community's second commercial television assignment. Petitioner indicates that he, or an entity of which he is a part, will apply for the channel, if assigned.

2. Madisonville (population 16,979) [1], the seat of Hopkins County population 46,174), is located in western Kentucky, approximately 182 kilometers (113 miles) southwest of Louisville, Kentucky. Presently, Madisonville is assigned one commercial and one educational television channel.

3. UHF television Channel 57 can be assigned to Madisonville consistent with the minimum distance separation requirements of § 73.610 of the Commission's Rules. In view of the above considerations, we believe the petitioner's proposal warrants consideration since it could provide a second commercial television service to Madisonville, Kentucky. Accordingly, the Commission proposes to amend the Television Table of Assignments, § 73.606(b) of the Commission's Rules, as follows:

City	Channel No.	
	Present	Proposed
Madisonville, Ky.	19-, *36-	19-, *35-, 57+

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the appendix before a channel will be assigned.

5. Interested parties may file comments on or before May 31, 1983, and reply comments on or before June 15, 1983, and are advised to read the Appendix for the proper procedures.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Nancy V. Joyner, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any

[1] Population figures were extracted from the 1980 U.S. Census, Advance Reports.

comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, *it is proposed to amend* the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-11042 Filed 4-25-83; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-381; RM-4294]

Television Broadcast Stations in Omaha, Nebraska; Proposed Changes in Tables of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of UHF television Channel 54 to Omaha, Nebraska, in response to a petition filed by Harry C. Powell, Jr. The proposed assignment could provide a sixth commercial television service to Omaha.

DATES: Comments must be filed on or before June 2, 1983, and reply comments on or before June 15, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Proposed Rule Making

In the Matter of; Amendment of § 73.606(b), table of assignments, television broadcast stations (Omaha, Nebraska) MM Docket No. 83-381, RM-4294.

Adopted: March 30, 1983.
Released: April 18, 1983.

By the Chief, Policy and Rules Division:

1. The Commission herein considers a petition for rule making filed by Harry C. Powell, Jr. ("petitioner") on January 3, 1983, proposing the assignment of UHF television Channel 54 to Omaha, Nebraska. Petitioner stated that he or an entity of which he is a part, will apply for the channel, if assigned.

2. Omaha (population 311,681),[1] seat of Douglas County (population 397,884), is located in eastern Nebraska, approximately 275 kilometers (172 miles) north of Kansas City. Omaha is currently assigned five commercial channels: 3, 6, 7, 15 and 42.

3. We believe that the petitioner's proposal warrants consideration since the proposed assignment could allow for a sixth commercial television service at Omaha. Accordingly, we shall seek comments on the proposal to amend the Television Table of Assignments (§ 73.606(b) of the Rules) with respect to the following city:

City	Channel No.	
	Present	Proposed
Omaha, Nebr	3, 6+, 7, 15, *26, 42, and *48.	3, 6+, 7, 15, *26, 42, *48-, and 54.

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before June 2, 1983, and reply comments on or before June 17, 1983, and are advised to read the Appendix for the proper procedures.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules.

[1] Population figures are taken from the 1980 U.S. Census, Advance Report.

See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Montrose H. Tyree, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, *it is proposed to amend* the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-11044 Filed 4-25-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[Docket No. 19142]

Action for Children's TV (ACT); En Banc Meeting

AGENCY: Federal Communications Commission.

ACTION: *En Banc* Meeting to hear oral presentations on proposed rule.

SUMMARY: This action schedules panelists for an *en banc* meeting of the Commission to hear oral presentations of interested parties on the Commission's proposals relating to children's television programming required of broadcast licensees.

DATE: Meeting date: April 28, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Bill Johnson or Molly Pauker, Mass Media Bureau, (202) 632–6460.

List of Subjects in 47 CFR Part 73

Television.

April 19, 1983.

Commission Announces Oral Presentation Schedule in Children's Television Proceeding (Docket 19142)

In a Public Notice dated March 28, 1983, the Commission indicated its intention to hold an *En Banc* meeting to hear oral presentations in Docket 19142 (45 FR 1976). The meeting will be held on Thursday, April 28, 1983, at the Commission's offices at 1919 "M" Street, NW., Washington, D.C., in room 856. The purpose of these presentations is to update the record in this proceeding.

The record has also been reopened until April 28, 1983, for the purpose of receiving additional written comments.

Three panels of participants will be heard from. Within each panel, parties are free to coordinate presentations. The schedule is as follows:

1. (9:30a.m.–10:45a.m.)—
National Association of Broadcasters
CBS, Inc.
Action for Children's Television
Robert Keeshan
Romper Room Enterprises
Jerome and Dorothy Singer
Association of National Advertisers
Office of Communications, United Church of Christ
Gilmore Broadcasting Corporation

Each party is allocated 5 minutes, and the Commission will have a 30 minute question period.

2. (10:55a.m.–12:20p.m.)—
American Broadcasting Companies, Inc.

Association of Independent Television Stations, Inc.
Washington Association for Television and Children
Francis M. Palumbo, M.D.
Corporation for Public Broadcasting
National Association of Public Television Stations
Public Broadcasting Service
Susan Greene
Bruce Watkins
National Education Association

Each party is allocated 5 minutes, and the Commission will have a 30 minute question period.

3. (2:00p.m.–3:20p.m.)—
National Association of Television Program Executives
National Broadcasting Company, Inc.
Radio and Television Commission of the Southern Baptist Convention
National Black Media Coalition
Roy Menninger, M.D.
National Association of Elementary School Principals
Robert Abramovitz, M.D.
International Reading Association
Citizens Communications Center
National Coalition on Television Violence

Each party is allocated 5 minutes, and the Commission will have a 30 minute question period.

This meeting will be open to the public. For further information contact William H. Johnson or Molly Pauker, telephone number (202) 632–6460.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83–11046 Filed 4–25–83; 8:45 am]

BILLING CODE 6712–01–M

INTERSTATE COMMERCE COMMISSION

49 CFR Ch. X

[Ex Parte No. 44]

Electronic Filing of Tariffs

AGENCY: Interstate Commerce Commission.

ACTION: Extension of time to file comments to advance notice of proposed rulemaking.

SUMMARY: In the **Federal Register** advance notice of proposed rulemaking (ANPR), March 8, 1983 (48 FR 9672) the Commission considered establishing rules and procedures to permit parties wishing to do so to file tariffs electronically. The date that comments were due was April 22, 1983. The American Trucking Associations, Inc. (ATA) requested that the date for filing comments be extended to May 23, 1983. This request was granted in a decision of the Commission, served April 18, 1983. The Western Railroad Association (WRA) has now filed a request that the due date be exended 90 days beyond the April 22, 1983 due date. The WRA has appointed a study group to review the Commission's questions and the proposed impact on the railroad industry and the shipping public. The group found that additional investigations and research into the ramifications of this rulemaking and its affect on current individual carrier programs are clearly needed to prepare an intelligent response.

Considering the importance of the rulemaking and the desire of the Commission to elicit meaningful comments, the extension request for 90 days is denied, but an extension of an additional 30 days is warranted.

It is pointed out that this is an *advance* notice, and the parties will have another opportunity to comment when the Commission issues a notice of proposed rulemaking.

DATES: Comments should be submitted by June 22, 1983.

ADDRESS: An original and ten copies should be sent to: Secretary, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: W. P. Geisenkotter, Section of Tariffs, Bureau of Traffic, (202) 275–7739.

Dated: April 20, 1983.

By the Commission, Reese H. Taylor, Jr., Chairman.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–10987 Filed 4–25–83; 8:45 am]

BILLING CODE 7035–01–M

Notices

Federal Register
Vol. 48, No. 81
Tuesday, April 26, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Advisory Council on Maternal, Infant and Fetal Nutrition; Meeting

Pursant to the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Council meeting:

Name: National Advisory Council on Maternal, Infant and Fetal Nutrition.

Date and time: May 24–25, 1983; 9:00 a.m.

Place: Quality Inn, Pentagon City, 300 Army-Navy Drive, Arlington, Virginia 22202.

Purpose of meeting: The Council will continue its study of the Special Supplemental Food Program for Women, Infants and Children (WIC) and the Commodity Supplemental Food Program (CSFP). The Council will discuss a wide range of matters concerning the operations of these two programs.

Agenda: The agenda will include the following items: regulations; funding; program evaluations; and general program operations.

This meeting will be open to the public. As time permits, members of the public may participate in the meeting.

Persons wishing additional information about this meeting should contact Mary Sleane, Supplemental Food Programs Division, Food and Nutrition Service, U.S. Department of Agriculture, Alexandria, Virginia 22302. Telephone: (703) 756–3730.

Dated April 5, 1983.

Robert M. Leard,

Administrator, Food and Nutrition Service.

[FR Doc. 83-10838 Filed 4-25-83; 8:45 am]
BILLING CODE 3410-30-M

Commodity Supplemental Food Program; Supplemental Administrative Funds

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: The Department announces the allocation of supplemental administrative funds for State and local administration of the Commodity Supplemental Food Program (CSFP) in Fiscal Year 1983, pursuant to Pub. L. 98–8.

EFFECTIVE DATE: April 26, 1983.

FOR FURTHER INFORMATION CONTACT: Barbara P. Sandoval, Director, Supplemental Food Programs Division, FNS, USDA, 3101 Park Center Drive, Alexandria, Virginia 22302, telephone (703) 756–3746.

SUPPLEMENTARY INFORMATION: On March 24, 1983, the President signed Pub. L. 98–8. Section 209 of Title II, the Temporary Emergency Food Assistance Act of 1983, states: "Notwithstanding any other provision of law, administrative expenses for the Commodity Supplemental Food Program, on commodities donated by CCC during fiscal year 1983, shall be paid from CCC funds and shall be fifteen per centum of the book value of the commodities donated." "CCC" refers to the Commodity Credit Corporation. Under CCC authority agricultural commodities are acquired to stabilize farm prices. These commodities may be processed into food items, such as cheese, and released for domestic distribution.

Until 1982, all foods provided to CSFP State agencies were purchased with funds from CSFP food appropriations. Since then the Department has begun to donate some CCC commodities to State agencies free of charge. Processed cheese and nonfat dry milk have been donated to CSFP throughout Fiscal Year 1983; butter and honey have more recently become available. The nonfat dry milk is distributed as *part* of the authorized CSFP food package, and the other items are provided to participants in *addition* to the authorized food package. The Temporary Food Assistance Act of 1983 mandates that CCC funds be provided, in addition to current levels of CSFP administrative funds, in Fiscal Year 1983 to help defray costs of handling these donated commodities. The Food and Nutrition Service is allocating these CCC funds to CSFP State agencies. For purposes of clarity in this notice, the term "donated commodities" refers to those foods that CCC is donating to the CSFP.

These CCC monies are intended to supplement CSFP administrative funds which were already provided under the 1983 Agriculture Appropriations Act (Pub. L. 97–370) and allocated to State agencies in accordance with the regulatory administrative funding formula at 7 CFR 247.10(b). The level of traditional CSFP administrative funding is governed by Section 5(a) of the Agriculture and Consumer Act of 1973, as most recently amended by the Agriculture and Food Act of 1981 (Pub. L. 97–98).

The Department is allocating the supplemental administrative funds to CSFP State agencies based on the value of donated commodities received by CSFP local agencies within each State. A State agency will receive supplemental administrative funds equal to 15 percent of the value of donated commodities received by local agencies in Fiscal Year 1983. The State agency may retain a portion of supplemental administrative funds at the State level commensurate with its share of the total costs of transportation, storage and distribution of donated commodities. The balance of the funds should be promptly allocated to local agencies. Since Fiscal Year 1983 is still in progress, the Department has estimated the level of commodity donation expected to be received by local agencies for the entire fiscal year from the currently available records (October 1982 to February 1983).

The estimates of donated commodities to be received by local agencies may not conform to the actual levels for the fiscal year. Thus, the Department will later adjust the 1983 supplemental administrative grants in accordance with records of actual commodity receipt at the local level. Therefore, it is especially important that all affected agencies maintain and promptly report complete and accurate records of the local receipt of donated commodities. State agencies may wish to estimate the level of supplemental administrative funds which have accrued by distribution of donated commodities. For example, if local agencies in a State receive 100 five-pound loaves of processed cheese in April, valued at $7.35 per loaf, for a total value of $735.00, the State agency will accrue 15 percent of the value of the donated foods; that is, $110.25. By keeping track of the local receipt of donated commodities, their approximate dollar value, and the estimated accrual of

administrative funds, State agencies may ensure that expenditures do not exceed actual administrative funding.

The supplemental administrative funding levels listed below will be provided to each State agency.

State agency	Level of supplemental administrative funds
District of Columbia	$30,470
Kentucky	156,958
North Carolina	16,078
Tennessee	132,129
Michigan	901,568
Minnesota	1,420
Louisiana	70,115
Colorado	92,819
Iowa	14,737
Nebraska	64,881
North Dakota	18,423
California	11,803
National total	1,511,201

While these levels represent the actual amounts of money to be granted to States at this time, it should be noted that they are subject to later adjustments to reflect the value of commodities actually received by CSFP local agencies within the State.

Since these supplemental administrative funds are being provided exclusively for donated commodities received by local agencies during Fiscal Year 1983, the Department has determined that it is not necessary to incorporate this special termporary supplemental funding protocol into the CSFP regulations. This notice constitutes full notification of the policies it embodies.

Signed on April 21, 1983.

Raymond A. Pugh, Sr.,

Acting Administrator, Food and Nutrition Service.

[FR Doc. 83-11143 Filed 4-25-83; 8:45 am]

BILLING CODE 3410-30-M

Rural Electrification Administration

Washington Electric Cooperative, Inc., East Montpelier, Vermont; Proposed Loan Guarantee

AGENCY: Rural Electrification Administration (REA), USDA.

ACTION: Proposed loan guarantee.

SUMMARY: Under the authority of Pub. L. 93–32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20–22 (Guarantee of loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $2,840,000 to Washington Electric Cooperative, Inc., (WEC), East Montpelier, Vermont. This loan guarantee will provide funds needed to finance the construction of a 1.0 MW hydroelectric facility at the existing Wrightsville Dam on the North Branch of the Winooski River in Washington County, Vermont.

FOR FURTHER INFORMATION CONTACT: Mr. Robert O. Toombs, General Manager, Washington Electric Cooperative, Inc., P.O. Box 8, East Montpelier, Vermont 0561.

SUPPLEMENTARY INFORMATION: Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed program, including the engineering and economic feasibility studies and the proposed schedule for advances to the borrower of the guaranteed loan funds from Mr. Toombs at the address given above.

In order to be considered, proposals must be submitted on or before, (May 26, 1983) to Mr. Toombs. The right is reserved to give such consideration and to make such evaluation or other disposition of all proposals received as WEC and REA deem appropriate. Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 20–22 are available from the Director, Public Information Office, Rural Elctrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

This propram is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated: April 18, 1983.

Harold V. Hunter,

Administrator.

[FR Doc. 83-11080 Filed 4-25-83; 8:45 am]

BILLING CODE 3410-15-M

DEPARTMENT OF COMMERCE

International Trade Administration

Scissors and Shears From Brazil; Final Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of final results of administrative review of countervailing duty order.

SUMMARY: On January 20, 1983, the Department of Commerce published in the **Federal Register** a notice of the preliminary results of its administrative review of the countervailing duty order on certain scissors and shears from Brazil. The review covered the period March 1, 1980 through February 28, 1981. The notice stated that the Department had preliminarily determined the net subsidy to be 3.88 percent *ad valorem*.

Interested parties were invited to comment on the preliminary results. We received no comments. Upon incorporating two changes in our calculations, we have determined the amount of the net subsidy to be 2.44 percent of the f.o.b. invoice price of the merchandise.

Further, due to an increase in the benchmark commercial interest rate in Brazil and the two calculation changes, we have determined that a cash deposit of estimated countervailing duty of 7.19 percent of the f.o.b. invoice price of the merchandise shall be required on future entries pending the results of the next administrative review.

EFFECTIVE DATE: April 26, 1983.

FOR FURTHER INFORMATION CONTACT: Laura Kneale or Edward Haley, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377–2786.

SUPPLEMENTARY INFORMATION:

Background

On January 20, 1983, the Department of Commerce ("the Department") published in the **Federal Register** (48 FR 2578) the preliminary results of its administrative review of the countervailing duty order on certain scissors and shears from Brazil (42 FR 8634, February 11, 1977). The Department has now completed that administrative review.

Scope of the Review

Imports covered by the review are scissors and shears valued over $1.75 per dozen, imported directly or indirectly from Brazil. Such imports are currently classifiable under items 650.9000 and 650.9200 of the Tariff Schedules of the United States Annotated.

The review covers the period March 1, 1980 through February 28, 1981 and three programs found countervailable in the original investigation: preferential financing for exports, income tax exemptions for export earnings, and the IPI export credit premium.

There are two known Brazilian exporters of this merchandise to the

United States. The review is based on information provided by the Government of Brazil covering one of these exporters, ZIVI, S.A.-Cutelaria ("ZIVI"), whose shipments represented 92% of Brazilian exports of this merchandise to the United States during the period.

Final Results of the Review

Interested parties were invited to comment on our preliminary results. We received no comments. Subsequent to the publication of our preliminary results, we discovered two errors in our method of calculating the aggregate net subsidy.

In our preliminary results, we prorated the value of short-term loans outstanding by calculating the fraction of the loan's duration that fell within the period of review. Since the duration of such loans is usually less than one year, but the interest rates are annual, this technique reflects a greater benefit than actually conferred. To avoid overstating the benefits, we have now taken the daily interest rate (based on a 365 day period) and multiplied it by the number of days of the loan falling within this period of review.

In our preliminary results, we used ZIVI's exports of the covered scissors and shears as a denominator in calculating the *ad valorem* subsidy rates. The level of benefit conferred by the Brazilian programs, however, is related to a firm's total exports. We reexamined the questionnaire response and found that ZIVI exports products other than the merchandise covered by this order. Therefore, in our final results, we used ZIVI's exports of all products in calculating *ad valorem* subsidy rates. The two calculation changes have reduced the benefit conferred by the program for the period of review from 2.77 to 1.72 percent *ad valorem*.

As a result of our review, we determine that the aggregate net subsidy conferred on the export of certain scissors and shears from Brazil by the three programs during the period of review is 2.44 percent *ad valorem*. Accordingly, the Department will instruct the Customs Service to assess countervailing duties of 2.44 percent of the f.o.b. invoice price on all unliquidated entries of the merchandise exported on or after March 1, 1980 and on or before February 28, 1981.

Effective January 3, 1983, the Banco do Brasil increase its discount rate to 72 percent. In addition, the tax on financial transactions was reduced to 4.6 percent, effective January 11, 1983. As a result, the benchmark commercial interest rate is 76.6 percent, and the differential between the benchmark rate and the preferential rate is 32.6 percent. After adjusting for the errors in our calculations and the increased interest differential, we find the potential benefit under the preferential financing for exports program to be 6.47 percent, rather than the 7.15 percent reported in our preliminary results.

Therefore, as provided by section 751(a)(1) of the Tariff Act of 1930 ("the Tariff Act"), a cash deposit of estimated countervailing duties of 7.19 percent of the f.o.b. invoice price shall be required on all shipments of this merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. This deposit requirement shall remain in effect until publication of the final results of the next administrative review. The Department is now commencing the next administrative review of this order. The amount of countervailing duties to be imposed on exports made from March 1, 1981 through February 28, 1982 will be determined in that review.

The Department encourages interested parties to review the public record and submit applications for protective orders, if desired, as early as possible after the Department's receipt of the information in the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

Dated: April 19, 1983.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-11035 Filed 4-25-83; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Issuance of Permit; The Whale Museum

On March 21, 1983, Notice was published in the **Federal Register** (48 FR 11735), that an application had been filed with the National Marine Fisheries Service by The Whale Museum P.O. Box 945 Friday Harbor, Washington 98250, for a permit to import one (1) killer whale (*Orcinus orca*) skull for the purpose of scientific research.

Notice is hereby given that on April 20, 1983, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Scientific Research Permit for the above import to The Whale Museum subject to certain conditions set forth therein.

The Permit documentation relating to the Permit are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and

Regional Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Pt. Way, N.W. BIN C15700, Seattle, Washington 98115.

Dated: April 20, 1983.

R. B. Brumsted,

Acting Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 83-11040 Filed 4-25-83; 8:45 am]

BILLING CODE 3510-22-M

[Docket No.30418-58]

Foreign Fishing

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of intent to approve joint venture applications.

SUMMARY: NOAA intends to approve five applications for foreign vessels to receive U.S.-caught *Illex* squid in joint ventures. Some applications are not approved because the projected U.S. harvest of *Illex* squid is less than the total requested. This notice announces the criteria used to rank the applications, sets forth the procedures for appealing denied permits, and explains procedures to apply for permits in the *Loligo* squid fishery.

DATES: Permits will be issued May 6, 1983.

FOR FURTHER INFORMATION CONTACT: Allen E. Peterson, Jr., National Marine Fisheries Service, NOAA, 14 Elm Street, Federal Building, Gloucester, Massachusetts, 01930; 617-281-3200.

SUPPLEMENTARY INFORMATION:

Background

Applicants were received by the Secretary of State from seven foreign parties to receive U.S.-harvested *Illex* squid in joint ventures with U.S. fishermen during the 1983-84 fishing year. The total amount requested is 42,200 metric tons (mt). However, only 22,100 mt will be available (see rule-related notice published in this issue of the **Federal Register**). While NOAA considered the option of issuing all permits and allowing open competition for the resource, the NOAA Assistant Administrator for Fisheries (Assistant

Administrator) decided that for the current fishing year approved applicants should receive a specific share of the joint venture processing (JVP) capacity for the squid resource. Most applicants stated that a threshhold quantity was required before capital, time, and effort would be committed to begin the ventures.

Given these particulars, all applications for *Illex* squid were ranked, using the criteria listed below.

Criteria

The Assistant Administrator's deliverations were based upon 23 objective criteria, distributed among three broad categories (Table 1). These categories were: (A) Compliance with Regulations/Business Agreements; (B) Trade Barriers and Market Development; and (C) U.S. Benefits and Technology Transfer.

Table 1. Joint Venture Evaluation Criteria

A. Compliance with Regulations/ Business Agreements:

1. Total violations by country's fleet (Northwestern Atlantic).
2. Violations by vessels identified in joint ventures.
3. Settlement record.
4. U.S. partner's past performance.
5. Past performance and U.S. partner's satisfaction.

B. Trade Barriers and Market Development:

6. Existing tariff and/or non-tariff barriers.
7. Indication of change, i.e. lowering of tariffs.
8. Import quotas, history and trend.
9. Purchase of U.S. processed product (amount, form).
10. Knowledge of final destination of product.

C. Technology transfer and U.S. benefits:

11. Willingness to transfer technology.
12. Description of technology to be transferred.
13. Need for technology transfer.
14. Training opportunities.
15. Long term commitment to joint ventures.
16. Commitment of capital investment to U.S. partner by foreigh partner (to the extent known).
17. U.S. partner main participant in harvesting, processing, marketing.
18. U.S. partner main participant in harvesting/marketing; foreign partner main participant in processing.
19. U.S. partner main participant it harvesting/processing; foreign partner main participant in marketing.
20. U.S. partner harvests and sells over the side; foreign partner main participant in processing/marketing.
21. Compatible with U.S. management strategy.
22. Direct participation in U.S fishery development activities.
23. Amount of increased U.S. landings.

The Assistant Administrator completed a review of all of the applications for *Illex* squid, and ranked each according to these criteria. Five applications scored comparatively high, and three much lower. These three, from the USSR and Spain, are denied permits for the *Illex* squid fishery. The remaining five are awarded 85 percent of the amounts requested.

Foreign fishing permits which authorize each approved applicant to receive the quantity specified below will be issued about 10 days after publication of this notice. The permits will be valid for a 45-day period following the issue date and subject to reauthorization based on the performance of the permit holder during the 45-day period.

Table 2 lists applicants, and the amounts approved.

TABLE 2.—APPROVED AMOUNTS BY APPLICATION

Applicant	Approved amount of Illex
International Seafood Trading Corporation/Italy	5,950
Lund's Fisheries, Inc./Portugal	8,500
Scan Ocean/Portugal	4,250
Joint Trawlers, Ltd./Portugal	2,550
Lund's Fisheries, Inc./Japan	850
Sea Havest, Inc./Spain (2 applications)	None
Scan Ocean/USSR	None

Additional Illex

After review of performance of the joint ventures after successive 45-day periods, additional *Illex* may be available for the approved applicants, as well as for the denied applicants. If performance is satisfactory, the permit will be extended for an additional 45 days. Joint venture participants whose performance is unsatisfactory may not be reissued permits and the unused portion of the JVP initially awarded to that permittee may become available for reallocation.

Appeals

Applicants whose permits were denied or who claim they did not know about the cut-off date for submitting JV applications may petition for reconsideration.

Applicants have 10 days from the date of this Notice to request a hearing before the Assistant Administrator.

Loligo Joint Ventures

Applications for joint ventures in the *Loligo* fishery will continue to be received through May 6, 1983. If applications exceed the JVP, the Assistant Administrator will apply the same criteria used to score *Illex* squid applicants. Otherwise, all applicants may be awarded permits.

(16 U.S.C. 1801 *et seq.*)

Dated: April 21, 1983.

Carmen J. Blondin,

Acting Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

[FR Doc. 83-11057 Filed 4-25-83; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammals; Modification No. 7 to Permit No. 31; Dr. Robert Elsner

Notice is hereby given that pursuant to the provisions of § 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), Scientific Research Permit No. 31 issued to Dr. Robert Elsner, Institute of Marine Science, University of Alaska, Fairbanks, Alaska, on July 3, 1974, and subsequently modified is further modified to authorize an additional taking of harbor or spotted seals.

Accordingly, Section A.1 is deleted and replaced by:

A.1 Sixty five (65) harbor seals (*Phoca vitulina richardii* or *Phoca vitulina largha*) of either sex and any age.

This modification became effective on April 20, 1983.

The Permit as modified and documentation pertaining to the modification are available for review in the following Offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.

Regional Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1668, Juneau, Alaska 99802.

Dated: April 20, 1983.

R. B. Brumsted,

Acting Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 83-11069 Filed 4-25-83; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

Office of the Secretary

DOD Advisory Group on Electron Devices; Advisory Committee; Meeting

Working Group A (Mainly Microwave Devices) of the DoD Advisory Group on Electron Devices (AGED) will meet in closed session on 19 May 1983 at the AGED Secretariat Office, 1925 N. Lynn Street, Suite 1000, Arlington, VA 22209.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group A meeting will be limited to review of research and development programs which the military propose to initiate with industry, universities or in their laboratories. This microwave device area includes programs on developments and research related to microwave tubes, solid state microwave, electronic warfare devices, millimeter wave devices, and passive devices. The review will include classified programs details throughout.

In accordance with Section 10(d), of Pub. L. No. 92–463, as amended (5 U.S.C. App. 1 10(d) (1976)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly, this meeting will be closed to the public.

Dated: April 20, 1983.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 83-11020 Filed 4-25-83; 8:45 am]

BILLING CODE 3810-01-M

DOD Advisory Group on Electron Devices; Advisory Committee Meeting

Working Group D (Mainly Laser Devices) of the DoD Advisory Group on Electron Devices (AGED) will meet in closed session on 24–25 May 1983 at the AGED Secretariat Office, 1925 N. Lynn Street, Suite 1000, Arlington, VA 22209.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group D meeting will be limited to review of research and development programs which the military propose to initiate with industry, universities or in their laboratories. This laser area includes programs on developments and research related to low energy lasers for such applications as battlefield surveillance, target designation, ranging, communications, weapon guidance and data transmission. The review will include classified program details throughout.

In accordance with Section 10(d) of Pub. L. No. 92–463, as amended (5 U.S.C. App. 1 10(d) (1976)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly, this meeting will be closed to the public.

Dated: April 20, 1983.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 83-11021 Filed 4-25-83; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[ERA Docket No. 83–CERT–005]

Columbus Bituminous Concrete Corp.; Certification of Eligible Use of Natural Gas to Displace Fuel Oil

On March 4, 1983, Columbus Bituminous Concrete Corporation (CBCC), P.O. Box 366, 301 Frank Road, Columbus, Ohio 43216, filed with the Administrator of the Economic Regulatory Administration (ERA) pursuant to 10 CFR Part 595 an application for certification of an eligible use of approximately 157,000 Mcf per year of natural gas which is expected to displace the use of approximately 1,050,000 gallons (25,000 barrels) of No. 6 fuel oil (1.0 percent sulfur) per year at its asphalt production facilities in Columbus and Circleville, Ohio.

The eligible seller of the natural gas is Ohio Gas Marketing Corporation, 3933 Price Road, Newark, Ohio 43055. The gas will be transported by Columbia Gas Transmission Corporation, 1700 MacCorkle Avenue, S.E., Box 1273, Charleston, West Virginia 25325; and Columbia Gas of Ohio, Inc., 99 North Front Street, Columbus, Ohio 43215, a local distribution company.

Notice of that application was published in the **Federal Register** (48 FR 12118, March 23, 1983) and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication. No comments were received.

The ERA has carefully reviewed CBCC's application for certification in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that CBCC's application satisfies the criteria enumerated in 10 CFR Part 595 and, therefore, has granted the certification and transmitted that certification to the Federal Energy Regulatory Commission. More detailed information, including a copy of the application, transmittal letter, and the actual certification, is available for public inspection at the ERA Natural Gas Division Docket Room, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C. April 15, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-10960 Filed 4-25-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83–CERT–009]

The Gates Rubber Co.; Application for Certification of the Use of Natural Gas To Displace Fuel Oil

The Gates Rubber Company (GATES), 999 South Broadway, Denver, Colorado 80217, filed an application on March 21, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its rubber manufacturing facility in Denver, Colorado, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Natural Gas Division Docket Room, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, GATES indicates that the volume of natural gas for which it requests certification is approximately 1,480,000 Mcf per year. This volume is estimated to displace the use of approximately 7,410,000 gallons

(176, 428 barrels) of No. 6 fuel oil (less than 1.0 percent sulfur) and 1,650,000 gallons (39,285 barrels) of No. 2 fuel oil (less than 1.0 percent sulfur) per year.

The eligible seller is Williston Gas Company, 10701 Melody Drive, Northglenn, Colorado 80234. The gas will be transported by Montana-Dakota Utilities Company, 400 North 4th Street, Bismarck, North Dakota 58501; and Colorado Interstate Gas Company, Box 1087, Colorado Springs, Colorado 80944. The local distribution company will be Public Service Company of Colorado, 243 Lipan Street, Denver, Colorado 80223.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Natural Gas Division, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Attention: Paula A. Daigneault, within ten (10) calendar days of the date of publication of this notice in the **Federal Register.**

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to GATES and any person filing comments and will be published in the **Federal Register.**

Issued in Washington, D.C., on April 15, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83–10958 Filed 4–25–83; 8:45 am]

BILLING CODE 6450–01–M

[ERA Docket No. 83–CERT–008]

Long Island Lighting Co.; Application for Certification of the Use of Natural Gas To Displace Fuel Oil

Long Island Lighting Company (LILCO), 250 Old Country Road, Mineola, New York 11501, filed an application on March 15, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its E. F. Barrett Electric Plant in Island Park, New York, and its Glenwood Electric Plant in Glenwood Landing, New York, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Natural Gas Division Docket Room, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, LILCO indicates that the volume of natural gas for which it requests certification is approximately 2.0 billion cubic feet per year. This volume is estimated to displace the use of approximately 8,000 barrels of No. 2 fuel oil (0.30 percent sulfur) and 280,000 barrels of residual fuel oil (0.37 percent sulfur) per year at the E. F. Barrett Electric Plant. At the Glenwood Electric Plant, this volume will displace the use of approximately 37,000 barrels of residual fuel oil (0.37 percent sulfur) per year.

The eligible seller is New York State Electric and Gas Corporation, 4500 Vested Parkway, East Binghampton, New York 13902. The gas will be transported by Tennessee Gas Pipeline Company, Tenneco Building, P.O. Box 2511, Houston, Texas 77001.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Natural Gas Division, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20585, Attention: Paula A. Daigneault, within ten (10) calendar days of the date of publication of this notice in the **Federal Register.**

An opportunity to make an oral presentation of data, views and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper represenative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to LILCO and any person filing comments and will be published in the **Federal Register.**

Issued in Washington, D.C. on April 15, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83–10959 Filed 4–25–83; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

Florida Power and Light Co.; Refund Report

[Docket Nos. ER78–19–000, et al.]

April 19, 1983.

The filing Company submits the following:

Take notice that on April 8, 1983, Florida Power & Light Company submitted for filing a refund report in compliance with the Commission's letter order dated March 9, 1983 which accepted compliance rate and ordered refunds.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before May 5, 1983. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–11110 Filed 4–25–83; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. QF–225–000]

International Paper Co. (Mansfield Mill); Application for Commission Certification of Qualifying Status of a Cogeneration Facility

April 19, 1983.

On March 22, 1983, International Paper Co., (Applicant), of 77 West 45th Street, New York, New York, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying facility pursuant to 292.207 of the Commission's rules.

The topping-cycle cogeneration facility is located in Mansfield, Louisiana. The primary energy sources are biomass in the forms of wood and spent pulping liquor. The electric power production capacity of the facility will be 80 megawatts. Electricity is generated

in three turbine/generators with steam fed through a common header produced in four boilers. Natural gas will be used only in igniters for start-up purposes. Installation of the facility will begin on July 9, 1979. Applicant states that no electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rule 211 or 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed within 30 days after the publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-11111 Filed 4-25-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-181-000]

John P. Barr; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

April 19, 1983.

On March 11, 1983, John P. Barr (Applicant) of 1030 W. New York Street, Aurora, Illinois 60506, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's rules.

The topping-cycle cogeneration facility will consist of a reciprocating engine and an induction generator. The facility will be located at Applicant's address. The primary energy source is natural gas. The power production capacity of the facility will be 15.6 kilowatts. Installation of the facility was completed October 15, 1982. Applicant states that no electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-11112 Filed 4-25-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-247-000]

Mammoth Binary Power Co.; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

April 19, 1983.

On April 4, 1983, Mammoth Binary Power Company, (Applicant), 1025 Spring Meadow Drive, West Covina, California 91791, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The facility will be located in Mono County, California. The primary energy source to the facility will be a liquid-dominated geothermal resource supplied from production wells on adjacent lands. No natural gas, oil or coal will be used in the facility. The electric power production capacity of the facility will be 7 megawatts. There are no other geothermal-powered small power production facilities owned by Applicant and located within one mile of the facility. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-11113 Filed 4-25-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP74-260-006 and CP75-269-005]

Natural Gas Pipeline Company of America; Petition to Amend

April 20, 1983.

Take notice that on March 18, 1983, Natural Gas Pipeline Company of America (Petitioner), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket Nos. CP74-260-006 and CP75-269-005 a petition to amend further the orders issued July 18, 1975,[1] in Docket No. CP74-260 and August 29, 1975,[1] in Docket No. CP75-269 pursuant to Section 7(c) of the Natural Gas Act so as to authorize an increase in the quantity of natural gas per day which Petitioner is authorized to sell to certain of its existing winter service customers under Rate Schedules WS-1 and WS-2, all as more fully set forth in the petition to amend, which is on file with the Commission and open to public inspection.

Petitioner states that under terms of the existing agreements Petitioner's participating customers are entitled to receive winter service based on the highest sustainable 100,000 Mcf per day increment in deliverability from the Shell Oil Company (Shell) reserves as such increments become available. Deliverability from the Shell reserves is projected to permit Petitioner to deliver 21,000,000 Mcf of gas in the 1983-84 winter period and 18,400,000 Mcf in the 1984-85 winter period to its participating customers.

Petitioner states that it has offered to all of its winter service customers daily quantities for the 1983-84 and 1984-85 winter periods equal to 191,000 Mcf per day. It is asserted that due to the prevailing economic climate and continued conservation by end users five of these customers have elected to participate in the winter service program for the next two winter periods. It is stated that of the five customers desiring

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

this service, Illinois Power Company (Illinois Power), Interstate Power Company (Interstate) and the City of Perryville, Missouri (Perryville), desire an increase in their respective daily winter service quantities. It is submitted that Interstate and Perryville have indicated a desire to continue to have their daily quantities delivered over 120 days while Illinois Power desires its daily quantities for only 10 of the 120 days available. Petitioner states that of its remaining twenty-one customers two have elected to decrease their daily service and nineteen have elected not to participate in Petitioner's winter service for the next two winter periods. Such customers have no objection to Petitioner's providing this service to those customers electing an increase in their daily winter service quantity, it is asserted.

Petitioner projects that this additional service would commence December 1, 1983, and that approval of such additional service would allow the three electing customers to receive an additional 94,580 Mcf of natural gas supply for each of the next two winter periods.

Petitioner states that the additional service would have no impact on currently certificated winter service customers or on the ability of Petitioner to deliver current entitlement volumes to all of its customers.

Petitioner proposes to render service to the three electing customers as follows:

Company	Proposed winter service quantities (1,000 ft³ at 1,000 Btu/cubic foot)	
	Daily	Season total
100-Day Service		
Rate Schedule WS-1: Illinois Power Co.	7,888	788,800
120-Day Service		
Rate Schedule WS-2: Interstate Power Co.	1,855	222,600
Perryville, Mo., city of	200	24,000
Total	9,943	1,035,400

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before May 11, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-11105 Filed 4-25-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-250-000]

Northwest Pipeline Corp.; Request Under Blanket Authorization

April 20, 1983.

Take notice that on March 24, 1983, Northwest Pipeline Corporation (Northwest), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP83-250-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that Northwest proposes to construct and operate certain facilities to be used for the sale and delivery of natural gas to Cascade Natural Gas Company (Cascade), an existing customer of Northwest, and to abandon certain facilities, all as more fully set forth in the request on file with the Commission and open to public inspection.

Northwest proposes to abandon two existing 4-inch taps and any meter facilities and replace such taps with one 8-inch tap and any necessary measuring and any appurtenant facilities. Such replacement, it is asserted, would increase deliverability at the existing Anacortes-Sedro-Woolley delivery point in Skagit County, Washington.

Northwest asserts that the additional volumes of natural gas to be sold to Cascade would be within the certificated volumes of natural gas which Northwest has heretofore been authorized to sell and deliver to Cascade. Northwest further asserts that no increase in the total daily contract demand which Northwest is authorized to sell and deliver is proposed nor would any such increase result from the proposed service.

Northwest states that the additional volumes required by Cascade through the Anacortes-Sedro-Woolley delivery point would provide for as interruptible service load to Puget Sound Power and Light Company (Puget), it is stated, would use the gas for peakload cogeneration in two single-cycle combustion turbine generators. Northwest further states that Cascade has agreed to reimburse Northwest for all out-of-pocket costs associated with the additional facilities which is estimated to be $97,500.

It is asserted that Puget would require an additional deliverability of 600,000 therms equivalent per day which would be purchased under Northwest's Rates Schedule ODL-1 to the extent possible. It is stated that if ODL-1 volumes are not available, with Cascade's existing ODL-1 contract demand, that Cascade proposes to utilize Northwest's Rate Schedule IOS-1 in providing the necessary volumes to Puget.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 20 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-11106 Filed 4-25-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-216-000]

Or-Sol Inc.—Danby; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

April 20, 1983.

On March 11, 1983, Or-Sol Inc., c/o Ormat Engineering Inc., 1900 Washington Boulevard, Seattle, Washington 98101, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The facility will be a solar pond power plant located at the Danby Dry Lake in San Bernardino, California. The new power production capacity of the facility will be 20 MW. The primary energy source of the facility will be solar insolation, with approximately 10 percent of energy input being fuel oil. No other solar-powered small power

production facilities owned by Or-Sol Inc. will be located within one mile of the facility. No electric utility, holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-11107 Filed 4-25-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-457-000]

Public Service Company of New Mexico; Filing

April 19, 1983.

The filing Company submits the following:

Take notice that Public Service Company of New Mexico (PNM), on April 11, 1983, tendered for filing a Letter Agreement for banked energy for transactions between PNM and San Diego Gas & Electric Company (SDG&E). (Supplement to Rate Schedule FERC No. 39).

PNM states that the service to be provided hereunder is for delivery of banked energy at a rate of 35 Mw each hour. Rates for the service provided is $0.030 per kWh, plus applicable taxes.

PNM requests an effective date of May 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing were served upon the San Diego Gas & Electric Company and the New Mexico Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before May 4, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary

[FR Doc. 83-11114 Filed 4-25-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. HB55-74-1-001]

Puget Sound Power & Light Co.; Order Providing for Hearing

Issued: April 19, 1983.

By order of November 5, 1982, the Commission staff issued a proposed determination of headwater benefits payments in the White River Basin. The November 5 order directed the Puget Sound Power & Light Company ("Puget") to pay to the United States, pursuant to Section 10(f) of the Federal Power Act, 16 U.S.C. 803(f), $396,867 for energy benefits provided to Puget's White River Project by the operation of the United States Corps of Engineers Mud Mountain Project for the years 1942 through 1981, plus $51,400 for the costs of investigation.

On January 4, 1983, Puget paid the entire amount of the assessment under protest in accordance with § 11.31(d) of our regulations, 18 CFR 11.31(d) (1982), and concurrently filed a protest and a request for hearing. By this order we grant Puget's request for hearing.

Discussion

A headwater improvement can benefit the energy production of a downstream project by accumulating storage water at high water times and making it available during times of reduced river flow. Section 10(f) authorizes the Commission to investigate such situations and require reimbursement to be made to the United States by a downstream beneficiary for such part of the annual charges for interest, maintenance, and depreciation of the Federal project as the Commission may deem equitable.

1. *Alleged Detriments.* Puget does not deny that it has received energy gains at its downstream plant from the operation of the Mud Mountain Dam. Puget nevertheless alleges that its headwater benefit payments should be eliminated, or at least greatly reduced, on account of the alleged detriments to its project caused by the operation of the Mud Mountain Dam. The alleged detriments are caused by increased sedimentation which creates: (1) energy losses on account of more frequent project shutdowns; and (2) higher operational costs.

The Army Corps of Engineers completed Mud Mountain Dam in 1950 for flood control purposes, and they operate it to eliminate nearly all peak discharges in favor of more consistent and more moderate discharges.[1] Puget alleges that operating Mud Mountain Dam to eliminate peak flows causes huge quantities of sediment, which used to bypass Puget's off channel project during times of peak flows, to enter the project area. Thus the alleged increased sediment load causes more frequent plant shutdowns and also increases the cost of sediment removal. Puget argues that it should receive offsets for both types of detriments in calculating headwater benefit payments.

a. *Energy Detriments.* We agree with Puget that an offset might be necessary if the operation of Mud Mountain Dam results in not only energy gains but also countervailing energy losses for Puget's downstream project. We are therefore providing for a hearing to determine if the operation of Mud Mountain Dam has caused more frequent shutdowns, and thus energy losses, due to increased sedimentation.

b. *Cost Detriments.* Puget alleges that with Mud Mountain Dam in operation its White River Project experiences 2½ times more sediment than it would have had otherwise. Moreover, it alleges that the expenses of removing this sediment has increased dramatically in recent years due to more restrictive environmental protection procedures.

Puget's allegations, without more, are not worthy of an offset in payments. Our authority under Section 10(f) is limited to calculating energy gains enjoyed by non-Federal entities. A Section 10(f) proceeding is not the forum to litigate claims for damages caused by an upstream Federal project. Similarly, any equities favoring a downstream poject do not enter into the calculation of statutory benefits. *See South Carolina Electric & Gas Company* v. *Federal Power Commission,* 338 F. 2d 896, 903 (4th Cir. 1964).

We may take into consideration a

[1] This regulation results in the energy gains calculated by the staff.

related claim, however. Staff's report accounted for the increased cost of sediment removal in its calculation of the value of the energy gains received. The increased costs of producing energy at the White River Project were compared to the costs of alternative energy sources. Puget argues that staff did not go far enough, claiming that the staff should have considered the incremental cost of the energy benefits and not the average cost of all energy produced. Without commenting on the merits of Puget's claim, we shall not bar them from raising this question in the hearing scheduled by this order.

2. *Allocation of Costs Between Power and Flood Control.* Puget also challenged the staff's allocation of Mud Mountain Project's costs between power and flood control. This factual dispute affects the "equitable portion" of the annual charges to be reimbursed by Puget. Therefore we also set this matter for hearing.

The Commission Orders

(A) Pursuant to the provisions of the Federal Power Act, the Commission's Rules of Practice and Procedure and other applicable regulations, a hearing, limited to the following factual issues, shall be held at the Commission's offices, 825 North Capitol Street, NE., Washington, D.C.:

(1) Whether energy losses are sustained by Puget's White River Project due to the operation of the Mud Mountain Dam; and

(2) Whether the staff employed the proper allocation of Mud Mountain Project costs between power and flood control.

(B) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge, shall preside at the hearing in this proceeding. A prehearing conference shall be convened within 90 days of the issuance date of this order.

(C) The Presiding Judge's recommended decision in this proceeding shall include an updated tabulation of the Commission's costs of investigation, including any costs of litigation.

(D) The Secretary shall cause prompt publication of this order in the **Federal Register**.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-11108 Filed 4-25-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-245-000]

Texaco U.S.A.; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

April 19, 1983.

On April 4, 1983, Texaco U.S.A., (Applicant) P.O. Box 98, Westville, New Jersey 08093, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The facility is located at Texaco's Eagle Point Plant in West Deptford Township, Gloucester County, New Jersey. The electric power production capacity of the facility is 23,500 kilowatts from three steam turbine generators. The primary energy source is waste in the form of refinery waste gas. Natural gas and fuel oil contribute approximately 15 percent of the energy input to the facility. No other waste-fueled small power production facility owned by Applicant is located within one mile of the facility. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest wih the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-11115 Filed 4-25-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-456-000]

Texas-New Mexico Power Co.; Filing

April 19, 1983.

The filing Company submits the following:

Take notice that the Texas-New Mexico Power Company (the Company) on April 8, 1983, tendered for filing a proposed Excess Power Service rate schedule. The Company states that the purpose of the rate schedule is to enable the Company to make off-system sales of capacity and/or energy out of the excess capacity and energy available to the Company under firm power contracts with its power supplies in its New Mexico Division. The reason that the Company has such excess power supply in its New Mexico Division is that the Company has experienced a substantial drop in its industrial sales.

The Company proposes an effective date of June 7, 1983 in compliance with the Commission's notice requirements. However, the Company requests a waiver of the notice requirements in order that an effective date be permitted at the earliest possible date prior to June 7, 1983.

Copies of the filing were served upon the New Mexico Public Service Commission, Public Utility Commission of Texas, and the Company's power suppliers to the New Mexico Division.

Any person desiring to be heard or to protest said application should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motion or protests should be filed on or before May 4, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-11116 Filed 4-25-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-222-000]

Tosco Corp.; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

April 19, 1983

On March 18, 1983, Tosco Corporation, 10100 Santa Monica Blvd., Los Angeles, California 90067, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's rules.

The topping-cycle cogeneration facility will be located in Martinez Contra County, California at the Tosco

Corporation refinery. It will consist of two gas turbine generators, two waste heat recovery steam boilers and a single steam turbine generator along with associated support systems. The net power production capacity of the facility will be 83.5 megawatts. The primary energy source will be refinery byproduct gas or natural gas. Installation will begin in the second half of 1983. No electric utility, electric utility holding comapny or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-11117 Filed 4-25-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP75-302-004]

Tennessee Gas Pipeline Company, a Division of Tenneco Inc., Respondent; Application

April 20, 1983.

Take notice that on March 21, 1983, the Town of Elizabeth, Louisiana (Applicant), Elizabeth, Louisiana 70638, filed in Docket No. CP75-302-004 an application pursuant to Section 7(a) of the Natural Gas Act for an order making permanent the temporary authority previously granted by the Federal Power Commission (FPC) in Docket No. CP75-302, directing Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), to sell and deliver to Applicant a maximum quantity of natural gas of up to 500 Mcf per day and 50,000 Mcf per year, and further, Applicant requests waiver of the in-kind payback obligation, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is submitted that by order of the FPC issued September 3, 1975, in Docket No. CP75-302 Tennessee was directed to provide emergency gas service to Applicant for a period of one year, subsequently extended by orders of the FPC issued September 3, 1976, and March 4, 1977, in Docket No. CP75-302. It is further submitted that the order issued March 4, 1977, extended the term until Commission action on applications for rehearing filed by Elizabeth and the State of Louisiana in Docket No. CP77-234, *United Gas Pipe Line Company* (United). Applicant states that it requested deferral of Commission action on the applications for rehearing by letter dated December 3, 1981.

Applicant states that it is a municipality harboring approximately 500 inhabitants and that it provides natural gas service to 136 private residences, 22 small public and commercial establishments, and 4 small agricultural users, for use in heating, cooking, irrigation, and crop drying. It is submitted that Applicant's maximum requirements for the next three years would not exceed 500 Mcf per day and 50,000 Mcf per year.

Applicant submits that its efforts to obtain alternative gas supplies have failed for reasons beyond its control. Applicant states that United's application in Docket No. CP77-234 for authorization to transport state royalty gas was foreclosed by the FPC's assertion in the order issued March 4, 1977, of jurisdiction over the sale of gas, an assertion submitted to have been unacceptable to intrastate sellers. A second alternative supply, Applicant submits, involved sales by intrastate pipelines to have been transported by Tennessee and United under the Natural Gas Policy Act of 1978. Applicant explains that an essential element of the transaction was Boise Southern Company's (Boise Southern) industrial purchase, the proceeds of which would be used to finance improvements needed to connect and distribute the gas. It is explained that this arrangement was precluded by the closure of Boise Southern's plant announced in November 1981.

It is asserted that waiver of the payback obligation is appropriate because of changed circumstances of gas supply and Tennessee curtailment. Applicant further asserts that the payback obligation would impose an unreasonably harsh burden inasmuch as 615,783 Mcf of gas were purchased by January 1983.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 20, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211) and the Regulations under the Natural Gas Act (18 CFR 156.9). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-11109 Filed 4-25-83; 8:45 am]

BILLING CODE 6717-01-M

Office of the Secretary

Voluntary Agreement and Plan of Action To Implement the International Energy Program; Meeting

In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (42 U.S.C. 6272), the following meeting notice is provided:

A meeting of the Industry Supply Advisory Group to the International Energy Agency (IEA) will be held from May 5 until about May 31, 1983, at the offices of the IEA, 2 Rue Andre Pascal, Paris 16, France, beginning at 9:00 a.m. on May 5. This meeting is being held inconjunction with the conduct of the Fourth IEA Allocation Systems Test, and that test is the agenda of the meeting.

As provided in section 252(C)(1)(A)(ii) of the Energy Policy and Conservation Act, this meeting will not be open to the public.

Issued in Washington, D.C, April 20, 1983.

Craig S. Bamberger,

Assistant General Counsel, International Trade and Emergency Preparedness.

[FR Doc. 83-11024 Filed 4-25-83; 8:45 am]

BILLING CODE 6450-01-M

National Petroleum Council Subcommittee on Enhanced Oil Recovery; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following neeting:

Name: National Petroleum Council Subcommittee On Enhanced Oil Recovery.

Date and Time: Wednesday, May 19, 1983—4:00 p.m.

Place: The Madison Hotel, Executive Chambers I and II, 15th and M Streets NW., Washington, D.C.

Contact: Gerald J. Parker, U.S. Department of Energy, Office of Oil, Gas and Shale Technology, Mail Stop D–122, GTN, Washington, D.C. 20545, Telephone: 301–353–3032.

Purpose of National Petroleum Council: To provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and gas or the oil and gas industries.

Tentative Agenda:

—Review and discuss study scope and organization in response to the Secretary of Energy's request to update the National Petroleum Council's 1976 Enhanced Oil Recovery report
—Review and discuss progress of the Coordinating Subcommittee and Task Groups
—Review and discuss study schedule and final report format
—Discuss any other matters pertinent to the overall assignment from the Secretary
—Public comment (10 minute rule)

Public Participation: The meeting is open to the public. The Chairperson of the Subcommittee is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Subcommittee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Gerald J. Parker at the address or telephone number listed above. Requests must be received at least 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda.

Transcripts: Available for public review and copying at the Public Reading Room, Room 1E–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC, between 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC on April 21, 1983.

Howard H. Raiken,

Deputy Advisory Committee Management Officer.

[FR Doc. 83–11025 Filed 4–26–83; 8:45 am]

BILLING CODE 6450–01–M

Public Hearings on Proposed Nomination of Sites in Salt Deposits for Detailed Site Characterization, Recommendations on Issues to be Addressed in the Environmental Assessments and Site Characterization Plans

AGENCY: Department of Energy.

ACTION: Notice of public hearing and solicitation of comments.

SUMMARY: The U.S. Department of Energy has identified one or more potentially acceptable sites, in salt deposits in Deaf Smith and Swisher counties in the Texas Panhandle, for a high-level radioactive waste repository and now announces public hearings on the proposed nomination of these sites for site characterization studies pursuant to Section 113 of the Nuclear Waste Policy Act of 1982 (Pub. L. 97–425). The U.S. Department of Energy announced identical hearings in the April 13 Federal Register for the other salt sites previously identified as potentially acceptable. These sites are: The Richton and Cypress Creek salt domes in Mississippi, the Vacherie salt dome in Louisiana, and sites in Davis and Lavender Canyons in southeastern Utah. The Department has decided to propose for nomination and conduct pre-nomination hearings in the vicinity of *all* sites previously identified as potentially acceptable in order to provide maximum opportunity for public comments to influence the nomination process. A site in basalt in Washington, and tuff in Nevada have already been proposed for nomination. The basis for the final nomination of any site will be documented in an Environmental Assessment. The EA will reflect the prenomination hearing comments and include an evaluation as to whether the site is suitable for site characterization under the final siting guidelines. The Department intends to nominate at least five sites and subsequently to recommend three of the nominated sites to the President in the fall of 1983. A Site Characterization Plan will be developed if a site is approved by the President as a candidate site. A major objective of the site characterization activity will be the acquisition of geologic information necessary for the evaluation of the suitability of the sites for a repository. Site characterization activities at all candidate sites must be completed within the next four years to support a Departmental recommendation to the President and subsequent Presidential recommendation of a site for a repository to the Congress by March 31, 1987. This notice establishes the hearing dates and locations, and a public comment period to solicit: (1) Comments on the proposed nominations, (2) issues to be included in Environmental Assessments supporting the nomination of each site, and (3) issues to be addressed in the Site Characterization Plan.

DATES AND ADDRESSES: The Hearings are scheduled for:

1. May 16, 1983, 7:00 pm to 11:00 pm, Hereford High School, Hereford, Texas;
2. May 17, 1983, 7:00 pm to 11:00 pm, Tulia High School, Tulia, Texas;
3. May 18, 1983, 2:00 pm to 8:00 pm, Best Western Villa Capri, 2400 North Interstate Highway 35, Austin, Texas.

Written request to schedule time for oral presentation are due by five calendar days before the hearing in question. Written comments on issues being addressed in the hearing are due by May 25, 1983.

FOR FURTHER INFORMATION CONTRACT: For requests to speak at the hearing, and for further information contact: J. O. Neff, U.S. Department of Energy, NWTS Program Office, 505 King Avenue, Columbus, Ohio 43201, telephone: (614) 424–5916.

Written comments should be submitted to: J. O. Neff, U.S. Department of Energy, NWTS Program Office, 505 King Avenue, Columbus, Ohio 43201, telephone: (614) 424–5916.

SUPPLEMENTARY INFORMATION:

Public Hearings

Hearing will be conducted by the Department of Energy in Hereford, Texas, on May 16, 1983, Tulia, Texas on May 17, 1983, and Austin, Texas on May 18, 1983. The purpose of these hearings is to inform the public of the activities and considerations that led to these proposed nominations and to receive comments. To support site nominations, the Department of Energy will develop Environmental Assessments that address site characterization activities. Pub. L. 97–425, Section 112(b)(1)(E), identifies issues that must be addressed by the Environmental Assessment.[1] An additional purpose of the Hearings is to solicit and receive recommendations with respect to specific issues that should be addressed in the aforementioned Environmental Assessment and also specific issues that should be addressed in any Site Characterization Plan which would subsequently be issued, if and when the location is approved by the President as a candidate site for site characterization. Also, the Department intends to provide the public and the States an opportunity to review and comment on a draft of the Environmental Assessments prior to their being finalized to support the site nominations.

Presentations

Parties interested in providing oral presentations at the Hearing may request time not to exceed ten minutes for the purpose of delivering that presentation. A type-written copy of the presentation is requested and should be delivered to the presiding officer before being presented at the Hearing. Requests for scheduled presentation

[1] Pursuant to Section 112a, proposed general guidelines for the recommendation of sites for repositories were published in the **Federal Register** on February 7, 1983 (48 FR 5670).

must be written and mailed or delivered so as to be received at the address noted above no later than five calendar days before the hearing in question. A person scheduled to appear at the hearing will be notified by DOE of his or her participation. Requests to speak should include a telephone number where the person can be reached up to the day of the hearing.

Individuals who do not make advance requests to speak at the Hearing may register to speak with the presiding officer prior to the start of the Hearing. An opportunity to speak will be provided to these individuals if time permits. However, time for these unscheduled presentations will be limited, depending on the number of requests received and time available.

Written Comments

Parties may also submit written comments on the proposed Nomination; the issues to be addressed in the Environmental Assessment; and the issues to be addressed in any Site Characterization Plan. These comments will be added to the Hearing transcript and constitute the official Department record of the Hearing. Written comments should be mailed to reach the address noted above by May 25, 1983.

Conduct of Hearing

DOE reserves the right to arrange the schedule of presentations to be heard and to establish additional procedures governing the conduct of the Hearing. Questions may be asked only by those conducting the Hearing. Cross examination of persons presenting statements will not be permitted. Any further procedural rules needed for the proper conduct of the Hearing will be announced by the presiding officer.

Transcripts of the Hearing will be made, and the entire record of the Hearing, including the transcripts, will be retained by DOE and made available for inspection at public libraries in the vicinity of the proposed site, at the public document room DOE Public Reading Room, Room 1E–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, D.C. 20585. Any person may purchase a copy of the transcript of the Hearing from the reporter so identified by the presiding officer.

Additional copies of the complete transcripts will also be available at the public document centers noted below.

Albuquerque Operations Office, National Atomic Museum, Kirkland Air Force Base East, Albuquerque, New Mexico;

Idaho Operations Office, 550 Second Street, Idaho Falls, Idaho;

Nevada Operations Office, 2753 South Highland Drive, Las Vegas, Nevada;

Oak Ridge Operations Office, Federal Building, Oak Ridge, Tennessee;

Richland Operations Office, Federal Building, Richland, Washington;

San Francisco Operations Office, Wells Fargo Building, 1333 Broadway, Oakland, California;

Savannah River Operations Office, Savannah River Plant, Aiken, South Carolina.

For the Department of Energy April 20, 1983.

Donald Paul Hodel,

Under Secretary.

[FR Doc. 83-11061 Filed 4-25-83; 8:45 am]

BILLING CODE 6450-01-M

Western Area Power Administration

Central Valley Project, California; Rate Order

AGENCY: Wester Area Power Administration, DOE.

ACTION: Notice of a rate order—central vally project, California.

SUMMARY: Notice is given of Rate Order No. WAPA–17 of the Assistant Secretary for Conservation and Renewable Energy (Assistant Secretary) for placing increased power rates into effect on an interim basis for the Central Valley Project (CVP) power marketed by the Western Area Power Administration (Western).

The rate adjustment would increase average annual revenues from firm power sales to meet the allowable time periods for repayment of the various power costs.

New rates for the CVP wholesale firm power rate consist of a capacity charge of $3.75 per kW per month and an energy charge with periodic stairstep increases. The effective dates and applicable charges are shown below.

Date effective	Capacity charge (kilowatts per month)	Energy charge (mills per kilowatt hour)	Estimated average composite rate (mills per kilowatt hour)
5–25–83	$3.75	8.53	16.89
10–1–83	3.75	13.74	21.98
10–1–84	3.75	18.95	27.18
11–1–85	3.75	27.97	36.16
10–1–86	3.75	31.44	39.63

Future events, such as a change in the hydrologic conditions, may require a change in the effective dates of the final two steps of the proposed rate. Therefore, upon at least 6-months notice to the CVP customers in advance of the announced effective dates, the effective dates of either or both of the final two steps can be adjusted in 3-month increments. This adjustment can either advance or delay the announced dates of the final two steps.

The estimated average wholesale composite firm power rate, expected to yield 39.63 mills per kWh beginning October 1, 1986, and thereafter, is an increase of 29.87 mills per kWh over the existing composite rate of 9.76 mills per kWh.

New rates of $.35 per kW per month for firm transmission and 1 mill per kWh for nonfirm transmission are also being adopted for customers transmitting non-CVP power over the CVP transmission system. There is no existing CVP wheeling rate.

The rate order also contains discussion of the principal factors leading to the decisions on the rate increase and responses to the major comments, criticisms, and alternatives offered during the rate adjustment proceedings.

EFFECTIVE DATE: The new rates will become effective on May 25, 1983, and will be applicable on the first full billing period thereafter, in accordance with 10 CFR 903.21(c).

FOR FURTHER INFORMATION CONTACT:

Mr. David G. Coleman, Area Manager, Sacramento Area Office, Western Area Power Administration, 2800 Cottage Way, Sacramento, CA 95825; (916) 484–4251;

Mr. Conrad K. Miller, Chief, Rates and Statistics Branch, Western Area Power Administration, P.O. Box 3402, Golden, CO 80401; (303) 231–1535; or

Mr. John DiNucci, Office of Power Marketing Coordination, Department of Energy, CE–91, Federal Building, Washington, DC 20461; (202) 633–8336.

SUPPLEMENTARY INFORMATION: Pursuant to section 302(a) of the Department of Energy (DOE) Organization Act, 42 U.S.C. 7152(a), the power marketing functions of the Secretary of the Interior under the Reclamation Act of 1902, 43 U.S.C. 372 et seq., as amended and supplemented by subsequent enactments, particularly by section 9(c) of the Reclamation Act of 1939, 43 U.S.C. 458h(c), and acts specifically applicable to the CVP for the Bureau of Reclamation (Bureau), were transferred to and vested in the Secretary of Energy. By Delegation Order No. 0204–33, effective January 1, 1979 (43 FR 60636, December 28, 1978), last amended March 19, 1981 (46 FR 25426, May 7, 1981), the Secretary of Energy delegated to the Assistant Secretary the authority to develop power and transmission rates

acting by and through the Administrator of Western and to confirm, approve, and place in effect such rates on an interim basis.

Also, the Federal Energy Regulatory Commission (FERC) was delegated the authority to confirm and approve on a final basis or to disapprove rates developed by the Assistant Secretary. This rate order is issued pursuant to the delegation to the Assistant Secretary and the rate adjustment procedures at 10 CFR Part 903.

Public proceedings on the rate adjustment were initiated on January 19, 1982, with an informal public information meeting to announce the need for and adjustment in the CVP power rates, to establish a tentative time schedule for the rate adjustment, and to inform the CVP customers and interested parties on various power marketing activities that could have an impact on the rate adjustment. The informal comment meeting held on February 24, 1982, provided interested parties an opportunity to express their views on various items that relate to this rate adjustment.

The June 25, 1982, **Federal Register** notice at 47 FR 27602 initiated the 90-day customer consultation and comment period for the proposed CVP rate adjustment; announced the first formal public information forum, which was held on July 13, 1982; and announced the first public comment forum, which was held on August 17, 1982. The CVP revenue requirements and three alternative firm power rate structures that could be used to recover the required revenues were addressed at the information forum and detailed in the **Federal Register** notice. The proposed rates for CVP transmission service were also discussed. At the formal public comment forum, interested persons were provided an opportunity to present their views, data, and arguments regarding the proposed rates.

A notice published at 47 FR 39717 (September 9, 1982), amended the proposed rate for transmission service, provided for a combined public information and comment forum held on October 26, 1982, and extended the consultation and comment period until November 15, 1982. A third notice, published at 47 FR 44425 (October 7, 1982), announced the selection of the rate structure alternative consisting of a uniform rate with periodic energy charge stairsteps for sale of CVP firm power. The proposed rates were also announced.

A combined public information and comment forum was held on October 26, 1982, with Western representatives announcing the proposed rates and the changes that had been made in the development of the proposed rates since June 25, 1982. Interested persons then had an opportunity to comment on the proposed rates. The consultation and comment period closed on November 15, 1982.

Therefore, Rate Order No. WAPA-17 confirming and approving increased power rates on an interim basis is hereby issued. The rates will be promptly submitted to the FERC as Provisional Rates, and as Substitute Rates pursuant ot the ruling in the FERC docket No. EF80-5011, for confirmation and approval on a final basis.

Issued in Washington, DC, April 19, 1983.

Joseph J. Tribble,

Assistant Secretary, Conservation and Renewable Energy.

[Rate Order No. WAPA-17]

Order Confirming, Approving, and Placing Power and Transmission Rates in Effect on an Interim Basis

April 19, 1983.

In the matter of Western Area Power Administration—Central Valley Project Power Rates.

Pursuant to section 302(a) of the Department of Energy (DOE) Organization Act, 42 U.S.C. 7152(a), the power marketing functions of the Secretary of the Interior under the Reclamation Act of 1902, 43 U.S.C. 372 et seq., as amended and supplemented by subsequent enactments, particularly by section 9(c) of the Reclamation Act of 1939, 43 U.S.C. 485h(c), and acts specifically applicable to the Central Valley Project (CVP) for the Bureau of Reclamation (Bureau), were transferred to and vested in the Secretary of Energy. By Delegation Order No. 0204-33, effective January 1, 1979 (43 FR 60603, December 28, 1978), last amended March 19, 1981 (46 FR 25426, May 7, 1981), the Secretary of Energy delegated to the Assistant Secretary for Conservation and Renewable Energy (Assistant Secretary) the authority to develop power and transmission rates acting by and through the Administrator of the Western Area Power Admninistration (Western) and to confirm, approve, and place in effect such rates on an interim basis. Also, the Federal Energy Regulatory Commission (FERC) was delegated the authority to confirm and approve on a final basis or to disapprove rates developed by the Assistant Secretary. This rate order is issued pursuant to the delegation to the Assistant Secretary and the rate adjustment procedures at CFR Part 903.

Background

Existing and New Rates

The first CVP rate increase was promulgated in November 1973 to be effective April 1, 1974. Those rates were set aside by a district court because of inadequate public procedures. After new public procedures were developed and followed, interim rates were placed in effect on May 25, 1978, by the Economic Regulatory Administration (ERA). The rates were initially proposed as two-step rates, with the first step to be effective for 1 year and the second, higher, step to be effective thereunder. However, the ERA only approved the first step for 1 year. The effective period for the first step was extended for 5 months by the Assistant Secretary for Resource Applications, who at that time had the authority to approve rates on an interim basis. When the 5-month extension expired, those interim rates were superseded by the current rates. The Assistant Secretary for Resource Applications approved the current rates effective on an interim basis for 1 year beginning November 1, 1979, and submitted them to the FERC for final confirmation and approval. The effective period for the rates was subsequently extended for an additional year beginning November 1, 1980.

The Assistant Secretary extended the rate for a second 1-year period beginning Novmber 1, 1981, and, by order of September 27, 1982, confirmed and approved on an interim basis, effective November 1, 1982, a third extension of the existing rates. The current extension provides that the rates remain in effect until the FERC confirms and approves them or substitute rates on a final basis or until they are superseded.

The FERC set a docket and allowed interested parties to intervene in the rate proceeding. Pacific Gas and Electric Company (PGandE), Sacramento Municipal Utility District (SMUD), Northern California Power Agency (NCPA), the city of Santa Clara, certain former load growth customers, and certain irrigation districts intervened.

By order dated May 4, 1982, the FERC disapproved the rates and requested Western and the Assistant Secretary to file substitute rates within 120 days. The rates were disapproved because the FERC alleged that the rates failed to recover certain costs which were required to be recovered under reclamation law and DOE regulations. Since the FERC disapproved the rates as being too low, the rates remained in effect pending implementation of new rates. On June 3, 1982, Western and the

Assistant Secretary petitioned the FERC for a rehearing, arguing that the rates were in fact adequate under the law. On the same day, Western and the Assistant Secretary filed a motion with the FERC for an extension of time to file substitute rates. By order issued July 2, 1982, the FERC denied the petition for rehearing and denied without prejudice the motion for extension of time to file substitute rates. In response, on August 9, 1982, Western and the Assistant Secretary again filed a motion for an extension of time to file substitute rates. Western and the Assistant Secretary requested the FERC to grant an extension to May 31, 1983, and to accept the new rates being developed in these proceedings as the substitute rates. By orders dated September 2, 1982, October 1, 1982, and November 2, 1982, the FERC granted 30-day extensions for futher consideration of Western's motion. On November 29, 1982, the FERC granted a 60-day extension to January 31, 1983, to consider the significant questions raised by Western's motion. An additional 45-day extension to consider the significant questions raised by Western's motion was granted by the FERC for the period from January 31, 1983, to March 17, 1983. By order dated March 15, 1983, the FERC accepted the August 9, 1982, motion as filed.

1. *Wholesale firm power rate.* The existing and new wholesale firm power rates are compared in the following paragraphs.

a. *Existing rates.* The existing rates for the CVP as confirmed and approved on an interim basis by the Assistant Secretary, effective on November 1, 1979, were designed to yield a composite annual rate of 9.76 mills per kWh. The monthly charges are as follows:

Demand Charge: $2.00 per kilowatt of billing demand.

Energy Charge: 5.11 mills per kilowatthour for all energy use up to, but not in excess of, the energy obligation under the power sales contract.

Billing Demand: The billing demand will be the highest 30-minute integrated demand established during the month up to, but not in excess of, the delivery obligation under the power sales contract.

Energy Obligation: The maximum kilowatthour obligation of the United States during the month as established under the power sales contract.

Unathorized Overruns: For each billng period in which there is a contract violation involving an unauthorized overrun of the contractual obligation for capacity and/or energy, such overrun shall be billed at ten (10) times the above charges.

b. *New rates.* The new rates maintain the same provisions for the billing demand, energy obligation, and unauthorized overruns. The capacity and energy charges are as provided below with the composite rates provided for information only.

Date effective	Capacity charge (kilowatt per month)	Energy charge (mills per kilowatt hour)	Estimated average composite rate (mills per kilowatt hour)
5-25-83	$3.75	8.53	16.89
10-1-83	3.75	13.74	21.98
10-1-84	3.75	18.95	27.16
11-1-85	3.75	27.97	36.16
10-1-86	3.75	31.44	39.63

In FY 1987, the new rates for wholesale firm power are expected to provide about $187 million more in annual revenue than would be yielded by the current rates.

Future variables, such as a change in the hydrologic conditions, may require a change in the effective dates of the final two steps of the rate. Therefore, upon at least 6-months' notice to the CVP customers in advance of the announced effective dates, the effective dates of either or both of the final two steps can be adjusted in 3-month increments. This adjustment can either advance or delay the announced effective dates of the final two steps in this rate order.

2. *Transmission rates.* There is no existing CVP transmission rate. The new rates that will be applicable to customers who desire to transmit non-CVP power over the CVP transmission system are $.35 per kW per month for firm transmission service and 1 mill per kWh for nonfirm transmission service.

Public Notice

Public proceedings on the proposed rate adjustment were initiated on January 19, 1982, with an informal public information meeting to announce the need for an adjustment in the CVP power rates, to establish a tentative time schedule for the rate adjustment, and to inform the CVP customers and interested parties on various power marketing activities that could have an impact on the rate adjustment. The informal comment meeting held on February 24, 1982, provided interested parties an opportunity to express their views on various items that related to this rate adjustment.

The June 25, 1982, **Federal Register** notice at 47 FR 27602 initiated the 90-day customer consultation and comment period for the proposed CVP rate adjustment; announced the first formal public information forum, which was held on July 13, 1982; and announced the first formal public comment forum, which was held on August 17, 1982. The CVP revenue requirements and three alternative firm power rate structures that could be used to recover the required revenues were addressed at the information forum and in the **Federal Register** notice. The proposed rates for CVP transmission service were also discussed. At the formal public comment forum, interested persons were provided an opportunity to present their views, data, and arguments regarding the proposed rates.

A notice published at 47 FR 39717 (September 9, 1982) amended the proposed rates for transmission service, provided for a combined public information and comment forum on October 26, 1982, and extended the consultation and comment period until November 15, 1982. A third notice, published at 47 FR 44425 (October 7, 1982), announced the selection of the rate structure alternative consisting of a uniform rate with periodic energy charge stairsteps for sale of CVP firm power. The proposed stairstep rates were also announced.

The combined public information and comment forum was held on October 26, 1982, with Western representatives announcing the proposed rates and the changes that had been made in the development of the proposed rates since June 25, 1982. Interested persons then had an opportunity to comment on the proposed rates. The consultation and comment period closed on November 15, 1982.

Project History

The initial features of the CVP in northern California were authorized for construction in 1935. Operation of the project began in January 1944, with additional units periodically being authorized and integrated into the CVP since that time. The CVP is a multiple purpose project serving many differnt functions. The power generated from the CVP hydroelectric system is dedicated first to meeting the power requirements of the project pumping facilities. The remaining capability of the hydroelectric system is available to provide commercial power to preference customers.

The 11 existing powerplants, of which 2 are pumpting-generating plants, have a total installed capacity of over 1,750 MW. However, the amount of commercial firm load which can be supplied at present by CVP generation alone is significantly lower. Therefore, the system has been operationally integrated with the PG and E system, which by contract will provide support

for the CVP to supply a maximum simultaneous customer demand of 1,152 MW through the year 2004.

Power Repayment Study

The basic purpose of the power repayment study (PRS) is to determine if the revenues available will be sufficient to pay the power costs within the allowed time and within the legislative requirements. In order to determine if this requirement will be met, a year-by-year analysis of historical, present, and future projections of revenues and costs must be made in an appropriate manner.

A PRS for the CVP is prepared each year in accordance with authorizing legislation for the CVP and with DOE Order RA 6120.2, entitled "Power Marketing Administration Financial Reporting," dated September 20, 1979.

The existing rates for the CVP of $2.00 per kW per month and 5.11 mills per kWh are based on the revenue requirements derived in the FY 1976 PRS, which was used to support the November 1, 1979, rate submitted to the FERC. The current PRS shows that these rates are not sufficient to recover the annual expenses of the CVP, and that a large deficit would occur by the year 2030, the end of the repayment period.

A revised PRS has been developed which shows rate increases beginning May 25, 1983, which will yield revenues sufficient to recover the CVP power deficit of $150 million plus the required annual expenses prior to November 1, 1985. The rate will be further increased on November 1, 1985, and October 1, 1986, to recover the anticipated substantial rise in the cost of purchased power that is expected to occur as a result of the expiration of low-cost purchases from Energy Account No. 1. (Energy Account No. 1 is discussed under 4(b) of Major Changes Since the Previous Rate Order Was Submitted.)

Major Changes Since the Previous Rate Order Was Submitted

Since the rate order containing the current rates was submitted to the FERC, changes have occurred in CVP customer load level, PGandE wheeling costs, CVP generation, purchased power quantities and associated costs, CVP investment, operating costs, interest rates, and the project-use rate.

1. *Customer load level.* The 1979 power rate was based on a maximum simultaneous customer demand which gradually increased from 925 MW in 1978 to 1,050 MW in 1985 and remained at that level through 2004. An out-of-court settlement with the city of Santa Clara resulted in the maximum simultaneous demand being increased to 1,050 MW in 1980. The Santa Clara Settlement also contained a provision that allowed CVP to serve an additional 102 MW of customer load. Western's allocation of the 102 MW to various customers was published at 46 FR 51224 (October 16, 1981). The contractual load limit in the revised PRS reaches 1,152 MW in 1987.

2. *PGandE wheeling costs.* Studies supporting the existing power rates included PGandE wheeling costs of 1.2 mills per kWh for deliveries above 44 kV and 1.67 mills per kWh for deliveries below 44 kV. This was in accordance with Western's position in the FERC docket No. ER76-532, PGandE's 1976 filing for a transmission rate increase.

The revised PRS includes wheeling costs for the period from FY 1976 to FY 1982 based on the actual amounts paid to PGandE during the period. The amounts were 1.7 mills per kWh for above 44-kV deliveries and 3.9 mills per kWh for below 44-kV deliveries. The rates in Phase I of PGandE's new transmission rates, proposed in the FERC docket No. ER82-729, filed August 17, 1982, are included in the PRS for FY 1983. These rates are $1.354 per kW per month for above 44-kV deliveries and $2.47 per kW per month for below 44-kV deliveries. The rates in Phase II of the newly proposed rates, included in the PRS for 1984 and thereafter, are $1.476 per kW per month for above 44-kV deliveries and $2.692 per kW per month for below 44-kV deliveries. These rates have increased the wheeling costs in 1984 and thereafter by approximately $9 million per year above those in the PRS used to support the 1979 CVP rate adjustment submittal. The new PGandE rates are included in the revised PRS to comply with the FERC's order of May 4, 1982. Inclusion of these rates is not to be construed as acceptance by Western of PGandE's filing before the FERC.

3. *CVP generation.* Future estimates of project generation have been revised to reflect certain changes in water operations policies since the 1979 rate adjustment studies. A new flow schedule increasing releases down the Trinity River by 170,000 acre feet in all but critical years, was incorporated into the hydrology studies. This reduces the CVP generation because the water was previously diverted into the Sacramento River Basin for power generation at the Judge Francis Carr, Spring Creek, and Keswick Powerplants. The other major policy change reflected in the hydrology studies was the Bureau's commitment to meet State mandated Delta water quality standards. That decision resulted in increased releases from the reservoirs for water quality. In terms of power production, the overall effect of meeting the standards reduced the amount of water stored in the reservoirs, thereby decreasing power production.

The combination of those factors, and some other smaller changes, have the effect of reducing system flexibility and generation, especially in the early years of the study. The effect will diminish with time, and generation in the later years will more closely approximate previous projections.

4. *Purchased power.* These costs, as projected in the rate proposal for the 1982–1987 computation period, have increased substantially from the purchases projected for the 1979 rate increase. The following items affect the purchased power costs.

a. *Amount of purchases.* The amount of purchases required has increased because of the additional 102 MW customer load level and a change in the project generation to reflect the current operational criteria for the CVP, both of which have just been discussed.

b. *Cost of purchases.* Energy Account No. 1 (EA No. 1), Energy Account No. 2 (EA No. 2), and the Capacity Account are banking arrangements between Western and PGandE, established under Contract No. 14-06-200-2948A (Contract 2948A). The cost of purchases from EA No. 1 is 2.8105 mills per kWh. The cost of purchases from EA No. 2 and the Capacity Account are updated each year to reflect PGandE's average thermal plant production costs. These costs reflect the current price of fuel, construction, and operating costs. They also include future investment costs for the Diablo Canyon Nuclear Powerplant at the time it is scheduled to be placed in service. The costs in the 1976 study used to develop the 1979 CVP rate adjustment did not reflect the drastic increases in fuel prices or the inflation that occurred in the late 1970's. Thus, the costs for purchased power in the 1981 PRS are substantially higher than those shown in the 1976 PRS.

c. *Available surpluses.* Inclusion of 1982 surplus purchases from the Bonneville Power Administration (BPA) partially offsets the increases in a. and b. above. Because of the excellent water conditions in the Northwest and in northern California, the CVP has been able, for the 1982 summer season, to meet its load obligations, and in addition, import large amounts of Northwest surplus for sale to preference customers and PGandE, thus avoiding purchases from the EA No. 1 during 1982.

5. *Investment.* An increase of $53 million has occurred in the capital costs to be repaid by the power customers since the last rate increase. This is due primarily to future construction of

transmission facilities by Western during the cost evaluation period.

6. *Operating costs.* The 1976 PRS projected operation and maintenance (O&M) costs for the years 1977 through the end of the repayment period. The actual O&M expenses for the years 1977, 1978, and 1979 were somewhat lower than costs projected in the 1976 PRS. However, the actual expenses for 1980 and 1981 increased substantially over those projected in the 1976 PRS and also increased over the previous years' actual expenses.

One cause for such a variance between the costs projected and those that occurred beyond FY 1979 is that O&M cost changes were projected in the 1976 PRS through FY 1979 only. A constant O&M expense was projected from 1980 through the end of the repayment study.

The major reasons for the increases in the booked O&M expenses for the past 5 historical years are: (a) New Melones Dam, reservior, and powerplant became operable in 1980; (b) extraordinary maintenance expenditures occurred on some facilities; (c) double-digit inflation occurred over the past 5 years; (d) increases in the Bureau's administrative and general expenses were apportioned to the O&M program because of a reduction in their construction program; and (e) costs increased due to the increased power marketing activities of Western.

Projection of future expenses is in accordance with RA 6120.2, with cost changes reflected through the cost evaluation period, 1982–1987.

7. *Interest rates.* An interest rate of 9 percent has been used, as specified in paragraph 11(b) of RA 6120.2, to compute interest on the unpaid balance for new additions, loans, and replacements occuring in and after FY 1982. The applicable interest rate for each year prior to FY 1982 was also used to compute interest for new additions, loans, and replacements occuring during the corresponding year.

8. *Project use rate.* The Bureau has increased the project use pumping rate from the historical 2.5 mills per kWh to 4.75 mills per kWh.

Discussion of New Rates

Wholesale Firm Power Rate

Western considered three rate structures for the wholesale firm power rate: a uniform CVP rate with periodic energy charge stairsteps; a uniform CVP rate with a single energy charge stairstep; and a tip-up or tiered CVP rate structure. Under each rate structure, the proposed wholesale firm power rate consisted of a capacity component and an energy component. These components were established at levels that would, when applied to the capacity and energy sales of the CVP system, generate revenues sufficient to recover the appropraite expenses listed in RA 6120.2. The amount of the capacity component and the procedure for its determination were the same in each of the three rate structures.

1. *Capacity component.* The power costs assigned to the capacity component include capital costs for existing project facilities, capital costs for future project facilities to be in service before the end of the cost evaluation period, replacements, one-half the required assistance for irrigation and deferred expenses, and costs for capacity purchases. Each of the five categories of capacity costs is annualized, and the total annualized cost for the period 1983 through 1987 is divided by the average billing demand for the same period to determine the capacity charge of $3.75 per KW month.

2. *Energy component.* Since both the capacity and energy components of the firm power rate must be used together in the PRS to demonstrate that all cost recovery criteria are met, Western decided to allow the energy component to remain variable and be determined by the results of the revised PRS.

Each of the three energy rate structures is discussed in the following paragraphs. After considering the views of the customers expressed at the public comment forums and in various letters sent to Western concerning the CVP rate adjustment, Western decided that the uniform rate structure with periodic energy charge stairsteps is the most equitable alternative to implement for the sale of CVP power.

a. *Uniform CVP rate with periodic energy charge stairsteps.* This rate will have an initial energy charge of 8.53 mills per kWh, to be effective on May 25, 1983. The energy charge is uniformly increased on October 1, 1983, and October 1, 1984, to 13.74 mills per kWh and 18.95 mills per kWh, respectively, so that by the end of October 1985, when EA No. 1 is forecasted to be depleted, all of the annual expenses plus the historical deficit will be recovered.

An energy charge of 27.97 mills per kWh is applicable starting November 1, 1985, and on October 1, 1986, an energy charge of 31.44 mills per kWh is required to meet higher purchased power costs. Future events, such as a change in hydrologic conditions could shorten or lengthen the amount of time required to deplete EA No. 1 and thus impact the effective date of the last two stairsteps of the rate that will be required at the time withdrawals are projected to commence from EA No. 2 in 1985. Therefore, upon at least 6-months notice to the CVP customers in advance of the announced effective dates, the effective dates of either or both of the final two steps of the rate can be adjusted in 3-month increments. This adjustment can either advance or delay the effective dates of the final two steps in this rate order. For example, if future circumstances should extend the life of EA No. 1 for a sufficient period of time, the effective date of the 27.97 mills per kWh energy charge could be delayed for two 3-month increments until May 1, 1986. Such an adjustment was not objected to by any customer and was recommended by several customers.

Most of the customers preferred the periodic energy charge stairstep approach rather than having one large increase in May of 1983 and a second larger increase in 1986. Under the periodic energy charge stairstep approach, the first increase is smaller, and subsequent increases would be made each year so that the magnitude of any one increase will be smaller.

A number of the customers are also in favor of this rate structure because a uniform rate has historically been followed for the CVP and relied upon by its customers.

b. *Uniform CVP rate with a single energy charge stairstep.* This was the second rate structure considered by Western. Under this alternative, a uniform rate would be charged to all CVP firm power customers, with the initial increase in the energy charge from the existing 5.11 mills per kWh to 15.02 mills per kWh occurring on May 25, 1983. This rate would generate sufficient revenues to pay annual expenses plus the $150 million deficit by the end of October 1985, the date the energy balance in Western's EA No. 1 with PGandE is projected to be depleted. The energy charge would increase in a single step to 30.96 mills per kWh in November 1985 and remain the same thereafter, being sufficient to pay for the more expensive energy purchases from EA No. 2 and from Basin Electric Power Cooperative (Basin Electric).

This rate structure was discarded because of customer comments that the rate increase would be too drastic and would cause budgetary problems with their agencies. The customers prefer a more gradual, stairstep increase.

c. *Tip-up or tiered rate.* The third alternative energy rate structure considered was the tip-up or tiered rate which would recover the same amount of revenues over the same time period as the other two alternatives. Under

either of the two uniform rate structures previously discussed, all customers would pay a uniform energy charge regardless of their load factor. Under the tip-up rate, two tiers of energy charges would be imposed. The base tier would be applied to the first 249 kWh per kW used each month (reduced from 270 kWh per kW each month because of changes in hydrologic conditions as discussed elsewhere in this order), with the rate for this tier based on the cost of the CVP hydrosystem. The charge for energy used in this base tier would remain constant at 5.73 mills per kWh.

The energy charge for the second tier, 25.83 mills per kWh, would be applied to all energy used over 249 kWh per month for the period May 25, 1983, through October 1985, when the EA No. 1 would be depleted. An energy charge of 60.42 mills per kWh would be required starting in November 1985 for any energy used in the second tier. The monthly energy cost to the customer would depend on the customer's load factor.

Western decided not to use this rate structure for the following reasons:

1. The tip-up rate appeared to conflict with energy conservation efforts in that it encouraged customers to have high monthly peak demands in order to get more energy in the base tier.

2. It might require several customers to reconsider and revise their entire ratemaking standards and conduct new Public Utility Regulatory Policies Act (PURPA) hearings to consider load management, time-of-day rates, and interruptible rates.

3. The tip-up rate could conflict with the provisions of Contract 2948A. A load factor for the sale of surplus energy to PGandE cannot be determined because sales of surplus capacity and energy are separately accounted for under these provisions. Thus, a tiered rate structure could not be applied to PGandE sales.

4. A tip-up rate would be an administrative problem for the CVP because the billing program would need to be rewritten, causing a delay in the transmittal of the bills to the customer.

CVP Transmission Rates

The new charge for firm transmission is $0.35 per kV per month, and the charge for nonfirm transmission is 1 mill per kWh. The charges are for the transmission of power between any of the interconnections within the entire CVP transmission system, including the CVP entitlement to the Pacific Northwest-Pacific Southwest Intertie System (Intertie) in northern California. The firm transmission charge will be applied to transmission at the point of receipt into the CVP system, and the nonfirm charge will be applied to transmission at the point of delivery from CVP system.

Both firm and nonfirm transmission service will be available to non-CVP power users, as well as to CFP power users, as determined by separate agreements or contracts. Those CVP customers that are directly connected to the CVP system will have first priority to receive transmission service from the CVP to supply their supplemental requirements. Transmission service will be limited by the availability of the system and will be negotiated and contracted for on an individual basis.

Discussion of Public Comments

Rate Design

1. *Selection of wholesale commercial energy rate structure.* Virtually all of the customers commented on the selection of the energy rate structure, and Western's responses to those comments are set forth in the "Discussion of New Rates" section fo this rate order.

2. *Development of capacity rate.* Two customers commented on the computation of the capacity rate. It is determined by taking annual equivalent costs to be repaid and dividing such costs by the annual capacity sales. In the July 13, 1982, Power Rate Adjustment brochure, Western used the 5-year average maximum simultaneous demand as the capacity sales divisor. The customers pointed out that payment for capacity is on the basis of the customer's billing demand, and the divisor should be determined on this basis. Western recognized this comment and revised the computation accordingly.

3. *Costs repaid by project use rate.* Several customers feel that the Bureau's rate should be higher for use of project power for pumping CVP water for irrigation, municipal and industrial (M&I). and waterfowl conservation purposes.

In the Bureau's cost allocation for the CVP, capital costs are initially allocated to a total power function and then further suballocated to the four purposes that utilize the power facilities; irrigation, M&I, waterfowl conservation, and commercial power. In the O&M cost allocation for the CVP, O&M expenses for those purposes are simply allocated to the total power function and included in the PRS. To account for the fact that part of the D&M expenses are incurred for delivering project power to the irrigation, M&I, and waterfowl conservation functions, a project use charge is levied by the Bureau on those functions to offset the applicable project use costs that are incorporated into the commercial power function. Those Bureau revenues are also included in the PRS.

The project use rate is applied to the energy required at Federal Facilities to move CVP water to the customer's delivery points. The rate is used for internal accounting to transfer certain power O&M costs from the power purpose of the project to the water purpose for repayment. It is Bureau policy that the charge shall be sufficient to cover the costs of operation, maintenance, transmission service (wheeling), and replacement associated with delivering power to the project-use purposes. The Bureau has increased the project-use rate from 2.5 to 4.75 mills kWh to recover those applicable costs. Further increases in the project-use rate would more than recover the appropriate costs and thus subsidize commercial users.

4. *CVP transmission rates.* One customer commented in favor of the proposed wheeling rate for use of the CVP transmission system. Another customer commented that a rate based on incremental costs would be more appropriate. The latter customer also indicated that the rate as proposed is excessive, inasmuch as the 1 mill per kWh nonfirm rate and the $.35 per kW per month firm rate are both based on the same transmission system costs. In addition, the same costs are scheduled for recovery in the CVP firm power rate, thereby recovering the same transmission system costs three times.

One of the purposes of establishing a CVP firm wheeling rate is to have a uniform rate that is cost based. This concept is utilized by most utilities. While it is correct that the wholesale firm power rate is based upon the costs of the transmission system, as well as other costs such as generation and purchased power, these costs are not being accounted for three times in the PRS used to develop the rates. Since there are not existing contracts for wheeling over the CVP transmission system, no revenue from transmission is included in the PRS and the firm power rate must recover the costs of the transmission system. Otherwise those costs would not be recovered. However, even if all of the entities which have expressed an interest in CVP transmission enter into contracts based upon their maximum desired amount, the transmission revenue derived from those contracts would not be sufficient to impact the current firm power rate.

Disputed Rates and Issues

1. *The FERC order disapproving the existing CVP rate schedule.* The FERC's

order of May 4, 1982, rejected Western's existing rates submitted October 4, 1979. The FERC rejected the rates on the basis of three deficiencies and noted three other issues.

The 1981 PRS incorporates two items that the FERC noted in their May 4, 1982, order as being deficient in developing the existing rates: interest computed on one-half of the applicable interest rate on the replacements and additions during the year the new investments occur, and the payment of costs for transmission service provided by PGandE, even though a portion of those costs is subject to refund. The transmission costs included in the PRS for developing the new rates are those filed with the FERC by PGandE on August 17, 1982.

The 1981 PRS used for the new rate does not include the FERC's remaining suggestions regarding the exclusion of revenues from the PRS that are currently shown as accounts receivable in the financial statements, the assumption of 1976–1977 drought level for project dependable capacity (PDC, which is defined at 2.b. of this section), departure from payment of the highest interest bearing investment first, and the inclusion of interest during construction on facilities prior to 1968. However, Western prepared studies in July 1982, based on a 1981 PRS, incorporating these items. These studies showed that the rates would increase significantly. The results of the studies were sent out to the customers, and some of the customers responded with the following comments.

a. *Revenues in escrow and dependable capacity.* The FERC suggested that revenues presently being held in an escrow account by SMUD and revenues involved in the PDC dispute with PGandE should not be included in the CVP repayment study because they are not actually being collected.

Three customers stated that the PRS used to set the revenue requirements should definitely reflect that Western's position will prevail in the PDC dispute with PGandE and in the lawsuit with SMUD. The customers point out that to do otherwise would weaken Western's negotiating position and create doubts concerning the merits of Western's arguments. Also, if the PRS assumed the disputes were settled in favor of PGandE or SMUD, but the disputes were in fact settled in favor of Western, the CVP customers would have been required to make up for lost revenues that Western would ultimately receive. In such an event, an overcollection would have occurred; however, any direct refunds would be subject to congressional appropriatons.

If Western's position does not prevail, the loss of revenues will be recovered in the next rate adjustment.

b. *Payment of highest interest bearing investment first.* The FERC questioned Western's practice of repaying high interest bearing investments before repaying the lower interest bearing investments. Western agrees with the position stated in the following reply of a customer. "Western's policy is consistent with the U.S. Department of Energy Order RA 6120.2 (paragraph 8.c.3) which requires that, to the extent possible, while still complying with the repayment periods established for each increment of investment and unless otherwise indicated by legislation, amortization of the investment will be accompanied by application to the highest interest bearing investment first. Furthermore, we feel that Western's policy is not only consistent with RA 6120.2, but is in furtherance of its statutory mandate to market Federal power *at the lowest possible cost* to consumers consistent with sound business principles (16 USCA section 825s). It should be emphasized that increased CVP revenues generated by compounding interest would come at the expense of numerous Federal agencies, resulting in increased tax-supported Federal budgets."

c. *Collection of interest during construction incurred from 1944 to 1968.* The FERC objected to the omission of interest during construction (IDC) for the period 1944 to 1968 in the costs to be repaid in the PRS. The essence of a customer's comment on this subject is that IDC was excluded in accordance with policy established in a memorandum written by the Commissioner of the Bureau of Reclamation, dated June 17, 1955, and that the Bureau had the authority to establish this policy. By letter of September 24, 1982, the Bureau has reaffirmed its decision that IDC should be excluded on investments during that period as stated in the June 17, 1955, memorandum. Since the IDC computation is a matter that lies within the jurisdiction of the Bureau and the Bureau has not changed its 1955 decision, Western has not included IDC in the PRS used to derive the proposed rates for the period in question.

2. *Items under negotiation with PGandE.* The following items received comments from various customers and interested parties regarding the disputes that currently exist between Western and PGandE.

a. *Wheeling rates filed by PGandE pending before the FERC.* A letter submitted on the July 13, 1982, rate adjustment brochure included the following comment. "In rejecting the 1979 CVP power rate, the FERC said it was appropriate to use the wheeling rate under which Western was currently paying (1.7 mills per kWh), notwithstanding that it was subject to refund. Western's current PRS uses this recommendation. PGandE has already filed new Contract 2948A wheeling charges in docket No. ER82–729. In accordance with that filing, it is suggested that Western use the following wheeling rates in its PRS: for transmission, $1.476 per kW per month and for distribution, $2.692 per kW per month." This suggestion was acted upon, and the final PRS includes the $1.476 per kW per month rate for transmission and the $2.692 per kW per month rate for distribution after FY 1983.

PGandE has since filed revised wheeling rates with the FERC. These revised wheeling rates were not received by Western until after the final public information/comment forum on October 26, 1982, and therefore they were not included in the proposed rates. The revised wheeling rates are not significantly different from those in the original filing.

Two customers noted that since they were physically located closer to the Tracy load center, their PGandE wheeling charge should be lower. However, PGandE bills Western for transmission based upon the backbone (i.e., postage stamp) concept, and the distance from the load center does not impact the transmission cost.

b. *Project dependable capacity.* There are varying opinions by customers and PGandE on the amount of PDC which should be used.

As defined in Contract 2948A, PDC is the lowest electric capacity for use within PGandE's service area which can be available with energy support from project plants after deducting the capacity required for project load during PGandE's peakload period.

PGandE commented that sound ratemaking principles require Western to use 554 MW in the PRS until the dispute over PDC is resolved, and that Contract 2948A expressly requires that PDC shall remain at 554 MW until otherwise agreed. Other customers indicate the 845–894 MW range used in the PRS is too low. A consulting firm employed by a group of customers developed studies showing the PDC should increase from 872 MW, to 1,035 MW in 1983, and from 899 MW, to 1,140 MW in 1990. A list of changes for the

determination of PDC at a more representative level was submitted in their comments. Another customer reasoned that to derate the CVP's 1,750 MW hydroelectric system by two-thirds or one-half was ludicrous. This customer suggested that a probabilistic approach should be used for computing PDC, a method similar to that use by Western in other river basins.

The criteria under which PDC was determined were established in the 1960's. Since then, northern California has had a very severe, but short drought period. Currently, Western is undertaking studies to determine what an appropriate level of PDC should have been in the 1976–1977 drought and should be thereafter. Negotiations with PGandE on this subject have involved mostly and exchange of recently developed hydrology data.

Therefore, for the purpose of establishing the rates, the criteria that existed prior to the 1976–1977 drought were used to determine the PDC.

c. *Nondependable capacity sales.* Three customers have commented that a considerable amount of nondependable capacity is being sold to PGandE. The customers believe that the PGandE should be paying a higher price for this capacity and that these nondependable capacity sales should be included in the PRS.

The nondependable capacity the customers are referring to is the capacity which is the difference between 554 MW (PGandE's interpretation of PDC) and a capacity level declared available from the CVP on a monthly basis. PGandE is purchasing this "nondependable" capacity base upon the daily needs of its system.

If PGandE had agreed to Western's determination of the PDC level, nondependable capacity sales would not have occurred. These sales only occurred because of the PDC dispute. Therefore, it is not appropriate to include the nondependable sales because Western's position regarding the PDC level was used in the PRS.

d. *Underestimated capacity and energy account service charges.* PGandE asserts that the $2,000 per month service charges are insufficient; that 14 percent and 15 percent charges, respectively, for the Capacity Account and EA No. 2 would be more appropriate.

It is Western's position that the percentages listed by PGandE result in exorbitant charges that are not cost based. The only costs that may be appropriate are accounting costs of approximately $2,000 per month.

e. *Surplus energy sales.* Conflicting comments have been received on the treatment in the PRS of surplus Northwest energy sales during the 1982 summer season. A dispute has arisen over whether this energy was sold to various NCPA cities, or whether it was sold to PGandE and placed in EA No. 2. PGandE concurs with Western to exclude split-savings sales to NCPA from the PRS until this issue is settled. PGandE believes Western does not have the authority to sell energy to customers above the customers' firm contract rates of delivery.

NCPA has expressed the opinion that Western has taken a firm legal position that Western has the lawful authority to make such sales, and the revenues from such sales should be included in the PRS even though they are being held in escrow. NCPA further states that the PRS reflects Western's position for other lawsuits and disputes and it should do so in this dispute also.

The rate adjustment PRS shows the surplus energy sales in 1982 as sales to the EA No. 2 at pass-through rates. In the PRS, the surplus sales to the EA No. 2 increase the credit due the CVP when energy is repurchased. Thus, the impact on the new rates of increasing the repurchase credit from EA No. 2 is approximately the same as including additional revenue from the split-saving sales, should those sales be allowed.

F. *Capacity Account unbanking rate.* The preliminary PRS prepared for the July 13, 1982, rate brochure included Capacity Account withdrawals at $2.00 per kW per month for 1982, excluding costs of Diablo Canyon Nuclear Powerplant. The 1982 rate, including Diablo Canyon costs, would have been $3.72 per kW per month, and this amount was escalated at 7 percent annually through the cost evaluation period for Capacity Account withdrawals in 1983 and thereafter.

A letter from PGandE commenting on the rate increase indicated PGandE's thermal production costs had been updated for 1982 to $2.85 per kW per month excluding Diablo Canyon. Western used this rate for the unbanking rate for 1982 and indexed this cost by 7 percent for the 1983 unbanking rate. The latest projection indicated that Diablo Canyon would be placed in service in the fall of 1983, and thus Western included the costs of Diablo Canyon in the capacity costs commencing in 1984.

3. *Irrigation district rates.* The irrigators' argument is a long-standing issue, one that has been brought up in previous rate adjustments and during the power marketing proceedings for the CVP during 1981 and 1982. Responses to the irrigators' arguments can be found in Rate Order No. WAPA-2, dated October 2, 1979 (44 FR 57962, October 9 1979); the Final Power Marketing Plan (46 FR 51224, October 6, 1981); and the FERC orders dated May 4, 1982, and July 2, 1982, docket No. ER80-5011. The main thrust of the irrigators' comments is that the districts should receive a project rate because they use CVP project water. A special project-use power rate is charged for the pumping of CVP project water where the United States owns and operates main conveyance pumping facilities or where the water service contract specifically provides for distribution system pumping at project-use rates. Neither of these conditions exist for the subject 11 irrigation districts to qualify as project-use customers. It has been Western's consistent position (and the Bureau's position) that the districts are not project-use customers but, rather, are preference customers and should pay the same rates as other preference customers.

4. *County of origin rates.* Trinity, Calaveras, and Tuolumne Counties have requested special rates claiming that special rates would be consistent with the intent of congressional acts which established the county of origin entitlements. Trinity County has also requested a rate to support the wheeling costs within Trinity County.

The Flood Control Act of 1962 authorized construction of the New Melones Projects and specifically granted first preference to preference customers in Calaveras and Tuolumne Counties in a quantity not to exceed 25 percent of such additional CVP energy resulting from the construction of the New Melones power facility and its integration into the CVP system. The Act of August 12, 1955, authorized construction of the Trinity River Division, and granted a similar first preference of 25 percent of additional CVP energy from the Trinity plants as integrated into the CVP power system to preference customers in Trinity County.

The acts entitled the preference customers in those counties to a first preference in the purchase of CVP energy under certain conditions; the authorizing legislation does not speak to rates. Since the power service provided to these customers is the same as that provided to other customers who received CVP power, the rates charged to the county of origin customers will be the same.

5. *Use of 400 MW of Intertie capacity.* Several comments were received on the use of the Intertie. The United States is party to Contract No. 14–06–200–2947A (Contract 2947A) dated July 31, 1967, with three contractors, PG and E,

Southern California Edison Company, and San Diego Gas and Electric Company for use by the CVP of 400 MW of Intertie capacity at a charge of $3.35 per kW per year. In 1968, the CVP began purchasing 400 MW of capacity and the associated energy under a contract with BPA, using the Intertie to transport the energy from the Northwest to Tracy Switchyard.

The PRS used the new rate adjustment includes use of the entire 400 MW of Intertie capacity through December 31, 1982, after which a portion of the Intertie capacity is to be used to import purchases from BPA's assigned share of the Hanford Project, presently under contract to CVP through April 1, 1983. Purchases from 1987–1990 from Basin Electric also require the use of a portion of the 400 MW of Intertie capacity. In years when the specific use of the Intertie capacity is not identified, Western has assumed that the costs associated with the Intertie would be directly offset by revenues accruing from assignment of the Intertie capacity to others.

6. *Inclusion of New Melones.* A customer commented that it is improper to include New Melones in the PRS until the legal restrictions against its full utilization are removed.

The PRS includes New Melones investment and operating costs as of fiscal year 1981. Project generation is also included, based on Bureau hydrology studies that project a full reservoir level by 1987.

There is a dispute between the State of California and the United States on the operation level of New Melones Reservoir. Until the dispute is resolved or settled, Western will treat New Melones in the PRS as though it will be filled and operated as authorized by Congress.

When the Bureau declared New Melones to be operational, Western was obligated to put New Melones power costs into plant inservice status. There is no statute or regulation that allows Western to defer recovery of these costs.

Payment of Deficit

A number of customers commented on the repayment criteria for the $150 million deficit which was incurred from 1974 to 1981. The PRS shows recovery of the deficit by the end of October 1985, when EA No. 1 is forecasted to be depleted.

1. *Opposing payment of deficit.* Those customers opposed to paying the deficit do so for varying reasons. The position of one customer group is that it is inappropriate and indeed unlawful for Western to charge all customers for that portion of the deficit that was incurred as a result of sales of Northwest power and energy to PGandE at less than cost and without charging PGandE for the full cost of transmission from the Northwest. Two new CVP customers who received recent allocations from the 102 MW feel that as a matter of equity they should be exempt from paying for the deficit. The three county or origin customers had the same comment. The new customers state that they were not receiving the benefits of CVP power at the time the deficit was incurred.

Western's response to these comments is that the rate formula for Northwest power sales to PGandE was set in 1976 by the "Frizzell Decision." The "Frizzell Decision" is a December 14, 1976, Department of the Interior document entitled "Final Position on an Adjustment in Rates to Pacific Gas and Electric Company for Northwest Capacity and Energy." This decision established the payment responsibilities of PGandE for Northwest power through April 1, 1981. The legality of the "Frizzell Decision" has been questioned in the past, and has been investigated by the Comptroller General of the United States. In his Decision B–125042 (December 22, 1978), the Comptroller General specifically declined to rule on the separate issue regarding recovery of past deficits. However, his construction of the requirements of section 9(c) of the Reclamation Act of 1939, 43 U.S.C. 485h(c), clearly indicates that it is not necessary that each and every sale of Federal power recover costs on a contract-by-contract, customer-by-customer basis. The Decision holds that section 9(c) requires only that sales be made at such rates as will recover costs on a project-wide or system-wide basis.

Section 9(c) of the Reclamation Act of 1939 *supra,* requires that all costs associated with the power marketing activities of the Government be restored from the rates. If costs are not paid in a given year, they must be deferred for payment when revenues become sufficient to do so. The DOE Order RA 6120.2 recognizes this and provides that deficiencies in any year are to be capitalized and repaid with imputed interest in later years even before funds are applied to the reduction of the debt associated with the original investment.

As for the new customers, Western recognizes some merit in their argument that, as a matter of equity, the costs of the deficit incurred prior to their becoming CVP customers should not be included in their rates. However, even though they were not customers when the existing CVP deficit occurred, the new customers benefit from the fact that the older customers have repaid other CVP costs, such as $210 million of CVP investment. Furthermore, the deficit is a current CVP cost which must be repaid in a timely manner. Western sees little equity in discriminating among old and new customers in the repayment of current costs.

2. *Long-term payment.* Three customers suggested repaying the deficit over 30 years, 50 years, or as long a period of time as possible. This of course would lessen the impact of repaying the deficit, although it would spread out the payments past the termination of support energy purchased from the inexpensive EA No. 1.

The PRS is prepared in accordance with DOE Order RA 6120.2, which states that if deficits occur, rate increases are required. It does not give any guidance as to how long a period of time is allowed to repay such deficits. However, paragraph 8(c)(3) of RA 6120.2 states, in part, that after payment of various expenses, "Remaining revenues are available for amortization and shall be applied first to unpaid or deferred annual expense, if any, and then to the Federal investment." Western has determined that it is good business practice to recoup the deficits over as short a period of time as possible, particularly in this case, when the deficit will be repaid by the end of October 1985 and subsequent rate increases will nonetheless be required.

3. *Repayment of highest interest bearing deficit first.* The preliminary PRS prepared for the July 13, 1982, rate brochure identified two groups of deficits, deficit operating costs and deficit interest.

When revenue became available to repay them, the deficit operating costs were repaid first, beginning with repayment of the deficit bearing 9 percent interest and ending with repayment of the deficit bearing 5.625 percent interest. Then the deficit interest was repaid, following the same procedure.

A customer representative commented that repayment of these deficits was not in compliance with the RA 6120.2 requirement of repayment of the highest interest-bearing investment first. Western concurred, and consequently, the deficit interest and the deficit operating expense groups were combined in the final PRS for this rate adjustment. Combining the two groups resulted in repayment of the highest interest-bearing deficit of both groups before repayment of the costs of the next highest interest-bearing deficit.

Purchased Power

1. *Projected purchases to be included in the PRS.* A customer commented that, "* * * changes in the predicted availability of surplus power from the Pacific Northwest have not been reflected, nor have the new banking arrangements * * * been included in the repayment estimates * * *."

The PRS includes projected purchases of power from those entities having a signed contract for delivery of power to Western. During the 1982 summer season, surplus power was available from the Northwest which is included in the PRS, but there is no contract for future purchases of surplus power beyond April 1983. New banking arrangements with PGandE were in the discussion state at the time the rates were finalized. The bank account proposals would not significantly change the revenue requirements over the cost evaluation period.

2. *Estimated purchased power costs are too high.* Several customers feel Western's projected purchase costs from Basin Electric and EA No. 2 are too high.

The best available cost estimates were used in the PRS. The costs for purchases from Basin Electric were determined by Basin Electric in accordance with its contract with Western and were adjusted for transmission costs to move the power from the Dakotas to northern California.

The EA No. 2 energy costs are based on a formula which uses PGandE's thermal production costs. For the PRS, PGandE's 1981 cost of production, estimated by PGandE, was used and escalated at 7 percent each year through the end of the cost evaluation period. Costs associated with PGandE's thermal production units that were scheduled to be placed in service during the cost evaluation period were also included.

3. *Transmission losses from Basin Electric.* In reviewing the costs of obtaining power from Basin Electric's Antelope Valley Station, a customer found that electrical line losses incurred in transmitting the power to California were calculated incorrectly.

A recomputation was made, increasing the power at Tracy by 30 GWh per year. The new figures are included in the final PRS used for the proposed rate adjustment.

Diclosure of Cost Allocation

Two customers questioned the cost allocation procedures. The cost allocation for the CVP is prepared by the Bureau and has been available for review during this proceeding. The procedures used for the allocation of the investment for this rate adjustment are the same as procedures used for the 1979 rate adjustment which are on file with the FERC.

One of the customers asked why there has been an increase of $53 million in the investment to be repaid by commercial power since the last rate increase. This increase is primarily due to future transmission facilities to be constructed by Western during the cost-evaluation period.

Operating Cost Increases

A customer found that costs estimated for FY 1986 have increased 2.6 times since the study prepared for the 1979 rate increase. The customer was interested in an explanation of the increase, particularly since the CVP is an all-hydro system.

The reasons for the increased O&M costs are addressed in the section of this rate order entitled "Major Changes Since the Previous Rate Order Was Submitted."

Power Factor Adjustment

One customer commented on the implementation of a power factor adjustment that Western discussed in conjunction with the proposed rate adjustment at the first public comment forum. The power factor adjustment is still under consideration, but has not been included in this rate adjustment.

Other Considerations

Environmental evaluation

In compliance with the National Environmental Policy Act of 1969 (NEPA) and DOE regulations published in the **Federal Register** on February 23, 1982 (47 FR 7976), Western conducted an environmental evaluation of this rate increase.

Section D of the above guidelines states that the level of scrutiny and documentation under NEPA depends upon the size of the rate increase as it relates to the rate of inflation since the last rate increase.

Since the new rate increase exceeds the rate of inflation since the last rate increase, Western prepared an environmental assessment (EA)—wherein it was determined that there are no significant impacts requiring further NEPA documentation. Therefore, a finding of No Significant Impact has been prepared and issued.

Public Utility Regulatory Policies Act

The purposes of PURPA are to encourage: (1) Conservation of energy supplied by electric utilities; (2) the optimization of the efficiency of use of facilities and resources by electric utilities; and (3) equitable rates to electric consumers.

Title I (sections 111, 113, and 114) of the act is applicable to the CVP since the CVP's total annual sales of electric energy for purposes other then resale exceeds 500 million kilowatthours.

The six standards of section 111 were considered by Western during the rate adjustment proceedings and Western's position on each standard was stated in the brochure entitled "Central Valley Project Proposed Power Rate Adjustment, October 26, 1982."

The five standards of section 113 have been addressed on a Western-wide basis. Western's positions on section 113 standards were published at 47 FR 34183 (August 6, 1982).

Western's position with regard to section 114 (Lifeline Rates) was published at 47 FR 13893 (April 1, 1982).

Executive Order 12291

The purpose of Executive Order 12291, dated February 17, 1981, is "* * * to reduce the burdens of existing and future regulations, increase agency accountability for regulatory actions, provide for presidential oversight of the regulatory process, minimize duplication and conflict of regulations, and insure well-reasoned regulations, * * *."

The DOE has determined that this is a major rule pursuant to the criteria of section 1(b) of the order. However, Western has received an exemption from sections 3, 4, and 7 of Executive Order 12291 and therefore will not prepare a regulatory impact statement.

Availability of Information

Information regarding this rate adjustment, including studies, comments, transcripts, and other supporting material, is available for public review in the Sacramento Area Office, Western Area Power Administration, 2800 Cottage Way, Sacramento, California 95825; in the Office of the Administrator, Western Area Power Administration, 1627 Cole Boulevard, Golden, Colorado 80401; and in the Office of the Director of Power Marketing Coordination, Department of Energy, 12th and Pennsylvania Avenue, NW., Washington, DC 20461.

Submission to the FERC

The rates herein confirmed, approved, and placed in effect on an interim basis, together with supporting documents, will be submitted to the FERC for confirmation and approval on a final basis.

Order

In view of the foregoing and pursuant to the authority delegated to me by the Secretary of Energy; I hereby confirm,

approve, and place in effect on an interim basis, Rate Schedules CV-F5, CV-T1, and CV-T2, effective May 25, 1983, applicable the first full billing period thereafter. These rates shall remain in effect pending the FERC confirmation and approval of them or substitute rates on a final basis, or until they are superseded.

Issued in Washington, DC, April 19, 1983.

Joseph J. Tribble,

Assistant Secretary, Conservation and Renewable Energy.

Department of Energy Western Area Power Administration, Central Valley Project, California

[Schedule CV-F5 (Supersedes Schedules CV-F4 and CV-P3)]

Schedule of Rates for Wholesale Firm Power Service

Effective: May 25, 1983.

Available: In the area served by the Central Valley Project (CVP).

Applicable: To wholesale firm power customers for general power service supplied through one meter at one point of delivery, unless otherwise provided by contract.

Character and Conditions of Service: Alternating current, sixty hertz, three phase, delivered and metered at the voltages and points established by contract.

Monthly Rate:

Demand Charge: $3.75 per kilowatt of billing demand.

Energy Charge: For all energy use up to, but not in excess of, the energy obligation under the power sales contract, the rate will be as follows:

	Effective date
8.53 mills per kilowatthour	May 25, 1983.
13.74 mills per kilowatthour	Oct. 1, 1983.
18.95 mills per kilowatthour	Do.
27.97 mills per kilowatthour	Nov. 1, 1983.
31.44 mills per kilowatthour	Oct. 1, 1986.

Upon at least 6-months notice to the CVP customers in advance of the announced effective dates, the effective dates of either or both of the final two steps can be adjusted in 3-month increments.

Billing Demand: The billing demand will be the highest 30-minute integrated demand established during the month up to, but not in excess of, the delivery obligation under the power sales contract.

Energy Obligation: The maximum kilowatthour obligation of the United States during the month as established under the power sales contract.

Minimum Bill: None.

Billing for Unauthorized Overruns: For each billing period in which there is a contract violation involving an unauthorized overrun of the contractual obligation for capacity and/or energy, such overrun shall be billed at ten (10) times the above rate.

Adjustments:

For character and conditions of service: Customers who receive deliveries at transmission voltage may, in some instances, be eligible to receive a 5-percent discount on capacity and energy charges when facilities are provided by the customer which result in a sufficient savings to the United States to justify the discount. The determination of eligibility for receipt of the voltage discount shall be exclusively vested in the United States.

For transformer losses: If delivery is made at transmission voltage but metered on the low-voltage side of the substation, the meter readings will be increased 2 percent to compensate for transformer losses, unless otherwise provided for by contract.

For power factor: None. The customer will normally be required to maintain a power factor at the point of delivery of between 95-percent lagging and 95-percent leading.

Department of Energy Western Area Power Administration, Central Valley Project, California

[Schedule CV-T1]

Schedule of Rates for Firm Transmission Service

Effective: May 25, 1983.

Available: In the area served by the Central Valley Project.

Applicable: To firm transmission service customers where power and energy are received into the Central Valley Project (CVP) system at points of interconnection with other systems and transmitted and delivered, less losses, to points of delivery from the CVP system specified in the service contract.

Character and Conditions of Service: Transmission service for three-phase alternating current at sixty hertz, delivered and metered at the voltages and points specified in the service contract.

Monthly Rate: Transmission Service Charge: $0.35 per kilowatt received into the CVP system.

Adjustments:

For reactive power: None. There shall be no entitlement to transfer of reactive kilovolt-amperes at delivery points, except when such transfers may be mutually agreed upon by Contractor and Contracting Officer or their authorized representatives.

For losses: Power and energy losses incurred in connection with the transmission and delivery of power and energy under this rate schedule shall be supplied by the customer in accordance with the service contract.

Department of Energy Western Area Power Administration, Central Valley Project, California

[Schedule CV-T2]

Schedule of Rates for Firm Transmission Service

Effective: May 25, 1983.

Available: In the area served by the Central Valley Project.

Applicable: To firm transmission service customers where power and energy are received into the Central Valley Project (CVP) system at points of interconnection with other systems and transmitted and delivered, subject to the availability of transmission capacity, less losses, to points of delivery from the CVP system specified in the service contract.

Character and Conditions of Service: Transmission service for three-phase alternating current at sixty hertz, delivered and metered at the voltages and points specified in the service contract.

Monthly Rate: Transmission Service Charge: 1 mill per kilowatthour delivered from the CVP system.

Adjustments:

For reactive power: None. There shall be no entitlement to transfer of reactive kilovolt-amperes at delivery points, except when such transfers may be mutually agreed upon by Contractor and Contracting Officer or their authorized representatives.

For losses: Power and energy losses incurred in connection with the transmission and delivery of power and energy under this rate schedule shall be supplied by the customer in accordance with the service contract.

[FR Doc. 83-11064 Filed 4-25-83; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-51462; TSH-FRL 2347-5]

Certain Chemicals; Premanufacture Notices

Correction

In FR Doc. 83-9931, beginning on page 16331, in the issue of Friday, April 15, 1983, the heading should read as it appears above.

BILLING CODE 1505-01-M

[WH-2-FRL 2354-5]

Ground Water System of the Clinton Street Ballpark Aquifer; Request for EPA Determination Regarding Aquifer

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: A petition has been submitted by the Purity of Water ad hoc Committee, Vestal, New York pursuant to Section 1424(e) of the Safe Drinking Water Act, Pub. L. 93-523, requesting the Administrator of the Environmental Protection Agency to make a determination that the Clinton Street Ballpark Aquifer is the sole or principal drinking water source for approximately 115,000 residents of Broome County, which, if contaminate, would create a significant hazard to public health.

DATES: Comments, data, and references in response to this Notice should be submitted in writing to Jacqueline E. Schafer at the address given below

within 60 days of publication of this notice.

In addition to considering public comments sent to EPA, the Agency will hold a public hearing on Thursday, May 26, 1983 (1–3 pm and 7–9 pm) in Vestal, N.Y., at the address given below. At the completion of the public hearing, the public comment period will be open until June 25, 1983.

ADDRESSES: Comments, data and references in response to this Notice should be submitted in writing to Jacqueline E. Schafer, Regional Administrator, Region II, Environmental Protection Agency, 26 Federal Plaza, Room 900, New York, N.Y. 10278, Attn: Water Supply Branch.

Information concerning the Clinton Street Ballpark Aquifer, including the original petition and attachments, will be available for inspection at the above address in the EPA library and at the Vestal Public Library, Vestal, New York.

The public hearing will be held at the Vestal Public Library, 320 Vestal Parkway East, Vestal, New York 13850.

FOR FURTHER INFORMATION CONTACT: Damian J. Duda (212) 264–1800, Region II Environmental Protection Agency, 26 Federal Plaza, Room 824 New York, N.Y. 10278.

SUPPLEMENTARY INFORMATION: The petition is reprinted in full below:

Environmental Protection Agency

Region II: Groundwater system of the Clinton Street Ballpark Aquifer Extension servicing the towns of Vestal, Johnson City and the village of Endicott in Broome County, New York State.

Request for EPA Determination Regarding Aquifers.

A petition has been submitted by the Purity of Water ad hoc Committee pursuant to Section 1424(e) of the Safe Drinking Water Act. Pub. L. 93–523, requesting the Administrator of the Environmental Protection Agency to make a determination that the aquifer underlying the Towns of Vestal, Johnson City and the Village of Endicott in the County of Broome, State of New York is the sole or principal drinking water source for the Broome County area which, if contaminated, would create a significant hazard to public health.

This petition is reprinted in full below:

Before the United States Environmental Protection Agency

Anne Gorsuch, Administrator

Petition

1. The Purity of Water ad hoc Committee is composed of a group of citizens located in Broome County (New York State); an area serviced by the Clinton Street Ballpark Aquifer Extension. The Broome County area serviced by the Clinton Street Ballpark Aquifer Extension has a population of 115,000 people and is totally dependent on the permeable sand and gravel aquifer system, that is the subject of this petition, as the sole source of drinking water for the resident population.

Committee members may be contacted as follows:

Joseph G. Kester, 308 W. Benita Blvd., Vestal, New York, 13850 PH. 607–748–3749;

Paul C. Bollen, 1491 Union Center Highway, Endicott, New York, 13760 PH. 607–754–2875;

Joseph Gierlach, 420 W. Benita Blvd., Vestal, New York, 13850 PH. 607–748–6334.

2. A petition to the Administrator and Region II Administrator of the United States Environmental Protection Agency requiring that the permeable sand and gravel aquifer system underlying the Towns of Vestal and Johnson City and the Village of Endicott, in Broome County, New York State be designated as a sole source aquifer as provided under Section 1424(e) of the Safe Drinking Water Act (Pub. L. 93–523) which provides as follows:

(e) If the Administrator determines, on his own initiative or upon petition, that an area has an aquifer which is the sole or principal drinking water source for the area and which, if contaminated, would create a significant hazard to public health, he shall publish notice of that determination in the **Federal Register**. After the publication of any such notice, no commitment for Federal financial assistance (through a grant, contract, loan guarantee, or otherwise) may be entered into for any project which the Administrator determines may contaminate such aquifer through a recharge zone so as to create a significant hazard to public health, but a commitment for Federal financial assistance may, if authorized under another provision of law, be entered into to plan or design the project to assure that it will not so contaminate the aquifer.

3. A Presidential Water Policy Message to the Congress of the United States on June 6, 1979 includes firm guidance on the need for high quality water as follows: "Everywhere, water quality is fundamental to environmental quality. Clean drinking water, recreation, wildlife and beautiful natural areas depend on protection of our water resources."

Protection of the permeable sand and gravel Aquifer system under Section 1424(e) of the Safe Drinking Water Act would measurably preserve the environment in the communities of Vestal, Johnson City and Endicott that are totally dependent on this aquifer as a source of drinking water, thereby affirmatively responding to the President's Water Policy.

4. The Vestal, Johnson City and Endicott area proposed for sole source aquifer designation is comprised of 10 square miles of urban land in the Susquehanna River Valley (see map, attachment I). A 1977 study by Allan D. Randall (U.S. Geological Survey) concludes that the principal source of aquifer recharge is induced from the Susquehanna River. There are 43 wells (31 in the Endicott-Endwell Public Water System; 7 in the Village of Johnson City Water System; and 5 in the Vestal Water System which provide the only available drinking water to 115,000 residents. Since the wells lie in close proximity to the Susquehanna River which is the principal source (90 to 95%) of recharge captured by these wells, there is a high susceptibility to contamination of the aquifer through its recharge from the Susquehanna River.

5. As previously described, the only source of drinking water available to the Vestal, Johnson City and Endicott-Endwell residents is from the area's 43 deep wells. Should these wells become contaminated, the next most available source of drinking water is bottled water available through supermarkets, health food stores and spring water distributors, etc. The costs for bottled water (such as Chemung Spring Water) is prohibitively high at 2250 times the cost for Vestal Water System drinking water.

6. Unfortunately, unless protection is provided, the potential for drinking water contamination exists. During the past few years, two nearby well systems (within a five mile radius in the Vestal Water District) which tap into the permeable sand and gravel aquifer previously described as the Clinton Street Ballpark Aquifer Extension have been forced to close due to high levels of toxic chemical contamination. These wells were found by the New York State Dept. of Environmental Conservation (NYSDEC) and the Broome County Health Department to contain high levels of the highly toxic and potentially carcinogenic chemicals, namely, trichloroethylene, methyl chloroform, percloroethylene, and benzene. The two wells are in adjacent water districts in the Town of Vestal: the one most reently shut down within the last year is in Water District 4; the other well in Water District I has been labeled by state health authorities as the most

contaminated well in the state and has been shut down for over two years. Attempts to purge the wells by pumping to waste have not been successful and the wells remain closed.

7. Federally sponsored projects relating to the Binghamton-Johnson City Joint Sewage Treatment Plant (the most recent being project C–36–961–04) are proceeding in the area which have a potential for impact upon the permeable sand and gravel Clinton Street Ballpark Aquifer Extension. The previously mentioned sewage treatment plant, being a secondary waste treatment facility, accepts toxic chemical wastes (including synthetic organic chemicals and heavy metals) from over 200 local industries, commercial operations, and institutions. Not having the capability of neutralizing or otherwise detoxifying such inputs, contaminated affluent is being discharged into the river in violation of its SPDES permit (reference attachement 2, letter from EPA Mr. Jeffrey Zellikson, Acting Chief, Environmental Impacts Branch to Mr. Joseph Kester, dated 15 Dec. 1980). Since up to 95% of recharge to the aquifer comes from the Susquehanna River tainted by the sewage plant discharges, the three municipalities just downstream of the sewage treatment plant are confronted with a health threat of staggering proportions. In addition, the collection systems of the Binghamton-Johnson City Joint Sewage Treatment Plant and that of the Endicott Sewage Treatment Plant (both of which overlie the aquifer) have extensive problems with leaking joints, corroded pipes and storm related bypassing of wastewater flow directly into the Susquehanna River. The sewer lines in these systems should be constructed to prevent pollution to the aquifer. A preventive action plan should also be put into effect immediately to prevent any chemical discharges from being allowed into the piping system since circumstantial evidence points to these type discharges as the causative factors in the leaking pipes and joints that were found to exist in the past. Sole source designation will surely add a factor of safety to continued federally sponsored wastewater treatment works in the Broome County area.

8. Existing land use and water quality laws do not adequately protect the Permeable Sand and Gravel Aquifer or its recharge areas in the Vestal, Johnson City and Endicott-Endwell areas.

9. The highly industrialized environment of the Broome County area (Vestal, Johnson City, and Endicott-Endwell) provides for the potential for numerous sources of groundwater pollution including old sewer systems, chemical spills, landfill leachate and leachate from old industrial dumps, etc.

10. We therefore conclude: The Groundwater System of the Permeable Sand and Gravel, Clinton Street Ballpark Aquifer Extension is a sole source of drinking water for public well supplies in the area. Furthermore, contamination of this aquifer would create significant hazard to public health.

We conclude therefore that we must respectfully request that the Administrator and Region II Administrator of the USEPA determine that the Permeable Sand and Gravel, Clinton Street Ballpark Aquifer Extension be designated as the "sole or principal drinking water source for the area and which, if contaminated would create a significant hazard to public health," and that you publish notice of this determination in the **Federal Register** as required by Section 1424(e) of the Safe Drinking Water Act of 1974.

Respectfully submitted.

Joseph G. Kester,

Petition Chairman, Purity of Water ad hoc Committee.

June 21, 1981

Exhibits:

1. Clinton Street Ballpark Aquifer Extension (map).
2. Letter from Acting Chief Environmental Impacts Branch (Mr. Jeffry Zellikson to Mr Joseph Kester, dated Dec. 15, 1980.

EPA intends to decide whether to make the requested determination at the earliest time consistent with a complete review of the relevant data and information and with a full opportunity for public participation. In this regard, the Agency is developing a full factual record and is soliciting comments, data, and references to additional sources of information relevant to the determination required by Section 1424(e). In particular, information is sought concerning the hydrogeology of the Clinton Street Ballpark Aquifer, the boundaries of the aquifer and its recharge areas. In addition, EPA requests information concerning the area or areas dependent upon the aquifer for drinking water, the significance of current or anticipated projects receiving Federal financial assistance that may result in contamination of the aquifer, the prospects that such contamination will occur as a result of current activities or anticipated events and any other relevant information.

Comments, data, and references in response to this Notice should be submitted in writing to Jacqueline E. Schafer, Regional Administrator, Region II, Environmental Protection Agency, 26 Federal Plaza, Room 900, New York, N.Y. 10278, Attention: Water Supply Branch; within 60 days of this Notice. Information concerning the Clinton Street Ballpark Aquifer, including the original petition and attachments, will be available for inspection at the above address in the EPA library and at the Vestal Public Library, Vestal, New York.

In addition to considering public comments sent to EPA, the Agency will hold a public hearing on Thursday, May 26, 1983 (1–3pm and 7–9pm) at the Vestal Public Library, 320 Vestal Parkway East, Vestal, New York 13850.

Persons who wish to present prepared statements at the public hearing are urged to give notice to Mr. Damian Duda, Water Supply Branch, Region II, Environmental Protection Agency, 26 Federal Plaza, New York, N.Y. 10278; (212) 264–1800. If possible, written copies of these statements should be submitted at the hearing for inclusion into the record. At the completion of the public hearing, the public comment period will be open until June 25, 1983.

Jacqueline E. Schafer,

Regional Administrator.

[FR Doc. 83–11012 Filed 4–25–83 8:45 am]

BILLING CODE 6560–50–M

[WH-FRL 2353–4]

Plastics Molding and Forming; Intent To Transfer Confidential Information to Contractors

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to transfer confidential information to contractors.

SUMMARY: The Environmental Protection Agency (EPA) intends to transfer confidential information collected under Section 308 of the Clean Water Act of 1977 to selected EPA contractors. The contractors will use this and other information to analyze, review, and revise the technical and economic data bases that support the development of effluent limitations and standards for the Plastics Molding and Forming (PM&F) point source category.

DATES: Comments on the transfer of existing confidential information are due ten days after the date of publication of this notice in the **Federal Register**. Comments on the transfer of new confidential information must be submitted with that information.

FOR FURTHER INFORMATION CONTACT: Robert M. Southworth, Metals & Machinery Branch, Effluent Guidelines

Division (WH–552), Office of Water, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 382–7150.

SUPPLEMENTARY INFORMATION: The Clean Water Act of 1977 requires the Environmental Protection Agency to develop, review, and revise effluent limitations and standards for industrial dischargers. The Office of Water Regulations and Standards (OWRS) is responsible for the development of those limitations and standards. EPA awarded a prime contract to Versar, Inc. of Springfield, VA, including Envirodyne Engineers, St. Louis, MO, and the Radian Corporation, McLean, VA, as subcontractors and other contractors as specified below to conduct technical and economic analyses and to provide other contract support to the OWRS for the development of the limitations and standards for the PM&F industry.

One source of information that EPA will use to develop the effluent limitations and standards is a data collection protfolio (dcp) sent to various companies under authority of Section 308 of the Clean Water Act of 1977. The dcp's requested fundamental information about plant size and location, wastewater characteristics, wastewater treatment systems, wastewater flows, production processes, and solid waste disposal practices. The dcp's that EPA will use include those mailed in 1977 and those that will be mailed in 1983. Many of the completed dcp's and results of follow-up communications contain information that the responding companies claimed as confidential. EPA anticipates that some of the responses to the dcp's to be mailed in 1983 will also be claimed confidential.

EPA used the authority in Section 308 to conduct numerous field sampling episodes at PM&F facilities during which in-plant and end-of-pipe wastewater samples were collected. EPA expects to collect additional wastewater samples at various PM&F facilities during 1983. Some companies claimed and EPA anticipates that other companies will claim that the analytical results for their wastewater samples are confidential.

Information collected by EPA through dcp's and from field sampling episodes, including confidential information, will be transferred to EPA contractors. The contractors that will receive the PM&F industry information are: Versar, Inc. (Contract No. 68–01–6469), Springfield, VA, including Envirodyne Engineers, St. Louis, MO, the Radian Corporation, McLean, VA, and Whitescarver Associates, Inc., Reston, VA, as subcontractors and Meta Systems, Inc. (Contract No. 68–01–6426), Cambridge, MA.

EPA believes that it is necessary to transfer the information to the contractors so that they can complete the required work. The contracts and subcontracts for the listed contractors contain the confidentiality provisions required by EPA's confidentiality regulation (40 CFR 2.302(h)(2–3)).

The information, including confidential information, will be stored at the Radian Corporation's office in McLean, VA, during the development of the PM&F limitations and standards. When the project to develop those limitations and standards is completed, the information will be returned to EPA for storage.

EPA will accept comments for ten days from date of this notice on the proposed transfer of existing confidential information to the contractors for the purposes outlined above. EPA will also accept comments on the transfer of new confidential information when that information is submitted.

Dated: April 11, 1983.

Rebecca W. Hanmer,

Acting Assistant Administrator for Water.

[FR Doc. 83–10875 Filed 4–25–83; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 83–390, File No. 1008–CM–P–80; CC Docket No. 83–391, File No. 1194–CM–P–80]

The BA Co. and Florida MDS, Inc.; Designating Applications for Consolidated Hearing on Stated Issues

In re Applications of Robert A. Gordon d/b/a THE BA COMPANY, CC Docket No. 83–390, File No. 1008–CM–P–80, For Construction Permit in the Multipoint Distribution Service for a New Station at Weeki Wachee, Florida and FLORIDA MDS, INC., CC Docket No. 83–391, File No. 1194–CM–P–80, for Construction Permit in the Multipoint Distribution Service for a New Station at Inverness, Florida, designating applications for consolidated hearing on stated issues.

Memorandum Opinion and Order

Adopted April 11, 1983.

Released April 18, 1983.

1. For consideration are the above-referenced applications. These applications are for construction permits in the Multipoint Distribution Service and they propose operations on Channel 1 at Weeki Wachee/Inverness, Florida. The applications are therefore mutually exclusive and, under present procedures, require comparative consideration. These applications have been amended as result of informal requests by the Commission's staff for additional information. There are no petitions to deny or other objections under consideration.

2. Upon review of the captioned applications, we find that these applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.

3. Accordingly, it is hereby ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, 47 U.S.C. 309(e) and Section 0.291 of the Commission's Rules, 47 CFR 0.291, the above-captioned applications are designated for hearing, in a consolidated proceeding, at a time and place to be specified in a subsequent Order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination, the following factors shall be considered:[1]

(a) The relative merits of each proposal with respect to efficient frequency use, particularly with regard to compatibility with co-channel use in nearby cities and adjacent channel use in the same city;

(b) The anticipated quality and reliability of the service proposed, including installation and maintenance programs; and

(c) The comparative cost of each proposal considered in context with the benefits of efficient spectrum utilization and the quality and reliability of service as set forth in issues (a) and (b).

4. It is further ordered, That Robert A. Gordon d/b/a The BA Company, Florida MDS, Inc. and the Chief, Common Carrier Bureau, are made parties to this proceeding.

5. It is further ordered, That parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of § 1.221 of the Commission's Rules, 47 CFR 1.221.

[1] Consideration of these factors shall be in light of the Commission's discussion in *Frank K. Spain*, 77 FCC 2d 20 (1980).

6. The Secretary shall cause a copy of this Order to be published in the **Federal Register**.

James R. Keegan,

Chief, Domestic Facilities Division, Common Carrier Bureau.

[FR Doc. 83-11600 Filed 4-25-83; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket No. 83-346, File No. BPCT-820607LG; MM Docket No. 83-347, File No. BPCT-820624KU]

Naguabo Broadcasters and Bocanegra/Girald Broadcasting Group, for Construction Permit; Designating Applications for Consolidated Hearing on Stated Issues; Hearing Designation Order

Adopted: March 31, 1983.

Released: April 19, 1983.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has before it: (a) The above-captioned mutually exclusive applications of James Rodriguez, M.D. and Mercedes Rodriguez Palacios d/b/a Naguabo Broadcasters (Broadcasters), and Angel F. Bocanegra et al d/b/a Boncanegra/Girald Broadcasting Group (Bocanegra) [1], for authority to construct a new commercial television station on Channel 68, Humacao, Puerto Rico [2]; (b) an informal objection filed by the Association of Maximum Service Telecasters (AMST); and (c) an "Opposition to Petition For Leave to Amend" and related pleadings filed by Broadcasters against Bocanegra [3].

2. Broadcasters specifies Naguabo as its community of license, while Bocanegra proposes Humacao. Consequently, it will be necessary to determine, pursuant to Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient, and equitable distribution of broadcast service. Since these proposals would serve substantial areas in common, however, in addition to the Section 307(b) issue, a contingent comparative issue will be specified.

3. The effective radiated visual power, antenna heights above average terrain and other technical data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would be served by each of the proposals. Consequently, for the purpose of comparison, the areas and populations which would be within the predicted 64 dBu (Grades B) contours, together with the availability of other television service of 64 dBu (Grade B) or greater intensity, will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to either of the applicants.

4. Bocanegra did not complete section III, FCC Form 301, in that only one of the questions regarding certification was answered. Bocanegra has not, therefore, demonstrated its financial qualifications to construct the proposed station. Accordingly, the applicant will be given 30 days from the date of release of this Order to submit to the Administrative Law Judge the certification required by the Form or to advise that it cannot make the required certification. In the latter event, the Adminstrative Law Judge shall specify an issue.

5. No determination has been reached that the tower height and location proposed by Bocanegra [4] would not constitute a hazard to air navigation. Accordingly, an issue regarding this matter will be specified.

6. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. Since these applications are mutually exclusive, the Commission is unable to make the statutory finding that their grant will serve the public interest, convenience, and necessity. Therefore, the applications must be designated for hearing in a consolidated proceeding on the issues specified below.

7. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine, with respect to Bocanegra, whether there is a reasonable possibility that the tower height and location proposed would constitute a hazard to air navigation.

2. To determine the areas and populations that would receive Grade B or better service from the proposals and the availability of other Grade B services to such areas and populations.

3. To determine, in light of Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of television service.

4. In the event it is concluded from Issue 2, above, that a choice among applicants should not be based solely on considerations relating to Section 307(b), to determine which proposal would, on a comparative basis, better serve the public interest.

5. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

8. It is further ordered, That the Federal Aviation Administration is made a party respondent with respect to Issue 4.

9. It is further ordered, That within 30 days of the release of this Order, Angel F. Bocanegra et al d/b/a Bocanegra/Girald Broadcasting Group shall submit a financial certification in the form required by Section III, F.C.C. Form 301, or advise the Administrative Law Judge that the required certification cannot be made, as may be appropriate.

10. It is further ordered, That the informal objection filed by the Association of Maximum Service Telecasters, Inc. and the Opposition and related pleadings filed by Broadcasters against Angel F. Bocanegra et al d/b/a Bocanegra/Girald Broadcasting Group are dismissed as moot.

11. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and the party respondent herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

12. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the

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[1] Bocanegra filed a "Petition for Leave to Amend" on December 28, 1982, accompanied by an amendment specifying a new site. Broadcasters has opposed the petition. However, the amendment would remove a potentially disqualifying issue and would also sever these applications from another application filed for Channel 64 that would otherwise be mutually exclusive because of the UHF "taboos" set out in Table IV of § 73.698. We have, therefore, granted the motion and accepted the amendment, but Bocanegra will not be permitted to claim any comparative advantage that may flow from the amendment proposal.

[2] Channel 68 is allocated to Humacao, Puerto Rico. Naguabo is located within 15 miles of Humacao. Accordingly, under former Section 73.607 of the Commission's Rules, Channel 68 is available for use in Naguabo, Puerto Rico.

[3] AMST's objection and Broadcasters Oppositions argue that Bocanegra has proposed a tower site that does not meet the Commission's mileage separation requirements; however, Bocanegra subsequently amended its application to specify a non-short-spaced site. Accordingly, AMST's objection and Broadcasters' opposition and related pleadings will be dismissed as moot.

[4] The Commission is not in receipt of FAA's determination for the tower proposed by Bocanegra.

manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Roy J. Stewart,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 83-11001 Filed 4-25-83; 8:45 am]
BILLING CODE 6712-01-M

[MM Docket No. 83-348, File No. BPCT-821207KH; MM Docket No. 83-349, File No. BPCT-821005KE]

Owen Broadcasting Enterprises and Del Rio Communications Inc., for Construction Permit; Designating Applications for Consolidated Hearing on Stated Issues; Hearing Designation Order

Adopted: *March 31, 1983.*
Released: *April 20, 1983.*

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authoirity, has before it the above-captioned mutually exclusive applications of Owen Broadcasting Enterprises (Owen) and Del Rio Communications Inc. (Del Rio) for authority to construct a new commercial television broadcast station on Channel 10, Del Rio, Texas.

Del Rio Communications Inc.

2. On December 21, 1982, Del Rio filed an amendment to its application stating that because its proposed tower height and location could not meet FAA air safety standards, it was seeking a new site. The applicant has not filed an amendment specifying a new site. Consequently, a question arises as to whether the applicant has a site available to it. An appropriate issue will be specified.

3. Del Rio, in response to Item 10(e), page 2, Section V–C, FCC Form 301, indicates that its Grade B coverage area would contain 3,640 square miles with a population of 26,045 persons. Its contour map, however, shows coverage of a part of Mexico. Section 73.684(e) of the Commission's Rules provides that coverage beyond the borders of the United States shall be excluded in computing coverage areas. It is not clear whether the figures furnished by Del Rio exclude coverage of part of Mexico. The applicant will be required to clarify this situation by appropriate amendment.

Owen Broadcasting Enterprises

4. The proposed antenna for Owen is to be mounted on the tower of AM Radio station KWMC, Del Rio, Texas. Consequently, any grant of a construction permit to Owen will be conditioned to ensure that KWMC's radiation pattern is not adversely affected by the construction of the proposed station.

5. Section II, Page 2, FCC Form 301, requires that if the applicant is a corporation, the names addresses and offices held by each officer must be listed. Owen broadcasting's application shows that Dennis Owen is the sole stockholder, but the office or offices which he holds, if any, have not been disclosed. No other names are listed as officers. The law of the State of Tennessee, however, appear to require that a corporation have at least two officers (Tenn. Code Ann. § 48–811). Furthermore, §73.3514(a) requires applicants to provide all information called for by FCC Form, unless the required information is inapplicable. Accordingly, appropriate issues will be specified to determine the identity and qualifications of the corporate officers and to examine Owen Broadcasting's compliance with § 73.3514(a).

6. Owen indicates in Section V–C, Item 7, FCC Form 301, that it will use electrical and mechanical beam tilt. Section 73.685 (e) and (f) of the Commission's Rules requires that information be submitted to verify the nature of the proposed electrical and mechanical beam tilt. Owen has not done so. Accordingly, applicant will be required to submit an appropriate engineering amendment within 20 days of the release of this order.

7. Owen has also shown coverage of a part of Mexico, but it has furnished no pupulation figures. Accordingly, it will be required to show compliance with § 73.684(e) of the Rules and to furnish the correct area and population figures as required by Item 10(e), page 2, Section V–C, FCC Form 301.

8. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. Since the proposals are mutually exclusive, the Commission is unable to make the statutory finding that their grant will serve the public interest, convenience, and necessity. Therefore, the applicants must be designated for hearing in a consolidated proceeding on the issues specified below.

9. Accordingly, it is ordered, That, purusanat to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether there is reasonable assurance that Del Rio will have a transmitter site available to it.

2. To determine with respect to Owen Broadcasting Enterprises:

a. The number, identity and legal qualifications of the officers of Owen Broadcasting Enterprises;

b. Whether, in light of the evidence adduced pursuant to the foregoing issue, the applicant complied with § 73.3514(a) of the Commission's Rules; and

c. In light of the evidence adduced pursuant to the foregoing issues, the effect of any omissions on the applicant's basic or comparative qualifications.

3. To determine which of the proposals would, on a comparative basis, better serve the public interest.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

10. It is further ordered, That the Federal Aviation Administration is made a party respondent to this proceeding with respect to issue 1.

11. It is further ordered, That, in the event of a grant of the application of Owen, the construction permit shall be conditioned as follows:

During installation of the TV antenna, AM Station KWMC shall determine operating power by the indirect method. Upon completion of the installation, antenna impedance measurements of the AM antenna shall be made. The results shall be submitted to the Commission, along with a tower sketch of the installation, in an application for the AM station to return to the direct method of power determination. Thereafter, the TV station may commence *Limited Program Tests.*

12. It is further ordered, That within 20 days after the date of release of this Order, Del Rio and Owen shall each submit an amendment to clarify the correct area and population figures to the presiding Administrative Law Judge.

13. It is further ordered, That, Owen shall submit, pursuant to § 73.685 (e) and (f) of the Commission's Rules, an appropriate engineering amendment to verify the nature of the proposed electrical and mechanical beam tilt within 20 days after the date of release of this Order to the presiding Administrative Law Judge.

14. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and the party respondent herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written

appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

15. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Roy J. Stewart,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 83-11002 Filed 4-25-83; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket No. 83-388, File No. 10478-CM-P-80; CC Docket No. 83-389, File No. 50049-CM-P-81]

Quo Vadis, Inc. and Microband Corporation of America, for Construction Permits in the Multipoint Distribution Service for a New Station at Knoxville, Iowa; Designating Applications for Consolidated Hearing on Stated Issues; Memorandum Opinion and Order

Adopted April 11, 1983.
Released April 18, 1983.

1. For consideration are the above-referenced applications.[1] These applications are for construction permits in the Multipoint Distribution Service and they propose operations on Channel 1 at Knoxville, Iowa. The applications are therefore mutually exclusive and, under present procedures, require comparative consideration. There are no petitions to deny or other objections under consideration.[2]

2. Upon review of the captioned applications, we find that these applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications shall be granted.[2]

3. Accordingly, it is hereby ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, 47 U.S.C. 309(e) and § 0.291 of the Commission's Rules, 47 CFR 0.291, the above-captioned applications are designated for hearing, in a consolidated proceeding, at a time and place to be specified in a subsequent Order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination, the following factors shall be considered:[3]

(a) The relative merits of each proposal with respect to efficient frequency use, particularly with regard to compatibility with co-channel use in nearby cities and adjacent channel use in the same city;

(b) The anticipated quality and reliability of the service proposed, including installation and maintenance programs; and

(c) The comparative cost of each proposal considered in context with the benefits of efficient spectrum utilization and the quality and reliability of service as set forth in issues (a) and (b).

4. It is further ordered, That Quo Vadis, Inc., Microband Corporation of America and the Chief, Common Carrier Bureau, are made parties to this proceeding.

5. It is further ordered, That parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of § 1.221 of the Commission's Rules, 47 CFR 1.221.

6. The Secretary shall cause a copy of this order to be published in the **Federal Register.**

James R. Keegan,

Chief, Domestic Facilities Division, Common Carrier Bureau.

[FR Doc. 83-10999 Filed 4-25-83; 8:45 am]

BILLING CODE 6712-01-M

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[1] On August 18, 1980, Tymshare, Inc. (Tymshare) and Arthur Lipper Corporation (ALC) executed a contract whereby ALC agreed to transfer control of Microband Corporation of America to Tymshare. *Transfer of Control/MDS*, 85 FCC 2d 1023 (1981).

[2] By Memorandum Opinion and Order adopted June 26, 1981 and released July 2, 1981, Mimeo No. 001863, Microband was granted an exemption from the Commission's "cut-off" rules pursuant to § 21.31 of the Rules, 47 CFR 21.31, to preserve the status of its pending mutually exclusive application.

[3] Consideration of these factors shall be in light of the Commission's discussion in *Frank K. Spain*, 77 FCC 2d 20 (1980).

FEDERAL MARITIME COMMISSION

Global Terminal and Container Sevices, Inc. and Concorde Line, Inc.; Cancellation of Agreement No. T-3965

Agreement No. T-3965 is a container, terminal and LCL service agreement between Global Terminal and Container Sevices, Inc. (Global) and Concorde Line, Inc. (Concorde). It provides that Global will furnish the necessary equipment and labor for the performance of comprehensive terminal and stevedoring services for Concorde at the Port of New York.

The parties to Agreement No. T-3965 have given notice of their intent to terminate this agreement by mutual consent as provided for in Section XX of the agreement. Agreement No. T-3965 will be cancelled 15 days following publication in the **Federal Register.**

Dated: April 21, 1983.

By Order of the Federal Maritime Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 83-11006 Filed 4-25-83; 8:45 am]

BILLING CODE 6730-01-M

Agreements Filed; Georgia Ports Authority, et al.

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and may request a copy of each agreement and the supporting statement at the Washington, D.C. Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10325. Interested parties may submit protests or comments on each agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after the date of the **Federal Register** in which this notice appears. The requirements for comments and protests are found on § 522.7 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Any person filing a comment or protest with the Commission shall, at the same time, deliver a copy of that document to the person filing the agreement at the address shown below.

Agreement No.: T-4105.

Title: Georgia Ports Authority and Union Camp Corporation Volume Incentive Agreement.

Parties: Georgia Ports Authority (Authority)/Union Camp Corporation (UCC).

Synopsis: Agreement No. T-4105 provides that the Authority, in consideration for the volume utilization of its facilities, will make available to UCC rates that would decline based on the increased volume of cargo handled through September 30, 1983. Additionally, the agreement provides for additional free time on volume shipments.

Filing Party: Robert W. Goethe, Assistant Executive Director, Georgia Ports Authority, P.O. Box 2406, Savannah, Georgia 31402.

Agreement No.: 2744–49.

Title: Atlantic and Gulf/West Coast of South America Conference.

Parties: Chilean Line, Delta Steamship Lines, Inc., Flota Mercante Grancolombiana, Peruvian State Line, Transnave, and Lykes Bros. Steamship Co., Inc.

Synopsis: The basic agreement would be amended to require the countersignature of a representative of a member line of the Conference in addition to the signature of the Conference Chairman or Vice Chairman before the security deposit of a member line could be drawn upon.

Filing Party: Nathan J. Bayer, Esq., Freehill, Hogan & Mahar, 80 Pine Street, New York, N.Y. 10005

Agreements Nos.: 7540–38 and 7540–39.

Title: United States Atlantic & Gulf/Southeastern Caribbean Conference.

Parties: Box Caribbean Lines, S.A., Concorde/Nopal Line, Nedlloyd Lines (Antilles) N.V., Pan American Mail Line, Inc. d.b.a. Pan Atlantic Lines and Sea-Land Service Inc.

Synopsis: The basic agreement would be amended to: (1) Clarify that the Conference has authority to establish uniform rules and charges concerning free time, demurrage and detention; (2) require the countersignature of a member of the Executive Committee of the Conference, in addition to the signature of the Conference Chairman or Vice Chairman before the security deposit of a member line could be drawn upon; and (3) increase from three to four the number of rate-making sections within the geographic scope of the Conference.

Filing Party: Nathan J. Bayer, Esq., Freehill, Hogan & Mahar, 80 Pine Street, New York, N.Y. 10005.

Agreement No.: 10424–4.

Title: United States Atlantic and Gulf/Jamaica and Hispaniola Steamship Freight Association.

Parties: Concorde-Nopal Line, Puerto Rico Marine Management, Inc., Sea-Land Service, Inc., Trailer Marine Transport/CTMT.

Synopsis: The basic agreement would be amended to require the countersignature of a member line of the Executive Committee of the Conference in addition to the signature of the Chairman or Vice Chairman before the security deposit of a member line could be drawn upon.

Filing Party: Nathan J. Bayer, Freehill, Hogan & Mahar, 80 Pine Street, New York, N.Y. 10005.

Dated: April 21, 1983.

By Order of the Federal Maritime Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 83–11008 Filed 4–25–83; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Formation of Bank Holding Companies, North East Bancshares, Inc. and Planters Financial Corp.

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a heaing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *North East Bancshares, Inc.*, Henagar, Alabama; to become a bank holding company by acquiring 100 percent of the voting shares of Northeast State Bank of Alabama, Henagar, Alabama. Comments on this application must be received not later than May 18, 1983.

B. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Planters Financial Corporation*, Hopkinsville, Kentucky; to become a bank holding company by acquiring 100 percent of the voting shares of Planters Bank & Trust Company, Hopkinsville, Kentucky. Comments on this application must be received not later than May 18, 1983.

Board of Governors of the Federal Reserve System, April 20, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc–83–10975 Filed 4–25–83; 8:45 am.]

BILLING CODE 6210–01–M

Southern Bancorporation, Inc., Proposed Acquisition of Bibb Investment Company

Southern Bancorporation, Inc., South Greenville, Carolina, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Bibb Investment Company, Macon, Georgia.

Applicant states that the proposed subsidiary would engage in the activities of making direct loans to individuals, acting as agent for the sale of credit, accident and health insurance; and acting as agent for credit property insurance written solely in connection with such extensions of credit. These activities would be performed from officers of Applicant's subsidiary on Macon, Georgia, and the geographic areas to be served are Macon, Georgia and surrounding areas. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably by expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased of unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond.

Any person wishing to comment on the application should submit views in

writing to the Reserve Bank to be received not later than May 19, 1983.

Board of Governors of the Federal Reserve System, April 19, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-10981 Filed 4-25-83; 8:45 am]

BILLING CODE 6210-01-M

Southern Bancorporation, Inc.; Proposed Acquisition of General Finance Co.

Southern Bancorporation, Inc., Greenville, South Carolinia, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of General Finance Company, Beaumont, Texas.

Applicant states that the proposed sudsidiary would engage in the activities of making direct loans to individuals. These activities would be performed from offices of Applicant's subsidiary in Beaumont, Texas, and the geographic areas and surrounding areas. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(4).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than May 19, 1983.

Board of Governors of the Federal Reserve System, April 19, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-10980 Filed 4-25-83; 8:45 am]

BILLING CODE 6210-01-M

Acquisition of Bank Shares by Bank Holding Companies; Commercial Bancshares, Inc., et al.

The companies listed in this notice have applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Commercial Bancshares, Inc.*, Houston, Texas; to acquire 50 percent of the voting shares or assets of Park Tower National Bank, Houston, Texas. Comments on this application must be received not later than May 19, 1983.

2. *Consolidated Bancorp, Inc.*, Hewitt, Texas; to acquire 80 percent of the voting shares or assets of Farmers & Merchants State Bank, Ferris, Texas. Comments on this application must be received not later than May 19, 1983.

B. **Board of Governors of the Federal Reserve System** (William W. Wiles, Secretary) Washington, D.C. 20551:

1. *Mercantile Bankshares Corporation*, Baltimore, Maryland; to acquire 100 percent of the voting shares or assets of The Sudlersville Bank of Maryland, Sudlersville, Maryland. The application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Richmond. Comments on this application must be received not later than May 19, 1983.

Board of Governors of the Federal Reserve System, April, 19, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-10079 Filed 4-25-83; 8:45 am]

BILLING CODE 6210-01-M

Acquisition of Bank Shares by Bank Holding Companies; Butler Bancorp. Inc.

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842 (a)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in Section 3 (c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated. With respect to each application, interested persons may express their views in writing to the address indicated. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Butler Bancorp, Inc.*, Butler, Missouri; to become a bank holding company by acquiring at least 80 percent of the voting shares of the National Bank of Butler, Butler, Missouri. First State Holding Company, Inc., Joplin, Missouri will then acquire 100 percent of the voting shares or assets of Butler Bancorp, Inc., Butler, Missouri. Comments on this application must be received not later than May 19, 1983.

Board of Governors of the Federal Reserve System, April 19, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-10978 Filed 4-25-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies; West-Central Bancorp, Inc., et al.

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or

assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *West-Central Bancorp, Inc.*, Spencer, West Virginia; to become a bank holding company by acquiring 80 percent of the voting shares of The First National Bank of Spencer, Spencer, West Virginia. Comments on this application must be received not later than May 19, 1983.

B. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Farmers Bancshares, Inc.*, Malone, Florida; to become a bank holding company by acquiring 99.6 percent of the voting shares of The Farmers Bank of Malone, Malone, Florida. Comments on this application must be received not later than May 19, 1983.

C. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *First Menasha Bancshares, Inc.*, Menasha, Wisconsin; to become a bank holding company by acquiring 95 percent of the voting shares of The First National Bank of Menasha, Menasha, Wisconsin. Comments on this application must be received not later than May 19, 1983.

D. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *First Mulberry Bancshares, Inc.*, Mulberry, Arkansas; to become a bank holding company by acquiring 80 percent of the voting shares of Bank of Mulberry, Mulberry, Arkansas. Comments on this application must be received not later than May 19, 1983.

E. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Oklahoma Bancorporation, Inc.*, Clinton, Oklahoma; to become a bank holding company by acquiring at least 80 percent of the voting shares of Oklahoma Bank and Trust Company, Clinton, Oklahoma. Comments on this application must be received not later than May 19, 1983.

F. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Northway Bancshares, Inc.*, Richardson, Texas; to become a bank holding company by acquiring 80 percent or more of the voting shares of Richardson National Bank, Richardson, Texas and Northway National Bank, Addison, Texas. Comments on this application must be received not later than May 19, 1983.

Board of Governors of the Federal Reserve System, April 19, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-10977 Filed 4-25-83; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities; Barclays Bank PLC, et al.

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section § 225.4(b)(1) of the Bank's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de nova* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resource, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying speifically any questions of fact that are in dispute, summarzing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The applications may be inspected at the offices of the Bank of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Barclays Bank PLC* and its subsidiary, Barclays Bank International Limited, London, England (leasing activities; Florida): To engage through their subsidiary, BarclaysAmercian/Leasing, Inc. ("BAL"), in lease financing of personal property by means of leases that meet the standards of Section 225.4(a)(6) of Regulation Y. This activity would be conducted from an office of BAL located in Tampa, Florida, serving customers in the State of Florida. Comments on this application must be received not later than May 19, 1983.

2. *Citicorp*, New York, New York (sale of travelers checks; California): To engage through a *de novo* office of its subsidiary, Citicorp (USA), Inc., in the sale of travelers checks. The *de novo* office would be located at the San Francisco International Airport, San Franisco, California and would serve individuals at the airport. Comments on this application must be received not later than May 19, 198.

3. *Heritage Bancorporation*, Monroe Township, New Jersey (data processing and data transmission services): To provide to others financial mortgage, banking and economic data processing and transmission services pursuant to a written agreement so describing and limiting the services. These activities would be conducted from offices in Pennsauken New Jersey, serving the State of New Jersey. Comments on this application must be received not later than May 19, 1983.

B. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701, East Byrd Street, Richmond, Virginia 23261:

1. *Southern Bancorporation, Inc.*, Greenville, South Carolina, (consumer financing activities; Texas): To engage through its subsidiary, World Acceptance Corporation in making extensions of credit as a licensed consumer finance lender. These activities would be conducted from an office in Lufkin, Texas, serving the City of Lufkin and certain other parts of Angelina County within a ten mile radius of Lufkin. Comments on this application must received not later than May 19, 1983.

2. *Southern Bancorporation, Inc.*, Greenville, South Carolina (finance and insurance activities; Georgia): To engage through its subsidiary, World Acceptance Corporation, in making extensions of credit as a licensed consumer finance lender, acting as agent for credit life and accident insurance written in connection with such extensions of credit, and acting as agent for credit property insurance written solely in connection with such extensions of credit. These proposed insurance activities are permissible under Sections 601(A) and 601(B) of the Garn—St Germain Depository Institutions Act of 1982. These activities would be conducted from an office in Augusta, Georgia, serving the approximate city limits of Augusta and certain other parts of the Augusta SMSA within a ten mile radius of Augusta. Comments on this application must received not later than May 19, 1983.

3. *Union Trust Bancorp* ("Union Trust"), Baltimore, Maryland (mortgage banking, consumer financing, and credit insurance activities; Maryland): To engage, through its subsidiary Landmark Financial Services of Mayland, Inc. ("LFS/Maryland"), in the making of mortgage loans secured in whole or in part by mortgages or other liens on real estates, in the making or servicing of installment loans to individuals for personal, family or household purposes; and acting as agent in the sale of life, accident and health, and property insurance directly related to extensions of credit by said subsidiary. LFS/Maryland engaged in the above credit-related insurance activities at the time of its acquisition by Union Trust, which acquisition was approved by Board Order of January, 1975, thereby rendering same permissible activities under Section 601(D) of the Garn-St Germain Depository Institutions Act of 1982. These activities would be conducted from a new office of LFS/Maryland located in Laurel, Maryland, serving Laurel and Ft. Meade, Maryland, and the surrounding area. Comments on this application must be received not later than May 19, 1983.

C. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *BankAmerica Corporation*, San Francisco, California (financing, servicing, and insurance activities; expansion of geographic scope; Maryland, Pennsylvania, Virginia and West Virginia): To continue to engage through its indirect subsidiary, FinanceAmerica Corporation, a Maryland corporation, in the activities of making or acquiring for its own account loans and other extensions of credit such as would be made or acquired by a finance company; servicing loans and other extensions of credit; and offering credit-related life insurance and credit-related accident and health insurance. The aforementioned types of credit-related insurance are permissible under Section 4(c)(8)(A) of the Bank Holding Company Act of 1956, as amended by the Garn-St Germain Depository Institutions Act of 1982. Credit-related property insurance will not be offered. Such activities will include, but not be limited to, making consumer installment loans, purchasing installment sales finance contracts, making loans and other extensions of credit to businesses, making loans and other extensions of credit secured by real and personal property, and offering credit-related life and credit-related accident and health insurance directly related to extensions of credit made or acquired by FinanceAmerica Corporation. Credit-related life and credit-related accident and health insurance may be reinsured by BA Insurance Company, Inc., an affiliate of FinanceAmerica Corporation. These activities will be conducted from an existing office located in Hagerstown, Maryland, serving the entire States of Maryland, Pennsylvania, Virginia and West Virginia. Comments on this application must be received not later than May 19, 1983.

2. *BankAmerica Corporation* ("BankAmerica"), San Francisco, California (industrial loan company operations, consumer and commercial financing, and insurance activities; Minnesota): To engage *de novo* through its indirect subsidiary, FinanceAmerica Thrift Corporation ("FA Thrift/Minnesota") in the operation of an industrial loan company, and to continue to engage in the activities of commercial and consumer lending and loan servicing, as well as life accident and health, and property insurance directly related to extensions of credit by said subsidiary, in an expanded service area encompassing the State of Minnesota. FA Thrift/Minnesota's industrial loan company activities are to be conducted in conformance with § 225.4(a)(2) of Regulation Y, and Section 4(c)(8) of the Bank Holding Company Act of 1956. FA Thrift/Minnesota engaged in the above financing and credit-related insurance activities in Minnesota at the time of its acquisition by BankAmerica and approved by Board Order of August 14, 1973, thereby rendering said activities permissible under the terms of Section (D) of the Garn-St Germain Depository Institutions Act of 1982. These activities will be conducted from an existing office of FA Thrift/Minnesota located in St. Cloud, Minnesota, serving the State of Minnesota. Comments on this application must be received not later than May 19, 1983.

3. *Security Pacific Corporation*, Los Angeles, California (finance and credit life and credit accident and health insurance activities; West Virginia): To engage through its subsidiary, Security Pacific Finance Money Center Inc., in making or acquiring for its own account or for the account of others, loans and extensions of credit, including making consumer installment personal loans, purchasing consumer installment sales finance contracts, making loans to small businesses and other extensions of credit such as would be made by a factoring company or a consumer finance company, and acting as broker or agent for the sale of credit life and credit accident and health insurance, such insurance agency activities being permitted pursuant to Section 601(A) of Title VI of the Garn-St Germain Act. These activities would be conducted from offices of Security Pacific Finance Money Center Inc. in Elkins, Logan and Welch, West Virginia, each serving the State of West Virginia. Comments on this application must be received not later than May 19, 1983.

4. *Security Pacific Corporation*, Los Angeles, California (securities and commercial paper clearing and custodian activities; United States): To engage through its subsidiary, Security Pacific Clearing & Services Corp. in certain clearing and custodian activities with respect to securities, commercial paper and similar instruments, such as acting as forwarding agent, coupon paying agent and provider of trade confirmation services for securities and acting as issuing and paying agent for commercial paper and similar instruments, as well as activities incident thereto, such as making of call loans to securities dealers. These activities would not include extensions of credit involving margin securities such as would be covered under Regulation G and would be conducted from an office of Security Pacific Clearing & Services Corp. located in New York, New York, serving the United States. Comments on this application must be received not later than May 19, 1983.

Board of Governors of the Federal Reserve System, April 19, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-10976 Filed 4-25-83; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 83F-0116]

Ciba-Geigy Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: Food and Drug Administration (FDA) is announcing that Ciba-Geigy Corp. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of tetrakis[methylene(3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate)]-methane as an antioxidant/stabilizer in various food-contact applications.

FOR FURTHER INFORMATION CONTACT: Julia L. Ho, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204; 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 3B3701) has been filed by Ciba-Geigy Corp., Three Skyline Drive, Hawthorne, NY 10532, proposing that the food additive regulations be amended to provide for the safe use of tetrakis[methylene(3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate)]methane as an antioxidant/stabilizer in food-contact applications listed in the following sections: § 175.125 *Pressure-sensitive adhesives* (21 CFR 175.125); § 175.300 (*Resinous and polymeric coatings* (21 CFR 175.300) in paragraph (b)(3)(xxxi); § 175.320 *Resinous and polymeric coatings for polyolefin films* (21 CFR 175.320); § 176.170 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 176.170); § 176.210 *Defoaming agents used in the manufacture of paper and paperboard* (21 CFR 176.210); § 177.1210 *Closures with sealing gaskets for food containers* (21 CFR 177.1210); § 178.3800 *Preservatives for wood* (21 CFR 178.3800); and § 178.3850 *Reinforced wax* (21 CFR 178.3850).

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 2540(c) (proposed December 11, 1979; 44 FR 71742).

Dated: April 20, 1983.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 83-11136 Filed 4-25-83; 8:45 am]

BILLING CODE 4160-01-M

Consumer Participation; Open Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the following consumer exchange meetings: Minneapolis District Office, chaired by John Feldman, District Director. The topics to be discussed are: Direct-to-Consumer Advertising of Prescription Drugs and the Reclassification of Prescription Drugs to Nonprescription or Over-the-Counter (OTC) status.

DATE: Wednesday, May 4, 1983, 9:30 a.m. to 11:30 a.m.

ADDRESS: Federal Plaza, Rm. 290, 310 West Wisconsin Ave., Milwaukee, WI 53203.

FOR FURTHER INFORMATION CONTACT: Blanche Erkel, Consumer Affairs Officer, Food and Drug Administration, 240 Hennepin Ave., Minneapolis, MN 55401; 612-725-2121.

Buffalo District Office chaired by David J. Kiessling, Supervisory Consumer Safety Officer, and Lois M. Meyer, Consumer Affairs Officer. The topics to be discussed are: Direct-to-Consumer Advertising of Prescription Drugs, Committee on Patient Education (COPE), Tamper-Resistant Packaging, Sodium Labeling and Educational Initiatives, and Yellow #5 Food Color and Other Additives.

Date: Wednesday, May 4, 1983, 10 a.m.

Address: U.S. Courthouse and Federal Bldg., Rm. 1117, 100 South Clinton St., Syracuse, NY 13260.

For further information contact: Lois M. Meyer, Consumer Affairs Officer, Food and Drug Administration, 599 Delaware Ave., Buffalo, NY 14202; 716-846-4483.

San Francisco District Office, chaired by William C. Hill, District Director. The topics to be discussed are: Direct-to-Consumer Advertising of Prescription Drugs with Updates on Heptachlor, Patient Education Alternatives, Tamper-Resistant Packaging, Pregnancy/Nursing Warning Labels on OTC Drugs, and Salicylates and Their Relationship to Reye Syndrome.

Date: Wednesday, May 11, 1983, 1:15 p.m.

Address: Federal Office Bldg., Rm. 6323, Ala Moana and Punchbowl, Honolulu, HI 96850.

For further information contact: Karen Erdman, Consumer Affairs Officer, Food and Drug Administration, 50 United Nations Plaza, Rm. 524, San Francisco, CA 94102, 415-556-2062.

Los Angeles District Office, chaired by Abraham I. Kleks, District Director. The topics to be discussed are: Direct-to-Consumer Advertising of Prescription Drugs, Adverse Reactions to Food Additives, and Updates on Bubble Bath, Lead, and Pet Food Labeling.

Date: Wednesday, May 18, 1983, 9:30 a.m.

Address: Food and Drug Administration, 1521 West Pico Blvd., Los Angeles, CA 90015.

For further information contact: Gordon L. Scott, Consumer Affairs Officer, Food and Drug Administration, 1521 West Pico Blvd., Los Angeles, CA 90015; 212-688-4395.

San Antonio Resident Inspection Post, chaired by Anthony Whitehead, Chief, Houston Station. The topic to be discussed is: Direct-to-Consumer Advertising of Prescription Drugs.

Date: Friday, May 20, 1983, 2 p.m.

Address: Federal Bldg., 727 East Durango St., Rm A-206, San Antonio, TX 78206.

For further information contact: Juan Tijerina, Consumer Affairs Officer, Food and Drug Administration, San Antonio Resident Inspection Post, 727 East Durango, Rm. B-406, San Antonio, TX 78206; 512-229-6737.

SUPPLEMENTARY INFORMATION: The purpose of these meetings is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's District Offices, and to contribute to the agency's policymaking decisions on vital issues.

Dated: April 22, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-11132 Filed 4-25-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 82N-0381]

Notice to Manufacturers and Importers of Confectionery Containing Alcohol

AGENCY: Food and Drug Adminstration.

ACTION: Notice.

SUMMARY: The Food and Drug Adminstration (FDA) is reminding manufacturers and importers of confectionery that the Federal Food, Drug, and Cosmetic Act (the act) prohibits the interstate sale of confectionery containing any amount of alcohol that is not derived form flavoring extracts. Alcoholic beverages such as rum, bourbon, and liqueurs—even if diluted, concentrated, or denatured— are not considered to be flavoring extracts. Any further manufacture of importation of confectionery not in compliance with the act should cease immediately. A reasonable time will be allowed by the agency, however, for depleting existing stocks of confectionery, including imports in transit, containing no more than 0.5 percent by volume alcohol derived from alcoholic beverages.

FOR FURTHER INFORMATION CONTACT: Raymond E. Newberry, Bureau of Foods (HFF-314), Food and Drug Administration, 200 C St. SW., Washington, DC 20204; 202-245-7745

SUPPLEMENTARY INFORMATION: Under section 401(d)(2) of the act, a confectionery is deemed to be adulterated if it "bears or contains any alcohol other than alcohol not in excess of one-half of 1 per centum by volume derived solely from the use of flavoring extracts". Thus, any alcohol in confectionery is illegal unless it is: (1) Derived solely from the use of flavoring extracts, and (2) not in excess of ½ of 1 percent by volume. An alcoholic beverage, including, but not limited to, rum, bourbon, and liqueurs, is not considered a "flavoring extract." The addition of any alcoholic beverage to a confectionery causes the product to be adulterated within the meaning of section 402(d)(2) of the act regardless of the reason for the addition. Dilution of an alcoholic beverage to obtain an alcohol volume of ½ percent or less in the finished confectionery does not alter the fact that the product contains alcohol that is not derived from flavoring extracts. The concentration or denaturing of an alcoholic beverage does not result in a flavoring extract for purposes of this provision of the act.

The method for determining the amount of alcohol is described in the "Official Methods of Analysis of the Association of Official Analytical Chemists," 13th Ed. (1980), section 31.106. The percent of alcohol in a confectionery should be derived by comparing the amount of alcohol with the total weight of the confectionery. In the past, FDA had taken the position that, for confectioneries with a liquid or semi-liquid center, the percent of alcohol was derived by comparing the amount of alcohol with the weight of the center. This change in policy on the method of determining the percent of alcohol in such confectioneries is in the interest of applying the same standards to all confectioneries.

In recent months FDA has detained imported filled chocolates because they appeared to violate section 402(d)(2) of the act. Based upon complaints received and its own investigations, FDA is aware that certain domestic manufacturers also are or have been making these confectioneries that unlawfully contain alcohol not derived from the use of flavoring extracts, and that the confectioneries have been sold in interstate commerce. Some of these importers and manufacturers have stated that they were not aware that the agency considers all alcoholic beverages not to be flavoring extracts. In view of the possibility of misunderstanding, FDA is publishing this notice to apprise all manufacturers and importers of confectionery of the act's requirements.

The further manufacture or importation of confectionery in violation of section 402(d)(2) of the act should cease immediately. Confectioneries containing alcoholic beverages at levels of ½ percent by volume or less do not pose a public health problem, and the economic cost of taking regulatory action against all such products at this time would not be justified. In light of these considerations, and the possibility of confusion over the act's requirements, FDA will allow a reasonable length of time for manufacturers and importers to deplete existing stocks of confectionery, including imports in transit, that contain alcoholic beverages at levels of ½ percent by volume or less. However, the agency may take immediate action against products—or persons responsible for them—that contain alcohol at a level over ½ percent by volume when calculated by the method described above, regardless of the source of the alcohol.

This notice is not intended to prohibit the manufacture of confectionery products containing alcoholic beverages when allowed under State law and when distributed solely within that State.

Dated: April 20, 1983.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-11133 Filed 4-25-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 83N-0112]

Antibody Search of Florida, Inc.; Revocation of U.S. License No. 823

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the revocation on March 10, 1983, of the establishment license (U.S. License No. 823) and product license issued to Antibody Search of Florida, Inc., 3870 San Jose Park Drive, Jacksonville, FL 32217, for the collection of Source Plasma (Human). On February 28, 1983, the firm notified the agency of its intent to waive the opportunity for a hearing regarding the proposed revocation.

EFFECTIVE DATE: The revocation of the establishment and product licenses was effective on March 10, 1983.

FOR FURTHER INFORMATION CONTACT: Rada Proehl, National Center for Drugs and Biologics (HFN-813), Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205, 301-443-1306.

SUPPLEMENTARY INFORMATION: FDA has revoked the establishment license (U.S. License No. 823) and product license issued to Antibody Search of Florida, Inc., 3870 San Jose Park Drive, Jacksonville, FL 32217, for the collection of Source Plasma (Human).

An inspection by FDA of Antibody Search of Florida, Inc., on August 18, 1982, revealed that the person serving as manager was unqualified to serve as a manager in such a licensed establishment. Following a subsequent investigation, FDA informed the firm of this and other important deviations from 21 CFR Parts 600 and 601 of the biologics regulations. These deviations included:

1. Failure to notify the agency of an important change in responsible personnel as required in 21 CFR 601.12: and

2. Willful disregard for the conditions of licensure and applicable regulations and an attempt to conceal violative conditions from FDA.

Because of the continuing nature of the noncompliance with the licensing and other applicable regulations and the willful concealment of important changes in responsible personnel, FDA concluded that the firm's promises of

corrective action would be insufficient to assure compliance with the regulations. In the absence of such assurance, FDA questioned the integrity of the entire operation of the firm, including qualification of personnel, accuracy of records, and conformance with applicable standards.

Because of the willfulness of the deviations and without providing opportunity for corrections of the deviations, as authorized in 21 CFR 601.5(b), FDA issued a letter on February 10, 1983, that notified the licensee of its intention to revoke U.S. License No. 823 and that set forth the grounds for, and offered an opportunity for a hearing on, the proposed revocation. Before further regulatory action was taken, as provided in 21 CFR 601.5(a), the licensee requested on February 28, 1983, that its establishment and product licenses be revoked and waived the opportunity for a hearing. The agency has granted the licensee's request.

Accordingly, under 21 CFR 12.38 and the Public Health Service Act (sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelgated to the Director, Office of Biologics (21 CFR 5.68), the establishment license (U.S. License No. 823) and product license issued to Antibody Search of Florida, Inc., for the collection of Source Plasma (Human) were revoked, effective March 10, 1983. This notice is issued and published under 21 CFR 601.8

Dated: April 19, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-10965 Filed 4-25-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 83M-0122]

CILCO™, Inc.; Premarket Approval of 1S and 1P 2-Loop Binkhorst Iridocapsular Intraocular Lenses

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application for premarket approval under the Medical Device Amendments of 1976 of the 1S and 1P 2-Loop Binkhorst Iridocapsular Intraocular Lenses sponsored by CILCO™, Inc., Huntington, WV. After reviewing the recommendation of the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, FDA notified the sponsor that the application was approved because the device has been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by May 26, 1983.

ADDRESS: Request for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Charles H. Kyper, National Center for Devices and Radiological Health (HFK-402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7445.

SUPPLEMENTARY INFORMATION: On July 17, 1980, CILCO™, Inc., submitted to FDA an application for premarket approval of the 1S and 1P 2-Loop Binkhorst Iridocapsular Intraocular Lenses. The application was reviewed by the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, an FDA advisory committee, which recommended approval of the application. On March 31, 1983, FDA approved the application by a letter to the sponsor from the Associate Director for Device Evaluation of the Office of Medical Devices. The 1S and 1P 2-Loop Binkhorst Iridocapsular Intraocular Lenses are indicated for primary implantation in persons 60 years of age and older for the viscul correction of aphakia where a cataractous lens has been removed by extracapsular extraction methods.

A summary of the safety and effectiveness data on which FDA's approval is based is on file in the Dockets Management Branch (address above) and is available upon request from that office. A copy of all approved final labeling is available for public inspection at the Office of Medical Devices—contact Charles H. Kyper (HFK-402), address above. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e(d)(3)) authorizes and interested person to petition under section 515(g) of the act (21 U.S.C. 360e(g)) for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and of FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before May 26, 1983, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 19, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-10964 Filed 4-25-83; 8:45 am]

BILLING CODE 4160-01-M

[FDA-225-72-2001]

Memorandum of Understanding With the United States Department of Agriculture, Agricultural Marketing Service

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has executed a memorandum of understanding with the United States Department of Agriculture, Agricultural Marketing Service. This agreement sets forth the working arrangement being followed or adopted to enable the Agricultural Marketing Service and FDA to discharge, as effectively as possible, their responsibilities relating to the inspection, sampling, and examination of imported dates and date material.

EFFECTIVE DATE: March 28, 1983.

FOR FUTHER INFORMATION CONTACT: Walter J. Kustka, Intergovernmental and Industry Affairs Staff (HFC-50), Food

and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–1583.

SUPPLEMENTARY INFORMATION: In accordance with § 20.108(c) (21 CFR 20.108(c)) stating that all agreements and memoranda of understanding between FDA and others shall be published in the **Federal Register**, the agency is publishing the following memorandum of understanding:

Memorandum Of Understanding

Between the

United States Department of Agriculture, Agricultural Marketing Service

And the

Department of Health and Human Services, Food and Drug Administration

I. Purpose

This agreement sets forth the working arrangements being followed or adopted to enable the Agricultural Marketing Service (AMS) and the Food and Drug Administration (FDA) to discharge, as effectively as possible, their responsibilities relating to the inspection, sampling, and examination of imported dates and date material.

Statutes Relating to the Agreement

A. FDA is charged with the enforcement of the Federal Food, Drug, and Cosmetic Act. FDA inspects, samples, and examines imported dates and date products intended for processing to determine their status under this statute. One provision of the act deems a food to be adulterated if it consists in whole or in part of any filthy, putrid, or decomposed substance.

B. AMS is responsible for certifying that imported retail packages of dates or bulk dates intended for packaging meet the minimum grade and condition standards as outlined in section 608e of the Agricultural Marketing Agreement Act of 1937, as amended. These requirements recognize insect infestation, filth, and decomposition in dates as defects which may prohibit importation.

Nothing in this agreement shall lessen the responsibilities of AMS under the Agricultural Marketing Agreement Act of 1937; nor of FDA under the Federal Food, Drug, and Cosmetic Act.

III. Background

So that the responsibilities of both agencies could be efficiently carried out, an agreement concerning the inspection, sampling, and examination of whole dates, packaged or intended for packaging, was executed May 29, 1953. The agreement was subsequently amended October 7, 1963, and September 27, 1971. A revision was executed on November 21, 1977. This agreement replaces the Memorandum of Understanding as revised in November 1977.

IV. Substance of Agreement

A. In addition to evaluating dates for the grade condition requirements, AMS will:

1. Sample and examine at the time and place of entry all lots (except those of 70 pounds or less, or lots that are so denatured as to render them unfit for human consumption) of imported packaged dates or bulk dates that are declared for packaging. For the purpose of this agreement, a "lot" shall be considered that portion of an offering for import bearing a single identifying number or mark.

2. Examine the dates for insect infestation, filth, decomposition, and (if pitted) for pits or pit fragments in accordance with the revised method of analysis for dried fruit found in FDA's Microanalytical Manual, Section M13K.

3. Accept or reject lots of dates according to guidelines covering filth, decomposition, or insect infestation using the sequential analysis plan which appears as Table I of Section M13K of FDA's Microanalytical Manual.

4. Upon completion of the examination, promptly notify the appropriate FDA District Office:

(a) Of any lots found not to meet minimum acceptance criteria of this agreement because of pits or pit fragments, insect infestation, filth, or decomposition, and;

(b) Any cases about which there is any question regarding the laboratory examination results.

5. Upon request, provide FDA with a copy of each examination report which will contain information such as required in Table II of Section M13K.

6. Inform the Division of Microbiology, Bureau of Foods, FDA, of any requests for the reclassification of dates and date material and any action taken on those requests.

B. FDA will:

1. Sample and examine lots of dates or date material that are declared for use in processing.

2. Unless AMS is notified to the contrary:

(a) Accept the findings of AMS on any lot of dates sampled and inspected by them.

(b) Cause detention of any lot of dates rejected by AMS because it contains excess pits, or pit fragments, insect infestation, filth, and/or decomposed dates if offered for reentry by the importer for processing.

(c) Permit entry as dates for processing without resampling any lot of whole dates certified by AMS as failing to meet the minimum grade and condition requirements as outlined in Section 608e of the Agricultural Marketing Agreement Act of 1937, as amended. This will be done only for those lots which do not exceed the administrative tolerance for insect infestation, filth, or decomposed dates, and which are not otherwise in violation of the Federal Food, Drug, and Cosmetic Act.

3. Inform the appropriate AMS field office of any detentions of dates that might be offered for reentry for other than processing purposes.

V. Name and Address of Participating Agencies

Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

Agricultural Marketing Service, U.S. Department of Agriculture, 12th St. and Independence Ave. SW., Washington, DC 20250.

VI. Liaison Officers

A. For the Agricultural Marketing Service: Head, Grading Section, Processed Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, 14th and Independence Ave. SW., Washington, DC 20250, 202–447–5021.

B. For the Food and Drug Administration: Chief, Microanalytical Branch (HFF–237), (currently Paris M. Brickey, Jr.), Division of Microbiology, Bureau of Foods, Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–245–1223.

VII. Period of Agreement:

This agreement, when accepted by both parties, will be effective indefinitely. It may be modified by mutual written consent or terminated by either party upon 30 days' written notice to the other.

Approved and Accepted for the Agricultural Marketing Service.

Eddie Kimbrell,

Deputy Administrator, Commodity Services.

March 16, 1983.

Approved and Accepted for the Food and Drug Administration

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

March 28, 1983.

Effective date. This Memorandum of Understanding became effective March 28, 1983.

Dated: April 11, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83–10963 Filed 4–25–83, 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 83D–0120]

Revised Sequential Analysis Plan For Imported Dates and Date Material; Availability of Guide

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is annoucing the availability of FDA Compliance Policy Guide 7110.09 which has been revised to include a new sequential analysis plan that will appear as Table 1 of Section M13K in FDA's Microanalytical Manual. The sequential analysis plan is to be used for examinations of imported dates and date material.

DATE: Written comments by June 27, 1983.

ADDRESS: Written comments on the new sequential analysis plan used for examinations of imported dates and date material and requests for single copies of Compliance Policy Guide

7110.09 and the new sequential analysis plan may be submitted to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Raymond W. Gill, Bureau of Foods (HFF–312), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–245–3092.

SUPPLEMENTARY INFORMATION: The existing multi-class sequential analysis plan in Compliance Policy Guide 7110.09 for subsample examination of imported and domestic dates and date material rejects samples at a variable rate permitting FDA acceptance of imported dates and date material with defects above the 5 percent defect action level for mold, dirt, and insect infestation. Because of the year-to-year fluctuations in the conditions of dates that are to be exported to the United States, the quality of the commodity offered for entry cannot be predicted. Therefore, FDA developed the new sequential analysis plan for imported dates and date material, which will appear as Table I of Section M13K in FDA's Microanalytical Manual. The new plan will improve the speed of analytical operations and will reduce the amount of product required for conducting analyses. More important, it has a 95 percent statistical probability of rejecting lots of dates and date material that exceed the 5 percent defect action level.

Compliance Policy Guide 7110.09 is revised to contain the sequential analysis plan as follows:

SEQUENTIAL ANALYSIS PLAN FOR DATES

Number of dates examined [1]	Accept	Continue analysis	Reject No.
100	0	1 to 4	5
150	1	2 to 7	8
200	3	4 to 9	10
250	5	6 to 12	13
300	7	8 to 14	15
350	9	10 to 17	18
400	15	16 to 19	20
450	19	20 to 22	23
500	24		25

[1] Product is to be selected at random and as nearly equal in number as possible from each subsample in the sample.

Compliance Policy Guide 7110.09 also is revised to cross reference FDA's Microanalytical Manual, Section M13K, for (1) methodology in examination of the samples and (2) format used in reporting results of analysis.

Compliance Policy Guide 7110.09 also refers to a memorandum of understanding (MOU/FDA 225–72–2001) that exists between FDA and the U.S. Department of Agriculture (USDA) which sets forth the working arrangements for each agency with respect to the sampling, examination, and evaluation of imported dates and date material. As announced in a separate notice published elsewhere in this issue of the **Federal Register**, the existing MOU between FDA and the USDA Agricultural Marketing Service also was revised, effective March 28, 1983, to include the new sampling technique.

Requests for single copies of revised FDA Compliance Policy Guide 7110.09 (and the new sequential analysis plan) should reference the docket number found in brackets in the heading of this document and should be submitted in writing to the Dockets Management Branch (address above).

Interested persons may, on or before June 27, 1983, submit to the Dockets Management Branch written comments (preferably two copies and identified with the docket number found in brackets in the heading of this document) regarding revised FDA Compliance Policy Guide 7110.09. Received comments are available for examination in the office above, between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 11, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83–10974 Filed 4–25–83; 8:45 am]

BILLING CODE 4160–01–M

Health Resources and Services Administration

Application Announcement for Grants for Geriatric Education Centers; Correction

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice; correction.

SUMMARY: This document corrects a notice concerning an application announcement for Grants for Geriatric Educational Centers that appeared on pages 11167 and 11168 in the **Federal Register** of Wednesday, March 16, 1983 (48 FR 11167 and 11168).

The following corrections are made in FR Document 83–6834 appearing on page 11168 in the issue of March 16, 1983:

1. Page 11168, column one, second paragraph, is corrected to read, "Applications which are mailed must be postmarked no later than May 2, 1983 and received within five working days of that date to be considered on time. Hand delivered applications must be received on or before COB May 2, 1983."

FOR FURTHER INFORMATION CONTACT: Mrs. Wilma Johnson, Grants Management Office, Bureau of Health Professions, Health Resources and Services Administration, 5600 Fishers Lane, Parklawn Bkdg., Rm. 8C–22, Rockville, Maryland 20857, 301/443–6960.

Dated: April 18, 1983.

Robert Graham, M.D.,

Administrator, Assistant Surgeon General.

[FR Doc. 83–10972 Filed 4–25–83; 8:45 am]

BILLING CODE 4160–16–M

Application Announcement for Grants for the Training of Allied Health Personnel in Health Promotion and Disease Prevention; Correction

AGENCY: Health Resources and Services Administation, HHS.

ACTION: Notice; correction.

SUMMARY: This document corrects a notice concerning an application announcement for Grants for the Training of Allied Health personnel in Health Promotion and Disease Prevention that appeared on pages 11166 and 11167 in the **Federal Register** of Wednesday, March 16, 1983 (48 FR 11166–11167).

The following corrections are made in FR Document 83–6834 appearing on page 11167 in the issue of March 16, 1983:

1. Page 11167, column one, fifth paragraph, is corrected to read, "applications which are mailed must be postmarked no later than May 2, 1983 and received within five working days of that date to be considered on time. Hand delivered applications must be received on or before COB May 2, 1983."

FOR FURTHER INFORMATION CONTACT: Mrs. Mary Allen, Grants Management Office, Bureau of Health Professions, Health Resources and Services Administration, 5600 Fishers Lane, Parklawn Bldg., Rm. 8C–22, Rockville, Maryland 20857, 301/443–6857.

Dated: April 18, 1983.

Robert Graham, M.D.,

Administrator, Assistant Surgeon General.

[FR Doc. 83–10971 Filed 4–25–83; 8:45 am]

BILLING CODE 4160–16–M

Availability of Funds for Community Health Centers (CHCs); Correction

AGENCY: Health Resources and Sevices Administration, HHS.

ACTION: Notice; correction.

SUMMARY: This document corrects a notice on Availability of Funds for Community Health Centers (CHCs) that appeared at pages 11169 and 11170 in the **Federal Register** on Wednesday,

March 16, 1983 (48 FR 11169–11170). This action is necessary to comply with Department policies on application deadlines.

DATES: In the Dates Section, found on page 11170, 48 FR 11170 is corrected to read as follows: "To receive consideration as being on time, mailed applications must be postmarked on or prior to May 15, 1983 and received in time for processing. Hand delivered applications must be received by COB May 15, 1983.

FOR FURTHER INFORMATION CONTACT: Information concerning application deadlines may be obtained by contracting: Mr. Richard C. Bohrer, Director, Division of Primary Care Services, Bureau of Health Care Delivery and Assistance, Health Resources and Services Administration, 5600 Fishers Lane, Parklawn Bldg., Rm. 7A–55, Rockville, Md. 20857, 301/443–2200.

Dated: April 18, 1983.

Robert Graham, M.D.,

Administrator, Assistant Surgeon General.

[FR Doc. 83–10070 Filed 4–25–83; 8:45 am]

BILLING CODE 4160–15–M

Public Health Service

Health Maintenance Organizations; Health Central

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice, continued regulation of health maintenance organizations: Reestablishment of compliance.

SUMMARY: On October 29, 1982, the Office of Health Maintenance Organizations (OHMO) notified Health Central, 17th and N Streets, Lincoln, Nebraska 68508, a federally qualified health maintenance organization (HMO), that Health Central had successfully reestablished compliance with its assurance to the Secretary that it would maintain a fiscally sound operation. This determination took effect on October 1, 1982.

FOR FURTHER INFORMATION CONTACT: Frank H. Suebold, Ph.D., Acting Associate Director for Health Maintenance Organizations, Bureau of Health Maintenance Organizations and Resources Development, Parklawn Building, Room 9–11, 5600 Fishers Lane, Rockville, Maryland 20857, 301/443–4106.

SUPPLEMENTARY INFORMATION: Under Section 1312(b)(1) of the Public Health Service Act (42 U.S.C. 300e–11(b)(1)), if the Secretary makes a determination under section 1312(a) that a qualified HMO is not organized or operated in the manner prescribed by section 1301(c), then the HMO shall be (1) notified in writing of the determination, and (2) directed to initiate corrective action to bring it into compliance with the assurances it provided to the Secretary under section 1310(d)(1). Section 1312(b)(1) also provides that the Secretary shall publish in the **Federal Register** notices of determinations made under that section.

On October 31, 1980, Health Central was officially notified that it was not in compliance with the assurances it had given the Secretary that it would maintain a fiscally sound operation. This determination of noncompliance, notice of which was published in the **Federal Register** at 46 FR 40093, did not affect Health Central's status as a federally qualified HMO. Subsequently, Health Central successfully implemented corrective action to return to compliance with its assurances. On October 29, 1982, Health Central was notified by OHMO that it had reestablished compliance with the assurances it had given the Secretary. This determination took effect on October 1, 1982.

Dated: April 18, 1983.

Robert Graham, M.D.,

Administrator, Assistant Surgeon General.

[FR Doc. 83–10067 Filed 4–25–83; 8:45 am]

BILLING CODE 4160–16–M

Health Maintenance Organizations; Midwest Health Plan

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice, continued regulation of health maintenance organizations: Reestablishment of compliance.

SUMMARY: On January 21, 1983, the Office of Health Maintenance Organizations (OHMO) notified Midwest Health Plan (MHP), 3415 Bridgeland Drive, Bridgeton, Missouri 63044, a federally qualified health maintenance organization (HMO), that MHP had successfully reestablished compliance with its assurances to the Secretary that it would (1) maintain a fiscally sound operation, and (2) maintain satisfactory administrative and managerial arrangements. This determination took effect on January 1, 1983.

FOR FURTHER INFORMATION CONTACT: Frank H. Seubold, Ph. D., Acting Associate Director for Health Maintenance Organizations, Bureau of Health Maintenance Organizations and Resources Development, Parklawn Building, Room 9–11, 5600 Fishers Lane, Rockville, Maryland 20857, 301/443–4106.

SUPPLEMENTARY INFORMATION: Under Section 1312(b)(1) of the Public Health Service Act (42 U.S.C. 300e–11(b)(1)), if the Secretary makes a determination under section 1312(a) that a qualified HMO is not organized or operated in the manner prescribed by section 1301(c), then the HMO shall be (1) notified in writing of the determination, and (2) directed to initiate corrective action to bring it into compliance with the assurances it provided to the Secretary under section 1310(d)(1). Section 1312(b)(1) also provides that the secretary shall publish in the **Federal Register** notices of determinations made under that section.

On September 16, 1982, MHP was officially notified that it was not in compliance with the assurances it had given the Secretary that it would (1) maintain a fiscally sound operation, and (2) maintain satisfactory administrative and managerial arrangements. This determination of noncompliance did not affect MHP's status as a federally qualified HMO. Subsequently, MHP successfully implemented corrective action to bring it into compliance with its assurances. On January 21, 1983, MHP was notified by OHMO that it had reestablished compliance with its assurances to the Secretary that it would (1) maintain a fiscally sound operation, and (2) maintain satisfactory administrative and managerial arrangements. This determination took effect on January 1, 1983.

Dated: April 18, 1983

Robert Graham, M.D.,

Administrator; Assistant Surgeon General.

[FR Doc. 83–10069 Filed 4–25–83; 8:45 am]

BILLING CODE 4160–16–M

Health Maintenance Organizations; North Central Connecticut Health Maintenance Organization

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice, continued regulation of health maintenance organizations: Reestablishment of compliance and change of name.

SUMMARY: On August 10, 1982, the Office of Health Maintenance Organizations (OHMO) notified Kaiser Foundation Health Plan, Inc. (KFHP), One Kaiser Plaza, Oakland, California 94612, that North Central Connecticut Health Maintenance Organization (NCC/HMO), 99 Ash Street, East Hartford, Connecticut 06101, a federally qualified health maintenance

organization (HMO), had successfully reestablished compliance with its assurances to the Secretary that it would (1) maintain a fiscally sound operation, (2) maintain satisfactory administrative and managerial arrangements, and (3) obtain the required contractual provisions with health professionals providing basic health services to its members. The reestablishment of compliance took effect on July 1, 1982, and was based primarily on the completion of an agreement between NCC/HMO and KFHP under which KFHP assumed the operation of NCC/HMO. This notice also reports a name change for NCC/HMO to Kaiser Foundation Health Plan of Connecticut, Inc. (KFHPC).

FOR FURTHER INFORMATION CONTACT: Frank H. Seubold, Ph.D., Acting Associate Director for Health Maintenance Organizations, Bureau of Health Maintenance Organizations and Resources Development, Parklawn Building, Room 9–11, 5600 Fishers Lane, Rockville, Maryland 20857, 301/443–4106.

SUPPLEMENTARY INFORMATION: Under Section 1312(b)(1) of the Public Health Service Act (42 U.S.C. 300e–11(b)(1)), if the Secretary makes a determination under section 1312(a) that a qualified HMO is not organized or operated in the manner prescribed by section 1301(c), then the HMO shall be (1) notified in writing of the determination, and (2) directed to initiate corrective action to bring it into compliance with the assurances it provided to the Secretary under section 1310(d)(1). Section 1312(b)(1) also provides that the Secretary shall publish in the **Federal Register** notices of determinations made under that section.

On April 8, 1981, NCC/HMO was officially notified that it was not in compliance with the assurances it had given the Secretary that it would (1) maintain a fiscally sound operation, (2) maintain satisfactory administration and managerial arrangements, and (3) obtain the required contractual provisions with health professionals providing basic health services to its members. This determination of noncompliance did not affect NCC/HMO's status as a federally qualified HMO Subsequently, the Board of Directors of NCC/HMO accepted an assumption proposal by KFHP. Under the assumption, which was approved on June 30, 1982, by the Insurance Commissioner of the State of Connecticut, the responsibility for continuing operation of NCC/HMO is shared by KFHP and Kaiser Foundation Hospitals.

On August 10, 1982, KFHP was notified by OHMO that NCC/HMO had reestablished compliance with its assurances to the Secretary that it would (1) maintain a fiscally sound operation, (2) maintain satisfactory administrative and managerial arrangements, and (3) obtain the required contractual provisions with health professionals providing basic health services to its members.

This determination took effect on July 1, 1982, and was based primarily on the assumption of the operation of NCC/HMO by KFHP. As a result of this assumption, the name of NCC/HMO was changed to Kaiser Foundation Health Plan of Connecticut, Inc. (KFHPC).

Dated: April 18, 1983.

Robert Graham, M.D.,

Administrator, Assistant Surgeon General.

[FR Doc. 83–10968 Filed 4–25–83; 8:45 am]

BILLING CODE 4160–16–M

Grants to State Health Planning and Development Agencies Determination of Population of the States

AGENCY: Health Resources and Services Administration, Public Health Service, HHS.

ACTION: Notice Regarding Grants to State Health Planning and Development Agencies Determination of Population of the States.

SUMMARY: This notice provides the population figures the Department will use when it determines the amount of grants to State Health Planning and Development Agencies (State Agencies).

SUPPLEMENTARY INFORMATION: Section 1525 of the Public Health Service Act (added by the National Health Planning and Resources Development Act of 1974, Pub. L. 93–641 and the Health Planning and Resources Development Amendments of 1979, Pub. L. 96–79), authorized the Secretary of Health and Human Services to make grants (hereinafter referred to as "planning grants") to State Agencies to assist them to meet their operating costs. The amount of the planning grant is determined in accordance with a formula and is based in part on a determination by the Secretary of the population of the States. The formula is provided in the regulations governing grants to State Agencies (42 CFR Part 123, Subpart C). Section 123.204(b) of these regulations provides that the Secretary will determine the population of each State based upon the latest available estimate from the Department of Commerce, and will publish annually in the **Federal Register** a list of all States and their populations. This list is based on the "Estimates of the Population of States," provisional estimates for July 1, 1982, Bureau of the Census, Publication P–25, Number 927.

Accordingly, the Secretary has made the following determination of populations of the States.

Dated: April 19, 1983.

Robert Graham, M.D.,

Administrator, Assistant Surgeon General.

Population of the States for Purposes of Determination of Planning and Development Grants, Fiscal Year 1983

Alabama	3,943,000
Alaska	436,000
American Samoa	33,000
Arizona	2,860,000
Arkansas	2,291,000
California	24,724,000
Colorado	3,045,000
Connecticut	3,153,000
Delaware	602,000
District of Columbia	631,000
Florida	10,416,000
Georgia	5,639,000
Guam	110,000
Hawaii	994,000
Idaho	965,000
Illinois	11,448,000
Indiana	5,471,000
Iowa	2,905,000
Kansas	2,408,000
Kentucky	3,667,000
Louisiana	4,362,000
Maine	1,133,000
Maryland	4,265,000
Massachusetts	5,781,000
Michigan	9,109,000
Minnesota	4,133,000
Mississippi	2,551,000
Missouri	4,951,000
Montana	801,000
Nebraska	1,586,000
Nevada	881,000
New Hampshire	951,000
New Jersey	7,438,000
New Mexico	1,359,000
New York	17,659,000
North Carolina	6,019,000
North Dakota	670,000
Northern Mariana Islands	17,000
Ohio	10,791,000
Oklahoma	3,177,000
Oregon	2,649,000
Pennsylvania	11,865,000
Puerto Rico	3,251,000
Rhode Island	958,000
South Carolina	3,203,000
South Dakota	691,000
Tennessee	4,651,000
Texas	15,280,000
Trust Territory	118,000
Utah	1,554,000
Vermont	516,000
Virginia	5,491,000
Virgin Islands	95,000
Washington	4,245,000
West Virginia	1,948,000
Wisconsin	4,765,000
Wyoming	502,000
Total	235,163,000

[FR Doc. 83–10969 Filed 4–25–83; 8:45 am]

BILLING CODE 4160–16–M

Social Security Administration

Commonwealth of the Bahamas; Finding Regarding Foreign Social Insurance or Pension System

AGENCY: Social Security Administration, HHS.

ACTION: Notice of finding regarding foreign social insurance or pension system—Commonwealth of the Bahamas.

Finding: Section 202(t)(1) of the Social Security Act (42 U.S.C. 402(t)(1)) prohibits payment of monthly Social Security benefits to any individual who is not a United States citizen or national for any month after he or she has been outside the United States for six consecutive months. This prohibition does not apply to such an individual where one of the exceptions described in sections 202(t)(2) through 202(t)(5) of the Social Security Act (42 U.S.C. 402(t)(2) through (t)(5)) affects his or her case.

Section 202(t)(2) of the Social Security Act provides that the prohibition against payment shall not apply to any individual who is a citizen of a country which the Secretary of Health and Human Services finds has in effect a social insurance or pension system which is of general application in such country and which:

(a) Pays periodic benefits, or the actuarial equivalent thereof, on account of old-age retirement, or death; and

(b) Permits individuals who are United States citizens but not citizens of that country and who qualify for such benefits to receive those benefits, or the actuarial equivalent thereof, while outside the foreign country regardless of the duration of the absence.

The Secretary of Health and Human Services has delegated the authority to make such a finding to the Commissioner of Social Security. The Commissioner has redelegated that authority to the Director, Office of International Policy. Under that authority the Director, Office of International Policy, has approved a finding that the Commonwealth of the Bahamas, effective with October 7, 1974 has a social insurance system of general application which:

(a) Pays periodic benefits, or the actuarial equivalent thereof, on account of old-age, retirement, or death; and

(b) Permits U.S. citizens who are not citizens of the Commonwealth of the Bahamas to receive such benefits, or their actuarial equivalent, at the full rate without qualification or restriction while outside the Bahamas.

Accordingly, it is hereby determined and found that the Commonwealth of the Bahamas has in effect, beginning October 7, 1974, a social insurance system which meets the requirements of Section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)).

For further information contact: Joe Rausch, Room 1104, West High Rise Building, 6401 Security Boulevard, Baltimore, Maryland 21235; (301) 594-6123.

(Catalog of Federal Domestic Assistance Programs No. 13.802 Social Security—Disability Insurance; 13.803 Social Security—Retirement Insurance; 13.805 Social Security—Survivors Insurance)

Dated: April 15, 1983.

Andrew J. Young,

Director, Office of International Policy.

[FR Doc. 83-11060 Filed 4-25-83; 8:45 am]

BILLING CODE 4190-11-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Salt River Indian Irrigation Project, Arizona; Operation & Maintenance Charges

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: An interim rule which changed rates for operation and maintenance charges for delivery of irrigation water by the Salt River Indian Irrigation Project and established a charge for a new category entitled "spill water" (flood water not charged against apportionment) to be delivered through the irrigation facilities of the Salt River Indian Irrigation Project, was published in Volume 48, No. 28, of the **Federal Register** on Wednesday, February 9, 1983, Part 174 of Chapter 1 of 25 CFR to which this interim rule was to apply was rescinded in Volume 48, No. 35 of the **Federal Register** on Friday, February 18, 1983. This public notice which is in compliance with Part 171 of Chapter 1 of 25 CFR is published in lieu of a final rule and reply to the comments received regarding the interim rule. This notice will also fix the rate to reflect the actual cost of labor, materials, equipment, power, energy, and services for OM&R of the Salt River Indian Irrigation Project.

EFFECTIVE DATE: This notice becomes effective April 26, 1983.

FOR FURTHER INFORMATION CONTACT: James Barber, Coordinator, Salt River Agency, Rt 1, Box 117, Scottsdale, AZ 85256, telephone number (602) 261-2842.

SUPPLEMENTARY INFORMATION: This notice is issued by authority delegated to the Assistant Secretary for Indian Affairs by the Secretary of the Interior in 209 DM 8 and redelegated by the Deputy Assistant Secretary for Indian Affairs (Operations) to the Area Directors in 10 BIAM 3.

The Salt River Pima-Maricopa Indian Community, acting through their President, have opposed the establishment of a "spill water" rate. The President also noted that prior to the publishing of the interim rule, the operation and maintenance rate charged for excess water was $28.20

The Bureau of Indian Affairs, after careful consideration of all comments, has concluded that the spill water rate is necessary for the cost of delivering spill water.

Notice shall read as follows:

Salt River Indian Irrigation Project, Arizona

Annual Operation and Maintenance Charges

Basic Assessment—The basic operation and maintenance assessment against the lands under the Salt River Indian Irrigation Project in Arizona to which water can be delivered through the irrigation project works is hereby fixed at $13.20 per acre for the year 1983 and subsequent years until further notice. The payment of the per acre assessment shall entitle the land for which payment is made to receive three acre-feet of water per annum, or such lesser amount as represents the proportionate share of the available water.

Payment—The annual basic charge fixed above shall be due and payable on or before February 1 of each year unless changed by further notice. Charges not paid on the due date shall stand as a first lien against the lands until paid.

Delivery of Water—Delivery of water shall be refused to all tracts of land for which the basic charge remains unpaid on the due date except that water may be delivered (a) to irrigate Indian owned lands that are not under lease, permit, or other form of use by someone other than the Indian owner, upon the partial payment on or before the due date of not less than $2 per acre per annum of the basic charges; (b) to irrigate Indian owned lands not under lease, permits, or other form of use by someone other than the Indian owner when said owner is unable to pay any part of the basic charge, upon the performance of labor on project works and the prior agreement that he will pay from the proceeds received for such work at least

an amount equal to $3.50 per acre per annum; and (c) to irrigate not to exceed 10 acres of Indian owned land when the Superintendent is of the opinion that an Indian landowner is unable to meet the requirement of (a) and (b) of this section, when the Superintendent certifies to that fact. The Superintendent shall promptly furnish the director of the district, for approval or rejection, all such certifications. In such cases, covered by (a), (b), and (c) of this section, the unpaid charges shall be entered on the accounts and will stand as a first lien against the land until paid, without penalty.

Excess Water—Additional water in excess of the basic apportionment of three acre-feet per acre per annum may be purchased when the water is available at the rate of $29.08 per acre-foot or fraction thereof, measured at the farm delivery point. Payment shall be made in advance of delivery.The energy crisis has caused unpredictable rapid increases in the cost of electrical energy. In order to provide funds to purchase the necessary electrical power to operate the well pumps, the cost per acre-foot of excess water will be adjusted as the electrical energy supplier adjusts the rate at which electrical energy is supplied to the Salt River Indian Irrigation Project. Adjustment up or down will be made on the first day of the month following notification of the change in rates.

Spill Water—Spill water which is flood water not charged against the apportionment or as excess water, may be delivered when available at the rate of $6.75 per acre-foot or fraction thereof, if the basic assessment has been paid. Payment shall be made in advance of delivery.

Walter R. Mills,

Acting Assistant Area Director.

[FR Doc. 83-11032 Filed 4-25-83; 8:45 am]

BILLING CODE 4310-02-M

San Xavier Indian Irrigation Project, Arizona

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: The purpose of this notice is to change the annual per acre assessment rate for the operation and maintenance of the irrigation facilities on the San Xavier Indian Irrigation Project to properly reflect the actual costs for labor, materials, equipment and services. The change is from $60 to $100 per assessable acre per annum.

EFFECTIVE DATE: This notice shall become effective April 26, 1983.

FOR FURTHER INFORMATION CONTACT: Curtis Nordwall, Superintendent, Bureau of Indian Affairs, Papago Indian Agency, Sells, Arizona 85634, telephone number (602) 383-7286.

SUPPLEMENTARY INFORMATION: This notice is issued by authority delegated to the Assistant Secretary for Indian Affairs by the Secretary of the Interior in 209 DM 8 and redelegated by the Deputy Assistant Secretary for Indian Affairs (Operations) to the Area Director in 10 BIAM 3.

The operation and maintenance rate at the San Xavier Indian Irrigation Project has not been changed since 1975 when it was fixed at $60 per acre. The costs of labor, materials, power and energy have continued to increase each year until costs now exceed revenue from current charges.

An analysis of the cost of operation and maintenance of the San Xavier Indian Irrigation Project was made and discussed with individual farmers and advertised in two local newspapers. Comments received were carefully considered in arriving at the new rate.

The notice will read as follows:

San Xavier Indian Irrigation Project, Arizona

Annual Operation and Maintenance Charges

Charges—The annual basic operation and maintenance assessment rate for land to which water can be delivered under the San Xavier Indian Irrigation Project, Arizona, is hereby fixed at $100.00 per acre whether the water is used or not. Non-Indian owned land and Indian owned land leased to non-Indians shall pay the full assessment rate. Indian owned and operated land and Indian land leased and operated by Indians shall pay a rate determined by the Superintendent based on the Indian owner's financial ability to pay, but not to exceed the established basic assessment rate, and shall be fixed prior to billing. The payment of assessment rate shall entitle the water user to his prorated share of the water as determined by the production capacity of the wells and/or the availability of funds to pay the pumping operation and maintenance costs.

Payments—The annual basic water charge shall become due and payable on or before March 1 of each year, and any unpaid charges shall stand as a first lien against the land without penalty until paid.

Delivery—Delivery of water shall be refused to all tracts of land for which the charges have not been paid except where the lands are in Indian ownership, not under lease to non-Indians, and the Indian owners are financially unable to pay the assessment when due. In such instances, water may be delivered under the following conditions:

1. The Indian owner shall make necessary arrangements with the Superintendent to pay the assessment from proceeds derived from labor performed on the project works as authorized by the Superintendent, or from proceeds of crops grown on the land when harvested and marketed within that calendar year.

2. In any instances where the Superintendent is convinced that an Indian landowner, whose land is not under lease to a non-Indian, is financially unable to pay his assessment from proceeds for labor performed on the project works, or from the proceeds of crops grown on the land, or from any other source, water may be delivered following certification by the Superintendent to the official in charge of the irrigation project that such Indian is financially unable to pay the assessment.

Water Users Responsibility—The water users are responsible for the water after it has been delivered to their lands, and are required to have their field ditches of proper capacity and in suitable condition for the economical use of the irrigation water.

Distribution and Apportionment—All water of the project is deemed a common water supply in which all irrigable lands of the project are entitled to share equally, and such water will be distributed to the lands of the project as equitably as physical conditions will permit.

Walter R. Mills,

Acting Assistant Area Director.

[FR Doc. 83-11031 Filed 4-25-83; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

[Realty Action, I-18531]

Competitive Sale of Public Lands in Caribou, Bear Lake and Franklin Counties, Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The following described land has been examined, and through the development of land use decisions based on public input, it has been determined that the sale of these tracts are consistent with Section 203(a) of the Federal Land Policy and Management Act of 1976. The lands will be offered for

sale at public auction for no less than the appraised fair market value indicated below. Both sealed and oral bids will be accepted.

	Acres	Value
Tract #2: T. 10 S., R. 41 E., B.M., Sec. 28: NW¼NW¼	40	$4,000
Tract #3: T. 11 S., R. 44 E., B.M., Sec. 8: NW¼SE¼	40	6,000
Tract #8: T. 13 S., R. 40 E., B.M., Sec. 31: N½SE¼NE¼, SE¼SE¼NE¼, E½SW¼SE¼NE¼	35	7,000

The above aggregates 115 acres.

Upon publication of this Notice in the **Federal Register**, the land described above will be segregated from all forms of appropriation under the public land laws, including the mining laws, but excepting the mineral leasing laws, for a period of two years, or until the lands are sold. The segregative effect may otherwise be terminated by the Authorized Officer by publication of a termination notice in the **Federal Register** prior to the expiration of the two-year period.

The lands will be subject to the following reservations when patented:

1. Ditches and Canals
2. Mineral Reservation
3. Subject to All Existing Rights

DATE: The public auction will be held on June 28, 1983 at 10:00 a.m.

ADDRESSES: The public auction will be held at the Soda Springs Resource Area Office, 490 East 2nd. South, Soda Springs, Idaho. Additional information concerning these lands, terms and conditions of the sale and bidding instructions may be obtained from Marvin R. Bagley, Area Manager, at the Soda Springs Resource Area Office, 490 East 2nd. South, Soda Springs, Idaho or by calling (208) 547–2161 during office hours.

SUPPLEMENTARY INFORMATION: For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager regarding the proposed action. Any adverse comments will be evaluated by the District Manager who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Department of the Interior.

For further information contact O'dell Frandsen, District Manager, Bureau of Land Management, 940 Lincoln Road, Idaho Falls, Idaho 83401.

Dated: April 18, 1983.

W. Bernard Jansen,

Acting District Manager.

[FR Doc. 83–11083 Filed 4–25–83; 8:45 am]

BILLING CODE 4310–84–M

[U–23166]

Termination of Proposed Withdrawal and Reservation of Lands

Notice of a proposed withdrawal application by the Bureau of Land Management was published as **Federal Register** Document 75–6568 on page 11759 on March 13, 1975. This application has been cancelled. Pursuant to the regulations contained in 43 CFR 2310.1–4, the segregative effect of the lands involved, 4,999.62 acres, will be terminated at 8:00 a.m. on May 25, 1983.

Dated: April 18, 1983.

Darrell Barnes,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 83–11086 Filed 4–25–83; 8:45 am]

BILLING CODE 4310–84–M

[N–35376]

Realty Action—Noncompetitive Sale of Public Land In Mineral County, Nevada

April 18, 1983.

The following described land, comprising 2.5 acres, has been examined and identified as suitable for sale under Section 203 of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2750), 43 U.S.C. 1713:

Mount Diablo Meridian, Nevada

T. 7 N., R. 34 E.,
Sec. 25: SW¼SE¼NW¼NE¼.

The land will be offered at the appraised fair market value under noncompetitive sale procedures to Gertrude L. Buffington, the adjacent landowner. Mrs. Buffington recently discovered through a land survey that two of her buildings and other valuable improvements are located on the subject land. Noncompetitive sale is considered to be the best way to protect Mrs. Buffington's investment and to resolve the unauthorized occupancy of public land. The land is not needed in support of any federal program. The Bureau's planning system identifies the land as open to all forms of appropriations and disposal. Sale of the land is consistent with local planning and zoning.

Patent, if and when issued, will contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States; Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945.

2. All mineral deposits in land so patented, and to it, or persons authorized by it, the right to prospect, mine and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe.

And will be subject to:

1. Those rights for highway purposes which have been granted to the State of Nevada, Department of Transportation, its successors or assigns, by Right-of-Way Grant CC–020631.

Detailed information concerning the sale is available for review at the Carson City District Office, 1050 E. William Street, Suite 335, Carson City, Nevada.

The land will not be offered for sale sooner than 60 days after the date of this notice. For a period of 45 days from the first publication of this notice, interested parties may submit comments to the District Manager, Carson City District Office of the Bureau of Land Management, 1050 E. William Street, Suite 335, Carson City, Nevada 89701. Any adverse comments will be evaluated by the District Manager and forwarded to the Nevada State Director, Bureau of Land Management, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

James W. Elliott,

Acting District Manager, Carson City District.

[FR Doc. 83–11010 Filed 4–25–83; 8:45 am]

BILLING CODE 4310–84–M

[INT DEIS 83–24]

Proposed Livestock Grazing Management for the South Sierra Foothills Planning Area, Bakersfield District, California

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Land Management has prepared a draft environmental impact statement concerning a proposed grazing management program for the South Sierra Foothills Planning Area in Kern and Tulare Counties in California. The proposed action would continue present livestock grazing management practices on the approximately 198,113 acres presently under grazing authorization. Other alternatives analyzed include: Livestock Maximization, Resource Protection, Balanced Resource Use, and No Grazing.

Comments on the Draft Environmental Impact Statement are being solicited from public agencies and interested individuals and entities. The Bureau of Land Management invites written comments on the statement to be submitted by June 13, 1983 to the Area Manager, Caliente Resource Area, Bureau of Land Management, 520 Butte Street, Bakersfield, CA 93305; Attn: South Sierra Foothills Grazing EIS.

A limited number of copies of the document are available upon request at the Bakersfield District Office (805) 861–4191, and the California State Office, Bureau of Land Management, 2800 Cottage Way, Sacramento, CA 95825; (916) 484–4701.

In addition to the above offices, copies of this EIS are available for public reading and review at: Division of Rangeland Management, Bureau of Land Management, Premier Building, Rm 909–H, Washington, D.C. 90006.

Ed Hastey,

State Director.

[FR Doc. 83–11090 Filed 4–25–83; 8:45 am]

BILLING CODE 4310–84–M

Land Use Analysis and Proposed Realty Action; Colorado

Summary: This notice issued pursuant to 43 CFR 1600 and 2700, invites public review and comment on preliminary issues and planning criteria to be used in evaluating a proposal to offer for public sale certain public lands located in Cheyenne and Yuma Counties, Colorado.

The proposed planning action involves preparation of an environmental assessment utilizing input received from the public. The environmental assessment to be issued on or about May 25, 1983, will be prepared in accordance with 40 CFR 1500 and will include a determination of the proposed action's consistency with the policies and programs of local, state and other federal agencies. A decision statement will then be issued by the District Manager with the concurrence of the State Director allowing a thirty day protest period (43 CFR 1601.6–1).

The public lands being considered for public sale are:

County	Ownship and range	Section	Acres
Cheyenne	16S., 47W., 6th PM.	2, Lot 5	76.70
Cheyenne	16S., 45W., 6th PM.	4, Lot 12	85.23
Cheyenne	16S., 45W., 6th PM.	22, Lots 5 and 6.	79.13
Cheyenne	16S., 45W., 6th PM.	28, Lots 5 and 6.	78.90
Cheyenne County total.	.....	.....	299.96
Yuma	5S., 45W., 6th PM.	27, Lots 12 and 13.	79.74
Yuma	5S., 45W., 6th PM.	31, Lot 4	40.00
Yuma	5S., 45W., 6th PM.	32, SW¼4NE¼.	40.00
Yuma	5S., 45W., 6th PM.	32, SW¼4SW¼.	40.00
Yuma County total.	.....	.....	199.74

If found suitable, these lands will be offered for public sale at fair market value with all minerals reserved to the United States.

Preliminary issues identified include: economics of continued management as part of the public lands, rights of permittees and leasees, interests of adjoining landowners, and consistency with the plans and programs of other government entities.

Planning criteria to be used in evaluating the proposal are:

1. Public lands may be offered for public sale when such lands, because of location or other characteristics, are difficult and uneconomic to manage and are not suitable for management by another Federal, state or local public entity.

2. Disposal will serve important public objective which outweigh public objectives and values which would be served by maintaining such land in Federal ownership.

The interdisciplinary team performing the land use analysis/environmental assessment represent the following disciplines: Realty, Wildlife, Geology, Hydrology, Cultural Resources, Recreation and Economics.

Public participation will be obtained by a public comment period initiated by this notice. Comments received on or before May 18, 1983 will be considered.

Comments or requests for further information should be addressed to: Frank Young, Area Manager, 10200 W. 44th Avenue, Wheatridge, Colorado 80033; phone (303) 234–4988.

Copies of the environmental assessment will be available for review at the Northeast Resources Area office listed above, and at the Canon City District Office, 3080 East Main Street, Canon City, Colorado 81212.

Supplementary information: This proposed action results from, and is consistent with, issues and criteria developed with public participation for the Northeast Resource Management Plan, initiated in March 1981. The Resource Management Plan is scheduled for completion in 1984. The planning process as it applies to the lands described herein, is being expedited to improve management efficiency and to be responsive to expressions of public interest.

Melvin D. Clausen,

District Manager.

[FR Doc. 83–11017 Filed 4–25–83; 8:45 am]

BILLING CODE 4310–84–M

Bureau of Reclamation

Quarterly Status Tabulation of Water Service and Repayment Contract Negotiations; Proposed Contractual Actions Pending Through June 1983

Pursuant to section 226 of the Reclamation Reform Act of 1982 (96 Stat. 1261), the Department of the Interior must afford the affected public an opportunity to be aware of and to provide comments on water service and repayment contract negotiations being conducted by the Bureau of Reclamation. Pursuant to the "Final Revised Public Participation Procedures" for water service and repayment contract negotiations, published in the **Federal Register** February 22, 1982, Vol. 47, page 7763, and the Reclamation Reform Act, a tabulation is provided below of proposed contractual actions in each of the seven Reclamation regions. Each proposed action listed is, or is expected to be, in some stage of the contract negotiation process during April, May, or June of 1983. When contract negotiations are completed, and prior to execution, each proposed contract form must be approved by the Secretary, or pursuant to delegated or redelegated authority, the Commissioner of Reclamation or one of the Regional Directors. In some instances, congressional review and approval of a report, water rate, or other terms and conditions of the contract may be involved. The identity of the approving officer and other information pertaining to a specific contract proposal may be obtained by calling or writing the appropriate regional office at the addresses and telephone numbers given for each region.

This notice is one of a variety of means being used to inform the public about proposed contractual actions. Some of the actions listed have been publicized in the **Federal Register** previously. When this is the case, the date of publication is given. Individual notice of intent to negotiate, and other appropriate announcements, will be made in the **Federal Register** for those actions found to have widespread public interest. In addition, a wide variety of local publicity resources are being used

selectively to inform the public affected by a specific contract proposal.

Acronym Definitions Used Herein

(FR) **Federal Register**
(ID) Irrigation District
(IDD) Irrigation and Drainage District
(M&I) Municipal and Industrial
(D&MC) Drainage and Minor Construction
(R&B) Rehabilitation and Betterment
(O&M) Operation and Maintenance
(CVP) Central Valley Project
(P–SMBP) Pick-Sloan Missouri Basin Program
(CRSP) Colorado River Storage Project
(SRPA) Small Reclamation Projects Act
(SOFAR) Southern Fork American River

Pacific Northwest Region

Bureau of Reclamation, 550 West Fort Street, Box 043, Boise, ID 83724, telephone (208) 334–9011.

1. Boise Cascade Corporation, Columbia Basin Project, Washington; Industrial water service contract; 250 acre-feet; FR notice published April 7, 1980, Vol. 45, page 23531.

2. Boise Project Board of Control, Boise Project, Idaho-Oregon; Irrigation repayment contract; 22,800 acre-feet of stored water in Arrowrock Reservoir.

3. Columbia Irrigation District, Washington; SRPA loan repayment contract; $3,376,000 proposed obligation.

4. Douglas County, Oregon; SRPA loan repayment contract; $11,605,000 proposed loan obligation. Loan application also includes a request for $14,395,000 in grant funds towards anadromous fish enhancement, recreation, fish and wildlife functions.

5. Northwest Land and Investment, Inc., Columbia Basin Project, Washington; Temporary water service contract for 40 acre-feet.

6. Okanogan ID, Okanogan Project, Washington; R&B loan repayment contract; $10,792,000 proposed obligation.

7. Miscellaneous Water Users, Pacific Northwest Region, Idaho-Oregon and Washington; Temporary (interim) water service contracts for surplus project water; Maximum of 10,000 acre-feet annually per contractor for irrigation and maximum of 2,000 acre-feet annually per M&I contractor for terms of up to 2 years.

8. Rogue River Basin water users, Rogue River Basin Project, Oregon; Water service contracts; $5 per acre-foot or $20 minimum per annum, not to exceed 320 acres or 1,000 acre-feet of water per contractor for terms up to 40 years.

9. City of Hillsboro, Tualatin Project, Oregon; Repayment contract to repay $368,000 estimated cost of channel improvement at Spring Hill Pumping Plant.

10. Willamette Basin water users, Willamette Basin Project, Oregon; Water service contracts; $1.25 per acre-foot or $20 minimum per annum, not to exceed 320 acres or 1,000 acre-feet of water annually per contractor for terms up to 40 years.

11. Granger ID, Yakima Project, Washington; R&B loan repayment contract; $1,111,000 proposed obligation.

12. Sunnyside Valley Board of Control, Yakima Project, Washington; R&B loan repayment contract; $15,901,000 proposed obligation.

13. Washington Water Power Company, Inc., Columbia Basin Project, Washington; Industrial water service contract; 32,000 acre-feet of water per year from Franklin D. Roosevelt Lake for the proposed Creston Powerplant; FR notice published December 11, 1982, Vol. 46, page 60658.

14. Cascade Reservoir Water Users, Boise Project, Idaho; Irrigation repayment contracts; 57,251 acre-feet of stored water in Cascade Reservoir.

15. Boise Water Corporation, Boise Project, Idaho; Short-term (2 years) M&I water service contract; up to 5,000 acre-feet annually from stored water in Lucky Peak Reservoir.

Mid-Pacific Region

Bureau of Reclamation, (Federal Office Building) 2800 Cottage Way, Sacramento, CA 95825, telephone (916) 484–4680.

1. El Dorado ID and El Dorado County Water Agency, CVP, California; Coordinated CVP/SOFAR Project operations and water service contract; 12,400 acre-feet with construction of Auburn Dam.

2. El Dorado ID, CVP, California; Amendatory water service contract; 1,000 acre-feet municipal and industrial water supply for service from Folsom Lake to the El Dorado Hills area.

3. 4-E Water District, CVP, California; Water service contract; 80 acre-feet; FR notice published October 3, 1979, Vol. 44, page 56991.

4. 2047 Drain Water Users Association, CVP, California; Water right settlement contract; FR notice published July 25, 1979, Vol. 44, page 43535.

5. Stockton-East Water District, CVP, California; Interim water service contract; 75,000 acre-feet from New Melones Reservoir; FR notice published February 5, 1982; Vol. 47, page 5473.

6. Central San Joaquin Water Conservation District, CVP, California; Water service contract; 49,000 acre-feet firm supply and 39,000 acre-feet interim supplies from New Melcones Reservoir; FR notice published February 5, 1982, Vol. 47, page 5473.

7. Tuolumne Regional Water District, CVP, California; Water service contract; 3,200 acre-feet from New Melones Reservoir; FR notice published February 5, 1982, Vol. 47, page 5473.

8. Calaveras County Water District, CVP, California; Water service contract; 500 acre-feet from New Melones Reservoir; FR notice published February 5, 1982, Vol. 47, page 5473.

9. Solano ID, Solano Project, California; Amendatory loan contract providing for reconveyance and M&I water supply delivery.

10. Carson-Truckee Water Conservancy District, Washoe Project, California/Nevada; Interim water service contract; 10,000 acre-feet; FR notice published May 14, 1981, Vol. 46, page 26705.

11. Miscellaneous Water Users, Mid-Pacific Region, California, Oregon and Nevada; Temporary (interim) water service contracts for surplus project water; Maximum of 10,000 acre-feet annually per contractor for irrigation and maximum of 2,000 acre-feet annually per M&I contractor for terms up to 2 years.

12. State of California, Department of Water Resources, CVP, California; Interim water service contract for approximately 500,000 acre-feet.

13. Madera ID, CVP, California; Agreement for conveyance of non-project water in Millerton Lake and Madera Canal; Maximum of 50 cfs, Friant Unit.

14. Pacheco Water District, CVP, California; Amendatory water service contract providing for a change in point of delivery from Delta-Mendota Canal to the San Luis Canal.

15. City of Redding, CVP, California; Agreement for operation of the City of Redding's Lake Redding Power Project and resolution of potential impacts on Keswick Powerplant.

16. South San Joaquin ID and Oakdale ID, CVP, California; Operating agreement for conjunction operation of New Melones Dam and Reservoir on the Stanislaus River; FR notice published June 6, 1979, Vol. 44, page 32483.

17. City of Santa Barbara, Cachuma Project, California; Agreement for conveyance of non-project water through Lauro Reservoir, Maximum of 21 cfs.

18. Yuba County Water Agency, South County Irrigation Project, SRPA, California; Loan repayment contract; $21,600,000 proposed obligation.

19. County of San Benito, San Felipe Division, CVP, California; Repayment recreation agreement, will provide

recreation facilities in an area that now has a deficit of recreation areas.

20. Santa Barbara County, Cachuma Project, California, Recreation Management Agreement will provide funds for recreation development to a project with heavy visitor use.

21. Broadview Water District, CVP, California; Amendatory water service contract providing for a change in point of delivery from Delta-Mendota Canal to the San Luis Canal.

22. The Westside Irrigation District, CVP, California, Amendment to existing water service contract to provide for transportation of District owned water rights through the Delta-Mendota Canal.

23. City of Avenal, CVP, California, Amendment of existing water service contract to provide for furnishing project power to city canalside relift facilities.

24. Colusa County Water District, CVP, California, Amendatory water service and repayment contract to provide for delivery of M&I water and to provide additional water.

25. Colusa County Water District, CVP, California, Distribution System Loan repayment contract; $12,346,700 proposed obligation.

26. Glide Water District, CVP, California, Distribution System Loan repayment contract; $4,900,000 proposed obligation.

27. Oakdale Irrigation District, SRPA, California, Loan repayment contract; $17,845,000 proposed obligation.

Upper Colorado Region

Bureau of Reclamation, P.O. Box 11568 (125 South State Street), Salt Lake City, UT 84147, telephone (801) 524–5435.

1. Miscellaneous water users, Upper Colorado Region, Utah, Wyoming, Colorado, and New Mexico; Temporary (interim) water service contracts for surplus project water; Maximum of 10,000 acre-feet annually per contractor for irrigation and maximum of 2,000 acre-feet annually per M&I contractor for terms up to 2 years.

2. Ute Mountain Ute Tribe and Bureau of Indian Affairs, Dolores Project, Colorado. Repayment contract; 1,000 acre-feet per year for M&I use; 22,900 acre-feet per year for irrigation; FR notice published September 10, 1980, Vol. 45, No. 177, page 59642.

3. Fontenelle (Chevron) State of Wyoming, Seedskadee Project, Wyoming; Water sales contract for 22,500 acre-feet per year for industrial use. Environmental Impact Statement under preparation; approval pending outcome. FR notice published January 26, 1983, Vol. 48, No. 18, page 3662.

4. Animas-La Plata Conservancy District, Animas-La Plata, Colorado; Water service contract; 9,200 acre-feet per year for M&I use; 72,200 acre-feet per year for irrigation; FR notice published April 17, 1981, Vol. 46, No. 74, page 22474.

5. La Plata Conservancy District, Animas-La Plata Project, New Mexico; Water service contract; 16,000 acre-feet per year for irrigation; FR notice published April 17, 1981, Vol. 46, No. 74, page 22474.

6. City of Farmington, Animas-La Plata Project, New Mexico; M&I water service contract; 19,700 acre-feet per year; FR notice published April 17, 1981, Vol. 46, No. 74, page 22474.

7. City of Aztec, Animas-La Plata Project, New Mexico; M&I water service contract; 5,800 acre-feet per year; FR notice published April 17, 1981, Vol. 46, No. 74, page 22474.

8. City of Bloomfield, Animas-La Plata Project, New Mexico; M&I water service contract; 5,300 acre-feet per year; FR notice published April 17, 1981, vol. 46, No. 74, page 22474.

9. Central Utah Project, Bonneville Unit, Utah; Supplemental M&I repayment contract for 99,000 acre-feet per year; FR notice published August 22, 1980, Vol. 45, No. 165, page 56199; will resume negotiations.

10. Ogden River Water Users Association, Weber Basin Project, Utah; Emergency loan of $435,000 to stabilize and reinforce surge tank foundation; negotiations have been completed and execution of contract expected after Board meeting in mid-April, FR notice published January 26, 1983, Vol. 48, No. 18, page 3661.

11. Preston-Whitney Irrigation Company, North Cache Water Development Project, Idaho, Small Reclamation Project Act, P.L. 84–984. Repayment contract for $26,000,000. Federal loan to convert open ditch system with individual pumps for sprinkler pressurization to a closed pipe gravity pressurized system.

Lower Colorado Region

Bureau of Reclamation, P.O. Box 426 (Nevada Highway and Park Street), Boulder City, NV 89005, telephone (702) 293–8536.

1. Lake Havasu IDD for Horizon Six and Ansazi Pueblo, Boulder Canyon Project, Arizona; M&I water service contracts for 170 and 131 acre-feet per year, respectively. Contract execution pending approval and/or request for negotiating sessions by Lake Havasu IDD and submission of subcontracts for Bureau approval.

2. City of Yuma, Boulder Canyon Project, Arizona; Supplemental and amendatory M&I water service contract; 3,613 acre-feet.

3. Agricultural and M&I water users, Central Arizona Project, Arizona; Water service subcontracts; A certain percent of available suply for irrigation entities and up to 640,000 acre-feet for M&I use.

4. Roosevelt Water Conservation District, Higley, Arizona; R&B loan contract; $7,474,424; FR notice published March 30, 1979, Vol. 44, page 19048.

5. Roosevelt ID, Buckeye, Arizona; SRPA loan contract; $10,560,000; FR notice published December 9, 1980, Vol. 45, page 81130.

6. Ramona Municipal Water District, Ramona, California; SRPA loan contract; $19,224,000.

7. Fallbrook Public Utility District, Fallbrook, California; SRPA loan contract; $12,445,400.

8. Rainbow Municipal Water District, Fallbrook, California; SRPA loan amendatory contract; $9,090,800 cost escalation adjustment; FR notice published May 24, 1979, Vol. 44, page 30173.

9. Agricultural and M&I water users, Central Arizona Project, Arizona; Contracts for repayment of Federal expenditures for construction of distribution systems.

10. National Park Service; Contract for delivery of up to 55 acre-feet of water per year from the Boulder City, Nevada, water supply system for use in the Lake Mead National Recreation Area.

Southwest Region

Bureau of Reclamation, Commerce Building, Suite 201, 714 South Tyler, Amarillo, TX 79101, telephone (806) 378–5430.

1. Village of Questa, San Juan-Chama Project, New Mexico; M&I water service contract for 200 acre-feet annually; FR notice published January 25, 1980, Volume 45, page 6178.

2. City of Belen, San Juan-Chama Project, New Mexico; M&I water service contract for 500 acre-feet annually. FR notice published April 16, 1982, Vol. 47, Page 1782.

3. Fort Cobb Reservoir Master Conservancy District, Washita Basin Project, Oklahoma; Amendatory repayment contract to convert 4,700 acre-feet of irrigation water to M&I use; FR notice published August 13, 1981, Vol. 46, page 40940.

4. Foss Reservoir Master Conservancy District, Washita Basin Project, Oklahoma; Amendatory repayment contract for remedial work. Necessity of amendment is dependent upon outcome of pending Safety of Dams legislation, S. 956 and H.R. 3208.

5. Harlingen Irrigation District, Lower Rio Grande Valley, Texas; the existing Small Reclamation Project Act loan

repayment contract will require an amendment to provide for the collection of an interest payment for M&I water deliveries by the district. Correction of this deficiency is a prerequisite for eligibility to receive additional benefits through an R&B loan sought by the district.

6. Vermejo Conservancy District, Vermejo Project, New Mexico; Amendatory contract to relieve the district of further repayment obligation, presently exceeding $2 million, pursuant to Public Law 96–550.

7. State of Oklahoma, McGee Creek Project, Oklahoma; Repayment contract for State's share of costs associated with development of recreation facilities and certain fish and wildlife facilities; Obligation will be negotiated in accordance with the Federal Water Project Recreation Act (PL 89–72), as amended.

8. State of Colorado, Closed Basin Division, San Luis Valley Project; Repayment contract for State's share of costs associated with development of recreation facilities and certain fish and wildlife facilities; Obligation will be negotiated in accordance with the Federal Water Project Recreation Act (PL 98–72), as amended; FR notice published February 12, 1982, Vol. 47, page 6493.

9. Arch Hurley Conservancy District, Tucumcari Project, New Mexico; R&B of project irrigation distribution system primarily dedicated to lining canals to conserve water.

10. New Mexico Interstate Stream Commission, San Juan-Chama Project, New Mexico; Interim irrigation water service contract for up to 2,000 acre-feet of water. The charge is expected to be approximately $8 per acre-foot.

11. San Angelo Water Supply Corporation, San Angelo, Texas; amendment of existing repayment contract is necessary to reinstate an earlier contractual provision whereby the contractor is granted a credit against its annual payment for costs incurred related to the O&M of nonreimbursable project purposes such as flood control and fish and wildlife.

Upper Missouri Region

Bureau of Reclamation, P.O. Box 2553, Federal Building, 316 North 26th Street, Billings, Montana 59103, Telephone (406) 657–6413.

1. Miscellaneous Water Users, Upper Missouri Region, Montana, Wyoming, North Dakota, and South Dakota; Temporary (interim) water service contracts for surplus project water; Maximum of 10,000 acre-feet annually per contractor for irrigation and maximum of 2,000 acre-feet annually per M&I contractor for terms of up to 2 years.

2. Individual Irrigators, Canyon Ferry Unit, P–SMBP, Montana; Irrigation water service contracts not to exceed 320 acres or 1,000 acre-feet of water annually per contractor for terms up to 40 years.

3. Crook County ID (formerly Belle Fourche-Wyoming Water Association), Keyhole Unit, P–SMBP, Wyoming; Repayment contract for irrigation storage; 10 percent (presently 18,500 acre-feet) of Keyhole Reservoir storage space as provided by Belle Fourche River Compact; FR notice published August 21, 1980, Vol. 45, page 55842.

4. Belle River Pumpers Association, Keyhole Unit, P–SMBP, Wyoming; Repayment contract for irrigation storage; 3 percent (presently 5,500 acre-feet) of Keyhole Reservoir storage space; FR notice published March 29, 1982, Vol. 7, page 13234.

5. Montana Power Company, Yellowtail Unit, P–SMBP, Montana; Industrial water service contract; 6,000 acre-feet of water annually for Colstrip Power Complex; FR notice published February 3, 1981, Vol. 46, Page 10544.

6. Deaver ID, Shoshone Project, Wyoming; R&B loan repayment contract; Up to $1.6 million; FR notice published April 21, 1982, Vol. 47, Page 17118.

7. Nokota Company, Lake Sakakawea, P–SMBP, North Dakota; Industrial water service contract; Up to 16,800 acre-feet of water annually; FR notice published May 5, 1982, Vol. 47 Page 19472.

8. State of Wyoming, Buffalo Bill Dam Modifications, P-SMBP, Wyoming; contract with State of Wyoming for division of additional water impounded, sharing of revenues, and sharing of costs to construct, operate, and maintain modification of the existing Buffalo Bill Dam and Reservoir.

9. WEB Rural Water Development Project, South Dakota; Grant and loan program for rural water facilities; To bring water to approximately 30,000 people and 50 rural communities.

10. Helena Valley ID, P–SMBP, Montana; R&B loan repayment contract; Up to $2.2 million.

11. Fort Shaw ID, Sun River Project, Montana; R&D loan repayment contract; Up to $1.5 million.

12. Individual Irrigators, Heart Butte Unit, Pick-Sloan Missouri Basin Program, North Dakota; Irrigation water service contracts; Water supply to be furnished from Heart Butte Reservoir (Lake Tschida) totaling up to 2 acre-feet per acre annually for application on up to 320 acres per individual contractor for irrigation purposes; Contract term up to 20 years.

13. East Bench Gravity Company, Dillon, Montana; Small Reclamation Projects Act loan repayment contract; Loan amount up to $4.383 million; Loan purpose to convert existing open ditch lateral to closed pipe system and provide gravity pressure to operate sprinker systems.

14. Buffalo Rapids Irrigation District No. 2, Buffalo Rapids Project, Montana; Small Reclamation Projects Act loan repayment contract; Loan amount up to $1.409 million; Loan purpose to rehabilitate pumping plants and portions of lateral and canal system to improve water use efficiency.

15. Galsgow Irrigation District, Milk River Project, Montana; Rehabilitation and Betterment Act loan repayment contract; Loan amount up to $2.2 million.

16. Irrigation Districts and Similar Water User Entities in Montana, North Dakota, South Dakota, and Wyoming; Amendatory repayment and water service contracts; Purpose to conform to the Reclamation Reform Act of 1982 (Pub. L. 97–293); Up to 50 amendatory contracts are expected by April 1987.

Lower Missouri Region

Bureau of Reclamation, P.O. Box 25247 (Building 20, Denver Federal Center), Denver, Colorado 80225, telephone (303) 234–3327.

1. H&RW ID, Frenchman-Cambridge Unit, P–SMBP, Nebraska; Amendatory water service contract; $1,200,000 outstanding; FR notice published February 5, 1982, Vol. 47, Page 5472.

2. City of Cheyenne, Kendrick Project, Wyoming; Interim water storage contract; 10,000 acre-feet; FR notice published April 28, 1982, Vol. 47, Page 18187.

3. Central Nebraska Public Power and ID, Glendo Unit, P–SMBP, Nebraska; Irrigation water service contract; 8,000 acre-feet; FR notice published February 7, 1980, Vol. 45, Page 8364.

4. Purgatoire River Water Conservancy District, Trinidad Project, Colorado; Repayment contract for extension of the development period and revision of the repayment determination methodology; FR notice published September 28, 1982, Vol. 47, page 42642.

5. Frenchman-Cambridge ID, Frenchman-Cambridge Division, P–SMBP, Nebraska; Amendatory R&B contract; Increases current R&B program obligation of $4.4 million to $5.5 million; FR notice published November 10, 1982, Vol. 47, page 51009.

6. Casper-Alcova ID, Kendrick Project, Wyoming; Amendator contract to provide water service to subdivided

district lands; FR notice published November 24, 1980, Vol. 45.

7. Corn Creek ID, Mitchell ID, Earl Michael, Glendo Unit, Wyoming and Nebraska; Irrigation water service contracts. FR notice published January 26, 1983, Vol. 48, page 3662.

8. Town of Breckenridge, Colorado-Big Thompson Project, Colorado; Storage in Green Mountain Reservoir. FR notice published January 26, 1983, Vol. 48, page 3662.

9. Pueblo West Metropolitan District, Fryingpan-Arkansa Project, Colorado; Use of municipal outlet of Pueblo Dam for conveyance service; FR notice published January 26, 1983, page 3662.

10. Natron County, Wyoming, town of Mills, Wyoming, Wardwall Water and Sewer District Impact Joint Powers Board, Kendrick Project; Interim water storage contract; 750 acre-feet; FR notice published January 26, 1983, Vol. 48, page 3662.

11. Miscellaneous water users, Lower Missouri Region, Southeastern Wyoming, Colorado, Nebraska and northern Kansas; Temporary (interim) water service contracts for surplus project water, maximum of 10,000 acre-feet annually per contractor for irrigation and maximum of 2,000 acre-feet annually per M&I contractor for terms up to 2 years: FR notice published January 26, 1983, Vol. 48, page 3662.

12. Ruedi Reservoir, Fryingpan-Arkansas Project/Second round of proposed contract negotiations for sale of water from the regulatory capacity of Ruedi Reservoir.

Opportunity for public participation and receipt of comments on contract proposals will be facilitated by adherence to the following procedures:

(1) All meetings negotiating sessions scheduled by the Bureau with a potential contractor for the purpose of discussing terms and conditions of a proposed contract will be open to the general public for observation. Only those people with authority to act on behalf of the appropriate public entities may negotiate the terms and conditions of a specific contract proposal. Advance notice of such meetings will be furnished to those parties that have made a timely written request for such notice to the appropriate regional or project office of the Bureau.

(2) All written correspondence regarding proposed contracts will be made available to the general public pursuant to the terms and procedures of the Freedom of Information Act (80 Stat. 383), as amended.

(3) Written comments on a proposed contract must be submitted to the appropriate Bureau officials at locations and within time limits set forth in advance public notices or as otherwise established by Bureau officials. Such written comments received and testimony presented at any public hearing will be reviewed and summarized by regional staff for use by the appropriate contract approving authority; i.e., a Regional Director, the Commissioner of Reclamation, or the Secretary of the Interior.

(4) As specific proposed contracts become available for review and comment, copies may be obtained from the appropriate Regional Director identified above.

Dated: April 20, 1983.

Jed D. Christensen,

Acting Commissioner of Reclamation.

[FR Doc. 83-10982 Filed 4-25-83; 8:45 am]

BILLING CODE 4310-09-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Agricultural Cooperative; Intent To Perform Interstate Transportation for Certain Nonmembers

Dated: April 21, 1983.

The following notices were filed in accordance with section 10526(a)(5) of the Interstate Commerce Act. These rules provide that agricultural cooperatives intending to perform nonmember, nonexempt interstate transportation must file the Notice, Form BOp-102, with the Commission within 30 days of its annual meetings each year. Any subsequent change concerning officers, directors, and location of transportation records shall require the filing of a supplemental Notice within 30 days of such change.

The name and address of the agricultural cooperative (1) and (2), the location of the records (3), and the name and address of the person to whom inquiries and correspondence should be addressed (4), are published here for interested persons. Submission of information which could have bearing upon the propriety of a filing should be directed to the Commission's Office of Compliance and Consumer Assistance, Washington, D.C. 20423. The Notices are in a central file, and can be examined at the Office of the Secretatry, Interstate Commerce Commission, Washington, D.C.

(1) Rainbow Farms Cooperative Association
(2) 925 West Main St., Rock Hill, SC 29730
(3) 925 West Main St., Rock Hill, SC 29730
(4) Brenda M. Carpenter, 925 West Main St., Rock Hill, SC 29730

(1) Red River Valley Potato Express, Inc.
(2) 1321 DeMers Ave., Grand Forks, ND 58201
(3) 1321 DeMers Ave., Grand Forks, ND 58201
(4) Richard D. Brandvold, Jr., 1321 DeMers Ave., Grand Forks, ND

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-10984 Filed 4-25-83; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP1-144]

Motor Carriers; Proposed Exemptions

AGENCY: Interstate Commerce Commission.

ACTION: Notices of proposed exemptions.

SUMMARY: The motor carriers shown below seek exemptions pursuant to 49 U.S.C 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property Under 49 U.S.C. 11343,* 367 I.C.C. 113 (1982), 47 FR 53303 (November 24,1982).

DATES: Comments must be received within 30 days after the date of publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Joyce D. Lannon, (202) 275-7992.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: April 19, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

Curry Motor Freight Lines, Inc.—Purchase Exemption—Pioneer Express, Inc.

MC-F-15221—Curry Motor Freight Lines, Inc. (Curry) (MC-60087), and Pioneer Express, Inc. (Pioneer) (MC-155341), seek an exemption from the requirement of prior regulatory approval for the purchase by Curry of Pioneer's authority which authorizes the transportation of general commodities (except classes A and B explosives), between Oklahoma City, OK and Shamrock, TX, over U.S. Hwy 66 and Interstate Hwy 40, serving all intermediate points and serving

Arapaho, Bessie, Cordell and Burns Flat, OK, as off-route points, Curry intends to join the newly acquired authority with its existing authority Shamrock in order to provide a direct, through service between Oklahoma City and points located generally in the Texas panhandle region. Send comments to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423 and (2) Petitioner's representative, Thomas F. Sedberry, Small Craig & Werkenthin, 2600 Austin National Bank Tower, Austin, TX 78701. Comments should refer to No. MC–F–15221.

Charles F. Peterlin Robert A. Peterlin Sharon Cole, and Raymond L. Peterlin, Jr.—Control Exemption—Peterlin Cartage Co. and Fast Freight, Inc.

MC–F–15228—Charles F. Peterlin, Robert A. Peterlin, Sharon Cole, and Raymond L. Peterlin (PPC&P), all non-carriers, and in turn, Frank Peterlin and Raymond L. Peterlin, Sr., also non-carriers who each control and own 50 percent of the outstanding and issued capital stock of Peterlin Cartage Co. (Cartage) (MC–67450), and Fast Freight, Inc. (Fast) (MC–123272), seek an exemption from the requirements under section 11343 of prior regulatory approval for the transfer of stock ownership and control of Cartage and Fast to PPC&P. Send comments to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423 and (2) Petitioner's representative, Joseph Winter, 29 South LaSalle St., Chicago, IL 60603. Comments should refer to No. MC–F–15228.

[FR Doc. 83–10089 Filed 4–25–83; 8:45 am]
BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water Carriers; Household Goods Brokers. The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the **Federal Register** on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations.

We make an additional preliminary finding with respect to each of the following types of applications as indicated: common carrier of property—that the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier—that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, and household goods broker—that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Applications filed under 49 U.S.C. 10922(c)(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly.

Please direct status inquiries about the following to Team One at (202) 275–7992.

Volume No. OP–143 (N)

Decided: April 18, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams and Ewing.

MC 17051 (Sub-23), filed April 11, 1983. Applicant: BARNET'S EXPRESS, INC., 28 Garfield Place, So. Hackensack, NJ 07606. Representative: Carl S DiPiazza (same address as applicant) (201) 777–7307. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 19311 (Sub-82), filed April 11, 1983. Applicant: CENTRAL TRANSPORT, INC., 34200 Mound Rd., Sterling Heights, MI 48077. Representative: Elmer J. Maue (same address as applicant), (313) 939–7000. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S., under continuing contract(s) with J. I. Case Company, of Racine, WI.

MC 29910 (Sub-326), filed April 11, 1983. Applicant: ABF FREIGHT SYSTEMS, INC., 301 South 11th Street, Fort Smith, AR 72901. Representative: Joseph K. Reber, P.O. Box 48, Fort Smith, AR 72902, (501) 785–6165. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Emerson Electric Co., of St. Louis, MO

MC 65210 (Sub-4), filed April 11, 1983. Applicant: SPARTA-LACROSSE TRUCK LINES, INC., Route 5, Box 468, Sparta, WI 54656. Representative: Richard A Westley, 4506 Regen St., Suite 100, P.O. Box 5086, Madison, WI 53705–0086, (608) 238–3119. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods), between points in IL, IA, MI, MN, and WI.

MC 89021 (Sub-7), filed April 11, 1983. Applicant: LEVINE'S EXPRESS & TRUCKING COMPANY, P.O. Box 237, Carteret, NJ 07088. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904, (201) 572–5551. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between New York, NY, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 117201 (Sub-61), filed April 11, 1983. Applicant: INTERSTATE DISTRIBUTOR CO., 8311 Durango S.W., Tacoma, WA 98499. Representative: George R. LaBissoniere., 15 S. Grady Way, Suite 239, Renton, WA 98055, (206) 228–3807. Transporting *general commodities* (except A & B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with Safeway Stores, Incorporated, of Oakland, CA.

MC 119560 (Sub-24), filed April 11, 1983. Applicant: SOUTHERN BULK HAULERS, INC., P.O. Box 278, Harleyville, SC 29448. Representative: Jon F. Hollengreen, 1020 Pennsylvania Bldg., Pennsylvania Ave. & 13th St., N.W., Washington, DC 20004, (202) 628–4600. Transporting *cement*, between points in AL, DE, FL, GA, KY, MD, NC, NJ, OH, PA, SC, TN, VA, and WV.

MC 124411 (Sub-28), filed April 12, 1983. Applicant: SULLY TRANSPORT, INC., P.O. Box 185, Sully, IA 50251. Representative: James M. Hodge, 3730 Ingersoll Ave., Des Moines, IA 50312, (515) 274–4985. Transporting *fertilizer*, between points in IA, IL, KS, MN, MO, NE, NM, OK, SD, and WI.

MC 144081 (Sub-5), filed April 11, 1983. Applicant: D. W. STACY CO., INC., P.O. Box 1215, Gaffney, SC 29342. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Bldg., Charlotte, NC 28204, (704) 372–6730. Transporting (1) *foodstuffs*, between points in the U.S. (except Ak and HI), and (2) *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in NC, SC, GA and OH, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 146121 (Sub-6), filed April 12, 1983. Applicant: BAY CARTAGE COMPANY, 1122 E. Barney Ave., Muskegon, MI 49444. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503, (616) 459–6121. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Howard City Paper Company, of Howard City, MI.

MC 149020 (Sub-5), filed April 11, 1983. Applicant: MYERS MEN, INC., 4429 Hamilton Blvd., Allentown, PA 18103. Representative: Robert B. Einhorn, 3220 PSFS Building, 12 South 12th Street, Philadelphia, PA 19107, (215) 922–1400. Transporting *metal products and rubber and plastic products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Cleveland Steel Container Corporation, of Cleveland, OH.

MC 152840 (Sub-4), filed April 13, 1983. Applicant PATRICIA & JAMES KEELER, a partnership d.b.a. P & J TRANSPORTATION CO., Route 295, Box 39, Berkey, OH 43504. Representative: John P. Diel, (same address as applicant) (419) 829–5011. Transporting *chemicals and related products*, between points in MN, WI, IL, IN, MO, OH, MI, PA, NJ, NY, MD, VA, WV and TX.

MC 155870 (Sub-1), filed April 11, 1983. Applicant L & S EQUIPMENT, INC., Cranberry Meadow Rd., Berwick, ME 03901. Representative: Louis Lemay, Jr. (same address as applicant) (207) 698–1487. Transporting (1) *machinery*, (2), *building materials*, and (3) *furniture and fixtures*, between points in the U.S. (except AK and HI).

MC 164301 (Sub-1), filed April 12, 1983. Applicant CAPRI TRANSPORT LTEE, 515 Ste. Catherine Street West, Room 207, Montreal, Quebec, Canada (H3B 1B4). Representative: Adrien R. Paquette, 200 St. James Street, Room 900, Montreal, Quebec, Canada (H2Y 1M1), (514) 842–1864. Transporting *building materials*, between ports of entry on the international boundary line between the United States and Canada, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 167330, filed April 11, 1983. Applicant SCHELL TRANSPORTATION INC., 11 Perry Place, Woburn, MA 10881. Representative: John F. Curley, 60 Adams St., Suite 205, Milton, MA 02187, (617) 698–1569. Transporting *clay, concrete, glass or stone products*, between points in CT, MA, ME, NH, NJ, NY, RI, and VT.

MC 167340, filed April 11, 1983. Applicant CONTRACT TRANSPORTS, INC., Route 3, Box 355, Tuttle, OK 73089. Representative: Dean Williamson, Suite 107, 50 Classen Center, 5101 North Classen Blvd., Oklahoma City, OK 73118, (405) 848–7946. Transporting *general commodities* (Except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Harter Concrete Products, Inc., of Oklahoma City, OK.

MC 167341, filed April 11, 1983. Applicant: H & M TRUCKING CO., 1708 Columbus Parkway, Opelika, AL 36801. Representative: W. H. Tomlinson, 1601 13th St., Suite B, Columbus, GA 31901, (404) 322–8404. Transporting *food and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Tom's Foods, of Columbus, GA.

MC 167381, filed April 12, 1983. Applicant: RIDGE CARRIERS, 1221 South Newton, Denver, CO 80219. Representative: William H. Raplee (same address as applicant), (303) 425–8767. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Interstate Shippers Service, Inc., Wheat Ridge, CO

Please direct status inquiries about the following to Team 2, (202) 275–7251.

Volume No. OP2–180

Decided: April 11, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams and Ewing.

MC 682 (Sub-48), filed March 29, 1983. Applicant: BURNHAM VAN SERVICE, INC., 5000 Burnham Blvd., Columbus, GA 31907. Representative: David Earl Tinker, 1000 Connecticut Ave., NW., Suite 1112, Washington, DC 20036–5391 (202) 887–5868. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S., under continuing contract(s) with McGraw-Edison Company, Power Systems Division, of Pittsburgh, PA.

MC 682 (Sub-49), filed March 29, 1983. Applicant: BURNHAM VAN SERVICE, INC., 5000 Burnham Blvd., Columbus, GA 31907. Representative: David Earl Tinker, 1000 Connecticut Ave., NW., Suite 1112, Washington, DC 20036–5391 (202) 887–5868. Transporting *general commodities* (except classes A and B explosives, and commodities in bulk), between points in the U.S., under continuing contract(s) with Fotomat Corporation, of Cincinnati, OH.

MC 52322 (Sub-3), filed March 22, 1983. Applicant: JOHN A. SADOVICH, d.b.a. PINE-EAGLE FREIGHTLINE, 1704 Broadway, Baker, OR 97814. Representative: John A. Sadovich (same address as applicant), 503–523–7811. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Washington, Payette, Canyon, and Ada Counties, ID, and Baker, Malheur, Union, Wallowa, Umatilla, and Grant Counties, OR.

MC 69322 (Sub-12), filed March 25, 1983. Applicant: DOBSON CARTAGE AND STORAGE COMPANY, 5024 South Garfield Rd., Auburn, MI 48611. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW., Suite 1200, Washington, DC 20036, 202–785–0024. Transporting *household goods*, between points in the U.S. (except AK and HI), under continuing contract(s) with (a) James River Corporation, of Richmond, VA and (b) Philips Industries, Standard Register, and Dayco Corporation, of Dayton, OH.

MC 80252 (Sub-26), filed April 1, 1983. Applicant: SOUTHWESTERN MOTOR TRANSPORT, INC., 4600 Goldfield, San Antonio, TX 78285. Representative: Leroy Hallman, 4555 InterFirst One, Dallas, TX 75202, 214–741–6263. Transporting *general commodities* (except household goods, classes A and B explosives and commodities in bulk), between points in the U.S. (except AK and HI).

MC 100463 (Sub-29), filed March 29, 1983. Applicant: CANADIAN PACIFIC TRANSPORT (U.S.) LIMITED, Suite E-330, Atria North, 2255 Sheppard Ave. East, Willowdale, Ontario, Canada M2J 4Y1. Representative: Harry J. Jordon, Suite 200, 1090 Vermont Ave., NW., Washington, DC 20005, 202–783–8131. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk) between New York, NY, and points in Somerset County, NJ, on the one hand, and, on the other, points in Aroostook and Washington Counties, ME.

MC 107012 (Sub-810), filed March 25, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Margaret S. Vegeler (same address as applicant), 219–429–2213. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S., under continuing contract(s) with Technicare Corp., of Solon, OH.

MC 107012 (Sub-811), filed April 5, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop, (same address as applicant), 219–429–2110. Transporting *household goods*, between points in the U.S., under continuing contract(s) with Systematics, Inc., of Little Rock, AR.

MC 110683 (Sub-208), filed March 29, 1983. Applicant: SMITH'S TRANSFER CORPORATION, P.O. Box 1000, Staunton, VA 24401. Representative: Harry J. Jordan, 1090 Vermont Ave., NW., Washington, DC 20005, (202 783–8131. Transporting *general commodities* (except classes A and B explosives, houshold goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Hills Department Stores, of Canton, MA.

MC 114612 (Sub-7), filed March 30, 1983. Applicant: C. A. SHETROM, INC., Route 22, Huntingdon, PA 16652. Representative: C.A. Shetrom (same address as applicant), (814) 643–1633. Transporting *petroleum products*, between points in PA, NJ, DE, MD, WV, OH, MI, IN, IL, VA, NC, SC, GA FL, WI, AL, LA, MS, KY, and TN.

MC 118922 (Sub-22), filed March 22, 1983. Applicant: CARTER TRUCKING CO., INC., P.O. Box 38—Cleveland St., Locust Grove, GA 30248. Representative: Charles H. White, Jr., 1019 19th St. NW, Suite 800, Washington, DC 20036, 202–785–3420. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 140902 (Sub-24), filed March 29, 1983. Applicant: DPD, INC., 3600 N.W. 82 Ave., Miami, FL 33166. Representative: Dale A. Tibbets (same address as applicant), 305–593–3204. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Sunbeam Appliance Company, of Oak Brook, IL.

MC 140902 (Sub-25), filed March 29, 1983. Applicant: DPD, INC., 3600 N.W. 82 Ave., Miami, FL 33166. Representative: Dale A. Tibbets (same address as applicant), 305–593–3204. Transporting *such commodities* as are dealt in by chain grocery stores, between points in the U.S. (except AK and HI), under continuing contract(s) with The Kroger Co., of Cincinnati, OH.

MC 148153 (Sub-6), filed March 24, 1983. Applicant: WALBON & COMPANY, INC., 3242 Highway 8, Minneapolis, MN 55418. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Suite 307, Edina, MN 55424, 612–927–8855. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 149043 (Sub-9), filed March 15, 1983. Applicant: EASTERN TANK LINES, INC., 5536 Brentlinger Dr., Dayton, Oh 45414. Representative: H. Neil Garson, 3251 Old Lee Highway, Fairfax, VA 22030, 703–691–0900. Transporting (1) *textile mill products*, (2) *clay, concrete, glass or stone products*, (3) *chemicals and related products*, (4) *rubber and plastic products*, (5) *ores and minerals*, (6) *metal products*, (7) *machinery*, (8) *petroleum or coal products*, and (9) *transportation equipment*, (a) between points in OH, NY, NV, GA, and TX, on the one hand, and, on the other, points in TX, NV, GA, NY, NC, IA, MI, VA, AL, LA, PA, IL, NM, KY, SC, IN, MD, DE, CA, AZ, AR, CO, CT, ID, FL, ME, MA, MN, MO, MS, KS, NE, NJ, OK, OR, RI, UT, WA, WI, WV, WY, and TN.

MC 150103 (Sub-20), filed March 21, 1983. Applicant: SCHWEIGER INDUSTRIES, INC, 116 West Washington St., Jefferson, WI 53549. Representative: Wayne W. Wilson, 150 East Gilman St., Madison, WI 53703, 608–256–7444. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI). Condition: Issuance of certificate in this proceeding is conditioned upon coincidental cancellation of permits under MC-150103 Subs 3, 4, 1, 8, 10, 11, 12, 9, 14, 15X, 16, and 17, issued November 4, 1980, November 7, 1980, January 7, 1981, January 30, 1981, April 9, 1981, April 22, 1981, June 8, 1981, June 19, 1981, July 20, 1981, November 27, 1981, June 17, 1982, and June 17, 1982, respectively (including the underlying authority superseded by the 15X in Subs 2, 5, 6, and 7).

Note.—The purpose of this application is to convert applicant's contract carrier authority to common carrier authority.

MC 150333 (Sub-2), filed March 25, 1983. Applicant: KNOX CARTAGE COMPANY, INC., 2335 Texas Ave., Knoxville, TN 37921. Representative: Timothy W. McGhee (same address as applicant), 615–524–2964. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Bledsoe, Bradley, Campbell, Carter, Claiborne, Cumberland, Davidson, Fentress, Grainger, Greene, Hamilton, Hancock, Hawkins, Johnson, Knox, Meigs, Monroe, Morgan, Polk, Putnam, Rhea, Scott, Shelby, Sullivan, Unicoi, Union, Washington, and White Counties, TN, and Bell, Knox, Laurel, McCreary, Pulaski, Wayne, and Whitley Counties, KY.

MC 152192 (Sub-2), filed March 28, 1983. Applicant: EDWARD R. TEMMEN, Star Rte. 2, Jefferson City, MO 65101. Representative: Stephen G. Newman, P.O. Box 456, Jefferson City, MO 65102, 314–635–7166. Transporting *general commodities* (except classes A and B explosives, household goods) between points in MO, on the one hand, and, on the other, points in AR, IA, IL, KS, KY, NE, OK, and TN.

MC 153043 (Sub-2), filed March 8, 1983. Applicant: WEST SHORES LEASING CORP., 3102 W. Buckeye Rd., Phoenix, AZ 85009. Representative: Donald R. Hedrick, P. O. Box 4334, Santa Ana, CA 92702, 714–667–8107. Transporting (a) *passengers,* over *regular routes* (1) between Chandler, AZ and El Centro, CA: from Chandler over AZ Hwy 87 to junction U.S. Hwy 80, then U.S. Hwy 80 to junction Interstate Hwy 8, then over Interstate Hwy 8 to El Centro, CA, (2) between El Centro and San Ysidro, CA: from El Centro over Interstate Hwy 8 to junction Interstate Hwy 805, then over Interstate Hwy 805 to San Ysidro, CA, (3) between San Ysidro and San Diego, CA over Interstate Hwy 5, (4) between San Diego and Los Angeles, CA: from San Diego over Interstate Hwy 5 to junction Interstate Hwy 10, then over Interstate Hwy 10 to Los Angeles, return over the same routes, and (5) serving all intermediate points in routes (1) thru (4) above, (b) *passengers,* in charter and special operations, between points in the U.S. (except HI), and (c) *shipments weighing 100 pounds or less* if transported in a moter vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except HI).

Notes.—(1) In part (a) applicant seeks to provide regular route service in interstate or foreign commerce and in intrastate commerce under 49 U.S.C. 10922 (c) (2) (B) over the same route. (2) In part (b) applicant seeks to provide privately-funded charter and special transportation.

Note.—Part (b) and (c) are published in the Federal Register, this issue, with "fitness applications".

MC 153323 (Sub-9), filed March 29, 1983. Applicant: IOWA-TEXAS EXPRESS, LTD. P.O. Box 283 Denison, IA 51442. Representative: James M. Hodge, 3730 Ingersoll Ave., Des Moines, IA 50312, (515) 274–4985. Transporting *Food and related products,* between points in the U.S. (except AK and HI).

Volume No. OP2–181

Decided: April 11, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams and Ewing.

MC 154652 (Sub-2), filed March 29, 1983. Applicant: PENNOCO TRUCKING, INC., 6th & Water Sts., New Cumberland, PA 17070. Representative: James T. Darby, 1021 Irving Ave., Colonial Beach, VA 22443, 804–224–0773. Transporting *general commodities* (except classes A and B explosives, household good, and commodities in bulk) between points in DE, MD, NJ, NY, PA, VA, and DC.

MC 156932 (Sub-3), filed March 28, 1983. Applicant: PALLET PRODUCTS, INC., 153 Evergreen Rd., Oconto, WI 54153. Representative: Charles E. Dye, Swan Lake Village, Saddle Ridge #832, Portage, WI 53901, (698) 742–3579. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk) between points in the U.S. (except AK and HI), under a continuing contract(s) with (1) Pallet Devices, Inc., of Des Plaines, IL, and (2) Scott Paper Company, of Philadelphia, PA.

MC 162213 (Sub-1), filed March 28, 1983. Applicant SHIPPER SERVICES, INC., P.O. Box 1867, 1217 So. Seventh St., Modesto, CA 95353. Representative: Truett Yarbrough (same address as applicant), (209) 571–9130. Transporting *pulp, paper, and related products,* between points in Navajo County, AZ, on the one hand, and, on the other points in CA

MC 164072 (Sub-1), filed March 28, 1983. Applicant WINGS TRANSPORTATION, INC., 717 South 9th St., Omaha, NE 68102. Representative: Debra Merritt (same address as applicant), 402–346–2971. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

MC 166132, filed February 8, 1983. Applicant: CAROLINA TAXI AND INDUSTRIAL TRANSPORTATION, INC., 537 Fitzsimmons St., Hendersonville, MD 28739. Representative: Edwin R. Groce, 112 South Main St., Hendersonville, NC 28739, 704–693–4135. Transporting *such commodities* as are dealt in and used by manufacturers and distributors of lighting systems, between points in the U.S. (except AK and HI), under continuing contract(s) with General Electric Company, of Hendersonville, NC.

MC 166842, filed March 31, 1983. Applicant: CHARLES P. O'DELL, d.b.a. EAST WEST MOTOR EXPRESS 1705 Morningside Drive, Rapid City, SD 57701. Representative: J. Maurice Andren, 1734 Sheridan Lake Rd., Rapid City, SD 57701, 605–343–4036. Transporting (1) for or on behalf of the United States Government, *general commodities,* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK an HI), (2) *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners,* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI), (3) *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in CO, MT, NE, ND, SD, and WY, on the one hand, and, on the other, points in the U.S. (except AK and HI), and (4) as a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

Note.—Parts (1), (2), and (4) were published in the Federal Register with "fitness applications", Volume No. OP2–173.

MC 166863(Sub-1), filed March 30, 1983. Applicant MEGA TRUCKING CO., 3333 South Iron St., Chicago, IL 60608. Representative: Ronald N. Cobert, 1730 M St. NW., Suite 501, Washington, DC 20036, 202–296–2900. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 166892, filed March 18, 1983. Applicant: A AND AJ PRODUCE HAULERS, INC., R.D. 1, P.O. Box 414, Highland, NY 12528. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, 201–234–0301. Transporting (1) *furniture,* between points in Bergen County, NJ, on the one hand, and, on the other, points in NC, SC, GA, and FL, and (2) *household goods,* between points in Ulster County, NY, on the one hand, and, on the other, points in NC, SC, GA, and FL.

MC 166982, filed March 21, 1983. Applicant: CARL ELMENHORST

TRUCKING, INC., 600 Thompson Dr. El Reno, OK 73036. Representative: G. Timothy Armstrong, 200 N. Choctaw, P.O. Box 1124, El Reno, OK 73036, (405) 262–1322. Transporting *such commodities* as are dealt in or used by grocery and food business houses and agricultural feed business houses, between points in OK, on the one hand, and on the other, points in AR, CO, KS, LA, MO, NE, NM, OK, and TX.

MC 167013, filed March 23, 1983. Applicant: GLENN E. BREHM, an individual d.b.a. G. E. BREHM TRANSPORTATION, 2290 Matteoni. Sparks, NV 89431. Representative: Robert G. Harrison, 4299 James Dr., Carson City, NV 89701, (702) 882–5649. Transporting *food and related products, plastic products, and pulp paper and related products,* between points in OR, WA, NV, CA, AZ, UT, and ID.

MC 167032 (Sub-1), filed March 25, 1983. Applicant: MINNESOTA CONTRACT CARRIERS, INC., P.O. Box 331, Afton, MN 55001. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440, 612–542–1121. Transporting (1) *pulp, paper and related products,* between points in the U.S. (except AK and HI), under continuing contract(s) with Leslie Paper Company, of Minneapolis, MN, and (2) *portable welding school on wheels,* between points in the U.S. (except AK and HI), under continuing contract(s) with International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers & Helpers, Lodge #647, of Minneapolis, MN.

MC 167042, filed March 22, 1983. Applicant: AKA, INC. 374 Edmund Ave., Paterson, NJ 07502. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 234–0301. Transporting *industrial hardware, metal products, and textile mill products,* between points in Passaic County, NJ, on the one hand, and, on the other, points in MA, RI, CT, NY, NJ, PA, DE, MD, VA, NC, SC, and DC.

MC 167062, filed March 28, 1983. Applicant HENDRICKS DISTRIBUTING, INC., 59 N. Main St., Malad, ID 83252. Representative: Bruce W. Shand, Ste. 280, 311 S. State St., Salt Lake City, UT 84111, (801) 531–1300. Transporting (1) *petroleum products,* and (2) *chemicals and related products,* between points in CA, CO OR, ID, NV, UT, WA, and WY.

MC 167093, filed March 29, 1983. Applicant COMMONWEALTH TRUCKING INC., 301 16th St., Jersey City, NJ 07302. Representative: Richard Brienza, Jr., (same address as applicant), 210–653–6399. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the York, NY commercial zone.

MC 167123, filed March 29, 1983. Applicant AIRPORT DISTRIBUTORS, INC., 29285 Airport Dr., Romulus, MI 48174. Representative: William B. Elmer, P.O. Box 801, Traverse City, MI 49685–0801, 616–941–5313. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in IL, IN, MI, and OH.

MC 167142, filed March 29, 1983. Applicant PACIFIC BASIN CARBON TRANSPORT COMPANY, 17922 Fitch Ave., Suite 210, Irvine, CA 92714. Representative: Earl N. Miles, 3704 Candlewood Drive, Bakersfield, CA 93306, 805–872–1106. Transporting *coal and coal products,* between points in the U.S. (except AK and HI), under continuing contract(s) with Southwestern Portland Cement Company, of Victorville, CA.

MC 167152, filed March 28, 1983. Applicant JOE H. FREEMAN, 4022 South Ave. West (nr. 65), Missoula, MT 59801. Representative: W. E. Selliski, 2 Commerce P.O. Box 8255, Missoula, MT 59807, 406–543–8369 Transporting (1) *such commodities* as are dealt in or used by lumber yards, between points in WA, CA, OR, ID, and MT, on the one hand, and, on the other, those points in the U.S. in and west of WI, IL, MO, AR, and TX (except AK and HI), and (2) *salt,* between points in UT, on the one hand, and, on the other, points in MT.

Volume No. OP2–182

Decided: April 15, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams and Ewing.

MC 8472 (Sub-12), filed March 30, 1983. Applicant SOUTH END CARTAGE CORP. OF DELAWARE, 4222 South Knox Ave., Chicago, IL 60632. Representative: H. Neil Garson, 3251 Old Lee Hwy., Fairfax, VA 22030, (703) 691–0900. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in IL, on the one hand, and, on the other, points in TN.

MC 108473 (Sub-64), filed March 29, 1983. Applicant: ST. JOHNSBURY TRUCKING COMPANY, INC., 87 Jeffery Ave., Holliston, MA 01746. Representative: Harry J. Jordan, Suite 200, 1090 Vermont Ave. NW, Washington, DC 20005, (202) 783–8131 Transporting *general commodities* (except classes A and B explosives, household good, and commodities in bulk) between points in the U.S. under continuing contract(s) with Mattel, Inc., of Hawthorne, CA.

MC 118612 (Sub-20), filed April 4, 1983. Applicant: COLUMBIA TRUCKING, INC., 700 131st Place, Hammond, IN 46320. Representative: Richard A. Kerwin, 180 North La Salle St., Suite 3520, Chicago, IL 60601, (312) 332–5106. Transporting *chemicals and related products,* between Seneca, IL, on the one hand, and, on the other, Clinton, IA, and points in Shawnee County, KS.

MC 123023 (Sub-20), filed April 4, 1983. Applicant: DIPIETRO TRUCKING CO., INC., 8612 South 218th St., Kent, WA 98031. Representative: Jack R. Davis, 1200 IBM Bldg., Seattle, WA 98101, (206) 624–7373. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in CA, ID, OR, and WA, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY.

MC 125313 (Sub-4), filed April 4, 1983. Applicant: CLEVELAND SYRUP CORPORATION, 4999 Mead Ave., Cleveland, OH 44127. Representative: Thomas R. Chaney, (same address as applicant) (216) 883–1845. Transporting *food and related products,* between points in the U.S. (except AK and HI).

MC 128902 (Sub-12), filed April 4, 1983. Applicant: SCHOENEGGE, INC., Rt. 20 E., P.O. Box 525, Norwalk, OH 44857. Representative: Richard H. Brandon, 220 W. Bridge St., P.O. Box 97, Dublin, OH 43017, (614) 889–2531. Transporting *building and construction materials,* between points in the U.S. (except AK and HI), under continuing contract(s) with Certain Corporation, of Valley Forge, Pa.

MC 129712 (Sub-79), filed April 11, 1983. Applicant: GEORGE BENNETT MOTOR EXPRESS, INC., P.O. Box 569, McDonough, GA 30253 Representative: Guy H. Postell, Suite 675, 3384 Peachtree Rd., NE, Atlanta, GA 30326, (404) 237–6472 Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Kaiser Aluminum & Chemical Corporation, of Oakland, CA.

MC 143392 (Sub-1), filed April 7, 1983. Applicant: BLACK PINE TRUCKING, INC., Rt. 8, Box 97, Idaho Falls, ID 83401. Representative: Rick J. Hall, P.O. Box 2465, Salt Lake City, UT 84110, (801) 531–1777. Transporting *coal,* between points in the U.S. (except AK and HI), under continuing contract(s) with Price River Coal Company, of Helper, UT.

MC 144483 (Sub-7), filed April 7, 1983. Applicant: MAHER, INC., R.R. #14, P.O. Box 4137, Terre Haute, IN 47804. Representative: Norman R. Garvin, Andrew K. Light, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204–3491, (317) 638–1301. Transporting *commodities in bulk*, between points in IL, IN, KY, MI, and OH.

MC 159792 (Sub-3), filed April 4, 1983. Applicant: MID-AMERICA DAIRYMEN, INC., 800 West Tampa, Springfield, MO 65805. Representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Suite 600, Kansas City, MO 64105–1961, (816) 221–1464. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI). Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(a), submit an affidavit indicating why such approval is unnecessary, or file a petition seeking exemption under 49 U.S.C. 11343(e) to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit, proof of filing the application(s) or petition for exemption for common control to Team 2, Room 2379.

MC 166342, filed April 1, 1983. Applicant: TOMMY WILSON, 11405 Dreher Rd., Little Rock, AR 72206, Representative: James M. Duckett, 221 W. 2nd St., Suite 411, Little Rock, AR 72201, (501) 375–3022. Transporting (1) *lumber and wood products*, between points in Obion and Dyer Counties, TN, on the one hand, and, on the other, points in CA, OR, WA, and ID, and (2) *automotive parts*, between Los Angeles, CA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 167252, filed April 4, 1983. Applicant: RONALD W. FLETCHER, d.b.a. RON'S MOBILE HOME SERVICE, 50 Cascade Ct., Colorado Springs, CO 80907. Representative: Nancy M. Fletcher (same address as applicant), (303) 634–4493. Transporting *mobile and modular housing units*, between points in CO, MT, SD, ND, NE, KS, OD, TX, NM, UT, and WY.

MC 167262, filed April 6, 1983. Applicant: LEWIS N. SANKEY, JR., R.D. #2, Box 2306, Grove City, PA 16127. Representative: Lewis N. Sankey, Jr. (same address as applicant) (412) 530–6443. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Peter J. Schmidt, of Sharon, PA and Gartner-Harf Co., of Waterford, PA.

MC 167323, filed April 11, 1983. Applicant: KNIGHT DISTRIBUTOR, Rt. 1, Box 547, Fayetteville, NC 28301. Representative: Donnie R. Knight (same address as applicant) (919) 484–9576. Transporting *food products*, between points in NC, SC, and GA, under continuing contract(s) with suppliers and vendors serving (1) Moody AFB, of Valdosta, GA, (2) Ft. Stewart, of Ft. Stewart, GA, (3) Hunter AAF, of Savannah, GA, (4) Ft. Gordon, of Ft. Gordon, GA (5) Warner Robbins AFB, of Warner Robbins, GA, and (6) Ft. Gillam, of Forest Park, GA.

MC 167352, filed April 12, 1983. Applicant: THEODORE R. ALLEN, d.b.a. SILVER CREST WHOLESALE 19997 Winter Hall Rd., Silverton, OR 97381. Representative: Theodore R. Allen (same address as applicant), 593–873–5759. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with R & R Truck Brokers, Inc., of Central Point, OR.

Please direct status inquiries about the following to team 3 (202) 275–5223.

Volume No. OP3–159

Decided: April 14, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 22065 (Sub-7), filed March 21, 1983. Applicant: COMMERCIAL TRANSFER, INC., 3475 W. Franklin Ave., P.O. Box 12004, Fresno, CA 93776. Representative: John Paul Fischer, 100 Bush St., Suite 410, San Francisco, CA 94104, (415) 421–6743. (A) Over regular routes, transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), (1) Between San Clemente, CA and Junction U.S. Hwy 101 and CA Hwy 1, near Leggett, CA, over CA Hwy 1; (2) Between CA/OR State line and Los Angeles, CA, over U.S. Hwy 101; (3) Between Junction Interstate Hwy 5, and ports of entry on the International boundary line between the U.S. and Mexico and Junction CA/OR State line, over Interstate Hwy 5; (4) Between Junction CA Hwy 99 and Interstate Hwy 5 near Mettler, CA and Red Bluff, CA, over CA Hwy 99; (5) Between Junction Interstate Hwy 15 and U.S. Hwy 395 near Hesperia, CA and the NV/CA State line near Colville, CA, over U.S. Hwy 395; (6) Between OR/CA State line and NV/CA State line near Vinton, CA over U.S. Hwy 395; (7) Between Junction CA Hwys 49 and 70 at or near Vinton, CA and Oakhurst, CA, over CA Hwy 49; (8) Between Junction CA Hwy 89 and Interstate Hwy 5 near Mount Shasta, CA and Junction CA Hwy 89 and U.S. Hwy 395 near Topaz, CA, over CA Hwy 89; (9) Between Junction CA Hwys 29 and 20 at or near Upper Lake, CA and Vallejo, CA, over CA Hwy 29; (10) Between Junction CA Hwy 70 and Interstate Hwy 5 near Sacramento, CA and Junction CA Hwy 70 and U.S. Hwy 395 near Chilcoot, CA, over CA Hwy 70; (11) Between Santa Cruz, CA and San Rafael, CA, over CA Hwy 17; (12) Between San Jose, CA and Junction Interstate Hwys 680 and 80 near Cordelia, CA, over Interstate Hwy 680; (13) Between Yosemite Village, CA and Fresno, CA, over CA Hwy 41; (14) Between Junction CA Hwys 99 and 65 near Bakersfield, CA and Junction CA Hwys 65 and 198 near Visalia, CA, over CA Hwy 65; (15) Between Junction CA Hwy 14 and Interstate Hwy 5 near San Fernando, CA and Junction CA Hwy 14 and U.S. Hwy 395 near Little Lake, CA, over CA Hwy 14; (16) Between San Diego, CA and NV/CA State line over Interstate Hwy 15; (17) Between Calexico, CA and Junction Interstate Hwy 10 and CA Hwy 86 near Indio, CA, over CA Hwy 86; (18) Between San Diego, CA and AZ/CA State line, near Winterhaven, CA, over Interstate Hwy 8; (19) Between Santa Monica, CA and AZ/CA State line near Blythe, CA, over Interstate Hwy 10; (20) Between Junction Interstate Hwys 15 and 40 and AZ/CA State line near Needles, CA over Interstate Hwy 40; (21) Between Junction CA Hwy 198 and U.S. Hwy 101 near San Lucas and Junction Interstate Hwy 5 and CA Hwy 198, over CA Hwy 198; (22) Between Watsonville, CA and Junction CA Hwys 152 and 99 near Fairmead, CA, over CA Hwy 152; (23) Between Hayward, CA and Junction Interstate Hwys 205 and 5 near Banta, CA: from Hayward over Interstate Hwy 580 to Junction Interstate Hwy 205, then over Interstate Hwy 205 to Junction Interstate Hwy 5, and return over the same route; (24) Between Junction Interstate Hwy 5 and CA Hwy 120 near Banta, CA and Junction CA Hwys 120 and 140 near Yosemite Village, Ca, over CA Hwy 120; (25) Between Hercules, CA and Junction CA Hwys 4 and 89, near Markleeville, CA, over CA Hwy 4; (26) Between San Francisco, CA and NV/CA State line near Truckee, CA, over Interstate Hwy 80; (27) Between Sacramento, CA and NV/CA State line near South Lake Tahoe, CA, over U.S. Hwy 50; (28) Between Noyo, CA and Junction CA Hwy 20 and Interstate Hwy 80 near Emigrant Gap, CA, over CA Hwy 20; (29) Between Arcata, CA and Alturas, CA, over CA Hwy 299; (30) Between

Bakersfield, Ca and Barstow, CA, over CA Hwy 58; and (31) Between Merced, CA and Mariposa, CA, over CA Hwy 140; serving in routes (1) through (31) above all intermediate points, and serving all other points in CA as off-route points, and (B) Over irregular routes, between points in CA. Condition: Issuance of a Certificate in this proceeding is subject to prior or coincidental cancellation of Certificate of Registration No. MC–22065 Sub 6 at applicant's written request.

MC 108835 (Sub-61), filed March 28, 1983. Applicant: HYMAN FREIGHTWAYS, INC., P.O. Box 43393, St. Paul, MN 55164. Representative: Andrew R. Clark, 1600 TCF Tower, Minneapolis, MN 55402, (612) 333–1341. Transporting *general commodities* (except classes A and B explosivies, household goods, and commodities in bulk), between points in IL, IA, IN, MN, NE, ND, SD, KS, MO, WI, MI, and OH, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 138174 (Sub-7), filed April 6, 1983. Applicant: JET DELIVERY SYSTEMS, INC., 6903 N.E. 79th Ct., P.O. Box 20245, Portland, OR 97220. Representative: Leland O. Johnson (same address as applicant), (503) 256–3621. Transporting *general commodities* (except classes A and B explosives and household goods), between points in OR, WA, CA, CO and ID.

MC 155775 (Sub-4), filed April 5, 1983. Applicant: NORTHWESTERN MICHIGAN TRUCKING, INC., 9195 11 Mile Rd., Bear Lake, MI 49614. Representative: William B. Elmer, P.O. Box 801, Traverse City, MI 49685, (616) 941–5313. Transporting *food and related products*, between points in the U.S. (except AK and HI).

MC 157405 (Sub-1), filed March 31, 1983. Applicant: L. L. LEASING COMPANY, INC., U.S. 460 (N. Middletown Rd), Paris, KY 40361. Representative: Pauline E. Myers, Suite 348, Pennsylvania Bldg., 425 13th St. NW., Washington, DC 20004, (202) 737–2188. Transporting *chemicals*, between Paris, KY, on the one hand, and, on the other, Los Angeles and San Jose, CA and Dallas, TX.

MC 158644 (Sub-1), filed March 24, 1983. Applicant: HIGH PLAINS TRANSPORTATION, INC., P.O. Box 26291, Lakewood, CO 80226. Representative: David E. Driggers, 1600 Lincoln Ctr. 1660 Lincoln St., Denver, CO 80264, (303) 861–4028. Transporting *food and related products*, between points in the U.S. (except AK and HI).

MC 162354, filed March 22, 1983. Applicant: ORRISON TRANSPORTATION CO., INC., 1111 Dunn Ave., Cheyenne, WY 82003. Representative: Patrick J. Higgins (same address as applicant) (307) 632–5628. Transporting *malt beverages*, between points in TX, WY, and CO, under continuing contact(s) with Orrison Frontier and Distributing, Inc., of Cheyenne, WY.

MC 163395 (Sub-1), filed March 23, 1983. Applicant: DAVID A. McFARLAND, d.b.a. BLACK HAWK TRANSPORT, Hereford Route, Box 46, Sturgis, SD 57785. Representative: J. Maurice Andren, 1734 Sheridan Lake Rd. Rapid City, SD 57701, (605) 343–4036. Transporting *ores and minerals*, and *construction materials*, between points in the U.S. (except AK and HI).

MC 164505 (Sub-1), filed March 24, 1983. Applicant: TIGER TRANSIT, INC., 6th And Delaware, P.O. Box 2361, Bartlesville, OK 74003. Representative: Thomas F. Sedberry, 2600 Austin National Bank Tower, Austin, TX 78701, (512) 472–8355. Transporting *mobile homes and office trailers*, between points in the U.S. (except AK and HI), under continuing contract(s) with Phillips Petroleum Corporation, of Bartlesville, OK.

MC 166974, filed March 23, 1983. Applicant: LESTER SMALLWOOD, P.O. Box 3A, Antelope, OR 97001. Representative: (same as applicant), (503) 489–3227. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in the U.S., under continuing contract(s) with R & R Truck Brokers, Inc., of Medford, OR.

MC 167095, filed March 28, 1983. Applicant: FRANK GERKE, d.b.a. F & G TRUCKING, 7561 N. E. Killingsworth, Portland, OR 97218. Representative: Lawrence V. Smart, Jr., 419 N. W. 23rd Ave., Portland, OR 97210, (503) 226–3755. Transporting *general commodities* (except classes A and B explosives, household goods, and commodites in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Superior Transportation Systems, Inc., of Wilsonville, OR.

Please direct status inquiries about the following to Team 4 (202) 275–7669.

Volume No. OP4–236

Decided: April 18, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 2796 (Sub-13), filed April 11, 1983. Applicant: FULLINGTON AUTO BUS COMPANY, 316 Cherry St., Clearfield, PA 16830. Representative: Christian V. Graf, 407 N Front St. Harrisburg, PA 17101, (717) 236–9318. Over regular routes, transporting *passengers*, between Lewistown, PA, and Harrisburg, PA, over combined U.S. Hwys 22 and 322, serving all intermediate points, and the off-route point of Fermanagh Township.

Note.—Applicant receives governmental financial assistance for the purchase or operation of buses, or is an operator for such a recipient. Applicant seeks to provide regular-route service in interstate or foreign commerce and in intrastate commerce under 49 U.S.C. 10922 (c)(2)(B) over the same route. Applicant also intends to tack this authority with its presently authorized operations.

MC 117036 (Sub-27), filed April 8, 1983. Applicant: H. M. KELLY, INC., P.O. Box 87, New Oxford, PA 17350. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. 1417, Hagerstown, MD 21740, (717) 624–4421. Transporting *machinery*, between points in the U.S. (except AK and HI), under continuing contract(s) with New Way Packaging Machinery, Inc., of Hanover, PA.

MC 121567 (Sub-5), filed March 22, 1983. Applicant: WICHITA AIR CARGO, INC., Cargo Building, Municipal, Wichita, KS 67209. Representative: Louis J. Amato, P.O. Box E, Bowling Green, KY 42101, (502) 781–6595. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in CO, KS, IA, MO, AR, OK, TX, GA, LA, and IL.

MC 126736 (Sub-140), filed April 11, 1983. Applicant: FLORIDA ROCK & TANK LINES, INC., 155 E. 21st St., Jacksonville, FL 32206. Representative: Martin Sack, Jr., 203 Marine National Bank Bldg., 311 W. Duval St., Jacksonville, FL 32202, (904) 353–9707. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Charleston County, SC, Chatham and Glynn Counties, GA, Duval, Broward, Hillsborough, Escambia, Palm Beach, Dade, Manatee, and Bay Counties, FL, Mobile County, AL, and Orleans Parish, LA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 142757 (Sub-11), filed April 8, 1983. Applicant: ROBERTSON TRUCKING, INC., P.O. Drawer 100, Elkhart, KS 67950. Representative: Clyde N. Christey, KS. Credit Bldg., 1010 Tyler, Suite 110–L, Topeka, KS 66612, (913) 233–9629. Transporting *chemicals*, between New Orleans, LA, on the one hand, and, on the other, points in Texas County, OK and Morton County, KS.

MC 146277 (Sub-3), filed April 7, 1983. Applicant: ALLAN FODNESS, d.b.a.

AL's TRUCKING, R.R. #1, Davis, SD 57021. Representative: Allan Fodness (same address as applicant), 1 605–647–5329. Transporting *fertilizer and agricultural chemicals,* between Sioux City, IA, Omaha, NE, Minneapolis, MN, and points in Sioux County, IA, on the one hand, and, on the other, points in SD.

MC 147546 (Sub-6), filed April 8, 1983. Applicant: DEPENDON, INC., 875 E. Rand Rd., Des Plaines, IL 60016. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701, (217) 544–5468. Transporting *copy machines, copy machine paper, parts, accessories, and supplies,* between points in the U.S. (except AK and HI), under continuing contract(s) with Xerox, Inc., of Des Plaines, IL.

MC 167347, filed April 11, 1983. Applicant: CERTIFIED WELDING CO., INC., 1605 Wilmington Hwy, P.O. Box 64343, Fayetteville, NC 28306. Representative Eugene G. Hair (same address as applicant), (919) 483–3379. Transporting *machinery,* between those points in the U.S. in and east of IL, MO, TN, and MS.

MC 167367, filed April 12, 1983. Applicant: ETHAN C. COOK d.b.a. NORTHERN ARTERY, RFD #1 (cartland Rd.), Durham, NH 03824. Representative: Ethan Cook (same address as applicant), (603) 659–2090. Transporting *works of fine art,* between points in the U.S. (except AK and HI).

Volume No. OP4–239

Decided: April 18, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce and Dowell.

MC 161437 (Sub-1), filed April 11, 1983. Applicant: D & G TRUCKING, INC., 610 Clinton St., Grand Mound, IA 52751. Representative: Charles G. Gregoire (same address as applicant), (319) 847–2555. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in CA and IA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Please direct status inquiries about the following to team 5, (202) 275–7289.

Volume No. OP5–189

Decided: April 18, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams and Ewing.

MC 61599 (Sub-143(b)), filed March 2, 1983. Initially published in the **Federal Register** on March 23, 1983. Applicant: TRAILWAYS SOUTHEASTERN LINES, INC., 200 Spring St., NW, Atlanta, GA 30303. Representative: G. W. Hanthorn, 1500 Jackson St., Dallas, TX 75201, (214) 655–7937. In intrastate, interstate, and foreign commerce, over regular routes, transporting *passengers* between Greensboro, NC, and Knoxville, TN, serving all intermediate points, over Interstate Hwy 40.

Note.—Applicant seeks to provide regular-route service in interstate or foreign commerce and in intrastate commerce under 49 U.S.C. 10922(c)(2)(B) over the same route. This republication includes a request for intrastate authority. Applicant seeks other authority in MC 61599 Sub 143(a), also published March 23, 1983. No change is made in part (a).

Volume No. OP5–191

Decided: April 15, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 113059 (Sub-17), filed April 7, 1983. Applicant: KELLER TRANSPORT, INC., Route 9, Katy Lane, Billings, MT 59102. Representative: F. E. Keller (same address as applicant), (406) 656–1403. Transporting *petroleum and petroleum products,* between points in the CO, ID, MT, ND, NE, SD, UT, WA, and WY, under continuing contract(s) with Hilde Construction Company and James Krause, Contractor, both of Great Falls, MT; Konitz Contracting, Inc., of Lewistown, MT; E. H. Oftedal & Sons, of Miles City, MT; Bozeman Sand & Gravel, of Bozeman, Mt; Baltrusch Construction Company, of Havre, MT; Dugdale Construction Company, Inc., of Butte, MT; Ulstad Petroleum, of Scobey, MT; Northern Improvement and Border States Paving, Inc., both of Fargo, ND; Seubert Excavators, of Cottonwood, ID; Earth Builders, Inc., of Bismarck, ND; Empire Sand and Gravel Company, Inc., S & G Mining Company, Meyer Construction, Long Construction Company, and Midland Materials, Inc., all of Billings, MT; Parco of Montana, of Rapid City, SD; Russell & Louden, of Kalispell, MT; Portable Pavers, of Miles City, MT; Finest Oil Company and Nelson-Wilson, Inc., both of Missoula, MT; City Service Company, of Libby, MT; Salveston Construction Company, of Hardin, MT; Asphalt Sealers of Montana, of Roundup, MT; and Duinick Brothers & Gilchrist, of Prinsburg, MN.

MC 164429 (Sub-1), filed March 31, 1983. Applicant: FOX TRUCKING COMPANY, INC., 4529 Enterprise Place, Oklahoma City, OK 73124. Representative: D. Paul Stafford, Frito Lay Tower, Suite 1125, P.O. Box 45538, Dallas, TX 75245, (214) 358–3341. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk) between points in TX, TN, KS, MO, LA, CO, OK, and AR, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 165008 (Sub-1), filed April 7, 1983. Applicant: KAT-B TRANSCON, INC., 6938 Clinton Drive, Houston, TX 77020. Representative: John G. Wentz, Jr., 7863 Cook Rd., Houston, TX 77072, (713) 228–7447. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in the U.S. (except AK and HI).

MC 167089 filed March 28, 1983. Applicant: BARRY ALBERT ROOT, 5723 Mt. Vernon St., Portage, MI 49081. Representative: Barry Albert Root (same address as applicant), 616–349–3883. Transporting *general commoditise* (except classes A and B explosives, household goods, and commodities in bulk) between points in MI, IL, IN and OH.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–10857 Filed 4–25–83; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 30155]

Rail Carriers; Baltimore and Ohio Railroad Company—Abandonment Exemption—Wood County, WV

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirements of 49 U.S.C. 10903 *et seq.* the abandonment by the Baltimore and Ohio Railroad Company of 1.34 miles of railroad extending between Valuation Stations 51+50.2 and 122+05 near Parkersburg, WV.

DATES: This exemption will be effective on May 26, 1983. Petitions to stay the effective date of this decision must be filed by May 6, 1983, and petitions for reconsideration must be filed by May 16, 1983.

ADDRESS: Send pleadings referring to Finance Docket No. 30155 to:

(1) Rail Section, Room 5349, Interstate Commerce Commission, Washington, DC 20423

(2) Petitioner's representative: Rene J. Gunning, The Baltimore and Ohio Railroad Company, Baltimore, MD 21201.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275–7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2227, Interstate

Commerce Commission, Washington, DC 20423, or call 289–4357 (D.C. Metropolitan area) or toll free (800) 424–5403.

Decided: April 20, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–10988 Filed 4–25–83; 8:45 am]

BILLING CODE 7035–01–M

[Ex Parte No. 347 (Sub-No. 1)]

Rail Carriers; Coal Rate Guidelines, Nationwide

AGENCY: Interstate Commerce Commission.

ACTION: Extension of time to file comments to notice of proposed policy.

SUMMARY: In the **Federal Register** notice of February 28, 1983 (48 FR 8362) the due date established for comments on ratemaking issues was April 29, 1983. At the request of the Edison Electric Institute and other parties the due date has been postponed to June 13, 1983. Considering the nature of the comments requested, the requested extension of 120 days does not appear to be warranted.

DATE: Comments are due June 13, 1983.

ADDRESS: Send an original and 10 copies of any comments to: Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Leslie J. Selzer at (202) 275–7627.

Dated: April 19, 1983.

By the Commission, Reese H. Taylor, Jr., Chairman.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–10985 Filed 4–25–83; 8:45 am]

BILLING CODE 7035–01–M

[Ex Parte No. 393 (Sub-No. 1)]

Rail Carriers; Standards for Railroad Revenue Adequacy

AGENCY: Interstate Commerce Commission.

ACTION: Extension of time to file comments to proposed revision to existing standards for determination of revenue adequacy of railroads.

SUMMARY: In the notice to the parties served March 18, 1983 supplementing the notice in the (48 FR 10144) the due date established for comments on this proceeding was May 10, 1983. At the request of the Edison Electric Institute and other parties the due date has been postponed to July 8, 1983. Considering the nature of the comments requested, the requested extension of 120 days does not appear to be warranted.

DATE: Comments are due July 8, 1983.

ADDRESS: Send an original and 10 copies of any comments to: Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Ward L. Ginn, Jr. at (202) 275–7489.

Dated: April 19, 1983.

By the Commission, Reese H. Taylor, Jr., Chairman.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–10986 Filed 4–25–83; 8:45 am]

BILLING CODE 7035–01–M

Office of Proceedings

[Permanent Authority Decisions Volume No. OP5–190]

Restriction Removals; Decision-Notice

Decided: April 15, 1983.

The following restriction removal applications, are governed by 49 CFR 1165. Part 1165 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747 and redesignated at 47 FR 49590, November 1, 1982.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1165.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with the criteria set forth in 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Review Board No. 1. Members Parker, Chandler and Fortier.

Agatha L. Mergenovich,

Secretary.

Please direct status inquiries to Team 5, at (202) 275–7289.

MC 125338 (Sub-8X), filed April 7, 1983. Applicant: SUPER SPEED TRANSPORT, INC., 3122 Bernard Pilon, Beloeil, Quebec, Canada J3G 4S5. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108, 617–742–3530. Sub 4 certificate (1) broaden to "clay, concrete, glass or stone products" from cement; (2) remove territorial origin restriction; and (3) broaden one-way authority to radial authority.

[FR Doc. 83–10991 Filed 4–25–83; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. OP2–FC–81212 et al.]

Finance Applications; Decision Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1181.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board 2, Carleton, Ewing, and Williams.

Agatha L. Mergenovich,

Secretary.

Please direct status inquiries to Team 2, (202) 275-7030

MC-FC-81212. By decision of April 19, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, Review Board Number 2 approved the transfer to CASSIDY TRUCKING, INC., of Hedgesville, WV, of Certificates No. MC-95743 Sub Nos. 2, 25, and 26, issued May 23 and April 19, 1972, and August 8, 1973, respectively, to WILLIAM F. MEHRING & SONS, INC., of Keymar, MD, authorizing the transportation, over irregular routes, of various named commodities, from and to named points in MD, PA, DE, VA, FL, and DC; bituminous asphalt hot mix, and stone, from named points in MD to points in PA, VA, WV, DE, and DC; and sand, from Warfordsburg and Mount Cydonia, PA, to points in Frederick County, MD. Representative: John H. McDowell, 635 Oak Hill Ave., Hagerstown, MD 21740.

MC-FC-81342. By decision of April 19, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, Review Board Number 2, approved the transfer to DAN'S TRANSIT, INC., Independence, OH, of authority issued to BLUE RIDGE TRANSPORTATION COMPANY, Cleveland, OH, of that portion of Certificate MC-159222 (part (I)(1)(A)(b)), issued February 17, 1982, authorizing, over regular routes, the transportation of general commodities (except articles of size or weight that make handling by motor vehicle impractical, bank bills, coins, currency, drafts, notes, or other valuable papers, precious metals, or articles manufactured therefrom, classes A and B explosives, liquid bulk commodities, and household goods), between Youngstown and Toledo, OH: from Youngstown over U.S. Hwy 422 to Cleveland, OH, then over OH Hwy 254 to Avon, OH, then over OH Hwy 611 to Lorain, OH, then over U.S. Hwy 6 to Fremont, OH, then over OH Hwy 19 to Oak Harbor, OH, then over OH Hwy 163 to Genoa, OH, and then over Business Route U.S. Hwy 20 to Toledo, and return over the same route, serving the intermediate and off-route points of Avon, Cleveland, Fremont, Lakewood, Lorain, McDonald, Sandusky, Vermilion, Warren, Amherst, Birmingham, Elyria, Fostoria, and Bowling Green, OH. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. Transferee holds authority in MC-135306.

MC-FC-81352. By decision of April 19, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, Review Board Number 2, approved the transfer to KIRK BROS. TRANSPORTATION, INC., Sidney, OH, of authority issued to BLUE RIDGE TRANSPORTATION CO., Cleveland, OH, of that portion of Certificate MC-159222 (Part (I)(1)(B)), issued February 17, 1982, authorizing, over regular routes, the transportation of general commodities (except articles of size or weight that makes handling by motor vehicle impractical, bank bills, coins, currency, drafts, notes, or other valuable papers, precious metals, or articles manufactured therefrom, classes A and B explosives, liquid bulk commodities, and household goods), between Cleveland, OH and Rochester, NY: from Cleveland over OH Hwy 84 to Ashtabula, OH, then over U.S. Hwy 20 to Irving, NY, then over NY Hwy 5 to Buffalo, NY, then over NY Hwy 384 to Niagara Falls, NY, and then over NY Hwy 31 to Rochester, and return over the same route, serving the intermediate and off-route points of Ashtabula, Conneaut, and Painesville, OH, Erie, PA, and Brockton, Buffalo, Fredonia, Dockport, Middleport, Niagara Falls, Tonawanda, Depew, North Tonawanda, Dunkirk, Wilson, Black Rock, Clarence Center, and Lancaster, NY. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43125. Transferee holds authority in MC-145773.

[FR Doc. 83-10980 Filed 4-25-83; 8:45 am]
BILLING CODE 7035-01-M

Permanent Authority Decisions, Decision-Notice

Motor Common and Contract Carriers of Property (fitness-only); Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods). The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** on December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in the **Federal Register** on November 24, 1982, at 49 FR 53271. For Compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E.

These applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publicaiton, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance

of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service in for a named shipper "under contract".

Please direct status inquiries to Team 1, (202) 275–7992.

Volume No. OP1–142

Decided: April 18, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 38481 (Sub-26), filed April 11, 1983. Applicant: FARRUGGIO'S LIMOUSINE SERVICE, A DIVISION OF FARRUGGIO'S BRISTOL AND PHILADELPHIA EXPRESS, INC., 1419 Radcliffe St., Bristol, PA 19007. Representative: Joseph Farruggio, Jr. (same address as applicant), (215)–788–5596. Transporting *passengers*, in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 155100 (Sub-1), filed April 11, 1983. Applicant: DECAMP BUS TOURS, INC., 101 Greenwood Ave., P.O. Box 581, Montclair, NJ 07042. Representative: Robert E. Goldstein, 6921 Villas Drive West, Boca Raton, FL 33433, (305) 392–7009. Transporting *passengers*, in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 161740 (Sub-1A), filed April 11, 1983. Applicant: DALE BYBEE, d.b.a. 4–D TRUCKING P.O. Box 347, Preston, ID 83263. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701, (208) 343–3071. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with Superior Transportation Systems, Inc., of Wilsonville, OR.

Note.—Applicant has also requested authority in MC-161740 Sub 1(B) published this same **Federal Register** issue.

MC 161741 (Sub-1B), filed April 11, 1983. Applicant: DALE BYBEE, d.b.a. 4–D TRUCKING, P.O. Box 347, Preston, ID 83263. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701, 208) 343–3071. (1) Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), and (2) as a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

Note.—Applicant has also requested authority in MC-161741 Sub 1(A) published this same **Federal Register** issue.

MC 167310, filed April 8, 1983. Applicant: ALLEN & CAROL DIXON, d.b.a. LEISURE TRAVEL BUS SERVICE, 907 East Main St., Danville, IL 61832. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317)–846–6655. Transporting *passengers*, in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 167311, filed April 11, 1983. Applicant: SSJ BROKERAGE, INC., 5000 Wyoming Ave., Dearborn, MI 48126. Representative: Colin Barrett, 11764 Indian Ridge Rd., Reston, VA 22091, (703) 860–8521. As a *broker*, of *general commodities* (except household goods) between points in the U.S.

MC 167321, filed April 11, 1983. Applicant: LAND JET, INC., 45 West Main Street, Waterbury, CT 06702. Representative: Charles J. Brady (same address as applicant), (203) 756–8941. Transporting *passengers*, in charter and special operations, beginning and ending at points in CT, and extending to points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 167331, filed April 11, 1983. Applicant: TRANSPORT BROKERS, INC., P.O. Box 5155, Manchester, NH 03108. Representative: Edward J. Kiley, 1730 M Street, NW, Washington, DC 20036, (202) 296–2900. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 167351, filed April 12, 1983. Applicant: LDIT-TRANSPORTATION CONSOLIDATORS, 5600 No. County Road 18, Minneapolis, MN 55428. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440, (612) 542–1121. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 167380, filed April 11, 1983. Applicant: MCGOUGH BUS COMPANY, INC., Box 238, R.D. #4, Sewell, NJ 08080. Representative: James Robert Evans, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722–2848. Transporting *passengers*, in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 167391, filed April 13, 1983. Applicant: DEEP SOUTH BUS COMPANY, INC., 615 North Bierdman Rd., Pearl, MS 39208. Representative: John A. Crawford, 17th Floor Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205, (601) 948–5711. Transporting *passengers*, in charter and special operations, beginning and ending at points in MS, and extending to points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

For the following, please direct status calls to Team 2 at 202–275–7030.

Volume No. OP2–183

Decided: April 15, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 732 (Sub-24), filed March 30, 1983. Applicant: ALBINA TRANSFER CO., INC., 4320 N Suttle Rd., Protland, OR 97217. Representative: Lawrence V. Smart, Jr., 419 N W 23rd Ave., Portland, Or 97210, (503) 226–3755. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 152902 (Sub-2), filed April 1, 1983. Applicant: LCT CALIFORNIA CHARTER COACH COMPANY, INC., 21243 Ventura Blvd., Woodland Hills, CA 91364. Representative: Herbert D. Warren (same address as applicant), (213) 883–6570. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 167222, filed April 4, 1983. Applicant: BAY AREA PIGGYBACK, INC., 1005 Seventh St., Oakland, CA 94607. Representative: James L. Francis (same address as applicant), (415) 763–8000. As a *broker of general commodities* (except household goods), between points in the U.S. Condition: The person or persons who appear to be engaged in common control of another

regulated carrier must either file an application under 49 U.S.C. 11343(a), submit an affidavit indicating why such approval is unnecessary, or file a petition seeking exemption under 49 U.S.C. 11343(e) to the Secretary's Office. In order to expedite issuance of any authority please submit a copy of the affidavit, proof of filing the application(s) or petition for exemption for common control to Team 2, Room 2379.

MC 167253, filed April 4, 1983. Applicant: HAROLD G. LOWYN, JR., d.b.a. CAMEO TOURS, Rt. 315, P.O. Box 543, Pittston, PA 18640. Representative: Robert J. Brooks, 1838 L St., NW, Suite 1111, Washington, DC 20036, (202) 466–3892. Transporting *passengers*, in special and charter operations, between points in the U.S.

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 167322, filed April 11, 1983. Applicant: WALTER W. WENZLAFF, d.b.a. WESTERN ENTERPRISES, R.R. 11, Box 309, Crooks, SD 57020. Representative: Walter W. Wenzlaff (same address as applicant), 605–535–5844. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

Volume No. OP2–186

Decided: April 14, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 164323 (Sub-1), filed April 8, 1983. Applicant: CENTRAL FLORIDA TRANSIT, INC., 2101 East Main St., Lakeland, FL 33801. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101, 703–983–3050. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 165732, filed March 29, 1983. Applicant: ALL STATES MOVING AND STORAGE, INC., 1009 West Hill Ave., Valdosta, GA 31601. Representative: Donald R. Aldrich (same address as applicant), 912–242–2295. Transporting *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

MC 165833, filed April 8, 1983. Applicant: NORTHEAST VALLEY TRANSPORTATION, INC., 1258 Route 315, Suite B, Wilkes-Barre, PA 18702. Representative: Edward F.V. Pietrowski, 336 Scranton Life Bldg., Scranton, PA 18503, 717–343–2126. Transporting *passengers*, in charter and special operations beginning and ending at points in Lackawanna, Luzerne, Carbon, Monroe, and Wyoming Counties, PA, and extending to points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 167302, filed April 8, 1983. Applicant: T.A.C. HOLIDAYS, INC., 2104 S.W. 152nd, Seattle, WA 98166. Representative: Thomas T.L. Wu (same address as applicant), 206–248–3800. Transporting *passengers*, in charter and special operations, beginning and ending at points in King and Pierce Counties, WA, and extending to points in the U.S. (except HI).

Note.—Applicant seeks to provide privately funded charter and special transportation.

For the following, please direct status calls to Team 3 at 202–275–5223.

Volume No. OP3–172

Decided: April 20, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 163575 (Sub-1), filed April 7, 1983. Applicant: GORUM ASSOCIATES, INC., d.b.a. FLY NEVADA, 1000 Beck Dr., Reno, NV 89509. Representative: Mike Pavlakis, P.O. Box 646, Carson City, NV 89702, (702) 882–0202. Transporting *passengers*, in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 167184, filed April 1, 1983. Applicant: RICHARD A. DELABIO, d.b.a. THE APACHE COURIERS, 7900 Pulaski Hwy, Baltimore, MD 21237. Representative: Richard A. DeLabio (same address as applicant), (301) 687–3432. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 167215, filed April 4, 1983. Applicant: LOGISTICS INTERNATIONAL, INC., 221 Harrow Drive, Pittsburgh, PA 15238. Representative: Gary J. Ogg, 300 Law and Finance Bldg., Pittsburgh, PA 15219, (412) 261–1600. As a broker of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

For the following, please direct status calls to Team 4 at 202–275–7669.

Volume No.OP4–237

Decided: April 18, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 167277, filed April 7, 1983. Applicant: PATRICIA "PAT" JOSEPH, d.b.a. JOSEPH PRODUCE, P.O. Drawer CC, Brandon, FL 33511. Representative: Frank L. Willard, Suite #1001, First & Merchants National Bank Bldg., Norfolk, VA 23510, (804) 627–0070. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 167356, filed April 12, 1983. Applicant: JAMES JOHNSON MINI BUS CORP., 150–50 120 Ave., Jamaica, NY 11434. Representative: James M. Burns, 1365 Main St., Springfield, MA 01103, (413) 781–8205. Transporting *passengers*, in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 165357, filed April 11, 1983. Applicant: LUTHER WAYNE MOSLEY, d.b.a. SOUTHWEST DISPATCH, AT: I–10 and Amador, P.O. Box 1233, Las Cruces, NM 88004. Representative: Luther Wayne Mosley, (same address as applicant), (505) 523–5606. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 167366, filed April 12, 1983. Applicant: MICHAEL GULBANKIAN, INC., 40 Mt. Vickery Rd., Southborough, MA 01772. Representative: Martin Ames, 7 Fletcher St., P.O. Box 251, Chelmsford, MA 01824, (617) 256–8115. Transporting (1) *passengers*, in charter operations, between points in the U.S. (except AK and HI), and (2) *passengers*, in special operations, between points in NY, PA, CT, RI, MA, NH, NJ, VT, and ME.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

Volume No. OP4–242

Decided: April 19, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 167326, filed April 11, 1983. Applicant: TRANSCONTINENTAL, INC., 18520 Kishwaukee Valley Rd., Woodstock, IL 60098. Representative:

Jean M. Hoffman, (same address as applicant), (815) 568–6544. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 167346, filed April 7, 1983. Applicant: CONNECTICUT AIRPORT SERVICE, INC., 17 Fairfield Ave., Danbury, CT 06810. Representative: Gerald A. Joseloff, 410 Asylum St., Suite 532, Hartsford, CT 06103, (203) 728–0700. Transporting (1) *passengers*, in charter and special operations, between points in the U.S., and (2) over regular routes, transporting *passengers*, between Hartford, CT and New York, NY: from Hartford over U.S. Hwy 84 to Southington, CT, then over U.S. Hwy 84 to Waterbury, CT, then over U.S. Hwy 84 to Southbury, CT, then over U.S. Hwy 84 to Danbury, CT, then over U.S. Hwy 84 to junction U.S. Hwy 684, near Brewster, NY, then over U.S. Hwy 684 to junction U.S. Hwy 287, at White Plains, NY, then over U.S. Hwy 287 to junction U.S. Hwy 95, near Rye, NY, then over U.S. Hwy 95 to junction U.S. Hwy 687, also known as the Hutchinson River Parkway, then over U.S. Hwy 678 across the Whitestone Bridge to junction U.S. Hwy 278, also known as the Grand Central Parkway, then over the Grand Central Parkway to La Guardia Airport, then over U.S. Hwy 278 to junction U.S. Hwy 678, also known as the Van Wyck Expressway, then over U.S. Hwy 678 to John F. Kennedy International Airport, and return over the same route, serving all intermediate points and the off-route point of Naugatuck, CT.

Note.—In (1) above applicant seeks to provide privately-funded charter and special transportation, and in (2) applicant seeks to provide regular route service in interstate or foreign commerce and in intrastate commerce under 49 U.S.C. 10922(c)(2)B) over the same route. Because this application includes issues subject to a finding of public interest as well as fitness only, it will be published in two volumes of this **Federal Register** issues. Part (1) will be published in Vol. #241 and part (2) will be published in Vol. #242.

MC 167377, filed April 11, 1983. Applicant: ROADRUNNER COACH LINES, INC., 8610 E. Old Spanish Trail, Apt. #126, Tucson, AZ 85710. Representative: J. Marc Montijo, 954 N. Alvernon Way, Tucson, AZ 85711, (602) 881–4413. Transporting *passengers*, in charter operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter transportation.

MC 167386, filed April 12, 1983. Applicant: LABENSKI LIMOUSINE SERVICE, INC., 107 Boswell Ave., Norwich, CT 06360. Representative: Peter C. Labenski (same address as applicant), (203) 886–1212. Transporting *passengers*, in charter and special operations, between points in CT, ME, VT, NH, MA, RI, NY, NJ, PA, DE, MD, VA, WV, and DC.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 167406, filed April 14, 1983. Applicant: CATHERINE SHERMAN, 2685 Richardson St., Madison, WI 53711. Representative: Charles E. Dye, Swan Lake Village, Saddle Ridge #832, Portage, WI 53901, (608) 742–3579. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 167416, filed April 14, 1983. Applicant: CALVERT MILBUR, JR., d.b.a. CHARTER TOURS, 1711 E. Lafayette Ave., Baltimore, MD 21213. Representative: Calvert Milburn, Jr. (same address as applicant), (301) 276–1937. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

For the following, please direct status calls to Team 5 at 202–275–7289.

Volume No. OP5–188

Decided: April 18, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 165758 (Sub-1), filed March 17, 1983. Applicant: ROY J. McCLELLAN, d b.a. UNIQUE HAULING CO., P.O. Box 254, Newton Falls, OH 44444. Representative: Roy J. McClellan, 230 Canal St., Newton Falls, OH 44444, 216–872–7528. As a *broker of general commodities* (except household goods), between points in the U.S.

Volume No. OP5–192

Decided: April 15, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Ewing.

MC 167258, filed April 6, 1983. Applicant: BENNIE L. SMITH BUS SERVICE, P.O. Box 691, Dover, DE 19901. Representative: Bennie L. Smith (same address as applicant), (302) 736–6410. Transporting *passengers*, in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 167259, filed April 6, 1983. Applicant: LELAND F. HARRIS, 724 River Rd., Box 26, Lindley, NY 14858. Representative: Steven L. Weiman, Suite 200, 444 N. Frederick Ave., Gaithersburg, MD 20877, (301) 840–8565. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 167269, filed April 7, 1983. Applicant: CAMERON S. MYERS, SR., R.D. #1, P.O. Box 364, Danville, PA 17821. Representative: J. Bruce Walter, P.O. Box 1146, Harrisburg, PA 17108, (717) 233–5731. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

[FR Doc. 83–10992 Filed 4–25–83; 8:45 am]
BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Agency Forms Under Review

April 21, 1983.

OMB has been sent for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. The list has all the entries grouped into new forms, revisions, or extensions. Each entry contains the following information:

(1) The name and telephone number of the Agency Clearance Officer (from whom a copy of the form and supporting documents is available); (2) The office of the agency issuing this form; (3) The title of the form; (4) The agency form number, if applicable; (5) How often the form must be filled out; (6) Who will be required or asked to report; (7) An estimate of the number of responses; (8) An estimate of the total number of hours needed to fill out the form; (9) An indication of whether Section 3504(H) of Pub. L. 96–511 applies; (10) The name and telephone number of the person or office responsible for OMB review.

Copies of the proposed forms and supporting documents may be obtained from the Agency Clearance Officer whose name and telephone number appear under the agency name. Comments and questions about the items on this list should be directed to the reviewer listed at the end of each entry and to the Agency Clearance Officer. If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer and the Agency Clearance

Officer of your intent as early as possible.

Department of Justice

Agency Clearance Officer Larry E. Miesse—202–633–4312

New (not previously approved or expired more than 6 month ago)

• Bureau of Justice Statistics
Department of Justice
1983 National Jail Census
Quinquennial
State or local governments
County and City Jail Administrators: 3,500 responses; 1,750 hours; not applicable under 3504(h)
David Reed—395–7231

Extension (No Change)

• Immigration and Naturalization Service
Department of Justice
I–287 AB, Special Care and Attention for Aliensa
Nonrecurring
Businesses or other institutions [except farms]
Transportation lines responsible for deportable aliens: 100 responses; 8 hours; not applicable under 3504(h)
David Reed—395–7231
• Immigration and Naturalization Service
Department of Justice
I–131, Application for issuance of permit to reenter the United States
Nonrecurring
Individuals or households
Lawful permanent residents reentering the United States: 88,000 responses; 44,000 hours; not applicable under 3504(h)
David Reed—395–7231
• Immigration and Naturalization Service
Department of Justice
AR–4, Alien Registration Fingerprint Chart
Nonrecurring
Individuals or households
Aliens requiring fingerprinting: 75,000 responses; 18,750 hours; not applicable under § 504(h)
David Reed—395–7231

Extension (Adjustment to burden only)

• Drug Enforcement Administration
Department of Justice
Application for Procurement Quota for Controlled Substance
On occasion
Businesses or other institution (except farms)
Manufacturers of controlled substances: 305 responses; 305 hours; not applicable under 3504(h)
David Reed—395–7231

Larry E. Miesse,

Department Clearance Officer, Systems Policy Staff, Office of Information Technology, Justice Management Division, Department of Justice.

[FR Doc. 83–10957 Filed 4–25–83; 8:45 am]
BILLING CODE 4410–01–M

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Labor Research Advisory Council Committees; Meetings and Agenda

The regular spring meetings of committees of the Labor Research Advisory Council will be held on May 17, 18, and 19, in Room N–3437, *Frances Perkins Department of Labor Building, 200 Constitution Avenue, NW., Washington, D.C.*

The Labor Research Advisory Council and its committees advise the Bureau of Labor Satistics with respect to technical matters asociated with the Bureau's programs. Membership consists of union research directors and staff members.

The schedule and agenda of the meetings are as follows:

Tuesday, May 17

9:30 a.m.—Committee on Employment Structure and Analysis

1. Defining the dislocated worker
2. Conversion to the new occupational coding system
3. Recent trends in insured unemployment and the relationship to total unemployment
4. Status report on the 790 revision
5. Update on employment-related economic hardship: annual report
6. Transfer of labor market informaion funding responsibility

Tuesday, May 17

1:30 p.m.—Committee on Prices and Living Conditions

1. Consumer prices and price indexes revision plans
2. Status of producer prices and price indexes revision
3. Status of international price program
4. Status of Consumer Expenditure Survey
5. Report on research study: "The Incorporation of Direct Taxes Into a Consumer Price Index."

Wednesday, May 18

9:30 a.m.—Committee on Productivity, Technology and Economic Growth

1. BLS projections for economic growth and employment, 1990, 1995
2. Recently developed and released multifactor productivity measures

Wednesday, May 18

1:30 p.m.—Committee on Wages and Industrial Relations

1. Review of Office of Wages and Industrial Relations work in progress
2. Fiscal Year 1984 budget program
3. Specific data needs for collective bargaining—presentations by several committee members to include discussions on the proposed restructuring of the Industry Wage Program
4. Other business

Thursday, May 19

9:45 a.m.—Committee on Occupational Safety and Health Statistics

1. Discussion of quality assurance program
2. Annual survey update
3. Discussion of Work Injury Reports
4. Other business

Thursday, May 19

1:30 p.m.—Committee on Foreign Labor and Trade

1. Discontinuance of trade monitoring program—work on imports and employment, import penetration ratios
2. Status of international comparisons programs—labor force and unemployment; productivity, and unit labor costs; hourly compensation costs for production workers.
3. Status of U.S. Import and Export Price Index Program

The meetings are open. It is suggested that persons planning to attend as observers contact Joseph P. Goldberg, Executive Secretary, Labor Research Advisory Council on (Area Code 202) 272–5239.

Signed at Washington, D.C., this 18th day of April 1983.

Janet L. Norwood,

Commissioner of Labor Statistics.

[FR Doc. 83–11123 Filed 4–25–83; 8:45 am]
BILLING CODE 4510–24–M

Employment and Training Administration

Availability of Options Paper Regarding Allocation of Fiscal Year 1984 Secretary of Labor's Three Percent Set-Aside of Wagner-Peyser Funds

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice of availability of document.

SUMMARY: This notice alerts interested persons to the availability of copies of a document describing options for implementing, for fiscal year 1984, the provisions of the Wagner-Peyser Act, as amended, relating to the set-aside of up to three percent of the annual appropriation to assure that each State will have sufficient resources to carry out employment services and related activities on a statewide basis. Release of the options paper is intended to alert

interested persons to issues and options relating to the set-aside.

ADDRESS: Requests for copies, including self-addressed envelopes and/or mailing label, should be addressed to the Assistant Secretary of Labor for Employment and Training, U.S. Department of Labor, 601 D Street, NW., Room 9000, Washington, D.C. 20213. Attention: Patrick J. O'Keefe, Acting Administrator, Office of Strategic Planning and Policy Development.

FOR FURTHER INFORMATION CONTACT: Patrick J. O'Keefe, telephone: (202) 376–6600.

SUPPLEMENTARY INFORMATION: On October 13, 1982, the President signed the Job Training Partnership Act, Public Law 97–300. This statute includes amendments to the Wagner-Peyser Act (29 U.S.C. 49 et seq.) which, *inter alia*, established a statutory allocation formula that allots appropriations among the States based on their relative shares of civilian labor force and unemployment. The amendments also provide for the set-aside of up to three percent of funds appropriated to assure that each State will have staff and other resources sufficient to carry out employment service activities and related administrative and support functions on a Statewide basis (Section 6(b)(4) of the Act).

The options paper now being made available describes five options regarding the approach to allocating these set-aside funds. Comments on these, or other possible options, are being solicited at this time.

Signed this 22nd day of April, 1983.

Albert Angrisani,

Assistant Secretary of Labor.

[FR Doc. 83-11282 Filed 4-25-83; 10:28 am]

BILLING CODE 4510-30-M

Job Training Partnership Act; Proposed Secretary's Performance Standards and Reporting Requirements

AGENCY: Employment Training Administration, Labor.

ACTION: Notice.

SUMMARY: Section 106 of the Job Training Partnership Act (JTPA) requires the Secretary of Labor to prescribe performance standards for Title II–A and Title III programs. Section 165 of JTPA authorizes the Secretary to require each recipient to maintain records and submit reports regarding the performance of the programs. The Secretary's instructions for implementing the performance standards requirements and reporting provisions developed in response to Section 106 and 165 of JTPA are set forth below. The purpose of this notice is to advise the employment and training community that the Department has forwarded to the Office of Management and Budget "The Secretary's Performance Standards and Reporting Requirements" for JTPA Titles II and III for review under the requirements of the Paperwork Reduction Act. Upon completion of the review, the Department will notify the employment and training community of any changes or adjustments as a result of the review.

DATES: Comments must be submitted on or before May 26, 1983.

ADDRESS: Comments should be addressed to the Assistant Secretary of Labor for Employment and Training, U.S. Department of Labor, 601 D Street, N.W., Washingtgon, D.C. 20213, Attention: Ms. Kay Albright, Director, Office of Performance Management.

FOR FURTHER INFORMATION CONTACT: Ms. Kay Albright, Telephone (202) 376–6620.

SUPPLEMENTARY INFORMATION:

A. Purpose of the Performance Standards

The performance standards system is intended to be the cornerstone of a performance driven job training program. Performance standards will be used by Governors to make determinations about service delivery area (SDA) performance and to identify technical assistance needs, provide incentive grants, and impose sanctions.

B. Authority to Issue Performance Standards

Section 106 of the Act directs the Secretary to establish performance standards for the Title II–A adult and youth and Title III dislocated workers programs. The Secretary is further required at Section 106 of the Act to establish parameters within which each Governor may prescribe variations in the performance standards based on specific economic, geographic, and demographic factors within a State and the SDA's in a State, the characteristics of the population to be served, and the type of services to be provided.

C. Participatory Process

The Department established two distinct groups to assist in the development of the performance standards system. A Technical Workgroup was assembled to work with ETA staff members in drafting technical papers for the review and deliberation of the Department and an Advisory Committee. The Technical Workgroup consisted of staff members from service deliverers including Governors and other State staff, two regional offices, several offices from the national level, the Bureau of Labor Statistics, and the Office of the Assistant Secretary for Policy, Evaluation, and Research. This group met twice during the developmental stages of the JTPA initial performance standards process.

An Advisory Committee was established to review and comment on the technical workpapers prepared by ETA staff and the Technical Workgroup. The Advisory Committee included six State and five local program directors, two Regional Administrators, three congressional staff members, seven ETA officials, officials from the National Commission for Employment Policy, the Department of Health and Human Services, the Bureau of Labor Statistics, and the Women's Bureau, and representatives from the National Governors Association, the National Alliance of Business, the National Association of Counties, the U.S. Chamber of Commerce, the Council of Chief State School Officers and the U.S. Conference of Mayors. This group also met twice during the developmental stage of the JTPA performance standards process.

The two groups explored the various alternatives surrounding four major topics: (1) Selection of measures, (2) standard setting methodology, (3) application of standards, and (4) implications for reporting and recordkeeping.

D. Necessity for Reporting Requirements

Section 165(a)(2) of the Act authorizes the Secretary to require the recipients to maintain and submit reports regarding the performance of their programs. Section 106 of the Act requires the Secretary to establish standards for measures reflecting program termination outcomes (e.g., entered employment rate), post-program participant experience (e.g., amount of welfare reductions), and cost effectiveness (e.g., cost per earnings gains). The legislation also recognizes that States and SDA's have different economic conditions, population characteristics, and employment barriers. The Act permits Governors to prescribe variations in the standards, within parameters established by the Secretary, based on specific economic, geographic, and demographic factors, the characteristics of the population to be served, and the types of services to be provided.

Regression analysis has been chosen as the method for the Secretary to establish standards and set the

parameters. It provides a mechanism for simultaneously determining the impact of multiple local factors on performance, enabling individual standards to be set for each SDA. After an exhaustive examination, it has been concluded that this is the most equitable and objective way to set performance standards.

The use of regression analysis, however, requires the reporting of SDA-level data to the Governor and from the Governor to the Secretary. Other methods were considered for collecting data to establish national performance models, but were rejected for technical reasons or because they were too costly. Two of the alternative methods considered were:

a. Limited reporting of State-level aggregate data and

b. National sampling of SDA-level participant records

From management, technical, and cost perspectives, Federal reporting of SDA-level data through the Governors provides the best approach for meeting the performance standards requirements of the Act. Therefore, SDA's will be required to submit to their Governors an annual report which includes the following types of information for adult, adult welfare, youth and dislocated worker terminees:

a. Participation and termination summary data;

b. Selected participant characteristics data on terminees;

c. Wage and welfare data, at termination;

d. Program cost data; and

e. Followup data (wage and welfare data collected 13 weeks after termination).

Followup data must be collected on all terminees who are adults, adult welfare, or dislocated workers.

The followup information must be collected via participant contact only. Sampling will be permitted if the respective terminee populations are large enough to provide estimates which meet minimum standards of statistical precision and confidence. These minimum standards require a sample which provides estimates which have a 95% confidence level and an expected error of no more than ± 10%. In addition, SDA's which choose to sample should design their efforts to achieve a minimum response rate of 70%.

E. OMB Submission

Accordingly, the document included at the appendix to this notice has been submitted to OMB for review.

Signed at Washington, D.C. this 19th day of April, 1983.

Albert Angrisani,

Assistant Secretary of Labor.

Appendix—the Secretary's Performance Standards and Reporting Requirements

I. Purpose

This issuance transmits to the Governors the Secretary of Labor's instructions for implementing the performance standards requirements and reporting provisions of the Job Training Partnership Act (JTPA).

II. Background

The Secretary is directed by Section 106 of JTPA to prescribe performance standards for adult, youth, and dislocated worker programs. The purpose of these standards is to provide the Governor with the basis for determining those service delivery areas (SDA's) entitled to rewards and to identify those warranting technical assistance or sanctions. Furthermore, such standards shall contribute to the overall goals of JTPA of increased employment and earnings and reduced welfare dependency. The approach taken by the Secretary in prescribing these performance standards is that experience with past performance is the most rational and objective basis for projecting future program potential. Furthermore, the determination of performance potential must be based on the differing local circumstances within which service deliverers must operate. This issuance provides detailed instructions on performance standards requirements. Before describing those requirements, the following summary presents the basic elements of the Secretary's Performance Standards procedures:

- *Measure Selection.* Seven performance measures have been selected for setting performance standards (Adults: Entered Employment Rate, Cost per Entered Employment, Average Wage at Placement, and Welfare Recipient Entered Employment Rate. Youth: Entered Employment Rate, Positive Termination Rate, and Cost per Positive Termination.) Out of the many program termination measures considered, these were judged to most closely track the legislative goals and, for six of the seven, there is data available under CETA to project performance. Each measures outcomes at termination. Post-program measures such as earnings gains cannot be initiated until there is a period of JTPA activity enabling a data base to be established on which to project performance.

- The *Secretary's Performance Standards.* For each measure, a Secretary's Performance Standard will be set which involves adjusting the prior performance period national average performance level for differing local circumstances. This adjustment systematically takes into account the impact of selected local factors based on an analysis of past performance in order to project future performance potential. The Secretary provides a "weight" for each factor to the Governor.

The "weight" is applied to the local planning data to project the SDA performance. In other words, if the unemployment rate is 5% points above the national average, the "weight" provided by the Secretary directs how much of an adjustment in expected performance should be made for that difference. The combined adjustments for each of the factors when applied to the national average performance for the measure project the SDA performance potential. This projected level is the Secretary's Performance Standard.

- *The Secretary's Parameters.* There may be reasons why the projected performance should be varied by the Governor. Not all factors which impact performance may have been included in the projection. Later information may be available. The Governor may vary the Secretary's Performance Standard within the parameters set by the Secretary for such reasons. The parameters are the upper and lower limits around the projected performance level within which the variance may be made. If the Governor chooses to vary the Secretary's Performance Standard, then that becomes the SDA's Performance Standard.

- *Application of the Standards.* At the end of the performance period, it will be appropriate to update the factors used to project performance to reflect the actual circumstances within which the service deliverers operated. The Governor may also choose to again vary the "recalculated" Secretary's Performance Standard within the parameters. Once these steps are taken, the Governor can determine whether the standards were met and provide rewards, technical assistance, or sanctions as appropriate.

III. Instructions for Implementing Performance Standards

This section provides specific instructions to implement the elements described in Section II. The measures are specifically defined at A. and B. The procedures for calculating the Secretary's Performance Standards are described at C. 1. and 2. The Secretary's

parameters are described at C.3., recalculation procedures at C.4., and procedures for calculating the "Entered Employment Rate for Welfare Recipients" are described at C.5. Part D. describes the use of performance standards. Part E. and F. describe requirements for dislocated workers and youth employment competencies.

A. Adult Performance Measures

Performance standards for adult outcomes resulting from Title IIA participation are established for the following four (4) measures (Definitions are included with reporting instructions):

1. *Entered Employment Rate*—Number of adults who entered employment as a percentage of the number of adults who terminated.

2. *Cost per Entered Employment*—Total expenditures for adults divided by the number of adults who entered employment.

3. *Average Wage at Placement*—Average wage for all adults who entered employment at the time of termination.

4. *Welfare Entered Employment Rate*—Number of adult welfare recipients who entered employment at termination as a percentage of the number of adult welfare recipients who terminated.

B. Youth Performance Measures

Performance standards for youth outcomes resulting from Title IIA participation are established for the following three (3) measures:

1. *Entered Employment Rate*—Number of youth who entered employment at termination as a percentage of the number of youth who terminated.

2. *Positive Termination Rate*—Number of youth having a positive termination (entered employment plus employability enhancement terminations) as a percentage of the total number of youth who terminated.

3. *Cost Per Positive Termination*—Total expenditures for youth divided by the number of youth having a positive termination.

C. Secretary's Performance Standards for Adults and Youth

The following describes the methodology which Governors must use to calculate Secretary's Performance Standards for each SDA for 6 of the 7 measures defined above. The exception is the adult welfare entered employment rate. The methodology for calculating the Secretary's Performance Standard for this measure is in the next section. For the remaining measures, the methodology described below will enable Governors systematically and objectively to take into account the varying influence that participant characteristics, economic conditions, and other factors have on SDA performance expectation. Six separate Performance Standards Worksheets (PSW) have been developed to assist in calculating SDA Performance Standards (Attachment #1). The worksheets include for each measure, as appropriate, the information necessary for calculating individual SDA Performance Standards. It should be noted that the worksheets are not required, but merely represent a suggested format for completing the necessary calculations. The calculation steps themselves, however, are required. Instructions for completing the required calculations are included in this attachment.

1. *Overview.*—In accordance with Section 106(c) of JTPA, the data base accumulated under the Comprehensive Employment and Training Act (CETA) will be used to establish performance standards for the Title IIA programs. Data covering FY 1982 were used to identify local factors and determine the direction and magnitude of their influence on performance expectations for each of the appropriate measures identified previously. An analytical model was employed to determine the relationship between these factors and performance outcomes. The analysis compared actual prime sponsor performance with actual local factors in the prior performance period. The model identified 15 local factors which influence performance, including selected participant characteristics and economic conditions, as well as the average weeks participated in the program. The number of local factors found to influence performance varies depending on the particular performance measure as reflected in the PSWs. Importantly, the model is able to take these local factors into account simultaneously to explain a substantial portion of variation in performance among service deliverers. Each factor, therefore, has a "weight" which indicates its expected impact. It should be recognized, however, that some factors which are directly under the control of SDAs, such as differences in management practices, are inappropriate and are not accounted for in the analytical model.

2. *The Process for Determining Expected Levels of Performance—The Secretary's Performance Standards.*—The following is an explanation of the process that Governors must use to determine the SDA projected level of performance for each of the six measures. The projected levels will constitute the Secretary's Performance Standards. (The step by step instructions for the calculations are included in Attachment #1.)

As noted above, particular circumstances which may affect performance or the types of participants being served vary considerably from area to area. For performance standards to be equitable, they must take these local differences into consideration. The first step then is to determine the planned values for each of the local factors found to influence performance.

After the SDA planning values are determined for the local factors (e.g., what the percent of welfare participants will be of all participants planned to be terminated), the national average value for each factor is subtracted from it. The difference between the local value and the national average is then multiplied by the weight of that factor to determine what the anticipated local impact on performance will be for that unique level of planning. This is determined for all the factors and added up to estimate the total effect these local factors will have on performance expectations. This combined influence is then applied to the national average performance level for the measure to predict local performance. That predicted performance level becomes the Secretary's Planned Performance Standard for that measure for that SDA.

For the four outcome measures, SDA planned or actual outcomes would meet or exceed the Secretary's Performance Standards if the planned or actual outcome was at or above the Secretary's Performance Standard. For the two cost measures, SDA planned or actual outcomes would meet or exceed the Secretary's Performance Standard if the costs were at or below the Secretary's Performance Standard.

3. *Secretary's Parameters.*—Section 106(*e*) of JTPA allows each Governor to vary the Secretary's Performance Standards for individual SDAs within parameters established by the Secretary. It si recognized that the analytical model used to establish the Secretary's Performance Standards for the various outcome and cost measures identified above do not account for all factors which affect performance. Moreover, it is acknowledged that specific and exceptional local conditions may occur which have a positive or negative influence on an SDA's ability to achieve the Secretary's Performance Standards. Therefore, the Governors have the discretion to raise or lower the Secretary's Performance Standards calculated during the planning process

to review SDA planned performance and/or recalculated at the end of the performance period to assess actual SDA performance. These adjustments, if applied, must be based on unique opportunities or problems present in an SDA's jurisdiction and not already reflected in the analytical model used to determine the Secretary's Performance Standard for each measure. For example, a plant may be scheduled to close which could significantly impact unemployment levels and performance potential.

If the Governor does not vary the standard within the parameters, then the Secretary's Performance Standard becomes the SDA Performance Standard. If the Governor varies the standard, then the adjusted level becomes the SDA Performance Standard.

In addition, adjustments to the Secretary's Performance Standards and the factors used in making these adjustments must be documented and reported to the Secretary, as part of the Governor's Coordination and Special Services Plan in accordance with Section 121(b)(3) of the Act. The Governor shall report to the Secretary the factors he intends to use in varying the Secretary's standards in setting SDA standards for the upcoming program period of JTPA. These factors should be announced in advance and consistently applied. The Governor shall also report the extent of adjustment made and the reasons for the adjustment during the current period.

Furthermore, the Governor may only vary the Secretary's Performance Standards within the parameter limits set by the Secretary. Such ranges are set for each standard so that if SDA's perform in the same manner as prime sponsors did through FY 1982, 25% of the SDAs would fail to reach the lower side of the ranges and 25% of the SDAs would exceed the higher side of the ranges.

4. *End-of-Performance-Period Recalculation of Secretary's Performance Standards.*—At the end of performance period, the steps in 2.. above must be repeated to calculate the Secretary's Final Performance Standard for each of the six measures when JTPA performance data is available. The recalculation will be based on actual data for participant characteristics, average weeks participated, and updated economic conditions. The recalculated standards constitute the Secretary's Final Performance standards for each SDA together with any variations applied by the Governors in accordance with the Section 106(e). These final standards are the basis for the Governor to issue rewards and sanctions. The information needed to be used with SDA planning data or actual data to calculate the Secretary's Planned and/or Final Performance Standards is preprinted on the worksheets in Attachment #1.

5. *Calculation of Secretary's Performance Standards for the Adult Welfare Entered Employment Rate.*— An adequate data base is not available to enable construction of an analytical model for use in establishing the Secretary's Planned Performance Standard for this measure. Consequently, an alternative methodology must be used. Attachment #2 contains for each CETA prime sponsor and each State based on FY 1982 CETA data:

— The ratio of the welfare recipient entered employment rate to the total entered employment rate.

The information in Attachment #2 must be used in conjunction with the Secretary's Planned Performance Standard for the adult entered employment rate calculated from Step (2) above as follows:

a. Where the jurisdiction of the SDA under JTPA is the same as that of a prime sponsor under CETA during FY 1982, multiply the appropriate prime sponsor ratio shown in Attachment #2 by the Secretary's Performance Standard for the adult entered employment rate calculated from Step (2) above (e.g., Prime Sponsor Ratio of .55 times Secretary's Standard for the adult entered employment rate of 50% equals the Secretary's Standard for the Welfare Entered Employment Rate of 27.5%).

b. Where the jurisdiction of the SDA under JTPA is not the same as that of a prime sponsor under CETA during FY 1982, multiply the appropriate State ratio shown in Attachment #2 by the Secretary's Performance Standard for the adult entered employment rate calculated from Step (2.) above.

The same calculations must be competed at the end of the performance period to calculate the Secretary's Final Performance Standard for the adult Welfare Entered Employment Rate. Attachment #1 contains a worksheet to assist in completing these calculations for this measure. The Secretary's parameters also apply to this measure in the same manner as they apply to other measures.

6. *Calculation Instructions for Puerto Rico, Virgin Islands, Guam and the Trust Territories.*— The calculation steps described in the preceding items 1. through 5. shall not be used for setting SDA standards for these jurisdictions, since the influence of local factors could not be adequately measured in their unique circumstances. Standards shall be set in these jurisdictions using national average performance levels as the Secretary's Standard for each measure. Such standards may be varied based on the influence of local economic, geographic and demographic factors and the characteristics of the participants, in accordance with Section 106(e) of the Act.

D. Use of Performance Standards

The following describes how SDA Performance Standards established by the Governors are to be used in the review of SDA job training plans, and for judging SDA performance accomplishments for the purposes described at Section 106 (h) and 202 (b)(3) of the Act.

1. *Review of SDA Job Training Plan.* — In accordance with Sections 104 (b) (4) and 105 (b) (1) (D) of the Act, the Governor should ensure that SDA planning levels contained in the job training plan for each of the seven measures are consistent with the appropriate planned performance standard.

2. *Final Year-End Performance Assessment.*—Governors compare actual SDA performance with the SDAs Final Performance Standard for each measure to determine appropriate use of technical assistance/sanctions and rewards in accordance with the provision of Sections 106(h) and 202(b)(3) of the Act, respectively. It should be noted, however, that Section 181(j)(3) of the Act does provide a grace period for the application of sanctions based on performance standards. No SDA is to be penalized for not meeting performance standards during the initial program period beginning October 1, 1983 and ending June 30, 1984.

As indicated previously, SDA's are eligible for performance incentive funds if they exceed the Secretary's Final Performance Standards varied by the Governor within the Secretary's parameters. Since there are seven standards for Title IIA programs, an SDA shall have to meet five of the seven standards to be entitled to incentive funds. The adult entered employment rate, welfare recipient entered employment rate, and youth positive termination rate must be among the five.

E. Dislocated Workers

Title III–Section 106(g) of the Act requires the Secretary to prescribe performance standards based on placement and retention in unsubsidized jobs for the State dislocated worker

programs. Because performance data will not be available until during FY 1985, the Secretary defers the prescribing of performance standards until such data is available. Instead, Governors are directed to set performance "goals" for the State's dislocated worker program. The goals set by the Governor will not be subject to review by the Secretary. Experience accumulated during the initial program period and after will provide a base for establishment of standards for subsequent periods. However, at a minimum, States are to use the performance measures prescribed by the Secretary in setting goals. These measures are:

- *Entered Employment Rate*—Number of individuals who entered employment as a percentage of the number of individuals who terminated.
- *Cost Per Entered Employment*—Total Federal expenditures divided by the number of individuals who entered employment.

F. Youth Employment Competencies.

In accordance with Section 106(b)(2)(A) of the Act and 20 CFR 629.46(a) the Secretary's standards for youth employment competencies prescribe the framework within which an SDA's youth employment competencies system shall be developed. The framework includes the following:

1. Competencies shall be developed within three categories:

- *Basic Educational Skills*—including reading, writing and computational skills;
- *Job Specific Skills*—including knowledge and skills normally required to carry out entry-level tasks of a specific occupational or cluster of occupations; and
- *Pre-employment and work maturity skills*—including those skills not covered above needed to look for, obtain, and retain a job.

2. A competency system shall include:

- A deficiency identification process to determine which element or elements are appropriate for the youth; and
- A testing/assessment process to determine that the youth has attained the competencies specified for him or her.

The following provisions apply to SDA youth employment and competency systems:

—All participants age 21 and under shall be included in the youth competencies system; and
—A youth need only be included in those competency categories for which he or she has a knowledge deficit.

A technical assistance guide will be issued to assist Governors and SDAs in implementing the youth employment competencies system.

IV. JTPA Annual Status Report (ASR)

1. *Purpose.* The JTPA Annual Status Report (ASR) displays cumulative data on participation, termination, performance measures and the socio-economic characteristics of all terminees on an annual basis. The information will be used to determine levels of program service and performance measures. Selected information will be aggregated to provide quantitative program accomplishments on a local, State, and national basis.

2. *General Instructions.* A single ASR for Title III (Column D) programs only will be submitted by the Governor on a Statewide basis. Also, a separate ASR for Title II–A (Columns A–C) programs only will be submitted for each Service Delivery Area (SDA) designated by the Governor.

Note.—Exclude information for Title II–B, Summer Youth Employment and Training Program (SYETP), from the ASR. (Data for Title II–B activity is to be submitted on the appropriate Statewide JTPA Quarterly Status Reports.)

Each reporting period begins on the start date of each JTPA program year, as stated in Section 161 of the Act. Reports are due in the national office no later than 45 days after the end of each program year. Three copies of the ASR are to be provided to: Employment and Training Administration, U.S. Department of Labor, Attn: TSVR, 601 D Street NW., Washington, D.C. 20213.

An additional copy of the ASR is to be provided to the appropriate Regional Administrator for Employment and Training in the DOL regional office that includes the State in which the JTPA recipient is located.

3. *Fascimile of Form.* See the following page.

BILLING CODE 4510-30-M

U. S. DEPARTMENT OF LABOR Employment and Training Administration JTPA ANNUAL STATUS REPORT	a. STATE/SDA NAME AND ADDRESS	b. SDA NO. OR STATEWIDE c. REPORTING PERIOD From To
FOR FEDERAL OFFICE USE ONLY		d. TYPE OF PROGRAM ("X" appropriate box(es)) 1. ☐ Title II-A 2. ☐ Title II-B 3. ☐ Other (specify) _____

I. PARTICIPATION AND TERMINATION SUMMARY	TOTAL ADULTS	ADULTS (WELFARE)	YOUTH	DISLOCATED WORKERS
	(A)	(B)	(C)	(D)
A. TOTAL PARTICIPANTS				
B. TOTAL TERMINATIONS				
1. Entered Unsubsidized Employment				
a. Entered Registered Apprenticeship Pgm.				
b. Entered Armed Forces				
2. Youth Employability Enhancement Termination				
a. Entered Non-Title II Training				
b. Returned to Full-Time School				
c. Age 14 - 15 Completed Program Objectives				
d. Completed Major Level of Education				
3. OTHER TERMINATIONS				

LINE NO.	II. TERMINEES PERFORMANCE MEASURES INFORMATION A. CHARACTERISTICS OF TERMINEES					
1	SEX	Male				
2		Female				
3	AGE	14 - 15				
4		16 - 17				
5		18 - 21				
6		22 - 44				
7		45 - 54				
8		55 and Over				

e. SIGNATURE AND TITLE	f. DATE SIGNED	g. TELE. NO.

PROPOSED ETA 8580 (Mar. 1983)

a. STATE/SDA NAME AND ADDRESS	b. GRANT NO.	c. REPORT PERIOD From	To	d. TYPE OF PROGRAM

LINE NO	II. TERMINEES PERFORMANCE MEASURES INFORMATION – Continued		TOTAL ADULTS (A)	ADULTS (WELFARE) (B)	YOUTH (C)	DISLOCATED WORKERS (D)
9	EDUCATION STATUS	School Dropout				
10		Student (High School or Less)				
11		High School Graduate or Equivalent (No Post-High School)				
12		Post-High School Attendee				
13	FAMILY STATUS	Single Parent with Dependent(s) Under Age 6				
14		Single Parent with Dependent(s) Ages 6 through 17				
15	RACE/ETHNIC GROUP	White (Not Hispanic)				
16		Black (Not Hispanic)				
17		Hispanic				
18		American Indian or Alaskan Native				
19		Asian or Pacific Islander				
20	OTHER BARRIERS TO EMPLOYMENT	Limited English Language Proficiency				
21		Handicapped (Adult/Youth)				
22		Offender				
23	U.C. STATUS	Unemployment Compensation Claimant				
24		Unemployment Compensation Exhaustee				
25	LABOR FORCE STATUS	Unemployed: 1 - 14 Weeks of Prior 26 Weeks				
26		Unemployed: Long-Term – 15 or More Weeks of Prior 26 Weeks				
27		Not in Labor Force				
28		Average Weeks Participated				
29		Youth Welfare Recipient				
	B. WAGE AND WELFARE DATA					
30		No. Terminees Entered Unsubsidized Employ. (With Preprogram Hourly Wage)				
31		Average Hourly Wage in Last Job (13 Weeks Preprogram)				
32		Average Hourly Wage at Termination (Terminees with Preprogram Hourly Wage)				
33		Average Hourly Wage at Termination (Terminees without Preprogram Hourly Wage)				
34		Average Monthly Welfare Grant at Time of Eligibility Determination				

a. STATE/SDA NAME AND ADDRESS	b. GRANT NO.	c. REPORT PERIOD From	To	d. TYPE OF PROGRAM

LINE NO.	III. PROGRAM COSTS	TOTAL ADULTS (A)	ADULTS (WELFARE) (B)	YOUTH (C)	DISLOCATED WORKERS (D)
35	TOTAL PROGRAM COSTS				
	IV. FOLLOWUP INFORMATION				
36	Potential Total Contacts				
37	Potential Sample Contacts				
38	Responses				
39	Total Employed *(At Time of Contact)*				
40	Total Employed *(Sometime during First 13 Weeks after Termination)*				
41	Average Hourly Wage *(13 Weeks Preprogram)*				
42	Average Hourly Wage *(13 Weeks after Termination)*				
43	Average Weeks Worked *(13 Weeks Preprogram)*				
44	Average Weeks Worked *(13 Weeks after Termination)*				
45	Average Hours Worked in Last Job *(13 Weeks Preprogram)*				
46	Average Hours Worked in Last Job *(13 Weeks after Termination)*				
47	Individuals Off Welfare *(13 Weeks after Termination)*				
48	Individuals with Reduced Welfare *(13 Weeks after Termination)*				
49	Average Welfare Grant Reduction *(13 Weeks after Termination)*				

REMARKS

BILLING CODE 4510-30-C

4. *Instructions for Completing the JTPA Annual Status Report.*

a. *SDA Grant Recipient's Name and Address.* Enter the name and address of the SDA Grant Recipient.

b. *SDA Number or Statewide.* Enter this information as provided by the Governor.

c. *Reporting Period.* Enter in "From" the beginning date of the designated JTPA program year and enter in "To" the ending date of the program year.

d. *Type of Program.* Check the appropriate box(es) and specify as indicated. Program Types are: II–A (Adult and Youth Program); III (Dislocated Workers Program); Other (Specify).

e. *Signature and Title* (at bottom of the page) The authorized official of the Governor signs here and enters his other title.

f. *Date Signed.* Enter the date the report was signed by the authorized official.

g. *Telephone Number.* Enter the area code and telephone number of the authorized official.

5. *General Information.* The column breakouts are based strictly on age rather than on program strategy. For purposes of the ASR, the adult and adult welfare columns will include terminees age 22 years and older. The youth column will include terminees who were age 14–21 at the time of eligibility determination. The dislocated workers column may include adults and youth, as applicable.

Data reported should be based on information collected at the time of intake with two exceptions—immediate post program outcomes and followup data collected 13 weeks after termination. In order to facilitate the reporting of the immediate post program outcomes and the followup sections of the ASR, the Governor should consider requiring his/her SDA's to collect the 13 weeks pre-program information at the time of eligibility determination. (See Lines 30–34, 41, 43 and 45.) Refer to the participant Record for further information.

CHARACTERISTICS INFORMATION OBTAINED ON AN INDIVIDUAL AT THE TIME OF ELIGIBILITY DETERMINATION FOR THE RECIPIENT'S JTPA PROGRAM SHOULD NOT BE UPDATED WHEN THE INDIVIDUAL TERMINATES FROM THE JTPA PROGRAM.

Column Headings

Column A *Total Adults*

This column will contain an entry for each appropriate item for all adult participants in Title II–A only.

Column B *Adults (Welfare)*

This column will contain an entry for each appropriate item for adult participants in Title II–A who were welfare recipients or whose family received cash payment under AFDC (SSA Title IV), General Assistance (State or local government), or the Refugee Assistance Act of 1980 (PL 96–212) at the time of JTPA eligibility determination. For performance standards purposes, exclude recipients of SSI (SSA Title XVI) from entries in Column B.

Note.—Column B is a sub-breakout of Column A; therefore, Column B should be less than or equal to Column A, except for Lines 34, 47–49.

Column C *Youth*

This column will contain an entry for each appropriate item for all youth participants in Title II–A only.

Column D *Dislocated Workers*

This column will contain an entry for each appropriate item for all participants in Title III who were determined to be eligible dislocated workers.

Note.—All information regarding a given participant must be entered in the same column.

Columns A, B, and C apply to Title II–A only

Column D applies to Title III only.

Section I—Participation and Termination

Summary

Section I displays the program's accomplishments in terms of the total cumulative number of actual participants in the program and the number and types of terminations from the program, as of the end of the reporting period.

Entries for items I.A and I.B are cumulative and types from the beginning of the program year through the end of the reporting period.

Item I.A. Total Participants

Enter the total number of participants who are or were in the program through the end of the reporting period, including both those on board at the beginning of the designated program year and those who have entered during the program year.

"Participant" means any individual who has: (1) Been determined eligible for participation upon intake; and (2) Started receiving subsidized employment, training, or services (except post-termination services) funded under the Act, following intake, except for an individual who receives only outreach and/or intake and assessment services.

Item I.B. Total Terminations

Enter the total number of participants terminated from the program for any reason from the beginning of the program year through the end of the reporting period. This item is the sum of items I.B.1. through I.B.3.

"Termination" means the separation of a participant from a given title of the Act who is no longer receiving employment, training or services (except post-termination services) funded under that title.

Note.—Individuals may continue to be considered as participants for a period of 90 days after last receipt of employment or training funded under a given title.

Item I.B.1. Entered Unsubsidized Employment

Enter the cumulative number of terminees who entered (through the efforts of the subrecipient or otherwise) full- or part-time unsubsidized employment through the end of the reporting period. Unsubsidized employment means employment not financed from funds provided under the Act. (For JTPA reporting purposes, this term includes entry into the Armed Forces, entry into employment in a registered apprenticeship program, and terminees who became self-employed.)

Item I.B.1.a. Entered Registered Apprenticeship Program

Enter the cumulative number of terminees who entered registered apprenticeship programs following termination from the program. This item is a sub-breakout of Item I.B.1.

Item I.B.1.b. Entered Armed Forces

Enter the cumulative number of terminees who entered the Armed Forces following termination from the program. This item is a sub-breakout of Item I.B.1.

Item I.B.2. Youth Employability Enhancement Terminations

Enter the cumulative number of youth participants who were terminated under one of the Youth Employability Enhancements through the end of the report period. "Youth Employability Enhancement" means an outcome for youth, other than entered unsubsidized employment, which is recognized as

enhancing long-term employability and contributing to the potential for a long-term increase in earnings and employment. Outcomes which meet this requirement shall be restricted to the following: (1) Entered Non-Title II Training; (2) Returned to Full-Time School; (3) Age 14–15 Completed Program Objectives; or (4) Completed Major Level of Education.

Note.—For reporting purposes, a youth shall not be counted in this item, if he/she entered unsubsidized employment, and shall be counted in only one of these categories, even though more than one may have been achieved.

Item I.B.2.a. Entered Non-Title II Training

Enter the cumulative number of youth terminees who entered an employment/training program not founded under Title II of the JTPA. This item is a sub-breakout of Item I.B.2.

Item I.B.2.b. Returned to Full-Time School

Enter the cumulative number of terminees who returned to full-time school if, at the time of eligibility determination the participant was not attending school and had not obtained a high school diploma or equivalent. This item is a sub-breakout of Item I.B.2.

Item I.B.2.c. Age 14–15 Completed Program Objectives

Enter the cumulative number of terminees who completed program objectives as defined in approved exemplary youth project plans if, at the time of entry, the participant was less than 16 years of age. This item is a sub-breakout of Item I.B.2.

I.B.2.d Completed Major Level of Education

Enter the cumulative number of terminees who completed, during enrollment, a level of educational achievement which had not been reached at the time of entry. Levels of educational attainment are elementary, secondary, and post-secondary. This item is applicable only for those not in school at time of entry into the program. This item is a sub-breakout of Item I.B.2.

Note.—The sum of Items I.B.2.a. through I.B.2.d. in Column B should equal Item I.B.2., Youth Employability Enhancement Terminations, in that column.

Item I.B.3. Other Terminations

Enter the cumulative number of participants who were terminated for reasons other than those in Items I.B.1. and I.B.2.—both positive and negative-through the reporting period.

Section II—Terminee Performance Measures Information

Section II displays performance measures/parameters information. As indicated previously, characteristics information for terminated participants is as of the time of eligibility determination for the recipient's JTPA program. Other information is as specified (e.g., "Unemployed 1–14 Weeks of Prior 26 Weeks" means the cumulative number of terminees who were unemployed 1–14 weeks during the 26 weeks prior to eligibility determination).

References to items in the Participant Record are to the individual recordkeeping document to be provided by DOL in a Technical Assistance Guide (TAG). Governors have the option of using the record, as outlined in the TAG, or may develop any other record which meets the requirements of Section 629.35(c) and (d) of the JTPA Regulations.

Line Item Definitions and Instructions

Item II.A Characteristics of Terminees

Sex

Line 1 Male
Line 2 Female

Distribute the terminees according to Sex. (Item A.20. of the Participant Record). The sum of Lines 1 and 2 in each column should equal Item I.B. in that column.

Age

Line 3 14–15
Line 4 16–17
Line 5 18–21
Line 6 22–44
Line 7 45–54
Line 8 55 and Over

Distribute the terminees according to Age. (Item A.6. of the Participant Record). The sum of Lines 3 through 8 in each column should equal Item I.B. in that column.

Education Status

Line 9 School Dropout
Line 10 Student (High School or less)
Line 11 High School Grad. or Equiv. (No Post-High School)
Line 12 Post-High School Attendee

Distribute the terminees according to Education Statutes. (Item A.21. of the Participant Record). The sum of Lines 9 through 12 in each column should equal Item I.B. that column.

Family Status

Line 13 Single Parent with Dependent(s) Under Age 6
Line 14 Single Parent with Dependent(s) Ages 6 thru 17

Distribute the terminees, by column, if either of the above Family Status classifications apply (Item A.10. of the Participant Record).

Note.—A terminee who is a single parent and has dependent children who are over *and* under age 6 should be included in the entry for Line 13 only.

Race/Ethnic Group

Line 15 White (Not Hispanic)
Line 16 Black (Not Hispanic)
Line 17 Hispanic
Line 18 American Indian or Alaskan Native
Line 19 Asian or Pacific Islander

Distribute the terminees according to the Race/Ethnic Groups listed above. For purposes of this report, Hawaiian Natives are to be recorded as "Asian or Pacific Islander" (Item A.22. of the Participant Record). The sum of Lines 15 through 19 in each column should equal Item I.B. in that column.

Other Barriers to Employment

Line 20 Limited English-Language Proficiency
Line 21 Handicapped (Adults/Youth)
Line 22 Offender

Enter the terminees, by column, for as many of the above Barriers to Employment in Lines 20 through 22 as apply (Item A.23. of the Participant Record).

Unemployment Compensation Status

Line 23 Unemployment Compensation Claimant
Line 24 Unemployment Compensation Exhaustee

Enter the terminees, by column, if either of the above Unemployment Compensation classifications apply (Item A.16. of the Participant Record).

Labor Force Status

Line 25 Unemployed: 1–4 Wks. of Prior 26 Wks.
Line 26 Unemployed: Long-term—15 or More Wks. of Prior 26 Wks.
Line 27 Not in Labor Force

Distribute the terminees by column, if any of the Labor Force Status (Item A.17. of the Participant Record) classifications apply.

Line 28 Average Weeks Participated

Entered the average number of weeks of participation in the program for all terminees.

To calculate this entry: Count the number of days participated for each terminee, including weekends, from his/her date of entry into the program until his/her termination date. Divide this result by 7. This will give the number of weeks participated for that terminee.

Sum all the terminees' weeks of participation and divide the result by the number of terminees, as entered (by column) in Item I.B.

Line 29 Youth Welfare Recipient

Enter the number of youth terminees who were welfare recipients or whose family received cash payments under AFDC (SSA Title IV), General Assistance (State or local government), or the Refugee Assistance Act of 1980 (PL 96–212) at the time of JTPA eligibility determination. For performance standards purposes, *exclude* recipients of SSI (SSA Title XVI) from entries for Line 19.

Item II.B. Wage and Welfare Data

Line 30 No. of Terminees Entered Unsubsidized Employment (For Terminees with Preprogam Hourly Wage)

Enter the number of terminees who entered unsubsidized employment at termination and who had a preprogram hourly wage (i.e., had held a job sometime during the 13 weeks prior to eligibility determination).

Line 31 Average Hourly Wage in Last Job (13 Weeks Preprogram)

Enter the average hourly wage for the last job held during the 13 weeks prior to eligibility determination for the total number of terminees shown on Line 30 above (by column).

To calculate this entry: Sum the hourly wage for the last job held during the 13 weeks prior to eligibility determination for all the terminees shown on Line 30 above (by column). Divide the result by the number of terminees shown on Line 30 above (by column).

Line 32 Average Hourly Wage at Termination (For Terminees with Preprogram Hourly Wage)

Enter the average hourly wage at termination for the total number of terminees shown on Line 30 above (by column).

To calculate this entry: Sum the hourly wage at termination for all the terminees shown on Line 30 above (by column). Divide the result by the number of terminees shown on Line 30 above (by column).

Line 33 Average Hourly Wage at Termination (For Terminees with Preprogram Hourly Wage)

Enter the average hourly wage at termination for terminees who entered unsubsidized employment and who had no preprogram hourly wage (i.e., had not held a job sometime during the 13 weeks prior to eligibility determination).

To calculate this entry: Subtract the entry for Line 30 in each column from the entry for Item 1.B.1 of Section I in that column. This will give the number of terminees who had no preprogram hourly wage. Sum the hourly wage at termination for such terminees. Divide the result by the number of terminees who had no preprogram hourly wage.

Line 34 Average Monthly Welfare Grant (At Time of Eligibility Determination)

Enter the average monthly welfare grant for all terminees who were welfare recipients or whose family received cash payments under AFDC, General Assistance, or the Refugee Assistance Act of 1980 at the time of eligibility determination. For performance standards purposes, exclude recipients of SSI from entries in Column B.

To calculate this entry: Sum the average monthly welfare grant for each terminee who was a welfare recipient or whose family received cash payments, as defined above, at the time of eligibility determination. Divide the result by the number of terminees shown in Item I.B., Column B.

Note.—Since followup is required for all terminees, it is strongly encouraged that the 13 weeks pre-program information be collected at the time of eligibility determination in order to facilitate the matching of followup data with required pre-program data. Refer to the Participant Record for further information.

Section III—Program Costs

Line 35 Total Program Costs

Enter the total accrued expenditures, through the end of the reporting period, of the funds allocated to SDAs under Section 202(a) of the Act or otherwise distributed by the Governor to SDA's under Section 202(b)—Performance incentives—for the Title II–A program in Columns A and C, as appropriate, for all participants served. Enter the total accrued expenditures, through the end of the reporting period, of Title III funds received by the Governor under Section 301 of the Act in Column D only, for all participants served.

Note.—Entries will be made to the nearest dollar. The ASR program cost data will be compiled on an accrual basis. If the recipient's accounting records are not normally maintained on an accrual basis, the accrual information should be developed through an analysis of the records on hand or on the basis of best estimates.

Section IV—Followup Information

Note.—This information must be obtained for all terminees, if the terminee populations are not large enough to use sampling (see the next section for further details), by means of participant contact methods only. Information required concerning terminees who had and did not have pre-program wages will be used for establishing further performance standards.

Line 36 Potential Total Contacts

Enter the total number of individuals for whom followup is required (if sampling is not used) and whose followup period ends within the reporting period. Individuals who terminate during the previous reporting period, but whose followup period ended during the current reporting period, are include in the entry for Line 36.

Line 37 Potential Sample Contracts

When sampling is used, enter the number of individuals in the sample in Line 37. Otherwise, enter zero for this line. (See the following section for the appropriate sample sizes.)

Line 38 Responses

Enter the number of individuals (of those entered in Line 36 or 37, as appropriate) for which all required followup information has been obtained.

Line 39 Total Employed (At Time of Contact)

Enter the number of individuals who were in unsubsidized employment at the time of contact (13 weeks after termination).

Line 40 Total Employed (Sometime During the First 13 Weeks after Termination)

Enter the number of individuals who were at time of contact, or had been sometime during the 13 weeks after termination, in unsubsidized employment.

Line 41 Average Hourly Wage (13 Weeks Preprogram)

Enter the average hourly wage for the last job held, if any, during the 13 weeks prior to eligibility determination for individuals who terminated during the report period, and for whom followup responses have been obtained (see entry for line 40).

To calculate this entry: Sum the last hourly wage for the last job held during the 13 weeks prior to eligibility determination for each of the individuals shown in the entry for Line 40 (by column). Divide that result by the total number of individuals shown in the entry for Line 40 (by column). If the individual had no preprogram wage, enter zero in the summation.

Line 42 Average Hourly Wage (13 Weeks after Termination)

Enter the average hourly wage for individuals who were, or had been, in unsubsidized employment sometime during the first 13 weeks after termination, who terminated during the report period, and for whom followup

responses have been received (see entry for Line 40).

To calculate this entry: Sum the last hourly wage for the last job held during the 13 weeks after termination for each of the individuals shown in the entry for Line 40 (by column). Divide that result by the total number of individuals shown in the entry for Line 40 (by column).

Line 43 Average Weeks Worked (13 Weeks Preprogram)

Enter the average number of weeks worked in the 13 weeks prior to eligibility determination for all individuals shown in the entry for Line 40 who terminated during the report period, and for whom followup responses have been obtained.

To calculate this entry: Sum the total number of weeks worked in the 13 weeks prior to eligibility determination for each of the individuals shown in the entry for Line 40. Divide that result by the total number of individuals shown in the entry for Line 40 (by column). If the individual had no preprogram wage, enter zero in the summation.

Line 44 Average Weeks Worked (13 Weeks after Termination)

Enter the average number of weeks worked in the 13 weeks after termination for all individuals shown in the entry for Line 40 who terminated during the report period, and for whom follow-up responses have been obtained.

To calculate this entry: Sum the total number of weeks worked in the 13 weeks after termination for each of the individuals shown in the entry for Line 40. Divide that result by the total number of individuals shown in the entry for Line 40 (by column).

Line 45 Average Hours Worked—Last Job (13 Weeks Preprogram)

Enter the average number of hours worked during a week for the last job held during the 13 weeks prior to eligibility determination for all individuals shown in the entry for Line 40 who terminated during the report period, and for whom followup responses have been obtained.

To calculate this entry: Sum the total number of hours usually worked during *a week* for the last job held during the 13 weeks prior to eligibility determination for each of the individuals shown in the entry for Line 40. Divide that result by the total number of individuals shown in the entry for Line 40 (by column). If the individual had no preprogram wage, enter zero in the summation.

Line 46 Average Hours Worked-Last Job (13 Weeks after Termination)

Enter the average number of hours worked during a week for the last job held during the 13 weeks after termination for all individuals shown in the entry for Line 40 who terminated during the report period, and for whom followup responses have been obtained.

To calculate this entry: Sum the total number of hours usually worked during a week for the last job held during the 13 weeks after termination for each of the individuals shown in the entry for Line 40. Divide that result by the total number of individuals shown in the entry for Line 40 (by column).

Line 47 Individuals Off Welfare (13 Weeks After Termination)

Enter the number of individuals who were welfare recipients at the time of termination from the program, and who entered unsubsidized employment at termination or were employed sometime during the 13 weeks after termination, and who were no longer welfare recipients.

Line 48 Individuals with Reduced Welfare (13 Weeks after Termination)

Enter the number of terminees, who were welfare recipients at the time of termination from the program, and who entered unsubsidized employment at termination or were employed sometime during the 13 weeks after termination, and who were receiving reduced welfare grants.

Line 49 Average Welfare Grant Reduction (13 Weeks After Termination)

Enter the total reduction in the monthly welfare grant(s) 13 weeks after termination for all individuals off welfare and all those receiving reduced grants who entered unsubsidized employment at termination or were employed sometime during the 13 weeks after termination.

To calculate this entry: Sum the monthly grant reduction for each terminee of welfare or whose grant has been reduced (see entries for Lines 47 and 48). Divide this result by the total number of terminees included in the entries for Lines 47 and 48.

Note.—Again, it is strongly encouraged that all information requested concerning preprogram experience be collected for all participants at the time of eligibility determination in order to facilitate the matching of followup data to required preprogram data.

V. Use of Sampling To Obtain Followup Information

As indicated in the reporting instructions, the necessary participant followup information for all adult (AD) terminees, adult welfare (WR) terminees, and/or dislocated workers (DW) terminees, may be based on an annual sample drawn at random. Where sampling is used to obtain this information, SDA's will be expected to establish a system which provides accurate and reliable data that are representative of the followup universe. Consequently, it is necessary to have a system which ensures consistent random identification of sample participants throughout the performance period. Furthermore, the system must be structured to permit the matching of intake records with termination and followup records to produce the appropriate preprogram, termination, and postprogram data that must be reported for the sample population. In addition the system should facilitate prompt contact of sample participants once their followup period is completed (i.e., 13 weeks after the date of termination). This will necessitate access to current participant locator information. It is, therefore, important for SDA's to update locator information at time of termination for each participant who will be in the sample. This should include the participant's address and telephone number, as well as telephone numbers of relatives, friends, and/or neighbors. Oftentimes participants change residence after terminating from the program. Additional contact information will be extremely helpful in locating individuals in this instance.

However, the use of sampling will depend on whether the respective terminee populations are large enough to provide estimates which meet minimum standards of statistical precision and confidence. These minimum standards require a sample which provides estimates that have a 95 percent confidence level and an expected error of no more than ±10 percent. In addition, SDA's that choose to sample should design their efforts to achieve a minimum response rate of 70 percent.

Based on national estimates of means and standard deviations of earnings and welfare payments from the Continuous Longitudinal Manpower Survey (CLMS), the following sample sizes will be necessary to meet the appropriate satistical specifications:

AD terminees—296
WR terminees—321
DW terminees—321

If the number of individuals for whom followup is required and whose followup period ends within the reporting period is less than the required sample sampling cannot be used to obtain participant followup information.

In such cases, followup information must be obtained for all the appropriate terminees. Otherwise, the sample sizes noted above are adequate to provide acceptable estimates within the minimum sampling standards for all terminee populations.

The required sample sizes shown above assume that independent "AD terminees","WR terminees", and "DW terminees" samples will be drawn randomly. In order to select terminees for followup, first compute the proportion of terminees to be sampled as follows:

(1) For adult terminees, divide 296 by the number of terminations which are expected to occur during the program year. (Example: assume an SDA expects 1500 terminations during the year; (296/1500 x 100 = 20%)).

(2) For welfare terminees, divide 321 by the number of welfare terminees expected. (Example: assuming the SDA above expects 60 percent of the 1500 terminations to have been receiving welfare at entry: 321/(.6 x 1500) x 100 = 36%).

(3) For dislocated workers terminees, divide 321 by the number of terminations which are expected to occur during the program year.

(Example: assuming a State expects 2000 terminations during the year: (321/2000 x 100 = 16%)).

The above examples assume that independent "AD terminees', "WR terminees", and "DW terminees samples will be drawn. That may not be wholly necessary since "WR terminees" appearing in the "AD terminees" sample could also be included in the "WR terminees" sample.

Once the proportions are determined, a table of random numbers or other random selection techniques must be used to select the terminees who will be sampled. Terminees comprising the sample should be "flagged" at the time of termination and followup information should be obtained 13 weeks after termination.

Definition of Terms Necessary for Completion of Reports

Education Status

School Dropout—An individual who is not attending any school and has not received a high school diploma or a GED Certificate.

Student (high school or less)—An individual who is enrolled in an elementary or secondary school (including elementary, junior and senior high school or equivalent), or is between school terms and intends to return to school.

High School Graduate or Equivalent (no post-high school)—An individual who has received a high school diploma or GED Certificate, but who has not attended any post-secondary vocational, technical, or academic school.

Post-High School Attendee—An individual who is attending, or has attended, a post-secondary vocational, technical, or academic school.

Handicapped Individual—Refer to Section 4(10) of the Act. Any individual who has a physical or mental disability which for such individual constitutes or results in a substantial handicap to employment.

Note.—This definition will be used for performance standards purposes, but not for program eligibility determination (Section 4(8)(E).

Labor Force Status

Employed—(a) An individual who, during the 7 consecutive days prior to application to a JTPA program, did any work at all: (i) as a paid employee; (ii) in his or her own business, profession or farm, or (iii) worked 15 hours or more as an unpaid worker in an enterprise operated by a member of the family; and (b) an individual who was not working, but has a job or business from which he or she was temporarily absent because of illness, bad weather, vacation, labor-management dispute, or personal reasons, whether or not paid by the employer for time off, and whether or not seeking another job. (This term includes members of the Armed Forces who have not been discharged or separated; participants in registered apprenticeship programs; and self-employed individuals.)

Unemployed—An individual who did not work during the 7 consecutive days prior to application to a JTPA program, who made specific efforts to find a job within the past 4 weeks prior to application, and who was available for work during the 7 consecutive days prior to application (except for temporary illness).

Not in Labor Force—A civilian 16 years of age or over who is not clasified as employed or unemployed. (This term includes persons who never worked at a full-time job lasting 2 weeks or no longer and "discouraged workers," who have been and are longer actively seeking employment.)

Limited English Language Proficiency—Inability of an applicant, whose native language is not English, to communicate in English, resulting in a job handicap.

Offender—Refer to Section 4(17) of the Act. Any adult or juvenile who is or has been subject to any stage of the criminal justice process for whom services under this Act may be beneficial or who requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or conviction.

Single Parent— A single, abandoned, separated, divorced, or widowed individual who has responsibility for one or more dependent children: (1) Under age 6, or (2) Ages 6 through 17.

UC Claimant—Any individual who has filed a claim and has been determined monetarily eligible for benefit payments under one or more State or Federal unemployment compensation programs, and who has not exhausted benefit rights or whose benefit year has not ended.

UC Exhaustee—Any individual who has exhausted his unemployment compensation benefits (not including Extended, Additional State, or Federal Supplemental Benefits) for which he has been determined monetarily eligible.

Attachment #1—Optional JTPA Performance Standards Worksheets (Completion Instructions)

The JTPA Performance Standards Worksheets (PSW) are provided to assist the Governor's staff in calculating performance standards for each of the performance measures.

A separate PSW is provided for each of the performance measures. The worksheets will assist the Governor in establishing Service Delivery Area (SDA) Performance Standards for each performance measure based on the Secretary's Performance Standards and any variations applied by the Governor within the Secretary's parameters.

To facilitate the Governor's calculation of performance standards, appropriate information has been preprinted on each PSW. This information includes:

(1) Local factors which influence performance potential (Column F);

(2) National Average Factor Values (Column H);

(3) Weights (Column J);

(4) National Average Performance Level (Block L); and

(5) Secretary's Parameters Limits (Block N).

The remainder of this attachment is divided into four parts:

Part A—Facsimiles of the Performance Standards Worksheets including appropriate preprinted information;

Part B—General Instructions for Completing the Performance Standards Worksheets;

Part C—Supplemental Instructions for Completing Selected Items on the Performance Standards Worksheets; and

Part D—Local Economic Data or Sources for Obtaining It.

Part A—Facsimiles of the JTPA Performance Standards Worksheets Including Appropriate Preprinted Information

BILLING CODE 4510-30-M

U.S. DEPARTMENT OF LABOR • Employment and Training Administration

JTPA Performance Standards Worksheet

A. Service Delivery Area's Name | B. SDA Number

C. Performance Period PY _____ | D. TYPE OF Standard ☐ Plan ☐ Recalculated | DATE Calculated _____

E. PERFORMANCE MEASURE: A. Entered Employment Rate (Adult)

F. LOCAL FACTORS	G. SDA Factor Values	H. NATL. AVG. FACTOR VALUES	I. DIFFERENCE (G minus H)	J. WEIGHTS*	K. EFFECT OF LOCAL FACTOR ON PERFORM EXPECTATIONS (I times J)
1. % Female		51.7		.03	
2. % 45-54 years old		4.5		-.56	
3. % 55 years old & over		2.2		.21	
4. % Black		29.9		-.07	
5. % Hispanic		9.4		.08	
6. % Other minority		4.9		.18	
7. % Dropout		30.2		-.08	
8. % Handicapped		10.1		-.20	
9. % UI claimant		7.0		.26	
10. % Welfare recipient		30.7		-.26	
11. Average wage for area		15,300		-.68	
12. Unemployment rate		9.0		-1.53	
				TOTAL ➤	

L. NATIONAL AVERAGE PERFORMANCE LEVEL		G. SDA Performance Standard	
M. Secretary's Performance Standard			
N. Secretary's Parameters Limits	(+) (-) %		
O. Governor's Adjustment Factor within Parameters	( ) %		
P. Governor's Adjustment within Parameters	( ) %Pts.		

*Adjusted for statistical effects

U.S. Department of Labor.Employment and Training Administration

JTPA Performance Standards Worksheet

A. Service Delivery Area's Name | B. SDA Number

Performance Period PY _____ | D. Type of Standard ☐ Plan ☐ Recalculated | Date Calculated _____

E. Performance Measure: Welfare Entered Employment Rate (Adult)

1. Secretary's Performance Standard for the Adult Entered Employment Rate _____
2. SDA (State) Welfare Entered Employment Rate Ratio _____
3. Welfare Entered Employment Rate _____
4. Secretary's Performance Standard _____
5. Secretary's Parameters Limits (+) (-) _____ %
6. Governor's Adjustment Factor Within Parameters ( ) _____ %
7. Governor's Adjustment Within Parameters ( ) _____ %Pts.
8. SDA Performance Standard _____

EXAMPLE

BILLING CODE 4510-30-C

Part B—General Instructions for Completing the JTPA Performance Standards Worksheets

The following provides general instructions for completing the JTPA Performance Standards Worksheets (PSW) found in Part A of this attachment. These instructions include the sources of data and computation methods for most of the items on the worksheets. However, the sources of the data and the computation methods for certain entries on the PSW warrant a more detailed explanation and may be found in Part C of this attachment. Supplemental instructions for completing Column G (SDA Factor Values) are provided in Part C of this attachment.

Instructions for Completing the JCPA Performance Standards Worksheets

A. Service Delivery Area's Name

Enter the Service Delivery Area's name.

B. SDA Number

Enter the JTPA number assigned by the Governor to the SDA.

C. Performance Period

Enter the program year for which the performance standard for each measure is being established.

D. Type of Standard/Date

Enter a check in the box next to the appropriate response (i.e., whether the standard is based on the SDA plan or is recalculated based on the end-of-year performance). For Date, enter for "Calculated" the date on which the calculations were made.

E. Performance Measure

The name of the appropriate performance measure for which the SDA Performance Standard is being established is preprinted

F. Column F—Local Factors

The local factors determined by the Secretary to have a measurable influence on SDA expected performance levels for each of the performance measures have been preprinted.

G. Column G—SDA Factors Values

Enter the SDA's values for each local factor listed in "Column F" which reflect the characteristics of the planned participants who will terminate during the program year and the planned average number of weeks of participation for all terminees. These planning values should be obtained from the SDA's. The characteristics of the terminees must be expressed at a percent of the total planned number of participants who will terminate during the program year. The average weeks participated will reflect the sum of the number of weeks participated for all terminees divided by the total number of terminees. Data reflecting local economic conditions are provided in PART D of this attachment. These data should be used for the economic planning values in those cases where the SDA reflects the same geographical configuration as the previous program period. If the SDA's geographical configuration is changed, economic planning values should be obtained from the State Employment Security (SESAs) or the SDA. To the extent possible, the ETA will provide updated local economic conditions for each SDA at a later date. (See PART C of this attachment for detailed completion instructions.)

Note.—Actual SDA Factor Values based on actual experience will be substituted for the planned SDA Factor Values when the Secretary's Performance Standards are recalculated at the end of the performance period.

H. Column H—National Average Factor Values

The national average data for the local factors shown in "Column F" have been preprinted.

I. Column I—Difference

Enter the result of subtracting "Column H" from "Column G" for each local factor listed in "Column F".

J. Column J—Weights

The appropriate weight for each local factor listed in "Column F" has been preprinted.

K. Column K—Effect of Local Factors on Performance Expectations

Enter the net result of multiplying "Column I" by "Column J" for each local factor listed in "Column F".

L. Block L—National Average Performance Level

The national average performance level for each performance measure has been preprinted

M. Block M—Secretary's Performance Standard

Enter the Secretary's Performance Standard by adding the plus factor, or subtracting the minus factor, found in the "Total" box for "Column K" to the National Average Performance Level ("Block L").

N. Block N—Secretary's Parameters Limits

The appropriate Secretary's Parameters Limits for each performance measure have been preprinted.

O. Block O—Governor's Adjustment Factor Within Parameters

The Governor may take into consideration exceptional or mitigating circumstances and thereby adjust the Secretary's Performance Standard ("Block M"). However, in *no* case may the Governor's adjustment go beyond the Secretary's Parameters Limits ("Block N") without approval by the Secretary. Any adjustment made by the Governor should be entered in "Block O".

Examples: The Secretary's Parameters Limits for the entered employment rate are +30% and −20%. The SDA's jurisdiction experienced a major plant opening after the period for which the economic data was generated, therefore the Governor adjusted the Secretary's Performance Standard upward by 5%. The +5% would be entered in "Block O".

The Secretary's Parameters Limits for the cost per entered employment are +40% and −10%. The SDA's jurisdiction experienced a major plant opening after the period for which the economic data was generated, therefore, the Governor adjusted the Secretary's Performance Standard downward by 5%. The −5% would be entered in "Block O".

P. Block P—Governor's Adjustment Within Parameters

The Governor's Adjustment Within Parameters will be the percentage points (dollars for the cost per measures and the average wage at placement measure) which will be added to or subtracted from the Secretary's Performance Standard ("Block M").

Examples:

If the Secretary's Performance Standard for the entered employment rate is 50% and the Governor's Adjustment Factor Within Parameters ("Block O") is +5%, then the Governor's Adjustment Within Parameters ("Block P") is +2.5% points.

If the Secretary's Performance Standard for the cost per entered employment is $4,500 and the Governor's Adjustment Factor Within Parameters ("Block O") is −5%, then the Governor's Adjustment Within Parameters ("Block P") is −$225.

Q. Block Q—SDA Performance Standard

The figure entered for the Governor's Adjustment Within Parameters ("Block P") should be added to or subtracted from the Secretary's Performance Standard ("Block M"). The result of this calculation is the SDA Performance Standard.

Exampes:

If the Secretary's Performance Standard for the entered employment rate is 50% ("Block M") and the Governor's Adjustment Within Parameters is +2.5% points ("Block P"), then the SDA performance Standard is 52.5%.

If the Secretary's Performance Standard for the cost per entered employment is $4,500 and the Governor's Adjustment Within Parameters is $225, then SDA Performance Standard is $4,275

Instructions for Completing the JTPA Performance Standards Worksheet (Welfare Entered Employment Rate)

A. Blocks A through E

Complete in accordance with the instructions provided for the JTPA Performance Standards Worksheets (PSW) for the other six measures.

B. Line 1—Secretary's Performance Standard for the Adult Entered Employment Rate

Transfer the figure in "BLock M" (Secretary's Performance Standard) from the completed PSW for the adult entered employment rate measure.

C. Line 2—SDA (State) Welfare Entered Employment Rate Ratio

Enter the ratio of the welfare entered employment rate to the Total entered employment rate and shown on Attachment #1, PART D. Where the jurisdiction of the SDA is the same as that of the previous year, the SDA's ratio should be entered on "Line 2". Where the jurisdiction of the SDA is

different, the State's ratio should be entered on "Line 2".

D. Line 3—Welfare Entered Employment Rate

Multiply the SDA (State) Welfare Entered Employment Rate Ratio ("Line 2") by the Secretary's Performance Standard for the Adult Entered Employment Rate ("Line 1") and post the results on "Line 3".

E. Block M—Secretary's Performance Standard

Transfer the figure shown on "Line 3" above to "Block M".

F. Blocks N through Q

Complete in accordance with the instructions for the JTPA Performance Standards Worksheets (PSW) for the other six measures.

Part C—Supplemental Instructions for Calculating Selected Items on the JTPA Performance Standards Worksheets

The following provides detailed instructions regarding data sources and computations for entries on the JTPA Performance Standards Worksheets for Column G (SDA Factor Values).

Column G (SDA Factor Values)—The following describes the sources of the planning data to be used in computing the planned value for each local factor found to influence performance expectations. The factors are terminee characteristics, average weeks participated, and economic data. Data concerning the terminee characteristics and the average weeks participated should be obtained from the SDA's. Local economic data are provided in PART D of this Attachment. If the SDA's geographical configuration is the same as the previous year, then the local economic data provided in PART D of this Attachment should be used. If the SDA's geographical configuration is different, the local economic data should be obtained from the State Employment Security Agency (SESA) or the SDA (if not already provided by the ETA). The specific entries for SDA Planned Values will be posted in "Column G" of the appropriate PSW.

1. *Terminee Characteristics.* Compute the percentages comprising the SDA Factor Values for terminee characteristics by utilizing the planned termination data for age, race, sex, public assistance status, educational status, etc. obtained from the SDA's. In computing the SDA Factor Values, the planned cumulative data through June 30, 1984 should be used. The basic formula for determining these entries is:

—the planned cumulative number of terminations through June 30, 1984 for each characteristic as a percent of the planned cumulative number of total terminations from the program.

Note.—Actual SDA Factor Values based on actual cumulative data through June 30, 1984 should be used in lieu of the planned SDA Factor Values when the Secretary's Performance Standards are recalculated at the end of the performance period. The basic formula for determining the actual SDA Factor Values entries is:

—the actual cumulative number of terminations through June 30, 1984 for each characteristic as a percent of the actual cumulative number of total terminations from the program.

Example: SDA #1 submits a plan which contains the following planned characteristic data through June 30, 1984:

Adult terminee characteristics	Planned adult terminations
Total	1,000
Males	531
Females	469
22 to 44 years	700
45 to 54 years	190
55 years and up	110
White	236
Black	412
Hispanic	301
American Indian or Alaska Native	30
Asian or Pacific Islander	21
Post High School	300
Students (High School or Less)	0
Dropouts	250
High School Grad (or Equiv.)	450
Handicapped	95
UI Claimants	100
Welfare Recipients	350

The SDA Factor Values which would be posted in "Column G" of the appropriate PSW for SDA #1 would be as follows:

Local factors (percent)	Computation	SDA planned values
Female	469÷1,000	49.9
45 to 54 years	190÷1,000	19.0
55 years and up	110÷1,000	11.0
Black	412÷1,000	41.2
Hispanic	301÷1,000	30.1
Other minority	(30+21)÷1,000	5.1
Dropouts	250÷1,000	25.0
Handicapped	95÷1,000	9.5
UI claimants	100÷1,000	10.0
Welfare recipients	350÷1,000	35.0

Similar calculations as those shown above should be done in order to compute the SDA Factor Values for all of the terminee characteristics included as local factors in "Column F".

2. *Average Weeks Participated.* SDA's should provide to the Governor the planned average number of weeks of participation of all terminees. The planned Average Weeks Participated number should be entered in "Column G", SDA Factor Values.

3. *Local Economic Conditions.* The remaining local factors reflect SDA planning assumptions pertaining to economic conditions. The specific economic factors are:

—Unemployment Rate;

—Average Wage for the Area

As previously stated, PART D of this Attachment provides local economic data pertaining to CETA prime sponsors during FY 1982. To the extent that the SDA's geographical configuration is the same as the previous program period, the planning data on PART D of this Attachment should be used. If the SDA's geographical configuration is different, the SDA Factor Values for the economic factors should be obtained from the SESA or the SDA (if not already provided by the ETA). To the extent feasible, updated SDA economic planning data will be supplied by the ETA at a later date.

Performance Measures Calculation Formulas—Use the following formulas in order to compute the performance measures listed below:

Performance Measure and Applicable program(s)

(1) Entered Employment Rate—Adult and Youth

Planned Total Terminees Who Will Obtain Employment—Planned Total Terminees

(2) Cost per Entered Employment—Adult

Planned Total Expenditures, Including Administrative Costs—Planned Total Terminees Who Will Obtain Employment

(3) Average Wage at Placement—Adult
Average Wage of all Terminees who Entered Employment at Time of Termination

(4) Positive Termination Rate—Youth
Planned Total Terminees who will: (Obtain Employment) + (Enter non-Title II Training) + (Return to Full-Time School) + (Complete Program Objectives—14–15 Years Only) + (Complete Major Level of Education)—Planned Total Terminees

(5) Cost Per Positive Termination—Youth
Planned Total Expenditures, including Administrative Costs—Planned Total Terminees who will: (obtain Employment) + (Enter non-Title II Training) + (Return to Full-Time School) + (Complete Program Objectives—14–15 Years Only) + (Complete Major Level of Education)

Part D—Local Economic Data or Sources for Obtaining It

JOB TRAINING PARTNERSHIP ACT
FY84 PERFORMANCE STANDARDS

REGION	STATE	SPONSOR NAME	PUBLIC ASSISTANCE ENTERED EMPLOYMENT RATE RATIO	ANNUAL AVERAGE PAYROLL PER EMPLOYEE	UNEMPLOYMENT RATE T-81 TO 6-82
1	MASSACHUSETTS		0.82	15069	7.5
		CITY OF BOSTON	0.68	17062	8.1
		EMHRDA	0.73	16350	7.0
		FALL RIVER CETA CONSURTM	0.80	12277	10.7
		NEW BEDFORD CONS	0.86	12277	11.1
		HAMPDEN CO MANPOWER CONS	0.75	13682	7.8
		WORCESTER CONSORTIUM	0.83	13958	6.9
		LOWELL CONS	0.87	16350	7.1
		CITY OF BROCKTON	0.79	12661	8.9
		MASS OFC MANPOWER AFFAIRS	0.88	14262	7.0
		PITTSFIELD	0.52	14079	7.8
		SALEM AREA EST ADMIN	0.84	14236	7.0

EXAMPLE

[FR Doc. 83-10941 Filed 4-25-83; 8:45 am]
BILLING CODE 4510-30-M

[TA-W-13,329]

Bendix Corp., Heavy Vehicle Systems Group, Elyria, Ohio; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on January 12, 1983 applicable to all workers of the Elyria, Ohio plant of the Bendix Corporation, Heavy Vehicle Group. The Notice of Certification was published in the **Federal Register** on January 21, 1983 (FR 2856).

On the basis of additional information, the Office of Trade Adjustment Assistance, on its own motion, reviewed the certification for the Elyria, Ohio plant, TA-W-13,329. The additional information revealed that company imports of crankshafts began in June 1981 and the first impact of these importations were felt in August 1981. Substantial layoffs and declines in production occurred several weeks before the Department's initial impact date of November 1, 1981. Consequently, these layoffs were not covered by the initial certification.

The intent of the certification for workers at the Elyria, Ohio plant is to cover all workers who were affected by the decline in production of crankshafts and air compressors which was related to the increase in imports of "like or directly competitive articles." The certification for workers at the Elyria, Ohio plant, TA-W-13,329, therefore, is amended by changing the November 1, 1981 impact date to August 1, 1981.

The certification applicable to TA-W-13,329 is hereby amended and issued as follows:

All workers of Elyria, Ohio plant of Bendix Corporation, Heavy Vehicle System, who became totally or partially separated from employment on or after August 1, 1981 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this April 19, 1983.

Robert A. Schaerfl,

Director, Office of Program Management, Unemployment Insurance Service.

[FR Doc. 83-11128 Filed 4-25-83; 8:45 am]
BILLING CODE 4510-30-M

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period April 11, 1983–April 15, 1983

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-13,744; Our Sportswear, Inc., Elysburg, PA

TA-W-13,407; Republic Steel Corp., Manufacturing Group, Storage Rack Div., Coil Coating Div., Youngstown, OH

TA-W-13,432; Parker Majestic, Inc., Detroit, MI

TA-W-13,720; Teledyne Vasco, Latrobe, PA

TA-W-13,804; Pennsylvania Wire Rope Corp., Williamsport, PA

TA-W-13,717; Mansfield Sportswear, Inc., New York, NY

TA-W-13,778; U.S. Steel Corp., Texas Works, Baytown, TX

TA-W-13,201; Phelps Dodge Corp., Morenci, AZ

TA-W-13,587; Phelps Dodge Corp., Douglas, AZ

TA-W-13,588; Phelps Dodge Corp., Ajo, AZ

TA-W-13,665; Phelps Dodge Corp., Tyrone, NM

TA-W-13,926; Phelps Dodge Corp., El Paso, TX

In the following cases the investigation revealed that criterion (3) has not been met for the reasons specified.

TA-W-13,708; Armco, Inc., Harewood Mine, Longacer, WV

Aggregate U.S. imports of metallurgical coke are negligible.

TA-W-13,701; Ford Motor Company, Metuchen Assembly Plant, Edison, NJ

Aggregate U.S. imports of subcompact automobiles did not increase as required for certification.

TA–W–13,927; Price River Coal Co., #3 Mine, Helper, UT

Aggregate U.S. imports of steam coal are negligible.

TA–W–13,928; Price River Coal Co., #5 Mine, Helper, UT

Aggregate U.S. imports of steam coal are negligible.

TA–W–13,929; Price River Coal Co., Preparation Plant, Helper, UT

Aggregate U.S. imports of steam coal are negligible.

Affirmative Determinations

TA–W–13,412; Consolidated Aluminum Corp., Hannibal, OH

A certification was issued in response to a petition received on April 7, 1982 covering all workers separated on or after September 6, 1981.

TA–W–13,416; Ormet Corp., Hannibal, OH

A certification was issued in response to a petition received on April 5, 1982 covering all workers separated on or after September 6, 1981.

TA–W–13,737; U.S. Steel Corp., Gary Works, Tubing Specialties Div., Gary, IN

A certification was issued in response to a petition received on August 18, 1982 covering all workers separated on or after January 1, 1982.

TA–W–13,585; Sunbeam Corp., Oster Div., Glendale, WI

A certification was issued covering all workers employed in the production of back massagers and vibra massagers who were separated on or after April 1, 1982 and before January 1, 1983.

TA–W–13,630; Jones & Laughlin Steel Corp., Campbell Works, Campbell, OH

A Certification was issued in response to a petition received on June 28, 1982 covering all workers of the Campbell works of Jones & Laughlin Steel Corp., Campbell, OH engaged in employment related to the production of pipe and tubing who became totally or partially separated from employment on or after January 1, 1982.

I hereby certify that the aforementioned determinations were issued during the period April 11, 1983–April 15, 1983. Copies of these determinations are available for inspection in Room 9120, U.S. Department of Labor, 601 D Street, N.W., Washington, D.C. 20213 during normal business hours or will be mailed to persons who write to the above address.

Dated: April 19, 1983.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance

[FR Doc. 83–11118 Filed 4–25–83; 8:45 am]

BILLING CODE 4510–30–M

Federal-State Unemployment Compensation Program; Ending of Extended Benefit Period in Nevada

This notice announces the ending of the Extended Benefit Period in Nevada, effective on April 23, 1983.

Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. The Extended Benefit Program takes effect during periods of high unemployment in a State, to furnish up to 13 weeks of extended unemployment benefits to eligible individuals who have exhausted their rights to regular unemployment benefits under permanent State and Federal unemployment compensation laws. The Act is implemented by State unemployment compensation laws and by Part 615 of Title 20 of the Code of Federal Regulations (20 CFR Part 615).

Extended Benefits are payable in a State during an Extended Benefit Period, which is triggered "on" when the rate of insured unemployment in the State reaches the State trigger rate set in the Act and the State law. During an Extended Benefit Period individuals are eligible for a maximum of up to 13 weeks of benefits, but the total of Extended Benefits and regular benefits together may not exceed 39 weeks.

The Act and the State unemployment compensation laws also provide that an Extended Benefit Period in a State will trigger "off" when the rate of insured unemployment in the State is no longer at the trigger rate set in the law. A benefit period actually terminates at the end of the third week after the week for which there is an off indicator, but not less than 13 weeks after the benefit period began.

An Extended Benefit Period commenced in the State of Nevada on January 23, 1983 and has now triggered off.

Determination of "off" Indicator

The head of the employment security agency of the State named above has determined that the rate of insured unemployment in the State for the period consisting of the week ending on April 2, 1983, and the immediately preceding twelve weeks, fell below the State trigger rate, so that for that week there was an "off" indicator in the State.

Therefore, the Extended Benefit Period in the State terminated with the week ending on April 23, 1983.

Information for Claimants

The State employment security agency will furnish a written notice to each individual who is filing claims for Extended Benefits of the end of the Extended Benefit Period and its effect on the individual's right to Extended Benefits. 20 CFR 615.13(d)(3).

Persons who wish information about their rights to Extended Benefits in the State named above should contact the nearest State employment service office or unemployment compensation claims office in their locality.

Signed at Washington, D.C., on 20th of April 1983.

Albert Angrisani,

Assistant Secretary of Labor.

[FR Doc. 83–11125 Filed 4–25–83; 8:45 am]

BILLING CODE 4510–30–M

Federal-State Unemployment Compensation Program; New Extended Benefit Period in the Virgin Islands

This notice announces the beginning of a new Extended Benefit Period in the Virgin Islands, effective on April 17, 1983.

Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. The Extended Benefit Program takes effect during periods of high unemployment in a State, to furnish up to 13 weeks of extended unemployment benefits to eligible individuals who have exhausted their rights to regular unemployment benefits under permanent State and Federal unemployment compensation laws. The Act is implemented by State unemployment compensation laws and by Part 615 of Title 20 of the Code of Federal Regulations (20 CFR Part 615).

In accordance with section 203(d) of the Act each State unemployment compensation law provides that there is a State "on" indicator in the State for a week if the head of the State employment security agency determines that, for the period consisting of that week and the immediately preceding 12 weeks, the rate of insured employment under the State unemployment compensation law equalled or exceeded the State trigger rate. The Extended

Benefit Period actually begins with the third week following the week for which there is an "on" indicator. A benefit period will be in effect for a minimum of 13 consecutive weeks, and will end the third week after there is an "off" indicator.

Determination of "on" Indicator

The head of the employment security agency of the State named above has determined that the rate of insured unemployment in the State, for the period consisting of the week ending on April 2, 1983, and the immediately preceding 12 weeks, rose to a point that equals or exceeds the State trigger rate, so that for that week there was an "on" indicator in the State.

Therefore, a new Extended Benefit Period commenced in the State with the week beginning on April 17, 1983.

Information for Claimants

The duration of extended benefits payable in the new Extended Benefit Period, and the terms and conditions on which they are payable, are governed by the Act and the State unemployment compensation law. The State employment security agency will furnish a written notice of potential entitlement to extended benefits to each individual who has established a benefit year in the State that will expire after the new Extended Benefit Period begins, and who has exhausted all rights under the State unemployment compensation law to regular benefits before the beginning of the new Extended Benefit Period. 20 CFR 615.13(d)(1). The State employment security agency also will provide such notice promptly to each individual who exhausts all rights under the State unemployment compensation law to regular benefits during the Extended Benefit Period, including exhaustion by reason of the expiration of the individual's benefit year. 20 CFR 615.13(d)(2).

Persons who believe they may be entitled to extended benefits in the State named above, or who wish to inquire about their rights under the Extended Benefit Program, should contact the nearest State employment service office or unemployment compensation claims office in their locality.

Signed at Washington, D.C., on 20th of April 1983.

Albert Angrisani,

Assistant Secretary of Labor.

[FR Doc. 83-1124 Filed 4-25-83; 8:45 am]

BILLING CODE 4510-30-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 6, 1983.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 6, 1983.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, N.W., Washington, D.C. 20213.

Signed at Washington, D.C. this 18th day of April 1983.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition	Articles produced
Distillers Co. Ltd. (Distillers Workers and Allied International Union of America).	Linden, NJ	4/12/83	4/7/83	TA-W-14,574	Gin and vodka.
Fedders Automotive Components Co. (USWA)	Buffalo, NY	3/11/83	3/8/83	TA-W-14,575	Auto heaters.
Jay Cee Sportswear, Inc. (workers)	Hialeah, FL	4/13/83	4/7/83	TA-W-14,576	Swimwear and dancewear—ladies
Knickerbocker Toy Co. (Amegamated Industrial Toy and Novelty Workers).	Middlesex, NJ	4/12/83	3/28/83	TA-W-14,577	Stuffed toys.
London Handbag Co. (company)	Dallas, TX	4/12/83	4/8/83	TA-W-14,578	Vinyl and fabric handbags
Maxwell House Division General Foods Mfg. Corp. (UFCW)	Hoboken, NJ	4/14/83	3/31/83	TA-W-14,579	Vacuum packed and instant coffee
Mckeesport Coating Co. (USWA)	McKeesport, PA	4/12/83	4/6/83	TA-W-14,580	Apply coating to steel pipes.
Montgomery Sportswear Corp. (workers)	Montgomery, NY	4/12/83	4/6/83	TA-W-14,581	Men's outerwear
National Power Products, Inc. (workers)	Belmont, NH	4/13/83	4/11/83	TA-W-14,582	Modular encapsulated power supplies.
Sandvik, Inc (workers)	Columbus, OH	4/12/83	4/7/83	TA-W-14,583	Carbide cutting tools
Wheeling Machine Products, Inc. (USWA)	Wheeling, WV	4/12/83	4/6/83	TA-W-14,584	Couplings and pipfittings
Acme Cleveland Corp., National Acme Division (workers)	Cleveland, OH	4/9/83	4/4/83	TA-W-14,585	Automatic multiple spindle bar and chucking machines
Alta Products Corp. (United Textile Workers of America)	Wilkes-Barre, PA	4/11/83	4/5/83	TA-W-14,586	Women's shoes and slippers
Amherst Mine #7 (workers)	Rum Creek, WV	3/14/83	3/9/83	TA-W-14,587	Coal mining
General Motors Corp., Packard Electnc Division (IUE)	Brookhaven, MS	4/11/83	4/6/83	TA-W-14,588	Wire harnesses
Guterl Special Steel Corp., Simonds Steel Division (USWA).	Lockport, NY	3/15/83	3/14/83	TA-W-14,589	High alloy steel and stainless steel bar products.
Kennecott Minerals Co. Nevada Mines Division (USWA)	Ruth, NV	2/14/83	2/4/83	TA-W-14,590	Copper.
M. J. Manufacturing Co. (ACTWU)	St. Louis, MO	4/11/83	4/7/83	TA-W-14,591	Men's outerwear.
McKeesport Connecting Railroad (UTU)	McKeesport, PA	4/12/83	4/7/83	TA-W-14,592	Transports steel, steel pipe and billets.
Oneida Materials Co. (Teamsters)	Cucamonga, CA	3/21/83	3/16/83	TA-W-14,593	Recycling processing de-oiling of mill scale.
Palm Beach Company (workers)	Roanoke, AL	4/11/83	4/4/83	TA-W-14,594	Ladies' coats and vests.
Recticel Foam Corp. (ACTWU)	Buffalo, NY	4/11/83	3/30/83	TA-W-14,595	Polyurethane foam.
Gulf + Western Mfg. Co./Taylor-Bonney International (workers).	Bellaire, TX	4/14/83	4/11/83	TA-W-14,596	Sales Office of Gulf + Western.
Do	Clark, NJ	4/14/83	4/11/83	TA-W-14,597	Sales Office of Gulf + Western.
Do	Oakbrook, IL	4/14/83	4/11/83	TA-W-14,598	Sales Office of Gulf + Western.
Do	Atlanta, GA	4/14/83	4/11/83	TA-W-14,599	Sales Office of Gulf + Western.
Do	Whittier, CA	4/14/83	4/11/83	TA-W-14,600	Sales Office of Gulf + Western.
Minotola Industries (ILGWU)	Vineland, NJ	4/15/83	4/11/83	TA-W-14,601	Sportswear—women.

APPENDIX—Continued

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition	Articles produced
Eastern Knitting Mills (ILGWU)	Bleheim, NJ	4/15/83	4/2/83	TA-W-14,602	Sweaters—men's and women's

[FR Doc. 83-11119 Filed 4-25-83; 8:45 am]
BILLING CODE 4510-30-M

[TA-W-13,728]

CF & I Steel Corp., et al.; Revised Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In the matter of CF & I Steel Corp., Pueblo, Colorado; CF & I Steel Corp., Monarch Quarry, Monarch, Colorado; and CF & I Steel Corp., Canon Quarry, Canon City, Colorado.

In accordance with Section 223 of the Trade Act of 1974, on March 23, 1983, the Department of Labor issued a certification of eligibility to apply for adjustment assistance to all workers of CF & I Steel Corporation, Pueblo, Colorado.

Subsequent to the certification, the Office of Trade Adjustment Assistance received a request to review and redetermine the impact date for the workers of CF & I Steel Corporation, Pueblo, Colorado, engaged in employment related to the production of seamless pipe and tubing, steel rails, rolled products, wire and wire products, basic and semi-finished steel, coke and coke chemicals, and to expand the scope of the investigation to include workers of CF & I's limestone and dolomite quarries, located in Monarch and Canon City, Colorado, respectively. Further investigation initiated in response to this request revealed that U.S. imports of seamless carbon steel pipe and tubing, carbon steel structural shapes, steel rails, carbon steel wire rod and carbon steel wire increased absolutely in 1981 compared to 1980; and surveyed customers reduced purchases of seamless carbon steel pipe and tubing, rolled products, carbon steel wire rod and carbon steel wire and wire products from CF & I Steel Corporation in 1981 compared to 1980 while increasing purchases of imported seamless carbon steel pipe and tubing, rolled products, carbon steel wire rod and wire and wire products.

The investigation also revealed that operations at the limestone quarry are of a seasonal nature, with no production from late October through April of each year. Employees were not recalled in April of 1982 as a result of a decision by CF & I to obtain its burnt lime (limestone in a further stage of processing) from other domestic sources. CF & I relied upon other domestic sources for all of its needs from May to July 1982, by which time CF & I temporarily suspended all production operations which require limestone as a raw material.

Furthermore, the investigation revealed that dolomite extracted from the dolomite quarry in Canon City, Colorado was used in the Pueblo plant's soaking pits. By late April 1983, as a result of reduced production of rails and rounds (unfinished rail and pipe), most of the soaking pits were shut down. The dolomite quarry itself was shut down by the first week of June 1982, by which time all employees were laid off.

The certification, therefore, is revised to include workers of CF & I Steel Corporation, Pueblo, Colorado, engaged in employment related to the production of seamless pipe and tubing, steel rails, rolled products, wire and wire products, including rod, basic and semi-finished steel, coke and coke chemicals, who were separated prior to the January 1, 1982 impact date, and workers of CF & I Steel Corporation, Canon Quarry, Canon City, Colorado.

The revised certification would not affect workers engaged in employment related to the production of rail accessories, grinding media and mine supplies at the Pueblo plant.

The revised certification applicable to TA-W-13,728 is hereby issued as follows:

All workers of the CF & I Steel Corporation, Pueblo, Colorado engaged in employment related to the production of seamless pipe and tubing, steel rails, rolled products, wire and wire products, basic and semi-finished steel, coke and coke chemicals, who became totally or partially separated from employment on or after August 11, 1981, and all workers of the Canon Quarry of CF & I Steel Corporation, Canon City, Colorado who become totally or partially separated from employment on or after April 30, 1982 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

I further determine that all workers of CF & I Steel Corporation, Pueblo, Colorado, engaged in employment related to the production of rail accessories, grinding media and mine supplies, and all workers of the Monarch Quarry of CF & I Steel Corporation, Monarch, Colorado be denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 18th day of April 1983.

Harold A. Bratt,

Deputy Director, Office of Program Management, Unemployment Insurance Service.

[FR Doc. 83-11121 Filed 4-25-83; 8:45 am]
BILLING CODE 4510-30-M

[TA-W-13,773]

Magma Copper Co., Superior, Arizona; Negative Determination Regarding Application for Reconsideration

By an application dated March 29, 1983, the United Steelworkers of America requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance in the case of workers and former workers at Magma Copper Company, Superior, Arizona. The determination was published in the **Federal Register** on March 22, 1983 (48 FR 12006).

Pursuant to 29 CFR 90.18(c), reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts previously considered; or

(3) If, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justifies reconsideration of the decision.

In its request for reconsideration, the Union argues that the Department's decision should have been based on the total copper content of imported copper (ore concentrates, matte, blister, refined and scrap) instead of imports of refined copper. Had this been done, according to the Union, there would have been a sufficient basis for an affirmative determination of eligibilty, given the declining domestic production of refined copper. The Union indicated that there was no survey of customers of Magma Copper cited in the Department's negative determination. Lastly, the union suggests that the Magma Copper

determination was inconsistent with those issued by the Department for workers producing refined copper at Kennecott Corporation, TA-W-13,509; 13,628; 13,648 and 13,649.

In the instant case the Department's investigation revealed that all copper ore and concentrates produced by the company was used in company production of cathodes. Neither copper ore nor copper concentrate was marketed to outside customers. That being the case, the proper focus of competitive impact is on the final product i.e., copper cathodes and rods. The Department used imports of refined copper as the product like or directly competitive with the products produced by the company. The investigation revealed that refined copper imports had declined both in absolute and relative terms during the period relevant to the investigation. Total domestic production of refined copper declined while U.S. exports of refined copper increased during the investigative period.

The Department is not obliged to conduct a customer survey as substantiating the "contributed importantly" part of Section 222 of the Act for group certification if the increased import criterion of that Section is not met. All of the criteria of Section 222 of the Act must be met for certification.

The Department's initial denial for trade adjustment assistance for Magma Copper workers is not inconsistent with certifications issued to the Kennecott Corporation. The decisions were different because the facts pertinent to the decision in the respective cases were different. Each worker petition must be handled on its own merits for the appropriate time frame for which it was filed in determining whether it meets the satutory criteria of Section 222 of the Trade Act. The worker investigations for workers at Kennecott (TA-W-13,509; 13,628; 13,648 and 13,649) were instituted in an earlier time frame when only import data for the first six months of 1982 was available. The data was used in conjunction with company data for the same period. The worker petition for Magma Copper (TW-W-13,776) was filed later when data on imports of refined copper in the first nine months of 1982 became available. Data now on file show that U.S. imports of refined copper for the entire 1982 year declined 22 percent compared to 1981. Company data for the same relevant period was used in the investigation.

Conclusion

After careful review of the application and the investigative file, I conclude that there has been no error or misinterpretation of the law which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is, denied.

Signed at Washington, D.C. this 18th day of April 1983.

Harold A. Bratt,

Deputy Director, Office of Program Management, Unemployment Insurance Service.

[FR Doc. 83-11120 Filed 4-25-83; 8:45 am]

BILLING CODE 4510-30-M

Job Training Partnership Act (Pub. L. 97-300); Additional Fiscal Year 1983 Allocations Under Title III, Section 301(b); Employment and Training Assistance for Dislocated Workers

AGENCY: Employment and Training Administration, Labor.

SUMMARY: Amounts allotted to States for programs under Title III, Section 301(b) of JTPA were published in the **Federal Register** on Tuesday, February 8, 1983. Those funds were made available through Pub. L. 97-377. This notice sets forth additional funds made available pursuant to the emergency job legislation—Pub. L. 98-8—which the President signed into law on March 24, 1983.

FOR FURTHER INFORMATION CONTACT: Robert N. Colombo, Acting Director, Office of Employment and Training Programs, Employment and Training Administration, 601 D Street NW., Washington, D.C. 20213, telephone number (202) 376-6093.

SUPPLEMENTARY INFORMATION: Additional JTPA Title III dislocated worker funds are being made available pursuant to Pub. L. 98-8 which was signed into law by the President on March 24, 1983. There are no non-federal matching requirements for these funds.

These funds are being distributed in accordance with the JTPA title III statutory formula and the latest available data. The data used for relative number of unemployed and relative number of excess unemployed are an average for the period February 1982 through January 1983. The long-term unemployment data are 1982 annual averages.

These funds are in addition to funds provided to Governors in February for dislocated worker programs. Governors are being advised in writing of the procedures to follow in applying for these funds.

Following are the allotments for each State along with an explanation for each column.

Column 1 is a listing of each State.

Column 2 is the annual average unemployment rate for each State based on data for the months October 1981 through September 1982. This is the unemployment data used to compute the non-federal match required for funds announced in February.

Column 3 indicates the number of units by which the matching requirements are reduced. This column does not apply to the additional dislocated worker funds since there is no non-federal matching requirement.

Column 4 shows a total amount of $18,750,000 and is the original Title III dislocated worker allotment provided to the Governors in February.

Column 5 shows a total amount of $12,952,931 and is the original amount States had to provide in matching in order to qualify for the Federal funds shown in Column 4.

Column 6 shows a total amount of $31,702,931 and is the total program level for the original dislocated worker program. This is a total of Columns 4 and 5.

Column 7 shows a total amount of $63,750,000 and is the additional funds now being made available pursuant to the recently passed Pub. L. 98-8. These are Federal funds and are not subject to matching requirements.

Column 8 show a total amount of $95,452,931 and is the new total program level. This is the total of Columns 6 and 7.

Signed this 14th day of April 1983.

Joyce Kaiser,

Associate Assistant Secretary for Employment and Training.

March 29, 1983.

U.S. DEPARTMENT OF LABOR—EMPLOYMENT AND TRAINING ADMINISTRATION, OFFICE OF FINANCIAL CONTROL AND MANAGEMENT SYSTEMS, FISCAL YEAR 1983 JTPA TITLE III, DISLOCATED WORKER PROGRAM, ALLOTMENTS AND MATCHING REQUIREMENTS

1	Unemployment rate 2	Reduction units 3	Initial allotment 4	Required match 5	Total program 6	Emergency jobs allotment 7	New total program 8
Alabama	13.3	5	460,786	0	460,786	1,608,754	2,069,540
Alaska	9.8	1	33,967	27,174	61,141	111,761	172,902
Arizona	8.7	0	179,685	179,685	359,370	724,666	1,084,036
Arkansas	9.9	1	168,849	135,079	303,928	525,425	829,353
California	9.3	1	1,937,839	1,550,271	3,488,110	6,923,535	10,4111,645
Colorado	5.6	0	148,254	148,254	296,508	610,650	907,158
Connecticut	6.7	0	169,379	169,379	338,758	552,257	891,015
Delaware	8.6	0	47,429	47,429	94,858	125,838	220,696
District of Columbia	10.3	2	67,863	40,718	108,581	202,450	311,031
Florida	7.7	0	569,017	569,017	1,138,034	1,980,364	3,118,398
Georgia	7.5	0	303,431	303,431	606,862	1,028,913	1,635,775
Hawaii	6.4	0	42,071	42,071	84,142	141,295	225,437
Idaho	9.4	1	67,776	54,221	121,997	232,770	354,767
Illinois	10.3	2	1,204,194	722,516	1,926,710	4,057,334	5,984,044
Indiana	11.8	3	646,670	258,668	905,338	1,985,288	2,890,626
Iowa	8.5	0	215,461	215,461	430,922	726,694	1,157,616
Kansas	5.6	0	93,189	93,189	186,378	359,574	545,952
Kentucky	10.2	1	307,270	245,816	553,086	1,005,748	1,558,834
Louisiana	10.1	1	333,010	266,408	599,418	1,037,450	1,636,868
Maine	8.3	0	68,625	68,625	137,250	236,457	373,707
Maryland	8.6	0	342,275	342,275	684,550	1,011,851	1,696,401
Massachusetts	7.8	0	361,786	361,786	723,572	1,268,559	1,992,131
Michigan	14.6	6	1,446,231	0	1,446,231	4,565,801	6,012,032
Minnesota	6.8	0	231,339	231,339	462,678	919,070	1,381,748
Mississippi	10.3	2	200,123	120,074	320,197	700,417	1,020,614
Missouri	8.7	0	376,949	376,949	753,898	1,218,260	1,972,158
Montana	8.4	0	57,127	57,127	114,254	179,778	294,032
Nebraska	5.4	0	51,991	51,991	103,982	226,599	330,581
Nevada	8.7	0	70,944	70,944	141,888	291,521	433,409
New Hampshire	6.7	0	48,022	48,022	96,044	175,665	271,709
New Jersey	8.5	0	560,493	560,493	1,120,986	1,828,086	2,949,072
New Mexico	8.5	0	83,832	83,832	167,664	289,376	457,040
New York	8.1	0	1,261,093	1,261,093	2,522,186	3,895,876	6,418,062
North Carolina	8.4	0	406,781	406,781	813,562	1,465,261	2,278,823
North Dakota	5.0	0	25,801	25,801	51,602	69,427	121,029
Ohio	11.8	3	1,288,463	515,385	1,803,848	4,389,353	6,193,201
Oklahoma	5.0	0	80,853	80,853	161,706	333,087	494,793
Oregon	11.2	2	279,206	167,524	446,730	968,641	1,415,371
Pennsylvania	10.2	1	1,118,333	894,666	2,012,999	3,870,301	5,883,300
Puerto Rico	22.4	14	433,201	0	433,201	1,370,816	1,804,017
Rhode Island	9.0	0	73,802	73,802	147,604	285,181	432,785
South Carolina	10.6	2	284,058	170,435	454,493	951,079	1,405,572
South Dakota	5.1	0	20,125	20,125	40,250	77,782	118,032
Tennessee	10.9	2	434,814	260,888	695,702	1,509,322	2,205,024
Texas	6.2	0	605,854	605,854	1,211,708	2,154,706	3,366,414
Utah	7.5	0	79,468	79,468	158,936	260,258	419,194
Vermont	7.0	0	27,012	27,012	54,024	87,238	141,262
Virginia	7.1	0	282,792	282,792	565,584	1,051,958	1,617,542
Washington	11.7	3	431,351	172,540	603,891	1,553,661	2,157,552
West Virginia	11.7	3	210,139	84,056	294,195	745,674	1,039,869
Wisconsin	9.5	1	460,589	368,471	829,060	1,664,953	2,494,013
Wyoming	4.9	0	13,141	13,141	26,282	64,658	90,940
Virgin Islands	0.0	0	16,387	0	16,387	56,562	72,949
American Samoa	0.0	0	3,219	0	3,219	11,111	14,330
Guam	0.0	0	13,402	0	13,402	45,258	59,660
Trust Territories	0.0	0	3,753	0	3,753	12,954	16,707
Northern Marianas	0.0	0	486	0	486	1,677	2,163
National Total	9.2	0	18,750,000	12,952,931	31,702,931	63,750,000	95,452,931

[FR Doc. 83-10792 Filed 4-25-83; 8:45 am]

BILLING CODE 4510-30-M

Job Training Partnership Act (Pub. L. 97-300); Proposed Fiscal Year (FY) 1984 Allotments for Programs Under Title II, Part A; Training Services for the Disadvantaged; Adult and Youth Programs

AGENCY: Employment and Training Administration, Labor.

SUMMARY: This notice sets forth the proposed FY 1984 allotments to States for programs under Title II-A of the Job Training Partnership Act (JTPA). Proposed FY 1984 allotments for Titles II-B and III of JTPA will be issued at a later date.

SUPPLEMENTARY INFORMATION: Attached are proposed FY 1984 annual allotments to States for programs funded under Title II-A of the JTPA. The proposed allotments for Titles II-B and III will be issued at a later date. These proposed allotments are based on the President's January budget request for JTPA, the statutory formula contained in the Act and the latest data available to the Secretary.

These proposed allotments are subject to change as a result of any differences between the final FY 1984 JTPA appropriation and the President's January budget request for FY 1984 upon which these allotments are based.

These Title II-A proposed allotments may also be updated based on the most recent unemployment data available at the time the final allotments are issued. The Department is prepared to update the proposed allotments based on such data. However, the Department is soliciting comments on whether these proposed allotments should be updated when released as final allotments on the basis of the most recent data available at that time, or whether the final

allotments should be based on the same data as are used for these proposed allotments. In this latter case, it would mean that these proposed allotments would change only if there is a difference between the final level appropriated for Title II–A and the President's January budget request. Any decision to update based on the most recent data available would apply to all future JTPA allotments.

The attachment shows a total proposed allotment of $1,886,151,000. This amount represents 100 percent of the funds requested for the Title II–A program. This amount is composed entirely of FY 1984 formula new obligational authority funds. No matching is required for these funds. These funds support the basic job training program. The following data were used in developing these proposed allotments. Data for both areas of substantial unemployment and the number of excess unemployed individuals are averages for the 12-month period, November 1981 through October 1982. The economically disadvantaged data are from the 1980 Census.

The Title II–A proposed allotments contained in the attachment for Guam, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Marianas are based on a proposed formula published in the **Federal Register** on March 11, 1983. These allotments to the territories are subject to change as a result of any change in the proposed formula resulting from comments received on the March 11, 1983, notice.

Comment: The Title II–A proposed allotments will be updated to reflect differences between the final FY 1984 JTPA appropriation and the President's Janaury budget request for FY 1984 upon which these proposed allotments are based. The Department is soliciting comments through this notice on whether it is the preference of the States that we update the allotments based on unemployment data available at the time of tne final appropriations, or use the same data as were used in these proposed allotments.

DATE: Comments on the proposal to update the Title II–A allotments based on the most recent unemployment data at the time of the final FY 1984 JTPA appropriation must be submitted on or before May 26, 1983.

ADDRESS: Comments should be addressed to Robert N. Colombo, Acting Director, Office of Employment and Training Programs, 601 D Street NW., Room 6402, Washington, D.C. 20213.

Signed this 14th day of April 1983.

Joyce Kaiser,

Associate Assistant Secretary for Employment and Training.

April 4, 1983.

U.S. DEPARTMENT OF LABOR, EMPLOYMENT AND TRAINING ADMINISTRATION, OFFICE OF FINANCIAL CONTROL AND MANAGEMENT SYSTEMS, FISCAL YEAR 1984 TITLE II–A ALLOTMENTS TO STATES

	Allotments
Alabama	44,677,679
Alaska	4,702,878
Arizona	21,875,801
Arkansas	20,476,758
California	201,781,945
Colorado	17,107,213
Connecticut	18,878,260
Delaware	4,849,578
District of Columbia	6,563,998
Florida	65,938,037
Georgia	38,161,683
Hawaii	5,815,738
Idaho	7,820,290
Illinois	99,623,611
Indiana	51,197,132
Iowa	20,388,676
Kansas	10,630,266
Kentucky	34,439,584
Louisiana	38,219,310
Maine	8,305,709
Maryland	30,322,130
Massachusetts	39,025,904
Michigan	109,086,686
Minnesota	24,999,709
Mississippi	24,778,892
Missouri	35,624,481
Montana	6,224,592
Nebraska	6,658,411
Nevada	6,750,606
New Hampshire	5,121,964
New Jersey	55,005,077
New Mexico	10,998,226
New York	133,886,884
North Carolina	45,135,235
North Dakota	4,702,878
Ohio	103,385,356
Oklahoma	12,734,397
Oregon	25,429,021
Pennsylvania	98,316,353
Puerto Rico	66,144,892
Rhode Island	7,462,976
South Carolina	29,269,366
South Dakota	4,702,878
Tennessee	43,610,153
Texas	82,839,260
Utah	9,029,595
Vermont	4,702,878
Virginia	32,344,552
Washington	40,439,763
West Virginia	18,268,737
Wisconsin	37,992,124
Wyoming	4,702,878
American Samoa	388,917
Guam	1,619,153
Northern Marianas	129,127
Trust Territories	882,993
Virgin Islands	1,979,810
National total	1,886,151,000

[FR Doc. 83–10791 Filed 4–25–83; 8:45 am]

BILLING CODE 4510–30–M

Occupational Safety and Health Administration Advisory Committee on Construction Safety and Health; Meeting

Notice is hereby given that the Advisory Committee on Construction Safety and Health, established under Section 107(e) of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333) and Section 7(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 656) will meet on May 23–24, 1983 in the Broward Room, Sheraton Twin Towers, Orlando, Florida 32805. The meeting is open to the public and will begin at 9:00 a.m.

The agenda for this meeting will include a review of a draft proposal on crane or derrick suspended personnel platforms, a discussion of a proposed program directive on cranes, comments on a proposed standard for ethylene oxide, a discussion on asbestos, and a general discussion of construction safety and health matters.

Written data, views or comments may be submitted, preferably with 20 copies, to the Division of Consumer Affairs. Any such submissions received prior to the meeting will be provided to the members of the Committee and will be included in the record of the meeting.

Anyone wishing to make an oral presentation should notify the Division of Consumer Affairs before the meeting. The request should state the amount of time desired, the capacity in which the person will appear, and a brief outline the content of the presentation.

Oral presentations will be scheduled at the discretion of the Chairman depending on the extent to which time permits. Communications may be mailed to: Ken Hunt, Committee Management Officer, Office of Information and Consumer Affairs, Occupational Safety and Health Administration U.S. Department of Labor, 200 Constitution Avenue NW., Room N–3635, Washington, D.C. 20210; Telephone: 202–523–8024.

Materials provided to members of the Committee are available for inspection and copying at the above address.

Signed at Washington, D.C., the 20th day of April 1983.

Thorne G. Auchter,

Assistant Secretary.

[FR Doc. 83–11122 Filed 4–25–83; 8:45 am]

BILLING CODE 4510–26–M

Pension and Welfare Benefit Programs Office

Grant of Individual Exemptions; Merchants National Bank of Cedar Rapids

ACTION: Grant of Individual Exemptions.

SUMMARY: This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the

Internal Revenue Code of 1954 (the Code).

Notices were published in the **Federal Register** of the pendency before the Department of proposals to grant such exemptions. The notices set forth a summary of facts and representations contained in each application for exemption and referred interested persons to the respective applications for a complete statement of the facts and representations.The applications have been available for public inspection at the Department in Washington, D.C. The notices also invited interested persons to submit comments on the requested exemptions to the Department. In addition the notices stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicants have represented that they have complied with the requirements of the notification to interested persons. No public comments and no requests for a hearing, unless otherwise stated, were received by the Department.

The notices of pendency were issued and the exemptions are being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following findings:

(a) The exemptions are administratively feasible;

(b) They are in the interests of the plans and their participants and beneficiaries; and

(c) They are protective of the rights of the participants and beneficiaries of the plans.

The Merchants National Bank of Cedar Rapids Profit Sharing Plan and Trust (the Plan) Located in Cedar Rapids, Iowa

[Exemption Application No. D–3619; Prohibited Transaction Exemption 83–60]

Exemption

The restrictions of section 406(a) and 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the cash sale of certain fixed income obligations by the Plan to the Merchants National Bank of Cedar Rapids, provided the price paid is no less than the fiar market value of the obligations on the date of sale.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on February 4, 1983 at 48 FR 5398.

Comments and Hearing Requests

The applicant represents that it was unable to notify interested persons of the proposed exemption within the time period specified in the **Federal Register** Notice of February 4, 1983. Therefore, pursuant to discussions with the Department, all interested persons were notified of the proposed exemption on March 11, 1983 and informed that the comment period would be extended until April 11, 1983.

FOR FURTHER INFORMATION CONTACT: Ms. Linda M. Hamilton of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

Annuity Trust Fund of Exxon Corporation (the Fund) Located in Houston, Texas

[Exemption Application No. D–3623; Prohibited Transaction Exemption 83–61]

Section I. The restrictions of section 406(a), 406(b) (1) and (2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to:

(A) The contribution of certain improved real property (the Property) to the Fund by Exxon Company, U.S.A. (EUSA), a contributing employer to the Fund, provided that EUSA's Federal tax deduction for the contribution does not exceed the fair market value of the Property as of the date it is contributed to the Fund;

(B) The lease (the Lease) of office space by the Fund to Friendswood Development Company (Friendswood), a contributing employer to the Fund, entered into pursuant to the property management agreement (the Management Agreement) between the Fund and Friendswood;

(C) The grant and exchange of certain interests in the Property between Friendswood and the Fund pursuant to an easement agreement; and

(D) The joint use of certain portions of the Property by Friendswood and the Fund pursuant to a joint operating agreement (the Joint Operating Agreement).

Section II. The restrictions of section 406(b) (1) and (2) [1] of the Act and the sanctions resulting from the application of section 4975 of the code, by reason of section 4975(c)(1)(E) of the Code, shall not apply to the provision of certain real property management services to the Fund by Friendswood pursuant to the Management Agreement and the Joint Operating Agreement, provided that Friendswood receives no more than reasonable compensation for such services, pursuant to section 408(b)(2) of the Act and the regulations promulgated thereunder.

Section III. The restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code, shall not apply to the lease of space by the Fund to certain parties in interest with respect to the Fund, provided that no space is leased (other than pursuant to the Lease) to:

(A) A subsidiary, division or affilliate (as defined in section 407(d)(7) of the Act) of Exxon Corporation (Exxon), the Fund sponsor, or

(B) A person who exercises discretionary authority, responsibility or control, or who provides investment advice, either with respect to the investment of any assets of the Fund or with respect to the management or disposition of the Property.

The exemption is subject to the condition that the terms and conditions of each of the above-described transactions is at least as favorable to the Fund as those that could be obtained from an unrelated party.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on December 21, 1982 at 47 FR 56938.

The Department received no requests for a hearing but did receive one comment. The commentator noted that Exxon had secured one appraisal of the Property and asserted that more than one appraisal should be obtained because of the amount of Plan assets involved in the transactions (approximately $53,630,000 which would constitute approximately 1.6% of the Fund's current net assets). However, the commentator did not question the

[1] No exemption from section 406(a) of the Act or section 4975(c)(1) (A) through (D) of the Code is being granted for the transactions discussed in this section beyond that which is provided by the statutory exemption provided by section 408(b)(2) of the Act or section 4975(d)(2) of the Code.

statement by the Fund's independent fiduciary, Interfirst Bank Dallas, N.A., Trust Division (the Bank) concerning the general acceptability of a single appraisal, nor did he question the quality of the appraisal that was obtained or the independence of the appraiser.

The Department notes that the Bank, in its capacity as a fiduciary of the Fund, has agreed to review the terms and conditions of all the transactions for which exemptive relief is being granted. The Bank is therefore obligated to review and approve the appraisal of the Property since it is a condition of the exemption that it be contributed at no more than its fair market value. Due to the fact that both the appraiser and the Bank will be independently responsible for determining the fair market value of the Property, the Department believes that the Fund is adequately protected by securing a single appraisal of the Property.

Therefore, the Department has determined to grant the exemption as proposed.

The effective date of the exemption will be December 15, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Sandler of the Department, telephone (202) 523–8195. (This is not a toll-free number.)

Restated Employee Benefit Plan for Employees of Gas N' Sav, Inc. (the Plan) Located in New Port Richey, Florida

[Exemption Application No. D–3698; Prohibited Transaction Exemption; 83–62]

Exemption

The restrictions of sections 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of sections 4975(c)(1) (A) through (E) of the Code, shall not apply to the proposed sale of a parcel of real property (the Property) by the Plan to Gas N' Sav, Inc., the sponsor of the Plan, provided that the sales price is at least the fair market value of the Property at the time of the sale.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on February 4, 1983 at 48 FR 5399.

FOR FURTHER INFORMATION CONTACT: Louis Campagna of the Department, telephone (202) 523–8973. (This is not a toll-free number.)

Bay Cities Mortgage Company Profit-Sharing Plan (the Plan) Located in Walnut Creek, California

[Exemption Application No. D–3837; Prohibited Transaction Exemption 83–63]

Exemption

The restrictions of sections 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of sections 4975(c)(1) (A) through (E) of the Code, shall not apply to the proposed sale for cash in the amount of $9,822 by the Plan of its interest (the Interest) in a 1941 Cadillac Model 62 automobile to John T. Gidre, a party in interest with respect to the Plan, provided that the price received by the Plan in such sale is at least equal to the fair market value of the Interest at the time of the sale.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on March 4, 1983 at 48 FR 9395.

FOR FURTHER INFORMATION CONTACT: Richard Small of the Department, telephone (202) 523–7222. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) These exemptions are supplemental to and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(3) The availability of these exemptions is subject to the express condition that the material facts and representations contained in each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, D.C., this 19th day of April, 1983.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 83–10813 Filed 4–25–83; 8:45 am]

BILLING CODE 4510–29–M

Office of Pension and Welfare Benefit Programs

Grant of Individual Exemptions; Alaska Teamsters Employer Pension Trust et al.

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of individual exemptions.

SUMMARY: This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

Notices were published in the **Federal Register** of the pendency before the Department of proposals to grant such exemptions. The notices set forth a summary of facts and representations contained in each application for exemption and referred interested persons to the respective applications for a complete statement of the facts and representations. The applications have been available for public inspection at the Department in Washington, D.C. The notices also invited interested persons to submit comments on the requested exemptions to the Department. In addition the notices stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicants have represented that they have complied with the requirements of the notification to interested persons. No public comments and no requests for a hearing, unless otherwise stated, were received by the Department.

The notices of pendency were issued and the exemptions are being granted solely by the Department because,

effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following findings:

(a) The exemptions are administratively feasible;

(b) They are in the interests of the plans and their participants and beneficiaries; and

(c) They are protective of the rights of the participants and beneficiaries of the plans.

The Alaska Teamsters Employer Pension Trust (the Plan) and the Alaska Hotel and Restaurant Employees Pension Trust (the Hotel Plan) Located in Anchorage, Alaska

[Prohibited Transaction Exemption 83–64; Exemption Application No. D–2812]

Exemption

The sanctions resulting from the application of section 4975 of the Code, by reason of section 4975 (c)(1) (A) through (D) of the Code, shall not apply to Carr-Gottstein Properties, Inc. (CGP) by reason of the Plan's participation in a mortgage loan originated by the National Bank of Alaska to CGP for the period from February 5, 1976 to August 9, 1978, and by reason of the Hotel Plan's participation in the loan beginning August 9, 1978.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on February 1, 1983 at 48 FR 4578.

Effective Date: This exemption is effective February 5, 1976.

Limited Scope of Exemption: Based upon the record submitted, the Department is granting an exemption from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code, with respect to CGP. The Department is not granting exemptive relief for any other aspects of the transaction, or for any other parties to the extent such parties may have engaged in prohibited transactions.

For Further Information Contact: Gary H. Lefkowitz of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

The Alaska Teamsters Employer Pension Trust (the Plan) Located in Anchorage, Alaska

[Prohibited Transaction Exemption 83–65; Exemption Application No. D–2813]

Exemption

The sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code, shall not apply to L. J. Carr (Carr), B. J. Gottstein (Gottstein), Carr-Gottstein Co., Inc. (C–G) and Carr-Gottstein Properties, Inc. (CGP) by reason of the Plan's participation beginning October 24, 1975, in a mortgage loan originated by the Alaska Mutual Savings Bank to Carr and Gottstein and in the refinancing of the loan to CGP on December 21, 1977.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on February 1, 1983 at 48 FR 4579.

Effective Date: This exemption is effective October 24, 1975.

Limited Scope of Exemption: Based upon the record submitted, the Department is granting an exemption from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code, with respect to Carr, Gottstein, C–G and CGP. The Department is not granting exemptive relief for any other aspects of the transaction, or for any other parties to the extent such parties may have engaged in prohibited transactions.

For Further Information Contact: Gary H. Lefkowitz of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

The Alaska Laborers Employer Pension Trust (the Plan) Located in Anchorage, Alaska

[Prohibited Transaction Exemption 83–66; Exemption Application No. D–2815]

Exemption

The sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code, shall not apply to James and Daris Lundgren (the Lundgrens) by reason of the Plan's participation in a mortgage loan originated by the National Bank of Alaska to the Lundgrens for the period beginning April 16, 1976 through December 30, 1980.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on February 1, 1983 at 48 FR 4580.

Effective Date: This exemption is effective from April 16, 1976 through December 30, 1980.

Limited Scope of Exemption: Based upon the record submitted, the Department is granting an exemption from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code, with respect to the Lundgrens. The Department is not proposing exemptive relief for any other aspects of the transaction, or for any other parties to the extent such parties may have engaged in prohibited transactions.

For Further Information Contact: Gary H. Lefkowitz of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

The Alaska Teamsters Employer Pension Trust (the Teamsters Plan) and the Alaska Laborers Employer Pension Trust (the Laborers Plan) Located in Anchorage, Alaska

[Prohibited Transaction Exemption 83–67; Exemption Application No. D–2818]

Exemption

The sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code, shall not apply to Anchorage Sand & Gravel Company, Inc. (Anchorage) by reason of the participation by the Teamsters Plan in a loan originated by the First Federal Savings and Loan Association to Anchorage, effective December 27, 1976 and by reason of the Laborers Plan's participation in the loan for the period from December 27, 1976 through May 4, 1979.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on February 1, 1983 at 48 FR 4580.

Effective Date: This exemption is effective December 27, 1976.

Limited Scope of Exemption: Based upon the record submitted, the Department is granting an exemption from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) and (D) of the Code, with respect to Anchorage. The Department is not granting exemptive relief for any other aspects of the transaction, or for any other parties to the extent such parties may have engaged in prohibited transactions.

For Further Information Contact: Ms. Linda Hamilton of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

The Alaska Teamsters Employer Pension Trust (the Plan) Located in Anchorage, Alaska

[Prohibited Transaction Exemption 83–68; Exemption Application No. D–2819]

Exemption

The sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code, shall not apply to Gavora, Inc. and Mr. and Mrs. V. Paul Gavora (the Gavoras) by reason of the participation in a mortgage loan originated by the National Bank of Alaska to Gavora, Inc. for the period beginning May 4, 1977 through August 15, 1978.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on February 1, 1983 at 48 FR 4581.

Effective Date: This exemption is effective May 4, 1977 until August 15, 1978.

Limited Scope of Exemption: Based upon the record submitted, the Department is granting an exemption from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code, with respect to Gavora, Inc. and the Gavoras. The Department is not granting exemptive relief for any other aspects of the transaction, or for any other parties to the extent such parties may have engaged in prohibited transactions.

For Further Information Contact: Gary H. Lefkowitz of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

The Alaska Teamsters Employer Pension Trust (the Plan) Located in Anchorage, Alaska

[Prohibited Transaction Exemption 83–69; Exemption Application No. D–2820]

Exemption

The sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code, shall not apply to Spenard Builders Supply, Inc. (Spenard) by reason of the Plan's participation in a loan originated by the National Bank of Alaska to Spenard for the period beginning October 24, 1975 through December 30, 1980.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on February 1, 1983 at 48 FR 4582.

Effective Date: This exemption is effective from October 24, 1975 through December 30, 1980.

Limited Scope of Exemption: Based upon the record submitted, the Department is granting an exemption from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code, with respect to Spenard. The Department is not granting exemptive relief for any other aspects of the transaction, or for any other parties to the extent such parties may have engaged in prohibited transactions.

For Further Information Contact: Ms. Linda Hamilton of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

The Alaska Teamsters Employer Pension Trust (the Plan) Located in Anchorage, Alaska

[Prohibited Transaction Exemption 83–70; Exemption Application No. D–2821]

Exemption

The sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code, shall not apply to the Massart Investment Company (MIC), and Keith G. and James E. Massart (the Massarts), by reason of the Plan's participation in a loan originated by the National Bank of Alaska to MIC for the period beginning May 21, 1975 through December 30, 1980.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on February 1, 1983 at 48 FR 4582.

Effective Date: This exemption is effective from May 21, 1975 through December 30, 1980.

Limited Scope of Exemption: Based upon the record submitted, the Department is granting an exemption from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code, with respect to MIC and the Massarts. The Department is not granting exemptive relief for any other aspects of the transaction, or for any other parties to the extent such parties may have engaged in prohibited transactions.

For Further Information Contact: Ms. Linda Hamilton of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

The Alaska Teamsters Employer Pension Trust (the Plan) Located in Anchorage, Alaska

[Prohibited Transaction Exemption 83–71; Exemption Application No. D–2824]

Exemption

The sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code, shall not apply to the Oar Company (OAR), Donald E. May (May), James D. Moore (Moore) and Letha D. Zuberg (Zuberg) by reason of the Plan's participation in a loan originated by the Alaska Mutual Savings Bank to OAR beginning December 22, 1976.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on February 1, 1983 at 48 FR 4583.

Effective Date: This exemption is effective December 22, 1976.

Limited Scope of Exemption: Based upon the record submitted, the Department is granting an exemption from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code, with respect to OAR, May, Moore and Zuberg. The Department is not granting exemptive relief for any other aspects of the transaction, or for any other parties to the extent such parties may have engaged in prohibited transactions.

For Further Information Contact: Ms. Linda Hamilton of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

The Alaska Laborers Employer Pension Trust (the Plan) Located in Anchorage, Alaska

[Prohibited Transaction Exemption 83–72; Exemption Application No. D–2852]

Exemption

The sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code, shall not apply to D&M Rentals (D&M) and James, Martin and Don Madsen (the Madsens) by reason of the Plan's participation in a mortgage loan originated by the National Bank of Alaska to D&M, for the period beginning September 1, 1977 through December 31, 1980.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on February 1, 1983 at 48 FR 4584.

Effective Date: This exemption is effective from September 1, 1977 through December 31, 1980.

Limited Scope of Exemption: Based upon the record submitted, the Department is granting an exemption from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code, with respect to D&M and the Madsens. The Department is not granting exemptive relief for any other aspects of the transaction, or for any other parties to the extent such parties may have engaged in prohibited transactions.

For Further Information Contact: Gary H. Lefkowitz of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

The Alaska Laborers Employer Pension Trust (the Plan) Located in Anchorage, Alaska

[Prohibited Transaction Exemption 83–73; Exemption Application No. D–2855]

Exemption

The sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code, shall not apply to James R. Clinton and Enterprise Co. (Clinton-Enterprise) and the partners of Enterprise Co. (the Partners) by reason of the Plan's participation in a mortgage loan originated by the National Bank of Alaska which was assumed by Clinton-Enterprise for the period beginning March 23, 1978 through December 30, 1980.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on February 1, 1983 at 49 FR 4584.

Effective Date: This exemption is effective from March 23, 1978 through December 30, 1980.

Limited Scope of Exemption: Based upon the record submitted, the Department is granting an exemption from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code, with respect to Clinton-Enterprise and the Partners. The Department is not granting exemptive relief for any other aspects of the transaction, or for any other parties to the extent such parties may have engaged in prohibited transactions.

For Further Information Contact: Gary H. Lefkowitz of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

The Alaska Laborers Employer Pension Trust (the Plan) Located in Anchorage, Alaska

[Prohibited Transaction Exemption 83–74; Exemption Application No. D–3065]

Exemption

The sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code, shall not apply to Enterprise Company (Enterprise) and the partners of Enterprise J. R. Clinton, N. F. Kaelber, and L. A. Wheeler and M. E. Smith (the Partners), by reason of the Plan's participation in a mortgage loan originated by the National Bank of Alaska to Enterprise for the period beginning April 1, 1976 through December 31, 1980.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on February 1, 1983 at 48 FR 4585.

Effective Date: This exemption is effective from April 1, 1976 through December 31, 1980.

Limited Scope of Exemption: Based upon the record submitted, the Department is granting an exemption from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code, with respect to Enterprise and the Partners. The Department is not granting exemptive relief for any other aspects of the transaction, or for any other parties to the extent such parties may have engaged in prohibited transactions.

For Further Information Contact: Gary H. Lefkowitz of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

The Alaska Teamsters Employer Pension Trust (the Plan) Located in Anchorage, Alaska

[Prohibited Transaction Exemption 83–75; Exemption Application No. D–3084]

Exemption

The sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code, shall not apply to Ocean Technology, Ltd. (OTL) by reason of the Plan's participation in a mortgage loan originated by the National Bank of Alaska to OTL for the period beginning May 23, 1975 through December 30, 1980.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on February 1, 1983 at 48 FR 4586.

Effective Date: This exemption is effective from May 23, 1975 through December 30, 1980.

Limited Scope of Exemption: Based upon the record submitted, the department is granting an exemption from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code, with respect to OTL. The Department is not granting relief for any other aspects of the transaction, or for any other parties to the extent such parties may have engaged in prohibited transactions.

For Futher Information Contact: Gary H. Lefkowitz of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

The Alaska Teamsters Employer Pension Trust and the Alaska Laborers Employer Pension Trust (the Plans) Located in Anchorage, Alaska

[Prohibited Transaction Exemption 83–76; Exemption Application Nos. D–3108 and D–3109]

Exemption

The sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code, shall not apply to Winship Air Service (Winship), S&G Construction, Inc. (S&G) and National Enterprise, Inc. (National) by reason of the Plans' participation in a mortgage loan originated by the National Bank of Alaska to Winship for the period beginning August 29, 1975 through December 30, 1980.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on February 1, 1983 at 48 FR 4586.

Effective Date: This exemption is effective from August 29, 1975 through December 30, 1980.

Limited Scope of Exemption: Based upon the record submitted, the Department is granting an exemption from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code, with respect to Winship, S&G and National. The Department is not granting relief for any other aspects of the transaction, or for any other parties to the extent such parties may have engaged in prohibited transactions.

For Further Information Contact: Gary H. Lefkowitz of the Department,

telephone (202) 523–8881. (This is not a toll-free number.)

Boldtco Restated Profit Sharing and Retirement Trust (the Plan) Located in Appleton, Wisconsin

[Prohibited Transaction Exemption 83–77; Exemption Application No. D–3316]

Exemption

The restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to: (1) A proposed loan (the Loan) by the Plan to Messrs. Richard and Todd Popp; (collectively, the Popps), the proceeds of which will be used by the Popps to finance the purchase of certain real property from the Berg Corporation, a wholly owned subsidiary of the Oscar J. Boldt Construction Company (the Employer), provided that the terms and conditions of the Loan are no less favorable to the Plan than those obtainable by the Plan in a similar transaction involving unrelated parties; and (2) the guarantees of repayment of the principal amount of the Loan and of the interest rate on the Loan by the Employer.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on March 4, 1983 at 48 FR 9392.

For Further Information Contact: Ms. Katherine D. Lewis of the Department, telephone (202) 523–8972. (This is not a toll-free number.)

A. G. Edwards Directed Investment Retirement Plan for Self-Employed Individuals (Keogh), Retirement Accounts, Inc. (the Plan) Located in El Paso, Texas

[Prohibited Transaction Exemption 83–78; Exemption Application No. D–3493]

Exemption

The sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the cash sale of certain partnership interests by the Plan to Cliff Electrodiagnostic, Inc., a party in interest with respect to the Plan, for the total amount of $10,500, provided that the terms of the sale are not less favorable to the Plan than those obtainable in an arm's-length transaction with an unrelated party on the date of sale.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on March 11, 1983 at 48 FR 10497.

The notice of proposed exemption stated that the Department is considering granting relief from both Title I and Title II of the Act. However, pursuant to section 408(d)(3) of the Act, the Department does not have the authority to grant relief under Title I of the Act in this instance. Therefore, this exemption grants relief solely under Title II of the Act.

For Further Information Contact: Ms. Linda Hamilton of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

Neurological Associates of Tucson Profit Sharing Plan and Trust (the Profit Sharing Plan) and Neurological Associates of Tucson Money Purchase Pension Plan and Trust (the Pension Plan; Collectively, the Plans) Located in Tucson, Arizona

[Prohibited Transaction Exemption 83–79; Exemption Application Nos. D–3722 and D–3723]

Exemption

The restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the contribution by Neurological Associates of Tucson (the Employer) of two medical condominiums (Buildings B–8 and B–9) to the Profit Sharing Plan and the San Rafael Building to the Pension Plan, provided the contribution is valued at its fair market value on the date contributed, and the leasing of the Buildings by the Plans to the Employer, under the terms set forth in the notice of proposed exemption, provided such terms are not less favorable to the Plans than those obtainable in an arm's-length transaction with an unrelated party.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published March 4, 1983 at 48 FR 9393.

For Further Information Contact: Gary H. Lefkowitz of the Department, telephone (202) 523–8881. (This is not a toll free number.)

Norman E. Storm Professional Corporation Employees' Pension Plan (the Plan) Located in Southfield, Michigan

[Prohibited Transaction Exemption 83–80; Exemption Application No. D–3730]

Exemption

The sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the formation and operation of a limited partnership entered into between the Plan and Norman E. Storm, a disqualified person with respect to the Plan. Because Mr. Storm is the sole shareholder of Norman E. Storm Professional Corporation, the sponsor of the the Plan and is the sole Plan participant, there is no jurisdiction under Title I of the Employee Retirement Income Security Act of 1974 (the Act) pursuant to 29 CFR 2510.3–3(c)(1). However, there is jurisdiction under Title II of the Act under section 4975 of the Code.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published January 21, 1983 at 48 FR 2870.

For Further Information Contact: Louis Campagna of the Department, telephone (202) 523–8973. (This is not a toll free number.)

Cartersville Cable T.V., Inc. Money Purchase Pension Plan (the Plan) Located in Cartersville, Georgia

[Prohibited Transaction Exemption 83–81; Exemption Application No. D–3883]

Exemption

The restrictions of section 406(a) and 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the sale of certain stock by the Plan to Mr. Jon Oscher, a party in interest with respect to the Plan, for the amount of $20,875 in cash provided such amount is not less than the fair market value of such stock at the time of the consummation of the transaction.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published March 4, 1983 at 48 FR 9395.

For Further Information Contact: Ms. Linda Hamilton of the Department, telephone (202) 523–8881. (This is not a toll free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section

4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) These exemptions are supplemental to and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(3) The availability of these exemptions is subject to the express condition that the material facts and representations contained in each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, D.C., this 21st day of April 1983.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 83-11077 Filed 4-25-83; 8:45 am]

BILLING CODE 4510-29-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[83-33]

Agency Report Forms Under OMB Review

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Agency Report Forms Under OMB Review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed information collection requests to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made the submission. The proposed forms under review are listed below. All three are extensions.

Copies of the proposed forms, the request for clearance (S.F. 83), supporting statement, instructions, transmittal letters, and other documents submitted to OMB for review, may be obtained from the Agency Clearance Officer. Comments on the items listed should be submitted to the Agency Clearance Officer and the OMB Reviewer.

DATE: Comments must be received in writing by May 6, 1983. If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the OMB Reviewer and the Agency Clearance Officer of your intent as early as possible.

ADDRESS: Christine Cabill, NASA Agency Clearance Officer, Code NSM-23, NASA Headquarters, Washington, DC 20546; Suzanne Evinger, Office of Information and Regulatory Affairs, OMB, Room 3208, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Christine Cabell, NASA Agency Clearance Officer, (202) 755-8390.

Reports

Title: Tape Use Survey.
OMB Number: 2700-0012.
Type of Request: Extension and Revision.
Frequency of Report: On Occasion.
Type of Respondent: TV Stations.
Annual Responses: 2,320.
Annual Reporting Hours: 194.
Federal Cost: $1,276.
Number of Forms: One.
Abstract-Needs/Uses: NASA produces audio and video tapes each month to report status on its programs and research underway. These tapes are mailed to TV and radio stations throughout the country for use as public service programmming or as news features. This "post card" report is used to measure the effectiveness of the tapes and provides the date and time they were aired.

Title: NASA Teach Briefs-Subscription Notice.
OMB Number: 2700-0019.
Type of Request: Extension.
Frequency of Report: Annual.
Type of Respondent: Research and Development Firms.
Annual Responses: 50,000.
Annual Reporting Hours: 6,500.
Federal Cost: $7,500.
Number of Forms: One.
Abstract-Needs/Uses: The Office of Management and Budget has requested NASA to annually verify user interests in receiving "NASA Tech Briefs" and target distribution to individuals directly involved with the technology transfer process. This form accommodates OMB's requirement.

Title: Contract Pricing Proposal.
OMB Number: 2700-0024.
Type of Request: Extension.
Frequency of Report: On Occasion.
Type of Respondent: NASA Contractors.
Annual Reporting Hours: 2,400.
Federal Cost: $72,000.
Abstract-Needs/User: The law requires a prospective contractor to submit cost or pricing data to the Government with each noncompetitive proposal for a negotiated contract or contract adjustment. NASA shares the use of this report form with the Department of Defense so as to provide our contractors with a uniform reporting requirement.

April 18, 1983.

Ann P. Bradley,

Acting Associate Administrator for Management.

[FR Doc. 83-10962 Filed 4-25-83; 8:45 am]

BILLING CODE 75-10-01-M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Physics; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Physics.
Date and Time: May 12-14, 1983; 9:00 a.m.-5:00 p.m., each day.
Place: National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550. Room 540 each day.
Type of Meeting: Open.
Contact Person: Dr. Marcel Bardon, Director, Division of Physics, National Science Foundation, Washington, D.C. 20550. Telephone (202) 357-7985.
Summary of Minutes: May be obtained from Dr. Marcel Bardon, Director, Division of Physics, National Sceince Foundation, 1800 G Street, NW. Washington, D.C. 20550.
Purpose of Committee: To provide advice and recommendations concerning support for research in physics.
Agenda:

May 12, 1983, 9:00 a.m.-5:00 p.m.
Oversight review of NSF support of gravitational physics, including the report of the Subcommittee for Review of NSF Gravitational Physics Program.

May 13, 1983, 9:00 a.m.-5:00 p.m.
Review of status of the National Academy's *Survey of Physics for the 80s*; review of major projects; discussion of

DOE/NSF Nuclear Science Advisory Committee Review of Electron Accelerators; discussions of FY 1983 budget and funding prospects for 1984; discussion of topics to be included in Long Range Planning session scheduled for October 1983 meeting.

May 14, 1983, 9:00 a.m.–5:00 p.m.

Continuation of discussions of previous two days.

Dated: April 21, 1983.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 83-11047 Filed 4-25-83; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Physiology, Cellular and Molecular Biology Subpanel on Cell Biology; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Subpanel on Cell Biology, of the Advisory Panel for Physiology, Cellular, and Molecular Biology.

Date and Time: May 11, 12, and 13, 1983; 9:00 a.m. to 5:00 p.m. each day.

Place: Room 338, National Science Foundation, 1800 G Street, NW., Washington, DC 20550.

Type of Meeting: Closed.

Contact Person: Dr. John S. Cook, Program Director, Cell Biology Program, Room 332, National Science Foundation, Washington DC 20550 Telephone: 202/357–7474.

Purpose of Subpanel: To provide advice and recommendations concerning support for research in Cell Biology.

Agenda: To review and evaluate research proposals as part of the selection process of awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concering individuals associated with the proposals. These matters are within exemption (4) and (6) of 5 U.S.C. 552b(c) Government in the Sunshine Act.

Authority To Close: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

Dated: April 21, 1983.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 83-11045 Filed 4-25-83; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Joint Subcommittees on Reliability and Probabilistic Assessment and Extreme External Phenomena; Meeting

The ACRS Joint Subcommittees on Reliability and Probabilistic Assessment and Extreme External Phenomena will hold a meeting on May 11, 1983, Room 1167, at 1717 H Street, NW, Washington, DC. The Subcommittees will discuss the status of NRC sponsored research and technical assistance programs on reliability and probabilistic assessment and external events. Notice of this meeting was published March 23, 1983.

In accordance with the procedures outlined in the **Federal Register** on October 1, 1982 (47 FR 43474), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittees, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

Wednesday, May 11, 1983–3:00 p.m. until the conclusion of business: During the initial portion of the meeting, the Subcommittees, along with any of their consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittees will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding the topics to be discussed.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the Designated Federal Employee, Dr. Richard Savio (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., e.s.t.

Dated: April 20, 1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83-11102 Filed 4-25-83; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on AC/DC Power Systems; Meeting

The ACRS Subcommittee on AC/DC Power Systems will hold a meeting on May 10, 1983, Room 1167, 1717 H Street, NW., Washington, DC. The Subcommittee will discuss the ongoing NRC work associated with station blackout and requirements for DC power systems. Notice of this meeting was published March 23, 1983.

In accordance with the procedures outlined in the **Federal Register** on October 1, 1982 (47 FR 43474), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Tuesday, May 10, 1983—8:30 a.m. until the conclusion of business: During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding the topics to be discussed.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Dr. Richard Savio (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., e.s.t.

Dated: April 20, 1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83-11103 Filed 4-25-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-245/336]

The Connecticut Light and Power Co., et al.; Exemption

I

In the matter of the Connecticut Light & Power Co., the Hartford Electric Light Co., Western Massachusetts Electric Co., and Northeast Nuclear Energy Co. (Millstone Nuclear Power Station, Units 1 and 2).

The Connecticut Light and Power Company, the Hartford Electric Light Company, Western Massachusetts Electric Company, and Northeast Nuclear Energy Company (the licensees) are the holders of Provisional Operating License No. DPR-21 and Facility Operating License No. DPR-65 which authorize Northeast Nuclear Energy Company (NNECO) to operate the Millstone Nuclear Power Station, Units 1 and 2 (the facilities), respectively. The licenses provide, among other things, that they are subject to all rules, regulations and Orders of the Nuclear Regulatory Commission (the Commission) (NRC). Millstone Unit 1 comprises a boiling water reactor and Unit 2 comprise a pressurized water reactor located in Waterford, Connecticut.

II

10 CFR 50.54(q) of the Commission's regulations require a licensee authorized to operate a nuclear power plant to follow and maintain in effect emergency plans which meet the standards of 10 CFR 50.47(b) and the requirements of Appendix E to 10 CFR Part 50. Section IV.F.1 of Appendix E requires each licensee annually to conduct an emergency preparedness exercise with full participation by the State and local county governments unless the State and all local county governments in the plume exposure pathway Emergency Planning Zone (EPZ) for the licensee's facility have otherwise participated in a full-scale exercise during the annual period (with such participation occurring in conjunction with a full-scale exercise at another nuclear power plant). In this latter case, the licensee is required to conduct an annual exercise with the participation of State and local governments consistent with the provisions of Section IV.F.3 of Appendix E for small-scale exercises.

III

By letter dated December 30, 1982, NNECO requested a one-time exemption from the schedular requirements of 10 CFR 50, Appendix E, Section IV.F, to conduct annual emergency preparedness exercises for the year subsequent to the last full-scale exercises held on April 19, 1982. A schedule for the exercise was developed after conferring with Northeast Nuclear Energy Company, the Federal Emergency Management Agency (FEMA), and the Regional Advisory Committee which includes a representative from NRC Region I. The exercise for Millstone Units 1 and 2 was agreed upon for January 19, 1983. NNECO states that the Millstone date was later found to be unacceptable by most of the parties involved and a subsequent mutually acceptable date of October 1983 was agreed upon. Accordingly, NNECO requested a one-time exemption for the Millstone Nuclear Power Station, Units 1 and 2 full-scale exercise.

Based on the fact that the last full-scale emergency preparedness exercise was successfully conducted at the Millstone site on April 19, 1982; that a delay is necessary based on the refueling and maintenance outage for Millstone Unit 2 commencing on May 28, 1983; that training of emergency response personnel will continue within the Millstone Nuclear Power Station; and NRC's conclusion that the most effective and beneficial annual exercises are those involving the full-scale participation of State and local government organizations, the staff finds that a one-time delay in performing the next emergency preparedness exercise at the Millstone site, presently scheduled for October 5, 1983 will not adversely affect the overall state of emergency preparedness.

IV

Accordingly, the NRC staff concludes that an exemption in accordance with 10 CFR 50.12 is authorized by law, will not endanger life or property of the common defense and security and is otherwise in the public interest. Therefore, the exemption to permit the annual emergency exercise at the Millstone Nuclear Power Station, Units 1 and 2, to be conducted no later than the week of October 5, 1983, is hereby granted.

The Commission's staff has determined that this exemption does not authorize a change in effluent types or total amounts nor an increase in power level and will not result in any significant environmental impact. Having made this determination, we have further concluded that the exemption involves an action which is insignificant from the standpoint of environmental impact and, pursuant to 10 CFR 51.5(d)(4), that an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

Dated at Bethesda, Maryland this 21st day of April 1983.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 83-11097 Filed 4-25-83; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-348]

Alabama Power Co; Notice of Issuance of Amendment To Facility Operating License and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 31 to Facility Operating License No. NPF-2, issued to Alabama Power Company (the licensee), which revised Technical Specifications for operation of the Joseph M. Farley Nuclear Plant, Unit No. 1, (the facility) located in Houston County, Alabama. The amendment is effective as of the date of issuance.

The amendment revises the Technical Specification to enlarge the capacity of the spent fuel pool from 675 fuel assemblies to 1407 assemblies.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with this action was published in the Federal Register on February 4, 1982 (47 FR 5371). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has prepared an environmental impact appraisal for the revised Technical Specifications and has concluded that an environmental impact statement for this particular action is not warranted because the proposed action will not significantly affect the quality of the human environment.

For further details with respect to this action, see: (1) The application for amendment dated March 19, 1982, as modified by letters dated April 21, and September 14, 1982, (2) Amendment No. 31 to License No. NPF-2, (3) the Commission's related Safety Evaluation and (4) the Commission's Environmental Impact Appraisal. All of these items are

available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Houston Memorial Library, 212 W. Burdeshaw Street, Dothan, Alabama 36303. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 15th day of April 1983.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 83-11094 Filed 4-25-83; 8:45 am]

BILLING CODE 7590-01-M

Applications for Licenses To Import/Export Nuclear Facilities or Materials

Pursuant to 10 CFR 110.70(b) "Public notice of receipt of an application", please take notice that the Nuclear Regulatory Commission has received the following applications for import/export licenses. A copy of each application is on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street, NW., Washington, D.C.

A request for a hearing or petition for leave to intervene may be filed within 30 days after publication of this notice in the **Federal Register**. Any request for hearing or petition for leave to intervene shall be served by the requestor or petitioner upon the applicant, the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, the Secretary, U.S. Nuclear Regulatory Commission and the Executive Secretary, Department of State, Washington, D.C. 20520.

In its review of applications for licenses to export production or utilization facilities, special nuclear material or source material, noticed herein, the Commission does not evaluate the health, safety or environmental effects in the recipient nation of the facility or material to be exported. The table below lists all new major applications.

Dated this 18th day of April at Bethesda, Maryland.

For the Nuclear Regulatory Commission.

James V. Zimmerman,

Assistant Director, Export/Import and International Safeguards, Office of International Programs.

EXPORT/IMPORT LICENSES

Name of applicant, date of application, date received, application No.	Material type	Material in kilograms		End-use	Country of destination
		Total element	Total isotope		
General Electric Co., Mar. 18, 1983–Mar. 24, 1983, XSNM01630(01).				Add ENUSA as an intermediate consignee to fabricate fuel.	Spain.
General Electric Co., Mar. 18, 1983–Mar. 24, 1983, XSNM01645(01).				Add ENUSA as an intermediate consignee to fabricate fuel.	Spain.
Transnuclear Inc., Mar. 29, 1983–Mar. 29, 1983, XSNM001982(01).				Amend to authorize export of Australian-origin source material.	West Germany
Westinghouse Electric Corp., Mar. 25, 1983–Mar. 28, 1983, XSNM0866(04).	3.6 Percent enriched uranium.	Additional 65,604	Additional 2,362	Amend to increase quantity of material authorized for export to ASCO I and add ENUSA as intermediate consignee.	Spain.
Mico International, Inc., Mar. 25, 1983–Mar. 28, 1983, XU08569.	200 Metric tons depleted uranium UF_6.			To be used for Fabrication of anti-armor penetrators	Israel.
Transnuclear, Inc., Mar. 31, 1983–Apr. 1, 1983, ISNM83006.	1.10 Percent enriched uranium.	18,000	198	Use as fuel in Maine Yankee Reactor	From France.

[FR Doc. 83-11093 Filed 4-25-83; 8:45 am]

BILLING CODE 7590-01-M

[Dockets Nos. 50-316 and 50-368]

Arkansas Power and Light Co. Issuance of Amendments To Facility Operating Licenses and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 76 and 43 to Facility Operating Licenses Nos. DPR-51 and NPF-6, issued to Arkansas Power and Light Company (the licensee), which revised the Technical Specifications for operation of Arkansas Nuclear One, Units Nos. 1 and 2, respectively (ANO-1 and 2), located in Pope County, Arkansas. The amendments are effective as of the date of issuance.

The amendments allow an increase in the spent fuel storage capacity from 589 spaces to 968 spaces for ANO-1 and from 485 spaces to 988 spaces for ANO-2 through the use of high density storage racks.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Notice of Consideration of Issuance of Amendments to Facility Operating Licenses in connection with this action was published in the **Federal Register** on December 22, 1982 (47 FR 57154).

No request for a hearing or petition for leave to intervene was filed following notice of the proposed action. The Commission has prepared an environmental impact appraisal for this action and has concluded that an environmental impact statement for this particular action is not warranted because it will not significantly affect the quality of the human environment.

For further details with respect to this action, see: (1) The application for amendments dated November 5, 1982, as supplemented February 17, 1983, and April 7, 1983, (2) Amendment No. 76 to License No. DPR-51 and Amendment No. 43 to License No. NPF-6, (3) the Commission's related Safety Evaluation, and (4) the Commission's Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Arkansas Tech University, Russellville, Arkansas. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 15th day of April 1983.

For the Nuclear Regulatory Commission.

John Stolz,

Chief, Operating Reactors Branch #4, Division of Licensing.

[FR Doc 83-11095 Filed 4-25-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-315 and 50-316]

Indiana and Michigan Electric Co.; Granting Relief From Inservice Inspection Requirements

The U.S. Nuclear Regulatory Commission (the Commission) has granted relief from certain requirements of the ASME Code, Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components," to the Indiana and Michigan Electric Company, which revised the inservice inspection program for the Donald C. Cook Nuclear Power Plant, Unit Nos. 1 and 2, located in Berrien County, Michigan. The ASME Code requirements are incorporated by reference into the Commission's Rules and Regulations in 10 FR Part 50. The relief is effective as of the date of issuance.

This action provides relief from performing certain required tests and on some systems, provides relief by requiring alternative testing to assure integrity.

The request for relief complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the letter granting relief and accompanying Safety Evaluation.

The Commission has determined that the granting of this relief will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

For further details with respect to this action, see: (1) The letter from Indiana and Michigan Electric Company dated November 18, 1977, as revised September 22, 1978, August 25, 1978, September 11, 1979, July 2, 1982, September 2, 1982 and September 23, 1982, (2) the letter to Indiana and Michigan Electric Company dated April 15, 1983, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Maude Reston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49084. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 15th day of April 1983.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 83-11096 Filed 4-25-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. P-564A]

Pacific Gas and Electric Co. (Stanislaus Nuclear Project, Unit No. 1); Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority conferred by 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for this antitrust proceeding to substitute Thome S. Moore for Stephen F. Eilperin. As reconstituted, the Appeal Board for this antitrust proceeding will consist of the following members.

Alan S. Rosenthal, Chairman
Thomas S. Moore
Gary J. Edles

Dated: April 20, 1983.

C. Jean Shoemaker,

Secretary to the Appeal Board.

[FR Doc. 83-11098 Filed 4-25-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-387]

Pennsylvania Power and Light Co. and Allegheny Electric Cooperative, Inc.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 14 to Facility Operating License No. NPF-14, issued to Pennsylvania Power & Light Company and Allegheny Electric Cooperative, Inc., for Susquehanna Steam Electric Station, Unit 1 (the facility) located in Luzerne County, Pennsylvania. This amendment grants changes to Technical Specifications to enhance operator awareness of the testing provision of the reactor mode switch, to update Technical Specification 4.6.1.7 to design drawings and plant configuration, to correct typographical errors in various specifications, and to add inadvertent line omissions in Technical Specifications 6.2.3.2 and 6.3. This amendment is effective as of the date of issuance.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR Section 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see: (1) The application for the amendment dated December 10, 1982 and March 11, 1983; (2) Amendment No. 14 to License NPF-14; and (3) the Commission's evaluation in support of the amendment. These items are available for public inspection at the Commission's Public Document Room 1717 H Street, N.W., Washington, D.C. 20555, and at the Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Marland, this 15th day of April 1983.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Licensing Branch No. 2, Division of Licensing.

[FR Doc. 83-11099 Filed 4-25-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-266 and 50-301]

Wisconsin Electric Power Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 72 to Facility Operating License No. DPR-24, and Amendment No. 77 to Facility Operating License No. DPR-27 issued to Wisconsin Electric Power Company (the licensee), which revised Technical Specifications

for operation of Point Beach Nuclear Plant, Unit Nos. 1 and 2 (the facilities) located in the Town of Two Creeks, Manitowoc County, Wisconsin. The amendments are effective as of the date of issuance.

The amendments modify the frequency for conducting independent audits of the Point Beach Nuclear Plant emergency preparedness program from once every 24 months to annually in accordance with the requirements of 10 CFR 50.54(t).

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see: (1) The application for amendments dated March 21, 1983, (2) Amendment Nos. 72 and 77 to License Nos. DPR–24 and DPR–27 and (3) the Commission's related letter dated April 15, 1983. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, and at the Joseph Mann Library, 1516 16th Street, Two Rivers, Wisconsin 54241. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 15th day of April 1983.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 83–11100 Filed 4–25–83; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–305]

Wisconsin Public Service Corp., et al.; Granting of Relief From ASME Code Requirements

The U.S. Nuclear Regulatory Commission (the Commission) has granted relief from certain requirements of the ASME Code, Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components," to the Wisconsin Public Service Corporation, the Wisconsin Power and Light Company and the Madison Gas and Electric Company, which revised the inservice inspection program for the Kewaunee Nuclear Power Station, located in Kewaunee, Wisconsin. The ASME Code requirements are incorporated by reference into the Commission's Rules and Regulations in 10 CFR Part 50. The relief is effective as of April 19, 1983.

This action provides relief from performing volumetric examinations of the welds on certain class 1 components, class 2 components, certain pressure tests and certain repair procedures. Alternate examination tests and repair procedures have been proposed and accepted.

The request for relief complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the letter granting relief and accompanying Safety Evaluation.

The Commission has determined that the granting of this relief will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

For further details with respect to this action, see: (1) The letters from Wisconsin Public Service Corporation dated April 15, 1977, July 18, 1977, February 9, 1979, May 1, 1981, May 7, 1982, and June 25, 1982, (2) the letter to Wisconsin Public Service Corporation dated April 19, 1983, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Kewaunee Public Library, 822 Juneau Street, Kewaunee, Wisconsin 54216. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 19th day of April 1983.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch, No. 1, Division of Licensing.

[FR Doc. 83–11101 Filed 4–25–83; 8:45 am]

BILLING CODE 7590–01–M

PENSION BENEFIT GUARANTY CORPORATION

Pendency of Request for Exemption From Bond/Escrow Requirement Relating to Sale of Assets by an Employer That Contributes to a Multiemployer Plan: Barton Brands, Ltd.

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of pendency of request.

SUMMARY: This notice advises interested persons that the Pension Benefit Guaranty Corporation has received a request from Barton Brands, Ltd. for an exemption from the bond/escrow requirement of section 4204(a)(1)(B) of the Employee Retirement Income Security Act of 1974. Section 4204(a)(1) provides that the sale of assets by an employer that contributes to a multiemployer pension plan will not constitute a complete or partial withdrawal from the plan if certain conditions are met. One of these conditions is that the purchaser post a bond or deposit money in escrow for a five plan year period beginning after the sale. The PBGC is authorized to grant individual and class exemptions from this requirement. Prior to granting an exemption, the PBGC is required to give interested persons an opportunity to comment on the exemption request. The effect of this notice is to advise interested persons of this exemption request and to solicit their views on it.

DATES: Comments must be submitted on or before June 10, 1983.

ADDRESSES: All written comments (at least three copies) should be addressed to: Assistant Executive Director for Policy and Planning (140), Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006. The request for exemption and any comments received will be available for public inspection at the PBGC Public Affairs Office, Suite 7100, at the above address, between the hours of 9:00 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: James M. Graham, Office of the

Executive Director, Policy and Planning (140), Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006; (202) 254–4862. [This is not a toll-free number.]

SUPPLEMENTARY INFORMATION:

Background

Section 4204 of the Employee Retirement Income Security Act of 1974, as amended (ERISA), 29 U.S.C. 1384, provides that a bona fide arm's-length sale of assets of a contributing employer to an unrelated party will not be considered a withdrawal if three conditions are met. These conditions, enumerated in Section 4204(a)(1)(A)–(C), are that—

(A) The purchaser has an obligation to contribute to the plan for substantially the same number of contribution base units for which the seller was obligated to contribute;

(B) The purchaser obtains a bond or places an amount in escrow, for a period of five plan years after the sale, in an amount equal to the greater of the seller's average required annual contribution to the plan for the three plan years preceding the year in which the sale occurred or the seller's required annual contribution for the plan year preceding the year in which the sale occurred; and

(C) The contract of sale provides that if the purchaser withdraws from the plan within the first five plan years beginning after the sale and fails to pay any of its liability to the plan, the seller shall be secondarily liable for the liability it (the seller) would have had but for section 4204.

The bond or escrow described above would be paid to the plan if the purchaser withdraws from the plan or fails to make any required contributions to the plan within the first five plan years beginning after the sale.

Additionally, section 4204(b)(1) provides that if a sale of assets is covered by section 4204, the purchaser assumes by operation of law the contribution record of the seller for the plan year in which the sale occurred and the preceding four plan years.

Section 4204(c) of ERISA authorizes the Pension Benefit Guaranty Corporation ("PBGC") to grant individual or class variances or exemptions from the purchaser's bond/escrow requirement of section 4204(a)(1)(B) when warranted. The legislative history of section 4204 indicates a Congressional intent that the sales rules be administered in a manner that assures protection of the plan with the least practicable intrusion into normal business transactions. The granting of an exemption or variance from the requirements of section 4204(a)(1)(B) does not constitute a finding by PBGC that a particular transaction satisfies the other requirements of section 4204(a)(1).

Under § 2643.3(a) of the PBGC's regulation on procedures for variances for sales of assets, (46 FR 46127 (1981)), the PBGC shall approve a request for a variance or exemption if it determines that approval of the request is warranted, in that it—

(1) Would more effectively or equitably carry out the purposes of Title IV of the Act; and

(2) Would not significantly increase the risk of financial loss to the plan.

Section 4204(c) of ERISA and § 2643.3(b) of the regulation require the PBGC to publish a notice of the pendency of a request for a variance or exemption in the **Federal Register**, and to provide interested parties with an opportunity to comment on the proposed variance or exemption.

The Request

The PBGC has received a request from Barton Brands, Ltd. (formerly known as BBL Acquisition Co.) ("Barton") for an exemption from the bond/escrow requirement of ERISA section 4204(a)(1)(B). In the request, Barton represents, among other things, that:

1. Effective June 30, 1982, Barton purchased the assets of Bardstown Partners, Ltd. (formerly known as Barton Brands, Ltd.) and its subsidiaries ("Bardstown") for approximately $38 million in cash.

2. Barton has assumed the responsibilities of Bardstown, under a collective bargaining agreement with the Food, Drug and Beverage Warehousemen, Food Processors, Packers and Clerical Employees' Union, Local No. 595, which required contributions to the Western Conference of Teamsters Pension Trust Fund (the "Fund"). Bardstown's potential withdrawal liability to the Fund has been estimated to be $340,000.

3. The amount of the bond or escrow required under ERISA section 4204(a)(1)(B) is $72,982 (the annual contribution required to be made by Bardstown for the 1981 plan year, the plan year preceding the sale).

4. Barton intends to continue to operate the business, which is the subject of the sale, as it was previously conducted, using substantially the same management and employees. In the sale contract, Bardstown agreed that, if the purchaser withdraws and fails to pay withdrawal liability within five years of the date of the sale, Bardstown would be secondarily liable for any withdrawal liability it would have had to the Fund but for the operation of ERISA section 4204.

5. Barton is a new company, chartered in Delaware, and thus has no prior financial history separate from the assets that were purchased. Barton did provide its unaudited consolidated financial statement for the year ended December 31, 1982 which showed net assets of approximately $20.3 million. That figure reflects $16.3 million in long-term debt incurred incidental to this sale. Barton is a 95% owned subsidiary of Amalgamated Distilled Products PLC ("ADP"), a publicly owned United Kingdom corporation registered in Scotland.

6. A copy of this request has been sent by Barton to the Fund and to the collective bargaining representatives of Bardstown's former employees.

Comment

All interested persons are invited to submit written comments on the pending class exemption to the above address, on or before June 10, 1983. All comments will be made a part of the record. Comments received, as well as the relevant information submitted in support of the application for exemption, will be available for public inspection at the address set forth above.

Issued at Washington, D.C. on this 20th day of April 1983.

Edwin M. Jones,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 83–10958 Filed 4–25–83; 8:45 am]

BILLING CODE 7708–01–M

Pendency of Request for Exemption From Bond/Escrow Requirement Relating to Sale of Assets by an Employer That Contributes to a Multiemployer Plan: Dayton Malleable Inc. et al.

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of pendency of request.

SUMMARY: This notice advises interested persons that the Pension Benefit Guaranty Corporation has received a joint request from Dayton Malleable Inc. and Chromalloy American Corporation for an exemption from the bond/escrow requirement of section 4204(a)(1)(B) of the Employee Retirement Income Security Act of 1974. Section 4204(a)(1) provides that the sale of assets by an employer that contributes to a multiemployer pension plan will not constitute a complete or partial withdrawal from the plan if certain

conditions are met. One of these conditions is that the purchaser post a bond or deposit money in escrow for a five plan year period beginning after the sale. The PBGC is authorized to grant individual and class exemptions from this requirement. Prior to granting an exemption, the PBGC is required to give interested persons an opportunity to comment on the exemption request. The effect of this notice is to advise interested persons of this exemption request and to solicit their views on it.

DATES: Comments must be submitted on or before June 10, 1983.

ADDRESSES: All written comments (at least three copies) should be addressed to: Assistant Executive Director for Policy and Planning (140), Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006. The request for exemption and the comments received will be available for public inspection at the PBGC Public Affairs Office, Suite 7100, at the above address, between the hours of 9:00 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: James M. Graham, Office of the Executive Director, Policy and Planning (140), Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006; (202) 254-4862. [This is not a toll-free number.]

SUPPLEMENTARY INFORMATION:

Background

Section 4204 of the Employee Retirement Income Security Act of 1974, as amended by the Multiemployer Pension Plan Amendments Act of 1980, (ERISA), 29 U.S.C. 1384, provides that a bona fide arm's-length sale of assets of a contributing employer to an unrelated party will not be considered a withdrawal if three conditions are met. These conditions, enumerated in section 4204(a)(1)(A)–(C), are that—

(A) The purchaser has an obligation to contribute to the plan for substantially the same number of contribution base units for which the seller was obligated to contribute;

(B) The purchaser obtains a bond or places an amount in escrow, for a period of five plan years after the sale, in an amount equal to the greater of the seller's average required annual contribution to the plan for the three plan years preceding the year in which the sale occurred or the seller's required annual contribution for the plan year preceding the year in which the sale occurred; and

(C) The contract of sale provides that if the purchaser withdraws from the plan within the first five plan years beginning after the sale and fails to pay any of its liability to the plan, the seller shall be secondarily liable for the liability it (the seller) would have had but for section 4204. The bond or escrow described above would be paid to the plan if the purchaser withdraws from the plan or fails to make any required contributions to the plan within the first five plan years beginning after the sale.

Additionally, section 4204(b)(1) provides that if a sale of assets is covered by section 4204, the purchaser assumes by operation of law the contribution record of the seller for the plan year in which the sale occurred and the preceding four plan years.

Section 4204(c) of ERISA authorizes the Pension Benefit Guaranty Corporation ("PBGC") to grant individual or class variances or exemptions from the purchaser's bond/escrow requirement of section 4204(a)(1)(B) when warranted. The legislative history of section 4204 indicates a Congressional intent that the sales rules be administered in a manner that assures protection of the plan with the least practicable intrusion into normal business transactions. The granting of an exemption or variance from the requirements of section 4204(a)(1)(B) does not constitute a finding by PBGC that a particular transaction satisfies the other requirements of section 4204(a)(1).

Under § 2643.3(a) of the PBGC's regulation on procedures for variances for sales of assets, (46 FR 46127 (1981)), the PBGC shall approve a request for a variance or exemption if it determines that approval of the request is warranted, in that it—

(1) Would more effectively or equitably carry out the purposes of Title IV of the Act; and

(2) Would not significantly increase the risk of financial loss to the plan.

Section 4204(c) of ERISA and § 2643.3(b) of the regulation require the PBGC to publish a notice of the pendency of a request for a variance or exemption in the **Federal Register**, and to provide interested parties with an opportunity to comment on the proposed variance or exemption.

The Request

The PBGC has received a joint request from the purchaser, Dayton Malleable Inc. ("Dayton"), and the seller, Chromalloy American Corporation ("Chromalloy"), (collectively referred to as the "Parties") for an exemption from the requirement of ERISA section 4204(a)(1)(B). In the request, the Parties represent, among other things, that:

1. Effective December 10, 1982, Chromalloy sold certain assets relating to its Newnam Foundry Division to Dayton.

2. In connection with this sale, Dayton has assumed, or will assume, the responsiblities of Chromalloy under collective bargaining agreements with the International Molders and Allied Workers Union AFL-CIO-CLC, Local Union No. 262 and Chauffers Teamsters Workers Local Union No. 364.

3. The following chart lists the two multiemployer plans for which an exemption is requested, the estimated amount of Chromalloy's withdrawal liability and the estimated amount of the bond/escrow that would be required under ERISA section 4204(a)(1)(B) with respect to each such plan:

Plan	Estimate of seller's liability	Amount of bond/escrow
Indiana State Conference Board Pension Plan	$314,000	[1] $186,822
Central States, Southeast, and Southwest Areas, Pension Fund	65,644	[1] 13,731
Total	379,644	200,553

[1] The amount represents the annual contribution required to be made by Chromalloy for plan year 1981

4. In the sale contract, Chromalloy agreed that, if the purchaser withdraws and fails to pay withdrawal liability within five years of the date of the sale, Chromalloy would be secondarily liable for any withdrawal liability it would have had to the affected plan but for the operation of ERISA section 4204.

5. According to its audited consolidated financial statements, Dayton and its subsidiaries had total net assets for its fiscal year ended August 31, 1982 of approximately $38 million. Dayton suffered a net loss after taxes for its fiscal years 1980 and 1982 ($5.5 and $8.7 million, respectively) and had net income after taxes of $1.8 million for its fiscal year 1981.

6. The Parties have sent a copy of this request to the plans and the collective bargaining representatives of Chromalloy's former employees by certified mail, return receipt requested.

Comments

All interested persons are invited to submit written comments on the pending exemption to the above address, by June 10, 1983. All comments will be made a part of the record. Comments received, as well as the application for exemption, will be available for public inspection at the address set forth above.

Issued at Washington, D.C. on this 20th day of April, 1983.

Edwin M. Jones,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 83-10858 Filed 4-25-83; 8:45 am]
BILLING CODE 7708-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 22915; 70-6857]

Arkansas Power & Light Co.; Proposed Transactions Related to Financing of Pollution Control and Waste Disposal Facilities

April 20, 1983.

Arkansas Power & Light Company ("Arkansas"), First National Building, Little Rock, Arkansas 72201, a public-utility subsidiary of Middle South Utilities, Inc., a registered holding company, has filed an application-declaration with this Commission pursuant to Sections 6(b), 9(a), 10, and 12(d) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 44(b)(3) and 50(a)(5) promulgated thereunder.

Pursuant to authorization of the Commission in File No. 70-6531, Arkansas participated with Independence County, Arkansas ("County") in a transaction involving the issuance in February 1981 of $40,000,000 in principal amount of the County's 9¼% Pollution Control Bonds, Series 1981, in order to finance the acquisition of an undivided interest ("Facilities") in certain pollution control and sewage and solid waste disposal facilities at Arkansas' jointly-owned Independence Steam Electric Station ("Plant") near Newark, in Independence County, Arkansas. In order to effect this transaction, Arkansas entered into an Installment Sale Agreement with the County, dated as of February 1, 1981 ("Original Agreement") which provided for the acquisition, construction, and installation of the Facilities on behalf of the County. As contemplated by the Original Agreement, the County issued the 1981 Pollution Control Bonds pursuant to a trust indenture ("1981 Indenture").

The 1981 Pollution Control Bonds will mature on February 1, 1984. In order to: (a) Effect their redemption or repayment and (b) finance increased costs of the Facilities and/or finance the acquisition of an undivided interest in certain additional pollution control and/or sewage and solid waste disposal facilities at the Plant (such increased costs and/or undivided interest in additional facilities are hereinafter referred to as the "Additional Facilities"), the County intends to issue not to exceed $45,000,000 in aggregate principal amount of its Pollution Control Revenue Bonds, Series 1983. In connection therewith, Arkansas proposes to enter into an Amended Installment Sale Agreement with the County ("Amended Agreement"), which will amend the Original Agreement, and the County intends to enter into a supplemental indenture to the 1981 Indenture with the 1981 Trustee in order to issue the 1983 Pollution Control Bonds. Alternatively, Arkansas may enter into a new installment sale agreement with the County ("New Agreement"), and the County may enter into a new indenture ("New Indenture") with a Trustee ("New Trustee"), which may or may not be the 1981 Trustee, which would provide for the financing of the Additional Facilities by the County and the redemption or repayment of the 1981 Pollution Control Bonds through the issuance by the County of the 1983 Pollution Control Bonds.

The proceeds of the sale of the 1983 Pollution Control Bonds will be deposited by the County with the Trustee under the Indenture and applied to redeem or repay the 1981 Pollution Control Bonds and to finance the Additional Facilities. The Agreement will provide for the sale of the Facilities and the Additional Facilities (both hereinafter referred to as the "Pollution Control Facilities") by the County to Arkansas, subject to a lien and security interest retained by the County and Permitted Encumbrances, as therein defined (except that, in the event Arkansas issues the Collateral Bonds, as hereinafter defined, the County may not retain such a lien and security interest). The Agreement will also provide for the payment by Arkansas of the purchase price of the Pollution Control Facilities in semi-annual installments over a term of years. Such payment by Arkansas will be an amount as shall be sufficient (together with other moneys held by the Trustee under the Indenture and available therefor) to pay the principal of the 1983 Pollution Control Bonds as the same become due and payable. Arkansas is obligated under the Agreement to pay interest on the unpaid balance of the purchase price of the Pollution Control Facilities equal to the premium, if any, and interest on the 1983 Pollution Control Bonds.

It is intended that the 1983 Pollution Control Bonds will be issued as either serial bonds ("Serial Bonds") or term bonds ("Term Bonds"), or a combination thereof. The Term Bonds, if any, would mature not later than 30 years from the first day of the month in which they are initially issued and may be subject to a mandatory cash sinking fund. Series Bonds, if any, would mature at various times, but in any event not later than 30 years. The Agreement and the Indenture may include provisions for an adjustable interest rate for the Term Bonds or for one or more series of the Serial Bonds ("Variable Bonds").

The Agreement will provide that Arkansas may at any time prepay all or any portion of the unpaid balance of the purchase price of the Pollution Control Facilities, together with interest thereon, in whole or in part, such payment to be sufficient (together with other moneys held by the Trustee under the Indenture and available therefor) to redeem the 1983 Pollution Control Bonds in a manner and to the extent provided in the Indenture.

The Agreement and the Indenture may also provide that holders of all or a portion ("Put Bonds") of the 1983 Pollution Control Bonds would have the right to have their Put Bonds purchased at a price equal to the principal amount thereof. Arkansas would be obligated to pay amounts equal to the amounts to be paid by the Remarketing Agent or the Escrow Agent pursuant to the Indenture for the purchase of outstanding Put Bonds.

The 1983 Pollution Control Bonds will be subject to optional redemption, at the direction of Arkansas, in whole at any time or in part from time to time, by lot or in such manner as may be determined by the trust to be fair and equitable, at the redemption prices (expressed as percentages of principal amount) set forth in the Indenture, plus accrued interest to the redemption date; provided, however, with certain exceptions, that: (a) Any Variable Bonds would not be subject to optional redemption: (i) For a specified period during the first Rate Period and (ii) for a specified number of years (which, when combined with (i) above, would not exceed ten years) after the Fixed Rate Date and (b) any 1983 Pollution Control Bonds which are not Variable Bonds would not be subject to optional redemption for a specified number of years (which would not exceed ten years) after their initial issuance.

The Agreement provides that prior to the sale of the Pollution Control Facilities by the County to Arkansas, such portions of the Pollution Control Facilities as have already been constructed or acquired by the company will be conveyed to the County, subject to the lien of Arkansas' Mortgage and Deed of Trust.

As evidence of its obligations to make payments of the purchase price of the

Pollution Control Facilities under the Agreement, Arkansas from time to time may obtain the authentication of a series of its first mortgage bonds ("Collateral Bonds") under the Mortgage, as it may be supplemented by one or more further supplemental indentures. Arkansas would deliver the Collateral Bonds to the Trustee to be held for the benefit of the holders of the 1983 Pollution Control Bonds. The Collateral Bonds would not be transferable, except to a successor Trustee. They would be issued on the basis of unfunded net property additions.

It is contemplated that the 1983 Pollution Control Bonds will be sold by the County pursuant to arrangements with a group of underwriters. Arkansas will not be party to the underwriting arrangements; however, the Agreement provides that the terms of the 1983 Pollution Control Bonds, and their sale by the County, shall be satisfactory to Arkansas. Arkansas understands that interest payable on the 1983 Pollution Control Bonds will be exempt from Federal income taxes under the provisions of Section 103 of the Internal Revenue Code of 1954, as amended to the date of issuance of the 1983 Pollution Control Bonds.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by May 16, 1983, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-11070 Filed 4-25-83; 8:45 am]

BILLING CODE 8010-01-M

Cincinnati Stock Exchange; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

April 20, 1983.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Muse Air Corporation
Common Stock, $.10 Par Value (File No. 7-6577)
Dome Mines Ltd.
Common Stock, No Par Value (File No. 7-6578)
TDK Corporation
American Depository Share (Two Common—50 Yen Par) (File No. 7-6579)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before May 11, 1983 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-11073 Filed 4-25-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13173; (812-5450)]

Hutton Investment Partnership II and Hipco Inc.; Filing of Application

April 20, 1983.

Notice is hereby given that Hutton Investment Partnership II ("Partnership"), One Battery Park Plaza, New York, New York 10004, registered under the Investment Company Act of 1940 ("Act") as a closed-end, non-diversified, management investment company, and Hipco Inc., its general partner ("General Partner") (referred to with the Partnership as "Applicants"), filed an application on February 8, 1983, and an amendment thereto on April 1, 1983, pursuant to Section 6(b) of the Act, for an order exempting the Partnership and subsequent, similar limited partnerships (collectively, the "Partnerships") from all provisions of the Act or, alternatively, from Sections 8(b), 10(a), (b), and (f), 14(a), 15(a), 16(a), 17(a), (d), (f), and (g), 18(a)(1) and (i), 19(b), 20(a), 23(c)(3), 30(a), (b), and (d), and 32(a) of the Act. Applicants further request an order pursuant to Section 45(a) of the Act granting confidential treatment for certain periodic reports filed with the Commission under Section 30 of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and are referred to the Act and the rules thereunder for further information as to the provisions to which the exemptions apply.

Organized as a limited partnership under New York law, the Partnership serves as an investment vehicle for certain employees of the E. F. Hutton Group Inc. ("Hutton") and its subsidiaries. Applicants will limit participation in the Partnership to directors of Hutton and officers and employees of Hutton and its subsidiaries who earned a gross income of $36,000 in the fiscal year ended December 31, 1982. Applicants will limit subsequent Partnerships to directors of Hutton and officers and employees of Hutton and its subsidiaries, with the General Partner determining minimum gross income requirements for each Partnership. All subsequent Partnerships will have minimum income requirements and minimum and maximum contributions. Limited partners of the Partnership must make an initial capital contribution of five units at $500 per unit, which they may supplement by purchasing additional units up to a maximum of 20% of their income earned in fiscal year 1982.

Applicants acknowledge the generally non-redeemable and non-transferable nature of their limited partnership interests, and they expect subsequent Partnerships to have the same non-transferability and redemption provisions. Applicants' amended agreement of limited partnership (the "Partnership Agreement") offers a redemption option in 1992, and allows the General Partner to redeem limited partnership interests, at net asset value, whenever a limited partner resigns from Hutton, dies, or becomes legally disabled. Limited partners cannot transfer their partnership interests

without the express consent of the General Partner and, in any event, cannot transfer their interests to persons who do not meet the previously described eligibility criteria. No secondary trading in the limited partnership interests will exist.

Applicants expect the Partnerships to enable certain officers and employees of Hutton to pool their investment resources and take advantage of investment opportunities deemed unsuitable for Hutton and its subsidiaries. The Partnerships seek capital appreciation, through aggressive and speculative investments, primarily in high-technology, energy, natural resource, and real estate based assets. Applicants' investments may include debt or equity issues in either ongoing or newly-formed public or private companies. The Partnerships may invest in limited partnerships or other investment vehicles offered privately or to the general public by Hutton, or they may invest in tandem with such funds or other funds advised by Hutton. Applicants represent they will not enage in short sales, purchases on margin, the writing of uncovered put and call options, or commodity trading (except for bona fide hedge transactions). The Partnerships intend to invest principally in venture capital opportunities identified by employees of Hutton and its subsidiaries.

All of the Partnerships' investment decisions will be made by the General Partner. Only officers or employees of Hutton or its subsidiaries may serve as directors, officers, or employees of the General Partner. The General Partner's directors and officers may own limited partnership interests in the Partnerships. Of the Partnerships' profits and losses, 1% of each will be allocated to the General Partner in recognition of its contribution of 1% of the Partnerships' capital. No compensation will be paid to the General Partner or its directors or officers for services, except for the reimbursement of reasonable and necessary out-of-pocket expenses they incur while conducting Partnership business. Hutton subsidiaries will perform stock brokerage services for the Partnership without compensation other than for out-of-pocket expenses.

Hutton, its subsidiaries, or the General Partner may make investments on a Partnership's behalf prior to the Partnership's receipt of funds from its public offering. Hutton, its subsidiaries, or the General Partner will hold such investments on behalf of the Partnership until such Partnership's receipt of funds at which time the Partnership will acquire such investments at the lesser of cost or fair market value at the time of acquisition.

Applicants represent that the Partnerships will send the limited partners annual reports regarding the operations and assets of the Partnerships. These annual reports will contain financial statements of the Partnerships provided by Hutton and will disclose, together with other information, the Partnerships' outstanding borrowings during the period covered. Limited partners will also receive reports containing information with respect to their income, gains, and losses, for federal income tax purposes.

Applicants state that each Partnership constitutes an "employees' securities company" as defined in Section 2(a)(13) of the Act and deserves, as such, exemption from all provisions of the Act. Alternatively, Applicants request an order pursuant to Sections 6(b) and 45(a) of the Act exempting the Partnerships, to the extent noted below, from the following provisions of the Act:

(a) From Section 8(b) to the extent necessary to relieve the Partnerships from complying with Regulation 8b–16 under the Act which might require the Partnerships to file annual amendments to their registration statements. Applicants assert that compliance with Regulation 8b–16 is unnecessary for their investors' protection, and would cause unnecessary burden and expense, because each Partnership operates as a closed-end company and will make only one offering of limited partnership interests, for which no secondary trading will exist. Moreover, limited partners will receive periodic reports and accounting.

(b) From Section 10(a) to the extent necessary to permit the Partnerships to be managed solely by the General Partner, a subsidiary of Hutton, and to permit all directors and officers of the General Partner to be officers or employees of Hutton or its subsidiaries. Because all directors of the general Partner are officers or employees of Hutton or its subsidiaries, Applicants cannot comply with Section 10(a).

(c) From Section 10(b) to permit the Partnerships to employ as broker and principal underwriter a Hutton subsidiary affiliated with the General Partner. Because limited partners pay no sales load and because, with respect to transactions on a principal basis specifically exempted from Section 17(a) by the proposed order, the Partnerships will not pay any brokerage fees other than to reimburse the Hutton subsidiary involved for its expenses, exemption from Section 10(b) seems appropriate.

(d) From Section 10(f) to permit the Partnerships to purchase securities through an underwriting or selling syndicate of which a Hutton subsidiary acs as principal underwriter. Applicants acknowledge an inability to avail themselves of the conditional relief from Section 10(f) provided by Rule 10f–3 because, as structured, they have no disinterested directors required by paragraph (h) of Rule 10f–3 to perform certain tasks. Nevertheless, for purposes of the exemption requested, the Partnerships undertake to otherwise comply with all the remaining provisions of Rule 10f–3.

(e) From Section 14(a) to the extent necessary to permit each of the Partnerships to offer limited partnership interests before they have a net worth of $100,000. Applicants characterize the protections afforded by Section 14(a) as inapplicable to their situation where a community of interest between all participants exists.

(f) From Section 15(a) to the extent necessary to permit Hutton's subsidiaries to act from time to time as an investment adviser to the Partnerships without a written contract and without the limited partners' approval. Applicants assert that a written contract is unnecessary because the General Partner makes all investment decisions and receives no compensation therefor. Moverover, the Partnerships will not pay any commissions or finders' fees to the General Partner or its officers, directors, or employees. Nor will the Partnerships pay any such fee to other persons within or without the Hutton organization. Hutton or its subsidiaries will pay any fees to be paid to any person, and they will not charge such fees, in whole or in part, to the Partnerships. Employees of Hutton's subsidiaries may from time to time analyze and review investments, but such subsidiaries will receive no separate compensation therefor.

(g) From Section 16(a) to the extent necessary to permit Hutton to appoint and replace the directors and officers of the General Partner in accordance with the Partnership Agreement. Because Applicants' proposal requires all directors and officers of the General Partner to be officers or employes of Hutton or its subsidiaries, the resulting community of interest, Applicants assert, mandates this exemption.

(h) From Section 17(a) to permit the Partnerships to: (1) Invest, as appropriate, in partnerships or other investment vehicles offered by Hutton subsidiaries on a principal basis or to purchase securities from such vehicles, (2) purchase interests in a company

where Hutton or its affiliates already own 5% or more of the voting securities of the company or where such company is otherwise affiliated with a Partnership, and (3) participate as a selling stockholder in a public offering underwritten by a Hutton subsidiary or in which a Hutton subsidiary acts as a member of the underwriting group. To effect these transactions, the General Partner's board of directors must determine that the transactions' terms are reasonable and fair to the limited partners and involve no overreaching of the Partnerships or its limited partners by any person.

Applicants need exemption from Section 17(a) to permit the Partnerships to purchase short-term investments from, and sell such obligations to, subsidiaries or affiliates of Hutton at market value without payment of brokerage fees by the Partnerships other than reimbursement of expenses. Investments in funds advised by Hutton subsidiaries will be subject to a management fee, but on the same basis as that charged to and paid by unaffiliated participants in the same fund or transaction.

Applicants further request exemption from Section 17(a) to permit a Partnership to participate in investments which Hutton or its subsidiaries or the General Partner has advanced funds or made an investment on a Partnership's behalf prior to the time a Partnership had sufficient funds available for such purpose. As stated earlier, such a Partnership will acquire such investments at the lesser of cost or fair market value at the time of acquisition.

Applicants contend that exemption from Sections 17(a)(1) and 17(a)(2) is consistent with the Partnerships' policy and the protection of investors. Applicants will fully inform the limited partners of the possible extent of the Partnerships' dealings with affiliates. As successful professionals in the securities industry, the limited partners can readily evaluate risks emanating from the Partnerships. If the General Partner makes investments prior to the consummation of the Partnerships' public offering, Applicants will fully inform prospective limited partners as to the nature of the investment. Applicants acknowledge that any transaction otherwise subject to Section 17(a) for which they have not requested exemptive relief requires specific approval by the Commission.

(i) From Section 17(d) on the undertaking that the Partnerships will not make any investment in which Hutton or any of its subsidiaries, or any officer, director, or employee of the General Partner participates or plans concurrently or otherwise directly or indirectly to participate, except that this undertaking shall not apply to: (1) Investments by the Partnerships in any other partnership or other investment vehicle sponsored or managed by Hutton or its affiliates or (2) investments by the Partnerships in which a partnership or other investment vehicle described in clause (1) participates or plans to participate and which would not be prohibited investments for the Partnerships except that Hutton or any of its subsidiaries, or one or more officers, directors, or employees of the General Partner have a partnership interest in, or compensation arrangement with, the partnership or investment vehicle described in clause (1). Officers and directors of the General Partner will review each investment situation described in clauses (1) and (2) to determine that any such investment by an affiliate would not disadvantage a Partnership in the making of such investment, maintaining its investment position, or disposing of such position. Any investments made concurrently with Hutton affiliates will be made by the Partnerships on the same basis as such affiliates.

Applicants recognize that any other transactions otherwise subject to Section 17(d) for which they have not sought exemptive relief would require specific approval by the Commission. The General Partner specifically represents and concedes that it is subject to and must comply with Sections 36, 57(f)(3), and 57(h) of the Act, for exemptions from Section 17(a) as well as 17(d), the requirements of which Applicants have specifically incorporated by reference in this application. Pursuant to the terms of the Partnership Agreement, all minutes of actions of the board of directors and any investment committee of the General Partner, including all procedures adopted by the General Partner in connection with its evaluation of investments, will be available for inspection by limited partners.

Applicants assert that, because of the potentially large number of limited partners of the Partnerships and persons affiliated with such limited partners, strict compliance with Section 17(d) may cause the Partnerships to forego many otherwise attractive investment opportunities simply because a limited partner or other affiliated person of a Partnership had, or contemplated making, a similar investment. Moreover, attractive investment opportunities of the types considered by the Partnerships often require each participant to make available funds in amounts substantially greater than that available to a Partnership alone and thus, in certain instances, may preclude a Partnership from taking advantage of an attractive opportunity unless it so participates with affiliated persons.

(j) From Section 17(f) to the extent necessary to permit Hutton or its subsidiaries to act as custodian without a written contract. With the exception of a written contract, the Partnerships will otherwise comply with all the provisions of Rule 17f–1. Applicants represent that any securities held by Hutton or its subsidiaries will have the protection of fidelity bonds.

(k) From Section 17(g) to the extent necessary to permit the Partnerships to comply with Rule 17g–1 without having a majority of the board of directors of the General Partner who are not "interested persons" take such action and make such approvals as prescribed in that rule. Because all of the General Partner's directors will be affiliated persons, without the relief requested, the Partnerships could not comply with the rule. Except as noted above, the Partnerships will otherwise comply with Rule 17g–1.

(l) From Section 18(a)(1) to the extent necessary to exempt the Partnerships when they effect nonrecourse borrowings for: (1) Investments in property other than securities and (2) leveraged buy-out transactions in which Partnerships or other Hutton affiliates (or affiliates of Hutton's affiliates) will control the acquired entity. Applicants request this exemption because the Partnerships contemplate issuing senior securities representing indebtedness in connection with the above activities. In both situations, Applicants will borrow only on a nonrecourse basis. Neither the Partnerships nor the General Partner nor any limited partner will be personally liable for the principal of, or any interest on, such borrowings, thereby precluding any lender from looking beyond the property securing the indebtness.

The Partnerships also seek exemption from Section 18(a)(1) to enhance capital appreciation by purchasing securities with money borrowed on a nonrecourse basis. Applicants represent that the Partnership Agreement already provides, through the preparation of annual audited financial statements, for the valuation review required by Section 18(a)(1). Applicants request, therefore, that their purchase of securities with borrowed money be exempt from Section 18(a)(1)'s requirement of immediate compliance with that section after the issuance or sale of senior securities. In lieu thereof, Applicants intend to comply with Section 18(a)(1) on annual basis.

Other than the three situations described above, Applicants represent that the Partnerships will comply with Section 18(a)(1). The Partnerships' prospectuses will disclose potential borrowing to prospective investors. Because of the Partnerships' investment objectives, and because of the limited partners' sophistication and community of interest, Applicants believe exemption from Section 18(a)(1) to be appropriate.

(m) From section 18(a)(i) to the extent necessary to permit limited partners to have only those rights with respect to the Partnerships' management as set forth in the Partnership Agreement. Limited partners may vote only on decisions to terminate a Partnership.

(n) From Section 19(b) to the extent necessary to permit the Partnerships to distribute their portofolio securities, or the proceeds of liquidated portfolio securities, to the limited partners more than once a year, a part of which could reflect long-tem capital gains. Because the Partnerships may hold each investment only until it becomes liquid and then distribute it or the proceeds thereof, Applicants beleive that compliance with Section 19(b) might seriously interfere with the Partnerships' proposed operations.

(o) From Section 20(a) and Rule 20a–1 when soliciting proxies. Applicants seek exemption from Section 20(a) and Rule 20a–1 for proxies involving the limited partners' right to remove the General Partner, to approve significant amendments to the respective Partnership Agreement, and to grant the General Partner their power of attorney to execute and file certain documents on behalf of the Partnerships and to amend the respective Partnership Agreement in minor respects. Applicants believe that compliance with Section 20(a) could involve difficult questions of interpretation likely to make the process of preparing and filing proxy statements unusally costly and prolonged, and they contend that such costs seem unnecessary because of the limited partners' sophistication. As a condition of exemption from the provisions of Section 20(a) and the rule and regulations thereunder, Applicants agree that they will conduct any proxy solicitations in accordance with the provisions of Section 14(a) of the Securities Exchange Act of 1934 and the rules and reguations thereunder.

(p) From Section 23(c)(3) to permit the Partnerships to redeem partnership interests pursuant to the Partnership Agreement. The Partnerships cannot rely on the exemption set forth in Rule 23c–1 because in each repurchase the limited partner selling his interest would be an affiliated person of the Partnership, thus violating paragraph (a)(4) of that rule. The Partnerships undertake to comply with the conditions set forth in paragraphs (5), (6), (7), (8), (9), and (11) of that rule.

(q) From Sections 30(a), 30(b), and 30(d) to the extent necessary to exempt the Partnerships from filing annual and quarterly reports with the Commission, and to permit them to report only annually to the limited partners in the manner prescribed by the Partnership Agreement (which allows the General Partner to waive certain requirements of Section 30(d)(1) and (2)). Applicants represent that the Partnerships must, pursuant to the Partnership Agreement, disclose to the limited partners the pertinent information included in reports filed with the Commission under Sections 30(a) and 30(b). Applicants assert that the Partnerships' investment require a sophisticated and complex valuation. Because of such valuation, and because of the lack of trading or public market for partnership units, Applicants submit that annual rather than semi-annual reports would be consistent with the protection of investors and the policy fairly intended by the Act.

Applicants further request that, to the extent they must make filings under Section 30, the Commissiom grant confidential treatment to such filings as provided for by Section 45(a) of the Act. Applicants request confidential treatment because they assert that public dissemination of the Partnerships' investments would competitively disadvantage Hutton. Because no public trading exists in partnership units, and because the only persons possibly interested in such information will directly receive such information, Applicants feel that confidential treatment would be consistent with the protection of investors and the purposes fairly intended by the Act.

(r) From Section 32(a) to the extent necessary to permit the General Partner to select independent certified public accountants for the Partnerships without submitting their selection to the limited partners for ratification or rejection. Independent accountants will certify the Partnerships' annual financial statements.

Applicants request the above exemptions because they consider them necessary or relevant to the Partnerships' operations as investment programs uniquely adapted to the needs of the officers and employees of Hutton and its subsidiaries. Applicants assert a need for these exemptions to maintain the community of interest between participants. Because of such community of interest, and because each Partnership meets Section 2(a)(13)'s definition of an "employees' securities company," Applicants contend that the safeguards provided by the sections of the Act they seek exemption from are not necessary, appropriate, or consistent with the protection of investors.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than May 16, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for his/her request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date, and order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83–11078 Filed 4–25–83; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 13170; (812–5458)]

Kidder, Peabody Tax Exempt Money Fund, Inc.; Filing of Application

April 19, 1983.

Notice is hereby given that Kidder, Peabody Tax Exempt Money Fund, Inc. (the "Fund") 20 Exchange Place, New York, New York 10005, an open-end, diversified investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on February 15, 1983, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting the Fund from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder to the extent necessary to permit the Fund to value its portfolio securities by means of the amortized cost method of valuation. all interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act for the complete text of those provisions of

the Act from which an exemption is being sought.

According to the application, the Fund is a "money market fund," the objective of which is the maximization of short-term interest income exempt from federal income taxes to the extent consistent with the preservation of capital and the maintenance of liquidity. The Fund states that it is designed to provide a convenient means of investing short-term funds where the direct purchase of short-term, high qualify, tax exempt securities may be undesirable or impractical.

The Fund represents that its portfolio may be invested prinicipally in a variety of (1) High quality tax exempt debt obligations issued by state or municipal governments and by public authorities, (2) securities of these issuers sold as interim financing in anticipation of tax collections, revenue receipts or bond sales and (3) tax exempt project notes secured by the full faith and credit of the United States. Applicant maintains that, from time to time, on a temporary basis other than for defensive purposes (but not to exceed 20% of the Fund's net assets) or for defensive purposes, the Fund may invest in a variety of taxable short-term instruments. The Fund represents further that all of its investments will consist of obligations maturing within one year from the date of acqusition, and the average maturity of all its investments (on a dollar-weighted basis) will be 120 days or less. The Fund states that all of the sevurities in its portfolio will be purchased with and payable in U.S. dollars.

According to the application, in Release No. IC–9786, the Commission issued an interpretation of Rule 2a–4, expressing its view that it was inconsistent with Rule 2a–4 for money market funds to value their portfolio securities on an amortized cost basis and that such valuation should be made with reference to market factors.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes or persons, securities, or transactions, from any provision of the Act or of any rule or regulation under the Act, if and to the extent that such exemption is necessary or approporate in the public interest and consistent with the protection of investors and the purposes fairly inended by the policy and provisions of the Act.

The Fund states that as a result of te experience of its investment adviser and sub-investment adviser and administrator in advising other funds, it has become apparent that two qualities are helpful in order to attract investment, namely: (1) Stability of principal and (2) steady flow of investment income. The Fund maintains that investors are concerned that the daily income declared by the Fund reflect income as earned and that the sales and redemption prices not change. The Fund further maintains that by utlizing high quality tax exempt instruments of short maturities combined with a stable net asset value, preferably $1.00 per share, it would be possible to provide these features to a variety of investors.

The Fund states that its management has determined that an average portfolio maturity of 120 days combined with a stable price may accomplish both of the above aims of investors—that is, it somewhat obviates the possibility of a change in the price per share, while at the same time providing a yield on portfolio instruments related to yields available in the general debt market, and which is otherwise not available with a portfolio having an average maturity of a shorter duration. The Fund represents that there will usually be a relatively negligible discrepancy between market value and amortized cost value of such securities.

The Fund believes that the valuation of its portfolio securites on the amortized cost basis will benefit its sharesholders by enabling the Fund to more effectively maintain a stable price per share while providing shareholders with the opportunity to receive a flow of investment income less subject to fluctuation than under procedures whereby its dividend would be adjusted by all realized and unrealized gains and losses on its portfolio securities.

The Fund's Board of Directors has determined in good faith that in light of the characteristics of the Fund, absent unusual or extraordinary circumstances, the amortized cost method of valuing portfolio securities is appropriate and preferable for the Fund and reflects fair value of such securities.

The Fund agrees that the following may be made conditions of the order:

1. In supervising the Fund's operations and delegating special responsibilities involving portfolio management to the Fund's investment adviser, the Fund's Board of Directors undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and the Fund's investment objectives, to stabilize the Fund's net asset value per share, as computed for the purpose of distribution, redemption and repurchase at $1.00 per share.

2. Included within the procedures to be adopted by the Board of Directors shall be the following:

(a) Review by the Board of Directors, as it deems appropriate and at such intervals as are reasonable, in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from the Fund's $1.00 amortized cost price per share, and maintenance of records of such review. To fulfill this condition, the Fund will use actual quotations or estimates of market value reflecting current market conditions selected by its Board of Directors in the exercise of its discretion to be appropriate indicators of value. The quotations or estimates utilized may include, *inter alia*, (1) Quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market instruments furnished by reputable sources.

(b) In the event such deviation from the $1.00 amortized cost price per share exceeds ½ of 1%, the Board of Directors will promptly consider what action, if any, should be initiated.

(c) Where the Board of Directors believes the extent of any deviation from the Fund's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which action may include: redeeming shares in kind; selling portfolio securities prior to maturity to realize capital gains or losses, or to shorten the Fund's average portfolio maturity; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. The Fund will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that the Fund will not (a) purchase and instrument with a remaining maturity at the date of acquisition of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity in excess of 120 days. In fulfilling this condition, if the disposition of a portfolio instrument results in a dollar-weighted average portfolio maturity in excess of 120 days, the Fund will invest its available cash in such a manner as to reduce its dollar-weighted average portfolio maturity to

120 days or less as soon as reasonably practicable.

4. The Fund will record, maintain and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above, and the Fund will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the Board of Directors' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the Board of Directors' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act as though such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. The Fund will limit its portfolio investments to those U.S. dollar-denominated instruments which the Board of Directors determines present minimal credit risks, and which are of high quality as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by the Board of Directors.

6. The Fund will include in each quarterly report, as an attachment to Form N–10, a statement as to whether any action pursuant to condition 2(c) was taken during the preceding fiscal quarter, and, if any such action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than May 16, 1983, at 5;30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for his/her request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon the Fund at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83–11072 Filed 4–25–83; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 22914; (70–6856)]

Middle South Utilities, Inc.; Proposal To Issue and Sell Common Stock

April 20, 1983.

Middle South Utilities, Inc. ("Middle South"), 225 Baronne Street, New Orleans, Louisiana 70112, a registered holding company, has filed an application-declaration with this Commission pursuant to Sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50 thereunder.

Middle South proposes to issue and sell, in one or more sales from time to time not later than April 30, 1984, up to 10,000,000 authorized but unissued shares of its common stock, $5 par value ("Additional Common Stock"). Middle South will use the proceeds to reduce outstanding bank loans.

After receiving competing proposals, Middle South will sell not more than 8,000,000 shares of the Additional Common Stock on a delayed basis ("Delayed Offering Stock"). Middle South will issue and sell not more the 4,000,000 shares of the Additional Common Stock through a continuous offering shelf registration program pursuant to Rule 415 under the Securities Act of 1933. The total aggregate number of shares of the Delayed Offering Stock and the Continuous Offering Stock will not exceed 10,000,000 shares.

Middle South proposes to enter into a Sales Agency Agreement ("Agreement") with an investment banker ("Agent") who will act as Middle South's exclusive agent in offering and selling the Continuous Offering Stock: (1) In ordinary broker's regular-way transactions in the auction market on the floor of the New York Stock Exchange, or any regional exchange on which Middle South's Common Stock may be listed or admitted to trading; (2) in block transactions (which may involve crosses) on such exchanges or in the over-the-counter market, in which the Agent may act as a principal for its own account; and (3) in "fixed-price offerings" off the floors of such exchanges, or "special offerings" and "exchange distributions" in accordance with the rules of such exchanges.

Transactions on exchanges will be at prevailing market prices. Over-the-counter transactions, will be negotiated by the Agent and related to prevailing market prices. The terms of any offering under (3) above will be subject to Middle South's prior approval.

In selling the Continuous Offering Stock, as outlined in methods (1) and (2) above, Middle South will comply with the competitive bidding requirements of Rule 50, as modified by HCAR No. 22623; it may request an exception from conpetitive bidding for sales under method (3).

Middle South believes that the sale or sales of the Delayed Offering Stock may require the assistance of underwriters, dealers or agents if market conditions at the time of the offering of the securities are unfavorable. Accordingly, Middle South may seek an exception from Rule 50 so that it may offer the Delayed Offering Stock through a negotiated sale.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by May 16, 1983, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83–11071 Filed 4–25–83; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–19691; File No. SR–BSECC–83–2]

Self-Regulatory Organizations; Proposed Change By Boston Stock Exchange Clearing Corp.

Pursuant to Section 19(b) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on March 14, 1983, the Boston Stock Exchange Clearing Corporation filed with the Securities and Exchange

Commission the proposed change as described in Item I, II, and III below, which items have been prepared by the self-regulatory organization.

The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Boston Stock Exchange Clearing Corporation has adopted the Institutional Delivery Service and as part of its fee schedule and has established new fees as contained in Exhibit I attached.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places set forth in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B) and (C) below, of the most significant aspects of such statements.

(A) *Self-Regulatory Organization's Statement of the Purpose of, and Basis for, the Proposed Rule Change.* (a) Due to the changing economic and operational environment of the Clearing Corporation, a Fee Committee was established to review projected costs and revise, where appropriate, all fees of the Clearing Corporation. In reviewing the preliminary budget, the Fee Committee recommended and the Board of Directors approved to establish a number of changes in its fee structure.

(b) The proposed rule change is consistent with the requirements of the Securities Exchange Act of 1934 and the rules and regulations thereunder applying to the Boston Stock Exchange Clearing Corporation because it continues the equitable allocation of fees charged to all participants. The proposed rule change will be implemented consistently with the safeguarding of securities and funds in its custody or control or for which it is responsible because it would insure an efficient system for the settlement of trades and the safekeeping of assets.

(B) *Self-Regulatory Organization's Statement on Burden on Competition.* No burden on competition is perceived by adoption of the proposed rule change.

(C) *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others.* Comments have neither been solicited nor received.

III. Data of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change became effective March 1, 1983 pursuant to Section 19(b)(3)(A) of the Securities Exchange Act of 1934. At any time within 60 days of the filing of such rule change, the Commission may summarily abrogate the rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed change that are filed with the Commission, and all written communications relating to the proposed change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: April 20, 1983.

George A. Fitzsimmons,
Secretary.

Exhibit I.—Institutional Delivery Interface Charges—Continued

Account set up or change (per incident)	$1.00
Reporting of a transaction (per confirmation)	.36

Exhibit I.—Institutional Delivery Interface Charges—Continued

NSCC OTC Charges: OTC input charges (per transaction)	.50

[FR Doc. 83-11894 Filed 4-25-83; 8:45 am]
BILLING CODE 8010-01-M

[File No. 22-12409]

Frontier Holdings, Inc.; Application and Opportunity for Hearing

April 19, 1983.

Notice is hereby given that Frontier Holdings, Inc. (the "Company") has filed an application pursuant to clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939, as amended (the "Trust Indenture Act") for a finding by the Securities and Exchange Commission (the "Commission") that the trusteeship of United States Trust Company of New York ("United States Trust") under an indenture of the Company dated as of September 1, 1982 (the "1982 Indenture") and the trusteeships by United States Trust under indentures of Frontier Airlines, Inc. ("Frontier Airlines") dated as of March 1, 1967 (the "March 1967 Indenture") and October 15, 1967 (the "October 1967 Indenture"), respectively, each of which was heretofore qualified under the Trust Indenture Act, are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify United States Trust from acting as trustee under said Indentures.

In support of its application the Company alleges that:

(1) Pursuant to the 1982 Indenture the Company issued $40,000,000 aggregate principal amount of its 10% Convertible Subordinated Debentures Due 2007 (the "10% Debentures"), all of which were outstanding on February 28, 1983. The 10% Debentures were registered under the Securities Act of 1933, as amended (the "Securities Act") (File No. 2-79099) and the 1982 Indenture was qualified under the Trust Indenture Act (File No. 22-11847). United States Trust is the Trustee under the 1982 Indenture.

(2) Pursuant to the March 1967 Indenture, Frontier Airlines issued $15,000,000 aggregate principal amount of its 5½% Subordinated Debentures due March 1, 1987 (the "5½% Debentures"). The 5½% Debentures were registered under the Securities Act (File No. 2-28039) and the March 1967 Indenture was qualified under the Trust Indenture Act (File No. 22-4367). Since March 16, 1970 United States Trust has

been the Trustee under the March 1967 Indenture.

(3) Pursuant to the October 1967 Indenture, Frontier Airlines issued $20,000,000 aggregate principal amount of its 6% Convertible Subordinated Debentures due October 15, 1992 (the "6% Debentures"). The 6% Debentures were registered under the Securities Act (File No. 2-27405) and the October 1967 Indenture was qualified under the Trust Indenture Act (File No. 22-4721). Since March 16, 1970 United States Trust has been the Trustee under the October 1967 Indenture.

(4) Section 9.10 of the 1982 Indenture provides that "the Trustee shall comply with [the Trust Indenture Act] section 310(b)."

(5) On April 22, 1982 the holders of the common stock of Frontier Airlines approved a Plan of Reorganization and Agreement of Merger involving a corporate reorganization (the "Reorganization") of Frontier Airlines through a merger which became effective on May 6, 1982 (the "Effective Date") and resulted in: (i) Frontier Airlines becoming a wholly-owned operating subsidiary of the Company, and (ii) the automatic conversion, on a share-for-share basis, of each issued share of common stock of Frontier Airlines into an issued share of common stock of the Company.

(6) The outstanding indebtedness of Frontier Airlines, including its 6% Debentures and its 5½% Debentures, continued as indebtedness of Frontier Airlines and was not assumed by the Company as a part of the Reorganization, but by their terms the 6% Debentures became convertible after the Effective Date into the same number of shares of common stock of the Company as the number of shares of common stock of Frontier Airlines into which they could have been converted immediately before the Effective Date, and the Company executed a supplemental indenture providing for such conversion. Frontier Airlines also had outstanding warrants to purchase shares of its common stock (the "Warrants") which had been originally issued in units with the 5½% Debentures. At the Effective Date, pursuant to the terms of the Warrants and the Reorganization, the Warrants were assumed by the Company and became exercisable for the purchase of common stock of the Company.

(7) On March 31, 1983 the Company, Frontier Airlines and United States Trust executed Supplemental Indentures to the March 1967 and October 1967 Indentures pursuant to which the Company assumed, jointly and severally with Frontier Airlines and on a subordinated basis the same as the subordination provisions contained in the 1982 Indenture, the obligation to pay the principal of, premium, if any, and interest on the 5½% and 6% Debentures in accordance with the terms of such Debentures and Indentures. The Company also assumed in such Supplemental Indentures the obligation to file with the Indenture Trustee and the Commission and to transmit to holders of the 5½% and 6% Debentures reports required of an issuer is such Debentures by Section 314(a) of the Trust Indenture Act and the related provisions of the respective Indentures.

(8) The 1982 Indenture, the March 1967 Indenture and the October 1967 Indenture are wholly unsecured and qualified under the Trust Indenture Act. Except for the assumption of the obligations referred to in paragraph (7) above, the Company did not assume any other material covenants of the March 1967 Indenture or the October 1967 Indenture, other than in respect of the conversion of the 6% Debentures as stated above. The assumption by the Company of the obligation to pay the principal of, premium, if any, and interest on the 5½% and 6% Debentures was on the same subordinated basis as the subordination provisions contained in the 1982 Indenture of the Company. The assumption to pay the 5½% and 6% Debentures, on a subordinated basis the same as the subordination applicable to the Company's 10% Debentures, is unlikely to cause any conflict of interest between the respective trusteeships of United States Trust under said Indentures of Frontier Airlines and the 1982 Indenture of the Company within the meaning of Section 310(b) of the Trust Indenture Act since the obligation of the Company in respect of the 5½% and 6% Debentures will rank equally with the obligation of the Company in respect of its 10% Debentures.

(9) The Company is not in default under the 1982 Indenture and Frontier Airlines is not in default under either the March 1967 Indenture or the October 1967 Indenture.

(10) The assumption by the Company of the obligations described above under the March 1967 Indenture and the October 1967 Indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify United States Trust from acting as trustee under said Indentures or the 1982 Indenture.

For a more detailed account of the matters of fact and law asserted, all persons are referred to the application which is a public document on file in the offices of the Commission at 450 Fifth Street N.W., Washington, D.C. 20549.

Notice is further given that any interested person may, not later than May 20, 1983, request in writing that a hearing be held on such matter, stating briefly the nature of the interest of the person submitting such request, the reasons for such request, and the issues of fact and law raised by the application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 450 Fifth Street N.W., Washington, D.C. 20549.

For the Commission by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-11075 Filed 4-25-83; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #2078; Amdt. 5]

California; Declaration of Disaster Loan Area

The above numbered Declaration (48 FR 8167), Amendment #1 (48 FR 9610), Amendment #2 (48 FR 12811), Amendment #3 (48 FR 15207) and Amendment #4 (48 FR 16565) are amended to include the Counties of Madera, Napa, Placer, Stanislaus, Tulare and the adjacent County of Merced to the previously declared disaster area in the State of California as a result of damage cause by severe storms, high tides, wave action, mudslides and flooding beginning on January 21, 1983. All other information remains the same, i.e., the termination date for filing applications for physical damage is close of business on April 11, 1983, and for economic injury until the close of business on November 9, 1983.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: March 28, 1983.

Heriberto Herrera,

Acting Administrator.

[FR Doc. 83-11066 Filed 4-25-83; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area #2080]

Mississippi; Declaration of Disaster Loan Area

As a result of the President's major disaster declaration, I find that the

Counties of Forrest, Franklin, Green, Lamar, Lawrence, Marion, Perry, Rankin and Walthall, Mississippi, constitute a disaster area because of damage resulting from severe storms, tornadoes and flooding beginning on April 1, 1983. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on June 16, 1983, and for economic injury until the close of business on January 16, 1984, at: U.S. Small Business Administration, 100 West Capital Street, Suite 322, Federal Building, Jackson, Mississippi 39269, or other locally announced locations.

Interest rates for applicants filing for assistance under this declaration are as follows:

	Percent
Home Owners with credit available elsewhere	11.5
Home Owners without credit available elsewhere	5.75
Businesses with credit available elsewhere	10.5
Businesses without credit available elsewhere	8.0
Businesses (EIDL) without credit available elsewhere	8.0
Other (non-profit organizations including charitable and religious organizations)	11.375

It should be noted that assistance for agricultural enterprises is the primary responsibility of the Farmers Home Administration as specified in Pub. L. 96-302.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: April 18, 1983.

James C. Sanders,

Administrator.

[FR Doc. 83-11087 Filed 4-25-83; 8:45 am]

BILLING CODE 8025-01-M

Small Business Investment Co.; Maximum Annual Cost of Money To Small Business Concerns

13 CFR 107.301(c) sets forth the SBA Regulations governing the maximum annual cost of money to small business concerns for Financing by small business investment companies.

Section 107.301(c)(2) requires that SBA publish from time to time in the **Federal Register** the current Federal Financing Bank (FFB) rate for use in computing the maximum annual cost of money pursuant to § 107.301(c)(1). It is anticipated that a rate notice will be published each month.

13 CFR 107.301(c) does not supersede or preempt any applicable law that imposes an interest ceiling lower than the ceiling imposed by that regulation. Attention is directed to new subsection 308(i) of the Small Business Investment Act, added by section 524 of Pub. L. 96-221, March 31, 1980 (94 Stat. 161), to that law's Federal override of State Usury ceilings, and to its forfeiture and penalty provisions.

Effective May 1, 1983, and until further notice, the FFB rate to be used for purposes of computing the maximum cost of money pursuant to 13 CFR 107.301(c) is 10.415% per annum.

Dated: April 21, 1983.

Edwin T. Holloway,

Associate Administrator for Finance and Investment.

[FR Doc. 83-11066 Filed 4-25-83; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF THE TREASURY

Performance Review Boards; Appointment of Members

AGENCY: Customs Service, Treasury.

ACTION: General notice.

SUMMARY: This notice announces the appointments of the members of the U.S. Customs Service Performance Review Boards (PRB's) in accordance with 5 U.S.C. 4313(c)(4). The purpose of the PRB's is to review senior executive employees' performance and make recommendations regarding performance and performance awards.

DATE: The Performance Review Boards become effective on May 1, 1983.

FOR FURTHER INFORMATION CONTACT: John L. Heiss, Acting Director, Office of Human Resources, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 3417, Washington, D.C., (202) 566-5563.

SUPPLEMENTARY INFORMATION: There are two Performance Review Boards in the U.S. Customs Service as follows:

1. The Performance Review Board to review Senior Executives rated by the Commissioner and Deputy Commissioner (i.e., the Assistant to the Commissioner, the Special Assistants to the Commissioner, the Comptroller, the Assistant Commissioners, and Regional Commissioners) is composed of the following members:

John Mangels, Director, Office of Operations, Department of the Treasury;

George Astengo, Deputy Assistant Secretary (Administration), Department of the Treasury;

William R. Barton, Deputy Director, U.S. Secret Service;

Stephen Higgins, Director, Bureau of Alcohol, Tobacco and Firearms; and

Charles C. Hackett, Jr., Assistant Commissioner, Office of Internal Affairs, U.S. Customs Service.

2. The Performance Review Board to review all other Senior Executives is composed of the following members:

Eugene Mach, Assistant Commissioner, Office of Inspection and Control, U.S. Customs Service;

George C. Corcoran, Jr., Assistant Commissioner, Office of Enforcement, U.S. Customs Service;

Robert P. Schaffer, Assistant Commissioner, Office of Commercial Operations, U.S. Customs Service;

William H. Russell, Comptroller, U.S. Customs Service;

William J. Griffin, Regional Commissioner, U.S. Customs Service, 100 Summer Street, Boston, Massachusetts 02110;

Dennis T. Snyder, Regional Commissioner, U.S. Customs Service, 6 World Trade Center, New York, New York 10048;

Robert N. Battard, Regional Commissioner, U.S. Customs Service, 99 S.E. 5th Street, Miami, Florida 33131;

Donald Kelly, Acting Regional Commissioner, U.S. Customs Service, 550 Dallas Street, Houston, Texas 77002; and

Peter J. Dispenzirie, Regional Commissioner, U.S. Customs Service, 55 E. Monroe Street, Chicago, Illinois 60603.

Dated: April 6, 1983.

William von Raab,

Commissioner of Customs.

[FR Doc. 83-11083 Filed 4-25-83; 8:45 am]

BILLING CODE 4820-02-M

UNITED STATES INFORMATION AGENCY

Advisory Panel on International Education Exchange

The Advisory Panel on International Educational Exchange will hold its third meeting on Monday, May 9, 1983 at Dumbarton Oaks, located at 1703 32nd Street, N.W., Washington, D.C. from 9:00 a.m. until 4:00 p.m.

The Advisory Panel will meet to discuss the following agenda:

9:00 a.m.–10:15 a.m. Approval of the minutes of the second meeting of the Advisory Panel; Consideration of Programs in the Private Not-For-Profit Sector

10:30 a.m.–11:30 a.m. Statement on Project Democracy

11:30 p.m.–12:30 p.m. Consideration of Programs in Private For-Profit (Corporate) Sector

12:30 p.m.–2:30 p.m. Luncheon

2:30 p.m.–3:00 p.m. Presentation on Board of Foreign Scholarships Initiatives
3:00 p.m.–3:30 p.m. Miscellaneous
3:30 p.m.–4:00 p.m. Discussion of agenda for the fourth meeting of the Advisory Panel.

Members of the public who wish to attend the meeting must reserve a seat by Wednesday, May 4, 1983 by calling Christopher Paddack at (202) 485–2557. Space is limited and the public will be admitted on a space available basis by prior reservations.

Stephen A. McKnight,

Director, Office of Academic Programs, U.S. Information Agency.

April 8, 1983.

[FR Doc. 83–10961 Filed 4–25–83; 8:45 am]

BILLING CODE 8230–01–M

VETERANS ADMINISTRATION

National Cemetery, Florida; Availability of Final Environmental Impact Statement

Notice is hereby given that a document entitled Final Environmental Impact Statement, Veterans Administration National Cemetery, Florida, dated April 1983, has been prepared as required by the National Environmental Policy Act of 1969.

This Final Environmental Impact Statement evaluates the adverse and beneficial effects of creating a new National Cemetery in Florida. For both of the alternative sites—Withlacoochee State Forest Site near Brooksville and Cross Florida Barge Canal Site near Ocala—seven categories of economic, social and physical environmental effects are examined and compared with existing conditions. For each site and for each category of impact, measures to mitigate impacts are described. Alternative sites are discussed, as is the no-action alternative. Significant comments received by the Veterans Administration during the 45-day public review period (October 1 through November 15, 1982) are included, each followed by an appropriate response. Factual corrections have been made to the text of the EIS based on comments received. Finally, a list of preparers, bibliography and index to appendices available upon request is provided.

The document is being placed for public examination at the Veterans Administration in Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. William F. Sullivan, Director, Office of Environmental Affairs (088C), Room 423, Veterans Administration, 811 Vermont Avenue, NW., Washington, D.C. 20420, (202–389–3316). Single copies of the Final Environmental Impact Statement may be obtained on request to the above office.

Dated: April 19, 1983.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

[FR Doc. 83–11104 Filed 4–25–83; 8:45 am]

BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 81
Tuesday, April 26, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

COMMISSION ON CIVIL RIGHTS

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 15361, April 8, 1983.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: Monday, April 11, 1983, 11 a.m.–12 noon; 1:30 p.m.–4:30 p.m. Tuesday, April 12, 1983, 9:30 a.m.

CHANGES IN THE MEETINGS: During the course of the meeting on Monday, April 11, 1983, the Commission voted unanimously to add an additional item to the agenda relating to personnel and internal agency administrative procedures and to close that portion of the meeting of Tuesday, April 12, 1983, for the discussion of these matters.

STATUS OF THE MEETING: Partially closed to the public.

FOR FURTHER INFORMATION PLEASE CONTACT: Barbara Brooks, Press and Communications Division (202) 254–6697.

[S-589-82 Filed 4-22-83; 3:29 pm]

BILLING CODE 6335-01-M

2

COMMODITY CREDIT CORPORATION

TIME AND DATE: 9:30 a.m., April 27, 1983

PLACE: Room 104–A, Administration Building, U.S. Department of Agriculture, Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Minutes of closed CCC Board meeting on October 20, 1982.
2. Minutes of regular CCC Board meeting on February 16, 1983.
3. Resolution re: Amendment of Bylaws of Commodity Credit Corporation.
4. Docket XCP–40a, Amendment 1 re: Tobacco Price Support Program for the 1982 and Subsequent Crops.
5. Memorandum re: Update of Commodity Credit Corporation Inventory.
6. Memorandum re: Alcohol Demonstration Project Report.
7. Memorandum re: Status Report on County Office Implementation of the PIK Program.
8. Discussion re: Purchase of Corn, Wheat, and Sorghum for PIK.
9. Memorandum re: Purchase and Utilization of Dairy Products in Domestic Special Distribution Programs.
10. Memorandum re: Status of Milk Price Support Litigation.
11. Memorandum re: Status Report on CCC Commercial Export Credit Programs.

CONTACT PERSON FOR MORE INFORMATION: George E. Rippel, Acting Secretary, Commodity Credit Corporation, Room 5714-South Building, Post Office Box 2415, U.S. Department of Agriculture, Washington, D.C. 20013; telephone (202) 447–4785.

[S-587-83 Filed 4-22-83; 9:31 am]

BILLING CODE 3410-05-M

3

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: Commission meeting 10 a.m. Wednesday, April 27, 1983.

LOCATION: Third floor hearing room 1111 18th Street, NW., Washington, D.C.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. *Consumer Complaint Handling Process*
   The staff will brief the Commission on issues regarding the handling and disposition of consumer complaint filed with the Commission.
2. *Human Factors*
   The staff will brief the Commission on the functions of the Division of Human Factors and describe a proposal to develop and publish a Human Factors Guide for Product Design.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Avenue, Bethesda, MD 20207; (301) 492–6800.

[S-588-83 Filed 4-22-83; 2:34 pm]

BILLING CODE 6355-01-M

4

FEDERAL RESERVE SYSTEM

TIME AND DATE: 10 a.m., Monday, May 2, 1983.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board, (202) 452–3204.

Dated: April 22, 1983

James McAfee,

Associate Secretary of the Board.

[S-590-83 Filed 4-22-83; 3:54 pm]

BILLING CODE 6210-01-M

5

NATIONAL TRANSPORTATION SAFETY BOARD

[NM-83-10]

TIME AND DATE: 9 a.m., Tuesday, May 3, 1983.

PLACE: NTSB Board Room, 800 Independence Ave., S.W., Washington, D.C. 20594.

STATUS: The first three items will be open to the public; the remaining items will be closed under Exemption 10 of the Government in the Sunshine Act.

MATTERS TO BE CONSIDERED:

1. *Highway Accident Report and Recommendations:* J.C. Sales, Inc., Tractor-Semitrailer/Calvary Baptist Church Van Collision, State Route 198 at 19th Avenue, near Lemoore, California, October 8, 1982.
2. *Railroad Accident Report and Recommendations:* Derailment of Seaboard Coast Line Railroad Train No. 120, Colonial Heights, Virginia, May 31, 1982.
3. *Recommendations* to coordinate a program for hazardous material truck driver licensing.
4. *Opinion and Order:* Petition of *Still*, Docket SM–2480; disposition of reconsideration, modification, or rehearing.
5. *Opinion and Order:* Administrator v. Owens, Inc., Docket SE–5554; disposition of respondent's appeal.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming (202) 382–6525.

April 22, 1983.

[S-591-83 Filed 4-22-83; 3:54 pm]

BILLING CODE 4910-58-M

federal register

Tuesday
April 26, 1983

Part II

Office of Personnel Management

Excepted Service; Schedules A, B, and C

OFFICE OF PERSONNEL MANAGEMENT

Excepted Service

AGENCY: Office of Personnel Management.
ACTION: Notice.

SUMMARY: This gives notice of positions placed or revoked under Schedules A, B, and C in the excepted service, as required by Civil Service Rule VI, Exceptions from the Competitive Service.

FOR FURTHER INFORMATION CONTACT: William Bohling, 202–632–6000.

SUPPLEMENTARY INFORMATION: The Office of Personnel Management published its last monthly notice updating appointing authorities established or revoked under the Excepted Service provisions of 5 CFR Part 213 on March 25, 1983 (48 FR 12625). Individual authorities established or revoked under Schedules A, B, or C between March 1, 1983 and March 31, 1983 appear in a listing below. Future notices will be published on the fourth Tuesday of each month, or as soon as possible thereafter. A consolidated listing of all authorities will be published as of June 30 of each year.

Schedule A

The following exception is established:

Federal Emergency Management Agency

Field positions at grades GS–15 and below, or equivalent, which are engaged in work directly related to unique response efforts to environmental emergencies not covered by the Disaster Relief Act of 1974, Public Law 93–288, as amended. Employment under this authority may not exceed 36 months on any single emergency. Persons may not be employed under this authority for long-term duties or for work not directly necessitated by the emergency response effort. Effective March 28, 1983.

Schedule C

The following exceptions are established:

Department of Agriculture

One Private Secretary to the Assistant Secretary for Economics, Office of the Secretary. Effective March 3, 1983.

One Confidential Assistant to the Administrator, Food Safety and Inspection Service. Effective March 3, 1983.

One Private Secretary to the Director, Office of Minority Affairs. Effective March 4, 1983.

One Confidential Assistant to the Assistant Secretary for Governmental and Public Affairs. Effective March 7, 1983.

One Confidential Assistant to the Manager, Federal Crop Insurance Corporation. Effective March 7, 1983.

One Confidential Assistant to the General Counsel, Office of the General Counsel. Effective March 7, 1983.

One Confidential Assistant to the Assistant Secretary for Economics, Office of the Secretary. Effective March 7, 1983.

One Confidential Assistant to the Administrator, Foreign Agricultural Service. Effective March 15, 1983.

One Confidential Assistant to the Director, Office of Minority Affairs. Effective March 17, 1983.

One Confidential Assistant to the Assistant Secretary for Governmental and Public Affairs. Effective March 22, 1983.

One Confidential Assistant to the Administrator, Agricultural Stabilization and Conservation Service. Effective March 22, 1983.

One Deputy Director, Office of Rural Development Policy. Effective March 23, 1983.

One Confidential Assistant to the Assistant Secretary for Economics. Effective March 29, 1983.

One Confidential Assistant to the Administrator, Agricultural Stabilization and Conservation Service. Effective March 31, 1983.

One Confidential Assistant to the Assistant Secretary for Governmental and Public Affairs. Effective March 31, 1983.

Department of the Air Force

One Special Assistant to the Assistant to the President, Office of the Secretary. Effective March 11, 1983.

One Special Assistant to the Assistant to the Vice President for National Security Affairs. Effective March 29, 1983.

Department of the Army

One Confidential Assistant to the Deputy Director, Presidential Personnel, Office of the Secretary. Effective March 31, 1983.

Department of Commerce

One Congressional Liaison Assistant to the Deputy Assistant Secretary for Congressional Operations, Office of the Secretary. Effective March 15, 1983.

One Special Assistant to the Assistant Secretary for Communications and Information, Office of the Secretary. Effective March 16, 1983.

One Special Assistant to the Deputy Assistant Secretary for Intergovernmental Affairs, Office of the Secretary. Effective March 16, 1983.

One Confidential Assistant to the Deputy Director, Office of Minority Business Development Agency. Effective March 17, 1983.

One Confidential Assistant to the Director, Office of Export Trading Company Affairs. Effective March 22, 1983.

One Deputy Director, Office of Intergovernmental Affairs. Effective March 23, 1983.

One Confidential Assistant to the Assistant Secretary for International Economic Policy, International Trade Administration. Effective March 24, 1983.

One Special Assistant to the Deputy Assistant Secretary for Import Administration. Effective March 24, 1983.

Department of Defense

One Special Projects Assistant to the Deputy Assistant Secretary for Equal Opportunity and Safety Policy. Effective March 1, 1983.

One Personal and Confidential Assistant to the Deputy Secretary of Defense. Effective March 7, 1983.

One Private Secretary to the Principal Deputy Assistant Secretary of Defense (Public Affairs). Effective March 7, 1983.

One Special Assistant to the Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics). Effective March 7, 1983.

One Special Assistant for Technology Transfer Policy, Office of the Deputy Assistant Secretary of Defense (International Economic, Trade and Security Policy). Effective March 8, 1983.

Department of Education

One Special Assistant to the Director of the National Institute of Education. Effective March 14, 1983.

One Special Assistant for Planning and Compliance Operations, Office for Civil Rights. Effective March 18, 1983.

One Confidential Assistant to the Associate Deputy Under Secretary for Planning, Budget and Evaluation. Effective March 22, 1983.

One Special Assistant to the Deputy Under Secretary for Management. Effective March 22, 1983.

One Executive Assistant to the Assistant Secretary for Elementary and Secondary Education. Effective March 25, 1983.

Department of Energy

One Staff Assistant to the Assistant Secretary for Conservation and Renewable Energy. Effective March 4, 1983.

One Staff Assistant to the Director, Office of Minority Economic Impact. Effective March 7, 1983.

One Legislative Affairs Specialist, Office of the Assistant Secretary for Congressional, Intergovernmental, and Public Affairs. Effective March 7, 1983.

One Secretary (Confidential Assistant) to the Assistant Secretary for Management and Administration. Effective March 8, 1983.

One Private Secretary to the Commissioner, Federal Energy Regulatory Commission. Effective March 11, 1983.

One Staff Assistant to the Assistant Secretary for International Affairs. Effective March 23, 1983.

Department of Health and Human Services

One Confidential Assistant to the Deputy Assistant Secretary for Legislation (Appropriations), Office of the Assistant Secretary for Legislation. Effective March 22, 1983.

One Confidential Assistant to the Secretary, Office of the Secretary. Effective March 25, 1983.

One Confidential Assistant to the Administrator, Alcohol, Drug Abuse, and Mental Health Administration. Effective March 30, 1983.

Department of Housing and Urban Development

One Special Assistant to the Deputy Assistant Secretary for Policy and Budget. Effective March 9, 1983.

One Executive Assistant to the Deputy Assistant Secretary for Legislation, Office of the Assistant Secretary for Legislation and Congressional Relations. Effective March 24, 1983.

One Senior Assistant for Congressional Relations, Office of the Assistant Secretary for Legislation and Congressional Relations. Effective March 24, 1983.

One Senior Legislative Specialist, Office of the Assistant Secretary for Legislation and Congressional Relations, Effective March 24, 1983.

One Special Assistant to the Deputy Assistant Secretary for Public and Indian Housing. Effective March 31, 1983.

Department of the Interior

One Confidential Assistant to the Director, Fish and Wildlife Service. Effective March 10, 1983.

One Special Assistant to the Director, Fish and Wildlife Service. Effective March 22, 1983.

One Special Assistant for Congressional and Legislative Affairs, Office of the Director, Geological Survey. Effective March 22, 1983.

One Director, Office of Congressional and Legislative Affairs. Effective March 24, 1983.

One Assistant for Public Affairs to the Associate Director, Bureau of Land Management. Effective March 29, 1983.

Department of Justice

One Secretary (Stenography) to the Deputy Assistant Attorney General, Land and Natural Resources Division. Effective March 1, 1983.

One Staff Assistant (Typing) to the Associate Attorney General, Office of the Associate Attorney General. Effective March 3, 1983.

One Special Assistant to the Deputy Attorney General, Office of the Deputy Attorney General. Effective March 9, 1983.

One Secretary (Stenography) to the Assistant Attorney General, Civil Rights Division. Effective March 9, 1983.

One Personal Assistant to the Director, Bureau of Justice Statistics. Effective March 22, 1983.

One Special Assistant to the Attorney General, Office of the Attorney General. Effective March 25, 1983.

One Legislative Aide to the Director, Regulatory and Legislative Affairs Staff. Effective March 25, 1983.

Department of Labor

One Special Assistant to the Assistant Secretary Occupational Safety and Health Administration. Effective March 7, 1983.

One Staff Assistant to the Director, Office of Workers' Compensation Programs. Effective March 10, 1983.

One Special Assistant to the Assistant Secretary, Occupational Safety and Health Administration. Effective March 23, 1983.

One Special Assistant to the Assistant Secretary for Employment and Training, Office of the Assistant Secretary. Effective March 29, 1983.

One Special Assistant to the Director, Women's Bureau. Effective March 30, 1983.

One Private Secretary to the Deputy Under Secretary, Office of the Deputy Under Secretary for Intergovernmental Affairs. Effective March 31, 1983.

Department of State

One Secretary (Stenography) to the Director, Management Operations. Effective March 1, 1983.

One Secretary (Stenography) to the Under Secretary, Office of the Under Secretary for Management. Effective March 3, 1983.

One Staff Assistant to the Special Advisor to the Secretary, Office of the Ambassador-at-Large/Special Middle East Negotiator. Effective March 23, 1983.

One Deputy Chief of Protocol, Office of the Chief of Protocol. Effective March 25, 1983.

One Staff Assistant (Cultural Property) to the Associate Director for Educational and Cultural Affairs. Effective March 28, 1983.

One Special Assistant to the Deputy Director, Office of the Deputy Director. Effective March 29, 1983.

Department of Transportation

One Special Assistant to the Secretary, Office of the Secretary. Effective March 22, 1983.

One Special Assistant to the Director, Office of Public and Consumer Affairs. Effective March 22, 1983.

One Secretary (Stenography) to the Special Assistant to the Secretary. Effective March 22, 1983.

One Staff Assistant to the General Counsel, Office of the General Counsel. Effective March 22, 1983.

Department of the Treasury

One Special Assistant to the Commissioner of Customs, Office of the Commissioner. Effective March 4, 1983.

One Staff Assistant to the Deputy Assistant Secretary (Financial Systems). Effective March 8, 1983.

One Public Affairs Specialist, Office of the Assistant Secretary (Public Affairs). Effective March 15, 1983.

One Staff Assistant to the Commissioner of Customs, Office of the Commissioner. Effective March 16, 1983.

ACTION

One Special Assistant to the Assistant Director, Office of Policy and Planning. Effective March 15, 1983.

One Deputy Associate Director for Older American Volunteer Programs. Effective March 21, 1983.

Administrative Office of the United States Courts

One Attorney-Adviser (Legislative). Effective March 8, 1983.

One Secretary (Stenography) to the Legislative Affairs Officer. Effective March 8, 1983.

One Attorney-Adviser (Legislative). Effective March 8, 1983.

Agency for International Development

One Confidential Assistant to the Administrator, Office of the Administrator. Effective March 22, 1983.

One Special Assistant to the Assistant Administrator, Bureau for Food for Peace and Voluntary Assistance. Effective March 23, 1983.

Commodity Futures Trading Commission

One Special Assistant to the Commissioner, Office of Commissioner West. Effective March 23, 1983.

Consumer Product Safety Commission

One Staff Assistant to the Commissioner. Effective March 22, 1983.

One Special Assistant to the Commissioner. Effective March 30, 1983.

Equal Employment Opportunity Commission

One Congressional Liaison Assistant to the Director, Office of Congressional Affairs. Effective March 11, 1983.

Executive Office of the President

One Administrative Assistant to the Assistant Director for Legislative Affairs, Office of Management and Budget. Effective March 7, 1983.

Federal Mine Safety and Health Review Commission

One Attorney-Advisor. Effective March 24, 1983.

Federal Trade Commission

One Special Assistant (Economic Adviser) to the Commissioner, Office of Commissioner Douglas. Effective March 10, 1983.

One Staff Assistant to the Chairman, Office of the Chairman. Effective March 11, 1983.

Government Printing Office

One Secretary (Typing) to the Congressional Relations Officer, Office of the Public Printer. Effective March 22, 1983.

Office of Personnel Management

One Special Assistant to the Assistant Director for Public Affairs, Office of Policy and Communications. Effective March 30, 1983.

Securities and Exchange Commission

One Executive Aide (Typing) to the Executive Assistant to the Chairman, Office of the Chairman. Effective March 24, 1983.

Small Business Administration

One Confidential Program Assistant to the Administrator, Office of the Administrator. Effective March 10, 1983.

U.S. Information Agency

One Special Assistant for Congressional Relations, Office of the General Counsel and Congressional Liaison. Effective March 7, 1983.

One Staff Assistant to the Special Assistant, Office of Private Sector Programs. Effective March 15, 1983.

One Special Assistant to the General Counsel, Office of the General Counsel. Effective March 17, 1983.

One Special Assistant to the Associate Director for Educational and Cultural Affairs. Effective March 30, 1983.

Veterans Administration

One Confidential Assistant to the Administrator, Office of the Administrator. Effective March 31, 1983.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

[FR Doc. 83-10614 Filed 4-25-83; 8:45 am]

BILLING CODE 6325-01-M

federal register

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Part III

Office of Management and Budget

Budget Deferrals

OFFICE OF MANAGEMENT AND BUDGET

Budget Deferrals

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report four new deferrals of budget authority totaling $31,441,000 and one revision to a previously reported deferral, increasing the amount deferred by $6,000,000.

The deferrals affect the Department of Commerce and the Department of Energy.

The details of each deferral are contained in the attached reports.

Ronald Reagan.

THE WHITE HOUSE,
April 21, 1983.

BILLING CODE 3110-01-M

Deferral No: D83-71

CONTENTS OF SPECIAL MESSAGE
(In thousands of dollars)

CONTENTS OF SPECIAL MESSAGE
(in thousands of dollars)

Deferral #	Item	Budget Authority
	Department of Commerce	
	National Oceanic and Atmospheric Administration	
D83-71	Operations, research and facilities.....	2,965
	Energy Activities	
	Energy Programs	
	Energy supply, R&D activities (operating	
D83-72	expenses).....	15,226
D83-73	Fossil energy research and development.....	8,750
D83-49A	Fossil energy construction.....	26,000
D83-74	Energy conservation.....	4,500
	Total, deferrals.....	57,441

SUMMARY OF SPECIAL MESSAGES
FOR FY 1983
(in thousands of dollars)

	Rescissions	Deferrals
Seventh special message		
New items.....	---	31,441
Change to amounts previously submitted.....	---	6,000
Effects of Seventh special message..	---	37,441
Amounts previously submitted that were changed by this message.....	---	20,000
Total, rescissions and deferrals....	---	57,441
Amounts previously submitted that were not changed by this message..	1,554,015 1/	13,396,734
Total amount proposed to date in all special messages.....	1,554,015 1/	13,454,175 2/

1/ This amount includes $23,400,000 in current budget authority for the rural telephone bank that is offset by a corresponding increase in permanent budget authority (R83-20).
2/ All amounts listed represent budget authority except for $15,944,000 of outlays only in one general revenue sharing deferral (D83-16B).

Deferral No: D83-71

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Commerce
Bureau: National Oceanic and Atmospheric Administration
Appropriation title & symbol: Operations, Research, and Facilities 13X1450
OMB identification code: 13-1450-0-1-306
Grant program: [X] Yes [ ] No
Type of account or fund: [ ] Annual [ ] Multiple-year _____ (expiration date) [X] No-year

New budget authority (P.L. 97-377): $895,654,000
Other budgetary resources: 143,054,883
Total budgetary resources: 1,038,708,883
Amount to be deferred: Part of year: ____ Entire year: 2,965,000
Legal authority (in addition to sec. 1013): [X] Antideficiency Act [ ] Other _____
Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other _____

Justification: This account provides for the research, development, and support of operating programs, and acquisition of the facilities for fulfilling the basic responsibilities of the National Oceanic and Atmospheric Administration (NOAA). The General Accounting Office (GAO) conducted a review of NOAA's computer procurement actions at the request of the Chairman of the House committee on Government Operations. As a result of GAO recommendations in their report (GAO/CED-82-81, April 28, 1982) NOAA has reassessed its computer requirements for FY 1983-85 and identified $2,965,000 that will not be needed for computer procurement in FY 1983. These funds are being deferred for the remainder of FY 1983 and will be used to offset other funding needs for this account in FY 1984. This deferral action is taken under the provisions of the Antideficiency Act, due to the change in computer requirements.

Estimated Effects: This deferral action will have no impact on the program.

Outlay Effect: This deferral action will shift $2,965,000 in outlays from FY 1983 to FY 1984.

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Deferral No: D83-72

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Energy Activities	New budget authority (P.L. 97-377): $2,071,016,000
Bureau: Energy Programs	Other budgetary resources: 393,890,722
Appropriation title & symbol: Energy supply, research and development activities (Operating Expenses) 89X0224 1/	Total budgetary resources: 2,464,906,722
	Amount to be deferred: Part of year: ____ Entire year: 15,226,000
CMB identification code: 89-0224-0-1-271	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☐ Other ____
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification: The Energy Supply Research and Development account provides support for research and development of a variety of new energy technologies. This deferral action consists of two parts: (1) it defers $10,226,000 in funds which are in excess of the Department's 1983 financial operating plan as approved by the House Appropriations Committee by letter of February 11, 1983, and (2) it defers $5,000.000 to avoid initiation of two new demonstration projects, the Second Small Community experiment and the Salton Sea Solar Pond Project, for which there is near-term commercial interest and for which the option of private sector funding exists, or where previous DOE funded efforts have lessened technical risks. The Department will continue to support research of a longer term, generic nature for which there is no present commercial interest.

Estimated Effects: This deferral action will allow for an orderly transition to a more generic and long term research program.

Outlay Effect: This deferral action shifts $10,000,000 in FY 1983 outlays into FY 1984 and $5,226,000 from FY 1984 to FY 1985.

1/ This account was the subject of a deferral in FY 1982 (D82-228A).

Deferral No: D83-73

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Energy Activities	New budget authority (P.L. 97-377): $2,000,000 (P.L. 97-394): 215,514,000
Bureau: Energy Programs	Other budgetary resources: 136,637,249
Appropriation title & symbol: Fossil Energy Research and Development 89X0213 1/	Total budgetary resources: 354,151,249
	Amount to be deferred: Part of year: ____ Entire year: 8,750,000
CMB identification code: 89-213-0-1-271	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☐ Other ____
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification: The Fossil Energy Research and Development Program conducts research and development in the areas of coal, petroleum and gas. The program is continuing to focus on generic and technology base research where private sector involvement and commitment is unlikely. This deferral action is being taken for several reasons: (1) $4.50 million is deferred because the funds are in excess of that required to carry out planned program requirements in the areas of peat research, fluidized-bed coal gasification and unconventional gas recovery from eastern gas shales; (2) $1.25 million is deferred to avoid initiation of a coal-fired combined cycle gas turbine cogeneration facility, which has already been demonstrated; and (3) $3.00 million is deferred in the MHD program, which is the amount in excess of funds required to terminate the project. (The Department notified Congress of its proposal to terminate the MHD program by letter from the Secretary of Energy on March 31, 1983).

Estimated Effects: This deferral action will allow for an orderly transition to a more generic and long term research program.

Outlay Effect: This deferral action will shift $6,000,000 in outlays from FY 1983 to FY 1984, and $2,750,000 from FY 1984 to FY 1985.

1/ This account is the subject of another FY 1983 deferral (D83-8A).

Deferral No: D83-49A

DEFERRAL OF BUDGET AUTHORITY

D83-49A

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(e) of P.L. 93-344

This report updates Deferral No. D83-49, transmitted to the Congress on February 1, 1983.

This revision to a deferral of fossil energy construction funds in the Department of Energy increases the amount previously reported as deferred from $20,000,000 to $26,000,000. The increase of $6,000,000 is due to a decision not to fund certain additional near term development and demonstration activities.

Deferral No: D83-49A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Energy Activities	New budget authority ($) (P.L.)
Bureau: Energy Programs	Other budgetary resources: 51,041,891
Appropriation title & symbol: Fossil Energy Construction 1/ 89X0214	Total budgetary resources: 51,041,891
	Amount to be deferred: Part of year ($) Entire year: 26,000,000*
OMB identification code: 89-0214-0-1-271	Legal authority (in addition to sec. 1013): [X] Antideficiency Act ($20,000,000)
Grant program: [ ] Yes [X] No	[ ] Other
Type of account or fund: [ ] Annual [ ] Multiple-year (expiration date) [X] No-year	Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other

Justification: The Fossil Energy Program conducts research and development in the areas of coal, petroleum and gas. Development and demonstration of near term technologies supported in the past by this program are no longer funded by the Federal government. This reorientation permits the deferral of excess funds for the entire year resulting in a reduction in the FY 1984 appropriation request. This deferral action is taken under provisions of the Antideficiency Act (31 U.S.C. 1512).

Estimated Effects: This deferral action has no programmatic effect.

Outlay Effect:* This deferral action will shift $26,000,000 in outlays from FY 1983 into FY 1984.

1/ This account was the subject of a deferral in FY 1982 (D82-9).

* Revised from previous report.

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Deferral No: D83-74

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Energy Activities	New budget authority (P.L. 97-394) $ 279,290,000
Bureau Energy Programs	Other budgetary resources 135,277,747
Appropriation title & symbol: Energy Conservation - 89X0215	Total budgetary resources 414,567,747
	Amount to be deferred: Part of year ____ Entire year 4,500,000
OMB identification code: 89-0215-0-1-272	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act $1,500,000 ☐ Other ____
Grant program ☒ Yes ☐ No	
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification: The Energy Conservation program funds research and development on long-term, high risk, high payoff energy conservation technologies. The program also provides State and local grants for energy conservation.

This action defers $3,000,000 from the consumer product technology program and $1,500,000 for the National Appropriate Technology Assistant Service (NATAS), for a total deferral of $4,500,000 for the remainder of the fiscal year.

The consumer product technology deferral reflects the continuing redirection of the program toward long term, generic high-risk, but potentially high-pay-off research and development. Funds for projects inconsistent with this policy, and/or of low priority, are being deferred.

Deferral of the NATAS funds will provide time for a more complete examination of the results of the Appropriate Technology Program and of the need for a NATAS. Should it become apparent that such a technical assistance service is important, reconsideration of the establishment of the NATAS, and of the best organization to place it into effective operation, can be undertaken at that time.

Estimated Effects: The deferral of $3,000,000 from the Consumer Product Technology program will delay work on selected projects inconsistent with Administration policy or of low priority. However, the rest of this program will continue on schedule in FY 1983. The $1,500,000 deferral for NATAS will delay initiation of this service while its need is being examined.

Outlay Effect: This deferral action will shift $4,500,000 in outlays from FY 1983 to FY 1984.

[FR Doc. 83-11082 Filed 4-25-83; 8:45 am]
BILLING CODE 3110-01-C

federal register

Tuesday
April 26, 1983

Part IV

Department of Energy

Office of the Secretary

Industrial Energy Conservation Program

DEPARTMENT OF ENERGY

Office of the Secretary

Industrial Energy Conservation Program; Indentification of Corporations for Purposes of Industrial Energy Efficiency Improvement and Recovered Materials Utilization Reporting

AGENCY: Department of Energy.

ACTION: Notice of Corporate Identification.

SUMMARY: The Department of Energy (DOE) is identifying corporations which consumed at least one trillion British thermal units (Btu's) of energy in calendar year 1981 in any of the major energy-consuming industries, as required by DOE's regulations at 10 CFR 445.15(b) which implements section 373(b) of the Energy Policy and Conservation Act (EPCA), as amended by the National Energy Conservation Policy Act.

Section 445.12 of these regulations require certain corporations which consumed at least one trillion Btu's of energy in a calendar year in any of the 20 major energy-consuming industries identified by DOE to file a certified statement with DOE. The deadline to file this report with DOE was February 28, 1983. Based on the reports filed in response to this requirement and reports filed previously, DOE identifies the corporations listed in the appendix to this notice. Identified corporations are required to meet the reporting requirements of 10 CFR Part 445 Subpart C.

A corporation may file a request with DOE to modify its identification on the grounds of technical or clerical error as provided in 10 CFR 445.16.

Identified corporations are required to report on energy efficiency improvements and, if appropriate, recovered materials utilization in calendar year 1982 either directly to DOE or to DOE-approved sponsors of reporting programs, pursuant Subpart C of 10 CFR Part 445 which implements the requirements of sections 374A, 375 and 376 of EPCA.

FOR FURTHER INFORMATION CONTACT:

Tyler E. Williams, Jr., Office of Industrial Programs, CE–122.1, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–2371

Pamela Pelcovits, Office of General Counsel, GC–33, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–9519

Issued in Washington, D.C. April 19, 1983.

Joseph J. Tribble,

Assistant Secretary, Conservation and Renewable Energy.

List of Corporations Identified for Calendar Year 1981

SIC 20—Food and Kindred Products

A. E. Staley Manufacturing Company
Adolph Coors Company
Amalgamated Sugar Company
American Crystal Sugar Company
American Home Products Corporation
American Maize-Products Company
AMFAC Inc.
AMPCO Foods Inc.
AMSTAR Corporation
Anderson Clayton & Company
Anheuser-Busch Inc.
Archer Daniels Midland Company
Beatrice Foods Company
Borden Inc.
Bunge Corporation
California & Hawaiian Sugar Company
California Canners and Growers Company
Campbell Soup Company
Campbell Taggart Inc.
Cargill Inc.
Carnation Company
Castle & Cooke Inc.
Central Soya Company Inc.
Chesebrough-Ponds Inc.
Coca Cola Company
Colonial Sugars Inc.
Conagra Inc.
Consolidated Foods Corporation
CPC International Inc.
Curtice-Burns Inc.
Del Monte Corporation
Dubuque Packing Company
Eli Lilly and Company
Excel Corporation
Farmland Industries Inc.
Farmers Union Grain Terminal Association
Federal Company
Flowers Industries Inc.
Foremost-McKesson Inc.
G. Heileman Brewing Company Inc.
General Foods Corporation
General Mills Inc.
George A. Hormel & Company
Gerber Products Company
Gold Kist Inc.
Great A & P Tea Company Inc.
Greyhound Corporation
H. J. Heinz Company
Hanson Industries Inc.
Hershey Foods Corporation
Heublein Inc.
Holly Sugar Corporation
Hunt International Resources Corporation
IC Industries Inc.
Imperial Sugar Company
International Telephone & Telegraph Corporation
Interstate Brands Corporation
Iowa Beef Processors Inc.
J. R. Simplot Company
Jos. Schlitz Brewing Company
Joseph E. Seagram & Sons Inc.
Keebler Company
Kellogg Company
Kraft Inc.
Kroger Company
Ladish Malting Company
Lance Inc.
Land O'Lakes Inc.
Lever Brothers Company
Lykes Brothers Inc.
Mars Incorporated
Michigan Sugar Company
Mid-America Dairymen Inc.
Midwest Solvents Company Inc.
Miller Brewing Company
Minn-Dak Farmers Cooperative
Monitor Sugar Company
Moorman Manufacturing Company
Nabisco Inc.
National Distillers & Chemical Corporation
National Starch & Chemical Corporation
Nestle Enterprises Inc.
Norton Simon Inc.
Olympia Brewing Company
Oscar Mayer & Company
Pabst Brewing Company
Pepsico Inc.
Perdue Inc.
Pet Inc.
Pillsbury Company
Procter & Gamble Company
Quaker Oats Company
R. T. French Company
Ralston Purina Company
Rapid American Corporation
Rath Packing Company
Refined Syrups & Sugars Inc.
Revere Sugar Corporation
Riceland Foods Inc.
Safeway Stores Inc.
Savannah Foods & Industries Inc.
SCM Corporation
Southern Minnesota Sugar Cooperative
Standard Brands Inc.
Stokely-Van Camp Inc.
Stroh Companies Inc.
Sunkist Growers Inc.
Sunshine Biscuits Inc.
Swift & Company
Thomas J. Lipton Inc.
Tri/Valley Growers Inc.
United Brands Company
Univar Corporation
Universal Foods Corporation
Wilson Foods Corporation

SIC 21—Tobacco Products

American Brands Inc.
Brown & Williamson Tobacco Corporation
Philip Morris Inc.
R. J. Reynolds Industries Inc.

SIC 22—Textile Mill Products

American Thread Company
Armstrong World Industries Inc.
Avondale Mills Inc.
Bibb Company
Bigelow-Sanford Inc.
Burlington Industries Inc.
Cannon Mills Company
Clinton Mills Inc.
Coats & Clark Inc.
Colgate-Palmolive Company
Collins & Aikman Corporation
Cone Mills Corporation
Consolidated Foods Corporation
Cranston Print Works Company
Crompton Company Inc.
Daisy Hosiery Mills Inc.
Dan River Inc.
Dixie Yarns Inc.
Fieldcrest Mills Inc.

General Tire & Rubber Company
Goodyear Tire & Rubber Company
Graniteville Company
Greenwood Mills Inc.
Gulf & Western Industries Inc.
J. P. Stevens & Company Inc.
Johnson & Johnson
Kiddie Tot Hosiery Mills Inc.
Kimberly-Clark Corporation
M. Lowenstein & Sons Inc.
Milliken & Company
Mohasco Corporation
Northwest Industries Inc.
RCA Corporation
Reeves Brothers Inc.
Riegel Textile Corporation
Sayles Biltmore Bleacheries Inc.
Shaw Industries Inc.
Spartan Mills Inc.
Sperry and Hutchinson Company
Springs Industries Inc.
Standard Oil Company (Indiana)
Standard-Coosa-Thatcher Company
Thomaston Mills Inc.
Ti-Caro Inc.
United Merchants & Manufacturers Inc.
West Point-Pepperell Inc.
WWG Industries Inc.

SIC 23—Apparel and Other Textile Products

None

SIC 24—Lumber and Wood Products

Abitibi-Price Corporation
Boise Cascade Corporation
Champion International Corporation
Georigia-Pacific Corporation
Jim Walter Corporation
Koppers Company Inc.
Louisiana-Pacific Corporation
Masonite Corporation
Potlatch Corporation
Weyerhaeuser Company
Willamette Industries Inc.

SIC 25—Furniture and Fixtures

None

SIC 26—Paper and Allied Products

Abitibi-Price Southern Corporation
Alaska Lumber & Pulp Company Inc.
Alton Box Board Company
American Can Company
Appleton Papers Inc.
Arcata Corporation
Armstrong World Industries Inc.
Austell Box Board Corporation
Bell Fibre Products Corporation
Bird & Son Inc.
Blandin Paper Company
Boise Cascade Corporation
Bowater Inc.
Caraustar Industries Company
Certainteed Corporation
Champion International Corporation
Chesapeake Corporation
Clevepak Corporation
Consolidated Papers Inc.
Consolidated Packaging Corporation
Continental Group Inc.
Crown Zellerbach Corporation
Deerfield Specialty Papers Inc.
Dennison Manufacturing Company
Dexter Corporation
Diamond International Corporation
Eddy Paper Company Limited
Erving Paper Mills Inc.
Federal Paper Board Company Inc.
Finch Pruyn & Company Inc.
Flintkote Company
Fort Howard Paper Company
Fraser Paper, Limited
GAF Corporation
Garden State Paper Company Inc.
Georgia-Pacific Corporation
Gilman Paper Company
Great Northern Nekoosa Corporation
Green Bay Packaging Inc.
Grefco Inc.
Gulf States Paper Corporation
Hammermill Paper Company
Howard Paper Mills Inc.
International Paper Company
International Telephone & Telegraph Corporation
Interstate Paper Corporation
James River Corporation of Virginia
Jim Walter Corporation
Kimberly-Clark Corporation
Litton Industries Inc.
Longview Fibre Company
Louisiana-Pacific Corporation
Macmillan Bloedel Inc.
Manville Corporation
Marcal Paper Mills Inc.
Mead Corporation
Menasha Corporation
Minnesota Mining & Manufacturing Company
Mobile Oil Corporation
Mosinee Paper Corporation
National Gypsum Company
Newark Boxboard Company
Newton Falls Paper Mill Inc.
Olin Corporation
Owens-Corning Fiberglas Corporation
Owens-Illinois Inc.
P. H. Glatfelter Company
Pacific Paperboard Products Inc.
Penntech Papers Inc.
Pentair Industries Inc.
Philip Morris Inc.
Pope and Talbot Inc.
Port Huron Paper Company
Potlatch Corporation
Procter & Gamble Company
Rhinelander Paper Company
SCM Corporation
Scott Paper Company
Simpson Paper Company
Sonoco Products Company
Sorg Paper Company
Southeast Paper Manufacturing Company
Southwest Forest Industries Inc.
St. Joe Paper Company
St. Regis Paper Company
Stone Container Corporation
Tenneco Inc.
Time Inc.
Times Mirror Company
Union Camp Corporation
United States Gypsum Company
Virginia Fibre Corporation
Wausau Paper Mills Company
Weston Paper & Manufacturing Company
Westvaco Corporation
Weyerhaeuser Company
Willamette Industries Inc.

SIC 27—Printing and Publishing

Arcata Corporation
City Investing Company
Moore Business Forms Inc.
R. R. Donnelley & Sons Company
W. F. Hall Printing Company

SIC 28—Chemicals and Allied Products

Abbott Laboratories
Air Products & Chemicals Inc.
Airco Inc.
Akzona Inc.
Allied Chemical Corporation
Aluminum Company of America
AMAX Inc.
American Can Company
American Cyanamid Company
American Hoechst Corporation
American Home Products Corporation
American Petrofina Inc.
American Synthetic Rubber Corporation
Arizona Chemical Company
Asarco Incorporated
Ashland Oil Inc.
Atlantic Richfield Company
Avtex Fibers Inc.
B. F. Goodrich Company
Badische Corporation
BASF Wyandotte Corporation
Baxter-Travenol Laboratories Inc.
Beker Industries Corporation
Big Three Industries Inc.
Borden Inc.
Borg-Warner Corporation
Bristol-Myers Company
Buffalo Color Corporation
C. F. Industries Inc.
Cabot Corporation
Cargill Inc.
Carus Chemical Company Inc.
Celanese Corporation
CIBA–GEIGY Corporation
Cities Service Company
Coastal Corporation
Colgate-Palmolive Company
Columbia Nitrogen Corporation
Cominco American Inc.
Commonwealth Oil Refining Company
Conoco Inc.
Copolymer Rubber & Chemical Corp.
CPC International Inc.
Diamond Crystal Salt Company
Diamond Shamrock Corporation
Dow Chemical Company
Dow Corning Corporation
E. I. DuPont De Nemours & Company
Eagle Picher Industries Inc.
Eastman Kodak Company
El Paso Products Company
Eli Lilly and Company
Estech General Chemicals Corporation
Ethyl Corporation
Exxon Corporation
Farmland Industries Inc.
Felmont Oil Corporation
Ferro Corporation
Firestone Tire & Rubber Company
First Mississippi Corporation
FMC Corporation
Freeport Minerals Company
GAF Corporation
Gardinier Big River Inc.
General Electric Company
General Tire & Rubber Company
Georgia-Pacific Corporation
Getty Oil Company
Goodyear Tire & Rubber Company
Great Lakes Chemical Corporation
Green Valley Chemical Corporation
Greyhound Corporation

Gulf & Western Industries Inc.
Gulf Oil Corporation
Gulf Resources & Chemical Corporation
Hardy Salt Company
Hawkeye Chemical Company
Henkel Corporation
Hercules Incorporated
Hoffmann-La Roche Inc.
ICI Americas Inc.
International Minerals & Chemicals Corporation
Inter North Inc.
J. M. Huber Corporation
J. R. Simplot Company
Johnson & Johnson
Kaiser Aluminum & Chemical Corporation
Kerr-McGee Corporation
Koppers Company Inc.
Lever Brothers Company
Linden Chemicals & Plastics Inc.
Lubrizol Corporation
Mallinckrodt Inc.
Merck & Company Inc.
Merichem Company
Miles Laboratories Inc.
Minnesota Mining & Manufacturing Company
Mississippi Chemical Corporation
Mobay Chemical Corporation
Mobil Oil Corporation
Monsanto Company
Morton-Norwich Products Inc.
N-Ren Corporation
Nalco Chemical Company
National Distillers & Chemical Corporation
Newmont Mining Corporation
NIPRO Inc.
NL Industries Inc.
North American Rayon Corporation
Occidental Petroleum Corporation
Olin Corporation
Pennwalt Corporation
Pfizer Inc.
Phibro Resources Corporation
Phillips Petroleum Company
PPG Industries Inc.
PQ Corporation
Procter & Gamble Company
Publicker Industries Inc.
Purex Industries Inc.
Quaker Oats Company
Reichhold Chemicals Inc.
Reilly Tar & Chemical Corporation
Reynolds Metals Company
Richardson-Vicks Inc.
Rohm And Haas Company
SCM Corporation
Shell Oil Company
Sherex Chemical Company Inc.
Sherwin-Williams Company
Signal Companies Inc.
SimCal Chemical Company
Soltex Polymer Corporation
Squibb Corporation
Standard Oil Company (Indiana)
Standard Oil Company (Ohio)
Standard Oil Company of California
Stauffer Chemical Company
Sterling Drug Inc.
SunOlin Chemical Company
Tenneco Inc.
Terra Chemicals International Inc.
Texaco Inc.
Texasgulf Inc.
Thiokol Corporation
Tyler Corporation
Union Camp Corporation
Union Carbide Corporation
Union Oil Company of California
Uniroyal Inc.
United States Borax & Chemical Corporation
United States Steel Corporation
United Technologies Corporation
Upjohn Company
Velsicol Chemical Corporation
Vertac Inc.
Virginia Chemicals Inc.
Vulcan Materials Company
W. R. Grace & Company
Warner-Lambert Company
Westvaco Corporation
Weyerhaeuser Company
Williams Companies
Witco Chemical Corporation

SIC 29—Petroleum and Coal Products

Agway Inc.
Amerada Hess Corporation
American Petrofina Inc.
Asamera Oil (U.S.) Inc.
Ashland Oil Inc.
Atlantic Richfield Company
Beacon Oil Company
Bird & Son Inc
Certainteed Corporation
Champlin Petroleum Company
Charter International Oil Company
Cities Service Company
Clark Oil & Refining Corporation
Coastal Corporation
Commonwealth Oil Refining Company
Crown Central Petroleum Corporation
Crystal Oil Company
Diamond Shamrock Corporation
Dorchester Gas Corporation
Earth Resources Company
Edgington Oil Company
Exxon Corporation
Farmers Union Central Exchange Inc.
Farmland Industries Inc.
Fletcher Oil & Refining Company
GAF Corporation
Getty Oil Company
Great Lakes Carbon Corporation
Gulf Oil Corporation
Holly Corporation
Hunt Oil Company
Husky Oil Company
Indiana Farm Bureau Cooperative Association
Jim Walter Corporation
Kern County Refinery Inc.
Kerr-McGee Corporation
Koch Industries Inc.
Koppers Company Inc.
Little America Refining Company
Louisiana Land & Exploration Company
Marathon Oil Corporation
Mobil Oil Corporation
Murphy Oil Corporation
National Cooperative Refinery Association
OKC Corporation
Oklahoma Refining Company
Owens-Corning Fiberglas Corporation
Pacific Resources Inc.
Pennzoil Company
Petrolite Corporation
Phillips Petroleum Company
Placid Refining Company
Powerine Oil Company
Pride Refining Inc.
Quaker State Oil Refining Corporation
Rock island Refining Corporation
Shell Oil Company
Southern Union Company
Southland Oil Company
Standard Oil Company (Indiana)
Standard Oil Company (Ohio)
Standard Oil Company of California
Sun Company Inc.
Tenneco Inc.
Tesoro Petroleum Corporation
Texaco Inc.
Texas Eastern Transmission Corporation
Time Oil Company
Tosco Corporation
Total Petroleum Inc.
Union Oil Company of California
United Refining Company
USA Petroleum Corporation
Winston Refining Company
Witco Chemical Corporation

SIC 30—Rubber and Miscellaneous Plastics Products

Amerace Corporation
American Cyanamid Company
Armstrong Rubber Company
B. F. Goodrich Company
Baxter-Travenol Laboratories Inc.
Budd Company
Carlisle Corporation
Continental Group Inc.
Cooper Tire & Rubber Company
Dart Industries Inc.
Dayco Corporation
Dunlop Tire & Rubber Corporation
Eagle Picher Industries Inc.
Ethyl Corporation
Exxon Corporation
Firestone Tire & Rubber Company
Gates Rubber Company
General Electric Company
General Motors Corporation
General Tire & Rubber Company
Goodyear Tire & Rubber Company
Michelin Tire Corporation
Minnesota Mining & Manufacturing Company
Owens-Illinois Inc.
Union Carbide Corporation
Uniroyal Inc.
W. R. Grace & Company
Westinghouse Electric Corporation

SIC 31—Leather and Leather Products

None

SIC 32—Stone, Clay and Glass Products

AFG Industries Inc.
Alamo Cement Company
Allied Chemical Corporation
Allied Products Company
Alpha Portland Cement Company
American Standard Inc.
Anchor Hocking Corporation
Arkansas Louisiana Gas Company
Armco Inc.
Armstrong World Industries Inc.
Ash Grove Cement Company
Austin White Lime Company
Ball Corporation
Belden Brick Company
Bethlehem Steel Corporation
Bickerstaff Clay Products Company Inc.
Boren Clay Products Company
Brockway Glass Company Inc.
California Portland Cement Company
Can-Am Corporation
Capitol Aggregates Inc.

Centex Corporation
Certainteed Corporation
Citadel Cement Corporation
CLM Corporation
Combustion Engineering
Coors Container Company
Coplay Cement Manufacturing Company
Corning Glass Works
Crane Company
Cyprus Hawaiian Cement Company
Delta Macon Brick & Tile Company
Dickey Company
Domtar Industries Inc.
Dorsey Corporation
Dravo Corporation
Dresser Industries Inc.
Dundee Cement Company
Eagle Picher Industries Inc.
EDW C. Levy Company
Englehard Corporation
Ferro Corporation
Filtrol Corporation
Flintkote Company
Florida Mining & Materials Corporation
Ford Motor Company
GAF Corporation
Gallo Glass Company
General Telephone & Electronic Corporation
General Dynamics Corporation
General Electric Company
General Portland Inc.
General Shale Products Corporation
Georgia-Pacific Corporation
Giant Portland & Masonry Cement Company
Gifford-Hill & Company Inc.
Glen-Gery Corporation
Glenshaw Glass Company Inc.
Grefco Inc.
Guardian Industries Corporation
Ideal Basic Industries Inc.
Independent Cement Corporation
Indian Head Inc.
Interpace Corporation
J. E. Baker Company
Jim Walter Corporaton
Jones-Laughlin Steel Corporation
Justin Industries Inc.
Kaiser Aluminum & Chemical Corporation
Kaiser Cement & Gypsum Corporation
Kennecott Corporation
Kerr Glass Manufacturing Corporation
Keystone Portland Cement Company
Kohler Company
Lancaster Glass Company
Latchford Glass Company
Lehigh Portland Cement Company
Libbey-Owen-Ford Company
Liberty Glass Company
Lone Star Industries Inc.
Louisville Cement Company
Manville Corporation
Martin-Marietta Corporaton
McDermott Inc.
McDonough Company
Midland Glass Company Inc.
Minnesota Mining & Manufacturing Company
Mississippi Lime Company
Missouri Portland Cement Company
Monarch Cement Company
Monolith Portland Cement Company
National Bottle Manufacturing Company
National Can Corporation
National Cement Company
National Gypsum Company
Newmont Mining Corporation
Northwestern State Portland Cement Company
Norton Company
Norton Simon Inc.
Oregon Portland Cement Company
Owens-Corning Fiberglas Corporation
Owens-Illinois Inc.
Pacific Coast Building Products Company
Penn-Dixie Industries Inc.
Pfizer Inc.
Philip Morris Inc.
PPG Industries Inc.
Puerto Rican Cement Company Inc.
Rangaire Corporation
Raymark Corporation
Reichhold Chemicals Inc.
Republic Steel Corporation
Rinker Portland Cement Corporation
River Cement Company
Round Rock Lime Company
Solite Corporation
South Dakota Cement Company
Southdown Inc.
St. Clair Lime Company
Texas Industries Inc.
Thatcher Glass Corporation
United States Gypsum Company
Vulcan Materials Company
Warner Company
Weyerhaeuser Company
Wheaton Industries
Whitehall Cement Manufacturing Company
Woodville Lime & Chemical Company

SIC 33—Primary Metal Industries

A. Finkl & Sons Company
Alcan Aluminum Corporation
Allegheny International
Allied Chemical Corporation
Alumax Inc.
Aluminum Company of America
Amax Inc.
American Can Company
American Cast Iron Pipe Company
American Telephone & Telegraph Company
Amsted Industries Inc.
Armco Inc.
Asarco Inc.
Athlone Industries Inc.
Atlantic Richfield Company
Atlantic Steel Company
Bethlehem Steel Corporation
Budd Company
Cabot Corporation
Cargill Inc.
Carpenter Technology Corporation
Caterpillar Tractor Company
Ceco Corporation
Century Brass Products Inc.
Chromium Mining & Smelting Corporation
Clow Corporation
Colt Industries Inc.
Connors Steel Company
Consolidated Aluminum Corporation
Copperweld Corporation
Crane Company
Cyclops Corporation
Dana Corporation
Dayton Malleable Inc.
Dow Chemical Company
Eastmet Corporation
Elkem Metals Company
Ethyl Corporation
Evans Products Company
Florida Steel Corporation
Foate Mineral Company
Ford Motor Company
General Electric Company
General Motors Corporation
General Telephone & Electronics Corporation
Great Lakes Carbon Corporation
Grede Foundries Inc.
Gulf & Western Industries Inc.
Guterl Special Steel Corporation
Hanna Mining Company—Silicon Division
Hanna Nickel Smelting Company
Hayes-Albion Corporation
Huntington Alloys Inc.
IC Industries Inc.
Inland Steel Company
Inspiration Consol Copper Company
Interlake Inc.
International Minerals & Chemical Corporation
Jim Walter Corporation
Jones & Laughlin Steel Corporation
Kaiser Aluminum & Chemical Corporation
Kaiser Steel Corporation
Kennecott Corporation
Keystone Consolidated Industries Inc.
Korf Industries Inc.
Laclede Steel Company
Louisiana Land & Exploration Company
Lukens Steel Company
Macalloy Corporation
Marmon Group Inc.
Martin Industries Inc.
Martin-Marietta Corporation
McDermott Inc.
McLouth Steel Corporation
Mead Corporation
Midland-Ross Corporation
National Distillers & Chemical Corporation
National Steel Corporation
National-Standard Company
Newmont Mining Corporation
NL Industries Inc.
Noranda Aluminum Inc.
Northwest Industries Inc.
Northwest Steel Rolling Mills Inc.
Northwestern Steel & Wire Company
Ogden Corporation
Ohio Ferro-Alloys Corporation
Olin Corporation
Outboard Marine Corporation
Pechiney Ugine Kuhlmann Corporation
Penn-Dixie Industries
Phelps Dodge Corporation
Phibro Corporation
Phoenix Steel Corporation
Quanex Corporation
Republic Steel Corporation
Revere Copper and Brass Inc.
Reynolds Metals Company
RSR Corporation
Sharon Steel Corporation
Shenango Inc.
SKW Alloys Inc.
Southwire Company
St. Joe Minerals Corporation
Structural Metals Inc.
Teledyne Inc.
Tenneco Inc.
Textron Inc.
Timken Company
Tyler Corporation
Union Carbide Corporation
United Technologies Corporation
Vulcan Materials Company
Washington Steel Corporation
Wheeling Pittsburgh Steel Corporation
White Consolidated Industries Inc.

SIC 34—Fabricated Metal Products

Allegheny International
Aluminum Company of America
American Can Company
American Standard Inc.
Amsted Industries Inc.
Armco Inc.
Ball Corporation
Bethlehem Steel Corporation
Budd Company
Cameron Iron Works Inc.
Campbell Soup Company
Canton Drop Forging & Manufacturing Company
Combustion Engineering Inc.
Continental Group Inc.
Crown Cork & Seal Company Inc.
Cyclops Corporation
E. I. duPont de Nemours & Company
Gulf & Western Industries Inc.
Harsco Corporation
International Telephone & Telegraph Corporation
Jos. Schlitz Brewing Company
Kaiser Aluminum & Chemical Corporation
Ladish Company
Martin Marietta Corporation
McDermott Inc.
Miller Brewing Company
National Can Corporation
National Steel Corporation
Olin Corporation
Remington Arms Company Inc.
Reynolds Metal Company
Rockwell International Corporation
Signal Companies Inc.
Stanley Works Inc.
Textron Inc.
United States Steel Corporation
Wyman-Gordon Company

SIC 35—Machinery, Except Electrical

Allis-Chalmers Corporation
Borg-Warner Corporation
Briggs & Stratton Corporation
Bucyrus-Erie Company
Caterpillar Tractor Company
Clark Equipment Company
Colt Industries Inc.
Control Data Corporation
Cooper Industries Inc.
Cummins Engine Company Inc.
Deere & Company
Digital Equipment Corporation
Dresser Industries Inc.
Eaton Corporation
Emerson Electric Company
FMC Corporation
Ford Motor Company
General Electric Company
Harnischfeger Corporation
Hughes Tool Company
IC Industries Inc.
Ingersoll-Rand Company
International Business Machines Corporation
Outboard Marine Corporation
Rexnord, Inc.
SKF Industries Inc.
Sperry Rand Corporation
Tenneco Inc.
Timken Company
Trane Company
TRW Inc.
United Technologies Corporation
Xerox Corporation

SIC 36—Electric, Electronic Equipment

A. O. Smith Corporation
Airco Inc.
Allied Chemical Corporation
American Telephone & Telegraph Company
Dart & Kraft Inc.
Emerson Electric Company
GK Technologies Inc.
General Electric Company
General Telephone & Electronic Corporation
Great Lakes Carbon Corporation
Harvey Hubbell Inc.
Hughes Aircraft Corporation
Johnson Controls Inc.
Maytag Company
McGraw-Edison Company
Minnesota Mining & Manufacturing Company
Raytheon Company
RCA Corporation
Reliance Electric Company
Rockwell International Corporation
Square D Company
Stackpole Company
Texas Instruments Inc.
Union Carbide Corporation
Whirlpool Corporation

SIC 37—Transportation Equipment

A. O. Smith Corporation
American Motors Corporation
Avco Corporation
Bendix Corporation
Bethlehem Steel Corporation
Boeing Company
Borg-Warner Corporation
Budd Company
Chrysler Corporation
Dana Corporation
Eaton Corporation
Ford Motor Company
Fruehauf Corporation
General Dynamics Corporation
General Electric Company
General Motors Corporation
Goodyear Tire & Rubber Company
Grumman Corporation
Hercules Inc.
Hughes Aircraft Company
Lockheed Corporation
Martin-Marietta Corporation
McDonnell Douglas Corporation
Northrop Corporation
Rockwell International Corporation
Signal Companies Inc.
Tenneco Inc.
Thiokol Corporation
TRW Inc.
United Technologies Corporation
Volkswagen of America
Vought Corporation

SIC 38—Instruments and Related Products

Eastman Kodak Company
GAF Corporation
Johnson & Johnson
Minnesota Mining & Manufacturing Company
Polaroid Corporation

SIC 39—Miscellaneous Manufacturing Industries

Armstrong World Industries Inc.
Congoleum Corporation

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Industrial Energy Conservation Program; Proposed Exempt Corporations and Adequate Reporting Programs

AGENCY: Department of Energy.

ACTION: Notice of proposed exempt corporations and adequate reporting programs.

SUMMARY: As an annual part of the Department of Energy's (DOE) Industrial Energy Conservation Program, as set forth at 10 CFR Part 445, DOE is proposing to exempt certain corporations from the requirement of filing corporate reporting forms directly with DOE and to determine as adequate certain industrial reporting programs for sponsor reporting. This notice is required pursuant to section 376(g)(1) of the Energy Policy and Conservation Act and DOE's regulations set forth at 10 CFR Part 445, Subpart D. The proposed exempt corporations and the respective sponsors of proposed adequate reporting programs are listed alphabetically by industry in the appendix to this notice.

DOE will receive written comments with respect to this proposed list and will issue a final list of exempt corporations and adequate reporting programs.

Identified corporations are required to report on energy efficiency improvements and, if appropriate, recovered materials utilization in calendar year 1982 either directly to DOE or to DOE-approved sponsors of reporting programs, pursuant Subpart C of 10 CFR Part 445 which implements the requirements of sections 374A, 375 and 376 of EPCA.

DATE: Written comments must be received by May 26, 1983.

ADDRESS: Comments should be addresed to: Office of Hearings & Dockets, U.S. Department of Energy, Office of Conservation and Renewable Energy, Mail Station 6B-025, Room 5F078, 1000 Independence Avenue, SW., Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT:
Tyler E. Williams, Jr., Office of Industrial Programs, CE-122.1, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-2371

Pamela Pelcovits, Office of General Counsel, GC-33, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-9519.

Issued In Washington, D.C. April 19, 1983.

Joseph J. Tribble

Assistant Secretary, Conservation and Renewable Energy.

Final Exempt Corporations and Sponsors of Adequate Reporting Programs

SIC 20—Food and Kindred Products

American Bakers Association

Cambill Soup Company (partial)
Campbell Taggart, Inc.
Consolidated Foods Corporation (partial)
Flowers Industries Inc.
G. Heileman Brewing Company, Inc. (partial)
ITT Continental Baking Company Inc. (partial)
Interstate Brands Corporation

American Feed Manufacturers Association

Archer Daniels Midland Company (partial)
Cargill Inc.
Central Soya Company Inc. (partial)
Gold Kist Inc.
Land O'Lakes, Inc. (partial)
Moorman Manufacturing Company
Ralston Purina Company (partial)

American Frozen Food Institute

Campbell Soup Company (partial)
J. R. Simplot Company

American Meat Institute

Beatrice Foods Company (partial)
Consolidated Foods Corporation (partial)
Farmland Industries Inc.
Geo. A. Hormel & Company
Greyhound Corporation
Oscar Mayer & Company
Rath Packing Company
Swift & Company
United Brands Company
Wilson Foods Corporation

Biscuit & Cracker Manufacturers Association

Keebler Company
Lance Inc.
Nabisco Inc. (partial)
Sunshine Biscuits Inc.

Chemical Manufacturers Association

National Distillers Products Company

Corn Refiners Association

A. E. Staley Manufacturing Company (partial)
American Maize-Products Company
Anheuser-Busch Inc. (partial)
CPC International Inc.
National Starch & Chemical Corporation

Grocery Manufacturers of America, Inc.

A. E. Staley Manufacturing Company (partial)
American Home Products Corporation
Ampco Foods Inc.
Amstar Corporation
Anderson Clayton & Company
Archer Daniels Midland Company (partial)
Beatrice Foods Company (partial)
Borden Inc. (partial)
Carnation Company
Central Soya Company, Inc. (partial)
Chesebrough-Ponds Inc.
Coca-Cola Company
Consolidated Foods Corporation (partial)
General Foods Corporation
General Mills Inc.
Great A & P Tea Company Inc.
H. J. Heinz Company (partial)
Hershey Foods Corporation
Heublein Inc.
Kellogg Company
Kraft Inc.
Kroger Company
Lance Inc.
Lever Bros.
Mars Inc.
Nabisco Inc. (partial)
Pepsico Inc.
Pet Incorporated
Pillsbury Company
Procter & Gamble Company
Quaker Oats Company
Ralston Purina Company (partial)
R. T. French Company
Standard Brands Incorporated
Thomas J. Lipton Inc.
Universal Foods Corporation

National Food Processors Association

California Canners and Growers Company
Campbell Soup Company (partial)
Castle & Cooke Inc.
Curtice-Burns Inc.
Del Monte Corporation
Gerber Products Company
H. J. Heinz Company (partial)
Norton Simon Inc.
Stokely-Van Camp Inc.
Sunkist Growers Inc.
Tri/Valley Growers Inc.

National Frozen Food Association

ITT Continental Baking Company Inc. (partial)

Pharmaceutical Manufacturers Association

Eli Lilly and Company

U.S. Beet Sugar Association

Amalgamated Sugar Company
American Crystal Sugar Company
Holly Sugar Corporation
Michigan Sugar Company
Minn-Dak Farmers Cooperative
Monitor Sugar Company
Southern Minnesota Sugar Cooperative

U. S. Brewers Association

Adolph Coors Company
Anheuser-Busch Inc. (partial)
Jos. Schlitz Brewing Company
Ladish Malting Company
Miller Brewing Company
Olympia Brewing Company
Pabst Brewing Company
The Stroh Companies Inc.

U.S. Cane Sugar Refiners Association

California & Hawaiian Sugar Company
Colonial Sugars Inc.
Imperial Sugar Company
Refined Syrups & Sugars Inc.
Revere Sugar Corporation
Savannah Foods & Industries Inc. (partial)

SIC 22—Textile Mill Products

American Textile Manufacturers Institute

American Thread Company
Avondale Mills Inc.
Bibb Company
Burlington Industries Inc.
Clinton Mills Inc.
Coats & Clark Inc.
Colgate-Palmolive Company
Collins & Aikman Corporation
Cone Mills Corporation
Cranston Print Works Company
Crompton Company Inc.
Dan River Inc.
Dixie Yarns Inc.
Fieldcrest Mills Inc.
General Tire & Rubber Company
Goodyear Tire & Rubber Company
Graniteville Company
Greenwood Mills Inc.
J. P. Stevens & Company Inc.
Johnson & Johnson
Kimberly-Clark Corporation
M. Lowenstein & Sons Inc.
Milliken & Company
Northwest Industries Inc.
Reeves Brothers Inc.
Riegel Textile Corporation
Sayles Biltmore Bleacheries Inc.
Spartan Mills Inc.
Sperry and Hutchinson Company (partial)
Springs Industries Inc.
Standard-Coosa-Thatcher Company
Thomaston Mills Inc.
Ti-Caro Inc.
United Merchants & Manufacturers Inc.
West Point-Pepperell Inc.

Carpet & Rug Institute

Bigelow-Sanford Inc.
Mohasco Corporation
Shaw Industries Inc.
Standard Oil Company (Indiana)
WWG Industries Inc.

SIC 24—Lumber and Wood Products

National Forest Products Association

Abitibi-Price Corporation
Boise Cascade Corporation
Champion International Corporation
Georgia-Pacific Corporation
Koppers Company Inc.
Louisiana-Pacific Corporation
Masonite Corporation
Potlatch Corporation
Weyerhaeuser Company
Willamette Industries Inc.

SIC 26—Paper and Allied Products

American Paper Institute

Abitibi-Price Southern Corporation
Alton Box Board Company
American Can Company
Appleton Papers Inc.
Arcata Corporation
Austell Box Board Corporation
Bell Fibre Products Corporation
Blandin Paper Company
Boise Cascade Corporation
Bowater Incorporated
Carauster Industries Company
Champion International Corporation
Chesapeake Corporation
Clevepak Corporation
Consolidated Packaging Corporation
Consolidated Papers Inc.
Continental Group Inc.
Crown Zellerbach Corporation
Deerfield Specialty Papers, Inc.
Dennison Manufacturing Company
Dexter Corporation

Diamond International Corporation
Eddy Paper Company Limited
Erving Paper Mills Inc.
Federal Paper Board Company Inc.
Finch Pruyn & Company Inc.
Fort Howard Paper Company
Fraser Paper, Limited
GAF Corporation
Garden State Paper Company Inc.
Georgia-Pacific Corporation
Gilman Paper Company
Great Northern Nekoosa Corporation
Green Bay Packaging Inc.
Gulf States Paper Corporation
Hammermill Paper Company
International Paper Company
International Telephone & Telegraph Corporation
James River Corporation of Virginia
Kimberly-Clark Corporation
Litton Industries Inc.
Longview Fibre Company
Macmillan Bloedel Inc.
Marcal Paper Mills Inc.
Mead Corporation
Menasha Corporation
Mobil Oil Corporation (partial)
Mosinee Paper Corporation
National Gypsum Company
Newark Boxboard Company
Newton Falls Paper Mill Inc.
Olin Corporation
Owens-Illinois Inc.
PH Glatfelter Company
Pacific Paperboard Products Inc.
Penntech Papers Inc.
Pentair Industries Inc.
Philip Morris Inc.
Pope and Talbot Inc.
Port Huron Paper Company
Potlatch Corporation
Procter & Gamble Company
Rhinelander Paper Company
Scott Paper Company
Simpson Paper Company
Sonoco Products Company
Southeast Paper Manufacturing Company
Southwest Forest Industries Inc.
St. Joe Paper Company
St. Regis Paper Company
Sorg Paper Company
Stone Container Corporation
Tenneco Inc.
Time Inc.
Times Mirror Company
Union Camp Corporation
Virginia Fibre Corporation
Wausau Paper Mills Company
Weston Paper & Manufacturing Company
Westvaco Corporation
Weyerhaeuser Company
Willamette Industries Inc.

SIC 28—Chemicals and Allied Products

Aluminum Association

Aluminum Company of America
Reynolds Metals Company

American Feed Manufacturers Association

Cargill Inc.

Chemical Manufacturers Association

Air Products & Chemicals Inc.
Airco Inc.
Akzona Inc.
Allied Chemical Corporation
American Can Company
American Cyanamid Company
American Hoechst Corporation
American Petrofina Inc.
Arizona Chemical Company
Ashland Oil Inc.
Atlantic Richfield Company
Avtec Fibers Inc.
B F Goodrich Company
Badische Corporation
BASF Wyandotte Corporation
Big Three Industries Inc.
Borden Inc.
Borg-Warner Corporation
Buffalo Color Corporation
Cabot Corporation
CARUS Chemical Company Inc.
Celanese Corporation
CIBA-GEIGY Corporation
Cities Service Company
Commonwealth Oil Refining Company
CONOCO Inc.
Diamond Crystal Salt Company
Diamond Shamrock Corporation
Dow Chemical Company
Dow Corning Corporation
E I Du Pont De Nemours & Company
Eastman Kodak Company
El Paso Products Company
Ethyl Corporation
Exxon Corporation
Farmland Industries Inc. (partial)
Firestone Tire & Rubber Company
FMC Corporation
Freeport Minerals Company
GAF Corporation
General Tire & Rubber Company
Georgia-Pacific Corporation
Getty Oil Company
Goodyear Tire & Rubber Company
Great Lakes Chemical Corporation
Greyhound Corporation
Gulf Oil Corporation
Henkel Incorporated
Hercules Incorporated
ICI Americas Inc.
International Minerals & Chemicals Corporation (partial)
Inter North Inc.
Kaiser Aluminum & Chemical Corporation
Kerr-McGee Corporation
Koppers Company Inc.
Lever Brothers Company
Linden Chemicals & Plastics Inc.
Lubrizol Corporation
Mallinckrodt Inc.
Merichem Company
Minnesota Mining & Manufacturing Company
Mobay Chemical Corporation
Mobil Oil Corporation
Monsanto Company
Morton Norwich Products Inc.
Nalco Chemical Company
National Distillers & Chemical Corporation
NIPRO Inc.
NL Industries Inc.
Occidental Petroleum Corporation (partial)
Olin Corporation
Pennwalt Corporation
Pfizer Inc.
Phillips Petroleum Company
PPG Industries Inc.
PQ Corporation
Procter & Gamble Company
Reichhold Chemicals Inc. (partial)
Reilly Tar & Chemical Corporation
Rohm and Haas Company
Shell Oil Company
Sherex Chemical Company Inc.
Soltex Polymer Corporation
Standard Oil Company (Indiana)
Standard Oil Company (Ohio)
Standard Oil Company of California
Stauffer Chemical Company
SunOlin Chemical Company
Tenneco Inc.
Texaco Inc.
Texasgulf Inc.
Thiokol Corporation
Union Carbide Corporation
Uniroyal Inc.
United States Borax & Chemical Corporation
United States Steel Corporaton (partial)
Upjohn Company (partial)
Velsicol Chemical Corporation
Vertac Inc. (partial)
Virginia Chemicals Inc.
Vulcan Materials Company
W. R. Grace & Company
Westvaco Corporation
Weyerhaeuser Company
Witco Chemical Corporation

Fertilizer Institute

Beker Industries Corporation
Borden Inc.
C F Industries Inc.
Coastal Corporation (Wycon Chemical Company)
Columbia Nitrogen Corporation
Cominco America Inc.
Estech General Chemicals Corporation
Farmland Industries Inc. (partial)
First Mississippi Corporation
Gardinier Big River Inc.
Green Valley Chemical Company
Hawkeye Chemical Company
International Minerals & Chemical Corporation (partial)
J. R. Simplot Company
Mississippi Chemical Corporation
Occidental Petroleum Corporation (partial)
Reichhold Chemicals Inc. (partial)
Terra Chemicals International Inc.
Tyler Corporation (Atlas Powder Company)
Union Oil Company of California
United States Steel Corporation (partial)
Vertac Inc. (partial)
The Williams Companies

Pharmaceutical Manufacturers Association

Abbott Laboratories
American Home Products Corporation (partial)
Baxter-Travenol Laboratories
Eli Lilly & Company
Hoffmann-La Roche Inc.
Johnson & Johnson
Merck & Company Inc.
Miles Laboratories Inc.
Richardson Vicks Inc.
Squibb Corporation
Upjohn Company (partial)
Warner-Lambert Company

SIC 29—Petroleum and Coal Products

American Petroleum Institute

Agway Inc.
American Petrofina Inc.
Asamera Oil (US) Inc.
Ashland Oil Inc.

Atlantic Richfield Company
Beacon Oil Company
Champlin Petroleum Company
Charter International Oil Company
Cities Services Company
Clark Oil & Refining Corporation
Coastal Corporation
Commonwealth Oil Refining Company
Crown Central Petroleum Corporation
Crystal Oil Company
Diamond Shamrock Corporation
Dorchester Gas Corporation
Earth Resources Company
Energy Cooperative Inc.
Exxon Corporation
Farmers Union Central Exchange Inc.
Farmland Industries Inc.
Fletcher Oil & Refining Company
Getty Oil Company
Gulf Oil Corporation
Hunt Oil Company
Husky Oil Company
Indiana Farm Bureau Cooperative Association
Kerr-McGee Corporation
Koch Industries Inc.
Little America Refining Company
Marathon Oil Company
Mobil Oil Corporation
Murphy Oil Corporation
National Cooperative Refinery Association
OKC Corporation
Pacific Resources Inc.
Pennzoil Company
Phillips Petroleum Company
Placid Refining Company
Powerine Oil Company
Quaker State Oil Refining Corporation
Rock Island Refining Corporation
Shell Oil Company
Southern Union Company
Southland Oil Company
Standard Oil Company (Indiana)
Standard Oil Company (Ohio)
Standard Oil Company of California
Sun Company Inc.
Tenneco Inc.
Tesoro Petroleum Corporation
Texaco Inc.
Texas Eastern Transmission Corporation
Time Oil Company
Tosco Corporation
Total Petroleum Inc.
Union Oil Company of California
USA Petroleum Corporation
Winston Refining Company
Witco Chemical Corporation

Chemical Manufacturers Association

GAF Corporation
Great Lakes Carbon Corporation
Koppers Company Inc.

Glass—Pressed and Blown (Battelle Institute)

Owens-Corning Fiberglas Corporation

SIC 30—Rubber and Miscellaneous Plastic Products

Chemical Manufacturers Association

American Cyanamid Company
Dart Industries Inc.
Ethyl Corporation
Exxon Corporation
Minnesota Mining & Manufacturing Company
Union Carbide Corporation
W. R. Grace & Company

Pharmaceutical Manufacturers Association

Baxter-Travenol Laboratories

Rubber Manufacturers Association

Armstrong Rubber Company
B. F. Goodrich Company
Carlisle Corporation
Cooper Tire & Rubber Company
Dayco Corporation
Dunlop Tire & Rubber Corporation
Firestone Tire & Rubber Company
Gates Rubber Company
General Tire & Rubber Company
Goodyear Tire & Rubber Company
Owens-Illinois Inc.
Uniroyal Inc.

SIC 32—Stone, Clay and Glass Products

Brick Institute of America

Belden Brick Company
Bickerstaff Clay Products Company Inc.
Boren Clay Products Company
Deltra Brick & Title Company
General Dynamics Corporation (partial)
General Shale Products Corporation
Glen-Gery Corporation
Justin Industries Inc.

Chemical Manufacturers Association

Engelhard Corporation
GAF Corporation
Minnesota Mining & Manufacturing Company
Reichhold Chemicals Inc.
Vulcan Materials Company

Expanded Shale Clay and Slate Institute

Lehigh Portland Cement Company (partial)
Solite Corporation

Glass—Flat (Eugene L. Stewart)

AFG Industries Inc.
Ford Motor Company
Guardian Industries Corporation
Hordis Brothers Inc.
Libbey-Owens-Ford Company
PPG Industries Inc.

Glass Packaging Institute

Anchor Hocking Corporation (partial)
Ball Corporation
Brockway Glass Company Inc. (partial)
Coors Container Company
Dorsey Corporation
Gallo Glass Company
Glenshaw Glass Company Inc.
Indian Head Inc.
Kerr Glass Manufacturing Corporation
Latchford Glass Company
Liberty Glass Company
Midland Glass Company Inc.
National Bottle Manufacturing Company
National Can Corporation
Norton Simon Inc.
Owens-Illinois Inc. (partial)
Philip Morris Inc.
Thatcher Glass Corporation
Wheaton Industries

Glass—Pressed & Blown (Battelle Institute)

Anchor Hocking Corporation (partial)
Brockway Glass Company Inc. (partial)
Certainteed Corporation
Corning Glass Works (partial)
Owens-Corning Fiberglas Corporation
Owens-illinois Inc. (partial)

Gypsum Association

Domtar Industries Inc. (partial)
Flintkote Company (partial)
Georgia-Pacific Corporation
Jim Walter Corporation (partial)
National Gypsum Company (partial)
Pacific Coast Building Products Company (partial)
United States Gypsum Company (partial)

National Lime Association

Ash Grove Cement Company (partial)
Bethlehem Steel Corporation (partial)
Can-AM Corporation
CLM Corporation
Domtar Industries Inc. (partial)
Dravo Corporation
Edw. C. Levy Company
Flintkote Company (partial)
General Dynamics Corporation (partial)
J. E. Baker Company (partial)
Martin Marietta Corporation (partial)
National Gypsum Company (partial)
Pfizer Inc. (partial)
Round Rock Lime Company
St. Clair Lime Company
United States Gypsum Company (partial)
Vulcan Materials Company (partial)
Warner Company

Portland Cement Association

Alamo Cement Company
Alpha Portland Cement Company
Arkansas Louisiana Gas Company
Ash Grove Cement Company (partial)
California Portland Cement Company
Capitol Aggregates Inc.
Centex Corporation
Citadel Cement Corporation
Coplay Cement Manufacturing Company
Crane Company
Cyprus Hawaiian Cement Company
Dundee Cement Company
Filtrol Corporation
Flintkote Company (partial)
Florida Mining & Materials Corporation
General Portland Cement Company
Giant Portland & Masonry Cement Company
Gifford-Hill & Company Inc.
Ideal Basic Industries Inc.
Independent Cement Corporation
Kaiser Cement & Gypsum Corporation
Keystone Portland Cement Company
Lehigh Portland Cement Company (partial)
Lone Star Industries Inc.
Louisville Cement Company
Martin Marietta Corporation (partial)
McDonough Company
Missouri Portland Cement Company
Monarch Cement Company
Monolith Portland Cement Company
National Cement Company
National Gypsum Company (partial)
Newmont Mining Corporation
Northwestern St. Portland Cement Company
Oregon Portland Cement Company
Penn-Dixie Industries Inc.
Rinker Portland Cement Corporation
River Cement Company
South Dakota Cement Company
Southdown Inc.
Texas Industries Inc. (partial)
Whitehall Cement Manufacturing Company

Refractories Institute

Allied Chemical Corporation (partial)
Combustion Engineering Inc. (partial)
Corning Glass Works (partial)
Dresser Industries Inc. (partial)
Ferro Corporation (partial)
Grefco Inc. (partial)
Interpace Corporation (partial)
J. E. Baker Company (partial)
Kaiser Aluminum & Chemical Corporation (partial)
Kennecott Corporation (partial)
Martin Marietta Corporation (partial)
McDermott Inc. (partial)
Norton Company (partial)
Pfizer Inc. (partial)
United States Gypsum Company (partial)

Tile Council of America

National Gypsum Company (partial)

SIC 33—Primary Metal Industries

Aluminum Association

Alcan Aluminum Corporation
Alumax Inc.
Aluminum Company of America
American Can Company
Atlantic Richfield Company (partial)
Cabot Corporation
Consolidated Aluminum Corporation
Ethyl Corporation
Kaiser Aluminum & Chemical Corporation
Martin Marietta Corporation
National Steel Corporation (partial)
Noranda Aluminum Inc.
Pechiney Ugine Kuhlmann Corporation (partial)
Revere Copper and Brass Inc. (partial)
Reynolds Metal Company
Southwire Company

American Die Casting Institute

Hayes-Albion Corporation (partial)

American Foundrymen's Society

American Cast Iron Pipe Company
Clow Corporation
Dayton Malleable Inc.
Grede Foundries Inc.
Mead Corporation
Teledyne Inc. (partial)

American Iron & Steel Institute

A. Finkl & Sons Company
Allegheny International
Armco Inc.
Athlone Industries Inc.
Atlantic Steel Company
Bethlehem Steel Corporation
Cargill Inc.
Carpenter Technology corporation
Ceco Corporation
Colt Industries Inc.
Crane Company
Cyclops Corporation
Eastmet Corporation
Florida Steel Corporation
Ford Motor Company
Guteri Special Steel Corporation
Inland Steel Company
Interlake Inc. (partial)
Jones & Laughlin Steel Corporation
Kaiser Steel Corporation
Keystone Consolidated Industries Inc.
Korf Industries Inc.
Laclede Steel Company
LTV Corporation
Luskens Steel Corporation
McDermott Inc.
McLouth Steel Corporation
National Steel Corporation (partial)
Northwest Industries Inc. (partial)
Northwest Steel Rolling Mills Inc.
Northwestern Steel & Wire Company
Phoenix Steel Corporation
Republic Steel Corporation
Sharon Steel Corporation
Shenango Inc.
Teledyne Inc. (partial)
Timken Company
United States Steel Corporation
Washington Steel Corporation
Wheeling Pittsburgh Steel Corporation

American Mining Congress

Amax Inc.
Asarco Inc.
Inspiration Consol Cooper Company
Kennecott Corporation (partial)
Louisana Land & Exploration Company (partial)
Marmon Group Inc.
Newmont Mining Corporation (partial)
Phelps Dodge Corporation (partial)
St. Joe Minerals Corporation

Chemical Manufacturers Association

Allied Chemical Corporation
Great Lakes Carbon Corporation

Construction Industry Manufacturers Association

Caterpillar Tractor Company
Tenneco Inc.

Copper & Brass Fabricators Council

Atlantic Richfield Company (partial)
Century Brass Products Inc.
Kennecott Corporation (partial)
Louisiana Land & Exploration Company (partial)
National Distillers & Chemical Corporation
Olin Corporation
Phelps Dodge Corporation (partial)
Revere Copper & Brass Inc. (partial)

Ferroalloys Association

Chromium Mining & Smelting Corporation
Dow Chemical Company
Elkem Metals Company
Foate Mineral Company
Hanna Mining Company-Silicon Division
Hanna Nickel Smelting Company
Interlake Inc. (partial)
International Minerals & Chemical Corporation
MacAlloy Corporation
Newmont Mining Corporation (partial)
Ohio Ferroalloys
SKW Alloys
Union Carbide Corporation

SIC 34—Fabricated Metal Products

Aluminum Association

Aluminum Company of America
Kaiser Aluminum & Chemical Corporation
Martin Marietta Corporation
Reynolds Metals Company

American Boiler Manufacturers Association

Combustion Engineering Inc.
McDermott Inc.

Can Manufacturers Institute

American Can Company
Campbell Soup Company
Continental Group Inc.
Crown Cork & Seal Company Inc.
Jos Schlitz Brewing Company
Miller Brewing Company
National Can Corporation

Chemical Manufacturers Association

E. I. duPont deNemours & Company
Remington Arms Company Inc.

SIC 35—Machinery, Except Electrical

Air Conditioning & Refrigeration Institute

Emerson Electric Company
IC Industries
Trane Company

Computer & Business Equipment Manufacturers Association

Control Data Corporaton
Digital Equipment Corporation
International Business Machines Corporation
Sperry Rand Corporation
TRW Inc.
Xerox Corporation

Construction Industry Manufacturers Association

Bucyrus-Erie Company
Caterpillar Tractor Company
Clark Equipment Company
Cummins Engine Company Inc.
FMC Corporation
Ford Motor Company
Harnischfeger Corporation
Ingersoll-Rand Company
Tenneco Inc

SIC 36—Electric, Electronic Equipment

Chemical Manufacturers Association

Great Lakes Carbon Corporation
Minnesota Mining & Manufacturing Company

National Electrical Manufacturers Association

Airco Inc.
Allied Chemical Corporation
Emerson Electrical Company
Harvey Hubbell Inc.
Johnson Controls Inc.
McGraw-Edison Company
Reliance Electric Company
Square D Company
Union Carbide Corporation

SIC 37—Transportation Equipment

Aerospace Industries Association of America

Boeing Company
General Dynamics Corporation (partial)
Grumman Corporation
Hughes Aircraft Corporation
Lockheed Corporation
Martin Marietta Corporation
McDonnell Douglas Corporation
Northrop Corporation
Thiokol Corporation
TRW Inc.
Vought Corporation

Chemical Manufacturers Association

Hercules Incorporated
Tenneco Inc.

Motor Vehicle Manufacturers Association

American Motors Corporation
Chrysler Corporation
Ford Motors Company (SIC Code 33), Recovered Materials)
General Motors Corporation (SIC Code 30,33, Recovered Materials)

SIC 38—Instruments and Related Products

Chemical Manufacturers Association

Eastman Kokak Company
GAF Corporation
Minnesota Mining & Manufacturing Company

Pharmaceutical Manufacturers Association

Johnson & Johnson

[FR Doc. 83-11022 Filed 4-25-83; 8:45 am]
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Part V

Department of Labor

Wage and Hour Division

Interim Migrant and Seasonal Agricultural Worker Protection Regulations; Corrections

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DEPARTMENT OF LABOR

Wage and Hour Division

29 CFR Part 500

Interim Migrant and Seasonal Agricultural Worker Protection Regulations

Correction

In FR Doc. 83–9093 beginning on page 15800 in the issue of Tuesday, April 12, 1983, make the following corrections:

1. On page 15803, fifteen lines from the bottom of the center column, "housing facility of real property" should have read "housing facility or real property".

2. On page 15806, § 500.1(e), nineteen lines from the top of the third column of the page, "certificate or" should have read "certificate of".

3. On page 15808, first column, § 500.10, tenth line, "of these regulations" should have read "or these regulations".

4. On page 15815, center column, § 500.72(b), "Act of these regulations" should have read "Act or these regulations".

5. On page 15817, center column, § 500.102(d), fifth line, "of agricultural association" should have read "or agricultural association".

6. Same page, third column, the section now designated as "§ 550.103" should have been designated as "§ 500.103".

7. In the introductory text of § 500.105, on page 15818, first column, first line, "and 500.102(b) shall comply" should have read "and 500.102(d) shall comply".

8. On page 15820, § 500.132(a)(2), thirty lines from the bottom of the center column of the page, "rather than ODHA" should have read "rather than OSHA".

9. On page 15821, § 500.145, "Employee Certificate or Registration" should have read "Employee Certificate of Registration".

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Part VI

Department of the Interior

Minerals Management Service

1983 Sale Offerings to Eligible U.S. Refiners of Royalty Oil Available From Federal Offshore and Onshore Leases

DEPARTMENT OF THE INTERIOR

Minerals Management Service

1983 Sale Offerings to Eligible U.S. Refiners of Royalty Oil Available From Federal Offshore and Onshore Leases

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of 3 Sale Offerings of Available Royalty Oil.

SUMMARY: Because the Secretary of the Interior has determined that some U.S. refiners do not currently have access to adequate supplies of crude oil, he is offering to sell the Federal Government's royalty share of oil produced from certain offshore and onshore Federal leases. This offering to all qualified applicants is made pursuant to regulations governing the disposal of Federal royalty-in-kind (RIK) oil. Applications for contracts will be processed as quickly as possible for the 3 separate sales to be conducted in 1983: Sale No. 83–1 on July 6; Sale No. 83–2 on August 3; Sale No. 83–3 on September 7. All 3 sales will be held at the Denver Federal Center, Lakewood, Colorado.

DATES: Completed applications for Sale No. 83–1 must be received by close-of-business (c.o.b.) June 15, 1983; for Sale No. 83–2 by c.o.b. July 15, 1983; for Sale No. 83–3 by c.o.b. August 15, 1983.

ADDRESS: Application forms for the contract purchase of RIK oil may be obtained from Mr. James Mikelson, Minerals Management Service, Payor Accounting Branch, P.O. Box 5760 T.A., Denver CO 80217. Completed applications should be returned to the same MMS office; the telephone number is (303) 231–3133.

FOR FURTHER INFORMATION CONTACT: RIK Sale Coordinator Dennis Whitcomb, (303) 231–3432.

SUPPLEMENTARY INFORMATION: As MMS stated in the **Federal Register** of January 14, 1983 (48 FR 1833: Notice of Intent to Revise Timing of U.S. Royalty Oil Sales from Federal Offshore and Onshore Leases; request for comments), availability royalty oil will be offered in separate sales, based on the geographical regions designated below:

Sale No. 83–1

RIK oil from Federal leases in the Outer Continental Shelf (OCS) regions of the Gulf of Mexico and the Pacific Coast will be sold under contracts beginning October 1, 1983, with an expiration date of October 1, 1984. Approximately 100,000 barrels per day will be offered in this sale to qualified applicants.

The effective beginning date of subsequent royalty oil contracts for production from these regions will be October 1, 1984, and every 3 years thereafter.

Sale No. 83–2

RIK oil from Federal leases in the States of Alaska, Arizona, California, Idaho, Nevada, New Mexico, Oklahoma, Oregon, Texas, and Washington will be sold under contracts beginning November 1, 1983, with an expiration date of October 1, 1985. Approximately 15,000 barrels per day will be offered in this sale to qualified applicants.

The effective beginning date of subsequent royalty oil contracts for production from these 10 States will be October 1, 1985, and every 3 years thereafter.

Sale No. 83–3

RIK oil from Federal leases in all other States will be sold under contracts beginning December 1, 1983, with an expiration date of October 1, 1986. Approximately 20,000 barrels per day will be offered in this sale to qualified applicants.

The effective beginning date of subsequent royalty oil contracts for this region will be October 1, 1986, and every 3 years thereafter.

An application received after the specified date for a particular sale cannot be considered and must be rejected. If an MMS official requests additional information from an applicant, that additional information must be received by the date specified by the MMS requester of the application will be rejected.

MMS is adopting this 3 separate-sales schedule in order to furnish better production data to interested eligible purchasers of U.S. royalty oil. Comments received from the public and industry were uniformly positive.

Sales Terms Information

MMS is holding the 1983 sales as early as is consistent with giving adequate notice and information to qualified applicants. Before each sale, an information package will be sent to every applicant who has filed a timely application with MMS. The package will include such pertinent data as: (1) General administrative details concerning the allocation and contract award process; (2) a copy of the Federal oil and gas contract, including terms under which it will be awarded; (3) a statement on surety requirements; (4) the lease locations, quality and approximate quantities of royalty oil and, (5) sale arrangements such as the date, location, and time of each sale.

Eligibility Requirements for Applicants

For the purchase of offshore royalty oil, "eligible refiner" means the owner of an existing oil refinery or refineries (including refineries not in operation) who qualifies as a small business enterprise under the rules of the Small Business Administration and who is unable to purchase in the open market an adequate supply of crude oil to meet the needs of that total existing refinery capacity.

For the purchase of onshore royalty oil, "eligible refiner" means the owner of an existing oil refinery or refineries who is unable to purchase in the open market an adequate supply of crude oil sufficient for that refinery's operation at the time of application for royalty oil and whose total refining capacity (including parent and/or subsidiaries) does not exceed 175,000 barrels per day.

However, an otherwise eligible refiner would not be permitted to participate in a royalty sale if, at the time of the sale, that refiner was in arrears on payments owed (including interest and/or penalties) under a previously awarded royalty oil contract.

Moreover, the Secretary of the Interior, in the exercise of the discretionary authority granted him by applicable statutes, has elected to continue to grant a preference in the allocation of onshore Federal royalty oil. A preference will be granted to a refiner who applies to purchase onshore royalty oil produced in a designated area for use in a refinery located in the same or nearest geographical area. Designations by MMS used to establish 6 onshore "preference" areas for this purpose are as follows:

1. *Western area* includes the States of Arizona, Idaho, California, Nevada, Oregon, and Washington. Refineries located in Hawaii will also be given preference for oil produced in the Western area.

2. *Alaska area includes the State of Alaska.*

3. *South Central area* includes the States of New Mexico, Oklahoma, and Texas.

4. *Central area* includes the States of Colorado, Kansas, Nebraska, and Utah.

5. *North Central area* includes the States of Montana, North Dakota, South Dakota, and Wyoming.

6. *Eastern area* includes all other states in which qualified RIK applicants have refineries.

Surety Bond Requirement

A purchaser of Federal royalty oil shall be required to furnish a surety bond or an irrevocable straight letter of

credit (from a financial institution acceptable to MMS) 45 days prior to the effective date of the contract. The surety must be in an amount equal to the value of Federal royalty oil that could be taken by the purchaser in a 90-day period. If a letter of credit is furnished, it must be maintained by the purchaser for term of the contract plus 180 days.

Dated: April 20, 1983.

Orie L. Kelm,

Deputy Associate Director for Royalty Management, Minerals Management Service.

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Part VII

Department of Agriculture

Food and Nutrition Service

Emergency Food Assistance Programs; Interim Rules

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Parts 250 and 251

Emergency Food Assistance Programs

AGENCY: Food and Nutrition Service, USDA.

ACTION: Interim rules.

SUMMARY: These interim rules amend the Food Distribution Program regulations (7 CFR Part 250) and establish new regulations under 7 CFR Part 251 governing emergency food assistance programs required by Titles I and II of Public Law 98–8. Amendments to Part 250 make technical changes required by the legislation relating to certain charges that may be imposed by distributing agencies and to provisions regarding fraud in connection with USDA food donations. The new regulations set forth the terms and conditions under which (1) surplus food will be distributed to eligible recipient agencies under the emergency food assistance programs and (2) Federal funds will be provided to assist in such distribution.

DATES: These rules are effective as of May 1, 1983. To be assured of consideration, comments must be received or postmarked on or before June 27, 1983.

ADDRESS: Comments should be sent to: Gwena Kay Tibbits, Chief, Program Administration Branch, Food Distribution Division, Food and Nutrition Service, U.S. Department of Agriculture, Alexandria, Virginia 22302.

Comments in response to these rules may be inspected at 3101 Park Center Drive, Room 506, Alexandria, Virginia, during normal business hours (8:30 a.m. to 5:00 p.m., Mondays through Fridays).

FOR FURTHER INFORMATION CONTACT: Gwena Kay Tibbits, Chief, Program Administration Branch, (703) 756–3660.

SUPPLEMENTARY INFORMATION:

Classification

These regulations have been reviewed under Executive Order 12291 and have been classified as "non-major." The provisions of Titles I and II of Public Law 98–8 implemented by these rules are considered as separate actions, neither of which will have an annual effect on the economy of $100 million or more nor will they cause a major increase in costs or price for consumers; individual industries; Federal, State or local government agencies; or geographic regions. The actions will not have significant adverse effects on competition, employment, investment productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This rule has been reviewed with regard to the Regulatory Flexibility Act (Pub. L. 96–354). Robert E. Leard, Administrator of the Food and Nutrition Service, has certified that this action will not have a significant economic impact on a substantial number of small entities.

Robert E. Leard has also determined pursuant to 5 U.S.C. 533 (b) and (c) that good cause exists for making these rules effective earlier than 30 days after publication. Public Law 98–8 mandates emergency food assistance programs to address immediate problems among unemployed and low-income persons. Section 210 of the legislation requires the Secretary to issue regulations implementing its provisions within 30 days of enactment of Public Law 98–8 on March 24, 1983. However, public comments are solicited on these provisions and appropriate changes will be made on the basis of comments received. Mr. Leard has also determined that an emergency situation exists for making these regulations effective without the benefit of prior public comments.

I. Legislative Background

Title I of Public Law 98–8 appropriates $75 million for the purchase and distribution of perishable agricultural commodities to States for use in areas of high unemployment. These commodities are to be distributed to cooperative emergency feeding facilities which provide nutrition services to indigent persons. Title II of Public Law 98–8 is the "Temporary Emergency Food Assistance Act of 1983." Title II provides for distribution of surplus agricultural commodities to various outlets. Title II also appropriates $50 million for the cost of distribution and storage of commodities. At least $10 million of these funds are to be given by State agencies to certain outlets for costs incurred in providing commodities to relieve situations of emergency and distress to needy persons, including low-income and unemployed persons. Public Law 98–8 also contains provisions for supplemental funding of administrative expenses for the Commodity Supplemental Food Program (Section 209) and for the encouragement of processing agreements (Sections 203). Implementations of these sections will be addressed separately.

II. Discription of Regulations

Part 251 sets forth the basic terms to implement a temporary program. Donations of commodities under these regulations will be made until the authorities for such donations expire on September 30, 1983. At that time, donations of commodities will continue pursuant to the legislative authorities governing distribution of USDA commodities in effect prior to enactment of Public Law 98–8.

Within the State, traditional outlets, such as schools and charitable institutions, are eligible to receive donated commodities under Title II of Public Law 98–8. Distribution of commodities to those outlets will be carried out in accordance with existing agreements under Part 250. Commodities provided under Title II will also be made available to another group of outlets called emergency feeding organization, which includes organizations such as soup kitchens, temporary shelters, hunger centers for indigent persons and food banks. In order to receive funds for storage and distribution costs incurred in connection with distributions to emergency feeding organizations, the State will be required to enter into a new agreement under Part 251. Any organization which meets both the charitable institution requirements for Part 250 and the requirements for an emergency feeding organization under Part 251, may receive commodities under both Part 250 and Part 251 agreements. However, only those costs incurred in connection with the distribution of commodities to and by emergency feeding organizations under a new Part 251 agreement will be eligible for the funding provided by Title II of Public Law 98–8.

These interim rules amend the Food Distribution Program Regulations (7 CFR Part 250) and establish new regulations under 7 CFR Part 251 to implement the provisions of Public Law 98–8. An analysis of the major provisions of these rules follows.

Title I Commodities

Title I of Public Law 98–8 makes available $75 million for the purchase of perishable agricultural commodities through surplus removal operations. Section 251.3(h) of the regulations establishes a definition of these "Title I commodities."

These commodities will be distributed to emergency feeding organizations which operate cooperative emergency feeding facilities for indigent persons. "Cooperative emergency feeding organization" and "emergency feeding

organization" are defined by § 251.3 (c) and (e) of the regulations.

Section 251.4(b)(2) indicates that each State will receive an allocation of Title I commodities based on the number of unemployed persons in the State. Appendix A of the regulations sets forth the allotments for each State.

Title II Commodities

Section 202 of Public Law 98–8 requires the Secretary to determine the availability of Commodity Credit Corporation commodities which are in excess of the amount needed to (1) carry out the payment-in-kind (PIK) program, (2) maintain the United States share of world markets, and (3) meeting international market development and food aid commitments.

The Secretary will determine the types and amounts of commodities which are available. These commodities are defined by § 251.3(i) of the regulations as "Title II commodities." Section 251.4(b) of the regulations states that the Department will announce the availability of Title II commodities and the Food and Nutrition Service will notify State agencies concerning their allocations of available commodities. State agencies will then inform the Department concerning the amount of Title II commodities requested and the arrangements for distribution.

Section 202 of Public Law 98–8 requires that Title II commodities be distributed to "eligible recipient agencies." Section 251.3(d) of the regulations defines eligible recipient agencies. The definition includes all those organizations which are considered eligible to receive donated surplus USDA commodities under the terms and conditions of Part 250, as well as food banks or food bank-type organizations which distribute commodities to individuals for household consumption.

Funding for Distribution of Commodities

Section 204 of Public Law 98–8 requires the Department to make available to States $50 million for costs incurred in storing and distributing commodities to certain organizations. These organizations ("emergency feeding organizations") are defined by § 251.3(e) of the regulations to include any "eligible recipient agency" which provides nutrition assistance to relieve situations of emergency and distress through the provision of food to needy persons, including low-income and unemployed persons.

The definition of "emergency feeding organization" does not include eligible recipient agencies such as schools and certain charitable institutions. The legislative history of Public Law 98–8 indicates that Congress intended these funds to be used to defray costs of distribution to emergency and distress type feeding facilities whose primary purpose is the provision of food in emergency and distress situations to needy persons. Therefore "emergency feeding organization" has been defined to include soup kitchens, temporary shelters, hunger centers for indigent persons and food banks.

Section 204 of Public Law 98–8 and Section 251.6 of the regulations provide that at least $10 million of the $50 million appropriation be allocated by States to emergency feeding organizations for actual costs of storage and distribution of Title I and Title II commodities incurred by those organizations.

Section 251.6 of the regulations also implements the statutory requirements that funds given to emergency feeding organizations not exceed 5 percent of the value of commodities distributed by those organizations. Section 251.6(d)(3) limits the amount of advance payments that shall be made to emergency feeding organizations. In general, funds will be made available to State agencies on a reimbursement basis. Advance payments to State agencies will be available for emergency feeding organizations which have demonstrated their need for advance payments.

Allocation of $50 Million Among States

Because the primary objective of Public Law 98–8 is to assist low-income persons, particularly those affected by unemployment, the $50 million will be apportioned among States on the basis of the following formula: (1) the number of households with incomes below the poverty level (60%) and (2) the number of unemployed persons (40%).

Because Public Law 98–8 was enacted as an emergency relief measure to address problems created by proverty and unemployment, the Department determined it was appropriate to use these factors in identifying areas most in need of emergency relief.

Administration

Section 251.2 of this rule provides that (1) distribution of surplus commodities under Part 251 to traditional recipient agencies such as schools, hospitals and correctional institutions is the responsibility of the State's present distributing ageny for donations to these outlets, and (2) distribution of commodities to emergency feeding organizations and receipt of payments for storage and distribution is the responsibility of a State agency, designated by the Governor or other appropriate State executive authority, which has entered into the required agreement as the distributing agency for that purpose. This allows a State, in cases where the present State distributing agency does not choose to take on the added responsibilities to designate another agency to administer the program. Section 251.3(f) defines "State agency" to include both of the above types of agencies.

Section 251.5(a) provides that State agencies shall determine which agencies are eligible to receive commodities under the regulation. Eligible recipient agencies that are already participating as recipient agencies under State commodity agreements under Part 250 will be considered as eligible under Part 251. However, a separate eligibility determination will be required for other potential eligible recipient agencies.

Section 251.4(c) provides that once the Department has announced the types and amounts of commodities available and FNS has notified States of their allocation, State agencies may place their requests for such commodities with FNS. State agencies may request the types and amounts of those commodities which can be utilized without waste.

Section 251.6(b) provides that funds made available to States shall be subject to the Department's uniform Federal Financial Assistance Regulations (7 CFR Part 3015). Those regulations implement OMB Circulars A–102 and A–110, pertaining to the administration of Federal grants and cooperative agreements.

Section 251.6(c) provides that payments will be made to each State agency within the State's apportionment by means of U.S. Treasury checks upon submission by the distributing agency of SF–270, Request for Advance or Reimbursement. The same section requires that any funds that are unobligated by the State as of September 30, 1983, shall be promptly returned to FNS.

Section 251.6(d) specifies proper use of funds and requires that not less than 20 percent of each State's apportionment be used to pay for actual storage and distribution costs incurred by emergency feeding organizations, in accordance with Section 204 of Public Law 98–8. In addition to the recordkeeping requirements of Part 250, State agencies and emergency feeding organizations under Part 251 will be required to document that, in accordance with Section 204, payments to emergency feeding organizations do not exceed 5 percent of the value of commodities distributed by such organizations.

Miscellaneous Provisions

Section 250.6(j) currently permits distributing agencies and subdistributing agencies to operate systems of assessments whereby recipient agencies are required to pay part or all of the intrastate cost of USDA food distribution. Section 208 of Public Law 98–8 requires that whenever a commodity is made available without charge or credit under any nutrition program administered by the Department, no State may charge recipient agencies any amount that is in excess of the State's direct costs of storing and transporting the commodities, minus any amount the Department provides the State for paying such costs. Appropriate amendments have been made to § 250.6(j). The amendment is effective for the period May 1, 1983 through September 30, 1983.

Section 250.13(b) of the regulations governing the Food Distribution Program has been amended to reflect the criminal penalties imposed by Public Law 98–8 for theft, embezzlement or fraudulent misapplication of commodities or of funds, assets or property deriving from donation of commodities.

List of Subjects in 7 CFR Parts 250 and 251

Aged, Agricultural commodities, Business and industry, Food assistance programs, Food donations, Grant programs, Social programs Indians, Infants and children, Price support programs, Reporting and recordkeeping requirements, School breakfast and lunch programs, Surplus agricultural commodities.

Accordingly, a new Part 251 is added to read as follows:

PART 251—TEMPORARY EMERGENCY FOOD ASSISTANCE PROGRAMS

Sec.

251.1 General purpose and scope.
251.2 Administration.
251.3 Definitions.
251.4 Availability of commodities.
251.5 Eligibility determinations.
251.6 Payment of funds for storage and distribution costs.
251.7 Miscellaneous provisions.

Appendix A—Allocation to States of $75 million in Commodities under Title I, Public Law 98–8 and Standard Metropolitan Statistical Areas with High Unemployment Rates—1982.

Appendix B—Apportionment to States of $50 million for Storage and Distribution Costs under Title II Public Law 98–8.

Authority: Title I and Secs. 202–208, Public Law 98–8.

§ 251.1 General purpose and scope.

This part announces the policies and prescribes the regulations necessary to carry out certain provisions of Public Law 98–8.

§ 251.2 Administration.

(a) Within the United States Department of Agriculture (the "Department"), the Food and Nutrition Service (FNS) shall have responsibility for the program of distribution of food commodities and apportionment of funds under this part.

(b) Within the States, distribution under this part to organizations eligible to participate as recipient agencies under Part 250 of this chapter shall be the responsibility of the State agency which has entered into an agreement under § 250.5(c) for such distribution. Distribution to emergency feeding organizations and receipt of payments for storage and distribution shall be the responsibility of the State agency which has: (1) Been designated for such responsibility by the Governor or other appropriate State executive authority and (2) entered into an agreement with the Department for such distribution and receipt in accordance with paragraph (c) of this section.

(c) Each State agency which has been designated to make distributions of donated foods to emergency feeding organizations and to receive payments for storage and distribution costs in accordanee with Section 251.6 of this part shall enter into an agreement with the Department.

§ 251.3 Definitions.

For the purposes of this part:

(a) The terms used in this part that are defined in Part 250 of this chapter shall have the meanings ascribed to them therein.

(b) "Area of high unemployment" means a civil jurisdiction with a high level of unemployment that has been so classified based on data provided by the Assistant Secretary for Employment and Training, United States Department of Labor.

(c) "Cooperative emergency feeding organization" means an emergency feeding organization which provides prepared food to need persons for consumption in a congregate setting.

(d) "Eligible recipient agencies" means disaster organizations, charitable institutions, nonprofit summer camps for children, school food authorities, schools, service institutions, welfare agencies, institutions with nutrition programs for the elderly, nonresidential child care institutions, and food banks and similar public or nonprofit institutions which distribute commodities to needy individuals for household consumption. The terms used in this definition shall be given the meaning ascribed to them by 7 CFR Part 250.3.

(e) "Emergency feeding organization" means any eligible recipient agency which provides nutrition assistance to relieve situations of emergency and distress through the provision of food to needy persons, including low-income and unemployed persons and which receives commodities under agreements pursuant to § 251.2(c). This definition includes cooperative emergency feeding organizations, soup kitchens, temporary shelters, hunger centers for indigent persons, and food banks.

(f) "State agency" means: (1) The State governmental unit designated by the Governor or other appropriate State executive authority which has entered into an agreement with the United States Department of Agriculture under § 251.2(c) and (2) the State governmental unit which has entered into an agreement to act as a distributing agency under 7 CFR Part 250.

(g) "Storage and distribution costs" means direct costs incurred by an emergency feeding organization or by a State for intrastate storage and transportation of any Title I or II commodity donated for use by an emergency feeding organization.

(h) "Title I commodities" means commodities distributed to States by the United States Department of Agriculture under the paragraph entitled "Distribution of Agricultural Commodities" in Title I of Public Law 98–8.

(i) "Title II commodities" means commodities distributed to States by the United States Department of Agriculture under Title of Public Law 98–8.

(j) "Value of commodities distributed" means the Department's cost of acquiring commodities for distribution under this part.

§ 251.4 Availability of commmodities.

(a) *General.* The Department shall make commodities available for distribution and use in accordance with the provisions of this part and also in accordance with the terms and conditions of Part 250 of this chapter to the extent that the latter terms and conditions are not inconsistent with this part.

(b) *Allocation.* Allocations of Title II commodities shall be made to State agencies on the basis of the historical patterns of utilization of USDA-donated commodities, number of unemployed persons, number of households with incomes below the poverty level, and

capacity and willingness to utilize the commodities without waste.

(1) FNS shall promptly notify State agencies regarding their allocation of Title II commodities to be made available under this part. (2) Allocations of Title I commodities shall be made to State agencies in accordance with each State's number of unemployed persons. States' allocations of Title I commodities, included as Appendix A, have been established on the basis of recent information in this regard provided by the Bureau of Labor Statistics, U.S. Department of Labor.

(c) *Requests.* After FNS notifies State agencies regarding their allocation of Title II commodities, State agencies shall request the types and amounts of those commodities which can be utilized without waste.

(d) *Processing and packaging.* The Department will furnish commodities to be distributed to institutions and to needy persons in households in forms and units suitable for institutional and home use.

(e) *Distribution.* (1) Title I surplus commodities shall be distributed under this part only to cooperative emergency feeding organizations in areas of high unemployment.

(2) Title II commodities may be distributed to any eligible recipient agency, except that the Department may, at its discretion, require State agencies to restrict distribution of such commodities to one or more classes of eligible recipient agencies.

§ 251.5 Eligibility determinations.

(a) *Eligible recipient agencies.* Prior to making distribution to agencies under this part, the State agency shall determine that they are eligible receipent agencies and shall enter into agreements in accordance with § 250.6(b) of this chapter when such agreements have not already been entered into.

(b) *Cooperative emergency feeding organizations.* To assist State agencies in targeting Title I commodities to cooperative emergency feeding organizations in areas of high unemployment, a list of areas of high unemployment is provided as Appendix A.

§ 251.6 Payment of funds for storage and distribution costs.

(a) *Availability and apportionment of funds.* For the period May 1, 1983, through September 30, 1983, FNS will make available $50,000,000 to States for storage and distribution costs in connection with Title I and Title II commodities donated for use by emergency feeding organizations. Each State shall receive an apportionment based on the number of persons in the State in households with incomes below the poverty level and the number of unemployed persons in the State. Total apportionments are provided in Appendix B.

(b) *Uniform Federal Assistance Regulations.* Funds provided under this section shall be subject to the Department's regulation issued under 7 CFR Part 3015.

(c) *Payments to States.* (1) Funds under this section shall be made available by means of U.S. Treasury Department checks in favor of the appropriate State agency. The State agency shall use any funds received without delay in accordance with paragraph (d) of this section. (2) Upon notification by the FNS Regional Office (FNSRO) that an agreement has been entered into in accordance with § 251.2(c) of this part, FNS shall promptly make funds available to each State agency within the State's apportionment upon submission by the State agency of SF–270, Request for Advance or Reimbursement. In general, funds will be made available to State agencies on a reimbursement basis. Advance payments to State agencies will be available for emergency feeding organizations which have demonstrated their need for advance payments. (3) Each State agency shall return to FNS any funds made available under this section which are unobligated as of September 30, 1983. Such return shall be made as soon as practicable but in no event later than 30 days following demand made by FNS.

(d) *Use of Funds.* (1) Each State shall make available at least 20 percent of the apportionment it receives under paragraph (a) of this section for payment of the actual storage and distribution costs incurred by emergency feeding organizations. The remaining amount of the apportionment may be retained by the States for use in paying the State agency's costs of storage and distribution to emergency feeding organizations. (2) States shall not make advance payments to emergency feeding organizations in amounts in excess of 35% of any projected payments to such organizations under paragraph (d)(1) as estimated by the State. (3) In no case shall payments to emergency feeding organizations paragraph (d)(1) of this section exceed 5 percent of the value of commodities distributed under this part by such emergency feeding organizations.

§ 251.7 Miscellaneous provisions.

(a) *Records.* (1) State agencies and eligible recipient agencies shall maintain records to document the receipt, disposal and inventory of commodities received under this part in accordance with requirements of §250.6(r) of this chapter.

(2) In addition to maintaining financial records in accordance with 7 CFR Part 3015, State agencies which receive funds under this part shall maintain records to document that the amount of funds paid to emergency feeding organizations for the actual storage and distribution costs incurred by any emergency feeding organization does not exceed 5 percent of the value of commodities distributed by such organization in accordance with § 251.6(d)(3) of this part. State agencies shall ensure that emergency feeding organizations maintain records as required by this paragraph.

(b) *Commodities not income.* Notwithstanding any provision of law, commodities distributed under this part shall not be considered income or resources for any purposes under any Federal, State, or local law.

(c) *Discrimination.* There shall be no discrimination in the distribution of foods donated under this part because of race, color, national origin, sex, age, or handicap.

(d) *Relationship to the Food Stamp Program.* Section 4(b) of the Food Stamp Act of 1977 shall not apply with respect to the distribution of commodities to households under this part.

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APPENDIX A (1) ALLOCATION TO STATES OF $75 MILLION IN COMMODITIES UNDER TITLE I, PUBLIC LAW 98-8

State	1 # of People Unemployed Oct, Nov, Dec (In thousands)	2 Index	3 Without States Below $25,000 Min.
Northeast			
Connecticut	111	0.96	$ 719,703
Maine	38	0.33	246,385
Massachusett	210	1.82	1,361,599
New Hampshire	34	0.29	220,449
New York	714	6.18	4,629,438
Rhode Island	48	0.42	311,223
Vermont	17	0.15	110,225
Reg Total	1,172	10.15	7,599,021
Mid-Atlantic			
Delaware	24	0.21	155,611
District Col.	34	0.29	220,449
Maryland	171	1.48	1,108,731
New Jersey	321	2.78	2,081,302
Pennsylvania	653	5.65	4,233,926
Puerto Rico	228	1.97	1,478,308
Virginia	215	1.86	1,394,018
V. Islands 1/	0	0.00	0
West Virginia	129	1.12	836,411
Reg Total	1,775	15.37	11,508,757
Southeast			
Alabama	267	2.31	1,731,176
Florida	463	4.01	3,002,003
Georgia	211	1.83	1,368,083
Kentucky	187	1.62	1,212,472
Mississippi	124	1.07	803,992
North Carolina	273	2.36	1,770,079
South Carolina	161	1.39	1,043,893
Tennessee	262	2.27	1,698,757
Reg Total	1,948	16.87	12,630,455
Midwest			
Illinois	691	5.98	4,480,310
Indiana	329	2.85	2,133,172
Michigan	694	6.01	4,499,762
Minnesota	183	1.58	$1,186,537

Column 1 - Average # Unemployed Oct, Nov, and Dec 1982 from WIC data.

Column 2 - As percent of column 1 total.

Column 3 - States below 25,000 Minimum are excluded from total allocation of 75,000.000. There were five States excluded from the total allocation, resulting in a deduction of 125,000. This leaves us with a remaining allocation of 74,875,000.

Remaining allocation is then multiplied by index (Col. 2) for individual State allocation.

1/ States below $25,000 minimum.

APPENDIX A (1) ALLOCATION TO STATES OF $75 MILLION IN COMMODITIES UNDER TITLE I, PUBLIC LAW 98-8

	1 # of People Unemployed Oct, Nov, Dec (In thousands)	2 Index	3 Without States Below $25,000 Min.
Midwest Cont.			
Ohio	701	6.07	$ 4,545,149
Wisconsin	279	2.42	1,808,982
Reg Total	2,877	24.91	18,653,912
Southwest			
Arkansas	105	0.91	680,800
Louisiana	205	1.78	1,329,180
New Mexico	60	0.52	389,028
Oklahoma	95	0.82	615,962
Texas	557	4.82	3,611,480
Reg Total	1,022	8.85	6,626,450
Mountain Plain			
Colorado	137	1.19	888,282
Iowa	117	1.01	758,605
Kansas	84	0.73	544,640
Missouri	212	1.84	1,374,567
Montana	35	0.30	226,933
Nebraska	49	0.42	317,707
North Dakota	21	0.18	136,160
South Dakota	18	0.16	116,709
Utah	58	0.50	376,061
Wyoming	18	0.16	116,709
Reg Total	749	6.49	4,856,371
Western			
Alaska	19	0.16	123,192
Am. Samoa 1/	0	0.00	0
Arizona	141	1.22	914,217
California	1,318	11.41	8,545,657
Guam 1/	0	0.00	0
Hawaii	32	0.28	207,482
Idaho	39	0.34	252,868
Nevada	56	0.48	363,093
N. Mariana 1/	0	0.00	0
Oregon	151	1.31	979,055
T. Territory 1/	0	0.00	0
Washington	249	2.16	1,614,468
Reg Total	2,005	17.36	13,000,032
Nat Total	11,548	100.00	74,875,000

Column 1 - Average # Unemployed Oct, Nov, and Dec 1982 from WIC data.

Column 2 - As percent of column 1 total.

Column 3 - States below 25,000 Minimum are excluded from total allocation of 75,000,000. There were five States excluded from the total allocation, resulting in a deduction of 125,000. This leaves us with a remaining allocation of 74,875,000.

Remaining allocation is then multiplied by index (Col. 2) for individual State allocation.

1/ States below $25,000 minimum.

APPENDIX A(2): STANDARD METROPOLITAN STATISTICAL AREAS WITH 90 PER CENT OF STATE OR NATIONAL UNEMPLOYMENT RATES

First Page

STATE	RATE
Alabama	
Anniston	15.0
Birmingham	13.9
Florence	18.2
Gadsden	20.5
Huntsville	12.1
Mobile	13.6
Montgomery	11.7
Tuscaloosa	12.6
Arizona	
Tucson	9.6
Arkansas	
Fort Smith	10.8
Pine Bluff	10.3
California	
Bakersfield	12.2
Chico	14.7
Fresno	13.8
Los Angeles	9.3
Modesto	18.3
Oxnard-Simi Valley	10.5
Redding	18.3
Riverside-SBernardino	12.2
Sacramento	11.4
Salinas-Seaside	11.6
San Diego	9.3
Santa Cruz	11.6
Santa Rosa	10.3
Stockton	16.1
Vallejo Fairfield	10.8
Visalia-Tulare	12.8
Yuba City	20.2
Colorado	
Pueblo	16.1
Connecticut	
Bristol	11.2
Meriden	10.3
New Britain	9.0
Waterbury	9.0
Florida	
Lakeland-Winter Park	14.5
Miami	10.1
Ocala	8.6
Panama City	11.0
Georgia	
Albany	9.1
Augusta	9.0
Columbus	9.?
Illinois	
Chicago	10.6
Davenport-Rock	13.9
Decatur	15.6
Kankakee	16.5
Peoria	13.9
Rockford	16.5
Indiana	
Anderson	16.2
Bloomington	9.4
Elkhart	10.3
Fort Wayne	12.1
Gary	15.7
Indianapolis	9.4
Kokomo	16.5
Muncie	13.9
South Bend	10.0
Terre Haute	11.6
Iowa	
Cedar Rapids	9.7
Dubuque	14.1
Waterloo	12.1
Kentucky	
Louisville	11.7
Eastern Kentucky	14.2
Louisiana	
Alexandria	11.6
Baton Rouge	9.0
Lake Charles	13.9
Monroe	11.7
New Orleans	9.3
Shreveport	9.8
Maine	
Lewiston	9.6
Maryland	
Baltimore	9.9
Cumberland	13.9
Hagerstown	13.8
Massachusetts	
Brockton	9.2
Fall River	11.5
Fitchburg	10.1
Lawrence	8.9
New Bedford	12.5
Worcester	8.9
Michigan	
Ann Arbor	9.9
Battle Creek	16.1
Bay City	16.0
Michigan, cont.	
Benton Harbor	16.3
Detroit	15.9
Flint	20.8
Grand Rapids	11.8
Jackson	16.3
Kalamazoo	11.0
Lansing-East	12.1
Muskegon-Norton	17.7
Saginaw	17.1
Minnesota	
Duluth-Superior	16.7
St. Cloud	9.0
Mississippi	
Biloxi	9.1
Pascagoula	10.3
Missouri	
Joplin	9.1
St. Joseph	9.7
St. Louis	9.9
Nevada	
Las Vegas	10.9
New Jersey	
Atlantic City	10.0
Jersey City	13.8
Newark	8.7
Paterson	11.0
Vineland	16.4
New Mexico	
Las Cruces	9.6

APPENDIX A(2): STANDARD METROPOLITAN STATISTICAL AREAS WITH 90 PER CENT OF STATE OR NATIONAL UNEMPLOYMENT RATES

Second Page

STATE	RATE

APPENDIX A(2): STANDARD METROPOLITAN STATISTICAL AREAS WITH 90 PER CENT OF STATE OR NATIONAL UNEMPLOYMENT RATES

Second Page

STATE	RATE
New York	
Buffalo	12.6
Elmira	11.5
Glens Falls	9.6
New York	8.9
Utica-Rome	9.0
North Carolina	
Burlington	11.2
Hickory	9.0
Salisbury	8.8
Wilmington	10.3
Ohio	
Akron	11.9
Canton	14.3
Cleveland	10.7
Columbus	8.9
Dayton	11.3
Hamilton	12.1
Lima	14.9
Lorain	18.9
Mansfield	14.5
Newark	11.7
Springfield	13.6
Steubenville	16.1
Toledo	12.5
Youngstown	19.4
Oregon	
Eugene	12.5
Medford	14.5
Portland	10.1
Salem	10.5
Pennsylvania	
Allentown	10.9
Altoona	13.1
Erie	12.1
Johnstown	16.8
Northeast	11.4
Philadelphia	8.6
Pittsburgh	12.3
Reading	10.0
Sharon	16.3
State College	9.5
Williamsport	12.4
York	10.9
Puerto Rico	
Arecibo	30.0
Caguas	27.7
Mayaguez	16.3
Ponce	29.3
San Juan	15.2
Rhode Island	
Providence	10.4
South Carolina	
Anderson	12.0
Florence	11.0
Greenville	10.4
Rockhill	11.2
Tennessee	
Chattanooga	9.8
Johnson City	11.5
Knoxville	8.8
Memphis	9.7
Nashville	8.8
Texas	
Beaumont-Port Arthur	10.7
Brownsville	12.5
El Paso	11.1
Galveston	10.6
Laredo	16.3
Longview	9.3
McAllen-Pharr	15.5
Sherman	8.5
Texarkana	9.8
Virginia	
Danville	11.4
Lynchburg	8.5
Petersburg	10.0
Washington	
Bellingham	13.0
Bremerton	8.7
Olympia	12.2
Richland	14.2
Seattle	10.3
Spokane	12.3
Tacoma	12.5
Yakima	16.0
West Virginia	
Charleston	10.2
Parkersburg	12.6
Wheeling	14.2
Wisconsin	
Appleton	10.4
Eau Claire	9.9
Green Bay	9.1
Janesville	16.0
Kenosha	11.0
Wisconsin, cont.	
La Crosse	8.7
Milwaukee	10.5
Racine	14.5
Sheboygan	10.0
Wausau	12.0

The above figures are based on a 1982 national unemployment rate of 9.5%. SMSA's with at least 90% of that rate, or 8.5%, are in the above list. Source of this data is the Bureau of Labor Statistics, United States Department of Labor.

The 1982 unemployment rate for the District of Columbia was 10.6%.

APPENDIX A(2): STANDARD METROPOLITAN STATISTICAL AREAS WITH 90 PER CENT OF STATE OR NATIONAL UNEMPLOYMENT RATES

Third Page

The following States had no SMSA's with 90% or more of the national unemployment rate, but did have SMSA's with at least 90% of that state's unemployment rate for 1982:

STATE	RATE
Hawaii	
Honolulu	6.1
Kansas	
Topeka	6.7
Wichita	8.4
Montana	
Great Falls	8.4
Nebraska	
Omaha	7.0
New Hampshire	
Manchester	7.5
Portsmouth	7.0
North Dakota	
Bismarck	6.0
Grand Forks	6.5
Oklahoma	
Tulsa	6.1
Utah	
Provo	8.4
Salt Lake City	7.6
Vermont	
Statewide rate	7.2
Wyoming	
Casper	6.1

The following States had no SMSA's meeting any of the criteria; that is, no SMSA's with either 90% of either the national or subject state's 1982 unemployment rate:

Alaska
American Samoa
Guam
Idaho
Northern Marianas
South Dakota
Trust Territory
Virgin Islands

APPENDIX B — Apportionment to States of $50 Million for Storage and Distribution Costs under Title II, Public Law 98-8

STATE	1 # Persons Unemployed Oct Nov Dec (Thousands)	2 Index	3 # Persons Below Poverty	4 Index	5 Poverty 60% Unemployed 40% Weight Ind (COL2*.4)+ (COL4*.6)	6 $50,000,000 Apportionment (50M*COL5)	7 Index
Northeast							
Conn.	111	0.96	261,990	0.89	0.92	459,240	0.92
Maine	38	0.33	140,024	0.48	0.42	208,552	0.42
Mass.	210	1.82	546,569	1.86	1.84	920,757	1.84
N.H.	34	0.29	77,861	0.26	0.28	138,232	0.28
N.Y.	714	6.18	2,344,499	7.97	7.25	3,626,403	7.25
R.I.	48	0.42	93,732	0.32	0.36	178,640	0.36
Vt.	17	0.15	55,663	0.19	0.17	86,181	0.17
Reg. Total	1,172	10.14	3,520,338	11.97	11.24	5,618,006	11.24
Mid-Atlantic							
Del.	24	0.21	68,530	0.23	0.22	111,415	0.22
D.C.	34	0.29	115,032	0.39	0.35	176,142	0.35
Md.	171	1.48	409,074	1.39	1.43	713,054	1.43
N.J.	321	2.78	699,438	2.38	2.54	1,268,707	2.54
Pa.	653	5.65	1,213,156	4.12	4.73	2,367,032	4.73
P.R.	228	1.97	1,749,878	5.95	4.36	2,179,130	4.36
Va.	215	1.86	594,434	2.02	1.96	978,224	1.96
V.Isl.	3	0.03	19,394	0.07	0.05	24,970	0.05
W.V.	129	1.12	276,447	0.94	1.01	505,126	1.01
Reg. Total	1,778	15.38	5,145,383	17.49	16.65	8,323,801	16.65
Southeast							
Ala.	267	2.31	683,792	2.32	2.32	1,159,324	2.32
Fla.	463	4.01	1,245,101	4.23	4.14	2,070,893	4.14
Ga.	211	1.83	866,818	2.95	2.50	1,249,103	2.50
Ky.	187	1.62	656,696	2.23	1.99	993,281	1.99
Miss.	124	1.07	599,851	2.04	1.65	826,309	1.65
N.C.	273	2.36	827,331	2.81	2.63	1,316,097	2.63
S.C.	161	1.39	479,033	1.63	1.53	767,103	1.53
Tenn.	262	2.27	760,068	2.58	2.46	1,228,466	2.46
Reg. Total	1,948	16.85	6,118,690	20.80	19.22	9,610,576	19.22

APPENDIX B — Apportionment to States of $50 Million for Storage and Distribution Costs under Title II, Public Law 98-8

STATE	1 # Persons Unemployed Oct Nov Dec (Thousands)	2 Index	3 # Persons Below Poverty	4 Index	5 Poverty 60% Unemployed 40% Weight Ind (COL2*.4)+ (COL4*.6)	6 $50,000,000 Apportionment (50M*COL5)	7 Index
Midwest							
Ill.	691	5.98	1,284,165	4.37	5.01	2,505,197	5.01
Ind.	329	2.85	522,822	1.78	2.20	1,102,420	2.20
Mich.	694	6.00	1,004,214	3.41	4.45	2,224,871	4.45
Minn.	183	1.58	369,508	1.26	1.39	693,463	1.39
Ohio	701	6.06	1,108,256	3.77	4.69	2,343,092	4.69
Wisc.	279	2.41	388,236	1.32	1.76	878,653	1.76
Reg. Total	2,877	24.89	4,677,201	15.90	19.50	9,747,696	19.50
Southwest							
Ark.	105	0.91	417,264	1.42	1.21	607,220	1.21
La.	205	1.77	777,332	2.64	2.29	1,147,457	2.29
N.M.	60	0.52	222,406	0.76	0.66	330,634	0.66
Ok.	95	0.82	390,575	1.33	1.13	562,700	1.13
Texas	557	4.82	2,054,894	6.99	6.12	3,059,415	6.12
Reg. Total	1,022	8.84	3,862,471	13.13	11.41	5,707,426	11.41
Mt. Plains							
Colo.	137	1.19	288,834	0.98	1.06	531,600	1.06
Iowa	117	1.01	266,318	0.91	0.95	474,035	0.95
Kans.	84	0.73	231,542	0.79	0.76	381,474	0.76
Mo.	212	1.83	592,295	2.01	1.94	970,852	1.94
Mont.	35	0.30	94,989	0.32	0.31	157,431	0.31
Neb.	49	0.42	158,553	0.54	0.49	246,480	0.49
N.D.	21	0.18	79,925	0.27	0.24	117,846	0.24
S.D.	18	0.16	107,091	0.36	0.28	140,362	0.28
Utah	58	0.50	153,677	0.52	0.51	257,078	0.51
Wyg.	18	0.16	36,844	0.13	0.14	68,718	0.14
Reg. Total	749	6.48	2,010,068	6.83	6.69	3,345,877	6.69

APPENDIX B — Apportionment to States of $50 Million for Storage and Distribution Costs under Title II, Public Law 98-8

APPENDIX B

Apportionment to States of $50 Million for Storage and Distribution Costs under Title II, Public Law 98-8

STATE	1 # Persons Unemployed Oct Nov Dec (Thousands)	2 Index	3 # Persons Below Poverty	4 Index	5 Poverty 60% Unemployed 40% Weight Ind (COL2*.4)+ (COL4*.6)	6 $50,000,000 Apportionment (50M*COL5)	7 Index
Western							
Alaska	19	0.16	39,075	0.13	0.15	72,724	0.15
Am. Samoa 1/	1	0.01	19,174	0.07	0.04	21,285	0.04
Arizona	141	1.22	331,102	1.13	1.16	581,629	1.16
Calif.	1,318	11.40	2,611,160	8.88	9.89	4,943,349	9.89
Guam	4	0.03	16,319	0.06	0.05	23,564	0.05
Hawaii	32	0.28	92,045	0.31	0.30	149,238	0.30
Idaho	39	0.34	117,772	0.40	0.38	187,587	0.38
Nevada	56	0.48	67,022	0.23	0.33	165,240	0.33
N. Mariana 1/	1	0.01	7,768	0.03	0.02	9,653	0.02
Oregon	151	1.31	290,918	0.99	1.12	557,947	1.12
Tr. Ter. 1/	3	0.03	79,113	0.27	0.17	85,876	0.17
Wash.	249	2.15	409,586	1.39	1.70	848,525	1.70
Reg. Total	2,014	17.42	4,081,054	13.87	15.29	7,646,617	15.29
National Total	11,560	100.00	29,415,205	100.00	100.00	50,000,000	100.00

1/ Figures taken from Bureau of Labor Statistics

BILLING CODE 3410-30-C

PART 250—FOOD DISTRIBUTION PROGRAM

Accordingly, Part 250 is amended as follows:

1. In §250.1, paragraph (b) is amended by adding a new paragraph (21) to read as follows:

§ 250.1 General purpose and scope.

* * * * *

(b) Legislation * * *

(21) Section 202 of Public Law 98–8, which reads as follows:

Section 202.(a) Notwithstanding any other provision of law, commodities acquired by the Commodity Credit Corporation that are in excess of quantities needed for the fiscal year to carry out a payment-in-kind acreage diversion program, maintain U.S. share of world markets, and meet international market development and food aid commitments, shall be made available by the Secretary of Agriculture (hereinafter in this Act referred to as the "Secretary") without charge or credit in such fiscal year for use by eligible recipient agencies. Upon request, commodities provided by the CCC shall be provided in a form suitable for individual household or institutional use.

(b) Notwithstanding any other provision of law, if wheat stocks acquired by the Commodity Credit Corporation are not available for the purpose of this Act, up to 300,000 metric tons of wheat designated under section 302(b)(1) of the Food Security Wheat Reserve Act of 1980 shall be used for the purposes of this Act. Any amount of wheat used from the Food Security Wheat Reserve under this Act shall be replenished by an equivalent quantity of wheat under the provisions of section 302(b) of the Food Security Wheat Reserve Act of 1980 as soon as practicable, but before December 31, 1983.

* * * * *

2. In Section 250.6, paragraph (j) is revised to read as follows:

§ 250.6 Obligations of distributing agencies.

* * * * *

(j) *Distribution charges.* (1) Except as provided in paragraph (j)(2) of this section, recipient agencies may be required to pay part or all of the intrastate costs of distribution through a system of charges assessed by distributing or subdistributing agencies. Any system of assessment operated by the distributing or subdistributing agency shall have the prior approval of and be subject to review by the FNSRO. The charges assessed shall be used solely in accordance with the provisions of paragraph (f) of this section.

(2) For the period May 1, 1983 through September 30, 1983, whenever a commodity is donated to a State without charge or credit against entitlement, recipient agencies may not be assessed for any part of the intrastate costs of storage and transportation of such commodity that is in excess of the distributing or subdistributing agency's direct costs for such storage and transportation minus any amount that the Department provides to the State to pay such costs under Part 251 of this chapter.

(3) Under no circumstance shall recipients be required to make any payments in money, materials, or services for or in connection with the receipt of donated foods, nor shall voluntary contributions be solicited in connection with the receipt of donated foods for any purpose.

* * * * *

§250.13 [Amended]

3. In Section 250.13, paragraph (b) is amended by:

a. Removing the words "authorized under the National School Lunch Act, as amended, or the Child Nutrition Act of 1966, as amended" in the first sentence;

b. Adding the words "or section 4(c) of the Agriculture and Consumer Protection Act of 1973, as amended" after the words "section 12(g) of the National School Lunch Act, as amended" at the end of the first sentence; and

c. Adding the words "or section 4(c)" after the words "section 12(g)" each time they appear thereafter in paragraph (b).

* * * * *

(Title I and Secs. 202–208, Public Law 98–8)

(Catalog of Federal Domstic Assistance No. 10.550.)

Effective Date: These regulations are effective as of May 1, 1983.

Dated April 22, 1983.

Richard E. Lyng,

Deputy Secretary.

[FR Doc. 83–11283 Filed 4–25–83; 11:49 am]

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 991

Hops of Domestic Production; Final Salable Quantity and Allotment Percentage for the 1983–84 Marketing Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Emergency final rule.

SUMMARY: This emergency final rule establishes the quantity of hops that may be freely marketed from the 1983 crop to promote orderly marketing conditions under the marketing order for domestic hops.

EFFECTIVE DATE: August 1, 1983 through July 31, 1984.

FOR FURTHER INFORMATION CONTACT: J. S. Miller, Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250, (202) 447–5697.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA guidelines implementing Executive Order 12291 and Secretary's Memorandum No. 1512–1 and has been classified a "non-major" rule under criteria contained therein.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities because it would result in only minimal costs being incurred by the regulated seventeen handlers.

It is found that it is impractical, unnecessary, and contrary to the public interest to give preliminary notice because an emergency situation exists which warrants publication without opportunity for a public comment period on this emergency final action. Growers have until March 31, 1983, to transfer allotment base to other growers. Moreover, handlers and growers are making preparations for handling and growing 1983 crop hops. Hence, it is critical that they know as soon as possible what salable quantity and allotment percentage will be effective for the 1983–84 marketing year so they can plan their operations accordingly.

The salable quantity and allotment percentage would be established in accordance with the provisions of Marketing Order No. 991, as amended (7 CFR Part 991), regulating the handling of hops of domestic production, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The rule was recommended by the Hop Administrative Committee.

The salable quantity for the ensuing marketing year is based upon a recommendation of the Committee, and the following estimates for the marketing year beginning August 1, 1983:

(1) Total domestic consumption of 43,000,000 pounds of hops;

(2) Minus imports of 16,000,000 pounds of hops to result in domestic consumption of U.S. hops of 27,000,000 pounds;

(3) Plus total exports of 41,500,000 pounds of hops to equal 68,500,000 pounds total usage of U.S. hops;

(4) Plus 2,000,000 pounds to adjust for weight loss of hops processed into pellets and extract;

(5) Minus inventory adjustment of 7,355,000 pounds; and

(6) Plus an adjustment of 15,109,649 pounds to provide for adequate supplies should some producer allotments not be fully produced.

(7) This results in a salable quantity for the 1983–84 marketing year of 78,254,649 pounds.

The salable percentage of 130 percent is computed by subtracting from this salable quantity a total of 1,203,809 pounds for additional allotment bases for hops of the Fuggle variety granted pursuant to § 991.38(b) and § 991.138(c) and dividing the remainder by 59,269,877 pounds, the total of all other allotment bases.

After consideration of all relevant matter presented, including the information and recommendations submitted by the Committee, and other available information it is further found that to establish a salable quantity and allotment percentage, as hereinafter set forth, will tend to effectuate the declared policy of the act.

Therefore, the salable quantity and allotment percentage to be applicable to the 1983–84 marketing year [August 1, 1983–July 31, 1984] are established as follows: [The following section will not be published in the Code of Federal Regulations].

§ 991.221 Allotment percentage and salable quantity for hops during the marketing year beginning August 1, 1983.

The allotment percentage during the marketing year beginning August 1, 1983, shall be 130 percent, and the salable quantity shall be 78,254,649 pounds.

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Marketing agreements and orders, Hops.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 22, 1983.

D. S. Kuryloski,
Deputy Director, Fruit and Vegetable Division.

[FR Doc. 83–11259 Filed 4–26–83; 8:45 am]
BILLING CODE 3410–02–M

7 CFR Part 1046

[Milk Order No. 46]

Milk in the Louisville-Lexington-Evansville Marketing Area; Order Suspending Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rules.

SUMMARY: This action suspends for 1983 the "take-out/pay-back" (Louisville) plan for paying producers under the Louisville-Lexington-Evansville milk order. The intent of the plan is to encourage level milk production throughout the year. Under the plan, 40 cents per hundredweight is withheld from payments to producers for milk deliveries during April through July, when milk supplies are normally abundant. The money is then added to the marketwide pool for distribution to producers during September through December, when milk supplies are relatively short. The suspension was requested by Dairymen, Inc., a

cooperative association that represents a large portion of the producers supplying the market. The request was made at a public hearing held February 15, 1983, to consider replacing the order's Louisville plan with a seasonal base-excess payment plan.

EFFECTIVE DATE: April 27, 1983.

FOR FURTHER INFORMATION CONTACT: Richard A. Glandt, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–4829.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding:

Notice of Hearing: Issued January 25, 1983; published January 28, 1983 (48 FR 3992).

It has been determined that this suspension is not a major action under the criteria set forth in Executive Order 12291.

It also has been determined that the need for suspending certain provisions of the order on an emergency basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require that this document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication in the **Federal Register**. However, this would not permit the completion of the required suspension procedures in time to preclude the Louisville plan take-out money from being withheld from producer payments for their milk deliveries in April 1983. The initial request for this action was made at a public hearing on proposed amendments to the order that was held on February 15, 1983. Announcement of the suspension action was not appropriate until it was determined whether to recommend the adoption of a base-excess plan to replace the Louisville plan.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. Under the suspension, monies normally withheld from payments to producers in accordance with the Louisville plan will be paid instead to such producers. Also, the suspension will have no effect on regulated handlers since the action affects only the manner in which the proceeds from milk sales are distributed to producers.

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and of the order regulating the handling of milk in the Louisville-Lexington-Evansville marketing area.

It is hereby found and determined that the following provisions of the order do not tend to effectuate the declared policy of the Act:

In § 1046.61, the provisions in paragraph (g) in their entirety.

Statement of Consideration

This action suspends the operation of the "Louisville" payment plan during 1983. The suspension, which is based on evidence received at a public hearing held on February 15, 1983, at Louisville, Kentucky, was requested by Dairymen, Inc. (DI), a cooperative representing a large portion of the producers supplying the market.

Under the Louisville plan, 40 cents per hundredweight is withheld from payments to producers for their milk deliveries in the months of April through July when milk supplies are normally abundant. That money is then distributed to producers through the marketwide "blend" prices for the following months of September through December when supplies are seasonally lower. The purpose of the plan is to encourage dairy farmers to produce about the same amount of milk for the market each month.

A proposal by Dairymen, Inc., to replace the order's current Louisville plan with a seasonal base-excess plan for paying producers was considered at the recent hearing. At the conclusion of the hearing, the proponent cooperative asked that the current take-out provisions of the Louisville plan be suspended before any money is deducted from payments to producers during the 1983 take-out months. He stated that if the take-out provisions are not suspended, the money would be deducted from payments to producers under the provisions of the Louisville plan and then there would be no provisions for paying the money back to producers if a new seasonal base-excess plan becomes effective by September 1, 1983.

A tentative decision recommending the replacement of the Lousiville plan with a seasonal base-excess plan is being issued concurrently with this suspension order. If issued, an order incorporating the base-excess provisions into the Federal order most likely would be made effective by September 1, 1983, which would be the beginning of the first base-forming period under the new base plan. In that case, the operation of the Louisville plan would have resulted in money being withheld from producer payments for their deliveries during April through July. However, the order provisions to return the money to producers through the blend prices for the months of September through December would no longer exist, because the Louisville plan provisions would have been replaced with the provisions of a seasonal base-excess plan.

In view of the foregoing, it is appropriate to suspend the take-out provisions for 1983 pending completion of the amendment proceeding. This action will promote an orderly transition from the Louisville plan to a seasonal base-excess plan should the latter plan eventually be implemented under the order.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing of milk in the marketing area. This action will provide an orderly transition from the current Louisville plan to a seasonal base-excess plan that is being considered for this market;

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) The basis for this action was explored fully at a public hearing held on February 15, 1983. All interested parties had an opportunity to present their views regarding a suspension of the take-out provisions of the Louisville plan. No one opposed DI's suspension request at the hearing or in briefs.

Therefore, good cause exists for making this order effective upon publication in the **Federal Register**.

List of Subjects in 7 CFR Part 1046

Milk marketing orders, Milk, Dairy products.

PART 1046—[AMENDED]

§ 1046.61 [Amended]

It is therefore ordered, That in § 1046.61, the provisions in paragraph (g) in their entirety are hereby suspended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: April 27, 1983.

Signed at Washington, D.C., on April 22, 1983.

John E. Ford,

Deputy Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 83–11250 Filed 4–26–83; 8:45 am]

BILLING CODE 3410–02–M

Farmers Home Administration

7 CFR Part 1955

Purchasing of Services for Program Property

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) is removing from the Code of Federal Regulations (CFR) its regulation regarding procurement of goods and services for inventory property and program services. This regulation is being removed since the portions of it that affect the public are contained elsewhere in the CFR. The intended effect of this action is to remove an unneeded regulation from the CFR.

EFFECTIVE DATE: April 27, 1983.

FOR FURTHER INFORMATION CONTACT: Edward W. Nidever, Realty Specialist, Property Management Branch, Servicing and Property Management Division, Farmers Home Administration, USDA, Room 6342, South Agriculture Building, Washington, D.C. 20250, telephone (202) 382-1452.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures established in Secretary's Memorandum 1512-1 to implement Executive Order 12291, and has been determined to be exempt from those requirements because it involves only internal Agency management. Certain aspects of the regulation are provided in the regulations issued by the General Services Administration, as contained in 41 CFR Chapter 1, and the U.S. Department of Agriculture, as contained in 41 CFR Chapter 4, publication of the Agency regulation is not necessary.

It is the policy of this Department to publish for comment rules relating to public property, loans, grants, benefits or contracts notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This action, however, is not published for proposed rulemaking since the purpose of this change involves Agency management, and publication for comments is unnecessary.

This regulation does not directly affect any FmHA programs or projects which are subject to A-95 clearinghouse review.

This document has been reviewed in accordance with FmHA Instruction 1901-G, "Environmental Impact Statement." It is the determination of FmHA that this action does not constitute a major Federal action significantly affecting the quality of the human environment and in accordance with the National Environmental Policy Act of 1969, Public Law 91-190, an Environmental Impact Statement is not required.

This action does not affect any programs listed in the current Catalog of Federal Domestic Assistance (CFDA).

List of Subjects in 7 CFR Part 1955

Construction contracts, Government acquired property, Government property management, Service contracts.

Accordingly, Part 1955 of Chapter XVIII, Title 7, Code of Federal Regulations is amended as follows:

PART 1955—PROPERTY MANAGEMENT

Subpart B—Management of Property

§ 1955.63 [Amended]

1. Section 1955.63(a)(3)(i), (h) (2), (3) and (4), and (i) are amended to insert the phrase "(available in any FmHA office)" after the reference "Subpart D of this Part 1955."

Subpart C—Disposal of Acquired Property

§ 1955.116 [Amended]

2. Section 1955.116(b)(3)(ii)(A) is amended to insert the phrase "(available in any FmHA office)" after the reference "Subpart D of this Part 1955."

Subpart D—Purchasing of Services for Program Property

§§ 1955.151 through 1955.170 [Removed and Reserved]

3. Subpart D, consisting of §§1955.151 through 1955.170, is removed and reserved.

(7 U.S.C. 1989; 42 U.S.C. 1480; 42 U.S.C. 2942; 5 U.S.C. 301, Section 10 Pub. L. 93-357, 88 Stat. 392; 7 CFR 2.23; 7 CFR 2.70; 29 FR 14764, 33 FR 9850)

Dated: April 15, 1983.

Charles W. Shuman,

Administrator, Farmers Home Administration.

[FR Doc. 83-11089 Filed 4-26-83; 8:45 am]

BILLING CODE 3410-07-M

FEDERAL ELECTION COMMISSION

11 CFR Parts 100, 110, and 9003

Candidate's Use of Property In Which Spouse Has an Interest

AGENCY: Federal Election Commission.

ACTION: Final rule; Transmittal of Regulations to Congress.

SUMMARY: The Commission has transmitted regulations to Congress to govern the application of the Federal Election Campaign Act of 1971, as amended (2 U.S.C. 431 *et seq.*), to a federal candidate's use of property in which his or her spouse has an interest. The regulations address the definitions of "contribution" and of "personal funds" of a candidate.

2 U.S.C. 438(d) requires that any rule or regulation proposed by the Commission to implement Chapter 14 of Title 2, United States Code be transmitted to the Speaker of the House and the President of the Senate prior to final promulgation. If neither House of Congress disapproves the regulation within 30 legislative days after its transmittal, the Commission may finally prescribe the regulations in question. The following regulations were transmitted to Congress on April 22, 1983.

EFFECTIVE DATE: Further action, including the announcement of an effective date will be taken after the regulations have been before Congress 30 legislative days in accordance with 2 U.S.C. 438(d).

FOR FURTHER INFORMATION CONTACT: Susan E. Propper, Assistant General Counsel, 1325 K Street NW., Washington, D.C. 20463, (202) 523-4143 or (800) 424-9530.

SUPPLEMENTARY INFORMATION: On July 20, 1982, the Commission published a Notice of Proposed Rulemaking amending and adding to the regulations pertaining to a candidate's use of property in which the spouse has an interest. (47 FR 31390, July 20, 1982) No public comments were received during the thirty day comment period.

Explanation and Justification of Regulations Concerning a Candidate's Use of Property in Which Spouse has an Interest

The revisions primarily address two situations involving loans obtained by the candidate for use in a campaign. In the first situation, the loan is acquired on the basis of property owned jointly with the candidate's spouse. In the second situation, the signature of the spouse is required on the loan instrument to waive some statutory non-ownership interest such as dower or curtesy. A third situation covered by these revisions involves the drawing of funds from assets such as jointly held bank accounts or the proceeds from liquidating jointly held stock.

The revisions carve out a narrow area to allow for the use of property in which the candidate's spouse has an interest or

to allow for spousal signature on a loan without violating the contribution limits. This is implemented in 11 CFR 100.7(a)(1)(i) by adding a new subsection (D) which states that a signatory spouse will not be considered a contributor if the value of the candidate's share of the property used as collateral or as a basis for the loan equals or exceeds the amount of the loan to be used for the candidate's campaign. In addition, the standard set out in subsection (D) is applied as an exception to those parts of §§ 100.7(b)(11) and 100.8(b)(12) which classify endorsers and guarantors as contributors.

The revisions also clarify the definition of "personal funds" of a candidate as set out in §§ 110.10(b) and 9003.2(c)(3). By changing the term "right of beneficial enjoyment" to "equitable interest" the Commission is using a term which more specifically applies to an ownership or pecuniary interest that is not one of legal title. By reordering the criteria defining "personal funds," it is made clear that the criteria of "legal and rightful title" and "equitable interest" must each be linked with "legal right of access to or control over." The latter criterion is the standard set out in the legislative history of the 1974 Amendments to 18 U.S.C. 608 pertaining to the limitations of expenditures of personal funds by a candidate, also cited in *Buckley v. Valeo*, 424 U.S. 1, 51, 52, n.57.

Finally, the revisions add a subsection (3) to the "personal funds" definition in 11 CFR 110.10(b) and a subsection (iii) to the "personal funds" definition in § 9003.2(c)(3) in order to address the concept of "personal funds" in joint ownership situations. These new provisions permit a candidate to use the full value of his or her share of assets jointly owned with a spouse without the spouse being considered a contributor. If there is no written instrument indicating the candidate's ownership share of the property, the candidate will be considered to own one-half of the value of the property under these rules. This 50% rule would apply in community property states, as well as in non-community property states.

List of Subjects

11 CFR Part 100

Elections.

11 CFR Part 110

Political candidates, Campaign funds.

11 CFR Part 9003

Campaign funds, Political candidates, Elections.

11 CFR Chapter I is Amended to Read as Follows:

PART 100—[AMENDED]

1. 11 CFR 100.7(a)(1)(i)(C) is revised to read as follows:

§ 100.7 [Amended]

(a) * * *
(1) * * *
(i) * * *

(C) Except as provided in (D), a loan is a contribution by each endorser or guarantor. Each endorser or guarantor shall be deemed to have contributed that portion of the total amount of the loan for which he or she agreed to be liable in a written agreement. Any reduction in the unpaid balance of the loan shall reduce proportionately the amount endorsed or guaranteed by each endorser or guarantor in such written agreement. In the event that such agreement does not stipulate the portion of the loan for which each endorser or guarantor is liable, the loan shall be considered a loan by each endorser or guarantor in the same proportion to the unpaid balance that each endorser or guarantor bears to the total number of endorsers or guarantors.

* * * * *

2. 11 CFR 100.7(a)(1)(i)(D) is redesignated as 11 CFR 100.7(a)(1)(i)(E) and 11 CFR 100.7(a)(1)(i)(D) is added as follows:

(a) * * *
(1) * * *
(i) * * *

(D) A candidate may obtain a loan on which his or her spouse's signature is required when jointly owned assets are used as collateral or security for the loan. The spouse shall not be considered a contributor to the candidate's campaign if the value of the candidate's share of the property used as collateral equals or exceeds the amount of the loan which is used for the candidate's campaign.

* * * * *

3. 11 CFR 100.7(b)(11) is revised to read as follows:

* * * * *

(b) * * *

(11) A loan of money by a State bank, a federally chartered depository institution (including a national bank) or a depository institution whose deposits and accounts are insured by the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, or the National Credit Union Administration is not a contribution by the lending institution if such loan is made in accordance with applicable banking laws and regulations and is made in the ordinary course of business. A loan will be deemed to be made in the ordinary course of business if it: bears the usual and customary interest rate of the lending institution for the category of loan involved; is made on a basis which assures repayment; is evidenced by a written instrument; and is subject to a due date or amortization schedule. Such loans shall be reported by the political committee in accordance with 11 CFR 104.3(a). Each endorser or guarantor shall be deemed to have contributed that portion of the total amount of the loan for which he or she agreed to be liable in a written agreement, except that, in the event of a signature by the candidate's spouse, the provisions of 11 CFR 100.7(a)(1)(i)(D) shall apply. Any reduction in the unpaid balance of the loan shall reduce proportionately the amount endorsed or guaranteed by each endorser or guarantor in such written agreement. In the event that such agreement does not stipulate the portion of the loan for which each endorser or guarantor is liable, the loan shall be considered a contribution by each endorser or guarantor in the same proportion to the unpaid balance that each endorser or guarantor bears to the total number of endorsers or guarantors. For purposes of 11 CFR 100.7(b)(11), an overdraft made on a checking or savings account shall be considered a contribution by the bank or institution unless: the overdraft is made on an account which is subject to automatic overdraft protection; the overdraft is subject to a definite interest rate which is usual and customary; and there is a definite repayment schedule.

* * * * *

4. 11 CFR 100.8(b)(12) is revised to read as follows:

§ 100.8 Expenditures (2 U.S.C. 431(9)).

* * * * *

(b) * * *

(12) A loan of money by a State bank, a federally chartered depository institution (including a national bank) or a depository institution whose deposits and accounts are insured by the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, or the National Credit Union Administration is not an expenditure by the lending institution if such loan is made in accordance with

applicable banking laws and regulations and is made in the ordinary course of business. A loan will be deemed to be made in the ordinary course of business if it: bears the usual and customary interest rate of the lending institution for the category of loan involved; is made on a basis which assures repayment; is evidenced by a written instrument; and is subject to a due date or amortization schedule. Such loans shall be reported by the political committee in accordance with 11 CFR 104.3(a). Each endorser or guarantor shall be deemed to have contributed that portion of the total amount of the loan for which he or she agreed to be liable in a written agreement, except that, in the event of a signature by the candidate's spouse, the provisions of 11 CFR 100.7(a)(1)(i)(D) shall apply. Any reduction in the unpaid balance of the loan shall reduce proportionately the amount endorsed or guaranteed by each endorser or guarantor in such written agreement. In the event that the loan agreement does not stipulate the portion of the loan for which each endorser or guarantor is liable, the loan shall be considered an expenditure by each endorser or guarantor in the same proportion to the unpaid balance that each endorser or guarantor bears to the total number of endorsers or guarantors. For the purpose of 11 CFR 100.8(b)(12), an overdraft made on a checking or savings account shall be considered an expenditure unless: the overdraft is made on an account which is subject to automatic overdraft protection; and the overdraft is subject to a definite interest rate and a definite repayment schedule.

* * * * *

PART 110—CONTRIBUTION AND EXPENDITURE LIMITATIONS AND PROHIBITIONS

5. 11 CFR 110.10(b)(1) is revised to read as follows:

§ 110.10 [Amended]

* * * * *

(b) * * *

(1) Any assets which, under applicable state law, at the time he or she became a candidate, the candidate had legal right of access to or control over, and with respect to which the candidate had either:

(i) Legal and rightful title, or

(ii) An equitable interest.

6. 11 CFR 110.10(b)(3) is added to read as follows:

* * * * *

(b) * * *

(3) A candidate may use a portion of assets jointly owned with his or her spouse as personal funds. The portion of the jointly owned assets that shall be considered as personal funds of the candidate shall be that portion which is the candidate's share under the instrument(s) of conveyance or ownership. If no specific share is indicated by an instrument of conveyance or ownership, the value of one-half of the property used shall be considerd as personal funds of the candidate.

PART 9003—ELIGIBILITY FOR PAYMENTS

7. 11 CFR 9003.2(c)(3) is revised to read as follows:

§ 9003.2 Candidate certificates.

* * * * *

(c) * * *

(3) For purposes of this section, the terms "personal funds" and personal funds of his or her immediate family" mean—

(i) Any assets which, under applicable state law, at the time he or she became a candidate the candidate had legal right of access to or control over, and with respect to which the candidate, had either:

(A) Legal and rightful title, or

(B) An equitable interest.

(ii) Salary and other earned income from bona fide employment; dividends and proceeds from the sale of the candidate's stocks or other investments; bequests to the candidate; income from trusts established before candidacy; income from trusts established by bequest after candidacy of which the candidate is a beneficiary; gifts of a personal nature which had been customarily received prior to candidacy; proceeds from lotteries and similar legal games of chance.

(iii) A candidate may use a portion of assets jointly owned with his or her spouse as personal funds. The portion of the jointly owned assets that shall be considered as personal funds of the candidate shall be that portion which is the candidate's share under the instrument(s) of conveyance or ownership. If no specific share is indicated by any instrument of conveyance or ownership, the value of one-half of the property used shall be considered as personal funds of the candidate.

* * * * *

Dated: April 22, 1983.

Danny L. McDonald,

Chairman, Federal Election Commission.

[FR Doc. 83-11220 Filed 4-26-83; 8:45 am]

BILLING CODE 6715-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79-76-143 (Texas—20 Addition); Order No. 291]

High-Cost Gas Produced From Tight Formations; Final Rule

Issued: April 21, 1983.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determined that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the Railroad Commission of Texas that the Monte Christo, South (9000') Formation be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: This rule is effective May 23, 1983.

FOR FURTHER INFORMATION CONTACT: Steven Ross (202) 357-8571 or Walter Lawson (202) 357-8556.

SUPPLEMENTARY INFORMATION: The Commission hereby amends § 271.703(d) of its regulations to include the Monte Christo, South (9000') Formation underlying land in Hidalgo County, Texas, as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by the Director, Office of Pipeline and Producer Regulation, issued November 1, 1982 (47 FR 50300, November 5, 1982) [1] based on a recommendation by the Railroad Commission of Texas (Texas) in accordance with § 271.703, that the Monte Christo, South (9000') Formation, an addition to the Monte Christo

[1] Comments were invited on the proposed rule and one comment supporting the recommendation was received. No party requested a public hearing and no hearing was held.

Vicksburg (9000') Formation,[2] be designated as a tight formation.

Evidence submitted by Texas supports the assertion that the Monte Christo, South (9000') Formation meets the guidelines contained in § 271.703(c)(2). The Commission adopts the Texas recommendation.

The amendment shall become effective May 23, 1983.

List of Subjects in 18 CFR Parts 271

Natural gas, Incentive price, Tight formations.

(Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432; Administrative Procedure Act, 5 U.S.C. 553)

In consideration of the foregoing, Part 271 of Subchapter H, Chapter I, Code of Federal Regulations, is amended as set forth below.

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 271—[AMENDED]

Section 271.703 is amended by redesignating paragraph (d)((91)(i) as (d)(91)(i)(A) and by adding a new heading for paragraph (d)((91)(i), by redesignating paragraph (d)(91)(ii) as (d)(91)(i)(B), by revising the heading for paragraph (d)(91), and by adding a new paragraph (d)(91)(ii) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.*

* * * * *

(91) Vicksburg (9000') Formation in Texas. RM79–76 (Texas—20).

(i) *Monte Christo Vicksburg 9000' Formation.*

* * * * *

(ii) *Monte Christo, South (9000') Formation.*

(A) *Delineation of formation.* The Monte Christo, South (9000') Formation is located in the southern portion of Hidalgo County, Texas, Railroad Commission District 4. The designated area includes the following surveys: Macedonia Jr. Vela No. 214, A–623; Tex.-Mex. R.R. No. 215, A–130; W. T. Bomar No. 218, A–626; Jas. L. Hudson, A–649; Walter A. Hoffhein, A–797; W. H. Kozel, A–798; Tex.-Mex. R.R. No. 217, A–131; the northernmost 500 acres of both the Nicolas Zamora Porcion No. 48, A–76 and the Torebio Zamora Porcion No. 49, A–78; and the southernmost 900 acres of the northern 1,800 acres of the Francisco Cantu Porcion No. 80, A–570.

(B) *Depth.* The top of the Monte Christo, South (9000') Formation varies from 8,750 feet subsea to 9,600 feet subsea. The maximum thickness of the formation is 1,030 feet.

[FR Doc. 83–11079 Filed 4–26–83; 8:45 am]

BILLING CODE 6717–01–M

[2] The Monte Christo Vicksburg 9000' Formation (Texas–20) was designated as a tight formation by Order No. 240, in Docket No. RM79–76–095, issued June 30, 1982 (47 FR 30467, July 14, 1982).

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Parts 193 and 561

[FAP 3H5385/R553; PH–FRL 2352–6; FAP 3H5385/R554]

Fluazifop-Butyl; Tolerances for Pesticides

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: These rules establish food and feed additive regulations to permit residues of (±)-2-[4-[[5-(trifluoromethyl)-2-pyridinyl]oxy]phenoxy]propanoic acid (fluazifop), both free and conjugated, and of (±)-butyl 2[4-[[5-(trifluoromethyl)-2-pyridinyl]oxy]phenoxy]propanoate (fluazifop-butyl), all expressed as fluazifop, in or on certain food and feed commodities. These regulations to establish maximum permissible levels for residues of fluazifop and fluazifopbutyl, all expressed as fluazifop, in or on the commodities was requested, pursuant to a petition, by ICI Americas, Inc.

EFFECTIVE DATE: Effective on: April 27, 1983.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A–110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Richard Mountfort, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 237, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–1830).

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the **Federal Register** of March 16, 1983 (48 FR 11161), that announced that ICI Americas, Inc., Agricultural Chemicals Div., Wilmington, DE 19897, had submitted food/feed additive petition 3H5385 to the Agency proposing to amend 21 CFR Parts 193 and 561 by establishing regulations permitting residues of (±)-2-[4-[[5-(trifluoromethyl)-2-pyridinyl]oxy]phenoxy]propanoic acid (fluazifop) both free and conjugated, and of (±)-butyl 2-[4-[[5-(trifluoromethyl)-2-pyridinyl]oxy]phenoxy]propanoate (fluazifop-butyl), all expressed as fluazifop, in or on the food commodities (21 CFR Part 193) cottonseed oil at 0.2 part per million (ppm) and soybean oil at 2.0 ppm and in or on the feed commodities (21 CFR Part 561) cottonseed soapstock at 0.2 ppm and soybean meal and soapstock at 2.0 ppm.

There were no comments received in response to the notice of filing.

The data submitted in the petition and all other relevant material have been evaluated. The toxicological data considered in support of the tolerances in cottonseed and soybean oil is discussed in the notice establishing tolerances for fluazifop-butyl in soybeans, cottonseed, and animal tissues [PP 2F2630/R552] which appears elsewhere in today's **Federal Register.**

Based on the NOEL of 1 mg/kg in the rat chronic feeding study and a 100-fold safety factor, the acceptable daily intake (ADI) has been set at 0.01 mg/kg/day with a maximum permissible intake (MPI) of 0.6 mg/day for a 60-kg person. These tolerances have a theoretical maximum residue contribution (TRMC) of 0.0619 mg/day in a 1.5 kg diet and would utilize 10.32 percent of the ADI.

The nature of the residues is adequately understood and an adequate analytical method, high pressure liquid chromatography (HPLC) using an ultra-violet detector is available for enforcement purposes. Adequate tolerances for secondary residues in meat, milk, poultry and eggs resulting from this use of the pesticide are established in the above related document [PP 2F2630/R552]. There are currently no regulatory actions pending against the pesticide.

The pesticide is considered useful for the purpose for which the regulation is sought. It is concluded that the pesticide may be safely used in the prescribed manner when such use is in accordance with the label and labeling registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, (86 Stat. 973, 89 Stat. 751, U.S.C. 135(a) *et seq*) and is established as set forth below.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new food or feed additive levels, or conditions for safe use of additives, or raising such food or feed additive levels do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24945).

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 346(c)(1)))

List of Subjects in 21 CFR Part 193 and 561

Food additives, Animal feeds, Pesticides and pests.

Dated: April 15, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 193—[AMENDED]

Therefore, 21 CFR, Chapter I, is amended as follows:

1. In Part 193 by adding a new § 193.466 to read as follows:

§ 193.466 Fluazifop-butyl.

Tolerances are established for residues of (±)-2-[4-[[5-(trifluoromethyl)-2-pyridinyl]oxy]phenoxy]propanoic acid (fluazifop), both free and conjugated, and of (±)-butyl 2[4-[[5-(trifluoromethyl)-2-pyridinyl]oxy]phenoxy]propanoate (fluazifop-butyl), all expressed as fluazifop, in or on the following foods:

Foods	Parts per million
Cottonseed, oil	0.2
Soybean, oil	2.0

PART 561—[AMENDED]

2. In part 561 by adding a new § 561.428 to read as follows:

§ 561.428 Fluazifop-butyl.

Tolerances are established for residues of (±)-2-[4-[[5-(trifluoromethyl)-2-pyridinyl]oxy]phenoxy]propanoic acid (fluazifop), both free and conjugated, and of (±)-butyl 2[4-[[5-(trifluoromethyl)-2-pyridinyl]oxy]phenoxy]propanoate (fluazifop-butyl), all expressed as fluazifop, in or on the following feeds:

Feeds	Parts per million
Cottonseed, soapstock	0.2
Soybean, meal	2.0
Soybean, soapstock	2.0

[FR Doc. 83-10882 Filed 4-26-83; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF JUSTICE

Office of the Attorney General

28 CFR Part 0

[Order No. 1010–83]

Delegation of Authority to the Deputy Assistant Attorneys General of the Criminal Division

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This order delegates authority to the Deputy Assistant Attorneys General of the Criminal Division to perform certain functions or duties pertaining to the Act to compensate law enforcement officers not employed by the United States who are killed or injured while in the process of apprehending persons suspected of committing federal crimes. It also delegates to the Assistant Attorney General of the Criminal Division authority to redelegate those functions and duties to the Chief of the Section in his Division which supervises the implementation of that Act.

EFFECTIVE DATE: April 18, 1983.

FOR FURTHER INFORMATION CONTACT: Roger B. Cubbage (202–724–6893), Deputy Chief for Legal Advice, General Litigation and Legal Advice Section, Criminal Division, Department of Justice, Washington, D.C 20530.

SUPPLEMENTARY INFORMATION: Sections 8191–8193 of Title 5 provide, *inter alia*, for compensation of a non-federal law enforcement officer or his survivors if the officer sustains a disabling personal injury or is killed while engaged in the "apprehension or attempted apprehension of any person * * * for the commission of a crime against the United States" or in the "lawful prevention of, or lawful attempt to prevent, the commission of a crime against the United States." 5 U.S.C. 8191(1)(A) and (3).

Claims under these provisions are made to the Department of Labor. Under 5 U.S.C. 8193(d) the Department of labor may seek the advice and assistance of the Attorney General of the United States in resolving any questions arising out of a particular claim.

The provisions of 28 CFR 0.58 currently authorize the Assistant Attorney General for the Criminal Division to exercise or perform any of the functions conferred upon the Attorney General by 5 U.S.C. 8191–8193.

In practice the claims are forwarded to the Criminal Division by the Department of Labor. An initial review and recommendation is made by the General Litigation and Legal Advice Section and forwarded to the Assistant Attorney General for the Criminal Division wherein it is reviewed by one of his deputies prior to his taking final action in the case. The procedure can be made more efficient by granting the power to give advice and assistance in the resolution of any questions raised by a particular claim under these provisions to Deputy Assistant Attorneys General in the Criminal Division or to the Chief of the Section within that division which is responsible for the initial review and recommendations.

This order is not a rule within the meaning of either Executive Order 12291, section 1(a), or the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*

List of Subjects in 28 CFR Part 0

Authority delegations (Government agencies), Government employees, Organization and functions (Government agencies).

PART 0—[AMENDED]

Accordingly, by the authority vested in me as Attorney General by 28 U.S.C. 509 and 510, and 5 U.S.C. 301, § 0.58 of Title 28 of the Code of Federal Regulations is hereby revised to read as follows:

§ 0.58 Delegation respecting payment of benefits for disability or death of law enforcement officers not employed by the United States.

The Assistant Attorney General in charge of the Criminal Division and his Deputy Assistant Attorneys General are each authorized to exercise or perform any of the functions or duties conferred upon the Attorney General by the Act to Compensate Law Enforcement Officers not Employed by the United States Killed or Injured While Apprehending Persons Suspected of Committing Federal Crimes (5 U.S.C. 8191, 8192, 8193). The Assistant Attorney General in charge of the Criminal Division is authorized to redelegate any function delegated to him under this section to the Chief of the Section within the Criminal Division which supervises the implementation of the aforementioned Compensation Act.

Dated: April 18, 1983.

William French Smith,

Attorney General.

[FR Doc. 83-11163 Filed 4-26-83; 8:45 am]

BILLING CODE 4410-01-M

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28 CFR Part 16

[AAG/A Order No. 8-83]

Exemption of Records System Under the Privacy Act

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: On January 26, 1983, the Department of Justice, United States Marshals Service issued proposed regulations to amend 28 CFR 16.101, "Exemption of U.S. Marshals Service Systems—Limited access, as indicated," to provide additional specificity as to statutory authorities; to make editorial changes; and to promulgate a new exemption. The exemption will preclude serving "notice on an individual when any record on such individual is made available to any person under compulsory legal process when such process becomes a matter of public record." 5 U.S.C. 552a(e)(8). The exemption is necessary because the individual notice requirement would present a serious impediment to law enforcement in that it would give persons sufficient warning to avoid warrants, subpoenas, etc. The other changes have no effect on the public.

DATES: This rule will be effective April 27, 1983.

ADDRESS: Administrative Counsel, Justice Management Division, Department of Justice, Room 6239, 10th and Constitution Avenue NW., Washington, D.C. 20530.

FOR FURTHER INFORMATION CONTACT: William J. Snider (202-633-3452).

SUPPLEMENTARY INFORMATION: No comments were received regarding the proposed regulations published on January 26, 1983.

List of Subjects in 28 CFR Part 16

Administrative practice and procedure, Courts, Freedom of information, Privacy and Sunshine Act.

Pursuant to the authority vested in the Attorney General by 5 U.S.C. 552a and delegated to me by Attorney General Order No. 793-78, the proposed regulations published in the **Federal Register** on January 26, 1983 (48 FR 3637) are adopted without change as set forth below.

Dated: April 13, 1983.

Kevin D. Rooney,

Assistant Attorney General for Administration.

PART 16—[AMENDED]

Section 16.101 is amended by revising paragraph (a)(1), introductory text to paragraph (e), paragraphs (e)(1), (f) (1) and (2); by redesignating the existing paragraphs (f)(7) and (f)(8) as (f)(8) and (f)(9), respectively; and by adding a new paragraph (f)(7).

§ 16.101 Exemption of U.S. Marshals Service Systems—Limited access, as indicated.

(a) * * *

(1) Warrant Information System (JUSTICE/USM-007).

These exemptions apply only to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a(j)(2).

* * * * *

(e) The following system of records is exempt from 5 U.S.C. 552a (c) (3) and (4), (d), (e) (2) and (3), (e)(4) (G) and (H), (f) and (g) and may be additionally exempt from subsection (e)(8):

(1) Internal Investigations System (JUSTICE/USM-002)—Limited access.

These exemptions apply only to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a(k)(5) or (j)(2).

(f) * * *

(1) From subsection (c)(3) where the release of the disclosure accounting for disclosures made pursuant to subsection (b) of the Act would reveal a source who furnished information to the Government in confidence.

(2) From subsection (c) (4) for the reason stated in (b)(2) of this section.

* * * * *

(7) From subsection (e)(8) for the reason stated in (b)(7) of this section.

* * * * *

[FR Doc. 83-11164 Filed 4-26-83; 8:45 am]

BILLING CODE 4410-04-M

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

33 CFR Part 204

Pacific Ocean Between Point Sal and Point Conception, California, Danger Zone

AGENCY: Army Corps of Engineers, DoD.

ACTION: Final rule.

SUMMARY: The Corps of Engineers is amending the regulations which establish danger zones in the Pacific Ocean near Vandenberg Air Force Base (VAFB), California. This amendment will renumber all the danger zones, relocate some of the existing interior boundaries and add some restrictions to a sensitive danger zone. This will cause a decrease in the total number of danger zones from eleven to nine, with no changes in the perimeter of the existing danger zones.

EFFECTIVE DATE: June 13, 1983.

ADDRESS: HQDA, DAEN-CWO-N, Washington, D.C. 20314.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Clark at (213) 688-5606 or Mr. Ralph T. Eppard at (202) 272-0200.

SUPPLEMENTARY INFORMATION: Proposed revisions were published in the Proposed Rules Section of the **Federal Register** on 26 November 1982, (47 FR 53424) and in a public notice, dated 1 December 1982, distributed by the Commander, Los Angeles District, Corps of Engineers. The Notice of Proposed Rulemaking published in the **Federal Register** resulted in one comment from the Santa Barbara County, Resource Management Department, concerning the placement of fixed or mobile oil drilling platforms within the danger zones. The comment did not concern these proposed amendments and accordingly did not result in any change. No comments were received in response to the local public notice. Stations 9 and 10 are no longer needed to describe the danger zone's perimeter and are deleted in the final text. They were originally used to mark the extension of the danger zones in a previous publication and were inadvertently placed in the proposed rules.

Note.—This non-major regulation is issued with respect to a military function of the Defense Department and the provisions of EO 12291 do not apply. The Department of the Army has determined that this regulation will not have a significant economic impact on a substantial number of entities and thus does not require preparation of a regulatory flexibility analysis.

List of Subjects in 33 CFR Part 204

Water, Transportation, Vessels.

Dated: April 6, 1983.

Approved:

William R. Gianelli,

Assistant Secretary of the Army (Civil Works).

Accordingly, 33 CFR 204.202 is amended by revising paragraphs (a)(2) (i), (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix); removing (x) and (xi); and adding a subparagraph (2) to subsection (b). As amended, § 204.202 reads as follows:

PART 204—DANGER ZONE REGULATIONS

§ 204.202 Pacific Ocean, Western Space and Missile Center (WSMC), Vandenberg AFB, California; danger zones.

(a) *The Area.* (1) The waters of the Pacific Ocean in an area extending seaward from the shoreline a distance of about three nautical miles and basically outlined as follows:

Station	Latitude	Longitude
Point Sal	34°54'08"	120°40'15"
1	34°54'08"	120°44'00"
2	34°52'48"	120°44'00"
3	34°50'00"	120°40'30"
4	34°44'50"	120°42'15"
5	34°41'50"	120°40'12"
6	34°35'12"	120°42'45"
7	34°33'00"	120°41'05"
8	34°30'40"	120°37'29"
9	34°24'18"	120°30'00"
10	34°23'34"	120°27'05"
11	34°24'21"	120°24'40"
12	34°27'20"	120°24'40"
Point Sal	34°54'08"	120°40'15"

(2) The danger area described in paragraph (a)(1) of this section will be divided into zones in order that certain firing tests and operations, whose characteristics as to range and reliability permit, may be conducted without requiring complete evacuation of the entire area. These zones are described as follows:

(i) Zone 1. An area extending seaward about three nautical miles from the shoreline beginning at Point Sal, latitude 34°54'08", longitude 120°40'15"; thence due west to latitude 34°54'08", longitude 120°44'00"; thence to latitude 34°52'48", longitude 120°44'00"; thence to latitude 34°50'00", longitude 120°40'30"; thence due east to the shoreline at latitude 34°50'00", longitude 120°36'30".

(ii) Zone 2. An area extending seaward about three nautical miles from the shoreline beginning at latitude 34°50'00", longitude 120°36'30"; thence due west to latitude 34°50'00", longitude 120°40'30", thence to latitude 34°45'28", longitude 120°42'05"; thence due east to the shoreline at Purisima Point, latitude 34°45'28", longitude 120°38'15".

(iii) Zone 3. An area extending seaward about three nautical miles from the shoreline beginning at Purisima Point latitude 34°45'28", longitude 120°38'15"; thence due west to latitude 34°45'28", longitude 120°42'05"; thence to latitude 34°44'50", longitude 120°42'15"; thence to latitude 34°41'50", longitude 120°40'12"; thence due east to the shoreline at the mouth of the Santa Ynez River, latitude 34°41'50", longitude 120°36'20".

(iv) Zone 4. An area extending seaward about three nautical miles from the shoreline beginning at the mouth of the Santa Ynez River latitude 34°41'50", longitude 120°36'20"; thence due west to latitude 34°41'50", longitude 120°40'12"; thence to latitude 34°35'12"; longitude 120°42'45"; thence latitude 34°34'32", longitude 120°42'15", thence due east to the shoreline at Point Arguello, latitude 34°34'32", longitude 120°39'03".

(v) Zone 5. An area extending seaward about three nautical miles from the shoreline beginning at Point Arguello, latitude 34°34'32", longitude 120°39'03"; thence due west to latitude 34°34'32", longitude 120°42'15"; thence to latitude 34°33'00", longitude 120°41'05"; thence to latitude 34°30'40", longitude 120°37'29"; thence due north to the shoreline at latitude 34°33'15", longitude 120°37'29".

(vi) Zone 6. An area extending seaward about three nautical miles from the shoreline beginning at latitude 34°33'15", longitude 120°37'29"; thence due south to latitude 34°30'40", longitude 120°37'29"; thence due east to the shoreline at latitude 34°30'40", longitude 120°30'10".

(vii) Zone 7. An area extending seaward about three nautical miles from the shoreline beginning at latitude 34°30'40", longitude 120°30'10"; thence due west to latitude 34°30'40", longitude 120°37'29"; thence to latitude 34°26'56", longitude 120°33'06"; thence due east to the shoreline at Point Conception, latitude 34°26'56", longitude 120°28'10".

(viii) Zone 8, An area extending seaward about three nautical miles from the shoreline beginning at Point Conception, latitude 34°26'56", longitude 120°28'10"; thence due west to latitude 34°26'56", longitude 120°33'06"; thence to latitude 34°24'18", longitude 120°30'00"; thence to latitude 34°23'34", longitude 120°27'05"; thence shoreward to Point Conception, latitude 34°26'56", longitude 120°28'10".

(ix) Zone 9. An area extending seaward about three nautical miles from the shoreline beginning at Point Conception, latitude 34°26'56", longitude 120°28'10"; thence seaward to latitude 34°23'34", longitude 120°27'05"; thence to latitude 34°24'21", longitude 120°24'40"; thence due north to the shoreline at latitude 34°27'20", longitude 120°24'40".

(b) *The regulations.* (1) Except as prescribed in this section or in other regulations, the danger zone will be open to fishing, location of fixed or movable oil drilling platforms and general navigation without restrictions.

(2) The stopping or loitering of vessels is expressly prohibited within Danger Zone 4, between the mouth of the Santa Ynez River and Point Arguello, unless prior permission is obtained from the Commander, Western Space and Missile Center (WSMC) at Vandenberg AFB, CA.

(3) The impacting of missile debris from launch operations will take place in any one or any group of zones in the danger areas at frequent and irregular intervals throughout the year. The Commander, WSMC, will announce in advance, the closure of zones hazarded by missile debris impact. Such advance announcements will appear in the weekly "Notice to Mariners." For the benefit of fishermen, small craft operators and drilling platform operators, announcements will also be made on radio frequency 2182 kc, 2638 kc, VHF channel 6 (156.30 MHZ), VHF channel 12 (156.60 MHZ), and VHF channel 16 (156.80 MHZ) for daily announcements. Additionally, information will be posted on notice boards located outside Port Control Offices (Harbormasters) at Morro Bay, Port San Luis, Santa Barbara, Ventura, Channel Islands, and Port Hueneme Harbors, and any established harbor of refuge between Santa Barbara and Morro Bay.

(4) All fishing boats, other small craft, drilling platforms and shipping vessels with radios are requested to monitor radio freqency 2182 kc, 2638 kc, VHF channel 6 (156.30 MHZ), VHF channel 12 (156.60 MHZ), or channel 16 (156.80 MHZ) while in these zones for daily announcements of zone closures.

(5) When a scheduled launch operation is about to begin, radio broadcast notifications will be made periodically, starting at least 24 hours in advance, Additional contact may be made by surface patrol boats or aircraft equipped with a loudspeaker system. When so notified, all vessels shall leave the specified zone or zones immediately by the shortest route.

(6) The Commander, WSMC, will extend full cooperation relating to the public use of the danger area and will fully consider every reasonable request for its use in light of requirements for national security and safety of persons and property.

(7) Where an established harbor of refuge exists, small craft may take shelter for the duration of zone closure.

(8) Fixed or movable oil drilling platforms located in zones identified as hazardous and closed in accordance with this regulation shall cease operations for the duration of the zone closure. The zones shall be closed continuously no longer than 72 hours at any one time. Such notice to evacuate personnel shall be accomplished in accordance with procedures as established by the Commander, WSMC.

and the oil industry in the adjacent waters of the Outer Continental Shelf.

(9) No seaplanes, other than those approved by the Commander, WSMC, may enter the danger zones during launch closure periods.

(10) The regulations in this section shall be enforced by personnel attached to WSMC and by such other agencies as may be designated by the Commander, WSMC.

(11) The regulations in this section shall be in effect until further notice. They shall be reviewed again during September 1987.

(33 U.S.C. 1, 3)

[FR Doc. 83-11185 Filed 4-26-83; 8:45 am]
BILLING CODE 3710-93-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 6E1736/R546; PH-FRL 2354-2]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; 4-(2,4-Dichlorophenoxy) Butyric Acid

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for the combined residues of the herbicide 4-(2,4-dichlorophenoxy) butyric acid and its metabolite in or on the raw agricultural commodity mint hay. This regulation to establish a maximum permissible level for residues of the herbicide in or on the commodity was requested in a petition submitted by the Interregional Research Project No. 4 (IR-4).

EFFECTIVE DATE: Effective on April 27, 1983.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs, Emergency Response and Minor Use Section, Registration Division (TS-767C), Environmental Protection Agency, Rm. 716B, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202. (703-557-1192).

SUPPLEMENTARY INFORMATION: EPA issued a proposed rule, published in the Federal Register of March 9, 1983 (48 FR 9888) that announced that the Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, had submitted pesticide petition 6E1736 to EPA on behalf of the IR-4 Technical Committee and the Agricultural Experiment Station of Oregon.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Comestic Act, propose the establishment of a tolerance for the combined residues of the 4-(2,4-dichlorophenoxy)butyric acid (2,4-DB) and its metabolite 2,4-dichlorophenoxyacetic acid (2,4-D) in or on the raw agricultural commodity peppermint hay at 1.5 ppm. The petition was later amended to propose a tolerance for the combined residues of the herbicide and its metabolite in or on the raw agricultural commodity mint hay at 0.2 part per million (ppm).

There were no comments or requests for referral to an advisory committee received in response to the proposed rule.

The data submitted in the petition and other relevant material have been evaluated and discussed in the notice of proposed rulemaking. The pesticide is considered useful for the purpose for which the tolerance is sought. It is concluded that the tolerance would protect the public health and is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the Federal Register, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346(a)(e)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: April 18, 1983.

Edwin L. Johnson,
Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR 180.331 is revised to read as follows:

§ 180.331 4-(2,4-Dichlorophenoxy) butyric acid; tolerances for residues.

Tolerances are established for the combined residues of the herbicide 4-(2,4-dichlorophenoxy) butyric acid and its metabolite 2,4-dichlorophenoxyacetic acid in or on the following raw agricultural commodities:

Commodities	Parts per million
Alfalfa	0.2N
Clover	0.2N
Mint, hay	0.2
Peanuts	0.2N
Soybeans	0.2N
Soybeans, hay	0.2N
Trefoil, birdsfoot	0.2N

[PR Doc. 83-11014 Filed 4-26-83; 8:45 am]
BILLING CODE 6560-50-M

40 CFR Part 180

[PP 2F2630/R552; PH-FRL 2352-7]

Tolerances and Exemptions From Tolerance for Pesticide Chemicals in or on Raw Agricultural Commodities; Fluazifop-Butyl

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for residues of (±)-2-[4-[[5-(trifluoromethyl)-2-pyridinyl]oxy]phenoxy]propanoic acid (fluazifop), both free and conjugated, and of (±)-butyl 2-[4-[[5-(trifluoromethyl)-2-pyridinyl]oxy]phenoxy]propanoate (fluazifop-butyl), all expressed as fluazifop, in or on certain raw agricultural commodities. This regulation to establish maximum permissible levels for residues of fluazifop and fluazifop-butyl, all expressed as fluazifop, in or on the raw agricultural commodities was requested, pursuant to a petition by ICI Americas, Inc.

EFFECTIVE DATE: Effective on April 27, 1983.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Richard Mountfort, Product Manager (PM) 23, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 237, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1830).

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the **Federal Register** of March 10, 1982 (47 FR 10290), that announced that ICI America, Inc, Agricultural Chemicals Division, Wilmington, DE 19897, had filed pesticide petition 2F2630 with the EPA. This petition proposed that tolerances be established for residues of (±)-2-[4-[[5-(trifluoromethyl)-2-pyridinyl]oxy]phenoxy]propanoic acid (fluazifop), both free and conjugated, and of (±)-butyl 2-[4-[[5-(trifluoromethyl)-2-pyridinyl]oxy]phenoxy]propanoate (fluazifop-butyl), all expressed as fluazifop, in or on the raw agricultural commodities fat, meat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep at 0.05 part per million (ppm); eggs and milk at 0.05 ppm; cottonseed at 0.1 ppm; and soybeans at 1.0 ppm.

ICI Americas, Inc. subsequently amended the proposal by filing food additive petition 3H5385, notice of which was published in the **Federal Register** of March 16, 1983 (48 FR 11161). The petition proposed amending 21 CFR Parts 193 and 561 by establishing regulations permitting residues of fluazifop and fluazifop-butyl, all expressed as fluazifop, in or on the food and/or animal feed items cottonseed oil and soapstock at 0.2 ppm and soybean meal, oil, and soapstock at 2.0 ppm.

A related document, (FAP 3H5385/R553), establishing regulations permitting residues of fluazifop and fluazifop-butyl in or on the above food and feed commodities, appears elsewhere in today's issue of the **Federal Register**.

There were no comments received in response to the notices of filing.

The data submitted in the petition and other relevant material have been evaluated. The data considered in support of the tolerances included plant and animal metabolism studies; a rat oral lethal dose (LD_{50}) with an LD_{50} of 3,300 milligrams (mg) per kilogram (kg) of body weight (bw); a rabbit subchronic dermal study with a no-observed-effect level (NOEL) of 100 parts per million (ppm) (5 mg/kg/day); a 90-day rat feeding study with a NOEL of 0.5 mg/kg/day; a 90 day dog feeding study with a NOEL of 25 mg/kg/day; a rat teratology study with a teratogenic and maternal toxicity NOEL of 10 mg/kg/day (the teratogenic and maternal toxic effect level is 200 mg/kg/day (highest dose) with diaphragmatic hernia) and the NOEL of 1 mg/kg/day (based on fetotoxicity). Margin of Safety (MOS) values are based on the NOEL of 1 mg/kg/day for fetotoxicity or 10 mg/kg/day for maternal toxicity and teratogenicity; a rabbit teratology study with no terata at 90 mg/kg/day [highest dose] and a NOEL of 10 mg/kg/day; a 2-generation rat reproduction study with a NOEL of 80 ppm (4 mg/kg/day); a 2-year chronic feeding/oncogenicity study in rats with no observed oncogenic potential at 3.0 mg/kg/day (highest dose and a NOEL of 1 mg/kg/day); a 20-month mouse chronic feeding/oncogenicity study with no-observed oncogenic potential at 3.0 mg/kg/day (highest dose) and a NOEL of 1.0 mg/kg/day; an Ames test (negative); a rat cytogenetic study (negative); an in-vitro transformation assay (negative); and an acute delayed neurotoxicity study in hens (negative). Data considered desirable, but lacking, include a 1-year subchronic feeding study in dogs and a dermal penetration study, preferably in the rat. The petitioner is nearing completion of the subchronic dog feeding study and has agreed to submit the final study and the dermal penetration study.

Based on the NOEL of 1 mg/kg in rat chronic feeding study and a 100-fold safety factor, the acceptable daily intake (ADI) has been set at 0.01 mg/kg/day with a maximum permissible intake (MPI) of 0.6 mg/day for a 60-kg person. These tolerances have a theoretical maximum residue contribution (TMRC) of 0.0619 mg/day in a 1.5 kg diet and would utilize 10.32 percent of the ADI.

The nature of the residue of the pesticide is adequately delineated, and an adequate analytical method, high pressure liquid chromatography (HPLC) using an ultra-violet detector, is available for enforcement purposes.

The pesticide is considered useful for the purpose for which the tolerances are sought. It is concluded that the tolerances would protect the public health and are established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346(a)(e)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: April 15, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR Part 180 is amended by adding a new § 180.411 to read as follows:

§ 180.411 Fluazifop-butyl; tolerances for residues.

Tolerances are established for residues of (±)-2-[4-[[5-(trifluoromethyl)-2-pyridinyl]oxy]phenoxy]propanoic acid (fluazifop), both free and conjugated, and of (±) butyl 2[4-[[5-(trifluoromethyl)-2-pyridinyl]oxy]phenoxy]propanoate (fluazifop-butyl), all expressed as fluazifop, in or on the following raw agricultural commodities:

Commodities	Parts per million
Cattle, fat	0.05
Cattle, meat	.05
Cattle, mbyp	.05
Cottonseed	.1
Eggs	.05
Goats, fat	.05
Goats, meat	.05
Goats, mbyp	.05
Hogs, fat	.05
Hogs, meat	.05
Hogs, mbyp	.05
Horses, fat	.05
Horses, meat	.05
Horses, mbyp	.05
Milk	.05
Poultry, fat	.05
Poultry, meat	.05
Poultry, mbyp	.05
Sheep, fat	.05
Sheep, meat	.05
Sheep, mbyp	.05
Soybeans	1.0

[FR Doc. 83-10883 Filed 4-26-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP 9E2142/R545; PH-FRL 2352-5]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Sodium Chlorate

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes an exemption from the requirement of a tolerance for residues of the fungicide sodium chlorate when used in or on the agricultural commodities flaxseed and flax straw. This regulation to exempt sodium chlorate from the requirement to establish maximum permissible levels for residues in or on the commodities was requested in a petition submitted by the Interregional Research Project No. 4 (IR-4).

EFFECTIVE DATE: Effective on April 27, 1983.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs, Emergency Response and Minor Use Section (TS-767C), Registration Division, Environmental Protection Agency, Rm. 716B, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1192).

SUPPLEMENTARY INFORMATION: EPA issued a proposed rule, published in the **Federal Register** of March 9, 1983 (48 FR 9688), that announced that the Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, had submitted pesticide petition 9E2142 to EPA on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of Minnesota and North Dakota.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of an exemption from the requirement of a tolerance for residues of sodium chlorate in or on flaxseed, wheat, and their fodder, forage, and straw when it is used in accordance with good agricultural practice as a desiccant in flaxseed and wheat production. The petition was later amended by withdrawing the request for wheat and proposing the exemption for flaxseed and flax straw only.

There were no comments or requests for referral to an advisory committee received in response to the proposed rule.

The data submitted in the petition and other relevant material have been evaluated and discussed in the notice of proposed rulemaking. The pesticide is considered useful for the purpose for which the tolerance is sought. It is concluded that the tolerance would protect the public health and is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346(a)(e)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: April 15, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR 180.1020 is revised to read as follows:

§ 180.1020 Sodium chlorate; exemption from the requirement of a tolerance.

Sodium chlorate is exempted from the requirement of a tolerance for residues in or on the following raw agricultural commodities when used as a defoliant, desiccant, or fungicide in accordance with good agricultural practice in the production of chili peppers, corn, cotton, flax, guar beans, rice, safflower seed, sorghum, soybeans, and sunflower seed.

Commodities

Chili peppers
Corn fodder
Corn forage
Corn grain
Cottonseed
Flaxseed
Flax straw
Grain sorghum
Guar beans
Rice
Rice straw
Safflower seed
Sorghum fodder
Sorghum forage
Soybeans
Sunflower seed

[FR Doc. 83-10881 Filed 4-26-83; 8:45 am]

BILLING CODE 6560-50-M

LEGAL SERVICES CORPORATION

45 CFR Part 1611

Eligibility; Income Levels for Individuals Eligible for Assistance

AGENCY: Legal Services Corporation.

ACTION: Final rule; Revised Appendix.

SUMMARY: The Legal Services Corporation is required by law to establish maximum income levels for individuals eligible for legal assistance. This document updates the specified income levels to reflect the annual amendments to the Official Poverty Threshold as defined by the Department of Health and Human Services.

EFFECTIVE DATE: May 27, 1983.

FOR FURTHER INFORMATION CONTACT: Linda Perle, Legal Services Corporation, 733 Fifteenth Street, NW., Washington, D.C. 20005 (202) 272-4010.

SUPPLEMENTARY INFORMATION: Section 1007(a)(2) of the Legal Services Corporation Act, 42 U.S.C. 2996f(a)(2), requires the Corporation to establish maximum income levels for individuals eligible for legal assistance, and the Act provides that income shall be taken into account along with other specified factors. Section 1611.3(b) of the Corporation's Regulations establishes a maximum income level equivalent to one-hundred and twenty-five percent (125%) of the Official Poverty Threshold as defined by the Office of Management and Budget. Responsibility for revision of the Official Poverty Threshold was shifted in 1982 from the Office of Management and Budget to the Department of Health and Human Services. The revised figures for 1983 equivalent to 125% of the current Official Poverty Threshold are set forth below:

List of Subjects in 45 CFR Part 1611

Legal services, Eligibility.

PART 1611—ELIGIBILITY

Appendix A of Part 1611 is revised to read as follows:

APPENDIX A OF PART 1611—LEGAL SERVICES CORPORATION POVERTY GUIDELINES

	Maximum income
For all States Except Alaska and Hawaii:	
Size of family unit [1]	
1	$6,075
2	8,175
3	10,275
4	12,375
5	14,475
6	16,575
7	18,675
8	20,775
For Alaska:	
Size of family unit [2]	
1	7,600
2	10,225
3	12,850
4	15,475
5	18,100
6	20,725
7	23,350
8	25,975
For Hawaii:	
Size of family unit [3]	
1	7,000
2	9,413
3	11,825
4	14,238
5	16,650
6	19,063
7	21,475
8	23,888

[1] For family units with more than eight members, add $2,100 for each additional member in a family.
[2] For family units with more than eight members, add $2,625 for each additional member in a family.
[3] For family units with more than eight members, add $2,413 for each additional member in a family.

Dated: April 22, 1983.

Alan R. Swendiman,

General Counsel, Legal Services Corporation.

[FR Doc. 83-11178 Filed 4-26-83; 8:45 am]
BILLING CODE 6820-35-M

Proposed Rules

Federal Register
Vol. 48, No. 82
Wednesday, April 27, 1983

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR PART 1046

[Docket No. AO-123-A50]

Milk in the Louisville-Lexington-Evansville Marketing Area; Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments To Tentative Marketing Agreement and To Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This decision recommends replacing the order's seasonal production incentive program known as the "Louisville plan" with a seasonal base-excess plan for distributing to producers their returns from the sale of milk. This change was proposed by Dairymen, Inc. (DI), a cooperative that represents a large portion of the dairy farmers that supply milk for the market.

Under the recommended provisions, each producer would establish a new "base" annually. It would be determined from the dairy farmer's milk deliveries during the base-forming months of September-December. During the following months of March through June, minimum payments to a producer would be based on the amounts of base and excess milk marketed by such dairy farmer. In the other months (July through February), producers would be paid not less than the marketwide uniform price for all of their milk deliveries. This new producer payment plan is intended to encourage level milk production throughout the year.

DATE: Comments are due by May 12, 1983.

ADDRESS: Comments (four copies) should be filed with the Hearing Clerk, Room 1077, South Building, United States Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Richard A. Glandt, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202/447-4829.

SUPPLEMENTARY INFORMATION: This administrative action is governed by the provisions of sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12291.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action would not have a significant economic impact on a substantial number of small entities, and would have no effect on regulated handlers since the action affects only the manner in which the proceeds from milk sales are distributed to producers.

Prior document in this proceeding:

Notice of Hearing: Issued January 25, 1983; published January 28, 1983 (48 FR 3992).

Preliminary Statement

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and the order regulating the handling of milk in the Louisville-Lexington-Evansville marketing area. This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250, by the 15th day after publication of this decision in the **Federal Register**. Four copies of the exceptions should be filed. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed amendments hereinafter set forth are based on the record of a public hearing held at Louisville, Kentucky, on February 15, 1983, pursuant to a notice of hearing issued on January 25, 1983 (48 FR 3992).

The material issue on the record of the hearing relates to replacing the "Louisville" plan to pay producers under the order with a seasonal base-excess plan.

Findings and Conclusions

The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

The order should be amended to provide a seasonal base-excess plan to pay producers in place of the current "Louisville" plan. Under the present plan, 40 cents per hundredweight is withheld from payments to producers for milk delivered during the months of April through July when supplies are abundant. This money is paid back to producers through the marketwide pool during the following months of September through December when supplies are seasonally lower.

As in the case of the Louisville plan, the purpose of a base-excess plan is to provide an incentive for producers to even out their milk production throughout the year. Such a plan is designed to encourage more production in the months of seasonally low production and discourage production in the months of seasonally high production.

Dairymen, Inc. (DI), a cooperative that represents about 44 percent of the producers supplying the market, proposed that the order's current producer payment plan (Louisville plan) be replaced with a seasonal base-excess plan for use in distributing to producers their returns from the sale of milk, The DI witness testified that the proposed base-excess plan is needed to provide an enhanced inducement to dairy farmers to increase their production during the months of seasonally low milk production, which is when Class I demand is greatest, and to decrease their production during the months of seasonally high milk production, when fluid demand is somewhat lower.

In support of its proposal, the witness for the proponent cooperative testified that the current take-out rate under the Lousiville plan is too low to effectively encourage desirable production patterns for the market. He also contended that

increasing the withholding rate to a level which would make it effective was not a practical solution because it would lower the blend prices too much in the take-out months. Hence, the cooperative proposed replacement of the Louisville plan with a seasonal base-excess plan to pay producers.

Southeastern Graded Milk Producers Association, another cooperative representing producers supplying the market, made a statement at the hearing in support of DI's proposed base-excess plan. Dean Milk Company, a proprietary handler under the order, also indicated support for DI's proposal at the hearing. Although the spokesman could not speak for the individual dairy farmers supplying the company's pool plant, he submitted a position statement on behalf of his company. In his view, the proposal would be beneficial to overall marketing conditions in the region from the standpoint of milk procurement between adjacent order areas. In addition, he recognized DI's concern about the declining influence in recent years of the Louisville plan adjustments on the blend prices dairy farmers receive.

No one testified in opposition to the proposed base-excess plan.

A base-excess plan should be provided for the Louisville-Lexington-Evansville market. The base plan will provide a means of encouraging a more level seasonal production pattern that will be beneficial to producers, handlers, and consumers.

The Louisville market has developed a good seasonal milk production pattern over the years. Nevertheless, milk production for the market does fluctuate seasonally, with supplies generally increasing in the spring and declining in the fall. This is evidence, for example, by the market data for producer receipts for a recent 5-year period.

These data indicate that the 1978–82 average daily deliveries of producer milk in May, the peak production month, were 108 percent of the 5-year daily average. Downswings of comparable magnitude occurred with the 5-year daily average producer milk deliveries during October, when production is lowest, dropping to 94 percent of the daily average for the entire 5-year period.

Although the seasonal fluctuations in production are relatively small, the changes are more meaningful when viewed in terms of the somewhat opposite swing in Class I Producer milk. When milk supplies were lower in the fall, average daily producer milk allocated to Class I was higher. For instance, the 1978–82 September daily average producer milk used in Class I was 114 percent of the daily average for the entire 5–year period. This compares to a 5–year daily average of Class I utilization of producer milk during June, which was 92 percent of the average for the entire 5–year period.

The National Farmers Organization (NFO) filed a posthearing brief urging that a base-excess plan not be adopted. One of the points raised by NFO was that the Louisville plan provides an adequate incentive for level production, and that it has, in fact, provided a "remarkably stable level of production throughout the year."

This market's favorable production pattern has been influenced somewhat by the seasonal incentive (Louisville) plan which has been used to pay producers supplying the market for many years. Since early 1968, the take-out rate has been 10 percent of the preceding year's average basic formula price, but not to exceed 40 cents per hundredweight.[1] Because of this 40-cent limitation, which has limited the deduction since 1968, the Louisville plan has been less effective in recent years in promoting level milk production.

When the take-out rate represented 10 percent of the basic formula price for the take-out months in 1968, it provided an adequate incentive for producers to level their production. Since 1968, the 40-cent limit has applied and has represented a steadily declining percentage of the basic formula price. Since 1975, the 40-cent take-out has been less than 5 percent of the basic formula price for the preceding calendar year.[2] The 40-cent withholding rate now represents only about 3 percent of the basic formula price. Such a rate is too low to effectively encourage level production by dairy farmers. Hence, a seasonal base-excess plan should be provided in place of the order's current Louisville plan to provide a better incentive for producers to maintain their level milk production patterns throughout the year.

NFO's brief also stated that the proponent's reasons offered in support of a base-excess plan were "speculative." While the impact of payment plans on production may be difficult to measure with any preciseness, the decline of the take-out rate as a percent of the basic formula price cannot be ignored. At the least, it can be presumed that the take-out rate currently provides a smaller incentive to level production than it did in 1968. It is important to note that the predominant view by producers in this market is that a base-excess plan will be more effective than the Louisville plan in maintaining a desirable seasonal pattern of production in the future.

Because of the declining effectiveness of the Louisville plan, proponent cooperative has operated seasonal incentive plans outside the order in each of the past two years to encourage to a greater extent the leveling of production. However, since the cooperative represents only about one-half of the market's producers, the effects of such programs are reflected in lower returns to the cooperative's members relative to other producers on the market. Other producers stand to benefit to the extent that they receive higher blend prices as a result of DI's curtailed production. The seasonal base-excess plan adopted herein would apply equally to all producers.

If milk production fluctuates widely on a seasonal basis, serious marketing problems could be created for producers, and especially for cooperatives that perform a major role in balancing the market's fluid needs. These problems would involve obtaining adequate supplies of milk for handlers' fluid needs during the months of seasonally low milk production and disposing of excess supplies during the months of seasonally high milk production. For example, if production declines too much in the short milk production season, cooperatives could find it necessary to import milk from beyond the local supply area to meet the shortage of the market's fluid processors. This could involve moving milk considerable distances, which is quite costly.

Another aspect of seasonal imbalances in milk production is the disposition of milk that is excess to the market's fluid needs. More marketing problems are experienced under this order in handling the excess supplies during the flush milk production season than with importing milk for the market during the short milk production season.

This is because there is considerably more milk produced in this general area than is needed to meet the fluid needs. Hence, at times when local manufacturing plants are operating at or near capacity, excess milk must be transported to manufacturing plants at considerable distance from the major consumption areas of the market.

In addition, a more level milk production pattern during the year

[1] Official notice in taken of the Assistant Secretary's decision issued March 22, 1968 (33 FR 5040), with respect to the provisions of the current Louisville plan.

[2] Official notice is taken of "Federal Milk Order Market Statistics", December 1982, and Annual Summaries for 1968 through 1981, issued by the Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C.

would reduce the amount of manufacturing capacity needed to handle the market's peak milk production and would allow area manufacturing plants to operate throughout the year with less seasonal fluctuation in the volumes of milk handled. This would improve the plants' operating efficiency, and in the case of cooperative manufacturing plants permit greater returns to members.

Hence, producers, handlers and consumers would benefit from a low variation in milk production primarily because of reduced marketing costs associated with disposing of excess supplies in the flush production months. In view of the foregoing, adoption of a base-excess plan applicable to all producers under this order is appropriate in the interest of maintaining reasonably level milk production for this market throughout the year.

The issue in this proceeding primarily concerns producers in that it deals with how the pool funds are to be divided among the producers supplying the market. In such case, the views of producers are an important consideration. The record in this proceeding clearly shows that a large portion of the producers associated with the Louisville market prefer a base-excess plan to the current Louisville plan as a means of encouraging more level milk production.

The base-excess plan adopted in this decision is very similar to that proposed by producers. Each producer would be assigned a base computed by dividing the producer's total pounds of producer milk in September through December (the base-forming period) by the number of days' production represented in such producer milk deliveries or by 100, whichever is more.

Bases would be computed, assigned, announced, and transferred on a daily basis (in terms of pounds per day). However, the milk of some dairy farmers may not be picked up each day. Hence, producers should be aware of the procedure that would be used by the market administrator to convert their every-other-day pickup to days of production. In that regard, if a producer's milk is regularly picked up every other day, a single pickup would be considered two days of production in computing such dairy farmer's base.

The market administrator would compute a new base for each producer annually. By February 1 of each year, he would notify each producer and the handler receiving the milk of the producer's base. If requested to do so by a cooperative, the market administrator would notify such cooperative of the amount of base assigned to each producer-member in lieu of sending a notice to each individual producer-member of the cooperative. It is noted that any producer who did not receive a notice could obtain the base information by contacting the market administrator.

At the hearing, DI modified its hearing notice proposal with respect to notifying its member-producers about their established bases. Under the original proposal the market administrator would have been required to notify all producers (both cooperative members and nonmembers).

Instead of notifying each of the cooperative's member-producers, DI asked that the market administrator notify the cooperative of each member's base if requested to do so by such association. The witness for the cooperative testified that the base on which DI pays a member-producer may be different from the base established by such producer under the order. It is concluded that the cooperative's wishes in this regard should be accommodated since the cooperative has been designated by its producer-members to act as the marketing agent for their milk.

The order should provide for the computation of a separate base by the market administrator for each dairy farm operated by a producer. Although the proposed provisions included in the hearing notice did not cover this point, it is reasonable to expect that a producer who is operating two or three dairy farms may wish to sell the base that is associated with the milk production of an individual farm if he sells that farm. Establishing a separate base for each farm would accommodate this situation. In cross examination at the hearing, the witness for DI stated that the cooperative intended that a separate base be computed for each farm of a producer.

As proposed by DI, the months of September through December should be the base-forming period. It is during these months that milk production tends to reach its lowest point and the market's Class I needs are greatest. In order to establish a production level for which they will receive payment at the higher uniform price for base milk in the base-paying months, producers will tend to establish a higher level of production in the base-forming months.

Record data show that the market's Class I utilization of producer milk during 1978–82 was greatest during the months of September-November. It was noted at the hearing that the supply-sales relationship was somewhat better in January than December during the 5-year period. Although there was little difference in the relationship in the two months as a whole, proponent indicated that the demand for milk in the first two-thirds of December is relatively higher. He also stated that in the last third of December, due to school closings and the holidays, the demand for milk falls off sharply. In view of the higher Class I use in the greater part of the month of December, it is appropriate that December be included with September, October, and November as the base-forming months.

The uniform (weighted average) price would be the minimum order price payable to producers for producer milk delivered during July through February.

The base-paying months should be March through June, as proposed by DI. These months form a period of time during the year when, in general, milk production is high and Class I utilization of milk is low. Thus, it is a period when the base plan should be discouraging excessive seasonal production. This would occur under the plan because during the base-paying months payments to producers would reflect a lower price for any excess producer milk delivered to the market. Operation of the base-excess plan should serve to maintain, or perhaps improve, the seasonal production pattern that producers desire.

Record data show that the market's producer receipts were substantially greater than Class I sales in the 5-year period of 1978–82 Recommended Decision—Louisville-Lexington-Evansville in April-June. The 5-year data also indicate that producer receipts exceeded Class I sales by a greater amount in July than in March. Nevertheless, March rather than July should be included as a base-paying month so that the base-paying months under the base plan for this order will conform with the base-paying period in the nearby Tennessee Valley market. The record also indicates that the local manufacturing plants in Kentucky, which are the normal outlets for this market's excess supplies, are utilized to dispose of the surplus milk of other markets in the Southeast where production tends to reach its seasonal peak earlier in the year. Because of this, DI has found it more difficult to secure a local outlet for surplus milk in the month of March than to do so in the month of July. In view of the foregoing, it is appropriate to include the month of March with the months of April through June in the base-paying period.

"Base milk" would be the producer milk of a producer in each month of March through June that is not in excess of the producer's base multiplied by the number of days in the month. "Excess

milk" would be the producer milk of a producer in each such month that is in excess of the producer's base milk for the month. Excess milk would include all of the producer milk in March through June of a producer who has no assigned base.

In computing the uniform prices for base and excess milk, Class III producer milk would be assigned to excess milk first. If there are more pounds of Class III producer milk in the market than there are pounds of excess milk delivgries by produces, the uniform price for excess milk will be the Class III price. In such case, the additional value for the remaining Class III producer milk as well as the values for Class I and Class II producer milk will be reflected in the uniform price for base milk.

As proposed by producers, the uniform price for excess milk should not be subject to a location adjustment. Since excess milk would represent basically producer milk classified in Class III (milk for manufacturing uses) to which no location adjustment is applicable, the uniform price for excess milk should not be subject to a location adjustment. There is practically no difference in the location value of milk for Class III uses. The Class III price under the Louisville order and other orders is equal to the average price per hundredweight for the month of manufacturing grade milk f.o.b. plants in Minnesota and Wisconsin. If a location adjustment were applied to the excess price, it could result in applying an excess price to the producer milk at various plant locations that is less than the value of manufacturing grade milk delivered to those same plant locations.

A producer generally would deliver milk continuously throughout the base-forming period. However, because of various circumstances (e.g., storm damage at the farm or to roads, temporary suspension of a health permit or temporary loss of market when cut off by a buying handler), a producer may be off the market for a limited number of days in the base-forming period. In recognition of this, proponent cooperative proposed that a producer who delivered at least 100 days' production during the 122 days in the base-forming period have the average daily delivery computed on the same basis as a producer who delivered continously throughout the entire period (by dividing the total producer milk during the four-month period by the number of days' production represented in such producer's deliveries).

The requirement that a producer supply the market in the base-forming months in order to earn base provides an incentive for a producer to ship milk to this market instead of to other markets in the months when production is lowest relative to the demand for Class I milk. A Producer who ships at least 100 days' production during the four-month base-forming period can reasonably be considered as being fully associated with the market. A producer who delivered less than 100 days' production should have a base determined by dividing such person's total production in the base-forming period by 100. Thus, a producer who may have been supplying the Class I needs of another market for a substantial part of the base-forming period would receive a base that reflects the dairy farmer's contribution as a producer toward supplying the fluid needs of the Louisville market in such period.

In its brief, NFO maintained that a base-excess plan should not be adopted because it would restrict the movement of milk onto or off of the Louisville market. The testimony presented at the hearing was essentially silent with regard to whether a base-excess plan would restrict producer entry to the market more than would a Louisville plan. However, there is an indication that producers who shift from the Tennessee Valley or Nashville markets to the Louisville market (or vice-versa) would find a base-excess plan more compatible than the current Louisville plan.

The application of the base-excess plan adopted herein to new producers is essentially that proposed by DI. There are several types of new producers whose first association with this market could take place during the base-paying period. Two examples would be dairy farmers who had supplied the fluid milk needs of another order market or who had supplied an unregulated market in the preceding base-forming period. Milk produced on their farms in the base-paying months that becomes associated with this order would represent production that is surplus to the Class I needs of the market with which they had been previously associated. It is appropriate, therefore, that for their deliveries of such milk under the Louisville order in the base-paying months, such producers should receive only the excess milk price.

In other instances, persons who have not previously supplied a fluid milk market may become new producers for the Louisville market. Included in this category would be dairy farmers who had previously been shipping manufacturing grade milk and persons starting new dairy farm operations. Before coming onto the market as new producers, such persons would be expected to have planned their entry into the market in advance. If such dairy farmers choose to begin delivering as new producers in one of the four base-paying months, presumably that decision would be made in recognition of the fact that the excess price would be received for milk delivered to the market in such months by producers without bases.

As proposed, if a dairy farmer's milk was delivered to a nonpool plant that became a pool plant after the beginning of the base-forming period, a base should be assigned in the same manner as if the dairy farmer had been a producer during the entire base-forming period. Such base would be calculated from all of the dairy farmer's deliveries that would have qualified as producer milk (including diversions) if the nonpool plant had been a pool plant for the entire September through December base-forming period. The same procedure would apply to a producer-handler operation that qualified as a pool plant.

To acquire pool status under the order a plant must dispose of a certain percentage of its receipts on routes in the marketing area or to other pool plants. Hence, when a nonpool plant becomes a pool plant it will most likely add Class I sales to the pool relative to such sales in prior periods when it was a nonpool plant. It is appropriate, therefore, that those dairy farmers who had been supplying the plant have bases computed for them on the basis of their deliveries in the base-forming period.

Bases so assigned to such producers should not be transferable. Such producers would be receiving bases without having incurred any of the economic costs that the market's regular producers incurred in adjusting their operations to achieve more level production. Thus, any income received from the transfer of such bases in essence would be windfall gains, which should not be permitted.

The base earned by any producer who supplied the market during the preceding base-forming period should be transferable. This procedure will facilitate the transfer of property when a baseholder dies or when the dairy farmer decides to go out of business. It will also permit dairy farmers to expand or contract their operations. However, proper safeguards would be provided so that the transfer provisions may not be exploited at the expense of producers regularly supplying the market.

The amount of base tranferred could be in its entirety or in amounts of not less than 300 pounds. These limits, which were proposed at the hearing, are

administratively practicable and should be adequate under current marketing conditions.

At the hearing, the witness for the proponent cooperative clarified its intent with respect to transfers of base. In the cooperative's view, a producer should be permitted to transfer any remaining amount of base after transferring a least 300 pounds of base to another dairy farmer, even though such remainder might be less than 300 pounds. Such an interpretation would allow a dairy farmer to transfer all of the base earned by such person.

The order should specifically provide that base may only be transferred to a person who is or will be a producer by the end of the month that the base transfer is to become effective. Although the hearing notice proposal was not specific on this point, proponent's witness indicated that a base would only have value to a dairy farmer who delivers producer mik under the order, and expressed no opposition to having this limitation placed on transfers of base. Accordingly, the base rules specifically incorporate the necessary words to accomplish this.

Base transfers would be effective on the first day of the month following the date on which an application for transfer is received by the market administrator. Such application would be required to be on a form approved by the market administrator and signed by a baseholder or the baseholder's heirs and the person or persons to whom the base is to be transferred. If a base is held jointly, it would be required that the application be signed by all joint holders or their heirs. These provisions would insure that there will be no misunderstanding between the parties involved concerning transfers.

A producer who transferred base on or after February 1 would not be permitted to receive other base by transfer that would be applicable within the March-June period of the same year. Also, a producer who received base by transfer on or after February 1 would not be permitted to transfer a portion of the base assigned to such producer to be applicable within the March-June period of the same year, but would be permitted to transfer the entire base. Adoption of these provisions will tend to insure that the exchanges of base between producers are bona fide transfers. Absent such provisions, the transferring of base back and forth by two or more producers throughout the base-paying period could result in unwarrantedly increasing their share of the total payment under the order for producer milk at the expense of all of the other producers.

The base established by a partnership may be divided between the partners on any basis agreed to in writing by them if written notification of the agreed-upon division, signed by each partner, is received by the market administrator or prior to the first day of the month in which the division is to be effective. This will facilitate the division of the assets of a partnership that is dissolved during the base-paying period. On the other hand, it will in no may affect the total quantity of base milk in the pool, irrespective of the manner in which the division of the base is made between the partners.

Likewise, the order should provide that two or more producers who decide to form a partnership may combine their separately established bases. As with the division of base in a partnership, it should be noted that the combination of individual bases by producers forming a partnership would not affect the total quantity of base milk in the pool the partners would be required to notify the market administrator prior to the first day of the month in which such combination of bases is to be effective.

In some instances, a "natural disaster" may cause a producer to suffer a significantly reduced rate of production or force such person to discontinue temporarily the production of milk. Unless provision is made in the order to give consideration to such occurrences in computing a producer's base, the producer would suffer an undue hardship. Thus, the order should specify certain conditions under which relief may be granted to a producer whose production was adversely affected in the base-forming period as the result of an occurrence beyond the control of such producer.

This can be achieved by providing that the base assigned to a person who was a producer in the preceding base-forming period may be increased by any amount up to 90 percent of the producer's average daily producer milk deliveries in the month immediately preceding the month during which such person's production was adversely affected by an allowable "hardship" condition. Such relief would be granted only after the producer submitted to the market administrator by March 1 a written statement that established to the satisfaction of the market administrator that the amount of milk produced on such dairy farmer's farm in the immediately preceding base-forming period was substantially reduced because of a condition beyond the producer's control, which resulted from:

(1) Loss by fire or windstorm of a farm building used in the production of milk on the producer's farm;

(2) Brucellosis, bovine tuberculosis or other infectious diseases in the producer's milking herd, as certified by a licensed veterinarian; or

(3) A quarantine by a Federal or State authority that prevents the dairy farmer from supplying milk from the farm of such producer to a plant.

The conditions under which hardship relief (in the form of an increased base) may be granted a producer encompass most natural disasters that could result in reduced production or in the temporary discontinuance of production on a dairy farm. Such a standard will provide the market administrator the guidance necessary for applying the provision in an objective manner.

Allowing hardship relief by assigning a producer a base equal to any amount up to 90 percent of such dairy farmer's average daily producer milk deliveries in the month immediately preceding the month during which the hardship occurred provides an equitable standard for this purpose. The order should indicate specifically that the market administrator could adjust a producer's base by any amount up to 90 percent of the dairy farmer's average daily producer milk deliveries. This would provide the market administrator with the flexibility necessary to administer the hardship provisions on the basis of each individual situation. Setting this forth in the order and the decision will let producers know how the provisions will be applied should such a situation occur.

In connection with replacing the order's "Louisville" plan with a seasonal base-excess plan, certain conforming changes in other sections of the order need to be made.

Under present order provisions, each handler is required to report on or before the 8th day of each month the total pounds of milk received from producers during the month. Since producers would be paid for base and excess milk deliveries only during the months of March-June, handlers should be required to report by the same date the total amount of base milk received from all producers during these months. Later, by the 20th day of each such month, handlers would be required to report the total amount of base milk received from each producer.

The entire section dealing with the computation of the uniform price is revised to provide that the market administrator compute a weighted average price each month. During the months of July through February the weighted average price also would be the uniform price and would be the minimum price to pay producers for all

of their milk deliveries. In the other months (March-June) the market administrator would compute uniform prices for base milk and excess milk, which would be the minimum prices to pay producers for their milk deliveries.

Following the computation of the uniform price or prices, the market administrator would be required to announce such uniform price or prices. Accordingly, the section dealing with such announcements is appropriately modified to reflect this change. In addition, certain other payment sections of the order are revised essentially for the purpose of referring to base and excess milk deliveries by producers and uniform prices for base and excess milk.

At the conclusion of the hearing, DI asked that a base-excess plan be incorporated in the order by September 1, 1983. Under the current provisions of the Louisville plan, money is withheld in paying producers for milk pooled during April through July and is distributed to producers through the "blend" prices for milk pooled in the following months of September through December. In view of this, the proponent cooperative requested that the current take-out provisions of the order be suspended before any money is deducted from producers during the 1983 take-out months. This is because the order provisions for distributing the withheld amounts plus interest would no longer exist if the base-excess plan adopted herein becomes effective by September 1983. For this reason, the take-out provisions of the Louisville plan are being suspended concurrently with the issuance of this recommended decision.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth supplement those that were made when the order was first issued and when it was amended. The previous findings and determinations are hereby ratified and confirmed, except where they may conflict with those set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

List of Subjects in 7 CFR Part 1046

Milk marketing orders, Milk, Dairy products.

Recommended Marketing Agreement and Order Amending the Order

The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended. The following order amending the order, as amended, regulating the handling of milk in the Louisville-Lexington-Evansville marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

PART 1046—MILK IN THE LOUISVILLE-LEXINGTON-EVANSVILLE MARKETING AREA

1. A new paragraph (d) is added to § 1046.32 to read as follows:

§ 1046.32 Other reports.

* * * * *

(d) Each handler described in § 1046.9 (a), (b) and (c) shall report to the market administrator on or before the 8th day after the end of each month of March through June the aggregate quantity of the base milk received from producers during the month, and on or before the 20th day after the end of each month of March through June the pounds of base milk received from each producer during the month.

2. Section 1046.61 is revised to read as follows:

§ 1046.61 Computation of uniform price (including weighted average price and uniform prices for base and excess milk).

(a) The market administrator shall compute the weighted average price for each month and the uniform price for each month of July through February per hundredweight for milk of 3.5 percent butterfat content as follows:

(1) Combine into one total the values computed pursuant to § 1046.60 for all handlers who filed the reports prescribed in § 1046.30 for the month and who made the payments pursuant to § 1046.71 for the preceding month;

(2) Add one-half the unobligated balance in the producer-settlement fund;

(3) Add an amount equal to the total value of the minus location adjustments and subtract an amount equal to the total value of the plus location adjustments computed pursuant to § 1046.75;

(4) Divide the resulting amount by the sum of the following for all handlers included in these computations;

(i) The total hundredweight of producer milk; and

(ii) The total hundredweight for which a value is computed pursuant to § 1046.60(f); and

(5) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The resulting figure, rounded to the nearest cent, shall be the weighted average price for each month and the uniform price for the months of July through February.

(b) For each month of March through June, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 3.5 percent butterfat content, as follows:

(1) Compute the total value of excess milk for all handlers included in the computations pursuant to paragraph (a)(1) of this section as follows:

(i) Multiply the hundredweight quantity of excess milk that does not exceed the total quantity of such handlers' producer milk assigned to Class III milk by the Class III price;

(ii) Multiply the remaining hundredweight quantity of excess milk that does not exceed the total quantity of such handlers' producer milk assigned to Class II milk by the Class II price;

(iii) Multiply the remaining hundredweight quantity of excess milk by the Class I price; and

(iv) Add together the resulting amounts;

(2) Divide the total value of excess milk obtained in paragraph (b)(1) of this section by the total hundredweight of such milk and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk;

(3) From the amount resulting from the computations pursuant to paragraph (a)(1) through (3) of this section, subtract an amount computed by multiplying the hundredweight of milk specified in paragraph (a)(4)(ii) of this section by the weighted average price;

(4) Subtract the total value of excess milk determined by multiplying the uniform price obtained in paragraph (b)(2) of this section times the hundredweight of excess milk from the amount computed pursuant to paragraph (b)(3) of this section;

(5) Divide the amount calculated pursuant to paragraph (b)(4) of this section by the total hundredweight of base milk included in these computations; and

(6) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (b)(5) of this section. The resulting figure, rounded to the nearest cent, shall be the uniform price for base milk.

§ 1046.62 [Amended]

3. In paragraph (b) § 1046.62, the words "uniform price" are changed to "applicable uniform price(s) pursuant to § 1046.61".

§ 1046.71 [Amended]

4. In paragraph (a)(2)(i) of § 1046.71, the words "uniform price" are changed to "applicable uniform price(s)".

5. In § 1046.73, paragraphs (a), (b), (d) and (e) are revised to read as follows:

§ 1046.73 Payments to producers and to cooperative associations.

* * * * *

(a) On or before the last day of each month for milk received during the first 15 days of the month from such producer who has not discontinued delivery of milk to such handler, at not less than the Class III price for the preceding month or 90 percent of the weighted average price for the preceding month, whichever is higher. If the producer had no established base upon which to receive payments during the base-paying months of March through June, the applicable rate for making payments to such producer pursuant to this paragraph shall be the Class III price for the preceding month.

(b) On or before the 17th day of the following month, an amount equal to not less than the uniform price(s), as adjusted pursuant to §§ 1046.74 and 1046.75, multiplied by the hundredweight of milk or base milk and excess milk received from such producer during the month subject to the following adjustments:

(1) Plus or minus adjustments for errors made in previous payments to such producer;

(2) Minus payments made to such producer pursuant to paragraph (a) of this section;

(3) Minus deductions for marketing services made pursuant to § 1046.86; and

(4) Minus proper deductions authorized by such producer which, in the case of a deduction for hauling, shall be in writing and signed by such producer or, in the case of members of a cooperative association which is marketing the producer's milk, by such association.

* * * * *

(d) In making the payments to producers pursuant to paragraph (b) of this section, each handler shall furnish each producer a supporting statement which shall show the following:

(1) The month and identity of the producer;

(2) The total pounds and the average butterfat content of milk received from such producer;

(3) For the months of March through June the total pounds of base milk received from the producer;

(4) The minimum rate(s) at which payment to the producer is required under the order;

(5) The rate(s) used in making the payment if such rate(s) is other than the applicable minimum rate(s);

(6) The amount or rate per hundredweight and nature of each deduction claimed by the handler; and

(7) The net amount of payment to such producer.

(e) In making payments to a cooperative association pursuant to paragraph (c) of this section, each handler shall report to such cooperative association for each such producer on forms approved by the market administrator as follows:

(1) On or before the 20th day of the month, the total pounds of milk received during the first 15 days of such month;

(2) On or before the 7th day of the following month, the total pounds of milk received each month, together with the butterfat content of such milk and the amount of deductions claimed by such handler; and

(3) On or before the 7th day after the end of each month of March through June, the total pounds of base milk received.

* * * * *

§ 1046.74 [Amended]

6. In § 1046.74, the words "uniform price" are changed to "uniform price(s)".

§ 1046.75 [Amended]

7. In paragraph (a) § 1046.75, the words "uniform price for producer milk" are changed to "uniform price and the uniform price for base milk".

8. A new centerheading and five new sections (§§ 1046.90, 1046.91, 1046.92, 1046.93 and 1046.94) are added after § 1046.86 to read as follows:

Base-Excess Plan

§ 1046.90 Base milk.

"Base milk" means the producer milk of a producer in each month of March through June that is not in excess of the producer's base multiplied by the number of days in the month.

§ 1046.91 Excess milk.

"Excess milk" means the producer milk of a producer in each month of March through June in excess of the producer's base milk for the month, and shall include all the producer milk in such months of a producer who has no base.

§ 1046.92 Computation of base for each producer.

(a) Subject to § 1046.93, the base for each producer shall be an amount obtained by dividing the total pounds of producer milk delivered by such producer during the immediately preceding months of September through December by the number of days' production represented by such producer milk or by 100, whichever is more. If a producer operated more than one farm at the same time, a separate computation of base shall be made for each such farm.

(b) The base for a producer whose milk was delivered to a nonpool plant that became a pool plant after the beginning of the base-forming period (September-December) shall be calculated as if the plant were a pool plant for the entire base-forming period. A base thus assigned shall not be transferable.

§ 1046.93 Base rules.

(a) Except as provided in § 1046.92(b) and in paragraph (b) of this section, a base may be transferred in its entirety or in amounts of not less than 300 pounds effective on the first day of the month following the date on which an application for such transfer is received by the market administrator. Base may be transferred only to a person who is or will be a producer by the end of the month that the transfer is to be effective.

An application for a base transfer shall be on a form approved by the market administrator and signed by the baseholder or the baseholder's heirs and the person or persons to whom the base is to be transferred. If a base is held jointly, the application must be signed by all joint holders or their heirs.

(b) A producer who transferred base on or after February 1 may not receive by transfer additional base that would be applicable during March through June of the same year. A producer who received base by tranfer on or after February 1 may not transfer a portion of the base to be applicable during March through June of the same year, but may transfer the entire base.

(c) The base established by a partnership may be divided between the partners on any basis agreed to in writing by them if written notification of the agreed-upon division of base signed by each partner is received by the market administrator prior to the first day of the month in which such division is to be effective.

(d) Two or more producers in a partnership may combine their separately established bases by giving notice to the market administrator prior to the first day of the month in which such combination of bases is to be effective.

(e) The base assigned a person who was a producer during any of the immediately preceding months of September through December may be increased up to 90 percent of such producer's average daily producer milk deliveries in the month immediately preceding the month during which a condition described in paragraph (e)(1), (2), or (3) of this section occurred, providing such producer submitted to the market administrator in writing on or before March 1 a statement that established to the satisfaction of the market administrator that in the immediately preceding September through December base-forming period the amount of milk produced on such producer's farm was substantially reduced because of conditions beyond the producer's control, which resulted from:

(1) The loss by fire or windstorm of a farm building used in the production of milk of the producer's farm;

(2) Brucellosis, bovine tuberculosis or other infectious diseases in the producer's milking herd as certified by a licensed veterinarian; or

(3) A quarantine by a Federal or State authority that prevents the producer from supplying milk from the farm to a plant.

§ 1046.94 Announcement of established bases.

On or before February 1 of each year, the market administrator shall calculate a base for each person who was a producer during any of the immediately preceding months of September through December and shall notify each producer and the handler receiving milk from such producer of the base established by the producer. In lieu of notifying each individual producer-member of a cooperative association, the market administrator shall notify the cooperative association of each member's base if requested to do so by the cooperative association.

Signed at Washington, D.C., on April 22, 1983.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 83-11158 Filed 4-26-83; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

Controlled Substances; Buprenorphine

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Notice of hearing on proposed rulemaking.

SUMMARY: This is notice of a hearing with respect to a proposed rulemaking which would remove the substance buprenorphine from Schedule II and place it in Schedule V of the schedules established by the Controlled Substances Act (21 U.S.C. 801 *et seq.*). Notice of the proposed rulemaking was published in the **Federal Register** on September 20, 1982 at 47 FR 41401.

DATES: Interested persons desiring to participate in the hearing must give written notice of such desire as set out below on or before May 31, 1983. The hearing will commence on Tuesday, June 14, 1983 at 10:00 a.m. e.d.t. at the place specified below.

ADDRESS: Notices of desire to participate in the hearing are to be sent to: Hearing Clerk, Office of the Administrative Law Judge, Drug Enforcement Administration, 1405 I Street, N.W., Room 1100, Washington, D.C. 20537.

FOR FURTHER INFORMATION CONTACT: Ms. Melanie Baltz, Hearing Clerk, Drug Enforcement Administration, Washington, D.C. 20537. Telephone (202) 633-1350.

SUPPLEMENTARY INFORMATION: On September 20, 1982 a Notice of Proposed Rulemaking was published in the **Federal Register** (47 FR 41401) giving notice that the Acting Administrator of the Drug Enforcement Administration (DEA) proposed to reschedule the narcotic drug buprenorphine from Schedule II to Schedule V of the Controlled Substances Act (21 U.S.C. 801 *et seq.)* as the result of the receipt of a letter from the Department of Health and Human Services (DHHS) recommending such action. It was pointed out that, if this rescheduling were effected by rule, buprenorphine would be subject to the controls for schedule V substances on its manufacture, distribution, dispensing, security, registration, recordkeeping, inventory, exportation and importation.

Interested persons were invited to submit comments or objections and requests for a hearing if a hearing was considered to be warranted, on or before November 19, 1982.

Comments were received from the Committee on Problems of Drug Dependence and from the American Society of Hospital Pharmacists. The Committee expressed the view that, for scheduling purposes, it would be most equitable to treat buprenorphine identically to nalbuphine and butorphanol. The Society expressed the view that placement of buprenorphine in Schedule V is clearly proper.

Reckitt and Colman, Ltd. responded through counsel, advising that they hold the United States and foreign patents for buprenorphine. They asserted that buprenorphine is not properly subject to any regulatory control under the Controlled Substances Act (the Act) because the substance does not possess sufficient potential for abuse to justify control. They also asserted that buprenorphine is not a "narcotic drug" as defined in the Act. They requested a hearing on the issues:

1. Can or should buprenorphine be subject to regulatory controls under Schedule V of the Act?

2. If subjected to control under the Act, can or should buprenorphine be controlled as a "narcotic drug"?

Reckitt and Colman, Ltd. further advised that they would present factual evidence and expert testimony on those issues at the hearing.

On March 28, 1983, the Acting Deputy Administrator of DEA referred the matter to the agency's Administrative Law Judge, Francis L. Young, to conduct a hearing on the issues raised by Reckitt and Colman and such others as might be raised. The judge was directed to report his findings, conclusions and other

recommendations directly to the Acting Administrator upon conclusion of the proceedings. In addition, the judge was advised that the Food and Drug Administration of DHHS has referred the matter of the scheduling of buprenorphine back to its Drug Abuse Advisory Committee for further Consideration.

Accordingly, notice is hereby given that the hearing in connection with this proposed rescheduling will commence on Tuesday, June 14, 1983 at 10:00 a.m. EDT in Courtroom 3–B, Room 309, United States Claims Court, 717 Madison Place, NW., Washington, D.C. and will continue until all interested persons desiring to participate, who have given notice of such desire as prescribed below, have been heard. The hearing will be conducted pursuant to the provisions of 5 U.S.C. 556 and 557 and 21 CFR 1308.41.

Every interested person desiring to participate in the hearing, including DEA agency counsel, on behalf of the agency staff, shall file a written notice of intention to participate, in duplicate, with the Hearing Clerk, Office of the Administrative Law Judge, Drug Enforcement Administration 1405 I Street, NW., Washington, D.C. 20537, within thirty days after the date of publication of this notice of hearing in the **Federal Register** . Each notice of intention to participate must be in the form prescribed in 21 CFR 1316.48. Reckitt and Colman, Ltd., having filed a request for hearing, need not file a notice of intention to participate.

The proceedings at the first hearing session, on June 14, 1983, will be limited to a preliminary discussion to identify parties and issues and positions, and to determine procedures and set dates and locations for further proceedings.

Dated: April 20, 1983.

Francis M. Mullen, Jr.,

Acting Administrator.

[FR Doc. 83–11181 Filed 4–26–83; 8:45 am]

BILLING CODE 4410–09–M

POSTAL SERVICE

39 CFR Part 265

Freedom of Information Act; Disclosure of Street Addresses of Post Office Boxholders

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: The Postal Service wishes to clarify the circumstances under which the street address of a post office boxholder will be furnished when needed to effect service of legal process. It has been the intent of the Postal Service to release such information to persons empowered by law to serve legal process, but only when a legal action has, in fact, been commenced, often by an appropriate filing with the clerk of court. Our underlying purpose has been to protect the privacy of Postal Service customers who elect to use post office boxes, while not permitting such use to become a means of avoiding or evading the obligation to respond to legal process.

As presently written, however, the pertinent Postal Service regulation does not literally state that disclosure of a street address will be made only after an action has been commenced, and may conceivably be interpreted to mean that disclosure will be made in order to commence an action. The proposed amendment is designed to remedy this situation, and also provides that street address information may be disclosed, when the prerequisite conditions are met, to attorneys (whether or not authorized to serve process) who represent the parties on whose behalf service is to take place, as well as to persons who are actually authorized to serve process.

DATE: Comments must be received on or before May 27, 1983.

ADDRESS: Written comments should be addressed to Jerry Belenker, Law Department, United States Postal Service, 475 L'Enfant Plaza West, S.W., Washington, DC 20260–1113. Copies of all written comments received will be available for public inspection and photocopying in Room 1P–602 at the above address between 9:30 a.m. and 4:00 p.m. Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Jerry Belenker, (202) 245–4616.

SUPPLEMENTARY INFORMATION: On February 19, 1975, the Postal Service published its existing regulation on the disclosure of boxholder information to persons empowered to serve legal process. 40 FR 7331. The regulation, at 39 CFR 265.6(d)(5)(ii), was one of several provisions designed to balance the privacy rights of Postal Service customers, under the Privacy Act and related provisions of the Postal Reorganization Act, with the legitimate interests of persons seeking information under the Freedom of Information Act. Since publication of the regulation, some concern has been expressed that disclosure of a boxholder's street address, in the absence of documentation that the information is needed in connection with litigation which has actually been commenced, could result in harassment, unwanted commercial solicitation, or other abuses. Although it is recognized that the commencement of litigation could, in some instances, be frustrated by the absence of a street address, it is considered unlikely that there would be numerous instances of this problem. Moreover, a significant proportion of such cases would, presumably, involve prospective litigation with persons who utilize post office boxes for the purpose of doing or soliciting business with the public. The recorded names and addresses of such persons are presently disclosable, as set out in 39 CFR 265.6(d)(4), and it is not proposed to change the latter regulation.

In view of the considerations discussed above, the Postal Service proposes to amend 39 CFR as follows:

List of Subjects in 39 CFR Part 265

Freedom of information, Postal Service.

(39 U.S.C. 401; 5 U.S.C. 552)

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

PART 265—RELEASE OF INFORMATION

In § 265.6, revise paragraph (d)(5)(ii) to read as follows:

§ 265.6 Availability of records.

* * * * *

(d) * * *

(5) Except as provided in paragraph (d)(4) of this section above, the name or address of the boxholder or other recorded information about the boxholder will be furnished only to:

* * * * *

(ii) A person empowered by law to serve legal process, or the attorney for the party in whose behalf service will be made, upon receipt of written information that specifically includes: the statute or regulation under which service of legal process is authorized; the name of the case for which the boxholder information is requested, and the court in which it has been commenced; the docket or other identifying number issued by the court; the capacity in which the boxholder is to be served, *e.g.*, defendant or witness; and the specific process to be served, *e.g.*, summons and complaint, subpoena, or other process. By submitting such information, the requester certifies that it is true.

[FR Doc. 83–11197 Filed 4–26–83; 8:45 am]

BILLING CODE 7710–12–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 2E2731/P294; PH–FRL 2352–8]

Diflubenzuron; Proposed Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that a tolerance be established for residues of the insecticide diflubenzuron in or on the raw agricultural commodity mushrooms. The proposed regulation to establish a maximum permissible level for residues of the insecticide in or on the commodity was requested in a petition submitted by the Interregional Research Project No. 4 (IR–4).

DATE: Comments must be received on or before May 27, 1983.

ADDRESS: Written comments to: Emergency Response and Minor Use Section, Registration Support and Emergency Response Branch, Registration Division (TS–767C), Environmental Protection Agency, Rm. 716B, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs (703–557–1192) at the above address.

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR–4), New Jersey Argicultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition 2E2731 to EPA on behalf of the IR–4 Technical Committee and the United States Department of Agriculture.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for residues of the insecticide diflubenzuron (*N*-[[(4-chlorophenyl)amino] carbonyl]-2,6-difluorobenzamide) in or on the raw agricultural commodity mushrooms at 0.05 part per million. The petition was later amended to propose a tolerance of 0.2 ppm.

The data submitted in the petition and other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought. The toxicological data considered in support of the proposed tolerance included a 13-week dog feeding study with a systemic no-observed-effect level (NOEL) of 160 ppm at the highest dose tested (HDT); a 13-week mouse feeding study with a NOEL of 1.1 mg/kg for sulfhemoglobin and 0.4 mg/kg for methemoglobin; a 3-generation rat reproduction study with a NOEL of 160 ppm (HDT); a mouse reproduction study with a NOEL greater than 50 ppm (HDT); mutagenicity test (Ames) with TA–98, TA–100, and TA–1537 strains of *Salmonella* (up to 1,000 micrograms did not result in mutagenic effects); cytogenic-mouse study with no evidence of mutagenic effect up to 1,500 mg/kg (HDT); *in vitro* mouse-lymphoma cell studies (negative); and rat and rabbit teratology studies with NOEL's greater than 4,000 mg/kg (HDT) for maternal toxicity, fetal toxicity and teratogenic effects. The NOEL for plasma testerone levels in male rats in a 14-day study was 15 mg/kg/day. Higher doses produced transient decreases in plasma testerone.

Oncogenicity studies in two species are currently lacking but considered desirable. The data gaps are presently being filled by industry.

The NOEL of 1.1 mg/kg/day was based on the methemoglobinema and sulfhemoglobinemia studies. A safety factor of 100 was applied to the NOEL resulting in an acceptable daily intake (ADI) of 0.011 mg/kg of body weight (bw)/day. The maximum permissible intake (MPI) for a 60-kg human is calculated to be 0.66 mg/day. The theoretical maximum residue contribution (TMRC) from existing tolerances for a 1.5-kg daily diet is calculated to be 0.035 mg/day; the current action will increase the TMRC by 0.00009 mg/day (0.26 percent). Published tolerances utilize 5.31 percent of the ADI; the current action will utilize an additional 0.014 percent.

The nature of the residues is adequately understood and an adequate analytical method, gas chromatography with electron capture detector, is available for enforcement purposes. Since mushrooms are not normally considered as an animal feed, there is no expectation of finite residues in meat, milk, poultry or eggs. There are presently no actions pending against the continued registration of this chemical.

Based on the above information considered by the Agency, the tolerance established by amending 40 CFR 180.377 would protect the public health. It is proposed, therefore, that the tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this notice in the Federal Register that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, (PP 2E2731/P294). All written comments filed in response to this petition will be available in the Emergency Response and Minor Use Section, Registration Division, at the address given above from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

(Sec. 408(e), 68 Stat. 514 (21 U.S.C 346a(e)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: April 18, 1983.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, it is proposed that 40 CFR 180.377 be amended by adding and alphabetically inserting the raw agricultural commodity mushrooms to read as follows:

§ 180.377 Diflubenzuron; tolerances for residues.

* * * * *

Commodities	Parts per million
* * * * *	
Mushrooms 0.2 ppm	
* * * * *	

[FR Doc. 83–10885 Filed 4–26–83; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 180

[PP 4E1474/P293; PH-FRL 2353-1]

Dodine; Proposed Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that a tolerance be established for residues of the fungicide dodine in or on the raw agricultural commodity spinach. The proposed regulation to establish a maximum permissible level for residues of the fungicide in or on the commodity was requested in a petition submitted by the Interregional Research Project No. 4 (IR-4).

DATE: Comments must be received on or before May 27, 1983.

ADDRESS: Written comments to: Emergency Response and Minor Use Section, Registration Support and Emergency Response Branch, Registration Division (TS-767C), Environmental Protection Agency, Rm. 716B, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs (703-557-1192) at the above address.

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903 has submitted pesticide petition 4E1474 to EPA on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of Arkansas, Tennessee, and Texas.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for residues of the fungicide dodine (*n*-dodecylguanidine acetate) in or on the raw agricultural commodity spinach at 2 parts per million (ppm). The petition was later amended to propose a tolerance of 12 ppm.

The data submitted in the petition and other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought. The toxicological data considered in support of the proposed tolerance included a 2-year chronic rat feeding study with a NOEL 200 ppm (10 mg/kg; a 1-year dog feeding study with a NOEL of 50 ppm (1.25 mg/kg); and a mouse multi-generation reproduction study with a NOEL of 400 ppm (60 mg/kg). Studies considered desirable but lacking include a mouse oncogenicity study, teratology studies using two species, mutagenicity studies, and a rat metabolism study.

The acceptable daily intake (ADI), based on a NOEL of 1.25 mg/kg/day (1-year dog feeding study) and using a 100-fold safety factor, is calculated to be 0.0125 mg/kg of body weight (bw)/day. The maximum permitted intake (MPI) for a 60-kg human is calculated to be 0.75 mg/day. The theoretical maximum residue contribution (TMRC) from existing tolerances for a 1.5-kg daily diet is calculated to be 0.2981 mg/day; the current action will increase the TMRC by 0.0092 mg/day (0.31 percent). Published tolerances utilize 39.75 percent of the ADI; the current action will utilize an additional 1.2 percent.

The nature of the residues is adequately understood and an adequate analytical method, gas chromatography, is available for enforcement purposes. Since this commodity is not normally considered as an animal feed, there is no expectation of finite residues in meat, milk, poultry or eggs. There are presently no actions pending against the continued registration of this chemical.

Based on the above information considered by the Agency the tolerance established by amending 40 CFR 180.172 would protect the public health. It is proposed, therefore, that the tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this notice in the **Federal Register** that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, [PP 4E1474/P293]. All written comments filed in response to this petition will be available in the Emergency Response and Minor Use Section, Registration Division, at the address given above from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 34a(e)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: April 18, 1983.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, it is proposed that 40 CFR 180.172 be revised to read as follows:

§ 180.172 Dodine; tolerances for residues.

Tolerances are established for residues of the fungicide dodine (*n*-dodecylguanidine acetate) in or on the following raw agricultural commodities.

Commodities	Parts per million
Apples	5.0
Cherries, sour	5.0
Cherries, sweet	5.0
Meat	0
Milk	0
Peaches	5.0
Pears	5.0
Pecans	0.3
Spinach	12.0
Strawberries	5.0
Walnuts, black	0.3

[FR Doc. 83-10884 Filed 4-26-83; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Parts 3000 and 3100

Proposed Oil and Gas Lease Form Revision

AGENCY: Bureau of Land Management, Interior.

ACTION: Publication of Proposed Oil and Gas Lease Form.

SUMMARY: On July 23, 1982, the Bureau of Land Management proposed and published in the **Federal Register** (47 FR 32048) a multipurpose oil and gas lease form that would have replaced a number of existing forms. Also proposed was a set of standard stipulations which would have applied to all new oil and gas leases. As a result of comments received and further consideration by the Bureau, the multipurpose oil and gas lease form

has been revised and is herein reproposed. Also, a decision has been made that the proposed set of standard stipulations will not be adopted. The Bureau will instead propose a rulemaking at a later date which will define its use of lease stipulations.

DATE: Comments on the revised multipurpose oil and gas lease form should be submitted by May 27, 1983. Comments received or postmarked after the above date may not be considered in the final decisionmaking process.

ADDRESS: Comments should be submitted to: Director (530), Bureau of Land Management, 1800 C Street NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Karl F. Duscher or Jeffrey F. Zabler, (202) 343–7753 or (202) 343–7722.

SUPPLEMENTARY INFORMATION: This notice requests comments on a proposed new oil and gas lease form. The proposed lease form differs substantially from that proposed on July 23, 1982. The changes made were prompted by both the few public comments received and the Bureau's own internal review. The new lease form is significantly shorter and simplified while, at the same time, expanded in scope to include oil and gas leasing in the National Petroleum Reserve—Alaska.

The form, as written, can be printed on letter-size paper, a new requirement of the Judicical Conference of the United States for records to be filed with Federal courts. However, a three inch tearoff will appear at the bottom of the form and contain the instructions for completion of the form.

Comments are invited on all aspects of the new lease form. However, attention is directed to section 6 which the Bureau believes clarifies to all parties the government's role with respect to post-lease operations. This section also will eliminate the need for the Bureau to attach certain stipulations to leases. This is done by incorporating the requirements of these stipulations, including the standard cultural resource stipulations and those contained on Form 3109–5. Section 6 specifically requires that lessees contact the responsible government office prior to disturbing the surface of leased lands. At that time, the lessee will be provided a copy of the formal operating orders under which all operations must be conducted. The lessee will also be informed of any lease-specific environmental concerns that need to be considered. Section 6 also specifies that the lessee may be required to complete certain inventories or special studies, prior to conducting operations, under guidelines provided by the government. An example of such guidelines are those presently given in some States to lessees who contract archaeologists to inventory cultural resources prior to operations.

The proposed form and instructions for completion follow:

BILLING CODE 4310–84–M

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Serial No.

OFFER TO LEASE AND LEASE FOR OIL AND GAS

The undersigned (see reverse) offers to lease all or any of the lands in item 2 that are available for lease, pursuant to, as appropriate, the Mineral Leasing Act of 1920 (30 U.S.C. 181 et seq.), the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351-359), or the Interior Appropriations Act, F.Y. 1981 (42 U.S.C. 6508)

Read Instructions Before Completing

1 Name

Street

City, State, Zip

This offer/lease is for: (Check Only One) ☐ PUBLIC DOMAIN LANDS OR ☐ ACQUIRED LANDS

2 Give legal description of land requested:

T. R. Meridian State County

U.S. interest if less than 100 percent

Total acres applied for

Amount remitted: Filing fee $ Rental $ Total $

Surface managing agency if other than BLM Unit/Project

DO NOT WRITE BELOW THIS LINE

3 Land included in lease:

T. R. Meridian State County

U.S. interest if less than 100 percent

Total acres in lease

Rental retained $

In accordance with the above offer, or the previously submitted simultaneous oil and gas entry form or competitive bid if appropriate, this lease is issued granting the exclusive right to drill for, mine, extract, remove and dispose of all the oil and gas (except helium in the contiguous 48 states) in the lands described in item 3 together with the right to build and maintain necessary improvements thereupon for the period indicated below, subject to renewal or extension in accordance with the authorizing Acts. Rights granted are subject to applicable laws, the terms, conditions and attached stipulations of this lease, regulations and formal orders in effect as of lease issuance and, when not inconsistent with the terms and conditions of this lease, regulations and formal orders hereafter promulgated.

Type and primary term of lease

☐ Simultaneous noncompetitive lease (ten years)

☐ Regular noncompetitive lease (ten years)

☐ Competitive lease (five years)

☐ Other

THE UNITED STATES OF AMERICA

by
(Signing Officer)

(Title) (Date)

EFFECTIVE DATE OF LEASE

4. (a) Undersigned certifies as follows:
   (1) Offeror is a citizen of the United States; an association of such citizens; a municipality; a corporation organized under the laws of the United States or of any State or Territory thereof.
   (2) All parties holding an interest in the offer are in compliance with 43 CFR 3100 and the authorizing Acts.
   (3) Offeror's chargeable interests, direct and indirect, do not exceed 200,000 acres in oil and gas options or 246,080 acres in options and leases in the same State, or 300,000 acres in leases and 200,000 acres in options in each leasing District in Alaska.
   (4) Offeror is not considered a minor under the laws of the State in which the lands covered by this offer are located.

   (b) Undersigned agrees that offeror's signature to this offer constitutes acceptance of this lease, including all terms, conditions and stipulations pertaining thereto, and any amendment or separate lease that may cover any land described in this offer open to lease application at the time this offer was filed but omitted for any reason from this lease. The offeror further agrees that this offer cannot be withdrawn, either in whole or part, unless the withdrawal is received by the BLM State Office before this lease, an amendment to this lease, or a separate lease, whichever covers the land described in the withdrawal, has been signed on behalf of the United States.

This offer will be rejected and will afford the offeror no priority if it is not properly completed and executed or if it is not accompanied by the required payments. 18 U.S.C. Sec. 1001 makes it a crime for any person knowingly and willfully to make to any Department or agency of the United States any false, fictitious or fraudulent statements or representations as to any matter within its jurisdiction.

Duly executed this _____ day of _____ 19 ____.

_____
(Signature of Lessee or Attorney-in-fact)

LEASE TERMS

Sec 1 Rentals—Rentals shall be paid to the proper office of the lessor in advance of each lease year until there is production from the leased lands. Rental rates per acre or fraction thereof are:

(a) Simultaneous noncompetitive lease, $1.00 for the first 5 years, thereafter, $3.00;

(b) Regular noncompetitive lease, $1.00;

(c) Competitive lease, $2.00, or if the lands are within the National Petroleum Reserve in Alaska, $3.00;

(d) If all or part of the land in a noncompetitive lease is later determined to be within a known geological structure or a favorable petroleum geological province, the annual rental shall become $2.00, beginning with the lease year following notice of such determination. However, a lease that would otherwise be subject to rental of more than $2.00 shall continue to be subject to that rental;

(e) If this lease or a portion thereof is committed to an approved cooperative or unit plan which includes a well(s) capable of producing leased resources, and the plan contains a provision for allocation of production, royalties shall be paid on the production allocated to this lease. However, annual rentals shall continue to be due at the rate specified in (a), (b), or (c) for those lands not allocated production.

Failure to pay annual rental on or before the anniversary date of this lease (or next official working day if office is closed) shall automatically terminate this lease by operation of law. Rentals may be suspended by the Secretary upon a sufficient showing by lessee.

Sec. 2. Royalties—Royalties shall be paid to the proper office of the lessor. Royalty rates are:

(a) Noncompetitive lease, 12 1/2 percent; or

(b) Competitive, renewal, or future interest lease, see attachment

Royalties for undivided fractional interest leases shall be paid in the same proportion as the leased fractional interest is to the full interest in the resource.

Lessor reserves the right to specify whether royalty is to be paid in value or in kind, and the right to establish minimum values on production after giving lessee notice and an opportunity to be heard. When paid in value, royalties shall be due and payable on the last day of the month following the month in which production occurred. When paid in kind, production shall be delivered, unless otherwise agreed to by lessor, in merchantable condition on the premises where produced without cost to lessor. Lessee shall not be required to hold such production in storage beyond the last day of the month following the month in which production occurred, nor shall lessee be held liable for loss or destruction of royalty oil or other products in storage from causes beyond the reasonable control of lessee.

A minimum royalty shall be due for any lease year following discovery in which royalty payments aggregate less than the annual rental that would otherwise have been due. In such cases, lessee shall pay the difference at the end of the lease year. This minimum royalty may be waived, suspended, or reduced, and the above royalty rates may be reduced, for all or portions of this lease if the Secretary determines that such action is necessary to encourage the greatest ultimate recovery of the leased resources, or is otherwise justified.

Sec. 3. Bonds—Lessee shall file and maintain any bond required under regulations.

Sec. 4. Diligence, rate of development, unitization, and drainage—Lessee shall exercise reasonable diligence in developing and producing, and shall prevent unnecessary damage to, loss of, or waste of leased resources. Lessor reserves the right to specify rates of development and production in the public interest and to require lessee to subscribe to such cooperative or unit plan, within thirty days of notice, as is determined necessary for the proper development and operation of the area, field, or pool embracing these leased lands. In all cases, lessee shall either drill and produce wells necessary to protect the leased lands from drainage or pay compensatory royalty for such drainage in the amount determined by lessor.

Sec. 5. Documents, evidence, and inspection—Lessee shall file with the proper office of lessor, not later than thirty (30) days after the effective date thereof, any contract or evidence of other arrangement for the sale or disposal of production. At such times and in such form as lessor may prescribe, lessee shall furnish detailed statements showing amounts and quality of all products removed and sold from the lease, proceeds therefrom, and amount used for production purposes or unavoidably lost. Lessee also may be required to provide plats and schematic diagrams showing development work and improvements on the leased lands, and reports with respect to stockholders, investments, depreciation costs, and Federal lease interests.

Lessee shall keep a daily drilling record, a log, and complete information on all well surveys and tests in the form prescribed by lessor for all wells drilled on the leased lands. Lessee also shall keep a record of all subsurface investigations of said lands and furnish copies to lessor when required. Lessee shall keep open at all reasonable times for the inspection of any duly authorized officer of lessor, the leased premises and all wells, improvements, machinery, and fixtures thereon, and all books, accounts, maps, and records relative to operations, surveys, or investigations on or under the leased lands.

Information obtained under this term shall be open to inspection by the public only in accordance with the Freedom of Information Act (5 U.S.C. 552).

Sec. 6. Conduct operations—Lessee shall conduct operations in a manner that prevents unnecessary impacts and minimizes other impacts to the land, air, and water, to cultural, biological, visual, and other resources, and to other land uses or users. Lessee shall take measures deemed necessary by lessor to accomplish the intent of this lease term. Such measures may include, but are not limited to, modification to siting or design of facilities, timing of operations, and specification of interim and final reclamation measures. Lessor reserves the right to continue existing uses and to authorize future uses upon or in the leased lands, including the approval of easements or rights of ways. Such uses shall be conditioned so as to prevent unnecessary or unreasonable interference with rights of lessee.

Prior to disturbing the surface of the leased lands, lessee shall contact lessor to be apprised of procedures to be followed and modifications or reclamation measures that may be necessary. Areas to be disturbed may require inventories or special studies to determine the extent of impacts to other resources. Lessee may be required to complete such under guidelines provided by lessor. If, in the conduct of operations, threatened or endangered species, or cultural resources, or other specific resources that are statutorily protected, or substantially different or unanticipated environmental affects are observed, lessee shall immediately cease impacting operations and contact lessor.

Sec. 7. Use of mining techniques—To the extent that impacts from mining techniques would be substantially different or greater than those associated with normal drilling techniques, lessor reserves the right to further stipulate this lease at the time operations are proposed.

Sec. 8. Damages to property—Lessee shall pay lessor for damage to lessor's property, improvements, and shall save and hold lessor harmless from all claims for damage or harm to persons or property as a result of lease operations.

Sec. 9. Protection of diverse interests, and equal opportunity—Lessee shall, pay when due all taxes legally assessed and levied under laws of the State or the United States, accord all employees complete freedom of purchase, pay all wages at least twice each month in lawful money of the United States; maintain a safe working environment in accordance with standard industry practices, and take measures necessary to protect the health and safety of the public. Lessor reserves the right to ensure that production is sold at reasonable prices and to prevent monopoly.

Lessee shall comply with the provisions of Executive Order No. 11246 of September 24, 1965, as amended, and the rules, regulations, and relevant orders of the Secretary of Labor issued pursuant thereto. Neither lessee nor lessee's subcontractors shall maintain segregated facilities.

Sec. 10. Transfer of lease interests, and relinquishment of lease—Lessee shall file for approval or recording in the proper office of lessor any instrument transferring a record title, or working or royalty interest in this lease, and shall not create overriding royalties in excess of that allowed by regulations.

The lessee may relinquish this lease or any legal subdivision by filing in the proper BLM office a written relinquishment, which shall be effective as of the date of filing, subject to the continued obligation of the lessee and surety to pay all accrued rentals and royalties.

Sec. 11. Delivery of premises—At such time as all or portions of this lease are returned to lessor, lessee shall place all wells in condition for suspension or abandonment and, within a reasonable period of time, remove equipment and improvements not deemed necessary by lessor for preservation of producible wells or continued protection of the environment.

Sec. 12. Proceedings in case of default—If lessee fails to comply with applicable laws, existing orders or regulations, or the terms, conditions or stipulations of this lease, and the noncompliance continues for 30 days after written notice thereof, this lease shall be subject to cancellation. However, if this lease includes land known to contain valuable deposits of leased resources, it may be cancelled only by judicial proceedings. This provision shall not be construed to prevent the exercise by lessor of any other legal and equitable remedy, including waiver of the default. Any such remedy or waiver shall not prevent later cancellation for the same default occurring at any other time.

Sec. 13. Heirs and successors-in-interest—Each obligation of this lease shall extend to and be binding upon, and every benefit hereof shall inure to, the heirs, executors, administrators, successors, or assigns of the respective parties hereto.

BILLING CODE 4310-84-C

Instructions

A. General:

1. This offer must be typed or printed plainly in ink, signed in ink, and dated.

2. An original and four copies of this offer must be prepared and filed in the proper BLM State office. See regulations at 43 CFR 8121.2–1 for office locations.

3. If more space is needed, additional sheets must be initiated and attached to each copy of the form submitted.

B. Special (numbers correspond to offer form):

Item 1—Enter offeror's name and address. Proper BLM State office must be notified, in writing, of change of address. Identify the mineral status. (Public Domain or Acquired). Only one may be checked. The same application may not include both Public Domain and Acquired lands.

Item 2—Description: The description of land must conform to the provisions of 43 CFR 3111. Show total area of land requested in acres in space provided at bottom of Item 2. Area must not exceed 10,240 acres. If the United States does not own a 100 percent interest in the deposits in any particular tract, indicate the percentage of Federal ownership.

Payments: The amount remitted shall include the filing fee and the first year's rental at the rate of $1 per acre or fraction thereof. The full rental based on the total acreage applied for shall accompany an offer even if the mineral interest of the United States is less than 100 percent. The filing fee is retained as a service charge even if the offer is completely rejected or withdrawn. In order to protect the offeror's priority it is important that the rental submitted with the offer be sufficient to cover all the land requested. If the land requested includes lots or irregular quarter-quarter sections the exact area of which is not known to the offeror, rental should be submitted on the basis of each such lot or quarter-quarter section containing 40 acres, or on the computed acreage included with a metes and bounds description. If the offer is withdrawn in whole or in part before a lease issues, or if the offer is rejected in whole or in part, the rental remitted for the parts withdrawn or rejected will be returned.

Surface Management Agency: Indicate the agency controlling the surface use of the land and the unit or project of which the land is a part. Offeror may also, if practicable, provide other information that will assist in establishing title for acquired minerals.

Item 3—This space will be completed by the United States. When the lease is issued, this space will contain the identification of the leased area, total acres, United States interest if less than 100 percent, and effective date of lease.

Item 4(b)(1)—The stipulations referred to are those contained in the simultaneous noncompetitive or competitive lease announcement. Any additional stipulations for those type leases and stipulations for regular noncompetitive leases will be forwarded to offeror for signature prior to lease issuance.

Robert F. Burford,

Director.

April 22, 1983.

[FR Doc. 83-11251 Filed 4-26-83; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 25

[CC Docket No. 83-370; RM-39731; FCC 83-137]

Amendment of the Commission's Rules With Respect to the Procurement of Apparatus, Equipment, and Services Required for the Establishment and Operation of the Communications Satellite System and Satellite Terminal Stations

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission adopted a Notice of Proposed Rulemaking that proposed to amend §§ 25.151(a) and 25.176(c) of the Commission's Rules. This action is taken to raise the minimum dollar level of procurements subject to the communications satellite procurement regulations from $25,000 to $100,000.

DATES: Comments are due by May 25, 1983 and replies by June 9, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Lon Levin, Common Carrier Bureau, (202) 632–6363.

List of Subjects in 47 CFR Part 25

Comsat, Procurement, Satellite system.

Notice of Proposed Rulemaking

In the matter of amendment of part 25 of Commission's Rules and Regulations with respect to the procurement of apparatus, equipment, and services required for the establishment and operation of the communications satellite system and satellite terminal stations; (CC Docket No. 83–370, RM 39731).

Adopted: April 7, 1983.
Released: April 18, 1983.

By the Commission: Commissioner Fogarty absent.

1. On August 21, 1981, the Communications Satellite Corporation (Comsat) filed a Petition for Rulemaking requesting the Commission to amend Part 25 of its Rules and Regulations to raise the minimum dollar level of procurements subject to the communications satellite procurement regulations from $25,000 to $100,000. This petition was placed on public notice on September 21, 1981. No opposition or comments to the petition were filed. Comsat filed supplemental information on March 8, 1982 and January 28, 1983.

2. Part 25 of the Commission's Rules in part establishes uniform policies and procedures applicable to procurements of $25,000 or more by Comsat for apparatus, equipment, and services required for establishment and operation of the communications satellite system and satellite terminal stations. We propose in this Notice of Proposed Rulemaking (NPRM) to amend §§ 25.151(a) and 25.176(c), 47 CFR §§ 25.151(a), 25.176(c), of the Commission's Rules to increase from $25,000 to $100,000 the present dollar value of contracts subject to the procurement regulations of Part 25.

Background

3. Sections 25.151(a) and 25.176(c) of the Commission's Rules were adopted on January 8, 1964 in Docket No. 15123, *Amendment of Part 25 of the Commission's Rules and Regulations (Communications Satellite Procurement)*, 1 RR 2d 1611 (1964). In this rulemaking proceeding, the Commission established the rules pertaining to Comsat's procurement practices. The rulemaking was done in accordance with Section 102(c) of the Communications Satellite Act of 1962, which sates that "maximum competition be maintained in the provision of equipment and services utilized by the system." 47 U.S.C. 701(c). To this end, section 201(c)(1) requires the Commission "to insure effective competition" in Comsat's procuring of equipment, apparatus, and services. 47 U.S.C. 721(c)(1). As noted in the 1964 *Communications Satellite Procurement* order the Commission's regulatory objective was not to "participate in the selection of contractors" but rather "to establish a framework of procurement procedures which will afford all concerns, including small businesses, an equitable opportunity to share in the procurement requirements of the communications satellite system and satellite terminal stations, and to prevent an unfair competitive advantage accruing to any manufacturing interest who may participate in the ownership of the Corporation." 1 RR 2d at 1612–13.

4. To achieve these goals, the Commission established a procurement notification procedure in Part 25, under which Comsat must notify the Commission upon selecting a prime

contractor.[1] 47 CFR 25.162. Comsat may award the proposed contract at any time subsequent to 10 days after the date of filing notification unless within such period either; (a) Comsat voluntarily extends the period; (b) the Commission notifies Comsat that the notice is defective or the Commission finds that it cannot, without further investigation, determine whether its procurement rules have been complied with. In the latter case, the Commission may issue a public notice inviting comments on the proposed award. 47 CFR 25.166. The contract may be awarded unless within thirty days after issuance of the public notice the Commission finds that the procurement rules have not been complied with and so notifies Comsat. 47 CFR 25.166(b).

5. The Commission, however, was concerned that the procurement regulations would cause potential suppliers, especially small businesses, to find that conducting business with Comsat was unattractive. Therefore, a $25,000 cut-off amount, under which the procurement regulations do not apply, was included in the rules to relieve smaller transactions from the paperwork and procedures of Part 25. 47 CFR 25.151(a). As the Commission stated in 1964, the choice of $25,000 was a "matter of judgment."[2] The amount has remained the same for eighteen years.

Petition and Proposal

6. In its Petition for Rulemaking, Comsat states that the present dollar amount of $25,000 for contracts subject to the Commission's Rules is too low and requests and the amount be raised to $100,000. Comsat asserts that inflation and the development of the satellite system have made the $25,000 cut-off amount obsolete. It avers that the present figure makes far too many transactions subject to an undue burden of paperwork and procedures which are not commensurate with the value of the procurements. Comsat states that the new amount would reduce the cost to the ratepayers of procurement of both radio equipment and services. According to Comsat, the in-house costs associated with the preparation and issuing of the Requests for Proposals (RFP), Requests for Quotes (RFQ), or Invitations for Bid (IFB), as well as the costs incurred in review of the proposals and in negotiations of contracts, could be substantially reduced if the cut-off figure under the procurement regulations was increased to $100,000. Comsat asserts that raising the procurement cut-off figure will facilitate achieving equipment uniformity. Comsat indicates that improved uniformity will lead to significant advantages, including reducing spare inventories, easing the operation, maintenance, and training of personnel, and standardizing the documentation for all earth station equipment. These factors would, in addition to reducing the personpower necessary for routine procurement, result in greater cost benefits to the corporation and to ratepayers.

7. Comsat also requests that the dollar limit established for contracts subject to the Commission's rules be tied to the Producer Price Index for Machinery and Equipment. Comsat suggests that the cut-off figure be adjusted annually based on the changes in this index. Comsat avers that this would allow the benefits derived from the original adjustment to be maintained in the face of continuing inflation without the need to have a new rulemaking to raise the procurement level every year. Comsat believes that the Producer Price Index for Machinery and Equipment is an appropriate index in view of the many different types of equipment and services purchased by Comsat for the space segment and earth stations. Additionally, Comsat states that for the purposes of administering the automatic escalation factor, Comsat could file with the Commission on an annual basis a statement as to what the revised cut-off figure would be for the future year on the basis of changes in the Producer Price Index for Machinery and Equipment. This annual report would facilitate the administration and implementation of the automatically adjusted monetary limit for small procurement.

Discussion

8. Our intention in creating Part 25 of the Commission's Rules was to assure that all concerns, including small businesses, would have an opportunity to participate in the satellite telecommunications field. To that end, we decided that the $25,000 level enabled us to monitor effectively Comsat's procurement practices without hindering small business participation in the communications satellite field. Upon review, we tentatively conclude that raising the dollar level to at least reflect inflation over the past eighteen years is consistent with our original goal and is in the public interest.

9. Comsat requests that the cut-off figure be raised to $100,000. This amount more than adequately reflects the rise of inflation over the 1964-1982 period. According to three different indices, the $100,000 figure is above the amount that would reflect the equivalent buying power today of $25,000 in 1964 dollars. Twenty five thousand dollars in 1964 dollars today is equivalent to $71,193 based upon the GNP Price Deflator, $75,085 based upon the Producer Price Index for Machinery and Equipment, and $77,799 based upon the Consumer Price Index.

10. We tentatively conclude, however, that the public interest would be served by establishing a cut-off amount of $100,00. The Commission's choice of the $25,000 cut-off figure was a "matter of judgment" because in 1964 it lacked experience in regulating the new area of satellite telecommunications. Since 1964, the international telecommunications satellite system has grown in size and complexity and many countries have created domestic and regional systems. The development of these systems has resulted in a significant demand for equipment, much of which is available "off-the-shelf." This demand has created a ready market for earth station equipment in which many buyers and sellers exist. As a result, we believe that the Commission's mandate "to insure effective competition" can be accomplished through increased reliance on marketplace forces.

11. A cut-off amount of $100,000 appears to be reasonable under these circumstances. It would reduce the Commission's administrative burden in reviewing Comsat procurement by one-half while still assuring Commission review of Comsat procurements representing over 90% of its total annual contract dollars.[3] In addition, it would permit Comsat to procure equipment from firms that may not otherwise have the resources to engage in the paperwork and procedures that are involved in competitive procurement.

12. We question whether we should incorporate into the rule a price index that would adjust the dollar level annually. We believe that a rule that sets dollar limits to determine the applicablity of a Commission regulatory program should be under Commission control and not subject to some external factor over which the Commission has

[1] Contractor selection is done by either formal advertising, two-step procurement, or negotiation. The process employed depends on the nature of the apparatus, equipment or service to be procured. *See* 47 CFR 25.171–74.

[2] For guidance, the FCC analyzed the procurement transactions involved in AT&T's Telestar project. 1 RR 2d at 1616–17.

[3] In 1980, the contracts over $100,000 reporsented 97 percent of the total dollar amount of contracts. In 1982, it was 96 9 percent.

Letter from William K. Coulter to William J. Tricarico (January 28, 1983) in reference to RM 3173-Amendment of Part 25 of the Commission's Rules and Regulations.

no control. A fixed figure can always be revised if necessary through rulemaking procedures. However, we will not reject Comsat's indexing proposal at this time, but will consider further comments before making a final determination.

13. Accordingly, consistent with our objective to periodically review and update our regulations, we propose to amend §§ 25.151(a) and 25.176(c) of the Commission's Rules, as follows:

Section 25.151. Scope, Purpose and Application of this subpart.

The provisions of this subpart govern the administration of Section 201(c)(1) of the Communications Satellite Act of 1962 * * *. This subpart establishes uniform policies and procedures applicable to all procurements except where:

(a) The value of the procurement is less than *$100,00*, except as provide in § 25.176 (c).

Additionally the language of § 25.176(c) should be amended to read:

(c) In addition to complying with the requirements applicable to procurements of *$100,000*, or more, all parties making procurements shall cooperate with the Small Business Administration to the extent feasible even if the value of the procurement is less than *$100,000*, for the purpose of insuring that small business has an equitable opportunity to participate in all procurements.

Procedure Schedule

14. For purposes of this non-restricted informal rulemaking proceeding, members of the public are advised that *ex parte* contracts are permittted from the time of issuance of a notice of proposed rulemaking until the time a draft order proposing a substantive disposition of such proceeding is placed on the Commission's Sunshine Agenda. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments or pleadings and oral arguments) between a person outside the Commission, and a Commissioner or a member of the Commission's staff that addresses the merits of the proceedings. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any written comments previously filed in the proceeding must prepare a written summary of that presentation. On the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation discussed above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, Section 1.1231 of the Commission's Rules, 47 CFR 1.1231.

15. Accordingly, it is ordered, that, pursuant to Sections 4(i), 4(j), 201–205, 214, 215, 218, 220, 303, 309, and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 201–205, 214, 218, 220, 303, 309, 403 (1976), Sections 102(c), 201(c), and 401 of the Communications Satellite Act of 1962, as amended, 47 U.S.C. 701(c), 721(c), 741 (1976), and Section 553(b) of the Administrative Procedure Act, 5 U.S.C. 553(b) (1970), a Notice of Proposed Rulemaking on the captioned matter is instituted.

16. It is further ordered, THAT, interested parties may file comments on matters raised herein on or before May 25, 1983 and reply comments on or before June 9, 1983.

17. It is further ordered, THAT, is accordance with the provisions of § 1.419 of the Commission's Rules and Regulations, all participants in the proceeding ordered herein shall file with the Commission an original and five (5) copies of all comments and reply comments. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order. Copies of comments and reply comments filed in this proceeding shall be available for public inspection during regular business hours in the Commission's reference room at its headquarters at 1919 M Street NW., Washington, D.C.

18. Pursuant to Section 605(b) of the Regulatory Flexibility Act (Pub. L. 96–354) it is certified, that Sections 603 and 604 of the Act do not apply because this rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. See 5 U.S.C. 603, 604, 605(b). As stated above, the rule charge is in large part an adjustment for inflation and does not alter the intent of the original rule.

19. It is further ordered, that the Secretary shall cause a copy of this NPRM tok be published in the **Federal Register** and shall mail a copy of the NPRM to the Chief for Advocacy of the Small Business Administration.

(Secs. 1, 2, 4, 201–205, 208, 215, 21*, 313, 314, 403, 404, 410, 602; 48 Stat as amended; 1064, 1066, 1070, 1071, 1072, 1073, 1076, 1077, 1087, 1094, 1098, 1102; 47 U.S.C. 151, 152, 154, 201–205, 208, 215, 218, 313, 314, 403, 404, 410, 602)

Federal Communications Commission.

William J. Tricarico,

Secretary.

PART 25—[AMENDED]

Accordingly, 47 CFR Part 25 would be amended to read as set forth below.

Section 25.151 is amended by revising paragraph (a) and (c) to read as follows:

§ 25.151 Scope, purpose and application of this subpart.

(a) The value of the procurement is less than *$100,000*, except as provided in $25.176(c).

* * * * *

§ 25.176 Small business.

* * * * *

(c) In addition to complying with the requirements applicable to procurements of *$100,000*, or more, all parties making procurements shall cooperate with the Small Business Administration to the extent feasible even if the value of the procurement is less than *$100,000*, for the purpose of insuring that small business has an equitable opportunity to participate in all procurements.

* * * * *

[FR Doc. 83–10900 Filed 4–26–83; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 650

Atlantic Sea Scallop Fishery; Public Hearing

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public hearing on inseason meat-count change.

SUMMARY: NOAA issues this notice that the Regional Director of the Northeast Region of the National Marine Fisheries Service will hold a public hearing together with the New England Fishery Management Council (Council), concurrent with the Council's May meeting. The hearing will be held to consider the Director's recommendation that the sea scallop meat count and shell height standards be adjusted from a 30 meat count per pound (3½ inch shell height) to a 35 meat count per pound (3⅜ inch shell height), effective as soon as possible after May 15, 1983, through December 31, 1983. Adjustment of the standard would eliminate potential inconsistencies in management

measures imposed on Canadian and U.S. sea scallop fishermen that would adversely affect the U.S. domestic fishery. Notice of this hearing is required under the Magnuson Fishery Conservation and Management Act.

DATE: The public hearing will be held on May 12, 1983, beginning at 9:30 a.m. Written comments will be accepted through May 12, 1983, at the address given below.

ADDRESS: The hearing will be held at the Skipper Motor Inn in Fairhaven, Massachusetts. Written comments may be submitted to the Regional Director, Northeast Region, National Marine Fisheries Service, State Fish Pier, Gloucester, Massachusetts 01930. Mark the envelope "Scallop Management Comments."

FOR FURTHER INFORMATION CONTACT: Bruce Nicholls (Scallop Management Coordinator), National Marine Fisheries Service, State Fish Pier, Gloucester, Massachusetts 01930. Telephone 617–281–3600.

SUPPLEMENTARY INFORMATION: Public hearings by fishery management councils to allow all interested persons an opportunity to be heard in the development of, and amendments to, fishery management plans are mandated under Section 302 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.)* The regulations (50 CFR 650.22) implementing the Fishery Management Plan for Atlantic Sea Scallops (FMP) (47 FR 35990, August 18, 1982) also require the Regional Director to review the status of the Atlantic sea scallop resource on a continuing basis.

In addition, the Director must prepare a report annually concerning the status of the fishery and possible changes in the resource, fishery, or industry which might require adjustment of the management program. Such a report was prepared and reviewed at a public hearing held in conjunction with the Council's February 1983, meeting. That report recommended that no changes be made in the meat count and shell height standards which are established by the FMP and implementing regulations. The report recognized, however, that when the management standards automatically change from the present 40 meat count per pound (3¼ inch shell height) to a 30 meat count per pound (3½ inch shell height) on May 15, 1983, inconsistencies may develop between the meat count and shell height measures imposed on Canadian and U.S. fishermen.

Following presentation of the report, Canadian fisheries officials advised the Regional Director that social and economic considerations will make it impossible for the Canadian Department of Fisheries and Oceans to modify its management program to assure that management measures imposed on the Canadian sea scallop fishermen would be consistent with the 30 meat count standard applying to U.S. sea scallop fishermen. The Canadian officials suggested instead that they would be able to alter their present standard of a 40 meat count per pound to a 35 meat count per pound standard.

The FMP regulations at 50 CFR 650.22 (c)(4) include a provision for adjustment of U.S. management standards if inconsistencies exist in the management measures applied to sea scallop stocks in areas harvested by both domestic and foreign fishermen, and those inconsistencies provide foreign fishermen with an advantage over domestic fishermen which can be demonstrated to affect the domestic fishery adversely. The Regional Director believes that in the absence of an adjustment of the U.S. management standard from a 30 to a 35 meat count, the domestic fishery would be adversely affected because of the harvest by non-U.S. fishermen of sublegal scallops. The share of the resource harvestable by domestic fishermen would thus be subject to decline, creating a distinct economic advantage for foreign fishermen.

The Regional Director recommends that the management standard be adjusted to permit the harvest of sea scallops at a 35 meat count per pound (3⅜ inch shell height) standard as soon as possible after May 15, 1983 through December 31, 1983. Thereafter, the standard will revert to the 30 meat count (3½ inch shell height) level which would otherwise apply. The Regional Director will continue his efforts to ensure that consistent measures are equally imposed on U.S. sea scallop landings and Canadian sea scallop imports thereafter.

The Regional Director will present his recommendation with supporting analysis at the public hearing. He will solicit and consider any recommendation of the Council concerning his recommendation. The public hearing will also provide an opportunity for all interested persons to comment on the recommendation. Following the hearing, a final determination will be made, and an implementing rule will, if required, be published in the **Federal Register.**

(16 U.S.C. 1801 *et seq.*).

Dated: April 22, 1983.

Carmen J. Blondin,

Acting Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

[FR Doc. 83–11279 Filed 4–26–83; 8:45 am]

BILLING CODE 3510–22–M

Notices

Federal Register
Vol. 48, No. 82
Wednesday, April 27, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Forms Under Review by Office of Management and Budget

April 22, 1983.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. This list is grouped into new proposals, revisions extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) An indication of whether section 3504(h) of Pub. L. 96–511 applies; (9) Name and telephone number of the agency contact person.

Comments and questions about the items in the listing should be directed to the agency person named at the end of each entry. If you anticipate commenting on a form but find that preparation time will prevent you from submitting comments promptly, you should advise the agency person of your intent as early as possible.

Copies of the proposed forms and supporting documents may be obtained from: Marshall L. Dantzler, Acting Department Clearance Officer, (202) 447–6201.

Revised

- Statistical Reporting Service
  Farm Production Expenditure Survey
  Annually
  Farms: 40,400 responses; 13,928 hours; not applicable under 3504(h)
  Lee Sandberg (202) 447–6820
- Statistical Reporting Service
  Commercial Fertilizer Consumption Report
  Annually
  Businesses: 1,141 responses; 1,455 hours; not applicable under 3504(h)
  Lee Sandberg (202) 447–6820

Extension

- Animal and Plant Health Inspection service
  9 CFR 73 Scabies in Cattle—Recordkeeping
  On occasion
  Businesses: 800 responses; 64 hours; not applicable under 3504(6)
  Glen O. Schubert (301) 436–8438

Reinstatement

- Farmers Home Administration
  Form FmHA 1942–31, Association Water or Sewer Grant Agreement
  FmHA 1942–31
  On occasion
  State or local government and businesses: 600 responses; 1,200 hours; not applicable under 3504(6)
  Wallis McArthur (202) 382–9634

Marshall L. Dantzler,

Acting Department Clearance Officer.

[FR Doc. 83–11186 Filed 4–26–83; 8:45 am]

BILLING CODE 3410–01–M

DEPARTMENT OF COMMERCE

International Trade Administration

Final Affirmative Countervailing Duty Determinations on Stainless Steel Sheet, Strip, and Plate From the United Kingdom

AGENCY: International Trade Administration, Commerce.

ACTION: Final affirmative countervailing duty determinatons.

SUMMARY: We have determined that certain benefits which constitute subsidies within the meaning of the countervailing duty law are being provided to manufacturers, producers, or exporters in the United Kingdom of statinless steel sheet, strip, and plate as described in the "Scope of Investigations" section of this notice. We have found that one company received *de minimis* benefits, and have, therefore, excluded it from these determinations. The estimated net subsidy for each firm is indicated in the "Suspension of Liquidation" section of this notice. The U.S. International Trade Commission (ITC) will determine within 45 days of the publication of this notice whether these imports are materially injuring, or threatening to materially injure, a U.S. industry.

EFFECTIVE DATE: April 27, 1983.

FOR FURTHER INFORMATION CONTACT: Vincent P. Kane, Office of Investigations, Import Administraton, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230, telephone: (202) 377–5414.

SUPPLEMENTARY INFORMATION:

Final Determinations

Based upon our investigations, we have determined that certain benefits that constitute subsidies within the meaning of section 701 of the Tariff Act of 1930, as amended (the Act), are being provided to manufacturers, producers, or exporters in the United Kingdom of stainless steel sheet, strip, and plate as described in the "Scope of Investigations" section of this notice. For purposes of these investigations, the following programs are found to confer subsidies:

- Public dividend capital and new capital.
- National Loans Fund loans and loan conversions.
- Regional development grants.
- Iron and Steel Industry Training Board grants.

The net subsidy is indicated for each firm in the "Suspension of Liquidation" section of this notice.

Case History

On October 7, 1982, we received a petition from Allegheny Ludlum Steel Corporation; Armco, Inc.; Carpenter Technology Corporation; Colt Industries, Inc., of the Crucible Materials Group; Eastern Stainless Steel Company; Electralloy Corporation; Guterl Special Steel Corporation; Jessop Steel Company; Jones and Laughlin Steel Incorporated; Republic Steel Corporation; Universal Cyclops Specialty Steel Division of the Cyclops Corporation; Washington Steel Corporation; and the United Steelworkers of America, filed on behalf of the U.S. industry of manufacturers of

stainless steel sheet, strip, and plate. The petition alleged that certain benefits which constitute subsidies within the meaning of section 701 of the Act are being provided, directly or indirectly, to the manufacturers, producers, or exporters in the United Kingdom of the stainless steel products listed above.

We found the petition to contain sufficient grounds upon which to initiate countervailing duty investigations, and on November 2, 1982, we initiated such investigations (47 FR 49692).

Since the United Kingdom is a "country under the Agreement" within the meaning of section 701(b) of the Act, injury determinations were required for these investigations. Therefore, we notified the ITC of our initiations. On November 22, 1982, the ITC determined that there is a reasonable indication that these imports are materially injuring, or threatening to materially injure, a U.S. industry.

We presented questionnaires concerning the allegations to the Delegation of the Commission of the European Communities and the government of the United Kingdom on November 9, 1982. Questionnaires were also presented to British Steel Corporation and Arthur Lee and Sons, Ltd. On December 30, 1982, we received the responses to the questionnaires. Supplemental responses were received on January 10, 1983. On February 10, 1983, we issued our preliminary determinations in these investigations (48 FR 6146). These stated that the government of the United Kingdom was providing British manufacturers, producers, or exporters of stainless steel sheet, strip, and plate with benefits that constitute subsidies. The programs preliminarily found to confer subsidies were:

- Public dividend capital and new capital.
- National Loans Fund loans and loan conversions.
- Regional development grants.
- Iron and Steel Industry Training Board grants.

Scope of Investigations

The products covered by these investigations are:

- Stainless steel sheet and stainless steel strip.
- Stainless steel plate.

The products are fully described in the appendix to this **Federal Register** notice.

British Steel Corporation (BSC or the Corporation) is the only known producer and/or exporter in the United Kingdom of stainless steel sheet and plate exported to the United States. Arthur Lee and Sons, Ltd., is the only known producer and/or exporter in the United Kingdom of stainless steel strip exported to the United States. The period for which we are measuring subsidization is the most recent fiscal year for which information is available.

Analysis of Programs

In their responses, the government of the United Kingdom and the Delegation of the Commission of the European Communities provided data for the applicable periods. Additionally, we received information from BSC and Arthur Lee and Sons, Ltd.

Unless otherwise noted, we allocated each company's countervailable benefits as follows:

- Where untied benefits were provided to a company, they were allocated over the revenue of that company; and
- Where benefits were provided directly to a specific corporate division producing products under investigation, they were allocated over the revenue of that division.

Based upon our analysis of the petitions, responses to our questionnaires, our verification, and comments from interested parties, we determine the following:

I. Programs Determined To Confer Subsidies

We have determined that subsidies are being provided to manufacturers, producers or exporters in the United Kingdom of stainless steel sheet, strip, and plate under the programs listed below.

A Equity Investment in BSC

BSC was established by an Act of Parliament on March 22, 1967, under the provisions of the Iron and Steel Act of 1967. The 1967 Act combined 14 steel companies, creating the nationalized British Steel Corporation. The British government reimbursed stockholders of record at the time the companies were merged and absorbed the substantial debts of the individual companies. The bulk of the debt was converted to government equity under the provisions of the Iron and Steel Act of 1969, which also authorized government payments to BSC.

Authority for the government to make payments to BSC was renewed in the Iron and Steel Act of 1975. Section 18(1) of this Act provided that "the Secretary of State may, with the approval of the Treasury, pay to the British Steel Corporation such sums as he thinks fit." In nine of the fifteen years of its existence, the Corporation has received such payments, known as public dividend capital (PDC) or new capital (NC), from the government. In 1972 and 1981, parliament directed that portions of its capital investment be credited to accumulated revenue deficit. Neither of these transactions altered the potentially countervailable benefit of the original public dividend capital or new capital infusions.

Two additional equity investments were made in 1972 and in 1981, when certain government loans were converted into equity. These investments are considered in the following section titled "National Loans Fund".

Our treatment of government equity investment in a company hinges essentially on the soundness of the investment. If the government investment was reasonably sound at the time it was made, we do not consider it a subsidy. If, on the contrary, the investment appears to have been unsound, a subsidy may exist. Government investment confers a subsidy only when it is on terms inconsistent with commercial considerations.

An equity subsidy potentially arises when the government makes equity infusions into a company which is sustaining deep or significant continuing losses and for which there does not appear to be any reasonable indication of a rapid recovery.

For the purpose of determining whether BSC represented a sound investment at the time each equity investment was made by the U.K. government, we primarily considered BSC's cash flow from operations, including interest, but excluding government grants. Our analysis also included BSC's operating results and computations of BSC's current ratio (current assets divided by current liabilities). On the basis of these tests, we considered investment in BSC to be inconsistent with commercial considerations from fiscal year 1977/78 through 1981/82.

Since we have determined that BSC was not a sound investment from April 1977 through March 1982, we examined the government's equity infusions during this period to determine whether they bestowed a subsidy. To the extent in any year that the government realized a rate of return on its equity investment in BSC which was less than the average rate of return on equity investment for the country as a whole (thus including returns on both successful and unsuccessful investments), its equity infusion is considered to confer a subsidy. We multiplied the "rate of return shortfall" (the difference between the company's rate of return on equity

and the national average rate of return on equity) by the original equity infusion (less any loss coverage to which the equity funds were applied) to yield the annual subsidy amount. Under no circumstances did we countervail in any year an amount greater than what we would have countervailed had we treated the government's equity infusion as an outright grant.

The average rate of return on equity investment in the United Kingdom was estimated by the average earnings yield on U.K. industrial shares. BSC's return was measured by its net earnings (or losses) divided by owner's equity. During this period, BSC's losses were large, resulting in substantial negative returns on owner's equity.

Comparing the average return with BSC's large negative return yielded an amount exceeding the amount we would have calculated had we treated the public dividend capital or new capital payments as outright grants rather than as equity. Consequently, we have limited the subsidy to the 1981/82 amount that would result if the equity investments were treated as grants.

We allocated that part of the equity infusion used for loss coverage in a given year exclusively to that year rather than over a longer period of time. The remainder of the subsidy was allocated using the grant methodology. As explained below under the section on "Regional Development Grants", the grant methodology consisted of allocating the present value of grants over a period of years. We have allocated equity infusions used for loss coverage to the year of receipt rather than over time in order to reflect the nature of the liabilities giving rise to the loss. These liabilities are generally the basic costs of operations (*e.g.*, wages, materials, certain overhead expenses)—items generally expensed in the year incurred.

After calculating the magnitude of BSC's losses, we allocated to loss coverage only those equity infusions which were truly cash inflows into the company and were actually available to cover losses.

For 1981/82, we calculated a subisdy of 6.13 percent *ad valorem* for PDC and NC payments for loss coverage in that year. For PDC and NC payments in excess of loss coverage in each of the fiscal years 1977/78 through 1981/82, we found, using the equity methodology, a subsidy of 9.75 percent *ad valorem* for fiscal year 1981/82. Thus, the total subsidy received by BSC in fiscal year 1981/82 resulting from PDC and NC payments was 15.88 percent *ad valorem*.

B National Loans Fund

The National Loans Fund (NLF) is a depository of money raised through government borrowings. Lending from the NLF is not generally available, but is limited to nationalized British companies. Therefore, British Independent Steel Producer Association members (BISPA producers), including Arthur Lee and Sons, Ltd., do not qualify for NLF loans. BSC was expressly authorized to borrow from the NLF's predecessor fund (the Consolidated Fund) by the Iron and Steel Act of 1967, and from the NLF by the Iron and Steel Act of 1975.

BSC received substantial loans from the NLF. If these loans had remained outstanding in fiscal year 1981/82, then we would have applied the methodology for loans to companies considered creditworthy for loans received prior to fiscal 1977/78 and the methodology for loans to companies considered uncreditworthy for loans received in fiscal 1977/78. BSC received no NLF loans after fiscal 1977/78. Prior to 1977/78 the subsidy would have been computed by comparing what BSC would pay a normal commercial lender in principal and interest in a given year with what the corporation actually paid on the preferential NLF loan in that year. In 1977/78 the subsidy would have been computed by treating the loan as an equity infusion by the government and by applying the equity methodology described above. However, all outstanding loans from the NLF were forgiven: L 150 million in 1971/72, and L 509 million in 1981/82. We treated each forgiveness as an additional equity investment.

Since the first forgiveness occurred during the period in which we consider equity infusions to be consistent with commerical considerations, it did not confer a subsidy. The second forgiveness, however, was made during the period in which we consider equity infusions to have been inconsistent with commercial considerations, and potentially conferred a subsidy. We examined the rate of return on the second equity infusion and compared it to the national average rate of return on equity. Since the UK government realized a rate of return on its equity investment in BSC which was less than the average rate of return on equity investment for the country as a whole (thus including returns on both successful and unsuccessful investments), we determined that a subsidy was in fact conferred.

However, comparing the average return on equity in the United Kingdom during the period with BSC's large negative return yielded an amount exceeding the amount we would have calculated had we treated the equity infusion as an outright grant. Consequently, we limit the subsidy calculation for the period 1981/82 to the amount that would result if the equity investment were treated as a grant. Upon this basis, we calculated a subsidy for BSC of 2.21 percent *ad valorem*.

We note that our loss coverage allocation methodology does not apply to the 1981/82 conversion since there was no infusion of cash at that time.

C. Regional Development Grants

The Industry Act of 1972 established a regional development grant (RDG) incentive program with the goal of eliminating certain social problems in specified regions of the United Kingdom. RDG's are not made generally available in the United Kingdom, but rather are available only to designated manufacturing sectors (e.g., metals manufacture) which are located in "special development" and "development" regions. Since this program is regional in nature, we find that it confers subsidies within the meaning of section 771(5) of the Act. Both BSC and Arthur Lee and Sons, Ltd., had plants located in development regions and received RDG's.

The Secretary of State for Industry, with the approval of the Treasury, is authorized to determine the activities that qualify for grants and the conditions of each grant. The grants are made toward the cost of capital expenditures on new buildings or works in development areas, the adaptation of existing buildings on qualifying premises in development areas, and new machinery and plants for use in qualifying premises in development areas. The grants pay for a fixed percentage of the cost for specific capital assets, depending on the type of region for which they are designated. The amount of a grant in a "development" area is 15 percent, and in a "special development" area 22 percent, of the capital asset cost. Grants are provided only after the asset has been purchased or the expenditure on it incurred. We find these grants to be "tied" to (*i.e.*, bestowed expressly to purchase) specific capital assets.

In each case, the individual grants were for less than $50 million. To calculate the benefit received from the grants considered in these investigations, we allocated the present value of grants "tied" to the purchase of capital equipment over the number of years reflecting the average useful life of equipment used by the sector which

produces the products under investigation. A grant is considered tied where the intended use is known to the donor, and where such use is acknowledged prior to, or concurrently with, its bestowal. The regional development grants found in these investigations have been tied to capital investment in plant and equipment, and have been allocated over a 15-year period representing the average life of capital assets in integrated steel mills.

Under our grant methodology, we determine the present value of grants in order to calculate the current value of the benefit to the grant recipient. The calculation of the present value of funds received is a mechanism for allocating money received in one year to other years and is calculated using a discount rate. For these determinations, we determine that the most appropriate discount rate is the "risk-free" rate as indicated by the secondary market rate for long-term government debt in the country under investigation. The foundation of a country's interest rate structure is usually its government's debt interest rate (the risk-free rate). On this basis we calculated a subsidy of 1.21 percent *ad valorem* for RDG's received by BSC and 0.16 percent *ad valorem* for RDG's received by Arthur Lee and Sons, Ltd.

We note that for our preliminary determinations, we applied the entire amount of RDG's reported in the Arthur Lee and Sons, Ltd., annual report to sales of stainless steel strip by Lee Steel Strip. During verification we found that RDG's received by Arthur Lee and Sons, Ltd., were tied to specific production facilities. We identified those grants received by Arthur Lee and Sons, Ltd., that were tied to plant and equipment used in the production of stainless steel strip. For this final determination we have included only the Arthur Lee and Sons, Ltd., RDG's tied to stainless steel strip production in our calculation of the subsidy rate.

D. The Iron and Steel Industry Training Board

There are 24 private industry training boards in the U.K. The Iron and Steel Industry Training Board (ISITB), established under the Industrial Training Act of 1964, sponsors various training programs aimed at maintaining the nation's pool of skills required by the iron and steel industry and increasing employee job versatility in the event that present employment is terminated. The Board receives annual levies of up to one percent of payroll from iron and steel producers and makes grants to those companies conducting training programs. In 1981/82, however, approximately 80 percent of the funds received by the Board were contributed by the UK government. The amount of levy contributed by each producer is determined by the government's Manpower Service Commission. The grants normally are insufficient to cover the costs incurred by the companies providing the training. BSC received several training grants under this program.

Since training grants during 1981/82 were funded largely from government contributions rather than solely from levies contributed by producers, we find the grants to be countervailable. Because the grants were less than 1 percent of revenue and were expensed in the year of receipt, we considered only the grants received in 1981/82. Using this methodology, we calculated a subsidy of 0.01 percent *ad valorem* for BSC.

E. Investment in BSC Stainless

Petitioners alleged that BSC was receiving subsidies specifically for the production of stainless steel products. In fact, on March 28, 1974, the BSC Board, with the concurrence of the U.K. government, did approve a BSC stainless steel development strategy at a cost of about L 130 million from fiscal years 1974/1975 through 1980/1981. No formal agreement to the strategy was required from the U.K. government because none of the individual project costs exceeded L 50 million. The funds were used to expand cold-rolling finishing, stainless melting and continuous casting facilities, to improve plate finishing facilities, and to develop a new process for the manufacture of stainless strip.

Investment in BSC stainless was not a separate investment program but part of BSC's overall 10-year capital development strategy. The stainless steel development was partially financed with loans from the ECSC, regional development grants, and the balance from public dividend capital and new capital payments or National Loans Fund monies. However, investment for these projects came from the amounts received by BSC under the above-mentioned programs. Therefore, this investment in BSC stainless is already included in the subsidy calculations for the programs described elsewhere in this notice. Additionally, there is no evidence the PDC/NC and NLF loans were tied to BSC stainless production, except for a corporate strategy to emphasize increased development of stainless production. Except where it is otherwise indicated, we have allocated benefits over total corporate revenue rather than over stainless steel revenue.

II. Programs Determined Not To Confer Subsidies

We have determined that subsidies are not being provided to manufacturers, producers, or exporters in the United Kingdom of stainless steel sheet, strip, and plate under the following programs.

A. Industrial Investment Loans from the European Coal and Steel Community

Article 54 of the Treaty of Paris authorizes the European Coal and Steel Community (ECSC) to provide loans to steel companies in member countries for reducing production costs, increasing production, or facilitating product marketing. Loans provided under this program are funded exclusively from ECSC borrowings on world capital markets. Because of its quasi-governmental nature, the ECSC can raise funds at interest rates lower than those available on commercial terms to BSC. When the ECSC relends these borrowed funds to BSC without increasing the interest rate, any difference between the owner interest rate passed on and the rate otherwise available to BSC in the commerical financial market is a benefit to BSC. For this reason, we determine that ECSC loans raised through capital market funding are countervailable insofar as they offer interest rates which would not be available on commercial terms to BSC. Consequently, any loan to BSC involving ECSC funds borrowed on international capital markets, provided under any ECSC assistance program, confers countervailable benefits to the extent that the loan is made at a preferential interest rate.

BSC has received three ECSC industrial development loans directly related to plants at which the products under investigation were manufactured. All three ECSC loans which are tied directly to production of products under investigation were made to BSC during its creditworthy period. Each of these loans was denominated in U.S. dollars. For purposes of determining whether these ECSC loans resulted in a subsidy to BSC, we compared the interest rate on ECSC loans which ranged from 5 to 20 years to an average U.S. corporate bond rate. The bonds were chosen as being the most typical source of long-term debt for private British firms borrowing in U.S. dollars. The interest rates charged to BSC on the ECSC loans exceeded the average U.S. corporate bond rates. Therefore, we determine that these ECSC loans do not result in a subsidy.

B. Transportation Assistance

During verification we found that neither BSC nor Arthur Lee and Sons, Ltd., used British Rail, the totally government owned rail company, for shipments of finished stainless steel products. BSC did use British Rail for shipments of scrap used as input for stainless steel sheet and plate. To the best of our knowledge, no other producer shipped scrap by rail. For this reason, it was not possible to compare rail rates paid by BSC with rates paid by other companies for the shipment of scrap. We were able to ascertain, however, that BSC paid rail rates on scrap shipments that were equal to or in excess of the rates paid for road haulage of scrap. BSC has access to and used road haulage at rates below those paid on shipments by rail. Since British Steel did not appear to receive preferential rates, we determine that BSC's shipment of scrap by rail did not result in the payment or bestowal of a subsidy.

III. Program Determined Not To Be Used

Loans From the European Investment Bank

The European Investment Bank (EIB) was created by the Treaty of Rome establishing the EEC to fund projects that serve regional needs in Europe. Article 130 of the Treaty of Rome authorizes the EIB to make loans and guarantee financial projects in all sectors of the economy. These projects provide funds to further the development of low income regions. Funds are drawn from debt instruments floated on world capital markets and from investment earnings. Because EIB loans are designed to serve regional needs, we have in past investigations found them to be countervailable when the interest rate was less than the rate which would have been commercially available.

From October 1973 through December 1977, BSC received 18 EIB loans. EIB loans were tied exclusively to the production of products other than those currently under investigation. Consequently, EIB loans have not resulted in the bestowal of a subsidy on the production or exportations of BSC's stainless steel sheet, strip and plate.

Arthur Lee, and Sons, Ltd., did not receive EIB loans.

Petitioner's Comments

Comment 1

Petitioners contend that BSC was uncreditworthy in fiscal year 1971/72 and in all the years that followed. They cite the transfer of PDC and NLF funds to general reserve in 1971/72 as an indication that BSC was uncreditworthy at that time. They feel that, in subsequent years, any profits would have been eliminated had BSC been required to make interest payments on NLF debt transferred to general reserve.

DOC Position

We disagree. As described in the "Equity Investment in BSC" section, we found BSC to be a sound investment through fiscal year 1976/77, based on BSC's operating results, cash flow from operations, and current ratio in each of the years during this period. We considered the transfer of NLF debt to reserves as not inconsistent with commercial considerations, in view of the fact that BSC's capital structure at the time of its formation was composed primarily of debt rather than equity.

Comment 2

Petitioners assert that the proper benchmark interest rate for ECSC loans received by BSC in U.S. dollars should not be the U.S. corporate bond rate but a rate which reflects both U.S. monetary conditions and the creditworthiness of the foreign borrower. Petitioners recommend that we use as a benchmark the U.S. Government bond yield plus the difference between the U.K. corporate bond yield and the U.K. government bond yield. They state that the former "can be used as a proxy for the U.S. monetary conditions component" while the latter "can be used as a proxy for the U.K. industrial creditworthiness component."

DOC Position

We disagree. The ECSC loans in question were in fact made in U.S. dollars. We believe that the U.S. corporate bond rate is a more realistic measure of the freely available interest rate on U.S. dollar financing than a rate which is constructed in the manner proposed by petitioners.

Comment 3

Petitioners claim that our preliminary determination that BSC did not receive a rail subsidy was in error, since we had earlier found a rail subsidy in the countervailing duty investigation on certain carbon steel products from the U.K.

DOC Position

We disagree. Because our final determination of a rail subsidy in our investigation of certain steel products from the U.K. was based solely on British Rail's failure to make contracts available to us, we determined preliminarily in this investigation that no rail subsidy was conferred, pending verification of this point. During verification we were unable to compare rail rates paid by BSC to those paid by other companies, because, to the best of our knowledge, only BSC used British Rail, and BSC used it only for shipment of scrap, not for shipment of the finished product. Comparing the rail rate paid by BSC on these scrap shipments with road haulage rates for scrap we found that BSC was paying rail rates that were equal to and that exceeded the road rates. We, therefore; concluded that BSC's shipment of scrap by rail did not result in the bestowal of a subsidy.

Respondent's Comments

Comment 1

BSC contends that certain funds provided by the government which it used to close redundant production facilities or to purchase assets that are now idle because of plant closure are not countervailable because such money did not benefit the manufacture, production or export of stainless steel.

DOC Position

We disagree. We have determined that Public Dividend Capital received by BSC from 1977/78 to 1981/82 was equity capital provided to BSC's steel manufacturing divisions, and that these equity investments were made on terms inconsistent with commercial considerations because BSC was not a sound investment at that time. As a result, we have concluded that these equity infusions confer subsidies under section 771(5)(B)(i).

In reaching our conclusion regarding whether investments were made on terms inconsistent with commercial considerations, we examined objective financial characteristics of the firm's steel manufacturing divisions at the time these investments were made. The subsequent uses to which these funds were applied were not relevant. Therefore, once we had concluded that the capital investments in a steel enterprise were made on noncommercial terms, issues as to whether the expenditure of these funds was arguably not associated with the manufacture, production, or export of stainless steel but rather was made toward curtailing productive capacity, are beyond the scope of our inquiry.

Moreover, subsidies used to close redundant facilities or to purchase idled assets clearly constitute countervailable benefits under the statutory definition of "subsidy." Section 771(5)(B) of the Act defines "subsidy" to include various types of benefits "paid or bestowed directly or indirectly on the

manufacture, production, or export of any class or kind of merchandise." Clearly, redundancy funds and plant closures make the recipient more efficient and relieve it of significant financial burdens. Thus, such funds are unquestionably indirect, if not direct, benefits to BSC's manufacture, production, or export of steel and consequently are countervailable. We note, for example, that costs associated with plant closures have recently resulted in a common business expense borne by many steel companies in various countries, including the U.S. and the U.K. Therefore, these are costs associated with manufacturing and producing the products under investigation.

Comment 2

BSC contends that we should not, as a matter of policy, countervail against subsidies used to restructure the British steel industry because restructuring eliminates excess capacity, which in turn alleviates a form of trade distortion, and is therefore consistent with the goals of our conuntevailing duty law and the GATT Subsidies Code. To countervail against such subsidies would remove all incentive to restructure and would be contrary to the purposes of law and the Code.

DOC Position

We disagree with BSC's interpretation of the countervailing duty law and the Code. Our statutory obligations are carefully defined and mandatory in nature. Whenever it is determined that subsidized imports are injuring the domestic industry that manufactures or produces a like product, we are *required* by domestic law, and authorized by the Code, to impose appropriate countervailing duties, provided, of course, that all relevant procedural requirements are satisfied.

As discussed in the preceding comment, we have determined that certain Public Dividend Capital is an equity investment provided on terms inconsistent with commercial considerations, and is therefore countervailable, regardless of whether some of the funds received from these capital infusions were used for restructuring or to purchase assets now idle as a result of restructuring. Therefore, we must countervail against these benefits.

Although Article 11 of Part II of the Code does provide, among other things, that a signatory's right to provide domestic subsidies for purposes of restructuring are not precluded by the Code, it does not exempt such subsidies from countervailing duties. Therefore, regardless of whether restructuring subsidies serve to alleviate other trade distortions, countervailing against such benefits is wholly consistent with the Code and our statute.

Comment 3

BSC contends that subsidies used to restructure its productive capacity are analogous to corporate restructuring under Chapter 11 of our Bankruptcy Act. As such, they are consistent with normal commercial considerations and should not be considered subsidies.

DOC Position

Chapter 11 of the Bankruptcy Act is a specific statute, with general applicability, which provides certain legal protections to financially troubled debtors and their creditors. BSC has furnished no information indicating that it is subject to any proceedings analogous to those under Chapter 11, or that its restructuring remotely resembles normal reorganization procedure in Britian. Absent such information, BSC's contentions are entirely speculative.

Comment 4

Counsel for BSC argues that we should allocate subsidies used to close plants to the year in which such costs were incurred. Respondent claims that such allocation would be in accordance with both generally accepted accounting principles and our allocation of loss coverage subsidies (where cash inflows are actually available to cover losses) to the year in which the losses were incurred.

Response

The subsidies at issue here were large amounts of money provided by the government as part of a broad plan of modernization, including closing old facilities and building new ones. Indeed, steel companies routinely close old facilities and build new ones. In such a case, we do not agree that the monies for closing facilities should be allocated exclusively to the year in which those costs were incurred rather than over time. We believe that the benefits conferred through the modernization plan, including subsidization of plant closures and building new facilities, are more likely to continue beyond that single year. A longer allocation is therefore more appropriate.

We agree that generally accepted accounting principles in many countries allow a company to expense plant closure costs in the year incurred. However, the Department is not invariably required to allocate subsidies in accordance with such principles, and thus ignore the economic reality of the entire modernization program.

We do not agree that our allocation over more than one year of plant closure costs is necessarily inconsistent with our allocation in one year of some loss coverage subsidies. Relief from losses is less likely to benefit a company over a longer period of time. Even if it were, we believe that loss coverage subsidies, unlike plant closure costs, may be allocated to a single year without creating a serious loophole in the countervailing duty law By contrast, where a company is closing plants but also building more modern, efficient facilities, the benefit of the modernization program clearly extends for a number of years. If we were to allocate plant closure subsidies solely to one year, a company could allocate government funds exclusively for the plant closing costs of its modernization plan, and use other available assets (*e.g.*, cash flow) to build new facilities. If we accepted respondent's position, the subsidized company would perhaps face significant countervailing duties in one year, but possibly none in successive years when the new facilities were in operation. Such a result would fail to reflect the manner in which the subsidy benefits were realized.

Moreover, we note that insofar as costs for plant closures contributed to a company's cash-based losses, we are already generally allocating subsidies to the extent of loss coverage to the year in which losses were incurred. In these investigations, BSC subsidies to the extent of cash-based losses of L 211 million were allocated exclusively to the period for which we are measuring subsidies. In that same period, BSC expended L 156 million for closing plants. The latter expense clearly contributed to the former loss.

For these reasons the Department has allocated subsidies for plant closure—in these investigations, about L 679 million for the period 1977/78 through 1981/82—over a longer period of time (in this investigation, 15 years, the average estimated life of assets in integrated steel mills).

Verification

In accordance with section 776(a) of the Act, we verified the data used in making our final determinations. During this verification, we followed normal procedures including inspection of documents and on-site inspection of manufacturers' operations and records.

Administrative Procedures

The Department has afforded interested parties an opportunity to

present oral views in accordance with its regulations (19 CFR 355.35). Interested parties, however, did not request a public hearing but did submit written views, which were considered in accordance with the Department's regulations (19 CFR 355.31(a)).

The suspension of liquidation ordered in our "Preliminary Affirmative Countervailing Duty Determinations" shall remain in effect until further notice for stainless steel sheet, strip and plate except with respect to stainless steel strip produced by Arthur Lee and Sons, Ltd., which is excluded from these determinations. The net subsidy for each firm and product is now as follows:

Manufacturer/producer/exporter	Ad volorem rate
British Steel Corporation:	
Stainless steel sheet	19.31
Stainless steel strip	19.31
Stainless steel plate	19.31
All other producers, manufacturers and exporters of stainless steel sheet, strip and plate	19.31

We are directing the United States Customs Service to require a cash deposit or bond in the amount indicated above for each entry of the subject merchandise entered on or after the date of publication of this notice in the **Federal Register**. Where the manufacturer is not the exporter, and the manufacturer is known, the rate for that manufacturer shall be used in determining the amount of cash deposit or bond. If the manufacturer is unknown, the rate for all other manufacturers/producers/exporters shall be used.

ITC Notifications

In accordance with section 705(d) of the Act, we will notify the ITC of our determinations. In addition, we are making available to the ITC all non-privileged and non-confidential information relating to these investigations. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy (for Policy) to the Deputy Assistant Secretary for Import Administration. The ITC will determine within 45 days of the publication of this notice whether these imports are materially injuring, or threatening to materially injure, a U.S. industry. If the ITC determines that material injury, or threat of material injury, does not exist, this proceeding will be terminated and all securities posted as a result of the suspension of liquidation will be refunded or cancelled. If, however, the ITC determines that such injury does exist, within 7 days of notification by the ITC of that determination, we will issue a countervailing duty order, directing Customs officers to assess countervailing duties on certain stainless steel products from the United Kingdom entered, or withdrawn from warehouse, for consumption after the suspension of liquidation, equal to the net subsidy determined or estimated to exist as a result of the annual review process prescribed by section 751 of the Act. The provisions of section 707(a) of the Act will apply to the first directive for assessment.

This notice is published pursuant to section 705(d) of the Act and § 355.33 of the Department of Commerce Regulations (19 CFR 355.33).

Lawrence J. Brady,

Assistant Secretary for Trade Administration.

April 20, 1983

Appendix—Description of Products

For purposes of these investigations:

(1) The term "Stainless steel sheet, and strip" covers hot or cold-rolled stainless steel sheet or strip products, excluding hot or cold-rolled stainless steel strip not over 0.01 inch in thickness, as currently provided for it items 607.7610, 607.9010, 607.9020, 608.4300, and 608.5700 of the *Tariff Schedules of the United States Annotated (TSUSA)*.

Hot-rolled stainless steel sheet covers hot-rolled stainless steel sheet whether or not corrugated or crimped and whether or not pickled; not cold-rolled; not cut, not pressed, and not stamped to non-rectangular shape; not coated or plated with metal; and under 0.1875 inch in thickness and over 12 inches in width.

Hot-rolled stainless steel strip is a flat-rolled stainless steel product, whether or not corrugated or crimped, and whether or not pickled; not cold-rolled; not cut, not pressed, and not stamped to non-rectangular shape; and under 0.1875 inch in thickness and not over 12 inches in width. Hot-rolled stainless steel strip, including razor blade strip, not over 0.01 inch in thickness is not included.

Cold-rolled stainless steel sheet covers cold-rolled stainless steel sheet products whether or not corrugated or crimped and whether or not pickled; not cut, not pressed and not stamped to non-rectangular shape; not coated or plated with metal; and under 0.1875 inch in thickness and over 12 inches in width.

Cold-rolled stainless steel strip is a flat-rolled stainless steel product, whether or not corrugated or crimped, and whether or not pickled; not cut, not pressed, and not stamped to non-retangular shape; and under 0.1875 inch in thickness and over 0.50 inch but not over 12 inches inches in width. Cold-rolled stainless steel strip, includig razor blade strip, not over 0.01 inch in thichness is not included.

(2) The term *"Stainless steel plate"* covers stainless steel plate products as provided for in items 607.7605 and 607.9005 of the TSUSA. Stainless steel plate is a flat-rolled product, whether or not corrugated or crimped, in coils or cut to length, 0.1875 inches or more in thickness and over 8 inches in width or if cold-rolled over 12 inches in width.

[FR Doc. 83-11185 Filed 4-26-83; 8:45 am]
BILLING CODE 3510-25-M

Harvard Medical School; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 81-00383. Applicant: Harvard Medical School, Purchasing Department, 75 Mount Auburn Street, Cambridge, MA 02138. Instrument: Mass Spectrometer, MAT-312 and Accessories. Manufacturer: Varian MAT, West Germany. Intended Use Of Instrument: See Notice on page 51627 in the **Federal Register** of October 21, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, was being manufactured in the United States at the time the foreign instrument was ordered (September 20, 1979). Reasons: The foreign instrument is a computer controlled, high resolution, double focusing, mass spectrometer that can characterize metastable peaks through linked scanning (i.e., simultaneous scanning of two mass spectrometer fields—either accelerating voltage and electrostatic field or magnetic field and electrostatic field). We find these characteristics of the foreign instrument pertinent to the determination of unsaturation and interpretation of isomeric structures in the applicant's oligosaccharide and glycolipid studies. At the time the foreign instrument was ordered no comparable domestically manufactured mass spectrometer provided linked scanning. We therefore find that no instrument or apparatus of equivalent scientific value to the foreign

instrument for its intended purposes was being manufactured in the United States at the time the foreign instrument was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-11200 Filed 4-26-83; 8:45 am]

BILLING CODE 3510-25-M

California Institute of Technology; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230

Docket No. 82-00340. Applicant: California Institute of Technology, Pasadena, CA 91125. Instrument: Achromatic Corrector Lens. Manufacturer: NEI Parson, Ltd., United Kingdom. Intended use of instrument: See Notice on page 41799 in the **Federal Register** of September 22, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, was being manufactured in the United States at the time the foreign instrument was ordered (January 5, 1981).

Reasons: The foreign instrument is a cemented doublet, clear aperture 49.5 inches (125.73 centimeters) in diameter achromatic corrector lens. The National Bureau of Standards advises in its memorandum dated January 17, 1983 that (1) the specification of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) that to the best of its knowledge the only domestic manufacturer (Perkin-Elmer) capable of providing a comparable lens was unwilling to design and fabricate a lens comparable to the foreign instrument. We note the applicant claims in verbal communications with the domestic firm the firm indicated it could not produce the lens in the time required. This claim has not been used by the domestic firm.

Accordingly the Department of Commerce finds that no domestic manufacturer was both "able and willing" to manufacture a domestic instrument of equivalent scientific value to the foreign instrument for such purposes as the foreign instrument is intended to be used at the time the foreign instrument was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-11212 Filed 4-26-83; 8:45 am]

BILLING CODE 3510-25-M

Department of Commerce; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517). A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 83-32. Applicant: U.S. Department of Commerce, National Oceanic & Atmospheric Administration, 235 Broadway, Boulder, CO 80303. Instrument: Fourier Transform Spectrometer, DA/3002. Manufacturer: Bomen Inc., Canada. Intended use of instrument: See Notice on page 51437 in the **Federal Register** of November 15, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument has a spectral resolution of at least 0.002 reciprocal centimeters. The National Bureau of Standards advises in its memorandum dated January 24, 1983 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-11210 Filed 4-26-83; 8:45 am]

BILLING CODE 3510-25-M

Department of Health, Education & Welfare; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517). A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 83-88. Applicant: Department of Health, Education & Welfare, National Institutes of Health, National Cancer Institute, Division of Cancer Biology & Diagnosis, Building 31, Room 3A-05, Bethesda, MD 20205. Instrument: Gammacell-40 (Small Animal Irradiator). Manufacturer: Atomic Energy of Canada Limited, Canada. Intended use of instrument: See Notice on page 57982 in the **Federal Register** of December 29, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument has a uniform dose distribution of approximately ±5 percent. The National Bureau of Standards advises in its memorandum dated February 28, 1983 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument

or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Material)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-11216 Filed 4-26-83; 8:45 am]

BILLING CODE 3510-25-M

Idaho State University; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 83-25. Applicant: Idaho State University, Pocatello, Idaho 83209. Instrument: Electromagnetic Receiver, #EM 16-VLF. Manufacturer: Geonics, Canada. Intended use of instrument: See Notice on page 52489 in the **Federal Register** of November 22, 1982.

Comments: No comments have been received with respect to this application.

Decision. Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument provides very low frequency measurements in the quad-phase and the in-phase secondary field. The National Bureau of Standards advises in its memorandum dated February 28, 1983 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-11-214 Filed 4-26-83; 8:45 am]

BILLING CODE 3510-25-M

Maine Department of Environmental Protection; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 83-73. Applicant: Maine Department of Environmental Protection, State House Station #17, Augusta, ME 04333. Instrument: Two Man-Variable Depth Non-Earth Contact Resistivity Meter, Model EM 34-3. Manufacturer: Geonics Limited, Canada. Intended use of instrument: See Notice on page 56534 in the **Federal Register** of December 17, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument provides selective resistivity/conductivity mapping. The National Bureau of Standards advises in its memorandum dated February 28, 1983 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-11211 Filed 4-26-83; 8:45 am]

BILLING CODE 3510-25-M

Mellon Institute et al.; Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to Section 6(c) of the Education, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 AM and 5:00 PM in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 83-103. Applicant: Mellon Institute, 4400 Fifth Avenue, Pittsburgh, PA 15213. Instrument: Electron Microscope, Model EM 420 and Accessories. Manufacturer: Philips Electronic Instruments Incorporated, The Netherlands. Intended use of instrument: See Notice on page 2812 in the **Federal Register** of January 21, 1983. Application received by Commissioner of Customs: January 4, 1983.

Docket No. 83-00106. Applicant: Duke University Medical Center, Department of Physiology, Box 3709-PH, Durham, NC 27710.

Instrument: Electron Microscope, Model JEM 100CX-II and Accessories. Manufacturer: JEOL Limited, Japan. Intended use of instrument: See Notice on page 2812 in the **Federal Register** of January 21, 1983. Application received by Commissioner of Customs: January 4, 1983.

Docket No. 83-107. Applicant: Georgia State University, Department of Biology, University Plaza, Atlanta, GA 30303. Instrument: Electron Microscope, Model JEM-100CXII/SEG with Accessories. Manufacturer: JEOL Limited, Japan. Intended use of instrument: See Notice on page 4018 in the **Federal Register** of

January 28, 1983. Instrument ordered: September 30, 1982.

Docket No. 83–113. Applicant: Lovelace Biomedical and Environmental Research Institute, Building 9200, Area Y, Kirtland Air Force Base, East, Albuquerque, NM 87115. Instrument: Electron Microscope, Model EM 109 with 60-Degree Goniometer and Accessories. Manufacturer: Carl Zeiss, Inc., West Germany. Intended use of instrument: See Notice on page 4018 in the **Federal Register** of January 28, 1983. Application received by Commissioner of Customs: January 13, 1983.

Docket No. 83–114. Applicant: Indiana University, 1101 E. 17th Street, Bloomington, IN 47405. Instrument: Electron Microscope, Model JEM–100CX with Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of instrument: See Notice on page 4018 in the **Federal Register** of January 28, 1983. Instrument Ordered: November 22, 1982.

Docket No. 83–118. Applicant: Hendrick Medical Center, Department of Pathology, 19th and Hickory Streets, Abilene, TX 79601. Instrument: Electron Microscope, EM 109 with Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of instrument: See Notice on page 4019 in the **Federal Register** of January 28, 1983. Instrument ordered: December 8, 1982.

Docket No. 83–120. Applicant: Purdue University, Lilly Hall of Life Sciences, West Lafayette, IN 47907. Instrument: Electron Microscope, Model EM 420 and Accessories. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of instrument: See Notice on page 5578 in the **Federal Register** of February 7, 1983. Instrument ordered: November 29, 1982.

Comments: No comments have been received with respect to any of the foregoing applications.

Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as these instruments are intended to be used, was being manufactured in the United States at the time the instruments were ordered.

Reasons: Each foreign instrument to which the foregoing applications relate is a conventional transmission electron microscope (CTEM). The description of the intended research and/or educational use of each instrument establishes the fact that a comparable CTEM is pertinent to the purposes for which each is intended to be used. We know of no CTEM which was being manufactured in the United States either at the time of order of each instrument described above or at the time of receipt of application by the U.S. Customs Service.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign instruments to which the foregoing applications relate, for such purposes as these instruments are intended to be used, which was being manufactured in the United States either at the time of order or at the time of receipt of application by the U.S. Customs Service.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Statutory Import Programs Staff.

[FR Doc. 83–11219 Filed 4–26–83; 8:45 am]

BILLING CODE 3510–25–M

MIT National Magnet Laboratory; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 83–85. Applicant: MIT National Magnet Laboratory, 150 Albany Street, Cambridge, MA 02139. Instrument: Millimeter Wave Open Resonator System with 28 GHZ Mirror. Manufacturer: National Physical Laboratory, United Kingdom. Intended Use of Instrument: See Notice on page 57982 in the **Federal Register** of December 29, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument operates at millimeter and submillimeter wavelengths. The National Bureau of Standards advises in its memorandum dated March 11, 1983 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83–11207 Filed 4–26–83; 8:45 am]

BILLING CODE 3510–25–M

Ohio State University; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 83–111. Applicant: The Ohio State University, Materials Research Laboratory, 174 W. 18th Avenue, Columbus, OH 43210. Instrument: Fourier Transform Optical Spectrometer P/N 1ZM01 with Accessories. Manufacturer: Bomem, Incorporated, Canada. Intended Use of Instrument: See Notice on page 2812 in the **Federal Register** of January 21, 1983.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent sceintific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument has a resolution of 0.04 reciprocal centimeters (cm^{-1} with a wavelength coverage from 10 to 45,000 cm^{-1}. the National Bureau of Standards advises in its memorandum dated March 22, 1983 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it

knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-11206 Filed 4-26-83; 8:45 am]

BILLING CODE 3510-25-M

Purdue University; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 83-21. Applicant: Purdue University, West Lafayette, IN 47097. Instrument: Mass Spectrometer, Model MS5OS and Accessories. Manufacturer: Kratos Analytical Instruments, United Kingdom. Intended Use of Instrument: See Notice on page 53760 in the **Federal Register** of November 29, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, was being manufactured in the United States at the time the foreign instrument was ordered (August 20, 1982).

Reasons: The foreign instrument has a guaranteed resolution of 150,000 (10 percent valley definition). The Department of Health and Human Services advises in its memorandum dated March 2, 1983 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use which was being manufactured in the United States at the time the foreign instrument was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as the instrument is intended to be used, which was being manufactured in the United States at the time the foreign instrument was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-11202 Filed 4-26-83; 8:45 am]

BILLING CODE 3510-25-M

State of New York Department of Environmental Conservation; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 82-00176R. Applicant: State of New York Department of Environmental Conservation, 50 Wolf Road, Albany, New York 12233. Instrument: Trace Analysis System, TAGA 3000. Application is a resubmission, notice of which was published in the **Federal Register** of June 3, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, was being manufactured in the United States at the time the foreign instrument was ordered (January 15, 1981).

Reasons: This application is a resubmission of Docket Number 82-00176 which was denied without prejudice to resubmission on October 6, 1982 for informational deficiencies. The foreign instrument combines mobility with direct, continuous, real-time, atmospheric mass spectrometric analysis. The National Bureau of Standards advises in its memorandum dated March 2, 1983 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use which is being manufactured in the United States at the time the foreign instrument was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which was being manufactured in the United States at the time the foreign instrument was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materails)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-11213 Filed 4-26-83; 8:45 am]

BILLING CODE 3510-25-M

State University of New York; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5 PM in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 83-60. Applicant: The State University of New York, Stony Brook, N.Y. 11974. Instrument: Klystron Tube, Type VRB 2113A. Manufacturer: Varian of Canada Incorporated, Canada. Intended use of instrument: See Notice on page 55988 in the **Federal Register** of December 14, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument operates at a frequency range centered

at 90.5 gigahertz. The National Bureau of Standards advises in its memorandum dated March 14, 1983 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-11208 Filed 4-26-83; 8:45 am]

BILLING CODE 3510-25-M

Texas A & M University; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-fee entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 82-00367. Applicant: Texas A & M University, Department of Civil Engineering, Ocean Engineering Program, College Station, Texas 77843. Instrument: Bi-directional micro-propeller, current meter. Manufacturer: Hydrei Aps., Denmark. Intended use of Instrument: See Notice on page 49056 in the Federal Register of October 29, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument provides small size (five blade propeller one centimeter in diameter) and ability to measure current reversals in air/water mixtures. The National Oceanic and Atmospheric Administration advises in its memorandum dated February 1, 1983 that (1) the capabilities of the foreign instrument described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-11206 Filed 4-26-83; 8:45 am]

BILLING CODE 3510-25-M

University of Alaska; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 83-36. Applicant: University of Alaska, Geophysical Institute, Fairbanks, AK 99701. Instrument: Wide Band Digital Imaging System. Manufacturer: MacDonald Dettwiler & Associates Limited, Canada. Intended use of instrument: See Notice on page 54998 in the Federal Register of December 7, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States.

Reasons: This application is a resubmission of Docket Number 82-00049 which was denied without prejudice to resubmission on July 1, 1982 for informational deficiencies. The foreign instrument provides a high resolution quick look image recording system (QLIRS) capable of converting real-time digital data from satellite sensors to high resolution real-time imaging and data processing, and real-time scrolling display. The National Bureau of Standards advises in its memorandum dated March 8, 1983 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-11218 Filed 4-26-83; 8:45 am]

BILLING CODE 3510-25-M

University of California; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230

Docket No. 83-18. Applicant: University of California, Berkeley, School of Optometry, 2405 Bowditch Street, Berkeley, CA 94720. Instrument: Electronic Visual Display Unit with Raster Rotation. Manufacturer: Joyce Electronics, United Kingdom. Intended use of instrument: See Notice on page 53083 in the Federal Register of November 24, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this

instrument is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument has raster rotation and (450 candela per square meter) 99% brightness accuracy. The Department of Health and Human Services advises in its memorandum dated March 2, 1983 that (1) the capabilities of the foreign instrument described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as the foreign instrument is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 11203 Filed 4-26-83; 8:45 am]

BILLING CODE 3510-25-M

University of Colorado; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 82-00369. Applicant: University of Colorado, Joint Institute for Laboratory Astrophysics, Boulder, CO 80309. Instrument: Pulsed Dye Laser, FL 2002. Manufacturer: Lambda Physik Gmbh, West Germany. Intended use of Instrument: See Notice on Page 49057 in the **Federal Register** of October 29, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, was being manufactured in the United States at the time the foreign instrument was ordered (July 15, 1982).

Reasons: The foreign instrument has an amplified spontaneous emission (ASE) as low as 0.25 to 0.4 percent at the Rhodamine 6G peak. The Department of Health and Human Services advises in its memorandum dated March 2, 1983 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use which was being manufactured in the United States at the time the foreign instrument was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which was being manufactured in the United States at the time the foreign instrument was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-11215 Filed 4-26-83; 8:45 am]

BILLING CODE 3510-25-M

University of North Dakota; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 83-16. Applicant: The University of North Dakota, Grand Forks, North Dakota 58202. Instrument: Scanning Electron Microscope, Model S-800. Manufacturer: Hitachi Scientific Instruments, Japan. Intended Use of Instrument: See Notice on page 53760 in the **Federal Register** of November 29, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, was being manufactured in the United States at the time the foreign instrument was ordered (June 30, 1982).

Reasons: The foreign instrument guarantees a resolution of 20 Å. The Department of Health and Human Sevices advises in its memorandum dated March 2, 1983 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use which was being manufactured in the United States at the time the foreign instrument was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which was being manufactured in the United States at the time the foreign instrument was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-11204 Filed 4-26-83; 8:45 am]

BILLING CODE 3510-25-M

University of Pennsylvania; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 83-15. Applicant: University of Pennsylvania, School of Medicine, Department of Pharmacology, 172 Med Labs/G3, 36th & Hamilton Walk, Philadelphia, PA 19104. Instrument: Patch Clamp System, Type L/M-EPC-5. Intended use of instrument: See Notice on page 53083 in the **Federal Register** of November 24, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument has a sensitivity of one picoampere (pA), low noise (0.1 pA RMS at one kilohertz) and a transient cancellation range (0–10 picofarads calibrated). The Department of Health and Human Services advises in its memorandum dated March 2, 1983 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-11209 Filed 4-26-83; 8:45 am]

BILLING CODE 3510-25-M

University of Texas Health Science Center; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5 p.m. in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 83–22. Applicant: The University of Texas Health Science Center, Department of Biochemistry, 7703 Floyd Curl Drive, San Antonio, Texas 78284. Instrument: Accessories for a Nanosecond Fluorometer System 2000. Manufacturer: Photo-chemical Research Associates, Canada. Intended use of instrument: See Notice on page 51437 in the **Federal Register** of November 15, 1982.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States.

Reasons: The application relates to compatible accessories for an instrument that has been previously imported for the use of the applicant institution. The accessories are being furnished by the manufacturer which produced the instrument with which they are intended to be used. We are advised by the Department of Health and Human Services in its memorandum dated March 2, 1983 that the accessories are pertinent to the applicant's intended uses and that it knows of no comparable domestic accessories.

The Department of Commerce knows of no similar accessories being manufactured in the United States which are interchangeable with or, can be readily adapted to the instrument with which the accessories are intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-11217 Filed 4-26-83; 8:45 am]

BILLING CODE 3510-25-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Changes in Officials of the Government of Macau Authorized to Sign Visas for Certain Textile Products Exported to the United States

April 21, 1983.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Announcing a new list of officials of the Government of Macau who are authorized to sign export visas for cotton, wool, and man-made fiber textile products from Macau.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709).

SUMMARY: The Government of Macau has notified the Government of the United States that five officials are authorized to sign export visas for cotton, wool, and man-made fiber textile products exported to the United States.

EFFECTIVE DATE: May 1, 1983.

FOR FURTHER INFORMATION CONTACT: Ronald Sorini, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–4212).

SUPPLEMENTARY INFORMATION: On September 16, 1981, a letter dated September 11, 1981 to the Commissioner of Customs from the Chairman of the Committee for the Implementation of Textile Agreements was published in the **Federal Register** (46 FR 45979), which established an export visa requirement for cotton, wool and man-made fiber textile products, produced or manufactured in Macau and exported to the United States under the provisions of Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of November 29 and December 18, 1979, as amended. One of the requirements is that the visas must be signed by an authorized official. Macau has designated the following five officials to issue export visas: Jose Bernardino Marques Ferreira, Maria Manuela da Silva Aguiar Viana de Freitas, Rogelia Maria Cativo de Almedia Machado Barreto, Florinda de Rosa Silva Chan, Rita Sermelinda da Silva Rodrigues.

Walter C. Lenanan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83-11190 Filed 4-26-83; 8:45 am]

BILLING CODE 3510-25-M

Announcing Additional Import Control for Certain Cotton Apparel Products From the Republic of Singapore

April 21, 1983.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Controlling imports of cotton knit shirts and blouses in Category 338/339, produced or manufactured in Singapore and exported during the agreement year which began on January 1, 1983, at a level of 638,141 dozen.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175).

SUMMARY: Under the terms of the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of August 21, 1981, as amended, between the Governments of the United States and the Republic of Singapore, the United States Government has decided to control imports of cotton textile products in Category 338/339 in the same manner as other categories are currently being controlled.

EFFECTIVE DATE: April 27, 1983.

FOR FURTHER INFORMATION CONTACT: Ronald J. Sorini, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–4212).

SUPPLEMENTARY INFORMATION: On December 23, 1982, there was published in the **Federal Register** (47 FR 57322) a letter dated December 17, 1982 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs which established levels of restraint for certain specified categories of cotton, wool, and man-made fiber textile products, produced or manufactured in Singapore, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1983 and extends through December 31, 1983. The letter published below amends the letter of December 17, 1982 to include an import control level of 638,141 dozen for Category 338/339. That level has not been adjusted to account for any imports after December 31, 1982. As the data become available, charges will be made for the period which began on January 1, 1983 and extends to the effective date of this action, as well as thereafter.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

April 21, 1983.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive issued to you on December 17, 1982 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool, and man-made fiber textile products, produced or manufactured in Singapore and exported during the twelve-month period which began on January 1, 1983.

Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of August 21, 1981, as amended, between the Governments of the United States and the Republic of Singapore; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on April 27, 1983 and for the twelve-month period which began on January 1, 1983 and extends through December 31, 1983, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 338/339, produced or manufactured in Singapore, in excess of the following level of restraint:

Category	12-mo level of restraint [1]
338/339	638,141 dozen of which not more than 362,687 dozen shall be in Category 338 and not more than 424,906 dozen shall be in Category 339.

[1] The level of restraint has not been adjusted to reflect any imports after December 31, 1982. Imports during the period January 1—February 28, 1983 have amounted to 25,181 dozen in Category 338/339 of which 12,116 dozen should be charged to Category 338 and 13,065 dozen should be charged to Category 339.

Textile products in Category 338/339 which have been exported to the United States prior to January 1, 1983 shall not be subject to this directive.

Textile products in Category 338/339 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of Singapore and with respect to imports of cotton textile products from Singapore have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register**.

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83-11189 Filed 4-26-83; 8:45 am]

BILLING CODE 3510-25-M

Adjusting the Import Level for Certain Cotton Textile Products From Pakistan

April 21, 1983.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Reducing from 523,383 dozen pairs to 513,361 dozen pairs the level of restraint established during 1983 for cotton gloves and mittens in Category 331, produced or manufactured in Pakistan, to account for carryforward used last year.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175).

SUMMARY: The Bilateral Cotton Textile Agreement of March 9 and 11, 1982, as amended, between the Governments of the United States and Pakistan provides for the borrowing of yardage from the succeeding year's level (carryforward) with the amount used being deducted from the category level in the succeeding year. Under the terms of the bilateral agreement, as amended, the level of restraint established for cotton textile products in Category 331 is being adjusted for carryforward used in 1982.

EFFECTIVE DATE: April 27, 1983.

FOR FURTHER INFORMATION CONTACT: Gordana Slijepcevic, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–4212).

SUPPLEMENTARY INFORMATION: On December 17, 1982, there was published in the **Federal Register** (47 FR 56536) a letter dated December 14, 1982 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established levels of restraint for certain specified categories of cotton textile products, including Category 331, produced or manufactured in Pakistan, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1983 and extends through December 31, 1983. In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to reduce the level of restraint established for Category 331 to 513,361 dozen pairs.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

April 21, 1983.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: On December 14, 1982, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the twelve-month period beginning on January 1, 1983 and extending through December 31, 1983 of cotton textile products, produced or manufactured in Pakistan, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton Textile Agreement of March 9 and 11, 1982, as amended, between the Governments of the United States and Pakistan which provide, in part, that: (1) Within the aggregate limit, specific levels of restraint may be exceeded by designated percentages; (2) specific levels may be increased for carryover and carryforward; and (3) administrative arrangements or adjustments may be made to resolve problems arising in the implementation of the agreement.

Effective on April 27, 1983, paragraph 1 of the directive of December 14, 1982 is amended to include an adjusted level of restraint of 513,361 dozen pairs [2] for cotton textile products in Category 331.

The action taken with respect to the Government of Pakistan and with respect to imports of cotton textile products from Pakistan has been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register**.

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83-11188 Filed 4-26-83; 8:45 am]

BILLING CODE 3510-25-M

Adjusting the Import Restraint Levels for Certain Cotton Apparel Products From Thailand

April 21, 1983.

AGENCY: Committee for the Implementation of Textile Agreements

ACTION: Increasing to 701,926 dozen pairs and 960,158 dozen by the application of carryover the respective levels of restraint established for cotton gloves and cotton knit shirts and blouses in Categories 331 and 338/339, produced or manufactured in Thailand and exported during the eighteen-month period which began on January 1, 1982.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175).

SUMMARY: The Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of October 4, 1978, as amended and extended, between the Governments of the United States and Thailand provides for the carryover of shortfalls in certain categories from the previous agreement year (carryover). Accordingly, carryover is being applied to the levels of restraint for Categories 331 and 338/339.

EFFECTIVE DATE: April 27, 1983.

FOR FURTHER INFORMATION CONTACT: Gordana Slijepcevic, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377/4212).

SUPPLEMENTARY INFORMATION: On October 14, 1982, there was published in the **Federal Register** a letter dated October 8, 1982 from the Chairman of the Committee for the Implementation of Textile Agreements, to the Commissioner of Customs which established levels of restraint for certain specific categories of cotton, wool, and man-made fiber textile products, including Category 338/339, produced or manufactured in Thailand, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the eighteen-month period which began on January 1, 1982 and extends through June 30, 1983. On January 20, 1983 a further letter dated January 17, 1983 was published in the **Federal Register** (48 FR 2582), which established a level of restraint for cotton textile products in Category 331 for the same eighteen-month period. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements, in accordance with the terms of the bilateral agreement, as amended and extended, directs the Commissioner of Customs to adjust the previously established levels of restraint for Categories 331 and 338/339 to the designated amounts.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

April 21, 1983.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: The directive of October 8, 1982, as amended, from the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry for consumption, or withdrawal from warehouse for consumption, during the eighteen-month period beginning on January 1, 1982 and extending through June 30, 1983 of cotton, wool, and man-made fiber textile products in certain specified categories, produced or manufactured in Thailand, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of October 4, 1978, as amended and extended, between the Governments of the United States and Thailand, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to amend, effective on April 27, 1983, the levels of restraint previously established for cotton textile products in Categories 331 and 338/339, the following:

Category	Amended 18-month level of restraint [1]
331	701,926 dozen pairs.
338/339	960,158 dozen pairs.

[1] The levels of restraint have not been adjusted to reflect any imports after December 31, 1981.

The actions taken with respect to the Government of Thailand and with respect to imports of cotton textile products from Thailand have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register**.

Sincerely,

Water C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83-11187 Filed 4-26-83; 8:45 am]

BILLING CODE 3510-25-M

Importers and Retailers' Textile Advisory Committee; Change of Date of Public Meeting

April 21, 1983.

On April 8, 1983 a notice was published in the **Federal Register** (48 FR 15310) announcing a meeting of the Importers and Retailers' Textile Advisory Committee on May 10, 1983 at 10:30 a.m. in Room 6802 of the Main Commerce Building, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230. The purpose of this notice is to announce that the date of the meeting has been changed to May 17. The time and location of the meeting have not been changed.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83-11184 Filed 4-26-83; 8:45 am]

BILLING CODE 3510-25-M

[2] The level of restraint has not been adjusted to account for any imports after December 31, 1982.

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of October 4, 1978, as amended and extended, between the Governments of the United States and Thailand, which provide, in part, that: (1) specific levels of restraint may be increased for carryover and carryforward up to 11 percent of the applicable category limit; and (2) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board; Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (92–463), announcement is made of the following committee meeting:

Name of committee: Army Science Board (ASB).

Dates of meeting: Thursday and Friday, 12–13 May 1983.

Times: 0830–1700 hours (Closed) Both Days.

Place: Pentagon, Washington, D.C.

Agenda: The Army Science Board Ad Hoc Subgroup on Army Utilization of Space Assets will meet for classified briefings and discussions on the capabilities of currently available and furure space assets to enhance the Army's ability to carry out its mission. This meeting will be closed to the public in accordance with Section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C. App. 1, subsection 10(d). The classified and nonclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Helen M. Bowen, may be contacted for further information at (22) 695–3039 or 697–9703.

Helen M. Bowen,

Administrative Officer.

[FR Doc. 83–11137 Filed 4–26–83; 8:45 am]

BILLING CODE 3710–08–M

Army Science Board; Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (92–463), announcement is made of the following committee meeting:

Name of committee: Army Science Board (ASB)

Dates of meeting: Thursday and Friday, 19–20 May 1983.

Times: 0830–1700 hours (closed) both days.

Place: Pentagon, Washington, D.C.

Agenda: the Army Science Board 1983 Summer Study on Future Development Goal will meet for classified briefings and discussions on Lessons Learned—Falkland Islands and Lebanon, Training Technology—Multi-Service Program Examples, Lessons Learned—9th Infantry Division, RDF Deployment Plans—Problems, Solutions, Future. A presentation is to be given on opportunities for Innovation—A Review of ARI Programs. Each panel will report on selected areas of concentration, and findings to-date. The session will conclude with a Tri-Service Panel Discussion with Service Assistant Secretaries for RDA and Chief Scientists. This meeting will be closed to the public in accordance with section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C. App. 1, subsection 10(d). The classified and nonclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Helen M. Bowen, may be contacted for further information at (202) 695–3039 or 697–9703.

Helen M. Bowen,

Administrative Officer.

[FR Doc. 83–11138 Filed 4–26–83; 8:45 am]

BILLING CODE 3710–08–M

Department of the Navy

Public Information Collection Requirement Submitted to OMB for Review

The Department of the Navy has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total numbers of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposal may be obtained.

Extension

Long Range Design Working Forecast.

The Commander, Naval Sea Systems Command as the Coordinator of Shipbuilding, Conversion and Repair is responsible for the design, development, acquisition, modernization, and conversion of Navy Ships. As such, the Commander, has a direct interest in the total naval ship design and engineering resources potentially available to perform these functions, their general adequacy, and the degree of utilization of such resources. Naval Ship design and engineering assignments and long range forecasting and planning which involves ship design and engineering capability require a current knowledge of the total ship and engineering resources available. An analysis of workload forecasts, overlaid on resources available at each facility is the primary means of making such determinations. Total ship design and engineering resources are considered to be not only those available in naval activities, but also those available in private shipyards and design agents and consulting firms.

Respondent are shipyards and private marine design agents; 80 responses, 160 hours.

Forward comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, D.C. 20503, and John V. Wenderoth, DOD Clearance Officer, OASD(C), IRMS, IRAD, Room 1A658, Pentagon, Washington, D.C. 20301, telephone (202) 697–1195.

A copy of the information collection proposal may be obtained from Commander, Naval Sea Systems Command (SEA 0713), Department of the Navy, Washington, D.C. 20362, telephone (202) 692–3782.

M. S. Healy,

OSD Federal Register, Liaison Officer, Department of Defense.

April 22, 1983.

[FR Doc. 83–11286 Filed 4–26–83; 8:45]

BILLING CODE 3810–01–M

Office of the Secretary

Defense Intelligence College Panel of the National Defense University and the Defense Intelligence College

Pursuant to the provisions of Sub-Section (d), Section 10 of Public Law 92–463, as amended by Section 5 of Pub. L. 94–409, notice is hereby given that a partially closed meeting of the Defense Intelligence College Panel of the Board of Visitors of the National Defense University and the Defense Intelligence College will be held on-site at the College in Washington, D.C. on May 23, 24 and 25, 1983.

Morning sessions on May 23, 24 and 25 1983 will be devoted to the discussions of classified information as defined in Section 552b(c)(1), Title 5, of the U.S. Code and will therefore be closed to the public. Subject matter will be concerned with specialized instructional requirements and related curricula content.

April 22, 1983.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

FR Doc. 83–11285 Filed 4–26–83; 8:45 am]

BILLING CODE 3810–01–M

Defense Science Board Task Force on Supercomputer Applications; Advisory Committee Meeting

The Defense Science Board Task Force on Supercomputer Applications will meet in open session on May 11, 1983 at Stanford University, Stanford, California.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

At the meeting on May 11, 1983 the Defense Science Board Task Force on Supercomputer Applications will conduct a review of the Defense Department's programs to apply the emerging capacity of computers to contribute to military programs and issues. It will attempt to identify areas where the expected many orders of magnitude improvement in computing power can be of aid to the Defense establishment.

Persons interested in attending should contact Commander R. B. Ohlander, Task Force Executive Secretary, Telephone: (202) 699–5051. Space will be awarded on a first come first served basis.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Service, Department of Defense.

April 22, 1983.

[FR Doc. 83–11284 Filed 4–26–83; 8:45 am]

BILLING CODE 3810–01–M

DEPARTMENT OF ENERGY

Bonneville Power Administration

Suspension of Near-term Resource Policy Development Process

AGENCY: Bonneville Power Administration (BPA) Energy.

ACTION: Notice.

SUMMARY: BPA proposed a Near-term Resource Policy on July 15, 1982, (47 FR 30811) for BPA to use as a guide in resource development and acquisition decisions including implementation of conservation programs, a small renewable resource acquistion program, financial assistance programs, and others. BPA has decided that it would not be prudent to adopt a final policy at this time.

The reasons for this include the fact that the Pacific Northwest Electric Power and Conservation Planning Council (Regional Council) will soon adopt its regional energy plan. Also, changing regional economics and BPA's financial circumstances have made it necessary to revise some of the assumptions underlying BPA's anticipated load/resource balance.

FOR FURTHER INFORMATION CONTACT:

Joseph F. Cade, Public Involvement Officer, P.O. Box 12999, Portland, Oregon 97212, 503–230–3478. Oregon callers may use the toll-free number 800–452–8429; callers in California, Idaho, Montana, Nevada, Utah, Wyoming, and Washington may use 800–547–6048.

Stephen D. Dunne, Division of Resource Development and Acquisition, 847 NE. Irving Street, Portland, Oregon 97208, 503–230–3473

George Gwinnutt, Lower Columbia Area Manager, Suite 288, 1500 Plaza Building, 1500 NE. Irving Street, Portland, Oregon 97208, 502–2320–4551

Ladd Sutton, Eugene District Manager, Room 206, 211 East Seventh Avenue, Eugene, Oregon 97401, 503–687–6952

Ronald H. Wilkerson, Upper Columbia Area Manager, Room 561, West 920 Riverside Avenue, Spokane, Washington, 99201, 509–456–2518

George Eskridge, Montana District Manager, 800 Kensington, Missoula, Montana 59801, 406–329–3860.

Ronald K. Rodewald, Wenatchee District Manager, P.O. Box 741, Wenatchee, Washington, 98801, 509–662–4377, extension 379

Richard D. Casad, Puget Sound Area Manager, 415 First Avenue North, Room 250, Seattle, Washington 98109, 206–442–4130

Thomas Wagenhoffer, Snake River Area Manager, West 101 Poplar, Walla Walla, Washington 99362, 509–525–5500, extension 701

Robert N. Laffel, Idaho Falls District Manager, 531 Lomax Street, Idaho Falls, Idaho 83401, 208–523–2706

SUPPLEMENTARY INFORMATION: A notice of proposed Near-Term Resource Policy was published on July 15, 1982 (47 FR 30811). BPA will not develop a final policy at this time. The reasons for this include the Regional Council's imminent publication of its regional energy plan. Also, changing regional economics and power requirements have made it necessary to revise some of the assumptions underlying BPA's anticipated load/resource balance. Because BPA is in the midst of revising its load/resource analysis, BPA will not develop a final Near-Term Resource Policy until the situation warrants.

The following changed conditions demand a reassessment of BPA's resource situation.

1. A lower near-term forecast for electricity due to the length and depth of the economic recession. The demand for electricity for BPA's industrial customers has been lower than previously anticipated.

2. Further downward pressure on BPA's anticipated revenue from reduced power sales.

3. Less than expected interest among potential customers in the Southwest in surplus firm power acquisitions from the Northwest at adequate prices.

The above items have increased the uncertainty associated with BPA's need for and the economics of resource acquisitions.

BPA will not consider or commit to acquiring a generating resource in the near term unless it appears justifiable as a prudent financial decision. This is in keeping with the Pacific Northwest Electric Power Planning and Conservation Act (Regional Act) and the guidance provided in the Regional Council's draft energy plan. BPA will continue to investigate and assess resource opportunities to maximize its flexibility for meeting future obligations. It is unlikely, however, that BPA will make any financial commitments until it has had adequate opportunity to assess the final Regional Council energy plan.

Following the directives of the Regional Act, BPA will continue to emphasize cost-effective conservation. Conservation programs need to be emphasized in the near term so they can effectively penetrate the market as an inexpensive resource to meet forecasted loads. However, the level of expenditures on conservation programs is under review in light of our forecasted surplus of power and BPA's financial circumstances.

Issued in Portland, Oregon, April 15, 1983.

James J. Jura,

Acting Administrator.

[FR Doc. 83–11230 Filed 4–26–83; 8:45 am]

BILLING CODE 6450–01–M

Economic Regulatory Administration

Missouri Terminal Oil Company; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Missouri Terminal Oil Company ("MoTer") of St. Louis, Missouri. The Proposed Remedial Order charges MoTer with pricing violations in the amount of $1,082,682.97 exclusive of interest, connected with the sale of motor gasoline from March 1, 1979 through July 31, 1979.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from David H. Jackson, Director, Kansas City Office, ERA (816) 374–2092. Within 15 days of publication of this notice, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Kansas City, Missouri on the 15th day of April 1983.

David H. Jackson,

Director, Kansas City Office, Office of Special Counsel, Economic Regulatory Administration.

[FR Doc. 11231 Filed 4–26–83; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. TC83–6–000]

Arkansas Louisiana Gas Co., a Division of Arkla, Inc.; Tariff Filing

April 22, 1983.

Take notice that on April 15, 1983, Arkansas Louisiana Gas Company, a Division of Arkla, Inc. (Arkla), P.O. Box 21734, Shereveport, Louisiana 71151, tendered for filing in Docket No. TC83–6–000, 6th Revised Sheet No. 3B, superseding 5th Revised Sheet No. 3B, to Arkla's FERC Gas Tariff, First Revised Volume No. 1, to be effective 30 days after filing.

The tariff sheet is said to change the definition of the two interruptible priorities in Arkla's curtailment plan in order to modify the order of curtailment among interruptible customers only and is said to make no changes in any of the firm priorities. The present curtailment plan is said to distinguish between the two interruptible priorities solely on a volumetric basis, the dividing point being 3,000 Mcf of gas per day. The new definitions would place in Priority 7 interruptible customers who have agreed to purchase at least a specified minimum volume of gas if it is tendered to them and would place in Priority 8 interruptible customers who have not agreed to purchase a specified minimum volume of gas if it is tendered to them.

Arkla states that it currently has an interruptible service contract with Central Louisiana Electric Company, Inc. (CLECO), who will fall in proposed Priority 7, and an interruptible service contract with Texas Eastman Company (Texas Eastman), who will fall in proposed Priority 8. These interruptible industrial loads are alleged to be a benefit to Arkla in that it will have industrial sale outlets for its gas as needed from time to time. At the same time, Arkla alleges, it can maintain control over the magnitude of such interruptible deliveries and reduce those deliveries, if necessary, in the course of monitoring their impact on Arkla's firm retail customers.

Any person desiring to be heard or to make any protest with reference to said tariff sheet should on or before May 6, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–11232 Filed 4–26–83; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. QF83–205–000]

Capitol Cogeneration Co., Ltd.; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

April 22, 1983.

On March 7, 1983, Capitol Cogeneration Co., Ltd., P. O. Box 21130, San Antonio, Texas 78285, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's rules.

The proposed topping cycle cogeneration facility will be located within the Pasadena Industrial District, Pasadena, Harris County, Texas. The facility will consist of three combustion turbines, three heat recovery steam generators and one condensing steam turbine in a combined cycle configuration. The net electric power production capacity of the facility will be 330.56 megawatts. Steam will be sold to Celanese Chemical Company for use in chemical process units at the Clear Lake Plant, which is adjacent to the facility. The primary energy source will be natural gas and No. 2 fuel oil will be used as an emergency standby fuel. Installation of the facility will begin in July 1983. Texas-New Mexico Power Co., an electric power wholesaler, will own a 50 percent equity interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N. E., Washington, D. C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be take but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–11233 Filed 4–26–83; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. ER80–657–001, ER80–672–000 and ER80–721–000]

Cincinnati Gas & Electric Co.; Refund Report

April 22, 1983.

The filing Company submits the following:

Take notice that on March 31, 1983, Cincinnati Gas & Electric Company submitted for filing a refund report pursuant to the Commission's letter issued February 2, 1983.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before May 10, 1983. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–11234 Filed 4–26–83; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. GP83–25–000]

Eastern American Energy Corp.; Petition for Declaratory Order

April 22, 1983.

Take notice that on April 1, 1983, Eastern American Energy Corporation

(Eastern American), 3025 South Parker Road, Suite 907, Aurora, Colorado 80014, filed a petition for declaratory order pursuant to Rule 207 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.207.

Eastern American, describing itself as a small independent producer of natural gas operating principally in West Virginia, has petitioned the Commission to issue a declaratory order to remove alleged uncertainty regarding the applicability of section 315 of the Natural Gas Policy Act of 1978 (NGPA) to certain transactions involving Eastern American, Equitable Gas Company (Equitable) and Columbia Gas Transmission Corporation (Columbia).

As part of a settlement agreement negotiated by and between Equitable and Eastern American in Docket Nos. RI74–188 and RI75–21, *Independent Oil & Gas Association of West Virginia*, Equitable has released Eastern American for a period of 15 years from its contractual commitment to sell its production to Equitable. Columbia, on December 16, 1982, agreed to purchase gas from Eastern American for a term of 15 years. The agreement [1] permits Columbia to terminate the contract one year after its date of execution unless the Commission, within that time, issues a final, nonappealable order or opinion that either (i) finds that section 315 of the NGPA does not apply to the above transaction, or (ii) approves the above transaction, notwithstanding the provisions of NGPA section 315.

Specifically, Eastern American has petitioned the Commission to issue a declaratory order that section 315 does not act as a bar to the transactions among Eastern American, Equitable, and Columbia described above. Alternatively, Eastern American has petitioned the Commission for a declaratory order that specifically approves the 15-year release of the gas by Equitable.

Any person desiring to be heard or to protest Eastern American's petition for a declaratory order should file, within 30 days after publication of this notice in the **Federal Register**, with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, a protest or petition to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). All protests filed with the Commission will be considered but will not make protestants parties to the proceeding. Any party wishing to become a party to the proceeding or to participate as a party in any hearing must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–11235 Filed 4–26–83; 8:45 am]

BILLING CODE 6717–01–M

[1] All wells subject to the gas purchase agreement with Columbia currently produce natural gas that is qualified under sections 102(c), 103(c), or 107(c)(1)–(4) of the NGPA, according to Eastern American.

[Docket No. ER83–467–000]

Electric Energy, Inc., Filing

April 22, 1983.

The filing Company submits the following:

Take notice that on April 18, 1983, Electric Energy, Inc. (EEI) tendered for filing a Letter Agreement dated March 30, 1983 between EEI, its Sponsoring Companies (Central Illinois Public Service Company, Illinois Power Company, Kentucky Utilities Company and Union Electric Company) and the United States Department of Energy (DOE), as successor to the Energy Research and Development Administration, modifying Power Contract No. DE–AC05–760R01312 (formerly designated Contract No. AT–(40–1)–1312) between EEI and DOE (FERC Rate Schedule No. 7).

EEI requests an effective date of August 1, 1980, and therefore requests waiver of the Commission's notice requirements.

EEI states that the Letter Agreement makes plain that the obligation of DOE under the Power Contract to make certain surcharge payments has at all times been an obligation of DOE to the Sponsoring Companies and cancels the provisions of the Power Contract pursuant to which EEI acted as a conduit for such payments by DOE to the Sponsoring Companies.

Copies of the filing have been sent to the Sponsoring Companies, the Illinois Commerce Commission, the Missouri Public Service Commission and the Kentucky Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before May 10, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 11236 Filed 4–26–83; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER83–458–000]

El Paso Electric Co.; Filing

April 22, 1983.

The filing Company submits the following:

Take notice that on April 13, 1983, El Paso Electric Company (El Paso) tendered for filing an initial rate schedule pursuant to an "Economy Energy and Short-Term Capacity Agreement Between El Paso and Colorado-Ute Electric Association, Inc." dated February 18, 1983 (Agreement). El Paso states this Agreement initiates economy energy and short-term capacity service between the two companies and that El Paso shall provide and Colorado-Ute Electric Association, Inc. shall schedule and purchase varying amounts of capacity during the term of this Agreement.

El Paso requests an effective date of April 1, 1983, and therefore requests waiver of the Commission's notice requirements.

According to El Paso, copies of this filing have been served upon the Public Utility Commission of Texas, the New Mexico Public Service Commission and Colorado-Ute Electric Association, Inc.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before May 9, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–11237 Filed 4–26–83; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. ER83-348-000, ER83-349-000, ER83-350-000, ER82-412-000, and ER80-259-000, et al.]

Kansas Gas & Electric Co.; Order Accepting for Filing and Suspending Rate Schedules, Granting Waivers, Consolidating Dockets, and Establishing Procedures

Issued April 20, 1983.

On February 25, 1983, Kansas Gas and Electric Company (KG&E) tendered for filing executed interconnection agreements and accompanying rate schedules for services provided to the Cities of Neodesha, Mulvane, and Winfield, Kansas.[1] The submittals also include joint stipulations executed by the parties. The company requests an effective date of February 28, 1983, and a one day suspension so that the submittal may become effective, subject to refund, on March 1, 1983, the day after the existing contracts expire. In order to accomplish this result, KG&E requests waiver of the notice requirements.

The Cities, which obtain partial requirements service from KG&E, have contracted with the Board of Public Utilities of Kansas City, Kansas for the purchase of "participation power" as of March 1, 1983. The instant filings have been submitted in order to provide for the transmission of this power and to enable the Cities to enter into other, similar arrangements in the future.

The terms and conditions of the interconnection agreements are identical, but for the provisions relating to participation power, to those which are the subject of proceedings in *Kansas Gas and Electric Company*, Docket Nos. ER80-259-000, *et al.*[2] Therefore, KG&E and the Cities have stipulated that the interconnection agreements will be modified in accordance with the final Commission order in that proceeding.

In addition, KG&E has tendered five service schedules applicable to each municipality: Schedule A (Firm Power); Schedule B (Emergency Power); Schedule C (Supplemental Energy); Schedule E (Transmission Service for Outside Firm and Participation Power Purchases); and Schedule F (Reserve Capacity Service). Schedules B and C would not be changed by the current filing; the company will continue to provide these services at the rates being collected subject to refund in Docket Nos. ER80-259-000, *et al.* KG&E proposes to increase its firm power rate under Schedule A to the level previously filed with the Commission in *Kansas Gas and Electric Company*, Docket No. ER82-412-000.[3] KG&E and the Cities have stipulated, therefore, that the Schedule A rates will be modified in accordance with the final Commission order entered in that docket. The proposed Service Schedules E and F provide for new services to the Cities. As discussed below, the rates under both of these schedules are derived, in part, from components of the rates which are at issue in Docket No. ER82-412-000. Thus, KG&E requests that the Commission adopt the testimony and exhibits previously submitted in Docket No. ER82-412-000 as meeting the filing requirements prescribed by sections 35.13 (d) and (e) of the Commission's regulations.

Notices of the instant filings were published in the **Federal Register** [4] with comments due on or before March 24, 1983. No protests or motions to intervene have been received.

Discussion

Our preliminary review indicates that KG&E's proposed interconnection agreements and service schedules have not been shown to be just and reasonable and may be unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept the submittals for filing and suspend them as ordered below.

In explaining the Commission's suspension policy in *West Texas Utilities Co.*, Docket No. ER82-23-000, 18 FERC ¶61,189 (1982), we noted that the Commission would consider such factors as the availability of new services which the affected customers desire to obtain. The instant filings have been submitted to enable the Cities to obtain power from a third party as of March 1, 1983, and the Cities have agreed that service under the instant submittals shall become effective on that date. Further more, KG&E's submittals incorporate rates which have already been suspended and set for hearing in earlier dockets. Given the customers' consent and the fact that the various elements of KG&E's filing will be made subject to the outcome of either Docket Nos. ER80-259-000, et al., or ER82-412-000, we find that good cause exists to waive the notice requirements and to suspend KG&E's filings for one day, to become effective as of March 1, 1983, subject to refund.

As previously indicated, the rates proposed under Service schedule A are currently under investigation in Docket No. ER82-412-000. Further, we note that the $0.53/kW charge contained in Service Schedule E for load regulation service, maintenance of spinning reserves, and quick start capability, and the $6.98/kW/month reserve capacity charge provided for in Service Schedule F are based upon the rates filed in Docket No. ER82-412-000. Because we find that common questions of law or fact may exist, we shall consolidate Docket Nos. ER83-348-000 through ER83-350-000 with Docket No. ER82-412-000 for purposes of considering KG&E's proposed charges for firm power undere Service Schedule A, for load regulation, spinning reserve, and quick start capability under Service Schedule E, and for reserve capacity under Service Schedule F.

With respect to the proposed interconnection agreements and Service Schedules B and C, we note that similar or identical rates, terms, and conditions are before the Commission in Docket Nos. ER80-259-000, *et al.* In addition, the charge for transmission losses contained in Service Schedule E was also filed by KG&E in those dockets. Accordingly, we shall make these aspects of KG&E's instant filings subject to the outcome of our decision in Docket Nos. ER80-259-000, *et al.*

Inasmuch as KG&E's filings seek to apply previously filed rates to the affected customers and in view of the fact that cost support for these rates has been submitted in the prior dockets, we find that good cause exists to waive the outstanding requirements of § 35.13 and permit KG&E to incorporate its earlier cost support by reference.

The Commission orders:

(A) KG&E's motions for waiver of the notice and filing requirements are hereby granted.

(B) KG&E's proposed interconnection agreements and service shedules are hereby accepted for filing and suspended for one day, to become effective as of March 1, 1983, subject to refund.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and By the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR, Chapter I), a

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[1] *See* Attachment A for rate schedule designations.

[2] Initial Decision issued August 12, 1982, 20 FERC ¶ 63,040.

[3] By order issued May 28, 1982, the Commission accepted the rates in Docket No. ER82-412-000 for filing, suspended their effectiveness for five months, and ordered a hearing concerning their lawfulness. 19 FERC ¶ 61,210. Inasmuch as KG&E had stated that the firm power rates filed in Docket No. ER82-412-000 would ultimately apply to the Cities, they each intervened in that proceeding.

[4] 48 *FR* 10909-910 (March 15, 1983)

public hearing shall be held concerning the justness and reasonableness of KG&E's rates.

(D) Docket Nos. ER83-348-000, ER83-349-000, ER83-350-000, and ER82-412-000 are hereby consolidated for purposes of hearing and decision on the matters identified in the body of this order.

(E) The terms and conditions of KG&E's proposed interconnection agreements, as well as the rates under Service Schedules B and C, and the charge for transmission losses under Service Schedule E, shall be subject to the outcome of the final Commission order issued in Docket Nos. ER80-259-000, *et al.*

(F) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

ATTACHMENT—KANSAS GAS & ELECTRIC COMPANY RATE SCHEDULE DESIGNATIONS

[Docket Nos. ER83-348-000, ER83-349-000 & ER83-350-000]

Designation	Description
(1) Rate Schedule FERC No. 153 (Supersedes Rate Schedule FPC No. 131 as Supplemented).	Electric Service Agreement (Neodesha).
(2) Supplement No. 1 to Rate Schedule FERC No. 153.	Service Schedule A Firm Power Service.
(3) Supplement No. 2 to Rate Schedule FERC No 153.	Service Schedule B Emergency Service.
(4) Supplement No 3 to Rate Schedule FERC No. 153.	Service Schedule C Supplement Energy.
(5) Supplement No. 4 to Rate Schedule FERC No. 153.	Service Schedule E Transmission Service.
(6) Supplement No. 5 to Rate Schedule FERC No. 153.	Service Schedule F Reserve Capacity Service.
(7) Rate Schedule FERC NO. 154 (Supersedes Rate Schedule FPC No. 132 as Supplemented).	Electric Service Agreement (Mulvane).
(8) Supplement No. 1 to Rate Schedule FERC No. 154.	Service Schedule A Firm Power Service.
(9) Supplement No. 2 to Rate Schedule FERC No. 154.	Service Schedule B Emergency Service.
(10) Supplement No. 3 to Rate Schedule FERC No 154.	Service Schedule C Supplemental Energy.
(11) Supplement No. 4 to Rate Schedule FERC No. 154.	Service Schedule E Transmission Service.
(12) Supplement No. 5 to Rate Schedule FERC No 154.	Service Schedule F Reserve Capacity Service.
(13) Rate Schedule FERC No. 155 (Supersedes Rate Schedule FERC No. 146 as Supplemented)..	Electric Service Agreement (Winfield).
(14) Supplement No. 1 to Rate Schedule FERC No. 155.	Service Schedule A Firm Power Service.
(15) Supplement No. 2 to Rate Schedule FERC No 155.	Service Schedule B Emergency Service.
(16) Supplement No. 3 to Rate Schedule FERC No. 155.	Service Schedule C Supplement Energy.
(17) Supplement No. 4 to Rate Schedule FERC No. 155.	Service Schedule E Transmission Service.
(18) Supplement No. 5 to Rate Schedule FERC No. 155.	Service Schedule F Reserve Capacity Service.

[FR Doc. 83-11238 Filed 4-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-464-000]

Kansas Power & Light Co.; Filing

April 22, 1983.

The filing Company submits the following:

Take notice that on April 18, 1983, the Kansas Power and Light Company (KPL) tendered for filing a newly executed renewal contract dated April 5, 1983 with the City of Scranton, Kansas for wholesale service to the community. KPL states that this contract permits the City of Scranton to receive service under rate schedule WSM-81 designated Supplement No. 7 to R.S. FERC No. 129.

KPL proposes an effective date of May 1, 1983, and therefore requests waiver of the Commission's notice requirements.

KPL further states that the proposed contract change provided essentially for the ten year extension of the original terms of the presently approved contract.

Copies of the filing have been served upon the City of Scranton and the State Corporation Commission of Kansas.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before May 10, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kennth F. Plumb,

Secretary.

[FR Doc. 83-11239 Filed 4-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER61-560-000, ER82-746-000 and ER83-171-000]

Lockhart Power Co.; Refund Report

April 22, 1982

The filing company submits the following:

Take notice that on April 5, 1983, Lockhart Power Company submitted for filing a refund report pursuant to the Commission's letter order dated March 2, 1983.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before May 10, 1983. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-11240 Filed 4-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER78-524-001 and ER78-524-000]

Michigan Power Co.; Compliance Filing

April 22, 1983.

The filing company submits the following:

Take notice that on April 11, 1983, Michigan Power Company submitted for filing compliance rates and a refund report pursuant to the Commission's order issued February 2, 1983.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before May 10, 1983. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-11241 Filed 4-26-83; 8:45 am]

BILLING CODE 6717-01-M

Docket No. GP83-24-00

Minerals Management Service, Section 102 Determination, Getty Oil Company, North Bilbrey "7" Federal Well No. 1, FERC J.D. No. 82-53262; Petition To Reopen Final Well Category Determination and Request for Withdrawal

Issued April 22, 1983.

On March 21, 1983, Getty Oil Company (Getty) filed with the Federal Energy Regulatory Commission (Commission) a petition to reopen and a request to withdraw, its determination that the North Bilbrey "7" Federal Well No. 1 located in the Lea County, New Mexico qualifies as a new onshore well pursuant to section 102 of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301—3432 (Supp. V 1982). The subject determination became final on October 18, 1982, in accordance with NGPA section 503(d) and § 275.202(a) of the Commission's regulations (18 CFR 275.202(a)).

In order for a well to be a "new onshore well" and thereby qualify for pricing under NGPA section 102(c)(1)(B)(i), it must, *inter alia*, be at least 2.5 miles or more from the nearest marker well." NGPA section 2(5)(A) defines a marker well as ". . . any well from which natural gas was produced in commercial quantities at any time after January 1, 1970, and before April 20, 1977." Getty states that the Texaco 1-State of New Mexico "CM" Well, which falls within a 2.5 mile radius of Getty's North Bilbrey "7" Federal Well No. 1, produced in commercial quantities between January 1, 1979 and April 20, 1977. Because the subject well was within 2.5 miles of the Texaco 1-State of New Mexico "CM" Well, which qualifies as a marker well pursuant to section 2(5)(A), Getty states that it does not qualify as a new onshore well under NGPA section 102(c)(1)(B)(i).

Notice is hereby given that, in the event the subject determination is reopened, the question of whether the Commission will require refunds, plus interest computed under § 154.102(c) of the regulations, is a matter subject to the review and final decision of the Commission.

Any person desiring to be heard or to make any protest to the requested reopening and withdrawal should file, within 30 days after this notice is published in the **Federal Register**, with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of Rules 214 or 211 of the Rules of practice and Procedure. All protests filed will be considered but will not make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-11242 Filed 4-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. SA83-10-000]

Montana-Dakota Utilities Co.; Request for Adjustment Under Section 502(c) of the NGPA

Issued April 22, 1983.

On March 31, 1983, Montana-Dakota Utilities Co. (MDU), 400 North Fourth Street, Bismarck, North Dakota, 58501, filed with the Federal Energy Regulatory Commission (Commission) an application for adjustment pursuant to section 502(c) of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301-3432 (Supp). V 1982) and Rules 1101-1117, Subpart K of the Commission's Rules of Practice and Procedure, 18 CFR 385.1101-.1117. MDU also requests interim relief pending determination of its petition.

MDU seeks relief from §§ 282.502 and 282.602(d) of the Commission's regulations. Section 282.502 requires that a natural gas supplier establish and maintain Accounts No. 192.1 and 805.2, as prescribed in the Uniform System of Accounts, to account for unrecovered incremental gas costs. Section 282.602(d) requires that the entries made in Accounts No. 192.1 and 805.2 be summarized in a supplement to be filed with each PGA filing made pursuant to § 154.38(d) of the Commission's regulations.

In support of its application, MDU states that it has no non-exempt boiler fuel industrial customers served under the jurisdictional rate schedules for on-system service and that it does not anticipate the addition of any such customers. Consequently, MDU avers that there is no basis upon which it could make the PGA reduction contemplated by §§ 282.601 and 282.602.

MDU further states that in addition to its jurisdictional sales, it operates a distribution company in Montana, North Dakota, South Dakota and Wyoming. Each of these states has adopted industrial tariff provisions for gas used for non-exempt boiler fuel purposes. MDU states that the non-exempt boiler fuel customers served by its distribution operations have no MSACs which could absorb incremental pricing surcharges, as the state tariffs provide that the rate to non-exempt fuel users shall be the higher of the otherwise applicable industrial rate or the alternative fuel price ceilings applicable to those users as published by DOE's Energy Information Administration. Accordingly, MDU alleges that the accounting entries required in Accounts No. 192.1 and 805.2 are "totally useless," as there are no amounts to be collected through incremental pricing surcharges to be credited to Account No. 192.1 and debited to Account No. 805.2.

MDU submits that having to comply with the accounting requirements set forth in § 282.502 for Accounts No. 192.1 and 805.2, and to develop the supplement required by § 282.602(d) constitutes a special hardship, inequity, and unfair distribution of burdens due to the increased manpower and operating expenses incurred as a result of such compliance.

The procedure applicable to the conduct of this adjustment proceeding are found in Subpart K of the Commission's Rules of Practice and Procedure, 18 CFR 385.1101-.1117 (47 FR 19014, May 7, 1982).

Any person desiring to participate in this proceeding shall file a motion to intervene in accordance with Rule 1105 of the Commission's Rules of Practice and Procedure. All motions to intervene must be filed within 15 days after publication of this notice in the **Federal Register.**

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-11243 Filed 4-26-83; 8:45]

BILLING CODE 6717-01-M

[Docket No. CP83-279-000]

Producer-Suppliers of Transcontinental Gas Pipe Line Corp.; Application

April 21, 1983.

Take notice that on April 15, 1983, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP83-279-000 an application pursuant to Section 7 of the Natural Gas Act on behalf of producers currently selling gas to Transco pursuant to certificates of public convenience and necessity issued pursuant to Section 7(c) of the Natural Gas Act for (1) permission and approval for the abandonment of certificated sales to Transco and (2) a certificate of public convenience and necessity authorizing the sale in interstate commerce of such abandoned reserves to certain customers of Transco for a limited period, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that in connection with an offer of settlement filed April 13, 1983, by Transco in its rate proceeding in Docket No. RP83-11-000, Transco has agreed to implement an experimental Industrial Sales Program (ISP) whereunder Transco would arrange, as agent for its customers, gas supplies to be purchased by eligible customers for the purposes of keeping natural gas prices competitive with the prices of alternate fuels and of maintaining historical throughput levels on Transco's system. In the instant application, Transco states that the authorizations sought in this case are necessary to permit the inclusion in the

ISP program, which is limited to the period April 1 through October 31, 1983, of gas supplies which presently are sold to Transco under certificates of public convenience and necessity and which its producer-suppliers voluntarily elect to divert temporarily for sale to Transco's customers. The application also states that except to the extent that such gas supplies are utilized for the limited scope and term of the ISP program, Transco's long-term gas supplies would remain the same.

It is asserted that under the ISP program all Natural Gas Policy Act of 1978 price categories of gas supplies are eligible to participate; therefore, Transco may release gas reserves tendered by producers that do not require abandonment authority under Section 7(b) or a certificate under Section 7(c) of the Natural Gas Act in order to participate therein.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 6, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20436, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Transco to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 11244 Filed 4-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-137-000]

Richard T. Immel; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

April 22, 1983.

On January 11, 1983, Richard T. Immel (Applicant) of 3911 Via Del Campo, San Clemente, California 92672, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules. On April 1, 1983 supplementary information was filed regarding the facility.

The facility is located in Boulevard, California. The generating capacity of the facility is 240 kilowatts. The primary energy source is wind. There are no other small power production wind facilities owned by the applicant located within one mile of the site. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-11245 Filed 4-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-463-000]

Southwestern Electric Power Co.; Filing

April 22, 1983.

The filing Company submits the following:

Take notice that on April 18, 1983, Southwestern Electric Power Company (SWEPCO), tendered for filing an interconnection agreement between SWEPCO and the Grand River Dam Authority (GRDA), dated March 30, 1983. SWEPCO indicates the agreement provides for the parties to obtain mutual benefits and advantages in planning and operation and opportunities from time to time to purchase, sell and/or exchange electric power and energy from one system to the other.

SWEPCO requests an effective date of March 30, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were served upon the Arkansas Public Service Commission, Louisiana Public Service Commission, Oklahoma Corporation Commission, Pubic Utility Commission of Texas, and the Grand River Dam Authority.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214) All such motions or protests should be filed on or before May 10, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-11246 Filed 4-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP83-18-000]

State of Colorado, Oil & Gas Conservation Commission, J-W Operating Company, Malcolm Akey #2 Well, FERC J.D. No. 82-22128, Malcolm Akey #3 Well, FERC J.D. No. 82-22129; Petition To Reopen and Vacate Final Well Category Determinations and Request To Withdraw

April 22, 1983.

On December 6, 1982, J-W Operating Company (J-W) filed with the Federal Energy Regulatory Commission (Commission) a copy of its request to the Colorado, Oil & Gas Conservation Commission (Colorado) that the well category determinations, that natural gas from the Malcolm Akey #2 and #3 Wells qualifies for pricing as new natural gas pursuant to section 102 of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. §§ 3301-3432 (Supp. V 1982), be "cancelled." The well category determinations made by Colorado became final determinations on April 23, 1982, pursuant to NGPA section 503(d) and 18 CFR 275.202(a).[1]

J-W states that its section 102(c)(1)(B) filings were made based on the best information available at the time but that J-W has since discovered that the Malcolm Akey #2 and #3 Wells do not qualify under NGPA section 102, as they are located within 2.5 miles of a marker well and are not 1,000 feet deeper. J-W further states that no collections were made under the section 102 determinations and that applications were submitted for NGPA section 107 classification and received by Colorado on August 17, 1981. The wells were placed on line January 4, 1982, and according to J-W the price collected from initial production was the maximum lawful price under NGPA section 107.

The Commission hereby gives notice tha the question of whether refunds, plus interest as computed under § 154.102(c), will be required is a matter which is subject to the review and final determination of the Commission.

Any person desiring to be heard or to make any protest to the requested reopening and withdrawal should file, within 30 days after this notice is published in the **Federal Register**, with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, a motion to intervene or protest in accordance with the requirements of Rules 214 or 211 of the Rules of Practice and Procedure. All protests filed will be considered but will not make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-11247 Filed 4-26-83; 8:45 am]

BILLING CODE 6717-01-M

[1] The petition of J-W with respect to the Malcolm Akey #1 Well has already been noticed in Docket No. GP83-8-000. Notice of that petition was issued January 7, 1983. 48 FR 1,536 (January 13, 1983).

[Docket No. ER80-604-000]

Wisconsin Electric Power Company; Refund Report

April 22, 1983.

The filing Company submits the following:

Take notice that on April 11, 1983, Wisconsin Electric Power Company submitted for filing a refund report pursuant to the Commission's letter order of March 2, 1983.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C., 20426, on or before May 10, 1983. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-11246 Filed 4-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Project Nos. 2157-011, et al.]

Public Utility District No. 1 of Snohomish County and the City of Everett, WA, et al.; Applications Filed With the Commission

Take notice that the following hydroelectric applications have been filed with the Federal Energy Regulatory Commission and are available for public inspection:

a. Type of Application: Amendment of License.

b. Project No: 2157-011.

c. Date Filed: December 20, 1982.

d. Applicants: Public Utility District No. 1 of Snohomish County and the City of Everett, Washington.

e. Name of Project: Sultan River.

f. Location: On Sultan River in Snohomish County, Washington.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. W. G. Hulbert, Jr., Manager, Public Utility District No. 1 of Snohomish County, P.O. Box 1107, Everett, Washington 98206.

i. Comment Date: June 6, 1983.

j. Description: Licensee filed a revised Exhibit R (Recreation Plan) on December 20, 1982, in accordance with Article 52 of the Order Amending License issued on October 16, 1981. Licensee proposes the development of three boat launch sites; two with ramps for trailered boats and one for car-top boats. The sites, and attendant day-use facilities would be located along the southeastern shore of Spada Lake. The present restrictions on the use of organic bait, shoreline fishing and the use of rubber rafts at Spada Lake would be lifted, and the use of electric motors only would be permitted. The revised Exhibit R would also provide for the rehabilitation of certain existing areas for project overlooks, and the development of a new overlook on the north side of the reservoir. A fishing access and day-use facilities are proposed along the West bank of the Sultan River, between the City of Everett's diversion dam and the powerhouse. In addition, Licensee proposes to cooperate with the Washington State Parks and Recreation Commission in the development of back-country overnight camping facilities at the off-site Wallace Lake in lieu of development of such facilities within the Sultan River watershed.

k. This notice also consists of the following standard paragraphs: B, C, and D2.

2. a. Type of Application: Major License (over 5 MW).

b. Project No: 2909-001.

c. Date Filed: November 24, 1982.

d. Applicant: Town of Vidalia, Louisiana.

e. Name of Project: Lock and Dam No. 4.

f. Location: Near the town of Coushatta, Red River Parish, Louisiana, on the Red River.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: J. B. Lancaster, Jr., V.P., Forte and Tablada, Inc., P.O. Box 64844, Baton Rouge, Louisiana 70896.

i. Comment Date: June 27, 1983.

j. Description of Project: The proposed project would be located at the proposed U.S. Army Corps of Engineers Lock and Dam #4 of the Red River Waterway Project. The proposed hydroelectric facility would consist of a new powerhouse containing two turbine-generators with a total rated capacity of 36 MW built integrally to the south abutment of the Corps' proposed gated spillway structure, a tailrace channel, a switchyard and a 13.8-mil-long 138-kV transmission line. The transmission line would be overbuilt on existing Central Louisiana Power and

Light transmission lines for approximately 11.3 miles to the Caroll sub-station. The Applicant plans to construct the project concurrently with the Corps' construction of Lock and Dam #4. The project would generate up to 1,544,526,000 kWh annually.

k. Purpose of Project: Energy produced at the project would be sold to the Louisiana Energy and Power Authority. This application was filed during the term of the preliminary permit issued to the Town of Vidalia, FERC Project No. 2909–000.

l. This notice also consists of the following standard paragraphs: A2, B, C and D1.

3. a. Type of Application: Exemption of Small Hydroelectric Power Project.

b. Project No: 2936–001.

c. Date Filed: January 27, 1983.

d. Applicant: White Hydropower Company.

e. Name of Project: Sears Hydroelectric Project.

f. Location: Rock River, Rock Island County, Illinois.

g. Filed Pursuant to: 18 CFR Part 4 Subpart K (1982).

h. Contact Person: Mr. Mitchell M. White, 1855 Glendale Road, Clinton, Iowa 52732.

i. Comment Date: June 3, 1983.

j. Description of Project: The proposed project would consist of: (1) the existing Sears and Steel Dams, each a concrete overflow structure, about 13 feet high and 460 feet long, and 3.5 feet high and 760 feet long, respectively; (2) the existing Sears Powerhouse, with a proposed installation of two 300 kW generating units; and (3) appurtenant facilities. Both dams and the powerhouse are owned by the State of Illinois and leased to the Applicant for a period of 20 years. Applicant estimates the average annual generation to be 5.077 GWh.

k. Purpose of Project: The power generated would be sold to Iowa-Illinois Gas and Electric Company.

l. This notice also consists of the following standard paragraphs: A1, B, C, and D3a.

a. Type of Application: Exemption of Conduit Hydroelectric Facility.

b. Project No: 4490–001.

c. Date Filed: March 19, 1982.

d. Applicant: Richvale Irrigation District.

e. Name of Project: Sutter-Butte Project.

f. Location: On the Sutter-Butte Canal in Butte County, California.

g. Filed Pursuant to: Section 30 of the Federal Power Act, 16 U.S.C. 823(a).

h. Contact Person: Mr. Loyd E. Horn, Richvale Irrigation District, P.O. Box 147, Richvale, California 95974.

i. Comment Date: June 6, 1983.

j. Competing Application: Project No. 5163–000, Date filed: July 31, 1981.

k. Description of Project: The proposed project would consist of: (1) installation of a steel lining in the four existing Sutter-Butte Canal outlet culverts; (2) a 400-foot-long, 13-foot-diameter penstock connected to the outlet structure; and (3) a powerhouse located in the canal, containing two 1,500-kW generating units and a bypass conduit. Applicant estimates the project would have an average annual energy production of 11,000 MWh.

l. Competing Applications: Any qualified license, conduit exemption, or small hydroelectric exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing license, conduit exemption, or small hydroelectric exemption application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing license, conduit exemption, or small hydroelectric exemption application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permit will not be accepted in response to this notice.

A notice of intent must conform with 18 CFR 4.33(b) and (c) and 18 CFR 4.104(d).

m. Filing and Service of Responsive Documents: Any filings must bear in all capital letters the title "NOTICE OF INTENT TO FILE COMPETING APPLICATION" or "COMPETING APPLICATION", as applicable, and the Project Number of the particular application to which the filing is in response. Either of the above named documents must be filed by providing the original and the number of copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Project Management Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent or competing application must also be served upon each representative of the Applicant specified in the particular application.

5 a. Type of Application: Exemption from Licensing for a 5MW or Less Project.

b. Project No: P–5306–001.

c. Date Filed: December 27, 1982.

d. Applicant: Mega Hydo, Inc.

e. Name of Project: Mega Hydro #1 Power Project.

f. Location: On Clover Creek, near Oak Run, in Shasta County, California.

g. Filed Pursuant to: Section 408 of the Energy Security Act, 16 U.S.C. 2705 and 2708, as amended.

h. Contact Person: Mr. Fred G. Castagna, Vice President, Mega Hydro, Inc. 2576, Hartnell Avenue, Redding, California 96002.

i. Comment Date: June 8 1983.

j. Description of Project: The proposed project would consist of: (1) a 4-foot-high, 32-foot-long diversion structure; (2) a 4,400-foot-long trapezoidal ditch; (3) six 4-foot-high, by 4-foot-long intake structure screens; (4) a 33-inch-diameter, 5,720-foot-long steel penstock; (5) a powerhouse to contain one generating unit with a rated capacity of 1,000 kW; and (6) an 16,100-foot-long transmission line from the powerhouse to an existing 60-kV Pacific Gas and Electric Company (PG&E) transmission line. The Applicant estimates the average annual energy generation at 4.3 million kWh which would be sold to PG&E.

k. This notice also consists of the following standard paragraphs: A1, B, C, and D3a.

6 a. Type of Application: License (under 5 MW).

b. Project No: 6700–000.

c. Date Filed: September 23, 1982.

d. Applicant: Georgetown Hydro Associates.

e. Name of Project: Georgetown Hydro Project.

f. Location: C&O Canal on the Potomac River, in Washington, D.C.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Graig Lussi, 4105 Aspen Street, Chevy Chase, Maryland 20815.

i. Comment Date: June 29, 1983.

j. Description of Project: The proposed project would consist of: (1) the restoration of an existing intake structure; (2) an existing concrete penstock 10 feet in diameter and 66 feet long; (3) restoration of the existing powerhouse and one generating unit with a capacity of 700 kW; (4) an existing tailrace; and (5) appurtenant facilities.

The C&O Canal takes water from the Potomac River diverted by the U.S. Army Corps of Engineers Diversion Weir at Little Falls. The C&O Canal is owned and operated by the United States Department of the Interior National Park Service. The Applicant owns all the other project facilities. The Applicant estimates the average annual energy would be 6,132,000 kWh.

Estimated cost of project construction is $600,000.

k. Purpose of Project: All project energy would be sold to Potomac Electric Power Company.

l. This notice also consists of the following standard paragraphs: A2, B, C and D1.

7 a. Type of Application: Preliminary Permit.

b. Project No: 6832–000.

c. Date Filed: November 5, 1982.

d. Applicant: Butte-Silver Bow Government.

e. Name of Project: Basin Creek.

f. Location: Silver Bow County, Montana.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Don Peoples, Chief Executive, Government of Butte-Silver Bow Courthouse, Butte, Montana 59701.

i. Comment Date: June 27 1983.

j. Description of Project: The proposed project would consist of: (1) proposed two 14 inch penstocks approximately 2,500-feet long and 3,500-feet long, respectively; (2) a proposed three quarters of a mile, 7200 volt transmission line; (3) a proposed powerhouse containing two generating units rated at 90 kW and 190 kW, respectively. The Applicant estimates the average annual energy output to be 1,960,000 kWh. A portion of the project would occupy lands owned by the U.S. Forest Service.

k. Purpose of Project: The Applicant proposes to sell the generated power to either the Montana Power Company or the Vigilante Electric Cooperative.

l. This notice also consists of the following standard paragraphs: A4a. A4c, B, C, and D2.

8 a. Type of Application: Exemption from Licensing.

b. Project No: 6840–000.

c. Date Filed: November 10, 1982.

d. Applicant: Olympus Energy Corporation.

e. Name of Project: Tyler Peak Hydroelectric.

f. Location: On Upper Dungeness River, within Olympic National Forest, near Sequim, in Clallam County, Washington.

g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980, 16 U.S.C. 2705 and 2708 *as amended.*

h. Contact Person: Mr. Jerome Livingston, 201–215th Street, S.E. Bothell, Washington 98011.

i. Comment Date: June 6, 1983.

j. Description of Project: The proposed project would consist of: (1) a 5-foot-high, 75-foot-long concrete diversion structure; (2) a 8,000-foot-long, 54-inch-diameter steel pipeline; (3) a 1,000-foot-long, 54-inch-diameter steel penstock; (4) a powerhouse containing two generating units with a total installed capacity of 4.88 MW; and (5) a 6.5-mile-long transmission line. The applicant estimates the average annual energy production at 29.9 million kWh.

k. Purpose of Project: Project power would be sold to a local public utility.

l. This notice also consists of the following standard paragraphs: A1, B, C, and D3a.

9 a. Type of Application: Preliminary Permit.

b. Project No: 6864–000.

c. Date Filed: December 20, 1982.

d. Applicant: City of Buffalo.

e. Name of Project: Buffalo Water Power.

f. Location: Johnson County, Wyoming.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. W. H. Edelman III, President, Hydro Management Inc., Route 1, Box 169, Ronan, Montana 59864.

i. Comment Date: June 27, 1983.

j. Description of Project: The proposed project would consist of: (1) proposed diversion structures; (2) proposed 15 inch diameter penstocks; (3) a proposed powerhouse containing 1 generating unit rated at 600 kW; (4) a proposed 29 kV transmission line; and (5) appurtenant facilities. The Applicant estimates the average annual energy output to be 3,832 MWh.

k. Purpose of Project: The Applicant proposes to sell the generated power to the Pacific Power and Light Company.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C, and D2.

10 a. Type of Application: Small Conduit Exemption.

b. Project No: 6919–000.

c. Date Filed: December 10, 1982.

d. Applicant: James B. Peter.

e. Name of Project: Peter Ranch Power Project.

f. Location: On the Peter Ranch irrigation system, which diverts water from Peter's Creek in Plumas County, California.

g. Filed Pursuant to: Section 30 of the Federal Power Act [16 U.S.C. 823(a)].

h. Contact Person: James B. Peter, Route 1, Box 45 Greenville, California 95947.

i. Comment Date: June 6, 1983.

j. Description of Project: The proposed project would consist of: (1) a powerhouse containing a turbine-generator with a rated capacity of 15 kW and an average annual production of 83,000 kWh; and (2) a 10-foot-long tailrace return to the irrigation system.

k. Purpose of Project: The purpose of the project is to produce electricity from the potential energy of an existing irrigation system. The Applicant proposes to sell electricity produced to the Pacific Gas and Electric Company.

l. This notice also consists of the following standard paragraphs: B, C and D3b.

11a. Type of Application: Exemption.

b. Project No: 6932–000.

c. Date Filed: December 14, 1982.

d. Applicant: The Pacific Lumber Company and Bernice R. and Christine E. Bankdull.

e. Name of Project: Grizzly Creek.

f. Location: On Grizzly Creek in Humboldt County, California.

g. Filed Pursuant to: Energy Security Act of 1980 (16 U.S.C. 2705 and 2708 *as amended*).

h. Contact Person: Mr. Warren D. Flinchpaugh, The Pacific Lumber Company, P.O. Box 37, Scotia, California 95565 and Mr. John R. Winzler, Winzler & Kelly Engineers, P.O. Box 1345, Eureka, California 95501.

i. Comment Date: June 8, 1983.

j. Description of Project: The proposed project would consist of: (1) a 3-foot-high diversion structure at elevation 1,100 feet (msl); (2) a 30-inch-diameter, 5,200-foot-long low pressure conduit; (3) a 30-inch-diameter, 5,700-foot-long penstock; (4) a powerhouse containing a single generating unit with a rated capacity of 1,310 kW; and (5) a 1.5-mile-long, 12-kV transmission line connecting the powerhouse to an existing Pacific Gas and Electric Company (PG&E) line west of the powerhouse.

k. Purpose of Project: Project energy would be sold to PG&E.

l. This notice also consists of the following standard paragraphs: A1, B, C and D3a.

12a. Type of Application: License (under 5 MW).

b. Project No: 7020–000.

c. Date Filed: January 24, 1983, and revised on March 11, 1983.

d. Applicant: Auburn Hydro, Inc.

e. Name of Project: Division Street.

f. Location: On the Owasco Lake Outlet in the City of Auburn, Cayuga County, New York.

g. Filed Pursuant to: 16 U.S.C. 791(a)–825(r).

h. Contact Person: James J. Glass, P.O. Box 845, Auburn, New York 13021.

i. Comment Date: June 6, 1983.

j. Competing Application: Project No. 6785–000. Date Filed: October 20, 1982.

k. Description of Project: The proposed project would consist of the following existing facilities: (1) an 11½-foot-high 100-foot-long gravity-type dam having an inoperative intake structure at the right (north) abutment and a waste gate at the left abutment; (2) a reservoir

having a surface area of 2.0 acres and a gross storage capacity of 6.0 acre-feet at spillway crest elevation 622.21 feet m.s.l.; (3) a breached intake canal along the left (south) bank; (4) a gated intake structure; (5) a powerhouse containing an inoperative generating unit having a rated capacity of 410-kW under a 25-foot head and at a flow of 420 cfs; (6) a tailrace; and (7) miscellaneous appurtenances.

Applicant proposes to redevelop the existing facilities and would: (1) reconstruct the dam and powerhouse; (2) repair the intake canal and intake structure; (3) replace the waste gate; (4) renovate the generating unit and switchgear; and (5) install a short 15-kV transmission line. Applicant estimates that the proposed project would cost $625,000.

In the future Applicant would provide an additional generating unit having a rated capacity of 470-kW operated under a 25-foot head and at a flow of 480 cfs. Applicant estimates that the proposed future generating unit would cost $1,200,000.

l. Purpose of Project: Project energy would be sold to New York State Electric and Gas Corporation. Applicant estimates that the average annual energy output would be 2,634,312 kWh. The proposed future generating unit would provide an additional 976,536 kWh annually.

m. This notice also consists of the following standard paragraphs: A2, B, C and D1.

13a. Type of Application: Preliminary Permit.

b. Project No: 7048–000.

c. Date Filed: February 1, 1983.

d. Applicant: The Metropolitan District.

e. Name of Project: Collinsville Project.

f. Location: On the Farmington River in Hartford and Litchfield Counties, Connecticut.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)—825(r).

h. Contact Person: Bernard A. Batycki, District Manager, The Metropolitan District, 555 Main Street, Hartford, Connecticut 06103.

i. Comment Date: June 27, 1983.

j. Description of Project: The proposed project would include the following existing facilities: (1) the 350-foot-long and 18-foot-high Upper Collins Company Dam with provisions for 3-foot-high flashboards; (2) a reservoir with a storage capacity of 350 acre-feet; (3) a 50-foot-wide intake channel 180 feet long at the right (west) bank; (4) a powerhouse with old generating equipment; (5) a tailrace; (6) sluice gates and a forebay at the left (east) bank; (7) a canal; (8) a powerhouse with old generating equipment; (9) a tailrace; (10) the 350-foot-long and 20-foot-high Lower Collins Company Dam; (11) a reservoir with a storage capacity of 180 acre-feet; (12) a gatehouse at the left abutment (east); (13) a 50-foot-wide and 650-foot-long canal; (14) a powerhouse with old generating equipment; (15) a tailrace; and (16) other appurtenances. Applicant proposes various alternatives for power generation at both sites, to include: the rehabilitation of some existing units and installation of new generating units at the existing powerhouses; removal of existing equipment and installation of new units in the existing powerhouses; or, the construction of 2 new powerhouses at the left bank. Applicant proposes an installed capacity of 1,500 kW at each site, and estimates a total average annual generation of 11,000,000 kWh.

k. Purpose of Project: Project energy would be sold to the Hartford Electric Company.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C and D2.

m. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 2 years during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of the studies under permit would be $120,000.

14a. Type of Application: Preliminary Permit.

b. Project No: 7075–000.

c. Date Filed: February 14, 1983.

d. Applicant: Northern Wasco County People's Utility District.

e. Name of Project: McNary Dam Fish Attraction.

f. Location: On the Columbia River, at McNary Dam, near Umatilla, in Benton County, Washington.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)—825(r).

h. Contact Person: Harold E. Haake, Manager, Northern Wasco County People's Utility District, P.O. Box 621, The Dalles, Oregon 97058.

i. Comment Date: June 20, 1983.

j. Description of Project: The proposed project would consist of: (1) two turbine-generating units, one rated at 2.7 MW and one rated at 4.3 MW, to be installed in two conduits of the existing Corps of Engineers' NcNary Dam; and (2) an 1,800-foot-long transmission line. The average annual energy generation is estimated to be 41 million kWh.

A preliminary permit does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct feasibility studies and prepare an FERC license application. No new roads woud be required. The cost would be $130,000.

k. Purpose of Project: Power would be used in the Applicant's service area.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C, D2.

15a. Type of Application: Preliminary Permit.

b. Project No: 7134–000.

c. Date Filed: March 10, 1983.

d. Applicant; Mountain West Hydro, Inc.

e. Name of Project: Squirrel Creek Hydroelectric.

f. Location: On Squirrel Creek, within Mt. Hood National Forest, near Estacada, Marion County, Oregon.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. David L. Browning, Mountain West Hydro, Inc., 2155 Christina N.W., Salem, Oregon 97304.

i. Comment Date: June 30, 1983.

j. Description of Project: The project would consist of: (1) a 6-foot-high, 40-foot-long concrete diversion structure at an elevation of 3,600 feet; (2) a 5,285-foot-long, 24-inch-diameter pipeline; (3) a powerhouse containing one generating unit with an installed capacity of 510 kW; and (4) a 19,800-foot-long, 69-kV transmission line. The Applicant estimates that the average annual energy production would be 2.79 million kWh.

A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would conduct technical, environmental and economic studies. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $83,000.

k. Purpose of Project: Project power would be sold to Portland General Electric Company.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C and D2.

16a. Type of Application: Preliminary Permit.

b. Project No: P–7137–000.

c. Date Filed: March 10, 1983.

d. Applicant: Springfield Associates #2.

e. Name of Project: North Fork #2

f. Location: On the North Fork of Middle Fork Willamette River in Lane County, Oregon, within the Willamette National Forest near the Town of Westfir.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Tom Forbes, P.O. Box 421, Mercer Island, Washington 98040 with a copy to: Mr Joel Rector, Attorney at Law, 4832 Colony Circle, Salt Lake City, Utah 84117.

i. Comment Date: June 27, 1983.

j. Description of Project: The proposed project would consist of: (1) an 80-foot-high, 1,110-foot-long dam at elevation 1,320 feet; (2) a reservoir having a surface area of 90 acres and a storage capacity of 2,200 acre-feet; (3) a 700-foot-long steel penstock; (4) a powerhouse containing a single 5.3-MW generating unit capable of an average annual generation of 20,900 MWh; and (5); a 10-mile-long, 34.5-kV transmission line.

A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a 24-month preliminary permit to conduct engineering, economic, and environmental feasibility studies and to prepare an application for an FERC license. Those studies would include core borings and test pits at the dam site, penstock route, and powerhouse site. No new roads would be constructed to conduct the studies and all disturbed lands would be restored. Applicant estimates the cost of the above studies to be $150,000.

k. This notice also consists of the following standard paragraphs: A4b, A4c, A4d, B, C and D2.

17a. Type of Application: Preliminary Permit.

b. Project No: 7146–000.

c. Date Filed. March 15, 1983.

d. Applicant: County of Butte.

e. Name of Project: Butte Creek.

f. Location: On Butte Creek, on lands managed by the Bureau of Land Management and within the Lassen National Forest, near Paradise, in Butte County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Delbert Siemsen, Counsel, County of Butte, 25 County Center Drive, Oroville, California 94965.

i. Comment Date: June 8, 1983.

j. Competing Application: Project No. 6896–000. Date filed: December 16, 1982.

k. Description of Project: The proposed project would consist of: (1) a 270-foot-high, 1,400-foot-long earthen dam at a crest elevation of 2,270 feet, creating a reservoir with a storage capacity of 12,600 acre-feet; (2) a 16,000-foot-long, 9-foot-diameter conduit/tunnel; (3) a surge tank; (4) a 2,000–foot-long, 9-foot-diameter penstock; (5) a powerhouse containing two generating units with a total installed capacity of 32 MW; and (6) a 800-foot-long, 60-kV transmission line connecting to an existing PG&E transmission line. The Applicant estimates that average annual energy production would be 68 million kWh.

A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would conduct technical, environmental and economic studies. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $450,000.

l. Purpose of Project: Project power would be sold to PG&E.

m. This notice also consists of the following standard paragraphs: A3, B, C and D2.

18a. Type of Application: Preliminary Permit.

b. Project No: 7176–000.

c. Date Filed: March 28, 1983.

d. Applicant: Hydro-Cor, Inc.

e. Name of Project: Roaring River Waterpower.

f. Location: On Roaring River in Clackamas County, Oregon near the Town of Estacada, within the Mt. Hood National Forest.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. L. Maurice Baker, Small Scale Hydropower, Suite 1211, 319 S.W. Washington, Portland, Oregon 97204.

i. Comment Date: June 30, 1983.

j. Description of Project: The proposed project would consist of: (1) an intake structure at elevation 1,600 feet; (2) a 60-inch-diameter, 19,000-foot-long penstock; (3) a powerhouse containing a single generating unit with a rated capacity of 7,000 kW; and (4) a transmission line. The average annual energy output would be 30 million kWh.

A preliminary permit, if issued does not authorize construction. The Applicant seeks a 24 month permit to study the feasibility of construction and operating the project. No new access road will be needed for the purpose of conducting these studies. The estimated cost for conducting these studies is $75,000.

k. Purpose of Project: Power produced by the proposed project will be sold to Portland General Electric Company.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C, and D2.

Competing Applications

A1. Exemptions for Small Hydroelectric Power Project under 5MW Capacity—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing license application that proposes to develop at least 7.5 megawatts in the project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1982). A competing license application must conform with the requirements of 18 CFR 4.33(a) and (d).

A2. Applications for License—Anyone desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either the competing application itself (see 18 CFR 4.33(a) and (d), and Part 16, where applicable) or a notice of intent (see 18 CFR 4.33(b) and (c)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c) or §§ 4.101 to 4.104 (1982).

A3. Public notice of the filing of the initial application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing application for license, examination or preliminary permit, or notices of intent to file competing applications, will be accepted for filing in response to this notice (see 18 CFR 4.30 to 4.33 or §§ 4.101 to 4.104 (1982), as appropriate). Any application for license or exemption from licensing, or notice of intent to file a license or an exemption application, must be filed in accordance with the Commission's regulations (see 18 CFR 4.30 to 4.33 or §§ 4.101 to 4.104 (1982), as appropriate.

Preliminary Permits

A4a. Existing Dam or Natural Water Feature Project—Anyone desiring to file a competing application for preliminary permit for a proposed project at an

existing dam or natural water feature project, must submit the competing application to the Commission on or before 30-days after the specified comment date for the particular application (see 18 CFR 4.30 to 4.33 (1982)). A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

A4b. No Existing Dam—Anyone desiring to file a competing application for preliminary permit for a proposed project where no dam exists or there are proposed to be major modifications, must submit to the Commission on or before the specified comment date for the particular application, the competing application istelf, or a notice of intent to file such an application (see 18 CFR 4.30 to 4.33 (1982)).

A4c. The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before the specified comment date for the particular application. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations (see 18 CFR 4.30 to 4.33 or §§ 4.101 to 4.104 (1982), as appropriate).

A4d. Submission of a timely notice of intent to file an application for preliminary permit allows an interested person to file an acceptable competing application for preliminary permit no later than 60 days after the specified comment date for the particular application.

B. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 385.210, .211, .214 (1982). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C. *Filing and Service of Responsive Documents*—Any filing must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST" or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing is in response. Any of the above named documents must be filed by providing the original and the number of copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Agency Comments

D1. License applications (5 MW or less capacity)—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88–29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments with the Commission within the time set for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D2. Preliminary permit applications—Federal, State, and local agencies are invited to file comments on the described application. (A copy of the application may be obtained by agencies directly from the applicant.) If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to Applicant's representatives.

D3a. Exemption applications (5 MW or less capcity)—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the State Fish and game agency(ies) are requested, for the purposes set forth in Section 408 of the Act, to file within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D3b. Exemption applications (Conduit)—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the State Fish and Game agency(ies) are requested, for the purposes set forth in Section 30 of the Act, to file within 45 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 45 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Dated: April 22, 1983.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–11249 Filed 4–26–83; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[PF-323; PH-FRC #2351-8]

Certain Companies; Pesticide, Food and Feed Additive Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received pesticide, food, and feed additive petitions relating to the establishment of tolerances for residues of certain pesticide chemicals in or on certain commodities.

ADDRESS: Written comments to the product manager (PM) cited in each petition at the address below: Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Written comments may be submitted while the petitions are pending before the Agency. The comments are to be identified by the document control number [PF-323] and the petition number. All written comments filed in response to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each petition at the telephone number provided.

SUPPLEMENTARY INFORMATION: EPA give notice that the Agency has received the following pesticide, food, and feed additive petitions relating to the establishment of tolerances for residues of certain pesticide chemicals in or on certain commodities in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues where required, is given in each petition.

Initial Filings

1. *FAP 3H5391.* Uniroyal Chemical, 74 Amity Rd, Bethany, CT 06525. Proposed amending 21 CFR Part 561 by establishing a regulation permitting residues of the insecticide 5-(4-chlorophenyl)-2,3-diphenylthiophene in connection with an experimental use program resulting from application of the pesticide in the growing crop citrus with a tolerance limitation of 2.0 parts per million (ppm) in or on dried citrus pulp. (PM-12, Jay Ellenberger, 703-557-2386).

2. *FAP 3H5391.* Uniroyal Chemical. Proposes amending 21 CFR Part 193 by establishing a regulation permitting residues of the above insecticide under said program with a tolerance limitation of 40.0 ppm in citrus oil. (PM-12, Jay Ellenberger, 703-557-2386.

3. *PP 3F2844.* American Research Division, P.O. Box 400, Princeton, NJ 08540. Proposes amending 40 CFR 180.361 by establishing tolerances for the combined residues of the herbicide pendimethalin *[N-T1(1-ethylpropyl)-3,4-dimethyl-2,8-dinitrobenzenzmine] and its metabolite [4-([1-ethylpropyl]amino)-2-methyl-3,5-dinitrobenzyl alcohol in or on the commodity safflower seeds at 0.1 ppm. The proposed analytical method for determining residues is gas liquid chromatography. (PM-25, Robert Taylor, 703-557-1800.*

(Sec. 408(d)(1), 68 Stat. 512, (7 U.S.C. 136); 409 (b)(5), 72 Stat. 1786, (21 U.S.C. 348))

Dated: April 14, 1983.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 83-10740 Filed 4-26-83; 8:45 am]

BILLING CODE 6560-50-M

[OPTS 64000; TSH-FRL 2354-1]

4,4'—Methylenedianiline; Initiation of Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces initiation of a 180-day review of 4,4'—methylenedianiline under section 4(f) of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2603. Information relevant to this review may be submitted to EPA and will receive consideration.

DATES: Information for review must be submitted on or before June 27, 1983.

ADDRESS: Information relevant to this review should be submitted to: Document Control Office (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St. SW., Washington, D.C. 20460

FOR FURTHER INFORMATION CONTACT: Jack P. McCarthy, Director, Industry Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-511, 401 M Street, SW., Washington, D.C. 20460, Toll Free: (800-424-9065). In Washington, D.C.: (554-1404), Outside the USA: (Operator—202-554-1404).

SUPPLEMENTARY INFORMATION: A 180-days review of 4,4'—methylenedianiline has been initiated under section 4(f) of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2603. The Administrator's decision under section 4(f) will be published in the **Federal Register** on or before September 12, 1983. Reveiew may be extended for up to 90 days for good cause. If extended review is necessary, a notice will be published in the **Federal Register.**

Dated: April 15, 1983.

Don R. Clay,.

Acting Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 83-11167 Filed 4-26-83; 8:45 am]

BILLING CODE 6560-50-M

Extension of PSD Permit Originally Issued to the Northern Tier Pipeline Co.

[A-10-FRL #2354-6]

Notice is hereby given that on April 14, 1983, the Environmental Protection Agency (EPA) issued a two year extension to the Prevention of Significant Deterioration (PSD) permit of the Northern Tier Pipeline Company, Number PSD-X81-13.

This extension has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR 52.21) regulation, subject to certain conditions specified in the permit.

Under Section 307(b)(1) of the Clean Air Act, judicial review of the PSD Permit is available only by the filing of a petition for review in the Ninth Circuit Court of Appeals within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

FOR FURTHER INFORMATION CONTACT: Lee Marshall, (206) 442-1417, FTS: 399-1417.

Copies of the permit are available for public inspection upon request at the following location: Environmental Protection Agency, Region 10, 1200 Sixth Avenue, Room 11D, M/S 532, Seattle, Washington 98101.

Dated: April 14, 1983.

John R. Spencer,

Regional Administrator.

[FR Doc. 83-11166 Filed 4-26-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL HOME LOAN BANK BOARD

[No. AC-234]

Valley Federal Savings and Loan Association; Van Nuys, Calif; Final Action Approval of Post-Approval Amendments to Mutual-to-Stock Conversion Application

Notice is hereby given that on April 13, 1983, the General Counsel of the Federal Home Loan Bank Board ("Board"), acting pursuant to the authority delegated to him by the Board, approved Post-Approval Amendment No. 5 to the mutual-to-stock conversion application of Valley Federal Savings and Loan Association, Van Nuys, California ("Association"). The application had been approved by the Board by a letter dated March 9, 1983. Copies of the application and all amendments thereto are available for inspection at the Secretariat of the Board, 1700 G Street NW., Washington, D.C. 20552, and at the Office of the Supervisory Agent, Federal Home Loan Bank of San Francisco, P.O. Box 7948, San Francisco, California 94120.

Dated: April 21, 1983.

By the Federal Home Loan Bank Board.

John M. Buckley, Jr.,

Acting Secretary.

[FR Doc. 83-11228 Filed 4-26-83; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL RESERVE SYSTEM

Acquisition of Bank Shares by a Bank Holding Company; Texas Commerce Bancshares, Inc.

The company listed in this notice has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors, or at the Federal Reserve bank indicated. With respect to the application, interested persons may exprese their views in writing to the address indicated. Any comment on the application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Board of Governors of the Federal Reserve System** (William W. Wiles, Secretary) Washington, D.C. 20551:

1. Texas Commerce Bancshares, Inc., Houston, Texas; to acquire 100 percent of the voting shares or assets of Texas Commerce Bank-Sugarland, N.A., Sugarland, Texas. This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Dallas. Comments on this application must be received not later than May 20, 1983.

Board of Governors of the Federal Reserve System, April 21, 1983.

James McAfee

Associate Secretary of the Board.

[FR Doc. 83-11139 Filed 4-26-83; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies, Proposed de Novo Nonbank Activities; PNC Financial Corp., et al.

The organization identifieds in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, indentifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. **Federal Reserve Bank of Cleveland** (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *PNC Financial Corp,* Pittsburgh, Pennsylvania (lending activities; Texas): To engage, through its subsidiary, The Kissell Company, in making or acquiring and servicing for its own accounts and/or the accounts of others, loans and other extensions of credit. These activities will be conducted at an office located in the metropolitan area of Dallas, Texas, and will serve the counties of Dallas, Tarrant, Parker, Wise, Denton, Collin, Hunt, Rockwall, Kaufman, Van Zandt, Navarro, Ellis, Johnson, Somervell, and Hood, all in Texas. Comments on this application must be received not later than May 16, 1983.

B. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *NCNB Corporation,* Charlotte, North Carolina (consumer finance and insurance activities; North Carolina): To engage, through its subsidiary, TranSouth Financial Corporation, in making direct loans for consumer and other purposes, purchasing retail installment notes and contracts and acting as agent for the sale of credit life, credit accident and health and physical damage insurance directly related to its extensions of credit and through its subsidiary, TranSouth Mortgage Corporation, in making direct loans for consumer and other purposes under the general usury statues, purchasing retail installment notes and contracts; making direct loans to dealers for the financing of inventory (floor planning); and working capital purposes; and acting as agent for the sale of credit life, credit accident and health and physical damage insurance directly related to its extensions of credit from a common office to be located in Waynesville, North Carolina, serving the geographic area 25 miles of said office. Comments on this application must be received not later than May 20, 1983.

C. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *BankAmerica Corporation,* San Francisco, California (financing and insurance activities; expansion of geographic scope; Alabama): To continue to engage, through its indirect subsidiary, FinanceAmerica Corporation, in the activities of making or acquiring for its own account loans and other extensions of credit such as would be made or acquired by a finance company; servicing loans and other extensions of credit; and offering credit-related life insurance, credit-related accident and health insurance and

credit-related property insurance. The aforementioned types of credit-related insurance are permissible under Section 601(D) of the Garn-St Germain Depository Institutions Act of 1982. Such activities will include, but not be limited to, making consumer installment loans, purchasing installment sales finance contracts, making loans and other extensions of credit secured by real and personal property, and offering credit-related life, credit-related accident and health and credit-related property insurance directly related to extensions of credit made or acquired by FinanceAmerica Corporation. Credit-related life and credit-related accident and health insurance may be reinsured by BA Insurance Company, Inc., an affiliate of FinanceAmerica Corporation. All these activities have been previously approved as in accordance with Regulation Y. These activities will be conducted from an existing office located in Anniston, Alabama, serving the entire State of Alabama. Comments on this application must be received not later than May 16, 1983.

2. *Napa National Bancorp*, Napa, California (leasing activities; Northern California): To engage, through its proposed subsidiary, Napa National Leasing Corporation, in making leases of personal property in accordance with the Board's Regulation Y. These activities would be conducted from offices in Napa, California and would be performed in Napa, Sonoma, and Solano Counties, California. Comments on this application must be received not later than May 20, 1983.

Board of Governors of the Federal Reserve System, April 21, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-11141 Filed 4-26-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Company; Thorndale Bancshares, Inc.

The company listed in this notice has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring voting shares or assets of a bank. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated. With respect to the application, interested persons may express their views in writing to the address indicated. Any comment on the application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Thorndale Bancshares, Inc.*, Thorndale, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of Thorndale State Bank, Thorndale, Texas. This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Dallas. Comments on this application must be received not later than May 20, 1983.

Board of Governors of the Federal Reserve System, April 21, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 11140 Filed 4-26-83; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

Surplus Personal Property Mailing List Application (GSA Form 2170)

AGENCY: General Services Administration.

ACTION: Notice of information collection; revision.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the General Services Administration plans to request the Office of Management and Budget to review and approve the revision of an information collection request for the continued collection of data.

DATES: Comments on the information collection must be submitted on or before May 13, 1983.

ADDRESSES: Send comments to Franklin S. Reeder, OMB Desk Officer, Room 3235, NEOB, Washington, D.C. 20503, and to John Gilmore, GSA Clearance Officer, General Services Administration (ORAI), Washington, D.C. 20405.

FOR FURTHER INFORMATION CONTACT: Milton Herman on 202-557-0814.

SUPPLEMENTARY INFORMATION: GSA Form 2170, Surplus Personal Property Mailing List Application, is completed by persons who wish to have their names placed on the surplus property bidders' mailing list. The form allows each prospective bidder to identify the type of property and geographical areas of interest. The preparation and submission of the form is voluntary, the annual estimated number of respondents is 100,000, and the estimated average completion time per response has been reduced from 7½ minutes to 5 minutes. this estimate is based on a reduction in the number of surplus personal property categories. A copy of the information collection proposal may be obtained from the General Services Administration (ORAI), Room 3015, GS Building, Washington, D.C. 20405, telephone (202) 566-1164.

Dated: April 19, 1983.

Clarence A. Lee, Jr.,

Director of Administrative Services.

[FR Doc. 83-10471 Filed 4-26-83; 8:45 am]

BILLING CODE 6820-34-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Health Education Assistance Loan Program; "Maximum Interest Rates for Quarter Ending June 30, 1983"

Section 727 of the Public Health Service Act (42 CFR Part 60, previously 45 CFR Part 126) authorizes the Secretary of Health and Human Services to establish a Federal program of student loan insurance for graduate students in health professions schools. Section 60.13(a)(4) of the program's implementing regulations provides that the Secretary will announce the interest rate in effect on a quarterly basis.

The Secretary announces that for the period ending June 30, 1983, two interest rates are in effect for loans executed through the Health Education Assistance Loan (HEAL) program.

1. For loans made before January 27, 1981, the variable interest rate is 12 percent. Using the regulatory formula (45 CFR 126.13(a)(2)(3)), in effect prior to January 27, 1981, the Secretary computes the variable rate for this quarter by finding the sum of the fixed annual rate (7 percent) and a variable component calculated by subtracting 3.50 percent from the average bond equivalent rate of 91-day U.S. Treasury bills for the preceding calendar quarter (8.39 percent), and rounding the result (4.89 percent) upward to the nearest 1/8 percent (5.0 percent). The regulatory formula also provides that the annual rate of the variable interest rate for a 3-month period shall be reduced to the highest one-eighth of 1 percent which would result in an average annual rate not in excess of 12 percent for the 12-

month period concluded by those 3 months. However, because the average of the 4 quarters concluded by the quarter ending March 31, 1983 is not in excess of 12 percent, there is no necessity for reducing the interest rate. For the previous 3 quarters the variable interest at the annual rate was as follows: 11 percent for the quarter ending September 30, 1982; 111/8 percent for the quarter ending December 31, 1982; and 113/4 percent for the quarter ending March 31, 1983.

2. For fixed rate loans executed during the period of April 1 through June 30, 1983, and for variable rate loans executed after January 27, 1981, the interest rate is 12 percent. Using the regulatory formula (42 CFR 60.13(a)(3)), in effect since January 27, 1981, the Secretary computes the maximum interest rate at the beginning of each calendar quarter by determining the average bond equivalent rate for the 91-day U.S. Treasury bills during the preceding quarter (8.39 percent); adding 3.50 percent (11.89 percent); and rounding that figure to the next higher one-eighth of 1 percent (12 percent).

(Catalog of Federal Domestic Assistance No. 13.108, Health Education Assistance Loans)

Dated: April 21, 1983.

Robert Graham,

Administrator, Assistant Surgeon General.

[FR Doc. 83-11131 Filed 4-26-83; 8:45 am]

BILLING CODE 4160-16-M

Public Health Service

Section 1876 of Social Security Act; Delegation of Authority

Notice is hereby given that in furtherance of the March 31, 1983 delegation by the Secretary of Health and Human Services to the Assistant Secretary for Health of authority under section 1876 of the Social Security Act (42 U.S.C. 1395mm), as amended, to determine whether an entity is an "eligible organization" within the meaning of section 1876(b) of the Social Security Act, the Assistant Secretary for Health has delegated to the Administrator, Health Resources and Services Administration, with authority to redelegate, all the authority delegated to the Assistant Secretary for Health under section 1876 of the Social Security Act (42 U.S.C. 1395 mm), as amended.

The October 23, 1978 delegation by the Acting Assistant Secretary for Health to the Director, Office of Health Maintenance Organizations, has been superseded insofar as it pertains to the authority under the former section 1876(b)(2)(A) of the Social Security Act (42 U.S.C. 1395 mm).

The delegation to the Administrator, Health Resources and Services Administration, became effective on April 15, 1983.

Dated: April 15, 1983.

Edward N. Brandt, Jr.,

Assistant Secretary for Health.

[FR Doc. 83-1158 Filed 4-26-83; 8:45 am]

BILLING CODE 4160-16-M

Title V of the Public Health Service Act; Delegation of Authority to the Director, National Institutes of Health

Notice is hereby given that, in furtherance of the delegation of authority of December 9, 1982 by the Secretary of Health and Human Services to the Assistant Secretary for Health (48 FR 9067), the Assistant Secretary for Health has delegated to the Director, National Institutes of Health the following authorities under Title V of the Public Health Service Act (42 U.S.C. 219–229d), as amended, concerning certain functions of the Public Health Service insofar as they apply to the functions assigned to the National Institutes of Health:

(1) The authority under section 501 (42 U.S.C. 219), as amended, Gifts, excluding the authority to accept gifts of real property. Offers of personal property may not be accepted if the total costs associated with acceptance are expected to exceed the cost of purchasing a similar item and the cost of normal care and maintenance;

(2) The authority under section 506 (42 U.S.C. 224), as amended, Transportation of the Remains of Officers;

(3) The authority under section 507 (42 U.S.C. 225a), as amended, Grants to Federal Institutions;

(4) The authority under section 509 (42 U.S.C. 227), as amended, Availability of Appropriations; and

(5) The authority under section 512 (42 U.S.C. 229a), as amended, Memorials and Other Acknowledgments.

The Director, National Institutes of Health, may redelegate the authority under Title V of the PHS Act subject to the following provisions: the authority to accept conditional gifts offered to the National Library of Medicine may be redelegated to the Director, National Library of Medicine, with authority to redelegate further; otherwise, redelegation of the authority under section 501 is limited to the acceptance of unconditional gifts of personal property valued at $5,000 or less.

Exercise of the authorities under Title V of the PHS Act shall be in accordance with statute and established policies, procedures, guidelines and regulations of the Department and the Public Health Service.

The following delegations of authority to the Director, National Institutes of Health, have been superseded: (1) The Memorandum for the Director, Office of Management, PHS dated August 20, 1979, entitled: Delegation of Authority Under Section 501 of the PHS Act to Accept Gifts; (2) the Memorandum for the Acting Director, Office of Management, PHS, dated March 25, 1981, entitled: Delegation of Authority Under Section 501 of the PHS Act to Accept Gifts; (3) that portion concerning section 509 in the Memorandum for the Assistant Secretary for Administration and Management, OS, HEW, dated March 26, 1971, entitled: Delegation of Authority with Respect to the Wearing of Uniforms or Other Special Wearing Apparel; and (4) the Delegation of Authority to the extent that it concerns Title V and in particular section 509, contained in the Public Health Service Reorganization Order of July 1, 1973 (38 FR 18261).

The delegation to the Director, National Institutes of Health, became effective on April 13, 1983.

Dated: April 13, 1983.

Edward N. Brandt, Jr.,

Assistant Secretary for Health.

[FR Doc. 83-11157 Filed 4-26-83; 8:45 am]

BILLING CODE 4140-01-M

National Center for Health Services Research; Notice of Assessment of Medical Technology

The Public Health Service (PHS), through the Office of Health Technology Assessment (OHTA), announces that it is coordinating an assessment of what is known of the safety and clinical effectiveness and use (indications) of electrocoagulation of gastrointestinal hemorrage. Specifically, we are interested in the medical indications for: its use in the treatment of specific upper and lower gastrointestinal bleeding lesions (i.e. Mallory-Weiss tears, visible vessels in gastric or duodenal ulcers) and in other forms of endoscopic control of gastrointestinal bleeding such as thermal coagulation (heater probe) laser photocoagulation (Neodymium YAG or Argon) sclerotherapy, and topical therapy. Emoblic and pharmacotherapy are not within the scope of this assessment.

For the purposes of this announcement, electrocoagulation of gastrointestinal hemorrhage is defined as the endoscopic use of monopolar or bipolar probes or electrofulguration in the coagulation and treatment of

gastrointestinal bleeding lesions. Other endoscopic methods of coagulation therapy are also being assessed. These methods and devices will be assessed from the standpoint of safety, clinical effectiveness and the extent to which these procedures are accepted and applied in the medical community as standard methods of treatment. The assessment also seeks to identify which of these modalities and devices are presently in investigational stages of development.

The PHS assessment consists of a synthesis of information obtained from appropriate organizations in the private sector and from PHS agencies and others in the Federal Government. PHS assessments are based on the most current knowledge concerning the safety and clinical effectiveness of a technology. Based on this assessment, a PHS recommendation will be formulated to assist the health Care Financing Administration (HCFA) in establishing Medicare coverage policy. Any person or group wishing to provide OHTA with information relevant to this assessment should do so in writing no later than July 15, 1983, or within 90 days from the date of publication of this notice.

The information being sought is a review and assessment of past, current, and planned research related to this technology, a bibliography of published, controlled clinical trials and other well-designed clinical studies since 1976 and other information related to the characterization of the patient population most likely to benefit, the clinical acceptability, and the effectiveness of this technology. Proprietary information is not being sought, but published commercial information may be submitted.

Written material should be submitted to: Enrique D. Carter, M.D., National Center for Health Services Research, Office of Health Technology Assessment, Park Bldg., Room 3-10, Stop #2, 5600 Fishers Lane, Rockville, Maryland 20852.

Further information is available from Enrique D. Carter, M.D., Health Science Analyst, at the above address or by telephone (301) 443-4990.

Dated: April 18, 1983.

Harold Margulies,

Director, Office of Health Technology Assessment, National Center for Health Services Research.

[FR Doc. 83-11388 Filed 4-26-83; 8:45 am]

BILLING CODE 4160-17-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Bureau Forms Submitted for Review

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Bureau's clearance officer and the Office of Management and Budget's reviewing official, Mr. Richard Otis, at (202)395-7340.

Title: 43 CFR 4120.6-7, Proffer of Monetary Contribution

Bureau Form Number: 4120-9

Frequency: Occasionally

Description of Respondents: Persons or groups wishing to make monetary contributions to the Bureau's resource protection and management program.

Annual Responses: 50

Annual Burden Hours: 25

Bureau clearance officer (alternate): Linda Gibbs 202-653-8853.

Dated: October 15, 1982.

Arnold E. Petty

Acting Associate Director.

[FR Doc. 83-11148 Filed 4-26-83; 8:45 am]

BILLING CODE 4310-84-M

[C-3357, C-3358]

Colorado; Classification Decision Termination

April 19, 1982.

1. Pursuant to authority delegated by Bureau Order No. 701 dated July 23, 1964 (29 FR 10526), as amended, the Bureau of Land Management Multiple Classification Orders of March 18, 1968, March 22, 1968, and July 3, 1969, described in **Federal Register** notices of March 28, 1968 (32 FR 4998-4999), April 2, 1968 (33 FR 5271), and July 10, 1969 (34 FR 11428), segregating the following described public lands from appropriation under the agricultural lands laws (43 U.S.C. Chapters 7 and 9, 25 U.S.C. 334) and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171), and further segregating the following described public lands under the general mining laws (30 U.S.C. Ch. 2) are hereby terminated: C-3357:

Dome Lake Site

New Mexico Principal Meridian

T. 45 N., R. 2 E.,
Sec. 2, W½ of lot 4 (W½NW¼NW¼), and S½NW¼;
Sec. 3, SE¼NE¼.
T. 46 N., R. 2 E.,
Sec. 35, W½NW¼NW¼, and W½SW¼ NW¼.

The area described aggregates 179.65 acres in Saguache County.

Cochetopa Creek

New Mexico Principal Meridian

T. 47 N., R. 2 E.,
Those lands within 300 feet of either side of Cochetopa Creek within sections 5, 8, 16 (State Minerals), 17, 18, 20, 21, 28, and 29 (Subject to Power Site Reserve No. 43).

The area described aggregates 668 acres in Saguache County.

Tomichi Site

New Mexico Principal Meridian

T. 49 N., R. 2 E.,
Sec. 16, NW¼NW¼, S½NW¼NE¼NW¼, S½NW¼NW¼NW¼, S½NW¼ NW¼NE¼NW¼, and SW¼NE¼ NE¼NW¼ (State Minerals).

The area described aggregates 69 acres in Gunnison County.

Cathedral Site

New Mexico Principal Meridian

T. 44 N., R. 2 W.,
Sec. 1, lot 5 (NE¼NE¼), (Subject to PLO 5309, and PLO 5386);
Sec. 12, lots 4 (SW¼NW¼), 5 (SE¼NW¼), and 6 SW¼NW¼, (Subject to PLO 5309, and PLO 5386).

The area described aggregates 167.60 acres in Hinsdale County.

Granodiorite Site

New Mexico Principal Meridian

T. 49 N., R. 2 W.,
Sec. 13, W½ NE¼, W½E½NE¼, NE¼NE¼NE¼, E½NW¼, W½SE¼ (Subject to Power Site Reserve No. 50 and C-014843, Bureau of Reclamation withdrawal).

The area described aggregates 390 acres in Gunnison County.

Powderhorn Lakes Site

New Mexico Principal Meridian

T. 45 N., R. 3 E.,
Sec. 22, E½SE¼, (Subject to C-19376, Public Water Reserve No. 107);
Sec. 23, Lots 7 thru 12 (lot 7 subject to C-19376, Public Water Reserve No. 107).

This area described aggregates 288 acres in Hinsdale County.

Narrow Grade Site

New Mexico Principal Meridian

T. 45 N., R. 4 W.,
Sec. 2, SW¼NE¼ (patented surface and minerals).

The area described aggregates 40 acres in Gunnison County.

Kellog Siding Site

New Mexico Principal Meridian

T. 46 N., R. 4 W.,
Sec. 25, SW¼NE¼.

The area described aggregates 40 acres in Gunnison County.
C–3358:

Big Blue Creek Site

New Mexico Principal Meridian

T. 47 N., R. 5 W.,
300 feet on either side of Big Blue Creek in the following described areas:
Sec. 15, SW¼NW¼, and W½SW¼;
Sec. 22, W½W½, and W½E½W½;
SeC. 27, W½W½, and W½E½W½;
Sec. 34, NW¼.

The area described aggregates 275 acres in Gunnison County.

Little Cimarron Site

New Mexico Principal Meridian

T. 46 N., R. 6 W.,
Sec. 12, E½SE¼.

The area described aggregates 80 acres in Gunnison County.

2. At 10:00 a.m. on May 31, 1983, the lands in paragraph one shall be open to the public land laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law.

3. At 10:00 a.m., on May 31, 1983, the lands in paragraph one will be open to the United States mining laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. Appropriations of lands under the general mining laws prior to the date and time of restoration is authorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. Sec. 38, shall vest no rights against the United States. Acts required to establish a location and to intitiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

The lands have been and continue to be open to applications and offers under the mineral leasing laws, subject to valid existing rights.

Inquiries concerning the land should be addressed to the Chief, Lands and General Mining Law Section, Branch of Lands and Minerals Operations, Bureau of Land Management, 1037–20th Street, Denver, Colorado 80202.

George C. Francis,
State Director.

[FR Doc. 83–11159 Filed 4–26–83; 8:45 am]
BILLING CODE 4310–84–M

[I–18576]

Realty Action; Competing Sale of Public Lands in Camas County, Idaho

AGENCY: Bureau of Land Management, Interioir.

ACTION: Notice of realty action, I–18576, competitive sale of public lands in Camas County, Idaho.

SUMMARY: The following described land has been examined and identified as suitable for disposal by sale under Section 203 of the Federal Land Policy and Management Act of 1976 (909 Stat. 2750; 43 U.S.C. 1713) at no less than fair market value of $4,000.00. Both sealed and oral bids will be accepted.

Boise Meridian, Idaho

T. 2S., R. 17E.
Sec. 11: W½NW¼—comprising 20 acres.

The land, which will be sold at public auction by competitive bidding, is no longer required for any Federal purpose. It does not complement BLM programs and the location and physical characteristics of the tract, along with the private ownership of adjoining lands, make it uneconomical to manage as public land. Disposal would not have any significant effect on resource values and would best serve the public interest.

Notice is hereby given that on or after July 1, 1985, any grazing permit for Macon Flat Allotment may be altered to reflect the deletion of this 20 acre parcel. Because of the minimal impact to grazing capacity, no reduction of grazing capacity is expected. A grazing decision will be issued and be subject to protest under 43 CFR 4160.2 and/or appeal under 43 CFR 4.470.

A patent for the land, when issued, shall be subject to the following conditions:

1. A right-of-way for ditches and canals constructed by the authority of the United States. Act of August 30, 1980, 26 Stat. 391; 43 U.S.C. 945.

2. All minerals including Oil and Gas and Geothermal shall be reserved to the United States, as required by section 209(a) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1719.

3. All valid existing rights and reservations of record.

The sale will be held at the Shoshone District Office, Bureau of Land Management, 400 West F Street, Shoshone, Idaho at 10:00 a.m. Friday, July 1, 1983.

Additional information concerning the land, terms and conditions of the sale, and bidding instructions may be obtained from the Shoshone District Manager, at the above address or by calling (208) 886–2206.

Further Information/Inquiries

Detailed information concerning this sale, including the planning documents and Environmental Assessment, is available for review in the Shoshone District Office at the address indicated above. For a period of 45 days from the date of this notice, interested parties may submit comments to the Shoshone District Manager. Any adverse comments will be evaluated by the Idaho State Director, Bureau of Land Management, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

Dated: April 19, 1983.

Dennis D. Schulze,
Acting District Manager.

[FR Doc. 83–11160 Filed 4–26–83; 8:45 am]
BILLING CODE 4310–84–M

[M 166]

Montana; Partial Termination of Proposed Withdrawal and Reservation of Land

April 15, 1983.

The Forest Service, United States Department of Agriculture, filed an application for withdrawal of the following described land from location and entry under the mining laws. The Notice of Proposed Withdrawal was published in the **Federal Register** on August 19, 1966, Vol. 31, No. 161, pages 11039–11040, and republished in **Federal Register**, on June 16, 1977, Vol. 42, No. 115, pages 30692–30693. The applicant agency has cancelled its application in part as to the following:

Principal Meridian, Beaverhead National Forest, Lower Seymour Lake Campground

T. 3 N., R. 13 W.,
Sec. 26. SW¼NE¼NE¼NW¼, SE¼NW¼NE¼NW¼, NE¼SW¼ NE¼NW¼ and NW¼SE¼NE¼NW¼.

The area described contains 10 acres in Deer Lodge County.

Therefore, pursuant to the regulations contained in 43 CFR 2091.2–5(b)(1), at 8 A.M. on May 17, 1983, such lands will be relieved of the segregative effect of the above mentioned application.

Inquiries concerning these lands should be addressed to the Chief, Branch of Lands Resources, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107.

Chief, Branch of Land Resources.

Roland F. Lee,

[FR Doc. 83-11161 Filed 4-26-83; 8:45 am]

BILLING CODE 4310-84-M

Worland District Advisory Council; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given in accordance with Pub. L. 91-463, Pub. L. 94-579, Pub. L. 95-514, and 43 CFR Part 1780, that a meeting of the Worland District Advisory Council will be held on June 7, 1983, at 9:30 a.m. Agenda for the meeting will include the following:

1. Introduction and Opening Comments.
2. Orientation and Highlight of District Program.
3. Council Function and Involvement.
4. Election of Officers.
5. Fiscal Year 1983 Public Land Sale Program.
6. The Asset Management Program.
7. Arrangements for Next Meeting.

The meeting is open to the public. Interested persons may make oral statements to the Council between 11:30 a.m. and 12 noon, or file written statements for the Council's consideration. Anyone wanting to make an oral statement must notify the District Manager by June 3, 1983. Depending on the number of persons wanting to make oral statements, a per-person limit may be established.

DATE: June 7, 1983, 9:30 a.m.

ADDRESS: Bureau of Land Management Office, Conference Room 1700 Robertson Avenue, Worland, Wyoming.

FOR FURTHER INFORMATION CONTACT: Paul Andrews, Associate District Manager, Bureau of Land Management, 1700 Robertson Avenue, Worland, Wyoming 82401. (307/347-8151)

SUPPLEMENTARY INFORMATION: Summary minutes of the meeting will be maintained in the District Office and will be available for public inspection and reproduction during regular business hours within 30 days following the meeting.

Chester E. Conard,

District Manager.

[FR Doc. 83-11162 Filed 4-26-83; 8:45 am]

BILLING CODE 4310-84-M

[W-71187, W-71188, W-71190]

Wyoming; Proposed Withdrawal Continuation

Correction

In FR Doc. 83-9218 appearing on page 15335 in the issue of Friday, April 8, 1983, make the following correction:

In the center column of page 15335, under T. 45N., R. 114 W., in Sec. 18, "E½ W¼" should have read "E½ NW¼".

BILLING CODE 1505-01-M

Fish and Wildlife Service

Information Collection Submitted for Review

The proposal for the collection of information listed below has been submitted to the Office of Managment and Budget (OMB) for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting the Service's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Service clearance officer and the OMB Interior Desk Officer at 202-395-7340.

Title: Federal Fish and Wildlife Permit/License Bureau Form Number: 3-200

Frequency: On occasion/annually

Description of Respondents: Individuals and businesses that take, posses or sell listed wildlife and their product; State, local, Federal governments, and educational institutions involved in scientific research and propagation

Annual Responses: 25,013 pc

Annual Burden Hours: 21,086 pc

Service Clearance Officer: Arthur J. Fergunson, 202-653-7499.

April 15, 1983.

John P. Rogers,

Associate Director—Wildlife Resources.

[FR Doc. 83-11147 Filed 4-26-83; 8:45 am]

BILLING CODE 4310-55-M

Minerals Management Service

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Kerr-McGee Corp.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Kerr-McGee Corporation has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 4842, Block, 34, South Timbalier Area, Offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Services makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). These practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: April 20, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-11145 Filed 4-26-83; 8:45 am]

BILLING CODE 4310-MR-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Chevron U.S.A. Inc.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Chevron U.S.A. Inc. has submitted a Development and Production Plan describing the activities it proposes to conduct on Leases OCS-G 2812, 3301, and 4130, Blocks 237, 192, and 193, Garden Banks Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at

the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: April 20, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-11146 Filed 4-26-83; 8:45 am]

BILLING CODE 4310-MR-M

Office of Surface Mining Reclamation and Enforcement

[Federal Lease No. 71692]

Availability of Final Environmental Impact Statement on the Proposed North Rochelle Mine, Campbell County, Wyoming

AGENCY: Office of Surface Mining Reclamation and Enforcement, Intereior.

ACTION: Notice of availability of final environmental impact statement.

SUMMARY: Notice is hereby given that the Office of Surface Mining Reclamation and Enforcment (OSM), Western Technical Center, has prepared a final environmental impact statement (EIS) on the mining and reclamation plan submitted by Shell Oil Company Mining to OSM and the State of Wyoming for the proposed North Rochelle mine. The EIS evaluates the two alternative actions of approval or disapproval that the Department could take on this plan and will assist the Department in making a decision on Shell Oil Company Mining's application for surface mining of coal south of the City of Gillette, Wyoming.

ADDRESSES: Copies of the final EIS may be obtained from Allen D. Klein, Administrator, Western Technical Center, Office Surface Mining, Brooke Towers, 1020 Fifteenth Street, Denver, Colorado 80202.

Copies of the EIS are available for review at the Converse County Courthouse and the Douglas Library, Douglas, Wyoming; the Campbell County Courthouse and the George Amos Memorial Library, Gillette, Wyoming; and at the State of Wyoming, Department of Environmental Quality, 401 Nineteenth Street, Cheyenne, Wyoming.

FOR FURTHER INFORMATION CONTACT: Allen D. Klein, Attn: Charles Albrecht (telephone 303–837–5656) at the location given under "ADDRESSES."

SUPPLEMENTARY INFORMATION: Shell Oil Company Mining has submitted an application to OSM and the State of Wyoming for approval of the mining and reclamation plan for the proposed North Rochelle mine which will surface mine about 197 million tons of coal over a period of 26 years. The proposed site is 55 miles south of the City of Gillette, Wyoming. The mine would encompass 4,587 acres of State, private, and Federal land (Thunder Basin National Grasslands) of which 3,271 acres would be disturbed for mining, roads, railroad spur, and facilities.

OSM has identified a preferred alternative which is approval of the modified mining and reclamation plan. The State of Wyoming, the U.S.D.A. Forest Service, and OSM have identified stipulations that would be attached to the permit if it is granted. The other alternative is disapproval or no action.

OSM, with assistance from the Geological Survey, the Forest Service, the Interstate Commerce Commission, and the State of Wyoming, has analyzed the impacts of the alternatives. The final EIS consists of two documents: Draft EIS OSM–EIS–9 and Final EIS OSM–EIS–9. The final EIS document contains all the written comments submitted to OSM regarding the North Rochelle draft EIS and also contains responses as well as certain revisions to the draft document. Where changes in response to comments on a draft EIS are minor and do not warrant extensive revision, an abbreviated final EIS of this sort is sanctioned by the Council on Environmental Quality's regulations (40 CFR 1503.4(c)). Therefore, both documents are needed for complete EIS information.

Dated: April 22, 1983.

Carson W. Culp, Jr.,

Acting Director, Office of Surface Mining.

[FR Doc. 83-11196 Filed 4-26-83; 8:45 am]

BILLING CODE 4310-05-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Joint Committee on Agricultural Research and Development of the Board for International Food and Agricultural Development; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, notice is hereby given of the fourth meeting of the Joint Committee on Agricultural Research and Development (JCARD) of the Board for International Food and Agricultural Development (BIFAD) on May 16 and 17, 1983.

The purpose of the meeting is to assist AID in implementing the components of the Title XII program by providing a two-way communications link for concerns of AID and concerns of the universities. The meeting will be addressing several of the issues identified in JCARD's "Program of Work Plan for 1983" including the International Research Centers and the Strengthening Grant Program.

The Executive Committee will meet from 9:00 a.m. to 12:00 noon on May 16; and the full JCARD will meet from 1:00 p.m. to 5:00 p. m. on May 16 and from 9:00 a.m. to 12:00 noon on May 17. The meeting will be held in the Holiday Inn, 1850 N. Fort Myer Drive, Rosslyn, Virginia. The meeting is open to the public. Any intereested person may attend, may file written statements with the Committee before or after the meeting, or may present oral statements in accordance with procedures established by the Committee, and to the extent the time available for the meeting permits.

Dr. John Stovall, BIFAD Support Staff, is the designated A.I.D. Advisory Committee Representative at the meeting. It is suggested that those desiring further information write to him in care of the Agency for International Development, BIFAD Support Staff, Washington, D. C. 20523 or telephone him at (202) 632–8532.

Dated: April 21, 1983.

John Stovall,

A.I.D. Advisory Committee Representative, Joint Committee on Agricultural Research and Development, Board for International Food and Agricultural Development.

[FR Doc. 83-11130 Filed 4-26-83; 8:45 am]

BILLING CODE 6116-01-M

INTERNATIONAL TRADE COMMISSION

Certain Canape Makers; Investigation

[Investigation No. 337-TA-146]

AGENCY: International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on March 24, 1983, and amended on April 18, and 20, 1983, under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), on behalf of LK Manufacturing Corp., 9 Northern Boulevard, Greenvale, New York 11548. The compliant alleges unfair methods of competition and unfair acts in the importation of certain canape makers into the United States, or in their sale, by reason of alleged infringement of the claim of U.S. Letters Patent Des. 268,318. The complaint further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

The complainant requests that, during the pendency of the investigation, the Commission issue a temporary exclusion order, prohibiting importation of the articles into the United States except under bond and, after a full investigation, issued a permament exclusion order.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930 and in § 210.12 of the Commission's Rules of Practice and Procedure (19 CFR 210.12).

Scope of investigation: Having considered the complaint, the U.S. International Trade Commission, on April 20, 1983, Ordered that:

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930 an investigation be instituted to determine whether there is reason to believe that there is a violation or whether there is a violation of subsection (a) of section 337 in the unlawful importation of certain canape makers in the United States, or in their sale, by reason of infringement of the claim of U.S. Letters Patent Des. 268,318, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—

LK Manufacturing Corp., 9 Northern Boulevard, Greenvale, New York 11548.

(b) The respondents are the following companies, alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Wecolite Company, Inc., 699 Front Street, Teaneck, New Jersey 07660

Hoan Products Ltd., 615 East Crescent Avenue, Ramsey, New Jersey 07446

Rowoco, Warehouse Lane, Elmsford, New York 10523

Mid-West Housewares, Inc., 3320 North Kedzie Avenue, Chicago, Illinois 60618

Cooks Tools Ltd., 621 Route 46 West, Hasbrouck Heights, New Jersey 07604

S. Rossi Co., 197 Lagunitas Road, Ross, California 94957

(c) Samuel Bailey Jr., Esq., Unfair Import Investigations Division, U.S. International Trade Commission, 701 E Street NW., Room 128, Washington, D.C. 20436, shall be the Commission investigative attorney, a party to this investigation; and

(3) For the investigation so instituted, Donald K. Duvall, Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding officer. Pursuant to § 210.30(c) of the Commission's Rules of Practice and Procedure (19 CFR 210.30(c)), discovery should be allowed in connection with the temporary relief phase of the investigation only to the extent necessary to weigh the standards that are applicable in determining whether temporary relief should be granted.

Responses must be submitted by the named respondents in accordance with § 210.21 of the Commission's Rules of Practice and Procedure (19 CFR 210.21). Pursuant to §§ 210.16(d) and 210.21(a) of the rules, such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting a response will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the presiding officer and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings.

The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street N.W., Room 156, Washington, D.C. 20436, telephone 202-523-0471.

FOR FURTHER INFORMATION CONTACT: Samuel Bailey Jr., Esq., Unfair Import Investigations Division, U.S. International Trade Commission, telephone 202-523-1273.

Issued: April 21, 1983.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-11252 Filed 4-26-83; 8:45 am]

BILLING CODE 7020-02-M

Certain Cupric Hydroxide Formulated Fungicides and Cupric Hydroxide Preparations Used in the Formulation Thereof; Commission Decision Not To Review Initial Determination

AGENCY: International Trade Commission.

ACTION: Notice is hereby given that the Commission has determined not to review the presiding officer's initial determination (Order No. 31) granting a joint motion to terminate the above-captioned investigation as to respondents Cuproquim, S.A. and Jerry A. Mohn based on a settlement agreement.

Authority: The authority for the Commission's disposition of this matter is contained in sections 335 and 337 of the Tariff Act of 1930 (19 U.S.C. 1335, 1337) and in §§210.53(c) and 210.53(h) of the Commission's Rules of Practice and Procedure (47 FR 25134, June 10, 1982; to be codified at 19 CFR 210.53(c) and (h)).

SUPPLEMENTARY INFORMATION: On March 16, 1983, the presiding officer issued an initial determination granting the joint motion of complainant Kocide Chemical Corp. and respondents Cuproquim, S.A. and Jerry A. Mohn to terminate the investigation as to those respondents on the basis of a written settlement agreement. Under § 210.54(b) of the Commission's rules, the deadline for filing petitions for review expired on March 18, 1983. No petitions were filed.

Copies of the nonconfidential version of the presiding officer's initial determination, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

FOR FURTHER INFORMATION CONTACT: Warren H. Maruyama, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-0375.

Issued: April 18, 1983.

By order of the Commission.

Kenneth R. Mason.

Secretary.

[FR Doc. 83-11255 Filed 4-26-83; 8:45 am]

BILLING CODE 7020-02-M

Certain Rotary Wheel Printers; Order

[Investigation No. 337-TA-145]

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge Janet D. Saxon as Presiding Officer in this investigation.

The Secretary shall serve a copy of this order upon all parties or record and shall publish it in the **Federal Register.**

Issued: April 19, 1983.

Donald K. Duvall

Chief Administrative Law Judge.

[FR Doc. 83-11254 Filed 4-26-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-120]

Certain Silica-Coated Lead Chromate Pigments; Issuance of Exclusion Order

AGENCY: International Trade Commission.

ACTION: Issuance of exclusion order.

SUPPLEMENTARY INFORMATION: On April 7, 1983, the Commission unanimously determined with respect to the above-captioned investigation that there is a violation of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation of certain silica-coated lead chromate pigments into the United States, and in their sale, the effect or tendency of which is to substantially injure an industry, efficiently and economically operated, in the United States. In addition, the Commission determined that a limited exclusion order pursuant to subsection (d) of section 337 is the most appropriate remedy for the violation found to exist, that the public-interest factors enumerated in subsection (d) do not preclude the issuance of such an order , and that the amount of the bond under subsection (g) of section 337 should be 35 percent of the entered value of the articles concerned. The Commission's Action and Order and the Commission opinion in support thereof were issued on April 21, 1983.

The notice instituting the investigation and defining its scope was published in the **Federal Register** on April 21, 1982 (47 FR 17134).

The Commission Action and Order, the Commission opinion, and all other non-confidential documents on the record of the investigation are available for public inspection Monday through Friday during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0471.

FOR FURTHER INFORMATION CONTACT: Gracia M. Berg, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-1626.

Issued: April 21, 1983.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-11257 Filed 4-26-83; 8:45 am]

BILLING CODE 7020-02-M

[332-155]

Competitive Position of U.S. Producers of Robotics in Domestic and World Markets

AGENCY: International Trade Commission.

ACTION: The Commission will hold a public hearing for the purpose of affording all interested parties an opportunity to present views on the competitive position of the U.S. robotics industry in domestic and international markets. The initial notice of the investigation indicating the scope of the study, contact persons, and other related information was published in the **Federal Register** of March 9, 1983 (48 FR 9971).

Public hearing: A public hearing in connection with the investigation will be held in the Commission Hearing Room, 701 E Street N.W., Washington, D.C. 20436, beginning at 10:00 a.m., e.d.t., on September 7, 1983. All persons shall have the right to appear by counsel or in person, to present information and to be heard. Request to appear at the public hearing should be filed with the Secretary, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, not later than August 30, 1983.

Written submissions: In lieu of or in addition to appearance at the public hearing, interested persons are invited to submit written statements concerning the investigation, by September 1, 1983. Commercial or financial information which a submitter desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of section 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested parties. All submissions should be addressed to the Secretary at the Commission's office in Washington, D.C.

Issued: April 18, 1983.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-11256 Filed 4-26-83; 8:45 am]

BILLING CODE 7020-02-M

[332-161]

Possible Effects of Changing World Crude Petroleum Prices

AGENCY: International Trade Commission.

ACTION: In accordance with the provisions of section 332(b) of the Tariff Act of 1930 (19 U.S.C. 1332(b)), the Commission has instituted on its own motion investigation No. 332-161 for the purposes of gathering and presenting information on the future supply and prices of crude petroleum. This information will be used in assessing the possible effects of changing crude petroleum prices on such areas as United States Trade, the petroleum industry, the petrochemical industry, and other energy-intensive industries.

EFFECTIVE DATE: April 20, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. John J. Gersic of Mrs. Cynthia B. Foreso, Energy and Chemicals Division, U.S. Intenational Trade Commission, Washington, D.C. 20436 (telephone—202-523-0451 or 202-523-1230).

Public hearing: A public hearing will be held in Houston, Texas starting Nov. 1, 1983 in connection with the investigation. At least 60 days prior to the hearings, a **Federal Register** notice will be posted giving the time and place. All persons shall have the right to appear by counsel or in person, to present information, and to be heard. Requests to appear at the public hearing should be filed with the Secretary, United States International Trade Commission, 701 E Street, N.W., Washington, D.C. 20436, no later than Oct. 24, 1983.

Written submissions: In lieu of or in addition to appearance at the public hearing, interested persons are invited to submit written statements concerning the investigation, no later than October, 24, 1983. Commercial or financial information which a party desires the

Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 200.6). All written submissions, except for confidential business information, will be made available for inspection by interested parties. All submissions should be addressed to the Secretary at the Commission's office in Washington, D.C.

Issued: April 22, 1983.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-11253 Filed 4-26-83; 8:45 am]

BILLING CODE 7020-02-M

INTERSTATE COMMERCE COMMISSION

[No. 39172 et al.[1]]

Motor Carriers; Barrett Moving & Storage Company—Petition for Exemption From Tariff Filing Requirements

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Two motor contract carriers have each requested exemption from the tariff filing requirements of 49 U.S.C. 10702, 10761, and 10762. The sought relief is provisionally granted for future as well as existing contracts.

DATES: Comments are due on May 12, 1983. The sought relief will become final May 27, 1983, after the close of the comment period unless, in response to time filed adverse comments, the Commission issues a further decision withdrawing the relief.

ADDRESS: Send an original and 15 copies of comments to: Room 2139, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Elaine Dobbins, (202) 275-6272 or Howell I. Sporn, (202) 275-7691.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. Infosystems, Inc., Room 2227, 12th and Constitution Ave., N.W., Washington, D.C. 20423, or call 289-4357 in the DC metropolitan area or toll free (800) 424-5403.

Decided: April 20, 1983.

By the Commission, Division 2, Commissioners Gradison, Taylor, and Sterrett. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-11150 Filed 4-26-83; 8:45 am]

BILLING CODE 7035-01-M

[1] This proceeding embraces two petitions for exemption filed by motor contract carriers: No. 39172, Barrett Moving & Storage Company and No. 39175, Rail-Trail Co.

Motor Carriers; Decision Notice; Finance Applications

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1181.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be met before transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

Agatha L. Mergenovich,

Secretary.

For status, please call Team 4 at 202-275-7669.

Volume No. OP4-FC-247

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC-FC-81393, filed April 11, 1983. By decision of April 20, 1983 issued under 49 U.S.C. 10926 and the transfer at 49 CFR Part 1181, Review Board Number 1 approved the transfer to HEAVY HAUL CRANE & RIGGING, INC., of Spokane, WA, of Certificate No. MC-163197, issued January 26, 1983, to RAY SPENCER, Kellogg, ID, authorizing the transportation of (1) *building materials*, between points in Idaho, Washington, Montana, North Dakota, South Dakota, Minnesota, Colorado, Wyoming, and Nebraska; (2) *machinery* between points in Minnesota, North Dakota, South Dakota, Montana, Wyoming, Colorado, Utah, Idaho, Washington, and Oregon, (3) *transportation equipment*, between points in Washington, Oregon, Montana, North Dakota, South Dakota, and Wyoming; and (4) *scrap iron and metal products*, between points in Idaho, Washington, Oregon, and Montana. Representative: James W. Atwood, P.O. Box 447, Coeur d'Alene, ID 83814.

[FR Doc. 83-11153 Filed 4-26-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (fitness-only); Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods). The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** on December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of

the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in the **Federal Register** on November 24, 1982, at 49 FR 53271. For compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E.

These applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

The the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service in for a named shipper "under contract."

Please direct status inquiries to Team 1, (202) 275–7992.

Volume No. OP1–148

Decided: April 29, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 148391 (Sub-2), filed April 15, 1983. Applicant: THE CONOVER EXCHANGE, INC., 7433 Bollinger Road, Conover, OH 45317. Representative: Joseph Winter, 29 South LaSalle St., Chicago, IL 60603, (312) 263–2306. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 167361, filed April 11, 1983. Applicant: HARRY DEFRATES, RRI Box 297, Hampshire, IL 60140. Representative: Harry Defrates (same address as applicant), (312) 683–3630. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 167401, filed April 13, 1983. Applicant: GENESIS GROUP, INC., 2059 Greens Court, Hoffman Estates, IL 60194. Representative: Robert L. Cope, Suite 501, 1730 M Street, NW., Washington, DC 20036, (202) 296–2900. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI.

MC 167430, filed April 15, 1983. Applicant: U.S. TRANSPORTATION CORPORATION, R. D. #3, Pottsville, PA 17901. Representative: Joseph T. Bambrick, Jr., P.O. Box 216, Douglassville, PA 19518, (215) 385–6086. As a *broker, of general commodities* (except household goods), between points in the U.S.

MC 167431, filed April 14, 1983. Applicant: MINATEE TRANSPORT, 1171 Chestnut St., Camden, NJ 08101. Representative: Larry Minatee, 34 Charman Ave., Lawnside, NJ 08045, (609) 547–1866. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

MC 167440, filed April 15, 1983. Applicant: ST. LOUIS TRAFFIC BUREAU, INC., 5053 Clayridge Drive, Suite 203, St. Louis, MO 63129. Representative: Daniel J. Crinnion (same address as applicant), (314) 892–8102. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 167450, filed April 15, 1983. Applicant: DENNIS S. CROWDEN d.b.a. D C TRANSPORTATION Rt. #5—Box 105, Decatur, AL 35603. Representative: Dennis Crowden (same address as applicant), (205) 350–7544. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

For the following, please direct status calls to Team 4 at 202–275–7669.

Volume No. OP4–245

Decided: April 20, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 147816 (Sub-3), filed April 15, 1983. Applicant: VALLEY TRAVEL CLUB, INC., 15243 Victory Blvd., Van Nuys, CA 91405. Representative: Milton W. Flack, 8484 Wilshire Blvd., #840, Beverly Hills, CA 90211, (213) 655–3573. Transporting *passenger,* in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

[FR Doc. 83–11154 Filed 4–26–83; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water Carriers; Household Goods Brokers. The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers are governed by subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, subpart A,

published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the **Federal Register** on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922 (c)(2)(E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, subtitle IV, United States Code, and the Commission's regulations.

We make an additional preliminary finding with respect to each of the following types of applications as indicated: common carrier of property—that the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier—that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, and household goods broker—that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please direct status inquiries to Team 2, (202) 275–7030.

Volume No. OP2–185

Decided: April 14, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 59583 (Sub-191), filed April 4, 1983. Applicant: THE MASON AND DIXON LINES, INCORPORATED, P.O. Box 969, Kingsport, TN 37662. Representative: Kim D. Mann, suite 1301, 1600 Wilson Blvd., Arlington, VA 22209, 703–522–0900. Transporting *general commodities* (except classes A and B explosives, commodities in bulk and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Mattel Toys, Division of Mattel, Inc., of Hawthorne, CA.

MC 107012 (Sub-812), filed April 5, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant), 219–429–2110. Transporting *household goods*, between points in the U.S., under continuing contract(s) with Intergraph Corporation, of Huntsville, AL.

MC 107743 (Sub-62), filed March 8, 1983. Applicant: SYSTEM TRANSPORT, INC., P.O. Box 3456, Spokane, WA 99220. Representative: James E. Wallingford, P.O. Box 11841, Spokane, WA 99214, 509–535–6236. Transporting *farm products, clay, concrete, glass or stone products, plastic and rubber products, and metal products*, between points in the U.S. (except AK and HI). Condition: Issuance of a certificate in this proceeding is subject to prior or coincidental cancellation at applicant's written request of the permits in MC–138256 Sub-Nos. 9, 16, 18, and 20, and MC–141548 Sub 21X (and the underlining authority it supercedes in MC–138256 Sub-Nos. 2, 4, 5, and 11F).

Note.—The purpose of this application is to convert applicant's contract-carrier authority to common-carrier authority, and to remove plantsite restrictions from its common-carrier authorities.

MC 110923 (Sub-13), filed April 6, 1983. Applicant: ALBERT LIVEK d.b.a. AL LIVEK'S TRUCKING SERVICE, 808 Harrison St., Kewanee, IL 61443. Representative: Leslieann G. Maxey, 907 South Fourth St., P.O. Box 5093, Springfield, IL 62705, 217–528–8476. Transporting *beverages*, between points in the U.S. (except AK and HI), under continuing contract(s) with C.L. Van De Voorde Distributing, Inc., of Kewanee, IL.

MC 112713 (Sub-336), filed April 4, 1983. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, Shawnee Mission, KS 66207. Representative: William F. Martin, Jr., (same address as applicant), 913–383–3000. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk (between points in the U.S., under continuing contract(s) with Union Carbide Corporation, of Danbury, CT.

MC 112713 (Sub-337), filed April 4, 1983. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, Shawnee Mission, KS 66207. Representative: William F. Martin, Jr., 913–383–3000. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under

continuing contract with Dayco Corporation, of Dayton, OH.

MC 133703 (Sub-13), filed April 6, 1983. Applicant: WCS, INC., 770 North Springdale Rd., Waukesha, WI 53186. Representative: Richard A. Westley, 4506 Regent St., Suite 100, P.O. Box 5086, Madison, WI 53705–0086, 608–238–3119. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 136953 (Sub-2), filed April 4, 1983. Applicant: KAY'S TRUCKING, INC., 100 South Washington Ave., P.O. Box 421, Dunellen, NJ 08812. Representative: Edward F. Bowes, 7 Becker Farm Rd., P.O. Box Y, Roseland, NJ 07068, 201–992–2200. Transporting *such commodites* as are dealt in by hardware, houseware, and home furnishing businesses, between points in the U.S. (except HI), under continuing contract(s) with Eagle Sales Co., Inc., of Dunellen, NJ.

MC 141603 (Sub-10), filed April 1, 1983. Applicant: CANADIAN PACIFIC EXPRESS & TRANSPORT, LTD., Suite E–330, Atria North, 2255 Sheppard Ave., East, Willowdale, Ontario M2J 4Y1. Representative: Harry J. Jordan, Suite 200, 1090 Vermont Ave., NW., Washington, DC. 20005, 202–783–8131. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 148122 (Sub-1), filed April 4, 1983. Applicant: RELIABLE EXPRESS, INC., 20 North Main, Cornelia, GA 30531. Representative: Mark S. Gray, 1006 South Tower, 225 Peachtree St., NE., Atlanta, GA 30303, 404–523–1717. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in GA, TN, FL, AL, SC, and NC.

MC 150183 (Sub-8), filed April 8, 1983. Applicant: CASSCO REFRIGERATED TRANSPORT DIVISION OF CASSCO CORPORATION, P.O. Box 548, Harrisonburg, VA 22801. Representative: James M. Hodge, 3730 Ingersoll Ave., Des Moines, IA 50312, 515–274–4985. Transporting *food and related products*, between points in VA, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 151982 (Sub-3), filed April 5, 1983. Applicant: AMERICAN EAGLE LINE, INC., 11836 Leonard St., Nunica, MI 49448. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503, 616–459–6121. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Spartan Stores, Inc., of Grand Rapids, MI.

MC 153012 (Sub-3), filed April 8, 983. Applicant: CAMPBELL TRUCKING & HEAVY HAULERS, INC., 5533 East Tecumseh, Tulsa, OK 74151. Representative: William P. Parker, P.O. Box 54657, Oklahoma City, OK 73151, 405–424–3301. Transporting *metal products, machinery, and Mercer commodities*, between points in AR, KS, LA, OK, and TX, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 153992 (Sub-2), filed April 4, 1983. Applicant: C & C TRUCKING, 106 Coburn Dr., Chattanooga, TN 37414. Representative: J. Greg Hardeman, 618 United Southern Bank Bldg., Nashville, TN 37219, 1–615–244–8100. Transporting *such commodities* as are dealt in or used by grocery stores and discount stores, between points in the U.S. (except AK and HI).

MC 157042 (Sub-2), filed April 5, 1983. Applicant: L & L LEASING, INC., P.O. Box 516, Waterloo, IN 46793. Representative: Andrew K. Light, 1301 Merchants Plaza, Indianapolis, IN 46204, 317–638–1301. Transporting *commodities in bulk, chemicals and related products, and petroleum, natural gas and their product*, between points in the U.S. (except AK and HI).

MC 166792 , filed March 14, 1983. Applicant: WENDELIN BACHMEIER d.b.a. BACHMEIER TRANSFER, Box 527, 507 6th St., Devils Lake, ND 58301. Representative: Thomas Rutten, P.O. Box 838, Devils Lake, ND 58301, (701) 662–4077. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between Fargo, ND, on the one hand, and, on the other, points in Ramsey, Benson and Nelson Counties, ND.

MC 167202, filed April 4, 1983. Applicant: BURSAW GAS & OIL, INC., 94 Great Rd., Acton, MA 01720. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hills, MA 02181, 617–235–5571. Transporting *commodities in bulk*, between points in the U.S., under continuing contract(s) with (a) P. J. Keating Company, of Lunenburg, MA, and (b) Keating Materials Corp., of Dracut, MA.

MC 167232, filed April 5, 1983. Applicant: BEST WEST, INC., 35003—16th Ave., South, P.O. Box 3558, Federal Way, WA 98003. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW., Suite 1200, Washington, D.C. 20036, 202–785–0024. Transporting (1) *general commodities* (except classes A and B exlosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Bostrum-Warren, Inc., of Seattle, WA, and (2) *knocked down wood buildings*, between points in the U.S. (except AK and HI), under continuing contract(s) with Lindal Cedar Homes, Inc., of Seattle, WA.

MC 167233, filed April 5, 1983. Applicant: NORMAN J. PAULLUS TRANSPORTATION, INC., 305-Linden Way, Heppner, OR 97836. Representative: Phillip G. Skofstad, 529 S.E. Grand Ave., Portland, OR 97214. Transporting (1) *farm products*, (2) *Limber and wood products*, (3) *Petroleum, natural gas and their products*, (4) *rubber and plastic products*, (5) *metal products*, (6) *waste and scrap materials not identified by industry producing*, and (7) *building materials*, between points in AZ, CA, CO, ID, MT, NM, OR, TX, UT, WA, WY, and NV.

MC 167243, filed April 5, 1983. Applicant: STOW & DAVIS FURNITURE COMPANY, 25 Summer Ave., NW., Grand Rapids. Representative: Sylvia Van Dyke (same address as applicant), 616–456–9681. Transporting *Trucks and parts for trucks*, between points in the U.S. (except AK and HI), under continuing contract(s) with O.I.E., Inc., dba Overland Industrial Equipment Company, of Holland, MI.

For the following, please direct status calls to Team 1 at 202–275–7992.

Volume No. OP1–147

Decided: April 20, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 47171 (Sub-232), filed April 15, 1983. Applicant: COOPER MOTOR LINES, INC., P.O. Box 2820, Greenville, SC 29602. Representative: Harris G. Andrews (same address as applicant), (803) 679–2101. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with CertainTeed Corporation, of Valley Forge, PA.

MC 87451 (Sub-21), filed April 14, 1983. Applicant: CARGO TRANSPORT, INC., P.O. Box 31—Sterling Road, North Billerica, MA 01862–0031. Representative: Samuel A. Bithoney, Jr. (same address as applicant), (617) 663–

4300. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

MC 138181 (Sub-12), filed April 8, 1983. Applicant: TRANSPORT EXPRESS, INC., Box 663, Dodge City, KS 67801. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110–L, Topeka, KS 6612, (913) 233–9629. Transporting *petroleum and coal products,* (1) between points in Woodward, Harper, Grant and Blaine Counties, OK and Moore County, TX, on the one hand, and, on the other, those points in KS west of U.S. Hwy 81 and Interstate Hwy 135, those points in NE south of a line beginning at the SD–NE state line and extending along NE Hwy 91 to junction NE Hwy 2, then along NE Hwy 2 to junction U.S. Hwy 20, then along U.S. Hwy 20 to the CO–WY state line and west of U.S. Hwys 77 and 385, and those points in CO east of a line beginning at the WY–CO state line and extending along U.S. Hwy 24 to junction CO Hwy 131, then along CO Hwy 131 to junction U.S. Hwy 40, then along U.S. Hwy 40 to junction CO Hwy 14, then along CO Hwy 14 to junction CO Hwy 125, then along CO Hwy 125, to junction CO Hwy 127, and then along CO Hwy 127 to the CO–WY state line, (2) between points in Butler, Grant, Clay, Reno, Seward, Morton, Stevens and McPherson Counties, KS, on the one hand, and, on the other, those points in CO east of a line beginning at the NM–CO State line and extending along U.S. Hwy 285 to junction U.S. Hwy 24, then along U.S. Hwy 24 to junction CO Hwy 131, then along CO Hwy 131 to junction U.S. Hwy 40, then along U.S. Hwy 40 to junction CO Hwy 14, then along CO Hwy 14 to junction CO Hwy 125, then along CO Hwy 125 to junction CO Hwy 127, then along CO Hwy 127 to CO–WY state line, and those points in NE south of a line beginning at the SD–NE state line and extending along NE Hwy 91 to junction NE Hwy 2, then along NE Hwy 2 to junction U.S. Hwy 20, then along U.S. Hwy 20 to the CO–WY state line and west of U.S. Hwys 77 and 385, and points in Texas County, OK, and (3) between points in Jefferson, Douglas, Elbert, Arapaho, Adams, Denver, and Boulder Counties, CO, on the one hand, and, on the other, points in KS west of U.S. Hwy 81 and Interstate Hwy 135 and those points in NE south of a line beginning at the SD–NE state line and extending along NE Hwy 91 to junction NE Hwy 2, then along NE Hwy 2 to junction U.S. Hwy 20, then along U.S. Hwy 20 the CO–WY state line and west of U.S. Hwys 77 and 385, and points in Texas County, OK.

MC 151811 (Sub-1), filed April 12, 1983. Applicant: E. L. JERDEE, D.B.A. E. L. JERDEE TRUCKING, 1704 Burrell, Lewiston, ID 83501. Representative: David E. Wishney P.O. Box 837, Boise, ID 83701, (208) 336–5955.Transporting (1) *lumber and wood products,* and (2) *building materials,* between points in CA, ID, MT, OR, UT, and WA, on the one hand, and, on the other, those points in and the west of WI, IA, NE, KS, OK, and TX (except AK and HI).

MC 153051 (Sub-5), filed April 15, 1983. Applicant: ATS TRANSPORT, INC., 34439 Mills Road, No. Ridgeville, OH 44039. Representative: James F. Crosby, 7363 Pacific Street, Suite 210B, Omaha, NE 68114, (402) 297–9900. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 161390 (Sub-1), filed April 18, 1983. Applicant: CURRAN CARRIERS, 120 N. Brooklyn Street, Berlin, WI 54923. Representative: Charles E. Dye, Swan Lake Village, Saddle Ridge #832, Portage, WI 53901, (608) 742–3579. Transporting *machinery,* between points in WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 16670, filed April 11, 1983. Applicant: DENNIS CENTLIVRE d.b.a. C & M TRANSFER, 2338 High, Topeka, KS 66611. representative: William B. Barker, P.O. Box 1969, Topeka, KS 66601. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between Kansas City, MO, and points in Shawnee County, KS, on the one hand, and, on the other, points in CO, NE, KS, OK and MO.

MC 167420, filed April 14, 1983. Applicant: G & K SCOTTS FARMS, INC., 17233 Silver Creek Falls Hwy. SE., Sublimity, OR 97385. Representative: John A. Anderson, Suite 801—The 1515 Bldg., 1515 S.W. Fifth Avenue, Portland, OR 97201, (503) 227–4586. Transporting *general commodites* (except classes A and B explosives and household goods), between points in OR, WA, CA and ID, on the one hand, and, on the other, points in OR, WA, CA, ID, WY, MT, UT, NV, CO, AZ, KS, TX and NM.

MC 167471, filed April 18, 1983. Applicant: AUGUSTA LUMBER & SUPPLY, INC., P.O. Box 2417, Staunton, VA 24401. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168, (703) 629–2818. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk, between points in the U.S. (except Ak and HI).

For the following, please direct status calls to Team 4 at 202–275–7669.

Volume No. OP4–240

Decided: April 20, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 13087 (Sub-61), filed February 18, 1983, previously noticed in the **Federal Register** of March 11, 1983. Applicant; STOCKBERGER TRANSFER & STORAGE, INC., 524 2nd St., SW., Mason City, IA 50401. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309, (515) 282–3525. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with National Commercial Services Co., Inc., of Des Moines, IA.

Note.—The purpose of this republication is to reflect the exclusion of household goods.

Volume No. OP4–241

Decided: April 19, 1983.

By the Commission, Review Board No. 1, members Parker, Chandler, and Fortier.

MC 157687 (Sub-3), filed April 12, 1983. Applicant: COUNTRY WIDE TRUCKING, INC., 18520 Kishwaukee Valley Rd., Woodstock, IL 60098. Representative: George J. Balek (same address as applicant), (815) 568–6544. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in AL, GA, IL, IN, IA, KS, KY, MI, MN, MO, NE, OH, PA, TN, TX, and WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 164617, filed April 11, 1983. Applicant: RUSSELL D. VASSAR, d.b.a. VASTONE CO., R. R. #2, Tonganoxie, KS 66086. Representative: Russell D. Vassar (same address as applicant), (913) 845–2009. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between Kansas City, and points in Leavenworth and Wyandotte Counties, KS, on the one hand, and, on the other, points in AR, IL, IA, KS, MO, NE, OK, and TX, under continuing contract(s) with KRJ Systems, Inc., of Shawnee Mission, KS; Wyco Manufacturing Company, Inc., of Tonganoxie, KS; and Ecology and Environmental Systems, Inc., of Bonner Springs, KS.

MC 167336, filed April 11, 1983. Applicant: PAUL B. HICKS AND NANCY L. HICKS, A PARTNERSHIP

d.b.a. P.N.H. TRUCKING, 7661 Oneida Rd., Grand Ledge, MI 48837. Representative: Robert W. Loser II, 512 Chamber of Commerce Bldg., 320 N Meridian St., Indianapolis, IN 46204, (317) 635–2339. Transporting *building materials,* between points in the U.S. (except AK and HI), under continuing contract(s) with Universal Forest Products, Inc. of Grand Rapids, MI.

MC 167337, filed April 11, 1983. Applicant: POZZI WINDOW COMPANY, 62845 Boyd Acres Rd., Bend, OR 97708. Representative: Pam Brixley (same address as applicant), (800) 452–6822. Transporting *food and related products,* between points in TX, NM, CO, WY, MT, ID, AZ, CA, NV, WA and OR.

MC 167346, filed April 7, 1983. Applicant: CONNECTICUT AIRPORT SERVICE, INC., 17 Fairfield Ave., Danbury, CT 06810. Representative: Gerald A. Joseloff, 410 Asylum St., Suite 532, Hartford, CT 06103, (203) 728–0700. Transporting (1) *passengers,* in charter and special operations, between points in the U.S., and (2) over regular routes, transporting *passengers,* between Hartford, CT and New York, NY: from Hartford over U.S. Hwy 84 to Southington, CT, then over U.S. Hwy 84 to Waterbury, CT, then over U.S. Hwy 84 to Southbury, CT, then over U.S. Hwy 84 to Danbury, CT, then over U.S. Hwy 84 to junction U.S. Hwy 684, near Brewster, NY, then over U.S. Hwy 684 to junction U.S. Hwy 287, at White Plains, NY, then over U.S. Hwy 287 to junction U.S. Hwy 95, near Rye, NY, then over U.S. Hwy 95 to junction U.S. Hwy 678, also known as the Hutchinson River Parkway, then over U.S. Hwy 678 across the Whitestone Bridge to junction U.S. Hwy 278, also known as the Grand Central Parkway, then over the Grand Central Parkway to La Guardia Airport, then over U.S. Hwy 278 to junction U.S. Hwy 678, also known as the Van Wyck Expressway, then over U.S. Hwy 678 to John F. Kennedy International Airport, and return over the same route, serving all intermediate points and the off-route point of Naugatuck, CT.

Note.—In (1) above applicant seeks to provide privately-funded charter and special transportation, and in (2) applicant seeks to provide regular route service in interstate or foreign commerce and in intrastate commerce under 49 U.S.C. 10922(c)(2)(B) over the same route. Because this application includes issues subject to a finding of public interest as well as fitness only, it will be published in two volumes of this Federal Register issue. Part (1) will be published in VOL #241 and part (2) will be published in Volume No. 242.

MC 167376, filed April 12, 1983. Applicant: INTERSTATE SERVICES TRANSPORT CORPORATION, 15 Olympia Ave., P.O. Box 4017, Woburn, MA 01888. Representative: John Dickison, 16 Middleby Rd., Lexington, MA 02173, (617) 935–8320. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in DE, ME, MA, MD, NC, NH, NJ, NY, OH, PA, SC, VT, VA, and WV.

Volume No. OP4–244

Decided: April 20, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 79687 (Sub-4), filed April 15, 1983. Applicant: WARREN C. SAUERS CO., INC., 200 Rochester Rd., Zelienople, PA 16063. Representative: David M. O'Boyle, 1610 Two Chatham Center, Pittsburgh, PA 15219, (412) 765–1600. Transporting *food and related products,* between those points in U.S. in and east of MN, IA, MO, AR, and TX.

MC 139697 (Sub-11), filed April 14, 1983. Applicant: WAGONER TRANSPORTATION COMPANY, INC., P.O. Box 2975, South Bend, IN 46680. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048, (212) 466–0220. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Highway Transport Services, Inc., Chamblee, GA.

MC 146117 (Sub-4), filed April 14, 1983. Applicant: D. C., INC., 712 S. York St., Mechanicsburg, PA 17055. Representative: Guy H. Postell, Suite 675, 3384 Peachtree Rd., NE., Atlanta, GA 30326, (404) 237–6472. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Avon Products, Inc., of New York, NY.

Volume No. OP4–246

Decided: April 20, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 150986 (Sub-2), filed March 29, 1983. Applicant: YOUNG TRANSFER, INC. d.b.a YOUNG TRANSFER, P.O. Box 668226, Charlotte, NC 28266. Representative: George W. Clapp, P.O. Box 836, Taylors, SC 29687, (803) 244–9314. Transporting *pulp, paper and related products,* between Charlotte, NC, on the one hand, and, on the other, points in PA.

[FR Doc. 83–11155 Filed 4–26–83; 8:45 am]
BILLING CODE 7035–01–M

[Volume No. OP4–243]

Motors Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: April 20, 1983.

The following restriction removal applications, are governed by 49 CFR Part 1165. Part 1165 was published in the **Federal Register** of December 31,1980, at 45 FR 86747 and redesignated at 47 FR 49590, November 1,1982.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1165.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed. Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with the criteria set forth in 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Review Board No. 1, Members Chandler, Fortier, and Parker.

Agatha L. Mergenovich,
Secretary.

Please direct status inquiries to Team 4, at (202) 275–7669.

MC 60087 (Sub-25) X, filed April 11, 1983. Applicant: CURRY MOTOR FREIGHT LINES, INC., 700 Northeast 3rd St., Amarillo, TX 79107. Representative: Morris G. Cobb, P.O. Box 9050, Amarillo, TX 79189 (806) 374–1641. Lead and Subs 9, 10, 14, 21 and 22: (1) broaden general commodities with the currently usual exceptions by removing restrictions against "those of unusual value, livestock, cotton, lumber, commodities requiring special equipment and those injurious or contaminating to other lading," (2) remove intermediate point restriction between Lubbock and Ropesville, TX, (3) remove exception against service at San Angelo and Brady, TX, (4) remove

intermediate point restriction between Canyon and Farwell, TX, (5) remove restriction against service at Anton and Shallowater, TX, and further remove restriction against service from or to points in the Farwell, TX commercial zone located in NM, (6) remove joinder restriction at Anton, TX (7) remove intermediate point restriction between Plainview and Dimmitt, TX, and (8) broaden service between Tulia and Turkey, TX, Fort Stockton and El Paso, TX, and Marfa and El Paso, TX to include service to all intermediate points.

[FR Doc. 83-11152-Filed 4-26-83; 8:45 am]
BILLING CODE 7035-01-M

[I.C.C. Order No. P-51]

Rail Carriers; Passenger Train Operation

It appearing, that the National Railroad Passenger Corporation (Amtrak) has established through passenger train service between Washington, D.C. and Montreal, Canada. The operation of these trains requires the use of the tracks and other facilities of Boston and Maine Corporation (B & M). A portion of the B & M tracks at Claremont Junction, New Hampshire, are temporarily out of service because of a derailment. An alternate route is available via the Green Mountain Railroad Corporation, Vermont Railway, Inc., and Central Vermont Railway, Inc., between Bellows Falls, Vermont and Essex Junction, Vermont.

It is the opinion of the Commission that the use of such alternate route is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

(a) Pursuant to the authority vested in me by order of the Commission decided October 30, 1981, and of the authority vested in the Commission by Section 402(c) of the Rail Passenger Service Act of 1970 (45 U.S.C. 562(c)), Green Mountain Railroad Corporation (GMRC), Vermont Railway, Inc. (VTR), and Central Vermont Railway, Inc. (CV), are directed to operate trains of the National Railroad Passenger Corporation (Amtrak) between a connection with Boston and Maine Corporation (B & M) at Bellows Falls, Vermont and Essex Junction, Vermont.

(b) In executing the provisions of this order, the common carriers involved shall proceed even though no agreements or arrangements now exist between them with reference to the compensation terms and conditions applicable to said transportation. The compensation terms and conditions shall be, during the time this order remains in force, those which are voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, the compensation terms and conditions shall be as hereafter fixed by the Commission upon petition of any or all of the said carriers in accordance with pertinent authority conferred upon it by Interstate Commerce Act and by the Rail Passenger Service Act of 1970, as amended.

(c) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign commerce.

(d) *Effective date.* This order shall become effective at 7:50 p.m., April 9, 1983.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., April 10, 1983, unless otherwise modified, amended, or vacated by order of this Commission.

This order shall be served upon Central Vermont Railway, Inc., Green Mountain Railroad Corporation, Vermont Railway, Inc., and upon the National Railroad Passenger Corporation (Amtrak), and a copy of this order shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 9, 1983.

Interstate Commerce Commission.

Bernard Gaillard,

Agent.

[FR Doc. 83-11149 Filed 4-26-83; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier; Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F-256

The following applications were filed in Region 5. Send protest to: Consumer Assistance Center, Interstate Commerce Commission, 411 West 7th Street, Suite 500, Fort Worth, TX 76102.

MC 136508 (Sub-5-1TA), filed April 14, 1983. Applicant: GALE B. ALEXANDER, 120 S. Ward, Ottumwa, IA 52501. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. *Food and Related Products;* between points in Polk County, IA, on the one hand, and, on the other, points in IL and MO. Supporting Shipper: Perishable Distributors of Iowa Ltd., Des Moines, IA.

MC 149157 (Sub-5-10TA) filed April 15, 1983. Applicant: STYLE CRAFT TRANSPORT, INC., Highway 71 South, Milford, IA 51351. Representative: Foster L. Kent, P.O. Box 285, Council Bluffs, IA 51502. Contract Irregular. *Furniture and fixtures,* from Los Angeles, CA, to Sioux City, and Spencer, IA, Duluth, MN and Sioux Falls, SD. Supporting Shipper: J.C. Leather Corporation, Sioux Falls, SD.

MC 164510 (Sub-5-1TA), filed April 14, 1983. Applicant: WILLIAM E. PINCKNEY, d.b.a. CEDAR MOUNTAIN EXPRESS, 1732 "E" Avenue, N.E., Cedar Rapids, IA 52404. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. *Food and related products,* between Linn County, IA, on the one hand, and, on the other, points in CA, FL, IN, MI, OH, OR, and WA. Supporting shipper: Midwest Food Distributors, Inc., Cedar Rapids, IA.

MC 167340 (Sub-5-1TA), filed April 14, 1983. Applicant: CONTRACT

TRANSPORTS, INC., Rt. 3, Box 355, Tuttle, OK 73089. Representative: Dean Williamson, Suite 107, 50 Classen Center, 5101 North Classen Boulevard, Oklahoma City, OK 73118. Contract; Irregular. *Concrete products and materials, equipment and supplies used in the manufacture thereof,* between Oklahoma City, OK, on the one hand, and, on the other, points in AR, CO, GA, KS, LA, MO, NC, NM, TX and WY, under continuing contract or contracts with Harter Concrete Products, Inc. Supporting shipper: Harter Concrete Products, Inc., Oklahoma City, OK.

MC 167413 (Sub-5–1TA), filed April 14, 1983. Applicant: ORLAN WESLEY MEARS, d.b.a. Orlan Mears Trucking, Rural Route 6, Box 200, Paragould, AR. 72450. Representative: Orlan Wesley Mears (same as applicant's). *General commodities (except Classes A and B explosives, household goods, and commodities in bulk.)* Between Clay, Craighead, and Greene Counties in AR, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting Shippers: Dr. Pepper-Seven-Up Bottling Co., Paragould, AR. Arkla Industries, Paragould, AR.

MC 167435 (Subs-1TA), filed April 15, 1983. Applicant: H & M CONSOLIDATORS, INC., 1125 North Monroe, Kansas City, MO 64120. Representative: Carter Wilcoxson (same address as applicant). *General commodities (except commodities in bulk, household goods, classes A and B explosives and those requiring special equipment)* between points in Wyandotte and Johnson Counties, KS, and Jackson, Clay and Platte Counties, MO, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shippers: 7.

MC 167436 (Sub-5–1TA), filed April 15, 1983. Applicant: STAGGS AND BERRY TRUCKING, INC., P.O. Box 871, Hennessey, OK 73742. Representative: William P. Parker, P.O. Box 54657, Oklahoma City, OK 73154. *Mercer Commodities,* between points in AR, OK and TX; restricted to traffic moving for the account of ARCO Oil and Gas Company. Supporting shipper: Arco Oil and Gas Company, a subsidiary of Atlantic-Richfield Corporation, Covington, OK.

MC 167437 (Sub-5–1TA), filed April 15, 1983. Applicant: B. R. McGEE, d.b.a. SFI TRUCKING COMPANY, Rte. 1, Box 280PZ, Kilgore, TX 75662. Representative: BILLY R. REID, 1721 Carl Street, Fort Worth, TX 76103. Contract, irregular; *Mercer commodities,* between points in the U.S., except AK & HI, under continuing contract(s) with Southern Forge, Inc., Longview, TX

MC 167438 (Sub 5–1 TA), filed April 15, 1983. Applicant: COOPER'S TRUCK & TRAILER SERVICES, INC., 4601 Holiday Lane East, Ft. Worth, TX 76118. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. *General Commodities (except classes A and B explosives, household goods or bulk commodities)* between Dallas and Tarrant Counties, TX on the one hand, and, on the other, points in AR, LA, OK and TX. Restricted to shipments having a prior or subsequent movement by rail or water carrier. Supporting shippers: There are five (5) supporting shippers.

MC 102546 (Sub-5–5 TA), filed April 18, 1983. Applicant: BLUE FLASH EXPRESS INC., Route 1, Box 233, Zachary, LA 70791. Representative: L. F. Aguillard (same as above), Contract; Irregular. *Sodium Bisulfite* between Geismar, LA and Pascagoula, MS; Mobile, AL; Birmingham, AL; Montgomery, AL; Jackson, MS; and Panama City, FL. Supporting shipper: Coco Resources; Baton Rouge, LA.

MC 116710 (Sub-5–2 TA), filed April 18, 1983. Applicant: MISSISSIPPI CHEMICAL EXPRESS, INC., P.O. Box 6176, Bossier City, LA, 71171–6176. Representative: Lela M. Sisk (same address as above). *Butane-butylene mix,* in bulk, between Krotz Springs, LA and Tyler, TX, under continuing contract with Texas Olefin Corporation.

MC 128087 (Sub-5–6 TA), filed April 18, 1983. Applicant: JOHN N. JOHN III, INC., 1000 W. 2nd Street, Crowley, LA 70526. Representative: William M. John, P.O. Box 921, Crowley, LA 70526. *General Commodities* (Except those of unusual Value, Classes A & B explosives and Household Goods), having prior or subsequent movement by water. Supporting shippers: Crown Zellerbach International, Portland, OR.

MC 145704 (Sub-5–1 TA), filed April 18, 1983. Applicant: G. P. BOURROUS TRUCKING CO., INC., P.O. Drawer F, Diboll, TX 75941. Representative: Lawrence A. Winkle, P.O. Box 45538, Dallas, TX 75245. *Building Materials and Mercer Commodities* between points in the U.S. (except AK and HI). Supporting shipper(s): Lufkin Industries, Inc., Lufkin, TX; and Temple Eastex, Inc., Diboll, TX.

MC 152774 (Sub-5–3TA), filed April 18, 1983. Applicant: EMERALD DELIVERY SYSTEMS, INC., 5104–10 Winner Road, Kansas City, 64127. Representative: John F. Michaels, 601 West 47th Street, Kansas City, 64112. *General Commodities (except classes A and B explosives, household goods, commodities in bulk, and commodities which because of size and weight require the use of special equipment)* between points in MO, KS, OK and NE. Supporting shippers: 6.

MC 154438 (Sub-5–3TA), filed April 19, 1983. Applicant: J. T. TAYLOR d.b.a. MILRON TRUCK LINE, 3808 Sago Court, El Paso, TX 79927. Representative: J. T. Taylor (Same as Applicant). (1) *Disposable Medical Materials and Supplies,* Between El Paso County, TX, on the one hand, and, on the other, points in TX and (2) *Iron & Steel Articles,* Between El Paso County, TX, on the one hand, and, on the other, points in AZ, AR, CA, CO, ID, LA, MS, MT, NV, OK, OR, TX, UT, WA and WY. Supporting Witnesses:-Surgikos, Inc., El Paso, TX and Wells Castings Company, El Paso, TX.

MC 156488 (Sub-5–5TA), filed April 18, 1983. Applicant: CONTRANS, INC., 6716 Berger, Kansas City, Kansas 66111. Representative: Donald J. Quinn, Commerce Bank Building, 8901 State Line-Suite 232, Kansas City, Missouri 64114. *Food and related products* between points in the U.S. Supporting shipper: Children's Place, Inc., Kansas City, MO.

MC 161957 (Sub-5–2TA), filed April 19, 1983. Applicant: EXPRESS TRANSPORTATION CO., INC, Post Office Box 70611, Houston, TX 77270. Representative: Mick Graeber, same as above. *Chemicals (not in bulk) and food and related products* between points in LA and TX on the one hand, and, on the other points in the U.S. Supporting shippers: 8.

MC 166797 (Sub-5–1TA), filed April 19, 1983. Applicant: NORTH AMERICAN TRANSPORT, INC., 4700 San Pedro, San Antonio, TX 78212. Representative: Kenneth R. Hoffman, 1600 W. 38th St., Suite 410, Austin, TX 78731. *Automobiles, in truckaway service between San Antonio, Austin and Houston, TX; New York City, NY; and Newport Beach CA, on the one hand, and, on the other, points in the US, excluding AK and HI.* Supporting shipper: German Auto Center, Austin, TX.

MC 167306 (Sub-5–1TA), filed April 18, 1983. Applicant: DAVEY WILKETT and MARY WILKETT d.b.a. MM&K TRUCK LINES, Rt 2, Box 507, Stigler, OK 74462. Representative: June E. Edmondson, 1101 Connecticut Ave., NW., Suite 500, Washington, DC 20036. Contract, Irregular; *Such commodities as are dealt in or used by manufacturers and distributors of cabinets* between points in theU.S. under continuing contract with Dunkin Enterprises, Inc., Stigler, OK.

MC 167482 (Sub-5–1TA), filed April 19, 1983. Applicant: JAMES THOMPSON, JACK THOMPSON AND LARRY THOMPSON, d.b.a. THOMPSON TRUCKING, Country Road, Route 1, Box 161, Canton, TX 75103. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245. *Motorcycles and Machinery* from Omaha and Lincoln, NE; Baton Rouge, LA; Arlington and Dallas, TX; and Los Angeles, CA to Jackson, MS; McAlexter, Ardmore, Pauls Valley and Muskogee, OK; Dallas, FT. Worth, Gainesville, Sherman and Temple, TX; and Baton Rouge and Gonzales, LA. Supporting shipper(s): 15.

MC 167501 (Sub-5–1TA), filed April 19, 1983. Applicant: R. E. (GENE) NUNN d.b.a. SCOTTY TRUCKING CO.,1001 B No. Forest St., Amarillo, TX 79106. Representative: Robert W. Wright, Jr., 5711 Ammons St., Arvada, CO 80002. Contract, Irregular: *Plastic Articles used in the packaging of food and other products*, between Amarillo, TX on the one hand, and on the other Friona, Plainview, Lubbock and Hereford, TX under continuing contract with American Can Co., Greenwich, CT.

The following applications were filed in region 6. Send protests to: Interstate Commerce Commission, Region 6 Motor Carrier Board, 211 Main St., Suite 501, San Francisco, CA 94105.

MC 96891 (Sub-6–2TA), filed April 14, 1983. Applicant: ALLSTATE TRUCKING, INC., P.O. Box 1936, Farmington, NM 87401. Representative: James E. Snead, P.O. Box 2228, Santa Fe, NM 87501. *Frac sand and cement in bulk and sacks* between points in NM, AZ, UT, CO and TX for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: There are 5 shippers. Their statements may be examined at the Regional Office listed above.

MC 147145 (Sub-6–2 TA), filed April 18, 1983. Applicant: ANDERSON AND SONS TRUCKING CO., INC., 1887 Deming Way, Sparks, NV 89432–2112. Representative: James R. Anderson, Jr. (Same address as Applicant). *General Commodities*, (Except class A and B explosives, household goods and commodities in bulk), between points in NV on the one hand, and, on the other, the county of Mono, CA and the city of Bishop, CA for 270 days. Supporting shippers: Pioneer Equipment Co., 900 Marietta Way, Sparks, NV 89431; and Glass Mountain Block, Inc., 355 Greg St., Sparks, NV 89431.

MC 42487 (Sub-6–79 TA), filed April 13, 1983. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O.B. 3062, Portland, OR 97206. *Contract Carrier*, irregular routes. *General commodities*, (except Classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI) under continuing contract(s) with Kendavis Industries, International, Inc. and its wholly-owned subsidiaries listed on attached pages, for 270 days. Supporting shipper(s): Kendavis Industries International, Inc., P.O.B. 1224, Fort Worth, TX 76101.

MC 42487 (Sub-6–80 TA), filed April 18, 1983. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O.B. 3062, Portland, OR 97208. *Contract Carrier*, irregular routes: *General commodities*, (except Classes A and B explosives, household goods and commodities in bulk), between points in the U.S., (except AK and HI), under continuing contract(s) with Cotter & Company, for 270 days. Supporting shipper(s): Cotter & Company, 808 S. Division St., Harvard, IL 60033.

MC 146652 (Sub-6–1 TA), filed April 15, 1983. Applicant: FEDERAL PRODUCE TRANSPORTATION CO., 8309 Tujunga, Sun Valley, CA 91352. Representative: Daniel O. Hands, 104 S. Michigan Ave., Suite 410, Chicago, IL 60603. (1) *Malt beverages, (except in bulk)*, from Irvine and Van Nuys, CA and points in their Commercial Zones to the facilities of Gray Beverage Company at or near Yuma, AZ and (2) *wine, (except in bulk)*, from Madera County, CA to the facilities of Gray Beverage Company at or near Yuma, AZ, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Gray Beverage Company, P.O. Box 1332, Yuma, AZ 85364.

MC 167473 (Sub-6–1 TA), filed April 18, 1983. Applicant: D. R. GREER, 1885 Carol Dr., Erie, CO 80516. Representative: Robert W. Wright, Jr., 5711 Ammons St., Arvada, CO 80002. *Contract Carrier*, irregular routes, (1) *Furniture and Fixtures*, from Boulder, CO to Wichita, KS and/or Dallas, TX, under continuing contract with Contemporary Comfort, Inc., Boulder, CO; and (2) *Foodstuffs and related products*, from Denver, CO to points in ID, KS, MO, NE, UT, and WY, under continuing contract with R. H. Bass Foods, Inc., Denver, CO, for 270 days. Supporting shippers: Contemporary Comfort, Inc., 4747 Pear St., Boulder, CO 80301; and R. H. Foods, Inc., 1015 W. 12th St., Denver, CO 88204.

MC 148806 (Sub-6–1TA), filed April 18, 1983. Applicant: GUNNISON TRUCKING, Box 420, Gunnison, CO 81230. Representative: David E. Driggers 1600 Lincoln Center, 1600 St., Denver, CO 80264 *Lime in bulk* from Clark County, NV to Gunnison County, CO, for 270 days. Underlying ETA was filed. Supporting shipper: Webbco-Vulcan Resources, 6328 Monarch, El Paso, TX 79912.

MC 155223 (Sub-6–4TA), filed April 15, 1983. Applicant: HIGHWAY EXPRESS, INC., 5742 West Maryland, Glendale, AZ 85301. Representative: Robert Fuller, 13215 E. Penn St., Ste 310, Whittier, CA 90602. *Contract carrier* , irregular routes: *plastic bottles and plastic safety bottle caps; and materials, equipment and supplies used in the manufacture and distribution of plastic bottles and plastic safety bottle caps*, between Phoenix, AZ, on the one hand, and, on the other, points in the U.S. (except AK and HI) for the account of Inventive Packaging Corporation, for 270 days. Supporting shipper: Inventive Packaging Corporation, 14 Inverness Drive East Engelwood, CO 80112.

MC 167474 (Sub-6–1TA), filed April 18, 1983. Applicant: PIONEER HOTEL & GAMBLING HALL, INC., P.O. B. 644, Laughlin, NV. 89046. Representative: Steven B. Cohen, 302 E. Carson Ave., #1100, Las Vegas, NV. 89101. *Passengers:* In special and charter operation between points in AZ and NV for 270 days. Supporting shippers: Pioneer Hotel & Gambling Hall, Inc., P.O. B. 644, Laughlin, NV 89046.

MC 167475 (Sub-6–1TA), filed April 18, 1983. Applicant: PUGH BROS. CONST. INC., P.O. Box 70, St. Maries, ID 83861. Representative: Ronald Pugh (same address as applicant). *Contract carrier;* irregular route, *general commodities (except classes A and B explosives)*, between points in the U.S. under a continuing contract with Regulas Stud Mills, Inc., of St. Maries, ID. Supporting shipper(s): Regulas Stud MIls, Inc., P.O. Box 247, St. Maries, ID 83861.

MC 167385 (Sub-6–1TA), filed April 13, 1983. Applicant: P. SAWCHUCK TRUCKING LTD., 12345–90 Street, Edmonton, AB CD T5B 3Z6. Representative: Peter or Annette Sawchuck. Same address as applicant. *Contract Carrier;* regular route, *Precut lumber*, from Winterburn, Alberta to CA, WA, OR, ID, NV, and AZ for 270 days. Supporting shippers: Sunchild Forest Products (1983), Box 68, Winterburn, Alberta T0E 2N0.

MC 167150 (Sub-6–1TA), filed April 18, 1983. Applicant: J. R. SIMPLOT COMPANY, P.O. Box 27, One Capital Center, Boise, ID 83707. Representative: John H. Goslin, P.O. Box 921, Caldwell, ID 83605. *Dry Fertilizer*, between points

in the U.S. (except AK and HI) under continuing contract(s) with IND/AG Chemicals of Walnut Creek, CA and Union Oil Company of Los Angeles, CA, for 270 days. Supporting Shippers: OND/AG Chemicals, 3075 Citrus Circle, Suite 195, Walnut Creek, CA; Union Chemicals Division of Union Oil Co. of California, 1231 W. 5th St., Los Angeles, CA 90016.

MC 160405 (Sub-6–2TA), filed April 18, 1983. Applicant: VOLD TRUCKING, Box 2134, Cody WY 82414. Representative: Ralph Vold (same as applicant). (1) *Machinery, material, equipment and supplies,* used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, (2) *machinery, materials, equipment and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof. (Restricted against the transportation of complete oil rigs.) From points in WY, MT, ND, SD, NE, UT, ID, CO, OK and TX. Supporting Shipper(s): Centrilift-Hughes, P.O. Box 2227, Cody, WY 82414.; Dresser Westech, P.O. Box 97, Cody, WY 82414; Southwest Electric Co., P.O. Box 2533, Cody, WY 82414.

MC 118832 (Sub-6–1TA), filed April 18, 1983. Applicant: WESTOURS MOTOR COACHES, INC., 300 Elliott Ave. West, Seattle, WA 98119. Representative: Jeremy Kahn, 1511 K Street NW., Washington, DC 20005. *Common carrier,* regular routes, Passengers, between Skagway, AK and the U.S.–CN border via Klondike Hwy 2, serving all intemerdiate points for 270 days. An underlying ETA seeks 120 days' authority. Supporting Shippers: Westours Hyway Holidays, Inc., 300 Elliott Ave. W., Seattle, WA 98119.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–11229 Filed 4–26–83; 8:45 am]

BILLING CODE 7035–01–M

[Ex Parte No. 387 (Sub-901)]

Rail Carriers; Richmond, Fredericksburg and Potomac Railroad Company, Exemption for Contract Tariff; ICC–RFP–C–0019 (Used Motor Vehicles)

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: A provisional exemption is granted under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713 (e), and the above-noted contract tariff may become effective on one day's notice.* This exemption may be revoked if protests are filed.

DATES: Protests are due within 15 days of publication in the **Federal Register.**

ADDRESS: An original and 6 copies should be mailed to: Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Douglas Galloway, (202) 275–7278.

SUPPLEMENTARY INFORMATION: The 30-day notice requirement is not necessary in this instance to carry out the transportation policy of 49 U.S.C. 10101a or to protect shippers from abuse of market power; moreover, the transaction is of limited scope. Therefore, we find that the exemption request meets the requirements of 49 U.S.C. 10505(a) and is granted subject to the following conditions:

This grant neither shall be construed to mean that the Commission has approved the contract for purposes of 49 U.S.C. 10713(e) nor that the Commission is deprived of jurisdiction to institute a proceeding on its own initiative or on complaint, to review this contract and to determine its lawfulness.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505)

Decided: April 20, 1983.

By the Commission, Review Board Number 1, Members Parker, Chandler, and Fortier.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–10993 Filed 4–26–83; 8:45 am]

BILLING CODE 7035–01–M

*Note tariff supplements advancing contract's effective date shall refer to this decision for authority.

JUSTICE

Drug Enforcement Administration

[Docket No. 82–33]

Joseph D. Lehmberg, d.b.a. Ridgefield Pharmacy, Ridgefield, Washington Hearing;

Notice is hereby given that on October 14, 1982, the Drug Enforcement Administration, Department of Justice, issued to Joseph D. Lehmberg, d.b.a. Ridgefield Pharmacy, an Order To Show Cause as to why the Drug Enforcement Administration should not deny the application executed by Lehmberg on July 24, 1982 for registration with the Drug Enforcement Administration under 21 U.S.C. 823(f).

Thirty days having elapsed since the said Order To Show Cause was received by Respondent and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held on Thursday, May 12, 1983, commencing at 9:30 a.m. in Courtroom No. 6, U.S. District Court, U.S. Courthouse, 620 S.W. Main Street, Portland, Oregon.

Dated: April 20, 1983.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 83–11179 Filed 4–26–83; 8:45 am]

BILLING CODE 4410–09–M

[Docket No. 83–1]

Roger Lee Palmer, D.M.D., Lakeport, California, Hearing

Notice is hereby given that on November 24, 1982, the Drug Enforcement Administration, Department of Justice, issued to Roger Lee Palmer, D.M.D., an Order To Show Cause as the why the Drug Enforcement Administration should not deny the application he executed March 4, 1982 for registration with the Drug Enforcement Administration under 21 U.S.C. 823.

Thirty days having elapsed since the said Order To Show Cause was received by Respondent and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held on Tuesday, May 10, 1983, commencing at 9:30 a.m. in Courtroom 17435, 450 Golden Gate Avenue, San Francisco, California.

Dated: April 20, 1983.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 83–11180 Filed 4–26–83; 8:45 am]

BILLING CODE 4410–09–M

MOTOR CARRIER RATEMAKING STUDY COMMISSION

Public Meeting

Date: Tuesday, May 10, 1983.

Place: Russell Senate Office Building, Room SR253 (old 235) Constitution Avenue and First Street, N.E., Washington, D.C. 20510.

Time: 10:00 a.m.

Purpose: The Motor Carrier Act of 1980, Pub. L. 96–296, 94 Stat. 793 (1980), as amended by the Bus Regulatory Reform Act of 1982, Pub. L. 97–261, 96 Stat. 1102 (1982), directs the Motor

Carrier Ratemaking Study Commission (Study Commission) to make a full and complete investigation and study of the collective ratemaking process for general rate changes, innovative fare changes, and broad changes in tariff structure of motor common carriers of passengers and upon the need or lack of need for antitrust immunity therefor. The Study Commission may study the collective ratemaking process for single-line or joint-line rates of motor common carriers of passengers. Each such study shall estimate the impact of the elimination of such immunity upon rate levels and rate structures and describe the impact of the elimination of such immunity upon the Interstate Commerce Commission and its staff. This study shall give special consideration to the impact of the elimination of such immunity upon rural areas and small communities.

In addition, the Study Commission has been directed to make a full and complete investigation and study of the impact to implementation of the Bus Regulatory Reform Act of 1982 on persons over the age of 60, including those who reside in rural areas and small communities, and particularly the effect on such persons of the potential termination of routes as a result of implementation of the Bus Regulatory Reform Act of 1982. Further, the Study Commission has been directed to consider the impact to both statutory and administrative regulatory reforms on the continuation and development of high quality intrastate motor bus services. This study shall focus on the impact on existing firms currently providing service, some or all of which is conducted between points wholly within a single State. The Study Commission shall present its conclusions in its final report to the President and the Congress, but has been directed to immediately notify the Congress and the Interstate Commerce Commission if it finds the existence of conditions that jeopardize the viability of continued intrastate services before it can issue its final report.

The purpose of this meeting is to discuss the Study Commission's procedures, work plan, future hearings and other related organizational business as necessary.

FOR FURTHER INFORMATION CONTACT: Name: Gary D. Dunbar; Title: Executive Director; Phone No. (202) 724–9600.

Submitted this, the 22nd day of April, 1983.

Gary D. Dunbar
Executive Director.

[FR Doc.83–11144 Filed 4–26–83; 8:45 am]
BILLING CODE 6820-BD-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–155]

Consumers Power Co. (Big Rock Point Plant); Exemption

I

The Consumers Power Company (CPC) (the licensee) is the holder of Facility Operating License No. DPR–6 which authorizes the operation of Big Rock Point Plant located in Charlevoix, Michigan, at steady state reactor core power levels not in excess of 240 megawatts thermal. This license provides, among other things, that it is subject to all rules, regulations and Orders of the Commission now and hereafter in effect.

II

By submittal dated March 18, 1983, the licensee has requested a schedular exemption from the requirements of 10 CFR 50.49(g). 10 CFR 50.49(g) requires licensees to submit a list of electrical equipment important to safety and a schedule for environmental qualification of such equipment by May 20, 1983. The exemption requested by the licensee is simply a delay in the submittal deadline from May 20, 1983 to June 1, 1983.

The licensee has asked the NRC to perform an integrated assessment for Big Rock Point of several licensing issues including environmental qualification of electrical equipment important to safety. The NRC has agreed to this request. The licensee plans to submit by June 1, 1983, a list of proposed alternatives to several NRC regulations and guidelines along with information to show that the alternatives will not degrade plant safety. Since the licensee plans to include environmental qualification of electrical equipment in that list, the licensee believes that a delay of twelve days in the 10 CFR 50.49(g) schedule is justified to allow a truly integrated approach.

The NRC staff has evaluated the licensee's request for an extension of the May 20, 1983 submittal deadline. The delay requested by the licensee is in the submittal of their plans and schedules; the licensee has not requested a delay in the final implementation of 10 CFR Part 50.49. The requested delay of twelve days is short and will not affect the overall NRC schedule for resolution of this issue of environmental qualification of electrical equipment important to safety. The requested delay for the purpose of integrating this issue with other licensing issues is consistent with the NRC's agreement to perform the integrated assessment requested by the licensee. Therefore, the NRC staff concludes that the requested exemption to the schedular requirement of 10 CFR Part 50.49(g) should be granted.

III

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, an exemption is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest. Therefore, the Commission hereby grants an exemption to the licensee to delay submittal of the information required by 10 CFR Part 50.49(g) by May 20, 1983 until June 1, 1983.

The Commission has determined that the granting of this Exemption will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

Dated at Bethesda, Maryland this 21st day of April, 1983.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,
Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 83–11221 Filed 4–26–83; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50–331]

Iowa Electric Light & Power Co., et al; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 87 to Facility Operating License No. DPR–49 issued to Iowa Electic Light and Power Company, Central Iowa Power Cooperative, and Corn Belt Power Cooperative, which revises the Technical Specifications for operation of the Duane Arnold Energy Center (DAEC), located in Linn County, Iowa. The amendment is effective as of is date of issuance.

The amendment modifies the Technical Specifications to incorporate revisions to the tables of safety related snubbers to reflect modifications made to satisfy the requirements of the Mark I Containment Long Term Program Order for Modification dated February 28, 1978 and to clarify location of some existing snubbers.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The

Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) and environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated March 2, 1983 (2) Amendment No. 87 to License No. DPR–49, and (3) the Commission's letter to Iowa Electric Light and Power Company dated April 18, 1983. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street N.W., Washington, D.C. and at the Cedar Rapids Public Library, 426 Third Avenue, S.E., Cedar Rapids, Iowa 52401. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 18th day of April, 1983.

For the Nuclear Regulatory Commission.

Domenic B. Vassallo,

Chief, Operating Reactors Branch #2, Division of Licensing.

[FR Doc. 83–11222 Filed 4–26–83; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–263]

Northern States Power Co.; Issuance of Amendment to Facility Operating License

The U. S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 17 to facility Operating License No. DPR–22, issued to Northern States Power Company, which revised the Technical Specifications for operation of the Monticello Nuclear Generating Plant (the facility) located in Wright County, Minnesota. The amendment is effective as of its date of issuance.

The amendment changes the Technical Specifications to include:

1. Title change from AEC to Commission
2. Correction of Table numbering
3. Clarification of definition for Ni
4. Clarification of the bases section to reflect the removal of two vacuum breakers
5. Identification of fire detectors that have been installed
6. Correction of inconsistency between the FSAR and the Technical Specifications on the reactor vessel construction codes and standards
7. Change from FSAR to USAR as the report to be reviewed by the operations Committee; and
8. Correction of typographical errors

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5 (d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of the amendment.

For further details with respect to this action, see (1) the application for amendment dated September 24, 1982, (2) Amendment No. 17 to License No. DPR–22, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota. A copy of items (2) and (3) may be obtained upon request addressed to the U. S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 18th day of April, 1983.

For the Nuclear Regulatory Commission.

Domenic B. Vassallo,

Chief, Operating Reactors Branch #2, Division of Licensing.

[FR Doc. 83–11224 Filed 4–26–83; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–263]

Northern States Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 16 to Facility Operating License No. DPR–22, issued to Northern States Power Company, which revised Technical Specifications for operation of the Monticello Nuclear Generating Plant (the facility) located in Wright County, Minnesota. The amendment is effective as of its date of issuance.

The amendment modifies the Technical Specifications to reflect changes in the organizational structure of Northern States Power Company.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated September 24, 1982, (2) Amendment No. 16 to license No. DPR–22, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 18th day of April, 1983.

For the Nuclear Regulatory Commission.

Domenic B. Vassallo,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 83-11223 Filed 4-26-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. P-564A]

Pacific Gas & Electric Co.; Hearing

In the Matter of; Pacific Gas and Electric Company (Stanislaus Nuclear Project, Unit No. 1) Docket No. P-564A; Oral Argument.

Notice is hereby given that, in accordance with the Appeal Board's order of April 20, 1983, oral argument on the appeal of the Northern California Power Agency from the January 19, 1983 memorandum and order of the Administrative Law Judge in this antitrust proceeding will be heard at *10:00 a.m., on Wednesday, May 18, 1983,* in the NRC Public Hearing Room, Fifth Floor, East-West Towers Building, 4350 East-West Highway, Bethesda, Maryland.

Dated: April 20, 1983.

For the Appeal Board.

C. Jean Shoemaker,

Secretary to the Appeal Board.

[FR Doc. 83-11225 Filed 4-26-83; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Proposed Meetings

In order to provide advance information regarding proposed meetings of the ACRS Subcommittees and of the full Committee, the following preliminary schedule is published to reflect the current situation, taking into account additional meetings which have been scheduled and meetings which have been postponed or cancelled since the last list of proposed meetings published March 23, 1983 (48 FR 12156). Those meetings which are definitely scheduled have had, or will have, an individual notice published in the **Federal Register** approximately 15 days (or more) prior to the meeting. Those Subcommittee meetings for which it is anticipated that there will be a portion or all of the meeting open to the public are indicated by an asterisk (*). It is expected that the sessions of the full Committee meeting designated by an asterisk (*) will be open in whole or in part to the public. ACRS full Committee meetings begin at 8:30 a.m. and Subcommittee meetings usually begin at 8:30 a.m. The time when items listed on the agenda will be discussed during full Committee meetings and when Subcommittee meetings will start will be published prior to each meeting. Information as to whether a meeting has been firmly scheduled, cancelled, or rescheduled, or whether changes have been made in the agenda for the May 1983 ACRS full Committee meeting can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committee (telephone 202/634-3267, ATTN: Barbara Jo White) between 8:15 a.m. and 5:00 p.m., Eastern Time.

ACRS Subcommittee Meetings

**Reactor Radiological Effects,* April 28-30, 1983, Washington, DC. The Subcommittee will discuss NRC Staff's response to the ACRS comments and recommendations on control room habitability, Shippingport decommissioning, the potassium iodide (KI) issue, generic safety issues related to radiological effects, and site evaluation. Notice of this meeting was published April 8, 1983.

Westinghouse Water Reactors, May 5, 1983, Washington, DC. The Subcommittee will discuss preliminary design information for the Westinghouse advanced pressurized water reactor (WAPWR). The entire meeting will be closed to public attendance in order to protect Westinghouse proprietary information.

**Systematic Evaluation Program,* May 6, 1983, Washington, DC. The Subcommittee will discuss the integrated plant safety assessment of the La Crosse Boiling Water Reactor (LACBWR).

**AC/DC Power Systems Reliability,* May 10, 1983, Washington, DC. The Subcommittee will discuss the status of the NRC work on reliability of AC/DC power systems with the principal item of discussion being the NRC work on station blackout.

**Electrical Systems,* May 10, 1983, Washington, DC. The Subcommittee will review the status of the Office of Research activities and generic issues assigned to this Subcommittee in preparation for the report to the Commission on the FY 1985 and 1986 budget.

**Emergency Core Cooling Systems (ECCS),* May 10, 1983, Washington, DC. The Subcommittee will discuss NRR review of the revised methodology for the GE SAFER/GESTER ECCS Codes, and the status of other NCR/NRR licensing actions; and NRC/RES activities, including: Appendix K revision status, status of B&W/NRC Test Advisory Group effort, and the results of the recent LOFT feed-and-bleed test.

**Safety Research Program,* May 11, 1983, Washington, DC. The Subcommittee will review the NRC Safety Research Program and Budget for FY 1985 and 1986, along with the Office of Research responses to ACRS recommendations included in the recent ACRS report to Congress on the Safety Research Program for FY 1984 and 1985 (NUREG-0963).

**Joint Reliability and Probabilistic Assessement and Extreme External Phenomena,* May 11, 1983, Washington, DC. The Subcommittee will review the status of the NRC sponsored research relating to reliability and probabilistic assessment and external events.

**Decay Heat Removal Systems,* May 18, 1983, Washington, DC. The Subcommittee will discuss generic safety issues associated with decay heat removal and a draft Brookhaven National Laboratory Report, "Grouping of LWRs According to their Decay Heat Removal Capability".

**Human Factors,* May 19, 1983, Washington, DC. The Subcommittee will meet: (a) to review the priorities assigned in NUREG-0933, A Prioritization of Generic Safety Issues, to human factors related safety issues; (b) to review proposed human factors related modifications to the "General Design Criteria for Nuclear Power Plants," 10 CFR 50 Appendix A; (c) to be briefed by the Office of Inspection and Enforcement on recent activities at the NRC's incident response center; (d) to review the Human Factors Research Budget for FY 1985 and 1986; and (e) to discuss Dr. G. Salvendy's proposal for training human factors engineers relative to the safe design and operation of nuclear power plants.

**Emergency Core Cooling Systems (ECCS),* May 24-26, 1983, Idaho Falls, ID. The Subcommittee will review the NRC research programs on loss-of-coolant accidents (LOCA) and transient research.

**Joint Metal Components and Reactor Fuels,* May 26-27, 1983, Washington, DC. The Subcommittee will discuss BWR pipe cracking, turbine disk cracking, reactor coolant pump seal failure and fuel cladding degradation.

**Anticipated Transient Without Scram (ATWS),* May 27, 1983, Washington, DC. The Subcommittee will continue review of the proposed Rule: "Reduction of Risk from Anticipated Transient Without Scram Events for Light Water Cooled Reactors".

**Joint Reactor Radiological Effects (RE)/Site Evaluation (SE)/Waste Management (WM),* Date to be determined (May-June, Tentative), Washington, DC. The Subcommittees will review NRC proposed Research Program and Budget for RE/SE/WM for FY 1985 and 1986.

Quality Assurance During Construction, June 1, 1983, Washington, DC. The Subcommittee will be briefed by the NRC Staff on its quality assurance initiatives, including those related to the "Ford Amendment" of Pub. L. 97–415. The Subcommittee will also review the priorities given in NUREG–0933, A Prioritization of Generic Safety Issues, to generic items related to construction quality assurance. Also, the Subcommittee will discuss, with representatives of the Institute of Nuclear Power Operations (INPO), INPO's efforts related to construction quality assurance (e.g., Construction Projects Evaluation Program).

Plant Features Important to Safety, June 7, 1983, Washington, DC. The Subcommittee will obtain from the NRC Staff a status report and program plans on Equipment Qualification and Classification Systems dealing with both mechanical and electrical components. New initiatives in the quality assurance area will be explored.

Safety Research Program, June 8, 1983, Washington, DC. The Subcommittee will discuss the draft ACRS report to the Commission on the NRC Safety Research Program and Budget for FY 1985 and 1986.

Generic Items, June 8, 1983 (Tentative), Washington, DC. The Subcommittee will disscuss the results of the review conducted by various ACRS Subcommittees on the priority rankings proposed by the NRC Staff for various generic issues.

Metal Components, June 14–15, 1983, Oak Ridge, TN. On June 14, the Subcommittee will review the status of the pressurized thermal shock (PTS) program. On June 15, the Heavy Section Steel Technology (HSST) research site will be visted and the mid-year review of the HSST program will be discussed.

Metal Components, Date to be determined (June, Tentative), Washington, DC. The Subcommittee will review the NRC position on generic recommendations for steam generator tube integrity and multiple tube ruptures. NRC plans to ensure bolt integrity will also be discussed.

Decay Heat Removal Systems, July 26, 1983, Washington, DC. The Subcommittee will discuss the Combustion Engineering Owners Group and NRC Staff recommendations concerning the installation of Power Operated Relief Valves on the Combustion Engineering plants.

Midland Plant Units 1 and 2, Date to be determined (July, Tentative), Washington, DC. The Subcommittee will review Consumers Power Company's (CPCo) plan for an audit of plant quality at Midland Plant Units 1 and 2. In addition, representatives of CPCo will report on design and construction problems at Midland, their disposition, and the overall effectiveness of the effort to assure appropriate plant quality. The Committee will be briefed on CPCo's Construction Completion Plan.

Human Factors. Date to be determined (July-August, Tentative), Washington, DC. The Subcommittee will review the question of what qualifications would be desirable for members of a nuclear power plant operating staff.

ACRS Full Committee Meeting

May 12–14, 1983: Items are *tentatively* scheduled.

A. *La Crosse Boiling Water Reactor (LACBWR)*—Review of the Systematic Evaluation Program for the facility.

B. *Haddam Neck Plant*—Review of the Systematic Evaluation Program for the facility.

C. *GESSAR–II*—Review of the application of General Electric for a final design approval of the GESSAR–238 nuclear island.

D. *Station Blackout*—ACRS comments on NRC Staff recommendations for the resolution of USI–A–44, "Station Blackout Accidents."

E. *Precursor Study*—Complete ACRS report on NRC-sponsored ORNL study, Precursors to Potentially Severe Core Damage (NUREG/CR–2497).

F. *Regionalization of NRC activities*—Further consideration of the matter.

G. *ACRS Subcommittee Activities Reports of designated ACRS Subcommittees regarding ongoing activities related to matters such as: Regulatory Requirements* including proposed NRC Regulatory Guide on Instrument Sensing Lines (Task No. IC 126–5); Regulatory Policy and Procedures including proposed legislative and administrative changes to the regulatory process; *Probabilistic Risk Assessment/Extreme External Phenomena* regarding Safety Goal Evaluation Plan, NREP, seismic design margins, and design basis earthquakes for Eastern U.S. sites; *Waste Management Program* concerning the Site Characterization Report for the Basalt Waste Isolation Project (DOE/RL 82–3); *Emergency Core Cooling System* consideration of ECCS analysis methods in conjuction with NRC review of GE SAFER/GESTER ECCS evaluation model codes; and *Safety Research Program* recommendations concerning drafting of future reactor safety research reports.

H. *Meeting with Nuclear Reactor Regulation Staff*—Discuss management policy regarding prioritization of generic issues, integration of Systematic Evaluation Program phase II, NREP, systems interaction, etc.

I. *Meeting with NRC Commissioners*—Discussion of safety related items including consideration of Class-9 Accidents in the regulatory process and the related Accident Source Term Program.

J. *Discussion of Memorandum of Understanding*—Discussion of ACRS participation in NRC rule making and policy making activities.

K. *Personnel Policy and Procedures*—Discussion of non-ACRS Activities of Committee Members.

L. *Rules on Immediate Notification Requirements (10 CFR 50.72) and Licensee Event Reporting (10 CFR 50.73)*—Review by the ACRS.

June 9–11, 1983—Agenda to be announced.

July 7–9, 1983—Agenda to be announced.

Dated: April 22, 1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83–11227 Filed 4–26–83; 8:45 am]

BILLING CODE 7590–01–M

Regulatory Guide; Withdrawal

Regulatory Guide 1.67, "Installation of Overpressure Protection Devices," has been withdrawn. This guide was issued in October 1973 to provide guidance to licensees and applicants on the design of piping for certain safety valve and relief stations in light-water-cooled reactors.

The Winter 1978 Addenda to the 1977 Edition of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code's Appendix O, Section III, Division 1, "Rules for Design of Safety Valve Installations," included requirements equivalent to the recommendations of the guide. These changes were incorporated by reference in § 50.55a of 10 CFR Part 50 (46 FR 20153) on April 3, 1981, and there is no longer a need for Regulatory Guide 1.67. The withdrawal of this guide does not alter any prior or existing licensing commitments based on its use.

Regulatory guides may be withdrawn when they are superseded by the Commission's regulations, when equivalent recommendations have been incorporated in applicable approved codes and standards, or when changes in methods and techniques or in the need for specific guidance have made them obsolete.

(5 U.S.C. 552(a))

Dated at Silver Spring, Maryland, this 20th day of April 1983.

For the Nuclear Regulatory Commission.

Robert B. Minogue,

Director, Office of Nuclear Regulatory Research.

[FR Doc. 83-11226 Filed 4-26-83; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 22918; 70-6861]

Central and South West Corporation and Public Service Corporation of Oklahoma; Proposed Acquisition by Subsidary of its Common Stock From Holding Company

April 21, 1983.

Central and South West Corporation ("CSW") 2700 One Main Place, Dallas, Texas 75250, a registered holding company, and its electric utility subsidiary, Public Service Company of Oklahoma ("PSO") P.O. Box 201, Tulsa, Oklahoma 74102, have filed a declaration with this Commission pursuant to Sections 12(c) and 12(d) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 42 and 43 promulgated thereunder.

PSO proposes to acquire from CSW, from time to time in 1983 and 1984, up to $60 million of PSO's common stock at the current book value at the time of purchase.

On January 15, 1982, the Oklahoma Corporation Commission ("OCC") entered an order in a pending PSO retail rate proceeding which held, in part, that it was inappropriate for PSO to continue the construction of the Black Fox Nuclear Generating Station ("Black Fox"). The order provided that if PSO terminated Black Fox as a nuclear project, PSO would be allowed to recover a portion of the Oklahoma jurisdictional share of its investment in Black Fox through retail electric rates over a period not to exceed ten years. The recoverable investment, estimated at $269 million, was offset by an amount equal to the gain from a sale by PSO of certain undeveloped oil and gas leases that occurred late in 1981 and certain extraordinary gains since 1974. Under the OCC order, the annual recovery of investment from the Oklahoma ratepayer will be supplemented by other extraordinary gains, margins on off-system electric sales over the test year level, and other revenue streams if and when they occur during the recovery period. On February 16, 1982, PSO, with the concurrence of the co-owners of Black Fox, notified the OCC of its decision to terminate Black Fox as a nuclear project. The amount of the recovery from all sources will be reviewed periodically. In 1981, the application of the gains from the extraordinary sales noted above provided recovery of $53.6 million. For 1982, the amount of recovery from all revenue sources was $16.4 million, and it is estimated that for 1983 the amount will be $29 million. PSO has also filed an application with the Federal Energy Regulatory Commission ("FERC") to recover, over a ten year period, the portion of PSO's investment in Black Fox related to FERC customers. In October 1982, PSO began collecting additional annual revenues of $1,900,000, subject to refund pending final determination by FERC, in recovery of PSO's investment in Black Fox related to FERC customers. The above amortization revenues have increased positive cash flow and will continue to do so. In addition, PSO is deducting as much of the abandonment loss as possible for tax purposes. This has created tax timing differences which, although they will be offset in later years, will provide additional cash flow in the first few years of the 10-year amortization period. Termination of Black Fox as a nuclear project also significantly decreases projected construction expenditures during the next several years. PSO does not plan significant expenditures for substitute capacity through 1985.

It is stated that the interim cash flow from the Black Fox recovery revenue streams, including proceeds of the 1981 sale of oil and gas leases, and the related deferred taxes, can only be used in the normal course of business to retire short-term borrowing. However, PSO's $269 million investment in the Black Fox project was in the form of debt, preferred stock, and common equity—not short-term debt alone. The retirement of only short-term debt would create an imbalance in PSO's capital structure during the next several years. If no action is taken to correct the imbalance, PSO's common stock equity ratio will approach and could exceed 50% at various times in the 1983 to 1988 period, well above the company's present target ratio of approximately 42%–44%. PSO rates have recently been established based on a 42% common equity ratio. An unnecessarily high common equity ratio for this period will raise PSO's overall cost of capital and decrease profitability for any given stream of operating income, due to the higher cost of equity as opposed to debt. PSO proposes to alleviate the temporary imbalance in capitalization ratios by acquiring a portion of its common stock from CSW over the next two years. Such purchases will be financed by PSO pursuant to short-term borrowings under the CSW System Money Pool (File No. 70-6725). The amount and timing of such transactions would maintain PSO's common stock equity ratio closer to the current target level of approximately 42%–44%. Because of the need for flexibility in the light of the possibility that the facts may differ from the assumptions, PSO requests authorization to purchase, from time to time during 1983 and 1984, an amount of its common stock not to exceed $60 million.

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by May 17, 1983, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as filed or as it may be amended, may be granted.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-11274 Filed 4-26-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22893; (70-6852)]

Columbia Gas System, Inc.; Proposed Issuance and Sale of Common Stock Through an Exchange for Issuer's Debentures in Satisfaction of Sinking Fund Requirements; Request for Exception From Competitive Bidding

March 28, 1983.

The Columbia Gas System, Inc. ("Columbia"), 20 Montchanin Road, Wilmington, Delaware 19807, a registered holding company, has filed a declaration and an amendment thereto with this Commission pursuant to Sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rules 42 and 50 promulgated thereunder.

As of March 3, 1983, Columbia had issued 35,993,784 shares out of 50 million shares of authorized common stock. Columbia now proposes to issue from time to time through December 31, 1983, up to 2 million additional shares of authorized, but unissued, common stock in exchange for an amount of its outstanding debentures of comparable value which would otherwise be reacquired for cash to satisfy normal sinking fund requirements. The debentures will have been previously acquired by one or more investment banking firms which will exchange the debentures for the additional common stock and then sell the common stock. The additional common stock will be registered with this Commission in accordance with its delayed or continuous offering and sale procedures (17 ICF 230.415) in order to permit periodic, but not more than three, public offerings in 1983.

Columbia cites two material advantages which result from the issuance of common stock in the manner herein described. The gradual replacement of debt with common stock will strengthen Columbia's capital structure and improve its earnings coverage ratios. Additionally, it is anticipated that the gain resulting from the acquisition of the debentures, at less than their par value, will be tax-free as an exchange of securities. This type of exchange will produce higher cash savings than if the debentures were simply reacquired for cash.

Columbia has requested an exception from the competitive bidding requirements of Rule 50 under the Act. It it represented that the exchange ratio, which determines the number of shares of common stock issued, would be negotiated based on the value of the debentures versus the market value of the common stock, less underwriting commissions. Because transactions under this proposed procedure may be carried out periodically over an extended time period, and because Columbia must deal directly with those investment bankers that hold the debentures Columbia seeks to purchase, Columbia asserts that it is essential that it be able to negotiate with the investment bankers to determine the appropriate exchange ratio. In light of the foregoing, Columbia proposes to initiate preliminary negotiations and is hereby granted permission to do so.

The effect of the proposed transactions upon the consolidated capital structure of Columbia as of December 31, 1982, is demonstrated below assuming an acquisition of debentures of a par value equaling $63 million, at a discounted value of $50 million, in exchange for common stock at a market price of $28 per share (this exchange radio would result in the issuance of 1,786,000 shares):

	Actual		Pro forma	
	Dollars (millions)	Percent	Dollars (millions)	Percent
Common stock equity	1,456	48.3	1,508	50.2
Redeemable preferred stock [1]	40	1.3	40	1.3
Long-term debt [1]	1,519	50.4	1,456	48.5
Total	3,017	100.0	[2]3,004	100.0

[1] Includes current maturities.
[2] Gain on retirement of debt recorded as a deferred credit, and amortized over the remaining life of the debentures, on a series-by-series basis, to reduce interest expense.

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Any interested persons wishing to comment or request a hearing should submit their views in writing by April 22, 1983, to the Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above and proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration as amended or as it may be further amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-11269 Filed 4-26-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13179; 812-5454]

Dean Witter Developing Growth Securities Trust and John R. Haire; Filing of Application

April 21, 1983.

Notice is hereby given that Dean Witter Developing Growth Securities Trust, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company (the "Trust"), and John R. Haire (collectively, "Applicants") Five World Trade Center, New York, New York 10048, filed an application on February 11, 1983, for an order of the Commission, pursuant to Section 6(c) of the Act, declaring that Mr. Haire, a trustee of the Trust, shall not be deemed an interested person of the Trust, as defined by Section 2(a)(19) of the Act, solely because he serves as a director of Washington National Corporation ("WNC"), which has three wholly-owned subsidiaries registered as broker-dealers under the Securities Exchange Act of 1934 ("Exchange Act"). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and are referred to the Act and the rules thereunder for further information as to the provisions to which the exemption applies.

Applicants state that Mr. Haire is a director of WNC, a publicly-held life insurance complex, and two of its wholly-owned life insurance subsidiaries, Anchor National Life Insurance Company ("ANL") and Washington National Life Insurance Company of New York ("WNNY"). Two other "wholly-owned subsidiaries of WNC, Washington National Equity Company ("WNEC") and Anchor National Financial Services, Inc. ("ANS"), are registered as broker-dealers under the Exchange Act. Applicants further state that ANS itself has a wholly-owned subsidiary, ANFS, Inc. ("ANFS"), also registered as a broker-dealer under the Exchange Act.

Applicants represent that the three broker-dealer subsidiaries of WNC function primarily as adjuncts to the insurance operations of the WNC complex, marketing mutual funds and variable annuities. Applicants represent that ANS and ANFS conduct a general securities business on a fully disclosed basis through an unaffiliated broker-dealer. Applicants contend they limit such general securities business to the accommodation of clients of dually-licensed insurance agents/registered representatives. Applicants describe such business as occasional and unsolicited. Applicants represent that the borker-dealer affiliates of WNC will not transact any business with the Trust, as portfolio brokers or otherwise, so long as Mr. Haire remains a trustee of the Trust.

Applicants state that because Mr. Haire serves as a director of WNC, he might be deemed to control WNEC, ANS, and ANFS, the broker-dealer subsidiaries of WNC and, thus, through the application of Sections 2(a)(19), 2(a)(3), and 2(a)(9), be considered an interested person of the Trust. A similar analysis might deem Mr. Haire to be controlled by WNC and, thus, an

affiliated person of the same broker-dealer subsidiaries by reason of his being under the common control of WNC. Either analysis, the Applicants acknowledge, would result in Mr. Haire being considered an interested person of the Trust.

Section 6(c) of the Act permits the Commission, among other things, to grant an exemption by order upon application from any provision or provisions of the Act, provided such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants contend that Mr. Haire does not exercise a controlling influence over the affairs of WNC's broker-dealer subsidiaries, except in his official capacity as a director of WNC. Applicants represent that Mr. Haire is not a director, officer, or employee of the broker-dealer subsidiaries, and that Mr. Haire in no way participates in the day-to-day operations of WNC or its broker-dealer subsidiaries. Mr. Haire does not serve as an officer of WNC. Mr. Haire receives the same director's fees as received by the other outside directors of WNC, WNNY, and ANL. According to the application, Mr. Haire works, full-time, as president and chief executive officer of the Council for Financial Aid to Education, a non-profit corporation promoting financial aid to education.

Applicants argue that it would be misleading to shareholders and unfair to Mr. Haire to identify him as an interested trustee of the Trust because such designation implies an actual or potential conflict of interest which, Applicants claim, does not exist. Applicants contend that because no possibility exists that the Trust will do business with WNC or its broker-dealer subsidiaries, Mr. Haire will be in a position to act independently on behalf of the Trust and its shareholders without any possible impairment arising out of his affiliation with WNC. Accordingly, Applicants believe it would be in the best interests of the Trust and its shareholders to have Mr. Haire's status as a disinterested trustee acknowledged. Applicants believe the exemption requested to be appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person wishing to request a hearing on the application my, not later than May 16, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interests, the reasons for his/her request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-11272 Filed 4-26-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13178; 812-5367]

Heizer Corporation; Filing of an Application

April 21, 1983.

Notice is hereby given that Heizer Corporation ("Applicant") 20 North Wacker Drive Chicago, Illinois 60606, a business development company within the meaning of Section 2(a)(48) of the Investment Company Act of 1940 ("Act"), filed an application on October 29, 1982, and amendments thereto on March 8 and April 19, 1983, for an order of the Commission, pursuant to Section 6(c) of the Act, declaring that Edward Glassmeyer, a director of Applicant, shall not be deemed an "interested person" of Applicant, as defined by Section 2(a)(19) of the Act, by reason of: (1) his investment as a limited partner in Grubb & Company ("Grubb"), a partnership registered with the Commission as a broker-dealer under the Securities Exchange Act of 1934; (2) his providing consulting and other services to Grubb; or (3) his proposed sole ownership of a corporation that will become a limited partner of NH Management Company ("NH"), the managing general partner of Grubb. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below, and are referred to the Act and the rules thereunder for further information as to the provisions to which the exemption applies.

Primarily engaged in the business of developing independent companies that exhibit significant growth potential, Applicant seeks, as its primary investment objective, long-term capital appreciation. In accordance with this objective, Applicant states that it provides capital and managerial assistance to selected businesses. Applicant's management makes the investment decisions for Applicant in accordance with policies approved by its board of directors. Mr. Glassmeyer, Applicant has six directors, two of whom may be deemed to be "interested". To ensure its continued compliance with Section 56(a) of the Act, Applicant seeks an order of the Commission declaring that Mr. Glassmeyer shall not be deemed an interested person of Applicant within the meaning of Section 2(a)(19)(A)(v).

Applicant states that Mr. Glassmeyer beneficially owns 57,000 shares of Applicant's common stock representing approximately 0.4% of Applicant's outstanding common stock. Mr. Glassmeyer also holds options to acquire an additional 7,000 shares of Applicant's common stock, none of which are currently exercisable. Applicant represents that Mr. Glassmeyer's investment of $25,000 in a limited partnership interest in Grubb constitutes less than six percent of Grubb's initial capital. Applicant represents that Mr. Glassmeyer's limited partnership interest in Grubb does not entitle him to vote on any partnership matters, except in extraordinary circumstances, and that his liability as a limited partner cannot excede the amount of his investment in the partnership (including any capital returned to him after the date on which the partnership incurred a liability).

Grubb, a privately-held limited partnership organized under the laws of Georgia to conduct investment banking activities for its own and others' accounts, will arrange financing for emerging growth companies by using its best efforts to privately place securities of such companies. Applicant represents that Grubb will provide the following services: financial planning, strategic planning, market planning, market analysis, business plan development, and locating key managers. Applicant expects that Grubb will provide management consulting services to a small number of companies on a fee basis. As Grubb develops and enhances its capital position, Applicant anticipates that Grubb will expand its activities to include investment research, mergers and acquisitions, public offerings, market making, and other related services. The application also states that Grubb anticipates forming venture capital partnerships,

which will be operated as separate but affiliated entities.

In addition to his limited partnership interest in Grubb, Mr. Glassmeyer intends to provide, among other things, consulting services to Grubb. Moreover, Mr. Glassmeyer is the sole owner of a corporation that will become a limited partner of NH. Applicant describes NH as a privately-held, Georgia limited partnership formed for the purpose of acting as the managing general partner of Grubb. Applicant states that NH's sole business consists of acting as the managing partner of Grubb, and that NH is not registered with the Commission as a broker or dealer.

Applicant acknowledges that Mr. Glassmeyer, as a limited partner of Grubb, would be deemed an "affiliated person", through Section 2(a)(3)(D), of a registered broker-dealer, and thus an "interested person" of Applicant as defined in Section 2(a)(19)(A)(v) of the Act. Similarly, as a result of the consulting and other services which Mr. Glassmeyer will provide to Grubb, he may be considered an "employee" of that broker-dealer partnership and thus an affiliate of an interested person (and thus an interested person himself) of Applicant. Finally, as sole owner of a corporation that will become a limited partner of NH, Mr. Glassmeyer might be deemed an affiliate of an interested person, and thus an interested person of Applicant, either through Section 2(a)(3)(C) or Section 2(a)(3)(D).

Section 6(c) of the Act permits the Commission, among other things, to grant an exemption by order upon application from any of the provisions of the Act, or of any rules thereunder, provided such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant represents that no business or financial relationship currently exists, and none existed in the past, between Applicant and Grubb (or Grubb's predecessor corporation, Grubb & Co., Inc.) or NH. As a condition to the requested exemption, Applicant undertakes that—as long as Mr. Glassmeyer is a director of Applicant, is deemed not be an "interested person" of Applicant, and also is an affiliate of Grubb or NH—it will not effect any business transactions with Grubb or NH. Applicant believes that compliance with this undertaking will not adversely effect it or its shareholders because, as a business development company, Applicant rarely utilizes the brokerage or other services of registered brokers or dealers. Applicant represents that the services provided by Grubb are not unique, nor are they of the type that Applicant has historically used in its business development activities. Moreover, Applicant notes the existence of a large number of registered broker-dealers throughout the United States that provide a wide range of services, on a highly competitive basis, and sees no reason why Applicant would need to use Grubb's services, as opposed to other broker-dealers. In addition, Applicant represents that Mr. Glassmeyer has agreed to recuse himself from participation in any decision by Applicant to acquire an investment position in a portfolio company with which either Mr. Glassmeyer, Grubb, or NH have or have had within the past one year, a material business relationship.

Applicant does not believe it necessary or appropriate to request any of its portfolio, or "investee", companies to undertake to refrain from engaging in any business transactions with Grubb or NH. Characterizing the possibility that one of its investee companies will have occasion to use the services of Grubb or NH as "extremely remote," Applicant asserts that the comprehensive prohibitions and protective procedures set forth in Section 57 of the Act and the rules thereunder more than adequately protect Applicant and its shareholders in the context of this application.

Applicant believes that the requested exemption is appropriate in the public interest because it will permit Applicant and its shareholders to continue to receive the benefits of Mr. Glassmeyer's services as a director. As noted earlier, Mr. Glassmeyer has served as a director of Applicant since 1969, and, in addition to his invaluable knowledge and experience gained through his service with Applicant, Mr. Glassmeyer has outstanding abilities and experience in investment banking and other fields. Applicant asserts that Mr. Glassmeyer is a most valued member of its board of directors, and that the conflicts of interest which Section 2(a)(19)(A)(v) seeks to eliminate do not occur in this context. Finally, Applicant submits that its requested exemption is fully consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person wishing to rerquest a hearing on the application may, not later than May 16, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for his/her request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-11271 Filed 4-26-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13180; 812-5494]

Keystone International Fund, Inc., Keystone Tax Free Fund, Keystone Custodian Funds, Inc. as Trustee for Keystone Custodian Funds, Series B-1, B-2, B-4, K-1, K-2, S-1, S-3 and S-4; Filing of an Application

April 21, 1983.

Notice is hereby given that Keystone International Fund, Inc., Keystone Tax Free Fund, and Keystone Custodian Funds, Inc. ("Keystone"), as trustee of each of eight trusts, namely Keystone Custodian Funds, Series B-1, B-2, B-4, K-1, K-2, S-1, S-3, and S-4 (referred to hereinafter with Keystone International Fund, Inc. and Keystone Tax Free Fund as the "Funds") (Keystone and the Funds are collectively referred to as "Applicants") 99 High Street, Boston, Massachusetts 02110, filed an application on March 15, 1983, for an order, pursuant to Section 6(c) of the Investment Company Act of 1940 (the "Act"), exempting Applicants from the provisions of Sections 2(a)(32), 2(a)(35), and 22(c) of the Act and Rule 22c-1 thereunder to the extent necessary to permit Applicants to assess a contingent deferred sales charge under certain circumstances. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and are referred to the Act and the rules thereunder for further information as to the provisions to which the exemptions apply.

Registered under the Act as open-end, diversified, management investment companies, the Funds have no employees. The Travelers Corporation

("Travelers") holds all of the outstanding shares of capital stock of Keystone, the investment adviser or corporate trustee of each of the Funds. Applicants state that Fund shares are offered for sale to the public through broker-dealers pursuant to dealer agreements with the Funds' principal underwirter, Keystone Massachusetts, Inc. (the "Distributor"), a wholly-owned subsidiary of Keystone. Applicants represent that purchases of Fund shares incur a sales charge of up to 8.5% of their public offering price.

After five years of experiencing substantial net redemptions, the boards of directors of Keystone and the Funds concluded that the Funds should change their distribution arrangements. The directors decided to replace the front-end sales charges with a contingent deferred sales charge to be impoosed on redemptions of shares purchased after elimination of the front-end sales charge. The directors further decided that each Fund should partially finance the distribution of its shares, and they approved distribution plans pursuant to Rule 12b-1 under the Act. Because of their anticipated Rule 12b-1 plan, Applicants seek to impose a contingent deferred sales charge on those shares which the Funds have paid commissions on which are redeemed before the funds have had an opportunity to realize the tangible and intangible benefits of long-term investment of the capital that such sales represent. Applicants contend they calculated the contingent deferred sales charge to reflect the amount of commissions paid by the Funds on sales of shares, adjusted to reflect the time value of money and for rounding to the nearest whole percentage.

Applicants represent that they would impose contingent deferred sales charges on partial or complete redemption of shares purchased following elimination of their front-end sales charge. Shares redeemed during the same calendar year of their purchase will incur a sales charge of 4% of the lesser of: (1) the net asset value of such shares redeemed, or (2) the total cost of such shares. Applicants would charge a sales commission of 3%, based on the same calculation, on shares redeemed during the next calendar year after the year of purchase. Applicants would impose a 2% sales charge on redemptions occurring during the second calendar year after the year of purchase, 1% if the redemption occurs during the third calendar year after the year of purchase. Applicants would impose no sales charge on redemptions made during the fourth and subsequent calendar years following the year of purchase.

Applicants assert that in no event could the contingent deferred sales charges, in the aggregate ever exceed 4% of the lesser of the net asset value of the shares redeemed or the total cost of such shares. Applicants will impose no contingent deferred sales charge on: (1) increases above the shares' cost resulting from increases in the shares' net asset value, or (2) shares the Funds did not pay a commission on issuance (including shares acquired through reinvestment of dividend income and capital gains distributions). When calculating contingent deferred sales charges, Applicants will assume that shares held longest are first to be redeemed. Applicants state they will not impose a contingent deferred sales charge on exchanges of shares between Funds. Moreover, on such exchanges, Applicants will assume exchanged shares to have been purchased during the year in which the shares surrendered in the exchange were purchased or deemed to have been purchased as a result of prior exchanges.

Applicants believe that the imposition of a contingent deferred sales charge is fair and in the best interests of their shareholders. Applicants submit that their proposal permits shareholders to have more investment dollars working for them from the time they purchase Applicants' shares. Moreover, Applicants reiterate that their proposal would not impose a contingent deferred sales charge on shares held at least four years after the date of purchase or to increases in an investor's account resulting from reinvestment of distributions or increases in net asset value per share.

Applicants propose to finance their distribution expenses pursuant to a distribution plan ("Plan") adopted under Rule 12b-1 under the Act. Each Fund's Plan provides that the Fund may incur certain distribution expenses not exceeding for any quarter a maximum amount equal to 0.3125% of the Fund's average daily net assets during the quarter (an amount approximately equivalent to 1.25% annually of the Fund's average daily net assets). Such amounts may be paid to the Distributor as commissions for shares of the Fund sold after the Plan's inception, all or part of which may be allowed to others, and to enable the Distributor to pay others maintenance or other fees in respect of Fund shares sold by them after the Plan's inception that remain outstainding on the Fund's books for specified periods.

Applicants contend that their proposed contingent deferred sales charge is consistent with all provisions of the Act and that they need no exemptive relief to implement such a sales load. To avoid any questions as to the applicability of certain definitional and regulatory sections of the Act, however, Applicants request exemptions, to the extent necessary, from the provisions of the Act described below.

Applicants submit that the imposition of a contingent deferred sales charge would not remove Fund shares from the definition of "redeemable securit(ies)" found in section 2(a)(32) of the Act. Applicants believe, therefore, that the Funds will continue to qualify as open-end companies under Section 5(a)(1) of the Act. Applicants maintain that the contingent deferred sales charge in no way restricts a shareholder from receiving his proportionate share of the current net assets of the Fund, but merely defers the deduction of a sales charge and makes it contingent upon an event that may never occur. Although the proposed contingent deferred sales charge is not a redemption charge in the ordinary sense, Applicants assert that the provisions of Section 10(d) of the Act contemplate that an investment company may be an open-end company and may impose a discount from net asset value on redemption of its shares. Applicants request an exemption from Section 2(a)(32) of the Act to the extent necessary to permit the Funds to qualify as open-end companies under Section 5(a)(1) of the Act.

Applicants contend that the proposed contingent deferred sales charge qualifies as a "sales load" within the meaning of Section 2(a)(35). The contingent deferred sales charges will be paid to the Funds, not the Distributior, to reimburse the Funds for expenses related to the sale of their shares. The contingent deferred sales charge partially recompenses the Funds for commissions they paid—rather than the investor—at the time of purchase. Because the Funds pay a 5% sales commission, even the highest contingent deferred sales charge of 4% does not fully recompense the Fund. Applicants represent that the contingent deferred sales charge does not penalize an investor, but merely requires him to pay part of a sales cost disclosed yet not imposed at the time of sale. Applicants designed the contingent deferred sales charge to partially compensate the Fund and its shareholders for having borne sales costs without receiving the long-term benefits of the investments resulting from such sales. Applicants

recognize that sales loads are typically charged at the time of purchase, but they can find no logical reason to prohibit imposition of a sales charge at a time other than at the time of original purchase. Moreover, because Applicants would impose a charge only on amounts representing purchase payments (and not on increases in share value or on shares purchased through reinvestment), they assert that a purchaser can be no worse off and, in fact, is better off with their proposal than with a traditional sales charge. Nonetheless, Applicants request an exemption from the provisions of Section 2(a)(35) to the extent necessary to implement their proposed contingent deferred sales charge.

Applicants submit that their contingent deferred sales charge in no way violates Section 22(c) of the Act or Rule 22c–1 thereunder. Applicants will redeem those shares subject to a contingent deferred sales charge at net asset value or the total cost of the shares redeemed, whichever is less. Applicants will merely deduct the contingent deferred sales charge from redemption proceeds at the time of redemption in arriving at the shareholder's redemption proceeds. To avoid any questions as to the applicability of Section 22(c) and Rule 22c–1, however, Applicants request an exemption from Section 22(c) and from Rule 22c–1 to the extent necessary or appropriate to permit Applicants to implement their contingent deferred sales charge.

Section 6(c) of the Act permits the Commission, among other things, to grant an exemption by order upon application from any provision or provisions of the Act, or from any rule or regulation thereunder, provided such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants submit that the exemptions they request are appropriate, in the public interest, and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than May 16, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for his/her request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date, an order disposing of the application will be issued unless the commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83–11273 Filed 4–26–83; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 13177; 812–5483]

Kidder, Peabody Government Money Fund, Inc.; Filing of Application

April 21, 1983.

Notice is hereby given that Kidder, Peabody Government Money Fund, Inc. (the "Company"), 20 Exchange Place, New York, New York 10005, an open-end, diversified management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on March 8, 1983, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting the Company from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder to the extent necessary to permit the Company's net asset value per share to be valued at amortized cost. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act for the complete text of those provisions of the Act from which an exemption is being sought.

The Company states that its objective is the maximization of current income to the extent consistent with the preservation of capital and the maintenance of liquidity. The Company pursues this objective by investing in short-term money market instruments issued or guaranteed by the United States Government or its agencies or instrumentalities and entering repurchase agreements with respect to such securities. The Company states that it may invest in commitments to purchase such securities on a "when-issued" or "delayed delivery" basis. The Company states that with respect to repurchase agreements it at no time will invest in repurchase agreements for more than seven days. The Company states further that securities which collateralize such repurchase agreements may have maturities beyond one year from the time that the Company enters into the repurchase agreement.

According to the application, the amounts invested in obligations of various maturities depend on management's evaluation of the risks involved. The Company attempts to balance its three-fold objectives of high income, preservation of capital and liquidity in determining the maturity of securities selected for investment. The Company states that, generally, its investments will consist of obligations maturing within one year and the average maturity of all the investments (on a dollar-weighted basis), will be 120 days or less. The Company may also invest in such obligations which were originally issued with maturities in excess of one year if, at the time of purchase, the remaining time to maturity is less than one year.

The Company maintains that all of the above instruments are generally offered on the basis of a quoted yield to maturity and the market price of the security reflects an adjustment of its face value so that relative to the stated rate of interest it will return the quoted rate to the purchaser. The Company intends to declare its net income as a dividend to its shareholders on a daily basis and pay such dividends in additional shares on a monthly basis. According to the application, "net income" for this purpose will consist of all interest income accrued on the portfolio assets of the Company, less all expenses of the Company, plus or minus any gains or losses realized on sales of portfolio securities. The Company indicates that, if it is permitted to value its securities on an amortized cost basis, net income will also be adjusted to reflect amortization of original issue and market discount or market premium, but will not include any unrealized capital gains or losses. The Company states that, in addition, its net asset value per share will remain at $1.00 because the Company will pay the daily dividend in the form of additional shares of the Company.

The Company states that is has been the experience of the Company's manager and distributor in advising and managing other "money market" funds that in order to attract investors and retain shareholders, the Company should possess the two attributes of stability of principal, i.e., a stable net asset value, and a steady flow of investment income. The Company states

that its management believes that the Company's investment policy of investing only in instruments having a remaining maturity of one year or less with an average portfolio maturity of 120 days combined with a stable price of $1.00 per share will provide both of the attributes of stability of principal and a steady flow of investment income. The Company states that management's experience with respect to securities within the Company's investment policy indicates that with respect to instruments maturing in 120 days or less there is normally a negligible discrepancy between market value and the amortized cost value of such security. The Company believes that valuation of its assets on the amortized cost basis, by enabling the maintenance of a stable price per share and at the same time allowing a flow of investment income less subject to fluctuation than under procedures whereby its dividend would be adjusted by all realized gains and losses, will benefit its shareholders.

The Board of Directors of the Company has determined in good faith that, in light of he characteristics of the Company as described in the application, absent unusual or extraordinary circumstances, the amortized cost method of valuing portfolio securities is appropriate and preferable for the Company and reflects fair value of such securities.

Applicant further represents that granting of the requested exemption is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In order to enhance investor protection, the Company has agreed to the following conditions:

1. The Board of Directors, in supervising the Company's operations and delegating special responsibilities involving portfolio management to the Company's investment manager, undertakes—as a particular responsibility within the overall duty of care owed to tis shareholders—to establish procedures reasonably designed, taking into account current market conditions and the Company's investment objectives, to stabilize the Company's net asset value per share, as computed for the purpose of distribution, redemption and repurchase at $1.00 per share.

2. Included within the procedures to be adopted by the Board of Directors shall be the following:

(a) Review by the Board of Directors, as it deems appropriate and at such intervals as are reasonable, in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from the Company's $1.00 amortized cost price per share. To fulfill this condition, the Company intends to use actual quotations or estimates of market value reflecting current market conditions chosen by its Board of Directors in the exercise of its discretion to be appropriate indicators of value which may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market instruments published by reputable sources.

(b) In the event such deviation from the Company's $1.00 amortized cost price per share exceeds one half of one percent, a requirement that the Board of Directors will promptly consider what action, if any, should be initiated.

(c) Where the Board of Directors believes the extent of any deviation from the Company's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results which may include: selling portfolio instruments prior to maturity to realize capital gains or losses or to shorten the average portfolio maturity of the Company; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. The Company will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that the Company will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) a maintain a dollar-weighted average portfolio maturity which exceeds 120 days. In fulfilling this condition, if the disposition of a portfolio instrument results in a dollar-weighted average portfolio maturity in excess of 120 days, the Company will invest its available cash in such a manner as to reduce its dollar-weighted average pportfolio maturity to 120 days or less as soon as reasonably practicable.

4. The Company will record, maintain and preserve permanently in as easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above; and the Company will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the Board of Directors' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the Board of Directors' meetings. The doucments preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31 (b) of the Act as though such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. The Company will limit its portfolio investments to those short-term money market instruments issued or guaranteed by the United States Government or its agencies or instrumentalities which the Board of Directors determines present minimal credit risks, and which are of "high-quality" as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by the Board of Directors.

6. The Company will include in each quarterly report, as an attachment to form N–1Q, a statement as to whether any action pursuant to condition 2(c) was taken during the preceding fiscal quarter and, if any such action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than May 16, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for his/her request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon the Company at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc 83–11270 Filed 4–26–83; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34-19693; File No. SR-MSE-83-4]

Self-Regulatory Organizations; Proposed Rule Change by Midwest Stock Exchange, Inc.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on April 8, 1983 the Midwest Stock Exchange, Incorporated filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Midwest Stock Exchange provides that Rule 3 of Article IV be amended to grant the Floor Procedure Committee of the Exchange the authority to act through subcommittee(s). Rule 3, Article IV would be amended by adding a new paragraph to the existing rule as follows:

Notwithstanding the foregoing and Rule 9 of this Article, the Committee if it so determines may act through a subcommitte to perform any of its duties pursuant to the Rules of the Exchange or otherwise. A subcommittee shall be composed of not less than three (3) members of the Committee appointed by the Chairman, a majority of whom shall constitute a quorum. Any member adversely affected by a determination of a subcommittee regarding any matter may appeal to the full Committee within five days of receiving notice of its determination by making a written request therefore specifically stating the action complained of, the specific reasons why exception is taken thereto and the relief sought. Any determination made by a subcommittee which is not specifically appealed as set forth herein shall be final.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organizaton has prepared summaries, set forth in Sections (A), (B), and (C) below of the most significant aspects of such statements.

(A) *Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change.*—Presently, there are working ad-hoc subcommittees of the Floor Procedure Committee, such as a committee to establish training programs for floor members and various floor facilities review committees. Such subcommittees formulate recommendations to the full committee. The full committee has varied functions but its primary functions can be outlined as follows:

A. Floor registration process and market maker assignments.

B. Floor decorum.

C. Arbitration.

D. Trading practices.

i. ITS.

ii. rule interprettions and guidance.

iii. new rule proposals.

E. Discussion and guidance regarding operational needs.

F. Coordinate with and when requested assist the Specialist Assignment and Evaluation Committee.

G. Refer matters for disciplinary action to enforce rules. The Proposed rule change would grant the Floor Procedure Committee the authority to act through subcommittee(s) if it so determined to perform any of these duties. This should enable more particularized attention to be devoted to the significant areas now the responsibility of the full committee. It should crystalize thinking and substantially clean up agendas of the full Committee.

It would also be beneficial to broaden floor participation in the process of the orderly and efficient running of the trading floor. It is anticipated that these subcommittees will be standing subcommittees to handle routine but important on-going functions such as assignment of issues to market makers and appeals of floor decorum fines. Any member which may be adversely affected by a determinaton of a subcommittee may appeal to the full committee.

The proposed rule change is consistent with Section 6(b)(3) of the Securities Exchange Act of 1934 in that it helps assure fair representation of the Exchange's members in the administration of Exchange affairs.

(B) *Self-Regulatory Organization's Statement on Burden on Competition.*—The Midwest Stock Exchange, Incorporated does not believe that any burdens will be placed on competition as a result of the proposed rule change.

(C) *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others.*—Comments have neither been solicited nor received from members or participants.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action.

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concening the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C., 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commissions's Public Reference Section, 450 Fifth Street, NW., Washington, D.C., 20549. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: April 21, 1983.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-11177 Filed 4-26-83; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[Notice No. 465]

Winegrape Varietal Names Advisory Committee; Open Meeting

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury.

ACTION: Notice of Advisory Committee Meeting.

SUMMARY: An open meeting of the Winegrape Varietal Names Advisory Committee will be held at 9:30 am on May 17, 1983, in Room 5041, 1200 Pennsylvania Avenue, NW, Washington, DC.

SUPPLEMENTARY INFORMATION: At this meeting the Committee will continue its efforts toward compiling a complete listing of winegrape names now being used in the United States, and identifying those names which may be incorrect, confusing, or deceptive.

The meeting will be open to the public. Any person who wishes to furnish written information or to address the Committee should submit the information or the request to appear to the Committee Manager at the address shown below. Requests to appear before the Committee should specify the purpose of the presentation, the subject matter to be covered, and the amount of time desired.

FOR FURTHER INFORMATION CONTACT: Melvin T. Bruce, Manager, Winegrape Varietal Names Advisory Committee, Room 6230, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226 (202-566-7568).

Signed: April 18, 1983.

Stephen E. Higgins,

Director.

[FR Doc. 83-11142 Filed 4-26-83; 8:45 am]

BILLING CODE 4810-31-M

Office of the Secretary

[Supp. to Dept. Circ., Public Debt Series—No. 11-83]

Series T-1985; Interest Rate

April 21, 1983.

The Secretary announced on April 20, 1983, that the interest rate on the notes designated Series T-1985, described in Department Circular—Public Debt Series—No. 11-83 dated April 14, 1983, will be 9½ percent. Interest on the notes will be payable at the rate of 9½ percent per annum.

Gerald Murphy,

Acting Fiscal Assistant Secretary.

[FR Doc. 83-11127 Filed 4-26-83; 8:45 am]

BILLING CODE 4810-40-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 82
Wednesday, April 27, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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National Council on Educational Research	2, 3

1

FEDERAL HOME LOAN BANK BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 17432, Friday, April 22, 1983.

PLACE: Board room, Sixth floor, 1700 G Street, NW., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Ms. Gravlee (202-377-6970).

CHANGES IN THE MEETING: The following items have been added to the open portion of the Bank Board meeting scheduled Tuesday, April 26, 1983, at 2:30 p.m.

Implementation of New Powers; Limitations on Loans to One Borrower
Preemption of State Due-on-Sale Laws
Sale of Branches
Interstate Operations of Insured Institutions
FSLIC Insurance Premiums

[No. 36, April 25, 1983]

[S-582-83 Filed 4-25-83; 10:27 am]

BILLING CODE 6720-01-M

2

NATIONAL COUNCIL ON EDUCATIONAL RESEARCH

DATE: The program committee, a subcommittee of the National Council on Educational Research, will hold a meeting on May 5, 1983.

STATUS: Open.

TIME: 9:00 a.m.-5:15 p.m.

PLACE: Director's Conference Room, National Institute of Education, 1200 19th Street, Washington, D.C.

MATTERS TO BE CONSIDERED:

1. Discussion of Research in beginning Reading and in the Teaching of writing.
2. Examination of research in mathematics and science instruction.
3. Discussion of how a Liberal Arts Education may be strengthened by educational research.
4. Secondary Education reforms will be discussed.

CONTACT PERSON FOR MORE INFORMATION: Patricia Hines, NCER Assistant, 2000 L Street NW., Washington, D.C. telephone 202-254-7490.

Dated: April 21, 1983.

Richard LaPointe,

Executive Director of the National Council on Educational Research.

[S-593-83 Filed 4-25-83; 2:47 pm]

BILLING CODE 4000-01-M

3

NATIONAL COUNCIL ON EDUCATIONAL RESEARCH

DATE: The program committee, a subcommittee of the National Council on Educational Research, will hold a meeting on May 6, 1983.

STATUS: Closed.

TIME: 9:00 a.m.-12 noon.

PLACE: Director's conference room, National Institute of Education, 1200 19th Street NW., Washington, D.C.

MATTERS TO BE CONSIDERED: Committee discussion: Personnel: Closed pursuant to (2) and (6).

CONTACT PERSON FOR MORE INFORMATION: Patricia Hines, NCER Assistant, 2000 L Street NW., Washington, D.C. 20208, telephone 202-254-7490.

Dated: April 21, 1983.

Richard LaPointe,

Executive Director of the National Council on Educational Research.

[S-594-83 Filed 4-25-83; 2:47pm]

BILLING CODE 4000-01-M

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federal register

Wednesday
April 27, 1983

Part II

Department of Energy

Federal Energy Regulatory Commission

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Volume 875]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: April 21, 1983.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Eneregy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D. C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register**.

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487-4808, 5285 Port Royal Rd, Springfield, Va 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102-1: New OCS lease
102-2: New well (2.5 Mile rule)
102-3: New well (1000 Ft rule)
102-4: New onshore reservoir
102-5: New reservoir on old OCS lease
Section 107-Dp: 15,000 feet or deeper
107-GB: Geopressured brine
107-CS: Coal Seams
107-DV: Devonian Shale
107-PE: Production enhancement
107-TF: New tight formation
107-RT: Recompletion tight formation
Section 108: Stripper well
108-SA: Seasonally affected
108-ER: Enhanced recovery
108-PB: Pressure buildup

Kenneth F. Plumb,
Secretary.

BILLING CODE 6717-01-M

NOTICE OF DETERMINATIONS
ISSUED APRIL 21, 1983

VOLUME 875

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
OKLAHOMA CORPORATION COMMISSION									
-AMSTAR OIL INC				RECEIVED:	03/28/83	JA: OK			
8329859	19439	3510900000		102-2		KUSEK #4	KUSEK #4	0.0	WESTWIND GAS CO
-ANADARKO PRODUCTION COMPANY				RECEIVED:	03/28/83	JA: OK			
8329837	20703	3500321010		103		TUCKER C-2	LAMBERT S E	200.0	PIONEER GAS PRODU
8329804	20704	3500321010		103		TUCKER C-2	LAMBERT S E	150.0	PIONEER GAS PRODU
-ARCO OIL AND GAS COMPANY				RECEIVED:	03/28/83	JA: OK			
8329781	20747	3509321752		108		LLOYD VICKERY #3	N E CEDARDALE	7.3	MICHIGAN WISCONSI
8329810	20815	3500721763		103		ULLRICH-PARKER UNIT #3	MOCANE-LAVERNE	182.5	NORTHERN NATURAL
-B R POLK INC				RECEIVED:	03/28/83	JA: OK			
8329786	20776	3505921150		103		WHEELER-O'HAIR #2-35	S LAVERNE	100.0	MICHIGAN WISCONSI
-BRAXTON OIL AND GAS CORP				RECEIVED:	03/28/83	JA: OK			
8329773	20702	3507122556		103		SCHOOL LAND #1		10.0	CHASE GATHERING S
-BROWN & BORELLI INC				RECEIVED:	03/28/83	JA: OK			
8329763	20352	3507323646		103		BOB #1	N OKARCHE	73.0	CONOCO INC
-BUCK EXPLORATION				RECEIVED:	03/28/83	JA: OK			
8329778	20729	3501120373		108		MEHEW-WHITE #1	SOONER TREND	6.0	DELHI GAS PIPELIN
-C E DINSMORE				RECEIVED:	03/28/83	JA: OK			
8329803	20468	3515121259		103		ZEBB MCBRIDE #1	WEST ALINE FIELD	0.0	AMINOIL U S A INC
-C W SMITH & ASSOCIATES INC				RECEIVED:	03/28/83	JA: OK			
8329815	20870	3508100000		103		JAMES MURPHY #4	S E DAVENPORT	10.0	MERIDIAN ENERGY I
-CHAMPLIN PETROLEUM COMPANY				RECEIVED:	03/28/83	JA: OK			
8329771	20693	3504721445		108		FRANK BIRD "A" #2	ENID	10.0	CHAMPLIN PETROLEU
8329769	20691	3508700000		108		GILES-BROWN NO 1	UNALLOCATED	7.0	SUN OIL CO
8329770	20692	3504700000		108		STATE SCHOOL #1	ENID	2.0	CHAMPLIN PETROLEU
-COQUINA PETROLEUM INC				RECEIVED:	03/28/83	JA: OK			
8329762	19814	3501121739		103		SCHLOTTHAUER #2		255.0	ARKANSAS LOUISIAN
-CORE OIL & GAS CORP				RECEIVED:	03/28/83	JA: OK			
8329792	10827	3510920453		102-4		EUEL #3	CHOCTAW	0.0	
-DONALD C SLAWSON				RECEIVED:	03/28/83	JA: OK			
8329828	19535	3515121219		102-4		MULL #1-11	S E MAYNOKA	600.0	PANHANDLE EASTERN
-EARL COX				RECEIVED:	03/28/83	JA: OK			
8329812	20861	3511121871		103		STAUFFACHER #2	SCHULTER	7.3	SCHULTER GATHERIN
-EL PASO NATURAL GAS COMPANY				RECEIVED:	03/28/83	JA: OK			
8329787	20774	3512920762		103		THURMOND #6	BERLIN N W REDFORK	358.0	EL PASO NATURAL G
-ENTEX PETROLEUM INC				RECEIVED:	03/28/83	JA: OK			
8329807	20762	3508320818		103		ROBERT R GOOCH #2	WEST LAWRIE	14.0	EASON OIL CO
-F C D OIL CORP				RECEIVED:	03/28/83	JA: OK			
8329843	20735	3515121306		103		CIMARRON 1-18	WEST CLEO SPRINGS	127.8	PHILLIPS PETROLEU
8329844	20734	3515121305		103		HODGDEN 1-9	WEST CLEO SPRINGS	84.0	PHILLIPS PETROLEU
-GANER OIL CO				RECEIVED:	03/28/83	JA: OK			
8329830	19858	3503722628		103		SIDWELL #1	MANNFORD	85.0	COLORADO GAS COMP
-GEO-ENGINEERING INC				RECEIVED:	03/28/83	JA: OK			
8329855	20559	3513723058		103		GRAHAM "A"-1	SOUTH CRUCE	0.0	AMINOIL USA INC
-HARPER OIL COMPANY				RECEIVED:	03/28/83	JA: OK			
8329845	20731	3509322583		103		PECK #2	SOONER TREND	36.0	PHILLIPS PETROLEU
-HAWKINS OIL & GAS INC				RECEIVED:	03/28/83	JA: OK			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8329827	19518	3500722345		102-2		ISAAC #1-7	LOREANA EXT	3.7	
-HIGH-MCDONALD OPERATING CO				RECEIVED:	03/28/83	JA: OK			
8329858	19467	3503329648		102-2	103	HOOKER #2	N E WALTERS	200.0	ENSERCH CORP
-HPC INC				RECEIVED:	03/28/83	JA: OK			
8329805	20708	3501722391		103		CROUCH #2	NORTH CALUMET	0.0	PHILLIPS PETROLEU
-INTERNORTH INC				RECEIVED:	03/28/83	JA: OK			
8329779	20733	3500721639		108		FILE #2-29	IVANHOE WEST	10.1	NORTHERN NATURAL
-JAMES R MAGUIRE INC				RECEIVED:	03/28/83	JA: OK			
8329806	20709	3508121837		103		VEATCH #2		8.0	
8329836	20699	3508121838		103		VEATCH #3		0.0	
-JAY PETROLEUM INC				RECEIVED:	03/28/83	JA: OK			
8329821	20375	3506300000		108		BROWN OSBORNE #1	GREASY CREEK	6.0	JAY PETROLEUM INC
8329822	20376	3506300000		108		GIBSON #1	GREASY CREEK	11.9	JAY PETROLEUM INC
8329820	20374	3506300000		108		MEADORS B-1	GREASY CREEK	9.6	JAY PETROLEUM INC
8329823	20377	3506300000		108		TURNER NOLEN #1	GREASY CREEK	12.7	JAY PETROLEUM INC
-JEFFERSON-WILLIAMS ENERGY CORP				RECEIVED:	03/28/83	JA: OK			
8329811	20822	3510321791		103		K A SPAULDING #4	CERES SOUTH	20.0	ARCO OIL & GAS CO
-JET OIL COMPANY				RECEIVED:	03/28/83	JA: OK			
8329783	20789	3504723133		103		MURPHY #4	WILSON	233.0	EASON OIL CO
-JIMMY W GRAY				RECEIVED:	03/28/83	JA: OK			
8329809	20765	3504921527		103		GARLAND #1	PAULS VALLEY	90.0	BUCKEYE NATURAL G
8329808	20764	3504921331		103		WILLIAMS (SUSIE WILLIAMS) 1-8	PAULS VALLEY	72.0	BUCKEYE NATURAL G
-JOE A MUITT				RECEIVED:	03/28/83	JA: OK			
8329814	20863	3503723809		103		ABRAHAM #2	MILLFAY	9.2	KERR-MCGEE CORP
8329813	20862	3503722779		103		BOONE #2	MILLFAY	7.3	KERR-MCGEE CORP
-KAISER-FRANCIS OIL COMPANY				RECEIVED:	03/28/83	JA: OK			
8329766	20611	3515100000		108		GRAVES #1	WAYNOKA NORTHEAST	15.8	CITIES SERVICE GA
8329765	20609	3504700000		108		ZALOUDEK #1	EAST KREMLIN	15.0	ARKANSAS LOUISIAN
-KENNEDY & MITCHELL INC				RECEIVED:	03/28/83	JA: OK			
8329784	20781	3515312285		103		KEENAN #41-496		300.0	NORTHERN NATURAL
-LOUIS KAHAN				RECEIVED:	03/28/83	JA: OK			
8329768	20685	3504723100		103		WUEFLEIN B #1	ENID NORTHEAST	78.0	GRACE PETROLEUM C
-M S KLOTZMAN EXPLORATION				RECEIVED:	03/28/83	JA: OK			
8329854	20216	3511121233		103		BILLIG #1	SCHULTER	24.0	SCHULTER GATHERIN
8329852	20214	3511122132		103		COLE #1	WEST SCHULTER	19.0	SCHULTER GATHERIN
8329857	20213	3511121247		103		MILLER #1	SCHULTER	4.0	SCHULTER GATHERIN
8329853	20215	3511122993		103		REYNOLDS #1	SCHULTER	70.0	SCHULTER GATHERIN
-MACK OIL CO				RECEIVED:	03/28/83	JA: OK			
8329831	20487	3500320879		103		BERNARD (WO) #2	WILD CREEK	42.5	
8329832	20488	3500320715		103		LOTT #2	S E GOLTRY	120.0	UNION TEXAS PETRO
8329833	20489	3500320992		103		LOTT #4	S E GOLTRY	90.0	UNION TEXAS PETRO
-MAPCO PRODUCTION COMPANY				RECEIVED:	03/28/83	JA: OK			
8329842	21203	3513900000		108		KNOP C NO 1	GUYMON - HUGOTON	15.8	NORTHERN NATURAL
-MARTIN ENERGY				RECEIVED:	03/28/83	JA: OK			
8329788	20773	3508121848		103		ZELDA #1	EAST OF DAVENPORT	0.0	MERIDIAN ENERGY I
-MAY PETROLEUM INC				RECEIVED:	03/28/83	JA: OK			
8329785	20778	3508322078		103		GRININGER #1		18.3	
-MOBIL OIL CORP				RECEIVED:	03/28/83	JA: OK			
8329848	20641	3501900000		108		C F ADAMS #29	SHO VEL TUM	0.6	LONE STAR GAS CO
8329851	20637	3501900000		108		GRAHAM DEESE #25-3 H B ELLER #3	SHO VEL TUM	0.1	LONE STAR GAS CO
8329850	20638	3501900000		108		GRAHAM DEESE #25-4 H B ELLER #4	SHO VEL TUM	0.1	LONE STAR GAS CO
8329849	20639	3501900000		108		GRAHAM DEESE #26-7 G A NELSON #7	SHO VEL TUM	0.1	LONE STAR GAS CO
8329846	20644	3501900000		108		GRAHAM DEESE UNIT #52-5 (ELLIS #5)	SHO VEL TUM	0.1	LONE STAR GAS CO
8329774	20698	3501900000		108		GRAHAM DEESE UNIT #52-8 (ELLIS #8)	SHO VEL TUM	0.1	LONE STAR GAS CO
8329773	20697	3501900000		108		GRAHAM DEESE UNIT #53-2 RICKETTS #2	SHO VEL TUM	0.8	LONE STAR GAS CO
8329772	20696	3501900000		108		GRAHAM DEESE UNIT #58-2 SPARKS A #2	SHO VEL TUM	0.1	LONE STAR GAS CO
8329847	20643	3501900000		108		GRAHAM DEESE UNIT #9-8 (A DAVIS #8)	SHO VEL TUM	0.1	LONE STAR GAS CO
-MORAN EXPLORATION INC				RECEIVED:	03/28/83	JA: OK			
8329825	19462	3501721613		102-2		H & F REALTY #2	YUKON	0.0	PHILLIPS PETROLEU
8329826	19463	3501721610		102-2		HORNE #1	YUKON	0.0	PHILLIPS PETROLEU
8329829	19544	3501721776		102-2		SBC #1	YUKON	0.0	PHILLIPS PETROLEU
8329818	19546	3501721819		102-2		SBC #2	YUKON	0.0	PHILLIPS PETROLEU
8329819	19574	3501722215		102-2		SBC #4	YUKON	0.0	PHILLIPS PETROLEU
-PATEWOOD PETROLEUM CORP				RECEIVED:	03/28/83	JA: OK			
8329791	20571	3503120762		108		BUNCH-COUCH #2		6.4	MANN INDUSTRIES I
-PETRO-ENERGY EXPLORATION INC				RECEIVED:	03/28/83	JA: OK			
8329764	20486	3504722806		103		KOKOJAN #1-33	SOONER TREND	100.0	UNION TEXAS PETRO
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	03/28/83	JA: OK			
8329841	22246	3505135182		108-PB		DAHL #1	CHICKASHA	13.5	ARKANSAS LOUISIAN
8329856	20428	3504721284		108		FRICKENSCHMIDT A #1	SOONER TREND	7.0	TRANSOK PIPELINE
8329861		3504700000		108-PB		MAXEY B #1	SOONER TREND	9.8	TRANSOK PIPELINE
8329794	15442	3513900000		108		TINDLE #1		0.0	PANHANDLE EASTERN
-PLAINS PRODUCTION INC				RECEIVED:	03/28/83	JA: OK			
8329759	19515	3510525728		102-4	103	HENDRICKS #10	WOODY	25.0	ENICO OIL CORP
8329761	19517	3510525729		102-4	103	HENDRICKS #11	WOODY	100.0	ENICO OIL CORP
8329760	19516	3510525730		102-4	103	HENDRICKS #12	WOODY	25.0	ENICO OIL CORP
8329839	19510	3510525722		102-4	103	HENDRICKS #3	WOODY	25.0	ENICO OIL CORP
8329757	19513	3510525723		102-4	103	HENDRICKS #4	WOODY	25.0	ENICO OIL CORP
8329756	19512	3510525724		102-4	103	HENDRICKS #5	WOODY	25.0	ENICO OIL CORP
8329838	19511	3510525725		102-4	103	HENDRICKS #7	WOODY	25.0	ENICO OIL CORP
8329758	19514	3510525726		102-4	103	HENDRICKS #8	WOODY	25.0	ENICO OIL CORP
-PYRO ENERGY CORP				RECEIVED:	03/28/83	JA: OK			
8329834	20630	3509322294		103		R D CASE '36' #1	WEST CHEYENNE VALLEY	0.0	TENNESSEE GAS PIP
-RED EAGLE OIL CO				RECEIVED:	03/28/83	JA: OK			
8329790	20766	3509322546		103		LVH #2-26	WEST FAIRVIEW	219.8	PHILLIPS PETROLEU
-RICKS EXPLORATION CO				RECEIVED:	03/28/83	JA: OK			
8329835	20678	3500721990		103		DAVIS 4-A		197.0	PHILLIPS PETROLEU
8329767	20679	3500721708		103		JANZEN 3-A		8.0	PHILLIPS PETROLEU
-ROCKWELL PETROLEUM CORP				RECEIVED:	03/28/83	JA: OK			
8329862	17783	3508101427		102-4		STATE SCHOOL LAND #2	SKELLYVILLE	402.0	
-ROYAL OIL & GAS CORPORATION				RECEIVED:	03/28/83	JA: OK			
8329789	20768	3511921978		103		STATE OF OKLAHOMA 40-1	EAST CUSHING	146.0	ENTERPRISE DEVELO
-SOUTHLAND ROYALTY CO				RECEIVED:	03/28/83	JA: OK			
8329840	22375	3506120003		107-PE		BRASHEARS UNIT #1	KINTA	9.9	PUBLIC SERVICE CO
8329863	17192	3509321589		108-ER		PAINTON #1-11	ORION	36.0	MICHIGAN WISCONSI
8329860	19247	3515130010		108-PB		WILSON #1-11	N E LOVEDALE	20.0	EL GRANDE PIPELIN
-SOUTHWESTERN EXPLOR CONSULTANTS INC				RECEIVED:	03/28/83	JA: OK			
8329808	19329	3510321716		102-4		ISABEL #2	POLO	0.0	AMINOIL U S A INC
-STANTON ENERGY INC				RECEIVED:	03/28/83	JA: OK			
8329780	20741	3511921992		103		ED KELLY #2		12.0	COLORADO GAS COMP
-SUN EXPL. & PROD. CO. -HOUSTON				RECEIVED:	03/28/83	JA: OK			
8329864	10073	3511900000		108		BROYLES UNIT #1-1	BROYLES	3.8	CITIES SERVICE CO
8329865	10072	3511900000		108		STILES #1	BROYLES	8.0	CITIES SERVICE GA
-SUN OIL CO				RECEIVED:	03/28/83	JA: OK			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8329824	19266	3506120458		102-2		USA #1-3	BROOKEN	8.0	UNITED GAS PIPE L
-TITAN OIL & GAS INC				RECEIVED:	03/28/83	JA: OK			
8329817	17331	3510500000		108		ALSPACH 1	NOWATA	12.0	ENECO PIPELINE
8329816	17313	3510500000		108		ALSPACH 6	NOWATA	12.0	ENECO PIPELINE
-UNION TEXAS PETROLEUM				RECEIVED:	03/28/83	JA: OK			
8329776	20719	3500320474		108		DOWERS G A #2	HODGE II	48.6	PANHANDLE EASTERN
8329777	20720	3500300000		108		UHRUH J B #1	HODGE I	15.6	PANHANDLE EASTERN
-WOODS PETROLEUM CORPORATION				RECEIVED:	03/28/83	JA: OK			
8329798	16519	3504320416		102-4	103	ALVIS #16-1	SQUIRREL CREEK	15.0	HYDROCARBON SERVI
8329795	16516	3504321417		102-4	103	ALVIS #16-2	SQUIRREL CREEK	27.0	HYDROCARBON SERVI
8329802	18269	3504321464		102-4	103	ALVIS #16-3	SQUIRREL CREEK	24.0	HYDROCARBON SERVI
8329801	18270	3504321465		102-4	103	ALVIS #16-4	SQUIRREL CREEK	27.0	HYDROCARBON SERVI
8329796	16517	3504300000		102-2	103	EDDIE SMITH #9-2	SQUIRREL CREEK	0.0	HYDROCARBON SERVI
8329782	17796	3504321452		102-4	103	EDDIE SMITH #9-3	SQUIRREL CREEK	64.0	HYDROCARBON SERVI
8329793	16515	3504321412		102-4	103	EDDIE SMITH 9-1	SQUIRREL CREEK	64.0	HYDROCARBON SERVI
8329797	15612	3504321390		102-4	103	FRED A JONES #16-1	SQUIRREL CREEK	88.0	HYDROCARBON SERVI
8329799	16520	3504321448		102-4	103	FRED JONES 16-2	SQUIRREL CREEK	9.0	HYDROCARBON SERVI
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PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES									
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-ADOBE OIL & GAS CORPORATION				RECEIVED:	03/25/83	JA: PA			
8329754	19412	3706327302		103		C EDWARD STUCHELL #2	ROCHESTER MILLS	24.0	T W PHILLIPS GAS
8329698	11838	3706522407		103		FANNIE STARTZELL #1	OLIVER	25.0	
-ASHTOLA PRODUCTION CO				RECEIVED:	03/25/83	JA: PA			
8329744	19354	3705120333		103		A O MCCLANAHAN #1	HIGHHOUSE	25.0	
8329743	19353	3705120325		103		BEST FOOD PRODUCTS INC #1	WALTERSBURG	10.4	INDUSTRIAL ENERGY
8329742	19352	3705120314		103		CHARLES J & LEWANDA YOCUM #2	WALTERSBURG	28.0	COLUMBIA GAS OF P
8329741	19351	3705120313		103		DOMINIC D'ISODORO #1	HIGHHOUSE	7.5	
8329703	18465	3712921749		108		GEORGE PAVICK #1	GREENSBURG	0.0	INDUSTRIAL ENERGY
-BITTINGER - BARRETT LEASEHOLD				RECEIVED:	03/25/83	JA: PA			
8329704		3700522751		103		LYLE & VERLE BARRETT #4	WAYNE	30.0	PEOPLES NATURAL G
-C & C TROYER BROTHERS				RECEIVED:	03/25/83	JA: PA			
8329708	19005	3704922346		107-TF		DONALD A TROYER #2	UNION	8.0	NATIONAL FUEL GAS
8329707	19004	3704922346		102-2		DONALD A TROYER #2	UNION	8.0	NATIONAL FUEL GAS
8329718	19017	3704922248		107-TF		ED LOPUS #1 (76)	WATERFORD BOROUGH	10.0	NATIONAL FUEL GAS
8329717	19016	3704922248		102-2		ED LOPUS #1 (76)	WATERFORD BOROUGH	10.0	NATIONAL FUEL GAS
8329712	19011	3704922250		107-TF		EMERY METZIRS #1	WATERFORD	10.0	NATIONAL FUEL GAS
8329711	19010	3704922250		102-2		EMERY METZIRS #1	WATERFORD	10.0	NATIONAL FUEL GAS
8329716	19015	3704922304		107-TF		HOWARD ROHDE #1	AMITY	5.0	NATIONAL FUEL GAS
8329715	19014	3704922304		102-2		HOWARD ROHDE #1	AMITY	5.0	NATIONAL FUEL GAS
8329714	19013	3704922236		107-TF		LEWIS DOVE #1 (74)	WATERFORD	11.0	NATIONAL FUEL GAS
8329713	19012	3704922236		102-2		LEWIS DOVE #1 (74)	WATERFORD	11.0	NATIONAL FUEL GAS
8329710	19009	3704922303		107-TF		RICHARD STUTZMAN #1	WAYNE	10.0	NATIONAL FUEL GAS
8329709	19008	3704922303		102-2		RICHARD STUTZMAN #1	WAYNE	10.0	NATIONAL FUEL GAS
-CARL E MCCALL				RECEIVED:	03/25/83	JA: PA			
8329705	18760	3703121054		103		ARDELLE DELP #1	PORTER	5.0	
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED:	03/25/83	JA: PA			
8329749	19407	3706327163		103		FRANCIS SMITH #1 WN-1947	GREEN	3.0	GENERAL SYSTEM PU
8329748	19404	3706327109		102-2		GEORGE A RICKARD #1 WN-1935	GREEN	58.0	GENERAL SYSTEM PU
8329753	19411	3703321459		103		H SHAW #1 WN-1964	PENN	71.0	GENERAL SYSTEM PU
8329747	19403	3703321451		102-2		IVAN E JOHNSTON #2 WN-1959	BURNSIDE	8.0	GENERAL SYSTEM PU
8329752	19418	3703321425		103		J M CHASE #1 WN-1936	KNOX	2.0	GENERAL SYSTEM PU
8329746	19402	3703321464		102-2		MILLIE E FULTON #1 WN-1967	BURNSIDE	39.6	GENERAL SYSTEM PU
8329751	19409	3706327118		103		VERMA L FERRIER #1 WN-1941	MONTGOMERY	11.8	GENERAL SYSTEM PU
8329750	19408	3703321471		103		WILLIAM PIFER #1 WN-1945	BELL	9.8	GENERAL SYSTEM PU
-DORAN & ASSOCIATES INC				RECEIVED:	03/25/83	JA: PA			
8329738	19287	3712922113		103		ANNA MARY STEELE #1 KK-5	UPPER DEVONIAN SANDS	30.0	T W PHILLIPS GAS
8329702	17235	3706522102		108		L MCCAULEY #1 KH-9	UPPER DEVONIAN SANDS	20.0	T W PHILLIPS GAS
8329733	19210	3706327021		103		NORTH AMERICAN COAL CO #1 KA-135	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRAN
-FAIRMAN DRILLING CO				RECEIVED:	03/25/83	JA: PA			
8329755	19413	3700500000		103		B & S COAL & COKE #9 F-3431	PLUMVILLE	60.0	EQUITABLE GAS CO
-LOCUST KNOB DRILLING PROGRAM				RECEIVED:	03/25/83	JA: PA			
8329745	19371	3712922155		103		DANIEL K SHEARER #5	LOYALHANNA	25.0	
-NATIONAL FUEL GAS SUPPLY CORP				RECEIVED:	03/25/83	JA: PA			
8329699	12753	3703100000		108		A G CORBETT #4698	CLARION TOWNSHIP	0.4	GENERAL SYSTEM PU
8329700	13058	3706700000		108		LAVINA AVERY #1009-P	HIGHLAND TOWNSHIP	0.1	GENERAL SYSTEM PU
8329701	14289	3708300000		108		PETER PRYOR #584-P	WETMORE TOWNSHIP	0.9	GENERAL SYSTEM PU
8329697	12554	3703120956		108		S A WILSON #3270	CLARION TOWNSHIP	0.7	GENERAL SYSTEM PU
8329698	12572	3703180000		108		T L AARON #3330	LIMESTONE TOWNSHIP	0.6	GENERAL SYSTEM PU
-PETRO EVALUATION SERVICES INC				RECEIVED:	03/25/83	JA: PA			
8329728	19148	3704900000		107-TF		BURNS-WRIGHT UNIT	FRANKLIN CENTER	28.0	COLUMBIA GAS TRAN
8329734	19218	3704922047		107-TF		LOVETT #1	EDINBORO NORTH	36.0	NATIONAL FUEL GAS
8329721	19149	3704900000		107-TF		MILIERIUS	FRANKLIN CENTER	30.0	COLUMBIA GAS TRAN
8329719	19142	3704900000		107-TF		SEMPLE #1	FRANKLIN CENTER	0.0	COLUMBIA GAS TRAN
-S T JOINT VENTURE - 81-B				RECEIVED:	03/25/83	JA: PA			
8329739	19346	3703321528		103		HENRY #2	BRADY	25.0	NATIONAL FUEL GAS
-S T JOINT VENTURE 82-D				RECEIVED:	03/25/83	JA: PA			
8329740	19347	3703321509		103		CARDINALE #1	PIKE	25.0	CONSOLIDATED GAS
-UNION DRILLING INC				RECEIVED:	03/25/83	JA: PA			
8329737	19222	3705921769		103		PAUL W HUFFMAN #1	JACKSON TOWNSHIP	0.0	COLUMBIA GAS TRAN
8329735	19220	3705921785		103		WILLIAM C MINOR #1 0667	WASHINGTON TOWNSHIP	0.0	COLUMBIA GAS TRAN
8329736	19221	3705921786		103		WILLIAM C MINOR #2 0672	WASHINGTON TOWNSHIP	0.0	COLUMBIA GAS TRAN
-VICTORY DEVELOPMENT CO				RECEIVED:	03/25/83	JA: PA			
8329722	19176	3702120184		103		DEFENSE & EMERGENCY POLICE #1	SUSQUEHANNA	36.0	COLUMBIA GAS TRAN
-VINEYARD OIL & GAS CO				RECEIVED:	03/25/83	JA: PA			
8329732	19208	3704922459		102-2		ELEGEER #1	DRUMLIN	24.0	COLUMBIA GAS TRAN
8329731	19207	3704922459		107-TF		ELEGEER #1	DRUMLIN	24.0	COLUMBIA GAS TRAN
8329728	19194	3704922474		102-2		H OBERLANDER #1	DRUMLIN	12.0	COLUMBIA GAS TRAN
8329727	19193	3704922474		107-TF		H OBERLANDER #1	DRUMLIN	12.0	COLUMBIA GAS TRAN
8329730	19196	3704922247		102-2		RUTKOWSKI #1	DRUMLIN	24.0	COLUMBIA GAS TRAN
8329729	19195	3704922247		107-TF		RUTKOWSKI #1	DRUMLIN	24.0	COLUMBIA GAS TRAN
8329724	19198	3704922437		107-TF		SAUERS #2	LE BOEUF	24.0	COLUMBIA GAS TRAN
8329723	19189	3704922437		102-2		SAUERS #2	LE BOEUF	24.0	COLUMBIA GAS TRAN
8329726	19192	3704922478		102-2		ZIMMERLY #6	DRUMLIN	12.0	COLUMBIA GAS TRAN
8329725	19191	3704922478		107-TF		ZIMMERLY #6	DRUMLIN	12.0	COLUMBIA GAS TRAN
-WAINOCO OIL & GAS CO				RECEIVED:	03/25/83	JA: PA			
8329694	11899	3703921353		107-TF		CHARLES D WETHERBEE #1 (W-98)	ATHENS (SPARTA)	0.0	COLUMBIA GAS TRAN
8329688	10467	3703921223		107-TF		ERVIN A HELMUTH #1 (W-92)	ATHENS (BLOOMFIELD)	0.0	COLUMBIA GAS TRAN
8329693	11045	3703921139		107-TF		JERRY G KERR #1 (W-108)	ATHENS (BLOOMFIELD)	8.0	COLUMBIA GAS TRAN
8329689	10739	3703921104		107-TF		MARTIN R GREISHAW JR #1 (W-95)	ATHENS (BLOOMFIELD)	8.0	COLUMBIA GAS TRAN
8329696	11906	3703921383		107-TF		MARY & WANDA KWAPINSKI #1 (W-89)	ATHENS (ROME)	65.0	COLUMBIA GAS TRAN
8329695	11905	3703921383		102-2		MARY & WANDA KWAPINSKI #1 (W-89)	ATHENS (ROME)	65.0	COLUMBIA GAS TRAN
8329692	11838	3703921140		107-TF		TERRY L MILLER #1 (W-109)	ATHENS (BLOOMFIELD)	120.0	COLUMBIA GAS TRAN
8329691	11836	3703921135		107-TF		WILLIAM J STAPF #1 (W-104)	ATHENS (BLOOMFIELD)	4.0	COLUMBIA GAS TRAN
-ZAMA PETROLEUM INC				RECEIVED:	03/25/83	JA: PA			
8329706	18963	3705900000		107-PE		ALBERT ADDLEMAN	WASHINGTON	2.0	PEOPLES NATURAL G

[FR Doc. 83-11001 Filed 4-26-83; 8:45 am]

BILLING CODE 6717-01-C

[Volume 876]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: April 21, 1983.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register.**

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487–4808, 5285 Port Royal Rd, Springfield, Va 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 Mile rule)
102–3: New well (1000 Ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease.
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal Seams
107–DV: Devonian Shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation.
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

BILLING CODE 6717-01-M

NOTICE OF DETERMINATIONS VOLUME 876
ISSUED APRIL 21, 1983

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS									
-EL PASO NATURAL GAS COMPANY				RECEIVED:	03/29/83	JA: NM			
8329903		3003906518		108		HAMILTON COM #1	SOUTH BLANCO - PICTUR	15.0	EL PASO NATURAL G
-FRED POOL OPERATING CO				RECEIVED:	03/29/83	JA: NM			
8329899		3000561286		102-2		EASTLAND STATE #2	FOOR RANCH PRE PERMIA	0.0	TRANSWESTERN PIPE
-JEROME P MCHUGH				RECEIVED:	03/29/83	JA: NM			
8329902		3003922696		108		PUPPA MANCHE #5	SOUTH BLANCO PC	105.0	EL PASO NATURAL G
-SHELL OIL CO				RECEIVED:	03/29/83	JA: NM			
8329901		3002500000		108		N HOBBS (G-SA) UNIT SEC 20 #432	HOBBS (G-SA)	3.0	PHILLIPS PETROLEU
8329900		3002500000		108		N HOBBS (G-SA) UNIT SEC 25 #221	HOBBS (G-SA)	5.8	PHILLIPS PETROLEU
-TXO PRODUCTION CORP				RECEIVED:	03/29/83	JA: NM			
8329904		3001524000		102-4		EMPIRE STATE COM #1	UNDERSIGNATED (MORROW	1500.0	CABOT PIPELIHE CO
NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION									
-ARAPAHO VENTURES OF NEW YORK INC				RECEIVED:	03/28/83	JA: NY			
8329897	5062	3112113664		107-TF		GORDON PIERSON #1	WILDCAT	3.1	COLUMBIA GAS TRAN
8329898	5059	3112113662		107-TF		LESTER WILKIE #1	WILDCAT	9.5	COLUMBIA GAS TRAN
-MAYNARD OIL COMPANY				RECEIVED:	03/30/83	JA: NY			
8329905	3904	3102917251	D	107-TF		BOLDT #1 #02418	ORCHARD PARK	0.0	NATIONAL FUEL GAS
8329906	3908	3102916597	D	107-TF		STEFAN #1 #01695	ORCHARD PARK	0.0	NATIONAL FUEL GAS
OHIO DEPARTMENT OF NATURAL RESOURCES									
-ACTION PETROLEUM INC				RECEIVED:	03/23/83	JA: OH			
8329912		3415522282		103	107-TF	CALDERWOOD #1	BRACEVILLE	65.0	
8329908		3415522272		103	107-TF	LIGHTHOUSE EVANGELICAL CHURCH #1	BRACEVILLE	50.0	
8329910		3415522279		103	107-TF	NELSON #1	SOUTHINGTON	100.0	
8329909		3415522273		103	107-TF	PRICE #1	BRACEVILLE	60.0	
8329913		3415522283		103	107-TF	RATINI #1	NEWTON	60.0	
8329907		3415522269		103	107-TF	RATINI #2	NEWTON	80.0	
8329911		3415522281		103	107-TF	TRAVERS #1	NEWTON	75.0	
8329914		3415522305		103	107-TF	UGRAN #1	BRACEVILLE	55.0	
-ATWOOD RESOURCES INC				RECEIVED:	03/23/83	JA: OH			
8329915		3407523945		107-TF		BERTLER #2	CLARK	15.0	
-BEARDMORE OIL & GAS				RECEIVED:	03/23/83	JA: OH			
8329916		3400922636		107-TF		JAY NORRIS #1	NEW ENGLAND	3.0	COLUMBIA GAS TRAN
-BIG INJUN OIL & GAS CO INC				RECEIVED:	03/23/83	JA: OH			
8329918		3416727311		103		CLUTTER #1 #7311	BARLOW	1.5	RIVER GAS CO
8329919		3416727401		103		DAVIS #2	BARLOW	1.0	RIVER GAS CO
8329917		3416727195		103		MARTIN #1 #7915	BARLOW	1.5	RIVER GAS CO
-BROWN PETROLEUM CORP				RECEIVED:	03/23/83	JA: OH			
8329920B		3407523800	D	107-TF		R J PATTERSON #2	PRAIRIE	15.0	COLUMBIA GAS TRAN
8329920A		3407523800		103		R J PATTERSON #2	PRAIRIE	15.0	COLUMBIA GAS TRAN
-BRUSK JOINT VENTURE				RECEIVED:	03/23/83	JA: OH			
8329922		3411921814		107-RT		FISHER #1	MALTA	1.6	COLUMBIA GAS TRAN
8329921		3411921813		107-RT		FISHER #2	MALTA	1.6	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8329923		3411921816		107-RT		FISHER #4	MALTA	1.6	COLUMBIA GAS TRAN
8329925		3411921819		107-RT		MURPHY #3	MALTA	1.6	COLUMBIA GAS TRAN
8329924		3411921818		107-RT		MURPHY #4	MALTA	1.6	COLUMBIA GAS TRAN
-CAVENDISH PETROLEUM OF OHIO INC				RECEIVED:	03/23/83	JA: OH			
8329926		3412122155		108		STIERS 2MH		17.2	EAST OHIO GAS CO
-CLINTON OIL CO				RECEIVED:	03/23/83	JA: OH			
8330833		3406720586		103	107-TF	DUANE L EDIE #3-756	MONROE	10.0	
8330835		3413323007		103	107-TF	SIMON TRICASO #1-807	BRIMFIELD	10.0	
8330834		3408322910		108		WILLIAM WELLS #1-641		10.0	COLUMBIA GAS TRAN
-CONSOLIDATED RESOURCES OF AMERICA				RECEIVED:	03/23/83	JA: OH			
8329927		3405923258		103	107-TF	MICHAEL LASKO #1	RICHLAND	20.0	COLUMBIA GAS TRAN
-DAVID A WALDRON & ASSOC INC				RECEIVED:	03/23/83	JA: OH			
8329929		3413322978		107-TF		KAUFMAN #1	STREETSBORO	40.0	
8329928		3413322969		107-TF		KAUFMAN #2	STREETSBORO	40.0	
-DAVID SHAFER OIL PRODUCERS INC				RECEIVED:	03/23/83	JA: OH			
8329930		3415321311		103		FIRESTONE #5-F	BATH	7.5	EAST OHIO GAS CO
-DERBY OIL & GAS CORP				RECEIVED:	03/23/83	JA: OH			
8329931		3412725815		103		MCGAUGHEY UNIT #1	JACKSON	12.0	FORAKER GAS CO IN
-DOME ENERGY 82-2				RECEIVED:	03/23/83	JA: OH			
8329932		3410322871		107-TF		DONNELLY #4	HINCKLEY	9.0	COLUMBIA GAS TRAN
-DORAN & ASSOCIATES INC				RECEIVED:	03/23/83	JA: OH			
8329933		3405320769		107-DV		BOB EVANS HIDDEN VALLEY RANCH	SPRINGFIELD	12.0	COLUMBIA GAS TRAN
-ELAN ENERGY INC				RECEIVED:	03/23/83	JA: OH			
8329936		3416923371		103	107-TF	ANDY HERSHBERGER #1	PAINT	10.0	COLUMBIA G/S TRAN
8329935		3416922997		103	107-TF	E & D WEAVER #1	PAINT	10.0	COLUMBIA GAS TRAN
8329934		3416922996		103	107-TF	GORDON NUSSBAUM #2	PAINT	10.0	COLUMBIA GAS TRAN
8329937		3416923378		103	107-TF	GORDON NUSSBAUM #3	PAINT	15.0	COLUMBIA GAS TRAN
8329938		3416923442		103	107-TF	MILLER-CLINEFELTER 1	PAINT	11.0	COLUMBIA GAS TRAN
-FRANK A CSAPO JR				RECEIVED:	03/23/83	JA: OH			
8329939		3416923476		103	107-TF	MICHAEL & MARVIN MILLER #1	MILTON	18.0	COLUMBIA GAS TRAN
-FREDERICK PETROLEUM CORP				RECEIVED:	03/23/83	JA: OH			
8329940		3411122812		103		FREDERICK PETROLEUM CORP #3	BETHEL	12.0	
-GEO ENERGY INC				RECEIVED:	03/23/83	JA: OH			
8329942		3416923226		107-TF		FANKHAUSER #9-2	MILTON	20.0	COLUMBIA GAS TRAN
8329941		3409321161		107-TF		TOMES #72-1	COLUMBIA	15.0	COLUMBIA GAS TRAN
-GREENLAND 1980-1				RECEIVED:	03/23/83	JA: OH			
8329943		3411925555		107-TF		IRWIN #1	RICHHILL	7.5	COLUMBIA GAS TRAN
-GUARDIAN MANAGEMENT INC				RECEIVED:	03/23/83	JA: OH			
8329948		3403124872		103	107-TF	CATLIN DC-2A	CLARK	18.0	
8329949		3403124873		103	107-TF	FISHER DC-2A	BETHLEHEM	18.0	
8329950		3403124875		103	107-TF	HOOKER DC-1A	BETHLEHEM	18.0	
8329946		3403124674		103	107-TF	INFIELD DC-1B	BETHLEHEM	18.0	
8329945		3403124537		103	107-TF	SHEPLER DC-1A	BETHLEHEM	18.0	
8329947		3403124859		103	107-TF	SHEPLER DC-1B	BETHLEHEM	18.0	
8329944		3403124538		103	107-TF	TAYLOR DC-1A	BETHLEHEM	18.0	
-H I SMITH OIL & GAS INC				RECEIVED:	03/23/83	JA: OH			
8329954		3407522359		108		A MILLER #1		4.0	COLUMBIA GAS TRAN
8329955		3407522634		108		A MILLER #2		4.0	COLUMBIA GAS TRAN
8329963		3408323194		103		HIPP #7	JEFFERSON	12.0	EAST OHIO GAS CO
8329960		3407527740		108		J STERLING #1		4.0	COLUMBIA GAS TRAN
8329951		3407522063		108		J STERLING #2		4.0	COLUMBIA GAS TRAN
8329961		3407522937		108		J STERLING #3		4.0	COLUMBIA GAS TRAN
8329962		3407523809		103		MATHENY #1	PRAIRIE	12.0	POMINEX INC
8329959		3407522772		108		S MILLER #1		4.0	COLUMBIA GAS TRAN
8329952		3407522086		108		S MILLER #2		4.0	COLUMBIA GAS TRAN
8329957		3407522636		108		S MILLER #3		4.0	COLUMBIA GAS TRAN
8329956		3407522635		108		S MILLER #4		4.0	COLUMBIA GAS TRAN
8329953		3407522294		108		S YODER #1		4.5	COLUMBIA GAS TRAN
8329958		3407522677		108		S YODER #2		4.5	COLUMBIA GAS TRAN
-I R D CORP				RECEIVED:	03/23/83	JA: OH			
8329966		3408924464		103		IZZARD #1	UTICA	38.0	
-INTEGRATED ENERGY INC				RECEIVED:	03/23/83	JA: OH			
8329964		3401921361		107-TF		DORNAN #2	MONROE	20.0	M B OPERATING CO
8329965		3401921362		107-TF		DORNAN #3	MONROE	20.0	M B OPERATING CO
-JACKMARK JOINT VENTURE				RECEIVED:	03/23/83	JA: OH			
8329967		3411924419		107-RT		WILLISTON OIL CORP #4	RURALDALE	14.6	COLUMBIA GAS TRAN
8329968		3411924439		107-RT		WILLISTON OIL CORP #8	RURALDALE	14.6	COLUMBIA GAS TRAN
8329969		3411924441		107-RT		WILLISTON OIL CORP #9	RURALDALE	14.6	COLUMBIA GAS TRAN
8329970		3411924471		107-RT		WILLISTON OIL CORPORATION #17	RURALDALE	14.6	COLUMBIA GAS TRAN
-JAMES R BERNHARDT				RECEIVED:	03/23/83	JA: OH			
8329971		3410323189		103	107-TF	BUCKOW #1	GRANGER	15.0	COLUMBIA GAS TRAN
-KENOIL				RECEIVED:	03/23/83	JA: OH			
8329972		3416923304		107-TF		KENNETH BROWN #1-S	CANAAN	6.0	COLUMBIA GAS TRAN
-L & M PETROLEUM INC				RECEIVED:	03/23/83	JA: OH			
8329985		3412725809		103		WILCOX/THOMPSON #2	JACKSON	10.0	
-LAKE REGION OIL INC				RECEIVED:	03/23/83	JA: OH			
8329973		3402920937		103	107-TF	C A LEHWALD #1	BUTLER	15.0	COLUMBIA GAS TRAN
8329974		3403124719		103	107-TF	JOHN & MAYNARD CONKLE #2	CLARK	10.0	COLUMBIA GAS TRAN
-LANDPROVEST INC				RECEIVED:	03/23/83	JA: OH			
8329975		3405923259		103	107-TF	B NEILLEY #1	INDIAN CAMP	20.0	
8329976		3405923438		107-TF		BERRY-TURRILL #2A-82	KNOX	25.0	
-LEADER EQUITIES INC				RECEIVED:	03/23/83	JA: OH			
8329978		3411926521		103	107-TF	ORWIG #1	CASS	12.0	
8329977		3403123917		103	107-TF	TYSON-HAMPTON UNIT #1	LAFAYETTE	14.0	
8329979		3411926548		103	107-TF	WHARTON #1	MONROE	13.0	
-LESLIE OIL AND GAS CO INC				RECEIVED:	03/23/83	JA: OH			
8329983		3415723342		107-RT		BOWERS WELL #1	PERRY	20.0	EAST OHIO GAS CO
8329980		3415723064		107-RT		LEONA LINDON (HALMAN LIMESTONE #1)	PERRY	20.0	EAST OHIO GAS CO
8329981		3415723224		107-RT		REIDMAN #1	PERRY	20.0	EAST OHIO GAS CO
8329982		3415723341		107-RT		T CONWELL #1	WASHINGTON	0.0	EAST OHIO GAS CO
-LIBERTY OIL & GAS CORP				RECEIVED:	03/23/83	JA: OH			
8329984		3410521824		103		OLEN & JOSEPHINE YOUNG #1	OLIVE	18.0	COLUMBIA GAS TRAN
-NEW FRONTIER EXPLORATION INC				RECEIVED:	03/23/83	JA: OH			
8329989		3412122631		103	107-TF	KOMINAR-HAWLEY UNIT #1	NOBLE	22.0	COLUMBIA GAS TRAN
8329987		3407322715		103		NEIL GRAF #1	FALLS	18.0	COLUMBIA GAS TRAN
8329988		3407322716		103		NEIL GRAF #3	FALLS	18.0	COLUMBIA GAS TRAN
8329986		3402920911		103	107-TF	WHITELEATHER-GEISELMAN UNIT #2	WEST	20.0	COLUMBIA GAS TRAN
-OHIO NATURAL FUEL CO				RECEIVED:	03/23/83	JA: OH			
8329990		3403124249		107-TF		OLINGER #1	JACKSON	30.0	COLUMBIA GAS TRAN
8329991		3407523342		107-TF		TRESSELL #1	PAINT	0.0	COLUMBIA GAS TRAN
-OHIO OIL & GAS CO				RECEIVED:	03/23/83	JA: OH			
8329992		3415522218		107-TF		CONSUMER 9	FOWLER	20.0	COLUMBIA GAS TRAN
8329993		3415522224		107-TF		DUGAN #1	KINSMAN	20.0	COLUMBIA GAS TRAN
8329994		3415522248		107-TF		HEWITT #2	FOWLER	20.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-ONEAL PETROLEUM INC				RECEIVED:	03/23/83	JA: OH			
8329995		3411523883		107-TF		BARNETT UNIT #4	MEIGSVILLE	31.0	COLUMBIA GAS TRAN
-ORWIG OIL COMPANY				RECEIVED:	03/23/83	JA: OH			
8329996		3407322712		103		AARON AND JOHN COAKLEY #2	GREEN	1.0	PARAMOUNT TRANS C
-OXFORD OIL CO				RECEIVED:	03/23/83	JA: OH			
8330038		3412725286		103		JOHN BEITER #6	HOPEWELL	11.0	
8330037		3407523905		103		ROGER NELSON #1	MONROE	10.0	
-PATCO INC				RECEIVED:	03/23/83	JA: OH			
8329997		3416922155	D	107-RT		BOYAS #1	CONGRESS	20.0	COLUMBIA GAS TRAN
-PETROLEUM ENERGY PRODUCING CORP				RECEIVED:	03/23/83	JA: OH			
8329998		3400720823	D	108		D SNYDER #2B	BUSHNELL	1.5	EAST OHIO GAS CO
-POMSTONE CORP				RECEIVED:	03/23/83	JA: OH			
8330008		3403124119		108		C STAHL #3		5.0	
8329999		3403123548		108		ZINKON #1-A		3.0	
-QUAKER STATE OIL REFINING CORP				RECEIVED:	03/23/83	JA: OH			
8330008		3415123402		103	107-TF	BEABER #1	WASHINGTON	16.5	EAST OHIO GAS CO
8330005		3415123392		103	107-TF	E J CASSIDY #2	WASHINGTON	16.4	EAST OHIO GAS CO
8330010		3415123572		103	107-TF	F & B ROSENBERGER #1	WASHINGTON	21.9	EAST OHIO GAS CO
8330007		3415123396		103	107-TF	F & W ROSENBERGER #1	WASHINGTON	27.4	EAST OHIO GAS CO
8330004		3415123390		103	107-TF	HENNING UNIT #1	PRAIRIE	18.3	EAST OHIO GAS CO
8330006		3415123393		103	107-TF	HENNING UNIT #2	PARIS	18.3	EAST OHIO GAS CO
8330009		3415123552		103	107-TF	HENNING UNIT #3	PARIS	18.3	EAST OHIO GAS CO
8330012		3415123822		103	107-TF	SCHNEIDER UNIT #1	PARIS	7.3	EAST OHIO GAS CO
8330001		3400922631		103	107-TF	SUNDAY CREEK COAL #52	TRIMBLE	36.5	COLUMBIA GAS TRAN
8330002		3407322748		103	107-TF	SUNDAY CREEK COAL CO #67	WARD	7.3	COLUMBIA GAS TRAN
8330003		3407322749		103	107-TF	SUNDAY CREEK COAL CO #70	WARD	7.3	COLUMBIA GAS TRAN
8330011		3415123820		103	107-TF	VINCENT UNIT #1	PARIS	7.3	EAST OHIO GAS CO
-REDSTONE CORP				RECEIVED:	03/23/83	JA: OH			
8330013		3403123138		108		W THOMAS #1		5.0	
-SEAGULL DEVELOPMENT CORP				RECEIVED:	03/23/83	JA: OH			
8330015		3415123832		103		BOWERS UNIT #1	OSNABURG/EAST CANTON	15.0	EAST OHIO GAS CO
-SHONGUM OIL & GAS INC				RECEIVED:	03/23/83	JA: OH			
8330016		3407523362		107-TF		ADAM S MILLER #1	SALT CREEK	12.0	COLUMBIA GAS TRAN
8330018		3411926088		107-TF		BRYCE LAPP #2A	SALEM	12.0	COLUMBIA GAS TRAN
8330017		3407523738		107-TF		JAMES FEIKERT #1	SALT CREEK	12.0	COLUMBIA GAS TRAN
-STOCKER&SITLER INC				RECEIVED:	03/23/83	JA: OH			
8330024		3415723147		107-TF		DUMMERMUTH LEASE #1	AUBURN	40.0	EAST OHIO GAS CO
8330020		3405922586		107-TF		EMERY UNIT #2	WASHINGTON	10.0	EAST OHIO GAS CO
8330023		3415722690		107-TF		MURRAY ETAL UNIT #2	DOVER	16.0	EAST OHIO GAS CO
8330019		3405922585		107-TF		PERDUE UNIT #2	WASHINGTON	35.0	EAST OHIO GAS CO
8330027		3415723362		107-TF		RENNER ETAL UNIT #1	DOVER	28.0	EAST OHIO GAS CO
8330021		3406720356		107-TF		SAYRE LEASE #1	FREEPORT	15.0	EAST OHIO GAS CO
8330025		3415723152		107-TF		SPROUL UNIT #1	RUSH	8.0	EAST OHIO GAS CO
8330026		3415723153		107-TF		SPROUL UNIT #2	RUSH	12.0	EAST OHIO GAS CO
8330022		3406720358		107-TF		WELLS UNIT #1	FREEPORT	9.0	EAST OHIO GAS CO
-THE BENATTY CORPORATION				RECEIVED:	03/23/83	JA: OH			
8330032		3411925526		103	107-TF	A MASON #1	HARRISON	15.0	COLUMBIA GAS TRAN
8330031		3411925482		103	107-TF	B SWINGLE #1	HARRISON	30.0	COLUMBIA GAS TRAN
8330028		3411925461		103	107-TF	B SWINGLE #2	HARRISON	30.0	COLUMBIA GAS TRAN
8330030		3411925471		103	107-TF	FRAUNFELTER-BUCY #1	HARRISON	20.0	COLUMBIA GAS TRAN
8330029		3411925463		103	107-TF	W DEARTH #1	HARRISON	24.0	NATIONAL GAS CORP
-THE GOODYEAR TIRE & RUBBER COMPANY				RECEIVED:	03/23/83	JA: OH			
8330036		3415321103		107-TF		C P HALL-EXCELSIOR-GOODYEAR #7	STOW	35.0	EAST OHIO GAS CO
-THOMAS ROSE M				RECEIVED:	03/23/83	JA: OH			
8330014		3412723394		107-TF		ROSE THOMAS #2	BEARFIELD	100.0	COLUMBIA GAS TRAN
-UNITED PETROLEUM CORP				RECEIVED:	03/23/83	JA: OH			
8330041		3409920567		108		CUA #1	ELLSWORTH	20.0	YANKEE RESOURCES
8330040		3409920566		108		SCHESLER #1		28.0	YANKEE RESOURCES
8330042		3409920857		107-RT		WESTFALL #1	GOSHEN	3.6	YANKEE RESOURCES
8330043		3409920978		108		WILT #2	CANFIELD	28.0	YANKEE RESOURCES
8330044		3409921007		108		WILT #3	CANFIELD	28.0	YANKEE RESOURCES
8330039		3409920267		108		WOODFORD #1		1.5	YANKEE RESOURCES
-VICTOR MCKENZIE				RECEIVED:	03/23/83	JA: OH			
8330045		3412725782		103		CHARLES HENDERSON #2	HOPEWELL	10.0	NATIONAL GAS & OI
-W E SHRIDER CO				RECEIVED:	03/23/83	JA: OH			
8330047		3407322717		103		DALE SMITH #3	MARION	3.0	PARAMOUNT TRANSMI
-W K FROST INC				RECEIVED:	03/23/83	JA: OH			
8330049		3411926511		107-TF		MARTHA MCNAUGHT #1	JACKSON	10.0	NATIONAL GAS & OI
-WENNER PETROLEUM CORPORATION				RECEIVED:	03/23/83	JA: OH			
8330046		3416923404		107-TF		R GASSER #3	MILTON-WAYNE POOL	18.3	COLUMBIA GAS TRAN
-WITCO CHEMICAL CORP				RECEIVED:	03/23/83	JA: OH			
8330048		3408923147		108		WILLIAM GIFFEN #4-A		1.5	NATIONAL GAS & OI
**********									
OKLAHOMA CORPORATION COMMISSION									
**********									
-C & T RESOURCES				RECEIVED:	03/29/83	JA: OK			
8329885	15452	3510120953		103		BORUM 4-A	BELAND	38.0	TRANSOK PIPE LINE
-KAISER-FRANCIS OIL COMPANY				RECEIVED:	03/29/83	JA: OK			
8329881	20677	3504520937		103		KEENE #2	PACKSADDLE	419.0	PANHANDLE EASTERN
8329883	19461	3501721112		103		SCHUMACHER #1A	N E GEARY	492.0	OKLAHOMA GAS & EL
-LUBELL OIL CO				RECEIVED:	03/29/83	JA: OK			
8329882	20761	3506321639		103		SHERRY #1-26	YEAGER	100.0	OKLAHOMA NATURAL
-MACK OIL CO				RECEIVED:	03/29/83	JA: OK			
8329879	20490	3501722319		103		HANDY #4	W RICHLAND	140.0	OKLAHOMA GAS & EL
-OKIE OIL INC				RECEIVED:	03/29/83	JA: OK			
8329884	19755	3511920618		108		MOHLER #5	GEORGIA	4.0	SUN OIL CO
-SITCO INC				RECEIVED:	03/29/83	JA: OK			
8329878	20433	3508322102		103		HARWELL #1-27	CRESCENT	150.0	CONOCO INC
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	03/29/83	JA: OK			
8329877	20126	3500700000		108		BAXTER #1	MOCANE-LAVERNE	15.0	PANHANDLE EASTERN
-TRIGG DRILLING COMPANY INC				RECEIVED:	03/29/83	JA: OK			
8329866	07527	3500920249		102-4		WALTERS #1-24	ELK CITY	0.0	PANHANDLE EASTERN
-UNION TEXAS PETROLEUM				RECEIVED:	03/29/83	JA: OK			
8329874	20715	3504700000		108		ATHERTON L M #1	HODGE II	29.3	PANHANDLE EASTERN
8329871	20722	3504700000		108		ATHERTON L M #3	HODGE II	28.6	PANHANDLE EASTERN
8329868	20712	3504700000		108		EIFERT WALTER F #1	HODGE II	32.7	PANHANDLE EASTERN
8329875	20714	3500300000		108		FRANK HALL #2	HODGE I	28.7	PANHANDLE EASTERN
8329869	20725	3500300000		108		HERTZLER 'E' 1	HODGE I	15.2	PANHANDLE EASTERN
8329870	20723	3500300000		108		JANTZ PETER #2	HODGE I	33.1	PANHANDLE EASTERN
8329867	20711	3500300000		108		KOEHN 'B' #1	HODGE I	10.5	PANHANDLE EASTERN
8329873	20746	3500300000		108		LEIRER J E #1	HODGE I	38.0	PANHANDLE EASTERN
8329876	20713	3500300000		108		MALY E A #1	HODGE I	35.1	PANHANDLE EASTERN
8329886	20710	3500300000		108		MOODY INEZ #1	HODGE I	13.8	PANHANDLE EASTERN
8329872	20721	3500300000		108		WEBB R A #1	HODGE I	25.2	PANHANDLE EASTERN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-WHITMAR EXPLORATION CO				RECEIVED: 03/29/83		JA: OK			
8329888	20554	3512120953		102-4		STIPE #1-17	SAVANNA	0.0	ARKANSAS LOUISIAN
## WEST VIRGINIA DEPARTMENT OF MINES									
-OPENHEIMER OIL & GAS				RECEIVED: 03/29/83		JA: WV			
8329894		4708503831		108		GUS BEE #594	UNION	9.0	CONSOLIDATED GAS
-PEMCO GAS INC				RECEIVED: 03/29/83		JA: WV			
8329895		4701501850		108		SWARTZ #13	UNION DISTRICT	9.0	CONSOLIDATED GAS
8329896		4701501851		108		SWARTZ #14	UNION DISTRICT	9.0	CONSOLIDATED GAS
## DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, METAIRIE,LA									
-MARATHON OIL COMPANY				RECEIVED: 03/28/83		JA: LA 3			
8329893	G2-2696	1771040888		102-5		EUGENE ISLAND BLOCK 349 #B-4A	EUGENE ISLAND	50.0	TEXAS EASTERN TRA
## DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, WASHINGTON,DC									
-MARATHON OIL COMPANY				RECEIVED: 03/28/83		JA: AK 7			
8329892		5013320086		102-4		BEAVER CREEK #1-A	BEAVER CREEK	2920.0	ALASKA PIPELINE C
8329889		5013320021		102-4		BEAVER CREEK #2	BEAVER CREEK	2920.0	ALASKA PIPELINE C
8329890		5013320124		102-4		BEAVER CREEK #3	BEAVER CREEK	2920.0	ALASKA PIPELINE C
8329891		5013320346		103		BEAVER CREEK #6	BEAVER CREEK	2920.0	ALASKA PIPELINE C
8329887		5013320346		102-4		BEAVER CREEK #6	BEAVER CREEK	2920.0	ALASKA PIPELINE C
8329844		5013320284		102-4		BEAVER CREEK #7	BEAVER CREEK	2920.0	ALASKA PIPELINE C

[FR Doc. 83-11082 Filed 4-26-83; 8:45 am]

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federal register

Wednesday
April 27, 1983

Part III

Department of Defense

Office of the Secretary

Banking Offices on DoD Installations and Procedures; Final Rules

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 231

[DoD Directive 1000.11]

Banking Offices on DoD Installations

AGENCY: Office of the Secretary, DoD.

ACTION: Final rule.

SUMMARY: This rule revises Part 231, which covers banking offices operating on DoD installations. The revision transfers some procedural and operating rules to a new Part 230, published herein. The revision also expands the rules to include savings and loan associations in the definition of banking institutions and strengthens policy on financial responsibility of DoD personnel.

EFFECTIVE DATE: This rule was approved and signed by the Deputy Secretary of Defense on September 27, 1982, and is effective as of that date.

FOR FURTHER INFORMATION CONTACT: Mr. John Barber, Directorate for Banking, Office of the Assistant Secretary of Defense (Comptroller), Washington, D.C. 20301; telephone 202/697–8281.

SUPPLEMENTARY INFORMATION: In FR Doc. 77–33742 appearing in the **Federal Register** on November 23, 1977 (43 FR 59972), the Office of the Secretary of Defense (OSD) published a reissuance of this part and amended it in FR Doc. 79–30324 appearing in the **Federal Register** on October 1, 1979 (44 FR 56328).

In FR Doc. 82–7270 appearing in the Federal Register on March 18, 1982 (47 FR 11717), the OSD published a proposed rule to revise this part. Public comments were to be submitted by April 20, 1982. Comments received from the public were screened by a panel of OSD and Military Department officials. All comments were reviewed carefully. Those considered to have merit were incorporated into the final revision of this part. In addition, minor technical changes were made to clarify the language of the rule.

List of Subjects in 32 CFR Part 231

Banking, DoD installations, DoD military and civilian personnel.

Accordingly, 32 CFR is amended by revising Part 231, reading as follows:

PART 231—BANKING OFFICES ON DOD INSTALLATIONS

Sec.
231.1 Reissuance and purpose.
231.2 Applicability.
231.3 Policy.
231.4 Responsibilities.
231.5 Definitions.

Authority: 10 U.S.C. 136.

§ 231.1 Reissuance and purpose.

This part is revised to update policy for banking offices on DoD installations worldwide. Specific procedures are contained in Part 230 of this title.

§ 231.2 Applicability.

This part applies to the Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff, the Unified and Specified Commands, and the Defense Agencies (hereafter referred to collectively as "DoD Components").

§ 231.3 Policy.

(a) It is the policy of the Department of Defense to provide properly constituted, convenient banking offices for the prudent administration of public monies and the efficient management of private funds of DoD personnel. Military disbursing officers and custodians of nonappropriated funds and other DoD installation activities shall use servicing banking offices to the maximum extent feasible and consistent with good cash management practices.

(b) Banking offices shall be established on DoD installations only with prior approval of the appropriate regulating agency and the DoD Component concerned.

(c) The establishment of banking facilities on DoD installations shall be requested only when a demonstrated and justified need cannot be satisfied by other means. Normally, banking facilities may be used in overseas locations and in states that prohibit branch banking; however, in times of mobilization, it may become necessary to designate other domestic banking facilities as an emergency measure. Upon recommendation of a DoD Component, banking facilities are designated by the Treasury Department under authority contained in 12 U.S.C. 265.

(d) DoD personnel who tender uncollectible checks or who overdraw accounts damage their credit reputation and affect the public image of all DoD personnel. Furthermore, losses sustained by banking offices on DoD installations as a result of these actions reduce their viability and, in certain cases, increase the cost incurred by the government in providing banking services. Military financial counselors or legal advisors shall recommend a workable plan for repayment to avoid endangering the individual's credit standing and career. Counselors shall ensure that individuals are aware of the stigma associated with bankruptcy and shall recommend its use only as a last resort when no alternative is available to alleviate the situation.

(e) In order to provide banking services at a minimum cost to the Department of Defense and to DoD personnel, banking offices authorized to locate on DoD installations may be furnished such real estate, utilities, and other logistical support as are authorized under Part 230 of this title, DoD 4270.1–M, and DoD Directive 4000.6.

(f) The termination of a banking office's tenure on a domestic DoD installation shall be initiated by a DoD Component only under one of the following conditions:

(1) The mission of the installation has changed, or is scheduled to be changed, and there is no requirement for banking services.

(2) Active military operations preclude continuation of banking services for DoD personnel.

(3) The performance of the banking office in providing banking services is not satisfactory according to standards ordinarily associated with the banking industry. Termination actions initiated on the basis of inadequate performance shall be substantiated by sufficient evidence and concurred in by the appropriate regulating agency.

§ 231.4 Responsibilities.

(a) The *Assistant Secretary of Defense (Comptroller)* (ASD(C)) shall:

(1) Develop and monitor policies and procedures governing the establishment, operation, and termination of banking offices on DoD installations.

(2) Take final action on requests for exceptions to this part.

(b) The *Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics)* shall:

(1) Develop and monitor policies and procedures governing logistical support furnished to banking offices on DoD installations, including the use of DoD real property and equipment.

(2) Advise the ASD(C) on all aspects of military banking relating to the morale and welfare of DoD personnel.

(c) The *Heads of DoD Components* shall:

(1) Supervise and encourage the use of banking offices on DoD installations as a means of:

(i) Assisting DoD personnel to manage their personal finances, including check-to-financial organization programs and regular savings plans. However, use by DoD personnel of such services shall be on a voluntary basis and should not be

urged in preference to (or to the exclusion of) other financial institutions.

(ii) Providing convenient, safe custody of appropriated and nonappropriated funds.

(iii) Facilitating effective cash management by disbursing officers and nonappropriated fund instrumentalities.

(2) Encourage regularly established financial institutions to provide full-service banking on DoD installations where there is a demonstrated need for such services.

§ 231.5 Definitions.

(a) *Automated Teller Machine (ATM).* An electronic machine that dispenses cash, accepts deposits, and transfers funds between a customer's various accounts. Equipment generally is activated by a plastic debit card in combination with pushbuttons. Also known as a customer-bank communication terminal. Shared access to ATMs or a network of ATMs refers to the customer's ability to use the ATMs of more than one cooperating institution.

(b) *Banking Facility.* A banking office located on a DoD installation and operated by a banking institution that, under its designation as a depositary and financial agent of the U.S. Government, has been specifically authorized by the Treasury Department to provide certain banking services at the installation. Such offices may be either self-sustaining or nonself-sustaining. Also known as a military banking facility.

(c) *Banking Institution.* The organization that operates a banking office on a DoD installation. At domestic DoD installations, the organization shall be a bank insured by the Federal Deposit Insurance Corporation or a savings and loan association or other institution insured by the Federal Savings and Loan Insurance Corporation.

(d) *Banking Liaison Officer.* A commissioned officer or DoD civilian employee of equivalent grade appointed by an installation (military community) commander to work with officials of the servicing banking office and its clients. A noncommissioned officer may be appointed if he or she is the senior financial management official at the installation.

(e) *Banking Office.* An outlet operated by a banking institution on a DoD installation.

(f) *Branch Bank.* A separate unit chartered to operate at an onbase location geographically remote from its parent organization.

(g) *DoD Personnel.* All military personnel; civil service employees; other civilian employees, including special government employees of all offices, agencies, and departments performing functions on a DoD installation (including nonappropriated fund instrumentalities); and their dependents. On domestic DoD installations, retired U.S. military personnel and their dependents are included.

(h) *Domestic DoD Installation.* A military installation located within a state of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(i) *Fair Market Rental.* A reasonable charge for onbase land, buildings, or building space. Rental is determined by a government appraisal, based on comparable properties in the local civilian economy, in which the appraiser considers that onbase land may not always be comparable to similar land in the local commercial geographic area recognizing, for example, limitation of usage and access to the bank by persons other than those on the installation, proximity to the community center or installation business district, the government's right to take title to improvements constructed at bank expense, the government's right to terminate lease, and the limited consumer environment of a DoD installation.

(j) *Full Financial Services.* Those services commonly associated with banking institutions in the United States, such as checking and savings accounts, fund transfers, sales of money orders and traveler's checks, loan service, safe deposit boxes, trust services, sale and redemption of U.S. savings bonds, and acceptance of utility payments.

(k) *Full-time Banking Facility.* A banking facility that operates 5 or more days a week.

(l) *Independent Bank.* A bank chartered specifically to operate on a DoD installation. Directors and officers of such institutions usually come from the local business and professional community, thus differentiating this operation from a statewide or countywide branch system, which consists of a head office and one or more geographically separate branch offices.

(m) *National Bank.* An association approved and chartered by the Comptroller of the Currency to operate a banking business.

(n) *Overseas DoD Installation.* Military installations (communities) located outside the states of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

(o) *Part-time Banking Facility.* A banking facility that operates less than 5 days a week, exclusive of additional payday service. When only payday service is provided, the banking facility may be termed a "payday service facility."

(p) *Regulating Agency.* Includes the Office of the Comptroller of the Currency; the Federal Deposit Insurance Corporation; the several Federal Reserve Banks and the Board of Governors of the Federal Reserve System; the Federal Home Loan Bank Board; the various state regulating agencies and commissions; and, for banking facilities, the Fiscal Assistant Secretary of the Treasury.

(q) *Savings and Loan Association.* A state or federally chartered financial institution that is insured by the Federal Savings and Loan Insurance Corporation and that is capable of providing full financial services.

(r) *State Bank.* An association that operates under the laws of a state and is chartered by the state in which it is located to operate a banking business.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

April 18, 1983.

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32 CFR Part 230

[DoD Instruction 1000.12]

Procedures Governing Banking Offices on DoD Installations

AGENCY: Office of the Secretary, DoD.

ACTION: Final rule.

SUMMARY: This final rule establishes Part 230 which will provide operating procedures for banking offices on DoD installations. This rule transfers some procedural and operating rules from Part 231 of this title; redefines the role of the Department of the Treasury in designating military banking facilities; expands DoD policy on use of automated teller machines; sets forth guidelines for determining appropriate levels of logistical support for onbase banking offices; modifies leasing policy; and prescribes procedures under the overall DoD policy provided in Part 231 of this title.

EFFECTIVE DATE: The Assistant Secretary of Defense (Comptroller) approved and signed this rule on September 27, 1982, and it is effective as of that date.

FOR FURTHER INFORMATION CONTACT: Mr. John Barber, Directorate for Banking, Office of the Assistant Secretary of Defense (Comptroller),

Washington, D.C. 20301, Telephone 202–697–8281.

SUPPLEMENTARY INFORMATION: In FR Doc. 82–7271 appearing in the Federal Register on March 18, 1982 (47 FR 11708), the Office of the Secretary of Defense (OSD) published a proposed rule under this Part. Public comments were to be submitted by April 20, 1982. Comments received from the public were screened by a panel of OSD and the Military Department officials. One comment recommended deletion of that part of § 230.5, paragraph (a)(2), that permits only one banking institution to operate on a military installation. The panel deferred action on the comment pending completion of a separate review of the background and circumstances associated with this longstanding DoD rule. All other comments were carefully reviewed. Those considered to have merit were incorporated into the final rule. In addition, minor technical changes were made to clarify the language of this Part.

Executive Order 12291. The Department of Defense has determined that this proposed rule is not a major rule, because it is not likely to result in an annual effect on the economy of $100 million or more.

Paperwork Reduction Act. This rule imposes no obligatory information requirements beyond internal DoD use.

Regulatory Flexibility Act of 1980. The Assistant Secretary of Defense (Comptroller) certifies that this rule, if promulgated, shall be exempt from the requirements under 5 U.S.C. 601–612. In addition, this rule does not have a significant economic impact on small entities as defined in the Act.

List of Subjects in 32 CFR Part 230

Banking, DoD installations, DoD military and civilian personnel.

Accordingly, 32 CFR is being amended by adding Part 230 reading as follows:

PART 230—PROCEDURES GOVERNING BANKING OFFICES ON DOD INSTALLATIONS

Sec.

230.1 Purpose.
230.2 Applicability and scope.
230.3 Definitions.
230.4 Responsibilities.
230.5 General operating policies and procedures.
230.6 Procedures for the establishment, operation, and termination of domestic banking offices.
230.7 Procedures for the establishment, operation, and termination of overseas banking offices.
230.8 Guidelines for application of the Privacy Act to military banking operations.

Authority: Title 10 U.S.C. 136.

§ 230.1 Purpose.

This Part supplements Part 231 of this title and updates operating policies and procedures for banking offices operating on DoD installations.

§ 230.2 Applicability and scope.

(a) This Part applies to the Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff, the Unified and Specified Commands, and the Defense Agencies (hereafter referred to collectively as "DoD Components").

(b) Its provisions also pertain to all banking institutions operating banking offices on DoD installations.

§ 230.3 Definitions.

The terms which are defined in § 231.5 of this chapter shall also apply to this rule.

§ 230.4 Responsibilities.

(a) The *Assistant Secretary of Defense (Comptroller)* (ASD(C)) or designee, the *Deputy Assistant Secretary of Defense (Management Systems)* (DASD(MS)), shall:

(1) Initiate plans and conduct special studies on military banking arrangements, cost-benefit relationships, and management of military banking operations in coordination with the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics), other DoD Components, and participating banking institutions and associations.

(2) Coordinate with the Fiscal Assistant Secretary of the Treasury, as necessary, DoD Components' requests for designation of domestic banking facilities as depositaries and financial agents of the U.S. Government.

(3) For overseas DoD installations:

(i) Recommend to the Fiscal Assistant Secretary of the Treasury the designation of overseas banking facilities as depositaries and financial agents of the U.S. Government.

(ii) Provide a technical representative to the procuring contracting officer and administrative contracting officer (ACO) responsible under the Defense Acquisition Regulation for acquiring banking services at overseas DoD installations where a justified need for such services exists.

(iii) Serve as the principal liaison with banking institutions operating banking offices on overseas DoD installations. In this capacity, the ASD(C) shall monitor the managerial and operational policies, procedures, and operating results of banking facilities, and shall take action as appropriate.

(iv) Negotiate government-to-government agreements, as necessary, for the provision of banking services on DoD installations in accordance with DoD Instruction 2050.1.

(v) In conjunction with the Secretaries of the Military Departments, determine cost-benefit relationships related to establishment, termination, expansion, or reduction of banking services on DoD installations; authorize the specific types of banking services that will be provided by overseas banking facilities; and specify the charges or fees, or the basis for charges or fees, to be levied on users of overseas banking facility services. (See paragraph 230.7 of this title.)

(b) The *Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics)* shall carry out responsibilities outlined in paragraph 231.4(b) of this title.

(c) The *Heads of DoD Components* shall:

(1) Supervise the use of banking offices on DoD installations under their jurisdiction within the guidelines provided in this Part and Part 231 of this title.

(2) Refer matters requiring policy decisions or changes under this Part and Part 231 of this title to the ASD(C).

(3) Evaluate the services provided by banking offices to ensure that they fulfill the requirements upon which establishment and retention of those offices are justified.

(4) Examine practices and procedures of banking institutions to ensure that the welfare and interests of DoD personnel as consumers are protected, as set forth in Part 43 of this title.

(5) Ensure that the recommendations of the Unified Command concerned are considered before processing requests for overseas banking offices and acting on matters of policy that originate in DoD Component commands.

(6) Review and approve the selection of banking institutions' proposals to establish banking offices on DoD installations and inform the selected institutions and their regulating agencies of the approvals so that operating authority may be given.

(7) Determine whether an existing banking facility may be converted to an independent or branch bank in accordance with paragraph 230.6(a)(2) of this part.

(8) Serve as principal liaison with banking institutions operating banking offices on domestic DoD installations under their jurisdiction.

(9) Determine the level of logistical support to be provided banking institutions submitting reports reflecting

nonself-sustaining status (paragraph 230.6(b)(3)).

(d) The *Commanders of Unified and Specified Commands*, or designees, shall:

(1) Ensure the appropriate coordination of requests to establish or terminate banking offices as they originate in DoD Component commands.

(i) Requests for establishment of banking offices in countries not presently served by such offices shall include a statement that the requirement has been coordinated with the U.S. Chief of Diplomatic Mission and that the country involved will permit the operation.

(ii) Requests for elimination of all banking offices in a country shall include a statement that the U.S. Chief of Diplomatic Mission has been informed and that appropriate arrangements for coordination of local termination announcements and procedures have been effected with the U.S. Embassy.

(2) Monitor and coordinate military banking operations within the command area. Personnel assigned to overseas security assistance positions will not be used to monitor, coordinate, or assist in military banking operations without the prior approval of the Director, Defense Security Assistance Agency.

§ 230.5 General operating policies and procedures.

(a) *Establishment of Banking Offices.* (1) Banking offices shall be established on DoD installations only with the prior approval of the DoD Component concerned and the appropriate regulating agency. Procedures for requesting establishment of banking offices and additional approvals required are specified below.

(2) Only one banking institution shall be permitted to operate on a DoD installation, except under the most unusual circumstances. If local conditions at a particular DoD installation indicate a demonstrated requirement for additional banking services, the banking institution operating on that installation shall be given the opportunity to provide such services before other banking institutions are considered. Thereafter, when conditions warrant consideration of a second banking institution on the installation, a request including full details and rationale shall be forwarded through channels to the DoD Component headquarters concerned for evaluation and appropriate action. The senior official responsible for financial management policy in each Military Department, or the Defense Agency Comptroller concerned, may approve such requests after coordination with the ASD(C).

(3) Heads of DoD Components shall prescribe procedures for soliciting banking institutions to establish banking offices on DoD installations. Such procedures shall prohibit DoD personnel from subjecting banking institutions to any form of coercion either while banking arrangements are under consideration or after the banking office is in operation. No commitment may be made to any banking institution regarding the proposed establishment and operation of a banking office until a selection is announced by competent authority designated under DoD Component regulations.

(4) Normally, banking facilities may be established only in overseas locations and in states that prohibit branch banking; however, in times of mobilization, it may become necessary to request the designation of other domestic banking facilities as an emergency measure. Establishment is subject to designation by the Treasury Department.

(5) At those DoD installations where a banking office offering full financial services is not feasible due to lack of interest by the banking community, lack of available space on the installation, or other operational situations that restrict the introduction of banking offices, the DoD Component concerned may seek proposals from the financial community for the installation of automated teller machines (ATMs). Action taken in response to such proposals shall be exempt from the limitation in paragraph 203.5(a)(2) above. The availability of such ATMs will not preclude the establishment of a banking office at a later time if the need therefor is demonstrated.

(6) Only banking institutions insured by the Federal Deposit Insurance Corporation (FDIC) or the Federal Savings and Loan Insurance Corporation (FSLIC) shall operate on domestic DoD installations. Official and nonappropriated fund deposits at banking offices on DoD installations shall be insured or collateralized under procedures established by the Fiscal Assistant Secretary of the Treasury.

(7) DoD Components shall select and approve banking institutions' proposals to establish banking offices on DoD installations, giving notice of approvals to the selected institutions and their regulating agencies. Selected banking institutions shall apply for and obtain operating authority from their regulating agencies before opening offices.

(i) In the case of state-chartered institutions that are members of the Federal Reserve System, approval also shall be obtained from the Federal Reserve Bank in whose district the proposed banking office is located.

(ii) In the case of state-chartered savings and loan associations, state supervisory authorities shall make this determination. In the case of federally chartered savings and loan associations, the determination shall be made by the Federal Home Loan Bank Board or the principal supervisory agent in the Federal Home Loan Bank Board district where the association does business.

(8) Provision of banking services by means other than duly established banking offices or ATMs is subject to prior review by the ASD(C).

(b) *Active Duty Personnel Serving as Directors of Banking Institutions.* (1) A service member on active duty may not serve as a director of a banking institution operating a banking office on a DoD installation unless the head of the DoD Component concerned approves the appointment as upon a justified requirement for direct liaison between the banking institution and the installation commander. Under such circumstances, not more than one individual on active duty may be permitted to serve as a director at any one time and then only if such services are rendered without compensation.

(2) A reservist called to active duty who has been serving as a director of banking institution that operates a banking office on DoD installation will not be required to resign the directorship because of active duty status.

(c) *Financial Education Seminars.* Officials of banking offices on DoD installations shall be invited to participate in seminars conducted to educate DoD personnel on personal financial management and on services offered by financial institutions. Such officials shall submit advance texts of their briefing materials for approval by the installation commander to ensure that the occasion is not used to promote the services of a particular banking institution.

(d) *Uniformity of Service.* To the maximum extent feasible, financial services provided on DoD installation shall be uniform for all DoD personnel. Such services shall be provided at overseas DoD installations under uniform service charges and fee schedules, to the maximum extent feasible. Operating agreements between banking institutions and the DoD installations they serve that are not consistent with this Part or Part 231 of this title shall be modified accordingly.

§230.6 Procedures for the establishment, operation, and termination of domestic banking offices.

(a) *Establishment of Domestic Banking Offices.* (1) *Banking Facilities.* In implementing this Instruction, each DoD Component headquarters shall develop internal instructions governing the submission of requests justifying the need for banking facilities proposed for establishment on DoD installations under its jurisdiction. Normally, a banking facility may be established only in states that prohibit branch banking; however, in times of mobilization or under other emergency conditions, it may become necessary to authorize additional banking facilities. When approved, such requests shall be submitted to the Fiscal Assistant Secretary of the Treasury for appropriate action. The following information shall be included in requests to the DoD Component headquarters for establishment of banking facilities:

(i) The approximate number of DoD personnel at the installation and any other persons who may be authorized to use the banking facility.

(ii) The name or names of the banking institution or institutions presently cashing payroll checks of assigned personnel and the approximate number and dollar value cashed by each institution, if such data are obtainable.

(iii) The distance between the installation and the banking institutions in the area, the names of these institutions, and the cities in which they are located.

(iv) Available official and public transportation between the installation and the vicinity of the nearest banking institution.

(v) The approximate loss of duty time as a result of DoD personnel leaving the installation to obtain banking services.

(vi) The number of DoD personnel in duty assignment confining them to the installation or who lack transportation (such as trainees, hospital patients, and foreign military personnel).

(vii) Source or sources from which the military disbursing officer presently obtains operating and payroll cash, the frequency of these cash acquisitions, and the approximate dollar value obtained monthly.

(viii) The name and location of the depositary now being used by the military disbursing officer to make official deposits for credits to the account of the U.S. Treasury.

(ix) The estimated savings to the military disbursing officer if a banking facility is established on the installation.

(x) A list of organizational and nonappropriated fund accounts, the name and location of the banking institution or institutions where presently carried, and the average daily activity and balance of each account.

(xi) A written description and photographs or drawings of the space proposed for banking facility use. The extent and approximate cost of required alterations, including the construction of counters and teller cages, shall be included.

(xii) a statement detailing the requirements of the proposed banking facility for safes, a vault, or both; appropriate alarm systems; and camera surveillance equipment when deemed necessary. The statement shall include the costs of such equipment and the manner in which it will be acquired.

(xiii) the justification for use of space when such space is controlled by the General Services Administration (GSA). All space assigned by the GSA, whether leased space or federal office building space, is reimbursable to the GSA as a standard level user charge under Public Law 92–313. As such, the space occupied by a banking facility to serve military requirements shall be assigned and charged by the GSA to the DoD Component concerned.

(xiv) Any other information justifying the establishment of a banking facility as opposed to a different type of banking office.

(2) *Conversions of Banking Facilities to Independent or Branch Banks.* Proposals from a banking institution to convert an existing banking facility to an independent or branch bank shall be forwarded to the DoD Component headquarters concerned for approval. DoD Components may solicit banking institutions operating banking facilities to convert them to independent or branch banks, if consistent with state law.

(3) *Independent Banks, Branch Banks, and Savings and Loan Associations.*

(i) Proposals for establishment of an independent bank, a branch bank, or a savings and loan association office received by installation commanders shall be forwarded through channels to the DoD Component headquarters concerned, together with recommendations for acceptance or rejection. Such proposals shall contain the same information required for banking facilities in paragraph 230.6(a)(1)(i) through (xiii) above.

(ii) the DoD Component headquarters concerned shall evaluate each proposal for the establishment of such offices.

(A) If there is no existing banking office on the DoD installation and it is determined that a banking office is needed, the DoD Component concerned shall solicit proposals from other nearby banking institutions before making a determination.

(B) If a banking office other than a military banking facility is already in operation on the DoD installation, the provisions of § 230.5(a)(2) of this part.

(C) If the proposal offers to replace an existing banking facility, the DoD Component concerned shall offer the banking institution currently operating the facility an opportunity to submit a proposal to convert its facility.

(D) with respect to a proposed branch bank or independent bank, preference shall be given to the banking institution that has operated the banking facility, provided that prior banking service has been satisfactory and that the institution's proposals are deemed adequate.

(4) *Automated Teller Machine Service.*

(i) If approved by the appropriate regulating agency, ATMs may be used to augment service provided by a banking office on a DoD installation.

(ii) A banking institution that proposes to install an ATM in its existing banking office on a DoD installation shall:

(A) Provide for access through debit transaction card rather than limiting access solely to holders of a financial institution's credit card.

(B) Provided that the cost of ATM installation, maintenance, and operation shall be borne by the financial institution or institutions involved.

(C) Coordinate its ATM proposal with the installation commander.

(iii) A banking institution that proposes to install an ATM at a location on a DoD installation that is remote from its existing banking office shall submit a request through the installation commander to the DoD Component concerned for approval and recommendation to the appropriate regulating agency. As a minimum, the proposal shall reflect a willingness to comply with § 230.6(a)(4)(ii)(A) and (B), above. In transmitting a proposal that requires the use of a location not under command jurisdiction, such as a post exchange building, the installation commander shall ensure that the proposal has been fully coordinated. Upon approval, appropriate leases shall be negotiated in accordance with this Part.

(iv) If efforts to introduce a banking office on the DoD installation are unsuccessful or inappropriate, the financial community may be requested to submit proposals for "ATM-only" service. In acquiring such service, preference shall be given to proposals offering shared-access ATMs. The

provisions of § 230.6(a)(4)(iii), above, shall apply to banking services provided under this paragraph; however, such service is not subject to the limitation in § 230.5(a)(2) of this Part.

(b) *Logistical Support.* (1) *Categories of Domestic Banking Offices.* For the purposes of authorizing logistical support, domestic banking offices are categorized as either self-sustaining or nonself-sustaining. Existing military banking facilities that previously have been determined to be nonself-sustaining and, consequently, entitled to support from the Treasury, a DoD Component, or both, shall continue to provide reports as in the past until modified procedures are announced jointly by the Departments of Treasury and Defense.

(2) *Determination of Category.* (i) A domestic banking office is considered to be self-sustaining until, based upon financial data provided by the banking institution, the DoD Component concerned determines it to be nonself-sustaining. Reimbursement for rent and utilities shall be required from self-sustaining banking offices. Nonself-sustaining banking offices may be granted free rent and utilities under procedures prescribed by the DoD Component concerned.

(ii) Normally, a banking office shall be in a nonself-sustaining status for at least 4 consecutive calendar quarters before qualifying for logistic support. Conversely, a nonself-sustaining banking office would not be designated as self-sustaining until it had experienced 4 consecutive quarters of profitable operation.

(3) *Support Authorized for Nonself-sustaining Banking Offices.* When a banking office is determined by a DoD Component to be nonself-sustaining under § 230.6(b)(2), above, it may be furnished logistical support, including the use of government-owned property and services, without charge.

(i) Generally, space in government-owned buildings shall be furnished in support of a nonself-sustaining banking office under a no-cost license for a period of 5 years, subject to cancellation upon determination that the office has become self-sustaining. At that time, a lease shall be negotiated in accordance with § 230.6(b)(4)(iii), below.

(ii) In those exceptional instances where a nonself-sustaining banking office is authorized to construct its own building on government-owned land, no ground rent may be charged until it is determined to be self-sustaining or until expiration of the term of lease, whichever occurs sooner. When either of these events occurs, a fair market rental, as determined by appraisal in accordance with § 230.6(b)(4)(i), below, shall be charged.

(iii) Adequate space shall be made available—including steel bars; grillwork; security doors; a vault, safes, or both; burglar alarm system; other security features normally used by banking institutions; construction of counters and teller cages; and other necessary modifications and alterations in existing buildings as limited by DoD Directive 4270.24.

(A) In determining the adequacy of space, it is important that the banking office be housed in a building that is accessible to the majority of DoD personnel on the installation and is so located as to permit maximum security.

(B) The size and arrangement of customer and work areas shall permit efficient financial operations. The area of the space assigned may not exceed that prescribed by DoD 4270.1–M, which limits gross floor space in accordance with the following table:

Personnel strength [1]	Area square feet
Up to 1,000	1,500
1,001 to 2,000	2,375
2,001 to 3,000	3,250
3,001 to 4,000	3,625
4,001 to 5,000	4,000
5,001 to 6,000	4,375
6,001 to 7,000	4,750
7,001 to 9,000	5,560
9,001 to 11,000	6,375
11,001 to 13,000	7,190
13,001 to 15,000	8,000
15,001 to 17,000	10,000
17,001 to 20,000	13,000
Over 20,000	([2])

[1] Active duty military personnel assigned to a DoD installation and stationed within a commuting area not served by another banking office and civilian employees of the installation.

[2] Determined by Engineer Study.

(iv) All maintenance, repair, rehabilitation, alterations, or construction for banking offices shall be accomplished in accordance with DoD Directive 4165.2.

(v) Typewriters, adding machines, and other office equipment and office furniture may be loaned to a nonself-sustaining banking office on memorandum receipt if available from local stocks.

(vi) Air-conditioning is considered a normal utility for those banking offices located at DoD installations that qualify for air-conditioning under applicable DoD Component regulations. Banking space is classified as administrative space at DoD installations.

(vii) Other logistical support to be furnished includes:

(A) Adequate utilities and custodial and janitorial services.

(B) Intrastation telephone service.

(4) *Self-sustaining Banking Offices.*

(i) *Lease of Land.* A lease of land for construction of a building to house a self-sustaining banking office shall be at appraised fair market rental value as defined in Part 231 of this title. The term of the lease may not exceed 25 years. Once determined, the charges shall be applicable for the term of the lease.

(A) The right shall be reserved to terminate the lease in event of national emergency; base closure, deactivation, or substantial realignment; default by the lessee; or in the interest of national defense.

(B) Maintenance and the cost of utilities and services furnished shall be the responsibility of the lessee. Rates shall be established in conformance with DoD Directive 4000.6 and shall be confirmed by a written agreement between the DoD installation and the banking institution.

(C) The lessee shall provide written notice 90 days before it intends to voluntarily terminate the lease.

(D) Whenever such a lease is terminated or when the term expires, the option shall be with the government either to cause title in all improvements to be vested in the United States or to require the lessee to remove the improvements and restore the land.

(E) When, under the terms of a lease, title to improvements passes to the United States, the lessee shall be given first choice to continue occupying the building under a lease that provides for fair market rental only for the land associated therewith. The lessee shall continue to maintain the premises and reimburse the cost of utilities and services furnished.

(ii) *Lease of Land in a Shopping Mall Complex.* When a banking institution participates in the construction of a complex, it shall be provided a lease at fair market rental value for a period not to exceed 25 years. The lease shall cover underlying land upon which the specific space to be exclusively occupied by the banking office is physically located.

(iii) *Lease of Government-owned Building.* A lease of an existing government structure to house a self-sustaining banking office shall be at appraised fair market rental value and shall consider the following factors:

(A) The term of the lease shall be for 5 years, subject to renewal by mutual agreement and subject also to the right of the head of the DoD Component concerned to terminate the lease in accordance with the cancellation provisions prescribed in § 230.6(b)(4)(i)(A), above. If space occupied is under assignment from the GSA, the banking institution shall reimburse the DoD Component

concerned at the standard level user charge rate for that space and other special services furnished through the GSA.

(B) When a banking institution uses its own funds to modify or renovate existing government space, a lease may be negotiated for a period not to exceed 25 years. Duration of the lease shall be commensurate with the extent of the improvements as determined by the DoD Component concerned.

(C) The lessee shall perform interior alteration and maintenance, and reimbursement shall be made by the lessee for utilities, custodial, janitorial, and other services furnished.

(iv) *Construction of Building.* A banking institution authorized to operate a banking office on a DoD installation may construct, at its own expense, a building to house its activities, subject to the following provisions:

(A) The building shall be confined to the needs of the banking institution. The building may not be constructed to provide for other commercial enterprises or government instrumentalities.

(B) Proposals for construction of structures on DoD installations at a banking institution's expenses shall be reviewed and reported under DoD Instruction 7700.18.

(v) *Existing Leases.* Leases executed before the issuance of this Instruction may not be disturbed unless a lessee (banking institution) specifically requests that a lease be renegotiated under this paragraph. No lease contract may be negotiated or renegotiated, nor may any rights thereunder be waived or surrendered, without compensation to the government, except as provided in § 230.6(b)(2), above. Compensation to the government, may consist of added value to the property, added banking services, or both.

(5) *Duration of Leases.* When the term of the lease exceeds 5 years, 10 U.S.C. 2667(b)(1) requires that the Military Department Secretary, or his designee for such purposes, determine that a term in excess of 5 years will promote the national defense or be in the public interest.

(6) *Other Support.* Banking offices on DoD installations shall receive the following support on a nonreimbursable basis:

(i) Military or civilian guards (the latter to be used within the installation only), military police, or other protective services for necessary periods of time on paydays, to accompany shipments of money from the parent banking institution or other source when such monies are for the primary use of the military disbursing officer, or at other times involving unusual circumstances when required to avoid undue risks or costs of insurance on the part of the banking office. In this regard, overall security precautions normally present shall be considered.

(ii) Military locator services in accordance with enclosure 4 to this Instruction.

(iii) Use of the unofficial section of the installation daily bulletin, provided space is available, to inform personnel of seminars, consumer information programs, or other matters of broad general interest. Announcements of free financial counseling services are encouraged. The daily bulletin may not be used for competitive or comparative advertising, such as specific interest rates on savings or on loans.

(iv) Use of bulletin boards for posting promotional material of a broad general nature that complements the DoD installation's financial counseling programs to promote financial responsibility and thrift on the part of DoD personnel. Message center services may be used to distribute reasonable numbers of such announcements to units for display on bulletin boards as long as such distribution does not impose an unreasonable workload on the system.

(c) *Domestic Military Banking Operation.* (1) *General Conditions of Banking Office Operation.* (i) Before banking office operations begin, a written agreement shall be executed between the installation commander and officials of the banking institution that is to operate the banking office on the DoD installation. As a minimum, the agreement shall address the following:

(A) A general statement of services to be rendered and the conditions therefor. To the extent feasible, full financial services shall be provided; however, agreements entered into under this provision may not restrict the banking institutions's right to adjust services and fees as required.

(B) The banking institution shall comply with this Part, Part 231 of this title, and applicable DoD Component regulations.

(C) The banking institution shall indemnify and hold harmless the government from (and against) any loss, expense, claim, or demand to which the government may be subjected as a result of death, loss, destruction, or damage in connection with the use and occupancy of premises of the DoD Component occasioned in whole or in part by agents or employees of the banking institution.

(D) Neither the DoD Component concerned nor its representatives will be responsible or liable for the financial operation of a banking office or for any loss (including criminal losses), expense, or claim for damages arising from this operation.

(ii) Active duty military personnel or civilian employees of the DoD Component concerned may not be detailed to duty or employment with a banking office located on a DoD installation; however, off-duty DoD personnel may be employed by a banking office, subject to the approval of the installation commander, provided such employment will not interfere with the full performance of the individual's military or civilian duties.

(iii) Each commander having an installation banking office shall appoint a banking liaison officer. The banking liaison officer's name and duty telephone number shall be displayed in the lobby of each banking office located on a DoD installation. In accordance with DoD Directive 1000.10, anyone who serves as a credit union board member or in any other official credit union capacity may not serve as a banking liaison officer. This officer shall maintain contact with the banking office manager to:

(A) Evaluate banking office performance.

(B) Recommend improvements in the quality of banking office services.

(C) Assist in resolving customer complaints relating to banking services.

(iv) During the hours that a banking office is open for business, traveler's checks and money orders may not be sold by other organizations located on the DoD installation. Postal units and credit unions are exempt from this restriction.

(v) As prescribed by paragraph 230.8 of this Part and Part 43a of this title, DoD Components shall cooperate with banking offices located on DoD installations in locating and effecting restitution from individuals who pass dishonored checks, overdraw accounts, or default on loans. If the amount of funds in question is not recouped by the banking office within 48 hours, the banking office manager may contact the local commander or the banking liaison officer for aid in effecting restitution of the amount due.

(vi) DoD Components shall prescribe clearance procedures for personnel leaving a DoD installation that will provide the onbase banking institution with adequate advance notification of the impending departure of its customers. The general purpose of a clearance is to report a change of address, reaffirm allotments or any outstanding debts, and receive counseling if desired or appropriate. Clearance may not be denied to facilitate the collection of debts or the

resolution of disputes between departing customers and banking office management.

(2) *Services Rendered.* (i) *To Individuals and Nonappropriated Fund Instrumentalities.* Normally, banking offices shall provide the same services on DoD installations as are provided in the local community. Service charges or fees levied for such services may not exceed those customary for the banking institution that operates the banking office, with the following exceptions:

(A) *Cashing of Treasury Checks.* There will be no encashment charge to accountholders. A fee not to exceed one dollar per Treasury check cashed is authorizied for nonaccountholders.

(B) *Cashing of Personal Checks.* A reasonable charge may be made for cashing personal checks; however, checks drawn on the banking institution operating the banking office shall be cashed without charge.

(ii) *To Disbursing Officers.* Banking offices are expected to provide cash, including payroll requirements, to military disbursing officers with out charge to the disbursing officer concerned and to accept deposits for credit to the Treasury of the United States when so authorized.

(3) *Banking Office Construction Proposals.* Proposals by officials of banking institutions for construction of structures on DoD installations at banking institution expense shall be reviewed and reported in accordance with DoD Instruction 7700.18. The following information shall be provided in support of each construction proposal:

(i) Approximate number of DoD personnel at the DoD installation, plus any other persons who may be authorized to use the banking office.

(ii) Square footage of the proposed building.

(iii) Size of land area to be leased to the banking institution.

(iv) Length of the term of lease.

(v) Estimated cost of the proposed construction.

(vi) Estimated fair market value of the land to be leased.

(vii) A brief description of the extent to which the banking institution will be responsible for utility connections and other utility and maintenance costs.

(viii) A statement that the proposed building will be used for banking purposes only.

(ix) Justification for a waiver of space criteria if building size exceeds that specified in DoD 4270.1–M.

(d) *Termination of Domestic Banking Offices.* (1) *Banking Facilities.* (i) The installation commander immediately shall notify the DoD Component headquarters concerned if a banking facility has been placed in an inactive status or if personnel reductions at the DoD installation have reduced banking facility operations below a justifiable level. The DoD Component immediately shall advise the Fiscal Assistant Secretary of the Treasury so that appropriate action to terminate the banking institution's authority to operate the banking facility may be taken.

(ii) In general, a banking facility may be terminated by the parent banking institution provided that notice in writing is furnished to the Treasury Department and the installation commander not less than 90 days before the closing date. In such cases, the Treasury Department will terminate the banking institution's authority to operate the banking facility, and the cognizant DoD Component shall determine the feasibility of requesting another banking institution to provide banking service at the installation.

(2) *Other Banking Offices.* (i) Requests for termination for cause [see § 231.3(f) of this title] shall be forwarded through channels to the departmental official responsible for financial management policy, or to the Defense Agency comptroller concerned, for coordination with the ASD(C) and approval before submission to the appropriate regulating agency for final disposition.

(ii) Banking offices other than banking facilities may be terminated by the parent banking institution provided written notice is furnished to the installation commander not less than 90 days before the closing date.

§ 230.7 Procedures for the establishment, operation, and termination of Overseas Banking Offices.

(a) *Provision of Banking Services Overseas.* The Department of Defense provides banking services overseas to authorized individuals and organizations using one of the following means:

(1) Contracts negotiated with U.S. banking institutions under the Defense Acquisition Regulation. (Parts 1 through 39 of this title).

(2) Direct negotiation with U.S. banking institutions for operation of nonreimbursable banking facilities.

(3) Direct negotiation with foreign banks where host countries do not permit the use of U.S. banking institutions.

(b) *Establishment of Overseas Banking Offices.* (1) *Banking Facilities Operated by U.S. Banking Contractors.* In implementing this Instruction, each DoD Component headquarters shall develop internal instructions governing the submission of requests justifying the need for banking facilities proposed for establishment on overseas DoD installations under its jurisdiction. Upon favorable review by the DoD Component headquarters, such requests shall be submitted to the Director for Banking, Office of the ASD(C), (OASD(C)), with a recommendation for inclusion in the current contract, subject to the conditions set forth below.

(i) The data used to justify establishment of overseas banking facilities shall parallel that required for domestic banking facilities (paragraph 230.6(a)(1)). In addition, in countries where no U.S.-operated banking facilities presently exist, the justification shall include a statement that the requirement has been coordinated with the U.S. Chief of Diplomatic Mission and that the country involved will permit banking facilities operated by U.S. banking institutions.

(ii) As a general rule, banking facilities may be proposed when the population to be served meets the following criteria:

(A) *Full-Time Banking Facility.* Except in unusual circumstances, a full-time banking facility shall serve at least 1,000 DoD personnel.

(B) *Part-Time Banking Facility.* Except in unusual circumstances, a part-time banking facility shall serve at least 250 DoD personnel.

(iii) If the population at certain remote areas is not sufficient to qualify under the criteria for establishing a full- or part-time banking facility, the installation (community) commander shall explore all other alternatives for acquiring limited banking services (such as check-cashing and accommodation exchange service by disbursing officers and their agents) before requesting the establishment of a banking facility as an exception to the provisions of Paragraph 230.7(b)(1)(ii), above.

(iv) Establishment of an overseas banking facility is predicated upon:

(A) Designation of the facility contractor as a depositary and financial agent of the U.S. Government by the Fiscal Assistant Secretary of the Treasury under 12 U.S.C. 265.

(B) The availability of proposed banking contractors able and willing to bid for the operation of the facility and the reasonableness of such proposals.

(C) The availability of appropriated funds to pay for such banking services.

(2) *Other Overseas Banking Offices.* The banking and currency control laws of certain host countries, such as Italy, do not permit the operation of banking facilities on DoD installations by U.S. banking institutions.

(i) In such cases, installation (community) commanders shall forward requests for banking service or proposals voluntarily submitted by local banks through their Major Commanders. Requests shall be documented in accordance with Paragraph 230.7(b)(1), above.

(ii) Major Commanders shall coordinate with the Unified Command Commander, or his designee for banking matters, to ensure full consideration of alternatives with the appropriate U.S. Chief of Diplomatic Mission, and commonality, to the extent practicable, in banking services provided to all DoD personnel stationed in that country.

(iii) Major Commanders shall forward coordinated requests and proposals to the DoD Component headquarters concerned. If the DoD Component approves the request, it shall coordinate such approval with the DASD(MS) and shall obtain designation as a depositary and financial agent of the U.S. Government from the Fiscal Assistant Secretary of the Treasury before authorization of the banking office.

(iv) Banking offices proposed under this subsection shall be approved only after designation of the foreign banking institution as a depositary and financial agent of the U.S. Government and an indication of the institution's willingness and ability to provide collateral backing for official and nonappropriated fund U.S. dollar deposits in a form acceptable to the DASD(MS) and the Fiscal Assistant Secretary of the Treasury.

(c) *Logistical Support.* (1) *Banking Facilities Operated by U.S. Banking Contractors.* (i) DoD Components shall furnish support without charge to banking facilities operated by U.S. banking contractors as enumerated in Paragraphs 230.6(b)(3) and 230.6(b)(6) of this title.

(ii) Major Commanders shall provide these banking facilities with additional logistical support as enumerated in the contracts. Such support normally will include but will not be limited to:

(A) AUTOVON and AUTODIN (as separately approved).

(B) Certificates of nonavailability, when items of office furniture or equipment are unavailable for loan on memorandum receipt, as required by the designated property administrator.

(C) Vehicle registration and purchase of gasoline from government-owned facilities for bank-operated vehicles if not in conflict with host government agreements. Vehicle registration shall be subject to normal fees.

(D) Public quarters under DoD Instruction 4165.44 to key banking facility personnel who cannot obtain suitable, reasonably priced housing in the vicinity of the DoD installation. Charges for rent shall be in accordance with DoD Instruction 4165.42.

(E) U.S. Military Postal Service (MPS) under DoD Directive 4525.6 when used for requirements arising from operations of such facilities. All such mail entered into the MPS shall bear appropriate postage.

(iii) Suggestions for changes to the contracts under which this logistical support is authorized may be forwarded through channels to the Director for Banking, OASD(C).

(2) *Other Overseas Banking Offices.* (i) Logistical support provided to such offices shall be negotiated with the banking institution and shall be incorporated into the written agreement covering the operation. (See paragraph 231.7(d)(1)(i), below).

(ii) Usually, logistical support provided under this paragraph should be no more favorable than that provided to domestic banking offices. (see paragraphs 230.6(b)(3), 230.6(b)(4), and 230.6(b)(6) of this title. Whenever possible, such institutions shall reimburse the DoD Component concerned for logistical support provided.

(d) *Overseas Military Banking Operations.* (1) *General Conditions of Banking Office Operation.* (i) Before banking office operations begin, a written agreement shall be effected by the installation (community) commander and representatives of the banking contractor or other financial institution concerned. A copy of agreements executed with institutions other than U.S. contractors shall be forwarded to the Director for Banking, OASD(C), through DoD channels.

(A) For banking facilities operated by U.S. banking contractors, the agreement shall include necessary operating details not specifically set forth in the contract. Although the contract limits the number of operating hours per week, it encourages local commanders and banking facility managers to agree on the specific days and hours of operation to meet local needs.

1 Operating days may include Saturdays and operating hours may include evening hours when necessary to complement or parallel other retail services available to DoD personnel, provided the contractor agrees to provide such service at no additional cost to the government.

2 When cost implications are involved, the installation (community) commander shall forward his request for expanded or modified days or hours of operation, with an explanation of the need therefor, through channels to the Director for Banking, OASD(C), who will recommend appropriate action to the ACO.

(B) For other banking offices, an effort shall be made to include in the agreement those provisions specified in paragraph 230.6(c)(1)(i) of this title. Every effort shall be made to protect the interests of the U.S. Government; however, submission of operating statements to installation (community) commanders will not be required. In the absence of overriding considerations, the agreement shall specify that the bank will give 90 days advance written notice of its intent to terminate operations. Before the agreement is executed, it shall be coordinated with the Unified Command Commander, or his designee, and shall be forwarded to the DoD Component concerned for coordination with the DASD(MS) and for approval.

(iii) The provisions of § 230.6(c)(1)(ii) through 230.(c)(1)(vi) of this title apply to the operation of banking offices on overseas DoD installations.

(2) *Banking Facilities Operated by U.S. Banking Contractors.*

(i) *Authorized Customers.* Banking contracts specify personnel authorized to receive service. Additionally, Major Commanders may approve banking services for other individuals and organizations that qualify for individual logistic support under the regulations of the DoD Component concerned, provided that use of banking services is not precluded by status of forces or similar intergovernmental agreements or local law.

(ii) *Services Rendered.* Services to be rendered and the charges therefor are specified in the contracts. Suggestions for expansion or modification of authorized services or charges may be forwarded through channels to the Director for Banking, OASD(C), for consideration.

(iii) *Conditions of Overseas Banking Facility Operations*

(A) part-time or payday service banking facilities generally shall provide a range of services equivalent to that required of full-time banking facilities. Since part-time banking facilities operate out of other nearby banking facilities, DoD Components shall provide and bear the cost for transportation and guards required for their operation.

(B) The installation (community) commander, or his designee, shall:

(*1*) Review monthly income, expense, and activity statements provided by the full-time banking facility.

(*2*) Report any deficiency in the delivery of banking services under current contracts to the manager of the

banking facility within 7 calendar days of the identification of such deficiency. If the deficiency has not been remedied within 30 calendar days after its identification, the commander shall report the deficiency expeditiously through DoD channels to the Director for Banking OASD(C), for transmittal to the ACO.

(C) Both the banking facility contractor and DoD disbursing officers shall ensure that cash management practices are established that will minimize the cash required to meet joint needs on a continuing basis.

(D) Commanders shall cooperate with banking facility contractors in the development and regular update of plans for provision of banking services in the event of hostilities or other emergencies.

(3) *Other Overseas Banking Offices.*

(i) *Authorized Customers.* Major Commanders may approve banking services for individuals and organizations that qualify for individual logistic support under the regulations of the DoD Component concerned, provided that use of banking services is not precluded by status of forces or similar intergovernmental agreements or local law.

(ii) *Services Rendered.* Services to be rendered and charges therefor shall parallel, to the extent feasible, services and charges offered to authorized customers by banking facilities operated by U.S. banking contractors. Specific services will be a matter to be negotiated and included in the agreement with the banking institution involved. (See paragraph 230.7(d)(1)(i), above.)

(iii) *Conditions of Operation.* Normally, a banking institution shall provide equipment (except that furnished by the DoD installation), supplies, and trained bank personnel necessary for the operation of a banking office.

(e) *Termination of Overseas Banking Offices.* (1) *Banking Facilities Operated by U.S. Banking Contractors.* The installation (community) commander shall through DoD Component channels, immediately notify the Director for Banking, OASD(C), when personnel reductions or other situations at the DoD installation (military community) have reduced banking facility operations below a level that justifies retention.

(i) Such notification shall indicate whether a part-time facility should be established and the number of days per week such an operation is necessary.

(ii) The Director for Banking, OASD(C), shall recommend appropriate action to the ACO.

(2) *Other Overseas Banking Offices.* Terminations shall be effected under termination clauses of respective operating agreements. Notice of intent to terminate, including the closing date, shall be forwarded by the Major Commander to the Military Department concerned. The Military Department shall advise the Fiscal Assistant Secretary of the Treasury so that the banking institution's authority as a depositary and financial agent of the U.S. Government may be revoked. A copy shall be provided to the Director of Banking, OASD(C).

(f) *Notification to Overseas Banking Facilities.* Each U.S. banking contractor authorized to operate a banking facility at an overseas DoD installation shall be provided a copy of this Part by the Director for Banking, OASD(C). The DoD Components similarly shall provide copies of their implementing regulations.

§ 230.8 Guidelines for application of the Privacy Act to military banking operations.

The following Treasury-Defense guidelines govern the application of the Privacy Act (Part 286a of this title) to the banking institutions that operate under Part 231 of this title and this Part.

(a) Banking offices operating on DoD installations do not fall within the purview of the Privacy Act. Such financial institutions do not fit the definition of "agency" to which the Act applies: ". . . any executive department, military department, Government corporation, Government-controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or an independent regulatory agency" (5 U.S.C. 552(e), 552a(a)(1)). Nor are they ". . . to accomplish an agency function." According to the Office of Management and Budget Guidelines for Privacy Act implementation, the provision relating to government contractors applies only to systems of records ". . . actually taking the place of a Federal system which, but for the contract, would have been performed by an agency and covered by the Privacy Act" (40 FR 28976, July 9, 1975). Clearly, the subject institutions do not meet these criteria. Since the Act does not apply to them, such institutions are not required to comply with 5 U.S.C. 552a(e)(3) in obtaining and making use of personal information in their relationships with personnel authorized to use such facilities. Thus, such institutions are not required to inform individuals from whom information is requested of (1) the authority for its solicitation, (2) the principal purpose for which it is intended to be used, (3) the routine uses that may be made of it, or (4) the effects of not providing the information. There also is no requirement to post information of this nature at banking institutions on DoD installations.

(b) The banking institutions concerned hold the same position and relationship to their customers and to the government as they did before enactment of the Privacy Act. Within their usual business relationships, they still are responsible for safeguarding the information provided by their clients and for obtaining only such information as is reasonable and necessary to conduct business. This includes credit information and proper identification, such as social security number, as a precondition for the cashing of checks.

(c) Banking offices may incorporate the following conditions of disclosure of personal information in all contracts, including loan agreements, savings and transaction accounts signature cards, certificates of deposit agreements, and any other agreements signed by their customers:

> I hereby authorize the Department of Defense to verify my social security number or other identifier and disclose my home address to authorized (name of financial institution) officials so that they may contact me in connection with my financial business with (name of financial institution). All information furnished will be used solely in connection with my financial relationship with (name of financial institution).

When the financial institution presents such signed authorizations, the DoD installations shall provide the appropriate information.

(d) Even though the agreement described in § 230.8(c), above, has not been obtained, the Department of Defense may provide banking offices with salary information and, if pertinent, the length or type of civilian or military appointment consistent with the Privacy Act and Freedom of Information Act (Part 286 of this title). Examples of personal information pertaining to DoD personnel that normally can be released without the creation of an unwarranted invasion of personal privacy are name, rank, date or rank, salary, present and past duty assignments, future assignments that have been finalized, office phone number, source of commission, and promotion sequence number.

(e) If a DoD member or employee with a financial obligation is reassigned, and fails to inform a banking institution or individual of his or her whereabouts, locator assistance of the individual's last known commander or supervisor at the offical position or duty station within that DoD Component shall be

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sought. That commander or supervisor either shall furnish the individual's new official duty location address to the requestor or shall forward, through official channels, any correspondence received pertaining thereto to the individual's new commander or supervisor for appropriate assistance and response. Correspondence addressed to the individual concerned at his or her last official place of business or duty station is forwarded as provided by postal regulations to the new location, but the individual may choose not to respond. However, once an individual's affiliation with the Department of Defense is terminated through separation or retirement, the locator assistance the Department may render in the disclosure of home address is severely curtailed unless the public interest dictates disclosure of the last known home address. The Department may at its discretion forward correspondence to the individual's last known home address. The individual may choose not to respond, and the Department of Defense will not act as an intermediary for private matters concerning former DoD personnel who are no longer affiliated therewith.

(f) Questions concerning this guidance shall be forwarded through channels to the Director for Banking, Office of the Assistant Secretary of Defense (Comptroller), The Pentagon, Washington, D.C. 20301.

April 22, 1983.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

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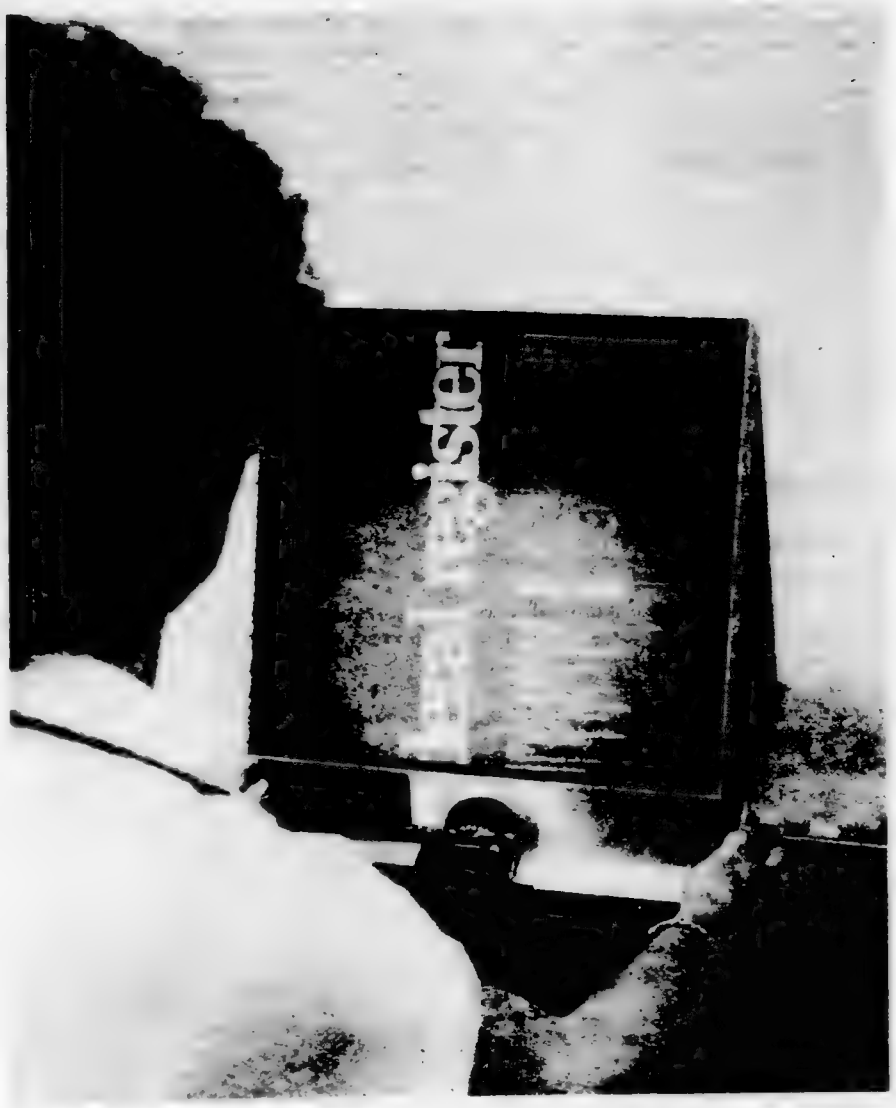

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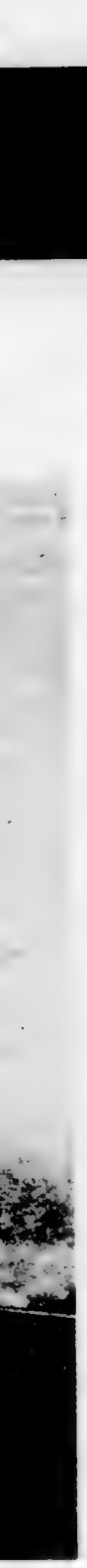

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Environmental Protection Agency

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Milk Marketing Orders
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National Park Service

Natural Gas
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Two-Day-a-Week Publication Program

The Office of the Federal Register proposes to terminate the formal program of agency publication on assigned days of the week. See page 19283 in the **Federal Register** of Thursday, April 28, 1983.

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Federal Register
Vol. 48, No. 83
Thursday, April 28, 1983

Presidential Documents

Title 3—

The President

Proclamation 5056 of April 26, 1983

National Physical Fitness and Sports Month, 1983

By the President of the United States of America

A Proclamation

Regular, vigorous physical activity is essential to good health and effective performance of our daily responsibilities. In addition, physical activity and sports programs can provide rich sources of personal pleasure and satisfaction.

Many individuals, families, communities, and others are increasingly concerned about physical fitness, and there is a growing recognition that physical activity is an important part of daily life for people of both sexes and all ages. Americans who are not reaping the benefits and pleasures of physical activity and sports should develop a personal physical fitness program in accordance with their capability.

In recognition of the importance of physical activity as a part of our daily life, the Congress, by Senate Joint Resolution 53, has authorized and requested the President to designate the month of May 1983 as "National Physical Fitness and Sports Month."

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the month of May 1983 as National Physical Fitness and Sports Month and urge communities, schools, States, employers, voluntary organizations, churches, and other organizations to stage appropriate observances and special events. Furthermore, I urge individuals and families to use this occasion to renew their commitments to make regular physical activity an integral part of their lives.

IN WITNESS WHEREOF, I have hereunto set my hand this 26th day of April, in the year of our Lord nineteen hundred and eighty-three, and of the Independence of the United States of America the two hundred and seventh.

Ronald Reagan

[FR Doc. 83-11541
Filed 4-26-83; 4:32 pm]
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Rules and Regulations

Federal Register
Vol. 48, No. 83
Thursday, April 28, 1983

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Regulation 576]

Navel Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period April 29–May 5, 1983. Such action is needed to provide for orderly marketing of fresh navel oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: April 29, 1983.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202–447–5975.

SUPPLEMENTARY INFORMATION:

Findings

This rule has been reviewed under USDA procedures and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. This action is designed to promote orderly marketing of the California-Arizona navel orange crop for the benefit of producers and will not substantially affect costs for the directly regulated handlers.

This regulation is issued under the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendation and information submitted by the Navel Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the Act.

This action is consistent with the marketing policy for 1982–83. The marketing policy was recommended by the committee following discussion at a public meeting on September 21, 1982. The committee met again publicly on April 26, 1983 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navel oranges deemed advisable to be handled during the specified week. The committee reports the demand for navel oranges is easier.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the Act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared policy of the Act to make this regulatory provision effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 907

Agricultural Marketing Service, Marketing agreements and orders, California, Arizona, Oranges (navel).

1. Section 907.876 is added as follows:

§ 907.876 Navel orange regulation 576.

The quantities of navel oranges grown in California and Arizona which may be handled during the period April 29, 1983 through May 5, 1983, are established as follows:

(1) District 1: 1,700,000 cartons;
(2) District 2: Unlimited cartons;
(3) District 3: Unlimited cartons;
(4) District 4: Unlimited cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 27, 1983.

D. S. Kuryloski,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 83-11586 Filed 4-27-83; 1:12 pm]
BILLING CODE 3410-02-M

7 CFR Part 1126

[Milk Order No. 126; Docket No. AO-231-A49]

Milk in the Texas Marketing Area; Order Amending Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action implements on an emergency basis a temporary reduction of 40 cents per hundredweight in the price for producer milk used to produce butter, nonfat dry milk and cheddar cheese. The adopted change, which will apply only through June 30, 1983, is based on industry proposals considered at a public hearing in February 1983.

The price reduction is necessary to reflect current marketing conditions and will result in a more equitable sharing among all producers on the market of the cost of disposing of unusually large supplies of surplus milk that are expected this spring. Marketing conditions are such that prompt amendatory action is required. For this reason, a recommended decision and the opportunity to file exceptions thereto were omitted. Cooperative associations representing more than two-thirds of the producers who supply the market have approved the issuance of the amended order.

EFFECTIVE DATE: April 28, 1983.

FOR FURTHER INFORMATION CONTACT: Robert F. Groene, Marketing Specialist, Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–4824.

SUPPLEMENTARY INFORMATION: This administrative action is governed by the provisions of Sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12291.

Prior documents in this proceeding:

Notice of Hearing: Issued December 27, 1982; published January 3, 1983 (48 FR 28).

Notice of Rescheduled Hearing: Issued January 14, 1983; published January 19, 1983 (48 FR 2337).

Emergency Final Decision: Issued April 11, 1983; published April 15, 1983 (48 FR 16286).

Findings and Determinations

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Texas marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective upon publication in the **Federal Register**. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of this order are known to handlers. The decision of the Deputy Assistant Secretary containing all amendment provisions of this order was issued April 11, 1983. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective upon publication in the **Federal Register**, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the **Federal Register**. (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551–559)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in Sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing areas, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

List of Subjects in 7 CFR Part 1126

Milk marketing orders, Milk, Dairy products.

Order Relative to Handling

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Texas marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

PART 1126—MILK IN THE TEXAS MARKETING AREA.

1. In § 1126.60, a new paragraph (h) is added to read as follows:

§ 1126.60 Handler's value of milk for computing uniform price.

* * * * *

(h) From the effective date of this amendatory action through June 30, 1983, subtract an amount determined by multiplying the pounds of producer milk used to make butter, nonfat dry milk and cheddar cheese by 40 cents per hundredweight.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: April 28, 1983.

Signed at Washington, D.C., on April 22, 1983.

John Ford,

Deputy Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 83-11400 Filed 4-27-83; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 103

Powers and Duties of Service Officers; Availability of Service Records; Revisions to Service Fee Schedule

Correction

In FR Doc. 83-8723, beginning on page 14572, in the issue of Tuesday, April 5, 1983, on page 14573 at the bottom of the third column and at the top of page 14574, Form I-17 and Form G-641 should read as follows:

Form G-641.	For filing application for verification of information contained in Service records.	$15.00
	For certification of true copies, each.	$2.00
	For attestation under seal.	$2.00
Form I-17.	For filing application for school approval, except in the case of a school or school system owned or operated as a public educational institution or system by the United States or a state or political subdivision thereof.	$50.00

BILLING CODE 1505-01-M

8 CFR Parts 103, 204, 205, 212 and 214

Powers and Duties of Service Officers; Availability of Service Records; Petition To Classify Alien as Immediate Relative of a United States Citizen or as a Preference Immigrant; Revocation of Approval of Petitions; Documentary Requirements: Nonimmigrants, Waivers, Admission of Certain Inadmissible Aliens, Parole; and Nonimmigrant Classes; Certain Amerasians Fathered by United States Citizens

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Interim rule with request for comments.

SUMMARY: This rule establishes procedures for the immigration to the United States of certain Amerasian children of United States citizen fathers based upon Pub. L. 97–359, which amended the Immigration and Nationality Act to provide preferential treatment in the immigration of these individuals. The rule provides opportunity to certain aliens born in Korea, Vietnam, Laos, Kampuchea, and Thailand who were fathered by United States citizens to immigrate to the United States and to ensure their safety and well-being after they arrive.

EFFECTIVE DATE: April 28, 1983. Comments must be received on or before: May 30, 1983.

ADDRESS: Please submit written comments in duplicate to the Commissioner of Immigration and Naturalization, Room 7100 425 I Street, NW., Washington, D.C. 20536.

FOR FURTHER INFORMATION CONTACT:
For General Information: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 I St. NW., Washington, D.C. 20536, Telephone: (202) 633–3048.
For General Information: Alice Strickler, Immigration Examiner, Immigration and Naturalization Service, 425 I St. NW., Washington, D.C. 20536, Telephone: (202) 633–5015.

SUPPLEMENTARY INFORMATION: On October 22, 1982, Pub. L. 97–359 (96 Stat. 1716) was enacted to provide for the immigration to the United States of certain Amerasian children of United States citizen fathers. In order to qualify for benefits under this law, an alien must have been born in Korea, Vietnam, Laos, Kampuchea, or Thailand after December 31, 1950 and before October 22, 1982 and have been fathered by a United States citizen. Aliens who come to the United States as a result of this legislation will immigrate as numerically unrestricted immediate relatives of United States citizens if they are unmarried children under the age of twenty-one, as numerically restricted unmarried sons and daughters of United States citizens if they are unmarried and twenty-one years of age or older, and numerically restricted married sons and daughters of United States citizens.

Public Law 97–359 was enacted for humanitarian reasons. As Chairman Peter W. Rodino of the House Committee on the Judiciary stated on October 1, 1982:

> Enactment of this legislation is certainly long overdue and it responds in an effective and practical manner to a most difficult humanitarian problem. In my judgment, it recognizes a moral responsibility that we have to these children who have been fathered by Americans abroad. (128 Cong. Rec. H8351, daily ed. Oct. 1, 1982, statement of Rep. Rodino)

In view of the plight of many of the beneficiaries of this legislation, it will be the policy of the Immigration and Naturalization Service to expedite their cases to the greatest extent possible. It was not intended, however, that the mothers of children under eighteen years of age accompany them to the United States. This would be contrary to the requirement in Public Law 97–359 that a United States citizen or lawful permanent resident sponsor agree to "assume legal custody" of a beneficiary under eighteen.

Public Law 97–359 adds a new section 204(g) to the Immigration and Nationality Act (8 U.S.C. 1154(g)) to permit the immigration to the United States of certain illegitimate Amerasian children of United States citizen fathers who are unable to immigrate under other sections of law. Prior to its enactment, the illegitimate children of United States citizen fathers were unable to gain any immigration benefits as a result of their relationship to their fathers. Section 204(g) of the Act now enables certain of them to do so, but without requiring that their fathers file petitions in their behalf. Under other sections of immigration law, a legitimate child, a legitimated child, or a stepchild can gain immigration benefits through the child's relationship with either parent or stepparent. An illegitimate child, on the other hand, normally can obtain immigration benefits only through the relationship with his or her mother.

As a result of *Matter of McMillan*, 17 I. & N. Dec. 605 (BIA 1981), a precedent decision of this Service, however, an illegitimate child can gain immigration benefits as the stepchild of his or her father's United States citizen or lawful permanent resident alien wife provided that the marriage creating the stepparent-stepchild relationship occurred prior to the child's eighteenth birthday. It is therefore expected that some Amerasian children eligible for benefits under Pub. L. 97–359 may immigrate to the United States instead as the beneficiaries of relative petitions filed under *McMillan*.

It is also expected that some aliens under sixteen years of age eligible for benefits under Pub. L. 97–359 may immigrate to the United States instead as the beneficiaries of orphan petitions. In order for an orphan petition to be approved, the beneficiary must be adopted abroad by a United States citizen and spouse or an unmarried United States citizen at least twenty-five years of age, who personally saw and observed the child prior to or during the adoption proceedings. Otherwise, the beneficiary must be coming to the United States for adoption by a United States citizen and spouse or a United States citizen at least twenty-five years of age, who have or has complied with the preadoption requirements, if any, of the state of the child's proposed residence. Unlike an orphan petition, a petition filed under Pub. L. 97–359 has no provision relating to adoption.

A new petition, Form I–360, Petition to Classify Pub. L. 97–359 Amerasian as the Child, Son, or Daughter of a United States Citizen, will be used, supported by a newly devised Form I–361, Affidavit of Financial Support and Intent to Petition for Legal Custody for Pub. L. 97–359 Amerasian, as well as necessary documentary evidence. If, after admission to the United States, a beneficiary requires enforcement of the guarantee of financial support and intent to petition for legal custody, the newly devised Form I–363, Request to Enforce Affidavit of Financial Support and Intent to Petition for Legal Custody for Pub. L. 97–359 Amerasian, may be filed. In order not to delay the admission of eligible beneficiaries, Form I–139, Petition to Classify Status of Alien Relative for Issuance of Immigrant Visa, and Form I–130, Affidavit of Support, will be used in place of Form I–360 and Form I–361 respectively until the new forms are available to the public.

There are various requirements regarding the sponsorship process which are being instituted, in accordance with the legislative intent, out of concern for the safety and well-being of beneficiaries under eighteen years of age. On October 1, 1982, Chairman Romano L. Mazzoli of the House Subcommittee on Immigration, Refugees, and International Law of the Committee on the Judiciary, when referring to his

amendment to the legislation which was adopted, stated, "It * * * tightens the sponsorship system for these Amerasians so that we can be sure that they can be placed with proper sponsors when they come to our country." (128 Cong. Rec. H8352, daily ed. Oct. 1, 1982). On that same date, Chairman Rodino stated, "There is certainly a concensus that every possible step should be taken to insure that the sponsorship process is legitimate." (128 Cong. Rec. H8351 daily ed. Oct. 1, 1982)

If the petitioner so desires, the petition may be adjudicated in two stages. During the first stage, a determination must be made as to whether there is reason to believe that the beneficiary was fathered by a United States citizen. During the second stage, a determination will be made concerning the adequacy of the sponsor's guarantee of legal custody if the beneficiary is under eighteen years of age and the adequacy of the sponsor's guarantee of financial responsibility, as well as other requirements. The two-stage adjudication will permit completion of the part of the petition on the beneficiary first so that the sponsor will not need to complete the complex procedures regarding sponsorship and, in the case of a beneficiary under eighteen years of age, placement and legal custody, unless the beneficiary is found tentatively qualified for the benefit sought. If, on the other hand, the petitioner wants to have all parts of the petition adjudicated at the same time, the case may be done that way.

A new 8 CFR 103.1(l)(2)(xxiv) is being added to permit those petitions which are denied to be appealed to the regional commissioners. The provisions relating to petitions for Pub. L. 97-359 Amerasians are included in 8 CFR 204.1(c) and 8 CFR 204.2(g). Provisions relating to enforcement of an affidavit of financial support and intent to petition for legal custody are included in 8 CFR 204.2(h). 8 CFR Part 205 is revised to include provisions relating to revocation of petitions for Pub. L. 97-359 Amerasians. In 8 CFR 103.2(b)(1), 8 CFR 212.8(b)(4), 8 CFR 214.2(h)(5), 8 CFR 214.2(k), 8 CFR 212.2(1)(2), technical changes are being made because of a change in paragraph designation in this rule.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because these requirements are mandated by law and delay would be contrary to the public interest.

Public comments are invited with respect to all aspects of this rulemaking. The Service would appreciate public comments particularly with respect to 8 CFR 204.2(g)(1)(i)(B) relating to the requirement that the beneficiary's father must have been a United States citizen at the time of the beneficiary's birth or at the time of the father's death if the father died prior to the beneficiary's birth.

In accordance with 5 U.S.C. 605(b), the Commissioner certifies that this rule will not have a significant economic impact on a substantial number of small entities. This is not a major rule within the meaning of section 1(b) of E.O. 12291.

List of Subjects

8 CFR Part 103

Administrative practice and procedure, Authority delegation, Organization and functions.

8 CFR Part 204

Administrative practice and procedure, Aliens.

8 CFR Part 205

Administrative practice and procedure, Immigration, Revocation.

8 CFR Part 212

Administrative practice and procedure.

8 CFR Part 214

Administrative practice and procedure.

Accordingly, Chapter I of Title 8 of the Code of Federal Regulations is amended to read as follows:

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS: AVAILABILITY OF SERVICE RECORDS

1. The following new 8 CFR 103.1(l)(2)(xxiv) is added:

§ 103.1 Delegations of authority.

* * * * *

(l) * * *

(2) * * *

(xxiv) Decisions on petitions to classify Pub. L. 97-359 Amerasians as the children, sons, and daughters of United States citizens.

* * * * *

§ 103.2 [Amended]

2. In § 103.2, paragraph (b)(1) is amended to change the citation "204.2(h)" to read "204.2(j)."

PART 204—PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A UNITED STATES CITIZEN OR AS A PREFERENCE IMMIGRANT

3. The existing § 204.1(c) is redesignated as § 204.1(d), and the following new § 204.1(c) is added:

§ 204.1 Petition.

* * * * *

(c) *Public Law 97-359 Amerasian*—(1) *Eligibility.* An alien is eligible for classification under section 201(b), 203(a)(1) or 203(a)(4) of the Act as the Amerasian child, son, or daughter of a United States citizen pursuant to section 204(g) of the Act if there is reason to believe that the alien—

(i) Was born in Korea, Vietnam, Laos, Kampuchea, or Thailand after December 31, 1950 and before October 22, 1982; and

(ii) Was fathered by a United States citizen.

(2) *Filing petition.* Any alien claiming to be eligible for benefits as a Pub. L. 97-359 Amerasian, or any person on the alien's behalf, may file a petition, Form I-360, Petition to Classify Pub. L. 97-359 Amerasian as the Child, Son, or Daughter of a United States Citizen, without fee. A natural person filing the petition must be eighteen years of age or older or an emancipated minor. In addition, a corporation incorporated in the United States may file the petition. The petition must be filed with the office of the Service having jurisdiction over the place of the alien's intended residence in the United States or with the overseas Service office having jurisdiction over the alien's residence abroad.

(3) *Two-stage processing of petition*—(i) *Preliminary processing.* Upon initial submission of a petition with the documentary evidence required by § 204.2(g)(1)(i), the district director or officer-in-charge shall adjudicate the petition to determine whether there is reason to believe the beneficiary was fathered by a United States citizen. If the preliminary processing is completed in a satisfactory manner, the district director or officer-in-charge shall advise the petitioner to submit the documentary evidence required by § 204.2(g)(1)(ii) and (iii) and the fingerprints of the sponsor on Form FD-258 as required by § 204.2(g)(1)(iv) if they have not already been submitted. The petitioner must submit all requested documents within one year of the date of the request or the petition will be considered abandoned. To reactivate an abandoned petition, the petioner must submit a new petition, Form I-360, without the previously submitted documentation, to the Service office having jurisdiction over the prior petition.

(ii) *Final processing.* Upon submission of the documentary evidence required by § 204.2(g)(1)(ii) and (iii) and, if applicable, § 204.2(g)(1)(iv), the district director or officer-in-charge shall

complete the adjudication of the petition.

(4) *One-stage processing of petition.* If all documentary evidence required by § 204.2(g)(1)(ii), (iii), and (iv) is available when the petition is initially filed, the petitioner may submit it at that time. In that case, the district director or officer-in-charge shall consider all evidence without using the two-stage processing procedure under paragraph (c)(3) of this section.

(5) *Decision*—(i) *General.* The district director or officer-in-charge shall notify the petitioner of the decision and, if the petition is denied, of the reasons for the denial.

(ii) *Denial upon completion of preliminary processing.* The district director or officer-in-charge may deny the petition upon completion of the preliminary processing under paragraph (c)(3) of this section for—

(A) Failure to establish that there is reason to believe the alien was fathered by a United States citizen; or

(B) Failure to meet the sponsorship requirements if the fingerprints of the sponsor, required by § 204.2(g)(1)(iv), were submitted during the preliminary processing and the completed background check of the sponsor discloses adverse information resulting in a finding that the sponsor is not of good moral character.

(iii) *Denial upon completion of final processing.* The district director or officer-in-charge may deny the petition upon completion of the final processing for failure to establish that the sponsorship requirements or one or more of the other applicable requirements have been met.

(iv) *Denial upon completion of one-stage processing.* The district director or officer-in-charge may deny the petition upon completion of all processing for failure to meet any of the applicable requirements in a case being processed under the one-stage processing described in paragraph (c)(4) of this section.

(v) *Appeal.* If the petition is denied, the petitioner may appeal the decision under Part 103 of this chapter.

(5) *Classification of Pub. L. 97–359 Amerasian.* If the petition is approved the beneficiary is classified as follows:

(i) An unmarried beneficiary under the age of twenty-one is classified as the child of a United States citizen under section 201(b) of the Act.

(ii) An unmarried beneficiary twenty-one years of age or older is classified as the unmarried son or daughter of a United States citizen under section 203(a)(1) of the Act.

(iii) A married beneficiary is classified as the married son or daughter of a United States citizen under section 203(a)(4) of the Act.

* * * * *

4. The existing § 204.2 (g) and (h) are redesignated as § 204.2 (i) and (j) respectively, and the following new § 204.2 (g) and (h) are added:

§ 204.2 Documents.

* * * * *

(g) *Evidence required to accompany petition for Amerasian child of a United States citizen*—(1) *Two-stage processing of petition*—(i) *Preliminary processing.* A petition filed by or on behalf of an Amerasian under § 204.1(c) must be accompanied by the following:

(A) Evidence that the beneficiary was born in Korea, Vietnam, Laos, Kampuchea or Thailand after December 31, 1950 and before October 22, 1982. If the beneficiary was born in Vietnam, the beneficiary's I.D. card must be submitted, if available. If it is not available, the petitioner must submit an affidavit explaining why the beneficiary's I.D. card is not available.

(B) Evidence that the beneficiary was fathered by a United States citizen. The putative father must have been a United States citizen at the time of the beneficiary's birth or a United States citizen at the time of his death if he died prior to the beneficiary's birth. Submit as many documents as may be obtained, including, but not limited to:

(*1*) The beneficiary's birth and baptismal certificates or other religious documents;

(*2*) Local civil records;

(*3*) Affidavits from knowledgeable witnesses;

(*4*) Letters from, or evidence of financial support from the beneficiary's putative father;

(*5*) Photographs of the beneficiary's putative father, especially with the beneficiary; and

(*6*) Evidence of the putative father's United States citizenship.

(C) The beneficiary's photograph.

(D) The beneficiary's marriage certificate, if married, and evidence of termination of any previous marriages, if applicable.

(E) If the beneficiary is under eighteen years of age, an irrevocable release in writing for emigration from the beneficiary's mother or legal guardian. The mother or guardian must authorize the placing agency or agencies to make necessary decisions for the child's immediate care until the sponsor receives custody. Interim costs incurred are the responsibility of the sponsor. The mother or guardian must show an understanding of the effects of the release and state whether any money was paid or any coercion was used prior to signing the release. The signature of the mother or guardian must be authenticated by the local registrar, the court of minors, or a United States immigration or consular officer. The release must include the full name, date and place of birth, and present or permanent address of the mother or guardian.

(ii) *Final processing.* If the district director or officer-in-charge notifies the petitioner that all preliminary processing has been completed in a satisfactory manner, the petitioner must then submit the following:

(A) Form I–361, Affidavit of Financial Support and Intent to Petition for Legal Custody for Pub. L. 97–359 Amerasian, executed by the beneficiary's sponsor with the documentary evidence of the sponsor's financial ability required by that form. If the beneficiary is under eighteen years of age, the sponsor must agree to petition the court having jurisdiction within thirty days of the beneficiary's arrival in the United States to be awarded legal custody in accordance with the laws of the state where the beneficiary will reside until the beneficiary is eighteen years of age. The term "legal custody" means the assumption of responsibility for a minor by an adult under the laws of the state in a court of law. The sponsor must be a United States citizen or lawful permanent resident twenty-one years of age or older who is of good moral character.

(B) Evidence of the age of the beneficiary's sponsor.

(C) Evidence of the United States citizenship of the beneficiary's sponsor as provided in paragraph (a) of this section or evidence of the lawful permanent residence of the sponsor as provided in paragraph (b) of this section.

(D) If the beneficiary is under eighteen years of age, evidence that a public, private, or state agency licensed in the United States to place children and actively involved, with recent experience, in the intercountry placement of children has arranged the beneficiary's placement in the United States and that the sponsor with whom the beneficiary is being placed is able to accept the beneficiary for care in the sponsor's home under the laws of the state of the beneficiary's intended residence. The agency must demonstrate a capability, including financial capability, to arrange the placement, as described in paragraph (g)(1)(iii) of this section, directly, or through cooperative agreement, with other suitable provider(s) of service.

(iii) *Arrangements for placement of a beneficiary under eighteen.* If the

beneficiary is under eighteen years of age, the petitioner must submit the following evidence of the placement arrangement required by paragraph (g)(ii)(D) of this section:

(A) A favorable home study of the sponsor to be conducted by an agency legally authorized to conduct that study in the jurisdiction of placement.

(B) A plan from the agency to provide follow-up services including mediation and counseling as required to assure a satisfactory adjustment of the sponsor and the beneficiary to the placement and to determine whether the terms of the sponsorship are being upheld.

(C) A report from the agency of the placement including information regarding any family separation or dislocation abroad that results from the placement. In addition, the agency must submit to the Director, Outreach Program, Immigration and Naturalization Service, Washington, DC, within ninety days of each occurrence, reports of any breakdowns in sponsorship that occur, and reports of the steps taken to remedy these breakdowns.

(D) A statement from the agency—

(*1*) Indicating that the sponsor, before signing the sponsorship agreement, has been provided a report covering pre-placement screening and evaluation, including health evaluation, of the beneficiary;

(*2*) Describing the agency's orientation of both the sponsor and the beneficiary on the legal and cultural aspects of the placement;

(*3*) Describing the initial facilitation of the placement through introduction, translation, and similar services; and

(*4*) Describing the contingency plans to place the beneficiary in another suitable home if the initial placement fails. The new sponsor must execute and submit a Form I–361 to the Service office having jurisdiction over the beneficiary's residence in the United States. The original sponsor nonetheless retains financial responsibility for the beneficiary under the terms of the guarantee of financial support and intent to petition for legal custody which that sponsor executed unless that responsibility is assumed by a new sponsor. In the event that the new sponsor does not comply with the terms of the new guarantee of financial support and intent to petition for legal custody and, for one reason or another, that guarantee is not enforced, the original sponsor again becomes financially responsible for the beneficiary.

(iv) *Fingerprints of sponsor.* The petitioner must submit the fingerprints of the sponsor on Form FD–258. The petitioner may submit Form FD–258 at any time during the processing of the petition. The Form FD–258 must reflect the ORI number (originating agency number), or special office code, relating to the Service office where the petition is filed if that office has forms FD–258 with the relating ORI number.

(2) *One-stage processing of petition.* If the petitioner chooses to have the petition processed under the one-stage processing procedure described in § 204.1(c)(4), the petitioner must submit all evidence required by paragraph (g)(1) of this section.

(h) *Enforcement of affidavit of financial support and intent to petition for legal custody.* A guarantee of financial support and intent to petition for legal custody on Form I–361, Affidavit of Financial Support and Intent to Petition for Legal Custody for Pub. L. 97–359 Amerasian, may be enforced against the alien's sponsor in a civil suit brought by the Attorney General in the United States district court for the district in which the sponsor resides, except that the sponsor's estate is not liable under the guarantee if the sponsor dies or is adjudicated a bankrupt under Title 11, United States Code. If, after admission to the United States, the beneficiary of a petition for a Pub. L. 97–359 Amerasian requires enforcement of the guarantee of financial support and intent to petition for legal custody executed by the beneficiary's sponsor, the beneficiary may file Form I–363, Request to Enforce Affidavit of Financial Support and Intent to Petition for Legal Custody for Pub. L. 97–359 Amerasian, with the office of the Service having jurisdiction over the beneficiary's residence in the United States. If the beneficiary is under eighteen years of age, any agency or individual (other than the sponsor) having legal custody of the beneficiary or a guardian ad litem may file Form I–363.

* * * * *

PART 205—REVOCATION OF APPROVAL OF PETITIONS

5. The existing § 205.1(b) and (c) are redesignated as § 205.1(c) and (d) respectively, and the following new § 205.1(b) is added:

§ 205.1 Automatic revocation.

* * * * *

(b) *Petition for Pub. L. 97–359 Amerasian*—(1) Upon formal notice of withdrawal filed by the petitioner with the officer who approved the petition.

(2) Upon the death of the beneficiary.

(3) Upon the death or bankruptcy of the sponsor who executed Form I–361, Affidavit of Financial Support and Intent to Petition for Legal Custody for Pub. L. 97–359 Amerasian. In that event, a new petition may b filed in the beneficiary's behalf with the documentary evidence relating to sponsorship and, in the case of a beneficiary under eighteen years of age, placement. If the new petition is approved, it will be given the priority date of the previously approved petition.

(4) Upon the death or substitution of the petitioner if other than the beneficiary or sponsor. However, if the petitioner dies or no longer desires or is able to proceed with the petition, and another person eighteen years of age or older, an emancipated minor, or a corporation incorporated in the United States desires to be substituted for the deceased or original petitioner, a written request may be submitted to the Service or American consular office where the petition is located to reinstate the petition and restore the original priority date.

(5) Upon the beneficiary's reaching the age of twenty-one when the beneficiary has been accorded classification under section 201(b) of the Act. Provided that all requirements of section 204(g) of the Act continue to be met, however, the petition is to be considered valid for purposes of according the beneficiary preference classification under section 203(a)(1) of the Act if the beneficiary remains unmarried or under section 203(a)(4) if the beneficiary marries.

(6) Upon the beneficiary's marriage when the beneficiary has been accorded classification under section 201(b) or section 203(a)(1) of the Act. Provided that all requirements of section 204(g) of the Act continue to be met, however, the petition is to be considered valid for purposes of according the beneficiary preference classification under section 203(a)(4) of the Act.

* * * * *

6. Section 205 is revised to read as follows:

§ 205.2 Revocation on notice.

(a) *General.* Any Service officer authorized to approve a petition under section 204 of the Act may revoke the approval of that petition upon notice to the petitioner on any ground other than those specified in § 204.1 when the necessity for the revocation comes to the attention of this Service.

(b) *Procedure.* Revocation of the approval of a petition under paragraph (a) of this section will be made only on notice to the petitioner who must be given an opportunity to offer evidence in support of the petition and in opposition

to the grounds alleged for revocation of the approval. If, upon reconsideration, the approval previously granted is revoked, the district director shall notify the petitioner of the decision and of the reasons for the revocation. The petitioner may appeal the decision within fifteen days after the service of notice. Except in the case of a petition filed under section 204(g) of the Act, if the petition was approved for a preference under section 203(a) (1), (2), (4), or (5) of the Act or for immediate relative classification under section 201(b) of the Act other than for a child as defined in section 101(b)(1)(F) of the Act, the petitioner must file the appeal as provided in Part 3 of this chapter. If the petition was approved for a preference under section 203(a) (3) or (6) of the Act, for a child as defined in section 101(b)(1)(F) of the Act, or for a Pub. L. 97–359 Amerasian, the petitioner must file the appeal as provided in Part 103 of this Chapter. The district director shall notify the consular officer having jurisdiction over the visa application, if applicable, of the revocation of an approval.

§ 205.3 [Removed]

7. Section 205.3 is removed.

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

§ 212.8 [Amended]

8. In § 212.8, paragraph (b)(4) is amended to change the citation "204.2(h)" to read "204.2(j)."

PART 214—NONIMMIGRANT CLASSES

§ 214.2 [Amended]

9. In § 214.2, paragraphs (h)(5), (k) and (l)(2) are amended to change the citations "204.2(h)" to read "204.2(j)."

(Secs. 103, 201(b), 203(a)(1), 203(a)(4), 204(g), 205, 212, and 214 of the Immigration and Nationality Act, as amended; 8 U.S.C. 1103, 1151(b), 1153(a)(1), 1153(a)(4), 1154(g), 1155, 1182, and 1184)

Dated: April 6, 1983.

Alan C. Nelson,

Commissioner of Immigration and Naturalization.

[FR Doc. 83-11260 Filed 4-27-83; 8:45 am]

BILLING CODE 4410-10-M

8 CFR Part 238

Contracts With Transportation Lines; Addition of Wardair Canada, Ltd.

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule adds Wardair Canada, Ltd. to the list of carriers which have entered into agreements with the Service to guarantee the passage through the United States in immediate and continuous transit of aliens destined to foreign countries.

EFFECTIVE DATE: April 19, 1983.

FOR FURTHER INFORMATION CONTACT: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street NW., Washington, D.C. 20536, Telephone: (202) 633–3048.

SUPPLEMENTARY INFORMATION: This amendment to 8 CFR 238.3(b) is published pursuant to 5 U.S.C. 552. The Commissioner of Immigration and Naturalization Service entered into an agreement with Wardair Canada, Ltd. on April 19, 1983, to guarantee passage through the United States in immediate and continuous transit of aliens destined to foreign countries.

The agreement provides for the waiver of certain documentary requirements and facilitates the air travel of passengers on international flights while passing through the United States.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because the amendment merely makes an editorial change to the listing of transportational lines.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that the rule will not have a significant impact on a substantial number of small entities.

This order constitutes a notice to the public under 5 U.S.C. 552 and is not a rule within the definition of section 1(a) of E.O. 12291.

List of Subjects in 8 CFR Part 238

Airlines, Aliens, Government contracts, Travel, Travel restriction.

Accordingly, 8 CFR Part 238 is amended as follows:

PART 238—CONTRACTS WITH TRANSPORTATION LINES

§ 238.3 [Amended]

In § 238.3, Aliens in immediate and continuous transit, the listing of transportation lines in paragraph (b), Signatory lines is amended by adding in alphabetical sequence, "Wardair Canada, Ltd."

(Sec. 103, 66 Stat. 173 (8 U.S.C. 1103); 238, 66 Stat. 202 (8 U.S.C. 1228))

Dated: April 22, 1983.

Andrew J. Carmichael, Jr.,

Associate Commissioner, Examinations, Immigration and Naturalization Service.

[FR Doc. 83-11343 Filed 4-27-83; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 83-CE-48-AD; Amdt. 39-4637]

Airworthiness Directives; Beech Models 60, A60 and B60 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to Beech Models 60, A60 and B60 airplanes which requires modification of the air conditioning compressor installation by incorporating improved clutch pulley retention and a pulley guard. Failures or loss of the screw securing the air conditioner compressor clutch pulley assembly have occurred. This permits the loose pulley to contact and damage an adjacent fuel line. Inflight fires and loss of engine power have resulted. This action will improve the retention of the pulley on the shaft and prevent a loose pulley from contacting the fuel line.

DATES: Effective May 3, 1983.

Compliance: Within the next 50 hours time-in-service after the effective date of this AD.

ADDRESSES: Beechcraft Class I Service Instructions No. SI–1236 applicable to this Airworthiness Directive may be obtained from Beech Aircraft Corporation, P.O. Box 85, Wichita, Kansas 67201. A copy of this information is also contained in the Rules Docket, Office of the Regional

Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT:

Dale Vassalli, Aerospace Engineer, Systems and Equipment Branch, ACE-130W, Federal Aviation Administration, Central Region, Wichita Aircraft Certification Office, Room 238, Terminal Building 2299, Mid-Continent Airport, Wichita, Kansas 67209, Telephone (316) 269-7008, FTS 752-7008.

SUPPLEMENTARY INFORMATION: Failures or loss of the screw retaining the air conditioner clutch pulley assembly to the compressor shaft have occurred on the affected Beech Model airplanes. The unrestricted pulley assembly can loosen and contact an adjacent fuel line and damage this line releasing fuel at this location. These occurrences have resulted in the loss of engine power and inflight powerplant fires. The manufacturer has developed an air conditioner compressor installation modification to prevent this, which incorporates improved pulley assembly retention hardware consisting of a new screw and more effective lock washer device. An added guard is also mounted to the body of the compressor which prevents a loose clutch assembly from contacting the fuel line. Beech has made parts and instructions for accomplishing these modifications available in Kit No. 60-5026-1S or No. 60-5026-3S for the two different air conditioner compressor pulley configurations on airplanes in service. Instructions for identification of the appropriate kit for each pulley configuration and the manufacturer's recommendation that these modifications be incorporated on in-service airplanes are contained in Beechcraft Class I Service Instructions No. 1236.

Since the FAA has determined that the unsafe condition described herein is likely to exist or develop in other airplanes of the same type design, an AD is being issued requiring incorporation of Beech Kit No. 60-5026-1S or No. 60-5026-3S as applicable on Beech Models 60, A60 and B60 airplanes. Because an emergency condition exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and contrary to the public interest, and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new AD.

Beech: Applies to Models 60, A60 and B60 (S/Ns P-4 through P-577, P-579 through P-587, P-589 and P-592) airplanes, having optional air conditioning systems installed, certificated in any category.

Compliance: Required within the next 50 hours time-in-service after the effective date of this AD unless already accomplished.

To prevent loss of power or inflight fires caused by a loose air conditioner compressor clutch pulley contacting an adjacent fuel line, accomplish the following:

(a) Modify the air conditioner compressor installation by incorporating the appropriate Beech Kit No. 60-5026-1S or No. 60-5026-3S as identified by criteria in Beechcraft Class I Service Instructions No. 1236 or;

(b) Deactivate the air conditioner system in accordance with the following:

(1) Remove the air conditioner compressor belt.

(2) Pull and block the air conditioning circuit breaker so that it cannot be inadvertently reset.

(3) Install a permanent placard in full view of the pilot near the cabin comfort control which reads as follows: "Air Conditioner Deactivated."

(c) Airplanes may be flown in accordance with FAR 21.197 to a location where the AD may be accomplished.

(d) An equivalent means of compliance with this AD may be used, if approved, by the Manager, Wichita Aircraft Certification Office, Room 238, Terminal Building 2299, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 269-7000.

This amendment becomes effective on May 3, 1983.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.89 of the Federal Aviation Regulations (14 CFR Sec. 11.89))

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the Rules Docket under the caption "**ADDRESSES**" at the location identified.

Issued in Kansas City, Missouri, on April 15, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83-11171 Filed 4-27-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 82-NM-95-AD; Amdt. 39-4636]

Airworthiness Directives; Lockheed-California Company Model L-1011-385-3 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires a modification to the aircraft wiring on Lockheed Model L-1011-385-3 series airplanes. This AD is needed to minimize the potential for a complete loss of the Active Control System (ACS) caused by severe lightning strikes. A total loss of the ACS results in a reduction in the capacity of the wing structure to withstand high levels of turbulence.

DATES: Effective June 2, 1983.

Compliance schedule as prescribed in the body of the AD, unless already accomplished.

ADDRESSES: The applicable service information may be obtained from: Lockheed-California Company, P.O. Box 551, Burbank, California 91520, Attention: Commercial Support Contracts, Dept. 63-11, U-33, B-1. This information also may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington or at 4344 Donald Douglas Drive, Long Beach, California.

FOR FURTHER INFORMATION CONTACT:

Harry Wasinger, Aerospace Engineer, Systems and Equipment Branch, ANM-130L, FAA, Northwest Mountain Region, Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808, telephone (213) 548-2831.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Rulemaking (NPRM) was published in the **Federal Register** December 30, 1982 (47 FR 58279), which would require modification of the aircraft wiring in accordance with Lockheed-California Company L-1011 Service Bulletin 093-22-147, dated August 17, 1982. The comment period for the proposal closed February 7, 1983.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due

consideration has been given to all comments received. Two comments were received in response to the NPRM. One commenter proposed a number of minor editorial changes to the proposed AD which have been, for the most part, incorporated. The other commenter proposed a significant extension to the compliance time beyond March 31, 1983, stating that their estimated time to accomplish Lockheed L–1011 Service Bulletin 093–22–147 differed from that of the manufacturer. They also stated that a loss of approximately two days of revenue service would be incurred for each airplane that did not have a regularly scheduled maintenance interval prior to the proposed compliance date. The FAA with the assistance of the manufacturer and another L–1011 operator re-evaluated the accomplishment time estimates with the results remaining the same. In addition, Lockheed is expediting a revision to the affected service bulletin to allow for an incremental installation procedure which will significantly reduce the need to ground the airplane to accomplish the modification.

The FAA concurs that there should be a reasonable extension beyond the initially proposed compliance time of March 31, 1983. Since comments were received near the closing date, the FAA required additional time to evaluate the comments and prepare the final rule. An extension has been added to the originally proposed compliance date.

The estimated costs associated with this AD are as follows: Fifteen domestic airplanes are affected which will require approximately 90 manhours per airplane to accomplish the required actions at an average labor charge of $35 per manhour. The modification kits are provided by the manufacturer at no cost to the operator. Based upon these figures, the total economic impact is estimated to be $47,250. No small entities within the meaning of the Regulatory Flexibility Act will be affected.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the proposed rule with the changes previously noted.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

Lockheed-California Company: Applies to Lockheed Model L–1011–385–3 series airplanes, certificated in all categories. Compliance is required as indicated, unless previously accomplished.

To minimize the potential for a total loss of the Active Control System (ACS) inflight, accomplish the following by June 30, 1983:

A. Modify the aircraft wiring in accordance with Part 2, Accomplishment Instructions, in Lockheed-California Company L–1011 Service Bulletin 093–22–147 dated August 17, 1982, or later revisions approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

B. Alternative means of compliance providing an equivalent level of safety may be used when approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

C. Special Flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Lockheed-California Company, P.O. Box 551, Burbank, California 91520, Attention: Commercial Support Contracts, Dept. 63–11, U–33, B–1. These documents also may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington or the Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California.

This amendment becomes effective June 2, 1983.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—For the reasons discussed earlier in the preamble, the Federal Aviation Administration has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034 February 26, 1979). It is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities, since it involves few, if any small entities. A final evaluation has been prepared for this regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT."**

Issued in Seattle, Washington on April 18, 1983.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 83–11170 Filed 4–27–83; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 39

[Docket No. 83–ANE–8; Amdt. 39–4642]

Airworthiness Directives; Rolls-Royce, Ltd., DART Mk. 506, 510, 511, 514, 525 Through 532, 535, and Variants Series Turboprop Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comment.

SUMMARY: This amendment amends an existing Airworthiness Directive (AD) applicable to certain Rolls-Royce DART turboprop engines by extending applicability of the AD to also include the Mk.530 which has recently been issued an FAA type certificate. This amendment is needed since the Mk.530 engine may have the same design conditions which the existing AD is designed to correct.

DATES: This amendment is effective May 12, 1983. Amendment 39–4371, AD 82–09–02, was effective April 30, 1982. Comments must be received on or before June 12, 1983. Compliance schedule—as prescribed in text of AD.

ADDRESSES: Send comments to: Federal Aviation Administration, Office of the Regional Counsel, New England Region, Attn: Rules Docket No. 83–ANE–8, 12 New England Executive Park, Burlington, Massachusetts 01803.

The applicable Engine Service Bulletin may be obtained from: Service Manager, DART Engine, Rolls-Royce, Ltd., East Kilbride, Glasgow, Scotland.

FOR FURTHER INFORMATION CONTACT: Donald F. Perrault, Engine and Propeller Standards Staff, ANE–110, Aircraft Certification Division, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (617) 273–7330.

SUPPLEMENTARY INFORMATION: This amendment amends Amendment 39–4371, AD 82–09–02, which requires removal from service of certain fuel manifold assembly connection hoses on Rolls-Royce DART engine models 506, 510, 511, 514, 525 through 529, 531, 532, and 535 series turboprop engines. After issuing Amendment 39–4371, the FAA has determined that the reasons for issuing AD 82–09–02 are also applicable to the DART Mk.530 model engines. Therefore, the FAA is amending Amendment 39–4371 by extending applicability of the AD to also include the Mk.530 which has recently been issued an FAA type certificate. Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public

procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

Request for Comments on the Rule

Although this action, which involves requirements affecting immediate flight safety, is in the form of a final rule and thus was not preceded by notice and public comment, comments are now invited on the rule. When the comment period ends, the FAA will use the comments submitted together with other available information to review the regulation. Public comments are helpful in evaluating the effects of the rule and in determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspect of the rule.

List of Subjects in 14 CFR Part 39

Engines, Propellers, Aircraft, and Aviation safety.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Amendment 39–4371, AD 82–09–02, as follows:

(1) Revise the applicability statement to read:

Rolls-Royce, Ltd.: Applies to Rolls-Royce DART Mk. 506, 510, 511, 514, 525 through 532, 535, and variants series turboprop engines.

(2) Revise the compliance statement to read:

Compliance is required as indicated, unless already accomplished:

1. Compliance for all affected DART engines except the Mk.530 is based on an effective date of April 30, 1982.

2. Compliance for the DART Mk.530 engines is based on an effective date of May 12, 1983.

The amends AD 82–09–02, Amendment 39–4371, which was made effective April 30, 1982.

This amendment becomes effective May 12, 1983.

(Secs. (313(a), 601, and 603, Federal Aviation Act of 1958, as amended, 49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); (14 CFR 11.89))

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291 because it affects only 16 engines at an approximate unit cost of $40. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it when filed, may be obtained by contracting the person identified under the caption "**FOR FURTHER INFORMATION CONTACT.**"

Issued in Burlington, Massachusetts, on April 18, 1983.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 83–11169 Filed 4–27–83; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket 83-ANE-4; Amdt. 39-4638]

Airworthiness Directives, Rolls-Royce, Ltd., DART Mk. 506, 510, 511, 514, 515, 525 Through 532, and Variants Series Turboprop Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comment.

SUMMARY: This amendment amends an existing airworthiness directive (AD) applicable to certain Rolls-Royce DART turboprop engines by extending applicability of the AD to also include the Mk.530 which has recently been issued an FAA type certificate. The amendment is needed since the Mk.530 engine may have the same design conditions which the existing AD is designed to correct.

DATES: This amendment is effective May 12, 1983. Amendment 39–1506, AD 72–18–02, was effective August 24, 1972. Comments must be received on or before June 12, 1983. Compliance schedule—as prescribed in text of AD.

ADDRESSES: Send comments to: Federal Aviation Administration, Office of the Regional Counsel, New England Region, Attn: Rules Docket No. 83–ANE–4, 12 New England Executive Park, Burlington, Massachusetts 01803.

The applicable engine service bulletin may be obtained from: Service Manager, DART Engines, Rolls-Royce, Ltd., East Kilbride, Glasgow, Scotland.

FOR FURTHER INFORMATION CONTACT: Donald F. Perrault, Engine and Propeller Standards Staff, ANE–110, Aircraft Certification Division, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (617) 273–7330.

SUPPLEMENTARY INFORMATION: This amendment amends Amendment 39–1506, AD 72–18–02, which requires inspection of fuel burner shroud nuts on Rolls-Royce DART engine models 506, 510, 511, 514, 515, 525 through 529, 531, and 532 and variants not incorporating Rolls-Royce DART Modification 1625 or 1626 fuel burners. After issuing Amendment 39–1506, the FAA has determined that the reasons for issuing AD 72–18–02 are also applicable to the DART Mk.530 model engine which has recently been issued an FAA type certificate. Therefore, the FAA is amending Amendment 39–1506 by extending applicability of the AD to also include the Mk.530. Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

Request for Comments on the Rule

Although this action, which involves requirements affecting immediate flight safety, is in the form of a final rule and thus was not preceded by notice and public comment, comments are now invited on the rule. When the comment period ends, the FAA will use the comments submitted together with other available information to review the regulation. Public comments are helpful in evaluating the effects of the rule and in determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule.

List of Subjects in 14 CFR Part 39

Engines, Propellers, Aircraft, and Aviation safety.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Amendment 39–1506, AD 72–18–02, as follows:

(1) Revise the applicability statement to read:

Rolls-Royce, Ltd.: Applies to Rolls-Royce DART Mk. 506, 510, 511, 514, 515, 525 through 532 and variants series turboprop engines not incorporating Rolls-Royce DART Modification 1625 or 1626 fuel burners.

(2) Revise the compliance statement to read:

Compliance is required as indicated, unless already accomplished:

1. Compliance for all affected DART engines except the Mk.530 is based on an effective date of August 24, 1972.

2. Compliance for the DART Mk.530 engines is based on an effective date of May 12, 1983.

This amends AD 72-18-02, Amendment 39-1506, which was made effective August 24, 1972.

This amendment becomes effective May 12, 1983.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, 49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); (14 CFR 11.89))

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291 because it affects only 16 engines at an approximate unit cost of $1305. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it when filed, may be obtained by contacting the person identified under the caption "**FOR FURTHER INFORMATION CONTACT.**"

Issued in Burlington, Massachusetts, on April 18, 1983.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 83-11172 Filed 4-27-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 83-ANE-5; Amdt. 39-4639]

Airworthiness Directives; Rolls-Royce, Ltd., DART Mk. 506, 510, 511, 514, 525 Through 532, 542-4, and 542-10 Series Turboprop Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comment.

SUMMARY: This amendment amends an existing airworthiness directive (AD) applicable to certain Rolls-Royce DART turboprop engines by extending applicability of the AD to also include the Mk.530 which has recently been issued an FAA type certificate. The amendment is needed since the Mk.530 engine may have the same design conditions which the existing AD is intended to correct.

DATES: This amendment is effective May 12, 1983. Amendment 39-3047, AD 77-20-04, was effective October 28, 1977. Comments must be received on or before June 12, 1983. Compliance schedule—as prescribed in text of AD.

ADDRESSES: Send comments to: Federal Aviation Administration, Office of the Regional Counsel, New England Region, Attn: Rules Docket No. 83-ANE-5, 12 New England Executive Park, Burlington, Massachusetts 01803.

The applicable engine service bulletin may be obtained from: Service Manager, DART Engines, Rolls-Royce, Ltd., East Kilbride, Glasgow, Scotland.

FOR FURTHER INFORMATION CONTACT: Donald F. Perrault, Engine and Propeller Standards Staff, ANE-110, Aircraft Certification Division, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (617) 273-7330.

SUPPLEMENTARY INFORMATION: This amendment amends Amendment 39-3047, AD 77-20-04, which requires inspection, functional test, and subsequent overhaul of propeller low torque switches on Rolls-Royce DART engine models 506, 510, 511, 514, 525, 526, 527, 528, 529, 531, 532, 542-4, and 542-10. After issuing Amendment 39-3047, the FAA has determined that the reasons for issuing AD 77-20-04 are also applicable to the DART Mk.530 model engines which has recently been issued an FAA type certificate. Therefore, the FAA is amending Amendment 39-3047 by extending applicability of the AD to also include the Mk.530. Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

Request for Comments on the Rule

Although this action, which involves requirements affecting immediate flight safety, is in the form of a final rule and thus was not preceded by notice and public comment, comments are now invited on the rule. When the comment period ends, the FAA will use the comments submitted together with other available information to review the regulation. Public comments are helpful in evaluating the effects of the rule and in determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule.

List of Subjects in 14 CFR Part 39

Engines, Propellers, Aircraft, and Aviation safety.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Amendment 39-3047, AD 77-20-04, as follows:

(1) Revise the applicability statement to read:

Rolls-Royce, Ltd.: Applies to Rolls-Royce DART Mk.506, 510, 511, 514, 525 through 532, 542-4, and 542-10 series turboprop engines installed on, but not necessarily limited to, Viscount 744, 745D, and 810; Armstrong Whitworth AW-650 Series 101; Nihon YS-11; Convair 600 and 640; Handley Page Herald; Fokker F-27; Grumman Gulfstream I; and Hawker Siddeley 748 Series airplanes.

(2) Revise the compliance statement to read:

Compliance is required as indicated, unless already accomplished:

1. Compliance for all affected DART engines except the Mk.530 is based on an effective date of October 28, 1977.

2. Compliance for the DART Mk.530 engines is based on an effective date of May 12, 1983.

This amends AD 77-20-04, Amendment 39-3047, which was made effective October 28, 1977.

This amendment becomes effective May 12, 1983.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, 49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); (14 CFR 11.89))

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291 because it affects only 16 engines at an approximate unit cost of $260. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it when filed, may be obtained by contacting the person identified under the caption *"FOR FURTHER INFORMATION CONTACT."*

Issued in Burlington, Massachusetts, on April 18, 1983.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 83-11173 Filed 4-27-83; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 83-ANE-6; Amdt. 39-4640]

Airworthiness Directives; Rolls-Royce, Ltd., DART Mk. 506, 510, 511, 514, 526, 528, 529, 530, 532, and Variants Series Turboprop Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule, request for comment.

SUMMARY: This amendment amends an existing airworthiness directive (AD) applicable to certain Rolls-Royce DART turboprop engines by extending applicability of the AD to also include the Mk.530 which has recently been issued an FAA type certificate. The amendment is needed since the Mk.530 engine may have the same design conditions which the existing AD is designed to correct .

DATES: This amendment is effective May 12, 1983. Amendment 39-3049, AD 77-20-05, was effective November 3, 1977. Comments must be received on or before June 12, 1983. Compliance schedule—as prescribed in text of AD.

ADDRESSES: Send comments to: Federal Aviation Administration, Office of the Regional Counsel, New England Region, Attn: Rules Docket No. 83-ANE-6, 12 New England Executive Park, Burlington, Massachusetts 01803.

The applicable engine service bulletin may be obtained from: Service Manager, DART Engines, Rolls-Royce, Ltd., East Kilbride, Glasgow, Scotland.

FOR FURTHER INFORMATION CONTACT: Donald F. Perrault, Engine and Propeller Standards Staff, ANE-110, Aircraft Certification Division, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (617) 273-7330.

SUPPLEMENTARY INFORMATION: This amendment amends Amendment 39-3049, AD 77-20-05, which requires inspection of fuel burner feed and manifold pipes on Rolls-Royce DART engines series 506, 510, 511, 514, 526, 528, 529, 532, and variants. After issuing Amendment 39-3049, the FAA has determined that the reasons for issuing AD 77-20-05 are also applicable to the DART Mk.530 model engine which has recently been issued an FAA type certificate. Therefore, the FAA is amending Amendment 39-3049 by extending applicability of the AD to also include the Mk.530. Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

Request for Comments on the Rule

Although this action, which involves requirements affecting immediate flight safety, is in the form of a final rule and thus was not preceded by notice and public comment, comments are now invited on the rule. When the comment period ends, the FAA will use the comments submitted together with other available information to review the regulation. Public comments are helpful in evaluating the effects of the rule and in determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule.

List of Subjects in 14 CFR Part 39

Engines, Propellers, Aircraft, and Aviation safety.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Amendment 39-3049, AD 77-20-05, as follows:

(1) Revise the applicability statement to read:

Rolls-Royce, Ltd.: Applies to Rolls-Royce DART engines series Mk.506, 510,511, 514, 526, 528, 529, 530, 532, and variants, installed on, but not necessarily limited to, BAC Viscount 744 and 745D; Fokker F-27 Mk.100, 200, 300, 400, 600, 700; Fairchild F-27, -27A, -27B, -27F, -27G, -27J, -27M; Fairchild-Hiller FH-227, -227B, -227C, -227D, -227E, Armstrong Whitworth Argosy 650, Series 101; Grumman G-159; and Hawker Siddeley HS-748 Series 2A aircraft.

(2) Revise the compliance statement to read:

Compliance is required as indicated, unless already accomplished:

1. Compliance for all affected DART engines except the Mk.530 is based on an effective date of November 3, 1977

2. Compliance for the DART Mk.530 engines is based on an effective date of May 12, 1983.

This amends AD 77-20-05, Amendment 39-3049, which was made effective November 3, 1977.

This amendment becomes effective May 12, 1983.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, 49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); (14 CFR 11.89))

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291 because it affects only 16 engines at an approximate unit cost of $480. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it when filed, may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Burlington, Massachusetts, on April 18, 1983.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 83-11174 Filed 4-27-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 83-ANE-7; Amdt. 39-4641]

Airworthiness Directives; Rolls-Royce, Ltd., DART Mk. 506, 510, 511, 514, 525, Through 530, 532, 542, and Variants Series Turboprop Engines

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule; request for comment.

SUMMARY: This amendment amends an existing Airworthiness Directive (AD) applicable to certain Rolls-Royce DART turboprop engines by extending applicability of the AD to also include the Mk.530 which has recently been issued an FAA type certificate. The amendment is needed since the Mk.530 engine may have the same design conditions which the existing AD is designed to correct.

DATES: This amendment is effective; May 12, 1983. Amendment 39-3345, AD 78-24-01, was effective December 11, 1978. Comments must be received on or before June 12, 1983. Compliance schedule—as prescribed in text of AD.

ADDRESSES: Send comments to: Federal Aviation Administration, Office of the Regional Counsel, New England Region, Attn: Rules Docket No. 83-ANE-7, 12 New England Executive Park, Burlington, Massachusetts 01803.

The applicable engine service bulletin may be obtained from: Service Manager, DART Engines, Rolls-Royce, Ltd., East Kilbride, Glasgow, Scotland.

FOR FURTHER INFORMATION CONTACT: Donald F. Perrault, Engine and Propeller Standards Staff, ANE-110, Aircraft

Certification Division, Federal Aviation Administration, New England Region,12 New England Executive Park, Burlington, Massachusetts 01803; telephone (617) 273–7330.

SUPPLEMENTARY INFORMATION: This amendment amends Amendment 39–3345, AD 78–24–01, which requires an initial and repetitive inspections of the engine control box mounting bolts on Rolls-Royce DART engines series 506, 510, 511, 514, 525, 526, 527, 528, 529, 530, 532, 542, and variants. After issuing Amendment 39–3345, the FAA has determined that the reasons for issuing AD 77–20–05 are also applicable to the DART Mk.530 model engine which has recently been issued an FAA type certificate. Therefore, the FAA amending Amendment 39–3345 by extending applicabilty of the AD to also include the Mk.530. Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

Request for Comments on the Rule

Although this action, which involves requirements affecting immediate flight safety, is in the form of a final rule and thus was not preceded by notice and public comment, comments are not invited on the rule. When the comment period ends, the FAA will use the comments submitted together with other available information to review the regulation. Public comments are helpful in evaluating the effects of the rule and in determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule.

List of Subjects in 14 CFR Part 39

Engines, Propellers, Aircraft, and Aviation safety.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Admnistrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Amendment 39–3345, AD 78–24–01, as follows:

(1) Revise the applicability statement to read:

Rolls-Royce Ltd.: Applies to Rolls-Royce DART engines and all variants of those engines listed below which have Rolls-Royce DART Modification 1525 incorporated (covered in Rolls-Royce DART Service Bulletin Da 72–351), as installed on, but not necessarily limited to the airplanes listed below.

DART Engine	Airplane
506, 510, 525, 530	Vickers Viscount Model 744, 745D, 810.
511, 514, 528, 532	Fairchild F–27 and FH–227 series and Fokker F–27 series.
526	Armstrong Whitworth AW–650 series 1.
527	Handley Page Herald Type 300.
529	Grumman G–159 and Fairchild F–27 and FH–227 series.
532	Hawker Siddeley 748 series 2.
542	General Dynamics Model 240 with STC No. SA1054WE installed (or Model 600), General Dynamics Model 340/440 with STC No. SA1096WE installed (or Model 640), and Nihon YS–11 and YS–11A series.

(2) Revise the compliance statement to read:

Compliance is required as indicated, unless already accomplished:

1. Compliance for all affected DART engines except the Mk.530 is based on an effective date of December 11, 1978.

2. Compliance for the DART Mk.530 engines is based on an effective date of May 12, 1983.

This amends AD 78–24–01, Amendment 39–3345, which was made effective December 11, 1978.

This amendment becomes effective May 12, 1983.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, 49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); (14 CFR 11.89))

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291 because it affects only 16 engines at an approximate unit cost of $75. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it when filed, may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT."**

Issued in Burlington, Massachusetts, on April 18, 1983.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 83–11175 Filed 4–27–83; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 6a

[T.D. 7890]

Income Tax; Temporary Income Tax Regulations Under Title XI of the Omnibus Reconciliation Act of 1980; Foreign Investment in United States Real Property

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document provides amendments to the temporary regulations under sections 897 and 6039C of the Internal Revenue Code of 1954, relating to foreign investment in U.S. real property, published in the **Federal Register** on September 21, 1982. (47 FR 41532). These temporary regulations are necessary to provide the public with immediate guidance with respect to the requirements of sections 897 and 6039C.

EFFECTIVE DATE: The amendments are effective as of April 28, 1983.

FOR FURTHER INFORMATION CONTACT: Robert E. Culbertson, Jr. of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, Attention: CC:LR:T (202–566–3289), not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

This document contains amendments to the Temporary Income Tax Regulations under Title XI of the Omnibus Reconciliation Act of 1980 (26 CFR Part 6a) under sections 897 and 6039C of the Internal Revenue Code of 1954, as added by sections 1122 and 1123 of the Foreign Investment in Real Property Tax Act of 1980 (94 Stat. 2682), and as amended by section 831 of the Economic Recovery Tax Act of 1981 (Pub. L. No. 97–34; 95 Stat. 172). The amendments are issued under the authority contained in sections 897 (94 Stat. 2683; 26 U.S.C. 897), 6039C (94 Stat. 2687; 26 U.S.C. 6039C), and 7805 (68A Stat. 917; 26 U.S.C. 7805), all of the Internal Revenue Code of 1954.

Discussion

Temporary and proposed regulations pertaining to the substantive and reporting provisions of sections 897 and 6039C were published in the **Federal Register** on September 21, 1982. A public hearing on those regulations was held

on February 3, 1983. The Internal Revenue Service intends to issue final regulations under section 897 shortly after the date of publication of this document. Thereafter, the Service expects to revise the regulations under section 6039C and to provide detailed guidance respecting security agreements in lieu of reporting.

The final regulations may contain modifications of some of the rules contained in the temporary and proposed regulations, in response to the written and oral comments presented to the Service. Rather than requiring immediate compliance with provisions which may be changed, the Service is postponing all deadlines related to elections and information reporting imposed by the temporary regulations until after the issuance of final regulations. Therefore, these amendments to the temporary regulations postpone the date by which certain foreign corporations must decide whether to elect treatment as a domestic corporation under sections 897 (i) and (k). The final regulations will establish a period for making these elections that allows foreign corporations sufficient time to consider the advisability of making such elections. Similarly, these amendments to the temporary regulations postpone all reporting-related deadlines under section 6039C, including the deadline for applying for a security agreement in lieu of reporting. The final regulations will establish dates that allow taxpayers sufficient time to determine whether to file information returns or apply for security agreements, and to assemble the necessary information. The postponement of these deadlines by the amendments to the temporary regulations does not affect the obligation to file an income tax return if one is required and to pay any liability arising under the operation of section 897 and temporary regulations §§ 6a.987-1 through 6a.987-4.

Need for Temporary Regulations

The temporary regulations require that section 897 (i) and (k) elections and security agreement applications be made by March 21, 1983. While the Service has announced its intention to extend the time for taking these actions in IR-83-50, the deadlines must be formally postponed by amending the temporary regulations. Furthermore, under the temporary regulations the information returns required by section 6039C are due on June 21, 1983. Because of the possibility that amendments to the regulations will affect the reporting obligations, it is necessary that the filing date be postponed until the amendments are issued. Because of the immediate need for these changes, the Internal Revenue Service has found it to be impractical to issue these regulations with notice and public comment procedures as outlined under subsection (b) of section 553 of Title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

Drafting Information

The principal author of these amendments to the temporary regulations is Robert E. Culbertson, Jr., of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing these regulations both on matters of substance and style.

Regulatory Flexibility Act and Executive Order 12291

No notice of proposed rulemaking is required by 5 U.S.C. 553(b) for temporary regulations. Accordingly, the Regulatory Flexibility Act does not apply and no Regulatory Flexibility Analysis is required for this rule. The Commissioner of Internal Revenue has determined that these temporary regulations are not subject to Executive Order 12291.

List of Subjects in 26 CFR Part 6a

Bonds, Income taxes, Mortgages, Veterans, Foreign investments in United States real property interests.

Adoption of Amendments to the Temporary Regulations

Accordingly, 26 CFR Part 6a is amended as follows:

§ 6a.897-3 [Amended]

Paragraph 1. Section 6a.897-3 is amended by removing paragraph (f)(2), by redesignating paragraph (f)(3) as paragraph (f)(2), and by revising the first sentence of paragraph (f)(1) to read as follows: "A foreign corporation in existence on or after June 19, 1980, may make an election under section 879(i) only if the election is made by the date established by final regulations."

§ 6a.6039C-1 [Amended]

Par. 2. Section 6a.6039C-1 is amended by revising the first sentence of paragraph (c) to read as follows: "The information returns required by section 6039C must be filed no later than May 15 of the calender year following the calendar year covered by the return, except that information returns for calendar years 1980, 1981, and 1982 must be filed no later than the date established by final regulations."

§ 6a.6039C-2 [Amended]

Par. 3. Section 6a.6039C-2 is amended by revising the third sentence of paragraph (d) to read as follows: "The notification by the corporation required by this paragraph (d) must be made by January 31 of the year following the year for which the return must be filed, except that the notification must be made by the date established by final regulations for calendar years 1980, 1981, and 1982."

§ 6a.6039C-3 [Amended]

Par. 4. Section 6a.6039C-3 is amended by revising the third sentence of paragraph (h) to read as follows: "The statement must be furnished no later than January 31 of the calendar year following the calendar year for which a statement is required, except that it must be furnished by the date established by final regulations for calendar years 1980, 1981, and 1982."

Par. 5. Section 6a.6039C-5 is amended by revising the last sentence of paragraph (e)(1) and the first sentence of paragraph (h) to read as set forth below.

§ 6a.6039C-5 Furnishing of security instead of filing information return.

* * * * *

(e) *Appraised fair market value of U.S. real property interests.*—(1) *In general.* * * * With respect to security in lieu of filing 1980, 1981, and 1982 returns, the appraised fair market value of U.S. real property interests shall be determined no later than the date established by final regulations.

* * * * *

(h) *Application for security agreement.* Applications to the Director for a security agreement or for a renewal thereof must be made within 30 days of the close of the calendar year for which a security agreement is desired, or by the date established by final regulations for calendar years 1980, 1981, and 1982. * * *

This Treasury decision is issued under the authority contained in sections 897, 6039C, and 7805 of the Internal Revenue Code of 1954 (94 Stat. 2683, 26 U.S.C. 897; 94 Stat. 2687, 26 U.S.C. 6039C; 88A Stat. 917, 26 U.S.C. 7805).

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: April 25, 1983.

John E. Chapoton,

Assistant Secretary of the Treasury.

[FR Doc. 83-11401 Filed 4-27-83; 8:45 am]

BILLING CODE 4830-01-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1601

Procedural Regulations

AGENCY: Equal Employment Opportunity Commission.

ACTION: Final rule.

SUMMARY: On January 25, 1983, the Equal Employment Opportunity Commission approved a reorganization of its Field Offices in order to more efficiently administer and enforce statutes prohibiting employment discrimination. Among other changes pursuant to this reorganization, the Commission has decided to permit the discretionary redelegation by District Directors to Area Directors of signatory authority for Letters of Determination and Conciliation Agreements. This document amends the Commission's regulations to reflect these changes.

DATE: This final rule is effective April 28, 1983.

FOR FURTHER INFORMATION CONTACT: Office of the Legal Counsel, Legal Services, Gary L. Janus ((202) 634–6690).

SUPPLEMENTARY INFORMATION:

List of Subjects in 29 CFR Part 1601

Administrative practice and procedure, Equal employment opportunity, Intergovernmental relations.

For the Commission.

Clarence Thomas,

Chairman, Equal Employment Opportunity Commission.

PART 1601—PROCEDURAL REGULATIONS

1. Section 1601.19(g) is revised to read as follows:

§ 1601.19 Dismissal: Procedure and authority.

* * * * * *

(g) The Commission hereby delegates authority to District Directors; the Program Director, Office of Program Operations or upon delegation, the Director of Systemic Programs, Office of Program Operations or the Directors, Regional Programs, Office of Program Operations, as appropriate, to dismiss charges, as limited by § 1601.21(d). The Commission hereby delegates authority to Area Directors to dismiss charges pursuant to paragraphs (a), (c) and (d) of this section, as limited by § 1601.21(d). District Directors may redelegate authority to Area Directors to dismiss charges pursuant to paragraph (b) of this section, as limited by § 1601.21(d). The authority of the Commission to reconsider decisions and determinations as set forth in § 1601.21 (b) and (d) shall be applicable to this section.

2. Section 1601.21(d) is revised to read as follows:

§ 1601.21 Reasonable cause determination: Procedure and authority.

* * * * * *

(d) The Commission hereby delegates to District Directors or upon delegation, Area Directors; the Program Director, Office of Program Operations or upon delegation, the Director of Systemic Programs, Office of Program Operations or the Directors, Regional Programs, Office of Program Operations the authority, in those cases in which previously issued Commission Decisions serve as precedent for the determination and in those cases in which the Commission's Guidelines provide a statement of policy which serves as authority for the determination, upon completion of an investigation, to dismiss a charge, make a determination, issue a Letter of Determination and serve a copy thereof upon the parties. Such determination is final when the Letter of Determination is issued. However, the Program Director, Office of Program Operations or upon delegation, the Director of Systemic Programs, Office of Program Operations or the Directors, Regional Programs, Office of Program Operations; each District Director; and each Area Director, for determinations issued by his or her office, may on his or her own initiative reconsider determinations. *Except that such directors may not reconsider determinations of reasonable cause previously issued against a government, governmental entity or political subdivision after a failure of conciliation as set forth in § 1601.25.*

* * * * * *

3. Section 1601.24(b) is revised to read as follows:

§ 1601.24 Conciliation: Procedure and authority.

* * * * * *

(b) District Directors; the Program Director, Office of Program Operations; or the Directors, Regional Programs, Office of Program Operations; or their designees, are hereby delegated authority to enter into informal conciliation efforts. District Directors or upon delegation, Area Directors; the Program Director, Office of Program Operations; the Director of Systemic Programs, Office of Program Operations; or the Directors, Regional Programs, Office of Program Operations are hereby delegated the authority to negotiate and sign conciliation agreements. When a suit brought by the Commission is in litigation, the General Counsel is hereby delegated the authority to negotiate and sign conciliation agreements where, pursuant to section 706(f)(1) of Title VII, a court has stayed processings in the case pending further efforts of the Commission to obtain voluntary compliance.

* * * * * *

4. Section 1601.28(a)(3) is revised to read as follows:

§ 1601.28 Notice of right to sue: Procedure and authority.

(a) * * *

(3) Issuance of a notice of right to sue shall terminate further proceeding of any charge not a Commissioner charge unless the District Director; Area Director; Program Director, Office of Program Operations or upon delegation, the Director of Systemic Programs, Office of Program Operations or the Directors, Regional Programs, Office of Program Operations; or the General Counsel, determines at that time or at a later time that it would effectuate the purpose of Title VII to further process the charge. Issuance of a notice of right to sue shall not terminate the processing of a Commissioner charge.

* * * * * *

(Authority: Sec. 713(a), Title 7 of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e–12(a)).

[FR Doc. 83–11128 Filed 4–27–83; 8:45 am]

BILLING CODE 6570–06–M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 378

[DOD Directive 5148.11]

Assistant to the Secretary of Defense (Intelligence Oversight)

AGENCY: Office of the Secretary, DOD.

ACTION: Final rule.

SUMMARY: The Secretary of Defense has abolished the position of Inspector General for Intelligence and has assigned the responsibilities and functions to the Assistant to the Secretary of Defense (Intelligence Oversight) (ATSD(IO)) and has delegated specific authorities. This rule (DOD Directive 5148.11) serves as the instrument that authorizes the ATSD(IO) to carry out his charter.

EFFECTIVE DATE: This rule was approved and signed by the Deputy Secretary of

Defense on December 1, 1982, and is effective as of that date.

FOR FURTHER INFORMATION CONTACT: Mr. Howard Becker, Directorate for Organizational and Management Planning, Office of the Deputy Assistant Secretary of Defense (Administration), Washington, D.C. 20301, telephone 202–695–4281.

SUPPLEMENTARY INFORMATION: This information is submitted in compliance with the requirements of section 552(a)(1) of Title 5, United States Code, and 1 CFR 305.76.

List of Subjects in 32 CFR Part 378

Organization and functions (government agencies), Intelligence activities.

Accordingly, 32 CFR is amended by adding a new Part 378, reading as follows:

PART 379—ASSISTANT TO THE SECRETARY OF DEFENSE (INTELLIGENCE OVERSIGHT)

Sec.

378.1 Purpose.
378.2 Applicability.
378.3 Definitions.
378.4 Responsibilities and functions.
378.5 Authorities.
378.6 Administration.

Authority: 10 U.S.C. 133(d).

§ 378.1 Purpose.

This Part replaces DOD Directive 5100.82, which established the position of Inspector General for Intelligence in the Office of the Secretary of Defense under the authority of Title 10, U.S.C. 133(d). That official hereafter shall carry the title of Assistant to the Secretary of Defense (Intelligence Oversight) (ATSD(IO)), with responsibilities, functions, and authorities as provided herein.

§ 378.2 Applicability.

This Part applies to the Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff, the Unified and Specified Commands, and the Defense Agencies (hereafter referred to as "DOD Components").

§ 378.3 Definitions.

Terms applicable to this Part are defined in E.O. 12333, DOD Directive 5240.1, and DOD 5240.1–R.

§ 378.4 Responsibilities and functions.

Under the direction, authority, and control of the Secretary of Defense, the ATSD(IO) shall be responsible for the independent oversight of all intelligence activities in the Department of Defense. In this capacity, the ATSD(IO) shall ensure that all intelligence activities are conducted in compliance with federal law and other laws as appropriate; Executive Orders and Presidential directives; and DOD policy directives. The term "propriety" hereinafter relates to the standards for intelligence activities promulgated in the documents cited above. In the execution of this responsibility, the ATSD(IO) shall perform the following functions:

(a) Review, in consultation with the General Counsel, DOD, all allegations that raise questions of legality or propriety of intelligence activities in the Department of Defense.

(b) Conduct investigations of intelligence activities that raise questions of legality or propriety.

(c) Conduct vigorous and independent inspections of DOD Components that engage in intelligence activities for the purpose of verifying that personnel are familiar and in compliance with E.O. 12333 and its DOD implementing documents.

(d) Monitor investigations and inspections by DOD Components related to intelligence activities, evaluate the findings, and, if appropriate, submit recommendations for corrective action to the Deputy Secretary of Defense.

(e) In consultation with the General Counsel, DOD, report at least quarterly to the Deputy Secretary of Defense and the President's Intelligence Oversight Board, established under E.O. 12334:

(1) Any significant oversight activities undertaken; and

(2) Any DOD intelligence activities of questionable legality or propriety, the investigative action thereon, an evaluation of completed investigations, and the action taken on completed investigations.

(f) Participate as a member of the Defense Counterintelligence Board (DOD Directive 5240.2).

(g) Coordinate, as appropriate, with the DOD Inspector General (DOD IG) on matters relating to the DOD IG's area of responsibility in accordance with Pub. L. 95–452.

(h) Perform such other functions as the Secretary of Defense may assign.

§ 378.5 Authorities.

In the exercise and performance of assigned responsibilities and functions described in § 378.4 of this Part, the ATSD(IO), or designee, is hereby delegated authority to:

(a) Deal directly with the head of the element inspected or investigated, conduct interviews, take depositions, and examine records, as required.

(b) Have complete and unrestricted access to any and all available intelligence-related information, regardless of classification or compartmentation, from all DOD Components and personnel, as required. This includes specifically the authority (1) to require an Inspector General or other cognizant investigative official of a DOD Component to report allegations of improprieties or illegalities of intelligence activities by or within a DOD Component and (2) to obtain information on the status, proceedings, and findings or to obtain copies of reports of investigations or inspections of such allegations.

(c) Obtain such temporary assistance as may be required from other DOD Components, including personnel, facilities, and other services, for the conduct of inspections or investigations. Requests for personnel augmentation shall be made in accordance with established procedures.

(d) Communicate directly with the Secretaries of the Military Departments, the Chairman of the Joint Chiefs of Staff, the Directors of the Defense Agencies, the Inspectors General, or other investigative officials having cognizance over DOD Components, and the Commanders of the Unified and Specified Commands, after notifying the Joint Chiefs of Staff.

(e) Communicate directly with the President's Intelligence Oversight Board, the Director of Central Intelligence, and all other government agencies participating in interdepartmental programs for which the ATSD(IO) has been assigned primary cognizance.

§ 378.6 Administration.

The ATSD(IO) shall report directly to the Deputy Secretary of Defense.

Dated: April 21, 1983.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 83–11276 Filed 4–27–83; 8:45 am]

BILLING CODE 3810–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD3 82–018]

Drawbridge Operation Regulations; Mantua Creek, New Jersey

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of New Jersey Department of Transportation, the Coast Guard is changing the regulations governing the State Highway 44 Bridge

at Paulsboro, New Jersey by requiring that advance notice of opening be given between 11 p.m. and 7 a.m. This change is being made because of minimal requests to open the draw during this period. This action will relieve the bridge owner of the burden of having a person constantly available to open the draw and will still provide for the reasonable needs of navigation. This final rule is being issued basically as proposed in the Notice of Proposed Rulemaking (NPRM). However, the NPRM contained only the exception to the requirement for the bridge to open on signal. This final rule will be amended to indicate the periods the bridge will open on signal and will also include the exception to the general rule. The substance of the NPRM is unchanged in this final rule.

EFFECTIVE DATE: This rule becomes effective on May 31, 1983.

FOR FURTHER INFORMATION CONTACT: William C. Heming, Bridge Administrator, Third Coast Guard District (212) 668–7994.

SUPPLEMENTARY INFORMATION: On October 7, 1982, the Coast Guard published a proposed rule (47 FR 44347) concerning this amendment. The Commander, Third Coast Guard District also published this proposal as a Public Notice dated November 12, 1982. In each notice, interested persons were given until November 22 and December 13, 1982, respectively to submit comments.

Drafting Information

The drafters of this rule are Ernest J. Feemster, project manager, and LCDR Frank E. Couper, project attorney.

Discussion of Comments

This proposal is being issued as proposed in the Notice of Proposed Rulemaking. No comments were submitted in response to either the Notice of Proposed Rulemaking or Public Notice. A draft evaluation has not been prepared because of minimal economic impact. This is because the waterway is used almost exclusively by pleasure boaters.

Economic Assessment and Certification

These final regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be major rules. They are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 22 May 1980). As explained above, an economic evaluation has not been conducted since its impact is expected to be minimal. In accordance with § 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)), it is also certified that these rules will not have a significant economic impact on a substantial number of small entities because no known, water-dependent entities are located upstream of the bridge.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

In consideration of the foregoing, Part 117 of Title 33, Code of Federal Regulations is amended by adding a new § 117.225(f)(4) to read as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

§ 117.225 Navigable waters in the State of New Jersey; bridges where constant attendance of draw tenders is not required.

* * * * *

(f) * * *

(4) Mantua Creek, mile 1.7; New Jersey Department of Transportation Route 44 bridge at Paulsboro. The draw shall open on signal, except from 11 p.m. to 7 a.m. the draw need only open if at least four hours notice is given.

* * * * *

(33 U.S.C. 499; 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5); 33 CFR 1.05 1(g)(3))

Dated: April 7, 1983.

W. E. Caldwell,

Vice Admiral, U.S. Coast Guard, Commander, Third Coast Guard District.

[FR Doc. 83-11381 Filed 4-27-83; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 165

[Third Coast Guard District Reg. CCGD3-83-09]

Safety Zone Regulations: New York, New York Harbor, East River, Buttermilk Channel

AGENCY: Coast Guard, DOT.

ACTION: Emergency rule.

SUMMARY: The Coast Guard is establishing a Safety Zone in the New York Harbor, East River, Buttermilk Channel. The zone is needed to protect vessels from the navigational hazards associated with viewing the sound and light display for the Brooklyn Bridge Celebration. Entry into this zone is prohibited unless authorized by the Captain of the Port.

EFFECTIVE DATES: This regulation is effective on 8:15 PM EDST, 24 May 1983. It terminates on 10:00 PM EDST, 24 May 1983.

FOR FURTHER INFORMATION CONTACT: Captain J. L. McDonald, Captain of the Port, New York (212)–668–7917.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was not published for this regulation and it is being made effective in less than 30 days after **Federal Register** Publication.

Drafting Information

The drafters of this regulation are Lieutenant Junior Grade G. M. Jacobson, Project Officer for the Captain of the Port, and Lieutenant Commander J. J. D'Alessandro, Project Attorney.

Discussion of Regulation.

The circumstances requiring this regulation result from the need to properly manage the large private and commercial traffic congestion expected for the Brooklyn Bridge Centennial Celebration.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

PART 165—[AMENDED]

In consideration of the foregoing, part 165 of Title 33, Code of Federal Regulations, is amended by adding § 165.03–350 to read as follows:

§ 156.03–350 Safety Zone: New York, New York Harbor, East River, Buttermilk Channel

(a) *Location.* The following area is a Safety Zone: The waters of the East River and Buttermilk Channel bounded by the following: That part of the Brooklyn shoreline beginning at the southwest corner of Pier One, Brooklyn, south to the northwest corner of Pier Twelve including Atlantic Basin; thence west to the mid section of the "Y" shaped pier on Governor's Island; thence north along the Governor's Island shoreline to the Battery Tunnel Ventilator; thence north across Dimond Reef to the south west corner of Pier Six Heliport, Manhattan; thence north to Pier Fourteen Manhattan; thence east across the East River to the starting point.

(b) *Regulations.* (1) In accordance with the General regulations in § 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port.

(33 U.S.C. 1225 and 1231; 49 CFR 1.46; 33 CFR 165.3)

Dated: April 11, 1983.

J. L. McDonald,

Captain, U.S. Coast Guard, Captain of the Port, New York.

[FR Doc. 83-11365 Filed 4-27-83; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 165

[Third Coast Guard District Reg. CCGD3-83-04]

Safety Zone Regulations; New York, New York Harbor, East River

AGENCY: Coast Guard, DOT.

ACTION: Emergency rule.

SUMMARY: The Coast Guard is establishing a Safety Zone in the East River, New York Harbor. The zone is needed to protect vessels from hazards to navigation associated with a fireworks display. Entry into this zone is prohibited unless authorized by the Captain of the Port, New York.

EFFECTIVE DATES: This regulation is effective at 8:15 PM EDST 24 May 1983. It terminates at 10:00 PM EDST 24 May 1983.

FOR FURTHER INFORMATION CONTACT: Captain J. L. McDonald, Captain of the Port, New York (212)-668-7917.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was not published for this regulation and it is being made effective in less than 30 days after **Federal Register** publication. Publishing an NPRM and delaying its effective date would be contrary to public interest since extensive public involvement was utilized in the drafting of this regulation.

Drafting Information

The drafters of this regulation are Lieutenant Junior Grade G. M. Jacobson, Project Officer for the Captain of the Port, and Lieutenant Commander J. J. D'Alessandro, Project Attorney, Third Coast Guard District Legal Office.

Discussion of Regulation

The circumstances requiring this regulation result from the 24 May 1983 fireworks display celebrating the Brooklyn Bridge Centennial.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

PART 165—[AMENDED]

In consideration of the foregoing, Part 165 of Title 33, Code of Federal Regulations, is amended by adding § 165.03-348 to read as follows:

§ 165.03-348 Safety Zone: New York, New York Harbor, East River.

(a) *Location.* The following area is a Safety Zone: The waters of the East River bounded to the north by the Manhattan Bridge and to the south by a line connecting the north east corner of Pier Fourteen, Manhattan to the southeast corner of Pier One Brooklyn.

(b) *Regulations:* (1) In accordance with the General regulations in § 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port.

(33 U.S.C. 1225 and 1231; 49 CFR 1.46; 33 CFR 165.3)

Dated: April 11, 1983.

J. L. McDonald,

Captain, U.S. Coast Guard, Captain of the Port, New York.

[FR Doc. 83-11371 Filed 4-27-83; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 7

John D. Rockefeller, Jr. Memorial Parkway, Wyoming; Snowmobile Regulations

AGENCY: National Park Service, Interior.

ACTION: Final rule.

SUMMARY: On March 1, 1982, the National Park Service, Department of the Interior, published in the **Federal Register** (47 FR 8603) a proposed rule to provide for public snowmobile access to routes of the John D. Rockefeller, Jr. Memorial Parkway in winter that are accessible to motorized vehicles in the summer. This proposal was made available for public review and comment for a period of thirty (30) days following publication in the **Federal Register**, and ending on March 31, 1982. Comments received consideration during preparation of the final rule. As a result of this rulemaking process, a final regulation is published to provide for the preservation and enjoyment of the parkway in a manner consistent with both the snowmobile policy of the National Park Service and the off-road vehicle policy of the Department of the Interior. It is also consistent with the snowmobile regulation for the jointly administered Grand Teton National Park and provides for snowmobile access to the South Entrance of Yellowstone National Park.

EFFECTIVE DATE: May 31, 1983.

FOR FURTHER INFORMATION CONTACT: Jack E. Stark, Superintendent, Grand Teton National Park, P.O. Box 170, Moose, Wyoming 83012, Telephone: (307) 733-2880.

SUPPLEMENTARY INFORMATION:

Background

Executive Order 11644 (Use of Off-Road Vehicles on Public Lands), issued February 9, 1972, directed Federal land managing agencies to develop unified regulations and to designate areas of use for off-road vehicles. Such areas must meet criteria which minimize resource damage, harassment of wildlife, disruption of wildlife habitat, and, in the case of national parks, not adversely affect scenic, natural or esthetic values.

In response to Executive Order 11644, the Secretary of the Interior issued a Departmental memorandum on May 5, 1972, to assure full compliance with the Order and to provide policies and procedures for its implementation. The National Park Service, as required by the above directive, promulgated 36 CFR 2.34 on April 1, 1974, which closed all National Park System areas to snowmobile use except those specifically designated as open by **Federal Register** notice or special regulation. Consequently, a notice appeared in the **Federal Register** on December 23, 1976 (41 FR 55946), designating the parkway open for snowmobile use. This designated area included most of the terrain that had been open to snowmobiles since 1971. John D. Rockfeller, Jr. Memorial Parkway is administered jointly with Grand Teton National Park. The superintendent is responsible for the management of activities such as snowmobiling in both areas.

Because of the amount of response to the **Federal Register** notices for Grand Teton National Park and John D. Rockefeller, Jr. Memorial Parkway, the normal 30-day public review period was extended to March 6, 1977. The park received nearly 600 letters from interested individuals and groups. A majority (61 percent) recommended either no snowmobiling be allowed in the park or that snowmobiles be confined to designated routes. Very little specific comment was received concerning the John D. Rockefeller, Jr. Memorial Parkway. Separate hearings for the parkway have not been held.

To better comply with the requirements of Executive Order 11644 and 36 CFR 2.34, the National Park Service developed a Servicewide policy revision which was published in the **Federal Register** on August 13, 1979, (44 FR 47412). This policy provides for the

use of snowmobiles in units of the National Park System as a mode of transportation to provide the opportunity for visitors to see, sense and enjoy the special qualities of the park in the winter. The snowmobile use must be consistent with the park's natural, cultural, scenic, and esthetic values; reflect safety considerations and park management objectives; and avoid disturbing wildlife or damaging other park resources.

The policy further provides that, where permitted, snowmobile use shall be confined to properly designated routes and water surfaces which are used by motorized vehicles or motorboats during other seasons. Routes and water surfaces to be designated for snowmobile use shall be promulgated as special regulations in the Code of Federal Regulations.

Although the previously designated area permitted snowmobiling on nearly all of the parkway north and west of the Snake River floodplain, snowmobiles have been confined to the unplowed roads since the adoption of the Servicewide snowmobile policy. The final regulation published here will officially designate and limit snowmobile use to these roads. This regulation is necessary to comply with Servicewide policy.

Rulemaking for John D. Rockefeller, Jr. Memorial Parkway has been delayed to coincide with final snowmobile regulations for Grand Teton National Park. The snowmobile noise restrictions are the same as the noise levels proposed in the amendment to the Grand Teton National Park special regulations contained in 36 CFR 7.22(i).

This rule differentiates between tracked oversnow vehicles and propeller driven snowplanes. Industry standards for tracked snowmobiles now provide that all vehicles manufactured after February 1974 will not exceed a noise level of 78 decibels. Snowplanes have been used periodically in the area now designated as the parkway since 1935 and the Service has no desire to eliminate this use.

It is not possible to operate snowplanes efficiently or safely at much less than a noise level of 86 decibels due to a combination of propeller and manifold noise. Therefore, different noise levels are proposed for the two different kinds of oversnow vehicles.

A proposed rule was printed in the **Federal Register** (47 FR 8603) on March 1, 1982. Simultaneously a proposed rule was printed for Grand Teton National Park. During the public review period few comments were received specifically mentioning the John D. Rockefeller, Jr. Memorial Parkway, but comment was generally favorable. Consequently, the final rule is identical to the proposed rule except for two changes essentially of an administrative nature. First, a new paragraph (a)(1) expands the definition of snowmobiles to include snowplanes for the purposes of John D. Rockefeller, Jr. Memorial Parkway. Second, references to administrative and emergency uses of snowmobiles are being deleted. Both are needed to conform this regulation to the revision of General Regulations for areas administered by the National Park Service, 36 CFR Parts 1–7, now being prepared for publication.

Drafting Information

The following persons participated in the writing of these regulations: Alan L. Atchison, Chief Park Ranger, Grand Teton National Park; Walter D. Dabney, District Park Ranger, Grand Teton National Park.

Paperwork Reduction Act

This regulation does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 305 *et seq.*

Compliance With Other Laws

The Department of the Interior has determined that this document is not a "major rule" under Executive Order 12291, and certifies that this document would not have a "significant economic effect on a substantial number of small entities," under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This finding is based on the limited number of area snowmobile dealers and support services.

Pursuant to the National Environmental Policy Act (42 U.S.C. 4332) the Service has prepared an Environmental Assessment and a Finding of No Significant Impact on this regulation which are available at the address noted above.

(Sec. 3 of the Act of August 25, 1916 (39 Stat. 535 as amended: 16 U.S.C. 3))

List of Subjects in 36 CFR Part 7

National parks.

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

In consideration of the foregoing, § 7.21 is added to 36 CFR Part 71 to read as follows:

§ 7.21 John D. Rockefeller, Jr. Memorial Parkway.

(a) *Snowmobiles.* (1) For the purposes of this section, except as otherwise distinguished in paragraph (a)(5) of this section, the term "snowmobile" includes "snowplanes", which are self-propelled vehicles intended for over-the-snow travel, having a curb weight of not more than 1000 pounds (450 kilograms), mounted on skis in contact with the snow, and driven by a pusher-propeller.

(2) Designated routes to be open to snowmobile use:

(i) The Ashton-Flagg Ranch Road between the western boundary of the Parkway and its junction with U.S. Highway 89–287.

(ii) The unplowed portion of U.S. Highway 89–287 between Flagg Ranch and the south boundary of Yellowstone National Park.

(3) On roads designated for snowmobile use, only that portion of the road or parking area intended for other motor vehicle use may be used by snowmobiles. Such roadway is available for snowmobile use only when the designated road or parking area is closed for all other motor vehicle use by the public.

(4) The superintendent shall determine the opening and closing dates for use of designated snowmobile routes each year, taking into consideration the location of wintering wildlife, road plowing schedules and other factors related to public safety or resource protection. The superintendent shall notify the public of such dates through normal news media channels.

(5) The operation of a snowmobile which makes excessive noise is prohibited. Excessive noise for tracked snowmobiles is defined as noise that exceeds 78 decibels and for snowplanes noise that exceeds 86 decibels. Snowplanes operated and registered in the parkway for the 1970–1971 season are excepted. Measurements are made on the "A" weighted scale in intensity of a sound level meter measured at a distance of not less than 50 feet when the snowmobile or snowplane is being operated at or near full throttle.

Dated: March 25, 1983.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 83–11377 Filed 4–27–83; 8:45 am]

BILLING CODE 4310–70–M

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36 CFR Part 7

Grand Teton National Park, Wyoming; Snowmobile Regulations

AGENCY: National Park Service, Interior.

ACTION: Final rule.

SUMMARY: On March 1, 1982, the National Park Service published in the

Federal Register (47 FR 8600) a proposed rule to provide for public snowmobile access to most areas of the park where such use has occurred. The proposal was made available for public review and comment for a period of thirty (30) days following publication in the Federal Register and ending on March 31, 1982. As a result of the rulemaking process, a final regulation is published. Several minor technical changes have been incorporated as a result of administrative review. The regulation is intended to afford greater resource protection while also providing the opportunities for the public to enjoy winter park values. The rule is consistent with snowmobile regulations proposed for the jointly administered John D. Rockefeller, Jr. Memorial Parkway.

EFFECTIVE DATE: May 31, 1983.

FOR FURTHER INFORMATION CONTACT: Jack E. Stark, Superintendent, Grand Teton National Park, P.O. Box 170, Moose, Wyoming 83012, Telephone: (307) 733–2880.

SUPPLEMENTARY INFORMATION:

Background

Executive Order 11644 (Use of Off-Road Vehicles on Public Lands), issued February 9, 1972, directed Federal land managing agencies to develop unified regulations and to designate areas of use for off-road vehicles. Such areas must meet criteria which minimize resource damage, harassment of wildlife, disruption of wildlife habitat, and, in the case of national parks, not adversely affect scenic, natural or aesthetic values.

In response to Executive Order 11644, the Secretary of Interior issued a Departmental memorandum on May 5, 1972, to assure full compliance with the Order and to provide policies and procedures for its implementation. The National Park Service, as required by the above directive, promulgated 36 CFR 2.34 on April 1, 1974, which closed all National Park System areas to snowmobile use except those specifically designated as open by Federal Register notice or special regulation.

In order to comply with the requirements of Executive Order 11644 and 36 CFR 2.34, Grand Teton National Park published a notice in late 1976 to designate areas and routes open to snowmobile use in the park. The notice appeared in the Federal Register on December 23, 1976 (41 FR 55945), and invited public review and comment. The routes and areas designated were most of those that had been open to snowmobiling since 1971. An environmental assessment (approved January 6, 1977) was also prepared concerning management of winter activities, including snowmobiling.

Because of the amount of response to the Federal Register announcement and the environmental assessment, the normal 30-day public review period was extended to March 6, 1977. The park received nearly 600 letters from interested individuals and groups. A majority (61 percent) recommended either no snowmobiling be allowed in the park or that snowmobiles be confined to designated routes.

In August of 1977, the National Park Service appointed a task force to review snowmobile use in all areas of the National Park System and to, "develop a policy * * * that will clearly state the National Park Service's position on the legitimacy of mechanized over-snow travel in the parks and enable the Superintendents to address the question uniformly."

The task force was formed in response to requests from pro-snowmobiling and anti-snowmobiling interests, both of whom were seeking a uniform policy that would more closely guide the "discretion" of individual superintendents.

The task force met with various user groups that included the International Snowmobile Industry Association, the International Snowmobile Council, the Sierra Club, and the National Parks and Conservation Association. A policy was proposed that, "* * * snowmobiles may be permitted * * * as a mode of transportation * * * (on) designated routes (to) be established only on existing public roadways and waterways open to motorized vehicles and vessels."

Pursuant to this policy, Grand Teton National Park drafted proposed regulations designating approximately 72 miles of unplowed roadways and 26,700 acres of waterways (Jackson and Jenny Lakes) as open to snowmobiling. On January 19, 1978, the National Park Service postponed implementation of this snowmobiling policy and delayed rulemaking for Grand Teton National Park to allow further public participation in the development of the National Park Service snowmobile policy.

The National Park Service published a proposed snowmobile policy in the Federal Register on December 7, 1978 (43 FR 57352). This policy was similar to that proposed in 1977 in that, "Where permitted, snowmobiles shall be confined to properly designated routes and water surfaces which are used by motorized vehicles or motorboats during other seasons." Three exceptions to this policy were proposed—Acadia National Park, Delaware Water Gap National Recreation Area, and the "Potholes Area" of Grand Teton National Park.

Following public review, the National Park Service published a notice in the Federal Register of August 13, 1979 (44 FR 47412) adopting a Servicewide snowmobile policy that was very similar to the one proposed on December 7, 1978, but all exceptions to the policy were deleted. Following announcement that the Servicewide snowmobile policy would be implemented in Grand Teton National Park, considerable opposition by Wyoming residents emerged. On October 11, 1979, the Director of the National Park Service postponed implementation of the policy in the park pending public hearings.

Another environmental assessment (approved February 14, 1980) was prepared and released to the public for review in April 1980. At that time, the National Park Service's preferred alternative was to permit snowmobiling only under restrictions of the national policy. The public hearings (held in May) indicated substantial support, by local Wyoming residents, for off-road snowmobiling in Grant Teton National Park. Of 174 letters received in the park by June 30, 1980, the deadline for public input, 60 percent favored snowmobiling only under restrictions of the national snowmobile policy, 20 percent favored off-road snowmobiling. All but two of the letters favoring off-road snowmobiling were from Wyoming.

In December 1980 the Regional Director, Rocky Mountain Region, appointed a special committee of five individuals from outside the National Park Service to review the issue and all public comment, and to make recommendations for an oversnow vehicle policy for the park. The committee convened in the park in February 1981 and voted three to two in support of application of the roads-only policy for Grand Teton National Park.

Off-road snowmobiling has been permitted in some areas of Grand Teton National Park for over ten years. In these areas, vegetation damage and disturbance to wildlife have not been apparent due to snow depths adequate to protect vegetation and seasonal movement of most wildlife to other areas of the park. Additionally, conflicts between snowmobilers and cross-country skiers have not been a serious problem.

In the late 1960's park management became concerned about increased noise due to increased snowmobile use. Snowmobile noise regulations were promulgated in August 1971 (36 FR

16065) and adopted as part of Grand Teton's special regulations, 36 CFR 7.22(i). The regulation limits the noise level of snowmobiles of 86 decibels, measured on the "A" weighting scale at a distance of 50 feet, but exempts snowplanes that were registered with the park for the 1970–71 season.

This amendment differentiates between tracked oversnow vehicles and propeller driven snowplanes. Industry standards for tracked snowmobiles now provide that all vehicles manufactured after February 1974 will not exceed a noise level of 78 decibels. Snowplanes have operated, primarily on Jackson Lake, since 1935 and the Service has no desire to eliminate this historic use which would occur if a general prohibition was made to exclude oversnow vehicles that exceed 78 decibels. The combination of propeller and manifold noise cannot be reduced significantly below 86 decibels without seriously reducing the safety and maneuverability of snowplanes. Therefore, different noise levels are proposed for the two different kinds of oversnow vehicles.

Proposed snowmobile rules for Grand Teton National Park were printed in the **Federal Register** (47 FR 8600) on March 1, 1982. The public comment period was through March 31, 1982. During the comment period, 210 letters and petitions totalling 383 signatures were received. Response to the proposed rule was mixed. Seventy-one percent of the letters favored the proposed regulations and 28 percent favored snowmobiling only under the national snowmobile policy restrictions. Petition signatures, on the other hand, were 12 percent in favor of the proposed regulations and 83 percent in favor of a roads-only policy. Lacking evidence of resource impacts from off-road snowmobiling in the Potholes-Baseline Flats area of Grand Teton, and recognizing such activity has been an established use for over ten years, the Service has decided to continue this off-road snowmobiling as an exception to its snowmobile policy. Thus, the final rule is identical to the proposed rule except for two changes essentially of an administrative nature. First, a new paragraph (1) expands the definition of snowmobiles to include snowplanes for the purposes of Grand Teton National Park. Second, provisions for emergency and administrative use of snowmobiles are being deleted. Both are needed to conform this regulation to the revision of the Service's general regulations, 36 CFR Parts 1–6, now being prepared for publication.

Drafting Information

The following persons particpated in the writing of these regulations: Alan L. Atchison, Chief Park Ranger, Grand Teton National Park; Walter D. Dabney, District Park Ranger, Grand Teton National Park.

Paperwork Reduction Act

This regulation does not contain collection requirements which required approval by the Office of Management and Budget under 44 U.S.C. 305 *et seq.*

Compliance with Other Laws

The Department of the Interior has determined that this document is not a "major rule" under Executive Order 12291, and certifies that this document would have no "significant economic effect on a substantial number of small entities," under the Regulatory Flexibility Act 5 U.S.C. 601 *et seq.*). This finding is based on the limited number of area snowmobile dealers and support services.

Pursuant to the National Environmental Policy Act (42 U.S.C. 4332) the Service has prepared an Environmental Assessment and a Finding of No Significant Impact on this regulation which are available at the address noted above.

(Sec. 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3)

List of Subjects in 36 CFR Part 7

National parks.

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

In consideration of the foregoing, Part 7 of Title 36 of the Code of Federal Regulations is amended by revising § 7.22(i) to read as follows:

§ 7.22 Grand Teton National Park.

* * * * *

(i) *Snowmobiles.* (1) For the purposes of this section, except as otherwise distinguished in paragraph (i)(6) of this section, the term "snowmobile" includes "snowplanes," which are self-propelled vehicles intended for over-the-snow travel, having a curb weight of not more than 1000 pounds (450 kilograms), mounted on skis in contact with the snow, and driven by a pusher-propeller.

(2) Designated routes to be open to snowmobile use: The Spread Creek Road; the unplowed portion of the Pacific Creek Road; the unplowed portion of the Ditch Creek Road; the Lost Creek Ranch Road, those portions of the unplowed roads connecting with the Shadow (Antelope) Mountain Forest Service Road at Cunningham Cabin, Lost Creek Road and Antelope Flats Road; the unplowed portions of the Moose-Wilson Road; and the unplowed portion of the Teton Park Road north of Cottonwood Creek to a line of markers south of Timbered Island, around the east side of Timbered Island north to a line of markers at South Jenny Lake Junction, and then north to Signal Mountain Lodge, except during the period previous to opening of Potholes-Baseline Flats area when the Teton Park Road will be open through to Signal Mountain, the Jenny Lake Loop Road, the Spalding Bay Road, the String Lake Picnic Area Road, the Signal Mountain Summit Road, the Signal Mountain Launch Ramp Road, and the Lizard Creek Campground Road.

(3) Designated area open to snowmobile use: The Potholes-Baseline Flats area east of the Teton Park Road north of Cottonwood Creek, north of the Bar BC access road, east of Timbered Island, west of the River Road or as marked at the top of the Snake River Bench, northwest of Timbered Island as marked to the Teton Park Road and bounded on the north by the RKO Road.

(4) Designated water surface: The frozen surface of Jackson Lake.

(5) (i) On roads designated for snowmobile use, only that portion of the road or parking area intended for other motor vehicle use may be used by snowmobiles. Such roadway is available for snowmobile use only when the designated road or parking area is closed to all other motor vehicle use by the public. Where needed, these routes will be marked by signs, snow poles or other appropriate means.

(ii) The superintendent shall determine the opening and closing dates for use of designated snowmobile routes and areas each year, taking into consideration snow depth adequate to protect vegetation, the location of wintering wildlife, road plowing schedules, and other factors related to public safety or resource protection. The superintendent shall notify the public of such dates through normal news media channels.

(6) The operation of a snowmobile which makes excessive noise is prohibited. Excessive noise for tracked snowmobiles is defined as noise that exceeds 78 decibels and for snowplanes noise that exceeds 86 decibels. Snowplanes operated and registered in the park for the 1970–1971 season are excepted. Measurements are made on the "A" weighted scale in intensity of a sound level meter measured at a distance of not less than 50 feet when

the snowmobile or snowplane is being operated at or near full throttle.

* * * * *

Dated: March 14, 1983.

Craig Potter,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 83-11375 Filed 4-27-83; 8:45 am]

BILLING CODE 4310-79-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-1-FRL 2336-2; Docket No. MA 1102]

Approval and Promulgation of Implementation Plans; Massachusetts Sulfur-in-Fuel Revision for Esleeck Manufacturing Company, Inc.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is today approving a State Implementation Plan revision submitted by the State of Massachusetts. This revision allows the Esleeck Manufacturing Company, Inc., Montague to increase the sulfur-in-fuel content of its fuel oil while restricting the maximum allowable fuel firing rate to ensure compliance with National Ambient Air Quality Standards. EPA is also correcting printing errors found in the codification of a related rulemaking. The intended effect of this action is to allow the Company to burn less expensive fuel oil.

EFFECTIVE DATE: This action will be effective on June 28, 1983, unless notice is received within 30 days that adverse or critical comments will be submitted.

ADDRESSES: Comments may be mailed to Harley F. Laing, Director, Air Management Division, Room 2312, JFK Federal Building, Boston, MA 02203. Copies of the submittal and EPA's evaluation are available for public inspection during normal business hours at the Environmental Protection Agency, Room 2312, JFK Federal Bldg., Boston, MA 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M St., S.W., Washington, D.C.; Office of the Federal Register, 1100 L St., N.W., Room 8401, Washington, D.C. and the Massachusetts Department of Environmental Quality Engineering, 1 Winter Street, Boston, MA 02110.

FOR FURTHER INFORMATION CONTACT: Stephen S. Perkins, (617) 223-5885.

SUPPLEMENTARY INFORMATION: On November 8, 1982, and February 8, 1983 (amendments), the Commissioner of the Massachusetts Department of Environmental Quality Engineering (the Massachusetts Department) submitted a revision to the Massachusetts State Implementation Plan (SIP). The revision allows the Esleeck Manufacturing Company, Inc., (the Company) to increase its sulfur-in-fuel content from 0.55 to 1.21 pounds per million Btu heat release potential (approximately equivalent to 1.0% and 2.2% sulfur content by weight, respectively) while restricting its maximum fuel firing rate to 137.5 gallons per hour.

Background

On January 19, 1981 (46 FR 4917), EPA published its disapproval of a Massachusetts SIP revision allowing the burning of fuel oil having a sulfur content of 1.21 pounds per million Btu heat release potential at the Company. The decision was based on mathematical air quality dispersion modeling with EPA's VALLEY model which predicted that violations of National Ambient Air Quality Standards (NAAQS) for sulfur dioxide (SO_2) would occur if the Company burned 2.2% sulfur fuel oil at its maximum design firing rate. The NAAQS are maximum allowable ambient air pollutant concentrations which are set to protect the public health and welfare.

In the final rulemaking, EPA stated that it would consider approval of a SIP revision allowing the Company to burn 2.2% sulfur oil if the Massachusetts Department presented new information demonstrating that air quality standards would be maintained by reducing the Company's maximum allowable emission rate. During the public comment period the Company indicated it would investigate a reduced firing rate and new dispersion modeling. No other comments were received on the proposed disapproval of the SIP revision or EPA's intention to consider new information. Since the Company did not submit any new information during the public comment period EPA published a final disapproval of the SIP revision.

New Information

EPA has now received new technical support demonstrating that the NAAQS for SO_2 will not be violated by burning 2.2% sulfur fuel oil if the Company's maximum fuel firing rate is limited to 137.5 gallons per hour. This new technical support, included in the SIP revision submitted on November 8, 1982, consists of a new air quality modeling analysis based on the reduced fuel firing rate. The 137.5 gallons per hour firing rate is enforceable by both the Massachusetts Department and EPA.

Since the Company was included in the public hearing for the revision described above, the Massachusetts Department decided to hold a public hearing only if requested during the 30 day public comment period. Since no requests for a hearing were pending at the end of the comment period, the additional public hearing was not held.

Increases in sulfur dioxide emissions, resulting from relaxations of sulfur-in-fuel limits, must also show compliance with Prevention of Significant Deterioration (PSD) increments if the increase occurs in or impacts on an area in which a baseline date has been established.[1] The Company is not located in such an area. Furthermore, the technical support submitted demonstrated that the Company has no significant impact on any area in which a baseline date has been set.

EPA has reviewed the new technical support submitted by the Massachusetts Department and has determined that the modeling procedures are correct and approvable. For more details on EPA's review, see the technical support document available at the locations listed in the **ADDRESSES** section of this notice.

Corrections To Code of Federal Regulations

In the course of preparing this SIP revision, printing errors were discovered in the codification of an earlier rulemaking. Therefore, this action recodifies the earlier revision published at 46 FR 4918 and codifies the current revision for the Esleeck Manufacturing Company, Inc.

Action

EPA is approving the SIP revision to allow the Esleeck Manufacturing Company, Inc., to burn oil with a sulfur content of 1.21 pounds per million Btu heat release potential provided the fuel firing rate does not exceed 137.5 gallons per hour.

Since EPA views this SIP revision as noncontroversial, we are taking this action without prior proposal. This action will be effective June 28, 1983. However, if EPA is notified within 30 days that someone wishes to submit adverse or critical comments, we will withdraw this action and publish a new rulemaking proposing the action and establishing a comment period.

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[1] The PSD increments are allowable increases in ambient pollutant concentrations which were established to limit the degradation of clean air areas. A baseline date is the date after August 7, 1977, on which the first PSD permit application in that area was filed with EPA by a source subject to the PSD regulations as amended on August 7, 1980 (40 FR 52676).

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Under Section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 28, 1983. This action may not be challenged later in proceedings to enforce its requirements.

(See 307(b)(2))

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations.

I certify that this rule will not have a significant economic impact on a substantial number of small entities.

(Secs. 110(a) and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410(a) and 7601(a))

Note.—Incorporation by reference of the State Implementation Plan for the State of Massachusetts was approved by the Director of the Federal Register on July 1, 1982.

Dated: April 13, 1983.

Lee L. Verstandig,

Acting Administrator.

PART 52—[AMENDED]

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart W—Massachusetts

1. Section 52.1120, paragraph (c) is amended by adding subparagraph (54) as follows:

§ 52.1120 Identification of plan.

* * * * *

(c) * * *

(54) On February 8, 1983, the Massachusetts Department of Environmental Quality Engineering submitted a source specific emission limit in the letter of approval to the Esleeck Manufacturing Company, Inc., Montague, allowing the Company to burn fuel oil having a maximum sulfur content of 1.21 pounds per million Btu heat release potential provided the fuel firing rate does not exceed 137.5 gallons per hour.

§ 52.1126 [Amended]

2. Section 52.1126 is amended by redesignating the existing text of paragraph (b) as (b)(1). The paragraph designated (b) in the January 19, 1981 (46 FR 4918) Federal Register should be redesignated as (b)(2).

3. Section 52.1126(b)(2) is amended by removing the listing "Esleeck Manufacturing Co., Montague."

[FR Doc. 83-10816 Filed 4-27-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL MARITIME COMMISSION

46 CFR Part 530

[Docket No. 80-70]

Interpretations and Statements of Policy; Status of Bulk Commodities With Respect to the Tariff Filing Requirements of Section 18(b)(1) of the Shipping Act, 1916

AGENCY: Federal Maritime Commission.

ACTION: Final Interpretative Rule—Establishment of Effective Date.

SUMMARY: The Commission is rescinding its stay and establishing the effective date in this proceeding, thereby affectuating an interpretative rule which states that the transportation of bulk commodities loaded and carried in containers, trailers, rail cars, or similar intermodal equipment (with the exception of LASH or Seabee barges) moving in the foreign commerce of the United States is subject to the tariff filing requirements of the Shipping Act, 1916.

EFFECTIVE DATE: The Interpretative Ruling published at 47 FR 10851, March 12, 1982 is effective June 27, 1983.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573 (202) 523-5725.

SUPPLEMENTARY INFORMATION: On March 12, 1982, the Commission published an interpretative rule declaring that bulk type cargo loaded in containers, trailers, rail cars, or similar types of intermodal equipment (but not LASH or Seabee barges), is subject to the traffic filing requirements of section 18(b) of the Shipping Act, 1916 (46 U.S.C. 817) because such cargo is subject to being loaded and carried with mark or count. (47 FR 10851, March 12, 1982).

Concurrently with the issuance of the rule, the Commission stayed its effectiveness and published a notice (46 FR 10862-10863, March 12, 1982) seeking comment regarding a possible exemption from the tariff filing requirements of section 18(b)(1) for rates on certain classes of bulk commodities. Docket No. 82-13; *Exemption of Bulk Cargo Moving in the Foreign Commerce of the United States from the Tariff Filing Requirements of Section 18(b) of the Shipping Act.*

A review of the comments received in response to the above notice fails to demonstrate either a commercial justification or valid regulatory reason for granting the described tariff filing exemption. As a result, the Commission has, by separate notice issued this date in Docket No. 82-13, abandoned the exemption proposal and discontinued that proceeding. The Commission has consequently determined to rescind the stay of effectiveness of the interpretative rule issued in this docket.

Accordingly, the Commission's previously issued stay in Docket No. 80-70 is hereby rescinded.

By the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 83-11195 Filed 4-27-83; 8:45 am]

BILLING CODE 6730-01-M

Proposed Rules

Federal Register
Vol. 48, No. 83
Thursday, April 28, 1983

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 93

[Docket No. 21955; Notice No. 83-3]

Metropolitan Washington Airport

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to change the annual passenger ceiling at Washington National Airport from 16 million to 14.8 million or to a figure between 14.8 million and 16 million depending upon the highest annual passenger level forecasted within the next 2 years. It also proposes to allow commuter carriers utilizing smaller, quieter aircraft to conduct a limited number of "stol-runway" operations at National Airport in addition to the operations permitted by the current limitations. This amendment is proposed to guide the future operation and development of Washington National and Dulles International Airports and to improve the quality of the environment in the areas around National.

DATE: Comments must be received on or before July 27, 1983.

ADDRESSES: Mail comments on the proposal in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Docket No. 21955, 800 Independence Avenue, S.W., Washington, D.C. 20591,

or deliver them to: Room 915G., 800 Independence Avenue, S.W., Washington, D.C.

Comments may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Edward P. Faberman, Deputy Chief Counsel, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591, Telephone: (202) 426-3773..

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Comments relating to the environmental, energy, or economic impacts that might result from adoption of the proposals contained in this notice are invited. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each substantive public contact with FAA personnel concerned with the rulemaking will be filed in the docket. Commenters wishing to have the FAA acknowledge receipt of their comments submitted in response to this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 21955." The postcard will be dated, time-stamped, and returned to the commenter.

Availability of NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, S.W., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular 11-2, Notice of Proposed Rulemaking Distribution System, which describes the application procedures.

Background

On November 23, 1981, the FAA issued final rules (46 FR 58036; November 27, 1981) to implement the DOT/FAA policy to guide the future operation and development of Washington National and Dulles International Airports and to improve the quality of the environment in the Washington metropolitan area.

When the Metropolitan Washington Airports Policy was issued in November 1981, the agency stated that it would review a number of subjects related to the policy including additional slots for commuter operators and the daytime noise levels. That review has been completed. This proposal sets forth the agency's recommendations as a result of this review.

Passenger Capacity

Under the policy, National Airport was limited to 16 million total passengers per year (including enplaned and deplaned passengers from air carrier, commuter and general aviation operations). In accordance with 14 CFR 93.124 the hourly number of reservations allocated to air carriers except air taxis at Washington National is adjusted so that it will be one less than the number of hourly reservations that is forecast to produce an annual passenger level of 16 million. Section 93.123 limits hourly IFR operations at Washington National as follows:

Operations conducted by air carriers with aircraft having a certificated maximum seating capacity of 56 or more	37
Operations conducted by air carriers with aircraft having a certificated maximum seating capacity of less than 56	11
Other	12

In explaining the basis for the 16 million ceiling, the following was stated in the preamble to the final policy:

> [T]he capacity limitation is necessary because the number of passengers utilizing the airport may continue to increase, even without the introduction of new aircraft types. Passenger activity has decreased slightly at National compared to 1979 levels, but growth trends can be expected to resume. Under existing limits, passenger activity has increased from approximately 11 million in 1972 to 15 million in 1979. This rule will limit that increase to be consistent with an appropriate level of use of airport facilities

and will shift future growth in passenger activity to Dulles and BWI Airports. Thus, the cap on growth is a key to achieving the goals of this policy.

Although the policy reduced the number of hourly air carrier slots from 40 to 37, it was recognized that although that might slow the rate of growth at National somewhat, it would not by itself bring about a significant shift in future passenger activity to Dulles or BWI. Thus, the ceiling on passenger activity at National was necessary.

In setting the 16 million passenger level the agency stated: "It is a level which should not necessitate further reduction in air carrier scheduling slots for at least another 2 years, thereby giving the carriers time to plan for future changes in the way they serve the Washington metropolitan area." The agency further stated:

> [I]t will also increase the likelihood that the bulk of the growth in the area's passenger activity in this decade will occur at Dulles and BWI. Without a firm cap on National, it does not appear that the air carrier activity will shift in sufficient volume to these airports.

At the time the rule was issued, the approximate annual passenger level at National was 14.5 million. This 14.5 million figure represents aircraft activity prior to the limitations imposed as a result of the air traffic controller strike. Therefore, it was anticipated that 2 years after issuance of the final rule, the annual number of passengers utilizing National would increase by approximately 1.5 million and that by the middle of the decade, future growth in the Washington area would be at Dulles and BWI.

As a result of the air traffic controller strike which limited arrivals at airports including National and a shift in the economy which resulted in a reduction in the number of passengers, the actual and forecasted number of passengers to utilize the Washington area airports has changed. The essential purposes of the Washington Metropolitan Airports Policy—to prescribe a role for Washington National and Dulles International Airports and to promote better utilization of Dulles Airport—have not changed. As stated in the final rule, a significant shift in passenger activity to Dulles and BWI Airports must be made during the middle of this decade. This shift will not occur within the time frame anticipated by the Policy if the capacity limitation remains at 16 million.

Accomplishment of the agency's objectives, as enunciated in the Airport Policy, would be difficult if future passenger growth in the Washington area continues at National Airport to the exclusion of the other area airports. Therefore, appropriate action is being considered at this time which would allow the agency to achieve these policy objectives on schedule. As a result, the agency is proposing to lower the annual passenger capacity to 14.8 million (see Alternative A).

Based upon the current number of operations and load factors at Washington National, the proposed annual passenger limitation would not be reached immediately. Carriers will have time to adjust their operations at Dulles and BWI. Under the Policy, in January of each year the FAA prepares a forecast of total enplaned and deplaned passenger activity over a 12-month period beginning the following April (14 CFR 93.124). If the forecasted activity for the 12-month period is in excess of the annual passenger limitation, the number of hourly slots allocated to air carriers (37) is reduced and added to the air taxi allocation. The number of reduced slots are those necessary to bring the forecasted passenger total below the annual limitation.

The FAA currently estimates that the annual number of passengers at National would not exceed 14.8 million until the Summer of 1985. If that occurred, air carrier slots would be reduced beginning in April 1985 under the proposal. The agency recognizes that factors could change which affect passenger totals and, thus, the current forecast might have to be slightly adjusted. Thus, it is possible that the 14.8 million figure could be forecasted in January 1984 and, therefore, require slot reduction in April 1984. The agency has consistently stated that all actions taken in connection with the policy should give the industry time to adjust their operations accordingly. This time for adjustment is necessary for the carriers to make required equipment and personnel decisions as part of their long-term planning. The agency does not want to disrupt this planning process which affects not only the carriers and their employees but also manufacturers, service companies and their employees. Therefore, although the agency believes that the annual passenger capacity should be reduced, it should not be reduced to a figure which would disrupt current air carrier decisions.

As a result, the agency will consider as an alternative (see Alternative B) to the 14.8 million proposal a proposal which would reduce the current 16 million passenger level to the level to be forecasted in January 1985 (for the period April 1985 to April 1986) as long as that forecast does not exceed 16 million. This ensures that if the current forecast is not correct, the shift of future air carrier growth in the Washington area to Dulles and BWI during the middle of the decade will not be unnecessarily accelerated but will continue as planned.

This 2-year period would also ensure that the shift to Dulles occurs at a time at which a number of projects to improve passenger access to Dulles (some of which are described later in this notice) are completed.

As mentioned previously, in January of eacy year a forecast is prepared for the anticipated April-to-April passenger traffic at National.

In January 1985, the forecast will be issued for April 1985 to April 1986. If that forecast, for example, shows that the passenger level will be 15.1 million then the annual passenger level set forth in 14 CFR 93.124 will be amended from 16 million to 15.1 million. In no event will the level go above 16 million. Based upon current estimates, the forecast for that period should be between approximately 14.8 to 15.2 million. Therefore, this proposal would result in a lower annual passenger capacity but would reduce the chance that air carrier slots would be reduced before 1985.

Comments are specifically invited on this issue.

Commuter Operations

The Metropolitan Washington Airports Policy stated:

> DOT recognizes that the provision of additional authority for commuter operators may have merit. Additional operations by commuter aircraft meeting the nighttime noise levels would not be inconsistent with many of the objectives of this policy. Promulgation of such a provision will be reviewed during the next year in connection with the review of the noise levels themselves.

Commuter air carriers (air carriers with aircraft having a certificated maximum seating capacity of less than 56) are currently authorized 11 operations per hour at National Airport. Within these limitations, a number of commuter carriers utilizing the smaller, quieter aircraft have conducted "stol-runway" operations for the past 2 years. (A "stol" operation is one in which only a portion of the runway is used. The arrival or the departure would be accomplished on that one runway without crossing another runway.) At National, runways 21 and 33 can be and are being used for non-interfering stol operations.

The FAA has reviewed the current level of scheduled operations at Washington National Airport and believes that the ATC system and the

airport runways and movement areas can handle some additional operations utilizing sections of runways without adversely affecting the safety and efficiency of the operations currently authorized by § 93.123 if the operations are conducted in accordance with certain limitations and conditions. These operations would be above the 11 per hour allowed by § 93.123. The additional operations would not affect the airport capacity during IFR weather conditions and periods of adverse weather because these aircraft can conduct runway intersection departures. Thus, in IFR conditions, commuter carriers would be able to conduct those operations in a manner which would not adversely affect ATC capacity. It must be noted that in written comments submitted on the Airport Policy the Dulles Policy Task Force, as well as the Attorney General and the Department of Aviation for the Commonwealth of Virginia, supported additional operations for commuters.

Therefore, the FAA is proposing to allow commuters to conduct additional operations at National subject to the following conditions and limitations:

1. A maximum of two operations per hour may be scheduled.
2. Only aircraft capable of operating on sections of runways with systems and performance capabilities approved by the Administrator may be operated.
3. The noise levels of the aircraft involved in these operations may not exceed the applicable noise levels set forth in § 159.40(a) of the Federal Aviation Regulations.
4. The operations shall be accomplished on sections of secondary runways (Runways 3, 15, 21, and 33).
5. Where Tower Enroute Control (TEC) exists, operations shall be conducted therein.
6. Operations must be authorized by, and conducted in compliance with, the carrier's operations specifications and FAA procedural standards and related requirements involving simultaneous use of intersecting runways for arriving and departing aircraft.

The aircraft capable of operating under this provision would operate at noise levels lower than the nighttime noise restrictions contained in the Policy (14 CFR 159.40). Therefore, this proposal would encourage greater use of quieter aircraft at National Airport.

Aircraft that could operate under this provision have demonstrated during the certification process the ability to operate will within the distances available on the runways to be utilized. In order to conduct operations under this authority, a carrier would have to first have the operation approved by the Administrator. The carrier would also have to obtain approval from ATC and the operation would have to be consistent with the carrier's approved operations specifications.

These additional operations would be allocated by the Commuter Scheduling Committee in accordance with the procedures utilized for Washington National allocations. The agency expects that the extra hourly operations will be allocated in a manner which will increase new entrant commuter access at the airport. This, in turn, should result in increased service from smaller communities currently with little or no service to National.

On April 26, 1983, the agency issued a 9-month exemption (Docket No. 22473) which allows commuter air carriers to conduct operations in accordance with this provision. The agency will evaluate operations conducted under this authority to determine whether they can be accommodated without adverse effect on the ATC system or the other users of the airspace and to ensure that they are consistent with the Airport Policy. The results of this evaluation and the comments received in response to this notice will be considered before a final rule is issued.

Daytime Noise Limitations

Another issue subject to further study was that of the noise limits proposed for daytime operations in 1981 and 1986, and whether they can reasonably be imposed as proposed or in a modified form. During the past year, a Departmental Task Force has reviewed this issue and concluded that daytime noise limits should not be imposed at Washington National Airport at this time. Airplane noise at Washington National peaked in 1981 and has steadily gone down. In addition, noise levels will continue to decline for two reasons.

First, the current FAA noise compliance regulation, specified in FAR Part 91, Subpart E, Operating Noise Limits, is bringing all of the large turbojet aircraft used at the airport into compliance with FAR Part 36 Stage 2 noise limits as a matter of course. Currently, all 727 aircraft must comply with these noise limits, and, as the so-called Small Community Service exemptions for two-engine aircraft expire at the beginning of 1985 and 1988, all 737's, DC–9's, and BAC–1–11's will also be made to comply. Thus, there is already a "cap" on the noise levels of aircraft using the airports, and no noisier aircraft types can be used there. Secondly, the overall operating policy for the Metropolitan Washington Airports should automatically limit aircraft noise at Washington National Airport. The imposed limits on the number of air carrier operations there and the limit on annual passengers will ensure that the number of air carrier operations does not increase and actually are likely to decrease in the future.

Other Matters

As to Dulles, the FAA has been working to improve ground transportation access to it by both private automobile and public transportation. The Dulles Access Highway Extension, which will link the existing access highway to Interstate Route 66 and, thus, appreciably reduce travel time from the airport to downtown, is slated for completion in September of this year. The FAA has provided the right of way and worked with the Commonwealth of Virginia which allows it to construct and operate the toll roads which will parallel the access highway. The most direct benefit of this project to Dulles is that it provides a thoroughfare for local traffic and will enable FAA to permanently maintain the access highway for airport traffic. The acquisition of 12 to 15 new buses is also being actively pursued by the FAA. If successful, this effort will reduce capital costs to the operator, with the savings being directed toward broader service and downward pressure on the fare structure. A ground transportation solicitation is being developed based on input from DOT's Transportation Systems Center. This solicitation is timed for a planned contract award early this fall. Key aspects of the total effort by the FAA and the successful contractor are improved service patterns, broad local advertising and automated ground transportation information equipment. A solicitation for a new taxicab contract, which will require accelerated replacement of an aging taxi fleet, has been issued. For those who use their private automobiles, increased low cost parking has been added and additional spaces are being planned. As the products or these various actions blend together, Dulles will be the beneficiary of significantly improved ground access.

A number of commuter operators and air carriers have introduced new or expanded service at Dulles which increased passenger traffic by approximately 12 percent last year. New service has been instituted from Dulles to major hubs at Salt Lake City, Newark and Chicago. The completion of the Dulles Highway Extension and the toll roads should result in increased growth around the airport perimeter which, in

turn, should increase passenger utilization of the airport. In addition, one carrier has announced a new hub at BWI. In addition to the connecting flights available through the hubs, approximately 2 dozen new cities are linked to Dulles via nonstop or through-plane service. The broadenign service base at Dulles will, over a period of time, provide an even better base for intermediate length flights and additional commuter service. Adjustment of the policy as proposed will encourage continued movement to the other airports where there is more than adequate capacity. This, in turn, will allow use of National for quieter commuter aircraft for service to closer surrounding cities.

List of Subjects in 14 CFR Part 93

Air traffic control.

The Proposed Amendment

PART 93—[Amended]

In consideration of the above, the FAA proposes to amend Subpart K of Part 93 of the Federal Aviation Regulations (14 CFR Part 93) as follows:

§ 93.124 [Amended]

Alternative A

1. By amending paragraph (b) by deleting the number 16 million and inserting in lieu thereof the number 14.8.

Alternative B

1. By amending paragraph (b) by deleting the number 16 and inserting in lieu thereof the following:

"equal to the number of passengers projected in the January 1985 forecast pursuant to paragrapgh (a) if that projection is less than 16 million. If that figure exceeds 16 million, then the number 16 million be utilized."

2. By amending § 93.123(c) to add paragraph (3) to read as follows:

§ 93.123 [Amended]

* * * * *

(3) Notwithstanding the limitations contained in paragraph (a), scheduled air taxis are authorized a maximum of two additional IFR operations per hour under the following conditions:

(i) Only aircraft capable of operating on short runways and with systems and performance capabilities approved by the Administrator are operated.

(ii) The noise levels of the aircraft involved in these operations do not exceed the applicable noise levels set forth in § 159.40(a) of the Federal Aviation Regulations.

(iii) The operations are accomplished on sections of secondary runways, i.e., Runways 3, 15, 21, and 33.

(iv) Where Tower Enroute Control (TEC) exists, operations shall be conducted thereunder.

(v) Stol operations shall be specifically authorized by and conducted in compliance with the carrier's operations specifications and FAA procedural standards and related requirements involving simultaneous use of intersecting runways for arriving and departing aircraft.

(Secs. 103, 307(a), (b) and (c), 313(a), of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1303, 1348 (a), (b) and (c), and 1354(a)); secs. 2 and 5 of the Act for the Administration of Washington National Airport, 54 Stat. 688 as amended by 61 Stat. 94; sec. 4 of the Second Washington Airport Act, 64 Stat. 770; sec. 6 of the Department of Transportation Act (49 U.S.C. 1655)).

Note.—The FAA has determined that this proposal, if adopted, would not affect aircraft operations in the Washington Metropolitan area. Although there might be some long-term reductions in the number of operations at Washington National Airport, the number of operations affected will not be significant. Furthermore, there is adequate space at the other two Washington area airports to accept all operations moved from National. The effect on small entities of allowing two additional scheduled commuter operations per hour at National should be positive but minimal.

Based on the above, it has been detemined that this is not a major regulation under Executive Order 12291 and I certify that, under the criteria of the Regulatory Flexibility Act, the proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. In addition, the FAA has determined that this proposed amendment is significant under the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) because of possible public interest.

Issued in Washington, D.C., on April 26, 1983.

J. Lynn Helms,

Administrator.

[FR Doc. 83-11527 Filed 4-27-83; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79-76-192; (Louisiana-9)]

AGENCY: Federal Energy Regulatory Commission, Energy.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This Notice of Proposed Rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendations of the State of Louisiana Office of Conservation that two areas of the Hosston B Zone be designated as tight formations under §271.703(d).

DATE: Comments on the proposed rule are due on June 6, 1983. Public Hearing: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on May 9, 1983.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street. N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8511, or Walter W. Lawson, (202) 357-8556.

SUPPLEMENTARY INFORMATION:

Issued: Appril 22, 1983.

I. Background

On March 24, 1983, the State of Louisiana Office of Conservation (Louisiana) submitted to the Commission recommendations, in accordance with §271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that two areas in the Hosston B Zone in north Louisiana be designated as a tight formation in the Commission's regulations. Pursuant to §271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Louisiana's recommendations that the Hosston B Zone be designated a tight formation should be adopted. Louisiana's recommendations and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

Louisiana recommends that two areas of the Hosston B Zone, located in Claiborne and Bienville Parishes, Louisiana, be designated as tight formations. The Hosston B Zone is a part of the Hosston Formation of Cretaceous age which underlies the

Pettit Formation of Cretaceous age and overlies the Cotton Valley Group of Jurassic age.

One recommended area is located immediately southwest of the township of Athens, Louisiana. The recommended area underlies parts of the Leatherman Creek Field, Claiborne Parish, and includes Township 19 North, Range 7 West, Sections 7 through 11, 14 through 23, and 26 through 35, and Township 19 North, Range 8 West, Sections 12, 13, 24, 25 and 36. Fourteen wells have been completed in this formation, of which, ten are currently producing and four are shut-in. In a type log, the McGoldrick Oil Company Bessie Sherrill No. 1 well, located in Section 21 of Township 19 North, Range 7 West, the top of the recommended formation appears at approximately 8,260 feet and extends to 10,000 feet (log depths) giving a total thickness of 1,740 feet.

The other recommended area, the Hosston B Zone, Reservoir A, underlies part of the Bear Creek Field in Bienville Parish. This area covers the south three-quarters of Section 22, the west three-quarters of Section 26, and all of Section 27 and 28 of Township 16 North, Range 6 West. The type log for this area is area is the Franks Petroleum, Inc. Lucius C. Gresham B No. 1 well located in the southeast quarter of Section 28, Township 16 North, Range 6 West. The top of the recommended formation appears at approximately 8,890 feet and extends to 9,801 feet (log depths) giving a total thickness of 911 feet. This is the only well currently producing from the recommended formation although it has been penetrated by one other well, the SWEPCO Engineering Property Loftin No. 1 well which produced from the formation until 1978.

III. Discussion of Recommendation

Louisiana claims in its submission that evidence gathered through information and testimony presented at a public hearing convened by Louisiana on this matter demonstrates, for each recommended area, that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

Louisiana further asserts that existing Statewide Order No. 29–B will assure that development of the recommended areas will not adversely affect any fresh water aquifer that is or is expected to be used as a domestic or agricultural water supply.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80–68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposals submitted by Louisiana that the Hosston B Zone as described and delineated in Louisiana's recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before June 6, 1983. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79–76–192 (Louisiana-9), and should give reasons, including supporting data, for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing of a desire to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than May 9, 1983.

List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432).

Accordingly, the Commission proposes to amend the regulations in Part 271, Subchapter H, Chapter I, Title 18, Code of Federal Regulations, as set forth below, in the event Louisiana's recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

PART 271—[AMENDED]

Section 271.703 is amended by adding paragraph (d)(176) to read as follows:

§ 271.703 Tight formation.

* * * * *

(d) *Designated tight formations.*

* * * * *

(125) through (175) [Reserved]

(176) *Hosston B Zone in Louisiana.* RM79–76 (Louisiana-9)

(i) *Leatherman Creek Field Area.*

(A) *Delineation of formation.* The Hosston B Zone is located in north Louisiana and underlies parts of the Leatherman Creek Field, Claiborne Parish and includes Township 19 North, Range 7 West, Sections 7 through 11, 14 through 23, and 26 through 35, and Township 19 North, Range 8 West, Sections 12, 13, 24, 25 and 36.

(B) *Depth.* The top of the Hosston B Zone is measured at 8,260 feet and the base at 10,000 feet giving a total thickness of 1,740 feet, on the induction electric log of the McGoldrick Oil Company Bessie Sherrill No. 1 well, located in Section 21 of Township 19 North, Range 7 West.

(ii) *Bear Creek Field Area.*

(A) *Delineation of formation.* The Hosston B Zone, Reservoir A, is located in north Louisiana and underlies part of the Bear Creek Field, Bienville Parish and includes the south three-quarters of Section 22, the west three-quarters of Section 26, and all of Sections 27 and 28 of Township 16 North, Range 6 West.

(B) *Depth.* The top of the Hosston B Zone, Reservoir A, is measured at 8,890 feet and the base at 9,801 feet, giving a total thickness of 911 feet, on the induction electric log of the Franks Petroleum, Inc., Lucius C. Gresham B No. 1 well located in the southeast quarter of Section 28, Township 16 North, Range 6 West.

[FR Doc. 83–11379 Filed 4–27–83; 8:45 am]

BILLING CODE 6717–01–M

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18 CFR Part 271

[Docket No. RM79–76–184; (Texas-11 Addition V)]

High-Cost Gas Produced From Tight Formations; Proposed Rulemaking

AGENCY: Federal Energy Regulatory Commission, Energy.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This Notice of Proposed Rulemaking contains the recommendation of the Railroad Commission of Texas that an additional area of the Wilcox Formation be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on June 6, 1983. Public Hearing: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on May 9, 1983.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357–8511, or Walter W. Lawson, (202) 357–8556.

SUPPLEMENTARY INFORMATION:

Issued April 22, 1983.

I. Background

On January 24, 1983, the Railroad Commission of Texas (Texas) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that an additional area of the Wilcox Formation in the South Campana (Wilcox 10,400') Field, in Duval and McMullen Counties, Texas, be designated as a tight formation. The Commission previously adopted recommendations that portions of the Wilcox Formation be designated as tight formations in Order Nos. 199, 208, 241 and 279 issued December 16, 1981, February 5, 1982, July 8, 1982 and February 3, 1983, respectively. The Commission currently has under consideration a recommendation by Texas that the Wilcox First Hinnant Formation located in Jim Hogg County, Texas, be designated a tight formation in Docket No. RM79–76–183 (Texas-11 Addition IV), Notice of Proposed Rulemaking issued April 1, 1983. Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Texas' recommendation that the Wilcox Formation in the South Campana (Wilcox 10,400') Field be designated a tight formation should be adopted. Texas' recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

Texas recommends that the Wilcox 10,400' Formation in the South Campana (Wilcox 10,400') Field located in Duval and McMullen Counties, Texas, Railroad Commission Districts 1 and 4, be designated as a tight formation. The area is located approximately 18 miles northeast of the city of Freer, Texas. The recommended area includes all of the area within a 2.5 mile radius around the ARCO H. C. Edrington I No. 33 well, the only producing well in the formation, which is located in the southeast quarter of Section 61, A. B. & M. Survey, Abstract 43, McMullen County, Texas.

The Wilcox 10,400' Formation is the lowermost Upper Wilcox Formation located in the South Campana Field. The Wilcox 10,400' Formation is 10 to 12 feet in average thickness within the geographical area, with an average depth from the surface of the earth to the top of the formation of approximately 10,890 feet.

III. Discussion of Recommendation

Texas claims in its submission that evidence gathered through information and testimony presented at a public hearing in support of this recommendation demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

Texas further asserts that existing state and federal regulations assure that development of this formation will not adversely affect any fresh water aquifers that are or are expected to be used as a domestic or agricultural water supply.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80–68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by Texas that the Wilcox 10,400' Formation as described and delineated in Texas' recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before June 6, 1983. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79–76–184 (Texas-11 Addition V), and should give reasons including supporting data for any recommendation. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission is writing of a desire to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than May 9, 1983.

List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432)

Accordingly, the Commission proposes to amend the regulations in Part 271, Subchapter H, Chapter I, Title 18, Code of Federal Regulations, as set forth below, in the event Texas' recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

PART 271—[AMENDED]

Section 271.703 is amended by adding paragraph (d)(63)(vi) to read as follows:

§ 271.703 Tight formations

* * * * *

(d) *Designated tight formations.*

* * * * *

(63) *Wilcox Formation in Texas.* RM79–76 (Texas–11).

* * * * *

(vi) *South Campana (Wilcox 10,400') field*

(a) *Delineation of formation.* The Wilcox 10,400' Formation is located in the South Campana (Wilcox 10,400') Field in MCullen and Duval Counties, in south Texas, Railroad Commission Districts 1 and 4, approximately 18 miles northest of Freer, Texas. The designated area includes all of the acreage within a 2.5 mile radius around the ARCO H. C. Edrington I No. 33 well, which is located in the southest quarter of Section 61, A. B. & M. Survey, Abstract 43, McMullen County, Texas.

(B) *Depth.* The average depth to the top of the Wilcox 10.400' Formation is approximately 10,890 feet. The subject formation averages from 10 to 12 feet in thickness within the geographical area.

[FR Doc. 83-11380 Filed 4-27-83; 8:45 am]
BILLING CODE 6717-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Fair Housing and Equal Opportunity

24 CFR Part 115

[Docket No. R-83-1078]

Recognition of Substantially Equivalent Laws

AGENCY: Office of the Assistant Secretary for Fair Housing and Equal Opportunity, HUD.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend 24 CFR Part 115, which provides recognition by the Department of those State and local fair housing laws that provide rights and remedies substantially equivalent to those provided by Title VIII of the Civil Rights Act of 1968.

DATE: Comment due date: May 31, 1983.

ADDRESS: Interested persons are invited to submit comments regarding the rule to the Office of General Counsel, Rules Docket Clerk, Room 10278, Department of Housing and Urban Development, 451–7th Street, SW., Washington, D.C. 20410. Communications should refer to above docket number and title. A copy of each communication submitted will be available for public inspection and copying during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Steven J. Sacks, Director, Federal, State and Local Programs Division, Room 5214, Department of Housing and Urban Development, 451–7th Street, SW., Washington, D.C. 20410 (202) 426–3500. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: This Department is proposing to grant recognition to the fair housing laws of additional jurisdictions, pursuant to Section 810(c) of Title VIII of the Civil Rights Act of 1968, as amended. The evaluation of the laws of these jurisdictions was conducted in accordance with the provisions of 24 CFR Part 115, with particular focus on §§ 115.2(a), 115.3 and 115.8. Those sections are set forth to give appropriate information to all parties with an interest in HUD's proposed action.

Section 115.2 Procedures for Recognition provides in (a): Recognition under this part shall be based on a consideration of the following materials and information: (1) The text of the jurisdiction's fair housing law and any regulations or directives issued thereunder; (2) the organization of the agency responsible for administering and enforcing such law; (3) the amount of funds and personnel made available to such agency for fair housing purposes during the current operating year; (4) when considering agencies which have been in operation for 1 year or more, any available indicia of the agency's ability to satisfactorily administer its law consonant with the performance standards delineated in § 115.8; and (5) any additional documents which the agency may wish to have considered.

Section 115.3 Criteria provides: In order for a determination to be made that a State or local fair housing law provides rights and remedies for alleged discriminatory housing practices which are substantially equivalent to those provided in the Act, the law or ordinance must: (a) Provide for an administrative enforcement body to receive and process complaints; (b) Delegate to the administrative enforcement body comprehensive authority to investigate the allegations of complaints, and power to conciliate matters; (c) Not place any excessive burdens on the complainant which might discourage the filing of complaints; (d) Not contain exemptions which substantially reduce the coverage of housing accommodations as compared to Section 803 of the Act which provides coverage with respect to all dwellings except, under certain circumstances, single-family homes sold or rented by the owner, and units in owner-occupied dwellings containing living quarters for no more than four families; and (e) Be sufficiently comprehensive in its prohibitions so as to be an effective instrument in carrying out and achieving the intent and purposes of the Act, i.e., the prohibitions of the following acts if they are based on discrimination because of race, color, religion, sex, or national origin:

(1) Refusal to sell or rent.

(2) Refusal to negotiate for a sale or rental.

(3) Making a dwelling unavailable.

(4) Discriminating in terms, conditions, or privileges of sale or rental, or in the provisions of services or facilities.

(5) Advertising in a discriminatory manner.

(6) Falsely representing that a dwelling is not available for inspection, sale or rental.

(7) Blockbusting.

(8) Discrimination in financing.

(9) Denying a person access to or membership or participation in multiple listing services, real estate brokers' organizations, or other services.

Provided, that a law may be determined substantially equivalent if it meets all of the criteria set forth in this section but does not contain adequate prohibitions with respect to one or more of the acts based on discrimination because of sex, or with respect to one or more of the cases described in paragraphs (e) (7), (8), and (9) of this section. (f) In addition to the factors described in paragraphs (a), (b), (c), (d), and (e) of this section, consideration will be given to the provisions of the law affording judicial protection and enforcement of the rights embodied in the law. However, a law may be determined substantially equivalent even though it does not contain express provision for access to State or local courts.

Section 115.8 Performance Standards provides: (a) The initial and continued recognition by the Secretary that a State or local fair housing law provides rights and remedies substantially equivalent to those provided in the Act will be dependent upon, where applicable, an assessment of the State or local agency's administration of its fair housing law to insure that the law is in fact providing substantially equivalent rights and remedies. The performance standards set forth in paragraph (b) of this section will be used in making such assessment. (b) A state or local agency must: (1) Consistently and affirmatively seek the elimination of all prohibited practices under its fair housing law; (2) Consistently and affirmatively seek and obtain the type of relief designed to prevent recurrences of such practices; (3) Establish a mechanism for monitoring compliance with any

agreements or orders entered into with or issued by the State or local agency to resolve discriminatory housing practices; (4) Engage in comprehensive and thorough investigative activities; and, (5) Commence and complete the administrative processing of a complaint in a timely manner, i.e., the average complaint should, under ordinary circumstances, be investigated and, where applicable, set for conciliation within 30–45 days.

The Department is limiting the public comment period to 30 days. This is necessary in order to expedite the equivalency recognition process, so that the listed agencies may be recognized in time to be eligible to receive Fair Housing Assistance Program funding. If, after evaluating any comments received, the Assistant Secretary for Fair Housing and Equal Opportunity is still of the opinion that recognition is appropriate, the Assistant Secretary shall grant such recognition by amending 24 CFR 115.11.

This proposed rule does not constitute a "major rule" as that term is defined in § 1(b) of the Executive Order on Federal Regulation issued by the President on February 17, 1981. Analysis of the proposed rule indicates that it does not (1) have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50 that implement section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. The Finding of No Significant Impact is available for public inspection and copying during regular business hours in the Office of the Rules Docket Clerk, Room 10278, 451–7th Street, SW., Washington, D.C. 20410.

Pursuant to the provisions of 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the Undersigned hereby certifies that this rule would not have a significant economic impact on a substantial number of small entities because the greater flexibility afforded to localities to implement their own enforcement mechanisms and the greater responsiveness to specific problems in localities under this rule should enure alike to the benefit of both large and small governmental jurisdictions.

This rule is not listed in the Department's Semiannual Agenda of Regulations published on October 28, 1982 (47 FR 48422) pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

The Catalog of Federal Domestic Assistance Program numbers and titles are: 14.400, Equal Opportunity in Housing and 14.401, Fair Housing, Assistance Program.

List of Subjects in 24 CFR Part 115

Fair housing, Intergovernmental relations.

Accordingly, it is proposed to amend 24 CFR 115.11 as follows:

PART 115—RECOGNITION OF SUBSTANTIALLY EQUIVALENT LAWS

Add to the list of localities in § 115.11, the names of Anchorage, Alaska; Metropolitan-Dade County, Florida; Maywood, Illinois; Urban, Illinois; East Chicago, Indiana; Lexington-Fayette, Kentucky; Saint Paul, Minnesota; St. Louis, Missouri; Winston-Salem, North Carolina; Dayton, Ohio; Harrisburg, Pennsylvania; York, Pennsylvania; and King County, Washington, so that the list reads as follows:

§ 115.11 Jurisdictions with substantially equivalent laws.

The following jurisdictions are recognized as providing rights and remedies for alleged discriminatory housing practices substantially equivalent to those in the Act, and complaints will be referred to the appropriate State or local agency as provided in § 115.6.

States

Alaska	Montana
California	Nebraska
Colorado	Nevada
Connecticut	New Hampshire
Delaware	New Jersey
Illinois	New Mexico
Indiana	New York
Iowa	Oregon
Kansas	Pennsylvania
Kentucky	Rhode Island
Maine	South Dakota
Maryland	Virginia
Massachusetts	Washington
Michigan	West Virginia
Minnesota	Wisconsin

Localities

Anchorage, Ak.	Springfield, Ill.
Phoenix, Ariz.	Urbana, Ill.
District of Columbia	Columbus, Ind.
New Haven, Conn.	East Chicago, Ind.
Clearwater, Fla.	Fort Wayne, Ind.
Metropolitan Dade County, Fla.	Gary, Ind.
	South Bend, Ind.
Jacksonville, Fla.	Iowa City, Iowa
Orlando, Fla.	Kansas City, Kans.
St. Petersburg, Fla.	Salina, Kans.
Bloomington, Ill.	Wichita, Kans.
Evanston, Ill.	Lexington-Fayette, Ky.
Maywood, Ill.	Howard County, Md.
Montgomery County, Md.	Raleigh, N.C.
Prince George's County, Md.	Winston-Salem, N.C.
	Dayton, Ohio
Minneapolis, Minn.	Harrisburg, Pa.
St. Paul, Minn.	Philadelphia, Pa.
Kansas City, Mo.	Pittsburgh, Pa.
Saint Louis, Mo.	York, Pa.
Lincoln, Nebr.	Sioux Falls, S. Dak.
Omaha, Nebr.	Knoxville, Tenn.
New York City, N.Y.	King County, Wash.
Charlotte, N.C.	Seattle, Wash.
Mecklenburg County, N.C.	Tacoma, Wash.
	Beckley, W. Va.
New Hanover County, N.C.	Charleston, W. Va.
	Huntington, W. Va.
	Beloit, Wis.

(Sec. 810(c) of the Civil Rights Act of 1968, 42 U.S.C. 3610 Section 234 of the Housing and Community Development Amendments of 1978).

Dated: March 23, 1983.

Antonio Monroig,

Assistant Secretary for Fair Housing and Equal Opportunity.

[FR Doc. 83-11355 Filed 4-27-83; 8:45 am]

BILLING CODE 4210-28-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR-243-81]

Designation of Principal Campaign Committee; Proposed Rulemaking

Correction

In FR Doc. 83-10556, beginning on page 16911, in the issue of Wednesday, April 20, 1983, on page 16911, in the first column, in the "For Further Information Contact:", the name should read "Susan K. Thompson".

BILLING CODE 1505-01-M

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26 CFR Part 1

[LR-170-82]

Treatment of the Credit for Tax Withheld on Interest, Dividends, and Patronage Dividends Earned by an Estate or Trust

Correction

In FR Doc. 83-9940, beginning on page 16071, in the issue of Thursday, April 14, 1983, make the following changes:

1. On page 16073, in the second column, in § 1.643(e)-2(a)(2) *Example (4).*, in the third line "pay a" should read "pay A"; in the tenth line "$15,000" should read "$15,500".

2. On page 16074, in the third column, in § 1.643(e)-2(b)(5) *Example (4).*, in the thirteenth line "A and B 9000" should read "A and 9,000".

3. On page 16075, in the second column, in § 1.643(e)-3, the fourth and

fifth lines should read "the beneficiary. The deemed".

BILLING CODE 1504-01-M

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26 CFR Part 1

[LR-78-80]

Specially Defined Energy Property Added by the Secretary; Withdrawal of Notice of Proposed Rulemaking

AGENCY: Internal Revenue Service, Treasury.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: This document withdraws the notice of proposed rulemaking that appeared in the **Federal Register** on January 7, 1981 (46 FR 1753) relating to the authority of the Secretary of the Treasury to add items to the category of specially defined energy property.

FOR FURTHER INFORMATION CONTACT: Michel A. Dazé of the Legislation and Regulation Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3458) (not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

This document withdraws the notice of proposed rulemaking that appeared in the **Federal Register** on January 7, 1981 (46 FR 1753). That notice proposed amendments to the regulations under section 48 of the Internal Revenue Code of 1954. The amendments would have set forth the procedure for a manufacturer to request addition of an item to the list of specially defined energy property, the information to be provided by an applicant, the criteria to be used to consider adding an item, and the procedure for publishing the list of items.

Drafting Information

The principal author of this document is Michel A. Dazé of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing this document, both in matters of substance and style.

The proposed amendments to 26 CFR Part 1 relating to the authority of the Secretary of the Treasury to add items to the category of specially defined energy property published in the **Federal Register** (46 FR 1753) on January 7, 1981, are hereby withdrawn.

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 83-11404 Filed 4-27-83; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGDI 83-02]

Marine Parade; 1983 America's Cup Races

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rule making.

SUMMARY: The Coast Guard is considering a proposal to restrict the navigation of vessels in and around that portion of Rhode Island Sound being utilized as the race course for the 1983 America's Cup Races. This action is being considered to provide for the safety of life on navigable waters during these races.

DATE: Comments must be received on or before June 13, 1983.

ADDRESSES: Comments should be mailed to Commander (b), First Coast Guard District, 150 Causeway Street, Boston, MA 02114. The comments will be available for inspection and copying at 150 Causeway Street, Room 1102, Boston, MA. Normal office hours are between 7:00 am and 4:30 pm, Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: LT Michael J. Chaplain, USCG, Chief, Boating Standards/Affairs Branch (bc), Room 1102, First Coast Guard District, 150 Causeway Street, Boston, MA 02114 (617) 223-3607.

SUPPLEMENTARY INFORMATION:

Interested persons are invited to participate in this rule making by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD1 83-02) and the specific section of the proposal to which their comments apply, and give reasons for each comment. Receipt of comments will be acknowledged if a stamped self-addressed postcard or envelope is enclosed. The rules may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

Drafting Information

The drafters of this regulation are LT Michael J. Chaplain, USCG, project officer, First Coast Guard District Boating Standards/Affairs Branch and LT Susan M. Krupanski, project attorney, First Coast Guard District Legal Office.

Discussion of Proposed Regulations

The sponsors of this regatta have requested that the Coast Guard assist them in fulfilling their responsibilities to insure the safety of life during this series of races. Based on the acknowledge gained by the Coast Guard's past involvement with this regatta, and in consideration of the extensive international interest in this event, it is anticipated that thousands of spectator vessels will be on hand to observe the races. Introducing this number of vessels into one small area creates an extra and unusual hazard to the safety of life of all spectators during the periods in which races are being conducted. Accordingly, this special local regulation is proposed in order to provide for the safety of life during the 1983 America's Cup Races.

Economic Assessment and Certification

This proposed regulation is considered to be nonsignificant in accordance with DOT Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5). Its economic impact is expected to be minimal since the restrictions to navigation are for only short periods of time, and only affect a small area of Rhode Island Sound. Additionally, due to the extensive international interest in this event, a substantial increase in area business, including small entities, is anticipated due to this regatta. Based upon this assessment, it is certified in accordance with section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605 (b)) that this regulation, if promulgated, will not have a significant economic impact on a substantial number of small entities. Also, the regulation has been reviewed in accordance with Executive Order 12291 of February 17, 1981, on Federal Regulation and has been determined not to be a major rule under the terms of that order.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

Proposed Regulation

In consideration of the foregoing, the Coast Guard proposes to amend part 100 of Title 33, Code of Federal Regulations, by adding section 100.35–1–02 to read as follows:

§ 100.35–1–02. 1983 America's Cup Races.

(a) *Regulated Area:* This regulation is applicable within a 5 mile radius of the special purpose lighted bell buoy "AC" located approximately 7.9 miles bearing 135.5°T (150°M) from Brenton Reef Light (NOS 13218).

(b) *Restricted Area:* A diamond-shaped area, originating at the special purpose lighted bell buoy "AC", measuring approximately 3.5 miles on a side. The major axis of the diamond shall be oriented directly upwind, and shall measure 5 miles. The perimeter of the restricted area shall be outlined by Coast Guard patrol vessels.

(c) *Race Starting Area:* A rectangular area extending 300 yards outboard from both ends of the race starting line, marked by the special purpose lighted bell buoy "AC" and the Race Committee Boat, and extending 500 yards downwind from the starting line. The Race Starting Area shall be marked by a line of Coast Guard patrol vessels.

(d) *Effective Period:* 9:00 am until the conclusion of each race, commencing on September 13, 1983, and on each day thereafter that a race is conducted until completion of the regatta series.

(e) *Special Local Regulations:* All vessels operating in the Regulated Area, except those vessels designated by the event sponsor or the Coast Guard Patrol Commander and displaying the special flag indicating such designation, shall:

(1) Keep clear of the Restricted Area.

(2) Remain at least 100 yards outside the:

(i) line of patrol vessels marking the race starting area.

(ii) column of Coast Guard patrol vessels marking the perimeter of the Restricted Area.

(3) Comply with the instructions of the Coast Guard patrol vessels and aircraft.

(4) Be alert for disabled craft and any persons falling overboard.

(5) Exercise extreme caution when operating in congested areas.

(6) If over 100 feet in length and underway, remain at least 500 yards outside the Restricted Area and Race Starting Area.

(46 U.S.C. 454, 49 U.S.C. 1655(b), 49 CFR 1.46; and 33 CFR 100.35)

Dated: April 15, 1983.

C. E. Robbins,

Rear Admiral, U.S. Coast Guard, Acting District Commander, First Coast Guard District.

[FR Doc. 83–11363 Filed 4–27–83; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 110

[CGD 09–83–02]

Anchorage Grounds and Special Anchorage Areas; Chicago and Calumet Harbors, Il.

AGENCY: Coast Guard, DOT.

ACTION: Advanced notice of proposed rulemaking.

SUMMARY: This notice invites comments and suggestions from the public, particularly recreational boaters, and the Maritime Industry concerning the future of anchorage areas in Chicago Harbor and possible anchorages in Calumet Harbor. Public comments are solicited to aid in determining present and future adequacy of anchorages in the Chicago area of Lake Michigan. As a result of these comments the Captain of the Port of Chicago may propose rules to re-configure or increase available anchorage areas.

DATE: Comments must be received on or before: June 13, 1983.

ADDRESSES: Comments should be mailed to Commander, Marine Port and Environmental Safety Branch, Ninth Coast Guard District, 1240 East 9th Street, Cleveland, OH 44199. The comments will be available for inspection or copying at Marine Port and Environmental Safety Office, Room 2019, 1240 East 9th Street, Cleveland, OH 44199. Normal office hours are between 8 a.m. and 4 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: Ensign Steven J. Boyle, Marine Port and Environmental Safety Branch, Ninth Coast Guard District, 1240 East 9th Street, Cleveland, OH 44199 or phone (216) 522–7064.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting written views, data, or arguments. Each person submitting a comment should include his name and address, identify this notice (CGD 09–83–02), and include sufficient detail to indicate the basis on which each comment is made. Persons desiring acknowledgement that their comments have been received should enclose a stamped self-addressed postcard or envelope. All comments received before the expiration of the comment period will be considered in the decision making process. No public hearings are planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the proposal and rulemaking process.

Drafting Information

The drafters of this Advance Notice of Proposed Rulemaking are Ensign Steven J. Boyle, Project Officer, Marine Port and Environmental Safety Branch and Lieutenant Commander Arthur R. Butler, Assistant Project Officer, Ninth Coast Guard District Legal Office.

Discussion of Proposed Rule

The Chicago Harbor Special Anchorage Areas and Anchorage Grounds as provided for in 33 CFR 110.83 and 110.205 provide for two Special Anchorage Areas and four Anchorage Grounds. The Special Anchorage Areas are Grant Park North, an area approximately 2400 feet by 1300 feet, which is located inside the inner breakwater east of the Chicago Yacht Club, and Grant Park South, a triangular area directly south of Grant Park North. The north side of the Grant Park South triangle is approximately 1400 feet long, the west side is approximately 2300 feet long, and the southeast side is approximately 2600 feet long. The Anchorage Grounds are: Area A which is located inside the exterior breakwater of Chicago Harbor, in the northeast corner and is approximately 1600 feet by 2500 feet, Area B which is located inside the exterior breakwater at the southeast end and is approximately 1900 feet by 2100 feet, Area C which is located inside the exterior breakwater in the northwest corner of the harbor, north of the Central District filtration plant and is approximately 1900 feet by 1500 feet, and Area F which is located along the south wall of the Central District filtration plant and is 1400 feet long by 80 feet wide. The Special Anchorage Areas are primarily used by recreational boaters. Anchorage Grounds A, B and F are only for commercial vessels operated for profit. No commercial vessel operated for profit that measures 50 gross tons or more may anchor in anchorage C. Before proposing rules in this area, the Coast Guard requests comments in the following areas:

1. Since the existing Chicago Harbor anchorages were established there has been a major shift in shipping activity. Commercial vessel usage of Chicago Harbor anchorage grounds has declined

while anchoring activity in Calumet Harbor has increased. This has resulted in an increased potential for conflict between navigation and anchored vessels in the Calumet Harbor area.

2. The straightening of the Lakeshore Drive S curve, growth in the recreational boating population, and plans for the 1992 World's Fair may require alteration of Special Anchorage Areas and create demand for additional areas. If the results of this project indicate that regulatory action is warranted, the public will be informed by means of a notice in the **Federal Register**.

Economic Assessment

Since no proposals are being made at this time, no specific economic impacts can be projected.

The purpose of this ANPRM is to collect as much information as possible regarding anchorage usage and future needs. By taking a long range view, conflicts between commercial port operations, recreational boating and waterfront land usage can be anticipated. Rules can then be designed to both alleviate these conflicts and provide satisfactory margins of safety. The effect will be to facilitate activities which will have economic benefits for the region.

List of Subjects in 33 CFR Part 110

Anchorage grounds and special anchorage areas.

Authority Citation: 33 U.S.C. 471, 33 U.S.C. 2071; 49 CFR 1.46(n)(14), and 33 CFR 1.05–1(G)

Dated: April 14, 1983.

J. R. Kirkland,

Acting Commander, Ninth Coast Guard District.

[FR Doc. 83–11304 Filed 4–27–83; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 110

[CGD5–82–30]

Anchorage Ground; Eastern Branch, Elizabeth River, Norfolk, VA

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is considering a proposal to amend the anchorage regulations by disestablishing Anchorage R as an anchorage ground. This change is being made because of the historical non-use of the anchorage ground and the request of Verebely and Associates to construct a rip-rap dike in Section 2 of Anchorage R. This action will eliminate the three sections of Anchorage R and still provide for the reasonable needs of navigation.

DATE: Comments must be received on or before June 13, 1983.

ADDRESSES: Comments should be mailed to Commander (mpv), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia, 23705. Comments will be available for inspection and copying at the office of the Commander, Fifth Coast Guard District (mpv), Room 408–A, Federal Building, 431 Crawford Street, Portsmouth, Virginia, 23705. Normal office hours are between 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: Commander C. P. Butler, Chief, Port and Vessel Safety Branch, Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia, 23705, (804) 398–6388.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD5–82–30) and the specific section of the proposal to which their comments apply, and give the reasons for each comment. Receipt of comments will be acknowledge if a stamped, self-addressed postal card or envelope is enclosed. The proposed amendment may be changed in light of the comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid in the rulemaking process.

Drafting Information

The drafters of this notice are Lieutenant Junior Grade M. S. Kushla, Project Officer, Port and Vessel Safety Branch, Fifth Coast Guard District, and Commander D. J. Kantor, Project Attorney, Fifth Coast Guard District Legal Office.

Discussion of the Proposed Regulation

The anchorage ground which is proposed to be disestablished lies along the southern bank of the Eastern Branch of the Elizabeth River, Norfolk, Virginia. It is divided into three separate sections. Section 1 is located between the Norfolk and Western Railroad bascule bridge (Mile 1.1) and the Campostella Road bascule bridge (Mile 1.8). Section 2 is located between the Campostella Road bridge and the mouth of Steamboat Creek. Section 3 is located between the mouth of Steamboat Creek and the Norfolk and Western Railroad swing bridge (Mile 2.7). At the request of Verebely and Associates, the Coast Guard has been requested to disestablish Section 2 of Anchorage R to allow construction of a rip-rap dike to stabilize the shoreline. (See Department of the Army, Norfolk District, Corps of Engineers Public Notice NAOOP–P–82–0211–15 for details of this project.) Because of the historical non-use of the anchorage as a whole, the disestablishment of Anchorage R in its entirety is being considered.

Economic Assessment and Certification

This proposed regulation is considered to be nonsignificant in accordance with DOT policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5) Its economic impact is expected to be minimal since the anchorage ground in no longer being used. Based upon this assessment it is certified in accordance with Section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that this regulation, if promulgated, will not have a significant economic impact on a substantial number of small entities. Also, the regulation has been reviewed in accordance with Executive Order 12291 of February 17, 1981, on Federal Regulation and has been determined not to be a major rule under the terms of that order.

List of Subjects in 33 CFR Part 110

Anchorage grounds.

§ 110.168 [Amended]

Proposed regulation

In consideration of the foregoing, the Coast Guard is proposing to amend Part 110 of Title 33, Code of Federal Regulations, by removing § 110.168(e)(2).

(33 U.S.C. 471; 49 U.S.C. 1655(g)(1); 49 CFR 1.46; and 33 CFR 1.05–1(g))

Dated: April 11, 1983.

John D. Costello,

Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc. 83–11373 Filed 4–27–83; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 117

[CGD13 83–04]

Drawbridge Operation Regulations; Lake Washington, Washington

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of the Washington State Department of Transportation, the Coast Guard is considering a change to the regulations governing the Evergreen Point Floating Bridge across Lake Washington, Washington, by permitting the draw to remain closed between the hours of 6:00 a.m. and 10:00 a.m., and between 2:00 p.m. and 7:00 p.m., on weekdays, for any vessel or other watercraft of less than 2,000 gross tons, unless such vessel has in tow a vessel of 2,000 gross tons or over, or a piledriver that is unable to pass under the fixed spans. This proposal is being made because the periods of peak vehicular traffic have increased. This action should accommodate the needs of vehicular traffic and should still provide for the reasonable needs of navigation.

DATE: Comments must be received on or before June 13, 1983.

ADDRESS: Comments should be submitted to and are available for examination from 8:00 a.m. to 4:30 p.m., Monday through Friday, except holidays, at the office of the Commander (oan), Thirteenth Coast Guard District, Room 3564, 915 Second Avenue, Seattle, Washington 98174. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: John E. Mikesell, Chief, Bridge Section, Aids to Navigation Branch, (Telephone: (206) 442-5864).

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data or arguments. Persons submitting comments should include their names and addresses, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal. Persons desiring acknowledgment that their comments have been received should enclose a stamped, self-addressed postcard or envelope.

The Commander, Thirteenth Coast Guard District, will evaluate all communications received and determine a course of final action on this proposal. The proposed regulations may be changed in light of comments received.

Drafting Information

The drafters of this notice are: John E. Mikesell, project officer, and Lieutenant Commander D. Gary Beck, project attorney.

Discussion of the Proposed Regulations

Existing operating regulations for the Evergreen Point Floating Bridge provide, in part, that the bridge will not be required to open on week days between the hours of 7:00 a.m. and 9:00 a.m. and 4:00 p.m. and 6:00 p.m. for any vessel or other watercraft of less than 2,000 gross tons, unless such vessel has in tow a vessel of 2,000 gross tons or over, or a piledriver that is unable to pass under the fixed spans. The proposed rule would extend the periods during which the bridge is not required to open from the present 4 hours per day to 9 hours per day. Under the proposed rule, the bridge would not be required to open on weekdays between the hours of 6:00 a.m. and 10:00 a.m. and between 2:00 p.m. and 7:00 p.m., except for vessels of 2,000 gross tons or more, vessels towing other vessels of 2,000 gross tons or more, or a piledriver that is unable to pass under the fixed spans.

The Evergreen Point Floating Bridge is a part of one of the two main arterial highways providing access to downtown Seattle from suburban areas east of Lake Washington. Periods of peak vehicular traffic on the bridge have been identified by the Washington State Department of Transportation as occurring between the hours of 6:00 a.m. and 10:00 a.m. and between 2:00 p.m. and 7:00 p.m. on weekdays. Any disruption in traffic flow during these times causes major traffic tie-ups and results in severe congestion from which the highway facility cannot recover throughout the entire peak period.

A review of drawtender logs for the Evergreen Point Floating Bridge for the period March 1980 to October 1982 indicated a total of 18 openings during the proposed closed periods. The majority of the openings were for recreational vessels. Preliminary contact with commercial navigation interests indicate they would not be significantly affected by the proposed change.

It is also proposed that the existing § 117.801 title of "Lake Washington, Wash.; pontoon bridge between Foster Island and Evergreen Point, Wash." be changed to "Lake Washington, Wash.; Evergreen Point Floating Bridge." to conform with the commonly used name for the bridge.

There are only minimal economic impacts on navigation or other interests. Therefore, an economic evaluation has not been prepared for this action. Users of the bridge for vehicular traffic and the Washington State Department of Transportation would benefit because the proposed change would eliminate a major cause of vehicular traffic delay and still provide for the reasonable needs of navigation.

Economic Assessment and Certification

These proposed regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. In addition, these proposed regulations are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5-22-80). As explained above, an economic evaluation has not been conducted since its impact is expected to be minimal. In accordance with section 605(b) of the Regulatory Flexibility Act (5 U.S. C. 605(b)), it is certified that these rules, if promulgated, would not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend Part 117 of Title 33, Code of Federal Regulations, by revising § 117.801(f) to read as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

§ 117.801 Lake Washington, Wash.; Evergreen Point Floating Bridge.

* * * * *

(f) The bridge will not be required to open on week days between the hours of 6:00 a.m. and 10:00 a.m., and between the hours of 2:00 p.m. and 7:00 p.m., for any vessel or other watercraft of less than 2,000 gross tons, unless such vessel has in tow a vessel of 2,000 gross tons or over, or a piledriver that is unable to pass under the fixed spans.

* * * * *

(33 U.S.C. 499; 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5); 33 CFR 1.05-1(g)(3)).

Dated: April 11, 1983.

F. W. Parker,

Rear Admiral, U.S. Coast Guard, Commander, 13th Coast Guard District.

[FR Doc. 83-11374 Filed 4-27-83; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 7

Dinosaur National Monument; Colorado-Utah Snowmobile Regulations

AGENCY: National Park Service, Interior.

ACTION: Proposed rule.

SUMMARY: The proposed regulation set forth below is to allow the public the

opportunity for snowmobile use on two sections of the approach roads at Dinosaur National Monument. It is the objective of this proposed regulation to provide for the preservation and enjoyment of Dinosaur National Monument in a way that is consistent with the management objectives of the area as well as the snowmobile policy of the National Park Service and the off-road vehicle policy of the Department of the Interior. This is proposed to be accomplished by restricting the use of snowmobiles to two sections of unplowed roadway that are open to regular motorized vehicles during the summer months.

DATES: Written comments, suggestions or objections will be accepted until May 31, 1983.

ADDRESS: Comments should be directed to: Superintendent, Dinosaur National Monument, P.O. Box 210, Dinosaur, Colorado 81610.

FOR FURTHER INFORMATION CONTACT: Edward A. Nichols, Chief Ranger, Dinosaur National Monument, Telephone: (303) 374-2216.

SUPPLEMENTARY INFORMATION:

Background

Executive Order 11644 (Use of Off-Road Vehicles on Public Lands) issued on February 9, 1972 (37 FR 3877), directed Federal land managing agencies to develop unified regulations and to designate areas of use for off-road vehicles. Such areas must meet criteria which minimize resource damage, harassment of wildlife, disruption of wildlife habitat, and, in the case of national parks, not adversely affect scenic, natural or aesthetic values.

In resposne to Executive Order 11644, the Secretary of Interior issued a Departmental memorandum on May 5, 1972, to assure full compliance with the Order and to provide policies and procedures for its implementation. The National Park Service, as required by the above directive, promulgated 36 CFR 2.34 on April 1, 1974, which closed all National Park System areas to snowmobile use except those specifically designated as open by **Federal Register** notice or special regulation.

In order to comply with the requirements of Executive Order 11644 and 36 CFR 2.34, the National Park Service developed a Servicewide policy revision which was published in the **Federal Register** on August 13, 1979 (44 FR 47412). This policy provides for the use of snowmobiles in units of the National Park System as a mode of transportation to provide the opportunity for visitors to see, sense, and enjoy the special qualities of the park in the winter. Snowmobile use must be consistent with the park's natural, cultural, scenic and aesthetic values; reflect safety considerations and park management objectives; and not result in disturbing wildlife or damaging other park resources.

The policy further provides that, where permitted, snowmobiles shall be confined to properly designated routes and water surfaces which are used by motorized vehicles or motorboats during other seasons. Routes and water surfaces to be designated for snowmobile use shall be promulgated as special regulations in the Code of Federal Regulations.

This proposed regulation is necessary to comply with Servicewide policy. Snowmobiling has previously been permitted on approach roads to Dinosaur National Monument, but not within the Monument proper. However, pursuant to the Act of September 8, 1960 (74 Stat. 857), these roads constitute a part of the Monument, and are subject to the regulations of the National Park Service. The National Park Service maintains control on approximately 40 miles of such approach roads within a 200 foot right-of-way.

Two sections of these roads, totaling about 22 miles, are not plowed in the winter and will be designated as snowmobile routes. These proposed routes would be used by snowmobilers primarily for access to lands administered by the Bureau of Land Management.

Public Participation

The policy of the National Park Service is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions or objections regarding this proposed regulation to the address noted at the beginning of this rulemaking.

Drafting Information

The following persons participated in the writing of this regulation: Edward A. Nichols, Chief Park Ranger, Dinosaur National Monument, and James A. Randall, Rocky Mountain Regional Office, Denver, Colorado.

Paperwork Reduction Act

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

Compliance With Other Laws

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 (February 19, 1981), 46 FR 13193, and that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This conclusion is based on the finding that the majority of use will be for access to snowmobiling areas on adjacent lands. No substantial costs, if any, should result for any small entity. There may be a limited positive result for local repair shops, filling stations, parts stores, and retail snowmobile outlets.

Pursuant to the National Environmental Policy Act (42 U.S.C. 4332), the Service has prepared an environmental analysis of this proposed rule, which is available at the address noted above.

(Sec. 3 of the Act of August 23, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3))

List of Subjects in 36 CFR Part 7

National parks.

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

In consideration of the foregoing, it is proposed to amend Part 7 of Title 36 of the Code of Federal Regulations by adding a new paragraph (c) to § 7.63 as follows:

§ 7.63 Dinosaur National Monument.

* * * * *

(c) *Snowmobiles.* (1) Designated routes which will be open to snowmobile use are approximately 20 miles of the Harpers Corner Road in Colorado and approximately 2 miles of the Cub Creek Road in Utah. The Harpers Corner Road section extends from the Plug Hat Overlook to the Echo Park Road turnoff. The Cub Creek Road section extends from the Chew Ranch Road, 1 mile north of the Green River bridge, to the point where the Cub Creek Road leaves the southern boundary of the monument.

(2) On roads designated for snowmobile use, only that portion of the road or parking area intended for other motor vehicle use may be used by snowmobiles. Such roadway is available for snowmobile use only when there is sufficient snow cover and when these roads are closed to all other motor vehicle use by the public.

(3) Snowmobile use outside designated routes is prohibited. The superintendent shall determine the opening and closing dates for use of designated snowmobile routes each year.

Dated: March 28, 1983

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 83-11376 Filed 4-27-83; 8:45 am]

BILLING CODE 4310-70-M

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36 CFR Part 13

National Park System Units in Alaska; Correction

AGENCY: National Park Service, Interior.

ACTION: Correction.

SUMMARY: This document corrects the preamble to a proposed regulation providing for the closure of certain areas within Denali National Park and Preserve, Glacier Bay National Park and Preserve, and Katmai National Park and Preserve. The regulation was published in the **Federal Register** on Wednesday, April 6, 1983 (48 FR 14978).

FOR FURTHER INFORMATION CONTACT: J. W. Tanner, Protection and Visitor Services, Alaska Regional Office, Anchorage, Alaska 99501; Telephone (907) 271-4551.

The following corrections is made to the preamble of the proposed regulation:

On page 14981, left hand column, under the heading *"KATMAI · NATIONAL PARK AND PRESERVE"* and following the numeral "4," the sentence is corrected to read "Close all lake beaches and river bars in the Naknek River drainage, including the Savanoski, to aircraft landings.".

Dated: April 21, 1983.

J. Craig Potter,

Acting Assistant Secretary for Fish and Wildlife and Parks

[FR Doc. 83-11405 Filed 4-27-83; 8:45 am]

BILLING CODE 4310-70-M

POSTAL SERVICE

39 CFR Part 111

Designation of Serving Post Offices for Acceptance of Electronic Computer Originated Mail

AGENCY: Postal Service.

ACTION: Solicitation of comments in advance of proposed rulemaking.

SUMMARY: Some users of Electronic Computer Originated Mail (E-COM) service deposit large numbers of E-COM messages at a single E-COM serving post office (SPO) even though many of the messages are addressed to points outside that SPO's designated service area. Since E-COM messages are processed, printed, enveloped and entered into the First-Class mailstream at the SPO where they are received, this practice results in Postal Service transportation of these "inter-SPO" letters beyond the entry SPO's service area and in some cases across the nation. The Postal Service is considering a proposed rule to restrict this practice and, through this notice, is requesting comments and suggestions from E-COM users, other interested parties and the general public on the treatment of E-COM messages that are deposited at a SPO for delivery to points outside that SPO's designated service area.

DATE: Comments must be received on or before June 27, 1983.

ADDRESS: Written comments should be sent to the Director, Office of E-COM Operations, U.S. Postal Service, Room 6736, Washington, D.C. 20260-7140.

FOR FURTHER INFORMATION CONTACT: Ed Senft, Office of E-COM Operations, (202) 245-5780.

SUPPLEMENTARY INFORMATION: E-COM (Electronic Computer Originated Mail) service is a subclass of First-Class Mail which consists of mail deposited in the postal system at designated serving post offices (SPOs) by electronic means via communications common carriers whose facilities are connected to the SPOs. The messages are checked for errors while in electronic form, printed, inserted and sealed in specially marked envelopes provided by the Postal Service, and deposited in the First-Class mailstream.

E-COM service is designed to provide next or second business day delivery for messages deposited at the SPO serving the area to which the messages are addressed. E-COM's two-day service objective does not apply to messages deposited at a SPO that are not for delivery in that SPO's service area. The normal service objectives for First-Class Mail apply to those messages.[1]

Mailer access to the E-COM SPOs is available either through (1) E-COM carriers who access the SPOs via dial-up ports or their own telecommunications circuits connected to the SPOs or (2) dial-up facilities which are available through the public switched telephone network.

Currently, E-COM mailers must deposit (or pay for) at least 200 separately addressed messages for each transmission to one of the 25 operating E-COM SPOs.[2] These SPOs and their service area are listed in section 570 of the Domestic Mail Manual, which is incorporated by reference in the **Federal Register**. 39 CFR 111.1. The E-COM provisions of the Domestic Mail Manual were published in the December 23, 1981, issue of the **Federal Register**. 46 FR 62268.

When the Postal Service inaugurated E-COM service on January 4, 1982, it imposed no restrictions on the deposit of E-COM messages. Although the Postal Service anticipated that E-COM messages would be deposited at the SPO serving the delivery address, current operating experience shows that only about 50 percent of E-COM messages are addressed to points within the entry SPO's service area. Some E-COM users deposit large numbers of messages at a single SPO even though the messages are addressed for delivery throughout the United States.

The Postal Service wants E-COM mailers to deposit their mail at the SPO serving the delivery address in order to preserve the concept of E-COM service as a high-speed, reliable service with delivery of messages in two days or less and is exploring possible methods of accomplishing this goal.

The simplest approach would be to revise the E-COM regulations to require that E-COM messages be addressed to points within the designated service area of the SPO where they are deposited. However, we are concerned with the impact on mailers of an absolute ban on "inter-SPO" messages. For example, a mailer with a mailing consisting of 300 messages for delivery in the Los Angeles SPO service area and 5 messages for delivery in the Phoenix SPO service area would, with the minimum now in effect, be unable to use E-COM service for the Phoenix area messages unless he paid the charge for 200 messages to Phoenix. Another mailer with a small nationwide mailing might have to access all 25 SPOs even though many of those SPOs might each receive only a few messages. Under the current minimum, this would be a very onerous burden.

The Postal Service also believes that an absolute ban on "inter-SPO" messages may present problems for some E-COM users even if the current 200 message minimum is eliminated. It is expected that an absolute ban could prevent or limit some postal customers from using E-COM service.

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[1] These service objectives provide for delivery in one, two or three days depending upon the time of deposit of the mail, the distance it must be carried and the transportation services available between the origin and delivery post offices. See Domestic Mail Manual 330.

[2] By separate action on April 25, 1983, the Postal Service filed a request with the Postal Rate Commission, pursuant to 39 U.S.C. 3623, for certain E-COM rate and classification changes, including one to eliminate this minimum requirement. The elimination of the minimum is expected to facilitate the use of E-COM service, especially by small mailers.

With these concerns in mind, the Postal Service has given some thought to possible less restrictive alternatives which would still meet the goal of preventing the deposit of large national mailings at a single SPO.

One alternative might be to require the deposit of messages at a specific SPO whenever the mailer is transmitting at least a specified minimum volume of messages for delivery in that SPO's service area, for example, 200 messages.

Another alternative might be to overlap the designated service areas of some adjacent SPOs so that a nationwide mailing could be sent using fewer than 25 SPOs. Our current experience indicates that two-day service may be obtained from most SPOs to a larger geographical area than is contained in each SPO's designated service area. For example, messages for delivery in Houston could as easily be processed through the Dallas SPO as the San Antonio SPO.

A third alternative might be to allow a specified maximum number or percentage of incidental "inter-SPO" messages to accompany mailings properly deposited at the designated SPO.

The Postal Service welcomes, and will thoroughly consider, the comments and suggestions of E–COM users, other interested parties and the general public.

List of Subjects in 39 CFR Part 111

Postal Service.

(39 USC 401, 403, 404)

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 83–11356 Filed 4–27–83; 8:45 am]

BILLING CODE 7710–12–M

FEDERAL MARITIME COMMISSION

46 CFR Part 536

[General Order 13 Revised; Docket No. 82–13]

Exemption of Bulk Cargo Moving in the Foreign Commerce of the United States From the Tariff Filing Requirements of Section 18(b) of the Shipping Act

AGENCY: Federal Maritime Commission.

ACTION: Discontinuance of proceeding.

SUMMARY: This discontinues the rulemaking instituted to consider the exemption of certain bulk commodities loaded and carried in containers, trailers, rail cars or similar intermodal equipment from the tariff filing requirements of the Shipping Act, 1916, and the alternative proposal to exempt other or all such bulk commodities from the tariff filing requirements.

EFFECTIVE DATE: April 28, 1983.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573, (202) 523–5725.

SUPPLEMENTARY INFORMATION: In Docket 80–70; *Status of Bulk Commodities with Respect to the Tariff Filing Requirements of Section 18(b) of the Shipping Act, 1916,* the Commission issued an interpretative rule which provided that bulk cargo loaded into a container or similar intermodal equipment (except LASH or Seabee barges) is "loaded with mark or count" and, therefore, is subject to the tariff filing requirements of section 18(b)(1) of the Shipping Act, 1916 (46 U.S.C. 817(b)(1)). It was further determined in that proceeding, however, to stay the effective date of the interpretative rule pending a consideration of the feasibility of exempting from the tariff filing requirements all or some of the bulk commodities found subject to those requirements.

Therefore, by notice published in the **Federal Register** (47 FR 10862), the Commission proposed to exempt from tariff filing under section 35 of the Act (46 U.S.C. 833a) bulk cargo loaded in intermodal equipment. The proposed rule defined "bulk cargo" as "those commodities which are in a loose, unpackaged form, have homogeneous characteristics and are unprocessed or not further manufactured." The Commission further gave notice that, alternatively, it would consider the exemption of "other or all bulk cargo" carried in intermodal equipment.

The proposal prompted 30 replies from independent carriers, conferences and shippers. A majority of the commentators was opposed to both proposed rules, while the remaining commentators generally tended to favor the exemption of *all* bulk commodities from the tariff filing requirements.

Commentators which opposed the proposed rules argued that if an exemption were granted, whether for all or for specific bulk commodities, the result would substantially impair effective Commission regulation and could be unjustly discriminatory and detrimental to commerce. They further contended that the exemption would require *each* excepted commodity to be specifically identified for effective regulation. These commentators also argued that the Commission should not except the transportation of bulk cargoes simply for the purpose of achieving competitive parity between specialized, tramp or contract carriers because competition between these carriers for such cargoes has diminished. Further, it was alleged that shippers will be confused and possibly discriminated against if they are unable to verify liner cargo rates on exempt cargoes.

Most of the commentators who opposed the proposed interpretative rule generally favored the alternative of exempting *all* bulk commodities regardless of the method of transport. Because a tariff exemption could lead to discrimination and because it allegedly would be difficult to draw a clear line between bulk and non-bulk commodities, these commentators suggested that, in lieu of listing exempt commodities, a blanket exemption be adopted. This approach would allegedly eliminate the need to determine which bulk commodities would fall into an exempt status.

One commentator opposing the proposed rule maintained that, whether the cargo is processed or unprocessed, if it is loaded and carried in containers it assumes the characteristics of being marked and counted and thus should continue to be subject to the tariff filing requirements.

Those commentators favoring the proposed rule, as well as some of those opposed, would require that a list of exempt commodities be provided specifically identifying those exempted.[1]

Section 35, provides, in part, that the Commission may, upon application or on its own motion, exempt any specified activity from any requirement of the Shipping Act, 1916, where it finds that such exemption will not substantially impair effective regulation, be unjustly discriminatory, or be detrimental to commerce. Inherent in this section is the requirement that certain findings be made for an exemption to be granted, unless the Commission determines that a particular requirement, on its face, serves such a minor regulatory purpose as to constitute an unjustified burden upon the regulated party.

No compelling reason has been presented or found for an exemption of all or a class of bulk commodities carried in containers from the tariff filing requirements of section 18(b). In fact, it is quite possible that any such exemption could operate in a discriminatory manner. Therefore, the Commission concludes that a waiver in

[1] Obviously, this would be a formidable task in view of the number of separately described cargo items that might warrant exemption in various trades.

the present filing regulations applicable to bulk cargo in containers is not warranted. This conclusion is without prejudice to the right of any party to apply to the Commission for exemption from the tariff filing requirements of a particular bulk commodity.

Therefore, this proceeding is hereby discontinued.

By the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 83-11194 Filed 4-27-83; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 15, 73 and 76

[Docket No.83-114]

A Re-Examination of Technical Regulations; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; Extension of comment/reply comment period.

SUMMARY: This extends the period of time for comments and reply comments in this *Notice of Inquiry and Proposed Rulemaking* relating to re-examination of technical regulations (April 4, 1983; 48 FR 14399). Numerous petitions requesting extension of the comment and reply comment period from industry and associations necessitated this extension.

DATES: Comments must be submitted on or before August 5, 1983. Reply comments must be submitted on or before September 30, 1983.

ADDRESS: Federal Communications Commission, Office of Science & Technology, Technical Analysis Division, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Michael J. Marcus, (202) 632-7040.

Order Extending Time for Filing Comments and Reply Comments

In the matter of: a Re-Examination of Technical Regulations, GEN Docket No. 83-114.

Adopted: April 15, 1983.
Released: April 20, 1983.

1. Pursuant to § 1.46 of the Commission's Rules and Regulations, 47 CFR 1.46, several organizations have filed motions to extend the time for filing comments and reply comments in the above-captioned matter.

2. On April 6, 1983 the National Association of Broadcasters requested "a minimum of four months additional time in which to comment". On April 7, 1983, the Land Mobile Communications Section of the Telecommunications Group of the Electronics Industry Association requested an extension of the Comment date to August 1, 1983 and the reply date to August 30, 1983. On April 7, 1983, Rockwell International Corporation requested an extension of the comment date to December 2, 1983 and the reply comment date to July 6, 1984. On April 8, 1983, American Telephone and Telegraph Company requested an extension of the comment date to August 2, 1983. On April 14, 1983, the Consumer Electronics Group of the Electronic Industries Association requested an extension of the comment date to August 1, 1983 and the reply date to August 30, 1983.

3. The above petitioners raised many issues including the large scope of this proceeding and its significance. It is not the policy of the Commission routinely to grant extensions of time. However, we believe that the complexity and the far-reaching consequences of this matter require full and complete comments to guide the Commission in its decision.

4. Accordingly, *it is ordered,* pursuant to § 0241(d) of the Commission's Rules and Regulations that the date for filing comments in this proceeding be extended to August 5, 1983 and that the date for filing reply comments be extended to September 30, 1983.

Federal Communications Commission.

Robert S. Powers,

Acting Chief Scientist.

[FR Doc. 83-11322 Filed 4-27-83; 8:46 am]

BILLING CODE 6712-01-M

Notices

Federal Register
Vol. 48, No. 83
Thursday, April 28, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ACTION

Foster Grandparent and Senior Companion Programs; Income Eligibility Levels

AGENCY: ACTION.

ACTION: Notice of revision of income eligibility levels for Foster Grandparent and Senior Companion Programs.

SUMMARY: This notice revises the schedules of income eligibility levels for individuals and families for the Foster Grandparent and Senior Companion Programs published in the **Federal Register** June 25, 1982 (47 FR 27575). The revised schedule is based on revised Poverty Income Guidelines from DHHS, effective February 17, 1983. This revision adopts as the income eligibility level for each State the higher amount of either (a) 125% of the DHHS Poverty Income Guideline, or (b) 100% of the DHHS Poverty Income Guideline plus the amount each state supplements Federal SSI

EFFECTIVE DATE: April 28, 1983.

FOR FURTHER INFORMATION CONTACT: C. Wade Freeman, Director, Older American Volunteer Programs, ACTION, 806 Connecticut Avenue, N.W., Room M–1006, Washington, D.C. 20525, or telephone toll free (800) 424–8580, extension 239 or (202) 254–7310.

SUPPLEMENTARY INFORMATION: These ACTION programs are authorized pursuant to Section 211 and 213 of the Domestic Volunteer Service Act of 1973, as amended, Pub. L. 93–113, 87 Stat. 414. The income eligibility levels are determined by the currently applicable guideline published by DHHS pursuant to Sections 652 and 673(2) of the Omnibus Budget Reconciliation Act of 1981 which requires poverty income guidelines to be adjusted for Consumer Price Index changes.

The income eligibility levels will be reviewed at least once a year, and similar schedules will be prepared to reflect any changes required as a result of that review.

For family units with more than eight members, add the appropriate supplement for each additional member over eight as follows:

Alaska—$2,630
Hawaii—2,420
All others—2,100

Signed at Washington, D.C., this 21st day of April, 1983.

Thomas W. Pauken,

Director.

[FR Doc. 83–11262 Filed 4–27–83, 8:45 am]

BILLING CODE 6050–01–M

SCHEDULE OF INCOME ELIGIBILITY LEVELS: FOSTER GRANDPARENT AND SENIOR COMPANION PROGRAMS

State	For family units of							
	1	2	3	4	5	6	7	8
Alaska	$9,230	$12,700	$14,800	$16,900	$19,000	$21,000	$23,350	$25,980
California	6,860	11,480	13,160	14,840	16,520	18,200	19,880	21,560
Colorado	6,080	9,600	11,280	12,960	14,640	16,580	18,680	20,780
Hawaii	7,000	9,420	11,830	14,240	16,650	19,070	21,480	23,890
Massachusetts	6,510	9,120	10,800	12,480	14,480	16,580	18,680	20,780
Oklahoma	6,080	8,440	10,280	12,380	14,480	16,580	18,680	20,780
Wisconsin	6,080	8,480	10,280	12,380	14,480	16,580	18,660	20,760
For all other states, the District of Columbia, Guam, Puerto Rico and the Virgin Islands	6,080	8,180	10,280	12,380	14,480	16,580	18,680	20,780

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 83–315]

Availability of a Site-Specific Environmental Analysis for the USDA Cooperative Gypsy Moth Suppression and Regulatory Program

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of the availability of site-specific environmental analysis for proposed treatment areas in Illinois, Indiana, Michigan, Minnesota, North Carolina, Ohio, Oregon, Virginia, Washington, and Wisconsin.

SUMMARY: This gives notice of the availability of site-specific environmental analysis for proposed treatment areas in DuPage and Kane Counties, Illinois; Elkhart County, Indiana; Kalamazoo, Muskegon, and Van Buren Counties, Michigan; Ramsey and Washington Counties, Minnesota; Carteret County, North Carolina; Hamilton, Franklin, Knox, and Lucas Counties, Ohio; Salem, Oregon; Clark, King, and Pierce Counties, Washington; Floyd and Patrick Counties, Virginia; and Waukesha County, Wisconsin.

ADDRESSES: Copies of the site-specific environmental analysis for the proposed treatment area(s) in each State are available for public inspection in a State office in the State where the analysis was conducted. Addresses of these State offices are as follows:

Illinois Department of Agriculture, Division of Agriculture Industry Regulation, Bureau of Plant and Apiary Protection, 1010 Jorie Boulevard, Suite 20, Oak Brook, Illinois 60521;

Indiana Department of Natural Resources, 608 Indiana State Office Building, Indianapolis, Indiana 46204;

Michigan Department of Agriculture, Plant Industry Division, P.O. Box 30017, Lansing, Michigan 48909;

Minnesota Department of Agriculture, Division of Plant Industry, 90 West Plato Boulevard, St. Paul, Minnesota 55107;

North Carolina Department of Agriculture, Plant Industry Division, Plant Protection Section, Room 356, Agriculture Building, 1 W. Edenton Street, Raleigh, North Carolina 27611;

Ohio Department of Agriculture, Division of Plant Industry, Department Laboratories, 8995 E. Main Street, Reynoldsburg, Ohio 43068;

Oregon Department of Agriculture, Plant Division, Agriculture Building, Salem, Oregon 97310;

Virginia Department of Agriculture and Consumer Services, Plant Pest Control Section, Division of Product and Industry Regulation, 1100 Bank Street, Room 506, P.O. Box 163, Richmond, Virginia 23209;

Washington Department of Agriculture, Plant Industry Division, 406 General Administration Building, MS:AX–41, Olympia, Washington 98504; and

Wisconsin Department of Agriculture, Trade and Consumer Protection, Plant Industry Division, 801 W. Badger Road, Madison, Wisconsin 53713.

Copies are also available for public inspection at the Field Operations Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 663 Federal Building, Hyattsville, MD 20782.

FOR FURTHER INFORMATION CONTACT: Gary E. Moorehead, Staff Officer, Field Operations Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 663 Federal Building, Hyattsville, MD 20792, (301) 436–8295.

SUPPLEMENTARY INFORMATION: The USDA draft Programmatic Environmental Impact Statement (PEIS) for the Cooperative Gypsy Moth Suppression and Regulatory Program was submitted to the Environmental Protection Agency (EPA) on November 26, 1980. The public comment period for this document closed January 25, 1981. The final Programmatic Environmental Impact Statement (PEIS) was filed with the EPA on March 6, 1981, and a notice of availability of this document was published in the **Federal Register** on April 28, 1981 (46 FR 23777). The final PEIS was supplemented by a document published in the **Federal Register** on May 14, 1981 (46 FR 26666–26667). The PEIS discussed the national Gypsy Moth Suppression and Regulatory Program and noted that annual site-specific environmental documents would be prepared for the proposed treatment areas. A separate site-specific environmental analysis has been prepared for each of the following proposed treatment areas:

Illinois: approximately 2,700 acres in the counties of DuPage and Kane;

Indiana: approximately 80 acres in the county of Elkhart;

Michigan: approximately 1,240 acres in the counties of Kalamazoo, Muskegon, and Van Buren;

Minnesota: approximately 450 acres in the counties of Ramsey and Washington;

North Carolina: approximately 200 acres in the county of Carteret;

Ohio: approximately 660 acres in the counties of Hamilton, Franklin, Knox, and Lucas;

Oregon: approximately 50 acres in Salem;

Virginia: approximately 4,000 acres in the counties of Floyd and Patrick;

Washington: approximately 2,100 acres in the counties of Clark, King, and Pierce;

Wisconsin: approximately 60 acres in the county of Waukesha.

Each site-specific environmental analysis discusses the environmental effects of the program for those acres that are proposed to be treated in the respective State covered by the document. None of the treatment options discussed for possible use in any of the proposed treatment areas pose any significant adverse impact upon the environment in any of the areas. Further, there are no unique characteristics or aspects of or within the proposed treatment areas that would place any of these areas outside the scope of considerations addressed in the PEIS.

Done at Washington, D.C., this 25th day of April 1983.

Harvey L. Ford,

Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 83–11380 Filed 4–27–83; 8:45 am]

BILLING CODE 3410–34–M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 10–83; Foreign-Trade Zone 55]

Application for Subzone at Mitel Semiconductor Plant, South Burlington, Vermont

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board) by the Greater Burlington Industrial Corporation (GBIC), A non-profit development corporation and grantee of Foreign-Trade Zone 55, rquesting subzone status for a section of the new manufacturing plant of the Mitel Semiconductor Division of Mitel Corporation, located in South Burlington, Vermont, within the Burlington Customs port of entry. It was formally filed on April 14, 1983.

On February 14, 1980, the Board authorized GBIC to establish a general-purpose zone in the Airport Industrial Park at Burlington International Airport to serve the Greater Burlington area (Board Order 154, 45 FR 12470, 2–26–80). The zone became operational in May 1980, when Mitel began using the facility to test integrated circuits as part of its $200 million worldwide manufacturing operations involving communications products, primarily automatic switching systems. During the past year, Mitel expanded its Burlington operations, opening a new plant to be used for testing and assembly activity formally done abroad. Permanent employment will increase from 40 to 165 persons. The zone was a major factor in the company's decision to expand in the U.S.

Because Mitel's needs can no longer be provided at the general-purpose zone, GBIC is requesting subzone status for a portion of Mitel's new manufacturing plant, which covers 11 acres at 1000 Hinesbury Road, South Burlington, Vermont. The subzone will cover a 20,000 square-foot section of the 90,000 square foot facility, which has been specially designed for the manufacture of integrated circuits. The area requested for subzone status will be used to test and cut semiconductor wafers, connect the wafer chips to lead frames, and encapsulate the frames in insulating material, producing finished integrated circuits for circuit boards. This process requires a "clean room" environment.

Zone procedures will exempt Mitel from duty payments on its exports.

which are over 50 percent of its business. On its domestic sales, the company will be able to defer duty payments and to avoid duty on waste and rejects, which can be as high as 20 percent of incoming material.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of: Dennis Puccinelli (Chairman), Foreign-Trade Zones Staff: U.S. Department of Commerce, Washington, D.C. 20230; Edward A. Goggin, Assistant Regional Commissioner, U.S. Customs Service, Northeast Region, 100 Summer Street, Boston, Massachusetts 02110; and Colonel Walter M. Smith, Jr., District Engineer, U.S. Army Engineer District New York, 26 Federal Plaza, New York, NY 10278.

Comments concerning the proposed subzone are invited in writing from interested persons and organizations. They should be addressed to the Board's Executive Secretary at the address below and postmarked on or before May 27, 1983.

A copy of the application is available for public inspection at each of the following locations:

Port Director's Office, U.S. Customs Service, Burlington International Airport, Burlington, Vermont 05401; or

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 1872, Washington, D.C. 20230.

Dated: April 22, 1983.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 83-11310 Filed 4-27-83, 8:45 am]

BILLING CODE 3510-25-M

Minority Business Development Agency

Indian Business Development Center Program; Applications

AGENCY: Department of Commerce, Minority Business Development Agency.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications under its Indian Business Development Center program to operate one project for a 12 month period beginning October 1, 1983 on the Navajo Reservation. The cost of the project is estimated to be $221,294. The maximum Federal participation amount is $188,100. The minimum amount required for non-federal participation is $33,194. The award number will be 09-10-83017-01.

Applicants shall be required to contribute at least 15% of the total program costs through non-federal funds. Cost sharing contributions can be in the form of cash contributions, fee for services or in-kind contributions.

CLOSING DATE: May 26, 1983.

PROPOSALS ARE TO BE MAILED TO THE FOLLOWING ADDRESS: San Francisco Regional Office, Minority Business Development Agency, U.S. Department of Commerce, 450 Golden Gate Avenue, Box 36114, San Francisco, California 94102.

FOR FURTHER INFORMATION CONTACT: Mikel Cook at 415/556-6733.

SUPPLEMENTARY INFORMATION:

A. Scope and Purpose of this Announcement. Executive Order 11625 authorizes MBDA to fund projects which will provide technical and management assistance to eligible clients in areas related to the establishment and operation of businesses. The MBDC program is specifically designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA supports MBDC programs that can: coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit through which and from which information and assistance to and about minority businesses are funneled.

B. Eligible Applicants:

Applicants are limited to Indian-owned firms, Indian Tribes, and Indian individuals, profit or non-profit.

—To provide management and technical assistance to qualified Indian firms.

—To develop and maintain an inventory of existing Indian Businesses and prospective entrepreneurs, and

—To provide brokering service that will foster and promote new business ownership, business expansions, market opportunities and new capital sources.

Legal Services are excluded.

C. Evaluation Process. All proposals received as a result of this announcement will be evaluated by a MDBA review panel.

D. Evaluation Criteria for Minority Business Development Center Applications.

The evaluation criteria is designed to facilitate an objective evaluation of competitive applications for the Minority Business Development Center program.

MDBA reserves the right to reject any or all applications, including the application receiving the highest evaluation, and will exercise this right when it is determined that it is in the best interest of the Government to do so (e.g., the apparent successful applicant has serious unresolved audit issues from current or previous grants, contracts or cooperative agreements with an agency of the Federal Government).

Evaluation of proposals will employ the following criteria:

I. *Capability and Experience of Firm/Staff*—provide information that demonstrates the organization's capabilities and prior experiences in addressing the needs of minority business individuals and firms. Provide information that demonstrates the staff's capabilities and prior experiences in providing management and technical assistance to minority individuals and firms. Indicate previous experience in MBE community to be served in terms of: inventorying resources and opportunities; the brokering thereof; and providing management and technical assistance.

The following are key factors to be considered in this section:

Firm

—the organization's receptivity in the MBE community to be served, i.e., business contacts in the public and private sector; leadership responsibilities; and experience in assisting MBE business persons and firms. (References from clients assisted are pertinent.)

—background credentials and references for the owners of the organization and a capability statement of what the organization can do.

—knowledge of the geographic area to be served in terms of the needs of minority businesses and past ongoing relationships with local, public and private—entities that can possibly enhance the BDC program effort—i.e., Chambers of Commerce, trade associations, venture capital organizations, banks, SBA, HUD, state, city and county government agencies, etc.

Staff

—List personnel to be used. Indicate their salaries, educational level and previous experience. Provide resumes for all professional staff personnel.

—Demonstrate competence among staff to effectuate mergers, acquisitions, spin-offs and joint-ventures.

—Provide organizational chart, job descriptions and qualification standards involving all professional staff persons to be utilized on the project.

—If any contractors are to be utilized, identify and indicate areas and level of experience. *Primary consideration will be given to inhouse capability.*

Note.—All contracting proposed should be in accordance with procurement standards in

Attachment O of OMB Circulars A–110 or A–102.

II. *Techniques and Methodology*—specify plans for achieving the goals and objectives of the project. This section should be developed by using the outline of the Work Requirements and the MBDC responsibilities as *guides* and will become part of the award document. Include start-up plan and example of work plan format. Fully explain the procedures for: outreach, screening, assisting and monitoring clients; maintaining the profile inventory of minority businesses; and brokering of new business ownership, market and capital opportunities and prevention of business failures. In summary, address how, when and where work will be done and by whom. Include level of performance.

III. *Resources*—address technical and administrative resources, i.e., computer facilities, voluntary staff time and space; and financial resources in terms of meeting MBDA's 10 percent cost-sharing requirement and including a fee for services for assistance provided clients. A fee for services in the amount of 10 percent of the cost of assistance will be charged to all clients receiving management and technical assistance.

Cost-sharing is that portion of project costs not borne by the Federal Government. The composition and amount of cost-sharing are key factors that will be considered in determining the merit of this section. The cost sharing requirement can be met through the following order or priority: (1) cash contributions; (2) fee for services; and (3) in-kind contributions.

A. *Cash contribution*—means cash that is contributed or donated by the recipient, and other non-Federal sources, i.e., public agencies and institutions, private organizations, corporations and individuals.

B. *Fee for services*—is a charge to a client for assistance provided by the MBDC for M&TA and/or SCS.

C. *In-Kind contribution*—represents the value of non-cash contributions provided by the recipient and other non-Federal sources. The order of priority for in-kind contributions are: high technology systems to be utilized to achieve program objectives; top level staff personnel and real and personal property donated by other public agencies, institutions and private organizations. Property purchased with Federal funds will not be considered as the recipient's in-kind contribution. Under no circumstances can the in-kind contribution exceed 50 percent of the total non-Federa contribution.

IV. *Costs*—demonstrate in narrative format that costs being proposed will give the minority business client and the government the most effective program possible in terms of quality, quantity, timeliness and efficiency.

Include the principal costs involved for achieving work plan under Cooperative Agreement by completing Part III—the Budget Information Section of the Request for Application.

Provide cost-sharing plan information in terms of methodology and format for billing the costs of management and technical assistance and specialized consulting services to clients.

Total project cost will be evaluated in terms of:

—Clear explanations of all expenditures proposed, and

—The extent to which the applicant can leverage Federal program funds and operate with *economy* and *efficiency*.

In conclusion, the applicant's schedule for start of the MBDC operation should be included in Part II. Part II will be known as the applicant's plan of operation and will be incorporated into the Cooperative Agreement Award.

A detailed justification of all proposed costs is required for Part III and each item must be fully explained.

The failure to supply information in any given category of the criteria will result in the application being considered non-responsive and dropped from competitive review.

All information submitted is subject to verification by MBDA.

E. Disposition of Proposals. Notification of awards will be made by the Grants Officer, U.S. Department of Commerce (DOC). Organizations whose proposals are unsuccessful will be advised by MBDA, DOC.

F. Proposal Instructions and Forms. This program is subject to OMB Circular A–95 requirements.

Questions concerning the preceding information, copies of application forms, and applicable regulations can be obtained at the above address.

Nothing in this solicitation shall be construed as committing MBDA to divide available funds among all qualified applicants.

G. A pre-application conference to assist all interested applicants will be held at the Sheraton Airport Inn, 2901 Sky Harbor Blvd., Phoenix, Arizona, Kiva Room number two on May 10, 1983, at 1:30 P.M.

11.800 Minority Business Development (Catalog of Federal Domestic Assistance).

Dated: April 20, 1983.

Powell McDaniel,

Acting Regional Director.

[FR Doc. 83–11302 Filed 4–27–83; 8:45 am]

BILLING CODE 3510–21–M

National Oceanic and Atmospheric Administration

Gulf of Mexico Fishery Management Council's Law Enforcement Advisory Subpanel; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

SUMMARY: The Gulf of Mexico Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94–265, as amended), has established a Law Enforcement Advisory Subpanel, which will meet to address enforceability of draft fishing regulations to implement fishery management plans in the Gulf of Mexico.

ADDRESS: The public meeting will convene on Friday, May 20, 1983, at approximately 8 a.m., and will adjourn at approximately 4 p.m., and will take place at the Council's Headquarters Office, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida.

FOR FURTHER INFORMATION CONTACT: Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609, Telephone: (813) 228–2815.

Dated: April 25, 1983.

Alfred J. Bilik,

Acting Chief, Fees, Permits and Regulations Division, National Marine Fisheries Service

[FR Doc. 83–11360 Filed 4–27–83; 8:45 am]

BILLING CODE 3510–22–M

National Marine Fisheries Services; Issuance of Permit

On March 21, 1983, Notice was published in the **Federal Register** (48 FR 11734), that an application had been filed with the National Marine Fisheries Service by Dr. Allan T. Sholtz, Department of Biology, Eastern Washington University, Cheney, Washington 99004, to take by tagging and/or marking 105 harbor seals (*Phoca vitulina*) for the purpose of scientific research.

Notice is hereby given that on April 21, 1983, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a Scientific Research Permit for the above taking to Dr. Allan T. Scholtz subject to certain conditions set forth herein.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service,

3300 Whitehaven Street, NW.,
Washington, D.C. 20235; and
Regional Director, Northwest Region,
National Marine Fisheries Service,
7600 Sand Point Way, NE., BIN
C15700, Seattle, Washington 98115.

Dated: April 21, 1983.

Robert B. Brumsted,

Acting Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 83-11362 Filed 4-27-83; 8:45 am]

BILLING CODE 3510-22-M

National Marine Fisheries Service; Receipt of Modification Request to Permit No. 370 (P66F)

Notice is hereby given that Alaska Department of Fish and Game, P.O. Box 3–2000, Juneau, Alaska 99802, has requested a modification of Permint No. 370 issued on March 2, 1982 (47 FR 10071) as modified on June 17, 1982 (47 FR 2700) under the authority of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1316–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

The Department of Fish and Game is requesting authorization to inject each authorized captured belukha whale (*Delphinapterus leucas)* with tetracycline in order to produce an identifiable band in bony structures.

The Applicant also requested a modification in the techniques for attaching radio packages to the belukhas. He will use a harness to temporarily attach two OAR transmitters to whales. A satellite-linked transmitter may also be attached using a harness. The harness will incorporate corrosible links which will cause them to be released from the whale after the desired time interval

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of the modification request to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this modification request should be submitted tot the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular request would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for fisheries.

All statements and opinions contained in this request are summarizes of those of the applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documentation pertaining to the above modification request is available for review in the following offices:

Assistant Administrator for Fisheries,
National Marine Fisheries Service,
3300 Whitehaven Street NW.,
Washington, D.C.; and
Regional Director, National Marine
Fisheries Service, Alaska Region, P.O.
Box 1668, Juneau, Alaska 99802.

Dated: April 25, 1983.

R. B. Brumsted,

Acting Director, Office of Protected Species & Habitat Conservation National Marine Fisheries Service.

[FR Doc. 83-11361 Filed 4-27-83 8:45 am]

BILLING CODE 3510-22-M

Pacific Fishery Management Council; Public Meeting With a Partially Closed Session and Public Meetings of Its Salmon Advisory Subpanel and Its Scientific and Statistical Committee

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTION: Notice of public meetings with a partially closed session.

SUMMARY: This notice sets forth the schedule and proposed agendas of the forthcoming separate public meetings of the Pacific Fishery Management Council, its Salmon Advisory Subpanel, and its Scientific and Statistical Committee (SSC). The Council was established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94–265, as amended), and the Council has established a Salmon Advisory Subpanel and a SSC to assist the Council in carrying out its responsibilities.

DATES: May 10–12, 1983.

ADDRESS: The meetings will take place at the Hyatt Hotel, 17001 Pacific Highway South, Seattle, Washington,

FOR FURTHER INFORMATION CONTACT: Pacific Fishery Management Council, 526 S.W. Mill Street, Second Floor, Portland, Oregon 97201, Telephone: (503) 221–6352.

Agendas

Council (open session) May 11–12, 1983 (9 a.m. to 5 p.m., on May 11; 8 a.m. to 5 p.m., on May 12) in the Phoenix A and B Room. Review second draft of Anchovy Plan Amendment 5 which, among other things, would allow use of the new egg production method for estimating spawning biomass; consider the status of a proposed Groundfish Plan Amendment, experimental fishing permits and groundfish catch reporting schedules; consider the status of emergency regulations to implement the 1983 Salmon Plan Amendment and complementary state salmon regulations; review comments and provide guidance on the 1984 Salmon Framework Plan Amendment; consider other matters which may come before the Council by that date, and conduct a public comment period beginning at 3 p.m., on May 11.

Council (closed session)—May 11, 1983 (8 a.m. to 9 a.m.) in the Phoenix A and B Room. Discuss the status of fishery negotiations between the U.S. and Canada, whereby only those Council members and staff having security clearances will be allowed to attend this closed session. Personnel matters will also be discussed.

Salmon Advisory Subpanel (open session)—May 11, 1983 (1 p.m. to 5 p.m.) in the Phoenix E Room. Draft recommendations to the Council on the 1984 Salmon Framework Plan Amendment and conduct a public comment period beginning at 3 p.m., on May 11.

SSC (open session)—May 10–11, 1983 (10 a.m. to 5 p.m., on May 10; 8 a.m. to 5 p.m., on May 11) in the Phoenix D Room. Review second daft of Anchovy Amendment No. 5 and 1984 Salmon Framework Amendment; discuss other matters that may be referred to the Committee by that date and conduct a public comment period at 3:30 p.m., on May 10. All sessions of the meetings are open to the public, except as indicated.

Dated: April 25, 1983.

Alfred J. Bilik,

Acting Chief, Fees, Permits and Regulations Division, National Marine Fisheries Service

[FR Doc. 83-11359 Filed 4-27-83; 8:45 am]

BILLING CODE 3510-22-M

COMMODITY FUTURES TRADING COMMISSION

Membership of the Commission's Performance Review Board

In accordance with Office of Personnel Management guidance under the Civil Service Reform Act, the Commodity Futures Trading Commission is publishing the following list of its officials who will henceforth serve as the members of the Commission's Performance Review Board effective May 2, 1983.

Acting Chairperson: Donald L. Tendick,
Acting Executive Director

Andrea M. Corcoran, Director, Division of Trading and Markets
David L. Horner, Acting Director, Division of Economics and Education
Kenneth M. Raisler, Acting General Counsel
Dennis Klejna, Director, Division of Enforcement

Issued by the Commission in Washington, D.C. on April 25, 1983.

Jane K. Stuckey,

Secretary to the Commission.

[FR Doc. 83-11336 Filed 4-27-83; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

April 15, 1983.

The USAF Scientific Advisory Board Electronic Systems Division Advisory Group will meet at Hanscom Air Force Base, MA on May 17, 1983. The purpose of the meeting will be to discuss Tactical C^3 Architecture issues. The meeting will convene at 8:30 a.m. and adjourn at 5:00 p.m.

The meeting concerns matters listed in Section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at 697-8404

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 83-11346 Filed 4-27-83; 8:45 am]

BILLING CODE 3910-01-M

Military Traffic Management Command, Directorate of Personal Property; International Household Goods Program

AGENCY: Military Traffic Management Command, Defense.

ACTION: Notice of decision on the over-ocean rate adjustment policies and procedures of international through government bill of lading shipments of Department of Defense household goods. Notice of proposed action was first given in Vol. 48, FR 7773-7774, February 24, 1983.

SUMMARY: In response to forwarder concerns over the applicability of unrestricted rates, MTMC initiated a review of rate adjustment procedures. This review involved an internal operational review and economic analysis and included a public dialogue to provide the forwarder industry with an opportunity to provide comments.

Industry response to the public dialogue supported MTMC's position that, in view of the trend toward use of unrestricted rates, the present procedure is administratively cumbersome and subject to manipulation. Continuation of a modified rate adjustment procedure was recommended by a majority of those responding.

(1) Thirteen individual forwarders and the Household Goods Forwarders Association recommended a modified procedure using only restricted (military) rates.

(2) Five forwarders recommended elimination of the procedure.

(3) Three forwarders recommended retention of current procedures.

After careful consideration of industry comments, and our own analysis, MTMC concludes that the proposal to limit the rate adjustment procedures to restricted rates only is not consistent with our responsibility to obtain the lowest applicable rate.

It is considered that continuation of the current procedure would not be in consonance with the intent of Congress as expressed in the Household Goods Transportation Act of 1980.

MTMC's action is to terminate the ocean rate adjustment program effective for International Government Bill of Lading (ITGBL) Volume 47 (October 1983).

A letter from MTMC to each individual forwarder and association has been sent to explain this decision.

FOR FURTHER INFORMATION CONTACT: LTC Tommy R. Mason, HQ, Military Traffic Management Command, ATTN: MT-PPC (Room 408), 5611 Columbia Pike, Falls Church, Virginia 22041, (202) 756-1164.

This determination has been made pursuant to the authority of 10 U.S.C., Sections 2301-2314 and DOD Directive 4500.9 and DOD 4500.34-R. This notice has been approved by Nathan R. Berkley, Colonel, GS, Director of Personal Property.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 83-11263 Filed 4-27-83; 8:45 am]

BILLING CODE 3810-01-M

April 21, 1983.

DEPARTMENT OF ENERGY

Office of the Secretary

National Petroleum Council, Chemical Task Group of the Committee on Enhanced Oil Recovery; Meeting

Notice is hereby given that the Chemical Task Group of the Committee on Enhanced Oil Recovery will meet in May 1983. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Enhanced Oil Recovery will investigate the technical and economic aspects of increasing the Nation's petroleum production through enhanced oil recovery. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location, and agenda of the Chemical Task Group meeting follows:

The Chemical Task Group will hold its sixth meeting on Monday and Tuesday, May 16 and 17, 1983, and starting at 10:00 a.m. each day, in Room 112, Phillips Petroleum Company, Research Forum, Bartlesville, Oklahoma.

The tentative agenda for the Chemical Task Group Meeting follows:

1. Opening remarks by the Chairman and Government Cochairman.

2. Review progress of Task Group study assignments.

3. Discuss any other matters pertinent to the overall assignment from the Secretary of Energy.

The meeting is open to the public. The Chairman of the Chemical Task Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the pulbic who wishes to file a written statement with the Chemical Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform G. J. Parker, Office of Oil, Gas and Shale Technology, Fossil Energy, 301/353-3032, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E-19D, DOE Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on April 22, 1983.

Donald L. Bauer,

Principal Deputy Assistant Secretary for Fossil Energy.

[FR Doc. 83-11330 Filed 4-27-83; 8:45 am]

BILLING CODE 6450-01-M

National Petroleum Council, Coordinating, Subcommittee of the Committee on Enhanced Oil Recovery; Meeting

Notice is hereby given that the Coordinating Subcommittee of the NPC Committee on Enhanced Oil Recovery will meet in June 1983. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Enhanced Oil Recovery will investigate the technical and economic aspects of increasing the Nation's petroleum production through enhanced oil recovery. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location, and agenda of the Coordinating Subcommittee meeting follows:

The Coordinating Subcommittee will hold its eighth meeting on Wednesday, June 1, 1983, starting at 8:30 a.m., in the Conference Room of Marathon Oil Company, Denver Research Center, 7400 South Broadway, Littleton, Colorado.

The tentative agenda for the Coordinating Subcommittee meeting follows:

1. Opening remarks by the Chairman and Government Cochairman.
2. Discuss study assignments.
3. Review task group study assignments.
4. Discuss any other matters pertinent to the overall assignment from the Secretary of Energy.

The meeting is open to the public. The Chairman of the Coordinating Subcommittee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Coordinating Subcommittee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Gerald J. Parker, Office of Oil, Gas and Shale Technology, Fossil Energy, 301/353-2918, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E-190, DOE Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on April 22, 1983.

Donald L. Bauer,

Principal Deputy Assistant Secretary for Fossil Energy.

[FR Doc. 83-11331 Filed 4-27-83; 8:45 am]

BILLING CODE 6450-01-M

National Petroleum Council, Costs and Economics Task Group of the Committee on Enhanced Oil Recovery; Meeting

Notice is hereby given that the Costs and Economics Task Group of the Committee on Enhanced Oil Recovery will meet in May 1983. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Enhanced Oil Recovery will investigate the technical and economic aspects of increasing the Nation's petroleum production through enhanced oil recovery. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location and agenda of the Costs and Economics Task Group meeting follows:

The Costs and Economics Task Group will hold its sixth meeting on Tuedsay, May 31, 1983, starting at 9:00 a.m., in The Winter Park Room of the Denver Hilton Inn South, 7801 East Orchard Road, Englewood, Colorado.

The tentative agenda for the Costs and Economics Task Group meeting follows:

1. Opening remarks by the Chairman and Government Cochairman.
2. Review progress of Task Group study assignments.
3. Discuss any other matters pertinent to the overall assignment from the Secretary of Energy.

The meeting is open to the public. The Chairman of the Costs and Economics Task Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Costs and Economics Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform G.J. Parker, Office of Oil, Gas, and Shale Technology, Fossil Energy, 301/353/3032, prior to the meeting and reasonable provisions will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E-190, DOE Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on April 22, 1983.

Donald L. Bauer,

Principal Deputy Assistant Secretary for Fossil Energy.

[FR Doc. 83-11333 Filed 4-27-83; 8:45 am]

BILLING CODE 6450-01-M

National Petroleum Council, Miscible Displacement Task Group of the Committee on Enhanced Oil Recovery; Meeting

Notice is hereby given that the Miscible Displacement Task Group of the Committee on Enhanced Oil Recovery will meet in May 1983. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Enhanced Oil Recovery will investigate the technical and economic aspects of increasing the Nation's petroleum production through enhanced oil recovery. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location, and agenda of the Miscible Displacement Task Group meeting follows:

The Miscible Displacement Task Group will hold its sixth meeting on Tuesday and Wednesday, May 24 and 25, 1983, starting at 9:00 a.m. each day, in Room 1603, Mobile Exploration and Production Services, Inc., 7200 North Stemmons Freeway, Dallas, Texas.

The tentative agenda for the Miscible Displacement Task Group meeting follows:

1. Opening remarks by the Chairman and Government Cochairman.
2. Review progress of Task Group study assignments.
3. Discuss any other matters pertinent to the overall assignment from the Secretary of Energy.

The meeting is open to the public. The Chairman of the Miscible Displacement Task Group is empowered to conduct

the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Miscible Displacement Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform G.J. Parker, Office of Oil, Gas and Shale Technology, Fossil Energy, 301/353–3032, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E–190, DOE Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on April 22, 1983.

Donald L. Bauer,

Principal Deputy Assistant Secretary for Fossil Energy.

[FR Doc. 83–11334 Filed 4–27–83; 8:45 am]

BILLING CODE 6450–01–M

National Petroleum Council, Thermal Task Group of the Committee on Enhanced Oil Recovery; Meeting

Notice is hereby given that the Thermal Task Group of the Committee on Enhanced Oil Recovery will meet in May 1983. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Enhanced Oil Recovery will investigate the technical and economic aspects of increasing the Nation's petroleum production through enhanced oil recovery. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location, and agenda of the Thermal Task Group meeting follows:

The Thermal Task Group will hold its sixth meeting on Thursday, May 26, 1983, and starting at 8:30 a.m., in Room 4108, Chevron Oil Field Research Company, 3282 Beach Boulevard, La Habra, California.

The tentative agenda for the Thermal Task Group meeting follows:

1. Opening remarks by the Chairman and Government Cochairman.
2. Review progress of Task Group study assignments.
3. Discuss any other matters pertinent to the overall assignment from the Secretary of Energy.

The meeting is open to the public. The Chairman of the Thermal Task Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Thermal Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform G. J. Parker, Office of Oil, Gas and Shale Technology, Fossil Energy, 301/353–3032, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E–190, DOE Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on April 22, 1983.

Donald L. Bauer,

Principal Deputy Assistant Secretary for Fossil Energy.

[FR Doc. 83–11332 Filed 4–27–83; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. TA83–1–20–010]

Algonquin Gas Transmission Co.; Rate Filing Under Rate Schedule STB and Rate Schedule ST–T

April 25, 1983.

Take notice that Algonquin Gas Transmission Company ("Algonquin Gas") on April 11, 1983, tendered for filing Third Revised Sheet No. 10–D, Ninth Revised Sheet No. 10–C, Fourth Revised Sheet No. 10–D, Fourth Revised Sheet No. 32 and First Revised Sheet No 51 to its FERC Gas Tariff, First Revised Volume No. 1.

Algonquin Gas states that Third Revised Sheet No. 10–D, Ninth Revised Sheet No. 10–C and Fourth Revised Sheet No 10–D are being filed to reflect in Algonquin Gas' Rate Schedules STB and ST–T, changes in Texas Eastern Transmission Corporation's ("Texas Eastern") underlying Rate Schedules SS–II and ISS–II. Algonquin Gas states that Fourth Revised Sheet No. 32 and First Revised Sheet No. 51 are being filed to reflect an increase from 1.43 cents to 2.94 cents under Section 6.4 and from 2.86 cents to 5.88 cents under Section 6.3, ("Basic Withdrawal Quantity Adjustment") of the Rate Schedule STB and ST–T Provisions, respectively, of Algonquin Gas' FERC Gas Tariff, First Revised Volume No. 1. Algonquin Gas further states that such changes were inadvertently omitted from its January 25, 1983 and March 14, 1983 filings pursuant to its Purchased Gas Cost Adjustment Provisions set forth in Section 17 of the General Terms and Conditions of its FERC Gas Tariff, First Revised Volume No. 1.

Algonquin Gas respectfully requests that the Commission grant any requisite special permissions to allow Third Revised Sheet No. 10–D to become effective February 1, 1983 and Ninth Revised Sheet No. 10–C, Fourth Revised Sheet No. 10–D, Fourth Revised Sheet No. 32, and First Revised Sheet No. 51 to become effective February 15, 1983, the same dates as the underlying rate changes from Texas Eastern.

Algonquin Gas notes that a copy of this filing is being mailed to each affected party and interested state commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions of protests should be filed on or before May 4, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretay.

[FR Doc. 83–11396 Filed 4–27–83; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TC83–7–000]

Consolidated Gas Supply Corp.; Tariff Filing

April 25, 1983.

Take notice that on April 18, 1983, Consolidated Gas Supply Corporation (Consolidated) 445 West Main Street, Clarksburg, West Virginia 26301, tendered for filing in Docket No. TC83–7–000 First Revised Sheet No. 60, superseding Original Sheet No. 60 to its FERC Gas Tariff, Third Revised Volume No. 1. The proposed change would amend § 11.03(a) of the general terms and conditions of Consolidated's tariff so that, in the event of a gas shortage

curtailment, the base industrial requirements of each of Consolidated's customers would be determined according to the total of that customer's industrial consumer's usage "during the highest 12 consecutive calendar months for which actual data are available preceding a gas shortage curtailment program."

Consolidated's current tariff provision fixes industrial base period requirements based on a 12-month period ending September 1974. This provision was inserted in late 1974, when Consolidated was required to institute a gas shortage curtailment. Consolidated states that in view of the passage of time since the last curtailment and the likelihood that such a curtailment would not again be necessary for many years in the future, Consolidated proposes the above amendment to reinstate the language used in its tariff prior to 1974.

Any person desiring to be heard or to make any protest with reference to said tariff filing should on or before May 6, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 383.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 83-11406 Filed 4-27-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5898-001]

Consulting Associates, Inc.; Surrender of Preliminary Permit

April 22, 1983.

Take notice that Consulting Associates, Inc., Permittee for the proposed Bliss Diversion Project No. 5898, has requested that its preliminary permit be terminated. The Preliminary Permit was issued on July 1, 1982, and would have expired on February 1, 1984. The project would have been located on the North Side Canal near Gooding, in Gooding County, Idaho.

The Permittee's request was filed on March 22, 1983, and the surrender of its permit for Project No. 5898 is deemed effective as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-11407 Filed 4-27-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GT83-15-000]

El Paso Natural Gas Co.; Tariff Filing

April 25, 1983.

Take notice that on April 11, 1983, El Paso Natural Gas Company ("El Paso") tendered for filing, pursuant to Part 154 of the Federal Energy Regulatory Commission ("Commission") Regulations Under the Natural Gas Act, the following tariff sheets to its FERC Gas Tariff, Original Volume No. 1 and Third Revised Volume No. 2.

Original Volume No. 1

Twenty-seventh Revised Sheet No. 93
Twenty-eighth Revised Sheet No. 94
Twenty-second Revised Sheet No. 95
Ninth Revised Sheet No. 95-A

Original Volume No. 2

Fifteenth Revised Sheet No. 1-B
Twelfth Revised Sheet No. 1-C
Second Revised Sheet No. 1-C.1
Fifth Revised Sheet No. 1-C.2
Second Revised Sheet No. 1-C.3
Fourth Revised Sheet No. 1-C.4
First Revised Sheet No. 1-C.5
Fourth Revised Sheet No. 1-C.6
Third Revised Sheet No. 1-C.7
Second Revised Sheet Nos. 1-C.8 and 1-C.9

El Paso states that the tendered revised tariff sheets, when accepted for filing and permitted to become effective, will provide a current Index of Purchasers for El Paso's Original Volume No. 1 Tariff and a current Table of Contents of El Paso's Third Revised Volume No. 2 Tariff.

In addition to the foregoing, El Paso also tendered a revised cover sheet for each volume of El Paso's FERC Gas Tariff (Original Volume No. 1, Third Revised Volume No. 2, and Original Volume No. 2A) in order to reflect that communications concerning the tariff should be sent to Mr. W. V. Holik, President of El Paso Natural Gas Company.

El Paso has requested that the tendered revised tariff sheets be accepted for filing and permitted to become effective after thirty (30) days following the date of filing.

El Paso further states that copies of the instant tariff tender have been served upon all interstate pipeline system customers of El Paso and interested state regulatory commissions.

Any person desiring to be heard or to make any protest with reference to said tariff filing should, on or before May 4, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C., 20426, a motion to intervene or a protest in accordance with the requirements of Rule 214 or Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). Protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding must file a motion to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 83-11408 Filed 4-27-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-2-48-001]

Michigan Wisconsin Pipe Line Co.; Proposed Changes in F.E.R.C. Gas Tariff

April 25, 1983.

Take notice that on April 13, 1983, Michigan Wisconsin Pipe Line Company ("Michigan Wisconsin"), tendered for filing Substitute Eighteenth Revised Sheet No. 7 to its F.E.R.C. Gas Tariff, Original Volume No. 1, to be effective May 1, 1983.

Michigan Wisconsin states that effective April 12, 1983, the Government of Canada announced that the border price of natural gas exported to the United States would be reduced by 11% from $4.94 (U.S.) per MMBtu to $4.40 (U.S.) per MMBtu and that such reduction will have a beneficial impact on the rates charged by Michigan Wisconsin to its customers—the reduction in the Canadian border price will reduce Michigan Wisconsin's resale rates by 4.82¢ per dekatherm ("dth"). Michigan Wisconsin states that it proposes by the instant filing to implement such reduction effective May 1, 1983. Michigan Wisconsin further states that the reduction in the Canadian border price for the period April 12, 1983—April 30, 1983 will be credited to its Account No. 191, and will be reflected in Michigan Wisconsin's purchased gas adjustment filing to be made effective November 1, 1983.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211

and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before May 4, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceedings. Any party wishing to become a party to the proceeding must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 83-11409 Filed 4-27-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-269-000]

Mountain Fuel Supply Co.; Application

April 25, 1983.

Take notice that on April 11, 1983, Mountain Fuel Supply Company (Applicant), P.O. Box 11368, Salt Lake City, Utah 84139, filed in Docket No. CP83-269-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of two main line distribution sales taps and related facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate two 2-inch main line distribution sales taps and appurtenances including metering and regulation facilities. Applicant states that said taps would be located on Applicant's 20-inch Main Line No. 1 and 18-inch Main Line No. 13, Sweetwater County, Wyoming, and would be used for the purpose of delivering natural gas sold by Applicant's Distribution Division to Harborlite Corporation (Harborlite). It is stated that the gas sold to Harborlite would be used primarily for production process heat in the refining of perlite ore. Applicant further states that the sale of natural gas to Harborlite would be pursuant to Applicant's existing Public Service Commission of Wyoming Rate Schedule F-1.

Applicant states that Harborlite estimates its maximum daily requirement for natural gas to be 415.2 Mcf. Applicant asserts that the volumes to be supplied to Harborlite would be made available by Applicant from general system supply and do not constitute an expansion of service.

It is asserted that the total estimated cost for the proposed main line distribution sales taps and appurtenant facilities is $14,662, which would be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said applicant should on or before May 16, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice, that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-11410 Filed 4-27-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-1-26-003 (PGA83-1, IRP83-1)]

Natural Gas Pipeline Co. of America; Changes in Rates

April 22, 1983.

Take notice that on April 18, 1983, Natural Gas Pipeline Company of America (Natural) submitted for filing Third Substitute Forty-ninth Revised Sheet No. 5 to be part of its FERC Gas Tariff, Third Revised Volume No. 1.

Natural states the purpose of this filing is to implement an additional 1.75¢ per Mcf decrease in the PGA unit adjustment effective March 1, 1983. Natural had previously filed on March 28, 1983, seeking an 8.95¢ decrease in the PGA unit adjustment effective on March 1. This filing was noticed by the Commission on April 1, 1983.

Natural states the additional PGA unit adjustment is attributable to the announced 11% reduction in the Canadian export price to $4.40 (U.S.) per thousand cubic feet.

Natural requests any additional waivers of the Commission's regulations to the extent, if any, required to put the proposed tariff sheets into effect on March 1, 1983. Further, due to the nature of the proposed reduction, Natural has requested that the notice period for motion or protest of this filing be shortened to three days.

A copy of this filing has been mailed to Natural's jurisdictional customers and interested state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the requirements of Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests must be filed on or before April 27, 1983. Protests will be considered by the Commission in determining parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-11411 Filed 4-27-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ST81-215-001]

Northwest Pipeline Corp.; Extension Reports

April 25, 1983.

The companies listed below have filed extension reports pursuant to Section 311 of the National Gas Policy Act of 1978 (NGPA) and Part 284 of the Commission's regulations giving notice of their intention to continue transportation and sales of natural gas for an additional term of up to 2 years. These transactions commended on a self-implementing basis without case-by-case Commission authorization. The Commission's regulations provide that the transportation or sales may continue for an additional term if the Commission does not act to disapprove or modify the proposed extension during the 90 days

preceding the effective date of the requested extension.

The table below lists the name and addresses of each company selling or transporting pursuant to Part 284; the party receiving the gas; the date that the extension report was filed; and the effective date of the extension. A letter "B" in the Part 284 column indicates a transportation by an interstate pipeline which is extended under § 284.105. A letter "C" indicates transportation by an intrastate pipeline extended under § 284.125. A "D" indicates a sale by an intrastate pipeline extended under § 284.146. A "G" indicates a transportation by an interstate pipeline pursuant to § 284.221 which is extended under § 284.105. A "G(HS)" indicates transportation, sales or assignments by a Hinshaw Pipeline pursuant to a blanket certificate issued under § 284.222 of the Commission's Regulations.

Any person desiring to be heard or to make any protest with reference to said extension report should on or before May 23, 1983 file with the Federal Energy Regulatory Commission, Washington D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214).

All protest filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants party to a proceeding.

Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Lois D. Cashell,

Acting Secretary.

Docket No	Transporter seller	Recipient	Date filed	Part 284, subpart	Effective date
ST81-215-001 [1]	Northwest Pipeline Corp., P.O Box 1526, Salt Lake City, UT 84110	Southwest Gas Corp	3/28/83	G	3/26/83
ST81-324-001 [1]	Mountain Fuel Supply Co., P.O. Box 11368, Salt Lake City, UT 84139	Northwest Pipeline Corp	3/23/83	G	6/19/83
ST81-345-001 [1]	El Paso Natural Gas Co., P.O. Box 1492, El Paso, TX 79978	Northern Natural Gas Co	3/31/83	G	7/1/83
ST81-354-001	Tennessee Gas Pipeline Co., P.O Box 2511, Houston, TX 77001	Transcontinental Gas Pipe Line Corp	3/16/83	G	6/30/83
ST81-423-001	Transcontinental Gas Pipe Line Corp., P.O Box 1396 Houston, TX 77251	Texas Eastern Transmission Co	3/22 83	G	8/12/83
ST81-441-001	Northern Natural Gas Co., 2223 Dodge St., Omaha, NE 68102	Delhi Gas Pipeline Corp	3/31/83	G	7/29//83
ST83-292-001 [1]	Texas Eastern Transmission Corp., P.O. Box 2521, Houston, TX 77001	Columbia Gulf Transmission Co	3/18/83	G	2/1/83

[1] These extension reports were filed after the date specified by the commission's regulations, and shall be the subject of a further commission order.
NOTE.—The noticing of these filings does not constitute a determination of whether the filings comply with the commission's regulations.

[FR Doc. 83-11412 Filed 4-27-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. TA83-3-37-002; PGA 83-3]

Northwest Pipeline Corporation; Proposed Change in Rates Pursuant to Purchased Gas Cost Adjustment

April 22, 1983.

Take notice that on April 15, 1983, Northwest Pipeline Corporation ("Northwest") tendered for filing a proposed change in rates applicable to service rendered under rate schedules affected by and subject to Article 16, Purchased Gas Cost Adjustment Provision ("PGAC") contained in its FERC Gas Tariff, First Revised Volume No. 1. The proposed change is for the purpose of reflecting a decrease in the cost of purchased gas of $65.5 million resulting from a decrease in the Canadian export price to $4.40 per MMBtu. Said price was established by Order in Council P. C. 1983-1056 dated April 11, 1983 of the National Energy Board of the Dominion of Canada to be effective April 11, 1983. The impact of the new export price is more fully detailed and explained in the instant filing.

Northwest requests permission under its PGA Provision referenced above and waiver of applicable Commission regulations in order to receive an effective date for Second Amended Eighth Revised Sheet No. 10, tendered herein, of April 11, 1983.

Copies of this filing have been served on Northwest's jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rule 211 or 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before April 27, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-11413 Filed 4-27-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. SA83-8-000]

Panhandle Eastern Pipe Line Co.; Application for an Adjustment

April 25, 1983.

Take notice that on February 28, 1983, Panhandle Eastern Pipe Line Company (Panhandle), 3000 Bissonnet Ave., Houston, Texas 77001, filed in Docket No. SA83-8-000 an application for an adjustment pursuant to Section 502(c) of the Natural Gas Policy Act of 1978 (NGPA) and Subpart K of Part 385 of the Commission's Rules of Practice and Procedure for a permanent exemption from the filing requirements of § 281.204(b)(2) of the Commission's regulations, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Panhandle states that the collection and review of data and preparation of the annual update of its index of customer requirements under § 281.204(b)(2) requires substantial time and expense on the part of agriculture users, Panhandle's customers, Panhandle and the Data Verification Committee.

Panhandle states that it anticipates that it would be able to meet the full requirements of its customers in the near term, as indicated in Panhandle's Form 16 filed September 30, 1982, and Form 15

for the year ended December 31, 1981. Therefore, Panhandle submits that annual compliance with the filing requirements of § 281.204(b)(2) is currently unnecessary and would result in special hardship and an unfair distribution of burdens to its customers, as well as Panhandle.

Panhandle states that prior to the filing of this application, Panhandle has made all of the requisite filings pursuant to Section 401 of the NGPA and the Commission's regulations thereunder, the most recent being made September 15, 1982, in accordance with provisions of the Commission's Order No. 145. Panhandle states, however, since it would be able to meet its customers' requirements in the near term, no valid purpose would be served by compliance with the filing requirements of § 281.204(b)(2).

The procedures applicable to the conduct of this adjustment proceeding are found in Subpart K of Part 385 of the Commission's Rules of Practice and Procedure. Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of such Subpart K. All petitions to intervene must be filed within 15 days after publication of this notice in the **Federal Register.**

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-11414 Filed 4-27-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-54-001]

South Georgia Natural Gas Co.; Changes in FERC Gas Tariff

(April 25, 1983).

Take notice that South Georgia Natural Gas Company (South Georgia), on April 15, 1983 tendered for filing proposed changes in its FERC Gas Tariff, First Revised Volume No. 1.

South Georgia states that a general rate increase was filed in Docket No. RP83-54 on March 1, 1983 with a proposed effective date of April 1, 1983. By its order issued March 31, 1983 the Commission accepted the revised tariff sheets for filing and suspended their effectiveness until September 1, 1983 subject to South Georgia's filing revised tariff sheets reflecting an allowance for cash working capital as provided for in the Stipulation and Agreement in Docket No. RP82-46. The purpose of this filing is to revise the allowance for cash working capital in this docket as provided for in the Stipulation and Agreement in Docket No. RP82-46, which was approved by the Commission on March 2, 1983.

Copies of this filing have been served upon South Georgia's jurisdictional customers and interested state public service Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N. E., Washington, D. C., 20426 in accordance with Rule 211 or 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before May 5, 1983. Petitions will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filling are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 83-11415 Filed 4-27-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-2-41-001; PGA83-4]

Southwest Gas Corp.; Change in Rates Pursuant to Purchase Gas Cost Adjustment

April 25, 1983.

Take notice that Southwest Gas Corporation ("Southwest") on April 18, 1983, tendered for filing Nineteenth Revised Sheet No. 10 pursuant to Section 9, Purchase Gas Adjustment Clause ("PGA"), of the General Terms and Conditions contained in its FERC Gas Tariff, Original Volume No. 1. The purpose of said filing is to reflect a decrease in rates occasioned by a decrease in rates from Southwest's, northern Nevada sole supplier of gas, Northwest Pipeline Corporation, resulting from a reduction in the cost of gas Northwest purchases from Canadian sources.

Southwest states that a copy of this filing has been mailed to the Nevada Public Service Commission, the California Public Utilities Commission, Sierra Pacific Power Company and CP National.

Any person desiring to be heard, or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rule 211 or 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before May 4, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 83-11416 Filed 4-27-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-235-000]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Application

April 25, 1983.

Take notice that on March 16, 1983, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP83-235-000 an application pursuant to Section 7(c) of the Natural Gas Act and Subpart F of Part 284 of the Commission's Regulations for a certificate of public convenience and necessity authorizing the transportation of up to 15,000 Mcf of natural gas per day for Public Service Electric & Gas Corporation (PSE&G) for a term of sixty consecutive days from the date of initial deliveries, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport daily volumes of up to 15,000 Mcf of natural gas to PSE&G for a 60-day term commencing on the date of initial deliveries to enable it to reduce the use of fuel oil in the generation of electric energy at its electric generation stations. Applicant states that the gas to be transported would be purchased by PSE&G from New Yprk State Electric & Gas Corporation (NYSEG) and made available for transportation at Applicant's existing Lockport sales meter station delivery point to NYSEG in Niagara County, New York. Applicant states that it would redeliver equivalent quantities to PSE&G at Applicant's existing Ramsey sale meter station delivery point to PSE&E in Bergen County, New Jersey. Applicant states that the gas would be transported only to the extent its operating conditions and available capacity permit.

Applicant proposes to charge PSE&G the rate contained in Applicant's Rate Schedule IT which is currently 21.32 cents per Mcf.

Applicant states that the subject gas would be used by PSE&G solely to displace fuel oil it would otherwise use in its electric generating stations and

that the source of the gas to be sold is NYSEG's general system supply which NYSEG purchases from Applicant and which, it is indicated, is surplus to NYSEG's market requirements.

Applicant further states that on March 7, 1983, PSE&G received a certificate of eligible use from the Economic Regulatory Administration in ERA Docket No. 83–CERT–004.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 16,1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the produre herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–11417 Filed 4–27–83; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. SA83–9–000]

Trunkline Gas Co.; Application for an Adjustment

April 25, 1983.

Take notice that on February 28, 1983, Trunkline Gas Company (Trunkline), 3000 Bissonnet Ave., Houston, Texas 77001, filed in Docket No. SA83–9–000 an application for an adjustment pursuant to Section 502(c) of the Natural Gas Policy Act of 1978 (NGPA) and Subpart K of Part 385 of the Commission's Rules of Practice and Procedure for a permanent exemption from the filing requirements of § 281.204(b)(2) of the Commissions regulations all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Trunkline states that the collection and review of data and preparation of the annual update of its index of customer requirements under § 281.204(b)(2) requires substantial time and expense on the part of agricultural users, Trunkline's customers, Trunkline and the Data Verification Committee.

Trunkline states that it anticipates that it would be able to meet the full requirements of its customers in the near term, as indicated in Trunkline's Form 16 filed September 30, 1982, and Form 15 for the year ended December 31, 1981. Therefore, Trunkline submits that annual compliance with the filing requirements of § 281.204(b)(2) is currently unnecessary and would result in special hardship and an unfair distribution of burdens to its customers, as well as Trunkline.

Trunkline states that prior to the filing of this application Trunkline has made all of the requisite filings pursuant to Section 401 of the NGPA and the Commission's regulations thereunder, the most recent being made on September 15, 1982, in accordance with provisions of the Commission's Order No. 145. Trunkline states, however, since it would be able to meet its customer's requirements in the near term, no valid purpose would be served by compliance with the filing requirements of § 281.204(b)(2).

The procedures applicable to the conduct of this adjustment proceeding are found in Subpart K of Part 385 of the Commission's Rules and Practice and Procedure. Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of such Subpart K. All petitions to intervene must be filed within 15 days after publication of this notice in the **Federal Register**.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–11418 Filed 4–27–83; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. QF83–172–000]

2013 Corporation; Errata to Application for Commission Certification of Qualifying Status of a Cogeneration Facility

April 25, 1983.

In Docket No. QF83–172–000 appearing in the **Federal Register** on March 14, 1983 (48 FR 10744) in the third column, in the second complete paragraph, line one.

"The Bottoming Cycle facility will be" is corrected to read "The Topping-cycle facility will be".

Lois D. Cashell,

Acting Secretary.

[FR Doc. 83–11419 Filed 4–27–83; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[OPP–240028; PH–FRL 2346–1]

State Registration of Pesticides; Alabama et al.

Correction

In FR Doc. 83–9926, beginning on page 16964, in the issue of Wednesday, April 20, 1983, on page 16966, in the first column, under **Washington,** in the first line, the number should read "No. WA 82 0062".

BILLING CODE 1505–01–M

[OPP–240030; PH–FRL 2350–4]

State Registration of Pesticides; Arizona et al.

Correction

In Fr Doc. 83–10454, beginning on page 16960, in the issue of Wednesday, April 20, 1983, make the following changes:

1. On page 16961, in the first column, in the first paragraph, in the first line "AS 82 0023" should read "AZ 82 0023".

2. Also on page 16961, in the second column under **New Jersey**, in the first paragraph, in the second to last line "manage" should read "mange".

BILLING CODE 1505–01–M

[W–8–FRL 2339–5]

Issuance of Final General NPDES Permit for Concentrated Animal Feeding Operations in Utah

AGENCY: Environmental Protection Agency.

ACTION: Notice of final general NPDES permit.

SUMMARY: The Regional Administrator of Region VIII is today issuing a final general National Pollutant Discharge Elimination System (NPDES) permit for certain dischargers in the Feedlots Point Source Category. This general NPDES permit establishes effluent limitations, standards, prohibitions and other conditions on dischanges from concentrated animal feeding operations, commonly known as animal "feedlots," that discharge the same types of wastes, involve similar operations and are appropriately controlled by the same effluent limitations. The animal feedlots covered by this permit are located in the State of Utah.

A notice of intent to issue a general NPDES permit for concentrated animal feeding operations in Utah was published in the **Federal Register** on August 4, 1981. (46 FR 39670). Region VIII received no significant public comments on either the notice or the draft general permit and hereby reprints a copy of the final general permit, as required by 40 CFR 122.28.

EFFECTIVE DATE: May 31, 1983.

FOR FURTHER INFORMATION CONTACT: For further information and copies of the final permit and fact sheet contact: Marshall Fischer, Region VIII, U.S. Environmental Protection Agency, Compliance Branch, Water Management Division, 1860 Lincoln Street, Denver, Colorado 80295; (303) 837–4901.

SUPPLEMENTARY INFORMATION: *General Permit Authorization Under the National Pollutant Discharge Elimination System for Existing Concentrated Animal Feeding Operations in Utah, Permit No.: UT–0032000.*

In compliance with the provisions of the Clean Water Act, 33 U.S.C. 1250 *et seq.*, hereinafter referred to as "the Act," and the effluent limitations, monitoring requirements and other conditions set forth in Parts I and II, this general NPDES permit authorizes discharges of pollutants from all existing concentrated animal feeding operations located in the State of Utah: (1) With 1,000 or more animal units (slaughter and feeder cattle or equivalent animals as defined in 40 CFR 122, Appendix B); (2) with less than 1,000 animal units but more than 300, if pollutants are discharged into waters of the United States through a man-made ditch, flushing system, or other similar man-made device and/or pollutants are discharged directly into waters of the United States which originate outside of and pass over, across, or through the facility or otherwise come into direct contact with the animals concentrated in the operation; or (3) which have ever been designated as a significant contributor of pollution in accordance with 40 *CFR* 122.23(c).

The best conventional pollutant control technology (BCT) discharge standard in this permit is based on effluent guidelines promulgated in 40 CFR Part 412 for the feedlot point source category. This standard prohibits any discharge, except as a result of a 25-year 24-hour precipitation event.

This general NPDES permit does not authorize discharges of pollutants from new concentrated animal feeding operations with more than 1,000 animal units which were constructed after February 14, 1974 and, therefore, subject to new source performance standards. (See 40 CFR 122.2 and 412.15.) Dischargers with more than 1,000 animal units that had animal confinement facilities in place prior to February 14, 1974, are authorized by this permit.

Authorization to discharge pursuant to this general NPDES permit becomes effective on May 31, 1983, and expires at midnight, April 27, 1988. Any existing individual NPDES permit issued to a concentrated animal feeding operation in Utah shall continue to apply until it expires or is revoked and reissued or terminated by the permit issuing authority in accordance with the applicable procedures of 40 CFR Part 124.

State Certification. Under section 401(a)(1) of the Act, EPA may not issue an NPDES permit until the State in which the discharge will originate grants or waives certification to ensure compliance with appropriate requirements of the Act and State law.

The State of Utah certified this general permit by letter on August 6, 1982.

Part I

A. Effluent Limitations and Waste Disposal Requirements

1. *Effluent Limitations.* During the term of this permit, the following effluent limitations apply to all of the concentrated animal feeding operations covered by this permit:

There shall be no discharge of process waste water pollutants to the waters of the United States except as provided for below.

A discharge of pollutants to the waters of the United States may occur whenever precipitation events, either chronic or catastrophic, cause an overflow of process waste water from a facility designed, constructed, and operated to contain all process generated waste waters plus the runoff from a 25-year, 24-hour rainfall event for the location of the concentrated animal feeding operation. This means that the control facilities must contain all runoff from storms less intense than those which occur once every 25 years during a 24-hour period.

Appendix A of this permit contains a chart showing 25-year, 24-hour rainfall for Utah. The 25-year, 24-hour rainfall value for concentrated animal feeding operation covered by this permit shall be determined from this chart.

For purposes of detemining compliance with the effluent limitations of this permit, the amount of precipitation that occurred shall be based on the data obtained with a precipitation gauge from the nearest National Weather Service weather station. (See Appendix B for list of weather stations in Utah.) The permittee may, at his option, maintain a precipitation gauge at the facility.

2. *Waste Disposal Requirements.* a. All land areas utilized by and operated under the authority of the permittee for the disposal of manure, other waste solids, and liquid wastes shall be isolated to prevent any pollutant from such materials from entering the waters of the United States, subject to the provisions as provided in permit conditions under "Effluent Limitations" (Part I, A.1.). Such provisions apply only to the discharge of pollutants from a "point source" as defined in section 502(14) of the Act.

b. All land areas utilized by and operated under the authority of the permittee for the storage or holding of manure, bedding materials, silage, feeds, and feed concentrates, and other substances having a waste contributing potential shall be isolated to prevent any pollutant from such materials from entering the waters of the United States, subject to the provisions as provided in permit conditions under "Effluent Limitations" (Part I, A.1.).

c. All wastes from dipping vats, pest and parasite control units, and other facilities utilized for the application of potentially hazardous or toxic chemicals shall be handled and disposed of in a manner such as to prevent any pollutant from such materials from entering the waters of the United States, subject to the provisions as provided in permit conditions under "Effluent Limitations" (Part I, A. 1.), and then only in accordance with the provisions of any toxic pollutant effluent standards established pursuant to section 307(a) of the Act.

B. Monitoring and Reporting Requirements.

1. *Monitoring Requirements.* The permittee shall visually monitor all

discharges and record the following information:

a. A description of the discharge and cause, whether excess precipitation, snow melt, or other specified causes (*e.g.*, structural failure, equipment breakdown, flooding);

b. The period of discharge including exact dates and times;

c. An estimate of discharge volume;

d. Name of receiving stream;

e. Name of person recording discharge;

f. Corrective steps taken, if appropriate; and,

g. A record of the precipitation at the nearest National Weather Service station (see Appendix B) with a precipitation gauge or at a facility rain guage for the period of inclement weather that resulted in the discharge.

If the permittee elects to maintain a precipitation gauge at the facility, the permittee shall monitor and record precipitation daily using a National Weather Service standard rain gauge or equivalent.

All records and information resulting from the monitoring activities required by this permit shall be retained for a minimum of three (3) years or longer if requested by the Regional Administrator or the Utah Department of Health.

2. *Reporting Requirements.* The permittee shall visually monitor and report within five (5) days to the permit issuing authority, any discharge resulting from a precipitation event. Any discharge resulting from a non-precipitation event (*e.g.*, dike or structural failure, equipment breakdown, human error) shall be monitored and reported immediately (within 24 hours) by calling (303) 837–3880 anytime, day or night. The permittee shall provide the permit issuing authority with a written report within five (5) days of such notification. The information shall be submitted to the U.S. Environmental Protection Agency and the Utah Department of Health at the following address: U.S. Environmental Protection Agency, Compliance Branch, Water Management Division, 1860 Lincoln Street, Denver, Colorado 80295, and Utah Department of Health, Division of Environmental Health, Bureau of Water Quality, P.O. Box 2500, Salt Lake City, Utah 84110.

Part II

General Conditions

1. *Facilities Operation.* The permittee shall at all times maintain in proper working order and operate as efficiently as possible, all control facilities or systems installed or used by the permittee to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance includes all circumstances listed under 40 CFR 122.41(e) (April 1, 1981, 48 FR 14167).

2. *Power Failures.* As necessary to maintain compliance with the effluent limitations and prohibitions of this permit, the permittee shall provide an alternate power source sufficient to operate the waste water control facilities.

3. *Adverse Impact.* The permittee shall take all reasonable steps to prevent or correct any adverse impact to receiving waters or environment resulting from unauthorized discharges.

4. *Right of Entry.* The permittee shall allow the head of the State of Utah Department of Health, the Regional Administrator, and/or their authorized representative, upon the presentation of credentials:

a. To enter upon the permittee's premises where a real or potential discharge is located or in which any records are required to be kept under the terms and conditions of this permit; and,

b. At reasonable times to have access to and copy any records required to be kept under the terms and conditions of this permit; to inspect any monitoring equipment or monitoring method required in this permit; and to sample any discharge of pollutants.

5. *Transfer of Ownership or Control.* In the event of any change in control or ownership of facilities from which the authorized discharges emanate, the permittee shall notify the succeeding owner or controller of the existence of this permit by letter.

6. *Availability of Reports.* Except for data determined to be confidential under section 308 of the Act, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Utah Department of Health and the Regional Administrator. As required by the Act, effluent data shall not be considered confidential. Knowingly making false statement on any such report may result in the imposition of criminal penalties as provided for in section 309 of the Act.

7. *Toxic Pollutants.* If a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under section 307(a) of the Act for a toxic pollutant which is present in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in this permit, this permit shall be revised or modified in accordance with the toxic effluent standard or prohibition and the permittee so notified.

The permittee shall comply with effluent standards or prohibitions established under 307(a) of the Act within the time provided by the regulations establishing these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

8. *Civil and Criminal Liability.* Nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

9. *Oil and Hazardous Substances Liability.* Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under section 311 of the Act.

10. *State Laws.* Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by section 510 of the Act.

11. *Property Rights.* The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury of private property or any invasion of personal rights, nor any infringment of Federal, State or local laws or regulations.

12. *Severability.* The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

13. *Other Conditions.* The following conditions are applicable to this NPDES Permit: 40 CFR 122.41 (a), (a)(2)(c), (h), (j)(4), (j)(5), (k), (1)(2), (1)(6), (1)(7), (1)(8), (m), and (n) (April 1, 1983, 48 FR 14166–8).

14. *Requiring an Individual NPDES Permit.* In accordance with 40 CFR 122.28, the permitting authority may require any owner or operator covered under this permit to apply for and obtain an individual NPDES permit for reasons that include the following:

a. The discharge(s) is a significant contributor of pollution;

b. The discharger is not in compliance with the conditions of this general permit; or

c. Conditions or standards have changed so that the discharge no longer qualifies for a general permit.

The owner or operator must be notified in writing that an application for an individual NPDES permit is required. When an individual NPDES permit is issued to an owner or operator otherwise covered under this general permit, the applicability of the general permit to that owner or operator is automatically terminated upon the effective date of the individual NPDES permit.

15. *Requesting an Individual NPDES Permit.* Any owner or operator covered by this general permit may request to be excluded from the coverage by applying for an individual NPDES permit.

16. *Requesting Coverage Under the General Permit.* The owner or operator of a facility excluded from coverage by this general permit solely because that facility already has an individual permit may request that the individual permit be revoked and that the facility be covered by this general permit. Upon revocation of the individual permit, this general permit shall apply to that facility.

17. *Permit Modification, Revocation, Termination.* This general permit may be modified, revoked and reissued, or terminated for cause in accordance with 40 CFR Parts 122 and 124 of the NPDES Permit Regulations (48 FR 14146 April 1, 1983).

Appendix A

Please refer to chart.

Appendix B

Please refer to the most recent United States Weather Service Station Index.

18. *Economic Impact.* EPA has reviewed the effect of Executive Order 12291 on this final general permit and has determined that it is not a major rule under that order. This regulation was submitted to the Office of management and Budget for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA responses to those comments are available for public inspection at the U.S. Environmental Protection Agency, Compliance Branch, Water Management Division, 1860 Lincoln Street, Denver Colorado 80295.

19. *Paperwork Reduction Act.* EPA has reviewed the requirements imposed on regulated facilities in this final general NPDES permit under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* The information collection requirements of the permit have already been approved by the Office of Management and Budget under submissions made for the NPDES permit program under the provisions of the Clean Water Act.

20. *The Regulatory Flexibility Act.* After review of the facts presented in the notice of intent printed above, I hereby certify, pursuant to the provisions of 5 U.S.C. 605(b), that this general permit will not have a significant impact on a substantial number of small entities. Moreover, it reduces a significant administrative burden on regulated sources.

Steven J. Durham,

Regional Administrator

BILLING CODE 6560-50-M

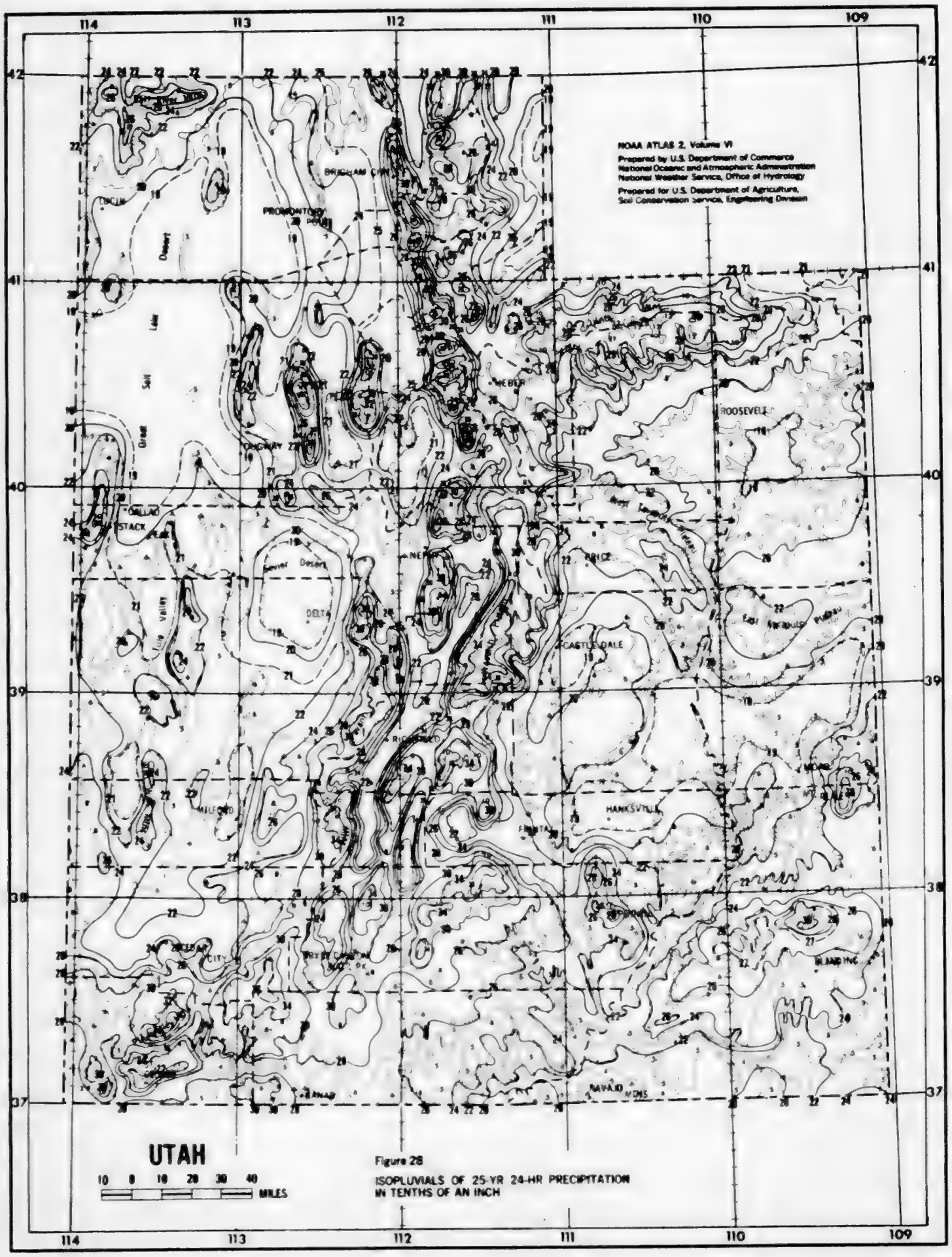

Figure 28

ISOPLUVIALS OF 25-YR 24-HR PRECIPITATION IN TENTHS OF AN INCH

STATION INDEX

UTAH
JULY 1982

STATION	INDEX NO.	DIVISION	COUNTY	LATITUDE	LONGITUDE	ELEVATION (IN FEET)	OBSERVATION TIME AND TABLES (LOCAL STD TIME) TEMP	PRECIP	EVAP	SPECIAL (SEE NOTES)	OBSERVER
UTAH											
ALLENS RANCH	0050	05	DAGGETT	40 53	109 8W	5490	18	18			WILLIAM ALLEN
ALPINE	0061	03	UTAH	40 27	111 47W	4920	SS	SS			KENT SHEPHERD
ALTA	0072	05	SALT LAKE	40 36	111 38W	8760	7	7			U S FOREST SERVICE
ALTAMONT	0074	06	DUCHESNE	40 22	110 17W	6370	7	7		H	DEE ROBERTS
ALTON	0086	04	KANE	37 26	112 29W	7040	17	17		C H	ORVAL PALMER
ANETH PLANT	0157	07	SAN JUAN	37 15	109 20W	4620	15	15			EL PASO NATURAL GAS CO
ANGLE	0168	04	PIUTE	38 15	111 59W	6390	SS	SS		C	MRS ANNA B COON
ANTELOPE ISLAND NORTH	0197	03	DAVIS	41 2	112 14E	4400	18	18			CLOSED 7/1/73
ARCHES N P HQRS	0336	07	GRAND	38 37	109 37W	4130	8	8	8	C	NATIONAL PARK SERVICE
BARTHOLOMEW P H	0443	05	UTAH	40 10	111 30W	5140		18		H	SPRINGFLD MUN PWR CO
BEAR RIVER BAY //	0490	03	WEBER	41 18	112 16W	4210	9	9			GRT SL MIN & CHEM CORP
BEAR RIVER REFUGE	0506	03	BOX ELDER	41 28	112 16W	4208	17	17	17		U S FISH AND WILDLIFE
BEAVER	0519	04	BEAVER	38 17	112 38W	5920	17	17			JOSEPH A FAHRLENDER
BEAVER CANYON P H	0527	04	BEAVER	38 16	112 29W	7275		17		H	UTAH POWER & LIGHT CO
BINGHAM CANYON 2 NE	0700	03	SALT LAKE	40 34	112 8W	5620	17	17			KENNECOTT COPPER CORP
BIRDSEYE PINES RANCH	0718	03	UTAH	39 54	111 33W	5530	18	18			MRS RENAE SWENSON
BLACK ROCK	0730	01	MILLARD	38 42	112 57W	4895	SS	SS			VICTOR KAUFMAN
BLANDING	0738	07	SAN JUAN	37 37	109 28W	6130	23	23		C H	ROY C JOHNSON
BLOWHARD MTN RADAR //	0757	04	IRON	37 35	112 51W	10694	17	17			LLOYD C GORDON
BLUFF	0788	07	SAN JUAN	37 17	109 33W	4315	SS	SS			JOHN JOHNSON
BONANZA	0802	06	UINTAH	40 1	109 11W	5450	8	8			AMERICAN GILSONITE CO
BOUNTIFUL-VAL VERDA	0820	05	DAVIS	40 51	111 53W	4540	9	9		C	SOUTH DAVIS WATER DIST
BOULDER	0849	04	GARFIELD	37 55	111 25W	6700	SS	SS			MRS DOYLE W MOOSMAN
BRIGHAM CI WASTE PLT	0928	03	BOX ELDER	41 31	112 3W	4230	17	17			BRIGHAM CITY CORP
BRYCE CANYON FAA AP	1002	04	GARFIELD	37 42	112 9W	7585	16	16		H	FAA
BRYCE CANYON N P HDQ	1008	04	GARFIELD	37 39	112 10W	7915	15	15		C	NATIONAL PARK SERVICE
BULLFROG BASIN	1020	07	KANE	37 31	110 44W	3822	8	8			NATIONAL PARK SERVICE
CALLAO	1144	01	JUAB	39 54	113 43W	4330	8	8			DAVID C BAGLEY
CALLISTER RANCH	1149	01	TOOELE	40 41	112 40W	4260	SS	SS		H	ALFRED CALLISTER
CANYONLANDS-THE NECK	1163	07	SAN JUAN	38 27	109 50W	5930	9	9			NATIONAL PARK SERVICE
CANYONLANDS-THE NEEDLE	1168	07	SAN JUAN	38 9	109 45W	5040	17	17			NATIONAL PARK SERVICE
CAPITOL REEF NATL PK	1171	07	WAYNE	38 17	111 16W	5500	17	17		H	NATIONAL PARK SERVICE
CASTLE DALE	1214	07	EMERY	39 13	111 1W	5660	SS	SS			MARK WILLIAMS
CASTLEDALE HNTR UP&L	1216	07	EMERY	39 10	111 2W	5660		MID			UT POWER & LIGHT CO
CASTLE VLY INSTITUTE	1241	07	GRAND	38 39	109 24W	4720	18	18			CASTLE VLY INSTITUTE
CEDAR CITY FAA AP	1267	04	IRON	37 42	113 6W	5620	23	23		H	FAA
CEDAR CITY STEAM PLANT	1273	04	IRON	37 40	113 2W	6000	17	17		C	UTAH POWER & LIGHT CO
CEDAR POINT	1308	07	SAN JUAN	37 43	109 5W	6760	7	7		C	OSCAR R SEMADENI
CHURCH WELLS	1418	07	KANE	37 6	111 46W	4520	17	17			MRS LYNNE M SWENDEMAN
CIRCLEVILLE	1432	04	PIUTE	38 10	112 16W	6060	SS	SS			STANLEY E DALTON
CITY CREEK WATER PLANT	1446	05	SALT LAKE	40 49	111 50W	5330		16			SLC WATER DEPARTMENT
CLEAR LAKE REFUGE	1500	01	MILLARD	39 6	112 37W	4600	8	8			DON E NEILSON
COALVILLE	1588	05	SUMMIT	40 55	111 24W	5550	SS	SS			CHARLES B COPLEY
COALVILLE 13 E	1590	05	SUMMIT	40 56	111 9W	6480	18	18		C H	WILLIAM R JOCOBSON
CONRAD RANCH	1685	05	UTAH	40 20	111 31W	5640		18			CHARLES E CONRAD
CORINNE //	1731	03	BOX ELDER	41 35	112 8W	4240	9	9		H	MARJORIE S LARSON
COTTONWOOD WEIR //	1759	03	SALT LAKE	40 37	111 47W	4960	15	15		C	S L CITY WATER DEPT
CUTLER DAM U P & L	1918	03	BOX ELDER	41 50	112 3W	4290	MID	MID			UTAH POWER & LIGHT CO
DEER CREEK DAM	2057	05	WASATCH	40 24	111 32W	5270	8	8		H	PROVO RVR WTR USERS
DELTA	2090	01	MILLARD	39 20	112 35W	4623	23	23		C	O REED JEFFERY
DESERET	2101	01	MILLARD	39 17	112 39W	4585	SS	SS		H	PHIL ELIASON
DESERT EXP RANGE	2116	01	MILLARD	38 36	113 45W	5250	MID	8		H	U S FOREST SERVICE
DEWEY	2150	07	GRAND	38 48	109 18W	4120	18	18			H BALLARD HARRIS

SEE REFERENCE NOTES FOLLOWING STATION INDEX

STATION INDEX

UTAH
JULY 1982

STATION	INDEX NO.	DIVISION	COUNTY	LATITUDE	LONGITUDE	ELEVATION (IN FEET)	OBSERVATION TIME AND TABLES (LOCAL STD TIME) TEMP	PRECIP	EVAP	SPECIAL (SEE NOTES)	OBSERVER
DINOSAUR QUARRY AREA	217301	05	UINTAH	40 26	109 18W	4770	17	17		H	NATIONAL PARK SERVICE
DUCHESNE	225306	06	DUCHESNE	40 10	110 24W	5510	18	18			MRS DOROTHY C RANDOLPH
DUGWAY	225701	01	TOOELE	40 11	112 56W	4340	M	M	C	H	ASL DUGWAY MET TEAM
ECHO DAM	238505	05	SUMMIT	40 58	111 27W	5470	17	17	C	H	WEBER RIVER WTR USERS
ELBERTA	241803	03	UTAH	39 57	111 57W	4690	18	18			GLEN ERICKSON
ELECTRIC LAKE UP&L	242405	05	EMERY	39 36	111 13W	8380	M	M		S	UT POWER & LIGHT CO
EMERY 15 SW	248804	04	SEVIER	38 46	111 27W	7640	8	8			COAL SEARCH CORP
ENTERPRISE	255804	04	WASHINGTON	37 34	113 43W	5340		7			MRS GENEVA M GARDNER
ENTERPRISE BERYL JCT	256101	01	IRON	37 45	113 39W	5160	18	18		H	MRS MABEL L NEILSON
EPHRAIM SORENSENS FLD	R257804	04	SANPETE	39 21	111 35W	5670	M	M	C		U S FOREST SERVICE
ESCALANTE	259204	04	GARFIELD	37 46	111 36W	5810	17	17		H	MR SHARON DALE MARSH
ESKDALE	260701	01	MILLARD	39 7	113 57W	4980	18	18		H	ESKDALE HIGH SCHOOL
EUREKA	262503	03	JUAB	39 57	112 7W	6480	17	17		H	HAROLD J SHAW JR
FAIRFIELD	269603	03	UTAH	40 16	112 5W	4880	18	18	C		ROLAND L HANSEN
FAIRVIEW 8 N	270205	05	SANPETE	39 45	111 25W	6750		S	C		C BRYCE JACKSON
FARMINGTON USU FLD STN	272603	03	DAVIS	41 1	111 55W	4340	17	17		H	CRULON DRAPER
FERRON	279807	07	EMERY	39 5	111 8W	5930	8	8		H	U S FOREST SERVICE
FILLMORE	282804	04	MILLARD	38 57	112 19W	5120	17	17		H	JAY T ROGERS
FISH SPRINGS REFUGE	285201		JUAB	39 50	113 24W	4335	16	16		H	U S FISH AND WILDLIFE
FLAMING GORGE	286405		DAGGETT	40 56	109 25W	6270	16	16	C	H	U S BUREAU RECLAMATION
FORT DUCHESNE	299606		UINTAH	40 17	109 52W	5050	8	8	8		BUREAU INDIAN AFFAIRS
GARFIELD	309703		SALT LAKE	40 43	112 12W	4330	8	8			KENNECOTT COPPER CORP
GARRISON	311801		MILLARD	38 56	114 2W	5275	S	S		H	AUSTIN WILLIAMS
GENEVA STEEL 2	318303		UTAH	40 18	111 44W	4550	17	17			U S STEEL CORPORATION
GOLD HILL	326001		TOOELE	40 10	113 50W	5320	17	17		H	CECIL WOODMAN
GRANTSVILLE	334803		TOOELE	40 36	112 27W	4290		18	C		MYRON L SUTTON
GREEN RIVER AVN	341807		EMERY	39 0	110 10W	4070	23	23	17	C H	MRS HAZEL WOODWORTH
GROUSE CREEK 4 NE	349101		BOX ELDER	41 45	113 51E	5480	7	7			RANDY KIMBER
GUNLOCK POWER HOUSE	350602		WASHINGTON	37 17	113 44W	4110		7			UTAH POWER & LIGHT CO
GUNNISON	351404		SANPETE	39 9	111 49W	5145	18	18	18		HOWARD B NORMAN
HANS FLAT R S	360007		WAYNE	38 15	110 10W	6600	9	9			NATIONAL PARK SERVICE
HANKSVILLE	361107		WAYNE	38 22	110 43W	4308	23	23		C	MRS BARBARA J EKKER
HARDWARE RANCH	367105		CACHE	41 36	111 34W	5560	9	9			UTAH FISH & GAME DEPT
HATCH	377604		GARFIELD	37 39	112 26W	6910		S			LAYTON BARNEY
HEBER	380905		WASATCH	40 30	111 25W	5630	S	S		H	CLARK J CROOK
HELPER CARBON U P & L	383605		CARBON	39 44	110 52W	6100		M	D		UT POWER & LIGHT CO
HIAWATHA	389605		CARBON	39 29	111 1W	7280	17	17			U S FUEL COMPANY
HITE RANGER STATION	398007		SAN JUAN	37 52	110 23W	4000	8	8			NATIONAL PARK SERVICE
HOVENWEEP NATL MON	410007		SAN JUAN	37 23	109 5W	5240	18	18		H	HOVENWEEP NATL MONUMENT
HUNTINGTON FARM UP&L	412504		EMERY	39 22	111 4W	6230		8			UT POWER & LIGHT CO
HUNTSVILLE MONASTERY	413505		WEBER	41 14	111 43W	5140	17	17			HUNTSVILLE MONASTERY
IBAPAH	417401		TOOELE	40 2	113 59W	5280	9	9			KYLE BATEMAN
JENSEN	434206		UINTAH	40 22	109 21W	4760	18	18			LYNNE H DUDLEY
JOHNSON PASS	436203		TOOELE	40 20	112 36W	5630	22	22		H	RICHARD A SCHEESE
KAMAS RANGER STATION	446705		SUMMIT	40 39	111 17W	6470	17	17			CHARLES HEBDEN
KANAB	450804		KANE	37 3	112 32W	4950	18	18		H	DAN E MERRELL
KANOSH	452704		MILLARD	38 48	112 26W	5010	SS	SS			JOHN L ADAMS
KODACHROME BASIN PARK	475504		KANE	37 31	111 59W	5800	18	18			UT DIV PARKS & REC
KOOSHAREM	476404		SEVIER	38 31	111 53W	6930	18	18		H	GEORGE S HATCH
LAKETOWN	485605		RICH	41 49	111 19W	5980	SS	SS			MRS MONTRY KEARL
LA SAL 2 SE	494707		SAN JUAN	38 18	109 13W	6720	8	8			MRS ROBERTA J WILCOX
LA VERKIN	496802		WASHINGTON	37 12	113 16W	3220	18	18		H	MRS MURIEL S CHURCH
LEVAN	506504		JUAB	39 33	111 52W	5315	SS	SS		H	DERLE HANSEN
LITTLE SAHARA DUNES	513804		JUAB	39 44	112 18W	5240	8	8			BUREAU LAND MANAGEMENT

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LITTLE SAHARA DUNES 513804 JUAB

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LOA	514804		WAYNE	38 24	111 39W	7080	18	18			MRS HANS OYLER
LOGAN DOWNTOWN	518203		CACHE	41 44	111 50W	4530	6	6			RADIO STATION KVNU
LOGAN UTAH STATE UNIV	518603		CACHE	41 45	111 48W	4790	8	8		C	UTAH STATE UNIV
LOGAN 5 SW EXP FARM	519403		CACHE	41 40	111 54W	4490	8	8	8	C G H	UTAH STATE UNIVERSITY
LUCIN	523901		BOX ELDER	41 21	113 54W	4470	S S	S S			MRS LARETTA W SMITH
MANILA	537705		DAGGETT	41 0	109 44W	6440	18	18			MRS WILLIAM E ROBINSON
MANTI	540204		SANPETE	39 15	111 38W	5740	S S	S S		H	LEE J ANDERSON
MARYSVALE	547704		PIUTE	38 27	112 14W	5910	18	18		C H	MRS SHERLENE S JOHNSON
MEXICAN HAT	558207		SAN JUAN	37 9	109 52W	4120	7	7	7		HARLAN H HARRISON SR
MILFORD WSMO AP // R	565401		BEAVER	38 26	113 1W	5028	M I D	M I D	15	C H J	NATL WEATHER SERVICE
MINERSVILLE	572304		BEAVER	38 13	112 55W	5275		7			DARWIN MARSHALL
MOAB 4 NW	573307		GRAND	38 36	109 36W	3965	16	16			ATLAS MINERALS INC
MODENA	575201		IRON	37 48	113 35W	5480	6	6			MRS SHANNON GAVARD
MONTICELLO	580507		SAN JUAN	37 52	109 18W	6820	17	17		H	HWY PAT CHECKING STN 3
MONUMENT VALLEY MISS	581207		SAN JUAN	37 1	110 13W	5300	8	8		H	MONUMENT VALLEY MISSION
MORGAN	582605		MORGAN	41 2	111 41W	5060	18	18			ROBERT F BRIMLEY
MORONI	583704		SANPETE	39 32	111 35W	5525	19	19			LEONARD ELIASON
MOUNTAIN DELL DAM	589205		SALT LAKE	40 45	111 43W	5420	17	17		C	SLC WATER DEPARTMENT
MYTON	596906		DUCHESNE	40 12	110 4W	5080	8	8			CLARK ROBERTS
NATURAL BRIDGES NATL M	605307		SAN JUAN	37 37	109 59W	6500	17	17		H	NATIONAL PARK SERVICE
NEOLA	612306		DUCHESNE	40 25	110 3W	5950	S S	S S			RODNEY D OLSEN
NEPHI	613504		JUAB	39 42	111 50W	5130	18	18		C	ELDON C SHERWOOD
NEW HARMONY	618104		WASHINGTON	37 29	113 18W	5290	18	18			LYLE B PRINCE
NUTTERS RANCH	634006		DUCHESNE	39 48	110 15W	5790	18	18		H	NUTTER'S RANCH
OAK CITY	635704		MILLARD	39 23	112 20W	5070	17	17			MERVYN J ALLDREDGE
OGDEN PIONEER P H	640403		WEBER	41 15	111 57W	4350	M I D	M I D		C H	UTAH POWER & LIGHT CO
OGDEN SUGAR FACTORY	641403		WEBER	41 14	112 2W	4280	16	16		C	AMALGAMATED SUGAR CO
OLMSTEAD P H	645505		UTAH	40 19	111 39W	4820	M I D	M I D		C	UTAH POWER & LIGHT CO
ORDERVILLE	653404		KANE	37 16	112 38W	5460	S S	S S			MRS MARYLLIS H HEYBORN
OURAY 4 NE	656806		UINTAH	40 8	109 39W	4670	16	16			U S FISH AND WILDLIFE
PANGUITCH	660104		GARFIELD	37 49	112 27W	6720	14	14			U S FOREST SERVICE
PARK CITY RADIO	664805		SUMMIT	40 39	111 30E	7080	17	17			RADIO STATION KPCW
PARK VALLEY	665801		BOX ELDER	41 49	113 20W	5530	8	8		H	EDGAR B ELLESTAD
PAROWAN AIRPORT	668604		IRON	37 51	112 50W	5930	8	8			PAROWAN AIRPORT
PARTOUN	670801		JUAB	39 38	113 53W	4780	19	19			WESLEY R LEWIS
PAYSON 1 SE	672603		UTAH	40 2	111 43W	4800		18			W R PHELPS
PINE VIEW DAM	686905		WEBER	41 15	111 50W	4940	8	8		H	OGDEN RIVER WTR USERS
PLEASANT GROVE	691903		UTAH	40 22	111 43W	4760	18	18			DEAN L DAVIS
PRICE WAREHOUSES	702607		CARBON	39 37	110 48W	5700	16	16		C	BUREAU OF LAND MANAGEMT
PROMONTORY	705201		BOX ELDER	41 14	112 29W	4210		M I D			GR S L MIN & CHEM CORP
PROVO B Y U	706403		UTAH	40 15	111 39W	4570	17	17	17	C H	BRIGHAM YOUNG UNIV
RANDOLPH	716505		RICH	41 40	111 11W	6270	18	18			MRS ZEREA B JESSOP
RICHFIELD RADIO KSVC	726004		SEVIER	38 46	112 5W	5270	17	17		C G	RADIO STATION KSVC
RICHMOND	727103		CACHE	41 54	111 49W	4680	18	18		H	HAROLD S THOMSON
RIVERDALE	731803		WEBER	41 10	112 0W	4400	8	8			RUSSELL NELSON
ROOSEVELT	739506		DUCHESNE	40 18	109 59W	5104	23	23		C H	NATL WEATHER SERVICE
SAINT GEORGE	751602		WASHINGTON	37 6	113 34W	2760	17	17	17	C G	DONNA L TEDD
SALINA	755704		SEVIER	38 58	111 52W	5130	18	18			MRS NANCY S FRAME
SALTAIR SALT PLANT	757803		SALT LAKE	40 46	112 6W	4210	8	8	8		MORTON SALT CO
SALT LAKE CITY NWSFO AP R	759803		SALT LAKE	40 47	111 57W	4222	M I D	M I D		C G H J	NATL WEATHER SERVICE
SANTAQUIN CHLORINATOR	768603		UTAH	39 58	111 47W	5160	9	9			SANTAQUIN CITY
SCIPIO	771404		MILLARD	39 15	112 6W	5306	17	17			VERLENE HATCH
SCOFIELD	772005		CARBON	39 43	111 9W	7720	17	17		C H	FRANK PODBEVSEK
SCOFIELD DAM	772405		CARBON	39 47	111 7W	7630	8	8	8		MARION HANSEN

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SIGURD U P & L	780004		SEVIER	38 51	112 0W	5310	MID	MID			UT POWER & LIGHT CO
SILVER LAKE BRIGHTON //	784605		SALT LAKE	40 36	111 35W	8740	10	10		H	SLC WATER DEPARTMENT
SNAKE CREEK P H	790305		WASATCH	40 33	111 30W	6000	17	17			UTAH POWER & LIGHT CO
SNOW BASIN	792405		WEBER	41 12	111 52W	7800		7			SNOW BASIN LTD
SNOWVILLE	793101		BOX ELDER	41 58	112 43W	4560		9			DAN A HICKMAN
SPANISH FORK PWR HOUSE	811903		UTAH	40 5	111 36W	4720	18	18			STRAWBERRY W U ASSN
SUMMIT	845604		IRON	37 48	112 56W	6000		8			CARL T EVANS
SUNNYSIDE	847407		CARBON	39 34	110 22W	6780	7	7		H	KAISER STEEL CO
TABIONA 1 SE	855505		DUCHESNE	40 20	110 42W	6470	SS	SS			VAN TRASSELL RANCHES
THIOKOL PLANT 78	866803		BOX ELDER	41 43	112 26W	4600	16	16			THIOKOL CORP
THOMPSON	870507		GRAND	38 58	109 43W	5150	16	16			AGENT D & R RR COMPANY
TIMPANOGOS CAVE	873303		UTAH	40 27	111 42W	5640	17	17			NATIONAL PARK SERVICE
TOOELE	877103		TOOELE	40 32	112 18W	5070	18	18		H	BURDETT BEVAN
TREMONTON	881703		BOX ELDER	41 43	112 10W	4310		8			U S SOIL CONS SERVICE
TRENTON	882803		CACHE	41 55	111 56W	4460	SS	SS			STUART H RICHARDS
TROPIC	884704		GARFIELD	37 38	112 5W	6280	8	8			ADRAIN POLLOCK
UINTALANDS	890005		SUMMIT	40 57	110 48W	8400	18	18			GORDON L WALKER
UNIVERSITY OF UTAH #	892201		SALT LAKE	40 46	111 51W	4800	17	17		H	UNIVERSITY OF UTAH
UPPER AMERICAN FK PH	893203		UTAH	40 26	111 44W	5330		16			UTAH POWER & LIGHT CO
UTAH LAKE LEHI	897103		UTAH	40 22	111 54W	4497	17	17	17		UTAH LAKE PUMPING PLANT
VERNAL AIRPORT	911106		UINTAH	40 27	109 31W	5280	17	17			SKYWEST AIRLINES
VERNON	913305		TOOELE	40 5	112 27W	5485	18	18			NORMAN S YATES
VEYO POWER HOUSE	913602		WASHINGTON	37 21	113 40W	4600	7	7		C	UTAH POWER & LIGHT CO
WAH WAH RANCH	915201		BEAVER	38 29	113 25W	4880	18	18			MRS BOYD COATES
WANSHIP DAM	916505		SUMMIT	40 47	111 24W	5940	16	16			WEBER BASIN WATER DIST
WEBER BASIN PUMP PL 3	934603		DAVIS	41 7	111 55W	4900		7			WEBER BSN W CONSERVANCY
WELLINGTON 3 E	936807		CARBON	39 33	110 41W	5400		SS			MRS LA RAINE JOHNSTON
WENDOVER AUTOB //	R938201		TOOELE	40 44	114 2W	4237	MID	MID			NALT WEATHER SERVICE
WHITESOE 3 NNE	951405		GARFIELD	37 52	111 58W	7540		SS			JOSEPH STEED
WOODRUFF	959505		RICH	41 32	111 9W	6315	SS	SS			FRANCIS TINGEY
ZION NATIONAL PARK	971702		WASHINGTON	37 13	112 59W	4050	17	17	C	H	NATIONAL PARK SERVICE

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Fact Sheet in Support of the General NPDES Permit for Concentrated Animal Feeding Operations in Utah; NPDES Permit Number: UT-0032000

I. Background

A. *General Permits.* Section 301(a) of the Clean Water Act (the Act) provides that the discharge of pollutants is unlawful except in accordance with a National Pollutant Discharge Elimination System (NPDES) permit. Although such permits to date have generally been issued to individiual dischargers, EPA's regulations authorize the issuance of general permits to categories of point sources located within the same geographical area, which discharge similar types of wastes and which discharges warrant similar pollution control measures. (40 CFR 122.28) As in the case of individual permits, a violation of any condition of a general permit constitutes a violation of the Act and subjects the discharger to the penalties specified in section 309 of the Act.

Any owner or operator authorized by this final general permit may be excluded from coverage by applying for an individual permit. This request may be made by submitting an NPDES Permit application, together with reasons supporting the request, to the Regional Administrator, Region VIII. The Regional Administrator may require any person authorized by this general permit to apply for and obtain an individual permit. In addition, any interested person may petition the Regional Administrator to take this action. The Regional Administrator may consider the issuance of individual permits according to the criteria in 40 CFR 122.28(b)(2).

B. *Concentrated Animal Feeding Operations in Utah.* This general NPDES permit establishes effluent limitation, standards, prohibitions and other conditions on dischargers of pollutants from certain concentrated animal feeding operations, commonly known as animal "feedlots." Concentrated animal feeding operations are defined as confined animal feedlots: (1) With 1,000 or more animal units; (2) with less than 1,000, but more than 300 animal units if pollutants are dischared to waters of the United States through a man-made ditch, flushing system or other similiar device and/or pollutants are discharged directly into waters of the United States which originate outside of and pass over, across, or through the facility or otherwise come into direct contact with the animals concentrated in the operation; or (3) which have ever been designated as a significant contributor of pollution on a case-by-case basis according to the criteria in 40 CFR 122.23(c). (40 CFR 122.23, 40 CFR 122, Appendix B and 40 CFR Part 412) The term "animal units" is defined in 40 CFR 412.10 and, for the purposes of this permit, means the equivalent number of feeder and slaughter cattle.

This general permit applies only to those concentrated animal feedlots constructed in Utah before February 14, 1974, the date new source performance standards were promulgated for the Feedlot Point Source Category. Concentrated animal feedlots constructed after that date are excluded from coverage under this general NPDES permit because they are considered "new sources" of pollution unders 40 CFR 122.2. The Clean Water Act provides that NPDES permits cannot be issued to new sources until EPA conducts an environmental review to determine whether issuing an NPDES permit to a new source may be considered a "major federal action significantly affecting the quality of the human environment" under the National Environmental Policy Act (NEPA). Because very few new sources have begun operation since February 14, 1974, Region VIII has decided to issue them individual NPDES permits and will conduct environmental reviews on a case-by-case basis prior to issurance.

To date, approximately 85 concentrated animal feedlots in Utah have been issued individual NPDES permits. These existing individual permits shall continue in effect until they expire or are revoked and reissued or terminated in accordance with the applicable procedures of 40 CFR Part 124.

II. Permit Conditions

A. *Technology-Based Effluent Limitations.* This general permit prohibits any discharge of process generated waste (including storm water runoff) except in the event of a 25-year, 24-hour storm. (See Appendix A of this permit for a chart showing 25-year, 24-hour rainfall for Utah.) These effluent limitations are based on the effluent guidelines for best conventional pollutant control technology (BCT) for the Feedlot Point Source Category as promulgated in 40 CFR Part 412. As with best practicable control technology currently available (BPT) and the former best available technology economically achievable (BAT) limits for conventional pollutants, BCT is a zero discharge limit. Therefore, the BCT limitation for this subcategory was not included among the BCT limitations withdrawn by EPA in response to the July 28, 1981 decision remanding the methodology used by EPA to establish BCT standards. *American Paper Institute v. EPA*, 66 F. 2d 954 (4th Cir. 1981).

In the semi-arid climate of Utah, there is a 10–15% difference between a 10-year, 24-hour rainfall event and a 25-year, 24-hour rainfall event. Because a safety factor of 25% was applied to all feedlot waste water facilities designed by the U.S. Soil Conservation Service to meet 10-year, 24-hour rainfall events, Region VIII believes that these facilities should meet the 25-year, 24-hour criteria of BCT.

B. *Best Management Practices—Waste Disposal.* The waste disposal requirements contained in this permit are necessary to achieve the effluent limitations described above. Proper isolation, storage and disposal of all solid and liquid wastes will help prevent pollutant discharge.

C. *Monitoring Requirements.* This permit requires discharges to monitor visually and record all dischargers as they occur. In addition, this permit requires dischargers to monitor and record all precipitation on a daily basis. All records of precipitation shall be made with a National Weather Service precipitation gauge or its equivalent. Dischargers may elect to record precipitation by using data obtained from the nearest National Weather Service station or by using a precipitation gauge maintained at the facility. (See Appendix B of the permit for a list of Weather Service stations in Utah.)

III. Appropriateness of the General Permit

Region VIII has currently issued approximately 85 individual NPDES permits to concentrated animal feeding operations in Utah. A review of these permits, their effluent limitations and monitoring requirements, and the criteria for issuing a general permit (40 CFR 122.28) clearly indicates that animal feedlots would be more appropriately controlled by a single general permit. General permits eliminate, for the Agency, the time-consuming and resource intensive process of reviewing and evaluating individual permit applications, and significantly reduce the burden impe appropriately controlled by a single general permit. General permits eliminate, for the Agency, the time-consuming and resource intensive process of reviewing and evaluating individual permit applications, and significantly reduce the burden imposed on the industry for applying for and obtaining individual permits.

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For further information about this general permit, contact Marshall Fischer at Compliance Branch, Water Management Division, Region VIII, U.S. Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80295, or at (303) 837–4901 or FTS 327–4901.

[FR Doc. 83-10873 Filed 4-27-83; 8:45 am]
BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

[Gen. Docket No. 80-396; FCC 83-102]

Preparations for the 1983 Region 2 Administrative Radio Conference of the International Telecommunication Union for the Planning of the Broadcasting-Satellite Service in the 12 GHz Band and the Associated Uplinks

AGENCY: Federal Communications Commission.

ACTION: Report and Order regarding Final Recommendations.

SUMMARY: This Report and Order sets forth the Commission's recommendations for U.S. Proposals to the ITU Conference for the planning of the 12 GHz broadcasting-satellite service in the Americas. These recommendations will be forwarded to the Department of State for final development of U.S. Proposals to the Conference.

ADDRESS: Federal Communications Commission, 1919 M Street, NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Edward R. Jacobs, Office of Science & Technology, International Staff, 2025 M St., NW., Room 7002, Washington, D.C. 20554 (202) 653–8102.

In the matter of an inquiry relating to preparations for the 1983 Region 2 Administrative Radio Conference of the International Telecommunication Union for the planning of the Broadcasting-Satellite Service in the 12 GHz Band and the Associated Uplinks.

Adopted: March 9, 1983.
Released: March 21, 1983.

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I. Introduction

This *Report and Order* contains the Commission's findings as to appropriate U.S. objectives and proposals for the 1983 Region 2 Administrative Radio Conference for the planning of the 12 GHz Broadcasting-Satellite Service (RARC–BS). In developing these objective and proposals the Commission has considered the extensive work of a Federal Advisory Committee, substantial public comment in response to three FCC *Notices of Inquiry* and preparatory findings of International Telecommunication Union working groups. Further, throughout the proceeding, the Commission has maintained close coordination with the Department of State, the National Telecommunications and Information Administration (NTIA) and the National Aeronautics and Space Administration (NASA).

2. The Commission recognizes the importance of RARC–BS both to the needs of U.S. DBS service providers and to the development of planning and procedural mechanisms that will provide flexibility for all administrations of Region 2 (the Western Hemisphere). It is of substantial benefit to Region 2 that the planning for the 12 GHz Broadcasting-Satellite Service was exempted from the 1977 World Administrative Radio Conference which developed a plan for Regions 1 and 3.[1] The 1977 Final Acts, now being implemented, contain a rigid spectrum/orbit plan based on conservative technological assumptions. Modifications to that plan, necessary to accommodate subsequent technological advances and facilitate economic implementation, are proving extremely difficult to effectuate.

3. We believe that Region 2 administrations can benefit from the postponement to this 1983 conference and from the recognized limitations of the 1977 Final Acts. In addition, since 1977, substantial technological advances have taken place and sophisticated computer modeling has been developed. The latter has the capability of processing the staggering amount of data that must be evaluated to develop a progressive and creative BSS spectrum/orbit use plan.

[1] Region 2 was originally slated for inclusion but extensive efforts, largely on part of the U.S. delegation, deferred planning for the Western Hemisphere until 1983.

4. The success and equity of a Region 2 DBS plan will be possible if it is based upon realistic and explicit needs of countries in the hemisphere. In the U.S. we were aided significantly in preparing our conference proposals by the expression of explicit private sector requirements for Broadcasting-Satellite Service. In our domestic proceedings we have created a flexible regulatory environment [2]. Thus far the Commission has granted eight applications for the provision of direct broadcast satellite service. [3] Five other applications have been submitted. [4] Additional applications may be filed when a second filing period is established.

II. U.S. Objectives for the Conference

5. In developing U.S. proposals to the RARC–BS, which are summarized below and detailed in Appendix A [filed with the original document], we considered the following U.S. objectives:

1. To obtain enough orbit/spectrum resource to meet the present stated demand for channels within the U.S. (approximately 70 channels per service area);

2. To provide adequate spectrum for both the Fixed-Satellite Service and Broadcasting-Satellite Service in the U.S.;

3. To achieve sufficient flexibility in the Plan and procedures adopted so that future U.S. requirements can be met with a minimum need for coordination with other countries; [4A]

4. To obtain enough flexibility within the plan to permit implementation of interim systems and, to the extent feasible, systems of varying characteristics (as reflected in the applications);

5. To seek adoption of procedures that will permit modifications to the technical and operational characteristics of DBS systems subsequent to the formulation of the plan;

6. To maintain the focus of the Conference on the technological aspects of the plan and procedures—avoiding extraneous political issues;

7. To achieve the above objectives in such a manner as to provide for the requirements of the other administrations of Region 2.

[2] DBS Report and Order, 90 FCC 2d, 676 (1982).

[3] These eight applications propose a total of 36 channels of service. See: *STC Interim Grant*, 91 FCC 2d ——, 1982, FCC 82–427, released October 13, 1982; and *CBS, et al.* 91 FCC 2d ——, 1982, FCC 82–498, released December 3, 1982.

[4] These five applications propose 34 channels of service.

[4A] The FCC BSS Advisory Committee has foreseen a requirement for as many as 66–215 channels by the end of the century.

6. As reflected above, we are sensitive to the need of all the Region 2 administrations to meet their broadcasting satellite requirements. In this regard, we believe that the computer modeling will be a highly effective tool in helping to create a plan that will be flexible and can accommodate the maximum nmber of channels for all Region 2 countries. In our proposals set forth below, we urge the adoption of various technical criteria that can have a significant impact on the ability of the plan to satisfy the needs of all countries. We are, however, sensitive to possible cost and operational consequences to service providers should the Conference adopt standards that "push technology" to too great an extent. Yet we would be remiss if we overlooked the revolutionary advances in satellite technology since 1977, advances that continue to be made each day. We have sought to weigh all these considerations, and in developing our proposals we have placed considerable reliance on the recommendations of the Advisory Committee.

III. Summary of U.S. Proposals

7. Several considerations have led us to the recommendations that follow concerning United States proposals to the 1983 I.T.U. Administrative Radio Conference on the Broadcasting-Satellite Service in Region 2.

8. Foremost among these is the concern that the plan and procedures for coordination and sharing allow for use of initial or interim systems that may assume a form different than those appearing in the Plan. This will facilitate the expedited start of service within the United States and elsewhere in the Region. A related concern is to assure that such initial systems not be designed, deployed or managed in such manner as to impede the smooth and timely transition to the plan.

9. For purposes of clarity, we have divided this summary of proposals into various subject areas.

Proposed Requirements

1. In order to meet the immediate U.S. requirements for the Broadcasting Satellite Service, the United States should seek a minimum of eight eclipse-protected orbital positions for four service areas that would accommodate a total of approximately 72 channels per service area.

2. In order to meet U.S. needs for authorized and proposed space stations in the FSS and BSS, the 12.1–12.3 GHz band should be divided at 12.2 GHz, so that Region 2 BSS downlink service is planned in the 12.2–12.7 GHz band.

3. Since these 72 channels would not be sufficient to meet anticipated long-term U.S. requirements, the United States also should seek provision for additional channels for later use, which could be accomplished through a procedural mechanism for accessing such positions or through the possible inclusion of non-eclipse protected orbital positions in the plan.

4. For BSS planning purposes to provide service to CONUS, four service areas of approximately equal size should be assumed.

5. Planning should be based on individual reception because this would permit community reception whereas the converse is not the case.

Proposed Technical and Sharing Criteria

1. The following BSS downlink parameters are recommended for planning purposes at the Conference:

—circular polarization,
—a total C/N ratio of approximately 14 dB for 99% of the worst month. (which suggests a downlink value of approximately 14.5 dB)
—an aggregate C/I ratio of 25 dB,
—adjacent co-polarized channel spacing of 26 MHz,
—channel bandwidth of 24 MHz (so long as systems with varying bandwidth requirements can be implemented),
—a receiver figure of merit of 8 dB(K^{-1}),
—an antenna size creating an antenna half power beamwidth of 1.9 degrees (.9m at 12.5 GHz).
—adoption of a home receiver antenna pattern that will allow satellite spacings as closed as 8°–10° for adjacent service areas,
—minimum elevation angle for receive antennas of 20 degrees,
—avoiding adoption of transmitting antenna patterns utilizing shaped beams, except in limited, special cases
—a satellite antenna pointing accuracy tolerance value of ±0.1 in the N/S and E/W directions,
—a satellite antenna rotational error of ± degrees,
—minimum guard bands consistent with protection of adjacent band services.

2. Concerning the uplink portion of the service, the Commission confirms its position that 500 MHz previously allocated for uplinks at 17.3–17.8 GHz be utilized for the BSS service, and further recommends the adoption of a plan that would allow both fixed and mobile uplink facilities servicing U.S. satellites to be located anywhere in CONUS. As for technical parameters for the uplink, the Commission adopts those recommended by the Advisory Committee. (See paragraph 72)

Proposed Planning Principles and Procedures

The Commission adheres to its previous proposals in this proceeding to seek a flexible plan for use of the BSS spectrum by various administrations in Region 2. Recommended is the U.S. proposal to use a system of multichannel assignments.[5] Under the multichannel assignment plan, a service area or a group of service areas would be assigned the entire 500 MHz using both senses of polarization from a given orbit location. In this way each administration may assign channels in groups or block, according to its own particular needs. A very important feature of this approach is the establishment of interference protection and other parameters that could not be exceeded without modification of the Plan, while retaining a maximum flexibility for the intra-block utilization.

In furtherance of this planning proposal, the U.S. has made special efforts in two major areas. First, sophisticated computer techniques have been developed and utilized to demonstrate the viability of multichannel utilization plans. Second, a series of procedures is being developed that would permit the use, without further coordination, not only of systems having the characteristics specified in the plan, but also of systems that have different characteristics so long as prescribed levels of protection to other administration are met.

Proposed Inter-regional and Intra-regional Sharing Criteria

Inter-regional sharing of the 12 GHz band raises issues of potential interference to other services sharing this band and services using adjacent bands. The Commission proposes that the BSS/Terrestrial service sharing parameters in Region 2 follow the pattern adopted for such sharing at the 1977 WARC–BS. These parameters should facilitate the shared use of the 12 GHz band by the services designated in the international Table of Frequency Allocations, and should provide a suitable basis for domestic decisions concerning limited sharing of this portion of the spectrum by existing terrestrial users of the band. The matter of BSS interference with services in

[5] This multichannel assignment plan is a modified version of the arrangement referred to previously in this inquiry as "block allotments." The previous plan has been refined and changed to conform to the needs of other administrations and to ensure efficient and effective implementation of the plan.

adjacent bands involves the possibility of interference both to and from these services. Potential interference to services of other bands is addressed in the section on the technical sharing parameters, above, where the Commission recommends the careful use of guard bands. Potential interference to BSS from other services raises some questions of the scope of the authority of the Conference. Thus, the Commission makes no specific recommendation for altering the parameters established at WARC–BS, but notes that the reports of the Advisory Committee and the Conference Preparatory Meeting will be useful for Conference planning in this area.

The Commission believes that most of the current 12 GHz inter-regional sharing situations are addressed adequately in the existing Appendix 30 to the Radio Regulations and the relevant Resolutions adopted at the 1979 WARC. In those instances where final decisions need to be made at the Conference, the Commission recommends that the principle of reciprocity between regions be observed, and that the U.S. should not accept, as a matter of principle, an obligation to provide greater protection to the services of other Regions than is afforded to those services in Region 2.

As for sharing in the 18 GHz band, the Commission accepts the recommendations of the Advisory Committee to pursue certain proposed service modifications designed to minimize coordination and interference difficulties, and that the Conference do so under the procedures of the existing Appendix 28 of the Radio Regulations that permit these modifications.

IV. History of This Proceeding

10. The Commission has issued three *Notices of Inquiry* in this proceeding, with the first being released July 25, 1980 (FCC 80–417) (August 5, 1980; 45 FR 51914), the second on June 5, 1981 (FCC 81–248) (June 8, 1981; 46 FR 30392) and the third on April 20, 1982 (FCC 82–139) (April 27, 1982; 47 FR 18046). Additionally, the Commission has had benefit of a comprehensive report from a Federal Advisory Committee that was established pursuant to a *Memorandum Opinion and Order* released on February 24, 1981 (FCC 81–54). This Committee was established for the sole purpose of providing advice to the Commission on the complex and controversial issues involved in the Conference.

11. As noted in the *Third NOI* in this docket, the ITU has established a Panel of Experts (PoE) to assist in the preparations for this conference. Three PoE meetings have been held to date, with primary emphasis placed upon development of the computer support capability that will be required for the Conference, and on discussions of appropriate planning methods to be used during the Conference. Appropriate references are made in the *Report and Order* wherever the decisions of the PoE have directly influenced recommended proposals. The ITU also convened a Conference Preparatory Meeting (CPM) of its CCIR Study Groups 4, 5, 9, 10 and 11 in order to prepare a report to serve as the technical bases for the Conference. The Commission's Advisory Committee has reviewed this report and addressed a number of points therein by providing the Commission an Addendum to the Advisory Committee's Final Report. The CPM report, the output of the PoE, and the Advisory Committee reports are significant contributions that supplement the comments and reply comments filed in this proceeding.

12. A complete listing of all parties submitting comments and reply comments to the *Third NOI* is provided in Appendix B to this *Report and Order* [filed with the original document]. Additionally, copies of the PoE reports, the CPM Report and the Advisory Committee Reports have been placed in the official docket file.

13. Following is a discussion of the issues faced by the Commission, input of the Advisory Committee and others, and the Commission's conclusions, which form the basis of its proposals. A general discussion of the material available to the Commission (comments, Advisory Committee Reports, CPM report) on each of these topics is presented with the rationale for and position of the Commission on each.

V. Requirements

14. As discussed in the *Third NOI*, BSS requirements included where the 12.1–12.3 GHz band should be divided between the Fixed-Satellite Service (FSS) and the Broadcasting-Satellite Service (BSS), the type of service to be provided (individual or community reception), the description of the service areas to be associated with particular satellites, the satellite orbit positions, and number of channels per service area. The FCC Advisory Committee and comments to the *Third NOI* each extensively discussed these topics. Each will be addressed in turn.

A. Division of the Band 12.1–12.3 GHz

15. In the *Third NOI* in this proceeding the Commission noted the current extensive development of the FSS in the 11.7–12.2 GHz band and the need to maintain this allocation for FSS use. It also noted that the 1983 RARC is competent to consider a division of the band only in the 12.1–12.3 GHz segment (see paragraph 11). It also noted the great uncertainty surrounding the BSS requirements and the need to provide adequate spectrum for this service. The Advisory Committee final report specified a near term requirement for 36–46 BSS channels, with long term requirements estimated as high as 215 channels. The Commission currently has on file applications to provide BSS service totalling approximately 70 channels. Many of the respondents to the *Third NOI* continue to recommend division of the band at 12.2 GHz. Several others, including AT&T, Farinon and HBO recommend reallocations of the 12 GHz band that are not within the competence of the Conference.[6] In the *Third NOI* the Commission indicated a position favoring division of the band at 12.2 GHz. It was further noted that this decision was one for presentation to the 1983 Conference and that domestic implementation was still a matter for later consideration. This matter has subsequently been addressed in the *Report and Order* in Gen. Docket No. 80–603 (FCC 82–285) concerning development of regulatory policy in regard to Direct Broadcast Satellites for the period following the 1983 Regional Administrative Radio Conference. Based upon the decisions reached in that proceeding, the BSS channel requirement forecasts of the Advisory Committee, and the comments to the *Third NOI*, the Commission believes that a division of the band at 12.2 GHz by the 1983 Conference is still the most prudent way to proceed. We therefore recommend this as a U.S. proposal to the Conference

B. Type of Service—Individual or Community Reception

16. In the *Third NOI* the Commission noted that planning on the basis of individual reception would permit implementation of community reception systems, whereas the reverse was not true. For this reason, coupled with an obvious need to provide for individual reception, this mode of operation was recommended for planning. This position is supported in the report of the Advisory Committee and in the comments filed. The Commission therefore recommends this as a proposal to the Conference.

[6] See item no. 1.1 of the Conference agenda.

C. Service Areas

17. In the *Third NOI,* the Commission noted overwhelming support in comments to the *Second NOI* for a division of the 48 contiguous states (CONUS) into four service areas approximating the time zones. The only dissenting view was that of DBSC, which presented a case for three service areas. It was further noted that the preliminary report of the Advisory Committee had favored a division of CONUS into four service areas. STC, in supporting four service areas in its comments to the *Third NOI,* also recommends that the four service areas for CONUS have a large overlap so as to allow each system designer to meet its own particular requirements, and to reduce the overlap only to the extent necessary to preserve "block allotment" planning [7] and at the same time accommodate equal power TWTA's on the spacecraft. In its addendum to its final report, the Commission's Advisory Committee also recommends that the four U.S. service areas of CONUS have considerable overlap in their areas. Other comments to the *Third NOI,* contains widely conflicting analyses made by DBSC and others concerning the merits of a three versus four service area plan for CONUS. DBSC maintains that earth station costs for three service area systems would be increased negligibly, space segment cost savings could be up to $1 billion, three service area coverage would more closely match current terrestrial TV viewing scheduling, and that three service area configurations would give better elevation angles. These assertions are challenged by STC and USSB as being either untrue or based on incorrect assumptions. The Advisory Committee, in its final report, recommends four service areas approximating the four time zones be used for CONUS in planning at the 1983 Conference. In responding to the ITU questionnaire on requirements the U.S. did request four service areas for CONUS that corresponded precisely to the four time zones. Additional comments provided on the questionnaire indicated that adjacent U.S. service areas may need to be served from the same satellite location. These comments were made to provide for possible implementation of a three service area system and to provide for four service area systems that may initially be implemented with two satellites each serving one-half of CONUS, as has been proposed by several of the DBS applicants. The Commission has recently made known its intention to make provisions for a DBS service in the U.S. with a minimum of constraints upon licensees, as evidenced in its grants of conditional construction permits to eight DBS applicants.[8] These applications include both three and four service area systems. The Commission believes that the U.S. response to the ITU questionnaire provides a basis on which to accommodate the need of current DBS applicants with respect to service area coverages. We therefore propose that U.S. proposals to the Conference include four service areas of approximately equal area for CONUS. We will continue to study the matter of service area overlapping as it relates to flexibility in implementing different systems and the effects such overlapping may have on efficient use of the orbit/spectrum resource. We must express concern, however, with the modified service areas as proposed in the addendum to the Advisory Committee report, particularly the Pacific and Mountain service areas. In order to provide a minimum 15° elevation angle to the home receivers in these areas, the satellite serving the Pacific area could be placed no further west than 165.5° west longitude (W.L.) and the one serving the Mountain area could be placed no further west than 146° W. L. Orbital arc limitations of this nature on these two service areas could have a significant effect on the ability of the Conference to develop a plan acceptable to all. For service areas outside of CONUS, we propose that coverage be provided through separate beams to Alaska, Hawaii, Puerto Rico, and the U.S. Virgin Islands from the satellite positions serving the west and east coast of the U.S.

D. Satellite Orbit Positions and Numbers of Channels

18. In the *Third NOI,* the Commission noted that the subject of orbit positions is very closely tied to the selection of service areas. It was generally concluded that a separate orbit location was needed for each of the service areas within CONUS, with the orbit locations serving the west coast also serving Alaska and Hawaii, and the orbit locations serving the east coast also serving Puerto Rico and the Virgin Islands. It was conluded, based upon foreseen requirements as put forth in earlier comments and the preliminary report of the Advisory Committee, that the U.S. should seek full use of the band at each orbit location with full flexibility to choose sense of polarization. It was also noted that there were proposals put forth that the U.S. identify additional, non-eclipse protected sets of positions further to the east in the orbit in order to meet future requirements.

19. Comments to the *Third NOI,* on the number of orbit positions generally follow the same line of reasoning as presented in the service areas dicussion with CBS, STC and USSB promoting four orbit positions to serve four areas within CONUS, and DBSC continuing to promote the merits of a three position, three service area concept. CBS and DBSC also proposed positions more easterly than those originally suggested by STC (115°, 135°, 155°, 175° W. L.), principally because of their concern over low elevation angles from these positions in the western service areas. RCA also expresses concern over low elevation angles. STC states that its choice of 175° W. L. to serve the Pacific area was based on perceived requirements of Canada and Mexico, and that to move further eastward could make it more difficult for the U.S. to achieve its goal of block allotments of frequencies. With respect to the spacings between satellites serving the same or adjacent areas, CBS, STC and USSB each believe that 15°–16° spacings appear reasonable, with CBS stating that perhaps as small as 13.5° could be achieved to allow frequency re-use between adjacent service areas. RCA recommends a 20° spacing, believing that there is no benefit in getting any closer.

20. With regard to the required number of U.S. channels, STC supports the Advisory Committee's forecasts but notes that there is great uncertainty in the Committee's predictions. STC, DBSC, and USSB each recommend seeking 500 MHz at each location which would provide about 36 channels per location, and CBS recommends seeking "large blocks of spectrum" at the Conference. The NAB suggests seeking less than the 500 MHz block, with re-use of the frequencies from additional or bit locations to accommodate any shortfall. DBSC and STC recognize the potential need for requiring more than the 500 MHz from a single orbit position. DBSC suggests the U.S. seek a second set of positions in the "non-eclipse protected" or eastern part of the orbit to meet this further requirement. STC suggests that the Conference establish a set of procedures through which additional orbit locations could be accessed to meet future requirements. It states that it has studied the feasibility of providing

[7] For a description of "block allotment" see Paragraphs 63–68, *Third NOI,* General Docket 80–398.

[8] See: *STC Interim Grant,* 91 FCC 2d——, 1982, FCC 82–427, released October 13, 1982; and *CBS, et al,* 91 FCC 2d——, 1982, FCC 82–498, released December 3, 1982

two sets of eclipse protected positions for the U.S. and has concluded that it is not possible without the use of unacceptably large earth station receive antennas.

21. The Commission's Advisory Committee has also completed its examination of this subject. With regard to the required number of U.S. channels, the Committee's preliminary forecasts were not modified. It still expects a significant BSS channel requirement for the U.S. in the near-term and through the turn of the century (i.e., 68–215 channels per service area). It has also completed its discussions on required service areas and orbit positions and has recommended that the U.S. proceed with planning at the 1983 Conference on the basis of four service areas within CONUS, each served from a separate orbit location. The specific areas recommended were chosen so as to provide the maxium flexibility for system implementation by the numerous DBS applicants before the Commission, and to allow the same satellite transponder output tubes to be used for each of the four service areas. Consideration was also given to providing commonality in design of the spacecraft transmitting antennas. The Advisory Committee reports that with its recommended service areas, all of the first round DBS applicants' systems can be resonably well accommodated, including the 3 satellite position /3 service area (3/3) system of DBSC and several interim systems using only two orbit positions, if the satellite positions are chosen carefully.

22. As noted in the Commission's *Third NOI*, we had tentatively suggested proceeding with a four satellite, four service area concept for CONUS, with eastern and western positions serving Puerto Rico and the U.S. Virgin Islands, and Hawaii and Alaska, respectively. We had also proposed that the full bandwidth be provided at each orbit location. In the period since the release of the *Third NOI*, the Commission has authorized the construction of eight DBS systems requiring approximately 36 "standard" DBS channels.[9] Additionally, the Commission has before it five DBS applications that have yet to be acted upon, totalling an additional 34 channels. The eight DBS applicants with conditional construction permits propose four basic variations of satellite/service area coverage. One proposes a 2/2 system, one a 3/3 system, and six a 4/4 system. Three of those that propose an eventual 4/4 system propose to use an interim 2/4 system in the first stage of their operations. Accordingly, a high degree of flexibility must be available in the Region 2 BSS planning if all of these systems are to be accommodated in a manner reasonably consistent with the applications. The Commission believes that the four service area approach for CONUS is still the most appropriate manner in which to proceed. However, the presence of DBS applications requiring a total number of channels in excess of 60 has created somewhat of a dilemma. With the selection of reasonable technical parameters and criteria, one can expect to obtain only about 36 channels from a 500 MHz bandwidth. This falls far short of accommodating all of the applications before the Commission. The only way to provide these additional channels is through a second set of orbit positions to serve each service area. Since the channels would have to be re-used with the channels on the first set of satellites, the satellites would have to be separated far enough apart to allow such re-use. As noted earlier, STC has stated that it does not believe it is possible to have such a second set of satellites in the eclipse protected part of the orbit, and recommends that the Conference adopt a set of procedures that would allow such satellities to be brought into use in the future when the need arose, presumably in the more easterly, non-eclipse protected part of the orbit. As also noted earlier, DBSC has proposed that such a set of non-eclipse protected positions be provided to the U.S. at the conference.

23. In response to the ITU questionnaire on administrations' requirements, the U.S. responded by stating it required four service areas within CONUS, corresponding to the four time zones, with 50 channels provided to each area. It should be noted that, because of the manner in which satellite coverages are determined a certain amount of overlap occurs when the areas are defined as above. The 50 channels specified above is the total number of channels requested in the DBS applications on file at the Commission at the time of the submission to the ITU. The precise number of 50 is not nearly as significant as the fact that it suggests that the U.S. will require more than one orbit position per service area. The Commission recognizes the channel requirement represented by all BSS applications on file and must promote the satisfaction of such a requirement at the 1983 Conference. The Commission is not yet convinced that, as STC believes, it is not possible to obtain at the Conference two sets of eclipse-protected positions for U.S. use. Satisfaction of such a requirement relies heavily on the adoption of several technical criteria and assumptions. The Commission, therefore, recommends that a total of eight eclipse-protected orbit locations with access to the full 12.2–12.7 GHz band be set forth as a U.S. requirement for the consideration by the Conference. It should be noted that this requirement represents satisfaction of existing BSS applications on file and does not, therefore, represent long term U.S. requirements. In the event that the Conference decides to develop a detailed plan that considers the long-term needs of Region 2 countries, the U.S. will seek access within the Plan to additional non-eclipse-protected satellite locations.

VI. Technical Specifications

24. In the *Third NOI*, in this proceeding, the Commission continued solicitation of comment on the Technical parameters and sharing criteria to be used as the bases for planning the BSS, and its sharing of the spectrum with other services. Comment was specifically directed toward the technical data and sharing criteria set forth in Annexes 8 and 9 of the Final Acts of the 1977 Broadcasting-Satellite Conference (now Appendix 30 to the 1982 edition of the Radio Regulations). It was further noted that the International Radio Consultative Committee (CCIR) of the ITU was to hold a special Conference Preparatory Meeting (CPM) in June/July of 1982 in order to prepare a report to the 1983 Conference that could serve as the technical bases for the work of the Conference. That meeting was held as scheduled and a report of that meeting has been sent to all administrations. A copy has been placed in this docket file. Additionally, the Commission's Advisory Committee was reconvened following the DPM so that it might reconsider its technical recommendations in light of the CPM Report. The Advisory Committee has completed its reexamination and has submitted to the Commission an Addendum to its Final Report to cover those matters. We shall now examine the specific technical specifications and certeria individually, as identified in the *Third NOI*, summarizing the comments received and noting the Advisory Committee and CPM recommendations. The instant discussion examines first the downlink (or space-to-earth) technical aspects and then the feeder link (or earth-to-space segment) aspects.

[9] A "standard" channel is taken to be one 24 MHz in bandwidth.

A. Technical Parameters (Down link)

i. *Polarization*

25. In the *Third NOI,* the Commission pointed out that the only reason for not supporting circular polarization at the 1977 WARC–BS was the fact that the BSS and FSS were sharing a common frequency band and that use of different polarizations by the two services (FSS uses linear) would be wasteful of the orbit/spectrum resource, requiring greater satellite separations. It was further noted that since this spectrum sharing no longer exists, this was no longer a significant consideration. It was also noted that the preliminary report of the Advisory Committee was inconclusive on the cost aspects of circular polarization versus linear.

26. In the comments to the *Third NOI,* CBS, DBSC and STC each state a preference to use circular polarization for downlink planning. RCA states a preference for linear, but says it could accommodate circular. The Final Report of the Advisory Committee recommends circular polarization, as does the report of the CPM. In reviewing the CPM report, the Advisory Committee re-affirms its support for circular.

27. In reviewing the comments, and Advisory Committee and CPM reports, the Commission is convinced that its earlier support for circular polarization is well-founded. Apparently, the cross-polarization and cost considerations were not significant, and the benefits of circular polarization in ease of installation prevailed. The Commission therefore continues its support for circular polarization for planning of the BSS downlinks.

ii. *Carrier to Noise Ratio (C/N)*

28. In the *Third NOI,* the Commission noted a general acceptance in earlier comments to a consideration of a total C/N of approximately 14 dB for 99% of the worst month. There was also some consideration of the use of threshold extenders, with JCET suggesting they be used and STC opposing their use for planning purposes.

29. Comments to the *Third NOI,* by CBS, DBSC, RCA, Rockwell and STC also continue to support the figure of 14 dB for 99% of the worst month, although DBSC states that this figure may be a little conservative. The Final Report of the Advisory Committee recommends a figure of 14.5 dB as the downlink contribution to C/N, which if one assumes .5 dB degradation from the feeder link, also corresponds to a total of 14 dB for C/N. The report of the CPM was less conclusive on this point, stating that "Recent tests have indicated that a carrier-to-noise ratio of between 12 and 14 dB overall exceeded for 99% of the worst month yields acceptable performance". In reviewing the CPM results, the Advisory Committee stands by its original recommendation of 14.5 dB for the downlink contribution to C/N, which corresponds to 14 dB overall. They also recommend against the use of threshold extenders for planning purposes.

30. The Commission finds that the Advisory Committee has given this subject thorough examination and is in general agreement with its conclusions. We therefore propose that a figure of 14 dB for an overall C/N be proposed for planning purposes at the 1983 Conference.

iii. *Protection Ratio Between BSS Signals*

31. In the *Third NOI,* the Commission noted that the choice of protection ratio involves striking a balance between orbit/spectrum efficiency and obtaining a desirable degree of design flexibility, while maintaining some minimum acceptable standard of performance. Comments to the *Second NOI* indicated a general agreement that the protection ratios assumed at the 1977 WARC–BS could be reduced, specifically with respect to the assumed total entry, co-channel protection ratio. The preliminary report of the Advisory Committee recommended values of 28 dB for total entry co-channel and 12 dB for total entry adjacent channel protection ratio for BSS.

32. CBS and STC comments to the *Third NOI,* support the Advisory Committee, which adopted figures of 28 dB and 12 dB for total entry co-channel and adjacent channel protection ratios (C/I), respectively, in its Final Report. STC goes on further to state that it believes that a figure of 34 dB for C/I should be used as a single entry, co-channel interference criterion for planning purposes. It believes that a difference of about 7 dB should be assumed between maximum single entry and total C/I to account for the anticipated number of multiple interferers.

33. The CPM report considers two possible ways of determining the required co-channel protection ratio for BSS, both of which are related to the desired quality of the picture to be received. For an impairment grade for 4.4, one method provides a total C/I of about 30 dB and the other, proposed by the U.S., provides total C/I of about 25 dB. The U.S. proposed method is based upon recent test data that shows that an increase in C/I above 25 provides little improvement in picture quality (see figure below). In reviewing the CPM findings, the advisory Committee has modified its recommendation to agree with the method proposed by the U.S. in the CPM report (see figure below).

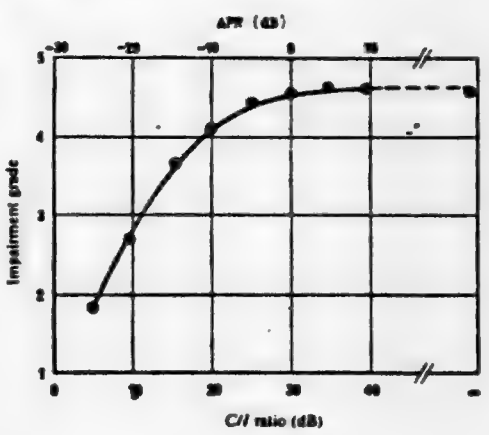

The Advisory Committee membership plans to conduct further extensive studies in the area of protection ratios for BSS and will make such information available to the Commission and to the U.S. Conference delegation. It notes that preliminary results tend to suggest that the original Advisory Committee recommendation for co-channel protection ratio may have been overly conservative, and that allowances for the difference between protection ratios for aggregrate interference and a single interference entry may have been too high.

34. The Commission notes with enthusiasm the current series of studies being conducted by Advisory Committee members on BSS protection ratios. The selection of a protection ratio plays a critical role in the development of any BSS plan; the lower the acceptable value of C/I can be made, then the easier it will be to develop an acceptable plan at the Conference. The Commission is prepared to accept at this time the U.S. input to the CPM as the method for determining the appropriate C/I for BSS. Since this method provides an impairment grade of 4.4 for a total C/I of 25 dB, we shall support 25 dB as the recommended C/I for BSS planning purposes. Commission staff will continue to monitor the BSS protection ratio studies currently underway and will bring this matter to the Commission again for reconsideration if the results of those studies so warrant.

35. With respect to an adjacent channel BSS protection ratio, the CPM report recommends a normalized protection ratio template that specifies a required adjacent channel protection ratio as a function of carrier offset

between adjacent channels. This implies that for a given channel spacing, the required adjacent channel protection ratio would vary as a function of channel bandwidth. The Addendum to the Final Report of the Advisory Committee recommends acceptance of the CPM method for determining adjacent channel BSS protection ratio, while noting the continuing work of that group's membership in the above-mentioned protection ratio studies.

36. The Commission notes that channel bandwidths and channel spacings are parameters to be decided at the 1983 Conference and that there is a definite relationship between those two parameters and the required adjacent channel BSS protection ratio. The Commission accepts the revised recommendation of the Advisory Committee and refers to its earlier comments relative to the tests that are currently being conducted.

iv. *Channel Spacing/Necessary Bandwidth*

37. In the *Third NOI* the Commisison noted the wide diversity of views on this topic among the commenters to the *Second NOI*, and that the Advisory Committee had not had much success in resolving this issue either. The Commission suggested that there might be benefit in not specifying the bandwidths in the BSS plan, at least as far as U.S. allotments are concerned. We further noted that while a channeling plan is not necessary under the purest form of block allotment planning, the U.S. must be prepared to present to the 1983 Conference what the U.S. believes to be a reasonable and efficient channeling plan for the BSS. It was further pointed out that we wished to avoid the adoption of a planning bandwidth that is based upon the "lowest common denominator", in other words, that system requiring the largest bandwidth, since such an approach could lead to an extremely inefficient use of the spectrum.

38. Three parties made specific recommendations for channel spacings. CBS, STC and USSB each recommend a channel spacing of 26 MHz between adjacent, co-polarized channels, with USSB favoring this spacing only if a pure form of block allotment could not be obtained. DBSC recommends a channel bandwidth of 22.5 MHz and a channel spacing that would be consistent with that bandwidth. RCA recommends a bandwidth of 24 MHz for standard television channels, and 72 MHz for High Definition Television (HDTV). HBO recommends that a uniform channel bandwidth between 25 and 30 MHz be adopted. STC argues in its reply comments that no specific bandwidth be adopted but that the channel spacing should be chosen and then system operators should be able to choose a bandwidth consistent with that spacing. STC believes that bandwidths in the range of 18–24 MHz are reasonable. In its reply comments, CBS states that it requires only 48 MHz for HDTV, which could be accomplished on two adjacent, co-polarized channels or on two separate 24 MHz transponders.

39. The Advisory Committee's final report recommended a 26 MHz channel spacing between second adjacent (co-polarized) channels. It recommended also that bandwidths in the range of 18–24 MHz be provided, consistent with the channel spacing and required protection ratio. The CPM report did not discuss channel spacing and with respect to channel bandwidth stated that "Results of further work on this aspect tend to indicate that the necessary bandwidth for individual reception in Region 2 would lie in the range 18 to 24 MHz." A detailed discussion is presented on the factors affecting bandwidth, but no further recommendations are made. In reviewing the results of CPM, the Advisory Committee reconsidered its position on necessary bandwidth and agreed upon a value of 24 MHz as a basis for planning. It believes that this value permits enhanced services and allows sufficient deviation for NTSC/FM signals. A wide range of baseband configurations for the NTSC signal with multichannel sound can be considered with a 24 MHz bandwidth. The problem of increased protection for signals employing bandwidths smaller than 24 MHz can be covered adequately by the requisite co-channel protection ratio, it says.

40. The Commission recognizes that in developing a plan for the Region the various plan analysis tools require that channeling schemes be developed and bandwidths be assumed for purposes of analysis and establishing protection within the plan. A 26 MHz channel spacing for adjacent, co-polarized channels and a 24 MHz channel bandwidth appear to be reasonable in providing an adequate number of channels in the plan and a bandwidth responsive to the diversity present in the DBS applications that have been filed with the Commission. The Commission can support these numbers for purposes of planning at the 1983 Conference on the understanding that adequate provision must be made within the regulatory provisions of the Final Acts of the Conference to allow the implementation of systems with varying bandwidth requirements, particularly, but not limited to, HDTV systems.

v. *Receiver Figure of Merit*

41. In its *Third NOI* the Commission stated that efforts should be made to improve upon the figure of merit of 6 dB (K^{-1}) that was adopted at WARC-BS for individual reception. It was noted that the Advisory Committee had not yet reached a decision on a recommended value, but that the range under consideration was from 6 to 10 dB (K^{-1}). The key point in determining the appropriate G/T for planning appears to be the noise figure achievable for low cost receivers obtained in mass production.

42. Four parties made recommendations with respect to G/T in the comments filed. CBS recommends a value of 10 dB (K^{-1}). DBSC recommends a value of 12 dB (K^{-1}), assuming clear sky conditions and a .9m antenna. RCA recommends a range of 9.5–14 db (K^{-1}), corresponding to a range of receive antenna diameters of .6–1m; and STC supports a figure in the range of 6.4–7.6 dB (K^{-1}), which falls out of the Advisory Committee's preliminary recommendations on other parameters. STC notes that this value is for the total system. The values recommended by the Advisory Committee in its Final Report was the range of 6.4–7.6 dB (K^{-1}), with the higher value being predicated on an assumed bandwidth of 24 MHz. The CPM report was also inconclusive on this point, specifying a range of 6–10 dB (K^{-1}). A stumbling block in reaching a decision again appears to be problems in mass production of receivers, as the CPM report notes "* * * it can now be expected that noise figures of the order of 4.0 dB can be obtained at reasonable cost in the 12 GHz band * * *. However, some variation of the noise factor in the mass production process may have to be taken into account." As part of its review of the CPM report, the Advisory Committee revisited the topic of G/T. In its Addendum to its Final Report, the Committee recommends a value of dB (K^{-1}) degraded for planning. The recommended degraded value of G/T takes into account allowances for antenna mispointing and receiver aging, as well as for atmospheric noise.

43. The Commission is encouraged that the Advisory Committee has been able to recommend a G/T value that is several dB higher than that used at the 1977 WARC–BS. This will promote the planning of the BSS with satellite powers that might have otherwise been excessive. We believe that the value is comparable to that proposed by others in the comments to the *Third NOI*, when

one considers the various effects of degradation, and we propose its acceptance as a proposal to the 1983 Conference as a technical basis for planning.

vi. *Receiving Antenna*

44. In the *Third NOI* the Commission noted that the selection of the receive antenna size is a significant factor in efficiency of orbit utilization and that therefore consideration should be directed towards the larger sized antennas being considered by the Advisory Committee in its preliminary report. The Commission further noted that the receive antenna reference pattern should be improved over that used at the 1977 WARC–BS. The Advisory Committee preliminary report considered such an improved pattern and comment on this pattern was solicited in the *Third NOI.*

45. In the comments to the *Third NOI* CBS suggests that a 1 meter receive antenna size appears reasonable, and that consideration of small differences in antenna size should not be allowed to threaten block allotment planning if the improved orbit efficiency obtained with this size antenna were necessary to obtain block allotments for the U.S. RCA states that it believes a 1 meter antenna would cost about $40 more than a .6 meter antenna. USSB believes that the smallest size antenna that will still preserve 15° satellite spacing should be adopted, which it believes would be about .75 meter. Both STC and RCA support the use of the improved antenna pattern that was preliminarily adopted by the Advisory Committee. In its Final Report, the Advisory Committee continues its support of its preliminary findings, and also suggested that the antenna size be chosen so as to result in an antenna half power beamwidth of between 1.9° and 2.25° (or between .9m and .75m at 12.5 GHz). This same pattern was submitted by the U.S. to the CPM and is one of two patterns presented in the CPM report for consideration. The other pattern (Canadian) shows improvement over the U.S. proposal out to about 3.6 half power beamwidths, with the U.S. pattern having the better performance between 3.6 and 12 half power beamwidths. Beyond that point the other pattern again displays better performance. The CPM made no recommendation between these two patterns but rather "agreed that further study in this area should be performed * * *". The CPM also recommended that the earth station receive antenna size should be chosen so as to result in a half power beamwidth of between 1.7° and 2.25° (1m–.75m). In reviewing the CPM results, the Advisory Committee continues to recommend the pattern proposed by the U.S. to the CPM, and maintains its original recommendation on antenna size. It does, however, note continuing study in this area with some preliminary results that are very encouraging. It states in the Addendum to its Final Report with regard to these studies, "* * * the results to date suggest that, if offset fed antennas can be produced in large quantities at competitively low prices with comparably low sidelobe envelopes, the Advisory Committee can recommend reference antenna patterns about 3 dB lower at a given angle than the better of the current U.S. and Canadian patterns, except for large off-axis angles, where the Canadian pattern cannot be met."

46. We believe that there is sufficient evidence to indicate that offset fed antenna designs can be produced at prices competitive with center fed designs. We also believe that further improvements in antenna performance and design are likely to occur during the life of the Plan developed at the RARC. Accordingly, while we will continue to monitor the progress of the studies on receive antenna patterns, we are recommending that the receive antenna performance used for planning be based as an improved offset fed design. With respect to the antenna size, we believe that a .9 meter diameter appears reasonable for planning purposes. Both of these decisions are particularly appropriate to the next item to be considered, orbital spacing.

vii. *Orbital Spacing*

47. In its earlier *Notices* the Commission identified two objectives that were to be met through proper selection of orbital spacings. The first is have separations large enough so that adjacent satellites could serve adjacent service areas using the same BSS channels, while still meeting eclipse and minimum elevation angle requirements. The second is to select orbital positions and satellite separations that would allow re-use of orbital positions to serve different areas within the U.S. Comments to earlier *Notices* indicated that perhaps satellite spacings as small as 16° could meet this requirement. The Commission also noted that this concept of frequency re-use could be applied Region-wide and was critical to the acceptance of the "block allotment" approach to planning.

48. As mentioned earlier in this *Report and Order*, comments to the *Third NOI* indicate that satellite spacings on the order of 15°–16° are possible for satellites serving adjacent service areas. These figures are generally arrived at in considering the improved earth receive antenna pattern. As CBS points outs, perhaps satellite spacings as close as 13.5° are possible. Selection of the appropriate spacings between satellites will have to take into account the various requirements of all of the countries of Region 2. If Regional requirements are very numerous, it may require that a large number of satellite positions be provided in the plan, with the resultant effect of closer satellite spacings. The Commission, through the active participation of its staff on the U.S. delegation, will continue to promote the two objectives noted above during the development of the BSS plan at the 1983 Conference. Adoption of a home receive antenna pattern based upon an offset fed design may allow satellite spacings as close as 8°–10°.

viii. *Elevation Angle of Receiving Antenna*

49. In the *Third NOI* the Commission noted that in comments to earlier *Notices*, STC and CBS had proposed 20° as a minimum elevation angle for planning purposes and that JCET had proposed 10°. Both STC and CBS had noted that particular geographical and rain climatic conditions may allow lower elevation angles to be used in certain circumstances. The Commission saw merit in using 20° as a minimum elevation angle for planning purposes, observing that each administration may elect to use a lower value in special instances during the planning process.

50. In comments to the *third NOI*, STC and CBS again state a preference for keeping the minimum elevation angle above 20°. CBS states that the elevation angle should be allowed to go below 20° only if needed to accommodate block allotment planning. STC states that the westernmost parts of the U.S. are arid and sparsely populated and could therefore accept a somewhat lower angle. The Final Report of the Advisory Committee also states a preference for a minimum elevation angle in the 20°–40° range, and points out that elevation angles less than 20° may be acceptable in arid and high latitude areas. The report of the CPM generally draws the same conclusions, when noting that system performance variation with elevation angle, as measured by carrier-to-noise temperature, is generally quite small, on the order of a few tenths of a decibel, down to elevation angles as low as 20°.

51. The Commission continues to agree that 20° elevation angle appear to be reasonable as a minimum upon which to base planning, and therefore proposes that this figure be used in

planning. With respect to specific plans providing service to the U.S., the Commission agrees that certain climatic and topographic circumstances may allow angles as low as 15° in some parts of the U.S. With this guidance the Commission defers to the expertise of the U.S. delegation in addressing these special circumstances at the 1983 Conference.

ix. *Transmitting Antenna (Elliptical or Shaped Beams)*

52. In the *Third NOI* the Commission noted that all comments received at that time favored the use of shaped-beam technology in the design of spacecraft transmitting antennas for coverage of large service areas. The benefits of this technology in the planning process were noted, and comment was requested on how this technology could be considered in the planning process.

53. Comments to the *Third NOI* continue to support the use of shaped beams in the planning process, with CBS, DBSC, RCA and STC commenting on its benefits. RCA and STC again raise the point that even though shaped-beam technology is supported for use in the statellite transmitting antenna, the use of "sidelobe suppression" techniques should not be required. With respect to the reference pattern of the satellite transmitting antenna, the Advisory Committee Report recommends adoption of a co-polar pattern identical to that adopted by the 1977 WARC–BS and a cross-polar pattern that is approximately 5 dB more lax than that used at the WARC–BS for close-in angles. The CPM Report makes a similar recommendation for the co-polar and cross-polar patterns. Additionally, the CPM Report recommends a pattern that could be used for an elliptical beam antenna pattern that assumes a roll-off that is more precipitous beyond the 3dB contour than the WARC–BS pattern. This more rapid roll-off would be generated by one of the beamlets having a beamwidth (beamlet) of approximately 0.8°. These beamlets are formed by an offset cluster of feeds driving the antenna aperture. The co-polar and cross-polar pattern and equations, as well as the shaped-beam pattern are presented in the attached U.S. Proposals.

54. The Commission continues to recognize the benefits to be derived both in planning and system implementation through the use of elliptical beams with fast roll-off. The patterns recommended by the Advisory Committee and the CPM appear to be well-founded and reasonable. It is also further recognized that the computer software that has been developed for this Conference is fully capable of handling the complex nature of such patterns in the analyses of a plan. However, any use of shaped beam patterns in the plan for U.S. service areas does remove a degree of flexibility in the implementation of U.S. DBS systems. The Commission therefore supports the use of the CPM recommended shaped beam antenna patterns to the degree necessary to meet other U.S. planning objectives at the Conference, including limiting their use only to the directions in which planning difficulties are encountered. The Advisory Committee and CPM co-polar and cross-polar reference patterns for "standard" antennas with elliptical beam and fast roll-off are supported.

x. *Pointing Accuracy of Satellite Antenna*

55. In the *Third NOI* The Commission noted that the preliminary report of the Advisory Committee stated there was general agreement on a value of ±0.1° for pointing error in any direction, and agreement that the rotational error tolerance should be ±1.0°. These value appeared to be reasonable and were supported by the Commission.

56. Comments in the *Third NOI*, The Final Report of the Advisory Committee and the CPM report all support the adoption of these values for planning. The CPM report also recommends a value ±.1° for satellite station keeping tolerance, a topic not addressed in the *Third NOI*. The Commission notes that the tightening of the rotational tolerance to 1° from the 2° adopted at the 1977 WARC–BS will allow the specification of elliptical satellite coverage areas with less spillover into adjacent areas, thereby reducing interference and facilitating the drawing up of an acceptable plan. The recommendations of the commenters to the *Third NOI*, the Advisory Committee and the CPM with respect to satellite antenna pointing and rotational tolerance are accepted by the Commission, as well as the CPM recommendation of ±.1° for satellite station keeping tolerance.

xi. *Power Flux Density (PFD) at Edge of Coverage Area*

57. In the *Third NOI* the Commission noted that recommendations in earlier comments considered values of PFD for planning in the range of −103 dB(W)/m² to −110 dB(W)/m², with the assumed value of receive G/T playing a significant role in determining the value of this parameter. It was further noted that the highest value in this range was being considered as a means of providing adequate spectral density threshold to digital systems, etc. The Commission stated that it was not yet convinced that the value of PFD adopted at WARC–BS, i.e. −105 dB(W)/m², for Region 2 should be exceeded for conventional television transmission. It was also unclear in some earlier comments whether the proposed value was for clear weather or for 99% of the worst month.

58. Comments to the *Third NOI* are unanimous in their recommendation of −105 dB(W)/m² per channel. In its reply comments, however, STC takes exception to the recommendation of DBSC and RCA that this should be a clear weather figure, and states its belief that the value should apply to 99% of the worst month. The Advisory Committee's Final Report also recommends a figure of −105 dB(W)/m² for 99% of the worst month, based upon an FM signal. It recommends −102 dB(W)/m² for HDTV, which it foresees as using a double channel. The CPM report does not recommend a single value, but rather indicates a range for PFD. It suggests that a PFD be used that is consistent with a satellite EIRP, minus the rain margin, that falls between 53 dB(W) and 60 dB(W). This range derives from the range of values that the CPM adopted for earth station receive antenna size and receiver G/T. The Addendum to the Advisory Committee report points out that its recommended value of −105 dB(W)/m² is fully consistent with and derives from its recommendations on bandwidth, G/T, and C/N.

59. The Commission believes that the Advisory Committee report recommendation in this area represents an integrated whole that has been arrived at through intensive investigation and examination. It represents a value that will provide for the operation of all DBS systems currently being requested before the Commission. Adoption of a lower value as suggested in the CPM report may preclude some new and innovative services that are being contemplated for DBS. The Commission supports the Advisory Committee recommendation and recommends this value as a U.S. proposal to the Conference.

xii. *Energy Dispersal*

60. In the *Third NOI* the Commission accepted arguments put forth that energy dispersal may not be required for sharing betwen BSS systems. It was also noted that co-channel sharing between BSS and terrestrial fixed stations will not be possible within large geographical areas (persumably within any given BSS service area, and some distance beyond), regardless of whether

or not energy dispersal is used. The only question remaining then was how to take into account potential BSS interference to terrestrial fixed stations to other countries in the planning process.

61. Comments to the *Third NOI* from AT&T, AMST and the Network Affiliates state that energy dispersal should be used in the plan in order to maintain flexibility in sharing with terrestrial fixed service, with AT&T recommending a PFD limit of −128 dB(W)/m²/4 kHz to accomplish this purpose. CBS, DBSC, and STC each advise against mandating use of energy dispersal in the planning process, even though CBS encourages its use when implementing systems. STC states that energy dispersal may be needed in some special cases, including inter-Regional sharing. AT&T, in its reply comments, states that STC's comments that energy dispersal may be needed for sharing between BSS and terrestrials in adjacent service areas is equally applicable to U.S. service areas, and therefore continues to promote its use in the planning process. In its Final Report, the Advisory Committee states that energy dispersal should not be required in the planning process, except for special cases of inter-Regional sharing. The Report of the CPM states that "* * * the PFD required by Region 2 BSS systems at their edge of coverage will be at the level which will still permit the operation of fixed-service systems in adjoining areas without causing unacceptable interference, providing that such BSS transmissions employ artificial energy dispersal." This statement was made by the CPM as a matter of technical fact, and was not presented as a recommended basis for planning of the BSS service. Upon review of the CPM Report, the Advisory Committee maintains its original recommendations.

62. The Commission recognizes the problems of sharing between the BSS and terrestrial services. This issue was considered extensively by the Commission in Gen. Docket 80–603 where it was recognized that the sharing situation was an untenable one, and that the full development of the 12 GHz band by DBS would necessitate the eventual removal of the terrestrial systems from this band. The Commission staff was directed to immediately begin an investigation looking toward reaccommodating the terrestrial services in other frequency bands. This investigation is currently underway and the Commission expects to act on this matter in the near future. In view of the fact that the U.S. is seeking access to all of the BSS channels in each CONUS service area, and that co-channel or adjacent channel BSS and terrestrial fixed service operations are not possible in the same or adjacent service areas, either with or without energy dispersal, there appears to be no compelling reason to mandate its general use within the BSS plan. The Commission does recognize the difficulties that arise in some Region 1/Region 2 interfaces where criteria has already been established by the 1977 WARC–BS. In these situations, the Commission can support the use of energy dispersal to meet these limits, but would prefer to leave the issue as one for resolution by each particular BSS operator as to how the specific PFD limits are to be met, be it through the use of energy dispersal or through other technical means.

xiii. *Guard Bands*

63. In the *Third NOI* the Commission raised for the first time the issue of guard bands. It was noted that guard bands must be considered from two aspects. The first of these is the need to provide adequate protection to services in bands adjacent to the BSS allocation. The 1977–WARC–BS preliminarily provided 12 MHz at the lower end of the band and 9 MHz at the upper end of the band for this purpose. The second aspect was that of providing spectrum for use by BSS for telemetry, tracking and command (TT&C) functions. Comment was requested on both of these aspects, noting that in preliminary discussions with region 1 administrations concern had been voiced about the ability to accommodate all of the TT&C requirements within the guard bands provided by the 1977 WARC–BS plan.

64. With regard to the issue of protecting services in adjacent bands, COMSAT states in its reply to the *Third NOI* that a band edge PFD of −177 dB(W)/m²/4 kHz by the BSS should be sufficient to protect the FSS. It notes that, based on measurements, the power roll-off as shown in CCIR Report 712 may be too low, thereby requiring larger guard bands than originally envisioned. STC states that it believes the 12 MHz and 9 MHz specified by WARC–BS may be sufficient if the BSS and FSS statellites are separated by about a half degree on the orbit. In its reply comments AT&T states its concern that any guard bands needed to protect adjacent services should come out of the BSS allocation, and that the orbit avoidance solution proposed by STC would severely impact the FSS. It suggests the 12.3 GHz band division as a possible solution.

65. With regard to TT&C requirements CBS states that, based on current recommendations on bandwidth and channel spacings, guard bands totalling 19 MHz plus two half channels will be available for TT&C purposes, making available a total of 45 MHz, which it believes is sufficient. Noting that several satellites will be operating from the same nominal orbit location, it also recommends a 0.2° spacing between these satellites so as to fascilitate TT&C operations. SBS also notes the particular difficulties of BSS, where several satellites will share the same nominal orbit location, and recommends that this point be considered. DBSC believes the TT&C issue not to be a critical one and states tht 10 to 20 MHz at the low end of the band could accommodate the TT&C requirements. RCA also states that the WARC–BS specified 12 MHz and 9 MHz guard bands should be adequate for TT&C. The Final Report the Advisory Committee noted that guard bands similar to those specified at WARC–BS would be required to protect adjacent band services, and that additional study should include consideration of TT&C requirements. The Addendum to the Advisory Committee Final Report notes that the different allocation now available to BSS may require re-examiniation of the guard bands. It notes that characteristics specified by one DBS contractor lead to the implication that guard bands may have to be wider for the band edge PFD limits considered at WARC–BS. It urges that additional information be brought to the attention of the U.S. delegation, by spacecraft designers and system operators, prior to the 1983 Conference.

66. The Commission recognizes that this is an area where technology is subject to rapid change and that much additional information may be forthcoming in the time between now and the Conference. We accept the premise that because of the relatively high power operation of BSS satellites some guard bands are required from within the BSS allocation to protect adjacent band services, but that the burden should not fall totally upon the BSS service when making the decision on appropriate guard bands.[10] The separation of nominally co-located BSS satellites to ease the contraints on TT&C appears to be a reasonable solution as long as it does not adversely affect FSS orbital location assignments and should also aid in providing additional discrimation in the feeder links. The Commission therfore recommends that

[10] See *Radio Regulation* No. 301 which deals with services operating in neighboring frequency bands.

the U.S. propose guard bands of 11 MHz and 9 MHz at the lower upper BSS bands edges. Noting that this is a complex problem that is related to other issues. The U.S. delegation should work toward satisfactory resolution of these issues at the Conference, consistent with obtaining a BSS plan that meets U.S. objectives with respect to quality of BSS service and operational flexibility required, a well as avoiding adverse impacts to existing and planned FSS networks.

B. Feeder Links

67. In the *Third NOI* five specific areas of feeder links were discussed. These were: (1) the specific frequency range within 17.3–18.1 GHz that should be planned; (2) the approximate number fo feeder link sites required; (3) the mobility (if any) that should be available to feeder link stations; (4) the sharing criteria for the various services to which the 17.3–18.1 GHz band was allocated by WARC–79; and (5) the technical characteristics of feeder links. Each of these points can be related to two general considerations, which are the specific requirements of the BSS feeder links and how these feeder links interact with other services. The first of these considerations will be addressed in this section and the second will be considered in the section on sharing. In the *Third NOI* the Commission considered comments on the required bandwidth for the feeder link allocation. There were some suggestions that perhaps less than 500 MHz could be used to provide feeder links to a 500 MHz BSS downlink allocation, with CBS citing CCIR Report 561–1 (MOD I) as identifying possible means. The Commission had considered this possibility; however, noting the technical problems associated with this approach, as well as a Conference agenda that specifically calls for planning the feeder links in a bandwidth equivalent to that of the downlink, we found that planning of feeder links in a 500 MHz allocation would best serve the U.S. interests at the 1983 RARC. Comments to the *Third NOI*, aside from those relating to sharing with services above 17.7 GHz, presented no arguments for other than an equal allocation between the downlinks and the feeder links. There is unanimous agreeemnt that planning of the feeder links should start at 17.3 GHz and the Commission fully endorses these principles.

68. The *Third NOI* also raised the issue of the number and mobility of feeder link stations. In that *Notice* the Commission stated its belief that the most operationally flexible manner in which to provide for U.S. feeder links would be to specify in the plan a limited number of fixed feeder link sites for each U.S. satellite position, and then to adopt provisions for the use of other locations on the condition that certain agreed upon interference criteria are met.

69. USSB, in its comments to the *Third NOI*, suggests that feeder link sites for planning purposes should be spread evenly over the entire U.S. The Final Report of the Advisory Committee recommends that each orbital position assigned to serve any area within CONUS should have an uplink service area that includes virtually all of the U.S. area that can be seen from that orbit position.

70. In its preliminary response to the ITU Questionnaire on requirements the U.S. specified a limited number of fixed locations for feeder links within each service area, with all feeder links located within the downlink service area served by that feeder link (e.g., Eastern service area fixed feeder links were all located in the eastern service area). Additionally, a need was stated to be able to serve from a mobile feeder link any U.S. satellite visible from anywhere in the U.S., similar to the Advisory Committee recommendation. Upon further review of this situation the Commission observes that there is a need to extend their requirement to the fixed feeder link locations also. In doing so, however, it is necessary to consider the satellite antenna receive pattern to be used in the planning process. The ITU has interpreted the U.S. feeder link requirement statement as necessitating a satellite receive beam that covers nearly the entire northern half of the western hemisphere so as to include Alaska, Hawaii, CONUS, Puerto Rico and the U.S. Virgin Islands. This is obviously not an efficient way to either plan or implement this service. The Commission, therefore, recommends that for planning purposes the satellite receive antenna coverage pattern be only one large enough to cover the viewable area of the U.S., and in no case larger than that necessary to cover CONUS, allowing such an antenna to be repointed to receive transmission from Alaska, Hawaii, Puerto Rico or the Virgin Islands, or alternatively to provide spot beam coverages for reception of feeder links in those areas.

71. Comments to the *Third NOI* regarding the technical characteristics of the feeder links were very limited. USSB and STC recommend against the use of power control and depolarization compensation in planning. CBS also states that it sees no need for power control from a thermal noise/performance viewpoint. CBS states that for C/I considerations, it is desirable to have a uniform PFD at the satellite and on earth, employing automatic gain control (AGC) or limiter action on the satellite. STC similarly states that a limit on PFD inhomogeneity may be required for interference protection purposes.

72. The Commission's Advisory Committee reviewed the planning elements associated with the feeder links and provided a number of recommendations. These were reviewed in light of the CPM report and in some cases were modified. The table 2.2 below shows the original Advisory Committee recommendations, the CPM findings, and the revised findings of the Advisory Committee. The Commission finds the final recommendations of the Advisory Committee to represent a reasonable basis for the planning of the BSS feeder links and therefore endorses these recommendations, with one exception. We believe that planning based upon 1000 W power for all feeder link stations may create some sharing difficulties. We therefore proposed that 500 W generally be used, and up to 1000 W be allowed to accommodate special circumstances.

73. With respect to type of polarization to be used on the feeder links, for which the Advisory Committee made no recommendation, the Commission does not believe that the selection of type of polarization will signficantly affect the development of the BSS plan, and therefore defers this issue for consideration by the U.S. delegation to the Conference, where its relationship to other technical and operational matters can be more fully studied.

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Table 2.2 Feeder Link Planning Elements (See Annex 2b)

Table 2.2 Feeder Link Planning Elements (See Annex 2b)

Parameter	Original Advisory Committee Recommendation	CPM Finding	New Advisory Committee Recommendation (If Any)
C/N as guidelines for plan synthesis	26 dB for 99% worst month	(C/N) down + 11dB for 99% of worst month	Same as CPM
Satellite receiving antenna reference pattern	Same as transmitting pattern but with degraded cross-pol	Same as Advisory Committee	No change
Earth station minimum antenna diameter	5 m	5m for planning but 2.5m for implementation	Same as CPM
Earth station antenna reference pattern — Copolar	$G = \begin{cases} 32-25\log\Phi & 1°\leq\Phi<47.9° \\ -10 & \Phi\geq 47.9° \end{cases}$	$G = \begin{cases} 36 - 20\log\theta; & 0.1°<\theta<46.6/D_m \\ 8 + 20\log(D_m/\lambda) & \\ \quad -2.5\times10^{-3}(D_m/\theta)^2; & 46.6\lambda/D_m\leq\theta\leq\theta_j \\ 29 - 25\log\theta; & \theta_j<\theta<36.3° \\ -10; & \theta>36.3° \end{cases}$	Same as CPM
Earth station antenna reference pattern — Cross polar	No recommendation	$G = \begin{cases} G_e-30 & \theta<35\lambda/D \\ 9-20\log\Phi & 35\lambda/D<\Phi\leq 8.7° \\ -10 & \Phi>8.7° \end{cases}$	Same as CPM
Transmitter power at antenna input per TV channel	500 W	500-1000 W	1000 W
Satellite receiving system noise temperature	2000 K	1500K	Same as CPM
Protection ratio (single-entry) C/I as guideline for plan synthesis	Cochannel: 40 dB 1st and 2nd adjacent channels: no current recommendation	Cochannel: Same as Adv. Comm. 1st adjacent channel: 15-20 dB	No change
Power control	Use not recommended	≤ 5 dB permitted at elevation angles > 60°	Same as CPM
Polarization	Need not be specified	Same as Advisory Committee	No change
Depolarization compensation	Use not recommended	Same as Advisory Committee	No change
Limit on satellite AGC range	No recommendation	10-15 dB	15 dB
Frequency translation between downlink and feeder link plan	No recommendation	Same for all allotments	Same as CPM
Separation between "colocated" satellites with same feeder link service areas operating on adjacent channels	0.1° to 0.2° may be required	0.3° - 0.5°	0.4°
Minimum separation between "colocated" satellites of different Administrations	No recommendation	No recommendation	1°

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VII. Planning Principles and Procedures

74. In its *Third NOI* the Commisssion reviewed its preliminary positions on several of the issues related to planning principles and procedures that were identified in the *Second NOI*, and generally reconfirmed these positions. Specifically, it has reconfirmed the need to pursue a plan based upon individual reception and providing the U.S. with a large number of channels from a small number of orbit locations. However, in reconsidering its initial recommendation of a "limited planning approach" at the 1983 Conference, the Commission noted that the apparent U.S. need for a greater than "nominal" channel requirement and the widely divergent possibilities for system parameters represented by potential applicants necessitated reconsidering this position. The Commission, therefore, proposed the concept of block allotment planning, wherein a large service area (which could consist of, for example, a U.S. time zone, or a moderate sized country, or a group of smaller countries) would be allotted the entire 500 MHz of spectrum at both senses of polarization from a given orbit location. These large service areas and orbit locations would be chosen so that the interference between them would be below some mutually acceptable level. Under this arrangement, service within each of the large service areas would be provided without regard to the service being provided to the other large service areas, subject only to some broad overall technical constraints. Procedures would be established for determining the effects between stations implemented in different blocks, as well as for determining how stations of different countries sharing the same block would be implemented. The important point raised in the *Third NOI* concerning the block allotment approach to planning was that the particular type of planning adopted for any given block allotment could be chosen without regard to the method employed within other block allotments.

75. Comments to the *Third NOI* on the general principles of BSS planning and procedures support the concept of block allotment planning. CBS endorses the block allotment approach stating that the "limited planning approach" will not be in the long-term best interest of the U.S., and that the full 500 MHz at four primary eclipse protected positions should be a minimum objective. STC also supports the block allotment planning approach with a large number of channels from a small number of orbit positions. AT&T supports block allotments, but only of 400 MHz. In its reply comments SBS states that as a principle, use should be allowed by any country of the orbit/frequency resource, whether or not assigned to another country, so long as it isn't being used and no interference is being caused to the plan. In its Final Report the Advisory Committee recommended "a) that the U.S. seek a set of 4 'eclipse protected' orbital slots to serve CONUS; b) that the United States seek planning approaches at RARC-83 (such as block allotment) which allows maximum flexibility in assigning service areas to orbital locations within the United States, but that *nominal* service areas corresponding approximately to the U.S. time zones be identified if such identification is necessary to protect U.S. interests."

76. The CPM report devotes an entire chapter to planning approaches and procedures. One section of this chapter describes the desirable characteristics and features of a Region 2 planning approach, which are described as follows:

"Any approach used at the RARC SAT–R2 should, as far as possible, give greater flexibility as well as higher capacity per service area than in the approach used in Regions 1 and 3 as applied to Region 2. Some *characteristics* of such an approach would be that it would:

(a) Be sufficiently detailed so that it is clear after the Plan is completed that specific systems with certain interference potential and certain required interference protection wer used in the development of the plan;

(b) Be responsive to improvements in the technology as they develop after the Plan is completed;

(c) Be responsive to a wide range of traffic requirements, from high definition television to audio programming;

(d) Be responsive to the high intrinsic orbital capacity available in Region 2, a result of the geographical characteristics of the Region.

"To meet this set of requirements it is necessary that that the following *features* be included in the planning approach used:

(a) A benchmark set of system technical parameters would be agreed to, and this set used in the development of the Plan;

(b) The Plan would be developed on the basis that wherever possible satellite positions be placed far enough apart in orbit that they could use the same frequencies and the same polarization. Where this is not possible it will be necessary to make further provisions in the Plan to accommodate such systems;

(c) Include in the associated administrative regulations a means by which the Plan can be modified, such as is done through Article 4 of Appendix 30 for the Regions 1 and 3 Plan. Such modifications would be permanent and would replace an original entry in the plan or add new entries to the Plain; and

(d) Also include in the associated administrative regulations a means by which a system with different technical parameters, different types of modulation, different coverage areas, etc. can be implemented without modifying the Plan as long as the system being proposed does not cause more interference to any other system in the Plan than the agreed system officially in the Plan, nor does it require more protection than the system in the Plan. At the end of its useful life such a system could be replaced by the offical system still in the Plan, or by a different non-standard system that met the above qualifications. If at any time an administration wished to have that non-standard system incorporated in the Plan, that could be done through the modification procedure in (c) above."

With respect to procedures, the CPM report provided further suggestions.

"In conjuction with detailed planning approaches as described in §§ 6.2.2.3, 6.2.2.4, 6.2.2.5 and 6.2.2.6, the following procedures might be used to guarantee frequency/orbit access for requirements as they arise, particularly for access to portions of the orbit-spectrum resource not already allocated in the Plan or where not all technical parameters are specified in advance (such as methods 6.2.2.4 and 6.2.2.5).

"A guaranteed access by means of multilateral coordination would provide for the case when a new requirement could not readily be accommodated. A special meeting would be called of those administrations that might be affected and a means would be sought ot accommodate the new requirement.

"Certain methods of calculation and technical factors which may be revised periodically (typically taking into account the latest CCIR Reports and Recommendations), may be necessary to fully implement the Plan. In particular such things as calculation of interference to and from systems employing non-standard parameters may have to rely on procedures incorporating such possibilities. Furthermore, under the block approach (see§ 6.2.2.5) groups of two or more administrations may wish to adopt flexible procedures and technical forms for sharing the allotted block of frequencies, which could be revised over time to reflect changes in requirements and techniques, (including costs). These special procedures and technical factors would be unique to the sharing administrations and would have to respect the conditions of the Plan both internationally and regionally.

"Regulatory procedures which would accompany an acceptable planning approach would specify precisely how the actual "non-standard" systems should be notified. It would be desirable if most of these "non-standard" systems could be notified without resorting to a formal modification procedure.

"In some cases it may be necessary to make a formal modification to the Plan. In accordance with Resolution No. 701 of WARC–79 RARC SAT–R2 is to draw up a detailed plan of frequency assignments and orbital positions for the broadcasting-satellite

service in Region 2 in the 12 GHz band. An objective is to provide for administrations in Region 2 to be able to review and, if necessary to revise, their system characteristics in this plan when their systems are to be implemented. In most cases the procedures mentioned in the paragraph above will allow these systems to be implemented. In some instances, however, formal modifications to the Plan may be desirable."

77. In reviewing the comments to the *Third NOI*, the Advisory Committee Report, the CPM report and recent activity in the ITU BSS Panel of Experts, the Commission maintains that the block allotment approach to planning still provides the best opportunity for meeting the needs of the U.S. and the other countries of Region 2. However, some modifications to this approach appear to be necessary to assuage the concerns of some countries in the Region, as well as to overcome some procedural obstacles to having such an approach adopted at the RARC. In developing a plan at the 1983 Conference, sophisticated computer techniques will be used both to develop and to analyze the BSS plan. Such techniques require that a specific channelling scheme be adopted for the plan so that appropriate co-channel and adjacent channel interferences can be calculated. The Commission accepts this fact and believes that with the proper procedures, this factor should not act as an impediment to the introduction of U.S. DBS systems. Although we accept specific channeling for the U.S. in the plan, all U.S. assignments should show operation at both senses of polarization thereby providing a de facto block allotment to the U.S. when all channels are assigned. With respect to the regulatory procedures, the Commission has examined a number of concepts that would provide for the implementation of systems within the plan or allow for implementations of systems that might not be in strict accordance with the parameters in the plan. A presentation of these concepts and the principles covering them is presented below.

Basic Principles for the Utilization and Modification of Assignments in the Plan

1. The primary goal of RARC–1983 is to develop a regional plan which will permit the orderly development of broadcasting-satellite services in Region 2. Recognizing that this development can be expected to occur at different rates and under differing conditions throughout the Region, the procedures for implementing the Plan should be designed to provide for the differing needs of all administrations.

2. This goal can best be met by providing the opportunity for all administrations to:

(1) Employ revised system characteristics without unnecessary procedural complication and delay, and

(2) Add new assignments as necessary to meet growing needs for service,

while assuring that the agreed protection will be afforded to all systems in accordance with the Plan, whether their implementation is rapid or delayed.

3. The following principles would serve these goals:

(1) *System Variations in Accordance with the Plan.* When utilizing any of its orbital positions designated in the Region 2 Plan, an administration may employ system characteristics differing from those appearing in the Plan, without modifying the Plan, whenever the equivalent protection margins of the assignments of other administrations in the Plan are not consequently reduced. This principle may be applied to provide a broadcasting satellite service to any of the service areas of the administration, without modifying the Plan.

(2) *Plan Modification.* The Plan may be modified to change or add assignments with the agreement of affected administrations to the proposed change. (It should be borne in mind, in developing the Region 2 Plan, that the more tightly it is engineered, the more numerous would be the instances when it would be necessary to seek the agreement of other administrations to post-Conference modifications to meet changing requirements.) Modifications may be limited to a stated period.

(3) *Progressive Introduction of Services.* It may be expected that administrations will wish to bring their assignments into use progressively, rather than all at once. Such progressive introduction of broadcasting-satellite services could be greatly facilitated if an administration, when proposing modifications to the Plan and when notifying the bringing into use of assignments, is permitted to request that the Board not take into consideration other designated assignments of that administration that have not yet been brought into use. The Board would proceed without taking the designated assignments into consideration, and would re-examine them when the administration later notifies the Board of its intention to bring them into use.

The Commission believes a plan providing multichannel assignments to the U.S. and associated procedures that are based upon the principles laid out above will meet the U.S. requirements at the Conference and be responsive to the listed CPM Report desirable characteristics and features of a Region 2 planning approach.

VIII. Sharing

78. In this section of the *Report and Order* we shall consider sharing from two distinct perspectives, sharing with the downlinks (12 GHz) and sharing with the feeder links (17 GHz). Within each of these perspectives, sharing must also be considered from both the intra- and inter-Regional viewpoint. With respect to sharing intra-Regionally, the 1983 Conference has considerable latitude to select the criteria to be used for sharing between the various services concerned. With respect to inter-Regional sharing, many of the criteria first established at the 1977 WARC–BS and extended by various Resolutions at WARC–79 cover the new BSS downlink allocations. In some cases, however, criteria have not yet been established and this must be done at the 1983 Conference. In the *Third NOI* it was noted that very little had been presented in the comments filed or within the preliminary report of the Advisory Committee on sharing criteria. The only areas in which significant comment had been filed were on the use of energy dispersal and limits on spurious emissions from BSS receivers. It was further noted in the *Third NOI* that the case of inter-Regional sharing had not been fully discussed in earlier *Notices*. It was noted that inter-Regional sharing problems, at least with respect to Region 2 BSS interference to Region 1 or 3 Fixed and Fixed-Satellite services, were significant in only three areas, viz., the Alaska/Region 1/3 interface, the Greenland/Iceland interface, and the Brazil/West Africa interface. Comment was requested on how sharing criteria in these areas will impact the BSS service to be provided to these areas and how this could impact service to other areas in Region 2. We shall now examine each of the critical sharing situations in turn.

A. 12 GHz Intra-Regional Sharing

79. Comments to the *Third NOI* in this area of sharing concerned two specific aspects. The first was the sharing between BSS downlinks and terrestrial services sharing the 12.2–12.7 GHz band with BSS. The second was the potential for BSS interference to services in adjacent bands. With regard to the first of these two apsects, there was considerable comment filed regarding the need to give proper consideration to the terrestial fixed stations currently operating in the band. AAR, Farinon, MRFAC, and Rockwell each specifically

call out the need to consider the needs of the terrestrial fixed stations in the planning process, with Rockwell continuing to call for a subdivision of the band between the terrestrial fixed and the BSS. Farinon notes that providing spectrum for fixed service use at 13.2–13.7 GHz could help the situation considerably. Additionally, AMST and the Network Affiliates, and CBS, state that terrestrial broadcasting should be considered in the RARC–BS planning and that terrestrial broadcasting affects the technical and planning parameters for BSS. USSB in its reply comments states its belief that 12 GHz terrestrial broadcasting is infeasible and that delaying DBS for it is not warranted. The Final Report of the Advisory Committee states that co-channel sharing between BSS and terrestrial services in the same service area is not generally feasible. A majority of the Committee also agrees that a block allotment plan of the full 500 MHz at each orbit position is considered to be the most technically suitable way of meeting the needs of affected existing systems since it provides the greatest latitude in solving the sharing problems on a domestic basis.

80. Much of the substance of this issue has been discussed in earlier sections of this *Report and Order* in considering planning approaches and in discussing the use of energy dispersal. The Commission has noted in the *Report and Order* in Docket No. 80–603 that the extensive use of the 12 GHz band by DBS would necessitate the eventual transfer of terrestrial fixed operations from that band to other bands. It is also noted that the Commission has directed its staff to prepare a Report to the Commission that would identify additional spectrum to be available for terrestrial fixed systems currently operating at 12 GHz. We believe this solution to be in the best long-term interests of both services. Nothwithstanding the domestic decisions that have been made with regard to the use of the 12 GHz band in the U.S., an allocation to terrestrial fixed services still exists in the international Table of Allocations and suitable procedures are needed for coordination between these services following the adoption of a BSS plan for the Region. Such procedures, which are similar to those adopted at the 1977 WARC–BS, are included in the Annex to the *R&O* for submission to the ITU as U.S. proposals.

81. The problem of BSS interference into adjacent bands is addressed from two aspects also. The first of these is emissions from the BSS satellites into the FSS receivers. This aspect was discussed under the subject of guard bands. COMSAT states that a band edge PFD of -177 dB(W)/m^2/4kHz is needed to protect the FSS. SBS states that if the full 500 MHz is allocated to BSS at the Conference, then some minimal spacing may be required between the BSS and FSS satellites to provide additional required discrimination. The Final Report of the Advisory Committee states that emissions of BSS space stations, due to spectrum spreading, into the fixed satellite service operating in adjacent bands, requires careful coordination between the services involved. It further states that the methods that may be utilized include carrier planning, allocating guard bands, and establishing a minimum orbital spacing of one degree between the broadcasting and the fixed satellites. The Commission believes that the establishment of a band edge PFD of -147 dB(W)/m^2/24 MHz, based upon an assumed nominal spacing between BSS and FSS satellites, should provide a reasonable and equitable means of sharing between these two services. This should also be considered in the establishment of the BSS guard bands.

82. The second adjacent band problem addressed in the comments relates to local oscillator radiation from the BSS home receiver, which may cause interference into Fixed Service receivers in the 10.7–11.7 GHz band. AT&T believes that receiver emission limits should be established (it recommended -170 dB(W)/m^2/4 kHz at one mile in comments to the *Second NOI*). Rockwell supports a value of -177 dB(W)/m^2/4 kHz for local oscillator emission limits. STC states that it believes receiver manufacturers could meet about -120 to -140 dB(W)/m^2/4 kHz at one mule without the use of expensive filters. It notes that two manufacturers thought an additional 20 to 30 dB could be obtained through special filters at not much additional cost. The Final Report of the Advisory Committee also recognizes this situation as one of potential serious difficulty and suggests several ways in which to ameliorate the problem. In reviewing the situation following the CPM, the Advisory Committee evaluated several receiver designs. The results of this evaluation show that the average value experienced was approximately 17 dB higher than required to meet the value suggested by AT&T. The Committee concluded that additional information is needed on technically and economically viable values of receiver local oscillator radiation, image rejection ratio, and IF rejection ratio. The latter of these two relate to potential susceptibility of DBS home receivers to authorized emissions of other services in the U.S.[11] The Advisory Committee Report, as well as the Report of the CPM, cover a number of other cases of potential interference from BSS spurious emissions. While these factors are important in designing BSS systems, there is significant doubt as to how this will affect the planning of the BSS at the RARC–BS. It is not certain that the 1983 Conference will be competent to make any regulatory decisions falling outside of the bands 12.1–12.7 GHz and 17.3–18.1 GHz. Similar considerations arose at the 1977 WARC–BS and provisions were not adopted because they were outside the agenda of the Conference. A similar situation appears to exist for the Region 2 Conference. The Commission does not propose to make any proposals to the Conference concerning frequencies outside of those noted above. However, the information contained in the reports of the Advisory Committee and the CPM will be very useful when considering the various technical characteristics to be used in planning the BSS.

B. 12 GHz Inter-Regional Sharing

83. The only comments filed in response to the *Third NOI* on this item was that of STC. In its comments, STC supports the contributions of the U.S. to the CPM regarding sharing between Region 2 BSS and Region 1 and 3 terrestrial and fixed-satellite service. The premise of these U.S. contributions was one of reciprocity between Region 2 and Regions 1 and 3. The Final Report of the Advisory Committee identifies 14 specific cases of inter-Regional sharing situations, broken down by services and frequency subband concerned. It is noted that the 1977 WARC–BS adopted a number of sharing criteria between the Regions, and that the 1979 WARC adopted modifications to make these criteria applicable to the new allocations, as evidenced in WARC–79 Resolution 31. This Resolution notes that the provisions of Appendix 30 (i.e. the WARC–BS Final Acts) can be applied directly to all of the new sharing situations except for sharing between the FSS in Regions 1 and 3 and the BSS in Region 2 in the frequency band 12.2–12.7 GHz. Resolution 31 further recognizes that this sharing situation is covered by Resolution 700 of WARC–79. Resolution 700 calls for a reciprocity in sharing situations between the Regions. It calls for Region 2 BSS to protect

[11] Reference FCC Public Notice 604, "Susceptibility of DBS home receivers to extraneous interference," Nov. 3, 1982.

Region 1 and 3 FSS to the same extent that Region 2 FSS is protected in the Region 1 and 3 BSS plan. The Advisory Committee Final Report also notes that submissions have been made to the CCIR that seek to have Region 1 and 3 FSS protected to a greater extent from Region 2 BSS than the Region 1 and 3 BSS plan protects Region 2 FSS. The Advisory Committee notes that "resolves 2" of Resolution 700 appears to militate against a demand for such increased protection.

84. The Commission believes that the Advisory Committee's investigations into the inter-Regional sharing situations at 12 GHz have been quite thorough and represent a good analysis of the current situation. We believe that virtually all of the current sharing situations are adequately addressed in Appendix 30 to the Radio Regulations and the relevant Resolutions adopted at WARC–79. In those few instances where final decisions need be made at the 1983 RARC–BS, we believe that the principle of reciprocity between the Regions must be observed. The U.S. should not accept, as a matter of principle, an obligation to protect the services of other Regions to an extent greater than those same services are to be protected in Region 2. Proper coordination procedures should be available to consider the needs of special types of systems that may be brought into service. The principles of such coordination procedures may be found in the attached recommended U.S. proposals.

C. 18 GHz Sharing

85. Sharing that occurs around 18 GHz is of concern principally above 17.7 GHz. Below this frequency the BSS feeder links share an allocation with the radio location service, which is secondary. As such, the radiolocation service must protect the BSS feeder links, as well as accept any interference caused by the BSS feeder links. Above 17.7 GHz, the feeder links share on a co-equal basis with the fixed and mobile services and the FSS operating in the space-to-earth direction. In its comments to the *Third NOI* AT&T states that sharing criteria are virtually non-existent at 18 GHz. It expresses concerns with respect to the viability of three-way sharing between the feeder links, the FSS and the terrestrial fixed, stating that the necessary technical studies on this type of sharing situation have yet to be completed. AT&T further sttes that if mobile feeder links are to be allowed above 17.7 GHz, then a full coordination procedure must be available. USSB believes that the coordination problems described by AT&T are exaggerated. It further suggests that mobile feeder link stations be restricted to below 17.7 GHz. The Final report of the Advisory Committee states that the coordination procedures of Appendix 28 of the Radio Regulations should permit sharing of the 18 GHz band. However, it does suggest that consideration be given to limiting mobile feeder links to the band 17.3–17.7 GHz in order to minimize coordination problems with the Fixed and FSS services, and to the extent possible, any fixed feeder links that are located in urban areas should be assigned frequencies in the 17.3–17.7 GHz band if the 18 GHz band is to be used for telecommand and tracking beacon frequencies. The Commission finds the recommendations of the Advisory Committee in this area to be reasonable and well-founded and we therefore accept them as proposals to the 1983 Conference

86. The final sharing situation addressed in the comments to the *Third NOI* was that of potential interference from the FSS space stations into the BSS satellite receivers. This is both an intra- and inter-Regional problem that can occur with satellites that are very close together or nearly antipodal. In its comments to the *Third NOI*, COMSAT states that if the gains of the two satellite antennas (BSS and FSS) toward each other are isotropic, then the satellites will require a little separation. It recommends that BSS satellite receivers be designed to accept $-113dB(W)/m^2/MHz$ arriving tangentially. The Final Report of the Advisory Committee states that separations between BSS and FSS satellites on the order of 0.4 degrees should provide adequate protection in this situation. The CPM Report makes no recommendation concerning this situation but notes that one Canadian study shows that the existence of planned BSS satellites should have a negligible constraint on the location of FSS satellites. However, it also noted that some care may be required when the intersatellite separation is less than 0.13°.

87. With respect to the antipodal sharing situation, COMSAT states that there is a potential for severe interference to the BSS feeder links from the FSS. As possible solutions it offers the following: 1) limit the BSS satellite sensitivity in the direction of the equatorial earth limb, 2) limit FSS emissions toward the equatorial earth limb, 3) establish antipodal exclusion arcs for the FSS, and 4) avoid assignments to feeder links in equatorial countries in the shared portion of the band. The Final Report of the Advisory Committee states that the case of interference from nearly antipodal satellites is unlikely. It notes that even assuming 40 dB(W) eirp from an FSS satellite, the PFD per square meter at a nearly antipodal BSS satellite would be about -128 dB(W), versus a desired signal of about -80 dB(W)/m^2, yielding a C/I value of 49 dB. The same Canadian study referenced above in the CPM Report indicates that some care should be exercised when the inter-satellite separation is in the rage of 160° to 162.5°. The Addendum to the Final Report of the Advisory Committee concurs in the findings of the CPM Report.

88. The Commission believes that the sharing problems described above are amenable to solution through the proper introduction of FSS systems and operation of BSS systems and should not constrain the planning of the BSS service. COMSAT's comment that feeder links of equatorial countries should be located below 17.7 GHz is an interesting one and we support its consideration in the planning process at the 1983 Conference.

IX. Conclusion

89. The Commission believes that for the 1983 BSS Conference to be successful, a Plan must be developed that is responsive to the stated requirements of all the administrations of Region 2. This mandates that careful consideration be given to the broad planning method to be adopted at the Conference, and to the relationship of the Plan to the various implementing and modification procedures which must be geared to fulfilling the needs of different administrations. Selection of technical criteria that reflect the current state of technology will be essential if the Conference is to develop an efficient, flexible Plan that meets the requirements of all Region 2 countries. In the judgment to the Commission, the proposals embodied in the *Report and Order* and the recommended U.S. Proposals which are detailed in Appendix A, will lead to the achievement of the above goals for the Conference. Accordingly, the Commission directs the staff to forward expeditiously to the Department of State the recommended U.S. Proposals that are attached to the *Report and Order*.

90. Pursuant to authority contained in Section 4(i), 303, and 404 of the Communications Act of 1934, as amended, a *Report and Order* is ADOPTED into the matter captioned above. It is further ordered that the proceedings in General Docket No. 80–398 are terminated.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 83-8071 Filed 4-27-83; 8:45 am]

BILLING CODE 6712-01-M

Telecommunications Industry Advisory Group Plant Accounts Subcommittee Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Telecommunications Industry Advisory Group (TIAG) Plants Accounts Subcommittee scheduled for Thursday and Friday, May 12 and 13, 1983. The meeting will begin on May 12 at 9:30 a.m. in the offices of MCI Telecommunications Corporation (1st Floor Meeting Room) at 1133 19th Street, NW., Washington, D.C., and will be open to the public. The agenda is as follows:

I. General Admistrative Matters.

II. Review of Minutes of Previous Meeting.

III. Discussions of Definitions of Plant Accounts.

IV. Further Assignments.

V. Other Business.

VI. Presentation of Oral Statements.

VII. Adjournment.

With prior approval of Subcommittee Chairman Gyles Norwood, oral statements while not favored or encouraged, may be allowed at the meeting if time permits and if the Chairman determines that an oral presentation is conducive to the effective attainment of Subcommittee objectives. Anyone not a member of the Subcommittee and wishing to make an oral presentation should contact Mr. Norwood (202/887-3266) at least five days prior to the meeting date.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83-11300 Filed 4-27-83; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-677-DR]

Amendment to Major-Disaster Declaration; California

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the Notice of a major disaster for the State of California (FEMA-677-DR), dated February 9, 1983, and related determinations.

DATED: April 11, 1983.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287-0501.

The notice of a major disaster for the State of California dated February 9, 1983, is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 9, 1983.

Humboldt County for Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 83-11384 Filed 4-27-83; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-679-DR]

Major Disaster and Related Determinations; Louisiana

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Louisiana (FEMA-679-DR), dated April 20, 1983, and related determinations.

DATED: April 20, 1983.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287-0501).

Notice is hereby given that, in a letter of April 20, 1983, the President declared a major disaster under the authority of the Disaster Relief Act of 1974, as amended, (42 U.S.C. 5121 *et seq.*, Pub. L. 93-288) as follows:

I have determined that the damage in certain areas of the State of Louisiana, resulting from severe storms and flooding, beginning on or about April 1, 1983, is of sufficient severity and magnitude to warrant a major-disaster declaration under Pub. L. 93-288. I therefore declare that such a major disaster exists in the State of Louisiana.

In order to provide Federal assistance, you are hereby authorized to allocate, from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance in the affected areas. You also are authorized to provide necessary Public Assistance in the affected areas when these requirements are known and an acceptable State commitment for these purposes is provided. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under Pub. L. 93-288 for Public Assistance will be limited to 75 percent of total eligible costs in the designated area.

Pursuant to Section 408(b) of Pub. L. 93-288, you are authorized to advance to the State its 25 percent share of the Individual and Family Grant program, to be repaid to the United States by the State when it is able to do so.

The time period prescribed for the implementation of Section 313(a), priority to certain applications for public facility and public housing assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, and redelegated to me, I hereby appoint Mr. Alton S. Ray, Jr., of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Louisiana to have been affected adversely by this declared major disaster:

For Individual Assistance, the Parishes of Ascension, East Baton Rouge, East Feliciana, Jefferson, Livingston, Orleans, Pointe Coupee, St. Bernard, St. Tammany, Tangipahoa and Washington.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 83-11382 Filed 4-27-83; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-678-DR]

Major Disaster and Related Determinations; Mississippi

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Mississippi (FEMA-678-DR), dated April 16, 1983, and related determinations.

DATED: April 16, 1983.

FOR FURTHER INFORMATION CONTACT: Sewall H.E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287-0501).

Notice: Notice is hereby given that, in a letter of April 16, 1983, the President declared a major disaster under the

authority of the Disaster Relief Act of 1974, as amended, (42 U.S.C. 5121 *et seq.*, Pub. L. 93–288) as follows:

I have determined that the damage in certain areas of the State of Mississippi, resulting from severe storms, tornadoes and flooding, beginning on or about April 1, 1983, is of sufficient severity and magnitude to warrant a major-disaster declaration under Pub. L. 93–288. I therefore declare that such a major disaster exists in the State of Mississippi.

In order to provide Federal assistance, you are hereby authorized to allocate, from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under Pub. L. 93–288 for Public Assistance will be limited to 75 percent of total eligible costs in the designated area.

Pursuant to Section 408(b) of Pub. L. 93–288, you are authorized to advance to the State its 25 percent share of the Individual and Family Grant program, to be repaid to the United States by the State when it is able to do so.

The time period prescribed for the implementation of Section 313(a), priority to certain applications for public facility and public housing assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, and redelegated to me, I hereby appoint Mr. Paul E. Hall of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do determine the following areas of the State of Mississippi to have been affected adversely by this declared major disaster:

For Individual Assistance and Public Assistance, the Counties of Forrest, Greene, Lamar, Lawrence, Marion, Perry and Walthall.

For Individual Assistance only, the Counties of Franklin and Rankin.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Joe D. Winkle,

Acting Deputy Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 83-11383 Filed 4-27-83; 8:45 am]

BILLING CODE 6718-02-M

Federal Radiological Emergency Response Plan; Planning Guidance

AGENCY: Federal Emergency Management Agency.

ACTION: Notice of availability of planning guidance document.

SUMMARY: The *Federal Radiological Emergency Response Plan (FRERP) Planning Guidance* document provides guidance to Federal Departments and agencies for developing the FRERP to be used as the basis for responding to peacetime radiological emergencies. It is primarily concerned with the off-site Federal response in support of State and local government assistance requests. The *Planning Guidance:* (1) identifies the general and incident-specific authorities and responsibilities of each Federal Department or agency likely to have a significant role in such emergencies; (2) describes the Federal government concept of operations for radiological emergencies; and (3) articulates Federal policies and assumptions to be used by participating Federal Departments and agencies (in addition to agency-specific policies) in preparing or revising agency-specific response plans and procedures.

DATE: Comments on the concepts contained in the planning guidance document will be considered during the development of the FRERP which is undertaken according to this planning guidance. Comments are due June 27, 1983.

ADDRESS: Send comments to Docket Clerk, Federal Emergency Management Agency, 500 C Street, SW., Washington, D.C. 20472.

FOR FURTHER INFORMATION CONTACT: James Cruickshank, Program Officer, Division of Emergency Response and Coordination, Office of Emergency Coordination and Support, Emergency Operations, Federal Emergency Management Agency, 500 C Street, SW., Room 407, Washington, D.C. 20472, telephone (202) 287–0756.

SUPPLEMENTARY INFORMATION: Executive Order 12241 delegated to FEMA the responsibility for the development and promulgation of a National Contingency Plan for radiological emergencies, to be prepared in response to the provisions of Sec. 304 of the Nuclear Regulatory Commission Appropriation authorization (Pub. L. 96–295—June 30, 1980). In December 1980, FEMA published the *National Radiological Emergency Preparedness/ Response Plan for Commercial Nuclear Power Plant Accidents (Master Plan).*

The concept of operations contained in the *FRERP Planning Guidance* is an expansion of the concepts contained in the *Master Plan.* Until the FRERP is published, the *Master Plan* remains the operative document for incidents involving commercial nuclear power plants. In radiological emergencies involving other facilities or activities, the concepts contained in the *Master Plan* should also be used.

Approved for the Federal Emergency Management Agency.

William F. Williams,

Director, Emergency Operations.

[FR Doc. 83-11386 Filed 4-27-83; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL MARITIME COMMISSION

Security for the Protection of the Public; Financial Responsibility To Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages; Issuance of Certificate [Casualty]

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet Liability Incurred for death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of Section 2, Pub. L. 89–777 (8) Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Hapag-Lloyd Aktiengesellschaft and Kommanditgesellschaft MS "EUROPA" der BRESCHAG Bremer Schiffsvercharterungs-Aktiengesellschaft & Co. KG, c/o Hapag-Lloyd Agencies, One Edgewater Plaza, Staten Island, New York 10305

Dated: April 25, 1983.

Francis C. Hurney,

Secretary.

[FR Doc. 83-11389 Filed 4-27-83; 8:45 am]

BILLING CODE 6730-01-M

Security for the Protection of the Public; Indemnification of Passengers for Nonperformance of Transportation; Issuance of Certificate (Performance)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of Section 3, Pub. L. 89–777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Hapag-Lloyd Aktiengesellschaft and Kommanditgesellschaft MS "EUROPA" der BRESCHAG Bremer Schiffsvercharterungs-Aktiengesellschaft & Co. KG, c/o Hapag-Lloyd Agencies, One Edgewater Plaza, Staten Island, New York 10305

Dated: April 25, 1983.

Francis C. Hurney,

Secretary.

[FR Doc. 83-11388 Filed 4-27-83; 8:46 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Acquisition of Bank Shares by a Bank Holding Company; Texana Bancshares, Inc.

The company listed in this notice has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated. With respect to the application, interested persons may express their views in writing to the address indicated. Any comment on the application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Texana Bancshares, Inc.* Hamilton, Texas; to acquire 80 percent of the voting shares of Texana National Bank of College Station, College Station, Texas. Coments on this application must be received not later than May 23, 1983.

Board of Governors of the Federal Reserve System, April 22, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-11398 Filed 4-27-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies; North Central Financial Corp., et al.

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Philadelphia** (Thomas K. Desch, Vice President), 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *North Central Financial Corporation*, Emporium, Pennsylvania; to become a bank holding company by acquiring 100 percent of the voting shares of Bucktail Bank and Trust Company, Emporium, Pennsylvania. Comments on this application must be received not later than May 23, 1983.

B. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *First American Bancshares Limited Partnership*, North Litle Rock, Arkansas; to become a bank holding company by acquiring 90 percent of the voting shares of First American National Bank, North Little Rock, Arkansas and First American Bank/Little Rock, N.A., Little Rock, Arkansas (after conversion from Arkansas Federal Savings & Loan Association, Little Rock, Arkansas). Comments on this application must be received not later than May 23, 1983.

C. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Firstmondovi, Inc.*, Mondovi, Wisconsin; to become a bank holding company by acquiring 93 percent of the voting shares of The First National Bank of Mondovi, Mondovi, Wisconsin. Comments on this application must be received not later than May 23, 1983.

D. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Universal Bancshares, Inc.*, Kansas City, Kansas; to become a bank holding company by acquiring at least 80 percent of the voting shares of Fidelity State Bank, Kansas City, Kansas. Comments on this application must be received not later than May 23, 1983.

E. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Progressive Holding Company*, Winnsboro, Louisiana; to become a bank holding company by acquiring 80 percent or more of the voting shares of Progressive State Bank & Trust Company, Winnsboro, Louisiana. Comments on this application must be received not later than May 23, 1983.

Board of Governors of the Federal Reserve System, April 22, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-11396 Filed 4-27-83; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities; Citicorp, et al.

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifially any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated Comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Citicorp*, New York, New York (finance company and credit-related insurance activities; Virginia): To relocate an existing office of Citicorp Person-to-Person Financial Center, Inc.

and an existing office of Citicorp Homeowners, Inc., from Virginia Beach Blvd., Norfolk, Virginia, to U.S. Commerce Center, Virginia Beach, Virginia, and to establish a *de novo* office of Citicorp Financial, Inc. at the same location. The previously approved activities in which the office of Citicorp Person-to-Person Financial Center, Inc. proposes to engage in the new location are as follows: the making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and other purposes; the extension of loans to dealers for the financing of inventory (floor planning) and working capital purposes; the purchasing and servicing for its own account of sales finance contracts; the sale of credit related life and accident and health insurance by licensed agents or brokers, as required; the sale of credit related single interest insurance: the sale of consumer oriented financial management courses; the servicing, for any person, of loans and other extensions of credit; the making, acquiring, and servicing, for its own account and for the account of others, of extensions of credit to individuals secured by liens on residential or non-residential real estate; and the sale of mortgage life and mortgage disability insurance directly related to extensions of mortgage loans. The previously approved activities in which the office of Citicorp Homeowners, Inc. proposes to engage in the new location are as follows: The making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and other purposes; the sale of credit related life and accident and health insurance by licensed agents or brokers, as required; the sale of consumer oriented financial management courses; the servicing, for any person, of loans and other extensions of credit; the making, acquiring, and servicing, for its own account and for the account of others, of extensions of credit to individuals secured by liens on residential or non-residential real estate; and the sale of mortgage life and mortgage disability insurance directly related to extensions of mortgage loans. The service area for Citicorp Person-to-Person Financial Center, Inc. and Citicorp Homeowners, Inc. in the new location will continue to be comprised of the entire State of Virginia for all of the aforementioned activities. The *de novo* office of Citicorp Financial, Inc. proposes to engage in consumer lending activities including application acceptance functions, the execution of loan documents and disbursement of funds, the acceptance of payments, account adjustments, and other customer service activities incidental to Citicorp Financial, Inc.'s credit card and direct lending activities. The proposed service area for the *de novo* office of Citicorp Financial, Inc. shall be comprised of the entire State of Virginia. Comments on this application must be received not later than May 23, 1983.

2. *Manufacturers Hanover Corporation,* New York, New York (consumer finance and credit insurance activities; West Virginia): To engage through a *de novo* indirect subsidiary, Finance One Mortgage of West Virginia, Inc., in the activities of making or acquiring loans and other extensions of credit, secured or unsecured, such as could be made or acquired by an industrial loan company under West Virginia law; servicing such loans and other extensions of credit, and acting as agent or broker for the sale of credit insurance directly related to such extensions of credit. Such activities will include, but not be limited to, making consumer installment loans, making loans and other extensions of credit unsecured or secured by real and personal property, including real estate equity loans, and offering credit single and joint life insurance and decreasing or level term (in the case of single payment loans) credit life insurance and credit accident, health, and property insurance directly related to extensions of credit made or acquired by Finance One Mortgage of West Virginia, Inc., by licensed agents or brokers, to the extent permissible under applicable state insurance laws and regulations and Title VI of the Garn-St Germain Depository Institutions Act of 1982. These activities would be conducted from offices of the subsidiary in Martinsburg, West Virginia, serving Berkeley, Jefferson, and Morgan Counties, West Virginia; Parkersburg, West Virginia, serving Wood, Pleasants, Ritchie, and Wirt Counties, West Virginia; and Westover, West Virginia, serving Monongalia, Preston, and Marion Counties, West Virginia. Comments on this application must be received not later than May 23, 1983.

3. *Manufacturers Hanover Corporation,* New York, New York (consumer finance and credit insurance activities; California): To engage through a *de novo* office of Finance One of California, Inc., in the activities of consumer finance, including, but not limited to, the extension of direct loans, secured and unsecured, to consumers and the purchase of sales finance contracts; servicing such loans and other extensions of credit; and acting as agent or broker for the sale of credit single and joint life insurance and decreasing or level term (in the case of single payment loans) credit life insurance, and credit accident, health, and property insurance directly related to extensions of credit made or acquired by Finance One. These activities are permissible pursuant to sections 4(c)(8)(A)(B) & (D) of the Bank Holding Company Act of 1956, as amended. These activities will be conducted from an office in San Diego, California, serving San Diego County, California. Comments on this application must be received not later than May 23, 1983.

B. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *BancOklahoma Corp.,* Tulsa, Oklahoma (mortgage banking activities; Oklahoma): To engage through a subsidiary known as BancOklahoma Mortgage Corp. (formerly BancOklahoma Service Corp.) in the following mortgage banking activities, the origination, warehousing and selling of first mortgage loans, second mortgage home improvement loans, equity loans, interim construction loans and land acquisition loans for its own account or for the account of others, and the servicing of such loans for its own account or for the account of others. Such activities will be conducted at offices in Tulsa, Oklahoma and will serve the State of Oklahoma. Comments on this application must be received not later than May 23, 1983.

C. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *BankAmerica Corporation,* San Francisco, California (discount securities brokerage and margin lending activities; all fifty (50) states and the District of Columbia): To engage, through its indirect subsidiary, Charles Schwab & Co., Inc., in the activities of acting as a discount securities brokerage, consisting principally of buying and selling securities solely upon the order and for the account of customers, and of extending margin credit in conformity with Regulation T. The activities will be conducted from *de novo* offices located in Valley Forge, Pennsylvania; San Francisco, California; and Rochester, New York; serving all fifty (50) states and the District of Columbia. Comments on this application must be received not later than May 23, 1983.

3. *BankAmerica Corporation ("BankAmerica"),* San Francisco, California (consumer and commercial financing, and insurance activities; Pennsylvania): To continue to engage

through its indirect subsidiary, FinanceAmerica Consumer Discount Company ("FA Consumer Discount") in the activities of commercial and consumer lending and loans servicing, as well as life, accident and health, and property insurance directly related to extensions of credit made or acquired by said subsidiary, in an expanded service area encompassing the Commonwealth of Pennsylvania. FA Consumer Discount engaged in the above financing and credit-related insurance activities in Pennsylvania at the time of its acquisition by BankAmerica and were approved by Board Order of August 14, 1974, thereby rendering said activities permissible under the terms of Section 601(D) of the Garn-St Germain Depository Institutions Act of 1982. These activities will be conducted from three existing offices of FA Consumer Discount located in Ephrata, Jeanette and Middletown, Pennsylvania, each office serving the Commonwealth of Pennsylvania. Comments on this application must be received not later than May 23, 1983.

Board of Governors of the Federal Reserve System, April 22, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 11299 Filed 4-27-83; 8:45 am]

BILLING CODE 6210-01-M

Petra Bank; Corporation To Do Business Under Section 25(a) of the Federal Reserve Act

An application has been submitted for the Board's approval of the organization of a corporation to do business under section 25(a) of the Federal Reserve Act ("Edge Corporation"), to be known as Petra International Corporation, Washington, D.C. Petra International Corporation would operate as a subsidiary of Petra Bank, Amman, Jordan. The factors that are considering in acting on the application are set forth in section 211.4(a) of the Board's Regulation K (12 CFR 211.4(a)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit views in writing to the Secretary Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than May 20, 1983. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identify specifically any questions of fact that are in dispute and summarize the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 22, 1983.

James McAfee,

Associated Secretary of the Board.

[FR Doc. 83-11297 Filed 4-27-83; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

Title V of the Public Health Service Act Miscellaneous Delegation of Authority

Correction

In FR Doc. 83-10206 appearing on page 16543 in the issue of Monday, April 18, 1983, make the following correction:

On page 16543, first column, under "Section 301", insert "real" between "of" and "property".

BILLING CODE 1505-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N-83-1233]

Submission of Proposed Information Collections to OMB

AGENCY: Office of the Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirements described below have been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposals.

ADDRESS: Interested persons are invited to submit comments regarding these proposals. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, telephone (202) 755-5310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposals described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The titles of the information collection proposals; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposals should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirements are described as follows:

Submission of Proposed Information Collection to OMB

Proposal: Schedule of Pooled Loans—Mobile Home.

Office: Government National Mortgage Association.

Form number: HUD-1725.

Frequency of submission: On Occasion.

Affected public: Businesses or Other Institutions (except farms).

Estimated burden hours: 600.

Status: Extension.

Contact: Pat Gifford, HUD, (202) 755-5550; Robert Neal, OMB, (202) 395-7316.

(Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d))

Dated: March 21, 1983.

Submission of Proposed Information Collection to OMB

Proposal: Schedule of Pooled Project Mortgage.

Office: Government National Mortgage Association.

Form number: HUD-1721.

Frequency of submission: On Occasion.

Affected public: Businesses or Other Institutions (except farms).

Estimated burden hours: 9.

Status: Extension.

Contact: Pat Gifford, HUD, (202) 426–5550; Robert Neal, OMB, (202) 395–7316.

(Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d)

Dated: March 21, 1983.

Judith L. Tardy,

Assistant Secretary for Administration.

[FR Doc. 83–11387 Filed 4–27–83; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Wind River Irrigation Project, Wyoming

AGENCY: Bureau of Indian Affairs, Department of the Interior.

ACTION: Notice.

SUMMARY: This notice sets forth the changes to the operation and maintenance charges and related information, applicable to presently assessable land located within the LeClair Irrigation District. The change in the assessment is from $9.50 per acre to $13.30 per acre.

EFFECTIVE DATE: April 28, 1983.

FOR FURTHER INFORMATION CONTACT: J. Donovan Crook, Wind River Irrigation Project Engineer, Wind River Agency, Fort Washakie, Wyoming 82514, telephone number (307) 255–8350.

SUPPLEMENTARY INFORMATION: This notice is issued under authority delegated to the Assistant Secretary for Indian Affairs by the Secretary of the Interior through 230 DMI; redelegated by the Assistant Secretary to Area Directors by 10 BIAM 3; and subsequently delegated to the Superintendent by the Area Director in 10 BIAM 7.0 § 2.70.

Notices declaring the intent to raise the operation and maintenance assessment rate per acre were sent to all available owners and lessees of assessable, trust patented land within the LeClair Irrigation District. This notice described the basis for the intended increase in this assessment rate. All owners, lessees and interested persons were given 30 days to submit written comments regarding the proposed rate.

Contact was also made with the Joint Business Council of the Shoshone and Araphahoe Tribes to explain the need for this increase.

The only written protest received was from the Joint Business Council. The substance of their protest was to criticize the accumulation of a $5,000 deficit. This is explained below:

The District serves 1050 acres of trust land. Each year, under a contract arrangement, the District bills the Project for service to this land. The Project then assesses the trust land to collect enough to pay the annual bill of the District. In recent years, the assessment has been less than the District's charges. Payment of the District's bills by the Project has resulted in a $5,000 deficit which must be made up through future assessments against the trust land of the District.

The 1983 operation and maintenance charge consists of $11.65, the basic rate necessary to meet the estimated annual charges from the District for the next three years, plus $1.65 per acre surcharge to eliminate the $5,000 deficit in three years. This totals the $13.30 per acre assessment set by this notice.

The notice shall read as follows:

Wind River Irrigation Project

Annual Operation and Maintenance Charges

Annual Per Acre Assessment—The operation and maintenance charges for the lands under the Wind River Irrigation Project, Wyoming, for the calendar year 1983 and subsequent years until further notice, are hereby fixed at $6.40 per acre for the assessable area under the constructed works on the diminished Wind River Project and at $13.30 per acre for all irrigable trust patent Indian land which lies within the LeClair Irrigation Project.

Payment—The charges shall become due on April 1 of each year, and are payable on or before that date. To all charges assessed against lands in non-Indian ownership and Indian lands under lease to non-Indian lessees which are not paid on or before July 1 of each year, following the due date, there shall be added a penalty of one-half of one percent per month or fraction thereof from the due date, April 1, so long as the delinquency continues. No water shall be delivered until such charges have been paid; except the Indian water users who are financially unable to pay the assessment on the due date may be furnished water, provided the Superintendent of the reservation certifies to the Project Engineer or other official in charge of the project that such Indian is not financially able to pay the assessments, or has made satisfactory arrangements, to pay the assessments from proceeds of crops or from other sources. Penalty interest charges shall not be assessed against lands owned by an Indian water user, nor against Indian lands under lease to an Indian lessee.

L. W. Collier, Jr.,

Superintendent.

[FR Doc. 83–11329 Filed 4–27–83; 8:45 am]

BILLING CODE 4310–02–M

Bureau of Land Management

Arizona, Safford District Grazing Advisory Board; Meeting

Notice is hereby given, in accordance with Pub. L. 92–463, that a meeting of the Safford District Grazing Advisory Board will be held Friday, June 3, 1983. The meeting will begin at 9:00 a.m. in the Conference Room of the Bureau of Land Management, 425 E. 4th Street, Safford, Arizona.

The agenda for the meeting will include:

1. Update on grazing decisions;
2. Wilderness update;
3. Water filings;
4. Fire management;
5. BLM management update;
6. Business from the floor.

The meeting will be open to the public. Interested persons may make oral statements to the Board between 10:00 a.m. and 11:00 a.m. A written copy of the oral statements may be required to be provided at the conclusion of the presentation. Written statements may also be filed for the Board's consideration. Anyone wishing to make an oral statement must notify the District Manager, at the above address by 4:15 p.m., Thursday, June 2, 1983.

Summary Minutes of the Board Meeting will be maintained in the District Office and will be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Fritz U. Rennebaum,

Acting District Manager.

April 21, 1983.

[FR Doc. 83–11292 Filed 4–27–83; 8:45 am]

BILLING CODE 4310–84–M

California Desert District; Formal Designation of Open and Closed Areas in the California Desert Conservation Area (CDCA)

AGENCY: Bureau of Land Management, Interior.

ACTION: Formal designation of areas open or closed to vehicle use in the California Desert Conservation Area (CDCA).

SUMMARY: The CDCA Plan was completed in 1980. One of the goals of the plan was to provide for appropriate areas for vehicle free play (open areas). These open areas were selected to

ensure the protection of sensitive resources, to promote safe use of the public land and to minimize conflicts among users. A second goal of the plan was to minimize damage or degradation of the natural, cultural and aesthetic values of the desert; this necessitated closure of certain areas to off-highway vehicle use. Due to errors in Federal Register notice published on March 17, 1983 (Vol. 48, No. 53), this revised notice is published. The announcement is being republished in its entirety to clarify the changes and reduce confusion. The errors in the original notice involved the omission of seven closed areas which are indicated in this notice by underlining. This notification supercedes the March 17, 1983 notice.

Approval of the CDCA Plan constituted the off-highway vehicle use designation of all lands in the CDCA. All open and closed areas became immediately designated when the plan was signed. However, formal designation in the Federal Register never occurred. This notice serves to give public notice for designating the 503,000 acres open to vehicle use and the 2,089,000 acres closed to vehicle use as approved in the CDCA Plan. In addition this publication includes open and closed area designations approved and published after the completion of the CDCA Plan. The remaining 9,220,000 acres in the CDCA were designated as limited in the CDCA Plan; these areas will be further of travel within the limited area as open, closed or limited to vehicle use.

The decision of the CDCA Plan to open and close the following areas was prepared following the criteria defined in 43 CFR 8342.1 and with the authority of 43 CFR 8000.0–6, 8340, 8341, 8342 and 8364.

DATE: Effective April 28, 1983.

ADDRESS: Send inquiries to District Manager, California Desert District, 1695 Spruce Street, Riverside, California 92507. Maps showing the open and closed area in the CDCA are available for public review at the above address from 7:45 a.m. to 4:15 p.m. on regular work days.

FOR FURTHER INFORMATION CONTACT: Pamela M. Elliott (714) 351–6369.

SUPPLEMENTARY INFORMATION: Under the authority provided in the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), the Endangered Species Act (16 U.S.C. 1531 et seq.), EO 11644 (Use of Off Road Vehicles on the Public Lands), and 3 CFR 74.332 as amended by EO 11989 42 FR 26959 (May 25, 1977).

Any person who violates or fails to comply with the vehicle designations as governed by 43 CFR Part 8341 is subject to arrest, conviction and punishment pursuant to appropriate laws and regulations. Such punishment may be a fine of not more than $1000 or imprisonment for not longer than 12 months, or both.

Area Designations

The following areas are identified on the BLM map series entitled "Motorized Vehicle Interim Access Guides." The maps are available for review at the address listed above and from the Area Offices in Barstow, Ridgecrest, Needles, and El Centro.

Designated Open Areas—Designation Applies to Bureau of Land Management Administered Lands

Arroyo Salada
Rasor Area
Dove Springs
Jawbone Canyon
Silurian Dry Lake
Ford Dry Lake
Panamint Dry Lake (South of Hwy 190)
Rice Valley Dunes
Mammoth Wash Area
Plaster City
Spangler Hills
Olancha Dunes
Dumont Dunes
Glamis/Gecko
El Mirage Dry Lake
Stoddard Valley
Johnson Valley
Buttercup Valley

Designated Closed Areas—Designation Applies to Bureau of Land Management Administered Lands

Desert Tortoise Natural Area [5]
Darwin Falls [5]
Mecca Hills (NW Half)
Squaw Spring
Salt Dry Lake
Mesquite Dry Lake
Ivanpah Dry Lake [1]
Soda Dry Lake [1, 3]
Panamint Dry Lake (North of Hwy 190)
Panamint Dunes
Cadiz Dunes
Eureka Dunes
Superior Dry Lake [1, 4]
Harper Dry Lake [1, 4]
North Saline Valley [6]
Owens Peak [5]
El Paso Mountain [5]
Amargosa Canyon [5]
Silver Dry Lake [2, 3]
Coyote Dry Lake [2, 3]
Saline Dunes
Fish Creek Mountains
Pilot Knob
Turtle Mountain [5]
Orocopia Mountain [5]
Crucifixation Thron [5]
North Imperial Sand Dunes [5] (South of Mammoth Wash Open Area to State 78)
Area West of Davies Valley (excluding Smugglers Cave and Myer Valley) [5]
San Sebastian Marsh [5]
Desert Lily [5]
Area Southeast of Davies Valley (Skull Valley) [5]
Clark Mountain [5]
Kelso Dunes [5]
Whipple Mountain [5]
Coyote Mountains
Greenwater Canyon
Lava Mountains
Argus Range
Robbers Roost [6]
Jawbone Management Agreement Area (Western Jawbone Canyon) [3]
Fossils Falls
Mecca Hills (Upper Portions of Hidden Springs Canyon) [7]
Big Morongo Canyon

[1] Open to Non-Motorized Vehicle Access.
[2] Except by Permit
[3] Except for Approved Route(s) of Travel.
[4] Limited Passage of Vehicles Across Area. No Motorized Free Play.
[5] Areas Designated Closed Under the Interim Critical Management Plan (ICMP) Which Remain Closed Under the CDCA Plan.
[6] Seasonal 6 month closure (2/1–7/1).
[7] Seasonal 4 month closure (6/1–9/31).

Bary A. Freet,
Assistant District Manager for Administration.

[FR Doc. 83-11289 Filed 4-27-83; 8:45 am]
BILLING CODE 4310-84-M

California Desert District; Realty Action for Public Lands in San Diego County

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action CA 12718, CA 12719, CA 12729, Recreation and Public Purposes Classification and Lease of Public Land in San Diego County, California.

SUMMARY: Notice is hereby given that the Olivenhain Municipal Water District has submitted an application to lease several isolated tracts of public lands for (1) the development of additional water storage and delivery facilities to meet present and future emergency and seasonal water needs within the OMWD, (2) the development of a waste water reclamation facility to treat domestic sewage and reclaim the water through irrigation; stream enhancement; and development of a lake, and (3) the development of sites for both active and primitive recreation.

The following described land has been examined and classified as suitable for lease under the Recreation and Public Purposes Act of June 14, 1926 as amended (43 U.S.C. 869 et seq.):

San Bernardino Base Meridian, California

T. 12 S., R. 2 W.;
Section 31, Lot 8
T. 13 S., R. 2 W.;
Section 6, SE¼NW¼, NE¼SW¼

T. 13 S., R. 3 W.;
Section 1, Lots 1, 2, 3, 4; S½N½; NW¼SE¼
T. 12 S., R. 3 W.;
Section 33, E½NE¼SW¼SE¼;
SE¼SW¼SE¼; W½SW¼SE¼;
SE¼SE¼
T. 13 S., R. 3 W.;
Section 23, NW¼NW¼SE¼; SW¼NW¼
SE¼; SE¼NW¼SE¼; SW¼SW¼NE¼

Encompassing 592.14 acres, more or less.

This decision notice is based on the following reasons:

1. The lands have been found to be valuable for public purposes and recreational uses.

2. The land is not of national significance and not essential to any Bureau of Land Management program.

3. The proposed use is in conformance with the existing land use plan.

4. The proposed action will have no significant (including controversial) effects on the human and natural environment.

5. Leasing of the above described lands to the Olivenhain Municipal Water District, California will serve important public objectives, i.e., provide additional land for expansion of the city's recreational and public purposes projects.

6. The classification, lease and/or patenting of the land to the Olivenhain Municipal Water District is in conformance with the Secretary of the Interior's "Good Neighbor Program".

DATES: Until July 1, 1983, interested parties may submit comments to the District Manager, Bureau of Land Management, California Desert District, 1695 Spruce Street, Riverside, CA 92507. Any adverse comments will be evaluated by the State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of this department.

FOR FURTHER INFORMATION CONTACT: Information related to this Recreation and Public Purposes Application, including the environmental assessment record/land report, terms and conditions and special stipulations that will be included in the lease, is available for review at the California Desert District Office, 1695 Spruce Street, Riverside, California 92507.

SUPPLEMENTARY INFORMATION: The classification and granting of the lease for a maximum period of 20 years with the option to purchase/patent the land will not be adverse to any known public or private interests.

Classification of these lands to the Olivenhain Municipal Water District, California under the provisions of the above cited authority segregates them from all appropriations, including locations under the mining laws, except as to applications under the Mineral Leasing Laws and applications under the Recreation and Public Purposes Act.

This Recreation and Public Purposes Application is consistent with Bureau of Land Management policies and planning and has been discussed with the State and local officials.

Petition for classification CA 12718, CA 12719, and CA 12720 is approved as to the land described above.

Name of petitioner: Olivenhain Municipal Water District by it General Manager.

Type of petition: Recreation and Public Purposes under the Act of June 14, 1926, as amended.

Bary A. Freet,

Assistant District Manager for Administration.

[FR Doc. 83-11290 Filed 4-27-83; 8:45 am]

BILLING CODE 4310-84-M

[Colorado 36730]

Colorado; Realty Action; Non-competitive Lease of Public Lands in Garfield County

The following described land is being considered for lease under Section 302 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2762, 43 U.S.C. 1732) at no less than the appraised fair market rental which is estimated to be approximately $9,000 annually, or $750.00 per month.

Sixth Principal Meridian

T. 5 S., R. 93 W.,
Sec. 13, SE¼SE¼NE¼SW¼, E½E½
SE¼SW¼, NE¼SE¼NW¼SE¼,
S½S½ NW¼SE¼, and SW¼SE¼,
Sec. 24, N½N½NE¼NE¼, and
NE¼NE¼NE¼NW¼.

The area described aggregates approximately 75.0 acres in Garfield County.

The land is located five miles north of Rifle, Colorado adjoining the existing Rifle Golf Course, near Rifle Gap.

Lease of the above described lands has been proposed by Rifle Gap Land Company of Rifle, Colorado to expand the existing nine hole Rifle Golf Course to eighteen holes, using some or all of the public land area described above and adjacent to their privately owned lands. The proposed use is consistent with Bureau of Land Management land use planning and with local planning and zoning. The Bureau of Land Management is considering a longterm (approximately 10 years) noncompetitive lease to Rifle Gap Land Company dependent upon the company filing an application for lease and including information required by Title 43 Code of Federal Regulations, part 2920.52. The terms and conditions applicable to any lease issued under this notice are those in 43 CFR 2920.7. Special stipulations that would be included in a lease, as well as other information about the proposal, can be reviewed in the Bureau of Land Management Glenwood Springs Resource Area Office, 50629 Hwy. 6 and 24, P.O. Box 1009, Glenwood Springs, Colorado 81601, telephone (303) 945-2341.

The lessee would be required to reimburse the United States for reasonable administrative and other costs incurred by the United States in processing the lease and for monitoring construction, operation, maintenance, and rehabilitation of the facilities authorized. The reimbursement of costs would be in accordance with the provisions of 43 Code of Federal Regulations 2920.6.

For a period of 45 days from the date of publication of this notice in the **Federal Register** interested parties may submit comments to the District Manager, Bureau of Land Management, Grand Junction District Office, 764 Horizon Drive, Grand Junction, Colorado 81501. Any adverse comments will be evaluated by the District Manager, who may vacate or modify this realty action and issue a final determination.

David A. Jones,

District Manager.

[FR Doc. 83-11326 Filed 4-27-83; 8:45 am]

BILLING CODE 4310-84-M

[Serial No. I-010203]

Idaho; Termination of Proposed Withdrawal and Reservation of Lands

April 20, 1983.

Notice of an application, serial number I-010203, for withdrawal and reservation of lands was published as **Federal Register** Document No. 59-2755 on page 2564 of the issue for April 12, 1959. The applicant agency has canceled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR, Subpart 2091, such lands will be at 9:00 a.m. on May 25, 1983, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

Boise Meridian

T. 3 S., R. 34 E.
Sec. 11, lot 6;
Sec. 12, lot 6;

Sec. 14, lots 4, 14;
Sec. 15, lots 8, 10, 11;
Sec. 20, lots 15, 16;
Sec. 21, lots 6, 7, 10, 11, 12, 17;
Sec. 22, lots 9, 11, 12, 13, 14, 15, NE¼NW¼;
Sec. 23, lot 16;
Sec. 29, lots 8, 11, 15, 16;
Sec. 30, lot 7;
Sec. 31, lots 13, 14.

The area described aggregates 625.14 acres in Bingham County.

William E. Ireland,

Chief, Lands Section.

[FR Doc. 83-11286 Filed 4-27-83; 8:45 am]

BILLING CODE 4310-84-M

Idaho Falls District Advisory Council; Meeting

Notice is hereby given in accordance with Pub. L. 91-463, Pub. L. 94-579, Pub. L. 95-514 and 43 CFR Part 1780, that a meeting of the Idaho Falls District Advisory Council will be held on Wednesday, June 8, 1983. This field tour meeting will leave at 9 a.m. from the Idaho Falls Bureau of Land Management Office, 940 Lincoln Road, Idaho Falls, Idaho 83401.

The field tour will consider four topics:

1. Proposed Hydroelectric Project, Birch Creek.
2. Flooding Problem at Howe.
3. North Creek Mine Waste Area.
4. Black Canyon Wilderness Study Area.

The meeting is open to the public. Interested persons may make oral statements to the Council between 12:30 and 1 p.m. at Sink's Inn in Howe, or file written statements for the Council's consideration. Persons wishing to attend the field tour must provide their own transportation. Anyone wishing to make an oral statement or attend the tour must notify the District Manager at the Idaho Falls BLM District Office, 940 Lincoln Road, Idaho Falls, Idaho 83401 by Friday, June 3, 1983. Depending on the number of persons wanting to make oral statements, a per-person time limit may be established.

Summary minutes of the meeting will be maintained in the District Office and will be available for public inspection and reproduction during business hours (7:45 a.m. to 4:30 p.m.) at least 30 days after the meeting.

Dated: April 21, 1983.

O'dell A. Frandsen,

District Manager.

[FR Doc. 83-11291 Filed 4-27-83; 8:45 am]

BILLING CODE 4310-84-M

[N-37518]

Nevada; Realty Action—Noncompetitive Sale of Public Land in Lyon County, Nevada

April 20, 1983.

The following described land, comprising 20 acres, has been examined and identified as suitable for sale under Section 203 of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2750), 43 U.S.C. 1713:

Mount Diablo Meridian, Nevada

T. 12 N., R. 23 E.,
Sec. 32, S½NE¼NE¼.

The Land will be offered to Associated Ranch Management at the appraised fair market value under noncompetitive sale procedures in order to complete a public land transfer which began as an exchange. The intent was to transfer 240 acres of public (selected) land to Associated Ranch Management in return for 240 acres of privately-owned (offered) land valuable as wildlife habitat. However, a difference in value between the offered and selected lands resulted in reduction of the selected acreage by 20 acres. The land is not needed in support of any federal program. The Bureau's planning system identifies the land as available for sale. Sale of the land is consistent with Lyon County's planning and zoning. A sale to Associated Ranch Management, the exchange proponent, will result in the desirable land pattern and use originally intended.

A patent, if and when issued, will contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States; Act of August; 30, 1890, 26 Stat. 391; 43 U.S.C. 945.

2. All mineral deposits in the land so patented, and to it, or persons authorized by it, the right to prospect, mine and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe.

Detailed information concerning the sale is available for review at the Carson City District Office, 1050 E. William Street, Suite 335, Carson City, Nevada.

The land will not be offered for sale sooner than 60 days after the date of this notice. For a period of 45 days from the first publication of this notice, interested parties may submit comments to the District Manager, Carson City District Office of the Bureau of Land Mangement, 1050 E. William Street, Suite 335, Carson City, Nevada 89701. Any adverse comments will be evaluated by the District Manager and forwarded to the Nevada State Director, Bureau of Land Management, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

James W. Elliott,

Acting District Manager, Carson City District.

[FR Doc. 83-11287 Filed 4-27-83; 8:45 am]

BILLING CODE 4310-84-M

Utah; Classification Decision for State Indemnity Selection

1. The following described lands (U-52672 and U-52673) have been examined and found suitable for transfer to the State of Utah.

They are hereby classified for indemnity selection pursuant to Sections 2275 and 2276 of the Revised Statutes as amended (43 U.S.C. 851, 852), and the regulations thereunder (43 CFR Part 2621).

Tract No. 1—Emery and Sevier Counties

Salt Lake Meridian, Utah

T. 23 S., R. 5 E.,
Sec. 1, lots 1, 2, S½NE¼, SE¼;
Secs. 12, 13, all;
Sec. 14, E½;
Sec. 23, S½NE¼, SE¼;
Secs. 24, 25, all;
Sec. 26, NE¼.
T. 22 S., R. 6 E.,
Sec. 34, S½.
T. 23 S., R. 6 E.,
Sec. 3, lots 1 through 4, S½N½;
Sec. 4, lots 1 through 4, S½N½, SW¼;
Sec. 5, lots 1 through 3, S½N½, S½;
Sec. 6, lots 6, 7, S½NE¼, E½SW¼, SE¼;
Sec. 7, lots 1 through 4, NE¼, E½W½;
Sec. 8, E½;
Sec. 9, W½;
Sec. 17, NE¼;
Secs. 19, 30, 31, all.

Approximately 9,021.84 acres.

Tract No. 2—Uintah County

Salt Lake Meridian, Utah

T. 12 S., R. 24 E.,
Sec. 11, S½SE¼;
Sec. 12, S½S½;
Sec. 13, N½N½, SW¼NW¼, SW¼, S½SE¼;
Sec. 13, S½NE¼, SE¼NW¼, N½SE¼ (mineral estate only);
Sec. 14, E½;
Sec. 23, E½;
Sec. 24, all.
T. 12 S., R. 25 E.,
Sec. 7, S½S½;
Sec. 8, S½S½;
Sec. 17, all;
Sec. 18, E½NE¼, NW¼NE¼, N½NW¼, SE¼;
Sec. 18, SW¼NE¼, S½NW¼, SW¼ (mineral estate only);
Sec. 19, E½, SW¼;

Sec. 19, NW¼ (mineral estate only);
Sec. 20, W½NE¼, W½;
Sec. 29, W½;
Sec. 30, all.

Approximately 5,760.00 acres.

Tract No. 3— Uintah County

Salt Lake Meridian, Utah

T. 9 S., R. 25 E.,
Sec. 19, SE¼;
Sec. 28, S½;
Sec. 30, lots 5 through 14, N½NE¼, SE¼NE¼;
Sec. 31, NW¼;
Sec. 33, lots 1 through 5, NE¼, N½NW¼, SE¼NW¼.

Approximately 1,320.47 acres.

Tract No. 4—Tooele County

Salt Lake Meridian, Utah

T. 1 S., R. 16 W.,
Secs. 19, 20, all;
Sec. 27, W½;
Secs. 28 through 31, all;
Sec. 33, all;
Sec. 34, W½.
T. 2 S., R. 16 W.,
Sec. 3, 4, all;
Sec. 5, lots 1 through 4, S½NW¼, SW¼;
Secs. 6, 7, all;
Sec. 8, W½;
Sec. 9, N½;
Sec. 10, N½;
Sec. 15, all;
Sec. 17, W½;
Sec. 18, all.
T. 1 S., R. 17 W.,
Sec. 20, E½;
Sec. 21, all;
Sec. 22, NE¼NE¼, W½NW¼NE¼, W½, S½SE¼;
Sec. 23 through 28, all;
Sec. 29, E½;
Secs. 33 through 35, all.
T. 2 S., R. 17 W.,
Sec. 1, all;
Secs. 3, 4, all;
Sec. 5, lots 1, 2, S½NE¼, SE¼;
Sec. 8, E½;
Secs. 9 through 15, all;
Sec. 17, E½.

Approximately 25, 469.68 acres.

Tract No. 5—Uintah County

Salt Lake Meridian, Utah

T. 3 S., R. 21 E. (mineral estate only),
Sec. 4, lots 2 through 5, SE¼NW¼;
Sec. 5, lots 1, 4, SW¼NW¼;
Sec. 6, lots 1 through 5, S½NE¼, SE¼NW¼.

Approximately 606.33 acres.

Tract No. 6—Sanpete County

Salt Lake Meridian, Utah

T. 13 S., R. 6 E. (mineral estate only),
Sec. 20, NE¼NW¼, NW¼NE¼, S½N½, S½;
Sec. 29, S½, SE¼NW¼.

Approximately 920 acres.

Tract No. 7—San Juan County

Salt Lake Meridian, Utah

T. 27 S., R. 22 E.,
Secs. 25, 26, 35, all.

Approximately 1,920 acres.

Tract No. 8—Iron and Washington Counties

Salt Lake Meridian, Utah

T. 36 S., R. 11 W.,
Sec. 15, SW¼SW¼.
T. 42 S., R. 15 W.,
Sec. 17, lots 13, 14.
T. 43 S., R. 15 W.,
Sec. 11, lot 11;
Sec. 14, NE¼, N½NW¼, SW¼NW¼.

Approximately 441.57 acres.

Tract No. 9—Beaver County

Salt Lake Meridian, Utah

T. 29 S., R. 8 W.,
Sec. 30, Commencing at the N.W. corner of the SW¼SW¼, of Section 30, thence south 5.2 chains, more or less; thence north 53° 33′ east 5.6 chains; thence north 65° 22′ east 4.4 chains; thence west 8.3 chains, more or less to the point of beginning.
T. 29 S., R. 9 W.,
Sec. 25, commencing at the N.E.. corner of the SE¼SE¼ of Section 25, thence west 20 chains; thence south 20 chains; thence east 9.8 chains; thence north 28° 04′ east 950 feet along reservoir boundary; thence north 53° 33′ east 4.7 chains; thence north 5.3 chains to the point of beginning.
Sec. 36, SW¼SW¼, Commencing at the N.W. corner of the NE¼NE¼ of Section 36 aforesaid, thence south 10.5 chains; thence north 61°24′ east 3.0 chains; thence north 40°29′ east 12 chains; thence west 10 chains to the point of beginning.
Commencing at the N.W. corner of the NW¼NE¼ of said Section 36, thence south 20 chains; thence east 11.2 chains; thence north 18°37′ east 383 feet; thence north 61°24′ east 544.5 feet; thence north 10.5 chains; thence west 20 chains to the point of beginning.
Commencing at the N.W. corner of the SW¼NE¼ of Section 36, thence south 20 chains; thence east 6.4 chains; thence north 8°45′ east 33 feet; thence north 15°29′ east 513.5 feet; thence north 1°53′ east 327 feet; thence north 18°37′ east 508.2 feet; thence west 11.2 chains to the point of beginning.
Commencing at the N.W. corner of the SE¼SW¼ of Section 36, thence south 20 chains; thence east 4.25 chains; thence north 18°21′ east 678 feet; thence north 59°19′ east 517 feet; thence north 37°10′ east 481.8 feet; thence west 18.5 chains to the point of beginning.
Commencing at the N.W. corner of the NW¼SE¼ of Section 36, thence south 18 chains; thence north 36°25′ east 311.6 feet; thence north 25° east 297 feet; thence north 8°45′ east 662 feet; thence west 6.4 chains more or less to the point of beginning.
T. 30S., R. 9 W.,
Sec. 2, Commencing at the N.E. corner of the said lot 1, thence south 13 chains; thence north 44°39′ west 189 feet; thence south 33°12′ west 627 feet; thence north 12°28′ west 589 feet; thence south 23°30′ west 713 feet; thence west 6 chains, more or less; thence north 20 chains; thence east 20 chains to the point of beginning.
Commencing at the N.W. corner of the SW¼NE¼ of Section 2, thence south 20 chains; thence east 9.8 chains; thence north 32°20′ east 231 feet; thence north 41°38′ west 278 feet; thence north 73°23′ east 386 feet; thence north 57°41′ east 332 feet; thence north 56°10′ west 482 feet; thence north 4°58′ east 230 feet; thence south 65°34′ east 49 feet; thence north 5.3 chains, more or less; thence west 20 chains to the point of beginning.
Commencing at the N.W. corner of the SE¼NE¼ of said Section 2, thence south 5.3 chains; thence south 65°34′ east 230 feet; thence north 23°30′ east 488 feet; thence west 6 chains, more or less to the point of beginning.
Commencing at the N.E. corner of the E½SW¼ of Section 2, thence west 20 chains; thence south 40 chains; thence east 7.5 chains; thence north 34°45′ east 330 feet; thence north 27°08′ east 619.8 feet; thence north 21°10′ east 762 feet; thence north 28°22′ east 379 feet; thence north 45° west 205 feet; thence north 9.7 chains more or less to the point of beginning.
Commencing at the N.W. corner of the NW¼SE¼ of Section 2, thence south 9.7 chains; thence north 79°53′ east 284 feet; thence north 31°31′ east 452 feet; thence north 32°20′ east 241 feet; thence west 9.8 chains, more or less to the point of beginning.
Sec. 11, Commencing at the N.E. corner of the NW¼NW¼ of Section 11, thence south 80 rods; thence east 47 rods, more or less; thence north 17°20′ west 915 feet; thence north 0°22′ east 440 feet to north line of said Section 11, thence west 30 rods to the point of beginning.

Approximately 319.51 acres.

Tract No. 10—Summit and Wasatch Counties

Salt Lake Meridian, Utah

T. 2 S., R. 3 E.,
Sec. 13, NE¼NW¼.
T. 2 S., R. 4 E.,
Sec. 7, lots 17 through 20, 22, 23, 26, 27;
Sec. 18, lots 1 through 4, 9, 17, 18, 20 through 22;
T. 2 S., R. 4 E.,
All public lands within the following legal descriptions:
Sec. 9, S½SE¼;
Sec. 10, all (excluding lots 7, 8, NW¼NE¼);
Sec. 11, SW¼
Sec. 14, all;
Sec. 15, all (excluding N½, NW¼SW¼);
Sec. 22, N½;
Sec. 23, NW¼;
Sec. 24, lot 2, W½.
T. 2 S., R. 5 E.,
Sec. 6, lot 5.

Approximately 809.61 acres.

Tract No. 11—Piute and Wayne Counties

Salt Lake Meridian, Utah

T. 28 S., R. 1 W.,
Secs. 1, 11 through 14, 23 through 26, all (unsurveyed).
T. 28 S., R. 1 E.,

Sec. 1, lots 1 through 4, S½N½, S½;
Sec. 3, lots 1 through 4, S½N½, S½;
Sec. 4, lots 1 through 4, S½N½, S½;
Sec. 5, lots 1 through 4, S½N½, S½;
Sec. 6, lots 1 through 6, S½NE¼, SE¼;
Sec. 7, lots 1 through 4, E½;
Sec. 8 through 15, all;
Sec. 17, all;
Sec. 18, lots 1 through 4, E½;
Sec. 19, lots 1 through 4, E½E½;
Secs. 20 through 29, all;
Sec. 30, lots 1 through 4, E½E½;
Secs. 33 through 35, all.
T. 29 S., R. 1 E.,
Sec. 1, lots 1 through 4, S½N½, S½;
Sec. 3, lots 1 through 4, S½N½, S½;
Sec. 4, lots 1 through 4, S½N½, S½;
Secs. 9 through 15, all;
Sec. 16, all (surface estate only);
Sec. 21, all (surface estate only);
Secs. 22 through 28, all;
Secs. 33 through 35, all.
T. 30 S., R 1 E.,
Sec. 1, lots 1 through 4, S½N½, S½;
Sec. 3, lots 1 through 4, S½N½, S½;
Sec. 4, lots 1 through 4, S½N½, S½;
Secs. 9 through 13, all;
Sec. 14, E½, N½NW¼, S½SW¼;
Sec. 14, S½NW¼, N½SW¼ (surface estate only);
Sec. 15, all;
Sec. 16, all (surface estate only);
Secs. 21 through 28, all;
Secs. 33 through 35, all;
Sec. 36, S½NE¼, NW¼.

Approximately 50,286.02 acres; 2,080.00 surface estate only.
Total 52,366.02 acres.

Tract No. 12—Uintah County

Salt Lake Meridian, Utah

T. 5 S., 22 E.,
Sec. 13, E½, NW¼, E½SW¼, NW¼SW¼;
Sec. 14, E½NE¼, NW¼NE¼;
Sec. 24, NE¼, NE¼NW¼.
T. 5 S., R 23 E.,
Sec. 8, NW¼;
Sec. 18, lots 1 through 3, 5, 6, W½NE¼N W¼NE¼, NW¼NW¼NE¼, NW¼SW¼NW¼NE¼, NE¼NW¼, W½NE¼SE¼NW¼, W½SE¼NW¼.

Approximately 1,307.10 acres.
Grand Total: 100,262.13 acres.

2. On lands where no adverse comments are received, it will be held that these lands are classified 60 days from date of publication of this notice in the **Federal Register** and this classification action will become the final determination of the Department of the Interior. Classification is pursuant to title 43 Code of Federal Regulations, Subpart 2400 and Section 7 of the Act of June 28, 1934.

3. For a period of 60 days from the date of publication of this notice in the **Federal Register**, any persons who wish to submit comments on the above classification may present their views in writing for consideration to the State Director (U–942), Utah State Office, Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111. Comments should address a specific parcel within a specific tract (Example—Tract No. 1, Sec. 1, lot 1, T. 23 S., R. 5 E.) as opposed to commenting generally on the entire classification.

4. Public meetings to discuss this classification decision have been scheduled by the appropriate BLM District Managers for the dates that follow:

May 23, 1983—Salt Lake District Office
May 24, 1983—Cedar City District Office
May 25, 1983—Richfield District Office
May 26, 1983—Moab District Office
May 27, 1983—Vernal District Office

5. If and when selections are approved and certified to the State, the selected lands will be subject to all valid existing rights. Furthermore, any lands encumbered with a mineral lease or permit are subject to a reservation to the United States of all oil and gas, coal, and potash, with the right of the lessee to utilize as much of the surface as is necessary for proper mining operations, until the lease or permit is terminated. Should an entire mineral lease or permit be encompassed by the area of the selection, the State of Utah will succeed to the position of the United States.

6. Any existing grazing use authorized by license or permit from the Bureau of Land Management will be terminated if the lands are transferred out of Federal Ownership. The State shall honor all leases, permits, contracts, and terms and conditions of user agreements on United States' lands.

Those lands which are encumbered by mining claims, cannot be transferred to the State of Utah until the conflicts are resolved. Also, lands that are not surveyed will not be conveyed until a survey is completed and accepted.

7. The proposed classification issued by the Salt Lake District Office on September 30, 1982, classifying lands in the Salt Lake Meridian, Utah, T. 2 S., R. 3 E., T 2 S., R. 4 E., and T. 2 S., R. 5 E., for State In Lieu selection is hereby rescinded. Any protests BLM received from the above classification, will be held over and protests/comments incorporated as part of this classification action.

8. Portions of selection applications (U–52672 and U–52673) and previously filed selection applications (U–1291, U–4174, U–4175, U–4270, U–4271, U–4275 through U–4279, U–4284, U–4286, U–8987, U–8992, U–087850), and State exchange application (U–41322) described duplicate acreages. The previously filed applications will be rejected as to the duplicate acreages.

9. The following described parcel of land has been determined to be unsuitable for indemnity selection under the Act:

T. 2 S., R. 4 E., SLM, Utah.
All public lands.
Parcel 16—(As identified on a BLM map along with other information available at the Salt Lake District Office, 2370 South 2300 West, Salt Lake City, Utah 84119, 801–524–5348) within the following legal descriptions:
Sec. 10, lots 7, 8;
Sec. 15, N½, NW¼SW¼.
Approximately 88 acres.

The appropriate classification of the above acreage has been addressed as part of the classification decision for recreation and Public Purposes Application U–29830, Park City Municipal Corporation filed March 27, 1975.

10. Detailed information concerning the indemnity selection and proposed transfer to the State of Utah is available for review at the Utah State Office, Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111 (801–524–4245).

Dean Stepanek,
Acting State Director.

[FR Doc. 83–11325 Filed 4–27–83; 8:45 am]
BILLING CODE 4310–84–M

[OR 20640 (Wash.)]

Washington; Realty Action—Sale; Public Land in Walla Walla County, Washington

This Notice amends the Notice of Realty Action published February 4, 1982, (47 FR 5359).

The following described land will be available for sale at no less than the appraised fair market value shown:

Willamette Meridian, Walla Walla County, Washington

T. 7 N., R., 31 E., Section 14

ADJACENT TO THE WALLULA TOWNSITE

Parcel No.	Legal description	Acreage	Value
1	Lot 1	25.69	$38,500
2	Lot 6 ...	26.02	42,000

The above described land will be offered for sale by sealed and oral bids using competitive bidding procedures (43 CFR 2711.3–1). Bids must be made by either: (1) sealed bids mailed or delivered to the Spokane District Office, or (2) oral bids made at the sale. Bids delivered or sent by mail must be received at the Bureau of Land Management, Spokane District Office, East 4217 Main Avenue, Spokane,

Washington, D.C. 99202, before 4:00 p.m., May 31, 1983, to be considered. Sealed bid envelopes must be marked in the lower left-hand corner as follows: "Public Sale Bid Parcel No.—, Serial No. OR 20640. Sale held June 1, 1983."

The sale will be held on June 1, 1983, at the Bureau of Land Management, Spokane District Office, at the above address. Registration of Bidders will begin at 10:00 a.m. and the sale will start upon completion of registration.

If any of the parcels are not sold on June 1, 1983, they will remain available for sale, at the Bureau of Land Management, Spokane District Office, on a continuing basis until removed from market.

Information about the sale, and bidding and sale procedures, is available at the BLM, Spokane District Office, at the above address.

Date of Issue: April 4, 1983.

Roger W. Burwell,

District Manager.

[FR Doc. 83-11286 Filed 4-27-83: 8:45 am]

BILLING CODE 4310-84-M

[Wyoming 81452]

Wyoming: Realty Action Non-Competitive Sale of Public Land in Natrona County

April 21, 1983.

The following described land has been examined and identified as suitable for disposal by sale under Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750; 43 U.S.C. 1713), at no less than the appraised fair market value:

Sixth Principal Meridian, Wyoming

T. 40 N., R. 87 W.,
Sec. 13, SE¼SE¼SW¼NE¼.

The area described contains 2.5 acres in Natrona County.

The above described land is being offered as a direct non competitive sale to Wayne A. and Carolyn M. Steinberg at the appraised fair market value of $7,500. The Steinbergs have occupied this land for over 21 years under appropriate cabin site leases; have developed and improved the lands as required, including construction of two A-frame cabins; and have complied with all the terms and conditions of the leases. Disposal by direct sale, rather than by public auction, will protect their equity in the improvements, secure their tenure on the land, and eliminate a hardship if they were compelled to remove or otherwise dispose of the improvements.

This land is located approximately 90 miles northwest of Casper, Wyoming in the South Bighorn Mountains. The property lies in a small valley, bounded on the north by steep hills and by the Middle Fork of Buffalo Creek on the south. Legal access is available along a county road and across ¼ mile of trail over public land.

Because of the existing improvements, the land is difficult and uneconomic to manage as part of the public land system, and is not suitable for management by another federal agency. The land is specifically identified in the Bureau planning system for sale to the Steinbergs, and Natrona County officials have been notified of the proposed sale. The public interest will be served by offering this land for sale.

Terms and conditions applicable to the proposed sale are as follows:

1. A right-of-way for ditches and canals will be reserved to the United States under the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945).

2. All minerals will be reserved to the United States together with the right to prospect for, mine, and remove such deposits under applicable laws and regulations.

3. The proposed sale will be subject to all valid existing rights and reservations of record, including those rights granted by oil and gas lease W-80205.

Detailed information concerning the proposed sale, including planning documents, land report and environmental assessment, and mineral reports is available at the Bureau of Land Management, Casper District Office, 951 Rancho Road, Casper, Wyoming 82601. The proposed sale will not be held until 60 days after the date of this notice.

For period of 45 days from the date of this notice, interested parties may submit comments to the District Manager, Bureau of Land Management, at the above address. Any adverse comments will be evaluated by the District Manager who may vacate or modify this realty action. In the absence of any action by the District Manager, this realty action will become a final determination of the Department of the Interior.

Robert B. Childs.

Acting District Manager.

[FR Doc. 83-11328 Filed 4-27-83: 8:45 am]

BILLING CODE 4310-84-M

[Wyoming 0236614]

Wyoming; Partial Termination of Recreation and Public Purposes Classification No. W6-1

April 21, 1983.

1. Pursuant to the authority delegated by Bureau of Land Management Manual Section 1203, as supplemented, the Bureau of Land Management's Recreation and Public Purposes Classification No. W6-1 dated December 12, 1962, is hereby terminated as to the following described lands:

Sixth Principal Meridian

T. 32 N., R. 78 W.,
Sec. 28, SW1/4NE1/4, W1/2NW1/4, SE1/4NW1/4;
Sec. 29, NE1/4, E1/2NW1/4.

The area described contains 400 acres in Natrona County, Wyoming.

2. The lands described above were classified on December 12, 1962, pursuant to the act of June 14, 1926 (44 Stat 741), as amended by the Act of June 4, 1954 (68 Stat 173), and under authority of Section 7 of the Act of June 28, 1934 (48 Stat 1273) as amended.

These lands are segregated from all appropriations under the public land laws, including locations under the mining laws and applications under the Small Tract Act, as amended, except as to applications under the Recreation and Public Purposes Act by qualified State and local governments, and applications under the mineral leasing laws.

3. In accordance with the regulations in 43 CFR 2741.4(h), the segregation of lands classified under the Act of June 14, 1926 (supra) automatically terminates if no application is filed within 18 months after issuance of a notice of classification. No application has been properly filed for these lands and, therefore, the segregation has terminated on those lands described in paragraph one of this notice. The remaining lands in classification W6-1 have been patented or leased under the Act of June 14, 1926, and the classification is still proper and will continue.

4. Pursuant to the regulations set forth in 43 CFR 2450.6(a) and 43 CFR 2741.4(h), the above classification is hereby terminated as set out in paragraphs one and three of this notice. At 10:00 a.m. on May 16, 1983, the lands described above will be opened to operation of the public land laws, including the mining laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable laws and regulations. All valid applications received at or prior to 10:00 a.m. on May 16, 1983, shall be considered as simultaneously filed at that time. Those received thereafter will be considered in the order of filing.

Inquiries concerning these lands should be addressed to the Platte River

Resource Area Manager, 951 Rancho Road, Casper, Wyoming 82601.

Terrence W. Matchett,

Acting Area Manager.

[FR Doc. 83-11327 Filed 4-27-83; 8:45 am]

BILLING CODE 4310-84-M

Federal Mineral Leasing Other Than Oil, Gas, Geothermal, Oil Shale and Combined Hydrocarbon Leasing

AGENCY: Bureau of Land Management, Interior.

ACTION: Combined mineral lease form proposal.

SUMMARY: At present, the Bureau of Land Management utilizes separate, commodity specific forms when issuing mineral leases. Each form differs in several ways depending on the mineral(s) or the lands to be leased. Although the statutory and regulatory requirements are generally very similar, and in some cases identical, there is no consistency among the various forms. This has been a source of confusion by the public. Some forms are seldom used and some have become obsolete without having been used. This has caused additional, unnecessary expense to the Bureau. In an effort to streamline procedures, contain costs, speed processing and reduce confusion, the Bureau has developed, and will use if adopted, a single lease form to issue any type of mineral lease except oil, gas, geothrmal, oil shale or combined hydrocarbon leases. In addition, extraneous and redundant provisions found in the current forms have been eliminated. The proposed form incorporates provisions to indicate the type of lease being issued and the specific terms and conditions which apply for the minerals being leased.

The public is invited to submit written comments and suggestions for improvements of this proposed lease form which is shown below.

DATE: Comments by May 31, 1983.

ADDRESS: Comments and suggestions should be sent to: Director (650) Bureau of Land Management, 1800 C Street, NW., Washington, D.C. 20240.

Comments will be available for public review in room 5559 at the above address during regular business hours (7:45 a.m. to 4:15 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Marcia E. Rohn (2020) 343-8537.

SUPPLEMENTARY INFORMATION: In December 1980 a proposed coal lease form, reflecting changes in statutes relating to coal leasing and coal mining operations, was published in the **Federal Register** for public comment (45 FR 83333-83334). Some of the comments received on the proposed coal lease form have been adopted by coal's inclusion in this proposed combined mineral lease form. Those comments received on this proposed form as well as the comments received for the proposed lease form published in December 1980 will be addressed when the final form is published in the **Federal Register**.

Robert F. Burford,

Director.

April 22, 1983.

BILLING CODE 4310-84-M

Office _____
Serial Number _____
Original Effective Date _____
_____

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

LEASE

PART I. **LEASE RIGHTS GRANTED**

THIS INDENTURE OF ☐ LEASE ☐ LEASE RENEWAL ☐ LEASE READJUSTMENT entered into by and between the UNITED STATES OF AMERICA, through the Bureau of Land Management, hereinafter called lessor, and

, hereinafter called lessee, shall become effective for a period of years,

☐ with preferential right in the lessee to renew for successive periods of years under such terms and conditions as may be prescribed by the Secretary of the Interior, unless otherwise provided by law at the expiration of any period

☐ and for so long thereafter as lessee complies with the terms and conditions of this lease which are subject to readjustment at the end of each year period

☐ and for so long thereafter as coal is produced annually in commercial quantities from the leased lands, subject to readjustment of lease terms at the end of the 20th lease year and each 10-year period thereafter.

Sec. 1. This lease is issued pursuant and subject to the terms and provisions of the

☐ Mineral Leasing Act of 1920, Act of February 25, 1920, as amended, 41 Stat. 437, 30 U.S.C. 181-287, hereinafter referred to as the Act,

☐ Mineral Leasing Act for Acquired Lands, Act of August 7, 1947, 61 Stat. 913, 30 U.S.C. 351-359,

☐ Reorganization Plan No. 3 of 1946, 60 Stat. 1099,

☐ (Special Act)

and to all other applicable laws, regulations and orders of the Secretary of the Interior in force on the date of this lease, and, where not inconsistent with the lease terms, regulations and orders hereafter promulgated.

Sec. 2. Lessor, in consideration of bonuses, rents and royalties to be paid, and the conditions and covenants to be observed as herein set forth, hereby grants and leases to lessee the exclusive right and privilege to drill for, mine, extract, remove and dispose of the deposits (and associated and related minerals) (and silica, limestone or other rock under section II of the Act,) hereinafter referred to as "leased deposits" in, upon, or under the following described lands:

containing acres, more or less, together with the right to construct such works, buildings, plants, structures, equipment and appliances which may be necessary and convenient for mining and preparation of the lease deposits for market, the manufacture of products thereof, and subject to the conditions herein provided, to use so much of the surface of the land as may reasonably be required in the exercise of the rights and privileges granted.

☐ Special stipulations are attached to and made a part of this lease

THE UNITED STATES OF AMERICA

_____
Company or Lessee Name

By _____
(Signature of Lessee)

_____
(Title)

_____
(Date)

By _____
(Signing Officer)

_____
(Title)

_____
(Date)

PART II. **TERMS AND CONDITIONS.**

Sec. 1 **Rentals**—Lessee shall pay lessor rental annually and in advance for each acre or fraction thereof during the continuance of the lease at the rate indicated below:

- ☐ 50 cents for the first lease year and each succeeding lease year;
- ☐ $1 (but not less than a total of $20), for first lease year and each succeeding lease year.
- ☐ 25 cents for the first lease year, 50 cents for the second and third lease years, and $1 for each and every lease year thereafter;
- ☐ 25 cents for the first calendar year or fraction thereof, 50 cents for the second, third, fourth, and fifth calendar years respectively, and $1 for the sixth and each succeeding calendar year;
- ☐ $ for each lease year; or
- ☐ $ for each calendar year
- ☐ The rental for any year will be credited against the first royalties as they accrue under the lease during the year for which rental was paid
- ☐ Rental shall not be credited against royalties for any year

Sec. 2 **Royalties**—Lessee shall pay lessor production royalties, minimum or advanced royalties as set forth in the attached schedule

Sec. 3 **Bonds**—Lessee shall file at such time and maintain in such amount any bond required by regulations

Sec. 4 **Diligence**—

- ☐ Lessee shall exercise reasonable diligence in developing and producing the leased deposits and shall prevent unnecessary damage to, loss of, or waste of leased deposits
- ☐ This lease is subject to the conditions of diligent development and continued operations, except that these conditions are excused where operations under the lease are interrupted by strikes, and the elements or casualties not attributable to lessee. The lease shall terminate if it is not producing in commercial quantities at the end of ten years. The lessor, in the public interest may suspend the condition of continued operation upon payment of advance royalties

Sec. 5 **Documents, evidence and inspection**—At such times and in such form as lessor may prescribe, lessee shall furnish detailed statements showing the amounts and quality of all products removed and sold from the lease, the proceeds therefrom, and the amount used for production purposes or unavoidably lost. Lessee may be required to provide plats and schematic diagrams showing development work and improvements on the leased lands, and reports with respect to stockholders, investments, depreciation costs, and Federal lease interests.

Lessee shall keep open at all reasonable times for the inspection of any duly authorized officer of lessor, the leased premises and all surface and underground improvements, works, machinery, ore stockpiles, equipment, and all books, accounts, maps, and records relative to operations, surveys, or investigations on or under the leased lands.

Lessee shall permit lessor to copy and make extracts from any such books and records.

Information obtained under this section shall be open to inspection by the public only as required by the Freedom of Information Act (5 U.S.C. 552).

Sec. 6. **Damages to property and conduct of operations**—Lessee shall pay lessor for damage to property improvements, and shall save and hold the lessor harmless from all claims for damage or harm to persons or property as a result of lease operations.

Lessee shall conduct operations in a manner that prevents unnecessary impacts and minimizes other impacts to the land, air, and water, to cultural, biological, visual, and other resources and to other land uses or users. Lessor reserves the right to continue existing uses and to authorize future uses upon or in the leased lands including the approval of easements or rights-of-ways. Such uses shall be conditioned so as to prevent unnecessary or unreasonable interference with rights of lessee.

Prior to disturbing the surface of the leased lands, or construction or improving access to the leased lands, lessee agrees to contact lessor to be apprised of procedures to be followed and restrictions that may be involved in the conduct of operations. The lessee shall not conduct operations in the absence of approval by the authorized officer. Areas to be disturbed may require inventories to determine if threatened or endangered species, or cultural resources would be affected. Lessee may be required to complete such inventories under guidelines provided by lessor. If, in the conduct of operations suspected threatened or endangered species, or cultural resources, or substantially different or unanticipated environmental affects are observed, lessee shall immediately contact lessor.

Sec. 7. **Protection of diverse interests, and equal opportunity**—Lessee shall: pay when due all taxes legally assessed and levied under the laws of the State or the United States; accord all employees complete freedom of purchase; pay all wages at least twice each month in lawful money of the United States; maintain a safe working environment in accordance with standard industry practices; restrict the workday to not more than eight (8) hours in any one day for underground workers, except in emergencies, and take measures necessary to protect the health and safety of the public. No person under the age of sixteen (16) years shall be employed in any mine below the surface. To the extent that laws of the State in which the lands are situated are more restrictive than the provisions in this paragraph, then the State laws apply.

Lessee will comply with all provisions of Executive Order No. 11246 of September 24, 1965, as amended, and the rules, regulations, and relevant orders of the Secretary of Labor. Neither lessee nor lessee's subcontractors shall maintain segregated facilities.

Sec. 8. **Transfer of lease interest, and relinquishment of lease**—

(a) Transfers

- ☐ This lease may be transferred in whole or in part to any person, association or corporation qualified to hold such lease interest.
- ☐ This lease may only be transferred in whole or in part to another public body, or to a person who will mine the coal on behalf of and for the use of the public body, or to a person who for the limited purpose of creating a security interest in favor of a lender agrees to be obligated to mine the coal on behalf of the public body.
- ☐ This lease may only be transferred in whole or in part to another small business qualified under 13 CFR 121

The parties thereto shall file for approval or recording in the proper office of the lessor any instrument transferring a record title, or working or royalty interest in this lease, and shall not create overriding royalties or payments out of production in excess of that allowed by regulation.

(b) Relinquishment—The lessee may relinquish at any time all rights under this lease, and upon acceptance be relieved of all future obligations under the lease, and may with like consent surrender any legal subdivision of the area included within the lease.

Sec. 9. **Delivery of premises, removal of machinery, equipment, etc.**—At such time as all or portions of this lease are returned to lessor, lessee shall deliver up to lessor the land leased, underground timbering, and such other supports and structures necessary for the preservation of the mine or deposits and place all wells in condition for suspension or abandonment. Within 180 days thereof, lessee shall remove from the premises all other structures, machinery, equipment, tools, and materials as required by the authorized officer. Any such structures, machinery, equipment, tools, and materials remaining on the leased lands beyond 180 days, or approved extension thereof, shall become the property of the lessor, but lessee shall either remove any or all such property or shall continue to be liable for the cost of removal and disposal in the amount actually incurred by the lessor. If the surface is owned by third parties, lessor shall waive the requirement for removal provided the third parties do not object to such waiver. Lessee shall, prior to the termination of bond liability or at any other time when required and in the manner directed by the lessor, reclaim all lands the surface of which has been disturbed, dispose of all debris or solid waste, repair the offsite and onsite damage caused by lessee's activity or activities incidental thereto, and reclaim access roads or trails.

Sec. 10. **Proceedings in case of default**—If lessee fails to comply with applicable laws, now existing regulations, or the terms, conditions and stipulations of this lease, and the noncompliance continues for 30 days after written notice thereof, this lease shall be subject to cancellation by the lessor only by judicial proceedings. This provision shall not be construed to prevent the exercise by lessor of any other legal and equitable remedy, including waiver of the default. Any such remedy or waiver shall not prevent later cancellation for the same default occurring at any other time.

Sec. 11. **Heirs and successors-in-interest**—Each obligation of this lease shall extend to and be binding upon, and every benefit hereof shall inure to, the heirs, executors, administrators, successors, or assigns of the respective parties hereto.

[FR Doc. 83-11280 Filed 4-27-83; 8:45 am]
BILLING CODE 4310-84-C

[(A-16421) PS]

Arizona; Notice of Conveyance

April 21, 1983.

Notice is hereby given that, pursuant to the Act of October 21, 1976 (90 Stat. 2743, 2750; 43 U.S.C. 1701, 1713), Kenneth H. Edinger and Edward E. Edinger, P.O. Box 374, Dewey, Arizona 86327, have purchased, by direct sale at the fair market value of $1,300.00, public lands in Yavapai County described as follows:

Gila and Salt River Mer., Arizona

T. 13 N., R. 1 E.,
Sec. 4, Lot 13.
Containing 0.18 acres.

The purpose of the Notice is to inform the public and interested State and local governmental officials of the issuance of a patent to Kenneth H. Edinger and Edward E. Edinger.

Mario L. Lopez,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 83-11294 Filed 4-27-83; 8:45 am]
BILLING CODE 4310-84-M

[AR-011738 & A-13389]

Arizona; Proposed Modification of Withdrawal and Opportunity for Public Hearing

As a result of the review made pursuant to Section 204(1) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754; 43 U.S.C. 1714, the Bureau of Land Management, Department of the Interior, proposes to modify the term of the withdrawal made by Executive Order 1222 of July 1, 1910 and Public Land Order 1363 of November 14, 1956, which withdrew the following described lands from all forms of appropriation under the public land laws including the United States mining laws, but not from leasing under the mineral leasing laws:

Gila and Salt River Meridian

T. 18 S., R. 13 E.,
Section 24, lots 1, 2, 3, SE¼SE¼;
Section 25, lots 2, 3, 4, 5, 6, E½NE½, SE¼.
T. 17 S., R. 14 E.,
Section 33, all;
Section 34, all;
Section 35, all;
Section 36, all
T. 18 S., R. 14 E.,
Section 1, lots 1, 2, 3, 4, S½N½, S½;
Section 2, lots 1, 2, 3, 4, S½N½, S½;
Section 3, lots 1, 2, 3, 4, S½N½, S½;
Section 4, lots 1, 2, 3, 4, S½N½, S½;
Section 9, all;
Section 10, all;
Section 11, all;
Section 12, all;
Section 13, all;
Section 14, all;
Section 15, all;
Section 16, all;
Section 21, all;
Section 22, all;
Section 23, all;
Section 24, all;
Section 25, all;
Section 26, all;
Section 27, all;
Section 28, all;
Section 29, all;
Section 30, lots 1, 2, 3, 4, E½, E½W½;
Section 31, lots 1, 2, 3, 4, E½, E½W½;
Section 32 all;
Section 33 all;
Section 34 all;
Section 35 all;
Section 36 all.
T. 19 S., R. 14 E.,
Section 4, lots 1, 2, 3, 4, S½N½, S½;
Section 5, lots 1, 2, 3, 4, S½N½, S½;
Section 6, lots 1 to 11, inclusive, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Section 9, all;
Section 10, W½, SE¼;
Section 13, Lots 3, 4, 5, SE¼SE¼;
Section 14, lots 1, 2;
Section 15, all;
Section 16, all;
Section 22, E½NE¼, NE¼SE¼;
Section 23, lot 1, SE¼NE¼, NE¼SE¼, S½S½.
T. 17 S., R. 15 E.,
Section 31, lots 1 to 11, inclusive, NE¼, E½NW¼, NE¼SW¼, N½SE¼;
Section 32, lots 1, 2, 3, 4, N½, N½S½;
Section 33, Lots 1, 2, 3, 4, N½, N½S½;
Section 34, lots 1, 2, 3, 4, N½, N½S½;
T. 18 S., R. 15 E.,
Section 3, lots 1, 2, 3, 4, S½N½, S½;
Section 4, lots 1, 2, 3, 4, S½N½, S½;
Section 5, lots 1, 2, 3, 4, S½N½, S½;
Section 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Section 7, lots 1, 2, 3, 4, E½, E½W½;
Section 8, all;
Section 9, all;
Section 16, all;
Section 17, all;
Section 18, lots 1, 2, 3, 4, E½, E½W½;
Section 19, lots 1, 2, 3, 4, E½, E½W½;
Section 20, all;
Section 21, all;
Section 26, NE¼NW¼, S½NW¼;
Section 27, S½N½, SW¼ ;
Section 28, all;
Section 29, all;
Section 30, lots 1, 2, 3, 4, E½, E½W½;
Section 31, lots 1, 2, 3, 4, E½, E½W½;
Section 32, all;
Section 33, all;
Section 34, SW¼
T. 19 S., R. 15 E.,
Section 3, lots 3 4, S½NW¼, SW¼;
Section 4, lots 1, 2, 3, 4, S½N½, S½;
Section 5, lots 1, 2, 3, 4, S½N½, S½;
Section 6, lots 1 to 6, inclusive, S½NE¼, SE¼;
Section 7, lots 1, 2, 3, 4, E½;
Section 8, all;
Section 9, W½, SE¼, SE¼NE¼;
Section 10, NE¼NW¼, S½NW¼, SW¼;
Section 16, lot 1, N½NW¼, SE¼NW¼;
Section 17, lots 1, 2, N½N½, SW¼NE¼, S½NW¼, SW¼, NW¼SE¼, S½SE¼;
Section 18, lots 1, 2, 3, 4, E½;
Section 19, west portion of lots 1, 2, 3, 4, NE¼;
Section 20, W½SW¼;
Section 29, W½NW¼, SW¼;
Section 30, east portion of lot 1, NW¼NE¼, E½NE¼.
T. 20 S., R. 15 E.,
Section 5, NW¼NW¼.

The areas described aggregate approximately 47,284 acres in Pima County.

The purpose of the withdrawal is for the Santa Rita Experimental Range. The Bureau of Land Management proposes to modify the withdrawal from an indefinite period to a period of 20 years. No change is proposed in the purpose or segregative effect of the withdrawal.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal modification. All interested persons who desire to be heard on the proposed must submit a written request for a hearing to the undersigned on or before July 29, 1983. Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the **Federal Register** giving the time and place of such hearing. In lieu of or in addition to attendance at a scheduled public hearing, written comments, or objections to the proposed withdrawal may be filed with the undersigned officer on or before July 29, 1983.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. The authorized officer will review the withdrawal rejustification to ensure that the modification would be consistent with the statutory objectives of the programs for which the land is dedicated; the area involved is the minimum essential to meet the desired needs; the maximum concurrent utilization of the land is provided for and an agreement is reached on the concurrent management of the land and its resources. The authorized officer will also prepare a report for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be modified and if so, for how long. The final determination on the modification of the withdrawal will be published in the **Federal Register**. The existing withdrawal will continue until such final determination is made.

All communications in connection with this proposed modification should be addressed to the undersigned officer, Bureau of Land Management, U.S.

Department of the Interior, 2400 Valley Bank Center, Phoenix, Arizona 85073.

Mario L. Lopez,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 83-11293 Filed 4-27-83; 8:45 am]

BILLING CODE 4310-84-M

Arizona Safford District Advisory Council; Meeting

Notice is hereby given, in accordance with Pub. L. 94-579 and 43 CFR Part 1780, that a meeting of the Safford District Advisory Council will be held Friday, June 10, 1983 at Safford, Arizona at 10:00 a.m. at the Safford District Office, 425 E. 4th Street, Safford, Arizona.

Agenda for the meeting will include:

1. Introduction and biographical sketch of Council Members.
2. Discussion of the purpose and function of the Council.
3. Election of officers.
4. Orientation of BLM programs, goals and current issues.
5. Council issues.
6. Arrangements for next meeting.

The meeting is open to the public. Interested persons may make oral statements to the Council between 2:00 p.m. and 3:00 p.m. or may file written statements for the Council's consideration. Anyone wishing to make an oral statement must notify the District Manager at the above address by June 9, 1983. Depending upon the number of people wishing to make an oral statement, a perperson time limit may be considered.

Summary minutes of the meeting will be maintained in the District Office and will be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

April 21, 1983.

Fritz U. Rennebaum,

Acting District Manager.

[FR Doc. 83-11295 Filed 4-27-83; 8:45 am]

BILLING CODE 4310-84-M

Meetings of the Miles City District Advisory Council and the Miles City District Grazing Board

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Miles City District Advisory Council will be held June 7, 1983, and a meeting of the Miles City District Grazing Board will be held June 8, 1983. The meetings will begin at 10:00 a.m. in the conference room at the Miles City District Office, Bureau of Land Management, Highway 10-12 at Garryowen Road, Miles City, Montana.

The Advisory Council Agenda is as follows:

1. State in lieu selections/Asset Management.
2. Resource Management Plan alternatives.
3. MMS-BLM merger and district boundary adjustments.

The Grazing Board agenda is as follows:

1. Exchange of use agreements.
2. FY 1984 grazing budget.
3. State in lieu selections/Asset Management.
4. Resource Management plans.

The meetings are open to the public. The public may make oral statements before the Advisory Council and Grazing Board or file written statements for council or board consideration. Depending upon the number of persons wishing to make an oral statement, a per person time limit may be established.

Summary minutes of the meetings will be maintained in the Bureau of Land Management District Office and will be available for public inspection and reproduction during regular business hours within 30 days following the meetings.

For Further information, contact the District Manager, Miles City District, Bureau of Land Management, P.O. Box 940, Miles City, Montana 59301.

Ray Brubaker,

District Manager.

[FR Doc. 83-11352 Filed 4-27-83; 8:45 am]

BILLING CODE 4310-84-M

Susanville, California; Surprise Resource Area; Availability

AGENCY: Bureau of Land Management.

ACTION: Notice of availability.

SUMMARY: Notice is hereby given that the criteria that will be used in developing the planning amendment for the Surprise Resource Area is available for public review and comment.

DATES: Comments are being accepted from the public until 30 days from the date of this notice.

FOR FURTHER INFORMATION CONTACT: Lee Delaney, Area Manager, Surprise RA, P.O. Box 460, Cedarville, California 96104, (Telephone (916) 279-6101).

SUPPLEMENTARY INFORMATION: This planning amendment addresses land tenure adjustment. The NOI was published Thursday, January 27, 1983 on page 3877 of the **Federal Register.**

Rex Cleary,

District Manager.

[FR Doc. 83-11324 Filed 4-27-83; 8:45 am]

BILLING CODE 4310-84-M

Susanville, California; Wilderness Recommendations and Public Hearing; Correction

Correction to **Federal Register**, April 20, 1983, page 16973, "Notice of Public Hearing: Preliminary Wilderness Recommendations for the Alturas Resource Area, Susanville District and Redding Resource Area, Ukiah District, California."

The notice should have read:

Notice of Public Hearing: Preliminary Wilderness Recommendations for the Alturas Resource Area, Susanville District, California

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Pursuant to Section 202(f), and 603(a) of the Federal Land Policy Management Act of 1976 and Section 102(c) of the National Environmental Policy Act of 1969, the Bureau of Land Management has prepared draft environmental impact statement (EIS) concerning preliminary wilderness recommendations for the Alturas Resource Area, Susanville District.

The preferred alternative is to designate a portion (5,880 acres) of Pit River Wilderness Study Area (WSA) CA-020-103 as suitable with the remainder (5,695 acres) as unsuitable. The Tule Mountain WSA CA-020-211 (16,950 acres) is recommended as unsuitable for inclusion in the National Wilderness Preservation System. The Pit River and Tule Mountain WSA's are included in the Alturas Resource Management Plan (RMP) EIS which had four alternatives; All Wilderness, Preferred Alternative, No Wilderness, and No action.

DATES: A public hearing on the Alturas RMP/EIS WSAs will be held from 7:30 p.m. to 9:30 p.m. on May 23, 1983, at the Lion's Hall, Highway 299, McArthur, California. All interested persons are invited to attend and present their views on two points: (a) the suitability or nonsuitability of the areas for wilderness designation, and (b) the draft EIS.

Comments on the draft environmental impact statement are being solicited from public agencies and interested individuals and organizations. The

Bureau of Land Management invites written comments on the Draft Alturas RMP/EIS (Pit River and Tule Mountain WSA's) to be received by July 14, 1983. Comments should be addressed to: Area Manager, Alturas Resource Area, Bureau of Land Management, P.O. Box 771, Alturas, California 96101. Telephone (916) 233–4666.

ADDRESSES: A limited number of copies of the draft environmental impact statement are available at the Alturas Area Office and at the following locations:

Susanville District Office,
Bureau of Land Management,
P.O. Box 1090, 705 Hall Street,
Susanville, California 96130,
Telephone (916) 257–5381
California State Office
Bureau of Land Management,
2800 Cottage Way,
Sacramento, California 95825,
Telephone (916) 484–4541
Washington Office,
Bureau of Land Management,
Interior Building 18th and C Sreets, NW.,
Washington, D.C. 20240

FOR FURTHER INFORMATION CONTACT: Alturas RMP/EIS, Richard Drehobl, Alturas Resource Area Manager, P.O. Box 771, Alturas, California 96101, Telephone (916) 233–4666.

C. Rex Cleary,

Susanville District Manager

[FR Doc. 83–11286 Filed 4–27–83; 8:45 am]

BILLING CODE 4310–84–M

[U–12307]

Utah; Termination of Classification for Multiple Use; Correction

In **Federal Register**, Document 82–34126 on Page 56408 in the issue of Thursday, December 16, 1982 make the following additions:

In third column, after line No. 17 insert—

Tps. 30 thru 32 S., Rg. 23 E., all.

Dated: April 21, 1983

Darrell Barnes,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 83–11353 Filed 4–27–83; 8:46 am]

BILLING CODE 4310–84–M

Fish and Wildlife Service

Establishment of Bandon Marsh National Wildlife Refuge

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of establishment of the Bandon Marsh National Wildlife Refuge.

SUMMARY: This Notice designates the area of land and water in Coos County, Oregon, which the Secretary of the Interior considers appropriate for the Bandon Marsh National Wildlife Refuge. The Notice also establishes that present Fish and Wildlife Service property or interests therein within the project area shown, are components of Bandon Marsh National Wildlife Refuge. These lands are protected and administered in accordance with the Congressional Acts, Treaties and Executive Orders which provide the legal basis for operation of units of the National Wildlife Refuge System.

EFFECTIVE DATE: April 28, 1983.

FOR FURTHER INFORMATION CONTACT: James H. Shaw, Acquisition Program Manager, U.S. Fish and Wildlife Service, Lloyd 500 Building, Suite 1692, 500 N.E. Multnomah Street, Portland, Oregon 97232.

SUPPLEMENTARY INFORMATION: The Act to establish the Bandon Marsh National Wildlife Refuge was enacted by Congress on December 29, 1981 (Pub. L. 97–137). The Act provided that the Secretary of Interior would establish said refuge by publication of a notice in the **Federal Register** at such time as he determines that lands, waters, and interests therein sufficient to constitute an efficiently administrable refuge have been acquired.

Notice is hereby given that, pursuant to the above Act, all lands waters and interests therein within the approved project boundary totaling approximately 289 acres have acquired, and Bandon Marsh National Wildlife Refuge is considered to be an administrable unit of the National Wildlife Refuge System.

Maps of the refuge area are on file and are available for public inspection in the Land Acquisition office, U.S. Fish and Wildlife Service, 500 N.E. Multnomah Street, Portland, Oregon 97232.

Richard J. Myshak,

Regional Director, U.S. Fish and Wildlife Service.

April 19, 1983.

[FR Doc. 83–11351 Filed 4–27–83; 8:45 am]

BILLING CODE 4310–55–M

Bureau of Land Management

[A–13140; AZ–026–83–52]

Public Lands Exchange; Mohave County, Arizona

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of realty action—Exchange, public lands in Mohave County, Arizona.

SUMMARY: The following described lands have been determined to be suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Gila and Salt River Meridian, Arizona

T. 40 N., R. 15 W.,
Sec. 5, lot 4, S½NW¼, SW¼, and W½SE¼;
Sec. 6, SE¼;
Sec. 7, lots 1 thru 4, E½W½, and E½;
Sec. 8, W½ and NW¼NE¼;
Sec. 17, N½NW¼;
Sec. 18, lots 1 thru 4, N½NE¼, SW¼NE¼, and E½W½.
Comprising 2007.50 acres, more or less.

In exchange for these lands, the Federal government will acquire non-Federal land from Rod's Realtors described as follows:

Gila and Salt River Meridian, Arizona

T. 25 N., R. 21 W.,
Sec. 9, all;
Sec. 15, all;
Sec. 17, all;
Sec. 5, lots 1 thru 4, S½N½, and S½;
Sec. 7, lots 1 thru 4, E½W½, and E½.
T. 26 N., R. 21 W.,
Sec. 19, lots 1 thru 4, E½W½, and E½;
Sec. 29, all;
Sec. 31, lots 1 thru 4, E½W½, anmd E½;
Comprising 5109.12 acres, more or less.

The purpose of the exchange is to acquire the non-Federal lands which contain critical desert bighorn sheep habitat, including lambing grounds. The non-Federal lands have therefore been listed according to their acquisition priority. The exchange is consistent with the Bureau's planning system. The public interest will be well served by making the exchange.

The value of the lands and interests to be exchanged is approximately equal. Upon the completion of a final appraisal, acreages may be adjusted or a cash payment made to equalize the value difference. Where a money payment is required to equalize values, the payment shall not exceed 25 percent of the value of the public interest being conveyed.

The terms and conditions applicable to the Federal lands to be exchanged are:

1. A right-of-way for ditches and canals constructed by the authority of the United States, pursuant to the Act of August 30, 1890 (26 Stat. 319; 43 U.S.C. 945).

2. A reservation of all oil and gas to the United States with the right to

prospect for, mine and remove such deposits.

3. A reservation for a road easement 66 feet in width to the United States across the NE¼ Sec. 7 and NW¼ Sec. 8, T. 40 N., R. 15 W.

4. A reservation for powerline right-of-way AR–036027, as amended, under the authority of the Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1716).

5. A reservation for telephone right-of-way A–17642 under the authority of the Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1716).

6. Subject to all valid existing rights and those applications on record as of the date of this notice.

The terms and conditions applicable to the non-Federal land to be acquired are:

1. All minerals are reserved to the Santa Fe Pacific Railroad Company with the right of ingress and egress.

The publication of this notice in the **Federal Register** will segregate the public lands described herein to the extent that they will not be subject to appropriation under the public land laws, including the mining laws. As set forth in 43 CFR 2201.1(b), and subsequently tendered application, allowance of which is discretionary, shall not be considered as filed and shall be returned to the applicant. This segregative effect shall terminate upon issuance of patent to such lands, upon publications in the Federal Register of a termination of the segregation, or 2 years from date of this publication, whichever occurs first.

SUPPLEMENTARY INFORMATION: Detailed information concerning the exchange, including the environmental analysis and the record of public discussions, is available for review at the Shivwits Resource Area Office, 747 East St. George Boulevard, Suite 2, St. George, Utah.

For a period of forty-five (45) days interested parties may submit comments to the District Manager, Arizona Strip District, 196 East Tabernacle, P.O. Box 250, St. George, Utah 84770. Any adverse comments may be evaluated by the Arizona State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

Dated: April 13, 1983.

G. William Lamb,

District Manager.

BILLING CODE 4310–84–M

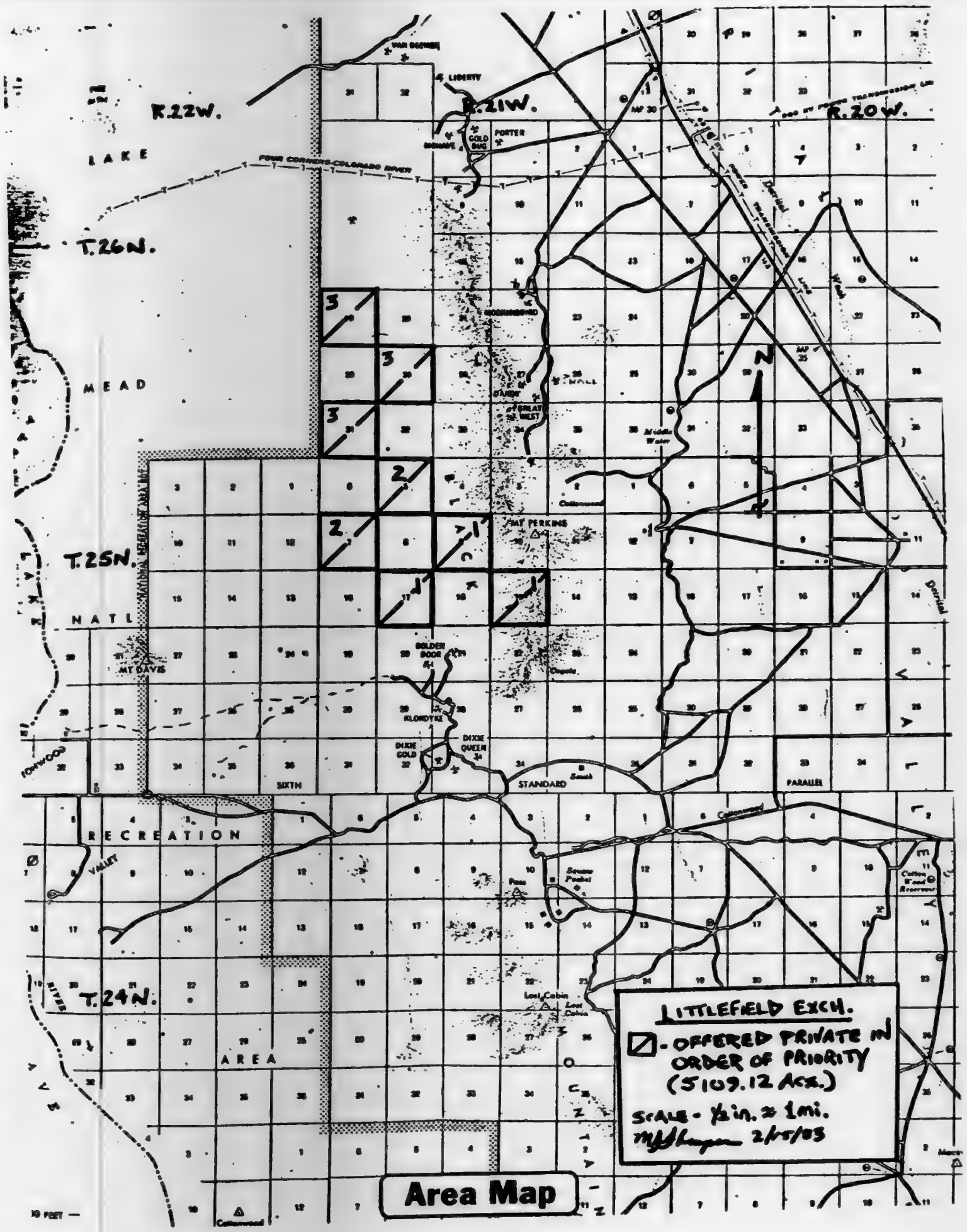
R.22W.
R.21W.
R.20W.
T.26N.
T.25N.
T.24N.
LAKE
MEAD
NATL
RECREATION
AREA
MT DAVIS
KLONDYKE
DIXIE QUEEN
DIXIE GOLD
STANDARD
SIXTH
PARALLEL
PORTER
COLD SPRING
HAT PERKINS
LITTLEFIELD EXCH.
- OFFERED PRIVATE IN ORDER OF PRIORITY
(5109.12 Acs.)
SCALE - ½ in. = 1 mi.
Area Map

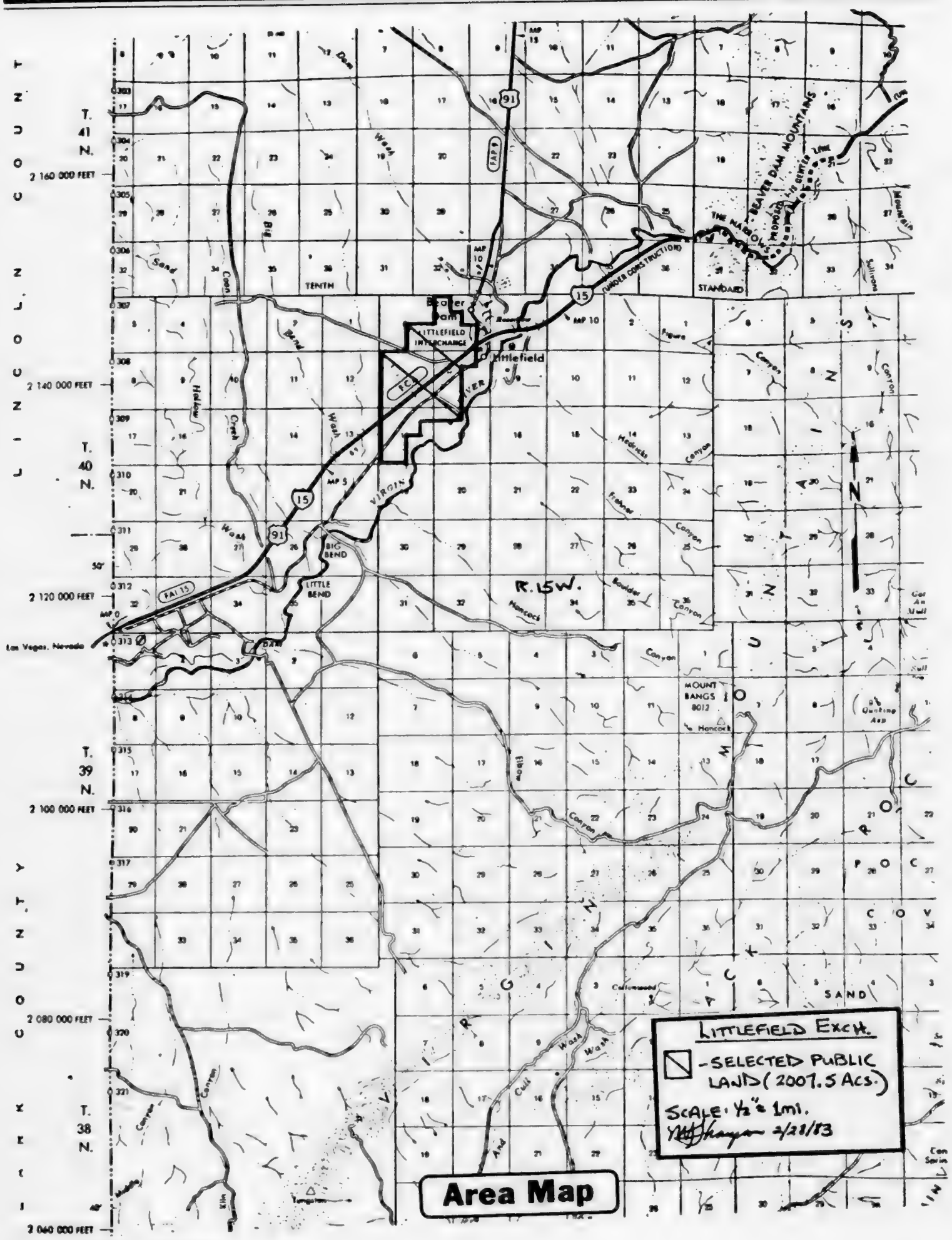

[FR Doc. 83-11335 Filed 4-27-83; 8:45 am]

BILLING CODE 4310-84-C

[Wyoming 068416]

Termination Small Tract Classification Wyoming Order Number 33 as Amended

1. Pursuant to the authority delegated by Bureau of Land Management Manual Section 1203, as supplemented, the Bureau of Land Management's Small Tract Classification, Wyoming Order Number 33, dated August 31, 1961 as amended on October 9, 1962, is hereby terminated in its entirety and effective immediately. The subject order covers the following land:

Sixth Principal Meridian

T. 40 N., R. 87 W.,
Sec. 13, SE¼SE¼SW¼NE¼.

The area described contains 2.5 acres in Natrona County, Wyoming.

2. The above described lands are segregated from all appropriations including locations under the mining laws, except as to applications under the Small Tract Act and the mineral leasing laws.

3. The small tract lease on this land, issued under the Act of June 1, 1938 (52 Stat. 609; 43 USC 682a), as amended, terminated on October 31, 1976, and was replaced by a lease under Section 302 of the Act of October 21, 1976 (90 Stat., 2762; 43 USC 1732). These lands are now proposed for direct sale to the current lessee, and classification for small tract purposes is no longer proper.

4. Pursuant to the regulations set forth in 43 CFR 2450.6(a), the above classification is hereby terminated as set out in paragraph one of this notice. At 10:00 a.m. on May 30, 1983, the lands described above will be opened to operation of the public land laws, including the mining laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable laws and regulations. All valid applications received at or prior to 10:00 a.m. on May 30, 1983, shall be considered as simultaneously filed at that time. Those received thereafter will be considered in the order of filing.

Inquiries concerning these lands should be addressed to the Platte River Resource Area Manager, 951 Rancho Road, Casper, Wyoming 82601.

Terence W. Matchett,
Acting Area Manager.

[FR Doc. 83-11436 Filed 4-27-83; 8:45 am]
BILLING CODE 4310-84-M

[Exchange CA 13694]

Intent To Amend Scattered Blocks MFP and Realty Action; Public Lands in Humboldt County, California

The Bureau of Land Management, pursuant to 43 CFR 1600, proposes to amend the Scattered Blocks Management Framework Plan to allow for the transfer of certain tracts of land via exchange CA 13894. The following parcels of public land are so effected.

Humboldt Meridian

T. 1 S., R. 3 E.,
Sec. 1: Lots 5 and 6;
Sec. 12: Lots 1, 2, 3, 4, 5, 6 and 7;
Sec. 26: NW¼NE¼.
T. 1 S., R. 4 E.,
Sec. 7: Lots 2, 3, and 4, E½SW¼.
T. 2 N., R. 5 E.,
Sec. 7: SE¼SW¼, W½SE¼;
Sec. 17: N½SW¼, SW¼SW¼;
Sec. 18: W½NE¼, SE¼SE¼.

Containing 829.97 acres, more or less.

The following described public lands, subject to the amendment to the Scattered Blocks MFP, have been determined to be suitable for disposal under the provisions of Pub. L. 91-476, an Act to provide for the establishment of the King Range National Conservation Area (84 Stat. 1067), and Sec. 206 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2756).

Homboldt Meridian

T. 1 S., R. 3 E.,
Sec. 1: Lots 5 and 6;
Sec. 12: Lots 1, 2, 3, 4, 5, 6 and 7;
Sec. 26: NW¼NE¼;
T. 1 S., R. 4 E.,
Sec. 7: Lots 2, 3, and 4, E½SW¼;
Sec. 18: NE¼NE¼, SW¼NE¼, SE¼NW¼;
Sec. 30: SE¼NW¼;
T. 3 S., R. 2 E.,
Sec. 20: SE¼NE¼;
Sec. 28: NW¼NW¼.
T. 2 N., R. 5 E.,
Sec. 7: SE¼SW¼, W½SE¼;
Sec. 17: N½SW¼, SW¼SW¼;
Sec. 18: W½NE¼, SE¼SE¼.
T. 3 N., R. 2 E.,
Sec. 26: NE¼SE¼.
T. 4N., R. 3 E.,
Sec. 7: Lot 2;
Sec. 13: NW¼SW¼;
Sec. 24: NE¼NE¼.
T. 4 N., R. 4 E.,
Sec. 17: NE¼SW¼.
T. 5 N., R. 4 E.,
Sec. 25: N½NE¼, SE¼NW¼.
T. 7 N., R. 3 E.,
Sec. 4: SW¼SE¼;
Sec. 8: NE¼NE¼;
Sec. 9: NW¼NE¼, SE¼NE¼, N½NW¼, SW¼NW¼;
Sec. 10: SE¼NW¼.
T. 9 N., R. 3 E.,
Sec. 15: N½SE¼, SW¼SE¼;
Sec. 22: Lot 1;
Sec. 28: NW¼NE¼.
T. 1 N., R. 1 W.,
Sec. 34: SW¼NW¼, NW¼SW¼, NE¼SE¼.
T. 12 N., R. 2 E.,
Sec. 39: Lot 4.

Containing 2,033.07 acres, more or less.

Richard J. Bosio, 2236 California Avenue, Modesto, California 95351, has applied to acquire the above described lands in exchange for the following described privately owned lands.

Humboldt Meridian

T. 3 S., R. 1 W.,
Sec. 10: NE¼SE¼;
Sec. 11: S½;
Sec. 12: NW¼SW¼, S½S½; and those portions of the SE¼NE¼, NE¼SW¼, N½SE¼ south of Bear Trap Creek;
Sec. 13: All;
Sec. 14: N½, N½SW¼, SE¼SW¼, SE¼.
T. 4 S., R. 1 E.,
Sec. 4: SW¼SE¼;
Sec. 9: W½NE¼, SE¼NE¼, SE¼;
Sec. 10: E½NE¼, S½;
Sec. 11: SW¼NW¼, SW¼.

Containing 2,785 acres, more or less.

A mineral evaluation has been requested on the public land. If any minerals are identified, a reservation of identified minerals will be made to the United States. If no minerals are identified, the mineral estate of the public lands will be conveyed with the surface. The mineral estate of the privately owned lands will be conveyed with the surface, unless previously reserved.

A right-of-way will be reserved to the State of California, Department of Transportation, T. 12 N., R. 2 E., H.M., Sec. 39, Lot 4, for the purpose of the Redwood Parks Bypass of U.S. Highway 101.

The publication of this notice in the **Federal Register** shall segregate the applied for public lands from all other forms of appropriation under the public land laws, including the mining laws, for a period of two years. The exchange is expected to be consummated before the end of that period.

For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager, P.O. Box 940, 555 Leslie Street, Ukiah, California 95482. Any adverse comments will be evaluated by the State Director who may vacate or modify this action and issue a final determination. In the absence of any action by the State Director, the Notice of Intent and Notice of Realty Action will become a final determination of the Bureau of Land Management.

Purpose of Exchange

The purpose of the exchange is to acquire non-Federal lands within the King Range National Conservation Area

for more effective management. The exchange is in conformance with Bureau planning, and in the public interest.

Detailed information concerning the exchange, including the environmental analysis and the record of non-Federal participation, is available for review at the Eureka Resource Area Office, BLM, 1585 J Street, P.O. Box II, Arcata, California 95521.

The value of the lands to be exchanged is approximately equal and money will be used to equalize the values upon completion of the final appraisal of the lands.

Van W. Manning,

District Manager, Bureau of Land Management, Ukiah District.

[FR Doc. 83-11378 Filed 4-27-83; 8:45 am]

BILLING CODE 4310-84-M

Minerals Management Service

Outer Continental Shelf; Proposed Development and Production Plan; Intent To Prepare an Environmental Impact Statement; California

AGENCY: Minerals Management Service (MMS), Department of the Interior.

ACTION: Notice of intent to prepare an environmental impact statement/ environmental impact report.

SUMMARY: Minerals Management Service, Pacific Outer Continental Shelf Region, Santa Barbara County, and the California State Lands Commission will prepare a joint Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the Exxon Santa Ynez Unit/Las Flores Canyon Development and Production Plan (DPP) proposed for the western Santa Barbara Channel offshore Santa Barbara County, California.

The draft statement is scheduled for completion in December 1983. A Notice of Availabilitiy will be published in the **Federal Register** establishing dates for the comment period following public distribution of the draft. Federal, State, or local governments and interested groups or individuals needing further information should call Steve Alcorn at (213) 688-3377 or Buford Holt at (213) 688-2070. Those wishing to assist MMS in determining the scope of the Santa Ynez Unit EIS/EIR should write to: Reid T. Stone, Regional Manager, Minerals Management Service, Pacific OCS Region, 1340 West 6th Street, Los Angeles, CA 90017. Comments on the scope of the statement should be received no later than June 13, 1983.

SUPPLEMENTARY INFORMATION: The DPP proposes installation of up to four production platforms, subsea pipelines and power cables, expansion of gas processing facilities currently under construction in Las Flores Canyon and either expansion of the Offshore Storage and Treatment Vessel or installation of an onshore oil treatment facility in Las Flores Canyon and a nearshore marine terminal. The EIS/EIR will analyze the environmental consequences of the proposed project in compliance with the National Environmental Policy Act and California Environmental Quality Act. Significant issues to be discussed include: air quality, water quality, terrestrial and marine biota, endangered species, commercial fishing, cultural resources and land use. Alternatives to be considered include options to modify, defer, or disapprove the proposed DPP.

Robert G. Paul,

Acting Deputy Regional Manager, Pacific OCS Region.

[FR Doc. 83-11398 Filed 4-27-83; 8:45 am]

BILLING CODE 4310-MR-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Commission on Security and Economic Assistance

Pursuant to the provisions of the Federal Advisory Committee Act, notice is hereby given of the first meeting of the Commission on Security and Economic Assistance on May 13, 1983.

The purpose of the meeting is to commence the review of U.S. security and economic assistance in light of its goals and objectives, assess the modalities used and their effectiveness, and to advise the Secretary of State and the Congress of its findings and recommendations. A preliminary work plan to achieve this end will be reviewed. The Commission will also deliberate its own organization, and agenda for future meetings, and an agenda for public hearings.

The Commission will meet from 9:00 a.m. to 12:30 p.m. on May 13, 1983, in room 2168 Rayburn House Office Building, U.S. House of Representatives, Washington, D.C. The meeting is open to the public. Any interested person may attend. Written statements may be filed with the Commission in advance of the meeting.

Mr. John K. Wilhelm is the designated A.I.D. representative. Statements may be filed with him, or further information received by writing to him in care of the Agency for International Development, PPC/C, Room 1004 NS, Washington, D.C. 20523, or telephone him at 202/632-7800.

Dated: April 25, 1983.

John K. Wilhelm,

A.I.D. Representative Commission on Security and Economic Assistance.

[FR Doc. 83-11337 Filed 4-27-83; 8:45 am]

BILLING CODE 6116-01-M

Performance Review Board

The following persons have been appointed to AID's Performance Review Board:

Curtis W. Christenson—Chairman
Anson R. Bertrand
Charles L. Cladson
Mosina H. Jordan
Charles D. McMakin
Francis J. Moncada
Eugene S. Staples
William T. White
Ruth K. Zagorin

Jan Barrow,

Executive Secretary Performance Review Board Agency for International Development.

[FR Doc. 83-11350 Filed 4-27-83; 8:45 am]

BILLING CODE 6116-01-M

INTERSTATE COMMERCE COMMISSION

Office of Proceedings

Motor Carriers; Permanent Authority Decisions; Decision—Notice

Motor Common and Contract Carriers of Property (fitness-only); Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods). The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** on December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in the **Federal Register** on November 24, 1982, at 49 FR 53271. For compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application must

follow the rules under 49 CFR Part 1160, subpart E.

These applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations.

Applicant's representative is required to mail a copy of an application, including all supporting evidence within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United states Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please direct status inquiries to Team 2, (202) 275-7030.

Volume No. OP2-189

Decided: April 20, 1983.

By the Commission, Review Board No. 3. Members Krock, Joyce, and Dowell.

MC 167173, filed April 1, 1983. Applicant: ORANGE COAST SIGHTSEEING COMPANY, 851 East Cerritos Ave., Anaheim, CA 92805. Representative: James H. Lyons, 523 West 6th St., Suite 1216, Los Angeles, CA 90014, (213) 626-6451.Transporting *passengers*, in charter and special operations, beginning and ending at points in Los Angeles and Orange Counties, CA, and extending to points in the U.S. (except HI). Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file and application under 49 U.S.C. 11343(a), submit an affidavit indicating why such approval is unnecessary, or file a petition seeking exemption under 49 U.S.C. 11343(e) to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit, proof of filing the application(s), or petition for exemption for common control to Team 2, Room 2379.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 167303, filed April 8, 1983. Applicant: CHARLES E. STRAW, d.b.a. C&S TRUCKING, 3222 Airport Rd., Nampa, ID 83651. Representative: Mark Perry, 236 Massachusetts Ave., NE, Suite 409, Washington, DC 20002. Transporting *Food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 167343(A), filed April 11, 1983. Applicant: GARY BOOTH, d.b.a. GARY BOOTH TRUCKING, P.O. Box 31082, Billings, MT 59107. Representative: Charles A. Murray, Jr., 2822 Third Ave. N., Billings, MT 59101, (406) 252-4165. Transporting, (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions); (2) *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle; and (3) *metal products*, between points in the U.S. (except AK and HI).

Note.—Part (3) is published in the **Federal Register**, this issue, with "regular applications."

MC 167393, filed April 11, 1983. Applicant: SELESTIN ARGENTIN, d.b.a. J.M.A. LIMOUSINE SERVICE, 20 Kossuth St., South Norwalk, CT 06854. Representative: Selestin Argentin (same address as applicant), 203-866-9075. Transporting *passengers*, in charter and special operations, between points in CT, NJ, and NY.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 167403, filed April 14, 1983. Applicant: VAN TRANS, INC., South State St., Newtown, PA 18940. Representative: Paul J. Keeler, P.O. Box 253, South Plainfield, NJ 07080, 201-757-3478. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

Volume No. OP2-193

Decided: April 21, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell. (Member Dowell not participating.)

MC 10302 (Sub-11), filed April 12, 1983. Applicant: THE CHIEPPO BUS COMPANY, 192 Forbes Ave., New Haven, CT 06501. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425-13th St., NW, Washington, DC 20004, 202-737-1030. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 136832 (Sub-19), filed April 13, 1983. Applicant: SOUTHERN IDAHO TRANSPORT, INC., P.O. Box W, Filer, ID 83328. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701, 208-343-3071. (1) transporting *general commodities* (except classes A and B explosives and household goods), between those points in the U.S., in and west of WI, IL, MO, KS, CO, and NM

(except AK and HI), (2) transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI), and (3) as a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

Note.—Part (1) is published in the **Federal Register**, this issue, under the preface with "regular applications".

MC 167412, filed April 14, 1983. Applicant: CURTIS J. ANDERSON, d.b.a. R.U.S.T. TRUCKING, 11 Western Village, Minot, ND 58701. Representative: Curtis J. Anderson (same address as applicant), 701–838–1013. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners*, by the owner of the motor vehicle, in such vehicle, between points in the U.S. (except AK and HI).

MC 167423, filed April 15, 1983. Applicant: ANDRE COACHLINES, INC., 56 Oakland Rd., Brookline, MA 02146. Representative: Richard A. Andre, 41 Centre St., Brookline, MA 02146, 617–738–8562. Transporting *passengers*, in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 167442, filed April 15, 1983. Applicant: COLLECTIVE DISTRIBUTION SERVICES, INC., 3915 Saw Mill Run Blvd., Pittsburgh, PA 15227. Representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, PA 15219, 412–471–1800. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 167443, filed April 15, 1983. Applicant: ROBERT D. SIMS, d.b.a. SIMS TRUCKING, 517–N. Main St., Sullivan, IL 61951. Representative: Robert D. Sims (same address as applicant), 217–728–8188. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners*, by the owner of the motor vehicle, in such vehicle, between points in the U.S. (except AK and HI).

For the following, please direct status calls to Team 3 at 202–275–5223.

Volume No. OP3–171

Decided: April 19, 1983.

By the Commission, Review Board No. 1. Members Parker, Chandler, and Fortier.

MC 52334 (Sub-8), filed April 6, 1983. Applicant: BOISE-WINNEMUCCA STAGES, INC., 1105 LaPointe, Boise, ID 83701. Representative: Dan L. Poole, P.O. Box 1559, Boise, ID 83701, (208) 343–5454. Transporting (1) *passengers*, in charter and special operations, between points in the U.S. and (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI)

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 61335 (Sub-21), filed April 1, 1983. Applicant: TRANS-BRIDGE LINES, INC., 2012 Industrial Dr. Bethlehem, PA 18017. Representative: W. C. Mitchell, 144 Ridge Rd., Wachung, NJ 07060, (201) 755–2023. Over *regular routes*, transporting *passengers* between Bethlehem, PA and Washington, D. C.: From Bethlehem, PA over U.S. Hwy 22 at Allentown, PA to the junction of PA Hwy 9 (Pennsylvania Turnpike), then over PA Hwy 9 to the I- Hwy 276 to the junction of I-Hwy 76 at King of Prussia, PA, then over I-Hwy 76 to the junction of U. S. Hwy 202 near Colonial Village, PA, then over U.S. Hwy 202 to the junction of U.S. Hwy 322, then over U.S. Hwy 202 to the junction of I-Hwy 95 at Concord, DE, then over I-Hwy 95 to Washington, D. C., and return over the same route, serving all intermediate points.

Note.—(1) Applicant seeks to provide regular-route service in interstate and foreign commerce and in intrastate commerce under 49 U.S.C. 10922 (c)(2)(B) over the same route, and (2) Applicant intends to tack this authority to its existing authority in MC–61335.

MC 87855 (Sub-5(a)), filed March 28, 1983. Applicant: J. V. MOTOR LINES, INC., 87 Church Street, E. Hartford, CT 06118. Representative: Hughan R. H. Smith, 26 Kenwood Place, Lawrence, MA 01841, (617) 657–8250. Transporting for or on behalf of the United States Government *general commodities* (except used household goods, hazardous or secret materials and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

MC 87855 (Sub-5(b)), filed March 28, 1983. Applicant: J. V. MOTOR LINES, INC., 87 Church Street, E. Hartford, CT 06118. Representative: Hughan R. H. Smith, 26 Kenwood Place, Lawrence, MA 08141, (617) 657–8250. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods), between points in the U.S. (except AK and HI).

MC 125875 (Sub-4), filed March 31, 1983. Applicant: REAL TRANSIT CO., P.O. Box 343, Rords Rd., Rockaway, NJ 07866. Representative: Andrew J. Carraway, Suite 1301, 1600 Wilson Blvd., Arlington, VA 22209, (703) 522–0900. Over *regular routes*, transporting *passengers*, between Long Valley, NJ and New York City Port Authority Bus Terminal, serving all intermediate points: (1) From the intersection of NJ Hwy 24 and County routes 513 and 517 at Long Valley, NJ, east along NJ Hwy 24 to the intersection of U.S. Hwy 206 near Chester, NJ, then north over U.S. Hwy 206 to the intersection of I-Hwy 80, then east over I-Hwy 80 to the intersection of NJ Hwy 23 and U.S. Hwy 46, then east over U.S. Hwy 46 to the intersection NJ Hwy 3, then east over NJ Hwy 3 to I-Hwy 495, then east over I-Hwy 495 to the New York City Port Authority Bus Terminal; (2) From the intersection of NJ Hwy 24 and County routes 513 and 517 at Long Valley, NJ, east along NJ Hwy 24 to the intersection of U.S. Hwy 206 near Chester, NJ, then north over U.S. Hwy 206 to the intersection of I-Hwy 80, then east over I-Hwy 80 to the intersection of I-Hwy 95 in Teaneck, NJ, then south over I-Hwy 95 to the intersection of NJ Hwy 3 at Secaucus, NJ, then over NJ Hwy 3 to the intersection of I-Hwy 495, then over I-Hwy 495 through the Lincoln Tunnel to the New York City Port Authority Bus Terminal, and return over the same route; and (3) From the intersection of NJ Hwy 24 and County routes 513 and 517 at Long Valley, NJ, east along NJ Hwy 24 to the intersection of U.S. Hwy 206 near Chester, NJ, then north over U.S. Hwy 206 to the intersection of I-Hwy 80, then east along I-Hwy 80 to the intersection of I-Hwy 280, then east over I-Hwy 280 to the intersection of I-Hwy 95, then north over I-Hwy 95 to the intersection of NJ Hwy 3, then east over NJ Hwy 3 to the intersection of I-Hwy 495, then east over I-Hwy 495 through the Lincoln Tunnel to the New York Port Authority Bus Terminal, and return over the same route.

Note.—(1) Applicant receives governmental financial assistance for the purchase or operation of buses or is an operator for such a recipient and (2) applicant seeks to provide regular-route service only in interstate or foreign commerce.

MC 167124, filed March 29, 1983. Applicant: E. S. HUMBERT, d.b.a. E. S. HUMBERT TRUCKING, 9737 W. 57th Ave., Arvada, CO 80002. Representative: Robert W. Wright, Jr., 5711 Ammons St., Arvada, CO 80002, (303) 424–1761. Transporting *food and other edible products and byproducts intended for human consumption*, (except alcoholic

beverages and drugs), *agricultural limestone and fertilizers and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 167125, filed March 28, 1983. Applicant: LARRY GADDIS EVANGELISTIC ASSOCIATION, d.b.a. NEW HOPE CHARTER, Route 3, Box 261, Gastonia, NC 28052. Representative: Terrell Price, 600 Briar Creek Rd., Ste. DD504, Charlotte, NC 28205, (704) 372–8212. Transporting *passengers*, in special and charter operations, beginning and ending at points in NC, SC, VA, TN, and GA and extending to points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 167135, filed March 30, 1983. Applicant: RAYMOND O. WILLIAMSON, 68 Nutt Road, Auburn, NH 03032. Representative: Mark Perry, 236 Mass. Ave., NE, Suite 409, Washington, DC 20002, (202) 546–2298. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 167155, filed March 31, 1983. Applicant: CLIFTON M. BECK, d.b.a. CLIFF BECK, 923 White St., Jackson, MN 56143. Representative: Cliff Beck (same address as applicant), (507) 847–2503). Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 167214, filed April 4, 1983. Applicant: HAF INCORPORATED, P.O. Box 3043, Wilmington, DE 19804. Representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1200, Washington, DC 20036, (202) 785–0024. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 167335, filed April 11, 1983. Applicant: COACH CHARTER AND LEASING COMPANY, 200 Darlington Ave., Greenville, SC 29609. Representative: David D. Cantrell, Jr., P.O. Box 955, 209 E. First Ave., Easley, SC 29640, (803) 859–3317. Transporting *passengers*, in charter and special operations, beginning and ending at points in Greenville, Anderson, Spartanburg, Laurens, Pickens, Oconee, Cherokee, Newberry and Greenwood Counties, SC and extending to points in FL, AL, MS, LA, GA, SC, NC, TN, KY, VA, WV, OH, MD, PA, NY, NJ, DE, IL, MA, IN, RI, CT, VT, NH, ME, MI, TX and DC.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

Volume No. OP3–174

Decided: April 20, 1983.

By the Commission, Review Board No. 1, Members Parkers, Chandler, and Fortier.

MC 2934 (Sub-147), filed April 8, 1983. Applicant: AERO MAYFLOWER TRANSIT CO., INC., 9998 No. Michigan Rd., Carmel, IN 46032. Representative: W. G. Lowry (same address as applicant), (317) 875–1142. Transporting *household goods*, between points in the U.S., under continuing contract(s) with State Farm Mutual Automobile Insurance Co., of Bloomington, IL.

MC 124774 (Sub-150), filed April 4, 1983. Applicant: MIDWEST REFRIGERATED EXPRESS, INC., 4440 Buckingham Ave., Omaha, NE 68107. Representative: Arlyn L. Westergren, 9202 W. Dodge Rd., Suite 201, Omaha, NE 68114, (402) 397–7033. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 149035 (Sub-4), filed April 8, 1983. Applicant: HARLAN D. RUDD, P.O. Box 57, Drakesville, IA 52552. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501, (515) 682–8154. Transporting *general commodities* (except classes A and B explosives and household goods), between point in the U.S. (except AK and HI), under continuing contract(s) with J. A. Baldwin Manufacturing Company, of Kearney, NE, McIntosh Grain & Feed and Shoco Fertilizer, Inc., both of Great Falls, MT, and Italtractor America, Inc., of Addison, IL.

MC 151585 (Sub-4), filed April 4, 1983. Applicant: BEST TRUCKING CO., INC., 2913 Halstead Rd., Richmond, VA 23235. Representative: Carroll B. Jackson, 1810 Vincennes Rd., Richmond, VA 23229, (804) 282–3809. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 153634 (Sub-1), filed April 4, 1983. Applicant: LITTLE MONTANA TRANSPORTATION, 704 E. Front St., P.O. Box 3485, Bozeman, MT 59715. Representative: Rand E. Little (same address as applicant), (406) 586–4503. Transporting *food and related products*, between points in MT, OR, WA, ID, UT, CA, NV, CO, NM, WY, and AZ.

MC 161064, filed April 5, 1983. Applicant: NATIONAL BULK CARRIERS, INC., 207 S. 20th St., Belleville, IL 62221. Representative: Jon F. Hollengreen, 1029 Pennsylvania Bldg., Penn. Ave. & 13th St., N.W., Washington, DC 20004, (202) 628–4600. Transporting *commodities in bulk*, between points in the U.S. (except AK and HI). Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(a), or submit an affidavit stating why Commission approval is unecessary, or submit a petition of exemption to the Secretary's Office. In order to expedite issuance of any authority please submit a copy of the affidavit or petition or proof of filing the application(s) for common control to Team 3, Room 2158.

MC 164765, filed April 5, 1983. Applicant: MAURICE TRANSPORTATION, INC., R. R. 3, Box 16, Winchester, IN 47394. Representative: David Earl Tinker, 1000 Connecticut Ave., N.W., Suite 1112, Washington, DC 20036–5391, (202) 887–5868. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with Chrysler Corporation, of Detroit, MI.

MC 167185, filed April 1, 1983. Applicant: DONALD P. VERNON, d.b.a. VERNON TRANSPORTATION, 16049 State Rt. 14 A, Beloit, OH 44609. Representative: Richard J. Lolli 2045 Cherry Ave., Alliance, OH 44601, (216) 823–9170. Transporting *commodities in bulk*, between points in the U.S., under continuing contract(s) with Sebring Forest Industries, of Sebring, OH.

MC 167205, filed April 4, 1983. Applicant: WILLIAMS FREIGHT SYSTEMS, INC., R. R. #1, Box 97E, Buzzel Rd., Sycamore, IL 60178. Representative: Stephen H. Loeb, Suite 4, 2777 Finley Rd., Downers Grove, IL 60515, (312) 953–0330. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

[FR Doc. 83–11314 Filed 4–27–83; 8:45 am]
BILLING CODE 7035–01–M

Motor Carriers: Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water

Carriers: Household Goods Brokers. The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the **Federal Register** on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations.

We make an additional preliminary finding with respect to each of the following types of applications as indicated: common carrier of property—that the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier—that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, and household goods broker—that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Applications filed under 49 U.S.C 10922(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly noted.

Please direct status inquiries to Team 3 at (202) 275-5223.

Volume No. OP3–170

Decided: April 19, 1983.

By the Commission, Review Board No. 1. Members Parker, Chandler, and Fortier.

MC 41915 (Sub-50), filed March 30, 1983. Applicant: MILLER'S MOTOR FREIGHT, INC., 1100 Lafayette Street, York, PA 17405. Representative: Christian V Graf, 407 N. Front St., Harrisburg, PA 17101, (717) 236–9318.Transporting *food and related products*, between points in Cumberland County, PA, on the one hand, and, on the other, points in VA.

MC 110325 (Sub-189), filed April 4, 1983. Applicant: TRANSCON LINES, a corporation, P.O. Box 92220, Los Angeles, CA 90009. Representative: Jerome Biniasz (same address as applicant), (213) 640–1800.Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with J. I. Case Company, of Racine, WI.

MC 123265 (Sub-14), filed March 28, 1983. Applicant: SANTRY TRUCKING COMPANY, a corporation, 10505 N.E. Second Ave., Portland, OR 97211. Representative: John G. McLaughlin, 1600 One Main Pl., 101 S.W. Main St., Portland, OR 97204, (503) 224–5525.Transporting *talc*, between points in the U.S. (except AK and HI), under continuing contract(s) with Cyprus Industrial Minerals Company, of Englewood, CO.

MC 134534 (Sub-14), filed April 7, 1983. Applicant: BASTERRECHA DISTRIBUTING, INC., P.O. Box 485, Gooding, ID 83330. Representative: David E. Wishney, P.O. Box 837, Boise ID 83701, (208) 336–5955.Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Fleming Companies, Inc. of Salt Lake City, UT.

MC 142715 (Sub-116), filed April 6, 1983. Applicant: LENERTZ, INC., P.O. Box 141, South St. Paul, MN 55075. Representative: Kenneth O. Petrick (same address as applicant), (612) 455–1844.Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Procter and Gamble Company of Cincinnati, OH.

MC 143085 (Sub-13), filed March 30, 1983. Applicant: THE DANIEL COMPANY OF SPRINGFIELD, 3725 W. Division, Springfield, MO. 65803. Representative: Bruce McCurry, 910 Plaza Towers, Springfield, MO 65804 (417) 883–7311. Transporting *general commodities* (except household goods, commodities in bulk, and classes A and B explosives), between points in the U.S. (except AK and HI).

MC 148275 (Sub-11), filed April 7, 1983. Applicant: J.L. MC COY, INC., P.O. Box 520, Ravenswood, WV 26164. Representative: Andrew P. Damis, 600

55th St., Vienna, WV 26105. (304) 295–4834. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 149604 (Sub-4), filed March 28, April 1983. Applicant: ACTION TRANSIT COMPANY, a corporation, Route 21 South P.O. Box 884, Mooresville, NC 28115. Representative: M. Diane Neal, 2230 Shepler Church Ave., S. W., P.O. Box 6270 Canton, OH 44706. (216) 456–4571. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 163055 (Sub-1), filed March 25, 1983. Applicant: FOUR STAR CONSTRUCTION, INC., 7500 Tower Avenue, Superior, WS 54880. Representative: Dale K. Johnson (same address as applicant), (715) 394–9564. Transporting *lumber and stone products*, between points in CA, OR WA ID, MT, WY, CO, and SD, on the one hand, and on the other, points in WS, MN, MI, and IA.

MC 164355, filed March 28, 1983. Applicant: MANUEL E. MEDEIROS, d.b.a. MANUEL E. MEDEIROS TRUCKING COMPANY, 1884 Camacho Way, San Jose, CA 95132. (408) 262–7120 Representative: Richard L. McCartney, 2820 Telegraph Ave., Berkeley, CA 94705, (415) 462–0670. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with International Paper Company, of New York, NY, and Custom Rolled Corrugated Metals Co., of Albany, CA.

MC 165014, filed March 28, 1983. Applicant: PACIFIC NORTHWEST CARRIERS, INC., 8920 120 "A" St. (Holt Road), Surrey, B.C. Canada V3V 4H2. Representative: Jim Pitzer, 15 South Grady Way, Suite 321, Renton, WA 98055, (206) 235–1111. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between ports of entry on the United States-Canada Boundary Line in WA, ID, MT, on the one hand, and, on the other, points in AZ, CA, CO, ID, MIT, NM, NV, OR, UT, WA, and WY.

MC 165354, filed March 28, 1983. Applicant: KIM W. LOWARY, P.O. Box 1252, Aberdeen, SD 57401. Representative: Joseph A. Nemecek, 1992 Susan Avenue, Neenah, WS 54956, (414) 731–5869. Transporting *food and related products, paper and paper products*, between points in WI, on the one hand, and, on the other, points in AZ, CA, NV, OR and WA.

MC 167115, filed March 28, 1983. Applicant: T. J.'S TRUCKING, INC., 10709 S. 49 Mile Road, Cadillac, MI 49601. Representative: Paul M. Ross, 3104 S. Cedar Street, Lansing, MI 48910, (517) 394–4220. Transporting *general commodities* (except household goods, commodities in bulk, and classes A and B explosives), between points in the U.S. (except AK and HI), under continuing contract(s) with (1) Lake Country Distributors, Inc., (2) Harris Quality Beverage Company, and (3) Cadillac Moulded Rubber, Inc., all of Cadillac, MI, (4) Ameel Distributing Company, Inc., and (5) Jack and (6) Bill Wicksall Distributors, Inc., both of Traverse City, MI, (7) Manton Industries, Inc., of Manton, MI.

MC 167145, filed March 29, 1983. Applicant: RIVER SERVICES, INC., P.O. Box 1694, Savannah, GA 31402. Representative: John Joseph Lyons, 712 East 46th Street, Savannah, GA 31405, (912) 354–8642. Transporting *pulp, paper and related products*, and *chemicals and related products*, between points in the U.S., under a continuing contract(s) with Union Camp Corp., of Savannah, GA.

MC 167165, filed March 30, 1983. Applicant: ARCHDALE TRUCKING COMPANY, Route 4, Box 991, High Points, NC 27263. Representative: Terrell Price, 800 Briar Creek Rd., Ste. DD504, Charlotte, NC 28205, (704) 372–8212. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in NC, SC, GA, and VA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 167285, filed April 8, 1983. Applicant: PAGDIN ENTERPRISES, INC., d.b.a. ADEPT TRANSPORT COMPANY, 1700 W. Grand Ave., Oakland, CA 95607. Representative: Eugene Q. Carmody, 15523 Sedgeman St., San Leandro, CA 94579. (415) 357–6236. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in CA, under continuing contract(s) with Pacific Coast Wholesalers' Association and California Manufacturers Freight Association both of Los Angeles, CA, Peterbilt Motors Co. of Madison, TN and Riss Intermodal of South Kearney, NJ.

For the following, please direct status calls to Team 2 at 202–275–7030.

Volume No. OP2–188

Decided: April 20, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 150812 (Sub-8), filed April 12, 1983. Applicant: FROST TRANSPORTATION, INC., 6701 Greenwood Rd., P.O. Box 3400, Shreveport, LA 71103. Representative: Raymond Talipski, 122 S. Main St., Taylor, PA 18517, (717) 344–8030. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in Harrison, Dallas, and Lubbock Counties, TX, and points in LA and AR, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 157652 (Sub-1), filed March 24, 1983. Applicant: PROTECTIVE FOOD SERVICES, INC., 8242B Sandy Court, Jessup, MD 20794. Representative: Walter T. Evans, 17 West Jefferson St., Suite 105, Rockville, MD 20850 (301) 251–1606. Transporting *such commodities* as are dealt in or used by grocery food and drug business houses, between Jessup, MD, on the one hand, and, on the other, points in Berkely and Jefferson Counties, WV.

MC 159333 (Sub-2), filed April 1, 1983. Applicant: McINVALE FREIGHT LINES, INC., 5965 Highway 18 S, Jackson, MS 39209. Representative: W. M. McInvale (same address as applicant), (601) 922–2020. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in AL, AR, AZ, CA, CO, CT, FL, GA, ID, IL, IN, KY, LA, MD, MA, MI, MO, MS, NC, NJ, NV, NM, NY, OH, OK, OR, PA, SC, TN, TX, VA, WA, WI, WV, and DC.

MC 165773, filed April 8, 1983. Applicant: GENESIS TRANSPORTATION CO., INC., 2900 Kage Rd. Cape Girardeau, MO 63701. Representative: Kermit J. Meystedt, P.O. Box 291, Cape Girardeau, MO 63701. (314) 335–2275 or 800–325–0210. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in IL, IN, IA, KS, KY, MO, and TN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 167343(B), filed April 11, 1983. Applicant: GARY BOOTH, d.b.a. GARY BOOTH TRUCKING, P.O. Box 31082, Billings, MT 59107. Representative: Charles A. Murray, Jr., 2822 Third Ave. N., Billings, MT 59101, (406) 252–4165. Transporting, (1) for or on behalf of the United States government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions);

(2) *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by owner of the motor vehicle in such vehicle; and (3) *metal products*, between points in the U.S. (except AK and HI).

Note.—Parts (1) and (2) are published in the **Federal Register**, this issue, with "fitness applications".

Volume No. OP2–190

Decided: April 18, 1983

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell

MC 107012 (Sub-813), filed April 5, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant), 219–429–2110. Transporting *household goods*, between points in the U.S., under continuing contract(s) with Rogers Corporation, of Rogers, CT.

MC 107012 (Sub-814), filed April 5, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46818. Representative: David D. Bishop (same address as applicant), 219–429–2110. Transporting *household goods*, between points in the U.S., under continuing contract(s) with Alpha Industries, Inc., of Woburn, MA.

MC 142332 (Sub-9), filed February 22, 1983. Applicant: R-LIL TRUCK COMPANY, INC., 900 Easy St. W., Camano Island, WA 98292. Representative: George LaBissoniere, 15 So. Grady Way, Ste. 235 Evergreen Bldg., Renton, WA 98055. (206) 228–3807. Transporting, (1) *such commodities* as are dealt in or used by grocery, drug and food business houses, between points in the U.S. (except AK and HI), and (2) *materials and supplies* used in the manufacture of grinding materials, between points in WA, IL, MA, NJ, and NY

MC 148833 (Sub-12), filed March 21, 1983. Applicant: REBEL EXPRESS, INC., Box 98, Dawson, IA 50066. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309, 515–245–4300. Transporting, *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Yankee Express, Inc., of Perry, IA

Volume No. OP2–192

Decided: April 21, 1983

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell. (Member Dowell not participating.)

MC 88203 (Sub-16), filed April 15, 1983. Applicant: OTIS WRIGHT & SONS, INC., 700 East Wayne St., P.O. Box 277, Lima, OH 45802. Representative: O. Roger Wright (same address as applicant), 419–227–4400. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 118193 (Sub-2), filed April 14, 1983. Applicant: RILEY TRUCKING COMPANY, INC., 2221 Shenandoah Ave. NW, Roanoke, VA 24005. Representative: Wilmer B. Hill, 1030 15th St., NW., Suite 366, Washington, DC 20005, 202–296–5188. Transporting *such commodities* as are dealt in or distributed by chain grocery stores and food business houses, between points in the U.S. (except AK and HI), under continuing contract(s) with The Kroger Company, of Cincinnati, OH.

MC 136832 (Sub-10), filed April 13, 1983. Applicant: SOUTHERN IDAHO TRANSPORT, INC., P.O. Box W, Filer, ID 83328. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701, 208–343–3071. (1) transporting *general commodities* (except classes A and B explosives and household goods), between those points in the U.S., in and west of WI, IL, MO, KS, CO, and NM (except AK and HI), (2) transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI), and (3) as a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

Note.—Parts (2) and (3) are published in the **Federal Register**, this issue, under the preface with "fitness applications"

MC 163752 (Sub-1), filed April 15, 1983. Applicant: TOTAL TRANSPORTATION CORPORATION, 429 Moon-Clinton Rd., Coraopolis, PA 15108. Representative: John A. Pillar, 1500 Bank Tower, 307 4th Ave., Pittsburgh, PA 15222, 412–471–3300. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in PA, on the one hand, and, on the other, points in the U.S. (except AK and HI)

MC 167353, filed April 11, 1983. Applicant: ROYAL PARK, INC., 777 Hines Place, Dallas, TX 75235. Representative: William Sheridan, P.O Drawer 5049, Irving, TX 75062, 214–255–6279. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in TX, on the one hand, and, on the other, points in the U.S. (except AK and HI).

For the following, please direct status calls to Team 4 at 202–275–7669.

Volume No. OP4–248

Decided: April 21, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell

MC 165596, filed January 10, 1983, previously noticed in the **Federal Register** of February 10, 1983. Applicant: ATLANTIC OVERLAND, INC., 12 Elm St., Rockland, ME 04841. Representative: John M. Kinnealey (same address as applicant), (207) 594–5935. Transporting *meats, meat products and frozen foods*, between Boston, MA, on the one hand, and, on the other, points in NY, ME, NH, VT, RI, and CT, under continuing contract(s) with T. F. Kinnealey & Co., Inc., of Boston, MA.

Note.—The purpose of this republication is to reflect the above authority as a contract carrier.

[FR Doc. 83-11313 Filed 4-27-83; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP3-173]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: April 20, 1983.

The following restriction removal applications, are governed by 49 CFR 1165. Part 1165 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747 and redesignated at 47 FR 49590, November 1, 1982.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1165.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with the criteria set forth in 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

Agatha L. Mergenovich,

Secretary.

Please direct status inquiries to Team 3, at (202) 275–5223.

MC 144394 (Sub-1X), filed April 13, 1983. Applicant: HOOK UP LTD, 390 Evans Ave., Toronto, Ontario, Canada M8Z 1K6. Representative: John L. Trigilio, Can-Am Bldg., 101 Niagara St., Buffalo, NY 14202. Lead Certificate: (1) broaden commodity to "machinery and equipment", from "self-propelled industrial and construction machinery and equipment (except trucks designed for the transportation of property over the highways)"; (2) remove the driveway service restriction; and (3) remove the foreign commerce restriction.

[FR Doc. 83–11312 Filed 4–27–83; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Approved Exemptions

AGENCY: Interstate Commerce Commission.

ACTION: Notices of approved exemptions.

SUMMARY: The motor carriers shown below have been granted exemptions pursuant to 49 U.S.C. 11343(e), and the Commissions's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property Under 49 U.S.C. 1343,* 367 I.C.C. 113 (1982), 47 FR 53303 (November 24, 1982).

DATES: The exemptions will be effective on May 31, 1983. Petitions for reconsideration must be filed by May 18, 1983. Petitions for stay must be filed by May 9, 1983.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275–7977.

SUPPLEMENTARY INFORMATION: For further information, see the decisions(s) served in the proceeding(s) listed below. To purchase a copy of the full decision contact: TS Infosystems, Inc., Room 2227, 12th and Constitution Ave., NW, Washington, DC 20423; or call (202) 289–4357 in the DC metropolitan area; or (800) 424–5403 Toll-free outside the DC area.

Decided: April 20, 1983.

By the Commission, Division 1, Commissioners Andre, Taylor, and Sterrett. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

[No. MC–F–15033]

Ligon Transport, Inc.—Purchase Exemption—Ligon Specialized Hauler, Inc.

ADDRESSES: Send pleadings to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423, and (2) Petitioner's representative: Carl U. Hurst, Esq., P.O. Box 691, Madisonville, KY 42431. Pleadings should refer to No. MC–F–15033. Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343(a), the purchase by Ligon Transport, Inc., (Transport) (MC–109462) of that portion of the operating authorities of Ligon Specialized Hauler, Inc., (Specialized) set forth in Certificate No. MC–119777 (Sub-Nos. 515, 516, 517, and 528), authorizing the irregular-route transportation of general commodities (except classes A and B explosives), between points in Pike, St. Charles, and St Louis Counties, MO, and St. Clair County, IL, on the one hand, and, on the other, points in the United States and that portion of Sub-No. 526X, superseding Sub-No. 168, authorizing the regular-route transportation of general commodities (except classes A and B explosives), between Clarksville, MO, and East St. Louis, IL, serving various intermediate and off-route points, and the control by Herbert A. Ligon, Jr., who controls Transport, of such rights through the purchase. Transport and Specialized are affiliated through common ownership with each other and with (1) Ligon Trnsportation Company of Kentucky (MC–117109), and (3) Ligon Transportation Company of Tennessee (MC–127834), and (3) Ligon Transportation Company of Georgia (MC–35045).

[No. MC–F–15059]

Corporate Transport, Inc.—Purchase Exemption—Sigma—4 Express, Inc., (James K. McNamara Trustee in Bankruptcy)

Addresses: Send pleadings to: (1) Motor Section, Room, 2139, Interstate Commerce Commission, Washington, DC 20423, and (2) Petitioner's representative: James T. Darby, 1021 Irving Avenue, Colonial Beach, VA 2443. Pleadings should refer to No. MC–F–15059. Under 49 U.S.C. 11343(e), the Interstate Commerce Commission from the requirement of prior review and approval under 49 U.S.C. 11343(a) the purchase by Corporate Transport, Inc. (Corporate) (MC–144189), of that portion of the operating rights of Sigma–4 Express, Inc., set forth in Certificate No. MC–125023 (Sub-Nos. 19, 27, 33, 40, 44, 49, 53, 54, 60, 74, 75, and 79, which collectively authorized the irregular-route transportation of malt beverages from and to various points and States located primarily east of the Mississippi River.

[No. MC–F–15077]

Gene F. Lacaeyse d.b.a. G. F. Lacaeyse Transport—Purchase Exemption—Wenger Truck Line, Inc.

Addresses: Send pleadings to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423, and (2) Petitioner's representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Pleadings should refer to No. MC–F–15077. Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343(a), the acquistion by Gene F. Lacaeyse, d/b/a/ G. F. Lacaeyse Transport, of the interstate operating rights of Wenger Truck Line, Inc., contained in No. MC–109818 [Sub-Nos. 25, 34, 44, 55, 56, and paragraphs (1) and (3) of Sub-No. 95X]; and we also exempt the tacking, by Lacaeyse, of the operating rights being acquired from Wenger, to the operating rights presently held by Lacaeyse.

[FR Doc. 83–11317 Filed 4–27–83; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Approved Exemptions

AGENCY: Interstate Commerce Commission.

ACTION: Notices of approved exemptions.

SUMMARY: The motor carriers shown below have been granted exemptions pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property Under 49 U.S.C. 1343,* 367 I.C.C. 113 (1982), 47 FR 53303 (November 24, 1982).

DATES: The exemptions will be effective on May 31, 1983. Petitions for reconsideration must be filed by May 18, 1983. Petitions for stay must be filed by May 9, 1983.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275–7977.

SUPPLEMENTARY INFORMATION: For further information, see the decision(s) served in the proceeding(s) listed below. To purchase a copy of the full decision contact: TS Infosystems, Inc., Room 2227, 12th and Constitution Ave., NW. Washington, DC 20423; or call (202) 289–4357 in the DC metropolitan area; or (800 424–5403) Toll-free outside the DC area.

Agatha L. Mergenovich,

Secretary.

[No. MC–F–15080]

Air Meridian, Inc.—Control Exemption—McBride Express, Inc., and F.M.S. Transportation, Inc.

Address: Send pleadings to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423, and (2) Petitioner's representative: Richard H. Streeter, Esq. 1729 H. Street Northwest, Washington, D.C. 20006. Comments should refer to No. MC–F–15080. Decided: April 21, 1983. Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343(a), the acquisition of control of McBride Express, Inc., (MC–112049) and F.M.S. Transportation Inc., (No. MC–139206) by Air Meridian, Inc. and, in turn, G. Leonard Rochon who controls Meridian. By the Commission, Division 2, Commissioners Gradison, Taylor, and Sterrett. Commissioner Sterrett concurred except for the second ordering paragraph.

[No. MC–F–15088]

East Penn Trucking Company—Purchase (Portion) Exemption—Foodtrain, Inc.

Addresses: Send pleadings to: (1) Motor Section, Room 2353, Interstate Commerce Commisson, Washington, D.C. 20423, and (2) Petitioner's representative: William A. Chesnutt: P.O. Box 1166, 100 Pine Street, Harrisburg, PA 17108–1166. Pleadings should refer to No. MC–F–15088. Decided: April 21, 1983. Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343(a), the purchase by East Penn Trucking Company (MC–135237 and MC–139255) of a portion of the operating rights of Foodtrain, Inc. (MC–141776), authorizing the transportation of (1) food and related products, and (2) metal articles, from, to and between points in 27 States and the District of Columbia. By the Commission, Division 2, Commissioners Gradison, Taylor, and Sterrett. Commissioner Sterrett concurred except for the fourth ordering paragraph.

[FR Doc. 83–11318 Filed 4–27–83; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Decision Notice; Finance Applications

As indicated by the findings below, the Commission has approved the following applications filed under 49 U..S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1181.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subjects to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

Agatha L. Mergenovich,

Secretary

Please direct status inquries to Team 1, (202) 275–7992.

Volume No. OP1–FC–149

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC–FC–81381. By decision of April 20, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181 Review Board Number 2 approved the transfer to UNITED EXPRESS Division of United Foods, Inc., Bells, TN, of Certification No. MC–144640 (Sub-No. 4), issued September 23, 1982, to AGRICULTURAL SERVICES ASSOCIATION, INC., Bells, TN, authorizing the transportation of general commodities (except classes A and B explosives, commodities in bulk and household goods), between points in the United States (except Alaska and Hawaii). Temporary authority application has been filed. Applicants' representative: William J. Augello, 120 Main Street, Huntington, NY 11743

Volume No. OP1–FC–150

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC–81389. By decision of April 19, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 3 approved the transfer to JOY P. GODWIN, d.b.a. NUWAY TRUCKING COMPANY, Kelford, NC, of Certificate No. MC–157140 issued May 17, 1982, and MC–157140 (Sub-No. 2) issued April 7, 1983, and Permit No. MC–157140 (Sub-No. 1), issued December 15, 1982, to TRICO EQUIPMENT INCORPORATED, Ahoskie, NC, authorizing, respectively, the transportation over irregular routes, of lumber and wood products, between points in Hertford County, NC, on the one hand, and, on the other, Norfolk and Virginia Beach, VA, metal and metal products, and lumber and wood products, between Baltimore, MD, Philadelphia, PA, to points in NC, SC, and VA, and points in Chester County, PA, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and LA, and building materials, and lumber and wood products, between points in the U.S., under continuing contract(s) with Commonwealth Wood Preservers, Inc., of Newport News, VA. Representative: Carroll B. Jackson, 1810 Vincennes Rd., Richmond, VA 23229.

For the following, please direct status calls to Team 3 at 202–275–5223.

Volume No. OP3–MCFC–177

Decided: April 15, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC–FC–80151. By decision of April 15, 1983, issued under 49 U.S.C. 10926 and transfer rules at 49 CFR Part 1181, Review Board Number 3 approved the transfer to MARGO BYBEE, d/b/a/ NYSSA AIR SERVICE, of Nyssa, OR, of paragraphs (1)(h) and (1)(u) of Certificate No. MC–138875 (Sub-No. 309)X and its underlying authority set

forth in Certificate No. MC-138875 (Sub-Nos. 102 and 294) issued October 27, 1981, August 11, 1978, and June 17, 1981, respectively, to SHOEMAKER TRUCKING COMPANY (Loren Wetzel, trustee in bankruptcy), authorizing the radial transportation of such commodities as are dealt in by grocery and food business houses and food and related products (1) between points in ID and points in Malheur County, OR, and points in CA; and (2) between points in CA, OR, and WA, and points in ID and UT. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701.

MC-FC-81259. By decision of April 15, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 3 approved the transfer to L-WAY, INC., Celina, OH, of Certificate No. MC-156105, issued December 24, 1981, to CELINA MOVING & WAREHOUSING, INC., Celina, OH, authorizing the transportation *of household goods*, between points in OH, KY, IN, IL, MI, PA, NY and NJ. Representative: Thomas R. Kingsley, 10614 Amherst Avenue, Silver Spring, MD 20902, (301) 649-5074.

[FR Doc. 83-11321 Filed 4-27-83; 8:45 am]
BILLING CODE 7035-01-M

[Ex Parte No. MC-43]

Motor Carriers; Lease and Interchange of vehicles

Decided: April 21, 1983.

Bulkmatic Transport Company (No. MC-128205), and C. S. Transport, Inc., (No. MC-156484) and Precision Bulk transport, Inc. and Frigo Freight, Inc., (both not authorized) petition for waiver of subpart B (Section 1057.11 and 1057.12) except paragraphs (b) and (c) of section 1057.11, of the *Lease and Interchange of Vehicle Regulations* (49 CFR Part 1057), with respect to equipment augmented between them.

We find:

The petitioners are commonly controlled as authorized in No. MC-F-14678, and operate a consolidated, unified safety program.

Granting this petition only with respect to equipment augmented between petitioners will permit more efficient and economic operations. also, granting this waiver has no affect on the application of the leasing regualtions concerning a lease between an owner-operator and an authorized carrier.

No public policy consideration or objective overrides petitioners' purpose of reducing energy consumption and other costs. Denying the petition offers no protection to the public, but would prevent pettitoners' purpose of providing more efficeint and economical operations, as well as other cost savings.

It is ordered.

The petition of Bulkmatic Transport company (No. MC-128205), C. S. Transport, Inc., (No. MC-156484), Precision Bulk Transport, Inc., (not authorized) and Frigo Freight, Inc., (not authorized) for waive of Subpart B of the leasing regulations except paragraphs (b) and (c) of Section 1057.11 is granted, provided petitioners or their authorized representatives agree in writing that the leassee shall have control and responsibility for the operation of the equipment from the time possession is taken by the lessee and the receipt required under Paragaph (b) of Section 1057.11 is received by the lessee or the equipment is returned to the lessor or given to another authorized carrier in an interchange of equipment. A copy of the agreement must be carried in the equipment while it is in the possession of the lessee.

The waiver granted in this decision does not affect the application of the leasing regulations to a lease between and owner-operator and the lessor carrier.

By the Motor Carrier Leasing Board, Board Members J. Warren McFarland, Bernard Gaillard, and John H. O'Brien.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-11315 Filed 4-27-83; 8:45 am]
BILLING CODE 7035-01-M

[No. 39108 and No. 39214]

Motor Carriers; Merchants Home Delivery Service of Texas, Inc.—Petition for Exemption From Tariff Filing Requirements; Correction

AGENCY: Interstate Commerce Commission.

ACTION: Correction of a notice of provisional exemption.

SUMMARY: Notice of provisional exemption was incorrectly published as being requested in No. 39108 and No. 39108 (Sub-No. 1) on March 31, 1983. Footnote 1 at 48 FR 13519 should be corrected to read:

[1] This proceeding embraces a petition for exemption filed by Merchants Home Delivery Service, Inc., in No. 39214.

FOR FURTHER INFORMATION CONTACT: Eric S. Davis, (202) 275-7941, or Howell I. Sporn, (202) 275-7691.

By the Commission, Division 2, Commissioners Gradison, Taylor, and Sterrett. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was not tie in this matter, Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-11320 Filed 4-27-83; 8:45 am]
BILLING CODE 7035-01-M

[OP2-191]

Motor Carriers; Proposed Exemptions

AGENCY: Interstate Commerce Commission.

ACTION: Notices of proposed exemptions.

SUMMARY: The motor carriers shown below seek exemptions pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property Under 49 U.S.C. 11343*, 367 I.C.C. 113 (1982), 47 FR 53303 (November 24, 1982).

DATE: Comments must be received within 30 days after the date of publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Warren Wood, (202) 275-7977.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commision during usual business hours.

Decided: April 22, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[No. MC-F-15242]

Petitioners

William E. Benckart and W. E. Benckart, Jr.—Continuance in Control Exemption—Moon Freight Lines, Inc., Mid-South Freight Lines, Inc., Louis Shannon, Inc., and Stone Belt Freight Lines, Inc. William E. Benckart and W. E. Benckart, Jr., seek an exemption from the requirement under section 11343 of prior regulatory approval for their continuance in control of Moon Freight Lines, Inc. (No. MC-16903) Mid-South Freight Lines, Inc. (No. MC-155372) Louis Shannon, Inc. (No. 154707), and Stone Belt Freight Lines, Inc. (No. MC-120843). Send comments to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423, and (2) Petitioners representative; Mr. Donald W. Smith, P.O. BOX 40248

Indianapolis, IN 46240. Comments should refer to No. MC–F–15242.

[FR Doc. 83–11319 Filed 4–27–83; 8:45 am]
BILLING CODE 7035–01–M

[Finance Docket No. 30157]

Rail Carriers; Baltimore & Ohio Railroad Co.—Operation—Over Curtis Bay Railroad Co.—Exemption

April 22, 1983.

The Baltimore and Ohio Railroad Company (B&O) and its wholly owned subsidiary, the Curtis Bay Railroad Company (Curtis Bay), have notified the Commission that B&O intends to operate the properties of Curtis Bay consisting of a 0.15 mile line of railroad in Baltimore, MD. Curtis Bay, a terminal switching carrier, now conducts its own operations, handling cars in interchange with B&O. Under the proposal, B&O will operate the properties of Curtis Bay in the name and for the account of B&O, will directly serve Curtis Bay's patrons, and will provide them with service similar to that presently furnished by Curtis Bay.

This transaction is within a corporate family and comes within that class of transactions described in 49 CFR 1180.2(d)(3) which has been exempted from Commission regulation. Operation of this line by B&O will not result in changes in service levels, significant operational practices, or the competitive balance with carriers outside the corporate family.

As a condition to the use of the exemption, any B&O or Curtis Bay employees affected by the transaction shall be protected pursuant to *New York Dock Ry.—Control-Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979). This will satisfy the statutory requirement of 49 U.S.C. 10505(g)(2).

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–11316 Filed 4–27–83; 8:45 am]
BILLING CODE 7035–01–M

[Ex Parte No. MC–43]

Lease and Interchange of Vehicles by Motor Carriers

Decided: April 21, 1983.

Container Express Inc. (No. MC–152180), and A & G Express Inc. (Certificate and Permit Nos. MC–151622), petition for waiver of Subpart B (§§ 1057.11 and 1057.12) of the *Lease and Interchange of Vehicles Regulations* (49 CFR Part 1057), with respect to equipment augmented between them.

We Find:

The petitioners are commonly controlled as authorized in No. MC–F–14852, and operate a consolidated, unified safety program.

Granting this petition only with respect to equipment augmented between petitioners will permit more efficient and economic operations. Also, granting this waiver has no affect on the application of the leasing regulations concerning a lease between an owner-operator and an authorized carrier.

No public policy consideration or objective overrides petitioners' purpose of reducing energy consumption and other costs. Denying the petition offers no protection to the public, but would prevent petitioners' purpose of providing more efficient and economical operations, as well as other cost savings.

It is ordered:

The petition of Container Express Inc. (No. MC–152180) and A & G Express Inc. (Certificate and Permit Nos. MC–146891) for waiver of Subpart B of the leasing regulations is granted, but only with respect to equipment augmented between petitioners.

By the Motor Carrier Leasing Board, Board Members J. Warren McFarland, Bernard Gaillard, and John H. O'Brien.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–11311 Filed 4–27–83; 8:45 am]
BILLING CODE 7035–01–M

[Ex Parte No. 387]

Exemptions for Contract Tariffs; Norfolk and Western Railway Co.

AGENCY: Interstate Commerce Commission.

ACTION: Notices of provisional exemptions.

SUMMARY: Provisional exemptions are granted under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e), and the below-listed contract tariffs may become effective on one day's notice. These exemptions may be revoked if protests are filed.

DATES: Protests are due within 15 days of publication in the **Federal Register**.

ADDRESS: An original and 6 copies should be mailed to: Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Douglas Galloway (202) 275–7278.

SUPPLEMENTARY INFORMATION: The 30-day notice requirement is not necessary in thses instances to carry out the transportation policy of 49 U.S.C. 10101a or to protect shippers from abuse of market power; moreover, the transaction is of limited scope. Therefore, we find that the exemption requests meet the requirements of 49 U.S.C. 10505(a) and are granted subject to the following conditions:

These grants neither shall be construed to mean that the Commission has approved the contracts for purposes of 49 U.S.C. 10713(e) not that the Commission is deprived of jurisdiction to institute a proceeding on its own initiative or on complaint, to review these contracts and to determine their lawfulness.

Sub-No	Name of railroad, contract No., and specifics	Review Board[1]	Decided date
904	Norfolk and Western Railway Co., ICC–NW–C–0056, (vegetable oil)	1	4–21–83
905	Norfolk and Western Railway Co., ICC–NW–C–7002, Supplement 1, (iron ore) via Port of Huron, OH	2	4–21–83

[1] Review Board No. 1, Members Parker, Chandler, and Fortier. Review Board No. 2, Members Carleton, Williams, and Ewing.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

Authority: 49 U.S.C. 10505.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–11151 Filed 4–27–83; 8:45 am]
BILLING CODE 7035–01–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Expansion Arts Advisory Panel (Interdisciplinary Arts Activities and Challenge/Advancement); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Expansion Arts Advisory Panel (Interdisciplinary Arts Activities & Challenge/Advancement) to the National Council on the Arts will be held on May 17–19, 1983, from 9:00 a.m.–5:30 p.m. at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, D.C.

A portion of this meeting will be open to the public on May 17, 1983, from 9:00 a.m.–10:00 a.m. to discuss overview of program.

The remaining sessions of this meeting on May 17, 1983, from 10:00 a.m.–5:30 p.m. and May 18–19, 1983, from 9:00 a.m.–5:30 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended.

including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 682–5433.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

April 20, 1983.

[FR Doc. 83–11309 Filed 4–27–83; 8:45 am]

BILLING CODE 7537–01–M

Music Advisory Panel (Composers Section); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Music Advisory Panel (Composers Section) to the National Council on the Arts will be held on May 24–26, 1983, from 9:00 a.m.–5:30 p.m. at the Nancy Hanks Center, 1100 Pennsylvania Avenue, N.W., Washington, D.C.

A portion of this meeting will be open to the public on May 25, 1983, from 2:30 p.m.–4:00 p.m. to discuss guidelines and policy.

The remaining sessions of this meeting on May 24, 1983, from 9:00 a.m.–5:30 p.m.; on May 25, 1983 from 9:00 a.m.–2:30 p.m. and from 4:00 p.m.–5:30 p.m.; and on May 26, 1983, from 9:00 a.m.–5:30 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 682–5433.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

April 20, 1983.

[FR Doc. 83–11308 Filed 4–27–83; 8:45 am]

BILLING CODE 7537–01–M

Visual Arts Advisory Panel (Painting Section); Meeting

Pursuant to Section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Visual Arts Advisory Panel (Painting Section) to the National Council on the Arts will be held on May 16–20, 1983, from 9:00 a.m.–5:30 p.m. in Room 716–718 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9 (b) of section 552b of title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 682–5433.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

April 20, 1983.

[FR Doc. 83–11307 Filed 4–27–83; 8:45 am]

BILLING CODE 7537–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–19702]

Advisory Committee on Tender Offers; Meeting

AGENCY: Securities and Exchange Commission.

ACTION: Notice of meeting of the Securities and Exchange Commission Advisory Committee on Tender Offers.

SUMMARY: This is to give notice that the Securities and Exchange Commission Advisory Committee on Tender Offers will conduct a meeting on May 13, 1983 in the Board of the New York Stock Exchange, 6th floor, 11 Wall Street, New York, New York, beginning at 10:00 a.m. This meeting will be open to the public.

FOR FURTHER INFORMATION CONTACT: David Martin, Division of Corporation Finance, Securities and Exchange Commission, Washington, D.C. 20549, (202–272–2573).

SUPPLEMENTARY INFORMATION: In accordance with section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. 1, 10(a), the Securities and Exchange Advisory Committee on Tender Offers[1] gives notice that it will conduct a meeting on May 13, 1983 in the Board Room of the New York Stock Exchange, 6th Floor, 11 Wall Street, New York, New York, beginning at 10:00 a.m. The meeting, which will be open to the public, will be the third meeting of the Advisory Committee. Its purpose and agenda will be to consider the issues set forth below and to receive reports from various working groups on such issues. The Committee also will be addressed by John M. Hignett, Director-General of London's Panel on Take-Overs and Mergers. Subsequent meetings are scheduled for June 10 and July 8, 1983 in Room 1C30 at the Commission's main offices, 450 Fifth Street, NW.,Washington, D.C.

Issues To Be Addressed

I. *Basic Objectives.* Who should be protected under federal securities laws in tender offer transactions and other acquisitions of corporate control? What should be the objectives of regulation that achieves such protection? What premises should govern the balancing of these objectives?

II. *Economies of Tender Offers.* What economic factors affect the number, size and other characteristics of tender offers? What are the anticipated economic effects on the number, size and other characteristics of tender offers of changing the current regulatory scheme? What are the economic implications of tender offers and other acquisition techniques on the economy in general and specifically with respect to bidders, subject companies, investors and the securities markets?

III. *Regulation of Acquistion of Corporate Control.* What should be the primary purposes of the federal securities laws with respect to acquistions of corporate control? What changes are needed in the current regulatory scheme? Should timing and

[1] The Advisory Committee was established on February 25, 1983. *See* Release No. 34–19528 (48 FR 9111)

informational requirements continue to be the primary objectives? To what extent should equality of treatment and substantive fairness be regulatory objectives?

IV. *Regulation of Opposition to Acquisitions of Corporate Control.* Should the "business judgment" rule continue to be the principal substantive standard governing opposition to acquisitions of corporate control? Should there be substantive regulation of opposition in general or specifically with respect to particular defensive practices such as "scorched earth" polices, "golden parachute" provisions, sales of "crown jewels", "shark repellent" provisions, and issuer repurchases of securities at a premium?

V. *Regulation of Market Participants.* Is there a need for substantive regulation of market participants in connection with acquisitions of corporate control, particularly with respect to short, hedge, or multiple tendering? If so, what regulation is appropriate?

VI. *Interrelationships with Other Regulatory Schemes.* What is the proper relationship between federal and state securities and corporate laws with respect to acquisitions of corporate control? To the extent the federal securities laws governing acquisitions of corporate control interrelate with other federal and state regulatory schemes, such as laws applicable to tax, banking, antitrust, employee benefit plans or regulated industries, is there a need for substantive or procedureal coordination?

Dated: April 25, 1983.

George A. Fitzsimmons,

Advisory Committee Management Officer.

[FR Doc. 83-11358 Filed 4-27-83; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 09/09-0319]

CFB Venture Capital Corp.; Application for a License To Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 611 *et seq.*) has been filed by CFB Venture Capital Corporation, 350 California Street, Mezzanine, San Francisco, California 94104–1476 with the Small Business Administration (SBA), pursuant to 13 CFR 107.102 (1983).

The officers, directors and stockholders of the applicant are as follows:

Yoshiaki Shibusawa, 14975 Corona del Mor, Pacific Palisades, CA 90272, President and Director

Yoji Anzia, 2707 San Clemente Terrence, San Diego, CA 92122, Vice President

Pieter Westerbeek III, 1608 Columbia Street, Chula Vista, CA 92010, Chief Financial Officer

Donald R. Meyer, 1115 Keith Avenue, Berkeley, CA 94708, Secretary

Ikkan Kitazawa, 261 San Ferrango May, San Francisco, CA 94127, Director

Shiro Wokabayashi, 835 Masswood Lane, Millbrae, CA 94030, Director

Armistead B. Smith, Jr., 5484 Caminito San Lucas, La Jolla, CA 92037, Director

Ronald H. Kendrick, 156 Lambard Street, No 12, San Francisco, CA 94111, Director

California First Bank, 350 California Street, San Francisco, CA 94104–1476, 100% Stockholder

The applicant, a California corporation, with its principal place of business at 350 California Street-Mezzanine, San Francisco, California 94104–1476 will begin operations with $1,000,000 paid-in capital and paid-in surplus.

The applicant will conduct its activities principally in the State of California.

Matters involved in SBA's consideration of the application include the general business reputation and character of proposed managers, and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Notice is hereby given that any person may, not later than 15 days from the date of publication of this Notice, submit written comments to the Associate Administrator for Finance and Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this notice will be published in a newspaper of general circulation in San Francisco, California.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: April 15, 1983

Edwin T. Holloway,

Associate Administrator for Finance & Investment

[FR Doc. 83-11368 Filed 4-27-83; 8:45 am]

BILLING CODE 8025-01-M

[License No. 06/06-0188]

Mercantile Dallas Corp.; Application for Approval of Conflict of Interest Transaction Between Associates

Notice is hereby given that Mercantile Dallas Corporation, 1704 Main Street, Texas 75222, a Federal Licensee under the Small Business Investment Act of 1958, as amended (Act), (15 U.S.C. 661 *et seq.*), has filed an application with the Small Business Administration pursuant to section 312 of the Act and covered by § 107.1004(b)(1) of the Regulations governing small business investment companies (13 CFR 107.1004 (1983)), for approval of a conflict of interest transaction falling within the scope of the above Sections of the Act and Regulations.

The Licensee proposes to purchase $500,000 in non-convertible, non-voting preferred stock from Home Metal Product (HMP), 730 Central Expressway, Plano, Texas 75074. The proceeds from the purchase of the preferred stock will be used to pay down the outstanding balance of debt to Mercantile Texas Credit Corporation (MTCC) in the name of Bel-Air Corporation, parent of HMP. MTCC is defined as an Associate of the Licensee under Section 107.3 of the SBA Regulations, because MTCC is a subsidiary of Mercantile Dallas Corporation, a 10 or more percent stockholder of the Licensee. The Licensee's proposed investment in HMP falls within the purview of § 107.1004 of the Regulations and requires SBA approval.

Notice is hereby given that any interested party may, not later than 15 days from the date of publication of this Notice, submit written comments to the Associate Administrator for Finance & Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this notice will be published in a newspaper of general circulation in Dallas, Texas and Plano, Texas area.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: April 22, 1983.

Edwin T. Holloway,

Associate Administrator for Finance & Investment

[FR Doc. 83-11370 Filed 4-27-83; 8:45 am]

BILLING CODE 8025-01-M

[License No. 04/04-5214]

Progressive Funding, Inc.; Issuance of License To Operate as a Small Business Investment Company

On November 23, 1982, a notice was published in the **Federal Register** (47 FR 52841), stating that an application had been filed by Progressive Funding, Inc., 920 S. Ocean Blvd., Palm Beach, Florida 33480, with the Small Business Administration (SBA) for a license to operate as a small business investment company (SBIC), pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1982)).

Interested parties were given until the close of business December 8, 1982, to submit their written comments to SBA. No comments were received.

Notice is hereby given that, pursuant to Section 301(d) of the Small Business Investment Act of 1958, as amended, and after having considered the application and all other information, SBA issued License No. 04/04–5214, April 1, 1983, to Progressive Funding, Inc. to operate as an SBIC.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: April 22, 1983

Edwin T. Holloway,

Associate Administrator for Finance and Investment.

[FR Doc. 83-11369 Filed 4-27-83; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[CM-8/623]

Integrated Services Digital Network (SDN) Technical Working Party of the U.S. Organization for the International Telegraph & Telephone Consultative Committee (CCITT); Meeting

The Department of State announces that the ISDN Technical Working Party of the U.S. Organization for the International Telegraph & Telephone Consultative Committee (CCITT) will meet on three consecutive days beginning May 10 at 10:00 a.m. in Room 1406, May 11, at 9:00 a.m. in Room 1406 and May 12 at 9:00 a.m. in Room 1406 of the Department of State, 2201 C Street, NW., Washington, D.C. This Working Party deals with the evolution of ISDN.

The agenda for the meeting is as follows:

1. To review proposed contributions for the June 1983 Study Group XVIII meeting;

2. To prepare draft contributions and or positions for the Study Group XVIII meeting resulting from:

a. ISDN Working Party Meeting of April 27;

b. Foreign Contributions to Study Group XVIII;

c. Results of XII/6 Working Party meeting.

The results of this Technical Working Group meeting will be submitted to the U.S. CCITT ISDN Working Party meeting planned for June 2, 1983.

Members of the general public may attend the meeting and join in the discussion subject to the instructions of the Chairman. Admittance of public members will be limited to the seating available. In that regard entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. It is suggested that prior to May 10 members of the general public who plan to attend the meeting so advise Mr. Dexter Anderson, Office of International Communications Policy, Department of State, Washington, D.C. 20520, telephone (202) 632–6583. All attendees must use the C Street entrance to the building. Entry will be facilitated 15 minutes before and after the meeting begins.

Dated: April 15, 1983.

Earl S. Barbely,

Chairman, U.S. CCITT National Committee.

[FR Doc. 83-11303 Filed 4-27-83; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice, CM-8/624]

Study Group 2 of the U.S. Organization for the International Radio Consultative Committee (CCIR); Meeting

The Department of State announces that Study Group 2 of the U.S. Organization for the International Radio Consultation Committee (CCIR) will meet on May 13, 1983 in Room 521J of the National Aeronautics and Space Administration, 600 Independence Avenue, SW., Washington, D.C. 20546. The meeting will begin at 9:30 a.m.

Study Group 2 deals with matters relating to the communications for scientific satellites, space probes, spacecraft, exploration satellites (e.g., meteorological and geodetic) and to interference problems concerning the radio astronomy and radar astronomy services. The purpose of the meeting is to discuss the upcoming cycle of the CCIR and preparations for the international meeting of Study Group 2 in November–December, 1983.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman.

Requests for further information should be directed to Mr. Richard E. Shrum, State Department, Washington, D.C. 20520, telephone (202) 632–2592.

Dated: April 14, 1983.

Earl S. Barbely,

Director, Office of International Communications Policy.

[FR Doc. 83-11304 Filed 4-27-83; 8:45 am]

BILLING CODE 4710-24-M

[Public Notice CM-8/625]

Overseas Schools Advisory Council; Meeting

The Overseas Schools Advisory Council, Department of State, will hold its Executive Committee meeting on Wednesday, June 15, 1983, 9:30 a.m., in Conference Room 2722B, Department of State Building, Washington, D.C.

Agenda items scheduled for discussion are as follows:

I. Welcome and Introduction of Participants

II. Greetings from the Department of State

III. Status Report of the 1982–1983 Program

IV. Local Fund-Raising Programs of the Schools and Activities of Regional School Associations

V. Progress Report of Council's Program "Improving Educational Opportunities Abroad for Dependents of U.S. Government, Corporations and Foundation Employees

VI. Council Communications with U.S. Business and Foundations

VII. Selection of Date for Council's Annual Meeting

For purposes of fulfilling building security, members of the public desiring to attend the meeting should call Ms. Joyce Bruce, Office of Overseas Schools, Department of State, Washington, D.C., Area Code 703–235–9600, prior to June 15. The public may participate in discussions at the Chairman's instructions.

Dated: April 15, 1983.

Ernest N. Nannino,

Executive Secretary, Overseas Schools Advisory Council.

[FR Doc. 83-11305 Filed 4-27-83; 8:45 am]

BILLING CODE 4710-24-M

TENNESSEE VALLEY AUTHORITY

Revisions to Procedures Implementing the National Environmental Policy Act (NEPA) and Executive Order Nos. 11988 (Floodplain Management) and 11990 (Protection of Wetlands)

AGENCY: Tennessee Valley Authority (TVA).

ACTION: Notice.

SUMMARY: TVA has adopted amendments to its internal procedures for compliance with the National Environmental Policy Act originally published at 45 FR 54511–15 (1980) and its "Floodplain Management and Protection of Wetlands" procedures originally published at 44 FR 45513–17 (1979). Revisions of these procedures incorporate, among other things, special review requirements relating to floodplain management and protection of wetlands. TVA's separate procedures for floodplain management and protection of wetlands are eliminated except for a modified form of TVA's policy of floodplain management and protection of wetlands.

FOR FURTHER INFORMATION CONTACT: Mohamed T. El-Ashry, Tennessee Valley Authority, TVA Mailroom, Knoxville Tennessee 37902; (615) 632–2007 or FTS 856–2007.

SUPPLEMENTARY INFORMATION: TVA published the proposed amendments for comment on December 3, 1982, at 47 FR 54586–93, and the comment period closed on January 3, 1983. The amendments as proposed have been adopted with one minor change noted herein, and the December 3 notice is hereby integrated.

During the comment period only one comment was received. The Soil Conservation Service (SCS) recommended that for important farmland TVA utilize the special evaluation process TVA has established for floodplains and wetlands in section 5.7 of the procedures. SCS correctly notes that in addition to wetlands, floodplains, and other identified resources, "important farmland" is listed as an environmentally significant resource requiring special consideration in section 5.2 of the procedures. Under section 5.2, an action which could have a potentially significant impact on important farmland is precluded from being categorically excluded, thereby requiring prepartion of an environmental assessment or environmental impact statement.

TVA has decided against adopting SCS's suggestion at this time. If experience with important farmland impact evaluation shows that TVA's overall environmental impact evaluations process would be made more effective by incorporating a specialized farmland-impact evaluation process into its NEPA procedures, an appropriate revision will be made. In the interim, potential impacts on important farmland will continue to be evaluated in the context of TVA's general NEPA review process.

TVA's procedures, as amended, were reviewed and concurred in by the Council on Environmental Quality (CEQ) on February 17, 1983. CEQ suggested that a reference to 40 CFR 1502.19(d) be inserted in section 5.4.11 of the revised procedures after the reference to 40 CFR 1502.12. TVA agrees with this suggestion and section 5.4.11 has been amended accordingly.

TVA's policy on floodplain management and protection of wetlands, as published in the December 3 **Federal Register** notice, has been adopted with three minor changes. The first part of the last sentence of the third paragraph of the policy is revised as follows: In its own activities, TVA applies this commitment to its own facilities and to broad agency program reviews, as well as * * *.

The second sentence of the fifth paragraph is revised by inserting "and acquisition" after "construction."

Finally, the first sentence of the last paragraph before the Reservations subsection is revised by inserting "and if their continued use in such location is deemed necessary and of low risks," before "TVA will."

Frank R. Holland,

Assistant General Manager, Tennessee Valley Authority.

[FR Doc. 83-11186 Filed 4-27-83; 8:45 am]

BILLING CODE 8120-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement; Henderson and Buncombe Counties, North Carolina

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Henderson and Buncombe Cos., North Carolina.

FOR FURTHER INFORMATION CONTACT: Gary D. Holly, Environmental Engineer, Federal Highway Administration, 310 New Bern Avenue, P.O. Box 26806, Raleigh, North Carolina 27611, Telephone (919) 755–4270.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the North Carolina Department of Transportation (NCDOT), will prepare an environmental impact statement (EIS) on a proposed multi-lane highway, partially on new location, for NC 280 from the intersection of NC 191 and NC 280 at Mills River to Interstate 26 near the Asheville Airport. The improvement of NC 280 is needed to better serve the increasing traffic demands between NC 280 and Interstate 26 and the Asheville Airport. The proposed improvement will include a new structure over the French Broad River. It will also help relieve the congestion, delay and inconvenience created by the existing circuitous and inadequate routes which presently provide access to Interstate 26 from the west.

Alternatives under consideration include: (1) The "no-build", and (2) two alternate locations for the proposed NC 280 improvement.

Letters describing the proposed action and soliciting comments are being sent to appropriate Federal, State and local agencies. A public meeting is scheduled for May 19, 1983 at the Mills River School located on School House Road (Secondary Road 1426) just south of Mills River. The meeting is scheduled from 3 p.m. to 8 p.m. Information received from the public meeting will be included in the Draft EIS. The draft EIS will be available for public and agency review and comment at the time of the Corridor Public Hearing which has not been scheduled. No formal scoping meeting is planned at this time.

To ensure that the full range of issues related to the proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments and questions concerning the proposed action should be directed to the FHWA at the address provided above.

Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning, and Construction. The provisions of OMB Circular No. A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program.

Issued: April 19, 1983

Roger D. Lewis,

Assistant Division Administrator, Raleigh, North Carolina.

[FR Doc. 83-11034 Filed 4-27-83; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

[8 3-18]

Extension of Comment Period on Multistate Charter Applications

AGENCY: Comptroller of the Currency, Treasury.

NOTICE: On March 3, 1983, the Office of the Comptroller of the Currency accepted for filing applications to charter 31 national banks in 25 states. The applications were all filed by Dimension Financial Corporation, a Delaware corporation recently organized for the purpose of establishing, owning and operating the proposed banks. The banks may be affiliated with Valley Federal Savings and Loan Association, an existing savings and loan association in Hutchinson, Kansas. The applications propose that the banks provide consumer loans, trust services, and consumer and commercial deposit services, including demand deposits; they would not offer commercial loans.

The proposed banks would be located in the following cities:

1. Phoenix, Ariz.
2. Northbrook, Ill.
3. Tulsa, Ok.
4. San Mateo, Cal.
5. Louisville, Ky.
6. Portland, Or.
7. Englewood, Col.
8. New Orleans, La.
9. Bryn Mawr, Pa.
10. Stamford, Conn.
11. Bethesda, Md.
12. Newport, R.I.
13. Wilmington, Del.
14. Newton, Mass.
15. Nashville, Tenn.
16. Boca Raton, Fla.
17. Edina, Minn.
18. Austin, Tx.
19. Ft. Myers, Fla.
20. Kansas City, Mo.
21. Dallas, Tx.
22. Sarasota, Fla.
23. Las Vegas, Nev.
24. Houston, Tx.
25. Winter Park, Fla.
26. Norristown, N.J.
27. San Antonio, Tx.
28. Atlanta, Ga.
29. White Plains, N.Y.
30. McLean, Va.
31. Bellevue, Wash.

Shortly after the applications were accepted for filing on March 3, 1983, published notice of the filing of each of the applications was commenced in local newspapers as required by 12 CFR 5.8. Under this Office's regulations, interested parties would generally have 21 days after the last publication required by §5.8 to submit written comments and data on an application to the Regional Administrator of the National Bank Region where the proposed bank would be located. *See* 12 CFR 5.10(a). However, the Office has determined to hold hearing proceedings on the applications by Dimension Financial Corporation. The date and location of the hearing or hearings have not been decided by the Office at this time. Due to the high degree of public interest in the applications, the Office has determined to extend until the last day of the hearing proceedings the period during which written comments will be accepted by its Regional Administrators.

Information regarding the office addresses and geographic composition of the National Bank Regions may be found at 12 CFR 4.1a.

Dated: April 22, 1983.

C. T. Conover,

Comptroller of the Currency.

[FR Doc. 83-11366 Filed 4-27-83; 8:45 am]

BILLING CODE 4810-33-M

UNITED STATES INFORMATION AGENCY

Advisory Committee on Ethical Values

Advisory Committee on Ethical Values will meet Monday, May 16, 1983, from 10:00 a.m. to 12:30 p.m. at the Voice of America, 330 Independence Avenue, SW., Washington, D.C. 20547, Room 3300. The purpose of the meeting is to discuss and advise on VOA programming, including religious broadcasting. The meeting is open to the public.

Dated: April 25, 1983.

Mary Jane Winnett,

Management Technician.

[FR Doc. 83-11338 Filed 4-27-83; 8:45 am]

BILLING CODE 8230-01-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 83
Thursday, April 28, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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1

CIVIL AERONAUTICS BOARD

Deletion from the April 20, 1983 Meeting

TIME AND DATE: 9:30 a.m., April 20, 1983

PLACE: Room 1027 (open), room 1012 (closed), 1825 Connecticut Avenue NW., Washington, D.C.

SUBJECT:

20. Annual Review of Outstanding Delegations to the Bureau of International Aviation. (BIA)

STATUS: Open.

PERSON TO CONTACT FOR MORE INFORMATION: Phyllis T. Kaylor, the Secretary (202) 673–5068.

[S–607–83 4–26–83; 3:56 pm]

BILLING CODE 6320–01–M

2

CIVIL AERONAUTICS BOARD

Short Notice and Closure of Addition to the April 20, 1983 Meeting

TIME AND DATE: 9:30 a.m., April 20, 1983.

PLACE: Room 1027 (open), Room 1012 (closed), 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT:

29. Discussion on Ireland. (BIA)

STATUS: Closed.

PERSON TO CONTACT FOR MORE INFORMATION: Phylis T. Kaylor, the Secretary (202) 673–5068.

[S–606–83 Filed 4–26–83; 3:55 pm]

BILLING CODE 6320–01–M

3

CIVIL AERONAUTICS BOARD

deletion From the April 20, 1983 Meeting

TIME AND DATE: 9:30 a.m., April 20, 1983.

PLACE: Room 1027 (open), room 1012 (closed), 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

14. Docket 40142, Essential Air Service at Bakersfield, California. (Memo 1040–B, BDA, OCCCA, OC)

STATUS: Open.

PERSON TO CONTACT FOR MORE INFORMATION: Phyllis T. Kaylor, the Secretary (202) 673–5068.

[S–605–83 Filed 4–26–83; 3:55 pm]

BILLING CODE 6320–01–M

4

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, May 2, 1983, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors, pursuant to sections 552b(c)(2), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 52b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Application for consent to purchase assets and assume liabilities and for consent to establish one branch:

Peoples Bank and Trust Company, Waterloo, Iowa, an insured State nonmember bank, for consent to purchase the assets of and assume the liability to pay deposits made in La Porte City State Bank, La Porte City, Iowa, and to establish and sole office of La Porte City State Bank as a branch of Peoples Bank and Trust Company.

Application for consent to purchase assets and assume liabilities, establish eight branches and redesignate the main office:

Valley Bank and Trust Company, Mishawaka, Indiana, an insured State nonmember bank, for consent to purchase the assets of and to assume the liability to pay deposits made in American National Bank and Trust Company of South Bend South Bend, Indiana, to establish the eight offices of American National Bank and Trust Company of South Bend as branches of Valley Bank and Trust Company, and to redesignate the present main office of American National Bank and Trust Company of South Bend as the main office of the resultant bank.

Application pursuant to section 19 of the Federal Deposit Insurance Act for consent to service of a person convicted of an offense involving dishonesty or a breach of a trust as a director, officer, or employee of an insured bank:

Name of person and of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8) and (c)(9)(A)(ii)).

Recommendation regarding the Corporation's investments.

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive

Secretary of the Corporation, at (202) 389–4425.

Dated: April 25, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–595–83 Filed 4–25–83; 4:55 pm]

BILLING CODE 6714–01–M

5

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2 p.m. on Monday, May 2, 1983, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Memorandum and Resolution re: American City Bank & Trust Company, National Association, Milwaukee, Wisconsin

Memorandum and Resolution re: Proposed amendment to Part 337 of the Corporation's rules and regulations, entitled "Unsafe and Unsound Banking Practices," which would: (1) Eliminate the current requirement for prior approval by a majority of a bank's board of directors of all extensions of credit exceeding in the aggregate $25,000 that are made to one of the bank's directors, executive officers, principal shareholders, or any related interest of any such person; and (2) substitute a prior approval formula whereby extensions of credit in excess of five percent of capital and unimpaired surplus or $25,000, whichever is larger, must receive prior approval but in no event may any extension of credit exceeding in the aggregate $500,000 be made without prior approval of the bank's board of directors.

Reports of committees and officers:

Minutes of actions approved by the standing committees of the Corporation pursuant to authority delegated by the Board of Directors.

Reports of the Division of Bank Supervision with respect to applications or requests approved by the Director or Associate Director of the Division and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Report of the Director, Office of Corporate Audits and Internal Investigations: Memorandum re: Status of Auditee Corrective Actions.

Discussion Agenda:

Memorandum and Resolution re: Proposed amendment to Part 337 of the Corporation's rules and regulations, entitled "Unsafe and Unsound Banking Practices," to add a new section which would, with reference to the FDIC's "Statement of Policy on the Applicability of the Glass-Steagall Act to Securities Activities of Subsidiaries of Insured Nonmember Banks" issued by the Board of Directors on August 23, 1982: (1) Define bona fide subsidiary; (2) limit a bank's permissible investment in a securities subsidiary; (3) require notice of intent to invest in such a subsidiary; (4) limit the permissible securities activities of nonmember bank subsidiaries; and (5) place certain other restrictions on loans, extensions of credit, and other transactions between nonmember banks and their subsidiaries or affiliates that engage in securities activities.

Memorandum and Resolution re: Uniform Interagency Community Reinvestment Act Assessment Rating System.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street NW., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: April 25, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–596–83 Filed 4–25–83; 4:55 pm]

BILLING CODE 6714–01–M

6

FEDERAL ELECTION COMMISSION

Federal Register No. 553

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, April 28, 1983 at 10 a.m.

CHANGE IN MEETING: The following matter has been continued from the open meeting of April 21, 1983:

Draft AO 1983–8: Jan W. Baran, on behalf of the National Republican Senatorial Committee

DATE AND TIME: Tuesday, May 3, 1983 at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Compliance. Personnel. Litigation. Audits.

DATE AND TIME: Thursday, May 5, 1983 at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C. (fifth floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings
Correction and approval of minutes
Eligibility reports for candidates to receive Presidential primary matching payments
Personnel instructions
Finance Committee report
Routine Administrative matters

PERSON TO CONTACT FOR MORE INFORMATION: Mr. Fred Eiland, Information Officer, telephone: 202–523–4065.

Marjorie W. Emmons,

Secretary of the Commission.

[S–604–83 Filed 4–26–83; 3:48 pm]

BILLING CODE 6715–01–M

7

FEDERAL HOME LOAN BANK BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 17432, Friday, April 22, 1983.

PLACE: Board room, sixth floor, 1700 G Street, NW., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Ms. Gravlee (202–377–6970).

CHANGES IN THE MEETING: The following item has been withdrawn from the open portion of the Bank Board meeting scheduled Tuesday, April 26, 1983 at 2:30 p.m.:

FSLIC Insurance Premiums

[No. 38, April 26, 1983]

[S–599–83 Filed 4–26–83; 10:57 am]

BILLING CODE 6720–01–M

7

FEDERAL MARITIME COMMISSION

TIME AND DATE: 9 A.M., MAY 5, 1983.

PLACE: Hearing Room One, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Agreement No. 50–40: Modification of the Pacific/Australia-New Zealand Conference Agreement to authorize members to rationalize sailings.

2. Continental Forwarding, Inc.—Application for an Independent Ocean Freight Forwarder License.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523–5725.

[S–600–83 Filed 4–26–83; 1:15 pm]

BILLING CODE 6730–01–M

9

FEDERAL RESERVE SYSTEM

(Board of Governors)

TIME AND DATE: 10 a.m., Wednesday, May 4, 1983.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20661.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452–3204.

Dated: April 26, 1983.

William W. Wiles,

Secretary of the Board.

[S–603–83 Filed 4–26–83; 3:07 pm]

BILLING CODE 6210–01–M

10

LEGAL SERVICES CORPORATION

TIME AND DATE: 9:30–12 Noon, Tuesday, May 3, 1983.

PLACE: GSA Auditorium, 18th and F Streets, Washington, D.C.

STATUS OF MEETING: Open.

MATTERS TO BE CONSIDERED:

1. Status of Regulations
   Report from Office of General Counsel
   Report from Office of Government Relations
2. Status of Reauthorization
   Report from Office of Government Relations

CONTACT PERSON FOR MORE INFORMATION: LeaAnne Bernstein, Office of the President, (202) 272–4040.

Dated: April 25, 1983.

Donald P. Bogard,

President, Legal Services Corporation.

[S–598–83 Filed 4–26–83; 10:33 am]

BILLING CODE 6820–35–M

11

UNITED STATES INTERNATIONAL TRADE COMMISSION

[USITC SE–20A]

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 17692, April 21, 1983.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: Tuesday, May 3, 1983, 10 a.m.

CHANGES IN THE MEETING: Additional item added to the agenda as follows:

6. Investigations 104–TAA–14 and 15 (Bicycle Tires and Tubes from the Republic of Korea and Taiwan)—briefing (in closed session) and vote (open to the public).

Notice of change in time for the meeting.

By unanimous consent, the United States International Trade Commission voted, on April 25, 1983, to reschedule the time for the meeting of Tuesday, May 3, 1983, from 10 a.m., to 2:30 p.m. There are no other changes to the agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523–0161.

[S–597–83 Filed 4–26–83; 10:33 am]

BILLING CODE 7020–02–M

12

UNITED STATES PAROLE COMMISSION

United States Parole Commission, National Commissioners (the Commissioners presently maintaining offices at Chevy Chase, Maryland Headquarters).

TIME AND DATE: 2 p.m., Monday, April 25, 1983.

PLACE: Room 420–F, One North Park Building, 5550 Friendship Boulevard, Chevy Chase, Maryland 20815.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting. Agency business requires this meeting to be held at the above date and time without the opportunity to give one week's notice prior to the meeting. Public announcement shall be made at the earliest practicable time.

MATTERS TO BE CONSIDERED: Referrals from Regional Commissioners of approximately one case in which an inmate of a Federal prison has applied for parole.

CONTACT PERSON FOR MORE INFORMATION: Linda Wines Marble, Chief Case Analyst, National Appeals Board, United States Parole Commission (301) 492–5987.

[S–601–83 Filed 4–26–83; 1:53 pm]

BILLING CODE 4410–01–M

13

UNITED STATES PAROLE COMMISSION

TIME AND DATE: 9 a.m.–5:30 p.m., Friday, April 22, 1983.

PLACE: Room 420–F, One North Park Building, 5550 Friendship Boulevard, Chevy Chase, Maryland 20815.

STATUS: Open.

CHANGES IN THE MEETING: On April 22, 1983, by recorded vote, a majority of the U.S. Parole Commissioners determined that the above meeting should go into closed session from 9:30 a.m. to 10 a.m. and from 4:15 p.m. to 4:30 p.m. on April 22, 1983 for the purpose of the discussion and determination of one original jurisdiction appeal continued from the closed meeting of April 21, 1983.

Said majority of the U.S. Parole Commissioners also determined that urgent agency business required the change in the status of the meeting and that no earlier announcement of the change was possible.

Public announcement of this change and the vote of each Commissioner upon such change is being made at the earliest practicable time.

CONTACT PERSON FOR MORE INFORMATION: Peter B. Hoffman, Director of Research, United States Parole Commission (301) 492–5980.

[S–602–83 Filed 4–26–83; 1:53 am]

BILLING CODE 4410–01–M

Thursday
April 28, 1983

Part II

Office of the Federal Register

Proposed Termination of the Two-Day-a-Week Publication Program

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OFFICE OF THE FEDERAL REGISTER

Proposed Termination of the Two-Day-a-Week Publication Program

AGENCY: Office of the Federal Register.

ACTION: Notice of proposed action and request for comments.

SUMMARY: The Office of the Federal Register (OFR) is proposing to terminate its formal program for publishing documents of certain agencies on a two-day-a-week schedule (Monday/Thursday or Tuesday/Friday). This action will reduce publication costs for participating agencies and will alleviate production problems associated with this program.

DATE: Comments must be submitted on or before June 27, 1983.

ADDRESS: Send comments to: Office of the Federal Register, National Archives and Records Service, Washington, DC 20408; Attention: Ms. Valery Pelzer.

FOR FURTHER INFORMATION CONTACT: Martha Girard, Telephone (202) 523-5240.

SUPPLEMENTARY INFORMATION: On February 6, 1976 (41 FR 5453), OFR announced an experimental program for publishing agency documents on a two-day-a-week schedule: Monday/Thursday or Tuesday/Friday. Agencies agreeing voluntarily to participate published in accordance with the new schedule. OFR expected that this schedule would benefit, primarily, **Federal Register** users interested in monitoring, and keeping, only the documents of a participating agency. The OFR also anticipated that a subscription system for certain days of the week might prove feasible. After receiving favorable comments on the program, OFR announced that it would continue the schedules on a voluntary participation basis (41 FR 32914, August 6, 1976). The program has been in effect since that time. A list of currently participating agencies appears at the back of this issue in the Reader Aids section.

The two-a-day-a-week publication schedule provided that a participating agency could request emergency publication of a document on a day other than one of its assigned days to accommodate special situations. In such cases, the requesting agency agreed to the republication of the document on the next assigned day. Subsequently, however, agency page rates were established and the agencies participating in the program incurred double publicaton costs, paid to the Government Printing Office, whenever agencies requested publication on a non-schedule day and then republished on the next assigned day.

The OFR, for its part, has encountered chronic production difficulties associated with the program. Production problems occur when agencies request expedited handling of documents to meet the assigned schedule. Additional editorial work is involved in publishing documents on a non-schedule day and republishing them on the next assigned day. Within available resources at OFR, it has become difficult to provide the special handling these documents require while maintaining normal publication operations.

OFR has weighed the benefits of the two-day-a-week publication program against the costs to participating agencies and the significant production and special handling problems involved. During the six and a half years this program has been in operation, agency participation has been modest. At no time has a substantial percentage of the agencies which regularly publish in the **Federal Register** taken advantage of the two-day-a-week schedule. Moreover, the OFR and the Government Printing Office have not been able to devise a selective subscription system that would be cost effective.

Therefore, OFR proposes to terminate the formal two-day-a-week publication program. OFR solicits comments from agencies and users affected by this proposal.

Until a final decision is made, OFR will modify the publication program to alleviate the extra expense to participating agencies. Instead of automatically republishing a document that was published on a non-schedule day, OFR will offer the agency the option of a note editorially inserted in the table of contents of the issue published on the agency's next assigned day. The note would refer readers to the date of actual publication. OFR does not view this option as a permanent solution, however, since it continues to require additional consultation with agencies and editorial workload.

Dated: April 22, 1983.

John E. Byrne,

Director of the Federal Register

[FR Doc. 83-11258 Filed 4-27-83; 8:45 am]

BILLING CODE 1505-02-M

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federal register

Thursday
April 28, 1983

Part III

Department of Agriculture

Office of the Secretary

Small Business Innovation Research Program for Fiscal Year 1983; Solicitation of Applications

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Small Business Innovation Research Program for Fiscal Year 1983; Solicitation of Applications

Notice is hereby given that under the authority of the Small business Innovation Development Act of 1982 (Pub. L. 97-219) and section 1472 of the National Agricultural Research, Extension and Teaching Policy Act of 1977, as amended (7 U.S.C. 3318), the U.S. Department of Agriculture (USDA) will award project grants for certain areas of research to science-based small business firms through its Small Business Innovation Research (SBIR) Program. Firms with strong research capabilities in the research topic areas listed below are encouraged to participate. Objectives of the three-phased program include stimulating technological innovation in the private sector, increasing the commercial application of USDA-supported research results, and improving the return on investment from Federally-funded research for its economic and social benefits to the Nation.

The total amount available for this program during fiscal year 1983 is approximately $555,376. This solicitation is being announced to allow adequate time for potential recipients to prepare and submit applications. (See Section IV, "Proposal Preparation Instructions and Requirements," and Section VII, "Submission of Proposals.") The research to be supported is in the following topic areas:

1. Forest and Related Resources.
2. Plant Production and Protection.
3. Animal Production and Protection.
4. Air, Water, and Soils.
5. Food and Human Nutrition.
6. Rural and Community Development.

The award of any grants under the provisions of this Notice is subject to the availability of appropriations.

The Guide to Proposal Preparation for these competitive grants consists of six sections:

I Program Description
II Definitions
III Research Topics
IV Proposal Preparation Instructions and Requirements
V Method of Selection and Evaluation Criteria
VI Considerations
VII Submission of Proposals

The grants awarded will be administered in accordance with the USDA Uniform Federal Assistance Regulations (7 CFR Part 3015) and applicable OMB Circulars.

Information collection requirements contained in this document have been approved by OMB Document No. 0531-0009.

Because of the time constraints involved in implementing this program, it has been determined that compliance with the Notice and public procedure provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest. Further, this action has been reviewed under Executive Order 12291 and it has been determined that this is not a major rule. Although this Notice establishes the procedures and criteria under which the recipients of Small Business Innovation Research grants in fiscal year 1983 will be selected, and the terms and conditions under which such grants will be administered, it does not involve a substantial or major impact on the Nation's economy or large numbers of individuals or businesses. There will be no major increase in cost or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions.

Done at Washington, D.C., this April 21, 1983.

Orville G. Bentley,

Assistant Secretary for Science and Education.

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Guide to Proposal Preparation

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A. Grant Application with Attachment I, "Certifications"
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E. Organizational Information and Certification
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Guide to Proposal Preparation

I. Program Description

Awards under USDA's Small Business Innovation Research Program will be carried out through a three-phase process, the first two designed to assist USDA in meeting its Research and Development (R&D) objectives, and the third to facilitate the pursuit of commercial applications or objectives of research funded in Phases I and II. Federal funding will support research on USDA objectives (Phases I and II), while private capital will be relied upon for follow-on developmental funding to meet commercial objectives (Phase III). A description of each phase is included below. *Proposals solicited under this Notice are for Phase I only.* The date for submission of proposals may be found in Section VII, "Submission of Proposals."

Phase I—Feasibility Research

Phase I is to conduct a feasibility related experimental or theoretical research effort on the proposed innovative idea or approach. The proposal should concentrate on those aspects of the research that will significantly contribute to proving the technical feasibility of the concept or approach proposed and which would be prerequisite for further research and USDA support in Phase II.

Phase I also is designed to reduce the investment of time and cost to small firms in preparing a formal proposal under this solicitation as compared to other USDA formal proposals. *The Phase I proposal is limited to 20 pages, including the cover page, budget, and any attachments.* Awards will be made by USDA based upon evaluation of Phase I proposals. *Successful proposers will have six (6) months to carry out their proposed Phase I effort.* Phase I results are to be submitted to USDA in a final report.

Phase II—Principal Research Effort

Phase II is the principal research effort. Funding will be based upon the results of Phase I and the scientific and technical merit of the Phase II proposal. *Only those receiving Phase I awards will be eligible to submit Phase II proposals.* A more comprehensive proposal will be required for Phase II to be prepared in accordance with instructions which will be provided to all Phase I grantees.

Phase III—Development

Phase III, to be conducted by the small business firm (including joint ventures or R&D partnerships,) will be privately funded from a third party source through the exercising of the follow-on funding commitment. Phase III is to pursue commercial objectives from the USDA-supported research carried out in Phases I and II.

Converting Research to Technological Innovation and Commercial Applications

In addition to the funding of scientific mission-oriented research, a second important goal of the SBIR Program is the conversion of USDA-supported research into technological innovation by private firms. Therefore, on an

optional basis, the solicitation includes an incentive for proposers to obtain a contingent commitment for private follow-on funding prior to Phase II to continue the innovation process where it is felt that the research also has commercial potential.

Proposers who feel that their research has the potential to meet market needs, in addition to meeting the research objectives of the solicitations, are encouraged to obtain private venture capital or other follow-on funding to pursue the development phase (Phase III). The commitment for the follow-on funding must be from a third party, be obtained only after receiving a Phase I award but prior to Phase II. This commitment may be contingent on the USDA-supported research meeting a few measurable technical objectives in Phase II. If the conditions are met, private investment would then be justified to pursue further development for commercial purposes in Phase III.

Phase II proposals that provide a commitment for Phase III follow-on funding will receive extra consideration as a point-of-merit in the Phase II evaluation process. The maximum value will be given when a signed contingent agreement is obtained for follow-on funding equal to or in excess of the request for Federal support in Phase II.

Eligibility and Limitations

Each organization submitting a proposal must qualify as a small business for research purposes as defined in Section II, "Definitions," and the primary employment of the principal investigator must be with the small business firm at the time of the award and during the conduct of the research. Primary employment means that more than one-half of the principal investigator's time is spent with the small business. In addition, a minimum of two-thirds of each project must be carried out in the proposing firm unless otherwise approved in writing by USDA's Authorized Departmental Officer.

A proposal must be limited to one topic (program) area listed in this solicitation. When a proposal has relevance to more than one topic, the proposer must decide which topic is the most relevant and submit separate proposals on different topics or different proposals on the same topic under this solicitation.

This solicitation does not obligate USDA to make any specific number of awards under either Phase I or Phase II.

Contact

Contact with USDA relative to this solicitation during the Phase I proposal preparation period is restricted for reasons of competitive fairness. However, general questions relating to programmatic aspects of the program may be addressed to the individual listed below:

Anne Holiday Schauer, SBIR Program, Office of Grants and Program Systems, 103 Rosslyn Commonwealth Building, 1300 Wilson Boulevard, Arlington, Virginia 22209, Telephone: (703) 235–2630.

Questions pertaining to administrative aspects of the program or requests for additional copies of the announcement and/or pertinent forms may be addressed to: Grants Administrative Management, Office of Grants and Program Systems, 103 Rosslyn Commonwealth Building, 1300 Wilson Boulevard, Arlington, Virginia 22209, Telephone: (703) 235–2638.

II. Definitions

The following definitions apply for purposes of this solicitation: A. Research or Research and Development (R&D). Any activity which is:

1. A systematic, intensive study directed toward greater knowledge or understanding of the subject studied.

2. A systematic study directed specifically toward applying new knowledge to meet a recognized need.

3. A systematic application of knowledge toward the production of useful materials, devices, and systems or methods, including design, development, and improvement of prototypes and new processes to meet specific requirements.

B. *Small Business.* A business concern which at the time of award is:

1. Organized for profit, independently owned or operated, not dominant in the field in which it is bidding, and having an average of not more than 500 employees (full-time, part-time, temporary, or other) during the previous 12-month period in all affiliated firms owned or controlled by a single parent firm (from Code of Federal Regulations, Title 13, Part 121, as amended). Awards to joint ventures or limited partnerships are permitted provided that the proposing entity qualifies as a small business in accordance with the Small Business Act, 15 U.S.C. 631 and the above definition.

2. The primary source of employment of the principal investigator at the time of the award and during the conduct of the proposed research.

C. *Minority and Disadvantaged Business.* A qualified small business firm that is:

1. At least 51 percent owned by one or more minority and disadvantaged individuals; or in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more minority and disadvantaged individuals; and

2. Whose management and daily business operations are controlled by one or more of such individuals.

A minority and disadvantaged individual is defined as a member of any of the following groups:

(a) Black Americans
(b) Hispanic Americans
(c) Native Americans
(d) Asian-Pacific Americans
(e) Asian-Indian Americans

III. Research Topics

The specific areas of inquiry in which projects will be funded are listed below:

1. *Forest and Related Resources:* Proposals are solicited for field and laboratory studies focusing on the development of cost effective tissue-culture methods for both hardwood and/or conifer species.

2. *Plant Production and Protection:* Research proposals are solicited to find ways to increase crop productivity so that effective and efficient food production and agricultural systems can be developed and strengthened.

3. *Animal Production and Protection:* Research proposals and solicited to find ways to enable producers to increase production and to assure a reliable and safe supply of animal protein while conserving resources and reducing production costs.

4. *Air, Water, and Soils:* Research proposals are solicited to develop technology for using and conserving soil, water, and air resources while sustaining optimum agricultural productivity.

5. *Food and Human Nutrition:* Research proposals are solicited in the area of food quality and safety and in those areas that address the reduction of post-harvest loss. In addition, research proposals are solicited that deal with the assessment of the adequacy of nutrient intake.

6. *Rural and Community Development:* Research proposals are solicited to find ways to develop business opportunities in rural areas and to look for innovative ways to manage small rural business.

IV. Proposal Preparation Instructions and Requirements

The purpose of the research proposal is to provide a written statement that contains sufficient information to persuade USDA, as well as members of the research community who review the proposal, that the proposed research is a

sound approach to an important scientific question and is worthy of support under the stated evaluation criteria. (See Section V, "Method of Selection and Evaluation Criteria.") The proposal should be self-contained and written with the care and thoroughness accorded papers for publication. Each proposal should be reviewed carefully by the applicant and by other knowledgeable in the subject to ensure inclusion of data essential for a comprehensive evaluation. The proposed research must be responsive to the USDA program interests stated in the topic descriptions. However, the same research often can be the basis for technological innovation, new commercial products, processes, or services which benefit the public. This is a desirable economic objective, and such proposals are encouraged.

Instructions and information to be used in preparing proposals for research grants in the areas described earlier are included below. Required forms are included in appendices A through F of this announcement.

A. *Limitation on Length of Proposal.* Proposals must not exceed a total of 20 pages (regular size type—no smaller than elite—single or double spaced, standard 8½" x 11" pages, typed or printed on one side only), including cover page, budget and all enclosures or attachments. No attachments or additional information will be allowed in the interest of equitable treatment for all. *Please note that proposals exceeding the 20-page limitation may not be considered for review or award.*

B. *Proposal Cover Sheet.*

1. *Grant Application.* Proposers should use the Grant Application (Form S&E–661) as the cover sheet for the proposal (see Appendix A). A Grant Application with all relevant original signatures must be included with the proposal. All other copies of the proposal should also contain a Grant Application but facsimile or photocopied signatures will be accepted. The attachment to the Grant Application, entitled, "Certifications," must also be completed and submitted with the proposal. All proposals must be signed by an authorized official.

2. *Title of Proposal.* The title (80 characters maximum) should be a brief, clear, specific designation of the subject of the research. It will be used for information to Congress, and for press releases. Therefore, it should not contain highly technical words. Phrases such as "investigation of" or "research on" should not be used.

3. *Program Area.* The applicable specific area of inquiry (program area) should be indicated in Block 8 of the Grant Application (Form S&E–661—see Appendix A).

C. *Abstract or Summary:* Proposals should include a one-page project summary of the proposed research or R&D which contains the following information:

1. Name and address of firm.
2. Name and title of principal investigator or project manager.
3. Title of project.
4. Technical abstract, limited to two hundred words.
5. Summary of the anticipated results and implications of the approach and the potential commercial applications of the research.

D. *Technical Content.* All items listed below must be covered fully and included in the order shown although space allocated to each will depend on the problem involved and the principal investigator's approach. Do not emphasize the commercial applications in the research proposal except to discuss them briefly under items 1, 2, and 10.

A. *Identification and Significance of the Problem or Opportunity.* Make a clear statement of the specific technical problem or opportunity addressed and its importance.

2. *Background, Technical Approach and Anticipated Benefits (Phases I and II).*

a. Indicate the overall background and technical approach to the problem of opportunity and the part that the proposed research plays in providing needed results.

b. State the results of the approach if the research is successful including: (1) the technical, economic, social and other benefits to the Nation and to users of the results such as private industry, public decisionmakers, or other researchers; (2) the estimated total cost of the approach relative to benefits, including estimating the Phase II research costs; and (3) any specific policy issues or decisions which might be affected by the results.

c. Indicate any significant non-research problems related to the proposed approach.

3. *Phase I Technical Objectives.* State the specific objectives of the Phase I research effort, including the questions it will try to answer.

4. *Phase I Technical Plan.* Provide a detailed description of the Phase I research approach, indicating not only what is planned, but how the research will be carried out. Phase I research should attempt to determine the technical feasibility of the proposed approach, and the research plans should be linked with the objectives and the questions the research effort is designed to answer. The methods planned to achieve each objective or task should be discussed in detail. *This section should be at least one-third of the proposal* (6–8 pages).

5. *Related Research.* Describe significant research directly related to the proposed effort, including any conducted by the principal investigator, by the proposing firm, consultants, or others, how it interfaces with the proposed research, and any planned coordination with outside sources. The proposer must persuade reviewers of his/her awareness of key recent research by others in the specific topic areas such as in concise bibliography.

6. *Key Personnel and Bibliography of Directly Related Work.* Identify key senior personnel involved in Phase I research and include directly related education, experience, and bibliographic information. For each key person, provide a chronological list of the most recent representative publications during the preceding five years, including those in press. List the authors in the same order as they appear on the paper, the full title, and the complete reference as they usually appear in journals. Where vitae are extensive, summaries that focus on the most relevant experience or publications will be necessary to meet proposal size limitation.

7. *Facilities.* The conduct of advanced research usually requires the use of sophisticated instrumentation. A detailed description of necessary instrumentation and physical facilities to carry out Phase I should be provided.

8. *Consultants.* Involvement of university or other consultants in the planning and/or research stages of the project is encouraged. If such involvement is intended, it should be described in detail. Use of academic scientists as collaborators or consultants in the development of the proposal and on the proposed project, if appropriate, may prove particularly helpful to small firms which have not previously received Federal research awards. *Please note that for Phase I, the total of all consultant fees, facility leases or usage fees and other subcontract or purchase agreements may not exceed 33% of the total funding agreement. Exceptions to this limitation will require special justification and negotiation with USDA's Authorized Departmental Officer.*

9. *Pre-existing Relevant Patents and Inventions.* Indicate whether the proposed work directly relates to or is dominated by any pre-existing patents or patent applications owned or controlled by the proposing organization or affiliated firms or others.

10. *Potential Commercial Applications and Follow-on Funding Commitment.* Briefly describe whether the proposed research also appears to have potential commercial application and whether you plan to obtain a follow-on funding commitment to accompany or follow the Phase II proposal.

11. *Current and Pending Support.* Indicate all current and pending support relating to the proposed grant period to which the prinicipal investigator and other senior personnel have committed a portion of their time. Form S&E–663, illustrated in Appendix B, may be used for this purpose.

12. *Proposals Submitted and Awards Received Under Other SBIR Programs.* Proposing firms may elect to submit essentially equivalent proposals under other Federal SBIR awards. In these cases, a statement must be included in each such proposal indicating:

a. The name and address of the agencies to which proposals were submitted or from which SBIR awards were received.

b. Date of proposal submission or date of award.

c. Title, Number, and Date of SBIR Program Solicitations under which proposals were submitted or awards received.

d. Specify the applicable research topics for each SBIR proposal submitted or award received.

e. Titles of Research Projects.

f. Name and Title of Project Manager or Principal Investigator for each proposal submitted or award received.

13. *Cost Breaddown/Proposal Budget.* The form shown in Appendix C (Form S&E–55) must be completed *for Phase I only.* Please note the following in completing the budget:

a. *Indirect Costs.* If available, use current rate negotiated with the cognizant Federal negotiating agency. If no rate has been negotiated, a reasonable dollar amount in lieu of indirect costs may be requested for Phase I which will be subject to approval by USDA. An institution may elect not to charge negotiated indirect costs and utilize all grant funds for direct costs. If this option is selected, this shuld be indicated on the budget form.

b. *Equipment and Travel.* performing organizations are expected to have appropriate facilities, suitably furnished and equipped. Items of equipment may be requested, however, provided they are adequately justified. Equipment is defined as an article of non-expendable, tangible personal property, having a useful life of more than two years and an acquisition cost of $500 or more per unit. Foreign travel cannot be included in the Phase I budget, but may be included as necessary in Phase II. The inclusion of either equipment or foreign travel will be carefully reviewed relative to need and appropriateness for the research proposed.

c. An awardee may not expend funds for any costs associated with the project before the effective date designated in the award document.

V. Method of Selection and Evaluation Criteria

Phase I proposals will be judged on a competitive basis in a two-stage process. All will be screened initially by USDA staff to ensure that they meet stated solicitation requirements. Proposals will be judged principally on their scientific and technical merit and receive an overall rating based upon evaluation against Phase I criteria.

Final decisions will be made by USDA based upon the ratings assigned by reviewers, and consideration of other factors, *including the potential commercial application and follow-on funding plan,* possible duplication of other research, and program balance.

Care will be taken to avoid conflicts of interest among reviewers, and evaluations will be confidential to USDA and the proposed principal investigator. There is no commitment by USDA to the making of an award on any topic or to the making of a specific number of awards.

Phase II proposals will be subject to an external peer review process and will be judged against Phase II criteria on a competitive basis. Final decisions will be made based upon the scientific and technical evaluations and other factors, including the commitment for follow-on funds, the possible duplication of other research, program balance, and budget limitations.

A. *Screening Criteria.* To avoid misunderstanding, proposers should be aware that proposals not satisfying all the screening criteria will be returned to the proposing organization without review. These proposals may not be resubmitted (with or without revision) under this solicitation. All copies of these proposals, not used in the screening process, will be returned with the letter of notification. The screening criteria are:

1. The proposing firm must qualify as a small business. It must be a for-profit institution and employ no more than 500 employees. If it is a subsidiary of another firm, this limit applies to all employees of the senior parent organization.

2. The Phase I proposal may not exceed 20 pages of regular-size type (no smaller than elite), including the cover sheet, abstract, and budget pages. No attachments or additional information are allowed in the interest of equitable treatment for all proposers. Supplementary materials, revisions, and substitutions will not be accepted after the due date for proposals.

3. The Phase I proposal must be limited to one topic; however, a firm may submit proposals on different approaches or topics. Duplicate proposals will be returned without review.

4. Phase I budgets must not exceed $50,000, including subcontracts and indirect costs. The Proposal Budget illustrated in Appendix C must be used.

5. The project duration of Phase I must not exceed six (6) months.

6. The principal investigator's primary employment must be with the small business concern at the time of award and during the period of the research; that is, more than one-half of the principal investigator's time must be spent with the small business firm during the period of performance of the grant.

7. A minimum of two-thirds of expenditures under each SBIR Phase I project must be carried out by the proposing firm, exclusive of subcontract and consulting costs.

8. Foreign travel cannot be included in the Phase I budget, but may be included as necessary in Phase II.

9. Phase I proposals must be for scientific research activities only. A firm must not propose product development, technical assistance, pilot plant construction, demonstration projects, literature surveys, market research, classified research, or patent applications and/or litigation.

10. The proposed research must fall within a 1983 solicited topic. (See topic descriptions in Section III.) A firm may not propose certain research duplicative of that supported by other Federal agencies unless otherwise explicitly solicited in USDA's 1983 topic descriptions.

11. A proposal must contain adequate information to be reviewed as research. USDA reserves the right not to submit to technical review any proposal which it finds to have insufficient information for that purpose.

B. *Phase I Evaluation Criteria.* USDA plans to select for award those proposals offering the best value to the Government with approximately equal consideration given to each of the following criteria, except for number 3 which will receive twice the value of any of the other items:

1. *Importance of the problem or opportunity and anticipated benefits* of the proposed research (Phase I and Phase II) if successful.

2. *Adequacy of the Phase I objectives* to show incremental progress toward proving the feasibility of approach.

3. *The scientific/technical quality of the Phase I research plan* and its relevance to the stated objectives, with special emphasis on its innovativeness and originality.

4. *Qualifications of the principal investigator,* other key staff, and consultants and the probable adequacy of available or obtainable instrumentation and facilities.

Technical reviewers will base their conclusions on information contained in the proposal. It cannot be assumed that reviewers are acquainted with any experiments referred to, key individuals, or the firm.

After final decisions have been announced, the technical evaluation of the proposal may be provided, to the proposer only, upon written request. However, the identities of reviewers will not be disclosed.

C. *Phase II Evaluation Criteria.* Detailed instructions regarding Phase II proposal submission will be sent to all Phase I award winners. Listed below are some of the principles upon which those instructions can be expected to be based. Phase II proposals can be submitted only by Phase I award winners. The Phase II proposal and Phase I report will be reviewed for overall merit based upon the following criteria relevant to Phase II awards with each item receiving approximately equal weight, except for item four, which will receive twice the value of any of the other items:

1. Degree to which the Phase I objectives were met (Phase I report).

2. The technical, economic, and/or social importance of the problem or opportunity and anticipated benefits if Phase II research is successful.

3. The adequacy of the Phase II objectives to meet the problem or opportunity.

4. The scientific quality of the proposed research, special emphasis on its innovativeness and originality.

5. The qualifications of the principal investigator and other key personnel to carry out the proposed work.

6. Reasonableness of the budget requested for the work proposed.

In the case of proposals of approximately equal technical merit, the provision of a follow-on funding commitment for continued development will be an important consideration. (See Section VI, "Considerations.") The value of the commitment will be dependent on the degree of commitment made by third-party investors with the maximum value resulting from a signed agreement with reasonable terms for an amount at least equal to the funds requested from USDA in Phase II.

Considerations

The items included in this section contain additional information that will be needed by applicants in developing their proposals.

A. *Awards.* It is anticipated that in Fiscal Year 1983 approximately 15 Phase I grants of $25,000 to $50,000 each will be made depending upon the availability of funds. Awards will be made before September 30, 1983, normally for a six-(6)-month period. Information regarding Phase II awards will be provided to successful Phase I applicants. The funding and period of performance in Phase II will depend upon the scope of the research and will normally not exceed 24 months. Phase II awards are expected to average up to $250,000.

B. *Reports.* Ten copies of a comprehensive single final report on the Phase I project must be submitted to the cognizant USDA Program Manager within thirty days following expiration of the Phase I agreement. The final report should include a single-page project summary as the first page identifying the purpose of the research, a brief description of the research carried out, the research findings or results, and potential applications of the research in a final paragraph. The balance of the report should indicate in detail the research objectives, research work carried out, results obtained, and estimates of technical feasibility.

C. *Payment Schedules.* Payments will be made to the recipient either by advance by Treasury check or reimbursement by Treasury check. The method of payment for each project will be indicated in the award document.

D. *Proprietary Information.* Information contained in unsuccessful proposals will remain the property of the proposer. However, USDA will retain file copies of all proposals. Public release of information in any proposal submitted will be subject to existing statutory and regulatory requirements.

If proprietary information is provided by a proposer in a proposal which constitutes a trade secret, proprietary commercial or financial information, confidential personal information or data affecting the national security, it will be treated in confidence, to the extent permitted by law, provided this information is clearly marked by the proposer with the term "confidential proprietary information" and providing the following legend appears on the "Certifications" attachment to the cover page of the proposal (see Appendix A):

> For any purpose other than to evaluate the proposal, this data shall not be disclosed outside the Government and shall not be duplicated, used, or disclosed in whole or in part, provided that if a funding agreement is awarded to this proposer as a result of or in connection with the submission of this data, the Government shall have the right to duplicate, use, or disclose the data to the extent provided in the funding agreement. This restriction does not limit the Government's right to use information contained in the data if it is obtained from another source without restriction. The data subject to this restriction has been set off on separate pages and keyed to the text by numbers.

Any other legend may be unacceptable to USDA and may constitute grounds for return of the proposal without further consideration and without assuming any liability for inadvertent disclosure. USDA will limit dissemination of such information to its employees, and, where necessary for the evaluation of the proposal, to outside reviewers.

The inclusion of proprietary information is discouraged unless it is necessary for the proper evaluation of the proposal. *The proprietary* information included should be limited, set off on a separate page and *keyed to the text by numbers.* It should be confined to a few critical technical items which, if disclosed, could jeopardize the obtaining of foreign or domestic patents. Trade secrets, salaries or other information which could jeopardize commercial competitiveness should be similarly keyed and set-off on a separate page. *Proposals or reports which set off any large amount of information may be found unacceptable by USDA.*

Since technical reports by the principal investigator may be made available to the public, such reports shall not contain any restrictive language purporting to limit their use other than that set off on a proprietary page. However, USDA normally will honor a request to delay release of the report for six months, or longer if reasonable, so that the proposer may seek patent protection or follow-on funding where appropriate.

E. *Rights in Data Developed Under SBIR Funding Agreements.* Rights in technical data including software developed under the terms of any funding agreement resulting from proposals submitted in response to this solicitation shall remain with the grantee, except that the Government shall have the limited right to use such data for Government purposes and shall

not release such data outside the Government without permission of the grantee for a period of two years from completion of the project from which the data was generated. However, effective at the conclusion of the two-year period, the Government shall retain a royalty-free license for Government use of any technical data delivered under the agreement whether patented or not.

F. *Copyrights and Publications.* With prior written permission of the Authorized Departmental Officer, the grantee normally may copyright and publish (consistent with appropriate national security considerations, if any) material developed with USDA support. USDA receives a royalty-free license and requires that each publication contain an Acknowledgement and Disclaimer paragraph as follows:

> This material is based upon work supported by the U.S. Department of Agriculture under Agreement No. (Performing Organization should enter agreement number).

G. *Inventions and Patents.* Small business firms normally may retain the principal worldwide patent rights to any invention made with USDA support. USDA receives a royalty-free license for Federal Government use, reserves the right to require the patent holder to license others in certain circumstances, and requires that anyone exclusively licensed to sell the invention in the United States must normally manufacture it domestically. To the extent authorized by 35 U.S.C. 205, USDA will not make public any information disclosing a USDA-supported invention for a two-year period to allow the grantee a reasonable time to file an initial patent application. Additional information may be obtained from M. Howard Silverstein, Deputy Assistant General Counsel for Patents, Research and Operations Division, Office of General Counsel, U.S. Department of Agriculture, Room 2328, South Building, Washington, D.C. 20250.

H. *Cost-sharing.* Cost-sharing is permitted for proposals under the SBIR Program; however, cost-sharing is not required nor will it be an evaluation factor in consideration of proposals.

I. *Profit or Fee.* Because of the limited amount of funds available, fees (estimated profit) will not be allowed for either Phase I or Phase II awards.

J. *Subcontracting Limits.* Subcontracting as defined in this program solicitation may not exceed thirty-three percent of the total amount of the funding agreement unless otherwise approved in writing by the Authorized Departmental Officer.

K. *Follow-on Funding Commitment.* Proposers in Phase I should briefly describe any potential commercial application and whether they plan to secure follow-on private funding from a third party to pursue continuing development toward commercial objectives. In order to be assured of an extra point-of-merit in the review process, a signed contingent commitment between the small business and a third party of its own choice will be requested following submission of the Phase II proposal. The commitment is optional but will receive extra consideration as a point of merit in the evaluation process when other factors are of reasonably equal merit. The maximum value (in Phase II evaluation) will be given for a signed formal agreement with reasonable terms and funding equal to or in excess of the Federal investment in Phase II.

1. *The Commitment.* The commitment for follow-on venture capital or other funding must be obtained from a third party of the proposer's choice. It is understood that the commitment will be contingent upon the research achieving certain technical objectives mutually agreed upon between the small business and the provider of follow-on capital. A few clearly defined and measurable objectives should be stated in the commitment agreement at the threshold level that would justify private investment if those technical objectives were achieved in Phase II. The objectives do not have to be the same as those stated in the proposal, but they must be able to be accomplished within the scope of the proposed Government-funded research.

The Commitment agreement should state, on a contingent basis, that the investor will provide venture capital or other funding for follow-on development of the area immediately following the USDA-funded Phase II research so that the innovation process can continue without interruption toward commercialization. The agreement should set forth the specific amount of Phase II funds that will be made available to the small firm, and indicate the dates the funds will be made available. The terms cannot be contingent upon the obtaining of a patent due to the length of time this process requires.

The commitment may be in the form of venture capital, a package including venture capital, contract R&D, joint venture, an R&D limited partnership, or other agreement with a third party. No amortization, repayment or repurchase of commitment funds may be included during the Phase II period of performance. Phase III funding also may be advanced and invested during Phase II to accelerate the research and development process.

2. *Source of Funding.* The commitment agreement may be from a financial institution, such as a venture capital firm or a Small Business Investment Company (SBIC), if the small firm wishes to pursue commercialization of any resulting product itself. An alternative option is for the small business to obtain a commitment from a manufacturer already in the field. This coupling would utilize the small firm for the innovative R&D phase, and, through licensing or technology acquisition by the larger firm, the know-how and capabilities of the larger firm for production, marketing, and continuing financing in return for Phase III funding and a royalty agreement. This coupling to a larger firm already in the field may be one of the fastest, most capital-efficient, and lowest risk ways to bring new innovative technology to the marketplace.

L. *Research Involving Special Consideration.* A number of situations frequently encountered in the conduct of research require special information and supporting documentation before funding can be approved for the project. If special information or supporting documentation is involved, the proposal should so indicate. Since some type of research targeted for SBIR support have a high probability of involving either recombinant deoxyribonucleic acid (DNA) or human subjects, special instructions follow:

Please note that for research involving either recombinant DNA that falls under the NIH Guidelines or human subjects at risk, the proposing organization must provide USDA with a statement that the research plan has been reviewed and approved by an appropriate "Institutional Committee" or "Institutional Review Board." It is suggested that proposers contact public universities or colleges or non-profit research organizations which have established such reviewing mechanisms to have this service performed. Form S&E–662, "Special Considerations," illustrated in Appendix D, should be used to indicate whether or not the project involves research in the areas listed below, and whether required approvals have been obtained.

1. *Recombinant DNA.* Principal investigators and endorsing performing organization officials must comply with the guidelines of the National Institutes of Health (see NIH "Guidelines for Research Involving Recombinant DNA Molecules" (47 FR 38048–38068) and subsequent revisions).

2. *Human Subjects.* Safeguarding the rights and wefare of human subjects used in research supported by USDA grants is the responsibility of the performing organization. The informed consent of the human subject is a vital element in this process. Guidance is contained in Pub. L. 93–348, as implemented by Part 46, Subtitle A of Title 45 of the Code of Federal Regulations, as amended (45 CFR part 46). Proposing organizations must comply with Department of Health and Human Services (DHHS) policies, as amended, regarding the use of human subjects.

M. *Grantee Commitments.* Upon award of the grant, the awardee will be required to make certain legal commitments through acceptance of numerous clauses in Phase I funding agreements. The outline that follows is illustrative of the types of clauses to which the grantee would be committed. This list should not be understood to represent a complete list of clauses to be included in Phase I funding agreements, nor to be specific wording of such clauses. Copies of complete terms and conditions are available upon request.

1. *Inspection.* Work performed under the grant is subject to Government inspection and evaluation at all times.

2. *Examination of Records.* The Comptroller General (or a duly authorized representative) shall have the right to examine any directly pertinent records of the grantee involving transactions related to this grant.

3. *Default.* The Government may terminate the grant if the grantee fails materially to comply with the terms of the agreement.

4. *Termination for Convenience.* The grant may be terminated at any time by the Government if it deems termination to be in its best interest, in which case the grantee will be compensated work performed and for reasonable termination costs.

5. *Equal Opportunity.* The grantee will not discriminate against any employee or applicant for employment because of race, color, religion, age, sex, or national origin.

6. *Affirmative Action for Handicapped.* The grantee will not discriminate against any employee or applicant for employment because he or she is physically or mentally handicapped.

N. *Additional Information.*

1. This program solicitation is intended for informational purposes and reflects current planning. If there is any inconsistency between the information contained herein and the terms of any resulting SBIR funding agreement, the terms of the funding agreement are controlling.

2. Before award of an SBIR funding agreement, USDA requires the submission of certain organizational management, personnel, and financial information to assure responsibility of the proposer including the execution of a form indicating Assurance of Compliance with the Civil Rights Act of 1964. Forms shown in Appendix E and Appendix F should be used for this purpose. This information will need to be submitted to Grants Administrative Management, Office of Grants and Program Systems, on a onetime basis only to cover all proposals submitted to that office unless there have been sufficient charges in the proposer's organization to warrant submission of new forms.

3. The responsibility for the performance of the principal investigator, and other employees or consultants who carry out the proposed work, lies with the management of the organization receiving an award.

4. The SBIR program is not a substitute for existing unsolicited proposal mechanisms. Unsolicited proposals will not be accepted under the SBIR program in either Phase I or Phase II.

5. If an award is made under this solicitation, the grantee will be required to certify that he or she has not previously been, nor is currently being, paid for essentially equivalent work by any agency of the Federal Government.

VII. Submission of Proposals.

A. Proposals should be submitted to Grants Administrative Management at the address shown below. Your submission should include an original and nine (9) copies of the proposal and Form S&E–661 submitted with the original proposal should have original signatures of the principal investigator(s) and the authorized organizational representative. USDA must have original signatures on file for each application. A principal investigator whose signature does not appear on the Application will not be listed as a principal investigator in the event of an award. Grant Administrative Management, Office of Grants and Program Systems, Science and Education, U.S. Department of Agriculture, Suite 103, Rosslyn Commonwealth Building, 1300 Wilson Boulevard, Arlington, Virginia 22209, Telephone: (703) 235–2638.

All copies of the proposal should be mailed in one package, if at all possible. Due to the volume of proposals received, proposals submitted in several packages are very difficult to identify. If copies of the proposal *are* mailed in more than one package, the number of packages should be marked on the outside of each. It is important that *all packages be mailed at the same time.* The acknowledgment of receipt of the proposal will contain a proposal number and title. Later inquiries, addenda, ect., should include this information. However, every effort should be made to *assure* that the proposal contains *all pertinent information when initially submitted.*

B. To be considered for award, proposals must be prepared in the format prescribed in Section IV, "Proposal Preparation Instructions and Requirements," and must be *postmarked* by June 15, 1983. Proposals not postmarked by this date will be returned to sender.

Proposals are not to exceed 20 pages (single or double spaced, typed or printed on one side only) including the cover sheet, budget, vitae appendices, and required forms from the appendices from this announcement. Pages in excess of 20 will not be reviewed. Special bindings or covers must not be used, and pages should be stapled in the upper left hand corner of the cover sheet of each proposal.

BILLING CODE 3410-03-M

APPENDIX A

OMB-0531-0009

UNITED STATES DEPARTMENT OF AGRICULTURE
SCIENCE AND EDUCATION

GRANT APPLICATION

FOR OFFICE USE ONLY	
PROPOSAL NO.	DATE RECEIVED
PROGRAM AREA CODE	PROPOSAL CODE

1. LEGAL NAME OF ORGANIZATION TO WHOM AWARD SHOULD BE MADE

3. NAME OF AUTHORIZED REPRESENTATIVE

4. TELEPHONE NO. *(Include area code)*

2. ORGANIZATIONAL ADDRESS *(Give complete mailing address & Zip code — include County)*

5. ADDRESS OF AUTHORIZED REPRESENTATIVE *(If different from item 2)*

6. TITLE OF PROPOSAL *(Maximum 80 characters)*

7. PROGRAM TO WHICH YOU ARE APPLYING *(Refer to Federal Register Announcement)*

8. PROGRAM AREA *(Refer to Federal Register Announcement)*

9. IRS NO.

10. CONGRESSIONAL DISTRICT NO.

11. EXISTING S&E AWARD NO.

☐ NEW ☐ RENEWAL *(Specify):*

12. PERIOD OF PROPOSED PROJECT DATES

From: Through:

13. NO. OF MONTHS

14. FUNDS REQUESTED FROM S&E *(Form S&E-55)*

$

PRINCIPAL INVESTIGATOR(S)

15. P.I.#1 NAME *(First, middle, last)*

17. P.I.#1 TELEPHONE NO. *(Include area code)*

16. BUSINESS ADDRESS *(Include Department & Zip code)*

18. P.I.#2 NAME *(First, middle, last)*

19. P.I.#3 NAME *(First, middle, last)*

20. TYPE OF PERFORMING ORGANIZATION *(Check one only)*

01 ☐ USDA/S&E Laboratory
02 ☐ Other Federal Research Laboratory
03 ☐ State Agricultural Experiment Station (SAES)
04 ☐ Land Grant University 1862
05 ☐ Land Grant University 1890 or Tuskegee Institute
06 ☐ Private University or College
07 ☐ Public University or College (Non-land Grant)
08 ☐ Private Profit making
09 ☐ Private Non-profit
10 ☐ State or Local Government
11 ☐ Veterinary School or College
12 ☐ Other *(Specify):*

21. Will the work in this proposal deal with recombinant DNA?

☐ NO ☐ YES

22. Will the work in this proposal deal with human subjects?

☐ NO ☐ YES *(Complete Form S&E-662)*

23. Will this proposal be sent to any other Federal Agency?

☐ NO ☐ YES *(List acronyms)*

CERTIFICATION AND ACCEPTANCE

We, the undersigned, certify that the information contained herein is true and complete to the best of our knowledge, and accept as to any grant awarded, the obligation to comply with the terms and conditions of Science and Education in effect at the time of the award.

SIGNATURE OF PRINCIPAL INVESTIGATOR(S) — DATE

SIGNATURE OF AUTHORIZED ORGANIZATIONAL REPRESENTATIVE *(Same as item 3)* — TITLE — DATE

Form S&E-661 (Aug 81)

Attachment I

CERTIFICATIONS

Small Business Certification: Year Firm Founded _____

The _____
(name of applicant organization as it appears in Block 1 of Form S&E-661)

certifies it is a small business firm and meets the definition cited in the Small Business Act, 15 U.S.C. 631 and in the Definitions section of this announcement:

The Principal Investigator's primary employment will be with this firm at the time of award and during the conduct of the research. Yes___ No___

Two-thirds or more of this project will be carried out in the proposing firm. Yes___ No___

Number of employees (average for previous 12 months)*_____ Currently_____

Minority or Disadvantaged Business Certification:

The above organization certifies that it does____ does not____ qualify as a minority or disadvantaged firm as defined in the Definitions section of this announcement.

Disclosure Permission:

Will you permit USDA to disclose the title only of your proposed project, plus the name, address, and telephone number of the corporate official of your firm, if your proposal does not result in an award, to firms that may be interested in contacting you for further information or possible investment? Yes___ No___

NOTE: The space below may be used for the legend for identification and protection of proprietary information, if needed (see Section VI, "Considerations").

*If a subsidiary of another firm, the number of employees stated above must include all employees under the control of the senior parent organization.

APPENDIX B OMB-0531-0009

APPENDIX B

OMB-0531-0009

UNITED STATES DEPARTMENT OF AGRICULTURE
SCIENCE AND EDUCATION

CURRENT AND PENDING SUPPORT

INSTRUCTIONS: • Record information for the preceding period – this will help S&E analyze shifts in research support. (Concurrent submission of a proposal to other organizations will *not* prejudice its review by S&E.) • All current research to which principal investigator(s) and other senior personnel have committed a portion of their time must be listed, whether or not salary for the person involved is included in the budgets of the various projects. • Provide analogous information for all proposed research which is being considered by, or which will be submitted in the near future to, other possible sponsors including other USDA programs.

NAME (List P.I. No.1 first)	CURRENT (✓)	PENDING (✓)	PROJECT NUMBER AND AGENCY	AMOUNT Code: T= Total A= Annual	EXPIRATION DATE OF GRANT	PERCENT OF EFFORT COMMITTED	TITLE OF PROJECT
				$			

Form S&E-663 (Aug 81)

U.S. DEPARTMENT OF AGRICULTURE
SCIENCE AND EDUCATION

APPENDIX C

PROPOSAL BUDGET

OMB-0531-0009

ORGANIZATION AND ADDRESS	DURATION PROPOSED	S&E USE ONLY
	Months: _____ FUNDS REQUESTED BY PROPOSER	Months: _____ FUNDS APPROVED BY S&E (If different)
PRINCIPAL INVESTIGATOR(S)/PROJECT DIRECTOR(S)		

	S&E FUNDED WORK MONTHS				
	Calendar	Academic	Summer		
A. Salaries and Wages					
1. No. of Senior Personnel				$	$
a. ___ (Co)-PI(s)/PD(s)					
b. ___ Senior Associates					
2. No. of Other Personnel (Non-Faculty)					
a. ___ Research Associates-Postdoctorate					
b. ___ Other Professionals					
c. ___ Graduate Students					
d. ___ Pre-Baccalaureate Students					
e. ___ Secretarial-Clerical					
f. ___ Technical, Shop, and Other					
Total Salaries and Wages ►					
B. Fringe Benefits (If charged as Direct Costs)					
C. Total Salaries, Wages, and Fringe Benefits *(A plus B)* ►					
D. Nonexpendable Equipment *(Attach supporting data. List items and dollar amounts for each item.)*					
E. Materials and Supplies					
F. Travel					
1. Domestic *(Including Canada)*					
2. Foreign *(List destination and amount for each trip.)*					
G. Publication Costs/Page Charges					
H. Computer (ADPE) Costs					
I. All Other Direct Costs *(Attach supporting data. List items and dollar amounts. Details of subcontracts, including work statements and budget, should be explained in full in proposal.)*					
J. Total Direct Costs *(C through I)* ►					
K. Indirect Costs *(Specify rate(s) and base(s) for on/off campus activity. Where both are involved, identify itemized costs included in on/off campus bases.)*					
L. Total Direct and Indirect Costs *(J plus K)* ►					
M. Less Residual Funds *(If applicable)* ►					
N. TOTAL AMOUNT of this REQUEST *(L minus M)* ►				$	$
O. COST SHARING ►	$				

NOTE: Signatures required only for Revised Budget — *This is Revision No.* ►

NAME AND TITLE (type or print)	SIGNATURE	DATE
PRINCIPAL INVESTIGATOR/PROJECT DIRECTOR		
AUTHORIZED ORGANIZATIONAL REPRESENTATIVE		

Form S&E-55 (Aug 81) USDA-S&E

APPENDIX D
OMB-0531-0009

UNITED STATES DEPARTMENT OF AGRICULTURE
SCIENCE AND EDUCATION

SPECIAL CONSIDERATIONS

NOTE: Check appropriate statements. Supply additional information when necessary.

☐ This project does not involve human subjects.

☐ This project involves human subjects.

☐ It was approved by the Institutional Review Board on _____ *(date)*

☐ Is scheduled for review by the Institutional Review Board on _____ *(date)*

See DHHS regulations regarding the use of human subjects, appearing in Title 45, Code of Federal Regulations, Part 46, Subtitle A.

☐ This project does not involve recombinant DNA research.

☐ This project involves recombinant DNA research. It was approved by the Institutional Committee on _____ *(date)*

Supply appropriate documents as required by NIH *Guidelines for Research Involving Recombinant DNA Molecules* (43 FR 60108-60131 and subsequent revisions.)

ADDITIONAL INFORMATION

Form S&E-662 (Aug 81)

APPENDIX E

OMB-0531-0009

ORGANIZATIONAL INFORMATION

1. LEGAL NAME OF ORGANIZATION & COMPLETE BUSINESS ADDRESS

NOTE: Submit the following information.
Identify attached information by number and item.

2. Organizational Affiliations – Describe relationship of the organization to a parent organization or to subsidiaries of other affiliates. If the organization is a successor in interest to a predecessor or if changes in organizational affiliation are anticipated, describe briefly.

3. Statement of Purposes and Powers – Attach an official or published statement of the major purposes of the organization as to the powers which have been granted to it to enter into contractual relationships and/or to accept grants, *e.g.*, articles of incorporation, terms of reference, by-laws, etc.

4. KEY OFFICIALS AND AFFILIATIONS

NAME, TITLE, AND TELEPHONE NO.	AFFILIATED WITH? College or University Yes	College or University No	State or Local Government Yes	State or Local Government No	IF *No*, IS CHECKED, DESCRIBE AFFILIATION
Chief Executive		(/)			
Authorized Organizational Representative					
Business Officer					

5. Is your organization currently a grantee or contractor of any component of the U.S. Department of Health and Human Services (formerly Department of Health, Education and Welfare)? This information will assist in implementing certain interagency procedures for which DHHS is the lead agency. ☐ YES ☐ NO

6. If your organization is other than a college or university *or* a State or local government, *attach*

- A certified statement of financial conditions *(usually by Certified Public Accountant)* covering at least the preceding 2 years.
- Bank or other references.

7. Assurance of Compliance – Attach completed Form S&E-665.

Form S&E-666 (Aug 81) *(Over)*

APPENDIX E

CERTIFICATION

1. I certify that _____ has legal authority to accept grants
(Name of institution or organization)
and the requisite policies, procedures, and personnel to ensure stewardship of Federal funds and management of Federally supported projects, specifically including standards for financial management, procurement, and property management, which meet those described in Attachments F, N, and O to OMB Circular A-110. *(In the event this is not the case,* attach a list of exceptions and provide a realistic estimate of when such standards might be met.)

2. Each proposal to the S&E Grants Administrative Management Office will be consistent with the policies and goals of the proposed grantee and will be submitted in accordance with its procedures and pursuant to appropriate authority.

3. In the event that a grant is awarded as a result of any such proposal, I agree that the proposed grantee organization will:

   A. Make available the necessary facilities, equipment, services, and personnel to conduct the project substantially as outlined in the proposal or such modifications thereof as may be mutually agreed.

   B. Conduct such project oversight as may be appropriate, manage the Federal funding with probity and prudence, and comply with all the terms and conditions of the grant.

   C. Ensure that costs which S&E is being asked to support are allowable and the treatment of direct and indirect costs in the proposal budget is consistent with applicable Federal cost principles and with the policies of the submitting organization.

   Allowable Costs – Payment up to the amount specified in the Agreement shall be made only for allowable costs actually incurred in conducting the work under the Agreement in accordance with its terms.

   The determination of allowable costs shall be made in accordance with the following applicable Federal Cost Principles in effect on the effective date of the Agreement:

   Educational Institutions, OMB Circular A-21
   Non-Profit Organizations, OMB Circular A-122
   Commercial Firms, FPR 1-15.2
   State and Local Governments, OMB Circular A-87

   D. Comply with all applicable laws and regulations.

TYPED NAME AND TITLE OF AUTHORIZED ORGANIZATIONAL REPRESENTATIVE	SIGNATURE	DATE

S&E-666 (Reverse)

APPENDIX F
OMB-0531-0009

UNITED STATES DEPARTMENT OF AGRICULTURE
SCIENCE AND EDUCATION

ASSURANCE OF COMPLIANCE
with the
DEPARTMENT OF AGRICULTURE REGULATIONS
UNDER TITLE VI of the CIVIL RIGHTS ACT of 1964 *(as amended)*

NOTE: Not required if previously submitted to S&E/GAMO.

Legal name of proposed grantee _____ *(hereinafter called the Applicant)* hereby agrees that it will comply with Title VI of the Civil Rights Act of 1964, as amended, and all requirements imposed by or pursuant to the Regulations of the Department of Agriculture, 7 CFR Part 15, Subpart A, issued pursuant thereto, to the end that, in accordance with Title VI of that Act and the regulations, no person in the United States shall, on the ground(s) of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Applicant receives Federal financial assistance from the Department of Agriculture; and hereby gives assurance that it will immediately take any measures necessary to effectuate this agreement.

This assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Applicant by the Department, including installment payments after such date on account of applications for Federal financial assistance which were approved before such date. The Applicant recognizes and agrees that such Federal assistance will be extended in reliance on the representations and agreements made in this assurance, and that the United States shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the Applicant, its successors, transferees, and assignees, and the person or persons whose signature(s) appear below are authorized to sign this assurance on behalf of the Applicant.

SIGNATURE(S) OF AUTHORIZED ORGANIZATIONAL REPRESENTATIVE(S)	DATE

APPLICANT'S MAILING ADDRESS

Form S&E-665 (Aug 81)

OMB-0531-0009

GRANT APPLICATION

FOR OFFICE USE ONLY	
PROPOSAL NO.	DATE RECEIVED
PROGRAM AREA CODE	PROPOSAL CODE

1. LEGAL NAME OF ORGANIZATION TO WHOM AWARD SHOULD BE MADE

3. NAME OF AUTHORIZED REPRESENTATIVE

4. TELEPHONE NO. *(Include area code)*

2. ORGANIZATIONAL ADDRESS *(Give complete mailing address & Zip code — include County)*

5. ADDRESS OF AUTHORIZED REPRESENTATIVE *(If different from item 2)*

6. TITLE OF PROPOSAL *(Maximum 80 characters)*

7. PROGRAM TO WHICH YOU ARE APPLYING *(Refer to Federal Register Announcement)*

8. PROGRAM AREA *(Refer to Federal Register Announcement)*

9. IRS NO.

10. CONGRESSIONAL DISTRICT NO.

11. EXISTING S&E AWARD NO.

☐ NEW ☐ RENEWAL *(Specify):*

12. PERIOD OF PROPOSED PROJECT DATES

From: Through:

13. NO. OF MONTHS

14. FUNDS REQUESTED FROM S&E *(Form S&E-55)*

$

PRINCIPAL INVESTIGATOR(S)

15. P.I.#1 NAME *(First, middle, last)*

17. P.I.#1 TELEPHONE NO. *(Include area code)*

16. BUSINESS ADDRESS *(Include Department & Zip code)*

18. P.I.#2 NAME *(First, middle, last)*

19. P.I.#3 NAME *(First, middle, last)*

20. TYPE OF PERFORMING ORGANIZATION *(Check one only)*

- 01 ☐ USDA/S&E Laboratory
- 02 ☐ Other Federal Research Laboratory
- 03 ☐ State Agricultural Experiment Station (SAES)
- 04 ☐ Land Grant University 1862
- 05 ☐ Land Grant University 1890 or Tuskegee Institute
- 06 ☐ Private University or College
- 07 ☐ Public University or College (Non-land Grant)
- 08 ☐ Private Profit making
- 09 ☐ Private Non-profit
- 10 ☐ State or Local Government
- 11 ☐ Veterinary School or College
- 12 ☐ Other *(Specify):*

21. Will the work in this proposal deal with recombinant DNA?

☐ NO ☐ YES

22. Will the work in this proposal deal with human subjects?

☐ NO ☐ YES *(Complete Form S&E-662)*

23. Will this proposal be sent to any other Federal Agency?

☐ NO ☐ YES *(List acronyms)*

CERTIFICATION AND ACCEPTANCE

We, the undersigned, certify that the information contained herein is true and complete to the best of our knowledge, and accept as to any grant awarded, the obligation to comply with the terms and conditions of Science and Education in effect at the time of the award.

SIGNATURE OF PRINCIPAL INVESTIGATOR(S) — DATE

SIGNATURE OF AUTHORIZED ORGANIZATIONAL REPRESENTATIVE *(Same as item 3)* — TITLE — DATE

Form S&E-661 (Aug 81)

CURRENT AND PENDING SUPPORT

OMB-0531-0009

VOL 41
ISS 83
APR 28
1983

UMI

OMB-0531-0009

CURRENT AND PENDING SUPPORT

INSTRUCTIONS: • Record information for the preceding period -- this will help S&E analyze shifts in research support. (Concurrent submission of a proposal to other organizations will *not* prejudice its review by S&E.) • All current research to which principal investigator(s) and other senior personnel have committed a portion of their time must be listed, whether or not salary for the person involved is included in the budgets of the various projects. • Provide analogous information for all proposed research which is being considered by, or which will be submitted in the near future to, other possible sponsors including other USDA programs.

NAME (List P.I. No.1 first)	CURRENT / PENDING (✓)	PROJECT NUMBER AND AGENCY	AMOUNT Code: T= Total A= Annual	EXPIRATION DATE OF GRANT	PERCENT OF EFFORT COMMITTED	TITLE OF PROJECT
			$			

Form S&E-663 (Aug 81)

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1983
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PROPOSAL BUDGET

OMB-0531-0009

ORGANIZATION AND ADDRESS	DURATION PROPOSED	S&E USE ONLY
	Months: _____	Months: _____
PRINCIPAL INVESTIGATOR(S)/PROJECT DIRECTOR(S)	FUNDS REQUESTED BY PROPOSER	FUNDS APPROVED BY S&E (If different)

	S&E FUNDED WORK MONTHS				
	Calendar	Academic	Summer		
A. Salaries and Wages					
1. No. of Senior Personnel					
a. ___(Co)-PI(s)/PD(s)				$	$
b. ___ Senior Associates					
2. No. of Other Personnel (Non-Faculty)					
a. ___Research Associates-Postdoctorate					
b. ___Other Professionals					
c. ___Graduate Students					
d. ___Pre-Baccalaureate Students					
e. ___Secretarial-Clerical					
f. ___ Technical, Shop, and Other					
Total Salaries and Wages ►					
B. Fringe Benefits (If charged as Direct Costs)					
C. Total Salaries, Wages, and Fringe Benefits *(A plus B)* ►					
D. Nonexpendable Equipment *(Attach supporting data. List items and dollar amounts for each item.)*					
E. Materials and Supplies					
F. Travel					
1. Domestic *(Including Canada)*					
2. Foreign *(List destination and amount for each trip.)*					
G. Publication Costs/Page Charges					
H. Computer (ADPE) Costs					
I. All Other Direct Costs *(Attach supporting data. List items and dollar amounts.* Details of subcontracts, including work statements and budget, should be explained in full in proposal.)					
J. Total Direct Costs *(C through I)* ►					
K. Indirect Costs *(Specify rate(s) and base(s) for on/off campus activity. Where both are involved, identify itemized costs included in on/off campus bases.)*					
L. Total Direct and Indirect Costs *(J plus K)* ►					
M. Less Residual Funds *(If applicable)* ►					
N. TOTAL AMOUNT of this REQUEST *(L minus M)* ►				$	$
O. COST SHARING ►			$		

NOTE: Signatures required only for Revised Budget *This is Revision No.* ►

NAME AND TITLE (type or print)	SIGNATURE	DATE
PRINCIPAL INVESTIGATOR/PROJECT DIRECTOR		
AUTHORIZED ORGANIZATIONAL REPRESENTATIVE		

Form S&E-55 (Aug 81) USDA-S&E

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2 8
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OMB-0531-0009

SPECIAL CONSIDERATIONS

NOTE: Check appropriate statements. Supply additional information when necessary.

☐ This project does not involve human subjects.

☐ This project involves human subjects.

☐ It was approved by the Institutional Review Board on _____ (date)

☐ Is scheduled for review by the Institutional Review Board on _____ (date)

See DHHS regulations regarding the use of human subjects, appearing in Title 45, Code of Federal Regulations, Part 46, Subtitle A.

☐ This project does not involve recombinant DNA research.

☐ This project involves recombinant DNA research. It was approved by the Institutional Committee on _____ (date)

Supply appropriate documents as required by NIH *Guidelines for Research Involving Recombinant DNA Molecules* (43 FR 60108-60131 and subsequent revisions.)

ADDITIONAL INFORMATION

Form S&E-662 (Aug 81)

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OMB-0531-0009

ORGANIZATIONAL INFORMATION

1. LEGAL NAME OF ORGANIZATION & COMPLETE BUSINESS ADDRESS

NOTE: Submit the following information.
Identify attached information by number and item.

2. **Organizational Affiliations** – Describe relationship of the organization to a parent organization or to subsidiaries of other affiliates. If the organization is a successor in interest to a predecessor or if changes in organizational affiliation are anticipated, describe briefly.

3. **Statement of Purposes and Powers** – Attach an official or published statement of the major purposes of the organization as to the powers which have been granted to it to enter into contractual relationships and/or to accept grants, *e.g.*, articles of incorporation, terms of reference, by-laws, etc.

4. KEY OFFICIALS AND AFFILIATIONS

	NAME, TITLE, AND TELEPHONE NO.	AFFILIATED WITH? College or University Yes	College or University No	State or Local Government Yes	State or Local Government No	IF *No*, IS CHECKED, DESCRIBE AFFILIATION
		(✓)				
Chief Executive						
Authorized Organizational Representative						
Business Officer						

5. **Is your organization currently** a grantee or contractor of any component of the U.S. Department of Health and Human Services (formerly Department of Health, Education and Welfare)? This information will assist in implementing certain interagency procedures for which DHHS is the lead agency. ☐ YES ☐ NO

6. **If your organization is other than** a college or university *or* a State or local government, *attach*

- A certified statement of financial conditions *(usually by Certified Public Accountant)* covering at least the preceding 2 years.
- Bank or other references.

7. **Assurance of Compliance** – Attach completed Form S&E-665.

Form S&E-666 (Aug 81) *(Over)*

CERTIFICATION

1. I certify that _____ has legal authority to accept grants
(*Name of institution or organization*)
and the requisite policies, procedures, and personnel to ensure stewardship of Federal funds and management of Federally supported projects, specifically including standards for financial management, procurement, and property management, which meet those described in Attachments F, N, and O to OMB Circular A-110. *(In the event this is not the case,* attach a list of exceptions and provide a realistic estimate of when such standards might be met.)

2. Each proposal to the S&E Grants Administrative Management Office will be consistent with the policies and goals of the proposed grantee and will be submitted in accordance with its procedures and pursuant to appropriate authority.

3. In the event that a grant is awarded as a result of any such proposal, I agree that the proposed grantee organization will:

   A. Make available the necessary facilities, equipment, services, and personnel to conduct the project substantially as outlined in the proposal or such modifications thereof as may be mutually agreed.

   B. Conduct such project oversight as may be appropriate, manage the Federal funding with probity and prudence, and comply with all the terms and conditions of the grant.

   C. Ensure that costs which S&E is being asked to support are allowable and the treatment of direct and indirect costs in the proposal budget is consistent with applicable Federal cost principles and with the policies of the submitting organization.

   Allowable Costs – Payment up to the amount specified in the Agreement shall be made only for allowable costs actually incurred in conducting the work under the Agreement in accordance with its terms.

   The determination of allowable costs shall be made in accordance with the following applicable Federal Cost Principles in effect on the effective date of the Agreement:

   Educational Institutions, OMB Circular A-21
   Non-Profit Organizations, OMB Circular A-122
   Commercial Firms, FPR 1-15.2
   State and Local Governments, OMB Circular A-87

   D. Comply with all applicable laws and regulations.

TYPED NAME AND TITLE OF AUTHORIZED ORGANIZATIONAL REPRESENTATIVE	SIGNATURE	DATE

S&E-666 (Reverse)

OMB-0531-0009

ASSURANCE OF COMPLIANCE
with the
DEPARTMENT OF AGRICULTURE REGULATIONS
UNDER TITLE VI of the CIVIL RIGHTS ACT of 1964 *(as amended)*

NOTE: Not required if previously submitted to S&E/GAMO.

Legal name of proposed grantee _____ *(hereinafter called the Applicant)* hereby agrees that it will comply with Title VI of the Civil Rights Act of 1964, as amended, and all requirements imposed by or pursuant to the Regulations of the Department of Agriculture, 7 CFR Part 15, Subpart A, issued pursuant thereto, to the end that, in accordance with Title VI of that Act and the regulations, no person in the United States shall, on the ground(s) of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Applicant receives Federal financial assistance from the Department of Agriculture; and hereby gives assurance that it will immediately take any measures necessary to effectuate this agreement.

This assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Applicant by the Department, including installment payments after such date on account of applications for Federal financial assistance which were approved before such date. The Applicant recognizes and agrees that such Federal assistance will be extended in reliance on the representations and agreements made in this assurance, and that the United States shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the Applicant, its successors, transferees, and assignees, and the person or persons whose signature(s) appear below are authorized to sign this assurance on behalf of the Applicant.

SIGNATURE(S) OF AUTHORIZED ORGANIZATIONAL REPRESENTATIVE(S)	DATE

APPLICANT'S MAILING ADDRESS

[FR Doc. 83-11183 Filed 4-27-83; 8:45 am]
BILLING CODE 3410-03-C

Form S&E-665 (Aug 81)

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federal register

Thursday
April 28, 1983

Part IV

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

Auger Mining; Final Rule

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 819

Surface Coal Mining and Reclamation Operations; Permanent Regulatory Program; Auger Mining

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Final rule.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is adopting final rules for conducting auger mining of coal. These rules clarify standards for auger mining, including those relating to maximum coal recovery and to hydrologic-balance and subsidence protection. They also establish standards for auger mining in previously mined areas.

EFFECTIVE DATE: May 27, 1983.

FOR FURTHER INFORMATION CONTACT: Ranvir Singh, Office of Surface Mining, U.S. Department of the Interior, 1951 Constitution Avenue, N.W., Washington, DC 20240; 202–343–4022.

SUPPLEMENTARY INFORMATION:

I. Background
II. Discussion of Comments and Rules Adopted
III. Procedural Matters

I. Background

Permanent program auger mining rules were initially published on March 13, 1979, and codified at 30 CFR Part 819 (44 FR 15448). On March 19, 1982, OSM published proposed rules revising the previous rules relating to auger mining (47 FR 12088). These proposed rules would have deleted Part 819 and included all requirements for auger mining in a new section, 30 CFR 816.108.

Throughout the development of these rules, OSM has solicited public comments and recommendations. Following publication of the proposed rules, OSM made provisions to hold public hearings and public meetings upon request. OSM convened a public hearing in Room 2212, Federal Building, Pittsburgh, Pennsylvania, on Friday, April 9, 1982, at 9:30 a.m. However, no persons wishing to testify appeared.

The March 19, 1982, notice provided for the comment period to close on April 19, 1982. To provide the public with a greater opportunity to participate, the comment period was extended to August 25, 1982 (47 FR 20631, May 13, 1982). It was subsequently reopened on September 7, 1982, and closed on September 10, 1982 (47 FR 39201) to include relevant testimony given at a congressional hearing.

II. Discussion of Comments and Rules Adopted

OSM received comments on the proposed rules from industry, citizens, environmental groups, and other government agencies. OSM has carefully reviewed each comment and taken every suggestion into consideration in writing this final rule.

General Comments

Some commenters objected to the placement of the performance standards for auger mining in the Part 816, backfilling and grading rules for surface mining activities. They argued that auger mining is a distinct method of coal recovery which differs from both underground mining and conventional surface mining methods. One commenter stated that the unique issues attendant to augering must be addressed in the design, permitting, and conduct of the auger operation. The same commenter contended that the proposal treated augering as an afterthought or as part of the reclamation phase of surface mining activities, thereby deemphasizing the need for thorough planning in advance of the operational phase to meet the requirements of Section 515(b)(9) of the Surface Mining Control and Reclamation Act, 30 U.S.C. 1201 *et seq.*, (Act). Another commenter recommended that the auger mining rules be moved from Part 816, as proposed, to 30 CFR Part 817, performance standards for underground mining activities, to make it clear that the subsidence rules would be applicable to these operations.

OSM has revised the final rule in accordance with the major points advanced by the first commenter. Because augering is distinct from surface as well as from underground mining, certain of the problems encountered in augering are unique. Accordingly, the performance standards for augering will be retained as a separate part, Part 819. Under the final rule, previous § 819.1, "Scope," is retained with minor editorial revisions; previous § 819.2, "Objectives," which contained no substantive requirements, is deleted; and previous § 819.11 is replaced with new § 819.11 *Auger mining: General*, § 819.13 *Auger mining: Coal recovery*, § 819.15 *Auger mining: Hydrologic balance*, § 819.17 *Auger mining: Subsidence protection*, § 819.19 *Auger mining: Backfilling and grading*, and § 819.21 *Auger mining: Protection of underground mining*, which are discussed below.

To assist the reader in understanding the changes in the final rules, the following Derivation Table shows the relationship of the final rules to the previous sections and the proposed sections.

DERIVATION TABLE.—AUGER MINING

Final rule Part 819	Previous sections Part 819	Proposed sections §§ 816.108 and 816.109
§ 819.1	§ 819.1	
§ 819.11(a)	§ 819.1	§ 816.108(a)(5).
§ 819.11(b)	§ 819.11(e)	§ 816.108(f).
§ 819.11(b)(1)	§ 819.11(e)(3)	§ 816.108(f)(2).
§ 819.11(b)(2)	§ 819.11(e)(1)	§ 816.108(f)(1).
§ 819.13(a)	[§ 819.59]	
§ 819.13(b)	§ 819.11(a)	§ 816.108(a)(2).
§ 819.13(c)	§ 819.11(a)	§ 816.108(b).
§ 819.15(a)		§ 816.108 (a), (a)(1).
§ 819.15(b)		§ 816.108(c).
§ 819.15(b)(1)	§ 819.11(c)(1)	
§ 819.15(b)(2)	§ 819.11(c) (1 and 2).	§ 816.108(c) (1 and 2).
§ 819.15(c)	§ 819.11(d)	§ 816.108(d).
§ 819.15(c)(1)	§ 819.11(d)(1)	§ 816.108(d)(1).
§ 819.15(c)(2)	§ 819.11(d)(2)	§ 816.108(d)(2).
§ 819.17	§ 819.11(e)(4)	§ 816.108(a)(4).
§ 819.19(a)		§ 816.109(a)(1).
§ 819.19(b)		§ 816.109(a).
§ 819.19(b)(1)	§ 819.11(e)(2)	§ 816.109(a)(2).
§ 819.19(b)(2)		§ 816.109(a)(3).
§ 819.19(b)(3)		§ 816.109(a)(4).
§ 819.19(b)(4)		§ 816.109(a)(5).
§ 819.19(b)(5)		§ 816.109(a)(6).
§ 819.21	§ 819.11(b)	§ 816.108(e).

Although OSM has rejected a commenter's suggestion to move the auger mining rules to Part 817, new final § 819.17 will provide that all auger mining operations must be planned and conducted to comply with the subsidence-control requirements of § 817.121 (a) and (c). The rationale for this change is explained below.

One commenter suggested that OSM consider the possibility of developing another set of rules specifically for Extended Depth Secondary Recovery (EDSR). The commenter characterized EDSR as a highly sophisticated method capable of recovering 80 to 85 percent clean coal to a depth of 200 feet without additional surface disturbance. Based on these factors, the commenter felt that EDSR technology requires rules designed specifically for these types of operations.

Auger mining is narrowly defined in 30 CFR 701.5, and the definition does not specifically include alternate technologies such as EDSR or the Thin Seam Miner (TSM). However, States have sufficient latitude in their individual State programs to treat such technologies as they do conventional augering operations. Alternately, the technologies can be treated as experimental practices under Section 711 of the Act. No revision of the final auger mining rules will be made at this time to accommodate EDSR or TSR. OSM will continue to collect information

on the effects of this technology and will consider rule changes in the future if they become necessary.

Specific Comments

Section 819.1 Scope.

Final § 819.1 explains that Part 819 sets the performance standards for auger mining operations. This section was not contained in the proposed rule which was to be included in Part 816, but is retained with only minor editorial changes from the previous rule.

Section 819.11 General.

Section 819.11(a)

Final § 819.11(a) specifies that auger mining operations must be conducted in accordance with the requirements of Part 816, except as otherwise specified in Part 819. This requirement was contained in previous § 819.1, "Scope." The revised language of final § 819.11(a) also makes it clear that the requirements of Part 819 supersede the requirements of Part 816 if a provision in Part 819 enumerates special requirements for auger mining operations.

Proposed § 816.108(a)(5) required that all augering operations be planned and conducted consistent with reclamation being performed in accordance with all other requirements of 30 CFR Chapter VII. OSM considered and rejected two comments on this provision. One commenter suggested that the word "consistent" be replaced by the word "compatible" to provide flexibility by allowing each auger mining operation to be tailored according to local mining conditions, facilities, climate, geology, and terrain within a State. Another commenter suggested that the term "applicable" be inserted between the words "other" and "requirements" in the proposed rule to prevent the misapplication of rules which are inapplicable to auger mining. The final rule contains no substantive change from the language of the proposal. For this reason, the requirements of proposed § 816.108(a)(5) are adequately covered under the terms of final § 819.11(a). Addition of term "applicable" to the language of final § 819.11(a) is also unnecessary. Such a revision could suggest that a rule is inapplicable to auger mining unless its application to that activity is specifically stated in Part 819. This would be an incorrect interpretation of the requirements of Part 819.

Section 819.11(b)

Proposed § 816.108(f) provided that the regulatory authority would prohibit augering if it determined that adverse water-quality impacts could not be prevented or corrected; that such a prohibition was necessary to maximize utilization, recoverability, or conservation of the solid-fuel resource; or that effects from augering would prevent performance of reclamation in accordance with all other requirements of the Act and all other provisions of Chapter VII. In response to remarks from commenters and for reasons discussed below, OSM has revised the proposed language and adopted a new final § 819.11(b). Under final § 819.11(b), the regulatory authority *may* prohibit auger mining, if necessary to maximize the utilization, recoverability or conservation of the solid-fuel resource, or to protect against adverse water-quality impacts.

One commenter stated that proposed § 816.108(f) was unnecessary inasmuch as it would allow the regulatory authority to prohibit a specific form of mining. The commenter added that such a determination exceeded the general powers of the regulatory authority as well as its knowledge and capability. OSM disagrees with this comment because the proviso in Section 515(b)(9) of the Act clearly allows the regulatory authority to prohibit augering under specific circumstances. The commenter's concern about the legal and technical competence of regulatory authorities is unjustified since Section 503(a)(3) of the Act conditions State program approval on proof that the State regulatory authority has sufficient personnel and resources to ensure effective implementation of the State's program. In addition, OSM's oversight responsibility and the procedures in 30 CFR Part 733 for Federal enforcement of State programs or withdrawal of State program approval will provide OSM the means to identify and remedy any problems with implementation of a State program.

Another commenter recommended that the proposed rule be changed to track the language in the proviso of Section 515(b)(9) of the Act. This commenter felt that the statutory language provided a better statement as to when augering "may" be prohibited than the broad, undefined language of proposed § 816.108(f) that required a mandatory prohibition. OSM has accepted this recommendation and has revised new § 819.11(b) to provide that the regulatory authority may prohibit augering if necessary to maximize the utilization, recoverability, or conservation of the solid fuel resources or to protect against adverse water-quality impacts. The change from "shall" in proposed § 816.108(f) to "may" in new § 819.11(b) is consistent with Section 515(b)(9) of the Act. The revised language will also minimize the potential for prohibitions on mining where not specifically provided for in the Act.

Several commenters suggested that the words "prevented or" be deleted from the language of proposed § 816.108(f)(1). One commenter argued that augering should be permitted if adverse impacts on water quality could be minimized or corrected within a short time. The commenter also found the proposed rule duplicative of certain requirements in Chapter VII, Subchapter F, relating to the designation of areas as unsuitable for all or certain types of mining. Another commenter contended that the rule, as written, would not allow for even minor, temporary onsite adverse effects on water quality, thereby making any auger mining activity impossible. An additional commenter claimed that an absolute requirement to prevent changes in water quality was inconsistent with the requirement in Section 515(b)(9) of the Act to minimize disturbance of the quality of water in auger holes.

OSM agrees in part with these commenters. Under final § 819.11(b)(2), the regulatory authority is allowed to prohibit augering if it determines that prohibition is necessary to "protect against" adverse water-quality impact. However, the obligation to protect against adverse impacts under the final rule should not be interpreted to require total prevention of onsite temporary impacts. An absolute requirement for total prevention of adverse water-quality impacts is more stringent than the requirements in Section 515(b)(9) of the Act and inconsistent with Section 515(b)(10) of the Act. The final rule complements other sections of the Act which afford protection to water quality, including Sections 510(b)(3) and 515(b)(10), and allows the regulatory authority to prohibit augering where necessary to protect against adverse impacts on water quality. However, planning for augering should include measures to prevent, where possible, as well as to correct, harmful effects.

As previously stated, the language in proposed § 816.108(f) has been revised to track the wording of the proviso in Section 515(b)(9) of the Act. Final § 819.11(b)(1), as adopted, will grant the regulatory authority discretion to prohibit augering upon finding the prohibition necessary to maximize the utilization, recoverability, or conservation of the solid-fuel resource. This provision will assure the achievement of the requirements that all auger mining operations be planned and conducted to maximize the

recoverability of remaining mineral reserves and that access be left for future underground mining.

Proposed § 816.108(f)(3) provided that the regulatory authority must prohibit auger mining if it determined that the effects from augering operations would prevent reclamation in accordance with all other requirements of the Act and all other provisions of Chapter VII. One commenter suggested that the language of the proposed rule be revised to require reclamation to be performed "in accordance with all other 'applicable' requirements of the Act and all other 'applicable' requirements of this chapter." The commenter argued that insertion of the term "applicable" would prevent the misapplication of standards not applicable to augering as well as clarify that special considerations in certain rules, such as those for remining on steep slopes, apply to auger mining.

OSM has found the language of proposed § 816.108(f)(3), which prohibited auger mining if its effects would prevent reclamation, redundant of other provisions of its rules. Under OSM's permitting requirements and the Act, a permit cannot be issued unless the regulatory authority finds that all requirements of the rules and the Act are met, including the assurance of proper reclamation. Final § 819.11(a), also requires all auger mining operations to be planned and conducted in accordance with the requirements of Part 816. Accordingly, proposed § 816.108(f)(3) has not been adopted in the final rule.

Section 819.13 Coal recovery.

New final § 819.13 contains requirements for coal recovery during and after auger mining operations. Several commenters expressed concern or confusion about requirements for maximizing recovery of the coal resource. These requirements have been reorganized and consolidated in a final § 819.13 to clarify the various standards applicable to maximizing coal recovery.

Three provisions govern coal recovery in the final auger mining rule. The first, in final § 819.13(a), requires the coal operator to comply with the requirements of § 816.59. Under § 816.59, surface mining operations must be conducted to maximize the utilization and conservation of the coal. The second provision, in final § 819.13(b), implements the Act's requirement that an operator maximize the recoverability of mineral resources remaining after the augering operation and reclamation are complete. The third, in final § 819.13(c), requires that auger mining operations leave areas of undisturbed coal to provide access for future underground mining. Final § 819.13(a), thus, implements the requirements of Section 515(b)(1) of the Act, while final § 819.13 (b) and (c) implements the requirements of Section 515(b)(9) of the Act.

Section 819.13(a)

Final § 819.13(a), as discussed, references the coal recovery requirements of § 816.59. Though not in the proposed rule this provision is included in the final rule for the convenience of the reader and to clarify the confusion noted by commenters.

Section 819.13(b)

Proposed § 816.108(a)(2) provided that all auger mining operations must be planned and conducted to prevent unnecessary loss of coal reserves. One commenter recommended that the language of the proposed rule be changed to require the operation to "maximize recoverability of mineral reserves remaining after the operation and reclamation are complete" to assure consistency with Section 515(b)(9) of the Act, which uses that precise language. OSM accepted this recommendation, and the language has been modified accordingly in § 819.13(b) of the final rule.

Another commenter suggested that proposed § 816.108(a)(2) be revised not only to track the language of Section 515(b)(9) of the Act, but also to recognize the technical and economic constraints of the operator to remine sites by augering. The commenter's suggested rule would require all augering operations to "[a]chieve maximum recovery of the coal resource given the economic and technical constraints on the coal mining operator." The commenter explained that because mining companies are constrained or limited by the type of equipment they have and their economic situation, they all cannot auger mine a site with the same efficiency and thoroughness. The commenter claimed the regulatory authority might deny certain operators the permit to remine by augering if their equipment or economic situation did not meet the optimum standards the regulatory authority set for the maximum recovery of coal.

The commenter thought the regulatory authority's assessment of whether maximum coal recovery would be met should not be based on set optimum standards, but rather on the individual characteristics of both the remining site and the operator proposing to auger mine the site.

The revision suggested by the commenter is unnecessary since the new rule allows regulatory authorities to recognize technical and economic constraints on remining by augering. Economic and technical constraints are appropriate factors for the regulatory authority to consider in determining whether the operation would result in the maximum utilization and conservation of coal. On the other hand, the regulatory authority should not limit its consideration only to the economic conditions of a particular operator in determining compliance with this requirement. Thus, under final § 819.11(b), the regulatory authority is allowed to prohibit auger mining if auger mining would not maximize the utilization, conservation, or recoverability of the coal, even though the operator is prepared to use only auger mining techniques. The regulatory authority must make this determination on a case-by-case basis, taking into account site-specific conditions. The existing rules are satisfied by a demonstration that all coal which is economically feasible to recover will be mined. See the preamble to § 816.59 (44 FR 15178, March 13, 1979) for additional discussion of the requirement to maximize utilization and conservation of the coal resource.

A commenter requested clarification of the relationship between the auger mining requirements in Parts 816 and 819 and the requirements for maximum economic recovery under the Minerals Management Service regulations for mining Federal coal. The relationship between the two sets of regulations is stated in recently revised 30 CFR 740.19(a)(2) which provides that "[s]urface coal mining and reclamation on lands containing leased Federal coal shall be conducted in accordance with the requirements of the terms, conditions and stipulations of the lease issued under the Mineral Leasing Act and its implement regulations [30 CFR] Part 211 . . ., as applicable, and the mining plan." Section 740.19 is applicable to augering operations on Federal lands. (48 FR 6912, February 16, 1983).

Section 819.13(c)

Proposed § 816.108(b) required each person who conducts auger mining operations to leave areas of undisturbed coal, as approved by the regulatory authority, to provide access for future underground mining activities to coal reserves remaining after augering is completed, unless it is established that the coal reserves have been depleted or are so limited in thickness or extent that it will not be practicable to recover the remaining coal. The proposed rule also provided that the regulatory authority

would make this determination upon presentation of appropriate technical evidence by the operator. OSM has adopted the proposed rule in new final § 819.13(c).

One commenter though that resource recovery is a judgment by the operator which should not be governed by the regulatory authority. The commenter claimed this determination exceeds the expertise and capability of the regulatory authority and does not encourage resource recovery as mandated by the Act.

OSM does not agree with this comment, and the language of proposed § 816.108(b) has been retained in final § 819.13(c). Section 515(b)(9) of the Act requires that augering operations be conducted "in a manner to maximize recoverability of mineral resources remaining after the operation and reclamation are complete . . .," and states "that the permitting authority may prohibit augering if necessary to maximize the utilization, recoverability or conservation of the solid fuel resources. . . ." Thus, the statute assigns the responsibility to the regulatory authority for regulation of auger mining to assure maximum recovery and conservation of the solid-fuel resource. In making this determination, the regulatory authority must take into account the technical data submitted by the operator.

Another commenter urged that the requirement in previous § 819.11(a) for a 250-foot barrier pillar at 2,500-foot intervals be retained to maximize recovery and assure access to remaining reserves potentially recoverable by underground mining after augering is completed. The commenter contended that the absence of a definite footage standard from the proposed rule would require the regulatory authority to gauge the adequacy of pillars on a case-by-case basis. Because the need for individual-case determinations would exacerbate existing strains on the resources of regulatory authorities, the commenter argued that there would be a tendency for regulatory authorities to approve all plans, regardless of their technical adequacy.

OSM is denying the commenter's request because retention of this requirement is unnecessary. The requirements in Section 515(b)(9) and (b)(10) of the Act will be met if the regulatory authority is granted discretion to determine how the performance standards can be achieved on a site-specific basis. Since geologic conditions differ from one part of the country to another, the objectives of the Act are not best achieved by requiring all mine operators to comply with the same specific design criteria. Final § 819.13(c) allows the regulatory authority flexibility in setting design criteria based on variations in geologic, topographic, and other site-specific conditions. OSM disagrees with the contention that the rule will create additional burdens which regulatory authorities cannot meet. Under Section 503(a)(3) of the Act, State programs are approved only if State regulatory authorities have sufficient technical personnel and funding to implement their programs in accordance with the Act's requirements. Furthermore, OSM's oversight of State programs and procedures for Federal enforcement of State programs at 30 CFR Part 733 will ensure the effective implementation of State regulatory programs.

One commenter suggested that OSM allow those areas that "will be depleted by the auger mining operation" to be exempted from having to leave areas of undisturbed coal. OSM has not accepted this suggestion. The relevant language of final § 819.13(c), which was not proposed to be changed, allows the regulatory authority to permit no undisturbed areas to be left if the operator can show that reserves are so limited as to make their recovery impracticable.

A final commenter felt that the proposed provisions requiring undisturbed coal to be left for underground access overlooked potential problems primarily related to auger mining conducted in the West. Since auger mining in the West is usually done in conjunction with surface mining and since reclamation laws and regulations require the reclamation of highwalls, the commenter argued that it would be unrealistic to require auger operations to leave undisturbed coal in areas where the highwalls will be reclaimed. In the interest of resource conservation and recovery, the commenter suggested that OSM allow complete auger mining in area surface mining situations where the highwall will be reclaimed. OSM has rejected this comment. Elimination of highwalls is required nationwide and provides no basis for a variance from the auger mining requirement to provide access for possible future underground mining. New § 819.13(c) allows the regulatory authority to determine the extent of areas that must be left undisturbed to provide such future access.

Section 819.15 Hydrologic balance.

New final § 819.15 contains requirements for protection of the hydrologic balance. This rule, as finally adopted by OSM, reflects the requirements of proposed § 816.108(a)(1), (c), and (d). Final § 819.15(a) requires that all auger mining be planned and conducted to minimize disturbance of the prevailing hydrologic balance in accordance with the requirements of §§ 816.41 and 816.42. Additionally, final § 819.15 (b) and (c) provides special standards for sealing auger holes.

Section 819.15(a)

Proposed § 816.108(a)(1) required that all auger mining operations be planned and conducted to minimize disturbance of the prevailing hydrologic balance and of the quality and quantity of water in surface- and ground-water systems, both during the operation and after reclamation, as required in §§ 816.41 and 816.42. No comments were received on this paragraph. Therefore, OSM has adopted this general provision, with some editorial revision, as final § 819.15(a). No substantive change is intended.

Section 819.15(b)

Proposed § 816.108 (c) and (d) specified requirements for sealing each auger hole to prevent acid and toxic drainage from the auger holes and access of air to the remaining coal. OSM received several comments on the language of the proposed rule.

One commenter suggested that the term "auger holes" be changed to "[a]ll auger holes" or to "[e]ach auger hole" because Section 515(b)(9) of the Act requires all auger holes to be sealed except where the regulatory authority determines that the impoundment of water by sealing may create an environmental or public-safety hazard. OSM has accepted this comment and revised the final rule accordingly.

Commenters suggested that auger holes be sealed only "[w]hen the regulatory authority determines that drainage from [such] auger holes would create a hazard to the environment or to public health or safety." The commenters argued that the proposed rule would require the sealing of auger holes even when no constructive purpose would be served. This suggestion has been rejected. Section 515(b)(9) of the Act requires all auger holes to be sealed with an impervious and noncombustible material "*except* where the regulatory authority determines that the resulting impoundment of water in such auger holes may create a hazard to the environment or the public health or safety [emphasis added]." Thus, the Act requires sealing of auger holes as a general rule. The commenters' suggestion to require sealing of auger

holes only under certain conditions is inconsistent with the requirement.

Proposed § 816.108(c)(1) required auger holes to be sealed with impervious and noncombustible material to prevent drainage from those holes and access of air to the coal. Proposed § 816.108(c)(2) required sealing of auger holes as contemporaneously as possible with the augering operation, as approved by the regulatory authority.

Two commenters requested that OSM reinstate in this final rule the requirement of previous § 819.11(c)(1) that auger holes containing acid- or toxic-forming material be sealed within 72 hours or that discharge be treated within that time to meet effluent and water-quality standards until sealing occurs. One commenter argued that the previous provisions were more enforceable and therefore should be retained. Another commenter felt that the previous requirement should be reinserted in the new rule since plugging auger holes within 72 hours would cause a significant decrease in the amount of acid mine drainage ultimately generated from those holes as well as reduce the possibility of acid seepage after reclamation. OSM has accepted these comments and reinstated the 72-hour sealing requirement in new final § 819.15(b).

A commenter also objected to the deletion of references to plugging as the preferable method of sealing auger holes in proposed § 816.108(c)(1). The commenter suggested that the final rule retain the "plugging" requirement from previous § 819.11 because plugging by backfilling and compacting noncombustible material is the most common and preferable method of creating a watertight seal for an auger hole. OSM has rejected this suggestion and will not mandate the plugging of auger holes in every case. The language of final § 819.15(b) allows an operator to use any technique approved by the regulatory authority, including plugging, to meet the general performance standards for sealing auger holes with impervious and noncombustible materials. This approach is consistent with Section 515(b)(9) of the Act.

OSM considered two comments on proposed § 816.108(c)(2). The first commenter stated that the "as contemporaneously as practicable" requirement of the proposed rule was more restrictive than previous § 819.11(c)(2) in not allowing 30 days for sealing auger holes which do not discharge acid- or toxic-forming water and less restrictive than previous § 819.11(c)(1) in not requiring sealing within 72 hours for auger holes in which such discharges are present. This commenter felt that the proposed standard would result in less flexibility where necessary and more uncertainty regarding onsite and offsite environmental protection. For this reason, he suggested that the 30-day requirement for sealing all auger holes not discharging water, as provided in the previous rule, be retained. OSM has rejected this comment and adopted the "as contemporaneously as practicable" requirement in final § 819.15(b)(2). In nonhazardous situations, the regulatory authority should have the discretion, on the basis of site-specific conditions, to determine the time period within which auger holes must be sealed. Accordingly, the new rule, as revised and adopted by OSM, grants the regulatory authority discretion to require sealing "as contemporaneously as practicable" where auger holes are not discharging acid- or toxic-forming water.

Another commenter suggested that proposed § 816.108(c)(2) be revised to track language in the preamble to the proposed rule that all auger holes be sealed as "contemporaneously as practicable with the augering operation, as approved by the regulatory authority on a site specific basis." This commenter contended that the addition of the phrase "on a site specific basis" would permit such factors as local geographic and topographic conditions, adverse weather conditions, the size of the operation, and any association of augering with a conventional surface mining operation to be considered by the regulatory authority in reviewing the sealing schedule proposed in the application for an auger mining permit. It is unnecessary to insert the specific phrase recommended by the commenter into the language of final § 819.15(b)(2). OSM recognizes that the regulatory authority should have the flexibility to take into account site-specific conditions in determining what constitutes sealing "as contemporaneously as practicable" for a particular augering operation. Under final § 819.15(b)(2), the regulatory authority has the flexibility to consider the factors cited by the commenter.

Section 819.15(c)

Proposed § 816.108(d) provided that auger holes need not be sealed with an impervious material to prevent drainage if the regulatory authority determined that the resulting impoundment of water may create a hazard to the environment or public health or safety and that drainage from the auger holes will not pose a threat of pollution to surface water and will comply with the requirements of §§ 816.41 and 816.42. No comments were received on this provision which generally tracks previous § 819.11(d), and it has been adopted, as proposed, in new final § 819.15(c).

Section 819.17 Subsidence protection.

New final § 819.17 contains requirements for protection of surface areas from subsidence damage that may result from auger mining. This section reflects the requirements of proposed § 816.108(a)(4), as revised by OSM on the basis of comments.

Proposed § 816.108(a)(4) required that all auger mining operations be planned and conducted to prevent disturbance of, or damage to, structures or facilities from subsidence both during and after mining. OSM has adopted a final version of this proposed rule which incorporates a number of changes. This new final rule requires an operator who conducts an augering operation to comply with the requirements of § 817.121 (a) and (c).

One commenter recommended that the proposed rule be amended to allow auger mining only when subsidence can be prevented. This comment has been rejected. Another commenter questioned whether Section 516(b)(1) of the Act was being relied upon as authority for proposed § 816.108(a)(4) and argued that OSM had no authority under this statutory provision to require prohibition of auger mining where subsidence could not be prevented and would cause damage. The commenter also recommended that the preamble include citations to the specific statutory provisions relied on by OSM as sources of authority for the final rule on subsidence prevention in auger mining.

The Act does not provide that auger mining may be prohibited if subsidence cannot be prevented. The proviso of Section 515(b)(9) of the Act vests the permitting authority with discretion to prohibit auger mining only when "necessary to maximize the utilization, recoverability or conservation of the solid fuel resources or to protect against adverse water quality impacts." These criteria are included in final § 819.11(b). Even Section 516(b)(1) of the Act implicitly allows subsidence, and only requires that underground mine operators adopt measures to prevent or minimize disturbance and subsidence to the extent technologically and economically feasible.

Specifically, Sections 515(b)(9), 515(b)(12), and 516(b)(1) of the Act were relied upon in the proposal. The authority, basis, and purpose of § 819.17, as finally adopted, is the same as for proposed § 816.108, except that Section 507(f), 515(b)(2), 515(b)(3), and 515(b)(10)

of the Act provide additional statutory authority.

Sections 515(b)(2) and 515(b)(3) of the Act, requiring the restoration of premining land-use capability and approximate original contour, and Section 507(f) of the Act, requiring liability insurance for personal injury and property damage, provide ample authority for subsidence-protection measures for augering operations.

A commenter objected to proposed §816.108(a)(4) on the grounds that it would render subsidence standards for auger mining more stringent than subsidence standards for other types of mining by requiring auger operations to prevent damage from subsidence in all cases without allowing operators the option of mitigating these damages. For this reason, the commenter recommended that OSM adopt the same subsidence standards for auger mining as were proposed for underground mines under § 817.121 (47 FR 16609, April 16, 1982).

Because subsidence may occur in augering operations, the same subsidence-control measures adopted for underground mining activities in § 817.121 are appropriate for auger mining operations. Standards relating to protection from subsidence should be consisent without regard to whether the subsidence results from underground mining or augering operations. Section 817.121(a) requires an operator to adopt measures consistent with known technology to prevent subsidence to the extent technologically and economically feasible or, alternatively, to adopt mining technology which provides for planned subsidence in a predictable and controlled manner. Accordingly, OSM has revised proposed § 816.108(a)(4) to incorporate the provisions of § 817.121(a) to ensure that an operator conducting augering operations will be bound by the same performance standards as are applicable to potential subsidence from underground mining, both during mining and after completion of mining. To accommodate the commenter's concern that subsidence can materially damage land without causing damage to structures and facilities, OSM has specifically incorporated the remedial requirements of § 817.121(c) in final § 819.17. Under § 817.121(c), operators would be required to take specific remedial action if material damage is caused to the land as a result of subsidence. The final revisions to § 817.121 will be provided in a separate rulemaking.

Section 819.19 Backfilling and grading.

New § 816.19 sets backfilling and grading requirements for auger mining operations. Paragraph (a) contains general requirements and Paragraph (b) contains rules applicable to auger mining operations conducted on previously mined areas.

OSM received comments on backfilling and grading requirements for auger mining operations in connection with both its proposal on second-cut contour mining, § 826.12(b) (47 FR 928, January 7, 1982) that was later adopted as interim final § 826.12(b) (47 FR 51316, November 12, 1982) and with its proposal on remining, § 816.109 (47 FR 27734, June 25, 1982). Several commenters suggested that OSM address backfilling and grading requirements for auger mining on previously mined areas in the final rules for augering operations, rather than the final rules for backfilling and grading, or remining. OSM has accepted this suggestion and has adopted specific backfilling and grading requirements for auger mining of previously mined areas in new § 819.19(b). Comments received on the remining or second-cut contour mining rulemakings, which address auger mining of previously mined areas, are responded to in this preamble discussion of final § 819.19(b).

Section 819.19(a)

Proposed § 816.108(a)(3) required auger mining operations to be planned and conducted to ensure fill stability. To avoid confusion, OSM has revised the language of the proposed rule to provide that auger mining operations must be conducted in accordance with the general backfilling and grading requirements of §§ 816.102 and 816.104–816.106. This revision is reflected in new § 819.19(a).

A commenter sought confirmation of whether "fill stability" in proposed § 816.108(a)(3) referred to the stability of backfilled highwalls and asked whether the stability factors for backilled highwalls were also applicable to auger mining operations under the rule. OSM confirms that "fill stability" refers to the stability of any backfill, including backfilled highwalls, and that the minimum static safety factor of 1.3 is required for backfilling highwalls associated with auger mining under the final rule. However, these requirements have not been specified in new § 819.19(a) since they are implicit in the rule's references to the backfilling and grading requirements for surface mining activities, which require restoration of disturbed areas to their approximate original contour (AOC) and complete elimination of any highwall.

Section 819.19(b)

New final § 819.19(b) prescribes backfilling and grading requirements for auger mining of previously mined areas which were not reclaimed to the standards of 30 CFR Chapter VII where there is insufficient reasonably available spoil to backfill the highwall completely. The final rule requires the highwall to be eliminated "to the maximum extent technically practical" according to the criteria of § 819.19(b)(1–4). The language of final § 819.19(b) generally tracks the provisions of interim final § 826.12(b) for remining on steep slopes (47 FR 51316, November 12, 1982), except for the additional requirement specified in § 819.19(b)(4). Interested persons should consult the preamble to § 826.12(b) for a more detailed discussion of the meaning and rationale for the precise language used in final § 819.19(b).

Several commenters claimed that the highwall-elimination requirement provides an economic disincentive to auger remining operations since auger mining generates insufficient spoil for complete backfilling of highwalls and since operators ordinarily do not have appropriate equipment to transport spoil material from borrow pits outside the permit area to the remining site. One commenter supported the requirement for elimination of highwalls "to the maximum extent practical" proposed remining § 816.109(a), claiming that it would encourage operators to maximize coal recovery by using thin-seam mining techniques in situations where thickness of overburden would make conventional surface mining operations uneconomical.

OSM recognizes that insufficient spoil material and equipment limitations are constraints on remining by auger methods. In response to commenters' concerns, the phrase "to the maximum extent practical" in proposed remining § 816.109(a) has been changed to "to the maximum extent technically practical" in final § 819.19(b). Operators are required to use only standard backfilling and grading procedures and equipment to eliminate highwalls in accordance with final § 819.19(b). This change is intended to reflect OSM's belief that the Act does not require operators to employ extraordinary measures to eliminate the highwall in remining situations where spoil is insufficient for complete backfilling of the highwall.

Commenters found proposed remining § 816.109(a)(3), which required elimination of highwalls to the maximum extent practical, economically and environmentally senseless

inasmuch as operators would be required to disturb areas with 20 to 30 years of vegetation to backfill preexisting, nonpolluting highwalls. They suggested that OSM require only partial backfilling and grading of preexisting benches during reclamation after remining to avoid disturbance of land surfaces not contributing to drainage or erosion problems. OSM has rejected the commenters' suggestion. The Act generally requires complete elimination of highwalls and restoration of the AOC. Because Congress did not specifically consider the remining of previously mined areas, a limited exception to the general requirement is justified where insufficient spoil exists within the permit area to eliminate the highwall completely. However, it is consistent with Congress' intent to require all reasonably available spoil within the permit area to be used to cover the newly affected highwall even if such spoil is covered with vegetation.

In response to a comment, one change has been made to the concept of reasonably available spoil as it appeared in the November 12, 1983 steep slope remining rule. The commenter was concerned that possible abuse of the rule could result from a situation in which spoil in the immediate vicinity of the permit area would not be considered reasonably available solely because it would not be within the permit area. To account for this situation the final rule requires operators, in determining the reasonable availability of spoil, to include in the permit area any spoil in the immediate vicinity of the auger mining operation.

However, the rule does not require the disturbance of virgin areas unless insufficient spoil were available to cover the auger holes with 4 feet of material. This requirement is discussed below. Following the required backfilling and grading of the highwall, the revegetation requirements of §§ 816.111, 816.113, 816.114, and 816.116 apply to all disturbed portions of the permit area.

One commenter thought the economics of complete backfilling and grading would discourage remining. Because partially reclaimed highwalls are more environmentally stable than unreclaimed, abandoned highwalls, the commenter suggested that restoration to AOC be required only for areas where new mining or second-cut remining occurs, but not for remined areas where augering or thin-seam mining techniques are used and no additional spoil is generated. OSM generally agrees with the commenter's position. Final § 819.19(b) reflects the applicable standards for augering operations on previously mined areas to ensure that reclamation proceeds in an environmentally sound manner.

Several commenters objected to the proposal to allow auger mining operations on previously mined lands a variance from the AOC restoration requirement on the grounds that auger mining renders existing highwalls inherently unstable. They asserted that OSM should require total elimination of existing highwalls adversely impacted by auger remining operations, based on the decisions of the Interior Board of Surface Mining Appeals (Board) in *Miami Springs Properties* v. *OSM*, 2 IBSMA 399 (December 23, 1980) and *Cedar Coal* v. *OSM*, 1 IBSMA 145 (April 20, 1979). OSM disagrees with the commenters' reading of the Board's opinions in *Miami Springs* and *Cedar Coal*. Neither decision provides authority for the principle that the highwall must be presumed adversely affected by a mining operation. These cases provide that OSM is without authority to require an operator to eliminate a preexisting highwall unless the operator's activities will have an adverse physical impact on that portion of the highwall. Commenters should refer to the preamble discussion in the remining proposal (47 FR 27737, June 25, 1982) for a more detailed explanation of the legal justification for not requiring complete elimination of preexisting highwalls in previously mined areas which were not reclaimed to meet the performance standards of the permanent program.

Under new final § 819.19(b)(3), for all auger mining operations on previously mined areas, the coal seam mined must be covered with a minimum of 4 feet of nonacid-, nontoxic-forming material. This additional requirement is appropriate for auger mining, even though it may require the operator to disturb a virgin area to obtain additional spoil, because of the small quantity of spoil generated during auger mining and because of the potential water-quality problems which may result from leaving exposed coal seams and uncovered auger holes.

One commenter suggested that the proposed rule be replaced by the following provision:

> When augering operations are conducted on previously mined areas, auger holes shall be covered with a minimum of four feet of non-toxic, non-combustible material. The highwall shall be covered to the extent feasible using available material without disturbing additional acreage.

OSM has accepted the commenter's suggested language with respect to providing special standards for auger mining previously mined areas and requiring a minimum of 4 feet of cover over auger holes. However, the suggestion to allow less than 4 feet of cover over auger holes where additional acreage would have to be disturbed has been rejected for the reasons explained above.

Final § 819.19(b)(4) requires that any remnant of the highwall must be stable and not pose a hazard to the public health and safety or to the environment. This provision was proposed as part of remining § 816.109(a)(5) (47 FR 27734, June 25, 1982).

A commenter thought that proposed remining § 816.109(a)(5) was inconsistent with the statutory requirement for complete highwall elimination on the basis of a suggestion in the preamble of the remining proposal that other measures, including flattening the slope or stepping the highwall, would be adequate for stabilizing highwalls.

OSM has rejected the commenter's contentions. Final § 819.19(b)(4) applies only to those highwall remnants remaining after the remined highwall has been covered to maximum extent technically practical, using all reasonably available spoil. Under new § 819.19(b)(4), the operator is required to demonstrate the stability of the remaining highwall to the satisfaction of the regulatory authority. However, the final rule allows the operator to specify the means that will be used to stabilize the remaining highwall.

One commenter thought that proposed remining § 819.19(e) failed to explain how and by whom it would be determined whether remining by augering would adversely affect a reexisting highwall. Under final § 819.19(b), the regulatory authority is required to determine whether the proposed auger remining operation will adversely affect any preexisting highwall. This determination will be made during the process of permit approval on the basis of information submitted to the regulatory authority by the operator. The best information to consult in connection with the determination of highwall stability is data relative to highwall slope, type of rock, or observations of existing highwalls under similar conditions. In view of these considerations, final § 819.19(b) allows the regulatory authority to determine highwall stability according to these site-specific conditions.

OSM's proposal on remining (47 FR 2774, June 25, 1982) included permit application requirements for auger mining of previously mined lands.

Section 780.34(a), as proposed, specified information needed in all remining permit applications to meet the performance standards of proposed § 816.109 for backfilling and grading of previously mined lands. Additional permit application requirements for remining by augering were provided in proposed § 780.34(c).

OSM has decided not to adopt proposed §§ 780.34 and 784.34 as final rules on remining permit applications. Existing § 785.20 contains sufficient permit requirements to cover the application requirements for remining operations. Additional standards may be added by individual State regulatory authorities as necessary to accommodate the needs of individual State programs. As experience is gained under the rule, additional guidance may be added to the Federal rule if it becomes apparent that such guidance is necessary. Some commenters supported proposed § 780.34 inasmuch as it would allow the regulatory authority the flexibility to consider diversity of terrain and site-specific conditions of previously mined areas. One commenter thought proposed § 780.34(c) should apply to secondary-recovery techniques as well as to conventional auger mining methods in remining situations. Another commenter claimed that the permit application requirements for auger mining of previously mined lands proposed in § 780.34(c) would discourage the use of the Thin Seam Miner (TSM) and Extended Depth Secondary Recovery (EDSR) methods for remining. A commenter argued that the proposal requiring applications for remining permits to assure long-term stability of highwalls would make auger mining of previously disturbed lands sufficiently costly to eliminate its use in remining situations. For this reason, the commenter recommended that monies from the Abandoned Mine Reclamation Fund (AML Fund) be used to finance the cost of ensuring the stability of augered highwalls after remining. Another commenter contended that OSM should require auger mining operations on previously mined lands to comply with special permitting and enforcement requirements in the absence of scientific proof that the proposed remining operation would not adversely affect any preexisting highwall.

As previously indicated, this rule is not written specifically for thin-seam mining or extended-depth recovery mining. States may, however, apply these rules to such mining operations if deemed appropriate based on local conditions. OSM does not believe that these rules impose an undue burden on operators to provide information on the stability of highwall remnants. As previously indicated, final § 819.19(b) allows the regulatory authority to determine highwall stability based on existing local conditions. In addition, the issue of subsidizing remining activities with monies from the AML fund is outside the scope of this rulemaking. However, OSM is in the process of examining this and other issues arising out of the relationship between Titles IV and V of the Act.

Section 819.21 Protection of underground mines.

New final § 819.21 contains requirements for protection of underground mines. Proposed § 816.108(e) was a continuation of previous § 819.11(b) and provided that auger holes must not extend closer than 500 feet, measured horizontally, to any abandoned or underground mine workings, except as approved in accordance with § 816.79. OSM has adopted the proposed rule in final § 819.21.

One commenter recommended that the proposed rule be eliminated since it requires an auger operator to get a second approval from the Mine Safety and Health Administration (MSHA) for drilling auger holes near underground mines, in addition to the MSHA approval required for such activity as part of the operator's ground-control plan under 30 CFR 77.1000 of the MSHA regulations. OSM has rejected this recommendation and retained the provision as proposed. Under 30 CFR 77.1000, the operator is required to establish and follow a ground-control plan that will be consistent with prudent engineering design and ensure safe working conditions. However, this MSHA regulation does not specify a distance between an auger hole and an active or abandoned minesite. Thus, retention of the reference to § 816.79 in final § 819.21 is consistent with the requirement in Section 515(b)(12) of the Act that an operator obtain special approval for surface mining within 500 feet from underground mines to prevent breakthroughs and protect the health and safety of underground miners.

Another commenter suggested that the word "abandoned" be deleted from the language of proposed § 816.108(e). The commenter felt that coal recovery could be maximized by permitting augering near abandoned underground mines. OSM has rejected this suggestion. Section 816.79 does not prohibit mining near abandoned underground mines; it merely imposes special requirements if such mining is proposed.

Cross References

Certain cross references in these rules are to proposed rules that have not yet been finalized and which appear in Volume III of the "Final Environmental Impact Statement OSM EIS–1: Supplement," the availability of which is described below. If such other proposals are not adopted, a conforming technical amendment will be made to this rule.

III. Procedural Matters

Federal Paperwork Reduction Act

The Department of the Interior (DOI) has determined that this final rule does not require the collection of information as defined under 44 U.S.C. 3501 *et seq.*

Executive Order 12291

The DOI has determined that this document is not a major rule and does not require a regulatory impact analysis under Executive Order 12291.

Regulatory Flexibility Act

The DOI certifies that this document will not have a significant economic effect on a substantial number of small entities and therefore does not require a regulatory flexibility analysis under Public Law 96–354.

National Environmental Policy Act

OSM analyzed the impacts of these final rules in its "Final Environmental Impact Statement OSM–EIS–1: Supplement" according to Section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332(c)(C). The final supplement is available in OSM's Administrative Record in Room 5315, 1100 L Street, N.W., Washington, D.C., or by mail request to Mark Boster, Chief, Branch of Environmental Analysis, Room 134, Interior South Building, U.S. Department of the Interior, Washington, DC 20240. This preamble serves as the record of decision under NEPA. To the extent that this rule differs from the preferred alternative published in Volume III of the EIS, it falls within the impacts and analysis discussed therein.

List of Subjects in 30 CFR Part 819

Coal mining, Environmental protection, Surface mining.

For the reasons set forth in the preamble, Part 819, Ghapter VII, Title 30 of the Code of Federal Regulations is amended as set forth herein.

Dated: March 24, 1983.

William P. Pendley,

Acting Assistant Secretary, Energy and Minerals.

1. Part 819 is revised to read as follows:

PART 819—SPECIAL PERMANENT PROGRAM PERFORMANCE STANDARDS—AUGER MINING

Sec.
819.1 Scope.
819.11 Auger mining: General.
819.13 Auger mining: Coal recovery.
819.15 Auger mining: Hydrologic balance.
819.17 Auger mining: Subsidence protection.
819.19 Auger mining: Backfilling and grading.
819.21 Auger mining: Protection of underground mining.

Authority: Pub. L. 95–87, 30 U.S.C. 1201 *et seq.*

§ 819.1 Scope.

This part sets environmental protection performance standards for surface coal mining and reclamation operations involving auger mining.

§ 819.11 Auger mining: General.

(a) Auger mining operations shall be conducted in accordance with the requirements of Part 816 of this chapter, except as provided in this part.

(b) The regulatory authority may prohibit auger mining, if necessary to—

(1) Maximize the utilization, recoverability, or conservation of the solid-fuel resource, or

(2) Protect against adverse water-quality impacts.

§ 819.13 Auger mining: Coal recovery.

(a) Auger mining shall be conducted so as to maximize the utilization and conservation of the coal in accordance with § 816.59 of this chapter.

(b) Auger mining shall be planned and conducted to maximize recoverability of mineral reserves remaining after the operation and reclamation are complete.

(c) Each person who conducts auger mining operations shall leave areas of undisturbed coal, as approved by the regulatory authority, to provide access for future underground mining activities to coal reserves remaining after augering is completed, unless it is established that the coal reserves have been depleted or are so limited in thickness or extent that it will not be practicable to recover the remaining coal. This determination shall be made by the regulatory authority upon presentation of appropriate technical evidence by the operator.

§ 819.15 Auger mining: Hydrologic balance.

(a) Auger mining shall be planned and conducted to minimize disturbances of the prevailing hydrologic balance in accordance with the requirements of §§ 816.41 and 816.42 of this chapter.

(b) All auger holes, except as provided in Paragraph (c) of this section, shall be—

(1) Sealed within 72 hours after completion with an impervious and noncombustible material, if the holes are discharging water containing acid-or toxic-forming material. If sealing is not possible within 72 hours, the discharge shall be treated commencing within 72 hours after completion to meet applicable effluent limitations and water-quality standards until the holes are sealed; and

(2) Sealed with an impervious noncombustible material, as contemporaneously as practicable with the augering operation, as approved by the regulatory authority, if the holes are not discharging water containing acid-or toxic-forming material.

(c) Auger holes need not be sealed with an impervious material so as to prevent drainage if the regulatory authority determines that—

(1) The resulting impoundment of water may create a hazard to the environment or public health or safety, and

(2) The drainage from the auger holes will—

(i) Not pose a threat of pollution to surface water, and

(ii) Comply with the requirements of §§ 816.41 and 816.42 of this chapter.

§ 819.17 Auger mining: Subsidence protection.

Auger mining shall be conducted in accordance with the requirements of § 817.121(a) and (c) of this chapter.

§ 819.19 Auger mining: Backfilling and grading.

(a) *General.* Auger mining shall be conducted in accordance with the backfilling and grading requirements of §§ 816.102 and 816.104–816.106 of this chapter.

(b) *Remining.* Where auger mining operations affect previously mined areas that were not reclaimed to the standards of this chapter and the volume of all reasonably available spoil is demonstrated in writing to the regulatory authority to be insufficient to completely backfill the highwall, the highwall shall be eliminated to the maximum extent technically practical in accordance with the following criteria:

(1) The person who conducts the auger mining operation shall demonstrate to the regulatory authority that the backfill, designed by a qualified registered professional engineer, has a minimum static safety factor for the stability of the backfill of at least 1.3.

(2) All spoil generated by the auger mining operation and any associated surface coal mining and reclamation operation, and any other reasonably available spoil shall be used to backfill the area. Reasonably available spoil shall include spoil generated by the mining operation and other spoil located in the permit area that is accessible and available for use and that when rehandled will not cause a hazard to the public safety or significant damage to the environment. For this purpose, the permit area shall include spoil in the immediate vicinity of the auger mining operation.

(3) The coal seam mined shall be covered with a minimum of 4 feet of nonacid-, nontoxic-forming material and the backfill graded to a slope which is compatible with the approved postmining land use and which provides adequate drainage and long-term stability.

(4) Any remnant of the highwall shall be stable and not pose a hazard to the public health and safety or to the environment.

(5) Spoil placed on the outslope during previous mining operations shall not be distributed if such disturbances will cause instability of the remaining spoil or otherwise increase the hazard to the public health and safety or to the environment.

§ 819.21 Auger mining: Protection of underground mining.

Auger holes shall not extend closer than 500 feet (measured horizontally) to any abandoned or active underground mine workings, except as approved in accordance with § 816.79 of this chapter.

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April 28, 1983

Part V

General Services Administration

National Archives and Records Service

Federal Advisory Committee Management; Interim Rule

GENERAL SERVICES ADMINISTRATION

National Archives and Records Service

41 CFR Part 101-6

Federal Advisory Committee Management

AGENCY: National Archives and Records Service, General Services Administration.

ACTION: Interim rule, with comments invited prior to final rulemaking.

SUMMARY: This interim rule provides administrative and interpretive guidelines and management controls for Federal agencies concerning the implementation of the Federal Advisory Committee Act, as amended (5 U.S.C. App. I) (hereinafter "the Act"). In a previous issue of the **Federal Register**, GSA published a proposed rule on the management of Federal advisory committees and requested comments. The proposed rule was intended to provide Federal agencies with guidance and instructions for implementing the Act. Comments received have been considered in formulating this interim rule, which also has been reorganized to include new policy guidance to Federal agencies. Comments are invited on this interim rule prior to its publication as a final rule.

DATES: Effective date: April 28, 1983. Comments must be received by: July 27, 1983.

ADDRESS: Comments should be submitted to the Special Assistant to the Archivist (NX), National Archives and Records Service, Washington, DC 20408, Attention: FPMR Comments.

Comments will be available for examination at the Committee Management Secretariat, Room G-5, 9th Street and Pennsylvania Ave., NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Ron Martinson, Special Assistant to the Archivist, Committee Management Secretariat, (202) 523-4884.

SUPPLEMENTARY INFORMATION:

Background

GSA's authority for administering the Act is contained in section 7 of the Act and Executive Order 12024, (42 FR 61445, 3 CFR, 1977 Comp., p. 158). Under Executive Order 12024, the President delegated to the Administrator of General Services all the functions vested in the President by the Act, as amended, except that of reporting annually to the Congress, and redelegated to the Administrator the responsibility for the preparation of the annual report required by section 6(c) of the Act.

Originally, the responsibility for all matters relating to advisory committees was placed in the Office of Management and Budget (OMB), which issued Circular A-63 (March 27, 1974) and A-63 Transmittal Memoranda 1, 4, and 5.

In light of GSA's experience in administering the Act, GSA is issuing this interim rule, which consolidates many features of these OMB Circulars with existing GSA reporting requirements. The rule also provides additional procedures and guidance for Federal agencies.

Prior Comments

GSA issued an advance notice of proposed rulemaking (44 FR 66852, November 21, 1979) and a notice of proposed rulemaking (45 FR 55769; August 21, 1980). As a result of the proposed rule, 23 comments were received, and all have been carefully considered in developing this interim rule.

One of the major issues raised by commenters was the extent of applicability of the Act. Some commenters believe, as a matter of general policy, that advisory groups which are not formally structured, which do not have a continuing existence, which meet to deal with specific issues, and whose meetings do not constitute an established pattern of conduct should not be covered under the Act. One commenter asserted that the case law does not preclude administrative interpretation of the Act in limiting the definition of "Advisory committee" and also limiting coverage of "ad hoc groups." Another commenter favored a specific exemption for "ad hoc groups," based on Marblestone, (The Coverage of the Federal Advisory Committee Act, 35 Federal Bar Journal, 119). These comments were received before the decision in *National Resources Defense Council* v. *Edwards*, 2 GDS ¶ 82,070 (D.D.C., 1981). This rule reflects our judgment that the exclusion of certain non-recurring meetings from the Act's coverage is fully consistent with the statute, its legislative history, and judicial interpretation. The need for this flexibility was recently recognized in *National Anti-Hunger Coalition, et al.* v. *Executive Committee of the President's Private Sector Survey on Cost Control*, et al., Civil Action No. 82-3592 (D.D.C., Feb. 24, 1983). In wrestling with FACA's imprecise language, the court stated, "The Court's task in the absence of clear indications in the statute or its legislative history to the contrary, must be to achieve a common-sense interpretation. Congressional concerns must be accommodated in a manner that produces a constitutional result, in this instance to leave the President with substantial freedom to formulate policy recommendations free from excessive intrusion." The interim rule provides guidance on those meetings between Federal officials and non-Federal individuals which do not fall within the scope of the Act, and for which a charter and consultation with GSA is not required.

Another issue raised was whether the Act applies to committees "utilized" by agencies. One commenter contended that the proposed rule failed to distinguish committees "established" by agencies from those "utilized" by agencies. That commenter also believed that the Cox decision (*Center for Auto Safety* v. *Cox*, 580 F.2d 689 (D.C. Cir., 1978)) would make the Act inapplicable to "utilized" committees. GSA has reviewed the *Cox* decision and does not agree with that interpretation. Subsequent judicial precedent supports GSA's position. The interim rule does define a "utilized" committee.

In providing guidance on those groups and meetings not subject to FACA, and on utilization, GSA is in general agreement with the following recommendation of the Administrative Conference of the United States.

The most serious problems regarding the coverage of FACA have involved the applicability of the Act (a) to groups convened by agencies, on an ad hoc basis, without formal organization or structure or continuing existence, to obtain views on particular matters of immediate concern to the agency, and (b) to privately established groups whose advice is "utilized" by an agency.

a. Uncertainty as to the applicability of FACA to one-time or occasional meetings between ad hoc groups and government officials has tended to discourage useful contacts with the private sector. It is impractical to require such meetings to conform with the Act's requirements regarding chartering, advance notice, and structure of the committee. The Administrative Conference believes that the Act is not applicable to ad hoc, unstructured, noncontinuing groups and that GSA's guidelines should make this clear. Coverage of such groups would not further the purposes of the Act.

b. The conference believes that the definition of "advisory committee" is limited to committees either established by government action or affirmatively supported and "utilized" by the government through institutional arrangements which amount to the adoption of the groups as a preferred source of advice. GSA's guidelines should make this clear.

Thus, under the interim rule, the President or Federal official would "utilize" a committee when that individual recognizes, uses, or intends to use the committee as a preferred source of advice on specific, identified government policy within that individual's scope of responsibility. Such committees, although they may be informal, have an organizational structure, a stable membership and, generally, a continuing existence. They meet to present recommendations developed by that committee, as distinguished from meetings whose attendees respond as individuals.

While this interim rule provides guidance and examples of meetings with groups of individuals which are not subject to the Act, agencies are cautioned that the group can become subject to the Act if a pattern or "track record" develops whereby an agency seeks advice from the group in such a way that it becomes a preferred source of advice.

Questions were raised as to when all the requirements of the Act apply to subcommittees. One commenter suggested a clarification of the definition of subcommittee, so that the establishment of subcommittees is not used to circumvent the principles of the Act.

Another commenter, however, suggested that a subcommittee is not required to consult and charter separately if it has functions related to the functions of the parent committee, and reports to the parent committee. The Court's reasoning in *National Anti-Hunger Coalition* v. *Executive Committee* supports the latter recommendation by emphasizing that the Act's requirements apply to committees which provide advice and recommendations directly to the President or Federal official, and as opposed to the parent committee. Therefore, the requirements for consultation and chartering of subcommittees which appear in § 101–6.1007(a)(3) apply when a subcommittee functions independently of the parent committee such as reporting directly to the President or agency official rather than to the parent committee.

Another commenter, on behalf of a consortium of State and local interest groups, requested an administrative exemption from FACA coverage for State and local officials and their representatives. Although this comment has merit, GSA has concluded this exemption would require amendment of the Act.

One commenter suggests that there be a definition of "meeting" so it would be clear when an agency must comply with procedures under the Act. It is GSA's position that informal meetings or gatherings of advisory committee members in which substantive committee business is discussed are subject to the provisions of the Act. GSA recognizes the administrative difficulty in this area and has concluded that the sponsoring agency can best determine whether a specific gathering of advisory committee members constitutes an advisory committee meeting. GSA believes, however, that meetings of two or more advisory committee members convened to gather information or conduct research for the committtee to analyze relevant issues and facts, or to draft option papers for consideration by the advisory committee do not constutute a meeting of the advisory committee subject to the requirements of the Act, *National Anti-Hunger Coalition* v. *Executive Committee*, supra.

Several commenters raised questions as to GSA's role in the establishment of advisory committees. Some commenters objected to the requirement for GSA concurrence before an agency head can establish, use, or renew an advisory commitee under general agency authority.

We recognize the sensitive nature of this particular issue, that is, the role to be played by GSA in the establishment of an advisory committee. GSA is fully aware that an agency head, not GSA, "determines as a matter of formal record" (after consultation with the Administrator) that the establishment of an advisory committee is "in the public interest in connection with the performance of duties imposed on that agency by law."

Hlowever, GSA is responsible for "all matters relating to advisory committees" (5 U.S.C. App. I) and a meaningful rather than a *pro forma* consultation role is necessary to fulfill this responsibility. This conclusion is reinforced by the language in sec. 9(a)(2) of FACA, which provides that an advisory committee cannot be established until the consultaion process has taken place. In the absence of specific direction in either FACA or its legislative history as to what precisely is meant by the word "consultation," it is incumbent on GSA to determine the parameters of this process.

We have concluded to follow the consultative process as it has been performed, in the beginning by OMB and then by GSA. GSA will, therefore, continue the practice of giving notification of "concurrence/nonconcurrence" in consultations received from agencies.

We do not view or interpret the words "concur/nonconcur" as implying a veto power by GSA over a determination which properly rests in the head of another agency. Rather, we interpret the word "concur" as meaning that GSA agrees the establishment of a particular committee is in accord with the terms and spirit of FACA. Conversely, a nonconcurrence would indicate GSA's opinion that the establishment of a committee is not in accord with FACA.

GSA also believes that its notification of "concurrence/nonconcurrence" to an agency head is a logical way to complete the consultation process. Such notification is GSA's means of letting the agency head know that the consultation process has been fulfilled.

In the final analysis, a nonconcurrence by GSA would not legally prevent an agency from establishing a particular committee. However, GSA in discharging its oversight function of advisory committees intends to prepare and submit periodic reports to the President, OMB, and the Congress. Our nonconcurrence in any advisory committee, therefore, would be included in these reports.

GSA also intends to watch for situations in which agencies might redefine or restructure advisory committees in such a way as to exclude them from the Act's coverage and requirements. GSA will analyze these situations to determine if an agency is elevating form over substance to disguise an advisory committee which should comply with the Act. If this is the case, GSA will recommend that such groups are chartered and operate in accordance with the Act. In situations where GSA and the sponsoring agency cannot resolve the matter, GSA will identify in future reports the groups for which a charter has been recommended and no action has been taken.

Other commenters suggest that if GSA had not replied to an agency consultation letter by the end of a specific review period, GSA concurrence would be implied. We have not included this suggestion in this rule on the grounds that it is not practical. When GSA receives an agency consultation letter, it gathers pertinent information to assess the need for the committee. Occasionally, certain information is not available or provided within a specified time period. To allow a committee to come into being without that information would not be in the public interest. This interim rule provides that GSA will respond to an agency consultation letter within 15 days, if possible.

Another commenter raised the question of the role of the OMB budget examiner in the consultation process. The budget examiner's role has been integral to the consultation process since it began. When the function was transferred to GSA, OMB continued to make available the assistance of budget examiners in the consultation process.

Several commenters objected to language requiring that agencies maintain complete documentation on their advisory committees in a single location on the basis that such a requirement was administratively excessive and unreasonable. Most of the commenters on this issue suggest that GSA's language follow the language in the Act. GSA agrees and has eased this requirement.

One commenter asked that the regulation prohibit dual and multiple committee memberships in which one person serves on more than one committee in one of more agencies. That commenter believed that such multiple memberships should be discouraged in the interest of providing access by a broader number of citizens to membership on advisory committees. GSA believes that, if necessary, agencies should deal with this issue in their own regulations and procedures.

Some commenters suggested that a definition of "Independent Presidential Advisory Committee" be included in order to make clear which Presidential advisory committees receive administrative support from the Administrator of General Services. GSA agrees with this suggestion and has included a definition of an independent PAC. The duties of the Chairperson of an independent PAC are set out separately.

Several comments were made on the organization of the proposed rule and the clarity of certain terms. For example, some suggestions were offered on alternative language to describe "balanced membership." GSA has attempted to clarify in this interim rule the guidelines for balanced membership. The rule describes balance in terms of specific function to be performed by a particular committee. This is consistent with the language of *National Anti-hunger Coalition* v. *Executive Committee*, supra.

Additional Instructions

Pursuant to section 7(d) of the Act, the Administrator after study and consultation with the Director, Office of Personnel Management, is to establish guidelines with respect to uniform fair rates of pay for comparable services for members, staffs, and consultants of advisory committees. The consultation process with OPM has taken place.

Consistent with the intent of Congress and the President to control the costs of administering advisory committees, the interim rule contains a provision which states that unless otherwise required by law, or when necessary to obtain balanced membership or a particular level of technical expertise, no member of an advisory committee shall receive compensation for his or her services. In other words, unless an exception applies, compensation shall be set at zero.

GSA believes that a sufficient number of citizens of all backgrounds and qualifications can be found to provide advice and recommendations to the Federal Government through voluntary service on advisory committees.

The interim rule does provide for the reimbursement of necessary travel expenses and per diem, as well as a mechanism where agencies may engage consultants to serve as members of advisory committees when this is necessary to acquire certain technical expertise or balanced membership that cannot be satisfied solely through the appointment of noncompensated members. However, it is the responsibility of each agency to make a good faith effort to meet its membership requirements on a noncompensated basis. GSA in its oversight responsibility will include membership information in program reports and recommendations which it prepares on Federal advisory committees. The interim regulation contains no changes to present methods used by agencies regarding compensation of consultants or staff under OPM and OMB procedures.

The rules have also been amended to reflect the change in the annual agency reporting requirements from a calendar year to a fiscal year cycle brought about by Pub. L. 97-375.

Executive Order 12291

The General Services Administration has determined that this proposed rule is not a major rule for purposes of Executive Order 12291 of February 17, 1981, because it will not result in an annual effect on the economy of $100 million or more, will not cause a major increase in costs to consumers or others, and will not have significant adverse effects. The General Services Administration has based all administrative decisions on this proposed rule on adequate information concerning the need for and consequences of this proposed rule. GSA has also determined that the potential benefits to society from this proposed rule far outweigh the potential costs, has maximized the net benefits, and has chosen the alternative involving the least net cost to society.

Regulatory Flexibility Act

These regulations are not subject to the regulatory flexibility analysis or other requirements of 5 U.S.C. 603 and 604.

Effect on Other Directives

This rule replaces OMB Circular A-63 (March 27, 1974) and A-63 Transmittal Memoranda 1, 4, and 5 which have been rescinded by OMB.

List of Subjects in 41 CFR Part 101-6

Civil rights, Government property management, Grant programs, Intergovernmental relations, Surplus Government property, Relocation assistance, Real property acquisition, Federal advisory committees.

Dated: March 21, 1983.

Ray Kline,

Acting Administrator of General Services

Accordingly, 41 CFR Part 101-6 is amended as set forth below:

PART 101-6—[AMENDED]

Subpart 101-6.10 is added to Part 101-6 to read as follows:

Subpart 101-6.10—Federal Advisory Committee Management

Sec.

101-6.1001 Scope.
101-6.1002 Policy.
101-6.1003 Definitions.
101-6.1004 What are examples of advisory meetings or groups not covered by the Act of this regulation?
101-6.1005 By what authority may an advisory committee be established?
101-6.1007 How does an agency head establish an advisory committee?
101-6.1009 What responsibilities does an agency head have for an established advisory committee or subcommittee as specified in §101-6.1007?
101-6.1011 What are the responsibilities of the chairperson of an independent Presidential advisory committee?
101-6.1013 What are the charter filing requirements?
101-6.1015 What advisory committee information must be published in the **Federal Register**?
101-6.1017 What are the duties of the agency Committee Management Officer?
101-6.1019 What are the duties of the Designated Federal Official?
101-6.1021 How may the public participate in advisory committee meetings?
101-6.1023 What is the procedure for closing an advisory committee meeting?
101-6.1025 Are minutes required at advisory committee meetings?
101-6.1027 How are advisory committees terminated?

Sec.
101–6.1029 How are advisory committees renewed?
101–6.1031 When should an advisory committee charter be amended?
101–6.1033 When should advisory committee members and staff receive compensation and expense reimbursements for committee activities?
101–6.1035 What reports are required for advisory committees?

Authority: Sec. 205(c) 63 Stat. 390; 40 U.S.C. 486(c); sec. 7, 5 U.S.C. App. 1; and E.O. 12024, 3 CFR 1977 Comp. p. 158.

Subpart 101–6.10—Federal Advisory Committee Management

§ 101–6.1001 Scope.

(a) The following regulations define the policies, establish minimum requirements, and provide guidance to agency management for the establishment, operation, administration, and duration of advisory committees subject to the Federal Advisory Committee Act, as amended. Reporting requirements which keep the Congress and the public informed of the number, purpose, membership, activities, and cost of these advisory committees are also included.

(b) The Act and these regulations do not apply to advisory meetings or groups listed in § 101–6.1004.

§ 101–6.1002 Policy.

The policy to be followed by Federal departments, agencies, and commissions, consistent with the Federal Advisory Committee Act, as amended, is that an advisory committee shall be:

(a) Established only when it is essential to the conduct of agency business. Decison criteria would include whether committee deliberations will result in the creation, elimination, or change in regulations, guidelines, or rules affecting agency business; whether the information to be obtained is already available through another advisory committee or source within the Federal Government; whether the committee will make recommendations resulting in significant improvements in service or reductions in cost; or whether the committee recommendations will provide an important additional perspective or viewpoint impacting on agency operations;

(b) Terminated whenever the stated objectives of the committee have been accomplished; the subject matter or work of the committee has become obsolete by the passing of time or the assumption of the committee's main functions by another entity within the Federal Government; or the agency determines that the cost of operation is excessive in relation to the benefits accruing to the Federal Government;

(c) Balanced in its membership in terms of the points of view represented and the functions to be performed; and

(d) Open to the public in its meetings except in those circumstances where a closed meeting shall be determined proper and consistent with the Act.

§ 101–6.1003 Definitions.

"Act" means the Federal Advisory Committee Act, as amended, 5 U.S.C. App. I.

"Administrator" means the Administrator of General Services.

"Advisory Committee" subject to the Act means any committee, board, commission, council, conference, panel, task force, or other similar group, or any subcommittee or other subgroup thereof, established by statute, or established or utilized by the President or any agency official for the purpose of obtaining advice or recommendations on issues or policies which are within the scope of his or her responsibilities.

"Agency" has the same meaning as in section 551(1) of Title 5 of the United States Code.

"Committee member" means an individual who serves by appointment on an advisory committee and has the full right and obligation to participate in the activities of the committee, including voting on committee recommendations.

"Independent Presidential advisory committee" means any Presidential advisory committee not assigned by the President, or the President's delegate, or by the Congress in law, to an agency for administrative and other support and for which the Administrator of General Services may provide administrative and other support on a reimbursable basis.

"Presidential advisory committee" means any advisory committee which advised the President. It may be established by the President or by the Congress, or used by the President in the interest of obtaining advice or recommendation for the President.

"Secretariat" means the General Services Administration's Committee Management Secretariat.

"Staff member" means any individual who serves in a support capacity to an advisory committee.

"Utilized" (or used), as referenced in the definition of "Advisory Committee" of this section, means a committee or other group composed in whole or in part of other than full-time officers or employees of the Federal Government with an established existence outside the Federal Government which the President or agency official(s) adopts, such as through institutional arrangements, as a preferred source from which to obtain advice or recommendations on a specific issue or policy within the scope of his or her responsibilities in the same manner as that individual would obtain advice or recommendations from an established advisory committee.

§ 101–6.1004 What are examples of advisory meetings or groups not covered by the Act or this regulation?

(a) Any committee composed wholly of full-time officers or employees of the Federal Government;

(b) Any advisory committee specifically exempted by an Act of Congress;

(c) Any advisory committee established or utilized by the Central Intelligence Agency;

(d) Any advisory committee established or utilized by the Federal Reserve System;

(e) The Advisory Committee on Intergovernmental Relations;

(f) Any local civic group whose primary function is that of rendering a public service with respect to a Federal program, or any State or local committee, council, board, commission, or similar group established to advise or make recommendations to State or local officials or agencies;

(g) Any meeting initiated by the President or one or more Federal official for the purpose of obtaining advice or recommendations from one individual;

(h) Except with respect to established advisory committees:

(1) Any meeting with a group initiated by the President or one or more Federal official(s) for the purpose of exchanging facts or information; or

(2) Any meeting initiated by a group with the President or one or more Federal official(s) for the purpose of expressing the group's view, provided that the President or Federal official(s) does not use the group as a preferred source of advice or recommendations;

(i) Any committee which is established to perform primarily operational as opposed to advisory functions, except that such committee may be covered by the Act if it becomes primarily advisory in nature. It is the responsibility of the administering agency to determine whether such a committee is primarily operational. If so, it would not fall under the requirements of the Act and this regulation, but would continue to be regulated under relevant laws, subject to the direction of the President and the review of the appropriate legislative committees; or

(j) Any meeting initiated by a Federal official(s) with more than one individual

for the purpose of obtaining the advice of individual attendees and not for the purpose of utilizing the group to obtain consensus advice or recommendations.

§ 101-6.1005 By what authority may an advisory committee be established?

An advisory committee may be established in one of four ways:

(a) By the President by Executive Order;

(b) By law where the Congress specifically directs the President or an agency to establish it;

(c) By law where the Congress authorizes but does not direct the President or an agency to establish it. In this instance, an agency head shall follow the procedures provided in § 101-6.1007; or

(d) By an agency under general agency authority in Title 5 of the United States Code or under other general agency-authorizing law. In this instance, an agency head shall follow the procedures provided § 101-6.1007.

§ 101-6.1007 How does an agency head establish an advisory committee?

(a) In establishing or using an advisory committee, the head of an agency shall comply with the Act and this subpart, and shall—

(1) Prepare a proposed charter for the committee which includes the information listed in section 9(c) of the Act; and

(2) Submit an original and one copy of a letter to the Administrator proposing to establish or use, reestablish, or renew an advisory committee. The letter shall include the following information:

(i) An explanation of why the committee is essential to the conduct of agency business and in the public interest;

(ii) An explanation of why the committee's functions cannot be performed by the agency, another existing advisory committee, or other means such as a public hearing; and

(iii) A description of the agency's plan to attain balanced membership. For purposes of obtaining balance, agencies shall consider for membership a cross-section of interested persons and groups with demonstrated professional or personal qualifications or experience to contribute to the functions and tasks to be performed. This shall not be construed to limit the participation of any individual where such participation is necessary to obtain divergent points of view that are relevant to the business of the advisory committee. The letter shall be accompanied by two copies of the proppsed charter.

(3) The requirements of paragraphs (a)(1) and (a)(2) of this section shall apply for any subcommittee of a chartered advisory committee, whether its members are drawn in whole or in part from the parent advisory committee, which functions independently of the parent advisory committee such as by making recommendations directly to the agency rather than for consideration by the chartered advisory committee.

(b) The Administrator will review the proposal and notify the agency head of concurrence or nonconcurrence within 15 days of receipt, if possible.

(c) Upon receipt of the Administrator's notification, the agency head shall notify the Administrator in writing that either:

(1) The advisory committee is being established. The filing of the advisory committee charter as specified in § 101-6.1013 shall be considered appropriate written notification in this instance. The agency head shall then comply with the provisions of § 101-6.1009 for an established advisory committee; or

(2) The advisory committee is not being established. In this instance, the agency head shall also advise the Administrator if the agency head intends to take any further action with respect to the proposed advisory committee.

§ 101-6.1009 What responsibilities does an agency head have for an established advisory committee or subcommittee as specified in § 101-6.1007?

(a) The agency head shall:

(1) File the charter as specified in § 101-6.1013;

(2) Issue agency regulations or guidelines as may be necessary to operate and oversee the advisory committee;

(3) File required documents;

(4) Publish required notices in the **Federal Register**;

(5) Designate a Committee Management Officer for the agency;

(6) Appoint a Designated Federal Official for each advisory committee;

(7) Ensure the opportunity for public participation as required;

(8) Ensure that detailed minutes are kept of each advisory committee meeting;

(9) Ensure that certain rates of pay are justified;

(10) Submit required reports; and

(11) Terminate the advisory committee when appropriate.

(b) The agency head should:

(1) Not later than the initial meeting of an advisory committee, submit to committee members, committee staff, consultants, and appropriate agency management personnel a written statement of the purpose, objectives and expected acomplishments for the committee.

(2) Solicit in writing or in a formal meeting at least annually the views of the committee members on the effectiveness, activities, and management of the committee, including recommendations for improvement. Comments received should be reviewed by the agency head or senior policy official responsible for the committee to determine whether improvements or corrective action is warranted. Copies of such recommendations should be retained until the committee is terminated or renewed.

(3) Involve key management personnel of the agency whose interests are affected by the committee in committee meetings, including reviewing reports and establishing agendas.

(4) Limit membership on advisory committees to 25 members for committees with an agency-wide mission and 12 members for committees with a more narrowly defined function or specialized area of interest. An agency head may authorize additional members for a committee when the agency head determines that such additional members are necessary to the function of the committee or to achieve balanced membership.

(5) Periodically but not less than annually review the level of agency staff support dedicated to advisory committees to ensure that expenditures are justified in consideration of committee activity and the benefits accruing to the Government.

(6) Monitor the attendance and participation of advisory committee members and consider replacing any member who has missed a substantial number of scheduled committee meetings.

(7) Establish meeting dates and distribute agendas and other meeting materials well in advance.

§ 101-6.1011 What are the responsibilities of the chairperson of an independent Presidential advisory committee?

The Chairperson shall comply with the Act and this regulation and shall—

(a) Determine with the Administrator or his or her delegate the role of the designated Federal Official;

(b) Designate a Committee Management Officer for the committee; and

(c) Fulfill the responsibilities of an agency head as specified in paragraphs (a)(1), (3), (4), (7), (8), and (10) of § 101-6.1009.

§ 101–6.1013 What are the charter filing requirements?

No advisory committee may operate, meet, or take any action until its charter has been filed as follows:

(a) *Advisory committee established, used, reestablished, or renewed by an agency.* The agency head shall file—

(1) The charter with the standing committees of the Senate and of the House of Representatives having legislative jurisdiction of the agency;

(2) A copy with the Secretariat; and

(3) A copy with the Library of Congress, Exchange and Gift Division, Federal Documents Section, Federal Advisory Committee Desk, Washington, DC 20540.

(b) *Advisory committee specifically directed by law or authorized by law.* Procedures are the same as in paragraph (a) of this section.

(c) *Presidential advisory committee.* When either the President or the Congress establishes an advisory committee which advises the President, the responsible agency head or, in the case of an independent Presidential advisory committee, the President's designee, shall file—

(1) The charter with the Secretariat;

(2) A copy with the Library of Congress; and

(3) If specifically directed by law, a copy with the standing committees of the Senate and of the House of Representatives having legislative jurisdiction of the agency or of the independent Presidential advisory committee.

§ 101–6.1015 What advisory committee information must be published in the Federal Register?

(a) *Committee establishment, reestablishment, or renewal.*—(1) A notice in the **Federal Register** is required when any advisory committee, except a committee directed by law or established by the President, is established, reestablished, or renewed. Upon receiving notification of the completed review and concurrence in the committee from the Administrator, the agency head shall publish a notice in the **Federal Register** that the committee is being established, reestablished, or renewed, and for a new committee such notice shall also include a statement describing the nature and purpose of the committee and an affirmation that it is necessary and in the public interest.

(2) Establishment and reestablishment notices shall appear at least 15 days before the committee charter is filed, except that the Administrator may approve less than 15 days when requested for good cause by the agency head. The 15-day notice requirement does not apply to committee renewals.

(b) *Committee meetings.*—(1) The agency head or the chairperson of an independent Presidential advisory committee shall publish at least 15 days prior to an advisory committee meeting a notice in the **Federal Register** which includes:

(i) The exact name of the advisory committee as chartered;

(ii) The time, date, place, and purpose of the meeting;

(iii) A summary of the agenda; and

(iv) A statement whether all or part of the meeting is open to the public or closed, and if closed, the reasons why, citing the specific exemptions of the Government in the Sunshine Act (5 U.S.C. 552b) as the basis for closure.

(2) In exceptional circumstances, the agency head or chairperson of an independent Presidential advisory committee may give less than 15 days notice, provided that the reasons for doing so are included in the committee meeting notice published in the **Federal Register**.

§ 101–6.1017 What are the duties of the agency Committee Management Officer?

(a) The Committee Management Officer is designated by the agency head or by the chairperson of an independent Presidential advisory committee and his or her name, agency address, and phone number given to the Secretariat.

(b) The Committee Management Officer shall—

(1) Discharge the responsibilities enumerated in section 8(b) of the Act;

(2) Maintain in a single location a complete set for the charters and membership lists of each of the agency's advisory committees;

(3) Maintain information on the nature, functions, and operations of each of the agency's advisory committees; and

(4) Provide information on how to obtain copies of minutes of meetings and reports of each of the agency's advisory committees.

§ 101–6.1019 What are the duties of the Designated Federal Official?

The agency head, or in the case of an independent Presidential advisory committee, the Administrator, shall designate a full-time Federal employee to be the Designated Federal Official for the advisory committee, who shall—

(a) Attend the meetings;

(b) Adjourn the meetings when he or she determines that adjournment is in the public interest, and

(c) For agency-established advisory committees:

(1) Approve or call the meeting of the advisory committee;

(2) Approve the agenda; and

(3) Chair the meeting when so determined by the agency head.

§ 101–6.1021 How may the public participate in advisory committee meetings?

The agency head, or the chairperson of an independent Presidential advisory committee, shall ensure that—

(a) Each advisory committee meeting is held at a reasonable time and in a place reasonably accessible to the public;

(b) The meeting room size is sufficient to accommodate advisory committee members, committee or agency staff, and interested members of the public;

(c) Any member of the public is permitted to file a written statement with the advisory committee; and

(d) Any member of the public may speak at the advisory committee meeting if the agency's regulations or guidelines so permit.

§101–6.1023 What is the procedure for closing an advisory committee meeting?

(a) To close all or part of a meeting, a duly authorized official acting on behalf of the committee shall submit a request to the agency head, or, in the case of an independent Presidential advisory committee, the Administrator or his delegate, at least 30 days prior to the scheduled meeting date, citing the specific provisions of the Government in the Sunshine Act (5 U.S.C. 552b) which justify the closure. The agency head, or, in the case of an independent Presidential advisory committee, the Administrator, may waive the 30-day requirement when a lesser period of time is requested and justified by the duly authorized official or chairperson.

(b) As required by the Government in the Sunshine Act, the general counsel of the agency, or in the case of an independent Presidential advisory committee, the General Services Administration Counsel, shall review all requests to close meetings.

(c) If the agency head, or in the case of an independent Presidential advisory committee, the Administrator or the person to whom such authority is delegated by the agency head or Administrator, determines that the request is consistent with the Government in the Sunshine Act and the Federal Advisory Committee Act, he or she shall issue a determination that all or part of the meeting may be closed.

(d) The agency head, or the chairperson of an independent Presidential advisory committee, shall:

(1) Make a copy of the determination available to the public upon request; and

(2) Publish the meeting notice in the **Federal Register**, including the reasons why all or part of the meeting is closed, citing the specified exemptions used from the Government in the Sunshine Act.

§101–6.1025 Are minutes required at advisory committee meetings?

The agency head or, in the case of an independent Presidential advisory committee, the chairperson, shall ensure that detailed minutes of each advisory committee are kept. The minutes must include—

(a) Time, date, and place;

(b) A list of the following persons who were present:

(1) Advisory committee members and staff;

(2) Agency employees; and

(3) Members of the public who present oral or written statements;

(c) An estimated number of other members of the public present;

(d) An accurate description of each matter discussed and the resolution, if any, made by the committee of such matter; and

(e) Copies of each report or other document received or issued by the Committee.

§ 101–6.1027 How are advisory committees terminated?

Any advisory committee shall automatically terminate not later than 2 years after it is established, reestablished, or renewed, unless—

(a) Its duration is otherwise provided in law;

(b) It is renewed; or

(c) The President or agency head terminates it before that time.

§ 101–6.1029 How are advisory committees renewed?

(a) Advisory committees established by the President may be renewed by appropriate action of the President and the filing of a new charter.

(b) Advisory committees specifically directed by law:

(1) Which terminate under the provisions of section 14 of the Act may be reestablished by an agency head, provided that the agency head complies with the provisions of § 101–6.1007; or

(2) Whose duration extends beyond 2 years shall require a new charter to be filed every 2 years after the date of enactment of the law establishing the committee. If a new charter is not filed, the committee is not terminated, but may not meet or take any action.

(c) Advisory committees authorized by law or established or used by an agency: At least 30 but not more than 60 days before the committee terminates, an agency head who intends to renew a committee shall comply with the provisions of § 101–6.1007.

§ 101–6.1031 When should an advisory committee charter be amended?

(a) *Committees established by the President or specifically directed by law.* When the President by Executive order or the Congress by law changes the authorizing language which has been the basis for establishing an advisory committee, the agency head or chairperson of an independent Presidential advisory committee shall—

(1) Amend those sections of the current charter affected by the new Executive order or law; and

(2) File the amended charter as specified in § 101–6.1013.

(b) *Agency-authorized committees.* The charter of an agency-authorized advisory committee may be amended when an agency head determines that the existing charter no longer accurately reflects the goals or procedures of the committee. Changes may be minor, such as revising the name of the advisory committee, or may be major dealing with the basic objectives or composition of the committee.

(1) To make a minor amendment to a committee charter, an agency head shall:

(i) Amend the charter language as necessary, and

(ii) File the amended charter as specified in § 101–6.1013.

(2) To make a major amendment to a committee charter, an agency head shall:

(i) Amend the charter language as necessary.

(ii) Submit the proposed amended charter with a letter to the Administrator requesting concurrence in the amended language and an explanation of why the changes are essential and in the public interest. The Administrator or his or her delegate will give notice to the agency head of concurrence or nonconcurrence in the request within 15 days of receipt of the request, if possible; and

(iii) File the amended charter as specified in § 101–6.1013.

(c) *Renewals.* Amending any existing advisory committee charter does not constitute renewal of the committee under § 101–6.1029.

§ 101–6.1033 When should advisory committee members and staff receive compensation and expense reimbursements for committee activities?

(a) *Committee members.* Unless specifically required by law, agencies shall not compensate advisory committee members for their service on an advisory committee. In the exceptional case where an agency head is unable to meet the need for technical expertise or the requirement for balanced membership solely through the appointment of noncompensated members, the agency head may contract for the services of a specific consultant who may be appointed as a member of the advisory committee. In such a case, the agency head shall follow the procedures set forth in paragraph (b) of this section. This paragraph (a) shall apply to any committee member appointed after May 15, 1983. No committee member shall be compensated other than as allowed in paragraph (b) of this section after September 30, 1983.

(b) *Consultants.* Prior to hiring a consultant to an advisory committee, the agency head must determine that the expertise or viewpoint to be offered by the consultant is not otherwise available without cost to the agency. When an agency head hires a consultant, the compensation may not exceed the maximum rate of pay authorized by 5 U.S.C. 3109. Hiring of consultants shall be in accordance with OMB Circular A–120 and applicable statutes, regulations, and Executive Orders.

(c) *Staff members.* An agency may fix the pay of each advisory committee staff member at a rate of the General Schedule, General Management Schedule, or Senior Executive Service in which the Staff member's position would appropriately be placed (5 U.S.C. Chapter 51). An agency may not fix the pay of a staff member at a rate higher than the daily equivalent of the maximum rate for GS–15, unless the agency head has determined that under the General Schedule, General Management Schedule, or Senior Executive Service classification system, the staff member's position would appropriately be placed at a grade higher than GS–15. This determination must be reviewed annually by the agency head.

(1) In establishing rates of compensation, the agency head shall comply with applicable statutes, regulations, and Executive Orders.

(2) A staff member who is a Federal employee shall serve with the knowledge of the Designated Federal Official and the approval of the employee's direct supervisor. If a non-Federal employee, the staff member shall be appointed in accordance with applicable agency procedures, following consultation with the advisory committee.

(d) *Travel expenses.* Advisory committee members and staff members, while engaged in the performance of their duties away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in the Government service.

(e) *Special services.* While performing advisory committee duties, an advisory committee member who is blind or deaf or who qualifies as a handicapped individual may be provided services by a personal assistant for handicapped employees if the member—

(1) Qualifies as a handicapped individual as defined by section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 794); and

(2) Does not otherwise qualify for assistance under 5 U.S.C. 3102 by reason of being an employee of an agency.

(f) *Noncompensated services.* Nothing in this section prevents an agency from accepting the noncompensated or reimbursed services of a member, consultant, or staff member of an advisory committee.

(g) *Exclusions.*—(1) Nothing in this section prevents any person who (without regard to his or her service with an advisory committee) is a full-time Federal employee from receiving compensation at the rate at which he or she otherwise would be compensated as a full-time Federal employee.

(2) Nothing in this section prevents any person who immediately before his or her service with an advisory committee was a full-time Federal employee from receiving compensation at the rate at which he or she was compensated as a full-time Federal employee.

(3) Nothing in this section affects a rate of pay or a limitation on a rate of pay that is specifically established by law or a rate of pay established under the General Schedule classification and pay system in chapter 51 and chapter 53 of title 5, United States Code.

§ 101–6.1035 What reports are required for advisory committees?

GSA will periodically issue instructions to agencies regarding reporting requirements and procedures. Included in those requirements, each agency shall file a report on a fiscal year basis providing requested program, financial, and membership information to GSA. This information shall be used by GSA for preparing program recommendations and status reports on advisory committee matters, and for assisting the President in preparing and submitting a fiscal year report to the Congress. The membership list for each advisory committee shall be updated quarterly with notification furnished to GSA of all new vacancies and appointments during the period.

[FR Doc. 83–11357 Filed 4–27–83; 8:45 am]

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April 28, 1983

Part VI

Department of Energy

Federal Energy Regulatory Commission

Determinations by Jurisdictional Agencies Under the National Gas Policy Act of 1978

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Volume 877]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: April 22, 1983.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register**.

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487–4808, 5285 Port Royal Rd, Springfield, Va 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 Mile rule)
102–3: New well (1000 Ft rule)
102–4: New onshore reservior
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal Seams
107–DV: Devonian Shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,
Secretary

BILLING CODE 6717-01-M

NOTICE OF DETERMINATIONS
ISSUED APRIL 22, 1983

VOLUME 877

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
MICHIGAN DEPARTMENT OF NATURAL RESOURCES									
-PATRICK PETROLEUM CORP (MI)				RECEIVED:	03/29/83	JA: MI			
8330077		2111335899		102-4		GILDE #1-25	FALMOUTH	2400.0	MICHIGAN CONSOLID
-SHELL OIL CO				RECEIVED:	03/29/83	JA: MI			
8330079		2110100008		102-4		P C A -GILLESPIE 5-23A	MANISTEE 23A	917.6	MICHIGAN CONSOLID
8330080		2110100008		102-4		PCA-STATE CLEON 2-33A	CLEON 32A	98.5	MICHIGAN CONSOLID
8330078		2110100008		102-4		STATE CLEON 2-32	CLEON 32A	174.0	MICHIGAN CONSOLID
8330076		2113700008		102-2		STATE CORWITH 1-23	CORWITH 23	401.5	MICHIGAN CONSOLID
8330081		2110100008		102-4		STATE MANISTEE 3-23	MANISTEE 23A	1120.5	MICHIGAN CONSOLID
OKLAHOMA CORPORATION COMMISSION									
-ARCO OIL AND GAS COMPANY				RECEIVED:	03/29/83	JA: OK			
8330155	20771	3504700008		108		BULLOCK-DIERKSEN #2	SOONER TREND	6.2	EXXON CO U S A
8330156	20772	3504700008		108		CLAUDE B ISBELL UNIT WELL NO 1	SOONER TREND	19.7	EXXON CO U S A
8330154	20769	3504721064		108		WILLIAMSON #2	SOONER TREND	2.2	EXXON CO U S A
-ARKOMA GAS CO				RECEIVED:	03/29/83	JA: OK			
8330157	20794	3512120911		103		DOSS OIL ROYALTY CO #1-33	WEST SCIPIO	55.0	ARKANSAS LOUISIAN
8330162	20799	3512120912		103		GLADSTEIN #1-34	WEST SCIPIO	27.0	ARKANSAS LOUISIAN
8330161	20798	3512120912		103		GLADSTEIN #1-34	WEST SCIPIO	28.0	ARKANSAS LOUISIAN
8330160	20797	3512120909		103		MILLION #1-27	WEST SCIPIO	27.0	ARKANSAS LOUISIAN
8330159	20796	3512120909		103		MILLION #1-27	WEST SCIPIO	2.8	ARKANSAS LOUISIAN
8330158	20795	3512120908		103		WHITNEY HEIRS 1-26	WEST SCIPIO	22.0	ARKANSAS LOUISIAN
-COLA PETROLEUM INC				RECEIVED:	03/29/83	JA: OK			
8330164	20804	3509330007		108		C E KERR #1 003076760	E CHANEY DELL	10.0	UNION TEXAS PETRO
8330165	20805	3500330029		108		C E KERR "A" #1 003075850	E CHANEY DELL	12.0	UNION TEXAS PETRO
8330163	20803	3500330161		108		G E MILLS #1 003075920	E CHANEY DELL	9.5	UNION TEXAS PETRO
-COX EXPLORATION INC				RECEIVED:	03/29/83	JA: OK			
8330169	20857	3510121270		103		STEPHENS #1	BOYNTON DISTRICT	122.0	ARTEX ENERGY INC
-COX OIL CO				RECEIVED:	03/29/83	JA: OK			
8330167	20855	3510121370		103		ARNOLD #2	BOYNTON DISTRICT	91.1	ARTEX ENERGY INC
8330166	20854	3510121246		103		REAVIS #1	BOYNTON DISTRICT	41.1	ARTEX ENERGY INC
8330168	20856	3510121247		103		REAVIS #2	BOYNTON DISTRICT	204.9	ARTEX ENERGY INC
-FAMILY OIL & GAS CO				RECEIVED:	03/29/83	JA: OK			
8330170	23580	3511100000		103		CHASTAIN 3A	SOUTH MORRIS	0.0	OKLAHOMA GAS & EL
8330171	23581	3511100000		103		HESSOM 2-A	SOUTH MORRIS	0.0	OKLAHOMA GAS & EL
-JAY PETROLEUM INC				RECEIVED:	03/29/83	JA: OK			
8330178	20385	3506300000		108		AMERADA #1	GREASY CREEK	16.0	JAY PETROLEUM INC
8330179	20384	3506300000		108		AMERADA #2	GREASY CREEK	3.0	JAY PETROLEUM INC
8330181	20387	3506300000		108		BANTA CANNON #1	GREASY CREEK	7.5	JAY PETROLEUM INC
8330176	20382	3506300000		108		DIAMOND #1	GREASY CREEK	5.1	JAY PETROLEUM INC
8330175	20381	3506300000		108		JARRETT #1	GREASY CREEK	12.2	JAY PETROLEUM INC
8330180	20386	3506300000		108		MOONEY BURKE #1	GREASY CREEK	2.5	JAY PETROLEUM INC
8330177	20383	3506300000		108		MORRISON HENRY #1	GREASY CREEK	9.9	JAY PETROLEUM INC
8330173	20379	3506300000		108		PRICE #1	GREASY CREEK	5.8	JAY PETROLEUM INC
8330174	20380	3506300000		108		THORNBRUE #1	GREASY CREEK	7.8	JAY PETROLEUM INC
8330172	20378	3506300000		108		WESTBROOK #1	GREASY CREEK	5.8	JAY PETROLEUM INC

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-SUN EXPLORATION & PRODUCTION CO				RECEIVED: 03/29/83	JA: OK				
8330152 20583		3500700000		108		J H COOPER #1-5	ELMWOOD	8.6	PHILLIPS PETROLEU
8330153 20584		3500700000		108		PUGH # 1-23	UNION STAR S E	4.0	PHILLIPS PETROLEU
**********									
** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, DENVER,CO									
**********									
-ARCO OIL AND GAS COMPANY				RECEIVED: 03/28/83	JA: CO 1				
8330066 CD 0032-83		0506706628		103	107-TF	SOUTHERN UTE 20-3 32-9	IGNACIO BLANCO	183.0	NORTHWEST PIPELIN
-CHANDLER & ASSOCIATES INC				RECEIVED: 03/30/83	JA: CO 1				
8330084 CD 0529-82		0510307780		108		NORTH DOUGLAS CREEK FED 4-12	DRAGON TRAIL	20.0	NORTHWEST PIPELIN
-FUEL RESOURCES DEVELOPMENT CO				RECEIVED: 03/28/83	JA: CO 1				
8330059 CD 0025-83		0510308757		102-2	107-TF	G-25-3-101-S	CATHEDRAL	24.1	NORTHWEST PIPELIN
-GETTY OIL COMPANY				RECEIVED: 03/28/83	JA: CO 1				
8330064 CD 0030-83		0506706645		103		SAM BURCH #10	IGNACIO BLANCO	175.0	EL PASO NATURAL G
8330052 CD 0008-83		0506706646		103	107-TF	SAM BURCH #11	IGNACIO BLANCO	150.0	EL PASO NATURAL G
8330072 CD 0039-83		0506706649		107-TF		SAM BURCH #12	IGNACIO BLANCO	75.0	EL PASO NATURAL G
8330071 CD 0038-83		0506706649		103		SAM BURCH #12	IGNACIO BLANCO	75.0	EL PASO NATURAL G
8330073 CD 0040-83		0506706647		103		SAM BURCH #13	IGNACIO BLANCO	75.0	EL PASO NATURAL G
-INDUSTRIAL GAS SERVICE INC				RECEIVED: 03/28/83	JA: CO 1				
8330058 CD 0022-83		0510308838		102-2	107-TF	BIG RIDGE UNIT #1	BIG RIDGE	36.0	NORTHWEST PIPELIN
-KOCH INDUSTRIES INC				RECEIVED: 03/28/83	JA: CO 1				
8330061 CD 0027-83		0507708484		107-TF		HORSESHOE CANYON #1-20	SHIRE GULCH	340.0	NORTHWEST PIPELIN
8330070 CD 0036-83B		0507708520		107-TF		HORSESHOE CANYON #2-31 (CORCORON)	SHIRE GULCH	110.0	NORTHWEST PIPELIN
8330069 CD 0036-83A		0507708520		107-TF		HORSESHOE CANYON #2-31 (DAKOTA)	SHIRE GULCH	365.0	NORTHWEST PIPELIN
8330075 CD 0041-8313		0507708488		107-TF		HORSESHOE CANYON #3-20 (CORCORON)	ROBERTS CANYON-SHIRE	182.0	NORTHWEST PIPELIN
8330074 CD 0041-83A		0507708488		107-TF		HORSESHOE CANYON #3-20 (DAKOTA)	ROBERTS CANYON-SHIRE	146.0	NORTHWEST PIPELIN
8330062 CD 0028-83		0507708518		107-TF		WINTER FLATS 1-11-99	WINTER FLATS	6.0	NORTHWEST PIPELIN
-NORTHWEST EXPLORATION COMPANY				RECEIVED: 03/28/83	JA: CO 1				
8330067 CD 0034-83		0510308516		101		PHILADELPHIA CREEK #43	PHILADELPHIA CREEK MA	2.1	NORTHWEST PIPELIN
8330068 CD 0035-83		0510308516		107-TF		PHILADELPHIA CREEK #43	PHILADELPHIA CREEK MA	2.1	NORTHWEST PIPELIN
-TETON ENERGY CO INC				RECEIVED: 03/28/83	JA: CO 1				
8330060 CD 0026-83		0507708533		102-2	107-TF	WEST DEBEQUE 21-2	DEBEQUE	54.8	NORTHWEST PIPELIN
-BELCO DEVELOPMENT CORP				RECEIVED: 03/28/83	JA: UT 1				
8330051 UD 0007-83		4304731155		103	107-TF	CWU 219-15	CHAPITA WELLS UNIT	0.0	MOUNTAIN FUEL SUP
8330050 UD 0006-83		4304731154		103	107-TF	CWU 220-10	CHAPITA WELLS UNIT	0.0	MOUNTAIN FUEL SUP
-BELCO PETROLEUM CORPORATION				RECEIVED: 03/28/83	JA: UT 1				
8330065 UD 0031-83		4304731218		103	107-TF	CWU 224-10	CHAPITA WELLS UNIT	0.0	MOUNTAIN FUEL SUP
-COASTAL OIL & GAS CORP				RECEIVED: 03/28/83	JA: UT 1				
8330063 UD 0029-83		4304730862		103	107-TF	NATURAL BUTTES UNIT #48N3	NATURAL BUTTES	37.0	COLORADO INTERSTA
8330055 UD 0014-83		4304731150		103	107-TF	NBU 202-3	NATURAL BUTTES UNIT	0.0	COLORADO INTERSTA
8330057 UD 0015-83		4304731238		103	107-TF	NBU 205-8	NATURAL BUTTES UNIT	0.0	COLORADO INTERSTA
8330053 UD 0011-83		4304731165		103	107-TF	NBU 206-7	NATURAL BUTTES UNIT	0.0	COLORADO INTERSTA
8330056 UD 0012-83		4304731177		103	107-TF	NBU 207-4	NATURAL BUTTES UNIT	0.0	COLORADO INTERSTA
8330054 UD 0013-83		4304731153		103	107-TF	NBU 210-24	NATURAL BUTTES UNIT	0.0	COLORADO INTERSTA
-FORTUNE OIL CO				RECEIVED: 03/30/83	JA: UT 1				
8330088 UD 0594-82		4301930755		102-4		FORTUNE FEDERAL #21-7	SAN ARROYO - EAST CAN	180.0	SOUTHWEST GAS COR
8330089 UD 0595-82		4301930721		102-4		FORTUNE FEDERAL #23-1	SAN ARROYO- EAST CANY	0.0	SOUTHWEST GAS COR
8330086 UD 0592-82		4301930955		102-4		FORTUNE FEDERAL #24-1	SAN ARROYO - EAST CAN	70.0	SOUTHWEST GAS COR
8330087 UD 0593-82		4301930991		102-4		FORTUNE FEDERAL #43-7	SAN ARROYO - EAST CAN	500.0	SOUTHWEST GAS COR
-FRANK B ADAMS				RECEIVED: 03/30/83	JA: UT 1				
8330082 UD 0016-83		4301930864		103		FEDERAL #2-037	GREATER CISCO AREA	36.0	NORTHWEST PIPELIN
-J C THOMPSON				RECEIVED: 03/30/83	JA: UT 1				
8330083 UD 0037-83		4301915658		108		WESTWATER E-3	WESTWATER	1.0	NORTHWEST PIPELIN
-LOMAX EXPLORATION COMPANY				RECEIVED: 03/30/83	JA: UT 1				
8330085 UD 0584-82		4301330686		102-2		FEDERAL #5-35	MONUMENT BUTTE	73.0	MOUNTAIN FUEL SUP
**********									
** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, METAIRIE,LA									
**********									
-AMINOIL USA INC				RECEIVED: 03/30/83	JA: LA 3				
8330144 G2-2902		1771140473		102-5		OCS-G-0434 #C-8A	SHIP SHOAL	620.5	TENNESSEE GAS PIP
-CNG PRODUCING COMPANY				RECEIVED: 03/30/83	JA: LA 3				
8330126 G3-3468		1770240643	D	102-5		A-151	WEST CAMERON	800.0	COLUMBIA GAS TRAN
8330127 G2-2650		1770240632	D	102-5		A-251	WEST CAMERON	1600.0	COLUMBIA GAS TRAN
-CONOCO INC				RECEIVED: 03/30/83	JA: LA 3				
8330134 G1-2457		1772440129		102-5		MAIN PASS BLK 288 #A-13A	MAIN PASS	50.0	SOUTHERN NATURAL
8330145 G1-2458		1772440129		102-5		MAIN PASS BLK 288 #A-13B	MAIN PASS	50.0	SOUTHERN NATURAL
8330133 G1-2477		1772440125	D	102-5		MAIN PASS BLK 289 #A-20D	MAIN PASS	50.0	SOUTHERN NATURAL
-GETTY OIL COMPANY				RECEIVED: 03/30/83	JA: LA 3				
8330125 G3-3489		1771940197		102-1		WEST DELTA 76 A-1	WEST DELTA	1000.0	TENNESSEE GAS PIP
8330099 G3-3491		1771940204		102-1		WEST DELTA 76 A-2	WEST DELTA	500.0	TENNESSEE GAS PIP
8330100 G3-3490		1771940204		102-1		WEST DELTA 76 A-2D	WEST DELTA	1000.0	TENNESSEE GAS PIP
-GULF OIL CORPORATION				RECEIVED: 03/30/83	JA: LA 3				
8330109 G2-2912		1771540433		102-5		OCS-G 2624 #B-18	SOUTH TIMBALIER	24.0	TEXAS EASTERN TRA
8330118 G2-2913		1771540363		102-5		OCS-G 2624 #G-1	SOUTH TIMBALIER	58.4	TEXAS EASTERN TRA
8330118 G2-3273		1771540487		102-5		OCS-G 2624 #G-4	SOUTH TIMBALIER	102.0	TEXAS EASTERN TRA
8330106 G2-3370		1771540245		102-5		OCS-G 2625 #C-5	SOUTH TIMBALIER	170.0	TEXAS EASTERN TRA
8330122 G2-3272		1771540232		102-5		OCS-G 3336 #E-4	SOUTH TIMBALIER	328.5	TEXAS EASTERN TRA
-KERR-MCGEE CORPORATION				RECEIVED: 03/30/83	JA: LA 3				
8330114 G2-3214		1771240251		102-5		OCS-G 3169 #A-2	SHIP SHOAL	73.0	TRANSCONTINENTAL
8330135 G2-2861		1771240257		102-5		OCS-G 3169 #A-3 (ST #1)	SHIP SHOAL	6.1	TRANSCONTINENTAL
-MESA PETROLEUM CO				RECEIVED: 03/30/83	JA: LA 3				
8330138 G2-2918		1770040468		102-5		VERMILION BLK 348 WELL #A-9	VERMILION BLOCK	20.0	TRUNKLINE GAS CO
8330121 G2-2919		1770640968		102-5		VERMILION BLK 348 WELL #A-9D	VERMILION BLOCK	1825.0	TRUNKLINE GAS CO
-MOBIL OIL EXPLORATION & PROD S E				RECEIVED: 03/30/83	JA: LA 3				
8330097 G3-3501		1771740105		102-1		OCS-G-3596 #1 GRAND ISLE BLK 20	GRAND ISLE	175.0	
8330119 G3-3476		1770940443		102-1		OCS-G-4453 #1 E I 240	EUGENE ISLAND	1825.0	
8330096 G3-3477		1770940455		102-1		OCS-G-4453 #2 EUGENE ISLAND 240	EUGENE ISLAND	3650.0	
8330128 G2-2619		1771140368		102-5		SHIP SHOAL 72 #13-C	SHIP SHOAL	1460.0	TRANSCONTINENTAL
-ODECO OIL & GAS CO				RECEIVED: 03/30/83	JA: LA 3				
8330129 G2-2710		1771140449		102-5		OCS-G-3164 #3A	SHIP SHOAL	1825.0	MICHIGAN WISCONSI
8330142 G2-2873		1771340044		102-5		OCS-072#24C	SOUTH PELTO 20 FIELD	1095.0	TRANSCONTINENTAL
-SHELL OFFSHORE INC				RECEIVED: 03/30/83	JA: LA 3				
8330143 G2-2907		1770700453		102-5		OCS-G 1194 B-20A	SOUTH MARSH ISLAND	308.0	MICHIGAN WISCONSI
8330141 G2-2879		1770840469		102-5		OCS-G 2280 D-10 S/T #1	SOUTH MARSH ISLAND	110.0	TRANSCONTINENTAL
8330147 G2-2906		1770840505		102-5		OCS-G 2280 D-19	SOUTH MARSH ISLAND	50.0	TRANSCONTINENTAL
8330151 G3-3457		1770840509		102-5		OCS-G 2280 D-20	SOUTH MARSH ISLAND	12.0	TRANSCONTINENTAL
8330139 G2-2915		1770840527		102-5		OCS-G 2280 D-25	SOUTH MARSH ISLAND	80.0	TRANSCONTINENTAL
8330098 G3-3459		1770840574		102-5		OCS-G 2280 D-33 S/T #1	SOUTH MARSH ISLAND	270.0	TRANSCONTINENTAL
8330149 G3-3458		1770840577		102-5		OCS-G 2281 D-32	SOUTH MARSH ISLAND	12.0	TRANSCONTINENTAL
-TENNECO OIL COMPANY				RECEIVED: 03/30/83	JA: LA 3				
8330128 G2-3409		1773140046		102-1		SABINE PASS 11 #B-1	SABINE PASS	3500.0	TENNESSEE GAS PIP
8330092 G3-3482		1771140486		102-1		SHIP SHOAL 170 #A-1	SHIP SHOAL	1825.0	TENNESSEE GAS PIP
8330091 G3-3483		1771140495		102-1		SHIP SHOAL 170 #A-4	SHIP SHOAL	405.0	TENNESSEE GAS PIP
8330090 G3-3484		1771140504		102-1		SHIP SHOAL 170 #A-5	SHIP SHOAL	1200.0	TENNESSEE GAS PIP

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8330104	G2-3429	1770540494		107-DP		VERMILION BLK 75 #2	VERMILION	3650.0	TEXAS EASTERN TRA
-TEXACO INC				RECEIVED:	03/30/83	JA: LA 3			
8330146	G2-2989	1770940395		102-5		OCS-G-0802 E I 196 #H-1	EUGENE ISLAND	1460.0	SEA ROBIN PIPELIN
8330117	G2-3186	1770940498		102-5		OCS-G-0802 EUGENE ISLAND 196 #H-2	EUGENE ISLAND	547.5	SEA ROBIN PIPE LI
-TRANSCO EXPLORATION COMPANY				RECEIVED:	03/30/83	JA: LA 3			
8330158	G3-3467	1770940422		107-DP		#2	EUGENE ISLAND	4500.0	TRANSCONTINENTAL
8330123	G3-3468	1770940417		107-DP		#3	EUGENE ISLAND	405.0	TRANSCONTINENTAL
-UNION OIL COMPANY OF CALIF				RECEIVED:	03/30/83	JA: LA 3			
8330102	G3-3448	1770240592		108		OCS-G-2437 #A-7	WEST CAMERON	0.0	COLUMBIA GAS TRAN
8330101	G3-3449	1770240604		108		OCS-G-2437 #A-8	WEST CAMERON	0.0	COLUMBIA GAS TRAN
8330103	G3-3443	1771540431		102-1		OCS-G-4000 #4	SOUTH TIMBALIER	47.0	TENNESSEE GAS PIP
-UNION TEXAS PETROLEUM				RECEIVED:	03/30/83	JA: LA 3			
8330132	G3-3453	1770940318		102-1		43 #A-1	EUGENE ISLAND	1000.0	COLUMBIA GAS TRAN
-ARCO OIL AND GAS COMPANY				RECEIVED:	03/30/83	JA: TX 3			
8330148	G2-2866	4270240062		102-5		OCS G-3021 MUSTANG ISL BLK 762 #A-1	MUSTANG ISLAND BLOCK	830.0	TRANSCO GAS SUPPL
8330124	G2-2867	4270240062		102-5		OCS G-3021 MUSTANG ISL BLK 762 #A-1	MUSTANG ISLAND BLOCK	1097.0	TRANSCO GAS SUPPL
8330131	G2-2868	4270240064		102-5		OCS G-3021 MUSTANG ISL BLK 762 #A-2	MUSTANG ISLAND BLOCK	2196.0	TRANSCO GAS SUPPL
8330130	G2-2870	4270240068		102-5		OCS G-3021 MUSTANG ISL 762 #A-4 ST/	MUSTANG ISLAND BLOCK	1758.0	TRANSCO GAS SUPPL
8330140	G2-2871	4270240067		102-5		OCS G-3021 MUSTANG ISL BLK 762 #A-5	MUSTANG ISLAND BLOCK	830.0	TRANSCO GAS SUPPL
-CHEVRON U S A INC				RECEIVED:	03/30/83	JA: TX 3			
8330115	G2-3100	4270240060		102-5		OCS-G 3020 #6	MUSTANG ISLAND	1703.0	NATURAL GAS PIPEL
8330111	G2-3082	4270240022		102-5		OCS-G-3020 #1	MUSTANG ISLAND	1703.0	NATURAL GAS PIPEL
8330114	G2-3083	4270240022		102-5		OCS-G-3020 #1D	MUSTANG BLOCK	1703.0	NATURAL GAS PIPEL
8330137	G2-3079	4270240030		102-5		OCS-G-3020 #3	MUSTANG ISLAND	1700.0	NATURAL GAS PIPEL
8330136	G2-3080	4270240030		102-5		OCS-G-3020 #3D	MUSTANG ISLAND	2190.0	NATURAL GAS PIPEL
8330112	G2-3098	4270240031	D	102-5		OCS-G-3020 #4	MUSTANG ISLAND	1460.0	NATURAL GAS PIPEL
8330113	G2-3099	4270240031	D	102-5		OCS-G-3020 #4D	MUSTANG ISLAND	1825.0	NATURAL GAS PIPEL
-CNG PRODUCING COMPANY				RECEIVED:	03/30/83	JA: TX 3			
8330108	G2-3177	4270940723		102-5		A-10S1	HIGH ISLAND	7200.0	CONSOLIDATED GAS
8330105	G3-3440	4270940731		102-5		A-14S1	HIGH ISLAND	1000.0	CONSOLIDATED GAS
-EXXON CORPORATION				RECEIVED:	03/30/83	JA: TX 3			
8330107	G2-3279	4270940724		102-5		OCS-G 2390 #A-5	HIGH ISLAND	4000.0	UNITED GAS PIPE L
-TENNECO OIL COMPANY				RECEIVED:	03/30/83	JA: TX 3			
8330095	G3-3479	4270640049		102-1		GALVESTON AREA BLK 393 #C-1	GALVESTON AREA	0.0	TENNESSEE GAS PIP
8330094	G3-3480	4270640086		102-1		GALVESTON AREA BLK 393 #C-3	GALVESTON AREA	0.0	TENNESSEE GAS PIP
8330093	G3-3481	4270640089		102-1		GALVESTON AREA BLK 393 #C-4	GALVESTON AREA	0.0	TENNESSEE GAS PIP

[FR Doc. 83-11391 Filed 4-27-83; 8:45 am]

BILLING CODE 6717-01-C

[Volume 878]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: April 22, 1983.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register**.

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487–4808, 5285 Port Royal Rd., Springfield, Va. 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 Mile rule)
102–3: New well (1000 Ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal Seams
107–DV: Devonian Shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

BILLING CODE 6717-01-M

NOTICE OF DETERMINATIONS VOLUME 878
ISSUED APRIL 22, 1983

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
OHIO DEPARTMENT OF NATURAL RESOURCES									
-AMTUCK TRUST ACCOUNT				RECEIVED: 03/29/83		JA: OH			
8330182		3412725827		103		PAUL E STIMMEL #2	MONDAY CREEK	5.0	PARAMOUNT TRANSMI
-APPALACHIAN EXPLORATION INC				RECEIVED: 03/29/83		JA: OH			
8330183		3403521152		102-2	107-TF	BRECKSVILLE-BROADVIEW SCHOOL #1	BRECKSVILLE	91.3	YANKEE RESOURCES
8330189		3410323155		107-TF		COLES UNIT #2	SHARON	14.6	
8330190		3410323156		107-TF		G KAMMER #1	SHARON	36.5	
8330192		3410323296		107-TF		GOOD #1	MONTVILLE	21.9	
8330185		3410322365		107-TF		H FIX #4	WADSWORTH	14.6	
8330194		3415321071		107-TF		H VAN HYNING #1	NORTON	54.8	
8330195		3415321072		107-TF		H VAN HYNING #2	NORTON	27.4	
8330196		3415321073		107-TF		H VAN HYNING #3	NORTON	54.8	
8330193		3415321067		107-TF		J HERMAN #1	NORTON	36.5	
8330197		3415321081		107-TF		LAPORTE UNIT #1	COPLEY	36.5	
8330186		3410323110		107-TF		M COLES #1	SHARON	18.3	
8330200		3416923212		107-TF		M HOLVEY #2	CHIPPEWA	73.0	
8330188		3410323140		107-TF		M MCVAYUNIT #2	SHARON	18.3	
8330187		3410323120		107-TF		MAFFEI UNIT #1	SHARON	18.3	
8330199		3415321178		107-TF		S DAVIS #2	NORTON	14.6	
8330198		3415321177		107-TF		S DAVIS #3	NORTON	14.6	
8330184		3410321176		107-TF		S DAVIS #4	NORTON	14.6	
8330191		3410323182		107-TF		SCHMID UNIT #2	SHARON	18.5	
-ATWOOD RESOURCES INC				RECEIVED: 03/29/83		JA: OH			
8330202		3407523958		107-TF		ALVIN YODER #1	CLARK	15.0	
8330201		3407523930		107-TF		ROMAN D J MILLER #1	CLARK	15.0	
-BARTLO OIL AND GAS COMPANY				RECEIVED: 03/29/83		JA: OH			
8330203		3405923280		103	107-TF	FORAKER UNIT #1	WILLS	0.0	
8330204		3405923459		103	107-TF	POLASKY UNIT #2	WILLS	0.0	
-BASIN PRODUCING CO				RECEIVED: 03/29/83		JA: OH			
8330205		3412122908		107-DV		FLEEMAN #1	JEFFERSON	0.0	TEXAS EASTERN TRA
-BELDEN & BLAKE & CO 81				RECEIVED: 03/29/83		JA: OH			
8330206		3415123797		103	107-TF	F & M CAREY COMM #1 - 34-1271	OSNABURO	36.5	
8330207		3415123836		103		R M WILSON #3-341316	MARLBORO	36.5	
-BRALKO ENERGY INC				RECEIVED: 03/29/83		JA: OH			
8330209		3400721425		107-TF		ARTHUR C RIEBAU #1	SHEFFIELD	50.0	OHIO GAS CO
8330208		3400721421		107-TF		BATES #1	SHEFFIELD	50.0	OHIO GAS CO
-CAMERON BROS				RECEIVED: 03/29/83		JA: OH			
8330210		3411926408		103	107-TF	BERNARD BISSETT #2	ADAMS	11.0	
-CARLTON OIL CORP				RECEIVED: 03/29/83		JA: OH			
8330212		3416726153		107-DV		BUTLER #2	GRANDVIEW	50.0	RIVER GAS CO
8330211		3416725833		107-DV		EFFIE EDGAR #6	LAWRENCE	50.0	RIVER GAS CO
8330214		3416727237		107-DV		FRY #1	GRANDVIEW	50.0	RIVER GAS CO
8330213		3416726154		107-DV		HARTLINE #1	GRANDVIEW	50.0	RIVER GAS CO
-CHARCO INC				RECEIVED: 03/29/83		JA: OH			
8330215		3415321189		103	107-TF	ALL SAINTS #1	NORTHFIELD CENTER	20.0	
-CLARENCE SHERMAN				RECEIVED: 03/29/83		JA: OH			
8330216		3407524006		103		WILLIAM ANDREAS #3-0	CLARK	7.3	

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-CLINTON OIL CO									
8330282		3415723805				RECEIVED: 03/29/83 JA: OH			
8330278		3413322994		103	107-TF	B GUTHRIE UNIT 3-751	MILL	10.0	
8330279		3413322995		103	107-TF	BALDASARE UNIT #1-800	CHARLESTOWN	10.0	
8330280		3413323012		103	107-TF	DUNDON UNIT #1-806	ROOTSTOWN	10.0	
8330281		3415723776		103	107-TF	REAL ESTATE IMPROVEMENT CO #1-812	CHARLESTOWN	10.0	
-DERBY OIL & GAS CORP						SCOTT GUTHRIE UNIT #1-749	MILL	10.0	
8330219		3412725807		RECEIVED	03/29/83	JA: OH			
83302188		3412725769		103		MARGARET CANNON #1	CLAYTON	12.0	NATIONAL GAS & OI
83302188		3412725769	D	103		MCCAULEY-NELSON #2	CLAYTON	12.0	NATIONAL GAS & OI
8330217B		3408323233	D	107-TF		MCCAULEY-NELSON #2	CLAYTON	12.0	NATIONAL GAS & OI
8330217A		3408323233		107-TF		ROBERT CUTLIP #2	JEFFERSON	12.0	EAST OHIO GAS CO
-DISCOVERY OIL LTD				103		ROBERT CUTLIP #2	JEFFERSON	12.0	EAST OHIO GAS CO
8330220		3410322863				RECEIVED: 03/29/83 JA: OH			
-EDDY ROXIE M				107-TF		LUTTNER #2	SHARON	0.0	
8330260		3416700457				RECEIVED: 03/29/83 JA: OH			
8330265		3416700462		108		CROSS #1		0.0	RIVER GAS CO
8330261		3416700458		108		FULMER #1		0.0	RIVER GAS CO
8330262		3416700459		108		MCCORMACK		0.0	RIVER GAS CO
8330263		3416700460		108		MCKENNA #1		0.0	RIVER GAS CO
8330266		3416700814		108		MUTH 1#		0.0	RIVER GAS CO
8330264		3416700461		108		MUTH 2#		0.0	RIVER GAS CO
-EDWARD H EVERETT CO						SANDERS #1		0.0	RIVER GAS CO
8330284		3411926564				RECEIVED: 03/29/83 JA: OH			
8330283		3411926518		105		HARPER-HITCHCOCK-JONES #1	LICKING	2.9	NATIONAL GAS & OI
-ENERGY DEVELOPMENT CORP				103		W KIRKPATRICK-C VENSIL #1	LICKING	9.1	NATIONAL GAS & OI
8330221		3401320455				RECEIVED: 03/29/83 JA: OH			
-ENTERPRISE ENERGY CORP				107-DV		GORSHE UNIT #1	SMITH	14.0	EAST OHIO GAS CO
8330222		3411522899				RECEIVED: 03/29/83 JA: OH			
8330223		3416320772		103	107-TF	HUTCHINS #1	MANCHESTER	36.5	TEXAS EASTERN TRA
-ENVIROGAS INC				103	107-TF	MCVEY #4	SWAN	18.2	COLUMBIA GAS TRAN
8330224		3400922663				RECEIVED: 03/29/83 JA: OH			
8330225		3400922735		103	107 TF	DRYDOCK COAL #23 TR	TRIMBLE	18.2	
-FORAKER PRODUCING COMPANY INC				103	107 TF	DRYDOCK COAL #46D	DOVER	18 2	
8330226		3412724493				RECEIVED: 03/29/83 JA: OH			
8330227		3412724644		103		COOPERRIDER #4	HOPEWELL	5.0	
-FUTURE ENERGY CORPORATION				103		KELLY #1	HOPEWELL	2.0	
8330228		3411523062				RECEIVED: 03/29/83 JA: OH			
-GASEARCH INC				103	107-TF	MURPHEY-GOINS UNIT #1	MALTA	30.0	
8330230		3415522264				RECEIVED: 03/29/83 JA: OH			
8330229		3400721555		103	107-TF	D & S MILLER #4	MESOPOTAMIA	20 0	AMERICAN ENERGY S
-GENERAL ELECTRIC CO				103	107-TF	DELMUL #3	CHERRY VALLEY	20.0	AMERICAN ENERGY S
8330231		3415522173				RECEIVED: 03/29/83 JA: OH			
8330235		3415522180		103	107-TF	D & S MILLER #1	MESOPOTAMIA	20.0	EAST OHIO GAS CO
8330232		3415522175		103	107-TF	EASTON-DETWEILER #1	MESOPOTAMIA	20.0	EAST OHIO GAS CO
8330233		3415522176		103	107-TF	JOE MILLER #1	MESOPOTAMIA	20.0	EAST OHIO GAS CO
8330234		3415522177		103	107-TF	JONAS J MILLER JR #1	MESOPOTAMIA	20.0	EAST OHIO GAS CO
-GREENLAND PERRY/HOCKING 82-1				103	107-TF	JONAS J MILLER JR #2			
8330236		3412725294				RECEIVED: 03/29/83 JA: OH			
8330237		3412725616		107-TF		CANNIFF #1	CLAYTON	20.0	COLUMBIA GAS TRAN
-HAUGHT INC				107-TF		REAM #1	MONDAY CREEK	20.0	COLUMBIA GAS TRAN
8330238		3411121976				RECEIVED: 03/29/83 JA: OH			
-HOLROYD PRODUCTION CO				107-TF		AUBREY ANTIL #1	WASHINGTON TOWNSHIP	19.0	COLUMBIA GAS TRAN
8330239		3408720306				RECEIVED: 03/29/83 JA: OH			
-HOPEWELL OIL AND GAS DEVELOPMENT CO				107-DV		RECE #1	WINDSOR	4.0	
8330240		3411926573				RECEIVED: 03/29/83 JA: OH			
-INDUSTRIAL NATURAL GAS CORP				107-TF		ROBERT & MABEL GUSS #2	SPRINGFIELD	0.0	NATIONAL GAS & OI
8330241		3404120303				RECEIVED: 03/29/83 JA: OH			
-J P WHITE				103		SHERMAN #1	HARLEM	730.0	
8330242		3400722141				RECEIVED: 03/29/83 JA: OH			
-LEADER EQUITIES INC				107-TF		SHADLE #3	CHERRY VALLEY	50.0	OHIO GAS CO
8330244		3411926495				RECEIVED: 03/29/83 JA: OH			
8330245		3411926578		103	107-TF	GUINSLER #2	MONROE	15.0	
-MAJ				103	107-TF	OSWALD #1	CASS	14 0	
8330247		3413120075				RECEIVED: 03/29/83 JA: OH			
8330246		3413120073		107-DV		GARY DAVIS #3	UNION	1.1	
-MARK RESOURCES CORP				107-DV		PAUL & AMY BAPST #4	BEAVER	0.2	
8330248		3400722119				RECEIVED: 03/29/83 JA: OH			
-MILAM L M				103		MCQUILLAN-CHILDS UNIT #2	KINGSVILLE	25 0	EAST OHIO GAS CO
8330243		3416723087				RECEIVED: 03/29/83 JA: OH			
-MITCHELL ENERGY CORPORATION				108		EMERICK #1	DUNHAM TOWNSHIP BEREA	2 5	RIVER GAS CO
8330250		3408722345				RECEIVED: 03/29/83 JA: OH			
8330251		3408722347		103	107-TF	ADKINS #1 345	SOUTH ARABIA FIELD (C	41.1	
-NOBLE OIL CORP				103	107-TF	SHARON SILICA #7 347	SOUTH ARABIA FIELD (C	0.0	
8330254		3413322830				RECEIVED: 03/29/83 JA: OH			
8330253		3413322829		107-TF		BRADY #1A	NELSON	20.0	EAST OHIO GAS CO
8330255		3413322992		107-TF		KOHLER #2A	NELSON	20.0	EAST OHIO GAS CO
8330252		3413322797		107-TF		MANN-BROKAW UNIT #1	PALMYRA	20 0	GENERAL ELECTRIC
-NORTHEASTERN ENERGY				107-TF		STROUP-KUBINEC #3	NELSON	20.0	EAST OHIO GAS CO
8330256		3410323098				RECEIVED: 03/29/83 JA: OH			
-OHIO OIL & GAS CO				103	107-TF	KEETON #1	WADSWORTH	20.0	EAST OHIO GAS CO
8330257		3413322013				RECEIVED: 03/29/83 JA: OH			
-OMEGA OIL CORP				107-TF		CRANE #1	FREEDOM	20.0	COLUMBIA GAS TRAN
8330258		3412122460				RECEIVED: 03/29/83 JA: OH			
-ONEAL PETROLEUM INC				107-DV		LOVE #1	ELK	3.6	COLUMBIA GAS TRAN
8330259		3411522383				RECEIVED: 03/29/83 JA: OH			
-OXFORD OIL CO				107-TF		E NEWSOM #1	PENN	20.0	COLUMBIA GAS TRAN
8330285		3411926464				RECEIVED: 03/29/83 JA: OH			
-SHERMAN MICHAEL & RALPH				103	107-TF	BROWN #1	SPRINGFIELD	10 0	
8330249		3415123824				RECEIVED: 03/29/83 JA: OH			
-SHONGUM OIL & GAS INC				103		M & R SHERMAN UNIT #1	PIKE	9.1	BUCKEYE FRANKLIN
8330270		3416923135				RECEIVED: 03/29/83 JA: OH			
8330267		3416923116		107-TF		ELMER GOOD #3	BAUGHMAN	12.0	YANKEE RESOURCES
8330272		3416923252		107-TF		HARRY BLOSSER #1	DALTON	12.0	YANKEE RESOURCES
8330268		3416923118		107-TF		JOHN BLOSSER #1A	SUGAR CREEK	12.0	YANKEE RESOURCES
8330271		3416923144		107-TF		JOHN C BLOSSER #2	SUGAR CREEK	12 0	YANKEE RESOURCES
8330269		3416923131		107-TF		MARVIN B GOOD #1	BAUGHMAN	12.0	YANKEE RESOURCES
-STOCKER&SITLER INC				107-TF		W L HOSTETLER #2	SUGAR CREEK	12.0	YANKEE RESOURCES
8330273		3411122669				RECEIVED 03/29/83 JA: OH			
8330276		3416922028		107-DV		BRADFIELD UNIT #1	OHIO	73.0	
8330275		3416922028		107-TF		KEIM UNIT #2	PAINT	4.0	EAST OHIO GAS CO
8330274		3415723350		107-TF		KEIM UNIT #2	PAINT	4.0	EAST OHIO GAS CO
-SUPERIOR PETROLEUM INC				107-TF		WAYNE SPECHT UNIT #1	DOVER	30.0	EAST OHIO GAS CO
8330277		3411121941	D			RECEIVED: 03/29/83 JA: OH			
				107-DV		E J & HAZEL #1	MALAGA	20 0	TEXAS EASTERN TRA

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-TOWNER PETROLEUM CO				RECEIVED: 03/29/83 JA: OH					
8330291		3405923445		103	107-TF	BONIPHANT B #4	LONDONDERRY	27.0	TENNESSEE GAS PIP
8330289		3405923422		103	107-TF	BULLIONS #3	OXFORD	27.0	TENNESSEE GAS PIP
8330290		3405923436		103	107-TF	DUVALL W #2	LONDONDERRY	27.0	TENNESSEE GAS PIP
8330287		3405923396		103	107-TF	HALL L #2	LONDONDERRY	27.0	TENNESSEE GAS PIP
8330286		3405923385		103	107-TF	SHELLENBERGER E #1	LONDONDERRY	27.0	TENNESSEE GAS PIP
8330288		3405923407		103	107-TF	WEAVER R #2	MADISON	27.0	TENNESSEE GAS PIP
-TRAK-2				RECEIVED: 03/29/83 JA: OH					
8330292		3410522531		107-TF		ROBERT MILLER #1 EAST	LOWER MISSISSIPIAN	0.0	
-UNION DRILLING INC				RECEIVED: 03/29/83 JA: OH					
8330293		3408720308		107-TF		DAVY & DIXIE TURNER 6001	WINDSOR TOWNSHIP	0.0	COLUMBIA GAS TRAN
-UNITED PETROLEUM CORP				RECEIVED: 03/29/83 JA: OH					
8330294		3409920722		108		WILSON #1		6.5	YANKEE RESOURCES
-VIKING RESOURCES CORP				RECEIVED: 03/29/83 JA: OH					
8330297		3415321305		103	107-TF	ALESSIO UNIT #1	COPLEY	30.0	
8330296		3415321304		103	107-TF	GRAF GROWERS #2	COPLEY	30.0	
8330295		3410323111		103	107-TF	HUBER/YOUNG UNIT #1	SHARON	30.0	
-W J LYDIC INC				RECEIVED: 03/29/83 JA: OH					
8330298		3411122656		107-DV		ROUSENBERG #3	MALAGA	35.0	
**********									
PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES									
**********									
-ALCOVE INVESTMENTS				RECEIVED: 03/31/83 JA: PA					
8330357	19490	3700522776		103		WILLIAM R & MARY E LINKO #1	COWANSHANNOCK	10.0	PEOPLES NATURAL G
-ASHTOLA PRODUCTION CO				RECEIVED: 03/31/83 JA: PA					
8330315	19368	3705120300		102-3		DONALD COTTOM #3	WALTERSBURG	10.2	COLUMBIA GAS OF P
8330319	19418	3705120302		102-3		WALTER ZITNEY #1	WALTERSBURG	33.8	COLUMBIA GAS OF P
-ATLAS RESOURCES INC				RECEIVED: 03/31/83 JA: PA					
8330314	19357	3706327112		102-4		LIEB #1	CHERRYHILL	0.0	COLUMBIA GAS TRAN
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED: 03/31/83 JA: PA					
8330316	19405	3706324439		102-4		IRAL I SAVAGE #1 WN-1692	CHERRY HILL	4.0	GENERAL SYSTEM PU
-DONALD W DEITZ				RECEIVED: 03/31/83 JA: PA					
8330329	19444	3705300000		108		WARRANT 3643 #2	JENKS	1.0	UGI CORP
8330330	19445	3705300000		108		WARRANT 3643 #3	JENKS	1.0	UGI CORP
8330331	19446	3705300000		108		WARRANT 3643 #4	JENKS	1.0	UGI CORP
8330323	19434	3705300000		108		WT 3643 #10	JENKS	1.0	UGI CORP
8330327	19442	3705300000		108		WT 3643 #6	JENKS	1.0	UGI
8330322	19433	3705321132		108		WT 3643 #9	JENKS	1.0	UGI CORP
8330321	19432	3705300000		108		WT 3643 7	JENKS	1.0	UGI CORP
8330328	19443	3705300000		108		WT 3643 8	JENKS	1.0	UGI CORP
-ENERGY PRODUCTION CO				RECEIVED: 03/31/83 JA: PA					
8330334	19455	3706326870		103		CHARLES ALTEMUS #4	NOLO MOUNTAIN	7.0	COLUMBIA GAS TRAN
-FAIRMAN DRILLING CO				RECEIVED: 03/31/83 JA: PA					
8330318	19417	3700500000		103		B & S COAL & COKE #8 F-3430	PLUMVILLE	60.0	EQUITABLE GAS CO
8330320	19431	3703320358		108		G PROKOP POOL #1 F - 72	DUBOIS	18.0	CONSOLIDATED GAS
8330317	19416	3712700000		103		SUMMIT COAL CORP #1 F-3652	DAYTON	60.0	T W PHILLIPS GAS
-FOX OIL & GAS INC				RECEIVED: 03/31/83 JA: PA					
8330333	19450	3706321272		103		BUTERBAUGH #1 255-D	BURNSIDE TOWNSHIP	25.5	COLUMBIA GAS TRAN
8330332	19447	3706320155		103		WM BUTERBAUGH #1 242	SUSQUEHANNA TOWNSHIP	25.5	COLUMBIA GAS TRAN
-J & J ENTERPRISES INC				RECEIVED: 03/31/83 JA: PA					
8330361	19504	3706521367		108		CRA/SNYD/BARR #17(66A) R&P COAL #17	HENDERSON	0.0	CONSOLIDATED GAS
8330362	19505	3703320696		108		JESSE HUTTON #2 (180A)	BURNSIDE	0.0	CONSOLIDATED GAS
8330360	19503	3703320672		108		JOHN FENCHAK #1 (174A)	BELL	0.0	CONSOLIDATED GAS
8330359	19502	3706324331		108		LOUIS J MANFREDO #1	CANOE	0.0	T W PHILLIPS GAS
8330312	19349	3706522601		103		R & P COAL CO #44 (595A)	WINSLOW	0.0	COLUMBIA GAS TRAN
-KRIEBEL WELLS #2				RECEIVED: 03/31/83 JA: PA					
8330313	19350	3706522680		103		REITZ #1	ANITA	10.0	
-MARK RESOURCES CORP				RECEIVED: 03/31/83 JA: PA					
8330308	19092	3708520490		103		TITUS UNIT #1	HERMITAGE	40.0	
8330309	19093	3708520490		107-TF		TITUS UNIT #1	HERMITAGE	40.0	
-MONROE GAS CO				RECEIVED: 03/31/83 JA: PA					
8330358	19497	3706520097		108		REED WELL #1	BIG RUN	3.0	CONSOLIDATED GAS
-NATIONAL FUEL GAS SUPPLY CORP				RECEIVED: 03/31/83 JA: PA					
8330299	15218	3706521233		108		LEE B HUMPHREY FARM #5755	WARSAW TOWNSHIP	2.8	GENERAL SYSTEM PU
-PETROBANK OPERATING CO				RECEIVED: 03/31/83 JA: PA					
8330326	19439	3703321291		103		A P CLARK #1	BURNSIDE	18.9	COLUMBIA GAS TRAN
8330324	19435	3706325713		102-2		CLARK ESTATE #7	MONTGOMERY	9.8	COLUMBIA GAS TRAN
8330325	19438	3706326635		103		CLARK ESTATES #11	MONTGOMERY	78.3	COLUMBIA GAS TRAN
-PHILLIPS PRODUCTION CO				RECEIVED: 03/31/83 JA: PA					
8330306	17392	3706326311		108		DAVID R TOMB JR #1	WHITE	2.0	COLUMBIA GAS TRAN
8330302	17372	3706522384		108		EDNA ROBISON #1	GASKILL	10.0	CONSOLIDATED GAS
8330307	17787	3706324492		108		JAMES P MCCONNELL #1	BLACKLICK	9.0	ELJER PLUMBING
8330305	17382	3706326023		108		LARRY D SHIELDS #1	EAST MAHONING	3.0	COLUMBIA GAS TRAN
8330303	17373	3706522310		108		RONALD A BAIR #1	GASKILL	7.0	CONSOLIDATED GAS
8330301	17371	3706522312		108		RUSSELL ADAMS #1	HENDERSON	6.0	CONSOLIDATED GAS
8330304	17379	3706325443		108		SAMUEL D BRESSLER #1	RAYNE	10.0	COLUMBIA GAS TRAN
8330300	16176	3705120285		108		WILLIAM D MILLS #1	FRANKLIN	14.0	COLUMBIA GAS TRAN
-ROBERT H BRACE				RECEIVED: 03/31/83 JA: PA					
8330311	19338	3704920960		108		BRACE #2	WATERFORD	0.0	NATIONAL FUEL GAS
8330310	19336	3704920843		108		MCCALL #1	WATERFORD SOUTH	0.0	NATIONAL FUEL GAS
-T W PHILLIPS GAS & OIL CO				RECEIVED: 03/31/83 JA: PA					
8330363	19507	3700500000		108		ALLEGHENY RIVER MINING CO #1	CADOGAN	2.6	T W PHILLIPS GAS
8330378	19522	3700500000		108		AMANDA E GEORGE #1	REDBANK	1.7	T W PHILLIPS GAS
8330346	19475	3700500000		108		CATHERINE KIRCH #1	WEST FRANKLIN	0.9	T W PHILLIPS GAS
8330345	19474	3700500000		108		CATHERINE KIRCH #2	WEST FRANKLIN	1.5	T W PHILLIPS GAS
8330370	19514	3700500000		108		DANIEL MILLER #3	KITTANNING	2.2	T W PHILLIPS GAS
8330354	19484	3700500000		108		DANIEL YOUNKINS #3	WEST FRANKLIN	1.0	T W PHILLIPS GAS
8330342	19468	3700500000		108		DORA K MONROE #1	WEST FRANKLIN	1.2	T W PHILLIPS GAS
8330368	19512	3700500000		108		F J KIMPEL #1	KITTANNING	3.2	T W PHILLIPS GAS
8330382	19526	3700520427		108		F J TROUTMAN #1	REDBANK	1.7	T W PHILLIPS GAS
8330369	19513	3700500000		108		G C LASHER #1	KITTANNING	1.3	T W PHILLIPS GAS
8330377	19521	3700500000		108		G N CRISSMAN #1	REDBANK	1.8	T W PHILLIPS GAS
8330341	19467	3700500000		108		H J NICHOL #2 (#1-13)	WEST FRANKLIN	1.4	T W PHILLIPS GAS
8330376	19520	3700500000		108		H M BOYER #1	REDBANK	1.8	T W PHILLIPS GAS
8330344	19473	3700521588		108		HENRY KILE #1	WEST FRANKLIN	1.6	T W PHILLIPS GAS
8330374	19518	3700500000		108		IRENE RUPERT #1	KITTANNING	1.9	T W PHILLIPS GAS
8330352	19482	3700500000		108		J D SWIGART #1	WEST FRANKLIN	1.6	T W PHILLIPS GAS
8330340	19466	3700500000		108		J W NICHOL #1	WEST FRANKLIN	1.6	T W PHILLIPS GAS
8330383	19527	3700500000		108		JESSE E SHICK #1	REDBANK	1.1	T W PHILLIPS GAS
8330350	19479	3700500000		108		MARGARET PFAFF #1	WEST FRANKLIN	2.3	T W PHILLIPS GAS
8330356	19486	3700500000		108		MARGARET PFAFF #2	WEST FRANKLIN	0.9	T W PHILLIPS GAS
8330353	19483	3700500000		108		MIKE ULICKY #1	WEST FRANKLIN	2.2	T W PHILLIPS GAS
8330355	19485	3700500000		108		MIKE ULICKY #3	WEST FRANKLIN	1.3	T W PHILLIPS GAS
8330375	19519	3700500000		108		N H RUPP #1	KITTANNING	1.7	T W PHILLIPS GAS

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8330380	19524	3700520473		108		ORLANDO HARMON #1	REDBANK	1.1	T W PHILLIPS GAS
8330371	19515	3700521635		108		OVIE MILLER #1-20	KITTANNING	2.0	T W PHILLIPS GAS
8330372	19516	3700500000		108		OVIE MILLER #2-18	KITTANNING	2.2	T W PHILLIPS GAS
8330366	19518	3700500000		108		PHILIP CRISTMAN #2	KITTANNING	0.6	T W PHILLIPS GAS
8330367	19511	3700500000		108		PHILIP CRISTMAN #3	BURRELL	2.7	T W PHILLIPS GAS
8330351	19480	3700500000		108		R S RALSTON #2	WEST FRANKLIN	2.6	T W PHILLIPS GAS
8330364	19508	3700500000		108		R W COWAN #1	NORTH BUFFALO	1.2	T W PHILLIPS GAS
8330387	19481	3700500000		108		ROLAND SEVERLIME #1	WEST FRANKLIN	1.2	T W PHILLIPS GAS
8330381	19525	3700500000		108		S H METRICK #1	REDBANK	2.1	T W PHILLIPS GAS
8330348	19477	3700500000		108		STARR & WALKER #1	WEST FRANKLIN	0.8	T W PHILLIPS GAS
8330349	19478	3700500000		108		STARR & WALKER #2	WEST FRANKLIN	2.4	T W PHILLIPS GAS
8330347	19476	3700500000		108		SUSANNA HINDMAN #5	WEST FRANKLIN	1.4	T W PHILLIPS GAS
8330373	19517	3700521045		108		W G MILLER #1	KITTANNING	1.1	T W PHILLIPS GAS
8330386	19471	3700500000		108		W G MILLER #1-104	WEST FRANKLIN	1.3	T W PHILLIPS GAS
8330385	19470	3700500000		108		W G MILLER #2-104	WEST FRANKLIN	1.1	T W PHILLIPS GAS
8330384	19469	3700500000		108		W G MILLER #3-104	WEST FRANKLIN	3.3	T W PHILLIPS GAS
8330379	19523	3700500000		108		W M GEORGE #1	REDBANK	1.4	T W PHILLIPS GAS
8330343	19472	3700500000		108		WILLIAM G MILLER #1-35	WEST FRANKLIN	1.9	T W PHILLIPS GAS
8330365	19509	3700520982		108		WM COWAN #2	NORTH BUFFALO	1.2	T W PHILLIPS GAS
-VICTORY DEVELOPMENT CO				RECEIVED:	03/31/83	JA: PA			
8330335	19458	3702120184		102-2		DEFENSE & EMERGENCY POLICE #1	SUSQUEHANNA	36.8	COLUMBIA GAS TRAN
8330337	19460	3702120186		102-2		DEFENSE & EMERGENCY POLICE #3	SUSQUEHANNA	36.0	COLUMBIA GAS TRAN
8330338	19461	3703321510		102-2		KOPP #1 - CLE-21510	BURNSIDE	36.0	COLUMBIA GAS TRAN
8330336	19459	3702120183		102-2		LIONS RECREATION CENTER #1	SUSQUEHANNA	36.0	COLUMBIA GAS TRAN
8330339	19462	3702120182		102-2		LIONS RECREATION CENTER #2	SUSQUEHANNA	36.8	COLUMBIA GAS TRAN

[FR Doc. 83-11302 Filed 4-27-83; 8:45 am]

BILLING CODE 6717-01-C

[Volume 879]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: April 22, 1983.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register**.

Source data from the Form 121 for this and all previous notices is available on megnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487–4808, 5285 Port Royal Rd., Springfield, Va. 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 Mile rule)
102–3: New well (1000 Ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal Seams
107–DV: Devonian Shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

BILLING CODE 6717-01-M

NOTICE OF DETERMINATIONS VOLUME 879

ISSUED APRIL 22, 1983

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
CALIFORNIA DEPARTMENT OF CONSERVATION									
-ARGOSY OIL CO				RECEIVED:	04/01/83	JA: CA			
8330425	83-6-0006	0402120238		102-4		TRANSAMERICA-ALANMAR #1	WILLOWS-BEEHIVE BEND	8250.0	PACIFIC GAS AND E
-CHANNEL EXPLORATION CO				RECEIVED:	04/01/83	JA: CA			
8330409	83-6-0007	0409520552		102-4		CHANNEL/BARNES 1-33	DENVERTON CREEK GAS F	730.0	TOSCO CORP
-HILLIARD OIL & GAS INC				RECEIVED:	04/01/83	JA: CA			
8330412	83-6-0008	0411320447		102-4		"CAMPBELL UNIT" #1	PUTAH SINK GAS	9.5	DOW CHEMICAL U S
-HUSKY OIL COMPANY				RECEIVED:	04/01/83	JA: CA			
8330411	83-5-0001	0403120241		102-2		KCDC 24-8	TULARE LAKE	4000.0	PACIFIC GAS & ELE
-NATURAL GAS CORPORATION OF CALIF				RECEIVED:	04/01/83	JA: CA			
8330408	83-6-0005	0401120234		102-4		ANDREOTTI #2	GRIMES (POUNDSTONE)	1080.0	PACIFIC GAS & ELE
-PETRO-LEWIS CORPORATION				RECEIVED:	04/01/83	JA: CA			
8330421	83-4-0215	0402966540		103		ELLIS 66J-19	SOUTH BELRIDGE	13.0	MOBIL OIL CORP
8330417	83-4-0212	0402967549		103		ELLIS 76I-19	SOUTH BELRIDGE	13.0	MOBIL OIL CORP
8330422	83-4-0206	0402967548		103		KING 77 I-19	SOUTH BELRIDGE	12.0	MOBIL OIL CORP
8330423	83-4-0207	0402967547		103		KING 77 J-19	SOUTH BELRIDGE	12.0	MOBIL OIL CORP
8330415	83-4-0211	0402967546		103		KING 78J-19	SOUTH BELRIDGE	13.0	MOBIL OIL CORP
8330420	83-4-0217	0402967545		103		KING 78K-19	SOUTH BELRIDGE	13.0	MOBIL OIL CORP
8330418	83-4-0214	0402966545		103		KING 81G-30	SOUTH BELRIDGE	13.0	MOBIL OIL CORP
8330419	83-4-0216	0402967544		103		KING 87I-19	SOUTH BELRIDGE	13.0	MOBIL OIL CORP
8330413	83-4-0209	0402967543		103		KING 87J-19	SOUTH BELRIDGE	13.0	MOBIL OIL CORP
8330424	83-4-0208	0402967542		103		KING 88 N-19	SOUTH BELRIDGE	12.0	MOBIL OIL CORP
8330416	83-4-0213	0402967541		103		KING 88P-19	SOUTH BELRIDGE	13.0	MOBIL OIL CORP
8330414	83-4-0210	0402967540		103		KING 88Q-19	SOUTH BELRIDGE	13.0	MOBIL OIL CORP
-SAMSON RESOURCES COMPANY				RECEIVED:	04/01/83	JA: CA			
8330418	83-6-0009	0411320713		102-4		FARIS #1	DUFOUR	219.0	PACIFIC GAS & ELE
LOUISIANA OFFICE OF CONSERVATION									
-LYONS PETROLEUM INC				RECEIVED:	03/28/83	JA: LA			
8330388	82-1319	1704920181		103		M G BROOKS #1	HODGE	540.0	ARKANSAS LOUISIAN
MICHIGAN DEPARTMENT OF NATURAL RESOURCES									
-KIMBARK OIL & GAS CO				RECEIVED:	04/01/83	JA: MI			
8330525		2102534924		103		MOODY #1	CONVIS	3.0	MOBIL OIL CORP
8330524		2102535559		103		MOODY #2	CONVIS	0.0	MOBIL OIL CORP
OKLAHOMA CORPORATION COMMISSION									
-AMOCO PRODUCTION CO				RECEIVED:	04/01/83	JA: OK			
8330541	20913	3505921116		103		STAATS UNIT #3	MOCANE-LAVERNE GAS AR	731.0	MICHIGAN WISCONSI
-BERRY PETROLEUM CORP				RECEIVED:	04/01/83	JA: OK			
8330570	18523	3509322323		103		BISEL #1-32	AMES	15.0	CITIES SERVICE GA
8330526	17688	3509322276		103		GROVES 1-25	N LACEY	0.0	CITIES SERVICE CO
-BRISTOW RESOURCES INC				RECEIVED:	04/01/83	JA: OK			
8330551	20868	3503724081		103		ELIPS MAPP #1		200.0	KERR-MCGEE CORP

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-BURKHART PETROLEUM CORP				RECEIVED:	04/01/83	JA: OK			
8330567	20865	3504321501		103		PHELPS 1-23	SOUTH TALOGA	20.0	MOBIL OIL CORP
-C W SMITH & ASSOCIATES INC				RECEIVED:	04/01/83	JA: OK			
8330568	20877	3508121665		103		ARCHIE HOPKINS #2	S E DAVENPORT	18.0	MERIDIAN ENERGY I
-CHAMPLIN EXPLORATION INC				RECEIVED:	04/01/83	JA: OK			
8330554	19641	3508121509		102-4		SPORN ESTATE #1-23	NEW FIELD	120.0	SUN GAS CO
-CORE PETROLEUM LTD				RECEIVED:	04/01/83	JA: OK			
8330535	23804	3501521480		107-DP		SICKLES #1-9		0.0	
-COTTON PETROLEUM CORPORATION				RECEIVED:	04/01/83	JA: OK			
8330532	19681	3512920821		102-2		ALLEE #1-4	HAMMON N W	0.0	UNITED GAS PIPELI
8330530	19669	3512920820		102-2		RANCH #1	HAMMON NW	0.0	
8330536	23822	3501922414		107-DP		STATE PARK "A" #1	WILDCAT	0.0	
-DAMSON OIL CORPORATION				RECEIVED:	04/01/83	JA: OK			
8330533	20039	3509320808		108		HQUK #34-	N SEILING	15.0	MICHIGAN-WISCONSI
-ENERGY SERVICES INC				RECEIVED:	04/01/83	JA: OK			
8330555	19682	3515300000		102-2		PUGH #23-1	NORTH MUTUAL	240.0	TENNESSEE GAS PIP
-ENTEX PETROLEUM INC				RECEIVED:	04/01/83	JA: OK			
8330565	20763	3508320730		103		ROBERT R GOOCH #1	WEST LAWRIE	7.0	EASON OIL CO
-FAMILY OIL & GAS CO				RECEIVED:	04/01/83	JA: OK			
8330538	23578	3511121076		103		CHASTAIN 1-A	SOUTH MORRIS	360.0	OKLAHOMA GAS & EL
8330537	23579	3511121336		103		HESSOM 1-A	SOUTH MORRIS	5.0	OKLAHOMA GAS & EL
-GULF OIL CORPORATION				RECEIVED:	04/01/83	JA: OK			
8330540	20918	3507323622		103		BUETTNER NO 1-20	NORTH OKARCHE	35.0	ONG WESTERN INC
-HOLD OIL CORP				RECEIVED:	04/01/83	JA: OK			
8330528	19636	3506120485		102-2		ARMY CORPS OF ENGINEERS #1-3	BROOKEN	150.0	ARKANSAS LOUISIAN
-HPC INC				RECEIVED:	04/01/83	JA: OK			
8330577	20912	3504520917		103		AKERS #21-1		0.9	PHILLIPS PETROLEU
-INEXCO OIL COMPANY				RECEIVED:	04/01/83	JA: OK			
8330558	19693	3512920788		102-4		WICKHAM #1-36	N E STRONG CITY	548.0	DELHI GAS PIPELIN
-INTERNORTH INC				RECEIVED:	04/01/83	JA: OK			
8330557	19692	3503920603		102-2		CLIFT 12 #1	BUTLER-CUSTER HW	10.0	NORTHERN NATURAL
-JUMAS OIL PART CORP				RECEIVED:	04/01/83	JA: OK			
8330549	20879	3510720523		108		THOMASON #1	LYONS QUINN	6.7	PHILLIPS PETROLEU
-KENNEDY & MITCHELL INC				RECEIVED:	04/01/83	JA: OK			
8330572	20884	3515321256		103		CLYDE #42-475		200.0	NORTHERN NATURAL
-LEEDE OIL & GAS INC				RECEIVED:	04/01/83	JA: OK			
8330550	20867	3515321034		108		WYCOFF 1-A	FREEDOM (CHESTER)	9.0	PANHANDLE EASTERN
-MACDONALD EXPLORATIONS INC				RECEIVED:	04/01/83	JA: OK			
8330552	20200	3510920518		103		FARRIS #1-32	EAST WITCHER	22.0	CHAMPLIN PETROLEU
-MAY PETROLEUM INC				RECEIVED:	03/31/83	JA: OK			
8330389	6169	3505120897		102-3		ROSS #1 (051-60082)	WATONGA-CHICKASHA TRE	365.0	ARKANSAS LOUISIAN
-MOBIL OIL CORP				RECEIVED:	04/01/83	JA: OK			
8330545	20869	3501900000		103		C F ADAMS #21	SHO VEL TUM	19.7	OKLAHOMA NATURAL
-MORAN EXPLORATION INC				RECEIVED:	04/01/83	JA: OK			
8330559	19736	3501722143		102-2		CAROL #1	EAST YUKON	0.0	PHILLIPS PETROLEU
8330581	20317	3501722227		103		CARY #2	SOUTHEAST YUKON	0.0	PHILLIPS PETROLEU
8330556	19683	3504521052		102-2		HAGEN #1	WILDCAT	0.0	PHILLIPS PETROLEU
8330561	19744	3501721679		102-2		HOLLMAN #1	YUKON	0.0	PHILLIPS PETROLEU
8330560	19743	3501721318		102-2		WARREN #2	NORTH YUKON	0.0	PHILLIPS PETROLEU
8330562	19746	3501721838		102-2		WRIGHT "28" #1	YUKON	0.0	DELHI GAS PIPELIN
-NORTEX GAS & OIL CO				RECEIVED:	04/01/83	JA: OK			
8330580	23553	3505121028		107-DP		GRAHAM 19 #1	RUSH SPRINGS	0.0	EL PASO NATURAL G
-NORTHWEST OIL CO				RECEIVED:	04/01/83	JA: OK			
8330553	19688	3502700000		108		HELEN SMITH #1	WEST NORMAN	0.0	SUN GAS CO
-OXLEY PETROLEUM CO				RECEIVED:	04/01/83	JA: OK			
8330544	20882	3512120915		103		OGDEN #2	QUINTON	0.0	SOUTHEAST TRANSMI
-PETRO-ENERGY EXPLORATION INC				RECEIVED:	04/01/83	JA: OK			
8330542	20902	3505320769		103		PAHL #1-3	EAST LAMONT	100.0	FARMLAND INDUSTRI
8330543	20901	3505320770		103		WHITWORTH #1-3	EAST LAMONT	100.0	FARMLAND INDUSTRI
-PETROLEUM INC				RECEIVED:	04/01/83	JA: OK			
8330548	20876	3508720807		103		STEELE "B" #1	DIBBLE	18.0	SUN EXPLORATION &
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	04/01/83	JA: OK			
8330566	20811	3503920759		103		COIT A #1	N CUSTER CITY	0.0	PANHANDLE EASTERN
-REYNOLDS EXPLORATION CO				RECEIVED:	04/01/83	JA: OK			
8330582	20670	3507323556		103		VANCUREN #1	SOONER TREND	0.0	CONOCO INC
8330564	20671	3507323556		103		VILHAUER #1	SOONER TREND	0.0	CITIES SERVICE CO
-SABINE CORP				RECEIVED:	04/01/83	JA: OK			
8330546	20846	3501900000		108		W W RINGER NO 1		0.0	UNION OIL OF CALI
-SABINE PRODUCTION COMPANY				RECEIVED:	04/01/83	JA: OK			
8330547	20848	3509321575		108		AKE 1-26		0.0	PHILLIPS PETROLEU
-SAMSON RESOURCES COMPANY				RECEIVED:	04/01/83	JA: OK			
8330569	17589	3507920393		102-4		POOR BOY #1	RED OAK	219.0	ARKANSAS LOUISIAN
-SANTA FE ENERGY PRODUCTS CO				RECEIVED:	04/01/83	JA: OK			
8330534	23130	3501521423		107-DP		CRISSMAN 27-A	SOUTH HYDRO	1115.0	EL PASO NATURAL G
-SILVER LAKE EXPLORATION				RECEIVED:	04/01/83	JA: OK			
8330574	20899	3510920578		103		WHITEFIELD #1	SOUTHEAST WATERLOO	219.0	CHAMPLIN PETROLEU
-SOUTHWEST EXPLORATION INC				RECEIVED:	04/01/83	JA: OK			
8330578	20921	3510900000		103		FORSYTHE #1		0.0	CONOCO INC
8330579	20922	3510900000		103		MIDWEST #1		0.0	MOBIL OIL CORP
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	04/01/83	JA: OK			
8330563	19750	3503920423		102-2		GILBERT ADLER #1	WILDCAT	227.0	
-TENNECO OIL COMPANY				RECEIVED:	04/01/83	JA: OK			
8330573	20888	3510321706		103		SOUTH LONE ELM CLEVELAND SAND #85	SOUTH LONE ELM	1.0	AMINOIL U S A INC
-TEXACO INC				RECEIVED:	04/01/83	JA: OK			
8330576	20899	3502520544		103		RUTH BRYAN UNIT #2	MIDWELL	31.1	PANHANDLE EASTERN
8330575	20898	3502520544		103		RUTH BRYAN UNIT #2	MIDWELL	28.7	PANHANDLE EASTERN
-TXO PRODUCTION CORP				RECEIVED:	04/01/83	JA: OK		947.0	
8330529	19643	3512120919		102-2 103		HARRIS "I" #1	WARNER	235.0	UNITED GAS PIPELI
8330571	19399	3510121380		102-4 103		ROBBINS #1	LAVERNE	20.0	MICHIGAN WISCONSI
-UNION OIL COMPANY OF CALIF				RECEIVED:	04/01/83	JA: OK			
8330539	20919	3505920839		108		PLUMMER #3-26	SAVANNAH	150.0	ARKANSAS LOUISIAN
-UNIT DRILLING & EXPLORATION CO				RECEIVED:	04/01/83	JA: OK			
8330527	19627	3512120876		102-2		SMART #1	SQUIRREL CREEK	37.0	HYDROCARBON SERVI
-WOODS PETROLEUM CORPORATION				RECEIVED:	04/01/83	JA: OK			
8330531	19678	3504321537		102-4 103		EDDIE SMITH #9-4			

WEST VIRGINIA DEPARTMENT OF MINES

-ALLEGHENY LAND & MINERAL COMPANY			RECEIVED:	04/01/83	JA: WV				
8330517		4709702424	103		A-1078	MEADE DISTRICT	0.0	COLUMBIA GAS	
8330519		4709702398	103		A-1111	ROARING CREEK DISTRIC	0.0	CONSOLIDATED GAS	
8330516		4708300673	103		A-1118	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN	
8330512		4708300593	103		A-1136	ROARING CREEK DISTRIC	0.0	COLUMBIA GAS TRAN	
8330514		4708300644	103		A-1170	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN	

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8330518		4708300652		103		A-1174	ROARING CREEK DISTRIC	0.0	COLUMBIA GAS TRAN
8330513		4708300643		103		A-1185	ROARING CREEK DISTRIC	0.0	COLUMBIA GAS TRAN
8330515		4708300658		103		A-1188	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN
-BEREA OIL AND GAS CORPORATION				RECEIVED:	04/01/83	JA: WV			
8330427		4700121642		102-N		DURNAL #1	VALLEY	14.5	CONSOLIDATED GAS
8330426		4700121658		102-N		MCCULLOUGH #1	VALLEY	19.5	CONSOLIDATED GAS
-BOW VALLEY PETROLEUM INC				RECEIVED:	04/01/83	JA: WV			
8330494		4710500943		107-DV		C N WELCH #966	BURNING SPRINGS	0.0	COLUMBIA GAS TRAN
8330495	105-0946	4710500946		107-DV		MC GEE #969	BURNING SPRINGS	0.0	COLUMBIA GAS TRAN
8330496		4710500948		107-DV		MCCAULY 972	BURNING SPRINGS	0.0	COLUMBIA GAS TRAN
8330492		4710500940		107-DV		MCGEE #963	BURNING SPRINGS	0.0	COLUMBIA GAS TRAN
8330493		4710500941		107-DV		WELCH #964	BURNING SPRINGS	0.0	COLUMBIA GAS TRAN
-COASTAL CORP				RECEIVED:	04/01/83	JA: WV			
8330497		4710301258		107-DV		PARAMOUNT #4	UNION	360.0	
-GLENN L HAUGHT & SONS				RECEIVED:	04/01/83	JA: WV			
8330506		4701702911		103		HENRY STAARMAN H-974	COVE DISTRICT	15.0	CONSOLIDATED GAS
8330522		4708504494		107-DV		JOHN CUMMINGS H-897	GRANT DISTRICT	15.0	CONSOLIDATED GAS
8330507		4709500726		103		MELVIN WILEY H-810	CENTERVILLE DISTRICT	15.0	CARNEGIE NATURAL
-HAUGHT INC				RECEIVED:	04/01/83	JA: WV			
8330505		4708505613		107-DV		A W FLESHER HEIRS H-1326	MURPHY DISTRICT	20.0	CABOT CORP
8330521		4707301053		107-DV		D J WAGNER H-1131	UNION DISTRICT	15.0	COLUMBIA GAS TRAN
8330499		4707301179		107-DV		FLORENCE FLEMING H-1256	MCKIM DISTRICT	22.0	COLUMBIA GAS TRAN
8330504		4708505587		107-DV		HARRY MOATS H-1327	GRANT DISTRICT	19.0	CABOT CORP
8330501		4707301311		107-DV		JOSEPH PANSING H-1269	MCKIM DISTRICT	15.0	COLUMBIA GAS TRAN
8330500		4707301380		107-DV		PAUL EDDY H-1298	MCKIM DISTRICT	22.0	COLUMBIA GAS TRAN
8330523		4707301399		107-DV		R UTTERBACK H-1301	JEFFERSON DISTRICT	21.0	COLUMBIA GAS TRAN
8330508		4708504861		103		RONALD WARNER H-1016	UNION DISTRICT	15.0	CARNEGIE NATURAL
8330520		4707301085		107-DV		WILLIAM TRIPLETT H-1187	LAFAYETTE DISTRICT	15.0	COLUMBIA GAS TRAN
-MERT DEVELOPMENT INC				RECEIVED:	04/01/83	JA: WV			
8330509		4708703237		103		BUCK PERRINE	CURTIS DISTRICT	60.0	COLUMBIA GAS TRAN
8330510		4701501915		103		DRAKE #1	OTTER DISTRICT	30.0	COLUMBIA GAS TRAN
8330511		4708300558		103		J F ALLEN #1	LEADSVILLE DISTRICT	10.0	COLUMBIA GAS TRAN
-NATIONAL OPERATING INC				RECEIVED:	04/01/83	JA: WV			
8330498		4707301414		107-DV		CUNNINGHAM H-1311	FRENCH CREEK	11.0	COLUMBIA GAS TRAN
-ROUZER OIL CO				RECEIVED:	04/01/83	JA: WV			
8330488		4701500550		108		BETTIE G BELL #1	BOMONT	18.7	COLUMBIA GAS TRAN
8330461		4701501380		108		BETTIE G BELL #2	BOMONT	18.7	COLUMBIA GAS TRAN
8330489		4701500612		108		BETTIE G BELL #3	BOMONT	18.7	COLUMBIA GAS TRAN
8330468		4701500677		108		BETTIE G BELL #4	BOMONT	18.7	COLUMBIA GAS TRAN
8330478		4701501362		108		E W KING #1	BOMONT	1.9	COLUMBIA GAS TRAN
8330490		4701500600		108		E W KING #10	BOMONT	1.9	COLUMBIA GAS TRAN
8330463		4701501371		108		E W KING #11	BOMONT	1.9	COLUMBIA GAS TRAN
8330462		4701501372		108		E W KING #12	BOMONT	1.9	COLUMBIA GAS TRAN
8330472		4701500752		108		E W KING #13	BOMONT	1.9	COLUMBIA GAS TRAN
8330444		4701500765		108		E W KING #14	BOMONT	1.9	COLUMBIA GAS TRAN
8330476		4701500824		108		E W KING #15	BOMONT	1.9	COLUMBIA GAS TRAN
8330475		4701500829		108		E W KING #16	BOMONT	1.9	COLUMBIA GAS TRAN
8330436		4701501040		108		E W KING #17	BOMONT	1.9	COLUMBIA GAS TRAN
8330477		4701501363		108		E W KING #2	BOMONT	1.9	COLUMBIA GAS TRAN
8330482		4701501364		108		E W KING #3	BOMONT	1.9	COLUMBIA GAS TRAN
8330486		4701501365		108		E W KING #4	BOMONT	1.9	COLUMBIA GAS TRAN
8330474		4701500746		108		E W KING #5	BOMONT	1.9	COLUMBIA GAS TRAN
8330485		4701501367		108		E W KING #6	BOMONT	1.9	COLUMBIA GAS TRAN
8330484		4701501368		108		E W KING #7	BOMONT	1.9	COLUMBIA GAS TRAN
8330483		4701501369		108		E W KING #8	BOMONT	1.9	COLUMBIA GAS TRAN
8330464		4701501370		108		E W KING #9	BOMONT	1.9	COLUMBIA GAS TRAN
8330466		4701501387		108		FRANK COX #10	BOMONT	4.4	COLUMBIA GAS TRAN
8330481		4701500005		108		FRANK COX #11	BOMONT	4.4	COLUMBIA GAS TRAN
8330465		4701501389		108		FRANK COX #12	BOMONT	4.4	COLUMBIA GAS TRAN
8330456		4701501562		108		FRANK COX #13	BOMONT	4.4	COLUMBIA GAS TRAN
8330457		4701501391		108		FRANK COX #14	BOMONT	4.4	COLUMBIA GAS TRAN
8330459		4701501392		108		FRANK COX #15	BOMONT	4.4	COLUMBIA GAS TRAN
8330458		4701501393		108		FRANK COX #16	BOMONT	4.4	COLUMBIA GAS TRAN
8330455		4701501394		108		FRANK COX #18	BOMONT	4.4	COLUMBIA GAS TRAN
8330460		4701500013		108		FRANK COX #19	BOMONT	4.4	COLUMBIA GAS TRAN
8330473		4701500751		108		FRANK COX #2	BOMONT	4.4	COLUMBIA GAS TRAN
8330449		4701500014		108		FRANK COX #20	BOMONT	4.4	COLUMBIA GAS TRAN
8330450		4701500002		108		FRANK COX #22	BOMONT	4.4	COLUMBIA GAS TRAN
8330454		4701501568		108		FRANK COX #23	BOMONT	4.4	COLUMBIA GAS TRAN
8330433		4701501356		108		FRANK COX #24	BOMONT	4.4	COLUMBIA GAS TRAN
8330434		4701501357		108		FRANK COX #25	BOMONT	4.4	COLUMBIA GAS TRAN
8330480		4701501358		108		FRANK COX #26	BOMONT	4.4	COLUMBIA GAS TRAN
8330479		4701501359		108		FRANK COX #27	BOMONT	4.4	COLUMBIA GAS TRAN
8330445		4701500006		108		FRANK COX #28	BOMONT	4.4	COLUMBIA GAS TRAN
8330448		4701500370		108		FRANK COX #29	BOMONT	4.4	COLUMBIA GAS TRAN
8330453		4701501572		108		FRANK COX #3	BOMONT	4.4	COLUMBIA GAS TRAN
8330447		4701500538		108		FRANK COX #30	BOMONT	4.4	COLUMBIA GAS TRAN
8330446		4701500564		108		FRANK COX #31	BOMONT	4.4	COLUMBIA GAS TRAN
8330428		4701500631		108		FRANK COX #32	BOMONT	4.4	COLUMBIA GAS TRAN
8330470		4701500657		108		FRANK COX #33	BOMONT	4.4	COLUMBIA GAS TRAN
8330469		4701500669		108		FRANK COX #34	BOMONT	4.4	COLUMBIA GAS TRAN
8330432		4701500711		108		FRANK COX #35	BOMONT	4.4	COLUMBIA GAS TRAN
8330431		4701500726		108		FRANK COX #36	BOMONT	4.4	COLUMBIA GAS TRAN
8330430		4701500803		108		FRANK COX #37	BOMONT	4.4	COLUMBIA GAS TRAN
8330429		4701500813		108		FRANK COX #38	BOMONT	4.4	COLUMBIA GAS TRAN
8330471		4701500833		108		FRANK COX #39	BOMONT	4.4	COLUMBIA GAS TRAN
8330452		4701501573		108		FRANK COX #4	BOMONT	4.4	COLUMBIA GAS TRAN
8330442		4701500873		108		FRANK COX #40	BOMONT	4.4	COLUMBIA GAS TRAN
8330443		4701500834		108		FRANK COX #41	BOMONT	4.4	COLUMBIA GAS TRAN
8330440		4701500907		108		FRANK COX #42	BOMONT	4.4	COLUMBIA GAS TRAN
8330441		4701500906		108		FRANK COX #43	BOMONT	4.4	COLUMBIA GAS TRAN
8330439		4701500919		108		FRANK COX #44	BOMONT	4.4	COLUMBIA GAS TRAN
8330438		4701500920		108		FRANK COX #45	BOMONT	4.4	COLUMBIA GAS TRAN
8330437		4701500921		108		FRANK COX #46	BOMONT	4.4	COLUMBIA GAS TRAN
8330435		4701500922		108		FRANK COX #47	BOMONT	4.4	COLUMBIA GAS TRAN
8330487		4701501384		108		FRANK COX #5	BOMONT	4.4	COLUMBIA GAS TRAN
8330451		4701501385		108		FRANK COX #6	BOMONT	4.4	COLUMBIA GAS TRAN
8330467		4701501386		108		FRANK COX #9	BOMONT	4.4	COLUMBIA GAS TRAN
-TRIO PETROLEUM CORP				RECEIVED:	04/01/83	JA: WV			
8330503		4702103883		103		HENDERSON "C" #2	GLENVILLE NORTH	50.0	
8330502		4702103883		107-DV		HENDERSON "C" #2	GLENVILLE NORTH	50.0	
-TYRONE ENERGY INC				RECEIVED:	04/01/83	JA: WV			
8330491		4708300469		107-DV		ROY A HOWES/TYRONE ENERGY #2	ROARING CREEK	0.0	COLUMBIA GAS TRAN
**********									
** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, METAIRIE,LA									
**********									
-CHEVRON U S A INC				RECEIVED:	04/01/83	JA: LA 3			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8330391	G2-2920	1770540229		102-5		OCS-G-2076 B-7	VERMILLION	350.4	NATURAL GAS PIPEL
-KERR-MCGEE CORPORATION				RECEIVED:	04/01/83	JA: LA 3			
8330394	G2-2886	1771240234		102-5		OCS G-3169 #A-1	SHIP SHOAL	484.0	TRANSCONTINENTAL
8330392	G2-2887	1771240234		102-5		OCS-G-3169 #A-1 (ALTERNATE)	SHIP SHOAL	8.0	TRANSCONTINENTAL
-MESA PETROLEUM CO				RECEIVED:	04/01/83	JA: LA 3			
8330399	G2-3168	1771940121		102-1		WEST DELTA BLK 62 #A-5A	WEST DELTA	98.0	TENNESSEE GAS PIP
-MOBIL OIL EXPLORATION & PROD S E				RECEIVED:	04/01/83	JA: LA 3			
8330404	G2-2620	1771140368		102-5		SHIP SHOAL 72 #13 D(ALT)	SHIP SHOAL	365.0	TRANSCONTINENTAL
-ODECO OIL & GAS CO				RECEIVED:	04/01/83	JA: LA 3			
8330406	G2-2937	1771140619		102-5		OCS-G-3164 #5A	SHIP SHOAL	550.0	MICHIGAN WISCONSI
-SHELL OFFSHORE INC				RECEIVED:	04/01/83	JA: LA 3			
8330407	G2-3121	1770700253		102-5		OCS-G 1194 A-12B	SOUTH MARSH ISLAND	500.0	MICHIGAN WISCONSI
8330401	G2-3158	1770840474		102-5		OCS-G 2280 D-14	SOUTH MARSH ISLAND	15.0	TRANSCONTINENTAL
8330393	G2-3102	1770840502		102-5		OCS-G 2280 D-18	SOUTH MARSH ISLAND	19.0	TRANSCONTINENTAL
8330397	G2-3028	1770840363		102-5		OCS-G 2280 D-2	SOUTH MARSH ISLAND	45.0	TRANSCONTINENTAL
8330398	G2-2880	1770840511		102-5		OCS-G 2280 D-22 S/T #1	SOUTH MARSH ISLAND	75.0	TRANSCONTINENTAL
8330403	G2-3135	1770840534		102-5		OCS-G 2280 D-27	SOUTH MARSH ISLAND	70.0	TRANSCONTINENTAL
8330405	G2-3122	1770840531		102-5		OCS-G 2281 D-26	SOUTH MARSH ISLAND	17.0	TRANSCONTINENTAL
-AMOCO PRODUCTION CO				RECEIVED:	04/01/83	JA: TX 3			
8330395	G2-2885	4271140470		102-5		OCS-G-2427 #A-8	HIGH ISLAND	200.0	MICHIGAN WISCONSI
-CHEVRON U S A INC				RECEIVED:	04/01/83	JA: TX 3			
8330402	G2-3034	4270240033		102-5		OCS-G-3020 #5	MUSTANG ISLAND	547.5	NATURAL GAS PIPEL
8330390	G2-3035	4270240072		102-5		OCS-G-3020 #7	MUSTANG ISLAND	1703.0	NATURAL GAS PIPEL
-EXXON CORPORATION				RECEIVED:	04/01/83	JA: TX 3			
8330398	G2-2942	4270940677		102-5		OCS-G 2390 #A-1	HIGH ISLAND	4000.0	UNITED GAS PIPE L
-MCMORAN OFFSHORE EXPLORATION CO				RECEIVED:	04/01/83	JA: TX 3			
8330400	G2-2935	4270940666		102-1		OCS-G 4579 #B-6	HIGH ISLAND	2920.0	

[FR Doc. 83-11393 Filed 4-27-83; 8:45 am]

BILLING CODE 6717-01-C

[Volume 880]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: April 22, 1983.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register**.

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487–4808, 5285 Port Royal Rd., Springfield, Va. 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 Mile rule)
102–3: New well (1000 Ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal Seams
107–DV: Devonian Shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

BILLING CODE 6717-01-M

NOTICE OF DETERMINATIONS — VOLUME 880

ISSUED APRIL 22, 1983

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
********** MONTANA BOARD OF OIL & GAS CONSERVATION **********									
-DENMARK RESOURCES INC				RECEIVED:	04/04/83	JA: MT			
8330584	2-82-35	2502521156		108		BN-PICKARD BROS #1-29	CEDAR CREEK	11.0	MONTANA-DAKOTA UT
8330592	2-82-34	2502521154		108		BN-PICKARD BROS #1-33	CEDAR CREEK	4.0	MONTANA DAKOTA UT
8330585	2-82-36	2507121654		108		FISHER #1-17	SWANSON CREEK	5.0	MONTANA-DAKOTA UT
-FALCON-COLORADO EXPLORATION INC				RECEIVED:	04/04/83	JA: MT			
8330586	2-82-38	2507121794		102-2		LEWIS 22-1	SWANSON CREEK	7.0	MONTANA-DAKOTA UT
8330590	2-82-26	2507121769		103		MAVENCAMP 2-1	SWANSON CREEK	15.0	MONTANA-DAKOTA UT
-MERLAND OIL & GAS INC				RECEIVED:	04/04/83	JA: MT			
8330591	2-82-40	2508521334		103		PICARD 11-11	NORTH BANVILLE	9.0	DOME PETROLEUM CO
-MIDLANDS GAS CORPORATION				RECEIVED:	04/04/83	JA: MT			
8330596	1-82-24EH	2507121536		108-ER		SOENNICKSEN 1-13 (1360)	WILDCAT	0.0	KANSAS NEBRASKA N
-ORBIT VENTURES INC				RECEIVED:	04/04/83	JA: MT			
8330597	2-82-32	2509121423		102-2		MORKEN #3-22	DIVIDE	45.0	PHILLIPS PETROLEU
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	04/04/83	JA: MT			
8330595	2-82-33	2509121288		103		DWYER UNIT #7-2	DWYER FIELD	10.0	MONTANA-DAKOTA UT
-SHELL OIL CO				RECEIVED:	04/04/83	JA: MT			
8330594	2-82-30	2502521201		103		UNIT 11-8B	PENNEL	3.3	MONTANA DAKOTA UT
8330593	2-82-31	2502521198		103		UNIT 31-18B	PENNEL	13.1	MONTANA DAKOTA UT
-SOUTHLAND ROYALTY CO				RECEIVED:	04/04/83	JA: MT			
8330583	2-82-41	2510521197		103		FISHER 0925 #1	SWANSON CREEK	99.0	MONTANA-DAKOTA UT
-SUGAR CREEK RESOURCES INC				RECEIVED:	04/04/83	JA: MT			
8330588	2-82-27	2502521150		108		BN-PICKARD BROS #1-5	CEDAR CREEK GAS	12.5	MONTANA-DAKOTA UT
8330587	2-82-28	2502521152		108		BN-V L PICKARD #1-1	CEDAR CREEK GAS	3.9	MONTANA-DAKOTA UT
-WEST GAS INC				RECEIVED:	04/04/83	JA: MT			
8330589	2-82-25	2509521155		103		LEUTHOLD 10-25	LAKE BASIN	18.0	MONTANA DAKOTA UT
********** NEW MEXICO DEPARTMENT OF ENERGY & MINERALS **********									
-BETA DEVELOPMENT CO				RECEIVED:	04/04/83	JA: NM			
8330634		3004500000		108		HELEN HARTMAN	BASIN DAKOTA	0.0	EL PASO NATURAL G
-CONOCO INC				RECEIVED:	04/04/83	JA: NM			
8330635		3002521020		108		STATE JJ-36 #1	ARROWHEAD E-M-E	13.6	GETTY OIL CO
-CONSOLIDATED OIL & GAS INC				RECEIVED:	04/04/83	JA: NM			
8330631		3004500000		108-PB		CHAVEZ #1	BLANCO MESAVERDE	0.0	EL PASO NATURAL G
8330625		3004500000		108-PB		CHAVEZ #1	BLANCO MESAVERDE	0.0	EL PASO NATURAL G
-EL PASO NATURAL GAS COMPANY				RECEIVED:	04/04/83	JA: NM			
8330616		3004500000		108-PB		HEIZER #1	BLANCO-MESA VERDE	0.0	EL PASO NATURAL G
8330618		3003900000		108-PB		RINCON UNIT #25	SOUTH BLANCO PICTURED	0.0	EL PASO NATURAL G
-EXXON CORPORATION				RECEIVED:	04/04/83	JA: NM			
8330623		3002528016		103		NEW MEXICO "DD" STATE #4	UNDESIGNATED SCHARB-W	2.0	WARREN PETROLEUM
-MCINNIS JOHN W & WOOD HUGH N				RECEIVED:	04/04/83	JA: NM			
8330617		3002500000		108		A B REEVES #2	EUNICE - MONUMENT GRA	21.3	PHILLIPS PETROLEU
-MESA PETROLEUM CO				RECEIVED:	04/04/83	JA: NM			
8330629		3000561837		102-3	107-TF	BEAN #1	PECOS SLOPE ABO	460.0	
-MWJ PRODUCING CO				RECEIVED:	04/04/83	JA: NM			
8330619		3002500000		103		SAUNDERS 9 STATE #1	SAUNDERS UPPER PERMO	0.0	WARREN PETROLEUM

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-NORTHWEST PIPELINE CORPORATION			RECEIVED:	04/04/83	JA: NM				
8330628		3003900000		108-PB		SAN JUAN 29-5 #38	BLANCO-MESAVERDE	0.0	NORTHWEST PIPELIN
8330627		3003900000		108-PB		SAN JUAN 29-6	BASIN DAKOTA	0.0	NORTHWEST PIPELIN
8330622		3003900000		108-PB		SAN JUAN 31-6 #18	BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
8330626		3003900000		108-PB		SAN JUAN 31-6 #15	BLANCO-MESAVERDE	0.0	NORTHWEST PIPELIN
8330621		3003900000		108-PB		SAN JUAN 31-6 #19	BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
8330620		3003900000		108-PB		SAN JUAN 31-6 #19	BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
8330633		3004522165		108		SAN JUAN 32-7 UNIT COM 24	BLANCO MESAVERDE	24.4	EL PASO NATURAL G
-TEXACO INC			RECEIVED:	04/04/83	JA: NM				
8330614		3002500000		103		LEE CARTER #1	CASEY STRAWN	9.3	
-TXO PRODUCTION CORP			RECEIVED:	04/04/83	JA: NM				
8330630		3001524065		103		CATCLAW DRAW STATE COM #2	CATCLAW DRAW (MORROW)	1100.0	EL PASO NATURAL G
-WARREN PETR CO A DIV OF GULF OIL CO			RECEIVED:	04/04/83	JA: NM				
8330624		3002527935		103		LEA "VF" STATE #2	SAUNDERS PERMO UPPER	0.0	EL PASO NATURAL G
-YATES PETROLEUM CORPORATION			RECEIVED:	04/04/83	JA: NM				
8330611		3000561166		102-2	107-TF	CAUDILL "RZ" #1	UND ABO	0.0	TRANSWESTERN PIPE
8330612		3000560988		102-2	107-TF	COCKLEBURR "RD" ST #1	UND ABO	0.0	TRANSWESTERN PIPE
8330613		3000561201		102-2	107-TF	CONEJO "RH" ST #1	UND ABO	0.0	TRANSWESTERN PIPE
8330604		3000561201		102-2	107-TF	CONEJO "RH" ST #2	UND ABO	0.0	TRANSWESTERN PIPE
8330605		3000561239		102-2	107-TF	CONEJO "RH" ST #3	UND ABO	0.0	TRANSWESTERN PIPE
8330607		3000561133		102-2	107-TF	DEE "OQ" ST #2	PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE
8330606		3000561167		102-2	107-TF	DEE "OQ" ST #3	EAGLE CREEK ATOKA-MOR	0.0	TRANSWESTERN PIPE
8330632		3001523059		108		GOAT ROPER "LP" #1	UND ABO	0.0	TRANSWESTERN PIPE
8330608		3000561049		102-2	107-TF	GRYNBERG "LZ" ST #2	SAUNDERS PERMO UPPER	0.0	WARREN PETROLEUM
8330615		3002521810		103		HANLADDIE "WR" ST #1	UND ABO	0.0	TRANSWESTERN PIPE
8330610		3000561122		102-2	107-TF	MARGARET "RQ" ST #1	UND ABO	0.0	TRANSWESTERN PIPE
8330609		3000561012		102-2	107-TF	PLAINS "QN" COM #1	UND ABO	0.0	TRANSWESTERN PIPE
8330636		3000561050		102-2	107-TF	ROOK "RK" ST #1	UND ABO	0.0	TRANSWESTERN PIPE
8330637		3000561048		102-2	107-TF	ROWLAND "RN" #1	UND ABO	0.0	TRANSWESTERN PIPE
8330600		3000561271		102-2	107-TF	SECRA "SA" COM #1	UND ABO	0.0	TRANSWESTERN PIPE
8330601		3000561025		102-2	107-TF	SKINNY "QO" ST #2	UND ABO	0.0	TRANSWESTERN PIPE
8330602		3000561331		102-2	107-TF	SMERNOFF "NL" ST #3	PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE
8330603		3000560714		102-2	107-TF	WEST DIXON "NX" STATE #1	WILDCAT	0.0	TRANSWESTERN PIPE
NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION									
-AMERICAN PENN ENERGY INC			RECEIVED:	04/04/83	JA: NY				
8330684	2977	3102916969		107-TF		GREENE UNIT #1 (1523)	EVANS	10.0	NATIONAL FUEL & G
8330686	2986	3102916970		107-TF		GREENE UNIT #2 (1524)	EVANS	10.0	NATIONAL FUEL GAS
8330682	3458	3102916971		107-TF		GREENE UNITE #3 (1525)	EVANS	10.0	NATIONAL FUEL GAS
8330685	2908	3102917008		107-TF		GRUPP #3 (1528)	EVANS	10.0	NATIONAL FUEL GAS
8330681	3451	3102917044		107-TF		GRUPP UNIT #2 (1527)	EVANS	10.0	NATIONAL FUEL GAS
8330683	2607	3102915436		107-TF		J & L WOLFER (1451)	BRANT	10.0	NATIONAL FUEL GAS
-ENERGY OIL INC			RECEIVED:	04/04/83	JA: NY				
8330676	1541	3102915425		107-TF		BAUDER #1	BUFFALO CREEK	13.0	TENNESSEE GAS PIP
8330677	1535	3102915591		107-TF		BAUDER #2	BUFFALO CREEK	13.0	TENNESSEE GAS PIP
8330688	1376	3102914577		107-TF		BERGHORN #2	ALDEN	50.0	TENNESSEE GAS PIP
8330689	1369	3103714575		107-TF		CUMMINGS #1	MEDINA	10.0	NATIONAL FUEL GAS
8330673	1537	3102915701		107-TF		ELDRIDGE #1	BUFFALO CREEK	13.0	TENNESSEE GAS PIP
8330694	1836	3103716085		107-TF		FENTON #1	ALDEN LANCASTER	20.0	NATIONAL FUEL GAS
8330669	2774	3102916678		107-TF		FOSS #1	BUFFALO CREEK	24.0	TENNESSEE GAS PIP
8330680	2697	3102915912		107-TF		GERHARDT #1	BUFFALO CREEK	20.0	TENNESSEE GAS PIP
8330675	1539	3102915821		107-TF		GRACE HANDY #1	BUFFALO CREEK	13.0	TENNESSEE GAS PIP
8330678	1372	3102915242		107-TF		HENSHAW #1	ORCHARD PARK	50.0	TENNESSEE GAS PIP
8330674	1538	3102915589		107-TF		LUCAS #1	BUFFALO CREEK	13.0	TENNESSEE GAS PIP
8330672	2438	3102915911		107-TF		MARTEMET #1	BUFFALO CREEK	25.0	NATIONAL FUEL GAS
8330670	1374	3102914411		107-TF		RIEDESEL #1	ALDEN FIELD	50.0	TENNESSEE GAS PIP
8330671	2329	3102916095		107-TF		SCHULTZ #1	ORCHARD PARK	15.0	NATIONAL FUEL GAS
8330679	1533	3102915339		107-TF		SNYDER #1	MARILLA ELMA BUFFALO	12.0	NATIONAL FUEL GAS
-LENAPE RESOURCES CORP			RECEIVED:	04/04/83	JA: NY				
8330691	3458	3103713989		107-TF		CARNEY #1 LRC #36	UHLEY CORNERS	20.0	NEW JERSEY NATURA
8330690	3456	3105114283		107-TF		HOAG #2 LRC #38	UHLEY CORNERS	20.0	NEW JERSEY NATURA
8330692	3457	3103713988		107-TF		LRC #37 - GLEBER #1	UHLEY CORNERS	20.0	NEW JERSEY NATURA
8330693	3177	3103714526		107-TF		M W THATER #2 LRC #53	PAVILION	20.0	NEW JERSEY NATURA
-R M HENLEY & P G MURPHY			RECEIVED:	04/04/83	JA: NY				
8330687	4922	3102914325		107-TF		H M FOUNDATIONS INC #1	AKRON	4.0	NATIONAL FUEL GAS
OKLAHOMA CORPORATION COMMISSION									
-A C RICHARDS			RECEIVED:	04/04/83	JA: OK				
8330713	15856	3504900000		108		B R STEPHENS NO 6	GOLDEN TREND	26.0	WARREN PETROLEUM
-ALLIANCE OIL & GAS CO			RECEIVED:	04/04/83	JA: OK				
8330697	20075	3501500000		108		FARWELL #2 OTC 0015-00134		18.0	CITIES SERVICE GA
-ANDOVER OIL COMPANY			RECEIVED:	04/04/83	JA: OK				
8330706	19833	3501721280		102-2	103	ROTHER #2-1		113.0	DELHI GAS PIPELIN
-C J CASSELMAN			RECEIVED:	04/04/83	JA: OK				
8330696	19910	3511123691		103		KINZER #2	MORRIS	18.3	PHILLIPS PETROLEU
-CANADIAN EXPLORATION CORP			RECEIVED:	04/04/83	JA: OK				
8330701	20931	3501722353		103		LITTLE #30-1	NORTHWEST MUSTANG	27.0	DELHI GAS PIPELIN
-CORE PETROLEUM LTD			RECEIVED:	04/04/83	JA: OK			0.0	
8330726	23803	3503920756		102-2		SEWELL #1-36	RED MOON	0.0	EL PASO NATURAL G
-DAVIS OIL COMPANY			RECEIVED:	04/04/83	JA: OK				
8330695	19779	3512920721		103		A CROSS RANCH #1	UNNAMED	730.0	
-HELMERICH & PAYNE INC			RECEIVED:	04/04/83	JA: OK				
8330705	19780	3504521017		102-3		SHREWDER #1-24	EAST GUTHRIE	110.0	BUCKEYE NATURAL G
-HILL RESOURCES INC			RECEIVED:	04/04/83	JA: OK		EAST GUTHRIE FIELD	110.0	BUCKEYE NATURAL G
8330703	19676	3508320341		102-4		ELLIS #11-1		256.0	KANSAS NEBRASKA N
8330715	19615	3508321854		102-4		ELLIS #11-2			
-KELLOIL INC			RECEIVED:	04/04/83	JA: OK		DILWORTH	0.0	
8330707	19842	3508722159		102-4		RAGSDALE TRUST #1	DILWORTH	0.0	
-LEWIS EXPLORATION INC			RECEIVED:	04/04/83	JA: OK		DILWORTH	0.0	
8330711	20962	3507122128		103		CHRISTENSEN #4	DILWORTH	0.0	
8330710	20961	3507122179		103		CHRISTENSEN #5	DILWORTH	0.0	
8330725	20965	3507122129		103		CURL #2	DILWORTH	0.0	
8330724	20964	3507122206		103		CURL #3	DILWORTH	0.0	
8330712	20963	3507122221		103		CURL #4	DILWORTH	0.0	
8330709	20960	3507122567		103		TURK #1	DILWORTH	0.0	
8330708	20959	3507122568		103		TURK #2	DILWORTH	0.0	
8330723	20958	3507122569		103		TURK #3	DILWORTH	0.0	
8330722	20957	3507122570		103		TURK #4	DILWORTH	0.0	
-MAPCO PRODUCTION COMPANY			RECEIVED:	04/04/83	JA: OK				
8330704	19720	3501922380		103		GILL 1-18	WEST MEWITT	46.7	AMINOIL USA INC
-PHILLIPS PETROLEUM COMPANY			RECEIVED:	04/04/83	JA: OK				
8330700	20930	3501721250		108		BOHLMANN A #1	W PIEDMONT	6.7	PANHANDLE EASTERN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-RALLOD CORP				RECEIVED:	04/04/83	JA: OK			
8330702	21427	3510721496		102-4		NANCY #1		200.0	PHILLIPS PETROLEU
-REYNOLDS EXPLORATION CO				RECEIVED:	04/04/83	JA: OK			
8330717	20667	3507323182		103		CRONKITE #1	SOONER TREND	0.0	CONOCO INC
8330718	20668	3507323189		103		GLENN #1	SOONER TREND	0.0	CITIES SERVICE CO
8330719	20669	3507323190		103		SPAIN #1	SOONER TREND	0.0	CITIES SERVICE CO
-SOUTHERN GIANT INC				RECEIVED:	04/04/83	JA: OK			
8330699	20928	3511900008		103		MARY COCHRAN #1	SOUTHWEST - YALE	48.0	PHILLIPS PETROLEU
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	04/04/83	JA: OK			
8330720	20780	3500700000		108		GETZ "B" #1	ELMWOOD	2.0	PHILLIPS PETROLEU
-TENNECO OIL COMPANY				RECEIVED:	04/04/83	JA: OK			
8330698	20437	3501121744		103		PAYNE "C" #1-15	WATONGA-CHICKASHA TRE	240.0	DELHI GAS PIPELIN
-TEX-OK PETROLEUM INC				RECEIVED:	04/04/83	JA: OK			
8330714	19503	3500722254		103		BENNETT #2-1	MOCANE-LAVERNE	256.3	COLORADO INTERSTA
-TRIPLEDEE DRILLING CO				RECEIVED:	04/04/83	JA: OK			
8330716	19831	3501900000		102-4		IRA JOY #1		180.0	AMINOIL USA INC
-WESSELY ENERGY CORPORATION				RECEIVED:	04/04/83	JA: OK			
8330721	20954	3504921586		103		HOLT #1-16 049-71875	N ANTIOCH	35.0	WARREN PETROLEUM
**********									
UTAH DIVISION OF OIL,GAS, & MINING									
**********									
-LOMAX EXPLORATION COMPANY				RECEIVED:	04/04/83	JA: UT			
8330599	K-152-3	4301330592		102-2		STATE #1-36	MONUMENT BUTTE	10.0	MOUNTAIN FUEL SUP
**********									
WEST VIRGINIA DEPARTMENT OF MINES									
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-ASHLAND EXPLORATION INC				RECEIVED:	04/04/83	JA: WV			
8330668		4704700838		108		LON B ROGERS #21-088971	VIRGNIA	21.0	CONSOLIDATED GAS
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED:	04/04/83	JA: WV			
8330664		4705500086		103		POCAHONTAS LAND CORP 12741	ROCK DISTRICT	23.0	GENERAL SYSTEM PU
8330663		4700101704		103		WILMA J LANTZ 12773	PHILLIPPI DISTRICT	18.0	GENERAL SYSTEM PU
-DORAN & ASSOCIATES INC				RECEIVED:	04/04/83	JA: WV			
8330652		4703322149		103		EDWARD E LEGGETT #1 K-L-126	EAGLE DIST	30.0	CARNEGIE NATURAL
-ENERGEX OIL & GAS CORP				RECEIVED:	04/04/83	JA: WV			
8330667		4707301491		103		R BIRKHIMER #1	JEFFERSON DISTRICT	30.0	CONSOLIDATED GAS
-FRAZER CO				RECEIVED:	04/04/83	JA: WV			
8330657		4708504358		108		BATSON 5-A	UNION	0.0	CARNEGIE NATURAL
8330662		4710304770		108		DEWHURST #2	GRANT DISTRICT	0.0	CONSOLIDATED GAS
8330659		4708504510		108		GOFF HEIRS #1	UNION	0.0	CARNEGIE NATURAL
8330660		4708504511		108		JOE GOFF #1	UNION	0.0	CARNEGIE NATURAL
8330656		4708504346		108		LEESON 4-A	UNION DISTRICT	0.0	CARNEGIE NATURAL
8330655		4708504258		108		MABEL WISEMAN #1	BEREA	0.0	CARNEGIE NATURAL
8330654		4708504149		108		NANNIE BATSON #1	UNION DISTRICT	0.0	CARNEGIE NATURAL
8330661		4708504512		108		PERRY #1	BEREA	0.0	COLUMBIA GAS TRAN
8330653		4708503062		108		R B RUTHERFORD 1-B	BEREA	0.0	CARNEGIE NATURAL
8330658		4708504382		108		RUTHERFORD #3	BEREA	0.0	CARNEGIE NATURAL
-GLENN L HAUGHT & SONS				RECEIVED:	04/04/83	JA: WV			
8330666		4701702609		108		WILMA ALKIRE H-959	NEW MILTON DISTRICT	25.0	CONSOLIDATED GAS
-HUNTER RUN OIL & GAS CO				RECEIVED:	04/04/83	JA: WV			
8330651		4707300616		108		S L SHULTZ #1	ST MARYS	0.5	CONSOLIDATED GAS
8330650		4707300470		108		S L SHULTZ #1	ST MARYS	0.5	CONSOLIDATED GAS
-JAMES F SCOTT				RECEIVED:	04/04/83	JA: WV			
8330665		4700101562		108		HILLMAN COAL & COKE 9-371	PLEASANT	26.0	CONSOLIDATED GAS
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	04/04/83	JA: WV			
8330649		4706100226		108		PIXLER-A #1	SOUTH BURNS CHAPEL	17.0	CONSOLIDATED GAS
-REED PARTNERS				RECEIVED:	04/04/83	JA: WV			
8330648		4701502120		103		GOSHORN HEIRS 5-A	MIDDLE SYCAMORE CREEK	15.0	CONSOLIDATED GAS
-STONEWALL GAS CO INC				RECEIVED:	04/04/83	JA: WV			
8330638		4701702312		108		J C MASON HRS #1	GREENBRIER	0.0	CONSOLIDATED GAS
-UNION DRILLING INC				RECEIVED:	04/04/83	JA: WV			
8330647		4709702306		103		BEULAH M RIFFLE #1 (1663)	BANKS DISTRICT	0.0	COLUMBIA GAS TRAN
8330644		4709702432		103		ELSIE YOUNG (AGENT) #1 1531	BANKS DISTRICT	0.0	COLUMBIA GAS TRAN
8330640		4709702277		103		GARRY SAYRE #1 1643	MEADE DISTRICT	0.0	COLUMBIA GAS TRAN
8330643		4709702291		103		GLENN ROHR #1 1718	UNION DISTRICT	0.0	CONSOLIDATED GAS
8330641		4708300536		103		HARRY MCMULLAN #9B (1684)	ROARING CREEK DISTRIC	0.0	TENNESSEE GAS PIP
8330642		4709702321		103		JOSEPHINE HARRIS #1 1706	WARREN DISTRICT	0.0	CONSOLIDATED GAS
8330646		4709702392		103		O G CASTO #1 1661	MEADE DISTRICT	0.0	COLUMBIA GAS TRAN
8330639		4709702290		103		ORVILLE SMALLWOOD #1 1664	BANKS DISTRICT	0.0	COLUMBIA GAS TRAN
8330645		4709702414		103		WOODY LUMBER CO #1 1631	WASHINGTON DISTRICT	0.0	COLUMBIA GAS TRAN
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** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, METAIRIE,LA									
**********									
-TENNECO OIL COMPANY				RECEIVED:	04/04/83	JA: LA 3			
8330598	G3-3485	1771140518		102-1		SHIP SHOAL 170 #A-7	SHIP SHOAL	540.0	TENNESSEE GAS PIP

[FR Doc. 83-11394 Filed 4-27-83; 8:45 am]

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Thursday, April 28, 1983

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.) Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

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DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
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List of Public Laws

Last Listing April 27, 1983

This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents. U.S. Government Printing Office, Washington, D.C. 20402 (phone 202–275–3030).

S.J. Res. 53 / Pub. L. 98–23 To authorize and request the President to designate the month of May 1983 as "National Physical Fitness and Sports Month". (Apr. 26, 1983; 97 Stat. 174) Price: $1.75

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Note: The Office of the Federal Register proposes to terminate the formal program of agency publication on assigned days of the week. See 48 FR 19283, April 28, 1983.

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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The Office of the Federal Register proposes to terminate the formal program of agency publication on assigned days of the week. See page 19283 in the **Federal Register** of Thursday, April 28, 1983.

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 752

Adverse Actions

AGENCY: Office of Personnel Management.

ACTION: Final regulation.

SUMMARY: This amendment to OPM's regulations is made to comply with an opinion and order of the Merit Systems Protection Board which held that OPM's regulatory provisions for emergency suspensions during the notice period of an adverse action exceed OPM's regulatory authority and thus are invalid. Accordingly, OPM is rescinding its regulatory provision which, under certain circumstances, provided an exception to the requirement that a Government agency give a Federal employee 30 days of advance notice when proposing an adverse action. By separate amendment, OPM is proposing to add a new provision that under certain circumstances, a Government agency may change or withdraw the position duties of a Federal employee during the 30 days' advance notice period of a proposed adverse action.

EFFECTIVE DATE: April 29, 1983.

FOR FURTHER INFORMATION CONTACT: Cynthia Field, Office of Planning and Evaluation (202) 254–5517.

SUPPLEMENTARY INFORMATION: Prior to passage of the Civil Service Reform Act of 1978, civil service regulations provided for emergency suspensions without pay as an exception to the general requirement that a Government agency give 30 days of advance notice when proposing an adverse action against a Federal employee. Under the regulations, an agency was allowed a maximum period of five days to process an emergency suspension, during which time the employee was placed in a nonduty, pay status. Once an emergency suspension was effected, the employee remained in a nonduty status, and in addition, was placed in a nonpay status. An emergency suspension expired when the agency made a determination on whether to take the proposed adverse action. Thus, the total length of an emergency suspension was invariably no more than 30 days. As a result, because a suspension of 30 days or less was not an action requiring 30 days of advance notice, the provision for emergency suspension was consistent with then existing law.

With passage of the Civil Service Reform Act, Congress made a suspension of more than 14 days an adverse action requiring advance notice of 30 days. The provision permitting emergency suspensions, which OPM carried over into its new regulations, therefore conflicted with the new statutory notice requirement. In *Cuellar v. United States Postal Service,* MSPB Order No. SF075299045 (November 13, 1981), the Merit Systems Protection Board considered an appeal from an emergency suspension imposed pursuant to 5 CFR 752.404(d)(3) and overturned it because the agency had failed to give the appellant the 30 days of advance notice required by 5 U.S.C. 7513(b)(1). The Board held that 5 CFR 752.404(d) is invalid since OPM had exceeded its statutory authority to regulate in issuing this regulation.

OPM agrees that the new statutory notice requirement prohibits emergency suspensions which call for the withholding of pay during the notice period. A clear purpose of 5 U.S.C. 7513(b)(1) is to ensure that an employee remains on the payroll for at least 30 days after an agency proposes an adverse action. Accordingly, OPM is amending 5 CFR Part 752 by rescinding 5 CFR 752.404(d)(3) in order to comply with this Opinion and order. By separate amendment, OPM is proposing to add a regulation permitting agencies, under certain cricumstances, to place employees in a nonduty status with pay during the notice period.

Pursuant to section 553(b)(3)(B) of Title 5 of the United States Code, the Director finds that good cause exists to make this amendment effective in less than 30 days. The regulation is being made effective immediately to ensure that agencies will not take actions under this regulatory provision which has been held to be invalid.

E.O. 12291 Federal Regulation

OPM has determined that this is not a major rule as defined under Section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because it affects only Federal agencies and employees.

List of Subjects in 5 CFR Part 752

Administrative practice and procedure, Government employees.

Office of Personnel Management.
Donald J. Devine,
Director.

§ 752.404 [Amended]

Accordingly, OPM is amending 5 CFR 752.404 by removing paragraph (d)(3).

(5 U.S.C. 7513, 7514, 1302)

[FR Doc. 83-11485 Filed 4-28-83; 8:45 am]
BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 51

United States Standards for Grades of Table Grapes (European or Vinifera Type)

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule amends the voluntary U.S. Standards for Grades of Table Grapes (European or Vinifera Type). This rule will add two seedless varieties to those now listed in the standards and permit all seedless varieties to be covered by the same minimum berry size requirements; provide for adjustment to recent changes in California and Arizona maturity regulations; and, add a new subsection applicable to maturity of table grapes subject to U.S. import regulations.

The Agricultural Marketing Service has the responsiblility, in cooperation with industry, to maintain grade

standards in line with current cultural and marketing practices.

EFFECTIVE DATE: April 29, 1983. The Director of the Federal Register approves the incorporation by reference of certain publications in 7 CFR Part 51 effective on April 29, 1983.

FOR FURTHER INFORMATION CONTACT: Michael V. Morrelli, Fresh Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250. (202) 447–2011.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA procedures and Executive Order 12291 and has been designated as a "non-major" rule. It will not result in an annual effect of $100 million or more. There will be no major increase in cost or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions. It will not result in significant effects on competition, employment, investments, productivity, innovations, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act, Pub. L. 96–354 (5 U.S.C. 601), because it reflects current marketing practices.

A proposal to amend the U.S. Standards for Grades of Table Grapes (European or Vinifera Type) was published in the **Federal Register** on March 21, 1983 (48 FR 11718–11719) with a comment period ending April 20, 1983. Copies of the proposal were distributed to interested persons for review and comment. All responses received favored the proposed changes. Changes are as follows:

(1) Permit all seedless varieties to be covered by the same size requirements by adding "Superior Seedless, Flame Seedless and other seedless varieties" to the applicable size sections of the U.S. Fancy and U.S. No. 1 Table grades.

(2) Reference maturity requirements for grapes grown in Arizona and California to the respective State regulations in effect on the effective date of the amendment of these standards by incorporating, by reference, the current Arizona and California regulations. This will correct the technical conflict which currently exists between State maturity regulations and maturity requirements of the U.S. standards.

(3) Add a subsection that will require grapes subject to U.S. import regulations to meet the maturity requirements specified in the import regulations.

It is found that it is contrary to public and industry interests to postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), and good cause exists for making this amendment effective upon publication in that: (1) the domestic grape harvest will begin on or about May 1, 1983; (2) the regulatory provisions of a Federal marketing order and U.S. import regulations will become effective May 1, 1983; (3) no changes were made in the proposed rule except for the incorporation by reference of current Arizona and California maturity regulations.

List of Subjects in 7 CFR Part 51

Fresh fruits, vegetables and other products (inspection, certification and standards), Incorporation by reference.

PART 51—[AMENDED]

Accordingly, 7 CFR Part 51 is amended as follows:

1. In § 51.882, paragraph (i)(1)(ii) is revised to read:

§ 51.882 U.S. Fancy Table.

* * * * *

(i) * * *

(1) * * *

(ii) For Thompson Seedless, Perlette, Delight, Beauty Seedless, Superior Seedless, Flame Seedless and other seedless varieties, 75 percent shall be at least ten-sixteenths of an inch; and,

* * * * *

2. In § 51.884, paragrpah (i)(1)(i) is revised to read:

§ 51.884 U.S. No. 1 Table.

* * * * *

(i) * * *

(1) * * *

(i) Thompson Seedless, Perlette, Delight, Beauty Seedless, Superior Seedless, Flame Seedless and other seedless varieties nine-sixteenths of an inch.

* * * * *

3. § 51.887 is revised to read:

§ 51.887 Maturity requirements.

(a) In the case of grapes grown in Arizona or California, "mature" means grapes in any lot shall meet the maturity requirements for the variety as set forth in the applicable State Agricultural Laws and Regulations in effect on the effective date of this amendment.

(1) Arizona maturity regulations are contained in Title 3, Chapter 7, Article 1, Section R3–7–104, Subsection 7, 1982 Arizona Official Compilation of Administrative Rules and Regulations, Arizona Fruit and Vegetable Standardization and are incorporated by reference under 5 U.S.C. 552(a) and 1 CFR Part 51.[2]

(2) California maturity regulations are contained in the 1981 Administrative Code—Title 3 of California, Group 4, Article 25, and are incorporated by reference under 5 U.S.C. 552(a) and 1 CFR Part 51.[2]

(b) Grapes subject to U.S. import regulations shall meet the maturity requirements specified in such regulations.

(c) Grapes produced in States other than Arizona or California, or grapes imported from countries outside the United States during periods in which U.S. import regulations do not apply, shall meet the minimum percentage of soluble solids set forth in Table III as determined by use of a standard hand refractometer.

TABLE III

Variety	Percent of soluble solids
Muscat	17.5
All varieties not listed in this table	16.5
Cardinal, Emperor, Perlette, Ribier, Olivette Blanche, Rish Baba, Red Malaga, and similar varieties	15.5

(1) The minimum percentage of soluble solids for any lot shall be determined from the juice of at least 10 percent, by weight, of whole bunches of the least mature grapes in that container which appears to have the least mature grapes. No lot shall be considered as failing to meet these requirements unless samples from two containers which appear to have the least mature grapes test below the required percentage of soluble solids.

(Agricultural Marketing Act of 1946, Secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended [7 U.S.C. 1622, 1624])

Done at Washington, D.C., on: April 25, 1983.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 83–11566 Filed 4–28–83; 8:45 am]

BILLING CODE 3410–02–M

[2] copies of these regulations may be examined at the Office of the Federal Register Information Center, Room 8401, 1100 L Street, N.W., Washington, DC 20408. They may be requested from the California Department of Food and Agriculture, Fruit and Vegetable Quality Control, Standardization Section, Room A–265, 1220 N Street, Sacramento, CA 95814 or Arizona Fruit and Vegetable Standardization, 2720 West Weldon, Phoenix, AZ 85007.

7 CFR Part 54

Regulations for Federal Meat Grading and Certification Services

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends § 54.27 of the regulations governing the grading and certification of meats, prepared meats, and meat products by increasing the fees for voluntary Federal meat grading and certification services to reflect increased program operating costs.

EFFECTIVE DATE: May 31, 1983.

FOR FURTHER INFORMATION CONTACT: David K. Hallett, Chief; Meat Grading and Certification Branch; Livestock, Meat, Grain, and Seed Division; Agricultural Marketing Service, USDA; Room 1–M, Annex Building; Washington, D.C. 20250 (Telephone 202/382–1246).

SUPPLEMENTARY INFORMATION:

Regulatory Impact Analysis

This action was reviewed under U.S. Department of Agriculture procedures established to implement Executive Order 12291 and was classified as a nonmajor rule pursuant to Section 1(b)(1), (2), and (3) of that order. Accordingly, a regulatory impact analysis is not required. This action also was reviewed under the Regulatory Flexibility Act (Pub. L. 96–354, 5 U.S.C. 601 *et seq.*). William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this rule will not have a significant economic impact on a substantial number of small entities. This rule increases fees to cover escalating costs of providing voluntary Federal meat grading and certification services. The increased fees reflect a minimal increase in the cost-per-unit graded and/or certified currently borne by all entities using the services. The increased fees, therefore, will not have a significant economic effect on meatpackers, processors, or consumers, and will not affect normal competition in the marketplace.

Background

The Agricultural Marketing Act of 1946, as amended, 7 U.S.C. 1621 *et seq.*, authorizes the Secretary of Agriculture to provide voluntary Federal meat grading and certification services, to facilitate the orderly marketing of meats and meat products, and to enable consumers to obtain the quality of meat which they desire. It also provides for the collection of fees from users of Federal meat grading and certification services which are approximately equal to the costs of providing services. The hourly fees for service are established in accordance with the salaries and fringe benefits of meat graders, the costs of supervision, travel, training, and all administrative costs of operating the program. As these costs increase, the fee rates also must be increased so that the program remains financially self-supporting as required by law.

Comments

On November 23, 1982, the Agricultural Marketing Service published in the **Federal Register** (47 FR 52691) an interim final rule increasing the fees for Federal meat grading and certification services, effective November 28, 1982. This rule was published on an interim basis with request for comments as a means of providing full public participation in the rulemaking process. Additionally, this rule was implemented on an interim basis without a prior proposal because increased renvenues were needed immediately to cover the increased costs of providing service. Comments on this amendment were requested by January 28, 1983.

During the 60-day comment period, the Agency received five letters in response to the interim final rule. Four comments were received from meat and livestock associations and one from a meatpacking and processing firm.

Discussion of Comments

All five comments reflected dissatisfaction with the fee increase and expressed the view that any increase during the current economic plight of the meat industry was excessive and not justifiable. The commentors questioned how the collected fees are spent, and they requested a detailed breakdown of program operating costs. Additionally, the commentors requested additional information on program cost increases and more justification for the fee rate increases. The comments contained general and specific observations on increasing the fee rates, and one comment suggested alternatives to increasing the fees.

In determining the increased fee rates, the Agency considered all costs associated with providing service. Although one commentor assumed that less than 50 percent of the base hourly fee rate is used to recover the direct costs of meat graders, approximately 70 percent of the fee rate is used for this purpose. These direct costs include the meat grader's base salary rate and overtime rate; the cost of the grader's fringe benefits, which include Agency contributions for life and health insurance, workmen's compensation, medicare, retirement, annual leave, sick leave, uniform allowances, etc.; and the cost of reimbursable travel and transfer costs which are not charged directly to applicants of the service. The remaining 30 percent of the fee rate is used to recover all other direct and indirect program operating costs. These costs include supervisory and clerical salaries and fringe benefits, employee training and career development, supervisory travel, office rents, communications, utilities, equipment, supplies, and all support services of the Division and Agency. The following detailed breakdown of the fees, as requested by the commentors, is based on the actual fiscal year 1983 budgeted allotment of revenue to offset the expenses of operating the meat grading and certification program.

DIRECT PROGRAM COSTS

	Percent
Salaries (Graders, Supervisors, Clerks, etc.)	56.33
Fringe Benefits	15.56
Travel and Transportation	10.95
Rent, Communications, Utilities	2.51
Printing, Reproduction, Supplies, Equipment	0.74
National Finance Center's Billings and Collections	1.44
Other Services (Training, Federal Telecommunications System, etc.)	2.21
Nonpermanent Training and Development	0.82
Fair Labor Standards Act Settlements	1.45
Total	92.0

INDIRECT PROGRAM COSTS

	Percent
Division and Agency Overhead (Includes Information, Financial, Personnel, and Management Support Services)	8.0

For fiscal year 1983, both the direct and indirect costs of providing service escalated making it necessary to increase the fee rates as required by the Agricultural Marketing Act of 1946. The increased base hourly rate was established on the projections of the estimated hours of revenue expected during the fiscal year. The increased operating expenses of the meat grading and certification program for fiscal year 1983 are summarized as follows:

1. $670,000—The amount of the 4-percent Federal salary increase granted to employees in October.

2. $116,000—The 1.3-percent assessment for Medicare coverage paid by the Agency.

3. $147,000—The increased amount charged by the National Finance Center,

USDA, for processing meat grading and acceptance certificates.

4. $292,000—One-third of the $875,000 cost increase which was awarded to meat graders as a result of a litigation settlement made by the Department of Justice with the American Federation of Government Employees. This settlement involved backpay claims to meat graders under the Fair Labor Standards Act.

5. $172,000—The nonpermanent cost increase for organizational training and career development.

6. $192,795—The increased costs assessed by the Division and Agency for overhead expenses.

7. $119,660—The projected cost increase for all other direct and indirect program activities including travel, communications, utilities, equipment, supplies, printing , etc.

Prior to increasing the fee rates on an interim basis, the Agency considered several cost-cutting alternatives. As suggested by one commentor, the Agency evaluated the need for maintaining the current number of graders and supervisors nationwide. The commentor believed that fewer meat graders should be needed because the demand for meat grading and certification had declined as a result of plant closings and increased marketing of ungraded beef. While it is true that fewer plants operate today than several years ago, the nationwide demand for the service has not changed much. In fact, over the last several years the tonnage of graded and certified meats has actually increased due to increased requests for certification services. Also, although there has been an increase in the sale of ungraded beef, the demand for grading services has not lessened significantly. Plants using grading services still request meat graders to review most or all carcasses slaughtered and grade those that qualify for USDA Prime and Choice.

Another alternative considered by the Agency and suggested by a commentor involved a reduction in the training and supervision of meat graders. This option, however, was considered not to be in the best interests of the U.S. meat industry and consumers. Without adequate supervision and training, inaccurate and nonuniform applications of the U.S. grade standards and specifications could occur which would cause gross economic inequities among segments of the meat industry. Also, this would negatively impact on the reliability of Federal grades as consumers' guidelines in selecting the quality of meat they desire. The uniform and accurate application of grade standards and specifications nationwide is essential to maintaining the effectiveness, integrity, and credibility of grading and certification services.

One commentor was concerned that the increased fee rates may render grading and certification cost-ineffective for the users of the service and more especially for the small entities using the service. This commentor requested a copy of the review that was made under U.S. Department of Agriculture procedures pertaining to a regulatory impact analysis. Although the interim final rule and this final rule both may imply under **SUPPLEMENTARY INFORMATION** that a written analysis was made by the Agency, such is not the case. A review was made under U.S. Department of Agriculture procedures established to implement Executive Order 12291 to determine if the final rule could be classified as a major rule. The rule was classified nonmajor because (1) it will not result in an annual effect on the economy of $100 million or more, (2) there will be no major increase in production costs or prices for consumers; individual industries; Federal, State, or local government agencies; or geographical regions, and (3) the rule will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Therefore, the rule was classified as nonmajor and a regulatory impact analysis is not required.

In reviewing this rule, it was determined that the financial impact of the fee rate increase on the industry and the consumer will be minimal. The new fees reflect an extremely small increase in the cost-per-pound of meat graded and/or certified currently borne by those entities using meat grading and certification services. In fact, the cost of grading and certification will remain approximately one-tenth of a cent per pound graded and/or certified. Prior to the fee increase, the per pound cost of grading and certification on a nationwide average was approximately $0.00140 per pound. Under the increased fee rates, this cost is only $0.00145 per pound. The relative value of the commodity also was considered in the rulemaking process. For example, the cost of beef grading on a per carcass basis will remain only about 25 cents. Since a typical beef carcass now has a value of nearly $700, the 25 cents grading cost is extremely small. Therefore, it was determined that the increased fees would not have a significant economic effect on meatpackers, processors, or consumers and will not affect normal competition in the meat industry.

In view of the foregoing, the base hourly rate for voluntary Federal meat grading and certification services performed between the hours of 6 a.m. and 6 p.m., Monday through Friday, except on Federal legal holidays, is increased from $23.20 to $25.00 per hour. For work performed on Saturday or Sunday and before 6 a.m. or after 6 p.m., Monday through Friday, except on Federal legal holidays, the hourly rate is increased from $28.20 to $30.00 per hour. For all work performed on Federal legal holidays, the hourly rate is increased from $46.40 to $50.00 per hour.

Pursuant to the authority in 5 U.S.C. 553, it is found that other public procedure and notice with respect to these amendments are impracticable and unnecessary, and good cause if found for making these amendments effective as a final rule without changes.

Accordingly, the section of the regulations appearing in 7 CFR Part 54, relating to hourly fees for Federal grading and certification of meat, prepared meats, and meat products is revised as set forth below.

List of Subjects in 7 CFR Part 54

Meat and meat products, Grading and certification, Beef, Veal, Lamb, Pork.

PART 54—MEAT, PREPARED MEATS, AND MEAT PRODUCTS (GRADING, CERTIFICATION, AND STANDARDS)

1. The authority citation for Part 54 reads as follows:

Authority: Agricultural Marketing Act of 1946, Secs. 203, 205, as amended; 60 stat. 1087, 1090, as amended (7 U.S.C. 1622 and 1624).

2. 7 CFR 54.27(a) is revised to read as follows:

§ 54.27 Fees and other charges for service.

* * * * *

(a) *Fees based on hourly rates.* Except as otherwise provided in this section, fees for service shall be based on the time required to render the service, calculated to the nearest 15-minute period, including time required for the preparation of certificates and travel of the official grader in connection with the performance of service. A minimum charge for one-half hour shall be made for service pursuant to each request notwithstanding that the time required to perform service may be less than 30 minutes. The base hourly rate shall be $25 per hour for work performed between the hours of 6 a.m. and 6 p.m., Monday through Friday, except on Federal legal holidays; $30 per hour for

work performed before 6 a.m. or after 6 p.m., Monday through Friday, and anytime Saturday or Sunday except on Federal legal holidays; and $50 per hour for all work performed on Federal legal holidays.

* * * * *

Done at Washington, D.C. April 25, 1983.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 83-11542 Filed 4-28-83; 8:45 am]

BILLING CODE 3410-02-M

Food and Nutrition Service

7 CFR Parts 210, 215, 220, 235 and 245

[Amendments 9, 24, 27, 45 and 58, Respectively]

Procurement Standards and Other Technical Changes

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends the regulations for the National School Lunch Program, Special Milk Program, School Breakfast Program and State Administrative Expense Funds, and the regulations on determining eligibility for free and reduced price meals and free milk in schools, to make several technical changes. These technical changes revise the procurement standards to reflect the current requirements of the Department's Uniform Federal Assistance regulations and delete obsolete provisions. This rule brings these regulations into conformance with current Departmental and legislative requirements.

EFFECTIVE DATE: May 31, 1983.

FOR FURTHER INFORMATION CONTACT: Stanley C. Garnett, Branch Chief, Policy and Program Development Branch, School Programs Division, Food and Nutrition Service, USDA, Alexandria, Virginia 22302; (703) 756-3620.

SUPPLEMENTARY INFORMATION:

Classification

This final rule has been reviewed under Executive Order 12291 and has been classified as "not major." This rule will not have an annual effect on the economy of $100 million or more, nor will it have a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies or geographic regions. This action will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S. based enterprises to compete with foreign based enterprises in domestic or foreign markets.

This rule has also been reviewed with regard to the requirements of Pub. L. 96-354, the Regulatory Flexibility Act. The Administrator of the Food and Nutrition Service, has certified that this rule will not have a significant economic impact on a substantial number of small entities.

This final rule does not contain any reporting or recordkeeping provisions which are subject to approval by the Office of Management and Budget (OMB).

Background

On July 16, 1982, the Department published a proposed rule (47 FR 30997) which proposed to: (1) Reduce Federal regulatory requirements for School Food Authorities contracting with food service management companies; (2) eliminate the requirement for State agencies or FNSROs, as applicable, to monitor at least 20 percent of School Food Authorities contracting with food service management companies; (3) eliminate the requirement that an Advisory Board assist food service management companies in menu planning; (4) make the food service management company requirements consistent for the school lunch and breakfast programs; (5) eliminate the requirements for School Food Authorities to promote activities to involve parents and the community in the school lunch program; (6) allow State agencies to define poor management, but continue State agency and FNSRO involvement in correcting poor management problems; (7) rewrite portions of the regulations to eliminate unnecessary provisions and redundant language; (8) revise procurement standards to implement the Department's Uniform Federal Assistance Regulations 7 CFR Part 3015; and (9) delete the provision of the breakfast program regulations which requires commodity assistance based upon the number of breakfasts served to children, as required by Pub. L. 96-499.

Commentors were given 60 days to submit comments on the proposed rule. Seventy-five written comments concerning the proposed rule were received. The majority of the commentors focused on eliminating the requirement for parent and community involvement in the school lunch program; eliminating the regulatory requirements for food service management companies contracting with School Food Authorities; and revising the procurement standards to reflect the Department's Uniform Federal Assistance Regulations—Part 3015.

The following paragraphs discuss the concerns of the commentors.

Parent-Community Involvement—Thirty-eight commentors discussed the effect of eliminating the regulatory requirements for parent and community involvement in the lunch program. Twelve of these commentors favored elimination of the requirement and twenty-six opposed it. Commentors in favor of eliminating the requirement believed that involving parents and the community in the lunch program is a time consuming requirement and unnecessary in the implementation of a good lunch program.

The majority of those opposed to the proposal stated two main reasons for maintaining the requirement for parent and community involvement. First, parent and community involvement promotes the development of community participation in the program and thus furthers cultural and ethnic considerations in the lunch program. Secondly, such involvement improves the acceptability of school lunches and increases program participation levels. In response to these concerns, the Department is maintaining the requirement for a plan for parent and community involvement in the lunch program.

Food Service Management Companies—Seventy commentors discussed the proposed provision which reduced the Federal regulatory requirements for School Food Authorities which contract with food service management companies. Seven of these commentors favored the proposed reductions in requirements, while sixty-three opposed them. The major reasons stated for reducing the requirements were to allow more State and local flexibility in the administration of the school lunch program and facilitate the contracting of food service management companies with School Food Authorities. However, the majority of commentors believed that reducing the Federal regulatory requirements for food service management companies weakens the local School Food Authorities capability to maintain high nutritional, health and safety standards when contracting for school meal services. Also, commentors stated that the Department initially issued the food service management company rules in 1979 because of the concern over possible program abuse. Commentors believed that the Department must continue to provide regulatory control which will protect the quality and accountability of the lunch

program whether it is operated by food service management companies or local School Food Authorities. Some commentors further recommended that the Department strengthen the current regulatory requirements for food service management companies. Two other areas of concern were the amount of responsibility which would be placed on the State without Federal regulatory support and the increased administrative burden on School Food Authorities which oftentimes lack personnel to develop, monitor and control contracts.

In response to the overwhelming support for the regulations as currently written, the Department is not amending the regulations regarding contracts with food service management companies.

Procurement Standards—Twenty commentors discussed the proposed revisions to the procurement standards. Three commentors favored the proposed revisions and seventeen opposed them. Some commentors misunderstood the intent of the revisions. The proposal updated the procurement standards to reflect the current procurement requirement of the Department and OMB Circular A–102 and cross-referenced these documents rather than paraphrased the content as the regulations are currently written. The commentors opposed to the proposal stated that cross-referencing Part 3015 and OMB Circular A–102 rather than paraphrasing the procurement standards in the school program regulations would impose a burden on State and local agencies because States would have to make Part 3015 and OMB Circular A–102 available to School Food Authorities. Because the Departmental regulations and OMB circulars are available from governmental agencies, the procurement standards are not paraphrased in the final rule. More importantly, cross-referencing the Department's Part 3015 regulation and the OMB Circular, rather than paraphrasing the contents, ensures national uniformity in the application of the procurement standards. If obtaining copies of Part 3015 and OMB Circular A–102 proves difficult, the Department will reconsider this decision.

The proposal did not address the procurement standards for the Special Milk Program (SMP) and State Administrative Expense Funds (SAE). The Department proposed the Uniform Federal Assistance Regulations on July 20, 1981 (46 FR 37252) and accepted comments. The final regulations were published on November 10, 1981. The uniform standards established by Part 3015 became applicable to the SMP and SAE at that time. Therefore, the Department is revising the SMP and SAE regulations in this final rule to update the procurement and the SAE property management standards. Also, the corresponding terms which refer to procurement standards and property management standards are deleted.

Obsolete Provision

In Part 245, a paragraph which referred to State eligibility criteria and which is now obsolete is revised in this rulemaking.

Conclusion—Because of the negative responses from commentors the Department has determined that it would not be beneficial to school food service operations to finalize all the provisions presented in the proposed rule. This final rule implements some technical changes to update the regulations and revises the procurement standards. These revisions are necessary for conformance with the Department's comprehensive procurement standards and with the OMB Circular A–102. The requirements as stated in the current National School Lunch Program and School Breakfast Program regulations, regarding contracting with food service management companies and parent and community involvement in the lunch program remain intact.

List of Subjects

7 CFR Part 210

Food assistance programs, National school lunch program, Grant programs—social programs, Nutrition, Children, Reporting and recordkeeping requirements, Surplus agricultural commodities.

7 CFR Part 215

Food assistance programs, Special milk program, Grant programs—social programs, Nutrition, Children, Milk, Reporting and recordkeeping requirements.

7 CFR Part 220

Food assistance programs, School breakfast program, Grant programs—social programs, Nutrition, Children, Reporting and recordkeeping requirements.

7 CFR Part 235

Food assistance programs, National school lunch program, School breakfast program, Special milk program, Grants administration, Intergovernmental relations, Reporting and recordkeeping requirements, Administrative practice and procedure.

7 CFR Part 245

Food assistance programs, Grant programs—social programs, National school lunch program, School breakfast program, Special milk program, Reporting and recordkeeping requirements.

Accordingly, Parts 210, 215, 220, 235 and 245 are amended as set forth below.

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

1. In § 210.8 paragraph (e)(7) is revised to read as follows:

§ 210.8 Requirements for participation.

* * * * *

(e) * * *

(7) Claim reimbursement at the assigned rates only for lunches served in accordance with the agreement;

* * * * *

2. Section 210.19a is revised to read as follows:

§ 210.19a Procurement standards.

(a) *Requirements.* State agencies and School Food Authorities shall comply with the requirements of the Office of Management and Budget (OMB) Circular A–102 and the Department's Uniform Federal Assistance Regulations, 7 CFR Part 3015, Subpart S (46 FR 55658) concerning the procurement of supplies, food, equipment and other services with Program funds. These requirements are adopted by FNS to ensure that such materials and services are obtained for the Program efficiently and economically and in compliance with applicable laws and executive orders.

(b) *Contractual Responsibilities.* The Standards contained in OMB Circular A–102 and 7 CFR Part 3015 do not relieve the State agency or School Food Authority of any contractual responsibilities under its contract. The State agency or School Food Authority is the responsible authority, without recourse to FNS, regarding the settlement and satisfaction of all contractual and administrative issues arising out of procurements entered into in connection with the Program. This includes, but is not limited to source evaluation, protests, disputes, claims, or other matters of a contractual nature. matters concerning violation of law are to be referred to the local, State or Federal authority that has proper jurisdiction.

(c) *Procurement Procedure.* The State agency or School Food authority may use their own procurement procedures which reflect applicable state and local laws and regulations, provided that procurements made with Program funds

adhere to the standards set forth in OMB Circular A–102 and 7 CFR Part 3015.

PART 215—SPECIAL MILK PROGRAM

1. Section 215.14a is revised to read as follows:

§ 215.14a Procurement standards.

(a) *Requirements.* State agencies and School Food Authorities shall comply with the requirements of the Office of Management and Budget (OMB) Circular A–102 and the Department's Uniform Federal Assistance Regulations, 7 CFR Part 3015, Subpart S (46 FR 55658) concerning the procurement of supplies, food, equipment and other services with Program funds. These requirements are adopted by FNS to ensure that such materials and services are obtained for the Program efficiently and economically and in compliance with applicable laws and executive orders.

(b) *Contractual Responsibilities.* The standards contained in OMB Circular A–102 and 7 CFR Part 3015, do not relieve the State agency or School Food Authority of any contractual responsibilities under its contract. The State agency or School Food Authority is the responsible authority, without recourse to FNS, regarding the settlement and satisfaction of all contractual and administrative issues arising out of procurements entered into in connection with the Program. This includes but is not limited to: Source evaluation, protests, disputes, claims, or other matters of a contractual nature. Matters concerning violation of law are to be referred to the local, State or Federal authority that has proper jurisdiction.

(c) *Procurement Procedure.* The State agency or School Food Authority may use their own procurement procedures which reflect applicable State and local laws and regulations, provided that procurements made with Program funds adhere to the standards set forth in OMB Circular A–102 and 7 CFR Part 3015.

PART 220—SCHOOL BREAKFAST PROGRAM

1. In § 220.7, paragraph (e)(6) is revised to read as follows:

§220.7 Requirements for participation.

* * * * *

(e) * * *

(6) Claim reimbursement at the assigned rates only for breakfasts served in accordance with the agreement;

* * * * *

§ 220.13 [Amended]

2. In § 220.13 paragraph (h) is removed and reserved.

3. § 220.16 is revised to read as follows:

§ 220.16 Procurement standards.

(a) *Requirements.* State agencies and School Food Authorities shall comply with the requirements of the Office of Management and Budget (OMB) Circular A–102 and the Department's Uniform Federal Assistance Regulations, 7 CFR Part 3015, Subpart S (46 FR 55658) concerning the procurement of supplies, food, equipment and other services with Program funds. These requirements are adopted by FNS to ensure that such materials and services are obtained for the Program efficiently and economically and in compliance with applicable laws and executive orders.

(b) *Contractual Responsibilities.* The standards contained in OMB Circular A–102 and 7 CFR 3015, do not relieve the State agency or School Food Authority of any contractual responsibilities under its contract. The State agency or School Food Authority is the responsible authority, without recourse to FNS, regarding the settlement and satisfaction of all contractual and administrative issues arising out of procurements entered into in connection with the Program. This includes but is not limited to: source evaluation, protests, disputes, claims, or other matters of a contractual nature. Matters concerning violation of law are to be referred to the local, State or Federal authority that has proper jurisdiction.

(c) *Procurement Procedure.* The State agency or School Food Authority may use their own procurement procedures which reflect applicable State and local laws and regulations, provided that procurements made with Program funds adhere to the standards set forth in OMB Circular A–102 and 7 CFR Part 3015.

§ 220.18 [Amended]

4. In § 220.18, paragraph (c) is redesignated as paragraph (f) of § 220.7 and § 220.18 is reserved.

PART 235—STATE ADMINISTRATIVE EXPENSE FUNDS

§ 235.2 [Amended]

1. In § 235.2 paragraphs (e), (j), (m) and (n) are removed and reserved.

2. Section 235.9 is revised to read as follows:

§ 235.9 Procurement and property management standards.

(a) *Requirements.* State agencies shall comply with the requirements of the Office of Management and Budget (OMB) Circular A–102 and the Department's Uniform Federal Assistance Regulations, 7 CFR Part 3015, Subpart S (46 FR 55658) concerning the procurement of supplies, equipment and other services with State Administrative Expense Funds. These requirements are adopted by FNS to ensure that such materials and services are obtained for the Program efficiently and economically and in compliance with applicable laws and executive orders.

(b) *Contractual Responsibilities.* The standards contained in OMB Circular A–102 and 7 CFR Part 3015 do not relieve the State agency of any contractual responsibilities under its contract. The State agency is the responsible authority, without recourse to FNS, regarding the settlement and satisfaction of all contractual and administrative issues arising out of procurements entered into in connection with the Program. This includes, but is not limited to source evaluation, protests, disputes, claims, or other matters of a contractual nature. Matters concerning violation of law are to be referred to the local, State or Federal authority that has proper jurisdiction.

(c) *Procurement Procedure.* The State agency may use its own procurement procedures which reflect applicable State and local laws and regulations, provided that procurements made with Program funds adhere to the standards set forth in OMB Circular A–102 and 7 CFR Part 3015.

(d) *Property acquired with State Administrative Expense Funds.* State Agencies shall comply with the requirements of OMB Circular A–102 and 7 CFR Part 3015, Subpart R (46 FR 55654) in their utilization and disposition of property acquired in whole or in part with State Administrative Expense Funds.

§ 235.10 [Removed and Reserved]

3. Section 235.10, *Property Management requirements.* is removed and reserved.

PART 245—DETERMINING ELIGIBILITY FOR FREE AND REDUCED PRICE MEALS AND FREE MILK IN SCHOOLS

1. In § 245.5, paragraph (b) is revised to read as follows:

§ 245.5 Public announcement of the eligibility criteria.

* * * * *

(b) Copies of the public release shall be made available upon request to any interested persons. Any subsequent changes in a school's eligibility criteria during the school year shall be publicly

announced in the same manner as the original criteria were announced.

Authority: Pub. L. 79–396, 60 Stat. 231 (42 U.S.C. 1751); Pub. L. 89–642, 80 Stat. 885–890 (42 U.S.C. 1773); Pub. L. 91–248, 84 Stat. 207 (42 U.S.C. 1759)

Dated: April 19, 1983.

Robert E. Leard,

Administrator, Food and Nutrition Service.

[FR Doc. 83-11524 Filed 4-28-83; 8:45 am]

BILLING CODE 3410-30-M

Soil Conservation Service

7 CFR Part 601

Functions

AGENCY: Soil Conservation Service, USDA.

ACTION: Final rule.

SUMMARY: This document supplements a function of the Soil Conservation Service under authority delegated pursuant to § 2.62(a)(6), Title 7, Code of Federal Regulations, relating to implementation of a Resource Conservation and Development Program, Title XV, Subtitle H, Agriculture and Food Act of 1981, Pub. L. 97–98.

EFFECTIVE DATE: April 29, 1983.

FOR FURTHER INFORMATION CONTACT: Edgar H. Nelson, Director, Basin and Area Planning Division, Soil Conservation Service, P.O. Box 2890, Washington, D.C. 20013; 202–447–2847.

SUPPLEMENTARY INFORMATION: A Resource Conservation and Development Program is currently administered through regulations and policies of the Department of Agriculture, issued under the general authority to conduct this type of activity set forth in Title III of the Bankhead-Jones Farm Tenant Act, 7 U.S.C. 1010–1011, and the Soil Conservation and Domestic Allotment Act, 16 U.S.C. 590a–f, and in annual appropriations. This Program has continually evolved since the early 1960's. The current Program is carried out in 194 areas approved by the Secretary of Agriculture. An area typically covers several adjacent counties.

Local people from the area volunteer their time to form an organization usually referred to as an "RC&D Area Council." This organization is comprised of representatives of local sponsoring organizations and other interested persons. Official sponsors of RC&D areas include State and local units of government and other groups such as counties, cities, towns, and soil conservation districts.

Technical and financial assistance to the local organization in preparing and carrying out its area plan is provided by the Soil Conservation Service. The local organization is a focal point for individuals and groups seeking assistance in solving local problems. Personnel of the Soil Conservation Service and other agencies work with the local organizations to explore the availability of assistance from the Department of Agriculture and other sources.

Subtitle H, Title XV of the Agriculture and Food Act of 1981, Pub. L. 97–98, 16 U.S.C. 3451–3461, provides specific supplemental authority to carry out the Resource Conservation and Development Program in light of declared congressional objectives and purposes, which are to provide State and local governments and local nonprofit organizations with the technical and financial assistance needed to operate and maintain planning and implementation processes "needed to conserve and improve the use of land, develop natural resources, and improve and enhance the social, economic, and environmental conditions in rural areas of the United States." Authority for implementation of this Program has been delegated to the Chief, Soil Conservation Service, by the Assistant Secretary for Natural Resources and Environment. This rule amends the present statement of agency functions to reflect that delegation.

This rule relates to internal agency management and organization. Therefore, pursuant to 5 U.S.C. 553, it is found that it is impractical and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register**. Since this rule relates to internal agency management and organization, it is exempt from provisions of Executive Order 12291 and Secretary's Memorandum 1512–1.

List of Subjects in 7 CFR Part 601

Organization and functions (Government agencies).

PART 601—FUNCTIONS

Accordingly, Part 601, Title 7, Code of Federal Regulations is amended as follows:

1. In § 601.1, paragraph (f) is revised to read as follows:

§ 601.1 Functions assigned.

* * * * *

(f) Administer the Resource Conservation and Development Program under Pub. L. 46, 74th Congress, 16 U.S.C. 590a–f; Pub. L. 87–703, as amended, 7 U.S.C. 1010–1011; and Pub. L. 97–98, 16 U.S.C. 3451–3461; except for responsibilities assigned to the Farmers Home Administration.

* * * * *

2. In § 601.3, paragraph (c) is revised to read as follows:

§ 601.3 Functions reserved to the Assistant Secretary for Natural Resources and Environment.

* * * * *

(c) Approving additions to authorized Resource Conservation and Development Projects.

* * * * *

(Catalog of Federal Domestic Assistance Programs No. 10.901, Resource Conservation and Development Program. Office of Management and Budget provisions regarding State and local clearinghouse review of Federal and federally assisted programs and projects are applicable)

Dated: April 22, 1983.

Peter C. Myers,

Chief.

[FR Doc. 83-11345 Filed 4-28-83; 8:45 am]

BILLING CODE 3410-16-M

Agricultural Stabilization and Conservation Service

7 CFR Part 729

Poundage Quota and Marketing Regulations for the 1983 Through 1985 Crops of Peanuts

Correction

In FR Doc. 83–5408, beginning on page 9214, in the issue of Friday, March 4, 1983, make the following corrections:

1. On page 9220, the last column, paragraph (e)(2), line 10, "conidered" should read "considered".

2. On page 9221, the last column, paragraph (dd), line 3, "§ 729.25" should read "§729.225".

BILLING CODE 1505-01-M

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 409]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period May 1–7, 1983. Such action is needed to provide for orderly marketing of fresh lemons for the period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: May 1, 1983.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291, and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. This action is designed to promote orderly marketing of the California-Arizona lemon crop for the benefit of producers, and will not substantially affect costs for the directly regulated handlers.

This final rule is issued under Marketing Order No. 910, as amended (7 CFR Part 910; 47 FR 50196), regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the Act.

This action is consistent with the marketing policy for 1982–83. The marketing policy was recommended by the committee following discussion at a public meeting on July 6, 1982. The committee met again publicly on April 26, 1983, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons is good.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared purposes of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, Lemons

PART 910—[AMENDED]

Section 910.709 is added as follows:

§ 910.709 Lemon regulation 409.

The quantity of lemons grown in California and Arizona which may be handled during the period May 1, 1983, through May 7, 1983, is established at 295,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 28, 1983.

D.S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 83–11733 Filed 4–28–83; 12:33 am]

BILLING CODE 3410–02–M

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7 CFR Part 985

Spearmint Oil Produced in the Far West; Final Salable Quantities and Allotment Percentages for the 1983–84 Marketing Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Emergency final rule.

SUMMARY: This emergency final rule establishes the quantity of spearmint oil produced in the Far West, by class, that may be purchased from, or handled for, producers by handlers during the 1983–84 marketing year which begins June 1, 1983. This action is taken under the marketing order for spearmint oil produced in the Far West to promote orderly marketing conditions.

EFFECTIVE DATE: June 1, 1983 through May 31, 1984.

FOR FURTHER INFORMATION CONTACT: F. M. Grasberger, Acting Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington, D.C. 20250 (202) 447–5053.

SUPPLEMENTARY INFORMATION: The final rule has been reviewed under USDA guidelines implementing Executive Order 12291 and Secretary's Memorandum No. 1512–1 and has been classified a "non-major" rule under criteria contained therein.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities.

It is found that it is impractical, unnecessary and contrary to the public interest to give preliminary notice because an emergency situation exists which warrants publication without opportunity for a public comment period on this emergency final action. Handlers and growers are currently making preparations for handling and growing 1983 crop spearmint oil. Spearmint roots are normally planted in early April. Therefore, they must know as soon as possible what salable quantities and allotment percentages will be effective for the 1983–84 marketing year so they can plan their operations accordingly.

The salable quantity and allotment percentage for each class of spearmint oil are established in accordance with the provisions of the Marketing Order No. 985, regulating the handling of spearmint oil produced in the Far West, hereinafter referred to as the "order". The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The salable quantities and allotment percentages were recommended unanimously by the Spearmint Oil Administrative Committee, which works with the USDA in administering the order.

The salable quantity and allotment percentage for each class of spearmint oil for the 1983–84 marketing year beginning June 1, 1983, are based upon recommendations of the Committee and the following data and estimates:

(1) "Class 1" Oil (First Cutting Scotch)

(A) Estimated carryin on June 1, 1983—58,397 pounds.

(B) The Committee's recommendation for the salable quantity—714,951 pounds.

(C) Estimated trade demand (domestic and export) for the 1983–84 marketing year—722,000 pounds.

(D) Recommended desirable carryout on May 31, 1984—50,000 pounds.

(E) Total allotment bases for "Class 1" Oil—1,459,083 pounds.

(F) Recommended allotment percentage—49 percent.

(2) "Class 2" Oil (Second Cutting Scotch)

(A) Estimated carryin on June 1, 1983—5,107 pounds.

(B) The Committee's recommendation for the salable quantity—60,912 pounds.

(C) Estimated trade demand (domestic and export) for the 1983–84 marketing year—62,000 pounds.

(D) Recommended desirable carryout on May 31, 1984—4,300 pounds.

(E) Total allotment bases for "Class 2" Oil—126,901 pounds.

(F) Recommended allotment percentage—48 percent.

(3) "Class 3" Oil (Native)

(A) Estimated carryin on June 1, 1983—46,174 pounds.

(B) The Committee's recommendation for the salable quantity—867,901 pounds.

(C) Estimated trade demand (domestic and export) for the 1983–84 marketing year—860,000 pounds.

(D) Recommended desirable carryout on May 31, 1984—50,000 pounds.

(E) Total allotment bases for "Class 3" Oil—1,771,227 pounds.

(F) Recommended allotment percentage—49 percent.

The salable quantity is the total quantity of each class of oil which handlers may purchase from or handle on behalf of producers during a marketing year. Each producer is alloted a share of the salable quantity by applying the allotment percentage to his allotment base for the applicable class.

When the order was established in 1980, producer stocks of spearmint oil were very large and producer prices severely depressed. Volume regulations in effect under the order since that time have aided in reducing these burdensome stocks and in creating a stable market for all three classes of oil. The Committee objective is to bring excess supplies into balance with needs to maintain a stable market for each class of oil and promote orderly marketing.

In 1980, producer stocks of "Class 1" Oil exceeded one year's needs. The volume regulation for the 1983–84 marketing year is expected to remove the balance of the excess producer held stocks of "Class 1" Oil, and aid in the continued gradual adjustment of supplies resulting in further stabilization of producer prices.

Volume regulations issued for the past three years for 'Class 2" Oil have succeeded in reducing heavy producer stocks to an acceptable level. In 1980, producer stocks of this class totalled 119,000 pounds. The projected carryin of producer held stocks at the beginning of the 1983–84 marketing year is expected to be about 5,100 pounds which is not a burdensome carryover. Producer stocks at this level coupled with the proposed volume regulation are expected to result in a stable market for "Class 2" Oil.

Sales of "Class 3" Oil lagged behind expectations in both the 1980–81 and 1981–82 marketing years. However, sales during the 1982–83 marketing year are projected to exceed 1981–82 sales by 30,000 pounds. The volume regulation in effect for the 1982–83 marketing year, coupled with the recent market improvement for "Class 3" Oil is expected to reduce producer held inventories to a reasonable level and approximately equal the carryout deemed desirable by the Committee (50,000 pounds). In 1980, the stocks of "Class 3" Oil totalled 320,000 pounds. The volume regulation for "Class 3" Oil in the 1983–84 marketing year is expected to continue to establish a stable market, thus promoting orderly marketing conditions for this class of oil.

In conformity with the order's provisions, the Committee conducted a drawing on October 5, 1982, and issued additional allotment bases equally to both new and existing producers for the 1982–83 and 1983–84 marketing years. New producers were issued allotment bases in units of 1,788 pounds for "Class 1" Oil and 2,171 pounds for "Class 3" Oil. Existing producers who had initially received small allotment bases and applied for additional allotment base were issued an amount of allotment base that would bring their total base up to a more economic unit. The issuance of the additional allotment bases increased the total of "Class 1" Oil bases by 27,981 pounds and "Class 3" Oil by 27,181 pounds. Although, the total of "Class 1" and "Class 3" Oil allotment bases was increased significantly by this action, the allotment percentages for these classes of oil are considerably more liberal than those established for the 1982–83 marketing year.

The Committee's recommendations were based on expected increased sales of spearmint oil during the 1983–84 marketing year and a substantial reduction in the quantity of spearmint oil held by producers. The Committee's recommendations appear appropriate for the 1983–84 season and are expected to aid in achieving the objectives of the act.

After consideration of all relevant matter presented, including the information and recommendations submitted by the Committee, and other available information it is further found that to establish a salable quantity and allotment percentage for each class of oil, as hereinafter set forth, will tend to effectuate the declared policy of the act.

PART 985—[AMENDED]

List of Subjects in 7 CFR Part 985

Marketing agreements and orders, Spearmint oil.

Therefore, the salable quantity and allotment percentage applicable to each class of oil for the 1983–84 marketing year (June 1, 1983–May 31, 1984) are established by adding a new § 985.203 under Subpart—Salable Quantities and Allotment Percentages. (7 CFR 985.202; 47 FR 16769) as follows: (The following provisions will not be published in the Code of Federal Regulations.)

§ 985.203 Salable quantities and allotment percentages—1983–84 marketing year.

The salable quantity and allotment percentage for each class of spearmint oil during the marketing year which begins June 1, 1983, shall be as follows:

(a) "Class 1" Oil—a salable quantity of 714,951 pounds and an allotment percentage of 49 percent.

(b) "Class 2" Oil—a salable quantity of 60,912 pounds and an allotment percentage of 48 percent.

(c) "Class 3" Oil—a salable quantity of 867,901 pounds and an allotment percentage of 49 percent.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 22, 1983.

D. S. Kuryloski,

Director, Fruit and Vegetable Division.

[FR Doc. 83-11575 Filed 4-28-83; 8:45 am]

BILLING CODE 3410-02-M

Food Safety and Inspection Service

9 CFR Part 327

[Docket Number 83-014E]

Imported Products; Withdrawal of Czechoslovakia From the List of Countries Eligible for Importation of Meat Food Product

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Emergency final rule.

SUMMARY: This document withdraws the country of Czechoslovakia from the list of countries eligible for importation of product from cattle, sheep, swine, and goats into the United States under the Federal Meat Inspection Act (FMIA). The FMIA requires that, in order for a country to be eligible to export meat products to the United States, the meat inspection system of the country must assure compliance with requirements that are "at least equal to" the requirements of the FMIA and regulations as applied to official

establishments in the United States, and that reliance can be placed upon certificates, required under the regulations, from authorities of that foreign country. Recent polychlorinated biphenyl (PCB) residue violations in exports of pork products to the United States, as well as the failure of the Czechoslovakian Government to control residues after previous notification by USDA, have demonstrated that the Czechoslovakian meat inspection system no longer meets the provisions of the FMIA with regard to the control of residues in imported product.

EFFECTIVE DATE: April 29, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Grace Clark, Director, Foreign Programs Division, International Programs, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447–6971.

SUPPLEMENTARY INFORMATION: The Agency has determined that public health and safety require this rule to be issued as an emergency final rule, effective immediately upon publication and for which notice and public procedure thereon is not appropriate (5 U.S.C. 553 (b) and (d)). Similarly, due to the emergency nature of this action, the Agency has determined that the requirements of Executive Order 12291 should be waived (E.O. 12291 section 8(a)(1)). The emergency makes compliance with Section 603 and timely compliance with Section 604 of the Regulatory Flexibility Act impracticable. Since this action may have a significant economic impact on a substantial number of small entities, the Final Impact Statement will address the issues required in Section 604 of Pub. L. 96–354, the Regulatory Flexibility Act.

Background

Pursuant to the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 *et seq.*), the Secretary of Agriculture is responsible for administering the programs which are designed to ensure that products distributed to consumers are wholesome, not adulterated, and properly marked, labeled, and packaged. In order to fulfill this obligation, the Secretary has delegated to the Administrator of the Food Safety and Inspection Service (FSIS) the authority to issue regulations and implement appropriate procedures to ensure compliance with the requirements of the FMIA. The regulations addressing imported products are codified at 9 CFR Part 327. In these regulations the Administrator has established procedures by which foreign countries desiring to export meat or meat food products to the United States may become eligible to do so. The Administrator has authority to withdraw a foreign country's eligibility to export meat products to the United States under § 327.2(a)(4) (9 CFR 327.2(a)(4)):

> * * * whenever it shall be determined by the Administrator that the system of meat inspection maintained by such foreign country does not assure compliance with requirements at least equal to all the inspection, building construction standards, and other requirements of the Act * * *; or that reliance cannot be placed upon certificates required under this part from authorities of such foreign countries * * *

Detectible levels of PCBs have been found in Czechoslovakian product every year since 1980. Between 1980 and 1982, PCB levels ranging from 0.28 ppm (parts per million) to 1.70 ppm were found during the first half of each year. Product from both plants certified to export to the United States has been involved. Several times FSIS notified Czechoslovakian officials of its residue findings and requested that they locate the source of the PCB contamination and correct the problem. To date, Czechoslovakia has not been able to determine the source of the contamination and continues to export product to the United States containing PCB residues.

On March 8 and March 21, 1983, shipments of product certified by Czechoslovakian officials as meeting U.S. requirements were presented for import inspection. These shipments were found to contain PCB residues of 4.49 ppm and 4.82 ppm, which is in violation of tolerance levels established by the Food and Drug Administration and enforced by FSIS. Under the FMIA, product that contains residue levels above established limits is considered adulterated and must be condemned for human food purposes. This product has been detained and will not be allowed to enter the United States.

PCBs are a class of toxic industrial chemicals that have been used in a wide range of electrical products and hydraulic and heat-transfer fluids. Meat products may be contaminated directly with PCBs through leaking hydraulic or electrical devices or plastics, or through the addition of meat from contaminated animals. PCBs are extremely stable, and when an animal is exposed through feed, water or the environment, the chemical accumulates in the fat tissue. Once introduced, PCBs move up the food chain. Therefore, it is necesary to locate and remove sources of contamination.

Research into the effects of PCB exposure has indicated that they cause various health disorders in laboratory animals, including reproductive failures, gastric disorders, skin lesions, and tumors. Studies of human exposure have indicated a high incidence of skin disorders, digestive disturbances, jaundice, severe headaches, throat and respiratory irritations.

Because of the toxicity of PCBs and the public health hazard they pose, the Czechoslovakian response to USDA's finding has been unacceptable. Czechoslovakian officials have not determined the cause of the contamination, nor taken other corrective action despite the fact that the Department has requested such action on several occasions. Furthermore, Czechoslovakia has certified and exported to the United States product containing levels of PCBs that are in violation of United States laws.

Therefore, the Administrator of FSIS has determined that the Czechoslovakian meat inspection system is not "at least equal to" the requirements of the FMIA and regulations applicable to official establishments in the United States and that reliance cannot be placed upon certificates required under the regulations (9 CFR Part 327) from authorities of such foreign country. Therefore, pursuant to section 327.2 of the regulations (9 CFR 327.2) the Administrator is withdrawing Czechoslovakia from the list of countries eligible for importation of products of cattle, sheep, swine, and goats into the United States.

When the Administrator of FSIS is satisfied that Czechoslovakian meat inspection officials have corrected the PCB residue problem and that the system meets all of the provisions of the FMIA, Czechoslovakia may again be added to the list of countries eligible for importation of products of cattle, sheep, swine, and goats into the United States.

List of Subjects in 9 CFR Part 327

Imported products.

PART 327—[AMENDED]

1. The authority citation for Part 327 is as follows:

Authority: 34 Stat. 1260, 79 Stat. 903, as amended, 81 Stat. 584, 84 Stat. 91, 438; 21 U.S.C. 71 *et seq.*, 601 *et seq.*, 33 U.S.C. 466–466k.

§ 327.2 [Amended]

2. Section 327.2(b) of the Federal meat inspection regulations (9 CFR 327.2(b)) is amended by removing "Czechoslovakia" from the list of countries eligible for importation of product of cattle, sheep, swine, and goats into the United States.

It is found upon good cause that notice and public procedures thereon are not practical and would be contrary to the public interest in this instance (5 U.S.C. 553(b)). Further, good cause is found for making this amendment effective less than 30 days after publication in the Federal Register (5 U.S.C. 553(d)). As indicated above, the meat inspection system of Czechoslovakia with respect to the detection and elimination of residues of PCBs in its meat products exported to the United States no longer meets the requirements of the FMIA and regulations, and its products pose a hazard to consumers in the United States. Therefore, action must be taken immediately to protect the public.

Done at Washington, D.C. on April 25, 1983.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 83-11451 Filed 4-28-83; 8:45 am]

BILLING CODE 3410-DM-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket 8918]

American Home Products Corp., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Modifying order.

SUMMARY: The Federal Trade Commission has modified its Final Order In the Matter of American Home Products Corporation, et al., issued on Sept. 9, 1981 (46 FR 51900), in accordance with a decision rendered by the Court of Appeals for the Third Circuit on Dec. 3, 1982. The modification deletes the provision that had prohibited the maker of Anacin and Arthritis Pain Formula from making any non-comparative effectiveness or side effects claims for any over-the-counter drug product unless the company possessed a reasonable basis when making such claims.

DATES: Final Order issued September 9, 1981. Modifying Order issued April 8, 1983.

FOR FURTHER INFORMATION CONTACT: FTC/GE, Ernest J. Isenstadt, Washington, D.C. 20580. (202) 523-3463.

SUPPLEMENTARY INFORMATION: In the Matter of American Home Products Corporation, a corporation and Clyne Maxon, Inc., a corporation. Codification appearing at 46 FR 51900 remains unchanged.

List of Subjects in 16 CFR Part 13

Advertising, Aspirin.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

The Modified Order To Cease and Desist is as follows:

Before Federal Trade Commission

Commissioners:
James C. Miller III, Chairman
David A. Clanton
Michael Pertschuk
Patricia P. Bailey
George W. Douglas

In the matter of American Home Products Corporation, a corporation, and Clyne Maxon, Inc., a corporation; Docket No. 8918.

Modified Order to Cease and Desist

Respondent American Home Products Corporation having filed in the United States Court of Appeals for the Third Circuit a petition for review of the Commission's order issued herein on September 9, 1981; and the Court having on December 3, 1982, rendered its decision modifying the Commission's order and, as so modified, affirming the order; and the time for filing a petition for certiorari having expired and no petition having been filed:

Now, Therefore, it is hereby ordered that, pursuant to 15 U.S.C. 45(i), the aforesaid order to cease and desist be, and it hereby is, modified in accordance with the decision and judgment of the Court of Appeals to read:

Order

I

It is ordered that respondent American Home Products Corporation, its successors and assigns and respondent's officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of "Anacin," "Arthritis Pain Formula," or any other non-prescription internal analgesic product, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Making any representation, directly or by implication, that a claim concerning the superior effectiveness or superior freedom from side effects of such product has been established or proven unless such representation has been established by two or more adequate and well-controlled clinical investigations, conducted by independent experts qualified by training and experience to evaluate the comparative effectiveness or comparative freedom from side effects of the drugs involved, on the basis of which it could fairly and responsibly be concluded by such experts: (1) That the drug will have the comparative effectiveness or freedom from side effects that it is represented to have, and (2) that such comparative effectiveness or freedom from side effects is demonstrated by methods of statistical analysis, and with levels of confidence, that are generally recognized by such experts. The investigations shall be conducted in accordance with the procedures set forth below:

At least one of the adequate and well-controlled clinical investigations to evaluate the comparative effectiveness of the drug shall be conducted on any disease or condition referred to, directly or by implication; or, if no specific disease or condition is referred to, then the adequate and well-controlled clinical investigations shall be conducted on at least two conditions or diseases for which the drug is effective. The clinical investigations shall be conducted as follows:

1. The subjects must be selected by a method that:

a. Provides adequate assurance that they are suitable for the purposes of the investigation, and diagnostic criteria of the condition to be treated (if any);

b. Assigns the subjects to the test groups in such a way as to minimize bias; and

c. Assures comparability in test and control groups of pertinent variables, such as age, sex, severity or duration of disease or condition (if any), and use of drugs other than the test drugs.

2. The investigations must be conducted double-blind, and methods of double-blinding must be documented. In addition, the investigations shall contain a placebo control to permit comparison of the results of use of the test drugs with an inactive preparation designed to resemble the test drugs as far as possible.

3. The plan or protocol for the investigations and the report of the results shall include the following:

a. Clear statement of the objective of the investigation;

b. An explanation of the methods of observation and recording of results, including the variables measured, quantitation, assessment of any subject's response and steps taken to minimize bias on the part of subject and observer;

c. A comparison of the results of treatments or diagnosis with a control in such a fashion as to permit quantitative evaluation. The precise nature of the control must be stated and an explanation given of the methods used

to minimize bias on the part of the observers and the analysts of the data.

d. A summary of the methods of analysis and an evaluation of data derived from the study, including any appropriate statistical methods.

B. Making any representation, directly or by implication, of superior effectiveness or freedom from side effects of such product unless:

1. The superior effectiveness or superior freedom from side effects so represented has been established according to the terms set forth in paragraph I.A. of this Order, *or*

2. Each advertisement containing such representation contains a clear and conspicuous disclosure that there is a substantial question about the validity of the comparative efficacy or side effects claim, or that the claim has not been proven. Such a disclosure may consist of a clear and conspicuous statement that the claim is "open to substantial question," or that the claim "has not been proven." If other language is used by respondent to convey the required message, respondent shall maintain, for a period of three (3) years after the dissemination of any advertisement containing such disclosure, records sufficient to demonstrate that the required message is effectively conveyed to the advertisement's intended audience.

II

It is further ordered that respondent American Home Products Corporation, its successors and assigns and respondent's officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of "Anacin," "Arthritis Pain Formula," or any other non-prescription drug product, in or affecting commerce, as "commerce" and "drug" are defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Making any representation, directly or by implication, that such product contains any unusual or special ingredient when such ingredient is commonly used in other non-prescription drug products intended for the same use or uses as the product advertised by respondent.

B. Making any false representation that such product has more of an active ingredient than any class of competing products.

C. Misrepresenting in any manner any test, study or survey or any of the results thereof, concerning the comparative effectiveness or freedom from side effects of such product.

III

It is further ordered that respondent American Home Products Corporation, its successors and assigns and respondent's officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of "Anacin," "Arthritis Pain Formula," or any products in which "Anacin" or "Arthritis Pain Formula" is used in the name, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from failing to disclose clearly and conspicuously that the analgesic ingredient in such product is aspirin, when such is the case and when the advertisement makes any performance claim for the product.

IV

It is further ordered that respondent American Home Products Corporation, a corporation, its successors and assigns and respondent's officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of "Anacin," in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from making any representation, directly or by implication, that Anacin relieves nervousness, tension, anxiety or depression or will enable persons to cope with the ordinary stresses of everyday life.

V

It is further ordered that respondent the C.T. Clyne Company, Inc., a corporation, its successors and assigns and respondent's officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising of "Arthritis Pain Formula" or any other non-prescription internal analgesic product, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Making any representation, directly or by implication, that such product contains any unusual or special ingredient when respondent knows or has reason to know that such ingredient is commonly used in other nonprescription internal analgesic products intended for the same use or uses as the product advertised by respondent.

B. Making any representation, directly or by implication, of superior freedom from side effects of such product, unless:

1. Respondent knows or has reason to believe that the superior freedom from side effects so represented has been established according to the terms set forth in paragraph I.A. of this Order, *or*

2. Each advertisement containing such representation contains a clear and conspicuous disclosure that there is a substantial question about the validity of the claim, or that the claim has not been proven. Such a disclosure may consist of a clear and conspicuous statement that the claim is "open to substantial question," or that the claim "has not been proven." If other language is used by respondent to convey the required message, respondent shall maintain, for a period of three (3) years after the dissemination of any advertisement containing such disclosure, records sufficient to demonstrate that the required message is effectively conveyed to the advertisement's intended audience.

VI

It is further ordered that respondents American Home Products Corporation and the C.T. Clyne Company, Inc., shall notify the Commission at least thirty (30) days prior to any proposed change in their respective corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in their respective corporation which may affect compliance obligations under this Order.

It is further ordered that the respondents herein shall within sixty (60) days after service of this Order upon them, and at such other times as the Commission may require, file with the Commission a written report setting forth in detail the manner and form in which they have complied or intend to comply with this Order.

By the Commission.

Issued: April 8, 1983.

Emily H. Rock,

Secretary.

[FR Doc. 83-11474 Filed 4-28-83; 8:45 am]

BILLING CODE 6750-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 3

Interpretation of "No-Action" Position Regarding Introducing Brokers and Associated Persons of Introducing Brokers

AGENCY: Commodity Futures Trading Commission.

ACTION: Rule-related notice of interpretation of "no-action" position.

SUMMARY: The Commodity Futures Trading Commission ("Commission") recently published in the **Federal Register** a letter the Commission had transmitted to all registered futures commission merchants ("FCMs") in which the Commission advised those FCMs that, in light of recent amendments to the registration requirements administered by the Commission under the Commodity Exchange Act ("Act"), each FCM and agent of an FCM must determine whether those agents are to continue in business as introducing brokers on and after the May 11, 1983 effective date of the statutory amendments. 48 FR 15890 (April 13, 1983). That letter established procedures by which an agent may obtain a "no-action" position from the Commission until it is registered under the Act as an introducing broker and by which associated persons ("APs") of an FCM who are presently employed by an agent may "transfer" their registrations to an introducing broker.

The Commission indicated in that letter that an FCM must either terminate the association with the FCM of any APs who were not so "transferred" or, in the alternative, include those APs in an existing or newly designated branch office of the FCM. The Commission has now determined to allow affected individuals to remain associated with an FCM even if they are not included in what would currently be denominated as a branch office if, among other conditions, they are compensated directly by the FCM. The Commission is also providing further guidance with respect to certain questions which have arisen in the implementation and interpretation of its "no-action" position.

FOR FURTHER INFORMATION CONTACT: Kenneth M. Rosenzweig, Assistant Chief Counsel, or Robert P. Shiner, Assistant Director, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street N.W., Washington, D.C. 20581. Telephone: (202) 254–8955 or 254–9703, respectively.

SUPPLEMENTARY INFORMATION: The Commission has recently made available procedures by which an agent of an FCM and the APs employed by that agent may obtain a "no-action" position from the Commission with respect to the registration requirements for introducing brokers and APs of introducing brokers which will become effective on May 11, 1983. As the Commmission explained when it adopted those procedures, APs who are presently associated with an FCM through an agent and who do not wish to become associated with an introducing broker can remain APs of the FCM. The Commission further indicated, however, that where APs' registrations were not "transferred" to an introducing broker, the FCM must either "[n]otify the Commission of the termination . . . of the association with the FCM of any APs employed by the agent . . . or include all APs formerly employed by the agent (and, if appropriate, the agent himself) in an existing or newly-designated branch office of the FCM."[1]

The Commission is aware, however, that a not insubstantial number of "country elevators" and cash grain merchants are agents of FCMs. These elevators and grain merchants, in turn, employ individuals who are registered with the Commission under the Act as associated persons whose activities as associated persons are often incidental to the principal business of the grain elevator or merchant. The Commission is also aware that a grain elevator or merchant may not itself want to become an introducing broker or to do business in the name of an FCM.

The Commission has therefore determined to clarify that individuals who are registered as associated persons of an FCM may continue to remain associated with the FCM as associated person under the Commission's "no-action" position, regardless of whether those APs are actually situated in what would currently be denominated as a branch office of the FCM, provided they meet the conditions of this interpretation. Specifically, the Commission has determined that such individuals shall be deemed to constitute a branch office if they are compensated directly by the FCM, hold themselves out to the public as APs of that FCM, and meet the other conditions stated herein. If, however, such individuals were to receive compensation for the solicitation or acceptance of customers' orders (or the supervision of any person or persons so engaged) through a person other than the FCM, or if such individuals were to solicit or accept orders on behalf of that other person, that person would be an introducing broker and would have to register as such unless it had earlier qualified for the Commission's "no-action" position.[2] Similarly, these APs of an FCM may not solicit or accept customers' or option customers' orders (or supervise any person or persons so engaged) in the offices of, or under the auspices of, an introducing broker. As under current law, an FLM must supervise its APs, including those APs which it compensates directly pursuant to this interpretation, and will be fully responsible for their activities and conduct as associated persons (including compliance with the requirements of the Act and the Commission's regulations thereunder) in the same manner and to the same extent as any of its other associated persons, wherever those APs may be located.

An FCM who elects to continue associated persons under its sponsorship in accordance with this interpretation of the Commission's "no-action" position must list each location other than its home office where such persons will be soliciting or accepting orders and, where more than one individual is at such a location, must also indicate which AP will be the "designated supervisor" at that location. This information should be clearly indicated on the computer-generated listing of APs and agents which has previously been supplied to each FCM by the Commission when that listing is returned to the Commission.

It remains the responsibility of each FCM which chooses to continue the association of its APs under this interpretation to assure itself that such an arrangement will not be contrary to the rules of any contract market of which the FCM is a member. In this regard, FCMs should also be aware that APs associated with an FCM in this manner will not be authorized to act as associated persons with respect to exchange-traded commodity option transactions unless the FCM's designated self-regulatory organization affirmatively agrees to audit the activities of these APs in accordance with the requirements of the Commission's options regulations.[3] Affected persons should also be aware that the Commission will continue to consider the appropriateness of this interpretation as well as whether and in what manner it should be continued

[1] 48 FR 15890, 15892 (April 13, 1983) (footnotes omitted).

[2] 48 FR 15890 (April 13, 1983). *See also* Futures Trading Act of 1982, Pub. L. No. 97–444, §§ 201(1), 207, 208, 212, 96 Stat. 2297, 2302, 2303–2304.

[3] *See* 17 CFR 33.4, *as amended by* 47 FR 56996, 57017–18 (December 22, 1982).

when the Commission adopts final rules relating to the registration of introducing brokers and their associated persons.

The Commission's staff has also received inquiries as to whether APs who "transfer" their registrations to an introducing broker under the Commission's "no-action" position will thereafter be able to become APs of an FCM if the introducing broker ultimately determines not to continue in business as an introducing broker. The Commission recognizes that, pending adoption of appropriate regulations, some agents will not be able to determine conclusively whether they wish to become, or to remain registered as, introducing brokers. The Commission wishes to emphasize, therefore, that its "no-action" position does not require an irrevocable election on the part of an agent or its APs. Accordingly, the Commission contemplates that its final regulations would allow for the expeditious re-registration of APs should an introducing broker ultimately decide not to continue in business as such or if APs of an FCM later determine to become associated with a registered introducing broker.

The Commission's staff has also been asked whether an agent of an FCM may qualify for the Commission's "no-action" position if the FCM's application for registration has not yet been granted. The Commission has previously determined to allow individuals whose applications for AP registration were pending with the Commission on April 7, 1983 date of the Commission's "no-action" letter to "transfer" their applications to an introducing broker and to begin work as an associated person as soon as the AP's application is granted.[4] The Commission believes that similar considerations should apply to an agent of an FCM. Thus, the Commission will allow an agent of an FCM to apply for the Commission's "no-action" position if the FCM had a completed application for registration on file with the Commission on April 7, 1983. Such an agent will be able to commence business as an introducing broker through any APs affiliated with it who have become registered when all of its principals have been "cleared" for fitness.[5]

Finally, when the Commission proposed regulations to govern the registration of introducing brokers and the other new categories of registrant established by the Futures Trading Act of 1982, the Commission proposed generally to require the registration as an introducing broker of any person who is compensated either on a per-trade basis or for the referral of customers to an FCM.[6] The Commission's staff has been asked whether those registrants who are not now agents of FCMs (and who therefore do not qualify for the Commission's "no-action" position) will be effectively precluded from continuing to be compensated in this fashion on and after the May 11, 1983 effective date of the statutory amendments to the registration requirements of the Commodity Exchange Act. The Commission wishes to clarify that if it adopts the proposed rule requiring registants receiving such compensation to register in a different capacity, the effective date will be deferred to provide adequate time for such registrants to become so registered.

Issued in Washington, D.C. on April 26, 1983, by the Commission.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 83-11496 Filed 4-28-83; 8:45 am]

BILLING CODE 6351-01-M

[4] *Id.* at 15891 n.7. In such a case, the AP would be registered as an associated person of the introducing broker even though the introducing broker may not yet have been registered as such.

[5] Where those principals have applied for registration as associated persons, they will be "cleared" at the time they are registered as APs.

[6] Proposed § 1.57(b), 48 FR 14933, 14935–36, 14965 (April 6, 1983). The Commission's proposal would, however, exempt from that requirement any person who is registered as an FCM, as a floor broker, or as an AP of an FCM or of an introducing broker.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 141

[Docket No. RM82-40-000]

Order Suspending Filing of Form No. EIA 767, "Steam-Electric Plant Air and Water Quality Control Data"

Issued: April 27, 1983.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order suspending filing requirement.

SUMMARY: The Federal Energy Regulatory Commission suspends, until further notice, the filing due May 1, 1983 and any future filings of form No. EIA-767, "Steam-Electric Plant Air and Water Quality Control Data", prescribed by 18 CFR 141.59. The form currently is the subject of a proceeding to revise it. Therefore, the filings are suspended until after the proceeding is completed.

DATE: April 27, 1983.

FOR FURTHER INFORMATION CONTACT: Cathy Ciaglo, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426; (202) 357-8033.

SUPPLEMENTARY INFORMATION:

Before Commissioners C. M. Butler III, Chairman; Georgiana Sheldon, J. David Hughes, A. G. Sousa and Oliver G. Richard III.

Issued: April 27, 1983.

In the matter of Suspension of Steam-Electric Plant Air and Water Quality Control Data: Form No. EIA-767, Docket No. RM82-40-000, order suspending filing of the form No. EIA-767, "Steam-Electric Plant Air and Water Quality Control Data."

On August 31, 1982 the Federal Energy Regulatory Commission (Commission) issued the "Final Rule to Eliminate Steam-Electric Plant Air and Water Quality Control Data: Form No. 67" (Order No. 257, 47 FR 38869, September 3, 1982). In that rule, the Commission provided that its annual Form No. 67 was superceded by Form No. EIA-767, which is jointly sponsored by the Commission and certain other agencies. The final rule also provided that the new EIA-767 would collect 1981 data only and that the form would be extensively redesigned by the cosponsors for future collections in time for the 1982 filing, due May 1, 1983. The Commission revised its regulations at § 141.59 to provide for the filing of EIA-767 and to provide a May 1st filing date for 1983 and for future years.

The proceeding to redesign the EIA-767 has not been completed in time for the May 1, 1983 filing. Therefore, the Commission suspends the filing of the Form No. EIA-767 until further notice.

As part of the proceeding to redesign the EIA-767, the Energy Information Administration, one of the cosponsors of the form, plans to publish in the **Federal Register** a notice of the proposed revisions, including the 1983 and future filing dates. When this proceeding is completed, the Commission will revise its regulations at § 141.59, as necessary, to reflect the revisions to the form.

The Commission orders:

The May 1983 and future filings of the Form No. EIA-767, "Steam-Electric Plant Air and Water Quality Control Data" prescribed by 18 CFR 141.59 are suspended until further notice.

By the Commission.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 83-11631 Filed 4-28-83; 8:45 am]

BILLING CODE 6490-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 416

Supplemental Security Income for the Aged, Blind, and Disabled; Deeming of Income and Resources

AGENCY: Social Security Administration, HHS.

ACTION: Extension of interim rules and intradepartmental board.

SUMMARY: This notice extends the effective period of the interim rules on deeming of income and resources published in the **Federal Register** on June 4, 1982 (47 FR 24274) and also extends the tenure of the Department of Health and Human Services' (HHS) intradepartmental board established for the purpose of applying those interim rules to certain Supplemental Security Income (SSI) cases. The interim rules and the tenure of the board are extended through December 31, 1983.

DATE: The board will continue to make case-by-case determinations concerning the possible waiver of the usual SSI rules for deeming certain family members' resources and income to a noninstitutionalized SSI claimant through December 31, 1983.

The interim rules applicable to these cases will remain in effect through that date.

FOR FURTHER INFORMATION: Contact Mr. Fred Miranda, Legal Assistant, 3-B-4 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235, (301) 594-7341, for further information regarding extension of the interim rules. Information regarding the submission of a State agency's application for waiver of the usual SSI deeming rules may be obtained from Mr. Timothy D. Roberson, Department of Health and Human Services, Room 656-G Humphrey Building, 200 Independence Avenue, SW., Washington, D.C. 20201, (202) 245-7187.

SUPPLEMENTARY INFORMATION: The interim rules provide special SSI deeming criteria to be used in determining whether it would be inequitable to apply the usual SSI deeming rules in certain circumstances. The intradepartmental board has been making case-by-case determinations on whether to waive the usual SSI rules for deeming certain family members' resources and income to a noninstitutionalized individual. Waiver of the usual deeming rules permits SSI eligibility and, in most States, Medicaid eligibility for certain disabled individuals confined at home who otherwise may be unnecessarily institutionalized to acquire such Medicaid eligibility. The interim rules reflect a temporary policy that was developed to deal with this concern (institutionalization in order to obtain Medicaid) while States develop appropriate programs of home and community-based services under their Medicaid programs. The temporary policy and the board were to be effective only through April 30, 1983. However, a number of States had indicated their inability to have such programs in place by April 30, 1983. Therefore, the Secretary decided to extend the interim rules and the tenure of the board through December 31, 1983.

List of Subjects in 20 CFR Part 416

Administrative practice and procedure, Aged, Blind, Disabled, Public assistance programs, Supplemental Security Income (SSI).

(Catalog of Federal Domestic Assistance Program No. 13.807, Supplemental Security Income Program)

Dated: April 20, 1983.

John A. Svahn,

Commissioner of Social Security.

Approved: April 26, 1983.

Margaret M. Heckler,

Secretary of Health and Human Services.

[FR Doc. 83-11544 Filed 4-28-83; 8:45 am]

BILLING CODE 4190-11-M

Food and Drug Administration

21 CFR Parts 74, 81, and 82

[Docket Nos. 76N-0366 and 83N-0009]

Provisional Listing of FD&C Blue No. 2; Postponement of Closing Date and Stay of Effectiveness

AGENCY: Food and Drug Administration.

ACTION: Final rule; stay of effective date.

SUMMARY: The Food and Drug Administration (FDA) is postponing the closing date for the provisional listing of FD&C Blue No. 2 for use as a color additive in food and ingested drugs. FDA is establishing a new closing date for FD&C Blue No. 2 to give the agency time to complete evaluation of objections received in response to the final regulation approving the petition for the permanent listing of FD&C Blue No. 2. The regulation that permanently lists FD&C Blue No. 2 and that removes it from the provisional list is stayed until July 1, 1983.

DATES: Effective April 29, 1983; the new closing date for FD&C Blue No. 2 will be July 1, 1983.

FOR FURTHER INFORMATION CONTACT: Geraldine E. Harris, Bureau of Foods (HFF-332), Food and Drug Administration, 200 C St. SW., Washington, DC. 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: FDA established the current closing date of April 29, 1983, for the provisional listing of FD&C Blue No. 2 in a regulation published in the **Federal Register** of February 4, 1983 (48 FR 5261). The agency established the April 29, 1983 closing date for FD&C Blue No. 2 to provide time for receipt and evaluation of any objections to the final regulation approving the petition for permanent listing of FD&C Blue No. 2.

After the review and evaluation of the data relevant to the color additive petition to list FD&C Blue No. 2 for use in food and ingested drugs, the agency concluded that FD&C Blue No. 2 was safe for use in food and ingested drugs. Therefore, FDA issued a regulation in the **Federal Register** of February 4, 1983 (48 FR 5252) that would permanently list FD&C Blue No. 2. FDA stated that the regulation would become effective on March 8, 1983, unless stayed by the filing of proper objections.

On March 7, 1983, FDA received a letter stating objections to the listing regulation and requesting a hearing on those objections. Because of the objections, under section 701(e)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371(e)(2)), the regulation (48 FR 5252) that permanently lists FD&C Blue No. 2 and that removes this color additive from the provisional list is stayed until the agency can rule upon the objections. FDA expects that it will need only a brief time to complete the evaluation of the objections. Therefore, FDA concludes that only a brief postponement is necessary at this time. The regulation set forth below will postpone the April 29, 1983 closing date for provisional listing of FD&C Blue No. 2 until July 1, 1983.

Because the current closing date expires on April 29, 1983, FDA has concluded that the use of a notice and public procedure on this regulation is impracticable. Thus, good cause exists for issuing the postponement as a final rule. Moreover, this action is consistent with the protection of the public health because the agency has previously

concluded that the FD&C Blue No. 2 is safe for its intended use under the Color Additive Amendments of 1960. This regulation will permit the uninterrupted use of this color additive until July 1, 1983. To prevent any interruption in the provisional listing of FD&C Blue No. 2 and in accordance with 5 U.S.C. 553(d)(1) and (3), this regulation is being made effective on April 29, 1983.

List of Subjects

21 CFR Part 74

Color additives, Color additives subject to certification, Cosmetics, Drugs.

21 CFR Part 81

Color additives, Color additives provisional list, Cosmetics, Drugs.

21 CFR Part 82

Color additives, Color additive lakes, Color additives provisional list, Cosmetics, Drugs.

Therefore, under the Federal Food, Drug and Cosmetic Act (secs. 701(e), 706 (b), (c), and (d), 70 Stat. 919 as amended, 74 Stat. 399–403 (21 U.S.C. 371(e), 376 (b), (c), and (d))) and the Transitional Provisions of the Color Additive Amendments (Title II, Pub. L. 86–618, sec. 203, 74 Stat. 404–407 (21 U.S.C. 376, note)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Chapter I of Title 21 of the Code of Federal Regulations (as amended in the **Federal Register** of February 4, 1983 (48 FR 5252)) is amended as follows:

PART 74—LISTING OF COLOR ADDITIVES SUBJECT TO CERTIFICATION

1. Part 74 is amended:

§ 74.102 [Stayed]

a. By staying § 74.102 *FD&C Blue No. 2.*

§ 74.1102 [Stayed]

b. By staying § 74.1102 *FD&C Blue No. 2.*

PART 81—GENERAL SPECIFICATIONS AND GENERAL RESTRICTIONS FOR PROVISIONAL COLOR ADDITIVES FOR USE IN FOODS, DRUGS, AND COSMETICS

2. Part 81 is amended:

a. In § 81.1(a) by reinstating and revising "FD&C Blue No. 2" to read as follows:

§ 81.1 Provisional lists of color additives.

* * * * *

(a) * * *

Color additive				Closing date	Restrictions
Food use		Drug and cosmetic use			
*	*	*	*	*	
FD&C Blue No. 2 (sec. 74.1102 of this chapter).		July 1, 1983		July 1, 1983	Food and ingested drugs.
*	*	*	*	*	

* * * * *

b. In § 81.27(d) by reinstating and revising the entry for "FD&C Blue No. 2" to read as follows:

§ 81.27 Conditions of provisional listing.

* * * * *

(d) * * *

	Final report due	Closing date
*	*	*
FD&C Blue No. 2	Oct. 30, 1981	July 1, 1983.
*	*	*

* * * * *

PART 82—LISTING OF CERTIFIED PROVISIONALLY LISTED COLORS AND SPECIFICATIONS

§ 82.102 [Stayed]

3. Part 82 is amended by staying § 82.102 *FD&C Blue No. 2.*

Effective date. This regulation is effective April 29, 1983.

(Secs. 701(e), 706 (b), (c), and (d), 70 Stat. 919 as amended, 74 Stat. 399–403 (21 U.S.C. 371(e), 376 (b), (c), and (d)); sec. 203, 74 Stat. 404–407 (21 U.S.C. 376, note))

Dated: April 15, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-11555 Filed 4-28-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 81

[Docket No. 76N-0366]

Provisional Listing of D&C Red No. 19 and D&C Red No. 37 for Use in Externally Applied Drugs and Cosmetics; Postponement of Closing Date

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is postponing the closing date for the provisional listing of D&C Red No. 19 and D&C Red No. 37 for use as color additives in externally applied drugs and cosmetics. The new closing date will be June 28, 1983. This brief postponement will provide time for determining the applicability for the statutory standard for the listing of noningested color additives to the results of the scientific investigations of D&C Red No. 19 and D&C Red No. 37.

DATES: Effective April 29, 1983, the new closing date for D&C Red No. 19 and D&C Red No. 37 will be June 28, 1983.

FOR FURTHER INFORMATION CONTACT: Andrew D. Laumbach, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: FDA established the current closing date of April 29, 1983, for the provisional listing of D&C Red No. 19 and D&C Red No. 37 for use in externally applied drugs and cosmetics by a rule published in the **Federal Register** of March 1, 1983 (48 FR 8443). The agency extended the closing date until April 29, 1983, to provide time for consideration of the studies submitted by the Cosmetic, Toiletry, and Fragrance Association, Inc. (CTFA). Previously in the **Federal Register** of March 27, 1981 (46 FR 18954), FDA had published a rule establishing a closing date of February 28, 1983, for the provisional listing of D&C Red No. 19 and D&C Red No. 37 for cosmetic and general drug uses. The agency had extended the closing date until February 28, 1983, to provide time for the completion of chronic toxicity studies and the review and evaluation of these studies. In the **Federal Register** of February 4, 1983 (48 FR 5262), FDA terminated the provisional listing of D&C Red No. 19 and D&C Red No. 37 for coloring ingested drugs and cosmetics.

As noted in the **Federal Register** of August 6, 1973 (38 FR 21199), D&C Red No. 19 and D&C Red No. 37 are the subject of a petition (CAP 9C0091) submitted by the Toilet Goods Association, Inc. (now CTFA), for use in coloring drugs and cosmetics. As discussed in the **Federal Register** of February 4, 1983 (48 FR 5262), the petitioner has amended its color additive petition by withdrawing its request to list these color additives for coloring ingested drugs and cosmetics but has continued to seek permanent listing of these color additives for use in external cosmetic and drug products that are not subject to incidental ingestion. Prior to February 4, 1983, the petitioner submitted analyses of the safety and legal issues involved in the decision on whether to list the external

uses of these color additives, including data regarding skin penetration. However, the agency found the the skin penetration data did not provide an adequate basis upon which to determine whether these color additives were in fact absorbed through the skin.

Thus, on November 24, 1982, CTFA asked the agency to review new skin penetration studies on these color additives. CTFA said it would be able to submit these studies to the agency by February 10, 1983. Because of unforeseen events, however, CTFA was unable to submit these new data until February 16, 1983. The agency agreed to review these data before reaching a conclusion on the safety of D&C Red No. 19 and D&C Red No. 37 for use in externally applied drugs and cosmetics.

The agency is now considering the scientific and legal aspects of the CTFA submissions in support of the external uses of these color additives. Although D&C Red No. 19 and D&C Red No. 37 have been shown to be animal carcinogens upon ingestion, the agency believes that somewhat different questions are raised by the request to list these color additives for noningested use. Thus, FDA finds that a brief extension of the closing date to June 28, 1983, is necessary to provide sufficient time for the agency to determine the applicability of the statutory standard for the listing of color additives for noningested use to D&C Red No. 19 and D&C Red No. 37. It has taken FDA more time to evaluate the data involved in making this decision than the agency anticipated. This postponement will also provide time for the agency to prepare and to publish a **Federal Register** document setting forth its final decision on the petition for the permanent listing of these color additives. The continued use of these color additives in externally applied products for the short time needed for adequate evaluation of the data and for preparation of the **Federal Register** document will not pose a hazard to the public health.

Because of the short time until the June 28, 1983 closing date, FDA concludes that notice and public procedure on this regulation are impracticable.

This regulation will permit the uninterrupted use of these color additives until June 28, 1983. To prevent any interruption in the provisional listing of D&C Red No. 19 and D&C Red No. 37 and in accordance with 5 U.S.C. 553(d) (1) and (3), this regulation is being made effective April 29, 1983.

List of Subjects in 21 CFR Part 81

Color additives, Color additives provisional list, Cosmetics, Drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 701, 706(b), (c), and (d), 52 Stat. 1055–1056 as amended, 74 Stat. 399–403 (21 U.S.C. 371, 376(b), (c), and (d)) and under the transitional provisions of the Color Additive Amendments of 1960 (Title II, Pub. L. 86–618; sec. 203, 74 Stat. 404–407 (21 U.S.C. 376 note)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 81 is amended as follows:

PART 81—GENERAL SPECIFICATIONS AND GENERAL RESTRICTIONS FOR PROVISIONAL COLOR ADDITIVES FOR USE IN FOODS, DRUGS, AND COSMETICS

§ 81.1 [Amended]

1. In § 81.1 *Provisional lists of color additives,* by revising the closing date for "D&C Red No. 19" and "D&C Red No. 37" in paragraph (b) to read "June 28, 1983."

§ 81.27 [Amended]

2. In § 81.27 *Conditions of provisional listing,* by revising the closing date for "D&C Red No. 19" and "D&C Red No. 37" in paragraph (d) to read "June 28, 1983."

Effective date. This final rule is effective April 29, 1983.

(Secs. 701, 706(b), (c), and (d), 52 Stat. 1055–1056 as amended, 74 Stat. 399–403 (21 U.S.C. 371, 376(b), (c), and (d)); sec. 203, 74 Stat. 404–407 (21 U.S.C. 376 note))

Dated: April 18, 1983.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 83–11432 Filed 4–28–83; 8:45 am]

BILLING CODE 4160–01–M

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21 CFR Part 81

[Docket No. 76N–0366]

Provisional Listing of D&C Yellow No. 10 for Use in Drugs and Cosmetics; Postponement of Closing Date

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is postponing the closing date for the provisional listing of D&C Yellow No. 10 for use as a color additive in drugs and cosmetics. The new closing date will be July 1, 1983. This brief postponement will provide time for the uninterrupted use of this color additive while the agency completes its review and considers the scientific and legal aspects of the results of the toxicological studies on D&C Yellow No. 10 submitted by several petitioners. Additionally, during this brief postponement, after completing its review of these studies, the agency will prepare the appropriate **Federal Register** document(s).

DATES: Effective April 30, 1983, the new closing date for D&C Yellow No. 10 will be July 1, 1983.

FOR FURTHER INFORMATION CONTACT: James H. Maryanski, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204; 202–472–5740.

SUPPLEMENTARY INFORMATION: FDA established the current closing date of April 30, 1983, for the provisional listing of D&C Yellow No. 10 in drugs and cosmetics by a rule published in the **Federal Register** of March 27, 1981 (46 FR 18954). The April 30, 1983 closing date was established to provide time for completion of FDA's review and evaluation of the data concerning the use of D&C Yellow No. 10 in drugs and cosmetics, and for the publication of a regulation in the **Federal Register** regarding FDA's final decision on the petition for the permanent listing of this color additive. The regulation set forth below will postpone the April 30, 1983 closing date for the provisional listing of the color additive until July 1, 1983.

FDA's review and evaluation of the data relevant to the use of D&C Yellow No. 10 have required more time than anticipated. The agency therefore concludes that the brief extension of the closing date to July 1, 1983, is necessary. This brief postponement will provide time for the agency to complete its review and prepare the appropriate **Federal Register** document(s). No harm to the public health will result from this extension.

Because of the short time until the April 30, 1983 closing date, FDA concludes that notice and public procedure on this regulation are impracticable, and that good cause exists for issuing this postponement as a final rule. This regulation will permit the uninterrupted use of this color additive until July 1, 1983. To prevent any interruption in the provisional listing of D&C Yellow No. 10 and in accordance with 5 U.S.C. 553(d) (1) and (3), this regulation is being made effective on April 30, 1983.

List of Subjects in 21 CFR Part 81

Color additives, Color additives provisional list, Cosmetics, Drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 701, 706 (b), (c), and (d), 52 Stat. 1055–1056 as amended, 74 Stat. 399–403 (21 U.S.C. 371, 376 (b), (c), and (d))), under the

Transitional Provisions of the Color Additive Amendments of 1960 (Title XI, Pub. L. 86-618; sec. 203, 74 Stat. 404-407 (21 U.S.C. 376 note)), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 81 is amended as follows:

PART 81—GENERAL SPECIFICATIONS AND GENERAL RESTRICTIONS FOR PROVISIONAL COLOR ADDITIVES FOR USE IN FOODS, DRUGS, AND COSMETICS

§ 81.1 [Amended]

1. In § 81.1 *Provisional lists of color additives,* by revising the closing date for "D&C Yellow No. 10" in paragraph (b) to read "July 1, 1983."

§ 81.27 [Amended]

2. In § 81.27 *Conditions of provisional listing,* by revising the closing date for "D&C Yellow No. 10" in paragraph (d) to read "July 1, 1983."

Effective date. This final rule shall be effective April 30, 1983.

(Secs. 701, 706 (b), (c), and (d), 52 Stat. 1055-1056 as amended, 74 Stat. 399-403 (21 U.S.C. 371, 376 (b), (c), and (d); sec. 203, 74 Stat. 404-407 (21 U.S.C. 376 note))

Dated: April 18, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-11284 Filed 4-28-83; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Trimeprazine Tartrate and Prednisolone Capsules

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to codify a previously approved new animal drug application (NADA) sponsored by Norden Laboratories, Inc. The NADA provides for safe and effective use in dogs of capsules containing the drug combination trimeprazine tartrate/prednisolone for their antipruritic, antitussive, and anti-inflammatory actions.

EFFECTIVE DATE: April 29, 1983.

FOR FURTHER INFORMATION CONTACT: Terence Harvey, Bureau of Veterinary Medicine (HFV-110), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3420.

SUPPLEMENTARY INFORMATION: Norden Laboratories, Inc., Lincoln, NE 68501, is sponsor of NADA 35-161 which provides for use of capsules containing sustained release trimeprazine tartrate combined with prednisolone. The capsules are administered to dogs when combined antipruritic, antitussive, and anti-inflammatory actions are indicated.

NADA 35-161 was originally approved by letter dated July 17, 1967. At that time, approvals were not codified by publication in the Federal Register. Accordingly, the regulations are now amended to codify Norden Laboratories' approved NADA.

This action, codification of a previously approved NADA, does not consititute reaffirmation of the safety and effectiveness data supporting this approval. Because the NADA was approved before July 1, 1975, the sponsor was not required to submit a summary of the safety and effectiveness data and information in accordance with the freedom of information provisions of the animal drug regulations in 21 CFR 514.11(e)(2)(ii).

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 520

Animal drugs, Oral use.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 520 is amended by adding new § 520.2605 to read as follows:

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

§ 520.2605 Trimeprazine tartrate and prednisolone capsules.

(a) *Specifications.* Each capsule contains 3.75 milligrams of trimeprazine in sustained released form (as the tartrate) and 1 milligram of prednisolone (capsule no. 1) or 7.5 milligrams of trimeprazine in sustained release form (as the tartrate) and 2 milligrams of prednisolone (capsule no. 2).

(b) *Sponsor.* See 011519 in § 510.600(c) of this chapter.

(c) *Conditions of use*—(1) *Amount.* Administer either capsule orally once daily to dogs as follows:

Animal weight (pounds)	Number of capsules per dose	
	Capsule No. 1	Capsule No. 2
Up to 10	1	
11 to 20	2	1
21 to 40	4	2
Over 40	6	3

(2) *Indications for use.* For the relief of itching regardless of cause, reduction of inflammation commonly associated with most skin disorders of dogs such as eczema caused by internal disorders, otitis, and dermatitis (allergic, parasitic, pustular, and nonspecific). It is also used in dogs as adjunctive therapy in various cough conditions including treatment of "kennel cough" or tracheobronchitis, bronchitis including allergic bronchitis, tonsillitis, acute upper respiratory infections, and coughs of nonspecific origin. The product may also be administered to dogs suffering from acute or chronic bacterial infections, provided the infection is controlled by appropriate antibiotic or chemotherapeutic agents.

(3) *Limitations.* After 4 days, reduce dosage to one-half the initial dose or to an amount sufficient to maintain remission of symptoms. Dosages in individual cases may vary and should be adjusted until proper response is obtained. Do not use the drug in cases of viral infections involving corneal ulceration or dendritic ulceration of the cornea. Clinical and experimental data have demonstrated that corticosteroids administered orally or parenterally to animals may induce the first stage of parturition when administered during the last trimester of pregnancy and may precipitate premature parturition followed by dystocia, fetal death, retained placenta, and metritis. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. April 29, 1983.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: April 22, 1983.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 83-11424 Filed 4-28-83; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF LABOR

Office of the Secretary

Employment Standards Administration, Wage and Hour Division

29 CFR Parts 1, 3, and 5

Further Deferral of Effective Dates of Regulations Relating to Labor Standards on Federal and Federally Assisted Construction Projects

AGENCY: Wage and Hour Division, Employment Standards Administration, Labor.

ACTION: Notice of further deferral of effective dates of regulations.

SUMMARY: This is a notice of continued deferral of the effective dates of certain sections of Department of Labor regulations relating to labor standards applicable to federal and federally assisted construction projects, which were published previously in the **Federal Register** as final rules on May 28, 1982. This action is taken in order to comply with a permanent injunction issued in the U.S. District Court for the District of Columbia on December 23, 1982, and amended by clarifying order of the Court dated January 17, 1983. For additional information on these actions see the following **Federal Register** documents in Parts II and III of this issue of the **Federal Register:**

1. FR Document No. 83–11198 (29 CFR Part 1) (Part II of this issue).

2. FR Document No. 83–11199 (29 CFR Part 5) (Part III of this issue).

DATE: The effective date of these rules is deferred until further notice. This notice is effective on April 29, 1983.

FOR FURTHER INFORMATION CONTACT: William M. Otter, Administrator, Wage and Hour Division, Employment Standards Administration, Frances Perkins Department of Labor Building, Room S–3502, 200 Constitution Avenue, NW., Washington, D.C. 20210, Telephone (202) 523–8305.

SUPPLEMENTARY INFOMRATION: In the **Federal Register** of May 28, 1982 (47 FR 23644, 23658, 23678), the Department of Labor issued final regulations, 29 CFR Part 1, entitled "Procedures for Predetermination of Wage Rates"; section 3.3(b) of 29 CFR Part 3 entitled "Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants From the United States"; and 29 CFR Part 5, entitled "Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction (also Labor Standards Provisions Applicable to Nonconstruction Contracts Subject to the Contract Work Hours and Safety Standards Act)." These regulations were to be effective July 27, 1982.

On July 22, 1982, the District Court for the District of Columbia issued a preliminary injunction enjoining the Department from putting certain provisions of these regulations into effect pending final disposition. *Building and Construction Trades Department, AFL–CIO, et al.* v. *Donovan, et al.*, 543 F. Supp. 1282. The Department published a notice in the **Federal Register** on July 26, 1982 (47 FR 32070), deferring the implementation of these regulations in their entirety until further notice.

On December 23, 1982, the Court issued a permanent injunction with respect to a number of the May 28 regulatory revisions and on January 17, 1983, the Court amended its order to clarify and delineate which sections of the regulations were being enjoined. The Department has appealed this ruling. However, pending resolution of the appeal, the enjoined sections of the May 28 revisions to the regulations have been rewritten to comply with the injunction, by either eliminating the language regarding the issue in the suit or by adding language to continue the requirements in the existing regulations. The regulations published on May 28 which were not enjoined, with the language changes necessitated by the injunction, are being put into effect by separate document appearing elsewhere in today's **Federal Register.**

This document further defers the effective dates of the enjoined sections of the regulations as published in the **Federal Register** on May 28, 1982. If the injunction is subsequently lifted as a result of the Department's appeal, the enjoined sections of the May 28 regulations will be implemented at that time.

Since the Department is operating under the terms of a U.S. District Court injunction, the enjoined sections of these regulations cannot be implemented until final resolution of the appeal. Under the circumstances, separate notice and public comment on this further deferral of the effective date is impracticable, unnecessary and contrary to the public interest and good cause exists for making these postponements effective immediately. This finding is made pursuant to 5 U.S.C. 553(b)(3)(B) and 553(d)(3).

Accordingly, the regulations set forth on the following chart are deferred until further notice:

Section of rule	Enjoined issues	Publication of rule in final form	Originally scheduled effective date	New effective date
29 CFR 1.3(d)	Consideration of Davis-Bacon rates in wage surveys	May 28, 1982 (47 FR 23652)	July 27, 1982	Deferred until further notice
29 CFR 1.7(b)	Prohibition against use of metropolitan data in making rural wage determinations (and vice versa)	May 28, 1982 (47 FR 23655)	do	Do.
29 CFR 1.7(d)	Recognition of helpers	do	do	Do.
29 CFR 5.2(n)(4)	Definition of helper	May 28, 1982 (47 FR 23667)	do	Do.
29 CFR 5.5(a)(1)(ii)(A)	Conformance of helper classifications and wage rates	May 28, 1982 (47 FR 23668)	do	Do.
29 CFR 5.5(a)(3) (ii) and (iii)	Submission of wage payment information	May 28, 1982 (47 FR 23669)	do	Do.
29 CFR 5.5(a)(4)(iv)	Provisions concerning the use of helpers	May 28, 1982 (47 FR 23670)	do	Do.
29 CFR 5.6(a) (2) and (3)	Provisions concerning the "Statement of Compliance" and requests for submission of payrolls	May 28, 1982 (47 FR 23671)	do	Do.
29 CFR 3.3(b)	Weekly statement of wages paid	May 28, 1982 (47 FR 23678)	do	Do.

(The statutory authority for this action is as follows: 40 U.S.C. 276a–276a–7; 40 U.S.C. 276c; 40 U.S.C. 327–332; Reorganization Plan No. 14 of 1950, 5 U.S.C. Appendix; 5 U.S.C. 301; and the statutes listed in section 5.1(a) of Part 5)

Signed at Washington, D.C., this 22nd day of April 1983.

William M. Otter,

Administrator, Wage and Hour Division.

[FR Doc. 83–11201 Filed 4–28–83; 8:45 am]

BILLING CODE 4510–27–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 86

[AMS–FRL–2351–2]

Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines; Emission Standards for 1984 and Later Model Year Light-Duty Vehicles

AGENCY: Environmental Protection Agency.

ACTION: Extension of comment period and request for comments.

SUMMARY: On February 18, 1983, EPA published an Interim Final Rulemaking (IFRM) that implemented the all-altitude emission control requirements of Section 206(f)(1) of the Clean Air Act (the Act) for 1984 model year light-duty vehicles (LDVs) (48 FR 7392, February 18, 1983).

In a petition dated March 17, 1983, the National Automobile Dealers Association (NADA) requested that the comment period on the 1984 IFRM be extended to allow additional time to prepare and submit comments. Also, three issues have been brought to EPA's attention concerning the LDV 1984 IFRM.These issues are: (1) The designation of high-altitude locations for 1984 and later LDVs, (2) the elimination of special vehicles designed for the high-altitude market, and (3) a request from General Motors Corporation (GM) to specifically exempt their heaviest LDV from the 1984 all-altitude requirement.

In response to NADA's request, and to allow additional specific comment on the issues mentioned above, EPA is extending the comment period on the 1984 IFRM.

DATE: Comments on the rulemaking action should be submitted to the Agency at the address given below on or before May 31, 1983.

ADDRESS: Copies of the material relevant to this rulemaking are contained in Public Docket No. A–80–1 at the U.S. Environmental Protection Agency, Central Docket Section. The docket is located in West Tower Lobby, Gallery 1, 401 M Street, SW., Washington, D.C. 20460. The docket may be inspected between 8:00 a.m. and 4:00 p.m. on weekdays. A reasonable fee may be charged for copying services.

FOR FURTHER INFORMATION CONTACT: Mr. Richard S. Wilcox, Emission Control Technology Division, U.S. Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, MI 48105; (313) 668–4390.

SUPPLEMENTARY INFORMATION: Section 206(f)(1) of the Act requires that, beginning in the 1984 model year, all LDVs must meet the applicable Federal emission standards regardless of the altitude at which they are sold. (LDVs that are only certified to meet separate California emission requirements are not bound by this requirement. *See e.g.* S. Rep. No. 95–127, 95th Cong., 1st Sess. 87(1977).) On February 18, 1983, EPA published in the **Federal Register:** (1) An IFRM which implemented this "all-altitude" LDV requirement for 1984, and (2) an NPRM which solicited comments on adopting the same requirements for 1985 and later LDVs.

Although the comment period on the IFRM for 1984 closed on March 21, 1983, EPA is extending the comment period for two reasons. First, the Agency is granting a petition from the NADA dated March 17, 1983, to extend the comment period on the 1984 IFRM to allow more time for the submission of comments.[1] Second, EPA is seeking specific comments on three issues. Two of the issues were identified at the March 22, 1983 public hearing on the 1985 and later NPRM, and one issue was raised separately by GM.

The three issues upon which EPA is seeking specific comments are: (1) The designation of high-altitude locations where exempt vehicles (i.e., those certified only at low altitude) could not be sold, (2) the elimination of special vehicles designed specifically for the high-altitude market, and (3) a request from GM to grant a unique exemption from the all-altitude standards for its heaviest LDV. Each of these issues is discussed in greater detail below.

I. Designation of High-Altitude Locations

On November 10, 1982, the Agency proposed to reduce the number of high-altitude locations where only vehicles certified in compliance with high-altitude standards could be sold (47 FR 50929). The proposed "redesignation" of high-altitude locations would affect 1983 LDVs and 1983 and later light-duty trucks (LDTs). It is based on Section 202(f)(3) of the Act, which contains guidelines for establishing high-altitude regulations for these motor vehicles. That section specifically requires a consideration of air quality effects when designating areas to which the high-altitude standards would apply.

As indicated in the preamble of the redesignation NPRM and reiterated at the associated public hearing on January 12, 1983, the redesignation did not apply to 1984 and later LDVs because these vehicles were subject to the all-altitude requirements of Section 206(f)(1) of the Act.

In developing the regulations to implement Section 206(f)(1), EPA found that certain exemptions were necessary for very low-power vehicles. Such exempted vehicles would only meet standards at low altitude and could not be sold for principal use in high-altitude areas. The Agency interpreted the Act as requiring that, in this instance, high-altitude locations must be designated solely on the basis of altitude, and not on other factors. Therefore, because the revised designation criteria are based not only on altitude, but also on air quality needs EPA concluded that the original list of high-altitude locations should be retained for 1984 and later LDVs.

At the March 22, 1983 public hearing on the proposed all-altitude requirements for 1985 and later LDVs, commenters suggested that EPA's interpretation of Section 206(f)(1) may be overly restrictive. They argued that the redesignation should be adopted for 1984 and later LDVs because the Act does not appear to specifically prohibit the consideration of air quality needs in designating high-altitude locations for these vehicles. Furthermore, they stated that failure to adopt the revised designation criteria would result in a separate list of high-altitude counties for LDVs and LDTs. Such a system, they concluded, would be more costly than necessary and needlessly confusing to consumers and dealerships.

The Agency specifically requests comments on the desirability and the legal rationale for adopting the revised list of designated high-altitude locations for 1984 LDVs, rather than retaining the original list of designated high-altitude locations.

II. Elimination of Special High-Altitude Axles

The 1982–83 high-altitude LDV regulations allow the sale of vehicles equipped with special axle ratios that

[1] Letter and attachment from R. J. Wade, NADA, to R. D. Wilson, U.S. EPA. Available for review in EPA Docket No. A–80–01.

are only certified in compliance with high-altitude standards (45 FR 66984). These axles have higher numerical gear ratios which are designed to counteract the deleterious effects of higher elevations on vehicle performance.[2] Commenters of the March 22, 1983 public hearing stated that the regulations which implement the all-altitude requirement of Section 206(f)(1) of the Act would not allow such special high-altitude axles.

Indeed, under the regulations, vehicles using these higher numerical axle ratios could only be sold if they were certified in compliance with the standards at both low and high altitude. General Motors stated that the need to specifically certify vehicles with such axle ratios at low altitude would be too costly relative to the sales volume at low altitude, and may also adversely affect its corporate Average Fuel Economy (CAFE) rating. for these reasons, GM continued, higher numerical axle ratios, which are currently available for sale at high altitude, would be dropped from its LDV product line beginning in the 1984 model year.

The availability of higher numerical axle ratios does appear important to high-altitude consumers. According to Ford Motor Company when the same basic vehicle was available with two axle ratios, the higher numerical ratio generally accounted for 70 percent of the vehicle sales at high altitude.

Two important points were made at the public hearing regarding the future of these special axle ratios. First, the loss of these special axles in 1984 would adversely affect model availability in high-altitude locations and could be contrary to Congress' desire to protect model availability in these areas. Second, if vehicles with these special axles were somehow allowed at high altitude, such vehicles would still meet emission standards where they were sold (i.e., at high altitude). When these two points are taken together, allowing the continued sale of these vehicles in high-altitude areas does not appear to be at odds with the statute.

Because of this, commenters at the hearing suggested that an exemption be incorporated into the regulations for 1984 and later LDVs to allow special axle ratios to be certified for sale at high altitude only. This exemption would be similar to the provision already present in the regulations which allow the sale of certain vehicle configurations only at low altitude to protect model availability in these areas.

If such a special axle ratio exemption is found to be permissible under the Act, another issue is whether the sale of such vehicles could be allowed for principal use in any area above 4,000 feet, and not just in areas that EPA has designated as high-altitude locations (i.e., any county with 75 percent of its land mass and population above 4,000 feet). It can be argued that the issue of limiting model availability in this instance is strictly altitude dependent and is not limited simply to areas that meet EPA's high-altitude designation criteria, which were adopted for other regulatory purposes.[3] Allowing the sale of vehicles with high-altitude axle ratios for principal use in any area above 4,000 feet; however, would require that a special provision be added to the 1984 and later LDV regulations.

In a related matter, it should be noted that if the revised list of counties for 1983 LDVs is adopted for 1984 and later LDVs, as discussed previously, there will be many more "non-designated" areas above 4,000 feet than if the current list of counties is retained.

The Agency specifically requests additional comments on the legal justification and need for special axle ratio exemptions in high-altitude locations. Comments are also requested on whether it would be inconsistent to allow the sale of both exempted and special axle ration vehicles in non-designated areas above 4,000 feet.

III. General Motors' Request for Exemption

General Motors has brought to EPA's attention a problem concerning the effect of the 1984 all-altitude requirement on a particularly heavy (over 6,000 lbs. gross vehicle weight (GVW)) LDV.[4] General Motors has indicated that, for 1984 only, application of the all-altitude requirement to its Cadillac limousine would be too costly to justify marketing of this vehicle. The limousine is currently equipped with a 6.0-liter modulated displacement engine. General Motors has indicated that as presently designed, the limousine cannot comply with the all-altitude requirement, and that GM believes that it would be impractical to redesign the 6.0-liter engine system for the 1984 model year.

We are inclined to grant GM's request to exclude this vehicle from the 1984 LDV all-altitude requirement. There is no discernible environmental effect which would result from removing this vehicle from the all-altitude requirement, nor would this action have an obvious competitive impact. General Motors has indicated that expected sales of this vehicle are fewer than 1,500 vehicles, and fewer than 50 at high altitude. Moreover, since this vehicle is greater than 6,000 lbs. GVW, we believe it appropriate to remove it from the LDV class. The Clean Air Act specifically envisions that vehicles in excess of 6,000 lbs. GVW can be classified as other than LDVs.[5]

Because GM has idicated that this problem exists only for the 1984 model year, we plan to limit the reclassification of heavy passenger vehicles to only one year. For the one year, we intend to classify passenger vehicles rated over 6,000 lbs. GVW (with equivalent test weights of 5,000 lbs. or more) as other than an LDV; however, apart from the all-altitude requirement, LDV standards would apply.

We invite comment on this action, especially on environmental impact, competitive effect, or model availability.

Dated: April 12, 1983.

Charles L. Elkins,

Acting Assistant Administrator for Air, Noise and Radiation.

[FR Doc. 83-10618 Filed 4-28-83; 8:45 am]

BILLING CODE 6560-50-M

[2] When a vehicle is driven at higher elevations, the air it consumes is less dense due to its lower atmospheric pressure. As air becomes less dense, less oxygen is available in a given volume of air to combine with fuel and produce power. Consequently, vehicle performance at high altitude is degraded.

[3] High-altitude locations were originally designed to provide EPA, state governments, and manufacturers with a reasonable way to enforce the prohibition against selling low-altitude vehicles in high-altitude areas.

[4] Letters from T. M. Fisher, GM, to C. L. Gray, U.S. EPA, dated September 13, 1982, and October 12, 1982. Available in EPA Docket No. A-80-01.

[5] See Section 202(b)(3)(C) of the Clean Air Act

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6375

[W-81075]

Wyoming; Modification of Executive Order of April 15, 1930 and Supplements Thereof

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order will modify the Executive Order of April 15, 1939, and supplements thereof, which withdrew lands for oil shale classification. This modification, affecting 2,542.23 acres, is necessary to permit the filing of a public airport lease application by the town of LaBarge, Wyoming. The lands would

remain closed to surface entry other than airport leases, mining and mineral leasing for minerals other than oil, gas, and sodium.

EFFECTIVE DATE: April 29, 1983.

FOR FURTHER INFORMATION CONTACT: W. Scott Gilmer, Wyoming State Office, 307–772–2089.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order of April 15, 1930, and supplements thereof, which withdrew lands for oil shale classification is hereby modified to permit a public airport lease of the following described lands pursuant to the Act of May 24, 1928 (45 Stat. 728; 49 U.S.C. 211–214), as amended by the Act of August 16, 1941 (55 Stat. 621):

Sixth Principal Meridian, Wyoming

T. 26 N., R. 112 W.,
Secs. 1 through 4, All.

The area described contains approximately 2,542.23 acres in Lincoln County, Wyoming.

Inquiries concerning the lands should be addressed to the Chief, Branch of Land Resources, Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyoming 82001.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

April 20, 1983.

[FR Doc. 83–11493 Filed 4–28–83; 8:45 am]

BILLING CODE 4310–84–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 83

[Docket No. FEMA–FIA–80]

Federal Crime Insurance Program

AGENCY: Federal Insurance Administration (FIA), FEMA.

ACTION: Final rule.

SUMMARY: These revisions to the Federal Crime Insurance Program are proposed to achieve the following: The definitions of "named insured" and "insured premises" under the residential policy are simplified and the term "conveyance of property away from the premises" as used in the commercial policy is defined. Other revisions provide greater clarity to existing provisions and reflect program experience which has indicated the desirability of more precise terminology.

On December 15, 1981, (46 FR 61146) the Federal Insurance Administration, Federal Emergency Management Agency, published for comment in the **Federal Register** a proposed rule containing revisions which are based upon experience gained in administering the Federal Crime Insurance Program and from suggestions received from interested parties to make the Program more effective in serving the needs of those for whom it was intended and benefit the government as well as the insured.

DATE: This rule will be effective May 31, 1983.

FOR FURTHER INFORMATION CONTACT: Robert J. DeHenzel, Federal Emergency Management Agency, Federal Insurance Administration, Donohoe Building, 500 C Street, S.W., Room 433, Washington, D.C. 20472, Telephone Number (202) 287–0800.

SUPPLEMENTARY INFORMATION: The only written comments received were from an insurance industry organization and the Federal Emergency Management Agency's Inspector General in respect to which the comments were duly considered and some dealt with in the final rule promulgated as of June 1, 1982, 47 FR 19350.

These amendments are the result of the experience gained in the eleven years the Federal Crime Insurance Program has been in operation and were not included in the Federal Regulations revisions promulgated June 1, 1982.

Certain terminology in the residential and commercial policies have lacked adequate definitions and these proposed regulations bring clarity to the policy provisions. These regulations enable insureds to determine whether they are conveying property which can be covered under the insuring agreement of robbery "away from the premises" by defining when conveyance ceases.

The definition of "premises" in the residential policy has lacked clarity and these regulations make it clear that damage to the exterior of buildings such as houses or garages is required to establish burglary.

FEMA had determined in the Notice of Proposed Rulemaking that an Environmental Impact Statement is not needed for this Final Rule. A copy of the Finding of No Significant Impact and An Environmental Assessment is available at the above address.

It has also been determined that this regulation will not have a significant impact on a substantial number of small businesses and that a Final Regulatory Flexibility Analysis is not needed.

List of Subjects in 44 CFR Part 83

Crime insurance.

PART 83—COVERAGE, RATES, AND PRESCRIBED POLICY FORM

Accordingly 44 CFR Part 83 is amended as follows:

§ 83.5 [Amended]

(1) Section 83.5(a) is amended by revising portions of the "Residential Crime Insurance Policy" in the following respects:

a. Insuring Agreement II, entitled "Damage" is revised as follows:

II. *Damage.* To pay for damage to the premises and to the insured property by burglary or robbery, including observed theft, or attempt threat, and for damage to the interior of that portion of any building occupied by the named insured's household at the premises and to the insured property therein or away from the premises by vandalism or malicious mischief which occurs during a burglary or robbery, provided that with respect to damage to the building an insured is the owner thereof or is liable for repairing such damage.

With respect to loss occurring at any part of the premises not occupied exclusively by the named insured's household, this Insuring Agreement applies only to property owned or used by an insured.

b. Insuring Agreement VI, entitled "Policy Period, Territory", is revised to read as follows:

VI. *Policy Period, Territory.* This policy applies only to loss which occurs during the policy period within a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the territories and possessions of the United States and the Trust Territory of the Pacific Islands as defined in 12 U.S.C. 1749bbb–2 and set forth in 44 CFR 55.1.

c. Subparagraphs entitled "Definitions—(a) Named Insured" and (b) "Premises" under the heading entitled "Conditions" is revised to read as follows:

1. *Definitions*—(a) *Named Insured.* "Named Insured" means the insured named in the application. "Insured" means the named insured and any person while a permanent member of the insured's household, other than a residence employee;

(b) *Premises.* "Premises" of paragraph 1 means the premises designated in the application and includes garages and other outbuildings incidental thereto.

d. Paragraph 11 entitled "Cancellation" of the section entitled "Conditions" is amended by inserting two additional sentences after the third sentence of that paragraph as follows:

"The premium due notice for installment or renewal premiums is issued to notify the insured that the policy will be cancelled or will expire, as appropriate, unless the insured pays the premium in sufficient time for it to be received by the insurer, or postmarked by the United States Postal Service, on or before

the due date. The mailing of any premium due notice, cancellation notice, or any other notice required by the policy, to the mailing address shown on the application or policy shall be conclusive evidence of notice to the insured."

§ 83.26 [Amended]

(2) Section 83.26(b), is amended by revising portions of the "Commercial Crime Insurance Policy" in the following respects:

a. The paragraph entitled "Insuring Agreements" is revised to read as follows:

Option 1 includes insurance coverage under all of the individually numbered Insuring Agreements listed under the headings Option 2 and Option 3, thus constituting a combination of equal amounts of robbery and burglary insurance coverage.

Option 2 includes insurance coverage only under the individually numbered insuring Agreements I, II, III and IV listed below:

I. Robbery, Including Observed Theft Inside the Premises.

To pay for loss by robbery or observed theft of money, securities, merchandise, furniture, fixtures, and equipment within the named Premises.

II. Robbery, Including Observed Theft Outside of the premises.

To pay for loss by robbery or observed theft of money, securities, and merchandise, including the wallet or bag containing such property while such property is in conveyance by the insured or his messenger outside the named premises, but no payment shall be made for any loss in excess of $5000 except when the insured or his messenger is accompanied by a guard armed with a firearm. The person carrying the insured property and the armed guard cannot be the same person.

This Insuring Agreement includes theft from a night depository but only if a deposit of money has been made at a night depository of a banking institution by a bonded armored car messenger service.

III. Damage. To pay for damage to the named premises and to money, securities, merchandise, furniture, fixtures and equipment within the named premises, by robbery or attempt thereat, provided the insured is the owner thereof or is liable for such damage.

IV. Policy Period, Territory. To pay for losses under Insuring Agreements I, II and III only when occurring during the policy period within a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands and such other territories or possessions of the United States including the Trust Territory of the Pacific Islands as defined in 12 U.S.C. 1749bbb–2 and set forth in 44 CFR 55.1.

Option 3 includer insurance coverage only under the individually numbered Insuring Agreements V, VI, VII and VIII listed below.

V. Burglary, Robbery of a Watchman. To pay for loss by burglary or by robbery of a watchman, while the named premises are not open for business, of merchandise, furniture, fixtures and equipment within the named premises provided that this Insuring Agreement does not extend to the loss of money or securities or to cash value in excess of $50 for any item of jewelry unless such property is forcibly extracted from a locked safe as provided under Insuring Agreement VI entitled "Safe Burglary" which follows.

VI. Safe Burglary. To pay for loss by safe burglary of money, securities and merchandise within the named premises while the premises are not open for business, but no payment shall be made for a loss in excess of $5000 except with respect to loss by safe burglary of a safe rated for burglary resistance as Class E or better weighing at least seven hundred and fifty pounds or securely anchored to the floor.

VII. Damage. To pay for damage to the named premises and to money, securities, merchandise, furniture, fixtures and equipment within the named premises by burglary, robbery of a watchman, safe burglary or attempt thereat provided the insured is the owner thereof or is liable for such damage.

VIII. Policy Period, Territory. To pay for losses under Insuring Agreements V, VI, and VII only when occurring during the policy period within a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands and such other territories or possessions of the United States, including the Trust Territory of the Pacific Islands as defined in 12 U.S.C. 1749bbb–2 and set forth in 44 CFR 55.1.

Option 4 shall include insurance coverage under all of the individually numbered Insuring Agreements listed under the headings Option 2 and 3 but constituting a combination of unequal amounts of robbery and burglary insurance coverages.

b. The paragraph (a) under the heading entitled "Exclusions" is revised to read as follows:

(a) To loss due to embezzlement or to any fraudulent, dishonest or criminal act by any insured, a partner therein, or an officer, employee, director, trustee or authorized repesentative thereof while working or otherwise and whether acting alone or in collusion with others; provided that this exclusion does not apply to robbery or safe burglary by other than an insured, an officer or a partner thereof.

c. The heading entitled "Exclusions" is amended to add the following paragraphs (g), (h), (i), (j) and (k).

(g) To loss of personal property of: (1) The insured, an officer or partner thereof, (2) a permanent member of the household of an insured, (3) an employee of an insured; provided that this exclusion does not apply if such personal property is used in furtherance of the conduct of the insured's business.

(h) To loss of any vehicle having four or more wheels designed to be operated on any highway and for which a motor vehicle registration is required for such use.

(i) To loss from burglary or safe burglary at any embassy or consulate of any government other than that of the United States.

(j) To loss from burglary or safe burglary at any named premises which is vacant for a period of more than 60 days.

(k) To loss of property of a business (other than the insured's business) that jointly occupies the named premises with the insured but whose business area is not separated from the insured's business area by a physical barrier. In such an instance the insured shall not be deemed liable to any persons for the property of the other business or businesses despite the location of such property in the same premises named by insured in his or its location.

d. Subparagraph (e) of Paragraph 1 under the heading "Conditions" is revised to read as follows:

(e) *Messenger.* "Messenger" means the insured, a partner therein, an officer thereof, or any employee thereof who is in the regular service of and duly authorized by the insured to have the care and custody of the insured property outside the premises. In addition "messenger" includes a bonded professional guard and an employee of a bonded armored car service.

e. Under the heading "Conditions", paragraph 1 is amended by redesignating paragraphs (f), (g), (h), (i), (j), (k), and (l) and as paragraphs (g), (h), (j), (i), (k), (l), and (m), and by adding a new paragraph (f) to read as follows:

(f) In Conveyance. Money, securities or merchandise is in conveyance while being transported by the insured or his messenger. If the transportation is interrupted for any purpose which is not incidental to or in furtherance of the transportation of the money or property to its destination, the conveyance ceases. Any merchandise offered for sale by the insured or messenger at a location other than the premises named in the policy is not in conveyance. However, the sale of an item merchandise or the performance of a service, other than check cashing, related to the insured's business outside the premises which causes the insured or messenger to collect money from a customer is deemed incidental to and in furtherance of the transportation of money to its destination and the money thus collected and any other money is and remains in conveyance.

Conveyance is interrupted and coverge ceases when (1) the money, securities or merchandise is delivered into and possession relinquished at any premises other than the premises named in the policy, or (2) the money is deposited in a bank, or (3) when an insured or a messenger collecting money, securities or merchandise previously accumulated for his pickup, from more than one location remains with such property in any location for any time longer than reasonably necessary for him to take custody of such property, or (4) when an insured or a messenger transporting money, securities or merchandise willfully and knowingly undertakes any activity that increases the likelihood of his being exposed to robbery or reduces his ability to carry out his responsibility for the custody of the money or property.

f. Under the heading "Conditions", Paragraph (l), subparagraph (m) as

redesignated is revised to read as follows:

(m) Safe. A safe is a non-portable money storage compartment not on wheels, which is reinforced with a minimum of ¼ inch solid steel plate throughout, with the exception of the door which must be at least one inch thick, solid steel plate and equipped with a combination lock which is an integral part of the door.

A Class E Safe means a steel safe having walls at least 1 inch thick and doors at least 1 and ½ inches thick, or a vault of steel at least ½ inch thick or of reinforced concrete or stone at least 9 inches thick or of non-reinforced concrete or stone at least 9 inches thick or of non-reinforced concrete or stone at least 12 inches thick, with steel doors at least 1 and ½ inches thick.

g. Paragraph 1 under the heading "Conditions" is revised to add a new subparagraph (n) as follows:

(n) Merchandise includes customer's property held for repair or other such work.

(Title XII of the Housing and Urban Development Act of 1969 (Pub. L. 90-488, 88 Stat. 476); Reorganization Plan No. 3 of 1978 (43 FR 41943) and E.O. 12127, dated March 31, 1979 (44 FR 19367) and Delegation of Authority to Federal Insurance Administrator (44 FR 20963))

Issue date: April 20, 1983.

Jeffrey S. Bragg,

Administrator, Federal Insurance Administration.

[FR Doc. 83-11341 Filed 4-28-83; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 31

[CC Docket No. 82-680; RM-4076; FCC 83-138]

Amendment of Annual Report Form M; Telephone Company Reporting Burdens

AGENCY: Federal Communications Commission.

ACTION: Final rule (Report and Order).

SUMMARY: The Commission has adopted a Report and Order which amends six schedules and eliminates four schedules of Annual Report Form M. This action reduces telephone company reporting burdens by recognizing the effects of inflation, changes in industry and change in the Commission's data needs. This action will reduce carrier filings made each year by approximately 10%.

EFFECTIVE DATE: May 27, 1983.

FOR FURTHER INFORMATION CONTACT: Gerald P. Vaughan, Chief Accounting and Audits Division, Common Carrier Bureau 634-1861.

List of Subjects in 47 CFR Part 31

Communications common carriers, Telephone, Uniform system of accounts.

Report and Order

In the Matter of: Amendment of Annual Report Form M; CC Docket No. 82-680, RM-4076.

Adopted: April 7, 1983.

Released: April 28, 1983.

By the Commission: Commissioner Fogarty absent.

I. Introduction

1. On October 4, 1982, the Commission released a Notice of Proposed Rulemaking (NPRM), (October 12, 1982; 47 FR 44762), which proposed to revise or eliminate ten schedules of Annual Report Form M to reduce telephone carrier reporting burdens. This NPRM was based on a petition filed by American Telephone and Telegraph Company (AT&T). In its petition, AT&T stated that inflation, changes in the telephone industry, and other related events have caused certain reporting requirements to become burdensome or impractical and have required submission of some insignificant data.

2. In the NPRM we proposed to revise one schedule to make its revenue categories consistent with current tariff structure and subaccounts. We proposed to raise reporting limits on five schedules so that carriers would report less detailed data. We also proposed to raise the reporting limits of another schedule, but we also solicited comments on whether that schedule should be eliminated as an alternative to raising its limits. Finally, we proposed to eliminate three other schedules.

3. Based on the comments and reply comments received in this proceeding, we have decided to adopt all of our proposals including the alternative of eliminating one schedule instead of raising its reporting limits. Accordingly, this order revises one schedule, raises the reporting limits of five schedules, and eliminates four schedules.

II. Background

4. Form M is an annual report required to be filed by subject telephone carriers having annual operating revenues in excess of $1 million. This report is filed in accordance with § 43.21 of Part 43 and § 1.785 of Part I of our Rules and provides information on the stock and stockholders; officers and directors; funded debt; property, franchises, and equipment; employees and their salaries; and financial operations of the reporting companies.

5. This rulemaking proceeding was initiated primarily to respond to the problems raised in AT&T's petition. A more comprehensive review of Annual Report Form M will be made in Docket No. 78-196 (in which a new Uniform System of Accounts is being developed) to assure that the information collected continues to be needed for regulatory purposes, does not duplicate information available from other governmental sources, and is obtained with the least possible burden on the carriers.[1]

III. Proposed Revisions

6. Schedule 34, Operating Revenues, requires the reporting of operating revenues for the primary revenue accounts prescribed in Part 31, Uniform System of Accounts for Class A and Class B Telephone Companies (USOA), and requires additional details for various subaccounts and tariff categories. We proposed no change in the primary accounts, but we did propose revisions in the subaccounts and tariff categories to make them consistent with current tariff structures and subaccounts. This included eliminating categories that were not offered or offered only to a limited extent and renaming other categories to make them more descriptive of the services currently being offered.

7. Schedule 39, Special Expenses Attributable to Formal Regulatory Cases, requires reporting of expenses totaling $500 or more which are attributable to formal regulatory cases before Federal, State and other regulatory commissions and to court cases in which a commission is a party. We proposed to raise the reporting limit from $500 to $10,000.

8. Schedule 43, Donations or Payments For Services Rendered By Persons Other Than Employees, requires reporting payments of $10,000 or more made to each recipient (not an employee) for certain services rendered, or made as donations. The Commission proposed to raise this reporting limit from $10,000 to $25,000.

9. Schedule 12C, Analysis Of Entries In Property Held For Future Telephone Use, requires listing separately each accounting entry of $10,000 or more in account 100.3, "Property held for future telephone use." The Commission proposed to raise the reporting limit to $50,000 to reduce the companies' burdens in reporting these data.

10. Schedule 13A, Analysis of Telephone Plant Acquired (Account 276), requires reporting separately the amont of each acquisition of telephone

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[1] *Second Supplemental Notice of Proposed Rulemaking and Order*, Docket No. 78-196, 88 FCC 2d 83 (1981).

plant included in account 276 at any time during the year, except minor acquisitions which had a purchase price each of less than $5,000. The Commission proposed raising this limit from $5,000 to $50,000 which would reduce the companies' reporting burdens without any significant effect on the amount of dollars reported.

11. Schedule 16, Miscellaneous Physical Property (Accounts 103 and 315), requires the separate reporting of data with respect to miscellaneous physical property at each location representing a book cost of $10,000 or more. We proposed to raise the reporting limit from $10,000 to $50,000 which would reduce the companies reporting burdens without any significant effect on the amount of dollars reported.

12. We also proposed, in line with AT&T's petition, to raise the reporting limits in Schedule 70B, Compensation of Officers, Directors, Etc., from $40,000 and $20,000, depending on the carriers' annual operating revenues, to a single reporting limit of $75,500 for all carriers. This proposal would permit carriers to report the aggregate of such payment within six compensation groupings. The Commission also solicited, on its own initiative, comments on whether this schedule should be eliminated as an alternative to the changes proposed.

13. We also proposed to eliminate Schedule 70C, Wages and Hours, as opposed to AT&T's petition to amend the reporting requirements concerning the number of employees in classifications according to hourly rates of pay.

14. Finally, we proposed to delete Schedule 60C, Analysis of Pension and Benefit Funds, and Schedule 60D, Investment of Pension and Benefit Funds. Schedule 60C provides an analysis of pension and benefit funds by requiring the reporting of increases and decreases made to the fund over the year. Schedule 60D requires the reporting of the description of pension and benefit fund investments to include the face amount, cost, book value, estimated market value and yield.

IV. Summary of Comments

15. The NPRM permitted all interested parties to file comments on the specific proposals on or before November 8, 1982, and reply comments on or before November 23, 1982. Comments were filed by AT&T; GTE Service Corporation (GTE); U.S. Department of Labor (Labor); U.S. Department of Commerce (Commerce); Stephen Aug, as an individual; Arkansas Public Service Commission (Arkansas); North American Telephone Association (NATA); MCI Telecommunications Corporation (MCI); United States Independent Telephone Association (USITA); United Telephone System, Inc., (UTS); Public Utilities Commission of California (California); and the Colorado Public Utilities Commission (Colorado). Reply comments were filed by AT&T, NATA, Labor, and MCI.[1]

16. The comments basically favor the proposals. However, several respondents suggest specific modifications to various areas. A brief summary of all comments as they relate to our proposals is set forth below.

Schedule 34, Operating Revenues

17. AT&T, GTE, Colorado, and Arkansas favor our proposal to revise the subaccounts and tariff categories to make them consistent with current tariff structures and subaccounts.

18. Commerce requests that we obtain more information than our proposal would require for account 510, "Message tolls," and account 512, "Toll private line services." For account 510 Commerce requests that separate revenue data be collected for telephone (voice) and data services, and for account 512 it requests that wideband transmission service be reported as a separate service. Commerce states that the Interindustry Economics Division of its Bureau of Economic Analysis uses Form M data in the construction of input-output accounts of the U.S. economy and that it would be able to more accurately identify and quantify the users of these services with revenues identified as it suggests. In its reply comments AT&T objects to Commerce's requests. AT&T states that customers use voice and data services interchangeably which makes their separation impractical. AT&T also claims that wideband transmission service should not be collected separately because Telpak wideband transmission service, which is the most significant toll private line service, is no longer being offered on an interstate tariff basis.

19. UTS objects to reporting private line information at the proposed level of detail. UTS calculates that private line revenues represent less than four percent of its total operating revenues. UTS recommends that the Commission restrict the reporting requirements to only those subcategories within Local Service, Toll Service, Miscellaneous, and Uncollectable Revenues, and that detailed information from subsidiary records be provided to the Commission on an exception basis when requested.

[1] Labor's reply comments were filed after the due date but are being considered in this proceeding.

20. California, while in agreement with the philosophy of revising the reporting categories, asks if this Commission has considered whether the smaller independent telephone companies have the capability of gathering and reporting the proposed information and whether the cost of smaller companies' compliance with the proposal would exceed the benefits to be received.

Schedule 39, Special Expenses Attributable to Formal Regulatory Cases

21. AT&T, GTE, Commerce, and Colorado favor the proposed raising of the reporting limit for regulatory cases from the present $500 to $10,000. Three parties oppose the proposed change.

22. Mr. Aug strongly opposes any increase in this reporting limit. He believes increasing this limit would cause a loss of valuable information on the cost of regulation. Mr. Aug suggests that the costs of all regulatory cases below the reporting limit be aggregated and reported as a single figure.

23. MCI states that raising this limit to $10,000 is not in the public interest. MCI believes that such an increase in this limit would allow a company to disaggregate costs into different cases so that they might avoid reporting such expenses for formal regulatory purposes. MCI recommends raising the limit to only $5,000.

24. UTS states that carriers would benefit more if the reporting requirement is raised to $25,000 and if this schedule is restricted to expenses associated with only full rate case filings in order to exclude the cost of such items as requests for depreciation rate increases.

25. In its reply comments, AT&T states that an analysis of 1980 statistics shows that, while 53% of the cases are under $10,000, they represent only 3% of the total dollars reported. AT&T claims, therefore, that raising the limit to $10,000 would significantly reduce the reporting burden while continuing to provide the Commission with useful information.

Schedule 43, Donations or Payments for Services Rendered by Persons Other Than Employees

26. AT&T, GTE, Commerce, and UTS favor our proposal to increase the reporting limits for donations or payments for services rendered by persons other than employees from the current $10,000 to $25,000.

27. Mr. Aug favors lowering the reporting limit to $500 to keep a bank of information about potential or actual conflicts of interest. AT&T's reply comments state that Mr. Aug does not

offer any evidence of such conflict of interest and that the continued collection of these data does not contribute to a significant regulatory purpose.

28. MCI contends that the current limit of $10,000 is a significant amount of money for an individual to receive from a company on a consulting basis. It states that MCI, this Commission, and the public have a right to know whose consulting services a telephone company is buying. It also believes that the FCC and other regulatory commissions which might use consultants would want to know the extent such consultants have worked for a particular carrier because it might influence the consultants' judgement. AT&T's reply comments state that MCI's suggestion that professional consultants' judgement can be influenced through a change in the level of reporting on this schedule is without merit. AT&T contends that the practical method of obtaining this information is directly from the consultant since not every carrier is required to file a Form M. AT&T also notes that even if such information is not collected or reported in the Form M, it would still be generally available to regulatory commissions when specifically requested.

29. Colorado objects to the proposal on the basis that it would be precluded from determining in state proceedings if such payments provide a direct benefit to the ratepayers. AT&T, in its reply comments, states that these data will continue to be available for a particular state's ratemaking purposes as required.

Schedule 12C, Analysis of Entries in Property Held for Future Telephone Use (Account 100.3)

30. Our proposal to increase the reporting limit, which requires listing separately on this schedule each entry in account 100.3, "Property held for future use," from $10,000 to $50,000 is favored by all respondents who address this issue. These respondents are AT&T, GTE, Commerce, USITA, UTS, and Colorado.

Schedule 13A, Analysis of Telephone Plant Acquired (Account 276)

31. Our proposal to increase the reporting limit for Schedule 13A from $5,000 to $50,000 is favored by all respondents who address this issue. These respondents are AT&T, GTE, Commerce, USITA, UTS, and Colorado.

Schedule 16, Miscellaneous Physical Property (Accounts 103 and 315)

32. AT&T, GTE, Commerce, Arkansas, USITA, and Colorado favor the increase in the reporting limit requiring the separate reporting of data with respect to miscellaneous physical property at each location from $10,000 to $50,000.

33. Two respondents suggest modifications to our proposal. NATA requests that there be no change to this reporting requirement. NATA cites Docket 82-681 [3] in which the Commission proposes the use of account 103, "Miscellaneous physical property," as an interim accounting procedure pending development of final accounting guidelines for recording new CPE provided under leases. NATA believes that some information and detail relating to this new leased CPE would be eliminated from this schedule. Additionally, NATA claims that it is unclear as to whether the proposed $50,000 limit referred to the book value per item of miscellaneous property or per category of assets.

34. UTS also expresses concern about the lease accounting proposed in Docket 82-681. UTS states that the $50,000 would necessitate reporting beyond the intent of Schedule 16 and recommends that the Commission allow carriers to capture unregulated lease activity in another investment account besides account 103. With this change, UTS would favor the $50,000 proposed reporting limit.

Schedule 70B, Compensation of Officers, Directors, Etc.

35. AT&T, GTE, Commerce, USITA, and UTS favor the elimination of this schedule, which is the alternative proposal, rather than raising the salary limits as AT&T had petitioned.

36. Only one party, Colorado, objects to the elimination of this schedule. Colorado also objects to raising the limit for this schedule to $75,500. Colorado states that a limit of $75,500 would reduce its ability to monitor expenses. It recommends a reporting limit of $50,000. AT&T's reply comments state that these data will continue to be available for a particular state's ratemaking purposes as required.

Schedule 70C, Wages and Hours

37. AT&T, GTE, Arkansas, Commerce, USITA, UTS, and Colorado favor the elimination of this schedule which requires the reporting of the numbers of employees in classifications according to hourly rates of pay.

38. Labor objects to the elimination of this schedule. It states that Schedule 70C information has been used since 1946 to record and study occupational wage rates in the industry and is used by many services and agencies. AT&T states in its reply comments that wage and employment information similar to that reported on this schedule is provided directly to Labor.

Schedule 60C, Analysis of Pension and Benefit Funds; and Schedule 60D, Investment of Pension and Benefit Funds

39. AT&T, GTE, Commerce, Arkansas, UTS, and Colorado favor the Commission's proposal to eliminate these schedules which require the reporting of an analysis of pension and benefit funds and a description of pension and benefit fund investments.

40. California requests that these schedules not be eliminated because, upon divestiture, each individual Bell Operating Company will have to set up its own pension and benefit funds. AT&T states in its reply comments that even if Pacific Telephone and Telegraph (i.e., California area) has its own individual pension and benefit fund after divestiture, a possibility which AT&T considers unlikely, California could be furnished the Shareowners' Annual Report which includes pension and benefit fund data, or some other suitable form such as IRS Form 5500.

Other Comments

41. GTE, while agreeing with the proposed changes of the NPRM, suggests revision of eleven other Form M schedules.[4]

V. Discussion

42. Most of the comments favor the proposed revisions. In some cases, a number of the respondents suggest lower reporting limits and more detailed reporting while others want higher reporting limits and less detailed reporting. After reviewing these comments in relation to our proposal, we have decided to revise Form M as proposed. Further analysis of the comments as they relate to our proposal is set forth in the following paragraphs.

Schedule 34, Operating Revenues

43. We proposed to revise Schedule 34 to make the revenue categories more identifiable with modern tariff structures and subaccounts. AT&T, GTE,

[3] *Modifications Required by Detariffing of Customer Premises Equipment*, CC Docket 82-681, FCC 82-426 (released October 1, 1982).

[4] Schedule 50, Outside Plant Statistics; Schedule 51, Statistics Relating to Central Office; Schedule 52, Telephones in Service; Schedule 53, Telephone Calls; Schedule 54, Telegraph Stations, Data Stations and Data Access Arrangements; Schedule 58A, Stations Left in Place; Schedule 58B, Station Apparatus in Stock; Schedule 56, Interstate Private Line Statistics; Schedule 60B, Pension Paid; Schedule 70A, Total Compensation of Employees By Month; and Schedule 71, Accidents to Employees.

Arkansas, USITA, and Colorado agree with this proposal.

44. Commerce requests that telephone (voice) and data services be collected separately under account 510, "Message tolls" and that wideband transmission service be collected as a separate service under account 512, "Toll private line services." AT&T, on the other hand, claims that the separation of voice and data services is impractical because customers use them interchangeably and that the collection of wideband transmission service separately is unnecessary because the major wideband transmission service, Telpak, is not offered on an interstate tariff basis.

45. We have carefully considered Commerce's request for additional data and have decided that they should not be adopted. Based on AT&T's reply comments we are convinced that the additional reporting would be burdensome to the carriers. Moreover, we are not persuaded that this additional burden is warranted by Commerce's stated need to more accurately identify and quantify users of the services.

46. UTS wants less information reported for account 504, "Local private line services," and account 512, "Toll private line services." It argues that, since local and toll private line revenues represent a minimum portion of its total operating revenues, these revenues should not be reported in the detail proposed. We agree that the revenues of private line services are a low percentage of the overall revenues reported in this schedule. However, the revenue dollars for these services are substantial and could increase with recent regulatory changes which increase competitive activities. We will, therefore, retain the detailed reporting for local and toll private line revenues as proposed for this schedule.

47. California asks whether this Commission has considered the capability of the smaller independent companies to report the proposed information, and also asks whether the costs of reporting the information would exceed its benefits. We do not believe that the proposed modification of this schedule would impose excessive costs on the smaller companies. A smaller independent company would normally concur in the tariffs filed by an issuing carrier. Therefore, its revenue categories would be the same or very similar to the categories of the larger carrier. Furthermore, the NPRM provided an opportunity for all interested parties to comment on the proposal. The only carrier to request less reporting on this schedule was UTS. Its comments, which request less detail in the private line area, as discussed above, address the immateriality of the information rather than the burden of reporting it. Therefore, we believe smaller independent telephone companies will be able to comply with the proposed reporting without difficulty. (See Attachment A).

Schedule 39, Special Expenses Attributable to Formal Regulatory Cases

48. We proposed to increase the limit for reporting regulatory cases from $500 to $10,000. Comments by AT&T, GTE, Commerce, Arkansas, USITA, and Colorado agree with our proposal.

49. Three parties offer alternative reporting limits. Mr. Aug recommends that the limit remain at the current $500 level. MCI suggests increasing the limit but only to $5,000. UTS, on the other hand, proposes an increase in the reporting limit to $25,000.

50. Mr. Aug believes that an increase in this reporting limit would eliminate valuable information regarding the cost of regulation. However, AT&T points out in its reply comments, raising the limit to $10,000 would eliminate only 3% of the reported dollars but would eliminate over half of the reporting burden. Mr. Aug has not shown what regulatory need would be served by collecting data for the 3% of the dollars that are below the $10,000 limit. Therefore, we have decided not to retain the $500 reporting limit.

51. MCI recommends a $5,000 reporting limit because it believes that the proposed $10,000 limit would allow carriers to avoid reporting costs in the Form M by fragmenting matters into different cases. We do not believe that a company would disrupt its data collection process to avoid the reporting of insignificant amounts, and we do not believe a $5,000 limit would provide sufficient relief from the burden of reporting relatively insignificant data. Therefore, we are not adopting MCI's suggestion.

52. UTS recommends that the minimum reporting requirement be raised to $25,000 and that the schedule be restricted to expenses associated with only full rate cases which would eliminate the need to report expenses applicable to such items as requests for depreciation rate increases. We have decided not to adopt UTS's recommendation because it would eliminate a large percentage of the reported data and the report would not be sufficient for our regulatory purposes.

53. We find that a $10,000 reporting limit provides the advantage of reducing the carriers' reporting requirements while providing this Commission with sufficient regulatory information. We, therefore, are revising the reporting limit for Schedule 39 to $10,000 as proposed.

Schedule 43, Donations or Payments for Services Rendered by Persons Other Than Employees

54. We proposed to raise the reporting limit for donations or payments for services rendered by persons other than employees from $10,000 to $25,000. Comments by AT&T, GTE, Commerce, Arkansas, USITA, and UTS agree with our proposal.

55. Three respondents recommend alternatives. Mr. Aug suggests a reduction in the reporting limit to $500, while MCI and Colorado suggest that the current reporting limit of $10,000 be retained.

56. Mr. Aug's primary concern with raising the reporting limit was that a vast bank of information about potential or actual conflicts of interest would be eliminated. He believes that kind of information available to the Commission and the public should be increased by lowering the reporting limit. We believe, however, that this reporting limit which was set over 9 years ago should be increased rather than reduced if for no other reason than to recognize inflationary trends. Mr. Aug's recommendation to lower the current limit to $500 would create additional reporting costs and burdens for the carriers to provide information for which we have found no regulatory need. Therefore, we have decided not to adopt Mr. Aug's recommendation to lower this reporting limit.

57. MCI believes that the increase in this limit would deprive regulatory commissions and the public of information which MCI believes necessary to evaluate the affiliations of consultants when hiring them or interpreting their public statements. We do not feel that this schedule is the only available source of information on the affiliations of consultants. AT&T states that regulatory commissions have access to such information when specifically requested from the carriers and that reporting in the Form M is not necessary. Additionally, the individual consultants could surely provide the data. Moreover, we do not feel that more precise amounts for any one consultant is of main importance or that a reduction in information reported on this schedule will have an influence on the judgment of a professional consultant. We believe that an increase in a reporting limit of $10,000, which was set in 1973, to $25,000 is reasonable.

58. Colorado feels that the increase in the reporting limit will not allow it to perform its function of determining whether donations or payments are justified for regulatory purposes. AT&T, in its reply comments, assures Colorado that this increase would not preclude Colorado from obtaining these data when required for state regulatory purposes. We believe that Colorado should be able to obtain any additional information it needs beyond that reported in Form M directly from the carriers. Therefore, we are not persuaded by Colorado's arguments that we should retain the current reporting limit for this schedule.

59. We do not believe that the respondents provide adequate reasons to retain the $10,000 limit, or to reduce it. We find that the reporting limit should be revised to reflect the inflationary trends over the past years and to reduce the reporting burden of the carriers. We, therefore, are revising the reporting limit for Schedule 43 to $25,000 as proposed.

Schedule 12C, Analysis of Entries in Property Held for Future Telephone Use and Schedule 13A, Analysis of Telephone Plant Acquired

60. We proposed to raise the reporting limits for Schedule 12C and Schedule 13A from $10,000 and $5,000, respectively, to a limit of $50,000 on each schedule. Comments by AT&T, GTE, Commerce, Arkansas, USITA, UTS, and Colorado agree with this proposal. Accordingly, for reasons given in the Notice, we are revising the reporting limit of these schedules to the proposed limit of $50,000.

Schedule 16, Miscellaneous Physical Property

61. We proposed to raise the reporting limit for the book cost of each item of miscellaneous physical property from the current $10,000 level to $50,000. AT&T, GTE, Commerce, Arkansas, USITA, and Colorado favor the proposal. NATA and UTS do not agree with our proposal.

62. NATA and UTS raise questions concerning the relationship of this proposed reporting and our recent NPRM in Docket 82-681, *supra*. In Docket 82-681 we proposed to record unregulated leased assets in account 103, "Miscellaneous physical property," and revenues from those leases in account 315, "Income from miscellaneous physical property", on an interim basis. NATA believes that, since these accounts will be the subject of some very important proceedings in the years to come, an increase in the reporting limit would eliminate pertinent information from the Form M. UTS is concerned that the additional requirements created by Docket 82-681 would necessitate reporting beyond the intent of Schedule 16.

63. The concerns of NATA and UTS with the accumulation of information relating to unregulated leases in Schedule 16 are beyond the scope of this docket. Our proposals are directed toward reducing the carriers' reporting burden while obtaining sufficient information for regulatory purposes. We will address the appropriate reporting for unregulated leases in Docket 82-681. We will therefore revise the reporting limit for Schedule 16 to $50,000.

Schedule 70B, Compensation of Officers, Directors, Etc.

64. Our NPRM proposed that the reporting limits for reporting compensation of persons other than officers and directors be raised to $75,500. As a separate alternative to that proposal, we also solicited comments on whether this schedule should be eliminated entirely. AT&T, GTE, Commerce, USITA, and UTS favor the elimination of this schedule.

65. Colorado is the only party to object to our proposals. Colorado not only objects to the proposal to eliminate the schedule, but also opposes any increase in the reporting limit beyond a $50,000 level. Colorado believes that the $75,500 reporting limit would restrict its ability to monitor expenses which may have a direct effect on the ratepayers. AT&T states, in its reply comments, that this information will be available, as required, for a particular state's ratemaking purposes, while not burdening carriers which operate in other states. We believe that state commissions, such as Colorado, will not be foreclosed from obtaining this information relevant to state ratemaking. Therefore, we conclude that the elimination of this schedule and its reporting requirements would not interfere with this Commission's regulatory obligations nor place the states' regulatory functions at a disadvantage. Accordingly, we are eliminating this schedule in its entirety.

Schedule 70C, Wages and Hours

66. Our NPRM proposed to eliminate this schedule in its entirety. AT&T, GTE, Commerce, Arkansas, USITA, UTS, and Colorado agree with our proposal.

67. The only party to disagree with our proposal to eliminate this schedule is Labor. Labor states that it has used these data in its industry wage survey program, which is used by many services and agencies, since 1946. Labor indicates that it depends on the information because it is not available elsewhere in the Federal Government. AT&T states, however, that it provides wage and employment data similar to data reported on Schedule 70C directly to Labor. Labor did not provide any reply comments which would show that the information provided by AT&T would not satisfy its requirements. We do not believe that we should collect information, though useful in the past, which is not needed by this Commission for its regulatory purposes, especially when the information can be obtained directly from the telephone industry by the party who uses it. Therefore, we will eliminate this schedule as proposed.

Schedule 60C, Analysis of Pension and Benefit Funds; and, Schedule 60D, Investment of Pension and Benefit Funds

68. AT&T, GTE, Commerce, Arkansas, UTS, and Colorado agree with our proposal to eliminate these schedules.

69. California is the only party to recommend that the schedules be retained. California believes that, since each Bell operating company will establish its own pension and benefit fund once the companies are divested from AT&T, the information should continue to be required on Form M. However, this Commission does not believe that this information is needed for our regulatory purposes. We therefore wish to relieve the carriers from this reporting burden. California claims that, if this information is not available in the Form M, it would have difficulty in obtaining it elsewhere. AT&T, in its reply comments, assures California that the pension and benefit information could readily be obtained from Pacific Telephone and Telegraph Company. We do not believe that all carriers should be burdened with reporting information that is not more widely utilized. This is especially true when the information can be obtained directly from the individual carriers. Therefore, we are eliminating this schedule in its entirety as proposed.

Other Comments

70. As indicated in paragraph 41, GTE requests elimination of eleven schedules which were not included in this NPRM. Since these schedules were not included in the NPRM, they are outside the purview of this proceeding. Therefore, we are not considering them at this time. We will consider them at some future date as we continue the process of revising and updating our reporting requirements.

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VI. Regulatory Flexibility Act

71. In compliance with the provisions of Section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), we certify that these reporting changes can be readily implemented by all carriers filing Annual Report Forms M without significant economic impact, and, in fact, will ease the reporting requirements of these carriers, both large and small. The rationale for the proposed changes is outlined in the above discussion.

VII. Ordering Clauses

72. Accordingly, *it is ordered*, That Annual Report Form M shall be amended as discussed above effective May 27, 1983.

73. *It is ordered*, That the Table of Contents and the Indices for Form M will be amended accordingly.

74. *It is further ordered*, pursuant to Section 220(i) of the Communications Act, 47 U.S.C. 220(i), That the Secretary shall cause a copy of this Notice to be served on each state commission.

75. *It is further ordered*, That this proceeding *is terminated*.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 83-11512 Filed 4-28-83; 8:45 am]

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Proposed Rules

Federal Register
Vol. 48, No. 84
Friday, April 29, 1983

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 752

Adverse Actions

AGENCY: Office of Personnel Management.

ACTION: Proposed regulation.

SUMMARY: These amendments to OPM's regulations are being proposed to add a new provision to provide that, under certain circumstances, a Government agency may change or withdraw the position duties of a Federal employee during the 30-day notice period of a proposed adverse action. By separate amendment, OPM is rescinding its regulatory provision which, under certain circumstances, provided an exception to the requirement that a Government agency give a Federal employee 30 days of advance notice when proposing an adverse action.

DATE: Comments must be received on or before June 28, 1983.

ADDRESS: Written comments may be sent to Appellate Policies Division, Office of Planning and Evaluation, Room 7459, Office of Personnel Management, 1900 E Street, NW., Washington, D.C. 20415.

FOR FURTHER INFORMATION CONTACT: Cynthia Field, Office of Planning and Evaluation (202) 254–5517.

SUPPLEMENTARY INFORMATION: Prior to passage of the Civil Service Reform Act of 1978, Civil Service regulations provided for emergency suspensions without pay as an exception to the general requirement that a Government agency give 30 days of advance notice when proposing an adverse action against a Federal employee. Under the regulations, an agency was allowed a maximum period of five days to process an emergency suspension, during which time the employee was placed in a nonduty, pay status. Once an emergency suspension was effected, the employee remained in a nonduty status, and in addition, was placed in a nonpay status. An emergency suspension expired when the agency made a determination on whether to take the proposed adverse action. Thus, the total length of an emergency suspension was invariable no more than 30 days. As a result, because a suspenson of 30 days or less was not an action requring 30 days of advance notice, the provision for emergency suspension was consistent with then existing law.

With passage of the Civil Service Reform Act, Congress made a suspension of more than 14 days an adverse action requiring advance notice of 30 days. The provision permitting emergency suspensions, which OPM carried over into its new regulations, therefore conflicted with the new statutory notice requirement. In *Cuellar v. United States Postal Service,* MSPB Order No. SF075299045 (November 13, 1981), the Merit Systems Protection Board considered an appeal from an emergency suspension imposed pursuant to 5 CFR 752.404(d)(3) and overturned it because the agency had failed to give the appellant the 30 days of advance notice required by 5 U.S.C. 7513(b)(1).

OPM agrees that the new statutory notice requirement prohibits emergency suspensions which call for the withholding of pay during the notice period. A clear purpose of 5 U.S.C. 7513(b)(1) is to ensure that an employee remains on the payroll (of an agency with authority to spend funds for the payroll) for at least 30 days after the agency proposes an adverse action. Accordingly, OPM, in a separate amendment, is rescinding its regulations concerning emergency suspensions.

The occasional problems for which emergency suspensions were designed, however, will recur. That, is there will be instances of misconduct that will cause an agency to believe that it would be injurious to an employee, his coworkers, members of the public, or some other Government interest to retain the employee in duty status during the advance notice period. Therefore, OPM proposes to add a regulation permitting agencies, under certain circumstances, to place employees in a nonduty status with pay during the notice period. The new regulation is proposed pursuant to 5 U.S.C. 7513(a), which empowers OPM to regulate in the field of adverse actions upon the standard of efficiency of the service, and section 7513(b)(1), which both requires and authorizes pay during the 30-day notice period following a proposal of adverse action, even when the affected employee is in a nonduty status.

E.O. 12291 Federal Regulation

OPM has determined that this is not a major rule as defined under Section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because if affects only Federal Government employees.

List of Subjects in 5 CFR Part 752

Administrative practice and procedure, Government employees.

Office of Personnel Management.

Donald J. Devine,

Director.

PART 752—[AMENDED]

Accordingly, OPM proposes to amend 5 CFR 752.404 by adding a new § 752.404(b)(3) to read as follows:

§ 752.404 Procedures.

* * * * *

(b) *Notice of proposed action.* * * *

(3) Under ordinary circumstances, an employee whose removal has been proposed shall remain in a duty status in his regular position during the 30 days' advance notice period. In those rare circumstances where the agency detemines that the employee's continued presence in the work place during the notice period may pose a threat to the employee or others, result in loss of or damage to Government property, or otherwise jeopardize legitimate Government interests, the agency shall consider whether any of the following alternatives is feasible:

(i) Assigning the employee to duties where he or she is no longer a threat to safety, the agency mission, or to Government property;

(ii) Placing the employee on leave with his or her consent;

(iii) Placing the employee on involuntary sick or other leave when he or she is incapacitated for duty;

(iv) Carrying the employee on appropriate leave (annual, sick, leave

without pay, or absence without leave) if he or she is absent for reasons not originating with the agency; or

(v) Curtailing the notice period when the agency can invoke the provisions of § 752.404(d)(1).

If none of these alternatives is available, the agency may place the employee in a paid, nonduty status during all or part of the advance notice period.

(5 U.S.C. 7513, 7514, 1302)

[FR Doc. 83-11504 Filed 4-28-83; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1030

[Docket No. AO-361-A20]

Milk in the Chicago Regional Marketing Area; Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of public hearing on proposed rulemaking.

SUMMARY: The hearing is being held to consider changes in the Chicago Regional order that have been proposed by six dairy farmer cooperative associations. The proposals would change the basis upon which supply plants qualify for pooling. As proposed, supply plants would not have to ship milk to distributing plants unless called upon to do so by the market administrator. The proponent cooperatives have requested that these proposals be adopted on an expedited basis so that the amendments can be effective by September 1, 1983. The cooperative associations contend that the requested order changes are needed to reflect changed marketing conditions and to insure orderly marketing in the Chicago Regional area.

DATE: The hearing will convene May 24, 1983.

ADDRESS: The hearing will be held at the Holiday Inn, Highway 12 & 18 at I-90, Madison, Wisconsin 53704 (608/222-9121).

FOR FURTHER INFORMATION CONTACT: Richard A Glandt, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202/447-4829.

SUPPLEMENTARY INFORMATION: This administrative action is governed by the provisions of sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12291.

Notice is hereby given of a public hearing to be held at the Holiday Inn, Highway 12 & 18 at I-90, Madison, Wisconsin 53704 beginning at 9:30 a.m. (local time) on May 24, 1983, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Chicago Regional marketing area.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

Evidence also will be taken to determine whether emergency marketing conditions exist that would warrant omission of a recommended decision under the rules of practice and procedure (7 CFR 900.12(d)) with respect to the proposals.

Evidence also will be taken on whether the supply plant performance requirements for pool plant status and/or the provisions for diverting producer milk appropriately may be temporarily adjusted at the Director's discretion pursuant to § 1030.7(b)(5), or suspended, if the amendment proceeding could not be completed by September 1, 1983.

Actions under the Federal milk order program are subject to the "Regulatory Flexibility Act" (Pub. L. 96-354). This act seeks to ensure that, within the statutory authority of a program, the regulatory and information requirements are tailored to the size and nature of small businesses. For the purpose of the Federal order program, a small business will be considered as one which is independently owned and operated and which is not dominant in its field of operation. Most parties subject to a milk order are considered as a small business. Accordingly, interested parties are invited to present evidence on the probable regulatory and informational impact of the hearing proposals on small businesses. Also, parties may suggest modifications of these proposals for the purpose of tailoring their applicability to small businesses.

List of Subjects in 7 CFR Part 1030

Milk marketing orders, Milk, Dairy products.

The proposed amendments, as set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Central Milk Sales Agency

Proposal No. 1

Amend § 1030.7(b) to eliminate the requirement for shipments from pool supply plants to pool distributing plants to achieve qualification for pooling under the order.

Pool supply plants would achieve the status of pool reserve plants by demonstrating the ability to supply pool distributing plants in the event a call is issued. Pool reserve plants should thus be required to receive a minimum of 47,000 pounds of uncommingled Grade "A" receipts from producers at least one day each month.

Pool reserve plants shall be located in the defined geographic marketing area of Federal Order No. 30 or in the currently unregulated portion of the state of Wisconsin. Additionally, those pool supply plants located in the defined geographic area of Federal Order No. 68 who are now regulated under the current provisions of Order No. 30 will continue to be a pool plant under the order as proposed to be amended herein providing they continue to meet the minimum requirements specified above. Plants outside the designated reserve plant area shall pool by meeting a requirement of shipping 50 percent of the plants' Grade "A" receipts to distributing plants regulated by Federal Order No. 30.

Proposal No. 2

Amend § 1030.7(b) to include a provision under which the market administrator may, upon request and appropriate investigation of the need for such request, issue a "call" to move milk from pool reserve plants to pool distributing plants.

Such calls should be limited to the smallest and closest area possible to fill the need of such call.

Failure to respond to any such call so issued by the market administrator shall result in loss of pooling status for a period of twelve months beginning the month in which such refusal to ship occurred.

Proposal No. 3

Amend § 1030.13 to require that milk of each producer pooled by a handler be physically received at least once each month at the facility where such milk is reported as producer milk.

Proposed by Dean Foods Co.; Borden, Inc.; and Hawthorne Mellody

Proposal No. 4

Amend § 1030.7(b) by replacing the following "* * * is not less than 25 percent for September, 30 percent for each of the months of October and November, and 20 percent for all other months, * * *" with

"* * * is not less than 10 percent for September, 15 percent for each of the months of October and November, and 5 percent for all other months, * * *"

Proposal No. 5

Amend § 1030.7(b)(5) by increasing the percentage amount the director of the Dairy Division may increase or decrease the shipping requirement percentages of a supply plant or unit of supply plants. This can be accomplished by deleting the words "10 percentage points" and adding the words "15 percentage points."

Proposed by the Dairy Division, Agricultural Marketing Service

Proposal No. 6

Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be obtained from the Market Administrator, Robert G. Thomas, Building A, Suite 200, 800 Roosevelt Road, Glen Ellyn, Illinois 60137 or from the Hearing Clerk, Room 1077, South Building, United States Department of Agriculture, Washington, D.C. 20250, or may be inspected there.

From the time that a hearing notice is issued and until the issuance of a final decision in a proceeding, Department employees involved in the decisional process are prohibited from discussing the merits of the hearing issues on an ex parte basis with any person having an interest in the proceeding. For this particular proceeding the prohibition applies to employees in the following organizational units:

Office of the Secretary of Agriculture
Office of the Administrator, Agricultural Marketing Service
Office of the General Counsel
Dairy Division, Agricultural Marketing Service (Washington Office only)
Office of the Market Administrator, Chicago Regional Marketing Area

Procedural matters are not subject to the above prohibition and may be discussed at any time.

Signed at Washington, D.C., on April 25, 1983.

William T. Manley,
Deputy Administrator, Marketing Program Operations.

[FR Doc. 83-11540 Filed 4-28-83; 8:45 am]
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Rural Electrification Administration

7 CFR Part 1701

Proposed Addition to REA Bulletin 181-3, Accounting Interpretations for Rural Electric Borrowers

AGENCY: Rural Electrification Administration, USDA.

ACTION: Proposed rule.

SUMMARY: The Rural Electrification Administration (REA) proposes to amend Appendix A—REA Bulletins by issuing a "File With" to REA Bulletin 181-3, Accounting Interpretations for Rural Electric Borrowers, to include uniform accounting requirements for electric borrowers participating in the National Rural Electric Cooperative Association Deferred Compensation Program.

Employees of tax-exempt rural electric cooperatives may participate in deferred compensation programs if they comply with certain revenue rulings and U.S. tax code sections. This proposed rule will set forth uniform accounting requirements for REA borrowers participating in the NRECA Deferred Compensation Program. Although the proposed rule has been specifically prepared for REA borrowers participating in the NRECA Deferred Compensation Program, the entries detailed in Part II, Questions and Answers can be used in accounting for other deferred compensation plans.

DATE: Public comments must be received by REA no later than June 28, 1983.

ADDRESS: Submit written comments to Roland S. Heard, Chief, Technical Accounting and Auditing Staff, Borrower Accounting and Services Division, Rural Electrification Administration, Room 2231, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Mr. Roland S. Heard, Chief, Technical Accounting and Auditing Staff, above address, telephone number (202) 382-8227. The Draft Impact Analysis describing the options considered in developing this proposed rule and the impact of implementing each option is available from the above office.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to amend Appendix A—REA Bulletins by issuing a "File With" to REA Bulletin 181-3, Accounting Interpretations for Rural Electric Borrowers. This proposed action has been reviewed in accordance with Executive Order 12291, Federal Regulation. The action will not: (1) Have an annual effect on the economy of $100 million or more; (2) result in a major increase in costs or prices for consumers, individual industries, Federal, state or local government agencies, or geographic regions; or (3) result in significant adverse effects on competition, employment, investment or productivity and therefore has been determined to be "not major." This action does not fall within the scope of the Regulatory Flexibility Act and is not subject to OMB Circular A-95 review. This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Copies of the draft "File With" are being sent directly to all REA electric borrowers. Copies are also available upon request from the address indicated above. All written submissions made pursuant to this action will be made available for public inspection during regular business hours at the above address.

Background

REA Bulletin 181-3, Accounting Interpretations for Rural Electric Borrowers, sets forth specific accounting requirements for REA borrowers. Detailed background information and specific accounting requirements related to the NRECA Deferred Compensation Program are provided in the text of the proposed "File With" below.

Proposed Addition to REA Bulletin 181-3, Accounting Interpretations for Rural Electric Borrowers.

Rural Electrification Administration
Accounting Interpretations (Electric)
No. 403 (REA Bulletin 181-3)

Accounting for NRECA Deferred Compensation Program [1]

I. General

Deferred compensation plans were authorized for employees of tax-exempt

[1] Accounting Interpretation No. 403 was prepared for REA borrowers participating in the NRECA Deferred Compensation Program; however, entries detailed in Part II, Questions and Answers can be used in accounting for other deferred compensation plans.

rural electric cooperatives by the Revenue Act of 1978 (IRS Code Section 457). Revenue Ruling 60–31 sets forth the rules for the exclusion from income of deferred compensation and states that a deferred compensation arrangement based on the bare contractual promise of the employee to pay the deferred salary at some time in the future does not result in current taxable income, even though there is no risk of forfeiture. As a result of this ruling, deposits to the NRECA Deferred Compensation Program must remain the property of the employer until distributed to the employee.

II. Questions and Answers

Question: What are the accounting requirements for borrowers participating in the NRECA Deferred Compensation Program?

Answer: Based upon the provisions of the NRECA Deferred Compensation Program, the following accounting entries shall be used to record the actions described:

(1)

Dr 186.2 Miscellaneous Deferred Debits—Deferred Compensation XXXX
Cr 131.1 Cash—General XXXX

To record annual deposit to NRECA Deferred Compensation Fund

Dr 128 Other Special Funds—Deferred Compensation XXXX
Cr 128.1 Special Funds Reserve—Deferred Compensation XXXX

To increase the deferred compensation reserve by amount of annual deposit to NRECA Deferred Compensation Fund

(2)

Various Distribution to accounts on same basis as participating employees' salary XXXX
Cr 186.2 Misc. Deferred Debits—Deferred Compensation XXXX

To record monthly accrual of deferred compensation

Note.—If an employee joins the deferred compensation program during the year, use entry #1 to record the additional deposit to the NRECA Deferred Compensation Fund and increase the monthly accrual in entry #2 to reflect this deposit.

(3)

NRECA provides an annual statement showing activity in the employees' accounts, units owned and value of units at statement date. Therefore, individual employee records do not have to be maintained.

However, an entry should be made to show aggregate change in fund value during the year. This entry can be made by summarizing changes on the individual Statement of Accounts sent by NRECA for distribution to participating employees, as shown:

Value of Units Held in Each Fund at December 31, 19×2 – Value of Units Held in Each Fund at December 31, 19×1 = Change in Fund Value

Dr 128 Other Special Funds—Deferred Compensation XXXX
Cr 128.1 Special Funds Reserve—Deferred Compensation XXXX

To record an increase in fund value as of December 31 19 - 2

or

Dr 128.1 Special Funds Reserve—Deferred Compensation XXXX
Cr 128 Other Special Funds—Deferred Compensation XXXX

To record a decrease in fund value as of December 31 19 - 2

(4)

Payments made to participating employees because of retirement, or separation for other reasons will generally result in the following entries:

Dr. 131.1 Cash—General XXXX
Cr 128 Other Special Funds—Deferred Compensation XXXX

To record receipt of funds from NRECA

Dr 128.1 Special Funds Reserve—Deferred Compensation XXXX
Cr 131.1 Cash—General XXXX

To record payment to employee for deferred compensation

(5)

If the borrower has elected to bear the market risk of the funds, which guarantees that the amount of money an employee receives will not be less than the amount of salary deferred, the following entry will be necessary if total payment(s) from NRECA are less than amount of salary deferred:

Dr 926 Employee Pensions and Benefits XXXX
Cr 131.1 Cash—General XXXX

To record payment to employee for deferred compensation. Payment made because amount returned did not equal salary deferred

The amounts included in Account 128, Other Special Funds, are offset by the amounts in Account 128.1, Special Funds Reserve. Therefore, the balance sheet presentation shall not include the amount held for the NRECA Deferred Compensation Program.

In view of the need and desirability for uniform accounting requirements for REA borrowers participating in the NRECA Deferred Compensation Program, the Administrator is proposing to issue the above accounting interpretation as an addition to REA Bulletin 181–3, Accounting Interpretations for Rural Electric Borrowers.

Indexing Terms

As required by 1 CFR 18.20, the following are the indexed terms and list of subjects for this regulation.

List of Subjects in 7 CFR Part 1701

Electric utilities, Loan programs—energy.

Dated: April 7, 1983.

Harold V. Hunter,

Administrator.

[FR Doc. 83–11399 Filed 4–28–83; 8:45 am]
BILLING CODE 3410–15–M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 53

Criteria and Procedures for Determining the Adequacy of Available Spent Nuclear Fuel Storage Capacity

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The proposed rule would establish procedures and criteria for determining whether a person owning and operating a civilian nuclear power reactor cannot reasonably provide adequate spent nuclear fuel storage capacity. This determination is necessary before the Department of Energy may enter into contractual arrangements with the person generating or owning spent nuclear fuel to provide interim Federal storage capacity for limited amounts of spent nuclear fuel. The proposed rule is necessary to meet NRC responsibilities under Section 135(b) and (g) of the Nuclear Waste Policy Act of 1982.

DATE: Submit comments by June 28, 1983. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received before this date.

ADDRESS: Submit written comments to the Secretary of the Commission; U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Copies of comments received and the regulatory analysis may be examined at the NRC Public Document Room, 1717 H Street NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: F. X. Cameron, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone: (301) 443–5997.

SUPPLEMENTARY INFORMATION:

Background

The Nuclear Waste Policy Act of 1982 (Pub. L. 97–425, January 7, 1983, 96 Stat. 2201 *et seq.*, 42 U.S.C. 10101 *et seq.*) establishes a comprehensive framework

for the disposal of spent nuclear fuel and high-level radioactive waste generated by domestic civilian nuclear power reactors. The Act establishes procedures and schedules for the selection and development of geologic repositories for spent nuclear fuel and high-level radioactive waste, provides a mechanism for financing the cost of this disposal, and sets forth other provisions related to nuclear waste research, storage, and disposal.

Subtitle B of Title I of the Act establishes a program for the interim storage of spent nuclear fuel while the repository for ultimate disposal is selected and developed. The primary responsibility for providing interim storage of spent nuclear fuel rests with the persons owning and operating civilian nuclear power reactors. This responsibility is to be implemented through the effective use of existing storage facilities at the reactor sites and by the timely addition of new on-site storage capacity where practical. The Federal Government has the responsibility to encourage and expedite the provision of interim storage capacity by the reactor owners. In addition, the Federal Government has the responsibility to provide up to 1900 metric tons of storage capacity for spent nuclear fuel from reactors that cannot reasonably provide adequate storage capacity on site.

Section 135(g) of the Act directs the Commission to establish criteria and procedures for making the determination that a person owning and operating a civilian nuclear power reactor cannot reasonably provide adequate spent nuclear fuel storage capacity at the reactor site, or at the site of any other reactor operated by that person, when needed to ensure the continued orderly operation of the reactor. Section 135(b) of the Act provides that the Department of Energy shall enter into a contract under Section 136(a) with a person who owns or generates spent nuclear fuel that would provide for Federal ownership, transport, and storage of spent fuel, only if the Commission makes two affirmative determinations:

1. A person owning and operating a civilian nuclear power reactor cannot reasonably provide adequate spent nuclear fuel storage capacity at the reactor site, or the site of any other reactor operated by that person, when needed to ensure the continued orderly operation of the reactor.

Section 135(g) directs the Commission to establish criteria and procedures for making this determination by rule, and provides the following guidance:

a. The criteria must ensure the maintenance of a full core reserve storage capability at the reactor site, unless the Commission determines that maintenance of such capability is not necessary for the continued orderly operation of the reactor; and

b. The criteria must identify the feasibility of reasonably providing adequate spent fuel storage capacity, taking into account economic, technical, regulatory, and public health and safety factors, through the use of the following:

- Expansion of existing storage facilities, including high-density fuel storage racks, or fuel rod compaction;
- Transshipment of spent nuclear fuel to another civilian nuclear power reactor within the same utility system;
- Construction of additional spent nuclear fuel pool capacity; or
- Such other technologies as may be approved by the Commission.

2. The person owning and operating the reactor is "diligently pursuing licensed alternatives to the use of Federal storage capacity" for the storage of spent nuclear fuel expected to be generated in the future. These alternatives include the following:

- Expansion of storage facilities at any reactor site operated by such person;
- Construction of new or additional storage facilities at any reactor site operated by such person;
- Acquisition of modular or mobile spent nuclear fuel storage equipment, including spent nuclear fuel storage casks for use at any reactor site operated by such person;
- Transshipment to another civilian nuclear power reactor owned by such person.

In developing the criteria and procedures contained in proposed Part 53, the NRC has been cognizant of the Congressional concern that the interim Federal storage program be used to provide only a limited amount of storage capacity on an exceptional-use basis to utilities that are unable to provide their own storage capacity in time to prevent shutting down the reactor. While the availability of Federal storage capacity must not be foreclosed by overly strict criteria and standards, the person requesting the determination must clearly demonstrate that Federal storage is the only reasonably feasible option remaining.

The Proposed Action

1. Subpart A—General Provisions.

Sections 53.1 through 53.5 address a number of general issues, including purpose and scope of the rule, definitions, communications with the Commission, and interpretations of the rule. The rule applies to all persons owning and operating domestic civilian nuclear power reactors who submit a request for a Commission determination under Section 135(b) of the Nuclear Waste Policy Act. This determination consists of a decision by the Commission as to whether adequate spent nuclear fuel storage capacity to ensure the continued orderly operation of a particular reactor cannot reasonably be provided in timely manner by the person owning and operating that reactor.

2. Subpart B—Request for a Commission Determination.

Subpart B specifies the procedures that must be followed and the information that must be submitted by a person seeking a Commission determination. The proposed rule requires the submission of information on spent nuclear fuel storage capacity and need, feasible storage alternatives, and evidence that the person requesting the determination has been diligently pursuing alternatives. This information will enable the Commission to determine—

- Whether additional capacity is needed, in what amount, and in what time frame, and
- Whether it is practical for the person making the request to implement alternatives to Federal interim storage in light of technical, economic, regulatory, and public health and safety constraints.

Subpart B also sets forth procedures related to the filing and distribution of a request for a Commission determination. These procedures provide for publication of notice of receipt of a request in the Federal Register to inform the public that Commission action on the request is pending.

No request for a Commission determination will be formally accepted prior to the effective date of the rule. However, persons with an immediate need for a determination may submit a request upon publication of the proposed rule in order to allow the staff to begin consideration of the request. However, the formal date of receipt of the request shall be deemed to be the effective date of the rule.

The making of a Commission determination under section 135(b) of the Nuclear Waste Policy Act is not a "proceeding * * * for the granting, suspending, revoking, or amending of any license or construction permit, or application to transfer control * * *," under Section 189a. of The Atomic Energy Act. Accordingly, there is no opportunity for a hearing in connection with a request for a Commission determination. Similarly, there is no right to petition the Commission for review of the Executive Director for

Operations initial determination under subpart C of the proposed rule. Of course, if a licensee seeks permission to implement a licensed alternative to Federal interim storage of spent fuel, an opportunity for a hearing would be available in that proceeding. Although some of the same facts might be in issue, a Commission determination under Section 135(b) would be entirely separate from the decision of the presiding officer in a licensing proceeding. The proposed rule should not be construed as expressing any Commission position on the feasibility of a particular storage technology. The application of a specific technology will require Commission evaluation and approval. For example, in the case of the full scale use of fuel rod compaction, the Commission would review issues related to criticality, heat transfer, accident evaluation, and structural and materials considerations.

3. Subpart C—Issuance of a Commission Determination.

Subpart C establishes the criteria and standards that the Commission will use to make the statutory determinations—

—That adequate storage capacity cannot reasonably be provided in a timely manner; and

—That the person requesting the determination has been diligently pursuing licensed alternatives to the use of Federal storage capacity.

In making the determination on the ability of the requesting person to reasonably provide adequate capacity, the Commission will consider any technical, economic, regulatory, or public health and safety factors that would constrain implementation of alternatives to Federal storage. Although it is not possible to anticipate all the constraints that could affect the ability of an individual reactor owner to implement a spent fuel storage alternative, these constraints could include such factors as structural limitations; inability to meet the Commission's regulatory requirements due to factors beyond the licensee's control; the state of the technology; the extent to which implementation would disrupt operation of the reactor; unavailability of necessary storage or shipping equipment; local or state ordinances limiting the expansion or addition of storage capacity or transhipment; unusual licensing delays; the time required for licensing, design, and construction; extraordinary cost to consumers; and offsite and occupational radiation exposure considerations. Depending on the particular facts, a single factor or a combination of factors could make implementation of a given alternative impractical. While it is not anticipated that either occpational or offsite public health and safety will be a determining factor as long as the applicable Commission regulations are met, the criteria do allow for those unusual circumstances where radiation exposure is unreasonably out of proportion to the amount of additional storage capacity needed, or the time period for which it is needed.

In determing whether the requesting person has been diligently pursuing licensed alternatives to the Federal storage of spent nuclear fuel, the Commission will consider whether the person has initiated timely action either to provide the necessary storage capacity or to evaluate the feasibility of providing the necessary storage capacity. Although license applications are one example of these actions, the preparation of reports or studies that thoroughly investigate the technical feasibility, costs, and public health and safety aspects of alternative storage options will also be considered by the Commission.

Section 135(g) of the Act requires the Commission's criteria to ensure the maintenance of full core reserve storage capability at the site of the reactor unless the Commission determines that such capability is not necessary for the continued orderly operation of the reactor. Commission policy has been to permit contiuned operation at licensed reactor facilities where less than a full core reserve is maintained because such operation does not constitute an undue risk to the health and safety of the public. While a full core reserve capability is not an NRC safety requirement, the Commission has recognized that the maintenance of a full core reserve would be a prudent management practice on the part of the reactor operator. It would be needed to prevent extended reactor outages in the event a core must be discharged in order to inspect the reactor pressure vessel and to conduct routine and unscheduled maintenance. Although a reactor can be quickly and safely shut down with fuel in core, without full core reserve, if the core had to be discharged, the reactor would have to remain shut down while arrangements for shipping and storage were made and excuted. During this time, the utility would have to purchase supplemental power at substantial additional cost to its customers. A recent Department of Energy study on spent nuclear fuel storage estimated that if full core reserve were needed and not available, it would result in 50–90 days of reactor shut down and loss of power.[1] The costs to a utility's customers of an unscheduled outage is often in excess of $500,000 per day in replacement power costs alone. In addition to the potentially high costs of operating without full core reserve, a statistical evaluation of full core removal from nuclear power plants indicates that a full core discharge would be expected to occur about once every six years at any given nuclear power plant, and could occur as often as once every three years.[2]

The Commission interprets "continued, orderly operation" to mean the avoidance of extended reactor shut down due to lack of storage capacity. The Commission considers the likelihood of the need for full core reserve, and the resulting costs from not having full core reserve discharge capabilty, to be inconsistent with continued orderly operation. Therefore, the Commission has made a generic finding that, for the purposes of a determination under this part, full core reserve is necessary for the continued orderly operation of the reactor. The legislativie history of the Nuclear Waste Policy Act suggests that the maintenance of full core reserve is closely related to the concept of continued, orderly operation. As first introduced in the Senate, the bill provided for a determination of whether adequate storage capacity could be provided to ensure continued, orderly operation "through the maintenance of a full core reserve capability." S. 1662, 97 Cong., 2d Sess., section 302(a), 128 Cong. Rec. S4139, S4141 (daily ed., April 28, 1982). This language was later changed to that now found in the Waste Act which gives the Commission the flexibility to examine whether full core reserve is needed for continued, orderly operation. In this context, the Commission believes that a generic finding that full core reserve is necessary for continued, orderly operation is consistent with Congressional intent.

Where two or more reactors share a particular site, the maintenance of a single full core reserve capability will normally be sufficient to ensure continued orderly operation. However, the person requesting the determination has the opportunity to demonstrate that special circumstances require the maintenance of more than a full core reserve at the site. These special circumstances could include the inability to utilize available storage space for some reason, for example,

[1] U.S. Department of Energy, Spent Fuel Storage Requirements (DOE/RL–82–1, 1982).

[2] Pickard, Lowe, and Garrick, Full Core Removal Study (1979).

incompatibility between the storage pool and the fuel type.

Because a license is not involved and the determination is based primarily on technical findings, Subpart C provides that the Executive Director for Operations, or his designee, shall make the initial determination. However, this determination is subject to Commission review, at the Commission's disicretion. The final determination must be made within 6 months of the receipt of the request.

Commissioner Ahearne's Additional Views.

The criteria are to ensure maintenance of a full core reserve "unless the Commission determines that maintenance of such capability is not necessary for the continued orderly operation of such reactor."[3]

As the Commission stated in response to a Congressional question concerning a similar provision in an earlier version of the waste legislation, "The regulatory interests of NRC—primarily, protection of the health and safety of the public—are not significantly involved in such a determination."[4] This continues to be the case. The NRC has very little to say on this issue. If the Congress had required us to find that full core reserve was necessary, I do not believe we could. However, I agree we have no basis for determining that full core reserve capability "is *not* necessary for the contiuning orderly operation of [reactors]," and thus agree with the generic determination on this issue which is contained in this rulemaking. (emphasis added)

Commissioner Asselstine's Additional Views.

Commissioner Asselstine would appreciate comment on whether a short public comment period would be appropriate after the Commission publishes a notice of receipt of a determination request in the **Federal Register** as required in § 53.11(c).

Environmental Impact: Negative Declaration

The proposed rule, if adopted, would not result in any activity that significantly affects the quality of the human environment. The Commission has determined that, under the National Environmental Policy Act and the criteria in 10 CFR Part 51, an environmental impact statement is not required for this proposed regulation.

[3] Nuclear Waste Policy Act of 1982, section 136(g).

[4] Letter from C. Kammerer to Senator Hart dated November 23, 1981 (question 8 concerning Section 302(a) of S. 1662).

The environmental impact appraisal forming the basis for this determination is contained in the draft regulatory analysis prepared for this proposed regulation. The availability of the draft regulatory analysis is noted below.

Paperwork Reduction Act Statement

The information collection requirements contained in this proposed rule will affect fewer than 10 respondents. Therefore, Office of Management and Budget clearance is not required pursuant to the Paperwork Reduction Act of 1980 (42 U.S.C. 3501 *et seq.*).

Regulatory Analysis

The Commission has prepared a draft regulatory analysis of the proposed regulation. The analysis identifies and examines the costs and benefits of the proposed regulation and its alternatives. The draft analysis is available for inspection, and copying for a fee at the NRC Public Document Room, 1717 H Street NW., Washington, DC 20555.

Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission certifies that this rule, if adopted, will not have a significant economic impact on a substantial number of small entities. The proposed addition of 10 CFR Part 53 applies solely to certain owners and operators of civilian nuclear power reactors, none of which can be considered small entities.

List of Subjects in 10 CFR Part 53

Administrative practice and procedure, High-level waste, Nuclear materials, Nuclear power plants and reactors, Reporting requirements, Spent nuclear fuel, Waste treatment and disposal.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, the Nuclear Waste Policy of 1982, and 5 U.S.C. 553, notice is hereby given that adoption of a new 10 CFR Part 53 is contemplated.

1. A new Part 53 is added to 10 CFR Chapter I to read as follows:

PART 53—CRITERIA AND PROCEDURES FOR DETERMINING ADEQUACY OF AVAILABLE SPENT NUCLEAR FUEL STORAGE CAPACITY

Subpart A—General Provisions

Sec.

53.1 Purpose and scope.
53.2 Definitions.
53.3 Communications.
53.4 Interpretations.
53.5 Information collection requirements.

Subpart B—Request for a Commission Determination

53.11 Filing and distribution of a determination request.
53.12 Contents of a request: General information.
53.13 Contents of a request: Specific information.
53.14 Additional information.
53.15 Withdrawal of a determination request.
53.16 Elimination of repetition.

Subpart C—Issuance of a Commission Determination

53.27 Initial determination.
53.28 Final determination.
53.29 Notice of issuance of a final determination.
53.30 Criteria for a Commission determination.

Authority: Secs. 53, 57, 62, 63, 65, 69, 81, 193, 104, 161, 68 Stat. 930, 932, 933, 934, 935, 936, 937, 948, as amended (42 U.S.C. 2073, 2077, 2092, 2083, 2095, 2099, 2111, 2133, 2134, 2201); secs. 201, 209, as amended, 88 Stat. 1242, 1248 as amended, (42 U.S.C. 5841, 5849); secs. 132, 135, 96 Stat. 2230, 2232 (42 U.S.C. 10152, 10155). For the purposes of Sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273), §§ 53.11, 53.12, 53.13, 53.14, and 53.16 are issued under Sec. 161(o), 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

Subpart A—General Provisions

§ 53.1 Purpose and scope.

(a) The regulations in this part establish procedures and criteria for making the determination required by Section 135(b) of the Nuclear Waste Policy Act of 1982 (96 Stat. 2201 and 2233) that a person owning and operating a civilian nuclear power reactor cannot reasonably provide adequate spent nuclear fuel storage capacity at the reactor site, or at the site of any other reactor operated by that person, when needed to ensure the continued orderly operation of the reactor, and that such person is diligently pursuing licensed alternatives to the use of Federal storage capacity for the storage of spent nuclear fuel expected to be generated by such person in the future.

(b) The regulations in this part apply to any person owning and operating a civilian nuclear power reactor who requests a Commission determination.

§ 53.2 Definitions

As used in this part:

"Civilian nuclear power reactor," means—a civilian nuclear power plant required to be licensed under Section 103 or 104(b) of the Atomic Energy Act of 1954.

"Commission" means—the Nuclear Regulatory Commission or its duly authorized representative.

"Full core reserve" means—the capability to store all of the fuel in a single reactor core at one time at an on-site storage facility.

"Spent nuclear fuel" means—fuel that has been withdrawn from a nuclear reactor following irradiation, the constituent elements of which have not been separated by reprocessing.

§ 53.3 Communications.

Except where otherwise specified, each communication and report concerning the regulations in this part should be addressed to the Document Control Desk, U.S. Nuclear Regulatory Commission, Attention: Executive Director for Operations, Washington, DC 20555, or may be delivered in person to the Commission's Document Control Desk between the hours of 8:00 a.m. and 5:00 p.m. (local time), at 7920 Norfolk Avenue, Bethesda, MD.

§ 53.4 Interpretations.

Except as specifically authorized by the Commission in writing, no interpretation of the meaning of the regulations in this part by any officer or employee of the Commission other than written interpretation by the General Counsel will be considered binding on the Commission.

§ 53.5 Information collection requirements.

The information collection requirements contained in this part will affect fewer than 10 respondents. Therefore, Office of Management and Budget clearance is not required pursuant to the Paperwork Reduction Act of 1980 (42 U.S.C. 3501 *et seq.*).

Subpart B—Request For a Commission Determination

§ 53.11 Filing and distribution of a determination request.

(a) The person submitting a request for a Commission determination shall file a signed original and 20 copies of the request with the Commission at the address specified in § 53.3, with a copy also provided to the appropriate Regional Administrator at the address specified in Appendix D to Part 20 of this chapter. The request must be signed by the person requesting the determination or the person's authorized representative under oath or affirmation.

(b) Any request for a Commission determination under this part, must be filed no later than June 30, 1989. A request for a Commission determination must be filed no earlier than *(effective date of the rule)* or two years before the person making the request anticipates loss of full core reserve, whichever is later.

(c) Upon receipt of a request for a determination, the Commission will publish notice of receipt of the request in the **Federal Register**. The Commission will also make the request available for public inspection in the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and in the Local Public Document Room for the reactor site.

(d) Fees applicable to a request for a Commission determination under this part are set forth in Part 170 of this chapter.

§ 53.12 Contents of request—General information.

A request for a Commission determination under this part must include the following general information:

(a) Name and address of the person owning or generating the spent nuclear fuel for which the determination is sought.

(b) The civilain nuclear power reactor or reactor site for which the request is being made.

(c) Explanation of why the determination under § 53.1(a) is needed, including a discussion of such factors as—

(1) The type and capacity of existing and planned spent nuclear fuel storage facilities at the reactor site for the next 10 years and for the remainder of the license term;

(2) The existence of any contractual arrangement for the storage of spent nuclear fuel away from the reactor site;

(3) The number and location of spent nuclear fuel assemblies presently in storage at the reactor site, and the number of additional spent nuclear fuel assemblies that will require storage during the term of the license;

(4) The amount of storage capacity necessary to maintain full core discharge capability for the reactor;

(5) The anticipated date of reactor shutdown due to the lack of necessary storage capacity under the following conditions:

(i) If full core discharge capability is maintained; and

(ii) If full core discharge capability is not maintained;

(6) An estimate of the amount of spent nuclear fuel and schedule, for which interim Federal storage would be necessary under conditions in (c)(5)(i) and (ii) of this section.

§ 53.13 Contents of a request: Specific information.

The request must include the following information on each alternative spent nuclear fuel disposal technology that may eliminate or decrease the need for Federal interim spent nuclear fuel storage set forth in paragraph (c) of this section:

(a) An analysis of any substantial technical, economic, regulatory, or public health and safety constraints that would prevent the use of any of the alternatives set forth in paragraph (c) of this section. These constraints could include factors such as structural limitations; inability to meet the Commission's regulatory requirements due to factors beyond the licensee's control and despite the licensee's good faith efforts; the state-of-the-technology; the extent to which implementation would disrupt operation of the reactor; unavailability of necessary storage or shipping equipment; local or State laws limiting or preventing the timely expansion or addition of storage capacity or transshipment; unusual licensing delays; the time required for licensing, design, and construction; extraordinary costs to consumers; offsite and occupational radiation exposure considerations; and

(b) Detailed information on the actions taken and planned by the person making the request to pursue each of the alternatives set forth in paragraph (c) of this section including references to license applications, research studies or reports conducted or sponsored by the person seeking the determination, the timing of all such actions, and other relevant material;

(c) Spent nuclear fuel storage alternatives—

(1) Expansion of existing storage facilities including high-density fuel storage racks or fuel rod compaction;

(2) Construction of new or additional spent nuclear fuel storage facilities at the site of any civilian nuclear power reactor operated by such person;

(3) Acquisition of modular or mobile spent nuclear fuel storage equipment, including spent nuclear fuel storage casks, for use at the site of any civilian nuclear power reactor operated by such person; and

(4) Transshipment of spent nuclear fuel to the site of another civilian nuclear power reactor owned by such person; and

(5) Any other technologies that have been approved by the Commission.

§ 53.14 Additional information.

(a) The Commission may require additional information from a person making a request for Commission determination under this part concerning any portion of the request.

(b) The Executive Director for Operations, or his designee, may deny a request for a Commission determination under this part if the person making the request fails to respond to a request for additional information under paragraph (a) of this section within thirty (30) days from the date of the request for additional information, or such other time as the Executive Director may specify. This denial shall be without prejudice to the right of the person making the request to file another request for a Commission determination under this part.

§ 53.15 Withdrawal of a determination request.

(a) The Commission or the Executive Director for Operations, as appropriate, may permit a person to withdraw a request for a Commission determination under this part without prejudice at any time prior to the issuance of an initial determination under § 53.27.

(b) The Secretary of the Commission will cause to be published in the **Federal Register** a notice of the withdrawal of a request for a Commission determination under this part.

§ 53.16 Elimination of repetition.

In any request under this part, the person making the request may incorporate by reference information contained in a previous application, statement, or report filed with the Commission provided that these references are clear and specific.

Subpart C—Issuance of a Commission Determination

§ 53.27 Initial determination.

(a) Not later than four (4) months after the receipt of a request for a Commission determination under this part from a person generating or owning spent nuclear fuel, the Executive Director for Operations, or his designee, shall make an initial determination of whether—

(1) Adequate storage capacity to ensure the continued orderly operation of the civilian nuclear power reactor at which the spent nuclear fuel is generated cannot reasonably be provided by the person owning and operating the reactor at that site, or at the site of any other civilian nuclear power reactor operated by the person, and that the capacity cannot be made available in a timely manner through any method described in paragraph (a)(2) of this section despite the licensee's diligent and good faith efforts to pursue such methods, and

(2) Such person is diligently pursuing licensed alternatives to the use of Federal storage capacity for the storage of spent nuclear fuel expected to be generated by the person in the future so as to assure the availability of additional storage capacity as soon as possible through alternatives including—

(i) Expansion of storage facilities at the site of any civilian nuclear power reactor operated by the person;

(ii) Construction of new or additional storage facilities at the site of any civilian nuclear power reactor operated by the person;

(iii) Acquisition of modular or mobile spent nuclear fuel storage equipment, including spent nuclear fuel storage casks, for use at the site of any civilian nuclear power reactor operated by the person; and

(iv) Transshipment to another civilian nuclear power reactor owned by the person.

(b) In making an initial determination under this section, the Executive Director for Operations, or his designee, shall be guided by the criteria set forth in § 53.30.

(c) An initial determination under this section shall be in writing and shall contain a full explanation of the facts upon which the determination is based and the reasons for granting or denying the request. An affirmative determination shall, at a minimum, specify the amount of spent nuclear fuel that cannot reasonably be stored on site and the schedule for when Federal storage is needed, and may contain conditions on which the determination is dependent. A copy of the initial determination shall be sent to the person who filed the request.

§ 53.28 Final determination.

(a) An initial determination under § 53.27 shall be filed with the Office of the Secretary of the Commission. Such initial determination shall constitute the final determination of the Commission thirty (30) days after its issuance, unless the Commission decides to review the initial determination under paragraph (b) of this section.

(b) Within thirty days after the Executive Director for Operations or his designee, makes an initial determination, the Commission may on its own motion review the determination.

(c) The Commission may, at its discretion, extend the time for review of an initial determination under paragraph (b) of this section; provided, however, that if the Commission has not completed its review or issued a final determination within six (6) months of the filing of a request under this part, the initial determination of the Executive Director shall constitute the final determination of the Commission.

(d) No petition or other request for Commission review of an initial determination under § 53.27 will be entertained by the Commission.

§ 53.29 Notice of issuance of a final determination.

(a) Upon the issuance of a final Commission determination or after the expiration of the time for Commission review of an initial determination under § 53.28, the Secretary of the Commission will notify, in writing, the person making the request, and the Office of Civilian Radioactive Waste Management of the Department of Energy of the final determination.

(b) The Secretary of the Commission will also publish notice of the issuance of the final determination in the **Federal Register**.

§ 53.30 Criteria for a Commission determination.

(a) In making the determination required by § 53.27(a)(1), the Commission shall consider the existence of technical, economic, regulatory, or health and safety factors that would make the implementation of any alternative to Federal interim storage of spent nuclear fuel set forth in § 53.13(c) impractical such as—

(1) Suitability of the site for implementation of an alternative, including considerations of structural integrity.

(2) Inability to meet the Commission's regulatory requirements for implementation and licensing of an alternative due to factors beyond the licensee's control and despite the licensee's diligent and good faith efforts.

(3) Inability to obtain necessary storage or shipping equipment in a timely manner.

(4) Modifications that would result in the excessive reduction of code design margins.

(5) Extraordinary costs of implementation that are clearly unreasonable in view of the amount of additional storage capacity needed or the time for which additional storage capacity is needed.

(6) Unforeseen or unavoidable delays in the licensing or implementation of an alternative due to factors beyond the licensee's control and despite the licensee's diligent and good faith efforts.

(7) Legal impediments to the implementation of an alternative, such as state and local laws or preexisting contractual agreements, that cannot be alleviated in a timely manner.

(8) Occupational or off-site radiation exposure or on-site construction hazards, that are clearly unreasonable in view of the amount of additional storage capacity needed or the time for which additional storage capacity is needed.

(b) In making the determination required by § 53.27(a)(1), the Commission shall ensure the maintenance of a full core reserve at the site of the civilian nuclear power reactor for which the request is being made.

(c) If the person requesting the determination demonstrates, and the Commission finds, that the maintenance of a single full core reserve at the reactor site is either inadequate or not necessary, for continued orderly operation of the reactor, the Commission may make an exception to the provision of paragraph (b) of this section.

(d) In making the determination by § 53.27(a)(2), the Commission will consider whether the person submitting the request has demonstrated diligent and timely efforts to initiate activities reasonably calculated to implement alternatives to Federal interim storage of spent fuel on a schedule commensurate with the need to support the continued orderly operation of the reactor, including—

(1) Diligent and good faith efforts to prepare and file existing license application(s) for spent nuclear fuel storage alternative(s) as early as possible so as to provide sufficient time to allow for design, licensing, and implementation; and

(2) Subsequent developments beyond the control of the person submitting the request that (i) have changed the original estimate of when and how much additional storage capacity will be needed, or (ii) would prevent the timely implementation of one or more alternatives; and

(3) The timely preparation and implementation of a spent nuclear fuel storage program or plan that evaluates the feasibility of alternatives to Federal storage of spent nuclear fuel, taking into account technical, economic, regulatory, and public health and safety factors, and that includes the prompt development of feasible alternatives to Federal storage.

Dated at Washington, D.C., this 26th day of April 1983.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 83-11565 Filed 4-28-83; 8:45 am]

BILLING CODE 7590-01-M

FEDERAL TRADE COMMISSION

16 CFR Parts 3 and 4

Rules of Practice for Adjudicative Proceedings; and Miscellaneous Rules; Extension of Comment Period

AGENCY: Federal Trade Commission.

ACTION: Proposed rule; extension of period for public comment.

SUMMARY: The Commission extends the period for public comment on its proposal to amend its procedures so that non-attorney experts may participate personaly in the cross-examination of other attorneys in the same discipline.

DATE: Written comments must be received on or before May 18, 1983.

ADDRESS: Send comments to the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, NW., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: Bruce G. Freedman, Deputy Assistant General Counsel, Federal Trade Commission, Washington, D.C. 20580, (202) 523–3521.

SUPPLEMENTARY INFORMATION: On March 4, 1983 (at 48 FR 9289) the Commission published for comment proposed amendments of Commission Rules §§ 3.43(g) and 4.1(a) to permit non-attorney experts in adjudicatory proceedings to participate personally in the cross-examination of other experts in the same discipline. The Administrative Law Section of the American Bar Association has requested an extension of the comment period, citing delays necessitated by the Association's review procedures. The Commission has determined to enlarge the comment period to permit comments to be submitted on or before May 18, 1983.

Dated: April 19, 1983.

By direction of the Commission.

Michael A. Baggage,

Acting Secretary.

[FR Doc. 83-11472 Filed 4-28-83; 8:45 am]

BILLING CODE 6750-01-M

16 CFR Part 13

[File No. 782-3081]

Christian Services International, Inc., et al.; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would require a Stilwell, Kansas developer, marketer, and operator of life care homes throughout the country, among other things, to cease representing, unless true, that its life care homes are affiliated with any religious denomination or group who may also be morally or legally responsible for the home; that there is little or no risk involved in entering into a life care contract; that service fees will never exceed corresponding social security increases; that the mortgagor of the home ensures the economic survival of the home; and that the corporation has established reserve funding to ensure the home's financial security. Further, the corporation would be required to give prospective residents, at least five days before they execute a life care contract, specific disclosures concerning the home's financial status and other relevant information, which could influence their decision to enter a life care home. The order would also require respondents to send to all present and future personnel engaged in the sale or promotion of life care contracts a copy of the order and a form on which they can acknowledge their intention of complying with the order's provisions. Additionally, Kenneth Berg would be required to notify the Commission of any change in his present business or employment relating to the marketing, management and operation of any life care home, nursing home or foster care facility and, for a period of ten years, promptly advise the Commission of his affiliation with any new such concern.

DATE: Comments must be received on or before June 28, 1983.

ADDRESS: Comments should be directed to: FTC/S, Office of the Secretary, Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: Leroy C. Richie, Director, 8R, New York Regional Office, Federal Trade Commission, 2243–EB Federal Bldg., 26 Federal Plaza, New York, NY 10278; (212) 264–1207.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with Section 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

List of Subjects in 16 CFR Part 13

Life care homes, Trade practices.

In the matter of Christian Services International, Inc., a corporation; and Kenneth P. Berg, individually and as an officer of said corporation; File No. 782 3081. Agreement containing consent order to cease and desist.

The Federal Trade Commission having initiated an investigation of certain acts and practices of Christian Services International, Inc., a corporation, and Kenneth P. Berg, individually and as an officer of said corporation, and it now appearing that Christian Services International, Inc., a corporation, and Kenneth P. Berg, individually and as an officer of said corporation, hereinafter sometimes referred to as proposed respondents, are willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated.

It is hereby agreed by and between Christian Services International, Inc., by its duly authorized officer, and Kenneth P. Berg, individually and as an officer of said corporation, and their attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent Christian Services International, Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the State of Missouri, with its offices and principal place of business located at 5809 W. 164th Street, Stilwell, Kansas 66085.

Proposed respondent Denneth P. Berg is an officer of said corporation. He formulates, directs and controls the policies, acts and practices of said corporation and his address is the same as that of said corporation.

2. proposed respondents admit all the jurisdictional facts set forth in the draft of complaints attached.

3. proposed respondents waive:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law;

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement; and

(d) Any claim under the Equal Access to Justice Act.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the proposed respondents, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondents that the law has been violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondents: (1) Issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to proposed respondents' address as stated in this agreement shall constitute service. Proposed respondents waive any right they may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondents have read the proposed complaint and order contemplated hereby. They understand that once the order has been issued, they will be required to file one or more compliance reports showing that they have fully complied with the order. Proposed respondents further understand that they may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

For the purposes of this order, the following definitions shall apply:

1. "Business Day" shall mean any calendar day except Saturday, Sunday and the following business holidays: New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day and Christmas Day.

2. "Entrance Fee" shall mean money or other property transferred or promised to be transferred as consideration for one or more individuals becoming a resident or residents of a life care home pursuant to a life care contract. Such fee may be paid upon the initial entrance of a resident to a life care home or may be deferred.

3. "Life Care Contract" shall mean a contract between a resident and a provider to provide the resident, for the duration of such resident's life, living accommodations and related services in a life care home together with nursing care services, medical services and/or other health-related services, conditioned upon the transfer of an entrance fee to the provider, and which may be further conditioned upon the payment of periodic service fees.

4. "Life Care Home" shall mean the facility or facilities occupied, or planned to be occupied, by residents or prospective residents where a provider undertakes to provide living accommodations and services pursuant to a life care contract.

5. "Provider" shall mean the person, corporation, partnership, association or other legal entity which undertakes to provide residents with living accommodations and services pursuant to life care contracts.

6. "Resident" shall mean a person who has entered into a life care contract with a provider.

7. "Service Fee" shall mean a periodic fee in addition to the entrance fee

charge to a resident by a provider pursuant to a life care contract.

For purposes of this order, all required disclosures shall be made in a clear and conspicuous manner.

I

It is ordered, That respondent Christian Services International, Inc. ("CSI"), a corporation, its successors and assigns, and its officers, and respondent Kenneth P. Berg, individually and as an officer of such corporation, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or any other device, in connection with the advertising, offering for sale, or sale of any life care contract, in or affecting commerce, as commerce is defined in the Federal Trade Commission Act, as amended, do forthwith cease and desist from:

1. Representing, directly or by implication, that any religious denomination, organization or group is affiliated with a provider of any life care home marketed by respondents, or is legally or morally responsible for the debts and commitments of any provider of a life care home marketed by respondents, unless such is the fact.

2. Representing, directly or by implication, that there is little or no financial risk involved in entering into a life care contract marketed by respondents.

3. Representing, directly or by implication, that any lender which holds a mortgage on a life care home marketed by respondents ensures the economic survival of the life care home covered by the mortgage, unless such is the fact.

4. Representing, directly or by implication, that service fees at life care homes marketed by respondents will never be increased, or that service fee increases will never exceed corresponding increases in Social Security benefits over equivalent periods of time, or that service fee increases will be limited by any other objective criteria, unless such is the fact.

5. Representing, directly or by implication, that any provider of a life care home marketed by respondents has established reserve funding which ensures financial ability to perform obligations to residents under its life care contract, unless such is the fact.

6. Failing to furnish each prospective resident, at least five business days prior to the execution of a life care contract, or at least five business days prior to the transfer of any money or other property to a provider by or on behalf of a prospective resident, whichever shall first occur, a disclosure statement which contains the following disclosures:

(a) A statement explaining any affiliation which the provider of the life care home marketed by respondents has with any religious denomination, organization or group, and the extent to which the affiliated religious denomination, organization or group will be responsible for the financial or contractual obligations of the provider; or, where no such affiliation exists, a statement that there is no affiliation with any religious denomination, organization or group.

(b) A statement that entering into a life care contract may involve significant financial risk, and that the prospective resident, before entering into the life care contract, should seek advice from an attorney, bankers or other financial adviser who is independent of respondents and the provider.

(c) A statement explaining that a resident's interest provided by the life care contract is subject and subordinate to any mortgages on the life care home, or the interests of other creditors occupying a preferred status, if such is the fact.

(d) A statement that service fees are subject to periodic increases, if such is the fact.

(e) A statement describing the provisions that have been made, if any, to provide reserve funding or security as an aid to the provider in the performance of its obligations under life care contracts, including, but not limited to, the establishment of escrow accounts, trusts, or reserve funds; and whether, and under what circumstances, such reserve funding or security may be waived or reduced by the provider, the mortgagee, or other parties; or, where no provision for reserve funding or security has been made, a statement that such does not exist.

(f) A statement listing all fees to which respondents or the operating divisions, subsidiaries or affiliates of the corporate respondent are or will be entitled to be paid pursuant to contract or contracts with the provider including, but not limited to, fees for consulting, architectural, construction supervisory, marketing and management services. Such statement shall describe the nature of the services rendered or to be rendered, the fee rates or percentages, and the trade names under which respondents perform such services.

(g) A statement listing the names and addresses of all professional services, firms, associations, trusts, partnerships or corporations in which respondents have, or which have in respondents, a ten percent or greater interest and which provide, or intend to provide, goods, leases or services to the provider of a value of $500 or more within any year, and a description of the goods, leases or services to the provider of a value of $500 or more within any year, and a description of the goods, leases or services and the cost or probable or anticipated cost thereof to the provider, or a statement that such cost cannot presently be estimated, if such is the fact.

(h) A statement describing any currently effective injunctive or restrictive order of a court of record, or any federal or state administrative order, to which respondents and/or the provider are subject, relating to the marketing, management or operation of, without limitation, a life care home, retirement home, home for the aged, nursing home or foster care facility. The statement shall set forth the date and nature of the order and identify the court or authority which issued it. The statement required herein need not include orders which do not materially affect the financial condition of the life care home being marketed, or affect respondents' ability to market, manage or operate said home.

(i) A statement describing briefly the material facts with respect to pending litigation to which respondents and/or the provider are a party, and any outstanding but unsatisfied judgments against respondents and/or the provider, involving the marketing, management or operation of any life care home. The statement required herein need not include disclosure of litigation or claims which, if adversely determined, would cause no material adverse change in the properties or financial condition of the life care home being marketed, or would cause no material adverse change in respondents' ability to market, manage or operate said home.

(j) A statement as to whether advance payments made by prospective residents as all or a portion of their entrance fees are set aside in escrow accounts with banks, trust companies or other escrow agents.

(k) A statement disclosing that revenues derived from entrance fees or service fees have been, or are intended to be, used in connection with ventures not directly related to the specific life care home in which the prospective purchaser may reside, if revenues are so used. The statement shall list the total amount of expenditures made or planned to be made in connection with such ventures.

7. Failing to furnish each prospective resident, at the time the disclosure

statement required by Paragraph 6 is furnished, at least the following financial information:

(a) An audited financial statement of the provider prepared by an independent certified public accountant, including a balance sheet as of the end of the most recent fiscal year and income statements for the three most recent fiscal years or such shorter period of time as the provider shall have been in existence. If the provider's fiscal year ended more than ninety (90) days prior to the contract date or date of transfer of money or other property, and audited financial statements for that fiscal year are not yet available, interim financial statements shall be included, but need not be certified.

(b) A development budget for any life care home in a planning, development or expansion stage. The budget shall consist of a statement of the anticipated source and application of the funds used or to be used in the purchase or construction of any facility or building which is planned or under development.

(c) Pro forma financial statements which shall include pro forma annual income statements and balance sheets of the provider for a period of not less than five fiscal years. The pro forma annual income statements shall include:

(i) A beginning cash balance consistent with the certified income statement required by subsection (a) of this paragraph or, if operations at the life care home have not commenced, consistent with the statement of anticipated source and application of funds required by subsection (b).

(ii) Anticipated earnings on cash reserves, if any.

(iii) Estimates of net receipts from entrance fees, other than entrance fees included in the statement of source and application of funds required by subsection (b), less estimated entrance fee refunds, if any. A description of the actuarial basis and method of calculation for the projection of entrance fee receipts shall be included.

(iv) An estimate of gifts or bequests if any are to be relied on to meet operating expenses.

(v) A projection of estimated income from fees and charges other than entrance fees, showing individual rates presently anticipated to be charged and including a description of the assumptions used for calculating the estimated occupancy rate of the life care home and the effect on the income of the life care home of government subsidies for health care services, if any, to be provided pursuant to the life care contracts.

(vi) A projection of estimated operating expenses of the provider of the life care home, including a description of the assumptions used in calculating the expenses, and separate allowances, if any, for the replacement of equipment and furnishings and anticipated major structural repairs or additions.

(vii) An estimate of annual payments of principal and interest required by any mortgage loan or other long-term financing.

In the treatment of entrance fees which are included in any of the financial statements required by this Paragraph an accounting method must be utilized which conforms to generally accepted accounting principles and which appropriately matches revenues to expenditures.

II

It is further ordered:

(a) That respondents deliver, by certified mail or in person, a copy of this order to all of their present or future salesmen and other employees who sell or, through personal contact or telephone communication with prospective residents, promote the sale of life care contracts, and to any advertising agency utilized by respondents.

(b) That respondents provide a form to each of the persons referred to in subparagraph (a) of this paragraph, to be returned to respondents, clearly affirming the intention of that person to be bound by and to conform his practices with the requirements of this order;

(c) That respondents inform in writing each of the persons in their employ referred to in subparagraph (a) of this paragraph that respondents are required by this order not to use, and shall not use, any such person to sell or to promote the sale of life care contracts unless that person complies with the provisions of this order.

III

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment relating to the marketing, management or operation of, without limitation, a life care home, retirement home, home for the aged, nursing home or foster care facility. In addition, for a period of ten (10) years from the date of service of this order, the respondent shall promptly notify the Commission of each affiliation with any new business or employment relating to the marketing, management or operation of a life care home, retirement home, home for the aged, nursing home or foster care facility. Each such notice shall include the respondent's new business address and a statement of the nature of the aforesaid business or employment in which the respondent is newly engaged as well as a description of respondent's duties and responsibilities in connection with the aforesaid business or employment. The expiration of the notice provision of this paragraph shall not affect any other obligation arising under this order.

IV

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

V

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions and subsidiaries.

VI

It is further ordered, That the respondents herein shall within sixty (60) days after the service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from Christian Services International, Inc. ("CSI") and Kenneth P. Berg, its sole stockholder and chief executive officer.

The proposed consent order and material submitted by CSI and Mr. Berg to the Commission that is reasonably related to the merits of the order and not exempt from disclosure under the Freedom of Information Act have been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

Proposed respondents are developers, marketers and/or contract-managers of numerous life care homes in many states of the United States. Briefly stated, "life

care" is a concept whereby a senior citizen, at a certain minimum age, may purchase a life lease in a living unit through the payment of an entrance fee and the obligation to pay monthly service fees. In addition to the life lease, the resident is entitled to various services and amenities, including guaranteed lifetime nursing care. The complaint charges proposed respondent with misrepresentation and failure to disclose material facts to prospective residents in connection with the marketing of life care contracts.

The misrepresentations alleged in the complaint include:

1. Misrepresenting that many of the life care homes marketed by proposed respondents are affiliated with some religious organization;

2. Misrepresenting that entering into a life care contract involves little or no financial risk;

3. Misrepresenting that large mortgage lenders ensure the financial stability and economic survival of the life care homes;

4. Misrepresenting that monthly service fee increases would never exceed corresponding increases in Social Security benefits;

5. Misrepresenting that life care homes have established sizable reserve funds which exist to ensure the financial protection of residents' interests in their life care contracts;

6. Misrepresenting the financial positions and net worths of providers of life care homes through use of an inappropriate accounting method.

The complaint in this matter also charges proposed respondents with failure to disclose the following facts material to the purchase of a life care contract:

1. That proposed respondents receive substantial fees through architectural, construction supervisory and various other services performed at the life care homes, and that independent contractors commonly do not have the opportunity to competitively bid to provide such services;

2. That in some instances there has been litigation pending against proposed respondents and/or the life care homes which, if adversely determined, might materially affect their ability to fulfill their obligations under life care contracts;

3. That there is a currently effective administrative order against proposed respondents relating to their marketing practices;

4. That refundable deposits made by prospective residents to ensure future residency in many instances are not set aside for them in the event they choose to request a refund;

5. That certain of the moneys derived from entrance fees and service fees are sometimes used in connection with transactions not directly related to the life care homes in which the prospective residents may reside.

The proposed consent order requires respondents to cease and desist from making the following representations:

1. That any religious denomination, organization or group is affiliated with respondents or a provider of any life care home marketed by respondents, unless such is the fact;

2. That there is little or no financial risk involved in entering into a life care contract;

3. That any lender which holds a mogtgage on the life care home ensures the economic survival of the home, unless such is the fact;

4. That service fee increases will never exceed corresponding Social Security increases, or will be limited by any other objective criteria, unless such is the fact;

5. That any provider of a life care home has established reserve funding which ensures its ability to perform its financial obligations, unless such is the fact.

The proposed consent order also requires respondents to furnish each prospective resident, at least five days prior to exection of a life care contract, a disclosure statement containing the following disclosures:

1. The affiliation which the provider of the life care home has with any religious organization, and the exent to which such organization will be responsible for any financial or contractual obligation, or, if applicable, that there is no such affiliation;

2. That entering a life care contract may involve significant financial risk, and that before assuming the obligations the advice of an attorney, banker or other financial advisor should be sought;

3. That a resident's interest provided by the life care contract is subordinate to any mortgage on the life care home, or the interests of other creditors occupying a preferred status, if such is the fact;

4. That service fees are subject to increase, if such is the fact;

5. A description of the provisions that have been made for reserve funding for the life care home, or, where applicable, a statement that no reserve funding exists;

6. A description of the fees respondents will be paid for services rendered the life care home;

7. A listing of the firms in which respondents have a ten percent or greater interest which provide goods, leases or services in excess of $500 in any one year to the life care home, and a description of such goods, leases or services and the costs thereof to the provider;

8. A description of any currently effective injuctive order against respondents and/or the providers, and any material pending litigation involving either or both of them;

9. Whether advance payments of entrance fees are set aside in separate accounts;

10. A description of the disposition or proposed disposition of fees in connection with transactions involving entities not directly related to the life care home.

The proposed consent order also requires respondents to furnish each prospective resident, at least five days prior to the execution of a life care contract, a financial disclosure statement including a balance sheet as of the end of the most recent fiscal year and income statements for the three most recent fiscal years, a development budget and pro forma financial statements for at least five fiscal years. In treating entrance fees which are included in any of such financial statements an accounting method must be used which conforms to generally accepted accounting principles and which appropriately matches revenues to expenditures.

The purpose of this analysis is to facilitate public comment on the proposed order and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Emily H. Rock,

Secretary.

[FR Doc. 83-11485 Filed 4-28-83; 8:45 am]

BILLING CODE 8750-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 230

[Release No. 33-6464; File No. S7-972]

Definition of Terms

AGENCY: Securities and Exchange Commission

ACTION: Proposed rulemaking.

SUMMARY: The Commission today is publishing for comment a rule which would define the terms "earning statement", "made generally available to its security holders" and "effective date of the registration statement" for purposes of the last paragraph of Section 11(a) of the Securities Act of 1933. In light of the development of the

Integrated Disclosure System, the Commission believes it is appropriate to provide clarity and certainty with respect to these terms, while ensuring the protection of investors.

DATE: Comments must be received on or before June 10, 1983.

ADDRESSES: Comment letters should refer to File No. S7–972 and be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. All comments received will be available for public inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, N.W., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Steven L. Molinari, Office of Disclosure Policy, Division of Corporation Finance, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549, (202) 272–2589.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission is publishing for comment proposed Rule 158, which would define certain terms used in the last paragraph of subsection (a) of Section 11 of the Securities Act of 1933 (the "Securities Act") [15 U.S.C. 77a et seq. (1976 and Supp. IV 1980)]. The terms which would be defined are "earning statement", "made generally available to its security holders" and "effective date of the registration statement." The proposed rule would define such terms with reference to certain reports filed pursuant to the Securities Exchange Act of 1934 (the "Exchange Act") [15 U.S.C. 78a et seq. (1976 and Supp. IV 1980)].

I. Background and Introduction

Under Section 11(a) of the Securities Act, the signers of the registration statement, the issuer's directors or partners, the underwriters, the accountants and certain other persons are made civilly liable for any untrue statement of a material fact which is contained in an effective registration statement or for any omission to state a material fact required to be stated therein or necessary to making the statements therein not misleading. [1] The purchaser need only prove reliance if the purchase was made after the issuer had made generally available an earning statement covering a period of at least twelve months after the effective date of the registration statement. This reliance standard is imposed upon the purchaser by the last paragraph of Section 11(a).[2]

This paragraph was added to Section 11(a) in 1934, when Congress enacted the Exchange Act. At that time, Congress indicated that it was amending Section 11(a) "so as to require proof that the purchaser of a security at the time he acquired the security relied upon the untrue statement in the registration statement or upon the registration statement and did not know of the omission. But this requirement is imposed only in the case of a purchase after a period of twelve months subsequent to the effective registration date and then only when the issuer shall have published an earning statement to its security holders covering a period of at least twelve months after the registration date."[3] The rationale provided for the amendment was "that in all likelihood the purchase and price of the security purchased after publication of such an earning statement will be predicated on that statement rather than upon the information disclosed upon registration."[4]

To date, there have been no clear guidelines for determining when Section 11(a) imposes the reliance requirement upon a purchaser of securities. Specifically, there have been no clear standards for the form and content of an "earning statement",[5] for the steps necessary to establish general availability to security holders, or for the impact an effective post-effective amendment to a registration statement has on the twelve-month period. Judicial attention to the last paragraph of Section 11(a) generally has been limited to recognizing its imposition of a reliance requirement without analyzing its specific terms.[6] While the courts have noted the limited applicability of the reliance burden, they have not established standards.[7]

Over the years, a variety of practices have developed as a result of the reliance provision of Section 11(a). One practice, designed to demonstrate general availability to security holders, has been to place advertisements in the financial pages of newspapers stating that earnings statements of the kind referred to in Section 11(a) have been made generally available. Such advertisements either contain the earning statement or indicate where it may be obtained. [8] In addition, some companies send copies of such earning statements to the Commission, the exchanges, their underwriters and the financial publishing houses.[9]

Neither the Securities Act nor any Commission rule thereunder prescribes the form or content of the earning statement contemplated by Section 11(a). While there is no requirement that the earning statement be certified by an independent public accountant, some companies nevertheless ask their independent accountants to review the manner of its preparation and its content.[10] And, some companies prepare the Section 11(a) earning statement in the same form as the income statement included in the prospectus.[11]

In view of the absence of clear guidelines as to when Section 11(a) imposes a reliance requirement, the differing practices which have developed over the years, and particularly the development of the Integrated Disclosure System under the Securities Act and the Exchange Act,[12] the Commission believes it is appropriate at this time propose a rule which would define the terms used in the last paragraph of Section 11(a).[13] The Integrated Disclosure System facilitates the definition of such terms because it is premised on the general equivalency of the information relevant to investment decisions made in public offerings of securities under the

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[1] 15 U.S.C § 77k(a).

[2] The last paragraph of Section 11(a) provides:

If such person acquired the security after the issuer has made generally available to its security holders an earning statement covering a period of at least twelve months beginning after the effective date of the registration statement, then the right of recovery under this subsection shall be conditioned on proof that such person acquired the security relying upon such untrue statement in the registration statement or relying upon the registration statement and not knowing of such omission, but such reliance may be established without proof of the reading of the registration statement by such person.

[3] H.R. Rep. No. 1838, 73rd Cong. 2d Sess. 41 (1934).

[4] *Id.*

[5] The term "earning statement" is not defined in Section 11 or elsewhere in the Securities Act.

[6] *See, e.g., In The Gap Stores Securities Litigation*, 79 F.R.D. 283 (N.D. Cal. 1978); *In re U.S. Financial Securities Litigation*, 64 F.R.D. 443 (S.D. Cal. 1974).

[7] *See, e.g., Rudnick* v. *Franchard Corporation*, 237 F. Supp. 871 (S.D.N.Y. 1965) in which the court notes that the purchaser must show reliance "if an intervening financial statement had been issued" and that the plaintiff had read "an annual financial statement that covered a full twelve-month period subsequent to the offering;" and *Fox* v. *Glickman Corp.*, 253 F. Supp. 1005 (S.D.N.Y. 1966), in which the issuer had distributed to its security holders an annual financial report and the existence of such report was advertised in New York newspapers.

[8] *See,* L. Loss, Securities Regulation 1725 (2d ed. & Supp. 1969); Rappaport, SEC Accounting Practice and Procedure 27–2 (3d. 1972); and M. Poloway and D. Charles, CCH Accountants SEC Practice Manual 1655 (1978).

[9] *Id.* Rappaport identifies such financial publishing houses as Standard and Poor's Moody's and Fitch.

[10] Rappaport, *supra*, note 8.

[11] *Id.*

[12] Release No. 33–6383 (March 3, 1982) [47 FR 11380, March 16, 1982].

[13] Suggestions to this effect have been made by members of the securities industry as well.

Securities Act and to trading and voting decisions made on the basis of Exchange Act reporting. Thus, it uses uniform disclosure requirements under both Acts and places increased emphasis on the Exchange Act continuous reporting system, allowing Exchange Act reporting to be relied upon for Securities Act purposes wherever possible. Consistent with the Integrated Disclosure System, proposed Rule 158 is designed to provide certainty and clarity, to eliminate duplication, and to simplify Securities Act procedures.

There follows a brief synopsis of the provisions of proposed Rule 158. Attention is directed to the text of the proposal for a more complete understanding.

II. Synopsis

A. Earning Statement

Paragraph (a) of proposed Rule 158 defines an "earning statement" for purposes of the last paragraph of Section 11(a). It provides that an earning statement will be sufficient for such purposes if it includes the information required for statements of income in annual reports on Form 10–K [17 CFR 249.310], pursuant to Item 8 thereof, or in quarterly reports on Form 10–Q [17 CFR 249.308a], pursuant to Item 1 of Part I thereof. The Commission believes that it is appropriate to consider the income statements contained in Exchange Act reports to be sufficient for purposes of Section 11(a) because, under the Integrated Disclosure System the Commission has adopted uniform financial statement requirements under the Securities Act and the Exchange Act.[14]

Form 10–Q does not require, but provides registrants the option of including, cumulative twelve month income statements in addition to quarterly information.[15] Proposed Rule 158(a) states that "sufficient" income statements shall include the specific information for twelve months. Thus, only optional cumulative twelve month income statements in a Form 10–Q report would be deemed "sufficient."

B. General Availability

Paragraph (b) of proposed Rule 158 would relate the requirement in Section 11(a) for general availability to the issuer's security holders to the filing of Exchange Act reports containing twelve month income statement. It provides that an issuer's earning statement will be deemed to have been "made generally available to its security holders" if the issuer is (1) a reporting company under Section 13 or 15(d) of the Exchange Act and (2) files a Form 10–K, 10–Q or 8–K report containing the required statement. In order not to impair flexibility, paragraph (b) would provide that it is not the exclusive means by which the general availability condition of Section 11(a) could be satisfied. In this regard, the Commission requests specific comment as to whether paragraph (b) should be broadened to include issuers not subject to Section 13 or 15(d) of the Exchange Act.

This proposed provision also reflects the goals and premises of the Integrated Disclosure System. It recognizes the central role played by the Exchange Act continuous reporting system in assuring a steady stream of complete and accurate corporate information to the marketplace and it avoids duplication by allowing documents prepared and filed in one context to satisfy the needs of another context. Unlike the Securities Act registration forms adopted as part of the Integrated Disclosure System, proposed Rule 158 makes no distinction among reporting companies.[16] The Commission solicits specific comment, however, as to whether filing Exchange Act reports should be sufficient to establish general availability in the case of issuers not qualified to use Forms S–2 or S–3 or whether additional requirements could be imposed on such issuers. Additional requirements could include such steps as advertising in national newspapers or distributing informal annual or quarterly reports to security holders which contain the necessary twelve month information.

C. Effective Date

Paragraph (c) of proposed Rule 158 addresses the need to determine when the twelve month period specified in Section 11(a) begins to run. Section 11(a) contemplates a twelve month period after the registered offering commences during which no reliance need be shown. Thus, a reliance requirement is imposed only if there has been an earning statement covering twelve months beginning after the effective date of the registration statement. Proposed paragraph (c) would provide that, for purposes of the last paragraph of Section 11(a), the "effective date of the registration statement" is deemed to be the latest to occur of three dates. The first date would be the effective date of the initial registration statement. The second date would be the effective date of a post-effective amendment which next preceded a particular sale of securities by the issuer and which was filed (a) to include any prospectus required by Section 10(a)(3) of the Securities Act, (b) to reflect any facts or events arising after the effective date which, individually or in the aggregate, represent a fundamental change in the information set forth in the registration statement, or (c) to include any new material information, or any materially changed information, with respect to the plan of distribution.[17] The third date would be the filing date of an exchange Act report incorporated by reference into the registration statement, subsequent to its effective date and next preceding a particular sale of securities by the issuer, if such report takes the place of an otherwise required post-effective amendment.[18]

III. Foreign Private Issuers

At such time as the Commission adopts Rule 158, it anticipates adopting comparable provisions, either in Rule 158 or a separate rule, for foreign private issuers that file annual reports on Form 20–F (17 CFR 249.220f). In this regard, the Commission specifically requests comments as to (1) the extent to which earnings statements in Form 6–K (17 CFR 249.306) reports should come within the definition of the term "earning statement" for purposes of the last paragraph of Section 11(a) and (2) which reports should be deemed to have been

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[14] *See* Release Nos. 33–6231, 6233 and 6234 (September 2, 1980) [45 FR 63630, September 25, 1980] relating to annual and full-year reporting and Release No. 33–6288 (February 9, 1981) [46 FR 12480, February 17, 1981] relating to quarterly and interim reporting.

[15] *See* Rule 10–01(c)(2) of Regulation S–X [17 CFR 229.10–01(c)(2)].

[16] Briefly, Form S–3 [17 CFR 239.13] provides for maximum use of incorporation by reference by seasoned reporting companies for certain specified transactions, including primary offerings if the company meets the tests designed to reflect widespread marketplace following; Form S–2 [17 CFR 239.12] provides for limited use of incorporation by reference by companies who have been reporting for 3 years; Form S–1 [17 CFR 239.11] does not allow any incorporation by reference and may be used by all companies; and Form S–18 [17 CFR 239.28] allows specially-tailored registration of offerings not exceeding $5 million by non-reporting companies.

[17] These are the purposes enumerated in Item 512(a) of Regulation S–K [17 CFR 229.512], which sets forth the undertakings to file post-effective amendments which must be included if securities are registered pursuant to Rule 415 [17 CFR 230.415].

[18] Registration statement Forms S–3 and S–8 [17 CFR 239.16b] require the incorporation by reference of Exchange Act reports filed subsequent to the effectiveness of the regiatration statement. If information otherwise required to be included in a post-effective amendment pursuant to Item 512(a)(1)(i) or (ii) is contained in incorporated Exchange Act periodic reports, a post-effective amendment is not required.

made generally available to security holders for such purposes.

IV. Request for Comment

Any interested persons wishing to submit written comments on proposed Rule 158 are requested to do so. Commentators are specifically invited to make suggestions as to other provisions concerning the last paragraph of Section 11(a) which should be included in Rule 158 or as to other ways in which the proposed Rule could be improved.

V. Statutory Authority

Proposed Rule 158 is being proposed pursuant to Sections 6, 7, 10 and 19(a) of the Securities Act of 1933.

List of Subjects in 17 CFR Part 230

Reporting requirements, Securities.

VI. Text of Proposal

In accordance with the foregoing, it is proposed to amend Title 17, Chapter II, of the Code of Federal Regulations as follows:

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

By adding § 230.158 to read as follows:

§ 230.158 Definitions of certain terms in the last paragraph of section 11(a).

(a) An "earning statement" made generally available to security holders of the issuer pursuant to the last paragraph of subsection (a) of section 11 of the Act shall be sufficient for the purposes of such paragraph if it shall include for the twelve months specified in such paragraph the information required for statements of income contained in Item 8 of Form 10–K (§ 249.310 of this chapter) under the Securities Exchange Act of 1934 or Part I, Item 1 of Form 10–Q (§ 249.308a of this chapter) under such Act.

(b) For purposes of the last paragraph of subsection (a) of section 11 only, the "earning statement" contemplated by paragraph (a) of this Rule shall be deemed to be "made generally available to its security holders" if the issuer (1) is required to file reports pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934 and (2) has filed its report on Form 10–K, form 10–Q or Form 8–K (§ 249.308 of this chapter) containing such earning statement; provided, however, that an issuer may use other methods to make an earning statement "generally available to its security holders" for purposes of the last paragraph of subsection (a) of section 11.

(c) For purposes of the last paragraph of subsection (a) of section 11 only, the "effective date of the registration statement" is deemed to be the date of the latest to occur of (1) the effective date of the registration statement; (2) the effective date of the last post-effective amendment to the registration statement, filed for purposes of (i) including any prospectus required by section 10(a)(3) of the Act, (ii) reflecting in the prospectus any facts or events arising after the effective date of the registration statement (or the most recent post-effective amendment thereof) which, individually or in the aggregate, represent a fundamental change in the information set forth in the registration statement, or (iii) including any material information with respect to the plan of distribution not previously disclosed in this registaration statement or any material change to such information in the registration statement, next preceding a particular sale by the issuer of registered securities to the public; or (3) the date of filing of the last report of the issuer incorporated by reference into the prospectus, and relied upon in lieu of filing a post-effective amendment for purposes of paragraphs (c)(2) (i) and (ii) of this rule, next preceding a particular sale by the issuer of registered securities to the public.

(Secs. 6, 7, 10, 19(a), 48 Stat. 78, 81, 85; secs. 205, 209, 48 Stat. 906, 908; sec. 8, 68 Stat. 685; sec. 308(a)(2), 90 Stat. 57; 15 U.S.C. 77f, 77g, 77j, 77s(a))

By the Commission.

George A. Fitzsimmons,

Secretary.

April 22, 1983.

Regulatory Flexibility Act Certification

I, John S. R. Shad, Chairman of the Securities and Exchange Commission, hereby certify, pursuant to 5 U.S.C. 605(b), that proposed Rule 158, is promulgated, will not have a significant impact on entities subject to the rule, and therefore will not have a significant impact on a substantial number of small entities. The reason for this certification is that proposed Rule 158 does not modify the statutory responsibilities imposed upon such persons by Section 11(a) of the Securities Act of 1933. Proposed rule 158 creates a specific but non-exclusive means of complying with certain voluntary provisions of Section 11(a). The proposed Rule imposes no additional burden on any entity.

Dated: April 22, 1983.

John S. R. Shad,

Chairman.

[FR Doc. 83–11494 Filed 4–28–83; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 177

[069868]

Amorphous Silica; Change of Practice Considered

AGENCY: Customs Service, Treasury.

ACTION: Proposed change of practice—request for comments.

SUMMARY: This document gives notice that Customs is reviewing its current established and uniform practice of classifying synthetically produced amorphous silica as "silica." Customs is considering classifying that merchandise as "other inorganic compounds", and seeks public comment on the proposed change of practice.

DATE: Comments (preferably in triplicate) must be received on or before June 28, 1983.

ADDRESS: Comments should be addressed to the Commissioner of Customs, Attention: Regulations Control Branch, Room 2426, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: John G. Hurley, Classification and Value Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202–566–8181).

SUPPLEMENTARY INFORMATION:

Background

Pursuant to an established and uniform practice, based on Treasury Decision 68–29(14) and subsequent importations, Customs has classified a highly dispersed, synthetically produced amorphous silica ("silica gel") under the provision for silica, not specially provided for, in item 523.11, Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202).

However, information has been developed by Customs to indicate that the merchandise in question, being synthetically produced, has significantly different physical and chemical properties from mineral silica and does not have the same use(s) as the natural substance. In addition, it appears that synthetic amorphous silica is not known in the trade or commerce as mineral silica.

Proposed Change of Practice

On the basis of the above information, Customs has determined that the established and uniform practice of classifying synthetically produced amorphous silica as (mineral) silica, in item 523.11, TSUS, is clearly wrong. It is

Customs position that the silica gel in question, a highly dispersed silica produced by the pyrogenic method from silicon tetrachloride, which is an anhydride of silicic acid, is properly classifiable under the provision for other inorganic compounds, in item 423.00, TSUS, and dutiable.

Authority

Inasmuch as the proposed change of practice, if implemented, will result in duties being assessed on the merchandise, Customs is giving this notice and opportunity for comment as provided by section 315(d), Tariff Act of 1930, as amended (19 U.S.C. 1315(d)), and §177.10(c)(1), Customs Regulations (19 CFR 177.10 (c)(1)).

Comments

Before taking any further action on this matter, consideration will be given to any written comments submitted timely to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with §103.11(b), Customs Regulations (19 CFR 103.11(b)), during the hours of (9:00 a.m. to 4:30 p.m. on normal business days, at the Regulations Control Branch, Headquarters, Room 2426, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

List of Subjects in 19 CFR Part 177

Administrative practice and procedures, Customs duties and inspections.

Drafting Information

The principal author of this document was Todd J. Schneider, Regulations Control Branch, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Dated: March 11, 1983.

William von Rabb,

Commissioner of Customs.

[FR Doc. 83-11497 Filed 4-28-83; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 158

[Docket No. 3881-0106]

Quick Frozen Whole Kernel Corn; Advance Notice of Proposed Rulemaking on the Possible Establishment of a Standard

AGENCY: Food and Drug Administration.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Food and Drug Administration (FDA) is offering to interested persons an opportunity to review the Codex Standard for Quick Frozen Whole Kernel Corn (Codex standard) developed by the Codex Alimentarius Commission and to comment on the desirability and need for a U.S. standard for this food. The Codex standard was submitted to the United States for consideration for acceptance. If the comments received do not support the need for a U.S. standard for the food, FDA will not proposed a standard.

DATE: Comments by June 28, 1983.

ADDRESS: Written comments, data, or other information to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Bureau of Foods (HFF-214) Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, 202-245-1164.

SUPPLEMENTARY INFORMATION: The Food and Agriculture Organization (FAO) and the World Health Organization (WHO) jointly sponsor the Codex Alimentarius Commission, which conducts a program for developing worldwide food standards. The program has developed a large number of Codex standards, among which is that for quick frozen whole kernel corn.

As a member of the Codex Alimentarius Commission, the United States is under treaty obligation to consider all Codex standards for acceptance. The rules of procedure of the Codex Alimentarius Commission state that a Codex standard may be accepted by a participating country in one of three ways: full acceptance, target acceptance, or acceptance with specified deviations. A commitment to accept at a designated future date constitutes target acceptance. A country's acceptance of a Codex standard signifies that, except as provided for by specified deviations, a product that complies with the Codex standard may be distributed freely within the accepting country. A participating country that concludes that it will not accept a Codex standard is requested to inform the Codex Alimentarius Commission of this fact and the reasons therefor, the manner in which similar foods marketed in the country differ from the Codex standard, and whether the country will permit products complying with the Codex standard to move freely in that country's commerce.

For the United States to accept some or all of the provisions of a Codex standard for any food to which the Federal Food, Drug, and Cosmetic Act (the act) applies, it is necessary either to establish a standard under the authority of section 401 of the act (21 U.S.C. 341) or to revise an existing standard to incorporate the provisions within the U.S. standard. At present, there is no U.S. standard for quick frozen whole kernel corn. There are only voluntary grade standards for frozen whole kernel corn, including identity and quality requirements, developed by the U.S. Department of Agriculture.

Under the procedure prescribed in § 130.6(b)(3) (21 CFR 130.6(b)(3), FDA is providing an opportunity for review and informal comment (1) on the need for, and desirability of, a standard for this food, (2) on the specific provisions of the Codex standard (Codex standard 132-1981) and any modifications that should be included in a U.S. standard, if established, and (3) on any other pertinent points.

FDA advises that if the comments received do not support the need for a U.S. standard for this food, no U.S. standard will be proposed. If this decision is reached, FDA will inform the Codex Alimentarius Commission that an imported food that complies with the requirements of the Codex standard may move freely in interstate commerce in this country providing it complies with applicable U.S. laws and regulations.

Owing to the large number of countries, often with diverse food regulations, that are associated with Codex, certain provisions found in Codex standards may not be in keeping with aspects of U.S. policy and regulations. Codex standards customarily include hygiene requirements, limits on contaminants, certain basic labeling requirements, and other factors. These factors are not considered a part of food standards under section 401 of the act. Rather, they are dealt with under other sections of the act and are not included in a proposed U.S. standard.

In addition, the Codex standard for quick frozen whole kernel corn specifies analytical methods by which compliance with certain provisions is to be determined. As stated in 21 CFR 2.19, FDA uses the methods published in the latest edition of "Official Methods of Analysis of the Association of Official Analytical Chemists," when these are available, in preference to other methods. FDA will adhere to this policy

in any U.S. standard proposed under this notice.

Under § 130.6(c), all persons who wish to submit comments are encouraged and requested to consult with different interested groups (consumers, industry, the academic community, professional organizations, and others) in formulating their comments, and to include a statement of any meetings or discussions that have been held with other groups.

List of Subjects in 21 CFR Part 158

Food standards, Frozen vegetables, Vegetables.

The Codex standard under consideration is as follows:

Codex-STAN 132–1981—Codex Standard for Quick Frozen Whole Kernel Corn (World Wide Standard)

1. *Scope*

This standard shall apply to quick frozen whole kernel sweet corn of the species *Zea mays* L. convar. *saccharata* Koern as defined below and offered for direct consumption without further processing, except repacking, if required. It does not apply to the product when indicated as intended for further processing or for other industrial purposes.

2. *Description*

2.1 *Product Definition*

Quick frozen whole kernel corn is the product prepared from fresh, clean, whole sound, succulent kernels of sweet corn species *Zea mays* L. convar. *saccharata* Koern of either the white or yellow varieties by removing husk and silk; by sorting, trimming and washing; and by sufficiently blanching before or after removal from the cob to ensure adequate stability of colour and flavour during normal marketing cycles.

2.2 *Process Definition*

2.2.1 Quick frozen whole kernel corn is the product subjected to a freezing process in appropriate equipment and complying with the conditions laid down hereafter. This freezing operation shall be carried out in such a way that the range of temperature of maximum crystallization is passed quickly. The quick freezing process shall not be regarded as complete unless and until the product temperature has reached −18°C (0°F) at the thermal centre after thermal stabilization.

2.2.2 The recognized practice of repacking quick frozen products under controlled conditions is permitted.

2.3 *Handling Practice*

The product shall be handled under such conditions as will maintain the quality during transportation, storage, and distribution up to and including the time of final sale. It is recommended that during storage, transportation, distribution, and retail, the product be handled in accordance with the provisions in the *Recommended International Code of Practice for the Processing and Handling of Quick Frozen Foods* (Ref. No. CAC/RCP 8–1976).

2.4 *Presentation*

2.4.1 *Colour*

(a) Yellow

(b) White

3. *Essential Composition and Quality Factors*

3.1 *Optional Ingredients*

(a) salt (sodium chloride)

(b) condiments, such as spices and herbs

(c) garnishes, such as pieces of green peppers or red peppers, or mixture of both, either of which may be sweet or hot and may be dried. Other vegetables may be used as garnishes. A garnish may not exceed 5 per cent m/m of the finished food.

3.2 *Quality Factors*

3.2.1 *General Requirements*

Quick frozen whole kernel corn shall be:

—of similar varietal characteristics;
—of a reasonably uniform colour which may be slightly dull;
—before and after cooking, free from foreign flavour and odour, taking into consideration any added optional ingredients;
—reasonably tender;
—clean, free from sand, grit, insect contamination and other foreign material;
—reasonably free from loose skins;

and with respect to visual defects subject to tolerances shall be:

—reasonably free from ragged, crushed or broken kernels;
—reasonably free from damaged or blemished kernels;
—reasonably free from pieces of cob, husk or silk;
—practically free from harmless extraneous vegetable material; and
—reasonably free from pulled kernels.

3.2.2 *Analytical Requirements*

3.2.2.1 The Alcohol Insoluble Solids (AIS) content of the whole kernels, as determined by the method specified in sub-section 8.5 of this standard shall not exceed 30% m/m.

3.2.2.2 The soluble solids content of the juice pressed from the kernels and determined according to sub-section 8.6 of this standard by refractometer at 20°C, uncorrected for acidity and expressed as degrees Brix on the International Sucrose Scales shall be not less than 20.

3.2.3 *Definitions of Visual Defects*

(a) *Damage* or *blemish* means any kernel affected by insect injury or damaged by discolouration, pathological injury, mechanical injury, or by any other means to the extent that the appearance or eating quality is affected. This category of defect may be further classified as "minor", "major" or "serious" depending upon the extent to which the appearance is affected.

Minor—means damage or blemish that affects the kernel to only a slight degree.

Major—means damage or blemish that is quite noticeable and materially affects the kernel.

Serious—means damage or blemish that is very noticeable and of such nature that it would customarily be discarded under normal culinary preparation.

(b) *Cob* means the very firm to hard cellulose-like material to which the kernels of corn are attached and from which the kernels are removed during processing.

(c) *Husk* means the membranous outer covering and one of the constituent parts of an ear of corn that is removed during processing.

(d) *Silk* means the coarse thread-like filaments that are one of the constituent parts of an ear of corn. Such silk is found beneath the husk and in immediate contact with the corn kernels. Corn silk is normally removed during processing.

(e) *Harmless extraneous vegetable material* means vegetable matter other than cob, husk, or silk which is harmless. Such material may include, but is not limited to, grass, weeds, leaves and portions of stalk. This category of defect may be further classified as "minor", "major" or "serious", depending upon the amount of severity of the material.

Minor—only slightly noticeable and affects the product to only a slight degree.

Major—readily noticeable and affects the product to material degree.

Serious—very noticeable and objectionable and would customarily be discarded under normal culinary preparation.

(f) Pulled kernels means kernels of corn that have been so cut or removed from the ear of corn that portions of cob or hard tissue remain. This category of defect may be further classified as "minor" or "major" depending upon the amount of adhering cob that is present.

Minor— slight amount of cob material or hard tissue remains around the base of the kernel.

Major—moderate to noticeable amount of adhering cob material. (If

there is an excessive amount of cob material adhering, apply tolerance given in Table 1).

3.2.4 *Standard Sample Unit*

250 grammes

3.2.5 *Tolerances for Visual Defects*

For *tolerances* based on the standard sample unit indicated in Section 3.2.4, visual defects shall be assigned points in accordance with Table 1 in this Section. The maximum number of defects permitted in the Total Allowable Points rating indicated for the respective categories Minor, Major and Serious or the Combined Total of the foregoing categories.

TABLE I

Defects	Unit of evaluation	Defect categories			Total
		Minor	Major	Serious	
Damage or blemish	Each kernel				
Minor	do	1			
Major	do		2		
Serious	do			4	
Harmless EVM	Each piece				
Minor	do	1			
Major	do		2		
Serious	do			4	
Pulled kernels	Each kernel				
Minor	do	1			
Major	do		2		
Total allowable points		60	40	20	60

Pieces of cob—maximum tolerance, 0.6 cubic centimetres

Husk—maximum tolerance, 4.4 square centimetres

Silk—maximum tolerance, 160 cm

Ragged, crushed or broken kernels (60 pieces)

3.3 *Definition of "Defective" for Quality Factors*

Any standard sample unit taken in accordance with the *FAO–WHO Codex Alimentarius Sampling Plans for Prepackaged Foods* (AQL–6.5) (Ref. No. CAC/RM 42–1969) shall be regarded as a "defective" for the respective characteristics as follows:

(a) when it fails to meet 3.1(c)

(b) when it fails to meet the general requirements (3.2.1); or

(c) when it fails to meet the analytical requirements (3.2.2); or

(d) when it exceeds the "total allowable points" in any one or more of the defect categories, including "total" in Table I; or

(e) when it exceeds any one or more of the tolerances for cob, husk, silk, ragged, crushed or broken kernels, given in Section 3.2.5.

3.4 *Lot Acceptance for Quality Factors*

A lot will be considered acceptable when the number of "defectives" as defined in para. 3.3 does not exceed the acceptance number (c) for the appropriate sample size as specified in the *FAO/WHO Codex Alimentarius Sampling Plans for Prepackaged Foods* (AQL—6.5) (Ref. No. CAC/RM 42–1969). In applying the acceptance procedure each defective (as defined in paragraph 3.3, sub-paragraphs (a) to (e)) is treated individually for the respective characteristics.

4. *Food Additives*

4.1 Citric or malic acid, as processing aids for use in the blanching or cooling water in accordance with GMP.

4.2 *Carry-over principle*

Section 3 of the "Principle Relating to the Carry-Over of Additives into Foods" as set forth in Volume I of Codex Alimentarius shall apply.

5. *Hygiene*

It is recommended that the product covered by the provisions of this standard be prepared in accordance with the *International Code of Practice—General Principles of Food Hygiene* (Ref. No. CAC/RCP I–1969, Rev. 1) recommended by the Codex Alimentarius Commission.

6. *Labelling*

In addition to Sections 1, 2, 4 and 6 of the *Codex General Standard for the Labelling of Prepackaged Foods* (Ref. No. CODEX STAN 1–1981) the following provisions apply:

6.1 *The Name of the Food*

6.1.1 The name of the food as declared on the label shall include the designation "corn".

6.1.2 In addition, there shall appear on the label in conjunction with or in close proximity to the word "corn":

(a) The words "whole kernel" except that the description "whole grain", "cut", "sweet" or "kernels" may be used if this is customary in the country where the product is sold.

(b) The colour "yellow" or "white" except that the colour "golden" may be used in lieu of "yellow" if this is customary in the country where the product is sold.

6.1.3 The words "quick frozen" except that the word "frozen"[1] may be applied in countries where this term is customarily used for describing the product processed in accordance with subsection 2.2 of this standard.

6.1.4 When any ingredients other than salt have been added which imparts to the food the distinctive flavour of the ingredients or appearance of the garnish, the name of the food shall be accompanied by the term "with X" of "X flavoured", as appropriate.

6.2 *List of Ingredients*

A complete list of ingredients shall be declared in descending order of proportion: Section 3.2(c) of the *Codex General Standard for the Labelling of Prepackaged Foods* (Ref. No. CODEX STAN 1–1981) shall also apply, except that food additives present in the product in accordance with Section 4.1 and 4.2 need not be declared.

6.3 *Net Contents*

The net contents shall be declared by weight in either the metric system (Système international" units) or avoirdupois or both systems of measurement as required by the country in which the food is sold.

6.4 *Name and Address*

The name and address of the manufacturer, or packer, or distributor, or importer, or exporter, or vendor of the food shall be declared on the label.

6.5 *Country of Origin*

The country of origin of the product shall be declared if its omission would mislead or deceive the consumer.

6.6 *Lot Identification*

Each container shall be embossed or otherwise permanently marked, in code or in clear, to identify the producing factory and the lot.

6.7 *Additional Requirements*

The packages shall bear clear directions for keeping from the time they are purchased from the retailer to the time of their use, as well as directions for cooking.

6.8 *Bulk Packs*

In the case of quick frozen whole kernel corn in bulk, the information required in 6.1 through 6.6 shall either be placed on the container or be given in accompanying documents, *except* that the name of the food accompanied by the words "quick frozen" (the term "frozen" may be used in accordance with subsection 6.1.3 of this standard) and the name and address of the manufacturer or packer shall appear on the container.

7. *Packaging*

[1] "Frozen"—this term is used as an alternative to "quick frozen" in some English-speaking countries.

Packaging used for quick frozen whole kernel corn shall:

(a) protect the organoleptic and other quality characteristics of the product;

(b) protect the product from microbiological and other contamination;

(c) protect the product from dehydration and, where appropriate, leakage as far as technologically practicable; and

(d) not pass on to the product any odour, taste, colour or other foreign characteristics throughout the processing (where applicable) and distribution of the product up to the time of final sale.

8. *Methods of Sampling, Examination, and Analysis*

8.1 *Sampling*

8.1.1 *Sampling for Quality Factors:* For these provisions detailed in Sections 3.1(c), 3.2.1, 3.2.3, 3.2.5 of this standard, sampling shall be carried out in accordance with *FAO/WHO Codex Alimentarius Sampling Plans for Prepackaged Foods* (AQL–6.5) (Ref. No. CAC/RM 42–1969).

8.1.2 *Sampling for Net Weight* shall be in accordance with FAO/WHO Codex Alimentarius Sampling Plans for Determination of Net Weight (under elaboration by the Codex Committee on Methods of Analysis and Sampling).

8.1.3 *Sampling for Analytical Requirements*

Sampling plans to be elaborated.

8.2 *Thawing Procedure*

According to the *FAO/WHO Codex Alimentarius Standard Procedure for Thawing of Quick Frozen Fruits and Vegetables* (Ref. NO. CAC/RM 32–1970).

8.3 *Cooking Procedure*

According to the *FAO/WHO Codex Alimentarius Standard Procedure for Cooking of Quick Frozen Vegetables* (Ref. No. CAC/RM 33–1970). The following figures should be considered as guidelines for the cooking time for quick frozen whole kernel corn—two to four minutes.

8.4 *Determination of Net Weight*

According to the *FAO/WHO Codex Alimentarius Method: Net Weight Determination of Frozen Fruits and Vegetables (CAC/RM 34–1970)*; also contained in *Codex Standard for Quick Frozen Peas* (Section 8.3, CODEX STAN 41–1981).

8.5 *Determination of Alcohol-Insoluble Solids (A.I.S.)* To be elaborated.

8.6 *Determination of Soluble Solids Content* (Expressed as sucrose)

Thaw the sample according to 8.2 Thawing procedure. Proceed according to FAO/WHO Codex Alimentarius method for the determination of total soluble solids content (expressed as sucrose) of Quick Frozen Fruit (Ref. No. CAC/RM 43–1971). It will be necessary to place the slurry on a square of cheese-cloth and squeeze out some liquid for evaluation of refractometry (to be endorsed).

Interested persons may, on or before June 28, 1983, submit to the Dockets Management Branch (address above), written comments regarding this notice. Two copies of any comments are to be submitted, except that individuals may submit one copy. Each comment should identify the title of the Codex standard and the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Executive Order 12291 does not apply to regulations issued in accordance with the formal rulemaking provisions of the Administrative Procedure Act (5 U.S.C. 556, 557). Food standards promulgated under 21 U.S.C. 341 and 371(e) fall under this exemption. However, any comments submitted in support of establishing a U.S. standard for this food should be supported by appropriate information and data regarding impact on small business consistent with the requirements of the Regulatory Flexibility Act (Pub. L. 96–354).

Dated: April 21, 1983.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 83–11482 Filed 4–28–83; 8:45 am]

BILLING CODE 4160–01–M

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21 CFR Part 158

[Docket No. 83N–0105]

Quick Frozen Corn-on-the-Cob; Possible Establishment of a Standard

AGENCY: Food and Drug Administration.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Food and Drug Administration (FDA) is offering to interested persons an opportunity to review the Codex Standard for Quick Frozen Corn-On-The-Cob (Codex standard) developed by the Codex Alimentarius Commission and to comment on the desirability and need for a U.S. standard for this food. The Codex standard was submitted to the United States for consideration for acceptance. If the comments received do not support the need for a U.S. standard for the food, FDA will not propose a standard.

DATE: Comments by June 28, 1983.

ADDRESS: Written comments, data, or other information to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Bureau of Foods (HFF–214), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–245–1164.

SUPPLEMENTARY INFORMATION: The Food and Agriculture Organization (FAO) and the World Health Organization (WHO) jointly sponsor the Codex Alimentarius Commission, which conducts a program for developing worldwide food standards. The program has developed a large number of Codex standards, among which is that for quick frozen corn-on-the-cob.

As a member of the Codex Alimentarius Commission, the United States is under treaty obligation to consider all Codex standards for acceptance. The rules of procedures of the Codex Alimentarius Commission state that a Codex standard may be accepted by a participating country in one of three ways: full acceptance, target acceptance, or acceptance with specified deviations. A commitment to accept constitutes target acceptance. A country's acceptance of a Codex standard signifies that, except as provided for by specified deviations, a product that complies with the Codex standard may be distributed freely within the accepting country. A participating country that concludes that it will not accept a Codex standard is requested to inform the Codex Alimentarius Commission of this fact and the reasons therefor, the manner in which similar foods marketed in the country differ from the Codex standard, and whether the country will permit products complying with the Codex standard to move freely in that country's commerce.

For the United States to accept some or all of the provisions of a Codex standard for any food to which the Federal Food, Drug, and Cosmetic Act (the act) applies, it is necessary either to establish a standard under the authority of section 401 of the act (21 U.S.C. 341) or to revise an existing standard to incorporate the provisions within the U.S. standard. At present, there is no U.S. standard for quick frozen corn-on-the-cob. There are only voluntary grade standards for frozen corn-on-the-cob, including identity and quality requirements, developed by the U.S. Department of Agriculture.

Under the procedure prescribed in § 130.6(b)(3) (21 CFR 130.6(b)(3)), FDA is providing an opportunity for review and informal comment (1) on the need for, and desirability of, a standard for this food, (2) on the specific provisions of the

Codex standard (Codex standard 133–1981) and any modifications that should be included in a U.S. standard, if established, and (3) on any other pertinent points.

FDA advises that if the comments received do not support the need for a U.S. standard for this food, no U.S. standard will be proposed. If this decision is reached, FDA will inform the Codex Alimentarius Commission that an imported food that complies with the requirements of the Codex standard may move freely in interstate commerce in this country providing it complies with applicable U.S. laws and regulations.

Owing to the large number of countries, often with diverse food regulations, that are associated with Codex, certain provisions found in Codex standards may not be in keeping with aspects of U.S. policy and regulations. Codex standards customarily include hygiene requirements, limits on contaminants, certain basic labeling requirements, and other factors. These factors are not considered a part of food standards under section 401 of the act. Rather, they are dealt with under other sections of the act and are not included in a proposed U.S. standard.

In addition, the Codex standard for quick frozen corn-on-the-cob specifies analytical methods by which compliance with certain provisions is to be determined. As stated in 21 CFR 2.19, FDA uses the methods published in the latest edition of "Official Methods of Analysis of the Association of Official Analytical Chemists," when these are available, in preference to other methods. FDA will adhere to this policy in any U.S. standard proposed under this notice.

Under § 130.6(c), all persons who wish to submit comments are encouraged and requested to consult with different interested groups (consumers, industry, the academic community, professional organizations, and others) in formulating their comments and to include a statement of any meetings or discussions that have been held with other groups.

List of Subjects in 21 CFR Part 158

Food standards, Frozen vegetables, Vegetables.

The Codex standard under consideration is as follows:

Codex STAN 133–1981—Codex Standard for Quick Frozen Corn-on-the-Cob (World Wide Standard)

1. *Scope*

This standard shall apply to quick frozen Corn-on-the-Cob of the species *Zea mays* L. convar *saccharata* koern as defined below and offered for direct consumption without further processing, except for repacking, if required. It does not apply to the product when indicated as intended for further processing or for other industrial purposes.

2. *Description*

2.1 *Product Definition*

Quick frozen Corn-on-the-Cob is the product prepared from fresh, clean, sound, properly matured whole or pieces of ears conforming to the characteristics of the sweet corn variety *Zea mays* L. convar *saccharata* Koern which are trimmed (except for the style "Whole"), separated from husk and silk, sorted and washed and sufficiently blanched to ensure stability of colour and flavour during normal marketing cycles.

2.2 *Process Definition*

2.2.1 Quick frozen Corn-on-the-Cob is the product subjected to a freezing process in appropriate equipment and complying with the conditions laid down hereafter. This freezing operation shall be carried out in such a way that the range of temperature of maximum crystallization is passed quickly. The quick freezing process shall not be regarded as complete unless and until the product temperature has reached-18°C (0°F) at the thermal centre after thermal stabilization.

2.2.2 The recognized practice of repacking quick frozen products under controlled conditions is permitted.

2.3 *Handling Practice*

The product shall be handled under such conditions as will maintain the quality during transportation, storage and distribution up to and including the time of final sale. It is recommended that during storage, transportation, distribution and retail, the product be handled in accordance with the provisions in the *Recommended International Code of Practice for the Processing and Handling of Quick Frozen Foods* (Ref. No. CAC/RCP 8–1976).

2.4 *Presentation*

2.4.1 *Style*

2.4.1.1

(a) *Whole*—the whole, intact ear of corn to which a small part of the stalk may be attached. Minimum length not less than 120 mm.

(b) *Trimmed whole*—the product obtainable from one whole ear after trimming of both ends. Minimum length not less than 120 mm.

(c) *Cut Cob*—portions of the whole trimmed ear, cut transversely into pieces not shorter than 40 mm.

2.4.1.2 The diameter of the product of any style, measured perpendicularly to the axis at the maximum diameter shall be not less than 30 mm.

2.4.2 *Other Styles*

Any other presentation of the product shall be permitted provided that it:

(a) Is sufficiently distinctive from other forms of presentation laid down in this standard;

(b) Meets all other requirements of this standard;

(c) Is adequately described on the label to avoid confusing or misleading the consumer.

2.4.3 *Standard Sample Unit for Presentation*

The standard sample unit shall be 4 ears for whole and trimmed whole corn and 8 pieces of ear for the cut cob.

2.4.4 *Definition of "Defectives" for Presentation*

Any standard sample unit from a sample taken in accordance with the *FAO/WHO Codex Alimentarius Sampling Plans for Prepackaged Foods* (AQL 6.5) (Ref. No. CAC/RM 42–1969) shall be regarded as defective if any individual whole ear, trimmed whole ear or cut cob fails to comply with the requirements in sections 2.4.1.1 and 2.4.1.2.

2.4.5 *Lot Acceptance for Presentation Factors*

A lot will be considered acceptable with respect to presentation factors when the number of defectives as defined in section 2.4.4. does not exceed the acceptance number (c) for the appropriate sample plan as specified in the *FAO/WHO Codex Alimentarius Sampling Plans for Prepackaged Foods.* (AQL 6.5) (Ref. No. CAC/RM 42–1969).

3. *Essential Composition and Quality Factors*

3.1 *Optional Ingredients*

(a) Salt (sodium chloride)

(b) Condiments, such as spices and herbs.

3.2 *Quality Factors*

3.2.1 *General Requirements*

Quick Frozen Corn-on-the-Cob shall be:

—free frozen foreign flavour and odours, taking into consideration any added optional ingredients;
—clean, free from sand and grit and other foreign material;
—free from insect contamination;

and with respect to visual defects subject to a tolerance shall be:

—of reasonably uniform white, cream to yellow (golden) colour;
—reasonably well developed;
—reasonably uniform in size;
—reasonably free from blemished or mechanically damaged areas;
—reasonably free from poorly trimmed units (except for whole style);
—reasonably free from extraneous vegetable matter (EVM).

3.2.2 *Analytical Requirements*

3.2.2.1 The Alcohol Insoluble Solids (A.I.S.) content of the whole kernels detached from the cob, as determined by the method specified in section 8.5 of this standard shall not exceed 30% mm.

3.2.2.2 The total soluble solids content of the juice pressed from the kernels and determined according to section 8.6 of this standard by refractometer at 20°C, uncorrected for acidity and read as °Brix on the International Sucrose Scale shall be not less than 20.

3.2.3 *Definition of Visual Defects*

(a) *Uniform white, cream to yellow (golden) colour* means, that all kernels on one ear are of the same colour and that the different units in one standard sample unit are of the same colour.

Light variation —Some difference in colour exists, only slightly affecting the appearance.

Pronounced variation—difference in colour between the different kernels and/or ears are noticeable and affecting the appearance.

(b) *Uniform in size* means that the length of the longest ear in the sample unit does not exceed the length of the shortest ear by more than 50 mm for whole and trimmed whole styles or by more than 20 mm for cut style, and that the largest diameter of the largest unit does not exceed the largest diameter of the smallest unit by more than 15 mm.

Minor—outside one of the limits (length or diameter) by maximum 5 mm—1 defect;

Major—outside both limits by maximum 5 mm—2 defects;

Major—outside one or both of the limits by more than 5 mm—4 defects.

(c) *Well developed* means that the kernels shall be positioned in a symmetrical patteren in distinct lines or rows which are not seriously affected by missing or shrunken kernels. The whole style may have some shrunken or underdeveloped parts.

Minor—Appearance materially affected by irregular pattern of kernels—1 defect;

Major—More than 10 percent but less than 15 percent by count of the kernels missing or shrunken—2 defects;

Serious 15 percent or more by count of the kernels missing or shrunken—4 defect.

In "whole style" the length of the part of ear which is shrunken or underdeveloped shall be considered as follows:

Minor—more than 20 mm and up to 25 mm—1 defect;

Major—more than 25 mm and up to 30 mm—2 defects;

Serious more than 30 mm—4 defects.

(d) *Blemished or mechanically damaged areas*

Blemished: A unit affected by pathological or insect injury with associated discolouration which affects the kernels.

Mechanically damaged: A unit affected by cuts or by crushing of the kernels. Kernels at the ends of the units which are damaged by cutting shall not be considered as damaged by mechanical injury.

Minor—more than 5 percent but less than 10 percent by count of the kernels are slightly affected but not more than 0.5 percent by count of all kernels are seriously blemished or damaged = 1 defect

Major—10 percent or more but less than 15 percent by count of the kernels are slightly affected but not more than 1 percent by count of all kernels are seriously blemished or damaged = 2 defects

Serious—More than 15 percent by count of the kernels are slightly affected or more than 1 percent by count of the kernels are seriously affected = 4 defects

(e) *Poorly trimmed means* (i) ears or cut cobs where at the stem end a small part of stalk remains attached and also means (ii) that the top end of the ear or the cut cob is cut too high leaving underdeveloped kernels on the cob. For the style "whole" the top is untrimmed and a piece of the stalk of maximum 15 mm may remain attached, and not be considered a defect.

Minor—at one end of unit maximum 5 mm left = 1 defect

Major—at one end of unit 5–10 mm left = 2 defects

Serious—at one end of unit more than 10 mm left = 4 defects

(f) *EVM (Extraneous Vegetable Material)*

Husk—means the membranous outer covering and one of the constituent parts of an ear of corn that is removed during processing

Silk—means the coarse thread-like filaments that are one of the constituent parts of an ear of corn. Such silk is found beneath the husk and in immediate contact with the corn kernels (on the cob). Corn silk is normally removed during processing. Silk to the total length twice of that of the unit in question are considered normal and not a defect.

Minor—silk to a total length of 2–6 times the length of the units = 1 defect

Minor—husks not more than 2 square cm in total surface = 1 defect

Major—silk to a total length greater than 6 times the length of the units or husks larger than 2 square cm in total surface = 2 defects

3.2.4 *Standard sample Unit* [1]

The standard sample unit for the respective styles shall be:

Whole and trimmed whole, 4 ears
Cut Cob, 8 pieces of ears

3.2.5 *Tolerances for Visual Defects*

Based on the standard sample unit defined in section 3.2.4, visual defects shall be assigned points in accordance with Table 1 in this section. The maximum number of defects permitted in the Total Allowable Points rating are indicated for the respective categories Minor, Major, and Serious or the Combined Total of the foregoing categories.

[1] "Standard Sample Unit": This term should not be confused with individual units of product i.e., whole ear, trimmed whole ear or cut cob.

TABLE I.—ALL STYLES

Defect	Unit of measurement	Defect categories			
		Minor	Major	Serious	Total
(a) Colour variation (Kernel)					
—Light	One ear	1			
—Pronounced			2		
Colour variation (Ears)					
—Light	Standard	1			
—Pronounced	Sample Unit		1		
(b) Difference in size outside given range (in standard sample unit).		2	2 or 4		
(c) Not well developed	Each ear	1	2	4	
(d) Blemish or damaged	Each ear	1	2	4	
(e) Poorly trimmed	Each ear	1	2	4	
(f) EVM	Standard sample unit	1	2		
Total allowable points		21	6	4	21

3.3 *Definition of "defective" for Quality Factors*

Any standard sample unit taken in accordance with the *FAO/WHO Codex Alimentarius Sampling Plans for Prepackaged Foods* AQL–6.5 (Ref. No. CAC/RM 42–1969) and which is adjusted to a standard sample unit size

given in 3.2.4 shall be regarded as a "defective" for the respective characteristics as follows:

(a) Any standard sample unit that fails to meet the general requirements given in section 3.2.1

(b) Any standard sample unit that fails the "Total Allowable Points" in any one or more of the defect categories including the *Total* in Table 1, in section 3.2.5

(c) Any standard sample unit that fails to meet the analytical requirements in section 3.2.2

3.4 *Lot Acceptance for Quality Factors*

A lot will be considered acceptable when the number of "defectives" as defined in section 3.3 does not exceed the acceptance number (c) for the appropriate sample plan as specified in the *FAO/WHO Codex Alimentarius Sampling Plans for Prepackaged Foods* (AQL 6.5) (Ref. No. CAC/RM 42–1969). In applying the acceptance procedure each defective (as defined in section 3.3 (a) or (b) or (c)) is treated individually for the respective characteristics.

4. *FOOD ADDITIVES*

4.1 Citric or malic acid, as processing aids for use in the blanching or cooling water in accordance with GMP.

4.2 *Carry-Over Principle*

"Section 3" of the "Principle relating to the Carry-Over of Additives into Foods" as set forth in Volume I of Codex Alimentarius shall apply.

5. *Hygiene*

It is recommended that the product covered by the provisions of this standard be prepared in accordance with the *International Code of Practice—General Principles of Food Hygiene* (Ref. No. CAC/RCP 1–1969, Rev. I) recommended by the Codex Alimentarius Commission.

6. *Labelling*

In addition to sections 1,2,4 and 6 of the *Codex General Standard for Labelling of Prepackaged Foods* (Ref. No CODEX STAN 1–1981), the following specific provisions apply subject to endorsement by the Codex Committee on Food Labelling. (To be endorsed).

6.1 *The Name of the Food*

6.1.1 The name of the food as declared on the label shall include "Corn-on-the-Cob" preceded or followed by a description of the style as indicated in section 2.4. The words "quick frozen" shall also appear on the label except that the term "frozen" may be applied in countries where this term is customarily used for describing the product processed in accordance with section 2.2 of the standard.

6.1.2 If the product is produced in accordance with Section 2.4.2 the label shall contain in close proximity to the word "Corn-on-the-Cob" such additional words or phrases that will avoid misleading or confusing the consumer.

6.1.3 In addition, there shall for the styles "whole" and "trimmed whole" appear on the label, in conjunction with, or in close proximity to the name a clear indication of the number of units included in the package.

6.2 *List of Ingredients*

A complete list of ingredients shall be declared in descending order or proportion in accordance with section 3.2 (c) of the *Codex General Standard for the Labelling of Prepackaged Foods* (Ref. No. CODEX STAN 1–1981) except that food additives present in the product in accordance with section 4.1 and 4.2 need not be declared.

6.3 *Net Contents*

The minimum net contents shall be declared by count and/or by weight. If by weight, it shall be declared in either the metric system ("systeme international" units) or avoirdupois or both systems of measurement as required by the country in which the food is sold.

6.4 *Name and Address*

The name and address of the manufacturer, packer, distributor, importer, exporter or vendor of the food shall be declared.

6.5 *Country of Origin*

The country of origin of the product shall be declared if its omission would mislead or deceive the consumer.

6.6 *Lot Identification*

Each container shall be embossed or otherwise permanently marked, in code or in clear, to identify the producing factory and the lot.

6.7 *Additional Requirements*

The packages shall bear clear directions for keeping from the time they are purchased from the retailer to the time of their use, as well as directions for cooking.

6.8 *Bulk Packs*

In the case of quick frozen Corn-on-the-Cob, in bulk, regardless of style, the information required in section 6.1 to 6.6 shall either be placed on the container or be given in accompanying documents, *except* that the name of the food accompanied by the words "quick frozen" (the term "frozen" may be used in accordance with section 6.1.1 of this standard), and the name and address of the manufacturer or packer shall appear on the container.

7. *Packaging*

Packaging used for quick frozen Corn-on-the-Cob, regardless of style, shall:

(a) protect the organoleptic and quality characteristics of the product;

(b) protect the product from microbiological and other contamination;

(c) protect the product from dehydration and, where appropriate, leakage as far as technologically practicable; and

(d) not pass onto the product any odour, taste, colour or other foreign characteristics through the processing (where applicable) and distribution of the product up to the time of final sale.

8. *Methods of Examination, Analysis and Sampling*

8.1. *Sampling*

8.1.1 *Sampling for Presentation and Visual Defects:* For those provisions detailed in sections 2.4 and 3.2 of this standard sampling shall be carried out in accordance with the *FAO/WHO Codex Alimentarius Sampling Plans for Prepackaged Foods* (AQL 6.5) (Ref. No. CAC/RM 42–1969).

8.1.2 *Sampling for Net Weight:* shall be carried out in accordance with the *FAO/WHO Codex Alimentarius Sampling Plans for the Determination of Net Weight* (under elaboration by the Codex Committee on Methods of Analysis and Sampling).

8.1.3 *Sampling for Analytical Requirements:* Sampling Plans to be elaborated.

8.2 *Thawing Procedure*

FAO/WHO Codex Alimentarius Standard Procedure for Thawing of Quick Frozen Fruits and Vegetables (Ref. No. CAC/RM 32–1970).

8.3 *Cooking Procedure*

FAO/WHO Codex Alimentarius Standard Procedure for Cooking of Quick Frozen Vegetables (Ref. No. CAC/RM 33–1970). Cooking time for quick frozen corn, regardless of style, may vary somewhat according to variety characteristics and degree of maturity and is in the order of 10 minutes.

8.4 *Determination of Net Weight*

FAO/WHO Codex Alimentarius Standard Procedure for Determination of Net Weight of Quick Frozen Fruits and Vegetables (Ref. No. CAC/RM 34–1970); also contained in the *Codex Standard for Quick Frozen Peas* (CODEX STAN 41–1981, section 8.3).

8.5 *Determination of the Alcohol-Insoluble Solids* (A.I.S) (To be developed).

8.6 *Determination of Total Soluble Solids Content*

Thaw the sample according to 8.2 Thawing Procedure. Remove the whole grains from the cob with a suitable instrument taking care not to damage individual kernels. Proceed according to

FAO/WHO Codex Alimentarius Method for the Determination of Total Soluble Solids Content (expressed as sucrose) of Quick Frozen Fruit (Ref. No. CAC/RM 43–1971). It will be necessary to place the slurry on a square of cheese cloth and squeeze out some liquid for evaluation by refractometry. (To be endorsed).

Interested persons may, on or before June 28, 1983, submit to the Dockets Management Branch (address above), written comments regarding this notice. Two copies of any comments are to be submitted, except that individuals may submit one copy. Each comment should identify the title of the Codex standard and the docket number in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Executive Order 12291 does not apply to regulations issued in accordance with the formal rulemaking provisions of the Administrative Procedure Act (5 U.S.C. 556, 557). Food standards promulgated under 21 U.S.C. 341 and 371(e) fall under this exemption. However, any comments submitted in support of establishing a U.S. standard for this food should be supported by appropriate information and data regarding impact on small business consistent with requirements of the Regulatory Flexibility Act (Pub. L. 96–354).

Dated: April 21, 1983.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 83-11461 Filed 4-28-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 158

[Docket No. 83N-0111]

Quick Frozen Broccoli; Advance Notice of Proposed Rulemaking on the Possible Establishment of a Standard

AGENCY: Food and Drug Administration.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Food and Drug Administration (FDA) is offering to interested persons an opportunity to review the Codex Standard for Quick Frozen Broccoli (Codex standard) developed by the Codex Alimentarius Commission and to comment on the desirability and need for a U.S. standard for this food. The Codex standard was submitted to the United States for consideration for acceptance. If the comments received do not support the need for a U.S. standard for the food, FDA will not propose a standard.

DATE: Comments by June 28, 1983.

ADDRESS: Written comments, data, or other information to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Bureau of Foods (HFF–214), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–245–1164.

SUPPLEMENTARY INFORMATION: The Food and Agriculture Organization (FAO) and the World Health Organization (WHO) jointly sponsor the Codex Alimentarius Commission, which conducts a program for developing worldwide food standards. The program has developed a large number of Codex standards, among which is that for quick frozen broccoli.

As a member of the Codex Alimentarius Commission, the United States is under treaty obligation to consider all Codex standards for acceptance. The rules of procedure of the Codex Alimentarius Commission state that a Codex standard may be accepted by a participating country in one of three ways: Full acceptance, target acceptance, or acceptance, with specified deviations. A commitment to accept at a designated future date constitutes target acceptance. A country's acceptance of a Codex standard signifies that, except as provided for by specified deviations, a product that complies with the Codex standard may be distributed freely within the accepting country. A participating country that concludes that it will not accept a Codex standard is requested to inform the Codex Alimentarius Commission of this fact and the reasons therefor, the manner in which similar foods marketed in the country differ from the Codex standard, and whether the country will permit products complying with the Codex standard to move freely in that country's commerce.

For the United States to accept some or all of the provisions of a Codex standard for any food to which the Federal Food, Drug, and Cosmetic Act (the act) applies, it is necessary either to establish a standard under the authority of section 401 of the act (21 U.S.C. 341) or to revise an existing standard to incorporate the provisions within the U.S. standard. At present, there is no U.S. standard for quick frozen broccoli. There are only voluntary grade standards for marketing frozen broccoli, including identity and quality requirements, developed by the U.S. Department of Agriculture.

Under the procedure prescribed in § 130.6(b)(3) (21 CFR 130.6(b)(3)), FDA is providing an opportunity for review and informal comment (1) on the need for, and desirability of, a standard for this food, (2) on the specific provisions of the Codex standard (Codex standard 110–1981) and any modifications that should be included in a U.S. standard, if established, and (3) on any other pertinent points.

FDA advises that if the comments received do not support the need for a U.S. standard for this food, no U.S. standard will be proposed. If this decision is reached, FDA will inform the Codex Alimentarius Commission that an imported food that complies with the requirements of the Codex standard may move freely in interstate commerce in this country providing it complies with applicable U.S. laws and regulations.

Owing to the large number of countries, often with diverse food regulations, that are associated with Codex, certain provisions found in Codex standards may not be in keeping with aspects of U.S. policy and regulations. Codex standards customarily include hygiene requirements, limits on contaminants, certain basic labeling requirements, and other factors. These factors are not considered a part of food standards under section 401 of the act. Rather, they are dealt with under other sections of the act and are not included in a proposed U.S. standard.

In addition, the Codex standard for quick frozen broccoli specifies analytical methods by which compliance with certain provisions is to be determined. As stated in 21 CFR 2.19, FDA uses the methods published in the latest edition of "Official Methods of Analysis of the Association of Official Analytical Chemists," when these are available, in preference to other methods. FDA will adhere to this policy in any U.S. standard proposed under this notice.

Under § 130.6(c), all persons who wish to submit comments are encouraged and requested to consult with different interested groups (consumers, industry, the academic communtiy, professional organizations, and others) in formulating their comments, and to include a statement of any meetings or discussions that have been held with other groups.

List of Subjects in 21 CFR Part 158

Food standards, Frozen vegetables, Vegetables.

The Codex standard under consideration is as follows:

Codex STAN 110-1981—Codex Standard for Quick Frozen Broccoli (Worldwide standard)

1. *Scope*

This standard shall apply to quick frozen broccoli of the species *Brassica oleracea* L. var. *italica* Plenck (Sprouting Broccoli), as defined below and offered for direct consumption without further processing, except for re-packing, if required. It does not apply to the product when indicated as intended for further processing or for other industrial purposes.

2. *Description*

2.1 *Product Definition*

Quick frozen broccoli is the product prepared from the fresh, clean, sound stalks or shoots of the broccoli plant conforming to the characteristics of the species *Brassica oleracea* L. var. *italica* Plenck (Sprouting Broccoli) which have been sorted, trimmed, washed and sufficiently blanched to ensure adequate stability of colour and flavour during normal marketing cycles.

2.2 *Process Definition*

2.2.1 Quick frozen broccoli is the product subjected to a freezing process in appropriate equipment and complying with the conditions laid down hereafter. This freezing operation shall be carried out in such a way that the range of temperature of maximum crystallization is passed quickly. The quick freezing process shall not be regarded as complete unless and until the product temperature has reached −18° C (0° F) at the thermal centre after thermal stabilization. The product shall be maintained at a low temperature such as will maintain the quality during transportation, storage and distribution up to and including the time of final sale.

2.2.2 The recognized practice of repacking quick frozen products under controlled conditions is permitted.

2.3 *Handling Practice*

The product shall be handled under conditions such as will maintain the quality during transportation, storage and distribution up to and including the time of final sale. It is recommended that during storage, transportation, distribution and retail, the product be handled in accordance with the provisions in the Recommended International Code of Practice for the Processing and Handling of Quick Frozen Foods (Ref. No. CAC/RCP 8–1976).

2.4 *Presentation*

2.4.1 *Styles*

(a) *Spears*—the head and adjoining portion of the stem, with or without small tender attached leaves, ranging in length from more than 7 cm to 16 cm. The spears may be split longitudinally. Within each sample unit not more than 20 percent by count fall outside the designated length.

(b) *Florets*—the head and adjoining portion of the stem with or without small tender attached leaves ranging in length from 3 cm to 7 cm with sufficient attached stem to maintain a compact head. The florets may be split longitudinally. Within each sample unit not more than 20 percent by count fall outside the designated length.

(c) *Cut spears*—spears of the broccoli plant, which have been cut into portions and which may be irregular in shape. Pieces from 2 cm to 5 cm in the longest dimension. Leaf material may be present but shall not exceed 35 percent m/m and head material shall not be less than 15 percent m/m.

(d) *Chopped*—Broccoli finely cut into pieces less than 2 cm in the longest dimension. Leaf material may be present but shall not exceed 35 percent m/m and head material shall not be less than 15 percent m/m.

2.4.2 *Other Styles*

Any other presentation of the product shall be permitted provided that it:

(a) is sufficiently distinctive from other forms of presentation laid down in this standard;

(b) meets other requirements of this standard;

(c) is adequately described on the label to avoid confusing or misleading the consumer.

2.4.3 *Definition of "Defectives" for Presentation*

Any sample unit from a sample taken in accordance with the *FAO/WHO Codex Alimentarius Sampling Plans for Prepackaged Foods* (AQL 6.5) (Ref. No. CAC/RM 42–1969) shall be regarded as "defective" for the respective characteristics where:

(a) it exceeds the leaf and head material allowance for "Cut Spears" or "Chopped Styles" in section 2.4.1; or

(b) it fails to meet the length requirements as provided in section 2.4.1.

2.4.4 *Lot Acceptance for Presentation Factors*

A lot will be considered acceptable to Presentation factors where the number of defectives as defined in section 2.4.3 does not exceed the acceptance number (c) for the appropriate sample size as specified *in the FAO/WHO Sampling Plans for Prepackaged Foods.*

2.4.5 *Standards Sample Size*

The standard sample size shall be 300 g.

3. *Essential Composition and Quality Factors*

3.1 *Optional Ingredients*

Salt (Sodium Chloride)

Condiments such as spices and herbs

3.2 *Quality factors*

3.2.1 *General Requirements*

Quick frozen broccoli shall be:

—of reasonably uniform characteristic colour, taking into consideration any added optional ingredients;

—free from foreign flavour and odour taking into consideration any added optional ingredients;

—clean, free from sand, grit, and other foreign material; and with respect to visual or other defects with a tolerance shall be:

—reasonably free from an excessive amount of leaf material, particularly large coarse leaves;

—practically free from detached fragments and loose leaves (only for spears and florets);

—practically free from extraneous vegetable material;

—reasonably free from yellow or brown coloured florets;

—reasonably free from damage due to mechanical, pathological, or insect injury;

—reasonably free from poorly trimmed units (spears and florets);

—practically free from flowered or poorly developed units;

—practically free from fibrous or woody units;

3.2.2 *Definition of Visual Defects*

(a) *Extraneous vegetable material* (EVM) means leaf, stem, or similar harmless vegetable material other than from the broccoli plant.

(b) *Detached leaves* (for spears and florets), means broccoli leaves and pieces thereof not attached to a unit

(c) *Fragments* (for spears and florets), means pieces less than 20 mm in length for spears and weighing less than 5 grammes for florets.

(d) *Blemished*—A unit of product affected by discolouration or disease or insect injury.

Minor—Slightly affecting the apearance of eating quality.

Major—Materially affecting the appearance or eating quality.

Serious—Seriously affecting the appearance or objectionably affecting the eating quality to such an extent that customarily it would be discarded under normal culinary preparation.

(e) *Mechanical Damage* (for spears and florets) means a unit bearing the general configuration of a spear or floret, but from which more than 50 percent of the buds have become detached, or otherwise mechanically damaged so as to materially affect the appearance of the product.

(f) *Poorly trimmed* (for spears and florets) means units in which the appearance is seriously affected by

attached coarse leaves or pieces thereof, or ragged removal of leaves, or small side shoots, or poor cutting of the stem.

(g) *Overmature or Poorly developed* means individual buds are in the flowered stage and with respect to spears and florets branching bud clusters which comprise the head are spread so as to seriously affect the appearance of the unit, or the bud clusters are of such advanced maturity that individual buds and supporting stems form loosely structured clusters.

(h) *Fibrous* means tough fibre that is normally developed near the outside portion of broccoli stem; such units are tough but still edible.

(I) *Woody* means tough fibre that is normally developed near the outside portion of the broccoli stem; such units are extremely tough and highly objectionable.

3.2.3 *Standard Sample size*

Spears, florets—300 grammes for detached fragments, loose leaves, and EVM; for other defects 25 units

Cut spears and other styles—300 grammes

Chopped—100 grammes

3.2.4 *Tolerance for Visual Defects*

For tolerance based on the standard sample sizes indicated in section 3.2.3, visual defects shall be assigned points in accordance with the appropriate Table in this section. The maximum number of defects permitted is the Total Allowable Points rating indicated for the respective categories Minor, Major and Serious or the Combined Total of the foregoing categories.

TABLE 1.—SPEARS AND FLORETS

	Unit of Measurement	Defect categories			Total
		Minor	Major	Serious	
(a) EVM	Each Piece		2		
(b) Detached Leaves	Each 5 g	1			
(c) Fragments					
—spears	Each 20 mm	1			
—Florets	Each 5 g	1			
(d) Blemished	Each unit				
—minor		1			
—major			2		
—serious				4	
(e) Mechanical Damage	Each unit		1		
(f) Poorly trimmed	do	1			
(g) Over-mature/Poorly developed	do		2		
(h) Fibrous	do		2		
(i) Woody	do			4	
Total allowable points		25	12	4	25

TABLE 2.—CUT AND CHOPPED STYLES

	Unit of measurement	Defect categories			Total
		Minor	Major	Serious	
(a) EVM	Each piece		2		
(b) Blemished					
—minor	do	1			
—major	do		2		
—serious	do			4	
(g) Over-mature/Poorly developed	Each 10 g for cut		2		
	Each 2 g for chopped		2		
(h) Fibrous	Each 2 g		2		
(i) Woody	Each 2 g			4	
Total allowable points		20	10	4	20

3.3 *Definition of "Defectives" for Quality Factors*

Any sample unit from a sample taken in accordance with the FAO/WHO Codex Alimentarius Sampling Plans for Pre-Packaged Foods (AQL 6.5) (Ref. No. CAC/RM 42–1969) shall be regarded as "defective" for the respective characteristics when:

(a) it fails to meet any of the general requirements of section 3.2.1;

(b) it exceeds the "maximum total points" in any one or more of the respective defect categories as appropriate for the style (3.2.4).

3.4 *Lot Acceptance for Quality Factors*

A lot is considered acceptable with respect to Quality Factors when the number of "defectives" as defined in Section 3.3 does not exceed the acceptance number (c) for the appropriate sample size as specified in the *Sampling Plans for Prepackaged Foods* (Ref. CAC/RM 42–1969). In applying the acceptance procedure each "defective" (as defined in sections 3.3 (a) and (b)) is treated individually for the respective categories.

4. *Food Additives*

4.1 None Permitted.

4.2 *Carry-Over Principle*

"Section 3" of the "Principle Relating to the Carry-over of Additives into Foods" as set forth in Volume I of the Codex Alimentarius shall apply.

5. *Hygiene*

It is recommended that the product covered by the provisions of this standard be prepared in accordance with the International Code of Practice-General Principles of Food Hygiene (Ref. No. CAC/RCP 1–1969, Rev. 1) recommended by the Codex Alimentarius Commission.

6. *Labelling*

In addition to sections 1,2,4 and 6 of the Codex General Standard for the Labelling of Prepackaged Foods (Ref. No. CODEX STAN 1–1981), the following provisions apply:

6.1 *The Name of the Food*

6.1.1 The name of the food as declared on the label should include "broccoli". The words "quick frozen" shall also appear on the label, except that the term "frozen"[1] may be applied in countries where this term is customarily used for describing the product processed in accordance with section 2.2 of the standard.

6.1.2 The name of the food shall also include the style as appropriate: "spears", "florets". "Cut spears", "chopped" as described in section 2.4.1.

6.1.3 If the product is presented in accordance with section 2.4.2 the label shall contain in close proximity to the word "Broccoli" such additional words or phrases that will avoid misleading or confusing the consumer.

6.1.4 When any ingredient other than salt, has been added, which imparts to the food the distinctive flavour of the ingredient, the name of the food shall be accompanied by the term "with x" "x or flavoured"as appropriate.

6.2 *List of Ingredients*

A complete list of ingredients shall be declared in descending order of proportion in accordance wtih section 3.2(c) of the General Standard for the Labelling of Prepackaged Foods (CODEX STAN 1–1981), except that the food additives present in the product in accordance with section 4.2 need not be declared.

6.3 *Net Contents*

The net contents shall be declared by weight in either the metric system ("Système International" units) or avoirdupois or both systems of measurement as required by the country in which the food is sold.

6.4 *Name and Address*

[1] "Frozen": This term is used as an alternative to "quick frozen" in some English speaking countries.

The name and address of the manufacturer, packer, distributor, importer, exporter, or vendor of the food shall be declared.

6.5 *Country of Origin*

The country of origin of the product shall be declared if its omission would mislead or deceive the consumer.

6.6 *Lot Identification*

Each container shall be embossed or otherwise permanently marked, in code or in clear, to identify the producing factory and the lot.

6.7 *Additional Requirements*

The packages shall bear clear directions for keeping from the time they are purchased from the retailer to the time of their use, as well as directions for cooking.

6.8 *Bulk Packs*

In the case of quick frozen broccoli in bulk the information required in sections 6.1 to 6.5 must either be placed on the container or be given in accompanying documents, *except* that the name of the food accompanied by the words "quick frozen" (the term "frozen" may be used in accordance with sub-section 6.1.1 of this standard) and the name and address of the manufacturer or packer must appear on the container.

7. *Packaging*

Packaging used for quick frozen broccoli shall:

(a) protect the organoleptic and quality characteristics of the product;

(b) protect the product from microbiological and other contamination;

(c) protect the product from dehydration and, where appropriate, leakage as far as technologically practicable; and

(d) not pass on to the product any odour, taste, colour, or other foreign characteristics, through the processing (where applicable) and distribution of the product up to the time of final sale.

8. *Methods of Examination, Analysis and Sampling*

8.1 *Sampling*

8.1.1 *Sampling for Presentation and Visual Defects.* For those provisions detailed in sections 2.4 and 3.2 of this standard sampling shall be carried out in accordance with the FAO/WHO Codex Alimentarius Sampling Plans for Prepackaging Foods (AQL 5.5) (Ref. No. CAC/RM 42–1969).

8.1.2 *Sampling for Net Weight:* shall be carried out in accordance with the FAO/WHO sampling plans for the Determination of Net Weight (under elaboration by the Codex Committee on Methods of Analysis and Sampling).

8.1.3 *Sampling for Analytical Requirements:* Sampling Plans to be elaborated.

8.2 *Thawing Procedure*

FAO/WHO Codex Alimentarius Standard Procedure for Thawing of Quick Frozen Fruits and Vegetables (Ref. No. CAC/RM 32–1970).

8.3 *Cooking Procedure*

FAO/WHO Codex Alimentarius Standard Procedure for Cooking of Quick Frozen Vegetables (Ref. No. CAC/RM 33–1970).

The cooking time for quick frozen broccoli varies according to the style and variety characteristics. The following figures should be considered as a guideline:

Spears, 8–11 minutes
Florets and Cut spears, 5–8 minutes
Chopped, 3–5 minutes

8.4 *Determination of Net Weight*

FAO/WHO Codex Alimentarius Standard Procedure for Determination of Net Weight of Frozen Fruits and Vegetables, (Ref. No. CAC/RM 34–1970): also contained in *Codex Standard for Quick Frozen Peas* (CODEX STAN 41–1981, Section 8.3).

Interested persons may, on or before June 28, 1983 submit to the Dockets Management Branch (address above), written comments regarding this notice Two copies of any comments are to be submitted, except that individuals may submit one copy. Each comment should identify the title of the Codex standard and the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Executive Order 12291 does not apply to regulations issued in accordance with the formal rulemaking provisions of the Administrative Procedure Act (5 U.S.C 556, 557). Food standards promulgated under 21 U.S.C. 341 and 371(e) fall under this exemption. However, any comments submitted in support of establishing a U.S. standard for this food should be supported by appropriate information and data regarding impact on small business consistent with the requirements of the Regulatory Flexibility Act (Pub. L. 96–354).

Dated: April 21, 1983.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 83–11428 Filed 4–28–83 8:45]

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21 CFR Part 158

[Docket No. 83N–0107]

Quick Frozen French Fried Potatoes; Advance Notice of Proposed Rulemaking on the Possible Establishment of a Standard

AGENCY: Food and Drug Adminstration.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Food and Drug Administration (FDA) is offering to interested persons an opportunity to review the Codex Standard for Quick Frozen French Fried Potatoes (Codex standard) developed by the Codex Alimentarius Commission and to comment on the desirability and need for a U.S. standard for this food. The Codex standard was submitted to the United States for consideration for acceptance. If the comments received do not support the need for a U.S. standard for the food, FDA will not propose a standard.

DATE: Comments by June 28, 1983.

ADDRESS: Written comments, data, or other information to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Bureau of Foods (HFF–214), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–245–1164.

SUPPLEMENTARY INFORMATION: The Food and Agriculture Organization (FAO) and the World Health Organization (WHO) jointly sponsor the Codex Alimentarius Commission, which conducts a program for developing worldwide food standards. The program has developed a large number of Codex standards, among which is that for quick frozen french fried potatoes.

As a member of the Codex Alimentarius Commission, the United States is under treaty obligation to consider all Codex standards for acceptance. The rules of procedure of the Codex Alimentarius Commission state that a Codex standard may be accepted by a participating country in one of three ways: full acceptance, target acceptance, or acceptance with specified deviations. A commitment to accept at a designated future date constitutes target acceptance. A country's acceptance of a Codex standard signifies that, except as provided for by specified deviations, a product that complies with the Codex standard may be distributed freely within the accepting country. A participating country that concludes that it will not accept a Codex standard is requested to inform the Codex Alimentarius Commission of this fact and the reasons therefor, the manner in which similar foods marketed in the country differ from the Codex standard, and whether the country will permit products complying with the Codex

standard to move freely in that country's commerce.

For the United States to accept some or all of the provisions of a Codex standard for any food to which the Federal Food, Drug, and Cosmetic Act (the act) applies, it is necessary either to establish a standard under the authority of section 401 of the act (21 U.S.C. 341) or to revise an existing standard to incorporate the provisions within the U.S. standard. At present, there is no U.S standard for quick frozen french fried potatoes. There are only voluntary grade standards for frozen french fried potatoes, including identity and quality requirements, developed by the U.S. Department of Agriculture.

Under the procedure prescribed in § 130.6(b)(3) (21 CFR 130.6(b)(3)), FDA is providing an opportunity for review and informal comment (1) on the need for, and desirability of, a standard for this food, (2) on the specific provisions of the Codex standard (Codex standard 114–1981) and any modifications that should be included in a U.S. standard, if established, and (3) on any other pertinent points.

FDA advises that if the comments received do not support the need for a U.S. standard for this food, no U.S. standard will be proposed. If this decision is reached, FDA will inform the Codex Alimentarius Commission that an imported food that complies with the requirements of the Codex standard may move freely in interstate commerce in this country providing it complies with applicable U.S. laws and regulations.

Owing to the large number of countries, often with diverse food regulations, that are associated with Codex, certain provisions found in Codex standards may not be in keeping with aspects of U.S. policy and regulations. Codex standards customarily include hygiene requirements, limits on contaminants, certain basic labeling requirements, and other factors. These factors are not considered a part of food standards under section 401 of the act. Rather, they are dealt with under other sections of the act and are not included in a proposed U.S. standard.

In addition, the Codex standard for quick frozen french fried potatoes specifies analytical methods by which compliance with certain provisions is to be determined. As stated in 21 CFR 2.19, FDA uses the methods published in the latest edition of "Official Methods of Analysis of the Association of Official Analytical Chemists," when these are available, in preference to other methods. FDA will adhere to this policy in any U.S. standard proposed under this notice.

Under § 130.6(c), all persons who wish to submit comments are encouraged and requested to consult with different interested groups (consumers, industry, the academic community, professional organizations, and others) in formulating their comments, and to include a statement of any meetings or discussions that have been held with other groups.

List of Subjects in 21 CFR Part 158

Food standards, Frozen vegetables, Vegetables.

The Codex standard under consideration is as follows:

Codex STAN 114–1981—Codex Standard for Quick Frozen French Fried Potatoes (Worldwide Standard)

1. *Scope*

This standard shall apply to quick frozen French fried potatoes which have been prepared from tubers of the species *Solanum tuberosum* L. and offered for direct consumption without further processing except for repacking if required.

2. *Description*

2.1 *Product Definition*

Quick frozen French fried potatoes is the product prepared from clean, mature, sound tubers of the potato plant conforming to the characteristics of the species *Solanum tuberosum* L. Such tubers shall have been sorted, washed, peeled, cut into strips, and treated as necessary to achieve satisfactory colour and fried in edible oil or fat. The treatment and frying operations shall be sufficient to ensure adequate stability of colour and flavour during normal marketing cycles.

2.2 *Process Definition*

2.2.1 Quick frozen French fried potatoes is the product subjected to a freezing process in appropriate equipment and complying with the conditions laid down hereafter. The freezing operation shall be carried out in such a way that the range of temperature of maximum crystallization is passed quickly. The quick freezing process shall not be regarded as complete unless and until the product temperature has reached −18°C (0°F) at the thermal centre after thermal stabilization.

2.2.2 The recognized practice of repacking quick frozen foods under controlled conditions is permitted.

2.3 *Handling Practice*

The product shall be handled under such conditions as will maintain the quality during transportation, storage and distribution up to and including the time of final sale. It is recommended that the product be handled in accordance with the provisions in the *Recommended International Code of Practice for the Processing and Handling of Quick Frozen Foods* (Ref. No. CAC/RCP 8–1976).

2.4 *Presentation*

2.4.1 *Styles*

The styles of the product shall be determined by the nature of the surface and the nature of the cross section.

2.4.1.1 *Nature of the Surface*

The product shall be presented in one of the following styles:

(a) *Straight cut*—strips of potato with practically parallel sides and with smooth surfaces.

(b) *Crinkle cut*—stips of potatto with practically parallel sides and in which two or more sides have a corrugated surface.

2.4.1.2 *Dimensions of the Cross Section*

The cross sectional dimensions of strips of quick frozen French fried potatoes which have been cut on all four sides shall not be less than 5 mm when measured in the frozen condition. The quick frozen French fried potatoes within each pack shall be of similar cross sections.

The product may be identified by the approximate dimensions of the cross sections or by reference to the following system for designations:

Designation	Dimension in mm across the largest cut surface
Shoestring	5 to 8.
Medium	8 to 12.
Thick cut	12 to 16.
Extra large	Greater than 16.

2.4.2 *Other Styles*

Any other presentation of the product, based on differing cross sections shall be permitted provided that it:

(a) is sufficiently distinctive from other forms of presentation laid down in this standard;

(b) meets all other requirements of this standard;

(c) is adequately described on the label to avoid confusing or misleading the consumer.

3. *Essential Composition and Quality Factors*

3.1 *Composition*

3.1.1 *Basic Ingredients*

(a) Potatoes as defined in Section 2.1

(b) Edible fats and oils as defined by the Codex Alimentarius Commission.

3.1.2 *Optional Ingredients*

(a) Sugars, (sucrose, invert sugar, dextrose, fructose, glucose syrup, dried glucose syrup) as defined by the Codex Alimentarius Commission;

(b) Salt (sodium chloride);
(c) Condiments, such as herbs and spices

3.2 *Quality Factors*

3.2.1 *General Requirements*

Quick frozen French fried potatoes shall:
—be free from any foreign flavours and odours;
—be clean, sound and practically free from foreign matter;
—have a reasonably uniform colour;
and with respect to visual defects subject to a tolerance shall be:
—without excessive external defects, such as blemishes, eyes and discolouration;
—without excessive sorting effects, such as slivers, small pieces and scrap;
—reasonably free from frying defects, such as burnt parts.

When prepared in accordance with the manufacturer's instructions quick frozen French fried potatoes shall:
—have a reasonably uniform colour;
—have a texture characteristic of the product and be neither excessively hard nor excessively soft or soggy.

3.2.2 *Analytical Requirements.*

3.2.2.1 Moisture—the maximum moisture content of the whole product in the styles shoestring, medium and thick cut shall be 76% m/m; and in extra large and other styles 78% m/m.

3.2.2.2 The fat or oil extracted from the product shall have a free fatty acid content of not more than 1.5% m/m measured as oleic acid or an equivalent fatty acid value based on the predominant fatty acid in the fat or oil.

3.2.3 *Definition of Visual Defects.*

3.2.3.1 *External defects* are blemishes or discolouration (either internally or on the surface) due to exposure to light, mechanical, pathological or pest agents, eye material or peeling remnants.

(a) Minor defect—A unit affected by disease, dark or intense discolouration, eye material, or dark peel covering an area or a circle greater than 3 mm but less than 7 mm in diameter; pale brown peel or light discolouration of any area greater than 3 mm in diameter.

(b) Major defect—A unit affected by disease, dark or intense discolouration, eye material, or dark peeling covering an area or a circle greater than 7 mm but less than 12 mm in diameter.

(c) Serious defect—A unit affected by disease, dark or intense discolouration, eye material, or dark peel covering an area or a circle of 12 mm in diameter or more.

Note.—("slight" external defects which in either area or intensity fall below the definition shown for minor defects shall be ignored).

3.2.3.2 *Sorting Defects*

(a) Sliver—A very thin unit (generally an edge piece) which will pass through a slot the width of which is 50% of the minimum dimension of the nominal or normal size.

(b) Small piece—Any unit less than 25 mm in length.

(c) Scrap—Potato material of irregular form not conforming to the general conformation of French fried potatoes.

3.2.3.3 *Frying Defects*

Burnt pieces—Any unit which is dark brown and hard due to gross overfrying.

3.2.4 *Standard Sample Size*

The standard sample size shall be 1 kilogramme.

3.2.5 *Tolerances for Visual Defects*

For tolerances based on the standard sample size as specified in Section 3.2.4 the visual *external defects* are classified as "minor" or "Major" or "serious". The tolerances in respect of external defects are dependent on the cross section of the French fried potatoes.

To be acceptable, the standard samples shall not contain units in excess of the numbers shown for the respective categories, including *total*, in Table 1.

TABLE I.—TOLERANCES FOR EXTERNAL DEFECTS

Defect category	Number of units affected, cross section of strips	
	5–16 mm	over 16 mm
Serious	7	3
Serious + major	21	9
Total (serious + major + minor)	60	27

The tolerances for the other defects (*not*) depending on cross section are:

Sorting Defects

Slivers, max. 12% m/m
Small Pieces and Scraps, max. 6% m/m
Total Sorting Defects, max. 12% m/m
Frying defects, max. 0.5% m/m

3.3 *Definition of "defective" for Composition and Quality Factors*

Any sample unit taken in accordance with the *FAO/WHO Codex Alimentarius Sampling Plans for Prepackaged Foods* (AQL 6.5) (Ref. No. CAC/RM 42–1969) shall be regarded as a "defective" for the respective characteristics when:

(a) it fails to meet any of the requirements given in Section 3.1;

(b) it fails to meet any of the general requirements given in Section 3.2.1;

(c) when it exceeds the tolerances for visual defects in any one or more respective defect categories in Section 3.2.5.

3.4 *Lot Acceptance for Composition and Quality Factors*

A lot will be considered acceptable with respect to Composition and Quality Factors when the number of "defectives" as defined in Section 3.5 does not exceed the acceptance number (c) for the appropriate sample size as specified in the *FAO/WHO Codex Alimentarius Sampling Plans for Prepackaged Foods*. In applying the acceptance procedure each "defective" (as defined in section 3.3(a) to (c)) is treated individually for the respective characteristics.

3.5 *Definition of "defective" for Analytical Requirements* [1]—To be elaborated.

3.6 *Lot Acceptance for Analytical Requirements* [1]—to be elaborated.

4. *Food Additives*

4.1 *Sequestrants, Maximum Level in Final Product*

4.1.1 Disodium dihydrogen pyrophosphate, 100 mg/kg singly or in combination (phosphates expressed as P_2O_5

4.1.2 Testrasodium pyrophosphate, 100 mg/kg singly or in combination (phosphates expressed as P_2O_5

4.1.3 Ethylene diamine tetra-acetic acid (Ca-diNa salt), 100 mg/kg singly or in combination (phosphates expressed as P_2O_5

4.1.4 Ascorbic acid, 100 mg/kg singly or in combination (phosphates expressed as P_2O_5

4.1.5 Citric acid, Limited by GMP

4.1.6 Malic acid, Limited by GMP

4.2 *Processing Aids*

4.2.1 Sulphite, bisulphite, metabisulphite (sodium or potassium salt), 50 mg/kg, singly or in combination, expressed as SO_2

Maximum Level in Final Product

4.2.2 Sodium hydroxide, Limited by GMP

4.2.3 Potassium hydroxide, Limited by GMP

4.2.4 Citric acid, Limited by GMP

4.2.5 Dimethylpolysiloxane, 10 mg/kg on a fat basis

4.3 *Carry-Over Principle*

"Section 3" of the "Principle Relating to the Carry-Over of additives into foods" as set forth in Volume I of Codex Alimentarius shall apply.

5. *Hygiene*

It is recommended that the product be prepared in accordance with the *International Code of Practice—General Principles of Food Hygiene* (Ref. No. CAC/RCP 1–1969, Rev. 1) recommended by the Codex Alimentarius Commission.

6. *Labelling*

In addition to Sections 1, 2, 4 and 6 of the *Codex General Standard for the Labelling of Prepackaged Foods* (Ref.

[1] See para 104, ALINORM 79/25.

No. CODEX STAN 1–1981) the following specific provisions shall apply:

6.1 *The Name of the Food*

6.1.1 The name of the food as declared on the label shall include the designation "French Fried Potatoes" or the equivalent designation used in the country in which the product is intended to be sold.

6.1.2 In addition, there shall appear on the label a designation of the style as appropriate, i.e. "straight cut" or "crinkle cut" and there may also appear an indication of the approximate dimensions of the cross section or the appropriate designation, i.e. "shoestring", "medium", "thick cut" or "extra large".

6.1.3 If the product is produced in accordance with Section 2.4.2, the label shall contain in close proximity to the words "French Fried Potatoes" such additional words or phrases that will avoid misleading or confusing the consumer.

6.1.4 The words "Quick Frozen" shall also appear on the label, except that the term "Frozen"[1] may be applied in countries where this term is customarily used for describing the product processed in accordance with Section 2.2 of this standard.

6.2 *List of Ingredients*

A complete list of ingredients shall appear on the label, in descending order of proportion in accordance with section 3.2(c) of the *Codex General Standard for the Labelling of Prepackaged Foods* (Ref. No. CODEX STAN 1–1981), except that food additives present in the product in accordance with Sections 4.2 and 4.3 need not be declared.

6.3 *Net Contents*

The net contents shall be declared by weight in either the metric system ("Système international" units) or avoirdupois or both systems of measurement as required by the country in which the food is sold.

6.4 *Name and Address*

The name and address of the manufacturer, packer, distributor, importer, exporter or vendor of the product shall be declared.

6.5 *Country of Origin*

The Country of origin of the product shall be declared if its omission would mislead or deceive the consumer.

6.6 *Lot Identification*

Each container shall be embossed or otherwise permanently marked, in code or in clear, to identify the producing factory and the lot.

6.7 *Additional Requirements*

The packages shall bear clear directions for keeping from the time they are purchased from the retailer to the time of their use, as well as directions for cooking.

6.8 *Bulk Pack*

In the case of quick frozen French fried potatoes in bulk, the information required in Sections 6.1 to 6.5 shall either be placed on the container or be given accompanying documents, except that the name of the food accompanied by the words "quick frozen" (the term "frozen" may be used in accordance with Section 6.1.4 of this standard) and the name and address of the manufacturer or packer shall appear on the container.

7. *Packaging*

Packaging used for quick frozen French fried potatoes shall:

(a) protect the organoleptic and other quality characteristics of the product;

(b) protect the product against microbiological and other contamination;

(c) protect the product from dehydration and, where appropriate, leakage as far as technologically practicable; and

(d) not pass on to the product any odour, taste, colour or other foreign characteristics, throughout the processing (where applicable) and distribution of the product up to the time of final sale.

8. *Methods of Examination, Analysis and Sampling*

8.1 *Sampling*

8.1.1 *Sampling for Presentation and Visual Defects:* For those provisions detailed in Sections 2.4 and 3.2 of this standard sampling shall be carried out in accordance with the FAO/WHO Codex Alimentarius Sampling Plans for Per-packaged Foods (AQL 6.5) (Ref. No. CAC/RM 42–1969).

8.1.2 *Sampling for Net Weight:* Shall be carried out in accordance with the FAO/WHO Sampling Plans for the Determination of Net Weight (under Elaboration by the Codex Committee on Methods of Analysis and Sampling).

8.1.3 *Sampling for Analytical Requirements:* Sampling Plans to be elaborated.

8.2 *Thawing Procedure*

FAO/WHO Codex Alimentarius Standard Procedure for Thawing of Quick Frozen Fruits and Vegetables (Ref. No. CAC/RN 32–1970).

8.3 *Cooking Procedure*

Samples for examination shall be cooked in accordance with the manufacturer's instructions.

8.4 *Determination of Net Weight*

FAO/WHO Codex Alimentarius Standard Procedure for Determination of Net Weight of Quick Frozen Fruits and Vegetables (Ref. No CAC/RM 34–1970) also contained in the Codex Standard for Quick Frozen Peas (Ref. No. CODEX STAN 41–1981 Section 8.3).

8.5 *Determination of moisture content* (to be developed).

8.6 *Determination of free fatty acid content in the fat or oil* (to be developed).

Interested persons may, on or before June 28, 1983, submit to the Dockets Management Branch (address above), written comments regarding this notice. Two copies of any comments are to be submitted, except that individuals may submit one copy. Each comment should identify the title of the Codex standard and the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Executive Order 12291 does not apply to regulations issued in accordance with the formal rulemaking provisions of the Administrative Procedure Act (5 U.S.C. 556, 557). Food standards promulgated under 21 U.S.C. 341 and 371(e) fall under this exemption. However, any comments submitted in support of establishing a U.S. standard for this food should be supported by appropriate information and data regarding impact on small business consistent with the requirements of the Regulatory Flexibility Act (Pub. L. 96–354).

Dated: April 21, 1983.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 83–11425 Filed 4–28–83; 8:45 am]

BILLING CODE 4160–01–M

[1] "Frozen": This term is used as an alternative to "quick frozen" in some English speaking countries.

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21 CFR Part 158

[Docket No. 83N–0109]

Quick Frozen Green Beans and Quick Frozen Wax Beans; Advance Notice of Proposed Rulemaking on the Possible Establishment of a Standard

AGENCY: Food and Drug Administration.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Food and Drug Administration (FDA) is offering to interested persons an opportunity to review the Codex standard for Quick Frozen Green Beans and Quick Frozen Wax Beans (Codex standard) developed by the Codex Alimentarius Commission and to comment on the desirability and need for a U.S. standard for this food. The Codex standard was submitted to the United States for consideration for acceptance. If the comments received do not support the need for a U.S. standard for the food, FDA will not propose a standard.

DATE: Comments by June 28, 1983.

ADDRESS: Written comments, data, or other information to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Bureau of Foods (HFF—214), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202—245–1164

SUPPLEMENTARY INFORMATION: The Food and Agriculture Organization (FAO) and the World Health Organization (WHO) jointly sponsor the Codex Alimentarius Commission, which conducts a program for developing worldwide food standards. The program has developed a large number of Codex standards, among which is that for quick frozen green beans and quick frozen wax beans.

As a member of the Codex Alimentarius Commission, the United States is under treaty obligation to consider all Codex standards for acceptance. The rules of procedure of the Codex Alimentarius Commission state that a Codex standard may be accepted by a participating country in one of three ways: full acceptance, target acceptance, or acceptance with specified deviations. A commitment to accept at a designated future date consitutes target acceptance. A country's acceptance of a Codex standard signifies that, except as provided for by specified deviations, a product that complies with the Codex standard may be distributed freely within the accepting country. A participating country that concludes that it will not accept a Codex standard is requested to inform the Codex Alimentarius Commission of this fact and the reasons therefor, the manner in which similar foods marketed in the country differ from the Codex standard, and whether the country will permit products complying with the Codex standard to move freely in that country's commerce.

For the United States to accept some or all of the provisions of a Codex standard for any food to which the Federal Food, Drug, and Cosmetic Act (the act) applies, it is necessary either to establish a standard under the authority of section 401 of the act (21 U.S.C. 341) or to revise an existing standard to incorporate the provisions within the U.S. standard. At present, there is no U.S. standard for quick frozen green beans and quick frozen wax beans. There are only voluntary grade standards for marketing frozen green and frozen wax beans, including identity and quality requirements, developed by the U.S. Department of Agriculture.

Under the procedure prescribed in § 130.6(b)(3) (21 CFR 130.6(b)(3)), FDA is providing an opportunity for review and informal comment (1) on the need for, and desirability of, a standard for this food, (2) on the specific provisions of the Codex standard (Codex standard 113–1981) and any modifications that should be included in a U.S. standard, if established, and (3) on any other pertinent points.

FDA advises that if the comments received do not support the need for a U.S. standard for this food, no U.S. standard will be proposed. If this decision is reached, FDA will inform the Codex Alimentarius Commission that an imported food that complies with the requirements of the Codex standard may move freely in interstate commerce in this country providing it complies with applicable U.S. laws and regulations.

Owing to the large number of countries, often with diverse food regulations, that are associated with Codex, certain provisions found in Codex standards may not be in keeping with aspects of U.S. policy and regulations. Codex standards customarily include hygiene requirements, limits on contaminants, certain basic labeling requirements, and other factors. These factors are not considered a part of food standards under section 401 of the act. Rather, they are dealt with under other sections of the act and are not included in a proposed U.S. standard.

In addition, the Codex standard for quick frozen green beans and quick frozen wax beans specifies analytical methods by which compliance with certain provisions is to be determined. As stated in 21 CFR 2.19, FDA uses the methods published in the latest edition of "Official Methods of Analysis of the Association of Official Analytical Chemists," when these are available, in preference to other methods. FDA will adhere to this policy in any U.S. standard proposed under this notice.

Under § 130.6(c), all persons who wish to submit comments are encouraged and requested to consult with different interested groups (consumers, industry, the academic community, professional organizations, and other) in formulating their comments, and to include a statement of any meetings or discussions that have been held with other groups.

List of Subjects in 21 CFR Part 158

Food standards, Frozen vegetables, Vegetables.

The Codex standard under consideration is as follows:

Codex STAN 113–1981—Codex Standard for Quick Frozen Green Beans and Quick Frozen Wax Beans (Worldwide Standard)

1. *Scope*

This standard shall apply to quick frozen green beans and quick frozen wax beans from suitable varieties of the species *Phaseolus vulgaris* L. and quick frozen green beans from suitable varieties of the species *Phaseolus coccineus* L. as defined below and offered for direct consumption without further processing, except for size-grading or repacking, if required. It does not apply to the product when indicated as intended for further processing or for other industrial purposes.

2. *Description*

2.1 *Product Definitions*

Quick frozen Green Beans is the product prepared from fresh, clean, sound, succulent pods of the plants conforming to the characteristics of suitable varieties of the species *Phaseolus vulgaris* L. or *Phaseolus coccineus* L. Quick Frozen Wax Beans is the product prepared from fresh, clean, sound, succulent pods of the plants conforming to the characteristics of suitable varieties of the species *Phaseolus vulgaris* L. Strings (if any), stems, and stem ends are removed, and the pods washed and sufficiently blanched to ensure adequate stability of colour and flavour during normal marketing cycles.

2.2 *Process Definition*

2.2.1 Quick frozen green and quick frozen wax beans are the products subjected to a freezing process in appropriate equipment and complying with the conditions laid down hereafter. This freezing operation shall be carried out in such a way that the range of temperature of maximum crystallization is passed quickly. The quick freezing process shall not be regarded as complete unless and until the product temperature has reached −18°C (0°F) at the thermal centre after thermal stabilization.

2.2.2 The recognized practice of repacking quick frozen products under controlled conditions is permitted.

2.3 *Handling Practice*

The product shall be handled under such conditions as will maintain the quality during transportation, storage and distribution up to and including the time of final sale. It is recommended that during storage, transportation, distribution and retail, the product be handled in accordance with the provisions in the *Recommended*

International Code of Practice for the Processing and Handling of Quick Frozen Foods (Ref. No. CAC/RCP 8–1976).

2.4 *Presentation*

2.4.1 *Type*

Green Beans or Wax Beans having distinct varietal differences with regard to shape may be designated as:

(a) Round—pods having a width not greater than 1½ times the thickness.

(b) Flat—pods having a width greater than 1½ times the thickness.

2.4.2 *Style*

2.4.2.1 Quick frozen green beans and quick frozen wax beans shall be presented in the following styles:

(a) *Whole:* whole pods of any length

(b) *Cut:* transversely cut pods in which 70 percent or more by count of the units are at least 20mm long but not longer than 65mm.

(c) *Short cut:* transversely cut pods in which 70 percent or more by count of the units are more than 10mm but less than 20mm long.

(d) *Diagonal Cut:* pods cut approximately 45° to the longitudinal axis in which 70 percent by count of the units are more than 6mm long.

(e) *Sliced:* pods sliced lengthwise or at an angle up to approximately 45° to the longitudinal axis, with a maximum thickness of 7mm.

2.4.2.2 *Other Styles*

Any other style of presentation shall be permitted provided that it:

(a) is sufficiently distinctive from other forms of presentation laid down in this standard;

(b) meets all other requirements of this standard;

(c) is adequately described on the label to avoid confusing or misleading the consumer.

2.4.3 *Colour*

The predominant colour of the pods of wax beans excluding the seeds and the immediate surrounding tissue shall be yellow, or yellow with a green tinge.

2.4.4 *Form*

2.4.4.1 Quick frozen green beans and quick frozen wax beans may be presented as free-flowing (i.e. in which the individual units are not adhering to one another) or non-free flowing (i.e. as a solid block).

2.4.4.2 *Tolerances for "free flowing":* When the product is presented as "free flowing", a tolerance of 10 percent (m/m) shall be allowed for pieces which are stuck together to such an extent that they cannot easily be separated in the frozen state. When assessing this factor, the sample unit shall be the entire contents of the pack of 1 kg.

2.4.5 *Sizing*

2.4.5.1 Quick frozen whole and cut green beans and wax beans may be presented sized or unsized.

2.4.5.2 If round type beans are presented as size graded on diameter, they shall conform when measured in the frozen condition, to the following system of specifications for the size names:

Size designations	Bean pod diameter in mm measured by passing through parallel bars
Extra small	Up to 6.5.
Very small	Up to 8.
Small	Up to 9.5.
Medium	Up to 11.
Large	Over 11.

2.4.5.3 *Tolerance for Sizes*

If presented as size graded, the product shall contain not less than 80 percent by number of bean pods of the declared size or smaller sizes. Of the 20 percent by number which may be of larger sizes, not more than a quarter may be of the second size larger and none may be larger than the second size larger.

2.4.6 *Standard Sample Size (for presentation)*

2.4.6.1 The standard sample size for "free flowing" shall be the entire contents of the pack or as large a quantity as is practicable.

2.4.6.2 The standard sample size for sizing shall be one kilogramme.

2.4.7 *Definition of "Defective" for Presentation*

Any sample unit from a sample taken in accordance with the *FAO/WHO Codex Alimentarius Sampling Plans for Prepackaged Foods* (AQL 6.5) (Ref. No. CAC/RM 42–1969) shall be regarded as "defective" for the respective characteristics when:

(a) the requirement for free-flowing in section 2.4.4 is not complied with;

(b) the sizing requirements in section 2.4.5 are not complied with.

2.4.8 *Lot Acceptance for Presentation Factors*

A lot is considered as acceptable with respect to free flowing and sizing when the number of "defectives" as defined in sections 2.4.4 and 2.4.5 does not exceed the acceptance number (c) for the appropriate sample size as specified in the *FAO/WHO Codex Alimentarius Sampling Plans for Prepackaged Foods.*

3. *Essential Composition and Quality Factors*

3.1 *Optional Ingredients*

(a) Sugars (sucrose, invert sugar, dextrose, fructose, glucose syrup, dried glucose syrup)

(b) Salt (sodium chloride)

(c) Condiments, such as spices and herbs

3.2 *Quality Factors*

3.2.1 *General Requirements*

Quick frozen beans shall be:

—of a reasonably uniform colour

—free from foreign flavour and odour taking into account any added optional ingredients

—clean and free from foreign material

and with regard to visual defects subject to a tolerance shall be

—reasonably free from extraneous vegetable material (EVM)

—reasonably free from stem ends

—reasonably free from damage by insects or disease

—reasonably free from mechanically damaged units

—for whole beans normally developed

—reasonably free from tough strings and fibrous units

—without excessive small pieces

3.2.2 *Definition of Visual Defects*

(a) *Extraneous Vegetable Material:* vegetable material from the bean plant, other than pod, such as leaf or vine, but excluding stem ends; other harmless vegetable material, not purposely included as an ingredient. For the purpose of assessment, EVM comprising bean leaf material will be differentiated from other EVM.

(b) *Stem End:* a piece of the immediate stem which attaches the pod to the vine stem whether still attached to the unit or loose in the product.

(c) *Major Blemish:* each piece blemished due to insect or pathological damage affecting an area greater than a 6 mm diameter circle, or blemished by other means to a degree which seriously detracts from its appearance.

(d) *Minor Blemish:* each piece blemished due to insect or pathological damage affecting an area greater than a 3 mm diameter circle but less than a 6 mm diameter circle, or blemished by other means to a degree which noticeably detracts from its appearance.

(e) *Mechanical Damage:* (Whole and Cut Styles): a unit that is broken or split into two parts, crushed, or has very ragged edges to an extent that the appearance is seriously affected.

(f) *Undeveloped:* (Whole Style only): each unit which measures less than 3 mm at its widest point.

(g) *Tough Strings:* tough fibre which will support a weight of 250 g for 5 seconds or more when tested in accordance with the procedure in 8.5.

(h) *Fibrous Unit:* each piece having parchment-like material formed during the ripening of the pod, to the extent that the eating quality is seriously affected.

(i) *Small Pieces:* (Cut and Sliced Styles): bean pieces less than 10 mm in

length including loose seeds and pieces of seeds;

—(Whole Style): bean pieces less than 20 mm in length including loose seeds and pieces of seeds.

3.2.3 *Standard Sample Size*

Standard sample size is 1 kilogramme for EVN and stem ends, and 300 grammes for other defect categories.

3.2.4 *Tolerances for Visual Defects*

For tolerance based on the standard sample size indicated in section 3.2.3, visual defects shall be assigned points in accordance with the table in this section. The maximum number of defects permitted is the Total Allowable Points rating indicated for the respective categories 1, 2 and 3 or the Combined Total of the foregoing categories.

Defect	Category 1	Category 2	Category 3	Total
(a) EVM (i) Bean Leaf (each piece)	1			
(ii) Other EVM (each piece)	2			
(b) Stem end	1			
(c) Major blemish		3		
(d) Minor blemish		1		
(e) Mechanical damage (Whole and cut sizes)		1		
(f) Undeveloped (Whole style)		2		
(g) Tough strings			3	
(h) Fibrous unit			1	
Total Allowable Points				
(A) All but whole style	15	50	10	60
(B) Whole style only	15	30	6	40

(i) Small pieces (Whole, Cut and Sliced Styles)—maximum 20 percent m/m

3.3 *Definition of "Defective" for Quality Factors*

Any sample unit from a sample taken in accordance with the *FAO/WHO Codex Alimentarius Sampling Plans for Prepackaged Foods* (AQL 6.5) (CAC/RM 42–1969) shall be regarded as "defective" for the respective characteristics when:

(a) any one of the general requirements in section 3.2.1 is not complied with;

(b) the total in section 3.2.4 (a) to (h) exceeds the Total Allowable Points in any of the respective defect categories;

(c) the tolerance for small pieces is exceeded.

3.4 *Lot Acceptance for Quality Factors*

A lot is considered acceptable when the number of "defectives" as defined in section 3.3 does not exceed the acceptance number (c) for the appropriate sample size as specified in the *FAO/WHO Codex Alimentarius Sampling Plans for Prepackaged Foods* (AQL 6.5) (Ref. No. CAC/RM 42–1969). In applying the acceptance procedure each "defective" (subparagraph (a) to (c) of 3.3) is treated individually for the respective characteristics.

4. *Food Additives*

None permitted

4.1 *Carry-Over Principle*

"Section 3" of the "Principle Relating to the Carryover of Additives into Foods" as set forth in Volume I of the Codex Alimentarius shall apply.

5. *Hygiene*

It is recommended that the product covered by the provisions of this standard be prepared in accordance with the *Recommended International Code of Practice—General Principles of Food Hygiene* (Ref. No. CAC/RCP 1–1969, Rev. 1) recommended by the Codex Alimentarius Commission.

6. *Labelling*

6.1 In addition to sections 1, 2, 4 and 6 of the *Codex General Standard for the Labelling of Prepackaged Foods* (Ref No. CODEX STAN 1–1981), the following specific provisions apply:

6.1.1 The name of the product, as declared on the label, shall include "green beans" or "wax beans" as applicable. The words "quick frozen" shall also appear on the label, except that the term "frozen"[1] may be applied in countries where this term is customarily used for describing the product processed in accordance with section 2.2 of this standard.

6.1.2 In addition, there shall appear in the label on conjunction with, or in close proximity to, the words "green beans" or "wax beans": the style, as appropriate, "whole", "cut", "short cut", "diagonal cut", or "sliced"

6.1.3 If the product is produced in a style other than shown in 2.4.2.1 the label shall contain in close proximity to the words "green beans" or "wax beans", such additional words or phrases that will avoid misleading or confusing the consumer

6.1.4 Where a characterising ingredient has been added, this shall be stated as "with x", as appropriate.

6.1.5 A statement regarding type ("round" or "flat") may be made if cuistomary in countries in which the product is sold

6.2 *Size Designation*

If a term designating the size of the beans is used:

(a) it shall be supported by the size in mm as shown in section 2.4.5.2 and/or

(b) the words "extra small", "very small", "small", "medium", or "large" as appropriate; and/or

(c) by a correct graphic representation on the label of the size range to which the beans predominantly conform; and/or

(d) the customary method of declaring size in the country in which the product is sold.

6.3 *List of Ingredients*

A complete list of ingredients shall be declared in descending order of proportion in accordance with section 3.2(c) of the Codex General Standard for the Labelling of Prepackaged Foods (Ref. No. CODEX STAN 1–1981), except that food additives present in the product in accordance with section 4.1 need not be declared.

6.4 *Net Contents*

The net contents shall be declared by weight in either the metric system ("Systeme International" units) or avoirdupois or both systems of measurement, as required by the country in which the food is sold.

6.5 *Name and Address*

The name and address of the manufacturer, packer, distributor, importer, exporter or vendor of the food shall be declared.

6.6 *Country of Origin*

The country of origin of the product shall be declared if its omission would mislead or deceive the consumer.

6.7 *Lot Identification*

Each container shall be embossed or otherwise permanently marked in code or in clear to identify the producing factory and the lot.

6.8 *Additional Requirements*

The packages shall bear clear directions for keeping from the time they are purchased from the retailer to the time of their use, as well as directions for cooking.

6.9 *Bulk Packs*

In the case of quick frozen green beans or wax beans in bulk, the information required in sections 6.1 to 6.6 shall either be placed on the container or be given in accompanying documents, *except* that the name of the food accompanied by the words "quick frozen" (the term "frozen" may be used in accordance with section 6.1.1 of this standard) the name and address of the manufacturer or packer shall appear on the container.

7. *Packaging*

7.1 Packaging used for quick frozen beans or wax beans must:

(a) protect the organoleptic and other quality characteristics of the product;

(b) protect the product against microbiological and other contamination;

[1] "Frozen": this term is used as an alternative to "quick frozen" in some English speaking countries.

(c) protect the product from dehydration and, where appropriate, leakage as far as technologically practical; and

(d) not pass on to the product any odour, taste, colour or other foreign characteristics throughout the processing (where applicable— and distribution of the product up to the time of final sale.

8. *Methods of Examination, Analysis and Sampling*

8.1 *Sampling*

8.1.1 *Sampling for Presentation and Visual Defects:* For those provisions detailed in sections 2.4 and 3.2 of this standard sampling shall be carried out in accordance with the *FAO/HOW Codex Alimentarius Sampling Plans for Prepackaged Foods* (AQL 6.5) (Ref. No. CAC/RM 42–1969).

8.1.2 *Sampling for Net Weight:* shall be carried out in accordance with the FAO/WHO sampling plans for the Determination of Net Weight (under elaboration by the Codex Committee on Methods of Analysis and Sampling).

8.1.3 *Sampling for Analytical Requirements:* Sampling Plans to be elaborated.

8.2 *Thawing Procedure*

FAO/WHO Codex Alimentarius Standard Procedure for Thawing of Quick Frozen Fruits and Vegetables (Ref. No. CAC/RM 32–1970).

8.3 *Cooking Procedure*

8.3.1 FAO/WHO Codex Alimentarius Standard Procedure for Cooking of Quick Frozen Vegetables (Ref. No. CAC/RM 33–1970).

8.3.2 The cooking time for quick frozen green beans and wax beans may vary within the range of 5 to 20 minutes, depending upon style, variety, maturity and size.

8.4 *Determination of Net Weight*

FAO/WHO Codex Alimentarius Standard Procedure for Determination of Net Weight of Frozen Fruits and Vegetables (Ref. No. CAC/RM 34–1970); also contained in the Codex Standard for Quick Frozen Peas (Ref. CODEX STAN 41–1981 Section 8.3).

8.5 *Determination of Tough Strings*

FAO/WHO Codex Alimentarius Method of Analysis for Processed Fruits and Vegetables, CAC/RM 39–1970, *Tough String Test* after the product has been cooked according to 8.3.

Interested persons may, on or before June 28, 1983, submit to the Dockets Management Branch (address above), written comments regarding this notice. Two copies of any coments are to be submitted, except that individuals may submit one copy. Each comment should identify the title of the Codex standard and the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.,

Executive Order 12291 does not apply to regulations issued in accordance with the formal rulemaking provisions of the Administrative Procedure Act (5 U.S.C. 556, 557). Food standards promulgated under 21 U.S.C. 341 and 371(e) fall under this exemption. However, any comments submitted in support of establishing a U.S. standard for this food should be supported by appropriate information and data regarding impact on small business consistent with the requirements of the Regulatory Flexibility Act (Pub. L. 96–354).

Dated: April 21, 1983.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 83–11429 Filed 4–28–83; 8:45 am]

BILLING CODE 4160–01–M

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21 CFR Part 558

[Docket Nos. 77N–0230 and 77N–0316]

New Animal Drugs for Use in Animal Feeds; Penicillin- and Tetracycline (Chlortetracycline and Oxytetracycline)-Containing Premixes; Reopening of Comment Period

AGENCY: Food and Drug Administration.

ACTION: Proposed rule; reopening of comment period.

SUMMARY: The Food and Drug Administration (FDA) is reopening the comment period on the proposed rule to revise the regulations governing subtherapeutic use of antibiotic, nitrofuran, and sulfonamide drugs in animal feeds to permit approval of new animal drug applications (NADA's) and supplements for use of penicillin- and tetracycline (chlortetracycline and oxytetracycline)-containing premixes. FDA is reopening the comment period in response to a request from the Natural Resources Defense Council, Inc.

DATE: Comments by May 31, 1983.

ADDRESS: Written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Philip J. Frappaolo, Bureau of Veterinary Medicine (HFV–232), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4940.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of February 1, 1983 (48 FR 4490), FDA proposed to amend its regulation concerning approval of subtherapeutic use of penicillin- and tetracycline-containing premixes in animal feeds. The proposal provided for the submission of comments by April 4, 1983.

The Natural Resources Defense Council, Inc. (NRDC), in its letter of February 23, 1983, requested information pursuant to the Freedom of Information Act (FOI Act, 5 U.S.C. 552)—specifically, all documents produced or relied on by FDA in reaching its conclusions that: (1) The proposed rule would not significantly increase risks of human exposure to resistant organisms, and (2) the proposed rule could be supported by equity considerations. The agency has responded with a written discussion of the issues that were the subject to the NRDC letter.

In a second letter dated March 24, 1983, NRDC requested that FDA extend the comment period in order to obtain time to file meaningful comments on the proposal NRDC claimed that it could not file such comments until after FDA provided it with documents it has requested supporting the proposed rule. FDA concludes that additional time for submitting comments is warranted. The NRDC letter requesting documentation and FDA's responses, dated April 18 and April 19, 1983, are available for public inspection in the Dockets Management Branch.

Accordingly, the period for submission of comments by interested persons is reopened until May 31, 1983. Interested persons may submit written comments to the Dockets Management Branch (HFA–305) (address above). Respondents should submit two copies (except that individuals may submit single copies) identified with Docket Nos. 77N–0230 and 77N–0316. Received comments may be seen in the Dockets Management Branch from 9 a.m. to 4 p.m., Monday through Friday.

Dated: April 22, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83–11434 Filed 4–28–83 8:45]

BILLING CODE 4160–01–M

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21 CFR Part 158

[Docket No. 83N–0108]

Quick Frozen Brussels Sprouts; Advance Notice of Proposed Rulemaking on the Possible Establishment of a Standard

AGENCY: Food and Drug Administration.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Food and Drug Administration (FDA) is offering to

interested persons an opportunity to review the Codex standard for Quick Frozen Brussels Sprouts (Codex standard) developed by the Codex Alimentarius Commission and to comment on the desirability and need for a U.S. standard for this food. The Codex standard was submitted to the United States for consideration for acceptance. If the comments received do not support the need for a U.S. standard for the food, FDA will not propose a standard.

DATE: Comments by June 28, 1983.

ADDRESS: Written comments, data, or other information to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Bureau of Foods (HFF—214), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202—245-1164.

SUPPLEMENTARY INFORMATION: The Food and Agriculture Organization (FAO) and the World Health Organization (WHO) jointly sponsor the Codex Alimentarius Commission, which conducts a program for developing worldwide food standards. The program has developed a large number of Codex standards, among which is that for quick frozen brussels sprouts.

As a member of the Codex Alimentarius Commission, the United States is under treaty obligation to consider all Codex standards for acceptance. The rules of procedure of the Codex Alimentarius Commission state that a Codex standard may be accepted by a participating country in one of three ways: full acceptance, target acceptance, or acceptance with specified deviations. A commitment to accept at a designated future date constitutes target acceptance. A country's acceptance of a Codex standard signifies that, except as provided for by special deviations, a product that complies with the Codex standard may be distributed freely within the accepting country. A participating country that concludes that it will not accept a Codex standard is requested to inform the Codex Alimentarius Commission of this fact and the reasons therefor, the manner in which similar foods marketed in the country differ from the Codex standard, and whether the country will permit products complying with the Codex standard to move freely in that country's commerce.

For the United States to accept some or all of the provisions of a Codex standard for any food to which the Federal Food, Drug, and Cosmetic Act (the act) applies, it is necessary either to establish a standard under the authority of section 401 of the act (21 U.S.C. 341) or to revise an existing standard to incorporate the provisions within the U.S. standard. At present, there is no U.S. standard for quick frozen brussels sprouts. There are only voluntary grade standards for marketing frozen brussels sprouts, including identity and quality requirements, developed by the U.S. Department of Agriculture.

Under the procedure prescribed in § 130.6(b)(3) (21 CFR 130.6(b)(3)), FDA is providing an opportunity for review and informal comment (1) on the need for, and desirability of, a standard for this food, (2) on the specific provisions of the Codex standard (Codex standard 112-1981) and any modifications that should be included in a U.S. standard, if established, and (3) on any other pertinent points.

FDA advises that if the comments received do not support the need for a U.S. standard for this food, no U.S. standard will be proposed. If this decision is reached, FDA will inform the Codex Alimentarius Commission that an imported food that complies with the requirements of the Codex standard may move freely in interstate commerce in this country providing it complies with applicable U.S. laws and regulations.

Owing to the large number of countries, often with diverse food regulations, that are associated with Codex, certain provisions found in Codex standards may not be in keeping with aspects of U.S. policy and regulations. Codex standards customarily include hygiene requirements, limits on contaminants, certain basic labeling requirements, and other factors. These factors are not considered a part of food standards under section 401 of the act. Rather, they are dealt with under other sections of the act and are included in a proposed U.S. standard.

In addition, the Codex standard for quick frozen brussels sprouts specifies analytical methods by which compliance with certain provisions is to be determined. As stated in 21 CFR 2.19, FDA uses the methods published in the latest edition of "Official Methods of Analysis of the Association of Official Analytical Chemists," when these are available, in preference to other methods. FDA will adhere to this policy in any U.S. standard proposed under this notice.

Under § 130.6(c), all persons who wish to submit comments are encouraged and requested to consult with different interested groups (consumers, industry, the academic community, professional organizations, and others) in formulating their comments, and to include a statement of any meetings or discussions that have been held with other groups.

List of Subjects in 21 CFR Part 158

Food standards, Frozen vegetables, Vegetables.

The Codex standard under consideration is as follows:

Codex STAN 112-1981—Codex Standard for Quick Frozen Brussels Sprouts (Worldwide Standard)

1. *Scope*

This standard shall apply to quick frozen Brussels Sprouts of the species *Brassica oleracea* L. var. *gemmifera* (DC) Schulz, as defined below and offered for direct consumption, without further processing except for size grading or repacking, if required. It does not apply to the product when indicated as intended for further processing or for other industrial purposes.

2. *Description*

2.1 *Product Definition*

Quick frozen Brussels Sprouts are the product prepared from fresh, clean, sound, whole axillary buds of the plant conforming to the characteristics of *Brassica oleracea* L. var. *gemmifera* (DC) Schulz—which buds are trimmed, sorted, washed and sufficiently blanched to ensure adequate stability of colour and flavour during normal marketing cycles.

2.2 *Process Definition*

2.2.1 Quick frozen Brussels Sprouts are the product subjected to a freezing process in appropriate equipment and complying with the conditions laid down hereafter. This freezing operation shall be carried out in such a way that the range of temperature of maximum crystallization is passed quickly. The quick freezing process shall not be regarded as complete unless and until the product temperature has reached −18°C (0°F) at the thermal centre after thermal stabilization.

2.2.2 The recognized practice of repacking quick frozen products under controlled conditions is permitted.

2.3 *Handling Practice*

The product shall be handled under such conditions as will maintain the quality during transportation, storage and distribution up to and including the time of final sale. It is recommended that during storage, transportation, distribution and retail, the product be handled in accordance with the provisions in the *Recommended International Code of Practice for the Processing and Handling of Quick*

Frozen Foods (Ref. No. CAC/RCP 8–1976).

2.4 *Presentation*

2.4.1 *Form*

Quick frozen Brussels Sprouts may be presented as free flowing (i.e. in which the individual sprouts are not adhering to one another) or non-free flowing (i.e. as a solid block).

2.4.2 *Tolerance for "Free Flowing"*

When the product is presented as "free flowing" a tolerance of 10% m/m shall be allowed for pieces which are stuck together to such an extent that they cannot easily be separated in the frozen state.

2.4.3 *Sizing*

2.3.1 Quick frozen Brussels Sprouts may be presented sized or unsized.

2.4.3.2 Whether sized or unsized, the amount of frozen sprouts passing a square hold sieve of 12 mm, shall not exceed 5 percent by number.

2.4.3.3 If quick frozen Brussels Sprouts are presented as size graded, they shall conform when measured in the frozen condition to the following system of specifications of the size names:

Size designation	Diameter of sprouts in mm using a square hole sieve
"Very small"	12–22 mm.
"Small"	22–26 mm.
"Medium"	26–36 mm
"Large"	Over 36 mm

2.4.4 *Tolerances for sizes*

If represented as size graded, of the sprouts 12 mm or larger, a minimum of 80 percent by number shall be of the declared size and a maximum of the following percentages by number of other sizes:

Size designation—	"Very small"	"Small"	"Medium"	"Large"
Max % 12–22 mm			20	
Max % 22–26 mm	20			
Max % 26–36 mm	5	20		20
Max % over 36 mm		5	20	
Total max. %	20	20	20	20

2.4.5 *Standard Sample Size*—The standard sample shall be 1 kg.

2.4.6 *Definition of "Defective" for Presentation*

Any sample unit from a sample taken in accordance with the *FAO/WHO Codex Alimentarius Sampling Plans for Prepackaged Foods* (AQL 6.5) (Ref. No. CAC/RM 42–1969) shall be regarded as "defective" for the respective characteristics where:

(a) the requirement for free-flowing in section 2.4.1 is not complied with;

(b) the sizing requirements, in section 2.4.2 are not complied with.

2.4.7 *Lot Acceptance for Presentation Factors*

A lot will be considered as acceptable with respect to free-flowing and sizing when the number of "defectives" as defined in section 2.4.1 and section 2.4.2 does not exceed the acceptance number (c) of the appropriate sample size as specified in the *FAO/WHO Codex Alimentarius Sampling Plans for Prepackaged Foods.*

3. *Essential Composition and Quality Factors*

3.1 *Optional Ingredients*

(a) Sugars (sucrose, invert sugar, dextrose, fructose, glucose syrup, dried glucose syrup)

(b) Salt (sodium chloride)

(c) Condiments, such as spices and herbs

3.2 *Quality Factors*

3.2.1 *General Requirements*

Quick frozen Brussels Sprouts shall be:

—free from foreign flavour and odour, taking into account any added optional ingredients;
—clean, free from sand and grit and free from other foreign material;
—of a normal colour for the variety used;

and with respect to visual defects or other defects subject to a tolerance shall be:

—reasonably free from extraneous vegetable material (EVM)
—reasonably free from loosely structured buds
—reasonably free from poorly trimmed or mechanic damaged units
—reasonably free from damage by insect or disease
—reasonably free from loose leaves

3.2.2. Definition of Visual Defects

(a) *Extraneous Vegetable Material (EVM):* Extraneous material from the Brussels Sprouts plant including stem and leaf, but excluding bud leaves and fragments thereof; harmless vegetable material from other plants.

(b) *Yellow Colour:* More than 50% of the outer surface of a sprout yellow in colour due to loss of outer leaves resulting either from overtrimming or mechanical damage.

(c) *Loosely structured:* Sprout not compact, having loosely packed or open leaves. A sprout in which the leaves form a rosette appearance.

(d) *Perforated leaves* (by insects): A sprout with one or more surface perforations (due to insect, etc.), larger than 6 mm in diameter, showing scar tissue at the edge of the perforation(s).

(e) *Decayed:* A sprout which shows significant internal or external decay.

(f) *Seriously Blemished:* A sprout which is stained, spotted, discoloured or otherwise blemished, covering an aggregate area greater than that of a circle 15 mm in diameter, in such a way as to detract seriously from its appearance/eating quality, and to such an extent that it would be discarded under normal culinary preparation.

(g) *Blemished:* A sprout which is stained, spotted, discoloured, or otherwise blemished to the extent that the aggregate area affected is greater than the area of a circle 6 mm in diameter, or in such a way as to detract materially but not seriously from its appearance. Sprouts which slight blemishes may be ignored.

(h) *Poorly Trimmed or Mechanically Damaged Unit* A unit in which:

(i) the butt end is very ragged leaving a heel extending more than 10 mm beyond the point of attachment of the lowest outer leaves;

(ii) 4 or more outer leaves have been damaged such that only the petioles remain attached to the butt;

(iii) the butt extends more than 10 mm below the point of attachment of the lowest outer leaves;

(iv) the appearance is damaged to an extent that the sprout is lacerated, can be separated easily into two pieces, or more than 25% of its volume has been removed;

(i) *Loose Leaf:* Leaf or leaf fragments detached from the bud.

3.2.3 *Standard Sample Size*

The standard sample size shall be 1 kilogramme for the assessment of EVM and loose leaf, and 100 sprouts for the assessment of other visual defects.

3.2.4 *Tolerances for Visual Defects*

For *tolerances* based on the standard sample size indicated in Section 3.2.3 visual defects shall be assigned points in accordance with the Table in this section. The maximum number of defects permitted is the Total Allowable Points rating indicated for the respective categories 1, 2 and 3 or the Combined Total of the foregoing categories.

Defect	Unit of measurement	Category 1	Category 2	Category 3	Total
(a) EVM	Each piece	2			
(c) Loosely structured	Each sprout		2		
(d) Perforated leaves	Each sprout		1		
(e) Decayed	Each sprout			4	
(f) Seriously blemished	Each sprout			2	
(g) Blemished	Each sprout		2		

Defect	Unit of measurement	Category 1	Category 2	Category 3	Total
(h) Poorly trimmed or mechanically damaged	Each sprout		1		
(i) Loose leaf	Each 1% m/m	1			
Maximum Total Allowable Points		10	45	10	55

Maximum percentage of (b) Yellow Sprouts 25

3.3 *Definition of "Defective" for Quality Factors*

Any sample unit a from a sample taken in accordance with the FAO/WHO Codex Alimentarius Sampling Plans for Prepackaged Foods (AQL 6.5) (Ref. No. CAC/RM 42–1969) shall be regarded as "defective" when:

(a) any one of the general requirements in Section 3.2.1 is not complied with; or

(b) the total in section 3.2.4 (a) to (i) exceeds the Total Allowable Points in any of the respective defect categories.

3.4 *Lot Acceptance for Quality Factors*

A lot is considered acceptable when the number of "defectives" as defined in paragraph 3.3 does not exceed the acceptance number (c) for the approprate sample size as specified in the *FAO/WHO Codex Alimentarius Sampling Plans for Prepackaged Foods.* In applying the acceptance procedure each "defective" (sub-paragraphs (a) and (b) of 3.3) is treated individually for the respective characteristics.

4. *Food Additives*

None permitted

4.1 *Carry-Over Principle*

"Section 3" of the "Principle relating to the Carry-Over of Additives into Foods" as set forth in Vol. I of the Codex Alimentarius shall apply.

5. *Hygiene*

It is recommended that the product covered by the provisions of this standard be prepared in accordance with the *International Code of Practice—General Principles of Food Hygiene* (Ref. No. CAC/RCP 1–1969, Rev. 1), recommended by the Codex Alimentarius Commission.

6. *Labelling*

In addition to sections 1, 2, 4 and 6 of the *Codex General Standard for the Labelling of Prepackaged Foods* (Ref. No. CODEX STAN 1–1981) the following specific provisions apply:

6.1 *The Name of the Food*

6.1.1 The name of the product as declared on the label shall include "Brussels Sprouts". The words "quick frozen" shall also appear on the label, except that the term "frozen" [1] may be applied in countries where this term is customarily used for describing the product processed in accordance with section 2.2 of this standard.

6.1.2 Where a characterizing ingredient has been added, this shall be stated as "with X" or "X flavoured" as appropriate.

6.2 *Size Designation*

If a term designating the size of the Bussels Sprouts is used:

(a) it shall be supported by the sieve size in mm; and/or

(b) the words "very small" "small" "medium" or "large" as appropriate; and/or

(c) by a correct representation on the label of the size range to which the Brussels Sprouts predominantly conform; and/or

(d) the customary method of declaring size in the country in which the product is sold.

6.3 *List of Ingredients*

A complete list of ingredients shall be declared in descending order of proportion in accordance with section 3.2(o) of the *Codex General Standard for the Labelling of Prepackaged Foods* (Ref. No. CODEX STAN 1–1981) except that the food additives present in the product in accordance with Section 4.1 need not be declared.

6.4 *Net Contents*

The net contents shall be declared by weight in either the metric system ("System international" units) or avoirdupois or both systems of measurement as required by the country in which the food is sold.

6.5 *Name and Address*

The name and address of the manufacturer, packer, distributor, importer, exporter or vendor of the product shall be declared.

6.6 *Country of Origin*

The country of origin of the product shall be declared if its omission would mislead or deceive the consumer.

6.7 *Lot Identification*

Each container shall be embossed or otherwise permanently marked, in code or in clear, to identify the producing factory and the lot.

6.8 *Additional Requirements*

The packages shall bear clear directions for keeping from the time they are purchased from the retailer to the time of their use, as well as directions for cooking.

6.9 *Bulk Packs*

In the case of quick frozen Brussels Sprouts in bulk, the information required in Sections 6.1 to 6.6 shall either be placed on the container or be given in accompanying documents, *except* that the name of the food accompanied by the words "quick frozen" (the term "frozen" may be used in accordance with Section 6.1.1 of this standard) and the name and address of the manufacturer or packer shall appear on the container.

7. *Packaging*

7.1 Packaging used for quick frozen Brussels Sprouts must:

(a) protect the organoleptic and other quality characteristics of the product;

(b) protect the product against microbiological and other contamination;

(c) protect the product from dehydration and, where appropriate, leakage as far as technologically practicable; and

(d) not pass on to the product any odour, taste, colour or other foreign characteristics, throughout the processing (where applicable) and distribution of the product up to the time of final sale.

8. *Methods of Examination, Analysis and Sampling*

8.1 *Sampling*

8.1.1. *Sampling for Presentation and Visual Defects:* For those provisions detailed in sections 2.4 and 3.2 of this standard sampling shall be carried out in accordance with FAO/WHO Codex Alimentarius Sampling Plans for Prepackaged Foods (AQL 6.5) (Ref. No. CAC/RM 42–1969).

8.1.2 *Sampling for Net Weight:* Shall be carried out in accordance with the FAO/WHO Sampling Plans for the Determination of Net Weight (under elaboration by the Codex Committee on Methods of Analysis and Sampling).

8.1.3 *Sampling for Analytical Requirements:* Sampling Plans to be elaborated.

8.2 *Thawing Procedure*

FAO/WHO Codex Alimentarius Procedure for the Thawing of Quik Frozen Fruits and Vegetables (Ref. No. CAC/RM 32–1970).

8.3 *Cooking Procedure*

8.3.1 *FAO/WHO Codex Alimentarius Procedure for Cooking of Quick Frozen Vegetables* (Ref. No. CAC/RM 33–1970).

8.3.2 The cooking time for quick frozen Brussels Sprouts may vary between 6 and 20 minutes according to size.

8.4 *Determination of Net Weight*

FAO/WHO Codex Alimentarius Standard Procedure for the

[1] "Frozen": This term is used as an alternative to "quick frozen" in some English-speaking countries

Determination of Net Weight of Frozen Fruits and Vegetables also contained in the *Codex Standard for Quick Frozen Peas*, Section 8.3 (CODEX STAN 41–1981 and CAC/RM 34–1970).

Interested persons may, on or before June 28, 1983 submit to the Dockets Management Branch (address above), written comments regarding this notice. Two copies of any comments are to be submitted, except that individuals may submit one copy. Each comment should identify the title of the Codex standard and the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Executive Order 12291 does not apply to regulations issued in accordance with the formal rulemaking provisions of the Administrative Procedure Act (5 U.S.C. 556, 577). Food standards promulgated under 21 U.S.C. 341 and 371(e) fall under this exemption. However, any comments submitted in support of establishing a U.S. standard for this food should be supported by appropriate information and data regarding impact on small business consistent with the requirements of the Regulatory Flexibility Act (Pub. L. 96–354).

Dated: April 21, 1983.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 83-11423 Filed 4-28-83; 8:45 am]

BILLING CODE 4160-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-1-FRL 2340-1]

Approval and Promulgation of Implementation Plans New Hampshire; VOC Regulations Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve State Implementation Plan revisions submitted by the State of New Hampshire. These revisions will reduce emissions from major sources of volatile organic compounds (VOC). The intended effect of this action is to satisfy Part D plan requirements for nonattainment areas as required under Section 172(b)(2) of the Clean Air Act.

DATES: Comments must be received on or before May 31, 1983. Public comments on this document are requested and will be considered before taking final action on these SIP revisions.

ADDRESSES: Comments may be mailed to Harley F. Laing, Director, Air Management Division, Room 2311, JFK Federal Building, Boston, MA 02203. Copies of the submittal and EPA's evaluation are available for public inspection during normal business hours at the Environmental Protection Agency, Room 2111, JFK Federal Building, Boston, MA 02203 and the New Hampshire Air Resources Agency, Health and Welfare Building, Hazen Drive, Concord, NH 03301.

FOR FURTHER INFORMATION CONTACT: Alan E. Dion, (617) 223–5130.

SUPPLEMENTARY INFORMATION: On January 26, 1983 the State of New Hampshire submitted proposed revisions to its 1979 Ozone State Implementation Plan (SIP). These revisions consist of the following changes to the State's VOC regulations:

1. Air 1204.02(c), which defines "Equivalent", is amended by adding the phrase "on a solids applied basis." This change means that the State will use an approved method of determining what level of control is required by a source electing to use add-on control equipment in order to be equivalent to RACT emission limits of the VOC control regulations. This change is consistent with EPA guidance and is approvable.

2. Air 1204.21(j), which establishes deadlines for compliance schedule extensions, has been changed from "December 31, 1987" to "July 1, 1985." EPA believes this is a reasonable extension period for sources which were to be in compliance with the SIP by December 31, 1982, but which required more time to overcome problems or use advanced technology. EPA has approved this date for other states within the region. This revision is acceptable.

In the December 30, 1982 **Federal Register** (47 FR 58251), EPA took no action on some VOC regulations submitted by the State of New Hampshire on August 17, 1981, which failed to conform to EPA policy. The regulatory revisions proposed by the State remedy some of these deficiencies.

1. EPA took no action in 47 FR 58251 on Air 1204.17, controlling emissions from miscellaneous metal parts coaters. While this regulation represented RACT as written, we understood that New Hampshire did not determine the equivalency of a control system with the RACT emission limit based on the amount of solids applied to the material being coated. At that time the State used a less stringent method of calculating equivalence. The pending revision of Air 1204.02(c) concerning "Equivalent" will make Air 1204.17 fully approvable.

2. We approved Air 1204.21 on compliance schedules in 47 FR 58251, but required the State to submit each compliance schedule which extended beyond December 31, 1982 to us as a SIP revision. This requirement was based upon EPA's belief that the December 31, 1987 date in Air 1204.21(j) allowed the State too long a period to grant a source an extension. Normally, EPA allows a source only about a 2 year extension in its compliance schedule. In conformance with this policy, the July 1, 1985 date New Hampshire has proposed as an amendment to 1204.21(j) is reasonable, and will make this regulation fully approvable without the State having to submit any further compliance extensions as SIP revisions. These revisions do not affect compliance schedules already approved by EPA, or presently under review by us.

For a more detailed discussion of EPA's evaluation of these revisions please see the Technical Support Document available at the locations listed in the ADDRESSES section.

EPA is proposing to approve the Ozone State Implementation Plan revisions for New Hampshire, which were submitted on January 26, 1983, and is soliciting public comments on issues discussed in this notice or on other relevant matters. These comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to the address above.

These revisions are being proposed under a new procedure called "parallel processing" (47 CFR 27073). If the proposed revisions are substantially changed, in areas other than those identified in this notice, EPA will evaluate those changes and may publish a revised NPR. If no substantial changes are made other than those areas cited in this notice, EPA will publish a Final Rulemaking Notice on the revisions. The final rulemaking action by EPA will occur only after the SIP revisions have been adopted by New Hampshire and submitted to EPA for incorporation into the SIP. "Parallel processing", it is estimated, will reduce the time necessary for final approval of these SIP revisions by 3 to 4 months.

Proposed Action: EPA is proposing to approve Air 1204.02(c) on "Equivalent", Air 1204.17 on miscellaneous metal parts coaters, and Air 1204.21(j) on compliance schedule extensions.

Under 5 U.S.C. 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial

number of small entities (see 46 FR 8709).

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

The Administrator's decision to approve or disapprove the plan revision will be based on whether it meets the requirements of Sections 110(a)(2)(A)–(K) and 110(a)(3) of the Clean Air Act, as amended, and EPA regulations in 40 CFR Part 51. This revision is being proposed pursuant to Sections 110(a) and 301(a) of the Clean Air Act, as amended (42 USC 7410(a) and 7601(a)).

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations.

Dated: March 24, 1983.

Paul G. Keough,

Acting Regional Administrator, Region I.

[FR Doc. 83–11484 Filed 4–28–83; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 86

[AMS–FRL–2355–3]

Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines; Emission Standards for 1985 and Later Model Year Light-Duty Vehicles

AGENCY: Environmental Protection Agency.

ACTION: Extension of comment period and request for comments.

SUMMARY: On February 18, 1983, EPA published a Notice of Proposed Rulemaking (NPRM) that would establish the all-altitude emission control requirements of Section 206(f)(1) of the Clean Air Act (the Act) for 1985 and later model year light-duty vehicles (LDVs) (48 FR 7399, February 18, 1983).

Two issues have been brought to EPA's attention concerning the LDV 1985 and later NPRM. These issues are: (a) The designation of high-altitude locations for 1984 and later LDVs, and (2) the elimination of special vehicles designed for the high-altitude market.

To allow additional specific comment on the issues mentioned above, EPA is extending the comment period on the 1985 and later NPRM.

DATE: Comments on the rulemaking action should be submitted to the Agency at the address given below on or before May 31, 1983.

ADDRESS: Copies of the material relevant to this rulemaking are contained in Public Docket No. A–80–1 at the U.S. Environmental Protection Agency, Central Docket Section. The docket is located in West Tower Lobby, Gallery 1, 401 M Street SW., Washington, D.C. 20460. The docket may be inspected between 8:00 a.m. and 4:00 p.m. on weekdays. A reasonable fee may be charged for copying services.

FOR FURTHER INFORMATION CONTACT: Mr. Richard S. Wilcox, Emission Control Technology Division, U.S. Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, MI 48105; (313) 668–4390.

SUPPLEMENTARY INFORMATION: Section 206(f)(1) of the Act requires that, beginning in the 1984 model year, all LDVs must meet the applicable Federal emission standards regardless of the altitude at which they are sold. (LDVs that are only certified to meet separate California emission requiremetns are not bound by this requirement. *See e.g.* S. Rep. No. 95–127, 95th Cong., 1st Sess. 87 (1977).) On February 18, 1983, EPA published in the **Federal Register:** (1) An IFRM which implemented this "all-altitude" LDV requirement for 1984, and (2) an NPRM which solicited comments on adopting the same requirements for 1985 and later LDVs.

Although the comment period on the NPRM for 1985 and later was scheduled to close on April 21, 1983, EPA is extending the comment period to allow additional comment on two issues. These issues were identified at the March 22, 1983 public hearing on the 1985 and later NPRM.

The two issues upon which EPA is seeking specific comments are: (1) The designation of high-altitude locations where exempt vehicles (i.e., those certified only at low altitude) could not be sold, and (2) the elimination of special vehicles designed specifically for the high-altitude market.

I. Designation of High-Altitude Locations

On November 10, 1983, the Agency proposed to reduce the number of high-altitude locations where only vehicles certified in compliance with high-altitude standards could be sold (47 FR 50929). The proposed "redesignation" of high-altitude locations would affect 1983 LDVs and 1983 and later light-duty trucks (LDTs). It is based on Section 202(f)(3) of the Act, which contains guidelines for establishing high-altitude regulations for these motor vehicles. That section specifically requires a consideration of air quality effects when designating areas to which the high-altitude standards would apply.

As indicated in the preamble of the redesignation NPRM and reiterated at the associated public hearing on January 12, 1983, the redesignation did not apply to 1984 and later LDVs because these vehicles were subject to the all-altitude requirements of Section 206(f)(1) of the Act.

In developing the regulations to implement Section 206(f)(1), EPA found that certain exemptions were necessary for very low-power vehicles. Such exempted vehicles would only meet standards at low altitude and could not be sold for principal use in high-altitude areas. The Agency interpreted the Act as requiring that, in this instance, high-altitude locations must be designated solely on the basis of altitude, and not on other factors. Therefore, because the revised designation criteria are based not only on altitude, but also on air quality needs, EPA concluded that the original list of high-altitude locations should be retained for 1984 and later LDVs.

At the March 22, 1983 public hearing on the proposed all-altitude requirements for 1985 and later LDVs, commenters suggested that EPA's interpretation of Section 206(f)(1) may be overly restrictive. They argued that the redesignation should be adopted for 1984 and later LDVs because the Act does not appear to specifically prohibit the consideration of air quality needs in designating high-altitude locations for these vehicles. Furthermore, they stated that failure to adopt the revised designation criteria would result in a separate list of high-altitude counties for LDVs and LDTs. Such a system, they concluded, would be more costly than necessary and needlessly confusing to consumers and dealerships.

The Agency specifically requests comments on the desirability and the legal rationale for adopting the revised list of designated high-altitude locations for 1985 and later LDVs, rather than retaining the original list of designated high-altitude locations.

II. Elimination of Special High-Altitude Axles

The 1982–83 high-altitude LDV regulations allow the sale of vehicles equipped with special axle ratios that are only certified in compliance with high-altitude standards (45 FR 66984). These axles have higher numerical gear ratios which are designed to counteract the deleterious effects of higher elevations on vehicle performance.[1]

[1] When a vehicle is driven at higher elevations, the air it consumes is less dense due to its lower

Commenters of the March 22, 1983 public hearing stated that the regulations which implement the all-altitude requirement of Section 206(f)(1) of the Act would not allow such special high-altitude axles.

Indeed, under the regulations, vehicles using these higher numerical axle ratios could only be sold if they were certified in compliance with the standards at both low and high altitude. General Motors stated that the need to specifically certify vehicles with such axle ratios at low altitude would be too costly relative to the sales volume at low altitude, and may also adversely affect its Corporate Average Fuel Economy (CAFE) rating. For these reasons, GM continued, higher numerical axle ratios, which are currently available for sale at high altitude, would be dropped from its LDV product line beginning in the 1984 model year.

The availability of higher numerical axle ratios does appear important to high-altitude consumers. According to Ford Motor Company, when the same basic vehicle was available with two axles ratios, the higher numerical ratio generally accounted for 70 percent of the vehicle sales at high altitude.

Two important points were made at the public hearing regarding the future of these special axle ratios. First, the loss of these special axles in 1984 would adversely affect model availability in high-altitude locations and could be contrary to Congress' desire to protect model availability in these areas. Second, if vehicles with these special axles were somehow allowed at high altitude, such vehicles would still meet emission standards where they were sold (i.e., at high altitude). When these two points are taken together, allowing the continued sale of these vehicles in high-altitude areas does not appear to be at odds with the statute.

Because of this, commenters at the hearing suggested that an exemption be incorporated into the regulations for 1984 and later LDVs to allow special axle ratios to be certified for sale at high altitude only. This exemption would be similar to the provision already present in the regulations which allow the sale of certain vehicle configurations only at low altitude to protect model availability in these areas.

If such a special axle ratio exemption is found to be permissible under the Act, another issue is whether the sale of such vehicles could be allowed for principal use in any area above 4,000 feet, and not just in areas that EPA has designated as high-altitude locations (i.e., any county with 75 percent of its land mass and population above 4,000 feet). It can be argued that the issue of limiting model availability in this instance is strictly altitude dependent and is not limited simply to areas that meet EPA's high-altitude designation criteria, which were adopted for other regulatory purposes.[2] Allowing the sale of vehicles with high-altitude axle ratios for principal use in any area above 4,000 feet; however, would require that a special provision be added to the 1984 and later LDV regulations.

In a related matter, it should be noted that if the revised list of counties for 1983 LDVs is adopted for 1984 and later LDVs, as discussed previously, there will be many more "non-designated" areas above 4,000 feet than if the current list of counties is retained.

The Agency specifically requests additional comments on the legal justification and need for special axle ratio exemptions in high-altitude locations. Comments are also requested on whether it would be inconsistent to allow the sale of both exempted and special axle ratio vehicles in non-designated areas above 4,000 feet.

List of Subjects in 40 CFR Part 86

Administrative practice and procedure, Labeling, Motor vehicle pollution, Reporting and recordkeeping requirements.

Dated: April 12, 1983.

Charles L. Elkins,

Acting Assistant Administrator for Air, Noise and Radiation.

[FR Doc. 83-11635 Filed 4-28-83; 8:45 am]

BILLING CODE 6560-50-M

atmospheric pressure. As air becomes less dense, less oxygen is available in a given volume of air to combine with fuel and produce power. Consequently, vehicle performance at high altitude is degraded.

[2] High-altitude locations were originally designed to provide EPA, state governments, and manufacturers with a reasonable way to enforce the prohibition against selling low-altitude vehicles in high-altitude areas.

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40 CFR Part 704

[OPTS-82007; FRL 23067]

Chlorinated Terphenyl; Submission of Notice of Manufacture or Importation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to require that it be notified of any manufacture or importation of chlorinated terphenyl, a chemical recommended for testing by the Interagency Testing Committee established under section 4(e) of the Toxic Substances Control Act. The purpose of the notice requirement is to alert the Agency that the chemical will be manufactured or imported into the United States and to ensure that EPA has the opportunity to investigate the circumstances of any such resumption.

DATES: Comments on this proposal must be submitted on or before June 28, 1983.

ADDRESS: Written comments should bear the document control number OPTS-82007 and should be submitted to: TSCA Public Information Office (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-108, 401 M St., SW., Washington, D.C. 20460.

All written comments filed under this notice will be available for public inspection in Rm. E-107 at the address given above from 8:00 a.m. to 4:00 p.m. Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: Jack P. McCarthy, Director, Industry Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-511, 401 M St., SW., Washington, D.C. 20460, Toll free: (800-424-9065), In Washington, D.C.: (554-1404), Outside the USA: (Operator 202-554-1404).

SUPPLEMENTARY INFORMATION:

I. Authority

The Agency is proposing a rule under section 8(a) of the Toxic Substances Control Act (TSCA) requiring notice of any current manufacture or import of chlorinated terphenyl and notice of any proposed manufacture or importation. TSCA section 8(a) authorizes the Administrator to promulgate rules under which each person (other than a small manufacturer or processor), who manufacturers or processes or who proposes to manufacture or process a chemical substance or mixture, shall submit such reports as the Administrator may reasonably require.

Under this rule, the reporting requirement would consist of a notice to EPA stating that a person is manufacturing or proposing to manufacture chlorinated terphenyl, or is importing or proposing to import chlorinated terphenyl as a chemical substance in bulk or as part of a mixture. The notice would also include information on uses, production quantities and chemical composition. If EPA is notified of chlorinated terphenyl manufacture or import, the Agency will reconsider the need for action to require testing under section 4 of TSCA or for control of the reported activity.

II. Reasons For This Rule

A. ITC Concerns

The Interagency Testing Committee (ITC) designated the category of polychlorinated terphenyls for testing consideration in April 1978 (43 FR 16684). Chlorinated terphenyl is a member of this category and is the only member of the category on the TSCA Chemical Substance Inventory. Other members of the category are subject to Premanufacture Notification under section 5 of TSCA.

Chlorinated terphenyl is produced by chlorination of commercial terphenyl, which is a mixture of ortho-, meta-, and para-terphenyl. As a commercial product, chlorinated terphenyl is a mixture of chloroterphenyls having varying numbers and arrangements of chlorine atoms. Commercial-grade chlorinated terphenyl is a light yellow crystalline solid. Chlorinated terphenyl is identified by Chemical Abstract Service number 61788–33–8, and National Institute for Occupational Safety and Health number TQ13800.

Chlorinated terphenyl has been used during this century for various commercial purposes. Before 1973, chlorinated terphenyl was used primarily as a plasticizer in adhesives, inks, sealants, caulking compounds, and waxes. Peak domestic production occurred in 1971 when about 20 million pounds were produced. However, Monsanto, the sole domestic producer, discontinued chlorinated terphenyl production in 1972 because of concern over the environmental effects of the chemically similar polychlorinated biphenyls (PCBs). After that time, chlorinated terphenyl was imported and used mainly in waxes for investment casting. According to information supplied by the United States Customs Service under Customs Information Exchange 36/72, chlorinated terphenyl was last imported into the United States in November 1979. A 1976 European Economic Community (EEC) law banned its use except under certain conditions of use such as closed-system electrical equipment. Currently, chlorinated terphenyl is not known to be manufactured anywhere.

Chlorinated terphenyl is very similar in chemical structure to PCBs and could have toxicological properties similar to PCBs. PCBs also have a very stable chemical structure, so they persist in the environment. Chlorinated terphenyl, likewise, is known to persist in the environment, and potentially has similar adverse effects as PCBs. However, inadequate data are available on the health and ecological effects of chlorinated terphenyl. PCBs and chlorinated terphenyl were widely used and dispersed into the environment before their potential and real adverse effects were recognized, they are now ubiquitous in the environment, resulting in wide-range human exposure.

In addition, the commercial chlorinated terphenyl previously manufactured and imported was normally contaminated by PCBs (.05–5 percent). Thus, the manufacture of chlorinated terphenyl is indirectly controlled by section 6(e) of TSCA and the regulations thereunder. That section severely restricts the manufacture, processing, distribution in commerce, or use of PCBs. The history and specific requirements of the rules implementing section 6(e) are explained in the following editions of the **Federal Register**: 44 FR 31514 (May 31, 1979), 47 FR 17426 (April 22, 1982), 47 FR 24976 (June 8, 1982), 47 FR 37342 (August 25, 1982), and 47 FR 46980 (October 21, 1982) (requirements are listed in 40 CFR Part 761).

The ITC recommended that chlorinated terphenyl be tested for carcinogenicity, mutagenicity, teratogenicity, other chronic health effects, and for environmental effects. The recommendations were based on: (1) A chemical structure similar to PCBs, (2) increasing quantities imported after domestic production stopped in 1972, (3) wide environmental dispersion from chlorinated terphenyl's use in waxes for investment casting, (4) chlorinated terphenyl residues found in human blood, fat and milk, and in samples of water and sludge, (5) an indication from available data of a potential for bioaccumulation, and (6) no data on suspected carcinogenic, mutagenic, and teratogenic effects, with incomplete characterization of chronic health and environmental effects.

B. EPA Considerations

Because domestic production and importation of chlorinated terphenyl apparently has ceased, EPA has concluded that the section 4 testing recommended by the ITC is not presently warranted (see EPA's response to the ITC 46 FR 54482).

In EPA's response to the ITC, several alternatives to testing were discussed and comments were requested on the alternatives. Five alternatives were outlined: (1) Develop a significant new use rule (SNUR) under section 5(a); (2) list chlorinated terphenyl under section 5(b)(4) in combination with a SNUR (triggering notification requirements under section 5); (3) develop a section 8(a) reporting rule; (4) list chlorinated terphenyl under section 5(b)(4) in combination with a section 8(a) rule and thus require small businesses to report also; and (5) take no further action on chlorinated terphenyl since it appears to be adequately controlled by the PCB regulations.

EPA received comments on these alternatives from the Natural Resources Defense Council (NRDC) and the Chemical Manufacturers Association (CMA). NRDC sugested that the chemical be subject to all these regulatory alternatives, although they preferred that EPA list chlorinated terphenyl under section 5(b)(4) and require reporting only of those persons manufacturing or importing more than a certain amount of chlorinated terphenyl. CMA stated that chlorinated terphenyl should be subject only to a section 8(a) reporting rule to monitor future chlorinated terphenyl activity.

The Agency has considered comments on the above alternatives to testing and has decided that a section 8(a) rule (alternative 3) can effectively monitor future chlorinated terphenyl activity. First, a section 8(a) rule will enable EPA to learn of any current or proposed manufacture or import of chlorinated terphenyl. Thus, under this proposal EPA will be notified when a person has made a firm management decision to commit financial resources for the manufacture or import of chlorinated terphenyl, i.e., proposes to manufacture or import.

Second, the section 8(a) rule will require reporting of the data necessary to track and characterize the reported chlorinated terphenyl activity. Despite the rule exemption for small manufacturers, EPA will still be aware of any significant manufacture or import of chlorinated terphenyl because of the regulations banning PCBs. EPA believes that any future production will come from firms large enough to afford the manufacture of uncontaminated chlorinated terphenyl, which is very expensive and which may not be commercially viable.

Current substitutes for chlorinated terphenyl displace the use of approximately 400,000 pounds of chlorinated terphenyl in waxes for investment casting. It is likely that attempts to replace these substitutes would require significant production or importation of chlorinated terphenyl. In any event, production of chlorinated terphenyl over 45,400 kilograms (100,000 pounds) at a site, or any import over that amount by a company with annual sales over $3 million will be reportable.

One section 8(a) alternative EPA rejected was to set the reporting requirement at manufacture or import over 100,000 pounds, regardless of sales

volume. This trigger would have the effect of applying the same reporting requirement to small and large firms. Although appealing in its simplicity, there appears to be no justification for excusing large companies from reporting given EPA's need for reporting on manufacture or import of chlorinated terphenyl. In addition, EPA believes that small firms will not have the financial ability to produce relatively pure chlorinated terphenyl and thus the Agency does not expect production of chlorinated terphenyl by these firms.

Although EPA has serious concerns about the potential toxicity of chlorinated terphenyl, EPA has decided that section 8(a) reporting is more appropriate than SNUR reporting. EPA decided not to propose a SNUR because the evidence supports the conclusion that new uses are unlikely; as noted previously chlorinated terphenyl is neither manufactured nor imported into the United States today and has not been since 1979; the use of chlorinated terphenyl is prohibited by the EEC (with one limited exception); EPA is not aware of any chlorinated terphenyl manufacture in other parts of the world: and because contamination of chlorinated terphenyl with PCBs makes its manufacture or use difficult consistent with EPA's PCB rules.

A section 8(a) rule is probably most cost-effective when a chemical which poses some health concern is unlikely to be used in new applications or in volumes that could be considered "new" for purposes of a SNUR. EPA could promulgate a rule which requires reporting on production, importation, and use of a chemical with little fear that these uses would actually begin before the Agency had time to act. The smaller the likelihood of new use, the more prudent it is to conserve EPA resources by issuing a section 8(a) rule instead of a SNUR. Therefore, EPA believes that a section 8(a) rule will better serve our purposes. Since chlorinated terphenyl is on the TSCA Inventory, it can be produced without notification to EPA. This section 8(a) rule will ensure that in the event that chlorinated terphenyl manufacture is proposed, EPA can move to consider actions that will ensure protection of public health and the environment.

EPA has decided not to place chlorinated terphenyl on the section 5(b)(4) list at this time because designating it for the section 5(b)(4) list would have the effect of nullifying the small business exclusion. The small likelihood that chlorinated terphenyl will be manufactured by small manufacturers, justifies the use of section 8(a) rule in this instance; however, if we acquire sufficient risk data, EPA may consider placing chlorinated terphenyl on the section 5(b)(4) list.

III. Proposed Rule

With the exemptions noted below, this rule would require notice of any current or proposed manufacture or import of chlorinated terphenyl. The notice would include company name and address, principal technical contact, and, to the extent that it is known to or reasonably ascertainable by the company, a description of the use or intended use of the chlorinated terphenyl; chemical composition information (including PCB impurity level); estimated production volume; and, as appropriate, the proposed date for resuming manufacture or import. This information will help the Agency to estimate the potential exposure to humans and the environment of any reported chlorinated terphenyl activity, not only from the chlorinated terphenyl itself, but also from PCB contamination.

After receiving notice, EPA would carry out a follow-up investigation to determine whether the activity may present a risk to health or the environment. If we find that a significant risk may result, EPA will consider additional regulatory action to investigate or control the proposed chlorinated terphenyl activity.

Under the rule, persons who decide to manufacture or import chlorinated terphenyl must notify EPA within 15 days of the date they make this decision. The Agency believes that 15 days is enough time to gather the data for submission. In addition, EPA expects that it will receive a notice well in advance of import. The Agency requests comments on this feature of the proposed rule and any alternatives.

In addition, the Agency solicits comments on the alternative of requiring follow-up notice after a specified time period if volume increases, or uses change. The time period could be from one to two years after submitting the initial notice or after manufacture or import of chlorinated terphenyl begins. Such follow-up reporting will keep the Agency aware of any significant changes in production or use as stated in the first notice. Persons would be required to update the information in the first notice. For minor changes, copies of the original notice could simply indicate which items have been changed. Alternatively, the Agency could require submission of all data that could be required under section 8(a)(2) so that EPA is better able to characterize the exposures that are occurring and to gather any test data that are developed.

A. Exempt Persons

Small manufacturers or importers, as defined in proposed § 704.85(c)(12), would not be subject to this rule. The rule also exempts persons who manufacture or import chlorinated terphenyl solely for research and dvelopment, as part of an article, or as a byproduct or impurity.

EPA is proposing to exempt importers of articles from this rule for several reasons. Past imports of chlorinated terphenyl were only in bulk form, and importing of the chemical in articles is unlikely. In addition, EEC countries forbid production of chlorinated terphenyl for use in articles, and known imports of chlorinated terphenyl originated in an EEC country. Moreover, EPA believes that is would be a significant and needless burden on importers of articles to try to ascertain if they contain chlorinated terphenyl. If any person has knowledge that chlorinated terphenyl is being imported or was ever imported as a component of an article, that information should be submitted as a comment on this proposed rulemaking and the Agency will reconsider its decision to exempt importers of articles. The exemption also is consistent with previous Agency reporting provisions for the Inventory (42 FR 64572 *et seq.*) and the proposed Premanufacture Notification Regulations (44 FR 2242 *et seq.*).

EPA decided to exempt manufacture and import of chlorinated terphenyl as a byproduct because it was the intentional use of chlorinated terphenyl in products which caused the wide environmental dispersion of chlorinated terphenyl. EPA is to aware of any chemical manufacture that would lead to the production of chlorinated terphenyl as a byproduct. Chlorinated terphenyl may have been manufactured as a byproduct during the production of PCBs, but since the manufacture of PCBs has been banned, any manufacture of chlorinated terpheny as a byproduct from this source has ceased. If persons know of chemical processes that produce chlorinated terphenyl as a byproduct, that information should be submitted as a comment on this proposed rulemaking.

B. Definitions

"Chlorinated terphenyl" means a chemical substance, CAS No. 61788–33–6, composed of chlorinated ortho-, meta-, and paraterphenyl. Chlorinated terphenyl is classified for the purposes of the TSCA Inventory of Chemical Substances as a class 2 substance.

which means in this case that it has a variable compostion. Chlorinated terphenyl is produced by the chlorination of terphenyl, which is composed of varying proportions of the ortho, para, and meta isomers of terphenyl. Consequently, the reaction product of the chlorination process (which under TSCA is a chemical substance) is composed of the mixed chlorinated isomers of terphenyl.

"Small manufacturer." A manufacturer (importers are defined as manufacturers under TSCA) must meet either of the following standards to qualify as a small manufacturer under TSCA section 8(a):

(1) *First standard.* A manufacturer is small if its total annual sales, when combined with those of its parent company (if any), are less than $30 million. However, if the annual production volume of a particular chemical substance at any individual site owned or controlled by the manufacturer is greater than 45,400 kilograms (100,000 pounds), the manufacturer shall not qualify as small for purposes of reporting on the production of that chemical substance at that site, unless the manufacturer qualifies as small under paragraph (2), below.

(2) *Second standard.* A manufacturer is small if its total annual sales, when combined with those of its parent company (if any), are less than $3 million, regardless of the quantity of chemicals produced by that manufacturer.

The above definition was proposed by EPA in the **Federal Register** of June 23, 1982 (47 FR 27206) as a general definition for most section 8(a) rules. The proposed exemption standards have been designed to reduce the paperwork burden on small chemical manufacturers, while ensuring that EPA will receive a sufficient amount of chemical use, production, and exposure information to support assessment of chemical risks. EPA believes that these standards serve the purpose of this proposed rule. Questions concerning the development of the small business definition *per se* can be answered by examing the preamble and supporting documents of the small business standard rulemaking.

Since the proposed rule requires reporting from importers of mixtures containing chlorinated terphenyl, the Agency believes that some clarifying statements are in order so that importers of mixtures understand how this rule might affect them. EPA considers these persons importers of the chemical substances contained in the mixture. Under TSCA, importers are manufacturers of the chemical substance. For instance, a person intending to import a mixture containing a chemical substance not on the TSCA Inventory of Chemical Substances would be required to submit a Premanufacture Notice under section 5 of TSCA.

Under the first small business standard, a manufacturer is not small if the annual production volume of a particular chemical substance at any individual site owned or controlled by the manufacturer is greater than 45,400 kilograms (100,000 pounds). Since an importer of a mixture is considered a manufacturer of each component, persons should be aware that 45,400 kilograms exclusion refers to each component of the mixture. Thus, if a person with annual sales of less that $30 million but more than $3 million is importing a mixture containing chemicals A and B, and chemical A is subject to a section 8(a) rule, then the exclusion would be triggered when more than 45,400 kilograms of A were imported, not 45,400 kilograms of mixture AB.

C. Confidentiality

Any person submitting a notice may claim any part or all of the notice as confidential. Information which is claimed confidential will be disclosed by EPA only to the extent and by means of the procedures set forth in 40 CFR Part 2.

IV. Economic Impact

EPA estimates that compliance costs will range from $225–$716 for each notice. The cost estimate for Data Acquisition below assumes that the data is knows to or reasonably ascertainable to the person submitting the notice. It does not include the laboratory cost of determining isomeric ratios for example. Costs include:

Data Acquisition	$107–$430
Notice Preparation (Typing)	$17– $51
Managerial Review	$101–$235
Total	$225–$716

Since historically there was only one manufacturer and one importer of chlorinated terphenyl, EPA expects to receive few notices under this rule.

This rule will benefit the public. Its cost is low and it will alert the Agency to commercial activity involving a potentially hazardous chemical, allowing EPA to take appropriate action to require testing or control risks.

Upon receipt of a notice under this rule, EPA will decide what, if any, further information gathering, testing, or control actions are needed. Estimates of the costs of some possible actions are included in the economic support document that is contained in the public record for this proposal. The actual costs of such actions will be assessed by EPA in the development of the appropriate follow-up rulemaking.

V. Public Record

EPA has established a public record (docket number OPTS–82007) for this proposed rulemaking document which, along with a complete index, is available for inspection in Rm. E–107, 401 M St., SW., Washington, D.C., 20460, from 8:00 a.m. to 4:00 p.m. Monday through Friday, except legal holidays. This record includes basic information considered by the Agency in developing this proposed rule. The Agency will supplement the record with additional information as it is received. The record includes the following categories of information.

(1) Polychlorinated terphenyls; Response to the Interagency Testing Committee (46 FR 54482) and all comments received thereon.

(2) 2nd Report of the Interagency Testing Committee (ITC) (43 FR 16684).

(3) Polychlorinated Biphenyls (PCBs); Manufacturing, Processing, Distribution in Commerce and Use Prohibitions Rule (44 FR 31514).

(4) Polychlorinated Biphenyls (PCBs); Use in Electrical Equipment; Proposed Rules (47 FR 17426).

(5) Polychlorinated Biphenyls (PCBs); Manufacture, Processing, Distribution, and use in Closed and Controlled Waste Manufacturing Processes; Proposed Rule (47 FR 24976).

(6) Polychlorinated Biphenyls (PCBs); Manufacturing, Processing, Distribution in Commerce and Use Prohibitions; Use in Electrical Equipment (47 FR 37342).

(7) Polychlorinated Biphenyls (PCBs); Manufacturing, Processing, Distribution in Commerce and Use Prohibitions; Use in Closed and Controlled Waste Manufacturing Processes (47 FR 46980).

(8) Economic Analysis of Proposed Section 8(a) Rule on Cholorinated Terphenyl.

EPA anticipates adding to the rulemaking record the following types of information:

(1) All comments on this proposed rule.

(2) All relevant support documents and studies.

(3) Records of all communications between EPA personnel and persons outside the Agency pertaining to the

development of this rule. (This does not include any inter- or intra-agency memoranda unless specifically noted in the index of the rulemaking record.)

(4) Minutes, summaries, or transcripts of any public meetings held to develop this rule.

(5) Any factual information considered by the Agency in developing the rule.

(6) Comments received from OMB under Executive Order 12291.

EPA will identify the complete rulemaking record on or before the date of promulgation of the regulation, as prescribed by section 19(a)(3) of TSCA, and will accept additional material for inclusion in the record at any time between this notice and such designation. The final rule will also permit persons to point out any errors or omissions in the record.

VI. Regulatory Assessment Requirements

A. Paperwork Reduction Act

The reporting provisions of the rule are not subject to the Paperwork Reduction Act (PRA) of 1980 44 U.S.C. 3501 *et seq.* because this rule is not expected to impose reporting requirements on ten or more persons as defined under section 3502(4) of the PRA.

B. Regulatory Flexibility Act

This rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. Only two companies manufactured or imported chlorinated terphenyl since 1971. Currently, no company is known to manufacture or import chlorinated terphenyl. This rule also contains a small manufacturer exemption (see definitions "Small Manufacturer"). Therefore, in accordance with the Regulatory Flexibility Act (P.L. 95–354), EPA has determined that this rule will not have a significant economic impact on a substantial number of small entities.

C. Executive Order 12291

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore requires a Regulatory Impact Analysis. EPA has determined that this regulation is not major because it does not have an effect of $100 million or more on the economy. It is expected to have an annual cost of less than $2000. It does not have a significant effect on competition, costs, or prices.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection in the record for this rulemaking.

List of Subjects in 40 CFR Part 704

Hazardous materials, Imports, Recordkeeping and reporting requirements.

Dated: April 21, 1983.

Lee L. Verstandig,

Acting Administrator.

PART 704—[AMENDED]

Therefore it is proposed that 40 CFR Part 704 be amended by adding § 704.85 to read as follows:

§ 704.85 Chlorinated Terphenyl; submission of notice of manufacture or import.

(a) *Scope.* This rule establishes procedures governing reporting by persons who manufacture or import or who propose to manufacture or import chlorinated terphenyl.

(b) *Compliance.* Violation of the requirements of this rule may result in civil penalty or criminal prosecution, as provided in sections 15 and 16 of TSCA. In addition, under section 17, the Government may seek judicial relief to compel submission of required information.

(c) *Definitions.* All definitions as set forth in the Toxic Substances Control Act (TSCA) section 3 apply for this rule. In addition, the following definitions are provided for the purposes of this rule.

(1) "Article" means a manufactured item: (i) Which is formed to a specific shape or design during manufacture, (ii) which has end use function(s) dependent in whole or in part upon its shape or design during end use, and (iii) which has either no change of chemical composition during its end use or only those changes of composition which have no commercial purpose separate from that of the article, and that result from a chemical reaction that occurs upon end use of other chemical substances, mixtures, or articles; except that fluids and particles are not considered articles regardless of shape or design.

(2) "Byproduct" means a chemical substance produced without a separate commercial intent during the manufacture, processing, use, or disposal of another chemical substance(s) or mixture(s).

(3) "EPA" means the United States Environmental Protection Agency.

(4) "Importer" means any person who imports any chemical substance or any chemical substance as part of a mixture or article into the customs territory of the United States, and includes either:

(i) The person primarily liable for the payment of any duties on the merchandise.

(ii) An authorized agent acting on his behalf (as defined in 19 CFR 1.11). Importer also includes, as appropriate:

(A) The consignee.

(B) The importer of record.

(C) The actual owner if an actual owner's declaration and superseding bond has been filed in accordance with 19 CFR 141.20.

(D) The transferee, if the right to draw merchandise in a bonded warehouse has been transferred in accordance with Subpart C of 19 CFR Part 144. For the purpose of this definition, the customs territory of the United States consists of the 50 States, Puerto Rico and the District of Columbia.

(5) "Import in bulk form" means to import a chemical substance (other than as part of a mixture or article) in any quantity, in cans, bottles, drums, barrels, packages, tanks, bags, or other containers, if the chemical substance is intended to be removed from the container and the substance has an end use or commercial purpose separate from the container.

(6) "Impurity" means a chemical substance which is unintentionally present with another chemical substance.

(7) "Manufacture" means to manufacture for commercial purposes.

(8) (i) "Manufacture for commercial purposes" means to import, produce, or manufacture with the purpose of obtaining an immediate or eventual commercial advantage for the manufacturer, and includes, among other things, such "manufacture" of any amount of a chemical substance or mixture.

(A) For commercial distribution, including for test marketing.

(B) For use by the manufacturer, including use for product research and development, or as an intermediate.

(ii) Manufacture for commercial purposes also applies to substances that are produced coincidentally during the manufacture, processing, use, or disposal of another substance or mixture, including both byproducts that are separated from that other substance or mixture and impurities that remain in that substance or mixture. Such byproducts and impurities may, or may not, in themselves have commercial value. They are nonetheless produced for the purpose of obtaining a commercial advantage since they are part of the manufacture of a chemical product for a commercial purpose.

(9) "Person" includes any individual, firm, company, corporation, joint-venture, partnership, sole proprietorship, association, or any other business entity; any State or political subdivision thereof; any municipality; any interstate body; and any department, agency, or instrumentality of the Federal Government.

(10) "Chlorinated terphenyl" means a chemical substance, CAS No. 61788–33–6, composed of chlorinated ortho-, meta-, and para-terphenyl.

(11) "Proposed to manufacture or import" means that a person has made a firm management decision to commit financial resources for the manufacture or import of a chemical substance or mixture.

(12) "Small manufacturer." A manufacturer must meet either of the following standards to qualify as a small manufacturer under TSCA section 8(a):

(i) *First standard.* A manufacturer or importer is small if its total annual sales, when combined with those of its parent company (if any), are less than $30 million. However, if the annual production volume of a particular chemical substance at any individual site owned or controlled by the manufacturer or the total annual volume of the substance imported by the importer is greater than 45,400 kilograms (100,000 pounds), the manufacturer or importer shall not qualify as small for purposes of reporting on the production of that chemical substance at that site, unless the manufacturer qualifies as small under paragraph (c)(12)(ii) of this section.

(ii) *Second standard.* A manufacturer or importer is small if its total annual sales, when combined with those of its parent company (if any), are less than $3 million, regardless of the quantity of chemicals produced by that manufacturer.

(13) "TSCA" means the Toxic Substances Control Act, 15 U.S.C. 2601 *et seq.*

(d) *Persons who must report.* Except as provided in paragraph (e) of this section, the following persons are subject to the rule:

(1) Persons who manufacture or propose to manufacture chlorinated terphenyl.

(2) Persons who import (importers) or propose to import chlorinated terphenyl as a chemical substance in bulk or as part of a mixture.

(e) *Persons not subject to this rule.* The following persons are not subject to this rule:

(1) Persons who are small manufacturers or importers, as defined in paragraph (c)(12) of this section.

(2) Persons who manufacture or import and persons who propose to manufacture or import chlorinated terphenyl solely for research and development.

(3) Persons who manufacture or import and persons who propose to manufacture or import chlorinated terphenyl as a byproduct or impurity.

(4) Persons who import or propose to import chlorinated terphenyl as part of an article.

(f) *Reporting requirements.* (1) Persons subject to this rule as described in paragraph (d) of this section must notify EPA of current or proposed manufacture or import of chlorinated terphenyl. Persons who are manufacturing or importing chlorinated terphenyl on the effective date of the rule must notify EPA within 30 days of the effective date of the rule. Persons who propose to manufacture or import chlorinated terphenyl must notify EPA within 15 days after making the management decision described in paragraph (c)(11) of this section.

(2) The notice must include, to the extent that it is known to the person making the report or is reasonably ascertainable, the following information:

(i) Company name and address.

(ii) Name, address, and telephone number of principal technical contact.

(iii) A description of the use(s) or intended use(s) for chlorinated terphenyl.

(iv) A description of the isomeric ratio and extent of chlorination of the chlorinated terphenyl and the impurity level of polychlorinated biphenyls.

(v) The quantity (by weight) manufactured or imported within 12 months prior to the effective date of the rule, if any, and the estimated quantity (by weight) to be manufactured or imported for the first three years following the date of the report or the date of the intended start of production, whichever occurs later.

(vi) The proposed date for the initiation of manufacturing or importation of chlorinated terphenyl, if appropriate.

(3) Notices must be submitted by certified mail to the Document Control Officer (TS–793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Washington, D.C. 20460. ATTN: Chlorinated terphenyl notification.

(g) *Confidentiality claims.* (1) Any person submitting a notice under this rule may assert a business confidentiality claim covering all or any part of the notice. Any information covered by a claim will be disclosed by EPA only to the extent and by means of the procedures set forth in Part 2 of this chapter.

(2) If no claim accompanies the notice at the time it is submitted to EPA, the notice will be placed in an open file available to the public without further notice to the respondent.

(3) To assert a claim of confidentiality for data contained in a notice, the respondent must submit two copies of the notice.

(i) One copy of the notice must be complete. In that copy the respondent must indicate what data, if any, are claimed as confidential by marking the specific information on each page with a label such as "confidential", "proprietary", or "trade secret".

(ii) If some data in the notice are claimed as confidential, the respondent must submit a second copy. The second copy must be complete except that all information claimed as confidential in the first copy must be deleted.

(iii) The first copy of the notice will be for internal use by EPA. The second copy will be placed in an open file to be available to the public.

(4) In submitting a claim of confidentiality, a person attests to the truth of the following four statements concerning all information which is claimed confidential:

(i) My company has taken measures to protect the confidentiality of the information, and it intends to continue to take such measures.

(ii) The information is not, and has not been, reasonably obtainable without our consent by other persons (other than government bodies) by use of legitimate means (other than discovery based on a showing of special need in a judicial or quasi-judicial proceeding).

(iii) The information is not publicly available elsewhere.

(iv) Disclosure of the information would cause substantial harm to our competitive position.

[FR Doc. 83–11483 Filed 4–28–83; 8:45 am]

BILLING CODE 6560–50–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Child Support Enforcement

45 CFR Part 303

Procedures for Case Assessment and Prioritization

AGENCY: Office of Child Suport Enforcement (OCSE), HHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed regulation permits State child support enforcement

agencies to implement case assessment and prioritization procedures to achieve greater program efficiency. Limited resources and other operating contraints have made it difficult for IV–D agencies to process all cases in a timely manner. Although many States have implemented such procedures, they are concerned that current Federal regulations require IV–D agencies to locate absent parents, establish paternity and establish and enforce support obligations for *all* cases, on a first come, first serve basis. This proposed regulation will alleviate States' concerns and will allow States to focus available resources on cases which have high probability for success.

DATE: Consideration will be given to written comments and suggestions received by June 28, 1983.

ADDRESS: Address comments to: Director, Office of Child Support Enforcement, Department of Health and Human Services, Room 1010, 6110 Executive Blvd., Rockville, Maryland 20852, ATTN: Policy Branch. Comments will be available for public inspection Monday through Friday, 8:30 a.m. to 5:00 p.m. in Room 1010 of the Department's offices at the above address.

FOR FURTHER INFORMATION CONTACT: Marianne Rufty, (301) 443–5350.

SUPPLEMENTARY INFORMATION:

Statutory Provisions

This proposed regulation is implemented under the authority of section 1102 of the Social Security Act (the Act) which requires the Secretary to publish regulations that may be necessary for the efficient administration of the functions for which he is responsible under the Act. We believe this proposed regulation is necessary for the efficient operation of the Child Support Enforcement program under title IV–D of the Act.

Section 454(4)(B) of the Act requires each State plan for child support to provide that the State "will *undertake* [* * * in the case of any child with respect to whom * * * [an] assignment is effective, to secure support for such child * * *" (emphasis added). The statute requires that States *attempt* to secure support; however, there is no provision in title IV–D of the Act or its legislative history that specifies what a State must do to carry out this responsibility. In addition, section 452(a)(1) of the Act requires OCSE to establish standards for program operations. We believe, therefore, that ample statutory authority exists to prescribe standards which would allow States to meet their responsibilities under the State plan by systematically reviewing all cases against established criteria to identify those cases with the highest potential for success in each of the major program areas of locating the absent parent, establishing paternity and securing child support, and thereby selecting cases for assignment to staff on a priority basis.

Background

One basic purpose of the Child Support Enforcement (CSE) Program is to reduce or forestall welfare costs by increasing the collection of child support from absent parents. Locating absent parents and establishing paternity and support obligations are obvious prerequisites to the collection of support. Since the program's inception, child support enforcement efforts have increased dramatically nationwide, with a corresponding increase in the number of absent parents fulfilling their child support obligations. However, State and Federal welfare costs continue to rise. To offset these costs, States must be encouraged to implement sound management practices that will concentrate available resources on cases with the greatest potential for success in each of the required program service areas, such as location, paternity establishment and collection of support. This proposed regulation permits States to implement case assessment and prioritization procedures that can be used in concert with other management techniques such as resource balancing and process simplification to improve program efficiency and effectiveness.

Few States have the resources to process all their cases on a timely basis. Most States simply assign cases randomly, either alphabetically or by geographic areas of staff assignment. This often results in the use of limited staff resources to process cases in which the potential for success is low or nonexistent. Cases with high success potential may be overlooked under this type of system.

Case prioritization is a procedure which provides for the review of cases handled by a State or local IV–D agency against an objective set of criteria to determine the order in which cases should be pursed, based on the likelihood of being able to successfully provide the needed service, whether it be paternity establishment or collection of support. It may be likened to a hospital emergency room situation where medical cases are evaluated to determine the order in which they should be seen. And, as hospital emergency room procedures must remain flexible to accommodate the impact of new patients on the treatment order, case prioritization procedures must be dynamic enough to respond to shifts in caseload, new evaluation criteria and/or fluctuating resources. Such procedures, like effective emergency room procedures, should ensure that every case receives at least the minimal level of examination necessary to accurately determine required action, and that intake information, which could be incomplete or inaccurate, is not the sole basis for determining the necessary course of action.

While OCSE has encouraged the use of case prioritization as a management tool, we have not promulgated regulations which would either require or explicitly permit States to prioritize their caseloads. We have, however, interpreted the statutory and regulatory provisions governing the operation of the program to be sufficiently broad and flexible to allow States some discretion in determining which cases should be pursued to the point of obtaining a legal determination of paternity, securing a support obligation and collecting what is owed under an obligation. Some States have been reluctant, however, to adopt formal case prioritization techniques in the absence of Federal regulations.

In an effort to induce States to adopt case prioritization procedures and to provide guidelines for their prioritization efforts, we published OCSE–AT–80–5 entitled "Case Assessment and Prioritization" in March of 1980. This publication offers an operating model for evaluating and prioritizing cases. Many States have begun to establish procedures in accordance with this model or similar variations, but they are nonetheless concerned that current regulations require IV–D agencies to locate absent parents, establish paternity and secure support in cases in the order in which they are received by the IV–D agency. Although we believe that IV–D agencies should make every reasonable attempt to establish paternity and obtain support for all the cases they handle, it is unrealistic to assume that IV–D agencies have the resources required to pursue every case immediately upon receipt. Program experience has demonstrated that some cases have very little potential for success despite extensive use of agency resources while others have potential for establishing paternity and securing support with minimal effort. Therefore, the success potential of a case depends not only on the likelihood of providing the needed service but also in the amount of effort or resources expended in the process.

We believe this regulation will alleviate States' concerns with regard to

implementing case assessment and prioritization procedures by providing specific authorization for these procedures in regulations. In addition, it will support our ongoing efforts to encourage States to implement procedures that provide for the review and management of cases in relation to their potential for achieving the program goals of locating absent parents, establishing paternity and support obligations, and collecting support.

New Regulatory Provisions

This proposed regulation adds a new § 303.10 to 45 CFR Part 303, Standards for Program Operations. Section 303.10(a) allows a IV–D agency to implement case assessment and prioritization procedures for the management of its cases, including cases referred from the title IV–A agency under 45 CFR 235.70, non-AFDC cases in which applications for services are received under 45 CFR 302.33, and cases referred from other States for assistance under 45 CFR 302.36. Paragraph (a) is designed to give States not only the option to prioritize cases but also the flexibility to develop procedures that address States' varying needs. States may implement a statewide prioritization system or multiple local systems, as long as the basic program services are provided throughout the State. For example, a State may implement a complex prioritization system in a metropolitan area with a large, diverse caseload and a simplified version or none at all in a rural area with a small, manageable caseload.

Section 303.10(b) establishes basic requirements that a case prioritization system must meet. We will address each of the requirements in paragraph (b) separately.

Under the proposed § 303.10(b)(1), if a IV–D agency implements case assessment and prioritization procedures, it must develop written procedures, including success indicators, that will be used to evaluate and prioritize all cases upon receipt. Success indicators are those case characteristics that enable a IV–D agency to determine the case's potential for achieving the goal of a particular program service. For example, if the necessary service is establishment of a support order, a success indicator could be the fact that the absent parent is currently employed. For a detailed description of success indicators, see the discussion of the proposed § 303.10(b)(3) below.

In keeping with the Administration's policy to reduce requirements imposed on States, we are providing States the flexibility to develop procedures that address their varying needs. However, such procedures must be written and included in formal agency policy to ensure that the selection and processing of cases in a jurisdiction will be uniform and equitable according to prescribed State or local standards.

We want to stress the importance of the initial evaluation of cases and urge States to gather as much information as is easily obtainable before applying prioritization criteria. Whenever possible, States should not rely solely on information forwarded by the IV–A agency but should attempt, through interview with the custodial parent or otherwise, to ensure that placement of the case within the State's prioritization scheme is based on the best available data. In addition to gathering sufficient information necessary to appropriately classify each case for prioritization, we believe that States should devote some minimal level of resources in all cases. This may mean simple verification of information obtained from the custodial parent in some cases, but generally would require some additional effort to locate and contract the absent parent to attempt to secure a support payment even in low priority cases.

We do not intend to limit States to the selection of any particular case prioritization model. However, States may find the the model presented in OCSE–AT–80–5 of some use when developing their success indicators, although it does not meet the requirements of § 303.10. The model is designed to ensure that each case referred to the IV–D agency is evaluated at intake. Based on certain characteristics of the absent parent, the case is assigned an "active," "inactive" or "closed" status. The model focuses on cases in which the absent parent's address is known rather than on cases in which a support order has been established. A prioritization scheme for cases with established support obligations which require enforcement action is, however, included in the model. In addition, although the Case Handling and Statistical Evaluation (CHASE) system, developed under contract to the Child Support Enforcement program in August of 1980, does not meet all the requirements of § 303.10, States may find it useful as an informational tool. A description of the CHASE system may be obtained from the National Child Support Enforcement Reference Center, 6110 Executive Blvd., Rockville, Maryland 20852.

Under the proposed § 303.10(b)(2), if a State implements case assessment and prioritization procedures, it may not as a result of these procedures exclude either AFDC or non-AFDC cases.

We want to ensure that the paternity establishment and support enforcement services provided in AFDC cases remain available in non-AFDC cases in accordance with section 454(6) of the Act. Therefore, non-AFDC cases must also be reviewed under any case assessment and prioritization procedures adopted by a State. Since one of our basic program objectives is to reduce or forestall welfare costs, States must provide IV–D services to non-AFDC families to help them remain self-sufficient. In addition, States must ensure that no basic program services are excluded in any area of the State because of the implementation of a prioritization plan. For example, a State may not elect to provide non-AFDC or paternity establishment services in rural areas and neglect these services in the cities, or vice versa.

Under the proposed § 303.10(b)(3), if a State implements case assessment and prioritization procedures it must prioritize cases within each of the basic service categories of: locating the absent parent, establishing paternity, and establishing and enforcing support obligations, taking into account the success indicators for each category. In addition, we have included in the proposed paragraph (b)(4) a requirement that all cases receive a mimimum level of effort.

Although each of the program services is distinct with regard to its function, the overall purpose of the program is to meet our statutory obligation of securing support for all children. Caseworkers must keep this overall goal in mind when processing cases. In addition, caseworkers must view cases with respect to securing support in the short-term and in the long-term. For example, dependent on certain case characteristics such as accurate and up-to-date locate information and an existing, enforceable support order, securing support may be accomplished rather quickly with minimal use of agency resources. On the other hand, some cases, such as paternity actions, may require extensive use of agency resources to obtain a support order which may appear low in relation to other cases. Certain cases, and particularly paternity cases, must be viewed from a long-term perspective. Whereas the initial outlay of agency resources may outweigh the immediate return, circumstances may be expected to change and the case may pay for itself over time. Paternity defendants generally are young men who may have

little or no work history. As they mature and acquire work experience they may be expected to pay increasingly more child support. In addition, since paternity establishes the child's right to inheritance and other benefits, there is the potential for securing support from a variety of sources.

To meet our objective of securing support for all children and to view cases with respect to short-term and long-term attainment of this objective. States that opt to implement case assessment and prioritization procedures must develop success indicators for each program service category. In effect, IV–D agencies should define the distinguishing success indicators that are applicable to each type of IV–D service and examine and prioritize cases based on their suucess characteristics. For example:

Locate Services: The key to an effective locate process is to establish contact with the absent parent as soon as possible after referral and case activation. However, some case information is more reliable or helpful than other information in locating the absent parent. If the custodial parent knows the absent parent's current address, this could be considered a success indicator. More than one success indicator is likely to be appropriate in determining locate potential. In setting priorities for cases requiring location of the absent parent, the cases with the most recent and accurate information should be processed before those cases that require extensive locate services.

Paternity Establishment: The best example of the program's long-term perspective is its emphasis on the establishment of paternity. This service, in conjunction with locate and support order establishment, is an essential step toward successful enforcing child support obligations and, thus, fostering parental responsibility. The key to prioritizing paternity establishment cases is to determine which cases offer the greatest likelihood of successful resolution. For example, a success indicator for this activity could be the age of the child. It is generally easier to prove paternity when the child is younger because less time has passed since events occurred that may be used as evidence to support a claim of paternity. Caseworkers should not ignore paternity cases that are likely to be contested; instead, they should distinguish case circumstances that can quickly lead to case resolution and process those cases which are likely to be successful before cases which are less likely to result in the establishment of paternity.

Support Order Establishment: The establishment of a legal obligation is a prerequisite to the collection of support. Without an enforceable order, the support collection process often comes to a standstill. However, to rank cases within this service category, IV–D agencies should assess success characteristics of cases requiring support order establishment. An absent parent who has a history of prior, voluntary support payments may agree more readily to a support obligation than a parent who has no history of making support payments. A success characteristic for this service could be a record showing proof of the absent parent's prior support payments. However, a case should not necessarily be prioritized as having low potential merely because there is no past payment history. There may simply have been no effort previously devoted toward establishing a support order. Another success characteristic for this service could be the absent parent's employment history. If such history indicates that the individual is currently employed and has maintained steady employment over a period of years, the chances are most likely high for successfully resolving the case. Again, the emphasis is on processing those cases that should easily result in establishing an obligation before those cases that require extensive use of IV–D agency resources.

Support Order Enforcement: Although necessary enforcement action varies from case to case, success indicators can be easily ascribed to this service as well. For example, a case where the absent parent is employed in a company where wage assignments are easily obtainable should probably be processed before a case in which no wage assignment is likely to be obtained. In addition, a case where a parent is employed or has resources that can be applied toward the support obligation should generally be enforced before a case in which the absent parent is disabled or incarcerated.

Under the proposed § 303.10(b)(5), if a State implements case assessment and prioritization procedures, it must establish case status categories including priority I, priority II and closed.

We believe that such categories are basic to any case prioritization process. Although States must develop their own success indicators to determine how cases are assigned to these categories, we believe that following these general guidelines will help ensure that the system meets the intent of the proposed § 303.10. They are:

a. The priority I category should include cases in which the probability of successfully providing the necessary program service is high at the time of the initial IV–D case evaluation. This decision could easily be based on the success characteristics of the case in relation to the particular IV–D service the case requires. For example, a IV–D agency should pursue those in cases in which a support order exists and the absent parent's address and employer are known. In addition, paternity cases where the available evidence indicates that paternity establishment appears easily obtainable should also be included in the priority I category. And finally, cases where paternity has been established and support orders obtained should probably be assigned to the priority I category since only locate and enforcement services are needed to successfully resolve the cases.

b. The priority II category should include cases in which the probability of successfully providing the necessary program service may be low at the time of referral but in which case circumstances have potential for change. For example, those cases where initial parent locator efforts have been unsuccessful may be temporarily assigned to the priority II category. In addition, cases where a support order exists but the absent parent is unemployed or incarcerated with no ability to pay support at the time the evaluation is made may be assigned to this category. However, if such cases require paternity establishment with a reasonable expectation of success, it may be cost effective to initiate the appropriate proceedings at intake so that support enforcement can follow a change in case circumstance, i.e., if the absent parent becomes employed or is released from prison. Even for this category of cases, some attention should be devoted to the IV–D agency's continuing statutory obligation to establish paternity and secure support on behalf of all IV–D cases.

All cases assigned to this category would be subject to further evaluation under the State's periodic review mechanism required in § 303.10(b)(6), as discussed below.

c. The closed category should include cases in which the probability of successfully providing the needed program service is almost nil. For example, those cases in which the absent parent is deceased may be assigned a closed status. This category might also include paternity cases in which the putative father has been

legally excluded or determined to be unknown and good cause cases in which the State opts not to proceed because it would not be in the best interest of the child.

Under the proposed § 303.10(b)(6), if a State implements case assessment and prioritization procedures, it must establish a mechanism for the periodic review of cases in the priority II category.

We believe that a periodic review is necessary to ensure that information pertaining to the absent parent is accurate and that case records are up-to-date. If case circumstances change as a result of the review, the case should be reevaluated in terms of the new information and reassigned, if necessary, to another category. For example, a mechanism such as a tickler system or a suspense file would enable the IV–D agency to reevaluate cases at prescribed time intervals. This would result in early recognition of any changes that occur in case circumstances and ensure a dynamic and viable case assessment and prioritization system.

Under the proposed § 303.10(b)(7), if a State implements case assessment and prioritization procedures, it must review and reassign cases, if appropriate, when it becomes aware of circumstances which may change the success potential of the case.

We want to ensure that cases will not be overlooked if new absent parent information is received. If case circumstances change upon receipt of new information, the case should be reevaluated in terms of its success potential and reassigned to another category, if warranted. For example, a change in case status would be appropriate if an absent parent who owes support pursuant to a court order and who previously was unemployed with no ability to pay support becomes employed, thereby increasing the likelihood of successfully working the case.

OMB Clearance

The proposed regulation contains no reporting or recordkeeping requirements needing Office Management and Budget clearance under section 3504(h) of the Paperwork Reduction Act of 1980 (Pub. L. 96–511).

Regulatory Impact Analysis

The Secretary has determined that this document is not a major rule as described in section 1 of Executive Order 12291. Although no hard data exists, the annual effect on the economy is expected to be minimal, far less than the $100 million limit that triggers the need for a regulatory impact analysis. The Secretary certifies that because these regulations apply to States and will not have a significant economic impact on a substantial number of small entities, they do not require a regulatory flexibility analysis as provided in Pub. L. 96–354, the Regulatory Flexibility Act of 1980.

List of Subjects in 45 CFR Part 303

Child welfare, Grant programs/social programs.

PART 303—[AMENDED]

45 CFR Part 303 is amended by adding a new § 303.10 to read as follows:

§ 303.10 Procedures for case assessment and prioritization.

(a) For all cases referred to the IV–D agency, including cases referred from the title IV–A agency under § 235.70 of this title, cases in which applications for services are received under § 302.33 of this chapter, and cases referred from other States for assistance under § 302.36 of this chapter, the IV–D agency may implement case assessment and prioritization procedures to manage its cases.

(b) In implementing case assessment and prioritization procedures, the IV–D agency must:

(1) Develop written procedures and success indicators for the evaluation and prioritization of all cases upon receipt;

(2) Include both AFDC and non-AFDC cases in implementing procedures;

(3) Prioritize cases within each of the basic service categories of: locating the absent parent, establishing paternity and establishing and enforcing support obligations, taking into account the success indicators for each category;

(4) Ensure that each case receives a minimum level of effort;

(5) Establish case status categories including priority I, priority II and closed;

(6) Establish a mechanism for the periodic review of cases in the priority II category;

(7) Review and reassign a case, if appropriate, when it becomes aware of circumstances which may change the success potential of the case.

(Sec. 1102 of the Social Security Act (42 U.S.C. 1302), section 452(a) of the Social Security Act (42 U.S.C. 652(a)), and section 454(4) of the Social Security Act (42 U.S.C. 654(4)))

(Catalog of Federal Domestic Assistance Program No. 13.679, Child Support Enforcement Program)

Dated: December 27, 1982.

John A. Svahn,

Director, Office of Child Support Enforcement.

Approved: January 28, 1983.

Richard S. Schweiker,

Secretary.

[FR Doc. 83–11545 Filed 4–28–83; 8:45 am]

BILLING CODE 4180–11–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 83–403; FCC 83–160]

The Commission's Policy, Pursuant to Section 307(b) of the Communications Act, of Granting Comparative Preferences Within Metropolitan Areas.

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action concerns a proposal to redefine the term community for purposes of implementing section 307(b) of the Communications Act to include a metropolitan area. The proposal is designed to eliminate the comparative preference obtained in specifying a suburban community as the city of license. Comments are sought on the public interest benefits of the proposal and on the standards for determining the geographic boundaries for the metropolitan area.

DATES: Comments must be filed on or before June 3, 1983, and reply comments on or before June 20, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634–6530.

List of Subjects in 47 CFR Part 73

Radio, TV broadcasting.

Notice of Proposed Rule Making

In the matter of The Commission's policy pursuant to section 307(b) of the Communications Act of granting comparative preferences within metropolitan areas (MM Docket No. 83–403; FCC 83–160).

Adopted: April 15, 1983.
Released: April 27, 1983.

By the Commission: Commissioner Fogarty concurring in the result.

1. This proceeding arises out of the recent action by the Commission on February 17, 1983, BC Docket No. 82–320, *In the Matter of The Suburban Community Policy, the Berwick*

Doctrine and the De Facto Reallocation Policy (herein referred to as the "Berwick" proceeding), 48 FR 12094, published March 23, 1983. That proceeding examined several Commission policies that had evolved under Section 307(b) of the Communications Act of 1934, as amended.

2. The Berwick proceeding raised the question of whether an applicant specifying a suburban community should receive a preference pursuant to Section 307(b) when its proposed signal would cover a metropolitan area. The idea of redefining the term "community" for purposes of implementing Section 307(b) was suggested in the *Notice of Proposed Rule Making* as a means to remove the comparative preference for a suburban community. The Commission determined in its *Report and Order* that it did not believe it had an adequate record to support the redefinition proposal. However the Commission decided that a separate proceeding should be initiated to elicit comments as to the public interest benefits of the new definition, the costs involved, and the appropriate geographic standard to be used. We have set forth our policy concerns and objectives in order to elicit comments thereon.

3. Initially we shall provide some historical perspective for a better understanding of the direction we wish to pursue in fulfilling the mandate of Section 307(b). Prior to the enactment of the Radio Act of 1927, licensees demonstrated a tendency to locate their facilities in the larger cities. In response to this situation, Section 9 of the Radio Act of 1927 provided *inter alia*, that "the licensing authority shall make such a distribution of licenses, * * * among the different States and communities as to give fair, efficient and equitable radio service to each of the same." Public Law No. 69–632, ch. 169, section 9, 44 Stat. 1166. Congressional debate expressed a concern that local communities, as well as states, should not be deprived of information and programming serving local needs, 68 Cong. Rec. 2568, 2569. *See also* 68 Cong. Rec. 2570, 2576. The Radio Act was amended the next year by the "Davis Amendment," Public Law No. 70–195, 45 Stat. 373 (1928), dividing the country into five zones and requiring the Commission to allocate service equally among them. The floor debate made little reference to the need for local stations. See H.R. Rep. No. 800, 70th Congress, 1st Session 4 (1928). The Communications Act of 1934 contained basically the same wording as its predecessor. However, the five-zone scheme was eliminated in 1936. The committee and conference reports on the 1936 amendments contain virtually no discussion regarding the need for local service.

4. As a result, the Commission was left with broad discretion to enforce the statutory requirement of "fair, efficient, and equitable distribution of radio service." *See FCC* v. *Allentown Broadcasting Co.*, 349 U.S. 358 (1955); *see also Huntington Broadcasting Co.* v. *FCC*, 192 F. 2d 33 (D.C. Cir. 1951). We have exercised this discretion so as to favor communities which would receive a first or second local service. In so doing, applicants have been provided an incentive to gain a preference in the comparative analysis by specifying an unserved or underserved community. For example, the FM Table of Assignments was adopted with a set of priorities including the provision of a first local service. *See Further Notice of Proposed Rule Making* in Docket 14185, FCC 62–867 (1962), *Anamosa and Iowa City, Iowa, et al.*, 46 F.C.C. 2d 520, 524 (1974). The same basic standards are used in the AM and TV services.

5. However, the Section 307(b) comparison has presented special problems in cases involving applications for facilities in suburban communities. In *Huntington Broadcasting Co.* v. *FCC, supra*, three mutually exclusive applications for a Class II AM station (1540 kHz, 5 kW, daytime only) proposed to locate in the Los Angeles metropolitan area (Huntington Park, Los Angeles and Monrovia). The Commission characterized the proposals as regional in nature and viewed the proposed service as intended for one large "community." [1] Consequently the Commission could find no basis for selecting among the applicants on Section 307(b) grounds. The Commission's exercise of discretion in this manner was upheld by the appellate court. Similarly, in *St. Louis Telecast Inc., et al.*, 22 F.C.C. 625 (1957), five applicants for VHF–TV Channel 11 specified localities in the St. Louis metropolitan area. One applicant urged that its specification of East St. Louis, Illinois, for a first VHF–TV facility gave it a preference over those proposing a fourth VHF service to St. Louis.[2] The Commission concluded that the applicants proposed area wide coverage to be transmitted from the same general location and service to "a single economically and culturally integrated community whose center is the city of St. Louis." *St. Louis Telecast, Inc., supra*, at 713. Thus, the grant was not based on Section 307(b) considerations. This same approach was taken in *Massillon Broadcasting Co., Inc.*, 2 RR 2d 409 (1964); *Seven Locks Broadcasting, Co.*, 3 RR 2d 177 (1964); *Charles Vanda*, 8 RR 2d 427 (Rev. Bd. 1966); and *Cleveland Television Corp.*, 52 RR 2d 581 (Rev. Bd. 1982).

6. However, in other instances the Commission treated applicants for stations in suburban communities differently. See *Miners Broadcasting Service, Inc.* v. *FCC*, 349 F. 2d 199 (D.C. Cir. 1965). In the *Miners* case, one applicant proposed a 250 watt station for Monroeville, Pa., a city of 22,446 population, 3.5 miles east of Pittsburgh and with no local radio service. The competing applicant sought to change its existing Class III (500 watt) AM station from Ambridge, Pa. to a Class II 10,000 watt station specifying Ambridge-Aliquippa, Pa. Aliquippa (pop. 26,369), located 12 miles northwest of Pittsburgh, would receive a first local broadcast service. The Commission characterized the Aliquippa proposal as a Pittsburgh station for Section 307(b) purposes but viewed the Monroeville application as a local service.[3] On the basis of a first local service to Monroeville compared to a ninth such service to Pittsburgh, the Commission favored the former community. The appellate court remanded the case on the finding that the Commission's application of the *Huntington* rule (*see* paragraph 5, *supra*.) was inconsistent and without adequate support. It was suggested that Monroeville could have been compared to Aliquippa based on the differences in proposed coverage or that both communities could be viewed as suburban to Pittsburgh and compared on that basis without regard to Section 307(b) principles. That case should be contrasted with *Pasadena Broadcasting* v. *FCC*, 555 F. 2d 1046 (D.C. Cir. 1977), where seven applicants for a Class II AM station specified four different communities within a forty mile area of Los Angeles. One of the applicants for Newport, California, was disqualified because its proposed station would have provided daytime service to fewer

[1] For example, the proposed Huntington Park station would serve 83% of the metropolitan area of Los Angeles.

[2] The channel was assigned to St. Louis but available for application at East St. Louis under the Commission's 15 mile rule for TV stations (Section 73.607(b)). that rule along with its companion for FM stations (Section 73.203(b)) has been deleted by the action taken in the Berwick proceeding.

[3] The Commission cited the proposed Aliquippa station's coverage of 98% of Pittsburgh with a 2 mV/m signal compared to a one third coverage of Pittsburgh from the Monroeville proposal as the reason for the disparate treatment.

people than the other proposals. the other applications also were treated as proposals for the Los angeles area and compared without regard to Section 307(b) criteria. The court held that the Commission should have compared the needs of Los Angeles for a thirteenth AM station to that of Newport for a first local transmission service because of the importance placed on first local service.

7. The cases reveal situations in which applicants for suburban communities have been treated as metropolitan area proposals for Section 307(b) purposes. There are also contrasting situations in which the Commission has determined that a particular suburban applicant should be considered as a proposal for the smaller community and preferred to center city applicants. In this rule making we ask whether there are circumstances in which competing applicants for communities in a metropolitan area should be considered as area wide and therefore not subject to the Section 307(b) distinctions, as opposed to local community applicants for purposes of Section 307(b) comparisons.

8. This inquiry follows as a logical next step after our action in the Berwick proceeding. We therein terminated our suburban community and Berwick policies.[4] The Berwick proceeding also eliminated the 10/15 mile rule for FM and TV channels.[5] That rule permitted the use of an assigned channel within 10 miles (Class A FM channels) or 15 miles (Class C FM or TV channels) of the community of assignment. Applications seeking to use a channel under the 10 or 15 mile rule in competition with applications for the listed community gave rise to a Section 307(b) comparison. The primary reason for removing the rule is the development of FM radio service over the past 20 years. The need for flexibility in predicting demand no longer seemed valid. The inefficiency of resolving the 307(b) issues in a hearing rather than in rule making also led to the rule elimination. Henceforth, the channel will be available only in the community of assignment, and any proposal seeking a conflicting use will have to be weighed and decided in a rule making to reassign the channel.

9. After our decision in the Berwick proceeding, the question of whether to use a broader definition of "community" for Section 307(b) purposes will arise in two contexts: (1) Rule making proceedings to assign and reassign FM and TV channels to communities in the Commission's Tables of Channel Assignments §§ 73.202 for FM and 73.606 for TV); and (2) application proceedings for AM stations. Applications for new AM facilities continue to be accepted on a demand basis, and conflicts between communities do not come up until applications are filed. Those conflicts will continue to be resolved in the hearing process. In either situation, we do not intend to affect any technical rules or service obligations by our proposal here.

10. In FM and TV rule making proceedings where two or more petitions for channel assignments specifying different communities conflict with the mileage separation requirements, we generally compare the needs of the two communities for the proposed station. The incentive to specify a community with no local service or with fewer local services than another community is often overriding in view of the high priority given to proposals to serve less well served areas under traditional Section 307(b) criteria. *See* para 4, *supra*. Currently, where the two proposals are for different localities within the same metropolitan area we do not consider whether either proposal should be characterized as a metropolitan area station or as one that will serve a specific community within the metropolitan area.[6] Rather we make a comparison of the two communities based on the traditional criteria of number of local services, reception services, population and location. However under our proposal herein we would make the determination that proposals to serve specific localities within a general metropolitan area should be considered metropolitan area proposals based on criteria to be developed in this proceeding. Pursuant to that finding, there would be no need for a Section 307(b) comparison among proposals for the same metropolitan area. Rather the assignment would be made to the metropolitan area, and any interested parties could apply for any community within the metropolitan area.[7] Those applicants interested in a smaller community would be free to apply there, but there would be no Section 307(b) preference for a first service to a smaller community in contrast to offer proposals in the same metropolitan area. We would not make a Section 307(b) comparison primarily because we believe that the use of a regional channel in a metropolitan area is equally in the public interest regardless of the specific city of license. Accordingly, the choice of applicants would be based entirely on the standard comparative qualifications developed through the years. The applicant chosen would be licensed to the community specified in the application and would have to comply with all existing rules concerning its community of license. We believe this procedure would result in greater flexibility in providing service where it is needed, and fewer administrative burdens in making Section 307(b) comparisons.

11. In AM application proceedings the allocation process is built into the acceptance criteria of § 73.37. Applications that specify communities within a metropolitan area must choose places with two or fewer aural services. Only minority applicants can specify larger communities that are not underserved.[8] Thus, where an application is filed by a minority, mutually exclusive non-minority applicants must specify a small community within the urbanized area in order to be considered. In cases where a minority applicant has specified a well served community, traditional Section 307(b) preferences direct the Commission to grant the conflicting proposal to provide a first or second local service. However if both applicants propose to serve the same greater metropolitan area, there is no need to make a Section 307(b) comparison. This proposal takes cognizance of that situation, and its adoption could encourage the filing of more applications by minorities seeking to serve metropolitan areas.

12. In proposing to utilize a metropolitan area concept, we seek comments on the appropriate geographic area within which we would consider conflicting petitions or applications to

[4] A complete discussion on the history purpose and application of the suburban community and Berwick policies can be found in the *Report and Order* in the Berwick proceeding. We determined therein that those policies discouraged applications for suburban communities. Their elimination could well increase the occurrence of such applications. Thus, some consideration of when we would make Section 307(b) comparisons between communities in the same metropolitan area would facilitate the authorization of a new service.

[5] *See* footnote 2, *supra*.

[6] The need for this inquiry at the rule making stage was removed by the Commission's action in *Revision of FM Policies and Procedure*, 90 F.C.C. 2d 88 (1982).

[7] We are not herein proposing any changes in the Commission's technical rules that could affect the location of a station within a metropolitan area by virtue of minimum mileage separation and principal city coverage requirements.

[8] Section 73.37 provides for other exceptions to the acceptance restrictions that are not relevant here. The rule itself is currently under review by the Commission in response to a petition filed by the National Radio Broadcasters Association (RM-3683).

be proposals for the same "community" for Section 307(b) purposes. Some previous Commission cases have utilized the U.S. Census Bureau's concept of Urbanized Area as the appropriate delineation of the metropolitan area.[9] The U.S. Census Bureau describes that term as a "separation of urban and rural population in the vicinity of the larger cities." The criteria used are: (1) A central city of 50,000 or more inhabitants; or (2) twin cities, *i.e.*, cities with contiguous boundaries with a combined population of 50,000 and the smaller community having at least 15,000 population; or (3) surrounding incorporated communities of 2,500 or more or areas of an urban nature based on the population density and land utilization.

13. Another concept devised by the Census Bureau is the Metropolitan Statistical Area (MSA),[10] which is made up of a county or a group of contiguous counties surrounding a city of 50,000 or more population. Because MSAs are defined by county borders, there are some cases where the boundaries may be too broad for our purpose (for example: San Bernardino-Riverside-Ontario). As a possible alternative, the Rand McNally Commercial Atlas and Marketing Guide uses "Ranally Metro. Areas," or RMAs. Unlike MSAs, RMA boundaries do not necessarily follow jurisdictional county lines. This is said to allow for a more precise location of the actual extent of urban and suburban development. The criteria used to define each area include: (1) A central city or cities; (2) any adjacent continuously built-up areas; and (3) other communities not connected to the city by continuous built-up territory if the bulk of their population is supported by commuters to the central city and its adjacent built-up areas, and provided their population density is fairly high.[11] We seek comments on whether these concepts or some other physical delineation of metropolitan area would be an appropriate "community" for Section 307(b) purposes. We also wish to have comments on what size city should be included in our inquiry. The Census Bureau includes cities of at least 50,000 population.

14. Moreover, commenters should address themselves to the potential service areas of proposed stations and whether the broader definition of "community" should be limited to certain classes of stations. For example, in the AM service, Class I channels are intended for extended coverage, Class II and Class III channels are considered regional in nature, and Class IV channels are allocated for local coverage.[12] In the FM service, Class B and Class C channels are defined as wide area coverage frequencies while Class A channels are used for smaller communities.[13] The TV service is generally considered capable of providing coverage to a large region on all channels. Under these circumstances, it may be appropriation to shrink the expanded definition of community for Class IV AM and Class A FM facilities. Such stations are not capable of providing service to an urbanized area. One alternative would be to limit the expanded "community" to an area coextensive with the predicted service contours of an imaginary station licensed to the center city coordinates, assuming maximum facilities. Another would be to exempt such local stations from the expanded definition.

15. Another area of inquiry on which we wish to receive comments is what effect such a redefinition would have on existing stations or on proposals pending for new allocations. For example, if an existing station wishes to move to a new community within the same metropolitan area, must a competing application be accepted for filing or should we treat the move as one within the same "community?" Finally, commenters are encouraged to raise any other issues related to the redefinition of community proposal.

16. In conclusion, we wish to propose and elicit comments on the idea of redefining the term "community" for purposes of implementing Section 307(b) of the Communications Act. Where conflicting applications (AM) or requests for a new assignment (FM or TV) specify communities within the same metropolitan area, the Section 307(b) comparison that is typically made may not in all circumstances be realistic. The proposed coverage contours, for example, may reveal insubstantial differences in service areas and thus provide no real basis for a Section 307(b) preference. The criteria for determining the appropriate geographic standard would be developed as a guide to implement the policy objectives.

17. *Regulatory Flexibility Act Initial Analysis.*

I. Reason for Action

This proposal derives from a similar one considered in the aforementioned Berwick proceeding. In this proceeding, we seek to develop a more complete record and to elicit comments on aspects of the proposal not previously discussed. The policy proposed is part of the Commission's ongoing review and evaluation of its rules and policies.

II. (a) Objective

To elicit comments on the public interest benefits and costs of the proposal in accordance with fulfilling the mandate of Section 307(b) of the Communications Act of 1934, as amended.

(b) *Legal Basis.* The legal basis for eliciting comment on this policy is found in Sections 4(i) and 303(r) of the Communications Act.

III. Description, Potential Impact and Number of Small Entities Affected

The time and costs involved in the proceedings to allocate AM, FM and TV frequencies and in the hearings to choose among applicants would be reduced. Small entities could benefit from not having to expend the time and costs involved in contesting these issues.

IV. Recording, Record Keeping and Other Compliance Requirements

No additional impact.

V. Federal Rules Which Overlap, Duplicate or Conflict With These Policies

None.

VI. Any Significant Alternative Minimizing Impact on Small Entities and Consistent With Stated Objectives

None.

Filing Responses to This Notice

18. Authority for this proposed rule making is contained in Sections 1, 3, 4 (i) and (j), 303, 307(b), 309 and 403 of the Communications Act of 1934, as amended. 47 U.S.C. 151–609.

19. Pursuant to §§ 1.410 and 1.415 of the Commission's Rules, interested parties may file comments on or before June 3, 1983, and reply comments on or before June 20, 1983. All relevant and timely comments will be considered. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's

[9] *See, e.g., Miners Broadcasting Service v. FCC, supra*

[10] The current usage of MSA derives from the earlier Standard Metropolitan Statistical Areas (SMSA) used in previous Census reports.

[11] Rand McNally Atlas and Marketing Guide. 113th Ed., Rand McNally & Co., 1982, page 2.

[12] *See* § 73.21 of the Commission's Rules.

[13] *See* § 73.206 of the Commission's Rules.

reliance on such information is noted in the Report and Order.

20. For purposes of this non-restricted notice and comment rule making proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed rule making until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who makes an *ex parte* presentation must serve a copy of that presentation on the Commission's Secrtary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy of the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. *See* 47 C.F.R. Section 1.1231.

21. As required by Section 603 of the Regulatory Flexibility Act, the FCC has prepared an initial regulatory flexibility analysis (IRFA) of the expected impact of these proposed policies and rules on small entities. Written public comments are requested on the IRFA. The comments must be filed in accordance with the same filing deadlines as comments on the rest of the *Notice*, but they must have a separate and distinct heading designating them as responses to the regulatory flexibility analysis. The Secretary shall cause a copy of this *Notice*, including the initial regulatory flexibility analysis, to be sent to the Chief Counsel for Advocacy of the Small Business Administration in accordance with Section 603(a) of the Regulatory Flexibility Act, Pub. L. No. 96-354, 94 Stat. 1164, 50 U.S.C. 601 *et seq.* (1981).

22. To file formally in this proceeding, participants must file an original and five copies of all comments, reply comments, and supporting comments. If participants want each Commissioner to receive a personal copy of their comments, an original plus eleven copies must be filed. Comments and reply comments should be sent to Office of the Secretary, Federal Communications Commission, Washington, D.C. 20554. Comments and reply comments will be available for public inspection during regular business hours in the Dockets Reference Room (Room 239) of the Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554. For further information on this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 83-11513 Filed 4-28-83; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register
Vol. 48, No. 84
Friday, April 29, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

Wool and Mohair Payment Programs; Determination of the Support Prices for Wool and Mohair for the 1983 Marketing Year

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice of determination.

SUMMARY: This notice of determination sets forth the prices at which wool and mohair will be supported under Commodity Credit Corporation's Wool and Mohair Payment Programs for the 1983 marketing year. The payment programs are intended to encourage the continued domestic production of wool and mohair at prices fair to both producers and consumers.

EFFECTIVE DATE: December 21, 1982.

ADDRESS: Emergency Operations and Livestock Programs Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Room 4095 South Building, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Gerald Schiermeyer at (202) 447-7674

A Final Impact Statement has been prepared and is available from the Emergency Operations and Livestock Programs Division, ASCS, USDA, P.O. Box 2415, Room 4095 South Building, Washington, D.C. 20013.

SUPPLEMENTARY INFORMATION: This notice of determination has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Secretary's Memorandum 1512-1 and has been classified as "not major." This notice has been classified as "not major" since it will not result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in cost or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice of determination since the Commodity Credit Corporation is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this notice.

The title and number of the Federal assistance program that this notice of determination applies to are: Title—National Wool Act Payments; Number—10.059 as found in the Catalog of Federal Domestic Assistance Programs.

The National Wool Act of 1954, as amended ("Wool Act"), provides that the Secretary of Agriculture shall support the prices of wool and mohair to producers by means of loans, purchases, payments or other operations.

In providing for price support, the Wool Act establishes the level of support for shorn wool for each of the marketing years 1982 through 1985 at 77.5 percent of an amount determined by multiplying 62 cents (the support price in 1965) by the ratio of: (1) The average parity index (the index of prices paid by farmers, including commodities and services, interest, taxes, and farm wage rates) for the three calendar years immediately preceding the year in which such support price is being determined and announced to (2) the average parity index for the three calendar years 1958, 1959, and 1960, and rounding the resulting amount to nearest full cent.

The Wool Act also provides that the support prices for pulled wool and for mohair shall be established at such levels, in relationship to the support price for shorn wool, as the Secretary of Agriculture determines will maintain normal marketing practices for pulled wool and as the Secretary determines is necessary to maintain approximately the same percentage of parity for mohair as for shorn wool. Further, the support price for mohair must be within a range of 15 percent above or below the comparable percent of parity at which shorn wool is supported.

The Wool Act provides that the Secretary shall establish and announce, to the extent practicable, support price levels for wool and mohair sufficiently in advance of each marketing year as will permit producers to plan their production for such marketing year. On December 21, 1982, the Department of Agriculture issued a press release announcing that the support prices for shorn wool and mohair for the 1983 marketing year were $1.53 per pound and $4.627 per pound, respectively. Since the purpose of this notice is to affirm the level of the support prices previously announced in the press release, it has been determined that no further public rulemaking is required.

Determinations

Accordingly, the following determinations have been made for wool and mohair for the 1983 marketing year:

1. *Method of Support.* It has been determined that the prices of wool and mohair will be supported by means of payments to producers for the 1983 marketing year.

2. *Support Prices.* It has been determined that the support prices for shorn wool and mohair for the 1983 marketing year are $1.53 and $4.627 per pound, respectively. The support price for shorn wool, which is equal to 76.1 percent of the October 1982 parity for wool, has been calculated in accordance with the formula set forth in Section 703 of the Wool Act. The support price for mohair has been established at a level, in relationship to the support price for shorn wool, which is determined to be necessary to maintain approximately the same percent of parity for mohair as for shorn wool. The support price for mohair is 76.1 percent of the October 1982 parity for mohair. This is the same percent of parity at which shorn wool is supported. The support price for pulled wool will be based on the support price for shorn wool and will be established at a level, in relationship to the support price for shorn wool, which is determined to be necessary to maintain normal marketing practices for pulled wool. The rate of payment for pulled wool will be determined after the National average market price for shorn wool for the 1983 marketing vear is announced.

(Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c); Secs. 702-708, 68 Stat. 910-912, as amended (7 U.S.C. 1781-1787))

Signed in Washington, D.C. on April 19, 1983.

John R. Block,

Secretary of Agriculture.

[FR Doc. 83-11281 Filed 4-28-83; 8:45 am]

BILLING CODE 3410-05-M

Rural Electrification Administration

Arkansas Electric Cooperative Corporation; Little Rock, Arkansas; Proposed Loan Guarantee

AGENCY: Rural Electrification Administration (REA), USDA.

ACTION: Proposed loan guarantee.

SUMMARY: Under the authority of Pub. L. 93-32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20-22 (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $17,094,000 to Arkansas Electric Cooperative Corporation (AECC), of Little Rock, Arkansas. This loan guarantee will be used to finance AECC's 35 percent undivided ownership interest in coal handling facilities common to units 1 and 2 of the Independence Steam Electric Station (ISES) located near Newark, in Independence County, Arkansas.

FOR FURTHER INFORMATION CONTACT: Mr. Carl S. Whillock, President and Manager, Arkansas Electric Cooperative Corporation, P.O. Box 9469, Little Rock, Arkansas 73319.

SUPPLEMENTARY INFORMATION: Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed program, including the engineering and economic feasibility studies and the proposed schedule for advances to the borrower of the guaranteed loan funds from Mr. Carl S. Whillock at the address given above.

In order to be considered, proposals must be submitted on or before (within 30 days from the date of the **Federal Register** publication of this notice) to Mr. Whillock. The right is reserved to give such consideration and to make such evaluation or other disposition of all proposals received as AECC and REA deem appropriate. Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 20-22 are available from the Director, Public Information Office, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated: April 21, 1983.

Harold V. Hunter,

Administrator

[FR Doc. 83-11367 Filed 4-28-83; 8:45 am]

BILLING CODE 3410-15-M

Soil Conservation Service

Camden Snow Bowl Critical Area Treatment RC&D Measure, Maine; Environmental Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Camden Snow Bowl Critical Area Treatment RC&D Measure, Knox County, Maine.

FOR FURTHER INFORMATION CONTACT: Mr. Billy R. Abercrombie, State Conservationist, Soil Conservation Service, USDA Office Building, University of Maine, Orono, Maine 04473, telephone 207-866-2132.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Billy R. Abercrombie, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for control of a critically eroding ski slope. The planned works of improvement include filling rills and gullies, controlling subsurface seepage, reseeding areas devoid of vegetation and cleaning out, resetting and rip-rapping culverts.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Billy R. Abercrombie.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register**.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: April 22, 1983.

Billy R. Abercrombie,

State Conservationist.

[FR Doc. 83-11354 Filed 4-28-83; 8:45 am]

BILLING CODE 3410-16-M

Montpelier Creek Watershed, Idaho; Finding of No Significant Environmental Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for a Supplement to the Montpelier Creek Watershed, Bear Lake County, Idaho.

FOR FURTHER INFORMATION CONTACT: Stanley N. Hobson, State Conservationist, Soil Conservation Service, 304 N. 8th Street, Room 345, Boise, Idaho 83702, telephone 334-1601.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Stanley N. Hobson, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns a plan for flood control, irrigation storage and watershed protection. This supplementary planned work of improvement is the reconstruction of the North Canal

Diversion Structure on Montpelier Creek. The existing structure has proven to be inadequate during periods of high spring runoff, which results in flooding to the surrounding area.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data during the environmental assessment are on file and may be reviewed by contacting the: U.S. Department of Agriculture, Soil Conservation Service, 304 No. 8th Street, Room 345, Boise, Idaho 83702.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register**.

Dated: April 22, 1983.

(Catalog of Federal Domestic Assistance Progam No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Stanlely N. Hobson,

State Conservationist.

[FR Doc. 83-11166 Filed 4-28-83; 8:45 am]

BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

[Docket 41077]

American International Airways, Inc. Fitness Investigation; Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on May 2, 1983, at 10 a.m. (local time) in Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., April 21, 1983.

John M. Vittone,

Administrative Law Judge.

[FR Doc. 83-11530 Filed 4-28-83; 8:45 am]

BILLING CODE 6320-01-M

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permit

Permits filed under Subpart Q of the Board's Procedural Regulations; week ended April 22, 1983.

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the Board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings (see 14 CFR 302.1701 et. seq.).

Date filed	Docket No	Description
Apr 20 1983	41433	American Airlines, Inc., P.O Box 61616, DFW Airport, Texas 75261 Application of American Airlines, Inc. pursuant to section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests the Board to issue it a certificate of public convenience and necessity through expedited procedures to engage in foreign air transportation of persons, property and mail between Spokane, Washington, and Calgary, Alberta, Canada. Conforming Applications, Motions to Modify Scope and Answers may be filed by Mary 18, 1983

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-11531 Filed 4-28-83; 8:45 am]

BILLING CODE 6320-01-M

[Docket 41320]

Classic Air, Inc. Fitness Investigation; Postponement of Hearing

Notice is hereby given that a hearing scheduled in the above-entitled proceeding for April 27, 1983, is rescheduled for May 24, 1983, at 10:00 a.m. (local time), Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., April 22, 1983.

Ronnie A. Yoder,

Administrative Law Judge.

[FR Doc. 83-11528 Filed 4-28-83; 8:45 am]

BILLING CODE 6320-01-M

[Docket 41127]

Sea and Sun Airlines, Inc. Enforcement Proceeding; Cancellation of Hearing

Notice is hereby given that the hearing in the above-entitled matter assigned to commence on April 26, 1983 (48 FR 11971, March 22, 1983) is hereby cancelled.

Dated at Washington, D.C., April 25, 1983.

John M. Vittone,

Administrative Law Judge.

[FR Doc. 83-11529 Filed 4-28-83; 8:45 am]

BILLING CODE 6320-01-M

Office of the Secretary

[Transmittal 669; Dept. Organization Order 10-3; Amdt. 4]

Department Organization Order; Under Secretary for International Trade

Subject: This order effective April 8, 1983 further amends the materials appearing at 47 FR 57555 and 57558 of December 27, 1982.

Department Organization Order 10-3, dated February 16, 1982 is hereby further amended as shown below. The purpose of this amendment is to delegate the Secretary's authorities under the Export Trading Company Act of 1982.

Section 4. Delegation of Authority. a. In pen and ink at the end of subparagraph .01mm. delete the word "and." At the end of subparagraph .01nn. delete the period and add "; and".

b. A new subparagraph .01oo. is added to read as follows:

"oo. Titles I and III of P.L. 97-290 (15 U.S.C. 4001 *et seq.*, 4011 *et seq.*), except that the authority to negotiate with and obtain the concurrence of the Attorney General under Title III of the Act shall be reserved to the General Counsel."

Arlene Triplett,

Assistant Secretary for Administration.

[FR Doc. 83-11505 Filed 4-28-83; 8:45 am]

BILLING CODE 3510-BP-M

DEPARTMENT OF COMMERCE

President's Private Sector Survey on Cost Control

AGENCY: Office of the Secretary, Commerce.

ACTION: Change in meeting notice.

This amends a previous meeting notice published on April 15, 1983 (48 FR 16311) of the Subcommittee of the President's Private Sector Survey on Cost Control. The meeting will begin at 11 a.m. on May 2, 1982 instead of 10 a.m.

All other information concerning the meeting remains unchanged.

Dated: April 26, 1983.

Marilyn S. McLennan,

Chief, Information Policy and Management Division, Office of the Secretary.

[FR Doc. 83-11479 Filed 4-28-83; 8:45 am]

BILLING CODE 3510-CW-M

Economic Development Administration

Supplemental Appropriation for Economic Development Assistance Programs

AGENCY: Economic Development Administration (EDA), Commerce.

ACTION: Notice. Catalogue of Federal Domestic Assistance: 11:300 and 11:304—Grants for Public Works and Development Facilities.

SUMMARY: The Economic Development Administration (EDA) announces that supplemental funds appropriated under the Emergency Jobs Act (Pub. L. 98-8) are available for public works grants authorized under the Public Works and Economic Development Act of 1965, as amended. This announcement includes funding criteria and application procedures for this supplemental appropriation. An earlier announcement (see 47 FR 52736, November 23, 1982) covering public works grants for the regular appropriation contained guidance on program requirements which is also applicable. However, emphasis for the supplemental appropriation is in meeting the spirit and intent of Pub. L. 98-8.

As a background, EDA has received two public works appropriations for fiscal year 1983: One regular and the supplemental. The earlier announcement, cited above, was published for partial funding made available from the regular appropriation. Later, funding from the remainder of the regular appropriation was made available. Response to the earlier announcement generated sufficient demand for expending the full regular appropriation, so no additional announcement was made.

I. Grants for Public Works and Development Facilities

A. *Availability of Funds:* Grant funds through this supplemental appropriation in the amount of $100 million are presently available for regular public works and for public works impact projects authorized by the Public Works and Economic Development Act of 1965, as amended, 42 U.S.C. 3121 *et seq.* (PWEDA).

B. *Eligibility Criteria:* To be eligible for public works funding under the supplemental appropriation, applicants must meet current eligibility criteria for public works assistance under Title I of PWEDA. Eligible applicants include states, political subdivisions thereof, Indian tribes and non-profit organizations which represent EDA-designated redevelopment areas. In addition to the requirements of Title I of PWEDA, The $100 million supplemental appropriation made under Pub. L. 98-8 will be allocated to eligible areas and administered in accordance with criteria of that law. Areas targeted by Section 101(a) of Pub. L. 98-8 for the purpose of receiving funds under this supplemental appropriation are deemed redevelopment areas under Title IV of PWEDA, however such areas are not required to have an Overall Economic Development Program.

C. *Grant Objectives:* Grant objectives are to stimulate local economic development and private sector employment through the renovation, repair and construction of needed public facilities, particularly in areas of high unemployment and economic distress. Types of projects can include, but not be limited to, water and sewer improvements, industrial park improvements, central business district improvements, public building improvements, street and railway improvements, railway passenger terminals and station improvements, marina and dock improvements, and university research facilities.

D. *Selection Criteria:* Priority will be given to projects which meet criteria as established in the earlier announcement (see 47 FR 52736, November 23, 1982), especially those for which construction can begin and be completed quickly. Regular Title I public works projects will receive high priority if: (1) Construction can begin within six months and be substantially completed within 18 months of approval and (2) other criteria are met. Selection critieria for regular public works projects will also emphasize long-term economic development benefits, including permanent private-sector jobs (both new and saved) and private sector investment.

Priority also will be given to Public Works Impact projects (PWIPs) eligible under Section 101(a)(1)(D) of PWEDA which involve the renovation, repair and improvement of existing public facilities, including energy conservation projects. These projects must be located in areas of high unemployment and provide immediate useful employment for unemployed and underemployed workers in the project area. They also should have on-site labor costs which equal at least 25% but not more than 80% of total project costs, be scheduled for construction within 3 months of approval, and be completed within 12 months.

E. *Grant Requirements and Limitations:* EDA provides direct grants up to 50 percent and in some cases provides supplementary grants as established under PWEDA and its regulations. Projects located in areas targeted for assistance under the criteria of Section 101(a) of the Emergency Jobs Act will be eligible for supplementary assistance on the same basis as projects located in redevelopment areas designated under Title IV of PWEDA. Applicants will be required to provide the matching share as appropriate.

For purposes of funding public works impact projects under this supplemental appropriation only, the maximum amount of a PWIP grant is increased to $1,000,000.

Fully completed applications will have all sections containing required information and documentation as well as:

- Complete information as required by the Civil Rights and Environmental sections.
- A title opinion showing current land ownership interests in or an irrevocable option to acquire all land, rights-of-way, easements, etc. necessary for improvements.
- Schematic drawings, cost estimates, outline specifications and a

development schedule completed by a professional, registered architect/engineer.

- A preliminary engineering report and/or a feasibility report prepared by a professional, registered architect/engineer.
- Evidence of immediately available matching share such as a letter of commitment from a lending institution or an approved expenditure item in the applicant's budget.
- Certification by the applicant that, pursuant to section 716 of PWEDA, the assistance requested will not be substituted for any other federal assistance authorized for the project and certification that without this assistance the applicant would not be able to create immediate new employment opportunities for individuals unemployed at least 15 of the 26 weeks preceding March 24, 1983.

Proposed projects requiring the preparation of environmental impact statements or projects involving land purchase and subject to the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Pub. L. 91–646) may not be able to be approved for funding under this supplemental appropriation because applications must be approved by September 30, 1983. Proposed projects affecting flood plains, wetlands, historic sites or historic structures must have all necessary permits and clearances, and meet all necessary public notice and comment requirements before approval.

Applicants with unresolved audit, debt collection or grantee performance problems from previous DOC grants will be expected to resolve those problems before final EDA consideration for funding.

Application Procedures: Requests for eligibility determinations for these grants under the targeted portion of the Emergency Jobs Act may be obtained by writing: EDA Jobs Act Project, Department of Commerce, Herbert C. Hoover Building, Washington, D.C. 20230.

Written inquiries should include the specific geographic locations of proposed projects, the name of the person to receive EDA's response, and address of the sponsoring organization. Inquiries from areas determined to be eligible will receive by return mail the necessary material for filing applications.

Completed applications will be considered as they are submitted. It may not be possible for EDA to consider applications received by EDA after July 1, 1983. Delayed or deficient applications may result in denial.

Dated: April 25, 1983.

Carlos C. Campbell,

Assistant Secretary for Economic Development.

[FR Doc. 83–11445 Filed 4–28–83; 8:45 am]

BILLING CODE 3510-24-M

International Trade Administration

Antidumping; Final Determination of Sales at Not Less Than Fair Value; Bicycle Tires and Tubes From Taiwan

AGENCY: International Trade Administration, Commerce.

ACTION: Final determination of sales at not less than fair value: Bicycle tires and tubes from Taiwan.

SUMMARY: We have determined that bicycle tires and tubes from Taiwan are not being, nor are likely to be, sold in the United States at less than fair value. We are notifying the United States International Trade Commission (ITC) of this determination. Furthermore, we are directing the U.S. Customs Service to terminate the suspension of liquidation in effect with respect to the preliminary determination in this case which was made on December 7, 1982 (47 FR 54996). We are also directing the U.S. Customs Service to refund any cash deposits or other security posted as a result of the suspension of liquidation.

EFFECTIVE DATE: April 29, 1983.

FOR FURTHER INFORMATION CONTACT: Paul R. Nichols, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, telephone: (202) 377–1768.

SUPPLEMENTARY INFORMATION:

Final Determination

We have determined that bicycle tires and tubes from Taiwan are not being, nor are likely to be, sold in the United States at less than fair value, as provided in section 735 of the Tariff Act of 1930, as amended (the Act). We have found no sales at less than fair value for bicycle tires and tubes sold by Hwa Fong Rubber Industry Co., Ltd. (Hwa Fong), Li Hsin Rubber Industry Co., Ltd. (Li Hsin), Kenda Rubber Industrial Co., Ltd. (Kenda) and Cheng Shin Rubber Industrial Co., Ltd. (Cheng Shin). Two of these companies, Kenda and Cheng Shin, were preliminarily excluded from the preliminary determination since they were found to have no sales at less than fair value at that time. The four firms investigated account for approximately 98 percent of bicycle tires and tubes exported from Taiwan to the United States. We are notifying the ITC of this determination.

Case History

On April 30, 1982, we received a petition from counsel for the Carlisle Tire & Rubber Company, Carlisle, Pennsylvania, which constitutes the United States bicycle tire and tube industry. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleged that bicycle tires and tubes from Taiwan were being, or were likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that such sales were materially injuring, or were threating to materially injure, a United States industry.

After reviewing the petition, we determined it contained sufficient grounds to initiate an antidumping investigation. We notified the ITC of our action and initiated an investigation on June 1, 1982 (47 FR 23797). On June 7, 1982, the ITC found that there is a reasonable indication that imports of bicycle tires and tubes from Taiwan are threating to materially injure a United States industry. We determined this case to be "extraordinarily complicated," as defined in section 733(c) of the Act. Therefore, we extended the period for making a preliminary determination by 50 days until November 26, 1982 (47 FR 41607).

On December 7, 1982, the Department published its preliminary determination that sales of bicycle tires and tubes from Taiwan are being, or are likely to be, sold in the United States at less than fair value. Two Taiwanese manufacturers, Kenda and Cheng Shin, were excluded from the preliminary determination since we concluded preliminarily that neither firm had sales at less than fair value. For the remaining firms, Hwa Fong and Li Hsin, we preliminarily determined that margins existed in the amount of 11.7 percent of sales compared, with a weighted-average margin of 7.3 percent.

On January 21, 1983, we extended the period for making a final determination from February 8, 1983 to April 21, 1983 (48 FR 3797) based on a request received from respondents in accordance with section 735(a)(2)(A) of the Act.

Our notice of preliminary determination provided interested parties with an opportunity to submit views orally or in writing. On March 17, 1983, we held a public hearing.

It should be noted that a challenge to an earlier "Final Determination of Sales at Not Less Than Fair Value and Discontinuance of Antidumping

Investigation" (47 FR 61066) on bicycle tires and tubes from Taiwan is pending before the U.S. Court of International Trade.

Scope of Investigation

The merchandise covered by this investigation is pneumatic bicycle tires and tubes of rubber or plastic, whether imported as sets or separately, currently classifiable under item numbers 772.48 and 772.57, respectively, *Tariff Schedules of the United States*.

The period of investigation for bicycle tires and tubes sold in the United States is from December 1, 1981 through May 31, 1982.

Methodology of Fair Value Comparisons

To determine whether sales of the subject merchandise in the United States were made at less than fair value, we compared the United States price with the foreign market value.

United States Price

As provided in section 772 of the Act, we used the purchase price of the subject merchandise to represent the United States price for each of the companies investigated because the merchandise was sold to unrelated purchasers prior to its importation into the United States.

We calculated the purchase price based on the f.o.b., c.&f. or the c.i.f., delivered, packed price to unrelated purchasers in the United States. We made deductions, where appropriate, for foreign inland freight, ocean freight, insurance, brokerage charges, United States inland freight, and commissions. We made additions, where applicable, for countervailing duties collected, to the extent such duties offset an export subsidy, import duties which were rebated, and taxes which were rebated, or not collected, by reason of the exportation of the merchandise to the United States, pursuant to sections 772(d)(1) (B) and (C) of the Act.

Foreign Market Value

In accordance with section 773 of the Act, we calculated foreign market value based on home market sales or, in the case of thornproof tires, on third country sales. For purposes of determining an adjustments for similar merchandise under § 353.16 of the Regulations, we made adjustments based on the cost of the primary raw material inputs such as rubber, carbon black, nylon and butyl.

The home market prices for each of the companies were based on delivered, packed prices to unrelated purchasers. From these prices, we deducted inland freight and stamp taxes. We made adjustments for directly related credit costs and advertising expenses, differences in merchandise and packing costs. The adjustments for differences in merchandise, as provided for in § 353.16, were based on the differences in weight and costs of the raw materials used in the production of tires and tubes and sold to purchasers other than OEM's. No additional cost were incurred in the production of these products other than for the raw materials.

Foreign market value for sales of thornproof tires are based on sales to a third country (Australia) because no sales of this product took place in the home market. We calculated these prices by deducting shipping, f.o.b. and stamp tax charges made on third country sales. We made adjustments for directly related credit costs and advertising expenses and packing costs.

Kenda claimed an adjustment for a commission in the home market paid to a related party. We made no adjustment, since adjustments for commissions paid to related parties are generally not allowable under § 353.22(b) of the Regulations.

Kenda and Hwa Fong also claimed adjustments for a cost of production differential because of shorter production runs of tires and tubes sold in the home market. We disallowed these adjustments, since they do not relate to sales of the merchandise and, in any event, the claimed differences in cost could not be verified from available records as required by §§ 353.14 and 353.15 of the Commerce Regulations.

Each of the four companies claimed an adjustment for bad debt expense based on the Taiwanese government's allowance of two percent for bad debt losses for income tax purposes. None of the companies was able to show actual bad debt losses directly related to sales during the investigative period and this claim was disallowed.

Submitted Views

In response to our preliminary determination, counsel for the petitioner submitted written comments and participated in the public hearing. The petitioners major comments and the Department of Commerce's (DOC) position on them are summarized below.

Comment 1: Counsel for the petitioner argues that the Department erred in allowing an adjustment for differences in credit expenses in the markets compared because these expenses were not directly related to the transactions under investigation.

DOC Position: We believe that the directly related test is satisfied. An adjustment for differences in credit terms is warranted because each of the manufacturers investigated receives payment earlier in the case of sales to the United States than in the case of home market sales. Furthermore, it is our position that an adjustment based on each respondent's actual loan rate of interest for short-term borrowing is consistent with previous cases. The procedure used was a reasonable one for quantifying the allowance for differences in credit terms because it reflects the costs of borrowing short-term operating capital during the investigative period. Since it is inconsistent with general business practice to obtain financing for credit sales on an individual basis, it is unreasonable to require direct evidence specifically linking each and every credit transaction to particular sales in order to allow the adjustments.

Comment 2: Counsel for the petitioner argues that the Department made adjustments for advertising expenses which were not directly related to the sales in question as provided for under § 353.15(b) of the Commerce Regulations. Specifically, petitioner asserts that allowances were granted for general corporate advertising, such as company name T-shirts, posters, billboards and newspaper ads. Since the companies under investigation produce and sell products other than bicycle tires and tubes, petitioner claims that these expenses should be disallowed.

DOC Position: We made adjustments for direct advertising expenses assumed by the repondents and attributable to later sales by their purchasers. As an example, shirts and trinkets advertising bicycle tires, along with the company name, were considered allowable. Calendar pictures of bicycle tubes, attesting to their longevity, were considered directly related. However, in the case of Li Hsin and Kenda certain general advertising expenses, such as company name T-shirts and billboards, that were allowed in the preliminary determination have since been found not to be directly related to the product under investigation and have been disallowed for this final determination. A recomputation of these transactions does not result in sales at less than fair value.

Comment 3: Petitioner argues that the home market price information submitted by all respondents in this case should not be considered because they include sales to OEM's for exports to the United States as parts of Taiwan produced bicycles and, as such, are "* * * intended to establish a fictitious market * * *" as defined in section 773(a) of the Act. Specifically, petitioner asserts that the inclusion and comparison of sales to original

equipment manufacturers (OEM's) should not have been considered because such sales were not normal in the trade, in the usual wholesale quantities and not in the ordinary course of trade for home consumption. Furthermore, this market is an export market in view of the fact that the OEM's in Taiwan export most of their production of bicycles to the United States, as evidenced by the concurrent antidumping investigation of bicycles from Taiwan now before the Department.

DOC Position: Under § 353.18 of our regulations ITA may not consider a "sale or offer for sale intended to establish a fictitious market." We have no evidence indicating that the sales to OEM's in Taiwan were made by the respondents with the intent to establish a fictitious market.

The Department considers sales to OEM's to be in the ordinary course of trade, in the usual wholesale quantities. Respondents sold bicycle tires and tubes to unrelated Taiwanese OEM's, who in turn manufactured bicycles in the home market. Where the product sold by the OEM includes the merchandise under investigation, but is not of the same general class or kind, the final destination of the OEM's product is not relevant to our investigation.

Comment 4: Petitioner argues that no allowance should be made for inland freight, packing or other port charges because thes are included, respectively, in the home market and export to U.S. prices, and the statutory definition of foreign market value intends that adjustments for such expenses be made only by way of *addition* when such costs are not included in the price.

DOC Position: The U.S. Court of International Trade upheld the ITA practice of adjusting for the differential in the cost of packing and inland freight in making comparisons between the foreign market value and U.S prices.l See *Brother Industires, Ltd., et al. v. U.S.*, 3 CIT——, Slip Op. 82–34 (April 30, 1982).

Comment 5: Petitioner argues that the respondents overstated the amounts of customs duties rebated upon the exportation of tires and tubes. Petitioner states that the respondents used a larger quantity of domestically produced raw materials then indicated in their responses.

DOC Position: The Department is satisfied that the amounts of duties rebated were correctly stated in the responses to our questionnaire. During the course of the verifications conducted in this case, numerous customs documents and production records were randomly selected and verified. No evidence existed that either the amounts imported or rebated were incorrect.

Comment 6: Petitioner alleges that there is no basis for an adjustment for differences in merchandise.

DOC Position: The Department made no adjustments for differences in merchandise except where there were, in fact, no counterpart sales of the exact size tire in the home market sold to non-OEM purchasers. As indicated previously, those differences were based on the cost of raw materials used in the production of tires and tubes sold in the home market to non-OEM purchasers.

Verification

We verified all information used in making this determination in accordance with section 776(a) of the Act. We were granted access to the books and records of the four foreign manufacturers. We used standard verification procedures, including on-site inspection of the manufacturers' operations and examination of accounting records and randomly selected documents containing relevant information.

Customs Notification

The U.S. Customs Service is being notified of this determination and directed to terminate the suspension of liquidation in effect for importations of tires and tubes exported to the United States by Hwa Fong and Li Hsin and to refund the full amount of any cash deposit or other security posted during the time that the suspension of liquidation was in effect.

ITC Notification

We are notifying the ITC of this determination.

Final Determination

Based on our investigation and in accordance with section 735(a) of the Act, we have reached a final determination that bicycle tires and tubes from Taiwan are not being, nor are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act.

The Secretary has provided an opportunity to known interested persons to present written and oral views pursuant to section 774 of the Act (19 U.S.C. 1677c), and all expressed views have been considered in making this final determination.

This determination is being published pursuant to section 735(d) of the Act (19 U.S.C. 1673d(d)).

Lawrence J. Brady,

Assistant Secretary for Trade Administration.

April 21, 1983.

[FR Doc. 83–11340 Filed 4–28–83; 8:45 am]

BILLING CODE 3510-25-M

Antidumping; Preliminary Determination of Sales At Less Than Fair Value; Bicycles From Taiwan

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary determination of sales at less than fair value: Bicycles from Taiwan.

SUMMARY: We have preliminarily determined that bicycles from Taiwan are being, or are likely to be, sold in the United States at less than fair value. Therefore, we have notified the U.S. International Trade Commission (ITC) of our determination, and we have directed the U.S. Customs Service to suspend the liquidation of all entries of the subject merchandise which are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice and to require a cash deposit or bond for each such entry in an amount equal to the estimated duping margin as described in the "Suspension of Liquidation" section of this notice. We have preliminarily determined that seven Taiwanese bicycle producers should be excluded from this preliminary determination. Those firms which are subject to suspension of liquidation and those firms which are excluded from this action are indicated in the "Suspension of Liquidation" section.

If this investigation proceeds normally, we will make a final determination by July 6, 1983.

EFFECTIVE DATE: April 29, 1983.

FOR FURTHER INFORMATION CONTACT: Steven Lim or Richard Rimlinger, Office of Investigations, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, telephone: (202) 377–1279.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

We have preliminarily determined that there is a reasonable basis to believe or suspect that bicycles from Taiwan are being sold or are likely to be sold, in the United States at less than "fair value," as provided in section 733 of the Tariff Act of 1930, as amended (the Act). We have found either no sales

or *de minimis* sales at less than fair value for bicycles produced by eleven of the firms investigated. However, additional information is needed for four of these eleven firms. Therefore, we are only excluding imports from the remaining seven firms from this preliminary determination. The concerned firms are indicated in the suspension of liquidation section of this notice.

We have found that the foreign market value of bicycles exceeded the United States price on 11.2 percent of the sales we compared. These margins ranged from 0.03 percent to 25.2 percent. The overall weighted-average margin on all sales compared is 0.65 percent. The weighted-average margins for individual companies investigated are presented in the "Suspension of Liquidation" section of this notice.

If this investigation proceeds normally, we will make a final determination by July 6, 1983.

Case History

On September 24, 1982, we received a petition in proper form from counsel for AMF Wheel Goods Division, Columbia Manufacturing Company, Huffy Corporation and Murray Ohio Manufacturing Company, on behalf of the U.S. industry producing bicycles. In accordance with the filing requirements of § 353.36 of the Commerce Department Regulations (19 CFR 353.36), the petition alleged that bicycles from Taiwan are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that these imports are materially injuring, or are threatening to materially injure, a U.S. industry.

After reviewing the petition, we determined it contained sufficient grounds to initiate an antidumping investigation. We notified the ITC of our action and initiated such an investigation on October 14, 1982 (47 FR 46837). The ITC subsequently found, on November 8, 1982, that there is a reasonable indication that imports of bicycles from Taiwan are materially injuring, or are threatening to materially injure, a United States industry. We determined this case to be "extraodinarily complicated," as defined in section 733(c) of the Act. Therefore, we extended the period for making a preliminary determination by 50 days until April 22, 1983 (48 FR 4013).

Scope of the Investigation

The merchandise covered by this petition are complete bicycles imported from Taiwan and classified under item numbers 732.02 through 732.26 of the Tariff Schedules of the United States. We investigated sales of these bicycles which were made by sixteen Taiwanese producers and sold to the United States during the period of investigation, April 1, 1982, through September 30, 1982. The firms investigated were:

1. Asahi Enterprises Corporation (Asahi);
2. Ching Tong Shan Enterprise Co. Ltd (Ching Tong Shan);
3. Dodsun Bicycle and Machinery Manufacturers (Dodson);
4. EE Company. (EE co.);
5 Fairly Bike Manufacturing Co., Ltd. (Fairly);
6. Giant Manufacturing Co., Ltd. (GMC);
7. King Hsue She Co., Ltd. (KHS);
8. Liyang Co., Ltd. (Liyang)
9. Merida Industry Co., Ltd. (Merida);
10. Pacific Cycles Co., Inc. (Pacific);
11. Sheng Fa Industries Co., Ltd. (Sheng Fa);
12. Sony Cycle Industry Co., Ltd. (Sony);
13. Taiwan Hodaka Industrial Co., Ltd. (Taiwan Hodaka);
14. Wheeler Industrial Co., Ltd. (Wheeler);
15. Wheel King Corporation (Wheel King); and
16. Willing Industry Co., Ltd. (Willing).

Sales by the above firms accounted for approximately 92 percent of all bicycle sales to the United States during the period of investigation.

Fair Value Comparison

To determine whether sales of the subject merchandise in the United States were made at less than fair value, we compared the United States price with the foreign market value. In the cases of GMC, KHS, Merida and Wheel King we compared United States price based on purchase price with foreign market value based on home market price. In all other cases, we compared United States price based on purchase price with foreign market value based on the price to third countries (countries other than the United States).

United States Price

As provided in section 772 of the Act, we used the purchase price of the subject merchandise to represent the United States price for sales by all Taiwanese producers because, with one exception, the merchandise was sold to unrelated purchasers prior to its importation into the United States. In the cases of KHS, bicycles were sold to a related U.S. purchaser, KHS Inc. However, since we do not know the prices of KHS Inc., to unrelated purchasers, we have not made comparisons on these particular sales. We will seek to obtain this information prior to the final determination in this investigation.

We calculated the purchase price on the F.o.b. or c.&f. price to unrelated purchasers for sale in the United States. We made deductions, where appropriate, for inland freight, ocean freight, brokerage charges, bank charges, export promotion fees, stamp tax and sales commissions. We made additions for import duties or taxes which were rebated, or not collected, by reason of the exportation of the merchandise to the United States, pursuant to sections 772(d)(1) (B) and (C) of the Act. In the case of Sheng Fa, we deducted an amount for indirect selling expenses to offset a sales commission incurred on sales in a third country market.

Foreign Market Value

In the cases of GMC, KHS, Merida and Wheel King there were sufficint sales in the home market to allow us to use home market price as defined in section 773(a)(1)(A) of the Act, to determine foreign market value. We calculated home market price on the basis of the delivered or ex-factory prices to unrelated home market customers. Where appropriate we deducted stamp taxes, shipping charges, discounts and rebates. In the case of KHS, we deducted an amount of indirect selling expenses to offset a sales commission paid by KHS on certain U.S. sales. We made circumstance of sale adjustments for differences between U.S. and home market payment terms, direct advertising, royalty, and warranty expenses. We also adjusted for differences in packing and for physical differences in the merchandise.

GMC requested that we reduce the home market price to adjust for level of trade differences between the United States and the home market. GMC sells to the United States either directly to U.S. distributors or through unrelated trading companies. In the home market all sales are made to unrelated retailers through GMC's sole, related distributor, Giant Sales Co. (GSC). Since our fair value comparisons are based on GSC's prices to unrelated retailers, GMC has requested that a level of trade adjustment be made equal to GSC's entire mark-up.

For the purpose of this preliminary determination, we have made no level of trade adjustment, because the company was unable to provide data in a form sufficient to establish an objective quantity upon which to base such an adjustment. We will consider any additional data which will assist us in

this matter prior to reaching a final determination in this case.

In the cases of all other Taiwanese producers, there were either no sales, or insufficinet sales, in the home market to use as a basis for foreign market value. For these firms, we selected sales for export to a country other than the United States (third countries) as a basis for foreign market value pursuant to section 773(a)(1)(B) of the Act. Our selection of a particular third country to be used for fair value comparisons for each Taiwanese producer was made, in order of preference, on the following bases: (1) The comparability of the bicycles sold in each country to those sold in the United States, and (2) the third country with the largest sales volume to any country outside the home market or the United States. Using these bases the following third countries were selected for each Taiwanese bicycle producer:

Name of firm	Third Country selected
Asahi	Australia.
Ching Tong Shan	Panama.
Dodsun	Australia.
EE Co	Australia.
Fairly	Australia.
Liyang	Venezuela
Pacific	Great Britain.
Sheng Fa	Venezuela.
Sony	Panama.
Taiwan Hodaka	Australia.
Wheeler	Australia.
Willing Co	Australia.

We calculated third country price on the basis of the f.o.b., or c.&f. price to unrelated purchasers for sale in the third country selected. We made deductions, where appropriate, for inland freight, ocean freight, brokerage charges, selling commission, export promotion fee and stamp tax. We also made additions for import duties, which were rebated or not collected by reason of the exportation of the merchandise, equal to those amounts added to United States price. We made circumstance of sale adjustments for differences between U.S. and third country payment terms and direct advertising. We also adjusted for differences in packing and for physical differences in merchandise.

Verification

For purposes of this preliminary determination, we have verified the data used in reaching the determination in this investigation, by using standard verification procedures, including on-site inspection of the manufacturers' operations and examination of accounting records and randomly selected documents containing relevant information. In accordance with 776(a) of the Act, we will verify all data used in reaching a final determination in this investigation.

Suspension of Liquidation

In accordance with section 733(d) of the Act, we are directing the United States Customs Service to suspend liquidation of all entries of bicycles from Taiwan, with the exception of those bicycles produced by Asahi, Dodsun, GMC, KHS, Liyang, Merida, Pacific, Sony, Taiwan Hodaka, Wheel King, and Willing, which are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the **Federal Register**. With the exception of these the Customs Service shall require a cash deposit or the posting of a bond equal to the estimated weighted average amount by which the foreign market value of the merchandise subject to this investigation exceeds the United States price. This suspension of liquidation will remain in effect until further notice. The weighted-average margins are as follows:

Manufacturer and status	Weighted average margin percentage
Asahi (excluded)	0.37
Ching Tong Shan (subject to suspension)	1.11
Dodsun (excluded)	0.37
EE Co. (subject to suspension)	2.31
Fairly (subject to suspension)	3.16
GMC (excluded)	0.20
KHS (not subject to suspension but not excluded from this preliminary determination)	0.09
Liyang (excluded)	0.00
Merida (excluded)	0.00
Pacific (not subject to suspension but not excluded from this preliminary determination)	0.13
Sheng Fa (subject to suspension)	1.90
Sony (excluded)	0.00
Taiwan Hodaka (not subject to suspension but not excluded from this preliminary determination)	0.10
Wheeler (subject to suspension)	1.10
Wheel King (excluded)	0.00
Willing (not subject to suspension but not excluded from this preliminary determination)	0.20
All others	0.65

Although Pacific, KHS, Taiwan Hodaka and Willing have *de minimis* margins, we are not excluding these four firms from this preliminary determination because further information is needed from them which will allow the Department to make more extensive comparisons. If this information is received in a timely manner and verified, these four firms will be considered for exclusion in the final determination.

ITC Notification

In accordance with Section 733(f) of the Act, we will notify the ITC of our determinations. In addition, we are making available to the ITC all nonprivileged and nonconfidential information relating to these investigations. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

The ITC will determine whether these imports are materially injuring or threatening to materially injure a U.S. industry, before the latter of 120 days after the Department makes its preliminary affirmative determination or 45 days after the Department makes its final affirmative determination.

Public Comment

In accordance with § 353.47 of the Commerce Department Regulations, if requested, we will hold a public hearing to afford interested parties an opportunity to comment on these preliminary determinations at 10:00 a.m. on May 26, 1983, at the U.S. Department of Commerce, room 6802, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, Room 3099B, at the above address within ten days of this notice's publication. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, prehearing briefs in at least ten copies must be submitted to the Deputy Assistant Secretary by May 19, 1983. Oral presentations will be limited to issues raised in the briefs. All written views should be filed in accordance with 19 CFR 353.46, within thirty days of publication of this notice, at the above address in at least 10 copies.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

April 22, 1983.

[FR Doc. 83-11339 Filed 4-28-83; 8:45 am]

BILLING CODE 3510-25-M

Antidumping; Certain Stainless Steel Sheet and Strip Products From France; Final Determinations of Sales at Less Than Fair Value

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of final determinations of sales at less than fair value.

SUMMARY: We have determined that certain stainless steel sheet and strip products from France are being sold in the United States at less than fair value. The United States International Trade Commission (ITC) will determine within 45 days of publication of this notice whether these imports are materially injuring, or are threatening to materially injure, a United States industry.

EFFECTIVE DATE: April 29, 1983.

FOR FURTHER INFORMATION CONTACT: Raymond G. Busen, Office of Investigations, Import Administration, International Trade Administration, United States Department of Commerce, 14th Street and Constitution Ave., N.W., Washington, D.C. 20230; (202–377–1276).

SUPPLEMENTARY INFORMATION:

Case History

On May 10, 1982, we received a petition filed by counsel on behalf of 11 United States specialty steel producers and on behalf of the United Steelworkers of America. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleged that imports from France of certain stainless steel sheet and strip products are being sold, or are likely to be sold, in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (the Act), and that these imports are materially injuring, or are threatening to materially injure, a United States industry.

After reviewing the petition, we determined that it contained sufficient grounds to initiate antidumping investigations. We notified the ITC of our action and started investigations on June 1, 1982 (47 FR 24764). On June 24, 1982, the ITC found that there is a reasonable indication that imports of stainless steel sheet and strip products are materially injuring, or are threatening to materially injure, a United States industry. We determined this case to be "extraordinarily complicated," as defined in section 733(c) of the Act.

Therefore, we extended the period for making our preliminary determinations by 50 days until December 6, 1982 (47 FR 41799).

Questionnaires were presented to the Chatillon Division of Union Siderurgique (Usinor), Peugeot-Loire, and Ugine-Gueugnon on June 9, 10 and 18, 1982, respectively. The responses of Usinor and Peugeot-Loire were received in October 1982. Ugine-Gueugnon submitted computer tapes regarding sales information on November 17, 1982, and responses were received on November 24 and December 16, 1982. Chatillon also answered supplemental questions which were received on October 12, 1982.

The petitioners also alleged that sales in the home market were at prices below the cost of production. In letters dated September 21 and 22, 1982, petitioners provided information in support of their allegation. On October 15 and 18, 1982, after having determined that petitioners' information was adequate to support their allegation, we requested that cost of production information be submitted not later than December 2, 1982, which was later extended to and received by December 16, 1982.

On December 3, 1982, we preliminarily determined that certain stainless steel sheet and strip products from France were being, or were likely to be, sold in the United States at less than fair value (47 FR 55404). In making the preliminary determinations, we used best evidence available for Ugine-Gueugnon because their late filings did not allow us sufficient time to analyze the data.

Our notice of preliminary determinations provided interested parties an opportunity to submit views orally and in writing. On January 4, 1983, we held a public hearing.

On January 13, 1983, we published a notice extending the period for making the final determinations by 60 days until April 25, 1983, at the request of exporters who accounted for a significant proportion of exports of this merchandise in accordance with section 735(a)(2)(A) of the Act (48 FR 1529).

Verifications were conducted at the Paris offices of Chatillon Division of Usinor, Ugine-Gueugnon, and Peugeot-Loire on February 16–18, 22–24, and 25, 1983, respectively. Verification of the exporter's sales price portion of Ugine-Gueugnon's questionnaire response was conducted at the offices of Intsel Corporation in New York City on March 16, 1983.

Scope of Investigations

The products covered by these investigations are certain stainless steel sheet and strip products. For a further description of these products, *see* the appendix appearing with this notice. The appendix appearing with the preliminary determinations notice (47 FR 55404) incorrectly stated that the width of hot-rolled stainless steel sheet covered by these investigations was "not over 12 inches in width." The word "not" was inadvertently inserted. The correct wording, as it now appears in the attached appendix, should read "over 12 inches in width."

Since Usinor, Ugine-Gueugnon, and Peugeot-Loire export virtually all the certain stainless steel sheet and strip products exported from France to the United States, we limited our investigations to them.

These investigations cover the period from August 1, 1981 to May 31, 1982 for purchase price sales, and from August 1, 1981 to January 31, 1982 for exporter's sales price transactions.

None of the manufacturers have had sales of hot-rolled sheet and strip during the period of investigation. In the absence of assurances that they will not sell hot-rolled sheet and strip, we conclude that there is a likelihood of sales at less than fair value. Therefore, we are applying the same weighted-average margin for hot-rolled sheet as we did for cold-rolled sheet and the same weighted-average margin for hot-rolled strip as we did for cold-rolled strip.

Fair Value Comparison

To determine whether sales of cold-rolled stainless steel sheet and strip in the United States were made at less than fair value, we compared the United States price with the foreign market value.

United States Price

As provided in section 772 of the Act, we used the purchase price of cold-rolled stainless steel sheet and strip to represent the United States price for sales by Usinor and Peugeot-Loire and for certain sales by Ugine-Gueugnon because the merchandise was sold prior to the date of importation to unrelated United States purchasers. For other sales by Ugine-Gueugnon, we used exporter's sales price because the merchandise was sold by Intsel Corporation to unrelated purchasers in the United States after the date of importation.

We calculated the purchase price based on the c. & f., c.i.f., c.i.f. delivered duty paid, or f.o.b. packed price to unrelated purchasers. Where appropriate, we made a deductions for foreign inland freight, ocean freight, marine insurance, discounts and rebates, United States duty, United States inland freight, and United States inland insurance. We also made deduction for a value-added tax, erroneously reported as an uncollected export duty and included in the United States sales prices reported by Usinor, as the home market prices reported to us contained no amount for this tax.

Ugine-Gueugnon: Our investigation indicated that the amount for ocean freight was greater than what was

reported. We deducted the verified amount for ocean freight.

Credit costs were overstated for some United States customers due to a computation error. The corrected amounts were used in the final determinations.

We deducted previously unreported warehousing expenses on exporter's sales price sales from warehouse stock. We also computed and deducted an interest cost amount for carrying the merchandise in inventory.

Usinor: We did not adjust home market prices for items reported as direct selling expenses in the United States because they were considered to be general expenses.

A value added tax, erroneously described as an uncollected export duty and included in the United States sales prices reported by Usinor, was deducted from the United States price as the home market prices reported to us contained no amount for this tax.

Peugeot-Loire: Foreign inland freight relating to United States sales was found to be understated. We used the corrected amount in making our determinations.

Foreign Market Value

In accordance with section 773 of the Act, we calculated foreign market value based on home market sales for sales by Usinor and Peugeot-Loire, and for certain sales by Ugine-Gueugnon. For purposes of determining similar merchandise under section 771(16) of the Act, we made comparisons based on dimensional categories selected by a Commerce Department industry expert. The number of dimensional categories were increased subsequent to our preliminary determinations in order to make closer comparisons as to size.

The petitioners alleged that sales in the home market were below cost of production. We examined production costs including costs of materials, labor, and general expenses. We found sufficient sales of cold-rolled stainless steel sheet and strip products made at or above cost for Usinor and Peugeot-Loire to use them for price-to-price comparisons with sales in the United States market.

In the case of Ugine-Gueugnon, for certain categories of cold-rolled stainless steel sheet, we found that sales were made at less than cost over an extended period of time, in substantial quantities and at prices not permitting recovery of all costs within a reasonable period of time. Consequently, we could not use sales in the home market for these categories of cold-rolled stainless steel sheet to determine foreign market value. For Ugine-Gueugnon, for all other categories of cold-rolled stainless steel sheet, there were sufficient sales at or above cost of comparable merchandise. Therefore, for these categories we used home market sales prices to determine foreign market value.

Where we used constructed value as the basis for the foreign market value for Ugine-Gueugnon, we calculated the constructed value on the basis of the costs of production reported by Ugine-Gueugnon. These costs were for materials and fabrication, including general, selling and administrative expenses. Since general expenses were below the 10 percent minimum, we applied the 10 percent minimum to the costs reported.

We used the statutory 8 percent minimum profit because information submitted by Ugine-Gueugnon indicated a profit less than that amount. We also added packing to the United States as appropriate.

The home market prices for all three manufacturers were based upon delivered, packed prices to unrelated purchasers. From these prices we deducted, where appropriate, inland freight, discounts, and rebates. We made adjustments, where appropriate, for credit costs, warranty costs, bad debts expenses, and differences in the merchandise. Where we compared exporter's sales price with foreign market value, we treated the credit expenses as deductions and also deducted indirect selling expenses to offset United States selling expenses.

Usinor: We allowed warranty expenses as a circumstance of sale adjustment. We also allowed an amount for bad debts expenses as a circumstance of sale adjustment because we were provided with specific uncollected invoices which related to firms which went bankrupt during the period of investigation.

We did not allow a claimed deduction for higher administrative expenses in connection with small quantity sales because Usinor could not establish that the amount of the price differential on these sales was wholly or partly due to the differences in the quantities sold.

Peugeot-Loire: Foreign inland freight was found to be understated. We used the corrected amount in making our determinations. We also made a deduction for sales turnover rebates granted customers on a quarterly or yearly basis after invoicing.

We did not allow a claimed circumstance of sale adjustment for Peugeot-Loire's interest costs of maintaining a finished goods inventory to meet the needs of certain customers because the claimed costs were not directly related to sales as required by section 353.15 of the Commerce Regulations.

Ugine-Gueugnon: We did not adjust home market prices for items reported as direct selling expenses because they were considered to be general expenses.

Verification

In accordance with section 776(a) of the Act, we verified all the information used in making these determinations. We were granted access to the books and records of Ugine-Gueugnon, Usinor, Peugeot-Loire, and Intsel Corporation. We used standard verification procedures, including examination of accounting records, financial statements and selected documents containing relevant information.

Results of Investigations

We made fair value comparisons on all the reported cold-rolled stainless steel sheet and strip sold in the United States by the three French companies during the investigative period. For cold-rolled stainless steel sheet, margins were found on 38 percent of metric tons sold. The margins ranged from .01 percent to 46.5 percent. The overall weighted-average margin on these sales was 3.6 percent. For cold-rolled stainless steel strip, margins were found on 66.7 percent of metric tons sold. The margins ranged from .1 percent to 55.3 percent. The overall weighted-average margin on these sales was 6.5 percent.

Petitioners' Comments

Comment 1: The Department's preliminary determinations did not include an analysis of home market sales below the French producers' costs of production. Only such an analysis would yield true and accurate dumping margins.

DOC Position: Cost of production information was not furnished until December 1982, too late to be considered for our preliminary determinations. The cost of production information has been considered in making our final determinations.

Comment 2: The Department should reject Usinor's claims for adjustments for claimed differences in physical characteristics. Usinor's claims that cold-rolled stainless steel sheet and strip products sold in the home market require a higher level of finishing and treatment than do such products sold in the United States, primarily through steel service centers, are not justified. Products of like form, grade, dimension, and surface finish that are sold in France and exported to the United States are basically the same, including the costs of production.

DOC Position: We found that Usinor provided resquaring and other special tolerances and thickness and physical properties on its home market sales. Claims for these adjustments were based on differences in material costs, labor, and overhead expenses and were allowed as an adjustment for differences in the merchandise. We allowed a claimed adjustment for ultrasonic testing expenses that was included with these special items as an adjustment for circumstance of sale.

Comment 3: The Department should reject Usinor's claim for adjustments for differences in levels of trade at which Usinor's products are sold in the French and United States markets because the purchasing practices differ little in the two markets.

DOC Position: In accordance with § 353.19 of the Commerce Regulations, we found that there were sufficient sales at the same commercial level of trade in both markets to permit an adequate comparison of the United States price with the home market price without making a level of trade adjustment.

Comment 4: The Department should reject Usinor's claim for adjustments for differences in circumstances of sale because Usinor has not provided evidence to justify its claims.

DOC Position: As stated in the "Foreign Market Value" section of this notice, we allowed certain adjustments for circumstances of sale after verifying that the amounts claimed were proper under section 773 of the Act.

Respondents' Comments

Usinor—Comment 1: In making its preliminary determinations, the Department failed to take into account, when calculating margins of less than fair value sales, the adjustments claimed for differences in physical characteristics, differences in level of trade, and differences in circumstances of sale.

DOC Position: Our position is stated above under Comments 2, 3 and 4 to Petitioners' Comments.

Usinor—Comment 2: In making its preliminary determinations, the Department investigated an inadequate number of Usinor's sales to the United States (80 percent) because of the Department's claim that there were no comparable sales of similar merchandise in the home market. After furnishing additional information regarding the remaining sales, Usinor urged the Department to amend its prelinimary determinations to reflect an investigation of such further sales.

DOC Position: For purpose of our preliminary determinations with respect to sales by Usinor, we grouped sales of cold-rolled stainless steel sheet and strip to the United States into subgroups based on dimension, grade, and surface treatment of the product. These subgroups covered approximately 80 percent of Usinor's United States sales. The remaining sales were not considered because we could not find similar grades in the home market to match grades in the United States market.

We subsequently received additional information indicating the cost differences between grades in the two markets. We made adjustments to reflect the differences.

We did not amend the preliminary determinations to reflect the additional sales information because it is not our practice to amend when additional information is received between the preliminary and final determination dates.

Usinor—Comment 3: The "best information available" of what Usinor's antidumping duty bonding rate for sales of cold-rolled stainless steel strip should be, is the eight percent rate preliminarily determined by the Department for Usinor's sales of cold-rolled stainless steel sheet. It is not the 18 percent rate attributed to "Other manufacturers/producers/exporters" as alleged in the petition.

DOC Position: Sales information submitted on computer tapes prior to the preliminary determinations indicated that Usinor did not sell cold-rolled stainless steel strip in the United States market. Subsequently, however, Usinor advised us that it did have strip sales to the United States during the period February through May 1982, and submitted the new sales information during verification. These sales had not been reported previously because Usinor's original sales information covered the original six-month investigation period of August 1981 through January 1982. The investigation period was later extended to 10 months and covered the period August 1981 through May 1982.

The additional sales information regarding cold-rolled stainless steel strip sales has been taken into consideration for the final determinations.

Usinor—Comment 4: The Department should release to all parties to the investigation the computer programs used to calculate dumping margins, and should release to each respondent the computer printout showing each calculation.

DOC Position: The Department has released the computer printout which shows the margin calculations used in the preliminary determinations. We have denied a Freedom of Information Act request for release of the computer program and are holding discussions with counsel for Usinor and the Department's Assistant General Counsel for Administration concerning the appeal of the request for release of the computer program.

Usinor—Comment 5: The subgroups established by a steel industry expert employed by the Department for the purpose of establishing a means of comparing "such or similar merchandise" sold in the United States and the home market should be amended so as to differentiate between cold-rolled stainless steel sheets in sheets and cold-rolled stainless steel sheets in coils.

DOC Position: We have added six subgroups to differentiate between coils and cut-to-length sheets. This allowed us to differentiate between coil products and cut-to-length products and match the products in their respective markets.

Usinor—Comment 6: The Department should disclose the methods it will use to evaluate the cost of production information submitted by respondents and the application of the methods to such information. It should provide respondents an opportunity to comment before using such methods in the final determinations.

DOC Position: As stated in the preliminary determinations notice (47 FR 55404), after having determined that the petitioners' supplemental information was adequate to support their allegation of home market sales at prices below the cost of production, we investigated those allegations. The information submitted by the respondent regarding the allegation, which was not received until after the preliminary determinations, has been taken into consideration in making the final determinations.

Further, we follow an established policy of disclosing the results of our analysis only after a determination based on that analysis is finalized. Therefore, a disclosure prior to the final determinations would be in conflict with established Departmental policy.

The remaining respondents supplied no comments.

Final Determinations

Based on our investigations and in accordance with section 735(a) of the Act, we have reached final determinations that certain stainless steel sheet and strip products from France are being sold in the United States at less than fair value within the meaning of section 731 of the Act.

Continuation of Suspension of Liquidation

Liquidation will continue to be suspended on all entries of certain stainless steel sheet and strip products that are entered into the United States, or withdrawn from warehouse, for consumption. The United States Customs Service will continue to require the posting of a cash deposit, bond, or other security in amounts based on the following weighted-average margins for certain stainless steel sheet and strip products from France. The security amounts established in our preliminary determinations of December 3, 1982, are no longer in effect.

	Weighted-average margins
Hot-Rolled Stainless Steel Sheet:	
Ugine-Gueugnon	3.0
Usinor	5.5
Peugeot-Loire	6.1
All other manufacturers/producers/exporters	3.6
Hot-Rolled Stainless Steel Strip:	
Ugine-Gueugnon	3.9
Usinor	14.8
Peugeot-Loire	14.6
All other manufacturers/producers/exporters	6.5
Cold-Rolled Stainless Steel Sheet:	
Ugine-Gueugnon	3.0
Usinor	5.5
Peugeot-Loire	6.1
All other manufacturers/producers-exporters	3.6
Cold-Rolled Stainless Steel Strip:	
Ugine-Gueugnon	3.9
Usinor	14.8
Peugeot-Loire	14.6
All other manufacturers/producers/exporters	6.5

ITC Notification

We are notifying the ITC and making available to it all non-privileged and non-confidential information relating to these determinations. We will allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration. If the ITC determines that material injury or threat of material injury does not exist, this proceeding will be terminated and all securities posted as a result of the suspension of liquidation will be refunded or cancelled. If the ITC determines that such injury does exist, we will issue an antidumping order directing Customs officers to assess an antidumping duty on certain stainless steel sheet and strip products from France entered, or withdrawn from warehouse, for consumption after the suspension of liquidation, equal to the amount by which the foreign market value exceeds the United States price. These determinations are being published pursuant to section 735(d) of the Act (19 U.S.C. 1673(d)).

Dated: April 22, 1983.

Lawrence J. Brady,

Assistant Secretary for Trade Administration.

Appendix—Product Description: Certain Stainless Steel Sheet and Strip Products

For the purpose of these investigations, the term "certain stainless steel sheet and strip products" covers hot- or cold-rolled stainless steel sheet or strip, excluding hot- or cold-rolled stainless steel strip not over 0.01 inch in thickness, as currently provided for in items 607.7610, 607.9010, 607.9020, 608.4300, and 608.5700 of the *Tariff Schedules of the United States Annotated.*

Hot-rolled stainless steel sheet covers hot-rolled stainless steel sheet products whether or not corrugated or crimped and whether or not pickled; not cold-rolled; not cut, not pressed, and not stamped to non-rectangular shape; and under 0.1875 inch in thickness and over 12 inches in width.

Hot-rolled stainless steel strip is a flat-rolled stainless steel product whether or not corrugated or crimped and whether or not pickled; not cold-rolled; not cut, not pressed, and not stamped to non-rectangular shape; and under 0.1875 inch in thickness and not over 12 inches in width. Hot-rolled stainless strip, including razor blade strip, not over 0.01 inch in thickness is not included.

Cold-rolled stainless steel sheet covers cold-rolled stainless steel sheet products whether or not corrugated or crimped and whether or not pickled; not cut, not pressed, and not stamped to non-rectangular shape; not coated or plated with metal; and under 0.1875 inch in thickness and over 12 inches in width.

Cold-rolled stainless strip is a flat-rolled stainless steel product whether or not corrugated or crimped and whether or not pickled; not cut, not pressed, and not stamped to non-rectangular shape; under 0.1875 inch in thickness and over 0.50 inches in width but not over 12 inches in width. Cold-rolled stainless steel strip, including razor blade strip, not over 0.01 inch in thickness is not included in these investigations.

[FR Doc. 83-11395 Filed 4-28-83; 8:45 am]

BILLING CODE 3510-25-M

Antidumping; Preliminary Determination of Sales at Less Than Fair Value Portland Hydraulic Cement From Japan

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Preliminary Determination of Sales at Less than Fair Value: Portland Hydraulic Cement from Japan.

SUMMARY: We have preliminarily determined that portland hydraulic cement from Japan is being, or is likely to be, sold in the United States at less than fair value. Therefore, we have notified the U.S. International Trade Commission (ITC) of our determination, and we have directed the U.S. Customs Service to suspend the liquidation of all entries of the subject merchandise which are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice and to require a cash deposit or bond for each such entry in an amount equal to the estimated dumping margin described in the "Suspenison of Liquidation" section of this notice.

We have also preliminarily determined that imports of portland hydraulic cement from Sumitomo Cement Company, Ltd. (Sumitomo) should be excluded from this prelimianry determination because we found no sales at less than fair value.

If this investigation proceeds normally, we will make a final determination by July 5, 1983.

EFFECTIVE DATE: April 29, 1983.

FOR FURTHER INFORMATION CONTACT: Terry Link, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 377–0189.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

We have preliminarily determined that there is a reasonable basis to believe or suspect that portland hydraulic cement from Japan is being, or is likely to be, sold in the United States at less than "fair value," as provided in section 733 of the Tariff Act of 1930, as amended (19 U.S.C. 1673) (the Act).

We have also preliminarily determined that imports of portland hydraulic cement from Sumitomo should be excluded from this preliminary determination because we found no sales by Sumitomo at less than fair value.

The estimated margins for Nihon Cement Company, Ltd. (Nihon), are based on the best information availabe, as explained in the section of this notice which describes our fair value comparisons.

We have found that the foreign market value of portland hydraulic cement exceeded the United States price on 27.76 percent of sales. These margins ranged from 0.00 percent to 57.98 percent. The overall weighted-average margin on all sales compared is 16.10 percent. The weighted-average margins for individual companies investigated are presented in the "Suspension of Liquidation" section of this notice.

If this investigation proceeds normally, we will make a final determination by July 5, 1983.

Case History

On September 23, 1982, we received a petiton filed by counsel on behalf of Kaiser Cement Corporation; Gifford-Hill Cement Company; Monolith Portland Cement Company; Nevada Cement Company; the Stone, Glass and Clay Coordinating Committee, AFL/CIO; and the United Cement, Lime, Gypsum, and Allied Workers International Union, AFL/CIO; CLC. In accordance with the filing requirements of § 353.36 of the Commerce Department Regulations (19 CFR 353.36), the petitioners alleged that portland hydraulic cement from Japan is being, or is likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that these imports are materially injuring, or are threatening to materially injure, a U.S. industry.

After reviewing the petition, we determined that it contained sufficient grounds upon which to initiate an antidumping investigation. We notified the ITC of our action and initiated such an investigation on October 19, 1982 (47 F.R. 46558). On November 8, 1982, the ITC found that there is a reasonable indication that imports of portland hydraulic cement are materially injuring, or are threatening to materially injure, a United States industry.

The petition alleges that Sumitomo and Nihon produce portland hydraulic cement for exort to the United States. Questionnaries were presented to the respondents on November 9, 1982. Responses were received from Sumitomo on December 17, 1982, and February 1, 1983. On February 10, 1983, Nihon submitted incomplete information, unaccompanied by the required non-confidential summary.

Unless extended, the preliminary determination in this investigation was scheduled for March 2, 1983. Pursuant to section 733(c)(1)(A) of the Act, we subsequently postponed the preliminary determination to no later than April 21, 1983 (48 F.R. 7243).

Scope of Investigation

For purposes of this investigation, the term "Portland hydraulic cement" covers portland hydraulic cement, other than white, non-staining portland cement, currently classifiable under item 511.1440 of the *Tariff Schedules of the United States Annotated*.

Since Sumitomo and Nihon manufactured all the portland hydraulic cement exported from Japan to the United States during the period of investigation, we limited our investigation to them.

This investigation covers the period from March 1, 1982, to September 30, 1982.

Fair Value Comparison

To determine whether sales of the subject merchandise in the United States were made at less than fair value, we compared the United States price with the foreign market value.

United States Price

As provided in section 772(b) of the Act, we used the purchase price of the subject merchandise to represent the United States price for sales by Sumitomo and Nihon because the merchandise was sold to unrelated trading companies for resale to the United States, and the manufacturers knew the destination of the merchandise at the time of the sale. For Sumitomo, calculation of purchase price was based on the f.o.b. price of bulk cenemt to unrelated trading firms in the home market for export to the United States. We made deductions for foreign inland freight, foreign inland insurance, commissions and foreign brokerage.

In the case of Nihon, we used best information available, in accordance with section 776(b) of the Act, because a proper response was not submitted. A full discussion of the reasons for using the best information available is contained in the "Supplemental Information Requsted" section of this notice. The best information available for purposes of this preliminary determination is the information contained in the petition. This information consists of the f.o.b. port-of-exportation price to the United States with deductions for commissions and handling charges. The petitioners have shown that an additional deduction from the United States price is appropriate for credit expenses, for which we have adjusted in our calculation of home market sales prices.

Foreign Market Value

In accordance with section 773(a) of the Act, we calculated foreign market value for Sumitomo based on its home market sales. For Nihon, we used the best information available as explained below.

For Sumitomo, we calculated the home market prices on the basis of delivered, unpacked prices to unrelated purchasers. We made deductions for foreign inland freight and discounts. We also made adjustments for differences in credit expenses and differences in the merchandise. Adjustments for the differences in the merchandise were based on the differences in the costs of materials, labor and directly-related factory overhead. We also made a deduction for indirect selling expenses as an offset to commissions deducted from the United States sales prices.

We have preliminarily determined that the moderate heat cement (MC) sold by Sumitomo in Japan is most similar to Type II portland hydraulic cement sold in the United States in accordance with the provisions of section 771(16) of the Act.

The petitioners provided information contrary to that furnished by Sumitomo in which ordinary portland cement (PC) was supported as the most similar type of cement sold in the home market to the Type II cement sold to the United States. We weighed this information against that of the respondent. We also reviewed the specifications of both PC and MC in conjunction with those of Type II cement and consulted with a National Bureau of Standards cement expert before making our decision.

Without formally making an allegation, the petitioners suggested the possibility of sales of MC in the home market at less than the cost of production. If we receive a proper allegation of sales at less than cost of production in the home market in time to request, analyze, and verify cost data from Sumitomo, we will consider this allegation for our final determination.

Sumitomo claimed adjustments for "direct selling expenses" and technical services expenses, but it has not established that these expenses are directly related to their sales of cement in Japan, as required by § 353.15(a) of the Commerce Regulations. We consider expenses of the type claimed to be indirect selling expenses. We allowed these expenses as an offset to commissions paid on sales to the United States in accordance with § 353.15(c) of the Commerce Regulations.

Sumitomo claimed a deduction for general selling and administrative expenses in the home market, including quality control, testing and inspection. However, amounts for general selling and administrative expenses are not allowable adjustments under § 353.15(a) of the Commerce Regulations, since they are not directly related to the sales under consideration. Indirect selling expenses were, however, also allowed as an offset for commissions paid on the United States sales.

In the case of Nihon, we used the best information available, in accordance with section 776(b) of the Act, because a proper response to our questionnaire was not received. A full discussion of the reasons for using the best

information available is contained in the "Supplemental Information Requested" section of this notice. The best information available for purposes of this preliminary determination is the information contained in the petition. This information consists of delivered selling prices in Japan with deductions for handling charges, inland freight costs, and selling expenses as an offset to commissions deducted from the United States sales prices. An adjustment was also made for differences in credit costs.

Supplemental Information Requested

Section 776(b) of the Act states that whenever any party refuses or is unable to produce information requested, the Commerce Department may use the best information otherwise available for determining the existence of sales at less than fair value. We did so with respect to Nihon for the following reasons.

We presented the questionnaire to Nihon on November 9, 1982. The response was due not later than December 9, 1982. Subsequently, at the request of the respondent, we granted several extensions of the response period. Nihon was cautioned on January 11, 1982, that we might not be able to use its information for the preliminary determination if its response was recieved too late for analysis.

Incomplete data were recieved from Nihon on February 10, 1983. This information was not accompanied by a non-confidential summary as required by § 353.28(a)(1) of the Commerce Regulations. We requested additional data and non-confidential summaries on March 11, 1983. On April 1, 1983, we received additional data which were also incomplete.

We have returned Nihon's submissions and requested that it submit complete data with non-confidential summaries. If Nihon submits complete and properly summarized data in time for analysis and verification, we may use them for our final determination.

Verification

We will verify all data used in reaching the final determination in this investigation, as provided in section 776(a) of the Act.

Suspension of Liquidation

In accordance with secion 733(d) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of portland hydraulic cement from Japan, with the exception of imports of portland hydraulic cement produced and exported by Sumitomo. This suspension of liquidation applies to all merchandise entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the **Federal Register**. The Customs Service shall require a cash deposit or the posting of a bond equal to the estimated weighted-average amount by which the foreign market value of the merchandise subject to this investigation exceeds the United States price. This suspension of liquidation will remain in effect until further notice. The weighted-average margins are as follows:

Manufacturers/producers/exporters	Weighted-average margins (percent)
Sumitomo Cement Company, Ltd.	0.00[1]
Nihon Cement Company, Ltd.	57.98
Other manufacturers/producers/exporters	16.10

[1] Imports of this product from Sumitomo Cement Company, Ltd. are excluded from this preliminary determination, because we found no sales at less than fair value.

ITC Notification

In accordance with section 733(f) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all nonprivileged and nonconfidential information relating to this investigation. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy (for Policy) to the Deputy Assistant Secretary for Import Administration.

The ITC will determine whether these imports are materially injuring or are threatening to materially injure a U.S. industry before the later of 120 days after the Department of Commerce makes its preliminary affirmative determination or 45 days after the Department makes its final affirmative determination.

Public Comment

In accordance with § 353.47 of the Commerce Regulations, if requested, we will hold a public hearing to afford interested parties an opportunity to comment on this preliminary determination at 10 a.m. on May 25, 1983, at the U.S. Department of Commerce, Room B841, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy (for Policy) to the Deputy Assistant Secretary for Import Administration, Room 3099B, at the above address within 10 days of this notice's publication. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, prehearing briefs in at least 10 copies must be submitted to the Deputy (for Policy) to the Deputy Assistant Secretary by May 19, 1983. Oral presentations will be limited to issues raised in the briefs. All written views should be filed in accordance with 19 CFR 353.46, within 30 days of publication of this notice, at the above address in at least 10 copies.

Judith Hippler Bello,

Deputy (for Policy) to the Deputy Assistant Secretary for Import Administration.

April 21, 1983.

[FR Doc. 83-11509 Filed 4-28-83; 8:45 am]

BILLING CODE 3510-25-M

Antidumping; Preliminary Determination of Sales at not Less Than Fair Value; Steel Wire Rope From the Republic of Korea

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary determination of sales at not less than fair value: Steel wire rope from Korea.

SUMMARY: We have preliminary determined that steel wire rope from the Republic of Korea (Korea) is not being, nor is likely to be, sold in the United States at less than fair value. We have notified the U.S. International Trade Commission (ITC) of our determination. We found either zero or *de minimis* margins for all firms investigated.

If this investigation proceeds normally, we will make a final determination by July 11, 1983.

EFFECTIVE DATE: April 29, 1983.

FOR FURTHER INFORMATION CONTACT: Paul Thran, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; telephone: (202) 377-1766.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

We have preliminarily determined that there is no reasonable basis to believe or suspect that steel wire rope from Korea is being, or is likely to be, sold in the United States at less than fair value, as provided in seciton 733 of the Tariff Act of 1930, as amended (the Act). We found an overall weighted-average margin of less than 0.5 percent for

exports of steel wire rope. This is *de minimis*. The preliminary results for each company are as follows:

Firm	Weighted-average margin percentage	Percentage of total sales compared
Boo-Kook Steel & Wire Co	0.48	99.3
Dong-Il Steel Mfg., Co	0.31	95.5
Korea Iron & Steel Works	0.02	95.2
Korea Sangsa Co	0.00	72.0
Young Heung Iron & Steel Co	0.14	98.8

If this investigation proceeds normally, we will make a final determination by July 11, 1983.

Case History

On September 28, 1982, we received a petition filed by counsel on behalf of the Committee of Domestic Wire Rope and Specialty Cable Manufacturers. In accordance with the filing requirements of § 353.36 of the Commerce Department Regulations (19 CFR 353.36), the petitioner alleged that steel wire rope from Korea is being, or is likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that these imports are materially injuring, or are threatening to materially injure, a U.S. industry. The petition also alleged that critical circumstances, within the meaning of section 733(e) of the Act, exist.

After reviewing the petition, we determined that it contained sufficient grounds upon which to initiate an antidumping investigation. We notified the ITC of our action and initiated such an investigation on October 18, 1982 (47 FR 47054). The ITC subsequently found, on November 12, 1982, that there is a reasonable indication that imports of steel wire rope are materially injuring, or are threatening to materially injure, a United States industry.

The petitioner alleged that a number of Korean companies produce steel wire rope for export to the United States. However, four producers, Korea Iron & Steel Works, Ltd. (KIS), Boo-Kook Steel & Wire Company, Ltd. (Boo-Kook), Dong-Il Steel Manufacturing Company, Ltd. (Dong-Il), and Young Heung Iron & Steel Company, Ltd. (Young Heung), produce more than 90 percent of the exports to the United States. Questionnaires were presented in Korea to these producers on November 2, 1982.

On November 29, 1982, we received a letter from counsel for the Korean wire rope producers requesting additional time in which to respond because of the large variety fo sizes and types of rope and the numbers of sales. Two additional weeks were granted and we received the responses on December 20, 1982. In addition to the responses from the four companies mentioned above, a fifth company, Korea Sangsa Company, Ltd. (Korea Sangsa), provided a response.

On January 20, 1983, we found this case to be extraordinarily complicatd because of the large number and complexity of the transactions and adjustments to be considered. We postponed our preliminary determination until April 26, 1983 (48 FR 2580).

Scope of Investigation

For purposes of this investigation, the term "steel wire rope" covers ropes, cables and cordage, other than wire strand, of steel, other than brass plated, not fitted with fittings, not made into articles, and not covered with textiles or other non-metallic materials, currently provided for in terms 642.1400, 642.1610 and 642.1650 of the *Tariff Schedules of the United States Annotated*.

Since the five respondents produced more than 90 percent of the steel wire rope exported from Korea to the United States during the period of investigation, we limited our investigation to them.

We investigated sales of wire rope which were made by these five producers during the period from April 1, 1982 to September 30, 1982.

Fair Value Comparison

To determine whether sales of the subject merchandise in the United States were made at less than fair value, we compared the United States price with the foreign market value.

United States Price

As provided in section 772 of the Act, we used the purchase price of the subject merchandise to represent the United States price for sales by the Korean producers because the merchandise was sold to unrelated purchasers prior to its importation into the United States. We calculated the purchase price for each type of wire rope based on the f.o.b., c.i.f., or c.&f., price to unrelated customers in the United States. We made deductions, were appropriate, for inland freight, ocean freight, marine insurance, product liability insurance, wharfage/ stevedorage, brokerage and inspection. With the exception of Korea Sangsa we made an addition for import duties which were rebated or not collected by reason of the exportation of the merchandise to the United States, pursuant to section 772(d)(1)(B) of the Act. With respect to Korea Sangsa, we do not currently know the amount of import duties. Prior to the final determination in this investigation, we will seek to obtain this information and will add the amount to both purchase price and foreign market value, as appropriate.

Foreign Market Value

In accordance with section 773(a)(1)(A) of the Act, we calculated foreign market value based on home market sales prices for KIS, Boo-Kook, Young Heung, and Dong-Il. For Korea Sangsa, we used sales prices for export to a country other than the United States (a "third country"), as required by section 773(a)(1)(B) of the Act. Korea Sangsa had no home market sales of the subject merchandise. We used Korea Sangsa's sales prices to the Federal Republic of Germany (Germany), the third country with the largest sales volume, for the purpose of calculating foreign market value.

We calculated the home market prices for each type of wire rope on the basis of the delivered prices to unrelated purchasers. We deducted inland freight. We made adjustments, where appropriate, for differences in the mechandise, packing and payment terms. For Korea Sangsa, we calculated third country price on the basis of the price to unrelated customers in Germany. We made deductions, where appropriate, for inland freight, ocean freight, and marine insurance. We made adjustments, where appropriate, for differences in merchandise, packing and payment terms.

Critical Circumstances

The petitioner alleged that "critical circumstances" exist with respect to imports of steel wire rope from Korea. Since we have preliminarily determined the subject merchandise has not been sold in the United States at less than fair value, we will not determine at this time whether critical circumstances exist. Should our final determination in this case be affirmative, we will address this allegation at that time.

Verification

For purposes of this preliminary determination, we have verified the data used in reaching the determination in this investigation, by using standard verification procedures, including on-site inspection of the books and records of the five manufacturers. In accordance with 776(a) of the Act, we will verify all data used in reaching a final determination in this investigation.

ITC Notification

In accordance with Section 733(f) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all nonprivileged and nonconfidential information relating to this investigation. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

Public Comment

In accordance with § 353.47 of the Commerce Department Regulations, if requested, we will hold a public hearing to afford interested parties an opportunity to comment on this preliminary determination at 10:00 a.m. on May 26, 1983, at the U.S. Department of Commerce, Room 3708, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, Room 3099B, at the above address within ten days of this notice's publication. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, prehearing briefs in at least ten copies must be submitted to the Deputy Assistant Secretary by May 18, 1983. Oral presentations will be limited to issues raised in the briefs. All written views should be filed in accordance with 19 CFR 353.46, within thirty days of publication of this notice, at the above address in at least 10 copies.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

April 22, 1983.

[FR Doc. 83-11508 Filed 428-83: 8:45 am]

BILLING CODE 3510-25-M

Antidumping Preliminary Determination of Sales at Less Than Fair Value; Portland Hydraulic Cement From Australia

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary determination of sales at less than fair value: Portland hydraulic cement from Australia.

SUMMARY: We have preliminarily determined that portland hydraulic cement from Australia is being, or is likely to be, sold in the United States at less than fair value. Therefore, we have notified the U.S. International Trade Commission (ITC) of our determination, and we have directed the U.S. Customs Service to suspend the liquidation of all entries of the subject merchandise which are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice and to require a cash deposit or the posting of a bond for each such entry in an amount equal to the estimated dumping margin of 136.19 percent.

If this investigation proceeds normally, we will make a final determination by July 5, 1983.

EFFECTIVE DATE: April 29, 1983.

FOR FURTHER INFORMATION CONTACT: Terry Link, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 377-0189.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

We have preliminarily determined that there is a reasonable basis to believe or suspect that portland hydraulic cement from Australia is being, or is likely to be, sold in the United States at less than "fair value," as provided in section 733 of the Tariff Act of 1930, as amended (the Act).

We have found that the foreign market value of portland hydraulic cement exceeded the United States price on 100 percent of sales. The margin for the one sale to the United States during the period of investigation was 136.19 percent.

If this investigation proceeds normally we will make a final determination by July 5, 1983.

Case History

On September 23, 1982, we received a petition filed by counsel on behalf of Kaiser Cement Corporation; Gifford-Hill Cement Company; Monolith Portland Cement Company; Nevada Cement Company; the Stone, Glass and Clay Coordinating Committee, AFL/CIO; and the United Cement, Lime, Gypsum, and Allied Worders International Union, AFL/CIO; CLC. In accordance with the filing requirements of section 353.36 of the Commerce Department Regulations (19 CFR 353.36), the petitioners alleged that portland hydraulic cement from Australia is being, or is likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that these imports are materially injuring, or are threatening to materially injure, a U.S. industry.

After reviewing the petition, we determined that it contained sufficient grounds upon which to initiate an antidumping investigation. We notified the ITC of our action and initiated such an investigation on October 19, 1982 (47 FR 46557). On November 8, 1982, the ITC found that there is a reasonable indication that imports of portland hydraulic cement from Australia are materially injuring, or are threatening to materially injure, a United States industry.

Unless extended, the preliminary determination in this investigation was due no later than March 2, 1983. We determined that this investigation was "extraordinarily complicated" as defined in section 733(c)(1)(B0 of the Act. Therefore, we extended the deadline for making our preliminary determination to April 21, 1983 (48 FR 7243).

The petition alleged that Adelaide Brighton Cement, Ltd. (ABC) produces portland hydraulic cement for export to the United States. A questionnaire was presented to this firm on November 9, 1982. Responses were received on December 17, 1982 and March 1, 1983.

Scope of Investigation. For purposes of this investigation, the term "portland hydraulic cement" covers portland hydraulic cement, other than white, non-staining portland cement, currently classifiable under item 511.1440 of the *Tariff Schedules of the United States Annotated.*

Since ABC manufactured all the portland hydraulic cement exported from Australia to the United States during the period of investigation, we limited our investigation to that company.

This investigation covers the period from April 1 to September 30, 1982

Fair Value Comparison. To determine whether sales of the subject merchandise in the United States were made at less than fair value, we compared the United States price with the foreign market value.

United States Price. As provided in section 772(b) of the Act, we used the purchase price of the subject merchandise to represent the United States price for the sale by ABC because the merchandise was sold to an unrelated export trading firm for resale to a U.S. purchaser and because ABC knew the destination of the merchandise at the time of the sale. We calculated purchase price based on the f.o.b., bulk price to the unrelated export trading

firm. We made deductions for wharfage and loading epenses.

Foreign Market Value. In accordance with section 773(a) of the Act, we calculated foreign market value based on home market sales by ABC of Type A cement. We calculated the home market prices on the basis of delivered or ex-factory bulk prices to unrelated purchasers. We made deductions, where appropriate, for inland freight and loading. We also made adjustments for differences in credit expenses and differences in the merchandise. Adjustments for the differences in the merchandise were based on the differences in the costs of power consumption.

In calculating foreign market value, we used sales in the home market of Type A cement. The respondent claimed that we should use sales in the home market of Type A clinker. Type A clinker is a precursor of cement which requires grinding and the addition of another material, usually gypsum, to make cement. We selected Type A cement sales in the home market for our comparison because the provisions of section 771(16) of the Act require the use of sales of the most similar merchandise in making fair value comparisons when identical merchandise is not sold.

The only sale of Type II cement to the United States during the period of investigation was a bulk sale considerably larger than any in the home market. Sales in the home market of Type A cement, which we consider most similar to Type II cement under section 771(16) of the act, were made in truckload bulk quantities of 5 to 25 tons.

We are not adjusting the home market price of cement for differences in quantity because there is no evidence in the record at present to support an adjustment for differences in cost which may be associated with the production and sale of sale of small tonnage lots in the home market relative to the large tonnage lot sold to the trading firm for export to the United States. If we receive verifiable information on cost differentials for quantity on a timely basis, we will consider using it for our final determination.

ABC claimed that we should adjust foreign market values for differences in selling expenses, technical services expenses, advertising expenses, and expenses associated with differences in the level of trade between the U.S. and the home market. ABC did not establish that its claimed selling expenses or technical services expenses were directly related to the sales of cement under consideration as required by § 353.15(a) of the Commerce Regulations. Therefore, we have made no allowance for these expenses.

ABC was able to show in only one instance that the claimed advertising expenses were attributable to a later sale by a purchaser. We would normally allow this expense as an adjustment to the home market selling price under § 353.15(a) of the Commerce Regulations. However, this expense was insignificant (0.002 Australian dollars per ton), so we disregarded this adjustment for the preliminary determination, in accordance with § 353.23 of the Commece Regulations.

ABC claimed two level of trade adjustments. We are not allowing either level of trade adjustment in this preliminary determination, because the respondent has not demonstrated any differences which would affect price comparability in accordance with section 353.19 of the Commerce Regualtions. If ABC submits verifiable information which justifies their claim for level of trade adjustments, we will consider using it in making our final determination.

Verification. For purposes of this preliminary determination, we verified sales data and information relative to adjustments claimed by ABC by using standard verification procedures, including examination of accounting records and selected documents containing relevant information. In accordance with section 776(a) of the Act, we will verify all data used in reaching a final determination in this investigation.

Suspension of Liquidation. In accordance with section 733(d) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of portland hydraulic cement from Australia. This suspension of liquidation applies to all merchandise entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the **Federal Register**. The Customs Service shall require a cash deposit or the posting of a bond equal to the estimated amount by which the foreign market value of the merchandise subject to this investigation exceeds the United States price. This suspension of liquidation will remain in effect until further notice. The margins are s follows:

Manufacturers/producers/exporters	Margins (percent)
Adelaide Brighton Cement, Ltd	136.19
Other manufacturers/producers/exporters	136.19

ITC Notification

In accordance with section 733(f) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all nonprivileged and nonconfidential information relating to this investigation. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy (for Policy) to the Deputy Assistant Secretary for Import Administration.

The ITC will determine whether these imports are materially injuring or are threatening to materially injure a U.S. industry before the later of 120 days after the Department of Commerce makes its preliminary affirmative determination or 45 days after the Department makes its final affirmative determination.

Public comment

In accordance with § 353.47 of the Commerce Regulations, if requested, we will hold a public hearing to afford interested parties an opportunity to comment on this preliminary determination at 10 a.m. on May 26, 1983, at the U.S. Department of Commerce, Room 6802, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy (for Policy) to the Deputy Assistant Secretary for Import Administration, Room 3099B, at the above address within 10 days of this notice's publication. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, prehearing briefs in at least 10 copies must be submitted to the Deputy (for Policy) to the Deputy Assistant Secretary by May 20, 1983. Oral presentations will be limited to issues raised in the briefs. All written views should be filed in accordance with 19 CFR 353.46, within 30 days of publication of this notice, at the above address in at least 10 copies.

Judith Hippler Bello,

Deputy (for Policy) to the Deputy Assistant Secretary for Import Administration.

April 21, 1983.

[FR Doc. 83-11506 Filed 4-28-83; 8:45 am]

BILLING CODE 3510-25-M

Countervailing; Galvanized Steel Wire Strand From South Africa; Suspension of Investigation

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of suspension of investigation.

SUMMARY: The Department of Commerce has decided to suspend the countervailing duty investigation involving galvanized steel wire strand from South Africa. The basis for the suspension is an agreement by Haggie Limited, the only known South African manufacturer and exporter of galvanized steel wire strand, to renounce all benefits which we find to be bounties or grants on exports of the subject merchandise to the United States.

EFFECTIVE DATE: April 29, 1983.

FOR FURTHER INFORMATION CONTACT: Steven Morrison, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230, telephone: (202) 377–3965.

SUPPLEMENTARY INFORMATION: On November 17, 1982, we received a petition from counsel for Bethlehem Steel Corporation, Florida Wire and Cable Company, and Indiana Steel and Wire Company. The petition alleged that manufacturers, producers, or exporters in South Africa of galvanized steel wire strand receive benefits which constitute bounties or grants within the meaning of the countervailing duty law. We found the petition sufficient, and on December 7, 1982, we initiated a countervailing duty investigation (47 FR 55986).

We presented a questionnaire concerning the allegations to the government of South Africa. On January 17, 1983, we received a response to the questionnaire.

On February 9, 1983, we preliminarily determined that the government of South Africa is providing bounties or grants to manufacturers, producers, and exporters of galvanized steel wire strand under two export programs. The programs preliminarily found to be countervailable were the Export Incentive Programs, categories A, B, and D; and the Iron/Steel Export Promotion Scheme.

Notice of the affirmative preliminary countervailing duty determination was published in the **Federal Register** on February 15, 1983 (48 FR 6756). We directed the U.S. Customs Service to suspend liquidation of all entries, or withdrawals from warehouse, for consumption of the subject merchandise on or after February 15, 1983, and to require a cash deposit or the posting of a bond in the amount of 23 percent of the f.o.b. value of the merchandise.

Counsel for Haggie Limited proposed entering into a suspension agreement pursuant to section 704 of the Tariff Act of 1930 (the Act), as amended (19 U.S.C. 1671c), and § 355.31 of the Commerce Regulations (19 CFR 355.31). On March 15, 1983, Haggie Limited and the Department of Commerce initialed a proposed suspension agreement, which was based upon Haggie's agreement to eliminate completely all benefits which we preliminarily found to be bounties or grants on exports of the subject merchandise to the United States.

On March 16, 1983, we provided copies of the proposed suspension agreement between Haggie Limited and the Department of Commerce to the petitioners and to other parties to the proceeding. After consulting with the petitioner and considering Haggie's comments, we have modified portions of the proposed suspension agreement.

On March 14 through March 25, 1983, we conducted a verification of Haggie's submission in this investigation. During verification, programs, not mentioned in the preliminary determination, were found. In the absence of additional information on operation and funding that we have requested, these programs appear to be conferring a benefit under the U.S. countervailing duty law. Accordingly we added a requirement that these programs be renounced in the suspension agreement as proposed and initialed.

New Programs

The General Levy and Import Subsidy Scheme

During the early 1970's, steel was in short supply in South Africa and had to be imported at prices higher than for steel produced in South Africa. In order to stabilize prices, the government absorbed the difference between the price controlled domestic and foreign price, but required repayment. The repayment program appears to be administered by the primary steel producers through the South African Steel Producers Coordinating Council (SASPCC). All secondary producers of steel products pay off the money advanced by the government, but exports are entitled to a rebate of R9.99 per metric ton while steel products for the domestic market are not entitled to a rebate from this fund. We do not have the operative laws and regulations applicable to the existence, operation and control of this program; the operational concepts have been described to DOC.

SEIFSA Training

Under the Manpower Training Act, the government approves programs for the vocational training of less than fully qualified hourly workers, sometimes referred to as artisans or apprentices. This vocational training is performed by associations operated by and/or for industrial councils. One such training facility is operated by the members of the Steel and Engineering Industries Federation of South Africa (SEIFSA). The purpose of this program is to develop an enlarging pool of skilled journeyman whose training is paid for by users and to prevent employers from unfairly benefitting by raiding skilled labor from other employers which the raiders have not paid to train. Each employer in SEIFSA is assessed a training fee which is based on a scale related to the number of artisans it employs. Any company that does training, with approved courses producing certified journeymen, is entitled to compensation from this training fund. We have no documentation on the types of things the fund will pay for. We do know that it is possible for a company to receive more funds from SEIFSA for training than it was assessed. We do not know if SEIFSA receives funds from sources other than from industrial council members. We do not know the schedules of benefits for training relating to salaries, expendibles and facilities.

Petitioner's Comments

Comment 1: Counsel for the petitioner contends that the Department should monitor prices under section 704(c) and include language in the agreement for this purpose. They cite another investigation in which Haggie renounced benefits and the price of that product was subsequently reduced despite that renunciation. Counsel cites an antidumping precedent on adjusting prices upwards as authority for DOC including such a provision in a countervailing duty determination.

DOC Position: Section 704(c) of the Act (19 U.S.C. 1671c(c)) is applicable only to suspension agreements which eliminate injurious effects of exports to the United States. Section 704(b) authorizes suspension agreements where, as here, respondent agrees to eliminate subsidies completely. There is no provision for price monitoring under this section 704(b). Assuming that the price history of other products, manufactured by the same respondent

and subject to another suspension agreement may be considered in determining whether to conclude this agreement, the price charges cited by petitioners' counsel have been attributed by the South African government to currency revaluation between the dollar and the rand. This revaluation was greater in magnitude than the subsidy found.

We have determined that respondent's agreement not to avail itself of South African programs which we have found or shall find to confer bounties or grants (on its exports to the United States of the products under investigation) is in the public interest. We have not determined that the respondent violated past agreements to give up benefits on exports to the United States of products covered by those agreements.

Antidumping investigations examine whether merchandise is being sold in the U.S. at a price which is less than fair value. Countervailing duty investigations inquire into the existence of a bounty or grant regardless of the selling price. Price considerations which may be germane to antidumping investigations are immaterial to this countervailing duty determination.

Comment 2: The statute requires that the quantity of merchandise exported between the effective date of the suspension agreement and the date when the subsidies are renounced should not exceed the most recent representative period as determined by DOC.

DOC Position: We agree that this provision of section 704(d) of the Act is required for this agreement. This suggestion has been adopted and incorporated in section B.3 of the suspension agreement.

Comment 3: The agreement should require the government of South Africa to provide resolutions, decrees and legislation applicable to subsidy programs. Also Haggie should be required to provide both the volume and value of exports of the products subject to this investigation.

DOC Position: The suspension agreement is with Haggie and not the government. We have adopted the suggestion on resolutions, decrees and legislation, but required these from Haggie rather than the government. Other reporting requirements, including volume and value, which were inherent in the initialed proposed suspension agreement, have been specifically indicated in the final agreement, section C. In view of the clear and specific requirement of Section C of the suspension agreement and Haggie's knowledge of programs found countervailable arising from involvement in this and preceding countervailing duty cases, we believe that Haggie is able to comply with these requirements fully.

Comment 4: Haggie should discontinue all benefit programs by June 1, 1983, or be required to raise its price by the amount preliminarily determined to be coutervailable (23 percent). Alternatively DOC should provide in the suspension agreement for self initiation of an antidumping investigation if there is no rise in prices.

DOC Position: The agreement provides a four-month phase of benefits, which is shorter than the maximum period authorized by the Act. Haggie says that it needs this time to ship orders for existing commitments. We have used this period in prior agreements with Haggie and have no compelling reason to deviate from past practice. The degree of stability of U.S. prices of imported strand does not establish the existence of dumping. If petitioners want an antidumping investigation initiated, they may file a new petition with reasonably available supporting documentation. Because antidumping requires the proof of injury to the U.S. industry, petitioners are in the best position to assemble the facts necessary for institution of an investigation.

Comment 5: Haggie should be required to forego countervailable benefits for all exports to all countries. Otherwise Haggie could "reshuffle" money for other products and for the merchandise for exports of galvanized steel wire strand to third countries. An export tax on all exports of galvanized steel wire strand is suggested.

DOC Position: Renunciation of benefits for exports of galvanized steel wire strand to the United States satisfies Haggie's statutory countervailing duty requirements. If this investigation went to a final affirmative determination, a countervailing duty on galvanized steel wire strand would be imposed on exports to the United States. As a general rule whether the exporter renounces its benefits on exports to the U.S. or an import tax is imposed on shipments to the U.S., the reach of countervailing duty law in this country does not extend to products for foreign destinations. There is and exception to this which is exemplified by the SEIFSA training where countervailable benefits received can not be related to specific products or destinations. (In this unusual instance the suspension agreement also covers the entire benefit since we have insufficient documentation to prove that only a lesser portion of receipts from SEIFSA is countervailable.) We are satisfied that a Section 704(b) renunciation of benefits can fulfill suspension agreement requirements of the Act even if petitioner's counsel suggests alternative provisions which might, in some circumstances, be alternatively appropriate.

Comment 6: Haggie should notify the DOC in advance if it intends to apply for any present or future benefits.

DOC Position: This suggestion has been adopted and is incorporated in section B(i) of the agreement.

Comment 7: Petitioners' counsel suggests we follow the settlement provisions of section 337 of the Tariff Act of 1930, as amended, where concurrence of all complainants is required.

DOC Comment: Section 337 applies to cases other than antidumping and countervailing duty and is administered by the International Trade Commission. Section 337 of the act is codified in 19 U.S.C. 1337. The applicable congressional intent to exclude the International Trade Commission from consideration of countervailing duty issues and from applying section 337 provisions to countervailing duty cases is codified in 19 U.S.C. 1337(b)(3).

Comment 8: Petitioner's counsel suggests that Haggie should not be allowed to apply for or receive benefits between the effective date of the suspension agreement and August 30, 1983. All benefits received aid future sales of the merchandise under investigation.

DOC Position: As noted in response to Comment 4 above, the Act provides for a phase out of benefits for up to six months. The present agreement phases out benefits in four months. This is reasonable, similar to other agreements with Haggie, and in accordance with the law.

Respondent's Comment

Comment 1: Haggie Limited construes Section 704(d) and 19 CFR 355.31(g) to allow it to export the total quantity previously exported to the United States in a representative (six month) period even though the phase out is for a shorter time (four months).

DOC Position: We do not accept the respondent's interpretation noting that the applicable law and regulation are captioned, "Exports not to increase during interim period." One of the characteristics of a representative period is that it is for substantially the same length of time as the phase out of benefits period.

Suspension of Investigation

We have determined that the agreement eliminates the bounties or grants completely with respect to the subject merchandise exported directly or indirectly to the United States, can be monitored effectively, and is in the public interest. Therefore, we find that the criteria for suspension of an investigation pursuant to section 704 of the Act have been met. The terms and conditions of the agreement are set forth in Annex 1 to this notice.

Pursuant to section 704(f)(2)(A) of the Act, the suspension of liquidation of entries or withdrawals from warehouse for consumption of galvanized steel wire strand from South Africa effective February 15, 1983, as directed in the preliminary affirmative countervailing duty determination, is hereby terminated. Any cash deposits on entries of galvanized steel wire strand from South Africa pursuant to that suspension of liquidation shall be refunded and any bonds posted shall be released.

The Department intends to conduct an administrative review within 12 months of the publication of this suspension as provided in section 751 of the Act.

Notwithstanding the suspension agreement, the Department will continue the investigtion if we receive such a request in accordance with section 704(g) of the Act within 20 days after the date of publication of this notice.

This notice is published pursuant to section 704(f)(1)(A) of the Act.

Leonard M. Shambon,

Acting Deputy Assistant Secretary for Import Administration.

April 25, 1983.

Annex I—Suspension Agreement on Galvanized Steel Wire Strand from South Africa

Pursuant to the provisions of section 704(b) of the Tariff Act of 1930 (the Act) and § 355.31 of the Commerce Regulations, the United States Department of Commerce (the Department) enters into the following suspension agreement with Haggie Limited, Head Office, Lower Germinston Road, Jupiter, Johannesburg 2093, South Africa. On the basis of this agreement, the Department shall suspend its countervailing duty investigation initiated on December 7, 1982, with respect to galvanized steel wire strand from South Africa in accordance with the terms and provisions set forth below:

A. Product Coverage

The suspension agreement is applicable to galvanized steel wire strand manufactured by Haggie Limited in South Africa and directly or indirectly exported to the United States (hereinafter referred to as the subject product). Galvanized steel wire strand includes aluminum conductor steel reinforced (ACSR) core strand (except stainless) and other zinc coated steel wire strand currently provided for in items 642.1142 and 642.1144 of the *Tariff Schedules of the United States Annotated.*

B. Basis of the Agreement

1. Haggie Limited is the only known manufacturer and exporter of the subject product in South Africa. Haggie Limited voluntarily agrees not to apply for or receive any countervailing benefits from the South Africa Transport Service, the Export Incentive Programs administered by the South Africa Department of Industries, Commerce & Tourism, the Department of Inland Revenue, and the South African Steel Producers Coordinating Council on exports of the subject product. Specifically:

(a) Haggie Limited is paying and will continue to pay the domestic railroad rate on the subject product described in paragraph A above, for all shipments destined for the United States leaving Haggie Limited's factory on or after the effective date of this agreement.

(b) Effective April 1, 1982, the Central Government Rail Rebate has been terminated by the Republic of South Africa. Haggie Limited will not apply or receive countervailable benefits under this program if it is reinstated.

(c) Haggie Limited will not apply for or receive the tax credit (Category B) allowed on the value-added component of the subject product for all shipments entering the United States, or withdrawn from warehouse, for consumption on or after August 30, 1983.

(d) Effective April 1, 1982, the Finance Charges Aid Scheme has been terminated by the Republic of South Africa. Haggie Limited will not apply for or receive countervailable benefits under this program if it is reinstated.

(e) Haggie Limited will not apply for or receive a tax deduction on market development expenses under the Export Marketing Assistance Program (Category D) with respect to shipments of the subject product entering the United States, or withdrawn from warehouse, for consumption on or after August 30, 1983.

(f) Haggie Limited will not apply for or receive an income tax deduction for the customs duty paid on imported raw materials used in the production of exported materials (Category A) with respect to shipments of the subject product entering the United States or withdrawn from warehouse, for consumption on or after August 30, 1983.

(g) Haggie Limited will not apply for or receive any countervailable benefits under the General Levy and Import Subsidy Scheme administered by the South African Steel Producers Coordinating Council (SASPCC), with respect to shipments of the subject product entering the United States or withdrawn from warehouse for consumption on or after August 30, 1983.

(h) Haggie Limited will not participate in the Iron/Steel Export Promotion Scheme with respect to shipments of the subject product entering the United States, or withdrawn from warehouse, for consumption on or after August 30, 1983.

(i) Haggie Limited will not apply for or receive any countervailable benefits under the training programs operated by members of the Steel and Engineering Industrial Federation of South Africa (SEIFSA) on or after August 30, 1983.

(j) Haggie Limited shall notify the Department, within sixty days before taking any action, of any new potentially countervailable benefit it intends to apply for or of any present or future benefits it is receiving from the government of the Republic of South Africa with respect to shipments of the subject product entering the United States, or withdrawn from warehouse, for consumption on or after the effective date of this agreement except those specific benefits being phased out by August 30, 1983.

(k) Haggie Limited will not apply for or receive benefits under any other program subsequently determined by the Department in this or a subsequent proceeding to confer bounties or grants under the Act to the subject product.

(l) If any additional program is found countervailable in this or a subsequent proceeding the Department shall officially notify Haggie Limited.

(m) If any program that has been renounced in this agreement is subsequently determined not to be countervailable, Haggie Limited may officially notify the Department, who will determine whether to release the company from the obligation to continue the renunciation of that program in this agreement.

Renunciation of the receipt of these benefits does not constitute an admission by Haggie Limited that such benefits are bounties, grants or subsidies within the meaning of the U.S. countervailing duty law.

Haggie Limited certifies that no new countervailable benefits will be applied for or received for the subject product as a substitute for or supplement to any benefits eliminated by this agreement.

2. In accordance with the provisions of the Act and applicable regulations, this agreement applies to the product described in Paragraph A which is produced in South Africa and exported directly or indirectly to the United States.

3. Haggie Limited agrees that during the four-month period following the effective date of the suspension of the investigation the quantity of the subject product exported directly or indirectly to the United States from the Republic of South Africa, will not exceed the quantity of such exports during the four-month period of July through October, 1982.

C. Monitoring

Haggie Limited agrees to supply to the Department such information as the Department deems necessary to demonstrate that it is in full compliance with this agreement including, but not limited to, access to its financial records including receipts, payment records and vouchers, journals, and ledgers, and also copies of any resolutions, decrees, or legislation governing changes in the programs that it has renounced in this agreement. It shall also provide volume and value on exportation of galvanized steel wire strand to the United States and world-wide figures if necessary, and it shall provide copies of any application

and assessment forms for any programs that it has renounced in this agreement.

Haggie Limited will notify the Department if it: (1) Transships the subject product through third country, (2) alters its position with respect to any terms of the agreement, (3) applies for or receives directly or indirectly the benefits of the programs described in Part B of this agreement for the manufacture or exportation of the subject products.

Furthermore, Haggie Limited agrees to undertake the obligation to report to the Department within 15 days of the beginning of each calendar quarter (April, July, October, January) the volume of galvanized steel wire strand it has exported to the United States. Haggie Limited also agrees to permit such verification and data collection as deemed necessary by the Department in order to monitor this agreement. The Department shall request such information and perform such verifications periodically pursuant to administrative reviews conducted under section 751 of the Act.

D. Violation of the Agreement

If the Department determines that the agreement is being or has been violated or no longer meets the requirements of section 704 (b) or (d) of the Act, then the provisions of section 704(i) shall apply.

Signed on this 22nd day of April 1982.

For Haggie Limited.

Larry Klayman,

Special Counsel.

I have determined that the provisions of Paragraph B completely eliminate the bounties or grants being provided in South Africa with respect to galvanized steel wire strand exported directly or indirectly to the United States and that the provisions of Paragraph C ensure that this agreement can be monitored effectively pursuant to section 704(d) of the Act. Furthermore, I have determined that this agreement meets the requirements of section 704(b) of the Act and is in the public interest as required in section 704(d) of the Act.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

April 22, 1983.

[FR Doc. 83-11444 Filed 4-28-83; 8:45 am]

BILLING CODE 3510-25-M

Minority Business Development Agency

Minority Business Development Center Program; Minnesota

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications under its Minority Business Development Center (MBDC) program to operate one project for a 12-month period beginning September 1, 1983 in the Minneapolis-St. Paul SMSA. The cost of the project is estimated to be $187,000. The maximum Federal participation amount is $168,300. The minimum amount required for non-Federal participation is $18,700. The award number will be 05-10-83005-01.

Applicants shall be required to contribute at least 10% of the total program costs through non-Federal funds. Cost-sharing contributions can be in the form of cash contributions, fee for services or in-kind contributions.

CLOSING DATE: June 2, 1983.

ADDRESS: Chicago Regional Office, Minority Business Development Agency, 55 East Monroe, Suite 1440, Chicago, Illinois 60603.

FOR FURTHER INFORMATION CONTACT: John Kammerer Telephone: (312) 353-0182.

SUPPLEMENTARY INFORMATION:

A. Scope and Purpose of this Announcement. Executive Order 11625 authorizes MBDA to fund projects which will provide technical and management assistance to eligible clients in areas related to the establishment and operation of businesses. The MBDC program is specifically designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA supports MBDC programs that can: coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit through which and from which information and assistance to and about minority businesses are funneled.

B. Eligible Applicants: Awards shall be open to all individuals, non-profit organizations, for-profit firms, local and state governments, American Indian tribes and educational institutions.

C. Evaluation Process. All proposals received as a result of this announcement will be evaluated by a MBDA review panel.

D. Evaluation Criteria for Minority Business Development Center Applications. The evaluation criteria is designed to facilitate an objective evaluation of competitive applications for the Minority Business Development Center program.

MBDA reserves the right to reject any or all applications, including the application receiving the highest evaluation, and will exercise this right when it is determined that it is in the best interest of the Government to do so (e.g., the apparent successful applicant has serious unresolved audit issues from current or previous grants, contracts or cooperative agreements with an agency of the Federal Government).

Evaluation of proposals will employ the following criteria:

I. *Capability and Experience of Firm/Staff*—provide information that demonstrates the organization's capabilities and prior experiences in addressing the needs of minority business individuals and firms. Provide information that demonstrates the staff's capabilities and prior experiences in providing management and technical assistance to minority individuals and firms. Indicate previous experience in MBE community to be served in terms of: inventorying resources and opportunities; the brokering thereof; and providing management and technical assistance.

The following are key factors to be considered in this section:

Firm

—The organization's receptivity in the MBE community to be served, i.e., business contacts in the public and private sector; leadership responsibilities; and experience in assisting MBE business persons and firms. (References from clients assisted are pertinent.)
—Background credentials and references for the owners of the organization and a capability statement of what the organization can do.
—Knowledge of the geographic area to be served in terms of the needs of minority businesses and past ongoing relationships with local, public and private—entities that can possibly enhance the BDC program effort i.e., Chambers of Commerce, trade associations, venture capital organizations, banks, SBA, HUD, state, city and county government agencies, etc.

Staff

—List personnel to be used. Indicate their salaries, educational level and previous experience. Provide resumes for all professional staff personnel.
—Demonstrate competence among staff to effectuate mergers, acquisitions, spin-offs and joint-ventures.
—Provide organizational chart, job descriptions and qualification standards involving all professional staff persons to be utilized on the project.
—If any contractors are to be utilized, identify and indicate areas and level of experience. *Primary consideration will be given to inhouse capability.*

Note.—All contracting proposed should be in accordance with procurement standards in

Attachment O of OMB Circulars A–110 or A–102.

II. *Techniques and Methodology*—specify plans for achieving the goals and objectives of the project. This section should be developed by using the outline of the Work Requirements and the MBDC responsibilities as *guides* and will become part of the award document. Include start-up plan and example of work plan format. Fully explain the procedures for: outreach, screening, assisting and monitoring clients; maintaining the profile inventory of minority businesses; and brokering of new business ownership, market and capital opportunities and prevention of business failures. In summary, address how, when and where work will be done and by whom. Include level of performance.

III. *Resources*—Address technical and administrative resources, i.e., computer facilities, voluntary staff time and space; and financial resources in terms of meeting MBDA's 10% cost-sharing requirement and including a fee for services for assistance provided clients. A fee for services in the amount of 10% of the cost of assistance will be charged to all clients receiving management and technical assistance.

Cost-charing is that portion of project costs not borne by the Federal Government. The composition and amount of cost-sharing are key factors that will be considered in determining the merit of this section. The cost sharing requirement can be met through the following order or priority: (1) Cash contributions; (2) fee for services; and (3) in-kind contributions.

A. *Cash contribution*—means cash that is contributed or donated by the recipient, and other non-Federal sources, i.e., public agencies and institutions, private organizations, corporations and individuals.

B. *Fee for services*—is a charge to a client for assistance provided by the MBDC for M&TA and/or SCS.

C. *In-Kind contribution*—represents the value of non-cash contributions provided by the recipient and other non-Federal sources. The order of prfority for in-kind contributions are: high technology systems to be utilized to achieve program objectives; top level staff personnel and real and personnal property donated by other public agencies, institutions and private organizations. Property purchased with Federal funds will not be considered as the recipient's in-kind contribution. Under no circumstances can the in-kind contribution exceed 50% of the total non-Federal contribution.

IV. *Costs*–demonstrate in narrative format that costs being proposed will give the minority business client and the government the most effective program possible in terms of quality, quantity, timeliness and efficiency.

Include the principal costs involved for achieving work plan under Cooperative Agreement by completing Part III—the Budget Information Section of the Request for Application.

Provide cost-sharing plan information in terms of methodology and format for billing the costs of management and technical assistance and specialized consulting services to clients.

Total project cost will be evaluated in terms of:

—Clear explantions of all expenditures proposed, and
—The extent to which the applicant can leverage Federal program funds and operate with *economy* and *efficiency*.

In conclusion, the applicant's schedule for start of the MBDC operation should be included in Part II. Part II will be known as the applicant's plan of operation and will be incorporated into the Cooperative Agreement Award.

A detailed justification of all proposed costs is required for Part III and each item must be fully explained.

The failure to supply information in any given category of the criteria will result in the application being considered non-responsive and dropped from competitive review.

All information submitted is subject to verification by MBDA.

E. Disposition of Proposals. Notification of awards will be made by the Grants Officer, U.S. Department of Commerce (DOC) Organizatins whose proposals are unsuccessful will be advised by MBDA, DOC.

F. Proposal Instructions and Forms. This program is subject to OMB Circular A–95 requirements.

Questions concerning the preceding information, copies of application forms, and applicable regulations can be obtained at the above address.

Nothing in this solicitation shall be construed as committing MBDA to divide available funds among all qualified applicants.

G. A pre-application conference to assist all interested applicants will be held at the U.S. Courthouse, 110 South 45th Street, Room B–15, Minneapolis, Minnesota on May 16, 1983 at 1:00 p.m.

(11.812 Minority Business Development)
(Catalog of Federal Domestic Assistance)

Dated: April 22, 1983.

Richard Sewing,

Regional Director.

[FR Doc. 83–11323 Filed 4–28–83; 8:45 am]

BILLING CODE 3510-21-M

National Oceanic and Atmospheric Administration

Salmon and Steelhead Advisory Commission; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

SUMMARY: Meeting of the Salmon and Steelhead Advisory Commission.

DATE: May 19–20, 1983. The meeting will commence at 10:00 a.m. on May 19, 8:00 a.m. on May 20, and is scheduled to continue no later than 3:00 p.m. on May 20. The meeting will be open to interested members of the public; a public comment period will be held at 11:00 a.m. on May 20.

ADDRESS: Hyatt Hotel, 17001 Pacific Highway South, Seattle, Washington 98118, (206) 244–6000.

Meeting agenda: The Commission will meet to review the status of its management report and to attempt resolution of certain issues which are critical to coordinated management of the salmon and steelhead resource. The Commission will also consider current budgetary issues, time schedules for completing its report, and the remaining work that needs to be done.

FOR FURTHER INFORMATION CONTACT: H. A. Larkins, Regional Director, National Marine Fisheries Service, 7600 Sand Point Way, NE., BIN C15700, Seattle, Washington 98115, Telephone: (206) 527–6150.

Dated: April 25, 1983.

Joe P. Clem,

Acting Chief, Fisheries Process Division.

[FR Doc. 83–11480 Filed 4–28–83; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1983; Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Additions to procurement list.

SUMMARY: This action adds to Procurement List 1983 commodities to be produced by and services to be provided by workshops for the blind and other severely handicapped.

EFFECTIVE DATE: April 29, 1983.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557–1145.

SUPPLEMENTARY INFORMATION: On January 7, 1983, January 21, 1983, February 4, 1983, February 22, 1983 and March 4, 1983, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (48 FR 859, 48 FR 2816, 48 FR 5290, 48 FR 7491 and 48 FR 9331) of proposed additions to Procurement List 1983, November 18, 1982 (47 FR 52101):

After consideration of the revelant matter presented, the Committee has determined that the commodities and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c, 85 Stat. 77.

I certify that the following actions will not have a significant impact on a substantial number of small entities. The major factors considered were:

a. The actions will not result in any additional reporting, recordkeeping or other compliance requirements.

b. The actions will not have a serious economic impact on any contractors for the commodities and services listed.

c. The actions will result in authorizing small entities to produce or provide commodities and services procured by the Government.

Accordingly, the following commodities and services are hereby added to Procurement List 1983:

Class 2540

Kit, Deep Water Fording
2540–00–473–0111

Class 4820

Valve, Ball
4820–00–052–4651
4820–00–052–4653

Class 7690

Folder, Chapel Program
7690–00–NSH–0001
Illustrative Sheet
7690–00–NSH–0002
(Requirements for Wright-Patterson Air Force Base, Ohio only)

Class 7930

Dishwashing Compound, Hand
7930–00–880–4454
7930–00–899–9534
7930–01–055–6163
(GSA Regions 4, 6, 7, 8, and 9)

SIC 7331

Mailing Service, National Science Foundation, 1800 G Street, N.W., Washington, D.C.

SIC 7349

Janitorial/Custodial, Paul E. Garber Complex, 3904 Old Silver Hill Road, Suitland, Maryland
Janitorial/Custodial, Vancouver Army Barracks, Vancouver, Washington

C. W. Fletcher,

Executive Director.

[FR Doc. 83–11525 Filed 4–28–83; 8:45 am]

BILLING CODE 6820–33–M

Procurement List 1983; Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed additions to procurement list.

SUMMARY: The Committee has received proposals to add to Procurement List 1983 commodities to be produced by and services to be provided by workshops for the blind and other severely handicapped.

DATE: Comments must be received on or before June 1, 1983.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557–1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the commodities and services listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodities and services to Procurement List 1983, November 18, 1982 (47 FR 52101):

Class 4130

Filter, Air Conditioning
4130–00–274–7800
4130–00–756–1840
4130–00–249–0966
4130–00–203–3321
(GSA Regions 1, 2, 3, 6, 7, 8, 9, 10 and W only)

Class 8340

Dropcloth, Painters Plastic
8340–00–068–7908

Class 8415

Strap Assembly, Chin
8415–01–057–3502

Class 8440

Belt, Trousers
8440–00–964–3978
8440–00–261–4965
8440–00–261–4966
8440–00–270–0535
8440–00–412–2309
8440–00–573–1666
8440–00–270–0536
8440–00–412–2312
8440–00–573–1765
8440–00–270–0537
8440–00–412–2314
8440–00–573–3727
8440–00–290–0567
8440–01–052–9738
8440–00–290–0568
8440–01–009–9290
8440–01–009–9292
8440–01–009–9293
8440–01–052–9739
8440–00–269–5311
8440–01–052–9740
8440–00–634–5632
8440–00–753–6363
8440–00–577–4177
8440–00–753–6364
8440–00–577–4178
8440–00–753–6365
8440–00–270–0541
8440–00–412–2326
8440–00–270–0542
8440–00–412–2341
8440–00–270–0543
8440–00–412–2342

SIC 5812

Catering Service, New Cumberland Army Depot, Armed Forces Entrance Examination Station, Building 521, New Cumberland, Pennsylvania

SIC 7641

Furniture Rehabilitation, Oklahoma City, Oklahoma, plus 25-mile radius, including FAA and Tinker AFB

C. W. Fletcher,

Executive Director.

[FR Doc. 83–11526 Filed 4–28–83; 8:45 am]

BILLING CODE 6820–33–M

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Yatesville Lake, Big Sandy River Basin, Kentucky; Intent To Prepare a Draft Environmental Impact Statement; Supplemental

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of intent to prepare a draft environmental impact statement supplement.

SUMMARY: 1. The Huntington District Engineer has determined that significant environmental impact information on water quality necessitates the preparation of a supplement to the EIS

filed 12 April 1972. The DEIS Supplement will fully address existing and most probable futufe water quality conditions in the basin as well as within the lake, will identify and evaluate potential project modifications which may be required, and will recommend a course of action for addressing both existing and potential future contamination conditions.

2. Specific alternatives will be developed following ongoing efforts to inventory, monitor, evaluate, and model basin conditions. It is estimated that data should be available to initiate formulation of specific alternatives by April 1984.

3a. A public scoping meeting will be held to facilitate agency and public participation in the EIS process. All interested and affected individuals and agencies are encouraged to attend and to provide input. In addition to encouraging agency and public participation in the EIS process, this meeting will serve to inform local interests and the general public of the overall status of the Yatesville project in general and the EIS Supplement process in particular. Additional scoping meetings, public meetings, workshops, and/or coordination meetings will be conducted as determined necessary and advisable.

b. The DEIS Supplement will address only those issues relating to existing and most probable water quality conditions, potential corrective management measures and/or required remedial measures, and the recommended action to resolve or correct the problem.

c. The U.S. Fish and Wildlife Service, U.S. Environmental Protection Agency, Kentucky Department for Natural Resources and Environmental Protection, Kentucky Geological Survey, Kentucky Department of Parks, and the Kentucky Pollution Abatement Authority have been requested to become cooperating agencies in the preparation of the EIS Supplement. Specific assignments for input into the EIS Supplement will be determined following the initial scoping meeting.

4. A scoping meeting will be conducted at Lawrence County High School, Louisa, Kentucky, at 7:00 P.M. on June 9, 1983.

5. It is anticipated that the DEIS Supplement will be available for public review by late 1984.

6. Questions about the proposed DEIS Supplement can be answered by: Mr. John P. Justice, Jr., P.E. (Study Manager), Phone: 304–529–5639.

Dated: April 21, 1983.

John W. Devens,

Colonel, Corps of Engineers, District Engineer, Huntington District.

[FR Doc. 83–11453 Filed 4–28–83; 8:45 am]

BILLING CODE 3710–GM–M

DEPARTMENT OF ENERGY

Albuquerque Operations Office; Trespassing on DOE Property

AGENCY: Department of Energy.

ACTION: Designation of Mound Facility as off-limits area.

SUMMARY: The Department of Energy hereby designates the Mound Facility, in Miamisburg, Ohio, as recently expanded, as an Off-Limits Area in accordance with 10 CFR Part 860, making it a Federal crime under 42 U.S.C. 2278a for unauthorized persons to enter into or upon the Mound Facility. If unauthorized entry into or upon the Facility is into an area enclosed by a fence, wall, roof, or other standard barrier, conviction of such unauthorized entry may result in a fine not more than $5,000 or imprisonment for not more than one year or both. If unauthorized entry into or upon the Facility is into an area not enclosed by a fence, wall, roof, or other standard barrier, conviction for such unauthorized entry may result in a fine of not more than $1,000.

FOR FURTHER INFORMATION CONTACT:

William Luck, Office of General Counsel, 1000 Independence Avenue, SW., Washington, D.C. 20585; (202) 252–6975;

R. Travis Thompson, Office of the Chief Counsel, Albuquerque Operations Office, Department of Energy, P.O. Box 5400, Albuquerque, New Mexico 87115; (505) 846–2125; or

Elgin Arave, Administrative Officer, Dayton Area Office, P.O. Box 66, Miamisburg, Ohio 45342; (513) 865–3271.

Notice

Pursuant to Section 229 of the Atomic Energy Act of 1954, as amended, (42 U.S.C. 2278a), Section 104 of the Energy Reorganization Act of 1974 (42 U.S.C. 5814), as implemented by 10 CFR Part 860, published in the **Federal Register** on July 9, 1975 (40 FR 28789, 28790), and Section 301 of the Department of Energy Organization Act (42 U.S.C. 7151), the Department of Energy hereby gives notice that the Mound Facility in Miamisburg, Ohio is designated an Off-Limits Area and prohibits the unauthorized entry and the unauthorized introduction of weapons or dangerous materials, as provided in 10 CFR 860.3 and 860.4, into or upon the Mound Facility.

The Atomic Energy Commission (AEC), a predecessor of the Department of Energy, published a notice subjecting the Mound Facility to the AEC's trespassing regulations. That notice was published at 30 FR 13284 (October 19, 1965). Recently the Mound Facility has been enlarged by the acquisition of additional land. This notice designates the entire Mound Facility, as recently enlarged, as an Off-Limits Area, in accordance with the authorities referenced.

A description of the land area encompassing the Mound Facility, as recently enlarged, including reference to its boundaries, is as follows:

Situated in the State of Ohio, County of Montgomery, Township of Miami, partly in the City of Miamisburg, being a part of Section 30 and fractional Sections 35 and 36, Town 2, Range 5, Miami Rivers Survey (M.R.S.), and being all of city lots numbered 2259, 2290, 4777, 4778 and 4779, and part of out lot 6 lying within the corporation limits of the City of Miamisburg, and also a 35.5 acre parcel and a 24.2 acre parcel lying outside and adjacent to said corporation limits, being all of the tracts of land conveyed to the United States of America by instruments as recorded in Deed Book 1214 pages 10, 12, 15 and 17, Deed Book 1215 page 347, Deed Book 1214 page 248, Deed Book 1246 page 45, Deed Book 1258 page 74, Deed Book 1258 page 56, Deed Book 1256 page 179, Micro-Fiche 81–376A01, and Micro-Fiche 81–323A11 of the Deed Records of said County; and being more particularly bounded and described with bearings referenced to the Ohio State Plane Coordinate System, South Zone, as follows:

Beginning at a spike found (0.5' deep) and reset in concrete, being the southwest corner of said Section 30 and the southeast corner of fractional Section 36, said point being in the center of Benner Road (40 feet R/W) and being referenced North 84°28'10" West 3102.92 feet from a spike found (0.5' deep) at the intersection of the centerline of Mound Road (60 feet R/W) with the centerline of said Benner Road in said Miami Township, and being the true point of beginning for the land herein described; thence along the centerline of Benner Road South 66°32'35" West 958.79 feet to a railroad spike found and reset in concrete; thence continuing along said centerline of Benner Road South 73°18'20" West 31.01 feet to a railroad spike found and reset in concrete, being a point in the East right-of-way line of the abandoned Miami and Erie Canal; thence leaving Benner Road and with said East right-of-way line for the following four courses: North 14°05'35" West 62.14 feet to an iron pin found; thence North 14°11'50" West 440.75 feet to an iron pin found; thence North 14°47'30" West 259.93 feet to an iron pin found; thence North 14°45'50" West 546.20 feet to an iron pin found and rerset in concrete in the East right-of-way line of the consolidated railway corporation; thence with said Conrail right-of-way line for the following 10 courses: North

75°00'55" East 85.04 feet to an iron pin found and reset in concrete; thence North 37°16'35" East 96.65 feet to an iron pin set in concrete; thence North 80°28'05" East 66.00 feet to an iron pin found and reset in concrete; thence North 09°31'55" West 499.80 feet to a concrete monument found; thence North 09°26'35" West 696.85 feet to an iron pin set in concrete; thence North 0°48'25" West 616.81 feet to a concrete monument found; thence North 84°43'35" East 75.08 feet to an iron pin set in concrete; thence along the arc of a curve to the right having a radius of 3669.83 feet, being concentric with and 150 feet distant, measured eastwardly at right angles, from the centerline between main tracks of said railroad; for a distance of 744.94 feet to a concrete monument set, the chord of said curve bears North 03°17'05" East 743.66 feet; thence South 84°39'20" East 150.34 feet to a concrete monument set; thence along the arc of a curve to the right having a radius of 3519.83 feet, being concentric with and 300 feet distant, measured eastwardly at right angles, from the centerline between main tracks of said railroad, for a distance of 1640.97 feet to a concrete monument found, the chord of said curve bears North 22°36'55" East 1626.15 feet; thence leaving said railroad right-of-way line South 84°14'50" East 102.31 feet to a concrete monument found; thence South 05°37'45" West 90.03 feet to a concrete monument found; thence North 65°35'50" East 809.36 feet to an iron pipe found and being referenced South 05°47'45" West 130.89 feet from a concrete monument found at the Northwest corner of said Section 30 and the Northeast corner of fractional Section 36; thence South 85°04'55" East 1023.90 feet to a concrete monument found; thence North 08°53'15" East 231.00 feet to a concrete monument found on the West right-of-way line of Mound Road (60 feet R/W); thence South 84°38'15" East 30.00 feet to an iron pin set in the centerline of Mound Road; thence South 08°53'15" West 100.00 feet to an iron pin set; thence South 84°38'15" East 193.40 feet to a concrete monument set; thence along the centerline of Mound Road South 05°32'40" West 2709.36 feet to a railroad spike found; thence leaving said Mound Road North 85°28'20" West 111.00 feet to an iron pipe found; thence South 07°06'55" East 714.44 feet to a concrete monument found; thence South 83°59'35" East 34.19 feet to a concrete monument found; thence South 04°42'45" West 2010.06 feet to a railroad spike found (0.2' deep) and reset in concrete located in the center of Benner Road; thence along the centerline of Benner Road North 84°29'45" West 1333.66 feet to the true point of beginning containing 305.116 acres more or less, and subject to all legal highways and easements of record.

This description is based upon an actual field survey of the described land conducted in May 1982.

Notices stating the pertinent prohibitions of 10 CFR 860.3 and 860.4 and the penalties of 10 CFR 860.5 are posted at all entrances of said Mound Facility and at intervals along the Facility's perimeter, as provided in 10 CFR 860.6.

Dated at Washington, D.C. this 14th day of April 1983.

Troy E. Wade, II,

Principal Deputy Assistant Secretary for Defense Programs.

[FR Doc. 83-11536 Filed 4-28-83; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. Ep-40-83-2]

Energy Emergency Preparedness: Oil Inventories

AGENCY: Office of Environmental Protection, Safety and Emergency Preparedness, DOE.

ACTION: Notice of inquiry and request for public comments.

SUMMARY: The Department of Energy (DOE) recongnizes that petroleum inventories provide part of the available protection against an oil supply interruption, along with the operations of the marketplace, the Strategic Petroleum Reserve (SPR), etc. In this regard, DOE is continuing its evaluation of the need for and the likely benefits and costs of inducing the buildup of private sector oil stockpiles. One of the studies in this program was prepared by Charles River Associates, Inc. under contract to the Office of Energy Emergencies. DOE invites public comments on the Charles River Associates, Inc. report entitled: "An Evaluation of Policy Options for Increasing Domestic Oil Inventories." DOE also seeks public comments on related issues, such as the need for any programs to encourage or affect the levels of private sector oil inventories; on the relative advantages and drawbacks of alternative ways to structure such a program; and on specific questions relating to the design of such a program. The comments on the Charles River Associates, Inc. report and responses to specific petroleum inventory questions will assist DOE in the analysis of potential program options concerning private sector oil inventory practices and the relationship of the SPR to oil inventory management by the private sector.

DATES: The comment period will be one hundred and twenty (120) days. Seven (7) copies of written comments and other materials should be submitted to DOE by 5:00 p.m. on or before August 29, 1983, to ensure their consideration.

ADDRESSES: Copies of the Charles River Associates, Inc. report "An Evaluation of Policy Options for Increasing Domestic Oil Inventories" may be obtained by calling or writing the DOE Office of Public Affairs, Room 1E-204, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585; (202) 252-5568. Comments should be addressed to WILLIAM A. VAUGHAN, Assistant Secretary for Environmental Protection, Safety, and Emergency Preparedness, Department of Energy, Room 4G-084, Forrestal Building, (Mail Stop EP-1), 1000 Independence Avenue, S.W., Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT:

Finn K. Neilsen, U.S. Department of Energy, Director, Office of Energy Contingency Planning, Office of Energy Emergencies, Room GH-060 Forrestal Building, (Mail Stop EP-43), 1000 Independence Avenue, SW., Washington, D.C. 20585; (202) 252-4000; or

Glenn H. Coplon, U.S. Department of Energy, Director, Scenario Development and Response Strategy Analysis Division, Office of Energy Contingency Planning, Room GE-216 Forrestal Building, (Mail Stop EP-431), 1000 Independence Avenue, SW., Washington, D.C. 20585; (202) 252-4906.

SUPPLEMENTAL INFORMATION:

I. Background

Despite the current energy supply picture, with ample supplies of all needed fuels, continuing concern has been expressed by a number of sources, including Member of Congress, State Energy Offices, and private citizens, about declining levels of oil inventories. Depending upon the season of the year, this concern relates to crude oil, motor gasoline, or heating oil as well as diesel fuel and other products. While the absolute level of some petroleum inventories at the primary level have declined, when measured against demand, these stocks have actually remained fairly constant, DOE believes that the Administration has taken the most significant steps possible to encourage adequate inventories of oil supplies. Decontrol of all petroleum products was the major action. The most important inducement to maintenance of adequate oil stocks is the knowledge that, short of a declared national defense emergency, DOE will not in any way interfere with private sector use of their own stocks. President Reagan's veto last year of the Standby Petroleum Allocation Act (SPAA) confirmed the Administration's commitment to a free market energy policy. Other steps taken by the Administration to encourage increased oil inventories and reduce oil supply vulnerability include fostering economic policies which have led to reduced interest rates, and the rapid buildup of the SPR to over 315 million barrels of crude oil.

Nevertheless, despite these measures, there has been continuing concern expressed to DOE about whether stocks of crude oil and petroleum products are adequate, what impact of the SPR is on private sector stockpiling practices, and whether the Federal Government should do anything to encourage increased levels of private sector oil stockpiling.

To address the concerns, DOE has been undertaking a major review of the need for, feasibility, and the likely effectiveness of Government incentives for inducing buildings of private oil stocks. Within DOE a number of Offices have revised the issue of private sector oil stocks, including the Energy Information Administration, the Office of Policy, Planning and Analysis, the Office of Energy Emergencies and the Office of International Affairs.

There have been numerous studies made on domestic oil inventories. In 1979, the National Petroleum Council (NPC) published a study that estimated storage capacities and minimum operating inventory levels for crude oil and the major refind products (*Petroleum Storage and Transportation Capacities,* National Petroleum Council, Washington, D.C. December 1979). At the request of former Secretary of Energy Edwards, NPC currently has a new inventory study underway. The Energy Information Administration of DOE and the American Petroleum Institute each publish weekly, monthly and annual statistics on U.S. refinery operations and inventory levels. These data have been used to assess inventory trends in the past.

Current DOE studies have been examining current inventory/demand relationships and are attempting to detemine whether providing some form of Government incentives will result in a significant increase in the leval of private oil stocks. One of the studies in this investigation was made by Charles River Associates, Inc., under contract to the Office of Energy Emergencies, to evaluate policy options for increasing domestic oil inventories.

II. Purpose of the Notice

The purpose of this Notice is to invite public comments on the Charles River Associates, Inc. report, and on the issue of whether, in the context of the Administration's market oriented energy policy, any additional measures to promote the buildup and maintenance of private sector oil inventories might be necessary, appropriate, and feasible. This would include a review of the relative benefits and costs of alternative ways to structure such a program.

In addition, DOE would appreciate your responses to the following specific questions relating to a program to stimulate the buildup and/or maintenance of private oil stocks at the primary, secondary, and teritary levels:

1. Is there a need for any Federal Government programs with respect to the level of private sector inventories of crude oil and petroleum products? What factors suggest that such a program is needed/not needed? Is such a program consistent with the Administration's commitment to a market approach to energy policy? Does any perceived need for such a program outweigh the costs of such a program, particularly at this time when the Federal deficit is of great concern?

2. Suppose that the Federal Government were to provide a subsidy to refiners and importers, or to large users of petroleum products, for holding incremental oil security inventories, with the owner of the inventories having full use of stocks in an emergency and receiving any gains from price increases:

(a) How could one insure that the subsidy was paid only on incremental security stocks? Would it be necessary for the oil to be held in segregated storage facilities or could it be commingled with normal inventories? What kinds of restrictions would be necessary to prevent abuse under such a program, and what types of audits and/or inspections would be required?

(b) Is it likely that, during a petroleum supply shortfall, subsidized stocks would be voluntarily drawn down in a manner consistent with national economic interest? Or would it be necessary to establish, as a condition of receiving the subsidy, a schedule or formula specifying the drawdown or use of subsidized stocks?

(c) What types of restrictions on the use of the oil prior to an emergency would be appropriate to ensure that the subsidized stocks are not used as part of normal working inventories?

3. How could the Government ensure that it does not pay for oil that would normally be held, even in the absence of a program? To what extent would the buildup of private stocks, under either a lease or subsidy program, result in the backout of other privately held stocks?

4. What would be the approximate annual per barrel cost to the Federal Government of implementing a subsidy program? What would be the factors determining this cost? What would be the total cost to the U.S. economy of such a program?

5. What are the clear advantages, if any, to limiting the program to crude oil, or to crude oil plus certain refined products, to the exclusion of other products?

6. An alternative to general revenue financing of oil stocks is to finance them through a "user fee" on end-users of motor gasoline, all products, or refinery throughput. Would such a fee, if authorized and adopted, be difficult to devise, collect, and monitor? Would it cause differential burdens on particular segments of the nation?

7. Are any of the above options particularly infeasible, or especially attractive? Are there other viable options for increasing privately held oil stocks that are not discussed here?

8. What are the primary factors influencing private inventory decisions on crude oil and refined products? For example, expected demand levels, maintenance of market shares, acquisition cost of oil, interest rates, alternative investment possibilities, anticipated price changes, likelihood of oil supply interruptions, and engineering or technical considerations.

9. To what extent do refiners and importers stock oil in anticipation of price increases and, consequently, inventory profits, or to avoid large crude oil purchase outlays during a supply disruption? To what extent are inventories built up during a period of perceived shortfall, as insurance against a lack of future supply?

10. To what extent do holders of oil inventories anticipate that the Government will allow them to use the oil, and retain the profits in a supply interruption? Do they anticipate the reimposition of Federal controls? Are any further measures needed for the Government to relieve the fears that such controls will be reimposed at the Federal level?

11. What rate of return is used in calculating the prospective profitability of investment in oil inventories? Would this rate differ amongst the options under consideration by DOE? How does "risk" in oil inventory investment affect the rate of return?

12. Are there existing tax, regulatory or other government disincentives to holding stocks that could be removed?

13. To what extent do there presently exist stocks and supplies of petroleum products in excess of minimum working inventories or other unavailable stocks such as are required to meet seasonal demand, which, in an emergency, could be used or distributed without affecting the ability of the owner to operate at normal capacity? Where are these stocks? How are they stored? Are they easily available for shipment throughout the nation?

III. Written Comments Procedures

You are invited to participate in the development of the Department of Energy's analysis of domestic petroleum inventory issues by submitting views, reports, analyses or other materials to the Department. Comments should be submitted to the address indicated in the **"ADDRESSES"** section of this notice and should be identified on the outside of the envelope and on documents submitted to DOE by the designation "Oil Inventories." Seven (7) copies, if possible, should be submitted. All comments received will be available for public inspection in the DOE Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, between 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays. Comments should be received by the date noted in the **"DATES"** section of this notice in order to ensure consideration by DOE.

Pursuant to the provisions of 10 CFR 1004.11, if you are submitting material which you believe to be confidential and exempt by law from public disclosure, you should submit one (1) complete copy of the document, and six (6) copies from which the material claimed to be confidential has been deleted. DOE reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

Issued in Washington, D.C., April 21, 1983.

William A. Vaughan,

Assistant Secretary, Environmental Protection, Safety and Emergency Preparedness.

[FR Doc. 83–11537 Filed 4–28–83; 8:45 am]

BILLING CODE 6450–01–M

Energy Information Administration

Revision of Alternative Fuel Price Ceilings and Incremental Price Threshold for High Cost Natural Gas

The Energy Information Administration (EIA) published in the Aprl 20, 1983 **Federal Register** (48 FR 16956) on behalf of the Federal Energy Regulatory Commission, the alternative fuel price ceilings and incremental pricing threshold for high cost natural gas that are to become effective May 1, 1983. Subsequent to the publication, the EIA discovered an error in computing the alternative fuel price ceiling for the State of Montana. The error discovered was in the data bases that was used to compute the 3-month weighted average price. After correcting the error in the data base and recomputing the revised prices, only one State is impacted. The following shows the published price and the revised computed price for the impacted State.

State	Published price	Revised price
Montana	3.63	3.51

FOR FURTHER INFORMATION CONTACT: Leroy Brown, Jr., Energy Information Administration, 1000 Independence Avenue, SW., Room BE–034, Washington, D.C. 20585, Telephone: (202) 252–6077.

Issued in Washington, D.C. April 27, 1983.

J. Erich Evered.

Administrator, Energy Information Administration.

[FR Doc. 83–11705 Filed 4–28–83; 10:37 am]

BILLING CODE 6450–01–M

Economic Regulatory Administration

Storey Oil Company, Inc.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Storey Oil Company ("Storey") of Seymour, Indiana. This Proposed Remedial Order charges Storey with pricing violations in the amount of $192,799.76 exclusive of interest, connected with the sale of motor gasoline from September 1, 1979 through November 30, 1979

A copy of the Proposed Remedial Order, with confidential information dleted, may be obtained from David H Jackson, Director, Kansas City Office, ERA (816) 374–2092. Within 15 days of publication of this notice, any aggrived person may file a Notice of Objection with the Office of Hearings and Appeals, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Kansas City, Missouri on the 8th day of April 1983.

David H. Jackson,

Director, Kansas City Office, Office of Special Counsel, Economic Regulatory Administration.

[FR Doc. 83–11535 Filed 4–28–83; 8:45 am]

BILLING CODE 6450–01–M

Office of Conservation and Renewable Energy

Interest Rate Formula for Power Marketing Administrations

AGENCY: Assistant Secretary for Conservation and Renewable Energy, DOE.

ACTION: Extension of comment period on proposed amendment of formula for determining repayment interest rates.

SUMMARY: the period for receipt of public comment on the proposed revision of the interest rate formula for repayment purposes is hereby extended for thirty days.

DATE: Written comments must be received by close of business May 9, 1983.

ADDRESS: All written comments should be submitted to: Daniel M. Ogden, Jr., Director, Office of Power Marketing Coordination, Department of Energy, Room 5304, Federal Building, 12th Street and Pennsylvania Avenue, NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT: John J. DiNucci, Director, Division of Rates, Contracts and Power Allocation, Office of Power Marketing Coordination, Room 5312, Federal Building, 12th Street and Pennsylvania Avenue, NW., Washington, D.C. 20461.

SUPPLEMENTARY INFORMATION: On February 9, 1983, at 48 FR 5989, this office published a proposed change in the formula for determining interest rates to be used, unless otherwise provided by law, by the Alaska, Bonneville, Southeastern, Southwestern and Western Area Power Administrations (PMAs). The interest rate is to be used in computing interest during construction and interest on the unpaid balance of the costs of new Federal power facilities whose construction would begin after October 1, 1983. A comment period of sixty days was granted through April 9, 1983.

Because of the obvious interest by the many parties concerned this office hereby extends the public comment period for thirty days through May 9, 1983.

Issued in Washington, D.C. April 22, 1983.

Joseph J. Tribble,

Assistant Secretary, Conservation and Renewable Energy.

[FR Doc. 83–11481 Filed 4–28–83; 8:45 am]

BILLING CODE 6450–01–M

Office of Hearings and Appeals

Cases Filed; Week of April 1 Through April 8, 1983

During the Week of April 1 through April 8, 1983, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as precribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Dated: April 22, 1983.

George B. Breznay,

Director Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of Apr. 1 through Apr. 8, 1983]

Date	Name and location of applicant	Case No.	Type of submission
Apr. 4, 1983	Macmillam Oil Co, Washington, D.C	HRD-0124	Motion for Discovery. If granted: Discovery would be granted to Macmillam Oil Company in connection with the Statement of Objections submitted in response to a Proposed Remedial Order (Case No. HRO-0122).
Apr. 7, 1983	Lesse Oil Co., Washington, D.C	HFA-0137	Appeal of an Information Request Denial. If granted: The March 11, 1983 Information Request Denial issued by the San Francisco Regional Office would be rescinded and the Lesse Oil Company would receive access to certain DOE documents.
Apr. 7, 1983	Exxon Co., U.S.A., Cities Service Co. and Gulf Oil Corp., Washington, D.C.	HER-0055	Request for Modification/Rescission. If granted: The April 17, 1981, Decison and Order (Case No. BEX-0179) issued to Husky Oil Company would be modified regarding the firm's participation in the Entitlements Program for the period March 1977 through May 1978.
Apr. 7, 1983	Sun Co., U.S.A., Washington, D.C	HRD-0122	Motion for Discovery. If granted: Discovery would be granted to Sun Company, U.S.A. in connection with the firm's comments on a Motion of Modification/ Rescission filed by the Economic Regulatory Administration (Case No. HRR-0045).
Apr. 6, 1983	Miller & Chevalier, Washington, D.C	HFA-0136	Appeal of an Information Request Denial. If granted: The March 4, 1983, Information Request Denial issued by the Office of Special Counsel would be rescinded and the firm would receive a more thorough search for documents relating to specified portions of the price regulations of the Department of Energy and predecessor agencies.
Apr. 5, 1983	Decison Management Co., Inc., Laguna Hills, Calif	HFA-0134	Appeal of an Information Request Denial. If granted: The March 4, 1983, Information Request Denial issued by the Chicago Operations Regional Office would be rescinded and Decision Management Company, Inc. would receive access to information regarding the numerical weights used in RFP No. DE-RP02-83CH10128 "Project Control Support Service."
Apr. 5, 1983	Gerald D. Townsend, Sunnyvale, Calif	HFA-0135	Appeal of an Information Request Denial. If granted: The March 25, 1983, Information Request Denial issued by the Nevada Operations Office would be rescinded and Gerald D. Townsend would receive access to certain personnel records from 1962 to the present time regarding his employment.
Apr. 1, 1983	T.N.T., Inc., New Orleans, La	HRR-0054	Request for Modification/Rescission. If granted: The July 16, 1982, Decision and Order issued to T.N.T., Inc. (Case No. BRO-1324) would be rescinded on the basis of a Consent Order entered into on February 24, 1983, between T.N.T., Inc. and the Office of Special Counsel.

REFUND APPLICATIONS RECEIVED

[Week of Apr. 1 To Apr. 8, 1983]

Date	Name of refund proceeding/Name of refund applicant	Case No. assigned
Apr. 4, 1983–Apr. 8, 1983	Amoco Refund Applications	RF21-5717 through RF21-6226.

[FR Doc. 83-11482 Filed 4-28-83; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. CI68-978-001 et al.]

Cabot Oil & Gas Corporation of West Virginia and Cabot Oil & Gas Corporation; Corporate Name Change

April 25, 1983.

Take notice that on March 10, 1983 as amended April 11, 1983, Cabot Oil & Gas Corporation of West Virginia, (Cabot) of 921 Main Street, Suite 900, Houston, Texas 77002 filed in Docket Nos. CI68-978-001, *et al.* an application for amendment of certificates of public convenience and necessity and for redesignation of certain rate schedules as listed in the attached Appendix to reflect a change in corporate name from Cabot Oil & Gas Corporation to Cabot Oil & Gas Corporation of West Virginia.

Effective December 17, 1982, Cabot Oil & Gas Corporation of West Virginia became the holder of all rights, interests, and obligations under each certificate listed on the attached Appendix by reason of the change of its corporate name. Applicant seeks to become the holder of the certificates identified in the appendix by succession and requests that the orders issuing certificate of public convenience and necessity in the dockets identified in the appendix be amended in each instance by substituting Cabot Oil & Gas Corporation of West Virginia as the certificate holder. Cabot Oil & Gas Corporation filed a Certificate of Amendment of Certificate of Incorporation with the Office of Secretary of State of the State of Delaware making the name change on December 17, 1982.

Notice is hereby given that all the certificate and rate schedules as listed in the attached appendix are hereby redesignated to reflect the corporate name change from Cabot Oil & Gas Corporation to Cabot Oil & Gas Corporation of West Virginia, effective December 17, 1982.

Kenneth F. Plumb,

Secretary.

APPENDIX.—APPLICATION BY CABOT OIL CORPORATION OF WEST VIRGINIA

Certificate docket No.	Location	Purchaser	Rate schedule No.
C168-978	Rocky Fork Field, Putnam & Kanawha Co., WV	Columbia Gas Trans. Corp.	1
C168-1148	Poca District, Kanawha Co., WV	Columbia Gas Trans. Corp.	2
C171-343	(Hager Wells) Washington District, Boone Co., WV	Pennsoil Company	5
C169-665	Shonk Lease, Boone Co., WV	Consolidated Gas Supply Corp	7
C169-666	Bailey Lease, Wyoming Co., WV	Consolidated Gas Supply Corp	8
C169-667	Logan-Wyoming Lease, Wyoming Co., WV	Columbia Gas Trans. Corp.	9
C169-668	Dickinson-Levi Lease, Kanawha Co., WV	Columbia Gas Trans. Corp.	10
C161-1823	J. E. Clay Lease, Wyoming Co., WV	Bailey Gas Company	12
C167-81	Sandy River District, McDowell Co., WV	Consolidated Gas Supply Corp	13
C170-570	Pocahontas "B" Lease, Center District, Wyoming Co., WV	Columbia Gas Trans. Corp.	18
C173-327	L. D. Griffin Lease, McDowell Co., WV	Cabot Corporation	22
C173-344	S. C. Bowen Lease, McDowell Co., WV	Cabot Corporation	23
C173-425	Pocahontas Bricker Lease, McDowell Co., WV	Cabot Corporation	24
C175-416	Pocahontas D-1 Lease, McDowell Co., WV	Cabot Corporation	25
C175-636	Panther State Lease, McDowell Co., WV	Cabot Corporation	26
C176-343	Cabin Creek District, Kanawha Co., WV	Columbia Gas Trans. Corp.	27
C178-371	W. I. Cale Lease, Wood Co., WV	Cabot Corporation	29
C178-599	H. C. Dickerson Lease, Kanawha Co., WV	Columbia Gas Trans. Corp.	30
C178-620	Pocahontas Lease, McDowell Co., WV	Cabot Corporation	31
C178-848	Certain Acreage in Nicholas Co., WV	Equitable Gas Company	32
C179-341	Pocahontas Lease, Barkers Ridge District, Wyoming Co., WV	Consolidated Gas Supply Corp	33
C161-1559	Jewell Lease, Buchanan Co., VA	Consolidated Gas Supply Corp	34
C162-524	Pardee Lease, Whipoorwill Hollow Field, Cameron & Elk Co., PA	Consolidated Gas Supply Corp	35
C172-801	Rasch Lease, Steuben Co., NY	Consolidated Gas Supply Corp	36
C176-432	Sylvania Lease, Steuben Co., NY	Consolidated Gas Supply Corp	37

[FR Doc. 83-11397 Filed 4-28-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. G-4881-000, et al.]

ARCO Oil and Gas Company, Division of Atlantic Richfield Company, et al.; Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

April 26, 1983.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before May 13, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commissions Rules of Practice and Procedure (18 CFR 385.211, .214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene if filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 [2]	Pressure base
G-4881-000, D, Apr. 8, 1983	ARCO Oil & Gas Co., Division of Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221	Tennessee Gas Pipeline Company, San Salvador and Mercedes Field, Hidalgo County, Tex.	(1)	
G-6272-000, D, Apr. 18, 1983	Getty Oil Co., P.O. Box 1404, Houston, Tex. 77251	El Paso Natural Gas Co., State Q Well No. 1 Blinebry, et al. Fields, Lea County, N. Mex.	(2)	
G-6272-001, D, Apr. 18, 1983	do	El Paso Natural Gas Co., Sarkey Well No. 4, Lea County, N. Mex.	(2)	
G-11072-001, D, Apr. 18, 1983	Sun Exploration & Production Co., formerly Sun Oil Co., P.O. Box 20, Dallas, Tex. 75221.	Panhandle Eastern Pipeline Co., Hansford Morrow (Prairie) Field, Hansford County, Tex.	(3)	
CI63-819-001, D, Apr. 6, 1983	ARCO Oil & Gas Co., Division of Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	Northwest Central Pipeline Corp. (formerly Cities Service Gas Co.) Northwest Lovedale Field, Harper County, Okla.	(4)	

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 [a]	Pressure base
CI67-866-000, D, Apr. 8, 1983	....do	Tennessee Gas Pipeline Co., Ship Shoal Block 169 Field, Offshore Louisiana.	[1]	
CI70-311-000, Mar. 28, 1983	Amoco Production Co., P.O. Box 50879, New Orleans, La. 70150.	Texas Gas Transmission Corp., Eugene Island Block 273, Offshore Louisiana.	[5]	14.73
CI73-12-000, D, Apr. 8, 1983	ARCO Oil & Gas Co., Division of Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	Michigan Wisconsin Pipe Line Co., Eugene Island Area, Offshore Louisiana.	[1]	
CI82-282-001, Apr. 13, 1983	Odeco Oil & Gas Company, P.O. Box 61780, New Orleans, La. 70161.	Tennessee Gas Pipeline Co., a Division of Tenneco Inc., Ship Shoal Block 94, Offshore Louisiana.	[5]	14.73
CI82-282-002, Apr. 13, 1983	....do	....do	[5]	14.73
CI83-197-000, (CI82-288), B, Mar. 17, 1983.	The Pittsburg & Midway Coal Mining Co., P.O. Box 2100, Houston, Tex. 77252.	ARMC Corp., Barrel Springs Field, Carbon County, Wyo.	[6]	
CI83-198-000, (CI82-289), B, Mar. 17, 1983.	....do	....do	[6]	
CI83-199-000, A, Apr. 1, 1983	Tenneco Oil Co., *et al.*, P.O. Box 2511, Houston, Tex. 77001.	Florida Gas Transmission Co., Ship Shoal Block 170, Offshore Louisiana.	[7]	14.73
CI83-200-000, A, Apr. 1, 1983	Samedan Oil Corp., P.O. Box 909, Ardmore, Okla. 73401.	Transcontinental Gas Pipe Line Corp., Ship Shoal Block 237, Offshore Louisiana.	[8]	15.025
CI83-201-000, (G-11912), B, Apr. 4, 1983.	Mobil Oil Exploration & Producing Southeast Inc., Nine Greenway Plaza, Suite 2700, Houston, Tex. 77046.	Michigan Wisconsin Pipe Line Co., Cameron Field, Cameron Parish, Louisiana.	[9]	
CI83-202-000, B, Apr. 5, 1983	D. K. Moore, Route 2, Box 234, Fairview, W. Va. 26570.	Equitable Gas Co., Clay District, Monongalia County, W. Va.	[10]	
CI83-203-000, B, Apr. 6, 1983	Wisenbaker Production Co., 400 Peoples Plaza Building, Tyler, Tex. 75702.	Arkansas Louisiana Gas Co., a Division of Arkla Inc., Beckville (Travis Peak) Field, Rusk County, Tex.	[11]	
CI83-204-000, A, Apr. 7, 1983	Eugene Shoal Oil Co., Union Oil Center, Room 904, P.O. Box 7600, Los Angeles, Calif. 90051.	Tennessee Gas Pipeline Co., East ½ Block 48, South Pass Area, Offshore Louisiana.	[12]	15.025
CI83-205-000, (G-7382), B, Mar. 21, 1983	Mobil Producing Texas & New Mexico Inc., Nine Greenway Plaza, Suite 2700, Houston, Tex. 77046.	El Paso Natural Gas Co., J. F. Nunn *et ux*, Reagan County, Tex.	[13]	
CI83-206-000, (G-7388), B, Mar. 21, 1983.	....do	El Paso Natural Gas Co., G. F. Wimberly *et ux* lease, Reagan County, Tex.	[13]	
CI83-207-000, (CI64-1541), B, Apr. 11, 1983.	Gulf Oil Corp., P.O. Box 2100, Houston, Tex. 77252	Northern Natural Gas Co., Hansford Upper Morrow Field, Hansford County, Tex.	[14]	
CI83-208-000, A, Apr. 11, 1983	Amerada Hess Corp., P.O. Box 2040, Tulsa, Okla. 74102.	Transcontinental Gas Pipe Line Corp., Block A-568, High Island Area, Offshore Texas.	[15]	14.73
CI83-209-000, (CI60-168), B, Apr. 18, 1983.	Mobil Producing Texas & New Mexico Inc., Nine Greenway Plaza, Suite 2700, Houston, Tex. 77046.	Northern Natural Gas Co., Perryton Field, Ochiltree County, Tex.	[16]	

[a] Deletion of acreage. ARCO no longer holds an interest in acreage involved in this application.
[b] Redesignation of gas well to oil well by New Mexico Oil Conservation Commission.
[c] By instrument dated January 18, 1979, Sun released rights to a portion of the lease because all economically recoverable gas reserves had been depleted and its well was plugged and abandoned in December, 1968.
[d] Deletion of acreage. ARCO has no remaining reserves or production in leases being abandoned.
[e] Applicant is filing to reflect the change in delivery point.
[f] Applicant reflects assignment dated November 1, 1982 to ARMC Corporation.
[g] Applicant is filing under Gas Purchase and Sales Agreement dated March 31, 1983.
[h] Applicant is filing under Gas Purchase Contract dated September 21, 1982.
[i] The gas reserves committed to the contract have been depleted through unit wells.
[j] Equitable Gas Company has sold the lines and right-of-way Grants so they can no longer purchase the gas.
[k] Delivery point on Arkla's sales line is too far from wellhead to justify economics of gathering system for Clyde Jones Heirs Number 1 well (API No. 42-401-31413). Eastex Gas Transmission Co., Tyler, Texas, has agreed to purchase the gas for use in intrastate market.
[l] Applicant is filing under Gas Purchase and Sales Agreement dated March 14, 1983.
[m] On April 15, 1977, TransOcean filed an assignment to Paul F. Barnhart, Trustee, as a supplement to its Rate Schedule No. 15 to be effective on date of dissolution of units, as to Sprayberry formation, and January 1, 1974, as to other formations.
[n] The last producing well on leases was plugged and abandoned on May 14, 1982 and the leases were released to Lessor on July 23, 1982.
[o] Applicant is filing under Gas Purchase Contract dated March 18, 1983.
[p] Lease surrended to A. J. George (lessor).

Filing Code: A—Initial Service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total Succession. F—Partial Succession.

[FR Doc. 83-11516 Filed 4-28-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER83-465-000]

Arizona Public Service Co.; Filing

April 26, 1983.

The filing Company submits the following:

Take notice that on April 19, 1983, the Arizona Public Service Company (APS) tendered for filing Amendment No. 1 and Supplemental Agreement for early termination of the Wholesale Power Agreement between Plains Electric Generation and Transmission Cooperative, Inc., and APS. These Amendments were executed on March 23, 1983,in conjunction with settlement proceedings of FERC Docket No. ER82-481-000.

APS states that Amendment No. 1 and the Supplemental Agreement are requested to become effective 60 days from the date of filing.

A copy of this filing was served upon the Arizona Corporation Commission and Plains Electric Generation and Transmission Cooperative, Inc.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before May 10, 1983. Protests will be considered by in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-11517 Filed 4-28-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER83-466-000]

Arizona Public Service Co.; Filing

April 26, 1983.

The filing company submits the following:

Take notice that Arizona Public Service Company (APS) on April 19, 1983, tendered for filing Amendment No. 1 executed March 23, 1983, to the Power Coordination Agreement for

transmission service to be initiated January 1984 between Plains Electric Generation and Transmission Cooperative, Inc. and APS.

APS states that this Amendment is requested to become effective 60 days from the date of filing.

A copy of this filing was served upon the Arizona Corporation Commission and Plains Electric Generation Transmission Cooperative, Inc.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before May 10, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-11518 Filed 4-28-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-468-000]

Consolidated Edison Company of New York, Inc.; Filing

April 26, 1983.

The filing Company submits the following:

Take notice that on April 18, 1983 Consolidated Edison Company of New York, Inc. ("Con Edison"), acting on behalf of itself and Public Service Electric and Gas Company ("Public Service"), tendered for filing as an initial rate schedule an agreement of interconnection between the Companies. The rate schedule provides for payment of carring charges by Con Edison on Public Service's interconnection facilities during the life of the agreement, and for payment by Public Service to Con Edison for construction and maintenance of Public Service's segment of an underwater cable that is part of the facilities.

Con Edison requests waiver of the notice requirements of § 35.3 of the Commission's regulations so that the Amendment can be made effective as of July 8, 1982.

Con Edison also filed a certificate of concurrence of Public Service and states that a copy of this filing has been served by mail upon Public Service.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 214 or 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211). All such motions or protests should be filed on or before May 11, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-11519 Filed 4-28-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-462-000]

Kansas Power and Light Co.; Filing

April 26, 1983

The filing Company submits the following:

Take notice that on April 18, 1983, the Kansas Power and Light Company (KLP) tendered for filing a newly executed renewal contract dated April 5, 1983 with the City of Minneapolis, Kansas for wholesale service to that community. KPL states that this contract permits the City of Minneapolis to receive service under rate schedule WTU-81 designated Supplement No. 9 to R.S. FERC No. 186.

KLP request and effective date of May 1, 1983, and therefor requests waiver of the Commission's notice requirements.

KPL further states that the proposed contract change provides essentially for the ten year extension of the original terms of the presently approved contract.

Copies of the filing have been mailed to the City of Minneapolis and the State Corporation Commission of Kansas.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions of protests should be filed on or before May 10, 1983. Protests will be considered by the Commission in determining the appropritate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-11521 Filed 4-28-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-254-000]

Montana-Dakota Utilities Co.; Application

April 25, 1983.

Take notice that on March 29, 1983, Montana-Dakota Utilities Co. (Applicant), 400 North Fourth Street, Bismarck, North Dakota 5850, filed in Docket No. CP83-254-000 an application pursuant to Section 7(c) of the Natural Gas Act for certificate of public convenience and necessity authorizing the storage of natural gas on behalf of certain of Applicant's suppliers and the incidental transportation of such gas pursuant to Applicant's proposed Rate Schedule S-2, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it is experiencing marketing problems which prevent it from selling all of the gas production it has under contract and, as a consequence, it is currently unable to purchase the total available volumes under gas purchase contracts with the suppliers. Applicant projects a reduction in purchases from its suppliers of approximately 44 percent below take-or-pay levels. In addition, Applicant asserts that it is unable to continue purchasing gas and reselling it to Forntier Gas Storage Company (Frontier) for storage because Frontier's existing line of credit is expected to reach its limit of $125 million as early as March 1983.

Applicant further states that a large portion of its gas supply is casinghead or residue gas. In order to maintain current levels of production of the petroleum products associated with such gas and produced from the same wells, it is asserted that the casinghead or residue gas must be produced and taken at levels consistent with takes of the associated petroleum. Applicant submits that reductions of its takes of such gas would require that both the gas and petroleum production be shut in or that the petroleum production be continued by flaring the associated gas. Applicant states that it risks the permanent loss of gas supplies to flaring for the North

Dakota Industrial Commission has approved such flaring of gas.

In order to remedy these problems, Applicant proposed to store natural gas volumes on behalf of its casinghead and residue gas suppliers until such time as Applicant can again resell the gas or until a supplier notifies Applicant that it has secured an alternate market for the gas. Applicant states that, upon receipt of such notification, Applicant would have the option to purchase said gas or to deliver the gas to the delivery point on Applicant's system designated by the supplier. Applicant proposes to store such gas for its suppliers without charge pursuant to Applicant's proposed Rate Schedule S–2. It is submitted that the transportation of gas sold to an alternate market would be transported for a rate of 20.0 cents per Mcf. Applicant proposes a contractual term for service under Rate Schedule S–2 of two years from the date of initial deliveries to Applicant for storage, and from year to year thereafter. Applicant requests that its storage authorization extend to gas injected into storage on or after February 1, 1983.

Applicant therefore seeks blanket authorization to render the proposed service because of the immediacy of the declining market for its gas, the impact on producers of Applicant's reduced purchases, Applicant's financial inability to continue purchasing the gas, and the immediate and permanent loss of gas supplies to flaring should Applicant reduce its takes of gas from its casinghead and residue gas suppliers.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 13, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–11522 Filed 4–28–83; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. EL83–18–000]

Stonington and Deer Isle Power Co.; Filing

April 26, 1983.

Take notice that on March 31, 1983, Stonington and Deer Isle Power Company ("Company") filed a petition which requests that the Commission waive its jurisdictional right with respect to Company's proposed sale of power to the Isle au Haut Electric Power Company in favor of the Maine Public Utilities Commission. Company states that its service area is small, serving an island territory off the Maine coast, and the proposed Isle au Haut transaction would reflect the equivalent of about one percent of Company's annual sales.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before May 27, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any persons wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–11523 Filed 4–28–83; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. QF83–210–000]

John W. Tosaw; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

April 26, 1983.

On March 11, 1983, John W. Tosaw, (Applicant), 1219 N. Benton Street, Aurora, Illinois, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying cogeneration facility pursuant to §·292.207 of the Commission's rules.

The topping-cycle cogeneration facility is located at the Model Laundry at Applicant's address. It consists of a reciprocating engine, generator and heat recovery equipment for hot water heating. The primary energy source is natural gas. The electric power production capacity is 50 kilowatts. Installation was completed April 1, 1983. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any persons wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–11520 Filed 4–28–83; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–2356–3]

Availability of Environmental Impact Statements Filed April 18 Through April 22, 1983 Pursuant to 40 CFR Part 1506.9

RESPONSIBLE AGENCY: Office of Federal Activities, General Information (202) 382–5075 or 382–5076.

Corps of Engineers:
EIS No. 830209, Final, COE, NC, Ararat River Flood Damage Reduction, Mount Airy, Surry County, Due: May 30, 1983.
Department of the Interior:
EIS No. 830217, Draft, BLM, CA, South Sierre Foothills Livestock Grazing Mgmt. Plan, Kern/Tulare Counties, Due: June 13, 1983.
EIS No. 830219, Final, OSM, WY, North Rochelle Mining/Reclamation Plan, Approval, Campbell County, Due: May 30, 1983.
Department of Transportation:
EIS No. 830215, Draft, FHW, CA, CA-55/Newport Boulevard Improvement, CA-1 to CA-73, Orange County, Due: July 15, 1983.
EIS No. 830212, Draft, FHW, MI, I-94/Blue Water Bridge and Plaza Improvements, St. Clair County, Due: June 13, 1983.
EIS No. 830210, Final, FHW, FL, Acosta Bridge Replacement, I-95 to Bay St., St. Johns River, Duval County, Due: May 30, 1983.
EIS No. 830214, Final, FHW, IN, US 20 Bypass Construction, US 31 to Co. Rd. 17, St. Joseph/Elkhart County, Due: May 30, 1983.
Environmental Protection Agency:
EIS No. 830213, Final, EPA, SEV, PAC, OR, WA, Columbia River Dredged Material Disposal Site, Designation, Due: May 30, 1983.
EIS No. 830221, Draft, EPA, MN, Moose Lake-Windemere WWT System, Approval/Grant, Pine and Carlton Counties, Due: June 13, 1983.
Department of Housing and Urban Development:
EIS No. 830220, Final, HUD, HI, Mililani Town Expansion, Mortgage Insurance, Honolulu County, Due: May 30, 1983.
Department of Defense, Army:
EIS No. 830211, Final USA, VA, Fort Lee Ongoing Mission, Prince George County, Due: May 30, 1983.
Department of Agriculture:
EIS No. 830218, Final, AFS, AK, Quartz Hill Molybdenum Claims, Amendments 2/3/4, Tongas National Forest, Due May 30, 1983.
Veterans Administration:
EIS No. 830216, Final VAD, FL, Florida VA National Cemetery Development, Marion and Sumter Counties, Due: May 30, 1983.
Amended Notices:
EIS No. 830147, Draft, OSM, MT, PRO Rosebud Coal Mining Operations, Comprehensive Plan, Rosebud County, published FR 3/25/83—Officially withdrawn.
EIS No. 830159, Final, USA, WA, Fort Lewis/Yakima Firing Center Ongoing Mission, Yakima/Kittias Counties, published FR 4/1/83—Review period reestablished due noncompletion of distribution, Due: June 3, 1983.

Dated: April 26, 1983.

Pasquale A. Alberico,

Action Director, Office of Federal Activities.

[FR Doc. 83-11557 Filed 4-28-83; 8:45 am]
BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Whale Communications, Inc., et al.; Hearing

Memorandum Opinion and Order

In re applications of: Whale Communications, Inc., Mt. Holly, New Jersey: Req: 1460 kHz, 5 kW, DA-D, MM Docket No. 83-392, File No. BP-821022AS; Real Life Broadcasting, Mt. Holly, New Jersey: Req: 1460 kHz, 5 kW, DA-D, MM Docket No. 83-393, File No. BP-821203AB; Rancocas Valley Broadcasting Company, Inc., Mt. Holly, New Jersey: Req: 1460 kHz, 5 kW, DA-D, File No. BP-821203AA, for construction permit; designating applications for consolidated hearing on stated issues.

Adopted: April 13, 1983.
Released: April 27, 1983.

By the Chief, Mass Media Bureau.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has before it for consideration the above-captioned mutually exclusive applications for the deleted facilities of station WJJZ, Mt. Holly, New Jersey. In addition it has before it an informal objection [1] to the Whale Communications, Inc. proposal [2] filed by Mount Holly Radio Company, a petition to return the Rancocas Valley Broadcasting Company, Inc., proposal filed by Whale, and related pleadings.

2. *The Mount Holly petition.* Mount Holly asserts that its application is the only legitimate proposal for Mt. Holly before the Commission: that it was protected from competing applications by virtue of having passed a November 5, 1981 cut-off date. Mount Holly's assertion is not correct. In February, 1975, Mount Holly filed a proposal for the facilities of station WJJZ mutually exclusive with the then-licensee's renewal request. This application was amended during the course of the comparative renewal proceeding to specify a new frequency (640 kHz) and was removed from hearing status and returned to the processing line as a result, *West Jersey Broadcasting Company (WJJZ),* FCC 81M-2955 (Administrative Law Judge 1981). As a new proposal, the amended Mount Holly application lost the cut-off and technical protection it had enjoyed with respect to WJJZ's facilities, a loss which Mount Holly's pleading totally fails to acknowledge. While Mount Holly faults us for accepting the above applications and for allegedly allowing them to interfere improperly with its proposed operation, Mount Holly's 640 kHz application is in fact a proposed second to the community, the first being the service on 1460 kHz provided previously by WJJZ and ultimately by the applicant prevailing in this proceeding. To the extent that compliance with our technical requirements must be established, Mount Holly, the newcomer, bears the burden of proof.[3]

3. *The Rancocas Valley proposal.* That the Rancocas Valley proposal does not comply with § 73.3513 of our Rules is undisputed. Contrary to the requirements of that section, the application was signed by the attorney for a corporate officer rather than by the officer himself.[4] It is true, as Rancocas Valley maintains, that we have at times permitted amendments correcting faulty signatures. However, the factors governing our decision in those cases—namely an application substantially complete when filed and surrounding circumstances creating equities favoring acceptance—are conspicuously absent here. See *e.g. Communication Gaithersburg, Inc.,* 60 FCC 2d 537 (1976); *Payvision Communications,* 47 FR 56907 (Mass Media Bureau 1982). With respect first to the contents of Rancocas Valley's proposal, the application before us addresses only four of ten questions concerining the parties to the proposal, omitting entirely all information about their other broadcast interests and about the ownership and control of the applicant itself. Furthermore, the application does not include a certification as to the applicant's financial qualifications. A significant portion of the application form, the missing data is essential to a threshold showing of legal qualification to be a Commission licensee. Certainly no application can be considered substantially complete without it.

4. As for the equities of the situation, Rancocas Valley justifies its use of a power of attorney as reflecting its principal's anticipated absence from the community and possibly the country. It does not indicate that the principal was in fact unable to sign the proposal when completed,[5] though, and provides as

[1] Mount Holly's pleading has been considered as an informal objection because of its lack of formal standing.

[2] While directed to the Whale application, the pleading is applicable to all of the proposals considered here.

[3] Whether Mount Holly has met this burden is a question properly addressed in connection with our examination of its 640 kHz proposal.

[4] That the attorney was acting pursuant to a power of attorney is of no consequence in this context, as the representations certified by the signature are personal to and binding upon the applicant itself.

[5] We take Rancocas Valley's proposed corrective amendment, which bears the principal's signature and the date of original submission, to represent its understanding of a *nunc pro tunc* acceptance rather than the availability of its principal at that time.

well no explanation as to why one of the corporation's three other officers could not sign the proposal in his place. We are left then with an application patently not in accord with our rules and regulations and with no basis for waiver of our rules to permit its acceptance subject to amendment. Rancocas Valley's request that we accept a proposed ameliorative amendment will therefore be denied and, pursuant to § 73.3566 of our Rules, the proposal dismissed.

5. As indicated above, the applicants are qualified to construct and operate as proposed. Since the proposals are mutually exclusive, however, they must be designated for hearing in a consolidated proceeding on the issues specified below.

6. Accordingly, *it is ordered*, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, to the applications *are designated for hearing in a consolidated proceeding*, to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine which of the proposals would, on a comparative basis, better serve the public interest.

2. To determine, in light of the evidence adduced pursuant to the foregoing issue, which of the applications should be granted.

7. *It is further ordered*, That the petition to return application filed by Whale Communications, Inc., *is granted*, and the application of Rancocas Valley Broadcasting Company, Inc., *is dismissed*.

8. *It is further ordered*, That the informal objection filed by Mount Holly Radio Company, *is denied*.

9. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for hearing and to present evidence on the issues specified in this Order.

10. It is further ordered, That, the applicants herein shall, pursuant to Section 311(a)(2) of the Communication Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communication Commission.

Larry D. Eads,

Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 83-11515 Filed 4-28-83; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket No. 83-396; File No. BPH-810223AD, et al.]

Leflore-Dixie, Inc. et. al.; Applications for Consolidated Hearing

Hearing Designation Order

In re applications of Leflore-Dixie, Inc., Greenwood, Mississippi: Req: 99.1 MHz, Channel 256C, 100 kW (H&V), 220 feet, MM Docket No. 83-396, File No. BPH-810223AD; Mid-Delta Boradcasting, Inc., Greenwood, Mississippi: Req: 99.1 MHz, Channel 256C, 100 kW (H&V) 220 feet, MM Docket No. 83-397, File No. BPH-810511AC; Ronnie J. Grantham, Greenwood, Mississippi: Req: 99.1 MHz, Channel 256C, 100 kW (H&V) 220 feet, MM Docket No. 83-398, File No. BPH-810511AE; East Delta Communications, Inc., Greenwood, Mississippi: Req: 99.1 MHz, Channel 256C, 100 kW (H&V) 220 feet, MM Docket No. 83-399, File No. BPH-810522AP; for construction permit for a new FM station; and Leflore-Dixie, Inc., Greenwood, Mississippi: Req: 1540 KHz, 1 kW, D, MM Docket No. 83-400, File No. BP-810312AE; Mid-Delta Broadcasting, Inc., Greenwood, Mississippi: Req: 1540 KHz, 1kW, D, MM Docket No. 83-401, File No. BP-810511AN; Ronnie J. Grantham, Greenwood, Mississippi: Req: 1540 KH, 1kW, D, MM Docket No. 83-402, file No. BP-810511AR; for construction permit for a new AM station; designating applications for consolidated hearing on stated issues.

Adopted: April 15, 1983.
Released: April 22, 1983.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications filed by Leflore-Dixie, Inc., (Leflore), Mid-Delta Broadcasting, Inc. (Mid-Delta), and Ronnie J. Grantham, (Grantham) for new FM and AM broadcast stations, and the application of East Delta Communications, (East Delta) Inc. for a new FM Station at Greenwood, Mississippi, These applications are being consolidated in a single proceeding.

2. *Leflore.* Leflore seeks to amend its AM and FM applications [1] to report its preference to operate the FM facility in the event the Administrative Law Judge determines that one applicant may not be awarded the authority to operate both the FM and the AM stations. Leflore states that the amendment will not prejudice the rights of any of the parties and therefore should be accepted. East Delta, in its opposition to petition for leave to amend, states that the amendment is either irrelevant or may be intended to improve Leflore's position relative to the other applicants. Leflore states in its reply that the Commission, in *Webster-Baker Broadcasting, Co.*, 45 RR 2d 725 (1979), endorsed the use of preference selection between AM or FM when concurrent competing applications had been filed for both facilities. Leflore, therefore, contends that in accordance with *Webster-Baker*, it should as a matter of right, be allowed to designate its preference for the FM station. In *Webster-Baker*, the Commission held that a presiding Administrative Law Judge, after taking the particular circumstances of the case into account, could, if he choose, require those applicants applying for both AM and FM facilities to indicate a preference for either facility. Whether an election of an AM or FM preference was to be allowed was clearly left to the descretion of the presiding Administrative Law Judge. Thus, election prior to a pre-hearing conference would appear premature. Accordingly, Leflore's petition for leave to amend will be denied, without prejudice to later resubmission to the Administrative Law Judge.

3. *Mid-Delta.* Mid-Delta seeks to amend its AM and FM applications to report: (i) The reduction in the number of stockholders from five to three; (ii) the integration of ownership and mangement by all three stockholders; (iii) the name and address of its engineering counsel; (iv) the submission of the certified by-laws of the corporation; (v) the business and financial interests of its principals; and (vi) the proposed number of employees. The "B" cut-off date for minor amendments as a matter of right was June 26, 1981 for the AM applications and March 12, 1982 for the FM applications. While timely filing its FM amendments, Mid-Delta filed its AM amendments late. As pointed out in Grantham's opposition to the acceptance of the amendments, the FM amendments were not filed in compliance with § 73.3513(a)(3) of the Commission's Rules because they were not signed by an officer of Mid-Delta and, therefore, will not be accepted.

4. On August 18, 1981, Mid-Delta filed a petition for leave to amend its application for a new AM station seeking to show that one of its stockholders, Dr. E. A. Boykins, would devote 25 hours to the proposed station. Leflore-Dixie opposes the amendment

[1] These amendments were filed after the B cut-off date for amendments as a matter of right had passed for the FM and AM applications.

contending that the integration plan significantly alters Mid-Delta's comparative standing and therefore should not be allowed. Since Dr. Boykins has withdrawn as a shareholder from the corporation, this matter is now moot.

5. Applicants for new broadcast stations are required by § 73.3580(f) of the Commission's Rules to give local notice of the filing of their applications. We have no evidence that Mid-Delta published the required notice. To remedy this deficiency, Mid-Delta must publish local notice, if it has not already done so, and so inform the presiding Administrative Law Judge within 30 days of tier release of this Order.

6. *Grantham.* Grantham has filed petitions for leave to amend which seek to amend his AM application to report that he has moved from Sallis, Mississippi, to Greenwood, Mississippi and that he is in the process of setting up a recording and production studio in Greewood.[2] Leflore opposes acceptance of the amendments on the grounds that they would enhance Grantham's comparative standing due to the merit awarded for local residence. Leflore also asserts Grantham's change of occupation from timber broker to production activity might also serve to enhance his comparative standing. Leflore asserts that if Grantham is allowed to amend, it should be allowed solely for the purpose of compliance with § 1.65 and that no consideration be allowed to accrue for comparative purposes. Grantham contends that acceptance of the amendment is permissible under *Town and County Radio, Inc.*, 41 RR 2d 627 (A.L.J. 1977). There an applicant was allowed to amend its application after hearing designation to show that it had sold its AM station, in the same community as the proposed FM station, which eliminated the prospect of joint ownership. The amendment was accepted even though a comparative advantage accrued because of the diverstiture. The Administrative Law Judge reasoned that sufficient action had been taken prior to designation to permit acceptance of the amendment. This action consisted of informing the Commission that the applicant would divest itself of its AM station if the FM application was granted, as well as having filed an assignment application for the AM station with the Commission. The ALJ also found that the rationale for denial of post-designation amendment—that such amendments stimulate similar amendments by the competing applicants and therefore delay finalization of the applications and the hearing—was not present in that case since it was unlikely that the proffered amendment would trigger further amendments causing delay. We do not find the facts analogous to the instant case. Grantham has not show that he took diligent action to appraise the Commission prior to designation that he was planning to procure a resident in Greenwood, Mississippi. More importantly, there is a likelihood that acceptance of this amendment would indeed stimulate similiar amendments by the competing applicants which would delay finalization of the applications and the hearing. We find the facts more closely resemble the situation in *Redding Broadcasting Co.*, 41 RR 2d 925 (A.L.J. 1977). There, an applicant sought to amend its application after the designation date to show that two major principals, who had an aggregate of 82 percent of the stock, had moved to the proposed city of license. The applicant argued that the change in residence occurred prior to designation so that any comparative advantage accruing there from would not be barred. The ALJ denied the petition for leave to amend and found that a comparative advantage would accrue. We will deny the petitions for leave to amend the AM application. However, the amendments will be accepted for § 1.65 purposes but no comparative advantage will accrue thereby. *Cypress Communications, Inc.*, 47 RR 2d 132 (1980).

7. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive they must be designated for hearing in a consolidated proceeding.

8. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine which of the proposals would, on a comparative basis, best serve the public interest.

2. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

9. It is further ordered, That Leflore-Dixie, Inc.'s petition for leave to amend its AM and FM applications is denied.

10. It is further ordered, That the petition for leave to amend filed by Mid-Delta for its AM and FM applications is denied.

11. It is further ordered, That Mid-Delta Broadcasting, Inc. shall inform the presiding Administrative Law Judge as to whether it has complied with the public notice requirements of § 73.3580(f) of the Commission's Rules.

12. It is further ordered, That Ronnie J. Grantham's petitions for leave to amend is denied to the extent indicated above.

13. It is further ordered, That to avail themselves of the opportunity to be heard, the applicants herein, shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

14. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594(g) of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communication Commission.

Larry D. Eads,

Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 83-11511 Filed 4-28-83; 8:45 am]

BILLING CODE 6712-01-M

[2] The AM amendments were submitted after the June 26, 1981, deadline for amendments as of right had passed.

FEDERAL MARITIME COMMISSION

Item Submitted for OMB Review

The Federal Maritime Commission hereby gives notice that the following item has been submitted to OMB for review pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C 3501, et seq.). Interested parties may obtain a copy of the item and the justifications submitted from Ronald D. Murphy, Agency Clearance Officer, Federal Maritime Commission, 1100 L Street, N.W., Room 9305, Washington, D.C., 20573, telephone number (202) 523-5326.

Requests for information, including copies of the collection of information and supporting documentation, may be addressed to the Agency Clearance Officer. Comments may be submitted to the Office of Information and Regulatory Affairs of the Office of Management and Budget, Attention: Desk Officer for Federal Maritime Commission, within 15

days after the date of the **Federal Register** in which this notice appears.

Summary of Item Submitted for OMB Review

46 CFR Part 543—Financial Responsibility for Oil Pollution (Alaska Pipeline) (General Order 37) and Related Forms FMC–224P, FMC–11P, and FMC–244P

General Order 37 is the Commission's regulation to implement subsection (c) of Section 204 of the Trans-Alaska Pipeline Authorization Act. The Order requires the operator of any vessel transporting Trans-Alaska Pipeline Oil subject to Section 204 to obtain and carry on board the Vessel a Certificate of Financial Responsibility (Alaska Pipeline) in order to load oil at the pipeline terminal for carriage to any U.S. port, or to participate in the carriage of such oil before it has been off-loaded ashore at a United States port. General Order 37 and the related forms are used to determine vessel operators' financial responsibility for all damages including cleanup costs sustained by any person or entity, public or private, resulting from discharges of oil from their vessels.

The Commission estimates the annual respondents and annual manhours at 230 and 60, respectively. The respondents and manhours have been apportioned among the requirements as follows:

Agency Form No.	Estimated annual respondents	Estimated annual manhours
46 CFR 543 (G.O. 37)	164	41
FMC–224P	10	5
FMC–11P	40	10
FMC–244P	16	4

Total estimated annual cost to the government is $47,625.

Francis C. Hurney,

Secretary.

[FR Doc. 83–11454 Filed 4–28–83; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Acquisition of Bank Shares by Bank Holding Companies Credit and Commerce American Holdings

The companies listed in this notice have applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire additional voting shares of a bank. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated. With respect to the application, interested persons may express their views in writing to the address indicated. Any comment on the application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Credit and Commerce American Holdings,* N.V., Willemstad, Netherlands Antilles; Credit and Commerce American Investment, B.V., Amsterdam, Netherlands; First American Corporation, Washington, D.C.; First American Bankshares, Inc., Washington, D.C.; which already, directly or indirectly own 36.6 percent of the shares of Valley Fidelity Bank and Trust Company, Knoxville, Tennessee ("Bank"), to acquire the additional 63.4 percent of the shares of Bank. Comments on this application must be received not later than May 25, 1983.

Board of Governors of the Federal Reserve System, April 25, 1983.

William W. Wiles,

Secretary of the Board.

[FR Doc. 83–11421 Filed 4–28–83; 8:45 am]

BILLING CODE 6210–01–M

Bank Holding Companies; Notice of Proposed de novo Nonbank Activities; Philadelphia National Corp.

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. **Federal Reserve Bank of Philadelhia** (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *Philadelphia, National Corporation,* Philadelphia, Pennsylvania (mortgage activities; Kansas and Missouri): Proposes to engage through its subsidiary, Colonial Mortgage Service Company Associates, Inc., a corporation having its principal office in Philadelphia, Pennsylvania, in the origination of FHA, VA and conventional residential mortgage loans and second mortgage loans at a proposed new office of Colonial Mortgage Service Company Associates, Inc. located within a three mile radius of the intersection of College Boulevard and Metcalf Street, Overland Park, Johnson County, Kansas. This office will serve the States of Kansas and Missouri and primarily in the Counties of Wynadotte, Johnson, Douglas and Leavenworth in Kansas and Jackson, Kass, Clay and Platte in Missouri. Comments on this application must be received not later than May 25, 1983.

2. *Philadelphia National Corporation,* Philadelphia, Pennsylvania (mortgage activities, California and Nevada): Proposes to engage through its subsidiary, Colonial Associates, Inc., a corporation having its principal office in San Diego, Califorina, in the origination of FHA, VA and conventional residential mortgage loans and second mortgage loans at a proposed new office of Colonial Associates, Inc. located within a three mile radius of the intersection of Mill and Vassar Streets, Reno, Nevada. This office will service the States of Nevada and California and primarily in the counties of Washoe, Douglas and Carson in Nevada and Placer and El Dorado in Califorina. Comments on this application must be received not later than May 25, 1983.

B. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104

Marietta Street, N.W., Atlanta, Georgia 30303:

1. *United Bank Corporation,* Barnesville, Georgia (mortgage banking, leasing, loan servicing, computer services; Georgia): To engage through a *de novo* subsidiary in mortgage banking activities, including the extension of direct loans to consumers and commercial borrowers secured by mortgages and the resale of mortgages to government agencies and other investors; commercial leasing of personal property; servicing loans, both commercial and consumer, for subsidiary banks and others; and providing computer services to subsidiaries and others as allowed by applicable regulations. These activities would be conducted from an office in Barnesville, Georgia servicing Crawford, Lamar, Pike and Spalding Counties, Georgia. Comments on this application must be received not later than May 25, 1983.

C. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Northwest Bancorporation,* Minneapolis, Minnesota (sale of travelers checks; Alabama, Arizona, California, Colorado, Connecticut, Florida, Hawaii, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Massachusetts, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Washington, and Wyoming): To engage through its subsidiary Dial Corporation ("Dial") or its designated consumer finance subsidiaries, in the offering for sale and the sale of travelers checks. These activities would be conducted from branch offices of Dial or its subsidiaries located in the above designated states, each office serving its respective state. Comments on this application must be received not later than May 19, 9183.

Board of Governors of the Federal Reserve Systen, April 25, 1983.

William W. Wiles,

Secretary of the Board.

[FR Doc. 83-11422 Filed 4-28-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies; Central Shares, Inc.

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Central Shares, Inc.,* Lebanon, Missouri; to become a bank holding company by acquiring 70 percent of the voting shares of Central Bank, Lebanon, Missouri. Comments on this application must be received not later than May 25, 1983.

B. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Northern Wisconsin Bank Holding Company, Inc.,* Laona, Wisconsin; to become a bank holding company by acquiring 80 percent of the voting shares of Laona State Bank, Laona, Wisconsin. Comments on this application must be received not later than May 25, 1983.

C. **Board of Governors of the Federal Reserve System** (William W. Wiles, Secretary) Washington, D.C. 20551:

1. *Hays State Bankshares, Inc.,* Wichita, Kansas; to become a bank holding company by acquiring 92.5 percent of the voting shares of Hays State Bank, Hays, Kansas. This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Kansas City. Comments on this application must be received not later than May 25, 1983.

Board of Governors of the Federal Reserve System, April 25, 1983.

William W. Wiles,

Secretary of the Board.

[FR Doc. 83-11420 Filed 4-28-83; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Advisory Committee; Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a)(1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meeting is announced:

Pulmonary-Allergy Drugs Advisory Committee

Date, time, and place. May 13, 8 a.m., Conference Rm. 10, Bldg. 31, National Institutes of Health, 9000 Rockville Pike, Bethesda, MD.

Type of meeting and contact person. Open committee discussion, 8 a.m. to 11 a.m.; open public hearing, 11 a.m. to 12 m.; open committee discussion, 12 m. to 4 p.m.; Conrad J. Ledet, National Center for Drugs and Biologics (HFN-160), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3500. If any special arrangements or accommodations are needed, contact Mr. Ledet by May 6.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of marketed and investigational prescription drugs for use in the treatment of pulmonary disease and diseases with allergic and/or immunologic mechanisms.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. The committee with discuss whether metaproterenol metered dose inhalers should continue to be marketed over-the-counter (OTC). The committee will also discuss sulfiting agents used as antioxidants in drug products and the pharmacokinetics and labeling of sustained release theophylline preparations.

As part of the OTC Drug Review proceeding on Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drug Products, the agency proposed that metaproterenol sulfate as a pressurized, metered dose inhalation aerosol be classified as safe and effective for OTC use (tentative final monograph for OTC Bronchodilator Drug Products; 47 FR 47520; October 26, 1982). FDA's Pulmonary-Allergy Drugs Advisory Committee's discussion and conclusions regarding such products will be considered by the agency in its preparation of the final monograph on OTC bronchodilator drugs.

FDA is not providing the usual 15-day advance notification of the May 13 meeting of the Pulmonary-Allergy Drugs Advisory Committee because it is the Commissioner of Food and Drugs' judgment that it would be inappropriate to delay the committee's deliberation on the subject of the continued OTC marketing of metaproterenol metered dose inhalers. This judgment was made because FDA gas received a number of public comments alleging that there is a potential hazard due to OTC marketing of metaproterenol metered dose inhalers. These comments claim that, because of the possibility that this drug may be abused, it continued availability without a prescription may encourage some asthmatics to delay seeking needed medical advice.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be requested from the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

Dated: April 27, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83–11706 Filed 4–28–83; 10:49 am]

BILLING CODE 4160–01–M

[Docket No. 83M–0123]

American Optical Corp.; Premarket Approval of Softicon® (Vifilcon A) Contact Lens

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application for premarket approval under the Medical Device Amendments of 1976 of the Softcon® (vifilcon A) Contact Lens, sponsored by American Optical Corp., Framingham, MA. After reviewing the recommendation of the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, FDA notified the sponsor that the application was approved because the device had been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by May 31, 1983.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Charles H. Kyper, National Center for Devices and Radiological Health (HFK—402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7445.

SUPPLEMENTARY INFORMATION: On April 1, 1982, American Optical Corp., Framingham, MA, submitted to FDA an application for premarket approval of the Softcon® (vifilcon A) Contact Lens for aphakic extended wear. The lens is available in powers of +8.00 to +18.00 diopters, and is indicated for the correction of visual acuity in aphakic patients with nondiseased eyes who may have no more than 2.00 diopters of astigmatism. The lens is to be disinfected using chemical disinfection systems. The application was reviewed by the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, an FDA Advisory committee, which recommended approval of the application. On March 31, 1983, FDA approved the application by letter to the sponsor from the Associate Director for Device Evaluation of the Office of Medical Devices.

Before enactment of the Medical Device Amendments of 1976 (the amendments) (Pub. L. 94–295, 90 Stat. 539–583), soft contact lenses and solutions were regulated as new drugs. Because the amendments broadened the definition of the term "device" in section 201 (h) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321 (h)), soft contact lenses and solutions are now regulated as class III devices (premarket approval). As FDA explained in a notice published in the **Federal Register** of December 16, 1977 (42 FR 63472), the amendments provide transitional provisions to ensure continuation of premarket approval requirements for class III devices formerly regulated as new drugs. Furthermore, FDA requires, as a condition to approval, that sponsors of applications for premarket approval of soft contact lenses or solutions comply with the records and reports provisions of Part 310 (21 CFR Part 310), Subpart D, until these provisions are replaced by similar requirements under the amendments.

A summary of the safety and effectiveness data on which FDA's approval is based is on file with the Dockets Management Branch (address above) and is available upon request from that office. A copy of all approved final labeling is available for public

inspection at the Office of Medical Devices—contact Charles H. Kyper (HFK–402), address above. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

The labeling for the approved contact lens states that the lens is to be used only with chemical disinfecting systems. The restrictive labeling informs new users that they must avoid using certain products, such as solutions intended for use with hard contact lenses. However, the restrictive labeling needs to be updated periodically to refer to new lens solutions that FDA approves for use with approved soft contact lenses. A sponsor who fails to update the restrictive labeling may violate the misbranding provisions of section 502 of the act (21 U.S.C. 352) as well as the Federal Trade Commission Act (15 U.S.C. 41–58), as amended by the Magnuson-Moss Warranty-Federal Trade Commission Improvement Act (Pub. L. 93–637). Furthermore, failure to update restrictive labeling to refer to new solutions that may be used with an approved lens may be grounds for withdrawing approval of the application for the lens under section 515(e)(1)(F) of the act (21 U.S.C. 360e(e)(1)(F)). Accordingly, whenever FDA publishes a notice in the **Federal Register** of the agency's approval of a new solution for use with an approved lens, the sponsor of the lens shall correct its labeling to refer to the new solution at the next printing or at any othere time FDA prescribes by letter to the sponsor.

Opportunity for Administrative Review

Section 515(d)(3) of the act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issues to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before May 31, 1983, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may by seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 22, 1983.

William F. Randolph

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-11430 Filed 4-28-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 83F-0121]

Ciba-Geigy Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Ciba-Geigy Corp. has filed a petition proposing to amend the food additive regulations to provide for the safe use of ethylenebis(oxyethylene) bis(3-*tert*-butyl-4-hydroxy-5-methylhydrocinnamate) as a stabilizer for adhesives and polymers, except olefin-type polymers.

FOR FURTHER INFORMATION CONTACT: Blondell Anderson, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5740.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 3B3713) has been filed by Ciba-Geigy Corp., Three Skyline Drive, Hawthorne, NY 10532, proposing that § 175.105 *Adhesives* (21 CFR 175.105), Part 175—Indirect Food Additives: Adhesive Coatings and Components (21 CFR Part 175); Part 176—Indirect Food Additives: Paper and Paperboard Components (21 CFR Part 176); Part 177—Indirect Food Additives: Polymers (21 CFR Part 177); Part 178—Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers (21 CFR Part 178); Part 179—Irradiation in the Production, Processing and Handling of Food (21 CFR Part 179); and Part 181—Prior-Sanctioned Food Ingredients (21 CFR Part 181), be amended to provide for the safe use of ethylenebis(oxyethylene) bis(3-*tert*-butyl-4-hydroxy 5-methylhydrocinnamate) as a stabilizer for adhesives and polymers, except olefin-type polymers.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: April 21, 1983.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 83-11426 Filed 4-28-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 82D-0369]

Draft Revised Guideline for Drug Combinations for Use in Animals; Notice of Availability

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft revised "Guideline for Drug Combinations for Use in Animals" prepared by the Bureau of Veterinary Medicine (BVM). The revised guideline describes the type of data required to establish effectiveness of drug combinations. The revision provides for deletion of the requirements for titrating the optimum levels and establishing effective ranges for drugs intended to improve animal productivity. Interested persons may submit written comments on the revised guideline.

DATE: Submit comments on or before May 31, 1983.

ADDRESS: The draft revised guideline is available for public examination at, written comments may be submitted to, and requests for single copies may be sent to, the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Richard P. Lehmann, Bureau of Veterinary Medicine (HFV–120), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3134.

SUPPLEMENTARY INFORMATION: The Federal Food, Drug, and Cosmetic Act (the act) requires that a new animal drug be the subject of an approved new animal drug application (NADA) before it may be marketed. Section 512(b)(1) of the act (21 U.S.C. 360(b)(1)) requires that each NADA include full reports in investigations showing that the drug is safe and effective for use. If the drug is a combination of two or more active drug ingredients, 21 CFR 514.1(b)(8)(v) requires the submission of studies that demonstrate that each such ingredient makes a contribution, i.e., that the combination is better than each ingredient individually.

On September 5, 1978, BVM adopted a "Guideline for Drug Combinations for Use in Animals" that describes in detail the type of data required to establish the effectiveness and safety of new animal drug combinations. The revised guideline provides for deletion of the previously existing requirement of establishing, in studies conducted with the combinations, the optimum levels or the effective ranges of active drug ingredients that are indicated for improving animal productivity (e.g., increased rate of weight gain, improved feed efficiency, and increased production of milk or eggs). This provision will apply where the optimum levels or effective ranges of the individual drugs have been established separately in approved applications or by the National Academy of Sciences/ National Research Council (NAS/NRC) Drug Effectiveness Study Implemenation (DESI) review.

This notice of availability is issued under § 10.90(b) (21 CFR 10.90(b)), which provides for use of guidelines to establish procedures of general applicability that are not legal requirements but are acceptable to the agency. Sponsors may rely upon the guideline with the assurance that it represents procedures acceptable to the agency. (See 21 CFR 10.90.) Of course, if a sponsor believes that alternative procedures are also applicable, the guideline does not preclude a sponsor from pursuing the alternative procedures. Under such circumstances, however, the agency encourages sponsors to discuss the propriety of the alternative procedures in advance with FDA to prevent the expenditure of money and effort on activity that may later be found to be unacceptable.

The guideline is available for public examination at, and requests for single copies may be sent to, the Dockets Management Branch (address above).

Interested persons may, on or before May 31, 1983, submit written comments on the guideline to the Dockets Management Branch. Such comments will be considered in determining further revisions of the guideline. Respondents should submit two copies (except that individuals may submit single copies) identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Dockets Management Branch from 9 a.m. to 4 p.m., Monday through Friday.

Dated: April 25, 1983.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-11435 Filed 4-28-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 83F-0088]

Eastman Kodak Co.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Eastman Kodak Co. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of ethylene-1,4-cyclohexylene dimethylene terephthalate copolymer intended for use in contact with alcoholic food and beverages.

FOR FURTHER INFORMATION CONTACT: Marvin D. Mack, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5740.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 3B3693) has been filed by Eastmen Kodak Co., Eastman Chemicals Division, Kingsport, TN 37662, proposing that § 177.1315 *Ethylene-1, 4-cyclohexylene dimethylene terephthalate copolymer* (21 CFR 177.1315) be amended to provide for the safe use of ethylene-1, 4-cyclohexylene dimethylene terephthalate copolymer intended for use in contact with alcoholic food and beverages.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: April 21, 1983.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 83-11427 Filed 4-28-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 83N-0114; DESI 11159]

Ergotamine Tartrate With Cyclizine Hydrochloride and Caffeine; Drugs for Human Use; Drug Efficacy Study Implementation; Withdrawal of Approval of New Drug Application

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice withdraws approval of the new drug application for Migral Tablets (NDA 11-159) containing ergotamine tartrate, cyclizine hydrochloride, and caffeine. Approval is withdrawn because the combination drug product lacks substantial evidence of effectiveness for its labeled indications. The product has been used for the treatment of vascular headache.

EFFECTIVE DATE: May 31, 1983.

ADDRESS: Requests for an opinion of the applicability of this notice to a specific product should be identified with the reference number DESI 11159 and directed to the Division of Drug Labeling Compliance (HFN-310), National Center for Drugs and Biologics, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Margery C. Erickson, National Center for Drugs and Biologics (HFN-8), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3650.

SUPPLEMENTARY INFORMATION: In a notice of opportunity for hearing (formerly Docket No. FDC-D-680) published in the **Federal Register** of January 4, 1974 (39 FR 1093), the Food and Drug Administration (FDA) proposed to withdraw approval of the new drug application for Migral Tablets on the ground that the product lacks substantial evidence of effectiveness as a combination drug as required by 21 CFR 300.50 (formerly 21 CFR 3.86). In response to the notice, Burroughs Wellcome, the holder of the new drug application for Migral, requested a hearing.

Burroughs Wellcome has since informed FDA that it no longer markets Migral and has withdrawn its request for a hearing. Accordingly, approval of the following new drug application is now being withdrawn:.

NDA 11-159; Migral Tablets containing ergotamine tartrate, cyclizine hydrochloride, and caffeine; Burroughs

Wellcome and Co., Inc., 3030 Cornwallis Rd., Research Triangle Park, NC 27709.

Any drug product that is identical, related, or similar to the drug product named above and is not the subject of an approved new drug application is covered by the new drug application reviewed and is subject to this notice (21 CFR 310.6). Any person who wishes to determine whether a specific product is covered by this notice should write to the Division of Drug Labeling Compliance (address given above).

The Director of the National Center for Drugs and Biologics, under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–1053 as amended (21 U.S.C. 355)), and under the authority delegated to him (21 CFR 5.82 and 47 FR 26913 published in the **Federal Register** of June 22, 1982), finds, on the basis of new information before him with respect to the drug product, evaluated together with the evidence available to him when the application was approved, that there is a lack of substantial evidence that the product will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

Therefore, pursuant to the foregoing finding, approval of NDA 11–159 and all its amendments and supplements is withdrawn effective May 31, 1983. Shipment in interstate commerce of the above product or any identical, related, or similar product that is not the subject of an approved new drug application will then be unlawful.

Dated: April 25, 1983.

Harry M. Meyer, Jr.,

Director, National Center for Drugs and Biologics.

[FR Doc. 83-11431 Filed 4-28-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 81N-0228]

Travenol Laboratories, Inc.; Seal-Less Centrifugal Automated Blood Cell Separator; Denial of Petition for Reclassification

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is issuing an order denying a petition submitted by Travenol Laboratories, Inc., Deerfield, IL 60015, to reclassify from class III (premarket approval) into class II (performance standards) its seal-less centrifugal automated blood cell separator, as a category of device separate from all other types of automated blood cell separators.

FOR FURTHER INFORMATION CONTACT: Sharon Risso, National Center for Drugs and Biologics (HFN–825), Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205, 301–443–5433.

SUPPLEMENTARY INFORMATION: On January 19, 1981, Travenol Laboratories, Inc., Deerfield, IL 60015, submitted to FDA, under section 513(e) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360c(e)) and § 860.130 (21 CFR 860.130) of the regulations, a petition to reclassify from class III into class II its seal-less centrifugal automated blood cell separator, as a category of device separate from all the other automated blood cell separators that have been classified into class III (21 CFR 864.9245). FDA referred the petition to the Hematology and Pathology Device Section (the Section) of the Clinical Chemistry and Hematology Devices Panel. The Section discussed the petition during an open public meeting on April 20, 1981. After considering the information contained in the petition and the presentations made at the meeting, the Section determined that the seal-less feature of Travenol's device does not make it significantly less hazardous than any other type of automated blood cell separator. The Section recommended that Travenol's seal-less centrifugal automated blood cell separator not be reclassified from class III into class II as a category of device separate from the other devices of the generic type identified in § 864.9245. As an additional finding, the Section recommended that FDA reclassify from class III into class II all automated blood cell separators (including the petitioner's seal-less type device) intended for donor procedures but that this reclassification not take effect until a performance standard for the device is effective. Thus, the Section recommended that FDA deny the petition to reclassify into class II the seal-less centrifugal automated blood cell separator as a category of device separate from the other devices in § 864.9245 and that the petitioner's device remain in class III. The transcript of the April 20, 1981 open public meeting is available upon request at the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

In the **Federal Register** of September 22, 1981 (46 FR 46838), FDA published a notice that announced the Section's recommendations on the seal-less centrifugal automated blood cell separator and provided a period of 30 days for interested persons to submit written comments to FDA. The notice contained a summary of the data on which the Section's recommendation was based.

In response to the September 22, 1981 notice, FDA received comments from Travenol Laboratories, Inc. (the petitioner), another manufacturer of blood cell separators, and a blood bank. The following is a summary of these comments and FDA's responses to them.

1. The petitioner noted that during the public meeting of the Section on April 20, 1981, both the favorable and unfavorable information on automated blood cell separators was discussed. The petitioner stated that the data presented in the notice concentrated principally on the negative information about these devices.

FDA acknowledges that the summary does not reflect all the information presented at the meeting. The Section's recommendation that the device remain in class III was expressly based on the known risks of blood cell separators and the lack of evidence that a seal-less feature would decrease those risks. Because of the volume of information discussed, only data directly related to those risks were included in the notice. Persons interested in reviewing all of the information presented at the meeting should obtain a copy of the transcript of the meeting from the Dockets Management Branch (address above).

2. The petitioner suggested that the final order based on its petition be expanded to include the reclassification from class III into class II of an automated blood cell separators for donor procedures.

FDA disagrees with this comment. The petition considered by FDA and the Section requested reclassification of only the seal-less centrifugal automated blood cell separator. FDA believes that the petition provided insufficient information regarding the other devices identified in § 864.9245 for FDA to determine whether all devices of that generic type should be reclassified.

3. Two comments, including a comment from the petitioner, agreed with the Section's additional recommendation that automated blood cell separators intended for therapeutic purposes remain in class III.

FDA agrees with these comments because insufficient information exists to establish a performance standard to assure the safety and effectiveness of these devices for therapeutic uses.

4. The petitioner agreed with the Section's recommendation that all automated blood cell separators intended for donor procedures should be reclassified from class III to class II.

However, the petitioner disagreed with the Section's additional recommendation that such reclassification not take effect until a performance standard for these devices is effective. The petitioner stated that it is discriminatory to require a performance standard to be in effect prior to the effective date of reclassification of the petitioner's device, considering all the other devices already classified into class II for which no performance standards are in effect.

FDA disagrees with the petitioner. FDA is authorized both to make reclassification effective on the effective date of a performance standard and to set priorities among class II devices for adopting performance standards. Setting a high priority for developing a performance standard for a certain device based upon public health considerations or requiring that a performance standard be in place before reclassification takes effect does not constitute discrimination. However, in this case FDA no longer believes reclassification is appropriate. In the notice of September 22, 1981, FDA stated that it agreed with the Section's additional findings and would reclassify automated blood cell separators intended for donor procedures into class II upon the effective date of a performance standard for these devices. After re-evaluating all available data, including the information presented in the petition and at the Section meeting, and the comments received, FDA is withdrawing its stated intent to reclassify into class II the generic device intended for donor procedures upon the effective date of a performance standard for the device. Section 513(e) of the act (21 U.S.C. 360c(e)) and 21 CFR 860.7 and 860.123 requires that there be new valid scientific evidence to suport the reclassification of a device FDA has concluded that it does not have available to it sufficient new information on all blood cell separators to develop a performance standard that will assure safety and effectiveness of these devices. FDA believes further that the seal-less feature of the petitioner's device does not make it less hazardous than any other type of automated blood cell separator. Therefore, FDA does not intend to initiate reclassification of the device and the question of whether to delay the effective date of reclassification is moot.

5. Two comments agreed with the recommendations of the Section that the petitioner's seal-less centrifugal automated blood cell separator continue to be included in the same generic type of device with the other automated blood cell separators identified in § 864.9245 and that any reclassification of the generic type of device from class III into class II not take effect until a performance standard for the device is effective.

FDA agrees in part and disagrees in part with the comments. FDA has determined that the seal-less centrifugal automated blood cell separator should continue to be included in the same generic type of device with all the other automated blood cell separators. However, FDA has determined that all devices of that generic type should remain classified into class III. Because of these determinations, FDA now believes it is inappropriate to declare an intent to reclassify the generic device from class III into class II upon the effective date of a performance standard for the device.

6. One of the comments states that it has developed information to begin the process of establishing performance standards for all automated blood cell separators intended for use in blood donation. FDA invites any interested party who believes he or she has sufficient new information to develop a standard which will assure the safety and effectiveness of this generic group of devices, for one or more indications, to submit a petition for reclassification as prescribed under section 513(e) of the act (21 CFR 860.130).

Accordingly, FDA is issuing an order under section 513(e) of the act and § 860.130(d) (21 CFR 860.130(d)) of the regulations denying Travenol's petition to reclassify from class III into class II the seal-less centrifugal automated blood cell separator, as a category of device separate from all other automated blood cell separators.

FDA certifies that this notice requires neither a regulatory impact analysis, as specified in Executive Order 12291, nor a regulatory flexibility analysis, as defined in the Regulatory Flexibility Act (Pub. L. 96-354).

Dated: April 13, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-11433 Filed 4-28-83; 8:45 am]

BILLING CODE 4160-01-M

Office of the Secretary

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was published on April 22.

Public Health Service

National Institutes of Health

Subject: Survey of Last Days of Life—Preliminary Plan
Respondents: Individuals
OMB Desk Officer: Fay S. Iudicello

Food and Drug Administration

Subject: Registration of Procedures of Drugs and Listing of Drugs in Commercial Distribution (0910-0045)—Extension/No Change
Respondents: Pharmaceutical manufacturers, repackers, and relabelers of prescription, over-the-counter, veterinary, bulk and imported drugs
OMB Desk Officer: Richard Eisinger

Centers for Disease Control

Subject: Congenital Rubella Syndrome Case Report (0920-0013)—Revision
Respondents: State and territorial epidemiologists
OMB Desk Officer: Fay S. Iudicello

Health Care Financing Administration

Subject: Social Security Office Report of State Buy-In Problem (HCFA-1957)—Extension/No Change
Respondents: State Medicaid offices
OMB Desk Officer: Fay S. Iudicello

Copies of the above information collection clearance packages can be obtained by calling the HHS Reports Clearance Officer on 202-245-6511.

Written comments and recommendations for the proposed information collections should be sent directly to both the HHS Reports Clearance Officer and the appropriate OMB Desk Officer designated above at the following addresses:

Joseph F. Costa, Acting HHS Reports Clearance Officer, Hubert H. Humphrey Building, Room 524-F, Washington, D.C. 20201; or
OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, D.C. 20503, Attn: (name of OMB Desk Officer).

Dated: April 22, 1983.

Dale W. Sopper,

Assistant Secretary for Management and Budget.

[FR Doc. 83-11491 Filed 4-28-83; 8:45 am]

BILLING CODE 4160-04-M

Public Health Service

National Toxicology Program, Ad Hoc Panel on Chemical Carcinogenesis Testing and Evaluation; Meeting

Notice is hereby given of a meeting of the Ad Hoc Panel on Chemical Carcinogenesis Testing and Evaluation, National Toxicology Program (NTP) Board of Scientific Counselors, U.S. Public Health Service, to be held on May 17, 1983, in the First Floor Auditorium, Hubert Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. The meeting will begin at 9:00 a.m. and end at approximately 4:00 p.m. The meeting is open to the public.

This ad hoc panel was requested by the NTP Board of Scientific Counselors at its March 1983 meeting to review basic biology and chemistry of chemical carcinogenesis and recommended to the Board methods that the NTP use for the detection and evaluation of chemical carcinogens. Panel members are listed below:

Dr. John Doull (Chairman), Professor, Department of Pharmacology and Toxicology, University of Kansas Medical Center, Kansas City, Kansas 66103;
Dr. Richard Adamson, Director, Division of Cancer Cause and Prevention, National Cancer Institute, Building 31, Room 11A04, Bethesda, Maryland 20205;
Dr. Perry J. Gehring, Vice President of Agricultural Products R&D and Director of Health and Environmental Science, Dow Chemical Company, Midland, Michigan 48640;
Dr. Richard A. Griesemer, Director, Biology Division, Oak Ridge National Laboratory P.O. Box Y, Oak Ridge Tennessee 37830;
Dr. Kim Hooper, Chief, Hazard Evaluation System and Information Service, State of California, Department of Health Services, 2151 Berkeley Way, Room 504, Berkeley, California 94704;
Dr. Sanford Miller, Director, Bureau of Foods, Food and Drug Administration, Federal Building 8, 200 C Street, S.W. Washington, D.C. 20201;
Dr. Ruggero Montesano, Head, Unit of Mechanisms of Carcinogenesis, International Agency for Research on Cancer, World Health Organization, 150 Cours Albert-Thomas, 69372 Lyon Cedex 2, France;
Dr. Ian Munro, Director, General, Food Directorate, Health Protection Branch, Health and Welfare Canada, Tunney's Pasture, Ottawa, Ontario K1A OL2, Canada;
Dr. Frederica Perera, Senior Staff Scientist, The Natural Resources Defense Council, 122 East 42nd Street, New York, New York 10168;
Dr. Robert A. Scala, Senior Scientific Advisor, Medicine and Environmental Health Department, Research and Environmental Health Division, Exxon Corporation, P.O. Box 235, Mettlers Road, East Millstone, New Jersey 08873;
Dr. Andrew Sivak, Vice President, Biomedical Science, Arthur D. Little, Inc., Acorn Park, Cambridge, Massachusetts 02140;
Dr. I. Bernard Weinstein, Professor of Medicine and Public Health, Faculty of Medicine, Columbia University, 701 W. 168th Street, New York, New York 10032;
Dr. Gerold N. Wogan, Head, Department of Nutrition and Food Science, Massachusetts Institute of Technology, 77 Massachusetts Avenue, Bldg. 16–333, Cambridge, Massachusetts 02139.

NTP Board of Scientific Counselors

Dr. Norman Breslow, Professor, Department of Biostatistics, Mail Stop SC–32, University of Washington, Seattle, Washington 89195;
Dr. Henry C. Pitot, Director McArdle Laboratory for Cancer Research, Medical School, University of Wisconsin, 450 North Randall Avenue, Madison, Wisconsin 53706;
Dr. James A. Swenberg, Chief, Pathology Department, Chemical Industry Institute of Toxicology, P.O. Box 12137, Research Triangle Park, North Carolina 27709.

The meeting will include discussion of the objectives, appropriate methods for conduct of the review, and key areas to be included in the review, and presentation of an overview of NIP's current practices and progress in areas relevant to carcinogenesis.

Topics to be considered by the Panel may include but are not limited to:

Data Required from Prechronic Studies
- Chemical disposition and metabolism
- Dose route/dose vehicle
- Identify target organs
- Establish dose response parameters

Design of Chronic Studies
- Definition of cancer and toxicity endpoints
- *In utero* exposure
- Study duration
- Interim evaluation
- Number of doses
- Animal species

General pathology requirements:
- Tissues examined
- Diagnoses review

Data interpretation:
- Selective combining of tumors
- Historic data base
- Negative trends
- Dose trend analyses

Techniques to supplement or Foreshorten Cancer tests
- Genetic toxicity
- Transformation assays
- Promotion, co-carcinogenesis

the Ad Hoc Panel seeks comments and views on these and any additional areas for their consideration. All comments should be addressed to the Chairman as follows: Dr. John Doull, Chairman, Ad Hoc Panel on Chemical Carcinogenesis Testing and Evaluation c/o Ms. Janet Riley, Secretary to the Panel, P.O. Box 12233, Research Triangle Park, North Carolina 27709.

Every effort will be made at the May 17 meeting to consider comments received by C.O.B. Friday, May 13. Comments received after May 13 will also be considered. The Panel encourages input.

Attendance is limited only by space available. For further information regarding the meeting, please contact Panel Secretary, Ms. Riley, at the above address or telephone 919/541–7621 or FTS 629–7621.

Dated: April 25, 1983.

David P. Rall,

Director, National Toxicology Program.

[FR Doc. 83–11501 Filed 4–28–83; 8:45 am]
BILLING CODE 4140–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Chuichu Indian Irrigation Project, Arizona; Assessment Rate for Operation and Maintenance of Irrigation Facilities

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: The purpose of this notice is to change the annual per acre assessment rate for the operation and maintenance of the irrigation facilities on the Chuichu Indian Irrigation Project to properly reflect the actual costs for labor, materials, equipment and services. The change is from $26 to $250 per irrigable acre for non-Indian owned land and Indian owned land leased to non-Indians, and from $2 to $65 per irrigable acre for Indian owned land farmed and operated by Indians.

EFFECTIVE DATE: This notice shall be effective on April 29, 1983.

FOR FURTHER INFORMATION CONTACT: Curtis Nordwall, Superintendent, Bureau of Indian Affairs, Papago Indian Agency, Sells, Arizona 85634, telephone number (602) 383–7286.

SUPPLEMENTARY INFORMATION: This notice is issued by authority delegated to the Assistant Secretary for Indian Affairs by the Secretary of the Interior in 209 DM 8 and redelegated by the Deputy Assistant Secretary for Indian Affairs (Operations) to the Area Directors in 10 BIAM 3.

The costs of labor, materials, power and energy have continued to increase each year until costs now exceed revenue from current charges.

An analysis of the cost of operation and maintenance of the Chuichu Indian Irrigation Project was discussed with the individual farmers and advertised in two local newspapers. Comments recieved were carefully considered in arriving at the new rate.

The notice will read as follows:

Chuichu Indian Irrigation Project, Arizona

Annual Operation and Maintenance Charges

Charges—The annual basic operation and maintenance assessment rates for land to which water can be delivered under the Chuichu Indian Irrigation Project, Arizona, for operation and maintenance of the project are hereby fixed at $250 per acre for non-Indian owned lands and Indian owned lands leased to non-Indians and $65 per irrigable acre for Indian owned lands farmed and operated by Indians. The payment of the assessment rate shall entitle water users to their prorated share of water as determined by the production capacity of the wells and/or the availability of funds to pay the pumping operation and maintenance costs.

Payments—Annual charges shall become due on March 1 of each year and payable on or before that date, and any unpaid charges shall stand as a first lien against the land without penalty until paid.

Delivery—Delivery of water shall be refused to all tracts of land for which the charges have not been paid, except where the lands are in Indian ownership, not under lease to non-Indians, and the Indian owners are financially unable to pay the assessment when due. In such instances, water may be delivered under the following conditions:

1. The Indian owner shall make necessary arrangements with the Superintendent to pay the assessment from proceeds derived for labor performed on the project works as authorized by the Superintendent, or from proceeds of crops grown on the land when harvested and marketed within that calendar year.

2. In any instances where the Superintendent is convinced that an Indian landowner, whose land is not under lease to a non-Indian, is financially unable to pay his assessment from proceeds for labor performed on the project works, or from the proceeds of crops grown on the land, or from any other source, water may be delivered following certification by the Superintendent to the official in charge of the irrigation project that such Indian is financially unable to pay the assessment.

Water Users Responsibility for Water After Delivery—The water users are responsible for the water after it has been delivered to their lands, and are required to have their field ditches of proper capacity and in a suitable condition for delivery of irrigation water.

Distribution and Apportionment—All water of the project is deemed a common water supply in which all irrigable lands of the project are entitled to share equally and such water will be distributed to the lands of the project as equitably as physical conditions will permit.

Walter R. Mills,

Acting Assistant, Area Director.

[FR Doc. 83–11301 Filed 4–28–83; 8:45 am]

BILLING CODE 4310–02–M

Bureau of Land Management

Platter River Resource Area, Casper District, Wyoming; Availability of Amendment to the Eastern Powder River Basin Management Framework Plan

AGENCY: Bureau of Land Management, Interior.

ACTION: Availability of Amendment to the Eastern Powder River Basin Management Framework Plan.

SUMMARY: The Casper District, Platte River Resource Area, has reviewed and amended the coal component of the Eastern Powder River Basin (ERPB) Management Framework Plan. The amendment brings the plan into conformance with the federal coal management program adopted by the Secretary of the Interior in 1979. The plan covers northern Converse County and was originally prepared in 1977. Copies of the final amendment are available.

FOR FURTHER INFORMATION CONTACT: For additional information, to review detailed documentation, or to obtain a copy of the amendment, contact: Jim Melton, Area Manager, Platte River Resource Area, Bureau of Land Management, 951 Rancho Road, Casper, Wyoming 82601, (307) 261–5556.

SUPPLEMENTARY INFORMATION: The Platte Resource Area of the Casper, Wyoming District of the Bureau of Land Management reviewed and amended portions of the ERPB Management Framework Plan (MFP) related to coal. Approximately 30,000 acres with about 555 million tons of coal will be available for further consideration for coal development. This final amendment also indicates those areas in northern Converse County which are unsuitable, acceptable pending study, acceptable with stipulations, or deferred from leasing consideration.

Decisions in the amendment will become final 30 days following publication of this notice unless written protests are received by BLM by June 1, 1983. Protests may be made by any person who has participated in the planning process and who has an interest in or may be adversely affected by the amendment decisions. Protests may only raise issues submitted during the planning process.

The draft amendment was made available November 19th, 1982 and was subject to 90 day public comment. A public hearing was held December 7, 1982 in Douglas, Wyoming. All comments received were noted and incorporated when applicable. The amendment was completed by an interdisciplinary team.

Les Olver,

Associate District Manager.

[FR Doc. 83–10204– Filed 4–28–83; 8:45 am]

BILLING CODE 4310–84–M

[AA–5688–A]

Alaska Native Claims Selection

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of Sec. 1427(d) of the Alaska National Interest Lands Conservation Act of December 2, 1980, Pub. L. 96–487 (94 Stat. 2371, 2524–2525), will be issued to Ouizinkie Native Corporation for approximately 7,468 acres. The lands involved are within T. 22 S., R. 19 W., Seward Meridian.

The decision to issue conveyance will be published once a week, for four (4) consecutive weeks, in the *Kadiak Times* upon issuance of the decision. For

information on how to obtain copies, contact Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal Government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the regulations in Title 43 Code of Federal Regulations (CFR), Part 4, Subpart E, as revised.

If an appeal is taken, the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 701 C Street, Box 34, Anchorage, Alaska 99513.

The time limits for filing an appeal are:

1. Parties receiving service of the decision by personal service or certified mail, return receipt requested, shall have thirty days from the receipt of the decision to file an appeal.

2. Unknown parties, unable to be located after reasonable efforts have been expended to locate, parties who failed or refused to sign their return receipt, and parties who received a copy of the decision by regular mail which is not certified, return receipt requested, shall have until May 31, 1983 to file an appeal.

Any party known or unknown who is adversely affected by the decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Ouzinkie Native Corporation, P.O. Box 89, Ouzinkie, Alaska 99644; or

Koniag, Inc., Regional Native Corporation, P.O. Box 746, Kodiak, Alaska 99615.

Ann Johnson,

Chief, Branch of ANCSA Adjudication.

[FR Doc. 83-11500 Filed 4-28-83; 8:45 am]

BILLING CODE 4310-84-M

Bureau of Mines

Advisory Committee on Mining and Mineral Research: Meeting

This notice is issued in accordance with provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C. App. I) and the Office of Management and Budget Circular No. A63, Revised.

The Advisory Committee on Mining and Mineral Research will meet from 8:00 a.m. to noon (or completion of business) on Wednesday, June 15, 1983, at the Utah Mining and Mineral Resources Research Institute and Center for Generic mineral Technology Research in Communition. The meeting will be held in: The Board Room, Alumni House, 155 South, Central Campus Dirve, University of Utah, Salt Lake City, Utah.

The meeting will deal with the following subjects:

1. Welcome of new Committee members;

2. Review of minutes of meeting of March 2, 1983;

3. Rationale for guidelines used in making FY 1983 grants;

4. Status of establishment of a new center of generic mineral technology in respirable dust;

5. Review of progress at generic mineral technology centers;

6. Status of enhanced support for generic centers;

7. New business.

The meeting of this committee is open to the public. Approximately 40 visitors can be accommodated on a first-come first-serve basis. Written statements concerning the subjects are welcome.

Visitors who expect to attend should make this known no later than June 13, by informing Dr. Ronald Munson, Chief, Office of Mineral Institutes, Bureau of Mines, MS 1020, 2401 E Street, NW., Washington, D.C. 20241, phone (202) 634-1328.

Dated: April 21, 1983.

Robert C. horton,

Director

[FR Doc. 83-11475 Filed 4-28-83; 8:45 am]

BILLING CODE 4301-53-M

Minerals Management Service

North Aleutian Basin Lease Offering (April 1985); Call for Information

Purpose of Call

The purpose of the Call is to assist the Secretary of the Interior in carrying out his responsibilities under the Outer Continental Shalf (OCS) Lands Act (43 U.D.C. 1331-1343), as amended (92 Stat. 629), and regulations appearing at 30 CFR 256.23. Potential bidders are requested to outline areas where they believe hydrocarbon potential is sufficient to warrant offering these areas in the North Aleutian Basin. The Secretary is also requesting comments from all interested parties—Federal, State, and local governments, environmental groups, the general public, and potential bidders—on possible environmental effects and use conflicts in the Call area and on the appropriateness of initial lease terms longer than 5 years and lease areas larger than 5,760 acres (2,331 hectares).

Use of Information From Call

Information submitted in response to this Call will be considered in the area identification which selects the areas of hydrocarbon potential to be proposed for leasing and analyzed in the environmental impact statement as the proposed Federal Action. This information will also be used in identifying alternatives to the proposed action. Comments received on possible environmental effects and use conflicts may be used in the analysis of local environmental conditions within the Call areas so that the potential effects of oil and gas exploration and development, other than the benefits accruing to the Nation as a result of inventorying and producing oil and gas, can be assessed. These comments may also be useful in developing special lease terms and conditions designed to assure safe offshore operations. Comments submitted regarding length of lease term and size of lease areas may be used in the assessment of the appropriate initial lease term and appropriate lease size, pursuant to section 8 of the OCS Lands Act, as amended (43 U.S.C. 1337).

Description of Area

In general, the North Aleutian Basin lies in the eastern Bering Sea northwest of the Alaska Peninsula and is bounded on the north by 59° N. latitude and on the north, south, and east by the 3-geographical-mile line. It is bounded on the west by 165° W. longitude from 59°N.

latitude to the 3-geographical-mile line at approximately 54°40'N. latitude.

Indications of interest and comments may be considered for all Federal Acreage within the boundaries of the Call. Boundaries of the call area are shown on the map at the end of this Call. Boundaries of the Call area are depicted in detail on the standard Call for information Map available free from the Regional Manager, Alaska OCS Region, P.O. Box 1159, 620 East 10th Ave., Anchorage, Alaska 99510.

The following list identifies the Official Protraction Diagrams in this Call. The diagrams may be purchased for $2.00 each from the Regional Manager, Alaska OCS Region.

NO 3–4 Cape Newenham (Approved September 30, 1976) All Federal blocks
NO 4–3 Hagemeister Island (Approved September 30, 1976) All Federal blocks
NO 4–4 Naknek (Approved September 30, 1976) All Federal blocks
NO 3–6 (Approved October 27, 1976) All blocks
NO 4–5 (Approved June 11, 1975) All blocks
NO 4–6 Uqashik (Approved June 3, 1976) The following Federal blocks: 1–16, 45–60, 89–104, 133–148, 177–192, 221–235, 265–279, 309–323, 353–366, 397–410, 441–453, 485–497, 529–540, 573–583, 617–626, 661–668, 705–711, 749–755, 793–798, 837–841, 881–885, 925–928, 969–972
NO 3–8 (Approved March 20, 1975) All Federal blocks
NO 4–7 Chignik (Approved September 30, 1976) All Federal blocks
NO 4–8 Sutwik Island (Approved August 1, 1975) The following Federal blocks: 1–3, 45, 46, 89
NN 3–2 Cold Bay (Approved September 30, 1976) All Federal blocks *except:* 964, 1006–1008
NN 4–1 Stepovak Bay (Approved October 6, 1976) The following Federal blocks: 1–6, 45–47, 89, 90
NN 3–4 False Pass (Approved June 4, 1981) The following Federal blocks: 1–11, 45–51, 53, 54, 89–94, 133–137, 177–181, 221–224, 265–268, 309–312, 353, 354

Instructions on Call

Indications of interest from potential bidders should be limited to the Federal acreage included in the Call area described above. Respondents should indicate interest in those portions of the Call area having sufficient potential for the discovery of oil and gas to be offered for lease. Those indicating interest are requested to do so on the standard Call for Information Map, available free from the Regional Manager, Alaska OCS Region, at the address stated in the second paragraph under "Description of Area," telephone (907) 276–2955. Interest should be shown by outlining the area(s) along block lines.

The standard Call Map shows the Call area and highlights the area identified by the Minerals Management Service (MMS) as having potential for the discovery of oil and gas. Although individual indications of interest are considered to be privileged and confidential information, the names of persons or entities indicating interest or submitting comments well be of public record.

Respondents are encouraged to broadly rank areas according to priority of interest (e.g., priority 1 (high), 2, or 3). Priority information submitted by companies will be held confidential and may be used as a criterion in determining the area to be analyzed in the environmental impact statement.

In addition to indications of interest, we are seeking comments from all interested parties about particular geological, environmental, biological, archeological, or socioeconomic conditions or problems, or other information which might bear upon potential leasing and development of particular areas. Comments should preferably address broad areas but may be restricted to designated blocks of particular concern.

Comments are also being sought from all interested parties on the appropriateness of initial lease terms longer than 5 years and on the need, if any, for lease areas larger than 5,760 acres (2,331 hectares). Such comments should describe why such modifications would be appropriate and identify where such modifications should be applied. Those making comments are requested to mark the area commented upon on the standard Call for Information Map discussed above.

Indications of interest and comments must be submitted no later than 30 days following publication of this document in the **Federal Register** in envelopes labeled "Indications of Interest for Leasing in the Outer Continental Shelf, North Aleutian Basin" or "Comments on Leasing in the Outer Continental Shelf, North Aleutian Basin" as appropriate. The map (original) and indications of interest or comments must be submitted to the Regional Supervisor for Leasing and Environment, Alaska OCS Region, at the address stated in the second paragraph under "Description of Area". One copy of the map and indications of interest or comments are also to be sent to the Chief, Offshore Resource Evaluation Division, Minerals Management Service, Mail Stop 643, 12203 Sunrise Valley Drive, Reston, Virginia 22091.

Final delineation of the area for competitive bidding will be made only at a later date after compliance with established departmental procedures, all requirements of the National Environmental Policy Act of 1969, and the OCS Lands Act, as amended. A final Notice of Lease Offering, detailing areas to be offered for competitive bidding, will be published in the **Federal Register** stating the conditions and terms for leasing and the place, date, and hour at which bids will be received and opened.

Dated April 22, 1983.

Harold Doley,

Director, Minerals Management Service.

Approved:

Daniel N. Miller, Jr.,

Assistant Secretary of the Interior.

BILLING CODE 4310-MR-M

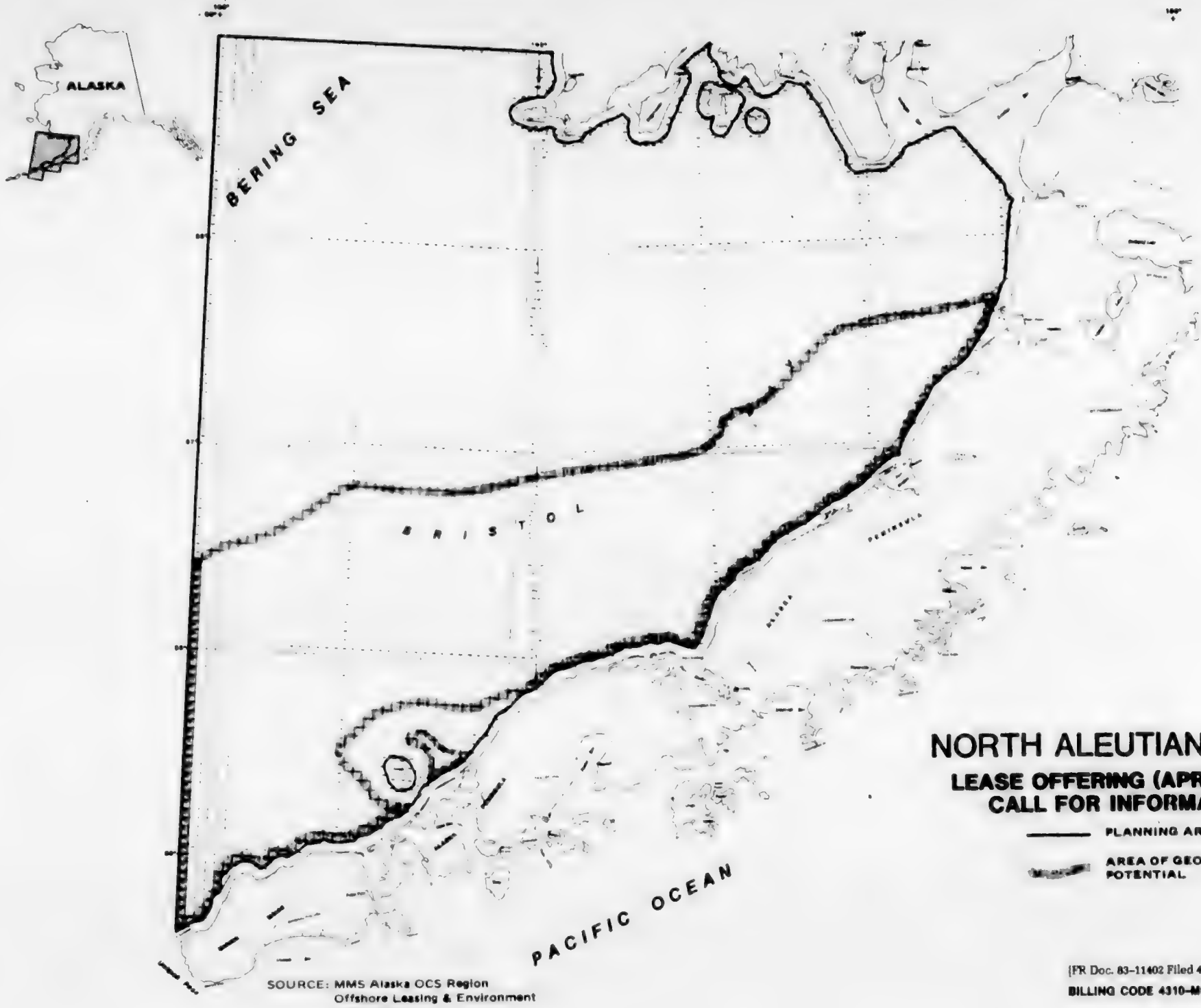

SOURCE: MMS Alaska OCS Region
Offshore Leasing & Environment
April, 1983

[FR Doc. 83-11402 Filed 4-28-83; 8:45 am]
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BILLING CODE 4310-MR-C

SOURCE: MMS Alaska OCS Region
Offshore Leasing & Environment
April, 1983

St. George Basin Lease Offering (December 1984); Call for Information

Purpose of Call

The purpose of the Call is to assist the Secretary fo the Interior in carrying out his responsibilities under the Outer Continental Shelf (OCS) Lands Act (43 U.S.C. 1331–1343), as amended (92 Stat. 629), and regulations appearing at 30 CFR 256.23. Potential bidders are requested to outline areas where they believe hydrocarbon potential is sufficient to warrant offering these areas in the St. George Basin. The Secretary is also requesting comments from all interested parties—Federal, State, and local governments, environmental groups, the general public, and potential bidders—on possible environmental effects and use conflicts in the Call area and on the appropriateness of initial lease terms longer than 5 years and lease areas larger than 5,760 acres (2,331 hectares).

Use of Information From Call

Information submitted in response to this Call will be considered in the area identification which selects the areas of hydrocarbon potential to be proposed for leasing and analyzed in the environmental impact statement as the proposed Federal action. This information will also be used in identifying alternatives to the proposed action. Comments received on possible environmental effects and use conflicts may be used in the analysis of local environmental conditions within the Call area so that the potential effects of oil and gas exploration and development, other than the benefits accruing to the Nation as a result of inventorying and producing oil and gas, can be assessed. The comments may also be useful in developing sepcial lease terms and conditions designed to assure safe offshore operations. Comments submitted regarding length of lease term and size of lease areas may be used in the assessment of the appropriate initial lease term and appropriate lease size, pursuant to section 8 of the OCS Lands Act, as amended (43 U.S.C. 1337).

Description of Area

In general, the St. George Basin lies in the eastern Bering Sea northwest of the Aleutian Islands chain and is bounded on the north by 59° N. latitude and on the south by the 3-geographical-mile line along the northern side of the Aleutian Islands. The area is bounded on the west by 174° W. longitude from 59° N. latitude to 56° N. latitude and by 171° W. longitude from 56° N. latitude to approximately 53° 35′ N. latitude. It is bounded on the east by 165° W. longitude form 59° N. latitude to the 3-geographical-mile line at approximately 54° 14′ W. latitude.

Indications of interest and comments may be considered for all Federal acreage within boundaries of the Call. Boundaries of the Call area are shown on the map at the end of this Call. Boundaries of the Call area are depicted in detail on the standard Call for Information Map available free from the Regional Manager, Alaska OCS Region, P.O. Box 1159, 620 East 10th Ave., Anchorage, Alaska 99510.

The following list identifies the Official Protraction Diagrams in this Call. The diagrams may be purchased for $2.00 each from the Regional Manager, Alaska OCS Region:

NN 2–2 (Approved November 29, 1974)
NN 2–4 Okmuk Canyon (Approved February 18, 1977)
NN 2–6 Umnak (Approved July 21, 1977) All Federal blocks except: 744–746, 778–790, 831–834, 874–878, 918–922, 962–966, 1006–1010
NN 2–8 Samalga Island (Approved June 14, 1977) All Federal blocks except: 34–43, 77–87, 118–131, 161–175, 203–219, 235–263, 274, 275, 278–307, 316–351, 359–395, 402–439, 441, 442, 444–483, 485–527, 529–571, 573–615, 617–659, 661–703, 705–747, 749–791, 793–835, 837–879, 881–923, 925–967, 969–1011
NN 3–1 Davidson Bank (Approved November 29, 1974)
NN 3–3 Akutan (Approved June 14, 1977) All Federal blocks except: 1000–1002, 1005, 1041–1054
NN 3–5 Unalaska (Approved October 24, 1978) All Federal blocks except: 29–42, 72–86, 117–130, 161–174, 205–218, 248–262, 291–306, 333–350, 375–394, 418–438, 462–482, 504–526, 547–570, 585–614, 628–658, 669–702, 705–708, 713–746, 749–790, 793–834, 837–878, 881–922, 925–966, 969–1010
NO 2–3 (Approved December 13, 1976)
NO 2–4 (Approved December 13, 1976)
NO 2–5 (Approved June 11, 1975)
NO 2–6 St. Paul Island (Approved March 20, 1975)
NO 2–7 (Approved March 20, 1975)
NO 2–8 St. George Island (Approved November 29, 1974)
NO 3–3 (Approved December 13, 1976)
NO 3–5 (Approved June 11, 1975)
NO 3–7 (Approved November 29, 1974)

Instructions on Call

Indications of interest from potential bidders should be limited to the Federal acreage included in the Call area described above. Respondents should indicate interest in those portions of the Call area having sufficient potential for the discovery of oil and gas to be offered for lease. Those indicating interest are requested to do so on the standard Call for Information Map, available free from the Regional Manager, Alaska OCS Region, at the address stated in the second paragraph under "Description of Area," telephone (907) 276–2955. Interest should be shown by outlining the area(s) along block lines.

The standard Call Map shows the Call area and highlights the area identified by the Minerals Management Service (MMS) as having potential for the discovery of oil and gas. Although individual indications of interest are considered to be privileged and confidential information, the names of persons or entities indicating interest or submitting comments will be of public record.

Respondents are encouraged to broadly rank areas according to priority of interest (e.g., priority 1 (high), 2, or 3). Priority information submitted by companies will be held confidential and may be used as a criterion in determining the area to be analyzed in the environmental impact statement.

In addition to indications of interest, we are seeking comments from all interested parties about particular geological, environmental, biological, archeological, or socioeconomic conditions or problems, or other information which might bear upon potential leasing and development of particular areas. Comments should preferably address broad areas but may be restricted to designated blocks of particular concern.

Comments are also being sought from all interested parties on the appropriateness of initial lease terms longer than 5 years and on the need, if any, for lease areas larger than 5,760 acres (2,331 hectares). Such comments should describe why such modifications would be appropriate and identify where such modifications should be applied. Those making comments are requested to mark the area commented upon on the standard Call of Information Map discussed above.

Indications of interest and comments must be submitted no later than 30 days following publication of this document in the **Federal Register** in envelopes labeled "Indications of Interest for Leasing in the Outer Continental Shelf, St. George Basin" or "Comments on Leasing in the Outer Continental Shelf, St. George Basin" as appropriate. The map (original) and indications of interest or comments must be submitted to the Regional Supervisor for Leasing and Environment, Alaska OCS Region, at the address stated in the second paragraph under "Description of Area." One copy of the map and indications of interest or comments are also to be sent to the Chief, Offshore Resource Evaluation Division, Minerals

Management Service, Mail Stop 643, 12203 Sunrise Valley Drive, Reston, Virginia 22091.

Final delineation of the area for competitive bidding will be made only at a later date after compliance with established department procedures, all requirements of the National Environmental Policy Act of 1969, and the OCS Lands Act, as amended. A final Notice of Lease Offering, detailing areas to be offered for competitive bidding, will be publish in the **Federal Register** stating the conditions and terms for leasing and the place, date, and hour at which bids will be received and opened.

Harold Doley,

Director, Minerals Management Service.

Approved:

Date: April 22, 1983.

Daniel N. Miller, Jr.,

Assistant Secretary of the Interior.

BILLING CODE 4310-MR-M

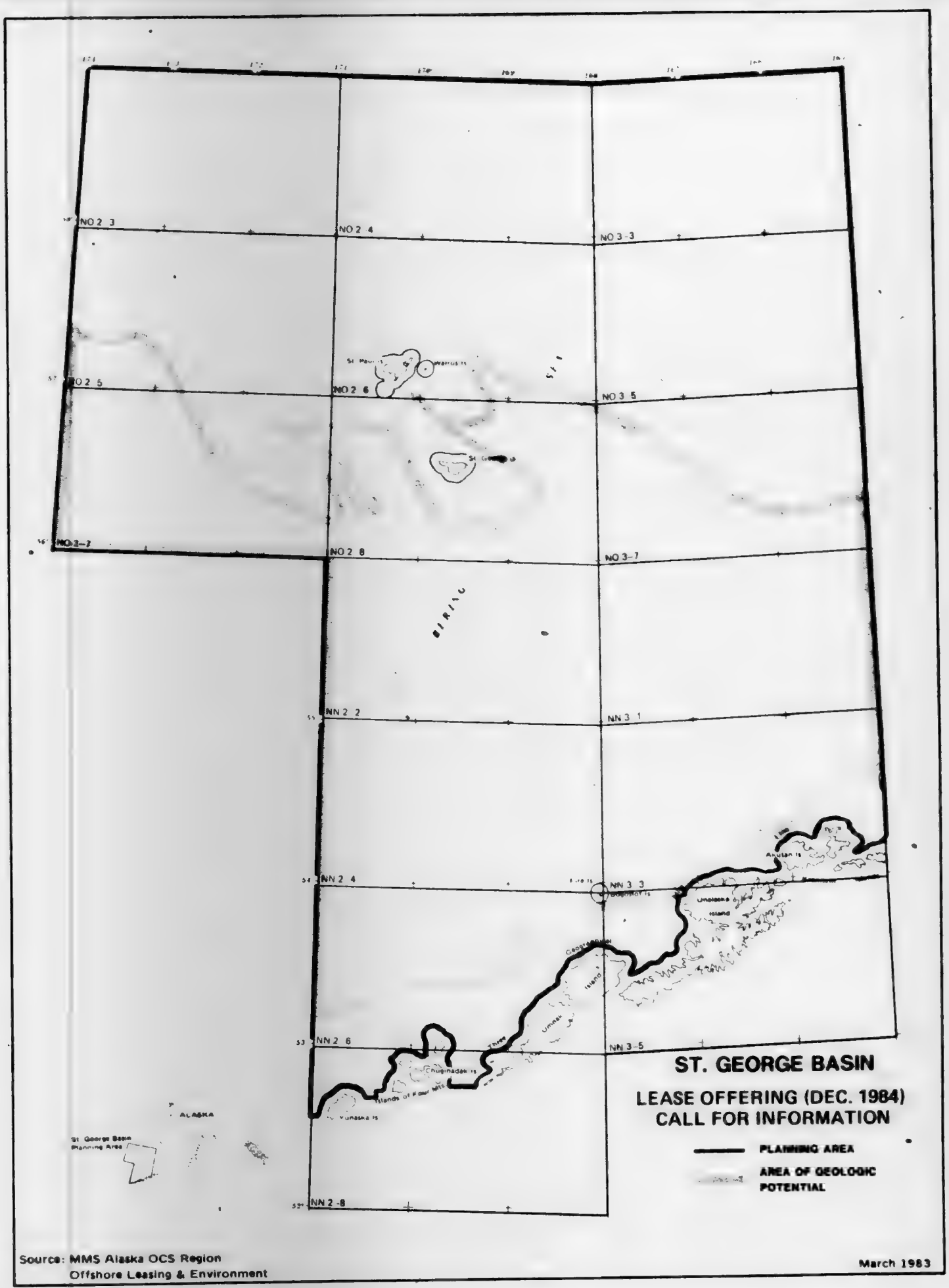

[FR Doc. 83-11403 Filed 4-28-83; 8:45 am]

BILLING CODE 4310-MR-C

[No. 39113 et al.[1]]

Fresh Express, Inc.; Petition for Exemption From Tariff Filing Requirements

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Seventeen motor contract carriers have each requested exemption from the requirements of 49 U.S.C. 10702, 10761, and 10762. The sought relief is provisionally granted for future as well as existing contracts.

DATES: Comments are due by May 16, 1983. The sought relief will become effective on May 31, 1983, unless, in response to timely filed adverse comments, the Commission issues a further decision withdrawing this relief.

ADDRESS: Send an original and 15 copies of comments to: Room 2139; Interstate Commerce Commission; Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:

Marie B. Simpson; (202) 275–7108

or

Howell I. Sporn; (202) 275–7691.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. Infosystems, Inc., Room 2227, Washington, D.C. 20423, or call 289–4357 in the D.C. metropolitan area or toll free (800) 424–5403.

Decided: April 22, 1983.

By the Commission, Division 1. Commissioners Andre, Taylor, and Sterrett. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–11437 Filed 4–28–83; 8:45 am]

BILLING CODE 7035–01–M

[1] The dockets embraced by this proceeding are as follows:

No. 39113 Fresh Express, Inc.; No. 39114 J–R Transportation Services, Inc.; No. 39115 Shippers Express, Inc.; No. 39116 Allied Van Lines, Inc.; No. 39118 R. F. Truesdell Co., Inc.; No. 39118 (Sub-No. 1) R. F. Truesdell Co., Inc.; No. 39118 (Sub-No. 2) R. F. Truesdell Co., Inc.; No. 39119 Transport Storage & Distributing Co.; No. 39120 Sunbelt Express, Inc.; No. 39121 Sundance Express Corporation; No. 39122 Mainliner Motor Express, Inc.; No. 39123 Highway Transport, Inc.; No. 39124 North American Van Lines, Inc.; No. 39126 Capital Transport Company, Inc.; No. 39127 FFE Transportation Services, Inc.; No. 39129 Argosy Trucking, Ltd.; and No. 39130 Coolidge Grain and Produce, Inc.

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Finance Applications; Decision Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petition seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1181.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board Number 1, Members Parker, Chandler, and Fortier.

Agatha L. Mergenovich,

Secretary.

For the following please direct status inquiries to Team 3, (202) 275–5223.

Volume No. OP3–MCFC–181

Decided: April 20, 1983.

MC–FC–81329. By decision of April 20, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 1 approved the transfer to JEFFREY W. DEISS, doing business as DEISS TRUCKING, River Falls, WI, of Certificate No. MC–64105, issued April 30,. 1965, to WILLIAM M. DEISS, River Falls, WI, authorizing the transportation of (1) *agricultural commodities*, from points in the Town of River Falls and Clifton, Pierce County, WI, and the Towns of Troy and Kinnickinnic, St. Croix County, WI, to South St. Paul St. Paul, Minneapolis, Stillwater, Hasting and Red Wing, MN, (2) *general commodities* (except those of unusual value, classes A and B explosives, household goods, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, from the above-specified destination points to points in the above-specified Wisconsin territory and (3) *livestock*, between points in the Towns of River Falls and Clifton, Pierce County, WI, and the Towns of Troy Kinnickinnic, St. Croix County, WI, and South St. Paul and Newport, MN. Representative: Jeffrey W. Deiss, R. R. #4, Box 31, River Falls, WI 54022, (715) 425–8395.

For the following, please direct status calls to Team 5 at 202–275–7289.

Volume No. OP5–FC–193

MC–FC 81390, By decision of April 15, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 1 approved the transfer to CYPRESS TRANSPORT CO., INC., of Hopewell (Perth Amboy NJ, of Permit No. 2428 Sub 34, issued June 29, 1981, Sub 35, issued April 28, 1981, Sub 36 and 37, issued June 16 1981, Sub 38 issued July 15, 1981, Sub 39, issued August 27, 1981, Sub 41, issued April 12, 1982 and Sub 40X, issued January 13, 1982 and the underlying authority thereto in the Lead and Sub 13, issued February 6, 1978, Sub 14, issued September 8, 1961, Sub 16, issued November 5, 1973, Sub 18, issued November 29, 1966, Sub 19, issued November 14, 1973, Sub 21, issued February 7, 1968, Sub 25, issued July 14, 1969, Sub 26, issued December 24, 1970, Sub 27, issued November 16, 1973, Sub 28, issued October 12, 1976, Sub 29, and 30, issued July 19, 1978, Sub 31, issued July 21, 1980, Sub 32, issued March 17, 1981 and Sub 33, issued March 2, 1982 to H. PRANG TRUCKING CO., INC., of Hopelawn (Perth Amboy) NJ, authorizing the transportation of specified commodities between points in the U.S. under continuing contract(s) with specific parties. Representative

Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048.

[FR Doc. 83-11440 Filed 4-28-83; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Intent To Engage In Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent corporation and address of principal office: Audiovox Corp., 150 Marcus Blvd., Hauppauge, NY 11787.

2. Wholly owned subsidiary which will participate in the operations, and State of incorporation: Proud Transportation Corp., 150 Marcus Blvd., Hauppauge, NY 11787.

1. Parent corporation and address of principal office: C-Poultry Company Limited, P.O. Box 2225, Decatur, AL 35602.

2. Wholly owned subsidiary which will participate in the operations, and address of principal office: Lynn Transportation Company, Inc., 712 South 11th St., Oskaloosa, IA 52577.

1. Parent Corporation and address of principal office: Lancaster Colony Corporation, 37 West Broad Street, Columbus, Ohio 43215.

Included within the parent corporation are the following divisions:

a. E. O. Brody Company, P.O. Box 22180, Cleveland, Ohio 44122
b. Candle-lite Division, P.O. Box 86, Loveland, Ohio 45140
c. Enterprise Aluminum Company, P.O. Box 6358, Macon, Georgia 31213
d. Koneta Rubber Company, P.O. Box 150, Wapakoneta, Ohio 45895
e. Pitman-Dreitzer Division, 1115 Broadway, New York, New York 10010

2. Wholly owned subsidiaries which will participate in operations and addresses of their respective principal offices:

a. Allen Milk Company, P.O. Box 453, Columbus, Ohio 43216
b. August Barr, Inc., 620 Maple Avenue, Torrance, California 90503
c. Barr, Inc., 1531 First Street, Sandusky, Ohio 44870
d. Bartlett-Collins Company, P.O. Box 1288, Sapulpa, Oklahoma 74066
e. Colony Printing & Labeling, Inc., 600 E. Washington, Eaton, Indiana 47338
f. Indiana Glass Company, P.O. Box 118, Dunkirk, Indiana 47336
g. Jackson Corporation, South Bennett Avenue, Jackson, Ohio 45640
h. LaGrange Molded Products, Inc., P.O. Box 1707, LaGrange, Georgia 30241
i. Lancaster Colony Commercial Products, Inc., P.O. Box 630, Columbus, Ohio 43216
j. Lancaster Glass Corporation, P.O. Box 70, Lancaster, Ohio 43130
k. Loma Corp., P.O. Box 40350, Ft. Worth, Texas 76140
l. T. Marzetti Company, P.O. Box 29163, Columbus, Ohio 43229
m. National Glove, Inc., 29 Clark Street, Mt. Sterling, Ohio 43143
n. Nelson McCoy Pottery Company, 451 Gordon Street, Roseville, Ohio 43777
o. New York Frozen Foods, Inc., 25900 Fargo Avenue, Bedford Heights, Ohio 44146
p. Pfeiffer Foods, Inc., 685 Lake Street, Wilson, New York 14172
q. Pretty Products, Inc., 437 Cambridge Road, Coshocton, Ohio 43812
r. Quality Bakery Company, Inc., P.O. Box 29147, Columbus, Ohio 43229
s. Waycross Molded Products, Inc., P.O. Box 58, Waycross, Georgia 31501.

Parent Corporation and address of principal office: Masterline Corporation, 9940 Hamilton Road, Eden Prairie, MN 55344.

2. Wholly owned subsidiaries which will participate in the operations, and address of their respective principal offices:

(a) Mastercraft Casket Company, Ladysmith, WI 54848
(b) Law and Sons Casket Co., Inc., 3800-B Revere Street, Denver, CO 80239
(c) Indianapolis Casket Company, 521 West North Street, Indianapolis, IN. 46202.

1. Parent corporation and address of principal office: Morton Thiokol, Inc., 110 North Wacker Drive, Chicago, Illinois 60606.

2. Wholly-owned subsidiaries which will participate in the operations are:

(a) Friction Division, Thiokol Corporation (a Delaware corporation) North Enterprise Avenue, Trenton, New Jersey 08604
(b) Ventron Division, Thiokol Corporation (a Delaware corporation) 150 Andover Street, Danvers, Massachusetts 01923

1. Parent corporation and address of principal office: Philipp Holzmann AG, Postfach 110 933, 6000 Frankfurt/Main 11, Federal Republic of Germany

2. Wholly owned subsidiaries which will participate in the operations, and state(s) of incorporation:

A. J. A. Jones Construction Company, Inc., 6060 St. Albans Street, One South Executive Park, Charlotte NC 28287. (704) 553-3000, State of Incorporation: Delaware
B. Metric Constructors, Inc., 6135 Park Road, Two South Executive Park, Charlotte, NC 28210, (704) 554-1415, State of Incorporation: North Carolina
C. Chas. H. Tompkins Company, 311 First Street, NW., Washington, D.C. 20001, (202) 383-0770, State of Incorporation: District of Columbia
D. William L. Crow Construction Company, One Penn Plaza, New York, NY 10119, (212) 594-0860, State of Incorporation: New York
E. Rea Construction Company, 521 East Moorehead Street, Charlotte, NC 28201, (704) 373-1331, State of Incorporation: North Carolina
F. J. A. Jones Applied Research Company, 1300 Harris Boulevard, Charlotte, NC 28221, (704) 597-6100, State of Incorporation: North Carolina
G. Mansfield Mining Company, 6060 St. Albans Street, One South Executive Park, Charlotte, NC 28287, (704) 553-3000, State of Incorporation: North Carolina
H. Queens Properties, Inc., 6060 St. Albans Street, One South Executive Park, Charlotte, NC 28287, (704) 553-3293, State of Incorporation: North Carolina
I. Tiber Construction Company, 10530 Rosehaven Street, Suite 400, P.O. Box 3150, Fairfax, VA 22030, (703) 273-8200, State of Incorporation: Virginia
J. J. A. Jones Construction Services Company, 801 First Street, Richland, WA 99352, (509) 942-6707, State of Incorporation: North Carolina
K. Phillipp Holzmann USA, 6060 St. Albans St., One South Executive Park, Charlotte, NC 28287, (704) 553-3668, State of Incorporation: Delaware

1. Parent corporation and address of principal office: Phillips Petroleum Company, Bartlesville, OK 74004.

2. Wholly owned subsidiaries which will participate in the operations, and state(s) of incorporation:

(a) Phillips Driscopipe, Inc., a Delaware corporation
(b) American Fertilizer & Chemical Co., a Delaware corporation
(c) American Thermoplastics Corp., a Delaware corporation
(d) Phillips Fibers Corporation, a Delaware corporation
(e) H. P. Smith Paper Co, an Illinois corporation
(f) Phillips Uranium Corporation, a Delaware corporation
(g) Phillips Coal Company, a Nevada corporation
(h) Applied Automation, a Delaware corporation
(i) Phillips Pipe Line Co., a Delaware corporation

(j) Catalyst Resources, Inc., a Delaware corporation
(k) Pier 66 Company, a Delaware corporation

1. Parent corporation and address of principal office: Wakefern Food Corp., 600 York St., Elizabeth NJ 07207.

2. Wholly owned subsidiaries which will participate in the operations, and State(s) of incorporation:

(i) Food Haulers, Inc. (New Jersey)
(ii) ShopRite Supermarkets, Inc. (New Jersey)
(iii) ShopRite Beverages, Inc. (New Jersey)
(iv) National Transport Services Co., Inc. (New Jersey)
(v) Wakefern Finance Company, Inc. (New Jersey)
(vi) T.R.R. Carriers, Inc. (New York)
(vii) ShopRite Cigarettes of Connecticut, Inc. (New Jersey)

1. The parent corporation and the address of its principal office is: Washington Industries, Inc., 224 Second Avenue, North, Nashville, Tennessee 37202.

2. Wholly owned subsidiaries which will participate in the operations, and addresses of their respective principal offices are:

(a) Washington Manufacturing Company, 224 Second Avenue, North, Nashville, Tennessee 37202
(b First National Company, d.b.a. Ely & Walker, 823 East Holmes Road, Memphis, Tennessee 38116
(c) Marshall & Bruce Company, 689 Davidson Street, Nashville, Tennessee 37206
(d) William R. Moore, Inc., 183 Monroe Avenue, Memphis, Tennessee 38101
(e) Manufacturers Warehouse Company, #9 Cummins Station, Nashville, Tennessee 37201
(f) Jenkins & Darwin Bros., Inc., 3rd and Commerce, Nashville, Tennessee 37202
(g) National Stores Corporation, 3rd and Commerce, Nashville, Tennessee 37202.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-11439 Filed 4-28-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

In the matter of Motor Common and Contract Carriers of Property (fitness-only); Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods).

The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** on December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in the **Federal Register** on November 24, 1982, at 49 FR 53271. For compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E.

These applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolveld common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service in for a named shipper "under contract."

Please direct status inquiries to Team 3 at (202) 275-5223.

Volume No. OP3-175

Decided: April 21, 1983.

By the Commission, Review Board No. 1. Members Parker, Chandler, and Fortier.

MC 475 (Sub-8), filed April 4, 1983. Applicant: WYMORE TRANSFER CO., a corporation, P.O. Box 448, Oregon City, OR 97045. Representative: Earle V. White, 2400 S. W. 4th Ave., Portland, OR 97201, (503) 226-6491. Transporting *sugar*, between Nampa, ID and Nyssa, OR, on the one hand, and, on the other, points in Walla Walla, Franklin, and Benton Counties, WA, and points in Lane, Linn, Benton, Lincoln, Polk, Marion, Clackamas, Yamhill, Tillamook, Washington, Multnomah, Columbia, and Clatsop Counties, OR.

MC 2934 (Sub-148), filed April 8, 1983. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 9998 No. Michigan Rd., Carmel, IN 46032. Representative: W. G. Lowry (same address as applicant), (317) 875-1142. Transporting *general commodities* (except classes A and B explosives, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Scientific-Atlanta, Inc. of Atlanta, GA.

MC 15735 (Sub-77), filed March 29, 1983. Applicant: ALLIED VAN LINES,

INC., 2120 S. 25th Ave., Broadview, IL 60153. Representative: Richard V. Merrill, P.O. Box 4403, Chicago, IL 60680, (312) 681–8378. Transporting *household goods,* between points in the U.S. (except AK and HI), under continuing contract(s) with Anacomp, Inc. and its subsidiaries, of Indianapolis, IN.

MC 61614 (Sub-5), filed April 7, 1983. Applicant: TROWBRIDGE STORAGE COMPANY, 1513 Alum Creek Dr., Columbus, OH 43209. Representative: Earl N. Merwin, 85 E. Gay St., Columbus, OH 43215, (614) 224–3161. Transporting *household goods, furniture and fixtures,* between those points in the U.S. in and east of ND, SD, NE, CO, OK and TX.

MC 74674 (Sub-1), filed April 4, 1983. Applicant: EBB VAN LINES, INC., 155 Terminal Dr., Plainview, NY 11803. Representative: Ralph Pugliano (same address as applicant), (516) 294–9180. Transporting *household goods, furniture and fixtures,* between points in CT, DE, FL, GA, MA, MD, NJ, NY, NC, PA, RI, SC, VA and DC.

MC 94265 (Sub-376), filed March 30, 1983. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 305, Windsor, VA 23487. Representative: K. Edward Wolcott, Atlanta Gas Light Towers, Suite 1200, 235 Peachtree St., N.E., Atlanta, GA 30303, (404) 522–2322. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 107605 (Sub-33), filed April 1, 1983. Applicant: ADVANCE-UNITED EXPRESSWAYS, INC., 2520 Broadway St., N.E., P.O. Box 1000, Minneapolis, MN 55440. Representative: Richard J. Overholser, P.O. Box 1000, Minneapolis, MN 55413, (612) 331–4040. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between Dallas and Fort Worth, TX, on the one hand, and, on the other, points in the U.S. (except AK, HI, and TX).

MC 135074 (Sub-2), filed April 1, 1983. Applicant: SECURITY STORAGE CO., INC., P.O. Box 2005, Goldsboro, NC 27530. Representative: Archie W. Andrews, P.O. Box 1166, Eden, NC 27288, (919) 635–4711. Transporting *household goods,* between points in GA, NC, SC, and VA, on the one hand, and, on the other, points in the U.S. except AK, HI, and VT).

MC 141424 (Sub-10), filed April 4, 1983. Applicant: P-Y TRANSPORT, INC., 2393 W. Market St., York, PA 17404. Representative: Maxwell A. Howell, 2554 Mass. Ave., N.W., Washington, DC 20008, (202) 483–8633. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S.

MC 144094 (Sub-9), filed April 4, 1983. Applicant: ALADDIN, INC., 15 Scout Ave., South Kearny, NJ 07032. Representative: Edward F. Bowes, 7 Becker Farm Rd., P.O. Box Y, Roseland, NJ 07068, (201) 992–2200. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with R & T Factoring, Inc., of South Kearny, NJ.

MC 148275 (Sub-10), filed April 1, 1983. Applicant: J. L. McCoy, Inc., P.O. Box 520, Ravenswood, WV. Representative: Andrew P. Damis, 600 55th Street, Vienna, VA 26105, (304) 295–4834. Transporting *general commodities* (except household goods, classes A and B explosives, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with W. M. Industries, Incorporated of Atlanta, GA.

MC 148994 (Sub-5), filed March 31, 1983. Applicant: MICHAEL W. AMABILE, d.b.a., TRIPLE AAA TRUCKING, 29891 Red Arrow Hwy, Paw Paw, MI 49079. Representative: Nancy J. Amabile (same address as applicant), (616) 657–3400. Transporting *food and related products,* between points in AL, AR, GA, FL, IL, IN, KA, KS, KY, OK, LA, MI, MN, MO, MS, NC, OH, PA, SC, TN, TX, VA, WI, and WV.

MC 152714 (Sub-1), filed April 1, 1983. Applicant: DEERFIELD TRANSPORTATION, INC., South Main St., South Deerfield, MA 01373. Representative: James M. Burns 1365 Main St., Suite 403, Springfield, MA 01103, (413) 781–8205. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Total Distribution Services, Inc., of West Hartford, CT.

MC 152935 (Sub-12), filed April 4, 1983. Applicant: HILL–ROM COMPANY, INC., Highway 46, Batesville, IN 47006. Representative: Steve A. Oldham (same address as applicant), (812) 934–7169. Transporting *furniture and fixtures,* between points in the U.S. (except AK and HI), under continuing contract(s) with Peters Wholesale Furniture, Inc., of Louisville, KY.

MC 153314 (Sub-7), filed April 4, 1983. Applicant: M & D TRANSPORTATION, INC., P.O. Box 775, Glendale, AZ 85311. Representative: Michael S. Varda, 121 South Pinckney Street, Madison, WI 53703, (608) 255–8891. Transporting *food and related products,* between points in AZ, CA, NM and TX, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 156225, filed April 4, 1983. Applicant: LANIER TRANSPORTATION, INC., P.O. Box 993, Gainesville, GA 30503. Representative: Mark S. Gray 1006 South Tower, 225 Peachtree St., N.E., Atlanta, GA 30303, (404) 523–1717. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. in and east of WI, KY, TN and MS.

MC 157304 (Sub-1), filed April 7, 1983. Applicant: AZS CORPORATION, 762 Marietta Blvd., NW., Atlanta, GA 30318 Representative: J. L. Fant, P.O. Box 577, Jonesboro, GA 30237, (404) 477–1525. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Castellaw Transportation Consultants, Inc. of Jonesboro, GA.

MC 158675 (Sub-4), filed April 4, 1983. Applicant: REMICK TRUCKING, LTD., 215 E. 37th St., Boise, ID 83704. Representative: Timothy R. Stiver, P.O.B. 1576, Boise, ID 83701, (208) 343–3071. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. under continuing contract(s) with Transportation Systems, Inc., of Boise, ID.

MC 160225 (Sub-1), filed March 29, 1983. Applicant: KERMIT AUSTAD AND MARK AUSTAD, d.b.a. AUSTAD TRUCKING, 980 Carver Beach Rd., Chanhassen, MN 55317. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440, (612) 542–1121. Transporting (1) *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between Minneapolis, MN, on the one hand, and, on the other, points in the U.S. (except AK and HI), and (2)(a) *clay, concrete, glass or stone products,* between points in Huntington County, IN, on the one hand, and, on the other, points in IN, IL, IA, KY, MI, MN, OH, and WI, and (b) between points in Calhoun County, MI, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 160994 (Sub-1), filed April 4, 1983. Applicant: MARSHALL FINCH, d.b.a. SKIPPY'S DISTRIBUTING CO., 1018 4th St., Santa Monica, CA 90403. Representative: Earl N. Miles, 3704

Candlewood Dr., Bakersfield, CA 93306, (805) 872–1106. Transporting *food and related products*, between points in AR, AZ, CA, CO, FL, GA, IA, IL, IN, KS, LA, MA, MD, MI, MN, MO, NE, NJ, NM, NY, NV, OH, OK, PA, OR, TN, TX, UT, WA, WI, and DC.

MC 164114 (Sub-3), filed April 7, 1983. Applicant: NORTH FLORIDA TRANSPORT SERVICE, Rt. 1, Box 595, Summerfield, FL 32691. Representative: J. L. Fant, P.O. Box 577, Jonesboro, GA 30237, (404) 477–1525. Transporting *food and related products*, between points in the U.S.

MC 166204 (Sub-1), filed March 31, 1983. Applicant: SOUTHERN TRANSPORTATION SERVICES, INC., d.b.a. S T S TRUCKING, 6969 Tidewater Drive, Norfolk, VA 23509. Representative: Frank L. Willard, Suite #1001, First & Merchants National Bank Bldg., Norfolk, VA 23510, (804) 627–0070. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 167224 , filed April 4, 1983. Applicant: WAYNE MORGAN, d.b.a. WAYNE MORGAN SAWMILL, Route #3, Box 422, Salisbury, NC 28144. Representative: Terrell Price, 800 Briar Creek Rd., Suite DD504, Charlotte, NC 28205, (704) 372–8212. Transporting *lumber and wood products*, (1) between points in NC, SC, and GA, and (2) between points in NC, SC, and GA, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, KS, AK, and LA.

MC 167244, filed April 5, 1983. Applicant: SCHISSLER ENTERPRISES INC., 8306 Parker Court, Omaha, NE 68114. Representative: James F. Crosby & Associates, 7363 Pacific Street, Suite 210B, Omaha, NE 68114, (402) 397–9900. Transporting (1) *food and related products*, between points in IL, OK, and TN, on the one hand, and, on the other, points in the U.S. (except AK and HI), (2) *machinery, rubber and plastic products, petroleum products and transportation equipment*, between points in CO, NE, KS, MN, IA, MO, IL, and KY, and (3) *machinery, rubber and plastic products, transportation equipment, and metal products*, between points in CA, CO, FL, GA, IL, IA, IN, MI, NE, NC, ND, NJ, NY, OK, OR, PA, SD, TN, and TX, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 167275, filed April 7, 1983. Applicant: RALPH SPRAGUE, d.b.a. RALPH SPRAGUE & SON TRUCKING CO., P.O. Box 66, Thompsonville, IL 62890. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701, (217) 544–5468. Transporting (1) *fertilizer, coal*, and *carbon dust*, between points in IL, IN, KY, and MO, (2) *volcanic ash*, between points in Franklin County, IL, on the one hand, and, on the other, points in the U.S. (except AK and HI), and (3) *grain bins* and *grain handling equipment*, between points in IA, IN, and IL.

Volume No. OP–179

Decided: April 22, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 28985 (Sub-16), filed March 28, 1983. Applicant: SEASHORE TRANSPORTATION COMPANY, 812 Broad St., New Bern, NC 28560. Representative: Lawrence E. Linderman, 4860 Kenmore Ave., Suite 1203, Alexandria, VA 22304, (703) 751–2441. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 28985 (Sub-16(a)), filed March 28, 1983. Applicant: SEASHORE TRANSPORTATION COMPANY, 812 Broad St., New Bern, NC 28560. Representative: Lawrence E. Lindeman, 4660 Kenmore Ave., Suite 1203, Alexandria, VA 22304, (703) 751–2441. Over regular routes, transporting *passengers*, (1) between Charleston, SC, and Goldsboro, NC, from Charleston over US Hwy 17 to Wilmington, NC, then over US Hwy 117 to Goldsboro, and return over the same route, serving all intermediate points, (2) between Raleigh, NC and Goldsboro, NC, over US Hwy 70 and alternate US Hwy 70, serving all intermediate points.

Note.—Applicant seeks to provide regular route service in interstate or foreign commerce and in intrastate commerce under 49 U.S.C. 10922(c)(2)(B), and to tack this authority with its existing authority.

MC 28985 (Sub-16(b)), filed March 28, 1983. Applicant: SEASHORE TRANSPORTATION COMPANY, 812 Broad St., New Bern, NC 28560. Representative: Lawrence E. Lindeman, 4660 Kenmore Ave., Suite 1203, Alexandria, VA 22304, (703) 751–2441. Transporting *shipments weighing 100 pounds or less* when transported in motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI).

MC 157734 (Sub-1), filed April 11, 1983. Applicant: J & J LOGGING CO., INC., P.O. Box 588, Tonasket, WA 98855. Representative: Boyd Hartman, P.O. Box 3641, Bellevue, WA 98009, (206) 453–0312. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 167325, filed April 11, 1983. Applicant: ROBERT DAVID FOGG, 7 Pleasant St., Portland, ME 04101. Representative: Robert David Fogg, 1700 Broadway West, Apt. A–005, South Portland, ME 04106, (207) 774–2255. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 167384, filed April 11, 1983. Applicant: L & M TRANSPORTATION, INC., No. 38–730 Tabor, Golden, CO 80401. Representative: Stephen H. Loeb, Suite 4, 2777 Finley Rd., Downers Grove, IL 60515; (312) 935–0330. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 167394, filed April 12, 1983. Applicant: GIRISH PATEL, d.b.a. ILLINOIS METRO SHIPPERS, 538 N. York Rd., Bensenville, IL 60106. Representative: Girish Patel (same address as applicant), (312) 860–7930. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

For the following, please direct status calls to Team 4 at 202–275–7669.

Volume No. OP4–250

Decided: April 22, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 167446, filed April 15, 1983. Applicant: D & J SHIPPERS, 4525 S. Halsted St., Chicago, IL 60609. Representative: Hugh Delfield, 5914 S. Kedzie Ave., Chicago, IL 60629, (312) 434–3079. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 167447, filed April 15, 1983. Applicant: MICHAEL D. DWYN, d.b.a. TRANSPORTATION SERVICES, Rt. 1, Box 171, Edinburg, VA 22824. Representative: Barry Weintraub, 7700 Leesburg Pike, Suite 403, Falls Church, VA 22043, (703) 442–8330. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 167466, filed April 15, 1983. Applicant: PENNINSULA TRANSPORTATION, LTD., 1301 Redfern Ave., Far Rockaway, NY 11691. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048, (212) 466–0220. Transporting *passengers*, in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 167467, filed April 18, 1983. Applicant: GRIFFIS TRANSPORTATION SERVICE, INC., 17–J Forest Acres Dr., Bradford, MA 01830. Representative: James Robert Evans, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722–2848. Transporting *passengers,* in charter and special operations, between points in the U.S. (except AK anmd HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

For the following, please direct status calls to Team 5 at 202–275–7289.

Volume No. OP5–195

Decided: April 20, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 167309, filed April 8, 1983. Applicant: PHILIP W. KWAN & VIC W. KWAN, d.b.a. KWAN TRUCKING, Rt. No. 1, Box 399, Potosi, Mo 63664. Representative: Philip W. Kwan (same address as applicant), (314) 438–5424. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 167319, filed April 11, 1983. Applicant: BRUNO HELIE INC., 3505 Port Royal, St.-Grégoire, Quebec, Canada G0X 2T0. Representative: Guy Poliquin, 580 East, Grande-Allee St., Suite 140, Quebec City, Quebec, Canada G1R 2K3, 1–418–522–5644. Transporting *passengers,* in special and charter operations, beginning and ending at ports of entry on the international boundary line between the United States and Canada in ME, NH, VT, NY, and MI, and extending to points in the U.S.

Note.–Applicant seeks to provide privately-funded charter and special transportation.

MC 167329, filed April 11, 1983. Applicant: BEN CHOJNICKI, d.b.a. MARGIN EXPRESS, 21 Baltic Rd., Worcester, MA 01613. Representative: Ronald I. Shapss, 450 Seventh Ave., New York, NY 10123, (212) 239–4610. Transporting *passengers,* in special and charter operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 167328, filed April 11, 1983. Applicant: JOSEPH ADRIANO, 242 South 11th Street, Kansas City, KS 66102. Representative: Marc Schwartz, 1100 Charterbank Center, Kansas City, MO 64105, (816) 221–6500. Transporting *passengers,* in charter and special operations, beginning and ending at Kansas City, MO, and extending to points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 167338, filed April 11, 1983. Applicant: FOUR WINDS, INC., 1050 Yuma St., Suite 302, Denver, CO 80204. Representative: Amy J. Long, 820 Zenobia St., Denver, CO 80204, (303) 825–1788. Transporting *passengers,* in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 167339, filed April 11, 1983. Applicant: JAMES C. SCHOENTHALER, 91 W. River Rd., Waterville, ME 04901. Representative: James C. Schoenthaler (same address as above), (207) 873–3825 and 873–2147. To operate as a *broker* of *general commodities* (except household goods), between points in the U.S.

[FR Doc. 83–11442 Filed 4–28–83; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

In the matter of Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water Carriers; Household Goods Brokers.

The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** December 31, 1980. For compliance procedures, see 49 CFR 1106.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the **Federal Register** on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commissions's regulations.

We make an additional preliminary finding with respect to each of the following types of applications as indicated: common carrier of property-that the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier-that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, and household goods broker-that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant

maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Applications filed under 49 U.S.C. 10922(c)(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly noted.

Please direct status inquiries to Team 3 at (202) 275–5223.

Volume No. OP3–176

Decided: April 21, 1983.

By the Commission, Review Board No. 1, Members Parker Chandler, and Fortier.

MC 144855 (Sub-2 (B)), filed March 17, 1983, previously noticed in the **Federal Register** on April 14, 1983. Applicant: JAIRO A. LOPEZ, d.b.a. TRICENTENNIAL LIMO-BUS, 162 Temple St., New Haven, CT 06510. Representative: Jairo A. Lopez, 2 Knox St., West Haven, CT 06516, (203) 562–9555. Over *regular routes*, transporting *passengers* (1) Between New Haven, CT, and John F. Kennedy International Airport, New York, NY: From New Haven over Interstate Hwy 95 to the New York City line, then over city streets to the John F. Kennedy International Airport, and return over the same route, and (2) Between New Haven, CT, and (a) La Guardia International Airport, New York, NY, and (b) Newark International Airport, Newark, NJ: From New Haven over Interstate Hwy 95 to the New York City line, then over city streets to La Guardia International Airport, then over the George Washington Bridge to U.S. Hwy 46, then over U.S. Hwy 46 to the New Jersey Turnpike/Interstate Hwy 95, and then over the New Jersey Turnpike/Interstate Hwy 95 to Newark International Airport, and return over the same route, serving all intermediate points in (1) and (2)(a) and (b) above.

Note.—(1) Applicant seeks to provide regular-route service only in interstate or foreign commerce; and (2) This republication corrects the route description.

MC 167245, filed April 5, 1983. Applicant: GAME TIME, INC., P.O. Box 121, Ft. Payne, AL 35967. Representative: Terry P. Wilson, 428 South Lawrence St., Montgomery, AL 36104, (205) 262–2756. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 167254, filed April 4, 1983. Applicant: UNITED CONSOLIDATION, INC., 449 Silver St., Agawam, MA 01001. Representative: David M. Marshall, Sixth Floor, 95 State St., Springfield, MA 01103, (413) 732–1136. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 167355, filed April 11, 1983. Applicant: PAUL D. REQUE, d.b.a. NORDIC COACHES, 3530 West Capitol Dr., Appleton, WI 54915. Representative: Joseph M. Troy, 301 North Lynndale Dr., Appleton, WI 54914, (414) 739–7366. Transporting *passengers*, in charter operations, beginning and ending at points in Outagamie County, WI, and extending to points in IL, MI, MN, IA, OH, IN, KY, TN, GA, and FL.

Note.—Applicant seeks to provide privately funded-charter transportation.

Volume No. OP3–178

Decided: April 22, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 77424 (Sub-56), filed April 8, 1983. Applicant: WENHAM TRANSPORTATION, INC., 3200 E. 79th St., Cleveland, OH 44104. Representative: J. E. Wenham (same address as applicant), (216) 883–4600. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S., under continuing contract(s) with The May Department Stores Company of St. Louis, MO.

MC 107515 (Sub-1429), filed April 11, 1983. Applicant: RTC TRANSPORTATION, INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, 3390 Peachtree Rd., N.E., Suite 520, Atlanta, GA 30326, (404) 262–7855. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with CPC International, Inc., of Englewood Cliffs, NJ.

MC 136155 (Sub-13), filed April 11, 1983. Applicant: GAY TRUCKING COMPANY, a corporation, P.O. Box 7179, Savannah, GA 31408. Representative: Herbert Alan Dubin, 818 Connecticut Ave., N.W., Washington, DC 20006, (202) 331–3700. Transporting (1) *pulp, paper and related products*, (2) *construction materials*, (3) *machinery*, (4) *metal products*, (5) *rubber and plastic* products, and (6) *equipment and supplies* used in the manufacture of trailers, between points in IL, IN, OH, and PA, on the one hand, and, on the other, points in AL, AR, DE, FL, GA, IL, IN, KY, LA, MD, MS, NC, OH, OK, PA, SC, TN, TX, VA, WV, and DC.

MC 141614 (Sub-6), filed April 13, 1983. Applicant: J. D. AND BILLY HINES TRUCKING, INC., 1110½ West First Pl., Prescott, AR 71857. Representative: Barry Barber, 122 East Second St., P.O. Box 599, Prescott, AR 71857. Transporting *general commodities* (except classes A and B explosives, household goods), between points in the U.S. (except AK and HI).

MC 144145 (Sub-8), filed April 11, 1983. Applicant: GILBERT & HOGLE TRUCKLINES, INC., 4491 W. Cleveland Hwy., Perrinton, MI 48871. Representative: James R. Davis, Tenth Fl., Michigan National Tower, Lansing, MI 48933, (517) 482–5800. Transporting *farm products and animal food and related products*, between points in MI, IN, OH, IL, WI and KY.

MC 144964 (Sub-15), filed April 11, 1983. Applicant: LINEHAUL EXPRESS, INC., 1200 Hammondville Rd., P.O. Box 1205, Pompano Beach, FL 33061. Representative: Michael J. Diaz (same address as applicant), (305) 785–5112. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the US. (except AK and HI.)

MC 146075 (Sub-15), filed April 13, 1983. Applicant: TEXAS INTERMOUNTAIN TRANSPORTATION, INC., 6161 West 29th Pl., Wheatridge, CO 80214. Representative: Delbert Ewing (same address as applicant), (203) 429–4065. Transporting *general commodities* (classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 159795 (Sub-1), filed April 8, 1983. Applicant: TWIN PORTS TRUCKING COMPANY, INC., 1230 Poplar Ave., Superior, WI 54880. Representative: Michael F. Morrone, 1150 17th St., NW., Suite 1000, Washington, DC 20036, (202) 457–1124. Transporting *food and related products*, between points in the U.S. (except AK and HI), under continuing

contract(s) with Geo. A Hormel & Co., of Austin, MN

MC 160885 (Sub-2), filed April 12, 1983. Applicant: PONY EXPRESS, INC., P.O. Box 280, Camden, DE 19934. Representative: Lester R. Gutman, 1919 Pennsylvania Ave., NW., Suite 500, Washington, DC 20006, (202) 828–5017. Transporting *food and related products*, between points in DE, MD, PA, NJ, NY, and VA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 166474 (Sub-1), filed April 8, 1983. Applicant: THE DENVER AND RIO GRANDE WESTERN RAILROAD COMPANY, One Park Central, 1111 Fifteenth St., Denver, CO 80202. Representative: W. D. Braucher, P.O. Box 5482, Denver, CO 80217, (303) 595–2353. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 167324, filed April 11, 1983. Applicant: YOUR TOWN TRANSPORT, INC., P.O. Box 97, Union Center, WI 53062. Representative: Ronald E. Laitsch, 108 S. Second St., Watertown, WI 53094, (414) 261–9725. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI). Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(a), or submit an affidavit stating why Commission approval is unnecessary, or submit a petition of exemption to the Secretary's Office. In order to expedite issuance of any authority please submit a copy of the affidavit or petition or proof of filing the application(s) for common control to Team 3, Room 2158.

Volume No. OP3–180

Decided: April 14, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 167184, filed March 30, 1983. Applicant: PETER M. LOUX, d.b.a. LOUX LEASING COMPANY, 225 Emeral Pl., Stratford, CT 06497. Representative: Mark Perry, 5030 N. 35th St., Arlington, VA 22207, (703) 534–1823. Transporting *general commodities* (except classes A and B explosives and household goods), between points in ME, NH, CT, MA, NJ, MD, WV, VT, NY, RI, PA, DE, VA and TN, under continuing contract(s) with Derby Feed Company, of Derby, CT.

Volume No. OP3–182

Decided: April 21, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 161045 (Sub-1), filed April 4, 1983. Applicant: COLUMBIA INLAND TRUCKING CO., P.O. Box 325, Gladstone, OR 92707. Representative: Earle V. White, 2400 S.W. 4th Avenue, Portland, OR 97201, (503) 226–6491. Transporting *food and related products*, between Nampa, ID and Nyssa, OR, on the one hand, and, on the other, points in AZ, AR, CA, CO, ID, IL, IA, KS, LA, MN, MO, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA, WI, and WY.

For the following, please direct status calls to Team 4 at 202–275–7669.

Volume No. OP4–249

Decided: April 22, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 35906 (Sub-4), filed April 15, 1983. Applicant: JOHN LESTICIAN TRUCKING, INC., 500 Breunig Ave., Trenton, NJ 08635. Representative: Raymond A. Thistle, Jr., 426 Cottman St., Jenkintown, PA 19046, (215) 576–0131. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in CT, DE, MD, NJ, NY, PA, VA and DC.

MC 37896 (Sub-65), filed April 15, 1983. Applicant: YOUNGBLOOD TRANSPORTATION SYSTEMS, INC., d.b.a YOUNGBLOOD TRUCK LINES, P.O. Box 1048, Fletcher, NC 28732. Representative: Henry A. Badgett (same address as applicant), (704) 684–5321. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S., under continuing contract(s) with American Home Products Corporation of New York, NY, and its subsidiaries.

MC 42866 (Sub-24), filed April 14, 1983. Applicant: NATIONAL VAN LINES, INC., 2800 Roosevelt Rd., Broadview, IL 60153. Representatiive: John P. Torpats (same address as applicant), (312) 450–2900. Transporting *plastic products*, between points in the U.S., under continuing contract(s) with Illinois Tool Works, Inc., of Des Plaines, IL.

MC 52657 (Sub-763), filed April 14, 1983. Applicant: ARCO AUTO CARRIERS, INC., 16 W. 151 Shore Court, Burr Ridge, IL 60521. Representative: Anthony E. Young, 29 S. LaSalle St., Suite 350, Chicago, IL 60603, (312) 782–8880. Transporting *transportation equipment*, between points in the U.S., under continuing contract(s) with The Fruehauf Corporation, of Detroit, MI.

MC 138387 (Sub-5), filed April 13, 1983. Applicant: FOOSE TRANSPORT, INC., P.O. Box 566, Mahwah, NJ 07430. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048, 201–529–4048. Transporting *such commodities* as are dealt in or used by food business houses, between points in the U.S. (except AK and HI), under continuing contract(s) with Scheps Cheese Corp., of Haledon, NJ.

MC 143127 (Sub-87), filed April 18, 1983. Applicant: K. J. TRANSPORTATION, INC., 6070 Collett Rd., Victor, NY 14564. Representative: Catherine Jablonski (same address as applicant), (716) 924–9951. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 144047 (Sub-2), filed April 15, 1983. Applicant: BROOKSIDE TRANSPORT, LTD., P.O. Box 2091, Brooks, Alberta, Canada T0J 0J0. Representative: Dale E. Isley, 50 South Steel St., Suite 330, Denver, CO 80209, (303) 320–6100. In foreign commerce only, transporting *meat*, between the ports of entry on the International Boundary line between U.S. and Canada at points in Boundary County, ID, Toole County, MT, Burke and Pembina Counties, ND, and Chippewa County, MI, on the one hand, and, on the other, points in CA, CO, KS, OH, OK, OR, and UT.

MC 154026 (Sub-5), filed April 18, 1983. Applicant: ADVANCE EXPRESS, INCORPORATED, P.O. Box 358, Girard, OH 44420. Representative: Edmund P. Riek (same address as applicant), (216) 759–7102. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

MC 158096 (Sub-3), filed April 18, 1983. Applicant: BEST WAYS EXPRESS, INC., 129 176th St., S. Suite 6, Spanaway, WA 98387. Representative: Kenneth R. Mitchell, 2320A Milwaukee Way, Tacoma, WA 98421, (206) 383–3998. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except HI), under continuing contract(s) with (1) All Points Transportation Service, of Denver, Co; (2) Front Range Pipe Co., of Loveland, CO; (3) Shelby Property Brokers, Inc., of Birmingham, AL, and (4) J. A. Tucker Co., of Westville, NJ.

MC 157047 (Sub-2), filed March 28, 1983. Applicant: BENDER TRANSPORTATION CO., 529 Evans

Drive, Reno, NV 89512. Representative: Robert G. Harrison, 4299 James Drive, Carson City, NV 89701, (702) 882–5849. Transporting *general commodities* (except classes A and B explosives and household goods), between points in NV, CA, OR, WA, AZ, ID, UT, CO, and NM.

MC 161476 (Sub-1), filed April 14, 1983. Applicant: LONNIE KNUTSON, 1520 Ashley Lake Rd., Kalispell, MT 59901. Representative: Lonnie Knutson (same address as applicant), (406) 755–4635. Transporting *forest products*, and *Lumber and wood products*, between points in AZ, CA, CO, ID, IL, IN, IA, KS, MI, MN, MO, MT, NE, ND, OH, OK, OR, SD, TX, UT, WA, WI, and WY.

MC 161476 (Sub-2), filed April 14, 1983. Applicant: LONNIE KNUTSON, 1520 Ashley Lake Rd., Kalispell, MT 59901. Representative: Lonnie Knutson (same address as applicant), (406) 755–4635. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

MC 167327, filed April 11, 1983. Applicant: J. M. TRUCKING INC., P. O. Box 9046, Lester, PA 19113. Representative: Joseph A. Meo, Three Neshaminy Interplex, Suite 213, Trevose, PA 19047, (215) 245–1400. Transporting *general commodities* (except classes A & B explosives, household goods and commodities in bulk), between Philadelphia, PA, on the one hand, and, on the other between points in the U.S. (except AK and HI.)

MC 167397, filed April 13, 1983. Applicant: RAY PARKE, ROY PARKE, WAYNE PARKE, d.b.a. PARKE BROS. TRUCKING, 29044 189th Place, SE., Kent, WA 98031. Representative: Jim Pitzer, P. O. Box 895, Renton, WA 98057, (206) 235–1111. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI.)

MC 167456, filed April 15, 1983. Applicant: A. M. CASTLE & CO., 3400 N. Wolf Rd., Franklin Park, IL 60131. Representative: Scott Bertrand (same address as applicant), (312) 455–7111. Transporting *metal products*, between points in the U.S. (except AK and HI.)

For the following, please direct status calls to Team 5 at 202–275–7289.

Volume No. OP5–194

Decided: April 20, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 31389 (Sub-342), filed March 15, 1983. Applicant: McLEAN TRUCKING COMPANY, 1920 West First Street, Winston-Salem, NC 27104. Representative: Daniel R. Simmons (same address as applicant), 919–721–2000. Transporting *general commodities* (except classes A & B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Bell and Howell Company, of Chicago, IL, Bell and Howell Company, of Lincolnwood, IL, and Micro Design, a Division of Bell and Howell Company, of Hartford, WI.

MC 146438 (Sub-21), filed April 11, 1983. Applicant: ETV, INC., P.O. Box 393, Comstock Park, MI 49321. Representative: William B. Elmer, P.O. Box 801, Traverse City, MI 49685–0801, (616) 941–5313. Transporting *chemicals and related products*, between points in the U.S. (except AK and HI).

MC 157458 (Sub-1), filed April 11, 1983. Applicant: CLARENCE KRESSIN, d.b.a. KRESSIN TRUCKING, Route 1; Box 116, Jim Falls, WI 54748. Representative: Nancy J. Johnson, 103 East Washington Street, Box 218, Crandon, WI 54520, (715) 478–3341. Transporting *commodities in bulk*, between points in Chippewa County, WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 158419 (Sub-11), filed April 11, 1983. Applicant: ON TIME FREIGHT SYSTEMS, INC., P.O. Box 37722, Omaha, NE 68137. Representative: John T. Wirth, 717–17th St., Suite 2600, Denver CO 80202–3357, (303) 892–6700. Transporting *such commodities* as are dealt in by retail and wholesale grocery and food business houses, between points in the U.S. (except AK and HI).

MC 165618, filed March 25, 1983. Applicant: EUGENE D. EVERINGHAM, d.b.a. R & L SALVAGE, 8037 E. Carson City Rd., Rte. 1, Carson City, MI 48811. Representative: Karl L. Gotting, 1200 Bank of Lansing Bldg., Lansing, MI 48933, (517) 482–2400. Transporting *such commodities* as are dealt in by grocery stores, between points in MI, on the one hand, and, on the other, those points in the U.S. in and east of WI, IL, MO, OK, and TX.

MC 167138, filed April 11, 1983. Applicant: TOM PLAGGEMEYER, d.b.a. Western Pacific Trucking, P.O.B. 7068, Missoula, MT 59807. Representative: Tom Plaggemeyer (same address as applicant), (406) 549–6218. Transporting (1) *such commodities* as are dealt in or used by lumber yards, between points in WA, CA, OR, ID, WI, IL, and MT, on the one hand, and, on the other, those points in the United States in and west of WI, IL, MO, AR and TX (except AK and HI), and (2) *paper and paper products, machinery and metal products*, between points in WA, OR, ID, and MT.

MC 167289, filed April 8, 1983. Applicant: JOHN GOLDSMITH, d.b.a. GOLDSMITH TRUCK LINE, 4200 Floyd, Sioux City, IA 51108. Representative: Mark Perry, 236 Massachusetts Ave., NE., Washington, D.C. 20002, (202) 546–2298. Transporting *food and related products, paper products, automotive equipment, windows, and petroleum, natural gas, and their products*, between points in IA, NE, ND, SD, KS, OK, MN, MO, AR, LA, MI, WI, IL, IN, KY, TN, MS, OH, AL, FL, GA, ME, VT, NH, MA, CT, NY, NJ, PA, MD, DE, WV, NC, SC, and RI.

MC 167318, filed April 11, 1983. Applicant: MO-KAN DISTRIBUTION SERVICE, INC., 1330 West 8th Street, Kansas City, MO 64101. Representative: Alex M. Lewandowski, 1221 Baltimore Ave., Ste. 600, Kansas City, MO 64105, (816) 221–1464. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in MO, KS, NE, and IA.

MC 164789, filed April 11, 1983. Applicant: KEN SELLERS, d.b.a. KEN SELLERS TRUCKING, 5916 Bertha Lane, Fort Worth, TX 76117. Representative: Billy R. Reid, 1721 Carl St., Fort Worth, TX 76103, (817) 332–4718. Transporting (1) *metal products*, (2) *lumber and wood products*, and (3) *transportation equipment*, between points in TX, on the one hand, and, on the other, points in AL, AR, AZ, CA, CO, FL, GA, IA, IL, IN, KS, LA, MO, MI, MN, MS, NM, OH, OK, TN, TX, UT, and WI.

[FR Doc. 83–11443 Filed 4–28–83; 8:45 am]
BILLING CODE 7035–01–M

[Docket No. AB–52 (Sub-19)]

Rail Carriers; Atchison, Topeka & Santa Fe Railway Co.; Abandonment in Woods, Woodward & Harper Counties, OK; Findings

The Commission has found that the public convenience and necessity requires or permits the Atchison, Topeka & Santa Fe Railway Company to abandon its rail line between Waynoka (milepost 1.17) and Buffalo (milepost 52.23) in Woods, Woodward and Harper Counties, OK. A certificate will be issued authorizing this abandonment unless within 15 days after this publication the Commission also finds that: (1) A financially responsible person

has offered assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Mr. Louis Gitomer, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 11438 Filed 4-28-83; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-19 (Sub-59)]

Rail Carriers; Dayton and Union Railroad Co.; Abandonment and Discontinuance of Service by Baltimore & Ohio Railroad Co. in Darke County, OH; Findings

The Commission has issued a certificate permitting Dayton and Union's abandonment of, and B&O's discontinuance of service, on a portion of Dayton and Union's line of railroad known as B&O's Dayton and Union Subdivision, between Valuation Station 1384+60, at or near Arcanum, and Valuation Station 1489+58 at end of line at or near Greenville, a distance of approximately 8.81 miles, in Darke County, OH. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicants, with copies to Mr. Louis E. Gitomer, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. Any offer previously made must be emade within this 10 day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-11441 Filed 4-28-83; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Bureau of labor Statistics

Business Research Advisory Council Committees; Notice of Meetings and Agenda

The regular spring meetings of committees of the Business Research Advisory Council will be held on May 10 and 11, 1983.

The committee will meet in the following locations:

Economic Growth Committee, Room 7216 Bicentennial Building, 600 E Street, NW., Washington, D.C., Occupational Safety and Health, Room S-4215, Frances Perkins Department of Labor Building, 200 Constitution Avenue, N.W., Washington D.C., and the Committee on Price Indexes, Room 2740, General Accounting Office Building, 441 G Street, N.W., Washington, D.C.

The Business Research Advisory Council and its committees advise the Bureau of Labor Statistics with respect to technical matters associated with the Bureau's programs. Membership consists of technical officers from American business and industry.

The schedule and agenda of the meetings are as follows:

Tuesday, May 10: 9:30 a.m.—Committee on Economic Growth
1. Review of the work in progress
2. Detailed discussion of new projections—1990 and 1995
3. Other Business

Tuesday, May 10: 10:00 a.m.—Committee on Occupational Safety and Health
1. Election of Vice Chairperson
2. Discussion of quality assurance program
3. Annual survey update
4. Discusion of Work Injury Reports
5. Other Business

Tuesday, May 10: 1:30 p.m.—Committee on Price Indexes
1. Review of the Consumer Price Index Revision Plans:
   a. Technical Studies
   b. Area Sample
   c. Other
2. Service sector
3. Other Business

The meetings are open to the public. It is suggested that persons planning to attend these meetings as observers contact Kenneth G. Van Auken, Executive Secretary, Business Research Advisory Council on Area Code (202) 272-5241.

Signed at Washington, D.C. this 22 dav of April 1983.

Janet L. Norwood,

Commissioner of Labor Statistics.

[FR Doc. 83-11539 Filed 4-28-83; 8:45 am]

BILLING CODE 4510-24-M

Business Research Advisory Council; Meeting

The regular spring meeting of the Business Research Advisory Council will be held at 9:30 a.m., May 11, 1983, in Room N-5437 of the Frances Perkins Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C.

The Business Research Advisory Council and its committees advise the Bureau of Labor Statistics with respect to technical matters associated with the Bureau's programs. Membership consists of technical officers from American business and industry. The agenda for the meeting is as follows:

1. Chairman's Opening Remarks—Warren H. Bacon;
2. Commissioner's Remarks—Janet L. Norwood;
3. Committee Reports:
   (a) Occupational Safety and Health (Update on Annual Survey, Quality Assurance Program);
   (b) Economic Growth (Work in Progress Review, Projections 1990 and 1995);
   (c) Price Indexes (CPI Revision Plans, Service Industries Coverage);
4. Other Business;
5. Chairman's Closing Remarks.

This meeting is open to the public. It is suggested that persons planning to attend as observers contact Kenneth G. Van Auken, Executive Secretary, Business Research Advisory Council on Area Code (202) 272-5241.

Signed at Washington, D.C. this 22 day of April 1983.

Janet L. Norwood,

Commissioner of Labor Statistics.

[FR Doc. 83-11540 Filed 4-28-83; 8:45 am]

BILLING CODE 45210-24-M

Employment and Training Administration

Job Training Partnership Act; Proposed Fiscal Year (FY) 1984 Allotments for Programs Under Title II, Part B; Training Services for the Disadvantaged; Youth Programs and Title III; Dislocated Worker Program

AGENCY: Employment and Training Administration, Labor.

SUMMARY: This notice sets forth the proposed FY 1984 allotments to States for programs under Titles II-B and III of

the Job Training Partnership Act (JTPA) (Pub. L. 97–300).

SUPPLEMENTARY INFORMATION: Attached are proposed FY 1984 annual allotments to States for programs funded under Titles II–B and III of the JTPA. The proposed allotments for Title II–B are based on the President's January budget request for JTPA, the statutory formula contained in the Act and the latest data available to the Secretary. The proposed allotments for Title III are based on the April amendment to the President's January budget request, the statutory formula and the latest available data.

These proposed allotments are subject to change as a result of any differences between the final FY 1984 JTPA appropriation and the President's budget request for FY 1984 upon which these allotments are based.

These Title II–B proposed allotments may also be updated based on the most recent unemployment data available at the time the final allotments are issued. The Department is prepared to update the proposed allotments based on such data. However, the Department is soliciting comments on whether these proposed allotments should be updated when released as final allotments on the basis of the most recent data available at that time, or whether the final allotments should be based on the same data as are used for these proposed allotments. In this latter case, it would mean that these proposed allotments would change only if there is a difference between the final level appropriated for Title II–B and the President's January budget request. Any decision to update based on the most recent data available would apply to all future JTPA allotments. The proposed Title III allotments will be updated based on the most recent unemployment data available at the time the final allotments are issued, except that long-term unemployment data cannot be updated this year.

The Attachment shows in Column 1 a total proposed allotment of $711,372,489 for Title II–B. This amount represents over 98 percent of the funds requested for the Title II–B program. The remaining funds are for Native American summer programs. This amount is composed entirely of FY 1984 formula new obligational authority (NOA) funds. No matching is required for these funds. These funds support summer youth activities. Except for Guam, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Marianas, the data used in developing these proposed allotments were based on data for both areas of substantial unemployment and the number of excess unemployed individuals and are averages for the 12-month period, November 1981 through October 1982. The data on economically disadvantaged persons are from the 1980 Census.

The allocations for the specifically listed areas above are based on the percentage of funds those areas received for summer youth activities during 1983.

Title III Proposed Allotments

The Attachment in Column 2 shows a total proposed allotment of $167,250,000. this amount represents 75 percent of the funds requested for the title III program. This amount is composed entirely of FY 1984 formula NOA funds. These funds are subject to the matching requirements contained in Section 304 of JTPA. These funds support dislocated worker program activities.

Except for the areas specifically listed above, the data used for determining these proposed allotments, relative numbers of unemployed and relative numbers of excess unemployed, are annual averages for the period February 1982 through January 1983. The long-term unemployed data are averages for calendar year 1982. Data for relative number of unemployed and relative number of excess unemployed will be updated at the time the final allotments are issued. Long-term unemployment data cannot be updated this year. Proposed allotments for Guam, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands and the Commonwealth of the Northern Marianas are based on the proportion these jurisdictions received of the title II–A funds and are subject to final decisions regarding the title II–A distribution formula.

Title III Matching Requirements

The Attachment in Column 3 shows a total amount of $115,069,317. This represents the matching amount each State must provide in accordance with section 304 of the Act in order to be eligible for the Federal allotment listed for the State in Column 2.

Total Title III Resources

The Attachment in Column 4 shows a total amount of $282,319,317. This represents the total resources available for the Title III dislocated worker program, except for $55,750,000 in discretionary funds. Information on applying for Title III discretionary funds will be provided at a later date.

Comment

The Title II–B proposed allotments will be updated to reflect differences between the final FY 1984 JTPA appropriation and the President's January budget request for FY 1984 upon which these proposed allotments are based. The Department is soliciting comments through this notice on whether it is the preference of the States that we update the allotments based on unemployment data available at the time of the final appropriations, or use the same data as were used in these proposed allotments.

DATE: Comments on the proposal to update the Title II–B allotments based on the most recent unemployment data at the time of the final FY 1984 JTPA appropriation must be submitted on or before May 31, 1983.

ADDRESS: Comments should be addressed to Robert N. Colombo, Acting Director, Office of Employment and Training Programs, 601 D Street, NW., Room 6402, Washington, D.C. 20213

Signed this 21st day of April 1983.

Joyce Kaiser,

Associate Assistant Secretary for Employment and Training.

U.S. DEPARTMENT OF LABOR—EMPLOYMENT AND TRAINING ADMINISTRATION, OFFICE OF FINANCIAL CONTROL AND MANAGEMENT SYSTEMS, FY 1984 JIPA ALLOTMENTS TO STATES

	Title II–B	Title III		
		Allotment	State match	Total
Alabama	16,421,712	4,217,931	0	4,217,931
Alaska	1,775,415	293,023	234,418	527,441
Arizona	8,095,493	1,899,975	1,519,980	3,419,955
Arkansas	7,580,996	1,377,593	1,377,593	2,755,186
California	74,435,716	18,152,555	14,522,044	32,674,599
Colorado	6,353,916	1,061,039	1,601,039	3,202,078
Connecticut	8,311,427	1,447,941	1,447,941	2,895,882
Delaware	1,775,415	329,930	329,930	659,860
Dist of Columbia	6,746,288	530,795	424,636	955,431
Florida	24,862,483	5,192,242	5,192,242	10,384,484
Georgia	14,198,317	2,697,667	2,697,667	5,395,334
Hawaii	2,279,027	370,457	370,457	740,914
Idaho	2,891,878	610,291	610,291	1,220,582
Illinois	37,446,233	10,637,770	6,382,662	17,020,432
Indiana	18,721,548	5,205,152	3,123,091	8,328,243
Iowa	7,370,776	1,905,291	1,905,291	3,810,582
Kansas	4,485,938	942,753	942,753	1,885,506

U.S. DEPARTMENT OF LABOR—EMPLOYMENT AND TRAINING ADMINISTRATION, OFFICE OF FINANCIAL CONTROL AND MANAGEMENT SYSTEMS, FY 1984 JIPA ALLOTMENTS TO STATES—Continued

	Title II-B	Title III		
		Allotment	State match	Total
Kentucky	12,436,833	2,636,933	2,109,546	4,746,479
Louisiana	14,129,815	2,720,050	2,176,040	4,896,090
Maine	3,262,930	619,957	619,957	1,239,914
Maryland	11,168,391	2,652,933	2,652,933	5,305,866
Massachusetts	16,830,184	3,325,988	3,325,988	6,651,976
Michigan	39,780,165	11,970,901	0	11,970,901
Minnesota	8,933,308	2,409,675	2,409,675	4,819,350
Mississippi	9,191,353	1,836,397	1,101,838	2,938,235
Missouri	13,959,357	3,194,111	2,194,111	5,388,222
Montana	2,307,940	471,353	471,353	842,706
Nebraska	3,147,874	594,112	594,112	1,188,224
Nevada	2,476,769	764,329	611,463	1,375,792
New Hampshire	1,897,425	460,570	460,570	921,140
New Jersey	21,762,233	4,792,990	4,792,990	9,585,980
New Mexico	4,094,721	758,704	758,704	1,517,408
New York	50,846,855	10,214,448	10,214,448	20,428,896
North Carolina	16,682,131	3,841,712	3,841,712	7,683,424
North Dakota	1,775,415	182,027	182,027	364,054
Ohio	37,824,854	11,508,278	4,603,311	16,111,589
Oklahoma	6,266,877	873,307	873,307	1,746,614
Oregon	9,331,452	2,539,642	1,523,785	4,063,427
Pennsylvania	36,145,086	10,147,395	6,088,437	16,235,832
Puerto Rico	24,571,154	3,594,090	0	3,594,090
Rhode Island	3,140,596	747,706	598,165	1,345,871
South Carolina	10,783,650	2,493,599	1,994,879	4,488,478
South Dakota	1,775,415	203,934	203,934	407,868
Tennessee	16,062,794	3,957,234	2,374,340	6,331,574
Texas	30,783,825	5,649,341	5,649,341	11,298,682
Utah	3,352,162	682,361	682,361	1,364,722
Vermont	1,775,415	228,725	228,725	457,450
Virginia	12,625,007	2,758,089	2,758,089	5,516,178
Washington	14,810,668	4,073,485	1,629,394	5,702,879
West Virginia	6,725,220	1,955,054	0	1,955,054
Wisconsin	13,944,687	4,365,277	3,492,222	7,857,499
Wyoming	1,775,415	169,525	169,525	339,050
American Samoa	55,003	34,486	0	34,486
Guam	670,830	143,575	0	143,575
Northern Marianas	25,730	11,450	0	11,450
Trust Territories	74,374	78,297	0	78,297
Virgin Islands	380,370	175,555	0	175,555
National total	711,372,489	167,250,000	115,069,317	282,319,317

[FR Doc. 83-11182 Filed 4-28-83; 8:45 am]
BILLING CODE 4510-30-M

Office of the Secretary

Agency Forms Under Review by the Office of Management and Budget (OMB)

Background

The Department of Labor, in carrying out its responsibility under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the proposed forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

On each Tuesday and/or Friday, as necessary, the Department of Labor will publish a list of the Agency forms under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of any particular revision they are interested in.

Each entry will contain the following information:

The Agency of the Department issuing this form.
The title of the form.
The Agency form number, if applicable.
How often the form must be filled out.
Who will be required to or asked to report.
Whether small business or organizations are affected.
The standard industrial classification (SIC) codes, referring to specific respondent groups that are affected.
An estimate of the number of responses.
An estimate of the total number of hours needed to fill out the form.
The number of forms in the request for approval.
An abstract describing the need for and uses of the information collection.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained by calling the Departmental Clearance Officer, Paul E. Larson, Telephone 202-523-6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room S-5526, Washington, D.C. 20210. Comments should also be sent to the OMB reviewer, Arnold Strasser, Telephone 202-395-6880, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, NEOB, Washington, D.C. 20503.

Any member of the public who wants to comment on a form which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

New

Employment and Training Administration

Governor's Coordination and Special Services Plan
ETA-RC53
Biennially
State Governments
SIC: 944
57 responses; 570 hours

The Governor's Coordination and Special Services Plan, required by Section 121(a)(2) of the Job Training Partnership Act (JTPA), will provide the Department with a general description of each State's plans for the operation of its JTPA program and the utilization of its JTPA resources.

Employment and Training Administration

Service Delivery Area Appeal
ETA-RC54
On occasion
Local governments
SIC: 944
20 responses; 40 hours

The information collected will be used to determine whether JTPA recipients' denial of designation of entities as service delivery areas is in conformance with the Job Training Partnership Act.

Employment and Training Administration

The Secretary's Performance Standards & Reporting & Recordkeeping Requirements (JTPA Titles II & III)
ETA 8580
Annually
State Governments
SIC: 944
57 responses; 501,140 hours; 1 form

Reporting requirements are necessary for the Secretary to complete his responsibility specified at sec. 106 of JTPA to set performance standards and parameters within which Governors may vary such standards.

Revision

Employment and Training Administration

Review of Federal Supplemental Compensation Program (FSC) Amendments
ETA–RC51
On Occasion
State and local governments
SIC: 944
53 responses; 530 hours; 1 form

Review and assess the State agencies performance in implementing the amendments made to the Federal Supplemental Compensation Act of 1982 (Pub. L. 97–248) by Part A of the Social Security Amendments of 1983 (H.R. 1900)

Signed at Washington, D.C. this 22nd day of April, 1983.

Paul E. Larson,

Departmental Clearance Officer.

[FR Doc. 83–11193 Filed 4–28–83; 8:45 am]

BILLING CODE 4510–30–M

Agency Forms Under Review by the Office of Management and Budget (OMB)

Background

The Department of Labor, in carrying out its responsibility under the Paperwork Reduction Act (44 U.S.C. Chapter 35), consider comments on the proposed forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

On each Tuesday and/or Friday, as necessary, the Department of Labor will publish a list of the Agency forms under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of any particular revision they are interested in. Each entry will contain the following information:

The Agency of the Department issuing this form.

The title of the form.

The Agency form number, if applicable.

How often the form must be filled out.

Who will be required to or asked to report.

Whether small business or organizations are affected.

The standard industrial classification (SIC) codes, referring to specific respondent groups that are affected.

An estimate of the number of responses.

An estimate of the total number of hours needed to fill out the form.

The number of forms in the request for approval.

An abstract describing the need for and uses of the information collection.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained by calling the Departmental Clearance Officer, Paul E. Larson, Telephone 202–523–6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue, NW., Room S–5526, Washington, D.C. 20210. Comments should also be sent to the OMB reviewer, Arnold Strasser, Telephone 202–395–6880, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, NEOB, Washington, D.C. 20503.

Any member of the public who wants to comment on a form which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

Reinstatement

Bureau of Labor Statistics
Work Injury Report
BLS—98
Nonrecurring
Individuals or Households
3,000 responses; 500 hours; one form

The work injury report examines selected types of work accidents to develop in-depth information based on the data needs of the Occupational Safety and Health Administration. The surveys are used to assist in the development of safety standards, compliance strategy and training programs.

Signed at Washington, D.C. this 26th day of April 1983.

Paul E. Larson,

Departmental Clearance Officer.

[FR Doc. 83–11538 Filed 4–28–83; 8:45 am]

BILLING CODE 4510–24–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 83–37]

Government-owned Inventions; Availability for Licensing

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of availability of inventions for licensing.

SUMMARY: The inventions listed below are owned by the U.S. Government and are available for domestic and, possibly foreign licensing.

Copies of patent applications cited are available from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for $6.00 each ($10.00 outside North Amercian Contintnent). Requests for copies of patent applications must include the patent application serial number. Claims are deleted from the patent application copies sold to avoid premature disclosure.

DATE: Date published in the **Federal Register**

FOR FURTHER INFORMATION CONTACT:

National Aeronautics and Space Administration, John G. Mannix, Director of Patent Licensing, Code GP–4, Washington, D.C. 20546, telephone (202) 755–3954.

SUPPLEMENTARY INFORMATION:

Patent application 207,135: Particle Analyzing Method and Apparatus; filed November 17, 1980.

Patent application 210,405: Optical Fiber Tactile Sensor; filed November 25, 1980.

Patent application 219,968: Electrontic System for High Power Load Control; filed December 24, 1980.

Patent application 457,991: Electronic Coscanning Spacecraft Communicaiton System; filed January 14, 1981.

Patent application 258,623: Distributed Multiport Memory Architecture; filed April 29, 1981.

Patent application 314,702: Contactless Pellet Fabrication filed October 26, 1981.

Patent application 411,896: Method of Preparing Radially Homogeneous Mercury Cadium Telluride Cystals; filed November 15, 1982.

Patent application 448,441: Beam Forming Network; filed December 7, 1982.

Patent application 450,319: Three-Phase Power Factor Controller with Induced EMF Sensing; filed December 16, 1982.

Patent application 450,166: Phase Detector for Three-Phase Power Factor Controller; filed December 16, 1982.

Patent application 451,896: Production of Utrapure Amorphous Metals Utilizing Acoustic Cooling; filed December 21, 1982.

Patent application 452,466: Fire Blocking Systems for Aircraft Seat Cushions; filed December 23, 1982.

Patent application 456,460: Coating With Overlay Metallic-Cermet Alloy Systems; filed January 7, 1983.

Patent application 456,929: Multiple Plate Hydrostatic Viscous Damper; filed January 10, 1983.
Patent application 456,915: Pumped Vortex; filed January 10, 1983.
Patent application 457,990: Shuttle Car Loading System filed; January 14, 1983.
Patent application 457,992: Trace Water Sensor; filed January 14, 1983.
Patent application 459,842: Three-Dimensional and Tomographic Imaging Device for X-Ray and Gamma-Ray Emitting Objects; filed January 21, 1983.
Patent application 460,511: Apparatus and Method for Tracking the Fundamental Frequency of an Analogy input Signal; filed January 24, 1983.
Patent application 460,733: Automatic Weld Torch Guidance Control System; filed January 25, 1983.
Patent application 461,714: Fluid Driven Sump; filed January 28, 1983.
Patent application 462,497: Method and apparatus for Mapping the Distribution of Chemical Elements in an Extended Medium; filed January 31, 1983.
Patent application 462,508: Temperature Averaging Thermal Probe; filed Janaury 31, 1983.
Patent application 465,364: Screen Printed Interdigitated Back Contact Solar Cell; filed February 10, 1983.
Patent application 465,367: Absorbable-Susceptor Joining of Ceramic Surfaces; filed February 10, 1983.
Patent application 465,369: Method of Making Macrocrystalline or Single Crystal Semi-Conductive Material and Products; filed February 10, 1983.
Patent application 465,365: Method for Apparatus for Contour Mapping Using Synthetic Aperture Radar; filed February 10, 1983.
Patent application 469,864: Joint for Deployable Structures; filed February 25, 1983.
Patent application 469,866: Polyphenylene Ethers with Imide Linking Groups; filed February 25, 1983.
Patent application 470,114: Stablilized Lanthanum Sulphur compounds; filed February 28, 1983.
Patent application 470.113: A single Frequency Multitransmitter Telemetry System; filed February 28, 1983.
Patent application 473,499: Optical Stereo Video Signal Processor; filed March 9, 1983.
Patent application 473,827: Apparatus and Method for Inspecting a Bearing Ball; filed March 9, 1983.
Patent application 478,130: Optical System, filed March 23, 1983.
Patent application 481,086: Coupling An Induction Motor Type Generator to A-C Power Lines; filed March 31, 1983.

Dated: April 22, 1983.

S. Neil Hosenball,

General Counsel.

[FR Doc. 83-11486 Filed 4-28-83; 8:45 am]

BILLING CODE 7510-01-M

[Docket No. 82-36]

Intent To Grant An Exclusive Patent License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of intent to grant an exclusive patent license.

SUMMARY: NASA hereby gives notice of intent to grant to Lixi, Inc. of Downers Grove, Illinois, a limited, exclusive, royalty-bearing, revocable license to practice the invention described in British Patent No. 1,604,101 for a "Low Intensity X-Ray and Gamma-Ray Imaging Device" which issued on February 27, 1979, to the Administrator of the National Aeronautics and Space Administration on behalf of the United States of America. The proposed exclusive license will be for a limited number of years and will contain appropriate terms and conditions to be negotiated in accordance with NASA Patent Licensing Regulations, 14 CFR Part 1245, Subpart 2. NASA will negotiate the final terms and conditions and grant the exclusive license unless, within 60 days of the date of this Notice, the Director of Patent Licensing receives written objections to the grant, together with supporting documentations. The Director of Patent Licensing will review all written responses to the Notice and then recommend to the Assistant General Counsel for Patent Matters whether to grant the exclusive license.

DATE: Comments to this notice must be received by June 28, 1983.

ADDRESS: National Aeronautics and Space Administration, Code GP-4, Washington, D.C. 20546.

FOR FURTHER INFORMATION CONTACT: Mr. John G. Mannix, Director of Patent Licensing, (202) 755-3954.

Dated: April 22, 1983.

S. Neil Hosenball,

General Counsel.

[FR Doc. 83-11487 Filed 4-28-83; 8:45 am]

BILLING CODE 7510-01-M

[Notice 82-35]

Intent To Grant An Exclusive Patent License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of intent to grant an exclusive patent license.

SUMMARY: NASA hereby gives notice of intent to grant to Lixi, Inc. of Downers Grove, Illinois, a limited, exclusive, royalty-bearing, revocable license to practice the invention described in Canadian Patent No. 1,112,773 for a "Low Intensity X-Ray and Gamma-Ray Imaging Device" which issued on February 27, 1979, to the Administrator of the National Aeronautics and Space Administration on behalf of the United States of America. The proposed exclusive license will be for a limited number of years and will contain appropriate terms and conditions to be negotiated in accordance with NASA Patent Licensing Regulations, 14 CFR Part 1245, Subpart 2. NASA will negotiate the final terms and conditions and grant the exclusive license unless, within 60 days of the date of this Notice, the Director of Patent Licensing receives writtten objections to the grant, together with supporting documentations. The Director of Patent Licensing will review all written responses to the Notice and then recommend to the Assistant General Counsel for Patent Matters whether to grant the exclusive license.

DATE: Comments to this notice must be received by June 28, 1983.

ADDRESS: National Aeronautics and Space Administration, Code GP-4, Washington, D.C. 20546.

FOR FURTHER INFORMATION CONTACT: Mr. John G. Mannix, Director of Patent Licensing, (202) 755-3954.

Dated: April 22, 1983.

S. Neil Hosenball,

General Counsel.

[FR Doc. 83-11488 Filed 4-28-83; 8:45 am]

BILLING CODE 7510-01-M

[Notice 82-34]

Intent To Grant An Exclusive Patent License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of intent to grant an exclusive patent license.

SUMMARY: NASA hereby gives notice of intent to grant to T. Wang and D. Elleman of Pasadena, California, a limited, exclusive royalty-bearing, revocable license to practice the invention described in U.S. Patent No. 4,344,787 for a "Method and Apparatus for Producing Gas-Filled Hollow Spheres" which issued on August 17, 1982, to the Administrator of the National Aeronautics and Space Administration on behalf of the United States of America. The proposed exclusive license will be for a limited

number of years and will contain appropriate terms and conditions to be negotiated in accordance with NASA Patent Licensing Regulations, 14 CFR Part 1245, Subpart 2. NASA will negotiate the final terms and conditions and grant the exclusive license unless, within 60 days of the date of this Notice, the Director of Patent Licensing receives written objections to the grant, together with supporting documentations. The Director of Patent Licensing will review all written responses to the Notice and then recommend to the Assistant General Counsel for Patent Matters whether to grant the exclusive license.

DATE: Comments to this notice must be received by June 28, 1983.

ADDRESS: National Aeronautics and Space Administration, Code GP-4, Washington, D.C. 20546.

FOR FURTHER INFORMATION CONTACT: Mr. John G. Mannix, Director of Patent Licensing, (202) 755-3954.

Dated: April 22, 1983.

S. Neil Hosenball,

General Counsel.

[FR Doc. 83-11486 Filed 4-28-83; 8:45 am]

BILLING CODE 7510-01-M

[Notice 83-39]

NASA Advisory Council; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Actr, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council.

Date and Time: May 18, 1983, 9 a.m. to 4:30 p.m., and May 19, 1983, 8:30 a.m. to 3:30 p.m.

Address: NASA Headquarters, Room 7002, 400 Maryland Avenue SW, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Mr. Nathaniel B. Cohen, Code LB-4, National Aeronautics and Space Administration, Washington, DC 20546; (202/755-8383).

SUPPLEMENTARY INFORMATION: The NASA Advisory Council was established as an interdisciplinary group to advise senior management on the full range of NASA's programs, policies, and plans. The Council is chaired by Mr. Daniel J. Fink and is composed of twenty-six members. Standing committees containing additional members report to the Council and provide advice in the substantive areas of aeronautics, life sciences, space applications, space an earth science, space systems and technology, and history, as they relate to NASA's activities.

The meeting will be closed to the public from 8:30 a.m. to 10:30 a.m. on May 19, 1983, because the Council will consider the qualifications of candidates for membership. Because this session will be concerned throughout with matters listed in 5 U.S.C. 552b(c)(6), it has been determined that this session should be closed to the public.

For the open sessions, visitors will be admitted to the meeting room up to its capacity, which is approximately 60 persons including Council members and other participants. Visitors will be requested to sign a visitor's register.

Type of Meeting: Open—except for the closed session as noted in the following agenda.

Agenda

May 18, 1983
- 9 a.m.—Introductory Remarks.
- 9:15 a.m.—Task Forces Reports.
- 11 a.m.—Committee Reports.
- 1:30 p.m.—Review of Agricultural Remote Sensing.
- 2:30 p.m.—Space Station: Status and Plans.
- 4:30 p.m.—Adjourn.

May 19, 1983
- 8:30 a.m.—Discussion of Candidates for Membership (Closed Session).
- 10:30 a.m.—Review of Life Sciences Program.
- 1:30 p.m.—Council Discussion and Planning.
- 3:30 p.m.—Adjourn.

Ann P. Bradley,

Acting Associate Administrator for Management.

April 22, 1983.

[FR Doc. 83-11490 Filed 4-28-83; 8:45 am]

BILLING CODE 7510-01-M

[Notice 83-38]

NASA Advisory Council, Space Systems and Technology Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Space Systems and Technology Advisory Committee, Informal Advisory Subcommittee on Materials and Structures.

DATE AND TIME: May 17, 1983, 12:30 p.m. to 5 p.m.; May 18, 1983, 8:30 a.m. to 5 p.m.; May 19, 1983, 9 a.m. to 12 noon.

ADDRESS: National Aeronautics and Space Administration, Room 625, 600 Independence Ave., SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Mr. Samuel L. Venneri, National Aeronautics and Space Administration, Code RTM-6, Washington, D.C. 20546; (202/755-3277).

SUPPLEMENTARY INFORMATION: The Informal Advisory Subcommittee on Materials and Structures was established to assist the NASA in assessing the current adequacy of Materials, Structures, and Structural Dynamics Technology for Space Research and to recommend actions to reduce deficiencies through modification of the planned NASA research and technology program. The Subcommittee, chaired by Dr. John Hedgepeth, is comprised of eleven members. The meeting will be open to the public up to the seating capacity of the room (approximately 40 persons including the Subcommittee members and participants).

Type of Meeting: Open.

Agenda

May 17, 1983
- 12:30 p.m.—Introduction.
- 12:45 p.m.—Long Range Strategic Plan.
- 2 p.m.—Ad Hoc Structures/Controls Subcommittee Report.
- 3 p.m.—NASA Mission Model.
- 4 p.m.—Discussion.
- 5 p.m.—Adjourn.

May 18, 1983
- 8:30 a.m.—Review of Minutes of Previous Meeting.
- 9 a.m.—Materials and Structures Long Range Plans—Impact of Space Station Technology Recommendations.
- 5 p.m.—Adjourn.

May 19, 1983
- 9 a.m.—Subcommittee Discussion.
- 12 noon—Adjourn.

Ann P. Bradley,

Acting Associate Administrator for Management, Office of Management.

April 20, 1983.

[FR Doc. 83-11489 Filed 4-28-83; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL SCIENCE FOUNDATION

Physiology, Cellular and Molecular Biology Advisory Panel; Subpanel on Cellular Physiology; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463. The National Science Foundation announces the following meeting:

Name: Subpanel on Cellular Physiology of the Advisory Panel for Physiology, Cellular and Molecular Biology.

Date and Time: May 16, 17, 18, 1983—Starting at 8:30 a.m. to 5:00 p.m.

Place: Room 523, National Science Foundation, 1800 G street, NW., Washington, DC 20550.

Type of Meeting: Closed.

Contact Person: Dr. Judith H. Willis, Director, Cellular Physiology Program, Room 332 National Science Foundation, Washington, DC 20550: Tel (202) 357–7377.

Purpose of Subpanel: To provide advice and recommendations concerning support for research in Cellular Physiology.

Agenda: To review and evaluate research proposals as part of the selection process of awards.

Reasoning for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information: Financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c). Government in the Sunshine Act.

Authority to Close: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Managment Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

Dated: April 26, 1983.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 83–11478 Filed 4–28–83; 8:45 am]

BILLING CODE 7555–01–M

Subpanel on Developmental Biology; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting.

Name: Subpanel on Developmental Biology of the Advisory Panel for Physiology, Cellular and Molecular Biology:

Date and Time: May 18, 19, 20, 1983, starting at 9 a.m. to 5 p.m.

Place: Room 643, National Science Foundation, 1800 G Street, N.W., Washington, D.C. 20550.

Type of Meeting: Closed.

Contact Person: Dr. Clifton A. Poodry, Program Director, Developmental Biology Program, Room 332–H, National Science Foundation, Washington, D.C. 20550, telephone 202/357–7989.

Purpose of Subpanel: To provide advice and recommendations concerning support of research in developmental biology.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidental nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within the exemptions (4) and (6) of U.S.C. 522(c), Government in the Sunshine Act.

Authority to Close: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make determinations by the Director, NSF July 6, 1979.

Dated: April 26, 1983.

M. Rebecca Winkler,

Committee Management Coodinator.

[FR Doc. 82–11532 Filed 4–28–83; 8:45 am]

BILLING CODE 7555–01–M

Subpanel on Molecular Biology, Group A, of the Advisory Panel for Physiology, Cellular, and Molecular Biology; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Science Foundation announces the following meeting.

Name: Subpanel on Biophysics/Biochemistry Programs, Group A of the Advisory Panel for Physiology, Cellular, and Molecular Biology.

Date and Time: May 16 and 17, 1983, 9 a.m. to 5 p.m. each day.

Place: Room 338, National Science Foundation, 1800 G St,. N.W., Washington, D.C. 20550.

Type of Meeting: Closed.

Contact Person: Dr. Kin-Ping Wong, Program Director, Biophysics Program, Room 329, National Science Foundation, Washington, D.C. 20550.

Purpose of Subpanel: To provide advice and recommendations concerning support for research in Biophysics/Biochemistry Programs.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidental nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are with exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

Dated: April 26, 1983.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 83–11477 Filed 4–28–83; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

Applications for Licenses To Import/Export Nuclear Facilities or Materials

Pursuant to 10 CFR 110.70(b) "Public notice of receipt of an application," please take notice that the Nuclear Regulatory Commission has received the following applications for import/export licenses. A copy of each application is on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street, N.W., Washington, D.C.

A request for a hearing or petition for leave to intervene may be filed within 30 days after publication of this notice in the **Federal Register**. Any request for hearing or petition for leave to intervene shall be served by the requestor or petitioner upon the applicant, the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 2055, the Secretary, U.S. Nuclear Regulatory Commission and the Executive Secretary, Department of State, Washington, D.C. 20520.

In its review of applications for licenses to export production or utilization facilities, special nuclear material or source material, noticed herein, the Commission does not evaluate the health, safety or environmental effects in the recipient nation of the facility or material to be exported. The table below lists all new major applications.

Dated this 22nd day of April at Bethesda, Maryland.

For the Nuclear Regulatory Commission.

James V. Zimmerman,

Assistant Director, Export/Import and International Safeguards, Office of International Programs.

FEDERAL REGISTER (EXPORT/IMPORT)

Name of applicant, date of application, date received, application No.	Material type	Material in kilograms		End-use	Country of destination
		Total element	Total isotope		
Transnuclear, Inc., Mar. 31, 1983–Apr. 11, 1983, ISNM83006.	1.10 percent enriched uranium.	18,000	198	Feed Material USE/SD/002; however will ultimately be used as fuel in Maine Yankee Reactor.	FM France.

FEDERAL REGISTER (EXPORT/IMPORT)—Continued

Name of applicant, date of application, date received, application No.	Material type	Material in kilograms		End-use	Country of destination
		Total element	Total isotope		
Transnuclear, Inc., Apr. 13, 1983–Apr. 13, 1983, ISNM83007.	0.8 percent enriched uranium.	17,000	136	Feed Material UES/EU/028	FM France.
Mitsubishi Int'l., Mar. 30, 1983–Apr. 8, 1983, XSNM02038.	2.65 percent enriched uranium.	15,545	412	Reload of fuel for Region 13, Mihama 2	Japan.
Mitsubishi Int'l., Mar. 31, 1983–Apr 11, 1983, XSNM02039	2.85 percent enriched uranium.	28,910	824	Routine reload of fuel for Region 11, Takahama Unit 2	Japan.
Westinghouse Elec. Corp., Apr. 4, 1983–Apr. 8, 1983, XSNM01045.				Amend to add ENUSA as intermediate consignee	Spain.

[FR Doc. 83-11547 Filed 4-28-83; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 40-4492]

Federal-American Partners; Negative Declaration Regarding Issuance of an Amendment To License SUA-667 for Operation of the Federal-American Partners Uranium Mill in the Gas Hills, Wyoming

The U.S. Nuclear Regulatory Commission (the Commission) is issuing a license amendment authorizing a plan for reclamation of Tailings Pond No. 2 at the Federal-American Partners uranium mill in the Gas Hills, Wyoming.

The Commission's Uranium Recovery Field Office (URFO) has prepared an environmental impact appraisal for the proposed action. On the basis of this appraisal, URFO has concluded that an environmental impact statement for this particular action is not warranted for there will be no additional environmental impact attributable to the action. The action would rather serve to mitigate existing impacts. The environmental impact appraisal is available for public inspection and copying at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C.

Dated at Silver Spring, Maryland, this 11th day of April 1983.

For the Nuclear Regulatory Commission.

John J. Linehan,

Branch Chief, Licensing Branch I, Uranium Recovery Field Office, Region IV.

[FR Doc. 83-11548 Filed 4-28-83; 8:45 am]
BILLING CODE 7590-01-M

Long Range Research Plan; Issuance and Availability

The Nuclear Regulatory Commission has issued NUREG–0961, "Long Range Research Plan: FY 1984–FY 1988." The plan is being distributed broadly for review and comment. It will be updated next year to reflect completed tasks, to identify new regulatory and research needs, and to incorporate comments on the plan now being issued. This is the third 5-year research plan published by the NRC.

The primary purpose of the plan is to provide a basis for establishing agreement on basic research directions, that is, to identify the principal areas or questions that require research in their resolution and to provide insights as to the level of future resource requirements.

This year's plan is structured so that each research element shows:

1. The strategy planned to accomplish the research (including resources required),

2. The major research product expected, and

3. The fiscal year of delivery of the product.

Although comments and suggestions on the Commission's research program are encouraged at all times, comments and suggestions on this Long Range Research Plan will be particularly useful to the Commission if they are received by June 30, 1983. Comments should be sent to Mr. Edward M. Podolak, Chief, Program and Administrative Services Branch, Office of Nuclear Regulatory Research, Washington, D.C. 20555.

NUREG–0961 is available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Single copies may be obtained, to the extent that supplies last, by writing to the Publication Services Section, Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Additional copies may be purchased from the GPO Sales Program, Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(5 U. S.C. 552(a))

Dated at Silver Spring, Maryland this 21st day of April 1983.

For the Nuclear Regulatory Commission.

Robert B. Minogue,

Director, Office of Nuclear Regulatory Research.

[FR Doc. 83-11549 Filed 4-28-83; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-142-OL (Proposed Renewal of Facility License)]

The Regents of the University of California (UCLA Research Reactor); Order Scheduling Hearing on Contention II Before Alternate Board Member

April 22, 1983.

Pursuant to appointment as an Alternate Atomic Safety and Licensing Board Member on April 22, 1983, Administrative Law Judge James A. Laurenson will preside at a hearing concerning Contention II—Class of License—which hearing will commence at 9:30 o'clock a.m. on May 24, 1983 at Customs Courtroom, Eighth Floor, the Federal Building, 300 North Los Angeles Street, Los Angeles, California.

It is ordered that the parties are directed to complete the following prehearing requirements on or before May 6, 1983:

1. Confer (by telephone or otherwise) to discuss the possibility of agreeing to proceed with Contention II in some fashion other than an adjudicatory hearing. Such possible alternatives may include stipulated documents, affidavits of witnesses, and arguments and briefs of counsel. If oral testimony is believed to be necessary, the scope of such testimony may be stipulated and the reminder of the case may be submitted in writing as set forth above. Of course, these are only suggestions and the parties are free to agree upon any other technique to expedite this matter.

2. Whether or not the parties agree to a procedure as discussed in the preceding paragraph, they shall also discuss and determine the factural issues in dispute and stipulate the

following: (a) The material facts that are not in dispute; (b) the exhibits that may be received in evidence; and (c) the issues of fact and law that will require a hearing and recommended decision.

3. Exchange a list of witnesses and a summary of the facts expected to be proved by each witness. The summary should contain specific facts, issues, and exhibits the party expects to prove. A general subject matter summary will not be sufficient.

4. Exchange lists of proposed exhibits and, at the request of any party, produce exhibits to such party with the opportunity to examine and copy them.

It is further ordered that on or before May 13, 1983 all parties shall file with me the following:

(a) The proposed witness and exhibit lists and the summary of the testimony expected of the witnesses;

(b) Stipulations reached as to the following: (1) An alternate method of resolving Contention II; (2) the issues; (3) facts; and (4) proposed exhibits; and

(c) The party's best estimate of the length of time necessary to present its case at the hearing.

Failure of any party to comply with the above requirements will subject that party to a show cause order and possible default decision.

Dated: April 22, 1983.

Atomic Safety and Licensing Board.

James A. Laurenson,

Administrative Law Judge, Alternate Board Member.

[FR Doc. 83-11550 Filed 4-28-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-361]

Southern California Edison Company, et al; Issuance of Amendment Facility Operating License No. NPF-10

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 16 to Facility Operating License No. NPF-10, issued to Southern California Edison Company, San Diego Gas and Electric Company, The City of Riverside, California and The City of Anaheim, California (licensees) for the San Onofre Nuclear Generating Station, Unit 2 (the facility) located in San Diego County, California. This amendment becomes effective on May 16, 1983.

Amendment No. 16 modifies the San Onofre Unit 2 Technical Specifications to eliminate non-plant specific differences between the Unit 2 and Unit 3 Technical Specifications.

Issuance of this amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see: (1) Southern California Edison Company's letters dated September 3, October 21, and December 1, 1982 and February 4, 1983, (2) Amendment No. 16 to Facility Operating License No. NPF-10, and (3) the Commission's related Safety Evaluation.

These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and the San Clemente library, 242 Avenida Del Mar, San Clemente, California 92672. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 25th day of April 1983.

For the Nuclear Regulatory Commission.

George W. Knighton,

Chief, Licensing Branch No. 3, Division of Licensing.

[FR Doc. 83-11552 Filed 4-28-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-395]

South Carolina Electric and Gas Co. South Carolina Public Service Authority; Granting of Relief From Certain Requirements of ASME Code Section XI Inservice (Testing) Requirements

The U.S. Nuclear Regulatory Commission (the Commission) has granted relief from certain requirements of the ASME Code, Section XI, "Rules and Inservice Inspection of Nuclear Power Plant Components" to the South Carolina Electric and Gas Company and South Carolina Public Service Authority. The relief relates to the preservice hydrostatic tests for the Virgil C. Summer Station, Unit 1 (the facility) located in Fairfield County, South Carolina. The ASME Code requirements are incorporated by reference into the Commission's rules and regulations in 10 CFR Part 50. The relief is effective as of ts date of issuance.

The relief relates to certain preservice examination requirements, pursuant to the Commission's regulations in 10 CFR 50.55a(g)(6)(i). In lieu of hydrostatic tests, the licensees will perform nondestructive examinations consisting of radiography, ultrasonic testing, and surface examination of the welds.

The requests for relief comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the related Safety Evaluation Report and letter to the licensee.

The Commission has determined that the granting of relief will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this action.

For further details with respect to this action, see: (1) The licensees' letter dated February 18, 1983, (2) the Commission's letter to the licensees dated April 22, 1983, and, (3) the Commission's related Safety Evaluation Report. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the Fairfield County Library, Garden and Washington Streets, Winnsboro, South Carolina 29180. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 22nd day of April 1983.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

Chief, Licensing Branch No. 4, Division of Licensing.

[FR Doc. 83-11551 Filed 4-28-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-389]

St. Lucie Plant, Unit 2, Florida Power & Light Company, et al.; Issuance of Amendment to Facility Operating License NPF-16

Notice is hereby given that the U.S. Nuclerar Regulatory Commission (the Commission), has issued Amendment No. 1 to Facility Operating License No. NPF-16, issued to Florida Power & Light Company, Orlando Utilities Commission of the City of Orlando and Florida Municipal Power Agency (licensees) for the St. Lucie Plant, Unit 2 (facility) located at the licensees' site on Huthcinson Island in St. Lucie County, Florida. This amendment is effective as of the date of issuance.

Amendment No. 1 changes the channel functional test surveillance requirements for the Wide Range Logarithmic Neutron Flux Monitor. The preparation of detector plateau curves, which are presently required, cannot be accomplished and are not needed with the installed equipment.

Issuance of the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any environmental impact and that pursuant to 10 CFR 51.5(d)(4), an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see: (1) Florida Power & Light Company's letter dated April 20, 1983; (2) Amendment No. 1 to Facility Operating License No. NPF-16; and (3) the Commission's Safety Evaluation. These items are available for public inspection at the Commision's Public Document Room, 1717 H Street, N.W., Washington, D.C., and the Indian River Community college Library, 3209 Virginia Avenue, Ft. Pierce, Florida 33450. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, the 22nd day of April 1983.

For the Nuclear Regulatory Commission.

Bart Buckley,

Acting Branch Chief, Licensing Branch No. 3, Division of Licensing.

[FR Doc. 83-11553 Filed 4-28-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-395]

Virgil C. Summer Nuclear Station, Unit No. 1; Issuance of Amendment To Facility Operating License No. NPF-12

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 14 to Facility Operating License No. NPF-12, issued to South Carolina Electric & Gas Company and South Carolina Public Service Authority (the licensees) for the Virgil C. Summer Nuclear Station, Unit No. 1 (the facility) located in Fairfield County, South Carolina. The amendment changes the Technical Specifications to delete the surveillance requirement to demonstrate the emergency power supply for the pressurizer heaters operable by manually transferring power from the normal to the emergency power supply and energizing the heaters. The amendment was effective as of its date of issuance.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards considerations.

The Commission has determined that the issuance of this amendment will not result in any significant evnironmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see: (1) South Carolina Electric & Gas Company letter, dated October 8, 1982, (2) Amendment No. 14 to Facility Operating License No. NPF-12 with Appendix A Technical Specification page change, and (3) the Commission's related Safety Evaluation.

All of these items are available for public inspection at the Commission's Public Document Room, 1717, H Street, N.W., Washington, D.C. 20555 and the Fairfield County Library, Garden and Washington Streets, Winnsboro, South Carolina 29180. A copy of Amendment No. 14 may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 19th day of April 1983.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

Chief, Licensing Branch No. 4, Division of Licensing.

[FR Doc. 83-11554 Filed 4-28-83; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF PERSONNEL MANAGEMENT

Notice of Proposed Revision of Form For OMB Review

AGENCY: Office of Personnel Management

ACTION: Notice of proposed revision of form submitted to OMB for clearance.

SUMMARY: In accordance with the Paperwork Reduction Act of 1980, this notice announces a proposed revision to a form which collects information from the public. Standard Form 15, Application for 10-Point Veteran Preference, is completed by any individual applying for Federal jobs who wishes to apply for an additional 10 points of examination credit based on his/her military service or that of a spouse or child. OPM examining offices and agency appointing officials use the information provided to adjudicate the individual's claim in accordance with the Veteran's Preference Act or 1944, as amended. For copies of this proposal, call John P. Weld, Agency Clearance Officer, on (202) 632-7720.

DATES: Comments on this proposal should be received within 10 working days from the date of this publication.

ADDRESS: Send or deliver comments to:

John P. Weld, Agency Clearance Officer, U.S. Office of personnel Management, 1900 E Street, N.W., Room 6669, Washington, D.C. 20415; and

Frank Reeder, Information Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: John P. Weld, (202) 632-7720, Office of Personnel Management.

Donald J. Devine,

Director.

[FR Doc. 83-11564 Filed 4-28-83; 8:45 am]

BILLING CODE 6325-01-M

SECURITIES AND EXCHANGE COMMISSION

Cincinnati Stock Exchange; Application for Unlisted Trading Privileges and of Opportunity for Hearing

April 25, 1983.

In the matter of application of the Cincinnati stock Exchange for unlisted trading privileges in certain Securities Securities Exchange Act of 1934.

The above named national securities exchange has filed an application with the securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the common stick of:

Financial Corp. of America
Common Stock, $.50 Par Value (file No. 7–6584)

This security is listed and registered on one of more other national securities exchange and is reported on the consolidated transaction reporting system.

Interested persons are invited to submit on or before May 16, 1983 written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extension of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection if investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83–11456 Filed 4–28–83; 8:45 am]

BILLING CODE 8010–01–M

Applications for Unlisted Trading Privileges and of Opportunity for Hearing

April 22, 1983.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the following stocks:

Gulfstream Aerospace Corporation
Common Stock, $.10 Par Value (File No. 7–6851)
Pay N Pak Stores, Inc.
Common Stock, $.10 Par Value (File No. 7–6582)
Trans World Airlines, Inc.
Common Stock, $5 Par Value (File No. 7–6563)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before May 13, 1983 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83–11459 Filed 4–28–83; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 854; 803–23]

ML Venture Partners I, L.P., et al.; Application Filing

April 22, 1983.

In the matter of; ML VENTURE PARTNERS, I, L.P.; Merrill Lynch Venture Capital Co., L.P., 165 Broadway, New York, NY 10080; Filing of application for an order pursuant to Section 206A of the Act exempting applicants from Section 205(1) of the Act.

Notice is hereby given that ML Venture Partners I, L.P. (the "Partnership") and Merrill Lynch Venture Capital Co., L.P. (the "Managing General Partner") (collectively, the "Applicants") filed an application on June 23, 1982, and an amendment thereto on September 16, 1982, for an order of the Commission pursuant to Section 206A of the Investment Advisers Act of 1940 (the "Advisers Act") exempting Applicants from Section 205(1) of the Advisers Act, to the extent necessary to permit the Managing General Partner of the Partnership to receive, under certain circumstances, a performance fee on the basis of unrealized capital gains upon the Partnership's portfolio securities. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act for the complete text of pertinent provisions of the Act.

Applicants state that the Partnership is a registered business development company organized as a Delaware limited partnership on February 16, 1982, pursuant to a Certificate and Agreement of Limited Partnership dated February 12, 1982. The Partnership is currently operating under the terms of an Amended and Restated Certificate and Agreement of Limited Partnership (the "partnership agreement") which was included as an exhibit to this application. The investment objective of the Partnership is to seek long-term capital appreciation by making venture capital investments. A registration statement under the Securities Act of 1933 on Form N–2 with respect to the public offering by the Partnership of up to 12,000 units of limited partnership interests ("units") was declared effective by the Commission on June 18, 1982. Applicants state that the proceeds of the offering will be invested in 25 to 50 venture capital investments over a period of up to three to four years, and that each of these investments will be liquidated once it reaches a state of maturity when disposition can be considered, which typically will be four to seven years from the date of investment. The proceeds of such liquidations will not be reinvested except in limited circumstances, but will be distributed to the partners. Since the Partnership will terminate not later than December 31, 1992, absent an extension until December 31, 1996, as permitted by the partnership agreement, the Partnership will be an investment vehicle of limited duration which will have definite stages of development.

Applicants state that the Managing General Partner is a limited partnership controlled by Merrill Lynch Venture Capital, Inc. (the "Management Company"), which will perform the management and administrative services necessary for the operation of the Partnership pursuant to a management agreement. The Managing General Partner and the Management Company will be registered investment advisers under the Advisers Act. The Management Company is an indirect subsidiary of Merrill Lynch & Co., Inc., the parent of Merrill, Lynch, Pierce, Fenner and Smith, Incorporated ("Merrill Lynch"), which is the selling

agent of the units on a "best efforts" basis.

Applicants state that the general partners of the Partnership consist of Individual General Partners (partners who are natural persons) and the Managing General Partner. A majority of the general partners are Independent General Partners (defined to be individuals who are not "interested persons" of the Partnership within the meaning of Section 2(a)(19) of the Investment Company Act of 1940 ("Investment Company Act"). The Partnership is managed solely by the Individual General Partners, except that the Managing General Partner, subject to the guidance and supervision of the Individual General Partners, is responsible for the management of the Partnership's venture capital investments and the admission of additional or assignee limited partners to the Partnership. The Individual General Partners otherwise act by majority vote. The Individual General Partners perform all duties imposed on the directors of business development companies under the Investment Company Act.

Applicants state that the partnership agreement provides that the Managing General Partner may be removed either: (i) By a majority of the Independent General Partner; (ii) by failure to be re-elected by the limited partners; or (iii) with the consent of a majority in interest of the limited partners. The limited partners have no right to control the Partnership's business, but may exercise certain rights and powers of a limited partner under the partnership agreement, including voting rights and the giving of consents and approvals provided for in the partnership agreement.

Applicants state that, as remuneration for their respective services, the Managing General Partner will receive performance compensation of 20 percent of net realized capital gains, described in detail below, and the Management Company will receive an annual management fee of 2 percent of the Partnership's net assets. Applicants submit that this compensation formula compares favorably with the compensation arrangements of private venture captial partnerships. Applicants state that the company does not have an executive compensation plan described in Section 61(a)(3)(B) of the Investment Company Act or a profit-sharing plan as described in Section 57(n) of that Act.

According to the application, the partnership agreement provides that the profits and losses of the Partnership shall be determined and allocated as of the end of each calendar year. The partnership agreement further provides that the Managing General Partner shall be allocated the Partnership's net realized capital gains or losses, as the case may be, for such year until it has received

(i) 20 percent of the Partnership's net capital gains calculated on a cumulative basis over the life of the Partnership through such year, if the Partnership has generated net realized capital gains on such cumulative basis through such year, or

(ii) 10 percent of the Partnership's net capital losses calculated on a cumulative basis over the life of the Partnership through such year, if the Partnership has generated net realized capital losses on such cumulative basis through such year.

Such allocation is referred to herein as the "Managing General Partner's allocation." The partnership agreement provides that the Partnership's net realized capital gains or losses in excess of the Managing General Partner's allocation shall be allocated among all the partners (including the Managing General Partner) in proportion to their capital contributions. Pursuant to the partnership agreement, all other profits and losses, including interest or other income on funds not invested in venture capital investments, shall be allocated among all the partners (including the Managing General Partner) in proportion to their capital contributions.

Applicants state that the Individual General Partners expect to distribute not less frequently than annually all net investment income as well as the proceeds from the liquidation of venture capital investments not reinvested. The Managing General Partner does not expect to reinvest such proceeds except in connection with follow-on investments or to reduce borrowings incurred to make follow-on investments. Distributions to the Managing General Partner shall not be made to the extent that and so long as the net realized gains allocated to the Managing General Partner are offset by an amount equal to 20 percent of the net unrealized losses of the Partnership determined as of the end of the fiscal year for which such distributions are made. The Partnership will terminate not later than December 31, 1996, assuming the Individual General Partners extend its duration to the extent permissible. As soon after the date of termination as possible, the partners will receive a liquidating distribution of the remaining assets of the Partnership based upon their allocable share thereof.

Applicants state that the partnership agreement provides that in the event of the involuntary removal of the Managing General Partner and the continuation of the Partnership, the venture capital investments of the Partnership at the time of removal will be appraised by two independent appraisers, one selected by the removed Managing General Partner and one selected by the Independent General Partners. The cost of the appraisal conducted by the appraiser selected by the removed Managing General Partner will be borne by the removed Managing General Partner, and the cost of the appraisal conducted by the appraiser selected by the Independent General Partners will be borne by the Partnership. In the event that the two appraisers are unable to agree on the value of the Partnership's venture capital investment portfolio, they will jointly appoint a third independent appraiser whose determination shall be final and binding. The cost of the appraisal conducted by the third appraiser, should one be selected, will be divided equally between the Partnership and the removed Managing General Partner. All unrealized capital gains and losses of the Partnership will be deemed realized at that time solely for purposes of making a final allocation to the removed Managing General Partner. The removed Managing General Partner will receive a final allocation of profits and losses equal to the profits and losses that it would have been allocated pursuant to the partnership agreement if all unrealized capital gains and losses of the Partnership were deemed realized, an allocation of profits and losses were made at such time, and such time were deemed to be the end of a fiscal year. The interest of the removed Managing General Partner shall convert to that of a limited partner.

Applicants state that they believe the proposed performance compensation contained in the Managing General Partner's allocation conforms with the purpose of Section 205(l) of the Advisers Act dealing with advisory compensation from a business development company in that it provides for 20 percent of net realized capital gains calculated on a cumulative basis over the life of the Partnership, and since distributions cannot be made with respect thereto to the extent that the net realized capital gains are reduced by net unrealized losses. There is also conformity in that the Partnership will not have an executive compensation plan or a profit sharing plan of the types referred to in the statute. However, Section 205(l) permits such performance compensation only with respect to realized gains and it does not contemplate the procedures set forth in the partnership agreement

whereby unrealized gains or losses will be deemed to be realized under certain conditions for purposes of the proposed performance compensation formula.

Applicants represent that the proposed formula has been so structured because of the special nature of the Partnership. The venture capital investments will be made in the early years of the Partnership. According to Applicants, the nature of venture capital investing is such that bad investments typically surface earlier than successful investments, and the ultimate success of the Partnership may be dependent upon realizing substantial gains in a relatively small number of the investments. The value of these successful investments cannot be realized until relatively late in the life of the Partnership when portfolio companies can be taken public or acquired by another company

Applicants state that the Managing General Partner will bear 10 percent of any net realized losses. If the Managing General Partner is removed prior to the termination of the Partnership, and it were not able to receive performance compensation with respect to any unrealized gains, it would be deprived of compensation with respect to those venture capital investments it had made for the Partnership which were still held by the Partnership. By the same token, the Managing General Partner would not bear 10 percent of any net unrealized losses with respect to such investments. Therefore, if the Managing General Partner is removed for poor performance, the Partnership would benefit under Applicants' proposal as a result of the deemed realization of losses. At the same time, the Managing General Partner would receive protection from being removed in the middle years of the Partnership in order to deprive it of the benefit of successful investments which will be most likely realized in the later years. If the capital account of the removed Managing General Partner has a positive balance after its final allocation of profits and losses, the Managing General Partner will receive a promissory note of the Partnership which is payable only from available cash. On the other hand, the Managing General Partner must contribute cash to cover any negative balance in its capital account.

It is also proposed by Applicants that all unrealized gains and losses on securities distributed in kind to the partners upon termination of the Partnership, as well as during the life of the Partnership, be deemed realized at that time. Applicants state that deeming unrealized gains and losses to be realized when Partnership securities are distributed to the Partners, both during the life of the Partnership and upon termination of the Partnership, will treat such events as a disposition of investments by the Partnership and, in the latter instance, will reflect the fact that the Partnership has a limited duration, which is not contemplated by Section 205(1) of the Advisers Act. Such treatment will enable the Managing General Partner to receive compensation or bear losses, as the case may be, with respect to such investments.

Applicants state that there are strong justifications for permitting a performance fee based on securities distributed in kind during the life of the Partnership. Such distributions will give the Partnership's investors flexibility in the timing of gains and losses upon the distributed securities with resulting tax advantages to the investors. Applicants assert that it would not be in the best interests of investors in the Partnership to deprive the Managing General Partner of a performance fee based on the gains that have been produced upon those securities. Applicants state that for the above reasons there are also strong justifications for permitting a performance fee on the basis of distributions in kind made upon termination of the Partnership. Applicants further state that those distributions may also be necessary where the portfolio securities so distributed are not yet "ripe" for realization.

Applicants state that an independent appraisal will be made of the value of securities distributed in kind to the partners during the life of the Partnership that are valued other than on the basis of either: (i) Available market quotations of (ii) third party transactions involving actual transactions or actual firm offers by independent investors. The term "independent investors," as used herein, refers to investors who are not "affiliated persons," within the meaning of the Investment Company Act, of the Partnership, the Managing General Partner or Merrill Lynch & Co., Inc., or its subsidiaries.

Applicants further state that distributions in kind made upon termination of the Partnership will be such that if the securities so distributed exceed ten percent of the capital contributions to the Partnership (the total amount of money contributed to the Partnership by all the partners), an appraisal will be made of the value of the securities so distributed which are not valued on the basis of available market quotations or on the basis of third party transactions involving actual transactions or actual firm offers by independent investors. Any appraisal required as a result of in-kind distributions will be conducted in accordance with the procedures described above with respect to removal of the Managing General Partner.

Section 206A of the Advisers Act provides that the Commission may issue exemptive orders "if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of (the Advisers Act)." Applicants submit that such statutory standards are satisfied for the reasons stated herein and, accordingly, they request that an exemptive order be issued to permit the Managing General Partner to receive the Managing General Partner's allocation as described herein.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than May 17, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-11458 Filed 4-28-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22919; 70-6859]

Ohio Power Co.; First Mortgage Bonds

April 22, 1983.

In the matter of; Ohio Power Company, 301 Cleveland Avenue, S.W., Canton, Ohio 44701; proposed issuance and sale of first mortgage bonds.

Ohio Power Company ("Ohio Power"), an electric utility subsidiary of American Electric Power Company, Inc., a registered holding company, has filed an application with this Commission

pursuant to Section 6(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50 promulgated thereunder.

Ohio Power proposes to issue and sell at competitive bidding up to $130 million in principal amount of its mortgage bonds ("Bonds") in one or more series from time to time through than December 31, 1983. The interest rate of each series of the Bonds will be a multiple of ⅛th of 1%. The price to Ohio Power, exclusive of accrued interest, shall be in a range between 99% and 102¾% of the principal amount. The Bonds will be issued under a supplemental indenture to Ohio Power's Mortgage and Deed of Trust. Each series of Bonds will mature on a date from five to thirty years from the issuance date. The terms of the Bonds will preclude Ohio Power from redeeming such bonds at the regular redemption price for a period of five years with funds borrowed at a lower effective interest cost than the respective series of Bonds.

Ohio Power will issue and sell the Bonds by competitive bidding and may employ alternative procedures authorized in the Commission's Statement of Policy Concerning Application of Rule 50 (HCAR No. 22623; September 2, 1982).

The proceeds from the sale of the Bonds will be used to repay unsecured short-term indebtedness of Ohio Power consisting of short-term notes and commercial paper, to repay maturing long-term debt, to reimburse the Ohio Power's treasury for expenditures incurred in connection with its construction program, and for other corporate purposes. At December 31, 1982, Ohio Power had approximately $98,150,000 aggregate principal amount of such unsecured short-term debt outstanding. On the issuance date, Ohio Power expects to have at least $130 million of such short-term debt outstanding, part of which was incurred to finance construction expenditures. Ohio Power estimates that its consolidated construction costs during 1983 will be approximately $88 million.

The application and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by May 16, 1983, to the Secretary, Securities, and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant at the address specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application, as filed or as it may be amended, may be granted.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-11457 Filed 4-28-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19697; File No. SR-Amex-83-8]

Filing and Immediate Effectiveness of Proposed Rule Change By the American Stock Exchange, Inc.

April 22, 1983.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on April 7, 1983, the American Stock Exchange, Inc. ("Amex") filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The Amex rule change requires options specialists to ensure that stop orders elected by the opening sale be filled at the opening price in an execution simultaneous with the opening sale but printed as a separate trade. The procedure is also to apply to stop limit orders, although, as with any limit order at the opening where the limit price and the opening price are the same, the order may not be completely filled.

The new rule modifies the past practice under which the stop or stop limit orders were not executed until the completion of the opening rotation, and so their execution sometimes occured at a price different from the opening sale price. Amex believes this rule change comports with Section 6(b)(5) of the Act which provides that Exchange rules should promote just and equitable principles of trade and protect the public interest.

The foregoing change has become effective, pursuant to Section 19(b)(3)(A) of the Act and Subparagraph (e) of Rule 19b-4 under the Act. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments concerning the submission within 21 days after the date of publication in the **Federal Register**. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Reference should be made to File No. SR-Amex-83-8.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-11455 Filed 4-28-83; 8:45 am]

BILLING CODE 8010-01-M

SELECTIVE SERVICE SYSTEM

[OMB No. 3240-0012]

Information Collection; Final Report; Registration/Federal Student Aid Survey

Pursuant to OMB approval (with the action date of 03/14/83) for information collection entitled "Registration/Federal Student Aid Survey" (OMB NO. 3240-0012), a survey was conducted to determine how many registrants may request a duplicate acknowledgement letter in order to document their eligibility for student loans. The survey contacted the homes of 500 registrants (100 from year groups 1960, 1961, 1962, 1963 and 1964). However, as a large portion of those contacted were parents of the registrant and not the registrants themselves, a second survey was conducted where only registrants were contacted.

The percentage of registrants who planned to request a duplicate acknowledgement letter according to the

first survey was 21.4%; by the second survey, 26.9%.

The survey was conducted by phone using a sample selected at random. A total of 982 registrant homes were contacted.

Attached is the notice of approval from OMB.

Dated: April 22, 1983.

David A. Cox,

Associate Director, Office of Information Systems.

Notice of Office of Management and Budget Action

Action Date: March 14, 1983.
To: Clarence E. Boston, National Headquarters, 1023 31st St., NW., 3rd Floor, Washington, D.C. 20435, Selective Service System

On March 11, 1983, you requested approval of the following information collection:

Title: Registration/Federal Student Aid Survey.

Agency Form Nos.:

In accordance with the Paperwork Reduction Act, we have taken the following action on this information collection:

Approved for use through June 30, 1983.
OMB No. 3240–0012.

This number and expiration date must appear in the upper right-hand corner of the first page of the report form or the first page on the regulation, manual, or other document incorporating the information collection unless other instructions are in "remarks" below.

	Responses	Reporting hours
Effect on burden:		
Previous status	0	0
New status	500	125
Difference	500	125
Explanation of Difference:		
Adjustments		
Correction—Error	0	0
Correction—Reestimate	0	0
Change in use	0	0
Program changes		
Increase	500	125
Decrease	0	0

Remarks:

This Fiscal year you have submitted 2 requests for approval which were not included in your *information collection budget.*

Abstract:

Impending legal activities (injunction against requiring proof of registration as a pre-requisite to receiving certain financial aid) makes it imperative that we begin this survey immediately. One issue central to the legal contest is the contention that the selective service system cannot respond in a timely fashion to requests for evidence of registration by those registrants seeking financial aid.

Allowance letter: No, Function: Defense-related activities
On Plan: No, Exceed budget: No, 3504(H): N/A
No. of forms: 1, Use: Public, Request: New
Respondents: 500, Responses: 500, Hours: 125
Affected public: IND/HHLD
Small Business: No, Activity type:
Purpose: Application
Frequency: SNGL
Collection method: Mail S/A
Retention: Collection agent: RQSTNG DPT/AGCY, Confidentiality: Yes
Compulsory status: Voluntary
Federal cost: Public cost:
Reviewer: Federal education Data Acquisition council
Action, Authorizing Official, Title: Deputy Administrator
Approved by: /S/Nathaniel Scurry for Office of Information and Regulatory Affairs
Date March 14, 1983.

Important: Because this information collection has been approved, please send to the O.M.B. as soon as available: One copy of the final printed (or otherwise reproduced) report form, or reporting or recordkeeping requirement, transmittal letter, instructions, and any document being sent to each respondent.

[FR Doc. 83–11342 Filed 4–28–83; 8:45 am]
BILLING CODE 8015–01–M

DEPARTMENT OF STATE

[Public Notice 860]

Applications for Permits To Fish in the United States Fishery Conservation Zone

The Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) requires all foreign vessels fishing in the U.S. fishery conservation zone to have a permit. Section 204 of the Magnuson Act requires the Secretary of State to publish a summary of applications received.

Individual vessel applications for fishing in 1983 have been received from the Governments of the Union of Soviet Socialist Republics, Japan and Portugal.

If additional information regarding any application is desired, it may be obtained from: Fees, Permits, and Regulations Division (F/M12), National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, (Telephone: (202) 634–7432).

Dated: April 20, 1983.

James A. Storer,

Director, Office of Fisheries Affairs.

Fishery Codes and Designation of Regional Councils Which Review Applications for Individual Fisheries Are As Follows

Code	Fishery	Regional council
ABS	Atlantic Billfishes and Sharks.	New England, Mid-Atlantic, South Atlantic, Gulf of Mexico, Caribbean
BSA	Bering Sea and Aleutian Islands Trawl, Longline and Herring Gillnet.	North Pacific.
CRB	Crab (Bering Sea)	North Pacific.
GOA	Gulf of Alaska	North Pacific.
NWA	Northwest Atlantic	New England, Mid-Atlantic.
SMT	Seamount Groundfish (Pacific Ocean).	Western Pacific.
SNA	Snails (Bering Sea)	North Pacific.
WOC	Washington, Oregon, California Trawl.	Pacific.
PBS	Pacific Billfish and Sharks	Western Pacific.

Activity Codes Specify Categories of Fishing Operations Applied for Are As Follows

Activity code	Fishing operations
1	Catching, processing, and other support.
2	Processing and other support only.
3	Other support only.

Nation/vessel name/vessel type	Application No.	Fishery	Activity
Japan:			
SAPPORO MARU, cargo/transport vessel	JA–83–0585	BSA, GOA, SNA, SMT, NWA	3
SINGAPORE FONTAINE, cargo/transport vessel	JA–83–0586	NWA, BSA, GOA, SMT	3
HAKKO FONTAINE, cargo/transport vessel	JA–83–0587	NWA, BSA, GOA, SMT	3
WORLD FONTAINE, cargo/transport vessel	JA–83–0588	NWA, BSA, GOA, SMT	3
EBISU FONTAINE, cargo/transport vessel	JA–83–0589	NWA, BSA, GOA, SMT	3
SANWA FONTAINE, cargo/transport vessel	JA–83–0590	NWA, BSA, GOA, SMT	3
BANSHU MARU NO. 3, large stern trawler	JA–83–0372	NWA	1,2
TOMI MARU NO. 21, longline fishing vessel	JA–83–1476	ABS	1
SHOSHIN MARU NO. 82, longline fishing vessel	JA–83–1308	ABS	1
KOTOSHIRO MARU NO. 11, longline fishing vessel	JA–83–1339	ABS	1
RYUHO MARU NO. 18, longline fishing vessel	JA–83–3142	ABS	1
EIKYU MARU NO. 86, medium stern trawler	JA–83–1186	BSA	1,2
KOHSHO MARU, cargo/transport vessel	JA–83–0579	BSA, GOA, NWA, SNA, SMT	3
OKUSHIRI, cargo/transport vessel	JA–83–0580	BSA, GOA, NWA, SMT, SNA	3
YAGISHIRI, cargo/transport vessel	JA–83–0581	BSA, GOA, NWA, SMT, SNA	3
HARUSHIO MARU, cargo/transport vessel	JA–83–0582	BSA, GOA, NWA, SMT, SNA	3
TENRYU MARU, cargo/transport vessel	JA–83–1104	NWA, BSA, GOA, SMT	3

Nation/vessel name/vessel type	Application No.	Fishery	Activity
SEIYOH MARU, cargo/transport vessel	JA-83-0583	BSA, GOA, NWA, SMT, SNA	3
JAMES, cargo/transport vessel	JA-83-0584	NWA, BSA, GOA, SMT	3
U.S.S.R:			
LUCHEZARNYI, cargo/transport vessel	UR-83-0760	BSA, GOA	3
ASBEST, cargo/transport vessel	UR-83-0759	BSA, GOA, WOC	3
Portugal:			
VIMEIRO, stern trawler	PO-83-0013	NWA, GOA	1
S. RAFAEL, stern trawler	PO-83-0332	GOA	1
HORIZONTE, stern trawler	PO-83-0019	NWA	1, 2
TROPICAL, stern trawler	PO-83-0020	NWA	1, 2
Joint ventures			
Portugal:			
SANTA MARIA MANUELA, gill netter	PO-83-0016	NWA	2
Empresa De Pesca Ribau of Portugal and Robert Metsfora, 600 Pleasant Street, Watertown, Massachusetts 02172, have applied to engage in a joint venture fishery aimed at producing 1,500 metric tons of Squid-Loligo. Also a small amount of incidental bycatch is expected of no more than 5 metric tons of Butterfish with a minimal of Crabs and Skate, during the months of June, July and August and possible including September, 1983.			
Japan:			
TOKACHI MARU large stern trawler	JA-83-0360	NWA	2
Nippon Suisan Kaisha, Ltd., of Japan and Mr. Warren Lund, President, Lund's Fisheries, Inc., 897 Ocean Drive, Cape May, New Jersery 08204, have applied to engage in a joint venture fishery aimed at processing Loligo and Illex during the months of June to September, 1983. During the months of November 1983 and March 1984, the above parties will engage in a joint venture fishery aimed at producing 1,000 metric tons of Butterfish, 300 m.t. of Loligo and 300 m.t. of Macherel.			
RYUSHO MARU NO. 18 longliner processing	JA-83-0620	GOA	1, 2
Nihon Hogei Co., Ltd., of Japan and George Matsuo, 700 H Street, Suite 9, Anchorage, Alaska 98501, Phone Number: (O) 907/277-0654 and (H) 907/277-4339, have applied to engage in a joint venture fishery aimed at producing 400 metric tons of Black Cod and other incidental bycatch during the month of August, 1983			
U.S.S.R:			
SVETLAJA, large stern trawler	UR-83-0080	BSA	2, 3
TURKUL, large stern trawler	UR-83-0172	BSA	2, 3
MYS EGOROVA, large stern trawler	UR-83-0097	BSA	2, 3
TIGIL, large stern trawler	UR-83-0162	BSA	2, 3
KORENGA, large stern trawler	UR-83-0215	BSA	2, 3
KONTAIKA, large stern trawler	UR-83-0076	BSA	2, 3
Korsakovskaje Baza Okeanicheskogo Rybolovstva of the U.S.S.R., and the Marine Resources Co., (MRC), 192 Nickerson, Suite 307, Seattle, Washington 98109, have applied to engage in a joint venture fishery aimed at producing 10,000 metric tons of Herring and 1,000 m.t. of bycatch during the months of September 1983 through March 1984			

[FR Doc. 83-11388 Filed 4-28-83; 8:45 am]

BILLING CODE 4710-09-M

[Public Notice CM-S/626]

Shipping Coordinating Committee; Subcommittee on Safety of Life at Sea; Meeting

The Panel on Bulk Cargoes under the Safety of Life at Sea (SOLAS) Subcommittee Working Group on Containers and Cargoes will conduct an open meeting on May 17, 1983, at 10:00 A.M., in Room 3201 of the Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593.

The purpose of the meeting is to discuss the Working Papers and other matters resulting from the 24th Session on Containers and Cargoes held at the International Maritime Organization (IMO) Headquarters in London on February 21–25, 1983. Particular comments will be directed toward the proposed Emergency Procedures for Appendix B entries and the Angles of Repose of solid bulk cargoes..

Members of the public may attend up to the seating capacity of the room.

For further information contact Mr. John F. McAnulty, U.S. Coast Guard (G-MTH-3), Washington, D.C. 20593. Telephone: (202) 426-1577; or Captain S. Fraser Sammis, National Cargo Bureau, Inc. Suite 2757, One World Trade Center, New York, New York 10048. Telephone: (202) 432-1280.

Dated: April 19, 1983.

Gordon S. Brown,

Chairman, Shipping Coordinating Committee.

[FR Doc. 83-11448 Filed 4-28-83; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 83-102]

Change of Practice Relating To Tariff Classification of Certain Tubular Textile Braided Line

AGENCY: U.S. Customs Service, Treasury.

ACTION: Change of practice.

SUMMARY: This document gives notice of a change of an established and uniform practice of classifying certain tubular textile braided lines containing, and in chief value of, lead cores, which are currently classified under the provision for articles of lead, not coated or plated with precious metal, valued over 13⅓ cents per pound, in item 657.75, Tariff Schedules of the United States (TSUS). This change of practice will result in the classification of these articles, which are used to weigh down fish nets, under the *eo nomine* provision for tubular braids with a nonelastic core, not suitable for making or ornamenting headwear, in item 348.00, TSUS, when imported in the piece (material lengths). However, when imported in specific lengths of 300, 330, 600, 660, 900, and 990 feet, they will be classified under the provision for other articles not specially provided for, of textile materials, in item 389.70, TSUS, if in chief value of lead.

EFFECTIVE DATE: July 28, 1983.

FOR FURTHER INFORMATION CONTACT: Phil Robins, Classification and Value Division, U.S. Customs Service, 1301 Constitution Avenue, NW, Washington, D.C. 20229; (202-566-8181).

SUPPLEMENTARY INFORMATION:

Background

On October 21, 1981, a notice was published in the **Federal Register** (46 FR 51698) advising that Customs was reviewing its current established and uniform practice of classifying tubular textile braided lines with a nonelastic lead core under the provision for articles of lead, not coated or plated with precious metal valued over 13⅓ cents per pound, in item 657.75, (TSUS) (19 U.S.C. 1202). Pursuant to section 315(d), Tariff Act of 1930, as amended, (19 U.S.C. 1315(d)), and section 177.10(c)(1), Customs Regulations (19 CFR 177.10(c)(1)), Customs requested comments on its proposal to reclassify these articles, which are used to weigh down fish nets, under the *eo nomine*

provision for tubular braids with a nonelastic core, not suitable for making or ornamenting headwear, in item 348.00, (TSUS). Comments were to have been received on or before December 21, 1981. However, pursuant to a request to extend the time for the submission of comments, Customs published a notice in the **Federal Register** (46 FR 62600), extending the time period to January 21, 1982.

As indicated in the notice, item 348.00, TSUS, is an *eo nomine* provision that neither requires the merchandise to be in chief value of any particular material, nor does it require the articles to be of textile materials. Further, even if there were a requirement that the braids had to be "of textile materials," the term "textile materials" is defined in Headnote 2(a)(v), Schedule 3, TSUS, as including "braids." The word "braids" is defined in Subpart (f) of the same headnote as including all braids of any contruction, with or without cores.

An *eo nomine* provision for an article, such as the provision for tubular braids with a nonelastic core, not suitable for making or ornamenting headwear, without limitations or shown contrary legislative intent, judicial decision, or administrative practice to the contrary, and without proof of commerical designation, will include all forms of such an article. *Nootka Packing Co.*, v. *United States*, 22 C.C.P.A. 464, T.D. 47464 (1935). In view of this principle and in light of the definitions of "textile materials" and "braids" enunciated above, Customs proposed that the subject articles be reclassified under item 348.00, TSUS.

Analysis of Comments

Five comments were received in response to the notice. Two commenters were in favor of the proposal and three commenters were opposed. Two of the three commenters opposed to it were concerned with the economic impact which would result from the change and the fact that the articles are not used as a textile. However, neither of these factors is relevant in determining the proper statutory tariff classification of the articles.

The primary issues raised by the remaining commenter opposed to the reclassification and Customs response to these issues is as follows:

1. The question is raised as to whether the articles, which are chiefly used for weighing down fish neting, is a "braid" since the lead core is not a central straud.

The definition from *Webster's Third New International Dictionary*, 1966, of the word "braid", describes the manufacturing process used to produce a braid. The description states that three or more strands are formed into a cord or ribbon by repeatedly crossing a left and then a right strand over a central strand and under the oppsite strand. It does not appear that the strands described in that definition are meant to include a central core. The cited definition does not contain anything contradictory to the conclusion that the articles are a braid. In this connection, see *Sol Kahaner & Bro.* v. *United States*, 71 Cust. Ct. 97, C.D. 4480 (1973), aff'd 62 CCPA 35, C.A.D. 1141 (1975), which held that the term "braids" for tariff purposes includes only braids formed by a special "maypole" type construction in which three or more lengths are diagonally intertwined.

2. It is contended that the provisions in the Tariff Act of 1930, as amended, from which the provision for tubular braids with nonelastic core, item 348.000 TSUS, was derived, all provided for tubing wholly or in chief value of textile materials. Accordingly, it is argued that the article is required to be in chief value of textile materials to be classified in item 348.00, TSUS.

It is cardinal rule of statutory construction that where doubt or ambiguity exists as to the meaning or scope of a statute, it is proper to consult the legislative history of that statue to ascertain congressional intent and that such intent governs the interpretation of the statute. However, in this instance, we believe that the wording is clear and unambiguous.

Headnote 2(a)(v), Schedule, 3, TSUS, defines the term "textile materials" as including braids as defined in Headnote 2(f). That headnote defines the term "braids" when used in connection with textile materials or textile articles, as including *all* braids in the piece of any construction, with or without cores. There is no requirement that the braids classifiable in Schedule 3, TSUS, be in chief value of textiles. The language used in the definition of "braids" refers to textile materials and textile articles, not to articles of textile materials. The word "of" is defined for tariff purposes in General Headnote 9(f)(i), TSUS, as meaning that the article is wholly or in chief value of the named material. The definition of "braids" does require that the braided portion, as opposed to the core, consist of material which would otherwise be considered textile materials. There is not similar limitation in the definition concerning the composition of any core in a braid. Therefore, in determining whether a braid with a core is within the purview of "textile materials," the composition of the core is not a consideration.

Even if it could be argued that the definition of braids was ambiguous, the legislative history is clear. As explained in the Tariff Classification Study, Explanatory Materials, published as C.I.E. 1/64, dated January 2, 1964, under the Tariff ACt of 1930, the practice of Customs was to exclude from the meaning of the term "braids" so-called cords which consisted of a braided sheath surrounding an inner core.

This later practice is not reflected in the proposed definition which would include all braids in the piece whether with or without cores. The proposed definition also includes such braids whether they have been braided from fibers, filaments (including tinsel wire and lame), yarns, cordage, textile fabrics, or any combination thereof. It is believed that this definition properly reflects the trade conception of braid. Volume 1 at pg. 227.

In addition, as can be seen from Part IIB, Tariff Classification Study Submitting Report, also published in Volume 1, C.I.E. 1/64, in converting from the Tariff Act of 1930, as amended, to the TSUS, the TSUS resulted in numerous rate changes. Further, the court noted in *Sol Kahaner & Bros.* v. *United States, supra*, that the statutory language in the TSUS in regard to the classification of braids differs from the language in the Tariff Act of 1930, as amended, and the change is sufficient to establish that the coverage under the TSUS differs from that which existed previously.

3. The position is advanced that the statutory language of Headnote 2(f), Scheduled 3, TSUS, applies only to textile materials and textile articles and does not apply to textile braids which are in chief value of the lead core.

Customs does not read Headnote 2(f) in that manner. In the TSUS, the word "of" is defined in General Headnote 9(f)(i), TSUS, and is the designated word used in the TSUS as requiring that an article be in chief value of the named material. The work "of" does not appear in Headnote 2(f). Further, submission by an American manufacturer of similar articles is persuasive that the subject articles are known in the trade and commerce of this country as a textile material or a textile article.

4. The position is advanced that these articles are not classifiable in item 348.00, TSUS, because that provision encompasses only braids imported in material lengths, and a substantial amount of the braided lead lines is actually imported cut to predetermined sizes for use on specific size nets.

Customs has confirmed this position. Braided lead lines are used in certain designated lengths ranging from 300 feet to 990 feet and when imported in those

designated lengths, they are seldom cut. Customs has continuously held that merchandise which is imported cut to specific sizes for specific uses, and which will not be further cut after importation, is not considered to be in material lengths. See C.S.D. 79–115, published in the Customs Bulletin of April 25, 1979, in response to Internal Advice Request No. 43/78, which held that mountain climbing ropes in lengths of 120, 150, and 165 feet were not imported in material lengths and, therefore, were separate and distinguishable articles of commerce classifiable as sporting equipment.

Since braids with cores imported in material lengths are "textile materials," it follows that articles which are in chief value of such braids are, unless more specifically provided for elsewhere, classifiable as articles of textile materials.

Change of Practice

After careful analysis of the comments received, Customs proposal to classify braided lead lines under item 348.00, TSUS, is adopted, with the addition that if imported in specific lengths of 300, 330, 600, 660, 900, and 990 feet, they are classifiable under the provision for other articles not specially provided for, of textile materials, in item 389.70, TSUS, if in chief value of lead.

E.O. 12291

This document does not meet the criteria for a "major rule" as specified in section 1(b) of E.O. 12291. Accordingly, no regulatory impact analysis has been prepared.

Regulatory Flexibility Act

This document is not subject to the provisions of sections 603 and 604 Title 5, United States Code (as added by section 3 of Pub. L. 96–354, the "Regulatory Flexibility Act").

Drafting Information

The principal author of this document was Jesse V. Vitello, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

William von Raab,

Commissioner of Customs.

Approved: April 13, 1983.

Robert E. Powis,

Acting Assistant Secretary of the Treasury.

[FR Doc. 83–11488 Filed 4–28–83; 8:45 am]
BILLING CODE 4820–02–M

Receipt of Domestic Interested Party Petition Concerning Tariff Classification of Polypropylene Ropes

AGENCY: Customs Service, Treasury.

ACTION: Notice of receipt of domestic interested party petition.

SUMMARY: Customs has received a petition from a domestic interested party requesting the reclassification of certain imported polypropylene ropes. Imported polypropylene ropes are currently classified for duty purposes as other articles of plastics, not specially provided for. However, if these ropes are products of a beneficiary developing coutry, they are accorded duty-free entry under the Generalized System of Preferences (GSP). The petitioner contends that these ropes should be classified under the tariff provision for cordage of man-made fibers subject to a higher rate of duty and not eligible for duty-free entry under the GSP even if imported from a beneficiary developing country. This document invities comments with regard to the correctness of the current classification.

DATE: Comments (preferably in triplicate) must be received on or before June 28, 1983.

ADDRESS: Comments may be addressed to the Commissioner of Customs, Attention: Regulations Control Branch, Room 2426, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Phil Robins, Classification and Value Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229; (202–566–8181).

SUPPLEMENTARY INFORMATION:

Background

A petition dated November 9, 1982, was filed with the Customs Service under section 516, Tariff Act of 1930, as amended (19 U.S.C. 1516), by the Sunshine Cordage Corporation, an American manufacturer of synthetic twines, ropes, and cordage. The petitioner contends that certain imported polypropylene ropes made from "plexiform filaments", which are currently classified by Customs under the provision for other articles of plastics, not specially provided for, in item 774.55, Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202), are more appropriately classified under the provision for cordage of man-made fibers in items 316.55 and 316.58, TSUS, depending on diameter. The current rate of duty for items classified under item 774.55, TSUS, is 6.9 percent ad valorem and the current rate of duty for items classified under items 316.55 and 316.58, TSUS, is 8 cents per pound plus 12.7 percent ad valorem and 12.5 cents per pound plus 15 percent ad valorem, respectively. The petitioner correctly notes that articles classified under item 774.55, TSUS, can be entered free of duty under the Generalized System of Preferences ("GSP") (see sections 10.171–10.178, Customs Regulations (19 CFR 10.171–10.178)), if imported directly from a beneficiary developing country, whereas articles classified under items 316.55 and 316.58, TSUS, cannot be entered free of duty under the GSP.

An amended petition, dated December 14, 1982, was submitted by the Sunshine Cordage Corporation and filed with Customs to support its original petition and set forth further arguments as to why the classification of polypropylene rope should be changed. The polypropylene ropes which are the subject of both the petition and the amended petition, are composed of man-made plexiform filaments in a folded, twisted, or crimped condition.

The petitioner's claim for reclassification is based on its interpretation of the terms "plexiform filaments" and "strips" as defined in headnotes 3(c) and 3(d), Subpart E, Part 1, Schedule 3, TSUS. For the purposes of Subpart E, the term plexiform filaments "embraces flexible filaments each of which consists of a network or plexus of fine fibers and which are suitable for the manufacture of textiles."

The term strips "embraces strips (including strips of laminated construction), whether or not folded lengthwise, twisted, or crimped, which in unfolded, untwisted, and uncrimped condition are over 0.06 inch but not over one inch in width and are not over 0.01 inch in thickness."

The petitioner maintains that according to the above definitions, "strips" which are in an unfolded condition must meet the dimensional requirement, whereas "plexiform filaments" which are in a folded, twisted, or crimped condition need not meet any dimensional requirement. Thus, it claims that these plexiform filaments which are in a folded, twisted, or crimped condition could be of any length or width suitable for the manufacture of textiles.

The petitioner also relies on its interpretation of the term "cordage" as defined in headnote 1(a) of Part 2, Schedule 3, TSUS, which provides that for the purpose of this part, the term cordage "means assemblages of textile fibers or yarns, in approximately cylindrical form and of continuous length, whether or not bleached, colored, or treated, designed and chiefly

used as an end product, and comprising cable, rope, cord, and twine, * * *"

The petitioner asserts that a polypropylene rope, which consists of plexiform filaments in a folded, twisted, or crimped condition, is a cordage product. It states that the plexiform filaments, of which the polypropylene rope is composed, would have to be unfolded to be excluded from the definition of cordage. However, plexiform filaments in a polypropylene rope are not unfolded but are in a folded, twisted, or crimped condition and cannot be excluded from the definition of cordage.

Thus, the petitioner concludes that polypropylene ropes, composed of plexiform filaments in a folded, twisted, or crimped condition, are cordage products, and need not meet any dimensional requirements. Accordingly, they must be properly classified under the provision for cordage of man-made fibers in items 316.55 and 316.58, TSUS, and not under the provision for other articles of plastics, not specially provided for, in item 774.55, TSUS.

Comments

Pursuant to §175.21(a), Customs Regulations (19 CFR 175.21(a)), before making a determination on this matter, Customs invites written comments from interested parties on the petition and the correctness of Customs classification of these articles.

The domestic interested party petition and the amended petition, as well as all comments received in response to this notice, will be available for public inspection in acordance with § 103.11(b), Customs Regulations (19 CFR 103.11(b)), between the hours of 9:00 a.m. to 4:30 p.m. on normal business days, at the Regulations Control Branch, Headquarters, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

Authority: This notice is published in accordance with § 175.21(a), Customs Regulations (19 CFR 175.21(a)).

Drafting Information

The principal author of this document was James S. Demb, Regulations Control Branch, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Dated: April 25, 1983.

John P. Simpson,

Director, Office of Regulations and Rulings.

[FR Doc. 83-11489 Filed 4-28-83; 8:45 am]

BILLING CODE 0000-00-00

Sunshine Act Meetings

Federal Register
Vol. 48, No. 84
Friday, April 29, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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1

CIVIL AERONAUTICS BOARD

[M–380, Apr. 26, 1983]

TIME AND DATE: 9:30 a.m., May 3, 1983.

PLACE: Room 1027 (open), room 1012 (closed), 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

1. Ratification of Items Adopted by Notation.
2. H.R. 1464—A bill to authorize reduced-rate air transportation to the United States for certain persons who have been or will be adopted by a resident of the United States. (Memo 1812, OGC)
3. Dockets EAS–549, 552 and 553, Petition of Metroflight, Inc. (Metro) for review of Order 83–2–34. (Memo 080–H, BDA)
4. Delta Development Corp. d.b.a. Western Yukon Air, continuing fitness. (Memo 1822, BDA, OGC)
5. Docket 41280, Application of Southern Air Transport, Inc. for unused authority. (Memo 1818, BDA)
6. Docket 41281, Application of Caribbean Air Services, Inc. for unusued authority. (Memo 1821, BDA)
7. Substantial change in key personnel of Midway (Southwest). (Memo 1827, BDA)
8. Docket 41089, Application of Prinair for unused authority. (Memo 1814, BDA)
9. Docket 41007, In the Matter of Air National Aircraft Sales and Service, Inc. (BDA, OGC)
10. Docket 40274, Notice of Republic Airlines to terminate service at Thief River Falls, MN. (BDA, OCCCA, OC)
11. Docket 40875, Essential air service at Temple, Texas. (BDA, OCCCA, OC)
12. Docket EAS–755, Service proposals for essential air service at Waycross, Georgia, a 419(b) point. (BDA OCCCA)
13. Dockets 39289 and 39480, Second year subsidy rate for AAA Air Enterprises' service at Norfolk, Nebraska, and Yankton, South Dakota, and Docket 41020, Carrier Selection at Columbus, Nebraska. (BDA, OCCCA)
14. Commuter carrier fitness determination of Airways of New Mexico, Inc. (Memo 1816, BDA)
15. Commuter carrier fitness determination of AmericAir, Inc. d.b.a. Air Lind Commuter. (Memo 1813, BDA)
16. Docket 35634, Agreement C.A.B. 28986, IATA agreement proposing revised Los Angeles/San Francisco-United Kingdom cargo rates. (BIA)
17. Docket 38623, Agreement C.A.B. 28960 and 28981, IATA agreements proposing fare structures to/from Israel, the Middle East and Africa. (BIA)
18. Cancellation of the foreign air carrier permits issued to certain indirect foreign air carriers. Docket 38487, Application of Deutsches Reiseburo GmbH (Germany) d.b.a. Der Travel Service. (Memo 1817, BIA, OGC BALJ)
19. Docket 41232, Application of Trans World Airlines, Inc. for renewal of its experimental certificate of public convenience and necessity for Route 219 (Miami-London Backup authority). (BIA, OGC)
20. Report on Canadian Fuel Tax. (BIA)
21. Report on Israel. (BIA)
22. Report on United Kingdom. (BIA)

STATUS: 1–19 open, 20–22 closed.

PERSON TO CONTACT FOR MORE INFORMATION: Phyllis T. Kaylor, the Secretary (202) 673–5068.

[S–615–83 Filed 4–27–83; 3:30 pm]

BILLING CODE 6320–01–M

2

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DATE AND TIME: 9:30 a.m. (eastern time), Tuesday, May 3, 1983.

PLACE: Commission Conference Room No. 200, second floor, Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

1. Ratification of Notation Vote/s.
2. A Report on Commission Operations (Optional).
3. Freedom of Information Act Appeal No. 83–2–FOIA–20–CH, concerning a request for confidential witness statements from a charge file.
4. Freedom of Information Act Appeal No. 83–2–FOIA–13–NO, concerning a request for the contents of an open Title VII charge file.
5. Freedom of Information Act Appeal No. 83–3–FOIA–25–SL, concerning a request for two documents from an age discrimination case file.
6. Freedom of Information Act Appeal No. 83–2–FOIA–23–SL, concerning a request for an ADEA file in closed status.
7. Freedom of Information Act Appeal No. 83–2–FOIA–20–CL, concerning a request for deliberative memoranda and confidential witness names from a charge file.
8. Amendment to the Procedure for Processing Charges Against 706 Agencies.
9. Pilot Program on Decisions from the Bench.

Closed:

1. Litigation Authorization; General Counsel Recommendations.
2. Proposed Withdrawal of Certain Charges.

Note.—Any matter not discussed or concluded may be carried over to a later meeting. (In addition to publishing notices on EEOC Commission meetings in the **Federal Register**, the Commission also provided recorded announcements a full week in advance on future Commission sessions. Please telephone (202) 634–6748 at all times for information on these meetings).

CONTACT PERSON FOR MORE INFORMATION: Treva McCall, Executive Secretary to the Commission at (202) 634–6748.

This Notice Issued April 26, 1983.

[S–608–83 Filed 4–27–83; 10:49 am]

BILLING CODE 6750–06–M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 2 p.m. on Monday, April 25, 1983, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C. T. Conover (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter:

Application of Hang Seng Bank Ltd., Hong Kong, for Federal deposit insurance of deposits received at and recorded for the accounts of its proposed federally-licensed

branch located at 27 East Broadway, New York, New York.

By the same majority vote, the Board further determined that no earlier notice of this change in the subject matter of the meeting was practicable.

The Board further determined, on motion of Chairman William M. Isaac, seconded by Director C. T. Conover (Comptroller of the Currency), concurred in by Director Irvine H. Sprague (Appointive), that Corporation business required the withdrawal from the agenda for consideration in open session and the addition to the agenda for consideration at the Board's closed meeting held at 2:30 p.m. the same day, of the following matter:

Application of BancOne of Connecticut, Bridgeport, Connecticut, for consent to convert into a non-FDIC insured institution.

In voting to move this matter from open session to closed session, the Board further determined, by the same majority vote, that the public interest did not require consideration of the matter in a meeting open to public observation; that the matter could be considered in a closed meeting by authority of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii); and that no earlier notice of this change in the subject matter of the meeting was practicable.

Dated: April 15, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson

Executive Secretary.

[S-613-83 Filed 4-27-83; 1:36 pm]

BILLING CODE 6714-01-M

4

FEDERAL DEPOSIT INSURANCE CORPORATION

Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, April 25, 1983, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C. T. Conover (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Application of The Howard Savings Bank, Newark, New Jersey, for consent to establish a branch in the Highland Shopping Center, East Ridgewood and Highland Avenues, Paramus, New Jersey.

Recommendations regarding the Corporation's assistance agreements involving insured banks pursuant to section 13(c) of the Federal Deposit Insurance Act.

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Memorandum and Resolution re: United American Bank in Knoxville, Knoxville, Tennessee

The Board further determined, by the same majority vote, that no earlier notice of the changes in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; that the matters could be considered in a closed meeting by authority of subsections (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10)).

Dated: April 25, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson

Executive Secretary.

[S-612-83 Filed 4-27-83; 1:36 pm]

BILLING CODE 6714-01-M

5

FEDERAL ELECTION COMMISSION

Federal Register No. 604

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, May 5, 1983, at 10 a.m.

CHANGE IN MEETING: The following matters have been added to the open meeting for this date—

FEC Speakers' Program

Explanation and Justification of Regulations Governing Collecting Agents and Joint Fundraising

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Information Officer; Telephone 202-523-4065.

Marjorie W. Emmons,

Secretary of the Commission.

[S-609-83 Filed 4-27-83; 12:30 am]

BILLING CODE 6715-01-M

6

FEDERAL ENERGY REGULATORY COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 17691, April 25, 1983.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., April 27, 1983.

CHANGE IN THE MEETING: The following item has been added to the agenda:

Item No., Docket No., and Company

CAG-49: RP78-62-000, Panhandle Eastern Pipe Line Company

Kenneth F. Plumb,

Secretary.

[S-610-83 Filed 4-27-83; 1:14 pm]

BILLING CODE 6717-02-M

7

FOREIGN CLAIMS SETTLEMENT COMMISSION

[Meeting Notice No. 5-83]

Announcement in Regard to Commission Meetings and Hearings

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR Part 504), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of open meetings and oral hearings for the transaction of Commission business and other matters specified, as follows:

Date, Time, and Subject Matter

Thursday, May 12, 1983 at 10:30 a.m.

Consideration of decisions involving claims against the Government of the Czechoslovak Socialist Republic and decisions involving claims for Vietnam prisoner of war compensation.

Subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

All meetings are held at the Foreign Claims Settlement Commission, 1111 20th Street, NW., Washington, D.C. Requests for information, or advance notices of intention to observe a meeting, may be directed to: Administrative Officer, Foreign Claims Settlement Commission, 1111 20th Street, NW., Room 409, Washington, DC 20579. Telephone: (202) 653-6155.

Dated at Washington, D.C. on April 26, 1983.

Judith H. Lock,

Administrative Officer.

[S-614-83 Filed 4-27-83; 2:49 pm]

BILLING CODE 4410-01-M

8

SECURITIES AND EXCHANGE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT:

(48 FR 15999, APRIL 13, 1983)

STATUS: Closed meeting.

PLACE: 450 5th Street NW., Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Friday, April 8, 1983.

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CHANGES IN THE MEETING: Rescheduling and deletion. The following closed item scheduled for Friday, April 22, 1983, following the 9:30 a.m. open meeting has been rescheduled for Tuesday, April 26, 1983, at 10 a.m.:

Settlement of injunctive action.

The following item was not considered at a closed meeting scheduled for Friday, April 22, 1983, following the 9:30 a.m. open meeting:

Settlement of administrative proceedings of an enforcement nature.

The following item was considered at a closed meeting scheduled for Friday, April 22, 1983, following the 9:30 a.m. open meeting:

Access to investigative files by Federal, State, or Self-regulatory authorities.

Chairman Shad and Commissioners Evans, Longstreth and Treadway determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any matters have been added, deleted or postponed, please contact: Diane Klinke at (202) 272-2014.

April 26, 1983.

[S-611-83 Filed 4-27-83; 1:14 pm]

BILLING CODE 8010-01-M

federal register

Friday
April 29, 1983

Part II

Department of Labor

Employment Standards Administration, Wage and Hour Division

Office of the Secretary

Procedures for Predetermination of Wage Rates

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Office of the Secretary

29 CFR Part 1

Procedures for Predetermination of Wage Rates

AGENCY: Employment Standards Administration, Wage and Hour Division, Labor.

ACTION: Implementation of final rule.

SUMMARY: This document provides for implementation of regulations, 29 CFR Part 1, which sets forth the procedures for the predetermination of prevailing wage rates under the Davis-Bacon and Related Acts. This is the final regulation previously published in the **Federal Register** (47 FR 23644) on May 28, 1982, to the extent that its implementation is permitted by the terms of a permanent injunction issued by the U.S. District Court for the District of Columbia on December 23, 1982. The enjoined provisions in the May 1982 final rule continue to be deferred.

DATES: Effective date: June 28, 1983. See **SUPPLEMENTARY INFORMATION** for dates of applicability.

FOR FURTHER INFORMATION CONTACT: William M. Otter, Administrator, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Room S–3502, 200 Constitution Avenue, NW., Washington, D.C. 20210, Telephone: 202–523–8305.

SUPPLEMENTARY INFORMATION: On August 14, 1981, a proposal was published in the **Federal Register** (46 FR 41444) to make revisions to 29 CFR Part 1, Procedures for Predetermination of Wage Rates under the Davis-Bacon and Related Acts, allowing 60 days for public comment.

On May 28, 1982, these regulations were published in the **Federal Register** (47 FR 23644) as a final rule with a scheduled effective date of July 27, 1982. However, on July 22, 1982, the U.S. District Court for the District of Columbia issued a preliminary injunction enjoining implementation of certain provisions of these regulations as a result of a suit filed against the Department (*Building and Construction Trades Department, AFL–CIO, et al.*, v. *Raymond J. Donovan, et al.*, 543 F. Supp. 1282). On July 26, 1982, the Department published a notice in the **Federal Register** (47 FR 32070) deferring the effective date of these regulations in their entirety until further notice in order to comply with the preliminary injunction issued by the Court. On December 23, 1982, the Court issued a permanent injunction which, as modified by its order of January 17, 1983, enjoined §§ 1.3(d) (exclusion of Davis-Bacon construction in wage determinations), 1.7(b) (exclusion of metropolitan data in wage determinations) and 1.7(d) (helpers) of these regulations. This injunction has been appealed.

The document published today implements those provisions of the final rule published in the **Federal Register** on May 28, 1982 (47 FR 23644), which have not been enjoined by the court, including the revised definition of the term "prevailing," on which the preliminary injunction has been lifted. The effective date of the enjoined provisions is deferred, by separate notice in today's **Federal Register**, pending final determination of the validity of those provisions. If the Department prevails on appeal, the deferred provisions (§§ 1.3(d), 1.7 (b) and (d)) will then be implemented.

As described more fully below, the court order necessitated corresponding deletions of sections or portions of sections in the text of the regulations now being implemented. To avoid confusion, the text of the entire rule as implemented at this time is set forth herein.

The following is a description of the changes made in the text of regulations which were published on May 28, 1982 (47 FR 23644) in order to comport with the Court's decision and order, pending final disposition of the appeal.

Section 1.3(d)—Consideration of Davis-Bacon Rates in Wage Surveys.

This enjoined subsection would have provided that wages paid on projects subject to the Davis-Bacon Act would not be considered in developing wage determinations for "building" and "residential" construction projects unless the Department finds that there is not sufficient data from privately financed projects of a character similar to determine prevailing wages. This subsection is deleted from the text.

Section 1.7(b)—Scope of Consideration.

This enjoined subsection would have prohibited the use of wage data from projects in metropolitan areas in making wage determinations in rural areas, and vice versa. That prohibition is deleted from the text.

Section 1.7(d)—Helpers.

Under the terms of this enjoined subsection, the Department would have issued wage determinations containing rates for semi-skilled classifications of helpers when such classifications are "identifiable" in the area. This subsection is deleted from the text.

In addition to the above, necessary typographical and minor editorial corrections have been made in §§ 1.1(a), 1.6, 1.7(b) and Appendix A paragraph 10.

The document being published today is not a major rule since it is simply a republication and implementation of provisions previously published. A full Final Regulatory Impact and Regulatory Flexibility Analysis was prepared in connection with the May 28, 1982 publication of these regulations and a summary was published therein. See 47 FR 23648. Because of the Court injunction, the alternatives selected cannot be fully implemented at this time. The savings effectuated by the regulations being implemented today are estimated to be $120 million per year.

As discussed above, this document is only a republication and implementation of regulations previously published for notice and comment to the extent implementation is permitted by the court's injunction. Accordingly, additional notice and comment is impracticable, unnecessary and contrary to the public interest.

Dates of Applicability

The provisions of this part shall be applicable only as to wage surveys completed on or after June 28, 1983, except for § 1.6, which shall be applicable only to contracts entered into pursuant to invitations for bids issued or negotiations concluded on or after June 28, 1983. None of the revisions herein shall be applicable to any contract entered into prior to June 28, 1983.

This document was prepared under the direction and control of William M. Otter, Administrator, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor.

List of Subjects in 29 CFR Part 1

Administrative practice and procedures, Government contracts, Labor, Minimum wages, Wages.

Accordingly, 29 CFR Part 1 as issued on May 28, 1982 with the necessary textual changes discussed above is herein implemented as set forth below.

Signed at Washington, D.C., on this 22d day of April 1983.

Raymond J. Donovan,

Secretary of Labor.

Robert B. Collyer,

Deputy Under Secretary for Employment Standards.

William M. Otter,

Administrator, Wage and Hour Division.

PART 1—PROCEDURES FOR PREDETERMINATION OF WAGE RATES

Sec.

1.1 Purpose and scope.
1.2 Definitions.
1.3 Obtaining and compiling wage rate information.
1.4 Outline of agency construction programs.
1.5 Procedure for requesting wage determinations.
1.6 Use and effectiveness of wage determinations.
1.7 Scope of consideration.
1.8 Reconsideration by the Administrator.
1.9 Review by Wage Appeals Board.
Appendix A.
Appendix B.

Authority: 5 U.S.C. 301; R.S. 161, 64 Stat. 1267; Reorganization Plan No. 14 of 1950, 5 U.S.C. Appendix; 29 U.S.C. 259; 40 U.S.C. 276a—276a–7; 40 U.S.C. 276c; and the laws listed in Appendix A of this Part.

§ 1.1 Purpose and scope.

(a) The procedural rules in this part apply under the Davis-Bacon Act (946 Stat. 1494, as amended; 40 U.S.C. 276a—276a–7) and other statutes listed in Appendix A to this part which provide for the payment of minimum wages, including fringe benefits, to laborers and mechanics engaged in construction activity under contracts entered into or financed by or with the assistance of agencies of the United States or the District of Columbia, based on determinations by the Secretary of Labor of the wage rates and fringe benefits prevailing for the corresponding classes of laborers and mechanics employed on projects similar to the contract work in the local areas where such work is to be performed. Functions of the Secretary of Labor under these statutes and under Reorganization Plan No. 14 of 1950 (64 Stat. 1267, 5 U.S.C. Appendix), except those assigned to the Wage Appeals Board (see 29 CFR Part 7), have been delegated to the Deputy Under Secretary of Labor for Employment Standards who in turn has delegated the functions to the Administrator of the Wage and Hour Division, and authorized representatives.

(b) The regulations in this part set forth the procedures for making and applying such determinations of prevailing wage rates and fringe benefits pursuant to the Davis-Bacon Act, each of the other statutes listed in Appendix A, and any other Federal statute providing for determinations of such wages by the Secretary of Labor in accordance with the provisions of the Davis-Bacon Act.

(c) Procedures set forth in this part are applicable, unless otherwise indicated, both to general wage determinations published in the **Federal Register** for contracts in specified localities, and to project wage determinations for use on contract work to be performed on a specific project.

§ 1.2 Definitions.[1]

(a)(1) The "prevailing wage" shall be the wage paid to the majority (more than 50 percent) of the laborers or mechanics in the classification on similar projects in the area during the period in question. If the same wage is not paid to a majority of those employed in the classification, the "prevailing wage" shall be the average of the wages paid, weighted by the total employed in the classification.

(2) In determining the "prevailing wages" at the time of issuance of a wage determination, the Administrator will be guided by paragraph (a)(1) of this section and will consider the types of information listed in § 1.3 of this part.

(b) The term "area" in determining wage rates under the Davis-Bacon Act and the prevailing wage provisions of the other statutes listed in Appendix A shall mean the city, town, village, county or other civil subdivision of the State in which the work is to be performed.

(c) The term "Administrator" shall mean the Administrator of the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, or authorized representative. In the absence of the Wage-Hour Administrator, the Deputy Administrator of the Wage and Hour Division is designated to act for the Administrator under this part. Except as otherwise provided in this part, the Assistant Administrator for Government Contract Wage Standards is the authorized representative of the Administrator for the performance of functions relating to the making of wage determinations.

(d) The term "agency" shall mean the Federal agency, State highway department under 23 U.S.C. 113, or recipient State or local government under Title 1 of the State and Local Fiscal Assistance Act of 1972.

[1] These definitions are not intended to restrict the meaning of the terms as used in the applicable statutes.

§ 1.3 Obtaining and compiling wage rate information.

For the purpose of making wage determinations, the Administrator will conduct a continuing program for the obtaining and compiling of wage rate information.

(a) The Administrator will encourage the voluntary submission of wage rate data by contractors, contractors' associations, labor organizations, public officials and other interested parties, reflecting wage rates paid to laborers and mechanics on various types of construction in the area. The Administrator may also obtain data from agencies on wage rates paid on construction projects under their jurisdiction. The information submitted should reflect not only the wage rates paid a particular classification in an area, but also the type or types of construction on which such rate or rates are paid, and whether or not such rates were paid on Federal or federally assisted projects subject to Davis-Bacon prevailing wage requirements.

(b) The following types of information may be considered in making wage rate determinations:

(1) Statements showing wage rates paid on projects. Such statements should include the names and addresses of contractors, including subcontractors, the locations, approximate costs, dates of construction and types of projects, whether or not the projects are Federal or federally assisted projects subject to Davis-Bacon prevailing wage requirements, the number of workers employed in each classification on each project, and the respective wage rates paid such workers.

(2) Signed collective bargaining agreements. The Administrator may request the parties to an agreement to submit statements certifying to its scope and application.

(3) Wage rates determined for public construction by State and local officials pursuant to State and local prevailing wage legislation.

(4) In making wage rate determinations pursuant to 23 U.S.C. 113, the highway department of the State in which a project in the Federal-Aid highway system is to be performed shall be consulted. Before making a determination of wage rates for such a project the Administrator shall give due regard to the information thus obtained.

(5) Wage rate data submitted to the Department of Labor by contracting agencies pursuant to 29 CFR 5.5(a)(1)(ii).

(6) Any other information pertinent to the determination of prevailing wage rates.

(c) The Administrator may initially obtain or supplement such information obtained on a voluntary basis by such means, including the holding of hearings, and from any sources determined to be necessary. All information of the types described in § 1.3(b) of this part, pertinent to the determination of the wages prevailing at the time of issuance of the wage determination, will be evaluated in the light of § 1.2(a) of this Part.

§ 1.4 Outline of agency construction programs.

To the extent practicable, at the beginning of each fiscal year each agency using wage determinations under any of the various statutes listed in Appendix A will furnish the Administrator with a general outline of its proposed construction programs for the coming year indicating the estimated number of projects for which wage determinations will be required, the anticipated types of construction, and the locations of construction. During the fiscal year, each agency will notify the Administrator of any significant changes in its proposed construction programs, as outlined at the beginning of the fiscal year. This report has been cleared in accordance with FPMR 101–11.11 and assigned interagency report control number 1671–DOL–AN.

§ 1.5 Procedure for requesting wage determinations.

(a)(1) Except as provided in paragraph (b) of this section, the Federal agency shall initially request a wage determination under the Davis-Bacon Act or any of its related prevailing wage statutes by submitting Standard Form 308 to the Department of Labor at this address:

U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Branch of Construction Wage Determinations, Washington, D.C. 20210.

The agency shall check only those classifications on the applicable form which will be needed in the performance of the work. Inserting a note such as "entire schedule" or "all applicable classifications" is not sufficient. Additional classifications needed which are not on the form may be typed in the blank spaces or on a separate list and attached to the form.

(2) In completing SF–308, the agency shall furnish:

(i) A sufficiently detailed description of the work to indicate the type of construction involved. Additional description or separate attachment, if necessary for identification of type of project, shall be furnished.

(ii) The county (or other civil subdivision) and State in which the proposed project is located.

(3) Such request for a wage determination shall be accompanied by any pertinent wage payment information which may be available. When the requesting agency is a State highway department under the Federal-Aid Highway Acts as codified in 23 U.S.C. 113, such agency shall also include its recommendations as to the wages which are prevailing for each classification of laborers and mechanics on similar construction in the area.

(b) Whenever the wage patterns in a particular area for a particular type of construction are well settled and whenever it may be reasonably anticipated that there will be a large volume of procurement in that area for such a type of construction, the Administrator, upon the request of a Federal agency or in his/her discretion, may publish a general wage determination in the **Federal Register** when, after consideration of the facts and circumstances involved, the Administrator finds that the applicable statutory standards and those of this part will be met. If there is a general wage determination applicable to the project, the agency may use it without notifying the Department of Labor, *provided*, that questions concerning its use shall be referred to the Department of Labor in accordance with § 1.6(b).

(c) The time required for processing requests for wage determinations varies according to the facts and circumstances in each case. An agency should anticipate that such processing in the Department of Labor will take at least 30 days.

§ 1.6 Use and effectiveness of wage determinations.

(a)(1) Project wage determinations initially issued shall be effective for 180 calendar days from the date of such determinations. If such a wage determination is not used in the period of its effectiveness it is void. Accordingly, if it appears that a wage determination may expire between bid opening and contract award (or between initial endorsement under the National Housing Act or the execution of an agreement to enter into a housing assistance payments contract under section 8 of the U.S. Housing Act of 1937, and the start of construction) the agency shall request a new wage determination sufficiently in advance of the bid opening to assure receipt prior thereto. However, when due to unavoidable circumstances a determination expires before award but after bid opening (or before the start of construction, but after initial endorsement under the National Housing Act, or before the start of construction but after the execution of an agreement to enter into a housing assistance payments contract under Section 8 of the U.S. Housing Act of 1937), the head of the agency or his or her designee may request the Administrator to extend the expiration date of the wage determination in the bid specifications instead of issuing a new wage determination. Such request shall be supported by a written finding, which shall include a brief statement of the factual support, that the extension of the expiration date of the determination is necessary and proper in the public interest to prevent injustice or undue hardship or to avoid serious impairment in the conduct of Government business. The Administrator will either grant or deny the request for an extension after consideration of all of the circumstances, including an examination to determine if the previously issued rates remain prevailing. If the request for extension is denied, the Administrator will proceed to issue a new wage determination for the project.

(2) General wage determinations issued pursuant to § 1.5(b) and which are published in the **Federal Register**, shall contain no expiration date.

(b) Contracting agencies are responsible for insuring that only the appropriate wage determination(s) are incorporated in bid solicitations and contract specifications and for designating specifically the work to which such wage determinations will apply. Any question regarding application of wage rate schedules shall be referred to the Administrator, who shall give foremost consideration to area practice in resolving the question.

(c)(1) Project and general wage determinations may be modified from time to time to keep them current. A modification may specify only the items being changed, or may be in the form of a supersedeas wage determination, which replaces the entire wage determination. Such actions are distinguished from a determination by the Administrator under paragraphs (d), (e) and (f) of this section that an erroneous wage determination has been issued or that the wrong wage determination or wage rate schedule has been utilized by the agency.

(2)(i) All actions modifying a project wage determination received by the agency before contract award (or the start of construction where there is no contract award) shall be effective except as follows:

(A) In the case of contracts entered into pursuant to competitive bidding procedures, modifications received by the agency less than 10 days before the opening of bids shall be effective unless the agency finds that there is not a reasonable time still available before bid opening, to notify bidders of the modification and a report of the finding is inserted in the contract file. A copy of such report shall be made available to the Administrator upon request. No such report shall be required if the modification is received after bid opening.

(B) In the case of projects assisted under the National Housing Act, modifications shall be effective if received prior to the beginning of construction or the date the mortgage is initially endorsed, whichever occurs first.

(C) In the case of projects to receive housing assistance payments under section 8 of the U.S. Housing Act of 1937, modifications shall be effective if received prior to the beginning of construction or the date the agreement to enter into a housing assistance payments contract is executed, whichever occurs first.

(ii) Modifications to project wage determinations and supersedeas wage determinations shall not be effective after contract award (or after the beginning of construction where there is no contract award).

(iii) Actual written notice of a modification shall constitute receipt.

(3) All actions modifying a general wage determination shall be effective with respect to any project to which the determination applies, if published before contract award (or the start of construction where there is no contract award), except as follows:

(i) In the case of contracts entered into pursuant to competitive bidding procedures, modifications published less than 10 days before the opening of bids shall be effective unless the agency finds that there is not a reasonable time still available before bid opening to notify bidders of the modification and a report of the finding is inserted in the contract file. A copy of such report shall be made available to the Administrator upon request. No such report shall be required if the modification is published after bid opening.

(ii) In the case of projects assisted under the National Housing Act, modifications shall be effective if published prior to the beginning of construction or the date the mortgage is initially endorsed, whichever occurs first.

(iii) In the case of projects to receive housing assistance payments under section 8 of the U.S. Housing Act of 1937, modifications shall be effective if published prior to the beginning of construction or the date the agreement to enter into a housing assistance payments contract is signed, whichever occurs first.

(iv) If under paragraph (c)(3)(i) of this section the contract has not been awarded within 90 days after bid opening, or if under paragraph (c)(3) (ii) or (iii) of this section construction has not begun within 90 days after initial endorsement or the signing of the agreement to enter into a housing assistance payments contract, any modifications published in the **Federal Register** prior to award of the contract or the beginning of construction, as appropriate, shall be effective with respect to that contract unless the head of the agency or his or her designee requests and obtains an extension of the 90-day period from the Administrator. Such request shall be supported by a written finding, which shall include a brief statement of the factual support, that the extension is necessary and proper in the public interest to prevent injustice or undue hardship or to avoid serious impairment in the conduct of Government business. The Administrator will either grant or deny the request for an extension after consideration of all the circumstances.

(v) A modification to a general wage determination is "published" within the meaning of this section on the date of publication in the **Federal Register**, or on the date the agency receives actual written notice of the modification from the Department of Labor, whichever occurs first.

(vi) Modifications or supersedeas wage determinations to an applicable general wage determination published after contract award (or after the beginning of construction where there is no contract award) shall not be effective.

(d) Upon his/her own initiative or at the request of an agency, the Administrator may correct any wage determination, without regard to paragraph (c) of this section, whenever the Administrator finds such a wage determination contains clerical errors. Such corrections shall be included in any bid specifications containing the wage determination, or in any on-going contract containing the wage determination in question, retroactively to the start of construction.

(e) Written notification by the Department of Labor prior to the award of a contract (or the start of construction under the National Housing Act, under section 8 of the U.S. Housing Act of 1937, or where there is no contract award) that (1) there is included in the bidding documents or solicitation the wrong wage determination or the wrong schedule or that (2) a wage determination is withdrawn by the Department of Labor as a result of a decision by the Wage Appeals Board, shall be effective immediately without regard to paragraph (c) of this section.

(f) The Administrator may issue a wage determination after contract award or after the beginning of construction if the agency has failed to incorporate a wage determination in a contract required to contain prevailing wage rates determined in accordance with the Davis-Bacon Act, or has used a wage determination which by its terms or the provisions of this part clearly does not apply to the contract. Further, the Administrator may issue a wage determination which shall be applicable to a contract after contract award or after the beginning of construction when it is found that the wrong wage determination has been incorporated in the contract because of an inaccurate description of the project or its location in the agency's request for the wage determination. Under any of the above circumstances, the agency shall either terminate and resolicit the contract with the valid wage determination, or incorporate the valid wage determination retroactive to the beginning of construction through supplemental agreement or through change order, *provided* that the contractor is compensated for any increases in wages resulting from such change. The method of incorporation of the valid wage determination, and adjustment in contract price, where appropriate, should be in accordance with applicable procurement law.

(g) If Federal funding or assistance under a statute requiring payment of wages determined in accordance with the Davis-Bacon Act is not approved prior to contract award (or the beginning of construction where there is no contract award), the agency shall request a wage determination prior to approval of such funds. Such a wage determination shall be issued based upon the wages and fringe benefits found to be prevailing on the date of award or the beginning of construction (under the National Housing Act, under section 8 of the U.S. Housing Act of 1937 or where there is no contract award), as appropriate, and shall be incorporated in the contract specifications retroactively to that date, *provided*, that upon the request of the head of the agency in individual cases the Administrator may issue such a wage determination to be effective on the date

of approval of Federal funds or assistance whenever the Administrator finds that it is necessary and proper in the public interest to prevent injustice or undue hardship, *provided further* that the Administrator finds no evidence of intent to apply for Federal funding or assistance prior to contract award or the start of construction, as appropriate.

§ 1.7 Scope of consideration.

(a) In making a wage determination, the "area" will normally be the county unless sufficient current wage data (data on wages paid on current projects or, where necessary, projects under construction no more than one year prior to the beginning of the survey or the request for a wage determination, as appropriate) is unavailable to make a wage determination.

(b) If there has not been sufficient similar construction within the area in the past year to make a wage determination, wages paid on similar construction in surrounding counties may be considered.

(c) If there has not been sufficient similar construction in surrounding counties or in the State in the past year, wages paid on projects completed more than one year prior to the beginning of the survey or the request for a wage determination, as appropriate, may be considered.

§ 1.8 Reconsideration by the Administrator.

Any interested person may seek reconsideration of a wage determination issued under this part or of a decision of the Administrator regarding application of a wage determination. Such a request for reconsideration shall be in writing accompanied by a full statement of the interested person's views and any supporting wage data or other pertinent information. The Administrator will respond within 30 days of receipt thereof, or will notify the requestor within the 30 day period that additional time is necessary.

§ 1.9 Review by Wage Appeals Board.

Any interested person may appeal to the Wage Appeals Board for a review of a wage determination or its application made under this part, after reconsideration by the Administrator has been sought pursuant to § 1.8 and denied. Any such appeal may, in the discretion of the Wage Appeals Board, be received, accepted, and decided in accordance with the provisions of 29 CFR Part 7 and such other procedures as the Board may establish.

Appendix A

Statutes Related to the Davis-Bacon Act at Rates Predetermined by the Secretary of Labor

1. The Davis-Bacon Act (secs. 1–7, 46 Stat. 1494, as amended; Pub. L. 74–403, 40 U.S.C. 276a–276a–7).
2. National Housing Act (sec. 212 added to c. 847, 48 Stat. 1246, by sec. 14, 53 Stat. 807; 12 U.S.C. 1715c and repeatedly amended).
3. Housing Act of 1950 (college Housing) (amended by Housing Act of 1959 to add labor provisions, 73 Stat. 681; 12 U.S.C. 1749a(f)).
4. Housing Act of 1959 (sec. 401(f) of the Housing Act of 1950 as amended by Pub. L. 86–372, 73 Stat. 681; 12 U.S.C. 1701q(c)(3)).
5. Commercial Fisheries Research and Development Act of 1964 (sec. 7, 78 Stat. 199; 16 U.S.C. 779e(b)).
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11. Indians Self-Determination and Education Assistance Act (sec. 7, 88 Stat. 2205; 25 U.S.C. 450e).
12. Indian Health Care Improvement Act (sec. 303(b), 90 Stat. 1407; 25 U.S.C. 1633(b)).
13. Rehabilitation Act of 1973 (sec. 306(b)(5), 87 Stat. 384, 29 U.S.C. 776(b)(5)).
14. Comprehensive Employment and Training Act of 1973 (sec. 606, 87 Stat. 880, renumbered sec. 706 by 83 Stat. 1845; 29 U.S.C. 986; also sec. 604, 88 Stat. 1846; 29 U.S.C. 964(b)(3)).
15. State and Local Fiscal Assistance Act of 1972 (sec. 123(a)(6), 86 Stat. 933; 31 U.S.C. 1246(a)(6)).
16. Federal Water Pollution Control Act (sec. 513 of sec. 2, 86 Stat. 894; 33 U.S.C. 1372).
17. Veterans Nursing Home Care Act of 1964 (78 Stat. 502, as amended; 38 U.S.C. 5035(a)(8)).
18. Postal Reorganization Act (sec. 410(b)(4)(C); 84 Stat. 726 as amended; 39 U.S.C. 410(b)(4)(C)).
19. National Visitors Center Facilities Act of 1968 (sec. 110, 32 Stat. 45; 40 U.S.C. 808).
20. Appalachian Regional Development Act of 1965 (sec. 402, 79 Stat. 21; 40 U.S.C. App. 402).
21. Health Services Research, Health Statistics, and Medical Libraries Act of 1974 (sec. 107, see sec. 306(h)(2) thereof, 83 Stat. 370, as amended by 90 Stat. 378; 42 U.S.C. 242m(h)(2)).
22. Hospital Survey and Construction Act, as amended by the Hospital and Medical Facilities Amendments of 1964 (sec. 605(a)(5), 78 Stat. 453; 42 U.S.C. 291e(a)(5)).
23. Health Professions Education Assistance Act (sec. 303(b), 90 Stat. 2254; 42 U.S.C. 293a(g)(1)(C); also sec. 308a, 90 Stat. 2256; 42 U.S.C. 293a(c)(7)).
24. Nurse Training Act of 1964 (sec. 941(a)(1)(C), 89 Stat. 364; 42 U.S.C. 296a(b)(5)).
25. Heart Disease, Cancer, and Stroke Amendments of 1965 (sec. 904, as added by sec. 2, 79 Stat. 928; 42 U.S.C. 299d(b)(4)).
26. Safe Drinking Water Act (sec. 2(a), see sec. 1450e thereof, 88 Stat. 1691; 42 U.S.C. 300j–9(e)).
27. National Health Planning and Resources Act (sec. 4, see sec. 1604(b)(1)(H), 88 Stat. 2261, 42 U.S.C. 300o–3(b)(1)(H)).
28. U.S. Housing Act of 1937, as amended and recodified (88 Stat. 667; 42 U.S.C. 1437j).
29. Demonstration Cities and Metropolitan Development Act of 1966 (secs. 110, 311, 503, 1003, 80 Stat. 1259, 1270, 1277, 1284; 42 U.S.C. 3310; 12 U.S.C. 1715c; 42 U.S.C. 1437j).
30. Slum clearance program: Housing Act of 1949 (sec. 109, 63 Stat. 419, as amended; 42 U.S.C. 1459).
31. Farm housing: Housing Act of 1964 (adds sec. 516(f) to Housing Act of 1949 by sec. 503, 78 Stat. 797; 42 U.S.C. 1486(f)).
32. Housing Act of 1961 (sec. 707, added by sec. 907, 79 Stat. 496, as amended; 42 U.S.C. 1500c–3).
33. Defense Housing and Community Facilities and Services Act of 1951 (sec. 310, 65 Stat. 307; 42 U.S.C. 1592i).
34. Special Health Revenue Sharing Act of 1975 (sec. 303, see sec. 222(a)(5) thereof, 89 Stat. 324; 42 U.S.C. 2689j(a)(5)).
35. Economic Opportunity Act of 1964 (sec. 607, 78 Stat. 532; 42 U.S.C. 2947).
36. Headstart, Economic Opportunity, and Community Partnership Act of 1974 (sec. 11, see sec. 811 thereof, 88 Stat. 2327; 42 U.S.C. 2992a).
37. Housing and Urban Development Act of 1965 (sec. 707, 79 Stat. 492 as amended; 42 U.S.C. 3107).
38. Older Americans Act of 1965 (sec. 502, Pub. L. 89–73, as amended by sec. 501, Pub. L. 93–29; 87 Stat. 50; 42 U.S.C. 3041a(a)(4)).
39. Public Works and Economic Development Act of 1965 (sec. 712, 79 Stat. 575 as amended; 42 U.S.C. 3222).
40. Juvenile Delinquency Prevention Act (sec. 1, 86 Stat. 536; 42 U.S.C. 3884).
41. New Communities Act of 1968 (sec. 410.82 Stat. 516; 42 U.S.C. 3909).
42. Urban Growth and New Community Development Act of 1970 (sec. 727(f), 84 Stat. 1803; 42 U.S.C. 4529).
43. Domestic Volunteer Service Act of 1973 (sec. 406, 87 Stat. 410; 42 U.S.C. 5046).
44. Housing and Community Development Act of 1974 (secs. 110, 802(g), 83 Stat. 649, 724; 42 U.S.C. 5310, 1440(g)).
45. Developmentally Disabled Assistance and Bill of Rights Act (sec. 126(4), 89 Stat. 488; 42 U.S.C. 6042(4); title I, sec. 111, 89 Stat. 491; 42 U.S.C. 6063(b)(19)).
46. National Energy Conservation Policy Act (sec. 312, 92 Stat. 3254; 42 U.S.C. 6371j).

47. Public Works Employment Act of 1976 (sec. 109, 90 Stat. 1001; 42 U.S.C. 6708; also sec. 208, 90 Stat. 1008; 42 U.S.C. 6728).

48. Energy Conservation and Production Act (sec. 45(h), 90 Stat. 1168; 42 U.S.C. 6881(h)).

49. Solid Waste Disposal Act (sec. 2, 90 Stat. 2828; 42 U.S.C. 6979).

50. Rail Passenger Service Act of 1970 (sec. 405d, 84 Stat. 1337; 45 U.S.C. 565(d)).

51. Urban Mass Transportation Act of 1964 (sec. 10, 78 Stat. 307; renumbered sec. 13 by 88 Stat. 715; 49 U.S.C. 1609).

52. Highway speed ground transportation study (sec. 6(b), 79 Stat. 893; 49 U.S.C. 1636(b)).

53. Airport and Airway Development Act of 1970 (sec. 22(b), 84 Stat. 231; 49 U.S.C. 1722(b)).

54. Federal Civil Defense Act of 1950 (50 U.S.C. App. 2281(i)).

55. National Capital Transportation Act of 1965 (sec. 3(b)(4), 79 Stat; 40 U.S.C. 682(b)(4)).

Note.—Repealed Dec. 9, 1969 and labor standards incorporated in sec. 1–1431 of the District of Columbia Code.

56. Model Secondary School for the Deaf Act (sec. 4, 80 Stat. 1027, Pub. L. 89–694, but not in the United States Code).

57. Delaware River Basin Compact (sec. 15.1, 75 Stat. 714, Pub. L. 87–328) (considered a statute for purposes of this part but not in the United States Code).

58. Energy Security Act (Sec. 175(c), Pub. L. 96–294, 94 Stat. 611; 42 U.S.C. 8701 note).

Appendix B

Boston Region

For the States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont:

Assistant Regional Administrator for Wage-Hour, Employment Standards Administration, U.S. Department of Labor, JFK Federal Building, Government Center, Room 1612C, Boston, Massachusetts 02203 (telephone: 617–223–5565).

New York Region

For the States of New Jersey and New York and for the Canal Zone, Puerto Rico, and the Virgin Islands:

Assistant Regional Administrator for Wage-Hour, Employment Standards Administration, U.S. Department of Labor, 1515 Broadway, Room 3300, New York, New York 10036 (telephone: 212–399–5443).

Philadelphia Region

For the States of Delaware, Maryland, Pennsylvania, Virginia, and West Virginia, and the District of Columbia:

Assistant Regional Administrator for Wage-Hour, Employment Standards Administration, U.S. Department of Labor, Gateway Building, Room 15220, 3535 Market Street, Philadelphia, Pennsylvania 19104 (telephone: 215–596–1193).

Atlanta Region

For the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee:

Assistant Regional Administrator for Wage-Hour, Employment Standards Administration, U.S. Department of Labor, 1371 Peachtree Street, N.E., Room 305, Atlanta, Georgia 30309 (telephone: 404–881–4801).

Chicago Region

For the States of Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin:

Assistant Regional Administrator for Wage-Hour, Employment Standards Administration, U.S. Department of Labor, 230 South Dearborn Street, 8th Floor, Chicago, Illinois 60604 (telephone: 312–353–7249).

Dallas Region

For the States of Arkansas, Louisiana, New Mexico, Oklahoma, and Texas:

Assistant Regional Administrator for Wage-Hour, Employment Standards Administration, U.S. Department of Labor, 555 Griffin Square Building, Young and Griffin Streets, Dallas, Texas 75202 (telephone: 214–767–6891).

Kansas City Region

For the States of Iowa, Kansas, Missouri, and Nebraska:

Assistant Regional Administrator for Wage-Hour, Employment Standards Administration, U.S. Department of Labor, Federal Office Building, Room 2000, 911 Walnut Street, Kansas City, Missouri 64106 (telephone: 816–374–5386).

Denver Region

For the States of Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming:

Assistant Regional Administrator for Wage-Hour, Employment Standards Administration, U.S. Department of Labor, Federal Office Building, Room 1440, 1961 Stout Street, Denver, Colorado 80294 (telephone: 304–837–4613).

San Francisco Region

For the States of Arizona, California, Hawaii, and Nevada:

Assistant Regional Administrator for Wage-Hour, Employment Standards Administration, U.S. Department of Labor, 450 Golden Gate Avenue, Room 10353, San Francisco, California 94102 (telephone: 415–556–3592).

Seattle Region

For the States of Alaska, Idaho, Oregon, and Washington:

Assistant Regional Administrator for Wage-Hour, Employment Standards Administration, U.S. Department of Labor, Federal Office Building, Room 4141, 909 First Avenue, Seattle, Washington 98174 (telephone: 206–442–1916).

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Part III

Department of Labor

Employment Standards Administration, Wage and Hour Division

Office of the Secretary

Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction (Also Labor Standards Provisions Applicable to Nonconstruction Contracts Subject to the Contract Work Hours and Safety Standards Act)

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Office of the Secretary

29 CFR Part 5

Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction (Also Labor Standards Provisions Applicable to Nonconstruction Contracts Subject to the Contract Work Hours and Safety Standards Act)

AGENCY: Wage and Hour Division, Employment Standards Administration, Labor.

ACTION: Implementation of final rule.

SUMMARY: This document provides for implementation of regulations, 29 CFR Part 5, Subpart A, previously published in the **Federal Register** on May 28, 1982 (47 FR 23658), on labor standards applicable to contracts for federally financed and assisted construction subject to the Davis-Bacon and Related Acts and contracts subject to the Contract Work Hours and Safety Standards Act (CWHSSA), to the extent that its implementation is permitted by the permanent injunction issued by the U.S. District Court for the District of Columbia on December 23, 1982. The enjoined provisions of the May 1982 final rule continue to be deferred.

DATES: Effective date: June 28, 1983. See **SUPPLEMENTARY INFORMATION** below for dates of applicability.

FOR FURTHER INFORMATION CONTACT: William M. Otter, Administrator, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Room S–3502, 200 Constitution Avenue, NW., Washington, D.C. 20210. Telephone: 202–523–8305.

SUPPLEMENTARY INFORMATION: On August 14, 1981, a proposal was published in the **Federal Register** (46 FR 41456) to make revisions to Subpart A of Regulations, 29 CFR Part 5, Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction (Also Labor Standards Provisions Applicable to Nonconstruction Contracts Subject to the Contract Work Hours and Safety Standards Act), allowing 60 days for public comment.

On May 28, 1982, the regulation was published in the **Federal Register** (47 FR 23658) as a final rule with a scheduled effective date of July 27, 1982. However, on June 11, 1982, a suit was filed against the Department of Labor in U.S. District Court for the District of Columbia seeking to prevent the implementation of the revised regulations. On July 22, 1982, the Court issued a preliminary injunction enjoining the Department from implementing certain provisions of the revised regulations pending final disposition of the suit (*Building and Construction Trades Department, AFL-CIO, et al.*, v. *Raymond J. Donovan, et al.*, 543 F. Supp. 1282). The Department published a notice in the **Federal Register** on July 26, 1982 (47 FR 32070), deferring the implementation of this regulation in its entirety until further notice.

On December 23, 1982, the Court issued a permanent injunction which, as modified by its order of January 17, 1983, enjoined §§ 5.2(n)(4) (helpers), 5.5(a)(1)(ii)(A) (helpers), 5.5(a)(4)(iv) (helpers), 5.5(a)(3)(ii) (Copeland Act requirements), and 5.6(a) (2) and (3) (Copeland Act requirements) of this regulation. The Department has appealed this ruling.

The document published today implements those provisions of the final rule published in the **Federal Register** on May 28, 1982 (47 FR 23658) which have not been enjoined by the court. The effective date of the enjoined provisions is deferred, by separate notice in today's **Federal Register**, pending final determination of the validity of those provisions. If the Department prevails on appeal, the deferred provisions (§§ 5.2(n)(4), 5.5(a)(1)(ii)(A), 5.5(a)(3) (ii) and (iii), 5.5(a)(4)(iv), and 5.6(a) (2) and (3)) will then be implemented.

As described more fully below, the court order necessitated corresponding deletions of sections or portions of sections in the text of the regulations now being implemented; in addition, since the court enjoined the new rule's elimination of the requirement for weekly submission of certified payrolls, that requirement from § 5.5(a)(3)(ii) of the previous regulations is incorporated in the text. To avoid confusion, the text of the entire rule as implemented at this time is set forth herein.

The following is a description of the changes made to the May 28, 1982 regulations in order to comport with the Court's decision and order, pending final disposition of the appeal.

Sections 5.2(n)(4) and 5.5(a)(4)(iv)—Helpers.

The enjoined definition of "helper" in § 5.2(n)(4), as well as the conditions governing the use of helpers contained in enjoined § 5.5(a)(4)(iv), are deleted from the text.

Section 5.5(a)(1)(ii)(A)—Conformance Procedures.

This section as enjoined provided that helper rates could be conformed without regard to the requirement applicable to all other conformance actions that the work to be performed by the conformed class is not work performed by a class already listed in the wage determination. The separate treatment of helpers in the conformance of wage rates has been deleted from the text.

Sections 5.5(a)(3) (ii) and (iii) and 5.6(a) (2) and (3)—Submission of Wage Payment Information.

These sections would have eliminated the requirement that contractors submit weekly a copy of payrolls and instead would have required only a weekly submission certifying compliance with the Davis-Bacon and Copeland Acts. The regulations would have required contractors to submit payrolls upon request of contracting agencies or the Department of Labor, but such requests would be made only in conjunction with specific compliance checks or enforcement actions. Because of the injunction, the weekly payroll submission requirement in the previous regulation has been added to the text, with language clarifying that copies of regular payrolls containing all of the required information (in any form desired by the contractor) are sufficient to satisfy the requirements. Furthermore, Optional Form WH–347 is available for the purpose of reporting payroll information if the contractor so chooses, but it is not mandatory that this form be used.

In addition to the textual changes described above, the following necessary changes have been made.

The definition of "construction" in § 5.2(j) is amended to delete the reference to "initial construction" contained in section 113 of Title 23, U.S.C., in order to comport with a legislative amendment effective on January 6, 1983, as part of the Surface Transportation Assistance Act of 1982, Pub. L. 97–424. (See also § 5.1(a) 12.)

An editorial change is made in the text of the conformance procedures contained in § 5.5(a)(1)(ii) (B) and (C) to clarify that the contracting officer must concur with a proposed classification and wage rate conformance action before submitting the matter to DOL for review or else it will be considered a dispute to be resolved by DOL, and to provide further that the contracting officer will be notified of the Wage and Hour Administrator's decision on all proposed conformance actions.

Section 5.15 is amended to include in paragraph (d)(4) the variation from the overtime requirements of the Contract Work Hours and Safety Standards Act for pilots and copilots of fixed-wing and rotary-wing aircraft employed on contracts for fire fighting or suppression and related services, which was published as a final rule in the Federal Register of July 2, 1982 (47 FR 28916).

Minor editorial changes and necessary typographical corrections have also been made in the following sections: Table of Contents at §§ 5.11; 5.1(a); 5.2(h); 5.2(j); 5.2(n); 5.5(a)(4); 5.7(d); 5.8(b); 5.11; and 5.12(d)(4).

The document being published today is not a major rule since it is simply a republication and implementation of provisions previously published. A full Final Regulatory Impact and Regulatory Flexibility Analysis was prepared in connection with the May 28, 1982 publication of the regulations and a summary was published therein. See 47 FR 23661. Because of the Court injunction, the alternatives selected cannot be fully implemented at this time.

As discussed above, this document is only a republication and implementation of regulations previously published for notice and comment to the extent implementation is permitted by the court's injunction. Other changes are only editorial in nature. Accordingly, additional notice and comment is impracticable, unnecessary and contrary to the public interest.

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the reporting and recordkeeping provisions included in this rule were submitted for approval to the Office of Management and Budget (OMB). Subsequent to the May 28 publication of this rule, the information collection requirements contained in this regulation (see §§ 5.5(a)(1)(ii), 5.5(a)(1)(iv), 5.5(a)(3)(i), 5.5(a)(3)(ii), 5.5(c), 5.15(d)(1), 5.15(d)(3), and 5.15(d)(4)) were approved by OMB under the provisions of 44 U.S.C. 3507 and have been assigned OMB Control Numbers 1215–0140, 1215–0149 and 1215–0017.

Dates of Applicability

The provisions of §§ 5.2 and 5.5 of this part shall be applicable only as to contracts entered into pursuant to invitations for bids issued or negotiations concluded on or after June 28, 1983.

This document was prepared under the direction and control of William M. Otter, Administrator, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor.

List of Subjects in 29 CFR Part 5

Administrative practice and procedures, Government contracts, Investigations, Labor, Minimum wages, Penalties, Recordkeeping requirements, Reporting requirements, Wages.

Accordingly, 29 CFR Part 5, Subpart A, as issued on May 28, 1982 with the necessary textual changes discussed above is herein implemented, as fully set forth below.

Signed at Washington, D.C., on this 22d day of April 1983.

Raymond J. Donovan,

Secretary of Labor.

Robert B. Collyer,

Deputy Under Secretary for Employment Standards.

William M. Otter,

Administrator, Wage and Hour Division.

PART 5—LABOR STANDARDS PROVISIONS APPLICABLE TO CONTRACTS COVERING FEDERALLY FINANCED AND ASSISTED CONSTRUCTION (ALSO LABOR STANDARDS PROVISIONS APPLICABLE TO NONCONSTRUCTION CONTRACTS SUBJECT TO THE CONTRACT WORK HOURS AND SAFETY STANDARDS ACT)

Subpart A—Davis-Bacon and Related Acts Provisions and Procedures

Sec.

5.1 Purpose and scope.
5.2 Definitions.
5.3 [Reserved]
5.4 [Reserved]
5.5 Contract provisions and related matters.
5.6 Enforcement.
5.7 Reports to the Secretary of Labor.
5.8 Liquidated damages under the Contract Work Hours and Safety Standards Act.
5.9 Suspension of funds.
5.10 Restitution, criminal action.
5.11 Disputes concerning payment of wages.
5.12 Debarment proceedings.
5.13 Rulings and interpretations.
5.14 Variations, tolerances, and exemptions from Parts 1 and 3 of this subtitle and this part.
5.15 Limitations, variations, tolerances, and exemptions under the Contract Work Hours and Safety Standards Act.
5.16 Training plans approved or recognized by the Department of Labor prior to August 20, 1975.
5.17 Withdrawal of approval of a training program.

Authority: 40 U.S.C. 276a–276a–7; 40 U.S.C. 276c; 40 U.S.C. 327–332; Reorganization Plan No. 14 of 1950, 5 U.S.C. Appendix; 5 U.S.C. 301; and the statutes listed in section 5.1(a) of this part.

§ 5.1 Purpose and scope.

(a) The regulations contained in this part are promulgated under the authority conferred upon the Secretary of Labor by Reorganization Plan No. 14 of 1950 and the Copeland Act in order to coordinate the administration and enforcement of the labor standards provisions of each of the following acts by the Federal agencies responsible for their administration and of such additional statutes as may from time to time confer upon the Secretary of Labor additional duties and responsibilities similar to those conferred upon the Secretary of Labor under Reorganization Plan No. 14 of 1950:

1. The Davis-Bacon Act (sec. 1–7, 46 Stat. 1949, as amended; Pub. L. 74–403, 40 U.S.C. 276a–276a–7).
2. Copeland Act (40 U.S.C. 276c).
3. The Contract Work Hours and Safety Standards Act (40 U.S.C. 327–332).
4. National Housing Act (sec. 212 added to c. 847, 48 Stat. 1246, by sec. 14, 53 Stat. 807; 12 U.S.C. 1715c and repeatedly amended).
5. Housing Act of 1950 (college housing) (amended by Housing Act of 1959 to add labor provisions, 73 Stat. 661; 12 U.S.C. 1749a(f)).
6. Housing Act of 1959 (sec. 401(f) of the Housing Act of 1950 as amended by Pub. L. 86–372, 73 Stat. 681; 12 U.S.C. 1701q(c)(3)).
7. Commercial Fisheries Research and Development Act of 1964 (sec. 7, 78 Stat. 199; 16 U.S.C. 779e(b)).
8. Library Services and Construction Act (sec. 7(a), 78 Stat. 13; 20 U.S.C. 355c(a)(4), as amended).
9. National Technical Institute for the Deaf Act (sec. 5(b)(5), 79 Stat. 126; 20 U.S.C. 684(b)(5)).
10. National Foundation on the Arts and Humanities Act of 1965 (sec. 5(k), 79 Stat. 846 as amended; 20 U.S.C. 954(j)).
11. Elementary and Secondary Education Act of 1965 as amended by Elementary and Secondary and other Education Amendments of 1969 (sec. 423 as added by Pub. L. 91–230, title IV, sec. 401(a)(10), 84 Stat. 169, and renumbered sec. 433, by Pub. L. 92–318; title III, sec. 301(a)(1), 86 Stat. 326; 20 U.S.C. 1232(b)). Under the amendment coverage is extended to all programs administered by the Commissioner of Education.
12. The Federal-Aid Highway Acts (72 Stat. 895, as amended by 82 Stat. 821; 23 U.S.C. 113, as amended by the Surface Transportation Assistance Act of 1982, Pub. L. 97–424).
13. Indian Self-Determination and Education Assistance Act (sec. 7, 88 Stat. 2205; 25 U.S.C. 450e).
14. Indian Health Care Improvement Act (sec. 303(b), 90 Stat. 1407; 25 U.S.C. 1633(b)).
15. Rehabilitation Act of 1973 (sec. 306(b)(5) 87 Stat. 384, 29 U.S.C. 776(b)(5)).
16. Comprehensive Employment and Training Act of 1973 (sec. 606, 87 Stat. 880, renumbered sec. 706 by 88 Stat. 1845; 29 U.S.C. 986; also sec. 604, 88 Stat. 1846; 29 U.S.C. 964(b)(3)).

17. State and Local Fiscal Assistance Act of 1972 (sec. 123(a)(6), 86 Stat. 933; 31 U.S.C. 1246(a)(6)).
18. Federal Water Pollution Control Act (sec. 513 of sec. 2, 86 Stat. 894; 33 U.S.C. 1372).
19. Veterans Nursing Home Care Act of 1964 (78 Stat. 502, as amended; 38 U.S.C. 5035(a)(8)).
20. Postal Reorganization Act (sec. 410(b)(4)(C); 84 Stat. 726 as amended; 39 U.S.C. 410(b)(4)(C)).
21. National Visitors Center Facilities Act of 1966 (sec. 110, 32 Stat. 45; 40 U.S.C. 806).
22. Appalachian Regional Development Act of 1965 (sec. 402, 79 Stat. 21; 40 U.S.C. App. 402).
23. Health Services Research, Health Statistics, and Medical Libraries Act of 1974 (sec. 107, see sec. 308(h)(2) thereof, 88 Stat. 370, as amended by 90 Stat. 378; 42 U.S.C. 242m(h)(2)).
24. Hospital Survey and Construction Act, as amended by the Hospital and Medical Facilities Amendments of 1964 (sec. 605(a)(5), 78 Stat. 453; 42 U.S.C. 291e(a)(5)).
25. Health Professions Educational Assistance Act (sec. 303(b), 90 Stat. 2254; 42 U.S.C. 293a(g)(1)(C); also sec. 308a, 90 Stat. 2258, 42 U.S.C. 293a(c)(7)).
26. Nurse Training Act of 1964 (sec. 941(a)(1)(C), 89 Stat. 384; 42 U.S.C. 296a(b)(5)).
27. Heart Disease, Cancer, and Stroke Amendments of 1965 (sec. 904, as added by sec. 2, 79 Stat. 928; 42 U.S.C. 299d(b)(4)).
28. Safe Drinking Water Act (sec. 2(a) see sec. 1450e thereof, 88 Stat. 1691; 42 U.S.C. 300j–9(e)).
29. National Health Planning and Resources Act (sec. 4, see sec. 1604(b)(1)(H), 88 Stat. 2281, 42 U.S.C. 300o–3(b)(1)(H)).
30. U.S. Housing Act of 1937, as amended and recodified (88 Stat. 667; 42 U.S.C. 1437j).
31. Demonstration Cities and Metropolitan Development Act of 1966 (secs. 110, 311, 503, 1003, 80 Stat. 1259, 1270, 1277, 1284; 42 U.S.C. 3310; 12 U.S.C. 1715c; 42 U.S.C. 1437j).
32. Slum clearance program: Housing Act of 1949 (sec. 109, 63 Stat. 419, as amended; 42 U.S.C. 1459).
33. Farm housing: Housing Act of 1964 (adds sec. 516(f) to Housing Act of 1949 by sec. 503, 78 Stat. 797; 42 U.S.C. 1486(f)).
34. Housing Act of 1961 (sec. 707, added by sec. 907, 79 Stat. 496, as amended; 42 U.S.C. 1500c–3).
35. Defense Housing and Community Facilities and Services Act of 1951 (sec. 310, 65 Stat. 307; 42 U.S.C. 1592i).
36. Special Health Revenue Sharing Act of 1975 (sec. 303, see sec. 222(a)(5) thereof, 89 Stat. 324; 42 U.S.C. 2689j(a)(5)).
37. Economic Opportunity Act of 1964 (sec. 607, 78 Stat. 532; 42 U.S.C. 2947).
38. Headstart, Economic Opportunity, and Community Partnership Act of 1974 (sec. 11, see sec. 811 thereof, 88 Stat. 2327; 42 U.S.C. 2992a).
39. Housing and Urban Development Act of 1965 (sec. 707, 79 Stat. 492 as amended; 42 U.S.C. 3107).
40. Older Americans Act of 1965 (sec. 502, Pub. L. 89–73, as amended by sec. 501, Pub. L. 93–29; 87 Stat. 50; 42 U.S.C. 3041a(a)(4)).
41. Public Works and Economic Development Act of 1965 (sec. 712; 79 Stat. 575 as amended; 42 U.S.C. 3222).
42. Juvenile Delinquency Prevention Act (sec. 1, 86 Stat. 536; 42 U.S.C. 3884).
43. New Communities Act of 1968 (sec. 410, 82 Stat. 516; 42 U.S.C. 3909).
44. Urban Growth and New Community Development Act of 1970 (sec. 727(f), 84 Stat. 1803; 42 U.S.C. 4529).
45. Domestic Volunteer Service Act of 1973 (sec. 406, 87 Stat. 410; 42 U.S.C. 5046).
46. Housing and Community Development Act of 1974 (secs. 110, 802(g), 88 Stat. 649, 724; 42 U.S.C. 5310, 1440(g)).
47. Developmentally Disabled Assistance and Bill of Rights Act (sec. 126(4), 89 Stat. 488; 42 U.S.C. 6042(4); title I, sec. 111, 89 Stat. 491; 42 U.S.C. 6063(b)(19)).
48. National Energy Conservation Policy Act (sec. 312, 92 Stat. 3254; 42 U.S.C. 6371j).
49. Public Works Employment Act of 1976 (sec. 109, 90 Stat. 1001; 42 U.S.C. 6708; also sec. 208, 90 Stat. 1008; 42 U.S.C. 6728).
50. Energy Conservation and Production Act (sec. 451(h), 90 Stat. 1168; 42 U.S.C. 6881(h)).
51. Solid Waste Disposal Act (sec. 2, 90 Stat. 2823; 42 U.S.C. 6979).
52. Rail Passenger Service Act of 1970 (sec. 405d, 84 Stat. 1337; 45 U.S.C. 565(d)).
53. Urban Mass Transportation Act of 1964 (sec. 10, 78 Stat. 307; renumbered sec. 13 by 88 Stat. 715; 49 U.S.C. 1609).
54. Highway Speed Ground Transportation Study (sec. 6(b), 79 Stat. 893; 49 U.S.C. 1636(b)).
55. Airport and Airway Development Act of 1970 (sec. 22(b), 84 Stat. 231; 49 U.S.C. 1722(b)).
56. Federal Civil Defense Act of 1950 (50 U.S.C. App. 2281i).
57. National Capital Transportation Act of 1965 (sec. 3(b)(4), 79 Stat. 644; 40 U.S.C. 682(b)(4). **Note.**—Repealed December 9, 1969, and labor standards incorporated in sec. 1–1431 of the District of Columbia Code).
58. Model Secondary School for the Deaf Act (sec. 4, 80 Stat. 1027, Pub. L. 89–694, but not in the United States Code).
59. Delaware River Basin Compact (sec. 15.1, 75 Stat. 714, Pub. L. 87–328) (considered a statute for purposes of the plan but not in the United States Code).
60. Energy Security Act (sec. 175(c), Pub. L. 96–294, 94 Stat. 611; 42 U.S.C. 8701 note).

(b) Part 1 of this subtitle contains the Department's procedural rules governing requests for wage determinations and the issuance and use of such wage determinations under the Davis-Bacon Act and its related statutes as listed in that part.

§ 5.2 Definitions.

(a) The term "Secretary" includes the Secretary of Labor, the Deputy Under Secretary for Employment Standards, and their authorized representatives.

(b) The term "Administrator" means the Administrator of the Wage and Hour Division or the authorized representative as set forth in this part. In the absence of the Wage-Hour Administrator, the Deputy Administrator of the Wage and Hour Division, is designated to act for the Administrator under this Part. Except as otherwise provided in this Part, the Assistant Administrator for Government Contract Wage Standards is the authorized representative of the Administrator in the administration of the statutes listed in § 5.1.

(c) The term "Federal agency" means the agency or instrumentality of the United States which enters into the contract or provides assistance through loan, grant, loan guarantee or insurance, or otherwise, to the project subject to a statute listed in § 5.1.

(d) The term "Agency Head" means the principal official of the Federal agency and includes those persons duly authorized to act in the behalf of the Agency Head.

(e) The term "Contracting Officer" means the individual, a duly appointed successor, or authorized representative who is designated and authorized to enter into contracts on behalf of the Federal agency.

(f) The term "labor standards" as used in this part means the requirements of the Davis-Bacon Act, the Contract Work Hours and Safety Standards Act (other than those relating to safety and health), the Copeland Act, and the prevailing wage provisions of the other statutes listed in § 5.1, and the regulations in Parts 1 and 3 of this subtitle and this part.

(g) The term "United States or the District of Columbia" means the United States, the District of Columbia, and all executive departments, independent establishments, administrative agencies, and instrumentalities of the United States and of the District of Columbia, including corporations, all or substantially all of the stock of which is beneficially owned by the United States, by the foregoing departments, establishments, agencies, instrumentalities, and including nonappropriated fund instrumentalities.

(h) The term "contract" means any prime contract which is subject wholly or in part to the labor standards provisions of any of the acts listed in § 5.1 and any subcontract of any tier thereunder, let under the prime contract. A State or local Government is not regarded as a contractor under statutes providing loans, grants, or other Federal assistance in situations where construction is performed by its own employees. However, under statutes requiring payment of prevailing wages to all laborers and mechanics employed on the assisted project, such as the U.S. Housing Act of 1937, State and local recipients of Federal-aid must pay these employees according to Davis-Bacon labor standards.

(i) The terms "building" or "work" generally include construction activity as distinguished from manufacturing, furnishing of materials, or servicing and maintenance work. The terms include without limitation, buildings, structures, and improvements of all types, such as bridges, dams, plants, highways, parkways, streets, subways, tunnels, sewers, mains, power lines, pumping stations, heavy generators, railways, airports, terminals, docks, piers, wharves, ways, lighthouses, buoys, jetties, breakwaters, levees, canals, dredging, shoring, rehabilitation and reactivation of plants, scaffolding, drilling, blasting, excavating, clearing, and landscaping. The manufacture or furnishing of materials, articles, supplies or equipment (whether or not a Federal or State agency acquires title to such materials, articles, supplies, or equipment during the course of the manufacture or furnishing, or owns the materials from which they are manufactured or furnished) is not a "building" or "work" within the meaning of the regulations in this part unless conducted in connection with and at the site of such a building or work as is described in the foregoing sentence, or under the United States Housing Act of 1937 and the Housing Act of 1949 in the construction or development of the project.

(j) The terms "construction", "prosecution", "completion", or "repair" mean all types of work done on a particular building or work at the site thereof (or, under the United States Housing Act of 1937 and the Housing Act of 1949), all work done in the construction or development of the project, including without limitation, altering, remodeling, installation (where appropriate) on the site of the work of items fabricated off-site, painting and decorating, the transporting of materials and supplies to or from the building or work by the employees of the construction contractor or construction subcontractor, and the manufacturing or furnishing of materials, articles, supplies or equipment on the site of the building or work (or, under the United States Housing Act of 1937 and the Housing Act of 1949, in the construction or development of the project), by persons employed by the contractor or subcontractor.

(k) The term "public building" or "public work" includes building or work, the construction, prosecution, completion, or repair of which, as defined above, is carried on directly by authority of or with funds of a Federal agency to serve the interest of the general public regardless of whether title thereof is in a Federal agency.

(l) The term "site of the work" is defined as follows:

(1) The "site of the work" is limited to the physical place or places where the construction called for in the contract will remain when work on it has been completed and, as discussed in paragraph (l)(2) of this section, other adjacent or nearby property used by the contractor or subcontractor in such construction which can reasonably be said to be included in the "site".

(2) Except as provided in paragraph (l)(3) of this section, fabrication plants, mobile factories, batch plants, borrow pits, job headquarters, tool yards, etc., are part of the "site of the work" provided they are dedicated exclusively, or nearly so, to performance of the contract or project, and are so located in proximity to the actual construction location that it would be reasonable to include them.

(3) Not included in the "site of the work" are permanent home offices, branch plant establishments, fabrication plants, and tool yards of a contractor or subcontractor whose locations and continuance in operation are determined wholly without regard to a particular Federal or federally assisted contract or project. In addition, fabrication plants, batch plants, borrow pits, job headquarters, tool yards, etc., of a commercial supplier or materialman which are established by a supplier of materials for the project before opening of bids and not on the project site, are not included in the "site of the work". Such permanent, previously established facilities are not a part of the "site of the work", even where the operations for a period of time may be dedicated exclusively, or nearly so, to the performance of a contract.

(m) The term "laborer" or "mechanic" includes at least those workers whose duties are manual or physical in nature (including those workers who use tools or who are performing the work of a trade), as distinguished from mental or managerial. The term "laborer" or "mechanic" includes apprentices, trainees, helpers, and, in the case of contracts subject to the Contract Work Hours and Safety Standards Act, watchmen or guards. The term does not apply to workers whose duties are primarily administrative, executive, or clerical, rather than manual. Persons employed in a bona fide executive, administrative, or professional capacity as defined in Part 541 of this title are not deemed to be laborers or mechanics. Working foremen who devote more than 20 percent of their time during a workweek to mechanic or laborer duties, and who do not meet the criteria of Part 541, are laborers and mechanics for the time so spent.

(n) The terms apprentice and trainee are defined as follows:

(1) "Apprentice" means (i) a person employed and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Employment and Training Administration, Bureau of Apprenticeship and Training, or with a State Apprenticeship Agency recognized by the Bureau, or (ii) a person in the first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Bureau of Apprenticeship and Training or a State Apprenticeship Agency (where appropriate) to be eligible for probationary employment as an apprentice;

(2) "Trainee" means a person registered and receiving on-the-job training in a construction occupation under a program which has been approved in advance by the U.S. Department of Labor, Employment and Training Administration, as meeting its standards for on-the-job training programs and which has been so certified by that Administration.

(3) These provisions do not apply to "apprentices" and "trainees" employed on projects subject to 23 U.S.C. 113 who are enrolled in programs which have been certified by the Secretary of Transportation in accordance with 23 U.S.C. 113(c).

(o) Every person performing the duties of a laborer or mechanic in the construction, prosecution, completion, or repair of a public building or public work, or building or work financed in whole or in part by loans, grants, or guarantees from the United States is "employed" regardless of any contractual relationship alleged to exist between the contractor and such person.

(p) The term "wages" means the basic hourly rate of pay; any contribution irrevocably made by a contractor or subcontractor to a trustee or to a third person pursuant to a bona fide fringe benefit fund, plan, or program; and the rate of costs to the contractor or subcontractor which may be reasonably anticipated in providing bona fide fringe benefits to laborers and mechanics pursuant to an enforceable commitment to carry out a financially responsible plan of program, which was communicated in writing to the laborers and mechanics affected. The fringe benefits enumerated in the Davis-Bacon

Act include medical or hospital care, pensions on retirement or death, compensation for injuries or illness resulting from occupational activity, or insurance to provide any of the foregoing; unemployment benefits; life insurance, disability insurance, sickness insurance, or accident insurance; vacation or holiday pay; defraying costs of apprenticeship or other similar programs; or other bona fide fringe benefits. Fringe benefits do not include benefits required by other Federal, State, or local law.

(q) The term "wage determination" includes the original decision and any subsequent decisions modifying, superseding, correcting, or otherwise changing the provisions of the original decision. The application of the wage determination shall be in accordance with the provisions of § 1.6 of this title.

§§ 5.3–5.4 [Reserved]

§ 5.5 Contract provisions and related matters.

(a) The Agency head shall cause or require the contracting officer to insert in full in any contract in excess of $2,000 which is entered into for the actual construction, alteration and/or repair, including painting and decorating, of a public building or public work, or building or work financed in whole or in part from Federal funds or in accordance with guarantees of a Federal agency or financed from funds obtained by pledge of any contract of a Federal agency to make a loan, grant or annual contribution (except where a different meaning is expressly indicated), and which is subject to the labor standards provisions of any of the acts listed in § 5.1, the following clauses (or any modifications thereof to meet the particular needs of the agency, *Provided*, That such modifications are first approved by the Department of Labor):

(1) *Minimum wages.* (i) All laborers and mechanics employed or working upon the site of the work (or under the United States Housing Act of 1937 or under the Housing Act of 1949 in the construction or development of the project), will be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by regulations issued by the Secretary of Labor under the Copeland Act (29 CFR Part 3)), the full amount of wages and bona fide fringe benefits (or cash equivalents thereof) due at time of payment computed at rates not less than those contained in the wage determination of the Secretary of Labor which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor and such laborers and mechanics. Contributions made or costs reasonably anticipated for bona fide fringe benefits under section 1(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions of paragraph (a)(1)(iv) of this section; also, regular contributions made or costs incurred for more than a weekly period (but not less often than quarterly) under plans, funds, or programs which cover the particular weekly period, are deemed to be constructively made or incurred during such weekly period. Such laborers and mechanics shall be paid the appropriate wage rate and fringe benefits on the wage determination for the classification of work actually performed, without regard to skill, except as provided in § 5.5(a)(4). Laborers or mechanics performing work in more than one classification may be compensated at the rate specified for each classification for the time actually worked therein: *Provided*, That the employer's payroll records accurately set forth the time spent in each classification in which work is performed. The wage determination (including any additional classification and wage rates conformed under paragraph (a)(1)(ii) of this section) and the Davis-Bacon poster (WH–1321) shall be posted at all times by the contractor and its subcontractors at the site of the work in a prominent and accessible place where it can be easily seen by the workers.

(ii)(A) The contracting officer shall require that any class of laborers or mechanics which is not listed in the wage determination and which is to be employed under the contract shall be classified in conformance with the wage determination. The contracting officer shall approve an additional classification and wage rate and fringe benefits therefor only when the following criteria have been met:

(*1*) The work to be performed by the classification requested is not performed by a classification in the wage determination; and

(*2*) The classification is utilized in the area by the construction industry; and

(*3*) The proposed wage rate, including any bona fide fringe benefits, bears a reasonable relationship to the wage rates contained in the wage determination.

(B) If the contractor and the laborers and mechanics to be employed in the classification (if known), or their representatives, and the contracting officer agree on the classification and wage rate (including the amount designated for fringe benefits where appropriate), a report of the action taken shall be sent by the contracting officer to the Administrator of the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Washington, D.C. 20210. The Administrator, or an authorized representative, will approve, modify, or disapprove every additional classification action within 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary. (Approved by the Office of Management and Budget under OMB control number 1215–0140.)

(C) In the event the contractor, the laborers or mechanics to be employed in the classification or their representatives, and the contracting officer do not agree on the proposed classification and wage rate (including the amount designated for fringe benefits, where appropriate), the contracting officer shall refer the questions, including the views of all interested parties and the recommendation of the contracting officer, to the Administrator for determination. The Administrator, or an authorized representative, will issue a determination within 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary. (Approved by the Office of Management and Budget under OMB control number 1215–0140.)

(D) The wage rate (including fringe benefits where appropriate) determined pursuant to subparagraphs (1)(B) or (C) of this paragraph, shall be paid to all workers performing work in the classification under this contract from the first day on which work is performed in the classification.

(iii) Whenever the minimum wage rate prescribed in the contract for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly rate, the contractor shall either pay the benefit as stated in the wage determination or shall pay another bona fide fringe benefit or an hourly cash equivalent thereof.

(iv) If the contractor does not make payments to a trustee or other third person, the contractor may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing bona fide fringe benefits under a plan or program, *Provided*, That the Secretary of

Labor has found, upon the written request of the contractor, that the applicable standards of the Davis-Bacon Act have been met. The Secretary of Labor may require the contractor to set aside in a separate account assets for the meeting of obligations under the plan or program. (Approved by the Office of Management and Budget under OMB control number 1215–0140.)

(2) *Withholding.* The (write in name of Federal Agency or the loan or grant recipient) shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld from the contractor under this contract or any other Federal contract with the same prime contractor, or any other Federally-assisted contract subject to Davis-Bacon prevailing wage requirements, which is held by the same prime contractor, so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics, including apprentices, trainees, and helpers, employed by the contractor or any subcontractor the full amount of wages required by the contract. In the event of failure to pay any laborer or mechanic, including any apprentice, trainee, or helper, employed or working on the site of the work (or under the United States Housing Act of 1937 or under the Housing Act of 1949 in the construction or development of the project), all or part of the wages required by the contract, the (Agency) may, after written notice to the contractor, sponsor, applicant, or owner, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds until such violations have ceased.

(3) *Payrolls and basic records.* (i) Payrolls and basic records relating thereto shall be maintained by the contractor during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics working at the site of the work (or under the United States Housing Act of 1937, or under the Housing Act of 1949, in the construction or development of the project). Such records shall contain the name, address, and social security number of each such worker, his or her correct classification, hourly rates of wages paid (including rates of contributions or costs anticipated for bona fide fringe benefits or cash equivalents thereof of the types described in section 1(b)(2)(B) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made and actual wages paid. Whenever the Secretary of Labor has found under 29 CFR 5.5(a)(1)(iv) that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-Bacon Act, the contractor shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits. Contractors employing apprentices or trainees under approved programs shall maintain written evidence of the registration of apprenticeship programs and certification of trainee programs, the registration of the apprentices and trainees, and the ratios and wage rates prescribed in the applicable programs. (Approved by the Office of Management and Budget under OMB control numbers 1215–0140 and 1215–0017.)

(ii)(A) The contractor shall submit weekly for each week in which any contract work is performed a copy of all payrolls to the (write in name of appropriate Federal agency) if the agency is a party to the contract, but if the agency is not such a party, the contractor will submit the payrolls to the applicant, sponsor, or owner, as the case may be, for transmission to the (write in name of agency). The payrolls submitted shall set out accurately and completely all of the information required to be maintained under § 5.5(a)(3)(i) of Regulations, 29 CFR Part 5. This information may be submitted in any form desired. Optional Form WH–347 is available for this purpose and may be purchased from the Superintendent of Documents (Federal Stock Number 029–005–00014–1), U.S. Government Printing Office, Washington, D.C. 20402.The prime contractor is responsible for the submission of copies of payrolls by all subcontractors. (Approved by the Office of Management and Budget under OMB control number 1215–0149.)

(B) Each payroll submitted shall be accompanied by a "Statement of Compliance," signed by the contractor or subcontractor or his or her agent who pays or supervises the payment of the persons employed under the contract and shall certify the following:

(*1*) That the payroll for the payroll period contains the information required to be maintained under § 5.5(a)(3)(i) of Regulations, 29 CFR Part 5 and that such information is correct and complete;

(*2*) That each laborer or mechanic (including each helper, apprentice, and trainee) employed on the contract during the payroll period has been paid the full weekly wages earned, without rebate, either directly or indirectly, and that no deductions have been made either directly or indirectly from the full wages earned, other than permissible deductions as set forth in Regulations, 29 CFR Part 3;

(*3*) That each laborer or mechanic has been paid not less than the applicable wage rates and fringe benefits or cash equivalents for the classification of work performed, as specified in the applicable wage determination incorporated into the contract.

(C) The weekly submission of a properly executed certification set forth on the reverse side of Optional Form WH–347 shall satisfy the requirement for submission of the "Statement of Compliance" required by paragraph (a)(3)(ii)(B) of this section.

(D) The falsification of any of the above certifications may subject the contractor or subcontractor to civil or criminal prosecution under Section 1001 of Title 18 and Section 231 of Title 31 of the United States Code.

(iii) The contractor or subcontractor shall make the records required under paragraph (a)(3)(i) of this section available for inspection, copying, or transcription by authorized representatives of the (write the name of the agency) or the Department of Labor, and shall permit such representatives to interview employees during working hours on the job. If the contractor or subcontractor fails to submit the required records or to make them available, the Federal agency may, after written notice to the contractor, sponsor, applicant, or owner, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds. Furthermore, failure to submit the required records upon request or to make such records available may be grounds for debarment action pursuant to 29 CFR 5.12.

(4) *Apprentices and Trainees*—(i) *Apprentices.* Apprentices will be permitted to work at less than the predetermined rate for the work they performed when they are employed pursuant to and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Employment and Training Administration, Bureau of Apprenticeship and Training, or with a State Apprenticeship Agency recognized by the Bureau, or if a person is employed in his or her first 90 days of probationary employment as an apprentice in such an apprenticeship

program, who is not individually registered in the program, but who has been certified by the Bureau of Apprenticeship and Training or a State Apprenticeship Agency (where appropriate) to be eligible for probationary employment as an apprentice. The allowable ratio of apprentices to journeymen on the job site in any craft classification shall not be greater than the ratio permitted to the contractor as to the entire work force under the registered program. Any worker listed on a payroll at an apprentice wage rate, who is not registered or otherwise employed as stated above, shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any apprentice performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. Where a contractor is performing construction on a project in a locality other than that in which its program is registered, the ratios and wage rates (expressed in percentages of the journeyman's hourly rate) specified in the contractor's or subcontractor's registered program shall be observed. Every apprentice must be paid at not less than the rate specified in the registered program for the apprentice's level of progress, expressed as a percentage of the journeymen hourly rate specified in the applicable wage determination. Apprentices shall be paid fringe benefits in accordance with the provisions of the apprenticeship program. If the apprenticeship program does not specify fringe benefits, apprentices must be paid the full amount of fringe benefits listed on the wage determination for the applicable classification. If the Administrator determines that a different practice prevails for the applicable apprentice classification, fringes shall be paid in accordance with that determination. In the event the Bureau of Apprenticeship and Training, or a State Apprenticeship Agency recognized by the Bureau, withdraws approval of an apprenticeship program, the contractor will no longer be permitted to utilize apprentices at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

(ii) *Trainees.* Except as provided in 29 CFR 5.16, trainees will not be permitted to work at less than the predetermined rate for the work performed unless they are employed pursuant to and individually registered in a program which has received prior approval, evidenced by formal certification by the U.S. Department of Labor, Employment and Training Administration. The ratio of trainees to journeymen on the job site shall not be greater than permitted under the plan approved by the Employment and Training Administration. Every trainee must be paid at not less than the rate specified in the approved program for the trainee's level of progress, expressed as a percentage of the journeyman hourly rate specified in the applicable wage determination. Trainees shall be paid fringe benefits in accordance with the provisions of the trainee program. If the trainee program does not mention fringe benefits, trainees shall be paid the full amount of fringe benefits listed on the wage determination unless the Administrator of the Wage and Hour Division determines that there is an apprenticeship program associated with the corresponding journeyman wage rate on the wage determination which provides for less than full fringe benefits for apprentices. Any employee listed on the payroll at a trainee rate who is not registered and participating in a training plan approved by the Employment and Training Administration shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any trainee performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. In the event the Employment and Training Administration withdraws approval of a training program, the contractor will no longer be permitted to utilize trainees at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

(iii) *Equal employment opportunity.* The utilization of apprentices, trainees and journeymen under this part shall be in conformity with the equal employment opportunity requirements of Executive Order 11246, as amended, and 29 CFR Part 30.

(5) *Compliance with Copeland Act requirements.* The contractor shall comply with the requirements of 29 CFR Part 3, which are incorporated by reference in this contract.

(6) *Subcontracts.* The contractor or subcontractor shall insert in any subcontracts the clauses contained in 29 CFR 5.5(a) (1) through (10) and such other clauses as the (write in the name of the Federal agency) may by appropriate instructions require, and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for the compliance by any subcontractor or lower tier subcontractor with all the contract clauses in 29 CFR 5.5.

(7) *Contract termination: debarment.* A breach of the contract clauses in 29 CFR 5.5 may be grounds for termination of the contract, and for debarment as a contractor and a subcontractor as provided in 29 CFR 5.12.

(8) *Compliance with Davis-Bacon and Related Act requirements.* All rulings and interpretations of the Davis-Bacon and Related Acts contained in 29 CFR Parts 1, 3, and 5 are herein incorporated by reference in this contract.

(9) *Disputes concerning labor standards.* Disputes arising out of the labor standards provisions of this contract shall not be subject to the general disputes clause of this contract. Such disputes shall be resolved in accordance with the procedures of the Department of Labor set forth in 29 CFR Parts 5, 6, and 7. Disputes within the meaning of this clause include disputes between the contractor (or any of its subcontractors) and the contracting agency, the U.S. Department of Labor, or the employees or their representatives.

(10) *Certification of Eligibility.* (i) By entering into this contract, the contractor certifies that neither it (nor he or she) nor any person or firm who has an interest in the contractor's firm is a person or firm ineligible to be awarded Government contracts by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

(ii) No part of this contract shall be subcontracted to any person or firm ineligible for award of a Government contract by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

(iii) The penalty for making false statements is prescribed in the U.S. Criminal Code, 18 U.S.C. 1001.

(b) *Contract Work Hours and Safety Standards Act.* The Agency Head shall cause or require the contracting officer to insert the following clauses set forth in paragraphs (b)(1), (2), (3), and (4) of this section in full in any contract subject to the overtime provisions of the Contract Work Hours and Safety Standards Act. These clauses shall be inserted in addition to the clauses required by § 5.5(a) or § 4.6 of Part 4 of this title. As used in this paragraph, the terms "laborers" and "mechanics" include watchmen and guards.

(1) *Overtime requirements.* No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment

of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of eight hours in any calendar day or in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of eight hours in any calendar day or in excess of forty hours in such workweek, whichever is greater.

(2) *Violation; liability for unpaid wages; liquidated damages.* In the event of any violation of the clause set forth in subparagraph (1) of this paragraph, the contractor and any subcontractor responsible therefor shall be liable for the unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in subparagraph (1) of this paragraph, in the sum of $10 for each calendar day or which such individual was required or permitted to work in excess of eight hours or in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in subparagraph (1) of this paragraph.

(3) *Withholding for unpaid wages and liquidated damages.* The (write in the name of the Federal agency or the loan or grant recipient) shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor under any such contract or any other Federal contract with the same prime contractor, or any other Federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime contractor, such sums as may be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in subparagraph (2) of this paragraph.

(4) *Subcontracts.* The contractor or subcontractor shall insert in any subcontracts the clauses set forth in subparagraph (1) through (4) of this paragraph and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in subparagraphs (1) through (4) of this paragraph.

(c) In addition to the clauses contained in paragraph (b), in any contract subject only to the Contract Work Hours and Safety Standards Act and not to any of the other statutes cited in § 5.1, the Agency Head shall cause or require the contracting officer to insert a clause requiring that the contractor or subcontractor shall maintain payrolls and basic payroll records during the course of the work and shall preserve them for a period of three years from the completion of the contract for all laborers and mechanics, including guards and watchmen, working on the contract. Such records shall contain the name and address of each such employee, social security number, correct classifications, hourly rates of wages paid, daily and weekly number of hours worked, deductions made, and actual wages paid. Further, the Agency Head shall cause or require the contracting officer to insert in any such contract a clause providing that the records to be maintained under this paragraph shall be made available by the contractor or subcontractor for inspection, copying, or transcription by authorized representatives of the (write the name of agency) and the Department of Labor, and the contractor or subcontractor will permit such representatives to interview employees during working hours on the job. (Approved by the Office of Management and Budget under OMB control numbers 1215–0140 and 1215–0017.)

§ 5.6 Enforcement.

(a)(1) It shall be the responsibility of the Federal agency to ascertain whether the clauses required by § 5.5 have been inserted in the contracts subject to the labor standards provisions of the Acts contained in § 5.1. Agencies which do not directly enter into such contracts shall promulgate the necessary regulations or procedures to require the recipient of the Federal assistance to insert in its contracts the provisions of § 5.5. No payment, advance, grant, loan, or guarantee of funds shall be approved by the Federal agency unless the agency insures that the clauses required by § 5.5 and the appropriate wage determination of the Secretary of Labor are contained in such contracts. Furthermore, no payment, advance, grant, loan, or guarantee of funds shall be approved by the Federal agency after the beginning of construction unless there is on file with the agency a certification by the contractor that the contractor and its subcontractors have complied with the provisions of § 5.5 or unless there is on file with the agency a certification by the contractor that there is a substantial dispute with respect to the required provisions.

(2) Payrolls and Statements of Compliance submitted pursuant to § 5.5(a)(3)(ii) shall be preserved by the Federal agency for a period of 3 years from the date of completion of the contract and shall be produced at the request of the Department of Labor at any time during the 3-year period.

(3) The Federal agency shall cause such investigations to be made as may be necessary to assure compliance with the labor standards clauses required by § 5.5 and the applicable statutes listed in § 5.1. Investigations shall be made of all contracts with such frequency as may be necessary to assure compliance. Such investigations shall include interviews with employees, which shall be taken in confidence, and examinations of payroll data and evidence of registration and certification with respect to apprenticeship and training plans. In making such examinations, particular care shall be taken to determine the correctness of classifications and to determine whether there is a disproportionate employment of laborers and of apprentices or trainees registered in approved programs. Such investigations shall also include evidence of fringe benefit plans and payments thereunder. Complaints of alleged violations shall be given priority.

(4) In accordance with normal operating procedures, the contracting agency may be furnished various investigatory material from the investigation files of the Department of Labor. None of the material, other than computations of back wages and liquidated damages and the summary of back wages due, may be disclosed in any manner to anyone other than Federal officials charged with administering the contract or program providing Federal assistance to the contract, without requesting the permission and views of the Department of Labor.

(5) It is the policy of the Department of Labor to protect the identity of its confidential sources and to prevent an unwarranted invasion of personal privacy. Accordingly, the identity of an employee who makes a written or oral statement as a complaint or in the course of an investigation, as well as portions of the statement which would reveal the employee's identity, shall not be disclosed in any manner to anyone

other than Federal officials without the prior consent of the employee. Disclosure of employee statements shall be governed by the provisions of the "Freedom of Information Act" (5 U.S.C. 552, see 29 CFR Part 70) and the "Privacy Act of 1974" (5 U.S.C. 552a).

(b) The Administrator shall cause to be made such investigations as deemed necessary, in order to obtain compliance with the labor standards provisions of the applicable statutes listed in § 5.1, or to affirm or reject the recommendations by the Agency Head with respect to labor standards matters arising under the statutes listed in § 5.1. Federal agencies, contractors, subcontractors, sponsors, applicants, or owners shall cooperate with any authorized representative of the Department of Labor in the inspection of records, in interviews with workers, and in all other aspects of the investigations. The findings of such an investigation, including amounts found due, may not be altered or reduced without the approval of the Department of Labor. Where the underpayments disclosed by such an investigation total $1,000 or more, where there is reason to believe that the violations are aggravated or willful (or, in the case of the Davis-Bacon Act, that the contractor has disregarded its obligations to employees and subcontractors), or where liquidated damages may be assessed under the Contract Work Hours and Safety Standards Act, the Department of Labor will furnish the Federal agency an enforcement report detailing the labor standards violations disclosed by the investigation and any action taken by the contractor to correct the violative practices, including any payment of back wages. In other circumstances, the Federal agency will be furnished a letter of notification summarizing the findings of the investigation.

§ 5.7 Reports to the Secretary of Labor.

(a) *Enforcement reports.* (1) Where underpayments by a contractor or subcontractor total less than $1,000, and where there is no reason to believe that the violations are aggravated or willful (or, in the case of the Davis-Bacon Act that the contractor has disregarded its obligations to employees and subcontractors), and where restitution has been effected and future compliance assured, the Federal agency need not submit its investigative findings and recommendations to the Administrator, unless the investigation was made at the request of the Department of Labor. In the latter case, the Federal agency shall submit a factual summary report detailing any violations including any data on the amount of restitution paid, the number of workers who received restitution, liquidated damages assessed under the Contract Work Hours and Safety Standards Act, corrective measures taken (such as "letters of notice"), and any information that may be necessary to review any recommendations for an appropriate adjustment in liquidated damages under § 5.8.

(2) Where underpayments by a contractor or subcontractor total $1,000 or more, or where there is reason to believe that the violations are aggravated or willful (or, in the case of the Davis-Bacon Act, that the contractor has disregarded its obligations to employees and subcontractors), the Federal agency shall furnish within 60 days after completion of its investigation, a detailed enforcement report to the Administrator.

(b) *Semi-annual enforcement reports.* To assist the Secretary in fulfilling the responsibilities under Reorganization Plan No. 14 of 1950, Federal agencies shall furnish to the Administrator by April 30 and October 31 of each calendar year semi-annual reports on compliance with and enforcement of the labor standards provisions of the Davis-Bacon Act and its related acts covering the periods of October 1 through March 31 and April 1 through September 30, respectively. Such reports shall be prepared in the manner prescribed in memoranda issued to Federal agencies by the Administrator. This report has been cleared in accordance with FPMR 101–11.11 and assigned interagency report control number 1482–DOL–SA.

(c) *Additional information.* Upon request, the Agency Head shall transmit to the Administrator such information available to the Agency with respect to contractors and subcontractors, their contracts, and the nature of the contract work as the Administrator may find necessary for the performance of his or her duties with respect to the labor standards provisions referred to in this part.

(d) *Contract termination.* Where a contract is terminated by reason of violations of the labor standards provisions of the statutes listed in § 5.1, a report shall be submitted promptly to the Administrator and to the Comptroller General (if the contract is subject to the Davis-Bacon Act), giving the name and address of the contractor or subcontractor whose right to proceed has been terminated, and the name and address of the contractor or subcontractor, if any, who is to complete the work, the amount and number of the contract, and the description of the work to be performed.

§ 5.8 Liquidated damages under the Contract Work Hours and Safety Standards Act.

(a) The Contract Work Hours and Safety Standards Act requires that laborers or mechanics shall be paid wages at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of eight hours in any calendar day or forty hours in any workweek. In the event of violation of this provision, the contractor and any subcontractor shall be liable for the unpaid wages and in addition for liquidated damages, computed with respect to each laborer or mechanic employed in violation of the Act in the amount of $10 for each calendar day or workweek in which such individual was required or permitted to work without payment of required overtime wages. Any contractor or subcontractor aggrieved by the withholding of liquidated damages shall have the right to appeal to the head of the agency of the United States (or the territory or District of Columbia, as appropriate) for which the contract work was performed or for which financial assistance was provided.

(b) *Findings and recommendations of the Agency Head.* The Agency Head has the authority to review the administrative determination of liquidated damages and to issue a final order affirming the determination. It is not necessary to seek the concurrence of the Administrator but the Administrator shall be advised of the action taken. Whenever the Agency Head finds that a sum of liquidated damages administratively determined to be due is incorrect or that the contractor or subcontractor violated inadvertently the provisions of the Act notwithstanding the exercise of due care upon the part of the contractor or subcontractor involved, and the amount of the liquidated damages computed for the contract is in excess of $500, the Agency Head may make recommendations to the Secretary that an appropriate adjustment in liquidated damages be made or that the contractor or subcontractor be relieved of liability for such liquidated damages. Such findings with respect to liquidated damages shall include findings with respect to any wage underpayments for which the liquidated damages are determined.

(c) The recommendations of the Agency Head for adjustment or relief from liquidated damages under paragraph (a) of this section shall be reviewed by the Administrator or an authorized representative who shall issue an order concurring in the

recommendations, partially concurring in the recommendations, or rejecting the recommendations, and the reasons therefor. The order shall be the final decision of the Department of Labor, unless a petition for review is filed pursuant to Part 7 of this title, and the Wage Appeals Board in its discretion reviews such decision and order; or, with respect to contracts subject to the Service Contract Act, unless petition for review is filed pursuant to Part 8 of this title, and the Board of Service Contract Appeals in its discretion reviews such decision and order.

(d) Whenever the Agency Head finds that a sum of liquidated damages administratively determined to be due under section 104(a) of the Contract Work Hours and Safety Standards Act for a contract is $500 or less and the Agency Head finds that the sum of liquidated damages is incorrect or that the contractor or subcontractor violated inadvertently the provisions of the Contract Work Hours and Safety Standards Act notwithstanding the exercise of due care upon the part of the contractor or subcontractor involved, an appropriate adjustment may be made in such liquidated damages or the contractor or subcontractor may be relieved of liability for such liquidated damages without submitting recommendations to this effect or a report to the Department of Labor. This delegation of authority is made under section 105 of the Contract Work Hours and Safety Standards Act and has been found to be necessary and proper in the public interest to prevent undue hardship and to avoid serious impairment of the conduct of Government business.

§ 5.9 Suspension of funds.

In the event of failure or refusal of the contractor or any subcontractor to comply with the labor standards clauses contained in § 5.5 and the applicable statutes listed in § 5.1, the Federal agency, upon its own action or upon written request of an authorized representative of the Department of Labor, shall take such action as may be necessary to cause the suspension of the payment, advance or guarantee of funds until such time as the violations are discontinued or until sufficient funds are withheld to compensate employees for the wages to which they are entitled and to cover any liquidated damages which may be due.

§ 5.10 Restitution, criminal action.

(a) In cases other than those forwarded to the Attorney General of the United States under paragraph (b), of this section, where violations of the labor standards clauses contained in § 5.5 and the applicable statutes listed in § 5.1 result in underpayment of wages to employees, the Federal agency or an authorized representative of the Department of Labor shall request that restitution be made to such employees or on their behalf to plans, funds, or programs for any type of bona fide fringe benefits within the meaning of section 1(b)(2) of the Davis-Bacon Act.

(b) In cases where the Agency Head or the Administrator finds substantial evidence that such violations are willful and in violation of a criminal statute, the matter shall be forwarded to the Attorney General of the United States for prosecution if the facts warrant. In all such cases the Administrator shall be informed simultaneously of the action taken.

§ 5.11 Disputes concerning payment of wages.

(a) This section sets forth the procedure for resolution of disputes of fact or law concerning payment of prevailing wage rates, overtime pay, or proper classification. The procedures in this section may be initiated upon the Administrator's own motion, upon referral of the dispute by a Federal agency pursuant to § 5.5(a)(9), or upon request of the contractor or subcontractor(s).

(b)(1) In the event of a dispute described in paragraph (a) of this section in which it appears that relevant facts are at issue, the Administrator will notify the affected contractor and subcontractor(s) (if any), by registered or certified mail to the last known address, of the investigation findings. If the Administrator determines that there is reasonable cause to believe that the contractor and/or subcontractor(s) should also be subject to debarment under the Davis-Bacon Act or § 5.12(a)(1), the letter will so indicate.

(2) A contractor and/or subcontractor desiring a hearing concerning the Administrator's investigative findings shall request such a hearing by letter postmarked within 30 days of the date of the Administrator's letter. The request shall set forth those findings which are in dispute and the reasons therefor, including any affirmative defenses, with respect to the violations and/or debarment, as appropriate.

(3) Upon receipt of a timely request for a hearing, the Administrator shall refer the case to the Chief Administrative Law Judge by Order of Reference, to which shall be attached a copy of the letter from the Administrator and response thereto, for designation of an Administrative Law Judge to conduct such hearings as may be necessary to resolve the disputed matters. The hearing shall be conducted in accordance with the procedures set forth in 29 CFR Part 6.

(c)(1) In the event of a dispute described in paragraph (a) of this section in which it appears that there are no relevant facts at issue, and where there is not at that time reasonable cause to institute debarment proceedings under § 5.12, the Administrator shall notify the contractor and subcontractor(s) (if any), by registered or certified mail to the last known address, of the investigation findings, and shall issue a ruling on any issues of law known to be in dispute.

(2)(i) If the contractor and/or subcontractor(s) disagree with the factual findings of the Administrator or believe that there are relevant facts in dispute, the contractor or subcontractor(s) shall so advise the Administrator by letter postmarked within 30 days of the date of the Administrator's letter. In the response, the contractor and/or subcontractor(s) shall explain in detail the facts alleged to be in dispute and attach any supporting documentation.

(ii) Upon receipt of a response under paragraph (c)(2)(i) of this section alleging the existence of a factual dispute, the Administrator shall examine the information submitted. If the Administrator determines that there is a relevant issue of fact, the Administrator shall refer the case to the Chief Administrative Law Judge in accordance with paragraph (b)(3) of this section. If the Administrator determines that there is no relevant issue of fact, the Administrator shall so rule and advise the contractor and subcontractor(s) (if any) accordingly.

(3) If the contractor and/or subcontractor(s) desire review of the ruling issued by the Administrator under paragraph (c)(1) or (2) of this section, the contractor and/or subcontractor(s) shall file a petition for review thereof with the Wage Appeals Board within 30 days of the date of the ruling, with a copy thereof the Administrator. The petition for review shall be filed in accordance with Part 7 of this title.

(d) If a timely response to the Administrator's findings or ruling is not made or a timely petition for review is not filed, the Administrator's findings and/or ruling shall be final, except that with respect to debarment under the Davis-Bacon Act, the Administrator shall advise the Comptroller General of the Administrator's recommendation in accordance with § 5.12(a)(1). If a timely response or petition for review is filed, the findings and/or ruling of the

Administrator shall be inoperative unless and until the decision is upheld by the Administrative Law Judge or the Wage Appeals Board.

§ 5.12 Debarment proceedings.

(a)(1) Whenever any contractor or subcontractor is found by the Secretary of Labor to be in aggravated or willful violation of the labor standards provisions of any of the applicable statutes listed in § 5.1 other than the Davis-Bacon Act, such contractor or subcontractor or any firm, corporation, partnership, or association in which such contractor or subcontractor has a substantial interest shall be ineligible for a period not to exceed 3 years (from the date of publication by the Comptroller General of the name or names of said contractor or subcontractor on the ineligible list as provided below) to receive any contracts or subcontracts subject to any of the statutes listed in § 5.1.

(2) In cases arising under contracts covered by the Davis-Bacon Act, the Administrator shall transmit to the Comptroller General the names of the contractors or subcontractors and their responsible officers, if any (and any firms in which the contractors or subcontractors are known to have an interest), who have been found to have disregarded their obligations to employees, and the recommendation of the Secretary of Labor or authorized representative regarding debarment. The Comptroller General will distribute a list to all Federal agencies giving the names of such ineligible person or firms, who shall be ineligible to be awarded any contract or subcontract of the United States or the District of Columbia and any contract or subcontract subject to the labor standards provisions of the statutes listed in § 5.1.

(b)(1) In addition to cases under which debarment action is initiated pursuant to § 5.11, whenever as a result of an investigation conducted by the Federal agency or the Department of Labor, and where the Administrator finds reasonable cause to believe that a contractor or subcontractor has committed willful or aggravated violations of the labor standards provisions of any of the statutes listed in § 5.1 (other than the Davis-Bacon Act), or has committed violations of the Davis-Bacon Act which constitute a disregard of its obligations to employees or subcontractors under section 3(a) thereof, the Administrator shall notify by registered or certified mail to the last known address, the contractor or subcontractor and its responsible officers, if any (and any firms in which the contractor or subcontractor are known to have a substantial interest), of the finding. The Administrator shall afford such contractor or subcontractor and any other parties notified an opportunity for a hearing as to whether debarment action should be taken under paragraph (a)(1) of this section or section 3(a) of the Davis-Bacon Act. The Administrator shall furnish to those notified a summary of the investigative findings. If the contractor or subcontractor or any other parties notified wish to request a hearing as to whether debarment action should be taken, such a request shall be made by letter postmarked within 30 days of the date of the letter from the Administrator, and shall set forth any findings which are in dispute and the reasons therefor, including any affirmative defenses to be raised. Upon receipt of such request for a hearing, the Administrator shall refer the case to the Chief Administrative Law Judge by Order of Reference, to which shall be attached a copy of the letter from the Administrator and the response thereto, for designation of an Administrative Law Judge to conduct such hearings as may be necessary to determine the matters in dispute. In considering debarment under any of the statutes listed in § 5.1 other than the Davis-Bacon Act, the Administrative Law Judge shall issue an order concerning whether the contractor or subcontractor is to be debarred in accordance with paragraph (a)(1) of this section. In considering debarment under the Davis-Bacon Act, the Administrative Law Judge shall issue a recommendation as to whether the contractor or subcontractor should be debarred under section 3(a) of the Act.

(2) Hearings under this section shall be conducted in accordance with 29 CFR Part 6. If no hearing is requested within 30 days of receipt of the letter from the Administrator, the Administrator's findings shall be final, except with respect to recommendations regarding debarment under the Davis-Bacon Act, as set forth in paragraph (a)(2) of this section.

(c) Any person or firm debarred under § 5.12(a)(1) may in writing request removal from the debarment list after six months from the date of publication by the Comptroller General of such person or firm's name on the ineligible list. Such a request should be directed to the Administrator of the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Washington, D.C. 20210, and shall contain a full explanation of the reasons why such person or firm should be removed from the ineligible list. In cases where the contractor or subcontractor failed to make full restitution to all underpaid employees, a request for removal will not be considered until such underpayments are made. In all other cases, the Administrator will examine the facts and circumstances surrounding the violative practices which caused the debarment, and issue a decision as to whether or not such person or firm has demonstrated a current responsibility to comply with the labor standards provisions of the statutes listed in § 5.1, and therefore should be removed from the ineligible list. Among the factors to be considered in reaching such a decision are the severity of the violations, the contractor or subcontractor's attitude towards compliance, and the past compliance history of the firm. In no case will such removal be effected unless the Administrator determines after an investigation that such person or firm is in compliance with the labor standards provisions applicable to Federal contracts and Federally assisted construction work subject to any of the applicable statutes listed in § 5.1 and other labor statutes providing wage protection, such as the Service Contract Act, the Walsh-Healey Public Contracts Act, and the Fair Labor Standards Act. If the request for removal is denied, the person or firm may petition for review by the Wage Appeals Board pursuant to 29 CFR Part 7.

(d)(1) Section 3(a) of the Davis-Bacon Act provides that for a period of three years from date of publication on the ineligible list, no contract shall be awarded to any persons or firms placed on the list as a result of a finding by the Comptroller General that such persons or firms have disregarded obligations to employees and subcontractors under that Act, and further, that no contract shall be awarded to "any firm, corporation, partnership, or association in which such persons or firms have an interest." Paragraph (a)(1) of this section similarly provides that for a period not to exceed three years from date of publication on the ineligible list, no contract subject to any of the statutes listed in § 5.1 shall be awarded to any contractor or subcontractor on the ineligible list pursuant to that paragraph, or to "any firm, corporation, partnership, or association" in which such contractor or subcontractor has a "substantial interest." A finding as to whether persons or firms whose names appear on the ineligible list have an interest (or a substantial interest, as appropriate) in any other firm, corporation, partnership, or association, may be made through investigation, hearing, or otherwise.

(2)(i) The Administrator, on his/her own motion or after receipt of a request for a determination pursuant to paragraph (d)(3) of this section may make a finding on the issue of interest (or substantial interest, as appropriate).

(ii) If the Administrator determines that there may be an interest (or substantial interest, as appropriate), but finds that there is insufficient evidence to render a final ruling thereon, the Administrator may refer the issue to the Chief Administrative Law Judge in accordance with paragraph (d)(4) of this section.

(iii) If the Administrator finds that no interest (or substantial interest, as appropriate) exists, or that there is not sufficient information to warrant the initiation of an investigation, the requesting party, if any, will be so notified and no further action taken.

(iv)(A) If the Administrator finds that an interest (or substantial interest, as appropriate) exists, the person or firm affected will be notified of the Administrator's finding (by certified mail to the last known address), which shall include the reasons therefor, and such person or firm shall be afforded an opportunity to request that a hearing be held to render a decision on the issue.

(B) Such person or firm shall have 20 days from the date of the Administrator's ruling to request a hearing. A detailed statement of the reasons why the Administrator's ruling is in error, including facts alleged to be in dispute, if any, shall be submitted with the request for a hearing.

(C) If no hearing is requested within the time mentioned in paragraph (d)(2)(iv)(B) of this section, the Administrator's finding shall be final and the Administrator shall so notify the Comptroller General. If a hearing is requested, the ruling of the Administrator shall be inoperative unless and until the administrative law judge or the Wage Appeals Board issues an order that there is an interest (or substantial interest, as appropriate).

(3)(i) A request for a determination of interest (or substantial interest, as appropriate), may be made by any interested party, including contractors or prospective contractors and associations of contractor's representatives of employees, and interested Government agencies. Such a request shall be submitted in writing to the Administrator, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Washington, D.C. 20210, to the attention of the Office of Government Contract Wage Standards.

(ii) The request shall include a statement setting forth in detail why the petitioner believes that a person or firm whose name appears on the debarred bidders list has an interest (or a substantial interest, as appropriate) in any firm, corporation, partnership, or association which is seeking or has been awarded a contract of the United States or the District of Columbia, or which is subject to any of the statutes listed in § 5.1. No particular form is prescribed for the submission of a request under this section.

(4) *Referral to the Chief Administrative Law Judge.* The Administrator, on his/her own motion under paragraph (d)(2)(ii) of this section or upon a request for hearing where the Administrator determines that relevant facts are in dispute, will by order refer the issue to the Chief Administrative Law Judge, for designation of an Administrative Law Judge who shall conduct such hearings as may be necessary to render a decision solely on the issue of interest (or substantial interest, as appropriate). Such proceedings shall be conducted in accordance with the procedures set forth at 29 CFR Part 6.

(5) *Referral to the Wage Appeals Board.* If the person or firm affected requests a hearing and the Administrator determines that relevant facts are not in dispute, the Administrator will refer the issue and the record compiled thereon to the Wage Appeals Board to render a decision solely on the issue of interest (or substantial interest, as appropriate). Such proceeding shall be conducted in accordance with the procedures set forth at 29 CFR Part 7.

§ 5.13 Rulings and interpretations.

All questions relating to the application and interpretation of wage determinations (including the classifications therein) issued pursuant to Part 1 of this subtitle, of the rules contained in this part and in Parts 1 and 3, and of the labor standards provisions of any of the statutes listed in § 5.1 shall be referred to the Administrator for appropriate ruling or interpretation. The rulings and interpretations shall be authoritative and those under the Davis-Bacon Act may be relied upon as provided for in section 10 of the Portal-to-Portal Act of 1947 (29 U.S.C. 259). Requests for such rulings and interpretations should be addressed to the Administrator, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Washington, D.C. 20210.

§ 5.14 Variations, tolerances, and exemptions from Parts 1 and 3 of this subtitle and this part.

The Secretary of Labor may make variations, tolerances, and exemptions from the regulatory requirements of this part and those of Parts 1 and 3 of this subtitle whenever the Secretary finds that such action is necessary and proper in the public interest or to prevent injustice and undue hardship. Variations, tolerances, and exemptions may not be made from the statutory requirements of any of the statutes listed in § 5.1 unless the statute specifically provides such authority.

§ 5.15 Limitations, variations, tolerances, and exemptions under the Contract Work Hours and Safety Standards Act.

(a) *General.* Upon his or her own initiative or upon the request of any Federal agency, the Secretary of Labor may provide under section 105 of the Contract Work Hours and Safety Standards Act reasonable limitations and allow variations, tolerances, and exemptions to and from any or all provisions of that Act whenever the Secretary finds such action to be necessary and proper in the public interest to prevent injustice, or undue hardship, or to avoid serious impairment of the conduct of Government business. Any request for such action by the Secretary shall be submitted in writing, and shall set forth the reasons for which the request is made.

(b) *Exemptions.* Pursuant to section 105 of the Contract Work Hours and Safety Standards Act, the following classes of contracts are found exempt from all provisions of that Act in order to prevent injustice, undue hardship, or serious impairment of Government business:

(1) Contracts of $2,000.00 or less.

(2) Purchases and contracts other than construction contracts in the aggregate amount of $2,500.00 or less. In arriving at the aggregate amount involved, there must be included all property and services which would properly be grouped together in a single transaction and which would be included in a single advertisement for bids if the procurement were being effected by formal advertising.

(3) Contract work performed in a workplace within a foreign country or within territory under the jurisdiction of the United States other than the following: A State of the United States; the District of Columbia; Puerto Rico; the Virgin Islands; Outer Continental Shelf lands defined in the Outer Continental Shelf Lands Act (ch. 345, 67 Stat. 462); American Samoa; Guam;

Wake Island; Eniwetok Atoll; Kwajalein Atoll; and Johnston Island.

(4) Agreements entered into by or on behalf of the Commodity Credit Corporation providing for the storing in or handling by commercial warehouses of wheat, corn, oats, barley, rye, grain sorghums, soybeans, flaxseed, rice, naval stores, tobacco, peanuts, dry beans, seeds, cotton, and wool.

(5) Sales of surplus power by the Tennessee Valley Authority to States, counties, municipalities, cooperative organization of citizens or farmers, corporations and other individuals pursuant to section 10 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 8311).

(c) *Tolerances.* (1) The "basic rate of pay" under section 102 of the Contract Work Hours and Safety Standards Act may be computed as an hourly equivalent to the rate on which time-and-one-half overtime compensation may be computed and paid under section 7 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 207), as interpreted in Part 778 of this title. This tolerance is found to be necessary and proper in the public interest in order to prevent undue hardship.

(2) Concerning the tolerance provided in paragraph (c)(1) of this section, the provisions of section 7(d)(2) of the Fair Labor Standards Act and § 778.7 of this title should be noted. Under these provisions, payments for occasional periods when no work is performed, due to vacations, and similar causes are excludable from the "regular rate" under the Fair Labor Standards Act. Such payments, therefore, are also excludable from the "basic rate" under the Contract Work Hours and Safety Standards Act.

(3) See § 5.8(c) providing a tolerance subdelegating authority to the heads of agencies to make appropriate adjustments in the assessment of liquidated damages totaling $500 or less under specified circumstances.

(4)(i) Time spent in an organized program of related, supplemental instruction by laborers or mechanics employed under bona fide apprenticeship or training programs may be excluded from working time if the criteria prescribed in paragraphs (c)(4)(ii) and (iii) of this section are met.

(ii) The apprentice or trainee comes within the definition contained in § 5.2(n).

(iii) The time in question does not involve productive work or performance of the apprentice's or trainee's regular duties.

(d) *Variations.* (1) In order to prevent undue hardship, a workday consisting of a fixed and recurring 24-hour period commencing at the same time on each calendar day may be used in lieu of the calendar day in applying the daily overtime provisions of the Act to the employment of firefighters or fireguards, under the following conditions: (i) Where such employment is under a platoon system requiring such employees to remain at or within the confines of their post of duty in excess of 8 hours per day in a standby or on-call status; and (ii) if the use of such alternate 24-hour day has been agreed upon between the employer and such employees or their authorized representatives before performance of the work; and (iii) provided that, in determining the daily and the weekly overtime requirements of the Act in any particular workweek of any such employee whose established workweek begins at an hour of the calendar day different from the hour when such agreed 24-hour day commences, the hours worked in excess of 8 hours in any such 24-hour day shall be counted in the established workweek (of 168 hours commencing at the same time each week) in which such hours are actually worked. (Approved by the Office of Management and Budget under OMB control numbers 1215–0140 and 1215–0017.)

(2) In the event of failure or refusal of the contractor or any subcontractor to comply with overtime pay requirements of the Contract Work Hours and Safety Standards Act, if the funds withheld by Federal agencies for the violations are not sufficient to pay fully both the unpaid wages due laborers and mechanics and the liquidated damages due the United States, the available funds shall be used first to compensate the laborers and mechanics for the wages to which they are entitled (or an equitable portion thereof when the funds are not adequate for this purpose); and the balance, if any, shall be used for the payment of liquidated damages.

(3) In the performance of any contract entered into pursuant to the provisions of 38 U.S.C. 620 to provide nursing home care of veterans, no contractor or subcontractor under such contract shall be deemed in violation of Section 102 of the Contract Work Hours and Safety Standards Act by virtue of failure to pay the overtime wages required by such section for work in excess of 8 hours in any calendar day or 40 hours in the workweek to any individual employed by an establishment which is an institution primarily engaged in the care of the sick, the aged, or the mentally ill or defective who reside on the premises if, pursuant to an agreement or understanding arrived at between the employer and the employee before performance of the work, a work period of 14 consecutive days is accepted in lieu of the workweek of 7 consecutive days for the purpose of overtime compensation and if such individual receives compensation for employment in excess of 8 hours in any workday and in excess of 80 hours in such 14-day period at a rate not less than 1½ times the regular rate at which the individual is employed, computed in accordance with the requirements of the Fair Labor Standards Act of 1938, as amended. (Approved by the Office of Management and Budget under OMB control numbers 1215–0140 and 1215–0017.)

(4) Any contractor or subcontractor performing on a government contract the principal purpose of which is the furnishing of fire fighting or suppression and related services, shall not be deemed to be in violation of Section 102 of the Contract Work Hour and Safety Standards Act for failing to pay the overtime compensation required by Section 102 of the Act in accordance with the basic rate of pay as defined in subsection (c)(1) of this section, to any pilot or copilot of a fixed-wing or rotary-wing aircraft employed on such contract if:

(i) Pursuant to a written employment agreement between the contractor and the employee which is arrived at before performance of the work.

(A) The employee receives gross wages of not less than $300 per week regardless of the total number of hours worked in any workweek, and

(B) Within any workweek the total wages which an employee receives are not less than the wages to which the employee would have been entitled in that workweek if the employee were paid the minimum hourly wage required under the contract pursuant to the provisions of the Service Contract Act of 1965 and any applicable wage determination issued thereunder for all hours worked, plus an additional premium payment of one-half times such minimum hourly wage for all hours worked in excess of 8 hours in any calendar day or 40 hours in the workweek;

(ii) The contractor maintains accurate records of the total daily and weekly hours of work performed by such employee on the government contract. In the event these conditions for the exemption are not met, the requirements of section 102 of the Contract Work Hours and Safety Standards Act shall be applicable to the contract from the date the contractor or subcontractor fails to satisfy the conditions until completion of the contract. (Approved by the Office of Management and

Budget under OMB control number 1215–0017.)

§ 5.16 Training plans approved or recognized by the Department of Labor prior to August 20, 1975.

(a) Notwithstanding the provisions of § 5.5(a)(4)(ii) relating to the utilization of trainees on Federal and federally assisted construction, no contractor shall be required to obtain approval of a training program which, prior to August 20, 1975, was approved by the Department of Labor for purposes of the Davis-Bacon and Related Acts, was established by agreement of organized labor and management and therefore recognized by the Department, and/or was recognized by the Department under Executive Order 11246, as amended. A copy of the program and evidence of its prior approval, if applicable shall be submitted to the Employment and Training Administration, which shall certify such prior approval or recognition of the program. In every other respect, the provisions of § 5.5(a)(4)(ii)—including those relating to registration of trainees, permissible ratios, and wage rates to be paid—shall apply to these programs.

(b) Every trainee employed on a contract executed on and after August 20, 1975, in one of the above training programs must be individually registered in the program in accordance with Employment and Training Administration procedures, and must be paid at the rate specified in the program for the level of progress. Any such employee listed on the payroll at a trainee rate who is not registered and participating in a program certified by ETA pursuant to this section, or approved and certified by ETA pursuant to § 5.5(a)(4)(ii), must be paid the wage rate determined by the Secretary of Labor for the classification of work actually performed. The ratio of trainees to journeymen shall not be greater than permitted by the terms of the program.

(c) In the event a program which was recognized or approved prior to August 20, 1975, is modified, revised, extended, or renewed, the changes in the program or its renewal must be approved by the Employment and Training Administration before they may be placed into effect.

§ 5.17 Withdrawal of approval of a training program.

If at any time the Employment and Training Administration determines, after opportunity for a hearing, that the standards of any program, whether it is one recognized or approved prior to August 20, 1975, or a program subsequently approved, have not been complied with, or that such a program fails to provide adequate training for participants, a contractor will no longer be permitted to utilize trainees at less than the predetermined rate for the classification of work actually performed until an acceptable program is approved.

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Part IV

Department of Labor

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

California: CA82-5118	Aug. 20, 1982
Colorado: CO82-5107	Apr. 9, 1982
Michigan	
MI83-2009	Feb. 11, 1983
MI83-2020	Mar. 18, 1983
MI83-2007	Feb. 11, 1983
MI83-2015	Mar. 11, 1983
MI83-2018	Do
MI83-2021	Mar. 18, 1983
Massachusetts:	
MA81-3050	Aug. 28, 1981
MA81-3054	Sept. 4, 1981
Nebraska: NE83-4023	Mar. 18, 1983
North Carolina: NC83-1013	Mar. 11, 1983
Nevada	
NV83-5103	Mar. 18, 1983
NV82-5113	Aug. 6, 1982
NV82-5114	Do
Nebraska: NE83-4025	Apr. 1, 1983
Oregon: OR83-5100	Feb. 18, 1983
West Virginia: WV82-3002	Oct. 29, 1982

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisionss being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being modified.

Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania & Rhode Island: NY81-3073 (NY83-3013)	Oct. 9, 1981
Florida:	
FL77-1060 (FL83-1033)	May 20, 1977
FL81-1250 (FL83-1034)	June 19, 1981
Georgia, North Carolina, South Carolina, Virginia, Washington, D.C. & Florida GA81-1043 (GA83-1035).	Sept. 10, 1982
Illinois, Indiana, Michigan, Minnesota, new York, Ohio, Pennsylvania & Wisconsin IL82-2026 (IL83-2037)	Apr. 9, 1982
Indiana: IN80-2059 (IN83-2033)	Aug. 1, 1980
Iowa: IA82-4032 (IA83-4033)	June 18, 1982

Signed at Washington, D.C. this 22nd day of April 1983.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

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Modification Page 1

DECISION NO. CA82-5118 - Mod. #9
(47 FR 36513 - August 20, 1982)
Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, and Ventura Counties, California

	Basic Hourly Rates	Fringe Benefits
Change:		
Bricklayers; Stonemasons:		
Area 3	$20.50	$3.52
Area 7	20.75	2.97
Add:		
Add asterisks denoting footnote to Basic Hourly Rate of Power Equipment Operators, Group 1 thru 9 as published in Modification Number 4 on January 3, 1983		

DECISION NO. CO82-5107 - Mod. #6
(47 FR 15491 - April 9, 1982)
Delta, Garfield, Gunnison, Mesa, Montrose, and Pitkin Counties, Colorado

	Basic Hourly Rates	Fringe Benefits
Change:		
Electricians:		
Electricians	$16.00	$1.50+ 4%
Cable Splicers	16.25	1.50+ 4%

DECISION #MI83-2009 - Mod. #1
(48 FR 6453 - February 11, 1983)
Marquette County, Michigan

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Plumbers & Pipefitters:		
Single family homes	$11.36	2.17
All other Residential Work	15.98	2.17
Sprinkler fitters	16.67	2.83

DECISION #MI83-2020 - Mod. #1
(48 FR 11615 - March 18, 1983)
Genesee, Huron, Lapeer, Saginaw, St. Clair, Sanilac, & Shiawassee Counties, Michigan

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Power Equipment Operators:		
St. Clair County:		
Crane operator	$14.77	4.10+13%
Regular engineer	14.40	"
Compressor & welding machine operators	12.15	"
Fireman or oiler	11.33	"
Remainder of Counties:		
Crane, stiff leg derrick, scraper, dozer, grader, front end loader, hoist, & mechanic	15.10	4.10
Air tugger (single drum), material hoist, boiler, sweeping machine, winch truck, Bob-cat & similar equipment, & fork truck (over 20 ft. lift)	13.50	"
Pump 6" & over, well points, freeze systems, boom truck (non-swinging)	13.20	"
Air compressor, welder, generator, pump under 6", grease man, conveyor, fork truck (20 ft. & under)	11.80	"
Oiler, fireman, & heater operator	10.95	"
Sheet metal workers:		
Remainder of Counties	10.65	2.14

Modification Page 2

DECISION #MI83-2007 - Mod. #2
(48 FR 6454 - February 11, 1983)
Macomb, Monroe, Oakland, Washtenaw, & Wayne Counties, Michigan

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Power Equipment Operators - Building, Residential, & Heavy Work:		
Class A	$16.03	4.10+13%
Class B	15.81	"
Class C	15.25	"
Class D	14.77	"
Class E	14.40	"
Class F	12.15	"
Class G	11.33	"

DECISION #MI83-2015 - Mod. #2
(48 FR 10573 - March 11, 1983)
Allegan, Barry, Berrien, Branch, Calhoun, Cass, Clinton, Eaton, Hillsdale, Ingham, Ionia, Jackson, Kalamazoo, Lenawee, St. Joseph, & Van Buren Counties, Michigan

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Power Equipment Operators:		
Lenawee County:		
Class A	$16.03	4.10+13%
Class B	15.81	"
Class C	15.25	"
Class D	14.77	"
Class E	14.40	"
Class F	12.15	"
Class G	11.33	"
Remainder of Counties:		
Class A	15.85	4.10
Class B	15.60	"
Class C	15.10	"
Class D	13.50	"
Class E	13.20	"
Class F	11.80	"
Class G	10.95	"

DECISION #MI83-2018 - Mod. #2
(48 FR 10582 - March 11, 1983)
Alcona, Allegan, Antrim, Arenac, Benzie, Charlevoix, Cheboygan, Clare, Crawford, Emmet, Gladwin, Grand Traverse, Kalkaska, Lake, Leelanau, Manistee, Mason, Mecosta, Midland, Missaukee, Montcalm, Muskegon, Newaygo, Oceana, Ogemaw, Osceola, Oscoda, Otsego, Presque Isle, Roscommon, & Wexford Counties, Michigan

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Power Equipment Operators:		
Class A	$15.85	4.10
Class B	15.60	"
Class C	15.10	"
Class D	13.50	"
Class E	13.20	"
Class F	11.80	"
Class G	10.95	"

DECISION #MI83-2021 - Mod. #1
(48 FR 11616 - March 18, 1983)
Bay, Genesee, Huron, Iosco, Lapeer, Saginaw, St. Clair, Sanilac, Shiawassee, & Tuscola Counties, Michigan

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Power Equipment Operators:		
St. Clair County:		
Class A	$16.03	4.10+13%
Class B	15.81	"
Class C	15.25	"
Class D	14.77	"
Class E	14.40	"
Class F	12.15	"
Class G	11.33	"
Remainder of Counties:		
Class A	15.85	4.10
Class B	15.60	"
Class C	15.10	"
Class D	13.50	"
Class E	13.20	"
Class F	11.80	"
Class G	10.95	"

Modification Page 3

DECISION NO. MA81-3050 - Mod. #7
(46 FR 43625 - Aug.28,1981)
Worcester County, Mass.

CHANGE:

	Basic Hourly Rates	Fringe Benefits
Asbestos Workers	$17.23	2.42
Boilermakers	18.25	3.75
Bricklayers,Cement Masons, Plasterers & Stonemasons:		
Warren	13.55	4.22
Hopedale,Milford and Southboro	17.15	2.84
Ashburnham,Gardner,Harvard,Hubbardston,Lancaster,Leominster,Lunenburg,Petersham,Phillipston,Princeton,Royalston,Sterling,Templeton,Westminister & Winchendon	17.75	2.24
Remainder of County	17.35	2.50
Carpenters,Soft Floor Layers:		
Hardwick,Warren,W. Brookfield	14.90	2.72
Remainder of County	15.81	3.52
Electricians:		
Warren, W. Warren	14.95	3.31+3%
Elevator Constructors	16.41	2.63
Elevator Constructors' Helpers	11.49	2.63
Elevator Constructors' Probationary Helpers	8.20%	
Glaziers:		
Warren, W.Warren	12.77	2.87
Remainder of County	17.45	2.14
Ironworkers	16.65	4.25
Line Construction:		
Lineman	17.00	1.45+ 3.375% +c
Equipment Operator	14.45	"
Driver Groundman	13.60	"
Groundman	11.05	"
Marble, Tile & Terrazzo Workers:		
Ashburnham,Fitchburg, Harvard, Lancaster, Leominister,Luneburg, Princeton,Sterling, Wesminister	15.35	3.40
Painters:		
Warren, W. Warren:		
Brush & Tapers	13.56	2.59
Spray & Sandblasting	17.43	2.59

PAINTERS (Cont'd)	Basic Hourly Rates	Fringe Benefits
Warren,W.Warren (Cont'd)		
Swing & chair work & steel riding under 40 feet	13.75	2.59
Swing & chair work & steel riding 40 feet & over	14.06	2.59
Holedale,Mendon,Milford, Southboro,Upton & Westboro:		
Brush	13.10	2.38
Spray; Sandblast	14.10	2.38
Steel	14.35	2.38
Repaint (Brush)	12.55	2.38
Remainder of County:		
Brush	15.08	3.15
Steel	17.20	3.15
Sandblasting;Spray	16.08	3.15
Repaint	12.82	3.15
Residential	11.31	3.15
Piledrivermen	16.65	2.90
Pipefitters:		
Holedale & Southboro	15.50	5.88
Remainder of County	16.43	2.00
Plumbers:		
Holedale & Southboro	15.50	5.88
Ashburnham,Athol,Bolton, Fitchburg,Gardner,Harverd,Hubbardston,Lancaster,Leoinster,Lunenburg,Petersham,Phillipston,Royalston, Templeton,Westminister & Winchendon	16.28	1.85+4%
Remainder of County	16.08	2.35
POWER EQUIPMENT OPERATORS (Building Construction):		
Royalston,Phillipston, Athol,Petersham,Hardwick,New Braintree, Brookfield,E.Brookfield, N.Brookfield,Oakham, Barre,Templeton,Winchendon,Strurbridge,W. Brookfield & Warren:		
Class I	15.13	2.20+a
Class II	14.93	2.20+a
Class III	14.73	2.20+a
Class IIIA	14.36	2.20+a
Class IV	12.83	2.20+a
Class V	12.13	2.20+a
Class VI	10.98	2.20+a
Class VII	15.88	2.20+a
Class VIII	12.16	2.20+a
Class IX	15.71	2.20+a
Class X	15.63	2.20+a
Class XI	16.13	2.20+a

Modification Page 4

DECISION MA81-3050(Cont'd): POWER EQUIPMENT OPERATORS (Building Constr.)(Cont'd)	Basic Hourly Rates	Fringe Benefits
Remainder of County:	17.61	2.81+a
Class I		
Hourly premium for boom lengths including jib:		
Over 150 feet + .55		
Over 185 feet + .99		
Over 210 feet + 1.37		
Over 250 feet + 2.08		
Over 295 feet + 2.90		
Class II	17.49	2.81+a
Class III	14.78	2.81+a
Class IV	16.09	2.81+a
Class V	13.13	2.81+a
Class VI	13.92	2.81+a
Power Equipment Operators (Heavy & Highway Constr.): Royalston,Phillipston, Athol,Petersham,Hardwick, New Braintree,Brookfield, E. Brookfield,N.Brookfield, Oakham,Barre,Templeton, Winchendon,Sturbridge,W. Brookfield,& Warren:		
Class I	15.13	2.20+a
Class II	14.93	2.20+a
Class III	14.73	2.20+a
Class IIIA	14.36	2.20+a
Class IV	12.83	2.20+a
Class V	12.13	2.20+a
Class VI	10.98	2.20+a
Class VII	15.88	2.20+a
Class VIII	12.16	2.20+a
Class IX	15.71	2.20+a
Class X	15.63	2.20+a
Class XI	16.13	2.20+a
Remainder of County:	17.61	2.81+a
Class I		
Hourly premium for boom lengths including jib:		
Over 150 feet + .55		
Over 185 feet + .99		
Over 210 feet + 1.37		
Over 250 feet + 2.08		
Over 295 feet + 2.90		
Class II	17.49	2.81+a
Class III	14.78	2.81+a
Class IV	16.09	2.81+a
Class V	13.13	2.81+a
Class VI	13.92	2.81+a
Sheet Metal Workers	15.66	4.06
Sprinkler Fitters	16.37	2.78

DECISION NO. MA81-3054 - Mod. #15
(46 FR 44631 - Sept. 4, 1981)
BARNSTABLE, BRISTOL, DUKES, ESSEX, MIDDLESEX, NANTUCKET, NORFOLK, PLYMOUTH AND SUFFOLK COUNTY, MASS.

CHANGE:

	Basic Hourly Rates	Fringe Benefit
ELECTRICIANS: MIDDLESEX (Bedford, Billerica, Boxboro, Burlington, Carlisle, Clemsford, Dracut, Dunstable, Littleton, Lowell, Tewksbury, Tyngsboro, Westford, Wilmington)	15.00	3.58 +3%

Modification Page 5

DECISION #NE83-4023-MOD.#1
48 FR 11627-March 18,1983
Cass, Douglas, Sarpy, Washington

CLASSIFICATION DEFINITIONS - (Cont'd)	Basic Hourly Rates	Fringe Benefits
Power Equipment Operators:		
Group 1	9.00	1.00
Group 2	9.25	1.00
Group 3	9.50	1.00
Group 4	9.75	1.00
Group 5	10.00	1.00
Group

Modification Page 5

DECISION #NE83-4023-MOD.#1 48 FR 11627-March 18,1983	Basic Hourly Rates	Fringe Benefits
Cass, Douglas, Sarpy, Washington and that portion of Saunders County East of Highway #109, Nebraska		
OMIT:		
Under Counties		
Cass, Washington and that portion of Saunders County East of Highway #109		
Under Description of Work		
Heavy in all, but Washington County and Highway construction (excluding bridges across navigable waterways		
ADD:		
Under Description of Work		
Heavy and highway construction (excluding bridges across navigable waterways)		
CHANGE:		
Cement Masons	$12.17	$2.45
Ironworkers, Reinforcing & Structural	14.10	2.90
Power Equipment Operators:		
Group 1	8.31	2.00
Group 2	8.40	2.00
Group 3	10.69	1.40
Group 4	11.13	1.40
Group 5	12.17	1.40
Group 6	12.42	1.40
Group 7	12.82	1.35
Group 8	13.01	1.35

CLASSIFICATION DEFINITIONS

Power Equipment Operators:
Group 1 - Oilers; Greasers
Group 2 - Oiler Driver
Group 3 - Tractor under 35 h.p.; Air Compressors; Pumps-welding machine; Spray machine; form trenchers; belt machine
Group 4 - Concrete Mixer; Fork-lift Operator, Hydro-Hammer
Group 5 - Spreader Oiler
Group 6 - Concrete Spreader; Concrete Finishing Machine; Concrete Pump Operator; Bulldozer; Roller; Traxcavator; One Drum Hoist; Oiler Distributor; Asphalt Roller; One Drum Winch Truck
Group 7 - Blade (patrol); Scraper

CLASSIFICATION DEFINITIONS - (Cont'd)	Basic Hourly Rates	Fringe Benefits
Group 8 - Hoist, 2 drums; Trenching Machine; Paving Mixer; Piledriver; Heavy duty Mechanic & Welder; Shovel; Dragline; Clamshell; Orange Peel; Backhoe; Derrick; Crane; Locomotive; Fireman on Boiler; Laydown Machine; Two Drum Winch Truck; Side Boom Cat; Pug Mill Operator on Asphalt Plant; Leverman on Dredge; Engineer on Dredge; Tugboat Operator; Gradall Operator; Rotary Well Drilling Operator; Hydrocrane; Cleveland type Backfiller; Self-propelled Spreader Vibrator; Slip Form Paver		
Laborers:		
General Laborers	$10.19	$1.90
Towboats & Dredge Deckhands	10.31	1.90
Rakers & Screedmen on asphalt; mortar mixers; chain saw operators	10.54	1.90
Pipelayers; concrete saw operator	10.48	1.90
Form Setters & Precast manhole setter, inlet builders & manhole setters	10.92	1.90
Truck Drivers:		
Single axle, jack & spreader tandem axle euclid trucks, power lift form trucks & jack, jack & spreader trucks, lowboys, tractor-trailer water pulls, tandem dump w/auxiliary end, dump trailer	10.27	1.75
Water Pulls	10.62	1.75
Lumber Carrier	10.82	1.75

	Basic Hourly Rates	Fringe Benefits
DECISION NO. NC83-1013 -- MOD. # 1 (48 FR 10585 - March 11, 1983)		
Buncombe, Haywood, Henderson, McDowell, Madison, Transylvania, & Yancey Counties in NORTH CAROLINA BUILDING CONSTRUCTION		
CHANGE:		
BOILERMAKERS	$ 16.20	3.315

Modification Page 6

DECISION NO. NV83-5103 - Mod. #1 (48 FR 11629 - March 18, 1983) Statewide (does not include the Nevada Test Site and Tonopah Test Range, and Highway Construction in Douglas County), Nevada	Basic Hourly Rates	Fringe Benefits
Change:		
Asbestos Workers:		
Area 1	$20.59	$3.76
Painters:		
Area 2:		
Brush and Roller	17.45	1.95
Spray; Taper; Paperhangers; Sandblaster	17.95	1.95
Spray, Swing Stage up to 40 ft.; Spray, Steel	18.20	1.95
Brush, Swing Stage up to 40 ft.; Brush, Steel	17.70	1.95
Plaster Tenders:		
Area 1	15.97	3.62
Soft Floor Layers:		
Area 2	16.54	1.78

DECISION NO. NV82-5113- Mod. #7 (47 FR 34300 - August 6, 1982) Clark County (does include the Nevada Test Site), Nevada	Basic Hourly Rates	Fringe Benefits
Change:		
Asbestos Workers	$20.59	$3.76
Plaster Tenders	15.97	3.62

DECISION NO. NV82-5114 - Mod. #6 (47 FR 34312 - August 6, 1982) Nevada Test Site including Tonopah Test Range in Clark, Lincoln, and Nye Counties, Nevada	Basic Hourly Rates	Fringe Benefits
Change:		
Asbestos Workers	$19.41	$3.30
Electricians:		
Electricians; Equipment Operators; Linemen	18.74	3%+4.79
Cable Splicers	19.07	3%+4.79
Groundman	14.942	3%+4.79
Mason Tenders	13.14	5.79

DECISION NO. NE83-4025 - Mod. #1 (48 FR 14313-April 1,1983) Lancaster County, Nebraska		
ADD:		
Plumbers & Pipefitters	$14.64	

DECISION NO. OR83-5100 - Mod. #4 (48 FR 7379 Feb.18,1983) Statewide Oregon		
CHANGE:		
Modification #2 dated April 22, 1983, to read "Mod. #3"		
ADD:		
ZONE DESCRIPTIONS FOR LABORERS AND TRUCK DRIVERS:		
CITIES:		
Add "Salem"		

DECISION NO. WV82-3002 MOD. NO. 4 (47 FR 49220 - October 29, 1982) Statewide, West Virginia excluding the Counties of Berkeley, Jefferson & Morgan	Basic Hourly Rates	Fringe Benefits
CHANGE:		
CARPENTERS & PILEDRIVERMEN:		
AREA 2		
Carpenters	$13.71	2.63
Piledrivermen	14.11	2.63
AREA 5		
Carpenters	14.77	1.93
Piledrivermen	15.02	1.93
AREA 6		
Carpenters	14.91	2.95
Piledrivermen	15.30	2.95
Elevator Constructors:		
Brooke, Hancock, Marshall, Ohio Counties:		
Mechanics	15.07	2.69+ b+c
Helpers	10.55	2.69+ b+c
Probationary Helpers	7.595	
Boone, Clay, Fayette, Kanawha, Lincoln, Putnam & Roane Counties:		
Mechanics	16.29	2.69+ b+c
Helpers	11.40	2.69+ b+c
Probationary Helpers	8.145	
Cabell, Mason & Wayne Counties:		
Mechanics	17.095	2.465+ b+c
Helpers	11.97	2.465+ b+c
Probationary Helpers	8.55	

LABORERS:	Basic Hourly Rates	Fringe Benefits
AREA 2		
Group 1	10.50	2.15
Group 2	10.86	2.15
Group 3	11.29	2.15
AREA 8		
Group 1	11.30	2.70
Group 2	12.47	2.70
Group 3	12.50	2.70
Group 4	12.63	2.70
Group 5		
50' to 100'	12.63	2.70
100' to 150'	12.80	2.70
over 150'	13.20	2.70
Group 6	12.98	2.70
Group 7	12.54	2.70
Group 8	12.83	2.70
Group 9	12.63	2.70
Group 10	13.13	2.70

SUPERSEDEAS DECISION

STATES: CONNECTICUT, DELAWARE, MAINE, MARYLAND, MASSACHUSETTS, NEW HAMPSHIRE, NEW JERSEY, NEW YORK, PENNSYLVANIA & RHODE ISLAND
DECISION NO.: NY83-3013 DATE: DATE OF PUBLICATION
Supersedes Decision No. NY81-3073 dated October 9, 1981, in 46 FR 50262
DESCRIPTION OF WORK: All Dredging on the Atlantic Coast from the Canadian Border to the southerly border of the State of Maryland & tributary waters emptying into the Atlantic Ocean, the Cheaspeake & Delaware Canal, Baltimore City & Baltimore County, Md.

DIPPER & CLAMSHELL DREDGES	Basic Hourly Rates	Fringe Benefits
Operator	14.69	1.73+a
Engineer	14.58	1.73+a
Craneman	14.31	1.73+a
Maintenance Engineer	14.11	1.73+a
Welder	13.92	1.73+a
Mate	13.26	1.73+a
Fireman and Oiler	12.28	1.73+a
Deckhand, Handyman and Tug Deckhand	12.00	1.73+a
Scowman and Rodman	11.87	1.73+a
HYDRAULIC DREDGES:		
Leverman	14.45	1.73+a
Engineer and Derrick Operator	14.41	1.73+a
Maintenance Engineer	14.11	1.73+a
Boilerman; Dredge Carpenter; Dredge Blacksmith; Electricians and Dredge Welder	13.92	1.73+a
Spider Barge Operator	13.79	1.73+a
Mate	13.26	1.73+a
Fireman and Oiler	12.28	1.73+a
Tug Deckhand	12.00	1.73+a
Deckhand; Handyman; Shoreman and Rodman	11.87	1.73+a

COMPANY LEAD DREDGEMAN:	Basic Hourly Rates	Fringe Benefits
Lead Dredgeman	14.45	1.73+a
TUG Boats over 400 H.P. (with master or captain having license endorsed for 200 miles off shore):		
Tug Engineer	13.86	1.73+a
Tug Deckhand	12.05	1.73+a
TUG Boats over 400 H.P. (without master or Captain having license endorsed for 200 miles off shore):		
Tug Engineer	13.35	1.73+a
Tug Deckhand	12.00	1.73+a
DRILL BOATS:		
Engineer	15.61	1.73+ a+b
Blaster	15.77	1.73+ a+b
Driller, Welder or Machinist	15.62	1.73+ a+b
Fireman	15.13	1.73+ a+b
Oiler	14.88	1.73+ a+b

FOOTNOTES:
a. 8 Paid Holidays: New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Veterans' Day, Thanksgiving Day and Christmas Day
b. Vacation: 6½ days vacation with pay for 84 days of service, plus one additional day for each additional period of 21 2/3 days of service, all in one calendar year. Employees not qualifying for vacation as set forth above will receive one day's vacation with pay for each full 20 days of service in one calendar year.

SUPERSEDEAS DECISION

STATE: FLORIDA
DECISION NUMBER: FL83-1033
COUNTY: POLK

SUPERSEDEAS DECISION

STATE: FLORIDA
COUNTY: BREVARD (excludes Cape Canaveral Air Force Station,Patrick Air Force

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SUPERSEDEAS DECISION

STATE: FLORIDA
COUNTY: POLK
DECISION NUMBER: FL83-1033
DATE: DATE OF PUBLICATION
Supersedes Decision No.: FL77-1060 dated May 20, 1977 in 42 FR 26093.
DESCRIPTION OF WORK: BUILDING CONSTRUCTION PROJECTS (does not include single family homes and apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits
BRICKLAYERS	$7.55	
CARPENTERS	8.315	.615
CEMENT MASONS	7.20	
ELECTRICIANS:		
Industrial Manufacturing production facilities (excluding retail food establishments);Hospitals (over 50 beds) excluding nursing homes & clinics shopping malls with over 10 businesses; and any business complex with elevator or escalator system.		
Wireman	14.03	15.5%+ .10
Cable Splicer	14.53	15.5%+ .10
Commercial		
Wireman	12.45	15.5%+ .10
Cable Splicer	12.95	15.5%+ .10
IRONWORKERS	9.61	1.22
LABORERS	4.69	
LATHERS	5.50	
PAINTERS	6.25	
PLASTERERS	$ 6.00	
PLUMBERS	8.91	
ROOFERS	5.55	1.15
SHEET METAL WORKERS	7.46	
SOFT FLOOR LAYERS	6.46	
STONE MASONS	7.00	
TRUCK DRIVERS	3.35	
WELDERS--Rate for Craft		

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: FLORIDA
COUNTY: BREVARD (excludes Cape Canaveral Air Force Station,Patrick Air Force Base,Kennedy Space Flight Center & Melabar Radar Site).
DECISION NUMBER: FL83-1034
Supersedes Decision No.: FL81-1250 dated June 19, 1981 in 46 FR 32183.
DESCRIPTION OF WORK: BUILDING CONSTRUCTION PROJECTS(excludes single family homes & apartments up to & including 4 stories).

	Basic Hourly Rates	Fringe Benefits
BRICKLAYERS	$8.70	.93
CARPENTERS	6.81	
CEMENT MASONS	6.71	
ELECTRICIANS	9.80	.55+4%
IRONWORKERS	6.86	
LABORERS	4.06	
PAINTERS	7.84	
PLUMBERS	8.45	
ROOFERS	11.50	1.00
TILE SETTERS	6.63	
TRUCK DRIVERS	$ 8.25	
WELDERS-Rate for Craft		
POWER EQUIPMENT OPERATORS:		
Group A	7.33	.60
Group B	6.29	.60
Group C	5.48	.60
Group D	4.51	.60

POWER EQUIPMENT OPERATORS: CLASSIFICATION DEFINITIONS:

Group A--Cranes,Derricks,Clamshells,Draglines,Piledriver(including auger & boring machine for drilling in piling),Backhoes,Hydra Cranes,Gradall,Shovels, Patrols,Cableways,Tugboat Captain (150 hp or more),Multi-bowl Operator,Similar to R.G. LaTourneau Model L-60-2 ir tgree 20 cu yd. scrapers),Front End Loaders (over 4 cu yd),Side Boom Cats, Multi-drum hoist (for rigging), Heavy equipment Mechanic, Tower Crane (stationary,climbing & travelling), Gantry Cranes, Locomotive Cranes, Bridge Cranes (over 20 ton cap.),Concrete Pump w/boom(mobile), High Lift or Fork Lift (second floor & higher), Locomotive Engineer, (jobs not covered by Railroad Unions.

Group B--Bulldozers,Bridge Cranes (20 tons & under),Highlift or Forklift (up to 2nd floor),Straddle Buggies,Hoists(other than rigging including winch truck not mobile & used as a hoist, front end loader (over 2 cy & up to & incl. 4 cy capacity),Trenching Machine (ladder & wheel type), over 6' cut & over 24" width,Concrete Paver & Scraper.

Group C--Concrete Pumps,Front End Loader (2 cy. or less not used as a hoist), Mobile Winch Trucks,Self-propelled Sub-grader, Asphalt Paving Machine,Concrete Mixer, Tractors,Air Compressor Plant (2 or more compressors on a common manifold), Lubricating Engineer (mobile plant),Pavement Breakers,Street Sweeping Machines.

Group D--Tractor-operated Sweeper,Trenching machine(ladder & wheel type maximum cut 6' maximum width 24"),Fireman,Self-propelled rollers,Wellpoint Pump, Asphalt Distributor,Water Truck Driver,Motor Boat Operator,Oiler,Mechanics Helper, Pumpman(other than wellpoint up to & including 5 pumps within 300 ft radius), Self-Propelled sweepers, combination pump, Compressor & Combustion Type Welding Machine.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the Labor Standards Contract Clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: FLORIDA
DECISION NUMBER: FL83-1032
Supersedes Decision No.: FL81-1270 dated July 17, 1981 in 46 FR 37166.
DESCRIPTION OF WORK: BUILDING CONSTRUCTION PROJECTS (Does not include single family homes or apartments of 4 stories or less).

COUNTY: BROWARD
DATE: DATE OF PUBLICATION

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	$18.23	2.45
BOILERMAKERS	17.20	3.515
BRICKLAYERS,CEMENT MASONS, MARBLE SETTERS,STONE MASONS,TILE & TERRAZZO WORKERS	14.70	1.90
CARPENTERS & SOFT FLOOR LAYERS	13.30	1.53
ELECTRICIANS:		
Electricians	15.91	1.30+ 4%
Cable Splicers	16.86	1.30+ 4%
ELEVATOR CONSTRUCTORS		
Mechanics	15.865	2.69+ a
Helpers	11.105	2.69+ a
GLAZIERS	10.24	.95
IRONWORKERS	13.70	2.48
LABORERS		
1.Permit value $500,000+ over--		
Air tool oper.,Mason Tenders,Mortar Mixers,		
Pipelayers	8.75	1.62
Plasterers Tenders	8.93	1.62
Unskilled	8.65	1.62
2.Permit value up to $500,000--		
Air tool oper.,Mason Tenders,Mortar Mixers,		
Pipelayers	7.05	1.57
Plasterers Tenders	7.23	1.57
Unskilled	6.95	1.57
LATHERS	11.10	1.51
MILLWRIGHTS	14.02	2.10
PAINTERS		
Brush	12.55	1.82
Drywall Tapers,Paperhangers	12.80	1.82
Spray,Sandblaster	13.05	1.82
PILEDRIVERMEN	$11.10	2.1
PLASTERERS	14.70	1.9
PLUMBERS & PIPEFITTERS		
Commercial	14.80	1.9
Industrial	15.80	1.9
REFRIGERATION & A/C MECHANICS		
Units of over 10 tons	18.94	2.7
Units under 10 tons	14.15	2.55
ROOFERS:		
Roofers	11.95	1.70
Kettlemen	10.98	1.70
SHEET METAL WORKERS	18.51	1.78
SPRINKLER FITTERS	15.00	2.88
WELDERS--Rate for Craft		
POWER EQUIPMENT OPERATORS		
Group 1	15.00	1.96
Group 2	14.85	1.96
Group 3	14.35	1.96
Group 4	13.90	1.96
Group 5	13.75	1.96
Group 6	13.40	1.96
Group 7	13.15	1.96
Group 8	13.05	1.96
Group 9	12.10	1.96

DECISION NO.: FL83-1032 PAGE 2.

POWER EQUIPMENT CLASSIFICATION DEFINITIONS:

Group 1--All tower cranes (must have 2 operators;mobile,rail,climbers,static mount), cranes w/boom length 250ft & over (with or w/out jib),derricks, helicopters, all types of fling cranes & all nuclear powered equipment, single station hydro cranes over 18 tons but not more than 50 tons, finish grader.

Group 2--All cranes w/boom length 150ft & over (with or w/out jib;friction, hydro, electric or otherwise), cranes 150 tons & over w/boom length less than 250 ft., gantry & overhead cranes.

Group 3--Cranes w/boom length less than 150 ft. (with or w/out jib), single station hydro cranes 18 tons & under, single station hydro cranes over 50 tons, dual station hydro cranes, clam shell, shovel, backhoe, gradall, dragline, piledriver, drilling of piling, tugger (all types), hoist (all types), mechanic, sideboom or tractor boom, concrete mixer, cableway.

Group 4--Boring & Drilling machine, concrete pumping machine (all types) batching plant (on job sites), inside elevator, forklift (w/vertical lift of over 20 ft).

Group 5--Locomotive operator, motor mixing pump (all types), winch truck, A-frame truck, grease truck operator, front end loader, bulldozer, pan, motor grader, forklift.

Group 6--Trenching & ditching machine, roller, fireman, distributor (bituminous), finish machine (paving), wellpoint system (installation and/or operation), siphon, vacuum pump, tractor, conveyor.

Group 7--Utility operator (any combination of equipment up to 4 including 4 pieces of equipment listed in Group 8), Welding Machines (3-4).

Group 8--Pump(s) or any combination over 2½", compressors or any combination over 125 CFM, generator(s) or any combination over 5 KW .

Group 9--Oiler, fuel truck driver, mechanic helper, boom hauling truck driver.

FOOTNOTE: a. Six paid holiday: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day.
8% of basic hourly rate for employee who has worked in business more than five years; 6% for employees who have worked in business less than 5 years.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, S.S (a)(1)(ii)).

SUPERSEDEAS DECISION

STATES: GEORGIA, NORTH CAROLINA, SOUTH CAROLINA, VIRGINIA, & WASHINGTON, D.C., AND IN FLORIDA, ALL COUNTIES ON THE ATLANTIC COAST AND THE GULF COAST WEST TO THE AUCILLA RIVER AND

SUPERSEDEAS DECISION

STATES: ILLINOIS, INDIANA, MICHIGAN, MINNESOTA, NEW YORK, OHIO, PENNSYLVANIA, & WISCONSIN
DECISION NUMBER: IL83-2037
DATE: DATE OF PUBLICATION

SUPERSEDEAS DECISION

STATES: GEORGIA, NORTH CAROLINA, SOUTH CAROLINA, VIRGINIA, & WASHINGTON, D.C., AND IN FLORIDA, ALL COUNTIES ON THE ATLANTIC COAST AND THE GULF COAST WEST TO THE AUCILLA RIVER AND ALL TRIBUTARY WATERWAYS.
DECISION NUMBER: GA83-1035 DATE: DATE OF PUBLICATION
Supersedes Decision Number GA82-1043, dated September 10, 1982, in 47 FR 39968.
DESCRIPTION OF WORK: DREDGING PROJECTS.

	Basic Hourly Rates	Fringe Benefits
HYDRAULIC DREDGES 20" & OVER:		
Leverman	$11.21	1.73+a
Engineer	11.10	"
Mate	10.07	"
Welder	10.38	"
Derrick Operator	10.73	"
Spill Barge Operator	10.52	"
Spider Barge Operator	10.52	"
Tug Master	10.00	"
Tug Mate	9.58	"
Tug Deckhand	8.08	"
Carpenter	10.66	"
Electrician	10.90	"
Machinist	10.58	"
Steward	8.83	"
Oiler & Fireman	8.58	"
Deckhand	8.08	"
Shoreman	7.94	"
Second Cook	8.08	"
Messman	7.94	"
HYDRAULIC DREDGES UNDER 20":		
Leverman	$ 9.73	1.73+a
Engineer	9.29	"
Welder	9.43	"
Mate	8.48	"
Oiler & Fireman	8.01	"
Deckhand	7.62	"
Launchman	8.09	"
Shoreman	7.49	"
Spill Barge Operator	8.68	"
Spider Barge Operator	8.68	"
CLAMSHELL DREDGES:		
Operator	$11.14	1.73+a
Engineer	10.55	"
Welder	10.25	"
Mate	9.89	"
Fireman & Oiler	8.58	"
Deckhand	8.08	"
Launchman	8.58	"
Scowman	8.19	"

	Basic Hourly Rates	Fr. Benefits
DIPPER DREDGES:		
Operator	$11.26	1.73+a
Crane man	10.77	"
Engineer	10.99	"
Welder	10.38	"
Mate	10.27	"
Fireman & Oiler	8.58	"
Deckhand	8.08	"
Launchman	8.58	"
Scowman	8.19	"
TUGS (TENDING DIPPER & CLAMSHELL DREDGES):		
Tug Master	$10.17	1.73+a
Tug Mate	9.67	"
Engineer	10.17	"
Assistant Engineer	9.49	"
Deckhand	7.97	"
Cook	8.19	"
STEWARD DEPARTMENT (ON DIPPER & CLAMSHELL DREDGES & ON HYDRAULIC DREDGES UNDER 20"):		
Cook	$ 8.01	1.73+a
Mess Cook	7.56	"
Messman & Janitor	7.46	"
DRILL BOATS:		
Driller, Blaster, & Operator		
Engineer	$11.10	1.73+a
Helper	8.58	"

FOOTNOTE 'a': SIX PAID HOLIDAYS: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day: Plus VACATION CONTRIBUTION of 7% of straight time pay for all hours worked.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATES: ILLINOIS, INDIANA, MICHIGAN, MINNESOTA, NEW YORK, OHIO, PENNSYLVANIA, & WISCONSIN
DECISION NUMBER: IL83-2037 DATE: DATE OF PUBLICATION
Supersedes Decision Number IL82-2026, dated April 9, 1982, in 47 FR 15496.
DESCRIPTION OF WORK: DREDGING PROJECTS - on the Great Lakes, their connecting and tributory waters, including the Illinois Waterway to the Lock at Lockport, Illinois; and in the New York State Barge Canal System between Tonawanda, New York, & Waterford, New York, & Oswego, New York; and on the St. Lawrence River Eastward to the Internation Boundary near St. Regis, New York.

	Basic Hourly Rates	Fringe Benefits
DIPPER & HYDRAULIC DREDGING:		
Chief Engineer	$21.21	1.63+a
Operators	21.04	"
Assistant Engineer	20.33	"
Welder	20.16	"
Craneman - Dipper Dredging	20.16	"
Spill Barge Operator - Hydraulic Dredging	20.16	"
DRILL BOATS:		
Engineer	$15.16	1.73+c
Blaster	15.77	"
Fireman	15.13	"
Driller, Welder, Machinist	15.62	"
Oiler	14.88	"
TUG ENGINEER - OPERATOR	$19.00	1.05+h
TUG OPERATOR - ON LAUNCH	$18.46	"
FLOATING EQUIPMENT (CLAMSHELL DRAGLINE, & MARINE CONSTRUCTION)		
Engineer & Operator	$21.65	e+f+g
Equipment Operator	19.20	"
Fireman	18.10	"
Oiler	16.00	"

	Basic Hourly Rates	Fringe Benefits
TUG WORKERS:		
Fireman, Lineman, Oiler, Deckhand, Scowman (On/or with tugboats, launches, or other self-propelled boats)	$17.33	1.75+b+d
DREDGE WORKERS:		
Fireman, oiler, deckhand & scowman (with dipper dredges, hydraulic dredges or other floating equipment engaged in dredging operations); pipeline men (both afloat & shore, including loading, unloading, installing, maintaining & handling pipelines for hydraulic dredges & sandboats)	17.33	1.75+b+d
Range & Sweep men, Service truck driver	13.45	1.75+b+d

PAID HOLIDAYS (WHERE APPLICABLE):

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Eight Paid Holidays: A through F plus Washington's Birthday and Veterans' Day; 6½ days vacation with pay for 104 days of service, one additional day of vacation with pay for each of the next 3 periods of 26 days of service, and for 208 days or over of service 13 days of vacation with pay, all in one calendar year. Employees not qualifying for vacation, as set forth above, will receive one day's vacation with pay for each full 24 days of service in one calendar year.
b. $9.10 per day per employee.
c. Eight Paid Holidays: A through F plus Washington's Birthday and Veterans Day; 6½ days vacation with pay for 84 days of service, one additional day of vacation with pay for each additional 21-2/3 days of service, all in one calendar year. Employees not qualifying for vacation, as set forth above, are to receive one day's vacation with pay for each full 20 days of service in one calendar year.
d. Nine Paid Holidays: A through F plus Washington's Birthday, Veterans Day, and Paul Hall's Day.
e. A half day vacation for each full 10 days employment in one calendar year.
f. $3.50 per hour in fringe benefits (excluding vacation payments).
g. Eight Paid Holidays: A through F plus Washington's Birthday, and Veteran's Day.
h. Nine Paid Holidays: A through F plus Washington's Birthday, Veterans' Day, and Association Day; 6½ days vacation with pay for 104 days service, one additional day of vacation with pay for each of the next 3 periods of 26 days of service, and for 208 days or over of service 13 days of vacation with pay, all in one calendar year. Employees not qualifying for vacation, as set forth above, will receive a half day's vacation with pay for each full 12 days of service in one calendar year.

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SUPERSEDEAS DECISION

STATE: INDIANA
DECISION NUMBER: IN83-2033
COUNTIES: *See Below
DATE: Date of Publication
Supersedes Decision No. IN80-2059 dated August 1, 1980, in 45 FR 51401
DESCRIPTION OF WORK: Building Construction Projects (does not include single family homes and apartments up to and including 4 stories)

*BROWN, CLARK, CRAWFORD, DEARBORN, DECATUR, FAYETTE, FLOYD, FRANKLIN, HARRISON, HENRY, JACKSON, JEFFERSON, JENNINGS, LAWRENCE, OHIO, ORANGE, RANDOLPH, RIPLEY, RUSH, SCOTT, SWITZERLAND, UNION, WASHINGTON & WAYNE COUNTIES

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS:		
Area 1	$18.00	2.45
Area 2	17.11	2.48
Area 3	16.36	3.02
Area 4	17.19	2.45
BOILERMAKERS:		
Area 1	16.35	4.815
Area 2	18.83	3.405
BRICKLAYERS, CAULKERS, Pointer, Cleaners & Stonemasons:		
ARea 1	13.95	2.56
Area 2	16.73	2.48
Area 3	13.84	1.51
Area 4	14.80	1.77
CARPENTERS:		
Area 1:		
Carpenter & Soft Floor Layers	14.97	2.00
Piledrivermen	15.22	2.00
Millwrights	17.79	2.10
Area 2:		
Carpenter & Soft Floor Layers	15.02	1.99
Millwrights	15.62	1.99
Piledrivermen	15.42	1.99
Area 3:		
Carpenter, Soft Floor Layers & Lathers	13.35	1.88
Piledrivermen	13.60	1.88
Area 4:		
Carpenter & Soft Floor Layer	13.63	2.35
Millwrights	13.93	2.35
Piledrivermen	13.83	2.35
Area 5:		
Carpenter & soft Floor Layers	13.86	2.00
Millwrights	14.61	2.00
Piledrivermen	14.36	2.00
CEMENT MASONS:		
Area 1	14.85	2.10
Area 2	12.64	2.06
Area 3	13.70	1.85
Area 4	12.45	1.80
Area 5	13.95	

	Basic Hourly Rates	Fringe Benefits
ELECTRICIANS:		
Area 1	17.30	1.86 +3%
Area 2	17.18	.85+ 9½%
Area 3:		
to 18 miles from Hamilton Co. Ohio Courthouse	17.75	2.55 +3½%
18-21 miles	18.05	2.55 +3½%
21-25 Miles	18.15	2.55 +3½%
Over 25 miles	18.30	2.55 +3½%
Area 4	16.95	16.5%
Area 5	16.30	2.20 +3.2%
Area 6	16.14	1.25+ 13.5%
ELEVATOR CONSTRUCTORS:		
Area 1	16.37	2.465 +a&b
Area 2	15.65	2.43+ a&b
Area 3	16.585	2.69+ a&b
ELEVATOR CONSTRUCTORS HELPERS		
Area 1	70%JR	2.465 +a&b
Area 2	70%JR	2.43+ a&b
Area 3	70%JR	2.69+ a&b
ELEVATOR CONSTRUCTION HELPERS (PROB.):		
Areas 1-2-3	50%JR	
GLAZIERS:		
Area 1	18.00	
Area 2	14.10	.61
IRONWORKERS:		
Area 1	15.55	2.60+ 1%
Area 2	14.20	4.20
Area 3:		
Structural & Ornamental	16.28	3.18
Reinforcing	16.18	3.12
Area 4	16.26	2.95
Area 5	15.25	4.05

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	Basic Hourly Rates	Fringe Benefits
MARBLE SETTERS, TILE SETTERS & TERRAZZO WORKERS:		
Area 1:		
Tile setters	13.70	2.56
Area 2	15.80	2.20
Area 3	14.80	1.77
MARBLE, TILE & TERRAZZO FINISHERS:		
AREA 1	15.98	
Area 2	11.25	
Area 3	14.86	
PAINTERS:		
Area 1:		
Brush	8.90	.30
Structural Steel	9.65	.30
Spray	9.90	.30
Area 2:		
Brush & Roller	14.30	1.40
Spray & Sandblasting	15.30	1.40
Area 3:		
Brush, Steel & Roller	10.80	.80
Spray	11.80	.80
Area 4:		
Brush	15.00	
Spray	16.00	
Area 5:		
Brush	12.55	1.75
Spray & Sandblasting	13.55	1.75
Area 6:		
Brush	9.83	.58
Spray	10.28	.58
PLASTERERS:		
Area 1	14.38	
Area 2	15.20	.77
Area 3	13.40	.86
Area 4	13.23	1.76
Area 5	13.65	1.33
Area 6	13.95	
PLUMBERS & STEAMFITTERS:		
Area 1	17.31	1.85
Area 2:		
Plumbers	16.32	3.42
Steamfitters	17.51	3.86
Area 3	17.95	2.30
Area 4	19.92	2.20
ROOFERS:		
Area 1	17.52	1.53
Area 2:		
Composition	15.32	2.00
Slate & Tile	15.57	2.00
Area 3	13.10	1.35
Area 4:		
Composition	15.08	2.40
Slate, Tile Gypsum, Plank & Concrete Slab	15.83	2.40
Area 5:		
Roofers	12.00	1.75
Slate, Tile & Precast Slab	12.45	1.75
SHEET METAL WORKERS:		
Area 1	16.94	2.12
Area 2	16.22	2.94 +3%
Area 3	16.68	3.488
Area 4	17.61	2.62
SPRINKLER FITTERS	16.67	2.83
LABORERS:		
Area 1:		
Group 1	11.23	1.94
Group 2	11.43	1.94
Group 3	11.53	1.94
Group 4	12.23	1.94
Area 2:		
Group 1	11.58	1.94
Group 2	11.78	1.94
Group 3	11.88	1.94
Group 4	12.58	1.94
POWER EQUIPMENT OPERATORS:		
Area 1:		
Group 1	16.75	2.20
Group 2	15.80	2.20
Group 3	12.80	2.20
Group 4	11.30	2.20
Area 2:		
Group 1	15.73	2.15
Group 2	14.44	2.15
Group 3	13.60	2.15

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TRUCK DRIVERS:
Area 1:
Single Axle Trucks
Tandem Axle Trucks
Area 2:
Single Axle Trucks
Tandem Axle Trucks
Area 3:
Single Axle Trucks
Tandem Axle Trucks
Area 4:
Single Axle Trucks
Tandem Axle Trucks
Area 5:
Single Axle Trucks
Tandem Axle Trucks
Area 6:
Single Axle Trucks
Tandem Axle Trucks

	Basic Hourly Rates	Fringe Benefits
	13.70	2.56
	13.80	2.56
	15.80	2.20
	15.90	2.20
	14.80	1.77
	14.90	1.77
	13.65	1.33
	13.75	1.33
	13.95	
	14.05	
	9.83	.58
	9.93	.58

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AREA DESCRIPTIONS (CONT'D)

Area 4: Adams, Allen, Bartholomew, Benton, Blackford, Boone, Brown, Carroll, Cass, Clark, Clay, Clinton, Crawford, Daviess, Dearborn, Decatur, Delaware, Dubois, Elkhart, Fayette, Floyd, Fountain, Franklin, Fulton, Gibson, Grant, Greene, Hamilton, Hancock, Harrison, Henry, Howard, Huntington, Jackson, Jasper, Jay, Jefferson, Jennings, Johnson, Knox, Kosciusko, Lagrange, Lake, La Porte, Lawrence, Madison, Marion, Marshall, Martin, Miami, Monroe, Montgomery, Morgan, Newton, Noble, Ohio, Orange, Owen, Parke, Perry, Pike, Porter, Posey, Pulaski, Putnam, Randolph, Ripley, Rush, Scott, Shelby, Spencer, Starke, St. Joseph, Steuben, Sullivan, Switzerland, Tippecanoe, Tipton, Union, Vanderburgh, Vermillion, Vigo, Wabash, Warren, Warrick, Washington, Wayne, Wells, White, Whitley Counties

Area 5: Counties of Lake, Porter, La Porte

Area 6: Counties of Dearborn, Ohio, Switzerland

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PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. Seven paid holidays: A Thru F and day after Thanksgiving
b. Employer conbtributes 8% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 yrs.; Employer contributes 6% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years

AREA DESCRIPTIONS

ASBESTOS WORKERS:

Area 1 - Brown County
Area 2 - Randolph & Wayne Counties
Area 3 - Dearborn, Fayette, Franklin, Ohio, Ripley, Switzerland, and Union Counties
Area 4 - Remainder of Counties

BOILERMAKERS

Area 1 - Clark, Dearborn, Floyd, Harrison, Jefferson, Scott, Switzerland, & Washington Counties
Area 2 - Remainder of Counties

BRICKLAYERS; Caulkers, Pointers, Cleaners & Stonemasons

Area 1 - Fayette, Franklin, Henry, Randolph, Rush, Union & Wayne Cos.
Area 2 - Crawford County
Area 3 - Clark, Floyd, and Harrison Counties
Area 4 - Remainder of Counties

CARPENTERS

Area 1 - Crawford County
Area 2 - Lawrence & Orange Counites
Area 3 - Clark, Floyd, Harrison & Washington Counties
Area 4 - Fayette, Henry, Randolph, Rush (Carthage & N. thereof), Union & Wayne Counties
Area 5 - Remainder of Counties

CEMENT MASONS

Area 1 - Crawford County
Area 2 - Clark, Floyd & Harrison Counties
Area 3 - Randolph County
Area 4 - Decatur, Fayette, Franklin (N½ Brookville & N. thereof) Rush, Union & Wayne Counties
Area 5 - Remainder of Counties

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AREA DESCRIPTIONS (CONT'D)

ELECTRICIANS

Area 1 - Brown County
Area 2 - Crawford, Lawrence & Orange Counties
Area 3 - Dearborn, Ohio & Switzerland Counties
Area 4 - Decatur, Jennings, Ripley & Rush Counties
Area 5 - Fayette, Franklin, Henry, Randolph, Union & Wayne Counties
Area 6 - Clark, Floyd, Harrison, Jackson, Jefferson, Scott & Washington Counties

ELEVATOR CONSTRUCTORS

Area 1 - Brown, Decatur, Henry & Rush Counties
Area 2 - Dearborn, Fayette, Franklin, Randolph, Ripley, Ohio, Switzerland, Union & Wayne Counties
Area 3 - Remainder of Counties

GLAZIERS

Area 1 - Brown, Decatur, Fayette, Franklin, Henry, Jackson, Jennings, Randolph, Rush, Union & Wayne Counties
Area 2 - Dearborn, Ripley, Ohio & Switzerland Counties

IRONWORKERS

Area 1 - Brown, Decatur (W½), Fayette (W½), Franklin (NW TIP), Henry, Jackson (N Part including Freetown), Jennings (NW Corner), Lawrence (N. Part excluding Oolitic) Randolph (S.W. Tip) & Rush Counties
Area 2 - Clark, Crawford, Floyd, Harrison, Jackson (Remainder of Co.), Jefferson (W 2/3), Jennings (S 2/3) Lawrence (S 2/3), Orange, Scott, Switzerland (SW Tip), & Washington Counties
Area 3 - Dearborn, Decatur (remainder of Co.), Fayette (SE 2/3), Franklin (remainder of Co.), Jefferson (NE 1/3), Ohio, Ripley, Switzerland (remainder of Co.) & Union (S 1/3)
Area 4 - Fayette (Remainder of Co.), Randolph (S. Part of Co. excluding Winchester but including Union City), Union (N 2/3 & Wayne)
Area 5 - Remainder of Randolph County

MARBLE SETTERS, TILE SETTERA & TERRAZZO WORKERS

Area 1 - Fayette, Franklin, Henry, Randolph, Rush, Union & Wayne Counties
Area 2 - Crawford County
Area 3 - Brown, Dearborn, Decatur, Jackson, Jefferson, Jennings, Lawrence, Ohio, Orange, Ripley, Scott, Switzerland, & Washington Counties

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AREA DESCRIPTIONS (CONT'D)

MARBLE, TILE & TERRAZZO FINISHERS

Area 1 - Dearborn County
Area 2 - Clark, Floyd & Harrison Counties
Area 3 - Remainder of Counties

PAINTERS

Area 1 - Brown County
Area 2 - Lawrence & Orange Counties
Area 3 - Decatur, Jackson & Jennings Counties
Area 4 - Dearborn, Ripley, Ohio & Switzerland Counties
Area 5 - Fayette, Franklin, Henry, Randolph, Rush, Union & Wayne Counties
Area 6 - Clark, Crawford, Floyd, Harrison, Jefferson, Scott & Washington Counties

PLASTERERS

Area 1 - Crawford County
Area 2 - Clark, Floyd & Harrison Counties
Area 3 - Randolph County
Area 4 - Henry County
Area 5 - Decatur, Fayette, Franklin (N ½ including Brookville), Rush, Union & Wayne Counties
Area 6 - Remainder of Counties

PLUMBERS AND STEAMFITTERS

Area 1 - Decatur & Jennings Counties
Area 2 - Dearborn, Ohio & Ripley Counties
Area 3 - Fayette, Franklin, Henry, Randolph, Rush, Union & Wayne Cos.
Area 4 - Remainder of Counties

ROOFERS

Area 1 - Dearborn, Ohio & Ripley Counties
Area 2 - Brown, Decatur, Franklin, Jackson, Jennings, Lawrence, Rush & Union Counties
Area 3 - Fayette, Henry, Randolph & Wayne Counties
Area 4 - Crawford & Orange Counties
Area 5 - Remainder of Counties

SHEET METAL WORKERS

Area 1 - Dearborne & Ohio Counties
Area 2 - Randolph & Wayne Counties
Area 3 - Clark, Crawford, Floyd, Harrison, Jefferson, Scott & Switzerland Counties
Area 4 - Remainder of Counties

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AREA DESCRIPTION (CONT'D)

LABORERS

Area 1 - Fayette, Henry, Randolph, Rush, Union & Wayne Counties
Area 2 - Remainder of Counties

POWER EQUIPMENT OPERATORS

Area 1 - Fayette, Henry, Randolph, Rush, Union & Wayne Counties
Area 2 - Remainder of Counties

CLASSIFICATION DEFINITIONS

LABORERS

Group I - Building and Construction Laborers; Scaffold Builders (other than for Masons or Plasterers); Ironworker Tenders; Mechanic Tenders; Window Washers and Cleaners; Water Boys and Tool Housemen; Roofers Tenders; Railroad Workers; Masonry Wall Washers; Cement Finishers Tenders; Carpenter Tenders; Mason Tenders in Area I and IA; Portable Water Pumps with Discharge up to 3 inches

Group II - Waterproofing; Handling of creosote lumber or like treated material (ex railroad material); Asphalt Rakers & Lutemen; Kettlemen; Air Tool Operator; Pneumatic Tool Operator; Air & Electric Vibrators and Chipping Hammer Operator; Earth Compactors; Jackmen and Sheetmen in Ditches more than 6 feet deep; Laborers in Ditches 6' deep or deeper; Assembly at unicrete pump; Tile Layers (sewer or field); Sewer Pipe Layers; Motor Driven Wheelbarrows and Concrete Buggies; Hyster Op.; Pump Crete Assemblers; Core Drill Operator; Cement, Lime or Silica Clay Handlers; Handling of Toxic Materials Damaging to Clothing; Pneumatic Spikers; Deck Engine & Winch Operator; Water Maine & Cable Ducking; Screed Man or Screw Operator on Asphalt Paver; Chain Saw & Demolition Saw Operator; Concrete Conveyor Assembler

Group III - Plaster Tenders; Mason Tenders (ex in areas I and IA); Motor Mixers; Welders; Cutting Torch or Burner; Cement Nozzle Laborers, Cement Gun Operators; Scaffold Builders for Plasterers; Scaffold Builders for Mason (ex Area I and IA); Water Blast Mach. Operator.

Group IV - Dynamite Men; Drillers-Air Track or Wagon Drilling for Explosives

POWER EQUIPMENT OPERATORS

AREA 1

Group 1 - Air Compressor (pressurizing shafts, tunnels & divers); Air Tugger; Auto Patrol; Back Filler; Back Hoe; Boom Cat; Boring Machine; Bull Dozer; Caisson Drilling Machine; Cherry Picker; Compactor (with dozer blade); Concrete Mixer (dual drum); Concrete Plant; Concrete Pump; Crane with all attachments; Crane - Electric

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CLASSIFICATION DEFINITIONS (CONT'D)

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CLASSIFICATION DEFINITIONS (CONT'D)

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CLASSIFICATION DEFINITIONS (CONT'D)

POWER EQUIPMENT OPERATORS (CONT'D)

Overhead; Derrick; Ditching Machine (18" and over) Dredge; Elevators (when hoisting material or tools); Fork Lift (Machinery); Formless Paver; Generator (power for welders or compressors); Gradall; Helicopter; Helicpter Winch Operator; High Lift - Front End Loader; Hoist - Material and/or personnel over 3 floors; Locomtive; Mechanic on Job Site; Mucking Machine; Panel Board Concrete Plant; Pile Driver; Push Cat; Scoop & Tractor; Scraper - Rubber Tired; Spreader - Tractor Mounted; Straddle Carrier - Ross Type; Sub Base Finish Machine (C.M.I. or similar); Tower Crane; Tractor with Backhoe (over ¼ yd.); Welder (Craft)

Group 2 - A-Frame Truck; Batcher Plant (automatic dry batch); Bending Machine - Power Driven; Bituminous Mixer; Bituminous Paver; Bituminous Plant Engineer; Boatman; Bull Float; Compactor or Tamper - Self Propelled; Concrete Mixer (21 cu. ft. or over); Concrete Spreader - Power Driven; Dinkey Engine; Ditching Machine (less than 18"); Drilling Machine; Finish Machine & Bull Float; Finishing Machine; Fireman - Pile Driving and Boilers; Fork Lift - Masonry & Material; Gunite Machine; Head Greaser; Hoist-Material and/or personnel 3 floors and under; Mechanic in Shop; Mesh Depresser - Mesh Placer; P.C.C. Concrete Belt Placer; Roller - Asphalt, Stone & Sub Base; Sheepsfoot Roller - Self Propelled; Shop Mule; Spreader or Base Paver - Self Propelled; Sub Grader; Throttle Valve with Air Compressor or Boiler; Tractor with Backhoe (¼ yd. & under); Tractor - High Lift - Farm Type; Tractor-Industrial Type; Tractor with Winch; Well Points; Winch Truck

Group 3 - Air Compressor (210 cu. ft. & over); Bituminous Distributor; Chair Cart; Concrete Curing Machine; Concrete Saw; Dope Pot - Power Agitated; Flex Plane; Form Grader; Hydrohammer; Jacks-Hydraulic Power Driven; Minor Equipment Opr. 3,4, or 5; Paving Joint Machine; Post Hole Digger; Roller - Earth; Throttle Valve; Track Jack - Power Driven; Tractor - Farm Type; Truck Crane Driver

Group 4 - Air Compressor (less than 210 cu. ft.); Concrete Mixer (under 21 cu. ft.); Conveyor; Generator; Mechanical Heater; Oiler; Operator - 2 peices of minor equipment; Power Broom; Pump; Welding Machine

DECISION NO. IN83-2033

CLASSIFICATION DEFINITIONS (CONT'D)

POWER EQUIPMENT OPERATORS AREA I

GROUP 1 - A-Frame Winch Truck, Air Compressors over 600 cu. ft., Air Tugger, Autograde (CMI), Auto Patrol, Backhoe, Ballast Regulator (RR), Batcher Plant (electricial control concrete), Bending Machine (pipe), Bituminous Plant (engineer), Bituminous Plant, Bituminous Mixer Travel Plant, Bituminous Paver, Bituminous Roller, Buck Hoist, Bull Dozer, Cable Way, Chicago Boom, Clamshell, Concrete Mixer (21 cu. ft. or over), Concrete Paver, Concrete Pump (crete), Crane, Craneman, Crusher Plant, Derrick, Derrick Boat, Dinkey, Dope Pots (pipeline), Dragline, Dredge Operator, Dredge Engineer, Drill Operator, Elevating Grader, Elevator, Ford Hoe (or similar type equipment), Forklift, Formless Paver, Gantry Crane, Gradall, Grademan, Grout Pump, Helicopter Crew, Hetherington Paver, High-Lift, Hoist, Hopto, Hough Loader (or similar type), Hydro Crane, Hydro Hammer, Locomotive Crane, Locomotive, Mechanic, Mobile Mixer, Motor Crane, Mucking Machine, Multiple Tamping Machine (RR), Overhead Crane, Pile Driver, Pulls, Push Dozer, Push Boats, Roller (sheep foot), Ross Carrier, Scoop, Shovel, Side Boom, Swing Crane, Tail Boom, Tar Machine (pipeline), Throttle Valve, Tower Crane, Trench Machine, Welder (heavy duty), Truck Mounted Concrete Pump, Truck-Mounted Drill, Well Point, Whirleys

Group 2 - Air Compressor (up to 600 cu. ft.), Brakeman, Bull Float, Concrete Mixer (over 10S and under 21S), Concrete Spreader or Puddler, Deck Engine, Drill Helper, Electic Vibrator Kompactor (earth or rock), Finishing Machine, Fireman, Greaser (on grease facilities servicing heavy equipment), Material Pump, Motor Boats, Motor Crane Oiler, Portable Loader, Post Hole Digger, Power Broom, Rock Roller, Roller-Wobble Wheel (earth and rock), Spike Machine (RR) Seaman Tiller, Spreader Rock, Sub Grader, Tamping Machine, Truck Mounted Drill Oiler, Welding Machine, Widener (Apsco or similar type)

Group 3 - Air Compressor (under 200 cu. ft. per min), Bituminous Distributor, Cement Gun, Concrete Saw, Conveyor, Deck Hand Oiler, Earth Roller, Form Grader, Generator, Guardrail Driver, Heater, Oiler, Paving Joint Machine, Power Traffic Signals, Steam Jenny, Vibrator, Water Pump, "JLG" Lifts and "Scissor" Lift or similar machine

SUPERSEDEAS DECISION

STATE: IOWA

COUNTIES: Statewide (except Cerro Gordo, Scott & Webster Cos.)

DECISION NO: IA83-4033

DATE: Date of Publication

Supersedes Decision No. IA82-4032, dated June 18, 1982, in 47 FR 26536.

DESCRIPTION OF WORK: Highway Projects (does not include building structures in rest area projects & work on or pertaining to the Mississippi & Missouri River)

	Basic Hourly Rates	Fringe Benefits
CARPENTERS & PILEDRIVERMEN:		
ZONE 1 - Carpenters	$14.33	2.10
Carpenters(creosote)	14.58	2.10
Piledrivermen	14.455	2.10
ZONES 2 & 3	11.22	1.38
ZONES 4 & 5	11.12	1.00
ZONE 6	8.78	.90
ZONE 7	8.53	
ZONES 8 & 9	7.92	
ZONE 10	7.66	
CEMENT MASONS:		
ZONE 1	12.17	2.45
ZONES 2 & 3	11.22	1.38
ZONES 4 & 5	11.12	1.00
ZONE 6	8.78	.90
ZONE 7	8,53	
ZONE 8	7.92	
ZONE 9	7.78	
ZONE 10	7.66	
LABORERS:		
ZONE 1 - GROUP 1	10.19	1.90
GROUP 2	10.31	1.90
GROUP 3	10.54	1.90
GROUP 4	10.48	1.90
GROUP 5	10.92	1.90
ZONES 2 & 3 - GROUP 1	9.91	1.30
GROUP 2	9.61	1.30
GROUP 3	9.41	1.30
ZONES 4 & 5 - GROUP 1	9.76	1.20
GROUP 2	9.46	1.20
GROUP 3	9.26	1.20
ZONE 6 - GROUP 1	7.00	.95
GROUP 2	6.70	.95
GROUP 3	6.50	.95
ZONE 7 - GROUP 1	7.00	.82
GROUP 2	6.35	.82
GROUP 3	5.90	.82
ZONES 8,9 & 10 -GROUP 1	6.05	.95
GROUP 2	5.75	.95
GROUP 3	5.55	.95
POWER EQUIPMENT OPERATOR:		
ZONES 1 & 2 - GROUP 1	$12.25	2.10
GROUP 2	11.55	2.10
GROUP 3	10.76	2.10
ZONES 3 & 5 - GROUP 1	11.40	2.13
GROUP 2	9.79	2.13
GROUP 3	8.94	2.13
ZONE 4 - GROUP 1	11.91	2.00
GROUP 2	11.26	2.00
GROUP 3	10.56	2.00
ZONE 6 - GROUP 1	9.64	1.10
GROUP 2	9.64	1.10
GROUP 3	9.25	1.10
GROUP 4	8.84	1.10
ZONE 7 - GROUP 1	9.03	.70
GROUP 2	8.54	.70
GROUP 3	8.11	.70
GROUP 4	7.31	.70
ZONE 8 - GROUP 1	8.35	.70
GROUP 2	7.93	.70
GROUP 3	7.31	.70
GROUP 4	6.57	.70
ZONE 9 - GROUP 1	7.95	.70
GROUP 2	7.52	.70
GROUP 3	6.90	.70
GROUP 4	6.16	.70
ZONE 10 - GROUP 1	7.69	.70
GROUP 2	7.25	.70
GROUP 3	6.64	.70
GROUP 4	5.90	.70
TRUCK DRIVERS:		
ZONE 1:		
Single axle,jack & spreader tandem exle euclid,power lift form truck & jack,jack & spre spreader trucks lowboys,tractor-trailer water pulls,tandem dump w/auxiliary end, dump trailer	10.27	1.75
Water pulls	10.62	1.75
Lumber carrier	10.82	1.75
ZONES 2 & 3	10.48	.85
ZONES 4 & 5	10.18	.75
ZONE 6	8.35	.65
ZONE 7	7.02	.35
ZONE 8	6.15	.35
ZONE 9	6.27	.30
ZONE 10	6.00	.30

DECISION NO. IA83-4033 ZONE DEFINITIONS PAGE 2

ZONE 1 - City of Council Bluffs
ZONE 2 - Linn & Polk Cos.; City of Dubuque
ZONE 3 - City of Clinton
ZONE 4 - Black Hawk Co. & Cities of Ames & Iowa City
ZONE 5 - City of Burlington (including Burlington Ordnance Plant)
ZONE 6 - Pottawattamie Co. (area west of the eastern boundaries of Minden, York, Washington & Silver Creek Townships); Benton, Boone, Buchanan, Cedar, Clinton, Dallas, Delaware, Dubuque, Jackson, Jasper, Johnson, Jones, Madison, Marion, Marshall, Story, Warren Cos.; the Cities of Fort Madison, Keokuk, Muscatine & their abutting Municipalities (excluding the Cities of Ames, Clinton, Council Bluffs, Dubuque & Iowa City & their abutting municipalities
ZONE 7 - Des Moines, Louisa & Muscatine Cos. (excluding Cities of Burlington (including Burlington Ordnance Plant), Muscatine & abutting municipalities)
ZONE 8 - Allamakee, Appanoose, Bremer, Butler, Chickasaw, Clayton, Davis, Fayette, Floyd, Franklin, Grundy, Hamilton, Hancock, Hardin, Henry, Howard, Iowa, Jefferson, Keokuk, Lee, Mahaska, Mitchell, Monroe, Powweshiek, Tama, Van Buren, Wapello, Washington, Winnebago, Winneshiek, Worth & Wright Cos. (excluding Cities of Keokuk, Fort Madison & abutting municipalities)
ZONE 9 - Adair, Adams, Audubon, Calhoun, Carroll, Cass, Clarke, Crawford, Decatur, Fremont, Greene, Guthrie, Harrison, Ida, Lucas, Mills, Monona, Montgomery, Page, Ringgold, Sac, Shelby, Taylor, Union, Wayne & Woodbury Cos. & Pottawattamie Co. (east of Minden, York, Washington & Silver Creek Townships)
ZONE 10 - Buena Vista, Cherokee, Clay, Dickinson, Emmet, Humboldt, Kossuth, Lyon, O'Brien, Osceola, Palo Alto, Plymouth, Pocahontas & Sioux Cos.

LABORERS CLASSIFICATION DEFINITIONS - ZONE 1
GROUP 1 - General Laborers
GROUP 2 - Towboats & dredge deckhands
GROUP 3 - Rakers & Screedman on Asphalt; Mortar Mixers; Chain Saw Operators
GROUP 4 - Pipelayers; Concrete Saw Op.
GROUP 5 - Form Setters & Precast Manhole Setter, Inlet Builders & Manhole Setters

LABORERS CLASSIFICATION DEFINITIONS - ZONES 2 thru 10
GROUP 1 - Sandblasters;Powderman & blaster;Powderman tender;Pipelayer,sewer, water,telephone conduits,tec.;Sewer utility topman & laser Op.;Gunnite nozzleman;Diamond & core drills,powered by air;All work performed by Laborers working from a bos'n chair,swinging stage,tag line or block & tackle;Drill ops. of air tracs,wagon drills & similar drillings;Tree Climber;Form setters;Rakers;Automatic asphalt & concrete power curbing machines;Potmen,not mechanical;Timbermen;Underpinning & shoring;Caissons over 12' depth;Grade Checker & cutting torches on demolition work;Trenchers; Self-propelled vibrating compactors;Safety boat ops.
GROUP 2 - Power buggymen;Concrete & paving sawmen;Form line;Expansion joint assembler;Bottom man;Caulker,jointer & painter;Timber & chair-sawman; Mechanical grouters;Stresser or stretcherman on post tension or prestressed concrete on or off the job;Form tamper;Air,Gas,Electric tool ops.;Vibrator, barco hammer, paving breakers, spaders, tampers, electric drills, hammer & jack hammers; Tree groundman;chain tender;Drill tender;Tool room men & checkers;Sandblaster tender;Concrete processing material & monitors;Cement finisher tenders;Stringman or paving work & power broom op.
GROUP 3 - Fence erectors;Handling & placing of metal mesh,dowel bars, reinforcing bars & chairs Dumpmen & spotters;Carrying reinforcing rods;Corrugated culvert pipe;Stake chaser,seeding & mulching & planting of trees shrubs & flowers;Mechanic tenders;Group greaser tender;Water pumps (under 3"); Compressors (under 400 CFM); Common Labor;Carpenter tender & hot asphalt labor

DECISION NO. IA83-4033 PAGE 3

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS - ZONES 1,2,3,4, & 5
GROUP 1 - Power Shovel, Crane,Backhoe & Dragline;Central Mix Plant;Dredge Engineer;Dredge Leverman;Paver or Spreader;Hoisting Engineer(steel erection); Motor Patrol;Piledriver Machine;Concrete Mixer;Tow or Push Boat;Master Mech

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS - ZONES 1,2,3,4, & 5

GROUP 1 - Power Shovel, Crane,Backhoe & Dragline;Central Mix Plant;Dredge Engineer;Dredge Leverman;Paver or Spreader;Hoisting Engineer(steel erection); Motor Patrol;Piledriver Machine;Concrete Mixer;Tow or Push Boat;Master Mechanic; CMI Paver: CMI Subgrader(or equivalent);Asphalt Plant;Front Endloader, Scraper;Bulldozer;Push Cat;Tractor Pulling Scraper;Sideboom Tractor; Churn or Rotary Drill;Trenching Machine(Cleveland 80 or similar capacity);Asphalt Laydown; Asphalt Screed;Asphalt Heater-Planer Unit;Asphalt Roller;Self-propelled Elevating Grader or similar machine;Spreader(Concrete);Horizontal Boring Machine;Mechanics-Welders;Group Equip. Greaser;Concrete Pump;Self-propelled Curb Machine

GROUP 2 - Concrete Curb Breaking Machine;Concrete Widening Machine;Paving Breaker;Barber Greene,Haiss Loader or similar machine;Tractor-pulling ripper, disc,sheepsfoot or flat roller;Self-propelled Sheepsfoot Roller;Self-propelled Roller(other than asphalt);Distributor;Screening & Washing Plant;Self-propelled Vibrating Compactor;Trenching Machine(other than above);Steel Placing Machine;Conveyor;Finishing Machine(on concrete);Flexplane; Bullfloat;Form Grader;Water Wagon on Compaction

GROUP 3 - Boiler;Mechanical Broom;Oiler;Farm-type Tractor(pulling disc,harrow or roller);Welding Machine;Pump(other than dredge);Boom & Winch Truck;Compressor;Tank Car Heater(combination boiler & booster);Pumps on Well Points & Deep Wells for dewatering;Truck Crane Combination Driver-Oiler;Concrete Curbing Machine;Safety Boat;Batch Plant,dry;Light Plants;Compressors; Mechanical Hunters;Pumps;Welding Machines;Conveyors

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS - ZONES 6,7,8,9, & 10

GROUP 1 - Power Shovel;Crane;Backhoe(3/4 cu. yd. or larger);Dragline;Dredge Engineer & Leverman;Hoisting Engineer(steel erection);Motor Patrol(finish); Piledriver;Master Mechanic;Sideboom Tractor;Horizontal Boring Machine

GROUP 2 - Central Mix Plant;Paver or Self-propelled Spreader;Tow or Push Boat; CMI Paver,Subgrader or equivalent;Asphalt Plant;Scraper(over 12 cu. yd.); Bulldozer(finish);Push Cat;Mechanics-Welders;Churn or Rotary Drill;Trenching Machine(Cleveland 80 or similar capacity);Asphalt Laydown;Asphalt Screed; Asphalt Heater-Planer;Concrete Pump;Self-propelled Curb Machine

GROUP 3 - Motor Patrol(rough);Front End Loader (3 cu. yd. or over);Scraper (12 cu. yd. & under);Bulldozer(rough);Backhoe(under 3/4 cu. yd.);Asphalt Roller;Group Equip, Greaser;Concrete Curb Breaking Machine;Concrete Widening Machine;Paving Breaker;Barber Greene,Haiss Loader or similar machine; Crawler Tractor(pulling disc, sheepsfoot, ripper or flat roller);Self-propelled Sheepsfoot Roller;Self-propelled Roller;Distributor; Screening & Washing Plant;Self-propelled Vibrating Compactor;Trenching Machine(other than above);Steel Placing Machine;Conveyor;Finishing Machine(on concrete); Flex Plane;Bullfloat;Form Grader

GROUP 4 - Boiler;Mechanical;Boom;Oiler;Farm-type Tractor(pulling disc,harrow or roller);Welding Machine;Pump(other than dredge);Boom & Winch Trucks; Compressor;Tank Car Heater(combination boiler & booster);Pumps on Well Points & Deep Wells for dewatering;Truck Crane Combination Driver-Oiler; Concrete Curbing Machine;Safety Boat;Batch Plant,dry;Spreader attachments; Utility Tractor with attachments

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

[FR Doc. 83-11287 Filed 4-28-83; 8:45 am]

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Friday
April 29, 1983

Part V

Department of Justice

Bureau of Prisons

Control, Custody, Care, Treatment and Instruction of Inmates

DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Part 553

Control, Custody, Care, Treatment and Instruction of Inmates; Final Rule

AGENCY: Bureau of Prisons, Justice.

ACTION: Final rule.

SUMMARY: The Bureau of Prisons is publishing its final rule on Inmate Personal Property. The rule discusses limitations on inmate personal property, as well as the identification of, and procedures for handling contraband. The rule is intended to contribute to the management of inmate personal property in the institution, and to contribute to a safe environment for staff and inmates by reducing fire hazards, security risks, and sanitation problems which relate to inmate personal property.

EFFECTIVE DATE: June 1, 1983.

ADDRESS: Office of General Counsel, Bureau of Prisons, Room 760, 320 1st Street, NW., Washington, D.C. 20534.

FOR FURTHER INFORMATION CONTACT: Mike Pearlman, Office of General Counsel, Bureau of Prisons, phone 202/724/3062.

SUPPLEMENTARY INFORMATION: In this document, the Bureau of Prisons is publishing its final rule on Inmate Personal Property. A proposed rule on this subject was published in the **Federal Register** August 31, 1981 (at 46 FR 43812–13). Interested persons were invited to submit comments on the proposed rule. No public comment was received. On the basis of internal staff review, some changes have been made. These changes are intended to clarify Bureau policy on inmate personal property. Members of the public may submit comments concerning the final rule by writing the previously cited address. These comments will be considered but will receive no response in the **Federal Register**.

The Bureau of Prisons has determined that this rule is not a major rule for the purpose of EO 12291. The Bureau of Prisons has determinded that EO 12291 does not apply to this rule since the rule involves agency management. After review of the law and the regulations, the Director, Bureau of Prisons, has certified that this rule, for the purpose of the Regulatory Flexibility Act (Pub. L. 96–354) does not have a significant impact on a substantial number of small entities.

Summary of Changes

1. *Section 553.11.*—Section 553.11(a) is reworded to clearly state that the inmate shall have the opportunity to purchase an approved locking device for personal property storage in regular living units. The extraneous word "place" is deleted from § 553.11(a)(1). For clarity, the word "authorized" is added to this section. In § 553.11(b), the clarifying phrase "(at institutions where authorized)" is added. In § 553.11(c), the word "purchase" is substituted for "purpose". In § 553.11(d), the phrase "on-going litigation" is substituted for "legal activities" to recognize when staff may authorize an inmate additional storage space, on a temporary, short-term basis, for legal materials. Section 553.11(e) is expanded to recognize that, while an inmate may be allowed to temporarily retain an oversized (unable to be stored) hobbycraft project within the cell or living area, such retention is done at the inmate's own risk. The extraneous phrase "or contain" is deleted from § 553.11(e). Section 553.11(f) is reworded to state that commissary items must be neatly stored in the designated area. Deleted is the proposed rule language that the inmate's accumulation of commissary items may not exceed the inmate's monthly spending limitation. The Bureau's concern is not whether the inmate's commissary accumulation exceeds the monthly spending limitation, but whether such accumulation is excessive and thereby poses a health, fire, or housekeeping hazard.

Section 553.11(g), which authorizes the inmate to possess one approved radio and one approved watch at a time, deletes the extraneous phrase "or own". Another sentence in paragraph (g) requires that the inmate be able to prove ownership. Added to § 553.11(g) is a statement that the inmate will ordinarily be permitted use of a radio or watch purchased through a Bureau of Prisons commissary at any other Bureau institution to which the inmate may later be transferred. If this use is not allowed, the receiving institution, at its expense, will mail the item to a destination of the inmate's choice. If the inmate refuses to provide a mailing address, the radio or watch may be disposed of through approved methods. Section 553.11(i) is new, and places into writing the Bureau's policy on personal photographs. The rule allows an inmate to possess personal photographs so long as they are not detrimental to personal safety or security, or to the good order of the institution. Personal photographs reflect meaningful ties to the community and are ordinarily approved. This approval does not extend to nude or sexually suggestive photographs, particularly of a family member, relative, or acquaintance of the inmate when the Warden determines that such pictorial material may be detrimental to an individual's personal safety or security, or to institution good order.

2. *Section 553.12.*—Section 553.12(a) is expanded to include as contraband an item possessed by an inmate "unless the inmate was authorized to retain the item upon admission to the institution". This concept was expressed in proposed § 553.10. Other revisions to paragraph (a) clarify the intent of the proposed rule by stating that an item is ordinarily not considered contraband if issued by "authorized" staff or purchased "by the inmate" from the institution's commissary. In § 553.12(b)(1) the broader term "weapons" is substituted for "guns". Based on the description of contraband given in § 553.12(a), § 553.12(b)(2) now includes any item, other than hard contraband, which has never been authorized for possession by an inmate. This subsection also contains additional examples of nuisance contraband. These include excessive accumulation of commissary, government-issued items which have been altered, or other items made from government property without staff authorization. Altered personal property may be considered nuisance contraband when determined to adversely affect institution security, safety, or good order.

3. *Section 553.13.*—Section 553.13(b)(2)(i) now requires that a copy of the inventory be placed in the inmate central file. Section 553.13(b)(2)(ii) is expanded to recognize that claims of ownership are ordinarily not permitted for items made from the unauthorized use of government property or for items obtained from another inmate without staff authorization. This revision is consistent with the Bureau's description of contraband. In § 553.13(b)(2)(iii), and throughout the final rule the reference to mailing items to the home address of the inmate or to the address the inmate provides for return of all property is replaced by the phrase "to a destination of the inmate's choice". This change reduces the likelihood that an inmate's property will be sent to a non-current address. Section 553.13(b)(2)(iv) is reworded but its intent is not changed. Section 553.13(b)(2)(v) now requires "written" documentation describing disposition of the items destroyed, and the reasons for such action. The phrase "(including appeals)" is added to § 553.13(b)(2)(vi) as an inmate has the

opportunity to appeal the decision on disposition of property.

Section 553.13(c) is clarified. The final rule deletes, from the second sentence, the extraneous phrase "investigation and prosecution". For clarity, the word "criminal" is inserted, in the third sentence, to define the type of prosecution. Paragragh (c) also establishes a two year time period for retaining written documentation of the destruction of hard contraband.

Section 553.13(d) is revised. The final rule substitutes the broad term "cash" for "money, currency". The final rule deletes reference to the inmate's proving ownership of funds. If the inmate is found in possession of funds above the amount authorized by the institution, disciplinary action will be taken (see 28 CFR Part 541). Funds determined to be contraband by the disciplinary committee will be confiscated for crediting to the U.S. Treasury. Section 553.13(d)(1) is expanded to allow for the appeal process to occur before any final disposition of funds is made. Section 553.13(d)(2) substitutes the phrase "a reasonable amount of time to prove ownership" for "the opportunity to establish ownership".

4. *Section 553.14.*—The final rule inserts the phrase "(other than the sending institution)" as a limiting factor on where the inmate may elect to mail excess personal property. Because of the limited storage space available in may Bureau institutions, the final rule states that where the inmate fails to provide a mailing address for the forwarding of excess personal property, that property may be disposed of through approved methods.

5. *Section 553.15.*—Section 553.15 now states that the Warden of a medical facility "shall", as opposed to the proposed rule's "may", establish a limit on the amount of personal property sent with an inmate transferring to that facility. Section 553.15(c) is expanded. The final rule allows the property either to be retained at the sending institution or to be mailed to a destination of the inmate's choice. Section 553.15(c)(1) and (c)(2) are new. Paragraph (c)(1) states that if the inmate is expected to return to the sending institution within 120 days of transfer property not allowed in the medical facility will be retained at the sending instituition or, if the inmate requests, mailed, at the inmate's expense, to a destination of the inmate's choice (other than the medical facility). If insufficent storage space does not allow the sending institution to retain the property, that institution is to pay the postage costs necessary for mailing the property to a destination of the inmate's choice. If the inmate refuses to provide a mailing address for return of the property, the property will be disposed of through approved methods, including destruction of the property. Paragraph (c)(2) provides for forwarding the inmate's property to the medical facility when the inmate is not expected to return to the sending facility, when he will be at the medical facility for over 120 days, or for any other justified reason. Documentation of the reasons for forwarding the property is to be placed in the inmate central file. The procedures in this section allow for the more effective handling of inmate property and reduce the probability of porperty being damaged or lost. In § 553.15(d), the word "medical" is substituted for "treating". The final rule states that where the inmate is financially able but refuses to pay for the mailing, or if the inmate refuses to provide a mailing address for forwarding the excess personal property, that property is to be disposed of through approved methods, including destruction of the property.

List of Subjects in 28 CFR Part 553

Prisoners.

Conclusion

Accordingly, pursuant to the rulemaking authority vested in the Attorney General in 5 U.S.C. 552(a) and delegated to the Director, Bureau of Prisions, in 28 CFR 0.96(q), 28 CFR, Chapter V is amended as set forth below.

Dated: April 25, 1983.

Norman A. Carlson,

Director.

Amend 28 CFR, Chapter V, by adding a new Part 553 to Subchapter C to read as follows:

SUBCHAPTER C—INSTITUTIONAL MANAGEMENT

PART 553—INMATE PROPERTY

Subpart A—[Reserved]

Subpart B—Inmate Personal Property

Sec.

553.10 Purpose and scope.
553.11 Limitations on inmate personal property.
553.12 Contraband.
553.13 Procedures for handling contraband.
553.14 Inmate transfer between institutions.
553.15 Limitations on personal property—medical transfers.

Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 5006–5024, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

Subpart A—[Reserved]

Subpart B—Inmate Personal Property

§ 553.10 Purpose and scope.

It is the policy of the Bureau of Prisons that an inmate may possess only that property which the inmate is authorized to retain upon admission to the institution, which is issued while the inmate is in custody, which the inmate purchases in the institution commissary, or which is approved by staff to be mailed to, or otherwise received by an inmate. These rules contribute to the management of inmate personal property in the institution, and contribute to a safe environment for staff and inmates by reducing fire hazards, security risks, and sanitation problems which relate to inmate personal property. Consistent with the mission of the institution, each Warden shall identify in writing that personal property which may be retained by an inmate.

§ 553.11 Limitations on inmate personal property.

(a) *Storage space.* Staff shall set aside space within each housing area for use by an inmate. The designated area shall include a locker or other securable area in which the inmate may store authorized personal property. The inmate shall be allowed to purchase an approved locking device for personal property storage in regular living units.

(1) Staff may allow an inmate to retain that authorized personal property which the inmate may neatly and safely store in the designated area.

(2) Staff may not allow an inmate to accumulate materials to the point where the materials become a fire, sanitation, security, or housekeeping hazard.

(b) *Clothing.* Staff may allow an inmate to retain that clothing, whether civilian (at institutions where authorized) or institution, which the inmate is able to neatly store in the space provided.

(c) *Special purchase items.* Staff may authorize an inmate to retain special purchase items provided the items are able to be stored within the designated storage area.

(d) *Legal materials.* Staff may allow an inmate to retain those legal materials which are necessary for an inmate's legal actions. Legal reference materials, such as books, may be retained if such materials are not available in the institution library. To ensure that materials do not become a fire, sanitation, security, or housekeeping hazard, each institution may establish a limit on the amount of, and storage

location for, legal materials in the inmate's living area. Staff may authorize additional storage space, on a temporary, short-term basis, to an inmate who demonstrates a need for additional material in connection with that inmate's on-going litigation.

(e) *Hobbycraft materials.* Staff shall limit an inmate's hobby shop projects within the cell or living area to those projects which the inmate may store in designated personal property containers. Staff may make an exception for an item (for example, a painting) where size would prohibit placing the item in a locker. This exception is made with the understanding that the placement of the item is at the inmate's own risk. Staff shall require that hobby shop items be removed from the living area when completed, and be disposed of in accordance with the provisions of Part 544, Subpart D.

(f) *Commissary items.* Commissary items must be neatly stored in the designated storage space.

(g) *Radios and watches.* An inmate may possess only one approved radio and one approved watch at a time. The inmate must be able to demonstrate proof of ownership. An inmate who purchases a radio or watch through a Bureau of Prisons commissary is ordinarily permitted the use of that radio or watch at any Bureau institution if the inmate is later transferred. If the inmate is not allowed to use the radio or watch at the new institution, the inmate shall be permitted to mail, at the receiving institution's expense, the radio or watch to a destination of the inmate's choice. Where the inmate refuses to provide a mailing address, the radio and/or watch may be disposed of through approved methods, including destruction of the property.

(h) *Correspondence and reading materials.* An inmate may retain those books, letters, newspapers, etc., which can be neatly and safely contained or stored in the designated storage space. Educational materials or current correspondence courses are exempt from this requirement.

(i) *Personal photos.* An inmate may possess photographs, subject to the limitations of paragraph (a) of this section, and so long as they are not detrimental to personal safety or security, or to the good order of the institution.

§ 553.12 Contraband.

(a) Staff shall consider an item possesed by an inmate to be contraband unless the inmate was authorized to retain the item upon admission to the institution, the item was issued by authorized staff, purchased by the inmate from the commissary, or purchased or received through approved channels (to include approved for receipt by an authorized staff member or authorized by institution guidelines).

(b) There are two types of contraband.

(1) Staff shall consider as hard contraband any item which poses a serious threat to the security of an institution and which ordinarily is not approved for possession by an inmate or for admission into the institution. Examples of hard contraband include weapons, intoxicants, and currency (where prohibited).

(2) Staff shall consider as nuisance contraband any item other than hard contraband, which has never been authorized, or which may be, or which previously has been authorized for possession by an inmate, but whose possession is prohibited when its condition or excessive quantities of it present a health, fire, or housekeeping hazard. Examples of nuisance contraband include excessive accumulation of commissary, newspapers, letters, or magazines which cannot be stored neatly and safely in the designated area, food items which are spoiled or retained beyond the point of safe consumption, government-issued items which have been altered, or other items made from government property without staff authorization. Altered personal property may be considered nuisance contraband when it is determined to adversely affect institution security, safety, or good order.

§ 553.13 Procedures for handling contraband.

(a) Staff shall seize any item in the institution which has been identified as contraband whether the item is found in the physical possession of an inmate, in an inmate's living quarters, or in common areas of the institution.

(b) Staff shall dispose of items seized as contraband in accordance with the following procedures.

(1) Staff shall return to the institution's issuing authority any item of government property seized as contraband, except where the item is needed as evidence for disciplinary action or criminal prosecution. In such cases, staff may retain the seized property as evidence.

(2) Items of personal property confiscated by staff as contraband are to be inventoried and stored pending identification of the true owner (if in question) and possible disciplinary action. Following an inventory of the confiscated items, staff shall employ the following procedures.

(i) Staff shall provide the inmate with a copy of the inventory as soon as practicable. A copy of this inventory shall also be placed in the inmate's central file.

(ii) The inmate shall have seven days following receipt of the inventory to provide staff with evidence of ownership of the listed items. A claim of ownership may not be accepted for an item made from the unauthorized use of government property. Items obtained from another inmate (for example, through purchase, or as a gift) without staff authorization may be considered nuisance contraband for which a claim of ownership is ordinarily not accepted.

(iii) If the inmate establishes ownership, but the item is identified as contraband, staff shall mail such items (other than hard contraband), at the inmate's expense, to a destination of the inmate's choice. The Warden or designee may authorize the institution to pay the cost of such mailings where the inmate has insufficient funds and no likelihood of new funds being received. Where the inmate has established ownership of a contraband item, but is unwilling, although financially able to pay postage, or refuses to provide a mailing address for return of the property, the property is to be disposed of through approved methods, including destruction of the property.

(iv) If the inmate is unable to establish ownership, staff shall make reasonable efforts to identify the owner of the property before any decision to destroy the property is made.

(v) Staff shall prepare and retain written documentation describing any items destroyed and the reasons for such action.

(vi) Where disciplinary action is appropriate, staff shall delay disposition of property until completion of such action (including appeals).

(c) Staff shall retain items of hard contraband for disciplinary action or prosecution or both. The contraband items may be delivered to law enforcement personnel for official use. When it is determined that the item is not needed for criminal prosecution, the hard contraband shall be destroyed as provided in paragraph (b)(2)(v) of this section. Written documentation of the destruction shall be maintained for at least two years.

(d) Staff may not allow an inmate to possess funds in excess of established institutional limits. Staff shall deliver to the cashier any cash or negotiable instruments found in an inmate's possession which exceed the institution's allowable limits. Funds determined to be contraband shall be

confiscated for crediting to the U.S. Treasury.

(1) Where disciplinary action against the inmate is appropriate, staff shall delay final disposition of the funds until such action (including appeals) is completed.

(2) Prior to a decision on the disposition of funds, staff shall allow the inmate a reasonable amount of time to prove ownership.

§ 553.14 Inmate transfer between institutions

When the institution to which an inmate is transferred has less available storage space than the sending institution, staff at the receiving institution shall arrange for the inmate's excess personal property to be mailed to a destination of the inmate's choice (other than the sending institution). The receiving institution shall bear the expense for this mailing. Where the inmate refuses to provide a mailing address for return of the property, the property is to be disposed of through approved methods, including destruction of the property.

§ 553.15 Limitations on personal property—medical transfers.

The Warden shall set a limit on the amount of personal property that may accompany an inmate transferring to a medical facility. For purpose of this rule, a medical facility is one which provides observation and/or treatment of a medical, surgical, or psychiatric nature, or any combination of these. Such medical transfers are ordinarily of a short-term duration (30–120 days).

(a) The Wardens of the sending and receiving institutions shall allow the inmate to retain those legal materials specifically needed in respect to on-going litigation. Questions as to the need for such material may be referred to Regional Counsel.

(b) The Warden of the sending institution shall designate a secure location for storage of all inmate personal property not accompanying the inmate.

(c) Personal property permitted in the sending institution, but not in the receiving institution, shall either be retained at the sending institution or be mailed to a destination of the inmate's choice.

(1) If the inmate is expected to return to the sending institution within 120 days of transfer, staff shall advise the inmate that property not allowed in the medical facility may be held at the sending institution or sent to a destination of the inmate's choice (other than the medical facility), at the inmate's expense. Where lack of space prevents retention of the inmate's property at the sending institution, that institution shall pay postage costs connected with mailing the inmate's property to a destination of the inmate's choice. Where lack of space prevents the retention of the inmate's property at the sending institution, and the inmate refuses to provide a mailing address for return of the property, the property is to be disposed of through approved methods, including destruction of the property.

(2) The inmate's property may be sent with the inmate to the medical facility when the inmate is not expected to return to the sending institution, will be at the medical facility over 120 days, or for any other justified reason. The Warden at the sending institution shall prepare and place in the inmate's central file written documentation for forwarding the inmate's personal property.

(d) The Warden of the medical facility shall return an inmate's personal property ordinarily in the same or equivalent size container as originally used by the sending institution. Property accumulated over that amount, at the option of the inmate, will either be sent to a destination selected by the inmate, at the inmate's expense, donated, or destroyed. If the inmate is financially able but refuses to pay for the mailing, or if the inmate refuses to provide a mailing address for forwarding of the property, the property is to be disposed of through approved methods, including destruction of the property.

[FR Doc 83-11501 Filed 4-28-83; 8:45 am]

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DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Parts 500, 524, 527, 545, and 552

Control, Custody, Care, Treatment, and Instruction of Inmates

AGENCY: Bureau of Prisons, Justice.

ACTION: Proposed rules.

SUMMARY: The Bureau of Prisons is proposing another set of rules for the management of inmates in Federal correctional institutions. This proposal is part of the Bureau's overall program to publish in the **Federal Register**, and subsequently in the Code of Federal Regulations, Bureau rules relating to the control, custody, care, treatment, and instruction of inmates. In this installment, the Bureau is proposing two new rules and amending three others. The new rules are on Designations and Transfers of D.C. Women Offenders and on the Inmate Work and Performance Pay Program. The former rule concerns the designation of women District of Columbia (D.C.) Code violators to the Bureau of Prisons and the transfer of women D.C. offenders in federal institutions to the District of Columbia Department of Corrections. The rule on work and performance pay is intended to reduce inmate idleness, while allowing an inmate to improve and/or develop meaningful job skills, work habits, and experiences that will assist in post-release employment and ensure that activities necessary to maintain day-to-day operations of the institution are completed.

The Bureau of Prisons is also proposing to add the term "qualified health personnel" to its definition section of the rules and to amend its final rules on Classification and Program Review of Inmates, and on Searches of Housing Units, Inmates, and Inmate Work Areas. These amendments are intended to refine and/or clarify existing rules.

DATE: Comments must be received on or before June 15, 1983

ADDRESS: Office of General Counsel, Bureau of Prisons, Room 760, 320 1st Street NW., Washington, D.C. 20534. Comments received will be available for examination by interested persons at the above address.

FOR FURTHER INFORMATION CONTACT: Mike Pearlman, Office of General Counsel, Bureau of Prisons, phone 202/724–3062.

SUPPLEMENTARY INFORMATION: Pursuant to the rulemaking authority vested in the Attorney General in 5 U.S.C. 552(a) and delegated to the Director, Bureau of Prisons, in 28 CFR 0.96(q), notice is hereby given that the Bureau of Prisons intends to publish in the **Federal Register** its proposed new and amended rules on (1) Designations and Transfers of D.C. Women Offenders; (2) Inmate Work and Performance Pay Program; (3) Classification and Program Review of Inmates; and (4) Searches of Housing Units, Inmates, and Inmate Work Areas. This document also proposes to add to the rules a definition for "qualified health personnel."

The rule on designations and transfers of D.C. women offenders results from an agreement between the Bureau of Prisons and the D.C. Department of Corrections. The Bureau of Prisons, recognizing that the D.C. Department of Corrections had no facilities for housing long-term female offenders, agreed to designate federal institutions for women D.C. Code violators with sentences of more than one year who are not within nine months of a parole eligibility, sentence expiration, or mandatory release date. The Bureau further agreed to refer to the D.C. Department of Corrections and to the D.C. Board of Parole for transfer consideration a District of Columbia woman confined within a Bureau institution provided the inmate desires the referral and is within nine months of a parole eligibility, sentence expiration, or mandatory release date.

The rule on work and performance pay provides inmates with incentives and rewards in the form of monetary compensation for outstanding work performance as well as for productive participation in specified correctional programs. The proposed rule also discusses various aspects of inmate work/program assignments.

Several changes are being proposed to the final rule (May 1, 1981 **Federal Register**, at 46 FR 24899) on Classification and Program Review of Inmates. In an effort to provide more classroom instruction, § 524.11(a) deletes the requirement that an education representative be a mandatory member of the classification team. The revised rule states that the education representative is ordinarily a member of this team. Section 524.12, retitled "Initial classification", is revised. Specifically, the first sentence of existing § 524.12(d) becomes the first sentence of new § 524.12(c). The existing reference in paragraph (c) to the classification packet is deleted as the program review report discusses the inmate's program. Proposed additions to § 524.12(c) include a statement that all sentenced inmates who are mentally and physically able are to be assigned to a work program at the time of initial classification. Because the Bureau has rescinded its optional programming rule (May 20, 1982, **Federal Register**, at 47 FR 22006), this subject is deleted from § 524.12(c). As revised, the proposed rule states that with the exception of the work assignment, or where program involvement is mandated by statute (for example, the Youth Corrections Act) or by Bureau policy (for example, the Adult Basic Education (ABE) Program), an inmate may choose not to participate in the offered program. Section 524.12(e) is clarified by substituting the phrase "following the initial classification meeting" for "of the initial classification meeting."

Section 524.13 is revised. Existing § 524.13(a)(2)(v) used U.S. Parole Commission's guidelines to determine an inmate's anticipated release date. Because there is no certainty that the Bureau would interpret these guidelines the same as the U.S. Parole Commission, subparagraph (v) is deleted from the proposed rule. Remaining § 524.13(a)(i)–(iv) sufficiently explains the term "anticipated release date." Section 524.13(b) is revised to require that a copy of the program review report be placed in the inmate's central file. Revised § 524.13(c) holds the inmate who refuses to attend the program review directly responsible, and accountable, for recommendations made by the classification team. While a copy of the report will be forwarded to the inmate, the Bureau will no longer personally inform the inmate of the team's actions. Section 524.14 is new and discusses the impact of a detainer (ordinarily none) on an inmate's program. Based on new § 524.14, existing §§ 524.14–16 become new §§ 524.15–17.

Revisions to the final rule (November 13, 1980 **Federal Register**, at 45 FR 75134) on Searches of Housing Units, Inmates, and Inmate Work Areas clarify the intent of the rule. Section 552.11 is revised. Section 552.11(a)(2), which stated that pat searches ordinarily are conducted by staff of the same sex as the inmate, is deleted. The nature and purpose of the pat search, inspection of a clothed inmate on a routine or random basis, does not warrant this requirement. Existing § 552.11(a)(1) becomes the second paragraph of § 552.11(a). Other revisions are contained in § 552.11(c) and § 552.12(b). The first substitutes the more explicit term "designated qualified health personnel (for example, physicians, physician assistants, and nurses)" for "medical staff". (Note: A general definition of qualified health personnel,

consistent with that used by the Commission on Accreditation for Corrections Standards for Adult Correctional Institutions (Second Edition) is being proposed as an addition to § 500.1, Definitions.) Section 552.12(b) is rewritten to recognize that the institution physician is not required to personally perform a non-repetitive X-ray.

The Bureau of Prisons has determined that these rules are not major rules for the purpose of EO 12291. The Bureau of Prisons has determined that EO 12291 does not apply to these rules since the rules involve agency management. After review of the law and regulations, the Director, Bureau of Prisons, has certified that these rules, for the purpose of the Regulatory Flexibility Act (Pub. L. 96–354), do not have a significant impact on a substantial number of small entities.

Interested persons may participate in this proposed rulemaking by submitting data, views, or arguments in writing to the Bureau of Prisons, Room 760, 320 1st Street, N.W., Washington, D.C. 20534. Comments received will be considered before final action is taken. The proposed rules may be changed in light of the comments received. No oral hearings are contemplated.

List of Subjects in 28 CFR Parts 500, 524, 527, 545, and 552

Prisoners.

In consideration of the foregoing, it is proposed to amend subchapters A, B, and C of 28 CFR Chapter V as follows:

I. In Subchapter A, Part 500, amend § 500.1 by adding new paragraph (i);

II. In Subchapter B, Part 524, amend Subpart B; in Subchapter B, Part 527, add a new Subpart F;

III. In Subchapter C, Part 545, add a new subpart C; and in Subchapter C, Part 552, amend Subpart B.

SUBCHAPTER A—GENERAL MANAGEMENT AND ADMINISTRATION

I. In Subchapter A, Part 500 is amended by adding paragraph (i) to § 500.1 to read as follows:

PART 500—GENERAL DEFINITIONS

A. The authority citation for Part 500 reads as follows:

Authority: 5 U.S.C. 301, 18 U.S.C. 4001, 4042, 4081, 4082, 5006–5024, 5039; 28 U.S.C. 509, 510; 28 CFR 95–99.

B. In § 500.1, add a new paragraph (i) to read as follows:

§ 500.1 Definitions.

* * * * *

(i) "Qualified health personnel" includes physicians, dentists, and other professional and technical workers who engage in activities within their respective level of health care training or experience which support, complement, or supplement the administration of health care.

SUBCHAPTER B—INMATE ADMISSION, CLASSIFICATION, AND TRANSFER

II. In Subchapter B, Parts 524 and 527 are amended to read as follows:

A. In Part 524, Subpart B is amended as follows:

PART 524—CLASSIFICATION OF INMATES

Subpart B—Classification and Program Review of Inmates

1. In Part 524, Subpart B, the Table of Contents and authority citation are revised to read as follows:

Sec.
524.10 Purpose and scope.
524.11 Classification team.
524.12 Initial classification.
524.13 Program reviews.
524.14 Effect of a detainer on an inmate's program.
524.15 Unscheduled reviews.
524.16 Appeals procedure.
524.17 Study and observatior cases.

Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 5006–5024, 5039; 28 U.S.C. 509, 510; 28 CFR 95–99.

2. In § 524.11, paragraph (a) is revised to read as follows:

§ 524.11 Classification team.

The Warden shall ensure that each department within the institution has the opportunity to contribute to the classification process.

(a) At a minimum, each classification team shall include the unit manager, a case manager, and a correctional counselor. An education representative is ordinarily a member of the classification team. Where the institution does not have unit management, the classification team shall include a case manager, correctional counselor, and one other staff member.

* * * * *

3. In § 524.12, the title of this section and paragraphs (c), (d), and (e) are revised to read as follows:

§ 524.12 Initial classification.

* * * * *

(c) Staff shall complete a program review report at the imate's initial classification. This report ordinarily includes information on the apparent needs of the inmate, and shall offer a correctional program designed to meet these needs. Each sentenced inmate who is physically and mentally able is assigned to a work program at the time of initial classification. With the exception of the work assignment, or where program involvement is mandated by Bureau policy (for example, Adult Basic Education (ABE) Program) or statute (for example, Youth Corrections Act), the inmate may choose not to participate in the offered program.

(d) The inmate is to be provided and sign for a copy of the program review report. If the inmate refuses to sign for a copy of this report, staff witnessing the refusal shall place a signed statement to this effect on the report. Staff shall place a copy of the program review report in the inmate's central file.

(e) Within five working days following the initial classification meeting, staff shall prepare a staff summary, discussing those facts which were available at the time of the initial classification. The staff summary is to include information on the inmate's current offense and prior record, social situation, recommended programs, and community resources. A copy of the staff summary is provided to the inmate, upon the inmate's request.

4. In § 524.13, paragraphs (a)(2)(i)–(iv) are revised, paragraph (a)(2)(v) is removed and paragraphs (b), and (c) are revised to read as follows:

§ 524.13 Program reviews.

(a) * * *

(2) * * *

(i) The inmate's mandatory (statutory) release date;

(ii) The inmate's minimum expiration date;

(iii) The inmate's presumptive parole date; or

(iv) The inmate's effective parole date.

(b) Staff shall prepare a program review report to document each program review. The inmate is to sign for an receive a copy of this report. If the inmate refuses to sign for a copy of this report, staff witnessing the refusal shall place a signed statement to this effect on the report. Staff shall place a copy of the program review report in the inmate's central file.

(c) Staff shall notify an inmate of the scheduled program review at least 48 hours prior to a staff-originated meeting. An inmate may waive in writing the 48 hours notice requirement. An inmate may elect not to attend the program review. If this occurs, staff shall indicate the refusal and, if known, the reasons for refusal on the program review report. A copy of this report is to be forwarded to the inmate. The inmate who elects not to appear for a program review is responsible for becoming aware of, and will be held accountable for, the classification team's actions.

5. Renumber existing §§ 524.14 through 524.16 as §§ 524.15 through 524.17 and revise these sections to read as follows:

§ 524.15 Unscheduled reviews.

Staff may establish a schedule to ensure that inmates are provided program reviews as required by this rule. Upon request of either the inmate or staff, and with the concurrence of the team chairperson, an advanced or previously unscheduled program review may occur.

§ 524.16 Appeals procedure.

An inmate may appeal, through the Administrative Remedy Procedure, a decision made at initial classification or at a program review.

§ 524.17 Study and observation cases.

Inmates committed to the custody of the U.S. Attorney General for purposes of study and observation are excluded from the provisions of this rule.

6. Add a new § 524.14 to read as follows:

§ 524.14 Effect of a detainer on an inmate's program.

The existence of a detainer, by itself, ordinarily does not affect the inmate's program. An exception may occur where the program is contingent on a specific issue (for example, custody) which is affected by the detainer.

PART 527—TRANSFERS

B. In Part 527, add a new Subpart F to read as follows:

Subpart F—Designations and Transfers of D.C. Women Offenders

Sec.
527.50 Purpose and scope.
527.51 Definitions.
527.52 Designation.
527.53 Transfer referrals.
527.54 Grievance procedures.

Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 5003, 5006–5024, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

§ 527.50 Purpose and scope.

(a) The Bureau of Prisons will designate federal institutions for most female D.C. Code violators who are serving sentences of more than one year and who are not within nine months of a parole eligibility, sentence expiration, or mandatory release date.

(b) The Bureau of Prisons will refer to the District of Columbia (D.C.) Department of Corrections and to the D.C. Board of Parole for transfer consideration any District of Columbia female inmate in Bureau of Prisons custody provided the inmate has made a request for transfer and is within nine months of a parole eligibility, sentence expiration, or mandatory release date.

§ 527.51 Definitions.

For purposes of this rule, the following definitions apply.

(a) Parole eligibility date—the date on which the inmate becomes eligible for parole consideration.

(b) Sentence expiration date—the date on which the inmate is to be released by good time allowances or other statutory means, and not by parole action, and with 180 days or less remaining on the sentence.

(c) Mandatory release date—the date on which the inmate is to be released by good time allowances, and not by parole action, and with more than 180 days remaining on the sentence.

(d) Appropriate District of Columbia officials—officials of the District of Columbia Department of Corrections and/or the District of Columbia Board of Parole.

§ 527.52 Designation.

Bureau of Prisons staff shall review all requests for designation of female D.C. Code violators to a federal institution to ensure that the individual is not within nine months of a parole eligibility, sentence expiration, or mandatory release date. When staff determine that the inmate is within nine months of such a release date, the request for designation shall be held in abeyance until a determination has been made by the appropriate District of Columbia officials with respect to the inmate's suitability for community placement or parole.

(a) Bureau staff shall proceed with the designation of the inmate to a federal institution upon being notified that the appropriate District of Columbia officials have determined that the inmate is presently considered unsuitable for both community placement and for parole.

(b) Bureau staff should not proceed with the designation upon being notified that the appropriate District of Columbia officials have determined that the inmate is considered a suitable candidate for community placement and/or parole.

§ 527.53 Transfer referrals.

(a) Staff, at the time of the inmate's initial classification, shall notify the inmate of her right to request referral to the District of Columbia and the procedures to the followed with respect to making this request. Staff shall give the inmate a copy of the "Notice of Eligibility" form to sign, and ask that the inmate indicate on this form whether she wishes to be referred, at the time of her eligibility, for transfer to the District of Columbia.

(1) Where an inmate requests referral to the D.C. Department of Corrections, Bureau staff shall make this referral when the inmate is within nine months of her parole eligibility, sentence expiration, or mandatory release date.

(2) The inmate may choose not to be referred to the District of Columbia Department of Corrections. Staff shall provide an inmate who, at the time of initial classification, elects not to be referred, a second opportunity for referral when she is within nine months of her parole eligibility or upon her request. A copy of all declinations for referral by the inmate shall be forwarded by Bureau staff both to the D.C. Department of Corrections and to the D.C. Board of Parole.

(b) If the D.C. Board of Parole indicates that the inmate's parole prognosis is such that they do not wish to have her returned to the District of Columbia for a hearing, and she is also denied acceptance by the D.C. Department of Corrections for community placement, Bureau staff are to use the following timetable with respect to a re-referral of the inmate to both agencies: When the inmate's sentence is less then 5 years, a re-referral may occur after 6 months; where the maximum sentence is five years or more, she is eligible for re-referral in one year.

(c) If the inmate is approved for community placement and/or parole by the appropriate District of Columbia officials, arrangements shall be coordinated between officials of the Bureau of Prisons and the District of Columbia for the inmate's transfer to the District of Columbia.

§ 527.54 Grievance procedures.

District of Columbia women wishing to express a formal complaint regarding their designation or transfer may file a grievance under one of the following procedures.

(a) The Bureau of Prisons Administrative Remedy Procedure is to be used for matters under Bureau of Prisons jurisdiction.

(b) The D.C. Department of Corrections grievance procedure is to be used for matters under the D.C. Department of Corrections jurisdiction.

III. In Subchapter C, Parts 545 and 552 are amended as follows:

SUBCHAPTER C—INSTITUTIONAL MANAGEMENT

A. In Part 545, Subpart C is added to read as follows:

PART 545—WORK AND COMPENSATION

* * * * *

Subpart C—Inmate Work and Performance Pay Program

Sec.
545.20 Purpose and scope.
545.21 Definitions.
545.22 Institution work and performance pay committee.
545.23 Inmate work program assignment.
545.24 Inmate work conditions.
545.25 Funding for, and allocation of performance pay.
545.26 Eligibility for performance pay.
545.27 Performance pay provisions.
545.28 Inmate vocations.
545.29 Achievement awards.
545.30 Special awards.
545.31 Training.

Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 4126, 5006–5024, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

Subpart C—Inmate Work and Performance Pay Program

§ 545.20 Purpose and scope.

(a) The Bureau of Prisons operates an inmate work program within its institutions. To the extent practicable, the work program (1) reduces inmate idleness, while allowing the inmate to improve and/or develop meaningful job skills, work habits and experiences that will assist in post-release employment; and (2) ensures that activities necessary to maintain the day-to-day operation of the institution are completed. Sentenced inmates who are physically and mentally able to work are required to participate in the work program. When approved by the Warden or designee, educational or vocational training may be substituted for all or part of the work program.

(b) The Warden may recognize an inmate's outstanding work performance as well as productive participation in specified correctional programs through the granting of performance pay.

§ 545.21 Definitions.

(a) *Inmate*—For purposes of this rule, the term "inmate" refers to any person committed to, or in the custody of, the U.S. Attorney General.

(b) *Institution Work Assignment*—A work assignment which contributes to the day-to-day operation of the institution (e.g., carpentry, plumbing, food service).

(c) *Industry Assignment*—A Federal Prison Industries (UNICOR) work assignment.

(d) *Full-Time Work Assignment*—A work assignment to which an inmate is assigned for the entire scheduled work day.

(e) *Part-Time Work Assignment*—A work assignment to which an inmate is assigned for only a portion of the scheduled work day. Part-time work assignments are ordinarily made in conjunction with educational and vocational training programs.

(f) *Medically Unassigned*—An inmate who because of medical restrictions is unable to be assigned to any work program.

(g) *Light Duty Work Assignment*—An inmate who because of physical limitations, temporary or otherwise, may only perform limited work functions, e.g., sedentary work, no prolonged standing, no lifting over 25 lbs., etc.

§ 545.22 Institution work and performance pay committee.

(a) The Warden at each Bureau of Prisons Institution is to establish an Institution Inmate Work and Performance Pay Committee to administer the institution work and performance pay program. The Committee is to be comprised of an Associate Warden, the Inmate Performance Pay Coordinator, and other member(s) the Warden considers appropriate.

(b) The Committee is responsible for approving the following aspects of the institution's inmate work and performance pay program:

(1) Number of inmates on each work detail;

(2) Number of pay grades in each detail;

(3) Job descriptions;

(4) Performance standards;

(5) Budgeting for special act awards; and

(6) Overtime procedures.

§ 545.23 Inmate work program assignment.

(a) Each sentenced inmate who is physically and mentally able is to be assigned to an institutional or industrial work program. An inmate shall be assigned to an educational or vocational program, on either a full or part-time basis, where this involvement is mandated by Bureau policy (for example, Adult Basic Education (ABE) Program) or statute (for example, Youth Corrections Act). An inmate, for whom educational or vocational participation is not required by either policy or statute, may request and, upon approval of the Warden or designee, will be able to participate in an educational or vocational training program rather than work full-time.

(b) A pre-trial inmate may not be required to work in any assignment or area other than housekeeping tasks in the inmate's own cell and in the community living area. Unless the pre-trial inmates signs a waiver, the Warden may not permit the pre-trial inmate to work with convicted inmates or in any assignment or area other than housekeeping tasks (see Part 551, Subpart J).

(c) Medically unassigned inmates may be required to perform housekeeping tasks in the inmate's own cell and in the community living area.

(d) In making the work and/or program assignment(s), staff shall consider the inmate's capacity to learn, interests, requests, needs, and eligibility, and the availability of the assignment(s). An inmate's assignment shall be made with consideration of the institution's security and operational needs, and should be consistent with the safekeeping of the inmate and protection of the public.

§ 545.24 Inmate work conditions.

(a) The scheduled work day for an inmate in a federal institution ordinarily consists of a minimum of seven, and a maximum of eight hours. Work in excess of eight hours is considered overtime and the inmate shall be compensated at the overtime rate (1.5 times hourly pay rate for that grade).

(b) An inmate is expected to report to his place of assignment at the required time. An inmate may not leave an assignment without permission.

(c) An inmate, regardless of assignment, is expected to perform all assigned tasks diligently and conscientiously. Disciplinary action may be taken against an inmate who refuses to work, who otherwise evades attendance and performance standards in assignment activities, or who encourages others to do so.

(d) Work, vocational, and educational programs are to meet the appropriate minimum standards for health and safety. Safety equipment is to be available where needed.

(e) An inmate is expected to perform the work assignment in a safe manner, using safety equipment as instructed by the Work Supervisor. In the event of any work related injury, an inmate shall notify the Work Supervisor so that appropriate action (for example, medical attention, and submission of necessary reports) may be taken.

§ 545.25 Funding for, and allocation of performance pay.

The Board of Directors, Federal Prison Industries (UNICOR) will fund the Bureau's performance pay program.

(a) The Assistant Director, Correctional Programs Division is responsible for overseeing the

distribution of performance pay funds. The Assistant Director shall establish and, as necessary, periodically revise the performance pay hourly rate.

(b) Within the Central Office, the specific authority to allocate performance pay funds to each Region is delegated to the Administrator, Correctional Programs Branch.

(c) Within each Region, the Regional Correctional Programs Administrators are responsible for institution allocations and for supervision of institution performance pay programs.

(d) Within each institution, each Department Head shall be credited with an equitable share of the performance pay money allocated to the institution.

(e) The General Office, regional offices and institutions are authorized to hold limited performance pay funds in a reserve status. These reserve funds will be used to cover such contingencies as institution mission changes, payment of special act awards, and to cover fluctuations in population within the institutions.

§ 545.26 Eligibility for performance pay.

(a) An inmate may receive performance pay for accomplishments in one or more of the following areas:

(1) Institution work assignment;

(2) Adult Basic Education (ABE) program participation;

(3) General Educational Development (GED) participation;

(4) Apprenticeship training; and

(5) Vocational Training courses (approved by the Bureau of Prisons as certified vocational training instruction).

(b) An inmate is eligible for performance pay from the date of work or program assignment. An inmate is eligible to receive performance pay for each month that the inmate's performance justifies such payment.

§ 545.27 Performance pay provisions.

(a) The Warden shall ensure that all institution work assignments have standardized work descriptions. Each inmate work position is assigned one of four pay grade levels. Factors to consider in assigning a grade level to the specific work position include the position's educational and vocational requirements, physical demands, working conditions (exposed to dusts, odors, etc.), and the degree of responsibility held by the inmate worker. The inmate assigned to a specific work position shall sign for, and receive a copy of, that position description.

(b) In recognition of budgetary constraints and for the effective management of the overall performance pay program, the percentage of inmates assigned to each grade level is approximately as follows (Grade 1 is highest pay):

Grade 1—5% of the institution's inmate work assignments;

Grade 2—15% of the institution's inmate work assignments;

Grade 3—25% of the institution's inmate work assignments; and

Grade 4—55% of the institution's inmate work assignments.

(c) A pay period begins the first day of the month and ends the last day of the month. An inmate may receive performance pay only for that portion of the month that the inmate was working. Performance pay may not be awarded retroactively.

(d) An inmate is eligible to receive performance pay only for those hours during which the inmate is actually performing work or actively participating in an educational or vocational training program. Absences from the inmate's scheduled assignment for such reasons as call-outs, visits, sick call, interviews, or making telephone calls shall be deducted from the monthly number of hours worked and will accordingly reduce the amount of pay received by the inmate.

(e) *Work Evaluation.* At the end of each month the work detail/program supervisor shall compute on an evaluation form the hours worked by the inmate and the pay to be awarded. The supervisor shall also rate the inmate's performance over the past month as excellent, satisfactory, or unsatisfactory in each of several categories. These categories include quantity of work performed, ability to follow instructions, work attitude, responsibility demonstrated, safety and care of equipment, attendance, promptness, quality of work, and judgment exercised.

(1) An inmate shall receive performance pay only for those hours during which the inmate is satisfactorily or better performing work or is actively participating in an educational/vocational program.

(2) An inmate's monthly pay shall be based on the grade and the number of hours during the month that the inmate's performance was satisfactory. The "hourly rate" may not be "reduced" for unsatisfactory performance; the inmate is either paid the hourly rate for an hour of at least satisfactory performance or receives no pay for an hour of unsatisfactory performance.

The work detail/program supervisor shall review the evaluation with the inmate and request that the inmate sign the evaluation form. If the inmate refuses to sign the form, the supervisor shall note this refusal on the evaluation and, if known, the reasons for refusal.

(f) *Bonus pay.* When the supervisor of an inmate worker or program participant believes the inmate has made exceptional accomplishments, the supervisor may recommend that the inmate receive a bonus. Written justification for the bonus request must be forwarded to the Department Head for approval. The bonus may not be for more than one-half of that inmate's monthly pay.

(g) *Special bonus pay.* An inmate may receive special bonus pay based on the inmate's exceptional work in a position previously identified by the Warden, and approved by the Regional Director, as critical to the institution. When the supervisor of an inmate worker assigned to a critical position believes the inmate has performed exceptionally well, the supervisor may recommend that the inmate receive a special bonus. Written justification for the special bonus request must be forwarded to the Department Head for approval. The special bonus may not be for more than that inmate's monthly pay.

(h) An inmate's performance pay, once earned, becomes vested.

§ 545.28 Inmate vacations.

An inmate who has worked full-time for 12 consecutive months on an institution work assignment is eligible to take a six-day paid vacation at the inmate's average prevailing rate of pay. An inmate who has worked part-time for 12 consecutive months on an institution work assignment is eligible to take a three-day vacation at the inmate's prevailing rate of pay. A recommendation for an inmate to receive vacation credit is made by the inmate's work supervisor, through both the Department Head and Unit Team, to the Associate Warden, who shall approve the request if the inmate's work performance qualifies for vacation credit.

(a) An inmate must take and/or be paid for vacation credit within sixty days of the annual eligibility date of the inmate's most recent date of assignment to the institution work position. An inmate who elects not to take vacation time must indicate this in writing. That inmate shall receive pay for the vacation credit in a lump sum on the regular monthly payroll. This amount is ordinarily paid within sixty days of the annual eligibility date of the inmate's most recent date of assignment to the institution work position. An inmate whose employment is terminated by release, reassignment, transfer, or other reasons, and who has unused vacation credit shall be paid for this credit on the monthly payroll.

(b) At the discretion of the Department Head, an inmate may take accurred vacation for visits, participation in institutional programs, or other reasons approved by the Department Head. Staff shall schedule an inmate's vacation so that it is compatible with shop production and administrative support requirements.

(c) When the inmate takes and/or is paid for earned vacation, the total hours of vacation credit are multiplied by the inmate's regular hourly rate of compensation to arrive at the compensation payable.

(d) An inmate temporarily assigned to industries, such as on a construction crew, and who is placed on an industrial payroll may earn vacation credit. The inmate may take and/or receive pay for the vacation credit upon termination of the temporary assignment.

(e) An inmate reassigned from an institution to UNICOR work assignment must take and/or be paid for any accrued vacation credit prior to reassignment.

(f) An inmate earns vacation credit while confined to the hospital or quarters because of a compensible work-related injury.

(g) The Warden or designee may authorize an inmate to continue to accumulate vacation credit when:

(1) The inmate is transferred to another institution for the benefit of the government or because of the inmate's favorable adjustment (custody reduction); or

(2) The inmate is placed in a new work assignment in the institution for the benefit of the government or institution, rather than solely at the inmate's request or because of the inmate's poor performance or adverse behavior.

§ 545.29 Achievement awards.

With prior approval of the inmate's unit team, each inmate who completes an Adult Basic Education, GED, Vocational Training, or related trades classroom work that is part of a certified apprenticeship program may be granted an achievement award from performance pay funds.

§ 545.30 Special awards.

(a) Inmates who perform exceptional services not ordinarily a part of the inmate's regular assignment may be granted a special award regardless of the inmate's work or program status. Examples of actions which may result in the inmate being considered for a special award are the following:

(1) An act of heroism;

(2) Voluntary acceptance and satisfactory performance of an unusually hazardous assignment.

(3) An act which protects the lives of employees or inmates, or the property of the United States. (This does not apply to informants.)

(4) Suggestions which result in substantial improvements or cost-savings in institutional programs or operations.

(5) Other exceptionally meritorious or outstanding services consistent with the general character of the preceding cases.

(b) The special award may be given in the form of a lump sum monetary payment in addition to any other award given.

(c) The Warden of each institution is empowered to approve special awards not exceeding $150. Awards in excess of this amount may not be made unless approved by the Regional Director.

§ 545.31 Training.

The Warden shall ensure that staff receive training on their roles in, and on the operation of, the work and performance pay program. The Warden shall also ensure that the inmate population is informed of the work and performance pay program, and of the hourly rates paid to inmate workers.

B. In Subchapter C, Part 552 is amended as follows:

PART 552—CUSTODY

Subpart B—Searches of Housing Units, Inmates, and Inmate Work Areas

1. The authority citation for Part 552, Subpart B is as follows:

Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 5015, 5039, 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

2. In § 552.11, revise § 552.11 (a) and (c) to read as follows:

§ 552.11 Body searches of inmates.

(a) *Pat search.* An inspection of an inmate, using the hands, that does not require the inmate to remove clothing. The inspection includes a search of the inmate's clothing and personal effects. A metal detector search may be done under the same circumstances. Staff may conduct a pat search of an inmate on a routine or random basis to control contraband.

* * * * *

(c) Digital or simple instrument search-inspection for contraband or any other foreign item in a body cavity of an inmate by use of fingers or simple instruments, such as an otoscope, tongue blade, short nasal speculum, and simple forcep. A digital or simple instrument search may be conducted only by designated qualified health personnel (for example, physicians, physician assistants, and nurses) upon approval of the Warden and only if the Warden has reasonable belief that an inmate is concealing contraband or on his person. If located, the contraband or foreign item may be removed immediately by medical staff if such removal can easily be effected by use of fingers or the simple instruments referred to above. Staff shall document all digital and simple instrument searches and the reasons for the searches in the inmate's central file.

* * * * *

3. In § 552.12, revise paragraph (b) to read as follows:

§ 552.12 X-ray, major instrument, fluoroscope, or surgical intrusion.

* * * * *

(b) The institution physician may authorize use of an X-ray for medical reasons and only with the consent of the inmate. When there exists no reasonable alternative, and an X-ray examination is determined necessary for the security, good order, or discipline of the institution, the Warden, upon approval of the Regional Director, may authorize the institution physician to order a non-repetitive X-ray examination for the purpose of determining if contraband is concealed in or on the inmate (for example: in a cast or body cavity). The X-ray examination may not be performed if it is determined by the institution physician that it is likely to result in serious or lasting medical injury or harm to the inmate. Staff shall place documentation of the examination and the reasons for the examination in the inmate's central file and medical file.

* * * * *

Dated: April 25, 1983.

Norman A. Carlson,

Director.

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Part VI

Environmental Protection Agency

Standards for Uranium and Thorium Mill Tailings at Licensed Commercial Processing Sites

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 192

[AH-FRL 3219-6]

Environmental Standards for Uranium and Thorium Mill Tailings at Licensed Commercial Processing Sites; Invitation for Comment

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: In this notice we propose health and environmental standards to govern stabilization and control of byproduct materials (primarily mill tailings) at licensed commercial uranium and thorium processing sites. These standards were developed pursuant to Section 275 of the Atomic Energy Act (42 U.S.C. 2022), as added by Section 206 of the Uranium Mill Tailings Radiation Control Act of 1978 (Pub. L. 95-604).

The standards would apply to tailings at locations that are licensed by the Nuclear Regulatory Commission (NRC) or the States under Title II of the Act. The standards for disposal of tailings would require stabilization so that the health hazards associated with tailings will be controlled and limited, in most cases, for at least one thousand years. They would limit releases of radon to 20 pCi/m^2s, averaged over the surface of the piles, and require measures to avoid releases of other hazardous substances from tailings to water. The standards for tailings at operating mills, prior to disposal, would add limits on the radiation levels in effluents to ground water to the limits now specified under the Solid Waste Disposal Act, as amended. Existing EPA regulations and Federal Radiation Protection Guidance currently applicable to tailings would remain unchanged.

This notice summarizes the technical information and other considerations upon which these proposed standards are based. More detailed background material is contained in a Draft Environmental Impact Statement (DEIS) and in a Regulatory Impact Analysis (RIA). We invite written comments on all of this material and, in addition, will hold public hearings on these proposed standards.

DATES:

Written Comments. Comments should be received on or before May 31, 1983.

Public Hearings. Requests to participate in the public hearings should be received on or before May 20, 1983. Public hearings on this proposed rule will begin on May 31, 1983. All hearings will commence at 9:30 a.m.

ADDRESSES:

Written Comments. Comments should be submitted to Docket No., A-82-26 at the address specified for the docket below. We would appreciate an additional copy sent to Mr. Jack Russell at the address listed below (see the heading "FOR FURTHER INFORMATION.")

Public Hearings. Requests to participate in the public hearings should be submitted in writing to the Director, Criteria and Standards Division (ANR-460), Office of Radiation Programs, Environmental Protection Agency, Washington, D.C. 20460. All requests for participation must include at least an outline of the topics to be addressed, the amount of time requested, and the names of the participants. Statements should not repeat information already presented in written comments, but should address additional matters. Public hearings on this proposed rule will be held at the DuPont Plaza Hotel, Embassy Hall, 1500 New Hampshire Avenue, NW., Washington, D.C. 20036. All hearings will commence at 9:30 A.M.

Background Documents. Background information is contained in the reports entitled *Draft Environmental Impact Statement for Standards for the Control of Byproduct Materials from Uranium Ore Processing (40 CFR Part 192)*, EPA Report 520/1-82-022; and *Regulatory Impact Analysis of Environmental Standards for Uranium Mill Tailings at Active Sites*, EPA Report 520/1-82-023. Single copies of these reports, as available, may be obtained from the Program Management Office (ANR-458), Office of Radiation Programs, U.S. Environmental Protection Agency, Washington, D.C. 20460; telephone number (703) 557-9351.

Docket. Docket Number A-82-26 contains the rulemaking record. The docket is available for public inspection between 8:00 a.m. and 4:00 p.m., Monday through Friday, at EPA Headquarters. The address is: Central Docket Section (LE-130), West Tower Lobby, 401 M Street, SW., Washington, D.C. 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION:

Contact Mr. Jack Russell, Guides and Criteria Branch (ANR-460), Office of Radiation Programs, U.S. Environmental Protection Agency, Washington, D.C. 20460; telephone number (703) 557-8610.

SUPPLEMENTARY INFORMATION:

I. Introduction

On November 8, 1978, Congress enacted Pub. L. 95-604, the Uranium Mill Tailings Radiation Control Act of 1978 (henceforth designated "UMTRCA"). In the Act, Congress stated its finding that uranium mill tailings "* * * may pose a potential and significant radiation health hazard to the public, * * * and * * * that every reasonable effort should be made to provide for stabilization, disposal, and control in a safe and environmentally sound manner of such tailings in order to prevent or minimize radon diffusion into the environment and to prevent or minimize other environmental hazards from such tailings." The Administrator of the Environmental Protection Agency (EPA) was directed to set "* * * standards of general application for the protection of the public health, safety, and the environment * * *" to govern this process of stabilization, disposal, and control.

UMTRCA established two programs to protect public health, safety and the environment from uranium mill tailings, one for certain designated sites which are now inactive (i.e., at which all milling has stopped and which are not under license) and another for active sites (those sites licensed by the Nuclear Regulatory Commission or the State in which the site is located, when this State is an Agreement State of the NRC under Section 274 of the Atomic Energy Act).

Tailings at the inactive uranium milling sites are defined in UMTRCA as residual radioactive materials. The program for inactive sites covers the disposal of tailings and the cleanup of onsite and offsite locations contaminated with tailings. EPA has established health and environmental standards to govern each of these activities. The U.S. Department of Energy (DOE) is reponsible for carrying out these activities in conformance with these standards, with the concurrence of the NRC, and in cooperation with the States.

EPA proposed standards for cleanup of residual radioactive materials from open lands and buildings and made them effective on an interim basis on April 22, 1980 (45 FR 25682 and 45 FR 27370), and proposed standards for disposal of these materials at inactive uranium processing sites on January 9, 1981 (46 FR 2556). Final cleanup and disposal standards for the inactive sites were published on January 5, 1983 (48 FR 590).

Tailings at active uranium milling sites are defined in UMTRCA as uranium byproduct materials. The program for active sites covers the final disposal of tailings and the control of effluents and emissions during and after milling operations, but does not address cleanup of contaminated offsite locations. UMTRCA requires EPA to

establish standards for this program, and that standards for nonradioactive hazards protect human health and the environment in a manner consistent with standards established under Subtitle C of the Solid Waste Disposal Act, as amended. The NRC or the licensing Agreement State is responsible for assuring compliance with the standards at active mill sites.

UMTRCA was amended by the NRC Authorization Act during December 1982. These amendments changed the date by which these standards must be promulgated (Cong. Record, 515310; Dec. 16, 1982). The amendments also provide that "If the Administrator fails to promulgate standards in final form * * * by October 1, 1983, the authority of the Administrator to promulgate such standards shall terminate, and the Commission may take action under this Act without regard to any provision of this Act requiring such actions to comply with, or to be taken in accordance with, standards promulgated by the Administrator." WE are therefore proceeding to establish these standards expeditiously.

A. The Uranium Industry

The major deposits of high-grade uranium ores in the United States are located in the Colorado Plateau, the Wyoming Basins, and the Gulf Coast Plan of Texas. Most ore is mined by either underground or open-pit methods. At the mill the ore is first crushed, blended, and ground to the proper size for the leaching process which extracts uranium. Several leaching processes are used, including acid, alkaline and a combination of the two. After uranium is leached from the ore it is concentrated from the leach liquor through ion exchange or solvent extraction. The concentrated uranium is then stripped or extracted from the concentrating medium, precipitated, dried, and packaged. The depleted ore, in the form of tailings, is pumped to a tailings pile as a slurry mixed with water.

Since the uranium content of ore averages only about 0.15 percent, essentially all the bulk of ore mined and processed is contained in the tailings. These wastes contain significant quantities of radioactive uranium decay products, including thorium-230, radium-226, and decay products of radon-222. Tailings can also contain significant quantities of other hazardous substances, depending upon the source of the ore and the reagents used in the milling process. Most of the tailings are a sand-like material and are attractive for use in construction and soil conditioning.

In 1980 there were 21 operating uranium mills, located in Colorado, New Mexico, Texas, Utah, Washington, and Wyoming. All of these mills have tailings stored at their sites, as have two additional licensed mills in Edgemont, South Dakota, and Ray Point, Texas, which were no longer operating in 1980. The total quantity of tailings was about 146 million metric tons (MT) at these 23 sites as of January 1980.

As of September 1982 there were 27 licensed uranium mills, of which only 16 were operating. Eight mills closed during the period from January 1981 to September 1982, and the two mills with tailings piles which were not operating in 1980 remained closed. Another mill has been constructed and licensed, but has not started operation. By early 1982, the amount of stored tailings had reached about 170 million MT. The size of individual tailings piles ranges from about 2 million MT to about 30 million MT.

The future demand for uranium is projected to be almost exclusively for electrical power generation. Thus, the demand should be stable and reasonably predictable, depending mainly on the number of operating nuclear power reactors. Based on recent DOE projections, it is estimated that at least an additional 350 million MT of tailings will be generated by the year 2000 in the United States. This projection is for the conventional milling of uranium described above. A small quantity of uranium is also recovered as a secondary product in the extraction of other minerals, such as phosphate and copper, and also by solution (*in situ*) mining methods. Foreign sources of uranium may also influence demand projections for the domestic uranium industry, especially since some foreign deposits are richer in uranium, which permits lower pricing.

The United States Government purchased large quantities or uranium, primarily for use in defense programs, from 1943 to 1970. Many of the producers of this uranium continued operating after 1970 to supply the commercial demand for uranium. In most cases the tailings from Government and commercial purchases were mixed and stored in the same pile. These mixed tailings are now referred to as "commingled" tailings. There are about 56 million MT of defense-related tailings commingled with approximately 82 million MT of other tailings at 13 sites which are now licensed for milling uranium ore.

B. Hazards Associated With Uranium Byproduct Materials

The most important of the hazardous constituents of uranium mill tailings is radium, which is radioactive. We estimate that currently existing tailings at the licensed sites contain a total of about 85,000 curies [1] of radium. Radium, in addition to being hazardous itself, produces radon, a radioactive gas whose decay products can cause lung cancer. Figure 1 shows the radon production of tailings as a function of time.

[1] A curie is the amount of radioactive material that produces 37 billion nuclear transformations (e.g. disintegrations of radium into radon) per second.

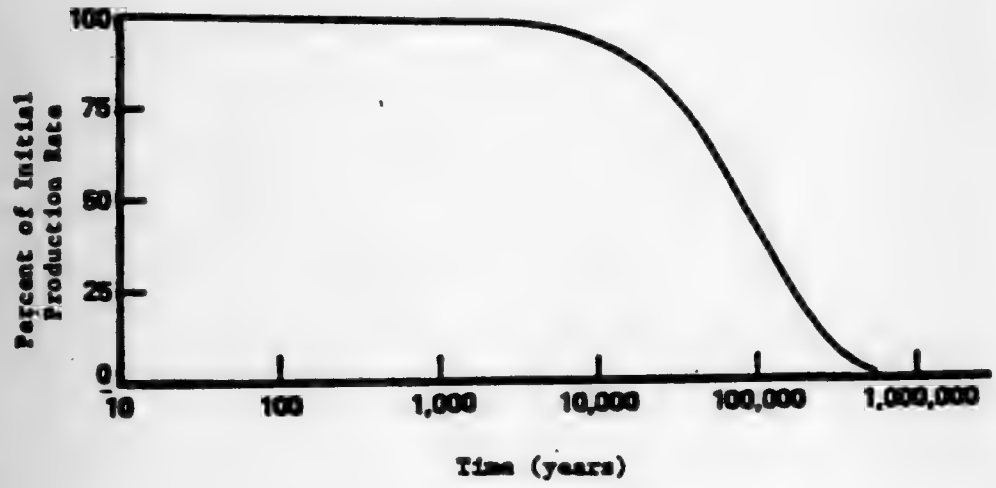

Figure 1. Radon production in a tailings pile.

The amount of radium in tailings, and, therefore, the rate at which radon is produced, will decay to about 10 percent of the current amount in several hundred thousand years. Other potentially hazardous constituents of tailings include arsenic, molybdenum, selenium, uranium and, usually in lesser amounts, a variety of other toxic substances. The concentrations of all of these materials vary from pile to pile.

The radioactivity and toxic materials in tailings may cause cancer and other diseases, as well as genetic damage and teratogenic effects. More specifically, tailings are hazardous to man primarily because: (1) Radioactive decay products of radon may be inhaled and increase the risk of lung cancer; (2) individuals may be exposed to gamma radiation from the radioactivity in tailings; and (3) radioactive and toxic materials from tailings may be ingested with food or water. The first of these hazards is by far the most important.

As noted above, the radiation hazard from tailings lasts for many hundreds of thousands of years, and some nonradioactive toxic chemicals persist indefinitely. The hazard from uranium tailings therefore must be viewed in two ways. Tailings pose a present hazard to human health. Beyond this immediate but generally limited health threat, the tailings are vulnerable to human misuse and to dispersal by natural forces for an essentially indefinite period. In the long run the future risks to health of indefinitely extended contamination from misused and dispersed tailings overshadows the short-term danger to public health. The Congressional report accompanying UMTRCA recognized the existence of long-term risks, and expressed the view that the methods used for disposal should not be effective for only a short period of time. It stated: "The committee believes that uranium mill tailings should be treated * * * in accordance with the substantial hazard they will present until long after existing institutions can be expected to last in their present forms * * *" and, in commenting on the Federally-funded program to clean up and dispose of tailings at the inactive sites, it stated "The committee does not want to visit this problem again with additional aid. The remedial action must be done right the first time." (H.R. Rep. No. 1480, 95th Cong., 2nd Sess., Pt. I, p. 17, and Pt. II, p. 40 (1978).)

For the purpose of establishing standards for the protection of the general public from radiation, we assume a linear, nonthreshold dose-effect relationship as a reasonable basis for estimating risks to health. This means we assume that any radiation dose poses some risk and that the risk of low doses is directly proportional to the risk that has been demonstrated at higher doses. We recognize that the data available preclude neither a threshold for some types of damage below which there are no harmful effects, nor the possibility that low doses of gamma radiation may be less harmful to people than the linear model implies. However, the major radiation hazard from tailings arises from alpha radiation, and, as the National Academy of Sciences' Advisory Committee on the Biological Effects of Ionizing Radiation (the BEIR Committee) stated in its 1980 report, for "* * * radiation, such as from internally deposited alpha-emitting radionuclides, the application of the linear hypothesis is less likely to lead to overestimates of risk, and may, in fact, lead to underestimates."

Our quantitative estimates of radiation risk are based on our review of epidemiological studies, conducted in the United States and in other countries, of underground miners of uranium and other metals who have been exposed to radon decay products, and on three reports: *The Effects on Populations of Exposure to Low Levels of Ionizing Radiation* (1972) and *Health Effects of Alpha Emitting Particles in the Respiratory Tract* (1976) by the BEIR Committee, and the report of the United Nations Scientific Committee on the Effects of Atomic Radiation entitled *Sources and Effects of Ionizing Radiation* (1977). Details of our risk estimates are provided in a previous EPA report, *Indoor Radiation Exposure Due to Radium-226 in Florida Phosphate Lands* (EPA 520/4–78–013), and in the DEIS.

Although the studies of underground miners show that there is a significant risk of lung cancer from exposure to radon decay products, there is some uncertainty about its magnitude. Exposures of miners were estimated from the time spent in each location in a mine and the measured radon decay product levels at those locations. However, radon decay product measurements were infrequent and often nonexistent for exposures of miners prior to the 1960's. The uncertainty increases when data for miners are used to estimate risk to members of the general public, because there are differences in age, physiology, exposure conditions, and other factors between the two populations.

In addition, we must make numerous assumptions when estimating the radiation dose to individuals and population groups which introduce other uncertainties. For example, we make our estimates for individuals who are assumed to spend their lifetimes in the same location, and we assume that people will continue to have the same life expectancy as the U.S. population did in 1970. Nevertheless, we believe the information available supports an estimate of risk which is sufficiently reliable to provide an adequate basis for these proposed standards. EPA's risk estimates are to be viewed as "best estimates," considering the above factors.

It is not possible to reduce the risk to zero for people exposed to radiation or, for that matter, to many other hazardous

materials. To decide on an appropriate level of (small) residual risk, we evaluated the costs and benefits of different levels of control. We also considered technical difficulties associated with implementing different levels of control.

C. Environmental Standards and Guidance Now Applicable to Uranium Tailings

EPA recognizes that it is establishing standards in an area that is already the subject of governmental regulation and has taken into account the existing schemes and levels of protection in developing this proposal.

EPA promulgated 40 CFR Part 190, "Environmental Radiation Protection Standards for Uranium Fuel Cycle Operations," on January 13, 1977 (42 FR 2858). These standards specify the upper limits of radiation doses to members of the general public to which normal operations of the uranium fuel cycle must conform. They cover radiation doses due to all environmental releases of uranium byproduct materials during the period a milling site is licensed, with the exception of emissions of radon and its decay products.

The Nuclear Regulatory Commission promulgated rules in 10 CFR Part 40 on October 3, 1980, which specify licensing requirements for uranium and thorium milling activities, including tailings and wastes generated from these activities (45 FR 65521). These rules specify technical, surety, ownership, and long-term care criteria for the management and final disposition of uranium byproduct materials. Some of these rules would be affected by these proposed standards, and the NRC has noted that any changes necessary will be made when these EPA standards are promulgated.

The NRC has also enumerated in 10 CFR Part 150 the authorities reserved to it in its relations with Agreement States under the provisions of UMTRCA, and has specified conditions under which Agreement States may issue licenses under UMTRCA (45 FR 65521). Under the Agreement State program, States can issue licenses for uranium processing activities, including control and disposal of uranium byproduct materials. These NRC conditions include the specification that State licenses must ensure that the standards proposed here are adhered to when they have been promulgated.

EPA promulgated 40 CFR Part 260 et seq., "Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities," under Subtitle C of the Solid Waste Disposal Act, as amended (SWDA) on July 26, 1982 (47 FR 32274). Although radioactive materials controlled under the Atomic Energy Act of 1954, as amended, are not covered by the SWDA, UMTRCA requires that the standards proposed herein provide for protection of human health and the environment from nonradioactive hazards in a manner consistent with applicable standards promulgated under Subtitle C of the SWDA. The Act also requires the NRC to ensure conformance to "* * * general requirements established by the Commission, with the concurrence of the Administrator, which are, to the maximum extent practicable, at least comparable to requirements applicable to the possession, transfer, and disposal of similar hazardous material under [Subtitle C of the SWDA]."

EPA promulgated 40 CFR Part 440, "Ore Mining and Dressing Point Source Category; Effluent Limitations Guidelines and New Source Performance Standards, Subpart C—Uranium, Radium and Vanadium Ores Subcategory," on December 3, 1982 (47 FR 54598). The purpose of 40 CFR Part 440 is to establish effluent limitations, guidelines, and standards under the Clean Water Act for existing and new sources in a number of ore mining and dressing subcategories. Out of 27 mills in the uranium, radium and vanadium ores subcategory existing at that time, only one was discharging directly to surface water. In view of this, the regulations did not establish best available technology (BAT) limitations for existing sources in this subcategory. The one direct discharging uranium mill is currently regulated by a discharge permit in accordance with previously existing best practicable control technology (BPT) effluent limitations contained in 40 CFR Part 440. The new source performance standards were based upon the demonstration of no discharge to surface waters at the 26 other mills. These standards were derived for locations where the annual evaporation rate exceeds the annual precipitation rate (as is the case in most uranium milling areas), and require that "There shall be no discharge of process waste water from mills using the acid leach, alkaline leach, or combined acid and alkaline leach process for the extraction of uranium or from mines and mills using in-situ leach materials." That is, it prohibts any contamination of surface waters by these activities.

Finally, radiation protection guidance to Federal agencies for the conduct of their radiation protection activities was issued by the President on May 13, 1960 and published on May 18, 1960 (25 FR 4402). Federal Radiation Protection Guidance governs the regulation of radioactive materials by the NRC and Agreement States, and includes the following guidance: "* * * every effort should be made to encourage the maintenance of radiation doses as far below [the Federal Radiation Protection Guides] as practicable * * *" and "There can be no single permissible or acceptable level of exposure without regard to the reason for permitting the exposure. It should be general practice to reduce exposure to radiation, and positive effort should be carried out to fulfill the sense of [this Guidance]. It is basic that exposure to radiation should result from a real determination of its necessity." This guidance is currently known as the "as low as reasonably achievable" (ALARA) principle. It is particularly suited to minimizing radiation exposure in situations which vary greatly from site to site, or from time to time, and is an integral part of NRC and Agreement State licensing determinations.

The standards proposed here would supplement the above standards, guidance, and regulations in order to satisfy the purposes of UMTRCA to "* * * stabilize and control * * * tailings in a safe and environmentally sound manner and to minimize or eliminate radiation health hazards to the public." UMTRCA does not provide specific criteria to be used in determining that these purposes have been satisfied. EPA's objective, when not preempted by other statutory requirements, has been to propose standards that (1) take account of the tradeoffs between health, safety, and environmental and economic costs and benefits in a way that assures adequate protection of the public health, safety, and the environment; (2) can be implemented using presently available techniques and measuring instruments; and (3) are reasonable in terms of overall costs and benefits.

The legislative record shows that Congress intends that EPA set general standards and not specify any particular method of control. Therefore, our analyses of control methods, costs, risks, and other pertinent factors emphasize the general characteristics of uranium mill tailings and the affected sites. UMTRCA gives the NRC and the Agreement States the responsibility to decide what methods will assure these standards are satisfied at specific sites. (However, EPA must concur with NRC regulations established to implement Section 82a(3) of UMTRACA.)

II. Summary of Background Information

The information upon which we have based these proposed health and environmental standards for tailings as licensed commercial uranium processing sites is summarized below. Additional background information and more complete presentations are given in our DEIS and RIA.

A. The Risks From Tailings

Uranium mill tailings can affect man through four principal environmental pathways:

• *Diffusion of radon-222, the decay product of radium-226, from tailings into indoor air.* Breathing radon-222, an inert gas, and its short half-life decay products, which attach to tiny dust particles, exposes the lungs to alpha radiation (principally from polonium-218 and polonium-214). The exposures involved may be large for persons who have tailings in or around their houses, or who live very close ot tailings piles. Additional, but smaller, exposures to alpha radiation may result from long-lived radon-222 decay products (principally lead-210 and polonium-210). Exposure due to radon from tailings in or around buildings is best estimated from direct measurements of its decay products in indoor air.

• *Disposal of radon and of small particles of tailings material in air.* Radon emitted from tailings is widely dispersed in air, and exposes both nearby residents and those at greater distances. These doses are predominately to the lungs. Wind erosion of unstabilized tailings pilies creates local airborne tailings material. The predominant dose from airborne tailings is to the bones from eating foods contaminated by thorium-230, radium-226, and lead-210, and is small. Exposure due to airborne transport of radon and particulates from a pile usually can be directly measured only near the pile, but may be reliably estimated for larger distances using meteorological transport models.

• *Direct exposure to gamma radiation.* Many of the radioactive decay products in tailings produce gamma radiation. The most important are lead-214, bismuth-214, and thallium-210. Hazards from gamma radiation are limited to persons in the immediate vicinity of piles or removed tailings. Exposure due to gamma radiation from tailings is readily estimated from direct measurements.

• *Waterborne transport of radioactive and toxic material.* Dispersal of unstabilized tailings by wind or water, or leaching, can carry radioactive and other toxic materials to surface or ground water. Current levels of contamination appear to be low. However, contamination of surface and ground water and consequent intake by man and animals is possible. Potential exposure due to this possibility of ground and surface water contamination is highly site-specific and can generally only be determined by a careful survey program.

Our assessments of risks from tailings deal primarily with risks to man. This is because risks to other elements of the environment are judged to be much less significant, and would therefore be controlled to acceptable levels by measures adequate to protect man. In addition, the following discussion focuses largely on *current* levels of risk to man from tailings through air and water pathways. However, these current risks could be expanded by future misuse of tailings by man and by uncontrolled future effects of natural forces. Our proposed disposal standards reflect consideration of both current and potential future risks from tailings.

• *1. Air Pathways.* We estimated the hazards posed by emissions to air from tailings piles and from tailings used in and around houses. For the first case we used standard meteorological transport models and considered representative examples of exposure of people in the immediate neighborhood of a pile, the population in the local region, and the remainder of the national population. For the second, we drew largely upon experience from houses contaminated by tailings in Grand Junction, Colorado. Four sources of exposure were considered: inhaled short-lived radon decay products, gamma radiation, long-lived radon decay products, and airborne tailings particulates.

From this analysis we conclude:

(a) Lung cancer caused by the short-lived decay products of radon is the dominant radiation hazard from tailings. Estimated effects of gamma radiation, of long-lived radon decay products, and of airborn tailings particulates from the piles are generally much less significant, although high gamma radiation doses may sometimes occur.

(b) Individuals who have tailings in or around their houses often have large exposures to indoor radon and hence high risks of lung cancer. For example, in 50 percent of a sample of 190 houses with tailings in Grand Junction, Colorado, we estimate that the excess lifetime risk to occupants due to exposure to short-lived radon decay products prior to remediation may have been greater than 4 chances in 100.

(c) Individuals living near an uncontrolled tailings pile are also subject to high risks from short-lived radon decay products of radon emitted directly from tailings piles. For example, we estimate that people living continuously next to some tailings piles may have lifetime excess lung cancer risks as high as 4 chances in 100.

(d) Based on models for the cumulative risk to all exposed populations, we estimate that, *without* remedial action, the radon released directly from all tailings at presently (1982) licensed sites together would cause about 500 lung cancer deaths per century. This figure does not account for any likely additional deaths from misuse or windblown tailings because their number is difficult to predict, even though risk to individuals from such tailings may be somewhat greater than from direct radon emissions. By the year 2000, we estimate that, *without* remedial action, then-existing tailings would cause approximately 1200 to 1400 lung cancer deaths per century, depending on the amount of tailings generated by future demand for uranium. Of these, roughly 50 percent are projected to occur less than 50 miles from the piles.

There is substantial uncertainty in these estimates because of uncertainties in the rate of release of radon from tailings piles, the exposure people will receive from its decay products, and from incomplete knowledge of the effects on people of these exposures. The values presented here represent best estimates based-on current knowledge. In addition, these estimates are based upon current sizes and geographical distributions of populations. If populations continue to increase in the future, the estimated impact would be larger.

We conclude that the primary objective of standards for control of hazards from tailings through air pathways is isolation and stabilization to prevent their misuse by man and dispersal by natural forces, such as wind, rain, and flood waters. The second objective is to minimize radon emissions from tailings piles. A third objective is the elimination of significant exposure to gamma radiation from tailings.

2. Water Pathways. Water contamination does not now appear to be a significant source of radiation exposure at most piles. However, in addition to radionuclides, nonradioactive toxic substances, such as arsenic, molybdenum, and selenium, can be leached from tailings and contaminate water. Such contamination could affect crops, animals, and people. Process water is used to carry tailings to the piles as a slurry. Rainwater also may collect on the piles. The greatest threat

of contamination appears to be from process water discharged to the piles from the mill, although, in principle, it could be from the gradual effects of rainwater over the indefinite future. Most of this water eventually evaporates or seeps away. Elevated concentrations of toxic or radioactive substances in ground water have been observed at many active sites (seven are identified in the DEIS), and in some standing surface water ponds (but only rarely in surface running water). Any future contamination of water after disposal would arise from the effects of rain or through flooding of a pile, from pentration of a pile from below by ground water, or from leaching of tailings transported off a pile.

A theoretical analysis performed for the NRC of a large model pile with no seepage control showed that contamination of ground water by selenium, sulfate, managese, and iron might exceed current drinking water standards over an area 2 kilometers wide and 8 to 30 kilometers long. More than 95 percent of this projected contamination was attributed to initial seepage of process water discharged to the pile during mill operations.

We recognize that the NRC generic model is only one of several that could be applied to contaminant transport in groundwater. Other models could predict greater or less risks of ground water contamination. An example of greater risk is a plume of contamination that, under certain circumstances, could still move cohesively towards a water supply after the flow of liquid through the tailings has stopped following closure of a pile.

In general, the movement of contaminants through a pile and subsoil to ground water depends on a combination of complex chemical and physical properties, as well as on local precipitation and evaporation rates. Chemical and physical processes can effectively remove or retard the flow of many toxic substances passing through subsoil. However, some contaminants, such as arsenic, molybdenum, and selenium, can occur in forms that are not removed. Typically, ground water can move as slowly as a few feet per year, and only in coarse or cracked materials does the speed exceed one mile per year. For these reasons, contaminants from tailings may not affect the quality of nearby water supply wells for decades or longer after they are released. However, once contaminated, the quality of water supplies cannot usually be easily restored simply by eliminating the source (although, in some cases, removing or isolating the tailings may contribute to improving water quality).

Based on results from the NRC generic model for mill tailings piles, it is likely that the observed cases of ground water contamination result from seepage of the liquid waste discharges from the mill, and can be controlled by preventing this seepage until the piles dry out by natural evaporation. Additional future contamination of ground water after these liquid wastes are dried up should be much smaller, and in most cases would be expected to be eliminated by measures required to control misuse of disposed tailings by man and dispersal by wind, rain, and flood waters. These measures should also effectively eliminate the threat of contamination of surface water by runoff or from leaching of tailings transported off piles, and provide a degree of protection of surface and ground water from contamination by flooding. However, at some sites, especially in areas of high rainfall or where ground water tables intersect the piles, special consideration of potential future contamination of ground water may be needed in designing disposal systems.

We conclude that the primary objective of standards for control of hazards from tailings through water pathways is to prevent loss of process water through seepage, prior to closure. A secondary objective is to avoid surface runoff and infiltration both before and after disposal.

B. Methods for Control of Hazards From Tailings

As noted above, the objectives of tailings disposal (and of tailings management prior to disposal) are to prevent misuse by man, to reduce radon emissions and gamma radiation exposure, and to avoid the contamination of land and water by prevenitng erosion of piles by natural processes and seepage of process water. The longevity of control is particularly important. This can be affected by the degree to which control measures discourage disruption by man; and by the resistance of control measures to such natural phenomena as earthquakes, floods, windstorms, and glaciers, and to chemical and mechanical processes in the piles. Prediction of the long-term integrity of control methods becomes less certain as the period of concern increases. Beyond several thousand years, long-term geological processes and climatic change become the dominant factors.

Methods to prevent misuse by man and disruption by natural phenomena may be divided into those whose integrity depends upon man and his institutions ("active" controls) and those that do not ("passive" controls). Examples of active controls are fences, warning signs, restrictions on land use, inspection and repair of semi-permanent tailings covers, temporary dikes, and drainage courses. Examples of passive controls are thick earthen covers, rock covers, massive earth and rock dikes, burial below grade, and moving piles out of locations highly subject to erosion, such as unstable river banks.

Erosion of tailings by wind, rain, and flooding can be inhibited by contouring the pile and its cover, by stabilizing the surface (with rock, for example) to make it resistant to erosion, and by constructing dikes to divert rapidly moving flood waters. If necessary, erosion can be inhibited by burying tailings in a shallow pit or by locating them away from particularly flood-prone or otherwise geologically unstable sites.

Methods to inhibit the release of radon range from applying a simple barrier (such as an earthen cover) to such ambitious treatments as embedding tailings in cement or processing them to remove radium, the precursor of radon. Covering tailings with a permeable (porous) barrier, such as earth, delays radon diffusion so that most of it decays in and is therefore effectively retained by the cover. In addition to simple earthen covers, other less permeable materials such as asphalt, clay, or soil cement (preferably in combination with earthen covers) may be used. The more permeable the covering material, the thicker it must be to achieve a given reduction in radon release. However, maintaining the integrity of control of radon by thin, very impermeable covers, such as plastic sheets, is unlikely, even over a period as short as several decades, given the chemical and physical stresses present at piles.

The most likely constituents of cover for disposal of tailings are locally available earthen materials. The effectiveness of an earthen cover as a barrier to radon depends most strongly on its moisture content. Typical clay soils in the uranium milling regions of the West exhibit ambient moisture contents of 9 percent to 12 percent. For nonclay soils ambient moisture contents range from 6 percent to 10 percent. The following table provides, as an example, the cover thicknesses that would be required to reduce the radon emission to 20 pCi/m^2s for the above ranges of soil moisture. Four examples of tailings are shown that cover the probable extreme values of radon emission from bare tailings (100 to 1000 pCi/m^2s); the most common value for new tailings is

approximately 300 pCi/m²s. These values are for homogeneous covers. In practice, multi-layer covers using clay next to the tailings can significantly reduce the total thickness required. The DOE and NRC have conducted extensive studies which provide a basis for optimum design of tailings covers based on the locally available materials.

ESTIMATED COVER THICKNESS[1] (IN METERS) TO ACHIEVE 20 PCi/M²S

Radon Emission from Tailings (pCi/m²s)	Percent moisture content of cover			
	6	8	10	12
100	1.7	1.3	1.0	0.7
300	2.8	2.2	1.5	1.1
500	3.4	2.6	2.0	1.5
1000	4.1	3.2	2.4	1.8

[1] These values were calculated from equation (9) in Appendix P of the Final Generic Environmental Impact Statement on Uranium Milling, U.S. Nuclear Regulatory Commission, NUREG-0706, September 1980.
[2] A picocurie (pCi) is a trillionth of a curie. One picocurie of material produces just over two transformations per minute. A pCi/m²s is a unit for the release rate of radioactivity from a surface (m=meter, s=second).

Methods that control radon emissions will also prevent transport of particulates from the tailings pile to air or to surface water. Similarly, permeable covers sufficiently thick for effective radon control will also absorb gamma radiation effectively (although thin impermeable covers will not).

Two methods may be considered for protecting ground water at new tailings piles. The first is the placement of a physical barrier, called a liner, between the tailings and the aquifer zone, to prevent water containing hazardous constituents from entering the aquifer. Either clay or plastic liners can be used at about the same cost. Plastic liners are expected to perform satisfactorily throughout the lifetime of a model mill, i.e., about 15 years. Clay liners may require use of additional measures, such as partial neutralization of the tailings, especially at acid leach mills, to satisfactorily protect ground water, but are expected to retain their effectiveness for longer periods of time. The second method could be treatment of process water to modify its acidity or alkalinity, if such treatment were shown to prevent contamination. At a neutral level many hazardous constituents of tailings liquids become insoluble and thus not available to contaminate ground water. However, not all hazardous constituents are so affected, and the action of rainwater, selected weathering processes, and mineralization of the soil or rock matrix can upset this neutralization over time, thereby releasing contaminants. There is little difference in costs for these two methods. Liners are currently required by NRC as a matter of good engineering practice for most new tailings impoundments.

EPA does not believe it is necessary to require all new wastes at existing sites to be placed on new piles. Satisfying ground water standards at existing tailings sites without liners, however, will require widely varying actions from site to site. Ground water contamination is known to have occurred at seven sites, and may be occurring at many others. It may not be possible to clean up the ground water at some sites. In the worst cases a new, lined tailings pile may be required to prevent future contamination. In other cases existing tailings piles may release essentially no contaminants to ground water because the type of soil they rest on acts as an effective liner. In practice, most tailings ponds will fall somewhere between these two extremes. Less expensive corrective action than a new liner may be sufficient to satisfy ground water standards for hazardous constituents at many sites. For example, an active water management program may be employed to reduce the quantity of water in the tailings and thus reduce the driving force for ground water contamination, or back pumping of water around the piles may prevent losses to the surrounding ground environment. Corrective actions are already being taken at certain sites (Cotter Mill, Canon City, Co., and Homestake Mill, Grants, N.M., for example).

Control of possible long-term low-level contamination of ground water may sometimes be difficult. In cases where intrusion of contamination into ground or surface water is a potentially significant problem, liners and/or caps may provide a good degree of protection for at least many decades. However, more permanent protection may, in such cases, require choice of (for new tailings) or removal to (for existing tailings) a site with more favorable hydrological, geochemical, or meteorological characteristics.

Very effective long-term inhibition of misuse by man, as well as of releases to air and surface water, could be achieved by burying tailings in deep mined cavities. In this case, however, direct contact with ground water would be difficult to avoid. The potential hazards of tailings could also be reduced by chemically processing them to remove contaminants. Such processes have limited efficiencies, however, so the residual tailings would still require some control. Furthermore, the extracted substances (e.g., radium and thorium) would be concentrated, and would themselves require careful control.

We analyzed the costs of a number of possible control methods. These are described in the DEIS and the RIA. The total cost is affected most strongly by the type of material used to stabilize the surface of the tailings against erosion and to inhibit misuse by man, by the water protection features required, and by the number of piles that must be moved to new sites. In general, costs of covers using man-made materials (e.g., asphalt) are somewhat higher than costs for earthen covers. Active control measures are usually less costly in the short term than are passive measures. The costs for deep burial of tailings piles or for using chemical processing to extract radium are much higher than those for surface or shallow burial disposal using covers.

III. Scope of the Proposed Standards

UMTRCA defines the term "byproduct material" as " * * * the tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content." The processing wastes included in this proposed rule are the tailings from uranium or thorium ore milling processes and from ores which have been heap leached primarily to recover source material, and solid wastes from *in situ* mining. It is clear from the definition of byproduct material, however, that Congress intended UMTRCA to apply to the conventional uranium (or thorium) industry and not to industries where source material is recovered as a secondary product. Thus, tailings from the phosphate and copper extraction industries are not covered by these proposed standards.

Solution extraction, or *"in situ"* mining, is a processing method in which uranium is recovered from ore without moving or disturbing the ore body. In this method holes are drilled at selected points around an ore body and a solvent is pumped into some holes and the resulting solution out other holes. The solvent passes through the ore, dissolves the uranium, and carries it back to the surface. The uranium is then stripped from the solution and concentrated. The solvent, which is stored in holding ponds, can be treated and reused or discarded. Although this method produces no sandy tailings, it does produce sludges that contain many of the same radioactive and nonradioactive substances found in tailings piles. Consequently, the above-ground wastes from *in situ* mining are covered in these proposed standards. We note that because *in situ* mining and conventional milling currently are done

in the same regions of the country, disposal of sludges on tailings piles may often be arranged.

Protection of ground water from the underground operations of *in situ* mining is provided by the Underground Injection Control program promulgated under Sections 1421 and 1422 of the Safe Drinking Water Act. The associated regulations, 40 CFR Parts 122, 123, and 146, impose administrative and technical requirements on such operations, through either approved State programs or EPA-implemented programs. The underground ore bodies depleted by *in situ* urnaium mining operations are excluded from these proposed standards under UMTRCA.

We are proposing standards for thorium byproduct material that are derived from and comparable to the proposed standards for uranium byproduct material. To our knowledge there is currently no processing of ore primarily to recover its thorium content. Projections of thorium demand indicate there will be little need for thorium during the next decade. Nuclear power programs using thorium consist of only one power plant, Fort St. Vrain in Colorado. There is a facility processing monazite sands for recovery of rare earths, operated by the W.R. Grace Co., near Chattanooga, Tennessee. This facility can also recover thorium from this ore, which is the primary source of thorium. However, thorium is a secondary product at this facility. We will keep informed of the situation involving thorium and, if additional information on thorium-related tailing develops, will consider the need for revising the general environmental standards proposed here for the wastes from thorium processing activities.

IV. The Proposed Standards for Operations

These proposed standards are divided into two parts. The first part, described immediately below, would apply to management of tailings during the active life of the pile and during the subsequent "closure period," i.e., after cessation of operations but prior to completion of final disposal, including the period when the tailings are drying out. These are standards that govern milling operations. Most are already in effect, but these proposed standards would make some small additions for the protection of ground water.

The second part specifies the conditions to be achieved by final disposal. Those standards would guide the activities carried out during the closure period to assure adequate final disposal. They are standards that govern the design of disposal systems.

There are four parts to the standards for operations prior to completion of closure. These limit particulate emissions, radon emissions, and contamination of surface and ground water.

A. Particulate Emissions

Radionuclides in particulate emissions from uranimum mill tailings piles during the period a mill is licensed are currently limited by standards under 40 CFR Part 190. These standards limit the annual radiation dose to members of the public to 25 millirem to the whole body or any organ (except the thyroid, which is limited to 75 millirem) as a result of discharges to the general environment from uranium fuel cycle facility operations.

B. Radon Emissions

Limits on radon emissions from active uranium mill tailings sites during operation are not currently included in EPA standards. Radon and its decay products were excluded form 40 CFR Part 190 because at the time those regulations were established considerable uncertainty existed about the feasibility of control of radon emissions from tailings piles. We concluded then that the considerations associated with controlling radon emissions were sufficiently different from those for other radionuclide emissions from uranium fuel cycle facilities to warrant separate consideration at a future time.

Radon concentrations in air in unrestricted areas are currently limited only by the NRC's general regualtions for protection against radiation (10 CFR Part 20). These standards, which are based on the Federal Radiation Protection Guides (25 FR 4402), provide an upper limit on the radon concentration of 3 pCi/1 in air in areas to which individual members of the public have unlimited access. Unrestricted areas in which permanent access by more than a few identified people is possible are further limited to an upper limit of one third of this value, or 1 pCi/1, through the operation of Federal Radiation Protection Guidance for situations in which individual doses are not monitored. The incremental increase in the working level concentration inside houses caused by 1 pCi/1 of radon in indoor air is about 0.005 WL. Such an increase maintained over a 15-year period (the operational period of an average mill) would cause an incremental lifetime risk of lung cancer of 1 in 1000.

In addition to these upper limits, Federal Radiation Protection Guidance calls for the further reduction of radiation exposure to levels that are "as low as practicable," based on consideration of the particular circumstances associated with control of exposures from any specific source (the so-called ALARA principle). Neither of the above limits were derived for application to the specific case of uranium mill tailings.

Practical methods which significantly reduce radon emissions during the operational phase of existing mills are management schemes limited in their effectiveness and can achieve, at most, factors of 2 or 3 reduction. The degree of reduction possible through such management schemes depends heavily on the characteristics of a given site. Such control involves keeping the tailings wet (usually with process liquids) or covering with earth those portions of the pile that are not in active use. (Another control method is to acquire additional land adjacent to a site so as to exclude public access, and thus limit the potentially high level of risk which could occur if people live very close to an operating tailings pile.) EPA believes that milling operations are too diverse to permit establishment of a general numerical standard without the need for so many exceptions that the standard itself would be meaningless.

Based on all of the above we have tentatively concluded that a more restrictive general radon standard than now exists for the operating phase of a mill is not practical or necessary and that application of the ALARA principle by the regulatory agency will assure adequate control of radon releases during the operating phase of a mill. However, we are soliciting comments on this and alternative means to limit radon; see Section VI below. Our tentative conclusion is based in large part on EPA's assumption that existing and future management schemes will reflect ALARA principles and will involve the specific measures described above. The regulatory agency should assure that exposure to radon emissions is minimized at each site, as far below existing limits as is reasonably achievable, through the choice of optimized tailings management procedures and site boundaries.

C. Discharges to Surface Waters

Only one site currently discharges wastes to surface waters. Such discharges are unnecessary where annual natural evaporation is greater than precipitation because liquid wastes can be stored in a pond which has been lined to prevent seepage into ground water and allowed to evaporate.

Discharges to surface waters are currently governed by the provisions of the Clean Water Act. EPA regulations are in effect which define best practicable technology (BPT), and new source performance standards (NSPS) for control of discharges from mills using the acid leach, alkaline leach, or combined acid and alkaline leach process for the extraction of uranium (40 CFR Part 440).

In view of the comprehensiveness and adequacy of the regulatory program in place for surface water discharges from the uranium milling industry, we believe no additional standards for surface water are needed under UMTRCA.

D. Protection of Ground Water

Section 275b(2) of the Atomic Energy Act, as added by the UMTRCA, requires that these standards protect human health and the environment from nonradiological hazards in a manner consistent with the standards required under subtitle C of the Solid Waste Disposal Act (SWDA). Section 84a(3) directs the NRC to "* * * insure that the management of any byproduct material * * * conforms to general requirements established by the Commission, with the concurrence of the administrator, which are, to the maximum extent practicable, at least comparable to requirements applicable to the possession, transfer, and disposal of similar hazardous material regulated by the Administrator under the Solid Waste Disposal Act, as amended."

In considering standards for groundwater protection for active uranium mill tailings piles in relation to SWDA regulations, EPA was guided by two considerations, each of which is discussed in some detail below. The first consideration is that, unlike the statutory scheme of SWDA, the statutory scheme of UMTRCA shares responsibility between EPA and NRC. Under UMTRCA, NRC is responsible for promulgating regulations to implement the EPA standards, subject to EPA concurrence that the NRC regulations are consistent with SWDA.

The second consideration is EPA's view that Congress intended that EPA adhere to the protection principles and standards reflected and embodied in the SWDA regulations where appropriate and, where adherence seems inappropriate, to explain why deviation from the SWDA regulations in particular instances is reasonable.

The proposed regulations are standards which EPA considers appropriate to the divided EPA and NRC responsibilities and as consistent as is reasonable with the standards promulgated under SWDA. This means that the proposed UMTRCA standards differ from the SWDA standards in some respects. This also means that the UMTRCA standards do not address some areas addressed by the SWDA regulations. EPA expects that a comparable degree of comprehensiveness would be afforded under UMTRCA when the companion NRC regulations are in place.

Congress in 1978 excluded the active uranium mill tailing waste it was addressing in UMTRCA from the ambit of SWDA to avoid duplication of NRC licensing and EPA permitting functions. In requiring "consistency," Congress could not have meant that the UMTRCA standards be those applicable to active uranium mill tailings under SWDA since by its own definition there would be none. What Congress intended, EPA believes, is that EPA bring to bear on the non-radioactive hazards associated with wastes regulated under UMTRCA (primarily but not exclusively groundwater contamination) the same protection principles it applies to similar hazards associated with the waste regulated under SWDA.

Since Congress in UMTRCA was addressing the hazards associated with radioactivity in waste, as well as any non-radioactive hazards, it follows that EPA should take cognizance of both kinds of hazard in these regulations. Likewise, EPA may take cognizance of any differences between the nonradioactive hazards presented by these wastes and those addressed by SWDA. Both these considerations lead EPA to believe that Congress did not intend that the UMTRCA standards achieve a purely mechanical consistency with SWDA regulations which ignores differences in the hazards presented. EPA believes instead that Congress intended the UMTRCA standards to be consistent with SWDA standards where possible and that EPA explain differences where it believes a different standard to be appropriate. That is the course which EPA has pursued in these regulations.

EPA's requirements to protect health and the environment form radiological hazards in groundwater are discussed in the context of its treatment of nonradiological hazards through the SWDA requirements. The SWDA requirements (47 FR 32274, July 26, 1982) are a comprehensive regulatory program to protect human health and the environment from hazardous waste disoposal in or on the land.[2] This program includes identification and listing of hazardous materials; a manifest system to track hazardous materials from cradle to grave; controls for the transportation of hazardous materials; standards for owners and operators of hazardous waste treatment, storage and disposal facilities; and a permitting system for the treatment, storage and disposal of hazardous waste.

Unlike EPA's role in SWDA, EPA's role for controlling hazardous materials from uranium tailings under UMTRCA is limited to setting standards and does not include an implementing responsibility. That responsibility is vestd in the NRC and the States as the licensing agencies under Title II of UMTRCA (Section 84a(3)) and would be carried out through regulations set by the NRC, with the concurrence of the Administrator, upon promulgation of these standards by EPA.

The primary purpose of the SWDA ground water regulations is to protect ground water quality so as to provide reasonable assurance that human health and the environment will be protected. To accomplish this, the goal of the regulations is to minimize the migration of hazardous components of wastes. The SWDA strategy for achieving this goal has two basic elements. The first is a liquids management strategy that is intended to minimize leachate generation and to remove leachate before it enters the subsurface environment. This is the "first line of defense," in the sense that it seeks to prevent ground water contamination by controlling the source of the contamination. The second element is a ground water monitoring and response program that is designed to remove leachate from ground water if contamination is detected in excess of specified standards. This monitoring and response program serves as a backup to liquids management.

The SWDA strategy for groundwater protection is carried out differently depending on the nature of the facility involved. Subpart K of Part 264 applies this strategy to surface impoundments. Subpart L applies it to waste piles. Supart N applies it to landfills. EPA was faced with the question which of these applications provided the best model to follow in regulating hazards associated with waste disposed of at uranium mill tailings piles.

Waste piles under SWDA are considered a storage rather than disposal facility and thus do not provide an appropriate model.

Surface impoundments under SWDA function primarily to store or dispose of

[2] In the following, any references to SWDA regulations shall apply to those regulations, as amended, as of January 1, 1983.

solid and liquid waste. Regulations addressing surface impoundments used only for storage require a liner which is removed (along with the waste) after closure. Since the liner will be removed,the regulations permit liner design involving permeable materials that will allow liquid into but not through the liner. Regulations addressing suface impoundments used for disposal require use of a liner during active use of the facility which will prevent permeation of liquid into the liner and removal of free liquid and installation of a cover at closure. The cover is required to be equally or more impermeable than the liner.

Landfills under RCRA function primarily to dispose of solid waste. The regulations require that such units have a liner and a leachate collection and removal system and, after closure, a cover. Both liner and cover are required to have permeability characteristics similar to those for impoundments.

In both cases, the liner must be designed to prevent migration of liquid into the liner. For surface impoundments, postclosure migration of liquid waste is prevented by removal of the liquid. For landfills, which are not used for storage of liquid wastes, it is expected that any leachate will be removed before closure by the leachate collection and removal system. In both cases, leaching after closure is minimized by minimizing infiltration through use of a cover.

The standards proposed here are modeled on Subpart K. Active mill tailings piles typically contain large amounts of waste liquids. Leachate collection and removal systems such as those required in Subpart N are not appropriate for such situations.

The standard proposed here would put into effect the first element of the ground water protection strategy as to new piles or lateral extensions of existing piles by incorporating the standard of 40 CFR Section 264.221 of the SWDA regulations, relating to surface impoundments. This section requires a liner that is designed, constructed, and installed to prevent migration of wastes out of the impoundment to the adjacent subsurface soil, or ground water, or surface water during the active life (including the closure period) of the impoundment. In establishing the SWDA regulations, EPA considered as an alternative a requirement that the liner for waste facilities be designed, constructed, and installed to minimize migration of wastes out of the impoundment. Operators would have been able to comply with this alternative by using either a clay or a synthetic liner. The Agency ultimately rejected this alternative in favor of a no migration policy based on a synthetic liner requirement because (1) it prevents escape of all hazardous constituents, and (2) causes constituents reaching the liner to be retained so that they can be more readily removed before closure. However, under § 264.221, an exemption to the liner requirement may be granted if the owner or operator demonstrates that alternate design and operating practices, together with location characteristics, will prevent the migration of any hazardous constituents into ground or surface water. Uranium mill tailings are produced at primarily arid western sites. For specific waste/site combinations of this type it may be that clay liners, natural soils, or combinations thereof may afford an equivalent level of protection and provide substantial advantages in terms of cost.

Section 264.221 also exempts the pre-existing portion of an impoundment and new wastes placed upon it from the liner requirement. The existing portion under these regulations is defined as the land surface area on which wastes (in this case, tailings) have been placed prior to the date of publication of these standards in final form.

Two points are important here. First, by providing an exemption procedure under SWDA to the liner requirement, EPA recognized that adequate ground water protection can be achieved at some locations through alternative facility designs (which might in this application include use of clay liners, or, in some cases the elimination of a liner requirement through use of natural soils). Although the presence or absence of these factors should not be deemed conclusive, an example of a situation for which this exemption may be appropriate is when the unsaturated zone below the impoundment is composed of materials that are capable of fixing any hazardous constituents in the process liquid before it reaches ground or surface water (e.g., holding up hazardous constituents through ion exchange).

Second, the requirement for a liner does not *a priori* apply to the land surface areas where tailings are currently placed, i.e., liners would not usually have to be installed under existing tailings. Depositing tailings on existing piles could continue as long as the pile surface area is not expanded and the secondary standards for concentrations of hazardous constituents in groundwater (see below) are not exceeded. However, any expanded portion of an existing impoundment would be subject to the same liner requirements (or their equivalent) as a new impoundment. If hazardous constituent concentrations exceed the ground water standards, continued deposition of tailings on an existing pile would not be permissible unless corrective actions are expected to achieve compliance or alternate standards have been established for the site. The EPA Regional Administrator could concur in such alternate standards only if doing so would result in no substantial present or potential hazard to human health or the environment.

While modeled on Subpart K, the proposed standards modify the Subpart K requirements to take cognizance of two characteristics of active mill tailing sites: their arid location and their association with radon emissions. EPA recognizes that disposal facilities regulated under SWDA may also be located in arid areas.

As part of that consideration, EPA is considering whether the arid location of the wastes allows post-closure removal of the liquid by evaportation. It is also considering whether net evaporation makes it less important that the liner be of impermeable rather than relatively impermeable materials so long as the liner is designed so that liquid not enter the groundwater prior to closure. After closure, the pile will be drying out and reducing the pressure head which creates the hazard of groundwater contamination. Treating the pile as if it were a surface impoundment used for storage would allow designers to capitalize on possible advantages clay may have over synthetic liners: e.g., the viscosity of the mateiral, which allows it to flow into gaps; and the chemical interaction with liquids, which fixes, filters out, and chelates hazardous constituents in the liquid. EPA solicits comment on these considerations.

The radiological hazard affects the permeability characteristics desirable for the cap. Subpart K requires the cap to be at least as impermeable as the liner to prevent build-up of liquid in the facility and increase of hydrostatic pressure. In theory, therefore, an impermeable liner necessitates an impermeable cap. However, long-term radiological protection requires a thick cover that retains some moisture (6–12%) in order to function as an effective barrier to radon. Such a cover requires a relatively stable foundation. For this reason EPA considers it appropriate to specify a cover permeability requirement for these wastes which differs from that of Subpart K.

Thus, the proposed standard would not apply the surface closure requirements of § 264.228 to uranium

byproduct material impoundments. This modification is proposed since the proposed standards for disposal of tailings (§ 192.32(b)) are adequate to protect ground water. The considerations involved are discussed in more detail below.

In summary, we propose here, as a primary ground water protection requirement for tailings placed on new piles, a liner to prevent seepage of leachate from tailings into ground water. However, consistent with the primary ground water protection standard specified in the SWDA regulations, we also permit exceptions to be granted to this requirement. (We propose as a ground water protection standard for existing tailings, and new tailings added to existing piles, the secondary numerical ground water standards discussed below.) In Section VI below we request comment on what exceptions are appropriate to this liner requirement, and on how the exception procedure should be applied. We also request comment on whether these proposed primary liner requirements are appropriate for application to these tailings sites.

The standard proposed here to carry out the second element of the SWDA ground water protection strategy is that contained in existing SWDA regulations, at 40 CFR 264.92 (and related sections). This proposed standard has several parts. The first part is contained in § 264.93 and identifies hazardous constituents as those listed in Appendix VIII of Part 261. We propose to add two hazardous chemical elements, molybdenum and uranium, commonly present in tailings. A second part is contained in § 264.94 and requires that " * * * no increase over background levels" be allowed for most listed constituents. This approach is consistent with a ground water protection philosophy that seeks to maintain ground water quality. The second part also contains Table 1—"Maximum Concentration of Constituents for Ground water Protection." These standards are maximum concentration limits for a particular set of toxic metals and pesticides, and were first established in the National Interim Primary Drinking Water Regulations (NIPDWR) as health-based concentration limits. We propose to add to the Table 1 standards the NIPDWR limit for alpha radioactivity, to cover the radioactive materials found in tailings.

These proposed standards would be established through the measurement of background concentrations of hazardous constituents in ground water at each tailings site for those hazardous constituents that are reasonably expected to be in or derived from the tailings. Standards would be established for most constituents at the background ground water concentrations, except in the case of materials listed in Table 1 of § 264.94. Those standards would be established as the higher of the background levels or the Table I concentration.

The SWDA regulations provide that the EPA Regional Administrator may exclude a hazardous constituent from the list of hazardous constituents applicable to a site if he finds that the constituent is not capable of posing a substantial present or potential hazard to human health or the environment (§ 264.93(b) and (c)). He is also allowed to establish an alternate concentration limit for a hazardous constituent if he finds that the constituent will not pose a substantial present or potential hazard to human health or the environment as long as the alternate concentration is not exceeded (§ 264.94(b) and (c)). EPA believes that determinations as to what constituent levels pose a health hazard are a primary responsibility of EPA and cannot be delegated to other agencies. Therefore, we propose to retain effective control over granting of exemptions and establishment of alternate standards for ground water by requiring EPA concurrence in regulatory decisions regarding such exemptions and alternate standards.

Section 264.100 of the SWDA regulations requires that a corrective action program be initiated when hazardous constituent concentration limits are exceeded in ground water. The regulatory agency will review the plans for such corrective actions, and approve them only if they provide a reasonable degree of confidence that the proposed corrective actions will succeed. The SWDA regulations do not specify a numerical time limit within which such corrective actions are to be in operation. We propose to require corrective actions to be in operation as soon as is practicable, but in no case later than within one year of a finding by the licensor that a concentration limit has been exceeded. This requirement is reasonable for tailings sites because the fewer than 30 licensed sites all contain similar materials. The SWDA regulations require only that corrective action begin within a "reasonable" time period. However, the SWDA regulations are applicable to thousands of sites, with a wide variety of hazardous constituents.

The SWDA regulations similarly do not specify a time by which corrective actions should be completed. We believe flexibility in this respect is the only practical course. Once corrective actions have begun, the regulatory agency should evaluate their effectiveness and determine whether to continue, alter, or discontinue the actions. Because corrective actions are very site-specific such determinations should not be made under a uniform, pre-established schedule. It is the regulatory agency's responsibility, however, to assure that necessary decisions are rendered in a timely fashion. Acceptable plans for corrective actions should offer a high likelihood of achieving compliance with the standards. Furthermore, corrective actions which, once begun show inadequate promise of achieving compliance, should result in the regulatory agency's promptly disallowing the addition of new tailings to a noncomplying tailings pile.

Under our proposed standard, all new waste storage areas (whether new waste facilities or expansions of existing piles) are subject to the primary standard—the liner requirement. If new wastes are added to an existing pile, however, the pile must comply with the secondary standard—the hazardous constituent concentration standards for health and environmental protection. Whether for a new or existing pile, if the secondary standards are found not to be satisfied and subsequent corrective actions fail to achieve compliance in a reasonable time, the operator must cease depositing waste on that pile.

We considered treating all new wastes the same, without regard to whether they would be placed on new or existing piles. We did not select this alternative because we concluded it would result in less overall environmental protection than the proposed standard. That is, exempting new waste added to existing piles from the primary standard is environmentally preferable because the alternative, creating new piles, would increase radon emissions by increasing surface to volume ratios. If the primary standard were applied to all new waste, we believe mill operators would generally choose to create new lined impoundments and discontinue the use of existing piles. (Our economic analysis indicates that refitting existing tailings with liners is not cost effective.) Therefore, until disposal of the discontinued piles occured, which usually would take several years, two tailings pile surfaces would be exposed instead of one. Under available controls, radon and particulate releases to the air from two piles would exceed releases from one by approximately a factor of

two. Furthermore, post-disposal radon emissions from two piles will continue indefinitely to be about twice those from only one. Congress stated in UMTRCA that "* * * every reasonable effort (should) be made to provide for the stabilization, disposal, and control * * * of such tailings in order to prevent or minimize radon diffusion into the environment * * *" (Section 2.(a)). Creating additional tailings piles would not satisfy this primary objective of Congress.

A second objective of Congress under UMTRCA is that these standards be conistent with standards under UMTRCA so as to "* * * prevent or minimize other environmental hazards from such tailings * * *" If the primary standard were applied to all new tailings, most operators would be likely to choose to construct new, lined impoundments and discontinue use of existing piles. We believe this would not increase protection of the underground environment, but would create potential for additional contamination. Subsurface soils beneath existing, unlined impoundments are usually already contaminated. The ground water beneath these contaminated soils may or may not also be contaminated. However, if it is corrective actions must be taken to achieve compliance with the ground water protection standards. This situation (contaminated subsurface soil and, possibly ground water) exists regardless of whether or not new tailings are added to existing impoundments.

Placing new tailings in new, lined impoundments would cover additional land surface with tailings, beneath which soils are not initially contaminated. The liner is expected to prevent seepage of hazardous constituents into the subsurface. However, if the liner fails, the underlying soils, and perhaps, ground water, would become contaminated.

Since the secondary standard basically requires that ground water not be degraded, the major additional effect of a fully successful liner would be to prevent hazardous constituents from entering the ground beneath a pile. Therefore, applying the primary standard to existing piles would force their replacement with new lined piles, which, if they are fully effective, would leave the underground environment at the facility as it is, and if not fully effective, could approximately double the contaminated area.

The secondary standard assures that any leakage from either lined or unlined piles will not significantly degrade the environment or pose a hazard to human health. In our judgment, creating additional piles produces a health detriment from airborne radioactivity that exceeds any benefits from improved water protection and creates the possibility of additional contamination of subsurface soil. We find, therefore, that requiring liners (the "primary" standard) for all future operations of existing piles rather than conformance to ground water standards (the secondary standard) would be likely to: (1) Increase radon and particulate releases; (2) not materially improve protection of the ground water; and (3) commit additional land surface permanently to waste disposal. Therefore, on balance, it appears that exempting new waste added to existing uranium mill tailings piles from the primary requirement if preferable for both health and environmental protection.

There are several SWDA regulations that specify monitoring after closure of an impoundment. Monitoring is a compliance activity conducted to assure that health and environmental standards are being met. The regulatory agency is responsible for establishing such requirements, including post-closure monitoring consistent with the SWDA regulations. The period over which post-closure monitoring is normally required under SWDA is 30 years. The regulatory agency should recognize, however, that monitoring of ground water for shorter or longer periods may be needed for the specific sites where tailings are located and, when appropriate, change this requirement.

The SWDA regulations are complex as well as comprehensive. In order to facilitate comment on these proposals we summarize below the sections of those regulatons which relate to the separate EPA and NRC responsibilities. EPA's responsibilities to establish standards under Section 206 of UMTRCA would be carried out through adoptation of all or part of the following sections of the SWDA regulations:

i. Subpart F:

40 CFR 264.92 Ground water protection standard
40 CFR 264.93 Hazardous constituents
40 CFR 264.94 Concentration limits (these three sections are modified and adopted as 192.32(a)(2))
40 CFR 264.100 Corrective action program (this section is modified and adopted as 192.33)

ii. Subpart G:

40 CFR 264.111 Closure performance standard (this section is adopted as part of § 192.32(b)(1))

iii. Subpart K:

40 CFR 264.221 Design and operating requirements for surface impoundments (this section is modified and adopted as § 192.32(a)(1))

NRC's responsibilities under UMTRCA are to implement EPA's standards and to "insure that the management of any byproduct material * * * is carried out in such a manner as * * * conforms to general requirements established by the Commission, with the concurrence of the Administrator, which are, to the maximum extent practicable, at least comparable to requirements applicable to the possession, transfer, and disposal of similar hazardous material regulated by the Administrator under the SWDA, as amended." EPA will insure that NRC's regulations satisfy these admonitions through its concurrence role. Relevant SWDA regulations are those embedded in Subparts A (except § 264.3), B, C, D, E, F, G, H, and K. Examples of areas which NRC must address in discharging these responsibilities involve functions under the six sections immediately above which are incorporated into these proposed EPA standards, and the following sections of the SWDA regulations:

i. Subpart F:

40 CFR 264.91 Required programs
40 CFR 264.95 Point of compliance
40 CFR 264.96 Compliance period
40 CFR 264.97 General ground water monitoring requirements
40 CFR 264.98 Detection monitoring program
40 CFR 264.99 Compliance monitoring program

ii. Subpart G:

40 CFR 264.117 Post-closure care and use of property

iii. Subpart K:

40 CFR 264.226 Monitoring and inspection (of impoundment liners), as applicable

EPA and NRC are coordinating their efforts to insure health and environmental protection from uranium byproduct materials. In particular, we are working closely with the NRC to assure that NRC's general requirements for ground water protection will be comparable, to the maximum extent practicable, to EPA's requirements under the SWDA for similar hazardous materials.

V. The Proposed Standards for Disposal

The objectives of tailings disposal and measures available to achieve these objectives have been described in Section II. We evaluated a range of alternatives for disposal standards

based on these objectives and control measures. These alternatives are presented below. The ranges of the controls vary widely, from no control (Alternative A) to high levels of control (Alternative F). They do not include different levels of ground water protection, since those requirements must be consistent with standards that have already been established under the SWDA. However, the length of time ground water is expected to be protected is indicated.

Uranium mill tailings will remain hazardous for hundreds of thousands years, due to the 75,000-year half-life of thorium-230. Protection of public health by disposal of these tailings for such periods is difficult to conceptualize, much less assure. On a practical basis, we have assumed that the different types of controls can be reasonably relied on for the following typical periods:

- Active controls—about 100 years.
- Practical engineered controls—from a few hundred years to greater than 1,000 years.
- Controls featuring great isolation—many thousands of years, limited only by major geological activity.

Brief descriptions of each alternative follow:

Alternative A. This is the "no standards" case and represents conditions if nothing is done. The piles would remain hazardous for a long time, taking about 265,000 years for the radioactivity to decay to 10 percent of current levels. The radon emission rate is estimated to be 500 pCi/m²s from a typical existing pile and 300 pCi/m²s from a typical new pile. The background rate for typical soils is about 1 pCi/m²s. The concentration of some toxic chemicals in the tailings is hundreds of times background levels in ordinary soils, so that the potential for contaminating water and land is present and continues indefinitely.

Alternative B. Control measures include a minimal, thin earthen cover that is subject to active inspection and maintenance for 100 years. Active controls would also be required to prevent significant contamination of ground water, or ground water would be treated before use. No radon emission rate is specified.

Alternative C. A radon emission limit of 100 pCi/m²s is specified. This would usually require an earthen cover of about 1 meter thickness. The number of years for which the control measures shall be designed to be effective is not specified, but control systems would be actively maintained for 100 years, and should have some effectiveness for several centuries. Engineered control measures used to meet this limit should prevent contamination of ground water for at least a few hundred years.

Alternative D. In this alternative control measures are required to be designed to be effective for 1,000 years to the extent reasonably achievable and, in any case, for at least 200 years. (Therefore it is assumed control may not rely primarily on institutional maintenance.) The radon emission limit is 20 pCi/m²s. This would usually require an earthen cover of 2 to 3 meters thickness. Ground water would be protected for at least 1,000 years.

Alternative E. Passive control measures are required to be effective for at least 1,000 years at new tailings piles. This longevity is achieved by making any new impoundments below grade. Existing tailings would be subject to controls similar to those required under Alternative D. The radon emission limit is 20 pCi/m²s. This would usually require an earthen cover (up to the original ground level) of 2 to 3 meters thickness. Ground water would be protected for thousands of years.

Alternative F. Passive control measures are required to be effective for at least 1,000 years. This longevity is achieved through application of a very thick earthen cover usually 4 to 5 meters thick. The radon emission limit is 2 pCi/m²s. Ground water would be protected for many thousands of years.

These alternative cleanup and control standards can be generally categorized as:

(1) *Least cost* alternatives which provide minimum acceptable health and environmental protection, and depend upon the use of active methods of control (B and C);

(2) *Cost-effective* alternatives which provide greater and longer term health and environmental protection without reliance on active controls, but at somewhat higher costs (D and E); and

(3) *Nondegradation* alternatives which attempt to achieve close to the same health and environmental protection as might exist if the ore had not been mined; these entail much higher costs (F).

The analysis was based on assuming that remedial actions to satisfy a "least cost" tailings pile control standard would entail applying a thin earthen cover over the tailings and stabilizing it. Integrity of the cover would be assured through active maintenance for 100 years. Only minimal flood protection measures would be applied. Covers would be progressively thicker and much less dependent upon care under the more stringent alternatives, with commensurate upgrading of flood protection. Under the "nondegradation" alternatives, very thick covers or asphalt and/or cement fixation would be required.

We concluded that a "nondegradation" alternative would be difficult to justify, since the small incremental health and environmental benefits, when compared to the benefits for less stringent alternatives, do not appear to justify the relatively large additional costs.

We selected a "cost-effective" rather than a "least cost" alternative for the proposed standards, in part because it provides much greater protection of health and the environment for only a small cost increase above the least cost alternatives, and in part because it does not place primary reliance on institutional methods of control. The proposed standards provide for control and stabilization which would ensure, to the extent reasonably achievable, fully effective control for 1000 years, and in any case, for at least 200 years. Some effectiveness of control would be expected to continue for much longer periods. This control and stabilization would be designed to provide a barrier that will effectively minimize the potential for misuse and spread of the tailings, limit the average radon emission from the surface of tailings piles to no more than 20 pCi/m²s, protect against flooding, and protect from wind and water erosion.[3]

It was not possible to carry out a formal quanitative cost-benefit analysis to reach these conclusions. Many of the hazards reduced (or avoided) through application of alternative standards can neither be evaluated quantitatively nor restated in terms of a common index of value. The major hazard, the extent of possible future misuse of tailings by

[3] These proposed radon emission and longevity standards for disposal of tailings from active mills are essentially identical to the corresponding standards (40 CFR Part 192, Subpart A) we have already promulgated for tailings piles at inactive sites (48 FR 590–604, January 5, 1983). Subpart A, however, contains an approximately equivalent alternative standard, expressed in terms of the radon concentration in air at the edge of the tailings pile. We developed this alternative at the request of the Department of Energy, which will perform the actions needed to comply with that standard. The concentration alternative in Subpart A requires basically the same level of control as the 20 pCi/m²s emission standard, because the radon concentration we allowed at the edge of a pile was derived from the average radon emission rate from its surface. By contrast, an ambient concentration standard applied at the site boundary could be satisfied by establishing the boundary far enough from the pile, without necessarily reducing its radon emissions. Since the special form of concentration standard in Subpart A may be readily confused with ambient concentration standards that have a very different basis and purpose, we decided not to propose such an alternative to the emission standard for active mills.

man, is almost impossible to quantify. A further complication is that the benefits of successful control accrue over a very long period of time, whereas the costs occur now. We can only roughly estimate how long control will last and how many cases of lung cancer might be avoided over the full term of effective control.

Instead of a quantitative cost-benefit analysis, we have cited examples of the impact of misuse and dispersal by wind and water in the DEIS, and have estimated the impact of radon emissions from unstabilized piles. We have then estimated the extent to which these impacts might be avoided over the long term under realistic alternative standards, and made judgments about which alternatives offer the most cost-effective reduction of these impacts. The proposed standards are based on the results of such an analysis of alternatives including a detailed consideration of their costs.

One notable conclusion from our analysis is that applying thin covers that will require active maintenance and last a shorter time results in a small saving over providing tailings piles with thick, durable covers. This conclusion follows from the initial expenditures required to undertake any significant level of disposal at mill sites. For example, the saving in cost is only 20% for Alternaive C over Alternative D. (Other things being equal, we estimate the cost of adding 1 meter of earthen cover to all existing tailings to be 36 million dollars (1981 dollars, present worth)). Alternative D, however, provides significantly greater protection than Alternative C, a five fold lower risk to individuals and an order of magnitude (about a factor of ten) greater number of cancer deaths avoided over the lifetime of the cover. This accrues from the difference in degree and longevity of radon control alone. Thick covers, which do not require continuing inspection and maintenance activities, also offer greatly increased benefits by inhibiting misuse, and increasing the longevity of the cover's effectiveness against erosional spreading.

Cost and benefit estimates for the alternative standards we considered are reported in detail in the RIA and DEIS. These are summarized in the following two tables. The estimates are based on a low-growth scenario for uranium production prepared by DOE. The low-growth scenario currently appears to be the most likely case due to the recent cancellation of reactor orders and the long lead time (14 years) for licensing and constructing new reactors.

We estimated benefits under the assumption, when appropriate, that tailings pile control systems will be partially effective longer than a standard requires. For example, if control systems are required to be effective for as long as reasonably achievable up to 1000 years, but for not less than 200 years, as under Alternative D, most of the tailings piles will be stable against erosion and casual intrusion for misuse for much longer than 1000 years. Those few piles that are susceptible to flood damage would be protected for at least 200 years, and are unlikely to suffer real damage for much longer. During the period of full control, the maximum risk for individuals living very near a tailings pile from exposure to its radon emissions would be reduced by about 95 percent from about 4 chances in 100 to about 2 chances in 1000. An estimated 1200 potential premature deaths per century would be avoided during the period of full control (assumed here to be 1,000 years), for a total of many thousands over the life of the covers.

COSTS OF ALTERNATIVE STANDARDS FOR TAILINGS CONTROL TO THE YEAR 2000

(Millions of 1981 dollars)

Alternative	Present worth costs (10 percent discount rate) [1]		Total cost
	Existing tailings	Future tailings	
A	0	6	6
B	98	228	326
C	128	259	387
D	174	311	485
E	174	325	499
F	296	444	740

[1] Cost estimates are based on a low growth industry demand scenario to the year 2000. It is assumed that 75 percent of new tailings generated at existing mills will be stored in existing piles and the other 25 percent will be placed in new, lined impoundments. We assume that the average radium content of existing and future tailings will be 500 pCi/m²s and 300 pCi/m²s, respectively. These costs are derived from the costs presented in the DEIS and the RIA based on the specific cover thickness required to meet the radon emission limits of each alternative standard.

BENEFITS OF CONTROLLING URANIUM MILL TAILINGS AT ACTIVE MILL SITES THROUGH THE YEAR 2000 [a]

Alternative standards	Stabilization			Radon control			Water protection (longevity)
	Chance of misuse	Misuse inhibited (y)	Erosion avoided (y)	Maximum risk [b] of lung cancer (percent reduction)	Deaths avoided		
					100 years	Total	
A	Very likely	0	0	4 in 10² (0)	0	0	0
B	Likely	100	Hundred	2 in 10² (50)	600	2,800	100
C	Less likely	Few 100	Hundreds	1 in 10² (80)	1,000	Several thousands	100's
D	Unlikely	1,000	Thousands	2 in 10³ (95)	1,200	Tens of thousands	1,000
E	Unlikely	>1,000	Many thousands	2 in 10³ (95)	1,200	Tens of thousands	>1,000
F	Very unlikely	> 1,000	Many thousands	1 in 10⁴ (10>99)	1,200	Tens of thousands	>1,000

[a] These estimates include the benefits resulting from control of 23 existing piles and 40 projected new piles based on the low growth uranium supply estimate.
[b] Lifetime risk of fatal cancer to an individual assumed to be living 600 meters from center of a tailings pile.

Our estimates of the number of potential lung cancer deaths due to *uncontrolled* radon emissions from two model sites provides some perspective on the health benefits from control of radon releases at differently populated sites. For a moderately populated site (identified as a rural site in the DEIS), 39 lung cancer deaths per century were projected, and for a sparsely populated site (identified as a remote site in the DEIS), 13 lung cancer deaths per century were projected. (Total lung cancer deaths from all the piles were estimated by assuming that 25% of the piles are located in "rural" areas.) Most piles are located in areas where the population falls somewhere between these two cases.

The longevity of tailings control is governed primarily by natural forces. Reasonable assurance of avoiding casual intrusion by man can be provided through the use of relatively thick and/or difficult-to-penetrate covers (such as soil, rock, or soil-cement). No standard can guarantee absolute protection against the purposeful works of man, and these proposed standards would not require such protection. Protection against natural forces requires consideration of wind and surface water erosion, and of the possibility of flood damage. Wind and surface water erosion are relatively well-understood and predictable, and are easily inhibited through the use of rock or, in some cases, vegetative surface stabilization. Similarly, a body of scientific and

engineering knowledge exists to predict the frequency and magnitude of floods for periods of many hundreds of years, and to provide the engineering controls to protect against such floods (including the possibility of moving a pile if this is more economical). We considered longevity requirements ranging from 100 to 10,000 years and have concluded that existing knowledge permits the design of economically feasible control systems for these tailings for up to periods of 1,000 years. We recognize that it may not always be practical, however, to project such performance with a high degree of certainty, because of limited engineering experience with such long time periods.

We are aware of no historical examples of societies successfully maintaining active care of decentralized materials through public institutions for periods extending to many hundreds or thousands of years. We have concluded that primary reliance on passive measures is preferable, since their long-term performance can be projected with more assurance than that of measures which rely on institutions and on continued expenditures for active maintenance.

Section 202 of the UMTRCA requires the Federal Government or the States to acquire and retain control of these tailings disposal sites under licenses. The licensor is authorized to require performance of any maintenance, monitoring, and emergency measures that are needed to protect public health and safety. We believe that these institutional provisions are essential to support any project whose objective is as long-term as are these disposal operations, and for which we have as little experience. This does not mean we believe that primary reliance should be placed on institutional controls; rather, that institutional oversight is an essential backup to passive control. For example, as long as the Federal Government or the States exercise their ownership rights and other authorities regarding these sites, they should not be inappropriately used by people. In this regard, even with the disposal actions required by these standards it would not be safe to build habitable structures on the disposal sites. Federal or State ownership of the sites is assumed to preclude such inappropriate uses.

In the proposed standard we have designed the requirement for longevity of control so as to assure that it is practical for agencies to certify that the standards are implemented in all cases. We recognize that our ability to predict the longevity of engineered designs is not always adequate to the task at hand. The proposed standard would require that control measures be carried out in a manner that provides reasonable assurance that they will last, to the extent reasonably achievable, up to 1,000 years and, in any case, for a minimum of 200 years. The widely varying characteristics of the active sites, the uncertainties involved in projecting performance of control measures over long periods of time, and the large costs involved in moving some tailings piles to provide a very high degree of assurance of longevity make this choice appropriate. The choice does not signify that there are circumstances under which the maximum term of protection contemplated by the proposed standards is not appropriate. The choice merely acknowledges that implementing agencies may in some cases have difficulty certifying that control measures that are appropriate can reasonably be expected to endure without degradation for 1,000 years. Man's ability to predict the future is notoriously limited. That fact, which on the one hand warrants our making responsible societal efforts to limit risk to future generations, also warrants our refraining from actions undertaken merely in the name of necessarily artificial levels of statistical certainty.

We selected this period of performance because we believe there is a reasonable expectation that readily achievable controls will remain effective for at least this period. Every reasonable effort should be made to design controls to achieve this expectation. However, we recognize that uncertainties increase significantly beyond a thousand years, and we conclude it would be unreasonable to require assurance that the controls will be effective for longer periods, such as up to 10,000 years.

We believe that limiting radon emissions from tailings piles serves several important functions: reducing the risk to nearby individuals; reducing the impact of radon on large populations; and furthering the goals of reliable long-term deterrence of misuse of tailings by man and control of erosion of piles by natural processes. The degree of reduction of radon emissions achieved by a disposal system is more or less directly related to the degree of abatement of each of these hazards.

Our analysis predicts significant risk to people living next to tailings piles, and field measurements confirm elevated levels of radon in air close to the piles. If radon emissions are not reduced, we estimate that individuals residing permanently near some of the piles could incur as much as three to four chances in a hundred of a fatal lung cancer in addition to normal expectations. The fact that increases in radon levels due to the piles cannot be distinguished relative to background levels further away from a pile does not mean that radon is not present or that there is no increased risk from this radon—it merely means that measurements are not capable of unambiguously detecting such levels. For individuals at greater distances the risks are smaller, but the total number of people exposed is so large and exposure continues for so long that the collective risk is clearly significant (many thousands of fatal lung cancers over the duration of emission control for all of the piles).

On January 5, 1983, EPA published disposal standards for inactive tailings piles (48 FR 590). On the basis of the record before us in that proceeding we concluded that radon emission was:

> • • • The preferred quantity to be specified by the standard because, unlike ambient air concentration at the site boundary, it is directly related to the degree of radon control achieved and therefore directly fulfills the statutory intent to reduce emissions. A site boundary standard would serve merely as an encouragement to rely on dispersion because it would not necessarily result in control of radon emissions since the boundary might be moved far from the pile. It would rely for compliance on indefinitely excluding access to the site.

We also concluded that:

> • • • A limit on a radon emission is the most direct and appropriate means for furthering the Congressional objective of adequate and reliable long-term control of tailings. Such a limit assures a sufficent earthen cover (or its equivalent) to provide an acceptable degree of stabilization and isolation of the tailings over a long period of time. Congress did not intend that EPA set standards for one generation only, or that it set standards without consideration of the long-term reliability of whatever means are available for implementing them. (Similarly, Congress anticipated that short-term institutional controls would not provide the primary basis for protection.) Although the implementing agencies will decide which specific controls to employ, this does not preclude our considering, in accordance with Congress' directive, the effect of a particular numerical limit on the maintenance of future control. Therefore, in selecting the value for radon emissions, an important consideration was that the standard promote the objectives of adequate isolation and stabilization to control both intrusion by man and erosion by natural forces.

We have reached, on a tentative basis, the same conclusions for these proposed standards for active sites.

However, during the review of the standards for inactive sites by certain Federal agencies required by Section

206(a) of the Act and Executive Order 12291, questions were raised regarding the appropriateness of the control standards for general application to all 24 inactive sites. These questions were focused on the degree to which these standards should depend upon institutional control, and on the assumption that all piles should be treated equally, regardless of the size of the nearby population. In view of these concerns, EPA requested public comments on this issue in an advanced notice of proposed rulemaking (48 FR 605; January 5, 1983). We believe that these questions are relevant as well in establishing disposal standards for mill tailings at the active sites. In Section VI below we request comment on these issues and on whether the standards should reflect different judgments.

Primary ground water protection after disposal of tailings is best provided by a well-designed cover. The requirements for closure (disposal) of surface impoundments under EPA's regulations for hazardous waste include a cover designed and constructed to: (a) Provide long-term minimization of the migration of liquids through the closed impoundent; (b) function with minimum maintenance; (c) promote drainage and minimize erosion or abrasion of the final cover; (d) accommodate settling and subsidence so that the cover's integrity is maintained; and (e) have a permeability less than or equal to the permeability of any bottom liner system or natural subsoils present (40 CFR 264.228).

EPA's policy on long-term protection of ground water is stated in the preamble of the notice establishing the above regulations (47 FR 32274):

> EPA's view of the function of a liner contrasts somewhat with that of some members of the public and the regulated community. Some have argued that liners are devices that provide a perpetual seal against any migration from a waste management unit. EPA has concluded that the more reasonable assumption, based on what is known about the pressures placed on liners over time, is that any liner will begin to leak eventually.
>
> Others have argued that liners should be viewed as a means of retarding the movement of liquids from a unit for some period of time. While this view accords with how liners do in fact operate, EPA does not believe that this is a sound regulatory strategy for ground-water protection because it is principally designed to delay the appearance of ground-water contamination rather than to achieve a more permanent solution. Accordingly, EPA views liners as a barrier technology that can be best used to facilitate the removal of liquids from a waste management unit during its active life (including the closure period) and thereby provide a greater assurance of long-term protection at the facility.
>
> While liners may remain effective at preventing migration from [a tailings pile] until well after closure, their principal role occurs during the active life [of the pile.] After closure, EPA believes that a protective cap becomes the prime element of the liquids management strategy. A well-designed and carefully maintained cap can be quite effective at reducing the volume of liquids entering a unit and therefore can substantially reduce the potential for leachate generation at the unit for long periods.

We believe that complying with the post-closure standards we are proposing for uranium mill tailings piles will satisfy the overall objectives of EPA's SWDA regulations for hazardous waste. The SWDA regulations, however, were developed primarily for ground water protection for regions in which precipitation seeping through wastes might pose a continuing long-term hazard. In contrast, most tailings piles are in arid regions, and providing physical barriers against removal of tailings and reducing the piles' gaseous (radon) emissions to air are important concomitant objectives of our standards under UMTRCA.

Certain closure and post-closure care requirements in § 264.228 of the SWDA regulations, such as the requirements to eliminate free liquids from the waste and for the cover to be less permeable than any bottom liner or natural subsoils, may be unnecessary for tailings piles or interfere with control objectives other than ground water protection. (For example, allowing moisture into a cover increases its effectiveness as a barrier to radon release.) Other requirements in § 264.228 are not standards so much as broad objectives that are already implicit in § 264.111, which we have incorporated in the proposed standards, or tailings management rules that fall under NRC's regulatory authority. Therefore, we have not incorporated § 264.228 in the proposed standards.

The proposed rules are based on experience and an analysis of tailings management in arid regions. We know of no plans for construction of new mills in regions that are not arid, although some firms have conducted exploration in such regions. However, if uranium mining and milling is conducted in such regions, the adequacy and appropriateness of these standards may have to be reviewed, particularly the water protection requirements.

The final consideration regarding the disposal of tailings is specification of when disposal must take place. Several factors must be evaluated in this regard, including: (1) The likelihood that a mill will resume operations; (2) the specific condition of the tailings impoundment, such as the fraction of design life remaining, and environmental contamination problems, such as windblown tailings and the likelihood that significant quantities of tailings might be spread by flooding; and (3) the cost of maintaining releases from the inactive pile in conformance with the regulations which apply to operating mills prior to disposal (including maintaining radon emissions at ALARA levels). Evaluating these factors may be difficult and complex. However, although an adequate drying-out period makes possible long-term isolation of the tailings and stabilization of the piles, radon emissions will be greater during this period than before or after disposal. For this reason the regulatory agency should require, once a pile is allowed to begin to dry out, that disposal proceeds in an expeditious fashion, and that new liquids are not introduced to the pile so that a new drying-out period will be incurred.

The period required for the tailings to dry out is highly dependent on local meteorology. This precludes establishing a single fixed time for disposal of the tailings. We have concluded that the regulatory agency should exercise the responsibility of determining when disposal should occur, by site-specifically judging the advantages and detriments associated with all pertinent factors. This responsibility is governed by the need to conform to regulations established to satisfy the SWDA, by 40 CFR 190, and by the ALARA requirement on radon emissions.

NRC's closure regulations must be comparable, to the maximum extent practicable, to requirements under the SWDA, wherein short closure periods (90 and 180 days) are specified. Drying out of piles will take much longer. However, disposal should occur promptly when piles are allowed to dry out. In addition, some of the older mill sites already contain essentially completed (filled) tailings piles. The regulatory agency should promptly identify and require disposal of such tailings.

The proposed post-closure standards are intended for control of tailings piles; i.e., bulk tailings with elevated radium concentrations relative to those of common soils and rocks. Such post-closure control criteria need not apply to portions of a mill site that may contain low enough residual levels of byproduct material (tailings) to not warrant taking action for environmental or public health protection. Tailings that have been distributed over the mill site by

wind or water can readily be cleaned up. Therefore, we propose to apply the post-closure standards only where the radium concentrations exceed the criteria stated in § 192.32(b)(2). These criteria are equivalent to the final cleanup standards (40 CFR Part 192, Subpart B) for land that is affected by tailings from inactive sites. Unless special circumstances prevail that would indicate otherwise, land that satisfies the criteria should be usable without restriction.

Section 83 of the Atomic Energy Act, as amended by UMTRCA, provides that the ownership of land used for disposal of tailings shall be transferred to the United States or to the State in which it is located, unless the Nuclear Regulatory Commission determines that such transfer is not necessary.

VI. Solicitation of Comments

These proposed standards are supported by two documents, a Draft Environmental Impact Statement for the Control of Byproduct Materials from Uranium Ore Processing (40 CFR Part 192), EPA 520/1–82–022 and a Regulatory Impact Analysis of Environmental Standards for Uranium Mill Tailings at Active Sites, EPA 520/1–82–023. We invite the submission of written comments on these proposed standards and on these supporting documents. Whenever appropriate, it will be most useful if these are supported by factual material. We are also holding a public hearing. Times and addresses for both written comments and the public hearings are specified under the headings "dates" and "addresses" at the beginning of this notice.

In addition to comments on the above, we are interested in receiving comments and data on three specific matters: (1) Should the radon control standards require a specific level of control of radon from tailings prior to disposal, and, if so, how; (2) should the health and environmental goals for standards for remote sites be different from those in more populated areas, and, if so, how; and (3) should the provisions of these proposed standards for a liner under tailings (new or existing) be modified for this specific category of wastes, and, if so, how.

The proposed standards do not specify an emission rate limit nor an airborne concentration limit for radon from tailings piles during the period when tailings are being pumped into the pond, nor while it is drying out. The estimated numbers of cancer deaths attributable to uncontrolled radon emissions during the assumed 15-year operating and 5-year dry-out periods of our model sites are significant: 1.8 lung cancer deaths for our model remote site and 5.5 for our model rural site. We estimate the total cancer deaths due to emissions from all sites to the year 2000 could range from 60 to 160 if there is no control of radon prior to disposal.

We estimate that applying the most effective control methods, such as staged disposal of new tailings, would reduce these effects to about 30. Seventy percent of these residual effects would be from existing tailings, for which little improvement in current practices is possible. The DEIS contains a discussion of the effectiveness of various pre-disposal radon control methods and their costs.

In Section IV we discussed the reasons we are proposing that these pre-disposal radon releases continue to be regulated under the ALARA ("as low as reasonably achievable") principle, rather than by proposing a generally applicable numerical requirement. Alternatively, under authority of the Clean Air Act, as amended, we could consider "work practice" standards, which, for present purposes, are narrative specifications of tailings management techniques to control radon emissions during mill operations and during the dry out period preceding disposal.

During the review of the standards for the inactive sites by certain Federal agencies, questions were raised regarding the appropriateness of the control standards for general application to all 24 inactive sites. Some reviewers suggested that less restrictive standards might be appropriate for sites that are in currently sparsely populated areas. Other reviewers suggested that we consider a radon standard that applies at and beyond the fenced boundary of such a site, i.e., a standard that relies in part on institutional maintenance of control of access. In view of these concerns EPA requested public comments on these issues for the inactive sites (48 FR 605 January 5, 1983). These issues are most simply stated as: (1) Should the degree of radon control after disposal depend in part or on the size of the current local population, and (2) Should implementation of the disposal standards be permitted to depend primarily or in part on maintenance of institutional control of access (e.g., by fences)? We believe it is also necessary to examine these issues for the active sites, both in relation to the public health and environmental objectives enunciated in this Notice and with repect to the objectives of the UMTRCA. Also, are there any other forms of the standard or control methods that EPA should consider? We request comments on all of these issues with respect to these proposed standards, to aid us in determining final standards for active mills.

The primary reason to consider revising the standards as the Federal reviewers suggested is to reduce disposal costs. Savings of up to 30 percent could be realized by applying the most relaxed standards at all sites. The actual savings would be less than this since such relaxed standards would apply at only a subset of all sites. This Notice and the supporting documents—the DEIS and the RIA—provide detailed information on the costs and benefits of a wide range of alternative standards, including examples of standards that permit reliance on institutional control methods. We invite comments on whether the cost savings from applying relaxed standards at remote sites or relying primarily on institutional controls is sufficient to justify any reduced level of health and environmental protection. We solicit comments on what *criteria* the Agency could use to define population levels below which a less restrictive standard might apply, and on whether there should be different risk levels permitted to the most exposed individuals in such cases. These is no reliable way to predict what future populations will be at currently remote sites. Should the standard be predicated on the assumption that current distributions of populations adequately predict future populations, or is it sufficient to protect only current populations?

It is also important to consider the other goals (other than control of radon emissions) of these proposed standards when assessing the cost savings that could be achieved by applying less restrictive standards at remote locations. The greatest risks from radon occur when tailings are misused in and around buildings, and an objective of the proposed radon emission standard is to require a thick enough cover to discourage such misuse. Is the likelihood of misuse of tailings from remote sites greater or smaller? Prevention of spreading of tailings and protection of water, depends on either the integrity and thickness of the cover or the reliability of institutional control. Are there differences in the likelihood of success of institutional controls at remote vs. populated sites? Commenters are asked to consider each of the goals of these proposed standards when commenting on the suitability of applying less restrictive standards to tailings located in currently remote areas.

Institutional controls have been suggested that would apply a radon concentration limit at the boundary ("fenceline") of the government-owned property around a tailings pile located in a sparsely populated area. Such a standard could be satisfied largely by acquiring and maintaining control over access to land; e.g., through use of fences or other restrictions. These proposed standards can be satisfied only by generally more costly physical methods (such as applying thick earthen covers) that control tailings and their emissions with minimal reliance on institutional methods. EPA is particularly interested in receiving comments regarding the adequacy of a standard which places primary reliance on the maintenance of institutional as opposed to passive control to meet the long-term disposal objectives of UMTRCA.

The primary standard for ground water protection under the SWDA is a requirement for a liner. Because the SWDA covers many kinds of wastes, those regulations provide a mechanism for exceptions from this requirement. However, uranium mill tailings are a well-characterized waste that is produced in relatively well-characterized regions of the country (primarily arid western sites). Should the proposed requirements for liners be modified for these mill tailings sites, and if so, how? How should the exemption procedure be applied to this category of wastes? Should all uranium mill tailings be placed on liners? If so, what specifications are appropriate for such liners? If not, what types of exceptions are appropriate? Finally, should existing tailing piles be exempted from a liner requirement if new tailings are placed on them? We invite comments on each of these subissues.

Finally, in establishing standards for remedial actions at inactive uranium processing sites, we provided a procedure for applying "supplemental standards" where circumstances may require some adjustment in our final standards. Because of the varied conditions at the designated sites and the limited experience with remedial actions, we felt our standards for inactive sites might be too strict in some circumstances. We have not proposed "supplemental standards" as a part of this rulemaking. However, we are soliciting comments on the need for such standards. Is there a need for supplemental standards because of differences in conditions at these active sites? If so, what form should such supplemental standards take?

Regulatory Impact Analysis

Under Executive Order 12291, we must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. We have classified this proposed rule as minor, since it will not cause significant incremental costs above those which must be incurred for compliance with existing regulations. We have prepared a Regulatory Impact Analysis (RIA), however, since there are wide variations in views regarding the need for environmental controls in the uranium industry. The RIA provides an additional basis for our conclusions. To meet the general reguirements of the order, an RIA must show that:

- There is adequate information concerning the need for and consequences of the proposed action;
- The potential benefits to society outweigh the potential costs; and
- Of all the altnerative approaches to the given regulatory objective, the proposed action will maximize net benefits to society.

There is a need for the proposed standard beyond the fact that Congress directed the Agency to develop them. Since uranium milltailings are essentially a waste product with no value, there is no market to assure that mill operators on their own accord will isolate the tailings and provide health protection to the public. Consequently, the Government must intervene to protect the public from the hazards associated with the tailings. Federal Government intevention is necessary because some mills are licensed by state authorities while others are licensed by the NRC directly. Four of the seven states with currently licensed mills are NRC Agreement States and have devloped their own licensing regulations for uranium mills. Therefore, relying on State regulations would address only about one-half of the tailings problem. Furthermore, the Act requires that regulations for mill tailings developed by the Agreement States be "equivalent, to the extent practicable, or more stringent than standards" promulgated by NRC and EPA. Therefore, the State regulations are also dependent on the EPA standards.

The RIA examines the benefits and costs of selected tailings disposal methods for both existing and new tailings piles, on a model pile basis. As discussed earlier, most of the benefits of tailings disposal cannot be quantified. The benefit we are best able to estimate is the number of lung cancer deaths avoided by controlling the radon emanation from tailings piles. Since the other benefits of disposal—prevention of misuse, ground water protection and prevention of the surface spread of tailings—cannot be quantified (let alone monetized), we could not make a numerical determination, within the traditional benefit-cost analysis framework, that the societal benefits outweigh the societal costs. Instead, we have made a qualitative judgment that this is the case, based on our assessment of the long-term continuing train of benefits to society from isolating these hazardous materials from man and the environment.

We performed a cost-effectiveness analysis of the alternative disposal methods to determine the optimal level of control for disposal of mill tailings. To perform this analysis, we developed an index which quantifies the relative effectiveness of the disposal methods in providing designated classes of control which correspond to the benefit categories. We evaluated the changes in incremental cost of alternative levels of control and determined which level would be optimal. Once this level was determined, we chose values for these proposed environmental standards which would require this level of control.

In the RIA, we developed 22 cases for analyzing the industry-wide costs and economic impacts associated with tailings disposal. Each case represented a different combination of disposal methods applied to both existing and new tailings. The estimated economic impacts include potential mill closures (on a model mill basis) and uranium price increases. We estimated the impacts for each case according to different industry demand projections, several financial scenarios, and different assumptions on the ability of companies to pass-through tailings disposal costs to their customers. The results from this analysis are used to represent the costs and impacts of the proposed standards.

We estimate that compliance with the proposed standards, if other regulatory requirements did not exist, would cost the uranium milling industry about 175 million dollars for all tailings which exist today at licensed sites. If we include all those tailings which we estimate will be generated by the year 2000, under low-growth projection conditions the total cost to the uranium milling industry would be from 400 to 700 million dollars. These costs are present worth estimates (discounted at a 10 percent rate) expressed on a 1981 constant dollar basis. The range in cost is due to different assumptions on what actions are needed to meet requirements for ground water protection for new

tailings at existing mills. The range of industry costs becomes 500 million to 750 million dollars under baseline projection conditions. Due to recent cancellations of nuclear power plants, lack of orders for new plants, and the long lead time (14 years) for licensing and construction, we believe the low-growth scenario is the most likely.

We estimate that increases in the price of uranium could range from 2 to 8 percent. In light of the currently poor economic condition of the industry and the threat of foreign competition, it is unlikely that mills will be able to pass-through substantial portions of the disposal costs. Using our models, we estimate that if mills are forced to absorb the entire cost of disposal, one small model mill may cease operation, depending on the implementation of ground water protection requirements. We further estimate that under the conditions of a more favorable cash-flow or a limited price pass-through, this single mill closure would be avoided. On the other hand, with no pass-through and a lower cash-flow, two small model mills and a large model mill may close.

These costs and economic impacts are not incremental costs of the proposed standards, since much of this cost would probably occur in the absence of the standards due to other regulatory requirements. These other requirements are NRC licensing regulations and State regulations. We did not estimate the costs imposed by these other regulations because that would require a site-specific investigation. Since our standards are required by Congress to be of general application, we deciced to develop a generic analysis based on model facilities. Therefore, we could not estimate the net impact of the proposed standards.

However, these proposed standards are less restrictive than existing NRC regulations. Therefore, costs of implementation of these proposed standards are likely to be less than implementation on the current NRC regulations. For example, the thickness of earthen cover to achieve the 20 pCi/m^2s proposed herein is estimated to range from 2 to 3 meters. The thickness to achieve the NRC regulation of 2 pCi/m^2s is estimated to range from 4 to 5 meters, and the NRC regulations specify a minimum thickness to 3 meters. These proposed standards specify a design lifetime of 1,000 years, but in any case at least 200 years. The cost of providing long-term protection under these proposals will be less than under the NRC regulations, which specify a minimum design lifetime of 1,000 years. While actual disposal costs will be highly site specific, it is reasonable to assume that these proposed standards lead to lower costs than current regulations.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291. We believe the analysis discussed above complies with the intent of the Order. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection at the docket cited above under "addresses."

Regulatory Flexibility Analysis

This regulation would not have a significant impact on a substantial number of small entities, as specified under Section 605 of the Regulatory Flexibility Act (RFA). Therefore, we have not performed a Regulatory Flexibility Analysis. The basis for this finding is that of the 27 licensed uranium mills, only one qualifies as a small entity and this mill will not be impacted by the standards. Almost all the mills are owned by large corporations. Three of the mills are partly-owned by companies that could qualify as small businesses, according to the Small Business Administration generic small entity definition of 500 employees. However, under the RFA, a small business is one that is independently owned and operated. Since these three mills are not independently owned by small businesses, they are not small entities.

List of Subjects in 40 CFR Part 192

Environmental protection, Radiation protection, Uranium.

Dated: April 20, 1983.

New Subparts D and E are proposed to be added to 40 CFR Chapter I, Subchapter F, Part 192, Health and Environmental Protection Standards for Uranium Mill Tailings, to read as follows:

Subpart D—Standards for Management of Uranium Byproduct Materials Pursuant to Section 84 of the Atomic Energy Act of 1954, as Amended

Sec.
192.30 Applicability.
192.31 Definitions and cross-references.
192.32 Standards.
192.33 Corrective action programs.
192.34 Effective date.

Subpart E—Standards for Management of Thorium Byproduct Materials Pursuant to Section 84 of the Atomic Energy Act of 1954, as Amended

Sec.
192.40 Applicability.
192.41 Provisions.
192.42 Substitute provisions.
192.43 Effective date.

Authority: Section 275 of the Atomic Energy Act of 1954, 42 U.S.C. 2022, as added by the Uranium Mill Tailings Radiation Control Act of 1978, Pub. L. 95–604, as amended.

Subpart D—Standards for Management of Uranium Byproduct Materials Pursuant to Section 84 of the Atomic Energy Act of 1954, as Amended

§ 192.30 Applicability.

This subpart applies to the management of uranium byproduct materials under Section 84 of the Atomic Energy Act of 1954 (henceforth designated "the Act"), as amended, during and following processing of uranium ores, and to restoration of disposal sites following any use of such sites under Section 83(b)(1)(B) of the Act.

§ 192.31 Definitions and cross-references.

References in this subpart to other parts of the Code of Federal Regulations are to those parts as codified on January 1, 1983.

(a) Unless otherwise indicated in this subpart, all terms shall have the same meaning as in Title II of the Uranium Mill Tailings Radiation Control Act of 1978, Subparts A and B of this part, or Parts 260, 261, and 264 of this chapter. For the purposes of this subpart, the terms "waste," "hazardous waste," etc., as used in Parts 260, 261, and 264 of this chapter shall apply to byproduct material.

(b) *Uranium byproduct material* means the tailings or wastes produced by the extraction or concentration of uranium from any ore processed primarily for its source material content. Ore bodies depleted by uranium solution extraction operations which remain underground do not constitute "byproduct material" within this definition.

(c) *Control* means any action intended to stabilize, inhibit future misuse of, or reduce emissions or effluents from uranium byproduct materials.

(d) *Licensed site* means the area contained within the boundary of a location under the control of persons generating or storing uranium byproduct materials under a license issued pursuant to Section 84 of the Act. For purposes of this subpart, "licensed site" is equivalent to "regulated unit" in Subpart F of Part 264 of this chapter.

(e) *Disposal site* means a site selected pursuant to Section 83 of the Act.

(f) *Disposal area* means the region within the perimeter of uranium byproduct materials to which the post-

closure requirements of § 192.32(b)(1) of this subpart apply.

(g) *Regulatory agency* means the U.S. Nuclear Regulatory Commission.

(h) *Closure period* means the period of time beginning with the cessation, with respect to a waste impoundment, of uranium ore processing operations and ending with completion of a closure plan that satisfies the requirements of § 192.32(b) of this subpart.

(i) *Existing portion* means that land surface area of an existing surface impoundment on which significant quantities of uranium byproduct materials have been placed prior to promulgation of this standard.

§ 192.32 Standards.

(a) *Standards for application during processing operations and prior to the end of the closure period.* (1) Surface impoundments (except for an existing portion) subject to this subpart must be designed in such manner as to conform to the requirements of § 264.221 of this chapter, except that the requirements of § 264.228 referenced in § 264.221 do not apply.

(2) Uranium byproduct materials shall be managed so as to conform to the ground water protection standard in § 264.92 of this chapter, except that:

(i) To the list of hazardous constituents referenced in § 264.93 of this chapter are added the chemical elements molybdenum and uranium.

(ii) To the concentation limits provided in Table 1 of § 264.94 of this chapter are added the radioactivity limits in Table A of this subpart.

(iii) Monitoring programs required to establish the standards required under § 264.92 shall be completed within one (1) year of promulgation.

(iv) The functions and responsibilities designated in Part 264 of this chapter as those of the "Regional Administrator" with respect to "facility permits" shall be carried out by the regulatory agency, except that no exemptions of hazardous constituents under § 264.93(b) and (c) of this chapter and no alternate concentration limits established under § 264.94(b) and (c) of this chapter shall be final unless EPA has concurred therein.

(3) Nothing in this section shall be deemed to alter or affect the applicability of the provisions of Part 190 of this chapter, "Environmental Radiation Protection Standards for Nuclear Power Operations," Part 440 of this chapter, "Ore Mining and Dressing Point Source Category: Effluent Limitations Guidelines and New Source Performance Standards, Subpart C, Uranium, Radium, and Vanadium Ores Subcategory," and any other applicable environmental and public health protection standards, regulations, or guidelines. In addition, the regulatory agency shall make every effort to maintain radiation doses from radon emissions from surface impoundments of uranium byproduct materials as far below the Federal Radiation Protection Guides as is practicable at each licensed site.

(b) *Standards for application after the closure period.* (1) Uranium byproduct material subject to this subpart shall be managed so as to comply with the closure performance standards in § 264.111 of this chapter with respect to nonradiological hazards and disposal of such materials shall provide for control of radiological hazards designed [6] to

(i) Be effective for one thousand years, to the extent reasonably achievable, and, in any case, for at least 200 years, and,

(ii) Provide reasonable assurance that releases of radon-222 from uranium byproduct materials to the atmosphere will not exceed an average [7] release rate of 20 picocuries per square meter per second.

(2) Section 192.32(b)(1) shall not apply to any portion of a licensed and/or disposal site in which the concentration of radium-226 in land averaged over an area of 100 square meters exceeds the background level by less than—

(i) 5pCi/g, averaged over the first 15 cm of soil below the surface, and

(ii) 15pCi/g, averaged over 15 cm thick layers of soil more than 15 cm below the surface.

§ 192.33 Corrective action program.

If the ground water standards of § 192.32(a)(2) are exceeded at any licensed site, a corrective action program as specified in § 264.100 of this chapter shall be put into operation as soon as is practicable, and in no event later than one (1) year after the date of a noncompliance determination by the regulatory agency.

§ 192.34 Effective date.

Subpart D shall be effective 60 days after promulgation.

TABLE A

	PCi/liter
Combined radium-226 and radium-228	5
Gross alpha-particle activity (excluding radon and uranium)	15

Subpart E—Standards for Management of Thorium Byproduct Materials Pursuant to Section 84 of the Atomic Energy Act of 1954, as Amended

§ 192.40 Applicability.

This subpart applies to the management of thorium byproduct materials under Section 84 of the Atomic Energy Act of 1954, as amended, during and following processing of thorium ores, and to restoration of disposal sites following any use of such sites under Section 83(b)(1)(B) of the Act.

§ 192.41 Provisions.

The provisions of Subpart D of this part, including §§ 192.31, 192.32, and 192.33, shall apply to thorium byproduct material except that:

(a) Provisions applicable to the element uranium shall apply instead to the element thorium;

(b) Provisions applicable to radon-222 shall apply instead to radon-220; and

(c) Provisions applicable to radium-226 shall apply to radium-228.

§ 192.42 Substitute provisions.

The regulatory agency may, with the concurrence of EPA, substitute for any provisions of § 192.41 of this subpart any provisions it deems more practical that will provide at least an equivalent level of proteciton for human health and the environment.

§ 192.43 Effective Date.

Subpart E shall be effective 60 days after promulgation.

[FR Doc. 83-11507 Filed 4-28-83; 8:45 am]

BILLING CODE 6560-50-M

[6] The standard applies to design. Monitoring for radon-222 after installation of an appropriately designed cover is not required.

[7] This average shall apply over the entire surface of the disposal area and over at least a one-year period. Radon will come from both uranium byproduct materials and from materials covering them. Radon emissions from the covering materials should be estimated as part of developing a closure plan for each site. The standard, however, applies only to emissions from uranium byproduct materials to the atmosphere.

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Part VII

Department of Agriculture

Agricultural Marketing Service

Wheat and Wheat Foods Research and Nutrition Education; Wheat Industry Council Budget for Fiscal Year 1984

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AGENCY:
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ACTION: N
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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Docket No. WR-1]

Wheat and Wheat Foods Research and Nutrition Education; Wheat Industry Council Budget for Fiscal Year 1984

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of the wheat industry council budget for fiscal year 1984.

SUMMARY: This notice presents the proposed July 1983 through June 1984 budget of the Wheat Industry Council. Publication of budget information in the **Federal Register** is required by the Wheat and Wheat Foods Research and Nutrition Education Act. The purpose is to allow the wheat end product manufacturers, who are required to pay assessments on purchases of processed wheat to fund a wheat research and nutrition education program, an opportunity to reserve the right to seek a refund of assessments paid.

FOR FURTHER INFORMATION CONTACT: Lowry Mann, Livestock, Meat, Grain, and Seed Division, AMS, USDA, Washington, D.C. 20250, Phone: (202) 447-2650.

SUPPLEMENTARY INFORMATION: The Wheat and Wheat Foods Research and Nutrition Education Act of 1977 (7 U.S.C. 3401-17) authorized a research and nutrition education program for wheat and wheat foods. Formal rulemaking procedures, including a public hearing, were followed in developing the Wheat and Wheat Foods Research and Nutrition Education Order which provides the framework for the program.

In a March-1989 referendum wheat end product manufacturers approved the Wheat and Wheat Foods Research and Nutrition Education Order. The Order provides for a program of research and nutrition education for wheat and wheat-based foods to be administered by a 20-member Wheat Industry Council. The Order requires that all nonexempt wheat end product manufacturers be assessed up to 5 cents per hundredweight of processed wheat purchased to finance the program. The Order limits the assessments to 1 cent per hundredweight during the first 2 years of the program. The assessment will remain at the 1 cent level for fiscal year 1984 (July 1983 through June 1984). Wheat end product manufacturers who purchase less than 2,000 hundredweight of processed wheat per year, those who are defined as retail bakers, and processed wheat used in the manufacture of exempt end products are not assessed.

The Wheat and Wheat Foods Research and Nutrition Education—Rules and Regulations require all nonexempt wheat end product manufacturers to register with the Wheat Industry Council, Suite 203, 6000 Executive Boulevard, Rockville, Maryland 20852, phone: (301) 984-1300. Assessments are due and payable to the Wheat Industry Council on or before the 30th day following the end of each firm's quarterly reporting period.

Wheat end product manufactures who wish to reserve the right to request refunds of assessments paid during the Council's upcoming fiscal year must submit such notification to the Wheat Industry Council by registered or certified mail within 60 days after publication of this notice in the **Federal Register.** In order to receive a refund of assessments paid, an end product manufacturer must first reserve that right, then pay the assessment, complete the refund portion of the assessment-refund form, and submit the completed form to the Council within 60 days after the end of the quarter or other reporting period during which the assessment obligation accrued.

This document includes a summary of the Wheat Industry Council's plans and projects for research and nutrition education: to communicate factural information to consumers as well as nutrition and health professionals about the nutritional properties of wheat-based foods, to improve and enhance the quality, and to make the most efficient use of American wheat, processed wheat and wheat end products to ensure an adequate diet for the people of the United States.

Using a theme which emphasizes the contributions made by wheat foods to a "healthy" diet, the Council will target its information via general and special media outlets:

- Network, syndicated, cable, and major market (local) television;
- Network, syndicated, and major market radio;
- Daily newspapers, news wires, feature syndicate, and suburban/shoppers press;
- Magazines (news, women, men's sports, senior citizens, and trade magazines).

The consumer—women 18-49 years of age, active adults 25-54 years of age and consumers 65 and over—and food/nutrition professionals will be the primary audiences.

The key communication elements to be used will be spokesperson media tour, regional nutritionists, and food scientists appearing in major markets, video news features, cable television segments, consumer fact sheets, and brochures.

Through these targeted program efforts, the Council will strive to improve consumer attitudes and awareness of the role of wheat foods in the diet. The Wheat Industry Council budget for Fiscal year 1984 is as follows:

WHEAT INDUSTRY COUNCIL

[July 1, 1983-June 30, 1984 Budget]

Income	$900,000
Program expenses	604,150
Personnel costs:	
Salaries	123,500
Fringe benefits	14,350
Program costs:	
Press and mat releases (includes photography): Write, produce, distribute	30,00
Press materials	30,000
Spokesperson media activity: Training, placement of national and regional spokespersons in ten markets	77,000
Media features: Cable television segments (2), TV PSA's (2), video news features (2), radio news features (2); scripting, producting, editing	112,000
Nutrition education materials: Writing and producing brochures, fact sheets	22,000
Professional advisory groups: Speciall contacts and meetings, program development	20,000
Agency supervision, national media placement adminstration and reporting	72,000
Program expenses (out-of-pocket): Agency phone, postage, clipping service	24,000
Scientific advisory committee: Two meetings, publication of report	50,000
Memberships and subscriptions	1,500
Postage	3,000
Telephone	5,000
Travel/Expenses	15,000
Printing/Artwork	4,800
Industry Relations Expenses	65,700
Personnel costs:	
Salaries	15,500
Fringe Benefits	3,200
Industry relations costs:	
Newsletters, communications	26,000
Print and mail budget	5,000
Compliance	9,000
Travel/expenses	7,000
Administrative Expenses	230,150
Personnel costs:	
Salaries	38,000
Fringe benefits	6,550
Administrative costs.	
Rent	23,700
Insurance, liability	1,500
Telephone	4,000
Office equipment/rentals	27,600
Office supplies/xeroxing	5,700
Printing/artwork	4,500
Postage	3,000
Lockbox	500
Council meetings	26,400
Travel/expenses	4,000
Legal fees	2,000
Memberships and subscriptions	500
Audit	2,200
USDA—Oversight charges	50,000
Repayment of referendum costs	30,000
Total expenses	$900,000

Done at Washington, D.C., April 26, 1983.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 83-11452 Filed 4-28-83; 8:45 am]

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Friday
April 29, 1983

Part VIII

General Services Administration

Department of Defense

Department of Housing and Urban Development

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

Postal Service

Proposed Uniform Federal Accessibility Standards; Invitation for Comment

GENERAL SERVICES ADMINISTRATION

DEPARTMENT OF DEFENSE

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

POSTAL SERVICE

Uniform Federal Accessibility Standards

AGENCIES: General Services Administration, Department of Defense, Department of Housing and Urban Development, United States Postal Service.

ACTION: Invitation for comment on a Proposed Uniform Federal Accessibility Standards Document.

SUMMARY: The General Services Administration (GSA), the Department of Defense (DOD), the Department of Housing and Urban Development (HUD), and the United States Postal Service (USPS) jointly propose to issue a uniform federal standards document for facility access by physically handicapped people. The four agencies, which are the only agencies authorized to issue standards under the Architectural Barriers Act, currently issue standards which vary in certain respects from each other and from standards recommended for privately constructed facilities.

Should all four agencies adopt the same, or substantially the same uniform standards document, nationwide uniformity among federal requirements would be promoted. In addition, since the four agencies' proposal closely follows the standards recommended by the American National Standards Institute for private use, the adoption of this proposal would promote nationwide uniformity of accessibility standards, so that builders and architects could employ virtually the same accessibility standards regardless of whether they performed their work on a federal or nonfederal project.

DATES: Comments must be received on or before June 13, 1983.

ADDRESS: Written comments should be sent to the Assistant Commissioner for Design and Construction, Public Buildings Service, General Services Administration, 18th and F Streets, NW., Washington, D.C. 20405. Comments received will be available for public inspection at the above address in Room 3044, from 9 a.m. to 5 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Kathleen Fields, General Services Administration (GSA), 18th and F Streets, NW, Room 3044, Washington, D.C. 20405; 202–566–0038; Claiborne D. Haughton, Equal Opportunity and Safety Policy, Department of Defense (DOD), The Pentagon, Room 3E763, Washington, D.C. 20301; 202–695–0105; Margaret Milner, Department of Housing and Urban Development (HUD)), 451 7th Street, SW, Room 9220, Washington, D.C. 20410; 202–755–6454; and Louis E. Childers, Real Estate and Buildings Department, U.S. Postal Service (USPS), 475 L'Enfant Plaza West, SW, Washington, D.C. 20260; 202–245–4226.

SUPPLEMENTARY INFORMATION:

A. Background

This proposal grows out of an effort by the four standard setting agencies to establish uniformity in the standards they promulgate under the Architectural Barriers Act (the Act), Pub. L. No. 90–480, as amended, 42 U.S.C. 4151 *et seq.*, for the design, construction, or alteration of federal and federally-funded buildings and other facilities, as required by law, so as to make them accessible to the physically handicapped.

In support of their efforts, the Director of the Office of Management and Budget on June 22, 1981, requested the head of each of the four standard-setting agencies and the other federal agency members of the Architectural and Transportation Barriers Compliance Board (ATBCB) to designate a representative to participate in a Task Force which would consider the development of uniform federal accessibility standard. The other agencies represented on the Task Force were the Department of Health and Human Services (the agency that the standard-setting agencies are required by the act to consult with before issuing accessibility standards), the Department of Justice, the Department of Transportation, the Department of Education, the Department of Interior, the Department of Labor, and the Veterans Administration.

Early in the developmental process, the Task force determined that the proposed uniform standards would, wherever possible, be consistent with both the standards published by the American National Standards Institute, Inc. (ANSI) for general use, and with the minimum guidelines and requirements for federal standards published by the ATBCB. The proposed adoption in the uniform standards of any particular provision contained in the minimum guidelines and requirements should not, of course, be taken as waiving any agency's objection that the Board's adoption of the provision may have exceeded the Board's legal authority.

ANSI is a private, national organization that publishes recommended standards. Generally, these standards are developed through an approval process that responds to the comments of the NASI membership. The original accessibility standards adopted by the Federal Government, and most state governments, were derived from a document known as ANSI A117.1–1961, or "Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," published in 1961. Departures from the ANSI's 1961 recommendations gradually developed, however as the state-of-the-art improved in designing and constructing accessible facilities. In 1980, after five years of development and the participation of more than fifty organizations, ANSI published new accessibility standards, known as ANSI A117.1–1980. The 1980 ANSI document has generally been accepted by the private sector and has been recommended for use in model building codes by the Council of American Building Officials. The four standard-setting agencies generally encountered no difficulty in aligning their proposed Uniform Federal Accessibility Standards with the Standards now recommended by ANSI.

In format, the proposed standards follow ANSI A117.1–1980. This is in keeping with the agencies' objective to conform federal requirements to those most commonly used in private practice or by state and local governments. The technical requirements of the proposed standards meet or exceed the technical specifications contained in the "Minimum Guidelines and Requirements for Accessible Design" ("minimum guidelines and requirements") published by the Architectural and Transportation Barriers Compliance Board (ATBCB) in the **Federal Register** of August 4, 1982 (47 FR 33862).

B. Provisions of the Proposal

The proposed uniform standards are compiled in a technical document which is composed of twelve parts and an appendix.

The first part of the proposed document briefly states the reasons for developing the proposed uniform standards and the intent of achieving uniformity with ANSI A117.1–1980. Here and throughout the document the text

has been underlined wherever it differs from, or adds to, ANSI A117.1–1980.

The second part identifies the authority under which the standard-setting agencies have jointly developed the proposal.

The third part contains miscellaneous instructions and definitions to facilitate use of the standards. In general, this section is the same as ANSI, but with several definitions added for greater clarity.

Parts four through twelve consist of the proposed uniform standards. These are largely derived from the ANSI A 117.1–1980. The departures from ANSI would delete certain parts, modify certain parts, and add certain requirements which would either reflect the unique nature of certain buildings and facilities subject to the Act or which would be in the interest of improved safety or accessibility for handicapped people.

The parts of ANSI A117.1–1980 which were deleted include: window requirements; external door opening force limits; and the use of tactile warnings other than at doors to hazardous areas. These provisions, which have also been deleted from the minimum guidelines and requirements, are not supported by sufficient research, can be replaced by more cost-effective provisions or could impose serious administrative or design problems.

C. Specifications Supplementary To the ATBCB's Minimum Guidelines and Requirements

In some instances, the proposed standards go beyond the specifications contained in the minimum guidelines and requirements to present additional details necessary to guide designers. Where this supplementary material has been developed, the primary source other than the accumulated experience of the standard-setting agencies was the ANSI A117.1–1980. The principal sections reserved by the minimum guidelines and requirements but covered by the proposed uniform standards are Section 4.10.8 *Elevators* and 4.30 *Signage* (Sections 1190.31(0) *Signage* and 1190.100(c)(2) *Elevators* in the minimum guidelines and requirements.

In addition, the minimum guidelines and requirements reserve Subpart E, *Special Building anf Facility Types of Elements,* for future development. The Architectural Barriers Act recognizes the particular expertise of each of the four standard-setting agencies for specific building types, and the ATBCB has stated its intention to rely on that expertise in developing these additional provisions. Accordingly, the four standard-setting agencies and the other agency members of the ATBCB, with the participation of ATBCB staff, have developed provisions to govern design of special building and facility types and have included those provisions in the proposed uniform standards at Sections 4.1.1(10) *Accessible Sites and Exterior Facilities;* 4.1.4 *Use Groups:* 4.34 *Dwelling Units;* 5 *Restaurants and Cafeterias;* 6 *Transportation;* 7 *Health Care;* 8 *Mercantile,* 9 *Libraries;* 10 *Postal Facilities* and 11 *historic Preservation.* The classifications in 4.1.4 *Use Groups* are based on the system used in the National Fire Protection Association Life Safety Code, a universally-accepted document.

Section 12 of these proposed standards presents certain alternatives to standards for new construction that may be used for alterations and rehabilitation work. These alternatives are restricted to those situations where it is not feasible to apply new construction standards because of existing conditions of building or site. The alternatives reflect solutions to the problems most commonly encountered in work on existing buildings, and represent practices that have proven to be satisfactory under actual conditions.

D. Conclusion

If these uniform standards are adopted, each agency intends to take appropriate action, in accordance with its own proceedures for rulemaking, including the Administrative Procedure Act where appropriate, to incorporate the uniform standards in its rules, regulations, or other directives.

In consideration of the foregoing, the four standard-setting agencies invite public comment on the following proposed "Uniform Federal Accessibility Standards." An appropriate notice will be published in the **Federal Register** if the proposal is adopted.

Dated: November 27, 1982.

Ray Kline,

Deputy Administrator, General Services.

Dated: December 21, 1982.

Lawrence J. Korb,

Assistant Secretary of Defense for Manpower, Reserve Affairs and Logistics, Department of Defense.

Dated: December 2, 1982.

Philip Abrams,

General Deputy Assistant Secretary for Housing/Deputy Federal Housing Commissioner, Department of Housing and Urban Development.

Dated: November 8, 1982.

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration, United States Postal Service.

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P R O P O S E D

U N I F O R M F E D E R A L A C C E S S I B I L I T Y

S T A N D A R D S

General Services Administration
Department of Defense
Department of Housing and Urban Development
United States Postal Service

UNIFORM FEDERAL ACCESSIBILITY STANDARD

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Appendix

1. PURPOSE

This document sets standards for facility accessibility by the physically handicapped for Federal and federally-funded facilities. These standards are to be applied during the design, construction, and alteration of buildings and facilities to the extent required by the Architectural Barriers Act of 1968, as amended.

The technical provisions of these standards are the same as those of the American National Standard Institute's document A117.1-1980, except as noted in this text. Passages differing from ANSI A117.1-1980 are indicated by underscoring.

2. GENERAL

2.1 AUTHORITY. These standards are jointly developed by the General Services Administration, the Department of Housing and Urban Development, the Department of Defense, and the United States Postal Service, under the authority of sections 2, 3, 4, and 4a, respectively, of the Architectural Barriers Act of 1968, as amended, Pub. L. No. 90-480, 42 U.S.C. 4151 et seq.

2.2 PROVISIONS FOR ADULTS AND CHILDREN. The specifications in these standards are based upon adult dimensions and anthropometrics. If buildings, facilities, or portions thereof serve children primarily, the administrative authority should adjust dimensions and other provisions to make them suitable for children.

3. MISCELLANEOUS INSTRUCTIONS AND DEFINITIONS.

3.1 GRAPHIC CONVENTIONS. Graphic conventions are shown in Table 1. Dimensions that are not marked "minimum" or "maximum" are absolute, unless otherwise indicated in the text or captions.

3.2 DIMENSIONAL TOLERANCES. All dimensions are subject to conventional building industry tolerances for field conditions.

3.3 NOTES. The text of these standards does not contain notes or footnotes. Additional information, explanations, and advisory materials are located in the Appendix. Paragraphs marked with an asterisk have related, nonmandatory material in the Appendix. In the Appendix, the corresponding paragraph numbers are preceded by an A.

3.4 GENERAL TERMINOLOGY.

Comply with. Meet one or more specifications of this standard.

if, if...then. Denotes a specification that applies only when the conditions described are present.

Table 1
Graphic Conventions

Convention	Description
36 915	Typical dimension line showing U.S. customary units (in inches) above the line and SI units (in millimeters) below
9 230	Dimensions for short distances indicated on extended line
9 230 36 915	Dimension line showing alternate dimensions required
	Direction of approach
max	Maximum
min	Minimum
	Boundary of clear floor area
℄	Centerline

may. Denotes an option or alternative.

shall. Denotes a mandatory specification or requirement.

should. Denotes an advisory specification or recommendation.

3.5 DEFINITIONS. The following terms shall, for the purpose of these standards, have the meaning indicated in this section.

Access Aisle. An accessible pedestrian space between elements such as parking spaces, seating, and desks, that provides clearances appropriate for use of the elements.

Accessible. Describes a site, building, facility, or portion thereof that complies with these standards and that can be approached, entered, and used by physically disabled people.

Accessible Element. Part of an accessible route or accessible functional space; an item specified by these standards (for example, telephone, controls, and the like).

Accessible Route. A continuous unobstructed path connecting all accessible elements and spaces in a building or facility that can be negotiated by a severely disabled person using a wheelchair and that is also safe for and usable by people with other disabilities. Interior accessible routes may include corridors, floors, ramps, elevators, lifts, and clear floor space at fixtures.

Exterior accessible routes may include parking access aisles, curb ramps, walks, ramps, and lifts.

Adaptability. The ability of certain building elements, such as kitchen counters, sinks, and grab bars, to be altered so as to accommodate the needs of either the disabled or nondisabled, or to accommodate the needs of persons with different types or degrees of disability.

Addition. An expansion, extension, or increase in the gross floor area of a building or facility.

Administrative Authority. A governmental agency that adopts or enforces regulations and standards for the design, construction, or operation of buildings and facilities.

Alteration. As applied to a building or structure, means a change or rearrangement in the structural parts or in the means of egress or in moving from one location or position to another. It does not include normal maintenance, repair, reroofing, interior decoration, or changes to mechanical and electrical systems.

Assembly Area. A room or space accommodating fifty or more individuals for religious, recreational, educational, political, social, or amusement purposes, or for the consumption of food and drink, including all connected rooms or spaces with a common means of egress and ingress. Such areas as conference rooms would have to be accessible in accordance with other parts of this standard but would not have to meet all of the criteria associated with assembly areas.

Automatic Door. A door equipped with a power-operated mechanism and controls that open and close the door automatically upon receipt of a momentary actuating signal. The switch that begins the automatic cycle may be a photoelectric device, floor mat, or manual switch mounted on or near the door itself (see power-assisted door).

Children. People below the age of twelve (that is, elementary school age and younger).

Circulation Path. An exterior or interior way of passage from one place to another for pedestrians, including, but not limited to, walks, hallways, courtyards, stairways, and stair landings.

Clear. Unobstructed.

Common Use. Refers to those interior and exterior rooms, spaces, or elements that are made available for the use of a restricted group of people (for example, residents of an apartment building, the occupants of an office building, or the guests of such residents or occupants).

Coverage. The extent or range of accessibility that a particular administrative authority adopts and requires.

Cross Slope. The slope of a pedestrian way that is perpendicular to the direction of travel (see running slope).

Curb Ramp. A short ramp cutting through a curb or built up to it.

Detectable. Perceptible by one or more of the senses.

Disability. A limitation or loss of use of a physical, mental, or sensory body part or function.

Dwelling Unit. A single unit of residence which provides a kitchen or food preparation area, in addition to rooms and spaces for living, bathing, sleeping, and the like. A single family home is a dwelling unit, and dwelling units are to be found in such housing types as townhouses and apartment buildings.

Egress, means of. A path of exit that meets all applicable code specifications of the regulatory building agency having jurisdiction over the building or facility.

Element. An architectural or mechanical component of a building, facility, space, or site, e.g., telephone, curb ramp, door, drinking fountain, seating, water closet.

Emergency. Refers to facilities resulting from or anticipating unforeseen combinations of circumstances, for example, storm shelters, bomb shelters, and comparable refuges.

Extraordinary repair. The replacement or renewal of any element of an existing building or facility for purposes other than normal maintenance.

Facility. A building, structure, or area, including the site on which such building, structure or area is located, wherein specific services are provided or activities performed. An element of the transportation system (stairway, bridge, etc.) which is constructed independently of such buildings, structures, or areas, and that merely provides access to them, shall not itself be considered a facility and shall not be subject to the standards set forth unless it is the sole means of access to such facilities.

Full and Fair Cash Value. Full and fair cash value is calculated for the estimated date on which work will commence on a project and means:

(1) The assessed valuation of a building or facility as recorded in the assessor's office of the municipality and as equalized at one hundred percent (100%) valuation.
(2) The replacement cost,
(3) The fair market value.

Functional Spaces. The rooms and spaces in a building or facility that house the major activities for which the building or facility is intended.

Handicapped. Those with significant limitations in using specific parts of the environment.

Housing. A building, facility, or portion thereof, excluding inpatient health care facilities, that contains one or more dwelling units or sleeping accommodations. Housing may include, but is not limited to, one and two-family dwellings, apartments, group homes, hotels, motels, dormitories, and mobile homes.

Marked Crossing. A crosswalk or other identified path intended for pedestrian use in crossing a vehicular way.

Multifamily Dwelling. Any building containing more than two dwelling units.

Operable Part. A part of a piece of equipment or appliance used to insert or withdraw objects, or to activate, deactivate, or adjust the equipment or appliance (for example, coin slot, pushbutton, handle).

Power-assisted Door. A door with a mechanism that helps to open the door, or relieve the opening resistance of a door, upon the activation of a switch or a continued force applied to the door itself. If the switch or door is released, such doors immediately begin to close or close completely within 3 to 30 seconds (see automatic door).

Principal Entrance. An entrance intended to be used by the residents or users to enter or leave a building or facility. This may include, but is not limited to, the main entrance.

Public Use. Describes interior or exterior rooms or spaces that are made available to the general public. Public use may be pro-

vided at a building or facility that is privately or publicly owned.

Ramp. A walking surface in an accessible space that has a running slope greater than 1:20.

Reasonable Number. A number that is sufficient to accommodate the disabled users of a site, building, facility, or element. For the purposes of these standards, reasonable numbers are specified in Section 4, Accessible Elements and Spaces.

Reconstruction. The act or process of reproducing by new construction the exact form and detail of a vanished building, structure, or object, or a part thereof, as it appeared at a specific period of time.

Restoration. The act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of the removal of later works or by replacement of missing earlier work.

Running Slope. The slope of a pedestrian way that is parallel to the direction of travel (see cross slope).

Service Entrance. An entrance intended primarily for delivery of services.

Signage. Verbal, symbolic, tactile, and pictorial information.

Site. A parcel of land bounded by a property line or a designated portion of a public right-of-way.

Site Improvement. Landscaping, paving for pedestrian and vehicular ways, outdoor lighting, recreational facilities, and the like, added to a site.

Sleeping Accommodations. Rooms in which people sleep, for example, dormitory and hotel or motel guest rooms.

Space. A definable area, e.g., toilet room, hall, assembly area, entrance, storage room, alcove, courtyard, or lobby.

Structural impracticability. Changes having little likelihood of being accomplished without removing or altering a load-bearing structural member and/or incurring an increased cost of 50 percent or more of the value of the element of the building or facility involved.

Tactile. Describes an object that can be perceived using the sense of touch.

Tactile Warning. A standardized surface texture applied to or built into walking surfaces or other elements to warn visually impaired people of hazards in the path of travel.

Temporary. Applies to facilities that are not of permanent construction but are extensively used or essential for public use for a given (short) period of time, for example, temporary classrooms or classroom buildings at schools and colleges, or facilities around a major construction site to make passage accessible, usable, and safe for everybody. Structures directly associated with the actual processes of major construction, such as porto potties, scaffolding, bridging, trailers, and the like, are not included. Temporary as applied to elements means installed for less than 6 months and not required for safety reasons.

Vehicular Way. A route intended for vehicular traffic, such as a street, driveway, or parking lot.

Walk. An exterior pathway with a prepared surface intended for pedestrian use, including general pedestrian areas such as plazas and courts.

Walking Aid. A device used by a person who has difficulty walking (for example, a cane, crutch, walker, or brace).

4. ACCESSIBLE ELEMENTS AND SPACES

4.1 MINIMUM REQUIREMENTS.

4.1.1 ACCESSIBLE SITES AND EXTERIOR FACILITIES: NEW CONSTRUCTION. An accessible site shall meet the following minimum requirements:

(1) At least one accessible route complying with 4.3 shall be provided within the boundary of the site from public transportation stops, accessible parking spaces, accessible passenger loading zones if provided, and public streets or sidewalks to an accessible building entrance.

(2) At least one accessible route complying with 4.3 shall connect

accessible buildings, facilities, elements, and spaces that are on the same site.

(3) All objects that protrude from surfaces or posts into circulation paths shall comply with 4.4.

(4) Ground surfaces along accessible routes and in accessible spaces shall comply with 4.5.

(5) (a) If parking spaces are provided for employees or visitors in public use buildings and facilities, or both, then accessible spaces, complying with 4.6, shall be provided in conformance with the following table:

Total Parking in Lot	Required Minimum number of accessible spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	*
1001 and over	**

* 2 percent of total.
** 20 plus 1 for each 100 over 1000.

EXCEPTION: The total number of accessible parking spaces may be distributed among parking lots, if greater accessibility is acheived.

EXCEPTION: This does not apply to parking provided for official government vehicles owned or leased by the government and used exclusively for government purposes.

(b) If passenger loading zones are provided, then at least one passenger loading zone shall comply with 4.6.5.

(c) Parking spaces for side lift vans are accessible parking spaces and may be used to meet the requirements of this paragraph.

(d) Parking spaces at accessible housing complying with Section 4.6 shall be provided in accordance with the following:

(1) Where parking is provided for all residents, one accessible parking space shall be provided for each accessible dwelling unit; and

(2) Where parking is provided for only a portion of the residents, an accessible parking space shall be provided on request of the occupant of an accessible dwelling unit;

(3) Where parking is provided for visitors, 2% of the spaces, or at least one, shall be accessible.

(e) Parking spaces at health care facilities complying with Section 4.6 shall be provided in accordance with the following:

(1) General health care facilities, employee and visitor parking: Comply with the Table 4.1.1(5)(a);

(2) Outpatient facilities: 10% of the total number of parking spaces provided;

(3) Spinal cord injury facilities, employee and visitor parking: 20% of total parking spaces provided.

(6) Stairs connecting levels that are not connected by an elevator shall comply with 4.9.

(7) All passenger elevators shall comply with 4.10.

ALTERNATIVE: Accessible ramps or accessible platform lifts may be used in lieu of an elevator.

(8) At least one door or gate to accessible spaces and elements and all doors that are part of accessible routes shall comply with 4.13.

(9) If drinking fountains are provided, approximately 50% of the total, but always at least one, shall comply with 4.15.

(10) If public toilet facilities are provided, at least one toilet room at each facility shall comply with 4.22. If bathing facilities are provided, at least one bathroom shall comply with 4.23. If toilet and bathing facilities are provided for both sexes, at least one of toilet rooms and bathrooms, bathing facilities, or shower rooms complying with 4.22 and 4.23 shall be provided for each sex.

(11) Tactile warnings: Reserved.

(12) All signs shall comply with 4.30. Elements and spaces of accessible facilities which shall be identified by the International Symbol of Accessibility are:

(a) Parking spaces designated as reserved for physically handicapped people;
(b) passenger loading zones;
(c) accessible entrances;
(d) accessible toilet and bathing facilities.

(13) If public telephones are provided, they shall comply with 4.31.

(14) If fixed or built-in seating, tables, or work surfaces are provided in accessible spaces, at least one of the seating spaces, tables, or work surfaces shall comply with 4.32.

(15) If places of assembly are provided, they shall comply with 4.33 and 4.1.2.

4.1.2 ACCESSIBLE BUILDINGS: NEW CONSTRUCTION. Accessible buildings and facilities shall meet the following minimum requirements:

(1) At least one accessible route complying with 4.3 shall connect accessible building or facility entrances with all accessible spaces and elements within the building or facility.

(2) All objects that overhang circulation paths shall comply with 4.4.

(3) Ground and floor surfaces along accessible routes and in accessible rooms and spaces shall comply with 4.5.

(4) Stairs connecting levels that are not connected by an elevator shall comply with 4.9. This requirement is not mandatory within dwelling facilities.

(5) At least one accessible passenger elevator, ramp, or lift shall serve each accessible level in multistory buildings and facilities.

EXCEPTION: Accessible ramps or accessible platform lifts may be used in lieu of an elevator.

(6) Windows. Reserved.

(7) Doors:

(a) At each accessible entrance to a building or facility, at least one door shall comply with 4.13.

(b) Within a building or facility, at least one door at each accessible space shall comply with 4.13.

(c) Each door that is an element of an accessible route shall comply with 4.13.

(d) Each door required by 4.3.10, Egress, shall comply with 4.13.

EXCEPTION: In multiple story buildings and facilities where at-grade egress from each floor is impossible, either of the following is permitted.

(1) The provision within each story of approved fire and smoke partitions that create horizontal exits, or,

(2) The provision within each floor of areas of refuge approved by agencies having authority for safety.

(8) At least one principal entrance at each grade floor level to a building or facility shall comply with 4.14, Entrances. When a building or facility has entrances which normally serve any of the following functions: transportation facilities, passenger loading zones, accessible parking facilities, taxi stands, public streets and sidewalks, accessible interior vertical access, then at least one of the entrances serving each such function shall comply with 4.14, Entrances. Because entrances also serve as emergency exits, whose proximity to all parts of buildings and facilities is essential, it is preferable that all or most exits be accessible.

(9) If drinking fountains or water coolers are provided, approximately 50% of those provided on each floor shall comply with 4.15 and shall be on an accessible route. If only one drinking fountain or water cooler is provided on any floor, it shall comply with 4.15.

(10) If toilet facilities are provided, then each public and common use toilet room shall comply with 4.22. Other toilet rooms shall be adaptable. If bathing facilities are provided, then each public and common use bathroom shall comply with 4.23. Accessible toilet rooms and bathing facilities shall be on an accessible route.

(11) If storage facilities such as cabinets, shelves, closets, and drawers are provided in accessible spaces, at least one of each type provided shall contain storage space complying with 4.25. Additional storage may be provided outside of the dimensions shown in Fig. 38.

(12) Controls and operating mechanisms in accessible spaces, along accessible routes, or as parts of accessible elements (for example, light switches and dispenser controls) shall comply with 4.27.

(13) If emergency warning systems are provided, then they shall include both audible alarms complying with 4.28.2 and visual alarms complying with 4.28.3. In facilities with sleeping accommodations, the sleeping accommodations shall have an alarm system complying with 4.28.4. Emergency warning systems in health care facilities may be modified to suit standard health care alarm design practice.

(14) Tactile warnings shall be provided at hazardous conditions as specified in 4.29.3.

(15) If signs are provided, they shall comply with 4.30. In addition, permanent signage that identifies rooms and spaces shall also comply with 4.30.4.

EXCEPTION: The provisions of 4.30.4 are not mandatory for temporary information on room and space signage, such as current occupant's name, provided the permanent room or space identification complies with 4.30.4.

(16) Public Telephones:

(a) If public telephones are provided, then accessible public telephones shall comply with 4.31, Telephones, and the following table:

Number of public telephones provided on each floor:	Number of telephones required to be accessible:*
1 or more single unit installations	1 per floor
1 bank**	1 per floor
2 or more banks**	1 per bank. Accessible unit may be installed as a single unit in proximity (either visible or with signage) to the bank. At least one public telephone per floor shall meet the requirements for a forward reach telephone.***

* Additional public telephones may be installed at any height. Unless otherwise specified, accessible telephones may be either forward or side reach telephones.

** A bank consists of two or more adjacent public telephones, often installed as a unit.

*** EXCEPTION: For exterior installations only, if dial tone first service is not available, then a side reach telephone may be installed instead of the required forward reach telephone (i.e., one telephone in proximity to each bank shall comply with 4.31).

(b) At least one of the public telephones complying with 4.31, Telephones, shall be equipped with a volume control. The installation of additional volume controls is encouraged and these may be installed on any public telephone provided.

(17) If fixed or built-in seating, tables, or work surfaces are provided in accessible spaces, at least 5 percent, but always at least one, of seating spaces, tables, or work surfaces shall comply with 4.32.

(18) Assembly areas:

(a) If places of assembly are provided, they shall comply with the following table:

Capacity of Seating & Assembly Areas	Number of Required Wheelchair Locations
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	*
over 1,000	**

* 2 percent of total
** 20 plus 1 for each 100 over 1,000.

(b) Assembly areas with audio-amplification systems shall have a listening system complying with 4.32 to assist a reasonable number of people but no fewer than two, with severe hearing loss. For assembly areas without amplification systems and for spaces used primarily as meeting and conference rooms, a permanently installed or portable listening system shall be provided. If portable systems are used for conference or meeting rooms, the system may serve more than one room.

4.1.3 Accessible Housing. Accessible housing shall comply with the requirements of sections 4.1 and 4.34 except as noted below:

(1) Elevators: Where provided, elevators shall comply with section 4.10. Elevators or other accessible means of vertical movement are not required in residential facilities when:

(a) No accessible dwelling units are located above or below the

accessible grade level; and

(b) Common areas and amenities for use of residents and visitors are available at the accessible grade level.

(2) Entrances: Entrances complying with Section 4.14 shall be provided as necessary to achieve access to and egress from buildings and facilities.

EXCEPTION: In projects consisting of one-to-four family dwellings where accessible entrances would be extraordinarily costly due to site conditions or local code restrictions, accessible entrances are required only to those buildings containing accessible dwelling units.

(3) Kitchens: In projects where the number of accessible units is determined by local needs assessments, units with accessible kitchens may be provided on a proportional basis in accordance with needs identified by the local assessment.

(4) Common Areas: At least one of each type of common area and amenity in each project shall be accessible, and shall be located on an accessible route to any accessible dwelling unit.

4.1.4 Use Groups.

Buildings and facilities shall comply with this standard to the extent noted in this section for various occupancy use groups, unless otherwise modified by a special application section or excepted by a military exclusion. Occupancy use groups, and the facilities covered under each category, include but are not necessarily limited to the listing which follows:

(1) General Exceptions: Accessibility is not required to elevator pits, elevator penthouses, mechanical rooms, piping or equipment catwalks, lookout galleries, electrical and telephone closets, and general utility rooms.

(2) Military Exclusions.
The following facilities need not be designed to be accessible, but accessibility is recommended since the intended use of the facility may change with time.

(a) Unaccompanied personnel housing, closed messes, vehicle and aircraft maintenance facilities, where all work is performed by able-bodied military personnel, and, in general, all facilities which are intended for use or occupancy by able-bodied military personnel only.

(b) Those portions of Reserve and National Guard facilities which are not open to the public.

(c) Military family housing, although the design of family housing should consider accessibility and provide it in common areas such as walks, streets, parking and play areas. Design of entrances shall consider accessibility.

(d) Where the number of accessible spaces required is determinded by the design capacity of a facility (such as parking or assembly areas), the number of able bodied military persons used in determining the design capacity need not be counted when computing the number of accessible spaces required.

(3) Assembly.

Places of assembly include, but are not limited to, all buildings used for gathering together 50 or more persons for such purposes as deliberation, worship, entertainment, amusement, or awaiting transportation. Assembly occupancies include:

Facility		Application
Assembly Halls	Mortuary Chapels	All must comply with these standards except that balconies and bleachers with fixed seats need not comply if suitable accessible seating is provided elsewhere in the facility.
Auditoriums	Motion Picture Theaters	
Bowling Lanes	Museums	
Churches	Passenger Stations, terminals of air, surface, underground and marine public transportation	
Club Rooms	Pool Rooms	
Conference Rooms	Recreation Piers	
Courtrooms	Restaurants	
Dance Halls	Skating Rinks	
Drinking Establishments	Theaters	
Exhibition Halls		
Gymnasiums		

(4) Educational.

Educational occupancies include all buildings used for the gathering of groups of 6 or more persons for purposes of instruction. Educational occupancies include:

Facilities		Application
Academies	Nursery Schools	All must comply with these standards except that balconies and bleachers with fixed seats need not comply if suitable accessible seating is provided elsewhere in the facility.
Child Care Facilities	Schools	
Colleges	Universities	
Kindergartens		

(5) Health Care.

Health care occupancies are those used for purposes such as medical or other treatment or care of persons suffering from physical or mental illness, disease or infirmity; for the care of infants, convalescents or aged persons. Health care occupancies provide sleeping facilities for the occupants and are occupied by persons who are mostly incapable of self preservation because of age, physical or mental disability, or because of security measures not under the occupant's control.

Facilities	Application
Health Care Facilities	
Hospitals	10% of patient rooms available and all common use areas

Nursing Homes	50% of patient rooms available in intermediate care facilities; 10% for skilled nursing facilities; and all common use areas
Department of Defense Facilities	Consult latest edition of Manual 4270.1-M
Residential-Custodial Care	
Nurseries	100% of care providing areas
Homes for the Aged e.g., Nursing Homes	50% of patient rooms available and all common use areas
Mentally Retarded Care Institutions	50% of patient rooms available and all common use areas

(6) Penal Occupancies.

Penal occupancies are those used to house occupants under some degree of restraint or security. Penal occupancies are occupied by persons who are mostly incapable of self preservation because of security measures not under the occupant's control.

Facilities	Application
Penal institutions, reformatories, and jails	5% of residential units available and all common use and visitor areas.

(7) Housing (Residential).

Residential occupancies are ones in which sleeping accommodations are provided for normal residential purposes and include all buildings designed to provide sleeping accommodations. Accessible sleeping accommodations and dwelling units shall be provided according to the following:

Facilities	Application
Hotels, motels, and dormitories	5% of the total, or at least one unit
Multifamily Housing	
Federally Assisted	5% of the total, or at least one unit, in projects of 15 or more dwelling units, or as indicated by local needs assessments conducted by local governing bodies or States.

Federally Owned	5% of the total, or at least one unit
One & two Family Housing	
Federally Assisted, Rental	5% of the total, or at least one unit, in projects of 15 or more dwelling units, or as indicated by local needs assessments conducted by local governing bodies or States.
Federally Assisted, Homeownership	To be determined by home buyer
Federally Owned	5% of the total or at least one unit

(8) Mercantile.

Mercantile occupancies include stores, markets, and other rooms, buildings, or structures for the display and sale of merchandise. Included in this occupancy group are:

Facilities		Application
Auction Rooms Department Stores Drugstores	Shopping Centers Supermarkets	Employee work areas and those areas open to the general public must comply with these standards.

(9) Business.

Business occupancies are those used for the transaction of business (other than that covered under Mercantile), for the keeping of accounts and records, and similar purposes. Included in this occupancy group are:

Facilities		Application
City Halls Courthouses Dentist's Offices Doctor's Offices General Offices (Ambulatory)	Libraries Outpatient Clinics (Ambulatory) Town Halls Postal Facilities for Customer Service only	Office areas and those areas open to use by the public must comply with these standards.

(10) Industrial.

Industrial occupancies include factories making products of all kinds and properties devoted primarily to operations such as processing, assembling, mixing, packaging, finishing or decorating, and repairing, including, among others, the following:

Facilities		Application
Creameries Dry Cleaning Plants Factories of all kinds Gas Plants Laboratories Laundries	Postal Mail Processing Facilities Power Plants Pumping Stations Refineries Sawmills Smokehouses Vehicle Maintenance Facilities	Office areas and public service areas shall comply. Those areas which will not result in employment of physically handicapped persons need not comply with this standard.

(11) Storage.

Storage includes all buildings or structures utilized primarily for the storage or sheltering of goods, merchandise, products, vehicles, or animals. Included in this occupancy group are:

Facilities		Application
Warehouses Truck and Marine Terminals Bulk Oil Storage Grain Elevators	Cold Storage Hangars Barns Freight Terminals Stables	Office areas and public service areas shall comply. Those areas which will not result in employment of physically handicapped persons need not comply with this standard.
Parking Garages		Accessible spaces and required routes to other buildings on site, etc.

4.1.5 Special Applications. Scope and use group application may be modified by the following:

(1) Assembly

5: Restaurants and Cafeterias
6: Transportation Facilities

(2) Educational

(3) Health Care

7: Health Care

(4) Penal Occupancies

(5) Housing (Residential)

4.34: Dwelling Units

(6) Mercantile

8: Mercantile

(7) Business

9: Libraries

(8) Industrial

10: Postal Facilities

(9) Storage

(10) Historic Buildings

11: Historic Buildings

4.1.6 ACCESSIBLE BUILDINGS: ADDITIONS. Each addition to an existing building shall comply with 4.1.1 to 4.1.5 of Section 4.1, Minimum Requirements, except as follows:

(1) Entrances. If a new addition to a building or facility does not have an entrance, then at least one entrance in the existing building or facility shall comply with 4.14, Entrances.

(2) Accessible route. If the only accessible entrance to the addition is located in the existing building or facility, then at least one accessible route shall comply with 4.3, Accessible Route, and shall provide access through the existing building or facility to all rooms, elements, and spaces in the new addition.

(3) Toilet and bathing facitities. If there are no toilet rooms and bathing facilities in the addition and these facilities are provided in the existing building, then at least one toilet and bathing facility in the existing building shall comply with 4.22, Toilet Rooms, or 4.23, Bathrooms, Bathing Facilities, and Shower Rooms.

(4) Elements spaces, and common areas. If elements, spaces, or common areas are located in the existing building and they are not provided in the addition, then consideration should be given to making those elements, spaces, and common areas accessible in the existing building.

(5) EXCEPTIONS: Mechanical rooms, storage areas, and other such minor additions which normally are not frequented by the public or employees of the facility are excepted from 4.1.6.

(6) Housing: (Reserved).

4.1.7 ACCESSIBLE BUILDINGS: ALTERATIONS.

(1) General. Alterations to existing buildings or facilities shall comply with the following:

(a) If existing elements, spaces, essential features, or common areas are altered, then each such altered element, space, feature, or area shall comply with the applicable provisions of 4.1.1 to 4.1.5 of Section 4.1, Minimum Requirements.

(b) If power-driven vertical access equipment (e.g., escalator) is planned or installed where none existed previously, or if new stairs (other than stairs installed to meet emergency exit requirements) requiring major structural changes are planned or installed where none existed previously, then a means of accessible vertical access shall be provided that complies with 4.7, Curb Ramps; 4.8, Ramps; 4.10, Elevators; or 4.11, Platform Lifts; except to the extent where it is structurally impracticable in transit facilities.

(c) If alterations of single elements when considered together, amount to an alteration of a space of a building or facility, the entire space shall be made accessible.

(2) Where a building or facility is vacated and it is totally altered, then it shall be altered to comply with 4.1.1 to 4.1.5 of Section 4.1, Minimum Requirements, except to the extent where it is structurally impracticable.

(3) Where substantial alteration occurs to a building or facility, then each element or space that is altered or added shall comply with the applicable provisions of 4.1.1 to 4.1.5 of Section 4.1,

Minimum Requirements, except to the extent where it is structurally impracticable and the altered building or facility shall contain:

(a) At least one accessible route complying with 4.3, Accessible Route, and 4.1.7(a);

(b) At least one accessible entrance complying with 4.14, Entrances. If additional entrances are altered then they shall comply with 4.1.7(a); and

(c) The following toilet facilities, whichever is greater:

(i) At least one toilet facility for each sex in the altered building complying with 4.22, Toilet Rooms, and 4.23, Bathrooms, Bathing Facilities, and Shower Rooms.

(ii) At least one toilet facility for each sex on each substantially altered floor, where such facilities are provided, complying with 4.22, Toilet Rooms; and 4.23, Bathrooms, Bathing Fcailities, and Shower Rooms. In making the determination as to what constitutes "substantial alteration," the agency issuing standards for the facitity shall consider the total cost of all alterations (including but not limited to electrical, mechanical, plumbing, and structural changes) for a building or facility within any twelve (12) month period. For guidance in implementing this provision, an alteration to any building or facilty is to be considered substantial if the total cost for this twelve month period amounts to 50% or more of the full and fair cash value of the building as defined at 3.5.

(d) EXCEPTION. If the cost of the elements and spaces required by 4.1.7(3)(a), (b), or (c) exceeds 15% of the total cost of all other alterations, then a schedule may be established by the standard-setting and/or funding agency to provide the required improvements within a 5 year period.

(e) EXCEPTION. If the alteration is limited solely to the electrical, mechanical, or plumbing system and does not involve the alteration of any elements and spaces required to be accessible under these standards, then 4.1.7(3) does not apply.

(f) EXCEPTION. Consideration be shall given to providing accessible elements and spaces in each altered building or facilty complying with:

(i) 4.6, Parking and Passenger Loading Zones,
(ii) 4.15, Drinking Fountains and Water Coolers,
(iii) 4.25, Storage,
(iv) 4.28, Alarms,
(v) 4.31, Telephones,
(vi) 4.32, Seating, Tables, and Work Surfaces,
(vii) 4.33, Assembly Areas,

(g) EXCEPTION. Mechanical rooms and other spaces which normally are not frequented by the public or employees of the of the facility or which by nature of their use are not required by the Architectural Barriers Act to be accessible are excepted from 4.1.7.

(4) Housing. (Reserved).

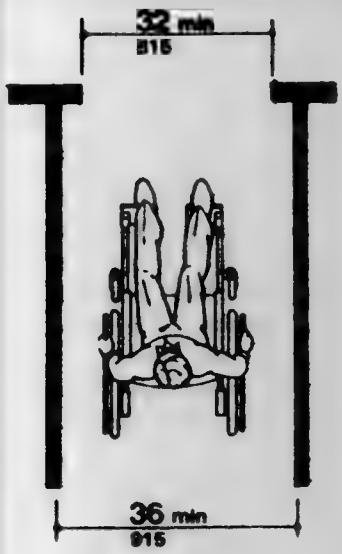

Fig. 1
Minimum Clear Width
for Single Wheelchair

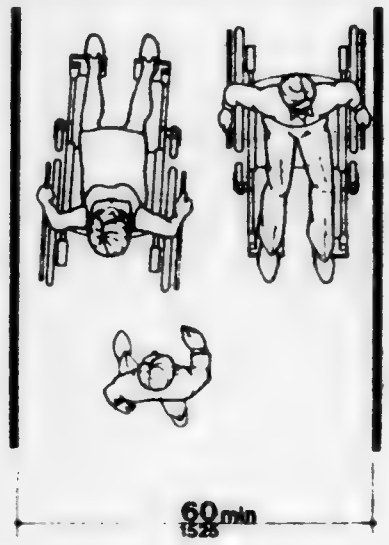

Fig. 2
Minimum Clear Width
for Two Wheelchairs

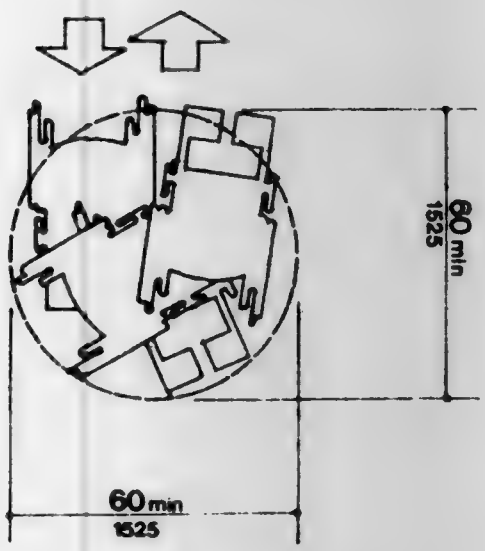

(a)
60-in (1525-mm) -Diameter Space

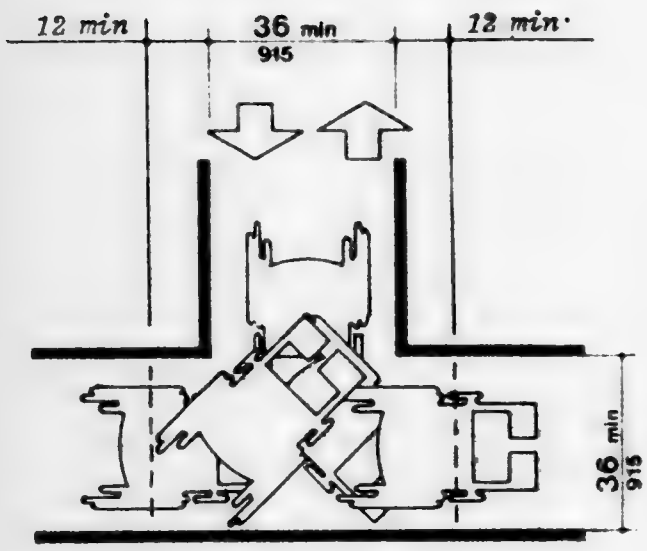

(b)
T-Shaped Space for 180° Turns

Fig. 3
Wheelchair Turning Space

4.2: SPACE ALLOWANCE AND REACH RANGES

4.2.1* WHEELCHAIR PASSAGE WIDTH. The minimum clear width for single wheelchair passage shall be 32 in (815 mm) at a point and 36 in (915 mm) continuously (see Fig. 1).

4.2.2 WIDTH FOR WHEELCHAIR PASSING. The minimum width for two wheelchairs to pass is 60 in (1525 mm) (see Fig. 2).

4.2.3* WHEELCHAIR TURNING SPACE. The space required for a wheelchair to make a 180 degree turn is a clear space of 60 in (1525 mm) diameter (see Fig. 3(a)) or a T-shaped space (see Fig. 3(b)).

4.2.4* CLEAR FLOOR OR GROUND SPACE FOR WHEELCHAIRS.

4.2.4.1 SIZE AND APPROACH. The minimum clear floor or ground space required to accommodate a single, stationary wheelchair occupant is 30 in by 48 in (760 mm by 1220 mm) (see Fig. 4(a)). The minimum clear floor or ground space for wheelchairs may be positioned for forward or parallel approach to an object (see Fig. 4(b) and (c)). Clear floor or ground space for wheelchairs may be part of the knee space required under some objects.

4.2.4.2 RELATIONSHIP OF MANEUVERING CLEARANCE TO WHEELCHAIR SPACES. One full unobstructed side of the clear floor or ground space for a wheelchair shall adjoin or overlap an accessible route or adjoin another wheelchair clear floor space. If a clear floor space is located in an alcove or otherwise confined on all or part of three sides, additional maneuvering clearances shall be provided as shown in Figs. 4(d) and (e).

4.2.4.3 SURFACES FOR WHEELCHAIR SPACES. Clear floor or ground spaces for wheelchairs shall comply with 4.5.

4.2.5 FORWARD REACH. If the clear floor space only allows forward approach to an object, the maximum high forward reach allowed shall be 48 in (1220 mm) (see Fig. 5(a)). The minimum low forward reach is 15 in (380 mm). If the high forward reach is over an obstruction, reach and clearances shall be as shown in Fig. 5(b).

4.2.6 SIDE REACH. If the clear floor space allows parallel approach by a person in a wheelchair, the maximum high side reach allowed shall be 54 in (1370 mm) and the low side reach shall be no less than 9 in (230 mm) above the floor (Fig. 6(a) and (b)). If the side reach is over an obstruction, the reach and clearances shall be as shown in Fig. 6(c).

4.3: ACCESSIBLE ROUTE.

4.3.1* GENERAL. All walks, halls, corridors, aisles, and other spaces that are part of an accessible route shall comply with 4.3.

4.3.2 LOCATION.

(1) At least one accessible route within the boundary of the site shall be provided from public transportation stops, accessible parking, and accessible passenger loading zones, and public streets or sidewalks to the accessible building entrance they serve.

(2) At least one accessible route shall connect accessible buildings, facilities, elements, and spaces that are on the same site.

(3) At least one accessible route shall connect accessible building or facility entrances with all accessible spaces and elements and with all accessible dwelling units within the building or facility.

(4) An accessible route shall connect at least one accessible entrance of each accessible dwelling unit with those exterior and interior spaces and facilities that serve the accessible dwelling unit.

4.3.3 WIDTH. The minimum clear width of an accessible route shall be 36 in (915 mm) except at doors (see 4.13.5). If a person in a wheelchair must make a turn around an obstruction, the minimum clear width of the accessible route shall be as shown in Fig. 7.

4.3.4 PASSING SPACE. If an accessible route has less than 60 in (1525 mm) clear width, then passing spaces at least 60 in by 60 in (1525 mm by 1525 mm) shall be located at reasonable intervals not to exceed 200 ft (61 m). A T-intersection of two corridors or walks is an acceptable passing place.

4.3.5 HEAD ROOM. Accessible routes shall comply with 4.4.2.

4.3.6 SURFACE TEXTURES. The surface of an accessible route shall comply with 4.5.

4.3.7 SLOPE. An accessible route with a running slope greater than 1:20 is a ramp and shall comply with 4.8. Nowhere shall the cross slope of an accessible route exceed 1:50.

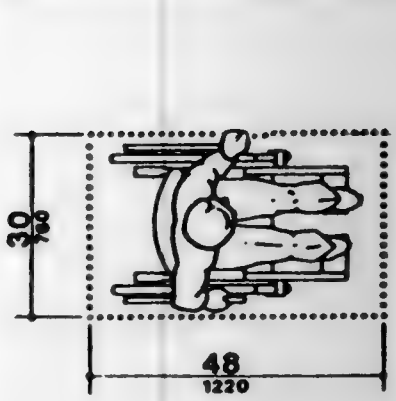

(a)
Clear Floor Space

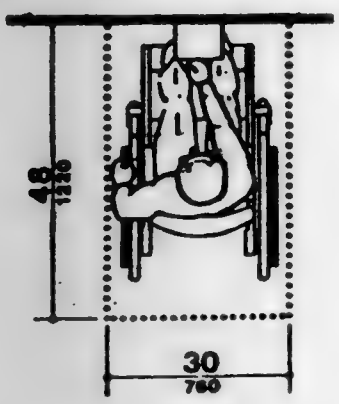

(b)
Forward Approach

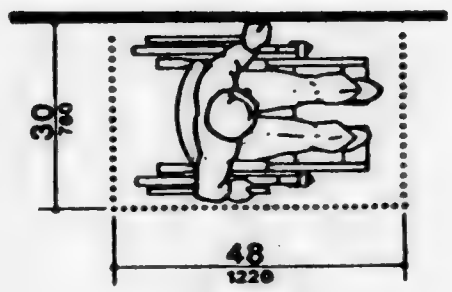

(c)
Parallel Approach

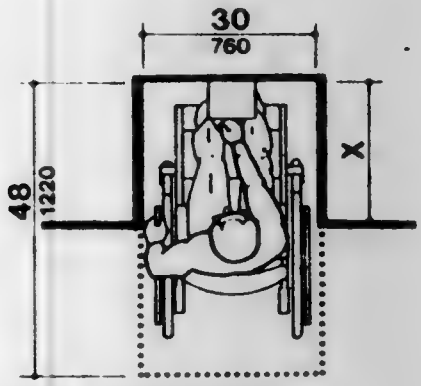

NOTE: x ≤ 24 in (610 mm)

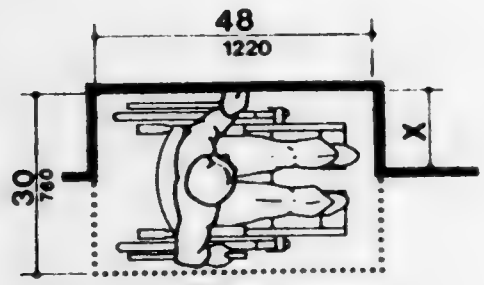

NOTE: x ≤ 15 in (380 mm).

(d)
Clear Floor Space in Alcoves

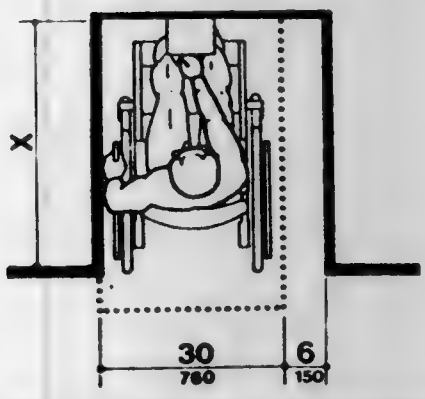

NOTE: If x > 24 in (610 mm), then an additional maneuvering clearance of 6 in (150 mm) shall be provided as shown.

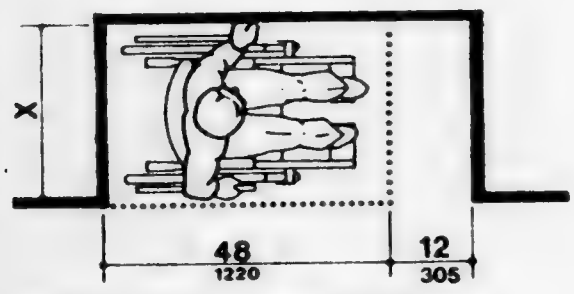

NOTE: If x > 15 in (380 mm), then an additional maneuvering clearance of 12 in (305 mm) shall be provided as shown.

(e)
Additional Maneuvering Clearances for Alcoves

Fig. 4
Minimum Clear Floor Space for Wheelchairs

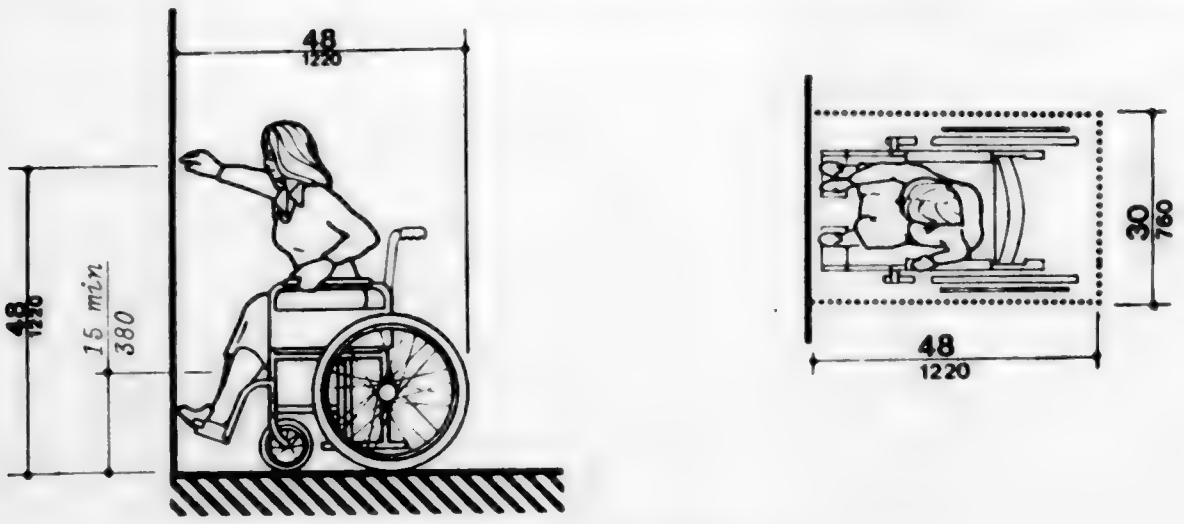

(a)
High Forward Reach Limit

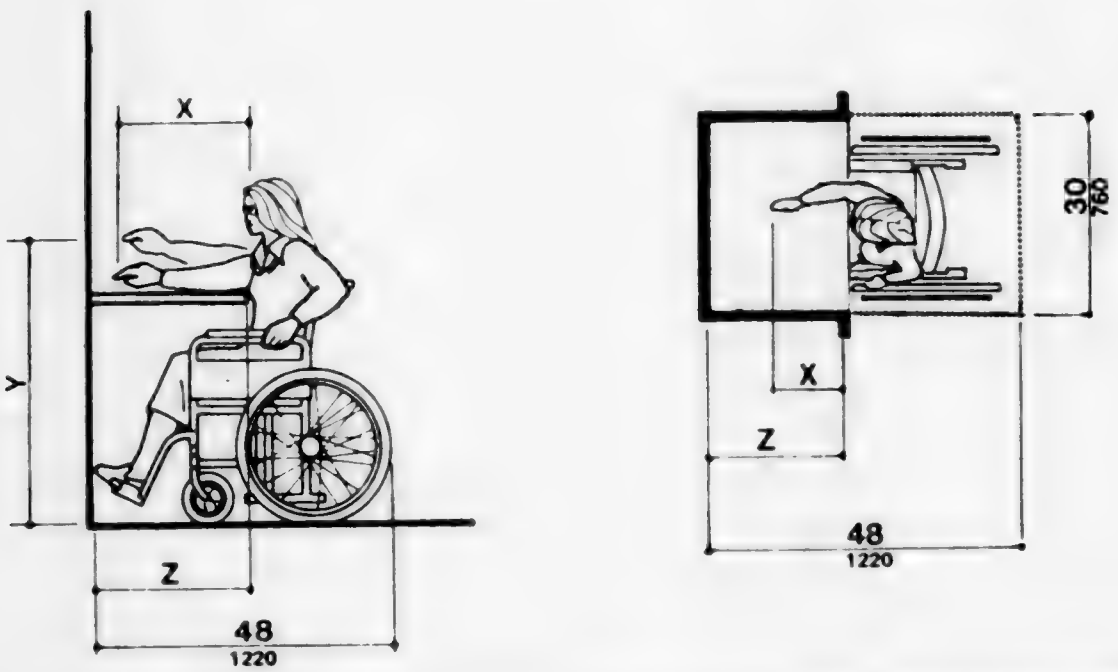

NOTE: x shall be ≤25 in (635 mm); z shall be ≥x. When x < 20 in (510 mm), then y shall be 48 in (1220 mm) maximum. When x is 20 to 25 in (510 to 635 mm), then y shall be 44 in (1120 mm) maximum.

(b)
Maximum Forward Reach over an Obstruction

Fig. 5
Forward Reach

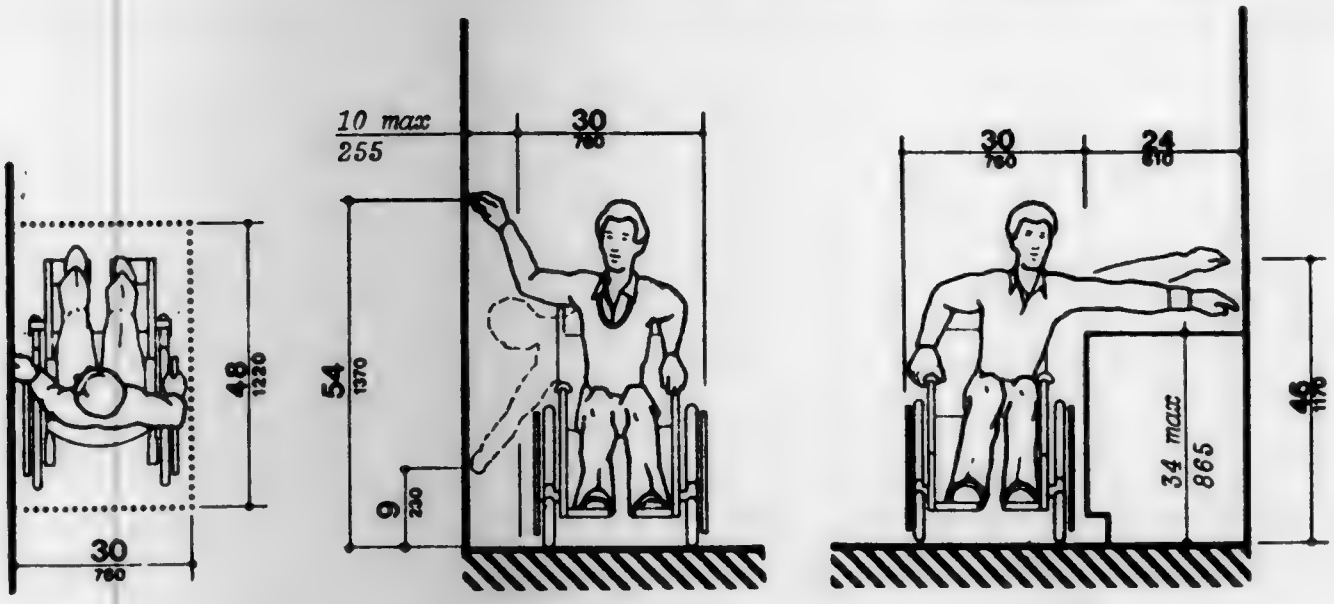

(a)
Clear Floor Space
Parallel Approach

(b)
High and Low
Side Reach Limits

(c)
Maximum Side Reach
over Obstruction

Fig. 6
Side Reach

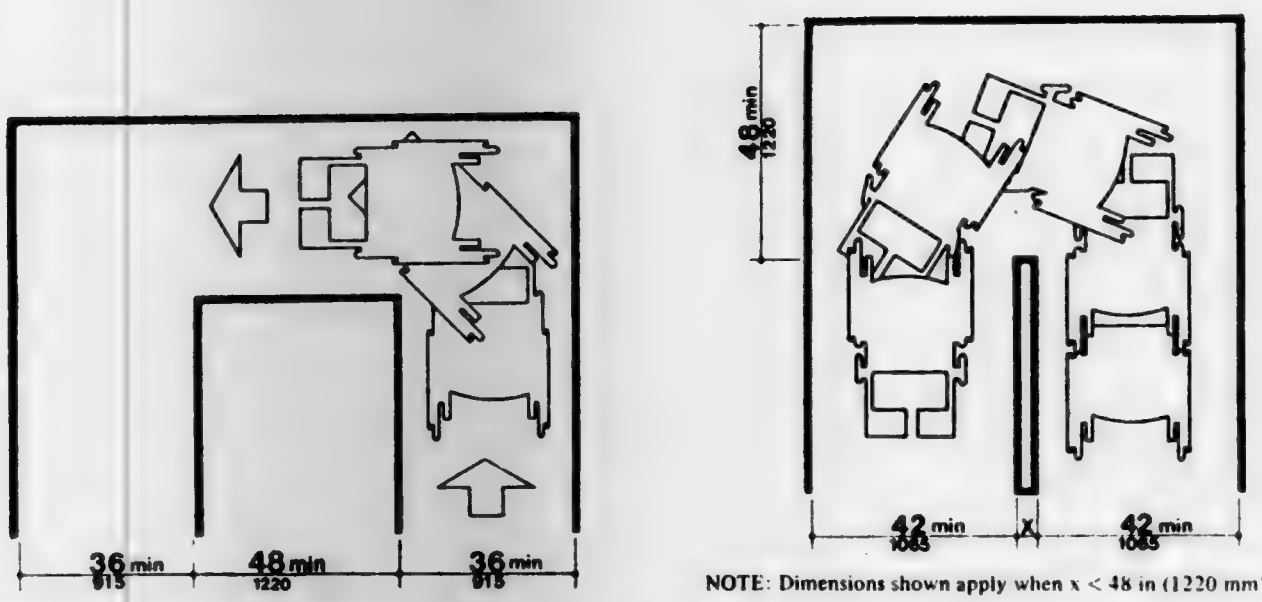

(a)
90° Turn

NOTE: Dimensions shown apply when x < 48 in (1220 mm).

(b)
Turns around an Obstruction

Fig. 7
Width of Accessible Route

4.3.8 CHANGES IN LEVELS. Changes in levels along an accessible route shall comply with 4.5.2. If an accessible route has changes in level greater than 1/2 in (13 mm), then a curb ramp, ramp, elevator, or platform lift shall be provided that complies with 4.7, 4.8, 4.10, or 4.11, respectively. Stairs shall not be part of an accessible route.

4.3.9 DOORS. Doors along an accessible route shall comply with 4.13.

4.3.10* EGRESS. A reasonable number, but always at least one, of accessible routes serving any accessible space or element shall also serve as a means of egress for emergencies or connect to an accessible place of refuge. Such accessible routes and places of refuge shall comply with the requirements of the administrative authority having jurisdiction. Where fire code provisions require more than one means of egress from any space or room, then more than one accessible means of egress shall also be provided for handicapped people.

4.4 PROTRUDING OBJECTS.

4.4.1* GENERAL. Objects projecting from walls (for example, telephones) with their leading edges between 27 in and 80 in (685 mm and 2030 mm) above the finished floor shall protrude no more than 4 in (100 mm) into walks, halls, corridors, passageways, or aisles (see Fig. 8(a)). Objects mounted with their leading edges at or below 27 in (685 mm) above the finished floor may protrude any amount (see Fig. 8(a) and (b)). Free-standing objects mounted on posts or pylons may overhang 12 in (305 mm) maximum from 27 in to 80 in (685 mm to 2030 mm) above the ground or finished floor (see Fig. 8(c) and (d)). Protruding objects shall not reduce the clear width of an accessible route or maneuvering space (see Fig. 8(e)).

4.4.2 HEAD ROOM. Walks, halls, corridors, passageways, aisles, or other circulation spaces shall have 80 in (2030 mm) minimum clear head room (see Fig. 8(a)). If vertical clearance of an area adjoining an accessible route is reduced to less than 80 in (nominal dimension), provide a barrier to warn blind or visually-impaired persons.

4.5 GROUND AND FLOOR SURFACES.

4.5.1* GENERAL. Ground and floor surfaces along accessible routes and in accessible rooms and spaces, including floors, walks, ramps, stairs, and curb ramps, shall be stable, firm, and shall comply with 4.5.

4.5.2 CHANGES IN LEVEL. Changes in level up to 1/4 in (6 mm) may be vertical and without edge treatment. Changes in level between 1/4 in and 1/2 in (6 mm and 13 mm) shall be beveled with a slope no greater than 1:2. Changes in level greater than 1/2 in (13 mm) shall be accomplished by means of a ramp that complies with 4.7 or 4.8.

4.5.3* CARPET. If carpet or carpet tile is used on a ground or floor surface, then it shall be securely attached; have a firm cushion, pad, or backing or no cushion or pad; and have a level loop, textured loop, level cut pile, or level cut/uncut pile texture. The maximum pile height shall be 1/2 in (13 mm). Exposed edges of carpet shall be fastened to floor surfaces and have trim along the entire length of the exposed edge. Carpet edge trim shall comply with 4.5.2. If carpet tile is used on an accessible ground or floor surface, it shall have a maximum combined thickness of pile, cushion, and backing height of 1/2 in (13 mm).

4.5.4 GRATINGS. If gratings are located in walking surfaces, then they shall have spaces no greater than 1/2 in (13 mm) wide in one direction. If gratings have elongated openings, then they shall be placed so that the long dimension is perpendicular to the dominant direction of travel.

4.6 PARKING AND PASSENGER LOADING ZONES.

4.6.1 MINIMUM NUMBER. If parking spaces are provided, a reasonable number, but always at least one, of accessible spaces shall comply with 4.6.2 through 4.6.4. If passenger loading zones are provided, a reasonable number, but always at least one, of passenger loading zones shall comply with 4.6.5.

4.6.2 LOCATION. Parking spaces for disabled people and accessible passenger loading zones that serve a particular building

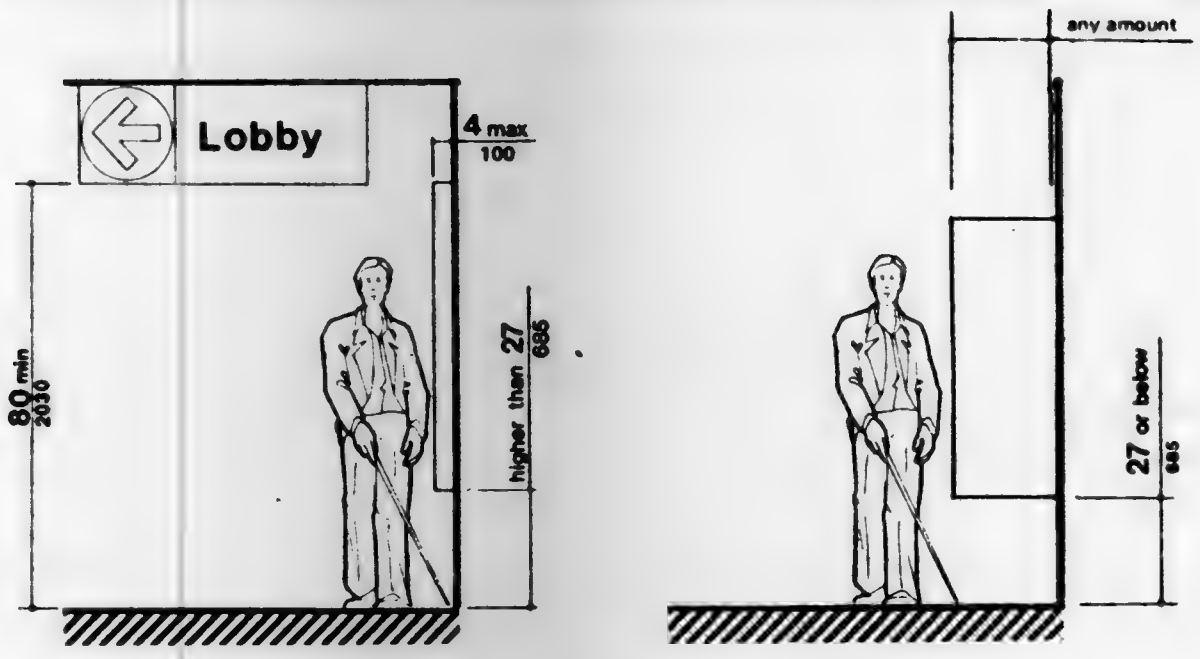

(a)
Walking Parallel to a Wall

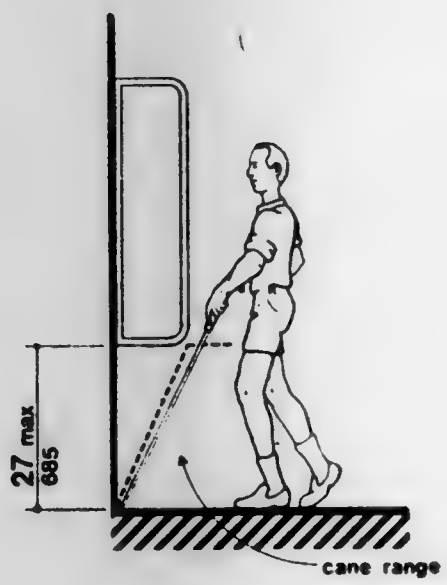

(b)
Walking Perpendicular to a Wall

Fig. 8
Protruding Objects

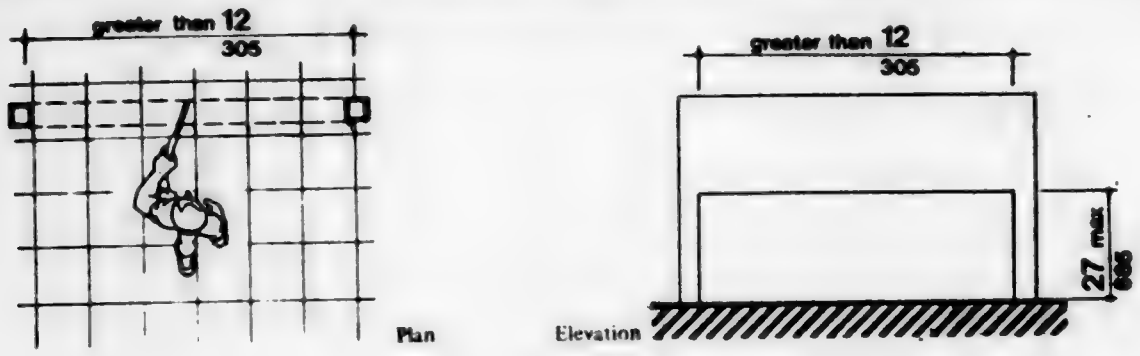

(c)
Free-Standing Overhanging Objects

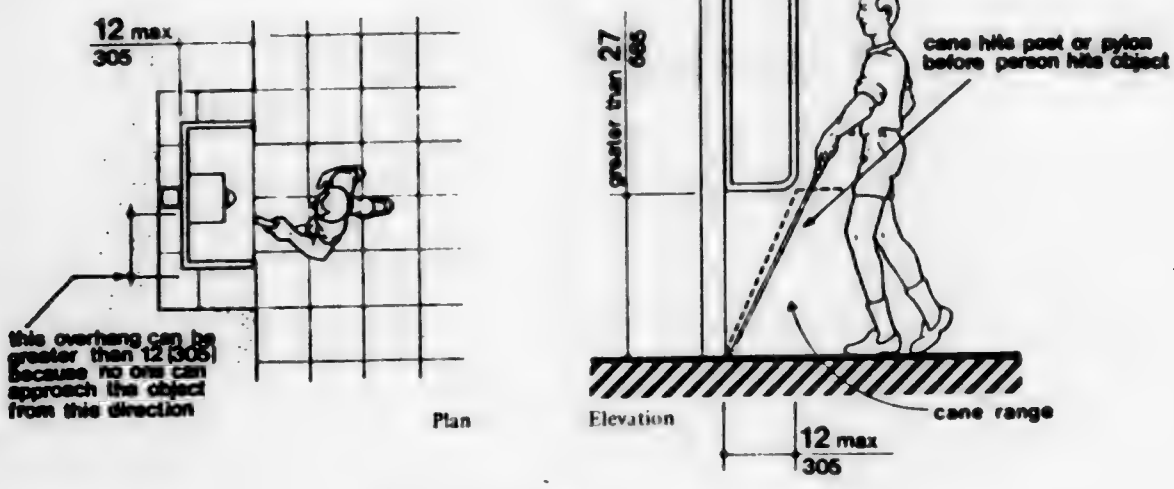

(d)
Objects Mounted on Posts or Pylons

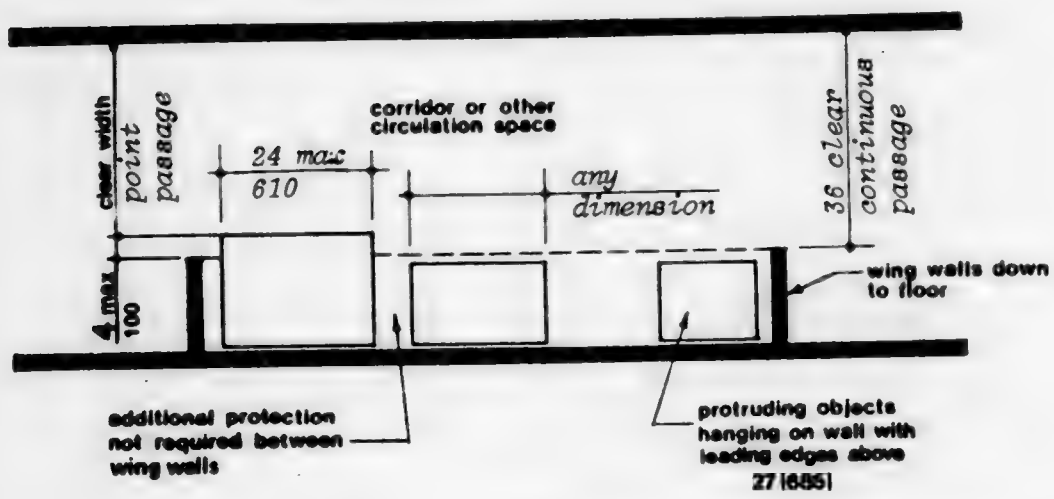

(e)
Example of Protection around Wall-Mounted Objects and Measurements of Clear Widths

Fig. 8
Protruding Objects (*Continued*)

shall be the spaces or zones located closest to the nearest accessible entrance on an accessible route. In separate parking structures or lots that do not serve a particular building, parking spaces for disabled people shall be located on the shortest possible circulation route to an accessible pedestrian entrance of the parking facility.

4.6.3* PARKING SPACES. Parking spaces for disabled people shall be at least 96 in (2440 mm) wide and shall have an adjacent access aisle 60 in (1525 mm) wide minimum (see Fig. 9). Parking access aisles shall be part of an accessible route to the building or facility entrance and shall comply with 4.3. Two accessible parking spaces may share a common access aisle. Parked vehicle overhangs shall not reduce the clear width of an accessible circulation route. Parking spaces and access aisles shall be level with surface slopes not exceeding 1:50 in all directions.

EXCEPTION: If accessible parking spaces for vans designed for handicapped persons are provided, each should have an adjacent access aisle at least 96 in (2440 mm) wide complying with 4.5, Ground and Floor Surfaces.

4.6.4* SIGNAGE. Accessible parking spaces shall be designated as reserved for the disabled by a sign showing the symbol of accessibility (see 4.30.5). Such signs shall not be obscured by a vehicle parked in the space.

4.6.5 PASSENGER LOADING ZONES. Passenger loading zones shall provide an access aisle at least 60 in (1525 mm) wide and 20 ft (6 m) long adjacent and parallel to the vehicle pull-up space (see Fig. 10). If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp complying with 4.7 shall be provided. Vehicle standing spaces and access aisles shall be level with surface slopes not exceeding 1:50 in all directions.

4.6.6 VERTICAL CLEARANCE: Provide minimum vertical clearances of 114 in at accessible passenger loading zones and along vehicle access routes to such areas from site entrances. If accessible van parking spaces are provided, then the minimum vertical clearance should be 114 in.

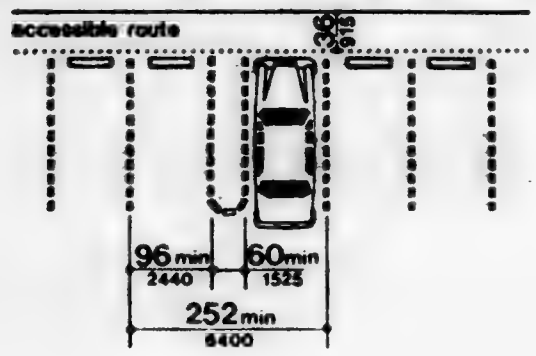

Fig. 9
Dimensions of Parking Spaces

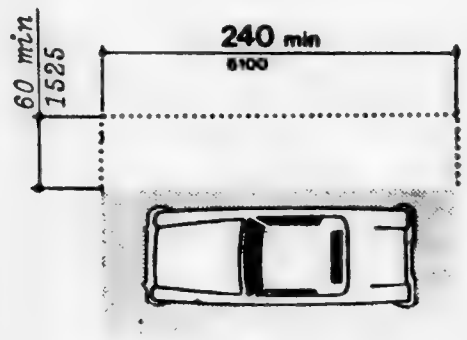

Fig. 10
Access Aisle at Passenger Loading Zones

4.7 CURB RAMPS.

4.7.1 LOCATION. Curb ramps complying with 4.7 shall be provided wherever an accessible route crosses a curb.

4.7.2 SLOPE. Slopes of curb ramps shall comply with 4.8.2. The slope shall be measured as shown in Fig. 11. Transitions from ramps to walks, gutters, or streets shall be flush and free of abrupt changes. Maximum slopes of adjoining gutters, road surface immediately adjacent to the curb ramp, or accessible route shall not exceed 1:20.

4.7.3 WIDTH. The minimum width of a curb ramp shall be 36 in (915 mm), exclusive of flared sides.

4.7.4 SURFACE. Surfaces of curb ramps shall comply with 4.5.

4.7.5 SIDES OF CURB RAMPS. If a curb ramp is located where pedestrians must walk

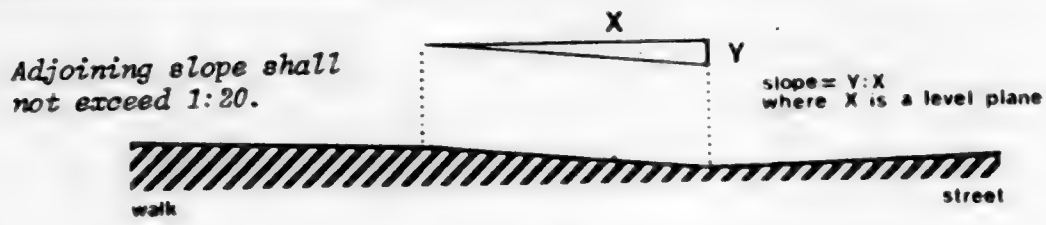

Fig. 11
Measurement of Curb Ramp Slopes

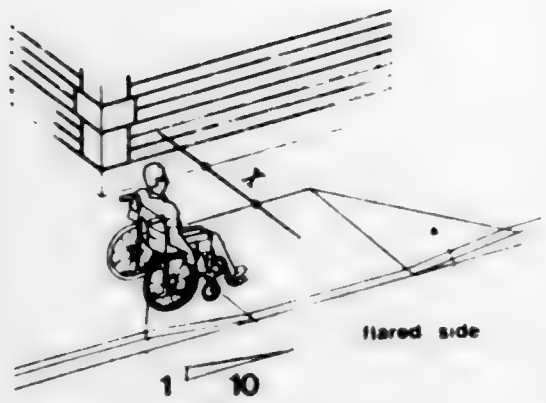

(a)
Flared Sides

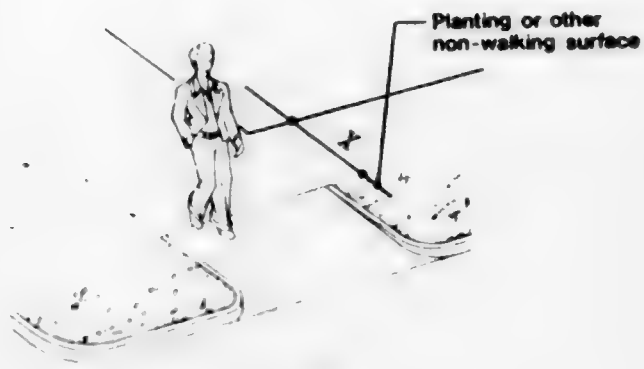

(b)
Returned Curb

Fig. 12
Sides of Curb Ramps

If X is less than 48 in, then the slope of the flared side shall not exceed 1:12.

Fig. 13
Built-Up Curb Ramp

across the ramp, or where it is not protected by handrails or guardrails, then it shall have flared sides; the maximum slope of the flare shall be 1:10 (see Fig. 12(a)). Curb ramps with returned curbs may be used where pedes- trians would not normally walk across the ramp (see Fig. 12(b)).

4.7.6 BUILT-UP CURB RAMPS. Built-up curb ramps shall be located so that they do not project into vehicular traffic lanes (see Fig. 13).

4.7.7 WARNING TEXTURES. Removed and Reserved.

4.7.8 OBSTRUCTIONS. Curb ramps shall be located or protected to prevent their obstruction by parked vehicles.

4.7.9 LOCATION AT MARKED CROSSINGS. Curb ramps at marked crossings shall be wholly contained within the markings, excluding any flared sides (see Fig. 15).

4.7.10 DIAGONAL CURB RAMPS. If diagonal (or corner type) curb ramps have returned curbs or other well defined edges, such edges shall be parallel to the direction of pedestrian flow. The bottom of diagonal curb ramps shall have 48 in (1220 mm) minimum clear space as shown in Figs. 15 (c) and (d). If diagonal curb ramps are provided at marked crossings, the 48 in (1220 mm) clear space shall be within the markings (see Figs. 15(c) and (d)). If diagonal curb ramps have flared sides, they shall also have at least a 24 in (610 mm) long segment of straight curb located on each side of the curb ramp and within the marked crossing (see Fig. 15(c)).

4.7.11 ISLANDS. Any raised islands in crossings shall be cut through level with the street or have curb ramps at both sides and a level area at least 48 in (1220 mm) long in the part of the island intersected by the crossings (see Fig. 15(a) and (b)).

4.7.12 UNCURBED INTERSECTIONS.
Removed and reserved.

4.8 RAMPS.

4.8.1* GENERAL. Any part of an accessible route with a slope greater than 1:20 shall be considered a ramp and shall comply with 4.8.

4.8.2* SLOPE AND RISE. The least possible slope shall be used for any ramp. The maximum slope of a ramp in new construction shall be 1:12. The maximum rise for any run shall be 30 in (760 mm) (see Fig. 16). Curb ramps and ramps to be constructed on existing sites or in existing buildings or facilities may have slopes and rises as shown in Table 2 if space limitations prohibit the use of a 1:12 slope or less (see Section 5.1).

4.8.3 CLEAR WIDTH. The minimum clear width of a ramp shall be 36 in (915 mm).

4.8.4 LANDINGS. Ramps shall have level landings at the bottom and top of each run. Landings shall have the following features:

(1) The landing shall be at least as wide as the ramp run leading to it.

(2) The landing length shall be a minimum of 60 in (1525 mm) clear.

(3) If ramps change direction at landings, the minimum landing size shall be 60 in by 60 in (1525 mm by 1525 mm).

(4) If a doorway is located at a landing, then the area in front of the doorway shall comply with 4.13.6.

4.8.5* HANDRAILS. If a ramp run has a rise greater than 6 in (250 mm) or a horizontal projection greater than 72 in (1830 mm), then it shall have handrails on both sides. Handrails are not required on curb ramps. Handrails shall comply with 4.26.2 and shall have the following features:

(1) Handrails shall be provided along both sides of ramp segments. The inside handrail on switchback or dogleg ramps shall always be continuous.

(2) If handrails are not continuous, they shall extend at least 12 in (305 mm) beyond the top and bottom of the ramp segment and shall be parallel with the floor or ground surface.

(3) The clear space between the handrail and the wall shall be 1-1/2 in (38 mm).

(4) Gripping surfaces shall be continuous.

(5) Top of handrail gripping surfaces shall be mounted between 32 in and 34 in (815 mm and 865 mm) above ramp surfaces.

(6) Ends of handrails shall be either rounded or returned smoothly to floor, wall, or post.

(7) Handrails shall not rotate within their fittings.

4.8.6 CROSS SLOPE AND SURFACES. The cross slope of ramp surfaces shall be no greater than 1:50. Ramp surfaces shall comply with 4.5.

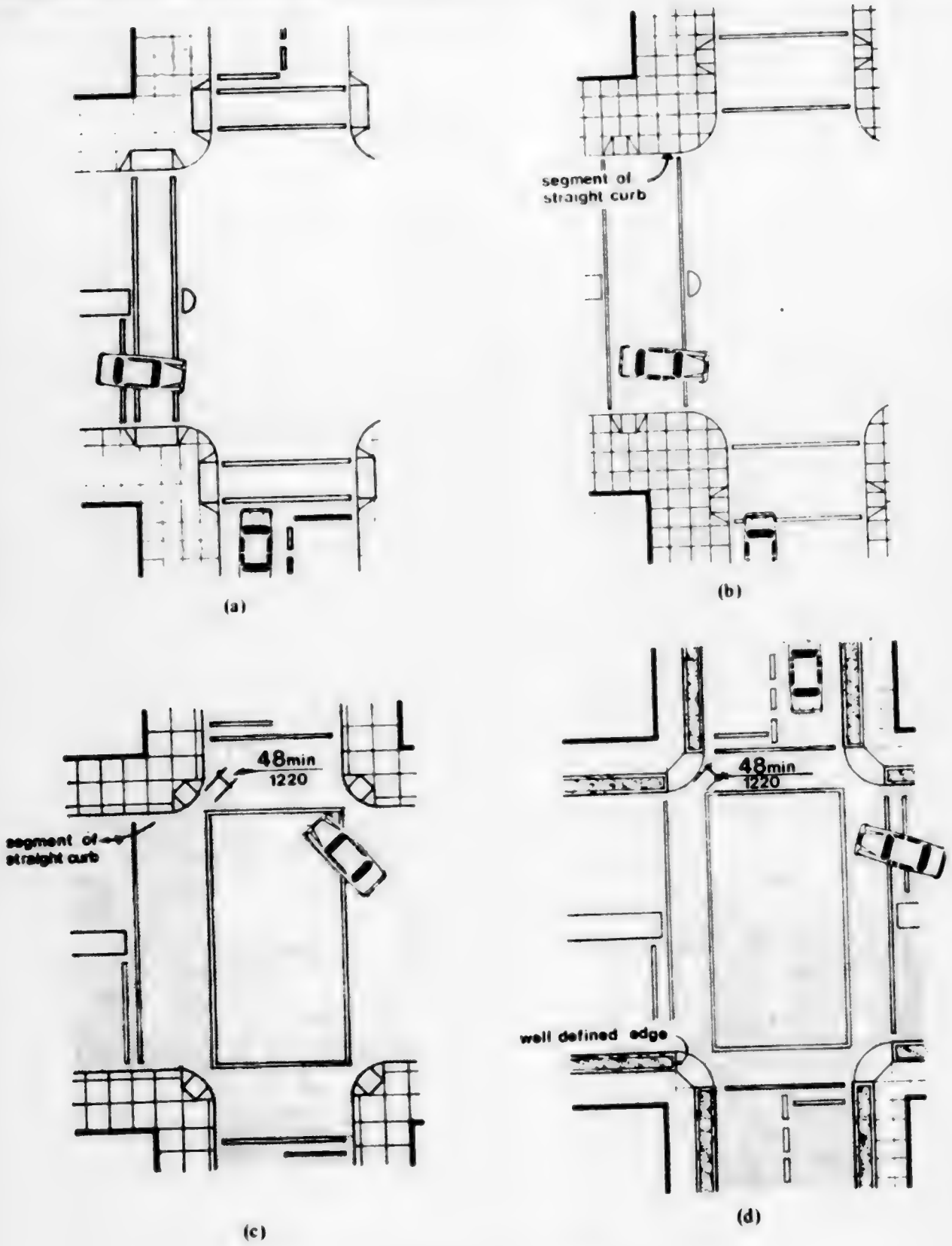

Fig. 15
Curb Ramps at Marked Crossings

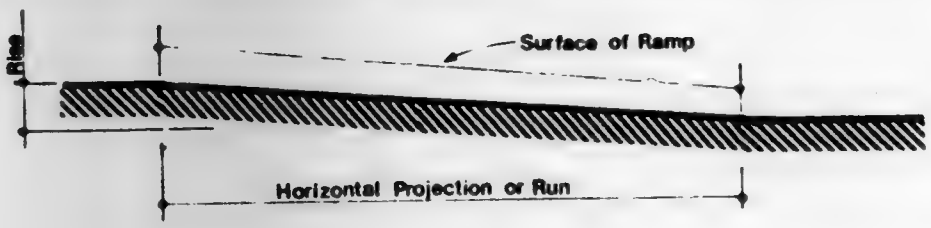

	Maximum Rise		Maximum Horizontal Projection	
Slope	in	mm	ft	m
1:12	30	760	30	9
1:16	30	760	40	12
1:20	30	760	50	15

Fig. 16
Components of a Single Ramp Run and Sample Ramp Dimensions

4.8.7 EDGE PROTECTION. Ramps and landings with drop-offs shall have curbs, walls, railings, or projecting surfaces that prevent people from slipping off the ramp. Curbs shall be a minimum of 2 in (50 mm) high (see Fig. 17).

4.8.8 OUTDOOR CONDITIONS. Outdoor ramps and their approaches shall be designed so that water will not accumulate on walking surfaces.

4.9 STAIRS.

4.9.1 MINIMUM NUMBER. Stairs connecting levels not connected by an elevator shall comply with 4.9. These specifications are not mandatory for stairs within dwelling units.

4.9.2 TREADS AND RISERS. On any given flight of stairs, all steps shall have uniform riser heights and uniform tread widths. Stair treads shall be no less than 11 in (280 mm) wide, measured from riser to riser (see Fig. 18(a)). Open risers are not permitted on accessible routes.

4.9.3 NOSINGS. The undersides of nosings shall not be abrupt. The radius of curvature at the leading edge of the tread shall be no greater than 1/2 in (13 mm). Risers shall be sloped or the underside of the nosing shall have an angle not less than 60 degrees from the horizontal. Nosings shall project no more than 1-1/2 in (38 mm) (see Fig. 18).

4.9.4 HANDRAILS. Stairways shall have handrails at both sides of all stairs. Handrails shall comply with 4.26 and shall have the following features:

(1) Handrails shall be continuous along both sides of stairs. The inside handrail on switchback or dogleg stairs shall always be continuous (see Fig. 19(a) and (b)).

(2) If handrails are not continuous, they shall extend at least 12 in (305 mm) beyond the top riser and at least 12 in (305 mm) plus the width of one tread beyond the bottom riser. At the top, the extension shall be parallel with the floor or ground surface. At the bottom, the handrail shall continue to slope for a distance of the width of one tread from the bottom riser; the remainder of the extension shall be horizontal (see Fig. 19(c) and (d)). Handrail extensions shall comply with 4.4.

(3) The clear space between handrails and wall shall be 1-1/2 in (38 mm).

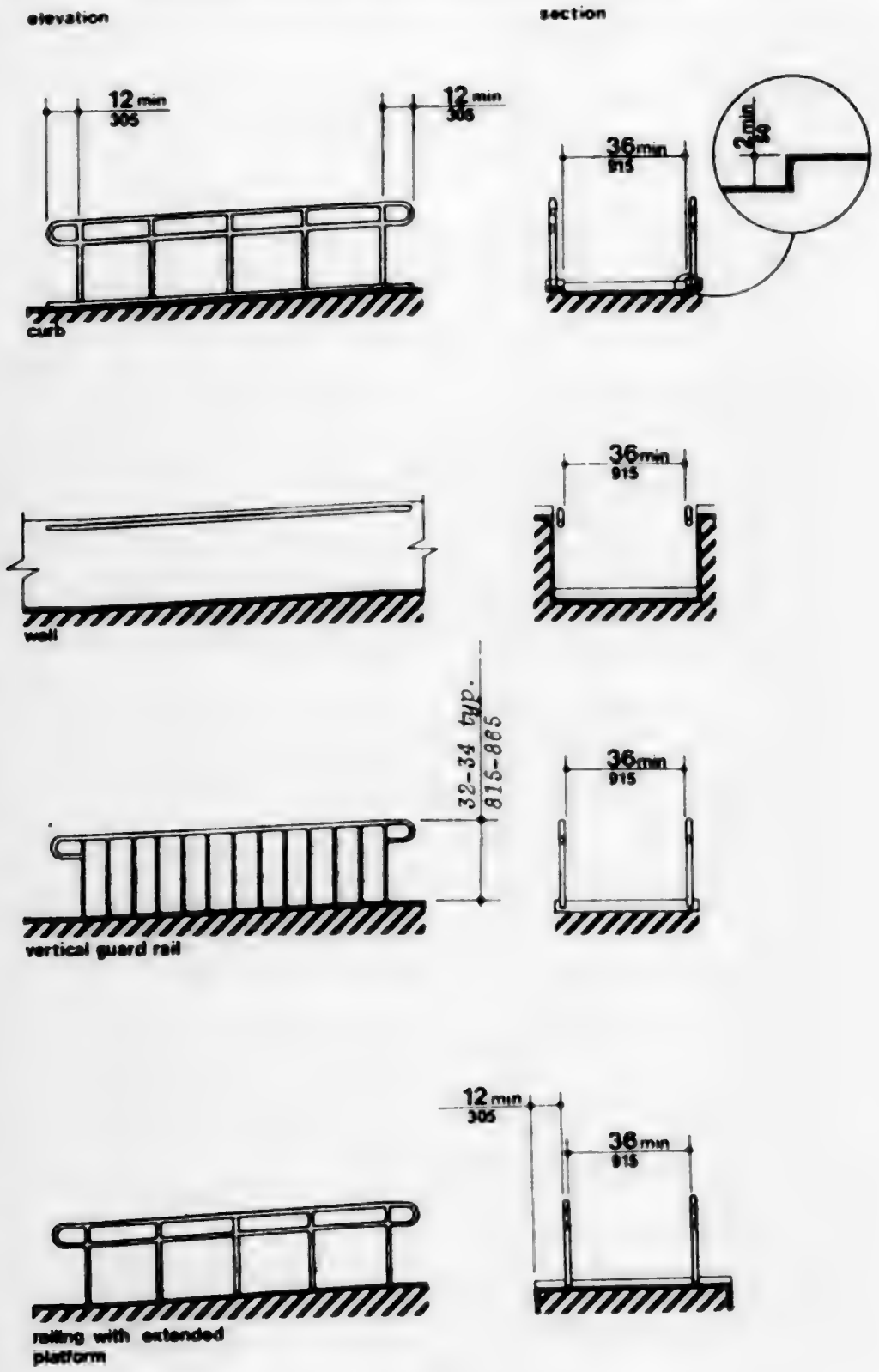

Fig. 17
Examples of Edge Protection and Handrail Extensions

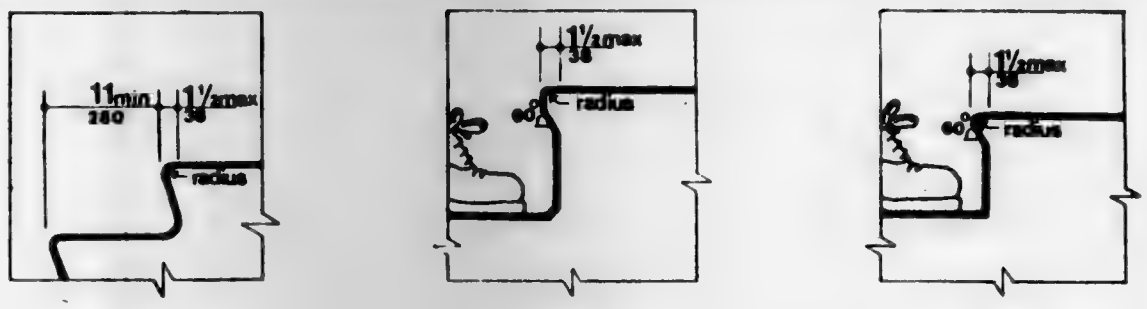

(a)
Flush Riser

(b)
Angled Nosing

(c)
Rounded Nosing

Fig. 18
Usable Tread Width and Examples of Acceptable Nosings

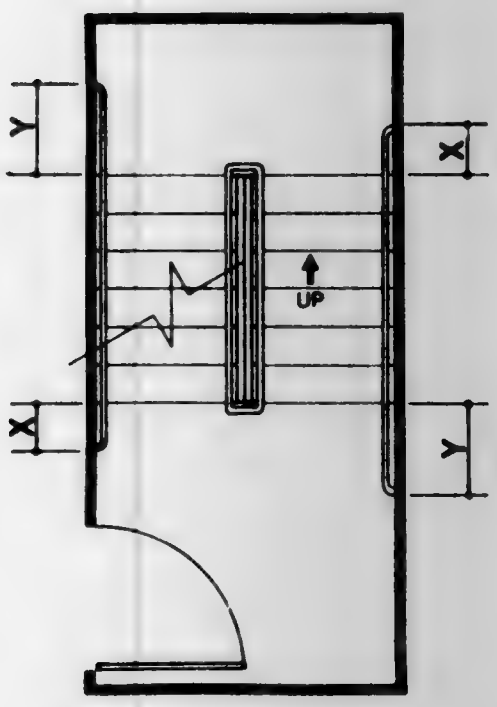

(a)
Plan

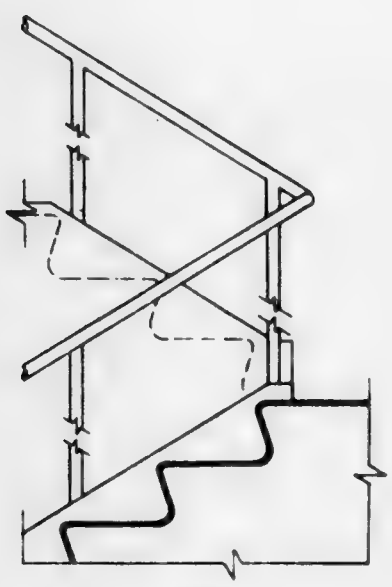

(b)
Elevation of Center Handrail

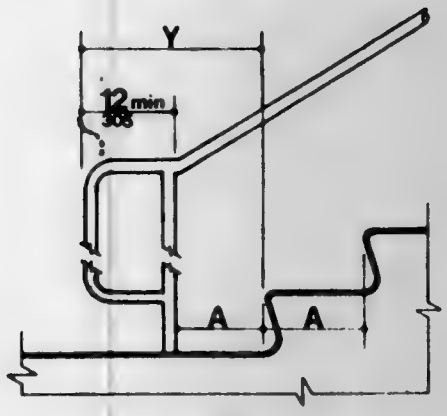

(c)
Extension at Bottom of Run

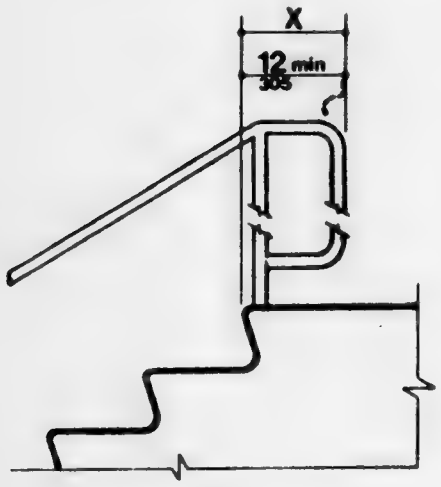

(d)
Extension at Top of Run

Fig. 19
Stair Handrails

(4) Gripping surfaces shall be uninterrupted by newel posts, other construction elements, or obstructions.

(5) Top of handrail gripping surface shall be mounted between 32 in (815 mm) and 34 in (865 mm) above stair surfaces.

(6) Ends of handrails shall be either rounded or returned smoothly to floor, wall, or post.

(7) Handrails shall not rotate within their fittings.

4.9.5 TACTILE WARNINGS AT STAIRS. Removed and Reserved.

4.9.6 OUTDOOR CONDITIONS. Outdoor stairs and their approaches shall be designed so that water will not accumulate on walking surfaces.

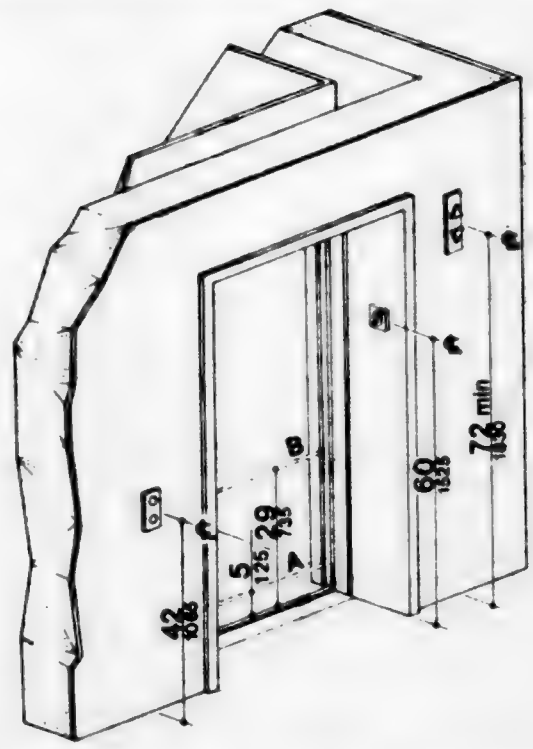

NOTE: The automatic door reopening device is activated if an object passes through either line A or line B. Line A and line B represent the vertical locations of the door reopening device not requiring contact.

Fig. 20
Hoistway and Elevator Entrances

4.10 ELEVATORS.

4.10.1 GENERAL. Accessible elevators shall be on an accessible route and shall comply with 4.10 and with the American National Standard Safety Code for Elevators, Dumbwaiters, Escalators, and Moving Walks, ANSI A17.1-1978 and A17.1a-1979. This standard does not preclude the use of residential or fully enclosed wheelchair lifts when appropriate and approved by administrative authorities. Freight elevators shall not be considered as meeting the requirements of this section, unless the only elevators provided are used as combination passenger and freight elevators for the public and employees.

4.10.2 AUTOMATIC OPERATION. Elevator operation shall be automatic. Each car shall be equipped with a self-leveling feature that will automatically bring the car to floor landings within a tolerance of 1/2 in. (13 mm) under rated loading to zero loading conditions. This self-leveling feature shall be automatic and independent of the operating device and shall correct the overtravel or undertravel.

4.10.3 HALL CALL BUTTONS. Call buttons in elevator lobbies and halls shall be centered at 42 in (1065 mm) above the floor. Such call buttons shall have visual signals to indicate when each call is registered and when each call is answered. Call buttons shall be a minimum of 3/4 in (19 mm) in the smallest dimension. The button designating the up direction shall be on top (see Fig. 20). Buttons shall be raised or flush.

4.10.4 HALL LANTERNS. A visible and audible signal shall be provided at each hoistway entrance to indicate which car is answering a call. Audible signals shall sound once for the up direction and twice for the down direction, or shall have verbal annunciators that say "up" or "down". Visible signals shall have the following features.

(1) Hall lantern fixtures shall be mounted so that their centerline is at least 72 in (1830 mm) above the lobby floor.

(2) Visual elements shall be at least 2-1/2 in (64 mm) in the smallest dimension.

(3) Signals shall be visible from the vicinity of the hall call button. In-car lanterns located in cars, visible from the vicinity of hall call buttons, and conforming to the above requirements, shall be acceptable (see Fig. 20).

4.10.5 RAISED OR INDENTED CHARACTERS ON HOISTWAY ENTRANCES. All elevator hoistway entrances shall have raised or indented floor designations provided on both jambs. The centerline of the characters shall be 60 in (1525 mm) from the floor. Such characters shall be 2 in (50 mm) high and shall comply with 4.30. Permanently applied plates are acceptable if they are permanently fixed to the jambs. (See Fig. 20).

4.10.6* DOOR PROTECTIVE AND REOPENING DEVICE. Elevator doors shall open and close automatically. They shall be provided with a reopening device that will stop and reopen a car door and hoistway door automatically if the door becomes obstructed by an object or person. The device shall be capable of completing these operations without requiring contact for an obstruction passing through the opening at heights of 5 in and 29 in (125 mm and 735 mm) from the floor (see Fig. 20). Door reopening devices shall remain effective for at least 20 seconds. After such an interval, doors may close in accordance with the requirements of ANSI A17.1-1978 and A17.1a-1979.

4.10.7* DOOR AND SIGNAL TIMING FOR HALL CALLS. The minimum acceptable time from notification that a car is answering a call until the doors of that car start to close shall be calculated from the following equation:

$$T = \frac{D}{1.5\ ft/s} \quad or \quad T = \frac{D}{445\ mm/s}$$

where T = total time in seconds and D = distance (in feet or millimeters) from a point in the lobby or corridor 60 in (1525 mm) directly in front of the farthest call button controlling that car to the center-

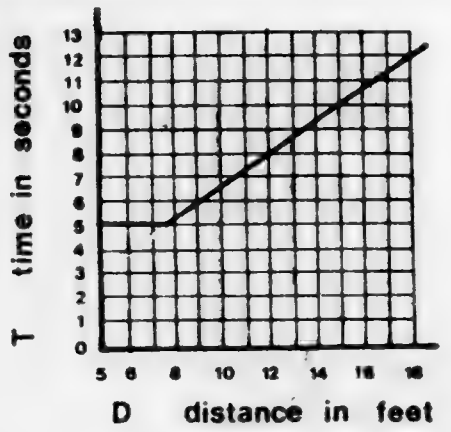

Fig. 21
Graph of Timing Equation

line of its hoistway door (see Fig. 21). For cars with in-car lanterns, T begins when the lantern is visable from the vicinity of hall call buttons and an audible signal is sounded. The minimum acceptable notification time shall be 5 seconds.

4.10.8 DOOR DELAY FOR CAR CALLS. The minimum time for elevator doors to remain fully open in response to a car call shall be 3 seconds.

4.10.9 FLOOR PLAN OF ELEVATOR CARS. The floor area of elevator cars shall provide space for wheelchair users to enter the car, maneuver within reach of controls, and exit from the car. Acceptable door opening and inside dimensions shall be as shown in Fig. 22. The clearance between the car

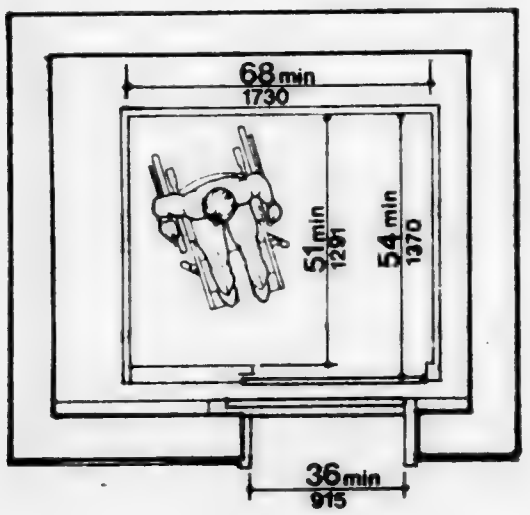

Fig. 22
Minimum Dimensions of Elevator Cars

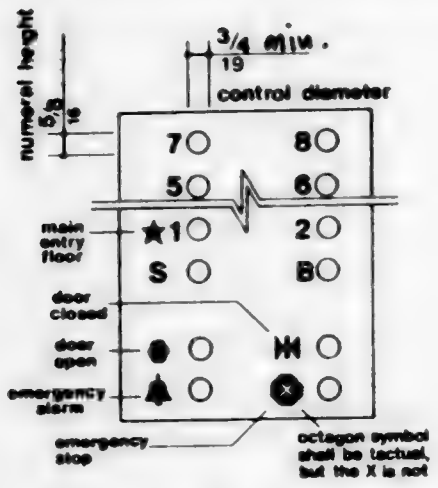

(a)
Panel Detail

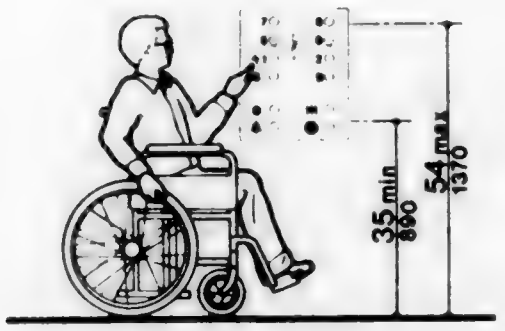

(b)
Control Height

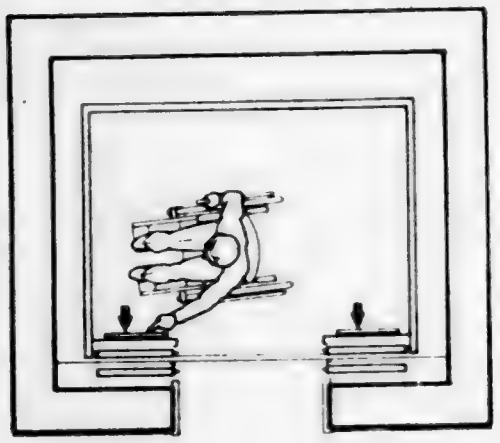

(c)
Alternate Locations of Panel
with Center Opening Door

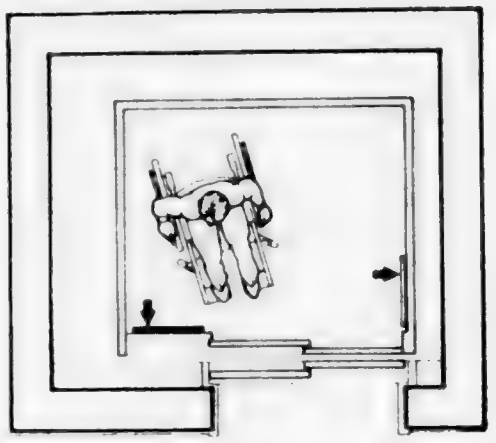

(d)
Alternate Locations of Panel
with Side Opening Door

Fig. 23
Car Controls

platform sill and the edge of any hoistway landing shall be no greater than 1-1/4 in (32 mm).

4.10.10 FLOOR SURFACES. Floor surfaces shall comply with 4.5.

4.10.11 ILLUMINATION LEVELS. The level of illumination at the car controls, platform, and car threshold and landing sill shall be at least 5 footcandles (53.8 lux).

4.10.12* CAR CONTROLS. Elevator control panels shall have the following features:

(1) Buttons. All control buttons shall be at least 3/4 in (19 mm) in their smallest dimension. They may be raised or flush.

(2) Tactile and Visual Control Indicators. All control buttons shall be designated by raised or indented standard alphabet characters for letters, arabic characters for numerals, or standard symbols as shown in Fig.

23(a), and as required in ANSI A17.1-1978 and A17.1a-1979. Raised and indented characters and symbols shall comply with 4.30. The call button for the main entry floor shall be designated by a raised or indented star at the left of the floor designation (see Fig. 23(a)). All raised or indented designations for control buttons shall be placed immediately to the left of the button to which they apply. Applied plates, permanently attached, are an acceptable means to provide raised or indented control designations. Floor buttons shall be provided with visual indicators to show when each call is registered. The visual indicators shall be extinguished when each call is answered.

(3) Height. All floor buttons shall be no higher than 48 in (1220 mm), unless there is a substantial increase in cost, in which case the maximum mounting height may be increased to 54 in (1370 mm), above the floor. Emergency controls, including the emergency alarm and emergency stop, shall be grouped at the buttom of the panel and shall have their centerlines no less than 35 in (890 mm) above the floor (see Fig. 23(a) and (b).

(4) Location. Controls shall be located on a front wall if cars have center opening doors, and at the side wall or at the front wall next to the door if cars have side opening doors (see Fig. 23(c) and (d)).

4.10.13* CAR POSITION INDICATORS. In elevator cars, a visual car position indicator shall be provided above the car control panel or over the door to show the position of the elevator in the hoistway. As the car passes or stops at a floor served by the elevators, the corresponding numerals shall illuminate and an audible signal shall sound. Numerals shall be a minimum of 1/2 in (13 mm) high. The audible signal shall be no less than 20 decibels with a frequency no higher than 1500 Hz. An automatic verbal announcement of the floor number at which a car stops or which a car passes may be substituted for the audible signal.

4.10.14* EMERGENCY COMMUNICATIONS. If provided, emergency two-way communication systems between the elevator and a point outside the hoistway shall comply with ANSI A17.1-1978 and A17.1a-1979. The highest operable part of a two-way communication system shall be a maximum of 48 in (1220 mm) from the floor of the car. It shall be identified by raised or recessed symbol and lettering complying with 4.30 and located adjacent to the device. If the system uses a handset, then the length of the cord from the panel to the handset shall be at least 29 in (735 mm). If the system is located in a closed compartment, the compartment door hardware shall conform to 4.27, Controls and Operating Mechanisms. The emergency intercommunication system shall not require voice communication.

4.11 PLATFORM LIFTS.

4.11.1 LOCATION. Platform lifts may be used as a part of an accessible route if no other alternative is feasible.

4.11.1 OTHER REQUIREMENTS. If platform lifts are used, they shall comply with 4.2.4, 4.5, 4.27, and the applicable safety regulations of administrative authorities having jurisdiction.

4.12 WINDOWS.

RESERVED.

4.13 DOORS.

4.13.1 GENERAL. All doors to accessible spaces and elements and along accessible routes shall comply with the requirements of 4.13.

4.13.2 REVOLVING DOORS AND TURNSTILES. Revolving doors or turnstiles shall not be the only means of passage at an accessible entrance or along an accessible route. An accessible door shall be provided adjacent to the turnstile or revolving door and shall be so designed as to facilitate the same use pattern.

4.13.3 GATES. Gates, including ticket gates, shall meet all applicable specifications of 4.13.

4.13.4 DOUBLE-LEAF DOORWAYS. If doorways have two manually operated door leaves, then at least one leaf shall meet the specifications in 4.13.5 and 4.13.6. That leaf shall be an active leaf.

4.13.5 CLEAR WIDTH. Doorways shall have a minimum clear opening of 32 in (815 mm) with the door open 90 degrees, measured between the face of the door and the stop (see Fig. 24(a), (b), (c), and (d)). Openings more than 24 in (610 mm) in depth shall comply with 4.2.1 and 4.3.3 (see Fig. 24(e)).

EXCEPTION: Where existing elements prohibit strict compliance in alteration work, the latch side stop may project into this clear opening 5/8 in (16 mm) maximum.

EXCEPTION: Doors not requiring full user passage, such as shallow closets, may have the minimum clear opening reduced to 20 in. (510 mm) minimum.

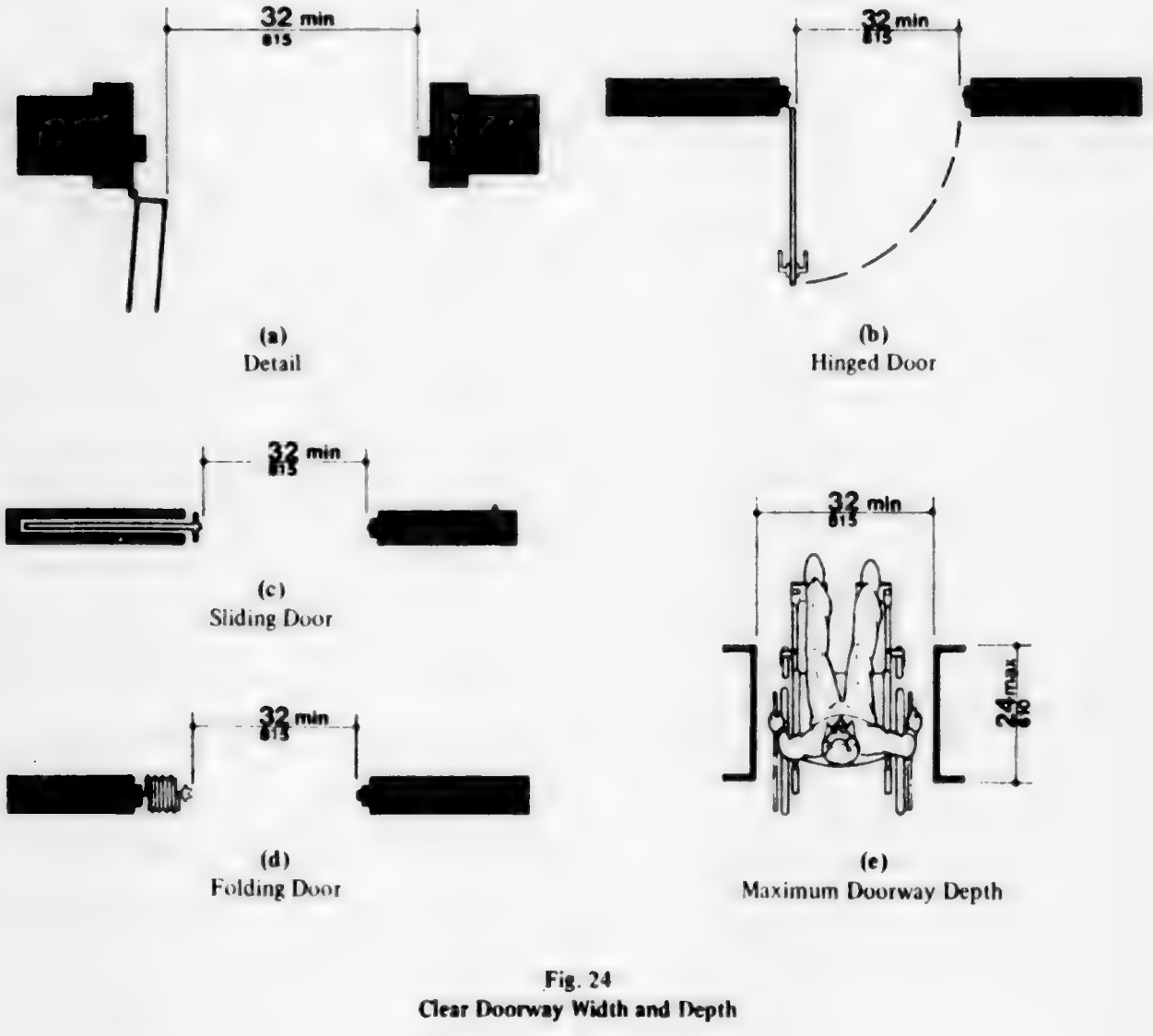

Fig. 24
Clear Doorway Width and Depth

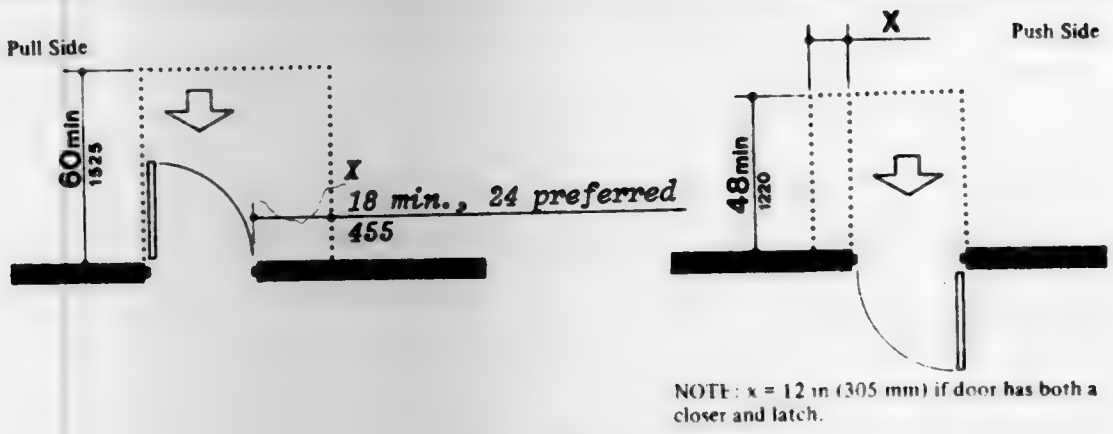

NOTE: x = 12 in (305 mm) if door has both a closer and latch.

(a)
Front Approaches – Swinging Doors

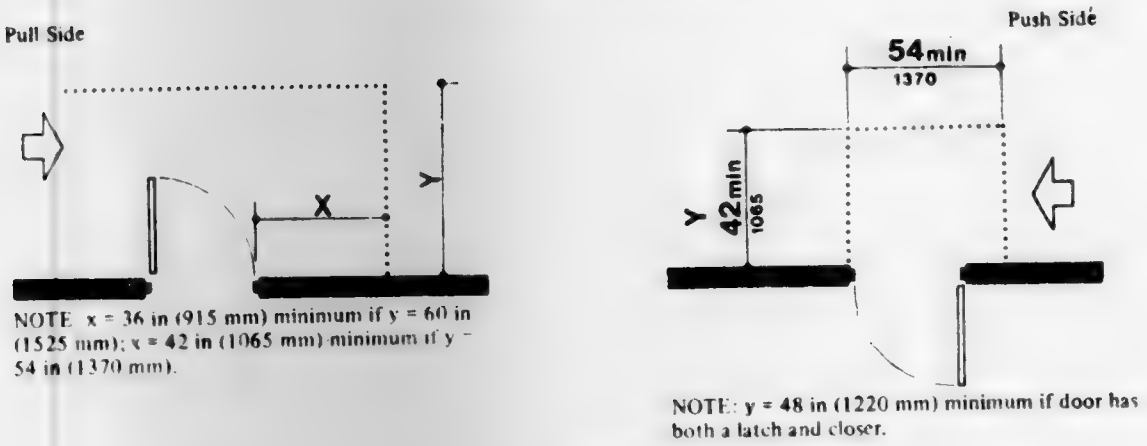

NOTE: x = 36 in (915 mm) minimum if y = 60 in (1525 mm); x = 42 in (1065 mm) minimum if y = 54 in (1370 mm).

NOTE: y = 48 in (1220 mm) minimum if door has both a latch and closer.

(b)
Hinge Side Approaches – Swinging Doors

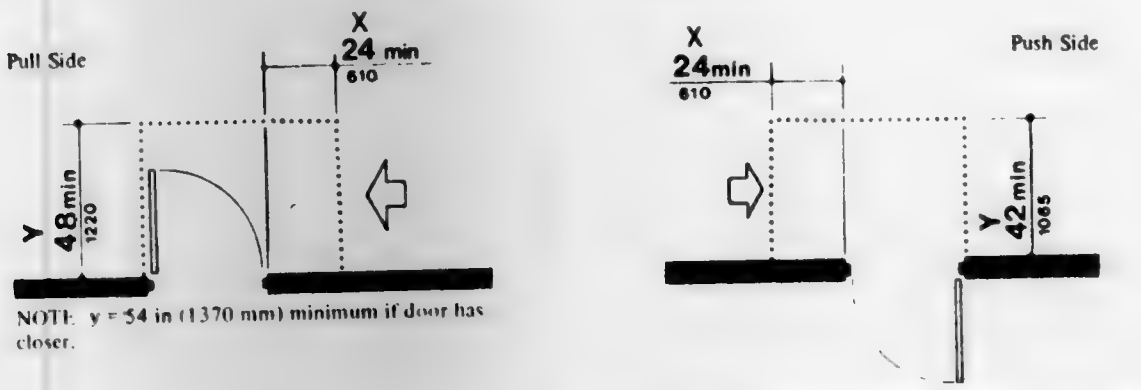

NOTE: y = 54 in (1370 mm) minimum if door has closer.

NOTE: y = 48 in (1220 mm) minimum if door has closer.

(c)
Latch Side Approaches Swinging Doors

NOTE: All doors in alcoves shall comply with the clearances for front approaches.

Fig. 25
Maneuvering Clearances at Doors

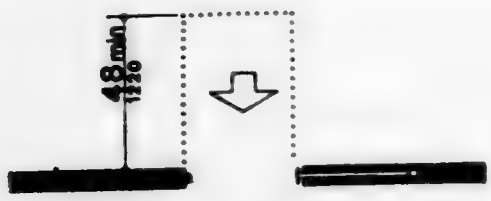

(d)
Front Approach – Sliding Doors *and Folding Doors*

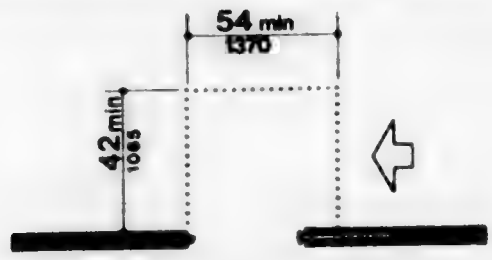

(e)
Slide Side Approach – Sliding Doors *and Folding Doors*

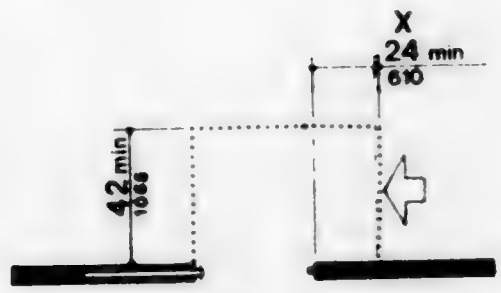

(f)
Latch Side Approach – Sliding Doors *and Folding Doors*

NOTE: All doors in alcoves shall comply with the clearances for front approaches.

Fig. 25
Maneuvering Clearances at Doors (*Continued*)

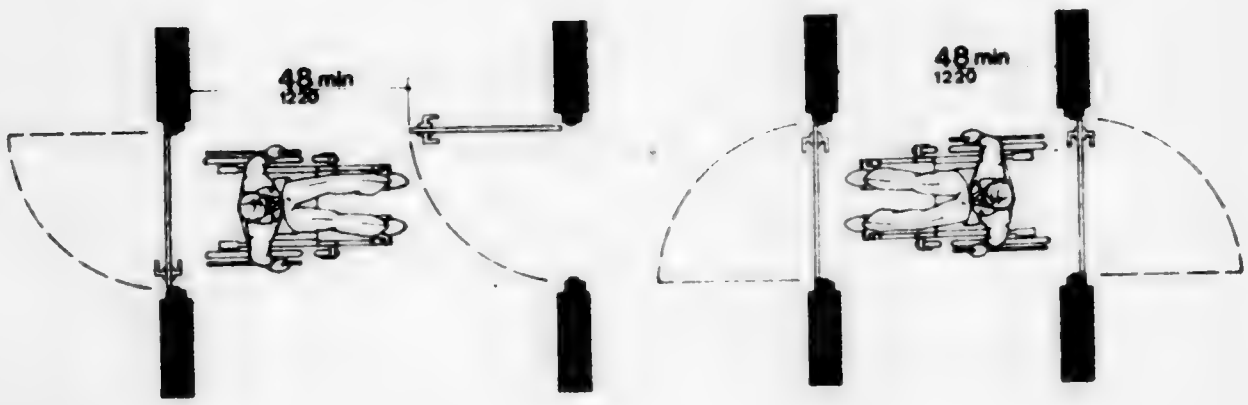

Fig. 26
Two Hinged Doors in Series

4.13.6 MANEUVERING CLEARANCES AT DOORS. Minimum maneuvering clearances for doors that are not automatic or power assisted shall be as shown in Figs. 25. The floor or ground area within the required clearances shall be level and clear. Entry doors to acute care hospital bedrooms for in-patients shall be exempted from the requirement for space at the latch side of the door (see dimension "x" in Fig. 25) if the door is at least 44 in (1120 mm) wide.

4.13.7 TWO DOORS IN SERIES. The minimum space between two hinged or pivoted doors in series shall be 48 in (1220 mm) plus the width of any door swinging into the space. Doors in series shall swing either in the same direction or away from the space between the doors (see Fig. 26).

4.13.8* THRESHOLDS AT DOORWAYS. Thresholds at doorways shall not exceed 3/4 in (19 mm) in height for exterior sliding doors or 1/2 in (13 mm) for other types of doors. Raised thresholds and floor level changes at accessible doorways shall be beveled with a slope no greater than 1:2 (see 4.5.2).

4.13.9* DOOR HARDWARE. Handles, pulls, latches, locks, and other operating devices on accessible doors shall have a shape that is easy to grasp with one hand and does not require tight grasping, tight pinching, or twisting of the wrist to operate. Lever-operated mechanisms, push-type mechanisms, and U-shaped handles are acceptable designs. When sliding doors are fully open, operating hardware shall be exposed and usable from both sides. In dwelling units, only doors at accessible entrances to the unit itself shall comply with the requirements of this paragraph. Doors to hazardous areas shall have hardware complying with 4.29.3. Mount no hardware required for accessible door passage higher than 48 in (1220 mm) above finished floor.

4.13.10* DOOR CLOSERS. If a door has a closer, then the sweep period of the closer shall be adjusted so that from an open position of 70 degrees, the door will take at least 3 seconds to move to a point 3 in (75 mm) from the latch, measured to the leading edge of the door.

4.13.11* DOOR OPENING FORCE. The maximum force for pushing or pulling open a door shall be as follows:

(1) Fire doors shall have the minimum opening force allowable by the appropriate administrative authority.

(2) Other doors.

(a) exterior hinged doors; Reserved.
(b) interior hinged doors: 5 lbf (2.3K)
(c) sliding or folding doors: 5 lbf (2.3K)

These forces do not apply to the force required to retract latch bolts or disengage other devices that may hold the door in a closed position.

4.13.12* AUTOMATIC DOORS AND POWER-ASSISTED DOORS. If an automatic door is used, then it shall comply with American National Standard for Power-Operated Doors, ANSI A156.10-1979. Slowly opening, low-powered, automatic doors shall be considered a type of custom design installation as described in paragraph 1.1.1 of ANSI A156.10-1979. Such doors shall not open to back check faster than 3 seconds and shall require no more than 15 lbf (6.8K) to stop door movement. If a power-assisted door is used, its door-opening force shall comply with 4.13.11 and its closing shall conform to the requirements in section 10 of ANSI A156.10-1979.

4.14 Entrances.

4.14.1 MINIMUM NUMBER. A reasonable number, but always at least one, of principal entrances to a building or facility shall be part of an accessible route and shall comply with 4.3. Such entrances shall be connected by an accessible route to public transportation stops, to accessible parking and passenger loading zones, and to public streets or sidewalks if available (see 4.3.2(1)). They shall also be connected by an accessible route to all accessible spaces or elements within the building or facility.

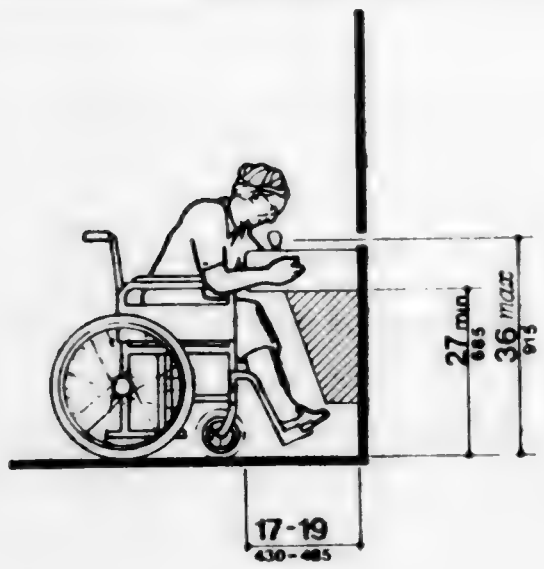

(a)
Spout Height and
Knee Clearance

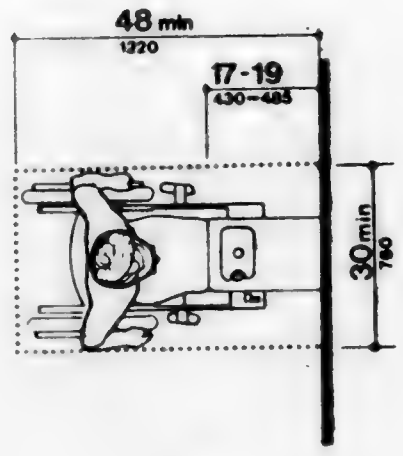

(b)
Clear Floor Space

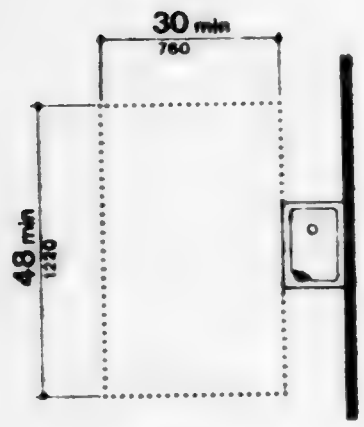

(c)
Free-Standing
Fountain or Cooler

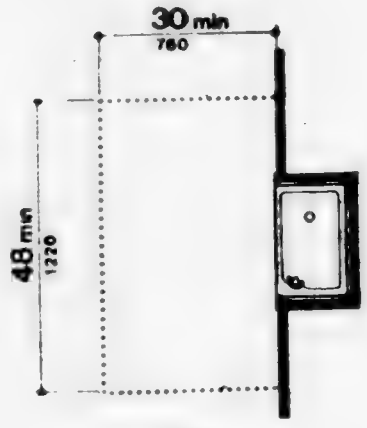

(d)
Built-In
Fountain or Cooler

Fig. 27
Drinking Fountains and Water Coolers

4.14.2 SERVICE ENTRANCES. A service entrance shall not be the sole accessible entrance unless it is the only entrance to a building or facility (for example, in a factory or garage).

4.15 DRINKING FOUNTAINS AND WATER COOLERS.

4.15.1 MINIMUM NUMBER. If drinking fountains or water coolers are provided, a reasonable number, but always at least one shall comply with 4.15 and shall be on an accessible route.

4.15.2 SPOUT HEIGHT. Spouts shall be no higher than 36 in (915 mm), measured from the floor or ground surfaces to the spout outlet (see Fig. 27(a)).

4.15.3 SPOUT LOCATION. The spouts of drinking fountains and water coolers shall be at the front of the unit and shall direct the water flow in a trajectory that is parallel or nearly parallel to the front

of the unit. The spout shall provide a flow of water at least 4 in (100 mm) high so as to allow the insertion of a cup or glass under the flow of water.

4.15.4 CONTROLS. Controls shall comply with 4.27.4.

4.15.5 CLEARANCES.

(1) Wall- and post-mounted cantilevered units shall have a clear knee space between the bottom of the apron and the floor or ground at least 27 in (685 mm) high, 30 in (760 mm) wide, and 17 in to 19 in (430 mm to 485 mm) deep (see Fig. 27(a) and (b)). Such units shall also have a minimum clear floor space 30 in by 48 in (760 mm by 1220 mm) to allow a person in a wheelchair to approach the unit facing forward.

(2) Free-standing or built-in units not having a clear space under them shall have a clear floor space at least 30 in by 48 in (760 mm by 1220 mm) that allows a person in a wheelchair to make a parallel approach to the unit (see Fig. 27(c) and (d)). This clear floor space shall comply with 4.2.4.

4.16 WATER CLOSETS.

4.16.1 GENERAL. Accessible water closets shall comply with 4.16. For water closets in accessible dwelling units, see 4.34.5.2.

4.16.2 CLEAR FLOOR SPACE. Clear floor space for water closets not in stalls shall comply with Fig. 28. Clear floor space may be arranged to allow either a left-handed or right-handed approach.

4.16.3* HEIGHT. The height of water closets shall be 17 in to 19 in (430 mm to 485 mm), measured to the top of the toilet seat (see Fig. 29). Seats shall not be sprung to return to a lifted position.

4.16.4* GRAB BARS. Grab bars for water closets not located in stalls shall comply with Fig. 29 and 4.26.

4.16.5 FLUSH CONTROLS. Flush controls shall be hand operated or automatic and shall comply with 4.27.4. Controls for flush valves shall be mounted on the wide side of toilet areas no more than 44 in (1120 mm) above the floor.

4.16.6 DISPENSERS. Toilet paper dispensers shall be installed within reach, as shown in Fig. 29(b). Dispensers that control delivery or that do not permit continuous paper flow, shall not be used.

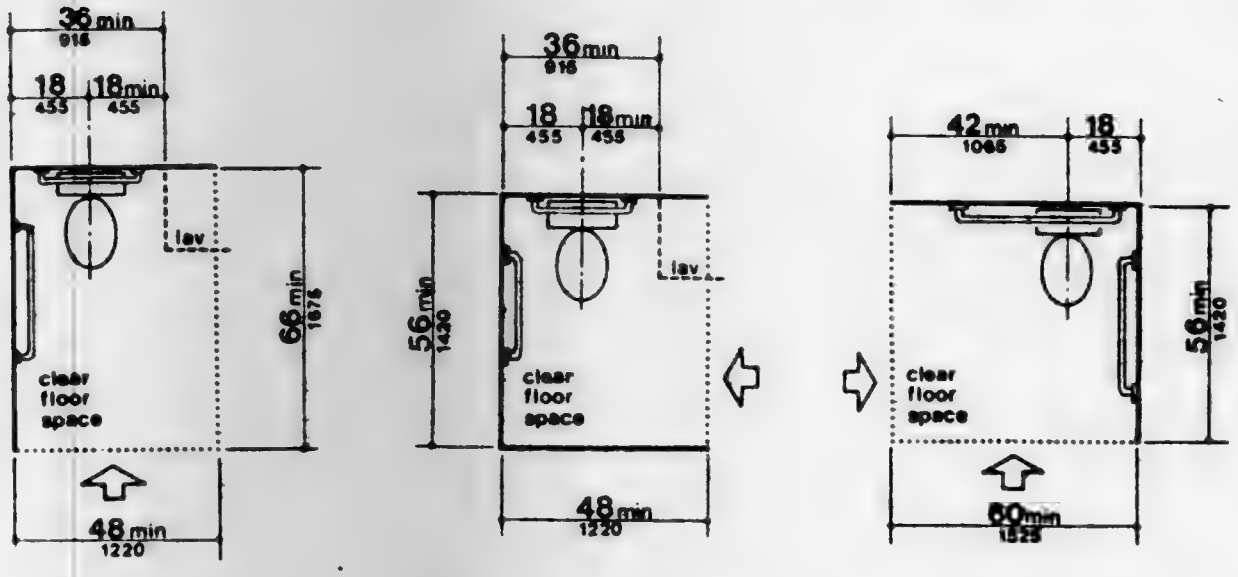

Fig. 28
Clear Floor Space at Water Closets

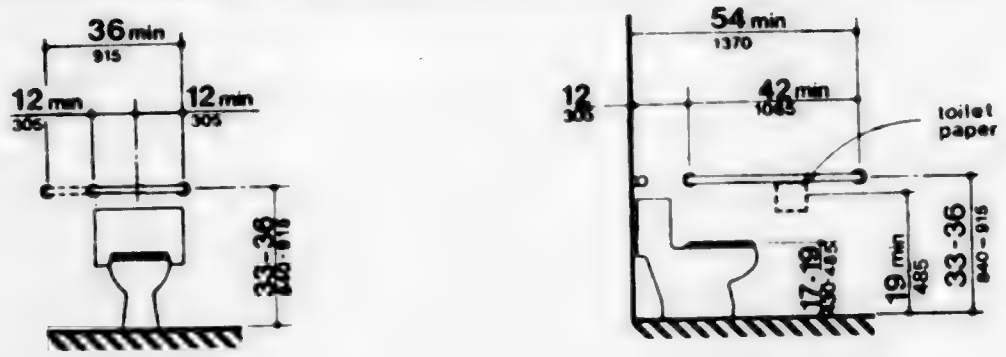

(a)
Back Wall

(b)
Side Wall

Fig. 29
Grab Bars at Water Closets

4.17 TOILET STALLS.

4.17.1 LOCATION. Accessible toilet stalls shall be on an accessible route and shall meet the requirements of 4.17.

4.17.2 WATER CLOSETS. Water closets in stalls shall comply with 4.16.

4.17.3 SIZE AND ARRANGEMENT. The size and arrangement of toilet stalls shall comply with Fig. 30(a). Toilet stalls with a minimum depth of 56 in (1420 mm) (see Fig. 30(a)) shall have wall-mounted water closets. If the depth of toilet stalls is increased at least 3 in (75 mm), then a floor-mounted water closet may be used. Arrangements shown for stalls may be reversed to allow either a left- or right-hand approach.

EXCEPTION: In instances of alteration work where provision of a standard stall (Fig. 30 (a)) is structurally impracticable or where plumbing code requirements prevent combining existing stalls to provide space, an alternate stall (Fig. 30(b)) may be provided in lieu of the standard stall.

4.17.4 TOE CLEARANCES. In standard stalls, the front partition and at least one side partition shall provide a toe clearance of at least 9 in (230 mm) above the floor. If the depth of the stall is greater than 60 in (1525 mm), then the toe clearance is not required.

4.17.5* DOORS. Toilet stall doors shall comply with 4.13. If toilet stall approach is from the latch side of the stall door, clearance between the door side of the stall and any obstruction may be reduced to a minimum of 42 in (1065 mm).

4.17.6 GRAB BARS. Grab bars complying with the length and positioning shown in Fig. 30(a), (b), (c), and (d) shall be provided. Grab bars may be mounted with any desired method as long as they have a gripping surface at the locations shown and do not obstruct the required clear floor area. Grab bars shall comply with 4.26.

4.18 URINALS.

4.18.1 GENERAL. Accessible urinals shall comply with 4.18.

4.18.2 HEIGHT. Urinals shall be stall-type or wall-hung with an elongated rim at a maximum of 17 in (430 mm) above the floor.

4.18.3 CLEAR FLOOR SPACE. A clear floor space 30 in by 48 in (760 mm by 1220 mm) shall be provided in front of urinals to allow forward approach. This clear space shall adjoin or overlap an accessible route and shall comply with 4.2.4. Urinal shields that do not extend beyond the front edge of the urinal rim may be provided with 29 in (735 mm) clearance between them.

4.18.4 FLUSH CONTROLS. Flush controls shall be hand operated or automatic, and shall comply with 4.27.4, and shall be mounted no more than 44 in (1120 mm) above the floor.

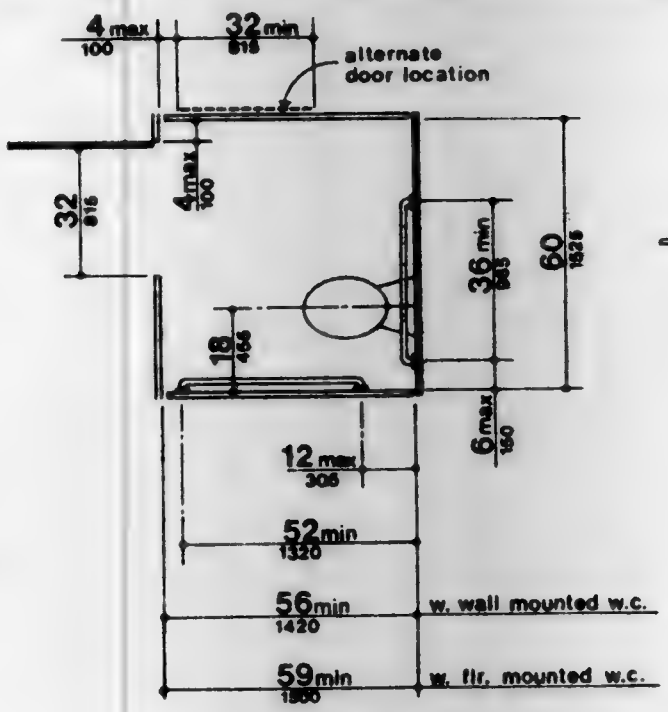

(a)
Standard Stall

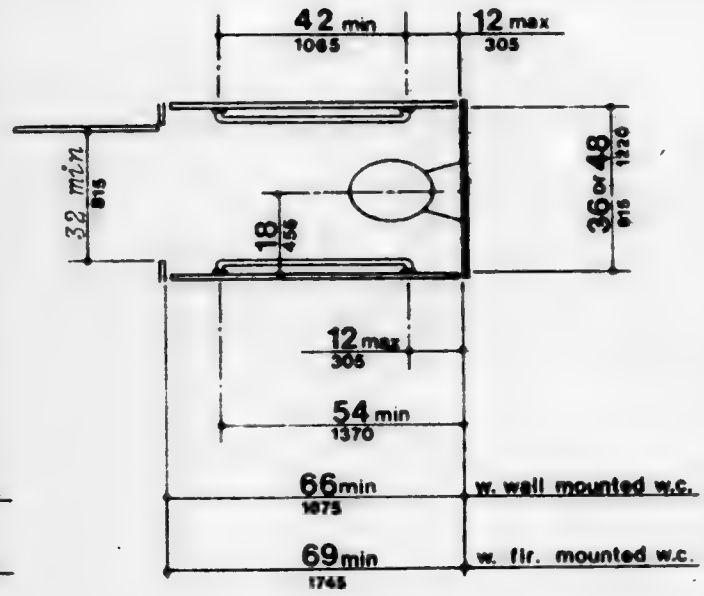

(b)
Alternative Stall

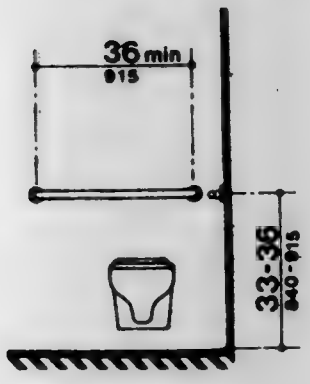

(c)
Rear Wall of Standard Stall

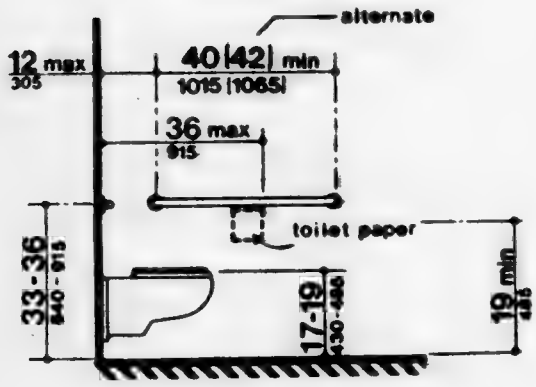

(d)
Side Walls

Fig. 30
Toilet Stalls

4.19 LAVATORIES AND MIRRORS.

4.19.1 GENERAL. The requirements of 4.19 shall apply to lavatory fixtures, vanities, and built-in lavatories.

4.19.2 HEIGHT AND CLEARANCES. Lavatories shall be mounted with the rim or counter surface no higher than 34 in (865 mm) above the finished floor. Provide a clearance of at least 29 in (735 mm) from the floor to the bottom of the apron. Knee and toe ance shall comply with Fig. 31.

4.19.3 CLEAR FLOOR SPACE. A clear floor space 30 in by 48 in (760 mm by 1220 mm) complying with 4.2.4 shall be provided in front of a lavatory to allow forward approach. Such clear floor space shall adjoin or overlap an accessible route and shall extend a maximum of 19 in (485 mm) underneath the lavatory (see Fig. 32).

4.19.4 EXPOSED PIPES AND SURFACES. Hot water and drain pipes under lavatories

shall be insulated or otherwise covered. There shall be no sharp or abrasive surfaces under lavatories.

4.19.5 FAUCETS. Faucets shall comply with 4.27.4. Lever-operated, push-type, and electronically controlled mechanisms are examples of acceptable designs. Self-closing valves are allowed if the faucet remains open for at least 10 seconds.

4.19.6* MIRRORS. Mirrors shall be mounted with the bottom edge of the reflecting surface no higher than 40 in (1015 mm) from the floor (Fig. 31).

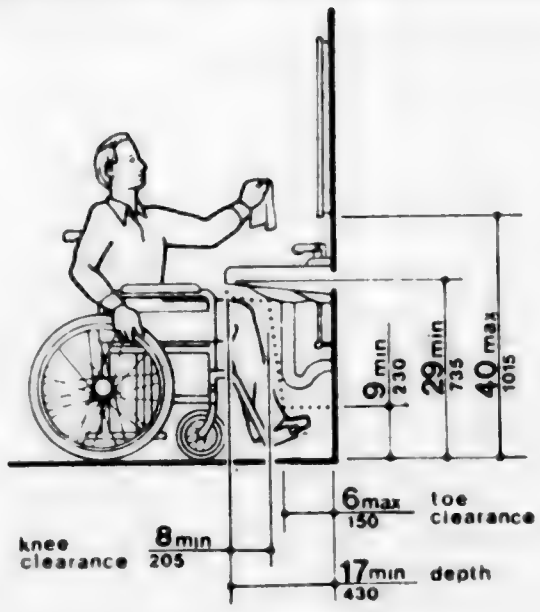

Fig. 31
Lavatory Clearances

4.20 BATHTUBS.

4.20.1 GENERAL. Accessible bathtubs shall comply with 4.20. For bathtubs in accessible dwelling units, see 4.34.5.4.

4.20.2 FLOOR SPACE. Clear floor space in front of bathtubs shall be as shown in Fig. 33.

4.20.3 SEAT. An in-tub seat or a seat at the head end of the tub shall be provided as shown in Fig. 33 and 34. The structural strength of seats and their attachments

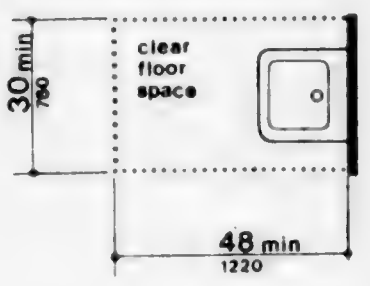

Fig. 32
Clear Floor Space at Lavatories

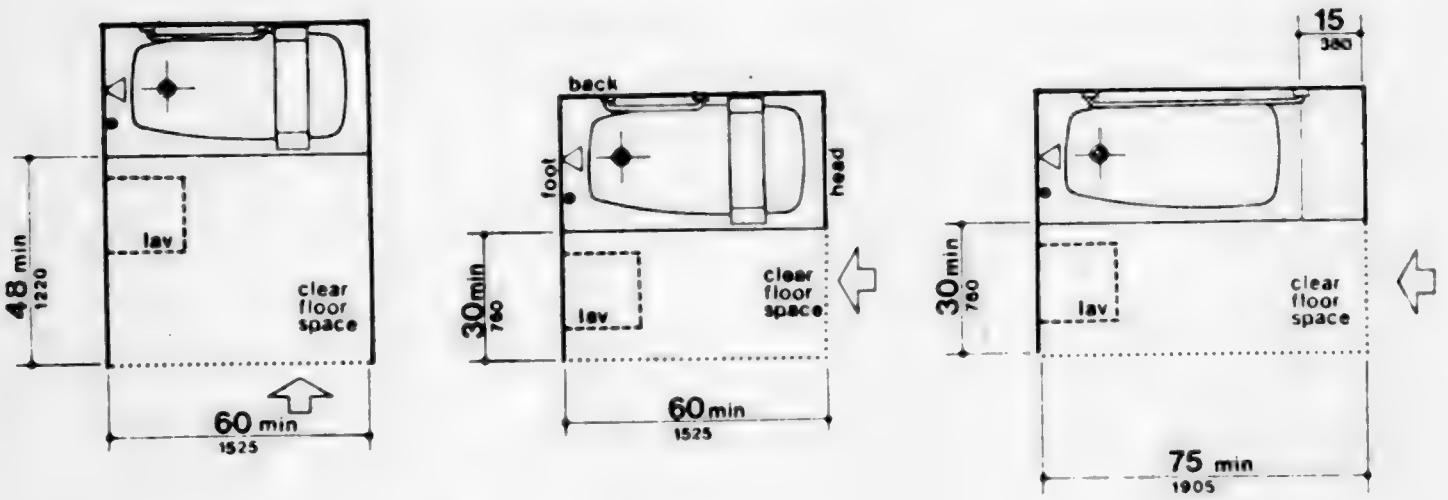

(a)
With Seat in Tub

(b)
With Seat at Head of Tub

SYMBOL KEY:
● Shower controls
◁ Shower head
◆ Drain

Fig. 33
Clear Floor Space at Bathtubs

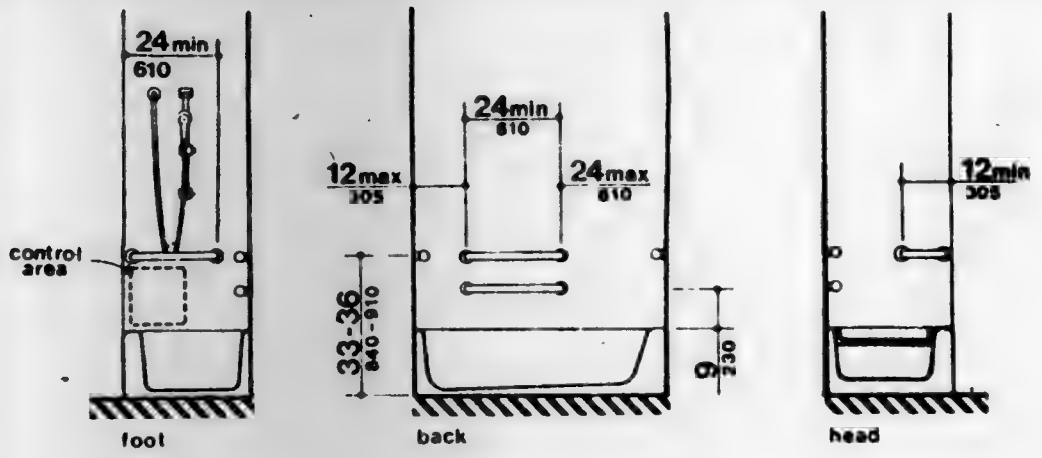

(a)
With Seat in Tub

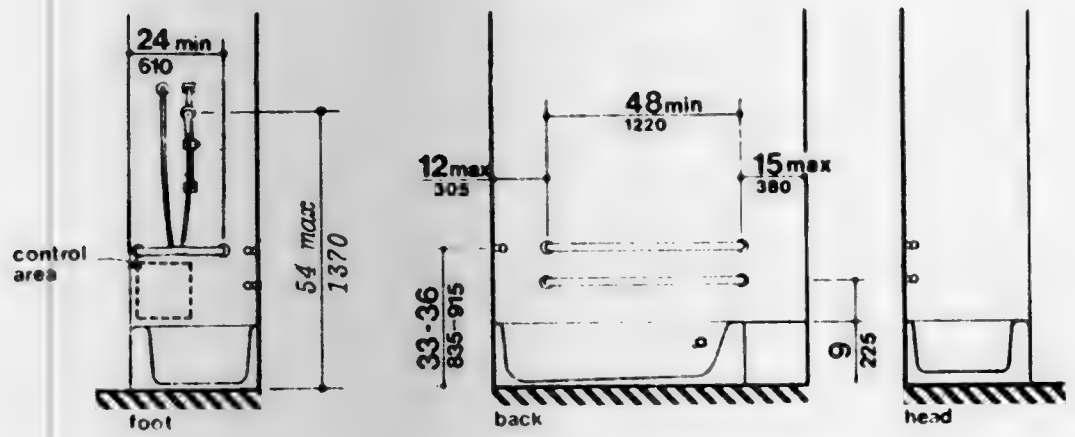

(b)
With Seat at Head of Tub

Fig. 34
Grab Bars at Bathtubs

shall comply with 4.26.3. Seats shall be mounted securely and shall not slip during use.

4.20.4 GRAB BARS. Grab bars complying with 4.26 shall be provided as shown in Fig. 33 and 34.

4.20.5 CONTROLS. Faucets and other controls complying with 4.27.4 shall be located as shown in Fig. 34.

4.20.6 SHOWER UNIT. A shower spray unit with a hose at least 60 in (1525 mm) long that can be used as a fixed shower head or as a hand-held shower shall be provided.

4.20.7 BATHTUB ENCLOSURES. If provided, enclosures for bathtubs shall not obstruct controls or transfer from wheelchairs onto bathtub seats or into tubs. Enclosures on bathtubs shall not have tracks mounted on their rims.

4.21 SHOWER STALLS.

4.21.1* GENERAL. Accessible shower stalls shall comply with 4.21. For shower stalls in accessible dwelling units, see 4.34.5.5.

4.21.2 SIZE AND CLEARANCES. Shower stall size and clear floor space shall comply

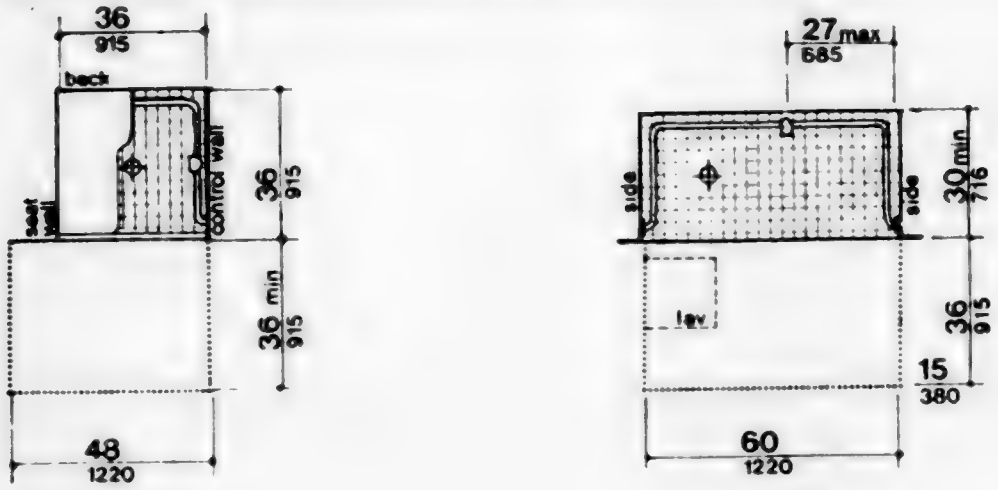

(a)
36-in by 36-in
(915-mm by 915-mm) Stall

(b)
30-in by 60-in
(760-mm by 1525-mm) Stall

Fig. 35
Shower Size and Clearances

with Fig. 35(a) or (b). The shower stall in Fig. 35(a) shall be 36 in by 36 in (915 mm by 915 mm). The shower stall in Fig. 35(b) will fit into the space required for a bathtub.

4.21.3 SEAT. A seat shall be provided in shower stalls 36 in by 36 in (915 mm by 915 mm) and shall be as shown in Fig. 36. The seat shall be mounted 17 in to 19 in (430 mm to 485 mm) from the bathroom floor and shall extend the full depth of the stall. The seat shall be on the wall opposite the controls. The structural strength of seats and their attachments shall comply with 4.26.3.

4.21.4 GRAB BARS. Grab bars complying with 4.26 shall be provided as shown in Fig. 37.

4.21.5 CONTROLS. Faucets and other controls complying with 4.27.4 shall be located as shown in Fig. 37. In shower stalls 36 in by 36 in (915 mm by 915 mm), all controls, faucets, and the shower unit shall be mounted on the side wall opposite the seat.

4.21.6 SHOWER UNIT. A shower spray unit with a hose at least 60 in (1525 mm) long that can be used as a fixed shower head or

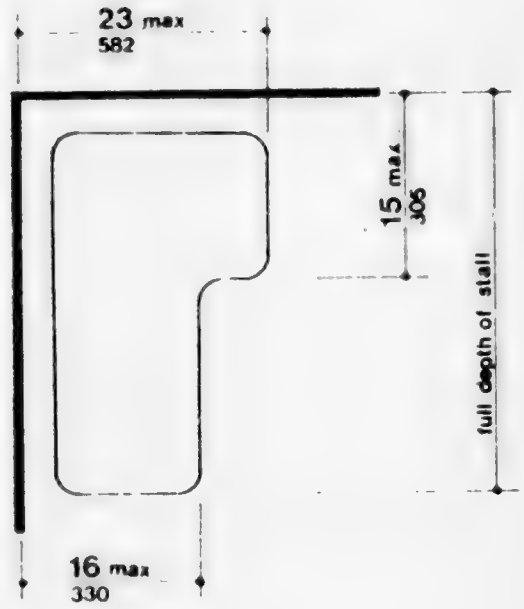

Fig. 36
Shower Seat Design

as a hand-held shower shall be provided.

EXCEPTION: In unmonitored facilities where vandalism is a consideration, a fixed shower head mounted at 48 in (1220 mm) above the shower floor may be used in lieu of a hand-held shower head.

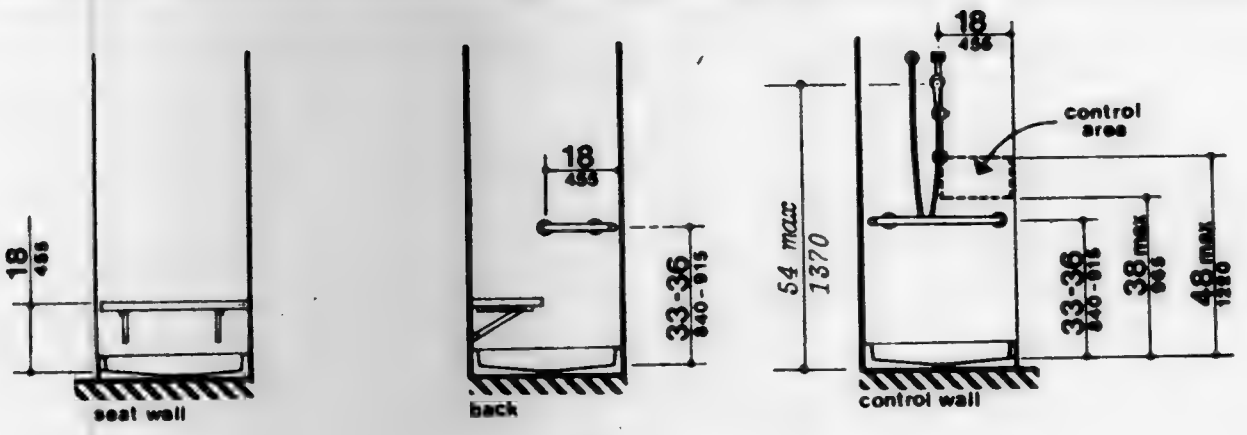

(a)
36-in by 36-in (915-mm by 915-mm) Stall

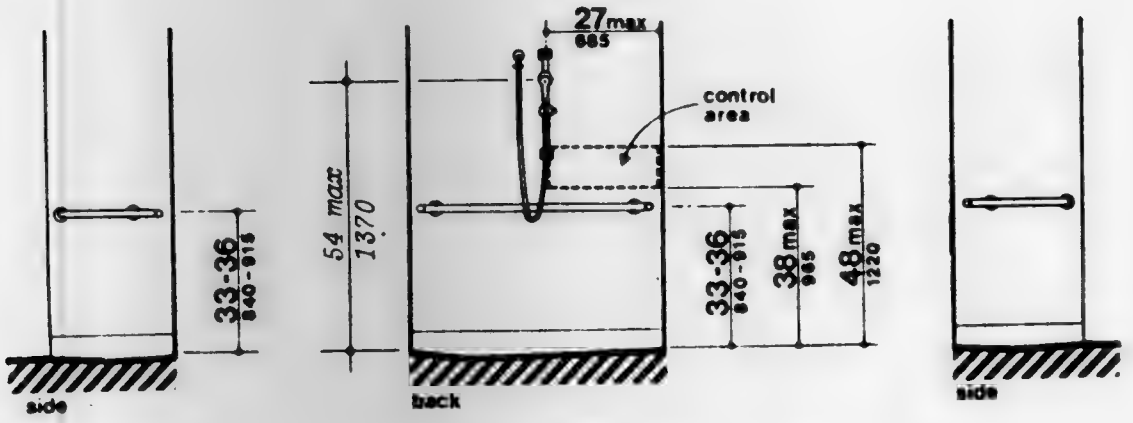

(b)
30-in by 60-in (760-mm by 1525-mm) Stall

Fig. 37
Grab Bars at Shower Stalls

4.21.7 CURBS. If provided, curbs in shower stalls 36 in by 36 in (915 mm by 915 mm) shall be no higher than 1/2 in (13 mm). Shower stalls that are 30 in by 60 in (760 mm by 1525 mm) shall not have curbs.

4.21.8 SHOWER ENCLOSURES. If provided, enclosures for shower stalls shall not obstruct controls or obstruct transfer from wheelchairs onto shower seats.

4.22 TOILET ROOMS.

4.22.1 MINIMUM NUMBER. If toilet facilities are provided, a reasonable number, but always at least one, of toilet rooms shall comply with 4.22. Accessible toilet rooms shall be on an accessible route.

4.22.2 DOORS. All doors to accessible toilet rooms shall comply with 4.13. Doors shall not swing into the clear floor space required for any fixture.

4.22.3 CLEAR FLOOR SPACE. The accessible fixtures and controls required in 4.22.4, 4.22.5, 4.22.6, and 4.22.7 shall be on an accessible route. An unobstructed turning space complying with 4.2.3 shall be provided within an accessible toilet room. The clear floor space at fixtures and controls, the accessible route, and the turning space may overlap.

EXCEPTION: In toilet rooms with only one water closet and one lavatory, a clear floor space of 30 in by 60 in

(815 mm by 1525 mm) may be used in lieu of the unobstructed turning space.

4.22.4 WATER CLOSETS. If toilet stalls are provided, then a reasonable number, but at least one, shall comply with 4.17; its water closet shall comply with 4.16. If water closets are not in stalls, then a reasonable number, but at least one shall comply with 4.16.

4.22.5 URINALS. If urinals are provided, a reasonable number, but always at least one shall comply with 4.18.

4.22.6 LAVATORIES AND MIRRORS. If lavatories and mirrors are provided, a reasonable number, but always at least one of each, shall comply with 4.19.

4.22.7 CONTROLS AND DISPENSERS. If controls, dispensers, receptacles, or other equipment is provided, at least one of each shall be on an accessible route and shall comply with 4.27.

4.23 BATHROOMS, BATHING FACILITIES, AND SHOWER ROOMS.

4.23.1 MINIMUM NUMBER. If bathrooms, bathing facilities, or shower rooms are provided, a reasonable number, but always at least one, shall comply with 4.23 and shall be on an accessible route. For adaptable bathrooms in accessible dwelling units, see 4.34.5.

4.23.2 DOORS. Doors to accessible bathrooms shall comply with 4.13. Doors shall not swing into the floor space required for any fixture.

4.23.3 CLEAR FLOOR SPACE. The accessible fixtures and controls required in 4.23.4, 4.23.5, 4.23.6, 4.23.7, 4.23.8, and 4.23.9 shall be on an accessible route. An unobstructed turning space complying with 4.2.3 shall be provided within an accessible bathroom. The clear floor spaces at fixtures and controls, the accessible route, and the turning space may overlap.

EXCEPTION: In bathrooms with only one water closet, one lavatory, and one bathtub or shower, a clear floor space of 30 in by 60 in (760 mm by 1525 mm) may be used in lieu of the unobstructed turning space.

4.23.4 WATER CLOSETS. If toilet stalls are provided, then a reasonable number, but always at least one, shall comply with 4.17; its water closet shall comply with 4.16. If water closets are not in stalls, then a reasonable number, but always at least one, shall comply with 4.16.

4.23.5 URINALS. If urinals are provided, then a reasonable number, but always at least one, shall comply with 4.18.

4.23.6 LAVATORIES AND MIRRORS. If lavatories and mirrors are provided, then a reasonable number, but always at least one of each, shall comply with 4.19.

4.23.7 CONTROLS AND DISPENSERS. If controls, dispensers, receptacles, or other equipment is provided, at least one of each shall be on an accessible route and shall comply with 4.27.

4.23.8 BATHING AND SHOWER FACILITIES. If tubs or showers are provided, then at least one accessible tub that complies with 4.20 or at least one accessible shower that complies with 4.21 shall be provided.

4.23.9* MEDICINE CABINETS. If medicine cabinets are provided, at least one shall be located with a usable shelf no higher than 44 in (1120 mm) above the floor space. The floor space shall comply with 4.2.4.

4.24 SINKS.

4.24.1 GENERAL. If accessible sinks are provided, they shall comply with 4.24. Sinks in kitchens of accessible dwelling units shall comply with 4.34.6.5.

4.24.2 HEIGHT. Sinks shall be mounted with the counter or rim no higher than 34 in (865 mm) from the floor.

4.24.3 KNEE CLEARANCE. Knee clearance that is at least 27 in (685 mm) high, 30 in (760 mm) wide, and 19 in (485 mm) deep shall be provided underneath sinks.

4.24.4 DEPTH. Each sink shall be a maximum of 6-1/2 in (165 mm) deep.

4.24.5 CLEAR FLOOR SPACE. A clear floor space at least 30 in by 48 in (760 mm by 1220 mm) complying with 4.2.4 shall be provided in front of a sink to allow forward approach. The clear floor space shall be on an accessible route and shall extend a maximum of 19 in (485 mm) underneath the sink (see Fig. 32).

4.26.6 EXPOSED PIPES AND SURFACES. Hot water and drain pipes exposed under sinks shall be insulated or otherwise covered. There shall be no sharp or abrasive surfaces under sinks.

4.24.7 FAUCETS. Faucets shall comply with 4.27.4. Lever-operated, push-type, touch-type, or electronically controlled mechanisms are acceptable designs.

4.25 STORAGE.

4.25.1 GENERAL. Accessible storage facilities such as cabinets, shelves, closets, and drawers shall comply with 4.25.

4.25.2 CLEAR FLOOR SPACE. A clear floor space at least 30 in by 48 in (760 mm by 1220 mm) complying with 4.2.4 that allows either a forward or parallel approach by a person using a wheelchair shall be provided at accessible storage facilities.

4.25.3 HEIGHT. Accessible storage spaces shall be within at least one of the reach ranges specified in 4.2.5 and 4.2.6. Clothes rods shall be a maximum of 54 in (1370 mm) from the floor (see Fig. 38).

4.25.4 HARDWARE. Hardware for accessible storage facilities shall comply with 4.27.4. Touch latches and U-shaped pulls are acceptable.

4.26 HANDRAILS, GRAB BARS, AND TUB AND SHOWER SEATS.

4.26.1* GENERAL. All handrails, grab bars, and tub and shower seats shall comply with 4.26.

4.26.2* SIZE AND SPACING OF GRAB BARS AND HANDRAILS. The diameter or width of the gripping surfaces of a handrail or grab bar shall be 1-1/4 in to 1-1/2 in (32 mm to 38 mm), or the shape shall provide an equivalent gripping surface. If handrails or grab bars are mounted adjacent to a wall, the space between the wall and the grab bar shall be 1-1/2 in (38 mm) (see Fig. 39(a), (b), and (c)). Handrails may be located in a recess if the recess is a maximum of 3 in (75 mm) deep and extends at least 18 in (455 mm) above the top of the rail (see Fig. 39(d)).

4.26.3 STRUCTURAL STRENGTH. The structural strength of grab bars, tub and shower seats, fasteners, and mounting devices shall meet the following specification:

(1) Bending stress in a grab bar or seat induced by the maximum bending moment from the application of 250 lbf (1112 N) shall be less than the allowable stress for the material of the grab bar or seat.

(2) Shear stress induced in a grab bar or seat by the application of 250 lbf (1112 N) shall be less than the allowable shear stress for the material of the grab bar or seat. If the connection between the grab bar or seat and its mounting bracket or other support is considered to be fully restrained, then direct and tor-

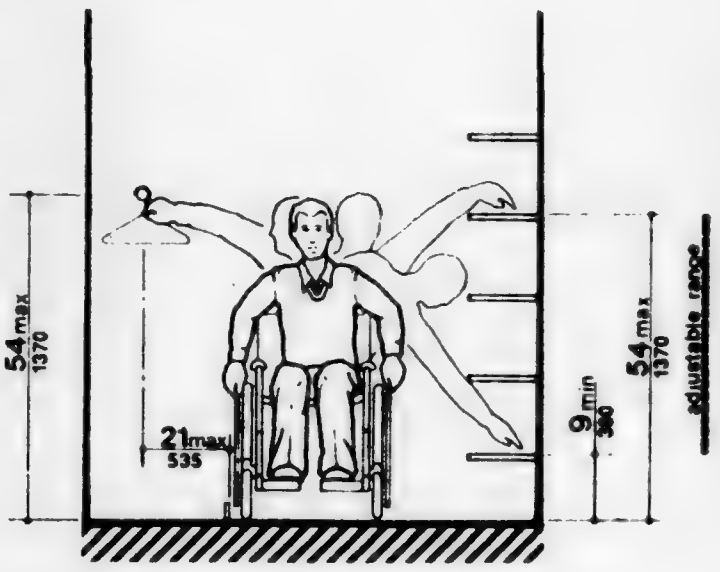

Fig. 38
Storage Shelves and Closets

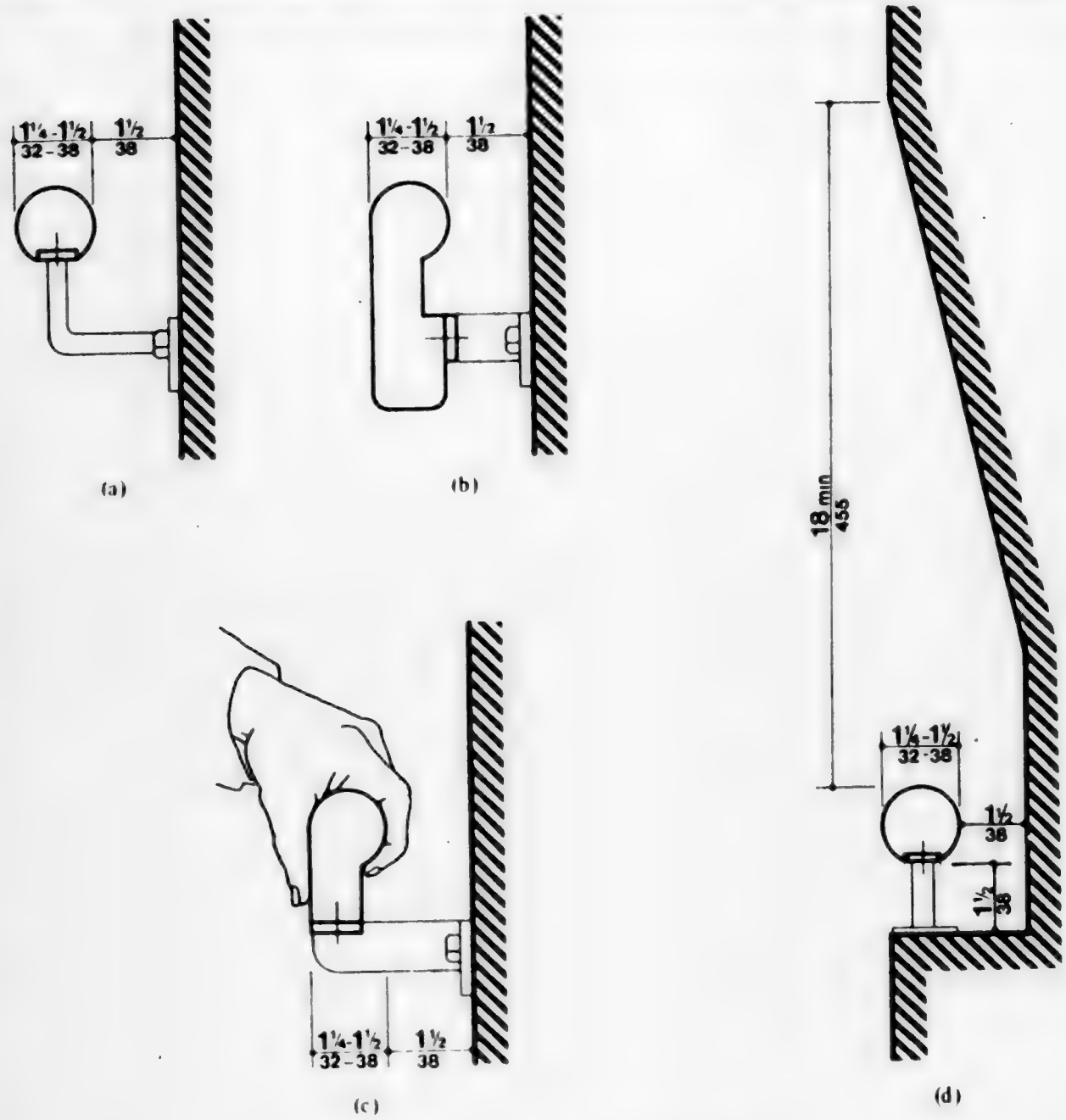

Fig. 39
Size and Spacing of Handrails and Grab Bars

sional shear stresses shall be totaled for the combined shear stress, which shall not exceed the allowable shear stress.

(3) Shear force induced in a fastener or mounting device from the application of 250 lbf (1112 N) shall be less than the allowable lateral load of either the fastener or mounting device or the supporting structure, whichever is the smaller allowable load.

(4) Tensile force induced in a fastener by a direct tension force of 250 lbf (1112 N) plus the maximum moment from the application of 250 lbf (1112 N) shall be less than the allowable withdrawal and the supporting structure.

(5) Grab bars shall not rotate within their fittings.

4.26.4 ELIMINATING HAZARDS. A handrail or grab bar and any wall or other surface adjacent to it shall be free of any sharp or abrasive elements. Edges shall have a minimum radius of 1/8 in (3.2 mm).

4.27 CONTROLS AND OPERATING MECHANISMS.

4.27.1 GENERAL. Controls and operating mechanisms in accessible spaces, along accessible routes, or as part of accessible elements (for example, light switches, dispenser controls) shall comply with 4.27.

4.27.2 CLEAR FLOOR SPACE. Clear floor space complying with 4.2.4 that allows a forward or a parallel approach by a person using a wheelchair shall be provided at controls, dispensers, receptacles, and other operable equipment.

4.27.3 HEIGHT. The highest operable part of all controls, dispensers, receptacles, and other operable equipment shall be placed within at least one of the reach ranges specified in 4.2.5 and 4.2.6. Except where the use of special equipment dictates otherwise, electrical and communications system receptacles on walls shall be mounted on less than 15 in (380 mm) above the floor.

4.27.4 OPERATION. Controls and operating mechanisms shall be operable with one hand and shall not require tight grasping, pinching, or twisting of the wrist. The force required to activate controls shall be no greater than 5 lbf (22.2 N).

4.28 ALARMS.

4.28.1 GENERAL. If emergency warning systems are provided, they shall include both audible alarms complying with 4.28.2 and visual alarms complying with 4.28.3. In facilities with sleeping accommodations, the sleeping accommodations shall have an auxiliary visual alarm system complying with 4.28.4.

4.28.2* AUDIBLE ALARMS. If provided, audible emergency alarms shall produce a sound that exceeds the prevailing equivalent sound level in the room or space by at least 15 decibels or exceeds any maximum sound level with a duration of 30 seconds by 5 decibels, whichever is louder. Sound levels for alarm signals shall not exceed 120 decibels.

4.28.3* VISUAL ALARMS. If provided, electrically powered internally illuminated emergency exit signs shall flash as a visual emergency alarm in conjunction with audible emergency alarms. The flashing frequency of visual alarm devices shall be less than 5 Hz. If such alarms use electricity from the building as a power source, then they shall be installed on the same system as the audible emergency alarms.

EXCEPTIONS:

(1) Visual alarm devices that are mounted adjacent to emergency exit signs may be used in lieu of flashing exit signs.

(2) Specialized systems utilizing advanced technology may be substituted for the visual systems specified above if equivalent protection is afforded handicapped users of the building or facility.

4.28.4* AUXILIARY ALARMS. Accessible sleeping accommodations shall have a visual alarm connected to the building emergency alarm system or shall have a standard 110-volt electrical receptacle into which such an alarm could be connected. Instructions for use of the auxiliary alarm or connection shall be provided.

4.29 TACTILE WARNINGS.

4.29.1 GENERAL. If tactile warnings are required, they shall comply with 4.29.

4.29.2* TACTILE WARNINGS ON WALKING SURFACES. Reserved.

4.29.3* TACTILE WARNINGS ON DOORS TO HAZARDOUS AREAS. Doors that lead to areas that might prove dangerous to a blind person (for example, doors to loading platforms, boiler rooms, stages, and the like) shall be made identifiable to the touch by a textured surface on the door handle, knob, pull, or other operating hardware. This textured surface may be made by knurling or roughing or by a material applied to the contact surface. Such textured surfaces shall not be provided for emergency exit doors or any doors other than those to hazardous areas.

4.29.4 TACTILE WARNINGS AT STAIRS. Reserved.

4.29.5* TACTILE WARNINGS AT HAZARDOUS VEHICULAR AREAS. Reserved.

4.29.6* TACTILE WARNINGS AT REFLECTING POOLS. Reserved.

4.29.7* STANDARDIZATION. Textured surfaces for tactile warnings shall be standard within a building, facility, site, or complex of buildings.

4.30 SIGNAGE.

4.30.1* GENERAL. All signage that provides emergency information or general circulation direction or identifies rooms and spaces shall comply with 4.30.2, 4.30.3, and 4.30.5. Tactile signage shall also comply with 4.30.4.

4.30.2* CHARACTER PROPORTION. Letters and numbers on signs shall have a width-to-height ratio between 3:5 and 1:1 and a stroke width-to-height ratio between 1:5 and 1:10.

4.30.3* COLOR CONTRAST. Characters and symbols shall contrast with their background - either light characters on a dark background or dark characters on a light background.

4.30.4* RAISED OR INDENTED CHARACTERS OR SYMBOLS. Letters and numbers on signs shall be raised or incised 1/32 in (0.8 mm) minimum and shall be sans serif characters. Raised characters or symbols shall be at least 5/8 in (16 mm) high, but no

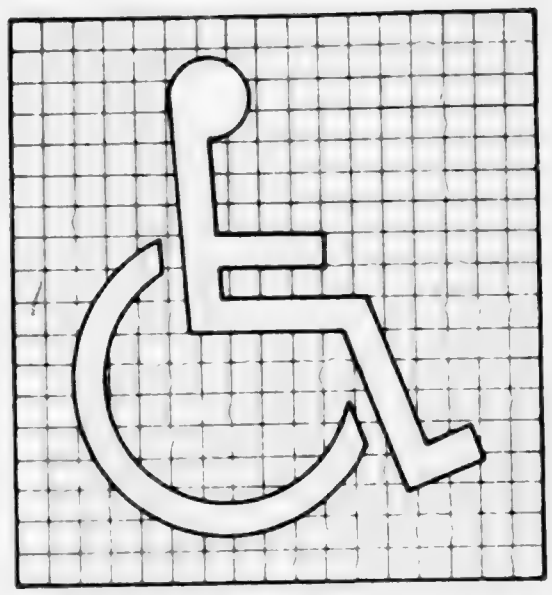

(a)
Proportions

(b)
Display Conditions

Fig. 43
International Symbol of Accessibility

higher than 2 in (50 mm). Indented characters or symbols shall have a stroke width of at least 1/4 in (6 mm). Symbols or pictographs on signs shall be raised or indented 1/32 in (0.8 mm) minimum.

4.30.5 SYMBOLS OF ACCESSIBLITY. If accessible facilities are identified, then the international symbol of accessibility shall be used. The symbol shall be displayed as shown in Fig. 43.

4.30.6 MOUNTING LOCATION AND HEIGHT. Interior signage shall be located alongside the door on the latch side and shall be mounted at a height of between 54 in and 66 in (1370 mm and 1675 mm) above the finished floor.

4.31 TELEPHONES.

4.31.1 GENERAL. If public telephones are provided, then they shall comply with 4.31.

4.31.2 CLEAR FLOOR OR GROUND SPACE. A clear floor or ground space at least 30 in by 48 in (760 mm by 1220 mm) that allows either a forward or parallel approach by a person using a wheelchair shall be provided at telephones (see Fig 44). The clear floor or ground space shall comply with 4.2.4. Bases, enclosures, and fixed seats shall not impede approaches to telephones by people who use wheelchairs.

4.31.3 MOUNTING HEIGHT. The highest operable part of the telephone shall be within the reach ranges specified in 4.2.5 or 4.2.6. Telephones mounted diagonally in a corner that require wheelchair users to reach diagonally shall have the highest operable part no higher than 54 in (1370 mm) above the floor (see Fig. 44).

4.31.4 ENCLOSURES. If telephone enclosures are provided, they may overhang the clear floor space required in 4.31.2 within the following limits:

(1) Side reach possible: The overhang shall be no greater than 19 in (485 mm) (see Fig. 44(a)); the height of the lowest overhanging part shall be equal to or greater than 27 in (685 mm).

(2) Full-height enclosures: Entrances to full-height enclosures shall be 30 in (760 mm) clear minimum (see Fig. 44(b)).

(3) Forward reach required: If the overhang is greater than 12 in (305 mm), then the clear width of the enclosure shall be 30 in (760 mm) minimum; if the clear width of the enclosure is less than 30 in (760 mm), then the height of the lowest overhanging part shall be equal to or greater than 27 in (685 mm) (see Fig. 44(c)).

(4) Where telephone enclosures protrude into walls, halls, corridors, or aisles, they shall also comply with 4.4.

4.31.5* EQUIPMENT FOR HEARING IMPAIRED PEOPLE. Telephones shall be equipped with a receiver that generates a magnetic field in the area of the receiver cap. If banks of public telephones are provided, then a reasonable number, but always at least one, in a building or facility shall be equipped with a volume control.

4.31.6 CONTROLS. Telephones shall have pushbutton controls where service for such equipment is available.

4.31.7 TELEPHONE BOOKS. Telephone books, if provided, shall be located so that they can be used by a person in a wheelchair.

4.31.8 CORD LENGTH. The cord from the telephone to the handset shall be at least 29 in (735 mm) long.

4.32 SEATING, TABLES, AND WORK SURFACES.

4.32.1 MINIMUM NUMBER. If fixed or built-in seating, tables, or work surfaces are provided in accessible spaces, a reasonable number, but always at least one, of seating spaces, tables, or work surfaces shall comply with 4.32.

4.32.2 SEATING. If seating spaces for people in wheelchairs are provided at tables, counters, or work surfaces, clear floor space complying with 4.2.4 shall be

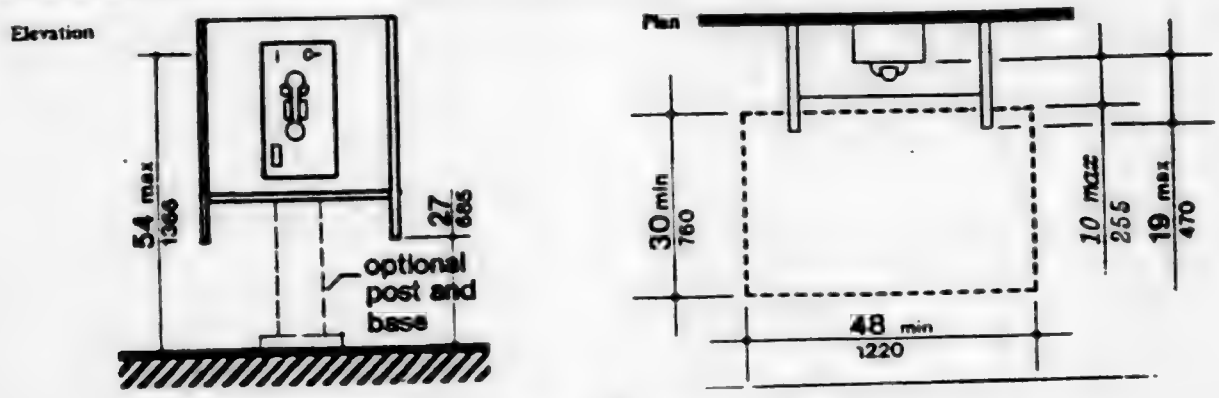

(a)
Side Reach Possible

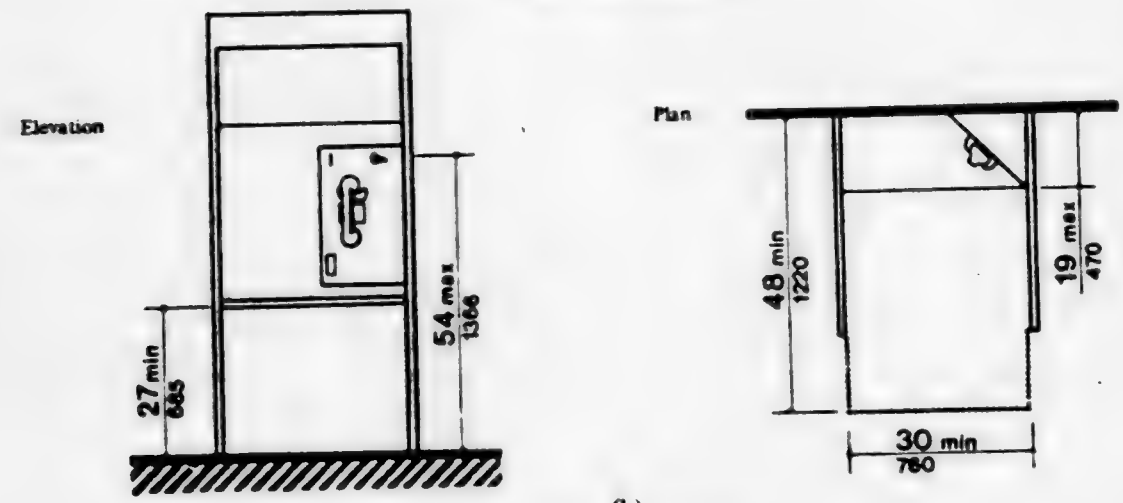

(b)
Full Height Enclosure

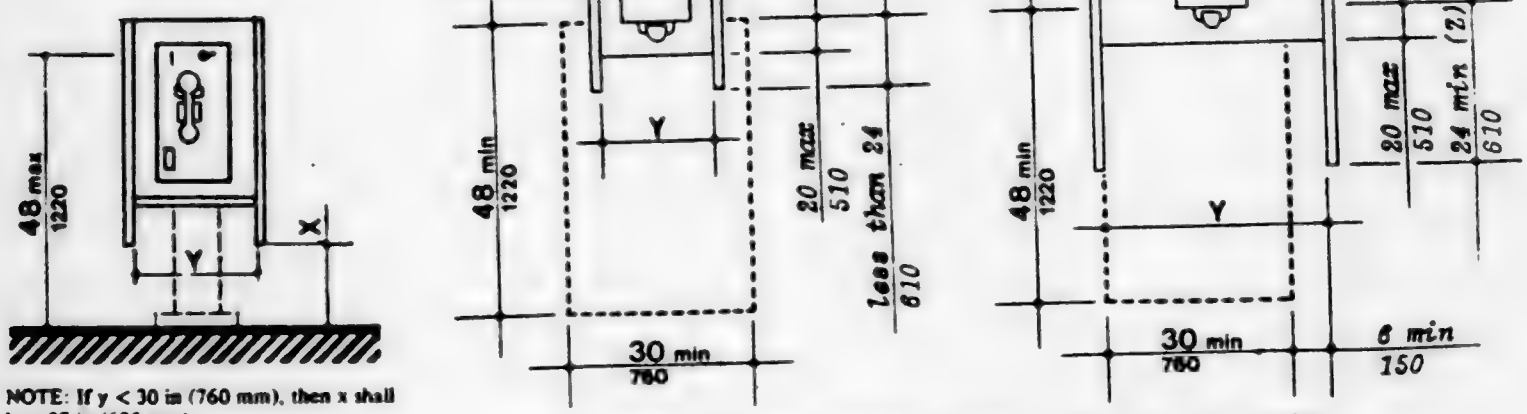

NOTE: If y < 30 in (760 mm), then x shall be >27 in (685 mm).

(c)
Forward Reach Required

NOTE: If Z is greater than 12 in, but less than 24 in, then Y shall be 30 in or greater. If Z is greater than 24 in, then Y shall be 36 in or greater.

Fig. 44
Mounting Heights and Clearances for Telephones

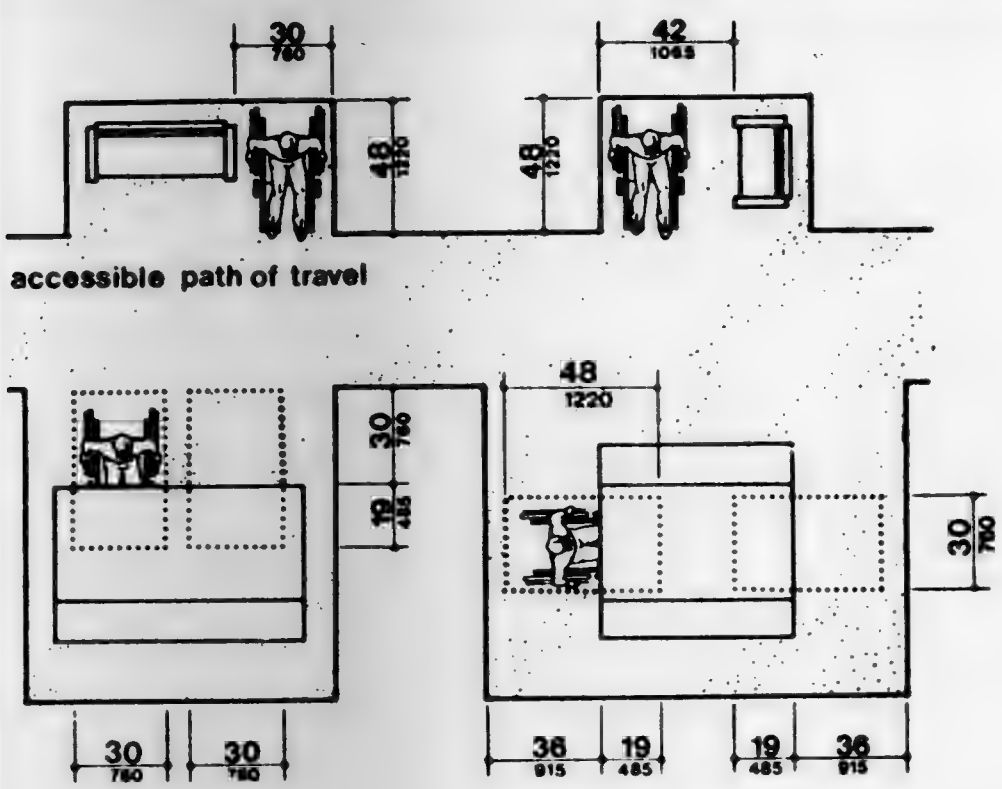

Fig. 45
Minimum Clearances for Seating and Tables

provided. Such clear floor space shall not overlap knee space by more than 19 in (485 mm) (see Fig. 45).

4.32.3 KNEE CLEARANCES. If seating for people in wheelchairs is provided at tables, counters, and work surfaces, knee spaces at least 27 in (685 mm) high, 30 in (760 mm) wide, and 19 in (485 mm) deep shall be provided (see Fig. 45).

4.32.4* HEIGHT OF WORK SURFACES. The tops of tables and work surfaces shall be from 28 in to 34 in (710 mm to 865 mm) from the floor or ground.

4.33 ASSEMBLY AREAS.

4.33.1 MINIMUM NUMBER. Assembly areas shall have a reasonable number, but no less than two, of locations for wheelchair users in each assembly area that complies with 4.33. Assembly areas with audio-amplification systems shall have a listening system complying with 4.33.6 and 4.33.7 to assist a reasonable number of people, but no fewer than two, with severe hearing loss in the appreciation of audio presentations.

4.33.2* SIZE OF WHEELCHAIR LOCATIONS. Each wheelchair location shall provide minimum clear ground or floor spaces as shown in Fig. 46.

4.33.3* PLACEMENT OF WHEELCHAIR LOCATIONS. Wheelchair areas shall be an integral part of any fixed seating plan and shall be dispersed throughout the seating area. They shall adjoin an accessible route that also serves as a means of egress in case of emergency and shall be located to provide lines of sight comparable to those for all viewing areas.

4.33.4 SURFACES. The ground or floor at wheelchair locations shall be level and shall comply with 4.5.

4.33.5 ACCESS TO PERFORMING AREAS. An accessible route shall connect wheelchair seating locations with performing areas,

including stages, arena floors, dressing rooms, locker rooms, and other spaces used by performers.

4.33.6* PLACEMENT OF LISTENING SYSTEMS. If the listening system provided serves individual fixed seats, then such seats shall be located within a 50 ft (15 m) viewing distance of the stage or playing area and shall have a complete view of the stage or playing area.

4.33.7* TYPES OF LISTENING SYSTEMS. Audio loops and radio frequency systems are two acceptable types of listening systems.

4.34 DWELLING UNITS.

4.34.1 GENERAL. The requirements of 4.34 apply to individual accessible dwelling units.

4.34.2* MINIMUM REQUIREMENTS. An accessible dwelling unit shall be on an accessible route. An accessible dwelling unit shall have the following accessible elements and spaces as a minimum:

(1) Common spaces and facilities serving individual accessible dwelling units (for example, entry walks, trash disposal facilities, and mail boxes) shall comply with 4.2 through 4.33.

(2) Accessible spaces shall have maneuvering space complying with 4.2.2 and 4.2.3 and surfaces complying with 4.5.

(3) At least one accessible route complying with 4.3 shall connect the accessible entrances with all accessible spaces and elements within the dwelling units.

(4) See 4.1.1(5)(d) - Parking.

(5) Removed and Reserved.

(6) Doors to and in accessible spaces that are intended for passage shall comply with 4.13.

(7) A reasonable number, but always at least one, of accessible entrances to the dwelling unit shall comply with 4.14.

(8) Storage in accessible spaces in dwelling units, including cabi-

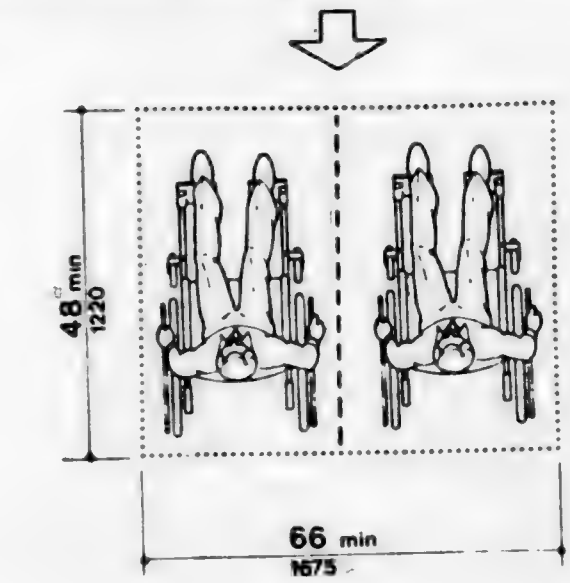

(a)
Forward or Rear Access

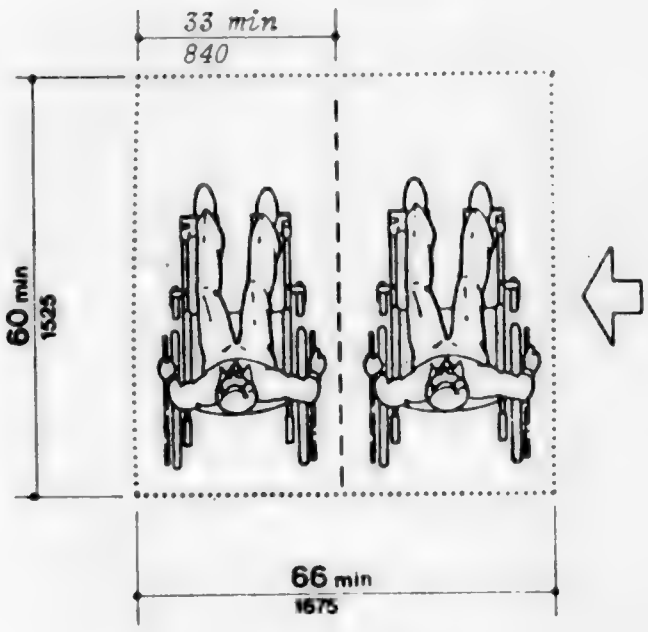

(b)
Side Access

Fig. 46
Space Requirements for Wheelchair Seating Spaces in Series

nets, shelves, closets, and drawers, shall comply with 4.25.

(9) All controls in accessible spaces shall comply with 4.27. Those portions of heating, ventilating, and air-conditioning equipment requiring regular, periodic maintenance and adjustment by the resident of a dwelling shall be accessible to people in wheelchairs. If air distribution registers must be placed in or close to ceilings for proper air circulation, this specification shall not apply to the registers.

(10) If emergency alarms are provided, a reasonable number, but always at least one, of alarm connections complying with 4.28.4 shall be provided in the dwelling unit.

(11) If telephones are installed in the dwelling unit, a reasonable number, but always at least one, shall comply with 4.31.2 and 4.31.3.

(12) A reasonable number, but always at least one, of full bathrooms shall comply with 4.34.5. A full bathroom shall include a water closet, a lavatory, and a bathtub or a shower.

(13) The kitchen shall comply with 4.34.6.

(14) If laundry facilities are provided, they shall comply with 4.34.7.

(15) The following spaces shall be accessible and shall be on an accessible route:

(a) The living area.

(b) The dining area.

(c) The sleeping area, or the bedroom in one bedroom dwelling units, or at least two bedrooms or sleeping spaces in dwelling units with two or more bedrooms.

(d) Patios, terraces, balconies, carports, and garages, if provided with the dwelling unit.

4.34.3 ADAPTABILITY. The specifications for 4.34.5 and 4.34.6 include the concept of adaptability. Accessible dwelling units may be designed for either permanent accessibility or adaptability.

4.34.4 CONSUMER INFORMATION. To ensure that the existence of adaptable features will be known to the owner or occupant of a dwelling, the following consumer information shall be provided in each adaptable dwelling unit available for occupancy.

(1) Notification of the alternate heights available for the kitchen counter and sink, and the existence of removable cabinets and bases, if provided, under counters, sinks, and lavatories.

(2) Notification of the provisions for the installation of grab bars at toilets, bathtubs, and showers.

(3) Notification that the dwelling unit is equipped to have a visual emergency alarm installed.

(4) Identification of the location where information and instructions are available for changing the height of counters, removing cabinets and bases, installing a visual emergency alarm system, and installing grab bars.

(5) Notification that the dwelling unit has been designed in accordance with this Uniform Federal Accessibility Standard.

In addition, the occupants of adaptable dwelling units who will be responsible for making their own adaptations shall be provided with the following information:

(1) Instructions for adjusting or replacing kitchen counter and sink heights and for removing cabinets.

(2) A scale drawing showing methods and locations for the installation of grab bars.

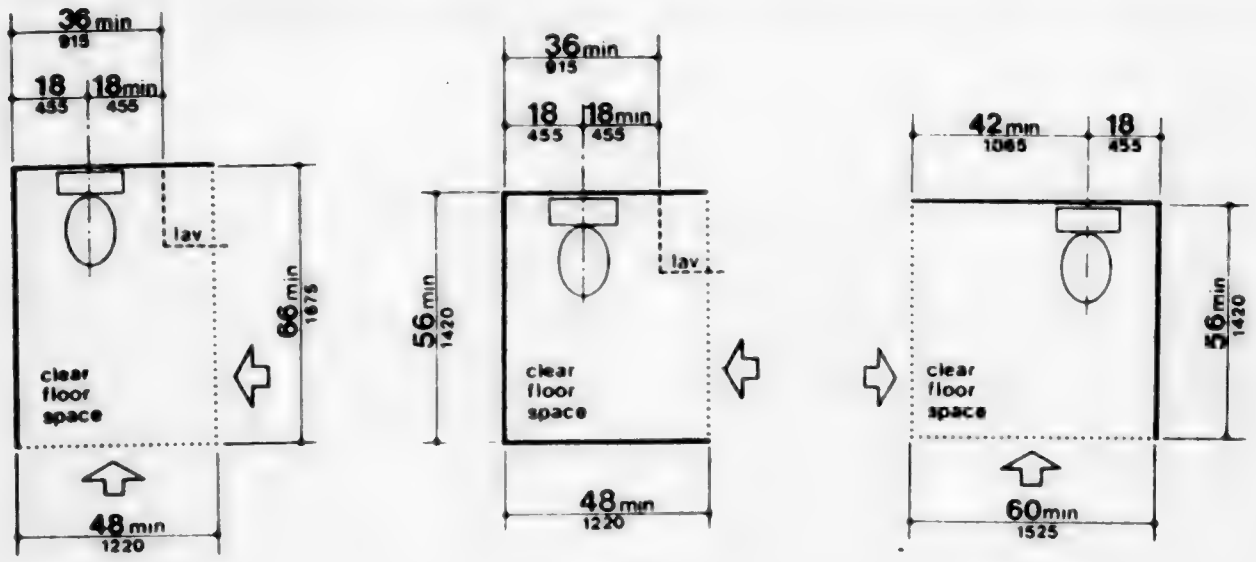

(a)
Clear Floor Space for Adaptable Bathrooms

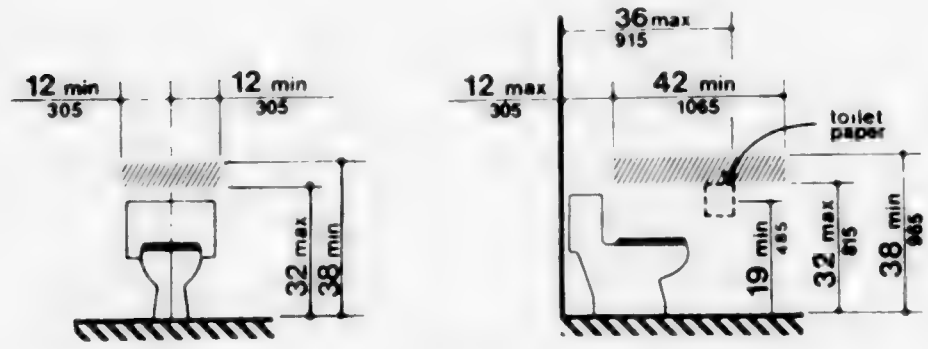

NOTE: The hatched areas are reinforced to receive grab bars.

(b)
Reinforced Areas for Installation of Grab Bars

Fig. 47
Water Closets in Adaptable Bathrooms

(3) A scale drawing showing the location of adjustable or replaceable counter areas and removable cabinets.

(4) Identification of the location of any equipment and parts required for adjusting or replacing counter tops, cabinets, and sinks.

(5) Instructions for installing a visual emergency alarm system, if the dwelling unit is equipped for such an installation.

4.34.5* BATHROOMS. Accessible or adaptable bathrooms shall be on an accessible route and shall comply with the requirements of 4.34.5.

4.34.5.1 DOORS. Doors shall not swing into the clear floor space required for any fixture.

4.34.5.2 WATER CLOSETS.

(1) Clear floor space at the water closet shall be as shown in Fig. 47(a). The water closet may be

located with the clear area at either the right or left side of the toilet.

(2) The height of the water closet shall be at least 15 in (380 mm) measured to the top of the toilet seat.

(3) Structural reinforcement or other provisions that will allow installation of grab bars shall be provided in the locations shown in Fig. 47(b). If provided, grab bars shall be installed as shown in Fig. 29 and shall comply with 4.26.

(4) The toilet paper dispenser shall be installed within reach as shown in Fig. 47(b).

4.34.5.3 LAVATORY, MIRRORS, AND MEDICINE CABINETS.

(1) The lavatory and mirrors shall comply with 4.22.7.

(2) If a cabinet is provided under the lavatory in adaptable bathrooms, then it shall be removable to provide the clearances specified in 4.22.7.

(3) If a medicine cabinet is provided above the lavatory, then the bottom of the medicine cabinet shall be located with a usable shelf no higher than 44 in (1120 mm) above the floor.

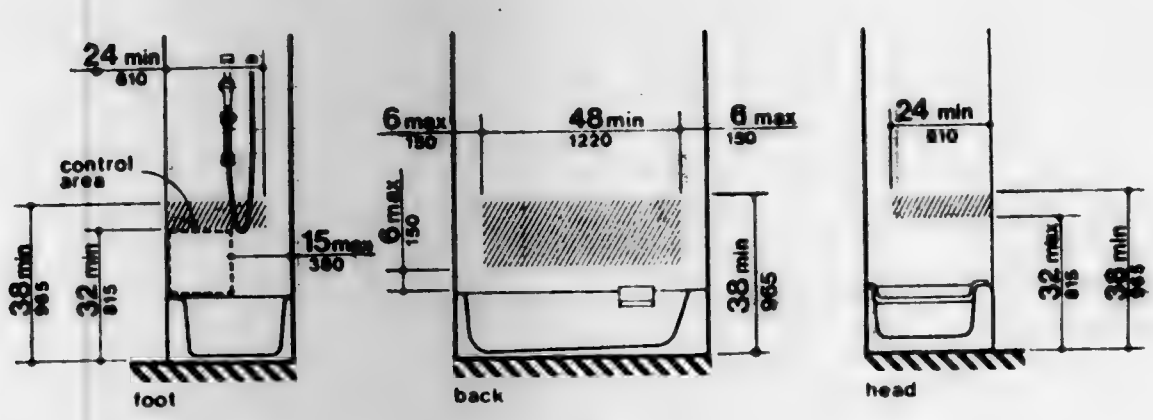

(a)
With Seat in Tub

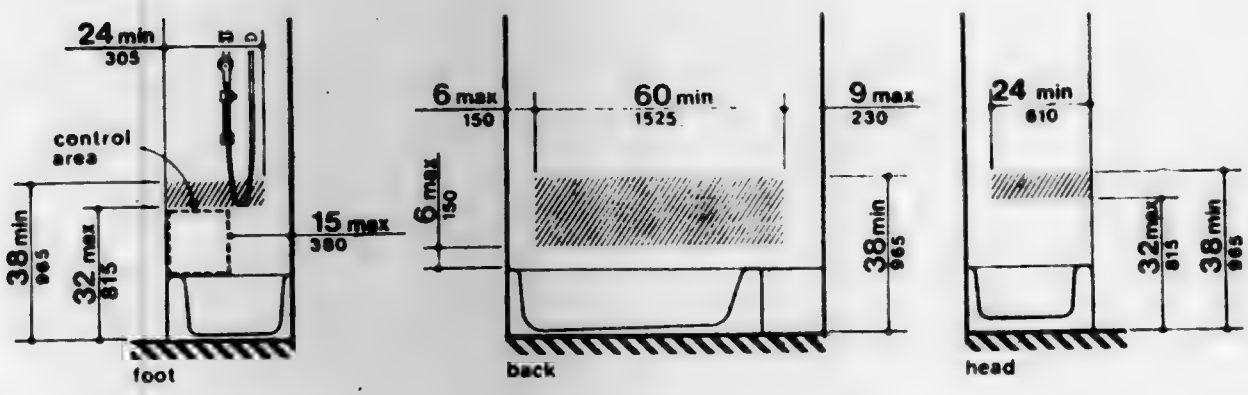

(b)
With Seat at Head of Tub

NOTE: The hatched areas are reinforced to receive grab bars.

Fig. 48
Location of Grab Bars and Controls of Adaptable Bathtubs

4.34.5.4 BATHTUBS. If a bathtub is provided, then it shall have the following features:

(1) Floor space. Clear floor space at bathtubs shall be as shown in Fig. 33.

(2) Seat. An in-tub seat or a seat at the head end of the tub shall be provided as shown in Figs. 33 and 34. The structural strength of seats and their attachments shall comply with 4.26.3. Seats shall be mounted securely and shall not slip during use.

(3) Grab bars. Structural reinforcement or other provisions that will allow installation of grab bars shall be provided in the locations shown in Fig. 48. If provided, grab bars shall be installed as shown in Fig. 34 and shall comply with 4.26.

(4) Controls. Faucets and other controls shall be located as shown in Fig. 34 and shall comply with 4.27.4.

(5) Shower Unit. A shower spray unit with a hose at least 60 in (1525 mm) long that can be used as a

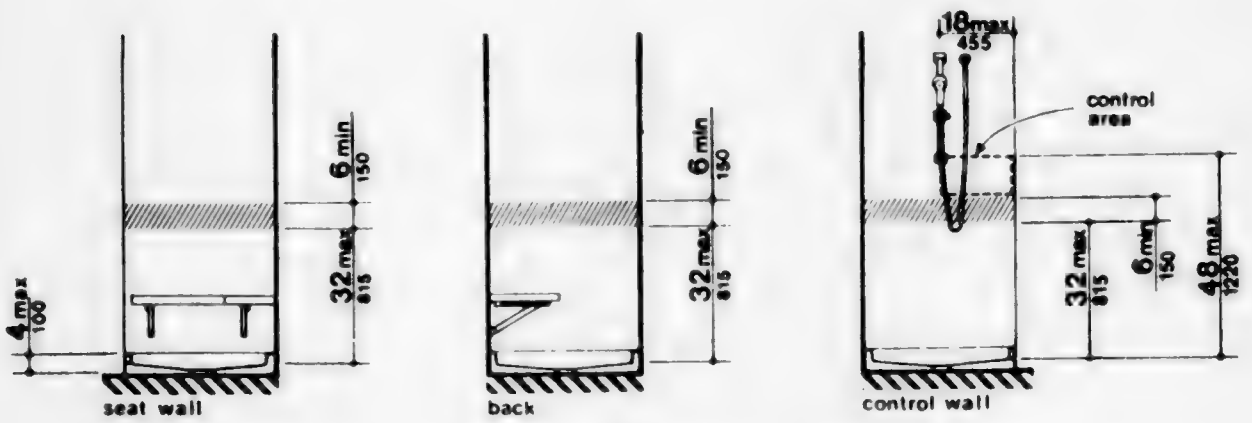

(a)
36-in by 36-in (915-mm by 915-mm) Stall

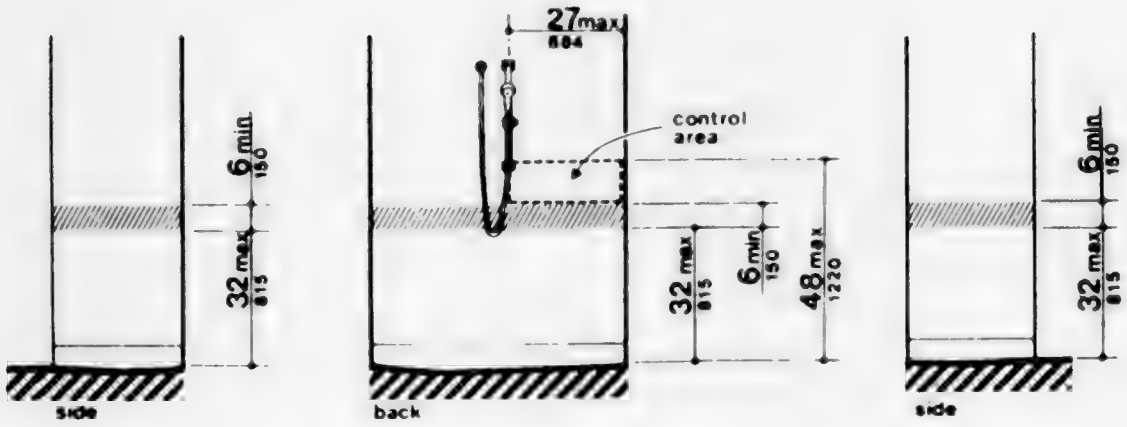

(b)
30-in by 60-in (750-mm by 1525-mm) Stall

NOTE: The hatched areas are reinforced to receive grab bars.

Fig. 49
Location of Grab Bars and Controls of Adaptable Showers

fixed shower head or as a hand-held shower shall be provided.

4.34.5.5 SHOWERS. If a shower is provided, it shall have the following features:

(1) Size and Clearances. Shower stall size and clear floor space shall comply with either Fig. 35(a) or (b). The shower stall in Fig. 35(a) shall be 36 in by 36 in (915 mm by 915 mm). The shower stall in Fig. 35(b) will fit into the same space as a standard 60 in (1525 mm) long bathtub.

(2) Seat. A seat shall be provided in the shower stall in Fig. 35(a) as shown in Fig. 36. The seat shall be 17 in to 19 in (430 mm to 485 mm) high measured from the bathroom floor and shall extend the full depth of the stall. The seat shall be on the wall opposite the controls. The structural strength of seats and their attachments shall comply with 4.26.3. Seats shall be mounted securely and shall not slip during use.

(3) Grab Bars. Structural reinforcement or other provisions that will allow installation of grab bars shall be provided in the locations shown in Fig. 49. If provided, grab bars shall be installed as shown in Fig. 37 and shall comply with 4.26.

(4) Controls. Faucets and other controls shall be located as shown in Fig. 37 and shall comply with 4.27.4. In the shower stall in Fig. 35(a), all controls, faucets, and the shower unit shall be mounted on the side wall opposite the seat.

(5) Shower Unit. A shower spray unit with a hose at least 60 in (1525 mm) long that can be used as a fixed shower head at various heights or as a hand-held shower shall be provided.

4.34.5.6 BATHTUB AND SHOWER ENCLOSURES. Enclosures for bathtubs or shower stalls shall not obstruct controls or transfer from wheelchairs onto shower or bathtub seats. Enclosures on bathtubs shall not have tracks mounted on their rims.

4.34.5.7 CLEAR FLOOR SPACE. Clear floor space at fixtures may overlap.

4.34.6 KITCHENS. Accessible or adaptable kitchens and their components shall be on an accessible route and shall comply with the requirements of 4.34.6.

4.34.6.1* CLEARANCE. Clearances between all opposing base cabinets, counter tops, appliances, or walls shall be 40 in (1015 mm) minimum, except in U-shaped kitchens, where such clearance shall be 60 in (1525 mm) minimum.

4.34.6.2 CLEAR FLOOR SPACE. A clear floor space at least 30 in by 48 in (760 mm by 1220 mm) complying with 4.2.4 that allows either a forward or a parallel approach by a person in a wheelchair shall be provided at all appliances in the kitchen, including the range or cooktop, oven, refrigerator/freezer, dishwasher, and trash compactor. Laundry equipment located in the kitchen shall comply with 4.34.7.

4.34.6.3 CONTROLS. All controls in kitchens shall comply with 4.27.

4.34.6.4 WORK SURFACES. At least one 30 in (760 mm) section of counter shall provide a work surface that complies with the following requirements (see Fig. 50):

(1) The counter shall be mounted at a maximum height of 34 in (865 mm) above the floor, measured from the floor to the top of the counter surface, or shall be adjustable or replaceable as a unit to provide alternative heights of 28 in, 32 in, and 36 in (710 mm, 815 mm, and 915 mm), measured from the top of the counter surface.

(2) Base cabinets, if provided, shall be removable under the full 30 in (760 mm) minimum frontage of the counter. The finished floor shall extend under the counter to the wall.

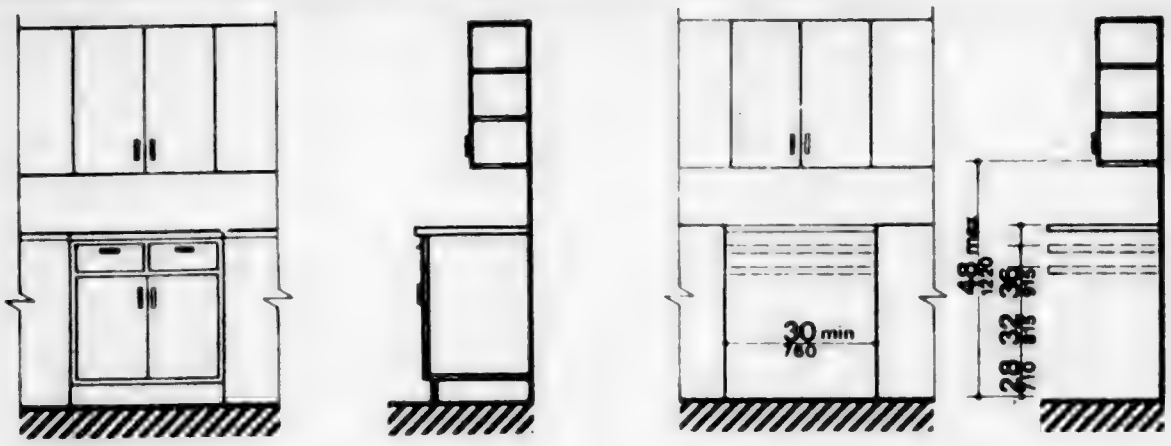

(a)
Before Removal of Cabinets and Base

(b)
Cabinets and Base Removed and Height Alternatives

Fig. 50
Counter Work Surface

(3) Counter thickness and supporting structure shall be 2" (50 mm) maximum over the required clear area.

(4) A clear floor space 30 in by 48 in (760 mm by 1220 mm) shall allow a forward approach to the counter. Nineteen inches (485 mm) maximum of the clear floor space may extend underneath the counter. The knee space shall have a minimum clear width of 30 in (760 mm) and a minimum clear depth of 19 in (485 mm).

(5) There shall be no sharp and surrounding surfaces under such counters.

4.34.6.5* SINK. The sink and surrounding counter shall comply w'th the following requirements (see Fig. 51).

(1) The sink and surrounding counter shall be mounted at a maximum height of 34 in (865 mm) above the floor, measured from the floor to the top of the counter surface, or shall be adjustable or replaceable as a unit to provide alternative heights of 28 in, 32 in, and 36 in (710 mm, 815 mm, and 915 mm), measured from the floor to the top of the

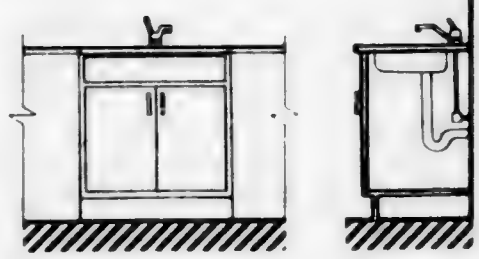

(a)
Before Removal of Cabinets and Base

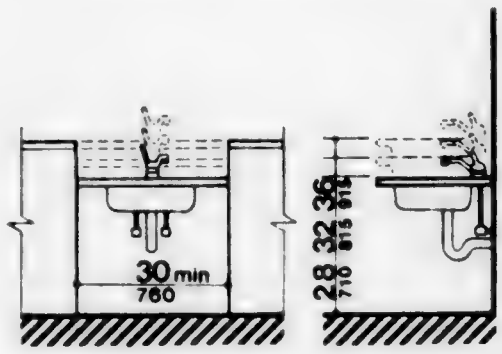

(b)
Cabinets and Base Removed and Height Alternatives

Fig. 51
Kitchen Sink

counter surface or sink rim. The total width of sink and counter area shall be 30 in (760 mm).

(2) Rough-in plumbing shall be located to accept connections of supply and drain pipes for sinks mounted at the height of 28 in (710 mm).

(3) The depth of a sink bowl shall be no greater than 6-1/2 in (165 mm). Only one bowl of double- or triple-bowl sinks needs to meet this requirement.

(4) Faucets shall comply with 4.27.4. Lever-operated or push-type mechanisms are two acceptable designs.

(5) Base cabinets, if provided, shall be removable under the full 30 in (760 mm) minimum frontage of the sink and surrounding counter. The finished flooring shall extend under the counter to the wall.

(6) Counter thickness and supporting structure shall be 2 in (50 mm) maximum over the required clear space.

(7) A clear floor space 30 in by 48 in (760 mm by 1220 mm) shall allow forward approach to the sink. Nineteen inches (485 mm) maximum of the clear floor space may extend underneath the sink. The knee space shall have a clear width of 30 in (760 mm) and a clear depth of 19 in (485 mm).

(8) There shall be no sharp or abrasive surfaces under sinks. Hot water and drain pipes under sinks shall be insulated or otherwise covered.

4.34.6.6* RANGES AND COOKTOPS. Ranges and cooktops shall comply with 4.34.6.2 and 4.34.6.3. If ovens or cooktops have knee spaces underneath, then they shall be insulated or otherwise protected on the exposed contact surfaces to prevent burns, abrasions, or electrical shock. The clear floor space may overlap the knee space, if provided, by 19 in (485 mm) maximum. The location of controls for ranges and cooktops shall not require reaching across burners. Ranges and cooktop heights shall not exceed 34 in (865 mm) in accessible kitchens.

4.34.6.7* OVENS. Ovens shall comply with 4.34.6.2 and 4.34.6.3. Ovens shall be of the self-cleaning type or be located adjacent to an adjustable height counter with knee space below (see Fig. 52). For side-opening ovens, the door latch side shall be

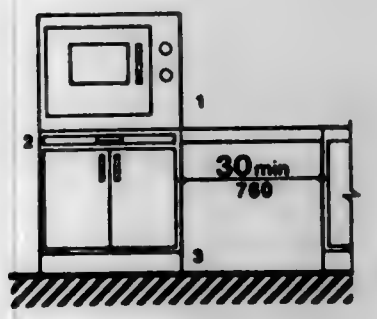

(a)
Side-Hinged Door

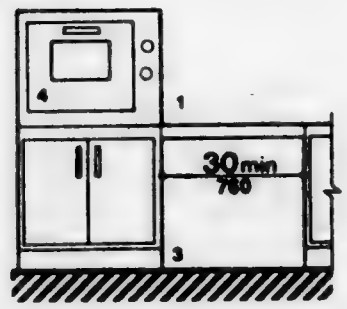

(b)
Bottom-Hinged Door

SYMBOL KEY:
1. Countertop or wall-mounted oven.
2. Pull-out board preferred with side-opening door.
3. Clear open space.
4. Bottom-hinged door.

Fig. 52
Ovens without Self-Cleaning Feature

next to the open counter space, and there shall be a pull-out shelf under the oven extending the full width of the oven and pulling out not less than 10 in (255 mm) when fully extended. Ovens shall have controls on front panels; they may be located on either side of the door.

4.34.6.8* REFRIGERATOR/FREEZERS. Refrigerator/freezers shall comply with 4.34.6.3. Refrigerators shall be:

(1) Of the vertical side-by-side refrigerator/freezer type; or

(2) Of the over-and-under type and meet the following requirements:

(a) Have at least 50 percent of the freezer space below 54 in (1370 mm) above the floor.

(b) Have 100 percent of the refrigerator space and controls below 54 in (1370 mm).

Freezers with less than 100 percent of the storage volume within the limits specified in 4.2.5 or 4.2.6 shall be the self-defrosting type.

4.34.6.9 DISHWASHERS. Dishwashers shall comply with 4.34.6.2 and 4.34.6.3. Dishwashers shall have all rack space accessible from the front of the machine for loading and unloading dishes.

4.34.6.10* KITCHEN STORAGE. Cabinets, drawers, and shelf areas shall comply with 4.25 and shall have the following features:

(1) Maximum height shall be 48 in (1220 mm) for at least one shelf of all cabinets and storage shelves mounted above work counters (see Fig. 50).

(2) Door pulls or handles for wall cabinets shall be mounted as close to the bottom of cabinet doors as possible. Door pulls or handles for base cabinets shall be mounted as close to the top of cabinet doors as possible.

4.34.7 LAUNDRY FACILITIES. If laundry equipment is provided within individual accessible dwelling units, or if separate laundry facilities serve one or more accessible dwelling units, then they shall meet the requirements of 4.34.7.1 through 4.34.7.3.

4.34.7.1 LOCATION. Laundry facilities and laundry equipment shall be on an accessible route.

4.34.7.2 WASHING MACHINES AND CLOTHES DRYERS. Washing machines and clothes dryers in common use laundry rooms shall be front loading.

4.34.7.3 CONTROLS. Laundry equipment shall comply with 4.27.

5. RESTAURANTS AND CAFETERIAS.

5.1 GENERAL. In addition to the requirements of Sections 4.1 to 4.33, the design of at least 5% of all fixed seating or tables in a restaurant or cafeteria shall comply with 4.32. Access aisles between tables shall comply with 4.3. Where practical, accessible tables should be distributed throughout the space or facility. In restaurants or cafeterias where there are mezzanine levels, loggias, or raised platforms, accessibility to all such spaces is not required providing that the same services and decorative character are provided in spaces located on accessible routes.

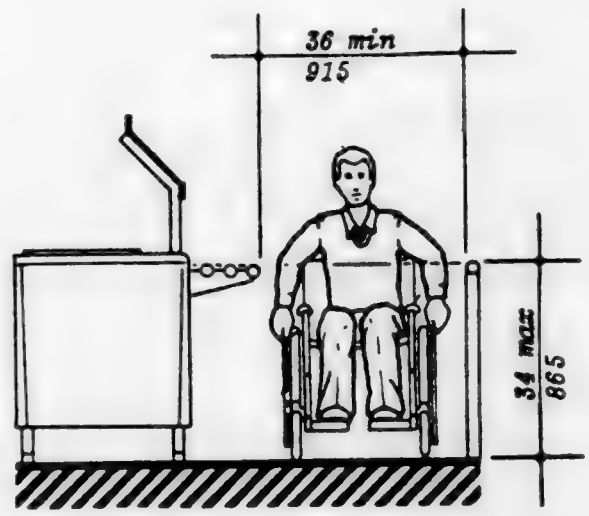

Fig. 53

Food Service Lines

5.2 FOOD SERVICE LINES. Food service lines shall have a minimum clear width of 36 in (915 mm), with a preferred clear width of 42 in (1065 mm) where pedestrian passage by a stopped wheelchair is desired. Tray slides shall be mounted no higher than 34 in (865 mm) above the floor. If food self-service shelves are provided, a reasonable portion must be within the ranges shown in Fig. 53.

5.3 TABLEWARE AREAS. Install tableware, dishware, condiment, food and beverage display shelves, and dispensing devices in compliance with 4.2 (see Fig. 54).

5.4 VENDING MACHINES. Install vending machines in compliance with 4.27.

6. TRANSPORTATION.

Transportation section reserved.

7. HEALTH CARE.

7.1 GENERAL. In addition to the requirements of Sections 4.1 to 4.33, Health Care buildings and facilities shall comply with 7.

7.2 ENTRANCES. At least one accessible entrance that complies with 4.14 shall be protected from the weather by canopy or roof overhang. Such entrances shall incorporate a passenger loading zone that complies with 4.6.5 (see 4.13.6).

7.3 PATIENT BEDROOMS. Provide accessible patient bedrooms in compliance with 4. Accessible patient bedrooms shall comply with the following:

(1) Each bedroom shall have a turning space that complies with 4.2.3, and preferably that is located near the entrance.

(2) Each one-bed room shall have a minimum clear floor space of 36 in (915 mm) along each side of the bed, and 42 in (1065 mm) between the foot of the bed and the wall.

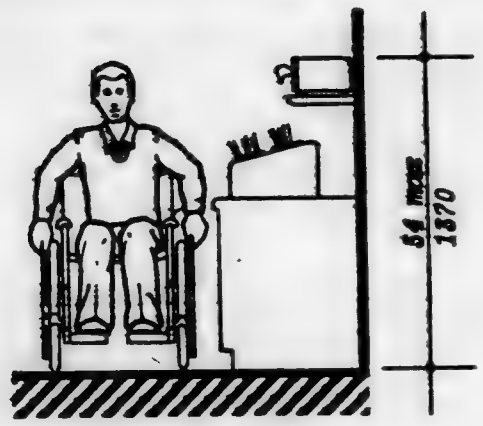

Fig. 54

Tableware Areas

(3) Each two-bed room shall have a minimum clear floor space of 42 in (1065 mm), preferably 48 in (1220 mm), between the foot of the bed and the wall; 36 in (915 mm) between the side of the bed and the wall; and 48 in (1220 mm) between beds.

(4) Each four-bed room shall have a minimum clear floor space of 48 in (1220 mm) from the foot of the bed to the foot of the opposing bed; 36 in (915 mm) between the side of the bed and the wall; and 48 in (1220 mm) between beds.

7.4 PATIENT TOILET ROOMS. Provide each patient bedroom that is required to be accessible with an accessible toilet room that complies with 4.22 or 4.23.

8. MERCANTILE.

8.1 GENERAL. In addition to the requirements of Sections 4.1 to 4.33, the design of all areas used for business transactions with the public shall comply with 8.

8.2 SERVICE COUNTERS. Where service counters exceeding 36 in (915 mm) in height are provided for standing sales or distribution of goods to the public, an auxiliary counter or a portion of the main counter shall be provided with a maximum height of between 28 in to 34 in (710 mm to 865 mm) above the floor in compliance with 4.32.4.

8.3 CHECK-OUT AISLES. At least one accessible check-out aisle shall be provided in buildings or facilities with check-out aisles. Clear aisle width shall comply with 4.2.1 and maximum adjoining counter height shall not exceed 36 in (915 mm) above the floor.

8.4 SECURITY BOLLARDS. Any device used to prevent the removal of shopping carts from store premises shall not prevent access or egress to those in wheelchairs. An alternate entry that is equally convenient to that provided for the ambulatory population is acceptable.

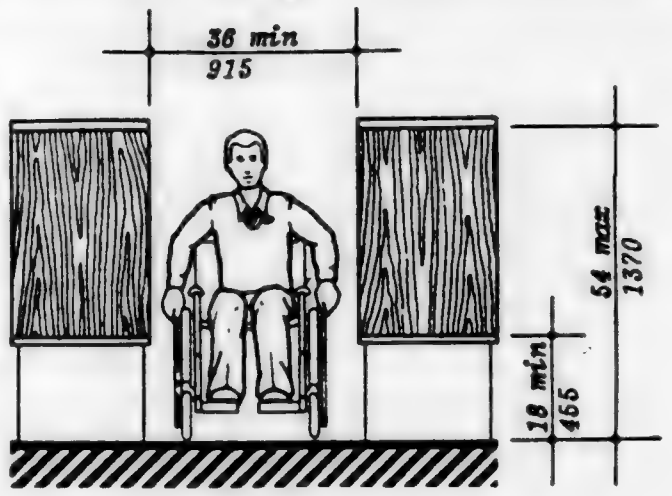

Fig. 55

Card Catalog

9. LIBRARIES.

9.1 GENERAL. In addition to the requirements of Sections 4.1 to 4.33, the design of all public areas of a library shall be accessible, including reading and study areas, stacks, reference rooms, reserve areas, special facilities or collections, etc. As provided, public toilet rooms, telephones, parking, etc., shall be accessible.

9.2 READING AND STUDY AREAS. At least 5% or a minimum of one of each element of seating, tables, or study carrels shall comply with 4.2 and 4.32. Clearances between accessible tables and study carrels shall comply with 4.3.

9.3 CHECK-OUT AREAS. At least one lane at each check-out area shall comply with 4.32. Any traffic control or book security gates or turnstiles shall comply with 4.13.

9.4 CARD CATALOGS. Minimum clear aisle space at card catalogs, magazine displays, or reference stacks shall comply with Fig. 55. Maximum reach height shall comply with 4.2, with a maximum height of 54 in (1370 mm) preferred, irrespective of reach allowed.

9.5 STACKS. Minimum clear aisle width between stacks shall comply with 4.3, with a minimum clear aisle width of 42 in (1065 mm) preferred where possible. Shelf height in stack areas is unrestricted (see Fig. 56).

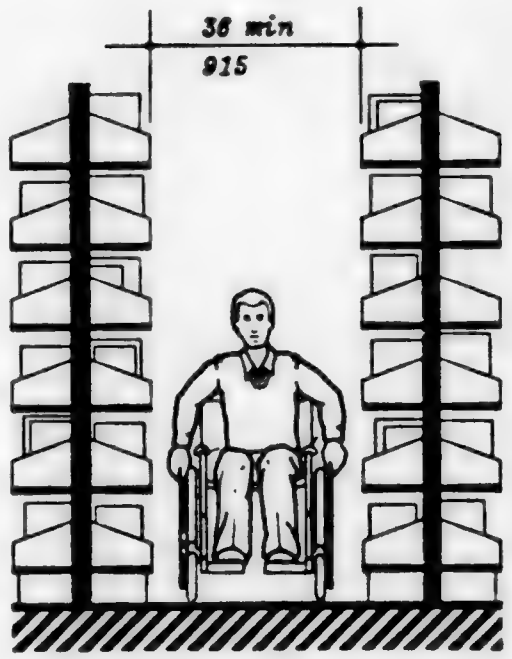

Fig. 56

Stacks

10. POSTAL FACILITIES.

10.1 GENERAL. The design of U.S. Postal Facilities shall comply with the requirements of Sections 4.1 to 4.33, and of this section, 10. In addition, employee toilet rooms, water fountains, lunchrooms, lounges, attendance-recording equipment, medical treatment rooms, emergency signals, and switches and controls shall be made

accessible or adaptable in accordance with the requirements of this standard.

10.2 POST OFFICE LOBBIES. Where writing desks or tables are provided, a minimum of at least one writing desk or table that complies with 4.32 must be provided. Clear passageways in front of customer service counters shall be not less than 48 in (1220 mm) clear width to permit maneuvering of a wheelchair. Letter drops shall be mounted at heights that comply with 4.2.

(1) All fixed partitions must be installed to withstand a 250-pound force applied at any point and from any direction. Avoid designs that call for, or may necessitate non-fixed partitions in circulation routes of handicapped people.

(2) Walls where handrails are provided for handicapped people must be capable of supporting handrails designed to support a 250-pound pull force in any direction.

10.3 SELF-SERVICE POSTAL CENTERS. Parcel post depositories, stamp vending machines, multi-commodity vending machines, and currency-coin changing machines shall be installed so that the operating mechanisms of all machines comply with 4.2 and 4.27. All mechanisms must be installed to permit close parallel approach by a wheelchair.

10.4 POST OFFICE BOXES. At least 5 percent of the post office boxes in a facility shall be accessible to wheelchair users. The total number of accessible post office boxes provided shall include a representative number of each of the standard sizes of USPS boxes. Currently being installed. Accessible post office boxes shall be located in the second or third set of modules from the floor, approximately 12 in to 36 in (305 mm to 915 mm) above the finished floor. Aisles between post office boxes shall be a minimum of 66 in (1675 mm) clear width.

10.5 LOCKER ROOMS. Lockers in easily accessible areas must be provided for use by handicapped people. When double-tier lockers are used, only the bottom row of lockers may be assigned for use by wheelchair users. When full length lockers are used, all hooks, shelves, etc., intended for use by people in wheelchairs shall be located no higher than 48 in (1220 mm) above the finished floor. Lockers intended for use by handicapped people shall be equipped with latches and latch handles that comply with 4.27. Unobstructed aisle space in front of lockers used by handicapped people shall be a minimum of 42 in (1065 mm) clear width.

10.6 ATTENDANCE-RECORDING EQUIPMENT. Time clocks, card racks, log books, and other work assignment or attendance-recording equipment used by people in wheelchairs must be installed at a height no more than 48 in (1220 mm) above the finished floor. Counter space at check-in areas must be no more than 36 in (915 mm) above the finished floor.

11. HISTORIC PRESERVATION.

11.1 APPLICABILITY.

(1) The accessibility provisions of part 4 shall be applied to qualified historical buildings and facilities unless it is determined that strict compliance with such provisions will destroy the historic significance of the building or facility. If the historic significance is threatened, then the alternate provisions of 11 may be used to modify applicable provisions of Part 4.

(2) Buildings and facilities that are listed or that are eligible for listing in the National Register of Historic Places, or such properties designated as historic under a statute of the appropriate state or local governmental body, qualify for use of 11.

11.2 CLASSES OF HISTORIC PRESERVATION.

(1) Restoration and Reconstruction: Those buildings and facilities

that are rehabilitated to maintain a restored or reconstructed exterior or altered to achieve a contemporary, adaptive use of interior spaces, shall comply with Parts 4 and 5 for those areas of altered use and shall comply with 11.3 for those areas of restored or reconstructed use.

11.3 HISTORIC PRESERVATION - MINIMUM ACCESSIBLITY. Historic preservation projects that will be open to the public shall comply with the following:

(1) At least one accessible route complying with 4.3 from a site access point to an accessible entrance shall be provided.

EXCEPTION: A ramp with a slope no greater than 1:6 for a run not to exceed 2 ft. (610 mm) may be used as part of an accessible route at an entrance.

(2) At least one accessible entrance which is used by the public complying with 4.14 shall be provided.

EXCEPTION: If the above is impractical, access at any entrance not used by the general public but open (unlocked) with directional signs at the primary entrance may be used.

(3) If toilets are provided, then at least one toilet facility complying with 4.22 and 12.1 shall be provided along an accessible route that complies with 4.3. Such toilet facility may be "unisex" in design.

(4) If parking is provided, then accessible parking spaces complying with 4.6 shall be provided.

(5) Accessible routes from an accessible entrance to all publicly used spaces on at least the level of the accessible entrance shall be provided. Access should be provided to all levels of a building or facility in compliance with 4.1 and 12.1 whenever practicable.

(6) Displays and written information documents, etc., shall be located where they can be seen by a seated person. Exhibits and signage displayed horizontally, e.g., books, shall be no higher than 44 in (1120 mm) above the floor surface.

12. ALTERATIONS.

12.1 GENERAL.

(1) Whenever feasible, the alteration of existing buildings or facilities shall comply with the provisions of Section 4. Where strict application of the provision of Section 4 would not be feasible because of extreme cost or structural impracticability, the provisions of Section 12 may be used in lieu of corresponding provisions in Section 4.

(2) No alteration of an existing element, space, or area of a building or facility shall impose a requirement for greater accessibility than that which would be required for new construction. For example, if the elevators and stairs in a building are being altered and the elevators are in turn being made accessible, no accessibility modifications are required to the stairs connecting levels connected by an elevator.

12.2 RAMPS. Curb ramps and ramps to be constructed on existing sites or in existing buildings or facilities may have slopes and rises as shown in Table 2 if space limitations prohibit the use of a 1:12 slope or less.

12.3 STAIRS. Full extension of stair handrails shall not be required in alterations where such extensions would be hazardous or impossible due to plan configuration.

12.4 ELEVATORS.

(1) If a safety door edge is provided in existing automatic elevators, then the automatic door reopening devices may be omitted (see 4.10.6).

(2) The maximum mounting height requirement for the highest elevator control in existing elevators may be omitted if the existing control panel is not altered.

(3) Where existing shaft or structural elements prohibit strict compliance with 4.10.9, then the minimum floor area dimensions may be reduced by the minimum amount necessary, but in no case shall they be less than 48 in by 48 in (1220 mm by 1220 mm).

12.5 DOORS. If existing door clearances or hardware preclude strict compliance with Section 4.13, then one, but only one, of the following exceptions may be utilized at any particular doorway:

(1) Where existing elements prohibit strict compliance with the clearance requirements of 4.13.5, a projection of 5/8 in (16 mm) maximum will be permitted of the latch side door stop.

(2) If existing door clearances provide at least 36 in (915 mm) clearance, perpendicular to the plane of the door in the closed position, then additional clearances are not required.

(3) If existing thresholds measure 3/4 in (19 mm) high or less, and are beveled or modified to provide a beveled edge on each side, then they may be retained.

12.6 ENTRANCES. If there are stairs leading to all principal entrances and space is so limited on a site that a ramp or a platform cannot be provided, then a secondary entrance may be used as the only accessible entrance.

12.7 TOILET ROOMS. Where alterations to existing facilities make strict compliance with 4.22 and 4.23 structurally impracticable, the addition of one "unisex" toilet per floor containing one water closet that complies with 4.16 and one lavatory that complies with 4.19, located adjacent to existing facilities will be acceptable in lieu of making existing toilet facilities for each sex accessible.

12.8 ASSEMBLY AREAS.

(1) In alterations where it is structurally impracticable to disperse seating throughout the assembly area, seating may be located in collected areas as structurally feasible.. Seating must also adjoin an accessible route that also serves as a means of emergency egress.

Table 2
Allowable Ramp Dimensions for Construction in Existing Sites, Buildings, and Facilities

	Maximum Rise		Maximum Run	
Slope*	in	mm	ft	m
Steeper than 1:10 but no steeper than 1:8	3	75	2	0.6
Steeper than 1:12 but no steeper than 1:10	6	150	5	1.5

*A slope steeper than 1:8 not allowed.

This appendix contains additional information that should help the designer to understand the minimum requirements of the standard or to design buildings or facilities for greater accessibility. The paragraph numbers correspond to the sections or paragraphs of the standard to which the material relates and are therefore not consecutive (for example, A4.2.1 contains additional information relevant to 4.2.1). Sections for which additional material appears in this appendix have been indicated by an asterisk.

A4.2 SPACE ALLOWANCES AND REACH RANGES.

A4.2.1 WHEELCHAIR PASSAGE WIDTH

(1) Space requirements for wheelchairs. Most wheelchair users need a 30 in (760 mm) clear opening width for doorways, gates, and the like, when the latter are entered head-on. If the wheelchair user is unfamiliar with a building, if competing traffic is heavy, if sudden or frequent movements are needed, or if the wheelchair must be turned at an opening, then greater clear widths are needed. For most situations, the addition of an inch of leeway on either side is sufficient. Thus, a minimum clear width of 32 inches (815 mm) will provide adequate clearance. However, when an opening or a restriction in a passageway is more than 24-inches (610 mm) long, it is essentially a passageway and must be at least 36 inches (915 mm) wide.

(2) Space Requirements for Use of Walking Aids. Although people who use walking aids can maneuver through clear width openings of 32 inches (815 mm), they need 36 in (915 mm) wide passageways and walks for comfortable gaits. Crutch tips, often extending down at a wide angle, are a hazard in narrow passageways where they might not be seen by other pedestrians. Thus, the 36 in (915 mm) width provides a safety allowance both for the disabled person and for others.

(3) Space Requirements for Passing. Able-bodied people in winter clothing, walking straight ahead with arms swinging, need 32 in (815 mm) of width, which includes 2 in (50 mm) on either side for sway, and another 1 in (25 mm) tolerance on either side for clearing nearby objects or other pedestrians. Almost all wheelchair users and those who use walking aids can also manage within this 32 in (815 mm) width for short distances. Thus, two streams of traffic can pass in 64 in (1625 mm) in a comfortable flow. Sixty inches (1525 mm) provides a minimum width for a somewhat more restricted flow. If the clear width is less than 60 in (1525 mm) two wheelchair users will not be able to pass but will have to seek a wider place for passing. Forty-eight inches (1220 mm) is the minimum width needed for an ambulatory person to pass a nonambulatory or semiambulatory person. Within this 48 in (1220 mm) width, the ambulatory person will have to twist to pass a wheelchair user, a person with a seeing eye dog, or a semiambulatory person. There will be little leeway for swaying or missteps (see Fig. A1).

A4.2.3 Wheelchair Turning Space. This standard specifies a minimum space of 60 in (1525 mm) diameter for a pivoting 180-degree turn of a wheelchair. This space is usually satisfactory for turning

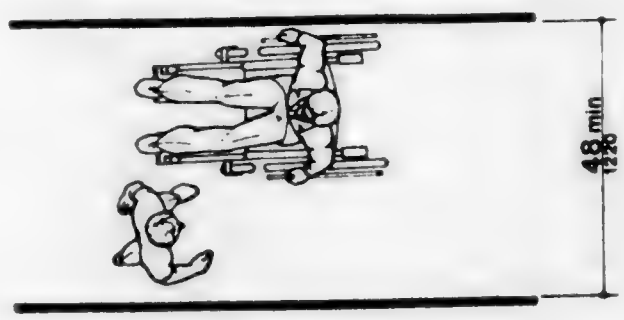

Fig. A1
Minimum Passage Width for One Wheelchair and One Ambulatory Person

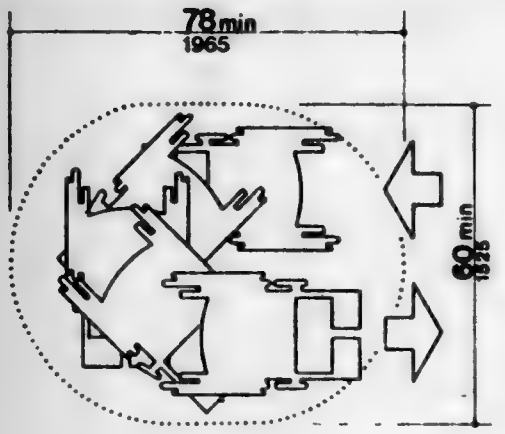

Fig. A2
Space Needed for Smooth U-Turn in a Wheelchair

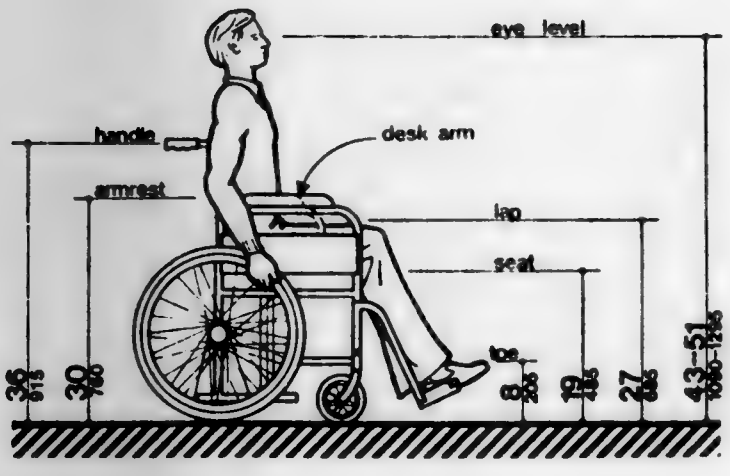

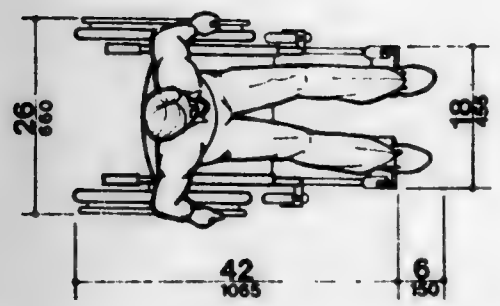

NOTE: Footrests may extend further for very large people.

Fig. A3
Dimensions of Adult-Sized Wheelchairs

around, but many people will not be able to turn without repeated tries and bumping into surrounding objects. The space shown in Fig. A2 will allow most wheelchair users to complete U-turns without difficulty.

A4.2.4 Clear Floor or Ground Space for Wheelchairs. The wheelchair and user shown in Fig. A3 represent typical dimensions for a large adult male. The space requirements in this standard are based upon maneuvering clearances that will accommodate most larger wheelchairs. Fig. A3 provides a uniform reference for design not covered by this standard.

A4.3 ACCESSIBLE ROUTE.

A4.3.1 GENERAL.

(1) Travel Distances. Many disabled people can move at only very slow speeds; for many, traveling 200 ft (61 m) coult take about 2 minutes. This assumes a rate of about 1.5 ft/s (455 mm/s) on level ground. It also assumes that the traveler would move continuously. However on trips over 100 ft (30 m), disabled people are apt to rest frequently, which substantially increases their trip times. Resting periods of 2 minutes for every 100 ft (30 m) can be used to estimate travel times for people with severly limited stamina. In inclement weather, slow progress and resting can greatly increase a disabled person's exposure to the elements.

(2) Sites. Level, indirect routes or those with running slopes lower than 1:20 can sometimes provide more convenience than direct routes with maximum allowable slopes or with ramps.

A4.3.10 EGRESS. In buildings where physically handicapped people are regularly employed or are residents, an emergency management plan for their evacuation also plays an essential role in fire safety.

A4.4 PROTRUDING OPJECTS.

A4.4.1 GENERAL. Guide dogs are trained to recognize and avoid hazards. However, most people with severe impairments of vision use the long cane as an aid to mobility. The two principal cane techniques are the touch technique, where the cane arcs from side to side and touches points outside both shoulders; and the diagonal techniques, where the cane is held in a stationary position diagonally across the body with the cane tip touching or just above the ground at a point outside one shoulder and the handle or grip extending to a point outside the other shoulder. The touch

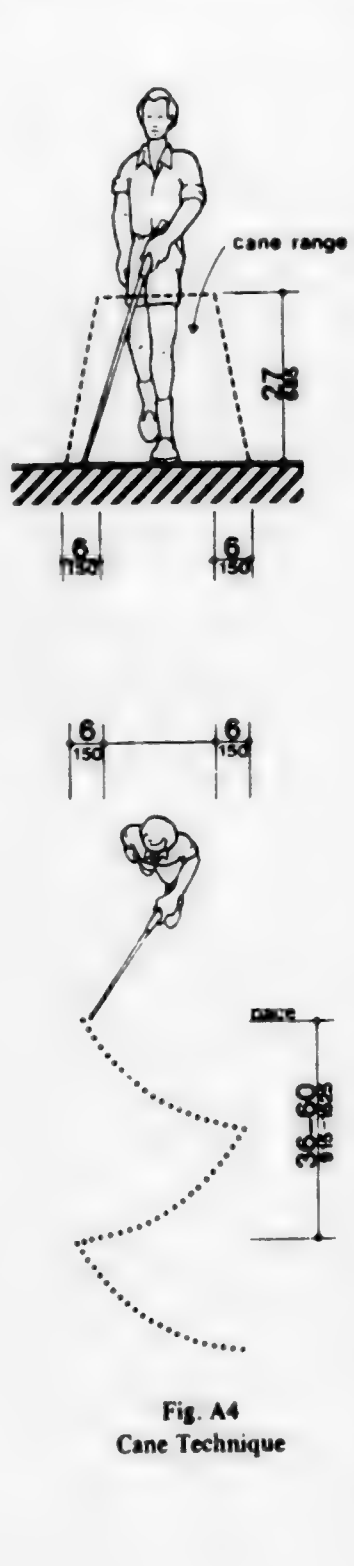

Fig. A4
Cane Technique

technique is used primarily in uncontrolled areas, while the diagonal technique is used primarily in certain limited, controlled, and familiar environments. Cane users are often trained to use both techniques.

Potential hazardous objects are noticed only if they fall within the detection range of canes (see Fig. A4). Visually impaired people walking toward an object can detect an overhang if its lowest surface is not higher than 27 in (685 mm). When walking alongside projecting objects, they cannot detect overhangs. Since proper cane and guide dog techniques keep people away from the edge of a path or from walks, a slight overhang of no more than 4 in (100 mm) is not hazardous.

A4.5 GROUND AND FLOOR SURFACES.

A4.5.1 GENERAL. Ambulant and semiambulant people who have difficulty maintaining balance and those with restricted gaits are particularly sensitive to slipping and tripping hazards. For such people, a stable and regular surface is necessary for safe walking, particularly on stairs. Wheelchairs can be propelled most easily on surfaces that are hard, stable, and regular. Soft, loose surfaces such as shag carpet, loose sand, and wet clay, and irregular surfaces such as cobblestone, can significantly impede wheelchair movement.

Slip resistance is based on the frictional force necessary to keep a shoe heel or crutch tip from slipping on a walking surface under the conditions of use likely to be found on the surface. Although it is known that the static coefficient of friction is the basis of slip resistance, there is not as yet a general accepted method to evaluate the slip resistance of walking surfaces.

Cross slopes on walks and ground or floor surfaces can cause considerable difficulty in propelling a wheelchair in a straight line.

A4.5.3 CARPET. Much more needs to be done in developing both quantitative and qualitative criteria for carpeting. However, certain functional characteristics are well established. When both carpet and padding are used, it is desirable to have minimum movement (preferably none) between the floor and the pad and the pad and the carpet, which would allow the carpet to hump or warp. In heavily trafficked areas a thick, soft (plush) pad or cushion, particularly in combination with long carpet pile, makes it difficult for individuals in wheelchairs and those with other ambulatory disabilities to get about. This should not preclude their use in specific areas where traffic is light. Firm carpeting can be achieved through proper selection and combination of pad and carpet, sometimes with the elimination of the pad or cushion, and with proper installation.

A4.6.3 PARKING SPACES. High-top vans, which disabled people or transportation services often use, require higher clearances in parking garages than automobiles.

A4.6.4 SIGNAGE. Signs designating parking places for disabled people can be seen from a drivers seat if the signs are mounted high enough above the ground and located at the front of a parking space.

A4.8 RAMPS.

A4.8.1 GENERAL. Ramps are essential for wheelchair users if elevators or lifts are not available to connect different levels. However, some people who use walking aids have difficulty with ramps and prefer stairs.

A4.8.2 SLOPE AND RISE. The ability to manage an incline is related to both its slope and its length. Wheelchair users with disabilities affecting arms or with low stamina have serious difficulty using inclines. Most ambulatory people and most people who use wheelchairs can manage a slope of 1:16. Many people cannot manage a slope of 1:12 for 30 ft (9 m). Many people who have difficulty negotiating very long ramps at relatively shallow slopes can manage very short ramps at steeper slopes.

A4.8.5 HANDRAILS. The requirements for stair and ramp handrails in this standard are for adults. When children are principal users in a building or facility, a second set of handrails at an appropriate height can assist them and aid in preventing accidents.

A4.10 ELEVATORS.

A4.10.6 DOOR PROTECTIVE AND REOPENING DEVICE. The required door reopening device would hold the door open for 20 seconds if the doorway remains unobstructed. After 20 seconds, the door may begin to close. However, if designed in accordance with ANSI A17.1-1978, the door closing movement could still be stopped if a person or object exerts sufficient force at any point on the door edge.

A4.10.7 DOOR AND SIGNAL TIMING FOR HALL CALLS. This paragraph allows variation in the location of call buttons, advance time for warning signals, and the door holding period used to meet the time requirement.

A4.10.12 CAR CONTROLS. Industry-wide standardization of elevator control panel design would make all elevators significantly more convenient for use by people with severe visual impairments.

In many cases, it will be possible to locate the highest control on elevator panels within 48 in (1220 mm) from the floor.

A4.10.13 CAR POSITION INDICATORS. A special button may be provided that would activate the audible signal within the given elevator only for the desired trip, rather than maintaining the audible signal in constant operation.

A4.10.14 EMERGENCY COMMUNICATIONS. A device that requires no handset is easier to use by people who have difficulty reaching.

A4.11 PLATFORM LIFTS.

Platform lifts include porch lifts and other devices used for short-distance, vertical transportation of people in wheelchairs. At the present time, generally recognized safety standards for such lifts have not been developed. Care should be taken in selecting and installing lifts to ensure that they are free from hazards to users or to other individuals who may be in the vicinity where they are being operated.

A4.13 DOORS.

A4.13.8 THRESHOLDS AT DOORWAYS. Thresholds and surface height changes in doorways are particularly inconvenient for wheelchair users who also have low stamina or restrictions in arm movement, because complex maneuvering is required to get over the level change while operating the door.

A4.13.9 DOOR HARDWARE. Some disabled persons must push against a door with their chair or walker to open it. Applied kickplates on doors with closers can reduce required maintenance by withstanding abuse from wheelchairs and canes. To be effective, they should cover the door width, less approximately 2 in (51 mm), up to a height of 16 in (405 mm) from its bottom edge and be centered across the top.

A4.13.10 DOOR CLOSERS. Closers with delayed action features give a person more time to maneuver through doorways. They are particularly useful on frequently used interior doors such as entrances to toilet rooms.

A4.13.11 DOOR OPENING FORCE. Although most people with disabilities can exert at least 5 lbf (22.2 n), both pushing and pulling from a stationary position, a few people with severe disabilities cannot exert even 3 lbf (13.3 N). Although some people cannot manage the allowable forces in this standard and many others have difficulty, door closers must have certain minimum closing forces to close doors satisfactorily. Forces for pushing or pulling doors open are measured with a push-pull scale under the following conditions:

(1) Hinged Doors: Force applied perpendicular to the door at the door opener or 30 in (760 mm) from the hinged side, whichever is farther from the hinge.

(2) Sliding or Folding Doors: Force applied parallel to the door at the door pull or latch.

(3) Application of Force: Apply force gradually so that the applied force does not exceed the resistance of the door.

In high-rise buildings, air-pressure differentials may require a modification of this specification in order to meet the functional intent.

A4.13.12 AUTOMATIC DOORS AND POWER-ASSISTED DOORS. Sliding automatic doors do not need guard rails and are more convenient for wheelchair users and visually impaired people to use. If slowly opening automatic doors can be reactuated before their closing cycle is completed, they will be more convenient in busy doorways.

A4.15 DRINKING FOUNTAINS AND WATER COOLERS

A4.15.2 Drinking fountains with two spouts can assist both handicapped people and those people who find it difficult to bend over.

A4.16 WATER CLOSETS.

A4.16.3 HEIGHT. Preferences for toilet seat heights vary considerably among disabled people. Higher seat heights may be an advantage to some ambulatory disabled people but a disadvantage for wheelchair users and others. Toilet seats 18 in (455 mm) high seem to be a reasonable compromise. Thick seats and filler rings are available to adapt standard fixtures to these requirements.

A4.16.4 GRAB BARS. Fig. A5(a) and (b) show the diagonal and side approaches most commonly used to transfer from a wheelchair to a water closet. Some wheelchair users can transfer from the front of the toilet, while others use a 90-degree approach. Most people who use the two additional approaches can also use either the diagonal approach or the side approach.

A4.16.5 FLUSH CONTROLS. Flush valves and related plumbing can be located behind walls or to the side of the toilet, or a toilet seat lid can be provided if plumbing fittings are directly behind the toilet seat. Such designs reduce the chance of injury and imbalance caused by leaning back against the fittings. Flush controls for tank-type toilets have a standardized mounting location on the left side of the tank (facing the tank). Tanks can be obtained by special order with controls mounted on the right side. If administrative authorities require flush controls for flush valves to be located in a position that conflicts with the location of the rear grab bar, then that bar may be split or shifted toward the wide side of the toilet area.

A4.17 TOILET STALLS

A4.17.5 DOORS. To make it easier for wheelchair users to close toilet stall doors, doors can be provided with closers, spring hinges, or a pull bar mounted on the inside surface of the door near the hinge side.

A4.19 LAVATORIES AND MIRRORS.

A4.19.6 MIRRORS. If mirrors are to be used by both ambulatory people and wheelchair users, then they must be at least 74 in (1880 mm) high at their topmost edge. A single full length mirror can accommodate all people, including children.

A4.21 SHOWER STALLS

A4.21.1 GENERAL. Shower stalls that are 36 in by 36 in (915 mm by 915 mm) wide provide additional safety to people who have difficulty maintaining balance because all grab bars and walls are within easy reach. Seated people use the walls of 36 in by 36 in (915 mm by 915 mm) showers for back support. Shower stalls that are 60 in (1525 mm) wide and have no curb may increase usability of a bathroom by wheelchair users because the shower area provides additional maneuvering space.

A4.23 BATHROOMS, BATHING FACILITIES, AND SHOWER ROOMS.

A4.23.9 MEDICINE CABINETS. Other alternatives for storing medical and personal care items are very useful to disabled people. Shelves, drawers, and floor-mounted cabinets can be provided within the reach ranges of disabled people.

A4.26 HANDRAILS, GRAB BARS, AND TUB AND SHOWER SEATS.

A4.26.1 GENERAL. Many disabled people rely heavily upon grab bars and handrails to maintain balance and prevent serious falls. Many people brace their forearms between supports and walls to give them more leverage and stability in maintaining balance or for lifting. The maximum grab bar clearance of 1-1/2 in (38 mm) required in this standard is a safety clearance to prevent injuries from arms slipping through the opening. It also provides adequate gripping room.

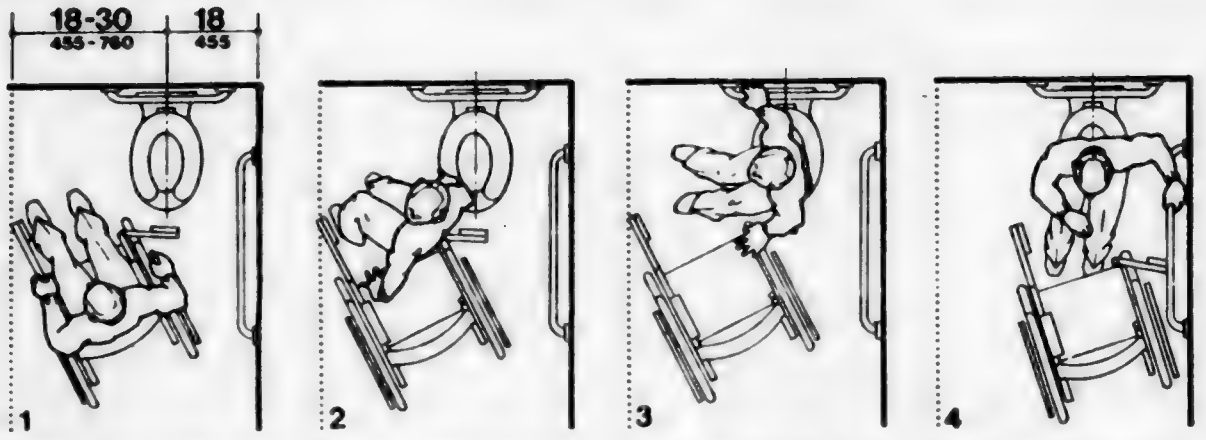

1 — Takes transfer position, swings footrest out of the way, sets brakes.

2 — Removes armrest, transfers.

3 — Moves wheelchair out of the way, changes position (some people fold chair or pivot it 90° to the toilet).

4 — Positions on toilet, releases brake.

(a)
Diagonal Approach

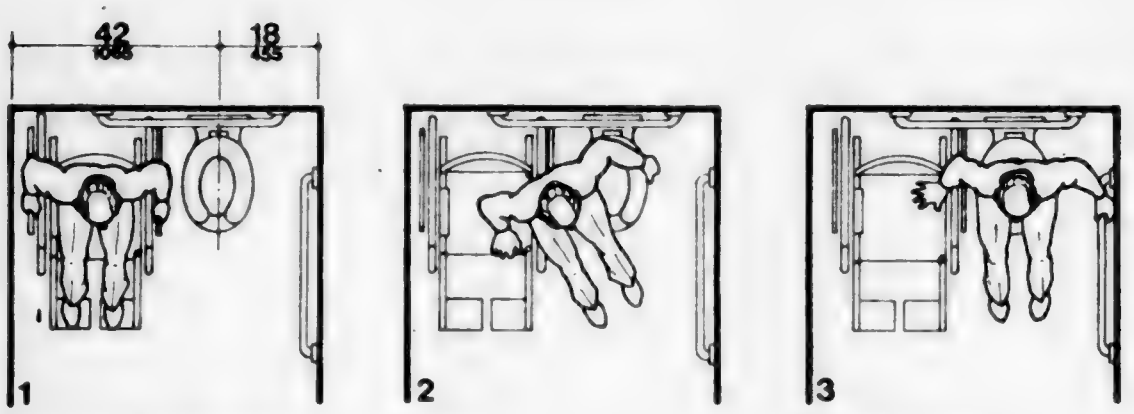

1 — Takes transfer position, removes armrest, sets brakes.

2 — Transfers.

3 — Positions on toilet.

(b)
Side Approach

Fig. A5
Wheelchair Transfers

A4.26.2 SIZE AND SPACING OF GRAB BARS AND HANDRAILS. This specification allows for alternate shapes of handrails as long as they allow an opposing grip similar to that provided by a circular section of 1-1/4 in to 1-1/2 in (32 mm to 38 mm).

A4.28 ALARMS.

A4.28.2 AUDIBLE ALARMS. Audible emergency signals must have an intensity and frequency that can attract the attention of individuals who have partial hearing loss. People over 60 years of age generally have difficulty perceiving frequencies higher than 10,000 Hz.

A4.28.3 VISUAL ALARMS. Locating visual emergency alarms in rooms where deaf individuals may work or reside alone can ensure that they will always be warned when a emergency alarm is activated. To be effective, such devices must be located and oriented so that they will spread signals and reflections throughout a space or raise the overall light level sharply. The amount and type of light necessary to wake a deaf person from a sound sleep in a dark room will vary depending on a number of factors, including the size and configuration of the room, the distance between the source and the person, whether or not the light flashes, and the cycle of flashing. A 150-watt flashing bulb can be effective under some conditions. Certain devices currently available are designed specifically as visual alarms for deaf people. Deaf people may not need accessibility features other than the emergency alarm connections and communications devices. Thus rooms in addition to those accessible for wheelchair users should also equipped with emergency visual alarms or connections.

A4.29 TACTILE WARNINGS.

A4.29.2 TACTILE WARNINGS ON WALKING SURFACES. Reserved.

A4.29.3 TACTILE WARNINGS ON DOORS TO HAZARDOUS AREAS. Tactile signals for hand reception are useful if it is certain that the signals will be touched.

A4.29.5 TACTILE WARNINGS AT HAZARDOUS VEHICULAR AREAS. Reserved.

A4.29.6 TACTILE WARNINGS AT REFLECTING POOLS. Reserved.

A4.29.7 STANDARDIZATION. Too many tactile warnings or lack of standardization weakens their usefulness. Tactile signals can also be visual signals to guide dogs, since dogs can be trained to respond to a large variety of visual cues.

A4.30 SIGNAGE.

A4.30.1 GENERAL. In building complexes where finding locations independently on a routine basis may be a necessity (for example, college campuses), tactile maps or prerecorded instructions can be very helpful to visually impaired people. Several maps and auditory instructions have been developed and tested for specific applications. The type of map or instructions used must be based on the information to be communicated, which depends highly on the type of buildings or users.

Landmarks that can easily be distinguished by visually impaired individuals are useful as orientation cues. Such cues include changes in illumination level, bright colors, unique patterns, wall murals, location of special equipment, or other architectural features (for example, an exterior view).

Many people with disabilities have limitations in movement of their head and reduced peripheral vision. Thus, signage positioned perpendicular to the path of travel is easiest for them to notice. People can generally distinguish signage within an angle of 30 degrees to either side of the centerline of their face without moving their head.

A4.30.2 CHARACTER PROPORTION. The legibility of printed characters is a function of the viewing distance, character height, the ratio of the stroke width to the height of the character, the contrast of color between character and background, and print font. The size of characters must be based upon the intended viewing distance. A severely nearsighted person may have to be much closer to see a character of a given size accurately than a person with normal visual acuity.

A4.30.3 COLOR CONTRAST. The greatest

readibility is usually achieved through the use of light colored characters or symbols on a dark background.

A4.30.4 RAISED OR INDENTED CHARACTERS OR SYMBOLS. Signs with descriptive materials about public buildings, monuments, and objects of cultural interest can be raised or incised letters. However, a sighted guide or audio-tape device is often a more effective way to present such information. Raised characters are easier to feel at small sizes and are not suspectible to maintenance problems as are indented characters, which can fill with dirt, cleaning compounds, and the like.

Braille characters can be used in addition to standard alphabet characters and numbers. Placing braille characters to the left of standard characters makes them more convenient to read. Standard dot sizing and spacing as used in braille publications are acceptable. Raised borders around raised characters can make them confusing to read unless the border is set far away from the characters.

A4.31 TELEPHONES.

A4.31.3 MOUNTING HEIGHT. In localities where the dial-tone first system is in operation, calls can be placed at a coin telephone through the operator without inserting coins. The operator button is located at a height of 46 in (1170 mm) if the coin slot of the telephone is at 54 in (1370 mm).

A generally available public telephone with a coin slot mounted lower on the equipment would allow universal installation of telephones at a height of 48 in (1220 mm) or less to all operable parts.

A4.31.5 EQUIPMENT FOR HEARING IMPAIRED PEOPLE. Other aids for people with hearing impairments are telephones, teleprinter, and other telephonic devices that can be used to transmit printed messages through telephone lines to a teletype printer or television monitor.

A4.32 SEATING, TABLES, AND WORK SURFACES.

A4.32.4 HEIGHT OF WORK SURFACES. Different types of work require different work surface heights for comfort and optimal performance. Light detailed work such as writing requires a work surface close to elbow height for a standing person. Heavy manual work such as rolling dough requires a work surface height about 10 in (255 mm) below elbow height for a standing person. The principle of a high work surface height for light detailed work and a low work surface for heavy manual work also applies for seated persons; however, the limiting condition for seated manual work is clearance under the work surface.

Table A1 shows convenient work surface heights for seated persons. The great variety of heights for comfort and optimal performance indicates a need for alternatives or a compromise in height if people who stand and people who sit will be using the same counter area.

A4.33 ASSEMBLY AREAS.

A4.33.2 SIZE OF WHEELCHAIR LOCATIONS. Spaces large enough for two wheelchairs allow people who are coming to a performance together to sit together.

A4.33.3 PLACEMENT OF WHEELCHAIR LOCATIONS. The location of wheelchair areas can be planned so that a variety of positions within the seating are provided. This will allow choice in viewing and price categories.

A4.33.6 PLACEMENT OF LISTENING SYSTEMS. A distance of 50 ft (15 m) allows a person to distinguish performers' facial expressions.

A4.33.7 TYPES OF LISTENING SYSTEMS. A listening system that can be used from any seat in a seating area is the most flexible way to meet this specification. Earphone jacks with variable volume controls can benefit only people who have slight hearing losses and do not help people with hearing aids. At the present time, audio loops are the most feasible type of listening system for people who use hearing aids, but people without hearing aids or those with hearing aids not equipped with inductive pickups cannot use them. Loops can be portable and move to various locations within a room. Moreover, for little cost, they can serve a large area within a seating area. Radio frequency systems can be extremely effective and inexpensive. People without hearing aids can use them, but people with

Table A1
Convenient Heights of Work Surfaces for Seated People*

Conditions of Use	Short Women in	Short Women mm	Tall Men in	Tall Men mm
Seated in a wheelchair:				
Manual work:				
Desk or removable armrests	26	660	30	760
Fixed, full-size armrests†	32‡	815	32‡	815
Light, detailed work:				
Desk or removable armrests	29	735	34	865
Fixed, full-size armrests†	32‡	815	34	865
Seated in a 16-in (405-mm) -high chair:				
Manual work	26	660	27	685
Light, detailed work	28	710	31	785

*All dimensions are based on a work-surface thickness of 1-1/2 in (38 mm) and a clearance of 1-1/2 in (38 mm) between legs and the underside of a work surface.

†This type of wheelchair arm does not interfere with the positioning of a wheelchair under a work surface.

‡This dimension is limited by the height of the armrests; a lower height would be preferable. Some people in this group prefer lower work surfaces, which require positioning the wheelchair back from the edge of the counter.

hearing aids need custom-designed equipment to use them as they are presently designed. If hearing aids had a jack to allow a by-pass of microphones, then radio frequency systems would be suitable for people with and without hearing aids. Some listening systems may be subject to interference from other equipment and feedback from hearing aids of people who are using the systems. Such interference can be controlled by careful engineering design that anticipates feedback and sources of interference in the surrounding area.

A4.34 DWELLING UNITS.

A4.34.2 MINIMUM REQUIREMENTS. Handicapped people who live in accessible dwelling units of multi-family buildings or housing projects will want to participate in all on-site social activities, including visiting neighbors in their dwelling units. Hence, any circulation paths among all dwelling units and among all on-site facilities should be as accessible as possible. an accessible second exit to dwelling units provides an extra margin of safety in a fire.

A4.34.5 ADAPTABLE BATHROOMS. Although not required by these specifications, it is important to install grab bars at toilets, bathtubs, and showers if it is known that a dwelling unit will be occupied by elderly or severely disabled people.

A4.34.6 ADAPTABLE KITCHENS.

A4.34.6.1 CLEARANCE. The minimum clearances provide satisfactory maneuvering spaces for wheelchairs only if cabinets are moved at the sink.

A4.34.6.5 SINK. Installing a sink with a drain at the rear so that plumbing is as close to the wall as possible can provide additional clear knee space for wheelchair users.

A4.34.6.6 RANGES AND COOKTOPS. Although not required for minimum accessibility, countertop range units in a counter with adjustable heights can be an added convenience for wheelchair users.

A4.34.6.7 OVENS. Countertop or wall-mounted ovens with side-opening doors are easier for people in wheelchairs to use. Clear spaces at least 30 in (760 mm) wide under counters at the side of ovens are an added convenience. The pullout board or fixed shelf under side-opening oven doors provides a resting place for heavy items being moved from the oven to a counter.

A4.34.6.8 REFRIGERATOR/FREEZERS. Side-by-side refrigerator/freezers provide the most usable freezer compartments. Locating refrigerators so that their doors can swing back 180 degrees is more convenience for wheelchair users.

A4.34.6.10 KITCHEN STORAGE. Full height cabinets or tall cabinets can be provided rather than cabinets mounted over work counters. Additional storage space located conveniently adjacent to kitchens can be provided to make up for space lost when cabinets under counters are removed.

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.) Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
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DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

Note: The Office of the Federal Register proposes to terminate the formal program of agency publication on assigned days of the week. See 48 FR 19283, April 28, 1983.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

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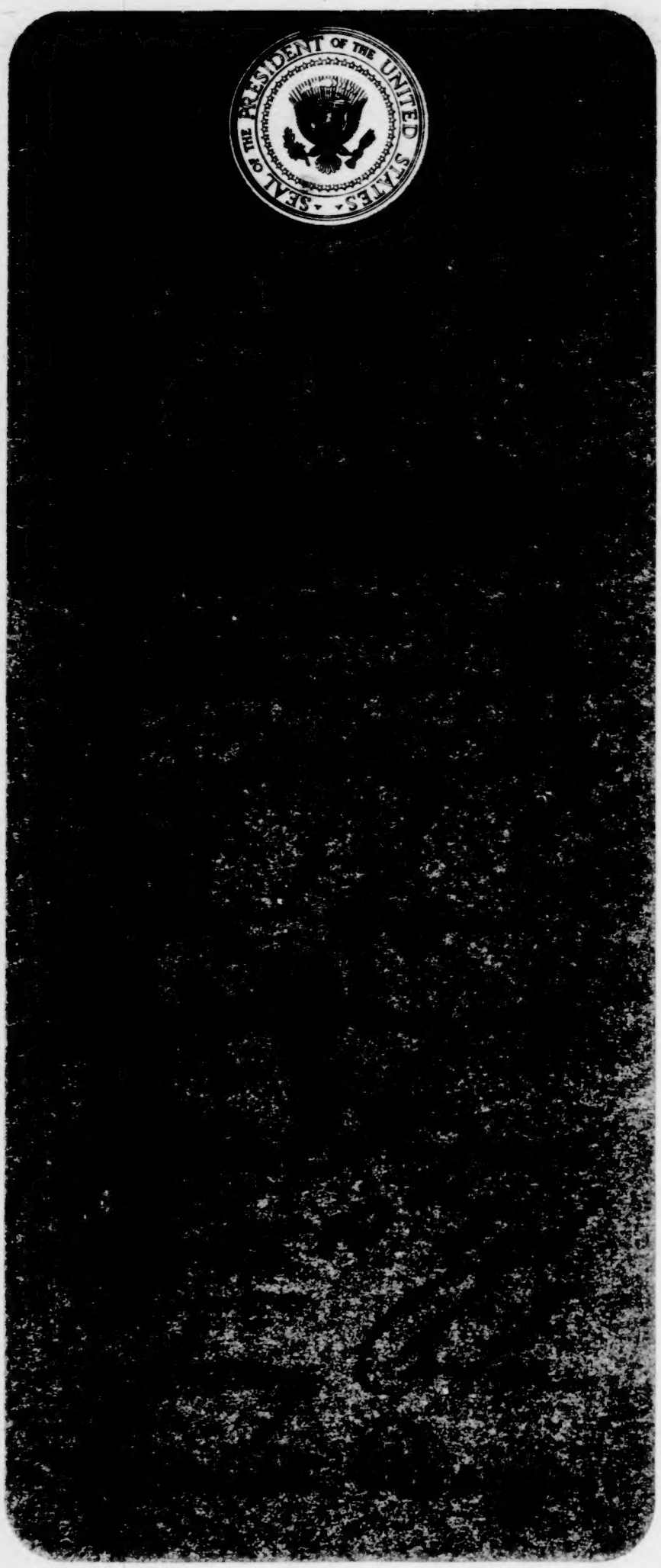

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